CITY OF COFFEYVILLE
BOARD OF COMMISSIONERS AGENDA ITEM

MEETING DATE	January 14, 2014	
RESOLUTION OR ORDINANCE NUMBER	S-14-02	
AGENDA TITLE	**Rezoning Case ZC 2013-02, HVH Holding Company**	
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, Single Family Residential District and C-4, Service Commercial District to R-4, Multiple Family Residential District.	
BACKGROUND	The applicant wishes to renovate and proposes an adaptive reuse of the existing vacated medical office building into a four-plex residential apartment. The interior will be reconfigured into separate units and the exterior modified to accommodate code-compliant windows and new finishes.	
SPECIAL NOTES	There are proposed to be 2-three bedroom units, a two bedroom unit and a one bedroom unit.	
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 December 3, 2013.
BOARD OR COMMISSION RECOMMENDATION	Planning Commission voted 3-1 to recommend approval of the rezoning application.
STAFF RECOMMENDATION	Staff concurs with Planning Commission recommendation. We feel the benefits of small scale multi-family housing as a transition between single family areas and light commercial uses is appropriate and in keeping with the recommendations of the comprehensive plan.
REFERENCE DOCUMENTS ATTACHED	Application for Rezoning Abstract names request Notice ZC 2013-02, HVH Holding Company Site Photos Aerial Photo of designated property Staff report to Planning Commission A. Ordinance No. S-14-02

ORDINANCE NO. S-14-02

AN ORDINANCE REZONING THE LOT NUMBER 1, BLOCK 3; PLUS A PORTION OF VACATED YALE AVENUE, PLUS A PORTION OF VACATED ABANDONED UNION ELECTRIC RR, AND THE EAST 100 FEET OF THE NORTH 30 FEET OF LOT NUMBER 2, BLOCK 3, MORELAND GARDENS SUB-DIVISION; TO THE CITY OF COFFEYVILLE, MONTGOMERY COUNTY, KANSAS AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF COFFEYVILLE, KANSAS (*A/K/A 2205 WEST 8TH STREET*).

WHEREAS, the Coffeyville Planning Commission received an application from Mr. Sid Haffener, representing HVH Holding Company, requesting a tract of land, as more particularly described below, be rezoned from R (Single Family Residential District) and C-4 (Service Commercial District), to R-4 (Multiple Family Residential District) for the purpose of the remodeling and adaptive reuse of the existing doctors offices into a four-plex Multiple Family Apartment; 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 December 3, 2013, regarding said rezoning request; and

WHEREAS, in regular session on December 3, 2013, 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 R-4 (Multiple Family Residential 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(Single Family Residential District) and C-4 (Service Commercial District) to R-4 (Multiple Family Residential District).

Coffeyville Planning Commission Rezoning Case Number **ZC 2013-2.**

The East 100 feet of Lot No. 1, Block 3, plus a portion of vacated Yale Avenue, plus a portion of vacated abandoned Union Electric RR, and the East 100 feet of the North 30 feet of Lot No. 2, Block 3; Moreland Gardens Sub-Division, to the City of Coffeyville, Montgomery County, Kansas.

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 28th day of January, 2014.

_____
David George, Mayor

ATTEST:

_____
Cindy Price, City Clerk

APPROVED AS TO FORM AND LEGALITY:

_____
Paul Kritz, City Attorney

Coffeyville KANSAS

City of Coffeyville
P.O. Box 1629
Coffeyville, Kansas 67337

City Planning and Zoning
(620) 252-6128
Fax (620) 252-6175

www.coffeyville.com
djacobs@coffeyville.com

APPLICATION FOR REZONING

Date: 10-18-13

TO: CITY OF COFFEYVILLE PLANNING AND ZONING COMMISSION

Commissioners:

The consideration of the rezoning of the following property is hereby requested.

STREET ADDRESS: 2205 W. 8th Coffeyville

LEGAL DESCRIPTION: Moreland Gardens Sub S03, T35, R16 E 100' Lot 1 Blk 3 + Prt Vac Yale Ave, & Prt A Bend US RR + E 100' of N30' Lot 2 Blk 3 Lot 100 & 200.

NAME OF PRESENT OWNER:

ADDRESS OF PRESENT OWNER:

PHONE NUMBER:

PRESENT ZONING CLASSIFICATION:

PRESENT USE:

AREA OF PROPERTY PROPOSED TO BE REZONED: 3000 ft (SQUARE FEET OR ACRES)

REQUESTED ZONING CLASSIFICATION: R-4

PROPOSED USE OF PROPERTY IF REZONED: Multi-Family (4 APT UNITS)

NOTE: ATTACHED IS A PLAT SHOWING PROPERTY PROPOSED TO BE REZONED, THE PRESENT ZONING CLASSIFICATION AND USE.

