CITY OF COFFEYVILLE
BOARD OF COMMISSIONERS AGENDA ITEM

MEETING DATE	December 20, 2012	
RESOLUTION OR ORDINANCE NUMBER	S-13-01	
AGENDA TITLE	**Zoning Case ZC 2012-02, Bryan**	
REQUESTING DEPARTMENT	Planning & Zoning	
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	City Commission approval of Planning Commission recommendation in this rezoning case.	
BACKGROUND	Mr. Stan Bryan, 5404 South 4300 Road, Welch, Oklahoma 74369, is requesting that the following property, **Lot 7, Block 2, Ozark Addition, a/k/a 1512 West 2nd Street,** be re-zoned from Single Family Residential District (R-1), to Two Family District (R-2), for the purpose of converting the existing separate garage building to an apartment structure as independent rental unit.	
SPECIAL NOTES	N/A	

ANALYSIS	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 in the low-density residential uses per the ***"Future Land Use Plan – Southwest Quadrant" for Coffeyville, Kansas, 2010.*** In addition, under recommendations the Plan states, ***"…Due to the extent and serious nature of Coffeyville's deteriorating housing, as identified in-depth in a targeted housing study of Coffeyville's revitalization areas, Appendix B, it is recommended that the City take additional steps to stop deterioration and create new investment."; and further…"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."*** In consideration of the specific proposed use of the property, the minimal impact on the character of the neighborhood and the mixed use of surrounding properties from commercial to institutional, it is reasonable to consider approval of the application for rezoning.
PUBLIC INFORMATION PROCESS	Application received in Planning Office October 4, 2012. Twenty day notification period ending November 30, 2012. Public Hearing held December 4, 2012, by Planning Commission. Fourteen day protest period ending December 19, 2012. First reading held by City Commission December 20, 2012.

BOARD OR COMMISSION RECOMMENDATION	Planning Commission recommends approval of the zoning case in a unanimous 6 aye, 0 nay vote.
STAFF RECOMMENDATION	Planning staff recommends approval of the Planning Commission recommendation.
REFERENCE DOCUMENTS ATTACHED	Completed application form Legal Notice published and mailed Affidavit from official newspaper Site map Site photos Staff report to Planning Commission Ordinance form

ORDINANCE NO. S-13-01

AN ORDINANCE REZONING THE LOT NUMBER 7, BLOCK 2, OZARK ADDITION TO THE CITY OF COFFEYVILLE, MONTGOMERY COUNTY, KANSAS; (*A/K/A 1512 WEST 2ND STREET*).

WHEREAS, the Coffeyville Planning Commission received an application from Mr. Stan Bryan, 5404 South 4300 Road, Welch, Oklahoma, 74369, that the following property, as more particularly described below, be rezoned from R-1 (Single Family Residential District) to R-2, (Two Family Residential District), for the purpose of converting the existing separate garage building to an apartment structure; 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 4, 2012, regarding said rezoning request; and

WHEREAS, in regular session on December 4, 2012, 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 for the rezoning of said property to R-2 (Two 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-1 (Single Family Residential District) to R-2 (Two Family Residential District).

Coffeyville Planning Commission Rezoning Case Number **ZC 2012-02**.

The Lot No. 7, Block 2, Ozark Addition to the City of Coffeyville, Montgomery County, Kansas; a/k/a 1512 West 2nd 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 8th day of January, 2013.

_____
David George, Mayor

ATTEST:

_____
Cindy Price, City Clerk

APPROVED AS TO FORM AND LEGALITY:

_____
Paul Kritz, City Attorney

REGULAR MEETING
COFFEYVILLE PLANNING COMMISSION

Tuesday, December 4, 2012
5:30 P.M.

AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. MINUTES :

A. MINUTES OF THE REGULAR PLANNING COMMISSION MEETING OF **: November 6, 2012.**

4. NEW BUSINESS :

4.1 CASES

A. **ZC 2012-02, Bryan, 1512 West 2nd Street.**

B. **BZA 2012-03, Seidel, 1405 West 7th Street.**

4.2 REPORTS FROM STAFF :

A**. Update from Zoning re-codification.**

5. COMMUNICATIONS :

A**. None.**

6. OLD BUSINESS :

A. **None.**

7. ADDITIONAL BUSINESS :

A. General Discussion by the Planning Commission Members.

B. Comments from the public addressing any planning or zoning issue.

C. Scheduled date for next meeting: **January 1, 2013. We will determine if an alternative date is needed. (No cases pending)**

8. ADJOURNMENT

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: 10/4/12

TO: CITY OF COFFEYVILLE PLANNING AND ZONING COMMISSION

Commissioners:

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

STREET ADDRESS: 1512 W. 2nd Coffeyville

LEGAL DESCRIPTION: LOT 7, BLOCK 2, OZARK ADDITION TO the CITY OF COFFEYVILLE.

NAME OF PRESENT OWNER: Stan Bryan — STAN OR VICKI BRYAN 5404 S. 4300 ROAD WELCH, OK 74369

ADDRESS OF PRESENT OWNER: 5404 S. 4300 Welch, OK. 74369

PHONE NUMBER: 918 397 7675 — 918-929-7334

PRESENT ZONING CLASSIFICATION: R1

PRESENT USE: rental

AREA OF PROPERTY PROPOSED TO BE REZONED: 9100 SF (SQUARE FEET OR ACRES) — REQUESTED ZONING CLASSIFICATION: R-2

PROPOSED USE OF PROPERTY IF REZONED: REMODEL EXISTING GARAGE INTO AN APARTMENT UNIT

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: $175.00

RECEIPT NO.: 71040

Stan Bryan
APPLICANT

5404 S. 4300
STREET ADDRESS

Welch OK. 74369
CITY STATE ZIP

918 397 7675
PHONE NUMBER

memorandum
TRANSMITTAL

TO : Stewart Title & Abstract
131 West 8th Street
Coffeyville, Kansas 67337

FACSIMILE/ TELEPHONE NO. : 620-251-8000

RE : Request for Ownership list printout

DATE : October 5, 2012

PAGES: 1, including this cover sheet.

Please provide the list of property owners within 200 feet of the following legally-described property for notice of rezoning :

The Lot No. 7, Block 2, Ozark Addition to the City of Coffeyville,
Montgomery County, Kansas.
a/k/a 1512 West 2nd Street
Zoning Case 2012-02, Bryan

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

Stewart Title Company
Grace D. Stephens, Manager
131 W. 8th St., Coffeyville, KS 67337
Phone 620-251-8000; Fax 620-251-8001
e-mail: gstephens@stewart.com

OWNERSHIP LISTING
OF ALL PROPERTIES WITHIN 200 FEET OF
LOT 7, BLOCK 2, OZARK ADDITION
TO THE CITY OF COFFEYVILLE,
MONTGOMERY COUNTY, KANSAS
a/k/a 1512 W. 2nd Street

ZONING CASE: 2012-02, BRYAN

File No.: **01109-3036**
Charge: **$75.00**
Effective Date: **October 1, 2012**

1. **Property:**
1502 W. 1st St.
Lot 25, County Clerk's Subdivision of the NE/4 of 34-34-16, except the West 70 feet thereof; and Beginning at the Southwest corner of Lot 24, thence North 545 feet, thence East 77 feet, thence South 545 feet, thence West 77 feet to the POB, less Right-of-Way
063-198-34-0-10-03-006.00-0

Apparent Owner:
Harry L. Thomas
Karen S. Thomas
1503 W. 1st St.
Coffeyville, KS 67337

2. **Property:**
1616 W. 1st St.
Lot 25, County Clerk's Subdivision of the NE/4 of 34-34-16, less Right-of-Way
063-198-34-0-10-03-003.00-0

