

**PLANNING COMMISSION REPORT**  
**Regular Agenda -- Public Hearing Item**

PC Staff Report  
TA-4-4-10

**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.*

**RECOMMENDATION:** Staff recommends that the Planning Commission forward a recommendation for approval to the City Commission for TA-4-4-10 to amend the Land Development Code, Chapter 20, Sections 20-403, 20-509 and 20-1724 to permit the *Hotel, Motel, Extended Stay* use in the IBP District, add standards regarding accessory uses to Hotels and revise some language for wording consistency.

**Reason for Request:** To permit the Hotel/Motel/Extended Stay use in the IBP District.

**RELEVANT GOLDEN FACTOR:**

- This request is generally in conformance with the comprehensive plan.

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- Comments received at 6/23/10 PC meeting
- Attached 8/3/10 CC minutes

**OVERVIEW OF PROPOSED AMENDMENT**

Proposed amendment to Section 20-403, the Nonresidential District Use Table to permit the Hotel, Motel, Extended Stay use in the IBP District.

**CONFORMANCE WITH THE COMPREHENSIVE PLAN**

Chapter 7, Goal 3 of *Horizon 2020* supports the use of transitions between more intensive and lesser intensive uses for Industrial and Employment Related Land Uses. Additionally Goal 3.2 discusses low-intensity commercial or office uses as a transitional method.

At the August 8, 2010 City Commission meeting, the CC voted 5-0 to return TA-4-4-10 back to the Planning Commission for further consideration. The CC gave direction to review the standards for accessory uses of the Hotel, Motel, and Extended Stay Use in the IBP District. Staff has proposed adding an asterisk in the use table in Section 20-403(b) to reference new standards in Section 20-509. Changes to Section 20-509 Eating and Drinking Establishment regarding the accessory uses to Hotels are proposed and shown in red, italic, underlined font that is highlighted and deletions struck through. The text amendment also includes housekeeping revisions to both Sections 20-509 and 20-1724 to provide consistent terminology with use terms in Section 20-403.

**TA-4-4-10 Draft Code Changes**

**20-403 NONRESIDENTIAL DISTRICT USE TABLE**

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts														Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IG	OS	GPI	H	
<b>RESIDENTIAL USE GROUP</b>																
Household Living	Accessory Dwelling	P*	-	P*	-	-	-	-	-	-	-	-	-	-	-	534
	Attached Dwelling	P*	-	P*	-	-	-	-	-	-	-	-	-	P*	-	503
	Cluster Dwelling	-	-	-	-	-	-	-	-	-	-	-	-	-	-	702
	Detached Dwelling	P*	-	P	-	-	-	-	-	-	-	-	-	P*	P*	508
	Duplex	P*	-	P*	-	-	-	-	-	-	-	-	-	-	-	503
	Manufactured Home	-	-	-	-	-	-	-	-	-	-	-	-	P	P	
	Manufactured Home, Residential-Design	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	513
	Mobile Home	-	-	-	-	-	-	-	-	-	P	P	-	P	P	
	Mobile Home Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Multi-Dwelling Structure	-	P*	P*	-	P*/S*	P*	-	P*	-	-	-	-	S	P	517
	Non-Ground Floor Dwelling	P*	P*	P*	-	P*	P*	-	P*	-	-	-	-	-	-	517/542
	Work/Live Unit	P*	P*	P*	-	P*/S*	P*	-	P*	-	P*	-	-	-	-	517/541
	Zero Lot Line Dwelling	P*	-	P	-	-	-	-	-	-	-	-	-	-	-	531
Home Occupation, Type A or B	-	-	P*	-	-	-	-	-	-	-	-	-	-	-		
Group Living	Assisted Living	-	-	P	-	-	-	-	-	-	-	-	-	S	S	
	Boarding Houses & Cooperatives	-	-	P	-	-	-	-	-	-	-	-	-	-	-	
	Dormitory	-	-	-	-	-	-	-	-	-	-	-	-	-	P	
	Fraternity or Sorority House	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Group Home, General (11 or more)	S	S	S	S	S	S	S	S	-	-	-	-	-	P	
	Group Home, Limited (10 or less)	P	-	P	-	-	-	-	-	-	-	-	-	-	-	
<b>PUBLIC AND CIVIC USE GROUP</b>																
Community Facilities	Cemetery	P*	P*	-	P*	-	P*	P*	P*	P*	P*	-	P*	P*	-	505
	College/University	S	P	P	P	P	P	P	P	P	P	P	-	P	P	
	Cultural Center/Library	S	P	P	S	P	P	-	-	P	-	-	S	P	A	
	Day Care Center	S*	P*	S*	S*	S*	P*	P*	P*	P*	P*	P*	-	-	-	507
	Day Care Home, Class A	P	P	P*	-	P	P	-	P	-	-	-	-	-	-	
	Day Care Home, Class B	S*/A*	P*	S*	-	P	P	-	P	-	-	-	-	-	-	507

