

**SITE PLAN REVIEW
CITY COMMISSION
December 13, 2016**

A. SUMMARY

SP-16-00410: A site plan for sidewalk hospitality area for Mass Street Fish House located at 719 Massachusetts Street. Submitted by Hernly Associates, Inc. for Robert and Sandra Schumm, the property owners of record.

B. GENERAL INFORMATION

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

Surrounding Zoning and Land Use: To the north, west, south, and east: CD (Downtown Commercial District); Eating and Drinking Establishments, Retail Sales, Residential and Office. Also to the east is a city owned pedestrian access partial lot.

Site Summary:

Building:	2663 Sq. Ft.
Pavement to the West of the Building:	262 Sq. Ft.
Proposed Sidewalk Hospitality Area:	156 Sq. Ft.
Off-Street Parking Required:	Not required in Downtown Commercial District.

Staff Recommendation: Staff recommends approval of SP-16-00410, 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 6-1203 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.

C. STAFF REVIEW

The applicant proposes to construct an approximately 156 square foot sidewalk dining area for food and beverage service. The sidewalk hospitality area will extend outward from the east face of the building 6' for 26' from north to south. The center 7' will be utilized as an access to the entrance to the building and will not have tables or chairs. This access isle is 42 square feet and reduces the actual hospitality area to 114 square feet. The sidewalk hospitality area leaves an unobstructed clear space of 6' 6" of the Massachusetts Street sidewalk. The proposed outdoor area will accommodate four tables seating 16 people. The area will be separated from the pedestrian sidewalk with a railing 3' high. The site plan identifies that no umbrellas will be used in the designated area and no new exterior lighting is proposed at this time. A note on the site plan identifies that if these amenities are added in the future they will comply with the regulations for hospitality areas.

Historic Resources Commission (DR-16-00499)

The installation of a sidewalk hospitality area at 719 Massachusetts Street requires State Preservation Law Review, a Certificate of Appropriateness, and Downtown Design Guidelines Review. The property is a non-contributing structure to Lawrence's Downtown Historic District, National Register of Historic Places and is located in the environs of Miller's Hall (723 Massachusetts) and the House Building (729 Massachusetts). The property is also located in the Downtown Urban Conservation Overlay District.

Based on the information provided by the applicant and in accordance with Chapter 20-308(f)(3) of the City Code, staff reviewed this project using the Downtown Design Guidelines and determined that the project, as proposed, meets these development and design standards.

In accordance with the Secretary of the Interior's Standards, the standards of evaluation for the State Law Review, staff administratively approved the project and made the determination that the project does not damage or destroy any historic property included in the National Register of Historic Places or the State Register of Historic Places (Register of Historic Kansas Places).

In accordance with Chapter 22 of the Code of the City of Lawrence, the standards of evaluation for a Certificate of Appropriateness, staff administratively approved the project and made the determination that the project does not significantly encroach on, damage, or destroy the landmarks or their environs.

The Historic Resources Commission will confirm the administrative approval of this project on January 19, 2017.



Proposed Railing and Elevation

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 S ½ Lot 29, 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 the Downtown Plan.

(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 and 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.

Conclusion

The site plan, as conditioned, is in conformance with the City Code (Chapter 20, Chapter 22, and Chapter 6), and the Secretary of the Interiors Standards.