Apparent Owner:
The Dr. Ralph E. Alter Revocable Trust U/A 12/02/10
c/o Dr. Ralph E. Alter
PO Box 663
Coffeyville, KS 67337

3. **Property:**
00000 W. 1st St.
Lot 26, County Clerk's Subdivision of the NE/4 of 34-34-16, less Right-of-Way
063-198-34-0-10-03-004.00-0

Apparent Owner:
City of Coffeyville
PO Box 1629
Coffeyville, KS 67337

4. **Property:**
1503 W 1st St.
Lot 2, Block 2, Ozark Addition
063-198-34-0-40-02-002.00-0

Apparent Owner:
Karen S. Palmer
1503 W. 1st St.
Coffeyville, KS 67337

5. **Property:**
1505 W. 1st St.
Lot 3, Block 2, Ozark Addition
063-198-34-0-40-02-002.01-0

Apparent Owner:
Karen Palmer-Thomas
Harry Thomas
1503 W. 1st St.
Coffeyville, KS 67337

6. **Property:**
1507 W. 1st St.
Lot 4, Block 2, Ozark Addition
063-198-34-0-40-02-003.00-0

Apparent Owner:
James Alan Sterk
Charity Sterk
1507 W. 1st St.
Coffeyville, KS 67337

7. **Property:**
1509 W. 1st St.
Lot 5, Block 2, Ozark Addition
063--198-34-0-40-02-004.00-0

Apparent Owner:
Juanita Sykes Flowers
Timothy D. Flowers
1509 W. 1st St.
Coffeyville, KS 67337

8. **Property:**
1511 W. 1st St.
Lot 6, Block 2, Ozark Addition
063-198-34-0-40-02-005.00-0

Apparent Owner:
Charles R. Robson
Ladonna Robson
1511 W. 1st St.
Coffeyville, KS 67337

9. **Property:**
1512 W. 2nd St.
Lot 7, Block 2, Ozark Addition
063-198-34-0-40-02-006.00-0

Apparent Owner:
Stan Bryan
Vicki Bryan
5404 S. 4300 Rd
Welch, OK 74369

10. **Property:**
1510 W. 2nd St.
Lot 8, Block 2, Ozark Addition
063-198-34-0-40-02-007.00-0

Apparent Owner:
Meaghan Crawford
1317 W. Martin St.
Coffeyville, KS 67337

11. **Property:**
1508 W. 2nd St.
Lot 9, Block 2, Ozark Addition
063-198-34-0-40-02-008.00-0

Apparent Owner:
Ronnie E. Taylor
Jackie M. Taylor
1508 W. 2nd St.
Coffeyville, KS 67337

12. **Property:**
1506 W. 2nd St.
Lot 10, Block 2, Ozark Addition
063-198-34-0-40-02-009.00-0

Apparent Owner:
Pamela A. Mangan
1506 W. 2nd St.
Coffeyville, KS 67337

13. **Property:**
1504 W. 2nd St.
Lot 11, Block 2, Ozark Addition
063-198-34-0-40-02-010.00-0

Apparent Owner:
ADC Revocable Trust U/A 05/20/98
GLC Revocable Trust U/A 05/20/98
c/o Gary Close
912 W. 4th St.
Coffeyville, KS 67337

14. **Property:**
102 Poplar Place
Lot 1, Block 3, Ozark Addition
063-198-34-0-40-03-001.00-0

Apparent Owner:
Sidney Vincent Haffener Trust dated 04/04/11
Virginia Ann Haffener Trust dated 04/04/11
PO Box 1505
Coffeyville, KS 67337

15. **Property:**
1700 W. 4th St.
Lot 3, Block 3, Ozark Addition
063-198-34-0-40-04-001.00-0

Apparent Owner:
The Sherwin-Williams Company
c/o Sherwin Williams Tax Department
PO Box 6027
Cleveland, OH 44101

