

ORDINANCE NO. 6432

AN ORDINANCE PROVIDING FOR THE REZONING OF CERTAIN TRACTS OF LAND IN THE CITY OF LAWRENCE, KANSAS, FROM C-4 (GENERAL BUSINESS) AND M-3 (INTENSIVE INDUSTRIAL) TO PCD-1 (PLANNED COMMERCIAL DEVELOPMENT) AS HEREINAFTER SET FORTH, AND AMENDING THE ZONING DISTRICTS MAP INCORPORATED BY REFERENCE IN CHAPTER 20, ARTICLE 5, SECTION 501, OF THE "CODE OF THE CITY OF LAWRENCE, KANSAS, 1990."

WHEREAS, after due and lawful notice and hearing, the Lawrence-Douglas County Metropolitan Planning Commission recommended that the zoning classifications for the following described tracts of land within the City of Lawrence, Douglas County, Kansas, to-wit:

Tract I

M-3 to PCD-1:

Block 1, Wickes Addition to the City of Lawrence, Douglas County, Kansas, less the East 400 feet, containing 3.668 acres,

be changed from M-3 (Intensive Industrial) to PCD-2 (Planned Commercial Development), subject to conditions; and,

Tract II

C-4 to PCD-1:

The East 400 feet of Block 1, Wickes Addition to the City of Lawrence, Douglas County, Kansas, containing 8.323 acres; and the west half of the right-of-way for U.S. Highway 24, 40 & 59 adjoining Block 1, Wickes Addition, containing 1.735 acres,

be changed from C-4 (General Commercial) to PCD-2 (Planned Commercial Development), subject to conditions; and,

WHEREAS, after due and lawful notice the zoning recommendation came on for hearing before the governing body of the City of Lawrence, Douglas County, Kansas, and after due consideration and deliberation the recommended zoning change was approved.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

SECTION I. The above stated recitals are by reference incorporated herein, and shall be as effective as if repeated verbatim.

SECTION II. That the zoning district classifications for the following described tracts of land situated in the City of Lawrence, Douglas County, Kansas, to-wit:

Tract I

M-3 to PCD-1:

Block 1, Wickes Addition to the City of Lawrence, Douglas County, Kansas, less the East 400 feet, containing 3.668 acres,

be and the same is hereby changed from that of M-3 (Intensive Industrial) to PCD-1 (Planned Commercial Development) as such district is defined and prescribed in Chapter 20 of the "Code of the City of Lawrence, Kansas, 1990," and amendments thereto, subject to the following conditions:

- 1) That a flood plain development permit be issued;
- 2) That the developer implement the traffic improvements proposed in a manner acceptable to KDOT, KTA and the Lawrence Public Works Department;
- 3) That the uses be limited to Use Groups 7, 9, 11, and those uses in Use Group 12 which are specified in the memorandum of agreement and listed on the preliminary development plan;
- 4) That the size of Phase 1 of the project cannot be increased by administrative approval, rather such approval must be granted by the governing body of the city; and,
- 5) The applicant execute an agreement not to protest benefit districts for street and/or drainage improvements;

AND,

Tract II

C-4 to PCD-1:

The East 400 feet of Block 1, Wickes Addition to the City of Lawrence, Douglas County, Kansas, containing 8.323 acres; and the west half of the right-of-way for U.S. Highway 24, 40 & 59 adjoining Block 1, Wickes Addition, containing 1.735 acres,

be and the same is hereby changed from that of C-4 (General Commercial) to PCD-1 (Planned Commercial Development) as such district is defined and prescribed in Chapter 20 of the "Code of the City of Lawrence, Kansas, 1990," and amendments thereto, subject to the following conditions:

- 1) That a flood plain development permit be issued;
- 2) That the developer implement the traffic improvements proposed in a manner acceptable to KDOT, KTA and the Lawrence Public Works Department;

- 3) That the uses be limited to Use Groups 7, 9, 11, and those uses in Use Group 12 which are specified in the memorandum of agreement and listed on the preliminary development plan;
- 4) That the size of Phase 1 of the project cannot be increased by administrative approval, rather such approval must be granted by the governing body of the city; and,
- 5) The applicant execute an agreement not to protest benefit districts for street and/or drainage improvements;

SECTION III. That the Zoning Districts Map incorporated by reference in and by Chapter 20, Article 5, Section 501, of the "Code of the City of Lawrence, Kansas, 1990," be and the same is hereby amended by showing and reflecting thereon the new zoning district classification for the aforesaid tracts, as set forth in Section II of this ordinance.

