

# Memorandum

## City of Lawrence

### Planning & Development Services

**TO: David L. Corliss, City Manager**  
**FROM: Planning Staff**  
**Date: March 6, 2014**  
**RE: Property owner request for City Commission initiation of the Rezoning of 512 & 514 Locust Street from RSO (Single-Dwelling Residential-Office) District to CN1 (Inner Neighborhood Commercial) District**

The Planning Office has received a rezoning application from Mr. Quentin Cole, the property owner of record of Lots 231 & 233 in the Plat of the Subdivision of the South Half of Block (5) Five in that area of the City of Lawrence known as North Lawrence, Douglas County, Kansas. These two properties are addressed as 512 Locust Street and 514 Locust Street. Both properties are zoned RSO (Single-Dwelling Residential-Office) District and are developed with detached single-dwelling residential structures.

Provided with the application for rezoning is a letter (attached with memo) from Mr. Cole, the property owner and Director of The Yard, a newly started community based non-profit organization whose goal is to "bring fresh, affordable, healthy, culturally appropriate, and sustainably produced food to North Lawrence". Mr. Cole is requesting the City Commission initiate the rezoning application to change the zoning of his property from RSO District to CN1 (Inner Neighborhood Commercial) District and to waive the \$300 application fee. Doing so frees up limited resources they currently have on hand that can be applied toward future site planning, building and site improvements if their project successfully advances forward.

The reason for Mr. Cole's rezoning application is to align the zoning of his property so it will allow a food/produce market with a possible café/bakery in the existing structure addressed as 514 Locust Street. He plans to reside in the residence next door at 512 Locust Street. Mr. Cole recently learned after contacting the Planning Office and speaking with staff that his property is not currently zoned for commercial use. A food/produce market and small café/bakery is classified in the Development Code as a Personal Convenience type use which is listed in the Retail Sales & Service category. Personal Convenience type uses are not an allowed use in the RSO District according to Section 20-402, Residential District Use Table, in the Development Code.

To the west of Mr. Cole's properties there are several properties (444 Locust Street to 508 Locust Street) that are zoned CS (Commercial Strip) District. Staff discussed the pros and cons of possibly seeking a zoning change to expand the CS District to include the two properties owned by Mr. Cole. The biggest disadvantage of seeking CS zoning is the single-dwelling detached residential use at 512 Locust Street will become a nonconforming use.

Staff suggested an alternative to expanding the CS District might be to rezone the two lots as CN1 (Inner Neighborhood Commercial) District. Section 20-403, Nonresidential District Use Table, identifies a detached dwelling use as well as personal convenience type uses are permitted uses in the CN1 District.

Staff would note that the code does not provide for waiving development fees for non-profit organizations. Fees that might be applied for developments include zoning entitlements, building permits, utility connections, etc. City staff performs these services and the fees help to cover the costs of the services rendered. While the City Commission has the ability to initiate rezoning of property, it has typically not done so on behalf of a private request. Doing so may set a precedent for future requests and staff works with many non-profit organizations from a development perspective.

The attached map illustrates the two properties owned by Mr. Cole and the current zoning districts in the immediate area of his property.

**Action Requested**

Initiate the rezoning application and waive the review fees, if appropriate.