FEE: $100.00
ABSTRACT FEE: $ 75.00

TOTAL FEES: $175.00

FEE PAID:

RECEIPT NO.:

APPLICANT

117 Oakhills Dr
STREET ADDRESS

Coffeyville KS
CITY STATE ZIP

918-331-5753
PHONE NUMBER

memorandum
TRANSMITTAL

TO : Kansas Secured Title
415 West 11th Street, Suite 2
Coffeyville, Kansas 67337

Phone NO. : 620 – 688-6544
620-688-6551, facsimile

RE : Request for Certified Ownership list printout

DATE : October 15, 2013

PAGES: 1, including this cover sheet.

Please provide the list of property owners within 200 feet of the following legally-described property inside the City Limits of Coffeyville, Kansas, for notice of zoning change:

The East 100 feet of Lot 1, plus a portion of vacated Yale Avenue, plus a portion of abandoned Union Electric RR, plus the East 100 feet of the North 30 feet of Lot 2, Block 3, Moreland Gardens Sub-Division,

to the City of Coffeyville, Montgomery County, Kansas.

a/k/a 2205 West 8th Street

ZC 2013-02, HVH Holding Company

From the desk of...

Dennis W. Jacobs
City Planner
City of Coffeyville
P. O. Box 1629
Coffeyville, Kansas 67337

620-252-6128
Fax: 620-252-6175

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, December 3, 2013, at 5:30 p.m. in the Commissioners Council Room 205, City Hall Building, Coffeyville Kansas, it will be proposed by Mr. Sid Haffener, representing the HVH Holding Company, 117 Oakhills Drive, Coffeyville, Kansas 67337, that the following property, to-wit:

ZONING CASE 2013-02, HVH Holding Company

The East 100 feet of Lot No. 1, Block 3, plus a portion of vacated Yale Avenue, plus a portion of vacated abandoned Union Electric RR, and the East 100 feet of the North 30 feet of Lot No. 2, Block 3; Moreland Gardens Sub-Division,
to the City of Coffeyville, Montgomery County, Kansas.
a/k/a 2205 West 8th Street

be re-zoned from Single Family Residential (R) and Service Commercial District (C-4), to Multiple Family Residential District (R-4), for the purpose of the renovation and adaptive reuse of the existing doctor's offices into Senior Dwelling Apartments, 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
Planning and Zoning Commission

ATTEST:

Dennis W. Jacobs
City Planner

(Published in the Wednesday, November 13 2013, edition of the Coffeyville Journal)

