

# PLANNING AND ZONING COMMISSION

## MINUTES OF THE MEETING OF JANUARY 26, 2015

**MEMBERS PRESENT:** Brian Sullivan, Chairperson  
Tim Kundiger, Vice Chairperson  
Ron Close  
Bob Gilmore  
Dave Holloman  
Patty Horgan

**MEMBERS ABSENT:** Francis DeMott  
Michael Swartz  
Earl Ward

**OTHERS PRESENT:** Danny Arck, 2505 E 16<sup>th</sup> ST, Pittsburg, KS  
Tim Bailey, 1290 S 220<sup>th</sup> ST, Pittsburg, KS  
Millie Beer, 113 N Water, Pittsburg, KS  
Bruce Christenson, 3120 Rogerdale RD, Houston, TX 77042  
Shelley Corley, 6740 NE HWY 400, Weir, KS 66781  
Kyle Fleming, 806 S Catalpa, Pittsburg, KS  
Catherine Hooey, 1290 S 220<sup>th</sup> ST, Pittsburg, KS  
Devon and Alisha Krusich, 1237 S 220<sup>th</sup> ST, Pittsburg, KS  
Bob and Scott Kunshek, 308 Memorial Drive, Pittsburg, KS  
Delores Maden, 6740 NE HWY 400, Weir, KS 66781  
Bill Oertle, 507 N Highland, Pittsburg, KS  
Randy Oertle, 211 N Water, Pittsburg, KS  
Bruce Remsburg, 104 S Pine, Pittsburg  
Janet Scheidegger, 3501 SW Fairlawn, Topeka, KS  
Nancy Seitz, 3511 SW Fairlawn, Topeka, KS  
Greg Schwerdt, 2231 SW Wanamaker RD, Topeka, KS  
Carol Swigart, 318 W 19<sup>th</sup>, Pittsburg, KS  
Dan Wooten, 10847 NE HWY 69, Pittsburg, KS  
Mark Werner, 201 S Broadway, STE C, Pittsburg, KS  
Daron Hall, City Manager  
Troy Graham, Director of Planning and Community Services  
Bill Beasley, Director of Public Works  
Andrea Holtzman, Administrative Assistant, Public Works

The Pittsburg Planning and Zoning Commission met on Monday, January 26, 2015, at 6:00 p.m., in the Municipal Court Room of the Law Enforcement Center. Chairperson, Brian Sullivan, called the meeting to order at 6:06 p.m. with six (6) members present. Brian Sullivan led the flag salute.

The first order of business will be introduction of Francis DeMott as the new member to the Planning and Zoning Commission. Francis was unable to be in attendance so he will be introduced next month.

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The second order of business will be election of a new Chairperson and Vice Chairperson to serve the 2015 term. Currently, Brian Sullivan and Tim Kundiger serve in these capacities respectively. Bob Gilmore motioned, seconded by Patty Horgan that Tim Kundiger be elected as Chairperson. This motion passed unanimously. Brian Sullivan moved and Tim Kundiger seconded that Dave Holloman be elected as Vice Chairperson. This motion passed unanimously. Tim Kundiger presided over the proceedings at this point in the meeting.

The first order of business was approval of the minutes of the meeting of December 15, 2014. In this regard, Brian Sullivan mentioned that he was late to that meeting but the attendance record still showed him as absent. Bob Gilmore moved, seconded by Brian Sullivan, that the minutes be approved with the attendance change. Motion carried unanimously.

The first order of business under Presentation of Requests and Petitions will be a PUBLIC HEARING to consider Case No. 15P-01, a request submitted by Kansas Crossing Real Estate, L.C. to rezone the property located in the 1283 S. Highway 69 from Crawford County Zoned Agricultural to CP-3, Planned Highway Service Commercial, to make the area more conducive to future commercial development of a hotel, restaurant and lottery gaming facility.

Newly, elected Chairperson Tim Kundiger read the agenda item indicating the request was a consideration to zone the subject property from County zoned agriculture to CP-3, Planned Highway Service Commercial. Mr. Kundiger than opened the Hearing. Troy Graham explained in November this area was annexed into City limits. As a natural progression of the annexation process once a property is annexed it then is presented before the Planning and Zoning Commission for a zoning hearing. Mr. Graham showed a future land use map for Crawford County and the City of Pittsburg. Both of these maps are attached and should be considered part of the minutes. Mr. Graham explained both maps show this area as Commercial.

Kyle Flemming, counsel for Kansas Crossing Casino L.C. took the microphone at this time and introduced Bruce Chistianson, a member of Kansas Crossing Casino L.C. and Nancy Sites, also a member of Kansas Crossing Casino, L.C., Bruce Remsburg, the engineer on the project and P.J. Holman, the current land owner, as supporters of this project. Mr. Fleming listed other businesses in the area in an effort to show the rezoning request is favorable for the area being requested. Mr. Fleming shared that he believes this casino, restaurant and hotel will fit the needs of the City of Pittsburg and he feels there will be no detriment to nearby properties and believes this will be a financial benefit to the City of Pittsburg.

