



Request for City Council Committee Action From the Department of Public Works

Date: June 10, 2008

To: Honorable Sandra Colvin Roy, Chair Transportation & Public Works Committee

Subject: **Appeal of encroachment permit denial**

Recommendation:

Uphold the decision of the Public Works Department for denying and encroachment permit to Midtown Global Market.

Previous Directives:

None

Prepared by: Don Elwood, P.E., Director of Transportation Planning and Engineering
Dennis Morris, Right of Way Section Supervisor

Approved by:

Steve Kotke, P.E., City Engineer, Director of Public Works

Presenters: Dennis Morris, Right of Way Supervisor, 673-3607

Reviews

Permanent Review Committee (PRC):	Approval	NA	Date
Civil Rights Affirmative Action Plan:	Approval	NA	Date
Policy Review Group (PRG):	Approval	NA	Date

Financial Impact (Check those that apply)

- No financial impact - or - Action is within current department budget (If checked, go directly to Background/Supporting Information)
- Action requires an appropriation increase to the Capital Budget
- Action requires an appropriation increase to the Operating Budget
- Action provides increased revenue for appropriation increase
- Action requires use of contingency or reserves
- Business Plan: Action is within the plan. Action requires a change to plan.
- Other financial impact (Explain):
- Request provided to department's Finance Dept. contact when provided to the Committee Coordinator

Community Impact

Neighborhood Notification:
City Goals:
Comprehensive Plan:
Zoning Code:

Background/Supporting Information.

On March 17th, 2008 Mr. John Wheeler submitted applications requesting that the City issue encroachment permits for temporary banners on existing light poles and for the installation of permanent banner poles on Lake Street West between Elliot Ave S (vacated) and 10th Ave S. This location is within the newly created Chicago Lake Special Service District (CLSSD). The stated intent of the banners and new banner poles was to attract additional business to the Midtown Global Market which occupies the newly renovated Sears Tower.

There were extensive discussions held between Public Works staff, Zoning staff and the Historical Preservation staff regarding the permit request. The conclusion reached by all City staff was that the banners were signs, as defined by City Ordinance Chapter 109, 520 and 543.

- The “Free Parking” banners were signs for the private parking ramp.
- The oval symbol with the word “Market” was signage since it was identical to the oval symbol identifying the Midtown Global Market.
- That there was no free public parking, only a promotional parking event for people who made purchases at the Midtown Global Market.

Additionally, since the proposed encroachments were within the CLSSD, we requested that the applicant supply documents from the CLSSD. The only document submitted supported the installation of the temporary banners on the SSD’s banner brackets until December of 2008. There was no documentation that supported the installation of new banner poles or any banners after that date.

Since Chapter 95, Encroachments, clearly prohibits Public Works from issuing permits for signs and since Zoning staff had indicated that they would not authorize additional signage for the business site the applications were denied.

During the investigation, discussions were held regarding alternative ways in which the City could legally help the business owner draw attention of motorists to the parking ramp. The applicant was made aware of the City’s willingness to assist, but those discussions have not yet occurred.

Attachment: Letter of denial of permit request
Letter of appeal
Map depicting area.
Banner images