

**SITE PLAN REVIEW
CITY COMMISSION
October 22, 2013**

A. SUMMARY

SP-13-00376: A site plan for sidewalk hospitality area for Leroy's located at 729 New Hampshire Street. Submitted by Paul Werner Architects for Jean S. Hetzel Trustee, property owner of record.

B. GENERAL INFORMATION

Current Zoning and Land Use:	CD (Downtown Commercial District); Bar.
Surrounding Zoning and Land Use:	To the west, south, and east: CD (Downtown Commercial District); Eating and Drinking Establishments, Retail Sales, Residential and Office. To the north: CD (Downtown Commercial District); City owned parking lot.

Site Summary:

Building	5,636 Sq. Ft.
Proposed Sidewalk Dining Area:	203 Sq. Ft.
Off-Street Parking Required:	Not required in Downtown Commercial District.

Staff Recommendation: Staff recommends approval of SP-13-00376, 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.
3. Correction of the notes on the site plan to include the following:
 - a. 203 s.f. sidewalk Hospitality Area Occupancy:12
 - b. Enforcement Compliance Criteria updated to reflect changes made in February 2013.

C. STAFF REVIEW

The applicant proposes to construct a 203 square-foot sidewalk area for alcohol beverage service. The sidewalk hospitality area will extend outward from the east face of the building 6.29' for approximately 21' when it recesses 1' and runs another 13.88'. The total length from north to south will be approximately 35'. The sidewalk hospitality area leaves an unobstructed clear space of 6 feet of the New Hampshire Street sidewalk. The proposed outdoor area will accommodate seating at tables with outdoor seating available for up to 12 people. The adjacent note identifies the occupancy at 13. This should be corrected. The area will be separated from the pedestrian sidewalk with a railing 3' high. The enforcement compliance criteria on the face of the plan should be updated to reflect the changes made in February 2013 including the provision for umbrellas to be maintained at a

height no less than 80 inches from the sidewalk surface to the lowest part of the umbrella's opened canopy.

Historic Resources Commission (DR-13-00377)

The addition of a hospitality area at 729 New Hampshire Street requires State Preservation Law Review, Certificate of Appropriateness Review and Downtown Urban Conservation Overlay District Review. The property is a contributing structure 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 October 17, 2013.



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 New Hampshire Street, South Half Lot 33, Lots 35 and 37, and the north 9" of Lot 39, 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. Bars 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 New Hampshire Street for safe pedestrian movement to and from the subject business.