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Troy Graham took this moment to explain this hearing should remain focused on rezoning request only and the hearing is not an approval of a casino.

There being no questions from the Commission at this time, Tim Kundiger opened the floor to anyone in opposition.

Devon Krusich, 1237 S 220th, was present to speak against the request. He indicated the current commercial properties are relatively small and there are more residences in area than commercial. He was also concerned the traffic will increase on Langdon Lane and feels a casino will devalue the properties in the area. He also indicated that he feels that the lot in question is not vacant as it is currently used as agricultural.

Shelly Corley, 6740 NE HWY 400, Weir, KS, was also present representing her sister, who owns the home that is currently between the area in question and the trailer park. Mrs. Corley explained her sister is concerned about the future of the community with crime rates and does not feel that 1% of the profits, which is flagged to go to the City per the States regulations, will go very far.

Catherine Hooey, 1290 S 220th Street, stated that a significant portion of property is in a flood zone and had questions about where the storm water runoff would go as the current arrangements will not hold. She also indicated the Wastewater Treatment Plant is not able to keep up with current use. She also asked if the County will be assisting financially with any of the changes that will be necessary for a facility like a casino. She too had several traffic concerns. She stated Langdon Lane traffic is already dangerous and the increase in traffic will be detrimental. She also was concerned about an increase in crime, in drug related activity, prostitution and if the County will be assisting with the policing of the area.

Bruce Remsburg, 512 Norris, stated the majority of the sewers are very old however; the City has been spending a lot of time and money working to upgrade these and will continue to repair and replace old lines. Over the past 14 years there has been a vast improvement. He indicated maintaining a sewer system is a constant process and will continue forever. However the Wastewater Treatment Plant has the capacity to handle regular day to day sewage flow and much more. The problems only occurs if there is excessive storm water in the system due to infiltration from prolonged rain occurrences, and indicated it was not the intension to use the Wastewater Treatment Plant to treat storm water.

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Tim Bailey, 1290 S 220th, indicated the FEMA map shows the bottom 1/3 of the property in a flood zone. He stated he lives downstream from the development and runoff from the development will only increase an already flooding area. He stated the site plan will need to address the quality of life of the people in the area. He felt the development of a casino will help the existing commercial areas but the residential areas will suffer. Mr. Bailey also mentioned a concern about increased traffic in the area on Langdon Lane as well.

There being no one else to speak in opposition to the request Chairperson Tim Kundiger closed the Public Hearing to allow for discussion amongst the Commission.

Nancy Sites, Member of Kansas Crossing L.C., requested the Commission refocus on the actual request as a zoning request. She stated that the site plan will cover any and all concerns brought up.

Tim Kundiger asked if the property was for sale contingent on rezoning.

Fleming indicated the casino was contingent on the approval of the State's application. If the Commission rezones the area but the State doesn't approve Kansas Crossing L.C.'s application the zoning will stay Commercial and be available for other commercial opportunities.

Troy Graham explained the area is more conducive to a large development due to KDOT restrictions on entrances off the highway.

Dave Holloman reiterated this is strictly a rezoning and the Commission is not approving a casino.

Bob Gilmore motioned to approve the request as submitted. This motion was seconded by Dave Holloman. This request will go before City Commission on February 10, 2015.

The second order of business under Presentation of Requests and Petitions will be a PUBLIC HEARING to consider Case No. 15P-02, a request submitted by Robert Kunshek to rezone 318 W 18th Street from R-1C, Single Family Residential, to CP-2, Planned General Commercial, to allow for the current facility and the addition of a storage building.

Troy Graham stated if the request to rezone is approved any construction will have to come before Commission with a site plan for approval.

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Bob Kunshek was present to speak in favor of this request. Mr. Kunshek explained he owns the property south of area and he would like to rezone area for future use. Mr. Kunshek mentioned he has no exact plans at this time for what he would like to construct on the property however would like to have it zoned as commercial for future expansion of his current facility. Mr. Kunshek indicated he wanted to get it rezoned in order to make future plans and that he is interested in purchasing any vacant properties in the future. He would not be parking trucks in the area but was considering a storage building for the area.

Dave Holloman asked if the rezone was not approved if a Conditional Use Permit would be another option considering the area surrounding is all residential.

Troy Graham reminded the Commission that anything that goes onto the property must come before Commission for approval.

Chairperson Tim Kundiger opened the floor to anyone present to speak in opposition to the request.

Mark Werner, 201 S Broadway Street, Suite C, was present to represent Heidi & Roger Misasi as they could not be in attendance. Mr. Werner explained he felt the current request is not conducive to the current property use. He believes that the commercial zone would adversely affect the residential properties in the area. He also believes that denying the request will not prohibit the business from growing. Mr. Werner narrated a power point presentation showing location of the proposed site and surround residential areas. This presentation also documented the appearance of the residence in the surrounding area and the condition of the land proposed to be rezoned after a dilapidated structure was removed.

