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CITY COMMISSION

MAYOR
MIKE AMYX

COMMISSIONERS
ARON E. CROMWELL
LANCE M. JOHNSON
MICHAEL DEVER
ROBERT CHESTNUT

September 21, 2010

The Board of Commissioners of the City of Lawrence met in regular session at 6:35 p.m., in the City Commission Chambers in City Hall with Mayor Amyx presiding and members Chestnut, Cromwell, Dever, and Johnson present.

RECOGNITION/PROCLAMATION/PRESENTATION:

With Commission approval Mayor Amyx recognized Sister City – Eutin, Germany High School Delegation.

Jim Haynes pulled from the consent agenda, the annexation (A-9-3-10) request of approximately 51.13 acres, located at the southwest corner of N 1800 Road (Farmers Turnpike) and E 1000 Road (Queens Extended), for separate discussion.

CONSENT AGENDA

As part of the consent agenda, **it was moved by Chestnut, seconded by Dever**, to approve City Commission meeting minutes from August 17, 2010. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Dever**, to receive the Sustainability Advisory Board meeting minutes of August 11, 2010; and the Public Health Board meeting minutes of July 19, 2010. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Dever**, to approve claims to 260 vendors in the amount of \$1,642,865.75. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Dever**, to approve the Drinking Establishment licenses for Teller's Restaurant, 746 Massachusetts Street;



Longhorn Steakhouse of Lawrence, 3050 Iowa; Alvamar Country Club, 1809 Crossgate Drive; the Pool Room, 925 Iowa; Jefferson's, 743 Massachusetts; the Retail Liquor License for the Wine Cellar, 2100 West 25th Street Ste: A; and, on the Rock's Discount Liquor, 1818 Massachusetts. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Dever**, to concur with the recommendation of the Mayor and appoint Mike Wildgen to the Hospital Board to a term which will expire September 30, 2014. Motion carried unanimously.

The City Commission reviewed the bids for 6th Street ITS Project, for the Public Works Department. The bids were:

BIDDER	BID AMOUNT
Engineer's Estimate	\$451,466.50
K & W Underground, Inc.	\$382,479.90
Lan-Tel Communications	\$394,691.25
Wildcat Concrete Services, Inc.	\$506,601.00

As part of the consent agenda, **it was moved by Chestnut, seconded by Dever**, to award the bid to K & W Underground Inc., in the amount of \$382,479.90. Motion carried unanimously. (1)

Ordinance No. 8566, rezoning (Z-6-10-10) of approximately 1.31 acres from RS10 (Single-Dwelling Residential) to RM12 (Multi-Dwelling Residential), located at 200 North Michigan Street, was read a second time. As part of the consent agenda, **it was moved by Chestnut, seconded by Dever**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (2)

Ordinance No. 8567, rezoning (Z-6-11-10) of approximately 3.92 acres from CS (Commercial Street) and RM12 (Multi-Dwelling Residential) to RM12 (Multi-Dwelling Residential), located at 62130 Silicon Avenue, was read a second time. As part of the consent

agenda, **it was moved by Chestnut, seconded by Dever**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. **(3)**

As part of the consent agenda, **it was moved by Chestnut, seconded by Dever**, to approve as signs of community interest, a request from the Lawrence Home Builders Association to place directional signs advertising the Fall Parade of Homes in various rights of way throughout the City. The signs would be placed on September 25, 2010 and removed by October 4, 2010. Motion carried unanimously. **(4)**

Jim Haynes pulled from the consent agenda, the annexation (A-9-3-10) request of approximately 51.13 acres, located at the southwest corner of N 1800 Road (Farmers Turnpike) and E 1000 Road (Queens Extended), for separate discussion.

He said he and his wife lived directly across the Farmer's Turnpike and were significantly involved in the island annexation of the 155 acres, a mile west of his home and that annexation was still not completely resolved. He said he was requesting that the City Commission not refer this annexation to the Planning Commission.

He said when they went through the process of considering the earlier annexation, one of the objections that were raised by the neighborhood association that opposed that annexation was the piecemeal annexation was not a sound planning process. He said they were told that the earlier annexation was not going to be part of a piecemeal annexation of additional land in that area into the City and the 155 acres that was in question, at that time, was an exceptional circumstance for many reasons and that they had no reason to believe that that would set a pattern for the future and now they were at step one of what appeared to be exactly, what he thought he believed were told, would not happen. He said in his view, at a minimum, the discussion should be set for another evening so there was more adequate notice to the people who lived in that area and could be present for discussion of this annexation. He said he hoped the City Commission would object to this, out of hand, as being an inappropriate approach to land planning.

Marguerite Emerling said she would like to put in that same request that it not be forwarded on the Planning Commission at this time, for a couple of reasons and one was that land was platted as a rural subdivision and it got into a lot of area that was yet to even be understood and comprehended, including Kansas law pertaining to Rural Water District 6 and its entitlement to be compensated for land that was being removed from their territory into the municipal system and she was not aware there had been any conversation as to how that might be efficient, effective, and economical for this community or for the rural water district.

In addition, if it was predicated on that sector plan, it had been acknowledged by both City and County to their legal representation that it was less than ideally handled. It was to be a process through which there was a negotiation between municipal needs, property owners, and the general public. The majority of property owners were never even entered or advised that this was happening, nor included in the discussion about forming that sector plan.

In addition, those that were presented were denied any representation by the City Planning Department, for their ideas and their ideas were struck down and never brought to the Commission's attention. She said that the entire thing happened in three months which was hardly effective for a proper sector plan discussion.

Mayor Amyx said that was absolutely wrong.

Emerling said she would like to have the Mayor explain to the general public the sequence of events, the parties that were present, and in the newspaper. Again, she said generally speaking, the sector plan had something to be resolved which was her belief and shared by others. She said there was so much going on and knew that it had not come to a plate where they could be working for something similar to make work. She said they would like to have a different setting on this course, but it would not begin on the basis on entering into another piece of island annexation. She said if there was any way to commit to discussions outside and apart, it would be something the entire area would be willing to do.

Mayor Amyx said he believed that everything deserved its day in court and this was the opportunity to send this item to the Planning Commission for recommendation as to whether or not this property should be annexed. If anything was to change through that process the property owners in that area would have the opportunity to be a part of the process because that was how the process worked.

Moved by Johnson, seconded by Chestnut to receive the annexation (A-9-3-10) request of approximately 51.13 acres, located at the southwest corner of North 1800 Road (Farmers Turnpike) and E 1000 Road (Queens Extended) and refer the item to the Planning Commission for recommendation. Motion carried unanimously.

CITY MANAGER'S REPORT:

David Corliss reported that an open house for the airport was scheduled for October 9, 2010; the City was not successful in their grant application for airport improvements; the Public Transit Department implemented major route alignment and services to Route 6, the City and University teamed up for a trails mapping project; the City hosted the Energy Efficiency and Conservation Fair and Tour; and, the Utilities Department was planning for replacement of a water main at 10th and Alabama Street. (6)

REGULAR AGENDA

Conduct a public hearing regarding a distance restriction waiver request for the Ballard B3 event on September 24, 2010 from 6:00 p.m. – 11:30 p.m. in South Park. Consider finding that the proximity of the temporary event and alcohol sales are not adverse to the public welfare or safety, and consider granting a distance limitation waiver.

Commissioner Johnson recused himself from the discussion and left the City Commission Meeting Room at 7:03 p.m.

Mayor Amyx called a public hearing on regarding a distance restriction waiver request for the Ballard B3 event on September 24, 2010 from 6:00 p.m. – 11:30 p.m. in South Park.

Jonathan Douglass, Assistant to the City Manager/City Clerk, presented the staff report, which read:

Ballard Community Services is planning a fundraising event in South Park on Friday, September 24, 2010. The event, "Ballard B3: Blues, Brews and Barbeque," would include alcohol sales. Because the event would be within 400' of a school or church, alcohol sales can only be approved after a public hearing before the Lawrence City Commission and the granting of a distance limitation waiver pursuant to Section 4-113 of the City Code. St. John Catholic Church, as a church and/or school within 400' of the proposed alcohol sales, was notified that a public hearing would be held at the September 21, 2010 City Commission Meeting.

Mayor Amyx called for public comment.

Diane Ensminger, Ballard Community Services, said the City had been great to work with and that Jonathan Douglass was able to help her get some parking issues taken care of. She said City staff was tremendous and had helped a great deal.

Moved by Chestnut, seconded by Cromwell, to close the public hearing. Aye: Amyx, Chestnut, Cromwell, and Dever. Nay: None. Abstain: Johnson. Motion carried.

Moved by Chestnut, seconded by Cromwell, to find that the proximity of the Ballard B3 event and alcohol sales were not adverse to the public welfare or safety and grant a distance limitation waiver. Aye: Amyx, Chestnut, Cromwell, and Dever. Nay: None. Abstain: Johnson. Motion carried (7)

Commissioner Cromwell returned to the City Commission Meeting Room at 7:06 p.m. Receive staff report regarding potential changes to sidewalk dining and hospitality regulations.

John Miller, staff attorney, presented a staff report, which read:

On May 18, 2010, the City Commission considered a request to allow Louise's downtown to be eligible for a sidewalk dining and hospitality license. The Commission directed staff to provide a survey of the existing downtown bars and restaurants with respect to the sidewalk dining and hospitality use. This memorandum is a follow up to the May 18 meeting.

