

PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING OF JUNE 3, 2013

MEMBERS PRESENT: Ron Close, Chairperson
Francis DeMott
Dave Holloman
Patty Horgan
Tim Kundiger

MEMBERS ABSENT: Connie McGeorge
Wes Streeter
Brian Sullivan, Vice Chairperson
Michael Swartz

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, June 3, 2013, at 7:00 p.m., in the Municipal Court Room of the Law Enforcement Center. Dave Holloman led the flag salute and Chairperson Ron Close called the meeting to order at 7:00 p.m. with five (5) members present.

The first order of business was the approval of the minutes of the meeting of January 28, 2013. In this regard, Francis DeMott moved, seconded by Patty Horgan, that the minutes be approved as submitted. Motion carried unanimously.

The first order of business under Presentation of Requests and Petitions will be a PUBLIC HEARING to consider Case No. 13 P-2, a request submitted by the Community Health Center of Southeast Kansas for a Conditional Use under the provisions of Article 30 of the Pittsburg Zoning Ordinance to allow offsite drainage for retention to be located at the northeast corner of the intersection 2914 N Michigan. Sam Hayes, Community Health Center of Southeast Kansas, of was present to speak in favor of this request. Troy Graham explained the Community Health Center of Southeast Kansas is in the process of expanding its current facility. As part of this expansion they are requesting to have off site drainage as a way to get proper water drainage in the area.

Mr. Hayes stated the Community Health Center of Southeast Kansas is looking to expand the current facility. Community Health Center of Southeast Kansas has chosen to go offsite because all on site space available is in parking lot space or underground. The offsite option is financially better for the Center. He indicated this is not going to be a pond and water would flow through it.

The Commission looked at the exact lot and location of the proposed area. Brian Coomes of PEC was also present to speak in behalf of this request.

Tim Kundiger asked if this would be a temporary retention area for the construction process. Mr. Hayes explained it would be the final retention area.

Patty Horgan asked if 30th Street would be opened up for a roadway. Mr. Hayes explained that 30th Street would become a public street that has no outlet.

Mr. Graham asked what would be in the area at any given time. Brian Coomes explained that it would not be a pond and there would be grass there and not standing water. He explained that there could be standing water in the area if there is a strong rain but the water would drain from the area fairly rapidly.

Mr. Close asked if there would be a fence around the area just in case there is a flood and water is standing in the area. Mr. Graham stated there is nothing currently.

Mr. Hayes stated that there is currently standing water on the lot and the proposal would get rid of this water.

Mr. Coomes explained that in future once the development is completed there would be no more run off than there is today.

Sandra D'Andrea stated she owns the neighboring lot to the proposed site. She fears a concrete ditch will devalue her property and is unnatural. She feels the area should be kept natural. She asked what would prevent the water from flowing onto her property.

Mr. Coomes showed her where the flow of water would run and how it would flow away from the property.

Dave Holloman asked who will be responsible for the maintenance of the area and keeping the flow run properly

Bill Beasley stated that he understands what is happening in the area now will happen after this is built. This will be an open channel. There are no trees in the area and will remain open. If there was a clog in the area someone from the City would clear it.

Daniel and Teresa Church, 2912 N Michigan, asked how long the open water would be retained. Mr. Coomes explained the water would only be in the area for a few hours. Mrs. Church expressed concern about child safety and the value of her property. Mr.

Church asked where the water would run from his property and if the area would be fenced. Mr. Coomes showed where the water would flow and there is no plan at this time to fence the area.

Mr. Close stated that since there are two property owner that are opposition there may need to be some kind of stipulation regarding a fence in the area as a condition of the proposal.

There being no further discussion, Ron Close closed the Public Hearing for discussion among the Commission.

Tim Kundiger stated that they are not trying to add to the flow of water but control the flow.

Dave Holloman stated that with the addition to the health center is going in and with it will come more water in the area and will therefore have different issues than there are now. If the pond is not put in the properties could flood.

Francis DeMott stated the retention pond is to control the flow of the water. He asked if there would be vegetation around the berm to make it look better.

