

PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING OF APRIL 27, 2009

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

MEMBERS ABSENT: Earl Ward

OTHERS PRESENT: Rebecca Keller, 311 S. Broadway, Pittsburg, KS
Craig Burri, 1827 E. 27th St. Terrace, Pittsburg, KS
Mark Turnbull, Director of Economic Development
Todd Kennemer, Assistant Director of Public Works

The Pittsburg Planning and Zoning Commission met on Monday, April 27, 2009, at 7:00 p.m., in the Courtroom of the Law Enforcement Center, 201 North Pine. Chairperson Roland Dalrymple 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 23, 2009. Francis DeMott moved, seconded by Gary Falcetto 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. 09P-1, a request submitted by C.L. Farabi /City of Pittsburg to rezone Lots 2 through 9, Block 1, less right-of-way, of the Pittsburg Town Company 3rd Addition; and, Lots 26 through 39 and vacated Industrial Street adjoining Lots 26 through 37 of the Nesch Addition to Pittsburg (The property is located in the 1100 and 1200 blocks of North Broadway and the 1300 block of North Pine) from CP-2 Planned General Commercial District to CP-4 Planned Central Business District. Chairperson Roland Dalrymple opened the **PUBLIC HEARING** by stating the request and then asked the applicant to comment on behalf of said request.

Rebecca Keller, representing Mr. Farabi, stated that Mr. Farabi plans to build a new office/storage warehouse on the vacant lot directly north of the existing office/storage warehouse [located at 1211 N. Broadway] and then remove the existing office/storage warehouse at a later date.

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Todd Kennemer explained that all of Mr. Farabi's property at this location is zoned CP-2 and that the plans, as submitted, do not meet the requirements of the CP-2 district. He also explained that the CP-2 regulations regarding setbacks, parking, etc. pretty well limit the use of this lot to small office use. Mr. Kennemer then explained that all of this property is located inside the downtown district, but it is basically the only property in that district that is not zoned CP-4. The plans for the new office/storage warehouse do meet the requirement of the CP-4 district and that CP-4 zoning would allow the highest and best use of this property.

There was no one present to speak either in favor of or in opposition to the request; therefore, Chairperson Roland Dalrymple closed the **PUBLIC HEARING** to allow for discussion amongst the Commission. The Planning and Zoning Commission then considered the following factors:

1. The character of the neighborhood.

A blend of commercial, industrial, offices and a school.

2. The zoning and uses of property nearby.

Properties to the north are offices and industrial uses. To the south is industrial and commercial (property directly to the south will soon be a small trailhead park). To the west is heavy industrial and to the east is the Pittsburg Middle School.

3. The suitability of the subject property for the uses to which it has been restricted.

The property is suitable for offices and local commercial (CP-O or CP-1) uses, but is not very suitable for larger CP-2 uses.

4. The length of time the property has remained vacant as zoned.

The property has been vacant for 24 years. The Sanborn Maps from the 1920's show a creamery was at this location and a bottling company was (and currently is) located to the south. A demolition permit for a dilapidated structure (assumed creamery) was issued in 1985.

5. The extent to which removal of the restrictions (to rezone to a less restrictive classification) will detrimentally affect nearby property.

No detrimental effect.

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6. The relative gain to the public health, safety and welfare (HSW) by the destruction of the value of the property being considered for rezoning as compared to the hardship imposed upon the individual landowner, which may occur if favorable consideration is not given to the request.

There will be no destruction of property value. Changing the zoning to CP-4 will enhance the value and usefulness of the property. CP-4 allows greater flexibility for this area to serve as a transition or gateway into downtown. HSW not affected.

7. Recommendation of professional staff.

Approve the request.

8. The conformance of the requested change to the Comprehensive Plan.

Conforms to the Comprehensive Plan and the Downtown Plan.

Based on the above findings, Joel VanBecelaere moved, seconded by Connie McGeorge, 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 May 12, 2009.

The second order of business under Presentation of Requests and Petitions was the review of the site plan submitted by Design & Drafting, Unlimited on behalf of Pepsi-Cola Bottling Co. of Pittsburg, Inc. for the construction of a 60'8" x 80' office building at 1215 N. Broadway.

