Persons addressing the Planning Commission will be limited to four minutes of public address on a particular agenda item. Debate, questions/answer dialogue or discussion between Planning Commission members will not be counted towards the four minute time limitation. The Commission by affirmative vote of at least five members may extend the limitation an additional two minutes. The time limitation does not apply to the applicant’s initial presentation.

Items on this agenda will be forwarded to the City Council for final consideration.

All information forwarded to the City Council can be accessed via the internet on Thursday prior to the City Council meeting at: https://www.topeka.org/calendar

ADA Notice: For special accommodations for this event, please contact the Planning Department at 785-368-3728 at least three working days in advance.
HEARING PROCEDURES

Welcome! Your attendance and participation in tonight’s hearing is important and ensures a comprehensive scope of review. Each item appearing on the agenda will be considered by the City of Topeka Planning Commission in the following manner:

1. The Topeka Planning Staff will introduce each agenda item and present the staff report and recommendation. Commission members will then have an opportunity to ask questions of staff.

2. Chairperson will call for a presentation by the applicant followed by questions from the Commission.

3. Chairperson will then call for public comments. Each speaker must come to the podium and state his/her name. At the conclusion of each speaker’s comments, the Commission will have the opportunity to ask questions.

4. The applicant will be given an opportunity to respond to the public comments.

5. Chairperson will close the public hearing at which time no further public comments will be received, unless Planning Commission members have specific questions about evidence already presented. Commission members will then discuss the proposal.

6. Chairperson will then call for a motion on the item, which may be cast in the affirmative or negative. Upon a second to the motion, the Chairperson will call for a role call vote. Commission members will vote yes, no or abstain.

Each item appearing on the agenda represents a potential change in the manner in which land may be used or developed. Significant to this process is public comment. Your cooperation and attention to the above noted hearing procedure will ensure an orderly meeting and afford an opportunity for all to participate. Please Be Respectful! Each person’s testimony is important regardless of his or her position. All questions and comments shall be directed to the Chairperson from the podium and not to the applicant, staff or audience.

Members of the Topeka Planning Commission
Katrina Ringler, 2018 Chairperson
Brian Armstrong
Ariane Burson
Corey Dehn
Marc Fried
Carole Jordan
Wiley Kannarr
Corliss Lawson
Matt Werner

Topeka Planning Staff
Bill Fiander, AICP, Planning Director
Carlton O. Scroggins, AICP, Planner III
Dan Warner, AICP, Planner III
Mike Hall, AICP, Planner III
Tim Paris, Planner II
Annie Driver, AICP, Planner II
John Neunuebel, Planner II
Taylor Ricketts, Planner I
Kris Wagers, Administrative Officer
A. Roll call

B. Approval of minutes – October 15, 2018

C. Declaration of conflict of interest/ex parte communications by members of the commission or staff

D. Action Items

1. Public Hearings
   a. Z18/08 by McDonald's Corporation requesting to amend the District Zoning Classification from M-1 Multi-Family Residential District to C-2 Commercial District, or more restrictive designation, on a portion of property located adjacent to SW Fillmore Street to provide for re-build of McDonald's restaurant and parking lot expansion. (Neunuebel)
   
   b. Z18/09 by Haas Property Management, LLC (Six Zero East) requesting to amend the District Zoning Classification from R-1 Single Family Dwelling District to I-1 Light Industrial District on property located at 3041 NW Highway 24 to allow for retail and outdoor storage. (Driver)

2. Sherwood Village Subdivision
   a. A18/02 by William L. & Joyce G. Rowland requesting to annex into the City an approximately 9.2-acre subdivision on property located at 2400 SW Indian Hills Road. (Warner)
   
   b. P18/25 Sherwood Village Subdivision (Preliminary and Final Plat) by William L. & Joyce G. Rowland on property located at 2400 SW Indian Hills Rd. (Driver)

3. Other
   a. ACZR18/03 Visual Code Update II
      Governing Body remanded non-residential building design standards to consider adding language concerning art features. Staff also proposes additional changes to window/door requirements. (Warner)

E. Discussion Items

1. ACZR 18/02 Visual Code Update III
   Review and discuss draft standards and restrictions for temporary, incidental, and portable message center signs in all districts. (Hall)

F. Communications to the Commission

G. Adjournment
Monday, October 15, 2018

6:00PM – Municipal Building, 214 SE 8th Street, 2nd floor Council Chambers

Members present: Brian Armstrong, Corey Dehn, Marc Fried, Wiley Kannarr, Corliss Lawson, Katrina Ringler (Chair), Matt Werner, Carole Jordan, Ariane Messina

Members Absent:

Staff Present: Bill Fiander, Planning Director, Mike Hall, Planner III; Annie Driver, Planner II; John Neunuebel, Planner II; Kris Wagers, Administrative Officer; Mary Feighny, Legal

Roll Call – Chairperson Katrina Ringler called the meeting to order with eight members present for a quorum. Ms. Lawson arrived after the first vote.

Approval of Minutes from September 10, 2018

Motion to approve; moved by Ms. Messina, second by Mr. Kannarr. APPROVED (7-0-1 with Mr. Dehn abstaining)

Declaration of conflict of interest/ex parte communications by members of the commission or staff

Regarding Z18/05 - Mr. Armstrong stated that his dentist is part of the Gage Dental Group, but that does not constitute a conflict of interest.

Ms. Lawson arrived at 6:03PM

Regarding Z18/05 – Mr. Fried stated that he sees a dentist in that building, but that does not constitute a conflict of interest.

Public Hearings

Z18/05 by: Gage Center Dental Group, PA requesting to amend the District Zoning Classification from “R-1” Residential District to “O&I-2” Office and Institutional District to provide for expansion of accessory parking lot for dental clinic located at 1329 SW Woodhull Street.

Mr. Neunuebel presented the staff report and staff recommendation for approval.

Ms. Messina asked if there is a need for more parking, and Mr. Neunuebel stated he’s not aware of any parking problems reported in the area.

Ms. Ringler declared the public hearing open and Kevin Holland of CFS came forward representing the applicant. He stated that Dr. Jeffrey Burkett of Gage Dental Group was in attendance and available for questions.
Mr. Holland explained that additional parking is needed in order for the dental group to grow and add dental staff. It would also make it possible to connect all of the current lots, and handicap parking could be extended further to the east to make the building more accessible. He said that some of the staff are currently parking on Hillsdale rather than in any of the parking lots.

Ms. Messina asked if staff is allowed to park in the parking lot on the east side, across the street on Woodhull. Mr. Holland stated that the property is not owned by Gage Dental and Gage Dental does not have permission to use the parking lot.

With nobody else coming forward, Ms. Ringler declared the public hearing closed.

Ms. Messina stated she has conflicts with the request based on the amount of parking currently available. She said she drove by this morning and this afternoon and didn’t see a demand for additional parking. She suggested that an agreement might be made with the owners of the parking lot across the street (Woodhull) to allow parking there, as well as a cross walk be added.

Mr. Armstrong stated that from his experience, he’s been there when there aren’t spaces available in the north or east lots.

Ms. Messina asked what growth is anticipated and Mr. Holland explained that currently there are 7 dentists and the group would like to add 1 or 2 more. He added that it would be difficult to come to an agreement with the owners of the parking lot across the street to allow Gage Dental Group to use their property.

Ms. Messina asked how many additional spots would be required for 1-2 additional dentists and Mr. Holland stated that they are looking to add 18-25 spots, landscaped as required by the City of Topeka.

Mr. Kannarr asked if the size of the building would allow for the addition of 1-2 dentists and still more in the future and Mr. Holland explained that there likely is not room in the building to add more than the 1-2 current planned.

Ms. Ringler stated that she is not a fan of additional parking, yet she also understands the need for it. Ms. Jordan stated that it seems the group is being proactive and thinking ahead to future needs. She also believes it is a good idea to expand handicap parking.

Mr. Fried expressed concern about people having to park and walk across the street, which also causes traffic disruptions. He also pointed out that having an agreement with another owner is not a permanent solution and he’d rather the applicant rely on their own parking on their own property.

Motion by Ms. Jordan to recommend approval of Z18/05 to the Governing Body, second by Mr. Fried. APPROVAL (8-1-0 with Ms. Messina voting no)

Z18/07 by TERC, LLC requesting to amend the Zoning District for the subject property located 1834 SW Topeka Boulevard comprised of 2 parcels currently utilized as a portion of an automobile dealership (Sharp Honda) from I-1 to C-4 to provide for the construction and operation of a car wash.

Mr. Neunuebel presented the staff report and staff recommendation for approval.

Mr. Fried asked if the requested zone change is to allow for the potential use as a car wash, or does the applicant intend to build a car wash there once the property is vacated by the current owner. Mr.
Neunuebel explained that, assuming the zoning change is approved, the applicant does intend to build a car wash on the property.

Ms. Messina asked if there was any concern expressed by residents in the area and Mr. Neunuebel stated there was not.

Ms. Ringler declared the public hearing open and Kurt Daniels of Cochran Engineering came forward representing the applicant. He stated that this applicant does wish to build a car wash on the property; they are excited to be there, and they believe it brings a good amenity to the area. He stated he had nothing to add to Mr. Neunuebel’s report and would stand for questions.

Ms. Ringler referred to the letter included in the agenda packet where people had questions about the property being in a flood plain. Mr. Daniels explained that the site would be raised and meet all requirements of the City of Topeka. He also stated that he had received an email of support from a citizen that had attended the Neighborhood Information Meeting (NIM) but he did not bring or forward it on to Planning staff.

With nobody else coming forward, Ms. Ringler declared the public hearing closed.

Ms. Messina stated that it looks to be a good plan, and Ms. Ringler stated that she’s happy to see someone move in rather than leave a vacant lot. Mr. Armstrong stated he doesn’t believe there is another car wash nearby.

Motion by Ms. Lawson to recommend approval of Z18/07 to the Governing Body, second by Ms. Messina. APPROVAL (9-0-0)

Z18/06 by TKG 125, LLC and JT&DV Investments, LLC requesting to amend the District Zoning Map reclassifying the zoning of the properties located at 125 and 121 N Kansas Avenue from “I-2” Heavy Industrial District to “D-3” Downtown District.

Ms. Driver presented the staff report and staff recommendation for approval.

Mr. Armstrong asked and received confirmation that the other buildings on the block (south) had been re-zoned in recent years. He noted that that since then, substantial improvements have been made to the buildings.

Ms. Ringler declared the public hearing open and Ted Graf came forward as the applicant. He stated that he and his wife purchased the building as a historic building about 2 years ago and have been working on improvements since then.

Ms. Ringler asked if the apartments are currently occupied and Mr. Graf said they are. Ms. Ringler asked for confirmation that the residents are aware that they live in an urban/industrial mixed use area and Mr. Graf stated they are aware and like the fact that they live in an historic building. Industrial noise, etc. has not bothered them at all.

With nobody else coming forward, Ms. Ringler declared the public hearing closed.

Ms. Ringler noted that the residential use is already built, and as long as residents know what they’re getting in to, she didn’t see any issues. She made reference to a zoning case earlier in the year where
one of the questions that came up had to do with whether people were aware of and preferred living in a more industrialized area. She noted that they answered they were aware and liked it.

**Motion** by Mr. Werner to recommend approval of Z18/06 to the Governing Body, **second** by Mr. Dehn. **APPROVAL** (9-0-0)

**Z55/43K Gage Center Master Planned Unit Development Plan by BLEM Development Co., Inc.**
requesting to amend the Master PUD Plan for Gage Center to provide for a change of use on a 1.78 acre property located at 1301 SW Gage Blvd. specifically allowing for a gas station and convenience store on this site. The PUD master plan area encompasses approximately 18.4 acres, all lying between SW Huntoon and SW 15th Street and SW Gage Blvd and SW Woodhull.

Ms. Driver presented the staff report and staff recommendation for approval, subject to the conditions listed in the staff report document.

