

Memorandum

City of Lawrence

Planning & Development Services

TO: David L. Corliss, City Manager

FROM: Scott McCullough, Director

CC: Cynthia Boecker, Assistant City Manager
Diane Stoddard, Assistant City Manager

Date: For December 15, 2009 City Commission Meeting

RE: Home Improvement Center Development – NWC 31st St. and Iowa

Approximately 19.77 acres located at the northeast corner of 31st St and Iowa were rezoned from RS-1 to PCD-2 (Planned Commercial District) on December 18, 2001. The adopting ordinance included use restrictions limiting the property to Home Improvement Store, Electronics Store, and Restaurant/Retail. Office uses were not permitted in the PCD zoning district.

The development includes The Home Depot, Best Buy, a gas station, several restaurants, a couple of retail uses, and vacant tenant space, including an entire vacant building. In recent years Planning staff has been approached by inquirers about using the vacant tenant spaces for office uses. Staff has reviewed the issue and has encouraged the development group to seek a zoning change to permit office uses in order to fully utilize this commercial property.

Block & Company, Inc., through their attached letter, desires to seek rezoning and development plan revisions, but has represented that capturing the ownership signatures, along with the rezoning process itself, will delay their presence on site. They believe that an on site presence will be beneficial to placing tenants in the development and requests temporary occupancy of one of the vacant tenant spaces while navigating the rezoning process.

The City Commission has the following options in this matter:

- 1) Do not issue occupancy until the rezoning and development plan revisions have been approved; or
- 2) Permit the issuance of an occupancy permit for an Office use, conditioned upon vacating the site if the rezoning or development plan are not approved as requested.

There is no City Code authority for the second option; however, precedent has been set when the City Commission authorized construction and occupancy of the Scooter's coffee house at 9th and Iowa prior to site plan approval and the recent G-Force project along N. 2nd Street while that applicant went through the rezoning process. Staff points to the strong public interest in consistency of application of City land use laws and that many other property owners have been required to wait for the full land use process before construction and occupancy; however, staff also believes that temporary occupancy for this small office use is at the risk of the owner who would be required to vacate if the zoning is not amended and staff does not anticipate a contentious zoning process for this request.

Action Requested: Staff recommends that the City Commission grant Block & Company, Inc's request to permit occupancy at the Home Improvement Center development for an Office use for a period not to exceed 6 months from the date of City Commission approval while rezoning and development plan applications are processed to consider permitting office uses at the property.