

PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING OF JANUARY 28, 2013

MEMBERS PRESENT: Ron Close, Vice Chairperson
Dave Holloman
Patty Horgan
Tim Kundiger
Connie McGeorge
Wes Streeter
Brian Sullivan
Michael Swartz

MEMBERS ABSENT: Francis DeMott

OTHERS PRESENT: Mark Lehman, 1511 S. College, Pittsburg
Ralph McGeorge, 2301 N. Rouse, Pittsburg
Don Orender, 3202 Grand Oaks Ct., Pittsburg
Bruce Remsberg, 104 S Pine, Pittsburg
Dale Thompson, 501 N. Hogel, Cherokee, KS
William A. Beasley, Director of Public Works
Troy Graham, Assistant Director of Public Works
Andrea Holtzman, Administrative Assistant of Public Works

The Pittsburg Planning and Zoning Commission met on Monday, January 28, 2013, at 7:00 p.m., in the Municipal Court Room of the Law Enforcement Center. Vice Chairperson Ron Close called the meeting to order at 7:00 p.m. with eight (8) members present.

The first order of business was the introduction of Patty Horgan and Michael Swartz as the newest members of the Planning and Zoning Commission.

The second order of business was the election of a new Chairperson and Vice Chairperson to serve the 2012 Term. In this regard, Connie McGeorge moved, seconded by Wes Streeter, that Ron Close serve as Chairperson. This motion passed unanimously and Ron Close was elected by acclamation. Connie McGeorge then moved, seconded by Wes Streeter, that Brian Sullivan serve as Vice Chairperson. This motion passed unanimously and Brian Sullivan was elected by acclamation. Ron Close then presided as the newly elected Chairperson.

The third order of business was the approval of the minutes of the meeting of November 26, 2012. In this regard, Tim Kundiger moved, seconded by Connie McGeorge, that the minutes be approved as submitted. Motion carried unanimously.

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The first order of business under Presentation of Requests and Petitions was the review of a Preliminary Plat and Final Plat for Lincoln Square located south and east of the 17th and Locust Street intersection. Bill Beasley explained that the subject property is that block surrounded by Locust, Elm, 17th Street and 18th Street (the former site of the Lincoln School and The Center). The City has now acquired this lot and plans on providing new affordable housing. The City has received a grant to build the housing as well as relocate the sewer in this area. The houses are going to be 3-bedroom 2-bathroom units with a covered carport or garage. Originally, this block consisted of twelve lots and in order to provide the housing, the City needs to replat the block from the original twelve lots to ten lots. Mr. Beasley indicated the alley would be 24 feet wide, as the City wants to promote alley access to blend in with the rest of the neighborhood. The City has also allotted for a utility easement.

Patty Horgan inquired if the electric would be provided under ground or overhead. Mr. Beasley indicated it would be underground.

Dave Holloman inquired about the square footage of the units. Mr. Beasley responded that he believed the square footage would be approximately 11,000-12,000 square feet.

Patty Horgan inquired about the purchase price for these homes. Mr. Beasley responded the City was hoping to shoot for \$95,000-\$110,000. He also indicated there was a grant that would put \$10,000 toward the closing costs.

Ron Close inquired if there was a scheduled completion date for the project. Mr. Beasley stated that the target completion date was the end of 2013.

Dave Holloman inquired as to whether or not the City would be turning over the deed to the builders to have them sell the lots or if the City plans to sell the lots to buyers. Mr. Beasley indicated the builder would build the homes then the City would deed them to the builder for them to sell. Unless an individual qualifies and buys the lot before the builder builds the home, then the owner could coordinate more with the builder regarding design of the home.

Ron Close inquired how many parking spaces would be required for each home. Mr. Beasley stated that two off-street parking spaces are required for each unit and would be accessible from the alley. Mr. Close then inquired if trash would be picked up from the alley or the front at the curb. Mr. Beasley responded that the solid waste haulers pick up from wherever it would be the easiest to access with their trucks, which is usually from the street.

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Wes Streeter inquired if there could be a mass developer buy the properties and then rent them. Mr. Beasley responded there is a stipulation that the property must be owner occupied for at least seven years.

