

PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING OF JUNE 23, 2008

- MEMBERS PRESENT:** Mike Creel, Chairperson
Roland Dalrymple, Vice Chairperson
Francis DeMott
Laura Klusener
Connie McGeorge
Earl Ward
- MEMBERS ABSENT:** Gary Falcetto
Frank Slapar
Joel VanBecelaere
- OTHERS PRESENT:** Kevan Schupbach, 169 E. 670th Avenue, Farlington, KS
Mindi Garner, 169 E. 670th Avenue, Farlington, KS
Bob Gilmore, 521 West Martin, Pittsburg
Karen Baker, 524 West Martin, Pittsburg
Wayne Storm, 607 S. Walnut, Pittsburg
Mike Caster, Oxbow, 1805 State Street, Bettendorf, IA
James Loftus, Oxbow, 1805 State Street, Bettendorf, IA
Peggi Johnson, Oxbow, 1805 State Street, Bettendorf, IA
Ben Eastep, Oxbow, 1805 State Street, Bettendorf, IA
Pat Sherman, Oxbow, 1805 State Street, Bettendorf, IA
Kelly Young, Oxbow, 1805 State Street, Bettendorf, IA
Robin Dexter, USD #250, 510 Deill, Pittsburg
Cory Gibson, USD #250, 510 Deill, Pittsburg
Ty Reed, USD #250, 510 Deill, Pittsburg
Doug Fredeen, 1700 W. Commerce, Rogers, AR
Tracy Schnurbusch, 1700 W. Commerce, Rogers, AR
Michael Spaeth, 5201 Village Parkway, Rogers, AR
Ken and Sandy Sellars, 1915 Messenger Circle, Pittsburg
Annette Cronister, 450 Fieldcrest, Pittsburg
Gary Edwards, 4057 Parkview Drive, Frontenac
Bruce Remsberg, PEC, 902 South Broadway, Pittsburg
Ruth Lemon, 110 East Carlton, Pittsburg
Todd Kennemer, Assistant Director of Public Works

The Pittsburg Planning and Zoning Commission met on Monday, June 23, 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.

**PLANNING AND ZONING COMMISSION
MINUTES OF JUNE 23, 2008
PAGE TWO**

The first order of business was the approval of the minutes of the meeting of May 19, 2008. Francis DeMott moved, seconded by Earl Ward that the minutes be approved as submitted. Motion carried unanimously.

The first order of business under Presentation of Requests and Petitions was a PUBLIC HEARING to consider Case No. 08P-7, a request submitted by Kevan Schupbach to rezone 601 West Martin from R-1B Single Family Residential to R-1C Single Family Residential. Chairperson Mike Creel opened the **PUBLIC HEARING** by stating the request and then asked the applicant to comment on behalf of said request.

Todd Kennemer explained that this request for rezoning is basically an attempt to clean up some illegal non-conforming lots that were created some 30 years ago and 3 previous owners before Mr. Schupbach. The original lot was split into 3 pieces. The 4,875 sq. ft. piece owned by Mr. Schupbach is too small to [re]build on. It contained a dilapidated structure that has been demolished. When this application was filed, Mr. Schupbach stated that he was in the process of purchasing the adjoining 10' x 80' strip of land from the owner to the west. This strip is one of the three pieces of the original lot. Purchasing this strip and merging it with his piece will make the lot buildable **IF** it is rezoned to R-1C.

Mr. Schupbach stated he has not finalized the purchase of the strip and asked if the Planning and Zoning Commission would rezone the lot based on a verbal agreement. Mr. Kennemer said the purchase was to have been finalized by now and that they cannot rezone a piece of property that the applicant does not own nor can the Board rezone based on a verbal agreement. He stated that if Mr. Schupbach needed more time to finalize the deal then the request should be tabled until the next meeting.

Francis DeMott moved, seconded by Roland Dalrymple, that this request be **TABLED** to the July 28, 2008 meeting. Motion carried unanimously.

The second order of business under Presentation of Requests and Petitions was a PUBLIC HEARING to consider Case No. 08P-8, a request submitted by Oxbow Development/Pittsburg Land Development to rezone the 1900 Block of South Rouse from CP-2 Planned General Commercial to RP-4 Planned Apartment House District. Chairperson Mike Creel opened the **PUBLIC HEARING** by stating the request and then asked the applicant to comment on behalf of said request.

