



## Legislation Text

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**File #: 051671, Version: 1**

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051671  
SUBSTITUTE 1

ALD. D'AMATO

Substitute ordinance relating to the change in zoning from Industrial Mixed (IM), Two-Family Residential (RT4) and Parks (PK) to a General Planned Development (GPD), on land located on the North Side of East North Avenue and East of North Humboldt Avenue, in the 3rd Aldermanic District.

This substitute ordinance allows for a mixed-use development including a student housing building, residential condominiums and retail.

The Mayor and Common Council of the City of Milwaukee ("Common Council"), do ordain as follows:

Part 1. There is added to the Milwaukee Code of Ordinances ("Code") a new section to read as follows:

Section 295-907(2) (a).0024.

(1) In accordance with the provisions of Section 295-907(2) of the Code relating to the procedures and establishment of planned development districts, the Common Council approves the subject General Planned Development, a copy of which is attached to this Common Council File as Exhibit A which is on file in the office of the City Clerk and made a part as though fully set forth herein.

(2) The zoning map is amended to change the zoning for the area bounded and described as follows:

Parcel A: Lots 1, 2, 3, 4, 5, 6 and 7, in Block 2 in Mariner's Subdivision of a part of Lot 18, in the Southeast 1/4 of Section 16, Town 7 North, Range 22 East, City of Milwaukee, County of Milwaukee, State of Wisconsin.

Also all that part of Lot 18, in Section 16, Town 7 North, Range 22 East, City of Milwaukee, County of Milwaukee, State of Wisconsin, bounded and described as follows: Commencing at a point in the north line of said Lot 18, 128.63 feet West of a point where the northwesterly line of right-of-way of Chicago, Milwaukee, St. Paul & Pacific Railroad crosses said north line; running thence West along said north line, 30 feet to a point; thence South 123.40 feet to a point; thence East 30 feet to a point; thence North 123.40 feet to the place of beginning. Except that part taken for street purposes.

Note: Tax Key No. 320-0927-111-1  
Address: 2362 North Stanley Place

Parcel B: A non-exclusive easement for the benefit of Parcel A as set forth in Easement Agreement, dated March 25, 1966, and recorded April 4, 1966, on Reel 301, Image 1269 as Document No. 4246699.

Parcel C: Lots 1 to 8 inclusive and Lots 28 to 30, except the South 2 feet thereof, inclusive, in Block 1, in Walworth's Subdivision of Lot 17 in the Southeast 1/4 of Section 16, Town 7 North, Range 22 East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin.

Note: Tax Key No. 320-1401-110-1  
Address: 1136-1146 East North Avenue

Parcel D: All that part of the former CMC Heartland Partners' right-of-way, running through and across Lots 17, 18, 19 and 20 plus 31 feet, more or less, North adjoining Lot 20, as originally platted in the Southeast 1/4 of Section 16, Town 7 North, Range 22 East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin, more particularly described as follows: Commencing at a point on the westerly line of said right-of-way, said point being a distance of 37.00 feet, more or less, Northerly of the south line of said Lot 17; thence Northeasterly along said westerly right-of-way line, a distance of 1370 feet, more or less, to a point, also being the centerline of East Wright Street; thence Easterly along the centerline of East Wright Street, a distance of 134 feet, more or less, to a point; thence Southeasterly, along the easterly line of said right-of-way; a distance of 31 feet, more or less, to a point; thence Westerly a distance of 5 feet, more or less, to a point; thence Southeasterly, along the easterly line of said right-of-way a distance of 295 feet, more or less, to a point; thence Westerly a distance of 30 feet, more or less, along the southerly line of said Lot 20, to a point; thence Southeasterly along said easterly right-of-way line to a point 37 feet, more or less, Northerly of the south line of said Lot 17; thence Westerly a distance of 100 feet, more or less, to the point of commencement.

Note: Tax Key No. 320-0927-112-X  
Address: 1164 East North Avenue

Parcel E: All that part of Lot 17 in Section 16, Town 7 North, Range 22 East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin, which lies between the Milwaukee River on the East and the east line of the former Chicago, Milwaukee, St. Paul & Pacific Railroad right-of-way on the West, except those parts thereof described in Quit Claim Deed recorded on December 22, 1919, in Volume 806 of Deeds on Page 628 as Document No. 1013370, and in Quit Claim Deed recorded on November 4, 1991, on Reel 2644, Image 1053, as Document No. 658753, and the East 1.33 acres of Lot 18 in the Southeast 1/4 of Section 16, Town 7 North, Range 22 East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin.

Also described as Lots 17 and 18 or government lots, except streets, all East of right-of-way in the Southeast 1/4 of Section 16, Town 7 North, Range 22 East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin.

(3) The requirements set forth in said general plan attached to this Common Council File as Exhibit A, constitute the zoning regulations for the area contained in such planned development district described, provided further, that the effect of the approval of such general plan is that such plan shall limit and control construction, location, use and operation of all land and structures included within the general plan to all conditions and limitations set forth in such general plan.

Part 2. Any persons, firm, company or corporation owning, controlling, or managing any building or premises wherein or whereon there shall be placed or there exists anything in violation of the terms of this ordinance; or who shall build contrary to the plans or specifications submitted to and approved by the Commissioner of the Department of City Development, or any person, firm, company or corporation who shall omit, neglect or refuse to do any act required in this ordinance shall be subject to the penalties provided in Section 200-19 of the Code.

Part 3. In accordance with the provisions of Section 295-907(2) of the Code, the City Clerk shall transmit a certified copy of the action taken by the Common Council to the Department of City Development.

Part 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions. The Common Council declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase or portion irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases or other portions be declared void or invalid.

DCD:VLK:vlk

05/02/06