	Base Zoning Districts															Use-Specific Standards (Sec. 20-)
	CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IG	OS	GPI	H		
<b>Key:</b> A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed																
Detention	-	-	-	-	-	-	-	-	-	S	P	-	-	-	-	
Lodge, Fraternal and Civic Assembly	S*	S*	S*	S*	P*	P*	P*	P*	-	P*	-	-	P*	-	512	
Postal & Parcel Service	-	P	P	P	P	P	P	P	P	P	P	-	P	-		
Public Safety	S	P	P	P	P	P	P	P	P	P	P	-	P	-		
School	P	P	P	P	P	P	P	P	-	-	-	-	P	-		
Funeral and Interment	-	P*	-	P*	-	A*	-	-	505							
Temporary Shelter	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*	S*/A*	S*	-	S*	S*/A*	544/522	
Social Service Agency	P	P	P	P	P	P	P	P	P	P	P	-	P	P		
Community Meal Program	S/A*	S/A*	S/A*	S/A*	S/A*	S/A*	S/A*	S/A*	S	S/A*	S	-	S	S/A*	522	
Utility, Minor	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	-	530	
Utility and Service, Major	S	S	S	S	S	S	S	S	S	S	P	S	P	-		
Medical Facilities	Extended Care Facility, General	-	S	-	S	-	-	-	-	S	-	-	-	-	P	
	Extended Care Facility, Limited	P	P	P	P	-	-	-	-	-	-	-	-	S	P	
	Health Care Office, Health Care Clinic	P	S	P	P	P	P	P	P	P	P	-	-	P	A	
	Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	P	
	Outpatient Care Facility	P*	-	-	-	-	P*	P*	519							
Recreational Facilities	Active Recreation	S	P	P	S	S	P	P	P	P	P	-	S	A*/S*	A	532
	Entertainment & Spectator Sports, Gen.	-	-	-	-	P	P	P	P	-	-	-	-	S	-	
	Entertainment & Spectator Sports, Ltd.	-	P	P	-	P	P	P	P	-	-	-	S	P	-	
	Participant Sports & Recreation, Indoor	-	P	P	-	P	P	P	P	P	P	-	-	P	A	
	Participant Sports & Recreation, Outdoor	-	-	S	-	-	P	P	P	P	P	-	-	A*/S*	-	532
	Passive Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Nature Preserve/ Undeveloped	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Private Recreation	P	P	P	-	P	P	-	P	-	-	-	P	P	P	

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	CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IG	OS	GPI	H		

