

PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING OF SEPTEMBER 22, 2008

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

OTHERS PRESENT: Jack and Julie Johnson, 1321 South Broadway, Pittsburg
Stuart Owsley, 816 East Jefferson, Pittsburg
Brad Mattivi, 812 South Hugh, Frontenac
Jim Triplett, 1034 East 520th Ave., Pittsburg
David and Sandra Godsey, 1156 S. 220th St., Pittsburg
Ruthie Carpino, 109 East Euclid, Pittsburg
Tim Hoffman, 304 South Locust, Pittsburg
George Weeks, 1509 South College, Pittsburg
James Dawson, 454 Fieldcrest, Pittsburg
Bruce Remsberg, 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, September 22, 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 nine (9) members present and then asked Frank Slapar to lead the flag salute.

The first order of business was the approval of the minutes of the meeting of August 25, 2008. Connie McGeorge moved, seconded by Joel VanBecelaere, 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-15, a request submitted by Jack M. Johnson for a Conditional Use under the provisions of Article 30 of the Pittsburg Zoning Ordinance to allow a veterinary clinic to be located at 223 South Broadway. Chairperson Mike Creel opened the **PUBLIC HEARING** by stating the request and then asked the applicant to comment on behalf of said request. Dr. Johnson was present on behalf of the request and provided the following information.

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Dr. Johnson currently operates Broadway Animal Hospital at 1321 South Broadway. He has purchased and plans to remodel the building at 223 South Broadway located at the northeast corner of Euclid and Broadway and to move his business to this location.

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 to allow for discussion amongst the commission.

Todd Kennemer stated that fact finders do not apply to conditional use requests, however, he referred to the factors considered on change of zoning requests and indicated the property is located in a CP-4 Planned Central Business district, which allows 100% lot coverage, and that the proposed usage would blend with the current zoning and usage in the area, i.e. CP-4 to the north, south and west and IP-3 Planned Heavy Industrial to the east.

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 the conditional use request. Motion carried unanimously. This recommendation will be presented to the City Commission for their consideration on Tuesday, October 14th.

The second order of business under Presentation of Requests and Petitions was the review of a site plan submitted by Stuart Owsley & Associates on behalf of Jack M. Johnson for the construction of a veterinary clinic at 223 South Broadway. Mr. Owsley reviewed the site plan with the commission at this time and provided the following particulars. The building is an existing building located at the northeast corner of Euclid and Broadway. The building is approximately 5300 square feet in size and takes up most of the site. A total of 10 parking spaces are being proposed, 1 handicap and 2 parking spaces in the existing concrete paved area in the front of the building, 3 employee parking spaces in the back of the building, and 4 indented parking spaces in the right-of-way of Euclid. The original site plan proposed 4 parking spaces in the front of the building, however, this area is too tight and would not allow for 4 parking spaces, so the number has been reduced to 2 parking spaces and 1 handicap parking space. There is parking on Broadway as well. The site will be built up enough that once asphalted it will slope and take water out the new entrance and onto Euclid. A couple of green areas will also be provided on each side of the entrance. The trash dumpster will be located off the alley next to the employee parking area and will be screened, but the screening will not obstruct view of traffic in the alley or adjacent property. Signage will be placed on the front of the building. There will be lighting on the building as well as the parking areas.

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Sandra Godsey, 1156 S. 220th Street, stated she was present on behalf of her mother that lives across the alley and was concerned with the proposed screening. She indicated her mother's garage that is off the alley has been struck by trucks utilizing the alley and wants to make sure view would not be obstructed with the proposed screening. Dr. Johnson assured her the screening would be done in a manner so as not to obstruct the view.

In reviewing the plan approval checklist, Mr. Kennemer stated there were a few items on the site plan that he has already discussed with Dr. Johnson and have already been addressed in the review of the site plan.

1. Parking area in front is too cramped for 4 stalls.

	<u>Code Requirements</u>	<u>Shown on Plan</u>
Space Width:	9'-0"	9'-8"
Space Depth:	19'	16'-8"
Aisle Width:	24' – 26'	19'-3"

2. The applicant is going to go before the Traffic Advisory Board for approval of the parallel on-street parking along Euclid. This parking will be the same as the parallel on-street parking used at John's Sports Center at 18th and Broadway. Even though this is zoned CP-4 that has no parking requirements, the applicant is proposing 10 spaces.
3. Trash dumpster location and dumpster screening.
4. Lighting on the building other than the sign on the front.

There being no further discussion, Francis DeMott moved, seconded by Earl Ward, that the site plan be **approved**. Motion carried unanimously.

The third order of business under Presentation of Requests and Petitions was the review of the final plat of Curtis First Addition (replat of Perry's Second Addition) located in the 1100 and 1200 Blocks of East 22nd Street. Mr. Kennemer stated the preliminary plat was reviewed at the June 23rd meeting and was approved provided the legal description was corrected. He stated the correction has been made and the plat meets all the requirements.

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 the final plat. Motion carried unanimously. This recommendation will be presented to the City Commission for their consideration on Tuesday, October 14th.