Mike Swartz inquired about the average distance between the houses. Mr. Beasley indicated the homes would have to be constructed according to the required setbacks as set forth by City ordinance, which in this case would be 5-7 feet from property lines, (or roughly 14 feet between each unit)

Ron Close inquired if the new Landscape Ordinance would apply to this area. Mr. Beasley reminded the Commission that the Landscape Ordinance only refers to commercially zoned areas and this particular block is in a residential zone. He stated, however, that the plan is to retain as many trees as possible in the area.

There being no further discussion, Tim Kundiger moved, seconded by Patty Horgan, that the Planning and Zoning Commission forward to the Governing Body a recommendation of approval of the plats. Motion carried unanimously.

The second order of business under Presentation of Requests and Petitions was a PUBLIC HEARING to consider a request submitted by the Mark Lehman of Family Life Assembly of God for a Conditional Use under the provisions of Article 30 of the Pittsburg Zoning Ordinance to allow a church related accessory parking lot to be located at the northeast corner of the intersection of 13th and Rouse. Mark Lehman was present to speak on behalf of the request. Mr. Lehman stated that originally the parking lot was going to be located behind the building, however, after conducting a price comparison they decided it would be cheaper to place the lot on the land across the street from the current facility. He indicated that due to the growth of the church they need a larger parking lot.

Troy Graham stated that this particular plot of land lies in an R1-B Single Family Residential district and thus requires a Conditional Use permit.

Connie McGeorge inquired if the neighbors have had a positive response to this parking lot. Mr. Lehman indicated he had personally spoken to the neighbors surrounding the property and encountered no known opposition.

Patty Horgan inquired if the house to the north of the property was owned by the church as well. Mr. Lehman stated that at one time it was the parsonage; however, at this time it is a rental house. He further stated that the church owns the house and has no plans to remove it at this time.

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There being no one present to speak in opposition to the request, Chairperson Ron Close closed the **PUBLIC HEARING** to allow for discussion amongst the Commission. There being no discussion, the Planning and Zoning Commission then considered the following factors:

1. Character of the neighborhood.

This area is located on North Rouse in a mostly residential neighborhood. The property lies directly north and across the street from the Family Life Assembly of God church.

2. Zoning and uses of nearby properties.

Properties directly west of this lot on the west side of Rouse Street are zoned R1-C Single Family Residential and properties adjoining this lot are zoned R1-B Single Family Residential.

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

This property would be similar in use to the Family Life Assembly of God church which is located to the south of the proposed lot.

4. Length of time the subject property has remained vacant as zoned.

Property is currently vacant and has been vacant for an estimate of at least 10 years.

5. The extent to which removal of the restrictions will detrimentally affect the nearby property.

The effect should be minimal with the location of the church currently in this neighborhood. Granting of a Conditional Use would allow others to apply for a similar type use in other areas.

6. Relative gain to public health, safety, and welfare.

Health, safety and welfare should not be affected.

7. Recommendation of professional staff.

APPROVE

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8. Conformance to Master Plan.

While the future use of this property is not addressed in the Comprehensive Plan, it does show it to be in an area of mixed uses [currently in place].

Based on the above findings, Tim Kundiger moved, seconded by Connie McGeorge, 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 Tuesday, February 12, 2013.

The third order of business under Presentation of Requests and Petitions was the review of a site plan submitted by Mark Lehman of Family Life Assembly of God Church for the construction of a new parking at the northeast corner of the intersection of the 13th and Rouse. Troy Graham explained that this is in a residential zone therefore is not subject to the Landscape Ordinance. However, Family Life Assembly of God has shown that they will have trees and other green spaces in the area. Steve Birchmeyer is the architect for the project and has been working with City staff regarding the appropriate drainage. There has been screening included in the site plan as well.

Connie McGeorge inquired if the parking lot was going to be gravel. Mr. Graham stated that the Board of Zoning Appeals, in its meeting of February 4th, will be considering a request for a variance in the paving requirements for this parking lot. The church is requesting they be allowed to keep the lot gravel for a period of two years.

Wes Streeter inquired if there was a plan for lighting. Mr. Lehman stated that at this time there was not a plan. Currently they use three pole lights provided by Westar Energy. The church pays Westar Energy monthly for the use of these pole lights. However, if lighting required they would be willing to work with City staff to get a plan that is satisfactory.

