

# PLANNING AND ZONING COMMISSION

## MINUTES OF THE MEETING OF MAY 23, 2011

**MEMBERS PRESENT:** Connie McGeorge, Chairperson  
Laura Klusener, Vice Chairperson  
Ron Close  
Francis DeMott  
Frank Slapar  
Joel VanBecelaere

**MEMBERS ABSENT:** Mike Creel  
Gary Falcetto  
Brian Sullivan

**OTHERS PRESENT:** Richard Pfeiffer, 410 E Atkinson, Pittsburg  
James Goedeke, 410 E Atkinson, Pittsburg  
Dwight Brennfoerder, 517 S Quarter Lane, Joplin, MO  
Pat Rohrbaugh, 612 N Grand, Pittsburg  
Don Rohrbaugh, 612 N Grand, Pittsburg  
Danielle Sharp, 601 W 4<sup>th</sup>, Pittsburg  
Jared Sharp, 601 W 4<sup>th</sup>, Pittsburg  
Todd Kennemer, Asst. Director of Public Works  
Andrea Turner, Administrative Assistant

The Pittsburg Planning and Zoning Commission met on Monday, May 23, 2011, at 7:00 p.m., in the Municipal Court Room of the Law Enforcement Center. Ron Close led the flag salute then Chairperson Connie McGeorge 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 April 25, 2011.** Laura Klusener 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 the consideration of a request submitted by Crawford County Health Department to vacate the northern 170 feet of the Utility Easement lying on Lots 3 and 4, Saia's Mount Carmel First Addition to the City of Pittsburg, Crawford County, Kansas.** Dwight Brennfoerder was present to speak in behalf of this request. Mr. Brennfoerder briefly shared plans to build onto the existing facility nearly doubling the building in size. The addition of the building will require them to move the existing parking lot as well.

**PLANNING AND ZONING COMMISSION  
MINUTES OF MAY 23, 2011  
PAGE TWO**

Frank Slapar inquired if the Commission had ever vacated easements. Todd Kennemer explained that as long as there are no utilities in the easement vacating easements was a practice the City has done several times in the past. Mr. Kennemer then explained there were no utilities in this particular easement.

There being no further discussion, Joel VanBecelaere moved, seconded by Ron Close, that the Planning and Zoning Commission forward a recommendation to the Governing Body for **APPROVAL** of the vacation request. Motion passed unanimously. This recommendation will be presented to the City Commission during a **PUBLIC HEARING** on Tuesday, June 14, 2011.

**The second order of business under Presentation of Requests and Petitions was the review of a site plan submitted by Crawford County Health Department for the expansion of its existing facility located at 410 E Atkinson.** Plans for the site were explained during the vacation request.

In reviewing the Plan Approval Checklist, Todd Kennemer noted the following items:

1. An extra foot needs to be added to the parking stalls to comply with the parking regulations.
2. There is no pedestrian circulation as sidewalks were not available in this area.
3. A retention pond is not necessary as the property drains properly.
4. The site plan does not include landscaping. Does the Commission feel this should be required and, if so, what type of landscaping.

Joel VanBecelaere asked Mr. Kennemer at what point water run off becomes an issue. Mr. Kennemer responded that he had spoken with City Engineer Bruce Remsberg and he advised that if the water coefficient was less than .5 nothing would be required.

Francis DeMott stated he felt a sidewalk would be a good idea, however, it would be isolated since there are no other sidewalks in the area. He, therefore, didn't feel it would be necessary.

Ron Close agreed with Mr. DeMott and added that requiring a sidewalk would be an unnecessary burden for the health department. He also stated that he didn't feel the parking lot could be hardened with the underground spring just being plugged with rock. Mr. Close asked if it would be possible for the City Engineer to take a look at the spring and give suggestions as to how the spring could be plugged. Mr. Kennemer stated he would check and see if that was a possibility.

**PLANNING AND ZONING COMMISSION  
MINUTES OF MAY 23, 2011  
PAGE THREE**

There being no further discussion, Joel VanBecelaere moved, seconded by Francis DeMott, to **APPROVE** the site plan with the condition an extra foot be added to the parking spaces as required. Motion passed unanimously.

