

PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING OF JANUARY 25, 2010

- MEMBERS PRESENT:** Roland Dalrymple, Chairperson
Joel VanBecelaere, Vice Chairperson
Mike Creel
Laura Klusener
Connie McGeorge
Frank Slapar
Brian Sullivan
- MEMBERS ABSENT:** Francis DeMott
Gary Falcetto
- OTHERS PRESENT:** Rick Pfeiffer, 911 E. Centennial, Pittsburg
Merle Lair, 1073 S. 160th, Pittsburg
John Lair, 1073 S. 160th, Pittsburg
Abby Williams, 902 N. Broadway, Pittsburg
Bethany Hodgson, 2711 S. Springdale, Pittsburg
Whitney Duncan, 2711 S. Springdale, Pittsburg
Angela Dunbar, 1105 S. Walnut, Pittsburg
Soohyun Myung, 1715 JFK, Pittsburg
Michele Walrod, 211 W. 19th Street, Pittsburg
John VandenBerg, 211 W. 19th St. Pittsburg
Larry Blythe, 519 E. Monroe, Pittsburg
Bob Caruso, 208 W. 19th St., Pittsburg
Glenn Clark, 212 W. 19th St., Pittsburg
Ruth Lemon, 110 E. Carlton, Pittsburg, KS
Jim Askins, Millers Professional Imaging
Jim Zibert, Professional Engineering Consultants
Bruce Remsberg, Professional Engineering Consultants
Mark Turnbull, Director of Economic Development
Todd Kennemer, Assistant Director of Public Works

The Pittsburg Planning and Zoning Commission met on Monday, January 25, 2010, at 7:00 p.m., in the Municipal 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 seven (7) members present.

The first order of business was the introduction of new member, Brian Sullivan.

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The second order of business was the election of a Chairperson and Vice Chairperson to serve the 2010 term. Current Vice Chairperson, Joel VanBecelaere, was elected to serve as Chairperson and Connie McGeorge was elected to serve as Vice Chairperson.

The third order of business was approval of the minutes of the meeting of December 21, 2009. Roland Dalrymple moved, seconded by Frank Slapar, 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. 10P-1, a request submitted by Michele Walrod for a Conditional Use under the provisions of Article 30 of the Pittsburg Zoning Ordinance to allow a daycare home for up to 10 children at 211 W. 19th Street. Chairperson Joel VanBecelaere opened the PUBLIC HEARING by stating the request and then asked the applicant to comment on behalf of her request. Michele Walrod stated that five (5) years ago she received approval to operate a daycare home at 113 W. 24th Street. She has moved to this new location and would like to continue operating her daycare home. She will have no more than 10 children and hours of operation will be from 6:30 a.m. to 6:00 p.m. There is a fenced in play area. Ms. Walrod stated that other than her friend helping her on occasion there will be no other employees. It will be operated the same as her 24th Street location was operated.

Mr. Kennemer then presented the eight "golden criteria" guidelines used in zoning cases. He stated although these criteria are not required for Conditional Uses (they are required for change of zoning cases) he uses them as a guide when considering Conditional Use requests. The Board expounded on the following:

1. Character of the neighborhood. Residential
2. Zoning and uses of nearby properties. All surrounding properties are zoned R1-C "Single Family Residential" and are used s such. One block to the east is zoned CP-2 "Planned General Commercial", and one block to the south is also zoned CP-2.
3. Suitability of the subject property for the uses to which it is being considered. The State of Kansas strongly encourages these small daycare facilities to be located in a residential – home setting. This provides a better environment for the children than in a commercial location.

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4. The extent to which removal of the restrictions will detrimentally affect the nearby property. Daycare homes located in residential districts do not have detrimental effects on the other properties in the area.
5. Relative gain to public health, safety, & welfare. HS&W of the public will not be affected.
6. Recommendation of professional staff. APPROVE

Mr. Kennemer also stated that since there are no other persons employed to run the daycare, additional parking spaces are not required. There are two driveways to serve as drop-off/pick-up areas. The driveway on Walnut Street is approximately 20' in width; the driveway on 19th Street is approximately 12' in width. Outside play areas are fenced. Ms. Walrod said that the above-ground swimming pool that appears in the aerial photo has been removed and there is no pool on the property. The City has received one letter in opposition to the daycare home.

