

Commission Letter #: 68-10
Commission Meeting: 3/01/2010
RE: **Outdoor Dining Areas for 112 E. Third St.**

February 25, 2010

The Honorable Mayor
and
Members of City Commission

Attached is a request from the Rock on 3rd located at 112 East Third Street for a license agreement to establish two outdoor dining areas. One of these areas is a sidewalk café that would be approximately 5 feet by 34 feet and encroach into the public sidewalk along the south side of the East Third Street right-of-way. Six tables with seating for 12 are shown within the sidewalk café's seating area, which would be enclosed with a metal railing as required.

The other area proposed by the petitioner is an outdoor dining platform that would be placed within the city-owned parking lot that is adjacent to the petitioner's building along its east side. The outdoor dining platform would be approximately 14 feet by 27 feet and cover most of 3 parking spaces. It would have 8 tables with seating for 32 people, be enclosed with a metal railing, and covered with a wooden trestle.

The Engineering Department has reviewed this request and determined that the proposed sidewalk café's railing would be setback 4 feet 11 ½ inches of the nearest parking meter. The submitted site plan shows a 5-foot setback with the railing projecting 5 feet 1 inch into the right-of-way. Established city policy requires that a minimum distance of 5 feet for pedestrian traffic be maintained between a proposed seating area and any streetscape element or curb. The site plan should therefore be revised so that the proposed café's railing projects no more than 5 feet into the right-of-way, leaving the required width for pedestrian traffic.

Should the City Commission approve an amended plan of operation for the petitioner that would allow the outdoor service of alcoholic beverages, then the City Commission may consider this request. A report from the City Attorney regarding outdoor service is included on the agenda under a separate correspondence.

Attached are a cover letter from the petitioner, the proposed site plan for both outdoor dining areas, and renderings. Should the City Commission wish to authorize a sidewalk café and outdoor dining platform for the petitioner as requested, the following resolution is recommended for approval:

Be It resolved, that the City Commission hereby authorizes the City Attorney to prepare a license agreement for the Rock on 3rd at 112 East Third Street, permitting encroachments into the public right-of-way of East Third Street and an adjacent off-street parking area for purposes of outdoor seating areas pursuant to the approved plans, subject to: 1) the petitioner submitting a revised site plan to the Planning Department with the sidewalk café projecting no more than 5 feet into the Third Street right-of-way; and 2) the petitioner files the appropriate

application with the Planning Department and pays all required fees and bonds for the outdoor seating area and sidewalk cafe; and

Be It further resolved, that the Mayor and City Clerk are authorized to execute said agreement when prepared.

Respectfully submitted,



Timothy E. Thwing
Director of Planning

Approved,



Donald E. Johnson
City Manager

Attachments

cc: Jason Krieger, Krieger Associates
David Gillam, City Attorney
Melanie Halas, City Clerk
Elden Danielson, City Engineer