

ITEM NO. 1 U TO RM32; .134 ACRES; 1232 LOUISIANA STREET (KM)

Z-08-15-08: Consider a request to rezone a tract of land approximately .134 acres from U (University) to RM32 (Multi-Dwelling Residential), located 1232 Louisiana Street. Initiated by City Commission on 8/12/08.

STAFF PRESENTATION

Ms. Katie McKain presented the item.

Commissioner Dominguez asked if the Oread Neighborhood Association was aware of the project.

Ms. McKain said the Oread Neighborhood Association is in the process of redoing their neighborhood plan and there is a stipulation that nothing can be built on the property until the Oread Plan has been approved and adopted by City Commission.

PUBLIC HEARING

Mr. William Gadberry, owns property at 1220 Louisiana Street, said he was not opposed to the rezoning of 1232 Louisiana Street, but he was upset that he was never notified about his own property being rezoned RM32.

Mr. McCullough said there was a comprehensive city wide rezoning classification that would have gone through the process of notification in a general sense. With the adoption of the new City Development Code there was a comprehensive effort to rezone to the new categories of the new Development Code.

Mr. Gadberry said he only received notice of the TIF district and the rezoning of 1232 Louisiana. He said he never received notification of his own property being automatically rezoned two years ago.

Ms. Stogsdill said as part of the comprehensive zoning update the City started in 1999 with a consultant to rewrite the previous 1966 zoning regulations and that took a number of years and was finally adopted in 2006. As part of that the properties that were previously zoned RM3 or RD were all put together in the new zoning category of RM32. She said in reality the properties that were zoned RD could not reach the density that the 1966 zoning code indicated because of parking restrictions and setbacks. Through the rewrite of the code those lots were all rezoned to RM32 which was considered to be more consistent with the development patterns in Lawrence.

Mr. Gadberry was upset he did not receive notification that his property was automatically rezoned. He felt that the governing body should be responsible for reimbursing for diminished value in property. He wanted to know how to go about getting the zoning of RD (Residential Dormitory) back.

Ms. Stogsdill said that the zoning category RD did not exist anymore.

Mr. McCullough said the zoning district RD does not exist anymore. He went on to say that with RM32 zoning there would need to be enough acreage to contain parking, building density, buffer yards, and those sorts of elements to get the highest density allowed by the zoning district.

Mr. Gadberry said that RM32 zoning was present in the 1100 block of Louisiana Street with non-conforming apartments.

Mr. McCullough said that Planning staff would be happy to meet with Mr. Gadberry to go over any questions he has.

Mr. David Holroyd, 1224 Louisiana Street, had the same concerns that Mr. Gadberry did and said that they should have been notified by certified mail about their property being rezoned. He was upset his

property was rezoned with the new Development Code without him knowing. He also said the Oread Neighborhood Association does not represent the neighborhoods opinion.

ACTION TAKEN

Motioned by Commissioner Carter, seconded by Commissioner Moore, to approve the rezoning of approximately .134 acres from U (University) District to RM32 (Multi-Dwelling Residential) District and forwarding it to the City Commission with a recommendation for approval based upon the findings of fact outlined in the staff report and with the following condition:

1. The property shall not be used in any fashion for a parking lot except in strict compliance with the zoning standards of the Development Code. Parking facilities shall only be permitted if accessory to a permitted and approved principal use that is located on the same property that is the subject of this rezoning application.

Unanimously approved 8-0.

Commissioner Harris asked about the mailing notice procedure.

Mr. McCullough said Mr. Gadberry referred to a letter he received about the Oread Inn TIF, which had a different process. He said the process that rezoned Mr. Gadberry's property was a comprehensive rezoning process.

Ms. Stogsdill said that regular first class mailing notice is sent to property owners within 200' of a specific property within the city. She said there is not a requirement to mail notice to all property owners when a comprehensive rewrite of the Development Code is done.

Mr. McCullough said additionally a legal notice is published in the newspaper.

Commissioner Dominguez inquired about notification of any landlord associations.

McCullough said that notification is sent for issues that are deemed to be landlord related, such as rental registration.