



City of Lawrence  
Douglas County  
PLANNING & DEVELOPMENT SERVICES

**Lawrence Douglas County  
Metropolitan Planning Office**  
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## REQUEST FOR INITIATION of a TEXT AMENDMENT

### APPLICATION FORM

#### APPLICANT/AGENT INFORMATION

Contact Joy Rhea  
Company Paul Werner Architects  
Address 123 W. 8th Street, Suite B2  
City Lawrence State Kansas ZIP 66044  
Phone ( 785 ) 832-0804 Fax ( 785 ) 832-0890  
E-mail joyr@paulwernerarchitects.com Mobile/Pager (      )       
Pre-Application Meeting Date 12.08.09 Planner SM,SS,LZ,ML

Are you submitting any other applications? If so, please state which one(s).

Please identify the section of the Development Code or Subdivision Regulations proposed to be amended. 20-403, 20-509(3)

Please provide proposed amendment. (Attach additional sheets if needed)

See Attached Memo



**Please respond to the following questions to the best of your knowledge. In reviewing and making decisions on proposed text amendments review bodies shall consider the following factors. (Attach additional sheets if needed.)**

- 1. Does the proposed text amendment correct an error or inconsistency in the Development Code or Subdivision Regulations?** If so, please provide the specific error found and/or reference the specific section of the Development Code that is inconsistent with the section identified to be amended above.

See Attached Memo

- 2. Does the proposed amendment meet the challenge of a changing condition?**  
If so, please explain.

See Attached Memo

- 3. Is the proposed amendment consistent with Horizon 2020? Please explain.**

See Attached Memo

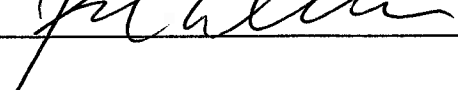
- 4. Is the proposed amendment consistent with the stated purpose of the Development Code? See Sec. 20-104 of the Development Code for the stated purpose.**

See Attached Memo



**SIGNATURE**

By execution of my/our signature, I/we do hereby officially apply to request initiation of the proposed text amendment as indicated above.

Signature(s):  Date 1-20-10  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**STAFF USE ONLY**

Application No. \_\_\_\_\_  
Date Received \_\_\_\_\_  
Planning Commission Date \_\_\_\_\_  
Fee \$ \_\_\_\_\_  
Date Fee Paid \_\_\_\_\_

**paulwerner**  
ARCHITECTS

FROM: Joy Rhea  
TO: Michelle Leininger  
RE: Text amendment for MU zoning  
DATE: January 20, 2010

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**Please identify the section of the Development Code or Subdivision Regulations proposed to be amended.**

20-403, 20-509(3), 20-524

**Please provide proposed amendment**

20-403 Eating and Drinking Establishments -

1. Bar or Lounge Establishments are allowed in the MU District as a special use with the following standards located in 20-509(3).
2. The Asterisk need to be removed from the use table behind the permitted use of a quality restaurant in the MU District.

20-509(3) Bar or Lounge

Bar or Lounge establishments are allowed in the MU District as a special use with no expiration date provided the net floor area (customer occupied space) shall not exceed 5,000 S.F., the dance floor shall be no larger than 500 S.F. If a bar or lounge is an existing establishment allowed by-right at the time it was established the use will be considered an approved special use and will be allowed to continue without a public hearing.

20-524 Quality Restaurants

The quality restaurant square footage should be increased so that the Gross Floor Area shall not exceed 8,000 S.F.

**Does the proposed text amendment correct an error or inconsistency in the Development Code or Subdivision Regulations?**

20-403

1. Bars and lounges are not currently allowed in the MU District and should the Oread Neighborhood plan be approved with a MU District along 14<sup>th</sup> Street The Wheel and The Hawk which are existing bars would remain non-conforming uses unless the Development Code is amended to allow bars and lounges.

2. Currently restaurants in the MU district don't have restrictions. Removing the asterisk would correct the error in the use table which points readers to section 524.

20-509(3)

By making bars and lounges a special use in the MU District it allows control over the number, size and type of bars.

20-524

The quality restaurant square footage limitation needs to be removed, there's not a quality restaurant that can build a building of only 3,000 S.F. and do business in Lawrence. If the regulations are to remain at 3,000 S.F. the City of Lawrence will gain more fast food restaurants and not gain quality restaurants like Olive Garden or Texas Roadhouse etc.

**Does the proposed amendment meet the challenge of a changing condition?**

The conditions that require these amendments are no different than when the Development Code was written. These amendments are being proposed so that the Development Code meets the current conditions found in Lawrence.

**Is the proposed amendment consistent with Horizon 2020?**

Page 6-6 of Horizon 2020 states that "mixed use districts shall include a mix of uses designed to maintain the character of the surrounding neighborhood, achieve integration with adjacent land uses and be no larger than 20 acres in size." By adding bars and lounges to the mixed use district with the approval of a Special Use permit, the goal stated in H2020 is achieved and the character of the neighborhood is preserved by allowing historical businesses such as The Hawk located at 1340 & 1342 Ohio and The Wheel located at 507 W. 14th to be conforming uses.

Horizon 2020 does not place a restriction on the square footage of quality restaurants but rather places the restrictions on the square footage of an entire development. With that in mind a land owner and developer should be the ones to decide how they will use the allowable square footage for their development. By removing the 3,000 S.F quality restaurant restriction, decisions can be made by the owners and quality restaurants can locate in Lawrence should they choose to do so.

**Is the proposed amendment consistent with the stated purpose of the Development Code?**

This text amendment in no way endangers health, safety and general welfare of the citizens of Lawrence but allows the diversification of the uses in the MU district.