

# Memorandum

## City of Lawrence/Douglas County

### Planning and Development Services

TO: Lawrence – Douglas County Planning Commission  
Lawrence Historic Resources Commission

FROM: Jeff Crick, AICP, Planner II

CC: Scott McCullough; Planning and Development Services Director  
Lynne Braddock Zollner, AICP; Historic Resources Administrator

Date: For the April 21<sup>st</sup>, 2016 Historic Resources Commission Meeting, and  
For the April 25<sup>th</sup>, 2016 Planning Commission Meeting

RE: *Oread Neighborhood Design Guidelines* Rehearing Process and Outline

#### **Background**

The Lawrence – Douglas Co. Planning Commission and the Lawrence Historic Resources Commission held two joint meetings to discuss the proposed *Oread Neighborhood Design Guidelines* on [Thursday, February 18<sup>th</sup>, 2016](#) and [Monday, March 21<sup>st</sup>, 2016](#). Both commissions recommended approval of the guidelines and associated rezoning requests to implement them. After the official hearing of March 21<sup>st</sup>, 2016, staff discovered that the rezoning effort was not properly noticed in the neighborhood and a re-hearing must be completed.

#### **Rehearing Process**

To proceed with the adoption process for the *Oread Neighborhood Design Guidelines*, staff will restart the public notice and hearing process for both the Historic Resources Commission and the Planning Commission. This entails hearings before both recommending bodies, not in a joint format as was conducted previously in March. Staff is working to schedule new hearings for the June meetings of each commission separately. The items will be submitted to the City Commission after the re-hearings occur, which staff anticipates will be July at the earliest.

The issue does not stem from a fault with the Guidelines document, nor the recommendations by either commission. Instead, this stems from a process concern of not placing notice signs throughout the neighborhood as required by code. Proper notice and a rehearing of the items are required to remedy the situation. Staff has modified the *Oread Neighborhood Design Guidelines* based on the comments and recommendations from the March joint meeting, and anticipates a similar finding by the commissions as this process continues.

### **Public Notice Process**

Section 20-308(d)(1) of the [Land Development Code](#) outlines the notice provision procedures required for the creation of an Urban Conservation Overlay District (-UC). This section states that it must comply with the Zoning Map Amendment Procedures of Section 20-1303, "Zoning Map Amendments (Rezoning)." Section 20-1303 requires staff to follow the notice provisions in accordance with Section 20-1301(p)(3); however, Section 20-1301(p)(3) is entitled, "Inaction by Review/Decision Making Bodies." Therefore, staff assumes that this reference is an error and was intended to actually reference Section 20-1301(q)(3) "Mailed Notice" instead.

Additionally, upon further review of Section 20-1303(c), which states, "Newspaper, posted and mailed notice of the Planning Commission's public hearing shall be provided in accordance with Section 20-1301(p)(3)," staff determined that the precise citation of Section 20-1301(q)(3), "Mailed Notice" is also not in accordance with the Code's intent, and should have referenced Section 20-1301(q), "Notices" instead.

At the time of the joint Historic Resources Commission/Planning Commission hearing on March 21<sup>st</sup>, 2016, posted notices were not completed to fulfill the intended spirit of this Code section. To ensure the full and proper intent of the public notice section is followed to the spirit of the Land Development Code, staff feels that the best procedure to uphold the Code would be to recommence the public notices and public hearing requirements ensuring that Section 20-308(d)(1) is followed to the full spirit the Code likely intended.

### **Land Development Code Clarification**

Given the issues cited within Article 13 "Development Review Procedures," staff believes it is in the best interest for the Planning Commission to initiate a text amendment, and direct staff to revise Article 13 to correct the citation issues. This would clarify the citation issues, and also allow for staff to refine the language to prevent future issues regarding public notice requirements.

### **Recommended Action**

Staff recommends that the Planning Commission initiate a text amendment to correct and clarify this portion of the Land Development Code to clearly cite and delineate the intended notice requirements.