Historically, the City has taken a conservative incremental approach for the use of downtown sidewalks for sidewalk dining and hospitality purposes beginning with the standards originally established in 1993 and then amended in 2008. Staff has reviewed the location of businesses in the Downtown Commercial District that have an existing sidewalk dining and hospitality license or may be eligible for a license. Our review indicates thirty-one businesses currently have sidewalk dining and hospitality licenses. Another three businesses have sidewalk dining but records do not indicate that they have a City license. Staff has contacted those businesses and they are in the process of seeking compliance with the City code.

The emphasis of the review was on businesses previously determined to have legal nonconforming use status from the 55% food sale requirement for licensed premises in the Downtown Commercial District. Twenty-five businesses were classified as legal nonconforming licensed premises in 2004. For the purposes of this memorandum those businesses will be analyzed as a legal nonconforming use although the businesses may no longer be nonconforming based on changes in use, expansion or loss of nonconforming status. Also, because of their location, Abe and Jake's Landing is excluded from the sidewalk dining analysis.

Based on the City Clerk's records, current GIS data and canvassing the existing downtown licensed premises and hospitality establishments along Massachusetts, New Hampshire and Vermont and the adjacent cross streets, staff provides the following information for existing and potential sidewalk dining and hospitality licensees in the Downtown Commercial District.

A map is provided showing the businesses with existing sidewalk dining and hospitality licenses or that have approved sidewalk dining site plans and the location of the businesses that may be considered legal nonconforming uses that do not have sidewalk dining and hospitality licenses.

Licensed Premises with Legal Nonconforming Use Status

Our review indicates there are twenty-five businesses classified as legal nonconforming licensed premises. Of the twenty-five, eight currently have sidewalk dining and hospitality licenses (See Table 1).

TABLE 1

NAME	ADDRESS
700 Block	
Teller's	746 Massachusetts
800 Block	
Sandbar	17 E. 8 th Street
Eight Street Tap Room	801 New Hampshire
900 Block	
Mad Greek	907 Massachusetts
Bourgeois Pig	6 E. 9 th Street
Genovese	941 Massachusetts
Jack Pot Saloon	943 Massachusetts
1000 Block	
Fatso's	1016 Massachusetts

For the remaining licensed premises, eligibility for a sidewalk dining and hospitality license would be evaluated and determined for each property subject to the current provisions of Chapter 6, Article 12, Sidewalk Dining License. As previously discussed in the staff memorandum provided to the City Commission on May 18, 2010, Section 6-1202.13 imposes "a no reasonable alternative location" requirement that means if a business has a useable non-enclosed area of 50 square feet or more located off of the City's right of way and is at least five feet wide at its shortest dimension the business is limited to that space for its outdoor hospitality area.

Seventeen existing licensed premises given legal nonconforming status do not have a sidewalk dining and hospitality license (See Table 2).

TABLE 2

NAME	ADDRESS
600 Block	
Dempsey's	623 Vermont
Quinton's	615 Massachusetts
Free State Brewery	636 Massachusetts
Liberty Hall	644 Massachusetts
700 Block	
Eldridge (10 & Jayhawker)	701 Massachusetts
Rudy's Pizzeria	704 Massachusetts #2
Barrel House	729 New Hampshire
The Bottleneck	738 New Hampshire
Tonic & Mass St. Pub	728 Massachusetts
800 Block	
Cielito Lindo	815 New Hampshire
900 Block	
Jazzhaus	926 Massachusetts
Red Lyon Tavern	944 Massachusetts
Replay Lounge	946 Massachusetts
1000 Block	
Louise's	1009 Massachusetts
Harbour Lights	1031 Massachusetts
Granada	1020 Massachusetts
1100 Block	
Brother's	1105 Massachusetts

The existing sidewalk dining and hospitality code requirements prevent several of the listed businesses, such as Louise's, from being eligible for a license (See Table 3). Without measuring the useable non-enclosed area adjacent to the City's right-of-way, it would appear that Quinton's, Free State Brewery, Dempsey's, Replay Lounge, Cielito Lindo, Eldridge and Louise's may not be eligible for a sidewalk dining and hospitality license because of the 50 square feet of useable space requirement. Others, like the Jazzhaus, with a second floor establishment, or Rudy's Pizzeria may not satisfy the requirement to adjoin the right-of-way.

TABLE 3

NAME	ADDRESS
600 Block	
Dempsey's	623 Vermont
Quinton's	615 Massachusetts
Free State Brewery	636 Massachusetts
Liberty Hall	644 Massachusetts
700 Block	

Eldridge (10 & Jayhawker)	701 Massachusetts
Rudy's Pizzeria	704 Massachusetts #2
800 Block	
Cielito Lindo	815 New Hampshire
900 Block	
Jazzhaus	926 Massachusetts
Replay Lounge	946 Massachusetts
1000 Block	
Louise's	1009 Massachusetts

If the Sidewalk Dining and Hospitality License Article is amended to repeal the "no reasonable alternative use" restriction, then all seventeen additional businesses may be eligible for a sidewalk dining and hospitality license regardless of alternative area that may be available for outdoor use.

If all the restaurants classified as a legal non-conforming businesses converted from a restaurant to an establishment selling primarily cereal malt beverages or alcoholic liquor or both, then eight additional businesses could be bar type establishments.

Businesses with Sidewalk and Hospitality Licenses

To provide background on the possible expansion of sidewalk dining and hospitality licenses, our review indicates that there are thirty-one businesses that have licenses. Of the thirty-one, twenty-three are eating and drinking establishment businesses (See Table 4). Eight are considered legal nonconforming licensed premises (See Table 1).

TABLE 4

NAME	ADDRESS
700 Block	
715	715 Massachusetts
Jefferson's Restaurant	743 Massachusetts
Wa Restaurant	740 Massachusetts
Local Burger	714 Vermont
Signs of Life	722 Massachusetts
Teapouro Tea & Espresso	712 Massachusetts
800 Block	
Esquina	801 Massachusetts
Global Café	820 Massachusetts
La Parilla	814 Massachusetts
Noodles & Co	8 West 8th
Pachamama's	800 New Hampshire
Zen Zero, Inc.	811 Massachusetts
900 Block	
Chipotle Mexican Grill	911 Massachusetts
Henry's on Eighth Street	11 East 8th
Ingredient	947 Massachusetts
Milton's Coffee	920 Massachusetts
1000 Block	

Angler's Seafood	1004 Massachusetts
Buffalo Wild Wings Grill & Bar	1012 Massachusetts
Einstein Bros Bagels	1026 Massachusetts
Aimee's Café and Coffeehouse	1025 Massachusetts
PaPa Keno's Pizzeria	1035 Massachusetts
Southern Cuisine	1008 Massachusetts
1100 Block	
Yummy's Over-the-Top	1119 Massachusetts

In addition to the three businesses that have sidewalk dining but records do not indicate that they have a City license, there are approximately thirty-nine additional businesses that serve food and non-alcoholic beverages or food and are a licensed premises that may be eligible for a sidewalk dining and hospitality license. Examples include Starbucks, Maceli's, and India Palace. Not all of the businesses would meet the code requirements but the numbers provide a background for how much expansion is available for sidewalk dining and hospitality licenses.

Combining the currently licensed businesses with the businesses that do not have but may be eligible for a license, and the Downtown Commercial District could have approximately seventy-three businesses with a sidewalk dining hospitality license. The number of potential downtown eating and drinking establishments is subject to change so over time the number may increase or decrease.

Mayor Amyx asked if the downtown commercial district could potentially have 73 businesses with Sidewalk Dining Hospitality Licenses.

Miller said yes that was the broadest view of potential businesses. He said there were 31 now and 39 additional businesses that might be eligible dependant on location restrictions.

Jonathan Douglass, Assistant to the City Manager/City Clerk, presented a staff report, which read:

On May 18, 2010, the City Commission directed staff to draft changes to Chapter 6 Article 12 of the City Code (see entire section as currently written) pertaining to sidewalk dining and hospitality licenses and the ability of non-conforming drinking establishments downtown to hold said licenses. I would like to suggest a number of other changes for City Commission consideration to streamline the application process.

Adjacent Property Owner and Tenant Permission

The current code requires applicants for new and renewal sidewalk dining and hospitality licenses to obtain statements from adjoining property owners and tenants expressing a lack of objection to the proposed sidewalk hospitality use. If the applicant is unable to obtain such statements a public hearing must be held to determine whether to grant the license. As the City Clerk's Office has processed renewal applications, this particular requirement has caused frustration to numerous applicants who have not found objection from neighboring property

owners and tenants, but simply non-response. Adjoining property owners are sometimes non-local and difficult to contact and get a response. As a result, some sidewalk dining renewals have been difficult to process. Staff is saving up a number of such renewals to hold one public hearing for all of them in order to judiciously use the City Commission's time. In the meantime the sidewalk dining and hospitality areas are allowed to continue operating.

Staff suggests requiring the statements from adjoining property owners and tenants for the initial sidewalk dining and hospitality license, but eliminating the requirement for renewal licenses. This would greatly streamline the renewal process for the applicants and staff, and the City Commission would retain the right to revoke any license pursuant to Section 6-1202.10 if at any time the Commission finds that action appropriate. Suggested language to accomplish this change follows.

