

ITEM NO. 2 U-KU TO RS5; 6,732 SQ FT; 1646 ILLINOIS ST (MKM)

Z-4-4-09: Consider a request to rezone a residential lot approximately 6732 sq ft, located at 1646 Illinois Street, Lot 7, Block 3 of University Place, from U-KU (University – Kansas University) to RS5 (Single-Dwelling Residential). Submitted by Rhonda Prohaska for Renaissance Designs, LLC; property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

Commissioner Finkeldei inquired about the fence.

Ms. Miller said the fence on the adjacent property was built a few feet over the property line so it encroaches into the subject property and the building appears to be closer to the property line than it actually is.

Commissioner Harris asked what criteria was used in approving the building when it was not zoned to this category before it was built.

Mr. McCullough said this was a staff error in permitting the building and assuming it was in the RS district. When the error was recognized a letter was sent to the property owner requesting a rezoning.

Commissioner Moore asked if the property was zoned that way due to the University owning it.

Ms. Miller said with the 2006 Development Code certain properties were zoned U-KU that were not part of the main campus but were owned or made available to the University of Kansas.

APPLICANT PRESENTATION

No applicant presentation.

PUBLIC HEARING

Mr. Greg Walters, 1652 Illinois, expressed concerns about the building construction starting in July 2008 without the proper zoning. He said he contacted Mr. Brian Jiminez, Code Enforcement Manager, and Mr. Jiminez had the property owner refill the hole since they were violating city codes. He stated that since the house was built he has had water problems in his basement that he did not have previously. He expressed concern about the property discharging a white substance to the street. He also felt the house size did not fit in the neighborhood.

COMMISSION DISCUSSION

Commissioner Finkeldei asked staff to respond.

Mr. McCullough said that the site could be looked at for code violation issues. He also stated the construction has not gone up without city inspections.

Commissioner Hird asked staff if Planning Commission was just looking at the rezoning issue, not code violations.

Mr. McCullough said that was correct, Planning Commissions charge is just the rezoning issue.

ACTION TAKEN

Motioned by Commissioner Hird, seconded by Commissioner Blaser, to approve the request to rezone approximately 6,732 square feet at 1646 Illinois Street, from U-KU (University-Kansas University) District

to RS5 (Single Dwelling Residential) District based on the findings presented in the staff report and forwarding the request to the City Commission with a recommendation for approval.

Commissioner Finkeldei said he would support the motion but felt that code compliance should be met and since it is no longer owned by the University it should be rezoned to RS5.

Commissioner Hird agreed with Commissioner Finkeldei.

Commissioner Harris also agreed with Commissioner Finkeldei. She stated that with the new Development Code the district RS5 allows more building on a property than it used to and she felt staff should give more scrutiny for drainage on those properties.

Unanimously approved 8-0, with Student Commissioner Shelter voting in favor.