

Memo

To: Mike Wildgen, City Manager; Debbie Van Saun, Assistant City Manager;
Dave Corliss, Assistant City Manager

From: Brad Hoff, Management Assistant

Date: 2/13/2004

Re: Downtown Lawrence drinking establishments

At the request of the City Commission, the following memo examines the history of the 55% food sales requirement in the C-3 zoning area and includes information on what selected cities with a major university are doing to regulate drinking establishments in their downtown area. Finally, this memo includes data on the number of drinking establishments in the C-3 zoning area, and how many of these are “grandfathered,” which exempts them from meeting the 55% food sales requirement.

History

On December 7, 1993, the Lawrence City Commission initiated a zoning text amendment focused on a food sales requirement for those establishments that serve alcohol in the C-3 zoning area. At this meeting, the Lawrence City Commission stated that it would be the goal of the zoning ordinance to prohibit the downtown area from having a substantial amount of businesses devoted solely to liquor sales. After receiving comment from the Planning Commission, the Lawrence City Commission, on March 29, 1994, directed staff to prepare an ordinance establishing limits on drinking establishments in the C-3 zoning area with a 55% food sales requirement.

Ordinance 6527, passed on April 12, 1994, requires alcohol licensed establishments to have food sales not less than 55% of all gross receipts for a calendar year from sales of food and beverages on the

premises. Ordinance 6527 has been interpreted to apply to future establishments in the C-3 zoning area, while existing bars and restaurants would be “grandfathered,” and not required to meet the 55% food sales rule. For purposes of this ordinance, the term “grandfathered” includes any licensed premises that existed on the effective date of the ordinance (April 1994) (e.g., Louise's, Harbour Lights, Mass. Street Deli). The term also includes a drinking establishment or a cereal malt beverage retailer that received its license after the effective date of the ordinance for sales at the same location of an establishment that was “grandfathered” on the effective date of the ordinance (e.g., Its Brothers, Eight One Five), provided this newer establishment began operations within six months of the closing of the previously “grandfathered” establishment.

Research of Selected Cities

Selected cities with a major university were contacted and asked if they have any policies to help limit the number of drinking establishments in their downtown area.

The City of Norman, Oklahoma (University of Oklahoma) currently allows any legitimate restaurant (defined as receiving more than 50 percent of its gross receipts from the sale of food items) to obtain a liquor license. If the establishment is not a restaurant or is unable to meet the 50% requirement, it is defined as a bar or nightclub, and must be approved by the Council as a special use. In doing so, this approval process does give the Council the opportunity to examine compatibility and uses in the area.

The City of Lincoln, Nebraska (University of Nebraska) does not have any requirements to limit the number of drinking establishments downtown. There is a state law in Nebraska that prevents an establishment serving alcohol from locating within 300 feet of university property.

The City of Austin, Texas (University of Texas) requires establishments who wish to serve alcohol to obtain a conditional use permit. This, however, does not limit the number of drinking establishments in the central business district zoning area. City officials did state that a drinking establishment is prohibited from being located within 300 feet of a church, public school, or public hospital unless a waiver is granted.

The City of Manhattan, Kansas (Kansas State University) does not have any regulations to limit the number of bars, only their distance from a school. In Manhattan, there is a separate commercial district, Aggieville, which houses numerous drinking establishments. In addition, it was stated that downtown Manhattan has a few drinking establishments, but nothing that would constitute a proliferation.

The City of Madison, Wisconsin (University of Wisconsin) developed a Work Group on Downtown Alcohol Issues that was formed to study and address issues related to the over-consumption and abuse of alcohol, along with the proliferation of drinking establishments in the downtown/Isthmus area. The Work Group forwarded numerous recommendations to the Mayor, Common Council, and Alcohol License Review Committee. At present time, the City of Madison is sending the Work Group's full report and recommendations via postal mail to the City of Lawrence, and attempts are being made to gather additional information relating to what, if any, recommendations have been enacted.

Downtown Lawrence Drinking Establishments

As of January 15, 2004, there are 46 establishments with a license to sell alcohol located in the downtown Lawrence C-3 zoning area. Two have caterer's license, which allows them to sell alcohol off their premises. This leaves 44 establishments that have a drinking establishment license or a cereal malt beverage license. Below is a table that shows how these establishments are classified.