NOTE: Legal Service may be made upon its Resident Agent:
Corporation Service Company
2900 SW Wanamaker Dr., Suite 204
Topeka, KS 66614

16. **Property:**
106 Poplar Pl.
The South 60 feet of Lot 2, Block 3, Ozark Addition
063-198-34-0-40-03-003.00-0

Apparent Owner:
Franklin L. Allen
Amelia K. Allen
106 Poplar Pl.
Coffeyville, KS 67337

17. **Property:**
00000 Poplar Pl.
Lot 7, Block 4, Ozark Addition
063-198-34-0-40-05-004.00-0

Apparent Owner:
City of Coffeyville
PO Box 1629
Coffeyville, KS 67337

18. **Property:**
202 Poplar Pl.
Lots 1 and 2, Block 4, Ozark Addition
063-198-34-0-40-05-001.00-0

Apparent Owner:
Carol B. Mangan
PO Box 461
Coffeyville, KS 67337

19. **Property:**
204 Poplar Pl.
Lots 3 and 4, Block 4, Ozark Addition
063-198-34-0-40-05-002.00-0

Apparent Owner:
Rogelio Garcia
Wendy Argentina Calderon-Maldonado
1527 Willow St.
Coffeyville, KS 67337

20. **Property:**
206 Poplar Pl.
Lots 5 and 6, Block 4, Ozark Addition
063-198-34-0-40-05-003.00-0

Apparent Owner:
Eric D. Garcia
206 Poplar Pl.
Coffeyville, KS 67337

21. **Property:**
1505 W. 2nd St.
Lot 5, Block 5, Ozark Addition
063-198-34-0-40-06-002.00-0

Apparent Owner:
Bryan Allen
2951 CR 2000
Independence, KS 67301

22. **Property:**
1507 W. 2nd St.
Lot 6, Block 5, Ozark Addition
063-198-34-0-40-06-003.00-0

Apparent Owner:
Ronald Earl Maples
Patricia L. Maples
1507 W. 2nd St.
Coffeyville, KS 67337

23. **Property:**
1509 W. 2nd St.
Lot 7, Block 5, Ozark Addition
063-198-34-0-40-06-004.00-0

Apparent Owner:
Beth A. Jones
1509 W. 2nd St.
Coffeyville, KS 67337

24. **Property:**
1511 W. 2nd St.
Lot 8, Block 5, Ozark Addition
063-198-34-0-40-06-005.00-0

Apparent Owner:
Raymon C. Bliss and Candace E. Bliss
708 W. 6th St.
Coffeyville, KS 67337

This Certificate is made with the disclosure by Stewart Title Company that not all instruments and proceedings in the chain of title to the above described real property have been examined: that such certificate is not a guarantee or warranty of title, nor is this a commitment to provide, nor does it provide title insurance. Stewart Title Company of Coffeyville disclaims any and all liability or responsibility for defects in, or the marketability of, the title to the real property. Liability hereunder is expressly limited to the consideration paid herefore.

That the undersigned a duly licensed and qualified abstractor in and for the County and State aforesaid, a member in good standing of the Kansas Land Title Association, whose bond as required by law is in force at the date of this certificate.

STEWART TITLE COMPANY

Grace D. Stephens

By: Grace D. Stephens, Manager

Invoice

Stewart Title Company

131 W 8th Street
Coffeyville, KS 67337
O: (620) 251-8000; F: (620) 251-8001

Invoice Date: 10/11/2012

Invoice No: 370

ATTN Dennis W. Jacobs

City of Coffeyville
PO Box 1629
Coffeyville, KS 67337

Remit To:

Stewart Title Company
131 W 8th Street
Coffeyville, KS 67337
O: (620) 251-8000; F: (620) 251-8001

File #: 01109-3036

Seller: Stan Bryan

Item Code	Description	Amount
OE	O & E Report	$75.00
TOTAL		**$75.00**

Payment due 30 days from date of Invoice
Please include a copy of this Invoice with your payment
Thank You for Your Business

Property: 1512 W 2nd Street Coffeyville, Kansas 67337

Lot 7, Block 2, Ozark Addition Subdivision, Montgomery County, Kansas

Section Number 34Township 34S, Range 16E, Montgomery County, Kansas

memorandum
TRANSMITTAL

TO : The Montgomery County Chronicle
202 West 4th Street
Caney, Kansas 67333

RE : Request for Legal Notice Publication

DATE : November 2, 2012

PAGES: 2, including this cover sheet.

