

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
3/23/15

ITEM NO. 4: CS-UC TO CS-UC; 0.27 ACRES; 804 PENNSYLVANIA ST (MKM)

Z-15-00022: Consider a request to rezone approximately 0.27 acres from CS-UC (Commercial Strip with Urban Conservation Overlay) District to CS-UC (Commercial Strip with Urban Conservation Overlay) District with modification to the zoning restriction to permit a bar use without a food sales requirement, located at 804 Pennsylvania St. Submitted by Flint Hills Holdings on behalf of Ohio Mortgage Investors LLC, property owner of record.

STAFF RECOMMENDATION: Staff provides the following options for action on the request to modify the CS zoning to remove the food-sales requirement from the *Bar* use:

- a) Denial of the rezoning request to remove the 55% food sales requirement for *Bar* uses, or
- b) Approval of the rezoning request with a condition stating that a *Bar* use without the food sales requirement is permitted only when approved with a Special Use Permit.

APPLICANT'S REASON FOR REQUEST

"This request is being made because the current restrictions stated in Ordinance 8920, Section 2, item a. i. creates an unnecessary burden on the potential operator of the business at 804 Pennsylvania. We have had three separate business owners approach us and preliminarily reach an agreement about operating a Bistro business out of the space, but all three have backed out upon learning of the restrictions and reporting burden placed on them after opening.

The bistro site plan and architectural layout will not change even after approval of the rezoning request—the concept is exactly the same. However, the requirement and logistics of reporting daily sales from the food trucks on site, in addition to their own in-house reporting, has turned off all aspiring business owners.

The building is only 1,300 gross square feet, so is a very small footprint for any type of use. However, surrounding business owners, property owners, clients and colleagues have requested a place to have lunch, carry out a meeting, or have a drink with others after work without having to get into a car and drive somewhere to achieve this.

We understand the spirit of the 45%/55% restriction when it was conceived to protect densely developed areas from becoming bar districts or to limit the number of bar establishments in a college town. However, this would be the first establishment within six blocks in any direction to serve alcohol. There is a clear need for this service. Additionally, this rezoning request would only impact this property, every other property in the neighborhood would have to go through the same process to lift this restriction should they choose to do so. Further, the ownership group of this building is the same ownership group of the Poehler Lofts and the Cider Gallery—properties that abut 804 Pennsylvania to the east and south respectively. There is no one with more to lose than this ownership group if this turns into a rowdy, disruptive bar because it will undoubtedly negatively impact those that live in the Poehler, office in the Cider Coworking Space, or wish to have an event in the neighboring courtyard

or gallery of the Cider Gallery. If there was any chance that this rezoning would cannibalize the surrounding properties, this request would never be submitted.”

KEY POINTS

- The property contains a contributing structure to the East Lawrence Industrial Historic District, National Register of Historic Places (Figure 1); therefore, the Historic Resources Commission (HRC) must review the rezoning request under the State Preservation Law (K.S.A. 75-2724, as amended). This meeting is scheduled for March 26, 2015.



Figure 1. Historic structure on the property, site plan approved for use as a bar/bistro.

- The subject property and the surrounding area has been master-planned through the 8th and Pennsylvania Urban Conservation Overlay District.
- The subject property is regulated in part by the 8th and Penn Neighborhood Redevelopment Zone Design Guidelines. (Figure 2)
- The commercial zoning which was approved for portions of the 8th & Pennsylvania Urban Conservation Overlay District was conditioned with Ordinance 8054 in 2006 to limit the permitted uses. The conditioned zoning permits a *Bar* use only if 55% or more of the total receipts are from food sales.

The subject property was rezoned from the CS (Commercial Strip) District to the RM12D (Multi-Dwelling Residential) District in 2011 to remove the nonconformity status from use of the property; the building was used as a duplex residence at that time.

The property was then rezoned back to the CS District in 2013 with the same limited uses identified in Ordinance 8054 with a revision to the *Bar* use. The Rezoning Ordinance 8920, adopted in November 2013, included the following condition related to this use:

Bars (unless, within a calendar year, 55% of gross receipts from said use are derived from the sale of food for consumption on the premises; said restriction shall be applied beginning on the two-year anniversary of the commencement of the use);

The current rezoning request proposes the complete removal of the food sales requirement from the *Bar* use proposed at 804 Pennsylvania Street.

- In staff's opinion, a *Bar* use without an associated restaurant is not compatible with the nearby land uses unless the impacts are mitigated through site specific conditions which could be established with the approval of a Special Use Permit.

ATTACHMENTS

- A. Permitted Use Table
- B. Rezoning Ordinances

ASSOCIATED CASES

Z-12-80-05: Establishment of an Urban Conservation Overlay District for the 8th and Penn Neighborhood Redevelopment Zone and development of Design Guidelines. City Commission adopted on October 24, 2006 with Ordinance No. 8053. (Figure 2)

Z-01-01-06 Rezoning of 5.49 acres from M-2/M-3 (General/Intensive Industrial) Districts to C-5-UC (Limited Commercial with Urban Conservation Overlay) District. Approved by City Commission on December 19, 2006 with condition to restrict the uses. The restricted uses were listed in Rezoning Ordinance No. 8054.

Conversion: The C-5 (Limited Commercial) Zoning Designation converted to CS (Commercial Strip) with adoption of Land Development Code on July 1, 2006.

Z-8-23-11: Rezoning of the subject property from CS-UC (Commercial Strip with Urban Conservation Overlay) to RM12D-UC (Multi-Dwelling Residential with Urban Conservation Overlay) to remove the nonconformity status from the duplex use. Approved by City Commission on October 18, 2011 with adoption of Rezoning Ordinance No. 8677.

Z-13-00287: Rezoning of the subject property from RM12D-UC (Multi-Dwelling Residential with Urban Conservation Overlay) District to CS-UC (Commercial Strip with Urban Conservation Overlay) District. Approved by City Commission on November 5, 2013 with adoption of Rezoning Ordinance No. 8920. Conditions applied on the original C-5 Zoning for the District were applied with a change to allow 2 years for compliance with the 55% food sales requirement for the *Bar* use. The Ordinance listed the following excluded uses:

- i. Bars (unless, within a calendar year, 55% of gross receipts from said use are derived from the sale of food for consumption on the premises; said restriction shall be applied beginning on the two-year anniversary of the commencement of the use);
- ii. Liquor Store;
- iii. Ambulance Service;
- iv. Car or Truck Wash;
- v. Auto Repair;
- vi. External drive-through ATM or drive-through window (walk-up ATM's are allowed);
- vii. Furriers;
- viii. Pawn Shop;
- ix. Mobile Home Sales and Service;
- x. Golf Driving Range;
- xi. Pet Store (animal sales)
- xii. Loan Office (short-term cash advance loans); and
- xiii. Convenience store with Gasoline Sales.



Figure 2. 8th & Penn Neighborhood Redevelopment Zone outlined. Subject property marked with a star.

SP-13-00349: Site plan for conversion of a duplex dwelling to a *Quality Restaurant/Bar* at 804 Pennsylvania Street. Site plan included 2,440 sq ft customer service area total: 1200 sq ft customer service area in the building, and 1240 sq ft outside dining. Administratively approved on November 12, 2013.

ORD. 9026: Revision to City Code to allow permanently sited mobile food vendor units when approved with a site plan. Approved by City Commission on October 7, 2014.

SP-14-00220: Site plan to include a space for the permanent location of Mobile Food Vendors at 804 Pennsylvania Street which would be used to meet the 55% food sales requirement. The site plan included 2,649 sq ft of customer service area total: 1084 sq ft in the building, and 1,565 outside dining. Administratively approved on July 3, 2014.

Other Action Required:

- Historic Resources Commission approval. The rezoning has administrative approval with HRC confirmation set for March 26, 2015 HRC meeting.
- City Commission approval of rezoning request and adoption/publication of ordinance.
- Historic Resources Commission review will be required if any changes are proposed to the approved site plan, SP-14-00220.
- A building permit must be obtained prior to development.

Project Summary

The request proposes the rezoning of the property at 804 Pennsylvania from the CS-UC District to the CS-UC District to revise the condition listing the prohibited uses so that *Bar* uses would be allowed without the requirement to meet a 55% food sales requirement. The rezoning would accommodate the development of the property with a bar with accessory food sales from mobile food vendors without a 55%/45% ratio of food to alcohol sales.

A condition listed the prohibited uses, including the prohibition on bars unless the 55% food sales requirement is met, was applied with the rezoning of a portion of the 8th and Pennsylvania Urban Conservation Overlay District from industrial zoning to the C-5 (CS) District in 2006. The prohibition on uses was in response to concerns from the neighborhood regarding potential negative impacts the proposed mixed use development could have on the surrounding neighborhood.

The 2013 rezoning of the subject property from the RM12D to the CS District was recommended for approval with the following options:

- 1) applying the same 55% food sale restriction as the rest of the CS-UC District,
or
- 2) applying operational standards that could minimize negative impacts of the *Bar* use on the surrounding area.

At the September 23, 2013 Planning Commission meeting, the applicant indicated a preference for the 55% food sale requirement option if a longer time-frame could be provided for compliance. The applicant indicated that in the event that he was not able to meet the food sales requirement he would take a look at doing something closer to Option 2 (operational standards) in the future. The rezoning request was approved with a revised condition allowing 2 years for the *Bar* to come into compliance with the 55% food sales requirement.

The current rezoning request proposes a revision to the list of prohibited uses so that a *Bar* would be permitted on the subject property without the need to achieve 55% of total sales receipts from food sales. There would be no changes to the conditions which apply to the other properties in the 8th and Penn CS-UC District. A complete list of uses that are currently permitted in the CS District noting those uses restricted with the 8th and Penn CS-UC Zoning is included in Attachment A.

The applicant indicated that there would be no change in the development proposed for the site, which was approved with SP-14-00220. (Figure 3) This site plan approved a bar with 1084 sq ft of interior customer service area, 1,565 sq ft of outside seating area and a location for two Mobile Food Vendors. The intent was to have the food sales from the Mobile Food Vendors make up the 55% Food Sales Requirement. The applicant indicated that they've had difficulty finding operators who felt confident they could meet the 55% food sales requirement; therefore, they are requesting the removal of that requirement.

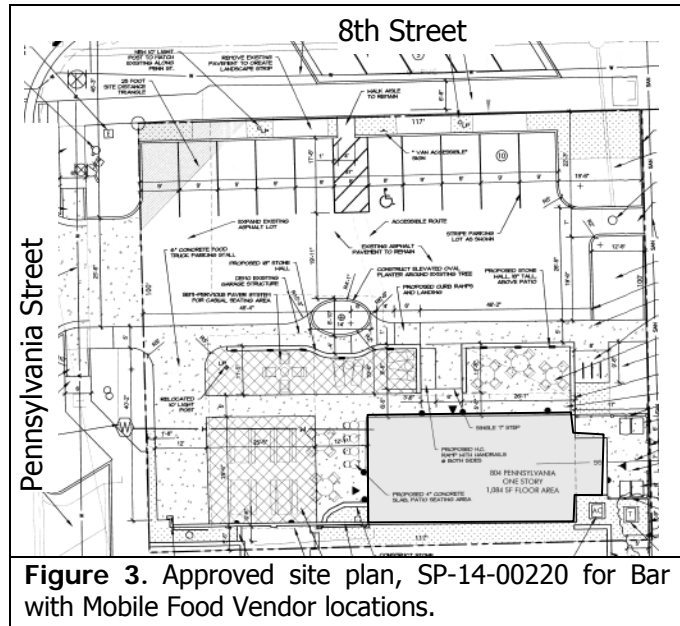


Figure 3. Approved site plan, SP-14-00220 for Bar with Mobile Food Vendor locations.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"The CS zoning designation will remain if this request is approved, so this will have no impact on the Horizon 2020 Comprehensive Plan. It is still in concert with the city's long-range plans."

This request is governed by general policies of *Horizon 2020* and the *8th and Penn Neighborhood Redevelopment Zone Design Guidelines*, which are standards used to implement the 8th and Pennsylvania Urban Conservation Overlay District. *Horizon 2020* is the focus of this section of the report. The *8th and Penn Neighborhood Redevelopment Zone Design Guidelines* are discussed later in this report.

The CS Zoning Designation, with proposed conditional uses, was reviewed and found to be in conformance with the Comprehensive Plan with the earlier rezonings of this property to the CS District (Z-01-01-06 and Z-13-00287). The current rezoning request would not change the CS Zoning District but would remove the zoning condition which limits the *Bar* use to those in which food sales make up 55% of the total sales receipt. Therefore, this section looks at the compliance of the request to include a *Bar* as a permitted use with the recommendations in the Comprehensive Plan.

Chapter 6 of the Comprehensive Plan provides the following recommendation for a Mixed-use district:

"Mixed-use districts shall include a mix of uses designed to maintain the character of the surrounding neighborhood, achieve integration with adjacent land uses, and be no larger than 20 acres in size."(Page 6-6, *Horizon 2020*)

Policy 2.2: *"Locate Less Compatible Uses Toward the Interior of Commercial Areas."*(Page 6-28, *Horizon 2020*)

Policy 3.4: Criteria for Mixed-Use Districts

D. *"Mixed-Use Districts shall maintain the character of the surrounding neighborhoods by:*

- a. Achieving integration with adjacent land uses by providing transitions through alleyways, variation among development intensity, and implementation of landscape buffers;*
- b. Incorporating existing structures wherever possible;*
- c. Maintaining general structure spacing, massing, scale, and street frontage relationship when incorporating new structures."*(Page 6-31, *Horizon 2020*)

The Comprehensive Plan recommends a mix of uses and recommends that the uses be designed to maintain the character of the surrounding neighborhood. The plan does not specifically prohibit or designate certain uses as being incompatible with other uses, but does recommend that less compatible uses be located toward the interior of commercial areas.

The Comprehensive Plan recommends the use of high density residential as a transition between higher intensity uses, such as commercial and lower density residential uses. (Policy 1.3, Page 5-23, *Horizon 2020*) The zoning map in Figure 4 shows the area zoned for industrial, commercial, and high density residential uses. Higher intensity commercial uses would appear to be appropriate based on the zoning of the area. However, this area has been developed with primarily single-dwelling homes on approximately 5890 sq ft lots (medium density residential). While the proposed use is a good fit with the zoning of the area, the use must be reviewed in context of the development in the area to insure compatibility.

