

**City of Lawrence  
Common Council  
April 15, 2020  
Special Meeting**

MEMBERS PRESENT: Council Member Lisa Chavis

BY TELEPHONE: Councilors Tom Shevlot, William Tyrrell Giles, Sherron Freeman, Rick Wells, Shawn Denney, Maria Rusomaroff, Lauren Russel, Deborah Whitfield, Attorney Kristina Wheeler (Bose McKinney & Evans LLP), Attorney Joseph Calderon (Barnes & Thornburg LLP), Larry Callaway (staff planner representing the Department of Metropolitan Development (DMD)) and Barbara and Bernie Mickler (owners of property at 4700 N. Post Rd.)

ALSO PRESENT: Clerk Kathleen Walton

STAFF PRESENT: None

Council President Lisa Chavis called the meeting to order at 5:30 p.m. and a roll call was used to determine a quorum was present. The special meeting was called pursuant to notice to hear zoning case 2020-ZON-025.

2020-ZON-025 4700 North Post Road

Maria de la Luz Morena Mejia and Celso Gonzalez, by Joseph D. Calderon, requested approval of a rezoning of 6.42 acres that is currently split between the D-A district and the C-4 district, to solely the C-4 district to provide for C-4 commercial uses, including, but not limited to, a reception/banquet hall facility.

Mr. Calderon made a presentation to the Council for the owners, Barbara Mickler. Maria de la Luz Morena Mejia and Celso Gonzalez were the original Petitioners that planned to purchase the property. Mr. Calderon identified the original concept for the site as a proposed banquet facility. However, due to the COVID-19 Pandemic, the Petitioners decided not to pursue that project. Because the date for the hearing was approaching, the owner (Barbara Mickler) decided to proceed and acquire a rezoning even though no specific project is proposed. Mr. Calderon made the following points:

- The rezoning brings the property into alignment with C-4 zoning in surrounding properties.
- In its previous use, the property was operating under variances.
- The property sits in a commercial corridor.
- A rezoning to C-4 makes sense given the points above.
- Presented a statement of commitments that included prohibited uses;
  - Outdoor advertising off-premise sign
  - Adult entertainment business (any type), including adult motel
  - Pawn shop
  - Firearms sales
  - Fireworks sales, ongoing (as a primary use)
  - Emergency shelter (daily)
  - Substance abuse treatment facility
  - Tattoo parlor
  - Nightclub or cabaret

- It would be necessary anyway in the future to seek a rezoning when someone else wants to do a project outside of the proposed C-4 classification.
- For all these reasons, the request is appropriate.
- He had received no opposition once the notices were distributed.

Mr. Calderon requests approval of the petition.

QUESTIONS AND COMMENTS FROM COUNCIL: Mr. Calderon and Mr. Callaway then responded to questions from members of the Council. The Council requested that the owner agree to return in the future with a detailed site plan once they have a specific proposal for use, and that a liquor store also be a prohibited use.

Following the presentation, remonstrators and others were given the opportunity for comments and questions. There were no remonstrators.

Mr. Larry Calloway, staff planner representing the Department of Metropolitan Development (DMD), recommended approval of this rezoning petition. He noted that, while the petition does not conform to the Comprehensive Plan, it does consolidate the site within the surrounding C-4 districts that allows moderate to heavy commercial uses.

Mr. Calloway responded to questions from the Council. What resulted was an additional prohibition that specified that no plasma center would be established on the site.

Councilor Chavis then read into the record comments from Utility Superintendent Salsbery. He expressed concerns regarding the site. His thoughts are attached.

At that point, Mr. Calderon requested a 10-minute recess to speak with his client about any additional commitments. Councilor Chavis approved the recess.

After the recess, Mr. Calderon reported that the owner had agreed to commitments prohibiting the introduction of a liquor store and plasma center. The owner further agreed to submit a detailed site plan to the Common Council when one has been prepared for a future redevelopment of the property. Mr. Calderon went on to respond to a few final questions from Council members.

There being no further presentation or discussion, the petition was voted on by a roll call vote and resulted in the following vote of the Council: Seven (7) votes to grant and two (2) votes to deny (Councilors Wells and Giles). Petition 2020-ZON-025 was given a favorable recommendation.

ADJOURNMENT: There being no further business to come before the Council, the meeting was adjourned, at 6:30 p.m., by the unanimous vote of the Council

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Lisa Chavis, President

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Kathleen A. Walton, Clerk