ORDINANCE NO. S-12-06

AN ORDINANCE REZONING THE WEST 81 FEET OF THE SOUTH 124 FEET OF LOT NUMBER 6, BLOCK 2, TYLER'S WEST SIDE ADDITION TO THE CITY OF COFFEYVILLE, MONTGOMERY COUNTY, KANSAS; (*A/K/A 805 SOUTH MCARTHUR STREET*).

WHEREAS, the Coffeyville Planning Commission received an application from Mr. Jed Claybrook, representing Mr. & Mrs. Teddy Creed, 805 South McArthur Street, Coffeyville, Kansas, 67337, that the following property, as more particularly described below, be rezoned from R-1 (Single Family Residential District) to C-1, (Local Business District), for the purpose of operating a Tea Room (restaurant) business; 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 June 5, 2012, regarding said rezoning request; and

WHEREAS, in regular session on June 5, 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 denial for the rezoning of said property to C-1 (Local Business District) and that the Official Zoning District Map of Coffeyville, Kansas not 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-1 (Local Business District).

Coffeyville Planning Commission Rezoning Case Number **ZC 2012-01**.

The West 81 Feet of the South 124 Feet of Lot No. 6, Block 2, Tyler's West Side Addition to the City of Coffeyville, Montgomery County, Kansas; a/k/a 805 South McArthur 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and any parts thereof concerned with the rezoning of this particular property in conflict herewith be and are hereby repealed.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 10th day of July, 2012.

_____
David George, Mayor

ATTEST:

_____
Cindy Price, City Clerk

APPROVED AS TO FORM AND LEGALITY:

_____
Paul Kritz, City Attorney

May 25, 2012

Dear Coffeyville Planning and Zoning Commissioners:

I am writing in reference to Zoning Case 2012-01.

There are many reasons to deny this zoning change which I'll address below, but the most important one is safety. McArthur is a narrow one block long street connecting 8th Street and the highway. There are drainage ditches on both sides of the street and no sidewalk. Right now, the traffic volume is high with people using McArthur to get to the assisted living facility and the college welding school on 8th Street and First Federal on the highway. Additional traffic could make it difficult to ensure the safety of children at a day care next door. Recently, while walking from her mailbox to her driveway, my mother was forced into the ditch by a speeding truck. Even now, there is no safe place to walk. Additional business traffic would worsen this situation.

According to the zoning code, Chapter 29.010.280 #1, businesses in the C-1 classification "often occupy a small area, frequently at an intersection or on a major street." The proposed location on McArthur is not at an intersection and McArthur is by no means a major street.

Where will the required off street parking be? If the new owner is wanting to put a concrete slab in the front, how can that meet #4 in the code that states "minimum front yard shall be the same as the nearest residential district"? There won't be any front yard left. Will the slab interfere with the drainage ditch that handles rain water? When the off-street parking at the tea room is full, where will people park? This narrow lane doesn't have room for parking. If someone parks in front of my mother's house and the driver or passenger gets out and falls into the ditch, can my mother be sued?

I'm sure the city is interested in receiving tax dollars from a new business, but I wonder how a tea room on McArthur St can have enough income to stay in business. And what happens if it fails? Will there be yet another abandoned building? Of additional concern is what C-1 business could go in should the tea room fail. Having a flea market or transient merchant across the street would not work well with the residential neighborhood.

The alley next to the proposed tea room is not paved and traffic there would increase the particulate level, leaving a dusty, polluting cloud. I don't see anything about signs in the section of zoning laws I received, but exterior signs would definitely not fit into the residential neighborhood.

In conclusion, it is my hope that the zoning commission will deny this zoning change and not jeopardize this residential neighborhood.

Sincerely yours,

Linda Carter

Linda Carter
daughter of Mary Carter who resides at 808 McArthur St

Sheri Schlotfelt
2807 West 8th
Coffeyville KS 67337
620-688-6387

May 26,2012

To whom it may concern,

This letter is in regard to the zoning case 2012-01,Claybrook. I am writing to protest the placement of a business next door to my residence. I have lived at this address (directly north of house in question for rezoning,) for over 30 years. I have seen McArthur Rd. go from a rarely traveled road to much daily traffic with Windsor Place Assisted Living and First Federal Bank close by. I have no objections to progress in this town at all, but feel a restaurant or any other business at this address, has no place in our neighborhood. McArthur Rd. being a side street has no road markings. Being a side street there is not adequate space for parking. With the large amount of currently available commercial space in this town, the rezoning of a house in the direct middle of a residential street and neighborhood will cause more problems than create solutions.

I run a small child daycare in my home, and have for over 20 years. I feel the extra traffic and parking problems would add to the endangerment of the children and parents.

I would be glad to answer any questions regarding my protest, and will attempt to attend the meeting.

Sincerely,

Sheri Schlotfelt

Sheri Schlotfelt