Staff Finding –The Comprehensive Plan recommends that mixed use development be designed to maintain the character of the surrounding neighborhood and achieve integration with adjacent land uses. Compliance with the provisions of the *8th and Penn Neighborhood Redevelopment Zone Design Guidelines* will insure compatibility of the design with the physical character of the surrounding neighborhood. The proposed use is a good fit with the zoning of the area; however, the introduction of a *Bar* use into the area may have an impact on the character of the nearby single-dwelling residential neighborhood due to possible negative impacts associated with the noise and activity of outdoor seating areas. If a *Bar* use is to be permitted in this area, it should require approval through a Special Use Permit so that site specific standards and conditions can be applied to insure compatibility.

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

Current Zoning and Land Use: CS-UC* (Commercial Strip with Urban Conservation Overlay) District; vacant building which has site plan approval for development as a Bistro with accessory bar (55% food sales may be accomplished through Mobile Food Vendors).

Surrounding Zoning and Land Use:

To the north:

IG-UC (General Industrial with Urban Conservation Overlay) District; vacant utility yard, most recent use was *Heavy Wholesale Storage and Distribution*.

To the west:

CS-UC* (Commercial Strip with Urban Conservation Overlay) District; Undeveloped land under same ownership as subject property.

To the south:

CS-UC* (Commercial Strip with Urban Conservation Overlay) District; Art gallery with retail space and office uses.

To the east:

RM32-UC (Multi-Dwelling Residential with Urban Conservation Overlay) District; *Multi-Dwelling Structure*

(Figure 4)



Figure 4a. Zoning of area. Subject property is outlined. Hatched area indicates conditional zoning.



Figure 4b. Land use in the area. Subject property is outlined.

*The subject property and the adjacent properties to the south and west are not only located within an Urban Conservation Overlay zone, but the CS zoning was conditioned via the adopting ordinance (Ord 8054). Per the conditions of the zoning, the following uses are prohibited in this district:

- Bars [unless 55% of gross receipts are derived from food sales as outlined in 20-509(5)(i)] (Subject property has a slightly revised condition which allows 2 years to meet this requirement.)
- Liquor Store
- Ambulance Service
- Car or Truck Wash
- Auto Repair
- External drive-through ATM or drive-through window [walk-up ATM's are allowed]
- Furriers
- Pawn Shop
- Mobile Home Sales and Service
- Golf Driving Range
- Pet Store [animal sales]
- Loan Office [short-term cash advance loans]
- Convenience store with Gasoline Sales

Staff Finding – The surrounding properties are zoned IG, CS (with conditions as noted above), and RM32 within the Urban Conservation Overlay District and are part of the 8th and Penn Neighborhood Redevelopment District. The area contains a mix of single and multi-dwelling residential, retail, industrial, and office uses.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response:

"East Lawrence is one of the most vibrant neighborhoods in Lawrence. It is rich in history and culture, and has been the primary reason development growth and evolution has taken place in what is known as the Warehouse Arts District. East Lawrence is an eclectic mix from young to old, Lawrence natives and those that just recently moved to town. It is a walkable neighborhood and artists and their work are on display in every corner. This establishment is aimed to serve that clientele and to attract others looking to feed off of the creative energy found in the area. This establishment will directly support the 35 businesses within a 1-block radius and the 92 occupied 1, 2, and 3 bedroom apartment units within the same block. There is not another establishment close that can offer this service, and this establishment will fill a need that has been requested by those living and working in the area."

The area containing the subject property is served by Local Streets in a grid pattern. A network of Collector Streets (New Hampshire, Connecticut, E 7th, and E 9th Streets) are located in the western part of this area. The neighborhood contains industrial, retail, office, and residential uses and clearly reflects the mixed use nature of East Lawrence. In addition, several historic properties and historic districts are present in the area. (Figure 5)

The area to the east of the 8th & Penn Urban Conservation Overlay District is industrially zoned and has been developed with industrial land uses which include a concrete plant, a wastewater treatment plant, a recycling scrap and salvage center, a publishing company, and City fleet storage and material yards. The 8th and Penn area is intended to be a transitional area between the residential areas to the south and west and the more intense industrial uses to the north and east.

The Downtown Urban Conservation and 8th and Pennsylvania Street Urban Conservation Overlay Districts are both located in this area. The Urban Conservation Overlay Districts are intended to conserve the cultural resources, historic resources and property values within an identified neighborhood or area. The Downtown Conservation Overlay District, to the west side of the map in Figure 7, contains a mix of uses with the majority being retail, eating and drinking establishments, office, and residential uses. The 8th and Pennsylvania Street Urban Conservation Overlay District consists of a mix of residential, retail, office, warehouse, and manufacturing and production uses.

The remainder of this area, which is unmarked in Figure 6, is developed with a mix of residential, commercial, industrial, and office uses. The mix of uses in this area are illustrated in Figure 7.



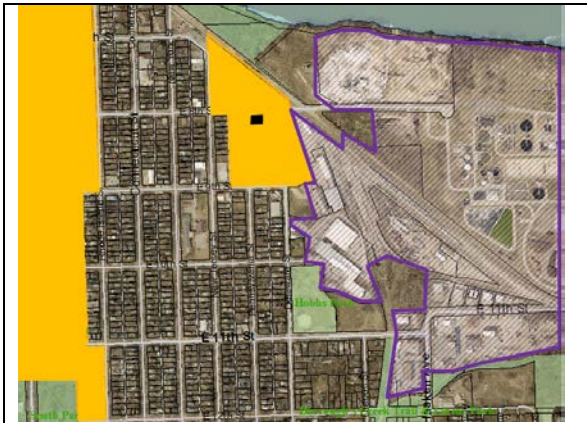


Figure 6. Conservation Overlay Districts -gold. Industrial uses -purple. Parkland -green. Subject property-black.

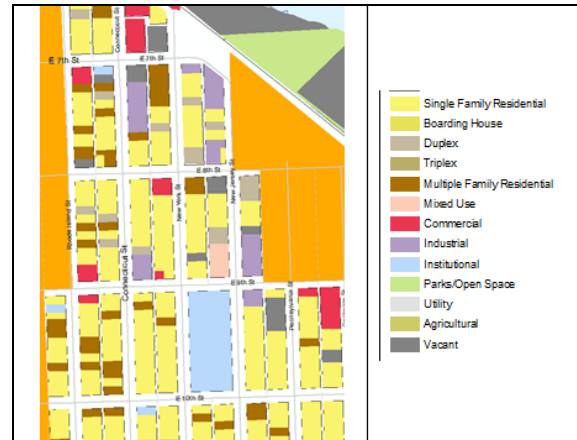


Figure 7. Land uses per Appraisers records (Excluding the Urban Conservation Overlay Districts).

Staff Finding – The neighborhood contains a mix of industrial, residential, office, and retail uses as well as numerous historic properties. The Downtown and 8th and Penn Urban Conservation Overlay Districts are both located within this area. The 8th and Penn Urban Conservation Overlay District serves as a transition between the more intense industrial uses to the north and east and the residential areas to the west and south. The proposed *Bar* use could be a good fit in the neighborhood if the outdoor activity area was limited to minimize any negative impacts to the nearby residential uses.

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

The subject property is located within the East Lawrence Neighborhood. A land use plan was adopted for the East Lawrence Neighborhood in 1979 designating the property for industrial uses. A more recent plan, the *East Lawrence Neighborhood Revitalization Plan*, was adopted in November of 2000. The Revitalization Plan is an action plan for maintaining and improving the vitality of the neighborhood rather than a land use plan. This area of East Lawrence is undergoing a revitalization with the recent reuse of the Poehler Building for affordable housing, construction of Delaware Street, rehabilitation of Pennsylvania Street to its historical brick surface, ongoing construction of additional housing at 9 Del Lofts (900 Delaware Street), the reuse of the Cider Building (810 Pennsylvania Street) as gallery and office space, and addition of art studios and gallery space in the industrial building at 720 Delaware. In addition, the 9th Street Corridor Project has received funding and a design to reconstruct and revitalize six blocks of E 9th Street from Delaware to Massachusetts Street is in the planning process.

The *8th and Penn Neighborhood Redevelopment Zone Design Guidelines*, adopted in January of 2007, was the result of a collaborative planning effort that included participation from the property owners, East Lawrence Neighborhood Association, and other stakeholders. The guidelines recommend a mix of uses in this area, with a limitation on retail to prevent it from being the predominate use.

The Guidelines designate the subject property within Zone 1 of the district and note:

"The centerpiece of the redevelopment zone is the group of masonry manufacturing buildings bounded by East 8th Street on the north, Pennsylvania Street on the west, Delaware Street on the east, and East 9th Street on the south that is eligible for listing as a historic district in the National Register of Historic Places. These industrial buildings range from one story to four stories in height and date from the 1880s through the 1920s. The buildings are ideal candidates for rehabilitation into mixed adaptive uses that will allow them to retain the necessary level of historic architectural integrity to continue to contribute to an understanding of the historic district's associations with commerce and architecture in Lawrence." (page 8)

The Guidelines do not regulate uses except to note that big box retail uses are not desired. The plan contains the following recommendations regarding land use:

"Namely, neither the Developer, City, nor the East Lawrence Neighborhood Association, desires this property to be developed for 'big box' retail uses or as an area that is principally retail in use. As such, retail uses shall be limited to a maximum of 25% of the net floor area for the UC-O District (See Appendix B) In addition, as the Poehler Mercantile Company building is to serve as the anchor and focus of the UC-O District, in no case shall a single retail shop or tenant occupy net floor area in excess of 16,000 square feet at ground level. A single retail shop or tenant may occupy in excess of 16,000 if they occupy multiple floors." (Page 11)

The remainder of the Guidelines deals with physical design elements.

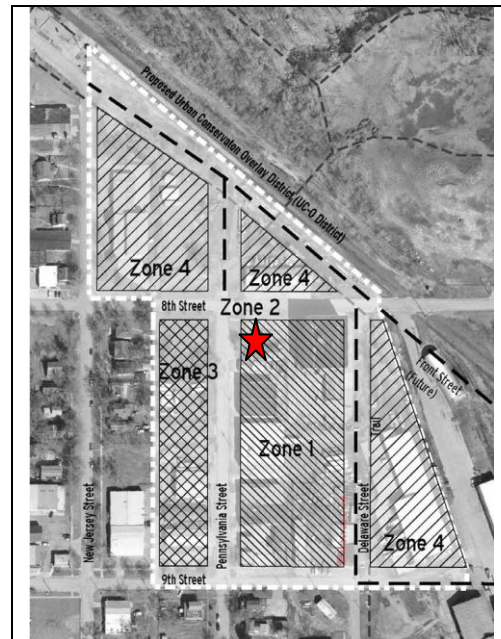


Figure 8. Overlay District Boundaries and Zones. Subject property marked with a star.

Staff Finding – The land use plan for the area encourages the retention of a mix of uses and the conservation of affordable housing stock, but does not recommend specific land uses. The proposed rezoning from CS-UC to CS-UC with revised conditions to remove the 55% food sales requirement is consistent with the recommendations of the plan for the area as the net floor area for retail uses shall remain under the 25% threshold. However, the requested rezoning is not consistent with the restricted uses for the Commercial portion of the Urban Conservation Overlay District established with the adoption of Ordinance 8054.

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

Applicant's Response:

"The only restriction hindering us from beginning construction and signing a contract with a business owner right away is the burden of the 45%-55% restriction when applying to this specific property. The concept has been consistently well received by the neighborhood, business owners, neighbors, and food and beverage experts. The property owners are not well versed in the food service industry, so they defer to those that know. However, what has not been received well is finding an owner/operator that believes the 45%/55% threshold

is achievable given the size of the building and the reporting restraints that come with it.

This building was built in the late 1880's and is an historic asset to the neighborhood, but with historic buildings come problems that new construction does not face. As preservationists, it is not an option to tear this building down and rebuild a brand new commercial kitchen with ample interior square footage. It would be a travesty to tear down a building so rich in history and distinction. However, the simple act of removing this restriction would allow for the public to get to experience this building while providing an arena for a new business owner to succeed."

The building is relatively small and it may be difficult to develop it with a restaurant and bar observing the 55%/45% food to alcohol sales ratio. A demolition permit has been obtained to remove the garage structure to the west of the principal structure. This is the area that has been designated for Mobile Food Vendors on the approved site plan. It may be possible to build a commercial kitchen in this location.

A variety of uses are permitted in the CS Zoning, including a *day care center, health care office/clinic, offices* (with the exception of short term loan offices), *general retail sales* (with the limitations on furriers, pawn shops, etc. listed in the zoning ordinance), *personal improvement* (such as yoga or fine art studio), and *personal convenience* (such as beauty shop). The property appears to be suitable for the *Bar* use (55% food sales) that is permitted with the current zoning, or a modification to allow the *Bar* use without the food sales requirement while addressing the impacts, such as requiring a Special Use Permit or setting operational conditions on the use; however, the property is suitable for many other uses permitted in the current zoning district given the expanding residential base.

Staff Finding – In staff's opinion, the property is suitable for the *Bar* use with the 55% food sales requirement, but if it is not possible to accomplish the food and alcohol sales ratio, the property is suitable for various other uses permitted in the CS District or for a *Bar* with operational conditions that address potential impacts.

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

Applicant's response:

"This property has remained vacant as long as it has been classified as CS zoning. We have advertised for non-service industry use as well with no success. The previous use was a residential duplex, but we believe that would not be an appropriate use of the building given the needs of the neighborhood. Residential developments have been very successful in close proximity, but there is a consensus that food and beverage establishments are needed down here for the area to take the next step in returning on the public and private investment.

The subject property was developed in the late 1800s or early 1900s. The industrial building was converted to a duplex in 1984. The property was rezoned from CS to RM12D in 2011 to remove the nonconforming status from the duplex use. The property was rezoned to the CS District in 2013 in preparation for development as a bar/bistro and was vacant at that time.

Staff Finding – The property was developed in the late 1880s or early 1900s. The building has been vacant since being rezoned to the CS District in 2013.

EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicant's response:

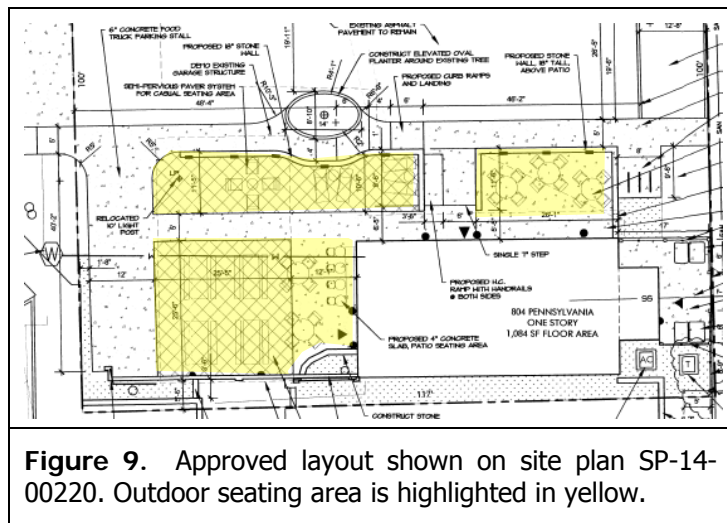
"Seeing as how the concept for the restaurant will not change if approval is given, the impact will be exactly the same as our previously approved site plan and concept. This will not become a loud, obnoxious, collegiate bar. We aim to serve those in the neighborhood and anything that is not respectful to their wishes and offering a product they will not enjoy is counterproductive to all. Food trucks will still have a place on site. Coffee and baked items will still be available in the mornings. A wide range of spirits, craft cocktails, craft beers, and affordable domestic beers will be offered to attract the diverse citizens that frequent the Warehouse Arts District right now. We would love for people to bring their dogs down to the patio for a weeknight beer, come with close friends for a cocktail before they head home after dinner, or provide a place where business owners down the street can bring clients to discuss their next partnership opportunity. This will be an establishment that people will have pride in and because of that will maintain an atmosphere that is suitable for all."

The 55% food sales requirement was placed on the *Bar* use with the original rezoning to the C-5 District in 2006 in response to concerns raised from the neighborhood regarding possible negative impacts the mixed use development could have on the existing residential uses in the area. The outdoor seating area associated with a *Bar* could be noisy in late evenings and create a nuisance to nearby residences. The *Bar* use could have been restricted in order to prevent the development of an entertainment district in this inner neighborhood area. Either of these factors could be incompatible with the existing residential land uses.

The outdoor seating area is the dominant use on the site with an area slightly larger than the area of the building. The building is approximately 1200 sq ft while the outdoor seating area has an area of approximately 1,240 sq ft. The site plan depicts 32 chairs and 4 picnic tables in the outdoor seating area. (Figure 9)

The different nature of the *Restaurant* and *Bar* outdoor dining or seating areas can result in differing impacts to an area.

Patrons visiting a restaurant's outdoor dining area typically stay on site for shorter periods of time than patrons of an outdoor area with a bar. Occupancy with a restaurant use is typically limited to the number of seats provided; however, a bar's outdoor area can have greater occupant levels as many patrons remain standing. Televisions and amplified music are more often associated with a bar's outdoor area than a restaurant's. There is usually more interaction between patrons in a bar's seating area while conversations in a restaurant's seating area are usually limited to the table. A stand-alone bar with the amount of outdoor seating that is proposed could generate noise from activities or amplified music in the outdoor seating area that could have a negative impact on nearby properties. In addition, the timing and amount of traffic generated by a bar as well as noise associated with patrons leaving at late hours, could also negatively impact the nearby properties.



The condition requiring the majority of the sales to be from food sales limits the amount of sales that can be derived from alcohol and thereby defines the character of the establishment as a restaurant with accessory sales of alcohol. Without this condition the establishment would be a stand-alone bar. In staff's opinion, the primary source of possible negative impacts with the surrounding properties would be the outdoor seating area, the timing and quantity of traffic generated by the use, and the late operating hours.

It may be appropriate to place operating restrictions on the *Bar* use, in lieu of the food sales requirement, to insure compatibility with the surrounding area. Operating restrictions that could be used to mitigate the negative impact associated with the noise, timing of traffic, and outdoor activity could be a time limit on amplified music in the outdoor area or an early closing time. These standards may be too specific for conditional zoning and development would be more appropriate through the Special Use Permit process.

Staff Finding – The proposed rezoning could negatively impact nearby properties through noise typically associated with a bar with an outdoor seating area. The negative impact could be mitigated by retaining the 55% requirement for food sales, or by requiring a Special Use Permit for a *Bar* use so that operational standards and conditions can be set.

7. 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:

"First and foremost, a productive, occupied building is much better for the city of Lawrence, the citizens of Lawrence and the landowner above all else. We are extremely confident that if this rezoning request was granted, a business operator/owner would sign a contract and we would be a few months away from having another business in East Lawrence that all could be proud to support. If not granted, there is no doubt that we will continue to struggle to find an operator that is willing to take on the aforementioned risk of starting a business under the current restrictions. The city is heavily invested in the district (specifically on this block of Pennsylvania) to date, and this is a great opportunity to begin to see some of the return on that investment.

Finally, although difficult to quantify, this development will be another step in the right direction to add to the lifestyle people are drawn to in East Lawrence and the Warehouse Arts District. Although it has always been significant to many in town in prior decades, the WAD has attracted people to live, work and play for about three years now and they all like tapping onto the creative energy that exists down here. Jobs have been created, businesses have grown, art is given a place to be shared and created and it seems the more exposure given to the area the important a destination it has become. This rezoning needs approval to add to the mix of activities in the area and balance out the residential and office space that already is near full occupancy. This development will offer a place to relax, unwind, connect with colleagues/clients, or reconnect with neighbors. It will be an asset to the area and to Lawrence when the design is implemented."

Evaluation of these criteria includes weighing the benefits to the public versus the benefits of the owner of the subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety and welfare.

If the rezoning to remove the 55% food sales requirement was denied, the property could be used for a bar that is accessory to a restaurant or for other uses permitted within the CS-UC District, if it is not possible to meet the food sales requirement. This may benefit the community by maintaining the quiet, residential nature of the surrounding area.

If the rezoning to allow a *Bar* without the 55% food sales requirement was approved, with the establishment of operational standards; it may be possible to operate a bar at this location without negatively impacting the character of the surrounding area.

The hardship to the applicant from the denial of the rezoning request would be that the rezoning would not allow the development of the proposed *Bar* use. The property would remain viable for the other uses permitted within the district.

Staff Finding – Denial of the rezoning request to the CS District with revised conditions to remove the 55% food requirement from the *Bar* use would permit the development of a bar only when accessory to a restaurant. The intensity (activity and noise level) of the outdoor areas associated with bars could affect the character of the area. The character of the area could be maintained through the denial of the request to revise the zoning condition which requires that 55% of the total sales be from food sales or through approval of the rezoning request to allow the use when approved as a Special Use so that operational standards could be developed.

PROFESSIONAL STAFF RECOMMENDATION

This staff report reviews the proposed location for its compliance with the Comprehensive Plan, the Golden Factors, and compatibility with surrounding development. The rezoning request is compliant with recommendations for mixed use development in *Horizon 2020*.

Staff recommends retaining the 55% food sales requirement for *Bar* uses and adding a *Bar* use without the 55% food sales requirement when approved with a Special Use Permit. The Special Use Permit will allow for the development of site specific conditions and standards to minimize negative impacts associated with the use.

USES PERMITTED IN THE CS DISTRICT (Restrictions for 8 th & Penn CS-UC District noted in red)	
HOUSEHOLD LIVING	RETAIL SALES & SERVICES
Multi-Dwelling Structure	Building Maintenance
Non-Ground Floor Dwelling	Business Equipment
Work/Live Unit	Business Support
GROUP LIVING	Construction Sales and Service
Group Living-General (requires a SUP)	Food and Beverage
COMMUNITY FACILITIES	Mixed Media Store
Cemetery	Personal Convenience
College/University	Personal Improvement
Day Care Center	Repair Service, Consumer
Day Care Home, Type A and B	Retail Sales, General (liquor store prohibited,)
Lodge, Fraternal & Civic Assembly	Retail Establishment, Large (requires SUP)
Postal & Parcel Service	Retail Establishment, Medium
Public Safety (ambulance service prohibited)	Retail Establishment, Specialty
School	SEXUALLY ORIENTED BUSINESSES
Funeral and Interment	Sex Shop
Temporary Shelter (SUP or Accessory)	Sexually Oriented Theater
Social Service Agency	TRANSIENT ACCOMMODATION
Community Meal Program (SUP or Accessory)	Campground
Utilities Minor	Hotel, Motel, Extended Stay
Utilities Major (SUP)	VEHICLE SALES AND SERVICE
MEDICAL FACILITIES	Cleaning (Car Wash) Restricted
Health Care Office, Health Care Clinic	Fleet Storage
Outpatient Care Facility	Gas and Fuel Sales Prohibited
RECREATIONAL FACILITIES	Heavy Equipment Repair Prohibited
Active Recreation	Heavy Equipment Sales and Rental
Entertainment & Spectator Sports	Inoperable Vehicle Storage
Participant Sports	Light Equipment Repair Prohibited
Passive Recreation	Light Equipment Sales/Rentals
Nature Preserve	RV and Boat Storage
Private Recreation	INDUSTRIAL
RELIGIOUS ASSEMBLY	Laundry Service
Campus or Neighborhood Institution	Mfg and Production Lmt'd (SUP)
ANIMAL SERVICES	Mfg and Production Technical
Kennel	Research Service
Livestock Sale (requires a SUP) Prohibited	WHOLESALE STORAGE AND DISTRIBUTION
Sales & Grooming (Sales Prohibited)	Exterior (must be accessory)
Veterinary	Heavy (requires SUP)
EATING AND DRINKING ESTABLISHMENTS	Light
Accessory Bar (must be accessory)	Mini-warehouse
Bar or Lounge (55% food sales required)	AGRICULTURAL
Brewpub	Agricultural Sales
Fast Order Food	Crop Agriculture
Fast Order Food with Drive-in	COMMUNICATIONS FACILITIES
Nightclub	Amateur & receive only antennas (accessory)
Private Dining Establishment	Communications Service Establishment
Quality Restaurant	Telecommunications antenna (accessory)
OFFICE	Telecommunications tower (SUP)
Administrative and Professional	Satellite Dish (accessory)
Financial, Insurance & Real Estate (Short-term cash advance loans, Drive up ATM or window prohibited.)	
Other	RECYCLING FACILITIES
PARKING FACILITIES	Large Collection
Accessory and Commercial	Small Collection

Z-12-80-05

ORDINANCE NO. 8053

AN ORDINANCE ESTABLISHING THE 8TH AND PENNSYLVANIA STREET URBAN CONSERVATION OVERLAY DISTRICT; AMENDING THE ZONING DISTRICT MAP INCORPORATED BY REFERENCE IN SECTION 20-108, OF THE "CODE OF THE CITY OF LAWRENCE, KANSAS, 2006 EDITION," AND AMENDMENTS THERETO.

WHEREAS, after due and lawful notice and hearing, the Lawrence-Douglas County Metropolitan Planning Commission on May 22, 2006, recommended that the "8th and Pennsylvania Street Urban Conservation Overlay District" be established for the area within the City of Lawrence, Douglas County, Kansas, described in Section II of this ordinance.

WHEREAS, after due and lawful notice the recommendation came on for hearing before the governing body of the City of Lawrence, Douglas County, Kansas on August 8, 2006, and after due consideration and deliberation the recommended establishment of the "8th and Pennsylvania Street Urban Conservation Overlay District" was authorized.

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

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

SECTION II. That the "8th and Pennsylvania Street Urban Conservation Overlay District" classification for the following described area situated in the City of Lawrence, Douglas County, Kansas, to-wit:

COMMENCING AT THE CENTER OF THE INTERSECTION OF 8TH STREET AND NEW JERSEY STREET RIGHTS-OF-WAY; THENCE EAST ALONG THE CENTERLINE OF 8TH STREET RIGHT-OF-WAY TO THE INTERSECTION OF THE EXTENDED CENTERLINE OF THE ALLEY BETWEEN NEW JERSEY STREET AND PENNSYLVANIA STREET; THENCE SOUTH ALONG THE CENTERLINE OF SAID ALLEY TO THE CENTERLINE OF 9TH STREET RIGHT-OF-WAY; THENCE EAST ALONG THE CENTERLINE OF 9TH STREET RIGHT-OF-WAY TO THE EAST LINE OF DELAWARE STREET RIGHT-OF-WAY, WHICH IS ALSO THE WEST LINE OF LOT 1, MCDONALD BEVERAGE ADDITION; THENCE NORTH 15 FEET ALONG THE WEST LINE OF LOT 1, MCDONALD BEVERAGE ADDITION TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE NORTH LINE OF LOT 1, MCDONALD BEVERAGE ADDITION, WHICH ALSO IS THE SOUTH LINE OF LOT 2, POEHLER ADDITION, TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE NORTHERLY ALONG THE EAST LINE OF THE FINAL PLAT OF POEHLER ADDITION TO THE NORTHEAST CORNER OF LOT 1, POEHLER ADDITION; THENCE CONTINUING NORTHERLY ALONG AN EXTENDED EAST LINE OF POEHLER ADDITION TO THE APPROXIMATE CENTERLINE OF THE BNSF RAILWAY RIGHT-OF-WAY; THENCE NORTHWEST FOLLOWING THE APPROXIMATE CENTERLINE OF SAID BNSF RAILWAY RIGHT-OF-WAY TO THE INTERSECTION OF THE EXTENDED CENTERLINE OF

NEW JERSEY STREET RIGHT-OF-WAY; THENCE SOUTH ALONG THE CENTERLINE OF NEW JERSEY STREET RIGHT-OF-WAY TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED AREA INCLUDES THE FOLLOWING LEGALLY DESCRIBED PROPERTIES:

EVEN NUMBERED LOTS 14 – 36 ON PENNSYLVANIA STREET IN THE ORIGINAL TOWNSITE OF THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

ODD NUMBERED LOTS 15 – 37 ON PENNSYLVANIA STREET IN THE ORIGINAL TOWNSITE OF THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

EVEN NUMBERED LOTS 14 – 24 ON NEW JERSEY STREET IN THE ORIGINAL TOWNSITE OF THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

LOTS 1 & 2, POEHLER ADDITION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

ODD NUMBERED LOTS 1 – 23 ON DELAWARE STREET IN THE ORIGINAL TOWNSITE OF THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

BEGINNING AT THE NE CORNER OF LOT 1 ON DELAWARE STREET IN THE ORIGINAL TOWNSITE OF THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS; THENCE EAST 75 FEET MORE OR LESS TO THE NW CORNER OF LOT 1, POEHLER ADDITION; THENCE SOUTH ALONG THE WEST LINE OF LOT 1, POEHLER ADDITION A DISTANCE OF 250.49 FEET; THENCE EAST 30 FEET ALONG THE SOUTH LINE OF SAID LOT 1; THENCE SOUTH 350.66 FEET ALONG THE WEST LINE OF LOT 2, POEHLER ADDITION; THENCE WEST 75 FEET MORE OR LESS TO THE SE CORNER OF LOT 23 ON DELAWARE STREET; THENCE NORTH 600 FEET MORE OR LESS TO THE POINT OF BEGINNING.

