

PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING OF JULY 26, 2010

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

MEMBERS ABSENT: Francis DeMott
Gary Falcetto

OTHERS PRESENT: Charles Delp, 615 South Joplin, Pittsburg
Randall Messner, 205 West 5th Street, Pittsburg
Elliott Hunter, 211 South Main, Ste. 220, Joplin, MO
Bryan Osborn, 811 East 3rd Street, Joplin, MO
Don Rohrbaugh, 211 Crestwood Dr, Pittsburg
Pat Rohrbaugh, 211 Crestwood Dr, Pittsburg
Ruth Lemon, 110 East Carlton, Pittsburg
Todd Kennemer, Assistant Director of Public Works

The Pittsburg Planning and Zoning Commission met on Monday, July 26, 2010, at 7:00 p.m., in the Municipal Court Room of the Law Enforcement Center. Chairperson Joel VanBecelaere 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 approval of the minutes of the meeting of June 28, 2010. 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-6, a request submitted by J.D. Fisher dba Health A Lifestyle to rezone the 2000 Block of East Centennial from CP-1 Planned Neighborhood Commercial and RP-3 Planned Medium Density Residential to CP-2 Planned General Commercial. Chairperson Joel VanBecelaere opened the **PUBLIC HEARING** by stating the request and then asked the applicant to comment on behalf of said request. The applicant was not present. Joel VanBecelaere stated that since the applicant was not present, the item would be moved to the end of the agenda to give the applicant the chance to appear to present his case.

**PLANNING AND ZONING COMMISSION
MINUTES OF JULY 26, 2010
PAGE TWO**

The second order of business under Presentation of Requests and Petitions was a PUBLIC HEARING to consider Case No. 10P-7, a request submitted by SEK Recycling, Inc. for a Conditional Use under the provisions of Article 30 of the Pittsburg Zoning Ordinance to allow for the expansion of the existing Conditional Use to permit the collection of solid waste and operation of a transfer station. Chairperson Joel VanBecelaere opened the PUBLIC HEARING by stating the request and then asked the applicant to comment on behalf of said request. Mr. Chuck Delp and Mr. Randall Messner, members of the SEK Recycling Board, submitted pictures of the site and provided the following information. Since 2005, continual improvements have been made to the site including asphaltting (properties to the north, which house household hazardous waste and electronic waste) and fencing around the site. A closed unit trash compactor has also been installed on the site. By installing the compactor, most of the materials brought onto the site stay inside the building with the exception of refrigerators. SEK Recycling would like to use the compactor to accept household garbage from its members as a revenue stream. The trash service would be for members only, approximately 200. Stickers would be sold to the members for placement on their trash bags. The members would then bring their trash, along with their recycling, to the center. It is anticipated that this would have no effect on the recycling center, except to generate some revenue. The recycling center does not anticipate an increase in traffic. All operations are to be contained inside the building. Inside operations and the installation of the fence have helped contain blowing trash. Mr. Delp has employees pick up any trash that may blow. He stated that composters and recyclers have about one bag of trash per month. The compactor is the same as the ones used at Dillon's, Wal-Mart, etc. It would not change operations at all.

Roland Dalrymple inquired how this would stop un-recyclable items (such as batteries) from going into the landfill. Mr. Delp stated that not everybody recycles so all of their trash goes to the landfill regardless of its' content. This program is aimed at those who do recycle. The trash output is very minor and consists of about one bag every 2 to 4 weeks. Mr. Dalrymple stated the center is a very positive thing for Pittsburg.

Joel VanBecelaere inquired if there was any thought about putting screening on the fence. Mr. Delp stated they were waiting on neighbor's response to the fence. Some of the neighbors appreciate the fence already. The Recycle Center monitors the trash being caught on the fence. Right now there was more trash on the outside of the fence than on the inside. Mr. Delp stated it was also heard to see the trash compactor. SEK Recycling's compactor is less visible than the one at Wal-Mart and the Salvation Army.

**PLANNING AND ZONING COMMISSION
MINUTES OF JULY 26, 2010
PAGE THREE**

Mike Creel stated the fence has made a lot of difference in the appearance of the property and is catching blowing trash. He stated the place was looking good. Mr. Delp stated the fence has been great and that they no longer get people dumping their trash on the back side of the building since its installation.

