CITY OF COFFEYVILLE
BOARD OF COMMISSIONERS AGENDA ITEM

MEETING DATE	April 28, 2015	
RESOLUTION OR ORDINANCE NUMBER	S-15-04	
AGENDA TITLE	**Rezoning Case ZC 2015-02, Harold Mann**	
REQUESTING DEPARTMENT	City Planning Commission	
PRESENTER	Dennis Jacobs, City Planner / Architect	
FISCAL INFORMATION	Cost as recommended:	N/A
	Budget Line Item:	N/A
	Balance Available	N/A
	New Appropriation Required:	[ ] Yes [X] No
PURPOSE	Approval/Disapproval of Planning Commission recommendation on the rezoning of property from R-1, Single Family Residential District to C-4, Service Commercial District.	
BACKGROUND	The applicant wishes to rezone the referenced properties in preparation for the future construction and operation of a Retail Business facility.	
SPECIAL NOTES	The new retail center will house the owner's insurance business, plus several other retail spaces, and include off street parking with handicapped access.	
ANALYSIS		

PUBLIC INFORMATION PROCESS	**a.)** Legal Notice in newspaper 20 days prior to public hearing. **b.)** Legal Notice mailed to property owners within 200 feet of applicant's property 20 days prior to public hearing. **c.)** Public hearing held on April 7, 2015. **d.)** Fourteen day mandated protest waiting period.
BOARD OR COMMISSION RECOMMENDATION	Planning Commission voted unanimously 7-0 to recommend approval of the rezoning application.
STAFF RECOMMENDATION	Staff concurs with Planning Commission recommendation. We feel the benefits to the community of the rezoning of property along Highway 166 is in accordance with the recommendations of the Comprehensive Plan adopted by the City and will provide an asset in place of the vacant houses and empty lots in that block.
REFERENCE DOCUMENTS ATTACHED	Application for Rezoning Abstract names request Journal notification and legal notice request Notice ZC 2015-02, Mann Site Photos Aerial Photo of designated property Staff report to Planning Commission A. Ordinance No. S-15-04

ORDINANCE NO. S-15-04

AN ORDINANCE REZONING THE LOTS NUMBERS 8, 9, 10, 11 AND 12, BLOCK 12, COMMERCIAL CLUB 1ST ADDITION TO THE CITY OF COFFEYVILLE, MONTGOMERY COUNTY, KANSAS; (*A/K/A 1102, 1104, 1106, 1108 AND 1110 WEST ELEVENTH STREET*).

WHEREAS, the Coffeyville Planning Commission received an application from Mr. Harold Mann, 128 Woodland Road, Coffeyville, Kansas, 67337, that the following property, as more particularly described below, be rezoned from R-1 (Single Family Residential District) to C-4, (Service Commercial District), for the purpose of construction and operation of a Retail Business facility; and

WHEREAS, pursuant to K.S.A. 12-757(b), at least twenty days prior to the hearing, a notice of hearing was published in the official city newspaper and written notice was mailed to all owners of record of real property located within at least 200 feet of the tract of land being considered for rezoning; and

WHEREAS, pursuant to K.S.A. 12-757(b), the Coffeyville Planning Commission held a public hearing on April 7, 2015, regarding said rezoning request; and

WHEREAS, in regular session on April 7, 2015, the Coffeyville Planning Commission after considering the matters set forth in the City's zoning regulations determined by a majority vote, to submit to the governing body a recommendation of approval of the rezoning said property to C-4 (Service Commercial District) and that the Official Zoning District Map of Coffeyville, Kansas be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COFFEYVILLE, KANSAS:

SECTION 1. That the specific real property as more particularly described below be and is hereby rezoned from R-1 (Single Family Residential District) to C-4 (Service Commercial District).

Coffeyville Planning Commission Rezoning Case Number **ZC 2015-02**.

Lots Nos. 8, 9, 10, 11 and 12, Block 12, Commercial Club 1st Addition to the City of Coffeyville, Montgomery County, Kansas; a/k/a 1102, 1104, 1106, 1108 and 1110 West Eleventh Street

SECTION 2. That the Official Zoning District Map of Coffeyville, Kansas be amended to reflect the approved rezoning of said property.

