

# PLANNING AND ZONING COMMISSION

## MINUTES OF THE MEETING OF NOVEMBER 28, 2011

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

**OTHERS PRESENT:** Earl Ward, #5 Twin Lakes Court, Pittsburg  
Todd Kennemer, Asst. Director of Public Works  
Andrea Turner, Administrative Assistant

The Pittsburg Planning and Zoning Commission met on Monday, November 28, 2011, at 7:00 p.m., in the Municipal Court Room of the Law Enforcement Center. Ron Close led the flag salute. Chairperson Connie McGeorge called the meeting to order at 7:00 p.m. with all nine (9) members present.

**The first order of business was the approval of the minutes of the meeting of October 24, 2011.** Mike Creel moved, seconded by Laura Klusener, that the minutes be approved as submitted. Motion carried unanimously.

**The first order of business under Presentation of Requests and Petitions was consideration of a request submitted by Jim Bishop on behalf of Dollar Tree to vacate a portion of a utility easement no longer in use described as follows: Beginning at the Southwest Corner of the Northwest Quarter (NW $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section 17, Township 30 North, Range 25 East of the Sixth Principle Meridian; thence 290.00 feet East, 30.00 feet South to the True Point of Beginning; thence South 155.92 feet, thence East 20.00 feet, thence North 155.92 feet, thence West 20.00 feet to the True Point of Beginning, all located in the City of Pittsburg, Crawford County, Kansas.** Todd Kennemer stated that Dollar Tree is trying to sell the property and the vacation of this easement would clear up the title to the property. He then provided the following information:

1. Said easement runs north/south and is located under the retail structure at 2832 North Broadway. (The retail building consists of three (3) businesses; Dollar Tree, Game Stop, and Check-into-Cash).

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2. In April 2005, when this structure was being built, the City approved a request from the developer to build the retail structure over the existing sanitary sewer line. The City and developer entered into an agreement requiring reconstruction of the sanitary sewer line with polylined ductile iron pipe encased in concrete (2'x 2') to withstand the weight of the building.
3. By June 2005, a new private development agreement had been made between the City and developer to abandon, fill and cap off the sanitary sewer line running underneath the retail structure. This line was filled with "flowable fill" concrete and a new manhole was placed on the south side of the building.
4. Now, in 2011, the retail structure and property at 2832 North Broadway is for sale. It was noted in a title search that, although the old sewer line was filled with concrete and abandoned, the easement across this property is still in effect and has not been abandoned. The easement running across this property is 165.92 feet in length. The north 155.92 feet of the easement needs to be vacated; however, the south 10.00 feet of this easement needs to remain intact since it does contain sanitary sewer lines and a manhole.

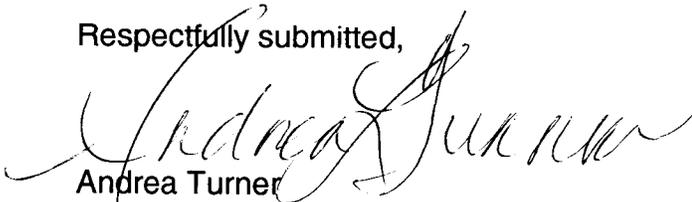
Joel VanBecelaere inquired about the location of the sanitary sewer when re-routed. Mr. Kennemer stated the sewer runs to the south of the building and it is a private line.

Laura Klusener inquired if any of the utilities expressed any objections to the request. Mr. Kennemer stated there were no objections from any of the utility companies.

There being no further discussion, Laura Klusener moved, seconded by Joel VanBecelaere, 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, December 13, 2011.

There being no further business to be discussed, Joel VanBecelaere moved, seconded by Francis DeMott that the meeting adjourn. Motion carried unanimously and the meeting adjourned at 7:15 p.m.

Respectfully submitted,



Andrea Turner  
Administrative Assistant