View of Site From North

View of Site From West

View of Site From East

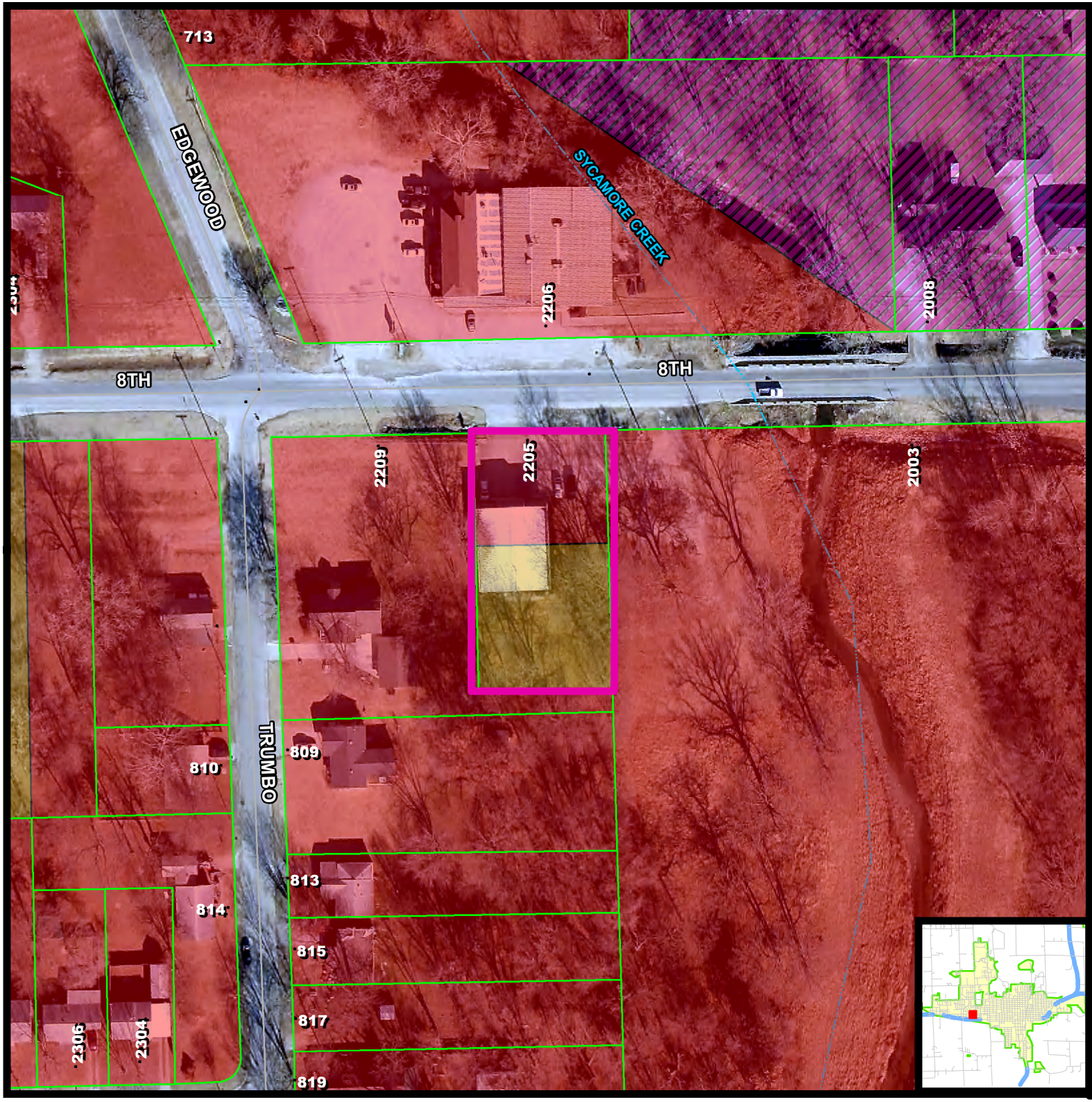
View of Site From South

View Toward North From Site

View Toward East From Site

View Toward South 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

2205 W 8th

ZC2013-02

Legend

Request for Rezoning

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 rezoning property from R & C4 to R4

1 inch = 100 feet

PLANNING STAFF REPORT

DATE : November 25, 2013

TO : Planning and Zoning Commission

FROM : Dennis Jacobs, City Planner

RE : Zone Case: **ZC 2013-02, HVH Holding Comspny**

A request from Mr. Sid Haffener, representing HVH Holding Company, 117 Oakhills Drive, Coffeyville, Kansas, that the following property be re-zoned from Single Family Residential District (R) and Service Commercial District (C-4), to Multiple Family Residential District (R-4), for the purpose of interior renovation and adaptive reuse of the existing Medical Office building into multi-family and senior apartments.

ZONING CASE 2013-02, HVH Holding Company

The East 100 feet of Lot No. 1, Block 3, plus a portion of vacated Yale Avenue, plus a portion of vacated abandoned Union Electric RR, and the East 100 feet of the North 30 feet of Lot No. 2, Block 3; Moreland Gardens Sub-Division, to the City of Coffeyville, Montgomery County, Kansas. a/k/a 2205 West 8th 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 single story structures, most of which are residential use with isolated vacant lots and paved parking. There are a few commercial properties along Eighth Street both to the east and west. As are almost all of the houses, the majority of the neighborhood is composed of siding with some brick and shingled roofs. This character is typical to the south, west and north of the subject property and to the east is Sycamore Creek and beyond that a continued mix of residential and commercial uses. The subject building is composed of metal wall panels and roof panels, and is also single story. This is

typical of the commercial structures nearby. Caesar's/Dalton House is located across Eighth Street to the north of the subject property.

B. THE ZONING USES OF PROPERTIES NEARBY

Most of the adjacent properties are zoned R, Single Family Residential District and along Eighth Street a few parcels are zoned C-4 Service Commercial District. Across the creek to the east, there is a mixture of residential and commercial districts.

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

The introduction of commercial uses along the previous highway frontage was initiated before the implementation of zoning. Eighth Street was at one time U. S. Highway 166. Typical of many Midwestern towns, a mixture of commercial and residential uses is common along major thoroughfares. Certainly the uses of the property as office space is suitable with the location and zoning classifications in which it has been classed.