6-1202.1 The proposed sidewalk hospitality use shall be pursuant to the written permission of the record and equitable property owner for the applicant hospitality establishment. Further, the applicant for any new ~~or renewal~~ license shall submit a written statement from each adjoining property owner, and any tenant of each adjoining property expressing a lack of objection to the proposed sidewalk hospitality use. In the event that an adjoining property owner or the tenant of an adjoining property fails or refuses to sign such a written statement, or upon the request of the City Commission, a public hearing will be held by the City Commission to determine whether to grant the license. At such hearing, the City Commission will hear such testimony and receive such evidence as is necessary for it to determine whether it is within the public's interest to approve such use and shall make findings of fact sufficient to support its decision. The applicant and all adjoining property owners shall be provided written notice of the date and time of such hearing at least ten days prior to its occurrence. Notice shall be provided by first class mail or delivered in another manner that is reasonably calculated to cause such notice to come to the attention of its intended recipient. In the case of mailed notice, the notice shall be deemed to be effective at the time that it is mailed.

Possession and Consumption of Alcohol on the Public Right-of-Way

The City Commission recently adopted Ordinance No. 8515, which, among other things, authorizes the possession and consumption of alcohol on the public right-of-way pursuant to a sidewalk dining and hospitality license. Therefore, a small clean up item in the sidewalk dining ordinance is warranted, to remove the requirement for the applicant to pay the costs of an ordinance granting exemption to the prohibition of alcohol on public property, since such ordinances are no longer necessary. Suggested language follows.

6-1202.4 The City Commission may grant permission for the licensee to serve, and patrons of the licensee to possess and consume alcoholic liquor and/or cereal malt beverages on the sidewalk, pursuant to Chapter 4 of the City Code. ~~The licensee shall pay for the publication costs of an ordinance granting exemption for the possession and consumption of alcoholic liquor on City right-of-way.~~ The licensee shall comply with all state and City laws pertaining to the sale of alcoholic liquor and cereal malt beverages. If food is served by a licensee anywhere on its premises, then, as a condition of licensure, food service must also be available in the sidewalk hospitality area during the same times and at the same prices as food is available inside the establishment.

Sales and Liquor Tax Forms

The current city code requires the applicant for a new or renewal license to submit copies of their completed and filed State of Kansas sales and liquor tax forms for the prior twelve consecutive months. This is a redundant requirement because applicants that hold drinking establishment licenses already have to submit that information, and the information is meaningless or not available for applicants that are not drinking establishments. Staff recommends the following change to the code, which eliminates the requirement to submit completed sales and liquor tax forms upon application for a sidewalk dining and hospitality license, but retains the city's ability to request that information when appropriate.

6-1202.5 ~~The licensee shall make available to the City copies of completed and filed State of Kansas sales and liquor tax forms of the food service establishment. The forms for the prior twelve (12) consecutive months shall be provided to the City Clerk at the time of initial application and one month prior to license renewal.~~ Upon the request of the City Clerk, the licensee shall make available copies of the completed and filed State of Kansas sales and liquor tax forms for the prior twelve (12) consecutive months at any time for use by the City Commission in consideration of the revocation or suspension of the license.

Insurance Requirements

Current city code requires the licensee to carry an insurance policy insuring the licensee, and the City of Lawrence as an additionally named insured, in an amount not less than \$500,000 single incident. Staff recommends changing the language to simply require proof of insurance and notification of any changes to the coverage, rather than having the city as a named insured. This change accomplishes better protection for the city for two reasons. First, the city currently does not know if insurance lapses or is changed after the proof of insurance is initially submitted. Second, naming the city as an additionally insured may suggest that the city accepts some liability for activities in the sidewalk dining and hospitality area. Consultation with Legal and Risk Management staff resulted in the following suggested language.

6-1202.11 (A) Insurance. The licensee shall carry an insurance policy issued by a company licensed to issue insurance in the State of Kansas, insuring the licensee, ~~and the City of Lawrence as an additionally named insured,~~ in an amount not less than \$500,000 per single incident, for any liability associated with the failure of the licensee, its employees, agents, servants, invitees, and patrons to exercise due care and diligence in the use of the sidewalk. The licensee shall provide the City with a certificate of insurance, standard Acord or similar form, establishing the licensee maintains currently active insurance. The certificate of insurance shall require the insurance carrier to notify the City at least thirty (30) days prior to any change in terms and conditions of the policy, including cancellation for any reason, and prior to expiration of the policy term.

Staff believes that the changes suggested in this memo will improve the regulation of sidewalk dining and hospitality areas, as well as streamline the application and renewal process to offer better customer service to license applicants.

Paul Werner, Paul Werner Architects, representing Louise's Downtown, said there was a difference in feel from sitting in a patio in the back of an establishment overlooking an alley to sitting out on Massachusetts Street early in the evening or on a Saturday afternoon. He said when bars were not crowded and the establishment was only staffed with one or two people, it made more sense to have their hospitality area in the front where the area could be watched better.

He said it was not their desire to create a bunch of bars that had hospitality areas. Their request only affected 4 establishments, none of which had contacted him. Louise's had been a good tenant downtown and were requesting a small hospitality area out front.

Mayor Amyx asked about the square footage and how many people it would accommodate.

Werner said 18 to 20 people.

Mayor Amyx asked if that was subject to the fire code,

Werner said that Louise's benefited by having their door off to the side. The hospitality area was more efficient than some others and was similar to the Sandbar area which he had never seen more than 12 to 14 people, but technically there could be approximately 22 people in that sidewalk dining area.

Mayor Amyx called for public comment.

Peter Zacharias, Board of Directors of Downtown Lawrence, said there were a couple of concerns. One concern was the idea of not obtaining permission from adjacent tenants because that permission encouraged good neighbors; and, if every restaurant and bar could have sidewalk dining, he asked why retailers could not have sidewalk retailing.

Commissioner Dever said in drilling down to the real statistics of how this affected downtown, he was not so sure it was about hospitality and dining areas, but went further to Zacharias comment on the use of public right-of-way. He said he did not have a problem moving forward with closing out the issues of who could and could not have sidewalk dining based on

their status, the grandfathering clause, and the existence of an alternative exterior area and needed to move forward with approving those issues. He said it begged the question of how the City was going to use the public right-of-way.

Personally, if a retailer wanted to roll out some stock and occupy space and obtain a permit to use a portion of the sidewalk, he did not have a problem. There were a lot of places that happened and did not detract as long as it was controlled downtown. He said sidewalk retailing invited people into the shops and extended the vibrancy of the retailers to a more visible location, but it begged the question of how the City would regulate that type of use.

He said he agreed with Zacharias about the need for obtaining signatures for re application because it was a good way to keep people honest, although it might be an administrative headache for the applicant, it was probably a good way to police the area. He said he wanted discussion about whether or not to require approval of adjacent properties when an applicant re applied.

Commissioner Johnson said he was in favor whether it was retail shopping or hospitality and dining. He said if the City could come up with creative ideas, such as the idea proposed by Louise's, he wanted to explore those ideas. He said in drafting the ordinance, he asked if the City Commission would have the ability to revoke that use.

As far as renewing sidewalk dining and hospitality licenses, staff had indicated there had been virtually no objections from adjacent property owners or tenant and would like to see the City Commission move forward with the proposed language. He said he would like to give businesses the opportunity show responsibility rather than not giving those businesses a chance and the City being scared of ideas. He said he was in favor of moving forward.

Vice Mayor Cromwell said he agreed, but had reservations he expressed in the past about the direction of downtown regarding bars and becoming more of an entertainment district. He said this proposal seemed reasonable and the City Commission had the ability to revoke a license if there was a problem. He said it was difficult to obtain signatures from absentee

landlords and it was best to only require the signatures at the inception of a new license, but not at renewal. If any neighbors had a problem, they could come to the Commission because the Commission had the ability to revoke a license at any time. He said he was in favor moving forward, but warned the City Commission expected cleanliness and good behavior.

Commissioner Chestnut agreed with the majority on the requirement of renewal. He said he looked at it like other land use issues such as a rezoning request and once going through the process, the City Commission did not ask the neighbors if they still wanted that zoning use in that area. As the ordinance was written they had an opportunity to undo whatever had been done if there were a change in circumstances.

He said he had discomfort with who might be eligible and who might take advantage. Downtown was the most important public square in town, but there was some uncertainty about how those sidewalk dining additions would role out and the impact on the public right-of-way. He said what might seem unreasonable now, might not be unreasonable to a property owner later if there was a change in use, so the Commission had to be cognizant that it was a public right-of-way and that the right-of-way could handled pedestrian traffic. He said if the Commission did not have a concept to allow sidewalk use for retail businesses, the Commission could run into issues. He suggested Downtown Lawrence Inc. and other interested parties meet and discuss concerns so that everyone had a balance and it did not become an incremental consideration every time the Commission received this type of request.

He asked if there was notification upon renewal.

Douglass said the only notification would be through obtaining the signatures. If the licensee did not get the required signatures then a public hearing was required and everyone would be notified of that hearing.

Mayor Amyx asked about new neighbors or new tenants. He said he did not have a problem with not obtaining permission on a renewal.

He said regarding the sidewalk dining area, the City Commission had to take into consideration, going from a 10 foot sidewalk to a 4 ½ foot sidewalk. Downtown was constantly going through changes and the Commission wanted downtown to be successful and vibrant, but needed to provide parking spaces and places for people to walk.

He said in the prior sidewalk dining and hospitality ordinance, it was written that if a business already had another sidewalk dining area, that business could not have an outdoor seating area in the front. Because there was an outdoor dining area at the rear of this building he was not apt to agree to the proposed sidewalk dining area in the front of that building, but he could agree with the recommended changes by the City Clerk.

