

December 15, 2008

To the Public Works Committee

Subject: Common Council Resolution File Number 080944

Dear Honorable Members:

Returned herewith is the Common Council Resolution File Number 080944, amending a special privilege to A & F Properties LLC for addition of a non-code compliant fixed awning projecting into the public right-of-way for the premises at 518 West Cherry Street.

The applicant had requested permission for a platform with risers and a raised planting bed surrounded by a concrete curb to encroach into the public right-of-way. Permission for these items was granted in 2007 under Common Council Resolution File Number 070626. Subsequently, the applicant has stated that it will not be constructed the planter bed, thus this item has not been included in the attached resolution.

Presently, A & F Properties LLC is requesting permission to construct and maintain a non-code compliant fixed awning in the public right-of-way. The awning is partially constructed and projects 6 feet into the 15-foot wide north sidewalk area of West Cherry Street at a minimum elevation of 20 feet above the adjacent sidewalk grade. When completed, the awning will be flat and will not meet Section 245-7-6-d of the Milwaukee Code of Ordinances, which requires a slope between 30 and 45 degrees from the horizontal.

We are not aware that the presence of said awning will have an adverse effect on the general use of the public right-of-way. We have, therefore, prepared the attached special privilege resolution, which, if adopted, will allow the non-code compliant fixed awning to occupy the public right-of-way and will allow the platform with risers to continue to occupy the public right-of-way.

Very truly yours,

Jeffrey S. Polenske, P.E.  
City Engineer

Jeffrey J. Mantes  
Commissioner of Public Works

Thomas Mishefske, Operations Manager  
Department of Neighborhood Services

MDL: ns  
Attachment  
c: Alderwoman Milele Coggs