Mr. Fried asked for additional information about the “extended peninsula” and Ms. Driver explained that this is to be sure there aren’t lines of traffic queuing up at the driveways; cars will be forced to pull further onto the property before they can turn left into the gas station. Mr. Fried stated that looking at the site plan helped to clarify.

Mr. Werner asked if the PUD master plan has been changed to reflect the extended peninsula and Ms. Driver explained that the PUD is conceptual in nature and staff is leaving some items to be addressed at Site Plan Review stage. The same is true of the 15' landscape setback.

Mr. Werner noted that lighting should be a consideration during site plan review, adding that lighting on the canopy can be very bright and needs to be shielded or directed downwards. Ms. Driver stated that this was brought up at the NIM and the applicant assured all that the lighting would be directed downwards.

Ms. Jordan asked about NIM notes regarding concern about cut-through traffic. Annie stated that some were concerned about people using York Way and Avalon as a cut-through. Mr. Werner pointed out that this can be done now.

Ms. Ringler declared the **public hearing open** and Kevin Holland of CFS came forward representing the applicant. He noted that Tony Tremble with Haag Oil was also present and available for questions.

Mr. Holland noted that the lighting will be similar to the new Haag Oil Phillips 66 located at 29th & Topeka Blvd. / SW corner of Holliday Square Shopping Center. It will be recessed LED that points straight down. He added that one of the keys to a successful gas station is location near a number of “rooftops”, and there are 3,000 within 2 miles of the proposed location. The gas station will give them the ability to fuel up near their homes.

Mr. Holland stated that many of the people at the NIM were excited to have some economic development at this location, as Gage Center currently has a number of “darkened storefronts”.

Bill Padget, 3637 SW York Way, came forward to speak. He stated that York Way is a cut through street right now, but currently there’s no destination other than Gage. He stated that there is no heavily used gas station close to the proposed location, and this will give people a reason to come down Avalon and York Way. He is concerned about increased traffic and wondered if it would be possible to
put in speed bumps or other measures to cut down on traffic. He also noted that there are no stop signs in Westboro. Another concern he spoke of was the lighting potentially being an issue. He said he’s excited about the convenience of the gas station location and he anticipates it being a busy place.

Ardith Griffin of 1412 SW Woodhull came forward to speak. She is president of and represents the Woodhull Group HOA. Board members and others went to the NIM and heard the proposed changes to the Gage Center Master PUD; they have concerns about increased traffic on 15th between Gage & McAllister. She noted that the proposed location of the gas station has been “abandoned” for some time and Gage Center is showing signs of disrepair and poor lighting, so they were excited to think that new life is coming to the area. At the same time, they are concerned about increased traffic on 15th and on Gage. She expressed concern about the amount of traffic generated by the post office at 15th & Woodhull and offered suggestions as to how traffic movement could be improved there, especially placing no parking signs on 15th street.

With nobody else coming forward, Ms. Ringler declared the public hearing closed.

Ms. Ringler asked staff to make a note of traffic/parking concerns which are beyond the purview of the Planning Commission. Mr. Fiander explained that concerns about traffic/parking issues can be addressed with the City Engineer. Neighborhoods can request a mini-traffic study be done by our engineering department.

Mr. Fiander stated there are avenues to address any impacts that might result from the development in question, but at this point staff and the applicant’s engineer do not see an issue. He added that the entire center is zoned for commercial development and the current request is simply for a change in character. Uses that are already allowed can also generate large amounts of traffic (i.e. restaurants). The focus here is more the ingress/egress areas of the site, as well as circulation on the site itself.

Ms. Ringler stated that she appreciates the traffic and lighting concerns, and she’s happy to see vacant property coming back into use.

Mr. Kannarr stated that he, too is happy to see a building that has been empty for years be used again and perhaps help to revitalize the center. He appreciates the concerns about traffic and noted that anything that does well for Gage Center is going to generate additional traffic.

Motion by Mr. Werner to recommend approval of Z55/43K to the Governing Body, second by Mr. Werner. APPROVAL (9-0-0)

Discussion Item – review and discuss standards for incidental and temporary signs in all districts

Mr. Fiander stated that staff does not yet have “standards” to share with the Commission, noting that they are in the works and still need to be reviewed by the consultant and the technical committee.

Mr. Hall spoke about some of the complexities involved in writing the standards, as well as the standards themselves. It is vital to assure that the standards are effective, content neutral, and enforceable. He asked about specific thoughts or concerns commissioners might like addressed in the standards and discussion followed about community input from the survey that was done, the direction the staff and technical committee is going with the standards, and the process going forward. With no cases coming in for a November Planning
Commission meeting, staff will continue to work on the standards and provide another update at the December Planning Commission meeting.

Mr. Fiander welcomed Planning Commissioner Corey Dehn to the Commission.

With no further agenda items, meeting was adjourned at 7:27PM.
Z18/08
by McDonald's Corporation
APPLICATION CASE NUMBER / NAME: Z18/08 - McDonald’s Corporation

REQUESTED ACTION / CURRENT ZONING: Zoning reclassification FROM “M-1” Two-Family Dwelling District TO “C-2” Commercial District.

PROPERTY OWNER: McDonald’s Corporation

APPLICANT: “McDonald’s Topeka Blvd Rezone”

APPLICANT REPRESENTATIVE: Ryan Yenni, EIT and Mark Bachamp, PE

PROPERTY LOCATION / PARCEL ID: 3117 SW Topeka Blvd. / Parcel No. 1461301007030000

PARCEL SIZE: 1.57 acres
(Portion of property proposed for rezoning is approximately 0.20 acre.)

CASE PLANNER: J. Neunuebel, Planner II

RECOMMENDATION: Approval of Reclassification from “M-1” Two-Family Dwelling District TO “C-2” Commercial District AND “OS-1” Open Space District.

RECOMMENDED MOTION: Based on the findings and analysis in the staff report I move to recommend APPROVAL to the Governing Body of the reclassification of the subject property from “M-1” Two-Family Dwelling District to “C-2” Commercial District, and “OS-1” Open Space District for a rectilinear portion of the property that is 22 feet in width and immediately adjacent to SW Fillmore Street public right-of-way.

PROPOSED USE / SUMMARY: The change in zoning to C-2 and OS-1 as recommended will provide for use of a portion of property for expansion of accessory parking as part of the rebuilding of an existing McDonald’s Restaurant, while also helping ensure that adjacent residential neighborhood is not affected by potentially negative impacts.

DEVELOPMENT / CASE HISTORY: The subject portion of property was re-zoned from “A” Single Family Dwelling District to “F” Two-Family Dwelling District in 1960. The Zoning Regulations were subsequently amended resulting in a conversion of “F” Two-Family Dwelling District to “M-1” Two-Family Dwelling District. The existing restaurant and parking lot areas were constructed in 1981 on portion(s) of the subject property zoned C-2 and C-4 commercial, with an expansion of the building completed in
ZONING AND CHARACTER OF SURROUNDING PROPERTIES:

The subject property is located on the east side of SW Fillmore Street and is approximately 75 feet in width, while the existing McDonald’s restaurant along with driveways and parking lot areas are included on different portions of the property further east and within separate zoning districts, as follows: 1) the portion of property located adjacent to SW Topeka Blvd., approximately 150 feet in width, is within the “C-4” Commercial District, and 2) the portion of property located centrally within the site, approximately 180 feet in width, is within the “C-2” Commercial District. (The restaurant building itself overlaps both these commercial districts.)

Adjacent and north: C-4 Commercial including offices and auto car wash to the northeast, and M-1 and R-1 residential with single-family residences to the northwest.

Adjacent and west: R-1 Single-Family Dwelling District residential containing single-family residences.

Adjacent and east across SW Topeka Blvd: C-4 Commercial with retail commercial businesses.

Adjacent and south: M-1 Two-Family Dwelling District (vacant) and C-2 Commercial including commercial and contractor businesses with R-1 Single-Family Dwelling District to the southwest including single-family residences.

PHOTOS:

Facing west along south side of property with drive-thru pick-up window of restaurant on right, screening fence in background, and undeveloped portion of property beyond.
DEVELOPMENT STANDARDS AND POLICIES

PURPOSE, USE STANDARDS: The purpose/ intent of the proposed C-2 Commercial District is to provide for those commercial activities which serve a major segment of the total community population. In addition to a variety of retail goods and services, these centers may typically feature a number of large traffic generators that require access from major thoroughfares. The extent and range of activities permitted in the moderate to medium intensity range with a ground floor area limitation and a prohibition on outside sales and storage of supplies, materials, products, and equipment. (TMC 18.145.010). A wide range of office and commercial
activities are permitted in the C-2 district such as art & portrait galleries, auto service station types 1 & II, bank/finance institution, funeral home, health service and clinic, hotel/motel, and drive through establishments.

The purpose/intent of the OS-1 Open Space District is to preserve and protect existing and potential public park land, open land, greenways, recreational space, floodways, and trails and lands that have other physical, aesthetic or cultural characteristics which preclude their inclusion in other less restrictive districts. It is intended that these areas provide opportunities for passive and active outdoor recreation, preserve scenic views, and protect sensitive or fragile environmental areas. It is further the intent of this district to protect these areas from urban, non-open space or incompatible development. (TMC 18.195.010) A very limited range of development and uses are permitted in the OS-1 district including detached single-family dwellings, community centers, community gardens, public utility facilities, and low intensity recreational uses.

The recommended OS-1 zoning for the west 22 feet of the property maintains a buffer between the restaurant and residential use on the west side of SW Fillmore Street and north side of SW 31st Terrace. Retaining the current zoning designation of M-1 Two-Family Dwelling District for the 22-foot wide strip of land is an alternative approach; however, Planning staff consider OS-1 zoning preferable because of its clear intent and purpose. (Note: In addition to the recommended Open Space buffer, new development on the site will also be required to adhere to standard setback requirements for commercial development, thus providing an overall buffer of 28 feet extending from the SW Fillmore Street public right-of-way.)

DENSITY & DIMENSIONAL STANDARDS:
Under C-2 zoning the minimum lot area is 10,000 square feet and maximum building coverage is 50% of lot area. Principal building setbacks within the district are: front – 25 feet; side – 10 feet; and rear – 25 feet. Maximum building size is 50,000 square feet ground floor area. (There are no density & dimensional standards applicable to the OS-1 Open Space District.)

OFF-STREET PARKING:
Required off-street parking is determined by specific land use. Any future changes to the parking and circulation plan of the existing restaurant will be reviewed during the Site Plan review process.

LANDSCAPING:
Any new development pursuant to the proposed C-2 zoning will require landscaping and buffer yards in conformance with TMC 18.235 Landscape Requirements. Landscape plans will be reviewed during the site plan review process.

OTHER DESIGN GUIDELINES AND CONSIDERATIONS:
None
SIGNS: Ground signs within the C-2 district are currently limited to a maximum height of 35 feet and maximum size of 200 square feet per sign face. Wall signs are limited to a maximum sign area of 200 square feet per sign face.

COMPREHENSIVE PLAN: The Topeka Land Use and Growth Management Plan 2040 (LUGMP) includes the subject property and adjacent properties on both the west and east side of SW Topeka Boulevard on the Future Land Use Map as “Commercial.” Although a Commercial designation on the Future Land Use Map would not normally accommodate “OS-1 Open Space zoning, the intent to create a buffer, or transitional use, between a residential neighborhood and more intensive commercial development is encouraged by the LUGMP.

TRANSPORTATION/ AND ACCESS: SW Fillmore Street and SW 31st Terrace are classified as local streets, and neither currently include sidewalks. Rebuilding and expansion of the existing restaurant pursuant to the proposed rezoning anticipates no new access onto either of these streets but will continue to utilize existing access onto SW Topeka Blvd., a principal arterial. There is an earthen pathway worn through the subject site that utilizes an opening in the existing fence to provide access to the site from the adjacent residential neighborhood, and retention of pedestrian access is encouraged.