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

1. Character of the neighborhood. All land on the east side of Joplin Street, between 4th Street and Washington Street [approximately ½ mile in length], is zoned and used as IP-3 Planned Heavy Industrial with the exception of the one parcel containing the recycle center. This land is old railroad right-of-way and has developed as industrial uses, such as *SEK recycling, SEK household hazardous waste drop-off, Ewaste drop-off Red Giant Oil, storage units, etc.* Land on the west side of Joplin Street is zoned R-2 Two-Family Residential and RP-3 Planned Medium Density Residential.

2. Zoning and uses of nearby properties.

North: Zoned IP-3. This is the location of *SEK household hazardous waste drop-off and the Ewaste drop-off site.*

East: Zoned R-2. Residential development is separated from *SEK Recycling Center* by an active railroad right-of-way 100 feet in width.

South: Zoned R-2. *SEK Recycling Center* is triangular in shape. It is bordered on the south by Washington Street. Directly south of it is a vacant triangular piece of property too small for development and is the intersection of Joplin Street and the railroad.

West: Zoned R-2. This land is occupied by residential use.

3. Suitability of the subject property for the uses to which it is being considered.

Although the property is zoned R-2, it is not a good site for residential use due to ground contamination caused by years of railroad operations. The property currently houses the *SEK Recycling Center* and operates under its current CUP. The dumpster is contained and the drop-off site is to be located indoors. Since the property is contaminated and must receive special treatment and permits from the Kansas Department of Health and Environment (KDHE) before anything can be located on it, this is a very good use of the property. It is most likely residential use would not be approved for this location.

**PLANNING AND ZONING COMMISSION
MINUTES OF JULY 26, 2010
PAGE FOUR**

4. Length of time the subject property has remained vacant as zoned. The property is not vacant. It contains *SEK Recycling Center*.
5. The extent to which removal of the restrictions will detrimentally affect the nearby property. The recycle center has been in operation since approximately 2002. Improvements such as the perimeter fence have been made over the years.
6. Relative gain to public health, safety, & welfare. There is no loss or gain of HS&W to the public at large.
7. Recommendation of professional staff. APPROVE
8. Conformance to Master Plan. The master plan shows this property (and the property located south of it) as future industrial use.

Based on the above findings, Laura Klusener moved, seconded by Mike Creel, that the Planning and Zoning Commission forward a recommendation to the Governing Body for **APPROVAL** of this Conditional Use request. Motion carried unanimously. This recommendation will be presented to the City Commission for their consideration on August 10, 2010.

The third order of business under Presentation of Requests and Petitions was the consideration of a request submitted by Don and Pat Rohrbaugh to vacate the right-of-way of the unimproved Taylor Street beginning at the North right-of-way line of East 4th Street and extending North a distance of 369.79 feet, more or less, to the North right-of-way line of unimproved 5th Street located adjacent to Lots 14 and 15, Block 7, Playter's 3rd Addition to the City of Pittsburg, Crawford County, Kansas. Don and Pat Rohrbaugh plan to start a BBQ business at the corner of 4th and Taylor. Taylor Street is platted but is unimproved. About 5 years ago, a 3 foot section of Taylor Street adjoining Lot 15, Playter's Addition, was vacated because the building extended onto the right-of-way. The whole street was not vacated because the City was considering building it as an alternative route to 4th Street should the 7th Street railroad crossing be blocked by a train. The City is no longer considering opening Taylor Street. Mr. and Mrs. Rohrbaugh own property on both sides of the Taylor Street right-of-way and are requesting to vacate that portion of the street that adjoins their property and the city owned property to the north. Land use is to be a parking lot.

**PLANNING AND ZONING COMMISSION
MINUTES OF JULY 26, 2010
PAGE FIVE**

Mike Creel moved, seconded by Connie McGeorge, that the Planning and Zoning Commission forward a recommendation to the Governing Body for **APPROVAL** of this request for the vacation of the street with the condition that a 20 foot utility easement centered on the existing sewer mains running the entire length of the right-of-way be retained; also, the same easement is to be retained for the sewer line running east/west in the alley between 4th Street and 5th Street. 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 August 24, 2010.