Joel Van Becelaere asked if this was going to be the same size daycare (10 children) as the one on 24th Street and if the hours of operation will be the same. Ms. Walrod responded yes to both questions. Mr. Van Becelaere asked if clients drop off the kids at different hours during the day or all basically at the same time. He also asked if there were any siblings (2 to 3 children per car). Ms. Walrod said she has one set of siblings and that the drop-off times generally range from 6:30 a.m. to about 7:30 a.m.

Connie McGeorge asked about the latest time for child pick-up. Ms. Walrod responded 6:00.p.m.

Chairperson Joel VanBecelaere said that since this was a **PUBLIC HEARING**, he asked if there was anyone present to speak in favor of this request. There being none, he asked if there was anyone present to speak in opposition to this request.

Glen Clark, 212 W. 19th Street, spoke in opposition. He believes there is already too much traffic and this would only add to the traffic. He stated 19th Street is a narrow street with no parking on one side and cars tear up the ditch on the side they can park on. There is a lot of noise from car doors slamming and he believes approval of this request will degrade his property value. He also stated that Walnut is a very busy street and it's difficult to back out onto the street especially around 5 p.m.

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Bob Caruso, 208 W. 19th Street, also spoke in opposition stating that the Family Resource Center located at 16th and Walnut and other daycare centers around town are not full, they have vacancies to accept children so this one should not be approved until the others are full. He also stated concerns about an increase in traffic and that 19th Street is narrow.

The **PUBLIC HEARING** was then closed to the public and the Commission members discussed the issues. Mike Creel said these daycares are important to the community, the application meets all the City requirements, and it should be approved.

Connie McGeorge asked if "Slow Children at Play" signs could be installed if approved. Todd Kennemer said he did not know the answer but would find out. (As of February 1st it has been determined that these signs are not recognized by the Manual on Uniform Traffic Control Devices; therefore, the City does not install these type of signs).

Roland Dalrymple made the comment that the play area was fenced. He then asked the applicant if parents pull into the driveways or use the street when dropping off or picking up their children, and have there been any complaints from the parents about traffic. Ms. Walrod said they pull into the driveways and the parents have not complained to her.

Mike Creel said there will always be that 20 – 30 minutes of confusion and busy traffic during drop off and pick up of children.

Joel VanBecelaere said he remembered the Planning and Zoning Commission requiring the daycare on [707] S. Georgia to install a circle drive or hammerhead drive so traffic could turn around in the driveway to pull straight into traffic instead of backing into the street. He asked if the driveways could be connected or widened. Ms. Walrod stated that they had already considered that option. The Commission asked her if she could do it within 60 days. Ms. Walrod said yes.

After reviewing all the evidence presented, Frank Slapar moved, seconded by Laura Klusener, that the Planning and Zoning Commission forward a recommendation to the Governing Body for **approval of this request with the condition that the drop off/pick up area be widened or driveways connected within 60 days to help alleviate traffic concerns.** Motion carried unanimously. This recommendation will be presented to the City Commission for their consideration on February 9th.

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The second order of business under Presentation of Requests and Petitions was a PUBLIC HEARING to consider Case No. 10P-2, a request submitted by Miller's Professional Imaging to rezone the 600 Blocks of East Monroe and East Madison from R-2 Two Family Residential to IP-2 Planned Medium Industrial to allow for building expansion. Todd Kennemer stated that this request must be postponed until the next meeting due to an error in the list of property owners within 200 feet of the subject property. This case will be presented to the Commission on February 22nd.