**PLANNING AND ZONING COMMISSION
MINUTES OF JUNE 23, 2008
PAGE THREE**

Pat Sherman of Oxbow Development said they are currently constructing a clubhouse and three structures housing a total 108 apartment units. This project is a great success in that it is already at 100% occupancy and the buildings are not yet completed. Because of the demand for decent housing close to the university and the success of this project, they are requesting a change of zoning of the southern 145 feet of Lot 40 to allow for the construction of one more apartment building. The proposed building will be a little smaller than the other 3 structures and will contain an estimated 32 units.

There was no one present to speak either in favor of or in opposition to the request, therefore, Chairperson Mike Creel closed the **PUBLIC HEARING** to allow for discussion amongst the Commission. The Planning and Zoning Commission then considered the following factors:

1. Character of the neighborhood – This property is adjacent to the PSU campus. Land uses are mostly institutional and RP-3 Planned Medium Density Residential. Both Ford Street and Rouse Street are 4 lanes in width at this intersection.
2. Zoning and uses of properties nearby – Property to the north is zoned CP-2 Planned General Commercial. Property on the east is zoned R-1A Single Family Residential, but is also a part of the campus and is the location of the Veteran's Memorial and the new armory. Property on the south is zoned RP-4 Planned Apartment House District and is also owned by Oxbow Development. It is occupied by the apartments currently under construction. Property to the west is zoned RP-3 Planned Medium Density Residential and is occupied by a mixture of single family dwellings, duplexes and married student housing (old Bonita Terrace).
3. Suitability of the subject property for the uses to which it has been restricted - The property is suitable for uses allowed in a CP-2 Planned General Commercial and RP-4 Planned Apartment House District.
4. Length of time the subject property has remained vacant as zoned – There is one structure (an old doctor's office) at the SE corner of Lot 40, which is to be removed.

**PLANNING AND ZONING COMMISSION
MINUTES OF JUNE 23, 2008
PAGE FOUR**

5. The extent to which removal of the restrictions will detrimentally affect the nearby property – Rezoning the property will not have a detrimental effect on the area. The portion to be rezoned as RP-4 Planned Apartment House District located between CP-2 Planned General Commercial zoning and RP-4 Planned Apartment House District zoning.
6. Relative gain to public health, safety, and welfare – Health, safety, and general welfare of the public will be improved. By providing a commercial area and quality housing units specifically for students right next to the PSU campus, less automobile traffic is generated than if these types of apartments were at a different location. There will be an increase in pedestrian traffic on the adjacent hike and bike trails.
7. Recommendation of professional staff – APPROVE.
8. Conformance to Master Plan – This type of development is very compatible with the City of Pittsburg Master Plan and the PSU Master Plan.

Based on the above findings, Earl Ward moved, seconded by Francis DeMott, that the Planning and Zoning Commission forward a recommendation to the Governing Body for **approval** of this rezoning request. Motion carried unanimously. This recommendation will be presented to the City Commission for their consideration on July 8, 2008.

The third order of business under Presentation of Requests and Petitions was a PUBLIC HEARING to consider Case No. 08P-9, a request submitted by USD #250 for a Conditional Use under the provisions of Article 30 of the Pittsburg Zoning Ordinance to allow for the expansion of an elementary school located at 430 West 5th Street (Westside Elementary). Chairperson Mike Creel opened the PUBLIC HEARING by stating the request and then asked the applicant to comment on behalf of said request.

Todd Kennemer stated the following criteria are considered when a change of zoning case is heard. Although it is not required when considering a Conditional Use, it is used as a guideline when considering a Conditional Use.

1. Character of the neighborhood – Residential. Schools are a complementary use to residential areas.
2. Zoning and uses of properties nearby – All surrounding properties are zoned Residential (R1-C Single Family Residential and RP-3 Planned Medium Density Residential), and are used as such.

