

Commission Letter # : 177-10D
Commission Meeting: 6/ 07 / 2010
RE: **Sidewalk Café Application for The General Store**

June 3, 2010

The Honorable Mayor
and
Members of City Commission

Attached is a sidewalk café plan proposed for The General Store to be located at 302 South Washington Avenue in the Washington Square building. The petitioner is requesting a license agreement to establish a sidewalk café for this proposed convenience store. According to the petitioner, the store would sell basic groceries, health and beauty items, packaged deli sandwiches, beverages, cigarettes, lottery tickets, beer and wine.

The proposed outdoor seating area would be approximately 7 feet by 22 feet and encroach into the public sidewalk along the west side of South Washington Avenue near its intersection with Sherman Drive. Four tables with seating for 8 patrons are shown within the café's seating area, which would be enclosed with a 3-foot high metal railing as required.

Both the Engineering and Planning Departments reviewed this request. According to the Engineering Department, there are no streetscape objects within 5 feet of the proposed railing location. Established city policy requires that a minimum distance of 5 feet for pedestrian traffic be maintained between a proposed seating area and any obstruction or curb. Although no streetscape objects are within the required 5-foot path, the Engineering Department recommends that either the railing be angled or that planters be installed at the building's corner where the sidewalk along Sherman Drive extends to the northwest. According to the Engineering Department this would provide a less obstructed path for pedestrian traffic to and from the nearby barrier-free ramp to Sherman Drive.

The petitioner has applied for a SDM license from the state Liquor Control Commission in order to sell beer and wine for take-out only at the proposed convenience store. The Police Department has indicated they have no objections. However, the petitioner will need a special land use permit and site plan approved by the Planning Commission. A public hearing for the proposed convenience store is scheduled for the Planning Commission's May 11th regular meeting.

According to established city policy, downtown sidewalk cafés are limited to restaurants only. Previous requests for sidewalk cafés at retail operations have been denied by the City Commission, such as Smokey's Fine Cigars in 2004.

Should the City Commission wish to change established policy and authorize a sidewalk café for the petitioner as requested, the following resolution is recommended for approval. It contains a provision that the café area is limited to the consumption of food and non-alcoholic beverages and no displays of merchandise for sale shall be allowed.

Be It resolved, that the City Commission hereby authorizes the City Attorney to prepare a license agreement for The General Store at 302 South Washington Avenue, permitting an encroachment into the public right-of-way of South Washington Avenue for purposes of an outdoor seating area pursuant to the approved plans; provided the associated special land use permit and site plan are approved by the Planning Commission, and the area is limited to the consumption of food and non-alcoholic beverages and no displays of merchandise for sale shall be allowed; and provided further that the railing is angled toward the building or planters are installed at the corner of Sherman Drive; and

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

Otherwise, if the City Commission wishes to maintain the existing policy, the request to establish a sidewalk café for the General Store at 302 South Washington Avenue should be denied.

Respectfully submitted,



Timothy E. Thwing
Director of Planning

Approved,



Donald E. Johnson
City Manager

Attachments

cc: John W. Hanna, Washington Square Plaza, LLC



