



# **City of Grand Island**

**Tuesday, September 28, 2004**

**Council Session**

## **Item H1**

**Consideration of Request from Procon Management Inc. to Allow  
Out Swing Doors Onto the Public Sidewalk**

**Staff Contact: Craig Lewis**

# **Council Agenda Memo**

**From:** Craig A. Lewis, Building Department Director

**Meeting:** September 28, 2004

**Subject:** Consideration of Request from Procon Management Inc.,  
to Allow Out Swing Doors onto the Public Sidewalk

**Item #'s:** H-1

**Presenter(s):** Craig A. Lewis, Building Department Director

## **Background**

On July 21, 2004 Procon Management Inc. submitted a License Agreement Application for out swing doors onto the public sidewalk in front of 208 N Pine Street. A letter was sent to Procon Management Inc. on August 10, 2004 denying the request. The need for a License Agreement was identified and indicated to the property owners on a walk through during construction and on the plans submitted for the construction project.

## **Discussion**

The license agreement was denied because of the Grand Island City Code sections 32-1 and 32-69 which states that it shall be unlawful for any person to obstruct any sidewalk in any manor which impedes the passage of traffic, and a license agreement shall be denied if the City finds that the request impedes, impairs, or diminishes the use of the public land by the City, the public or other persons which have a lawful right to use and/or occupy said land. Model Building Codes published and adopted throughout the United States and Foreign Countries have for years prohibited doors and windows from opening onto or projecting into the Public Right of Way.

In addition, a quick survey of the buildings in the Downtown area reveals that most of the buildings have the doors recessed into the front façade of the building, not by accident but by design so that the doors leading to and exiting from the buildings do not encroach into or swing over the public sidewalks and place at risk the pedestrian walking along the public sidewalk.

## **Alternatives**

1. Approve the request and execute a License Agreement for the encroachment.
2. Disapprove or /Deny the request and require the encroachment to be removed and the property to comply with the City Code.
3. Modify the request to meet the wishes of the Council.
4. Table the issue.

## **Recommendation**

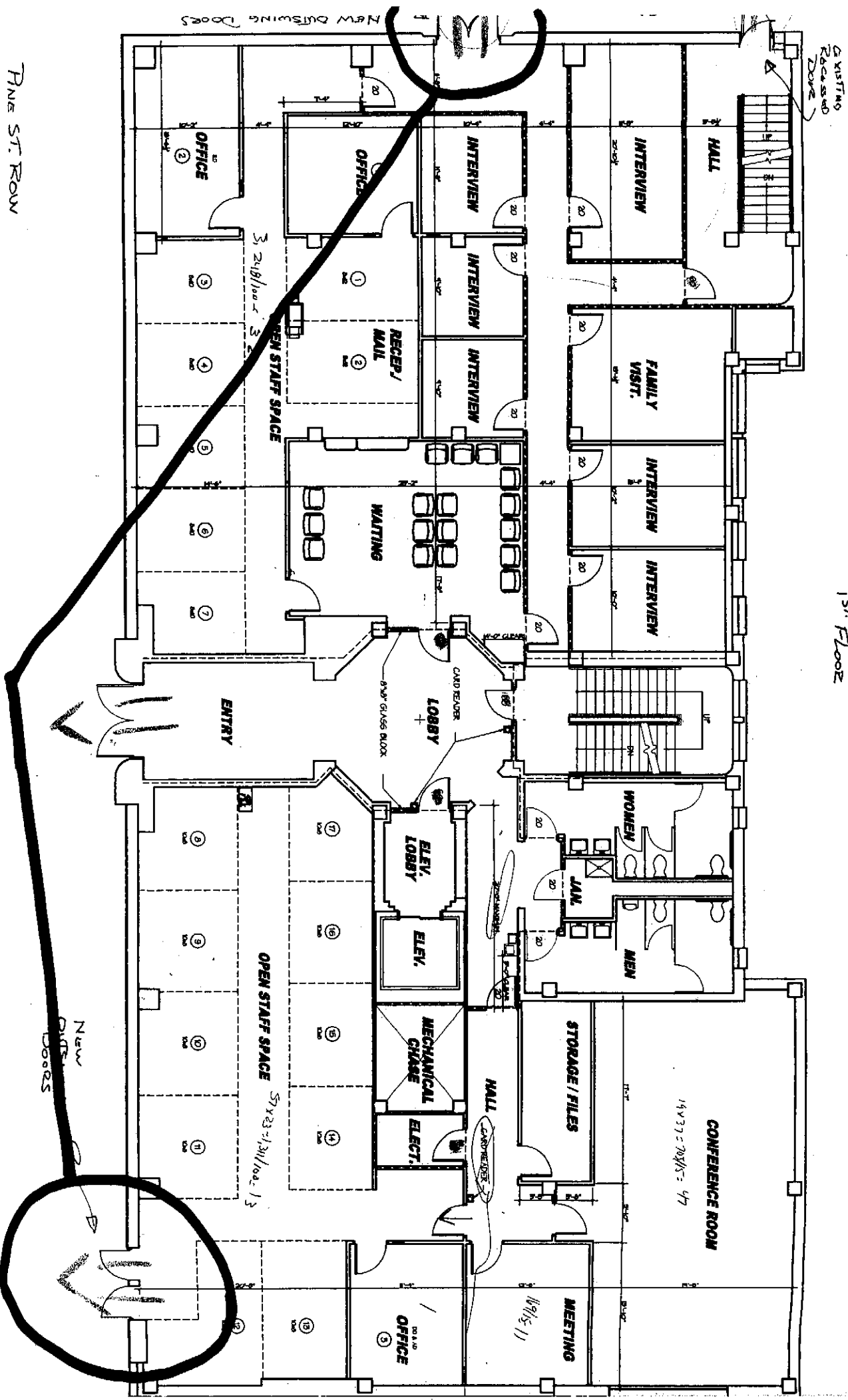
City Administration recommends that the Council deny the request as the encroachment impedes, impairs, and diminishes the public use of the public sidewalk

## **Sample Motion**

Move to deny the request for a License Agreement to allow exterior doors to swing over the Public sidewalk.

208 N. PINE  
1<sup>ST</sup> FLOOR

North  
→



Problem  
Doors

PINE ST. ROW