ODD NUMBERED LOTS 1 – 13 ON PENNSYLVANIA STREET, TOGETHER WITH THE VACATED ALLEY ADJACENT TO LOT 1 ON THE NORTH SIDE THEREOF AND ALL OF THE VACATED PENNSYLVANIA STREET RIGHT-OF-WAY ADJACENT TO SAID LOTS, IN THE ORIGINAL TOWNSITE OF THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

ALL THAT PART OF RESERVE NUMBER 11 IN THE ORIGINAL TOWNSITE OF THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, LYING SOUTH AND WEST OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT A POINT ON THE NORTH LINE OF 8TH STREET WHICH LIES 312.5 FEET EAST OF THE NORTHEAST CORNER OF 8TH AND PENNSYLVANIA STREETS; THENCE NORTHWESTWARDLY TO A POINT IN THE NORTH LINE OF SAID RESERVE 11 WHICH LIES 16.1 FEET EAST OF THE NORTHWEST CORNER OF SAID RESERVE 11, SAID LINE BEING ESTABLISHED BY THE DEED TO THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY RECORDED IN DEED BOOK 114 AT PAGE 541; AND THE EAST HALF OF PENNSYLVANIA STREET ADJACENT TO SAID TRACT VACATED BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS AS RECORDED IN BOOK 342 AT PAGES 619-620, DOUGLAS COUNTY, KANSAS.

is hereby established as such district is defined and prescribed in the Development Code of the City of Lawrence, Kansas, effective July 1, 2006, and amendments thereto. In addition, the

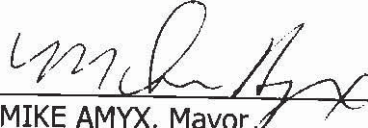
"Design Guidelines – 8th and Penn Neighborhood Redevelopment Zone" are also adopted, and shall apply to development/redevelopment within the area described above.

SECTION III. That the Zoning District Map incorporated by reference in and by Section 20-108 of the "Code of the City of Lawrence, Kansas, 2006 Edition" is hereby amended by showing and reflecting thereon the new urban conservation overlay district classification for the aforesaid area, as set forth in Section II of this ordinance.

SECTION IV. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED by the Governing Body of the City of Lawrence, Kansas, the 19
day of Dec, 2006.

APPROVED:



MIKE AMYX, Mayor

ATTEST:



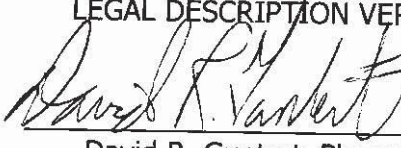
City Clerk

APPROVED AS TO FORM AND LEGALITY:

 12-26-06
Toni Ramirez Wheeler Date

Interim Director of Legal Services

LEGAL DESCRIPTION VERIFIED:

 12/29/2006
David R. Guntert, Planner Date

ORDINANCE NO. 8054

AN ORDINANCE PROVIDING FOR THE REZONING OF 4.54 ACRES FROM M-2 (GENERAL INDUSTRIAL) DISTRICT AND M-3 (INTENSIVE INDUSTRIAL) DISTRICT TO CS (COMMERCIAL STRIP) DISTRICT; AMENDING THE ZONING DISTRICT MAP INCORPORATED BY REFERENCE IN SECTION 20-108, OF THE "CODE OF THE CITY OF LAWRENCE, KANSAS, 2006 EDITION," AND AMENDMENTS THERETO.

WHEREAS, after due and lawful notice and hearing, the Lawrence-Douglas County Metropolitan Planning Commission on March 15, 2006, recommended that the zoning classification for the tract of land described in Section II of this ordinance all within the City of Lawrence, Douglas County, Kansas, be changed from M-2 (General Industrial) District and M-3 (Intensive Industrial) District to C-5 (Limited Commercial) District.

WHEREAS, after due and lawful notice the zoning recommendation came on for hearing before the governing body of the City of Lawrence, Douglas County, Kansas on August 8, 2006, and after due consideration and deliberation the recommended zoning change was authorized with the following list of uses excluded from this zoning change:

- Bars [unless 55% of gross receipts are derived from food sales as outlined in 20-509(5)(i)]
- Liquor Store
- Ambulance Service
- Car or Truck Wash
- Auto Repair
- ~~No~~ External drive-through ATM or drive-through window [walk-up ATM's are allowed]
- Furriers
- Pawn Shop
- Mobile Home Sales and Service
- Golf Driving Range
- Pet Store [animal sales]
- Loan Office [short-term cash advance loans]
- Convenience Store with Gasoline Sales; and,

WHEREAS, the Governing Body of the City of Lawrence, Kansas did on April 4, 2006, adopt Ordinance No. 7985, adopting the Development Code of the City of Lawrence, Kansas, (hereinafter "the Development Code") effective July 1, 2006; and

WHEREAS, the Governing Body of the City of Lawrence, Kansas did on April 4, 2006, adopt Ordinance No. 7986, adopting the Official Zoning District Map for the Development Code of the City of Lawrence, Kansas, effective July 1, 2006; and

WHEREAS, pursuant to Section 20-110 (e) of the Development Code, the Official Zoning District Map designations in effect before the effective date of the Development Code convert to New Map Designations set forth in the table in Section 20-110 (e); and

WHEREAS, pursuant to Section 20-110 (e) of the Development Code, the C-5 designation has converted to Commercial Strip District, CS designation.

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

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

SECTION II. That the zoning district classification for the following described tract of land situated in the City of Lawrence, Douglas County, Kansas, to-wit:

FROM M-2 TO C-5:

ALL OF LOTS 15, 17 AND 19 ON PENNSYLVANIA STREET IN THE ORIGINAL TOWNSITE OF THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS;
AND,

THE WEST ONE-HALF OF PENNSYLVANIA STREET (80 FEET WIDE RIGHT-OF-WAY) FROM THE EASTERLY PROLONGATION OF THE LINE COMMON TO LOTS 19 AND 21 ON PENNSYLVANIA STREET TO 8TH STREET IN THE ORIGINAL TOWNSITE OF THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

CONTAINING A TOTAL OF 23,581 SQUARE FEET OR 0.54 ACRES, MORE OR LESS.

FROM M-3 TO C-5:

THE EAST ONE-HALF OF PENNSYLVANIA STREET (80 FEET WIDE RIGHT-OF-WAY) FROM 9TH STREET TO 8TH STREET IN THE ORIGINAL TOWNSITE OF THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS;
AND,

ALL OF LOTS 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, AND 36 ON PENNSYLVANIA STREET IN THE ORIGINAL TOWNSITE OF THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS; AND ALSO,

THE 16 FEET WIDE ALLEY RUNNING NORTH AND SOUTH FROM 9TH STREET TO 8TH STREET BETWEEN PENNSYLVANIA STREET AND THE NORTHERLY EXTENSION OF DELAWARE STREET IN THE ORIGINAL TOWNSITE OF THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS; AND ALSO,

ALL OF LOTS 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, AND 23 ON DELAWARE STREET IN THE ORIGINAL TOWNSITE OF THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS;
AND ALSO,

A PARCEL OF LAND IN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, KANSAS DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1 ON DELAWARE STREET; THENCE EAST 75 FEET; THENCE SOUTH 200 FEET; THENCE WEST 75 FEET; THENCE NORTH 200 FEET TO THE PLACE OF BEGINNING;
AND ALSO,

A PARCEL OF LAND IN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, KANSAS DESCRIBED AS FOLLOWS: BEGINNING 117 FEET EAST OF THE NORTHWEST

CORNER OF SAID LOT 9 ON DELAWARE STREET IN THE ORIGINAL TOWNSITE OF THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS; THENCE SOUTH 50 FEET; THENCE WEST 75 FEET; THENCE NORTH 50 FEET; THENCE EAST 75 FEET TO THE PLACE OF BEGINNING;
AND ALSO,

A PARCEL OF LAND IN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, KANSAS DESCRIBED AS FOLLOWS: BEGINNING 117 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT 17 ON DELAWARE STREET IN THE ORIGINAL TOWNSITE OF THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS; THENCE SOUTH 200 FEET; THENCE WEST 76 FEET; THENCE NORTH ALONG THE EAST LINE OF LOTS 23, 21, 19, AND 17 ON DELAWARE STREET, TO THE NORTH LINE OF SAID LOT 17; THENCE EAST TO THE POINT OF BEGINNING;
AND ALSO,

A PARCEL OF LAND IN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, KANSAS DESCRIBED AS FOLLOWS: BEGINNING 117 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT 11 ON DELAWARE STREET IN THE ORIGINAL TOWNSITE OF THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS; THENCE SOUTH 150 FEET; THENCE WEST 75 TO THE SOUTHEAST CORNER OF SAID LOT 15; THENCE NORTH 150 FEET; THENCE EAST 75 FEET TO THE PLACE OF BEGINNING.

THE ABOVE DESCRIBED CONTAINING A TOTAL OF 4.00 ACRES, MORE OR LESS.

is hereby changed from that of M-2 (General Industrial) District and M-3 (Intensive Industrial) District to CS (Commercial Strip) District as such district is defined and prescribed in the Development Code of the City of Lawrence, Kansas, effective July 1, 2006, and amendments thereto, subject to use restrictions and additional restrictions of rezoning. The Restrictions and additional conditions of rezoning are set forth in this ordinance. The uses not permitted in this District include:

- Bars [unless 55% of gross receipts are derived from food sales as outlined in 20-509(5)(i)]
- Liquor Store
- Ambulance Service
- Car or Truck Wash
- Auto Repair
- ~~No~~ External drive-through ATM or drive-through window [walk-up ATM's are allowed]
- Furriers
- Pawn Shop
- Mobile Home Sales and Service
- Golf Driving Range
- Pet Store [animal sales]
- Loan Office [short-term cash advance loans]
- Convenience Store with Gasoline Sales; and,

The additional condition of rezoning for the property being rezoned from M-2 to C-5: Prior to the issuance of a building permit the property owner and City shall enter in to an agreement

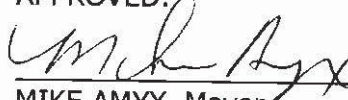
whereby the property owner agrees to provide a portion of the dwelling units to be used for affordable housing as part of a continuing land trust.

SECTION III. That the Zoning District Map incorporated by reference in and by Section 20-108 of the "Code of the City of Lawrence, Kansas, 2006 Edition" is hereby amended by showing and reflecting thereon the new zoning district classification for the aforesaid tract, as set forth in Section II of this ordinance.

SECTION IV. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED by the Governing Body of the City of Lawrence, Kansas, the 19 day of Dec, 2006.

APPROVED:

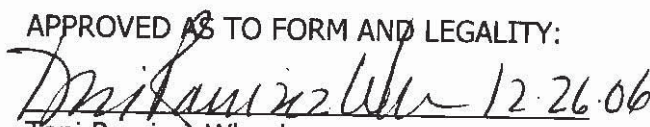

MIKE AMYX, Mayor

ATTEST:



Frank S. Reeb, City Clerk

APPROVED AS TO FORM AND LEGALITY:


Toni Ramirez Wheeler
Interim Director of Legal Services

Date

LEGAL DESCRIPTION VERIFIED:


David R. Guntert, Planner

Date

ORDINANCE NO. 8677

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, REZONING APPROXIMATELY 0.27 ACRES FROM CS (COMMERCIAL STRIP) DISTRICT TO RM12D (MULTI-DWELLING RESIDENTIAL) DISTRICT AND AMENDING THE CITY'S "OFFICIAL ZONING DISTRICT MAP," INCORPORATED BY REFERENCE INTO THE CITY CODE AT CHAPTER 20, ARTICLE 1, SECTION 20-108 OF THE "CODE OF THE CITY OF LAWRENCE, KANSAS, 2011 EDITION," AND AMENDMENTS THERETO.

WHEREAS, on July 29, 2011, the owners of record of the subject property, the legal description of which is set forth at Section 2, *infra*, filed with the City of Lawrence, Kansas, Rezoning Application, No. Z-8-23-11, seeking to rezone the base district of the subject property from CS (Commercial Strip) District to RM12D (Multi-Dwelling Residential) District;

WHEREAS, on September 26, 2011, after due and lawful notice was given in accordance with K.S.A. 12-757 and City of Lawrence, Kan., Code § 20-1303 (Jan. 1, 2011), the Lawrence-Douglas County Metropolitan Planning Commission conducted a public hearing on Rezoning Application, No. Z-8-23-11;

WHEREAS, at the September 26, 2011, public hearing, the Lawrence-Douglas County Metropolitan Planning Commission considered the report and recommendation of City staff, weighed the evidence adduced at the public hearing, reviewed the decision-making criteria set forth at City of Lawrence, Kan., § 20-1303 (Jan 1, 2011), and voted unanimously (9-0) to recommend to the City Commission that it approve Rezoning Application, No. Z-8-23-11; and

WHEREAS, at its October 11, 2011, public meeting, the Governing Body considered Rezoning Application, No. Z-8-23-11, and the recommendation of the Lawrence-Douglas County Metropolitan Planning Commission.

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

SECTION 1. The above-stated recitals are incorporated herein by reference and shall be as effective as if repeated verbatim.

SECTION 2. The base zoning district classification for the following legally described real property, situated in the City of Lawrence, Douglas County, Kansas, to-wit:

LOT 1, 8TH AND PENNSYLVANIA NEIGHBORHOOD REDEVELOPMENT
ADDITION NO. 3

is hereby changed from CS (Commercial Strip) District to RM12D (Multi-Dwelling Residential) District, as such district is defined and prescribed in Chapter 20 of the "Code of the City of Lawrence, Kansas, 2011 Edition," and amendments thereto.

