

TO: Planning Commission
FROM: Bill Mitchell 1201 Emery Road 66044
SUBJ: Text Amendment to Mixed Use staff recommendation
DATE: 19 May 2010

I've now seen the staff recommendation for the MU text amendment and am overwhelmed by the complexities. Although staff apparently prefers pretty much the *status quo*, I favor (and I hope you do, too) the establishment of a second MU district that would allow bars as a SUP, thus making it very clear, both now and in future, that bars are positively excluded from the original MU. I think that would serve not only 1420 Crescent well, but could also serve other plain MUs in future. To rely solely on the SUP provision just opens the door to perpetual harassment of neighbors by overreaching commercial owners.

I am also disappointed - but not surprised - that the matter of providing neighbors notification of *de facto* zoning changes by text amendment/administrative decision was not mentioned (not, at least, so far as I could see in its multi-colored complexity). This may serve the Planning Dept. well, but it does the community a disservice.

I am also puzzled by the non-inclusion of my letter of 25May10 in the packet of staff recommendations. "The comments we have received since the last meeting are attached..." - well, some of them are.

cc: West Hills Homes Association; University Heights Neighborhood Association; ~~Stacy Corliss~~ David Corliss

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MAY 21 2010

City County Planning Office
Lawrence, Kansas

From: [Scott McCullough](#)
To: [Michelle Leininger](#); [Denny Ewert \(Brown\)](#)
Subject: FW: Feedback from Planning and Development Services contact page
Date: Wednesday, March 24, 2010 5:46:45 PM

For CC packet when it moves forward.

Scott McCullough, *Director* - smccullough@ci.lawrence.ks.us
Planning and Development Services | www.lawrenceks.org
City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence, KS 66044-0708
office (785) 832-3154 | fax (785) 832-3160

From: JayMHaugh@aol.com [mailto:JayMHaugh@aol.com]
Sent: Wednesday, March 24, 2010 4:22 PM
To: Scott McCullough
Subject: Feedback from Planning and Development Services contact page

To Whom It May Concern:

We are unable to attend the planning commission meeting tonight (March 24, 2010) but would like to express to the committee our deep opposition to any amendment to 20-403, 20-509(3) and 20-524 that would permit Bars and Restaurants in the MU district in and around 1420 Crescent.

Please strongly consider the potentially devastating impact of such a move on this family oriented neighborhood before voting on any changes.

Thank you for your time.

Jay and Dan Haugh
1512 University Drive
Lawrence. Kansas 66044
785-843-7620

From: [Scott McCullough](#)
To: [Michelle Leininger](#)
Subject: FW: Text Amendment TA-1-1-10, to allow bars and restaurants in the Mixed Use (MU) District zoning .
Date: Tuesday, April 13, 2010 8:11:07 AM
Attachments: [John P Stacy SIOR.vcf](#)
Importance: High

For PC correspondence on the MU TA.

Scott McCullough, Director - smccullough@ci.lawrence.ks.us

Planning and Development Services | www.lawrenceks.org

City Hall, 6 E. 6th Street

P.O. Box 708, Lawrence, KS 66044-0708

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From: John Stacy [<mailto:jstacy@kc.rr.com>]
Sent: Friday, April 09, 2010 2:00 PM
To: Scott McCullough
Cc: Stacey Dillon; Allyn Risley; 'Allyn Risley'; Brett McClellan; 'David Gage'; Eric Trompeter; John P. Stacy; jparker@mainlineprinting.com; Terrance.Wilson@westarenergy.com; 'Terry Wilson'; Tom Wiggans
Subject: Text Amendment TA-1-1-10, to allow bars and restaurants in the Mixed Use (MU) District zoning .
Importance: High

Scott:

My name is John Stacy. I am president of the House Corporation of the SAE house at 1301 W Campus Rd.

My board is very concerned about the possibility of having a bar in the vicinity of the house where the Jayhawk Book Store is located—at Naismith and Crescent, virtually in our back yard.

Drinking and underage drinking on and near our campus is a huge problem. We do not believe that adding another alcoholic environment near the three sorority and two fraternity houses is appropriate. We cannot state our objection to this possibility strongly enough. I would be glad to discuss this with you should you wish. My contact information is attached.

