

**SITE PLAN REVIEW
CITY COMMISSION
March 2, 2010**

A. SUMMARY

SP-12-54-09: A site plan for a new restaurant and sidewalk dining for Esquina to be located at 801 Massachusetts Street. Submitted by Paul Werner Architects for Round Corner Inv. LLC, the property owner of record.

B. GENERAL INFORMATION

Current Zoning and Land Use:	CD (Downtown Commercial District); Eating & Drinking Establishment, Restaurant, Quality with Accessory Bar and Office.
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Surrounding Zoning and Land Use:	CD (Downtown Commercial District) in all directions; retail, office, eating and drinking establishment and residential uses.
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Site Summary:

Building	2925 Sq. Ft.
Proposed Sidewalk Dining Area:	300 Sq. Ft.
Off-Street Parking Required:	No parking required in Downtown Commercial District.

Staff Recommendation: Staff recommends approval of SP-12-54-09 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. Correct the following on the face of the Site Plan:
 - a. Correct the Design Review number to DR-12-147-09
 - b. Correct General Note 1.4 to reflect the appropriate use group as defined by Chapter 20 – Eating & Drinking Establishment, Restaurant, Quality with Accessory Bar.
 - c. Show the proposed gate for the sidewalk dining area railing on the east elevation.

C. STAFF REVIEW

The applicant proposes to open a new eating and drinking establishment known as Esquina and proposes to construct a 300 square-foot sidewalk dining area for outdoor dining. The sidewalk dining area will extend outward from the north face of the building toward 8th Street approximately 69 inches and will be approximately 50 feet in length from east to west. The sidewalk dining area leaves an unobstructed clear space of six feet on the 8th Street sidewalk. The proposed outdoor seating area will accommodate eight tables, with outdoor seating available for up to 32 people. The area will be separated from the pedestrian sidewalk with a 3' 3½" high railing.

Historic Resources Commission

The subject property is a contributing structure to Lawrence's Downtown Historic District, National 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-)

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 North ½ Lot 45, 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 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.

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