Patty Horgan stated that she feels there could be a fence on the south side to assist with safety concerns and bushes or shrubs to assist with concerns on the north side.

Bill Beasley reminded the Commission that there could be conditions to the Condition Use as the Commission sees fit. He stated that he would like to have the maintenance of the property be tied to the property as a portion of the Conditional Use.

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 Michigan in a mixture of both commercial and residential neighborhoods. The property lies directly adjacent to a current City drainage and street easement and across the street from the future location of the CHCSEK expansion.
2. *Zoning and uses of nearby properties.* Properties directly west of this lot on the west side of Michigan Street are zoned CP-0 Planned Commercial Office and properties adjoining this lot are zoned R1-C Single Family Residential.
3. *Suitability of the subject property for the uses to which it is being considered.* A large part of this property is currently part of the drainage way for the surrounding properties. This property would be used for temporary drainage retention for the CHCSEK expansion in the event of a 100 year rainfall flood. The normal condition of this retention area would be a dry grassy area.

4. *Length of time the subject property has remained vacant as zoned.* The property is currently vacant but was a normal residence until it was badly damaged by a fire in the past couple years.

5. *The extent to which removal of the restrictions will detrimentally affect the nearby property.* The effect of this conditional use should be minimal to the surrounding neighborhood with its normal appearance as a grassy area when not detaining water for short periods of time.

6. *Relative gain to public health, safety, & welfare.* H, S, & W should not be affected.

7. *Recommendation of professional staff.* APPROVE

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].

There being no further discussion, Tim Kundiger moved to approve the proposal with the condition of the maintenance of the property be tied to the property no matter who the occupant, that there be vegetation placed and maintained. This motion was seconded by Francis DeMott. Motion carried unanimously.

The second order of business under Presentation of Requests and Petitions will be a review of a site plan submitted by Sam Hayes for Community Health Center of Southeast Kansas for the expansion and construction of a new facility to be located at 3011 N Michigan Street.

Sam Hayes was present to speak in favor of this site plan. Mr. Hayes explained the expansion will extend to the southwest of the current facility. He stated that 30th Street is currently under construction. He added they have 15,000 square feet and will be adding an additional 25,000.

There being no further discussion, ConnieFrancis DeMott moved, seconded by Tim Kundiger, that the site plan be **approved** as submitted contingent upon the Board of Zoning Appeals approval of the requested variance. Motion carried unanimously.

The third order of business under Presentation of Requests and Petitions will be a review of a site plan submitted by Rick Barre for Countryside Self Storage located at 1800 E. 4th Street for the construction of a new 40'X200' storage unit. This unit was on an original site plan which was approved to be constructed around 2006 but was never finished. This is an update of the project for the Planning and Zoning Board Members.

Rick Barre was present to speak in favor of this request. Mr. Barre stated that he will be adding 40 new units. There will be electrical for the outside lights and an outlet on each end.

The Commission looked at the original site plan from late 2000 or early 2001 and the layout of the existing property.

Mr. Barre stated there will be a fence around the property.

Mr. Close asked if the landscaping ordinance would apply to this area since it was already existing.

Mr. Beasley indicated that since it was previously approved and this is just an update the proposal is grandfathered in and will not have to comply with the landscaping ordinance.

Mr. DeMott asked if there is any reason to landscape the back of the property. He felt that since the front is completed and the area in question is at the back of the property he didn't feel landscaping would be necessary.

There being no further discussion, ConnieFrancis DeMott moved, seconded by Tim Kundiger, 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 will be a review of a site plan submitted by Bryan Young for a Jimmy Johns to be constructed at approximately 1106 S. Broadway. A site plan was originally approved by the P&Z Board in July of 2011 but has now changed from the original site plan and will need reviewed.

The fifth order of business under Presentation of Requestion and Petitions will be a review of a site plan submitted by Matt McConnell with Crossland has submitted a site plan for review for a proposed Goodwill Store at 25th and Broadway. This new store will be located in the previous location of the Video Warehouse. A site plan for Goodwill was approved by P&Z on September 24, 2012 but the layout and size of the structure has changed from the original site plan.

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,

Andrea Holtzman
Administrative Assistant