SECTION IV. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED by the Governing Body of the City of Lawrence, Kansas, the 27<sup>th</sup> day of April, 1993.

APPROVED:

John Nalbandian

JOHN NALBANDIAN, Mayor  
I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said ordinance was passed on the 27<sup>th</sup> day of April, 1993, that the record of the final vote on its passage is found on page \_\_\_\_\_ of Journal \_\_\_\_\_, that it was published in the Lawrence Daily Journal-World on the 30<sup>th</sup> Day of March, 1993.

Raymond J. Hummert  
City Clerk

ATTEST:

Raymond J. Hummert  
RAYMOND J. HUMMERT, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Paul J. Cooley 4/15/93  
Date

LEGAL DESCRIPTION VERIFIED:

P. Bone 4/15/93  
Date



**MEMORANDUM OF UNDERSTANDING AND COOPERATION**

This Memorandum of Understanding and Cooperation is entered into this 22nd day of February, 1993 between STANLEY K. TANGER & COMPANY ("Tanger") and DOWNTOWN LAWRENCE, INC. ("DLI").

WHEREAS, Tanger has proposed the development and construction of a factory outlet center project ("project") in Lawrence, Kansas at the intersection of North 3rd Street (US 24/40/59) and the Kansas Turnpike (I-70) and Tanger and DLI have had discussions regarding the ways and means to enhance the project so that it reaches its maximum potential benefit for the City of Lawrence as a whole, Tanger and DLI; and

WHEREAS, the parties have met and discussed issues of mutual interest on a number of occasions and have reached an understanding and agreement regarding the pending application for rezoning ("rezoning application") and development plan for the project and other related matters and Tanger and DLI agree to the provisions described in this Memorandum and DLI agrees to express its support for the rezoning application and development plan for the project without condition or delay, except as provided in this Agreement.

In consideration of the mutual promises and agreements contained herein the parties agree as follows:

**A. CONDITIONS TO BE INCLUDED IN PCD-1 REZONING ORDINANCE AND/OR DEVELOPMENT PLAN**

Tanger agrees that the following items shall be specifically included as conditions, restrictions or amendments to the

rezoning application and/or development plan with respect to the project, as follows:

1. Signage.

(a) Tanger agrees to grant an easement or license for the erection and maintenance of a sign on the 25 foot greenspace along North 3rd Street approximately 90' to 100' south of the main entrance, angled so that it would be visible to motorists at the stoplight exiting from the KTA access road. The sign shall be approximately 5' by 25' in size, the top of which is not more than 6' above the ground, with wording to the effect of "Historic Downtown Lawrence and Riverfront Factory Outlet Center" with an arrow pointing to the left and "Tanger Factory Outlet Center" with an arrow pointing straight ahead. Other conditions include the following:

- (1) it will be well designed and attractive;
- (2) it will be kept free of obstructions from landscaping and the like;
- (3) electrical service shall be available so that it can be lighted; and
- (4) costs of construction, maintenance, and operation shall be shared among DLI, Tanger and the Chelsea Group ("Chelsea").

The easement or license is conditioned on the agreement by DLI, Chelsea and Tanger to request the City of Lawrence (and all other authorities) to erect signage at (1) 23rd & Massachusetts

Streets; (2) at the City parking lot directly across from the exit of the City parking garage at the Riverfront Plaza Outlet Center; and (3) directional signage at the exit of the City parking garage at the Riverfront Plaza Outlet Center, which signage will specifically direct motorists to the Tanger Factory Outlet Center.

