

# PLANNING AND ZONING COMMISSION

## MINUTES OF THE MEETING OF JANUARY 24, 2011

**MEMBERS PRESENT:** Joel VanBecelaere, Chairperson  
Ron Close  
Mike Creel  
Gary Falcetto  
Laura Klusener  
Frank Slapar  
Joel VanBecelaere

**MEMBERS ABSENT:** Connie McGeorge, Vice Chairperson  
Francis DeMott  
Brian Sullivan

**OTHERS PRESENT:** Miguel Fernandez, 106 W. Jefferson, Pittsburg  
Mel Campbell, 1112 E. 10<sup>th</sup> Street, Pittsburg  
Donna Campbell, 1112 E. 10<sup>th</sup> Street, Pittsburg  
Tyler Kelley, 601 W. Jefferson, Pittsburg  
Todd Kennemer, Assistant Director of Public Works  
Andrea Turner, Administrative Assistant to Public Works

The Pittsburg Planning and Zoning Commission met on Monday, January 24, 2011 at 7:00 p.m., in the Municipal Court Room of the Law Enforcement Center. Frank Slapar led the flag salute then Chairperson Joel VanBecelaere called the meeting to order at 7:00 p.m. with six (6) members present.

**The first order of business was the introduction of Ron Close as the newest member of the Planning and Zoning Commission.**

**The second order of business was to elect a new Chairperson and Vice Chairperson for the 2011 term.** In this regard, current Vice Chairperson Connie McGeorge was elected as Chairperson. Joel VanBecelaere nominated Laura Klusener as Vice Chairperson. This motion was seconded by Mike Creel and the motion passed unanimously. In the absence of the newly elected Chairperson, Vice Chairperson Laura Klusener presided over the remainder of the meeting.

**The third order of business was the approval of the minutes of the meeting of December 20, 2010.** Mike Creel moved, seconded by Gary Falcetto, that the minutes be approved as submitted. Motion carried unanimously.

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The first order of business under Presentation of Requests and Petitions was a **PUBLIC HEARING** to consider Case No. 11P-01, a request submitted by Miguel Fernandez to rezone 307 N. Elm from IP-2 Planned Medium Industrial to CP-4 Planned Central Business District to operate a grocery store and deli. Vice Chairperson Laura Klusener opened the **PUBLIC HEARING** by stating the request and then asked the applicant to comment on behalf of said request. Miguel Fernandez was present to speak on behalf of the request. Mr. Fernandez explained that the request was for a change of zoning to allow for a grocery store and deli to be opened at 307 N. Elm.

Joel VanBecelaere inquired if Mr. Fernandez had already purchased this property or if he would be renting. Mr. Fernandez stated he was planning to purchase the property and it was currently under contract.

Ron Close inquired if Mr. Fernandez was opening a new business in this facility or if he was moving an existing business to this location. Mr. Fernandez stated it would be a new business.

Joel VanBecelaere inquired if there would need to be any type of screening between McCarthy's Pub and the grocery store. Todd explained if the purposed zoning change passes there would be no need for screening between the buildings.

Ron Close inquired if the building was up to City Codes. Mr. Fernandez stated it was and that he was currently waiting on the State Inspectors to do their inspections for the business to open. Ron Close also asked Mr. Fernandez roughly what percent of his business he thought would be from the grocery store. Mr. Fernandez stated he thought about roughly 80% of his profits would come from the grocery store with the remaining 20% coming from the deli.

At this time, those present to speak in favor of the request were given the opportunity to comment as follows:

Mel Campbell stated he is the current owner of the building at 307 N Elm. He stated that the building has passed all City Inspections.

There being no one present to speak in opposition to the request, Vice Chairperson Laura Klusener closed the **PUBLIC HEARING** to allow for discussion amongst the Commission. The Planning and Zoning Commission then considered the following factors.

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1. Character of the neighborhood. This block is mostly commercial usage. There are also residential and industrial uses nearby.
2. Zoning and uses of nearby properties. Property on the north and on the west is zoned CP-4. Property on the south and on the east is zoned IP-2. Property on the north is a long lot with both CP-4 and IP-2 zoning. When this occurs, the entire lot shall be construed to be within the less restrictive district, which is CP-4 (Zoning Ordinance, Section 1-104.2(f)). This property supports an old baggage claim building that was used when the property was occupied by the railroad. Property directly to the south, although zoned industrial, supports McCarthy's Pub. Property on the east (across the street) supports Menghini/Mazurek Law Office, a vacant lot and a mechanic's garage.
3. Suitability of the subject property for the uses to which it is being considered. The building has been used for commercial purposes (restaurant) for 20+ years. A restaurant has stricter requirements (heat and air, ventilation, etc.) than a grocery store.
4. Length of time the subject property has remained vacant as zoned. Approximately 2± years.
5. The extent to which removal of the restrictions will detrimentally affect the nearby property. None.
6. Relative gain to public health, safety and welfare. HS&W of the public will not be affected.
7. Recommendation of professional staff. APPROVE.
8. Conformance to Master Plan. The Master Plan shows this area to be commercial use.

Based on the above findings, Mike Creel moved, seconded by Joel VanBecelaere, that the Planning and Zoning Commission forward a recommendation to the Governing Body for **APPROVAL** of this rezoning request. Motion carried unanimously. This recommendation will be presented to the City Commission for their consideration on February 8, 2011.

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**The second order of business under Presentation of Requests and Petitions was the review of site plan submitted by Family Life Assembly of God Church for the addition of a new auditorium and extension of the current parking lot to allow for 86 new parking stalls located at 1234 N. Rouse.** Tyler Kelley was present representing the case. Todd Kennemer and Mr. Kelley handed out new updated site plans that became available after the original plans were mailed to the Planning and Zoning Commission members. Mr. Kelley reviewed the church's plan to expand the parking lot and add the new auditorium.

There being no further discussion, Joel VanBecelaere moved, seconded by Gary Falcetto, that the site plan be **approved** with the condition the plan meets water run-off regulations. Motion carried unanimously.

There being no other business, Joel VanBecelaere moved, seconded by Mike Creel, to adjourn. Motion carried unanimously and the meeting adjourned at 7:30 p.m.

The next Planning and Zoning Commission meeting is scheduled for February 28, 2011.

Respectfully submitted,

Todd Kennemer  
Assistant Director of Public Works