

PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING OF NOVEMBER 24, 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: (See Attached Sign-In Sheets)
Todd Kennemer, Assistant Director of Public Works

The Pittsburg Planning and Zoning Commission met on Monday, November 24, 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. Joel VanBecelaere led the flag salute.

The first order of business was the approval of the minutes of the meeting of October 27, 2008. Roland Dalrymple moved, seconded by Francis DeMott, 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-16, a request submitted by the City of Pittsburg for a Conditional Use under the provisions of Article 30 of the Pittsburg Zoning Ordinance to allow a communications tower over 50 feet in height to be located at the northeast corner of Lincoln Center, 710 West 9th Street. The applicant has withdrawn the application.

The second order of business under Presentation of Requests and Petitions was a PUBLIC HEARING to consider Case No. 08P-17, a request submitted by Larry Fields to rezone 3201 North Rouse from IP-3 Planned Heavy Industrial to CP-2 Planned General Commercial. Mr. Larry Fields has purchased the existing vacant gas station located at 3201 N. Rouse. There are existing pumps, awnings, tanks, and primary building on the site. This site has been an unmanned service station in the past, but has been closed for some time. Mr. Fields would like to re-open this site as a gas station/convenience store. It is currently zoned IP-3 "Planned Heavy Industrial". The IP-3 zoning district does not allow commercial businesses as a primary land use. The zoning of the property will need to be changed to CP-2 to allow a gas station/convenience store as the primary land use on this site.

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There was no one present to speak either in favor of or in opposition to the request.

Joel VanBecelaere moved, seconded by Francis DeMott, that the Planning and Zoning Commission forward a recommendation to the Governing Body for **approval** of the rezoning request based on the following:

1. The character of the neighborhood?

Industrial, agricultural, and vacant land

2. The zoning and uses of property nearby.

Property to the south, east, and southeast are very large lots zoned IP-3 "Heavy Industrial", and are used for manufacturing and warehousing purposes.

Property to the north is either vacant or used for agricultural purposes and is not subject to City of Pittsburg zoning (it is in the 100-year floodplain and is located inside the Frontenac city limits). The property adjoining this one directly to the north is in our city limits and is zoned IP-3. It is occupied by an electrical sub-station and is unmanned.

Property to the west is zoned and developed as R-1C "Single Family Residential". It is separated from the subject property by a large railroad right-of-way 500 feet in width.

3. The suitability of the subject property for the uses to which it has been restricted.

The subject property is located in the far NW corner of the industrial park. It is separated from the core of the industrial park and has street frontage on 3 of its 4 sides. It is located inside the 100-year floodplain and is approximately 2.4 acres in size, making it one of the smallest lots in the industrial park.

It has limited warehousing and outdoor storage possibilities, but is too small for heavy industrial uses or modern manufacturing purposes. Since there is an existing gas station and its accompanying standard accessory structures, this property would be better suited for commercial use.

4. The length of time the property has remained vacant as zoned.

There are existing structures on the property; however, the business has been closed since before I began working for the City of Pittsburg in 2004.

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5. The extent to which the change of zoning will detrimentally affect nearby property.

None. The largest customer base for the store will most likely be those employed in the industrial park.

6. The relative gain to the public health, safety and welfare (HSW) by the destruction of the value of the property being considered for change of zoning as compared to the hardship imposed upon the individual landowner, which may occur if favorable consideration is not given to the request.

No effect on HSW. Value of the property will not be affected if change of zoning is not granted; however, its value should increase if the industrial restrictions are removed and it is allowed to operate as a commercial business. Its size, location in floodplain, and large setback requirements (caused by street frontage on 3 sides) serve as "built-in" limitations as to what type of business [commercial or industrial] can successfully operate at this location.

7. Recommendation of professional staff.

Approve the request.

8. The conformance of the requested change to the Comprehensive Plan.

The Comprehensive Plan only shows this property as being vacant. It does not address future use.

Motion carried unanimously. This recommendation will be presented to the City Commission for their consideration on Tuesday, December 9th.

The third order of business under Presentation of Requests and Petitions was consideration of a request submitted by Pittsburg State University to vacate Joplin Street between Cleveland Street and Lindburg Street, Lindburg Street between Locust Street and Elm Street, and the east/west alley south of the new Student Health Center at Broadway and Lindburg. The Planning and Zoning Commission reviewed each request separately.

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ALLEY VACATION

The alley is the east/west alley located just south of the new Student Health Center being constructed at Lindburg and Broadway. The portion of the alley to be vacated measures 15' x 158'. There is a sanitary sewer main running the entire length of the alley, therefore, the City would request that a utility easement be retained for utility purposes. AT&T has no issues with the vacation of the alley. Westar Energy currently has utilities located in the alley and has asked that it be reserved as a utility easement if vacated. No other utilities have issues with the vacation of the alley. Vacating the alley will have no effect on the health, safety, and welfare of the public. State Statute 12-505 provides that should: 1) legal notice be given; and, 2) no private rights be injured or endangered; and, 3) the public suffer no loss or inconvenience, THEN the vacation ought to be granted.