SECTION 3. That all former ordinances and any parts thereof concerned with the rezoning of this particular property in conflict herewith be and are hereby repealed.

Passed and approved this 12th day of May, 2015.

_____
Christopher V. Williams, Mayor

ATTEST:

_____
Cindy Price, City Clerk

APPROVED AS TO FORM AND LEGALITY:

_____
Paul Kritz, City Attorney

NOTICE OF HEARING REQUEST FOR REZONING
BEFORE THE COFFEYVILLE PLANNING COMMISSION
OF THE CITY OF COFFEYVILLE, KANSAS

Notice is hereby given to all persons concerned and interested, that on Tuesday, April 7, 2015, at 5:30 P.M. in the Activity Room, Senior Citizens Activity Center, 501 South Walnut Street, Coffeyville, Kansas, it will be proposed by Mr. Harold Mann, 128 Woodland Road, Coffeyville, Kansas, 67337, that the following property, to-wit:

ZONING CASE 2015-02, Mann

Lots Nos. 8, 9, 10, 11 & 12, Block 12, Commercial Club 1st Addition
to the City of Coffeyville, Montgomery County, Kansas;
a/k/a 1102, 1104, 1106, 1108 & 1110 West Eleventh Street

be re-zoned from Single Family Residential District (R-1), to Service Commercial District (C-4), for the purpose of construction and operation of a Retail business facility, of which legal and proper protest and objections may be made according to the statutes of such cases made and provided.

At the conclusion of said Hearing, the City Planning and Zoning Commission will make its recommendations in the premises.

Mr. Mike Mongan, Chairman
Coffeyville Planning Commission

ATTEST:

Dennis W. Jacobs
City Planner

(Published in the Saturday, March 14, 2015, edition of the Coffeyville Journal)

View of Site From South

View of Site From South

View of Site From North

View of Site From North

View of Site From East

View of Site From West

View Toward South From Site

View Toward South From Site

View Toward East From Site

View Toward North From Site

View Toward North From Site

View Toward West From Site

Coffeyville
KANSAS

Engineering Department
102 W 7th
COFFEYVILLE, KS 67337
VOICE: 620-252-6100
FAX: 620-252-6175
www.coffeyville.com

GIS System By: Midland GIS

1102, 1104,1106,1108 & 1110 West 11th Street

ZC2015-02

Legend

Request for Re-zone

AGR	M
C-1	OP
C-2	PUD
C-3	R-
C-4	R-1
I-1	R-2
I-2	R-4

Note:
Request for Re-zoning of properties from R-1 to C-4

1 inch = 100 feet

PLANNING STAFF REPORT

DATE : March 19, 2015

TO : Coffeyville Planning Commission

FROM : Dennis Jacobs, City Planner
RE : Zone Case: **ZC 2015-02, Mann**

A request from Mr. Harold Mann, 128 Woodland Road, Coffeyville, Kansas, 67337, that the following properties be re-zoned from Single Family Residential District (R-1), to Service Commercial District (C-4), for the purpose of constructing and operating a Retail Business facility.

ZONING CASE 2015-02, Mann

The Lots Nos. 8, 9, 10, 11 and 12; Block 12, Commercial Club 1st Addition, to the City of Coffeyville, Montgomery County, Kansas; a/k/a 1102, 1104, 1106, 1108 and 1110 West 11th Street

Chapter 29.06 ADMINISTRATION

Paragraph 4. Public Hearing: The Planning Commission shall hold a "public hearing" on each proposed rezoning, conditional use, home occupation, special exception or variance within sixty (60) days from filing date. If the public hearing was to consider a change in zoning classification or district boundaries, the following factors shall be considered by the Planning Commission in determining its recommendation:

A. THE CHARACTER OF THE NEIGHBORHOOD

The site and surrounding neighborhood consists of mostly open lots and scattered residential and commercial structures. Some of the neighboring properties have been cleared after residences had been allowed to deteriorate and were demolished or moved. Some residences and new commercial buildings remain, primarily along the 11th Street corridor and to the north of the subject properties.