Table 1: Number of Drinking Establishments by Classification

Classification	Number	Percentage
"Grandfathered" Drinking Establishment License	27	61.4%
Drinking Establishment License	14	31.8%
"Grandfathered" Cereal Malt Beverage License	2	4.5%
Cereal Malt Beverage License	1	2.3%
Total Number of Alcohol Licensed Establishments	44	100.0%

As the data shows, there are a total of 29 (66%) drinking establishments that are “grandfathered” and do not need to meet the 55% food sales requirement.

Attached to this memo is a timeline showing when each establishment, currently located in the C-3 zoning area, first received a license to sell alcohol under their present name. In addition, there is a directory listing the Downtown Lawrence drinking establishments and their addresses, along with a C-3 zoning map that plots their location. Please note that the map does show three locations that are classified as pending. PepperJax Grill at 947 New Hampshire, Masonic Lodge Building at 1001 Massachusetts, and Qdoba’s at 947 Massachusetts, have each indicated that they would be applying for a drinking establishment license.

Please let me know if any additional information is needed.

Attachments:

- A) Timeline
- B) Directory of C-3 Zoning Drinking Establishments with Map
- C) Minutes of December 7, 1993 City Commission Meeting
- D) Minutes of January 26, 1994 Planning Commission Meeting
- E) Minutes of March 29, 1994 City Commission Meeting
- F) Ordinance 6527 (adopted April 12, 1994)

Timeline

Below is a timeline listing a drinking establishment and the year that it first secured a license to sell alcohol.

1988

Buffalo Bob's Smokehouse
Harbour Lights
Liberty Hall, Inc.
Mass Street Deli, Inc.
Paradise Café
Pizza Hut

1989

Bottleneck
Free State Brewing Co., Inc.
Jazzhaus of Lawrence
Louise's Downtown
Mad Greek Restaurant

1990

1991

Granada
La Familia
Quinton's Bar & Deli

1992

Rick's Place
Sandbar
Teller's

1993

PaPa Keno's Pizzeria
Red Lyon Tavern
Replay Lounge

1994

Bourgeois Pig
Eighth Street Tap Room
Eldridge House Investors
Rudy's Pizzeria

1995

1996

Wheatfields, L.L.C.

1997

Fatso's
Milton's Coffee & Wine

1998

1999

Chipotle Mexican Grill
India Palace
La Parilla

January 2004

Timeline (continued)

Below is a timeline listing a drinking establishment and the year that it first secured a license to sell alcohol.

2000

Abe & Jake's Landing
Jefferson's Restaurant
Maceli's Marvelous Meals

2001

Buffalo Wild Wings Grill & Bar
Henry's on Henry Street
Mojo's

2002

It's Brothers Bar & Grill
Wa Restaurant
Zen Zero, Inc.

2003

Brewhawk
Captain Ribman's Meat Market
Eight One Five
Krause Catering
Thai House Restaurant

2004

Jack Pot Saloon & Music Hall
Last Call

January 2004

City of Lawrence Downtown Drinking Establishments

--These establishments are located in the C-3 Zoning Area.

Drinking establishments that have a "GF" in their far left column are "Grandfathered" and do not have a fifty-five percent food sales requirement.

	Name of Establishment	Address
GF	Quinton's Bar & Deli (1991)	615 Massachusetts
GF	Free State Brewing Co., Inc. (1989)	636 Massachusetts
GF	Liberty Hall, Inc. (1988)	642 Massachusetts
Cat	Krause Catering (2003)	700 Massachusetts
GF	Eldridge House Investors (1994)	701 Massachusetts
GF	Rudy's Pizzeria (1994)	704 Massachusetts #2
	Thai House Restaurant (2003)	724 Massachusetts
GF	Paradise Café (1988)	728 Massachusetts
	Brewhawk (2003)	733 Massachusetts
	Wa Restaurant (2002)	740 Massachusetts
	Jefferson's Restaurant (2000)	743 Massachusetts
GF	Teller's (1992)	746 Massachusetts
	Zen Zero, Inc. (2002)	811 Massachusetts
	La Parilla (1999)	814 Massachusetts
GF	Mad Greek Restaurant (1989)	907 Massachusetts
	Chipotle Mexican Grill (1999)	911 Massachusetts
	Milton's Coffee & Wine (1997)	920 Massachusetts
GF	Jazzhaus of Lawrence (1989)	926 ½ Massachusetts
GF	Mass Street Deli, Inc. (1988)	941 Massachusetts
GF	Jack Pot Saloon & Music Hall (2004)	943 Massachusetts
GF	Red Lyon Tavern (1993)	944 Massachusetts
GF	Replay Lounge (1993)	946 Massachusetts

January 2004

City of Lawrence Downtown Drinking Establishments

--These establishments are located in the C-3 Zoning Area.
Drinking establishments that have a "GF" in their far left column are "Grandfathered" and do not have a fifty-five percent food sales requirement.