**PLANNING AND ZONING COMMISSION
MINUTES OF JUNE 23, 2008
PAGE FIVE**

3. Suitability of the subject property for the uses to which it is being considered - The school has been at this location for many years. Property is suitable for school expansion.
4. Length of time the subject property has remained vacant as zoned – NA.
5. The extent to which removal of the restrictions will detrimentally affect the nearby property – No detrimental affects.
6. Relative gain to public health, safety, and welfare – Health, safety and general welfare of the public will not be affected.
7. Recommendation of professional staff – APPROVE.
8. Conformance to Master Plan – Conforms to Master Plan.

There was no one present to speak in opposition to the request. There being no further discussion, Earl Ward moved, seconded by Francis DeMott, that the Planning and Zoning Commission forward a recommendation to the Governing Body for **approval** of this request. Motion carried unanimously. This recommendation will be presented to the Governing Body for their consideration on July 8, 2008.

The fourth order of business under Presentation of Requests and Petitions was the review of a site plan submitted by USD #250 for the construction of additional classrooms to Westside Elementary School located at 430 West 5th Street. Todd Kennemer reviewed the following items as part of the Plan Approval Checklist:

1. Parking: Aerial photos of the school show there to be approximately 52 parking spaces. The school was recently approved (2007) a Conditional Use for additional parking on the south side of 5th Street. There is ample parking; additional spaces are not required for the additional classrooms.
2. Lighting: Lighting on the new addition is not shown
3. Stormwater: No stormwater drainage/detention system is shown on the site plan. The Westside School property is extremely flat with no significant changes in elevation on the entire site. Storm water appears to run north, onto 6th Street and then west along the curb to the storm sewer inlets at the northwest corner of the site (intersection of 6th and Miles St.).
4. Sanitary Sewer: That portion of the sanitary sewer that will be located under the new addition must be encased.

**PLANNING AND ZONING COMMISSION
MINUTES OF JUNE 23, 2008
PAGE SIX**

The representative from USD #250 stated the lighting will be downward directed wall packs similar to existing outdoor lighting on the school and will not cast light on adjoining properties.

Regarding stormwater, Mr. Kennemer said the City's stormwater master plan calls for storm sewer/box culvert improvements to be installed along Miles Street from 6th to 10th Streets. The Plan also shows stormwater improvements beginning at 5th Street just west of Miles, and stretching all the way to the US 69 Bypass to have been completed by 2002. The addition to the school should not create a substantial increase in the runoff coefficient; and with the improvements, both completed and proposed, the stormwater issue is addressed.

Mr. Kennemer stated the portion of the sanitary sewer that is shown to run under the new construction must be encased or relocated. The representative of USD #250 stated they are planning to relocate that particular sewer line.

There being no further discussion, Laura Klusener moved, seconded by Roland Dalrymple, that the site plan be **approved** as submitted. Motion carried unanimously.

The fifth order of business under Presentation of Requests and Petitions was a PUBLIC HEARING to consider Case No. 08P-9, a request submitted by USD #250 for a Conditional Use under the provisions of Article 30 of the Pittsburg Zoning Ordinance to allow for the expansion of an elementary school located at 2012 South Homer (George Nettels Elementary). Chairperson Mike Creel opened the PUBLIC HEARING by stating the request and then asked the applicant to comment on behalf of said request.

Todd Kennemer stated the following criteria are considered when a change of zoning case is heard. Although it is not required when considering a Conditional Use, it is used as a guideline when considering a Conditional Use.

1. Character of the neighborhood – Residential. Schools are a complementary use to residential areas.
2. Zoning and uses of properties nearby – All surrounding properties are zoned Residential and are used as such.
3. Suitability of the subject property for the uses to which it is being considered - The school has been at this location for many years. Property is suitable for school expansion.
4. Length of time the subject property has remained vacant as zoned –NA.

**PLANNING AND ZONING COMMISSION
MINUTES OF JUNE 23, 2008
PAGE SEVEN**

5. The extent to which removal of the restrictions will detrimentally affect the nearby property – No detrimental affects; however flooding of the area needs to be addressed in the site plan review.
6. Relative gain to public health, safety, and welfare – Health, safety, and general welfare of the public will not be affected.
7. Recommendation of professional staff – APPROVE.
8. Conformance to Master Plan – Conforms to Master Plan.