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

The rezoning of this property to an R-4, Multiple Family District usage would allow for the future development of any enterprise allowed in this classification. The current Service Commercial District (C-4), classification allows only the following uses for the properties:

1. Accessory buildings incident to the following uses.
2. Ambulance services.
3. Antique shops.
4. Apparel stores.
5. Appliance stores, electrical.
6. Auction room.
7. Automobile accessory stores.
8. Automobile and truck sales.
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 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 shops.
53. Home occupations – allowed with a home occupation 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 stores, including grooming shops.
74. Physical, cultural and health parlors, such as private gymnasiums and reducing salons.
75. Plumbing fixture sales.
76. Private clubs.
77. Public schools and private schools having a curriculum equivalent to and substantially the same as public schools or kindergartens accommodating ten or more children.
78. Radio and television broadcasting stations.
79. Recording studio.
80. Restaurants – including drive-in establishments, serving food or beverage to customers for consumption on the premises or in parked motor vehicles.
81. Retail bakery, limited to nine employees.
82. Schools of music, dance or business.
83. Self-service laundries having not more than two employees in the performance of service upon the premises.

84. Sheet metal shop.
85. Shoe repair shop.
86. Sign painting.
87. Skating rink, commercial.
88. Sporting goods store.
89. Student roomer – not to exceed four per dwelling.
90. Tailor shop.
91. Taverns – beer parlors.
92. Telephone exchanges.
93. Telephone substations.
94. Theater, indoor.
95. Travel bureaus and transportation ticket offices.
96. Truck rental and sales.
97. Variety stores.
98. Video stores.
72. Group homes as defined in 29.09.050 of the ordinance.

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

1. Accessory buildings incident to the following uses. Any accessory building that is not a part of the primary structure must be located in the rear yard.
2. Board and lodging houses.
3. Dormitories.
4. Home occupations – allowed with a permit.
5. **Multiple family dwellings and apartments, not including hotels and motels.**
6. Municipal parks and playgrounds.
7. Municipal water towers and fire stations.
8. One and two family dwellings.
9. Private nurseries, day schools, kindergartens and children's homes.
10. Public schools and private schools having a curriculum equivalent to public schools accommodating ten (10) or more children.
11. Social clubs, fraternities, sororities, and lodges, not including those whose activities are the providing of services customarily carried on as a business.
12. Student roomer – not to exceed four (4) per dwelling.
13. Group homes as defined in 29.09.050 of the ordinance.

Any of these uses will be allowed upon approval of the zoning classification change, regardless of the ownership of the property; and

there is a two year time restriction on the establishment of any of these uses once rezoned. The impact upon the surrounding properties of some of these listed uses could 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 C-4, Service Commercial District, since the construction of the medical building, when the current zoning was implemented for the property. The properties have been unoccupied for over a year and have had intermittent rental occupants over the previous time span.

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 value of this property and at the same time could negatively impact the public's health, safety or welfare with regard to the abandonment of the stand alone property. The introduction of residential apartments into the mixed single family residential and commercial zoning uses seems compatible as a part of a transition area.

There is no apparent gain to the public welfare by having these buildings remain vacant, which may result in vandalism, blight and infestation.

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

The subject properties have been designated as on the edge of both future projected commercial land use and low density residential land use as a part of the existing master plan adopted by the City. The Comprehensive Plan states that public and semi-public uses, as well as residential uses should be occurring at the corridor areas to the central business district.

"Housing has been declared the No. 1 issue to be solved in Coffeyville." Goal: "Ensure that all Coffeyville residents have access to safe, well-maintained housing." "The City should continue to market opportunities

and provide incentives for developers to build market rate housing. Rental housing is scarce and expensive, indicating a demand in the entry level price range.

Recommendations: "Recruit developers to construct a wide range of housing choices, including quality multi-family, senior housing, small lot residential and high end single family residential."

Further, the Comprehensive Plan states: Preserve and protect the existing residential neighborhoods by recognizing the existing development pattern in the built areas and by recommending compatible uses in the adjacent areas.

H. A CONSIDERATION OF THE RECOMMENDATION OF PROFESSIONAL STAFF

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 proposed rezoning would be in keeping with the principle of providing higher density housing as a buffer toward lesser density commercial uses from single family dwellings. Also, the C-4 current zoning classification would allow a large group of incompatible uses to be placed in the neighborhood which is mostly single family housing. Adequate parking space and handicapped access is already available at the site. The building size, shape and appearance are already in place so therefore no exterior changes are anticipated which would impact the neighborhood. This proposed change in use is compatible with neighborhood and community standards.