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The fourth order of business under Presentation of Requests and Petitions was the review of a site plan submitted by Professional Engineering Consultants on behalf of Holiday Terrace, LLC for the construction of a car wash at 309 North Joplin. Bruce Remsberg (PEC) and Brad Mattivi (Holiday Terrace, LLC) were present on behalf of the site plan and provided the following information. The proposed car wash is a green car wash where all the water will be recycled. The chemicals have all moved to green anyway because it has been mandated by the car wash chemical manufacturers. There are some minor changes that will need to be made, i.e. location of the underground storage tanks and less lighting for the building itself. The storage tanks are of similar construction as septic tanks. The tanks will be concrete tanks, the fiberglass tanks crush more easily. The recycle system has a 90% capture rate, but some water will eventually empty into the sanitary sewer system. Originally, the proposed building was going to be constructed over the storm sewer, but after reviewing the site plan it was decided that the building be flipped to avoid the storm sewer. The original discussions were to construct a new storm sewer, however, now that the building has been flipped it was suggested that a curb cut basin be constructed at the east end of the parking lot that would be less costly and should take care of all the water. There is an 18" storm sewer underneath the subject property, a 24" storm sewer to the west of the subject property, and a 42" parallel storm sewer on 4th Street. There will also be green spaces to help with the drainage. The water eventually drains to a big open ditch on the east side of Joplin Street and takes the water to the east. The subject property is flat, however, there is not enough water from the site to even fill the 18" storm sewer. The car wash will be a right hand entrance car wash. Even with the building being flipped it will be about 50' from the back of the curb to the building, which is recommended by the vendor for right hand entrance car washes. At this time, a dumpster will not be required, but should it become necessary it will be screened. The building meets all setback requirements with the exception of the setback on the east. The applicant is requesting a setback of 25' instead of 30' on the east to allow for the building to be constructed in the proposed location.

In reviewing the plan approval checklist, Mr. Kennemer noted the following information. The zoning of this piece of property was recently changed from industrial to commercial zoning to allow for the construction of the carwash. The parcel is located at the southwest corner of 4th and Joplin. Plans submitted satisfy the requirements on the plan approval checklist, however, the applicant has requested to be allowed to move the structure five feet to the east to allow a better turning radius on the west side of the building. This would reduce the front setback to 25 feet. Section 23-101 of the Zoning Ordinance, "Plan Approval Guidelines", state: "...regulations prescribed pertaining to ... setbacks... may be adjusted or modified so the property in question may be developed in a reasonable manner and will not be a detriment to public health... but keeps with the general intent and spirit of the Ordinance."

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Allowing the structure to be shifted five feet to the east is acceptable in that the 25 foot setback is still larger than the setbacks on other buildings in the immediate area; there is no detriment to public health; and the spirit and intent of the Ordinance is still satisfied.

There being no further discussion, Laura Klusener moved, seconded by Roland Dalrymple, that the site plan be **approved** and that the request for the variance in setback on the east side be granted to allow the building to be located 25' from the right-of-way of Joplin Street. Motion carried unanimously.

The fifth order of business under Presentation of Requests and Petitions was the reconsideration of a request submitted by Pittsburg State University for a Conditional Use under the provisions of Article 30 of the Pittsburg Zoning Ordinance to allow a retreat and museum at 1413 South College. Jim Triplett, ex-chair of the Biology Department at PSU, and the new Chair, James Dawson, were present on behalf of the request and provided the following information. To their knowledge no complaints have been received on the property. They have tried to be good neighbors and have worked hard to make sure the property was maintained and kept tidy. The property is utilized quite frequently by faculty and other VIP guests. They did have some downed trees recently from the wind storm, but most of them have been removed. A caretaker is on site a quarter of the time to check people in and out and to make sure the property is being maintained. Alan Ross, the caretaker, lives in town and worked very closely with Dr. Sperry before his passing, so is very knowledgeable of his wishes for the property. PSU is, therefore, hopeful that the commission would grant them approval of the Conditional Use.

Roland Dalrymple stated his only concern with the property as a fellow citizen than a commissioner would be the maintenance of the property in the right-of-way. He stated that notices are sent to property owners that do not keep their grass mowed, so it would only be fair that this area in front the of the split rail fence be maintained on the subject property to make it more appealing. Dr. Triplett stated that he would agree and that it would be addressed.

George Weeks, 1509 South College, stated his property is immediately south of the subject property and that he has lived in the neighborhood since 1999. He stated that PSU does a good job maintaining the property and that he is simply in favor of the request.

Todd Kennemer stated the staff has received no calls or letters of complaints on this property and would recommend approval of the Conditional Use as is for another 2 years.

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There being no further discussion, Roland Dalrymple moved, seconded by Francis DeMott, that the Conditional Use be **approved** for another 2 years. Motion carried unanimously.

Under Other Business, was the beginning of the review of the proposed changes to the Zoning Ordinance and update of the Comprehensive Plan and land use regulations. Mr. Kennemer stated there have been several changes to the stormwater regulations and federal mandates with their clean up of stormwater quality and a new permit that will be required next year and new FEMA regulations that will need to be adopted, so all these issues will be addressed during the changes to the Zoning Ordinance and update of the Comprehensive Plan and land use regulations. The review will begin with Chapters 1 through 32. All new additions have been highlighted and omissions have been shown with strike through. Rationales have also been provided for the proposed changes. Mr. Kennemer then began with Chapter 1 and went through the proposed changes with the commission and stated they would get as far as they could and would continue with the review at the next meeting.

The next Planning and Zoning Commission meeting is scheduled for October 27, 2008.

There being no other business, the meeting adjourned at 9:25 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Todd Kennemer". The signature is written in a cursive, flowing style.

Todd Kennemer
Assistant Director of Public Works