Please print the enclosed Notice for Zoning Change in the Friday, November 9, 2012 edition of the newspaper. **Zoning Case ZC 2012-02, Bryan**

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 4, 2012, at 5:30 P.M. in the Commissioners Council Room 205, City Hall Building, Coffeyville, Kansas, it will be proposed by Mr. Stan Bryan, 5404 South 4300 Road, Welch, Oklahoma 74369, that the following property, to-wit:

ZONING CASE 2012-02, Bryan

The Lot 7, Block 2, Ozark Addition
to the City of Coffeyville, Montgomery County, Kansas;
a/k/a 1512 West 2nd Street

be re-zoned from Single Family Residential District (R-1), to Two Family Residential District (R-2), for the purpose of converting the existing separate garage building to an apartment structure, 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 Friday, November 9, 2012, edition of the Montgomery County Chronicle)

Proof of publication:

(Published in the Montgomery County Chronicle on Thursday, Nov. 8, 2012)

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 4, 2012, at 5:30 P.M. in the Commissioners Council Room 205, City Hall Building, Coffeyville, Kansas, it will be proposed by Mr. Stan Bryan, 5404 South 4300 Road, Welch, Oklahoma 74369, that the following property, to-wit:

ZONING CASE 2012-02, Bryan
The Lot 7, Block 2, Ozark Addition
to the City of Coffeyville, Montgomery
County, Kansas;
a/k/a 1512 W. 2nd Street

be re-zoned from Single Family Residential District (R-1), to Two Family Residential District (R-2), for the purpose of converting the existing separate garage building to an apartment structure, 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

MONTGOMERY COUNTY Chronicle

P.O. Box 186 • 202 W. Fourth • Caney, KS 67333 • (620) 879-2156
P.O. Box 156 • 115 N. Labette • Cherryvale, KS 67335 • (620) 336-2100

AFFIDAVIT OF PUBLICATION

Notice of Hearing
Request for Rezoning
Case No. 2012-02

Andrew R. Taylor of lawful age, being duly sworn, deposes and says he or she represents the publisher of:

Montgomery County Chronicle
P.O. Box 186 • 202 W. Fourth • Caney, KS 67333

a weekly newspaper in the City of Caney, County of Montgomery, State of Kansas, and of general circulation in said county and which has been admitted to the U.S. Mail as a second class matter in said county, and which said newspaper has been continuously and uninterruptedly published in said county during the period of one year immediately prior to the first publication of the notice hereinafter mentioned.

Legal notice publication printed *one* (*1*) *week*,
first published on *Thursday, November 8, 2012*
and again on *---*.

The affiant further says that he or she has personal knowledge of the statements above set forth and that they are true.

Andy Taylor
Signature

State of Kansas, Montgomery County

Subscribed and sworn to before me
this *8th* day of *November*, *2012*.

