

# PLANNING COMMISSION/BOARD OF ZONING APPEALS

## MINUTES OF THE MEETING OF OCTOBER 23, 2017

**MEMBERS PRESENT:** Bob Gilmore, Chairperson  
Laura Klusener, Vice Chairperson  
Francis DeMott  
Patty Horgan  
Mike Wilber

**MEMBERS ABSENT:** Mike Creel  
Tim Kundiger

**OTHERS PRESENT:** DeeAnn Myers, 1012 E 31<sup>st</sup>, Pittsburg, KS 66762  
Derek Osburn, 1012 E 31<sup>st</sup>, Pittsburg, KS 66762  
Alan Betchan, 200 N McKinley, Sand Springs, OK 74063  
Kyle Miller, 1000 W Nifong BLVD, Columbia, MO 65201  
Norman Miller, 1117 E 530<sup>th</sup> AVE, Pittsburg, KS 66762  
Wayne Bockelman, PO Box 1201, Pittsburg, KS 66762  
Cameron Alden, Director of Public Works  
Andrea Holtzman, Administrative Support Assistant I

The Pittsburg Planning Commission/Board of Zoning Appeals met on Monday, October 23, 2017, at 5:30 p.m., in the City Managers Conference Room of City Hall. Chairperson, Bob Gilmore called the meeting to order at 5:30 p.m. with five (5) members present. Chairperson, Bob Gilmore opened the meeting and led the flag salute. Bob Gilmore announced that when the meeting reaches item 5.2 on the agenda he will excuse himself from the room and the case vote due to him having a personal interest in the property.

The first order of business was the approval of the minutes from the meeting of August 28, 2017. In this regard, Patty Horgan moved, seconded by Mike Wilbur to approve the minutes as submitted. This motion passed unanimously.

The first order of business under Presentation of Requests and Petitions was the review of a final plat to allow a 20 lot single-family residential development on the property known as a Tract of Land Consisting of Lots 5, 6, 17 and 18 in Radell's Second Addition to the City of Pittsburg. This property is located in the area North and South between Atkinson Avenue and East 31st Street and East and West between Scotty Drive and Radell Street. The preliminary plat was reviewed and approved by Planning Commission/Board of Zoning Appeals on August 28, 2017.

Cameron Alden introduced Kyle Miller of Crockett Engineering of Pittsburg Highlands, LP. Mr. Miller was present to speak in favor of the request.

Cameron indicated the name of the road is not Highland Drive as submitted on the plans. It is in fact named Wild Red Road.

The final plat checklist was in the packets to the board members and City Staff is in agreement and recommends approval of the final plat.

There being no questions or comments from the Commission, Laura Klusener moved to approve the final plat as submitted. This motion was seconded by Francis DeMott and the motion carried unanimously.

The second order of business under Presentation of Requests and Petitions was a Public Hearing to review a request submitted Pointe Royale Development, Inc. on behalf of Pittsburg Highlands, LLC, to consider a request for a 15-foot variance in the R1-C, Single Family Residential, requirement of a 30-foot front yard setback for the Final Plat of Pittsburg Highlands to allow single family structures on lots 1, 10, 11 and 20 to be placed 15 feet from the property line on the property located in the area North and South between Atkinson Avenue and East 31<sup>st</sup> Street and East and West between Scotty Drive and Radell Street.

Kyle Miller was again present to speak in favor of the request.

