CITY OF COFFEYVILLE
BOARD OF COMMISSIONERS AGENDA ITEM

MEETING DATE	January 14, 2014	
RESOLUTION OR ORDINANCE NUMBER	S-14-01	
AGENDA TITLE	**Rezoning Case ZC 2013-01, 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 Rezoning of property from C-1, Local Business District to R-4, Multiple Family Residential District.	
BACKGROUND	With the medical tenants moving out of the facility, the applicant feels the proximity to the hospital will be a benefit to senior tenants in an apartment building configuration for the existing building.	
SPECIAL NOTES	All units will be ground floor, ADA compliant and designed for seniors.	
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 November 5, 2013.	

BOARD OR COMMISSION RECOMMENDATION	Planning Commission voted 3-1 to recommend disapproval of the rezoning application.
STAFF RECOMMENDATION	Staff does not concur with Planning Commission recommendation. We feel the benefits of additional senior apartments in proximity to the medical center outweigh issues of parking and traffic on site.
REFERENCE DOCUMENTS ATTACHED	Application for Rezoning Abstract names request Notice ZC 2013-01, HVH Holding Company Site Photos Aerial Photo of designated property Staff report to Planning Commission A. Ordinance No. S-14-01

ORDINANCE NO. S-14-01

AN ORDINANCE REZONING THE LOTS NUMBERS 3, 4, 5 AND 6, BLOCK 1; BOSWELL'S 3RD ADDITION; PLUS THE WEST 225 FEET OF RESERVE "A"; SOLOMON AND WATER'S ADDITION; TO THE CITY OF COFFEYVILLE, MONTGOMERY COUNTY, KANSAS AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF COFFEYVILLE, KANSAS (*A/K/A 1411 WEST 4TH 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 C-1 (Local Business District) to R-4 (Multiple Family Residential District) for the purpose of the remodeling and construction of Senior Multiple Family Apartments; 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 disapproval 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 C-1 (Local Business District) to R-4 (Multiple Family Residential District).

Coffeyville Planning Commission Rezoning Case Number **ZC 2013-01**.

The Lots Numbers 3, 4, 5 and 6, Block 1; Boswell's Addition; and the West 225 feet of Reserve "A"; Solomon and Water's Addition; 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

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: 9-5-13

TO: CITY OF COFFEYVILLE PLANNING AND ZONING COMMISSION

Commissioners:

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

STREET ADDRESS: 1411 W. 4th Coffeyville

LEGAL DESCRIPTION: Lots 3, 4, 5 & 6, Blk 1 Roosevelt's third addition and 225 feet of Reserve "A", Solomon & Waters addition to the city of Coffeyville.

NAME OF PRESENT OWNER: HVH Holding Co. (Sid Haffener)

ADDRESS OF PRESENT OWNER: 117 Oakhills Dr Coffeyville Ks

PHONE NUMBER: 918-331-5733

PRESENT ZONING CLASSIFICATION: C1

PRESENT USE: office

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

REQUESTED ZONING CLASSIFICATION: Multi Family Residential

PROPOSED USE OF PROPERTY IF REZONED: office & multi-family

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.: _____

Sid Haffener
APPLICANT

117 Oakhills Dr
STREET ADDRESS

Coffeyville Ks 67337
CITY STATE ZIP

918-331-5733
PHONE NUMBER

memorandum
TRANSMITTAL

TO : Montgomery County Abstract Company/First American Title Insurance Company
108 North Penn Avenue
Independence, Kansas 67301

Phone NO. : 620 – 331-1440/
620-331-4760 facsimile

RE : Request for Ownership list printout

DATE : September 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 Lots 3, 4, 5 & 6, plus the West 225 feet of the Reserve "A", of Boswell's 3rd Addition, to the City of Coffeyville, Montgomery County, Kansas.

a/k/a 1411 West 4th Street

ZC 2013-01, 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, November 5, 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 2013-01, HVH Holding Company

The Lots Nos. 3, 4, 5 and 6, Block 1, Boswell's 3rd Addition; plus the West 225 feet of Reserve "A", Solomon & Water's Addition, to the City of Coffeyville, Montgomery County, Kansas.
a/k/a 1411 West 4th Street

be re-zoned from Local Business District (C-1), to Multiple Family Residential District (R-4), for the purpose of the renovation and construction of 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