(b) Tanger will erect, at its cost, directional signs at the two exits from the Tanger project directed toward eastbound traffic exiting the parking lot which signage shall contain information to the effect of "Thank You For Shopping With Us. Turn Right For More Shopping At The Riverfront Outlet Mall And Historic Downtown Lawrence". Such signs will be of sufficient size to be legible to motorists exiting the project and, if necessary, Tanger will request a variance to increase the size of such signage, so long as the size increase will not impair operation of the project or safety.

2. Brochure Exchange. Tanger shall make available in the enclosed common area at the project a brochure rack or other facility in which DLI, downtown merchants and Chelsea may place brochures available for visitors to the project, on condition that a similar brochure rack or facility is made available at (1) the Riverfront Plaza Factory Outlet Center and (2) at other stores or

locations, over which DLI or its members have control, in which locations Tanger may place its brochures.

3. Limitation on Floor Size, Uses and Food Service.

Tanger and DLI will propose and advocate to the Lawrence-Douglas County Planning Commission and the Lawrence City Commission that the rezoning ordinance and/or development plan for the project should contain restrictions or limitations as follows:

(a) That the size of any single store at the project be limited to a maximum of 50,000 s.f.;

(b) That the uses permitted may include but shall not be limited to:

(A) Residential dwelling units (attached, detached, or mixed).

(B) Any use permitted in Use Group 7 - Community Facilities - Public Utilities; Use Group 9 - Professional Offices; Use Group 11 - Inner Neighborhood Commercial Uses; and Use Group 12 - Retail Stores - Personal Services, except those stricken on Exhibit "A", and allowing a use of "appliance, furniture, home furnishings, sales, rental repair" but limited to a maximum of 15,000 s.f. in size; and

(c) No more than 7 1/2% of the gross leasable space of the project may be used for food service, provided however, that intermittent or occasional temporary food service for special events such as charity

sales and vending machines shall not be included within the definition of "food service".

4. Landscaping. The development plan will contain a specific requirement that trees, shrubbery and other landscaping which die shall be replaced on a timely basis.

**B. ITEMS INCLUDED IN THE MEMORANDUM OF UNDERSTANDING AND COOPERATION**

The following agreements shall be binding on the parties and shall not be included as conditions, restrictions or amendments to the rezoning ordinance and/or development plan.

5. Additional Signage.

- (a) Tanager and DLI will continue to request the Kansas Turnpike Authority ("KTA") to install signage at the access road between the East Lawrence Toll Booth and North 3rd Street which will direct travelers to "Historic Downtown Lawrence and Factory Outlet Shopping" south and "Factory Outlet Shopping" straight ahead. Tanager will attempt to gain the agreement of KTA and other agencies as required for the installation of such signage, particularly overhead signage over the KTA access road.
- (b) Tanager and DLI will request that the City of Lawrence and other necessary agencies will allow the erection of signage at the intersection of

23rd Street and Massachusetts Street, along 6th Street and such other locations as is appropriate in the City of Lawrence directing motorists to "Historic Downtown Lawrence and Factory Outlet Shopping".

6. Transportation Linkage. Tanger commits to work with DLI, the City of Lawrence and other interested groups toward future planning and appropriate cost sharing for a bus, trolley or other transportation linking the project, Downtown Lawrence and the Riverfront Plaza Factory Outlet Center. Any such transportation system must, however, be accomplished consistent with and in order to promote expansion of other public transportation facilities in the City of Lawrence as needed.
7. Accessibility South on North 3rd Street. Tanger agrees to continue to support the design of the south exit from the project onto North 3rd Street as shown on the preliminary development plan.
8. North 2nd Street Land Use Plan. Tanger agrees to indicate its support for the development of a reasonable land use plan for North 3rd and North 2nd Street. Such plan must allow for reasonable land use and development along North 2nd Street and promote improvement of property use along North 2nd Street in a manner which is beneficial for North 2nd Street landowners, north Lawrence homeowners, Downtown Lawrence and the entire community.