**The third order of business under Presentation of Requests and Petitions was the review of a site plan submitted by Jared Sharp for a Bar-B-Que Stand located at 611 N Joplin.** Jared Sharp was present to speak in behalf of this request. He stated he wants to expand his current business located at 912 W 4<sup>th</sup> Street to 611 N Joplin. Mr. Sharp plans to put in a 14' x 18' building with the smoker being covered similar to the 4<sup>th</sup> Street location. He will also have the dumpster fenced in. Mr. Sharp explained he would have shared parking with the 311 Club.

Ron Close asked if this would be a walk up business similar to his current business. Mr. Sharp confirmed this would be walk up only.

Ron Close asked if Mr. Kennemer if a shared parking lot agreement had been signed. Mr. Kennemer stated it had yet to be turned in.

Ron Close asked if the building was going to be on skids or a permanent foundation. Mr. Sharp stated it would be on skids.

Ron Close asked how Mr. Sharp was planning on connecting to the sewer. Mr. Sharp explained that Paul Keys with Sewers, Drains and More would be hooking up the water and sewer lines. Mr. Close asked if the plan for the sewer would meet City Code. Mr. Kennemer explained the water would have to be tapped into at the northeast corner of the property and the sewer would need to have an easement dedicated by the owner of the property since the sewer cannot run across private property.

Joel VanBecelaere inquired how close the structure would be to the sidewalk. Mr. Sharp stated 30 feet. Mr. Kennemer explained that it would require a setback of 21 feet since the property is in an older part of town.

Joel VanBecelaere asked if there would be a restroom. Mr. Sharp explained there were plans to have one on the back of the proposed building.

Francis DeMott asked if this would be a portable restroom or permanent one. Mr. Sharp explained it would be permanent.

**PLANNING AND ZONING COMMISSION  
MINUTES OF MAY 23, 2011  
PAGE FOUR**

Joel VanBecelaere asked about hours of operations. Mr. Sharp explained he was hoping to have the same hours as the current facility, which is Sunday Noon to 6:00 p.m., Monday through Saturday 11:00 a.m. to 8 p.m. Friday and Saturday possibly staying open later at the Joplin address.

Ron Close asked how the lot was going to be lit since he would be open after dark. Mr. Sharp stated he would be purchasing a light pole from Westar and have it installed. Mr. Close stated the lighting plan would need to be a part of the site plan.

Francis DeMott asked if the parking would be required to be paved. Mr. Kennemer stated the only requirements were that the building must be handicap accessible and must be on a foundation.

Pat Rohrbaugh was present to speak against this proposal for the following reasons:

1. The parking was already too crowded and that adding another business will just congest parking more. Several cars from 311 Club are being left overnight, therefore, causing a parking shortage during the day and that 311 Club uses her parking lot sometimes as well.
2. She was required to have 3 separate restrooms when she opened her business, one restroom for men, one for women and one for her employees.
3. Mr. Sharp is claiming he has no seating but in fact has a picnic table, which should be considered seating.

Joel VanBecelaere stated he didn't feel that parking should be an issue since 311 Club would not be open during lunch hours. Pat Rohrbaugh stated parking is an issue because the cars that get left overnight cause a shortage in parking the next day.

Ron Close felt the only solution to Mrs. Rohrbaugh's parking issue was for her to place a "No Parking" sign. She would have to enforce the no parking herself.

Francis DeMott asked if the restroom dimensions were correct, noting that he felt they didn't look quite correct.

Ron Close asked Mrs. Rohrbaugh if she would be agreeable to Mr. Sharp putting his business in at this location if the issues she addressed were all resolved. Mrs. Rohrbaugh stated she would be agreeable.

**PLANNING AND ZONING COMMISSION  
MINUTES OF MAY 23, 2011  
PAGE FIVE**

Mr. Sharp stated the restroom was the exact size Building Inspector Tim Bell told him it needed to be. He also stated the owner of the 311 Club gave him verbal permission to use the parking lot.

Francis DeMott asked Todd Kennemer if the parking lot agreement was needed in writing. Mr. Kennemer stated it was.

Joel VanBecelaere stated he felt there were too many contingencies for him to vote to approve this request at this time. Ron Close agreed and added the Plan Approval Checklist wasn't fully complete yet.

Francis DeMott stated the following issues needed to be resolved: parking lot lighting, parking lot agreement signed, restroom dimensions checked and if the proposed plans would meet City Code on the number of restrooms required, sewer needs to be approved through the City and utility easement needs to be designated.

