



TO: Mayor Chuck Barney
Members of the City Council

FROM: Lance A. Lang, Principal Planner

DATE: May 29, 2018

SUBJECT: OUTDOOR DINING PERMIT – THE TAP ROOM

I. RECOMMENDED ACTION

1. Recommend approval of the encroachment permit to occupy public right-of-way for a seasonal outdoor dining area at 23 Main Street for the Tap Room.
2. Recommend approval of the documents submitted as part of the application, including, but not limited to; the site plan, drawings, photographs, written descriptions, copies of health department licensure and insurance, all to be made part of the permit.
3. Authorize the length of time for which the permit will be valid. The maximum allowable time period is three (3) years. **Since this is a new program, staff recommends that permits be issued for one year only so that we can evaluate performance and make any necessary adjustments before issuing multi-year permits. Think of the initial year as a trial run or test case scenario.**

II. DEPARTMENT CONTACT PERSONS

Lance A. Lang, Principal Planner 857-4108

III. DESCRIPTION

A. Background

In February 2017 the City Council approved Ordinance No.5151 amending Chapter 28, “Streets, Sidewalks, and Public Grounds,”to allow encroachment agreements associated with permits for outdoor dining areas in the Central Business District.

B. Proposed Project

Duckpond Ventures LLC dba The Tap Room has made application and submitted the required support information and fees for such a permit. The proposal includes the following amenities:

- Four (4) wrought iron tables with three (3) chairs at each table.
- A barrier made of black canvas cloth stretched between upright stainless steel stanchions. The barrier must be at least three feet (36 inches) in height.
- The area to be sectioned of measures roughly seven feet (7’) wide by twenty eight feet (28’) long.
- The distance from the existing wall of the building to the enclosed area is approximately five feet (5’). This area is open for pedestrian traffic (minimum forty-four inches (44”) required).
- A security camera provides views of the area to management personnel inside the building.
- Proof of insurance and required health licenses are provided.
- The outdoor seating area will be operated in the evenings and on weekends. When not in operation the tables, chairs, barrier, etc. will be stored inside the building.

Upon further discussion amongst staff, it would be prudent to require an encroachment agreement between the City and the applicant much in the same manner that we currently require agreements for right-of-way encroachments of other types. Instead of issuing a piece of paper that serves as a permit for outdoor dining, the applicant will receive a copy of the executed encroachment agreement. Planning Staff is developing a boilerplate agreement for outdoor dining encroachment based on the current encroachment agreement format.

IV. IMPACT:

A. Strategic Impact:

For some time now the City Council, City staff, downtown business owners and patrons, and others have expressed interest in the revitalization project in the Central Business District. With the streets, sidewalks, utilities and other infrastructure improvements completed primarily last year and due to be finalized this year this is a great opportunity to encourage more patronage in the downtown area.

B. Service/Delivery Impact:

The permitting system to allow limited encroachment into the right-of-way provides a method whereby City staff and the elected officials can provide enhanced opportunities for the citizens of Minot to enjoy the downtown area.

C. Fiscal Impact:

This approach utilizes the existing sidewalk areas in downtown. No major changes are required. There is no cost to the City. The permit application fee is \$35.00 making this an affordable option for downtown business owners who may be interested in this program. The City Council may consider charging a fee for the privilege of occupying the City right-of-way to do business and hence make a profit. A flat fee or certain percentage of sales could be payable to the City with the terms and conditions set forth in the encroachment agreement.

V. ALTERNATIVES

Alt 1. The Council could ask the applicant to modify the proposal.

Alt 2. The City Council could deny the permit request.

VI. TIME CONSTRAINTS

Council's approval of the recommendation will allow the applicant to move forward with the outdoor dining area taking advantage of the warm summer evenings that have recently arrived. Delay of the permit will delay the operation of the outdoor dining area during prime outdoor activity season.

It is suggested that the applicants apply sooner in the spring in anticipation of outdoor dining weather rather than waiting until the weather warms up and becomes conducive to dining on the sidewalk.

VII. LIST OF ATTACHMENTS

- A. Outdoor Dining Application/Encroachment Permit
- B. Certificate of Liability Insurance
- C. First District Health Department approval
- D. Photograph of proposed tables and chairs
- E. Image of proposed canvas barrier and stanchions
- F. Photograph of street view – area for proposed outdoor dining
- G. A different street view showing proposed location
- H. View from the Security Cam