

PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING OF DECEMBER 21, 2009

MEMBERS PRESENT: Roland Dalrymple, Chairperson
Joel VanBecelaere, Vice Chairperson
Francis DeMott
Gary Falchetto
Connie McGeorge
Frank Slapar

MEMBERS ABSENT: Mike Creel
Laura Klusener
Earl Ward

OTHERS PRESENT: Ruth Lemon, 110 E. Carlton, Pittsburg, KS
Ralph McGeorge, 2301 N. Rouse, Pittsburg, KS
Todd Kennemer, Assistant Director of Public Works

The Pittsburg Planning and Zoning Commission met on Monday, December 21, 2009, at 7:00 p.m., in the Municipal Courtroom of the Law Enforcement Center, 201 North Pine. Chairperson Roland Dalrymple called the meeting to order at 7:00 p.m. with six (6) members present.

The first order of business was the approval of the minutes of the meeting of November 23, 2009. Connie McGeorge moved, seconded by Joel VanBecelaere, that the minutes be approved as submitted. Motion carried unanimously.

The second order of business under Presentation of Requests and Petitions was the review of a proposed Ordinance adding group residences to the list of allowed uses in all residential districts; eliminating the maximum square footage allowance for accessory buildings in all residential districts; and establishing a maximum lot coverage allowance in all residential districts by amending and supplementing Zoning Ordinance No. G-663. Todd Kennemer presented the information regarding modifications to the Zoning Ordinance. The term "Group Residence" should be changed to "Group Home" so the terminology is consistent with State Statute (K.S.A. 12-736). Group Home residents are considered a protected class under the Fair Housing Act and a Group Home cannot be denied the right to locate in any residential area. The residential structure itself must meet certain local guidelines and must blend in well with the surrounding area. Group Homes are allowed to have more than four non-related persons living under the same roof, but no more than 10 persons are allowed to reside at the same residence. Since a Group Home is a use allowed by right in all residential districts it should be shown as an allowed use in the zoning regulations.

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Todd Kennemer stated that since the Group Home allowance is specifically stated in K.S.A. 12-736, they are allowed in all residential districts regardless of what the zoning regulations state. It is not a requirement for the City to include them in the zoning regulations. After discussing this issue, the Commission was in agreement that Group Homes should be shown in the zoning regulations as an allowed use in all residential districts so those citizens opposed to one locating in their neighborhood could not claim they did not know Group Homes were allowed.

Mr. Kennemer also stated that at recent planning conferences, cities and towns have been advised to add a clause specifying that a Group Home "shall not include sexually violent predators" [as defined in K.S.A. 59-29a01 and 59-29a02]. Sexually violent predators that qualify for placement in a Group Home could be allowed if the City's definition does not exclude them per K.S.A. statutes. The Commission agreed that this clause should be included in the City of Pittsburg's definition of a Group Home.

The Commission then discussed establishing a maximum lot coverage allowance in residential districts to replace the required 900 square foot maximum allowance for accessory structures.

Todd Kennemer stated the majority of variance requests made to the Board of Zoning Appeals are to allow buildings (accessory structures) larger than 900 square feet (total square footage allowed for all accessory structures). Several variances to build larger than 900 square feet have been granted. Since these are repetitive requests being repetitively granted, the maximum allowance of 900 square feet is obsolete and should be changed.

Mr. Kennemer presented the Commission with a proposal to eliminate the 900 square foot maximum allowance for accessory structures and replace it with a maximum lot coverage allowance for the residential districts. He stated the 900 square foot rule applies to all parcels regardless of their size. A 5,000 square foot lot and a 5-acre lot are both limited to a total of 900 square feet for accessory structures. He stated the maximum lot coverage allowance is based on the existing allowed buildable areas and includes all impervious surfaces on the parcel (main and accessory structures, driveways, swimming pools, etc.).