OTHER FACTORS

SUBDIVISION PLAT: The subject property consists of an amalgamation of vacated street right-of-way and lots from two separate plats – “UHL Subdivision” and “Barraclough Subdivision.” The applicant intends to submit an application to re-plat the property into a single lot.

FLOOD HAZARDS, STREAM BUFFERS: None

UTILITIES: The site is served by a full range of utilities and services.

TRANSPORTATION/TRAFFIC: The proposed change in zoning will have no anticipated impacts upon transportation/traffic within the area.

HISTORIC PROPERTIES: None

NEIGHBORHOOD INFORMATION MEETING: The applicant conducted a Neighborhood Information Meeting on November 12, 2018. In addition to the applicant team and city staff, there was one attendee who sought confirmation that her nearby residential property would not be directly affected by any rebuilding of the restaurant, and further voiced general support for the project.
PUBLIC WORKS/ENGINEERING: No issues identified.
WATER POLLUTION CONTROL: No issues identified.
FIRE: No issues identified.
DEVELOPMENT SERVICES: No issues identified.
Other: None

KEY DATES
APPLICATION SUBMITTAL: September 14, 2018
APPLICANT REQUEST FOR DELAY IN CONTINUED PROCESSING OF APPLICATION: October 11, 2018
APPLICANT REQUEST FOR RESUMPTION IN PROCESSING OF APPLICATION: October 25, 2018
NEIGHBORHOOD INFORMATION MEETING: November 12, 2018
LEGAL NOTICE PUBLICATION: November 26, 2018
ADJOINING PROPERTY OWNER NOTICES MAILED: November 21, 2018

STAFF ANALYSIS
CHARACTER OF NEIGHBORHOOD: The proposed C-2 and OS-1 zoning is compatible with the existing and desired future character of the neighborhood. The subject property containing the existing restaurant is surrounded by commercial businesses on both the east and west side of SW Topeka Blvd, while the smaller portion of the property adjacent to SW Fillmore Street will provide a significant open space buffer demarcated by OS-1 Open Space zoning. Development of the property will require an approved site and landscape plan to ensure adequate off-street parking, setbacks, landscaping including parking lot screening, and adherence to parking lot lighting standards.

THE ZONING AND USE OF PROPERTIES NEARBY: The proposed C-2 and OS-1 zoning is compatible with the zoning and land use of adjacent properties and in the surrounding neighborhood for multiple reasons. Commercial uses along SW Topeka Blvd. have been present for many years with few if any negative impacts on nearby residential neighborhoods, and the proposed expansion of the subject restaurant is anticipated to have little or no impact on vehicular traffic circulation or other impacts.

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: The subject portion of property is vacant and has never been developed, implying a lack of market demand for residential units permitted under its current M-1 Two Family Dwelling zoning.

CONFORMANCE TO COMPREHENSIVE PLAN: The Topeka Land Use and Growth Management Plan 2040 (LUGMP) designates the subject property and adjacent properties on both the west and east side of SW Topeka Blvd. on the Future Land Use Map as “Commercial.” OS-1 Open Space zoning designation is recommended as a buffer.
between the commercial use on the site and adjacent residential neighborhood although a Commercial use on the Future Land Use Map does not normally accommodate OS-1 Open Space zoning.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES OF WHICH IT HAS BEEN RESTRICTED: Under its current M-1 zoning the property is restricted to single-family or 2-family residential dwellings and a narrow range of limited institutional uses such as churches (religious assembly). The subject property has a depth (measuring front to back) of approximately 75 feet, which is relatively shallow and is far short of the minimum lot depth of 110 feet per City of Topeka’s subdivision regulations. Given its shallow depth and surrounding commercial uses it is not well suited for residential development or other uses permitted under the M-1 classification.

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: Although the overall development envelope for the anticipated restaurant building expansion will extend approximately 55 feet into the currently vacant property, actual new development on the currently vacant property is expected to be comprised only of parking, driveway aisles, and a trash enclosure, and will be set back 28 feet from the SW Fillmore Street right-of-way. Such a setback combined with screening and landscape requirements will mitigate the potential negative effects of the expansion.

THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE OWNER’S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER: Approval of the proposed zoning change will allow for the planned expansion of an existing restaurant pursuant to current setbacks, landscaping, and screening requirements which, along with OS-1 Open Space designation, will minimize potential impacts on adjacent properties and residents. Denial of the proposed zone change and building expansion for the existing restaurant may prove burdensome to the applicant to the point of their needing to re-locate to another area resulting in vacating of a building and/or a more intensive commercial use on portion of property adjacent to SW Topeka Blvd. within the C-4 commercial district with potentially greater impacts within the area including adjacent residential neighborhood.

AVAILABILITY OF PUBLIC SERVICES: All essential public utilities, services, and facilities are presently available within the area.

STAFF RECOMMENDATION:

RECOMMENDATION: Approval of Reclassification from “M-1” Two-Family Dwelling District TO “C-2” Commercial District AND “OS-1” Open Space District.

RECOMMENDED MOTION: Based on the findings and analysis in the staff report I move to recommend APPROVAL to the Governing Body of the reclassification of the subject property from “M-1” Two-Family Dwelling District to “C-2” Commercial District, and “OS-1” Open Space District for a rectilinear portion of the property that is 22 feet in width and immediately adjacent to SW Fillmore Street public right-of-way.

Attachments:
- Aerial Map
- Zoning Map
- Future Land Use Map (LUGMP 2040)
- Zoning Districts Recommended by Staff
- Neighborhood Information Meeting Summary & Sign-In Sheet
Subject Property

Portion of property proposed for zone change

Z18/08 - Aerial Map
McDonald's Corporation
Z18/08 Zoning Map
McDonald's Corporation
Portion of property proposed for zone change

Subject Property

Low Density Residential

Commercial

Z18/08 Future Land Use Map
McDonald's Corporation
Z18/08 - Zoning Recommended by Staff
McDonald's Corporation

Recommended C-2 Commercial
Recommended OS-1 Open Space

Note: Locations of recommended zoning district boundaries on aerial photo approximate.
November 13, 2018

City of Topeka Planning Department
C/O Mr. John Neunuebel
620 SE Madison
Topeka, KS 66607

Olsson
302 S 4th St, Ste 110
Manhattan, KS 66502

Re. Planning Dept. Case Z18/08

To whom it may concern:

The neighborhood information meeting for the zone change for Lot 22 of Barraclough Subdivision, located at 3117 SW Topeka Blvd, from M-1 to C-2 began at 5:30. The meeting was held at the Jayhawk Area Center on Aging, located at 2910 SW Topeka Blvd, in the lower level meeting room. A total of five people attended the meeting, One attendee from the notified property owners, one city representative, two engineers from Olsson, and the McDonald’s franchise owner operator. The attendee sign in sheet is attached. John Neunuebel, Case Planner, began the meeting by describing the rezoning process. Ryan Yenni, Mark Bachamp, and Tom Dobski displayed site concepts showing that the lot needs to be rezoned to accommodate the reconstruction of the McDonald’s.

The only concern from the notified property owner was if any demolition or construction would take place on their property. The attendee had no objections after the explanation that rezoning and construction is only for property owned by McDonalds.

Sincerely,

Ryan Yenni, EIT
Olsson Project Engineer
# Neighborhood Information Meeting

## Sign in Sheet

**Zone Change for McDonalds Lot at 3117 SW Topeka Blvd. Planning Department Case Z18/08**

**Date:** November 12, 2018, 5:30 p.m.  
**Meeting Location:** Jayhawk Area Agency on Aging (lower level meeting room) 2910 SW Topeka Blvd, Topeka, KS

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>EMAIL (PREFERRED) OR PHONE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ching Chieng</td>
<td>4435 SW Shawanoook Road, Topeka, KS 66610</td>
<td><a href="mailto:Proffjuna@gmail.com">Proffjuna@gmail.com</a></td>
</tr>
<tr>
<td>John Neumuebel</td>
<td>GCT Planning</td>
<td><a href="mailto:JNeumuebel@topeko.org">JNeumuebel@topeko.org</a></td>
</tr>
<tr>
<td>Tom Dobski</td>
<td>2007 Palmer Drive, Lawrence, KS 66047</td>
<td><a href="mailto:TM_Dobski@SOWFLOWER.COM">TM_Dobski@SOWFLOWER.COM</a></td>
</tr>
<tr>
<td>Ryan Yenni</td>
<td>Olsson</td>
<td><a href="mailto:ryenni@olson.com">ryenni@olson.com</a></td>
</tr>
<tr>
<td>Maleah Bachey</td>
<td>Olsson</td>
<td><a href="mailto:mbachey@olson.com">mbachey@olson.com</a></td>
</tr>
</tbody>
</table>


Z18/09
by Haas Property Management, LLC
(Six Zero East)
APPLICATION CASE: Z18/9 By: Haas Property Management (Agenda Item #1b)
REQUESTED ACTION: Zoning change from “R-1” Single Family Dwelling District TO “I-1” Light Industrial District
APPLICANT / PROPERTY OWNERS: Six Zero East/Haas Property Management
APPLICANT REPRESENTATIVE: John Ladson, TBG Group LLC
PROPERTY LOCATION / PARCEL ID: 3041 NW Highway 24/PID: 0961404003002010
PARCEL SIZE: 3.22 acres
PHOTOS:

View from North

View from Northeast
CASE PLANNERS: Annie Driver, Planner, AICP

RECOMMENDATION: Approval

RECOMMENDED MOTION: Based on the findings and analysis in the staff report I move to recommend to the Governing Body approval of the reclassification of the property from “R-1” Single Family Dwelling District to “I-1” Light Industrial District

PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY: Future use of the property for an unspecified retail trailer sales dealer with outside storage and display of products.

DEVELOPMENT / CASE HISTORY: The property has remained zoned for single family dwellings since it was annexed in 1960. There have been no previous rezoning actions on the property.

ZONING AND SURROUNDING PROPERTIES:

East: American Legion Post #400 fraternal hall (“M-2” Multiple Family Dwelling District)

West: Capital City Tree Care, wood and yard waste mulching/recycling (Planned Unit Development – “I-1” uses)

South: Pasture/grazing/farming (R-1 Single Family Dwelling District)

North: US 24 frontage road; the north side of Highway 24 contains pasture/farming/grazing land and light industrial uses (outside City Limits/County “I-2” zoning)
DEVELOPMENT STANDARDS AND POLICIES

PURPOSE, USE STANDARDS: “I-1” district: “The district is established to provide for a wide range of uses except specified uses which are obnoxious by reason of odor, dust, smoke, gas, or noise. The extent and range of uses are highly intensive.” Uses allowed under I-1 zoning include: Agriculture product and sales; warehousing, storage and distribution; contractor yards; truck/freight terminals; outside display and storage of equipment and products.

DIMENSIONAL STANDARDS: “I-1” zoning has no building setbacks, except along the property lines abutting or across the street from a residential dwelling district. For this property, a 7’ building setback applies along the east property line. The maximum building coverage ratio is 85 percent.

OFF-STREET PARKING: “I-1” District: Off-street parking is required per the standards in TMC 18.240. Outside storage areas will need to be hard surfaced per City policy based on the weight of loads that are parked and/or stored on the pavement and extent to which these areas are accessible by the public and emergency responders.

OTHER DESIGN GUIDELINES AND CONSIDERATIONS: A Landscape Plan subject to TMC 18.235 Landscape Regulations will be required at the time of Site Plan Review application.

SIGNAGE: Signage will be permitted per TMC 18 Division 2 Signs or as amended. I-1 zoning currently allows signs up to 55 ft. in height and 300 sf. All signs require a Sign Permit through Development Services Division.

COMPREHENSIVE PLANS: Land Use and Growth Management Plan 2040 (LUGMP): Highway Commercial uses

TRANSPORTATION/MTPO PLANS: Not applicable

OTHER FACTORS

SUBDIVISION PLAT: A minor plat for the subject property “Six Zero East Subdivision” has been submitted and is pending review.