Mr. and Ms. Ken and Sandy Sellars, 1915 Messenger Circle, and Annette Cronister, 450 Fieldcrest, own property adjoining the school ground. They presented photos of standing/flooding waters caused by the cumulative effect of many “small” improvements and additions to the school; the latest of which is the paved bus road on the west side of the school grounds. They stated the worst flooding spots are where water stands at the trash dumpster and at the south end of the bus drive at the parking lot where it [the water] runs back into the adjoining backyards instead of into the street gutter. They said they have worked with the school to alleviate this problem, but it has not been successful. The neighbors are not opposed to the school addition, but they do want the flooding problems addressed and corrected as part of the site plan approval process.

There being no further discussion, Earl Ward moved, seconded by Connie McGeorge, that the Planning and Zoning Commission forward a recommendation to the Governing Body for **approval** of this request **with the condition** that stormwater runoff is addressed by onsite infrastructure and/or directed to run into the improved stormwater pipes along Homer Street instead of the adjoining backyards. Motion carried unanimously. This recommendation will be presented to the Governing Body for their consideration on July 8, 2008.

The sixth order of business under Presentation of Requests and Petitions was the review of a site plan submitted by USD #250 for the construction of additional classrooms to Georg Nettels Elementary located at 2012 South Homer. Todd Kennemer reviewed the following items as part of the Plan Approval Checklist:

1. Parking: Aerial photos of the school show there to be approximately 64 parking spaces. 42 spaces are required (based on capacity of main assembly room: 1 space per 10 seats). There is ample parking; additional spaces are not required for the additional classrooms.

**PLANNING AND ZONING COMMISSION
MINUTES OF JUNE 23, 2008
PAGE EIGHT**

2. Sanitary Sewer (SS): Records in the Public Works Department show the school is hooked up to the SS via Lateral 96A – Main 3. This line runs to the south, crosses under Deill Street and hooks into Manhole No. 5 on the east side of the USD 250 administration office building.
3. Lighting: Lighting on the new addition is not shown
4. Stormwater: A new stormwater drainage system was installed along Homer Street in 2001. The system basically begins at the south end of the school and runs all the way to Centennial where it turns to the west and then into a drainage channel to Cow Creek. Storm inlets are located at the intersection of Homer and Deill, and along Homer Street.

NOTE:

No detention areas or other stormwater management techniques or infrastructure are shown on this site plan. I have received calls and inquiries from neighboring property owners; one has submitted a letter of concern and photos of standing/flooding waters “caused” from an earlier improvement (bus road) at the school. The neighbors are not opposed to the school addition but they do want the flooding problems addressed and corrected as part of the site plan approval process.

The representative from USD #250 stated the lighting will be downward directed wall packs similar to existing outdoor lighting on the school and will not cast light on adjoining properties.

Regarding stormwater, Mr. Kennemer said there are no stormwater control facilities shown on site. The school needs to submit stormwater studies and a management plan to show how they will divert the water away from the abutting properties on the west and direct the water into the recently improved Homer Street storm sewer.

There being no further discussion, Laura Klusener moved, seconded by Francis DeMott, that the site plan be **approved** as submitted. Motion carried unanimously.

The seventh order of business under Presentation of Requests and Petitions was a PUBLIC HEARING to consider Case No. 08P-9, a request submitted by USD #250 for a Conditional Use under the provisions of Article 30 of the Pittsburg Zoning Ordinance to allow for the expansion of an elementary school located at 709 South College (Lakeside Elementary). Chairperson Mike Creel opened the PUBLIC HEARING by stating the request and then asked the applicant to comment on behalf of said request.

**PLANNING AND ZONING COMMISSION
MINUTES OF JUNE 23, 2008
PAGE NINE**

Todd Kennemer stated the following criteria are considered when a change of zoning case is heard. Although it is not required when considering a Conditional Use, it is used as a guideline when considering a Conditional Use.