Commissioner Dever said the annual notification already existed and nothing was being added, but maintaining what was written initially. The reason it might had worked was that people were required to notify, he wanted to be sure that it was not adding or subtracting, but removing a requirement that might had caused things to operate well. He said once it was gone, if things tended to escalated in the wrong direction, then the City Commission could see the real value of those written approvals.

Douglass said that the only language change to affect the proposal was striking two words “or renewal” from that section, and it still required the adjacent property owner and tenant permission for the new licenses. He said it retained the language “that upon the request of the City Commission a public hearing could be held”. So if the Commission wanted to hold a public hearing for whatever reason the City Commission could still hold a hearing.

Commission Amyx said the City Commission had the authority to hold a public hearing at anytime.

Commissioner Johnson asked if there was a way to just discuss Louise’s.

Miller said when this item was on the agenda at the request of Louise’s downtown, in order for Louise’s to have a hospitality area in the front of the building would require a change to the city code, and the other restrictive alternative area and the width of the sidewalk needed to

be addressed. If the Commission wanted to allow that area, staff had to draft changes to the ordinance to be address Louise's particular request.

Mayor Amyx asked if the City Commission wanted to look at the changes proposed by the City Clerk and have discussion, at a later date, about changes to Louise's downtown request.

Commissioner Chestnut said yes. He said there seemed to be a little discomfort from the City Commission about gauging individual requests. He said the Commission needed some type of consensus because it had impact on merchants and restaurants in the downtown area. He suggested staff recommend how to put that kind of form together, he thought it would be beneficial.

Commissioner Johnson said at one time, he wanted to discuss the idea of a downtown taskforce, but the City Commission never got to that point. He said it seemed the Commission took those issues up by piece meal and had nothing set in that direction.

Vice Mayor Cromwell said their downtown task force ended up being a retail task force.

Mayor Amyx suggested that the City Clerk prepare the appropriate ordinance and place the ordinance on a regular agenda. He said the City Commission would discuss, at a later date, potential changes to city code to consider the request from Paul Warner regarding Louise's Downtown.

The Commission directed staff to draft an ordinance effecting the changes proposed by the City Clerk and place it on a regular agenda, and directed staff to facilitate discussions with stakeholders regarding the changes proposed by Louise's Downtown and bring the item back for future City Commission discussion. (8)

Consider approval of Comprehensive Plan Amendment CPA-2-1-09 to Chapter 14 – Specific Plans to approve and incorporate by reference the Oread Neighborhood Plan. Adopt on first reading, Ordinance No. 8496, for Comprehensive Plan Amendment (CPA-2-1-09) to Chapter 14 – Specific Plans to approve and incorporate by reference the Oread Neighborhood Plan.

Scott McCullough, Director of Planning and Development Services, said the revised Oread neighborhood plan was last visited in 1979. The plan was initiated in January 2009 and had gone through several public meetings. This plan had some weight in that a demolition request at 1232 Louisiana was conditioned upon not receiving building permits until this plan was through the planning process and adopted.

This plan was meant to identify issues and put forth options to resolve those issues such as giving guidance and a vision for the neighborhood for the future development or re development; gave direction for achieving goals and advocated for certain solutions identified in the plan.

However, the plan did not rezone property, create non conformities or bind this Commission or future Commissions to programs or funding decisions in the future and was not a code document. After approval, staff worked on implementing the recommendations and various stakeholders had tasks in that implementation. Staff relied on the document to review development and redevelopment. Owners, appraisers and bankers used the plan for their work in looking at land issues.

He said there had been some discussion about the RD (Residential Dormitory) District moving to the RM32 district in 2006. The main discrepancies between those two districts were in the density caps of 54 units per acre in the RD District and 32 in the RM32 District, there were also some use issues. The RM32 District did not permit dorms, fraternities, sororities and some of the Greek uses, those uses moved into the multi-family Greek zoning district. The lot sizes, development patterns, standards related to parking and other code standards never allowed a lot of achievement to either the 54/32 unity density cap in the Oread area.

The zoning in that area was predominantly RM32, along with RM12D, a couple of single dwelling districts and commercial along 9th Street, open space zoning and other types of zoning that made the area a very mixed use type of area.

He said approximately 18% of the area was owner occupied and information that identified single-dwelling residential, almost one-third of the percentage of the area. He said the map reflected the real mixed use of both uses and structure type in the area in that there was commercial, single-dwelling and duplex, in two pockets and significant amount of different structure types in the core of the district.

The plan established goals related to land use, historic preservation, infrastructure and neighborhood atmosphere. It established a future land use map that identified density and uses by type. One solution to address several of the identified issues in the process was the use of overlay districts. There were at least 5 overlay districts that could or should have been established to identify the different issues.

The implementation schedule laid out the next steps and was put in priority order and included considering the overlay districts, reviewing the development code for different issues related to boarding houses and other standards, making sure that it was a high priority in the Public Works planning, looking for ways to support rental registration or some other program to look at compliance issues and exploring some better programs to get at the blight issues in the neighborhood.

It was established that there was likely a good deal of non compliance in the neighborhood and we felt like the way to address that was to expand the rental registration program which could be framed to be a cost neutral program. He said there were other mechanisms that could be worth exploring; a compliance schedule could be implemented. It was important to note that staff had not proposed any language, other than what was in the plan during the study session plan. He said a parking study was discussed, and since that session, they had been working through the MPO (Metropolitan Planning Organization), to make that study part of the 2011 work program to get partnerships between the City, KU and the MPO and use federal funds to do a parking study which would identify and pose some solutions to parking in the area.

There was discussion about whether the goals, advocated in the plan, were priority or should be put in a priority order, and how those were balanced. He said the goals were the basis for implementing the action steps and looking at development projects in the future. Staff did not believe those goals were in any priority order and differ depending on where in the area where the goals were being looked at and staff did not believe there should be a prioritization of goals and would be a case by case basis in terms of the goals applicability.

Staff did make changes to the mapping to include 1647 and 1649 Edgehill Road based on understanding about those properties coming into the Oread Neighborhood Association boundaries and revised the text accordingly for that description. Staff was asking the City Commission to consider this plan and approve or direct staff otherwise.

Mayor Amyx called for public comment.

Rob Farha, Crimson Properties, said that his concern was that existing properties in the overlay districts had its existing uses protected.

Candice Davis said that her letter represented people who actually lived in the neighborhood; that she hoped the Commission could support the neighborhood plan; that the overlay districts were important; and that all properties had plenty of opportunities to speak.

Rick Cupper said he was not sure he understood the designated overlay districts and asked what happened if he had property in an area and was suddenly in an overlay district and his house did not fit in anymore.

McCullough said that the overlay districts would be an action step of the plan if approved. Staff would come before the City Commission to initiate a rezoning process with full notice, full Planning Commission review, City Commission consideration, and take a good amount of work to come up with the design and overlay standards, none of which was done to date. That would be a future process and anticipated it would take many months to complete and there would probably be competing interest.

The protecting, legal approved uses had been a common theme through this process and heard that theme through the Planning Commission and stakeholder and had that in mind with the work ahead.

Fadila Boumoza said she supported many of the goals of the plan, but some of the recommendations were of great concern; that there was a deliberate effort to encourage owner occupancy through incentives that were uncalled for; if the current character of the neighborhood was not good, than why try to maintain it?; that she had concerns about the blight survey; that everyone was working toward common goals; and that she had questions about the overlay districts and whether they were essentially down zonings and whether property owners had a chance to object to the overlays.

McCullough said it had been recognized that student housing next to major universities could be and were often very unique neighborhoods. He said they had done a lot of research on how other cities address issues related to student housing or high rental rates or blight and behavior. He said there were some action steps in the plan to explore certain ideas. Approval of this plan did not put any programs into place anything the plan was advocating for went through a public process and was submitted to the governing body and ultimately was approved or denied by the City Commission.

He said staff knew the issues that were identified and staff wanted to address those issues because not only was this an area adjacent to a university it was also part of the original town site, so it had a certain development pattern, certain lot sizes, widths of streets and sidewalks that might demand a finer zoning analysis and zoning tool than what the development code could provide and that was the framework for the policies and guides in the plan.

Tony Bachus said that most of the homes were built when KU did not provide student housing and all the students lived in this neighborhood and walked to school and this was the historic character of the neighborhood.

He said currently there was a project on 10th and Indiana where the entire block would be bulldozed to build 2 levels of underground parking for 200 houses above. He said parking registration might need to be considered.

Serena Hearn said she did not understand why the overlay plan wanted to change the organic nature of the progression of the neighborhood and the benefit of the plan.

McCullough said that the overlay district was a tool. Downtown had an overlay district to attain the values and meet the goals for how downtown developed and redeveloped. It addressed signs and height, bulk and mass all the things that make downtown special. Overlay Districts were used in other areas of the city to meet goals for how a place looked, felt and developed. He said it was identified through the Planning Commission hearings and Historic Resource Commission hearings that there were needs, if a high value were placed upon maintaining a certain character or uniqueness about the Oread neighborhood the overlay districts were one way to attain those goals. He said they did not know a lot of the details, only that the plan had identified certain areas within the 5 districts that staff might want to address. He said he anticipated a good amount of public discussion regarding weighing the values and different stake holder values in that exercise.

Mayor Amyx said that he and his wife owned a building in downtown and knew there were studies and plans, but could not see a lot of change. There would not be a lot of change unless something new came along.

McCullough said the change was not now, but part of the benefit to different districts was that there was recognition that some districts might change quite a bit, might want that change and encourage that change and in other areas, they might want to address and protect or make it aligned with the lot sizes and development patterns of the area.