FLOOD HAZARDS, STREAM BUFFERS: Designated FEMA “Zone X” area with reduced risk due to levee protection

UTILITIES: City sewer and water mains already serve the property. All connections to the mains will be made by the developer.

TRAFFIC: Access to the site will be taken from the US 24 Highway frontage road. Site circulation will need to be addressed at the time of Site Plan Review in order to minimize impact on the frontage road.
HISTORIC PROPERTIES:  Not applicable

NEIGHBORHOOD MEETING:  The owner/applicant conducted a neighborhood information meeting on Monday, November 26th at 6 pm located at Community Bank (25th and Rochester Road). There were no attendees at the meeting other than the property owners and representative. Staff received one phone call from a neighbor to the south who expressed concerns with stormwater.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

PUBLIC WORKS/ENGINEERING:  Water (18” main) and sanitary sewer (10” main) currently serve the property with all connections to these mains to be made at the expense of the developer. The stormwater design will be reviewed and approved at the subdivision plat and site plan review stages. A shared retention pond is planned with future development to its west. The developer is required to design and manage stormwater runoff so that it does not negatively impact adjacent properties. (The City is reviewing these two subdivision plats concurrently.)

FIRE:  A new hydrant will be needed. The location of the hydrant shall be shown on future site plans.

DEVELOPMENT SERVICES:  There are no issues with the rezoning of the property.

KEY DATES

SUBMITTAL:  November 1, 2018

NEIGHBORHOOD INFORMATION MEETING:  November 26, 2018

LEGAL NOTICE PUBLICATION:  November 26, 2018

PROPERTY OWNER NOTICE:  November 19, 2018

STAFF ANALYSIS

CHARACTER OF NEIGHBORHOOD:  Much of the neighborhood along the frontage road of Highway 24 contains a mixture of light industrial and heavy commercial land uses such as: A motorcycle/ATV dealer and sales, farm/tractor supply dealer and sales, tree/yard waste recycling, warehouse/storage uses, etc. A fraternal organization hall (VFW Post #400) has remained immediately east of the subject site since approximately 1920 and has expanded the facility over time with a building addition and parking lot. Pasture/grazing/farm land lies to the south of the subject property. The north side of U.S. 24 Highway contains both a mix of pasture/grazing/farming land and light industrial uses along the frontage road, which is all zoned for “I-2” heavy industrial uses.
LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: The subject property has remained zoned for single family dwellings since it was annexed in 1960. The existing residence and accessory buildings have remained on the property since they were constructed around 1940 and part of unincorporated Shawnee County.

CONFORMANCE TO COMPREHENSIVE PLAN: The Land Use and Growth Management Plan – 2040 designates the property for Commercial uses. This designation along Highway 24 is intended to allow for uses such as: Automobile/truck/trailer dealerships, tractor/farm supply, warehousing, and other similar intensity light industrial or heavy commercial uses that already existing along the frontage of Highway 24. The category indicates light industrial zoning may also be appropriate when the existing character of the area reflects a mixed land use arrangement that combines heavy commercial and industrial uses such as those uses within this area.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES OF WHICH IT HAS BEEN RESTRICTED: The subject property has remained zoned for single-family residential uses since annexed into the City in 1960. Since that time, the properties on the frontage road of Highway 24 have intensified with light industrial and heavy commercial uses. The properties along the frontage of Highway 24 contain a mixture of dealerships (motorcycle/ATV), tractor/farm supply, warehousing/storage uses, and a yard waste/tree mulching operation. The property lying adjacent has remained as a fraternal hall used by veteran’s associations since approximately 1920. Due to the mixture of light industrial/heavy commercial uses along the frontage of Highway 24, the subject property is no longer seen as being suitable as restricted under the “R-1” zoning which is intended for primarily single family dwellings. There is primarily I-1 zoning along this frontage road of Highway 24.

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: There are no anticipated substantial negative effects upon surrounding properties from removal of the present restrictions for the “R-1” zoning. The only non-industrial use lying to the property's east side (VFW hall) has existed alongside the current light industrial uses without any known negative effects occurring since at least the 1970s when those properties were rezoned. Redevelopment of the subject site will require the addition of landscaping along the frontage road and adjacent residential zoning district to the east (“M-2”/VFW hall). The stormwater design will be addressed at the plat and site plan review stages. The developer of the site will be required to design and manage stormwater runoff so that it does not negatively affect adjacent properties. The applicant plans to address this through a shared stormwater retention pond with a pending development to the west when this site develops for light industrial usage.

THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE OWNER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER: Without the proposed zoning change, the hardship upon the individual landowner is evident since the surrounding properties along the frontage road have developed for light industrial and heavy commercial uses. The sale and use of the property as restricted for residential is difficult since it is surrounded by uses of light industrial intensity. There appears to be no harm to the public health, safety and welfare by rezoning the property to a zoning district comparable to that of surrounding properties and uses.

AVAILABILITY OF PUBLIC SERVICES: Adjacent public streets are adequate to serve the development. All essential public utilities, services and facilities are presently available to serve this property with any required connections being made at the expense of the developer.

STAFF RECOMMENDATION:

RECOMMENDATION: Based on the above findings and analysis Planning Staff recommends approval of the zoning reclassification from “R-1” Single Family Dwelling District TO “I-1” Light Industrial District.
RECOMMENDED MOTION: Based on the findings and analysis in the staff report I move to recommend to the Governing Body approval of the reclassification of the property from “R-1” Single Family Dwelling District TO “I-1” Light Industrial District.

Exhibits:
- Aerial map
- Zoning map
- Future land use map
- NIM Attendance
Z18/9 By: Haas Property Management (Six Zero East)
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Email</th>
<th>Phone</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Laddson</td>
<td>3825 SW El Centro</td>
<td>John@TheTGPgroup</td>
<td>785-806-2806</td>
<td>TGP Group</td>
</tr>
<tr>
<td>Logan Haas</td>
<td>1309 NE 35th St</td>
<td><a href="mailto:JLHaas@COT.net">JLHaas@COT.net</a></td>
<td>785-291-3758</td>
<td></td>
</tr>
<tr>
<td>Annie Driver</td>
<td>620 SE Madison St</td>
<td><a href="mailto:aedriver@kpelc.org">aedriver@kpelc.org</a></td>
<td>308-300</td>
<td>COT Planning</td>
</tr>
<tr>
<td>Jason Rennie</td>
<td>8800 38th Terrace, KS</td>
<td>jrennejeqheo.com</td>
<td>785-221-5976</td>
<td>ST Group</td>
</tr>
</tbody>
</table>
A18/02
by William L. & Joyce G. Rowland
MEMORANDUM

To: Topeka Planning Commission  
From: Dan Warner, AICP, Comprehensive Planning Manager  
Date: December 17, 2018  

RE: A18/2 Sherwood Village Subdivision (2400 SW Indian Hills Road) annexation request by William L. and Joyce G. Rowland

Proposal
William L. and Joyce G. Rowland are requesting annexation of Sherwood Village Subdivision (P18/25), an approximately 9.2-acre subdivision on property located at 2400 SW Indian Hills Road (see Map 1).

Background
A unilateral annexation of this type, one in which the property owner has consented to the annexation and the property is contiguous to the City, requires City of Topeka Governing Body approval. Planning Commission review of annexations is not required by State Statute.

However, the Land Use and Growth Management Plan 2040 (LUGMP) established a policy that the Planning Commission should review annexations greater than 10 acres for consistency with and growth management principles of the LUGMP.

LUGMP Review
The property lies within Tier 2 of the Urban Growth Area (see Map 2). Tier 2 areas are contiguous to the City and are the next priority for Topeka’s future urban growth since this is where Topeka has already made service and infrastructure investments.

The subject property is contiguous to the City and also lies in an area where urban infrastructure and services are available. The property is essentially an infill development. There is developed urban single-family housing that is being served by the city directly to the north, east and south of the subject property. Annexing and developing this property makes the city more compact.

SW Indian Hills Road
The property fronts a section of SW Indian Hills Road which is currently a two-lane arterial rural ditch section between SW 21st and SW 29th Streets. SW 21st and SW 29th Streets were recently improved to urban standards in this immediate area. Given this subdivision represents one of the final developments along this road, SW Indian Hills Road should also be improved to an urban standard arterial in the near future.

Recommendation
Annexing the subject property is consistent with the Comprehensive Plan, provided:

1. SW Indian Hills Road is planned to be improved to an urban standard road as part of the City’s next 10-year Capital Improvement Plan, and
2. The property is rezoned to R-1 Single Family Dwelling District.
Map 1
P18/25
Sherwood Village Subdivision
(Preliminary & Final Plat)
by William L. & Joyce G. Rowland
STAFF REPORT - SUBDIVISION

CITY OF TOPEKA PLANNING DEPARTMENT

PRELIMINARY PLAT PHASE

RECOMMENDATION: Based upon the findings and analysis below the Planning Department recommends the preliminary and final plat for Sherwood Village Subdivision be **APPROVED**, subject to the conditions on Pgs. 3-4.

RECOMMENDED MOTION: I move to forward a recommendation of approval of the final plat for Sherwood Village Subdivision to the Governing Body for acceptance of land to be dedicated for public purposes as conditioned on Pgs. 3-4.

NAME: Sherwood Village Subdivision [P18/25]

OWNER/DEVELOPER: William L. & Joyce G. Rowland

ENGINEER/SURVEYOR: Schmidt, Beck, and Boyd LLC/Richard T. Schmidt, P.L.S.

STAFF: Annie Driver, AICP, Planner

GENERAL LOCATION: On property in which the centerline of the tract is generally located 1300 ft. south of SW 21st Street and 650 ft. west of SW Indian Hills Road.

JURISDICTION: Class "B" Subdivision- contiguous to the corporate limits of the City of Topeka

ANNEXATION: The owners of record have granted their written consent to annexation. The property is contiguous to the City of Topeka and requires annexation prior to development for City sanitary sewer and water services. There is a pending annexation case for the subject property being heard tonight. (#A18/2)

<table>
<thead>
<tr>
<th>Area</th>
<th># of Lots</th>
<th>Residential Density</th>
<th>Proposed Land Use</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.21 acres</td>
<td>33 lots</td>
<td>3.6 DUs/acre</td>
<td>Single Family Dwellings</td>
<td>“RR-1” Rural Reserve District</td>
</tr>
</tbody>
</table>

Zoning Case: The Planning Commission will initiate the rezoning of the subject property to the “R-1” Single Family Dwelling District.

Design: The subject property is rectangular in shape and measures approximately 1325 ft. X 320 ft. with its longest length running perpendicular to SW Indian Hills Road. The plat proposes to extend SW 24th Terrace to its west property boundary and extend SW Wexford Drive from the south and dedicate public right-of-way as necessary for these streets.

BACKGROUND: Pursuant to TMC 18.35.130 of the Subdivision Regulations, the Planning Director has approved submission of the preliminary and final plats to be heard concurrently at the December 17th Planning Commission hearing.

NEIGHBORHOOD INFORMATION MEETING: The applicant conducted a meeting on Tuesday, November 27, 2018 located at the Susanna Wesley United Methodist Church. There were nine attendees at the meeting. Key concerns included: The condition of Indian Hills Road and plans for the design and managing of stormwater runoff. The applicant’s meetings notes and
SERVICES AND FACILITIES:

1. WATER SERVICE: Upon annexation, the development will be serviced by City of Topeka public water supply via an 8" water main to be extended at the expense of the developer.

2. SEWAGE DISPOSAL: Upon annexation, the development will be serviced via an 8" City of Topeka sanitary sewer main to be extended at the expense of the developer.

3. WASTEWATER PLAN SERVICE AREA: The proposal is located within the Urban Growth Area- Tier 2 as reflected by the Land Use and Growth Management Plan (2040). Tier 2 identifies those areas contiguous to the fringe of the City of Topeka and are the next priority area for future urban growth. The property is surrounded by the city limits on three sides. The proposal is in full compliance with said Plan since the development proposes to extend and connect to the City’s public sanitary sewer and the Shawnee County’s waste water treatment district.

