

Moved by Nalbandian, seconded by Moody, to amend the motion to have the City participation at 25%.

In discussion of the amendment, Andersen expressed concern about the financial hardship placed upon the neighborhood.

The vote on the amendment was: Aye: Nalbandian, Moody and Schulte. Nay: Andersen and Compton. Aye: Sims. Motion carried.

The vote on the original motion, as amended, to establish a benefit district, to authorize sidewalk improvements in the Chaparral/Cimarron Hills area, generally east of Haskell Avenue and south of 23rd Street, to delete from the benefit district properties with existing sidewalks, and 25% participation by the City in cost for construction of the sidewalks, was: Aye: Nalbandian, Moody and Schulte. Nay: Andersen and Compton. Nay: Sims. Motion carried.

The Commission concurred to direct staff to prepare the resolution ordering the improvement for the January 11, 1994 City Commission meeting.

The Commission concurred to exclude the subdivisions which had sidewalks, including properties which did not have sidewalks on their side of the street. (13)

12/7/93

David Corliss, Assistant to the City Manager, presented a report regarding possible zoning text amendment concerning bars and taverns in the downtown area. After review of zoning ordinances and ordinances in other communities, Corliss recommended the best tool to control the establishment of bars in the downtown area would be a food sales requirement. Under the proposed ordinance, existing bars and taverns would be grandfathered and future establishments in the C-3 zone would have to comply with the food sales requirement. He recommended a 50% food requirement if the goal of the regulation was to prohibit future establishments in the downtown area having a substantial

amount of business devoted solely to liquor sales.

Compton said he would abstain from discussion and vote on the matter because he held property which generated revenues for the sale of liquor and did not want an appearance of a conflict of interest.

Andersen suggested keeping the 50% food requirement, having the Planning Commission revise if necessary.

The Commission concurred that it was the goal of the zoning ordinance to prohibit future establishments in the downtown area from having a substantial amount of business devoted solely to liquor sales.

Moved by Moody, seconded by Andersen, to initiate a zoning text amendment and forward the amendment to the Planning Commission for review. Aye: Nalbandian, Andersen, Moody and Schulte. Nay: None. Abstain: Compton and Sims. Motion carried. (14)

Monday, January 19, 1994, at 4:00 p.m., was set as a study session date to review the final report of the Stormwater Task Force.

Wednesday, February 9, 1994, 4:00 p.m., was scheduled as a study session to review the City Sign Ordinance.

The Commission set January 5, 1994, at 4:00 p.m., as a study session to review the mobile home minimum housing standards proposal.

Moved by Compton, seconded by Moody, to cancel the following City Commission meetings in 1994: March 22 (spring break); May 31 (fifth Tuesday); August 30 (fifth Tuesday); and November 29 (fifth Tuesday). Motion carried unanimously.

ITEM NO. 11: TEXT AMENDMENT PERTAINING TO DRINKING ESTABLISHMENTS IN DOWNTOWN

A. SUMMARY

TA-12-3-93: Text amendment regarding development of properties in Downtown Lawrence as drinking establishments. Initiated by the City Commission and referred to the Planning Commission.

B. STAFF REVIEW

Mr. Banks said this text amendment had been initiated by the city commission. The effect would be to prohibit establishments in the C-3 district that serve alcoholic beverages unless at least 50% of their gross sales are food sales. Staff was unable to contact a restaurant association to get additional information as requested at study session, but were able to get information from other sources relating to what constitutes a bar and what constitutes a restaurant.

The Gilbert Robinson organization, who formerly managed a number of restaurants, had a standard of 25% liquor to 75% food. The American Planning Association Planning Advisory Service has published a survey of zoning definitions that are accepted definitions. In that document a bar is defined as not including a restaurant. A restaurant is an establishment that serves 25% liquor and 75% food.

When the city commission adopted their sidewalk cafe ordinance they set a standard of 70% food and 30% liquor because they did not want bars on our downtown sidewalks.

Drinking establishments in Kansas previously were guided by a standard that they must sell at least 30% food and not more than 70% liquor. The proposed ordinance was 50-50.

Comm. Entrikin said the 50-50 provision had been suggested because it would be the easiest to enforce. Had other enforcement mechanisms been researched, i.e. square footage ratio of bars to other establishments in downtown; physical separation of bars; or ratio of bars to other activities downtown? They should consider all alternatives and not just forward a recommendation to the city commission without further study.