Mayor Amyx said he appreciated the comments and there were things they were trying to make happen, but the overnight change was not going to happen.

Carol Von Tersch said she appreciated the efforts of the Planning staff; that the city efforts to stabilize the neighborhood went back to 2003; that this plan could work for everyone in the neighborhood and she urged the Commission to approve the plan.

Mayor Amyx said that they appreciated all of the hours and hard work and participation by members of the public on preparing the documents to be considered.

Commissioner Chestnut said the City Commission sat in a meeting at 4:00 pm with the chancellor at the new incubator and asked about her concerns with the city and the university and the neighborhoods adjacent to the university was one of her first comments. He said it was an issue that was clearly on her radar screen and the Commission had a responsibility to try to sort through it. As a son of a property owner in the Oread neighborhood, those discussions had been going on for the better part of 50 years. This was a body of work trying to make an attempt to do some work he thought was important; one, recognize that the Oread neighborhood was not ubiquitous; some places were incredibly dense others were not so dense. Some areas did make more sense to promote some type of encouragement toward single family development while others did not. It was his desire not to have so much non conforming use. It seemed like everything was non-conforming use and that continued to create a lot of issues for the Commission to go through because every consideration of a demolition by neglect or a boarding house situation or whatever it might be, was decided incrementally. He said he hoped they could strive toward not only trying to create some stability, but try to create some expectations that were reasonable for property owners to say this was what the expectations were. He said one of the things that had been brought to him by several property owners was that they did not know what the expectations were and the Commission was trying to go through a process to define those expectations. He said it was a working document and if it was approved, it was one step amongst many in the ebb and flow and hopefully resolve itself in having reasonable expectations for property owners to move forward.

The parking issue was a big issue and the Commission needed a dialogue with the University of Kansas about the issue. He said the residents and tenants were not the primary cause of the issue, but rather the student who drove up to park close. People still wanted to live close and walk to campus and that demand in that area was always going to be there. It was a valuable process to try to pursue, but he could tell everyone that its success would be tested by the amount of negotiation and compromise within the stakeholders who were trying to work through the process. He said the community at large had a place at the table because it was property owners and residents in that area, but it was also the citizens of Lawrence that wanted to see a community and neighborhood flourish. He said it was important and worthy of City Commission attention to create a laid out expectation. He said sector plans were done all over town and this was not something from a public process standpoint that was an exception in the Oread neighborhood to any other area where trying to lay out some expectation about where certain zoning would go. The document did not define what was today, it was there as a guideline and a place to start.

There had been a lot of public comment and he apologized if certain property owners were not notified, but this issue had been going on for 18 months. He said he hoped there was positive engagement from all the stakeholders to make the best plan, which did not mean everyone got what they wanted, but that balance was created that everyone thought was reasonable in the neighborhood

Commissioner Dever said it was interesting that someone brought up historical information, but it was an aging area of the community and was in need of attention, like a garden that had not been tended for a long period of time, the garden might look pretty sometimes, but other times it was not so nice to look at. He said they would like to maintain the character of the area, which had been boarding houses, fraternities, sororities and mass housing which served a need before the university stepped in and served a need when building apartment complexes on the outer parts of the community, but also served as a place for people

to live, single family, multi-family and less dense land uses. He said it was time to help maintain some of its original character, if possible, while recognizing that the world had changed and the rules in the community had changed. The City Commission needed to make sure they were encouraging the right balance of public housing and single family housing for those who wanted to live in that neighborhood.

He said the structures were aging out and reaching the end of their useful lives and it was natural to have the need to spend a ton of money to bring the ancient structures back to life or find room for new structure because the others had gone too far. He said it was a valuable piece of land that needed to be monitored in some way and that was what this plan could do. It had been the Wild West in certain areas, where houses had been pulled and moved and structures had burned down then new ones built, but there were also people who wanted to see more care and planning go into the process, especially those who had lived in those neighborhoods for more than 50 years.

He said it was a good plan and that the overlay district was scary to some people and taking away rights was something they needed to acknowledge. In general, the community was doing the right thing in trying to help preserve some of the character in this community and that the land use was a part of the history that needed to be recognized.

Vice Mayor Cromwell said thanks to the Planning Commission and staff for the hard work that had gone on for a long time and would continue to go on. This was part of the process in making plans for the neighborhoods and this particular neighborhood was important for the university and the city. There were some nice opportunities for grants and police and there were many things going on besides the zoning issue.

He said it was a challenging neighborhood and one of the biggest challenges was bringing a lot of the properties that were in the dark into the light because currently there were places not being inspected or worked on by licensed individuals for fear that their properties would be turned in. He said he had heard reports from students that their landlords would not fix

anything because if they were to call an electrician, the landlord could be turned into code enforcement. He said that was a safety risk and felt the Commission had a responsibility to the young adults on the hill. The more they could move toward a plan that incorporated the properties the better, inspections could be performed and provide a much safer neighborhood.

Commissioner Johnson said thanks to the neighbors, planning staff and city staff. He said this plan was a good first step and would be a lot more work. A lot of investment was made and this plan put the framework in place that fostered and encouraged more investment to be made. The details would be debated in the future but he thought the plan was the first step to furthering that investment and helped all the property owners.

Mayor Amyx said plans were put into place to help make things better, but there would always be questions about those plans. The goals listed in the plan were all reasonable goals. He said it took a while to get to this point, but the debating had just begun. He said he was ready to support the plan, but to plan on many meetings in the future.

Moved by Dever, seconded by Cromwell, to approve and adopt on first reading, Ordinance No. 8496, for Comprehensive Plan Amendment (CPA-2-1-09) to Chapter 14, - Specific Plans to approve and incorporate by reference the Oread Neighborhood Plan. Motion carried unanimously. (9)

Consider approving the following Rezonings from RM32 (Multi-Dwelling Residential) to MU (Mixed Use)

- a) Z-11-21-09, to rezone approximately .13 acres located at 502 West 14th Street. Submitted by Paul Werner Architects, for Oread Villas, LLC, property owner of record.
- b) Z-11-22-09, to rezone approximately .05 acres located at 414 West 14th Street. Submitted by Paul Werner Architects, for D & D Rentals of Lawrence, LLC, property owner of record.
- c) Z-11-23-09, to rezone approximately .09 acres located at 1346 Ohio Street. Submitted by Paul Werner Architects, for D & D Rentals of Lawrence, LLC, property owner of record.
- d) Z-11-24-09, to rezone approximately .13 acres located at 1340-1342 Ohio Street, including an automatic Special Use Permit for a Bar or Lounge use. Submitted by Paul Werner Architects, for HDD of Lawrence, LLC, property owner of record.

- e) Z-11-24-09, to rezone approximately .13 acres located at 1340-1342 Ohio Street, including an automatic Special Use Permit for a Bar or Lounge use. Submitted by Paul Werner Architects, for John C. Wooden, property owner of record.
- f) Consider adopting on first reading, Ordinance No. 8568, for the Rezoning of (Z-11-21-09, Z-11-22-09, Z-11-23-09, Z-11-24-09, Z-11-27-09) .13 acres located at 502 W. 14th Street, .05 acres located at 414 W. 14th Street, .09 acres located at 1346 Ohio Street, .13 acres located at 1340-1342 Ohio Street, and .13 acres located at 507 West 14th Street, from RM32 (Multi-Dwelling Residential) to MU (Mixed Use). (PC Items 9A-9D, & 9G; approved 9-1 on 8/25/10)
- g) Consider adopting on first reading, Ordinance No. 8573 & Ordinance No. 8574 to allow for Special Use Permits for a bar or lounge use (Z-11-24-09 & Z-11-27-09) at 1340-1342 Ohio Street, and 507 West 14th Street upon rezoning to the MU District.

Scott McCullough, Planning and Development Services Director, presented the staff report, which read:

Project Summary:

The request is to rezone the properties at 414, 502, 507, and 413 W. 14th St., 1340-42, 1346, and 1400 Ohio St., and 1403 Tennessee St. from the RM32 (Multi-Dwelling Residential) District to the MU (Mixed Use) District. The properties are generally located along W. 14th St., just east of the main KU campus. All the properties are developed and there are no plans for redevelopment at this time.

The Code requires an SUP for the Bar or Lounge use in the MU District and also sets out provisions for an automatic SUP for existing Bar or Lounge use when rezoned to the MU District. If rezoned to the MU District, the Hawk and the Wheel would automatically receive SUPs for the use since they are existing bars. These uses would no longer be nonconforming.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

(Note: the original application for rezoning was for the CS District and based on discussion with staff and revisions to the MU district was revised to the MU District. Some responses remain geared towards the CS District but can still apply.)

Applicant's Response: Horizon 2020, Chapter 3, page 5 states, "strip Commercial land use pattern is discouraged by directing the formation or expansion of existing areas to occur in a more clustered pattern," and "New commercial and office development is required to occur in nodes to avoid continuous lineal commercial development along the city's street corridors ... " The CS zoning designation would be new for the subject properties, however, for some of the properties the proposed use would not be. Commercial uses have existed in the area since 1906 causing this to be an unrecognized commercial node in the city for over 100 years. Rezoning these properties to CS is something that should have already occurred so that the current commercial areas would conform to the zoning to which they have been restricted.

