

PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING OF MAY 24, 2010

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

MEMBERS ABSENT: Joel VanBecelaere, Chairperson
Brian Sullivan

OTHERS PRESENT: Robert Wallace, 111 W. Hudson, Pittsburg
Gayle Wallace, 111 W. Hudson, Pittsburg
Terry Ketcham, 201 W. Hudson, Pittsburg
Linda Ketcham, 201 W. Hudson, Pittsburg
Jim Zibert, P.E.C., Pittsburg
Wayne Ryland, Consultant for Baldwin Pole, MS
Stuart Owsley, Consultant for Orender Properties, Pittsburg
Ruth Lemon, 110 E. Carlton, Pittsburg
Mark Turnbull, Economic Development Director
Todd Kennemer, Assistant Director of Public Works

The Pittsburg Planning and Zoning Commission met on Monday, May 24, 2010, at 7:00 p.m., in the Municipal Courtroom of the Law Enforcement Center, 201 North Pine. In the absence of the Chairperson, Vice Chairperson Connie McGeorge 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 approval of the minutes of the meeting of April 26, 2010. Frank Slapar 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 the consideration of a request submitted by Hilario Andrade/Patterson Holdings for a Conditional Use under the provisions of Article 30 of the Pittsburg Zoning Ordinance to allow a church at 307 N. Broadway.

The applicants were not present so the case was moved to the end of the agenda to give them a chance to arrive.

**PLANNING AND ZONING COMMISSION
MINUTES OF MAY 24, 2010
PAGE TWO**

The second order of business under presentation of Requests and Petitions was the consideration of a request submitted by Terri Mynatt for a Conditional Use under the provisions of Article 30 of the Pittsburg Zoning Ordinance to allow a child care center to care for 13 or more children from 2 weeks to 16 years of age at 115 West Hudson. Vice Chairperson Connie McGeorge opened the **PUBLIC HEARING** by stating the request and then asked the applicant to comment on behalf of her request. Ms. Mynatt stated that she is from here, has taught kindergarten for 23 years and would now like to operate a child care center. She explained some of the activities the children would be doing (on the property to the south) and learning; there are to be lots of arts and crafts projects for the kids which include parental involvement.

Gary Falcetto asked about the hours of operation. Ms. Mynatt stated the hours are Monday through Friday, 7 a.m. to 5 p.m., and evenings from 5 p.m. to 11 p.m. Weekend care will also be available for parents working or in class. Hours are to be flexible to accommodate the working/educational schedules of the parents.

Francis DeMott asked if she would be open 24 hours. Ms. Mynatt said no but she would be flexible so there are no problems if and when her services are needed.

Mike Creel asked how many employees would be on site. Ms. Mynatt stated that would depend on the number of kids. [Application states five (5) employees during scheduled time shift; and that the facility would be staffed according to ratio guidelines of the State of Kansas.]

Vice Chairperson Connie McGeorge stated that since this was a **PUBLIC HEARING**, anyone present that would like to speak in favor of this request would be allowed the opportunity comment first. There were no speakers. She then asked if there was anyone present to speak in opposition to this request.

Mr. Terry Ketcham, 201 W. Hudson, spoke in opposition. He says this is a very busy (3-way) intersection with college kids coming and going. [Pine does not go south of Hudson]. He is concerned with parking, traffic and noise. Mr. Ketcham also stated he was concerned with flooding of the property; last flood water was from 67 inches to 89 inches above flood stage (1993?). He then stated that he owns 18 feet of the driveway on the side of the house and that the applicant could not use it.

Todd Kennemer stated that the property is in the flood plain but this is the first he's heard about the Ketchams owning 18 feet of property in question.

**PLANNING AND ZONING COMMISSION
MINUTES OF MAY 24, 2010
PAGE THREE**

Ms. Linda Ketcham, 201 W. Hudson, also spoke in opposition. She stated that when school was in session it takes 5 to 10 minutes to back out of their driveway. She also stated there are wild animals living in the field/woods south of the house.

Mr. Bob Wallace, 111 W. Hudson, stated that he owns 18 feet of the driveway on the side of the house and that he was opposed to the request due to traffic problems, parking problems and that the property was just not feasible for a daycare.

Ms. Mynatt stated that the state has inspected the property and that the kids would be playing in the back not in the front near the street. She then stated she would like to be licensed for 10 kids and that the workers would be trained.

Roland Dalrymple asked Ms. Mynatt if she was aware of any property line issues. Ms. Mynatt said no, she thought it was a street and she wanted to block off access to the ditch.

Mike Creel stated that parking was always tight especially when pick-up and drop off occur at the same time.

