

PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING OF FEBRUARY 23, 2015

MEMBERS PRESENT: Tim Kundiger, Chairperson
Dave Holloman, Vice Chairperson
Ron Close
Francis DeMott
Bob Gilmore
Patty Horgan
Brian Sullivan,
Michael Swartz
Earl Ward

OTHERS PRESENT: John Cowen, 2609 S Springdale, Pittsburg, KS
Glenn Ferguson, 2609 S Springdale, Pittsburg, KS
Link Cowen, 2609 S Springdale, Pittsburg, KS
John Bolte, 2609 S Springdale ST, Pittsburg, KS
Dennis Grotheer, 2609 S Springdale ST, Pittsburg, KS
Steve Lewis, 702 S Main, Joplin, MO
Roger Heckert. 811 Tanglewoods, Pittsburg, KS
Chris Evertz, 1437 S Boulder, Tulsa, OK
Bob Kunshek, 308 Memorial Drive, Pittsburg, KS
Brian Gustfan, 1904 S Rouse, Pittsburg, KS
Brady Steinbode, 1904 S Rouse, Pittsburg, KS
Jesse Brown, 103 E Williams, Pittsburg, KS
Bruce Remsberg, 104 S Pine, Pittsburg
Mike Cerbo, 6162 S Willow DR #3230, Greenwood Village, CO
Dani Burns, 304 N Miles, Pittsburg, KS
Charles Lackner, 2210 California ST, Pittsburg, KS
Mark Werner, 201 S Broadway, STE C, Pittsburg, KS
Daron Hall, City Manager
Jay Byers, Assistant 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, February 23, 2015, at 6:00 p.m., in the Municipal Court Room of the Law Enforcement Center. Chairperson, Tim Kundiger, called the meeting to order at 6:00 p.m. with nine (9) members present. Mr. Kundiger 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.

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The second order of business was approval of the minutes of the meeting of January 26, 2015. In this regard, Brian Sullivan mentioned there was a spelling error in Mr. Bill Oertle's name on page 7 of the minutes. Bob Gilmore moved, seconded by Brian Sullivan, that the minutes be approved with the spelling correction. Motion carried unanimously.

The first order of business under Presentation of Requests and Petitions was consideration of a request submitted by Roger Heckert to vacate the unimproved east-west alley located in the 100 Block of East Quincy described as follows: Beginning at the southwest corner of lot 9; thence east 95 feet to the southeast corner of lot 9; thence south 20 feet; thence west 105 feet; thence north 20 feet to the point of beginning, all located in block 2 of Broadway Park Addition to city of Pittsburg, Crawford County, Kansas.

Troy Graham explained alley lies south of Quincy just east of the KCS railroad tracks. Mr. Heckert would like to expand the current facility adding space for storage. All utilities have signed off. Mr. Graham explained that Mr. Heckert will not be building over sewer line that lies about five (5) to six (6) feet deep.

There being no further discussion, Bob Gilmore moved, seconded by Earl Ward to recommend approval of the request as submitted. This motion passed unanimously.

The second order of business under Presentation of Requests and Petitions was the Review of a re-plat of the Riddle Woods Addition to Pittsburg submitted by Tri-State Engineering on behalf of Kansas City Southern Railroad.

Steve Lewis of Tri State Missouri was present to speak in favor of this request. Troy Graham explained the land in question is currently divided out into several lots and Mr. Lewis' client recently purchased the area and would like to re-plat the area into one large lot. Mr. Graham explained all utilities have been notified and a private easement agreement with the owner of the tower located on this property has been reached.

Mr. Lewis explained currently the existing traffic to the area is to the cell tower site. New owners want to have one lot instead of several smaller lots.

It was determined the property was zoned Industrial. Mr. Graham explained there was a small tract adjacent to the railroad line that was owned by the railroad company that didn't show any zoning classification. Since the zoning classification is extended to the center of adjacent right-of-ways it was determined the entire property would be Industrial.

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There being no further discussion, Ron Close moved to approve the request as submitted. Patty Horgan seconded this motion and the motion passed unanimously.

