

Memorandum

City of Lawrence

Planning & Development Services

TO: David L. Corliss, City Manager

FROM: Mary Miller, Planner

Date: For May 22, 2012 City Commission meeting

RE: Ordinances 8720-8724 and 8736 for rezonings associated with the Mercato Development.

Ordinances 8720 through 8724

The Planning Commission recommended approval of the rezonings below for the Mercato development at their April 26, 2006 meeting and the City Commission approved the rezonings at their May 9, 2006 meeting. As the Land Development Code was in the final stages of approval, the districts to which the new zoning designations would convert were included in the consideration.

Zoning/ORD	Area (acres)	Zoning	Timeline
Z-01-10-05 ORD 8720	29.103 (orig) 25.813 (approved)	A to RS7	Zonings <ul style="list-style-type: none"> April 17, 2006 PC approval May 9, 2006 CC approval
Z-01-11-05 ORD 8721	4.206 (orig) 7.765 (approved)	A to RM12D	
Z-01-12-05 ORD 8722	13.047 (orig) 12.772 (approved)	A to RM24	
Z-03-05-06 ORD 8723	45.310 (orig) 45.352 (approved)	A to PCD-[Mercato]	Preliminary Plat (PP-01-02-06) <ul style="list-style-type: none"> April 17, 2006 PC approval May 9, 2006 CC acceptance of dedications
Z-03-06-06 ORD 8724	31.120 (orig) 7.171 (approved)* *24 acres was later rezoned to the CC 400 District	A to RMO	

The Mercato rezoning requests listed above were approved by the City Commission subject to the condition that a final plat be recorded prior to the publication of the rezoning ordinance. Preliminary and Final Plats have been submitted and approved for the Mercato Development, but a final plat has not yet been recorded.

POLICY CHANGE REGARDING PLATTING REQUIREMENT FOR REZONING

It had been the Planning Office's policy to hold rezonings until a final plat was recorded so the legal description in the ordinance could reference a platted lot rather than contain a metes and bounds description. While platted property provides a simpler legal description for the ordinance,

having the rezoning in a 'pending' status creates other issues. A principal issue is that the zoning map does not accurately represent the rezonings which have been approved.

This policy has been changed so that rezoning ordinances are published and the rezoning goes into effect following City Commission approval, rather than being contingent upon the recording of a final plat. In order to maintain consistency, staff is working to identify any remaining rezonings which have been approved pending recording of a final plat and will bring rezoning ordinances to the City Commission for adoption so the Zoning Map will accurately represent those rezonings which have had City Commission approval. This will provide more accurate information for developers, property owners, and residents and potential residents on the future plans and possible land uses in the area.

The City Commission approved the removal of the condition requiring recording of a final plat prior to the publication of the rezoning ordinances for the following rezonings: Z-01-10-05, Z-01-11-05, Z-01-12-05, Z-03-05-06, Z-03-06-06 at their March 27, 2012 meeting. Ordinances for these rezonings are on the May 22 agenda for adoption on first reading.

As the rezonings were tied to the preliminary plat, the actual area being rezoned was revised with changes to the preliminary plat; however, the legal description provided for the rezoning was not revised. Therefore, the areas included in the approved rezonings vary from that noted as approved by the City Commission. This has been noted in the ordinance and the correct legal descriptions matching the area approved on the preliminary plat has been included in the ordinance.

Ordinance 8736

Zoning/ORD	Area (acres)	Zoning	TIMELINE
Z-10-17-09	24 (orig) 23.773 (approved)	CC400 to CC400 (with adjustment to legal description)	Zoning (Z-10-17-09) <ul style="list-style-type: none"> 12/14/2009 PC approval 1/5/2009 CC approval 1/23/2010 Ordinance 8481 published
			Preliminary Plat (PP-10-05-09) <ul style="list-style-type: none"> 12/14/2009 PC approval 1/5/2010 CC acceptance of dedications
			Correction Applicant provided revised legal description to match area approved on preliminary plat on May 16, 2012.

A new ordinance is being adopted for this rezoning to accurately reflect the area included in the zoning due to changes in the preliminary plat, PP-10-05-09.

ACTION REQUESTED

Adoption of the following rezoning ordinances for the Mercato Development on first reading: ORD 8720: RS7; ORD 8721: RM12D; ORD 8722: RM24; ORD 8723: PCD-[Mercato]; ORD 8724: RMO and ORD 8736-CC400 correction.

