

PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING OF JULY 28, 2014

MEMBERS PRESENT: Brian Sullivan, Chairperson
Tim Kundiger, Vice Chairperson
Ron Close
Bob Gilmore
Patty Horgan
Earl Ward

MEMBERS ABSENT: Dave Holloman
Wes Streeter
Michael Swartz

OTHERS PRESENT: Jim Askins, 2401 Knollview, Pittsburg
Greg Clawson, 215 W. Park, Pittsburg
Brian Coomes, PEC, 104 S Pine, Pittsburg
Francis DeMott, 1002 E Jefferson, Pittsburg
Sally Starkweather, 622 E. Jackson, Pittsburg
Ralph Patterson, 619 E. Jackson, Pittsburg
Bill Wiedower, 319 President Clinton AVE, Little Rock, AR
Troy Graham, Director of Planning and Community Services
Andrea Holtzman, Public Works Administrative Assistant

The Pittsburg Planning and Zoning Commission met on Monday, July 28, 2014, at 6:00 p.m., in the Municipal Court Room of the Law Enforcement Center. Vice Chairperson, Tim Kundiger led the flag salute. Chairman Brian Sullivan was not present at the start of the meeting, therefore, Vice Chairperson Tim Kundiger called the meeting to order at 6:00 p.m. with five (5) members present.

The first order of business was approval of the minutes of the meeting of May 19, 2014. Patty Horgan recommended a correction to paragraph 3 on page 4 that should state Mr. Milton's letter indicated his feelings regarding Broadway are that it should be restricted to retail. In this regard, Earl Ward moved, seconded by Bob Gilmore, that the minutes be approved with the requested changes. Motion carried unanimously.

The first order of business under Presentation of Requests and Petitions was a PUBLIC HEARING to consider case number 14P-03, a request submitted by Miller's Professional Imaging, Inc. (MPI) to rezone 602-622 E. Madison and 702 E. Monroe from R-2 Two-Family Residential to IP-2 Planned Medium Industrial to make the property more conducive to the expansion of the current facility and the parking lot. Jim Askins of MPI and Brian Coomes of PEC were both present to speak on behalf of this request.

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Troy Graham explained that MPI approached the City regarding some expansions they would like to make in the future. He explained that as part of this expansion the area would need to be rezoned to industrial.

Mr. Askins explained the area being requested to be rezoned would be used for extra parking. The last addition was made a couple of years ago. Since the last expansion, MPI has started working with Shutterfly and, as such, will be hiring over 100 more employees and needing another building to accommodate this new branch. As a result, the parking will need to be expanded to accommodate the additional employees. Mr. Askins explained the expansion to the parking lot will not be needed immediately as the new building expansion will be done at a later date.

Bob Gilmore inquired if the existing houses in the area to be rezoned will be torn down if the rezone is approved. Mr. Askins stated that MPI has purchased the homes in the area and will be tearing them down.

There being no one else to speak in favor of this request, Mr. Kundiger opened the floor to those present wishing to speak in opposition of the request.

Ralph Patterson, 619 E. Jackson, stated he felt the rezone would have adverse effects on the value of his home. He does not want to have trucks or other industrial buildings in his backyard. He has indicated that Stilwell Street is narrow and is not designed for truck traffic and feels that to expand the street to accommodate these trucks will increase his taxes. He has several concerns including drainage, direction of lighting, oil accumulating on the parking lot, health of area residents and screening.

Sally Starkweather, 622 E. Jackson, is concerned that if the street is expanded traffic will be too close to her home. She is concerned that MPI will keep expanding and eventually take over the entire area and noise in the area, citing she can hear local businesses phones ringing at early hours of the morning. She then inquired if there were plans to expand Stilwell.

Mr. Askins stated that MPI has no plan to expand Stilwell Street at this time.

Mr. Graham explained that it is possible for the street to be widened in the future due to the current platting of the area and the current street right-of-way.

Mr. Askins stated there would be a fence between MPI's parking lot and the neighboring residential properties to prevent the passage of lighting onto the properties.

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Bob Gilmore stated MPI has upgraded the stormwater retention every time they build. They will have to do the same when they do the next expansion and if any drainage issues exist they will have to update the stormwater system to accommodate the new expansion.

Vice Chairperson Tim Kundiger closed the Public Hearing for the Commission to consider the following eight factors.

1. Character of the neighborhood. This area is located on East Madison Street in an area that is a mix of industrial and residential uses.
2. Zoning and uses of nearby properties. Property zoning for this area is IP-2 Planned Medium Industrial to the North and R2 Two-Family Residential and RP-3 Planned Medium Density Residential to the South.
3. Suitability of the subject property for the uses to which it is being considered. Rezoning of this property to IP-2 Planned Medium Industrial would not be considered spot zoning and would correspond with current zoning in the area.
4. Length of time the subject property has remained vacant as zoned. Properties to be rezoned are currently a mix of residential homes and vacant lots.
5. The extent to which removal of the restrictions will detrimentally affect the nearby property. Rezoning the property should not have a detrimental effect to the area. There are other IP-2 Zoned properties within close proximity.
6. Relative gain to public health, safety, & welfare. Health, Safety, & Welfare should not be negatively affected by the rezoning of the properties. The apartment housing will increase the pedestrian traffic on the adjacent hike and bike trails.
7. Conformance to Master Plan. This area is currently zoned as a residential area but due to expansion of the industrial zoned areas to the north, it is an acceptable use if rezoned.
8. Recommendation of professional staff. APPROVE

Based on the above findings, Bob Gilmore moved, seconded by Patty Horgan, that the Planning and Zoning Commission forward a recommendation to the Governing Body for **APPROVAL** of the rezoning request. Motion carried unanimously. This recommendation will be presented to the City Commission for their consideration on August 12, 2014.

