

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

A. SUMMARY

SP-02-10-08: A site plan for a sidewalk hospitality area for Eighth Street Taproom, located at 801 New Hampshire Street. Submitted by Paul Werner Architects for Louise's Inc., property owner of record.

Staff Recommendation: Staff recommends approval of SP-02-10-08 a site plan for a sidewalk hospitality area for Eighth Street Taproom, subject to the following conditions:

1. Provision of a Site Plan Performance Agreement.
2. Revise the plan to add a legal description for the sidewalk hospitality area.
3. Approval of a Use of Right-of-Way Agreement by the City Commission prior to issuance of a certificate of occupancy.
4. Approval of an ordinance permitting alcohol sales/consumption by the City Commission prior to issuance of a certificate of occupancy.

B. GENERAL INFORMATION

Zoning and Land Use

Current Zoning and Land Use:

CD (Downtown Commercial District); Bar or Lounge (licensed premise).

Surrounding Zoning and Land Use:

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

Site Summary

Proposed Sidewalk Dining Area:

Approximately 256 square feet

Off-Street Parking:

None required.

Site Landscaping:

None required.

Other Action Required

Prior to release of site plan and building permits the following must occur:

- Applicant shall provide a legal description of the hospitality area to the City Clerk's Office.
- Applicant shall revise the site plan to add the legal description of the hospitality area.
- The applicant shall receive City Commission approval of an ordinance permitting alcohol sales/consumption in the public right-of-way.
- The applicant shall receive City Commission approval of an agreement to permit use of the public right-of-way.

C. STAFF REVIEW

The applicant proposes to construct a sidewalk hospitality area on the north and east elevations of the building located at 801 New Hampshire Street for Eighth Street Taproom. The subject building is located at the southwest corner of 8th and New Hampshire Streets. The hospitality area will wrap around the northeast corner of the building and will include area along both 8th Street and New Hampshire Street rights-of-ways. The sidewalk hospitality area leaves an unobstructed clear space of

6 feet on both sidewalks. The hospitality area will include seating for 11 persons with a “drink-counter” table top built into the railing.

Eighth Street Taproom is classified by the Development Code as a bar or lounge use and is considered a legal-nonconforming use in the CD (Downtown Commercial) District. The Development Code also defines any premises where alcoholic liquor or cereal malt beverages, or both, by the individual drink is served or provided for consumption or use on the premises with or without a charge as a Licensed Premise.

Hospitality Areas

Ordinance No. 8274, adopted by the City Commission on August 26, 2008 established a process by which licensed premises may seek approval of the City Commission to make use of the public right-of-way for a sidewalk hospitality area. The ordinance requires the applicant to provide written statements from adjoining property owners and tenants expressing a lack of objection to the proposed sidewalk hospitality area. If written statements cannot be obtained, the ordinance requires the hospitality area request to be considered in a public hearing by the City Commission. Written statements have not been received as of February 6, 2009 and the applicant would like to proceed, therefore this item has been scheduled for the regular agenda.

The ordinance also requires quarterly inspections of the hospitality area by the Codes Enforcement Division of the Planning & Development Services Department to determine the area's compliance with city codes. To facilitate such inspections, the specific compliance standards that pertain to hospitality areas have been added to the site plan.

Historic Resources Commission

The subject property is located within Lawrence's Downtown Historic District (Urban Conservation Overlay District), National Register of Historic Places. The subject property is also subject to the Downtown Design Guidelines. Thus, the proposed site plan is subject to review and approval by the Historic Resources Commission. The Commission has reviewed and approved the site plan (case # DR-06-65-08) on July 17, 2008.

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 New Hampshire Street, East 25 feet of Lot 45.

(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, Development Code and Downtown Design Guidelines 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. A bar, or licensed premise is a

permitted use in the CD (Downtown Commercial) District, subject to use standards. The standards apply to the commencement of any new bar or licensed premise use and do not apply to established bars or licensed premise uses. The Eighth Street Taproom is an existing bar that is a legal non-conforming use because it was established prior to the adoption of Ordinance No. 6527 on April 12, 1994. This ordinance instituted the requirement that a new licensed premise shall earn at least 55% of its gross receipts from the sale of food or non-alcoholic beverages.

- (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 hospitality area, 6 feet of unobstructed sidewalk area will be available for pedestrian activity along 8th Street and New Hampshire 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 feet of unobstructed public sidewalk area is preserved along both streets for safe pedestrian movement to and from the subject business.