The criteria check list for granting a variance was reviewed by the Building Official and handed out in the packets. A request for variance may be granted in such case, upon a finding by the board that all of the following conditions have been met:

1. Are there conditions, which exist in respect to the property or structure being considered which are different from other properties or building in the neighborhood, i.e. small lot size, unusual grade, easements, right of ways, etc.? **Staff Response** – No
2. Has such conditions or circumstances been created by the action or actions of the owner or applicant? **Staff Response** – No
3. Are there special conditions or circumstances such that the strict literal interpretation of the provisions of the Zoning Ordinance will constitute unnecessary hardship upon the property owner represented in the application? **Staff Response** – No.
4. Will the granting of a permit for the variance requested adversely affect the rights of adjacent property owners or residents? **Staff Response** – No. The granting of the variances will give the owner more flexibility for building on the lots with greater distance between structures.
5. Will the granting of the variance requested confer on the applicant any special privilege that is denied by the Zoning Ordinance to other lands, structures, or buildings in the same district? **Staff Response** – Yes, however, other property owners may also make request for the same type of variance if necessary.
6. Will the granting of the variance requested adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare? **Staff Response** – No.

7. Will the granting of the variance requested be opposed to the general spirit and intent of the Zoning Ordinance? **Staff Response** – No.

8. Is the variance being requested the minimum variance that would accomplish this purpose. **Staff Response** – Yes.

Patty Horgan asked if sidewalks would be installed. Mr. Alden indication the sidewalks would be installed on one side of the street.

There being no further questions or comments from the Commission, Mike Wilbur moved to approve the variance request as submitted. This motion was seconded by Francis DeMott and the motion carried unanimously.

The third order of business under Presentation of Requests and Petitions was the review of a site plan submitted by Alan Betchan, PE, CFM of AAB Engineering on behalf of Dollar General for the construction of a new Dollar General Store to be located at 820 W 4<sup>th</sup> Street.

At this time Chairperson, Bob Gilmore excused himself from the room and Laura Klusener presided over the case. Alan Betchan of AAB Engineering was present to speak in favor of the request.

Mr. Alden reviewed the site plan check list with the board members. Mr. Alden indicated the location and sizing of the sign has not been submitted yet. Screening and fencing will be installed along the north side of the project to provide buffering for the residential areas.

Mr. Betchan indicated the sign plans will be submitted at a later date.

Patty Horgan indicated she would like to see the parking lot for this store be better than the Dollar General on the south side of town. She indicated the lot on the south end of town normally has water standing in the lot and she felt it looks bad.

Mr. Betchan indicated the new store is using a new prototype for construction and standing water should not be a problem.

There being no questions or comments from the Commission, Francis DeMott moved to approve the site plan contingent on the screening be installed and the sign be submitted to the Building Official when it is ready. This motion was seconded by Mike Wilbur and the motion carried unanimously.

At this time Chairperson, Bob Gilmore reentered the room and presided over the meeting.

The fourth order of business under Presentation of Requests and Petitions was the review of a site plan submitted by Norman Miller of Mid-America Properties for the expansion of the Buttonwood Apartment complex located at 820 East Ford that was originally reviewed on December 16, 2013.

Norman Miller was present to speak in favor of the request.

Mr. Alden explained there were some questions regarding parking. The first plan set showed parking along Taylor and the newest one does not. He indicated he would like to see the parking of the newest set of plans. He also indicated the plans do not show the dumpster site enclosure.

Mr. Miller indicated the dumpster will be to the southeast of the existing building. He indicated the construction of this project was held off due to other projects going on in town and Mr. Miller wanted to wait until those projects were completed before he began construction. He indicated he will have 10 units, offices and a laundry room. Two of the apartments will be ADA accessible. Mr. Miller indicated the new structure will have a solar panel and will be all utilities paid.

The site plan check list was submitted in the packets to the board members.

There being no questions or comments from the Commission, Francis DeMott moved to approve the site plan as submitted. This motion was seconded by Patty Horgan and the motion carried unanimously.

Under New Business, Bob Gilmore asked about the progress of the ordinance updates for the definitions. Cameron indicated Dexter wanted to be part of that discussion and so it would come later.

There being no further business, Mike Wilbur moved and Francis DeMott seconded to adjourn the meeting at 6:07 p.m. This motion passed unanimously.

Respectfully Submitted,  
Andrea Holtzman  
Administrative Support Assistant I