The third order of business under Presentation of Requests and Petitions was a PUBLIC HEARING to consider Case No. 15P-04, A request submitted by Summerscape, L.L.C. to rezone the property located in the 2609 S. Springdale from RP-3, Planned Medium Residential to RP-4, Planned Apartment House, to allow an apartment-housing unit to be constructed on the property.

Chairperson Tim Kundiger opened the case by reading the request. John Bolte, of Small Engineering, in Joplin, Missouri was present to speak in favor of the request.

Troy Graham explained Summerfield Apartments wants to expand their current facilities. Therefore they are requesting to rezone the area in question from RP-3, Planned Medium Residential, to RP-4, Planned Apartment House, to allow a new apartment complex to be added.

Mr. Bolte explained the new complex will be three (3) stories and house one hundred and fourteen (114) Studio Apartments. Mr. Bolte explained the lot in question is currently empty and the change in zoning is to reduce the required lot area for the number of living units that will be in the complex.

Chairperson, Tim Kundiger pointed out the site plan indicated there was a shortage of required parking spaces. Mr. Bolte explained there is currently a request set to go before the Board of Zoning Appeals for a variance in the parking and there will be several bike racks added to this area.

Glenn Furguson was also present to speak in favor of this request. He indicated he has owned and operated the Summerfield Apartments for 10 years and during the school season they are usually 90%-95% occupied however they drop to approximately 60%-70% during the summer months. He also indicated that a major amount of tenants don't actually have vehicles. The new units are planned to be student oriented with single person occupancy.

There being no further discussion, Chairperson, Tim Kundiger opened the floor to anyone else to speak in favor of the request. There being no one to speak in favor, Mr. Kundiger asked if there was anyone to speak in opposition. There was no opposition.

There being further discussion, Bob Gilmore moved, seconded by Earl Ward to approve the request as submitted. The motion passed unanimously. This request will go before the Governing Body on March 10, 2015.

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The fourth order of business under Presentation of Requests and Petitions will be the Review of a site plan submitted by Small Arrow Engineering behalf of Summerscape, L.L.C. owners of Summerfield Apartments for the construction of a new apartment-housing unit to be located on the property of 2609 S. Springdale.

John Bolte spoke in favor of the site plan. Mr. Bolte explained that a fire access has been added to the site plan. He also pointed out there is already a hydrant in back of property and the drainage is parallel to KCS RR. The water main loops around property and the sanitary sewer is between building and parking. The building will have wall packs for lights and a center pole light will be in the in the center of the parking lot.

Patty Horgan asked if landscaping is required. Troy Graham stated the Landscape Ordinance currently only pertains to commercial properties.

Mr. Bolte explained there will be a total of one hundred and fourteen (114) units each at about 400 square feet. All the units are set up for fair housing however there are certain number of units that are specifically ADA accessible.

Troy Graham reminded the Commission that there is a request going asking for a variance next week before the Board of Zoning Appeals. Therefore, if the Commission wants to approve the site plan it should be contingent on approval of the variance.

There being no further discussion, the motion was made by Francis DeMott and seconded by Bob Gilmore to approve the site plan contingent on approval of the variance for parking. –This motion passed unanimously.

The fifth order of business under Presentation of Requests and Petitions Review of a site plan submitted by Galloway on behalf Grocery/Retail Developer for the construction of a new grocery/retail store to be located in the 2300 Block of South Rouse.

Mike Cerbo of Galloway was present to speak on behalf of the retail store. Mr. Cerbo explained he will be going before the Board of Zoning Appeals next week requesting a parking variance. He explained the site is in the northwest corner of the intersection of Centennial and Rouse. The store will have a pharmacy, bakery, deli, a propane exchange and fuel station. A 8 foot privacy fence will be placed on the north and west lines of the property as a buffer for the surrounding residential areas. The fuel station will be parallel to Centennial. In the southern most corner of the property will be benches and bike racks to tie into the future hiking/biking trail. The landscape plan will follow the landscaping ordinance. There will be signage on corner of Centennial and Rouse. This sign will have gas prices approximately 30 feet high.

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Mr. Cerbo pointed out that storm water is going to be detained in the parking lot and filter into the natural grass area on the corner and will connect to the storm sewer on the southwest corner of the property. Delivery trucks will enter from Centennial and exit from the northern most exit onto Rouse. Refuse will be picked up in the back of the store on the north side of the property. It is estimated to have a maximum of 3 delivery trucks per day. A traffic study has been completed and the new structure should not significantly increase traffic.