Kathy Taylor

KATHY TAYLOR
Notary Public - State of Kansas
My Appt. Expires 05-02-2015

View of Site From South

View of Site From East

View of Site From West

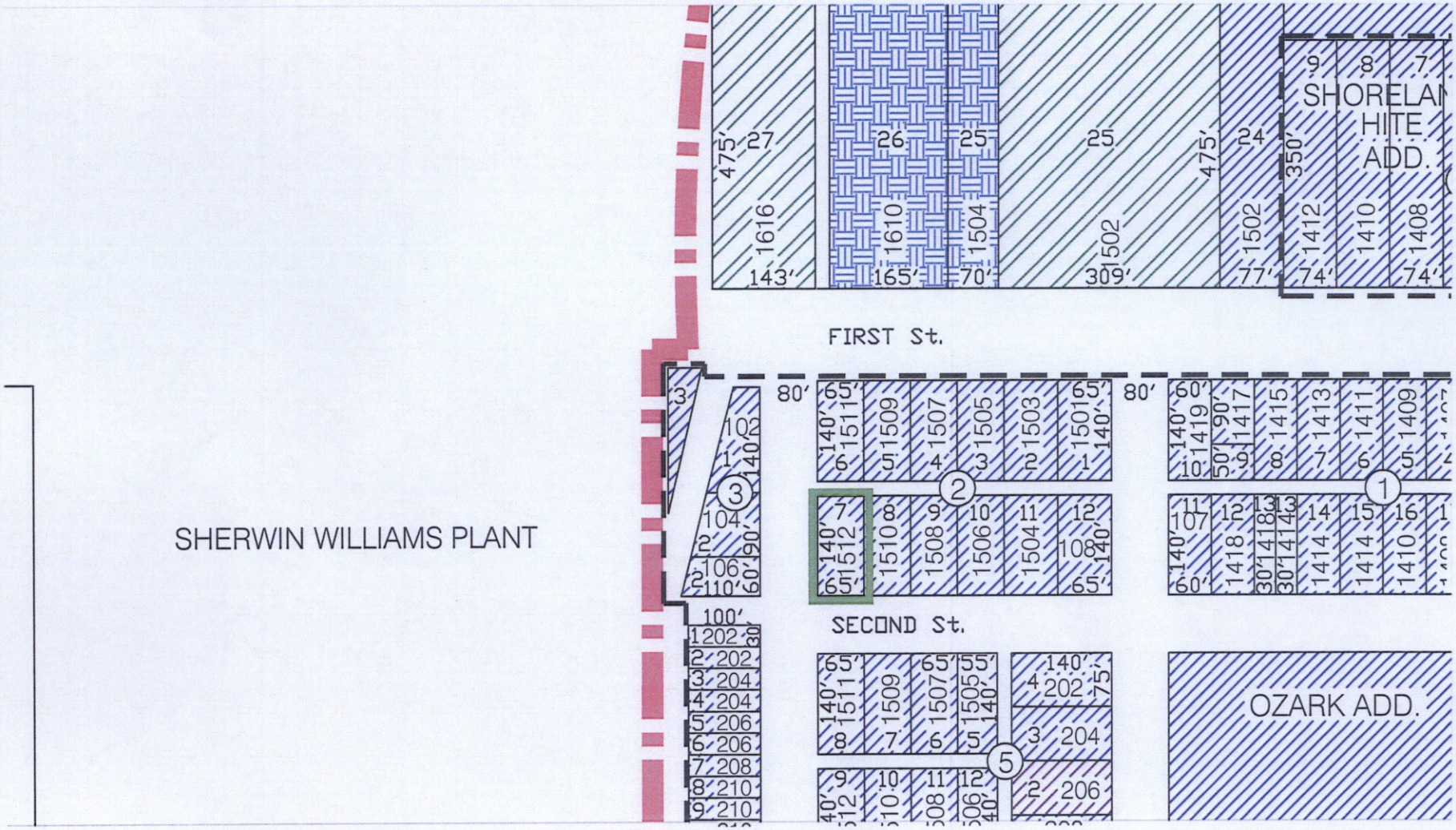
View of Site From North

View Toward North From Site

View Toward West From Site

View Toward South From Site

View Toward East From Site



Request to rezone property from
R1-single family residential to
R2-two family residential

