

**SITE PLAN REVIEW
CITY COMMISSION
DECEMBER 2, 2008**

A. SUMMARY

SP-07-54-08: A site plan for sidewalk dining for Teapouro located at 712 Massachusetts Street. Submitted by Schneider and Associates for SJC VII, LLC, property owner of record.

B. GENERAL INFORMATION

Current Zoning and Land Use: CD (Downtown Commercial District); Eating & Drinking Establishment – Fast Order Food.

Surrounding Zoning and Land Use: CD (Downtown Commercial District) in all directions, commercial uses.

Site Summary:

Proposed Sidewalk Dining Area: 150.25 Sq. Ft.

Off-Street Parking Required: No parking required in Downtown Commercial District.

Staff Recommendation: Staff recommends approval of SP-07-54-08 a site plan for sidewalk dining for Teapouro, subject to the following conditions:

1. Provision of a Site Plan Performance Agreement.
2. Provision of an approved sidewalk dining license from the City prior to occupying the public right-of-way per Chapter 6-1202.
3. Execution of an agreement with the City of Lawrence for use of the right-of-way per Chapter 6-12.

C. STAFF REVIEW

The applicant proposes to construct a 150.25 square-foot sidewalk dining area (6.5 feet x 24.5 feet) on the west elevation of the building located at 712 Massachusetts Street for Teapouro, an existing coffee and tea shop. The sidewalk dining area leaves an unobstructed clear space of 6.5 feet on the sidewalk. A minimum of six feet clear space is required along Massachusetts Street. The proposed outdoor seating area will include four tables, with outdoor seating available for up to 8 persons. The area will be separated from the pedestrian sidewalk with a 3' high railing.

Historic Resources Commission

The subject property is located within the Downtown Urban Conservation Overlay District and is within the environs of the House Building (national register), the United States Post Office (former building), and The Eldridge Hotel (state register) and Miller's Hall (local register). As such the Historic Resources Commission has reviewed and approved the proposed sidewalk dining site plan.

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 Lot 28, less 6 inches of the north side thereof, on Massachusetts Street, original townsite.

(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;

The site plan complies with all standards of the City Code and Development Code subject to the satisfaction of the conditions of approval.

(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. Eating & Drinking Establishments are permitted in the CD (Downtown Commercial) 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 ingress and egress. With the addition of the outdoor seating area, 6.5 feet of unobstructed sidewalk area will be available for pedestrian activity along Massachusetts Street.

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