Troy Graham indicated a signal will be installed at the intersection of Centennial and Rouse in the future however with the new apartment developments and other improvements this future plan may be moved up.

There being no further discussion Ron Close moved to approve the site plan with the contingency of the Board of Zoning Appeals approving the variance for parking. This motion was seconded by Mike Swartz. The motion passed with a vote of eight (8) to one (1) with Brian Sullivan voting against the site plan. The motion carried.

The sixth order of business under Presentation of Requests and Petitions Review of a site plan submitted by PEC on behalf of LaQunita for the construction of a hotel to be located at 2408 South Broadway.

Troy Graham explained this site is the previous location of old hotel that was demolished at Broadway and Centennial.

Bruce Remsburg was present to speak in favor of the request. Mr. Remsburg explained a retaining wall will be on the west side of the property. Water will be drained to the south and then to the west and end up in the ditch along the east line of HWY 69. There has been a KDOT permit for entrance off of Broadway and the sewer will be relocated and will have an easement for access. He also indicated a landscaping plan has been provided and although the current plan indicates 15% of the property will be landscaped this will be changed to meet the City requirement. A 10 foot sidewalk will be 8 foot off the setback. The signage is still in the planning stages. Currently there are 2 signs both of which are on the building and a monumental sign off Broadway. There will be wall packs on building for lighting and seventy-four (74) parking stalls and seventy two (72) units.

There being no further discussion, Earl Ward motioned to approve the site plan contingent on the signage and sidewalk specifications be approval by Staff. Bob Gilmore seconded the motion and the motion passed unanimously.

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Under Other Business, was the review of 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. The Governing Body voted unanimously to return this item to the Planning Commission for reconsideration.

Troy Graham explained the Governing Body sent this case back to Planning and Zoning Commission because there were only six (6) people in attendance with three (3) votes in favor and two (2) votes against and one (1) pass. Per the Bylaws there is a required five (5) votes to pass. The Governing Body reviewed the case and sent it back to Planning and Zoning due to lack of attendance and confusion with the vote. At this point the Commission can chose to leave recommendation as is or review the facts and vote again. This was not another hearing and representatives for both pro and cons were present in the audience if the Commission wished to hear from them.

Bob Gilmore moved to reconsider the case based on the opinion that it is not a hindrance to the neighborhood and the fact there are members present that were not present at the last meeting. Dave Holloman seconded the motion and the motion passed unanimously.

Troy Graham explained the original case was a hearing to rezone the lot to the north of the Kunshek property. The house that was there has been demolished and currently is vacant lot. He indicated those in opposition were against it due to the opinion it would not be aesthetically pleasing and possibly devalue property.

Bob Gilmore indicated that if the rezone is approved, anything done with the property would have to come before the Commission with a site plan for approval.

Mike Swartz asked Bob Kunshek to speak on behalf of this request. Mr. Kunshek explained the property is currently vacant and will remain vacant until they know exactly what they want to do with the property at which point a site plan will be created and brought before Commission.

Mike Swartz then asked Mark Werner to share his view on the matter. Mr. Werner shared that if the rezone is approved it cannot be rezoned back to residential and he felt that if it was approved now there would be nothing stopping someone else from going into residential areas and rezoning them to commercial.

After some discussion amongst the Commission, Bob Gilmore moved, seconded by Dave Holloman to recommend approval of the request to rezone the property to the Governing Body. This motion passed with a vote of five (5) to four (4) with Bob Gilmore, Dave Holloman, Tim Kundiger, Francis DeMott and Earl Ward voting in favor of the

request and Ron Close, Patty Horgan, Brian Sullivan and Mike Swartz voting against the request.

Under New Business, Troy Graham handed out a copy of the current By-laws of the Planning and Zoning Commission with proposed changes highlighted. He requested the Commission take some time to review the proposed changes and that it be set for consideration at the next meeting.

There being no further business, Patty Horgan moved, seconded by Francis DeMott to adjourn the meeting at 8:50 p.m. Motion passed unanimously.

Respectfully submitted,

Andrea Holtzman
Public Works Administrative Assistant