

# PLANNING AND ZONING COMMISSION

## MINUTES OF THE MEETING OF AUGUST 25, 2008

**MEMBERS PRESENT:** Mike Creel, Chairperson  
Roland Dalrymple, Vice Chairperson  
Francis DeMott  
Gary Falcetto  
Connie McGeorge  
Frank Slapar  
Joel VanBecelaere  
Earl Ward

**MEMBERS ABSENT:** Laura Klusener

**OTHERS PRESENT:** Kevan Schupbach, 169 E. 670<sup>th</sup> Ave., Farlington, KS  
Walter Simpson, 201 West 11<sup>th</sup> Street, Pittsburg  
Stuart Owsley, 816 East Jefferson, Pittsburg  
Thomas Powell, 401 South Joplin, Pittsburg  
M. D. Sharp, 503 Utah, Pittsburg  
Jo Leastman, 1618 North Smelter, Pittsburg  
Darlene Lomax, 402 Rose Harris Blvd., Pittsburg  
Renee Lomax, 716 West 1<sup>st</sup> Street, Pittsburg  
Audrey Scroggins, 2912 North Michigan, Pittsburg  
Rachel Harris, 208 West 6<sup>th</sup> Street, Pittsburg  
James A. Lough, 1025 East 9<sup>th</sup> Street, Pittsburg  
Francis Lough, 1025 East 9<sup>th</sup> Street, Pittsburg  
Lenore Allmon-Riley, 222 North Highland, Pittsburg  
Tymara Jones, address unknown  
Judy McCullough, address unknown  
Ruth Lemon, 110 East Carlton, Pittsburg  
Todd Kennemer, Assistant Director of Public Works

The Pittsburg Planning and Zoning Commission met on Monday, August 25, 2008, at 7:00 p.m., in the City Hall Commission Room. Chairperson Mike Creel called the meeting to order at 7:00 p.m. with eight (8) members present. Joel VanBecelaere then led the flag salute.

**The first order of business was the approval of the minutes of the meeting of July 28, 2008.** Francis DeMott noted a correction to the minutes indicating that the minutes reflected he was present and Frank Slapar was absent and should have been vice versa. Gary Falcetto moved, seconded by Connie McGeorge, that the minutes be approved with the noted correction. Motion carried unanimously.

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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. Mr. Schupbach stated he has acquired the 10' x 80' strip of property from the adjacent property owner (Wayne Storm) as directed by the Planning and Zoning Commission at a previous meeting and is now ready to proceed with the rezoning. He stated he has a contract for the property and that it was contingent upon the rezoning of the property to R-1C Single Family Residential.

Todd Kennemer explained that this request for rezoning was 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. When the lot was split in 1962 it could have been 5500 square feet in size. When it was split in 1978, the owner sold a 10' x 80' strip of Lot 6 to the owner of Lot 7 (the adjoining lot to the west), and split the remainder of Lot 6 into two separate lots. The piece owned by Mr. Schupbach is too small to [re]build on, so he was told that unless he purchased the adjoining 10' x 80' strip of land from the owner to the west the rezoning could not be approved. This strip is one of the three pieces of the original lot. Purchasing this strip and merging it with the piece owned by Mr. Schupbach will make the lot buildable IF it is rezoned to R-1C.

There being no one present to speak either in favor of or in opposition to the request, Chairperson Mike Creel closed the PUBLIC HEARING for the request. The following is a list of the criteria reviewed in considering this rezoning request:

1. Character of the neighborhood. *Single family residential with most lots in the area around 7,200 sq. ft. in size, with some larger, some smaller.*
2. The zoning and uses of property nearby. *Properties are used for single family residential. The north side of Martin Street is zoned R-1C; the south side is zoned R-1B.*
3. The suitability of the subject property for the uses to which it has been restricted. *The property is suitable for residential purposes.*
4. The length of time the property has remained vacant as zoned. *Two years.*
5. The extent to which removal of the restrictions (to rezone to a less restrictive classification) will detrimentally affect nearby property. *No detrimental effect, it will still be used for residential use.*

