

**ITEM NO. 4      TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; IBP DISTRICT (MJL)**

**TA-4-4-10:** Reconsider a Text Amendment to the City of Lawrence Land Development Code, Chapter 20, Section 20-403, and potentially other sections of the Code, to permit the Hotel, Motel, Extended Stay use in the IBP (Industrial/Business Park) District. *Initiated by Planning Commission on 4/26/10. Approved 6-4 by Planning Commission on 6/23/10. City Commission returned to Planning Commission on 8/3/10. Deferred by Planning Commission on 9/20/10.*

**STAFF PRESENTATION**

Ms. Michelle Leininger presented the item.

Commissioner Rasmussen asked if a hotel, motel, or extended stay in the IBP district could have an accessory bar but not a separate bar, lounge, or nightclub.

Ms. Leininger said yes, they could have an accessory bar. She said currently an accessory bar was allowed in the IBP district, it just could not be accessory to the hotel but it could be accessory to a restaurant.

Commissioner Blaser asked if a hotel or motel that had a happy hour would not be considered a problem since it would only be during a certain time frame.

Mr. McCullough said the intent of the use standards was to reduce the activity that they talked about at the last Planning Commission meeting on this issue, which was the stand alone bar or lounge in the nightclub use. He stated the Code as proposed would allow a hotel with 50 or more rooms to have a restaurant and that the restaurant could have an accessory bar. A hotel could not have just a bar as an accessory use in the IBP district.

Commissioner Blaser gave the example of a Drury Inn that has happy hours.

Mr. McCullough said staff would review those when submitted but the intent was not to have a stand alone or nightclub in the IBP district. He said there are other districts available to those uses that are better suited to that type of use.

**PUBLIC HEARING**

Ms. Gwen Klingenberg, President of Lawrence Association of Neighborhoods, thanked staff and City Commission for looking at the issue again. She said the surrounding neighborhood already existed and the neighborhood was opposed to a hotel use in the IBP district because they fought for the use to be removed a few years ago. She expressed concern about balconies that might intrude on residential homes. She referenced Article 7 and Article 11 standards that applied to adjacent residential zoning.

Mr. Alan Cowles felt that no alteration was needed to the IBP definition. He said there had been discussion of putting a hotel or motel on McDonald Drive and that there was already a mechanism in place to do that. He said there are several categories already in existence that could handle it. He expressed concern about decreased residential property values. He asked them to deny the Text Amendment and that the entire neighborhood was not in favor.

**COMMISSION DISCUSSION**

Commissioner Finkeldei did not feel this was a necessary change and did not feel they should change it and at this point as it only affects one area and affects them negatively. He said he would not support the Text Amendment.

Commissioner Rasmussen asked what happened if they didn't move forward with this.

Mr. McCullough said if the Planning Commission failed to respond then it would be taken to City Commission with that as the response. He stated deferral was also an option if they wanted staff to work on various things.

Commissioner Liese inquired about the history.

Mr. McCullough said there was a request to amend the Code to permit hotel, motel, extended stay use in the IL district and a subsequent Site Plan application was submitted for south of Hallmark. When staff did research for that Text Amendment staff was of the opinion that the use was complementary of uses in IL and IBP, but not IG, so it was not a proposed use in the IG district. Staff brought forth the Text Amendment as a product of the IL Text Amendment and then they were separated and the IL went forward and was approved.

Commissioner Liese asked if it was staff's proposal to make it consistent and not a request from an outside party.

Mr. McCullough said that was correct. He said the largest area of IBP zoning today was in West Lawrence and that was where the discussion has focused. There are other areas for potential IBP zoning but staff was of the opinion that it was an appropriate use in that district. He stated there was no pending development today that would benefit by the Text Amendment. He said Mr. Cowles was right; one option for a potential development was to come in and request rezoning to commercial district. He said there were some impediments to that in the commercial districts that carry the hotel use, in terms of their size and designation in the Comprehensive Plan. In staff's opinion it was an appropriate use in the IBP district and would seek to remove any impediment to get the use established, if deemed to be appropriate, to support business uses.

Commissioner Finkeldei stated for the record, he voted against the Text Amendment with no use standards last time. He stated City Commission sent the item back to Planning Commission to look at the use standards. He said if this passes tonight he would like to keep the use standards but not think the Text Amendment was necessary.

Commissioner Burger asked if the Text Amendment did not pass would it be possible for a corporate entity to build an extended stay facility and would they have the means for going through the process to do so and work with the community and neighbors.

Mr. McCullough said yes, a probable avenue would be to apply for an IL rezoning request.

Commissioner Singleton agreed with the staff recommendation that this was an appropriate use in the IBP district. She said if it was built in an area like this it would be geared toward business travelers who need to be close to the facilities they are visiting. She did not think that making a motel, hotel, or extended stay facility go through a special application process was necessary in a situation like this. She did not see a motel, hotel, or extended stay facility designed to be built in a neighborhood like this having a huge detriment to the neighborhood. She felt it would be good for the business traveler to have access, good for the industry, and good for the community.