Religious Assembly	Campus or Community Institution	P*	-	P*	-	-	-	A*	522								
	Neighborhood Institution	P*	-	P*	-	-	-	-	522								
<b>COMMERCIAL USE GROUP</b>																	
Animal Services	Kennel	-	-	-	-	-	P	P	P	-	P	P	-	-	-	-	
	Livestock Sale	-	-	-	-	-	S	S	S	-	P	P	-	-	-	-	
	Sales and Grooming	P	P	P	P	P	P	P	P	-	P	P	-	-	-	-	
	Veterinary	-	P	P	P	P	P	P	P	P	P	P	-	-	-	-	
Eating & Drinking Establishments	Accessory Bar	A*	-	-	-	-	-	509									
	Accessory Restaurant	-	-	-	-	-	-	-	-	A	-	-	-	-	-	-	
	Bar Or Lounge	-	-	S*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	509
	Brewpub	-	P*	S*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	509
	Fast Order Food	P*	-	P*	-	-	-	-	A*	511 & 509							
	Fast Order Food, With Drive-In	-	S	S*	-	-	P	P	P	-	P	-	-	-	-	-	
	Nightclub	-	-	-	-	P*	-	P*	P*	-	-	-	-	-	-	-	509
	Private Dining Establishments	P*	P*	-	P*	P*	P*	P*	P*	P*	-	-	-	-	-	-	539
Restaurant, Quality	P*	P*	P	P*	-	-	-	-	-	524							
Office	Administrative and Professional	P*	-	P*	A*	518											
	Financial, Insurance & Real Estate	P*	-	-	-	A*	510										
	Other	P*	-	-	-	537											
Parking Facilities	Accessory	A*	535														
	Commercial	-	S	S	S	S	P	P	P	P	P	P	-	P	A		
Retail Sales & Service	Building Maintenance	-	P	S	-	P	P	P	P	-	P	P	-	A	A		
	Business Equipment	-	P	P	-	P	P	P	P	P	P	-	-	-	-		
	Business Support	-	P	P	P	P	P	P	P	P	P	P	-	-	A		
	Construction Sales and Service	-	-	-	-	-	P	P	P	-	P	P	-	-	A		

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		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IG	OS	GPI	H	
	Food and Beverage	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	-	-	-	A*	511
	Mixed Media Store	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	-	-	-	-	516 528
	Personal Convenience	P*	P*	P*	-	P*	P*	P*	P*	-	P*	-	-	-	A*	520
	Personal Improvement	P*	P*	P*	-	P*	P*	P*	P*	-	P*	-	-	A*	A*	521
	Repair Service, Consumer	P*	P*	P*	-	P*	P*	P*	P*	-	P*	-	-	-	-	523
	Retail Sales, General	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	-	-	-	A*	525
	Retail Establishment, Large	-	-	-	-	-	P*	P*	S*	-	-	-	-	-	-	526
	Retail Establishment, Medium	-	P*	P*	-	P*	P*	P*	P*	-	-	-	-	-	-	526
	Retail Establishment, Specialty	-	P*	P*	-	P*	P*	P*	P*	-	-	-	-	-	-	526
Sexually Oriented Businesses	Sexually Oriented Media Store	-	-	P*	-	-	-	-	-	-	-	-	-	-	-	528
	Physical Sexually Oriented Business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	528
	Sex Shop	-	-	-	-	-	P*	P*	P*	-	-	-	-	-	-	528
	Sexually Oriented Theater	-	-	-	-	-	P*	P*	P*	-	-	-	-	-	-	528
Transient Accommodation	Bed and Breakfast	P*	-	P*	-	-	-	-	-	-	-	-	-	-	-	20-504
	Campground	-	-	-	-	-	P	P	P	-	-	-	S	-	-	
	Hotel, Motel, Extended Stay	-	-	P	-	P	P	P	P	P*	P	-	-	-	A	20-509
Vehicle Sales & Service	Cleaning (e.g., Car Wash)	-	S	-	-	-	P	P	P	-	P	P	-	-	-	
	Fleet Storage	-	-	-	-	-	P	P	P	-	P	P	-	-	A	
	Gas and Fuel Sales	-	S	S	-	-	P	P	P	-	P	P	-	-	-	
	Heavy Equipment Repair	-	-	-	-	-	P	P	P	-	P	P	-	-	-	
	Heavy Equipment Sales/Rental	-	-	-	-	-	P	P	P	-	P	P	-	-	-	
	Inoperable Vehicles Storage	-	-	-	-	-	P	P	P	-	P	P	-	-	-	
	Light Equipment Repair	-	S	-	-	S	P	P	P	-	P	P	-	-	-	

