

PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING OF FEBRUARY 25, 2008

MEMBERS PRESENT: Mike Creel, Chairperson
Francis DeMott
Laura Klusener
Connie McGeorge
Joel VanBecelaere
Earl Ward

MEMBERS ABSENT: Gary Falcetto
Roland Dalrymple
Frank Slapar

OTHERS PRESENT: Mike and Angie Sarley, 1147 S. 270th, Pittsburg
Melvin Prince, 920 E. 7th Street, Pittsburg
Ron Albertini, Crawford County, Girard, KS
Jim Emerson, Crawford County, Girard, KS
Rick Pfeiffer, Crawford County, Girard, KS
Monica Murnan, 604 Windsor Circle, Pittsburg
Tim Kundiger, 656 E. 530th Ave., Pittsburg
Sam Hayes, 816 E. Jefferson, Pittsburg
Ruth Lemon, 110 East Carlton, Pittsburg
Todd Kennemer, Assistant Director of Public Works

The Pittsburg Planning and Zoning Commission met on Monday, February 25, 2008, at 7:00 p.m., in the City Hall Commission Room. Chairperson Mike Creel led the flag salute and then called the meeting to order at 7:00 p.m. with six (6) members present.

The first order of business was the approval of the minutes of the meeting of January 28, 2008. It was noted that the minutes reflected that Don Cash was present, who is no longer a member of the board. Also, Connie McGeorge was inadvertently omitted from the list as being present. Earl Ward moved, seconded by Laura Klusener, that the minutes be approved as corrected. Motion carried unanimously.

The first order of business under Presentation of Requests and Petitions was a PUBLIC HEARING to consider Case No. 08P-4 a request submitted by Angela R. Sarley for a Conditional Use under the provisions of Article 30 of the Pittsburg Zoning Ordinance to allow a Group Day Care Home for the care of 7 to 12 children at 924 East 7th Street. Chairperson Mike Creel opened the **PUBLIC HEARING** by stating the request and then asked the applicant to comment on behalf of said request. Angela Sarley was present and provided the following information regarding her request.

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The day care is currently at 411 East Centennial and has been in operation at that location since 1996. That property is being sold to allow for the construction of an optometrist office. Ms. Sarley would like to transfer her Conditional Use permit to the house at 924 East 7th Street, which is now owned by her. The owner will not be residing in the house, however, the employee of the day care will be residing in the upstairs of the house. The driveway is wide enough to park two vehicles and can be accessed by the alley (which is a dead end alley). Parents will be dropping off and picking up their children in the driveway off the alley. Rock will be placed where the vehicles will be parked and the yard will be fenced to allow area for the children to play. The outside stairs to access the upstairs of the house will be gated at the bottom so it cannot be used. Hours of operation are 7:30 a.m. to 5:00 p.m.

Todd Kennemer went through the criteria used for rezoning requests even though it was not required in reviewing Conditional Uses. Based on these criteria, staff would recommend approval of the day care request.

Those persons wishing to speak in opposition to the request were given the opportunity to comment as follows:

Melvin Prince, 920 East 7th Street, stated the driveway for the day care is within 5 feet of the neighbors' bedroom windows. He stated the neighbors are both teachers and have three children and they would be concerned with the traffic and noise from the day care especially during the summer when they would not be working and going to school. Mr. Prince stated most of the homes along there either have garages or parking areas that are accessed from the alley. He stated there is only one way in and out of the alley since it is a dead end alley. Mr. Prince stated there used to be a day care in the house at the corner and that he was forced to park in the street because of the traffic at the day care blocking the alley. He stated that his main concern would be the use of the alley since it is the only way in and out.

In rebuttal, Ms. Sarley stated that her car would be parked closest to the neighbor's house and that the parents would be picking up and dropping off their children on the other side of the driveway away from the neighbor's house. She stated that she currently cares for 12 children, but there are only seven families so the day care would not create a traffic problem for the area.

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There being no further comments, Chairperson Mike Creel closed the **PUBLIC HEARING** to allow for discussion amongst the Commission. After general discussion, Joel VanBecelaere moved, seconded by Earl Ward, that the Planning and Zoning Commission recommend to the Governing Body **approval** of this request. Motion carried unanimously. This recommendation will be presented to the City Commission for their consideration on March 11, 2008.

