

**SITE PLAN REVIEW
CITY COMMISSION
February 10, 2009**

A. SUMMARY

SP-10-86-08: A site plan for a new restaurant and sidewalk dining for Noodles and Company to be located at 8 W 8th Street. Submitted by Wendy Hunter of HD Group for Greg Guenther, property owner of record.

B. GENERAL INFORMATION

Current Zoning and Land Use: CD (Downtown Commercial District); Retail Sales and Service, Retail Sales, General.

Surrounding Zoning and Land Use: CD (Downtown Commercial District) in all directions; retail, office, eating and drinking establishment and residential uses.

Site Summary:

Building	2952 Sq. Ft.
Proposed Sidewalk Dining Area:	354 Sq. Ft.
Off-Street Parking Required:	No parking required in Downtown Commercial District.

Staff Recommendation: Staff recommends approval of SP-10-86-08 a site plan for a new restaurant with sidewalk dining, subject to the following conditions:

1. Provision of an approved sidewalk dining license from the City prior to occupying the public right-of-way per Chapter 6-1202. This includes the submission of a copy of State of Kansas Food Services Establishment License.
2. Execution of an agreement with the City of Lawrence for use of the right-of-way per Chapter 6-12.
3. Completion of Conditions of Approval by the Historic Resources Commission prior to the release of the Site Plan. (DR-10-112-08)

C. STAFF REVIEW

The applicant proposes to open a new eating and drinking establishment known as Noodles & Company and proposes to construct a 354 square-foot sidewalk dining area for outdoor dining. The sidewalk dining area will extend outward from the face of the building 6 feet and will be 40 feet in length on the south side (8th Street) of the structure and approximately 14 feet on the east (Massachusetts Street) side of the structure. The sidewalk dining area leaves an unobstructed clear space of more than six feet on the sidewalk. A minimum of six feet clear space is required along Massachusetts Street. The proposed outdoor seating area will accommodate six tables, with outdoor seating available for up to 16 persons. The area will be separated from the pedestrian sidewalk with a 3' high railing.

Historic Resources Commission

The subject property is a noncontributing structure to the Lawrence Downtown Historic District, National Register of Historic Places. The property is located in the environs of the Eldridge Hotel

(701 Massachusetts) and the Lucy Hobbs Taylor House (809 Vermont), National Register of Historic Places. It is also located in the environs of the House Building (729 Massachusetts), Register of Historic Kansas Places, and Miller's Hall (725 Massachusetts), Lawrence Register of Historic Places. The property is located in the Downtown Conservation Overlay District. As such the Historic Resources Commission has reviewed and approved the proposed exterior alterations to the structure and the sidewalk dining site plan. (DR-10-112-08)

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 2 of the Palace Addition, a Replat of Lot 43 on Massachusetts Street, of the 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, more than six feet of unobstructed sidewalk area will be available for pedestrian activity along Massachusetts Street and 8th 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.

More than six feet of unobstructed public sidewalk area is preserved along Massachusetts Street and 8th Street for safe pedestrian movement to and from the subject business.