File #: 081081, **Version:** 1

081081
SUBSTITUTE 1

ALD. BAUMAN
A substitute ordinance relating to the change in zoning from General Planned Development to a Detailed Planned Development known as Bookends North, for a 19-story, mixed-use building with up to 224 residential units, on land located on the North Side of East Kilbourn Avenue and East of North Van Buren Street, in the 4th Aldermanic District. This zoning change was initiated by New Land Construction, LLP and Bookends North, LLP and will allow for the construction of a 19-story, approximately 480,000 square-foot, mixed-use building with up to 224 residential units. The first 5 stories will consist of structured parking and the upper 14 stories will be residential.
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)(c).0149.

(1) In accordance with the provisions of Section 295-907 of the Code relating to the establishment of planned development districts, the Common Council approves the subject Detailed 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 described and bounded by:

Lots 9, 10, 11 and the South 3.0 feet of Lot 12 in Block 91 in the plat of partition of Lot 1 City of Milwaukee in the Northwest 1/4 of Section 28, Town 7 North, Range 22 East, City of Milwaukee, Milwaukee County, Wisconsin, together with that part of Lot 8 in Block 91, which is bounded and described as follows: Beginning at the northeast corner of said Lot 8; thence South along the east line of Lot 8 aforesaid 30.13 feet, to a point on the northerly line of East Kilbourn Avenue; thence Southwesterly along the northerly line of East Kilbourn Avenue 129.52 feet (129.42 feet surveyed) to a point on the east line of North Van Buren Street; thence North along the east line of North Van Buren Street 48.46 feet to the northwest corner of said Lot 8; thence East along the north line of Lot 8 aforesaid 128.21 feet (128.19 feet surveyed) to the point of beginning, containing a net area of 28,504 square feet or .06543 acres of land, from General Planned Development (GPD) to Detailed Planned Development (DPD).

(3) The requirements set forth in said detailed 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 detailed plan is that such plan shall limit and control construction, location, use and operation of all land and structures included within the detailed plan to all conditions and limitations set forth in such detailed 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. 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.
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10/06/09