



CITY OF WAUKESHA

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Committee: Board of Public Works	Date: 11/4/2021
Item Number: ID# 21-3072	Date: 11/16/2021
Submitted By: Alex Damien, Interim Public Works Director	City Administrator Approval: Kevin Lahner, City Administrator
Finance Department Review: Bridget Souffrant, Finance Director	City Attorney's Office Review: Brian Running, City Attorney
Subject: Review and act on the request from the Waukesha Civic Theater, 270 W. Main St., for a 3-foot encroachment into the Public Right of Way.	

Details:
 The Waukesha Civic Theater, which is located at 264 W. Main St., has purchased the adjacent building at 270 W. Main St. and would like to renovate it to expand theater operations into it. 270 W. Main St. was formerly the location of the Little Swiss Clock Shop. The new addition will include a small black box theater, new rehearsal space, and new office space.

The new rehearsal space will be in a large two-story room facing Main Street. The space will have sliding windows at street level which will be able to open to allow performances onto the street. At the second level a large, corrugated metal section will be removed and replaced with a plate glass window. The window frame will extend three feet out from the building. The window and the frame will be more architecturally appealing than the existing façade and will also help provide some shelter for pedestrians, similar to the awnings that are common on businesses throughout the downtown area. Since the building has no setback the three-foot extension will be into the Main Street right of way.

The Plan Commission approved Final Site Plan and Architectural Review for the exterior alterations to the building at their meeting on October 27. Their approval included the condition that the intrusion into the right of way would be approved by the Board of Public Works and the Council. The attached draft Right of Way Encroachment Agreement will hold the city harmless from any liability resulting from damage to the window and will require the Civic Theater or any future owners of the building to carry extra insurance coverage for as long as the encroachment exists. The agreement has been drafted by the City Attorney's office and may be modified at the request of the applicant before it is approved by the Council.

Options & Alternatives:

Option 1: Approve as submitted.

Option 2: Deny the application and refuse to allow the right of way encroachment. This will require substantial modifications to the theater's plans and likely further Plan Commission review.

Option 3: Hold the application until the Agreement is finalized. This will most likely result in a delay to the applicant's desired construction schedule.



Financial Remarks: No Financial impact.

Executive Recommendation:

Approve a three-foot encroachment into the right of way as submitted for the expansion of the Waukesha Civic Theater at 270 W. Main St. and authorize the City Attorney to negotiate a Right of Way Encroachment Agreement, which will be finalized and signed prior to issuance of Building Permits.