1. Character of the neighborhood – Residential. Schools are a complementary use to residential areas.
2. Zoning and uses of properties nearby – All surrounding properties are zoned Residential and are used as such.
3. Suitability of the subject property for the uses to which it is being considered - The school has been at this location for many years. Property is suitable for school expansion.
4. Length of time the subject property has remained vacant as zoned –NA.
5. The extent to which removal of the restrictions will detrimentally affect the nearby property – No detrimental affects.
6. Relative gain to public health, safety, and welfare – Health, safety, and general welfare of the public will not be affected.
7. Recommendation of professional staff – APPROVE.
8. Conformance to Master Plan – Conforms to Master Plan.

There was no one present to speak in opposition to the request. There being no further discussion, Earl Ward moved, seconded by Connie McGeorge, that the Planning and Zoning Commission forward a recommendation to the Governing Body for **approval** of this request. Motion carried unanimously. This recommendation will be presented to the Governing Body for their consideration on July 8, 2008.

The eighth order of business under Presentation of Requests and Petitions was the review of a site plan submitted by USD #250 for the construction of additional classrooms to Lakeside Elementary School located at 709 South College. Todd Kennemer reviewed the following items as part of the Plan Approval Checklist:

1. Parking: Aerial photos of the school show there to be approximately 35 parking spaces. 27 spaces are required (based on capacity of main assembly room: 1 space per 10 seats). There is ample parking; additional spaces are not required for the additional classrooms.
2. Lighting: Lighting on the new addition is not shown.

**PLANNING AND ZONING COMMISSION
MINUTES OF JUNE 23, 2008
PAGE TEN**

3. Stormwater: No stormwater drainage/detention system is shown on the site plan. Storm sewer inlets are shown at the southwest corner of the site (intersection of College Ave. and Adams) and at the southern edge of the site on Adams Ave. (between College Ave. and Olive).

The representative from USD #250 stated the lighting will be downward directed wall packs similar to existing outdoor lighting on the school and will not cast light on adjoining properties.

Regarding stormwater, Mr. Kennemer said the City's stormwater master plan calls for storm sewer/box culvert improvements to be installed along Adams Street and then directed to stormwater improvements along Walnut Street south to the floodgate on US Highway 69 just north of Centennial. The Plan shows these stormwater improvements to have been completed by 2002. The addition to the school should not create a substantial increase in the runoff coefficient; and with the improvements the stormwater issue is addressed.

There being no further discussion, Francis DeMott moved, seconded by Roland Dalrymple, that the site plan be **approved** as submitted. Motion carried unanimously.

The ninth order of business under Presentation of Requests and Petitions was a PUBLIC HEARING to consider Case No. 08P-12, a request submitted by USD #250 for a Conditional Use under the provisions of Article 30 of the Pittsburg Zoning Ordinance to allow for the expansion of an elementary school located at 1602 East 20th Street (Meadowlark Elementary). Chairperson Mike Creel opened the PUBLIC HEARING by stating the request and then asked the applicant to comment on behalf of said request.

Todd Kennemer stated the following criteria are considered when a change of zoning case is heard. Although it is not required when considering a Conditional Use, it is used as a guideline when considering a Conditional Use.

1. Character of the neighborhood – Residential. Schools are a complementary use to residential areas.
2. Zoning AND uses of properties nearby – All surrounding properties are zoned Residential and are used as such.
3. Suitability of the subject property for the uses to which it is being considered - The school has been at this location since 2003. Property is suitable for school expansion.

**PLANNING AND ZONING COMMISSION
MINUTES OF JUNE 23, 2008
PAGE ELEVEN**

4. Length of time the subject property has remained vacant as zoned –NA.
5. The extent to which removal of the restrictions will detrimentally affect the nearby property – No detrimental affects.
6. Relative gain to public health, safety, and welfare – Health, safety, and general welfare of the public will not be affected.
7. Recommendation of professional staff – APPROVE.
8. Conformance to Master Plan – Conforms to Master Plan.

There was no one present to speak in opposition to the request. There being no further discussion, Francis DeMott moved, seconded by Roland Dalrymple, that the Planning and Zoning Commission forward a recommendation to the Governing Body for **approval** of this request. Motion carried unanimously. This recommendation will be presented to the Governing Body for their consideration on Tuesday, July 8, 2008.