4. DRAINAGE CONDITIONS: The Stormwater Report as submitted by the consultant is not accepted by the Department of Public Works- Engineering Division and Department of Utilities per comments from City Engineer dated November 26, 2018. The subdivision design proposes a 54" storm sewer that will connect to the 48" storm sewer currently discharging at the south end of this subdivision into detention ponds proposed to be removed. The new 54" pipe will discharge at the north end of this subdivision to Miller’s Reserve Subdivision and dedicates drainage easements for the routing of the storm sewer. The Stormwater Report indicates the stormwater design of the Miller’s Reserve Subdivision on the north side accounted for this site to be developed as single family residential lots.

5. STREET PLAN/ACCESS: The Preliminary Street Plans as submitted by the consultant are not accepted by the Department of Public Works – Engineering Division per comments from the City Engineer dated November 29, 2018. The plat dedicates additional right-of-way that is necessary for the extensions of SW 24th Terrace and SW Wexford Drive from the east and south. The extension of SW 24th Terrace to the west property boundary will allow this street to connect in the future with SW Berkshire Drive when or if the property to the west is platted and developed for residential lots.

As proposed, SW 24th Terrace terminates at the west property boundary leaving a dead-end length in excess of 500 ft., which is typically not an ideal street arrangement for emergency access and service providers. A temporary turnaround is dedicated on the plat at the end of SW 24th Terrace to provide for a turnaround. A new fire hydrant on this dead-end street is shown on the preliminary plat.

The length of Block A exceeds the maximum block length of 1200’ that is permitted under TMC18.40.040 Subdivision Regulations. The subdivision to the north is already platted and, therefore, it is not practical to extend SW Wexford further north. A pedestrian easement is dedicated on Lot 9, Block C to provide for a sidewalk connection from SW 24th Terrace to SW Berkshire Drive if these two streets are not connected prior to Lot 9 being developed with a residence.

6. FIRE DISTRICT: City of Topeka Fire Department. An additional hydrant will be provided as required by the Fire Department as a part of the water main extension on SW 24th Terrace as depicted on the preliminary plat.

7. STREAM BUFFER/FLOOD PLAIN: N/A
8. SCHOOL DISTRICT: Auburn-Washburn USD 437 – USD 437 indicated a turnaround at the end of SW 24th Terrace was necessary, which is provided on the plat.

9. PARKS/OPEN SPACE: A parkland dedication fee of $225 per dwelling unit and collected at the time of building permits for each new residential lot.

WAIVER/VARIANCE TO STANDARDS: Pursuant to Topeka Municipal Code 18.30.040 Subdivision Regulations, the Topeka Planning Commission will need to grant a design variance to the following provisions of the Subdivision Regulations with its approval of the plat:

- A variance to TMC 18.40.040 Block Dimensions to allow the block length of Block A to exceed the maximum 1200' length. In the event the connection to SW Berkshire Drive is not made prior to development of Lot 9, Block C, a pedestrian access easement is added to the west side of Lot 9, Block C to allow a sidewalk connection with the existing sidewalk on SW Berkshire Drive to the south. Subdivision regulations 18.40.040 recommend pedestrian easements in blocks greater than 800 ft. in length to facilitate sidewalk connectivity between streets at mid-block.

- A variance to TMC 18.40.050(c) to allow a dead-end length exceeding 500 ft. for SW 24th Terrace until the street is extended in the future to connect with SW Berkshire Drive. The plat dedicates a temporary turnaround easement (TTE) at the end of the street and proposes to install a fire hydrant on 24th Terrace as a part of the water line project. The TTE is automatically vacated as noted on the plat when the street is extended in the future.

CAPITAL IMPROVEMENT PLAN (CIP): SW Indian Hills Road is classified a minor arterial on the MTPO’s Functional Classification Map. The roadway is currently constructed as a two-lane rural ditch section roadway without sidewalks or curb and gutters. The City’s Engineering Division has indicated Indian Hills Road has not yet reached its maximum capacity as a two-lane arterial roadway. The new 33 single family lots is assumed to generate approximately 314 new trips on Indian Hills Road (9.5 trips per single family dwelling/Institute of Traffic Engineer’s Manual) and this subdivision represents the final infill development along this segment between 21st and 29th.

Currently, the City’s 2018-28 CIP does not include any projects to widen this segment of SW Indian Hills to an urban street standard. SW 21st and SW 29th Streets were recently improved to urban standards in this immediate area. Given this subdivision represents one of the final developments along this road, SW Indian Hills Road should also be improved to an urban standard arterial. Improving this roadway to a three-lane complete street with sidewalks is appropriate in the future and will make it consistent with SW 21st Street and SW 29th Street in the immediate area. SW Urish Road between SW 21st and SW 29th is also proposed in the 2023 CIP for improvement. The annexation case recommends Indian Hills Road be included into the 10-year CIP.

CONFORMANCE TO COMPREHENSIVE PLAN: The property lies within Tier 2 of the Urban Growth Area. Tier 2 areas are contiguous to the City and are the next priority for Topeka’s future urban growth. There is a limited amount of land designated as Tier 2 due to the fact that all future urban development must be cost effective for the City and urban growth should only happen where Topeka has already made service and infrastructure investments.

The subject property is contiguous to the City and also lies in an area where urban infrastructure and services are available. The property is essentially an infill development. There is developed urban single-family housing that is being served by the city directly to the north, east and south of the subject property. Annexing and developing this property makes the city more compact. The subdivision’s residential density of 3.6 dwelling units per acre is comparable to surrounding development and consistent with policies of the Land Use and Growth Management Plan (2040) for the development of new Urban Single Family Residential uses. This subdivision proposes lot sizes and dimensional standards, which demonstrate a greater density than surrounding subdivisions to the north and south. However, the LUGMP-2040 also encourages greater residential densities for new neighborhoods than what has been previously developed.
STAFF ANALYSIS:
With the exception of the noted design variances, the subdivision conforms to the established standards and provisions of the City Subdivision Regulations relative to design criteria. The subdivision is compatible with adjacent development and will not overburden existing public infrastructure facilities provided all necessary infrastructure improvements are made by the developer. Based upon the above findings and staff analysis, the Planning Department recommends the preliminary and final plat phase of Sherwood Village Subdivision be **APPROVED** and forwarded to the City Council for its acceptance of land to be dedicated for public purposes, subject to the following conditions:

1. Approval and acceptance of the Stormwater Report by the City of Topeka Departments of Public Works and Utilities prior to City Council consideration of the final plat.

2. Approval and acceptance of the Preliminary Street Plans by the City of Topeka Department of Public Works prior to City Council consideration of the final plat.

3. Revising STREETS note to: "The public ways (streets and roads) not heretofore dedicated, are hereby dedicated to the public. Temporary turn-around easements are hereby established as shown on the accompanying plat and shall be automatically vacated when streets are extended."

4. Adding BUILDING LINES note: "Building or setback lines are hereby established as shown on the accompanying plat and no building or portion thereof shall be built between this line and the street right-of-way line. The building setback lines on Lot 9, Block C and Lot 19, Block A anticipate the possible extension of SW Berkshire Drive from the south as land west of this subdivision develops."

5. Adding 30’ restricted access to corners of Lots 9, Block C and Lot 19, Block A where there will be a future extension of Berkshire Drive to intersect SW 24th Terrace as required by TMC 18.40.110(e) and as intended to restrict the placement of a driveway near the future street intersection.

6. Revising Note #9 to include: "...Once SW Berkshire Drive is constructed to City standards and extends to the north to connect with SW 24th Terrace, this P.A.E. may be vacated if a house on lot 9, Block C has not yet been developed."

**Attachments:**
- Aerial Map
- Preliminary Plat
- Final Plat
- NIM Meeting
- Public Comments
Date: November 27, 2018
To: City of Topeka Planning Department
From: SBB Engineering, LLC
Mark A. Boyd
Re: Sherwood Village Subdivision – P18/25
Neighborhood Meeting Minutes

To whom it may concern:

On November 27, 2018 at 6:00 P.M., we held a publicized meeting for the above referenced case. There were about 10 people present for the meeting. An attendance sheet is attached for name and address. Others in attendance were Michael Hall (Topeka Planning Department), and Mark Boyd (SBB Engineering).

It appeared that most of those in attendance live in the Sherwood Park subdivision to the south. Concerns raised included the following:
- The street connection of SW Wexford Dr. into Sherwood Park. Residents enjoy the low traffic volume of the currently dead-end street.
- Storm drainage and how it will be handled with the new subdivision. Concern of whether the proposed stormwater system will be adequate to ensure the existing system will function properly. Existing structures that collect water from Sherwood Park already fill up with large rainfall events.
- Concerns of construction traffic using Sherwood Park.
- The condition and capacity of SW Indian Hill Rd. was mentioned several times as being difficult to access during peak hours. All understood future development would continue to take place but expressed the desire for need upgrades to lessen the impact.
- The need for sidewalks along SW Indian Hills Rd.
- General discussion on how arterial roads function and how they are identified for improvement and to what extent.
- Comment that a street light at the proposed intersection of SW Indian Hills Rd. and SW 24th Terr. would be helpful since it is very dark along this stretch of road.
- General discussion that the City does not adequately maintain the local streets within Sherwood Park since being annexed several years back.
- Complained of the current condition of the subject tract and the lack of maintenance, such as weed control.

Respectfully submitted,

Mark A. Boyd
SBB Engineering, LLC
# Neighborhood Information Meeting
## Sign in Sheet

**Case #:** P18/25  Subdivision Plat for Sherwood Village  
**Date:** Nov. 27, 2018

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Phone (if desired)</th>
<th>E-mail (if desired)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mark Boyd</td>
<td>1415 SW Topeka Blvd.</td>
<td>(785) 215-8630</td>
<td><a href="mailto:mark.boyd@sbbeng.com">mark.boyd@sbbeng.com</a></td>
</tr>
<tr>
<td>Michelle Fox</td>
<td>2511 SW Westwood Dr</td>
<td>478-9356</td>
<td><a href="mailto:kansasfox245@msn.com">kansasfox245@msn.com</a></td>
</tr>
<tr>
<td>Mike Vilander</td>
<td>2425 SW Rutherford Rd</td>
<td>785-478-7775</td>
<td><a href="mailto:msvb478@hotmail.com">msvb478@hotmail.com</a></td>
</tr>
<tr>
<td>Jordan &amp; Janie</td>
<td>2448 SW Kedzie</td>
<td>785-478-1452</td>
<td><a href="mailto:jandja32@cox.net">jandja32@cox.net</a></td>
</tr>
<tr>
<td>Vicky Ograin</td>
<td>2502 SW Berkshire Rd</td>
<td>785-250-0597</td>
<td><a href="mailto:Vograin@aol.com">Vograin@aol.com</a></td>
</tr>
<tr>
<td>Phil Pingleton</td>
<td>2332 SW 21th St</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jennifer Loeffler</td>
<td>2513 SW Wimberneck</td>
<td>785-554-5311</td>
<td><a href="mailto:jenmloeffler@sal.com">jenmloeffler@sal.com</a></td>
</tr>
<tr>
<td>Mike Hall (City)</td>
<td>620 SE Madison</td>
<td>368-3007</td>
<td>mghall2topeka.org</td>
</tr>
<tr>
<td>Kristin Faye</td>
<td>2512 SW State St</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scott Onuki</td>
<td>2532 Santa Fe Ct</td>
<td>785-845-8867</td>
<td><a href="mailto:poolsharkonik@live.com">poolsharkonik@live.com</a></td>
</tr>
<tr>
<td>James McIntosh</td>
<td>2514 SW Windermere Ct</td>
<td>913-302-5595</td>
<td>jm McIntosh <a href="mailto:2014@gmail.com">2014@gmail.com</a></td>
</tr>
</tbody>
</table>

---

SBB Engineering, LLC  
[www.sbbeng.com](http://www.sbbeng.com)  
mark.boyd@sbbeng.com  
kevin.beck@sbbeng.com  
rick.schmidt@sbbeng.com  
1415 SW Topeka Blvd, Topeka, KS 66612  
P: 785-215-8630  
F: 785-215-8634
Aaron Bivens

To: Annie Driver

Subject: Question in Regards to # P18/25 Subdivision

My name is Aaron Bivens and I'm writing in concerns to the new development for a 34-lot single family subdivision (# P18/25). I was unable to attend the informational meeting, so I wanted to send my questions/concerns to you.

