

# Memorandum

## City of Lawrence

### Planning & Development Services

**To:** David L. Corliss, City Manager

**From:** Joe Rexwinkle, Planner

**CC:** Scott McCullough, Director  
Cynthia Boecker, Assistant City Manager  
Diane Stoddard, Legal Services Director

**Date:** February 24, 2009

**RE:** Z-11-20-08; Request to rezone 2141 Maple Lane from RS7 to RMO

This memorandum serves to summarize the public notification requirements for rezonings and site plans as well as staff's communications with the public regarding the above-referenced item. This rezoning (Z-11-20-08) was submitted to the planning office on November 24, 2008 concurrent with a site plan submittal (SP-11-100-08) for the proposed office building.

#### **Public Notification**

Both the rezoning and the site plan applications require public notification. The rezoning requires posted notice, mailed notice and newspaper notice. Mailed notice must be sent to all "owners of property located within 200 feet of the subject property" and to all "registered neighborhood associations whose boundaries include or are contiguous to the subject property." To conduct posted notice, the applicant is required to post a public notice sign on the subject property on all sides of the property facing public streets. The posted notice procedures for rezonings are the same as those for site plans (see above).<sup>1</sup>

The site plan requires mailed and posted notice. To conduct mailed notice, the applicant must send "mailed notice to the owner of record of all property adjoining the subject property, and to all registered neighborhood associations whose boundaries include the subject property or are adjacent to the neighborhood the subject property is located in." The posted notice procedures for rezonings are the same as those for site plans (see above).<sup>2</sup>

Posted notice shall occur at least 20 days before the public hearing (in the case of a rezoning) or date of action (in the case of Planning Director action on a site plan). The

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<sup>1</sup> Public notice procedures for rezonings found in Section 20-1301(q) of the Development Code.

<sup>2</sup> Public notice procedures for site plans found in 20-1305(g) of the Development Code.

applicant has provided a signed affidavit stating that a public notice sign was posted on or prior to December 30, 2008 and the first public hearing was at Planning Commission on January 26, 2009.

#### **Public Comment Received by Staff**

Staff has communicated with three individuals regarding the rezoning and site plan including Mr. Paul South, who spoke at the February 17, 2009 City Commission meeting. The two other individuals inquired about the requests but did not provide comment on the rezoning. Staff first communicated with Mr. South prior to the Planning Commission consideration of the rezoning request and advised him of the public hearing process at both the Planning Commission and City Commission meetings.

At the February 17, 2009 meeting, the City Commission directed staff to meet with Mr. South to discuss the rezoning and site plan. Staff met with Mr. South on February 18 and suggested an onsite meeting to discuss any site planning issues that Mr. South or his neighbors may have. Mr. South expressed general opposition to the potential for change as a result of approval of the rezoning request, but did not express specific site planning concerns; therefore, an onsite meeting was not scheduled. Mr. South was provided with contact information for Brendan Long in order to ask Mr. Long questions about the specific use. Mr. Long represents the property owner and testified at the Planning Commission meeting about the proposed office use.