Chrm. Flory agreed with Comm. Entrikin. She asked what the percentage of bars is as compared to the percentage of all other uses in the downtown footprint to verify that bars may be taking over downtown. She suggested there may be another way to deal with the problem other than zoning, or that another arena or solution may be better.

Mr. Banks replied staff could probably do measurements and conduct a survey by the end of the summer.

Comm. Entrikin said he understood staff limitations to conduct such a survey, but was uncomfortable with the 50-50 solution. He did not want to dispose of the matter in such a cavalier manner. He could not support the proposal as is because he did not have enough information.

Mr. Banks said the city commission had discussed other measures.

Chrm. Flory asked if a count of bars and other retail establishments, without square footage, was of no value to staff.

Mr. Banks said he was not sure what value it would be. We knew there had been an increase in the number of open saloons, and that staff is contacted weekly by people interested in putting new bars in downtown.

Comm. Entrikin suggested placing a moratorium on new bars until the issue had been studied in depth.

Mr. Banks replied that would be reasonable.

Comm. Baker agreed the issue needs to be addressed to assure downtown doesn't turn into an area of excess bars. He knew how busy staff is, but doubted it would take to the end of the summer to look at a map and determine who was at each address, and how many square feet are bars vs. not bars.

Mr. Banks said that couldn't be done by looking at a map. The square footage of the buildings was not easily available. That type of survey may not take until the end of the summer, but other projects would be delayed. He was somewhat troubled because each time we come across an issue, the answer was to conduct a study or survey. Staff did not have the manpower. We have data available as to how many and what kind of liquor licenses; we cannot tell you the floor space in downtown, but could estimate it. There is no business license required in Lawrence, so staff would need to conduct a survey to ascertain the types of businesses which currently exist downtown.

Comm. Bradley asked how many liquor licenses had been granted in the C-3 and C-4 districts, and if the license includes the square footage of the establishment. He suggested they contact the fire department regarding square footage because they determine the occupancy rates.

Mr. Banks replied square footage is not available for all the buildings inspected. Building plans were available on contemporary buildings. Sanborn maps were available for most of the older buildings. The data exists, but is not computerized or easily obtained.

C. PUBLIC COMMENT

Pat Kehde, current President of Downtown Lawrence, said in doing a rough count they found 21 establishments between 6th and 11th, on Vermont, Massachusetts and New Hampshire, which serve liquor. That figure includes restaurants and taverns. There were 120 members of Downtown Lawrence, including private members, merchants, lawyers, etc. She noted bars such as Dos Hombres which is next to a parking lot, have less impact on businesses and people than 3 bars in one block, for instance. DL had not taken a stand on the issue, but were concerned. The city commission had discussed requiring bars to be no closer than 50' from each other. Something needs to be done, but she was not sure what.

Comm. Entrikin asked Ms. Kehde is she supported the 50-50 provision.

Ms. Kehde said she did because of its simplicity. A walking of survey of downtown should be conducted. She had not considered any other splits, but was surprised at the Gilbert Robinson standard of 30-70.

Comm. Entriakin said in his opinion the only thing in favor of the 50-50 provision was that they could do something quickly. They need to consider other alternatives.

Ms. Kehde said she would prefer enforcing a specific distance between establishments. They were concerned with too many being clumped together. She appreciated the commission's concern about this issue. She did not want downtown Lawrence to be only a place that was active between 9:00 p.m. and 1:00 a.m.

Doug Brown, representing himself, said they want to bring people to downtown to develop new businesses. They could discourage new restaurant businesses or franchises downtown with the 50-50 limit. Many times a long-term lease is required, and losing a liquor license because they did not quite meet the 50% provision would be a deterrent to not come to downtown.

Jerry Nerverve, Red Lion Tavern, said another ramification if the 50-50 provision is adopted, was limiting the expansion of existing businesses which presently don't serve food. He also was concerned that he could lose his liquor license if only 49% was in food. When a food restriction was place on establishments serving liquor, frequently "food specials" were often offered, and caused the establishment to lower their prices on food, and could lead to a downfall of nice restaurants in downtown.

Myles Schacter noted there were bars which did not serve food which were a complement to downtown. The night life not present 10 years ago had been wonderful for downtown. Regulation should be tied to the problem of concentration of bars. He acknowledged that several bars together can cause problems for non-bar establishments and their employees. He felt limiting the number of bars in one block, or the distance between establishments would be better than a 50-50 provision. There were also other mechanisms of enforcement. He agreed additional study was needed, but didn't feel it should be studied too long because of the number of inquiries or new applications coming into the planning office.

Chrm. Flory closed the public hearing at 9:39 p.m.