9. Lobbying for Eastern Parkway. Tanger will join in and commit to be an active participant in lobbying for the Eastern Parkway with local, state and federal authorities. Tanger recognizes the importance of prompt construction of the Eastern Parkway and its beneficial impact on the entire community, as well as improvement of other transportation facilities in Lawrence and Douglas County.
10. Joint Marketing. Tanger agrees to participate in the funding, planning and expenditure of an annual joint marketing fund, the purpose of which would be strictly limited to marketing shopping at the Tanger project, Riverfront Plaza Factory Outlet Center and Downtown Lawrence. Tanger and Chelsea will make annual contributions to the fund in an amount equal to 10¢ per square foot of gross leasable space at each outlet center and DLI will contribute \$3,000.00 per year. Expenditure of the funds will require unanimous approval of a three person joint marketing committee comprised of representatives of Tanger, Chelsea and DLI and, in the event of a dispute, the Lawrence Convention and Visitors Bureau would be requested to mediate and reach a resolution regarding specific plans for expenditure.
11. Architecture. Tanger will comply with the planned commercial development zoning regulations regarding architectural issues, including depiction of elevations

on the final development plan in the event such elevations are substantially amended from those shown on the preliminary development plan. Additionally, Tanger will continue to provide DLI representatives the opportunity to review preliminary architectural drawings as the design phase continues and to receive input regarding design and architecture. In particular, Tanger agrees that the design of the building will contain red brick trim or accent and distinctive architectural features so that the project will be esthetically pleasing to the extent reasonably possible. Tanger will make its best efforts to make available to the public a rendered elevation or drawing of the final architectural design prior to consideration of the application and development plan by the Lawrence City Commission.

This Memorandum of Understanding and Cooperation is entered into the day and date first written above.

STANLEY K. TANGER & COMPANY

By   
Steven B. Tanger, Vice-President

DOWNTOWN LAWRENCE, INC.

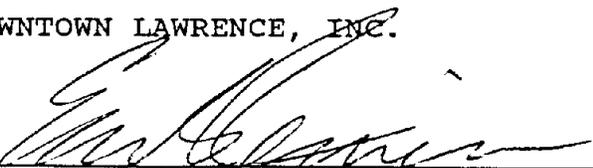
By   
Earl Reineman, President

TABLE IV

	Zoning Districts						Permitted Use Groups	Parking Group	Special Condition
	CP	C1	C2	C3	C4	C5			
20-709.1	S	S	S		S	S	USE GROUP 1. AGRICULTURE-ANIMAL HUSBANDRY as set forth in Section 20-610.1 subject to "Special Conditions" reference set forth therein.		
20-709.2	P	P	P	P	P	P	USE GROUP 2. AGRICULTURE-FIELD CROPS as set forth in Section 20-610.2.		
20-709.21		P					USE GROUP 3. RESIDENTIAL-SINGLE-FAMILY DETACHED as set forth in Section 20-610.3.	1	
20-709.3		S	S	S		S	USE GROUP 4. RESIDENTIAL-MULTI-FAMILY as set forth in Section 20-610.5.	2	1428/ 1446/ 1447
20-709.4			S	S		S	USE GROUP 5. RESIDENTIAL-DORMITORY as set forth in Section 20-610.6.	2	1428/ 1446/ 1447
20-709.5			S	S	S	S	USE GROUP 7. COMMUNITY FACILITIES AND UTILITIES-RESIDENTIAL as set forth in Section 20-610.8, subject to "Special Conditions" reference set forth therein.		
20-709.6	S	S	S	S	S	S	USE GROUP 8. TEMPORARY USES as set forth in Section 20-610.9 subject to "Special Conditions" reference set forth therein.		
20-709.7			S	S	S	S	USE GROUP 9. PROFESSIONAL OFFICES as set forth in Section 20-610.10, subject to "Special Conditions" reference set forth therein.		
20-709.8	S	S	S	S	S	S	USE GROUP 10. OFF STREET PARKING. Off-street parking areas and accessory uses for customer parking or parking for a fee 1. Off-Street Parking Off-street parking lot, fee or customer		1213
20-709.9		S	S	S	S	S	USE GROUP 11. INNER NEIGHBORHOOD COMMERCIAL USES. These uses are limited in development, intensity and traffic-generating capacity to uses which are compatible with established residential neighborhoods. Bicycle sales, rental or repair Book store, new or used Dry cleaning outlet store Food store, not including 24 hr. convenience store Hair care establishment Laundry, self-serve Quick copy center Restaurant, not including one with drive-up facilities or service to automobiles Retail bakery Shoe repair service Studio for professional work or for teaching of any form of fine arts i.e. photograph, music, dancing, drama, etc. (Ord. 5658, Sec. VI)		1428/ 1446
20-709.10			S	S	S	S	USE GROUP 12. RETAIL STORES-PERSONAL SERVICES. Certain types of retail stores and service establishments which: (a) Provide for a wide variety of local consumer and transient needs, and (b) Have a small service area and are, therefore, not distributed widely throughout the city (1) Retail Stores and Service Establishments ✓ Altering, pressing, repairing of wearing apparel ✓ Antique sales		1428