Carol Swigart, 318 W 19<sup>th</sup>, explained her home was recently renovated and the family has no intention to sell the property now or in the future. She stated she doesn't want a lot of trucks in her residential area.

There being no one else to speak in opposition of the request, Chairperson Tim Kundiger closed the opposition portion and asked if there was anyone present to speak in favor of the request.

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Scott Kunshek, 308 Memorial Drive, was present to speak in favor of the request. Mr. Kunshek explained the company recently acquired the area to the east of their facility and has since improved the area with new HVAC units and other renovations. He continued to explain his company would like to expand but they have no intention to get more than 30 trucks and have currently 25. He explained they do not want to construct any buildings on their current property to allow for truck parking and the only thing at this time the company needs is building storage for parts.

Tim Kundiger asked Troy Graham what the City's view was on this matter. Mr. Graham indicated the area is predominately residential however rezoning this area would not be considered spot zoning since the property across the street was currently zoned commercial. Mr. Graham indicated the City usually likes to see larger tracts of land in a block when rezoning but the surrounding area is not owned by applicant at this time so the surrounding area can't be rezoned.

After some discussion amongst the Commission, Bob Gilmore moved, seconded by Tim Kundiger to approve the request as submitted. The motion was denied with a vote of 3 in favor, Patty Horgan chose to pass on her vote and both Ron Close and Dave Holloman voted no.

The third order of business under Presentation of Requests and Petitions will be a PUBLIC HEARING to consider Case No. 15P-03, a request submitted by Tim Kundiger on behalf of Kent Castagno Living Trust to rezone the property located in the 1400 Block of East 4th Street from R-1C, Single Family Residential, to CP-2, Planned General Commercial, to make the area more conducive to future commercial development.

Tim Kundiger indicated it would be a conflict of interest for him to participate in this discussion so he stated he would be abstaining and stepped down from the Commission table at this. Dave Holloman took over to preside over this case. Mr. Holloman stated the request. Troy Graham indicated the properties surrounding the area in question are commercial.

Tim Kundiger explained the corner lot is currently under contract to sell. The area in question is 1.2 acres. He further explained just the area in question is being rezoned at this time. The rest of the property is under contract to a developer at the current zoning.

Vice Chairperson, Dave Holloman opened the floor to anyone present wishing to speak in opposition to the request.

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Randy Oertle, 211 N Water, explained the rezoning will be across the street from his residence and he doesn't want to see a bar go into the area in question.

Bill Oertle, 507 N Highland, explained a few years ago this area was up for rezoning and didn't pass.

Ron Close asked the Oertle, if they had any objections to a veterinarian clinic going into this area. Neither one of the men present to speak in opposition had a problem with a veterinarian clinic.

There being no further opposition and no one else to speak in favor of the request. Patty Horgan moved, Brian Sullivan seconded to approve the request as submitted. This motion passed unanimously.

The fourth order of business under Presentation of Requests and Petitions will be the review of a site plan submitted by Tim Kundiger for the construction of an Veterinarian Clinic to be located in the 1400 Block of East 4th Street.

Tim Kundiger brought a site plan for a future veterinarian clinic to be constructed at the area in question. Mr. Kundiger requested to waive the requirement for fencing along east side due to flood plain acting as a natural buffer. He explained there will be no pole lights in the parking lot due to the lights on the building and the street light on the corner. There will be landscaping according to the landscaping ordinance. The parking lot will be 30 feet from the sidewalk off of 4th Street.

Ron Close asked when construction will begin. Tim explained not until the spring and it is contingent on funding from the State.

Bob Gilmore motioned, Patty Horgan seconded to approve the request as submitted. This motion passed unanimously.

The fifth order of business under Presentation of Requests and Petitions will be the review of a site plan submitted by Dan Arc of Tri-State Engineering on behalf of John and Nancy Do for the construction of a new nail salon to be located at 722 North Broadway.

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At this time, Chairperson, Tim Kundiger took back over the meeting. He read the request. Troy Graham introduced Dan Arck from Tri-State Engineering. Mr. Arck explained this property extends from the sidewalk to the alley. The south wall will be a firewall in preparation for new construction on the lot next to it. There are no setbacks or required parking however there are parking stalls in the rear for the residential apartments in the back. Drainage would run to the alley. The entrances to the apartments would be on 8th Street.

There being no further questions Patty Horgan motioned, Dave Holloman seconded to approve the site plan as submitted and this motion passed unanimously.

Under New Business, will be the review of the 2015-2016 Planning and Zoning Tentative Schedule. After a brief review of the tentative schedule Bob Gilmore moved Tim Kundiger seconded to approve the schedule and this motion passed unanimously.

Also, under New Business, Troy Graham informed the Commission of an upcoming plan for future development at Summerfield Apartments. Mr. Graham explained a rezone and site plan will be coming before the Commission soon. They are planning on adding another building on the property to allow for more housing.

There being no further business, moved, Ron Close seconded by Tim Kundiger to adjourn the meeting at 845 p.m. Motion passed unanimously.

Respectfully submitted,

Andrea Holtzman  
Public Works Administrative Assistant