City of Lawrence

 **Common Council**

**September 30, 2019**

**Special Meeting**

MEMBERS PRESENT: Council Members Lisa Chavis, Tom Shevlot, Sherron Freeman, Bob Jones, Becky Parker and Matt Hall were present.

ALSO PRESENT: Clerk Kathleen Walton and Attorney Jeffery Earl (Bose McKinney & Evans LLP)

STAFF PRESENT: None

Council President Lisa Chavis called the meeting to order at 6:00 p.m. and announced a quorum was present. The special meeting was called pursuant to notice to hear zoning case 2019-ZON-091.

2019-ZON-091 8005 Oaklandon Road

Marc E. Duerden, by Russell L. Brown requests approval of a rezoning of 6.85 acres, from the D-2 (FW) (FF) district to the C-S (FW) (FF) district to provide for a Bed and Breakfast in the existing dwelling structure and an Even Center in a proposed 2,400-square foot barn.

Mr. Russell Brown made a presentation to the Council for the petitioner and distributed a handout to the Council (Plan of Operation). He discussed:

* The petitioner, Dr. Marc Duerden, is the owner of the property, lives on the property, and will continue to do.
* He is requesting a rezoning from D-2 to C-S to enable the operation of a bed and breakfast and event facility. It will host corporate and family events, primarily on the weekends, and will accommodate 160 people. The event facility is planned for no more than 2,400 square feet. The plan calls for 76 parking places. Any live music will conclude by 11pm.
* Referring to the staff report, Mr. Brown noted the beauty of the site and assured the Council that the site plan will maintain that beauty. He also reminded the Council that any modifications of the site plan would require a public hearing. The existing foliage will serve as a shield for the parking area. There will be no additional curb cuts.
* Mr. Brown said that security would be provided for events and that traffic into and out of the site would not be at peak times and would have minimal impact in the area.
* Mr. Brown argued that the use of the site as proposed will be compatible with current activities across the street to the West of Oaklandon Road. The property will serve as an appropriate transitional use between the schools to the North; commercial activity to the West; and serve as a buffer for uses to the East. While the comprehensive plan does call for residential uses the proposed activity represents an appropriate transitional use.

In conclusion, Mr. Brown requested that the Common Council approve the petition.

QUESTIONS AND COMMENTS FROM COUNCIL: Mr. Brown and Dr. Marc Duerden responded to questions from the Council.

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

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Mr. Larry Calloway, staff planner representing the Department of Metropolitan Development (DMD), recommended denial of this rezoning petition. His concerns included:

* The comprehensive plan recommends a rural presence in the neighborhood. The proposed use would be an inappropriate location for this facility. While the bed and breakfast would be permitted, the event center would not and would represent an inappropriate intrusion into the site.
* The late hours of operation, to include after-hours lingering at the event center.
* The long-term implications of various uses of the facility.
* The noise, traffic, and over flow parking to the West if the commitments are not enforced. While DMD does not support the event center, it does support the bed and breakfast operation.

Mr. Calloway responded to questions from the Council.

In response, Mr. Brown argued that the site is an appropriate location, especially given the small size of the event center. He went on to say that this is a use that people are now asking for and that the size will offer an intimate facility for these activities. He reminded the Council that the owner will continue to live on the site. As to concerns about the noise and outdoor activity, Mr. Brown noted that Murphy’s Craft House features outdoor seating. Finally, Mr. Brown observed that no remonstrators, either from the neighborhood or elsewhere, were present. He then once again asked for a favorable vote. In a final question, Councilor Chavis observed that the intended use would be an asset to our community. She did ask for assurances that the petitioner would abide by traffic laws at events. Mr. Brown committed to uniformed security to direct traffic at events.

There being no further presentation or discussion, the petition was voted upon and resulted in the following vote of the Council: Six (6) votes to grant. Petition 2019-ZON-077 was given a favorable recommendation.

ADJOURNMENT: There being no further business to come before the Council, the meeting was adjourned, at 6:38 p.m., by the unanimous vote of the Council

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Lisa Chavis, President Kathleen A. Walton, Clerk