Francis DeMott stated there would be no parking and the street was narrow especially if there is no parking on the west side.

Laura Klusener asked if there was enough parking to accommodate the required five spaces plus 2 spaces for guests. Todd Kennemer stated there appears to be three (3) spaces on the west side of the garage and one to two spaces in the driveway on the east side of the house. The remaining two to three spaces could be on the south side of the garage or on the property that is located to the south of this one. The property to the south is 1.6 acres in size and is included in this application.

Roland Dalrymple stated that according to City regulations, four (4) unrelated college students could rent the house...each one with their own car(s), stay over guests, etc. He recommended this item be **tabled until the next Planning and Zoning Commission meeting to allow further information to be gathered regarding ownership of the driveway, parking, etc.** Mike Creel seconded the motion. **Motion passed (Vote: 6-0).**

**PLANNING AND ZONING COMMISSION
MINUTES OF MAY 24, 2010
PAGE FOUR**

The third order of business under Presentation of Requests and Petitions was the review of a site plan submitted by Stuart Owsley on behalf of Orender Properties, LLC for the construction of a proposed medical office building at 2305 Tucker Terrace. Mr. Owsley handed out new site plans and then reviewed the site plans with the Commission. Todd Kennemer stated that since this was a relatively flat vacant lot to be mostly covered with impervious surfaces, a runoff/detention report needed to be included and approved by engineering before any construction was to start. Other items not shown on the new site plan that needed to be addressed are electrical, phone, signage, outdoor lighting and landscaping.

Todd Kennemer also stated that since approximately $\frac{3}{4}$ of the eastern lot line abuts property that is zoned and built as residential (RP-3), screening needs to be addressed. There is a 20' utility easement along said property line, 10' of the easement ($\frac{1}{2}$ of the easement) is located on this property and the City Codes do not allow for construction in an easement.

Gary Falcetto asked about the finished basement. Mr. Owsley stated it was designed for mechanical use but may have other uses in the future.

Mike Creel asked if the business was for daytime activities only. Mr. Owsley answered yes. Mr. Creel also stated that the trash dumpster needs to be screened.

There being no further discussion, Francis DeMott moved, seconded by Mike Creel, that the site plan be **approved** provided that it meets all requirements of the Planning Department and the building codes. Motion carried unanimously.

The fourth order of business under Presentation of Requests and Petitions was the review of a site plan submitted by Jim Zibert and Wayne Ryland on behalf of Baldwin Pole of South Carolina for a pole storage yard at 2705 N. Old Rouse. Wayne Ryland, the consultant hired by Baldwin Pole, stated that basically the middle of the $16\frac{1}{2}$ acre property was to be used for storage of poles ranging in lengths from 30 feet to 50+ feet. The company sends poles to Kansas, Missouri, and Oklahoma. The area for pole storage will be about 210' x 545' and graveled. There will be no additional buildings added. They have worked with Jim Zibert of PEC regarding water retention. One of the existing ponds on the property will be extended a little to handle water retention. There are to be two (2) employees, and Mr. Ryland is talking with the railroad for improvements on the spur located at the north end of the property.

There being no further discussion, Francis DeMott moved, seconded by Mike Creel, that the site plan be **approved** as submitted. Motion carried unanimously.

**PLANNING AND ZONING COMMISSION
MINUTES OF MAY 24, 2010
PAGE FIVE**

The last order of business under Presentation of Requests and Petitions was the consideration of a request submitted by Hilario Andrade/Patterson Holdings for a Conditional Use under the provisions of Article 30 of the Pittsburg Zoning Ordinance to allow a church at 307 N. Broadway. Since this was the second time the applicants were not present at the meeting to present their case, Mike Creel moved, seconded by Francis DeMott, that the Planning and Zoning Commission recommend to the Governing Body **DISAPPROVAL** of the Conditional Use as submitted. Motion carried unanimously.

Under new business, Roland Dalrymple stated there are a number of large signs appearing in town and that the sign regulations need to be reviewed. Todd Kennemer stated the Pittsburg sign regulations allow a ratio of 4-to-1 for signs (4 square feet of signage allowed per 1 linear foot of frontage), with a maximum sign size of 200 square feet. He stated the most common sign regulations range from a 1-to-1 ratio to a 2-to-1 ratio. Mr. Kennemer stated he could propose new sign regulations for the review of the Planning and Zoning Commission.

There being no further business to be discussed, Mike Creel moved, seconded by Francis DeMott, to adjourn. Motion carried unanimously and the meeting adjourned at 8:40 p.m.

Respectfully submitted,



Todd Kennemer
Assistant Director of Public Works