The tenth order of business under Presentation of Requests and Petitions will be review of a site plan submitted by USD #250 for the construction of additional classrooms to Meadowlark Elementary School located at 1602 East 20th Street. Todd Kennemer reviewed the following items as part of the Plan Approval Checklist:

Mr. Kennemer stated that this school was built in 2003 and meets all the standards of the site plan checklist except for lighting. The representative from USD #250 stated the lighting will be downward directed wall packs similar to existing outdoor lighting on the school and will not cast light on adjoining properties.

There being no further discussion, Francis DeMott moved, seconded by Connie McGeorge, that the site plan be **approved** as submitted. Motion carried unanimously.

The eleventh order of business under Presentation of Requests and Petitions was the review of a preliminary plat of Curtis First Addition (Replat of Perry's Second Addition located in the 1100 and 1200 Blocks of East 22nd Street. Todd Kennemer stated this plat contains all the information required for a preliminary plat. The only thing in question would be utility easements. All the utilities are in already in place and all are located in the 22nd Street right-of-way. The plat was submitted to the utility companies at the June 17 utility meeting. AT&T was the only one to respond; they said they do not need any easements because all of their lines and poles are located in the right-of-way of 22nd Street. Todd Kennemer stated that in this case, since the platted area in question is mostly surrounded by the floodplain, not having an easement along the south line of the plat would be beneficial in limiting development in this development sensitive area.

**PLANNING AND ZONING COMMISSION
MINUTES OF JUNE 23, 2008
PAGE TWELVE**

Mr. Kennemer also stated that Lots 12, 13, 14, and the east-half of Lot 11 are located inside floodplain, and that he would like to see the floodplain boundaries drawn on the final plat. He also stated that the legal description needs to be reworded so it does not include the entire length of the vacated Jones Avenue and Highland Street rights-of-way.

There being no further discussion, Roland Dalrymple moved, seconded by Francis DeMott, that the preliminary plat be **approved** and directed that a final plat with the recommended changes be presented to them at the next meeting for review. Motion carried unanimously.

The twelfth order of business under Presentation of Requests and Petitions was the review of a site plan submitted by Aaron Rents for the construction of a new business at 3003 North Broadway (Lot 5, Block 1, Pittsburg Town Center). Todd Kennemer stated that items on the Plan Approval Checklist meet the minimum requirements except the following:

1. Parking – Required minimum width of a 2-way traffic aisle is 24 feet. The width of the 2-way traffic aisle on the north side of the building is 18 feet. This is too narrow as shown.

It is recommended the 17, 90° spaces on the north side be converted to 6 parallel spaces. This action will achieve the necessary aisle width of 24 feet and still exceed the required minimum number of 24 spaces.

OR,

Convert the traffic aisle to a one-way direction (minimum aisle width for a one-way aisle is 14 feet).

2. Size of Building – The size of the building shown on the site plan is 8,000 sqft. The preliminary plat shows the maximum building area of this lot to be 5,750 sqft. Information provided on the preliminary plat is a general expectation of what will be built on the site; 8,000 sqft. is about 40% larger than what the city was told would be built on the site.

Because of the inconsistency of expected building size and actual building size, and the conflict between city and private covenant parking requirements, it is recommended the owner/developer review their private covenants and make necessary adjustments in these areas to make for a smoother plan review process.

**PLANNING AND ZONING COMMISSION
MINUTES OF JUNE 23, 2008
PAGE THIRTEEN**

3. Lighting – Lighting is not shown on the site plan; however, it is shown on the construction plans of the building. The lighting is consistent with other commercial projects approved by this Board.

After general discussion among the Board members, it was determined that 18' is too narrow for two-way traffic and that converting it to one-way traffic would be practically impossible to enforce. The Board decided it is best to have the applicant speak with the owner regarding conflicts between the city's parking lot standards and private covenants requirements that prevent the applicant from meeting the city standards.

There being no further discussion, Laura Klusener moved, seconded by Francis DeMott, that the site plan be **TABLED** until the July 28th meeting. Motion carried unanimously.

The next Planning and Zoning Commission meeting is scheduled for July 28, 2008.

There being no other business, Earl Ward moved, seconded by Roland Dalrymple, to adjourn. Motion carried unanimously and the meeting adjourned at 9 p.m.

Respectfully submitted,



Todd Kennemer
Assistant Director of Public Works