

June 22, 2001

To the Public Improvements Committee

Subject: Common Council Resolution File Number 010154

Dear Honorable Members:

Returned herewith is Common Council Resolution File Number 010154, being a request by James Pandl on behalf of TAP Properties, Inc. (TAP) for an amendment to a special privilege granted to TAP to construct and maintain a decorative entryway with a second floor balcony/deck, which is used for outdoor dining, at the building located at 761 North Water Street.

The existing special privilege, Common Council Resolution File Number 981524, adopted on March 23, 1999, granted permission to construct and maintain a balcony/deck structure that is supported by the building and by two decorative steel columns with concrete footings. The balcony/deck structure and columns encroach approximately 13 feet into the 15-foot wide fully paved public sidewalk area for a distance of approximately 18 feet in length. The clear height from the sidewalk to the underside of the roof structure is approximately 13 feet 6 ½ inches.

The present request is for two movable planters to continue to be located on the sidewalk near the curb, in front of the premises. These planters are located abutting the balcony/deck structure columns. Through the permit procedure, they also place tables and chairs on the sidewalk, which are abutting the building. In order to have the planters and a sidewalk area dining facility on a downtown street, they know that they are required to have a 6-foot wide walking path on the sidewalk be maintained for through pedestrians.

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It was also noted that there are several items attached to the "deck" that were not shown on the drawings for the then proposed structure. These items include: window box style planters, a belt-driven antique-style ceiling fan, lights and American flags. None of these items are Code compliant and therefore in order to remain, and the applicant intends for them to do so, approval by a special privilege is required.

We do not believe the existing balcony/deck structure with flags and appurtenances or flower pots and planters will have or have had 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, would allow the balcony/deck structure with appurtenances and flower pots and planters to occupy the City of Milwaukee 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:cjt
Attachment