Coffeyville Engineering Department	DESIGNED BY:	CHECKED BY:
	DRAWN BY: TKO	APPROVED BY:
	SCALE: NTS	CONTRACT NO.
TITLE: *Rezoning Case ZC2012-02 Rezoning property at 1512 West 2nd*		DATE: 11/13/12
		REF #:
		SHEET #:
DWG. CODE: X:\ETHOMAS\DWG\PLANING & ZONING\2012\REZONING\ZC2012-02.DWG		

PLANNING STAFF REPORT

DATE : November 13, 2012

TO : Coffeyville Planning Commission

FROM : Dennis Jacobs, City Planner

RE : Zone Case: **ZC 2012-02, Bryan**

A request from Mr. Stan Bryan, 5404 South 4300 Road, Welch, Oklahoma 74369, that the following property be re-zoned from Single Family Residential District (R-1), to Two Family Residential District (R-2), for the purpose of converting the existing separate garage structure to a separate single apartment building.

ZONING CASE 2012-02, Bryan

The Lot No. 7, Block 2, Ozark Addition,
to the City of Coffeyville, Montgomery County, Kansas;
a/k/a 1512 West 2nd 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 residential uses and commercial uses in residential structures. The majority of these structures are single story. The exceptions to this are the hospital, two blocks to the southeast and the Sherwin Williams smelter complex, two blocks to the west. Most buildings have siding walls and pitched roofs. There are a few examples of brick veneer. North of the site, north of First Street, the city has an electrical sub-station and adjacent to that is a veterinary clinic and boarding kennel. Most structures are in better than average condition.

B. THE ZONING USES OF PROPERTIES NEARBY

Most of the area in the subject block and the blocks which abut the subject property are zoned Single Family Residential District, R-1. The commercial uses nearby are located in remodeled residential structures to the south on Fourth Street. The hospital has rezoned some of the lots hat they own between the subject property and the hospital campus. The city sub-station is zoned Light Industrial District, I-1, as well as the veterinary clinic. There is also an Agricultural District, AG-1, adjacent to the clinic. The Sherwin – Williams property is located outside the city limits.

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 near major institutional functions, as can been seen on the accompanying drawing. In as much as the surrounding land is mostly residential by zoning and use, the fact that the existing property is currently zoned residential is suitable. Setting between the hospital and a former major employer at the city limit edge proximity is unique and provides a suitable transition from various business uses to residential use.

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

The rezoning of this property to a R-2, Two Family Residential District usage would allow for the future development of any residential 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 an R-2 zoning classification to the City Commission, any of the following uses would be allowed:

1. Accessory buildings and uses customarily incident to the following uses.
2. **One and two family dwellings.**
3. Public schools and private schools having a curriculum equivalent to and substantially the same as public schools or kindergartens accommodating ten or more children.
4. Municipal parks and playgrounds.
5. Student roomer – not to exceed four (4) per dwelling.
6. Home occupations - allowed with a home occupation permit.
7. 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 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 property has been zoned R-1, Single Family Residential District since the introduction of zoning in the 1970s. The property is used as a rental and not noticeably vacant. It is being renovated by the owner currently.

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 potential 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 any future development of the property.

The location of this property, within the proximity of the commercial uses to the south and within two blocks of the hospital and Four County Mental Health appears to provide a transition use between this and the single family residential uses in the neighborhood.

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 in the low-density residential uses per the "Future Land Use Plan – Southwest Quadrant" for Coffeyville, Kansas, 2010.

In addition, under recommendations the Plan states *"…Due to the extent and serious nature of Coffeyville's deteriorating housing, as identified in-depth in a targeted housing study of Coffeyville's revitalization areas, Appendix B, it is recommended that the City take additional steps to stop deterioration and create new investment."; and further…"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."*

H. A CONSIDERATION OF THE RECOMMENDATION OF PROFESSIONAL STAFF

In consideration of the specific proposed use of the property, the minimal impact on the character of the neighborhood and the mixed use of surrounding properties from commercial to institutional, it is reasonable to consider approval of the application for rezoning.