

22 October 2017

From: James J. Mehail  
3056 N. Bartlett Ave.  
Milwaukee, WI 53211  
jmehail@aol.com  
414-517-8199 cell

To: City of Milwaukee  
200 East Wells Street  
Planning Commission, Board of Zoning Appeals (BOZA) and  
Department of City Development (DCD)  
1<sup>st</sup> Floor Board Room  
809 North Broadway,  
Milwaukee, WI 53202

Subj: Opposition to Proposed Five (5) Story, Fifty-Five (55) Unit Development – Locust and Oakland

Enclosures: (1) Letter to Nik Kovac from The Day Company,  
(2) The Enclosure of the letter showing underground parking sewer “fountain”  
backup during rain storm and  
(3) Video of car ransacking dated 20 Oct 2017  
(4) City of Milwaukee, Website-posted, policy language which the proposed development  
does not meet

Dear Commission and Board Members:

I am submitting this document and enclosures to you in hopes you will join us in opposition to the five (5) story, fifty-five (55) unit Klein Development proposal for the North-East corner of Locust and Oakland Avenues. The specific address is 2900-2914 North Oakland Avenue (Cousins Sub shop building and vacant lot to the North), owned by Capri Oakland LLC, and currently zoned for Local Business (LB2) which limits development to eighteen (18) units. **A development of eighteen (18) units would be quite welcome at the site**, which is in need of attention. But a 205%+ increase in density (not including the commercial shops) is not acceptable.

The developer is proposing to change the zoning to PD (Planned Development), which essentially removes the existing zoning restrictions and allows the developers to do whatever they can get approved. **No detailed documentation has been provided in support of the specific developer-requested zoning.** The requested zoning is defined in Subchapter 9 of the Zoning Code, and states that the purpose of the Special District provision is to:

- “...identify areas of the city that have unique qualities requiring special treatment...”
- “...to protect or regulate the development of unique areas...”

The specific provision of the code the developers are invoking is defined in paragraph 907 of Subchapter 9 Planned Development District (PD/DPD), which states, “The planned development district is intended to:

- a. Allow flexibility in land development.
- b. Promote creativity, variety and environmental sensitivity.

- c. Encourage development compatible with its surroundings and consistent with the city's comprehensive plan.”

**The proposed development does not meet the current zoning, nor does it meet the requested zoning requirements** identified above, especially Par 907 (c). This reason alone should produce a “disapproval” vote of the Board, but is also accompanied by other, very important reasons, as identified below:

- **An environmental infrastructure system of combined sanitary (sewer) and storm water that can't support such a development:**
  - o **No detailed documentation regarding** the ability of the combined storm/sewer infrastructure to handle **increased wastewater flow** and believe due diligence should be afforded,
  - o **No detailed documentation regarding** the combined storm/sewer infrastructure to handle **increased storm water runoff** (related to more impermeable area due to larger roof and less green space and believe due diligence should be afforded as any sanitary and storm water flow diversions to the deep tunnels need to be studied,
  - o Obviously leading to **more basement and underground sewer backups** during heavy rain. The **neighborhood sewer system has empirically demonstrated that it cannot support another major development, especially beyond the current Zoning (see enclosures (1) and (2))**. The sewer system is “maxed-out”, augmented by aging water supply pipes (demonstrated in the last few weeks by the recent major water main break located at Kenwood and Oakland). Both problems exacerbated by the recently built UWM mid-rise building the “Kenwood Interdisciplinary Center” (that was completed within the last few years) as well as other over development along the East Side of Milwaukee. On the East Side of Milwaukee, the sewer and water supplies were not designed for such dramatically increased density and use. So, clearly, the City's Zoning coupled with recent and consistently recurring system problems indicate that the infrastructure is not designed to accommodate such a large development, and thus specifically why it is zoned for 18 units. Until the developer can meet the established zoning, which was set for a reason, this development should be denied.
- **Increased traffic to the already heavily-trafficked intersection** including vehicles, bicyclists, pedestrians (including Riverside HS and UWM students) and skate-boarders,
- Very limited and **inadequate “traffic” study**. One hour in the morning and one hour in the evening is inadequate. It should be traffic over 24 hours, seven days a week and for the period of at least one month. Also, “traffic” should be defined as vehicles, bicyclists, skateboards and pedestrians. This due diligence should also be afforded,
- **As addressed above, a proposed building that does not meet the purpose of the zoning designation** that they are requesting by **not addressing the “unique qualities” of the area or by being “compatible with its surroundings”**
- **As addressed above, and in violation of City Code, a proposed building that does not incorporate the “character” of the neighborhood,**
- **No detailed documentation regarding the Increased crime and crime rate** as Shorewood has realized. The **Pew Research Center** estimates that there is a **gross under-reporting of property crime** with only a 1/3 of property crime is reported:  
<http://www.pewresearch.org/fact-tank/2017/02/21/5-facts-about-crime-in-the-u-s/>  
*“ Many crimes are not reported to police. In its annual survey, BJS asks victims of crime whether or not they reported that crime to police. In 2015, the most recent year available, only about half of the violent crime tracked by BJS (47%) was reported to police. And in the much more*