D. PLANNING COMMISSION DISCUSSION/ACTION TAKEN

Comm. Bradley acknowledged there is a problem with some of the existing bars downtown. They must determine exactly what they were trying to regulate, and would this proposed amendment do what they want it to. He did not feel this amendment, as proposed, would affect the existing problem. He was concerned that this proposal might adversely affect a use such as Liberty Hall, which serves liquor in addition to the theatre, movie and concert uses. A use such as Free State Brewery could also be adversely affected. He suggested a moratorium on new bars until the issue is resolved. Separation of bars could address the concentration issue. Additional study was needed.

Comm. Milstead asked if Lawrence has a loitering law and if there is a curfew.

Mr. Banks replied loitering laws were unconstitutional, and Lawrence does not have one. He did not know if there was a curfew for teenagers.

Comm. Milstead voiced concern they were avoiding placing the responsibility where it needs to be - on the bar owners. She also did not know what the police had done to enforce the safety of residents downtown. She was uncomfortable with the whole issue because she did not have enough information to make a good decision.

Comm. Shanmugan suggested staff talk with law enforcement people to see exactly what is being done to correct the problem.

Mr. Banks suggested they deny the amendment, sending it to the city commission with their comments, and allow the city commission to make the decision. They are more familiar with the issues downtown.

Comm. Milstead asked if it would support the city commission in their decision, recognizing there is a problem, if the planning commission recommended a moratorium on liquor licenses until the problem is addressed in some way.

Comm. Entrikin said he felt the city commission was correct in referring the issue to the planning commission. He did not think they could do justice to it without further study, however. He suggested a 90-day moratorium on licenses, which would allow a planning commission ad hoc committee or executive committee to study the issue.

Comm. Baker did not support a moratorium. He agreed additional study was needed. He did not think there would be a flood of liquor license requests downtown in the next 90 days.

Mr. Banks said staff had received several inquiries. He was aware of one proposal, in the C-4 district, for a very large bar. Staff had received inquiries about a multiple-floor bar in the Woolworth's building. There were no pending applications at this time.

Comm. Baker said there were many parts of the issue which had not been studied. Placing a very large bar 50 or 100' from someone else may not solve the problem. There should be other ways to address the problem. There was not enough information at this time to answer all the questions.

Chrm. Flory asked if a staff person was available to staff the committee.

Mr. Banks said a staff person would be assigned to assist the committee, noting that staff has other assignments, and scheduling may be difficult at times.

Chrm. Flory said they had witnessed shifting priorities in the planning department on a regular basis, and she appreciated staff's flexibility in these matters. She agreed the issue should be studied further, and did not feel there should be a moratorium on bars.

Comm. Grosdidier said his major concern about bars was how they affect surrounding businesses and residences. They devalue property.

Comm. Milstead noted further study would allow them to review regulations currently in effect regarding litter, noise, etc., and the planning commission could make some recommendations for enforcement.

Chrm. Flory referred the text amendment to Ad Hoc Committee #3.

It was moved by Com. Baker, seconded by Comm. Entrikin, to deny the text amendment.

The motion carried unanimously. (7-0)

receive annexation request for approximately 4.9 acres located south of Clinton Parkway between King's Addition and Parkway West Subdivision and direct staff to prepare the appropriate ordinance. Motion carried unanimously. (17)

George Williams, Public Works Director, presented the request from Meadows Place, Inc., for a variance from City street standards for private access easements serving Lots 30-34, in Meadows Place which was a planned residential development south of Meadow Drive and Kasold. Williams recommended he be allowed to work with the applicant to come up with an agreement which would minimize the variance.

Moved by Andersen, seconded by Compton, to direct staff to work with the applicant on the details of making the access conform to City standards with minimum variance. Motion carried unanimously. (18)

Mike Wildgen, City Manager, presented the Lawrence Paper Company request to issue \$1 million in tax-exempt industrial revenue bonds. Wildgen said this was not a general obligation of the City and the people marketing the investment stated Lawrence Paper Company had never defaulted and investors found the bonds to be good investments.

Moved by Schulte, seconded by Compton, to approve Resolution No. 5611, a Resolution of Intent to issue \$1 million in tax-exempt industrial revenue bonds for Lawrence Paper Company. Motion carried unanimously. March 29, 1994 (19)

Compton said he would abstain from the discussion on the draft ordinance establishing limits on drinking establishments in the downtown area because of a potential conflict of interest.

After review of the staff report on drinking establishments in the downtown area,

Moody suggested a 55-60% food requirement be placed on drinking establishments in the downtown area.