B. THE ZONING USES OF PROPERTIES NEARBY

The adjacent properties on the north and south side of Highway 166 (11th Street) are a mixture of R-1 and C-4 zoning, with moistly R-1 zoning on

10th and 12th Streets. All of the properties to the west of the subject property on the north side of Highway 166 (11th Street) are also zoned C-4. In the blocks to the east, the majority of the lots are mixed zoning of residential and commercial. This application is in keeping with the previous Planning Commission position of rezoning highway frontage to commercial uses as the properties are converting from residential use.

C. THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

It is not unusual to find various zoning classifications along arterial streets and the highways, such as on which these properties are located. In as much as the surrounding land is mostly vacant or already zoned commercial, it does not seem to suitable to restrict the uses to which the properties have been restricted.

D. THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The rezoning of this property to a C-4, Service Commercial District usage would allow for the future development of any commercial enterprise allowed in this classification. The current Residential District R-1 classification allows only the following uses for the properties:
for the properties:

1. Accessory buildings incident to the following uses.
2. Single family detached dwellings.
3. Public schools and private schools having a curriculum equivalent to public schools accommodating ten (10) or more children.
4. Municipal parks and playgrounds.
5. Home occupations – allowed with a permit.
6. Group homes as defined in 29.09.050 of the ordinance.

By removing the R-1 current zoning restriction and recommending a C-4 zoning classification to the City Commission, any of the following uses would be allowed:

1. Accessory buildings incident to the following uses.
2. Ambulance service.
3. Antique shops.
4. Apparel stores.
5. Appliance stores, electrical.
6. Auction room.

7. Automobile accessory stores.
8. Automobile and truck.
9. Automobile repair and painting operations.
10. Automobile service stations.
11. Automobile wheel alignment, when secondary to automobile accessory stores.
12. Bait stores.
13. Banks and financial institutions.
14. Bicycle sales, rental and repair.
15. Blueprinting and photostating establishments.
16. Boat sales and rentals.
17. Book Stores.
18. Bowling alley.
19. **Business and professional offices.**
20. Business machine rental, repair and sales.
21. Camera and photographic supply stores.
22. Candy manufacturer, employing fewer than five persons.
23. Car or truck wash.
24. Carpet and rug stores.
25. China and Glassware stores.
26. Commercial offstreet parking as a principal use.
27. Computer store; sales, service and equipment.
28. Construction equipment sales and rental.
29. Convenience store, including gasoline sales and single-bay auto wash.
30. Dental laboratory.
31. Department stores.
32. Drugstores.
33. Dry cleaning and laundry receiving stations when no processing or cleaning of clothes is done on the premises.
34. Electrical appliance repair, when secondary to a retail outlet.
35. Electric sign manufacturing/repair, limited to five employees or less.
36. Express storage and delivery station.
37. Exterminator, pest.
38. Feed wholesale.
39. Florist shop, provided that there shall not be any greenhouse or growing of products on the premises except those products on display for retail use.
40. Food stores, including grocery stores, meat markets, bakeries and delicatessens, provided that there shall not be more than five employees.
41. Free standing automated banking or dispensing facility.
42. Funeral home, mortuary or undertaking establishments.
43. Furniture stores.

44. Furrier shops, including the incidental storage and conditioning of furs.
45. Garden stores.
46. Gift shops.
47. Glass sales and cutting shop.
48. Golf driving range, commercial.
49. Government buildings.
50. Hair care establishments.
51. Hardware stores.
52. Hobby supply stores.
53. Home occupations – allowed with a permit.
54. Hotels and motels.
55. Interior decorating shops, including upholstery, making of draperies, slipcovers, and other similar articles which are conducted as a part of, and secondary to, a retail operation.
56. Jewelry stores.
57. Leather goods and luggage stores.
58. Linen supply, diaper service, uniform supply.
59. Lodges and fraternal clubs.
60. Lumber yard.
61. Mobile home and tractor sales and rental, but not including the use of any mobile home as a residence.
62. Motorcycle sales, service and rental.
63. Municipal parks and playgrounds.
64. Municipal water towers and fire stations.
65. Music stores and musical instrument sales and repair.
66. Newspapers, office and printing.
67. Office equipment and supplies, sales and service, rental and repair.
68. One and two family dwellings.
69. Optical goods manufacture and sales.
70. Other uses which are of the same general character as those listed in this section which have the prior approval of the Planning Commission and which will not be detrimental to the district in which located.
71. Package liquor stores.
72. Paint and wallpaper stores.
73. Pet grooming shops.
74. Pet stores.
75. Physical, cultural and health parlors, such as private gymnasiums and reducing salons.
76. Plumbing fixture sales.
77. Private clubs.
78. Public schools and private schools having a curriculum equivalent to and substantially the same as public schools or kindergartens accommodating ten or more children.

