



Legislation Text

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161650

SUBSTITUTE 1

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A Substitute resolution amending a special privilege to Towne Realty Incorporated for addition of a code non-compliant marquee, a code non-compliant projecting sign, and a drawbridge style loading dock in the public right-of-way for the premises at 710 North Plankinton Avenue, in the 4th Aldermanic District.

This resolution amends a special privilege to Towne Realty Incorporated for addition of a code non-compliant marquee, a code non-compliant projecting sign, and a drawbridge style loading dock in the public right-of-way for the premises at 710 North Plankinton Avenue.

Whereas, Towne Realty Incorporated, the applicant, constructed a new marquee that is taller than permitted by the Milwaukee Code of Ordinances and a sign that projects into the public way more than permitted by the Milwaukee Code of Ordinances; and

Whereas, A drawbridge-type loading dock has been present in the east-west alley for several years, that had previously not been included in a special privilege resolution; and

Whereas, Said code non-compliant marquee, code non-compliant projecting sign, and drawbridge-type loading dock may only legally encroach into the public right-of-way by granting of a special privilege resolution adopted by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 040824 is hereby rescinded; and, be it

Further Resolved, That Towne Realty Incorporated, 710 North Plankinton Avenue, Milwaukee, WI 53203, is hereby granted the following special privileges:

1. To construct and maintain a marquee projecting 14 feet 2 inches over the north, 15-foot wide sidewalk area of West Wisconsin Avenue at the entrance to the Riverside Theater. The front face of said marquee is 14 feet 9 inches tall, in excess of the 8 feet permitted under Section 254-10-6-e of the Milwaukee Code of Ordinances. Additionally, the marquee projection is 2 inches closer to the face of the street curb than the 1-foot required by Section 245-10-4 of the Milwaukee Code of Ordinances.
2. To construct and maintain a sign that projects 4 feet 10 inches into the north, 15-foot wide sidewalk area of West Wisconsin Avenue in excess of the 4 feet permitted by Section 244-10 of the Milwaukee Code of Ordinances. Said sign is centered above the entrance to the Riverside Theater and is fully supported by the building.
3. To install, use and maintain a drawbridge type loading dock, which, when open, projects 10 feet into the 20-foot wide, east-west alley adjacent to 700 North Plankinton Avenue. The loading dock platform is 19 feet long and is centered approximately 112 feet east of the easterly line of North Plankinton Avenue. The loading dock shall only be open during active loading and unloading.
4. To keep and maintain four stanchions within the public right-of-way of North Plankinton Avenue adjacent to the premises at 720 North Plankinton Avenue. Each stanchion is 3 feet 4 inches tall and has a 1-foot diameter base. Stanchions shall only be placed within the public right-of-way during business hours and shall not be fastened, bolted or in any way permanently attached to the public sidewalk. Stanchions shall be positioned such that there is a

minimum 6-foot clear width for pedestrian travel in the 15-foot, fully paved sidewalk area of North Plankinton Avenue.

5. To keep and maintain a carpet approximately 5 feet 6 inches wide and 14 feet long under the covered walk of item #8 within easterly, 15-foot wide sidewalk area of North Plankinton Avenue. The carpet shall only be placed within the public right-of-way during business hours and shall not in any way be permanently affixed to the public sidewalk.
6. To keep and maintain a cigarette butt disposal receptacle located in the easterly, 15-foot wide sidewalk area of North Plankinton Avenue, adjacent to the entrance to 720 North Plankinton Avenue.
7. To keep and maintain a sign for valet parking in the easterly, 15-foot wide sidewalk area of North Plankinton Avenue adjacent to the entrance for 720 North Plankinton Avenue. Said sign shall be placed in the public right-of-way only during business hours and shall be placed such that a minimum 6-foot clear width for pedestrian travel is maintained.
8. To keep and maintain a covered walk projecting 13 feet into the easterly, 15-foot wide sidewalk area of North Plankinton Avenue. Said covered walk is 6 feet wide and is centered approximately 114 feet north of the north line of West Wisconsin Avenue.

The covered walk is supported by the building, by one vertical support at each side of the covered walk, located approximately 2 feet inside of the curb face at the west end. There is an opening approximately 5 feet 6 inches between the vertical supports, which parallels the curb face. The minimum vertical clearance between skirt of the covered walk and the sidewalk below is 8 feet.

Said covered walk shall generally be constructed and maintained in accordance with the policies set forth in Common Council Resolution File Number 62-12-110-a adopted July 24, 1962. The covered walk frame shall be designed and supported to withstand snow and other loads not less than 25 pounds per square foot applied in any direction. No guy wires, brackets, or diagonal braces shall be permitted lower than 7 feet above the sidewalk level. The covering shall be of approved material.

All fixtures and materials for illumination of the covered walk shall be indicated upon the construction plans and approved prior to installation. No sign or advertising device shall be hung from, attached to, printed, or painted on any part of the covered walk. The business may be indicated only on the vertical portion of the covering and not to exceed 8 inches in height.

9. To keep and maintain a solarium (greenhouse-type structure) consisting of glass and metal framework that projects 5 feet into the easterly, 15-foot wide sidewalk area of North Plankinton Avenue. Said structure has two sections that are divided by an 18-foot wide opening for the entrance to the restaurant at 720 North Plankinton Avenue. The south portion of the structure commences at a point approximately 88 feet north of the north line of West Wisconsin Avenue and extends north 17 feet. The north portion of the structure commences at a point approximately 159 feet north of the north line of West Wisconsin Avenue and extends north 36 feet.

Said items shall be maintained or removed from the public right-of-way, at such future time as they are no longer needed, to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Towne Realty Incorporated, shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.

2. File with the Commissioner of Public Works a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$25,000 covering bodily injury to any one person and \$50,000 covering bodily injury to more than one person in any one accident and \$10,000 covering property damage to any one owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. The insurance policy shall provide that it shall not be cancelled until after at least thirty days' notice in writing to the Commissioner of Public Works.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$1844.84. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.
4. Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works and curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration or removal for such purposes.
5. Waive the right to contest in any manner the validity of Section 66.0425 of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1st of each year.
6. Put this special privilege into use within one year after approval by the Common Council of the City of Milwaukee; failing to do so in the time specified, the Commissioner of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works

Administration Division

KAREN DETTMER/DAWN SCHMIDT

October 18, 2018

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