

**SITE PLAN REVIEW  
CITY COMMISSION  
May 1, 2012**

**A. SUMMARY**

**SP-3-24-12:** A site plan for sidewalk hospitality area for Burger Stand at the Casbah Restaurant to be located at 801-803 Massachusetts Street. Submitted by Paul Werner Architects for David and Susan Millstein and Round Corner Inv. LLC, property owners of record.

**B. GENERAL INFORMATION**

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

Surrounding Zoning and Land Use: To the north, south, east and west: CD (Downtown Commercial District); Eating and Drinking Establishments, Retail Sales, and Office.

**Site Summary:**

Building	2,925 Sq. Ft.
Proposed Sidewalk Dining Area:	442.50 Sq. Ft.
Off-Street Parking Required:	Not required in Downtown Commercial District.

**Staff Recommendation:** Staff recommends approval of SP-3-24-12, a site plan for sidewalk hospitality area, subject to the following conditions:

1. Execution of a site plan performance agreement.
2. Execution of a sidewalk dining license from the City prior to occupying the public right-of-way per Chapter 6-1202 of the City Code.
3. Execution of an agreement with the City of Lawrence for use of the right-of-way per Chapter 6-12 of the City Code.

**C. STAFF REVIEW**

The applicant proposes to construct a 442.50 square-foot sidewalk area for dining and alcohol beverage service. The sidewalk dining area will extend outward from the west face of the building 8.82 feet and will be 50.17 feet long from north to south. The sidewalk dining area leaves an unobstructed clear space of 7.08 feet of the alley sidewalk. The proposed outdoor seating area will accommodate eight tables that seat four with outdoor seating available for up to 32 people. The area will be separated from the pedestrian sidewalk with a railing 39.5 inches high.

The proposed dining area is located in the public alley behind 801-803 Massachusetts Street. The alley is closed to vehicular traffic and is a pedestrian walkway with a canopy covering the east half of the alley. Currently, there are no sidewalk dining areas in the public alley. The typical location for outdoor dining areas is the sidewalk area adjacent to Massachusetts Street and east/west streets in the downtown area. The proposed dining area will alter the traffic pattern of the pedestrian so that the pedestrian will walk around the dining area in a space that is not covered by the canopy. This is

not unlike the altered pedestrian path on the Massachusetts Street sidewalk.



### **Historic Resources Commission**

803 Massachusetts Street is a contributing structure to Lawrence's Downtown Historic District, National Register of Historic Places. It is located within the Downtown Urban Conservation Overlay District and is in the environs of the Carnegie Library (200 W 9<sup>th</sup>) and the Lucy Hobbs Taylor House (809 Vermont), National Register of Historic Places, as well as the House Building (729 Massachusetts), Register of Historic Kansas Places. The proposed project requires review under the State Preservation Law and the Downtown Design Guidelines (DR-3-56-12).

In accordance with the Secretary of the Interior's Standards and the *Downtown Design Guidelines*, the standards of evaluation, the Historic Resources Administrator has administratively approved the proposed project and made the determination that the proposed project does not encroach upon, damage, or destroy listed historic properties and their environs with the following condition:

1. Any changes to the approved project will be submitted to the Historic Resources Administrator prior to the commencement of any related work.

The Historic Resources Commission will confirm the administrative approval of this project on May 17, 2012.

### **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 45, Original Townsite, Lawrence, Douglas County, Kansas.

- (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;**

As conditioned, the site plan complies with all standards of the City Code and Development Code.

- (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 this 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 access to this property. 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.**

Seven feet of unobstructed public sidewalk area is preserved along the alley for safe pedestrian movement along the alley and to and from the subject business.