The access off Broadway to this alley will be eliminated to maintain a safer environment on Broadway. The exit from the north/south alley off Lindburg will remain. The north/south alley is not included in the request for vacation and will remain open allowing for access by the property owners and for use for trash pickup. The east/west alley was being requested for vacation to allow for parking for the new Student Health Center. The plans also include removal of the power poles from the alley onto PSU property.

STAFF RECOMMENDATION: *Vacate the alley as requested, but retain the vacated alley as a utility easement.*

One person spoke in opposition to the request.

Gary Falchetto moved, seconded by Connie McGeorge, that the Planning and Zoning Commission forward a recommendation to the Governing Body for **approval** of the request for the vacation of the alley with the condition a utility easement be retained for utility purposes. Motion carried unanimously by roll call vote. This recommendation will be presented to the City Commission for their consideration during a **PUBLIC HEARING** scheduled for Tuesday, January 13, 2009.

LINDBURG STREET VACATION

The second request is a one block portion of Lindburg Street between Locust and Elm. Lindburg, Locust and Elm are all one-way streets at the present time. Traffic on Lindburg flows to the west, traffic on Locust flows to the south, and Elm flows to the north. Lindburg traffic will remain unchanged regardless if the vacation is approved or not. If the vacation is approved, direction of traffic on Locust and Elm will be switched...Locust will become one-way north bound...Elm will become one-way southbound. This redirection of traffic will be between Ford and Lindburg streets only.

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One way traffic on Locust and Elm (south of Ford St.) will remain as is. Minutes from the November 4, 2008 Traffic Advisory Board (TAB) state, "...TAB does not see a problem stopping one way at Ford Street. TAB recommended PSU pay to remark Ford Street." Vacating this portion of Lindburg Street will have no effect on the health, safety and welfare of the public.

It is PSU's goal to allow access from the four student dorms on the south side of Lindburg Street and the only dining hall (Gibson Hall) on campus. All the north campus comes to that dining hall that crosses Lindburg Street to go from the oval, so to enhance traffic flow of pedestrians across Lindburg Street PSU plans to build over this location. They will also be providing green space between McCray Hall and Willard Hall. Even though they call it a "plaza", there will only be paving materials on the travel part between the plaza that goes to Gibson Dining Hall, across Lindburg Street and onto the oval. It will have the same concept as the plaza on Cleveland Street, however, there will be more green space.

STAFF RECOMMENDATION: *Vacate the one block portion of Lindburg as requested, but retain the vacated portion as a utility easement. Since the age of the water lines is unknown and they may need to be replaced before plaza construction begins; an agreement between the City and PSU should be drafted regarding water line replacement, future maintenance and repair, and erecting structures in the easement.*

Three persons were present and spoke in opposition to the request.

Earl Ward moved, seconded by Joel VanBecelaere, that the Planning and Zoning Commission forward a recommendation to the Governing Body for **approval** of the request for the vacation of Lindburg Street between Locust Street and Elm Street. Motion carried unanimously by roll call vote. This recommendation will be presented to the City Commission for their consideration during a **PUBLIC HEARING** scheduled for Tuesday, January 13, 2009.

JOPLIN STREET VACATION

Dr. Tom Bryant, President of PSU, Dr. Howard Smith, Administrative Assistant to the President and Legislative Liaison; John Patterson, Vice-President of Administration and Campus Life; Paul Stewart, Director of Facilities Planning; and, Lindell Haverstic, Project Architect, were present on behalf of PSU and provided a presentation regarding their request.

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The 2006 PSU Traffic Impact Analysis states:

"...the university is considering traffic calming measures for Joplin Street near the hike-and-bike path. Four types of traffic calming measures have been considered for the purpose of diverting traffic ...". These four alternatives include chokers, speed tables, combination of chokers and speed tables, and full street closure.

The 1999 PSU Master Plan states:

"One of the goals of the 1999 PSU Master Plan is...to no longer allow the automobile to cross the campus and to limit its penetration into the campus...to develop as a more pedestrian friendly campus...to reclaim portions of the streets and paving for the development of plazas and other landscaped areas".

RECOMMENDATION: *Closing Joplin Street has proven to be a controversial issue. I would recommend the University and the City look into a fifth alternative...installing electronic gates with arms to close the street to traffic during daytime hours of operation (7am to 5pm). Those who need to enter during these hours can swipe university issued magnetic cards. At 5pm the arms raise automatically and the street is open to traffic evenings, weekends, and on game days. (Similar to Hitt Street on the University of Missouri campus, and Monroe Street on the campus of Oklahoma State University.)*

If the street is closed, age of the water lines under the pavement is unknown and they will need to be replaced before plaza construction begins; an agreement between the City and PSU should be drafted regarding water line replacement, future maintenance and repair, and erecting structures in the easement.

There were a number of persons present that spoke in opposition to the request. One person spoke in favor of the request.

