

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: June 11, 2018
	Agenda Item No. 26 Roll Call No. <u>18-0984</u> Communication No. <u>18-284</u> Submitted by: Phillip Delafield, Community Development Director

AGENDA HEADING:

Approving lease of 737 square feet of public right-of-way on vacated north/south alley segment adjoining 1417 Walnut Street between 14th Street and 15th Street for a sidewalk café.

SYNOPSIS:

Recommend approval of vacation of a sidewalk café lease agreement for White Tree, LLC, located at 1417 Walnut Street, Suite A, for the purpose of an outdoor patio space. The project is represented by Ben Norris, authorized agent, White Tree, LLC, 1417 Walnut Street, Suite A, Des Moines, IA 50309.

FISCAL IMPACT:

Amount: \$2,763.50 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:

- White Tree, LLC, D.B.A. The Walnut, located at 1417 Walnut Street, Suite A, wishes to install an outdoor patio on vacated north/south alley segment adjoining 1417 Walnut Street (leased premises) between 14th Street and 15th Street. A 737 square feet portion of their patio is proposed to encroach into the adjoining vacated alley east of the building. This segment of alley adjoining 1417 Walnut Street is 20-feet wide from the structure to the street. The area can accommodate an unobstructed pedestrian walking area with a total of 6-feet. The open and unobstructed sidewalk is compliant with the American with Disabilities Act (ADA) 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 vacated alley is not necessary for any other public purpose; however, a pedestrian path will be maintained with the remaining portion not used by the patio. 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: October 23, 2017

Roll Call Number: [17-1820](#)

Action: [Regarding](#) request from Bronson Partners, LLC for vacation of a segment of north/south alley between 14th and 15th Street from Walnut Street to the east/west alley and a 5 feet segment of Walnut Street adjoining the north/south alley to allow use as an outdoor patio service area for a restaurant. Moved by Gatto to receive and file the communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Motion Carried 5-2. Absent: Cownie and Hensley.

BOARD/COMMISSION ACTION(S):

Board: Plan and Zoning Commission

Date: October 5, 2017

Resolution Number: N/A

Action: Plan and Zoning Commission approved with conditions, a request from Bronson Partners, LLC (owner), 1417 Walnut Street, for vacation of a segment of north/south alley between 14th Street and 15th Street from Walnut Street to the east/west alley, and a 5-foot segment of Walnut Street adjoining the north/south alley and subject property to allow for use as an outdoor patio service area for a restaurant.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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