The second order of business under Presentation of Requests and Petitions was consideration of a request submitted by Crawford County to vacate unimproved Isabelle Court, a cul-de-sac street adjacent to Lots 15, 16, 17 and 18 within Mt. Carmel First Addition to the City of Pittsburg, Crawford County, Kansas. Ron Albertini, Crawford County Surveyor; Rick Pfeiffer, Executive Director of Crawford County Health; and Jim Emerson, County Counselor, were present on behalf of the request and provided the following information. There is an unimproved cul-de-sac named Isabelle Court in this addition. When it was platted in the '70's it was platted as a residential area, but never developed as residential. Isabelle Court has never been improved nor has Mt. Carmel Drive which leads to these lots. Vacating this cul-de-sac would allow the ability to put a facility on the site centrally located. The way the street is now with the setback requirements, it would be difficult to have the type of development being considered for this site. There is nothing locked in stone at this time, but the County would like to vacate the cul-de-sac to open up the area to more efficient development. There are no plans to replat this area since the County owns all the tracts and if a plan is worked out for development of this property it would be sold as one tract (Lots 14-18 and abandoned cul-de-sac). The campus has gradually become more of a health services or something related to the health service industry. An infant/day care that is currently located in the Family Resource Center is currently considering this site, but is not definite as they are in the development stages. The County would like to proceed with the vacation to make the property more attractive to people for development. The concept the County would like to see for this area would be a human services industrial park.

Todd Kennemer stated that in the almost four years he has been with the City the County has had three big projects in this area, which is a campus type setting. He stated the City does not make it a practice of creating land-locked lots, but since the County owns the whole area it would meet the intent. In reviewing this request with the utilities, there is easy access through existing easements to service this area. It has straight-line access to the property from Joplin, Atkinson and Silver Lake Drive. The utilities have indicated they have no problems with the vacation of the cul-de-sac.

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There being no further discussion, Earl Ward moved, seconded by Francis DeMott, that the Planning and Zoning Commission recommend to the Governing Body **approval** of this vacation request. Motion carried unanimously. This recommendation will be presented to the City Commission for their consideration during a **PUBLIC HEARING** on March 11, 2008.

The third order of business under Presentation of Requests and Petitions was the review of a site plan submitted by Tri-State Building/J & D Design Group for the construction of a new office building for Wimmer Vision Care at the northwest corner of Centennial and California. Sam Hayes, of Tri-State Building/J & D Design Group was present and provided the following information. A vision, optometrist office is being proposed for this site. Dr. Wimmer is looking to move his office to this location. The building will be approximately 3300 square feet in size. The exterior of the building will be of masonry type construction. There will be an entrance off Centennial and off California. Originally, the building was positioned to be more in the center of the lot with more rows of parking in the front. The building has been pushed further to the west because of concerns expressed by the property owner to the north of this property. Now there will be one row of parking in the front and one row of parking on the east with employee parking on the back of the building. Basically, the back of the paved area will be approximately 30 feet from where the existing fence is located on the property. There will be two pole lights, one at the back corner and one in the front island. Requirements for parking for this site are 1 per every 300 square feet. Proposed parking exceeds the requirement by 5 regular parking stalls and 1 handicap parking stall. Instead of a fence being constructed to screen the proposed site from the back residential lot, plans are to plant additional trees and landscape with the existing evergreen trees and possibly even a small berm. Plans for the sign are somewhat vague, but it will be located in the front and will match the material on the building. Plans for drainage from the site are to drain everything to the front to an existing storm sewer at the corner of California and Centennial. The building will be constructed according to setback requirements (10 foot setback on the west side of the property). Telephone and electric will be brought into the front of the building from the existing power pole that is located west of the property line. These utilities will be buried underground. There is an existing sanitary sewer west of the property that the building will be tied into. Gas and water will be brought in off California to the back of the building.

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In reviewing the Plan Approval Checklist, Todd Kennemer stated the only comments are that even though detention areas were shown on the plans, run-off calculations and weir design to be used to accomplish the zero-increase in stormwater run-off needs to be given to City staff for review and that the sign is not to be a back lit sign. If the sign is to be lit, it needs to have indirect, controlled lighting from above obscured, controlled up-lighting.