Thank you.

S/

John Stacy

President

SIGMA ALPHA EPSILON FRATERNAL ASSOCIATION

1301 W Campus Rd

Lawrence KS 66044

From: [Scott McCullough](#)
To: [Michelle Leininger](#)
Subject: FW: proposed Text Amendment TA-1-1-10
Date: Tuesday, April 13, 2010 8:09:04 AM

Correspondence for PC on MU TA.

Scott McCullough, Director - smccullough@ci.lawrence.ks.us
Planning and Development Services | www.lawrenceks.org
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From: John Parker [mailto:jparker@mainlineprinting.com]
Sent: Monday, April 12, 2010 1:38 PM
To: Scott McCullough
Cc: 'John Stacy'; stacey dillon (RS2GDillon@aol.com)
Subject: proposed Text Amendment TA-1-1-10

Scott—

I am on the Sigma Alpha Epsilon Fraternal House Corporation board at KU. It has come to our attention that the proposed Text Amendment TA-1-1-10 is before the Planning Commission. Our board president will speak on the SAE fraternity board's behalf, but I would like to comment on this amendment as a Lawrence citizen.

Our SAE board is in a forever search for the right mix of "fraternity living" in a residential neighborhood. I think that our chapter has done a good job recently of behaving as good neighbors should. I fear that a bar in the neighborhood will disrupt an already delicate balance.

Furthermore, and honestly more importantly, the constant/unending fight against underage drinking among the student population is very real. We spend more time with our undergrads on the subject of alcohol use/abuse than any other topic. While there may be appropriate mixed use options related to this amendment for other locations in the city, I want to strongly oppose the option of a bar locating as close to the general student living population as the Jayhawk Bookstore...either now or in the future.

Thank you for your time and for passing my comments on to the

commissioners,

John Parker
1704 Prestwick Dr
Lawrence, KS 66047

April 16, 2010

*Mr. Scott McCullough
Director Planning and Development Services
City Hall, 6 East 6th Street
P.O. Box 708
Lawrence, KS 66044-0708*

Dear Scott,

This letter is a follow up to the Planning Commission meeting I attended in regards to the proposed Text Amendment TA-1-1-10. I am the President of the Chi Omega Corporation Board and am writing this letter on behalf of our entire Board and many of our alumnae.

The Chi Omega House, located at 1345 West Campus Road, is listed on the State Register of Historic Places and the building is significant for its rare Jacobethan style architecture. The change proposed by this amendment to the existing bookstore will encroach upon, damage and destroy the environs of the Chi Omega House. We feel it is extremely important that you consult with the city Historic Resources Administrator, Lynne Braddock Zollner. Chi Omega has been diligent about consulting with your department before every project and has always followed your recommendations. In fact, we won an Award for Excellence in 2002 from the Kansas Preservation Alliance.

We have always prided ourselves as being a major focal point for the gateway to the University of Kansas. As such, we feel that it is highly inappropriate for the city to change the existing zoning so as to allow a bar, nightclub or restaurant to be constructed there. Is that type of use what the city and the university want as the focal point for the entrance to KU? Aren't we, as a concerned community, all working together to discourage the excessive use of alcohol amongst our students? We believe this amendment will encourage the use of alcohol and damage the integrity of our university and our beautiful campus. We should instead be striving to make this gateway something that will be safe for our students and one of which we can all be proud.

We strongly oppose the Text Amendment TA-1-1-10 and hope that you will share our concerns and our recommendation that this amendment should not pass with the members of the Planning Commission.

We all look forward to an outcome that will save the integrity of our neighborhood and benefit the city of Lawrence and the University of Kansas. Thank you for your time and effort in this matter. Please telephone me at 785-865-5303 if you have any questions.

Sincerely,

*Stacey Dillon
Chi Omega Corporation Board President*

Gamma Phi Beta



Sigma Chapter
1339 West Campus Road
Lawrence, Kansas 66044

University of Kansas

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APR 19 2010

City County Planning Office
Lawrence, Kansas

April 19, 2010

Dear Sirs:

We, the Corporation Board of Gamma Phi Beta at the University of Kansas, are alarmed by the proposal to allow a bar or any establishment serving alcohol at the site of the current Jayhawk Bookstore at 1420 Crescent Road adjacent to our sorority house.

