

**ORDINANCE NO. 8627**

**SPECIAL USE PERMIT NO. SUP-3-2-11**

**AN ORDINANCE PROVIDING FOR A SPECIAL USE PERMIT WITH RESPECT TO CERTAIN PROPERTY WITHIN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS COMMONLY KNOWN AS 1344 TENNESSEE STREET**

WHEREAS, proper application was made for a Special Use Permit for a Bar or Lounge Use for the property located at 1344 Tennessee Street and which property is currently zoned MU (Mixed Use-Primary) District; and

WHEREAS, pursuant to Chapter 20 of the "Code of the City of Lawrence, Kansas, 2011 Edition," and amendments thereto, such use is permitted as a special use in the MU (Mixed Use-Primary) District; and

WHEREAS, after due and lawful notice and hearing, the Lawrence-Douglas County Metropolitan Planning Commission on March 28, 2011, recommended approval of a Special Use Permit for the property described in Section Two of this ordinance all within the City of Lawrence, Douglas County, Kansas.

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

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

**SECTION TWO.** Special Use Permit Granted. Pursuant to the regulations set forth in Section 20-1306 of Chapter 20 of the "Code of the City of Lawrence, Kansas, 2011 Edition," and amendments thereto, permission is hereby granted to use in the manner set forth in Sections Three and Four, the following property commonly known as 1344 Tennessee Street and legally described as follows:

**LEGAL DESCRIPTION:**

The west half of Lot 216 on Tennessee Street in the Original Townsite of the City of Lawrence, Douglas County Kansas.

**SECTION THREE.** That the real property described in Section Two shall hereafter allow a Bar or Lounge Use.

All zoning ordinances or zoning regulations of the City of Lawrence, Kansas affecting the use of the real property described in Section Two which are inconsistent with this ordinance are hereby made inapplicable to the said property.

**SECTION FOUR.** Conditions, Stipulations and Revocation. The special use permit granted in Sections Two and Three hereinabove in addition to the full compliance with any general provisions contained in Chapter 20 of the "Code of the City of Lawrence, Kansas, 2011 Edition," and amendments thereto, is hereby made contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions, and restrictions, of which the violation of any hereafter enumerated will be a basis for the revocation of the special use permit in addition to those specified in Section 20-1306 and 20-1108 , to wit:

1. Prior to October 20, 2011, the owner of 1344 Tennessee St. shall install the landscaping reflected in the site plan associated with SUP-3-2-11 approved by the City Commission.
2. Prior to installing the landscaping shown on the approved site the applicant shall execute a right-of-way agreement with City of Lawrence regarding installation and maintenance of 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. The Planning Director shall have discretion to require the owner of 1344 Tennessee St. is to install decorative fencing along the perimeter of the landscaped areas if it is found that the landscaped areas are being harmed by foot traffic.
5. 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.

**SECTION FIVE.** Effective Date. This ordinance shall take effect and be in force from and after its passage and publication as provided by law.

Passed by the Governing Body of the City of Lawrence, Kansas this \_\_\_\_\_ day of July, 2011

APPROVED:

---

Aron E. Cromwell, Mayor

ATTEST:

---

Jonathan M. Douglass, City Clerk

APPROVED AS TO FORM AND LEGALITY:

---

Toni R. Wheeler  
Director of the Legal Department

Publish one time and return one Proof of Publication to the City Clerk and one to the Director of the Legal Department.