

November 18, 2004

To the Public Improvements Committee

Subject: Common Council Resolution File Number 031719

Dear Honorable Members:

Returned herewith is Common Council Resolution File Number 031719, being a request by Mandel Riverfront Holdings, LLC for a special privilege to construct and maintain two platforms each with a handicap ramp and stairs, two platforms each with stairs, and a canopy all projecting into the public right-of-way of East Erie Street, at the building located at 106-120 North Broadway. This "canopy" is actually a fixed awning that is governed by Sec. 245-7 of the Code of Ordinances.

The building has previously been used for manufacturing purposes and is being converted into commercial space on the first floor and residential use on the existing upper two floors. In addition, two floors are being added for residential use. The present ownership is as indicated above but the eventual ownership will become a condominium style. At that time, a formal request will need to be made for amending the special privilege. The resolution will include this requirement.

These platforms are proposed to project approximately 4.5 feet into a 15-foot wide sidewalk area. The platforms, ramps and stairs are to be approximately 78 feet 8 inches in length and the platforms and stairs are to be approximately 23 feet in length. The items with just the stairs are to be toward the middle of the building and the items with the ramps are to be toward the ends of the building.

The fixed awning extends approximately 8 feet into the public right-of-way on the south side of East Erie Street for a length of approximately 277 feet 6 inches. This fixed awning has apparently existed for many years and partially served as a shelter at several truck docks. The property is located within the Historic Third Ward (HTW).

The HTW has adopted Architectural Guidelines, one of which relates to the need for existing architecturally significant elements of buildings to remain (not be removed), although they can be removed and reconstructed perhaps to upgrade or for safety reasons.

Section

245-7 restricts fixed awnings to project a maximum of ½ of the sidewalk area but not more than 6 feet in any case. A special privilege would allow a greater projection. However, a recent Ordinance change of Section 245-7 added a provision that existing

fixed awnings within the HTW do not require a special privilege. Therefore, the accompanying resolution does not need to include permission for the fixed awning.

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In addition to the fixed awning, the submitted plans and our field investigation indicates that there are existing excess door encroachments for two sets of double doors, comprised of two 3-foot wide single doors each, and for a single 3-foot door in the public right-of-way of North Broadway.

It does not appear that the use and maintenance of the above items will have an adverse effect upon the use of the public rights-of-way in these areas. We have, therefore, prepared the attached resolution which, if adopted, would allow the said items to encroach into the public rights-of-way.

Very truly yours,

Jeffrey S. Polenske, P.E.
City Engineer

Jeffrey J. Mantes
Commissioner of Public Works

Martin G. Collins
Commissioner
Department of Neighborhood Services

MDL:cjt
Attachment