#### **Signed Petition**

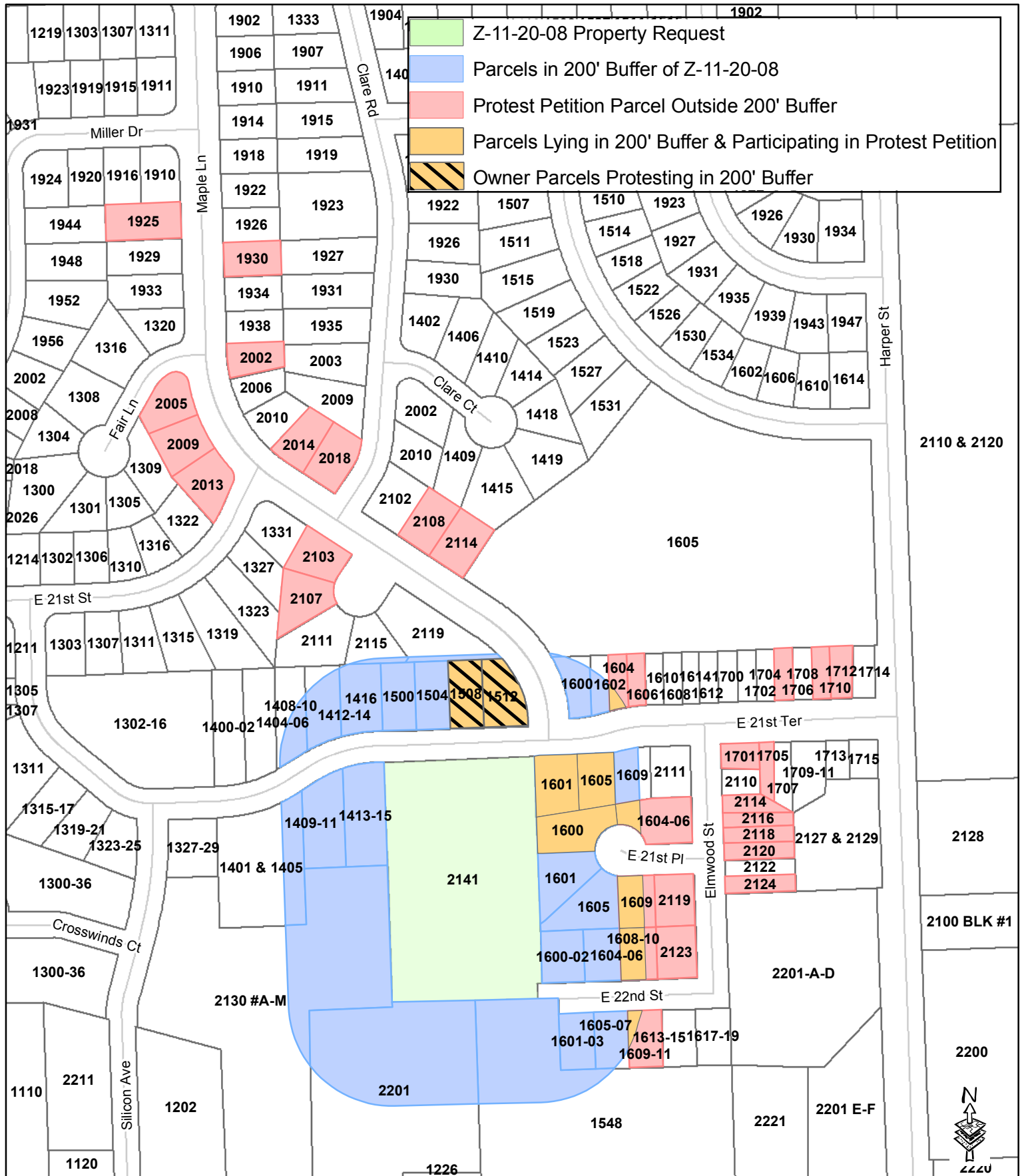
A signed petition was submitted to the City Commission on February 23, 2009. To be valid, a protest petition must be submitted to the "City Clerk within 14 days of the Planning Commission's public hearing" and must be signed by the owner of 20% or more of any property included in the proposed rezoning or the total real property within the area required to be notified of the proposed rezoning, excluding streets and public ways.<sup>3</sup>

Staff has reviewed the signed petition against the required specifications for a valid protest petition and has determined that the petition is not a valid protest petition because it was not submitted within 14 days of the Planning Commission's public hearing and because it represents 5% of the area required to be notified of the proposed rezoning. The attached map identifies the two properties that constitute 5% of the area notified in stripes.

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<sup>3</sup> Valid protest petition procedures for rezonings found in Section 20-1303(h) of the Development Code.

## Z-11-20-08: Properties in Protest Petition



## DISCLAIMER NOTICE

The map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the requester. The City of Lawrence makes no warranties, express or implied, as to the use of the map. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the map, including the fact that the map is dynamic and is in a constant state of maintenance, correction and update.

Lawrence Planning and Development Services Department  
February 24, 2009