

**SITE PLAN REVIEW
CITY COMMISSION
November 5, 2013**

A. SUMMARY

SP-13-00389: A site plan for sidewalk hospitality area for TCBY/Mrs. Fields located at 845 Massachusetts Street. Submitted by Paul Werner Architects for Gerling LLC, the property owner of record.

B. GENERAL INFORMATION

Current Zoning and Land Use: CD (Downtown Commercial District); Restaurant.

Surrounding Zoning and Land Use: To the north, south, and east: CD (Downtown Commercial District); Eating and Drinking Establishments, Retail Sales, Residential and Office.
To the west: CD (Downtown Commercial District); City owned parking lot.

Site Summary:

Building	2,925 Sq. Ft.
Proposed Sidewalk Dining Area:	101 Sq. Ft.
Off-Street Parking Required:	Not required in Downtown Commercial District.

Staff Recommendation: Staff recommends approval of SP-13-00389, a site plan for sidewalk hospitality area, subject to the following conditions:

1. Execution of a sidewalk dining license from the City prior to occupying the public right-of-way per Chapter 6-1203 of the City Code.
2. Execution of an agreement with the City of Lawrence for use of the right-of-way per Chapter 6-12 of the City Code.

C. STAFF REVIEW

The applicant proposes to construct a 101 square-foot area for sidewalk dining. The sidewalk hospitality area will extend outward from the east face of the building 6.33' for approximately 14'. The sidewalk hospitality area leaves an unobstructed clear space of 6 feet of the Massachusetts Street sidewalk. The proposed outdoor area will accommodate seating at a table and at a counter with outdoor seating available for up to 8 people. The area will be separated from the pedestrian sidewalk with a railing 3' 8" high. Two umbrellas are shown on the detail plan and are noted to be maintained at a height no less than 80 inches from the sidewalk surface.

Historic Resources Commission Review (DR-13-00390)

The addition of a hospitality area at 845 Massachusetts Street requires State Preservation Law Review and Downtown Urban Conservation Overlay District Review. The property is a

contributing structure to Lawrence's Downtown Historic District, National Register of Historic Places, and is located in the Downtown Urban Conservation Overlay District.

In accordance with the Secretary of the Interior's Standards and the *Downtown Design Guidelines*, the standards of evaluation, the Historic Resources Administrator approved the proposed project and made the determination that the proposed project does not encroach upon, damage, or destroy listed historic properties or their environs.

The Historic Resources Commission confirmed the administrative approval of this project on October 17, 2013.

D. Findings

Per Section 20-1305(j) staff shall first find that the following conditions have been met:

(1) The site plan shall contain only platted land;

The site is platted as Massachusetts Street, North Half Lot 67, Lawrence, Douglas County, Kansas.

(2) The site plan shall comply with all standards of the City Code, this Development Code and other adopted City policies and adopted neighborhood or area plans;

As conditioned, the site plan complies with all standards of the City Code and Development Code.

(3) The proposed use shall be allowed in the district in which it is located or be an allowed nonconforming use;

The subject property is zoned CD (Downtown Commercial) District. Restaurants are permitted in this district.

(4) Vehicular ingress and egress to and from the site and circulation within the site shall provide for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways as well and shall also conform with adopted corridor or access management policies; and

No changes are proposed that would affect vehicular access to this property. No off-street parking is required or proposed with this project due to its location in the CD (Downtown Commercial) District.

(5) The site plan shall provide for the safe movement of pedestrians on the subject site.

Six feet of unobstructed public sidewalk area is preserved along Massachusetts Street for safe pedestrian movement to and from the subject business.