

PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING OF FEBRUARY 22, 2010

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

OTHERS PRESENT: Jim Askins, Millers Professional Imaging, Pittsburg
Karen Clark, 1131 W. 2nd, Pittsburg
Steve Kirby, 1131 W. 2nd, Pittsburg
Kyle Battaglia, 2911 E. 20th, Pittsburg
Rick Pfeiffer, Crawford County Mental Health, Pittsburg
Ruth Lemon, 110 E. Carlton, Pittsburg
Todd Kennemer, Assistant Director of Public Works

The Pittsburg Planning and Zoning Commission met on Monday, February 22, 2010, at 7:00 p.m., in the Municipal Courtroom of the Law Enforcement Center, 201 North Pine. Chairperson Joel VanBecelaere led the flag salute and then called the meeting to order at 7:00 p.m. with nine (9) members present.

The first order of business was approval of the minutes of the meeting of January 25, 2010. Mike Creel moved, seconded by Francis DeMott, 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-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. Chairperson Joel VanBecelaere opened the **PUBLIC HEARING** by stating the request and then asked the applicant to comment on behalf of the request.

Todd Kennemer stated that Miller's Professional Imaging (MPI) is planning to add a 100' x 120' warehouse and loading docks on the south side of the building. This warehouse will straddle the Monroe Street right-of-way similar to the way sally port on the new police station straddles the 3rd Street right-of-way. (The Monroe Street right-of-way was vacated at the February 23, 2010 City Commission meeting).

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

1. Character of the neighborhood. Residential and Industrial.
2. Zoning and uses of nearby properties. All properties to the south, east and west are zoned R-2 Two-Family Residential and are occupied by single-family and two-family dwellings. Property to the north is zoned IP-2 Planned Medium Industrial and is occupied by MPI.
3. Suitability of the subject property for the uses to which it is being considered. The subject property is suitable for the uses being requested in that it is already used exclusively by MPI. It is occupied by an existing MPI employee parking lot and a storage building.
4. Length of time the subject property has remained vacant as zoned. NA.
5. The extent to which removal of the restrictions will detrimentally affect the nearby property. None. That portion of the vacated Monroe Street that is being covered by the new warehouse is being shifted to the south and will continue providing access to the parking area. None of the existing traffic will be diverted to any of the surrounding residential streets.
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. NA.

Since this is a **PUBLIC HEARING**, Chairperson Joel VanBecelaere 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. There being none, the **PUBLIC HEARING** was then closed to the public and the Commission members discussed the issues.

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After reviewing all the evidence presented, Gary Falcetto moved, seconded by Mike Creel, that the Planning and Zoning Commission forward a recommendation to the Governing Body for **APPROVAL** of the rezoning request. Motion carried unanimously. This recommendation will be presented to the City Commission for their consideration on March 9th.

The second order of business under Presentation of Requests and Petitions was a PUBLIC HEARING to consider Case No. 10P-3, a request submitted by Karen S. Clark for a Conditional Use under the provisions of Article 30 of the Pittsburg Zoning Ordinance to keep more than 4 dogs as pets only at 1131 W. 2nd Street. Chairperson Joel VanBecelaere opened the **PUBLIC HEARING** by stating the request and then asked the applicant to comment on behalf of the request. Ms. Clark stated that she has had several dogs for quite some time and would like to keep them. She stated that the property is fenced on two sides and she could put fencing up on all sides if necessary.

Todd Kennemer advised that Ms. Clark had received notice that she was in violation of the following City regulations:

1. **Zoning Code 1-103.107** – defines a kennel as any place where more than four (4) dogs are kept for any purpose;
2. **Zoning Code 30-104.22** – states that Conditional Use approval is required for a kennel in all zoning districts; and
3. **Municipal Code 10-73** which states it is illegal to have dogs without first obtaining dog license and rabies inoculations. There are no records of the applicant's dogs having either.

Ms. Clark is applying for a kennel license to come into compliance so she can keep her existing seven (7) dogs. The property measures 90' wide x 152' deep and is large enough to meet the setback requirements of Zoning Code 30-104.22(a) which states, "pens or open kennels shall be located at least 50' from the front lot line and at least 30' from any side or rear lot lines". The kennel will be located in the remaining 30' x 72' space.