SECTION 3. The subject property is part of the UC (8th and Pennsylvania Urban Conservation) Overlay District. This rezoning described in Section 2, *supra*, applies only to the base district of the subject property and has no effect on the UC (8th and Pennsylvania Urban Conservation) Overlay District.

SECTION 4. The "Official Zoning District Map," which is adopted and incorporated into the City Code by reference at City of Lawrence, Kan., Code § 20-108 (Jan. 1, 2011), is hereby amended

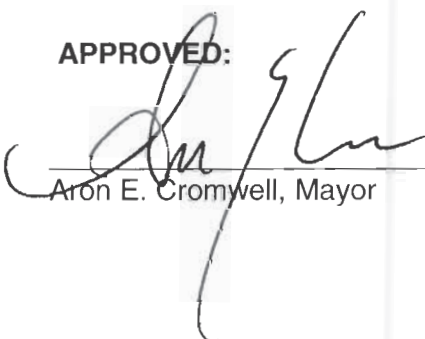
by showing and reflecting thereon the new zoning district classification for the subject property as described in more detail in Section 2, *supra*.

SECTION 5. If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

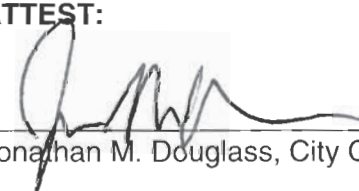
SECTION 6: This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

ADOPTED by the Governing Body of the City of Lawrence, Kansas, this 18th day of October, 2011.

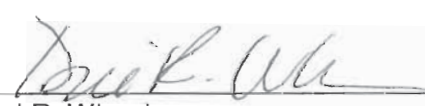
APPROVED:


Aron E. Cromwell, Mayor

ATTEST:


Jonathan M. Douglass, City Clerk

APPROVED AS TO FORM AND LEGALITY:


Toni R. Wheeler
Director of the Legal Department

ORDINANCE NO. 8920

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, REZONING APPROXIMATELY 0.27 ACRES FROM RM12D-UC (MULTI-DWELLING RESIDENTIAL-URBAN CONSERVATION OVERLAY) DISTRICT TO CS-UC (COMMERCIAL STRIP-URBAN CONSERVATION OVERLAY) DISTRICT AND AMENDING THE CITY'S "OFFICIAL ZONING DISTRICT MAP," INCORPORATED BY REFERENCE INTO THE CITY CODE AT CHAPTER 20, ARTICLE 1, SECTION 20-108 OF THE "CODE OF THE CITY OF LAWRENCE, KANSAS, 2013 EDITION," AND AMENDMENTS THERETO.

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

SECTION 1. The base zoning district classification for the following legally described real property, situated in the City of Lawrence, Douglas County, Kansas, to-wit:

LOT 1 IN 8TH AND PENNSYLVANIA NEIGHBORHOOD REDEVELOPMENT
ADDITION NO. 3, A MINOR SUBDIVISION REPLAT OF LOTS 1 AND 2,
BLOCK 'A' OF 8TH AND PENNSYLVANIA NEIGHBORHOOD
REDEVELOPMENT IN THE CITY OF LAWRENCE, DOUGLAS COUNTY,
KANSAS

is hereby changed from RM12D-UC (Multi-Dwelling Residential-Urban Conservation Overlay) District to CS-UC (Commercial Strip-Urban Conservation Overlay) District, as such district is defined and prescribed in Chapter 20 of the "Code of the City of Lawrence, Kansas, 2013 Edition," and amendments thereto.

SECTION 2. The rezoning granted in Section 1, *supra*, in addition to being subject to the general conditions established in Chapter 20 of the Code of the City of Lawrence, Kansas, 2013 Edition, as amended, is also subject to the following special condition:

- (a) The following uses are excluded from the zoning district described in Section 1, *supra*:
 - (i) Bars (unless, within a calendar year, 55% of gross receipts from said use are derived from the sale of food for consumption on the premises; said restriction shall be applied beginning on the two-year anniversary of the commencement of the use);
 - (ii) Liquor Store;
 - (iii) Ambulance Service;
 - (iv) Car or Truck Wash;
 - (v) Auto Repair;
 - (vi) External drive-through ATM or drive-through window (walk-up ATM's are allowed);
 - (vii) Furriers;

- (viii) Pawn Shop;
- (ix) Mobile Home Sales and Service;
- (x) Golf Driving Range;
- (xi) Pet Store (animal sales)
- (xii) Loan Office (short-term cash advance loans); and
- (xiii) Convenience store with Gasoline Sales.


SECTION 3. The "Official Zoning District Map," which is adopted and incorporated into the City Code by reference at City of Lawrence, Kan., Code § 20-108 (July 1, 2013), is hereby amended by showing and reflecting thereon the new zoning district classification for the subject property as described in more detail in Section 1, *supra*.

SECTION 4. If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

SECTION 5. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.


PASSED by the Governing Body of the City of Lawrence, Kansas, this 5th day of November, 2013.

APPROVED:




Michael Dever
Mayor

ATTEST:



Jonathan M. Douglass
City Clerk

APPROVED AS TO FORM AND LEGALITY:



Toni R. Wheeler
City Attorney

said those were the two things that would like to see added to the process, if and when the City rewrote that code.

Dever said the Commission would take that under advisement.

Moved by Schumm, seconded by Amyx, to defer the taxicab license for Party on Wheels. Motion carried unanimously.

Moved by Amyx, seconded by Farmer, to approve all other licenses. Motion carried unanimously.

C. CITY MANAGER'S REPORT:

David Corliss, City Manager, presented the report.

D. REGULAR AGENDA ITEMS:

1. **Considered approving a request to rezone, Z-13-00287, approximately .27 acre from RM12D-UC (Multi-Dwelling Residential with Urban Conservation Overlay) District to CS-UC (Commercial Strip with Urban Conservation Overlay) District, located at 804 Pennsylvania St. Submitted by Bartlett & West, Inc., for Ohio Mortgage Investors LLC, property owner of record. Adopted on first reading, Ordinance No. 8920, rezoning (Z-13-00287) approximately .27 acre from RM12D-UC (Multi-Dwelling Residential with Urban Conservation Overlay) District to CS-UC (Commercial Strip with Urban Conservation Overlay) District, located at 804 Pennsylvania St. (PC Item 7; approved 9-1 on 9/23/13)**

Scott McCullough, Planning and Development Services Director, asked that Commissioners disclose any ex-parte discussions.

Farmer said he hadn't had any ex-parte discussions.

Schumm said he was present at the last East Lawrence Neighborhood Association meeting and spoke at length about this project in general terms. Specifically about food and liquor requirements and how the ratios were interpreted in the industry which he was a part of.

Amyx said the only ex-parte comment he had was with Leslie Soden and they only talked about the bar and the 55% rule.

Dever said he had conversation with Leslie Soden and Tony Krsnich discussing questions about the application.

Schumm said he had a conversation with Leslie Soden and Soden was at the meeting as well.

Riordan said he didn't have anything to report.

Mary Miller, Planner, presented the staff report.

Schumm said he was confused on the zoning request. He asked if 804 Pennsylvania Street was a vacant lot.

Miller said no, previously it was a duplex and before that it was a historic building.

Schumm said that was 806 Pennsylvania.

Miller said it was called 804/806 Pennsylvania because it was a duplex, but its official address was 804 Pennsylvania and was the same lot.

Schumm said it was the two garages.

Miller said correct and the stone building.

Schumm said the stone building back to the east that fronted on the alley and between the Poehler Building and the garage.

Miller said it was located on the alley between the Poehler Building and the garage.

Schumm said as well as the vacant property to the north.

Miller said it was just the north property.

Schumm said there was a parking lot on the north.

Scott McCullough, Planning and Development Services Director, said yes.

Schumm said it was the parking lot and the structure at 806 Pennsylvania.

Miller said it was a small parking area.

Schumm said this was a rezoning and the rule would run with the land in perpetuity.

Miller said correct.

Schumm said unless it was downzoned or a zoning change took place and changed it. He asked how was this different and why weren't they using a special use permit, instead of the rezoning tying a liquor law to a land use or was it one in the same thing.

Miller said it was the condition that was applied on the zoning. They could have applied a condition back when it was zoned to CS district. There could have been a condition that stated a special use permit, but instead they wanted to make the bar more of an accessory use. It would not be an actual bar. When having the 55% food sales, it meant primarily an establishment was a restaurant and the bar was an accessory. The neighborhood felt that would be better than allowing a bar even with a special use permit.

McCullough said the zoning request was CS zoning which was the predominate commercial zoning of the Poehler District and this condition was already in place. He said it was rezoned to the duplex use when the applicant felt that that was going to be the use in the future and then when Krsnich decided to make it a bar use, the logical step was to revert it back to that CS zoning with that same condition. The CS zoning district allowed bars outright without a special use permit and even without conditions. The condition of the 55 percent rule, which they were borrowing from the CD district was applied to the entire Poehler District and was being applied again back to this property.

Schumm said it was commercial and this was going back to the commercial state in which all the liquor consumption was allowed.

McCullough said it was reverting back to what it formally had with the extension of the time period by which to comply with the condition of 55% and an additional year.

Amyx said in 2006 when the Commission approved Ordinance No. 8054, he asked if there was discussion at that time about that 55 percent rule and that it was important that that came into play at that point.

McCullough said yes because that CS district again, would have had to been added as a special condition. It was a prohibited use unless that condition was maintained.

Amyx asked if the recommendation of the Planning Commission was different.

McCullough said it was different in the sense that the condition remained. He said how they practiced that condition was that an establishment was created and established on a

certain date and then they basically had the calendar year to prove they could meet the condition. He said the applicant worked with the City Clerk's Office and submitted their receipts. Staff checked those receipts and if they met the 55 percent, great, but if the applicant hadn't, staff called them in to figure out how they could meet it. He said one of the recent establishments he was familiar with downtown, for example, staff worked with them to add more service, more menu, lunch times, and those type of things to give the applicant a grace period by which to come into compliance with the condition. He said when talking to this applicant about that process, he had concerns for not being able to meet that requirement in the first year and requested to make it two years to be able to prove to the City that the applicant was able to maintain 55 percent in non-alcohol sales and was how staff arrived at this negotiated condition on the zoning.

Amyx asked if staff pulled occupancy at the end of the first year on any applicant.

McCullough said there was an issue on Massachusetts Street where staff discovered that an establishment wasn't meeting the food sales requirement. The applicant added a lunch menu. Jo Shmo's was one of the establishments that staff worked with.

Mayor Dever called for public comment.

Eric Jay said he and his wife were in the process of building a home about a half block from the proposed development. He was the co-owner of a small company called Struct/Restruct LLC, which was located a block and a half south of the proposed rezoning. He said he and his wife decided a year and a half ago that Lawrence was where they wanted to raise their family. He said they bought their lot well aware of the mixed use nature of the neighborhood. In fact, that was part of their appeal in picking this location. He said they supported the idea of neighborhood dining establishment and thought the east side community would benefit for having a place for families and friends could gather to enjoy others company and thought this would be a successful business venture. He said their concern arose from the many unknowns associated with the proposed development. Their children would be raised in

the direct line of sight of the proposed development and they wanted to make every effort to ensure it was an asset to the area and not the type of establishment that would detract from the charm and appeal of the neighborhood. He said they currently lived at 9th and Ohio, among a mix of owner occupied homes and student rentals. At night it was crossroad for college students headed downtown or to a house party. On weekends and more often than not, on a least one night a week they were guaranteed to be woken by inebriated college students. The hooting and hollering were disruptive enough, but the real impact was the disrespect and destruction of private property. They had potted plants smashed, their children's scooters taken for joy rides, vehicles keyed, mirrors smashed and the side of their house was used as a urinal. In addition to the impaired judgment displayed, the actions also arose from the people not being part of the neighborhood and were just passing through and felt no ownership or responsibility for how things were treated. He said he knew from experience that if the proposed development became a straight up bar, with hours until 2:00 am, the clientele it attracted would exhibit the same behaviors of bar goers anywhere. Of course not all bar patrons had the same purpose of getting pickled, but a drink or two could turn up anyone's volume. The current design of the property, namely the lack of a kitchen and a large outdoor patio certainly resembled an outdoor drinking oriented establishment and that could potentially create a very noisy scene. In the past month there had been several receptions at the Cider Building just south of the proposed development. He said from their house on New Jersey, they could clearly hear people standing outside the front doors of the Cider Building who were mostly speaking at a normal level. If the patio of the proposed development were at capacity, all 1300 square feet, his family and the neighborhood would be subjected to a roar of noise. He said an amplified outdoor event such as a concert or movie screening, using speakers would also be a significant disruption to the neighborhood. The noise would travel for blocks. He said from their residence on Ohio they could hear events occurring 5 blocks away on Massachusetts. In order for the proposed development to benefit to its surrounding neighbors and enjoy the

neighborhoods patronage, the hours of operation must be limited and curfews enforced for outdoor events. They recommended a closing time of midnight and outdoor events ending by 9:00 pm on weeknights and 11:00 pm on weekends. With those operating conditions in place, they were more confident that the environment created would be respectful to the neighborhood and conducive to their kids getting a good night's rest. He said he and his wife request that the City Commission defer the agenda item to a later meeting until the developer had specifics about the planned establishment. He said the developer had yet to meet with his family or anyone on New Jersey. Taking a bit more time to collaborate with the neighborhood and outline details of the plan would not only ease concerns of the surrounding residence, but could very well ensure a loyal clientele.

Tony Krsnich, applicant, said he was surprised to hear Jay's comments. He said he met with Jay at his house, a beautiful modern house and talked to Jay about their concept and the concept had not changed. He said the amount of investment that Jay was making in the neighborhood he had no doubt that Jay had rightful concerns. He said he was holding a sheet of paper that had been signed by 66 people which represented all but 6% of the people that actually lived at the Poehler Lofts and decided not to sign the petition, but 80% had. He said 100% of the property owners and adjacent property owners had signed the petition and 100% of the people that worked in the area had signed the petition as well. He said regarding noise, they shouldn't be talking about a 931 square foot bistro, but talking about the talk of the town, nationally award winning project, the Cider Gallery. The Cider Gallery was 10 times the size of this space and received one complaint at which point he worked very closely with Soden last week and both believed they remedied that complaint which was at 10:00 pm, they closed the garage door. He said he was broke because of it, but in the area he had invested in almost 2 city blocks and there was no way that they would create a problem in the area. He said they would make much more money, short-term, if they just placed a \$50,000 Band-Aid on it and rented it out as a duplex. He said it was going to be \$150,000 investment. He said regarding

the rezoning, from the beginning, he was unsure if they could meet the 55% or more test because of the transition in the area as Schumm had discussed. He said they had lots of construction going on and asked for an additional year. He believed he could have come to the Commission with this list from the business plan and gotten the votes to have a bar. He said they volunteered to do the 55% food sales. He said city planning staff recommended before the Planning Commission one of two options which was a full blown bar, close the bar at 12:00 am or 12:30 am depending on whether it was Thursday, Friday or a Saturday night or agree to the 55% or more rule. He said they decided to achieve the goal of 55% food sales, but asked for one additional year. He said he had the best interest of the neighborhood, commonly known as the warehouse arts district in place. He said he would never do anything to jeopardize the public/private partnership that they had in place and asked the City Commission for their support.