Commissioner Rasmussen agreed with Commissioner Singleton. He said having a hotel, motel, extended stay built in an IBP area around Bob Billings and Wakarusa would do nothing but benefit the area, such as a Marriott Extended or Drury Inn. He stated that City Commission sent this back to Planning Commission because they were concerned there were no restrictions on bars and clubs. Without those restrictions there could be a separate bar and could advertise just for that business. He said with the incorporated staff suggestions it would allow for an accessory bar that would be part of the restaurant but not a standalone type business. He stated that the types of investors that would build a hotel, motel, extended stay in that area are targeting to business travelers and would not be real tall structures with loud guests. He pointed out that manufacturing was a permitted use already in that area and he did not see a hotel as being as onerous as a manufacturing facility. He said he would support the Text Amendment.

Commissioner Liese said he was leaning toward supporting the Text Amendment. He felt it was safer for guests to be able to eat and drink at the hotel they are staying at instead of getting in their rental car and driving through town. He stated regarding the balcony issue, homes are built so close to each other that people see into each other's homes when their curtains are open so he did not think a hotel would be that different. He said it was not uncommon even in a residential setting.

Commissioner Hird agreed with some of the comments about the usefulness of having some sort of facility in the IBP district and felt it could be done in a non-offensive way. He said he was somewhat concerned about the comments that Ms. Klingenberg made about balconies and said he could see where that might be an issue to consider during the site planning process. He said he supported the concept to allow the use in the district.

Commissioner Harris said she would vote against the Text Amendment and felt that hotels had a different kind of impact on adjacent neighbors than manufacturing. She said hotels have a lot of activity in the parking lot, food service trucks, and different kinds of disruptions. She agreed with Commissioner Finkeldei's statement that it was not really needed at this time.

Commissioner Burger agreed with comments from Commissioners Finkeldei and Harris because of the West Lawrence location of IBP. She said she would prefer a process that encourages more of a community consensus. She said she would vote in opposition.

Commissioner Liese asked what happened if the vote resulted in a tie.

Mr. McCullough said the motion would fail.

Commissioner Liese said he was pleased by the atmosphere on Monday and felt that community collaboration was important.

Commissioner Hird said when talking about community collaboration he sensed what this grew out of was the comment that they could require people to go seek rezoning and that would allow this process to start all over again. He said a change in rezoning was not a given, it was a difficult and sometimes lengthy process. He said they have spent hours talking about economic development and making it easier to do business in Lawrence. If they were going to require someone wanting to build a hotel to seek zoning in an IBP district it would put an impediment which is what they were trying to avoid. He said the Text Amendment was initiated to provide this as a permitted use in all IBP districts.

Commissioner Rasmussen asked Commissioner Finkeldei to clarify his comments about restrictions not being necessary. Commissioner Rasmussen stated that Planning Commission previously approved the use of hotel, motel, extended stays in IBP areas and then City Commission came back and asked Planning Commission to look at restrictions.

Commissioner Finkeldei said he voted against the Text Amendment last time with no restrictions. He still did not think it was a necessary change to make at this time. He said Commissioner Rasmussen made a good point stating that City Commission sent it back for Planning Commission to consider the use restrictions. City Commission did not send it back for Planning Commission to reconsider the whole thing, they sent it back to consider use restrictions.

Mr. McCullough said that was fair, it was certainly open to expand that through the minutes and convey messages about the whole Text Amendment. Typically when City Commission sends back an item it was to talk about specific issues and the specific issue with this one was should there be use restrictions associated with the permitted use of hotel, motel, extended use in the IBP district.

Commissioner Finkeldei said if that was the case then he would vote to support the use restrictions

Commissioner Rasmussen said to him that was all they were considering. He did not feel they were being asked to consider if hotel, motel, extended stay were permitted uses in IBP.

Commissioner Liese read the motion from the City Commission minutes:

***Moved by Dever, seconded by Cromwell, to send this item back to the Planning Commission Text Amendment (TA-4-4-10), regarding the City of Lawrence Land Development Code, Chapter 20, Section 20-403 of the Code of the City of Lawrence, KS to permit the Hotel, Motel, Extended Stay use in the IBP (Industrial/Business Park) District, to discuss and consider the use standards for compatibility of the accessory uses. Motion carried unanimously.***

Commissioner Finkeldei said if that was what they were being asked to consider then he would vote yes on the use standards but he noted that he still did not think the Text Amendment was a good idea.

Commissioner Burger said she would vote in favor of the changes that have been made but she still did not feel the use was necessarily correct for that area.

Commissioner Blaser said he would support the use standards as well as no balconies.

### **ACTION TAKEN**

Motioned by Commissioner Hird, seconded by Commissioner Liese, to approve standards regarding accessory uses to hotel, motel, extended stay and the revision of language for wording consistency for Text Amendment TA-4-4-10 to amend the Land Development Code, Chapter 20, Sections 20-403, 20-509 and 20-1724 in accordance with the staff report and for the reasons set forth in the staff report.

Commissioner Harris said she had been in some hotels that had an interior courtyard with balconies but no balconies on the outer areas and she said that was a concept she could support.

Commissioner Blaser said he would not want to see balconies facing private homes.

Commissioner Finkeldei said the balconies would be a Site Plan issue.

Commissioner Rasmussen said it also works that way for the patrons of the hotel because there could be people looking in the hotel as well.

Motion carried 7-1, with Commissioner Harris voting in opposition. Student Commissioner Davis voted in favor.