

**SITE PLAN REVIEW  
CITY COMMISSION  
July 28, 2009**

**A. SUMMARY**

**SP-06-37-08:** A site plan for a sidewalk dining area for Angler's Seafood, located at 1004-1006 Massachusetts Street. Submitted by Jeff Lewis for Berkeley Company LC, the property owner of record.

**Staff Recommendation:** Staff recommends approval of SP-06-37-08 a site plan for a sidewalk dining area for Angler's Seafood subject to the following conditions:

1. Approval of a Use of Right-of-Way Agreement and ordinance by the City Commission.
2. Approval of Sidewalk Dining License by the City.
3. Execution of a Site Plan Performance Agreement.

**B. GENERAL INFORMATION**

**Zoning and Land Use**

Current Zoning and Land Use: CD (Downtown Commercial District); Restaurant, Quality, Licensed Premises.

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 398 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:

- The applicant shall receive City Commission approval of an ordinance permitting alcohol sales/consumption in the public right-of-way and an agreement to permit use of the public right-of-way.
- The applicant shall receive a Sidewalk Dining license from the City.
- A site plan performance agreement shall be executed.

**C. STAFF REVIEW**

The applicant proposes to construct a sidewalk dining area (6'8" x 51') on the west elevation of the building located at 1004-1006 Massachusetts Street for Angler's Seafood. A portion of the proposed dining area is located within the subject property.

The majority of the proposed sidewalk dining area will be located in the Massachusetts Street right-of-way. The sidewalk dining area leaves an unobstructed clear space of 6 feet on the sidewalk and is separated from the pedestrian sidewalk with a 3' high railing system. While the original proposed dining area included an area to the north that could not support tables and chairs, the applicant has agreed to remove this area to allow for pedestrian flow. This change will decrease the overall

sidewalk dining area from approximately 440 square feet to approximately 398 square feet and will allow for a larger pedestrian area closer to the restaurant entrance.

### **Historic Resources Commission**

The subject property is located within the Downtown Urban Conservation Overlay District and is within the environs of Lawrence's Downtown Historic District, National Register of Historic Places; therefore, the proposed site plan is subject to review and approval by the Historic Resources Commission. The HRC reviewed and approved the site plan (case # DR-04-73-08) on August 21, 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 Massachusetts Street Lots 94, 96, & N ½ Lot 98.

#### **(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 Quality Restaurant and Licensed Premises is a permitted use in the CD (Downtown Commercial) District, subject to use standards. Angler's Seafood is subject to Ordinance No. 6527 (adopted on April 12, 1994) requiring licensed premises to earn at least 55% of 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 dining area, 6 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 feet of unobstructed public sidewalk area is preserved along Massachusetts Street for safe pedestrian movement to and from the subject business.