The fourth order of business under Presentation of Requests and Petitions was the consideration of a request submitted by Pepsi Cola Bottling Co./C. L. Farabi to vacate the unimproved 100 Block of West 12th Street from Broadway Avenue to Pine Street bounded by Lots 31, 32 and vacated Industrial Boulevard of the Nesch Addition and Lots 2 through 14, Block 1 of the Pittsburg Town Company's 3rd Addition to the City of Pittsburg, Crawford County, Kansas. This one block section of 12th Street is unimproved and is too small to be used for anything because it is only 25' in width. The old practice of dedicating half the right-of-way width at the edge of a plat was probably used when this was platted. However, the adjoining plat to the south never dedicated its half of the right-of-way, so this strip of land has basically sat idle for years and is too small to meet today's standards. There are utilities located inside this right-of-way, so the request is to convert it from right-of-way to an easement. Converting this right-of-way to an easement will allow Pepsi to improve (next item on the agenda).

Mike Creel moved, seconded by Laura Klusener, that the Planning and Zoning Commission forward a recommendation to the Governing Body for **APPROVAL** of this request for the vacation of the 100 Block of West 12th Street and to convert it to an 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 July 27, 2010.

The fifth order of business under Presentation of Requests and Petitions was the review of a site plan submitted by Pepsi Cola Bottling Co./C. L. Farabi for the construction of a new warehouse at 1211 N. Broadway to replace the existing warehouse. Mr. Elliott Hunter of Hunter & Millard Architects, Inc. was present to present the case. Plans are to build a new warehouse on the vacant portion of the Pepsi lot and then raze the current warehouse that is on the same site. A new office building was recently constructed just north of the existing warehouse.

**PLANNING AND ZONING COMMISSION
MINUTES OF JULY 26, 2010
PAGE SIX**

Joel VanBecelaere inquired if anything would take the place of the existing warehouse. Mr. Hunter replied that green space would occupy the area where the current warehouse is now located and that the dumpster would be enclosed with screening.

Mike Creel stated the plans look good and was happy to see new development.

The Planning and Zoning Commission felt that the plans looked good and with 12th Street converted to an easement this would greatly improve the site and Broadway. Based on the above findings, Laura Klusener moved, seconded by Connie McGeorge, that the Planning and Zoning Commission **APPROVE** site plan with the condition the dumpsters are screened. Motion carried unanimously.

The sixth order of business under Presentation of Requests and Petitions was the consideration of a request submitted by Tri-State Building on behalf of Clear Link Telephone Corp. to vacate an easement beginning at the NE1/4 of the SE1/4 of Sec. 18, Township 30 South, Range 25 East, thence West 210 feet , thence South 120 feet to the True Point of Beginning, also being the north line of the easement, thence East 60 feet, South 10 feet, West 60 feet, thence North 10 feet to the true point of beginning, located in the City of Pittsburg, Crawford County, Kansas. Mr. Sam Hayes of Tri-State Building reviewed the plans to replace the building located at 2603 N. Broadway. The building was destroyed by fire approximately a year ago. The owner of this property has purchased about a 70' x 100' piece of land from the adjoining property to allow the new office building to be set back further from the street than the previous one. On the property purchased, there is a 10' X 60' easement that needs to be vacated. This easement housed the sewer lines that served the previous building. Since the new building is set back further from Broadway, plans are to vacate the easement and run new sewer pipes from the new building to existing sanitary sewer. The new pipes will replace existing ones and will hook into the existing sanitary sewer line located in the existing easement where the new western property line will be located.

Laura Klusener moved, seconded by Mike Creel, that the Planning and Zoning Commission forward a recommendation to the Governing Body for **APPROVAL** of this request for the vacation of the 60' x 10' utility easement as shown and described on the site plans. 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 August 24, 2010.

**PLANNING AND ZONING COMMISSION
MINUTES OF JULY 26, 2010
PAGE SEVEN**

The seventh order of business under Presentation of Requests and Petitions was the review of a site plan submitted by Tri-State Building on behalf of Clear Link Telephone Corp. for the construction of a new office building at 2603 N. Broadway. Todd Kennemer stated this is to be a shopping center. The plans have been reviewed and there are a couple of minor points to be made. Since this property adjoins an RP-3 Planned Medium Density Residential zoning district, screening would be required along the property line shared with the RP-3 district. This can be done with fencing or landscaping. Regarding pedestrian traffic, there are no sidewalks shown on the plan. There are no sidewalks on either side of Broadway from 25th Street to 29th Street (approximately ½ mile) and this location is basically at the center of it. Business signs are shown on the drawing; one of them appears to be too close to meet the required setback. Since sign permits are issued at a later time, this distance can be corrected before a sign permit is issued.

