 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b>	May 18, 2015
	<b>Agenda Item No.</b>	<b>60</b>
	<b>Roll Call No.</b>	<b><u>15-859</u></b>
	<b>Communication No.</b>	<b><u>15-246</u></b>
	<b>Submitted by:</b>	<b>Phillip Delafield, Community Development Director</b>

**AGENDA HEADING:**

Approving vacation and lease of 114-square-feet of public right-of-way on E. 4th street for a sidewalk café adjacent and east of 350 E. Locust Street.

**SYNOPSIS:**

Recommend approval of vacation of a segment of public sidewalk and a sidewalk café lease agreement for Scenic Route Bakery, LLC, located at 350 E. Locust Street, Suite 104, for the purpose of an outdoor patio space. The project is represented by Mark Nelson, owner, Scenic Route Bakery, LLC, 350 E. Locust Street, Suite 104, Des Moines, IA 50309.

**FISCAL IMPACT:**

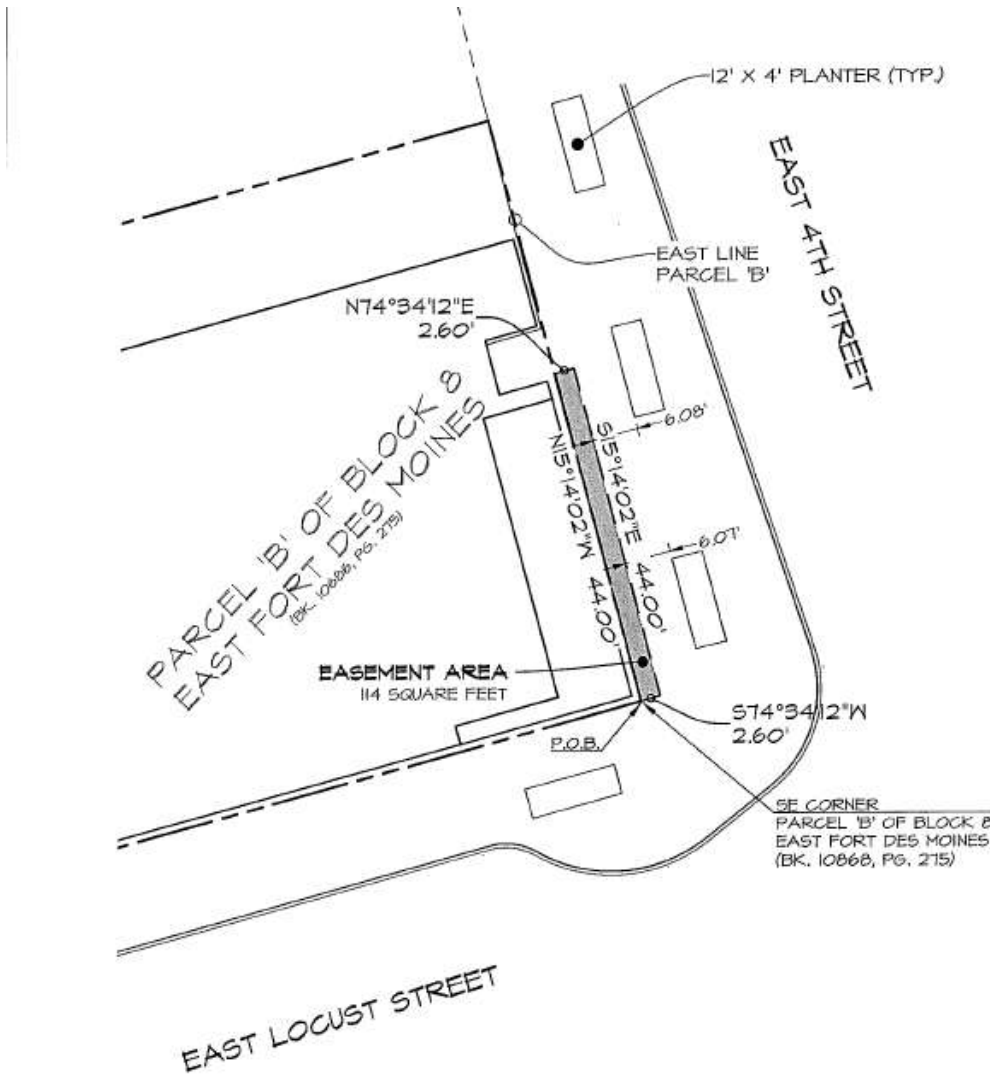
Amount: \$613.00 collection of 3-year lease fee for sidewalk café area.

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

**ADDITIONAL INFORMATION:**

Scenic Route Bakery, LLC, located at 350 E. Locust Street, Suite 104, wishes to install an outdoor patio east of, and along the E. 4th Street frontage of their leased premises. A 114-square-foot portion of their patio is proposed to encroach into the adjacent public sidewalk east of the building. This segment of sidewalk adjacent to 350 E. Locust Street is 20 feet wide from the structure to the street. The area can accommodate an unobstructed pedestrian walking area with a total of six (6) feet. The open and unobstructed sidewalk is compliant with the American with Disabilities Act and will allow for the free flow of pedestrian traffic.

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. 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.



**PREVIOUS COUNCIL ACTION(S):**

Date: May 4, 2015

Roll Call Number: [15-0738](#)

Action: [On](#) vacation and lease of a portion of public sidewalk on E. 4th Street adjoining 350 E. Locust Street to Scenic Route Bakery, LLC for a sidewalk café, setting date of hearing to 5-18-15. Moved by Gatto to adopt. Motion Carried 7-0.

Date: January 28, 2013

Roll Call Number: [13-0163](#), [13-0164](#), and [13-0165](#)

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, #14,574. 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): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

For more information on this and other agenda items, please call the City Clerk’s Office at 515-283-4209 or visit the Clerk’s Office on the first floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk’s Office on Thursday afternoon preceding Monday’s Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk’s Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).