Horizon 2020, Chapter 3, pg 5 states, "In-fill development and redevelopment of existing commercial areas is encouraged ... " this same section goes on to state that, " ... an emphasis on downtown Lawrence and the existing commercial gateways should be considered." This site does not fall into the downtown or commercial gateways categories however it is still existing historical commercial property with a portion of the subject site currently being used as residential property. The property owners would like to see the RM32 properties within this site area zoned CS to bring continuity to the area and allow it to exist as a commercial node as history has allowed. These properties provide an opportunity to serve as a historically sensitive

commercial infill development and be an important area for the KU campus and the City of Lawrence as it has been for over 100 years.

Staff Finding – Staff finds that the proposal is generally in conformance with the comprehensive plan. Chapter 6 – Commercial Land Use includes a Mixed Use District under the Commercial Center Category. It states that areas that are currently mixed use in nature should be preserved. Policy 3.14 outlines the criteria for Mixed Use Districts which includes a mix of residential and non-residential uses, and multi-modal services. Currently the area is a mix of multi-family and bar uses and is within a quarter mile of various bus routes. Additionally it is identified on the bikeways map as a future bike route.

2. ZONING AND USE OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

Current Zoning and Land Use:	RM32 (Multi-Dwelling Residential) District; 414 W. 14th St.: Boarding House 502 W. 14th St.: Apartments 507 W. 14th St.: The Wheel (bar) 413 W. 14th St.: Apartments 1340-42 Ohio St.: The Hawk (bar) 1346 Ohio St.: Apartments 1400 Ohio St.: Apartments 1403 Tennessee St.: Apartments
Surrounding Zoning and Land Use:	North: RM32 District; apartments West: U-KU (University-University of Kansas) District; Art studios, and Crawford Community Center South: RMG (Multi-Dwelling Residential-Greek Housing) District; Beta Theta Pi Fraternity (John Palmer and Margaret Usher House-National Register of Historic Places) East: RM32 District; apartments

Staff Finding – The properties to the north and east of the subject properties are zoned RM32 and developed with apartments. The property to the west is zoned U-KU and developed as the KU community center and art studios. The property to the south is zoned RMG and developed with a fraternity which is a house listed on the National Register of Historic Places.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: The neighborhood is part of the Oread Neighborhood Association and is surrounded by Kansas University (U-KU) to the east and south as well as Greek housing (RMG) to the South. The remaining neighborhood is composed of mostly rental properties and a few single family homes (RM32).

Staff Finding – The subject properties are located in a historic area directly adjacent to the main KU campus. Surrounding the subject area is developed with multi-family structures and Greek housing. This area was part of the early development of Lawrence. MU zoning with the recommended frontage zoned would be compatible with the character of the area.

4. PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY

Staff Finding – The subject area is currently within the planning area of the Oread Neighborhood Plan which was approved in 1979. Currently there is a draft of an updated Oread Neighborhood Plan which the PC recommended approval 7-0 on January 27, 2010 and is awaiting City Commission consideration. In the 1979 plan the area is identified as high-density residential and in the draft plan the subject area is identified as a mixed use district. The identification of the area as a mixed use district in the draft future land use plan has not been a

contentious issue. The draft plan identifies a larger mixed use district than the subject area including approximately the next half block to the east.

5. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS

Applicant's Response: The subject commercial properties are not suitable to the uses to which they have been restricted. The existing residential properties are suitable to their current zoning restrictions however, if the existing commercial uses had been appropriately zoned it would be beneficial to zone the residential properties to fit in with the existing commercial lots.

Staff Finding – The subject properties are currently zoned for high-density residential uses. Two of the properties are currently developed with nonconforming commercial uses. Historically this area has been a mix of uses. In the past there have been restaurants, barbers, bookstores and various types of residential uses. The residential uses are suitable for the current zoning but the drinking establishments are not suitable for the RM32 District. If damaged past a certain threshold, the bar uses would need to comply with the RM32 uses.

6. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Applicant's Response: These properties are not vacant.

Staff Finding – The subject properties were developed in the late 1800's and early 1900's and have been a variety of commercial and residential uses overtime. The property was zoned RD (Residence- Dormitory) with the adoption of the 1966 Zoning Ordinance and then converted to the RM32 District with the adoption of the Land Development Code in 2006.

7. EXTENT TO WHICH APPROVING THE REZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicant's Response: The foreseen detrimental affects to the public by allowing commercial uses to exist on the proposed site could possibly be an increase in traffic and a need for more parking locations. With future development this site would serve as a unique area of Lawrence and parking for new commercial uses would conform to current requirements. Instead of this development becoming a detriment to the public it could instead serve as a gathering place for students, alumni of KU and the citizens of Lawrence and the possible increase in traffic and parking may not be an issue. The surrounding properties and their uses are of a nature that the proposed MU zoning would not detrimentally affect them but would serve them. In addition, Horizon 2020 states in Chapter 6, Policy 2.3, "Use higher density residential development as a transitional land use between commercial developments and the surrounding low-density residential neighborhoods." The surrounding uses of this site already meet those requirements.

Staff Finding – The rezoning could result in redevelopment of the district into more intensive uses causing an increase in traffic, both pedestrian and vehicular, in the area.

8. THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Applicant's Response: The gain to the public would be a unique historical commercial area to serve the surrounding neighborhoods, KU and Lawrence. The hardship that would be imposed on the commercial property owners if the rezoning is denied would be that if their businesses should ever be destroyed by a natural disaster or a fire they would not be allowed to rebuild their existing businesses. The hardship that would be imposed on the owners of the existing residential property should rezoning be denied is that these properties would not have the opportunity to be developed to fit in with the surrounding commercial uses causing the incompatibility that currently exists in this small area to remain.

Evaluation of this criterion includes weighing the benefits to the public versus the benefit of the owners of the subject property. Benefits are measured based on anticipated impacts of the rezoning request on the public health, safety, and welfare.

Staff Finding – The potential gain to the public health, safety and welfare if the rezoning was denied could be that the area remains as is with the potential future elimination of existing

nonconforming uses. There would be less impact as far as a potential increase in traffic and potential uses that could develop with the MU District. The property owners could have a hardship imposed on them if not rezoned and the property is destroyed and not able to be redeveloped with the existing uses.

9. CONCLUSION

Historically this area has been a mix of uses. Currently the uses are multi-dwelling structures and two bars directly adjacent to the KU campus. The area is zoned RM32 but abuts U-KU and RMG Districts.

The subject area is within the historic environs of the John Palmer and Margaret Usher House which is located directly south at 1425 Tennessee St., the William Priestly House located at 1505 Kentucky St., and Spooner Hall on campus. Because these properties are within the historic environs, the Historic Resources Commission must also review and make a determination on the proposed rezonings. Staff will provide a summary memo from the August 19th Historic Resources Commission meeting on Monday, August 23rd. The Historic Resources Administrator has recommended the same primary and secondary zones to the HRC as in the report.

MU District

The MU District is a relatively new zoning district and is currently utilized in only one location in the city located at 1420 Crescent Rd. (Jayhawk Bookstore) on the west side of campus. The MU District is primarily intended to permit a variety of land uses together in one or more structures on a site including governmental, retail, office, public and community facilities, institutional, religious, and residential uses in a pedestrian-oriented and transit-oriented setting. The MU District zoning classification may not be appropriate in all areas of the city. The Code states that to be eligible for rezoning to the MU District, a site proposed for mixed use development shall be:

1. Within one-quarter of a mile of designated transit route at the time the rezoning is initiated; and (meets)
2. Near or adjacent to the intersection of arterial streets as per the adopted major thoroughfares map; or (does not meet)
3. Within one-quarter of a mile of university campuses; or (meets)
4. Within one-quarter of a mile of downtown, the boundaries of which are described in Chapter 6 of Horizon 2020; or (does not meet)
5. Immediately adjacent to public parks or open space; or (does not meet)
6. An existing nonresidential development proposed for redevelopment. (potentially meet in the future)

The Code requires the proposal meet number 1 above and any of number 2-6. This proposal is within one-quarter of a mile of several bus routes, one on Mass St. and several on campus, and within one-quarter of a mile of the university. Additionally the Code requires a minimum of 20,000 square feet of site area for a district. Below is a site summary.

District Area Summary (square feet)		
Lots		Lots w/ROW
Primary Zone	23,299 (.5 ac)	44,952 (1 ac)
Secondary Zone	25,072 (.6 ac)	45,824 (1 ac)
Total	48,371 (1 ac)	90,776 (2 ac)

Development Zones

The as part of the application, the applicant must designate development zones for the district. Development zones govern permitted density on the site as well as building height, scale and form. The three development zones (primary, secondary and tertiary) are hierarchical in terms

of development intensity permitted. A proposal to rezone to the MU District need not designate all three development zones. Development zones shall be designated to ensure compatibility with surrounding existing development. The code defines the development zones as follows:

1. Primary Development Zone

The Primary Development Zone is that area of land within a Mixed Use development which is designated for the most intense development allowed by the District. Primary Development Zones shall contain Vertical Mixed Use Structures with a mixture of both residential and nonresidential uses and no interruption of Building Frontage along the Public Frontage. Where a Primary Development Zone fronts upon a Public Frontage, such area shall be designated as Primary Public Frontage. A Primary Public Frontage shall be designed to accommodate heavy pedestrian traffic and ground-level nonresidential uses. Residential uses shall not be permitted on the ground level of Structures in the Primary Development Zone.