79. Radio and television broadcasting stations.
80. Recording studio.
81. Restaurants – including drive-in establishments, serving food or beverage to customers for consumption on the premises or in parked motor vehicles.
82. Retail bakery, limited to nine employees.
83. Schools of music, dance or business.
84. Self-service laundries having not more than two employees in the performance of service upon the premises.
85. Sheet metal shop.
86. Shoe repair shop.
87. Sign painting.
88. Skating rink, commercial.
89. Sporting goods store.
90. Student roomer – not to exceed four per dwelling.
91. Tailor shop.
92. Taverns-beer parlors.
93. Telephone exchanges.
94. Telephone substations.
95. Theater, indoor.
96. Travel bureaus and transportation ticket offices.
97. Truck rental and sales.
98. Variety stores.
99. Video stores.
100. Group homes as defined in 29.09.050 of the ordinance.

In addition, any Conditional Uses listed below are allowed with the rezoning and approval of a Conditional Use permit:

1. Outdoor theatre
2. Telephone transmission equipment structure
3. Animal hospital, provided that all pens shall be screened when located within three hundred feet (300') of a residential district
4. Warehouse, provided all material is stored inside, and the stored material is compatible with this district
5. Retail building materials yard

Any of these uses will be allowed upon approval of the zoning classification change, regardless of the ownership of the property; and there is no time restriction on the establishment of any of these uses once rezoned. The impact upon the surrounding properties of some of these listed uses does not seem to be injurious to their value and/or salability.

E. THE LENGTH OF TIME THE SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

The subject properties have been zoned R-1, Residential District since the introduction of zoning in the 1970s. The remaining structures have been vacant for more than a year since the modular home was relocated. The other lots have been vacant for several years.

F. THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DIMINUTION IN VALUE OF THE DEVELOPER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER

The denial of this rezoning request will potentially have an impact to diminish the use and value of this property, but at the same time shouldn't negatively impact the public's health, safety or welfare with regard to the future development of the property.

The location of these properties, adjacent to the highway negates its probable usage for any residential development. The same can be said with respect to the vacant land which is in proximity to the site. The proposed use of the C-4 classification is in keeping with the adjacent highway frontage neighborhood as all of the property abutting the highway to the west is zoned C-4.

G. THE CONFORMANCE OF THE REQUESTED CHANGE TO THE ADOPTED OR RECOGNIZED MASTER PLAN BEING UTILIZED BY THE CITY

The Planning staff has reviewed this application in an effort to satisfy both the context of the surrounding neighborhood and at the same time bring the proposed area into compliance with the Comprehensive Development Plan adopted by the City Commission. The subject property has been designated as a part of a large band of land along the highway in the Southwest Coffeyville city limits, under the Comprehensive Development Plan for Coffeyville, Kansas, 2010, Future Land Use Plan Map.

"…The two most critical areas for commercial redevelopment and rehabilitation are the central business district and the vacant parcels along 11th Street. … For the remainder of the town, as new uses and structures are promoted in existing commercial district, including along 11th Street, these developments should remain compatible with surrounding land uses."

The new Comprehensive Plan projects this area to be developed as General Commercial property.

H. A CONSIDERATION OF THE RECOMMENDATION OF PROFESSIONAL STAFF

In consideration of the location of the properties with regard to the main highway corridor, it is the position of city staff to recommend approval of the application to the City Commission. We anticipate that this will be the first of several applications for commercial zoning along the highway in the future.