Schulte asked about the concerns people had about expansion.

David Corliss, Assistant to the City Manager, said the section currently allowing expansion of non-conforming uses was sited in the proposed ordinance. Expansions could occur under current authority and this ordinance did not expand that authority.

Pat Kahde, President, Downtown Lawrence, Inc., said there was not a clear cut consensus on this issue among members of DLI. She suggested instead of using a food/liquor split, using a non-liquor/liquor split. Kahde said this would then allow entertainment venues.

Schulte suggested directing staff to develop the ordinance with a 60% food limitation.

Nalbandian suggested 50%.

Moody said he thought 55% was appropriate because more than 50% revenue would be coming from non-bar activities.

The City Commission concurred on a 55% food limitation.

Schulte suggested the City Commission consider continuing this concept into the overlay district adjacent to the downtown in the C-4 area.

Moved by Moody, seconded by Schulte, to direct staff to prepare an ordinance establishing limits on drinking establishments in the C-3 zoning district with a 55% food sales requirement and place the ordinance on a future agenda. Aye: Nalbandian, Andersen, Moody and Schulte. Nay: None. Abstain: Compton. Motion carried. (20) ↑

~~Nalbandian suggested deferring the discussion on initiation of ordinances and policies for the Southern Development Plan until staff had additional time to provide an analysis and~~

Street. Motion carried unanimously.

Ordinance No. 6404 annexing approximately 14 acres generally located south of 15th Street west of Wakarusa Drive was read a second time. As part of the consent agenda, **it was moved by Compton, seconded by Schulte**, to adopt the ordinance. Aye: Nalbandian, Andersen, Compton, Moody and Schulte. Nay: None. Student Representative: Aye. Motion carried. (1)

Ordinance No. 6405 rezoning approximately 14 acres from A to RS-1 and approximately 59.315 acres from M-1 to RS-2 was read a second time. As part of the consent agenda, **it was moved by Compton, seconded by Schulte**, to adopt the ordinance. Aye: Nalbandian, Andersen, Compton, Moody and Schulte. Nay: None. Student Representative: Aye. Motion carried. (2)

Ordinance No. 6525 changing the street name Dub's Dread Court to Dub's Court in the Quail Run No. 2 Subdivision Block 2, Lots 5-11 was read a second time. As part of the consent agenda, **it was moved by Compton, seconded by Schulte**, to adopt the ordinance. Aye: Nalbandian, Andersen, Compton, Moody and Schulte. Nay: None. Student Representative: Aye. Motion carried. (3)

As part of the consent agenda, **it was moved by Compton, seconded by Schulte**, to place on first reading Ordinance No. 6526, annexing approximately 43 acres west of Wakarusa Drive and south of US Highway 40. Motion carried unanimously. (4) April 5, 1994

Compton stated he would abstain from the discussion and vote on Ordinance No. 6527 because of a potential conflict of interest.

Moved by Schulte, seconded by Moody, to place on first reading Ordinance No.

6527, amending sections of the City zoning code concerning licensed premises, requiring 55% of food sales in licensed premises within the C-3 zoning district. Aye: Nalbandian,

Andersen, Moody and Schulte. Nay: None. Abstain: Compton. Student Representative:

Aye. Motion carried.

(5)

As part of the consent agenda, it was moved by Compton, seconded by Schulte, to receive the staff report concerning plans for Police Department activities this summer.

Motion carried unanimously.

As part of the consent agenda, it was moved by Compton, seconded by Schulte, to place on first reading Ordinance No. 6528 creating the offense of public urination. Motion carried unanimously.

(6)

As part of the consent agenda, it was moved by Compton, seconded by Schulte, to approve the site plan for the renovation of Art & Sign/B.T. Design and adjoining properties located at 609, 611, 613, 619 and 623 Vermont subject to the following conditions:

1. A site plan performance agreement be executed;
2. 623 Vermont - Music (live and recorded) shall not be played to create a nuisance for adjoining neighbors;
3. 623 Vermont - The property owner shall be responsible for policing the area to keep it free of litter and trash generated by this use;
4. 623 Vermont - The property owner shall be responsible for ensuring the containment of alcoholic beverages on the premises by the posting of a person at the doorways;
5. 623 Vermont - A note be placed on the site plan stating, "The applicant agrees to remove the beer garden if there are legitimate complaints by neighbors as to noise and trash." The City Commission shall review the complaints;
6. Provide a note on the site plan stating: "New curb and gutters, concrete aprons, and asphalt pavement shall meet City standards";