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	Light Equipment Sales/Rental	-	P*	-	-	S	P	P	P	-	P	P	-	-	-	545
	RV and Boats Storage	-	-	-	-	-	P	P	P	-	P	P	-	-	-	
<b>INDUSTRIAL USE GROUP</b>																
Industrial Facilities	Explosive Storage	-	-	-	-	-	-	-	-	-	-	P	-	-	-	
	Industrial, General	-	-	-	-	-	-	-	-	-	P	P	-	-	-	
	Industrial, Intensive	-	-	-	-	-	-	-	-	-	-	P	-	-	-	
	Laundry Service	-	-	-	-	-	P	P	P	-	P	P	-	-	-	
	Manufacturing & Production, Ltd.	-	-	P	-	S	S	S	S	P	P	P	-	-	-	
	Manufacturing & Production, Tech.	-	-	-	-	S	P	P	P	P	P	P	-	-	-	
	Research Service	-	-	-	S	S	P	P	P	P	P	P	-	-	-	
	Scrap and Salvage Operation	-	-	-	-	-	-	-	-	-	S*	S*	-	-	-	527
Wholesale, Storage & Distribution	Exterior Storage	-	-	-	-	-	A*	A*	A*	A*	A*	A*	-	A*	A*	538
	Heavy	-	-	-	-	-	S	S	S	-	S	P	-	-	-	
	Light	-	-	-	-	-	P	P	P	P	P	P	-	S	-	
	Mini-Warehouse	-	-	-	-	-	P	P	P	-	P	P	-	-	-	
<b>OTHER USES GROUP</b>																
Adaptive Reuse	Designated Historic Property	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	501
	Greek Housing Unit	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Agriculture	Agricultural Sales	-	-	-	-	-	P	P	P	-	P	P	-	-	-	
	Agriculture, Animal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Agriculture, Crop	P	P	P	P	-	P	P	P	P	P	P	-	P	-	
Communications Facilities	Amateur & Receive-Only Antennas	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	536
	Broadcasting Tower	-	-	-	-	S	-	-	-	P	P	P	-	-	A	
	Communications Service Establishment	P	P	P	P	P	P	P	P	P	P	P	-	P	A	
	Telecommunications Antenna	A*	A*	A*	A*	S*	A*	A*	A*	A*	A*	A*	A*	A*	A*	529
	Telecommunications	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	A*	A*	529

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		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IG	OS	GPI	H		
	Tower																
	Satellite Dish	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	536
Mining	Mining	-	-	-	-	-	-	-	-	-	-	S*	-	-	-	515	
Recycling Facilities	Large Collection	-	-	-	-	-	P	P	P	-	P	P	-	-	-	540	
	Small Collection	P	P	P*	P	P	P	P	P	P	P	P	-	A	A	540	
	Processing Center	-	-	-	-	-	-	-	-	-	P	P	-	-	-		

## 20-509 EATING AND DRINKING ESTABLISHMENTS

The restrictions in (1) and (2) shall apply to a Licensed Premises use. The Fast Order Food establishments in 3 and 4 are not permitted to be a Licensed Premise:

### (1) Accessory Uses to Hotels

- (i)* A hotel with 50 or more rooms may have a restaurant as an Accessory Use; ~~a restaurant may be permitted as a second Principal Use on the same property as a smaller hotel~~, subject to all of the other conditions applicable to the use and the district in which it is located, including separate Parking requirements.
- (ii)* A hotel with 100 or more rooms may have a Bar or Lounge as an Accessory Use, subject to all of the other conditions applicable to the use and the district in which it is located, including separate Parking requirements. A Bar or Lounge is not permitted as an Accessory Use to a Hotel, Motel, Extended Stay use in the IBP District.
- (iii)* A hotel with 150 or more rooms may have a Nightclub or other live entertainment as an Accessory Use. A Nightclub is not permitted as an Accessory Use to a Hotel, Motel, Extended Stay use in the IBP District.

### (2) Accessory Bars

In any Zoning District allowing a R restaurant as a permitted use and allowing an Accessory Bar, the Accessory Bar shall be allowed only subject to the following standards:

- (i) the Accessory Bar shall not constitute more than 25% of the Floor Area of the eating & drinking establishment;
- (ii) the Accessory Bar shall not have a separate Street entrance; and
- (iii) if at any time the sales of alcoholic beverages in the eating & drinking establishment constitute more than 55% of gross sales for any two months or longer measuring period, the Bar shall be deemed to be a Principal Use and the operator shall be subject to penalties under this Development Code for operation of an unlawful use.