My house is located at 2503 SW Wexford Dr, Topeka, KS 66614, which is right on the corner of where the new housing development will begin, so I'm obviously affected by this. Let me start by saying that I'm definitely opposed to this development. The main reason we bought our house was having the country feeling while still being in the city. Now, we are going to lose that completely and it is really make us contemplate moving.

#1 - Has there been any research to determine what affect these extra houses and possible families will have the local schools? I want to make sure my children's classes to become overloaded with more kids and them lose their teacher's attention. USD 437 was sent a copy of the subdivision plat for their acknowledgement so they can plan for the growth in the school district. Their only question is regarding the need for a temporary turnaround at the end of 24th Terrace until the street may be extended.

#2 - Are we going to lose the trees that currently would separate the backyards of the new houses with ours? These trees currently exist within the easement. If so, is there a reason we couldn't keep the trees since some of them shouldn't have any affect on the building of the new houses? Possibly, the area is within the City’s Urban Growth Area and was expected to develop for single family uses when the City updated its Land Use and Growth Management Plan in 2015.

#3 - Will the new streets affect our specials we currently pay for? I don't feel as if I should pay for new streets for something I oppose. I don’t believe this subdivision’s specials will have an impact on the specials in your subdivision for the streets and sewer. This is really a question for the City Engineer Brian Faust (368-3842).
#4 - Is there a reason no one has determined if these will be R-1 or R-2 houses? I don't want a bunch of rentals right next to me. The fact that these houses will be much smaller already doesn't make sense because of the neighborhoods that are surrounding the houses. I obviously won't be excited if this development pulls down my property value. The zoning district of R-1 or R-2 has no impact on whether these homes are rentals or owner occupied. The differences between R-1 and R-2 zoning mainly relates to the required building setbacks. R-1 and R-2 both only allow for single family dwellings at one dwelling per lot (i.e. 30’ front and rear; 7’ side in R-1 and 25’ front and rear; 5’ side in R-2). There is no minimum or maximum building size per home. I believe the intention of the applicant is to request the standard R-1 Single Family Dwelling District zoning. The zoning matrix may be referenced in TMC18.60.

#5 - Will these be pre-built houses, where they will all basically look the same or will these be offered as a custom build. I'm really wondering if these will be built and then sold as opposed to selling the plot and then building for the owner. The zoning code does not regulate whether these are site built homes or pre-manufactured homes provided a “pre-manufactured home” meets the following standards:

“Residential-design manufactured home” means a manufactured home on a permanent foundation which has: (1) minimum dimensions of 22 body feet in width, (2) a pitched roof, and (3) siding and roofing materials which are customarily used on site-built homes.

These are all my questions for now. Please let me know if you have any questions.

Aaron Bivens
Mr. Bush, please see my responses below. On Monday, you may also access the staff report for this case on the Planning webpage at: www.topeka.org/planning.

Please call me if you have questions or want to discuss.

Thank you,

Annie Driver,
Planner
Topeka Planning Dept.
785-368-3010

From: Michael Bush [mailto:mjbush20@gmail.com]
Sent: Tuesday, December 4, 2018 3:15 PM
To: Bill Fiander <bfiander@Topeka.org>; Michael Hall <mghall@topeka.org>; Annie Driver <adriver@topeka.org>; John Neunuebel <jneunuebel@topeka.org>; Dan Warner <DWarner@topeka.org>; Tim Esparza <tesparza@topeka.org>; Carlton Scroggins <cscroggins@Topeka.org>; Taylor Ricketts <tricketts@topeka.org>; Jeffrey Coen <jcoen@topeka.org>; Kelly Baker <kbaker@topeka.org>; Mayor <Mayor@topeka.org>; Brendan Jensen <bjensen@topeka.org>
Subject: Neighborhood Planning Meeting- Bill Rowland Developer

Good afternoon. Recently the City of Topeka held a neighborhood informational meeting to discuss a proposed neighborhood development plan for developer Bill Rowland on property that he owns west and adjacent to SW Indian Hills and SW 24th Terrance.

From my understanding Mr. Rowland is requesting a zone change from RR-1 to R-1 or R-2 so he can sell residential lots on the property that he owns. I am not opposed to the change in zoning, but am opposed to the plans presented during the neighborhood meeting. As you know his proposed plan requests the minimum size lots that the city allows. Discussed in the meeting this would mean home that meet the minimum new construction size standards, which would be considerably smaller than those in his current development in that area and the adjacent Sherwood Park neighborhood. In addition, it is my understanding that some of these homes will be without basement. It is further understood, that with a R-2 zoning the developer will be able to construct duplexes or the equivalent on these lots, which I vehemently oppose. The zoning code does not dictate a minimum or maximum building size that is permitted on a single family dwelling lot. The zoning code only regulates dimensional standards (building setbacks, minimum lot width) and parking (2 spaces per dwelling) in R-1 or R-2 zoning. R-1 and R-2 districts allow essentially the same uses (i.e. single family dwellings). Duplexes are not allowed in R-2 zoning. The only difference between the two “R” districts is the building setbacks (R-1
requires a minimum 30’ front and rear yard building setbacks and 7’ side yard setback; R-2 requires a minimum 25’ front and rear building setback and 5’ side yard setback). The applicant has not indicated they are proposing to change the zoning to R-2. The building setback is measured from the property line (not curb line) to the exterior wall of the principal structure on the lot.

I am voicing my opposition to the proposed plan for smaller lot size and smaller homes. I feel that this plan doesn't fit the home styles in the current neighborhood, but will also affect the home values in established Sherwood Park. It is of my opinion that the appraised values of the proposed homes will be significantly less due to smaller lot size and proposed designs, thus driving the home values down in the surrounding neighborhoods. Not only will this affect future values of homes when the come for sale it should reduce the income from property taxes as the city readjusts values. Planning staff does not have a way to estimate the impact of this new development on the value of existing properties and the effect on property values is not really a criterion staff considers in its review of a subdivision plat application. The effect of property owners is one of many considerations when an application for zoning is being considered but at this time a zoning application is not under consideration. The current application before the Planning Commission is for its approval of a subdivision plat and this will go to the City Council for the City’s acceptance of land that is dedicated for public purposes (i.e. street right of way). The owner is permitted to divide their property in a manner that complies with the City of Topeka’s Subdivision Regulations TMC18.30. A rezoning change from RR-1 residential reserve district to R-1 Single Family Dwelling District will come later and will either be initiated by the applicant or the Planning Commission. The City or developer will hold another neighborhood meeting before a rezoning public hearing by the Planning Commission.

As I researched the area potentially affected I counted more than 75 homes in the Sherwood Park neighborhood that would be affected by this plan. If property taxes are adjusted accordingly, this will have an accordion affect on the neighborhood in general (over 250 homes), potential resulting in thousands if not millions of dollars of lost revenue for the City of Topeka.

In addition the traffic on SW Indian Hills between 21st and 29th Street is awful at best. By adding an additional 34 houses, as planned, it will only add to the congestion and safety of those that rely on this road daily to commute to work and school. The City does not have any current and recent traffic counts for Indian Hills. However, the development is within an area that is expected to develop for residential uses in the adopted Land Use and Growth Management Plan (2040) that was updated in 2015, Ultimately, you are correct in thinking Indian Hills will need to be improved to an urban arterial street standard at some point since urbanized residential development exists on either side of this proposed subdivision. That is matter of timing and when this is placed into the City’s Capital Improvement Plan. Indian Hills Road is not included in the current CIP 2019-28.

As I mentioned earlier, I am not opposed to building in this area. I feel that is very short sighted to approve a plan for a developer because his current homes that are in the area are not selling as quickly as he would like. Yes, this was said in the meeting. I feel that a plan which has similar
lot sizes and home values as those in the adjacent neighborhoods should be considered in lieu of the current plan.

I appreciate your consideration and would be open to additional discussions on this topic if you would like.

Sincerely,

Michael Bush
2522 SW Wexford Dr.
Topeka, KS 66614
Ms. Poage,

Please see my responses below. On Monday, you may also access the staff report for this case on the Planning webpage at: www.topeka.org/planning.

Please call me if you have questions or want to discuss further.

Thank you,

Annie Driver,
Planner
Topeka Planning Dept.
785-368-3010

As property owners adjacent to the proposed Sherwood Village subdivision (# P 18/25), we have some concerns about its impact on nearby property and its resources.

1. The increased traffic on Indian Hills Road from an additional 34 residences in this vicinity would further strain an already congested, narrow two-lane roadway. The City of Topeka representative at the November 27 information meeting was not aware of any planned improvements to Indian Hills Road. The City does not have any current and recent traffic counts for Indian Hills. However, the development is within an area that is expected to develop for residential uses in the adopted Land Use and Growth Management Plan (2040) that was updated in 2015. Ultimately, Indian Hills will need to be improved to an urban arterial street standard at some point since urbanized residential development exists on either side of this proposed subdivision. That is matter of timing and when this is placed into the City’s Capital Improvement Plan. Indian Hills Road is not included in the current CIP 2019-28.

2. The values of the houses planned to be constructed in Sherwood Village do not integrate well with surrounding properties. According to conversations with Mark Boyd of Schmidt, Beck, and
Boyd LLC at the November 27 information meeting, many of the lots in the subdivision will be the smallest allowed by City code and some of the houses may not have basements. Housing values immediately adjacent to the north in the Miller's Reserve subdivision and to the south in the Sherwood Park subdivision range from $250,000 to $400,000. It is apparent the housing planned to be built would be well below this range. Planning staff does not have a way to estimate the impact of this new development on the value of existing properties and the effect on property values is not really a criterion staff considers in its review of a subdivision plat application. The effect of property owners is one of many considerations when an application for zoning is being considered but at this time a zoning application is not under consideration on the subdivision plat.

3. Storm sewer retention ponds currently located where planned lots #2-6 of Block 'C' of the Sherwood Village subdivision will be removed. These ponds contain run-off from many houses along the 2500 block of SW Santa Fe Court. During the heavy rainfall in early October 2018, the run-off nearly overwhelmed these ponds. There is no apparent plan of how the run-off will be handled when housing is built on land where the retention ponds currently reside. When asked how this was going to be managed, Mr. Boyd stated that we should have thought of that when buying a house near a culvert, and that culverts were designed to back-up, causing flooding, during heavy rains. The developer’s engineer has submitted a Stormwater Management Report addressing how/where the new storm sewer will discharge on the north side of the subject site. The report is pending the City Engineer’s review and approval before the plat may proceed to City Council.

4. The timing of this development is a concern. The developer seems to be in a rush to get this approved, wants to start in the early spring, without addressing the concerns of the neighborhood. The current application before the Planning Commission is for its approval of a subdivision plat and this will go to the City Council for the City’s acceptance of land that is dedicated for public purposes (i.e. street right of way). The owner is permitted to divide their property in a manner that complies with the City of Topeka’s Subdivision Regulations TMC18.30. A rezoning change from RR-1 residential reserve district to R-1 Single Family Dwelling District will come later and will either be initiated by the applicant or the Planning Commission. The City or developer will hold another neighborhood meeting before a rezoning public hearing by the Planning Commission.

We would, at this juncture, strongly recommend rejecting the proposal for the new subdivision until these issues are addressed. We are not opposed to new development, but feel that it should be done with thought, protecting the surrounding neighborhoods and not overwhelming present resources (such as roadways and schools).