Mike Swartz inquired about current parking. Mr. Lehman stated there are two services and currently they park across the street to the west, in the lot in front of their building, and on the side of 13th Street. And because of the street width and congestion the church would like to remedy the on street parking in the area.

Tim Kundiger inquired if the entrance to the parking lot was adequately distanced from the intersection. Mr. Lehman stated the new entrance will be directly across from the entrance to the current lot.

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Ron Close inquired if there were going to be any signs located on the parking lot. Mr. Lehman stated that at this time the only signage would be an enter/exit sign. Mr. Close then stated that the lighting plan really needed to be on the site plan and any plans for signage as well.

There being no further discussion, Connie McGeorge moved, seconded by Patty Horgan, that the site plan be **approved** as submitted contingent upon the Board of Zoning Appeals approval of the requested variance. Motion carried unanimously.

The fourth order of business under Presentation of Requests and Petitions was the review of a site plan submitted by Don Orender for the construction of a new parking lot at 2308 Tucker Terrace. Don Orender stated that approximately two years ago his wife decided to open her own practice and so they built a new building for her to do so. They also purchased the lot directly across the street from the current facility. Mr. Orender stated there is currently a single light pole on the lot; however, he is not sure at this time if it works. The goal of the parking lot would be to provide parking for the employees and a few customers, thus relieving some of the congestion on Tucker Terrace. Mr. Orender stated there would still be cars parking on the street, however, with the parking lot the congestion would not be as bad. There would still be the green space as indicated on the site plan. This lot would allow for 17 parking spaces.

Wes Streeter inquired about pedestrian travel and if there would be a sidewalk along the north side of the parking lot or if they would be walking through the driveway entrance. Mr. Orender stated there was already a sidewalk in front of the building but people would be walking from the parking lot through the lot entrance, across the street and then to the sidewalk and office entrance.

Dave Holloman inquired if the City was obligated to put up speed limit, cross walks or any caution signs in areas where there are parking lots and people crossing the streets like the two site plans being reviewed tonight. Mr. Graham stated that if there was a need to review speed limits in the area, the Traffic Advisory Board would be notified and they would go to the site and determine if additional traffic control devices were needed. He stated, however, that they usually try to avoid mid-block crosswalks due to traffic not really being prepared for them and giving a false sense of security to the pedestrian.

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Patty Horgan inquired about the lights in the area and if they were operable. Mr. Orender stated is a light on Dr. Tawil's lot and it does shine on both lots, however, during the two years Dr. Orender has been in the area these lights have not been on and Mr. Orender was unsure if it worked. He stated the business is a daytime business and he didn't feel lighting would be necessary. Ms. Horgan stated her concern would be during the winter months when it gets dark around 5:00 p.m. and felt lighting would be beneficial to the employees and to Dr. Orender who would leave after dark during this time. Mr. Orender stated that currently the light is directed towards Dr. Tawil's property. He further stated he would be willing to get another light and mount it on the current pole to where is directional toward the parking lot.

Brian Sullivan inquired if there has been any noted concern regarding the parking along the Tucker Terrace area. Mr. Graham stated that at this time he did not know of any concern or complaint in the area.

Mr. Close inquired about an elevation plan and drainage issues noting that these items were not provided. Mr. Graham stated that if the site plan was approved it could be approved contingent upon these items being provided.

Dave Holloman inquired if there would be any signs stating the parking was for Dr. Orender's office only. Mr. Orender stated that at this time there was not a plan.

Mr. Close inquired if the City would be inspecting the construction of the parking lot with regard to compaction of the dirt, strength and thickness of the concrete and if there were certain specs that would need to be followed. Mr. Beasley stated that since it's not a building there would not be any inspections by Codes Enforcement, however, the Engineering Division would be able to make sure the parking lot would be constructed according to required specs.

There being no further discussion, Patty Horgan moved, seconded by Connie McGeorge, that the site plan be **approved** as submitted contingent upon an additional site plan being provided to the City for approval showing screening, landscaping and lighting as well as a survey for drainage elevation. Motion carried unanimously.

