

# Memorandum

## City of Lawrence

### Douglas County

### Planning & 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 October 6, 2009 City Commission meeting

**RE:** Request to defer the second reading of Ordinance 8387, for the rezoning [Z-2-2-09] for 1725 New Hampshire from RM24 (Multi-Dwelling Residential) to CS (Commercial Strip) District

#### **Background**

On April 14, 2009, the City Commission voted unanimously to approve the rezoning request from the RM24 District to the CS District for property located at 1725 New Hampshire Street and adopted on first reading Ordinance 8387. The property currently contains a 6 unit multi-dwelling residence which is proposed to be demolished to accommodate improvements to the Dillon's parking lot. Staff's recommendation for approval of the rezoning request was based in part on the determination that the proposed improvements would bring the Dillon's parking lot into compliance with the City Code.

The applicant requested a deferral of the second reading of the ordinance on April 21, 2009 as the contract to sell the property to Dillon Companies expired on April 16<sup>th</sup>. The City Commission approved the deferral request to September 15, 2009 with the provision that an update memo be provided to the Commission as part of their July 17, 2009 consent agenda.

#### **Deferral request**

The property owner and applicant indicated they remain interested in continuing with the rezoning; however, the status of the real estate purchase has not changed and it would not be appropriate to rezone at this time since the property is not currently under contract to be purchased by Dillon Stores.

The applicant provided a letter regarding the rezoning request and requested the City Commission to take one of the following actions:

- 1) Defer the second reading of the ordinance for another 6 months (March 15, 2010) or until Dillons commits to purchase the property, whichever is sooner; or

- 2) The applicant will withdraw the rezoning request but requests that it be done without prejudice to the applicant under City Code Section 20-1303(j)(2) so the applicant is not barred from submitting a new application for the next 12 month period.

As Dillons has indicated that they are interested in purchasing the property, but are not able to take action at this time; it is Staff's opinion that it would be more efficient to defer the second reading rather than requiring the rezoning request be resubmitted.

**Staff recommendation**

Staff recommends that the 2<sup>nd</sup> reading of the rezoning request be deferred for an additional 6 months (to March 15, 2010) to provide the applicant time to work with Dillons Stores. If the property is placed under contract prior to March 15<sup>th</sup>, the ordinance will be placed on an agenda for consideration and, in any event, the item will be set for the March 15, 2010 agenda for consideration of the second reading of the ordinance with notice to property owners within 200 ft of the subject property mailed prior to the meeting.