

# Memorandum

## City of Lawrence

### Planning and Development Services

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

**FROM:** Mary Miller, Planner

**CC:** Diane Stoddard, Assistant City Manager  
Cynthia Wagner, Assistant City Manager  
Scott McCullough, Planning and Development Services Director

**Date:** For September 4, 2012 meeting

**RE:** Correction Ordinances for property at SE corner of Kasold and W 31<sup>st</sup> Street curve, 3309 W 31<sup>st</sup> Street to correct clerical error: Ordinances No. 8767, 8786, and 8787

**Attachments:**

- A. Z-8-14-09, A to RM12, Staff Report
- B. Planning Commission Minutes
- C. City Commission Minutes
- D. Rezoning Action Letters

The City Commission approved the following rezonings for property at the SE corner of Kasold and W 31<sup>st</sup> Street curve, 3309 W 31<sup>st</sup> Street, at their November 24, 2009 meeting. The ordinances were adopted on second reading at their December 1, 2009 meeting:

File No.	Acreage	Districts	Ordinance
Z-8-14-09	32.69	A (Agricultural) to RM12 (Multi-Dwelling Residential)	8472
Z-8-15-09	4.36	A (Agricultural) and V-C (Valley Channel) to OS (Open Space District)	8473
Z-8-16-09	11.38	RM12 and OS to the RM12-FP and OS-FP (Floodplain Overlay) District	8474
<b>Table 1.</b> Rezonings approved for subject property in 2009.			

The approved rezonings for the subject property are listed in Table 1, and these are shown graphically in Figure 1. The purpose of these correction ordinances is to correct clerical errors which occurred from the omission of an approved condition on the RM12 rezoning at the time the ordinances were adopted. The zoning district boundaries are not being revised from that currently approved.