Sincerely,
Kyle and Kristin Poage
2512 SW Santa Fe Court
Mr. Fox,

Currently, the City’s approved 2019-2028 Capital Improvement Plan (CIP) does not include any projects to widen this segment of SW Indian Hills to an urban 3-lane standard between SW 21st and SW 29th. However, as part of the City’s review of the proposed annexation for Sherwood Village, Planning staff is recommending to the Planning Commission on December 17th such a project be included in the City’s next 10-year CIP for consideration as a condition of annexation approval. The CIP is the City’s future budget for large street projects such as this and is approved by City Council each spring for a 10-year period.

It is undetermined at this time if such a project would include any cost-sharing between the City and County given the nature of the boundaries.

Hopefully this helps answer your question with as much as I know for now.

Best Regards

Bill Fiander, AICP
Director
City of Topeka Planning Department
620 SE Madison, 3rd Floor
Topeka, KS 66607
(785) 368-3728
bfiander@topeka.org
www.topeka.org
All -

My name is Bryan Fox, property owner at 2511 SW Wexford Drive in the Sherwood Park Subdivision. I have forwarded all of you an email chain started over a year ago with some of you about improvements to Indian Hills Road from 21st south to 29th Street. With a pending proposal to approve a plat for Sherwood Village by the city Planning Commission on December 17th, I feel it is an appropriate time to revisit my question was never clearly answered. Please take a minute to review my original question and the responses received below. My question remains the same, what is the plan to make improvements to this section of road? It continues to be my impression that since the jurisdiction is shared on this stretch, that is it simply not being addressed. With more houses being constructed today and plans in the works for more traffic can only increase and add to my safety concerns. I extend an invitation to meeting with anyone who would like visit the site and discuss this further.

Thanks,
Bryan Fox
785-806-0414

-----Original Message-----
From: Jeffrey Coen <jcoen@topeka.org>
Sent: Friday, November 10, 2017 12:54 PM
To: Bryan Fox <asphaltestimator@hotmail.com>
Subject: FW: Indian Hills Road from 21st to 29th

Hi Bryan. Sorry it's taken so long to get back with you.

See below, there is no plan to replace Indian hills road from 21st to 29th in the 10 year Topeka Capital Improvement Plan.

Maybe the County has a plan in the works. I don't know.

Jeff Coen
City Council District 8
(785) 230-9362

From: Elizabeth Toyne<mailto:etoyne@topeka.org>
Sent: Thursday, November 9, 2017 8:56 AM
To: Jeffrey Coen<mailto:jcoen@topeka.org>
Subject: FW: Indian Hills Road from 21st to 29th

Jeff,
Please see below.
Liz

From: Jason Peek
Sent: Thursday, November 09, 2017 8:00 AM
To: Elizabeth Toyne  
Subject: RE: Indian Hills Road from 21st to 29th

We do not have any plans for this project in the current 10 year CIP.

From: Elizabeth Toyne  
Sent: Monday, November 06, 2017 9:22 AM  
To: Jason Peek <jpeek@topeka.org>  
Subject: FW: Indian Hills Road from 21st to 29th

Hi Jason,

I tried finding the information Deputy Mayor was looking for but did not see it on the city website. Can you tell me if this project is on any future plans? Thank you!

Liz Toyne  
Assistant to the City Council  
City of Topeka  
215 SE 7th St, Room 256  
Topeka, KS 66603  
785-368-1671

From: Jeffrey Coen  
Sent: Saturday, November 04, 2017 10:55 AM  
To: Elizabeth Toyne  
Subject: FW: Indian Hills Road from 21st to 29th

Hi Liz. Could you see if there are any plans to replace Indian Hills Road from 21st to 29th street?

Jeff Coen  
City Council District 8  
(785) 230-9362

From: Bryan Fox  
Sent: Tuesday, October 24, 2017 8:45 AM  
To: Buhler, Shelly; Jeffrey Coen  
Subject: RE: Indian Hills Road from 21st to 29th

Ms. Buhler/Mr. Coen –

I understand both of you are very busy, however I am curious if there has been any movement in discussing this project? As other road projects are finishing in my area, and new housing developments are underway I am excited about what this stretch of roadway could be.
Thanks for any update.

Bryan Fox
785-806-0414

From: Buhler, Shelly [mailto:Shelly.Buhler@snco.us]
Sent: Friday, August 18, 2017 1:46 PM
To: 'Bryan Fox' <asphaltestimator@hotmail.com>; jcoen@topeka.org
Subject: RE: Indian Hills Road from 21st to 29th

Councilman Coen, I have spoken briefly with our public works department and would like to possibly schedule a meeting with you to discuss. Let me know at your convenience what may work in terms of meeting. Thank You

Commissioner Buhler

From: Bryan Fox [mailto:asphaltestimator@hotmail.com]
Sent: Friday, July 21, 2017 9:23 AM
To: Buhler, Shelly; jcoen@topeka.org
Subject: Indian Hills Road from 21st to 29th

Ms. Buhler/Mr. Coen –

My family and I live in the Sherwood Park subdivision just off of 26th and Indian Hills road in each of your districts. In recent years, there have been great improvements to the roads in our part of the city/county, which I am grateful for. Specifically 21st street and 29th street have been reconstructed from Urish to Indian Hills. These roads are now 3 lanes wide with sidewalks and roundabouts. It would only make sense to complete the reconstruction efforts in this area by “connecting” the roundabouts at 21st and 29th by reconstructing Indian Hills in the same manner. (see inset map)

Yellow = previously reconstructed
Blue = section in question

It is unfortunate and unsafe that our subdivision, which is full of sidewalks and many pedestrians that use them, are unable to reach 21st or 29th without walking/riding in traffic on the busy and narrow Indian Hills. Many times pedestrians/bicyclists use the edge of the roadway, or ditch, to access the nearest sidewalk.

To determine if there were any plans to perform such a project, I contacted Jason Peek at the City and Tom Flanagan at the County to inquire. Both confirmed that no plans are in the works to reconstruct any part of this section. It has been noted that jurisdiction between the county and city changes on this route and I feel that neither agency may be stepping up to even look at a project here. I now ask that
you two as my representatives work together to determine if a project is warranted, and if so, begin the planning to improve this stretch of road.

Please let me know if you have any questions. Thanks for your consideration.

Bryan Fox
2511 SW Wexford Drive
785-806-0414
MEMORANDUM

To: Topeka Planning Commission
From: Dan Warner, AICP, Comprehensive Planning Manager
Date: December 17, 2018

RE: TMC 18.275 - Topeka Non-Residential Design Standards

Background
The Topeka Non-Residential Design Standards were considered by the Topeka Governing Body at their meeting on October 23, 2018. The Governing Body voted 6-3-0 to remand the standards back to the Planning Commission to consider adding language concerning art features. In addition, staff is proposing changes to the window/door requirements as an option for the Planning Commission to consider.

Art Feature Additions
Staff developed two changes to the design standards to address the concerns raised by the Governing Body. Through that process, staff researched other communities and also reached out to local members of the art community to gain their review and feedback, which was generally positive.

Staff has made two changes to the standards for art features for the Planning Commission to consider.

1. As an element that can be selected through the “alternative compliance” process:
   • addition of art that is placed prominently on the site, viewable from the public street, integrated with the design of the building/site, and permanent. Art includes, but is not limited to, murals, sculptures, and integrated architectural or landscape architectural work.

2. As an architectural detail:
   • Art that is integrated into the façade

Window/Door Changes Option
Staff continued to test the design standards by applying them to projects submitted through building permits and site plans. Through this process, it was noticed that the window/door standards as written were likely going to be difficult to comply with, both in the way the measurement has to be made, and the required percentages.

Staff has made two changes to the window/door standards for the Planning Commission to consider.

   • Changes to the calculation method:
     • When calculating building material and window/door percentages identified in TMC 18.275.050, the façade width will be multiplied by the average façade roofline height (upper limit of 20’) or a standard height of 12’, whichever is less, to determine the
total square footage of the façade. The window/door area will be deducted from the square foot calculation of the total façade area before determining the percentage of building materials.

- Changes to the required percentages for A, B, and C buildings.

<table>
<thead>
<tr>
<th>Doors &amp; Windows</th>
<th>A</th>
<th>B</th>
<th>C</th>
</tr>
</thead>
<tbody>
<tr>
<td>* The area of all stories' front facades of all building types shall contain the following minimum percentage of window or door openings.</td>
<td>60.45%</td>
<td>40.35%</td>
<td>29.20%</td>
</tr>
<tr>
<td>* The area of all stories' non-front street-facing facades of all building types shall contain the following minimum percentage of window or door openings. For non-front facades, faux windows may be applied when the interior function of the building is not conducive to being seen from the exterior.</td>
<td>30.25%</td>
<td>20.15%</td>
<td>15.10%</td>
</tr>
</tbody>
</table>

**Staff Recommendation**

Staff recommends the Planning Commission:

1. Recommend approval of changes to TMC 18.275 to the Governing Body concerning the addition of art features to alternative compliance and architectural details.

2. Recommend approval of changes to TMC18.275 to the Governing Body concerning changes to the window/door requirements.
ORDINANCE NO. ____________

AN ORDINANCE introduced by Brent Trout City Manager, creating Chapter 18.275 of the Topeka Municipal Code concerning non-residential design standards.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

Section 1. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 18.275.010, which said section reads as follows:

Purpose; intent.

The non-residential design standards in this chapter are intended to provide a minimum level of acceptable design for non-residential development projects. The design standards establish basic requirements for development of buildings and their architectural components, which are common to all types of commercial development. The design standards are not intended to promote a particular style of architecture or design theme but will enable developers, architects, landowners and the general public to anticipate and plan for building design as a key element of the overall project approval process. The standards accomplish the following objectives:

(a) Ensure design that enhances a sense of place and strengthens the identity of Topeka;

(b) Enhance pedestrian-oriented design;

(c) Relate development to surrounding community;

(d) Support property values in new development/redevelopment;

(e) Encourage higher quality in design and use of materials in new development; and

(f) Balance functional and economic objectives of community residents and
business owners through aesthetic considerations affecting the community at large.

Section 2. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 18.275.020, which said section reads as follows:

Application of design standards.

(a) Except for properties listed on local, state, or national historic registries, non-residential design standards in TMC 18.275.050 apply to the following:

(1) New construction or an alteration to an existing structure which increases or decreases the gross floor area of the structure by more than 50 percent.

(2) Any project requiring a building permit for a remodel of at least 50% of the front and/or street facing facades.

(3) Institutional uses in any zoning district and all developments constructed under the provision of a conditional use permit, in any zoning district.

(4) Any construction within the O&I-1, O&I-2, O&I-3, C-1, C-2, C-3, C-4, M-S, I-1, I-2, X-1, X-2, X-3, D-1, D-2, D-3, U-1, and all planned unit development districts for the above listed use groups.

(5) Accessory buildings that meet the following conditions:

(i) 1000 square feet or larger;

(ii) visible from the street; and

(iii) require a building permit.

(b) Type A building design standards in TMC 18.275.050 apply to O&I-1, O&I-2, O&I-3, C-1, C-2, X-3, D-1, D-2, D-3 and all planned unit development districts for the above listed use groups, and all developments constructed under the provisions of a conditional use permit in any of these districts. Buildings in “D” districts shall also
comply with the design guidelines in TMC 18.200.090.

(c) Type B building design standards in TMC 18.275.050 apply to C-3, C-4, U-1, M-S, X-1, all planned unit development districts for the above listed use groups, and all developments constructed under the provisions of a conditional use permit in any of these districts. Type B design standards in TMC 18.275.050 shall apply to institutional uses in any zoning district.

(d) Type C building design standards in TMC 18.275.050 apply to I-1, I-2, X-2, and all planned unit development districts for the above listed use groups, and all developments constructed under the provisions of a conditional use permit in any of these districts.

(e) Non-residential design standards shall apply only to those portions of a building that is undergoing expansion or alteration.

Section 3. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 18.275.030, which said section reads as follows:

Exemptions; alternative compliance.

