

# Memorandum

## City of Lawrence

### Planning & Development Services

**TO:** David L. Corliss, City Manager

**FROM:** Planning Staff

**CC:** Scott McCullough, Planning and Development Services Director  
Sheila Stogsdill, Assistant Planning Director

**Date:** July 12, 2011

**RE:** SUP-3-2-11: Bullwinkle's 1344 Tennessee; Bar or Lounge Use

At the April 19, 2011 City Commission meeting, the City Commission directed staff to work with the applicant regarding SUP-3-2-11 for Bullwinkle's located at 1344 Tennessee for a Bar or Lounge Use to draft conditions to be placed on the Special Use Permit (SUP) to address the increase in noise and activity when the presumed drinking establishment license is sought, which will extend the hours of operation from midnight to 2 am. This SUP is derived from the rezoning of the property from RM32 (Multi-Dwelling Residential) District to MU (Mixed Use) District where an automatic SUP can be granted upon rezoning to the MU District.

At the June 28, 2011 City Commission meeting, the Commission directed staff to work with the applicant to incorporate landscaping in the grassy areas around the site to discourage congregation outside the patio and building near the street. Staff has met on site with the applicant and the applicant has revised the site plan to show additional landscaping on the front or west side (street right-of-way) and southwest side of the site. See attached site plan. The applicant proposal also includes extending a portion of the southern fence to 6' in height as previously proposed. A tree formally proposed has been removed after the applicant and staff on-site meeting.

The range of condition options include:

- No conditions. (would permit the owner to apply for a DE license and extend hours to 2 am)
- Keep status quo. (limit to Cereal Malt Beverage license and close at midnight)
- Allow owner to apply for DE license but limit hours to midnight, 1 or 2 am. (with findings to support the restriction)
- Accept the applicant's proposal of extending a portion of the southern fence to 6' in height as well as planting landscaping along the south side of the patio, west of the sidewalk and gate, and landscaping the right-of-way to the west (front) of the property.

A fence addition, or any structural addition, would require HRC approval. The applicant proposal of changing a portion of the fence from 4' to 6' would be an administrative process.

The *Land Development Code* permits the City Commission to amend, suspend or revoke a SUP at any time with a public hearing to address any issues that have risen with the approval. This allows the Commission to add conditions, suspend or revoke the SUP if issues arise in the future.

Ordinance 8627 regarding this SUP does not have any conditions included in Section 4. If the Commission approves the SUP, the ordinance will be revised to reflect the Commission decision before second reading.

Based on Commission discussion to date, staff recommends approval of SUP-3-2-11 with the following conditions:

1. Prior to October 20, 2011, the owner of 1344 Tennessee St. shall install the landscaping reflected site plan associated with SUP-3-2-11 approved by the City Commission.
2. Prior to installing the landscaping in the approved site plan because a portion of the proposed landscaping would be located within the city right-of-way, the applicant shall execute a right-of-way agreement with City of Lawrence regarding installation and maintenance the subject landscaping.
3. The owner of 1344 Tennessee St. shall maintain the landscaping in a healthy and sustainable manner. Failure to do so may be grounds for revoking the Special Use Permit.
4. SUP-3-2-11 is being granted with the presumption that the owner will seek a Drinking Establishment license which permits the bar to extend its operating hours from midnight to 2:00 a.m. While the hours of operation are not being limited at this time, the city reserves its authority to review and revise the SUP including the hours of operation , for good cause should the extended hours of operation harm the neighborhood.

#### **Action Options**

1. Approve SUP-3-2-1 for Bullwinkle's located at 1344 Tennessee to permit a Bar or Lounge use with no conditions as recommend by the Planning Commission on March 28, 2011 and approve Ordinance 8627 on first reading. (approval with a majority vote)
2. Approve SUP-3-2-1 for Bullwinkle's located at 1344 Tennessee to permit a Bar or Lounge use with conditions and approve Ordinance 8627 on first reading. (approval with a super majority vote)
3. Deny SUP-3-2-1 for Bullwinkle's located at 1344 Tennessee to permit a Bar or Lounge use. (denial with a super majority vote)
4. Return to the Planning Commission with specific direction.