Francis DeMott moved that this matter be **TABLED** until the next meeting giving Mr. Sharp an opportunity to get the above-listed items resolved. Joel VanBecelaere seconded this motion. Motion passed unanimously. This proposal will be revisited again at the next scheduled meeting on June 27, 2011.

**The fourth order of business under Presentation of Requests and Petitions was the review of a site plan submitted Mike Carpino to locate a Used Car Lot at 2420 S Broadway.** Since no one was present to speak in behalf of this request, Francis DeMott moved, seconded by Joel VanBecelaere, that this proposal be **TABLED** until the next scheduled meeting. Motion passed unanimously.

**UNDER OLD BUSINESS,** Todd Kennemer reminded the Planning and Zoning Commission of the landscaping ordinance from Brownwood, Texas. He felt that this particular ordinance was the simplest ordinance he has found. He did find one in Tulsa, Oklahoma that he would like to mix with the Brownwood ordinance to best suit Pittsburg.

Ron Close asked why landscaping ordinances in other Kansas communities roughly the size of Pittsburg were not being reviewed. Mr. Kennemer explained the area ordinances that are currently in place are not following what the Commission desires to accomplish. These surrounding area ordinances are either trying to reduce heat to their parking lots or have too strict guidelines.

**PLANNING AND ZONING COMMISSION  
MINUTES OF MAY 23, 2011  
PAGE SIX**

Ron Close felt the Commission should be trying to change the ordinances of area Kansas ordinances to fit Pittsburg as opposed to Texas and Oklahoma ordinances.

Joel VanBecelaere suggested a flat percent of any given property need to be landscaped. He suggested guidelines to have and what not to have and where they can and cannot plant vegetation then allow the tenants to put in what they want and where they want it.

Francis DeMott asked if grass would count in the flat percent. Mr. Kennemer stated he was trying to get in contact with some of the local nurseries to see what types of vegetation they would recommend for this area.

Joel VanBecelaere stated he felt that would be a good idea. He also suggested Mr. Kennemer find maybe five or six local businesses and find out what percent of their property is landscaped and use that in the ordinance.

Connie McGeorge felt the percent that is found should be a combination of trees and shrubs.

Laura Klusener requested Mr. Kennemer make a draft of what's been discussed with a handout of trees and shrubs that might be suggested for the area. She requested he bring it to the next Planning and Zoning Commission meeting in June.

Joel VanBecelaere inquired what the fine would be for violations and what the process would be to assure prosecution of violators. He also inquired about the number of times a violator could be prosecuted for the same offense and if the fines could be added to the owner's property taxes if not paid. Mr. Kennemer stated he would look into it and report back to the Commission.

Ron Close stated that he felt signage and parking should both be included in this ordinance as well as they too could affect the landscaping of a property.

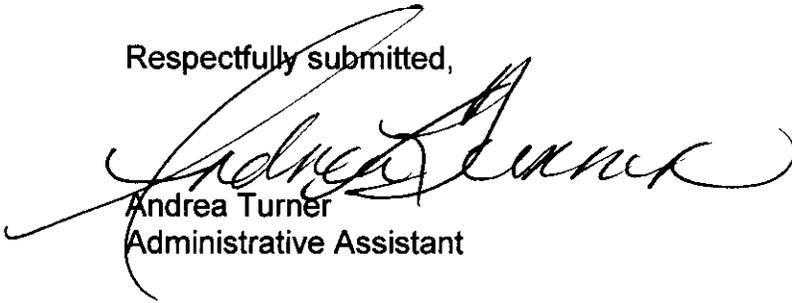
Brian Sullivan stated that due to zoning issues exclusions to the ordinance would also need to be determined.

Laura Klusener suggested that City staff present the proposed regulations to some businesses coming into Pittsburg to get their thoughts about the new regulations.

**PLANNING AND ZONING COMMISSION  
MINUTES OF MAY 23, 2011  
PAGE SEVEN**

There being no further business to be discussed, Joel VanBecelaere moved, seconded by Ron Close, that the meeting adjourn. Motion carried unanimously and the meeting adjourned at 8:30 p.m.

Respectfully submitted,



Andrea Turner  
Administrative Assistant