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Members of the Zoning, Neighborhoods and Development Committee  
City of Milwaukee City Hall, Room 205  
809 North Broadway, Milwaukee, WI 53202-3617

Re: File No. 161714

Honorable Committee Members:

I am writing you to detail my objections to the change in zoning from Local Business, LB2, to a Detailed Planned Development for a mixed-use development at 2900 and 2914 North Oakland Avenue.

I have lived at 3062 North Bartlett Avenue, a block and a half from the proposed project, for the past seven and a half years. I chose to live here because of the convenience of the location, the proximity to amenities like the parks, the river, UWM and the pedestrian friendly character of the area. The commercial district along Oakland Avenue is an essential component of that character.

Over the past seven years I have become acutely aware that the few remaining enclaves of single-family, owner-occupied homes in the area are under siege from the expansion of absentee-owned student housing and the needs of the University. It has been my experience that the City and its representatives, wittingly or not, tend to support the wishes of absentee property owners to the detriment of the remaining owner-occupants of the area, thus increasing the pressures on those occupants and eroding the quality of life. I see this proposed project as one more instance of that trend. The proposed project is marketed to the university community and offers little to the permanent residents.

While I have several functional and aesthetic reservations about the project, I shall focus on my primary objection, which should be particularly relevant to this committee. That objection is that the proposed project does not conform to the specific provision of the Code of Ordinances that the developers are invoking.

The Planned Development provision is defined in Subchapter 9 of the Code, Special Districts, and more specifically in 295-907, Planned Development District (PD/DPD).

Paragraph 295-901 defines the purpose of the provision as "*intended to identify areas of the city that have **unique qualities requiring special treatment** or locations where special approaches to development may be warranted. Special districts are base districts designed to **protect or regulate the development of unique areas** or to provide more flexible zoning districts which encourage good design and site layout.*"

Paragraph 295-907 states that the purpose of Planned Detail Developments is 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.**

By applying for rezoning under 295-907, the developers are acknowledging that the area has “unique qualities” and asserting that the development is “compatible with its surroundings and consistent with the city's comprehensive plan.” I submit that it is none of these and therefore not in compliance with the zoning they are requesting.

The requirements for Planned Detail Developments are not proscriptive, allowing for considerable flexibility and the submittal requirements do not stipulate that the applicant address the intent of the Code. I believe this is an oversight and that the provision should be amended to require that the applicant define why they are invoking this particular ordinance and how they are going to meet the goals defined in 295-901 and 295-907.

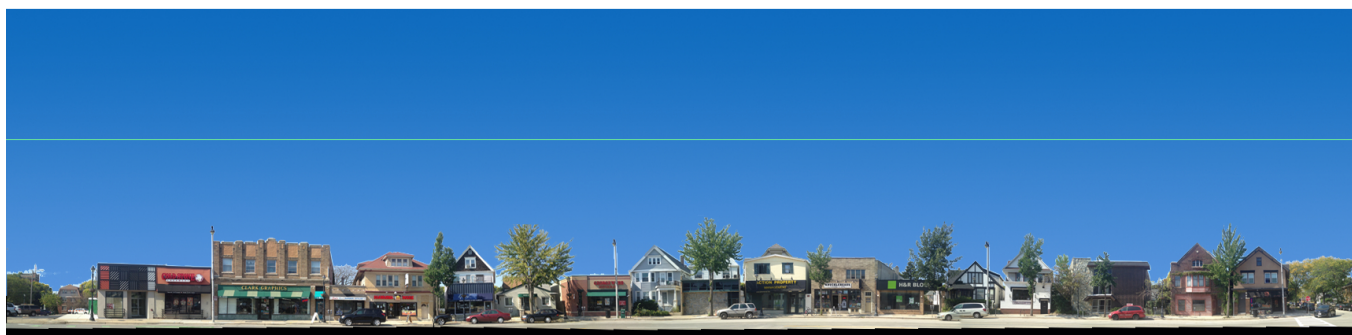
When, at a neighborhood meeting, the design team was asked to address how they were fulfilling the intent of the zoning ordinance, Alderman Kovac summarily dismissed the question, so it was never discussed and it has not been included in the submittals.

Admittedly, the provisions stated in the intent are subjective. What makes an area unique? What constitutes compatibility surroundings? The scale and rhythm of the buildings along Oakland Avenue are two elements that define the character of the area. The commercial buildings are characteristically one to two stories with a few rising to three. Their facades are typically defined by the lot lines, with few exceeding thirty feet. There is a random mixture of gable and flat roofs. All of these define the character of the streetscape. As can be seen from the illustration below, the proposed building massively overpowers the surrounding buildings without respecting its context. The yellow line in the West side elevation denotes the height if similar projects were built on that side of the street.

## 2900 Block, Oakland Avenue



East Side



West Side

The City Plan Commission, in a 3 to 2 vote, has referred this matter to this body with the assertion that the proposed zoning change is consistent with the Northeast Side Comprehensive Plan. However, it appears that the Commission erred in that assertion. In Chapter 9, 5E, Business Improvement District Strategies, the plan's recommendations include, "***Maintain existing scale and character of residential and commercial buildings. (Tear-downs are not recommended except in cases where buildings are beyond repair.)***".

Throughout the plan, there is an emphasis on maintaining and reinforcing the existing scale and character of the area and on development that serves the neighborhood. Three times, on page 218 alone, it reiterates the need to recruit and encourage neighborhood-serving businesses

Therefore, it is incumbent on this committee to deny the zoning change because the proposed development does not comply with the intent of the ordinance that the developers wish to employ.

The project:

- does not preserve, enhance or even acknowledge the "unique qualities" of the area,
- is not "compatible with its surroundings"
- is not "consistent with the city's comprehensive plan".

Approval of this zoning change would confirm that the DPD provision of the code does not, in fact, encourage creative design that respects, reinforces and enhances the unique qualities of an area, but is merely a loophole to be exploited. It would also prove that the Comprehensive Plan is equally meaningless.

It is not my intent to oppose development in the area nor to advocate for superficial historicism. Oakland and the surrounding neighborhood could benefit from creative projects that live up to the intent of the DPD ordinance and the vision of the Northeast Side Comprehensive Plan to serve the needs of the neighborhood. This is not the project to do that.

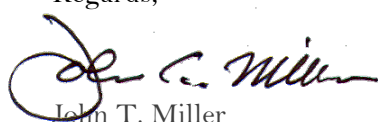
In your consideration of this matter, keep in mind that this project cannot be viewed in isolation. It is only the camel's nose under the tent. Others will follow. This project has been referred to as a catalyst. The developer, on three occasions in my presence, has cited North Oakland in Shorewood as the model for this area. This stretch of Oakland cannot accommodate the added pressures that would entail.

So, in a nutshell, your decision is, do you want to approve changing the fundamental nature of this neighborhood or do you want to enforce the ordinance, as written?

To avoid the appearance of conflicts of interest, Aldermen Novac and Rainey should recuse themselves from voting on this matter, since they have accepted political contributions from the developers who do not appear to be their constituents.

Thank you for your attention.

Regards,



John T. Miller