

PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING OF FEBRUARY 28, 2011

MEMBERS PRESENT: Connie McGeorge, Chairperson
Laura Klusener, Vice Chairperson
Ron Close
Mike Creel
Gary Falcetto
Frank Slapar
Joel VanBecelaere
Francis DeMott
Brian Sullivan

MEMBERS ABSENT:

OTHERS PRESENT: Ruth, Pittsburg
Jim Askins, Pittsburg
Stewart Ghan, 1112 E. 10th Street, Pittsburg

The Pittsburg Planning and Zoning Commission met on Monday, February 28, 2011 at 7:00 p.m., in the Municipal Court Room of the Law Enforcement Center. Ron Close led the flag salute then Chairperson Connie McGeorge called the meeting to order at 7:00 p.m. with all nine (9) members present.

The first order of business was the approval of the minutes of the meeting of January 24, 2011. Laura Klusener moved, seconded by *Joel VanBecelaere*, that the minutes be approved as submitted. Motion carried unanimously.

The first order of business under Presentation of Requests and Petitions was a PUBLIC HEARING to consider Case No. 11P-02, a request submitted by Miller's Inc. to rezone the 500 Blocks of East Monroe and East Jefferson from R-2 Two-Family Residential to IP-2 Planned Medium Industrial to allow for the expansion of their existing building and to move their existing parking lot. Chairperson Connie McGeorge opened the **PUBLIC HEARING** by stating the request and then asked the applicant to comment on behalf of said request. Jim Askins was present to speak on behalf of the request. Mr. Askins stated Miller's Inc. is planning an expansion on the south side of their building. Currently, there is a parking lot where they would like to expand the building. In order to accomplish this goal Miller's Inc. is looking to move the parking lot to the west side of the building. They would like the property rezoned and to vacate the east west alley. In turn Miller's will deed to the City 31 feet of property on Jefferson Street to turn the alley out onto Jefferson Street at Miller's Inc.'s expense.

**PLANNING AND ZONING COMMISSION MEETING
FEBRUARY 28, 2011
PAGE 2**

Ron Close inquired as to how the drainage from the parking lot impacts the surrounding properties. Mr. Askins stated they have not yet laid out the other parking lot. He is hoping to do that after the conclusion of this meeting. At that time he will probably have PEC design the drainage for them. He is assuming that the drainage will go around the south side of Monroe Street the property and merge with the new storm sewer Miller's put in about a year ago. He stated that currently it will not drain as it is; however the drainage issue will be taken care of before they get the parking lot approved.

Ron Close asked Todd Kennemer if there were any issues that Jim Askins would need to be aware of as far as drainage or anything before the committee approves the rezoning. By rezoning this area it will create a bump into the residential areas; however the parking is to serve as a buffer between the residential and industrial areas and the drainage will be addressed as part of the next phase of the project.

Mr. Kennemer did not feel there was anything that would create any major issues with Miller's designs. The existing Homer Street right of way is basically the dividing line between the residential zoned areas and the industrial zoned areas.

Ron Close asked what condition the 31 feet of land will be in when it is deeded to the City.

Mr. Askins explained that Miller's will make sure the alley and the approach is put into the City Specs.

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

1. Character of the neighborhood. At present, Homer Street is basically the dividing line between R-2 Two-Family Residential zoning to the west, and IP-2 Planned Medium Industrial zoning to the east. The way MPI is situated on its property; the existing parking areas and this proposed parking area serve as a buffer between the two land uses.
2. Zoning and uses of nearby properties. Property on the north, south and west is zoned R-2 Two-Family Residential and used as residential units. Property to the east is zoned and used as IP-2 Planned Medium Industrial.
3. Suitability of the subject property for the uses to which it is being considered. A parking area is a great way to transition from industrial zoning to residential zoning. Since a parking area is adjoining residentially zoned property, screening will be required at the western boundary line of the proposed parking area. Entrance to the proposed parking area is to be from Jefferson Street.

**PLANNING AND ZONING COMMISSION MEETING
FEBRUARY 28, 2011
PAGE 3**

4. Length of time the subject property has remained vacant as zoned. MPI purchased the properties on Jefferson Street in 1998 and demolished an existing house. This property has been vacant approximately 12 years. The last utility readings for 521 and 519 E. Monroe were March 2009 and June 2010. Both lots are now owned by MPI and are now vacant.
5. The extent to which removal of the restrictions will detrimentally affect the nearby property. None
6. Relative gain to public health, safety, & 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 Homer Street to be the dividing line between residential land use and industrial land use. While a Master Plan is designed to guide and direct land uses to their appropriate area, changing the land use from residential to industrial on this particular property does not go against the Master Plan.

Based on the above findings, Laura Klusener, seconded by Ron Close 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 March 8, 2011.

The second order of business under Presentation of Requests and Petitions was the consideration of a request submitted by Miller's Inc. to vacate the 30 foot wide platted Homer Street right-of-way beginning at the Northwest Corner of Lot 22, Block 4, Bonview Addition; thence South 166 feet to a point on the west line of Lot 1, Block 4, Bonview Addition, that is 24 feet South of the Northwest Corner of said Lot 1; thence West 30 feet, North 166 feet, East 30 feet to the Point of Beginning , and also, to vacate the alley adjoining Lots 1, 2 and 3, McCormick's Second Addition to the City of Pittsburg, all located in the City of Pittsburg, Crawford County, Kansas.