Roland Dalrymple inquired about the proposed use of the building. Mr. Hayes replied that it would be a shopping center with the goal to attract a national type client into this building.

Mike Creel inquired if the owner would be an occupant. Mr. Hayes stated the owner was located in Dallas, Texas and would not occupy the building.

Joel VanBecelaere inquired if this was going to be a modular strip shopping center. Mr. Hayes replied yes. There are about eight bays in the building with interior walls that can be built and/or moved as needed. The building is going to be built on a slab with plumbing chase on the west side to handle all the plumbing needs of the building. There is ample parking for the new construction.

The Planning and Zoning Commission felt the plans looked good and they were glad to see that the building destroyed by fire would be rebuilt further back from Broadway. Based on the above findings, Mike Creel moved, seconded by Connie McGeorge, that the Planning and Zoning Commission **APPROVE** site plan. Motion carried unanimously.

The eighth order of business under Presentation of Requests and Petitions was the review of a site plan submitted by Tri-State Building on behalf of Dr. Corin Wilde for the construction of a new office building at 407 E. Centennial. Sam Hayes of Tri-State Building stated the building is to be covered with EFIS, landscaped, and to look very similar to the office located next door to the east. Todd Kennemer stated the plans have been reviewed and there are a couple of minor points to be made. Screening needs to be addressed along the north property line since the site abuts RP-3 Planned Medium Density Residential zoning. Water run-off needs to be slowed down at the drive and an NPDES permit is required.

**PLANNING AND ZONING COMMISSION
MINUTES OF JULY 26, 2010
PAGE EIGHT**

Mr. Kennemer stated that drainage controls are being addressed by Mr. Hayes and Triad Engineering. The size of the business sign is not shown, but this can be taken care of when the owner applies for a sign permit.

Joel VanBecelaere inquired about drainage from Dr. Wimmer's office (next door). Mr. Hayes stated that Dr. Wimmer's office is on the corner and that water goes into the inlet at the corner which is higher than this site. Drainage from this site runs to the west to the inlet at the corner of Joplin and Centennial, at the west corner of the block.

Laura Klusener inquired if the two offices could share a driveway. Mr. Hayes stated that option was looked into but there was no resolution between the property owners. The driveway into this property meets the City's spacing requirements.

Brian Sullivan inquired if the two offices were similar in size. Mr. Hayes stated the proposed building was 2504 square feet in size and Dr. Wimmer's office was about 3300 square feet.

Roland Dalrymple inquired if there was a small swale between the buildings to carry the stormwater. Mr. Hayes replied yes. He also stated that the trash would be enclosed and a polycart would be used for trash noting that the occupant would not produce enough trash to warrant a large dumpster.

The Planning and Zoning Commission felt the plans looked good and recommended approval provided the site meets the requirements for stormwater detention, screening, and signage. Based on the above findings, Frank Slapar moved, seconded by Connie McGeorge, that the Planning and Zoning Commission **APPROVE** site plan. Motion carried unanimously.

The Planning and Zoning Commission was ready to discuss the first order of business, Case No. 10P-6, Health A Lifestyle that appeared at the first of the meeting. Since there was nobody present to represent the case, it was tabled until the next meeting scheduled for August 23, 2010.

UNDER OTHER BUSINESS, Todd Kennemer stated there was one case to go before the Board of Zoning Appeals on September 13, 2010. Dillon's Grocery Store wants to install a small gas station along Broadway in front of the grocery store.

**PLANNING AND ZONING COMMISSION
MINUTES OF JULY 26, 2010
PAGE NINE**

The Planning and Zoning Commission asked Todd to look into doing something about the sign regulations due to the number of large billboards appearing. Mr. Kennemer stated that the billboards are within the 4 foot to 1 foot ratio allowed by the City. He stated that he would be proposing a new proposed Ordinance for signs at the next meeting.

There being no other business, Roland Dalrymple moved, seconded by Connie McGeorge, to adjourn. Motion carried unanimously and the meeting adjourned at 8:30 p.m.

The next Planning and Zoning Commission meeting is scheduled for August 23, 2010.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Todd Kennemer". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Todd Kennemer
Assistant Director of Public Works