Roland Dalrymple moved, seconded by Gary Falcetto, that the Planning and Zoning Commission recommend to the Governing Body **approval** of the request. Motion was denied 6-2 by a roll call vote with Roland Dalrymple and Gary Falcetto approving and Francis DeMott, Laura Klusener, Connie McGeorge, Frank Slapar, Joel VanBecelaere and Earl Ward opposing.

The fourth order of business under Presentation of Requests and Petitions was the review of a site plan submitted by Campus Christians for the construction of a new campus house at 211-213 East Williams. The current Campus Christians is located at 212 East Williams and is being purchased by PSU. Campus Christians is proposing to relocate across Williams Street at 211-213 East Williams.

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In reviewing the Plan Approval Checklist, the site plan meets all the criteria of the checklist.

Joel VanBecelaere moved, seconded by Francis DeMott, that the site plan be **approved** as submitted. Motion carried unanimously by roll call vote.

Under Old Business, was an update regarding Aaron's Rent's site plan review. The applicant has withdrawn the project at this time.

Also, under Old Business, was a report regarding the display and sale of "rebuilder" automobiles at Herford's Auto Sales and Salvage located across East 20th Street from Meadowlark Elementary School. In reviewing their contract, it was found that they are in compliance.

Under New Business, was approval of the tentative meeting schedule for 2009-2010.

The next Planning and Zoning Commission meeting is scheduled for January 26, 2009.

There being no other business, Laura Klusener moved, seconded by Connie McGeorge, that the meeting adjourn. Motion carried unanimously and the meeting adjourned at 9:08 p.m.

Respectfully submitted,



Todd Kennemer
Assistant Director of Public Works

COMPLETE MEETING AVAILABLE ON CD.

PLANNING & ZONING COMMISSION MEETING

November 24, 2008

SIGN - IN SHEET

✓	Hinda Fisher	2305 S. Stillwell	Pittsburg
✓	Melilla Holbrook	2705 Knollview	Pittsburg
✓	Mary-Kate Sullivan	510 Thomas	Pittsburg
✓	Nancy Scott	706 Normal	Pittsburg
✓	Beth Ann Brown	108 W Billings	Pittsburg
✓	Krista Gunn	115 E. Williams	"
✓	James Mall	1220 S. Bury	Pittsburg
✓	George Weeks	1509 S. College	"
✓	Best Patrick	303 Webster	"
✓	Chuck DeB	1402 N Michigan	"
✓	Ben Peters	212 E. Polk	Pittsburg
✓	Jeff Haysom	1307 S. Hanna	Pittsburg
✓	Suzanne Juchay	704 E 20 th	Pittsburg
✓	Allan Parker	1914 S. Joplin	Pittsburg
✓	Maurice Henie	1038 E 635th Ave	Mechanicsville
✓	Kenneth Brady	106 S. Olive	Pittsburg, KS
✓	Johnnie Cottle	610 E Madison St	Pittsburg, KS
✓	Ron Morgan	1713 S. WALNUT	PITTSBURG, KS
✓	Paul Jorner	503 Hobson Dr	Pittsburg, KS
✓	Don Ronnon	311 N. WALNUT	Pittsburg, KS
✓	Jean Fields	703 Twin Lakes Dr	Pittsburg
✓	Virginia Darling	1301 Franklin Rd.	Pittsburg
✓	Wm Smith	474 Fieldcrest Dr.	"
✓	Samuel L. Hlad	2705 Knollview	Pittsburg
✓	Michael Brewer	706 Normal	Pittsburg
✓	Marcia Weeks	1509 S College	Pitts.
✓	Joy Leeper	2010 S. Broadway	"
✓	Denhis Burns	124 E. Carlton	Pitts.
✓	Jim		

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- ✓ Rich Lemon 110 E. Careton
- ✓ PAUL STEWART PSU
- ✓ Dinkell Haverstick PSU
- ✓ Ken Marnome Marnomes, DMC
- ✓ Tom Bryant PSU
- ✓ Howard Smith PSU
- ✓ John D. Feltz Pse
- ✓ David Barber citizen
- ✓ Jerry Fields FDL Corp.
- ✓ Bob Hoffman City TAX payer
- ✓ Darlene Koehler 205 E. Belleville
- ✓ Ed. Kochter 205 E. Belleville
- ✓ Mary Lindsay Citizen of Pittsburg
- ✓ Tom Lindsay Citizen & Tax Payer
- ✓ Sheila Hill
- ✓ Ken Hill KANSAS GAS SERVICE
- ✓ Don Lane City TAX payer
- ✓ Diane James Pittsburg, KS
- ✓ George P. Ziegler " "
- ✓ Linda Woods " "
- ✓ Norma Tannehill " "
- ✓ Joe D. Porter 306 East Hudson Pittsburg
- ✓ George Vanderpool Jr. 614 E. 22 Street Pittsburg
- ✓ Betty Masterson 512 Pearl St. City Tax payer
- ✓ Scott Henson 1922 S. Locust Pittsburg
- ✓ Sherril Lindsay 1922 S. Locust
- ✓ Lynn Patrick 120 E. Lindburg. Pittsburg
- ✓ Brian + Marenda (Betty) homeowner - 2007 S. Homes.