**PLANNING AND ZONING COMMISSION MEETING
FEBRUARY 28, 2011
PAGE 4**

Todd Kennemer explained there are three neighborhood plats that merge together at the 30 foot right of way of Homer Street. When the plats were initially constructed one plat would have a 30 foot right of way and the neighboring plat would make a 30 foot right of way to equal the standard 60 foot right of way. When Bonview was platted they had the 30 foot right of way. However, the McCormick's addition did not a lot their 30 feet right of way. Therefore there is only a 30 foot right of way for Homer Street. When the McCormick's second addition was platted the entire alley was on the North side of the plat. The request to vacate the Homer Street right of way and the alley that joins lots 1, 2 and 3 of McCormick's second addition. There is a sewer line in the alley so there will need to be an easement reserved in the alley. So the recommendation is to vacate both areas with the easement left in the alley for the sewer line.

There being no one present to speak in opposition to the request, Chairperson Connie McGeorge closed the PUBLIC HEARING to allow for discussion amongst the Commission.

Laura Klusener made the motion to vacate the platted land. Joel VanBecelaere seconded this motion. Motion passed unanimously. This request will go before the City Commission on March 8, 2011.

The third order of business under Presentation of Requests and Petitions was the consideration of the review of a site plan submitted by Rodney Ghan for the construction of a Dollar General store to be located at 2010 S Rouse.

Stewart Ghan was present to present this request on behalf of Rodney Ghan.

Todd Kennemer explained the agenda the members had states the address as 1308 S Rouse. This was based on a plan submitted a year ago and the address has since changed to 2010 S Rouse. He then explained the location is currently zoned Commercial and is on 5 acres. The building will be only on 1.5 acres and will be located just south of Dr. Mennis' dentist office. Todd explained that over all the site plans looks good but he feels the plans for the sewer pipes will need to be addressed. He feels they need to be buried deeper or relocated to allow for water retention.

Mike Creel confirmed the property is a total of 5 acres and the building will be only and 1.5 acres. Then he asked if the Dollar General Store would own the remainder 3.5 acres. Mr. Ghan confirmed all this as fact.

**PLANNING AND ZONING COMMISSION MEETING
FEBRUARY 28, 2011
PAGE 5**

Mike then stated that if they build something else on those remainder acres the retention pond will need to become bigger. Mr. Ghan stated that if there is another development placed in the future there will have to be plans and arrangements made to accommodate that developments water shed problems at this point the plans the Planning and Zoning Commission have are strictly for the Dollar General Store.

Mike Creel inquired as to whether or not it was possible, since the Dollar General will own all 5 acres, that there could be one water retention pond to take care of all properties, the proposed Dollar General Store and any future developments that might come in the future; instead of separate retention ponds for each property.

Todd Kennemer agreed that would be ideal and Mr. Ghan agreed. However, Mr. Ghan stated that at this point in time they would like to be able to develop the land further however; due to the interest in the property it was not costly at this time. This plan is a short term plan.

Todd Kennemer stated that the plans definitely need an engineer to look at the drainage issue. He stated everything else in the plan meets the plan approval check list.

Joel VanBecelaere inquired about landscaping. Mr. Ghan stated they had not considered landscaping at this time and unless it is a requirement they probably would not do much in that area at all.

Mr. Kennemer explained that currently there are no requirements on landscaping at this time.

There being no one present to speak in opposition to the request, Chairperson Connie McGeorge closed the PUBLIC HEARING to allow for discussion amongst the Commission.

Gary Falchetto moved, seconded by Brian Sullivan to APPROVE the site plan pending the drainage issue be reviewed and taken care of by an engineer. Motion passed unanimously.

**PLANNING AND ZONING COMMISSION MEETING
FEBRUARY 28, 2011
PAGE 6**

The fourth order of business under Presentation of Requests and Petitions was the consideration of the review of a site plan submitted by Kyle Battaglia for the construction of a new apartment complex located at 1109 S Elm.

Kyle Battaglia was present to present the site plan.

Todd Kennemer stated Mr. Battaglia is the man that constructed the four-plexes on Quincy Street. He stated this plan is basically the same unit with the exception of this being one unit instead of two. Mr. Kennemer stated the site plan meets the plan review. Mr. Kennemer does want to make sure that there is a fence put up between the parking area of this unit and the neighboring houses as well as around the dumpster areas.

Mike Creel inquired about how many parking spaces are required for a unit such as this. Mr. Battaglia stated that city ordinance required 1.5 spaces per unit therefore they have allotted for six paces.

Mr. Creel asked if the drainage meets the requirements of the city. Mr. Kennemer stated that it does.

Mr. VanBecelare asked if the lot would be paved or gravel. Mr. Battaglia stated it will be paved. Mr. VanBecelare asked if there were any drainage issues in that area and Mr. Kennemer explained there were not any issues at this time according to his knowledge.

Lighting was in question as well. Committee members requested that Mr. Battaglia add lighting plans for the parking lot that does not shine into the homes and bring it to Todd Kennemer.

There being no one present to speak in opposition to the request, Chairperson Connie McGeorge closed the PUBLIC HEARING to allow for discussion amongst the Commission.

There being no further discussion, Mike Creel moved, seconded by Francis DeMott that the site plan be **approved** with the condition lighting and drainage be addressed. Motion carried unanimously.

Chairperson, Connie McGeorge asked if there was any new business. Joel Van Becelaere stated that he felt the Planning and Zoning Commission needs to get some kind of standard in writing in regards to landscaping for new developments. The Commission was in agreement. Todd Kennemer stated he would bring the landscaping ordinance to the next meeting. The Planning and Zoning Commission would like to have greenery requirements for new developers within the next couple of months.

**PLANNING AND ZONING COMMISSION MEETING
FEBRUARY 28, 2011
PAGE 7**

There being no other business to discuss Joel VanBecelaere moved, seconded by Gary Falcetto the meeting be adjourned at 8:03 p.m.

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

**PLANNING AND ZONING COMMISSION
MINUTES OF JANUARY 24, 2011
PAGE FOUR**

Respectfully submitted,

Todd Kennemer
Assistant Director of Public Works