Zoning Districts					Permitted Use Groups	Parking Group	Special	Condi -
CB	C1	C2	C3	C4				
					Appliance, furniture, home furnishings, sales, rental repair	13		
					Art supply sales	12		
					<del>Automobile service stations</del>	12		
					✓ Bank, savings and loan and trust company	24	1440	
					✓ Barber or beauty shop	12		
					<del>Beer sales for consumption on the premises</del>	11		
					Bicycle sales, rental, repair	11		
					Book sales	13		
					<del>Bowling alley</del>	12		
					✓ Camera or photographic supply sales	10		
					Clothing sales	12		
					<del>Club or lodge, whose chief activity is carried on as a business</del>	15		
					Confectionery store	16		
					<del>Department store</del>	12		
					Drug store	12		
					✓ Dry cleaning	11		
					Eating place, enclosed, without dancing or entertainment and not providing service in automobiles	12		
					✓ Florist shop and greenhouse	26		
					<del>Food convenience store, including gasoline sales</del>	12		
					✓ Food store, including retail bakery	12		
					Furrier shop, including storage of furs	11		
					<del>Garden supplies sales</del>	13		
					Gift, novelty, souvenir sales	13		
					Hardware store and small tool rental, but not including sales of	12		
					<del>lumber or industrial hardware</del>			
					<del>Hat blocking and repair</del>	12		
					Hobby supply sales	13		
					<del>Ice vending machine</del>	12		
					✓ Interior decorating shop	13		
					Jewelry sales and repair	12		
					<del>Laundry pick-up station</del>	12		
					<del>Laundry, self-service only</del>	12		
					✓ Liquor, wine and beer sales, for consumption off the premises	11		
					<del>Loan office</del>	12		
					<del>Locksmith, key shop</del>	13		
					<del>Mail order agency</del>	12		
					Music, musical instrument and phonographic record sales	12		
					<del>Newsstand</del>	13		
					<del>Nursery stock sales</del>	11		
					Optical goods, sales	13		
					<del>Orthopedic or medical appliance sales</del>	13		
					Paint and wall paper sales	12		
					<del>Pawnshop</del>	13		
					✓ Photographic processing	12		
					<del>Photographic studio</del>	15		
					<del>Post Office</del>	12		
					✓ Quick copy or duplicating center	12		
					<del>Radio and television studio</del>	11		
					<del>Reading room</del>	12		
					Sewing machine sales and repair	12		
					Shoe repair and sales	12		
					Sporting goods sales	12		
					<del>Surgical and dental supply sales</del>	12		
					✓ Theatre, indoor commercial	12		
					✓ Variety store	9		
					2. Similar Uses	12		
					Other uses which (1) are similar to the listed uses in function, traffic-generating capacity, and effects on other land uses, and (2) are not included in any other use group (Ord. 5638, Sec. VII)			