### (3) Standards that Apply in CN1 and CN2 Districts

Fast Order Food establishments shall be permitted in CN1 and CN2 Districts provided that the Gross Floor Area shall not exceed 3,000 square feet.

### (4) Standards that Apply in CO District

Fast Order Food establishments are permitted in the CO District provided that the total Floor Area does not exceed 10 percent (10%) of the total Gross Floor Area of all floors of the office Building or of all Buildings in the office complex in which the use is located.

### (5) Standards that Apply in CD District

The following restrictions apply to Licensed Premises in the CD district:

- (i) The **Licensed Premises** use in CD shall be required to derive from the sales of food for consumption on the **Premises** not less than 55% of all the **Licensed Premises**' gross receipts for a calendar year from sales of food and beverages on such **Premises**.
- (ii) The City Manager or his/her designee shall establish an administrative procedure for the investigation and enforcement of this requirement that shall include the annual reporting of appropriate sales and receipt information from **Licensed Premises** governed by this Section.
- (iii) The expansion, extension, enlargement, or alteration of a non-conforming use created by these restrictions shall be governed by Article 15 of this Code.

**(6) Standards that Apply in the MU District**

A **Bar or Lounge** use shall only be allowed for property applying and approved for a zoning map amendment to the MU District after July 1, 2010. A **Bar or Lounge** use shall be prohibited for all property with MU District zoning granted prior to July 1, 2010.

## 20-1724 EATING AND DRINKING ESTABLISHMENTS

Sale of prepared food and beverages for on- and off-Premises consumption. The following are eating and drinking establishment use types:

### (1) Accessory Restaurant

An accessory restaurant is not required to be separated by a permanent wall from the Principal Use to which it is accessory, and generally shares one or more entrances, as well as restrooms, coatrooms and other facilities, with the restaurant. No sales of alcoholic beverages shall be permitted. Accessory restaurants include, but are not limited to, snack bars, school cafeterias, and supermarket delicatessens.

### (2) Accessory Bar

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

### (3) Bar or Lounge

An establishment that may include food service but that emphasizes the service of alcoholic beverages for consumption on the Premises. Any establishment generating more than 45% of its gross revenues from alcoholic beverages (on a weekly average) shall be deemed to be a bar and not a restaurant.

### (4) Brewpub

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

### (5) Nightclub

An establishment that may or may not serve alcoholic beverages for on-Premises consumption and that offers live entertainment, which may be amplified, and/or music for dancing by patrons. A nightclub may also offer food service.

### (6) Fast Order Food

An establishment whose primary business is the sale of food: a) primarily intended for immediate consumption; b) available within a short waiting time; and c) packaged or presented in such a manner that it can be readily eaten outside the Premises where it is sold. This use category includes both establishments that have seating areas for consumption of prepared food on the Premises and those that provide food only for consumption off the Premises; this category does not include drive-in fast order food establishments.

### (7) Fast Order Food, Drive-In

Sale of food directly to patrons in motor vehicles or to patrons that intend to use the motor vehicle as an eating area. Typically, this use is either dependent on a long Driveway that provides adequate room for vehicle stacking at a drive-up service window or on a Parking Area near a walk-up service window. This use category includes uses commonly called "drive-ins" or "drive-in restaurants," "drive-up

restaurants,” “drive-through food or beverage stands,” and restaurants with “drive-through” facilities. If a fast-food establishment has both seating areas inside the establishment and drive-up or drive-through facilities, it shall be considered Fast Order Food, Drive-In for use purposes; parking standards, however, shall consider the inside dining area.

**(8) Restaurant, Quality**

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

**(9) Private Dining Establishment**

A dining establishment where the principal business is the dispensing and consumption of prepared food and/or beverage at tables, not including [Bars or Lounges](#), [Brewpubs](#) or [Nightclubs](#). A [Private Dining Establishment](#) is differentiated from other eating and drinking establishments on the basis that it is open to guests by invitation only and/or to the general public by reservation only and seats no more than 30 guests at once. Typically table service is provided by food and beverage servers.