The third order of business under Presentation of Requests and Petitions was the consideration of a request submitted by Miller's Professional Imaging (MPI) to vacate the 600 Block of East Monroe. Todd Kennemer stated the rezoning request, vacation request, and site plan review are all related; although the change of zoning request has been postponed, the Commission can review the vacation request as a standalone item. Review and approval/denial of the site plan can be contingent on approval/denial of the change of zoning request.

Mr. Kennemer stated that MPI owns all the property on both sides of the street and is requesting to vacate the 600 Block of East Monroe so they can expand their existing facilities. The expansion will be an additional 100' x 120' warehouse and loading docks on the south side of the building. This warehouse will straddle the existing Monroe Street right-of-way. (Similar to the way the sally port on the new police station straddles the vacated 3rd Street right-of-way). That portion of the street to be covered with the new warehouse is being shifted about a half-block to the south so access to the parking lot from Stilwell Street will not be removed. The western part of the street will remain as is serving as access to the facilities and parking lots. Once vacated it will become a private drive maintained by MPI. Utilities located inside the right-of-way are to be removed or relocated at MPI's expense. The remaining "T" intersection at Stilwell and Monroe will be improved with curbing and extra width to protect the utilities in that area that are not being moved. He further stated that Monroe Street dead ends at the railroad tracks one block to the east and since the 700 Block of East Monroe dead ends and has no through traffic and the 600 Block basically serves MPI exclusively, the 600 Block should be vacated so MPI can expand their facilities.

Roland Dalrymple stated that he has seen the problems at MPI's loading docks and this project will be a great benefit.

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After reviewing all the information presented, Roland Dalrymple moved, seconded by Mike Creel, that the Planning and Zoning Commission forward a recommendation to the Governing Body for **approval of the vacation request with no reservation of utility easement**. Motion carried unanimously by roll call vote. This recommendation will be presented to the City Commission for their consideration during a **PUBLIC HEARING** scheduled for February 9th.

The fourth order of business under Presentation of Requests and Petitions was the review of a site plan submitted by Professional Engineering Consultants (PEC) on behalf of Miller's Professional Imaging (MPI) for the construction of a 100' x 120' warehouse with loading dock in the 600 Block of East Monroe. Bruce Remsberg of PEC presented the site plan. The Commission reviewed the Plan Approval Checklist and expounded on the following points:

Parking: Aerial photos show an existing 277 parking spaces. Based on 2009 counts, there are 238 employees. This leaves an excess 39 spaces sitting idle.

1. This 10,946 square foot warehouse addition generates a requirement of 22 parking spaces. Parking requirements should be waived because:
 - a. There is already an abundance of parking spaces.
 - b. The warehouse addition is not generating any new jobs at this time so the additional 22 spaces are not necessary.
2. Pedestrian traffic: MPI is contained in a two City block area. There are no sidewalks in this area or in the blocks surrounding this area. It is an industrial area and the only pedestrian traffic on the MPI "campus" is employees. Since this addition is a warehouse, pedestrian traffic should not be encouraged in a loading dock area.
3. Stormwater: PEC has conducted a stormwater study and proposed improvements for this project.

After reviewing all the information presented, Mike Creel moved, seconded by Connie McGeorge, that the site plan be **approved as submitted contingent on MPI's being approved for change of zoning**. Motion carried unanimously by roll call vote.

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The fifth order of business under Presentation of Requests and Petitions was the review of a site plan submitted by Crawford County Mental Health (CCMH) for the addition of two pavilions on the north and south sides of an existing building on the Crawford County Mental Health campus located at 3101 N. Michigan. Mr. Rick Pfeiffer of CCMH presented the drawings to the Commission. The Commission reviewed the Plan Approval Checklist and expounded on the following points:

1. The north side of the existing building sits 10' south of the property line and at the edge of a platted utility easement 20' in width. The north pavilion is shown to be built over this utility easement and extending onto the adjoining property.

Sec. 29-103.7(a) of the Zoning Ordinance states, "No building, either a main or an accessory building, shall be constructed, moved or altered so as to encroach onto or within a platted or recorded easement.