There being no further discussion, Francis DeMott moved, seconded by Joel VanBecelaere, that the site plan be **approved** 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 Timothy and Natalie Kundiger for the construction of a 16 unit (four 4-plexes) apartment complex at the southeast corner of Madison and Joplin. Tim Kundiger was present and provided the following information. The plans are for 16 units total, four 4-plexes that will be four separate 2-story buildings. There will be two units on the ground floor and two units on the top floor. The ground units will also have a small one-car garage. All the units will be 1 bedroom. According to the parking regulations, two spaces per unit are required. In this case, 32 parking spaces are required. There will be 24 uncovered parking spaces and 8 garage spaces. Two handicap parking spaces will also be put in to meet the ADA requirements. As far as traffic flow, there will be a two-way ingress/egress in about the middle of the property on Joplin. The proposed parking lot has been made wider than it needs to be. Because of his experience with the Seasons units on South Joplin he manages, he has found that the parking was kind of tight. There will be two 3-foot candle lights just off Joplin next to the 7 parking stalls on either side and also lights on the buildings. There is currently a tree on Joplin. Additional trees and landscaping will be provided for screening purposes. A wood cedar fence similar to the one at Sycamore Village (2 x 2 split face block) will be put up on the north and south sides of the complex. The plans for a sign are not final, but it will be placed on Joplin and will be approximately 5 feet tall x 9 feet wide. Drainage on the alley flows to the north and all the water on Joplin flows to the north into a 14 inch sewer main on the north end of the property. The parking area will drain north into this sewer main. The required setbacks are 30 foot front yard, 20 foot back yard and 10 foot side yard. There was some confusion with which side on this complex would be considered side yard. If Monroe and Madison are considered to be side yards then the plans meet the 10 foot setback requirement. If Madison and Joplin are both considered front yards then the plans do not meet the setback requirements. The existing triplex to the northwest was constructed 30 feet off the road, so they only have a 10 foot setback. The time line for this development is December 2008 or at the latest August 2009.

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There should be no problem keeping these one bedroom units rented as Mr. Kundiger receives 2 to 8 calls a day from people looking for one bedroom units. It has also been his experience that people are looking for units that provide covered parking, so the garages on the ground units meet that need. If possible, in the future, the four spaces in the back might possibly be covered under a carport type set up. The single car garages also have space in them for storage. The garages actually meet two needs. All the plumbing for the upstairs units is over the garages, so if they would leak they would leak into the garage and not the tenant unit. Judging on the occupancy at his other units (Seasons on Joplin), 60% are students and there are 4 seniors. The remaining units are rented to either working singles or working professionals. Kansas law regarding occupancy is 2 plus 1 per bed, so the maximum number of occupants is 3. In his experience with other developments, there have never been more than 2 per unit.

In reviewing the Plan Approval Checklist, Mr. Kennemer stated the property is basically considered to have three front yards since it sets on the corner and takes up the entire block. According to the Zoning Ordinance, if the area is already developed that would establish the setbacks. In this case, the 20 foot setback on the north side meets the regulations due to the existing, established setback created by the property to the west and the 10 foot setback on the south side could be acceptable through the use of Section 23-101 of the Zoning Ordinances which states, "The requirements and regulations herein pertaining to ...setbacks... may be adjusted or modified so the property in question can be developed in a reasonable manner and will not be detrimental to public welfare..." The street to the south (Madison) is just over one block in length and dead-ends at the railroad. A 10 foot setback on this one side will not affect the public welfare and is in keeping with the intent of the regulations. Mr. Kennemer stated he would recommend allowing the modified setback to allow this property to be developed to its full potential. Detention areas are shown on the plans, however, run-off calculations and weir design to be used to accomplish the zero-increase in stormwater run-off need to be provided to City staff for review. Also, information was requested on the stormwater cisterns to be used to collect rainwater/stormwater on the east side of the front of the buildings. The sign is not to be a back lit sign. If it is to be lit, it needs to have indirect, controlled lighting from above, or obscured, controlled up-lighting.

Mr. Kundiger stated the cisterns would be covered tanks buried underground to catch run-off from the roofs of the buildings. The stored water in these cisterns could then be used during the warmer months to water the landscaping.

Laura Klusener recommended a handicap parking space be located in front of the office.

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After general discussion, Francis DeMott moved, seconded by Laura Klusener, that the site plan be **approved** as submitted. Motion carried unanimously.

Under Other Business, Mr. Kennemer reported that he was close to completing the updates to the Zoning Ordinance and Comprehensive Plan and would be bringing them to the Commission in the next few months. He stated one item that he would like to bring to them sooner was the 900 square foot requirement for maximum square footage for accessory buildings. There will also be new flood zone regulations that FEMA will be approving, so this section cannot be updated until FEMA provides their information.

The next Planning and Zoning Commission meeting is scheduled for March 24, 2008.

There being no other business, Earl Ward moved, seconded by Francis DeMott, to adjourn. Motion carried unanimously and the meeting adjourned at 8:20 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Todd Kennemer". The signature is written in a cursive style with a long, sweeping underline.

Todd Kennemer
Assistant Director of Public Works