

PLANNING COMMISSION REPORT

Regular Agenda -- Public Hearing Item

PC Staff Report

06/22/09

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 RECOMMENDATION: Staff recommends approval of 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.

APPLICANT'S REASON FOR REQUEST

As the property is no longer owned or associated with the University of Kansas, rezoning is required prior to development.

KEY POINTS

- The property was rezoned to U (University) District with adoption of the new code which was applied to all property owned by the University of Kansas at the time.
- No provisions of the Development Code apply to lands within the U-KU Zoning District unless the Cooperation Agreement between the City of Lawrence and the University of Kansas so provides.
- The property has been sold and is no longer associated with the University of Kansas.
- The subject property is located in the University Place Neighborhood and is surrounded on all 4 sides by the RS5 (Single-Dwelling Residential) District.

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

- The area is an established neighborhood consisting of primarily single-dwelling residences.

CONFORMANCE WITH *HORIZON 2020*

- The proposed rezoning conforms to the goals and policies for residential land uses.

ASSOCIATED CASES/OTHER ACTION REQUIRED

Previous Cases

- TA-10-05-04: Adoption of the Development Code, November 11, 2005 Edition; Adopted on April 4, 2006.
- Z-10-49-04: Adoption of the new zoning map; Ordinance 7986 published on April 8, 2006.
- Cooperation Agreement between the City of Lawrence and the University of Kansas; effective on April 7, 2005.

Other Action

- City Commission approval of the requested rezoning following Planning Commission action.
- City Commission adoption of rezoning ordinance.
- Publication of rezoning ordinance.

ATTACHMENTS

August 7, 2008 letter from Planning Office notifying property owner of need to rezone.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None.

GENERAL INFORMATION

Current Zoning and Land Use: U-KU (University-Kansas University) District; single-dwelling residence

Surrounding Zoning and Land Use: RS5 (Single Dwelling Residential) District in all directions; single-dwelling residences.

Project Summary

The area in which the subject property is located was zoned RS-2 prior to the adoption of the 2006 Development Code (TA-10-05-04). RS-2 was a single family residential district which permitted 7,000 sq ft lots and corresponds to the current RS7 Zoning classification. Per the Staff Report with TA-10-05-04, smaller lot residential zoning districts, RS5 and RS3, were created to address infill development and redevelopment on existing lots platted within the older areas of town where standard lot sizes are less than 7000 square feet. The U District was created as a special base district for properties described in the Cooperation Agreement Between the City of Lawrence and the University of Kansas. Properties in the U-KU District are subject to the provisions of the agreement but are not subject to the regulations of the Land Development Code.

With the adoption of the 2006 Development Code the RS2 properties within the University Place Neighborhood were rezoned to the RS5 District. 1646 Illinois met the criteria of the Cooperation Agreement and was rezoned to the U-KU District.

When 1646 Illinois was sold it no longer met the criteria established in the Cooperation Agreement of being owned by, leased to, or made available to the University of Kansas; therefore, it is necessary to rezone to an appropriate zoning district.

REVIEW & DECISION-MAKING CRITERIA

CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response – *"See attached letter from Mary K Miller, City-County Planner II."* (Included as an attachment.)

Residential Land Use Goals & Policies

The referenced section of *Horizon 2020* is followed by staff's comments in italics.

Residential Development Strategies include consideration of infill residential development prior to annexation of new residential areas. (page 5-1)

Policy 3.3: Encourage Compatible Infill Development

Recommends encouraging infill as a means of providing a variety of compatible housing types within

neighborhoods.

Policy 3.3(f) recommends that the physical form and pattern of existing, established neighborhoods be maintained through similar building orientation, similar open space patterns and similar front, side and rear yards characteristic of the neighborhood. (page 5-16)

As the rezoning request is for one lot within an existing neighborhood, this is an infill development. Rezoning the property to the same zoning district as the surrounding area (RS5) will result in similar density and dimensional requirements which will help maintain the physical form and pattern of the neighborhood.

Staff Finding –The rezoning conforms to the goals and policies for residential land use in *Horizon 2020*.

ZONING AND USE OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

Staff Finding – The subject property is surrounded by RS5 (Single Dwelling Residential) Zoning in all directions. Properties in the area are developed with single-dwelling detached homes.

CHARACTER OF THE NEIGHBORHOOD

Applicant's Response – *"Residential, older neighborhood."*

Staff Finding – The property is located within the University Place Neighborhood which includes the University Place Subdivision (platted in 1887) and the University Place Annex Subdivision (platted in 1888). The predominate lot sizes in these subdivisions are 6600 sq ft (University Place) and 6100 sq ft (University Place Annex). The University Place neighborhood is located near the southwest portion of the University of Kansas main campus and consists primarily of single dwelling detached homes. Three student Greek housing units are located in the northeast corner of the neighborhood.

PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY

Staff Finding – The subject property is located in the University Place Neighborhood. The subject property and adjoining properties are not included in any adopted area and/or sector plans. *Horizon 2020* is the guiding plan for the neighborhood.

SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS

Staff Finding – The subject property is zoned U-KU which is a special base district applying only to lands that are owned by, leased to, or otherwise made available to the University of Kansas. Properties within the U-KU District are subject to the provisions of the Cooperation Agreement Between the City of Lawrence and the University of Kansas rather than the regulations of the Land Development Code. As the property is no longer owned by, leased to, or made available to the University of Kansas the property is no longer suitable for the U-KU District.

LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Staff Finding – The subject property is not vacant at the present time but is being developed with a

single-dwelling residence.

EXTENT TO WHICH APPROVING THE REZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Staff Finding –The rezoning will have a positive rather than detrimental effect on nearby properties as the lot will be subject to the same density and dimensional standards and use regulations as the nearby properties. This will result in more compatible development than may have occurred under the U-KU Zoning.

THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Applicant's Response – *"Vacant lot is developed – increasing tax revenues for the city and county as well as increasing property values for surrounding houses."*

Evaluation of this criterion includes weighing the benefits to the public versus the benefit of the owners of the subject property. Benefits are measured based on anticipated impacts of the rezoning request on the public health, safety, and welfare.

Staff Finding –Denial of the rezoning request would result in the creation of an undevelopable lot, which would be a hardship to the property owner. As the lot is no longer owned by or made available to the University of Kansas, the property could not develop under the U-KU Zoning District. The denial of this rezoning request would not result in a benefit to the general public.

PROFESSIONAL STAFF RECOMMENDATION

Staff Finding - Staff recommends approval of the rezoning request based upon the findings of fact outlined above.