2. Secondary Development Zone

The Secondary Development Zone is that area of land within a Mixed Use development which is designated for less-intense development, relative to that permitted by a Primary Development Zone. Secondary Development Zones may contain Vertical Mixed Use Structures, Horizontal Mixed Use Structures or single-use Structures with interruption of Building Frontage along the Public Frontage allowed only for Access to Parking Areas, for Alleys or service lanes. Where a Secondary Development Zone fronts a Public Frontage such area shall be designated as Secondary Public Frontage. A Secondary Public Frontage shall be designed to accommodate moderate amounts of pedestrian traffic, and if planned, vehicular Access to Parking Areas and service lanes in a manner that minimizes pedestrian-vehicular conflict. Secondary Development Zones may contain both nonresidential ground-level uses as well as ground level residential uses.

3. Tertiary Development Zone

The Tertiary Development Zone is that area of land within a Mixed Use development which is designated for the least-intense development, relative to that permitted in the other zones. Tertiary Development Zones shall permit a development intensity which is no greater than that of surrounding existing development. Such zones shall permit a development form which is consistent with that of surrounding existing development (i.e. two-story detached residential Dwellings across the street from existing Structures which are of the same form, etc.). Nonresidential uses shall only be permitted in a Tertiary Development Zone if the existing surrounding development contains such nonresidential uses. A Tertiary Development Zone shall only permit a residential use type which exists in surrounding development.

Additionally the Code lays out public frontages for each development zone which can be found in Section 20-1008. These descriptions and diagrams show how these frontages shall be planned and are urban form. These standards must be followed when redeveloping or developing with a Major Development Project.

The designation of the development zones is made by looking at the context of the neighborhood around the proposed district and taking into consideration the subject properties' existing uses and building heights along with the adjacent properties' uses and building heights. The Code states that the developments "shall be compatible with existing development which surrounds the proposed mixed use development." Compatibility is best achieved through a transition in building form, scale and intensity rather than through uses, peripheral buffers or landscaping. Adjacent to the subject area are apartments, KU facility buildings and a fraternity.

All of these buildings are 2-3 stories in height. The applicant has designated the entire district as a Primary Development Zone and submitted the supporting information. See attached application packet. This could create a district similar to the feel of downtown with structures abutting each other and no breaks between buildings. The longest block face in the subject area are the 3 lots on the south side of W. 14th St. between Ohio and Tennessee Sts. a comparison, a building developed there could be approximately 50' shorter than Hobbs-Taylor Lofts. Because the surrounding neighborhood is individual structures with front and rear yards, staff believes the largest uninterrupted block face along W. 14th St. between Ohio and Tennessee Sts. should be designated as a Secondary Development Zone. This allows greater setbacks, building breaks and less lot coverage than in the Primary Development Zone in order to be more compatible with the adjacent properties development form. The remaining subject properties staff feels comfortable being designated as Primary Development Zones as requested. Historic Resources staff believes that a large building with an uninterrupted facade is not consistent with the pattern of the other structures or the historical building pattern of the area. It has been determined that a structure of that type would not meet the Secretary of the Interior Standards and Guidelines for Rehabilitation and would the Standards and Guidelines for Evaluating the Effect of Projects on Environs and would be difficult to obtain approval from the Historic Resources Commission to construct. Therefore, designating the properties as 1400 Ohio St., 413 W. 14th St., and 1403 Tennessee St. as Secondary Development Zone would result in more compatible redevelopment.

Nonconforming Structures

If the subject properties are rezoned to the MU District, some of the structures may become nonconforming, if they are not already nonconforming. The nonconforming structures are permitted by Code to remain until proposed to be modified to the extent of a Major Development Project. Any modifications that qualify as a Minor or Standard Development Project are permitted and the project would not be required to meet the standards of the MU District.

Retail Limit

Section 20-1107 of the Code requires a Retail Market Study for any application for site plan or zoning that could result in 50,000 square feet or more of additional floor area for retail businesses in the City. Because there is the potential for this district to develop with 50,000 square feet or more of retail, a Retail Market Study is required. In place of this requirement, since no redevelopment is proposed, a condition is being requested to be placed on each property that as a whole, the district can not contain more than 50,000 square feet of retail space.

Bars in the MU District

Currently the existing bars are nonconforming uses in the RM32 District and permitted with a Special Use Permit (SUP) in the MU District. The bars, if rezoned to the MU District, would automatically be granted a SUP and the public hearing for the rezoning would also be a public hearing for the SUP. At the public hearing, the Planning Commission has the opportunity to place any conditions on that SUP that are deemed appropriate. This use then is regulated under the SUP section of the Code and the City Commission is able to revoke, suspend, or change the SUP if there are violations of the conditions of the SUP, City Code, or State or Federal Law. At this time, staff is not recommending any conditions be placed on either of the bars located at 507 W. 14th St. or 1340-42 Ohio St.

PROFESSIONAL STAFF RECOMMENDATION

The applicant has requested deferral of item 9E (Z-11-25-09 1403 Tennessee), 9F (Z-11-26-09 1400 Ohio), and 9H (Z-11-28-09 413 W. 14th) to try to work out some issues related to the maximum density in the Secondary Development Zone.

Staff recommends approval of the remaining items of the request (noted below) to rezone from the RM32 (Multi-Dwelling Residential) District to MU (Mixed Use) District with all properties identified as a Primary Development Zone and forwarding it to the City Commission with a

recommendation for approval. The recommendation is based on the findings presented in the staff report and made with the following condition.

1. The entire MU District shall not contain over 50,000 square feet of retail space.

- Item 9A: Z-11-21-09; 502 W. 14th Street
- Item 9B: Z-11-22-09; 414 W. 14th Street
- Item 9C: Z-11-23-09; 1346 Ohio Street
- Item 9D: Z-11-24-09; 1340-1342 Ohio Street - including a Special Use Permit for the Bar or Lounge Use
- Item 9G: Z-11-27-09; 507 W. 14th Street - including a Special Use Permit for the Bar or Lounge Use

Mayor Amyx said the applicant requested deferral of the rezoning for 1403 Tennessee in order to work out issues of maximum density in the Secondary Development Zone. He said if that Secondary Development Zone could not be approved, he asked what effect that disapproval had on the MU zoning category.

McCullough said when looking at the Oread Plan, they did not know how those lots would come in to be implemented to the MU District standards. It was submitted as a district that was 2.08 acres and when it was deferred one of the first questions was if all the properties needed to be deferred or would this district stand alone. Staff looked at the standards and determined that this district could stand alone and it was the applicant's desire to bring those lots forward for rezoning and if those rezonings did not come back, then they would be left with primary zone MU District zoning and this location and RM32 for those lots.

Mayor Amyx said if a second part of the MU came in, he asked if those lots would take the secondary position.

McCullough said that was staff's recommendation.

Mayor Amyx if the deferred property pulled out, he asked if another property in that area could take that secondary position.

McCullough said regarding the MU District, all three development types were not needed in that district.

Mayor Amyx called for public comment.

Paul Werner, Paul Werner Architects, said this started by trying to save The Hawk and The Wheel in case anything ever happened to those existing facilities. The zoning was based on the Oread Draft Plan. He said the applicant was coming to the board with a recommendation from the HRC (Historic Resource Commission) on a 9/1 vote from the Planning Commission.

The deferred properties were different property owners and he did not have a chance to talk to those property owners regarding weighing their options with the density change. He said he anticipated either a text amendment to increase the density of a secondary zone or some of the bonuses allowed in the MU district and apply those bonuses to the secondary zone or just leaving it as RM32. Primary zoned properties were able to stand on their own. The 2.0 acres included all of the right-of-way and the actual size of the property was closer to 6/10 of an acre.

Rob Farha, The Wheel, said the trigger for him was when Jayhawk Bookstore was rezoned and worked with McCullough to work with the Oread Neighborhood Plan to make the same thing happen for The Wheel.

A man asked what other uses would be permitted in the MU zoning.

McCullough said there were a number of different uses permitted in the MU zoning. One thing that drew similarities to the Jayhawk Book Store was that staff understood there was no redevelopment plans and Werner might want to discuss the investments made on those 5 lots to date. If there was opportunity in the future it was likely to be on the deferred lots. He said that way, that area was likely to get a development with retail on the bottom and residential uses on floors above.

A man said the character of the neighborhood was discussed earlier. He said he could see keeping The Hawk and The Wheel, but did not see how the other issue fit with what was discussed.

McCullough said this was an identified node of activity that the Planning Commission felt deserved a little bit of encouragement to get more of a mixed use development pattern to serve the residence in the area. He said this area the plan encouraged change.

Mayor Amyx said neighborhood commercial at that location was identified in the plan.

McCullough said it was part of several discussions and any development or redevelopment would go through a historic review and was part of an overlay districts therefore, anticipating a lot more discussion as development occurred.

A man asked how could new retail and apartment buildings fit into the word historical.

Commissioner Dever said the area historically had contained a variety of commercial and retail activities. He said because those activities evolved to something else, did not mean that historically it was not a commercial area. In reality, that area was a hub for commercial activities. It was trying to set aside an area in the neighborhood which would be the focal point of a commercial note.

Jon Davis, owner of The Hawk, said the impetus of this issue was protection of their properties and current uses. He said there would be no redevelopment activity on that corner as long as they owned that property.

Commissioner Dever said when calculating those deferred parcels and the land that was public right-of-way, he asked why the public right-of-way was included in the acreage and if the owners of the deferred property did not come to the city, but was set aside because the Oread Plan set the area as an RM district, or did the owner of the area come first.