In light of the on-going struggle students at K. U. have with underage drinking and the recent recognition of this problem and the community's attempts to address this very serious issue, it seems ludicrous that you would consider this proposal.

Furthermore, parking is at a premium in this area and we cannot imagine this problem would not be exacerbated by such an establishment.

We urge you to deny this request to establish a bar or any form of drinking establishment at 1420 Crescent Road.

Thank you for your consideration.

Sincerely,

The Corporation Board, Betty Crooke, Chairman

The Corporation Board of Sigma of Gamma Phi Beta
1339 West Campus Road

Michelle Leininger

From: Scott McCullough
Sent: Friday, April 30, 2010 11:33 AM
To: 'Bill Muggy'
Cc: Michelle Leininger; Sheila Stogsdill; John Miller
Subject: Jahwak Rezoning

Bill,

Thanks for the discussion today. I've attached the approving ordinance if it helps. As we discussed, one of the options we will be sharing with the PC is to rezone your property, at the city's cost and effort, to prohibit the Bars or Lounge use. Of course, this depends on whether the PC will support staff's proposal to permit Bars or Lounge as a special use in the current district or whether they desire a new district for Bars or Lounge.

In our conversation you stated that you would likely accept that option as long as the property maintained its ability to have a Quality Restaurant and Accessory Bar. Both are permitted in the MU district. An accessory bar has limitations (think of an Applebee's or Red Lobster) but is permitted outright in the MU district. A Brewpub is permitted with a Special Use Permit as well. Please see definitions below.

Restaurant, Quality

An eating establishment where the principal business is the dispensing and consumption of prepared foods and/or beverage at tables, not including bars, brewpubs or nightclubs. Table service by food & beverage servers is available at "quality restaurants".

Accessory Bar

An accessory bar is a part of a quality restaurant or high turnover restaurant offering alcoholic beverages. An accessory bar is not separated by a permanent wall from the restaurant to which it is accessory, and generally shares one or more entrances, as well as restrooms, coatrooms and other facilities, with the restaurant. An establishment with an accessory bar will generally characterize itself in its signs, advertising and other promotions as a restaurant or food-service establishment rather than as a bar.

Brewpub

A bar or accessory bar in a restaurant that manufactures up to 5,000 barrels of fermented malt beverages per year on [Premises](#) for either consumption on [Premises](#) in hand-capped or sealed containers in quantities up to one-half barrel or 15 and one-half gallons sold directly to the consumer.

Michelle – please incorporate a discussion of these matters in the staff report. Also, Mr. Muggy requested all correspondence on the MU amendment. Please forward to him.

Thanks.

Scott McCullough, Director - smccullough@ci.lawrence.ks.us

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From: [Bill Muggy](#)
To: [Michelle Leininger](#)
Cc: [Scott McCullough](#)
Subject: Re: MU District Text Amendment
Date: Monday, May 17, 2010 4:51:49 PM

On 5/17/2010 4:01 PM, Michelle Leininger wrote:

Good afternoon,

Attached are the staff report, the proposed amendments, and the communications for the MU District. The textual changes look like a lot but mostly we moved the standards to one location (from Section 20-233 to 20-1108) and did a little tweaking. Please review and let me know if you have any questions. The PC will hear the item on Monday, May 24th in the City Commission room beginning at 6:30. The item is number 5 on the agenda. Again, let me know if you have any questions.



Michelle Leininger, AICP, *Area and Neighborhood Planner*-
mleininger@ci.lawrence.ks.us
Planning Division | www.lawrenceks.org/pds/
P.O. Box 708, Lawrence, KS 66044
office (785) 832-3163 | fax (785) 832-3160

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Michelle:

Due to a misunderstanding, regarding an MU use, which I though Scott indicated as permiotted, I would like to leave my property zoned as it is with the restrictions.

The agenda item should exclude me. Hopefully that will allow a satisfactory out come for your staff and the Wheel/Hawk.

My endurance level with the neighbors has run out. After 33 years of attacks, their arrows need to be quivered.

Thanks.
Bill Muggy

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