*common category of property crime, only about a third (35%) was reported. The proportion was substantially higher for offenses classified as serious violent crime (55%), a category that includes serious domestic violence (61% of which was reported), serious violent crime involving injury (59%) and serious violent crime involving weapons (56%). There are a variety of reasons why crime might not be reported, including a feeling that police “would not or could not do anything to help” or that the crime is “a personal issue or too trivial to report,” according to BJS. ”*

The inclusion of 3 times as many property crimes would certainly impact the overall statistics, and reinforce the positive correlation. For those of us who live near Oakland Avenue, we know that **we already experience a higher rate of petty and property crimes** than those just a few blocks away (**see enclosure (3)**). This building will negatively impact our quality of life and presumably our property values.

- **Increased carelessly-discarded refuse** in the neighborhood,
- **No detailed documentation regarding the quality of life of neighborhood residents.** As Shorewood’s development is referenced in the B.I.D.’s endorsement, this will be the first of numerous high-density developments on Oakland resulting in a **reduction of the quality of life** in the neighborhood. The residents of the neighborhood will experience a reduction in health, comfort and happiness.
- **Inadequate setbacks** (if any),
- **Lack of building appropriateness consensus.** Some “like it” some remark “it is terrible, it looks like a box in spite of the cascading design attempt” and even one what quotes “it looks like a Soviet-era poured concrete high-density public housing unit,”
- **No detailed documentation regarding its adherence to the comprehensive City Plan.** If no plan exists for this neighborhood, it is logical to look at the current zoning for 18 units as the default plan. The empirically failing storm and sanitary system aren’t able to support even this level of density.
- **No detailed documentation regarding other City of Milwaukee, Website-posted, policy language which the proposed development does not meet (see enclosure (4)):**

Having attended two local meetings, held by our Alderman, Nik Kovac, regarding this proposal, I am not convinced the voices of the residents of the area were being heard. Non-binding “votes” were taken soliciting a show of hands that were “for,” “against,” and “undecided.” These **votes counted people that were not residents of the area** and, in one identified instance, included an employee of the developer. It should be noted that these non-binding “votes” were suspect at best and should be disregarded if quoted.

I am also here representing a number of neighborhood residents that have asked me to ensure their opposition vote of “No” is counted by the Board as they are not able to attend Monday’s meeting.

It is our firm belief that the City of Milwaukee Planning Commission and Board of Zoning Appeals (BOZA) will make the right decision and oppose the project for the sound reasons that have been communicated by the residents who actually live in the neighborhood, rather than a concept that seems less well suited for the area and is overly dense for the given site and is not consistent with sound urban development practices.

Respectfully,

Jim