Name of Establishment		Address
GF	Louise's Downtown (1989)	1009 Massachusetts
	Buffalo Wild Wings Grill & Bar (2001)	1012 Massachusetts
GF	Fatso's (1997)	1016 Massachusetts
GF	Granada (1991)	1020 Massachusetts
GF	Harbour Lights (1988)	1031 Massachusetts
	PaPa Keno's Pizzeria (1993)*	1035 Massachusetts
GF	It's Brothers Bar & Grill (2002)	1105 Massachusetts
Cat	Maceli's Marvelous Meals (2000)	1117 Massachusetts
GF	Last Call (2004)	729 New Hampshire
GF	La Familia (1991)	733 New Hampshire
GF	Bottleneck (1989)	737 New Hampshire
GF	Eighth Street Tap Room (1994)	801 New Hampshire
	Captain Rib Man's Meat Market (2003)	811 New Hampshire
GF	Eight One Five (2003)	815 New Hampshire
GF	Rick's Place (1992)	623 Vermont
	Wheatfields, L.L.C. (1996)	904 Vermont
GF	Abe & Jake's Landing (2000)	8 E. 6th Street
	Henry's on Henry Street (2001)	11 E. 8th Street
GF	Sandbar (1992)	17 E. 8th Street
GF	Bourgeois Pig (1994)	6 E. 9th Street
	India Palace (1999)	129 E. 10th Street

*Note: Although PaPa Keno's Pizzeria received an alcohol license in 1993, there was a lapse in the renewal

in 1994. As a result, they were not eligible to be "grandfathered" upon the passing of the ordinance in 1994.

January 2004

City of Lawrence Cereal Malt Beverage Establishments

--These establishments are located in the C-3 Zoning Area.

Drinking establishments that have a "GF" in their far left column are "Grandfathered" and do not have a fifty-five percent food sales requirement.

Name of Establishment		Address
GF	Buffalo Bob's Smokehouse (1988)	719 Massachusetts
GF	Pizza Hut (1988)	934 Massachusetts
	Mojo's (2001)	714 Vermont Suite: A

January 2004

City of Lawrence Pending Drinking Establishments

--The following locations plan on selling alcohol dependent on their ability to obtain a state and local drinking establishment license.

Name of Establishment		Address
	Pepper Jax Grill	947 New Hampshire
	Masonic Lodge Building	1001 Massachusetts
	Qdoba Mexican Grill	947 Massachusetts



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. Enrikin 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)

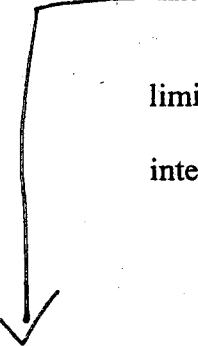
Mike Wildgen, City Manager, presented the Lawrence Paper Company request to issue \$1 million in tax-exempt industrial revenue bonds. Wildgen said this was not a general obligation of the City and the people marketing the investment stated Lawrence Paper Company had never defaulted and investors found 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. (19)

March 29, 1994

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";

ORDINANCE NO 6527

AN ORDINANCE AMENDING SECTIONS
20-2002 11, 20-709 9, 20-709 10,
20-709 11 OF THE CODE OF THE CITY OF LAWRENCE,
KANSAS DEFINING LICENSED PREMISES, CONCERNING
RESTRICTIONS ON LICENSED PREMISES WITHIN THE C-
3 ZONING DISTRICT, ENACTING SECTION 20-1453

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

Section 1 The governing body finds that they initiated a general revision of the existing zoning regulations applicable to the C-3 zoning district, that pursuant to law such proposed revision received appropriate notice and a public hearing on the revision was conducted before the Lawrence-Douglas County Metropolitan Planning Commission, that the Planning Commission took action to deny the proposed revision, and such recommendation has been reviewed by the governing body The governing body, acting pursuant to the statutory requirements, hereby overrides the planning commission's recommendation The governing body finds that the provisions of this ordinance protect and enhance the general welfare, public safety and health of the community The governing body shall review the impact and effect of this ordinance two years after its adoption

Section 2 Section 20-2002 11 of the Code of the City of Lawrence, Kansas is hereby amended to read as follows