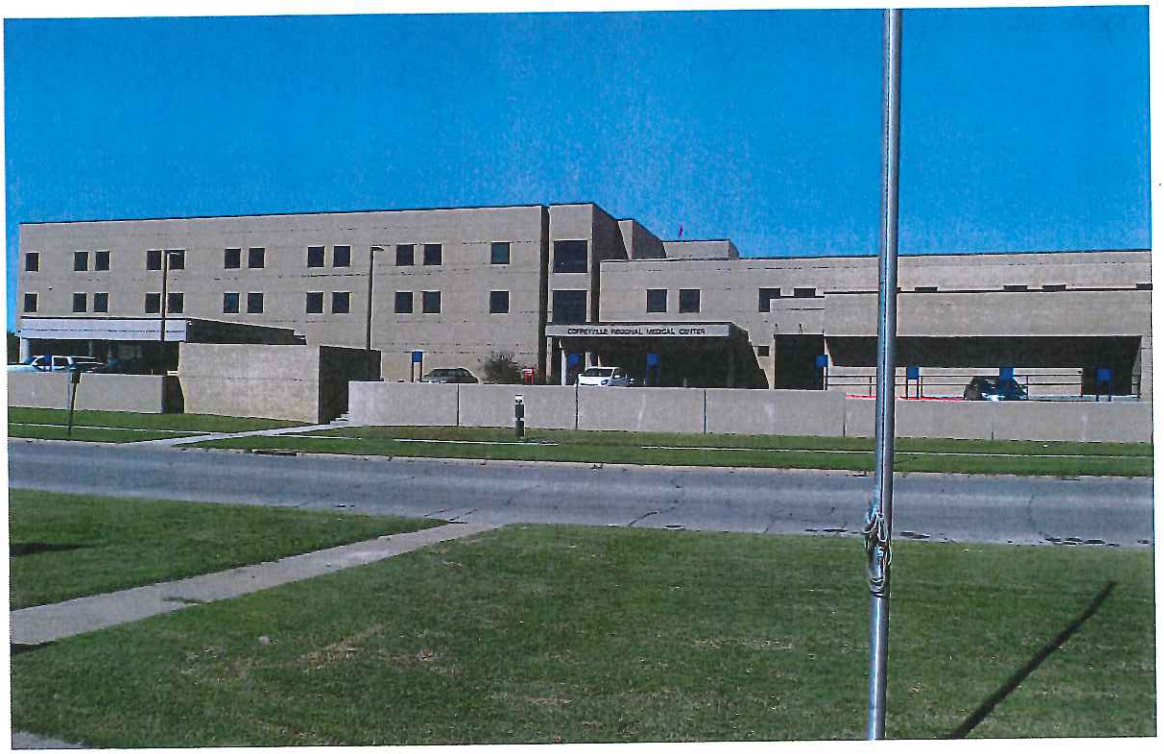
(Published in the Tuesday, October 8, 2013, edition of the Coffeyville Journal)