Under Other Business, Dave Holloman inquired if in the future site visits could be scheduled to allow Commission members to meet on the proposed sites to review the requests while on the actual property in order to make educated decisions and recommendations. Mr. Graham stated that if it is necessary he would be willing to meet with anyone that would feel the need to meet and review the site.

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Under New Business, the 2013-2014 tentative meeting schedule for the Planning and Zoning Commission was presented for approval. Connie McGeorge moved, seconded by Patty Horgan, that the schedule be approved as submitted. Motion carried unanimously.

Under Old Business, Tim Kundiger stated that he noticed the new addition to the body shop on the corner of 4th and Joplin was actually a metal building and that he was of the impression it was required the exterior match the existing facility. He indicated nothing was found in the minutes regarding this issue, but he thought that it had been discussed. Mr. Kundiger then stated he would be willing to spearhead getting a façade ordinance that would apply to the main streets in Pittsburg, indicating he has looked into other cities that have this type of ordinance and felt it would be beneficial for Pittsburg to adopt as well.

Dave Holloman inquired if the company had not complied with what was required of them by the Commission. Mr. Kundiger stated the only thing in the minutes was that he had asked if the exteriors would match and Todd Kennemer had stated there was nothing in the ordinance that would govern it. He believed they had stated they would match the existing façade.

Bill Beasley stated that unless there was an ordinance the City could not enforce it. He indicated that the industrial park does have aesthetic requirements.

Mr. Holloman inquired if this might fall under the requirements used for the façade grants that are currently in place on Broadway. Mr. Kundiger stated he did not believe they extended that far.

Mr. Holloman stated that he would be concerned about putting too many restrictions on business owners that could discourage them and possibly cause them to build elsewhere. He stated he believes in the appearances of properties want to be very careful as not to discourage owners from building or updating in the area.

Mr. Kundiger stated that since he is a real estate agent he hears a lot of people comment negatively on the look and type of buildings in the City. He feels the City is not helping itself by not having the ordinance because people do not want to come to Pittsburg if it doesn't look good. He stated that the ordinances are in place in Manhattan and he feels that is why the higher end businesses are there and not here.

Mr. Holloman stated that he feels that Pittsburg is losing businesses because of all the restrictions placed on them.

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Mr. Kundiger stated that the main concern he hears from people is that they are going to Missouri due to lower taxes.

Mr. Holloman stated that Crawford County is the first or second poorest county in the state and has the first or second highest unemployment rate and that putting more restrictions on businesses during this recession is a bad idea. He indicated that he agrees that we should make the City more presentable but caution needs to be exercised and only after a lot of research has been done to make sure that business owners are not hindered. He indicated that he felt there is a fine line between making the City more presentable and pushing people out with a lot of restrictions.

Mr. Kundiger stated that he was only suggesting that the City apply this type of ordinance to just the main streets and feels this is something that should be explored.

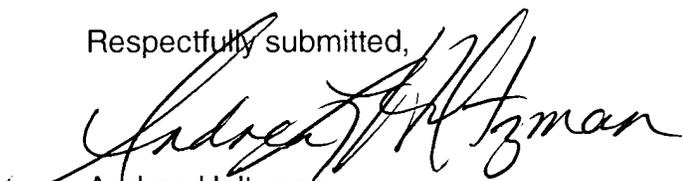
Mr. Beasley stated the City has adopted the International Building Codes and these Codes are used throughout the United States. At this point, surrounding states have all adopted these Codes as well, but there may be some type of incentive in other states that are not offered locally in Pittsburg.

Mr. Beasley stated that in the past the Commission requested a City Engineer come to a meeting to go over what they are supposed to be looking for with site plans and inquired if there was anything else they would like to see. In this regard, the Commission thought it would be nice to have a handout explaining what they should be looking for and possibly a composed list of questions to know what exactly would need to be discussed. The Commission also requested a legend indicating what each symbol represents on the site plan and why they are required and important.

Patty Horgan inquired if the new Landscape Ordinance was for aesthetics only or if the purpose was for cleaning up a property. Mr. Beasley stated that both reasons were why it was passed.

There being no further business to be discussed, Connie McGeorge moved, seconded by Ron Close that the meeting adjourn. Motion carried unanimously and the meeting adjourned at 8:10 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrea Holtzman", written in a cursive style.

Andrea Holtzman
Administrative Assistant