

July 17, 2002

To the Public Improvements Committee

Subject: Common Council Resolution File Number 020352

Dear Honorable Members:

Returned herewith is Common Council Resolution File Number 020352, being a petition for a special privilege by Loft Quest, LLC, to place and maintain moveable planters, benches and a trash receptacle on City of Milwaukee public right-of-way abutting the building at 241 North Broadway.

These items are to be generally grouped as follows: planter-bench-bench-planter. There are to be two groups separated by the trash receptacle with some space between each group and the trash receptacle. These items are to be located abutting the building within the 20-foot wide fully concrete paved public sidewalk area on the west side of North Broadway, south of East Buffalo Street. The upper floors of the building are currently being renovated into loft apartments, so apparently the benches are for them, the first floor tenant's customers as well as passers-by or other area residents.

During our field investigation, we noticed that:

1. There are 3 sets of building entry doors that swing out into the right-of-way of North Broadway in excess of that allowed by Section 245-4-8 of the Code of Ordinances.
2. There are lights attached to the building by a horizontal bracket on North Broadway that are in accord with Section 245-4-25 of said Code; however, there are 5 flower pots suspended from these brackets that are not covered by any provisions of the Code. These pots are not physically attached but are just hanging by hooks. This could present a surprise to an unsuspecting pedestrian or bench user.
3. In front of each of the two tenant spaces along North Broadway, there is a rubber mat on the public sidewalk. These are also not covered by the Code.

4. In addition, on the East Buffalo Street side of the building there is a 6.3-foot wide metal stairway, to another tenant space, that projects approximately 2 feet into the 15-foot wide sidewalk area.

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The existence of these items in the rights-of-way were discussed with the applicant's representative, Mr. Parlow. His indication was that the above items are preferred to continue to occupy the rights-of-way and he was informed that to do so requires inclusion in the resolution.

We do not believe that the planters, benches, trash receptacle, stairway or excess door swinging will have an adverse effect on the general use of the public right-of-way at this location. We are unable to determine the effect of the mats or flower pots, but we are not aware of any recent or current detrimental effects. We have, therefore, prepared the attached special privilege resolution, which, if adopted, would allow the planters, benches, trash receptacle, mats, flower pots, stairway or excess door swinging to occupy the public rights-of-way.

Very truly yours,

Jeffrey S. Polenske, P.E.  
City Engineer

Mariano A. Schifalacqua  
Commissioner of Public Works

Martin G. Collins  
Commissioner  
Department of Neighborhood

Services  
JJM:cjt  
Attachment