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Chairperson Brian Sullivan entered the meeting at approximately 6:10 p.m.

The second order of business under Presentation of Requests and Petitions was consideration of a request submitted by MPI to vacate a portion of Madison Street from the east right-of-way line of Homer Street to the west right-of-way line of Stilwell Street all located in the City of Pittsburg, Crawford County, Kansas.

Mr. Graham stated MPI is requesting to vacate a portion of Madison Street from the east right-of-way line of Homer Street to the west right-of-way line of Stilwell Street; however, the City will retain an easement for utility purposes.

Mr. Askins stated there is a water line in the area, but it will be plugged at both ends. He also stated there are plans to improve the intersection of Stilwell and Madison to allow for semi-trucks to access the area for loading and unloading.

Patty Horgan inquired if people are informed when a street is being vacated. Mr. Graham stated that not only is a notice published in the newspaper, but letters are sent to the property owners within 200 feet of the request as well.

Mr. Gilmore inquired if there would be a screening fence placed in the area to buffer the new parking lot from the residential properties. Mr. Askins stated that a wooden privacy fence would most likely be constructed.

There being no further discussion, Patty Horgan moved, seconded by Ron Close, to forward a recommendation to the Governing Body for **APPROVAL** of the request. Motion passed unanimously. This recommendation will be presented to the City Commission for their consideration during a **PUBLIC HEARING** on August 12, 2014.

The third order of business under Presentation of Requests and Petitions was the review of a site plan submitted by MPI for the construction of a storage facility and extension of the parking lot to be located at 610 E. Jefferson. Mr. Askins and Mr. Coomes were available to speak on behalf of this request.

Mr. Gilmore inquired if there would be down lights installed in the area. Mr. Coomes stated there are three existing down lights that will be relocated to the subject area and others added.

Mr. Kundiger inquired if the drainage line is large enough to accommodate the future improvements. Mr. Coomes stated PEC is currently researching the drainage system. In the future when a parking lot site plan is reviewed, the entire area will be improved as necessary.

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There being no other discussion, Tim Kundiger moved, seconded by Patty Horgan, to approve the site plan as submitted. Motion carried unanimously.

The fourth order of business under Presentation of Requests and Petitions was the review of a site plan submitted by Heiple and Wiedower Architects for the construction of an apartment complex to be located at 2010 S. Rouse. Bill Wiedower was present to speak on behalf of this request. He reviewed the site plan with the Commission at this time. The complex will consist of the following: 4 bedroom 4 bath units with a shared common room, a gated community with off-street parking, a safety breakaway gate for emergencies, a large clubhouse with a swimming pool, lighting between the buildings and around the parking lot, and is considered a luxury apartment complex. There will also be a computer lab, workout space and on-site manager.

Mr. Graham stated that the area was rezoned in December to add a 72 unit apartment complex in the area.

Mr. Gilmore stated he counted roughly 288 beds with only 283 parking spaces. He voiced concern that there are not enough parking spaces citing each student usually will have their own car and then they will normally have guests. Mr. Gilmore stated he is also concerned the building is too big for the lot size. He felt to approve the current parking would be to knowingly create parking problems at surrounding area parking lots such as the PSU Rec Center and Dollar General.

Mr. Close inquired how many staff members would be hired. Mr. Weidower stated he was unsure, however, in the past there have been two people on staff 24 hours a day with the option for a manager to live on site but not required.

Mr. Close indicated he felt there parking issues, water retention and drainage issues with the current plan. He stated he did not feel he had enough information to approve the plan as submitted. He indicated he understands the parking meets the minimum requirements for City Codes but he feels that there are expectations of using surrounding parking and does not feel that is in the community's best interest.

Mr. Kundiger noted there are no plans for signage.

Ms. Horgan stated she feels there is a need for the Commission to look at the parking ordinance in regards to similar structures as this.

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There being no further discussion, Tim Kundiger moved, seconded by Ron Close, that the site plan be **DENIED** until more information could be gathered and that all items required in the Zoning Ordinance (Development Plans 23-101) be included on the submitted site plan. Motion passed unanimously.

The fifth order of business under Presentation of Requests and Petitions was the review of a site plan submitted by Jason Marietta of Jake's Fireworks for construction of a drive to connect the existing McDonald's and Jake's Fireworks parking lots to 29th Street. Greg Clawson of Jake's Fireworks was present to speak on behalf of the request.

Mr. Graham stated Jake's Fireworks wants to improve the parking lot and would be adding a driveway into the new McDonald's and funded by McDonald's. The plan also includes lighting. This will create an additional ingress and egress from McDonald's drive.

Mr. Close inquired if there would be any utilities in the area. Mr. Clawson indicated there will be a need for electric in the area due to the lights that will be placed on the new entrance.

Mr. Graham stated the entrance will also have a McDonald's sign for the entrance.

There being no further discussion, Ron Close moved, seconded by Bob Gilmore, to **APPROVE** the site plan as submitted. Motion passed unanimously.

Under New Business, it was noted that the review of a request submitted by Mandy Commons, 1909 S. Stilwell, to review and revise City Code to allow chickens to be housed in residential areas was cancelled due to illness and would appear on a future agenda.

There being no further business to be discussed, Earl Ward moved, seconded by Patty Horgan, that the meeting adjourn. Motion carried unanimously and the meeting adjourned at 7:45 p.m.

Respectfully submitted,

Andrea Holtzman
Public Works Administrative Assistant