



Roll Call Number

09-1047

Agenda Item Number

71

Date June 8, 2009

RESOLUTION DENYING REQUEST FOR A WAIVER OF THE REQUIREMENT TO MAINTAIN A SIX FOOT WIDE PEDESTRIAN PATHWAY UPON THE PUBLIC SIDEWALK ADJOINING THE PELICAN BAR AT 208 3RD STREET

WHEREAS, on May 18, 2009, by Roll Call No. 09-909, the City Council approved and application from Tommy Mauro, owner of the Pelican Bar at 208 3rd Street, for the lease of a portion of the adjoining 3rd Street right-of-way for use as a sidewalk cafe, "subject to the maintenance of a 6 foot wide clear path for pedestrian travel upon the remaining public sidewalk, or such lesser width as may be hereafter allowed by the City Council after receiving a report and recommendation from the City Plan and Zoning Commission as required by Section 102-286(b) for a sidewalk cafe lease that does not conform with the approved Design Standards for Sidewalk Cafes"; and,

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 21, 2009, its members voted 10-0 in support of a motion to recommend DENIAL of the application from Tommy Mauro, for a waiver of the requirement under the adopted Design Standards for Sidewalk Cafes to maintain a 6 foot wide clear path for pedestrian travel upon the remaining public sidewalk.

MOVED by Hensley to refer to the City Manager for review and report back at the June 22nd meeting including a police report.

FORM APPROVED:

Roger K. Brown
Assistant City Attorney

(11-2009-1.07)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, HENSLEY, KIERNAN, MAHAFFEY, MEYER, VLASSIS, and TOTAL.

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED
T.M. Franklin Cooney
Mayor

Diane Rauh
City Clerk