




## MEMORANDUM

**TO:** Mayor and City Council

**FROM:** Alice Wakefield, Community Development Director 

**DATE:** July 8, 2014

**SUBJECT:** License for Land Use – Real Fix Pizzeria, 14 Elizabeth Way

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Real Fix Pizzeria submitted an application for a Sidewalk Café License at the end of May. The area they are proposing for use as a Sidewalk Café is behind their building, in the area known as East Alley. At this time, they are not proposing to use any of the sidewalk in the front of their building, along Elizabeth Way. While the applicant's intention was for a Sidewalk Café License, there is technically no sidewalk in the proposed area; so therefore, it was reasoned that the request should be for a License for Land Use instead.

The site plan submitted per this request (date stamped May 23<sup>rd</sup>, 2014) shows that the applicant includes to use approximately 360 square feet of City of Roswell right-of-way. The applicant intends to place two umbrellas and eight four-top tables for a total number of 32 seats in this area. Based off of earlier plans submitted to the HPC, the applicant also intends to fill the area in with brick pavers to make a more level surface. The area is currently covered in gravel so this will be an increase in impervious area in the East Alley. Please note that the exterior alterations in the ROW were not reviewed by the HPC as encroachment approval had not yet been granted by M&CC. The HPC only reviewed and approved changes to the exterior façade that did not encroach into the ROW.

During the drafting of this memo, it was discovered that the applicant already completed a majority of the work being proposed. Photos taken on the morning of July 8<sup>th</sup>, 2014 are included in the packet. A photo taken on December 11, 2013 is also included to show what the area looked like before the changes were made. In addition to making alterations to the City ROW behind 14 Elizabeth Way, the area behind 16 Elizabeth Way was also filled in and redone without approval from M&CC.

While the request is for a License for Land Use, Staff conditions that it meets the standards for a Sidewalk Café as outlined in Section 9.7.15 of the UDC. This includes the provision that "the outdoor dining area must abut the building façade, with a minimum 5-foot clear pedestrian passage provided between the dining area and the edge of pavement."

The City is currently working with an outside consultant to draft an East West Alley Master Plan. The proposed outdoor dining space is a part of a primary area of focus in East Alley. While the proposed alterations are in line with the concepts from the consultants, final layouts, materials, and uses have not been finalized by the City. Staff recommends a condition that states that changes based off of the East West Alley Master Plan can be implemented to this space without any additional costs to the City of Roswell.

Staff recommends approval for a License for Land Use with the following conditions:

1. That the approved site plan is stamped "Received" by the City of Roswell Community Development Department on May 23, 2014;
2. That the applicant meets the standards in Section 9.7.15 of the UDC;
3. That changes based off of the East West Alley Master Plan can be implemented to this space without any additional costs to the City of Roswell;
4. That the barrier and all furniture must match all specifications included on the pre-approved list included in the sidewalk cafe application;
5. That there must be two chains between each set of columns in order to meet ADA accessibility requirements.