Schumm said the layout that he had seen of the proposed bistro did not have a kitchen.

Krsnich said correct. He said they had large outdoor kitchen that was going in and it was going to be very similar to the Bourgeois Pig, about three times the size with the addition of cold cuts, prepared food and that was how they intended on achieving the 55% or more test. He said they would work with local vendors to provide food.

Schumm asked if they would prepare food on site.

Krsnich said due to the size of the building, they had very minimal opportunity and that was why they were looking at premade food for resale. Additionally, year two there was a strong opportunity that the garages would be taken down and a new very modern kitchen would be built at that location, but in good faith he couldn't come before the Commission and tell them those plans were going to happen when they broke ground however, they had offers to do so and was the reason for an additional year versus having a full blown bar and closing down at midnight or 12:30 am.

Schumm said he was confused about the option of a full blown bar.

Krsnich said essentially, due to staff recommendation, they had two options, one option was the 55% or more food sale requirement, or no restaurant component, but close down at midnight or 12:30 am on the weekends. He said they wanted to close at that time and probably would and the only difference was the 55% or more. There were a lot of people living at the Poehler Lofts that worked in the service industry that get off work at 11:30 pm or midnight and they wanted to be accommodating to those people as well. He said for those reasons they opted to go with the 55% food sales or more which didn't have a time restriction.

McCullough said they presented in their staff report two options and discussed a number of things with the Planning Commission. One was a different operational characteristics between more of a restaurant/bar and a straight bar and that was where the 55% food sales came in. He said for example, if you wanted to sit and dine that was a different operation than if you were standing, the games on television and everyone was getting loud and such. He said staff presented two options for consideration, one option was the 55% rule and made sure that food sales would be part of the operation and the second would be an outright permitted bar without the food sales requirement but with the opportunity to place conditions on the use itself. The conditions staff proposed weren't specific but were up for discussion. The conditions they proposed was restricting business hours, amplified music in the outdoor seating area, and limiting the size of the outdoor seating area. At the end of the discussion and in part because of the communication they received from the East Lawrence Neighborhood Association, the Planning Commission was recommending the 55% rule condition.

Schumm said but legally, they could request to go either direction.

McCullough said the Planning Commission had that ability to recommend either option to the City Commission.

Schumm said in the zone they were in, the Planning Commission could have approved a straight bar.

McCullough said yes.

Amyx said going back to Ordinance No. 8054, where the City Commission established those restrictions, but asked what the difference with the one and two year compliance.

McCullough said that was the difference between the two zoning districts. In other words a tenant space down the 800 block of Pennsylvania could come in and site plan a bar use, would have the 55% rule applied to it and could be established without any conditional approval because the zoning existed in most of that area.

Amyx said what the Planning Commission recommended was the two year compliance.

Josh Davis, President of the East Lawrence Neighborhood Association, said he had talked to Krsnich and agreed on a lot of things. He also agreed with some of the concerns Jay brought up and concerns from the board. As a representative of the board, they had 100% agreement in support of the bar as a 55% restriction and closing at midnight. He said he understood Krsnich position as a business man and his investment with money trying to make this work. He said he believed Krsnich had the best interest of the area because of his investment and he didn't think Krsnich wanted a nuisance property or obscene noise and problems. He said one of his concerns was that this area was receiving a lot of attention and in his mind he saw this as a top of hill of sorts because it was going to be the first big change along those lines. The Cider Building was big and he was thankful for that project. He said he was concerned what the precedent might be and who might be the next developer and would they be as invested. He said he wanted to make sure that whatever was done was done thoughtfully because right now everybody was invested in the area, including the City in building brick streets. He said they didn't need a bar district, but needed to be a place where families were buying homes and restoring those homes or building new homes, but would like a place to go to have a sandwich and a beer. He said how to balance all of those things, he was not sure. He said they presented some ideas, but he wasn't a zoning expert. Ultimately, he was thinking about the end goal and they proposed some mechanisms to help reach that end goal.

Schumm asked if the board had been able to sit down with Krsnich and go over the issues their board had.

Davis said Krsnich had been to meetings.

Krsnich said he had been to two of the last 5 meetings. He said furthermore there was a little bit more criticism at the Planning Commission from one gentleman, the only vote in opposition, that he and the general management team addressed the concept with individuals in the area directly. He said they wanted one on one time, individualized time. He said he took that to heart last Monday, a week from yesterday, and posted 5 days prior in the building at the Poehler Lofts that they would have a town hall discussion. He said just like any of the other developments in the Warehouse Arts District, not only was everyone being informed, but it was a job creation tool.

Schumm asked about the points Davis was a part of, in terms of operation.

Davis said it sounded like solely the closing time and it was mentioned tonight that it might not be a late running establishment.

Schumm said the specific question was what time would they close Sunday through Thursday and Friday and Saturday; and, what time was amplified music restricted from the patio outside.

Krsnich said there was no amplified music, due to the 55% or more test just like any other restaurant. He said he didn't believe restaurants had a closing time before 2 am.

Schumm said alcohol couldn't be sold after 2 am.

Krsnich said they were taking ELNA recommendation and to be a restaurant at which point they would close down at 2:00 am. They would have no amplified music. He said they would sell 55% or more, being a restaurant, but were being asked for additional stipulations which would potentially restrict the success or profitability of the establishment. If closing time was the issue and not 55% or more, he would do either one. He said both had pluses and minuses. If they needed to close down Monday through Wednesday for example at 12:00 and

Thursday, Friday and Saturday where some of those vibrant artist types were wanting last call at 1:00 am, he said he would close it down an hour earlier, but did not want to horse trade a deal after he already bent over backwards, when he truly believed in the best interest of the district, he could have asked for a full blown bar. He said this rezoning hindrance was volunteered by the former developer but quite frankly, he wasn't sure the former developer realized that this area could potentially turn into an arts district like it had. He said this idea of the bistro occurred organically and wasn't his idea. He said he spent more time talking about this bistro than he had on the Poehler Building. He said this was the idea of the people that lived in the area. He said he was in favor of cooperating, but suggested not stopping the progress made and continue the vibrancy of the warehouse arts district.

Schumm said the only thing he would say about that was there really wasn't going to be a restaurant because there was no kitchen and without the kitchen, and without the 55% requirement being met for two years, he might have quite a bar without the food. He said when you have a bar without food there was a more boisterous or a different kind of clientele.

Krsnich said he appreciated that, but Schumm knew him well enough that if it was ever a problem, he would pull the plug long before anyone in the room would. He said he had more a vested interest than anyone. He said coffee counted for the 55% test and a repackaged cold cut counted. He said he didn't want to make commitments based upon proposals or letters of intent. He said if Schumm understood some of the caliber of people that were interested in taking this challenge it would ease a lot of concerns. He said he was in favor of the rezoning of 804 Pennsylvania, the opening of a Bistro at this location and understood that the revenue from non-alcoholic sales could be less than 55%. He said they were signing up for more than the 55%, but this was the public that was directly engaged, people that lived in the district and adjacent property owners.

Dever said the only question he was hearing was 55% food and closing time. He said ELNA wanted both although both were never simultaneously applied to any establishment.

Davis said it was also not in staff's recommendation.

Dever said what ELNA was in favor of was both restrictions.

Davis said to please note that those were tools they were thinking of to try to ultimately protect the environment for this development and future development. He said while they could say the board wanted both of those conditions which was true, but ultimately they wanted those conditions down the road and those were the tools they were seeking.

Mike Riling said he was a member of several LLC's that own property in that area on Pennsylvania Street. He said they owned 832, 826, Pennsylvania and 720 East 9th. He said he had been down for quite a while and seen a dramatic change in the property and the way it had been used. He said he knew Krsnich and knew that bars were an alarm to the community, but knew Krsnich was sincere and if it did get bad, Krsnich would shut it down because Krsnich had more to lose than anyone by having a bar next to the Poehler Building. He said they spent a lot of money developing that building and what the whole scheme was to make Pennsylvania Street and that area a destination. He said they weren't going to have a kind of rowdy bar that people were afraid of to make into a destination. He said even the East Lawrence community wanted to share in the proper atmosphere so the danger was if this could change into an improper atmosphere, but the Commission would have control over that with a two year come back. He said the City Commission could exercise some control if there wasn't a commitment being met and any type of showing of good faith toward the food sales, the City would have some options, but it wouldn't get to that point. He said the biggest investment for Krsnich and his group was the Poehler Building by far much more than this little bar. He said he had been inside that duplex a couple of times and would make a cool little place to have a beer and a sandwich. He said he was convinced that Krsnich would put together a nice place where everyone would be happy with, but they needed to let Krsnich make a little money. He said the area had changed tremendously in the last 10 years.

Leslie Soden said she knew a lot about zoning, but not everything and was wondering, when a tenant arrived for that building with perhaps a special use permit or a conditional use permit, she wasn't sure of the difference. She said she didn't know if that would be applied to the zoning or applied to the liquor license, but perhaps something that was renewed on an annual basis would be a fair compromise.

Dever asked if liquor licenses renewed annually.

Douglass said liquor licenses were renewed every two years now.

Schumm said he went to the ELNA meeting and had quite a discussion. He said there were probably 20 people present. He said what he took away from that meeting was that they were generally in favor of the bar, but were concerned about the food requirement because that dictated what type of bar it would be and were concerned about the hours of operation and noise. He said one concern he had was this condition would run with the land and if that project was sold then someone else was the new owner and as they talked in the meeting, bars were all about management. He said there were good bars and bars they had problems with. He said they had problems out south around McDonald's, problems downtown and a number of really good bars that operate well. He said someone couldn't classify all bars as being problematic and difficult, but here were operators that didn't do a good job. He said he had complete faith in Krsnich that he would operate this bar in the best way. He said what he did have a concern, based upon his career, was how Krsnich would get to 55% without a kitchen. He said it was almost impossible, in fact if they were talking about a downtown establishment and someone came up with the same proposal, the Commission would want a kitchen if selling 55% food. He said Krsnich could do this for a year or two years, but he guessed they would be back to the Commission to see if they could waive the 55% food requirement all together which then spoke to another issue which was what did someone else take away from that who wanted to operate something downtown when 55% was an absolute minimum. He said if the Commission started waiving those conditions then all of a sudden you start waiving for something else. He said 55%

food was a very liberal amount of food when talking about a bistro. He said when they started out downtown it was a 75% food requirement to have a sidewalk café because they didn't want those establishment to be overpowered with alcohol sales to where they were rowdy and noisy on Massachusetts Street and the interior was 65% food sales, then an applicant came with a new restaurant and wanted it lowered to 55% and if eventually got to 55% food sales and 45% alcohol. He didn't know if it differentiated between the sidewalk café and the interior any longer or not, but it was a very liberal amount of liquor to food if he was going to have a bistro or a dining operation.

Amyx asked if the other conditions the Planning Commission required for this district was okay as far as operation of 55% food sales and one or two years.

Schumm said he believed that was correct.

Amyx suggested reviewing the bistro, after the first year, to see how it was progressing with the 55% food sales requirement.

Dever said it was Krsnich point that it was going to take that long just to get it ramped up. He said there was probably a way to achieve that 55% requirement with today's costs with ancillary drinking products such as lattes and coffees. He said with it being a small facility, it might actually achieve that requirement. He said the bistro should go to a straight bar and close at 12:30 a.m. and be done with it, because Schumm was worried about the land issue and meeting the food requirement.

Amyx said then there was no control at all.

Farmer said Krsnich had a vested interest in the success. If this bistro was unsuccessful and it created detriment to the neighborhood and people didn't want to work in the Cider Building and live in the Poehler Building, Krsnich would be shooting himself in the foot. He said he agreed with Schumm that management of bars was key and important. One of the things he appreciated about this was that it was a very innovative business model. A lot of folks were moving toward the locally made, grown, and prepared food. He said something like this would

be pretty innovative idea to see if it would work because a lot of folks would love to eat culinary. If they could revisit this and see if the bistro was close to meeting the food sales requirement after a year or two would be good. He said he wasn't in that type of business and didn't have the same perspective as Schumm. He said it seemed that they wouldn't lose anything by giving it a shot to see if this innovative business model for this particular area was something that could work, with the caveat that it could come back to the commission for review.

Riordan said he had a concern about bringing this item back in a year because what was okay, 50%? 45%? He said it made more sense to bring it back in two years because that was what the applicant was asking. He said Schumm made a good point that this would be difficult, but it was a unique project and most of the people in that area were interested in it. He said he happened to live next to people who were up until 2:00 or 3:00 a.m., making lots of noise and knew what that was like. He said there were difficulties with it being a zoning issue, but he thought it was reasonable to try even though it might not make it.

Farmer said he was trying to compromise with Schumm. If after a year the bistro was at 12% food sales, they probably wouldn't make the 55% food sales in two years. He agreed with Riordan in giving Krsnich two years to meet the 55% food sales.

Riordan said Krsnich had shown that he was respectful of this area and had a lot to lose and he might be wrong, but someone else would have the same requirements. He said to close the bistro at 1:00 a.m. would be reasonable because that would give people that work in that area an hour after those jobs ended. He said he was leaning toward granting this zoning request.

Schumm said Krsnich had not agreed to close at 1:00 a.m., but wanted to close at 2:00 a.m.

Riordan said he heard that Krsnich wanted to close at 1:00 a.m. and asked if he had misunderstood.

