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CITY COUNCIL AGENDA ITEM REPORT

DATE: January 10, 2024

SUBMITTED BY: Greg DeLong, Planning & Community Development

ITEM TYPE: Resolution

AGENDA SECTION: BUSINESS/ADVERTISING, PETITIONS, HEARINGS & COMMUNICATIONS

SUBJECT: **Quasi-Judicial:** RESOLUTION 24-01 - PUBLIC HEARING
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, GRANTING SPECIAL USE PERMIT NO. SU.23.4849; TO PERMIT A SIDEWALK CAFE WITH ALCOHOLIC BEVERAGE SALES FOR PROPERTY LOCATED AT 1201 1ST AVENUE WEST, BRADENTON, FLORIDA (PARCEL ID 3325500001), IN THE T5 TRANSECT ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

SUGGESTED ACTION: Approval of Resolution 24-01 with stipulations:

Planning Commission reviewed the subject request at their December 20, 2023, meeting and voted 6-0 to recommend approval with stipulations.

Is this item Quasijudicial?

No

Does this item require a public hearing?

Yes

EXPLANATION:

The applicant is requesting approval of a Special Use permit to install a sidewalk café area to be located on the sidewalk along 12th Street West (Old Main Street) for Oak and Stone restaurant. The subject area will be approximately 400 square feet in size and will contain eight tables with four seats at each table.

The applicant is also proposing umbrellas in the café area. Additionally, planters will be present as a barricade from the street. If possible, planters will be added that match those currently located on the sidewalk; otherwise, eight new planters will be installed as a barrier between the café area and the street.

Based on the submitted site plan, there will be a minimum of 5'-1" of traversable space for pedestrians to pass by the café area, which meets minimum ADA requirements.

FINANCIAL IMPACT:

N/A

ATTORNEY REVIEW/RECOMMENDATION:

Reviewed by Nancy Meyer, Conflict Council on behalf of City Attorney.

SUGGESTED MOTION:

Motion to approve Resolution 24-01 with the following stipulations:

1. An Indemnification Agreement shall be provided by the owner along with proof of liability insurance.
2. Any necessary right-of-way permits shall be obtained by the owner from the City of Bradenton Public Works Department.
3. Planters shall be approved by the City of Bradenton Public Works Department.
4. Planters and any plant material shall be properly maintained by the owner, with any damaged planters and dead/dying plant materials being removed and replaced.
5. Clear pedestrian access on the public sidewalk of no less than 5' shall be maintained at all times in a way that neither seating, tables, or umbrellas affect the ingress/egress of travel, the safety or pedestrian and traffic circulation.
6. The owner shall obtain all State licenses permitting the sale of alcohol as part of the sidewalk café.
7. The sidewalk shall be cleaned at the end of every day. Any type of cleaning solution shall be approved by the City of Bradenton Public Works Department.
8. Patio furniture and accessory items shall be removed and stored indoors during business closing hours.

ATTACHMENTS:

[Resolution 24-01](#)

[SU.23.4849 - Application](#)

[SU.23.4849 - Staff Report](#)

SU.23.4849 - Presentation
12-20-23 Planning Commission Draft Minutes