

July 17, 2002

To the Public Improvements Committee

Subject: Common Council Resolution File Number 020196

Dear Honorable Members:

Returned herewith is Common Council Resolution File Number 020196, being a petition from Walkers Point Marble Arcade, Inc. for a special privilege to allow a fence to encroach into the public right-of-way of West Washington Street, adjacent to the property at 1101 South 2nd Street.

The property has two buildings on it: a commercial building to the front (1101 South 2nd Street) and a residence to the rear (207 West Washington Street). Between the buildings there is essentially just room for pedestrian access, so essentially the buildings occupy 100% of the land. It has apparently existed like this for a considerable time. The applicant occupies the rear building and his tenant, who is doing business as Jacques French Café, occupies the presently rented space in the front building.

Therefore, the restaurants' dumpsters have been placed on the sidewalk and it appears that previous occupants of this premises have also utilized the sidewalk with dumpsters. The tenant has decided to have an outdoor seating area for his customers in the right-of-way of West Washington Street and the applicant has decided to make the dumpsters less noticeable. The applicant, on his tenant's behalf, has requested permission for an aesthetic enclosure to occupy the right-of-way surrounding the dumpsters. This proposal is very similar to the north side of West Highland Avenue, west of Old World Third Street, which was adopted by the Common Council in November of 2000.

The proposal is to erect a fence high enough to hide the dumpsters. It is to have non-movable sides with a gate for access to the dumpsters along the front. It is to be similar in appearance to an existing fence along the residence, that it appears the applicant recently placed. The fence is to commence on the south side of West Washington Street, approximately 25 feet west of South 2nd Street and extend west approximately 15 feet. The distance from the curb to the building (public sidewalk area) is 19 feet and is fully paved with concrete. The fence will extend into the public right-of-way approximately 4 feet in the 19-foot wide sidewalk area. This will leave a clear path of approximately 6 feet at a street tree adjacent to the proposed fence.

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We do not believe that the installation of the fence in the public right-of-way as proposed to surround garbage dumpsters will have an adverse effect on the general use of the public right-of-way at this location. We have, therefore, prepared the attached special privilege resolution, which, if adopted, will allow the fence to occupy the public right-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:dle
Attachments

(ENGINEERS/CC FILE 020196-CAK)