Krsnich said he shared in Schumm's and Amyx's concerns. He said from the beginning, meeting the 55% test was never on his radar screen. In fact to do so in year one, he would need to have people parachuting in to drink coffee. He said he didn't think it was possible. The idea was meant for one reason and that was to appease East Lawrence Neighborhood Association request and they were going to try to do it. He said at best it would take two years. He said the two options were the 55% or more, which was a restaurant that did not have a closing time, or have a bar which there was no food requirement and wasn't a restaurant, but there was a closing time. He said he was standing before the City Commission not knowing which way to turn. He said he understood if a precedent was to be set for someone on Massachusetts Street, this was voluntarily done by the previous developer and it might make sense to scale it back and to just have an arbitrary closing time and have it be a bar. He said he was open and wanted to be transparent and not tell people what they wanted to hear and over promise and under deliver. He said he had the same concerns, but he had made a commitment to try to achieve the 55% food sales requirement. He said if the letters and conversations regarding the garages turn out, he wouldn't have a problem and would probably have no problem meeting the 55% test, but right now what he had in hand, he did not have that and it was not bankable and was the reason he was asking for two years. If it didn't need to be a restaurant he would agree to a 1:00 a.m. closing time for the bar, Thursday, Friday, and Saturday night and a midnight or before any other night of the week. Again, he said they were talking about a 900 square foot building that might be able hold 70 or 80 people. The Cider Gallery that had a full-blown liquor license, a huge outdoor space literally 5 times the amount of people could fit outdoors then the entire bistro complex indoors and outdoors was the talk of the town. He said for some reason they were really focused on a precedent, but the precedent they were setting was that future developers agreed that ELNA wishes. He said he as just asking for one additional year and if that set a precedent, he could agree to the challenge of that with Schumm. He said if that was the case, then let's call it what it very well might be which if it did

fail the 55% test, it would be a bar and scale the hours back accordingly, but it had to be bankable. He said whatever it would be, it would be respectful and an asset to the Warehouse Arts District and not a detriment.

David Corliss, City Manager, said the Commission could adopt the ordinance as recommended by the Planning Commission and then add 24 months of operation and if it wasn't meeting the 55% food sale requirement, the City Commission could go back and limit the hours of operation at that time. He said he was trying to find some way to suggest a compromise on this issue.

Dever said he remember there was similar angst when it came to the Bourgeois Pig. He said there were some issues about the outdoor area and the food sales. He said they were all worried about things that could transpire and now it was an interesting place. It felt like the same scale as what they were talking about with the bistro. He said Bourgeois Pig was different and a concept the then-Commission wasn't comfortable with and struggled with.

Corliss said the struggle was the sidewalk permit and the food sales requirement.

Dever said it was the same concept and the Bourgeois Pig turned out great.

Corliss said it looked like Bourgeois Pig was successful from a business point.

Amyx said the Planning Commission had done a good job in going through the process and making recommendations to the City Commission. He said the only question was that if they were to concur with the Planning Commission's recommendation, he asked if there would be anything else the City Commission wished to add in the condition of approval of this site.

Dever said Schumm's concern was about the viability of something like this and the fact that it was running with the land and not a use permitted to the applicant. He said that would be the only reason he thought about looking back because that might give the Commission that trigger. He said obviously this was a new type of service in a new area that they weren't familiar with.

Corliss said he did agree with the applicant's observation in that it would probably take some time to build that uniqueness for a food location. He said this was an area that didn't have that history. He said the City Commission might want to forecast to the property owner because it did run with the land and successors that at 24 months of operation that the City Commission would have that authority to look at that information, determine whether or not they met the 55% food sale requirement. If they hadn't met that requirement, then the City Commission had the authority to limit the hours.

Dever said or bring it back to the City Commission for discussion. He said he was in favor of moving forward but didn't want Schumm to feel uncomfortable with this decision.

Schumm said he appreciated everything that had been done, but he was just trying to bring up the points for discussion. He said on one hand they had an ordinance and he liked to follow the City's ordinances because if they started to not follow those ordinances, then they fall apart. He said if we waive parts of an ordinance, then suddenly there was a watered down situation where people could shoot holes in things and rightfully so. He said he had been very instrumental in trying to protect downtown in terms of its appropriateness, its character, how it presented itself to people and a lot of what he was concerned about was how the City's hospitality industry operated, how it functioned, and how it presented itself to the public. If there were 20 bars up and down the street with broken glass all over the sidewalk, there wouldn't be quite the charm it had the way it worked right now. He said he loved that district, but was having a hard time getting by the fact that there was no kitchen in this bistro. He said he could see that they were going to import some food and try to make it work along with the beverage sales that were non-alcoholic. He said he was willing to give it shot. It's a good program. The statement was made that the liquor license was reviewed every two years. Once issuing a liquor license it was awfully hard to take it back. It was like a right in the State of Kansas. He said he had been on two such task forces to try and revoke a license and they weren't easy. He said it wasn't a safety valve at all. He said where the City Commission had some leverage was

that any restrictions the City Commission wanted to place on that bistro now and in two years check it and if it was going well that was fine, but if it wasn't going well it would need to be adjusted. He said he would like to see this issue back in two years to see what was happening. He said his question was if the City Commission would have the opportunity to make adjustments at that time and place restrictions on the establishment if things weren't going well.

McCullough said staff had thought about this because as they've gone through the potential that Krsnich couldn't meet the 55% food sales requirement after two years, typically the applicant would have some avenues to pursue. One would be to in short order, come into compliance if that meant adding a kitchen or adding different services. The other would be to request that the condition be altered or removed all together. He said staff had been very careful not make too many parallels to the downtown district. He said it was a different district all together, but the standard was borrowed and was a tight negotiating package of zoning standards. The list was long about prohibited uses and this wasn't the only use. One of the avenues the applicant could pursue was to go back through the process with the Planning and City Commissions to change the condition. If he had an establishment that was going well and there weren't complaints, he might request that the condition be removed all together. There also might be an opportunity to request that the City revert to option 2, which was to place different kinds of conditions on the use that restrict hours and those types of things, but remove the food sales. Typically, downtown restaurants didn't have those options to make those requests because it was conditional zoning in this case, whereas downtown was the zoning standards by right. He said they had a built in 2 year timeframe. If after 2 years, the bistro was meeting the 55% rule, then he would keep going with it. If not, he needed to make changes and those were the avenues to pursue. He said they could of course build in a review of some sort and advise the Commission on what was happening after those two years, but after two years if the bistro was not meeting it, then changes would need to be made in any event.

Schumm said with this zoning request the City Commission would approve it with a City Commission review at the end of 2 years of operation if not meeting the 55% requirement.

McCullough said if he wasn't meeting the 55% requirement, they could build that into the ordinance. He said it would either be shut down or pursue some condition amendment of some sort.

Schumm said it was not anything other than what he already agreed to because staff was going to review it in 2 years.

McCullough said it could be reviewed monthly because those reports were submitted monthly. He said staff could track it and advise Schumm on its progress, but it wouldn't have an impact on the operation until after two years.

Schumm asked what reports were submitted monthly.

Douglass said what staff asked for with liquor license applications were copies of the liquor excise tax returns.

Krsnich said he would want to make sure the two year period started from the certificate of occupancy. He said they probably won't even begin construction until spring. He said they were going to put as much thought, if not more, into this project then they were per square foot from the Poehler or Cider. He said there wasn't a chance that they would be open until the summer of 2014.

Schumm said they could start when they received their certificate of occupancy or when they received their liquor license.

Davis said two years sounded like a fair amount of time. He said for the potential precedent that the Commission discussed regarding loosening restrictions, he wondered if they were talking about that in two years and then saying they might be generating monthly reports and on one wanted to look at monthly reports. He asked if a precursory review of one year be appropriate to make sure they weren't hovering at 8%.

Dever said they discussed that, but the Commission didn't have any authority. He said the Commission didn't want the authority because they didn't believe it was fair to create this concept in 12 months. He said reviewing the food sales in one year might be premature because it might take 12 months to ramp up and then boom the concept took off. He said they already talked about that.

Davis said he wondered if the option was that after two years then they start looking at it and then another year to sort through the issues and if it was a problem and couldn't sell enough food then they would drop down to midnight. He said what it sounded like was that they were a full-fledged bar for 3 years and then switch to midnight was what it could end up being.

Dever said that was a possibility.

Moved by Farmer to approve the request to rezone (Z-13-00287) approximately .27 acres from RM12D-UC District to CS-UC District, located at 804 Pennsylvania Street and adopt on first reading, Ordinance No. 8920.

Schumm said regarding noise that bothered neighbors on a continuous basis, if that happened, from midnight to 2:00 a.m. He said right now the weather was nice and windows were opened, he asked what they would have other than calling the police.

McCullough said the City had a noise ordinance and police response.

Dever said asked if adopting Ordinance No. 8920 was the Planning Commission's recommendation.

Amyx said if the 55% rule was not met it would automatically come back to the City Commission. He said through the process did any of the language that the City Manager brought up needed to be included. He said it would need to begin after the license had been issued or the time of occupancy permit was issued.

Corliss said the way the ordinance was written was that said restriction shall be applied beginning on the 2 year anniversary on the commencement of the use.

Dever said to be clear, Corliss indicated that upon that review the Commission could dictate those changes be made anyway so special language wasn't needed.

McCullough said correct.

Corliss said the way the ordinance was written the applicant would not be in compliance with the City's zoning code if they weren't meeting this requirement.

Schumm said regarding the motion, if the 55% rule was not met it would be brought back to the City Commission in 2 years.

Dever said no, it would be automatic.

Schumm said it was a staff review.

McCullough said after 2 years, if the food sales were not met, there would be a zoning violation and in that case either the City Commission upon report from staff could initiate a rezoning and change the condition or the applicant would have avenues to pursue to remedy the violation.

Moved by Farmer, seconded by Riordan, to approve the request to rezone (Z-13-00287) approximately .27 acres from RM12D-UC District to CS-UC District, located at 804 Pennsylvania Street and adopt on first reading, Ordinance No. 8920. Motion carried unanimously.

2. **Conduct a public hearing and consider recommendations from the Historic Resources Commission to designate the following properties as Landmarks on the Lawrence Register of Historic Places:**

- . 900 Rhode Island Street, Turnhalle**
- . 1500 Haskell Avenue, Kibbee House**
- . 1734 Kent Terrace, Joseph Savage House**

Lynne Braddock Zollner, Historic Resources Administrator, presented the staff report.

Amyx asked about the 1500 Haskell Avenue property that was connected to 1734 Kent Terrace.

Zollner said there was a correction that needed to be made in the City Commission's Agenda Packet regarding the report from the Historic Resources Commission on the Kibbee



**Z-15-00022: Rezone 0.27 acres from CS-UC District to CS-UC District with Restrictions
Located 804 Pennsylvania Street**



----- Forwarded message -----

From: "Arch" <arch@sunflower.com>

To: "bruce@kansascitysailing.com" <bruce@kansascitysailing.com>, "clay.britton@yahoo.com" <clay.britton@yahoo.com>

Cc: "Scott McCullough" <smccullough@lawrenceks.org>, "David L. Corliss" <DCorliss@lawrenceks.org>

Subject: Item 4 on agenda for March 23, 2015

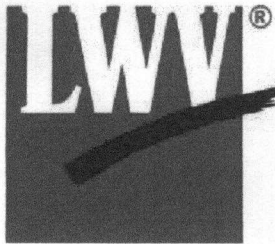
Date: Mon, Mar 23, 2015 9:55 am

Dear Chair and Vice-Chair,

Please do not allow a bar without requirements that all other bars/restaurants must follow. This proposed site was once 2 apartments. He could of left it as apartments. He should return the property back to apartments. Don't let him go around the restaurant/bar requirements that was negotiated already. The basil leaf cafe has around the same footprint. They managed to put a kitchen into their building. It would be opening a can of worms to allow them a bar only.

Regards ,

Arch Naramore
1204 New York
Lawrence KS



LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY

March 21, 2015

RECEIVED

MAR 23 2015

City County Planning Office
Lawrence, Kansas

President
Cille King

*Vice President &
President Elect*
Debra Duncan

Secretary
Caleb Morse

Treasurer
Marjorie Cole

Directors
Margaret Arnold

Caroljean Brune

James Dunn

Midge Grinstead

Carol Klintnett

Marlene Merrill

Austin Turney

Melissa Wick

To Mr. Bruce Liese, Chairman, and Planning Commissioners
Lawrence-Douglas County Metropolitan Planning Commission

RE: ITEM NO. 4: CS-UC TO CS-UC; 0.27 ACRES; 804 PENNSYLVANIA ST (MKM)

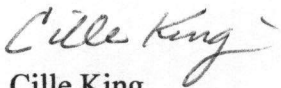
The League of Women Voters Land Use Committee urges the Planning Commission not to approve the recommendation of the Planning Staff to allow the alternative choice of using the subject historic property as a **bar** without food service and only with special conditions. We ask this for the following reasons:

1. The applicant, himself, has said that the residents of the area have expressed the need for a use within walking distance to provide food service, we assume especially at noon, but also after work so as to avoid having to travel by car to a another area for lunch or meetings.
2. The need for a bar alone seems to be primarily that of the owner of the property, not of the residents of the neighborhood. A bar would not provide the need expressed by those who live in the area. It would not really function as a need for the immediate neighborhood.
3. At noon and in the evening a bar would attract customers outside the area and could become much more intensely used, especially in the outside patio area. This would make it more difficult to control the noise, clutter, and other unpleasant side effects that a bar rather than a restaurant would bring.
4. Because the suggestion of allowing a bar without food service would not serve the neighborhood, there are alternatives mentioned that would facilitate providing a restaurant which were not considered by staff in their final recommendation.
 - a. There is a near-by building that can be replaced to supplement the needed space, especially for a kitchen. A building addition that would connect to the stone building could provide for the needed kitchen so as to avoid imported food service.
 - b. Because a bar alone without food would likely attract more customers from outside the neighborhood, it could become a hazard and a nuisance rather than a benefit for the neighborhood residents regardless of the conditions imposed.
 - c. There would be less need for auto parking if the use is designed to attract the local customers.
 - d. One of our LUC members who has worked in retailing pointed out that the objection to keeping track of daily sales is something retailers do routinely and questioned this as a valid reason for objecting to the food sales requirement.

LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY
Page 2

We urge that you recommend to the Historic Resources and City Commissions that the food requirement be the only alternative to allowing serving liquor, i.e., the first recommended alternative, and that the applicant seek methods to facilitate that choice if he chooses to continue to use this building for commercial use.

