

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: May 5, 2014
	Agenda Item No. 14 Roll Call No. <u>14-0687</u> Communication No. <u>14-209</u> Submitted by: Phillip Delafield, Community Development Director

AGENDA HEADING:

Approving vacation and lease of 820-square-foot of public right-of-way for a sidewalk café in alley adjacent to and west of 210 Court Avenue.

SYNOPSIS:

Recommend approval of vacation of a segment of public alley and a sidewalk café lease agreement for Tonic Bar, located at 210 Court Avenue, for the purpose of an outdoor patio space. The project is represented by Scott Anderson, President, Riley Drive Entertainment XIII, Inc., 8801 Renner Boulevard, Suite 403, Lenexa, KS 66129.

FISCAL IMPACT:

Amount: \$3,790 collection of 3-year lease fee for sidewalk café area.

Funding Source: CD042044, 468440 Revenue from lease of public ROW for a sidewalk cafe is deposited in the revenue account.

ADDITIONAL INFORMATION:

Riley Drive Entertainment XIII, Inc. has recently opened up the Tonic Bar at 210 Court Avenue and wishes to install an approximately 820-square-foot outdoor patio in the adjacent public alley located west of the building. Staff has determined the area to be vacated is not necessary for any other public purpose, and the application for a sidewalk café meets all requirements of the design standards as approved by City Council on January 28, 2013.

The leased area will contain movable tables and chairs and a minimum 36-inch tall fence barrier as required by City Code for full service of food and beverage. Minor modifications to the adjacent sidewalk on Court Avenue are needed to eliminate the curb cut from the street to the alley. This work will result in the installation of two (2) new, metered on-street parking spaces and a sidewalk planting area containing a newly planted street tree. A site plan detailing this described work has been reviewed and approved by staff, and remains on file in the Permit and Development Center.

A \$1.1 million historic renovation of the building at 210 Court Avenue has just been completed, providing first floor commercial space for Tonic Bar, in addition to second story office space. The creation of a sidewalk café at this location will contribute to the vibrant street life already found on Court Avenue.

PREVIOUS COUNCIL ACTION(S):

Date: November 4, 2013

Roll Call Number: [13-1725](#)

Action: [Neighborhood](#) Commercial Revitalization (NCR) Program Loan for \$185,000 and a Façade Grant for \$15,000 to Norris Partners, LLC for renovations and expansion of the commercial building at 210 Court Avenue. ([Council Communication No. 13-539](#)) Moved by Coleman to adopt. Motion Carried 6-0.

Date: January 28, 2013

Roll Call Number: [13-0163](#)

Action: [Amendments](#) to the Des Moines Sidewalk Café Program. ([Council Communication No. 13-037](#)) Moved by Hensley to adopt, subject to final passage of the pending ordinance regarding the administration and operation of sidewalk cafes on City property. Motion Carried 7-0.

- (A) [First](#) consideration of ordinance above. Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.
- (B) [Final](#) consideration of ordinance above (waiver requested by Community Development Department), requires 6 votes. Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,161](#). Motion Carried 7-0.

Date: July 10, 2006

Roll Call Number: [06-1360](#), [06-1361](#) and [06-1362](#)

Action: [Amending](#) Chapter 10 of the Municipal Code regarding issuance of liquor licenses for outdoor areas and amending Chapter 102 regarding process for vacation and conveyance of public streets and alleys, and licenses for sidewalk cafes, all to expedite process for review and approval of sidewalk cafes. Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.

- (A) [Final](#) consideration of ordinance above (waiver requested by City Manager), requires 6 votes. Moved by Vlassis that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,5](#). Motion Carried 7-0.
- (B) [Approving](#) recommended design standards for sidewalk cafes. Moved by Vlassis to adopt, with the following amendment to standard No. 10: “The applicant should, shall include a written consent to the sidewalk café by the owners of the adjacent property”. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: September 25, 2013

Date: Zoning Board of Adjustment

Resolution Number: N/A

Action: Granted a Conditional Use Permit for a business selling wine, liquor, or beer subject to conditions of which include, historical renovation of the building in accordance with Secretary of the Interior's Standards for Rehabilitation, shall operate with a full menu for food service, outdoor patio comply with the City's Sidewalk Café Lease, shall operate in accordance to City Code Section 134-953(c).

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Renewal of future sidewalk café lease agreement.

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