

**SITE PLAN REVIEW
CITY COMMISSION
September 23, 2014**

A. SUMMARY

SP-14-00345: A site plan for sidewalk hospitality area for Lady Bird Diner located at 721 Massachusetts Street. Submitted by Matt Cullen for Robert and Sandra Schumm, 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	2925 Sq. Ft.
Proposed Sidewalk Dining Area:	150 Sq. Ft.
Off-Street Parking Required:	Not required in Downtown Commercial District.

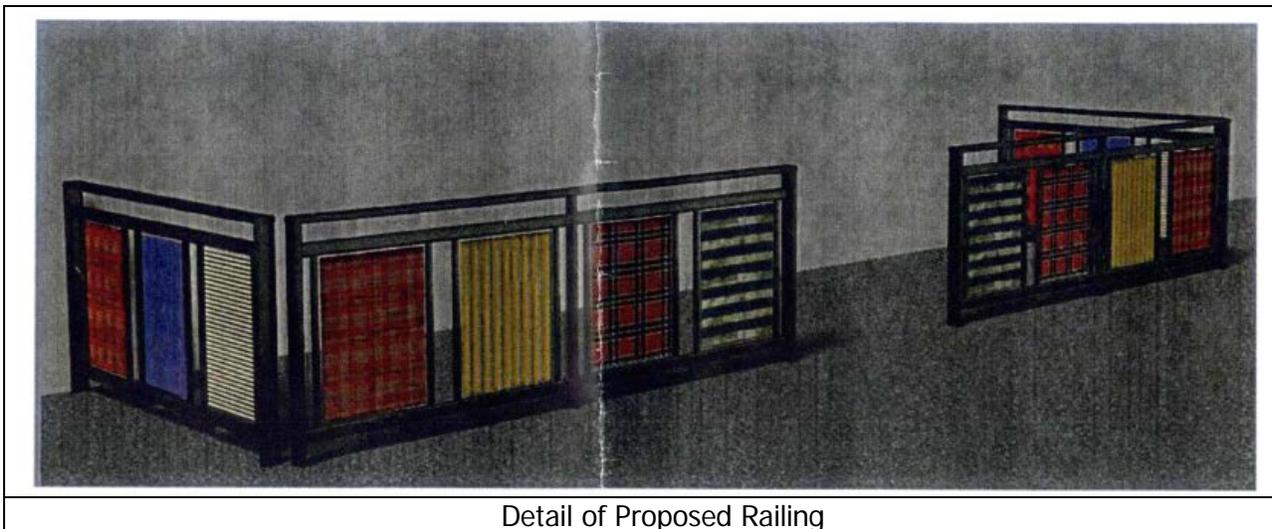
Staff Recommendation: Staff recommends approval of SP-14-00345, a site plan for sidewalk hospitality area, subject to the following conditions:

1. 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.
2. Execution of an agreement with the City of Lawrence for use of the right-of-way per Chapter 6-12 of the City Code.
3. A copy of the Owner Authorization Form.
4. A copy of the letter sent to property owners within 200'.
5. A revised site plan to include the following notes:
 - a. If umbrellas will be used in the dining area, all umbrellas shall be maintained at a height no less than 80 inches from the sidewalk surface to the lowest part of the umbrella's opened canopy.
 - b. A note to indicate if there will be amplified music for the dining area.
6. If alcohol will be served in the dining area, include the following notes on the plan:
 - i. Possession and consumption of alcohol in the sidewalk dining area is limited to patrons seated at tables;
 - ii. An employee of the licensee is working in the sidewalk dining area, or otherwise able to monitor the sidewalk dining area, to prevent alcoholic beverages or cereal malt beverages from leaving the licensed premises and to ensure compliance with other alcohol related provisions;
 - iii. All alcoholic beverages or cereal malt beverages consumed in the sidewalk

- dining area are in appropriate containers (no glasses, cans or bottles) unless the establishment demonstrates it meets the 55% food sales requirement;
- iv. No taps, kegs, coolers, or other alcoholic beverage or cereal malt beverage storage devices are used in the sidewalk dining area.

C. STAFF REVIEW

The applicant proposes to construct a 150 square-foot sidewalk area for dining service. The sidewalk dining area will extend outward from the east face of the building 6' and will be 25' long from north to south. The sidewalk dining area leaves an unobstructed clear space of 6 feet of the Massachusetts Street sidewalk. The proposed outdoor area will accommodate seating at tables with outdoor seating available for up to 8 people. The area will be separated from the pedestrian sidewalk with a railing 3' high.



Historic Resources Commission (DR-14-00353)

721 Massachusetts Street; Sidewalk Dining; State Law Review, Certificate of Appropriateness Review and Downtown Design Guidelines Review. The property is contributing to Lawrence's Downtown Historic District, National Register of Historic Places, and is located in the environs of Millers Hall (723-725 Massachusetts) and the House Building (729 Massachusetts), Lawrence Register of Historic Places. The property is also located in the Downtown Urban Conservation Overlay District.

In accordance with the Secretary of the Interior's Standards, Chapter 22 of the Code of the City of Lawrence, and the Downtown Design Guidelines, the standards of evaluation, the Historic Resources Administrator approved the proposed project and made the determination that the proposed project does not encroach upon, damage, or destroy listed historic properties or their environs.

The Historic Resources Commission will confirm the administrative approval of this project on September 18, 2014.



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 the South ½ Lot 29 and North ½ Lot 31, Massachusetts Street, 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.

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