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The maximum lot coverage for each district is as follows:

		<u>Maximum Allowed Lot Coverage</u>
R1-A	Single Family Residential District	50%
R1-B	Single Family Residential District	55%
R1-C	Single Family Residential District	55%
R-2	Two - Family Residential District	58%
RP-3	Medium Density Residential District	60%
RP-4	Apartment House Residential District	69%

Some graphics depicting scenarios under the current requirements and the proposed requirements were shown and discussed among the Commission. Todd Kennemer stated the lot coverage requirement is designed to be more equitable and consistent based on lot size; is to be used to help determine stormwater runoff at build-out; and has a stronger rationale for why it is being imposed on land owners. Other requirements of accessory buildings include: Accessory structures may be located in a required side or rear yard setback, however, no accessory building may be located closer than 5 feet from the rear lot line and no closer than 3 feet from a side lot line. No accessory structure or use (except flagpoles and fences as permitted) shall occupy a required front yard. No alley may be used in meeting this requirement. No accessory structure is to be located inside an easement. No accessory building shall be larger than the main structure. Some accessory structures such as radio towers or flagpoles may be taller than the main structure. Todd Kennemer presented another option of simply increasing the maximum square footage from 900 square feet to 1400 square feet

After discussing the issue, the Commission preferred the lot coverage method. Joel VanBecelaere said the "no larger than the main structure" requirement should be specified in terms of square footage... "the square footage of an accessory building shall not be larger than the square footage of the main structure." The Commission agreed.

Under other business, was review and approval of the tentative meeting schedule for 2010-2011. Joel VanBecelaere moved, seconded by Francis DeMott, that the meeting schedule be approved as submitted. Motion carried unanimously.

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The next Planning and Zoning Commission meeting is scheduled for January 25, 2010. It was noted that Mr. Brian Sullivan has been appointed as the newest member of the Planning and Zoning Commission replacing Earl Ward and will begin his first term.

There being no other business, Joel VanBecelaere moved, seconded by Connie McGeorge, that the meeting adjourn. Motion carried unanimously and the meeting adjourned at 8:10 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Todd Kennemer". The signature is written in a cursive style with a long, sweeping underline.

Todd Kennemer
Assistant Director of Public Works

2010 - 2011

TENTATIVE SCHEDULE FOR PROCESSING ZONING-MAP CHANGES CONDITIONAL USE AND TEXT AMENDMENTS

FILING DEADLINE	NEWSPAPER DEADLINE	NOTIFICATION AND PUBLICATION	PLANNING COMMISSION HEARING	CITY COMMISSION REVIEW
JAN 19	JAN 25	JAN 27	FEB 22	MAR 09
FEB 15	FEB 22	FEB 24	MAR 22	APR 13
MAR 22	MAR 29	MAR 31	APR 26	MAY 11
APR 19	APR 26	APR 28	MAY 24	JUN 08
MAY 24	MAY 31	JUN 02	JUN 28	JUL 13
JUN 21	JUN 28	JUN 30	JUL 26	AUG 10
JUL 19	JUL 26	JUL 28	AUG 23	SEP 14
AUG 23	AUG 30	SEP 01	SEP 27	OCT 12
SEP 20	SEP 27	SEP 29	OCT 25	NOV 09
OCT 18	OCT 25	OCT 27	NOV 22	DEC 14
NOV 15	NOV 22	NOV 24	(DEC 20)	JAN 11
DEC 20	DEC 27	DEC 29	JAN 24	FEB 08

(THIRD MONDAY OF MONTH
FOURTH MONDAY FALLS ON
OR NEAR A HOLIDAY)

PUBLIC HEARING: Pittsburg Planning and Zoning Commission

TIME: 7:00 PM

PLACE: City Commission Room

SITE PLANS MUST BE SUBMITTED 2 WEEKS PRIOR TO HEARING
DATE. SITE PLANS SUBMITTED AFTER THAT TIME WILL NOT BE
REVIEWED UNTIL NEXT HEARING DATE.

DATE: Monday (Fourth)