(1) Landowner The legal or beneficial owner or owners of all the land proposed to be included in a Planned Unit Development The holder of a contract to purchase or other person having an enforceable proprietary interest in such land shall be deemed to be a landowner for the purpose of a Planned United Development application

(2) Licensed Premises A premises where alcoholic liquor or cereal malt beverages, or both, by the individual drink as defined by K S A Chapter 41, and amendments thereto, is served or provided for consumption or use on the premises with or without charge Such term shall include drinking establishments, Class A Private Clubs, Class B Private Clubs, and cereal malt beverage retailers, all as defined by K.S A Chapter 41, and amendments thereto, and this Code

(3) Living Unit One or more rooms designed for or used by not more than four persons for living and sleeping purposes and not having a kitchen or kitchenette

(4) Lot A piece, parcel, or tract of land which is located within a single block fronting on a dedicated public street and is occupied or utilized, or designated to be occupied, developed, or utilized, as a unit under single ownership or control for a principal use and uses accessory thereto, together with such open spaces as are required by this ordinance. A lot may be subsequently divided into two or more lots, provided, that each new lot complies fully with this ordinance and any ordinances pertinent thereto at the time of division. A lot, therefor, may or may not coincide with a lot shown on the official tax maps or on any recorded subdivision or deed.

(5) Lot Area The product of the width multiplied by the length of a lot. Also, see Section 20-1207 of this Chapter.

(6) Lot, Back-up or Through An interior lot where rear line abuts on a thoroughfare other than an alley.

(7) Lot Corner A lot abutting upon two or more streets at their intersection, or upon two parts of the same street, such streets or part of the same street forming an angle of more than 45 degrees and of less than 135 degrees. The point of intersection of the street lines is the corner. Any portion of a corner lot which is more than 100 feet from the point of intersection of the two street lines or the two tangents of the same street shall be considered an interior lot.

(8) Lot Depth The mean horizontal distance between the front lot line and rear line of a lot.

(9) Lot Interior Any lot which is not a corner lot.

(10) Lot Line A boundary of a lot.

(11) Lot Line, Front The street line at the front of a lot.

(12) Lot Line, Side A lot line which is not a front lot line or rear lot line. A side lot line separating a lot from a street other than an alley is an exterior side lot line.

(13) Lot Width The mean horizontal distance between the side lot lines of a lot.

(14) Lumber, Limited Sales The sale of lumber as described under Special Conditions 20-1442.

(15) Lumber Yard A facility or space for the exterior and interior storage, loading, and sale of lumber, industrial hardware, or other building materials.

Page 3

Section 3 Section 20-1453 of the Code of the City of Lawrence, Kansas is hereby enacted and reads as follows

20-1453 LICENSED PREMISES, RESTRICTIONS IN C-3 ZONING DISTRICT

In the C-3 district the following restrictions shall apply to a licensed premises use

1 The licensed premises use shall be required to derive from the sales of food for consumption on the licensed premises not less than fifty-five percent (55%) of all the licensed premises' gross receipts for a calendar year from sales of food and beverages on such premises

2 The City Manager or his or her designee shall establish an administrative procedure for the investigation and enforcement of this requirement, that shall include the annual reporting of appropriate sale and receipt information from licensed premises governed by this Section

3 The expansion, extension, enlargement, or alteration of a non-conforming use created by the requirements of this Section shall be governed by Article 13 of this Chapter

Ordinance No 6527

Section 7 Sections 20-2002 11, 20-709 9, 20-709.10, and 20-709 11 of the Code of the City of Lawrence, Kansas are hereby repealed it being the intent of this ordinance to supersede the repealed provisions

Section 8 This ordinance shall take effect upon adoption and publication as provided by law

Adopted this 4th day of April, 1994

J. Colene Andersen
F Jolene Andersen, Mayor

ATTEST.

Raymond J Hummert
Raymond J Hummert, City Clerk

Approved as to form and legality

David L. Corliss
David L Corliss

I hereby certify that the foregoing is a true and correct copy of the original ordinance that said ordinance was passed on the 4 day of April 1994 that the record of the final vote on its passage is found on page _____ of Journal EA that it was published in the Lawrence Daily Journal World on the 10 Day of April, 1994
Raymond Hummert
City Clerk DB