1. Parking: Six (6) parking spaces are shown at the rear of the building. The six (6) spaces shown in the front of the building are existing on-street parking. The spaces shown at the front of the building need to be shifted to the east...there is a sidewalk (not shown on drawing) located between the existing parking spaces and the property line. CP-4 requires no additional parking.
2. Pedestrian traffic: There is a sidewalk (not shown on drawing) located between the existing parking spaces in front of the building and the property line. There is a partial sidewalk on the north side of the property extending approximately 25' from the Northeast corner of the lot. If removed, this sidewalk should not be replaced due to the short length of 13th Street, the location of a sidewalk on the north side of the street, and pedestrian safety concerns around the loading dock and truck traffic of the warehouse located directly to the west of the proposed new structure.

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3. Screening: Screening is not required except around trash dumpster. Dumpster location is not shown on the drawing. Francis DeMott stated the trash dumpsters are located on the west side of the property along Pine Street.
4. Stormwater: The entire lot was covered by the old creamery building and is now all gravel. There are two (2) stormwater inlets on the north side of the lot, one at the northeast corner and one at the northwest corner. The Stormwater Master Plan shows no further improvements to be made to this portion of the city drainage system. There is no need for stormwater calculations or retention.

General discussion among the Board members included the following questions and comments:

1. Green space: Rebecca Keller of Design and Drafting, Unlimited stated the Farabi's want this to look nice. There will be green space at the front (east) of the building and on the north.
2. Paving: Mike Creel believes a variance was granted several years ago to allow this property to be gravel due to heavy trucks and construction activity planned for the future. The 6 new parking spaces will need to be paved. The remainder of the property does not need to be paved at this time. *(After the meeting, it was confirmed that a variance had been granted in 1996).*

There being no further discussion, Mike Creel moved, seconded by Frank Slapar, that the site plan be **approved as submitted with the condition that the CP-4 zoning be approved by the City Commission.** Motion carried unanimously.

The third order of business under Presentation of Requests and Petitions was the review of the site plan submitted by Champion Flooring for the construction of a new industrial warehouse on East 27th St. Terrace.

1. Contours: There are no contours shown on this plan. The front ½ of this 2.4 acre lot is flat with little to no change in elevation. The back half is a wooded, old pit area. Water drains to the rear of the lot and is retained in the old pit until absorbed or evaporated.
2. Parking: There are currently eight (8) parking spaces for the 3 to 4 employees in the existing 4,000 sq.ft. building. Although the building is doubling in size it is a warehouse and possibly 1 to 2 new employees may be added. Five additional spaces are shown to be added. There is ample parking.

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3. Stormwater: The back half is a wooded, old pit area. Water drains to the rear of the lot and is retained in the old pit until absorbed or evaporated.
4. Driveway Entrance: The drawing submitted shows a new entrance being added to the west of the existing entrance. It shows the property measuring 300' in width containing the new entrance within said 300'. Actually, the new entrance is not contained within the 300' lot as shown. It is located on a 46' wide strip of land adjoining the property to the west.

Mark Turnbull, Economic Development Director, said the strip of land is a remnant of a lot split of the adjoining lot to the west. Champion Flooring thought they owned the strip of land from a deal negotiated with Mr. Jerry Lindberg, the previous Economic Development Director. The deal had not been officially completed at the time of Mr. Lindberg's passing. Todd Kennemer stated the City had originally thought about retaining the strip for additional access to the property to the south; however, the strip is too narrow to provide adequate access for truck traffic (city minimum width is 50' for a residential street) and this is why it was in the process of being sold. Since there is ample access to the southern property, the best use of the strip is to complete the sell to Champion Flooring. Mark Turnbull is in agreement and the City plans to sell the strip.

There being no further discussion, Mike Creel moved, seconded by Gary Falcetto, that the site plan be **approved as submitted with the condition that Champion Flooring purchase the 46' strip**. Motion carried unanimously.

Under Other Business, Roland Dalrymple expressed that he would like to see green space/landscaping requirements on future construction to beautify the City. Todd Kennemer stated that he has a proposed landscaping ordinance ready and can present it to the Board. He said landscaping is a cheaper and more effective way to help control stormwater runoff than built structures and with the new stormwater control requirements it would be a good time to propose landscaping requirements.

The next Planning and Zoning Commission meeting is scheduled for May 18, 2009. (Fourth Monday of May is Memorial Day).

There being no other business, Francis DeMott moved, seconded by Laura Klusener, to adjourn. Motion carried unanimously and the meeting adjourned at 8:25 p.m.

Respectfully submitted,



Todd Kennemer
Assistant Director of Public Works