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

1. Character of the neighborhood. Residential.

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2. Zoning and uses of nearby properties. All surrounding properties are zoned R-1C Single Family Residential and are used as such.
3. Suitability of the subject property for the uses to which it is being considered. Although the property is large enough to meet the kennel setback requirements, it is located on a residential street surrounded by a residential neighborhood.
4. Length of time the subject property has remained vacant as zoned. NA.
5. The extent to which removal of the restrictions will detrimentally affect the nearby property. Conditional Use approvals stay with the property, not the owners. Although the Clark's are making this request to keep their pets, they could choose to operate a full blown kennel at this location. If they were to sell or lease the house and move, the new tenants could also run a full-fledged kennel (if done within 6 months of taking possession of the property). Specific conditions would have to be implemented to prevent these unintended consequences from happening, such as:
 - Limiting the number of dogs to the existing seven dogs.
 - No dogs shall be replaced with another so long as the number of dogs exceeds four.
 - This Conditional Use allowing excess dogs shall expire when the number of dogs is brought down to four.
 - All dogs must have the required vaccinations.
 - This Conditional Use is non-transferrable.
6. Relative gain to public health, safety, & welfare. None.
7. Recommendation of professional staff. DO NOT APPROVE.
8. Conformance to Master Plan. NA.

Since this is a **PUBLIC HEARING**, Chairperson Joel VanBecelaere 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. There being none, the **PUBLIC HEARING** was then closed to the public and the Commission members discussed the issues.

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After reviewing all the evidence presented, Mike Creel moved, seconded by Laure Klusener, that the Planning and Zoning Commission forward a recommendation to the Governing Body for **APPROVAL** of the Conditional Use with the following conditions:

- Limiting the number of dogs to the existing seven dogs.
- No dogs shall be replaced with another so long as the number of dogs exceeds four.
- This Conditional Use allowing excess dogs shall expire when the number of dogs is brought down to four.
- All dogs must have the required vaccinations.
- This Conditional Use is non-transferrable.

Motion carried by a vote of 6 to 2 with Connie McGeorge and Roland Dalrymple opposing. This recommendation will be presented to the City Commission for their consideration on March 9th.

The third order of business under Presentation of Requests and Petitions was consideration of a request submitted by Crawford County Mental Health to vacate the platted east/west utility easement on Lots 23 and 24, Saia's Mt. Carmel First Addition to allow for the construction of open-air, covered pavilions on the north and south sides of one of its office buildings on the old Mt. Carmel Hospital campus.

Last month, Crawford County Mental Health (CCMH) presented a site plan to build two pavilions on the north and south sides of an existing building on their campus (old Mt. Carmel Hospital campus). The south pavilion was approved, but the north pavilion was not approved to be built until CCMH vacated the utility easement.

Staff attended a meeting of all the utility companies on Tuesday, February 16th. The conclusions from this meeting were:

- Electric - OK to vacate the eastern half of the easement. Must leave the western half intact. Utility relocation to be at CCMH's expense.
- Gas - there is a "yard line" in this easement. Yard lines do not require easements.
- Phone- OK to vacate the eastern half of the easement. CCMH will need to relocate phone pedestal and installations that were located on the north side of the building in February 2009. Utility relocation to be at CCMH's expense.

Recommendation is to vacate the eastern half only; western half of the easement is to remain intact, and utility relocations are to be at CCMH's own expense.

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After reviewing all the evidence presented, Francis DeMott moved, seconded by Mike Creel, that the Planning and Zoning Commission forward a recommendation to the Governing Body for **APPROVAL** of the vacation request. 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 March 9th.

The fourth order of business under Presentation of Requests and Petitions was the review of a site plan submitted by Kyle Battaglia for the construction of two 4-plexes at 204/206 E. Quincy. Mr. Battaglia has purchased the properties at 204 and 206 E. Quincy. The property at 206 is vacant and the old house at 204 is to be razed to make way for the construction of two new 4-plexes. The property is zoned RP-3 Planned Medium Density Residential and the site plan satisfies the requirements of the plan approval checklist.

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

There being no further business to discuss, Gary Falchetto moved, seconded by Mike Creel, to adjourn. Motion carried unanimously and the meeting adjourned at 8:45 p.m.

Respectfully submitted,



Todd Kennemer
Assistant Director of Public Works