Werner said he made the request for all 8 properties. The two properties to the South of The Hawk were restored structures and were permanent because a lot of money was spent. The structure at the corner of 14th and Tennessee was a 1950 cinder block apartment building and would like to see that building redeveloped. The building to the west was a 1970 or 1980 apartment building and they would like to see both of those buildings redeveloped. The acreage was zoned to the center line of the right-of-way. He said it was a unique situation when taking the right-of-way out and was about 50% of the project.

He said he would like to see the Commission do something about the structure at 502 West 14th. He said did not have a chance to get with the owners on the south. He said he saw mixed use as the right type of zoning district in that location.

Mayor Amyx said if someone wanted an allowed use in that area that took over part of that property, he asked if notification was sent only to property owners within a 200 foot area.

McCullough said that physical development of a site through a site plan would go 200 feet out and to KU and the Oread Neighborhood Association. If uses changed once the site was developed and did not reach the trigger of a site plan review, and was a permitted use and not a special use, then they would be allowed to occupy the site with that use.

Mayor Amyx said if there were any allowed uses that were not recommended in this application.

McCullough said there were no uses conditioned out of the district for this particular application.

Mayor Amyx asked if there were any uses that should be conditioned out of the district

McCullough said there were none identified through the Planning Commission public hearing. He said there was discussion about sexually oriented businesses and there were standards in the development code that would preclude those types of uses at this location.

Moved by Johnson, seconded by Cromwell, to approve the rezoning Z-11-21-09, to rezone approximately .13 acres located at 502 West 14th Street. Motion carried unanimously.

(10)

Moved by Johnson, seconded by Cromwell, to approve the rezoning Z-11-22-09, to rezone approximately .05 acres located at 414 West 14th Street. Motion carried unanimously.

(11)

Moved by Johnson, seconded by Cromwell, to approve the rezoning Z-11-23-09, to rezone approximately .09 acres located at 1346 Ohio Street. Motion carried unanimously. **(12)**

Moved by Johnson, seconded by Cromwell, to approve the rezoning Z-11-24-09, to rezone approximately .13 acres located at 1340-1342 Ohio Street, including an automatic Special Use Permit for a Bar or Lounge use. Motion carried unanimously. (13)

Moved by Johnson, seconded by Cromwell, to approve the rezoning Z-11-27-09, to rezone approximately .13 acres located at 507 W 14th Street, including an automatic Special Use Permit for a Bar or Lounge use. Motion carried unanimously. (14)

Moved by Johnson, seconded by Cromwell, to adopt on first reading, Ordinance No. 8568, for the Rezoning of (Z-11-21-09, Z-11-22-09, Z-11-23-09, Z-11-24-09, Z-11-27-09) .13 acres located at 502 W. 14th Street, .05 acres located at 414 W. 14th Street, .09 acres located at 1346 Ohio Street, .13 acres located at 1340-1342 Ohio Street, and .13 acres located at 507 West 14th Street, from RM32 (Multi-Dwelling Residential) to MU (Mixed Use). Motion carried unanimously. (15)

Moved by Johnson, seconded by Cromwell, to adopt on first reading, Ordinance No. 8573 to allow for Special Use Permit for a bar or lounge use (Z-11-24-09) at 1340-1342 Ohio Street. Motion carried unanimously. (16)

Moved by Johnson, seconded by Cromwell, to adopt on first reading, Ordinance No. 8574, to allow for a Special Use Permit for a bar or lounge use (Z-11-27-09) at 507 West 14th Street upon rezoning to the MU District. Motion carried unanimously. (17)

PUBLIC COMMENT: None

FUTURE AGENDA ITEMS:

- 09/28/10
- Approve an amended Temporary Use of Public Right-of-Way Permit for the closure of the 600 block of Massachusetts Street from 8:00 a.m. -midnight on Saturday, October 9, 2010 for the Bert Nash Dash and Bash, and for the use of city streets for 5K and 10K races. Staff Memo & Attachments
 - Distance limitation waiver hearing for the 10/21/10 KU Pep Rally on the 1000 block of Massachusetts. Staff Memo & Attachments
 - Consider Comprehensive Plan Amendment, CPA-5-6-10, to Horizon 2020, including the 6th and Wakarusa Area Plan, to change the designated land use from residential/office to commercial for a portion of the Bauer Farm

Development located along 6th Street between Folks Road and Champion Lane. (PC Item 3; denied 8-2 on 8/23/10) Staff Report Application Horizon 2020 - Chapter 6 Approved Site Plan for 6th and Wakarusa Retail Market Study Retail Market Study Attachment Bauer Farm Residential Plan Bauer Farm Concept Plan Bauer Farm Site Plan Map of Area Correspondence

ACTION: Receive Planning Commission recommendation and act on request to approve Comprehensive Plan Amendment (CPA-5-6-10) to Horizon 2020, if appropriate.

- Approve scope of improvements for Iowa Street, Project PW1012, Iowa Street (US-59 Highway), Irving Hill Road to Yale Road, Street Reconstruction and Geometric Improvements

10/05/10 · **Receive status report on activities of the Community Commission on Homelessness. Staff Memo**

10/12/10 **Consent:**

- Approve Comprehensive Plan Amendment, CPA-4-2-10, to update Chapter 14 – Specific Plans to correct references made to the previous Chapter 13 – Implementation regarding the adoption process for plans. The reference needs to be updated to refer to Chapter 17 – Implementation. This was an oversight when the chapter was renumbered and was identified as a work item in the annual review of the Comprehensive Plan. *Initiated by Planning Commission on 4/26/10.* Adopt on first reading, Ordinance No. 8542, for Comprehensive Plan Amendment (CPA-4-2-10) to Update Chapter 14 – Specific Plans to correct references made to the previous Chapter 13 – Implementation regarding the adoption process for plans. (PC Item 7; approved 10-0 on 6/23/10)
- Approve Comprehensive Plan Amendment, CPA-4-3-10, amending Chapter 7 – Industrial and Employment Related Land Uses to be consistent with the approved K-10 & Farmer's Turnpike Plan to include the expanded Santa Fe Industrial Area and I-70 and K-10 industrial area identified in the sector plan. This was an identified work item in the annual review of the Comprehensive Plan. Adopt on first reading, Ordinance No. 8562, for Comprehensive Plan Amendment (CPA-4-3-10) amending Chapter 7 – Industrial and Employment Related Land Uses to be consistent with the approved K-10 & Farmer's Turnpike Plan to include the expanded Santa Fe Industrial Area and I-70 and K-10 industrial area identified in the sector plan. *Initiated by Planning Commission on 4/26/10.* (PC Item 3; approved 8-0 on 7/26/10)

Regular:

- Receive presentation from Westar Energy on the Smart Grid program.

November · Receive status report on LCS relocation efforts.

TBD · Approve URS Transition Plan for project PW1015, Farmland Transitional Services, and set bid date for Demo Plan.

- Receive staff memo regarding possible annexation of Westar Energy Center and adjacent properties. Additionally, staff is working on a memorandum discussing possible annexation of the Miller/Wells acres area.
- Receive Lawrence Human Relations Commission gender identity report. Report
- Ordinance No. 8565, establishing a Community Improvement District (CID) at 23rd and Ousdahl Streets.
- Consider approving Comprehensive Plan Amendment, CPA-2008-7, amending Horizon 2020 to include Chapter 16 – Environment. (PC Item 4; approved 8-1-1 on 8/23/10) Staff Memo Draft Chapter 16 Correspondence

ACTION: Approve Comprehensive Plan Amendment (CPA-2008-7), if appropriate.

COMMISSION ITEMS: Commissioner Dever said he would not be attending the October 12 City Commission Meeting.

Moved by Chestnut, seconded by Johnson, to adjourn at 8:55 p.m. Motion carried unanimously.

APPROVED:

Mike Amyx, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

CITY COMMISSION MEETING OF SEPTEMBER 21, 2010

1. Bid – 6th Street ITS Project to K&W Underground for \$382,479.90.
2. Ordinance 8556 – 2nd Read, 1.31 acres, RS1 to RM12, 200 N Michigan.
3. Ordinance 8567 – 2nd Read, 3.92 acres from CS & RM12 to RM12, 2130 Silicon Ave.
4. Annex (A-9-3-10) 51.13 acres, SW corner of N 1800 Rd, & E 1000 Rd. (Queens extended)
5. Signs of community interest – Lawrence Home Builders Assoc Fall Parade of Homes, Oct 4th.
6. City Manager's Report.
7. Distance restriction waiver – Ballard B3 Event, S Park.
8. Sidewalk Dining & Hospitality changes to regs.
9. Ordinance 8496 – 1st Read, (CPA-2-1-09) Oread Neighborhood Plan.
10. Rezone (Z-11-21-09) .13 acres, 502 W 14th.
11. Rezone (Z-11-22-09) .05 acres, 414 W 14th
12. Rezone (Z-11-23-09) .09 acres, 1346 Ohio.
13. Rezone (Z-11-24-09) .13 acres, 1340-1342 Ohio – SUP for bar or lounge.
14. Rezoning (Z-11-27-09) .13 acres, 507 W 14th Street -SUP for a bar or lounge.
15. Ordinance 8565 – 1st Read, (Z-11-21-09, Z-11-22-09, Z-11-23-09, Z-11-24-09, Z-11-27-09). See rezonings above
16. Ordinance 8573 – 1st Read, SUP for (Z-11-24-09) – SUP for bar or lounge, 1340-1342 Ohio.
17. Ordinance 8574 – 1st Read, SUP for (Z-11-27-09) – SUP for bar or lounge – 507 W 14th.