Sincerely yours,



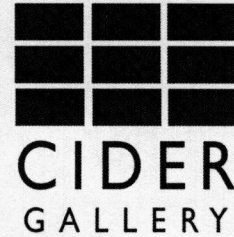
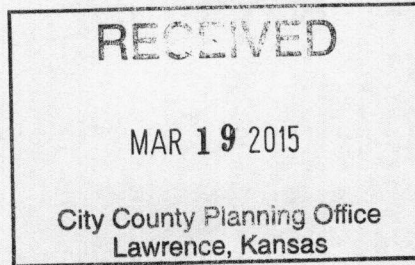
Cille King
President



Alan Black, Chairman
Land Use Committee

March 01, 2015

City of Lawrence
City Commissioners
6 East 6th Street
Lawrence, KS 66044



Cider Gallery
810 Pennsylvania St.
Lawrence, KS 66044

RE: Rezoning Request for 804 Pennsylvania St. Bar/Bistro

Esteemed Commissioners,

As Cider Gallery Coworking Office tenants, we are unanimously speaking out in favor of the recent rezoning request for the Bistro at 804 Pennsylvania Street to remove the 55% food sales reporting requirement to allow for the opening of a neighborhood bar bistro.

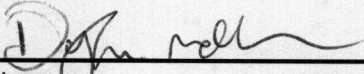
One of the first things we hear from clients and colleagues who come through our offices is that this district has improved so much since they last visited, and that it would be great if we had a place to sit down for a beverage after the meeting! What we REALLY need as employees and employers is a place to take colleagues and clients to discuss business or unwind after a long day of work. It would be hugely helpful to have a bar bistro next door to help our businesses thrive.

Additionally, it should be noted that hundreds of Cider event visitors often populate the vibrant outdoor courtyard and that has never distracted us or neighbors from the work at hand. Further, with only enough space for roughly twenty people outside of the Bistro it hardly seems detrimental from any perspective. We support the location and unrestricted business hours because often, we work late hours or a second job to help us get our businesses established. Closing early would restrict many of us from supporting the bistro when we would prefer to visit.

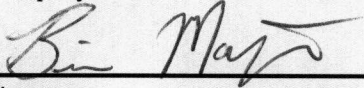
Let the signatures on this document illustrate our support for this rezoning request and for any business owner looking to establish him/herself in the neighborhood.

Sincerely,

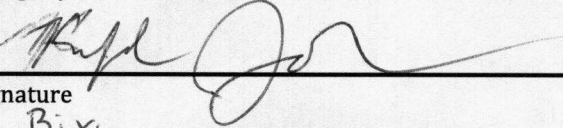
Cider Gallery Coworking Office Tenants



Signature

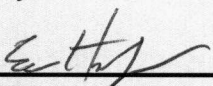
Stranger Creek pools
Company

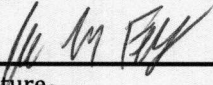

Signature

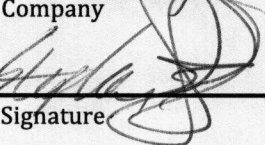
TREKK ~~GROUP~~ DESIGN GROUP
Company

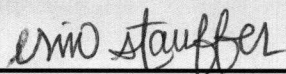
 (Kyle Johnson)
Signature
Bixy

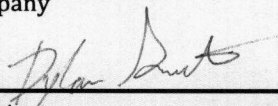
 (Jon Stewart)
Signature
Bixy

 (Evan)
Signature
Bixy

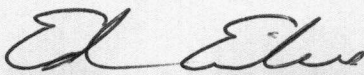
 Jacob
Signature
Bixy

 Stephanie
Signature
Bixy

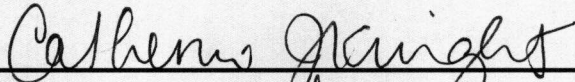
 erin
Signature
TREKK

 Dylan
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TREKK

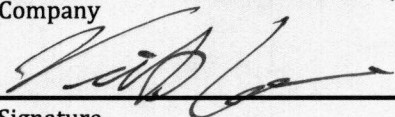
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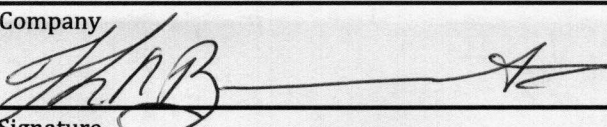

Signature

TREKK DESIGN
Company


Signature

Kindred Health Care
Company

 - Gateway Fund ig
Signature

Company

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Aviation Insurance ~~Assoc~~ Association
Company

Signature

Company

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Company

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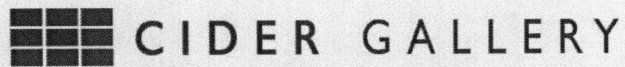
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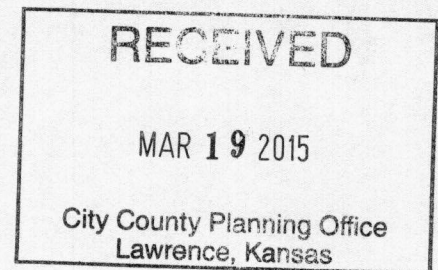
Signature

Company



March 18, 2015

City of Lawrence
City Commissioners
6 East 6th Street
Lawrence, Kansas 66044



Cider Gallery 810 Pennsylvania Street
Lawrence, Kansas 66044

RE: Rezoning Request for 804 Pennsylvania Street Bar/Bistro

Commissioners,

As the Director of the Cider Gallery, I am writing this letter to show full support for the rezoning request at 804 Pennsylvania Street, in order to allow for a neighborhood eating and drinking establishment.

We host multiple events at the gallery throughout the year – we have no fewer than 68 events on the schedule for 2015. These range from Final Fridays to East Side Blues Nights, Weddings and Receptions, Corporate Parties and Events, Customer Appreciation Gatherings, Political Fundraisers, KU Classes and Receptions, Non-Profit Fundraisers and Social Events, Free State Festival Activities, and Awards Ceremonies. As a member of the Warehouse Arts District, we are interested in bringing Lawrence residents to the historic east side of town on a regular basis, and not only within the confines of our planned events. A neighborhood gathering spot that includes indoor and outdoor seating as well as great atmosphere, will add to the energy that is already being generated in the area.

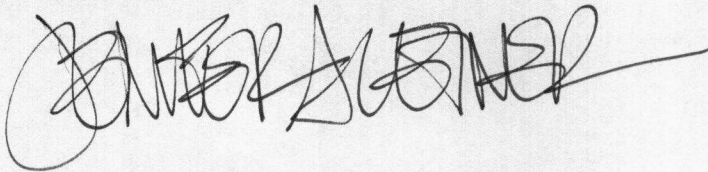
We host coworking office tenants on our second floor. They invite clients to the district, and have a need to entertain. They also work long and varied hours, and would be interested in acquiring food and beverages that are in close proximity to our work space.

Our occupancy in the gallery space, including use of our outdoor courtyard, is 316. We have hosted events for up to 300 people without finding that the noise is a factor for our neighbors. A small patio space at 804 Pennsylvania would only accommodate a fraction of that number for seating, and we don't imagine that to be a disruption within the community.

We plan to work with management at 804 Pennsylvania to ensure that guests at both establishments are pleased with the location, service, sound management, and parking situations. We are looking forward to this addition to the Warehouse Arts District and believe that it will serve to support the business leaders and artists who are already actively working in this thriving part of Lawrence.

Thank you for considering our letter in support of this particular rezoning request.

Jennifer Letner

A handwritten signature in black ink, appearing to read 'JENNIFER LETNER', with a long horizontal flourish extending to the right.

Director, Cider Gallery – Events, Fine Art

785-304-4005

785-248-6000

jennifer@cidergallery.com



FLINT HILLS MANAGEMENT GROUP, LLC

832 Pennsylvania Street
Lawrence, KS 66044
PH: 785-550-7228
FAX: 785-856-5658
jputman@flinthillsmgmt.com

To: City of Lawrence
City Commissioners
6 East 6th Street
Lawrence, KS 66044

RECEIVED

MAR 19 2015

City County Planning Office
Lawrence, Kansas

RE: Rezoning Request for 804 Pennsylvania St.

Respected Commissioners,

As Vice President of the overseeing Management Company for the Poehler Lofts, Cider Gallery, 720 Annex, 832 Pennsylvania offices, 9-Del Lofts and the Warehouse Arts District, as well as an East Lawrence resident for many years, I am extremely supportive of the rezoning change that will bring a much needed new service business to the thriving area.

We at Flint Hills Management Group are extremely eager to welcome the Bistro into our neighborhood. I believe it will be an asset to what currently exists here, and I have heard from many of our tenants and colleagues how much they too are looking forward to its opening. As a management company we see how certain business types can be disruptive to our mission, but the Bistro concept will be very complimentary to what currently exists down here today!

I would like this letter to reflect my complete support for the rezoning request and bringing this unique and highly desirable restaurant to the flourishing district.

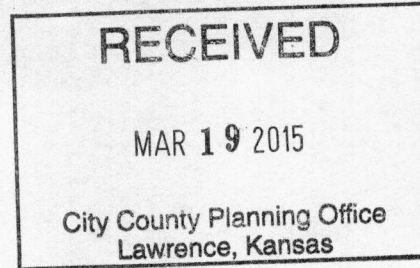
Sincerely,

A handwritten signature in black ink, appearing to read "Jacqueline Putman", with a stylized flourish at the end.

Jacqueline Putman
VP of Property Management
Flint Hills Management Group

March 01, 2015

City of Lawrence
City Commissioners
6 East 6th Street
Lawrence, KS 66044



Poehler Loft Apartments
619 East 8th St.
Lawrence, KS 66044

RE: Rezoning Request for 804 Pennsylvania St. (AKA 605 E. 8th St.)

Esteemed Commissioners,

As Poehler Loft Apartment tenants, we are extremely supportive of the rezoning change lifting the 55% restriction on the neighboring Bistro Bar to allow for a successful business to thrive outside our back door.

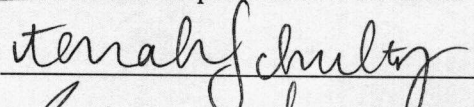
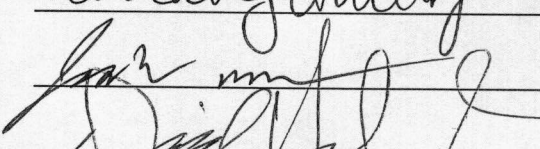
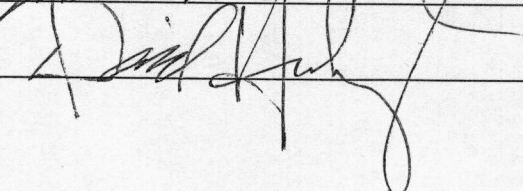
The ownership group and design team have done more than asked to minimize noise pollution, protect our privacy and modify the design to suit all of our concerns for the Bistro. We are thrilled with the final product and look forward to it's grand opening.

Not only are we in support as patrons, but we think this will be a tremendous asset to the whole district and neighborhood by providing an establishment to enjoy good food and beverage, especially since there is not a location to do this within the neighboring 7 blocks. We are looking forward to having a location to entertain friends, meet with colleagues and get to know others in the neighborhood.

Let the signatures on this document illustrate our support for this rezoning request and for any business owner looking to establish him/herself in the neighborhood.

Sincerely,

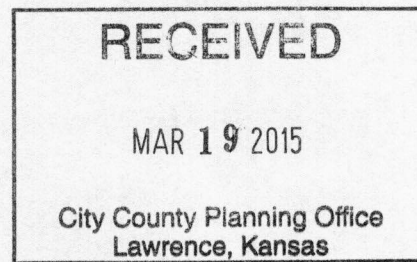
Poehler Loft Apartment Residents

	Unit 212
	208
	209

Lisa Burns	102
Sharon Chernock	401
Allison Marker	304
Jessica Andahl	312
Will Ogle	312
Matthew P. Cannon	311
Kendra Noll	307
Alexa Coob	306
Schnathen Flaherty	306
Leah Cochran	308
Travis Jack Hartz	108
Mr. Guff	404
Janece Ramsey	108.
Mr. J. E. Clement	353
Rachel May	207
Rene Burns	102
Cason Weller	403
Joe Weller	410
Mike C.	103
Janece R. Smith	201

March 01, 2015

City of Lawrence
6 East 6th St.
Lawrence, KS 66044



Rezoning of 804 Pennsylvania St.

Commission,

As business owners and operators in the heart of the Warehouse Arts District, we would like to show our support for the rezoning request of our neighbors at 804 Pennsylvania St.

All of us started or moved our businesses to the Warehouse Arts District because of the vitality, creative energy and excitement surrounding the evolution of this District. We really enjoy living and working around other artists, professionals and entrepreneurs, and this density of other like-minded individuals is difficult to replicate other places in the city.

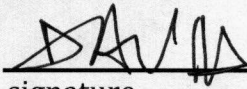
When we first invite other clients or colleagues to the area, they first comment on how they have never been down here prior to our meeting, and second discuss how great it would be if they could stay down here for lunch, dinner or a drink after work. There is not anywhere close for us to call our own, and we are in desperate need of a neighborhood-friendly, low-key bistro bar such as the one proposed.

From our discussions with the development group they have clearly established that this will be a community-gathering place, a place to bring friends and family, somewhere where you can carry on a conversation inside or outside without having to yell. We are extremely excited for this to move forward and know it will not only be enjoyable but will be a big asset for growing our businesses.

Sincerely,

Warehouse Arts District Business Owners

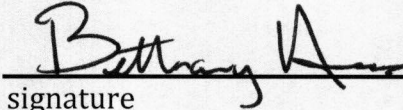
By signing this letter we fully support the rezoning request at 804 Pennsylvania St.:



signature

WOTC SOLUTIONS

business



signature

Catherine Hess Law, LLC

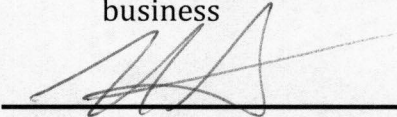
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SeedCo Studios

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Seed Co Studios

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SEEDCO STUDIOS

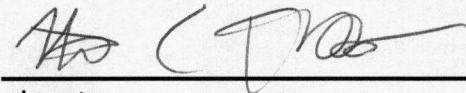
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Through A Glass Productions

business



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Through A Glass Productions

business

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Taryn Miller

business

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Abroxas

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A-1 AUTOMOTIVE

business

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WOTC Solutions LLC

business

signature

Julia K Peterson

business

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MEAN GRAD

business

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Law Offices of Catherine Hess, LLC

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