PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING OF MAY 19, 2008

MEMBERS PRESENT: Mike Creel, Chairperson
Roland Dalrymple, Vice Chairperson
Gary Falcetto
Laura Klusener
Connie McGeorge
Joel VanBecelaere
Frank Slapar
Earl Ward

MEMBERS ABSENT: Francis DeMott

OTHERS PRESENT: Phillip L. Phillips, 2005 Timber Lane, Pittsburg
Cynthia Woodburn, 2002 Timber Lane, Pittsburg
Amy Iori, 2008 Timber Lane, Pittsburg
Jim Iori, 2008 Timber Lane, Pittsburg
Chloe Besperat, 2306 Maretta Drive, Pittsburg
Todd Brynds, 2505 Maretta Drive, Pittsburg
Robert Romine, 2107 Timber Lane, Pittsburg
Ralph McGeorge, 2301 North Rouse, Pittsburg
Ruth Lemon, 110 East Carlton, Pittsburg
Mark Turnbull, Director of Economic Development
Todd Kennemer, Assistant Director of Public Works

The Pittsburg Planning and Zoning Commission met on Monday, May 19, 2008, at 7:00 p.m., in the City Hall Commission Room. Chairperson Mike Creel led the flag salute and then called the meeting to order at 7:00 p.m. with eight (8) members present.

The first order of business was the approval of the minutes of the meeting of March 24, 2008. Earl Ward 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. 08P-5, a request submitted by Rick White to rezone 605 and 607 West 4th Street from CP-2 Planned General Commercial to RP-3 Planned Medium Residential. Chairperson Mike Creel opened the **PUBLIC HEARING** by stating the request and then asked the applicant to comment on behalf of said request. Todd Kennemer stated that shortly after filing this request, Mr. White advised the City that he has opted to seek a variance to allow accessory apartments in a CP-2 Planned General Commercial zoning district instead of the rezoning.

The second order of business under Presentation of Requests and Petitions was a PUBLIC HEARING to consider Case No. 08P-6, a request submitted by the City of Pittsburg to rezone the 2000 Block of East 27th Street Terrace from County "Agricultural" to IP-2 Planned Medium Industrial. Chairperson Mike Creel opened the **PUBLIC HEARING** by stating the request and then asked the applicant to comment on behalf of said request. Todd Kennemer stated this property is one of several properties being requested for rezoning to conform to the City's zoning regulations since being annexed into the City. This is the zoning classification recommended by the sub-committee when they reviewed these properties and approved by the Planning and Zoning Commission.

Those persons wishing to speak in opposition to the request were given the opportunity to comment as follows:

Phillip L. Phillips, 2005 Timber Lane, indicated he opposed the rezoning because of the close proximity to his property and the noise created by the industrial use.

Jim Iori, 2008 Timber Lane, stated he also opposed the rezoning as he was concerned with additional traffic in the neighborhood.

Chloe Besperat, 2306 Maretta Drive, stated she lived in a nice neighborhood that is very family friendly and that she does not want the noise or the road opened up. She wanted to know if there were any other options, i.e. a tree line, etc. to provide a buffer between the industrial use and the residential use.

Cynthia Woodburn, 2002 Timber Lane, stated she specifically bought property in this area because of the seclusion and that she was opposed to being annexed in the first place. She also expressed concerns with flooding, noise, wildlife and water run off.

Sheila VanBecelaere, 2108 Timber Lane, stated she agreed with all the previous concerns expressed. She expressed concern with additional traffic if the streets were opened up especially with all the children that were in the neighborhood. Ms. VanBecelaere wanted to know if it would be possible to put up Children at Play signs.

Bob Romine, 2107 Timber Lane, stated he was concerned with the noise, water and traffic in the neighborhood. He stated he was also a business owner and understood the need for businesses to expand, but would like to see some type of buffer between the properties.

Todd Brynds, 2505 Maretta Drive, stated he owns the property adjoining the subject property. He indicated he would like to see some type of buffer as well and asked that the City be picky in granting such a request due to the impacts on the neighborhood.

There being no further comments, Chairperson Mike Creel 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* –
   - Industrial to the north, south and west.
   - Residential on the east and southeast.

2. *Zoning & uses of properties nearby* –
   - Properties on the north and west are zoned and used as IP-3 Planned Heavy Industrial.
   - Property to the south is zoned R-1B Single Family Residential but it is used as a legal non-conforming salvage yard.
   - Property to the east and southeast are zoned and used as R-1B Single Family Residential.

3. *Suitability of the subject property for the uses to which it has been restricted* – The City's Comprehensive Plans from 1963, 1990 and 1995 show the subject property has been designated for industrial use for at least 45 years. It is accessible through the industrial park and has industrial infrastructure in place.

4. *Length of time the subject property has remained vacant as zoned* – The subject property is vacant.

5. *The extent to which removal of the restrictions will detrimentally affect the nearby property* – The subject property contains 30 acres and is to be zoned as IP-2 Planned Medium Industrial to transition between heavy industrial to the north and west, and residential to the east. Industrial land use is not that compatible with residential uses; however, since this area has been designated for industrial use for 45 years, the residential uses have basically encroached into the industrial area.

6. *Relative gain to public health, safety, and welfare* – Health, safety, and general welfare of the public will not be affected.

7. *Recommendation of professional staff* – APPROVE

8. *Conformance to Master Plan* – Approval of this change in zoning is compatible with the Comprehensive Plan.

Todd Kennemer stated that screening is required along the property lines adjoining the residential area and the residential streets are not designed to handle truck traffic and will not be opened up to provide access to the industrial park. He said this case is to change the zoning of the property. Since the new zoning, IP-2, is a "planned district", a site plan review is required before any construction can begin on the property. The site plan review is where issues such as traffic circulation and screening are addressed.

Based on the above findings, Roland Dalrymple moved, seconded by Earl Ward, that the Planning and Zoning Commission recommend to the Governing Body **approval** of this rezoning request with the stipulation that a green buffer zone be provided and that there be absolutely no industrial access through the residential area. Motion carried 8 to 0. This recommendation will be presented to the City Commission for their consideration on June 10, 2008.

The next Planning and Zoning Commission meeting is scheduled for June 23, 2008.

There being no other business, Roland Dalrymple moved, seconded by Earl Ward, to adjourn. Motion carried unanimously and the meeting adjourned at 9:00 p.m.

Respectfully submitted,

Todd Kennemer

Todd Kennemer
Assistant Director of Public Works