Ordinance No 6527

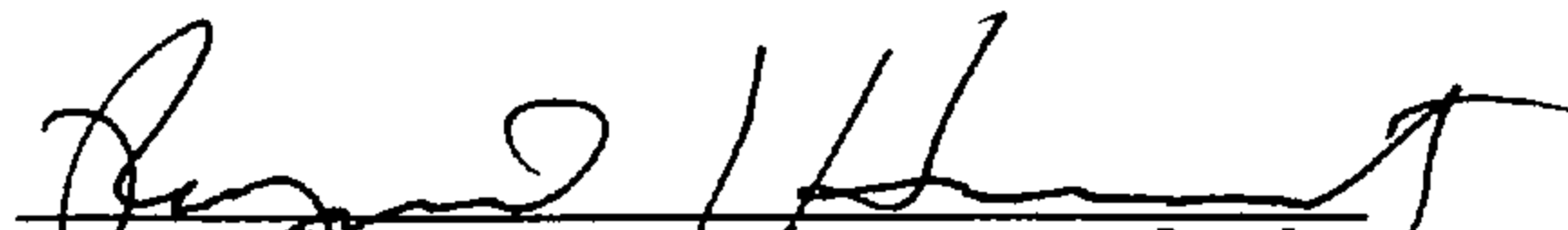
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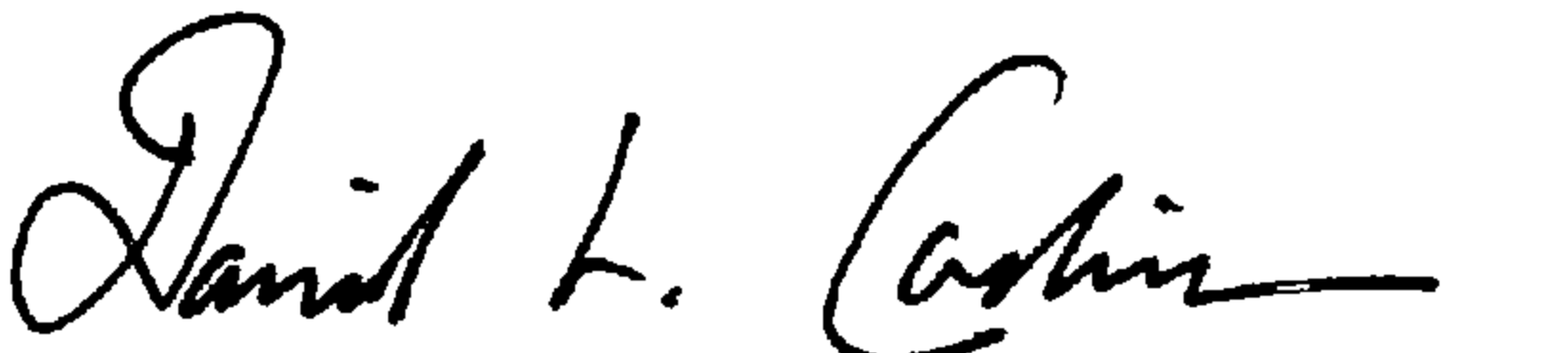
Adopted this 12th day of April, 1994


F Jolene Andersen, Mayor

ATTEST


Raymond J Hummert, City Clerk

Approved as to form and legality


David L Corliss

I hereby certify that the foregoing is a true and correct copy of the original ordinance that said ordinance was passed on the 4 day of April, 1994 that the record of the final vote on its passage is found on page _____ of Journal ✓ that it was published in the Lawrence Daily Journal World on the 18 Day of April, 1994
Raymond Hummert
City Clerk DIB

SECTION 4 Section 20-709 9 (Use Group 11 in Table IV) of the Code of the City of Lawrence Kansas is hereby amended to read as follows

20 709 9

ZONING DISTRICTS						PERMITTED USE GROUPS	Parking Group	Special Cond
CP	C1	C2	C3	C4	C5			
	S	S	S	S	S	<p>USE GROUP 11 INNER NEIGHBORHOOD COMMERCIAL USES These uses are limited in development, intensity and traffic generating capacity to uses which are compatible with established residential neighborhoods</p> <p>Bicycle sales, rental or repair 13</p> <p>Book store, new or used 12</p> <p>Dry cleaning outlet store 12</p> <p>Food store, not including 24 hr convenience store 11</p> <p>Hair care establishment 11</p> <p>Laundry, self serve 11</p> <p>Quick copy center 11</p> <p>Restaurant, not including one with drive-up facilities or service to automobiles 26 1453</p> <p>Retail bakery 11</p> <p>Reverse vending machines (recycling) 1450</p> <p>Shoe repair service 12</p> <p>Small collection facilities (recycling) 1450</p> <p>Studio for professional work or for teaching of any form of fine arts i e photograph, music, dancing, drama, etc 13</p> <p>(Ord 6306)(Ord 6527)</p>		1428/1446

