

Memorandum

City of Lawrence

Planning & Development Services

TO: David L. Corliss, City Manager

FROM: Mary Miller, Planner

Date: For March 27, 2012 meeting

RE: Condition of approval requiring platting prior to publication of rezoning ordinances for rezonings associated with the Mercato Development.

HISTORY

The City Commission approved the rezonings listed in the table below for the Mercato development 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	Area (acres)	Previous District	New District	District as Converted with 2006 Code
Z-01-10-05	25.82	A Agricultural	RS-2 Single-Family Residence	RS7 Single-Dwelling Residential
Z-01-11-05	7.63	A Agricultural	RM-D Duplex Residential	RM12D, Multi-Dwelling Residential
Z-01-12-05	12.77	A Agricultural	RM-2 Multiple-Family Residence	RM24 Multi-Dwelling Residential
Z-03-05-06	45.31	A Agricultural	PCD-2 Planned Commercial Development	PCD-Mercato Planned Development
Z-03-06-06	31.12	A Agricultural	RO-1A Residence-Office	RMO Multi-Dwelling Residential-Office

Rezoning Z-03-05-06, A to PCD-2 was approved subject to the following conditions of approval:

1. Approval and filing of a Final Plat at the Register of Deeds Office
2. Submittal of a Preliminary Development Plan within 60 months
3. Approval of a Preliminary Development Plan by the City Commission
4. CC 400 Restrictions per Horizon 2020
 - a. Maximum total of 184,640 Gross Square Feet of Retail Commercial.

- b. No one store shall occupy more than 175,000 gross square feet.
- c. The Preliminary Development Plan shall include a single store building that has at least 40,000 gross square feet of commercial space.
- d. The sum of the gross square footage for all stores that occupy space between 100,000 and 175,000 gross square feet shall not exceed 70 percent of the gross commercial square footage for the corner of the intersection.

Conditions No 2 and 3 have been met. A Preliminary Development Plan was submitted within 60 months and was approved by the City Commission on April 14, 2007. A request to extend this approval to June 30, 2012 was approved by the City Commission at their March 13, 2012 meeting. Condition No 4 contains standards that will remain applicable to the PCD-Mercato District and will be included in the ordinance.

All the Mercato rezoning requests 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 creates issues for properties which are rezoned but that aren't platted concurrently with the rezoning request. Preliminary and Final Plats have been approved for the Mercato Development, but the approval has been extended to June 30, 2014.

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.

Action Requested

Approve the removal of the condition requiring recording of a final plat prior to publication of the rezoning ordinance for the following rezonings: Z-01-10-05, Z-01-11-05, Z-01-12-05, Z-03-05-06, Z-03-06-06