View of Site From North

View of Site From West

View of Site From South

View of Site From East

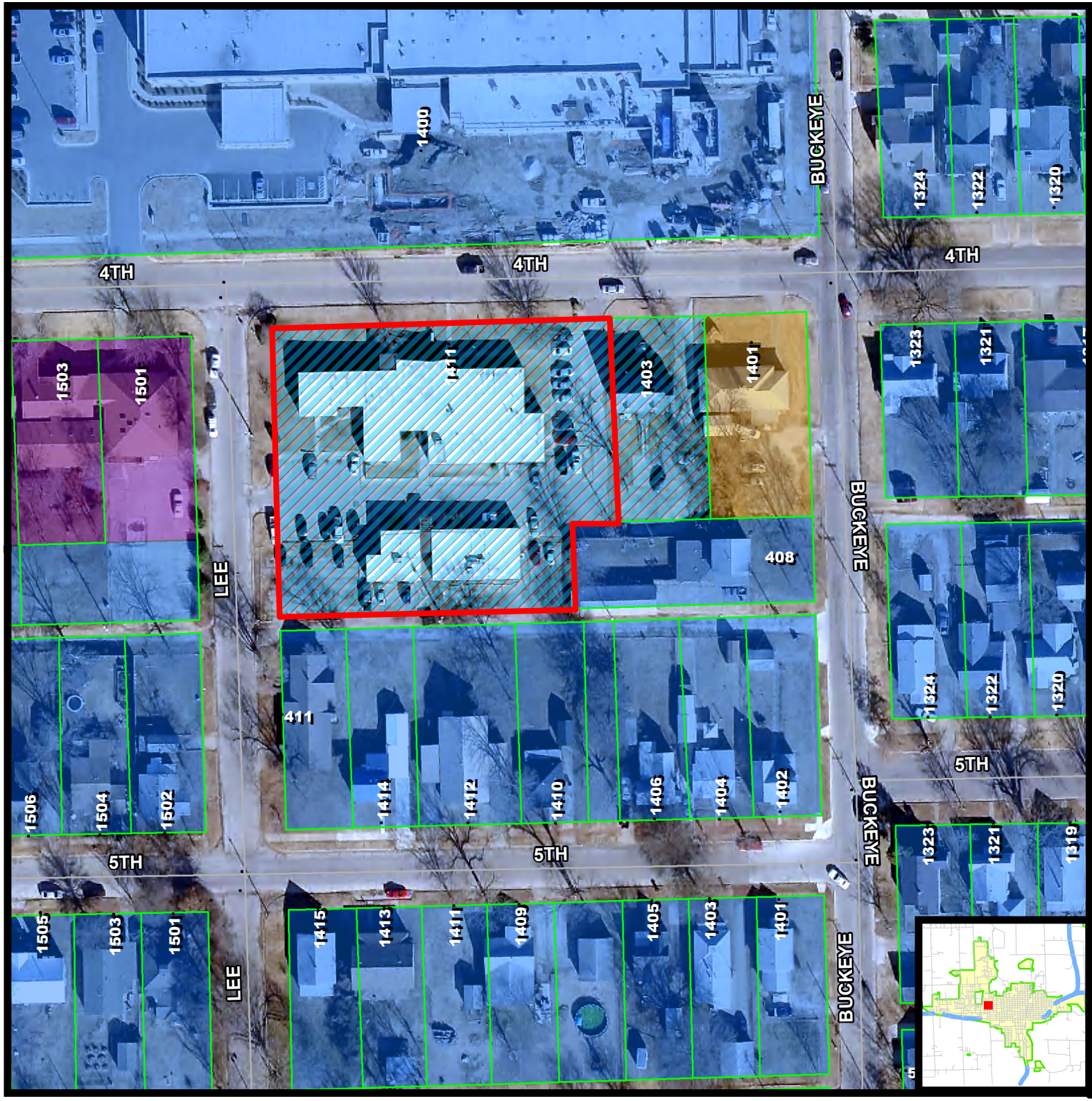


View Toward North From Site

View Toward West From Site

View Toward East From Site

View Toward South 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

1411 W 4th

ZC2013-01

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 C1 to R4.

1 inch = 100 feet

PLANNING STAFF REPORT

DATE : October 18, 2013

TO : Planning and Zoning Commission

FROM : Dennis Jacobs, City Planner

RE : Zone Case: **ZC 2013-01, HVH Holding Company**

A request from Mr. Sid Haffener, representing HVH Holding Company, 117 Oak Hills Drive, Coffeyville, Kansas 67337, that the following property be re-zoned from Local Business District (C-1), to Multiple Family Residential District (R-4), for the purpose of renovation and adaptive reuse of the Medical Arts Building, 1411 West 4th Street, into multi-family senior apartments.

ZONING CASE 2013-01, HVH Holding Company

The Lots Nos. 3, 4, 5 and 6, Block 1,
Boswell's 3rd Addition, and the West 225 feet of Reserve "A",
Solomon and Water's Addition, to the City of Coffeyville,
Montgomery County, Kansas.
a/k/a/ 1411 West 4th 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 single and two story structures, most of which are residential use with isolated vacant lots and a few service-oriented businesses. With the proximity to the hospital, most of the office uses are related to the medical community. A majority of the structures are residential siding with some examples of brick or stone. Most roofs are pitched, with shingles. The overall character is residential. This character is typical to the west, east and south of the subject properties. To the north of the subject property is the hospital which dominates the character for several blocks in that direction.

B. THE ZONING USES OF PROPERTIES NEARBY

Most of the adjacent properties are zoned R-1, Single Family Residential District, with a few Office and Commercial District uses nearby. Across 4th Street, the hospital is zoned R-1.

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

The property was developed as a medical arts building the 1950's, as the hospital was expanding across the street. It has undergone several expansions and additional ancillary structures over the years. Recently the medical tenants have been relocating to other facilities, including the hospital. The original building was built in the Local Business District (C-1), which was appropriate at the time.

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 Local Business District (C-1), classification allows only the following uses for the properties:

1. Accessory buildings and uses customarily incident to the following uses.
2. Bicycle sales, rental or repair.
3. Book store, new or used.
4. Business and Professional offices
5. Dry cleaning and laundry receiving stations when no processing or cleaning of clothes is done on the premises.
6. Florist shop, provided that there shall not be any greenhouse or growing or f products on the premises except those products on display for retail use.
7. Food stores, including grocery stores, meat markets, bakeries and delicatessens, provided that there shall not be more than five (5) employees, and not including 24 hour convenience store.
8. Gift shops.
9. Hair care establishments.
10. Home Occupations – allowed with a home occupation permit.

11. Municipal parks and playgrounds.
12. Municipal water towers and fire stations.
13. One and Two family dwellings.
14. 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.
15. Public schools and private schools having a curriculum equivalent to public schools accommodating ten (10) or more children.
16. Restaurants, not including one with drive-up facilities or service to automobiles.
17. Self-service laundries having not more than two (2) employees in the performance of service upon the premises.
18. Shoe repair service.
19. Student roomer – not to exceed four per dwelling.
8. Group homes as defined in 29.09.050 of the ordinance.

By removing the C-1 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 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 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-1, Local Business District, since the early 1970s, when zoning was implemented for the property. The properties' structures have each been occupied continuously since that time, with various tenants.

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 vacant spaces near the hospital area. This has been evident from the lack of use and appearance of the medical building to the west. The introduction of senior residents into the facility will almost certainly lead to providing some convenience for the residents and being near to services that are not now available.

There is no apparent gain to the public welfare by having these buildings become 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 projected office and professional and low density residential land uses as a part of the existing master plan adopted by the City. The master plan states that professional and semi-professional uses, as well as residential uses should be occurring at the fringe area of the medical center.

"Anticipate the senior housing surge by attracting developers of housing for this age group."
"Preserve and protect the exiting 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 help to resolve several issues confronting the area around the hospital at this time in our history. First, the proposed project will provide for some new rental housing which would be reserved for seniors near the hospital. Secondly, the addition of apartments in the mid-town area would minimize the need for vehicle travel for grocery and medical needs.