2. There is no legal description and records show the two parcels being under different ownership. The lot with the existing building is owned by Crawford County, the lot to the north is owned by Families and Children. Are both of these owners a part of CCMH?
3. Existing utilities are not shown.
4. Contours are not shown and Stormwater Pollution Prevention Plan (SWP3) is not submitted. No sediment and erosion control measures are shown.
5. Other items on checklist:
 - Other items on the checklist are not applicable due to the campus setting.
 - Lighting is not shown.
 - Finished floor elevations are not shown.

Mr. Pfeiffer stated that the two properties containing the pavilion, Crawford County and Families and Children, are owned by CCMH.

After reviewing all the information presented, Laura Klusener moved, seconded by Connie McGeorge, that **the south pavilion be approved as is, and that the north pavilion not be approved. The north pavilion may be approved with the submission and approval of easement vacation request, submission and approval of SWP3, and submission from the entities involved stating that they are all owned by Crawford County.** Motion carried unanimously by roll call vote.

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The sixth order of business under Presentation of Requests and Petitions was the review of a site plan submitted by PKHLS Architecture on behalf of the City of Pittsburg for the construction of a Public Utilities Maintenance Building at 13th and Walnut. Todd Kennemer said the plan meets all the requirements of the checklist. The Commission asked about the storm sewer pipe running under the corner of the building. Todd said he does not know how that will be addressed but is confident it will be handled properly because there are three engineers on City staff working on this project. (As of February 1st it was determined that the storm sewer will be encased in concrete).

After reviewing all the information presented, Mike Creel moved, seconded by Frank Slaper, that **the site plan be approved as submitted.** Motion carried unanimously by roll call vote.

The seventh order of business under Presentation of Requests and Petitions will be a PUBLIC HEARING to consider an Ordinance defining group homes and group residences; adding group homes 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 said the purpose of these changes is to:

- 1) Make the City regulations match State Statute KSA 12-736 regarding group homes and to specifically exclude violent sexual predators from being placed in a group home. He said changing the term Group Residence to Group Home will bring the City in line with the State Statute. Mr. Kennemer also stated that unless specifically excluded, violent sexual predators can be placed in a group home. There were some recent cases in Kansas that made this determination. The laws may have changed since then making this exclusion unnecessary, but the Commission wanted this statement included in the regulations to be sure the City is protected.
- 2) Establish greater setbacks for taller buildings abutting residential areas, and specifying the difference between a duplex and an accessory dwelling unit and allowing both in R-2 Two-Family Residential, RP-3 Planned Medium Residential, and RP-4 Planned Apartment House zoning districts are designed to be the first steps in providing greater housing options for the future. Mr. Kennemer said the City needs to begin addressing more "aging in place" housing options as the first of the baby boom generation reaches age 65 and starts retiring in 2011.

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- 3) Reduce the amount of variance requests. Most of the cases brought before the Board of Zoning Appeals are requests to vary from the 900 square foot maximum allowance for accessory buildings. Todd Kennemer said that if the same variance is repeatedly requested and granted, then the regulation needs to be updated. He recommends eliminating the 900 square foot maximum allowance for all accessory buildings and establishing a maximum lot coverage regulation to take its place. The maximum lot coverage regulations are related to stormwater runoff, and linked to health, safety, and welfare. This is easier to justify (and defend) than an arbitrary number established for maximum building size. It is also more flexible in design. Establishing and including the complementary accessory building regulations, such as "no accessory building shall be larger than the main structure" will help control the size of the building without dictating an arbitrary maximum number unrelated to the size of the site or other buildings on the site.

After reviewing all the information presented, Laura Klusener moved, seconded by Connie McGeorge, that **the changes to the zoning regulations be presented to the Governing Body for their approval.** Motion carried unanimously by roll call vote.

There being no further business to discuss, Roland Dalrymple moved to adjourn, seconded by Connie McGeorge. Motion carried unanimously. Meeting adjourned at 9:15 p.m.

Respectfully submitted,



Todd Kennemer
Assistant Director of Public Works