

**SITE PLAN REVIEW
CITY COMMISSION
November 26, 2013**

A. SUMMARY

SP-13-00324: A site plan for sidewalk hospitality area for Jimmy John's located at 922 Massachusetts Street. Submitted by Arizado Design for Terra Firma LTD, property owner 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, and west: CD (Downtown Commercial District); Eating and Drinking Establishments, Retail Sales, Residential and Office.
To the west: GPI (General Public and Institutional); City owned parking garage.

Site Summary:

Building	5561 Sq. Ft.
Proposed Sidewalk Dining Area:	134 Sq. Ft.
Off-Street Parking Required:	Not required in Downtown Commercial District.

Staff Recommendation: Staff recommends approval of SP-13-00324, 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. Execution of a Site Plan Performance Agreement.

C. STAFF REVIEW

The applicant proposes to construct a 134 square-foot sidewalk area for outdoor dining. The sidewalk dining area will extend outward from the west face of the building 6' 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 three tables with outdoor seating available for up to 12 people. The area will be separated from the pedestrian sidewalk with a railing 3' 6" high. There will be an opening in the railing to allow for egress to the building.

Historic Resources Commission (DR-13-00487)

922 Massachusetts Street is listed as a contributing structure to Lawrence's Downtown Historic District, National Register of Historic Places. The property is also within the Downtown Urban

Conservation Overlay District. Sidewalk Dining for this property requires review under the State Preservation Law Review and the Downtown Design Guidelines.

In accordance with the Secretary of the Interior's Standards 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 December 19, 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 Lot 80, Massachusetts Street, 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.