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6. The relative gain to the public health, safety and welfare (HSW) by the destruction of the value of the property being considered for rezoning as compared to the hardship imposed upon the individual landowner, which may occur if favorable consideration is not given to the request. *At present, this lot is not a buildable lot so its value will not be destroyed by rezoning to R-1C. If left as R-1B, the lot is of no value except to the two adjoining property owners. If left zoned as R-1B, it is highly likely the lot could be abandoned and become a continuous nuisance. The applicant did not create this problem, he is the 4<sup>th</sup> owner since the lot was created. The lot has been an illegal non-conforming lot since its creation. The passage of time or the selling of the property does not eliminate this status regardless of the present owner. Changing the zoning to R-1C is the first step in an effort to correct an old problem and to make the lot useful again.*
7. Recommendation of professional staff. *Approve the request.*
8. The conformance of the requested change to the Comprehensive Plan. *Since property is to remain as single family residential use, it is in conformance to the Comprehensive Plan.*

Based on the above findings, Earl Ward moved, seconded by Joel VanBecelaere, that the Planning and Zoning Commission forward a recommendation to the Governing Body for **approval** of the rezoning request. Motion carried unanimously. This recommendation will be presented to the City Commission for their consideration on Tuesday, September 9<sup>th</sup>.

**The second order of business under Presentation of Requests and Petitions was a PUBLIC HEARING to consider Case No. 08P-14, a request submitted by Lighthouse Temple Church of God in Christ for a Conditional Use under the provisions of Article 30 of the Pittsburg Zoning Ordinance to allow for the expansion of a church by the development of a parking lot in the 200 Block of West 9<sup>th</sup> Street.** Chairperson Mike Creel opened the **PUBLIC HEARING** by stating the request and then asked the applicant to comment on behalf of said request. Walter Simpson, Pastor of the church, stated the church acquired the four lots to the west of the church and wants to expand parking to this area. Currently, parking is allowed on one side of the street but is congested at times. The parking lot would remove some of the parking from the street that would help with the congestion. The proposed parking lot would consist of 30 parking spaces. The existing house between the church and the parking lot would remain at this time, however, the church has a contract with the owners of the house with first rights to purchase the property if it would ever be sold.

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Todd Kennemer stated that fact finders do not apply to conditional use requests, however, he noted the parking lot would take cars off of the street and make it safer for the traveling public. Since the proposed lot extends into a residential area, this would be an appropriate use of the vacant land. It is no different than many of the other churches around town that have the same scenario (parking extending into residential area).

There being no one present to speak either in favor of or in opposition to the request, Chairperson Mike Creel closed the **PUBLIC HEARING** for the request.

There being no further discussion, Joel VanBecelaere moved, seconded by Francis DeMott, that the Planning and Zoning Commission forward a recommendation to the Governing Body for **approval** of the conditional use request. Motion carried unanimously. This recommendation will be presented to the City Commission for their consideration on September 9<sup>th</sup>.

**The third order of business under Presentation of Requests and Petitions was the review of a site plan submitted by Stuart Owsley & Associates, P.A. on behalf of Lighthouse Temple Church of God in Christ for the construction of a parking lot in the 200 Block of West 9<sup>th</sup> Street.** Mr. Owsley stated the plan is for 30 angle parking spaces with one way in and one way out. The alley will not be used as an exit, so the parking lot will be fenced to prevent people from exiting onto the alley. The parking lot is designed to have 10 foot wide parking spaces and 20 foot wide aisles which is generous for angle parking and exceeds the minimum requirements. The parking lot will be constructed with 3 inches of asphalt over a 6 inch rock base and will be built up for water to drain to the south towards the street and not into the alley.

In reviewing the Plan Approval Checklist, Todd Kennemer stated the items meet (and exceed) the minimum requirements. The only items missing are screening along the east side of the parking lot to mitigate light, noise, etc for the house that sits between the church and the parking lot and lighting. The fencing has been addressed. If lighting is going to be provided, it must be directed downwards so as not to shine onto adjacent property. Also, a very minor item is the wings for the entrances are shown to be 6 feet wide and they can only be a maximum of 5 feet wide.

There being no further discussion, Francis DeMott moved, seconded by Connie McGeorge, that the site plan be **approved** with the condition the applicant get with City staff regarding lighting and drainage before a final permit is issued. Motion carried unanimously.

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Under New Business, Todd Kennemer provided the Commission with copies of proposed changes to the Zoning Ordinance and indicated these changes would be reviewed over the next several meetings. The first changes to be reviewed would cover Chapters 1 through 32. Mr. Kennemer asked that the Commission review this information and be prepared to begin discussion of the changes at the next meeting.

The next Planning and Zoning Commission meeting is scheduled for September 22, 2008.

There being no other business, Earl Ward moved, seconded by Francis DeMott, to adjourn. Motion carried unanimously and the meeting adjourned at 7:50 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Todd Kennemer".

Todd Kennemer  
Assistant Director of Public Works