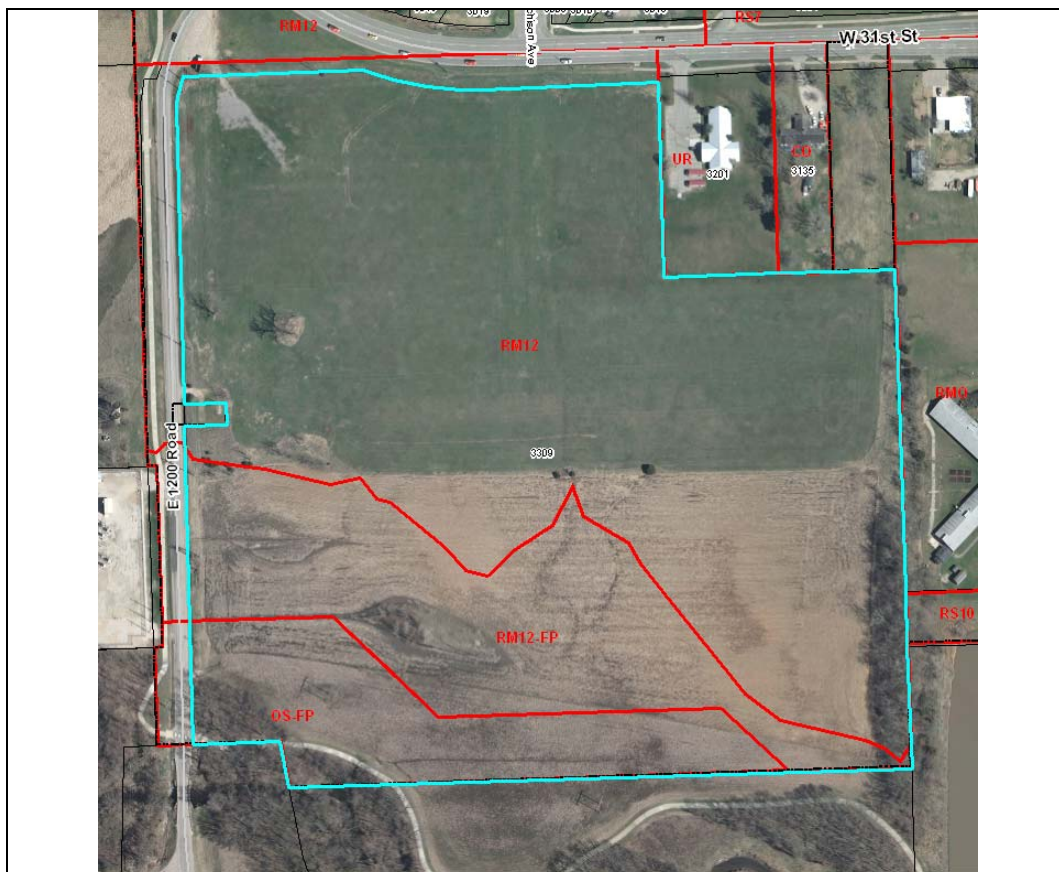
### CONDITION LIMITING DENSITY

The Planning Commission considered these rezonings at their October 26, 2009 meeting and voted 9 to 0 to forward them to the City Commission with a recommendation for approval subject to the following condition on the rezoning to the RM12 District:

1. The maximum allowed residential density shall not exceed 6 Dwelling Units per acre.

The condition was employed to maintain the low density designated on this property in the Revised Southern Development Plan while allowing the property owner a broader choice of housing types.

The rezoning requests were approved at the November 10, 2009 City Commission meeting, and the ordinances were provided for adoption at a later date. The minutes of the Planning Commission and City Commission meetings are included with this memo. The RM12 rezoning request was approved by the City Commission subject to the condition that the maximum density be limited to no more than 6 dwelling units per acre. The condition was noted in the staff report, the Planning and City Commission minutes, and was listed in the action letter provided to the applicant. (Attachments A-D) The Correction Ordinances 8676 and 8787 will replace Ordinances 8472 and 8474 to correct this clerical error and include the omitted condition.



**Figure 1.** Zoning of property at 3309 W 31<sup>st</sup> Street as approved on Dec 1, 2009. The correction ordinances do not change the zoning district boundaries, but provide a one-step process for rezoning to the base and overlay district and correct the clerical error by including the condition approved for the RM12 District.

**Ordinance 8767—A to RM12; Correcting Ordinance 8472**

The ordinance for the RM12 District, Ord. 8472, contained a clerical error in that the condition limiting the density was not included. As it is clear from the staff report and the minutes of the Planning Commission and City Commission meetings that the condition was intended to be applied to this rezoning request; staff prepared Correction Ordinance 8767 to include this condition. The area within the floodplain was removed from the ordinance, so that only the portion that lies outside the floodplain is rezoned to the base district allowing the portion within the floodplain to be rezoned to the base and overlay district in one step.

**Action Requested:** Adoption of Ordinance No. 8767 on first reading to replace the previously adopted ordinance for the RM12 District, Ordinance 8472.

**Ordinance 8786—A and VC to OS ; Correcting Ordinance 8473**

This ordinance is being corrected to conform with the current practice of rezoning to the base and overlay district in one step. The entire OS District is located within the Floodplain Overlay District, so Correction Ordinance 8786 rezones this area to the OS-FP District.

**Action Requested:** Adoption of Ordinance No. 8786 on first reading to replace the previously adopted ordinance for the OS District, Ordinance 8473.

**Ordinance 8787 —RM12 and OS to RM12-FP and OS-FP ; Correcting Ordinance 8474**

This ordinance added the overlay district to the RM12 and OS Districts which were within the floodplain. The correction ordinance will rezone the portion of the RM12 District that is within the floodplain to the RM12-FP District in one step and include the condition limiting the maximum density in this district to 6 Dwelling Units per acre.

**Action Requested:** Adoption of Ordinance No. 8787 on first reading to replace the previously adopted ordinance for the Floodplain Overlay District, Ordinance 8474.