

East Lawrence Neighborhood Association

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January 24, 2022

To: The Lawrence / Douglas County Planning Commission

Re: Z-21-00141

Dear Commissioners:

The East Lawrence Neighborhood Association (ELNA) wishes to address the proposed rezoning of the property at 620 East Eighth Street, approximately 2.10 acres from IG-UC (General Industrial with Urban Conservation Overlay) District to CS-UC (Commercial Strip with Urban Conservation Overlay) District. ELNA's Board has decided to neither support or oppose the rezoning at this time. We nevertheless have observations and concerns to state.

First and foremost, ELNA is very supportive of the preservation, rehabilitation and adaptive re-use of the Quonset Hut building on the site. Like many other buildings in the District, this is an old industrial building which helps define the architectural character and streetscape of the area. ELNA welcomes the possibility of the building's owner choosing to seek listing of the Quonset Hut on the local, state and/or national registers of historic places.

The applicant characterizes this as a "downzoning," which may be technically correct, but glosses over the fact that the level of activity will intensify greatly on the site with the stated new use, and therefore the impacts on neighbors will intensify. As such, we choose to characterize this instead as a "rezoning."

The applicant's stated plan for the site includes the sale of food and alcohol both indoors and outdoors, with the possibility of outdoor amplified music. As such, the 55 - 45% non-alcohol to alcohol sales ratio applies, if the staff recommendation is adopted. Although the staff report mentions specific types of negative impacts that could occur, there do not appear to be any conditions regulating the operating hours of the venue, the volume of outdoor music, or the occupancy limits of the outdoor area. While these concerns are ample reasons to invoke the 55% - 45% rule, that alone is insufficient. Perhaps these matters will be addressed by the Planning Department at the permitting stage, or perhaps not. ELNA cannot give this proposal our support without critical protections in place, and we will be vigilant in advocating that these matters be addressed in a manner that is not harmful to nearby neighbors.

We must note that this developer has repeatedly expressed reservations about the 55% - 45% rule, and sought to circumvent it, starting with the rezoning of the property that would eventually become Bon Bon, and continuing through the recent approval of the East Lawrence Wine Academy. This project is much bigger than either of those. As such, it is disconcerting that the Planning staff report stated, "if it is not possible to accomplish the food and alcohol sales ratio, the property is suitable for ... a Bar and Lounge with operational conditions that

address potential impacts through a special use permit.” If somebody does not wish to accomplish the food and sales ratio, they can always find ways to make sure that “it is not possible.” With over 45 years of experience observing and participating in development and land use decision processes, the neighborhood association has witnessed this “It is just not feasible, the numbers won’t pencil out” phenomenon countless times, and rarely are these claims ever vetted. Let’s not tacitly encourage it in a community that purports to prioritize strong and welcoming neighborhoods.

ELNA remains optimistic that this project will result in a win – win for the developer and the neighborhood. While we acknowledge that dealing with ELNA can be an annoyance, we also assert that every re-development project in East Lawrence has ended up being a better community asset as a result of our involvement. We look forward to a positive collaboration with And The Whistle Is Screaming, LLC. We love the name!

Sincerely,

A handwritten signature in dark ink, reading "Barry M. Shalinsky". The signature is written in a cursive, flowing style.

Barry M. Shalinsky
President, on behalf of the ELNA Board

ELNAPrez@yahoo.com

785-330-5067 (voice and text)