SECTION 6 Ordinance 20-709 11 (Use Group 13 in Table IV) of the Code of the City of Lawrence, Kansas is hereby amended to read as follows

20 709 11

ZONING DISTRICTS						PERMITTED USE GROUPS	Parking Group	Special Cond
CP	C1	C2	C3	C4	C5			
			S	S	S	<p>USE GROUP 13 AUTOMOTIVE SERVICES RETAIL SALES, OTHER Primarily automotive service establishments and accessory uses, including consumer and non consumer retail goods and services not appropriate for the neighborhood shopping district, including certain goods and services for agricultural industrial commercial, or institutional use</p> <p>1 Automotive Services and Retail Sales Aircraft sales rental, service 17 Ambulance service 21 Amusement park, commercial 12 Auction room auctioneer 12 Automobile parking garage Automobile parts store, tires & accessories 16 Automobile repair and services 16 Automobile sales, service rental (new and used) 14 Automobile service station 24 1440 Barber and beauty equipment sales 15 Baseball park, commercial 7 Blueprinting and similar reproduction processes 12 Boat and marine sales, rental and repair 15 Bus passenger station 15 Business machine rental repair sales 13 Car or truck wash 1405 Carnival or circus 15 1407 Carting, crating, express hauling, moving and storage 17 Caterer 14 Eating establishment, enclosed, with dancing or entertainment 26 1453 Eating establishment, providing only drive-up service or no seating facilities 15 1453 Exterminator, pest 15 Food convenience store, including gasoline sales 12 Food locker plant, for consumer use 15 Free standing automated banking or dispensing facility Funeral home, mortuary, or undertaking establishment 7 Garage or parking for common or public utility vehicles Glass sales and cutting shop 13 Golf driving range, commercial, (parking requirement applies to tee area only) 18 1415 Golf pitch and putt courses, miniature golf course 18 Home improvement center 5 Hotel 16 Laboratory, medical or dental 12 Leather goods, sales and repair 17 Linen supply, diaper service, uniform supply 22 1414 Liquids, flammable, underground storage of 12 1442 Lumber, limited sales</p>		

ZONING DISTRICTS						PERMITTED USE GROUPS	Parking Group	Special Cond
CP	C1	C2	C3	C4	C5			
						Sewing machine sales and repair Shoe repair and sales Sporting goods sales Surgical and dental supply sales Theatre, indoor commercial Variety store Video store sale or rental of video equipment, movies and games parlor 2 Similar Uses Other uses which (1) are similar to the listed uses in function traffic generating capacity, and effects on other land uses, and (2) are not included in any other use group (Ord 5658, Sec VII, Ord 6048 Sec II Ord 6527)	12 12 12 12 9 12 12	

ZONING DISTRICTS						PERMITTED USE GROUPS	Parking Group	Special Cond
CP	C1	C2	C3	C4	C5			
						Mobile homes, sales and service	13	
						Monument sales, including incidental processing	17	
						Hotel	5	
						Motorcycle sales service and rental	13	
						Office equipment and supplies, sales and service, rental and repair	13	
						Pet shop	12	
						Photostating	12	
						Plumbing fixture sales	12	
						Quick copy or duplicating center	11	
						Recording studio	16	
						School, commercial or trade, when not involving any danger of fire or explosion, nor of offensive odor, noise, dust, glare, heat, vibration or other objectionable factors	16	
						Secretarial service	13	
						Skating rink, commercial	12	
						Studio for professional work or for the teaching of any form of fine arts, photography, music, drama etc	13	
						Swimming pool, commercial (parking requirements include pool area)	11	1437
						Taxidermist	15	
						Telephone answering service	12	
						Theatre drive in		1426
						Trailer sales and rental	20	
						Transit vehicle storage and servicing	17	
						Truck rental and sales	16	
					2	Similar Uses		
						Other business services which (1) are similar to the listed uses in function, traffic generating capacity, and effects upon other land uses, and (2) are not included in any other use group		
					3	Manufacturing Uses		
						Baked goods, candy, delicatessen, and ice cream all for retail sales on the premises only	15	
						Clothing custom manufacturing or altering for retail, including custom dressmaking, millinery, or tailoring	15	
						(Ord 5658, Sec VII, Ord 6048, Sec III Ord 6527)		