(a) The following are exempt from TMC 18.275.020:

(1) Any construction, building expansion, or remodeling that, pursuant to section 105.2 of TMC 14.20.060, is exempt from the requirement of a building permit.

(2) The planning director may exempt building design standards if:

(i) the applicant demonstrates that strict application of the design standards results in undue hardship due to one or more of the following factors:

(1) the function, size, or use of building renders compliance
impractical or economically infeasible; or

(2) the building, expansion, or remodel is not visible from the public right-of-way; or

(3) the design requirement is inconsistent with the overall context of the area, taking into consideration current conditions and comprehensive planning policies for future development.

(ii) The strict application of the design standards would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner; provided there is no substantial detriment to the public welfare and the purpose and intent of the standards are not substantially impaired.

(b) The planning director may approve an alternate building design under the following circumstances:

(1) If the design fails to meet one of the requirements for building materials, architectural details, or windows/doors in TMC 18.275.050, the applicant shall utilize at least one of the elements in subsection (c).

(2) If the design fails to meet two of the requirements for building materials, architectural details, or window/doors in TMC 18.275.050, the applicant shall utilize at least two of the elements in subsection (c).

(3) If the design fails to meet all three of the requirements in TMC 18.275.050, the alternate building design elements in subsection (c) cannot be utilized as an alternative building design.

(c) Elements that may be utilized in lieu of compliance with the design standards in subsection (b) include:
(1) excess landscaping (at least 25% more points accrued than required) concentrated along public rights-of-way;

(2) additional parking lot islands (with trees) beyond what is required by the landscaping regulations sufficient to cover at least 25% of the parking area;

(3) landscape screening of blank or under designed walls;

(4) addition of a front or street facing storefront with an entryway, terrace, outdoor patio, or similar feature with architectural materials and scale that are compatible with the building, and a minimum width of 8 feet and minimum height of 10 feet;

(5) addition of integrated planters, landscaping features, or wing wall compatible in design and scale to the building;

(6) addition of art that is placed prominently on the site, viewable from the public street, integrated with the design of the building/site, and permanent. Art includes, but is not limited to, murals, sculptures, and integrated architectural or landscape architectural work.

(67) parking located to the side or rear of the building, with at least 50% of the lot frontage occupied by building facades with a public entryway;

(78) bringing existing signs on the property into compliance with current sign code standards, or at a minimum removing or replacing an existing pole sign with a monument sign;

(89) a minimum of 20% higher percentage of required windows/doors;

or

(910) additional required architectural details (at least 1 additional detail
Section 4. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 18.275.040, which said section reads as follows:

**Design considerations.**

The applicant shall demonstrate that the design standards in this chapter comply with the following:

(a) Building elevation design determinations will take into consideration the character of the surrounding architecture and neighborhood and incorporate design elements that further reflect or enhance surrounding community character.

(b) In areas where the existing character is not definitively established or is not consistent with the purposes of the standards in this chapter, the architecture of new development shall conform to the comprehensive plan or any area plans for future projects or redevelopment in the area.

(c) Non-residential buildings shall not have a single, large dominant building mass.

(d) Non-residential development shall comply with the building design standards on all elevations (360 degrees architecture).

(e) The street level shall be designed at a pedestrian scale.

(f) Buildings shall be designed with predominant materials, elements, and design features tailored to the site and its context.

Section 5. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 18.275.050, which said section reads as follows:

**Building Design Standards; Type A, B, and C non-residential buildings.**

(a) The specific design standards in the table below apply to Type A, B, and C
non-residential buildings.

(b) When calculating building material and window/door percentages identified in TMC 18.275.050, the façade width will be multiplied by the average façade roofline height or a (upper limit of 20’) standard height of 12’, whichever is less, to determine the total square footage of the façade. The window/door area will be deducted from the square foot calculation of the total façade area before determining the percentage of building materials.

(c) Garage doors will not count towards the required window/door percentages.

(d) The planning director may approve alternative building materials or architectural details not listed in TMC 18.275.050.

<table>
<thead>
<tr>
<th>Building Design Standards</th>
<th>Building Types</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type A &amp; Type B Building Materials</td>
<td>A</td>
</tr>
<tr>
<td>Total square footage of all stories of front and/or street-facing facades shall contain the following <strong>minimum</strong> percentages of the building materials listed below:</td>
<td>85%</td>
</tr>
<tr>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total square footage of all stories of non-front and/or non-street-facing facades may integrate the following <strong>maximum</strong> percentage of materials</td>
<td>65%</td>
</tr>
</tbody>
</table>
into the composition of the materials listed above.
* Cement fiber panels
* Integrimly-colored split-faced concrete masonry block

<table>
<thead>
<tr>
<th>Type C Building Materials</th>
<th>Total square footage of all stories of front and/or street-facing facades shall contain the following minimum percentage of the building materials listed below.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>60%</td>
</tr>
</tbody>
</table>

- Any of the designated materials for Type A and B
- Glass block or curtain wall
- Integrimly-colored split-faced concrete masonry unit
- Pre-cast concrete tilt wall with a decorative or textured finish
- Industrial, ribbed, pre-engineered metal panels with permanent baked-on enamel finish, or painted to manufacturer’s specs

The remaining exterior surface area of all stories of front and/or street-facing facades shall be composed of these materials, or those materials listed for use within non-front and non-street-facing facades for Type C buildings listed below.

<table>
<thead>
<tr>
<th>Type C Building Materials</th>
<th>Total square footage of all stories of non-front and/or non-street-facing facades on Type C buildings may integrate the following maximum percentage of additional materials into those listed above.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>85%</td>
</tr>
</tbody>
</table>

- Cement fiber planking (not panels)
- Solid wood planking and decorative cement fiber panels
- Metal with permanent baked-on enamel finish, or painted to manufacturer’s specs

Building Design Standards

<table>
<thead>
<tr>
<th>Types of Architectural Details</th>
<th>Building Types</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A</td>
</tr>
<tr>
<td>For the first 50 linear feet (or less) of front and/or street-facing facades, all building types shall be designed with the following minimum number of architectural details. One additional architectural detail shall be required for each additional 25 feet of building front and/or street frontage.</td>
<td>4</td>
</tr>
<tr>
<td>* At least 15% more windows/doors than the required minimum percentage</td>
<td></td>
</tr>
<tr>
<td>* Display or other ornamental windows</td>
<td></td>
</tr>
<tr>
<td>* Recessed entries</td>
<td></td>
</tr>
<tr>
<td>* Horizontal or vertical recesses, projections, or off-sets at least 1-foot wide, located an average of every 30 horizontal feet, and with a depth at a minimum of 4”-6”</td>
<td></td>
</tr>
<tr>
<td>* Modulating facade. Individual tenant spaces in multi-tenant buildings must articulate facades of the individual tenant spaces. Articulated facades help break up the mass of the building and create visual interest.</td>
<td></td>
</tr>
<tr>
<td>* Variation of roof heights</td>
<td></td>
</tr>
<tr>
<td>* Porches or balconies</td>
<td></td>
</tr>
<tr>
<td>* Breezeways</td>
<td></td>
</tr>
<tr>
<td>* Courtyards</td>
<td></td>
</tr>
<tr>
<td>* Awnings or canopies (permanent)</td>
<td></td>
</tr>
<tr>
<td>* Alcoves</td>
<td></td>
</tr>
<tr>
<td>* Arcade, gallery, veranda, or pergola</td>
<td></td>
</tr>
<tr>
<td>* Arches</td>
<td></td>
</tr>
<tr>
<td>* Art that is integrated into the façade</td>
<td></td>
</tr>
</tbody>
</table>
* Structurally different building materials (i.e. stone and brick)
* Decorative tile work, brick patterns, moldings or other materials integrated into the façade
* Ornamental cornice
* Varied roof forms. Large uninterrupted expanses of rooftop ridgelines must include architectural details that add articulation and visual interest, such as gable-roofed dormers, hip-roof elements, or other design measures to achieve an equivalent result.
* Premium roofing materials such as tile, or standing-seam metal
* Tower cap
* Tower or raised parapet

| Doors & Windows | The area of all stories’ front facades of all building types shall contain the following minimum percentage of window or door openings. |
| Non-Street Facing Walls | Maximum length of non-street or non-front-facing facades without architectural details. |
| Mechanical Systems | All roof mounted mechanical units (including evaporative coolers, HVAC units, vents, etc.) for all building types shall be located or screened so as not to be visible from the project’s property lines that are adjacent to public and private streets, as well as adjacent to residential properties (unless height difference makes screening impractical). The screening methods/materials shall be consistent with and incorporated into the design of the building. |
| Location Considerations | Projects located within an industrial context, or not visible from the street, may design to a lesser building type standard than required by zoning, provided that the project complies with the design requirements of the lesser building type and meets the design considerations in TMC 18.275.040. |

Section 6. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 18.275.060, which said section reads as follows:

**Appeal.**

(a) If the planning director determines that the design plans are not in conformance with the design standards, the planning director shall deny the plans and notify the applicant, in writing, of the design features that do not comply.

(b) The applicant may appeal the planning director’s determination to the board of zoning appeals as provided in Chapter 2.45 TMC.

Section 7. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.
Section 8. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 9. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the Governing Body on _________________.

CITY OF TOPEKA, KANSAS

__________________________________  
Michelle De La Isla, Mayor

ATTEST:

______________________________  
Brenda Younger, City Clerk
ACZR18/02
Visual Code Update III
(DISCUSSION ITEM)
MEMORANDUM

To: Topeka Planning Commission  
From: Mike Hall, AICP, Current Planning Manager  
Date: December 17, 2018  

RE: Draft Standards for Temporary, Incidental, and Portable Message Center Signs

Draft standards and restrictions for temporary, incidental, and portable message center signs are attached for your consideration and discussion.

Background

The need to consider revised standards for temporary, incidental, and portable message center signs is based on the results of the Visual Appeal Survey presented to you in March 2018 and the United States Supreme Court case of Reed v. Town of Gilbert, a ruling on the constitutionality of content-based sign standards.

The Visual Appeal Survey concluded that temporary signs are generally unattractive and the use of multiple temporary signs by a single owner or business especially unappealing. Survey images of portable message center signs (signs with manually changeable copy) also elicited negative responses.

In the 2015 Reed v. Gilbert case the U.S. Supreme Court held that the Gilbert, Arizona sign ordinance was unconstitutional because of the multiple distinctions that it made among signs based on their content. Since the Reed v. Gilbert decision there is broad agreement by planners and legal experts that many if not most existing sign ordinances are likely to be unconstitutional. The case affirms that sign regulations must be based on “time, place, and manner”, and regulations containing distinctions and sign categories such as “real estate signs”, “directional signs”, “political signs” are not content-neutral and should be removed from sign codes.

Sign Code Committee and Other Stakeholder Input

Staff met with the Sign Code Committee on October 9th and November 19th to discuss standards for temporary, incidental, and portable message center signs. The October and November meetings included two people who are in the temporary sign business in addition to three others representing the sign industry more generally. Staff also recently spoke with the owner of many of the portable message center signs currently in use and informed him of possible new restrictions and invited him to attend the December 17th meeting.
Summary of Draft Recommendations

For temporary signs staff recommend:

- Standards and definitions for more types of signs than described in the current sign code to distinguish signs by their manner of design and construction and not by their content. (content-neutrality)

- Standards for signs that are in some ways less restrictive than current standards and in other ways more restrictive.

- Size and quantity standards that are proportional to the size and street frontage of property.

- Restricting frequency of use and permitted length of time based on “time periods” and “calendar days” instead of “event” for ease of understanding and more effective enforcement.

- Accommodating use of feather flag signs but with more restrictive time limits than other types of free-standing temporary signs.

- Re-affirming that banners remain prohibited on fences and other accessory structures.

For incidental signs staff recommend:

- Accommodating use of signs that are incidental and necessary to the effective function of use they serve (i.e. directional signs, menu signs for drive-through restaurants, etc.).

- Standards that support one major objective of a new sign code, which is to minimize sign clutter along street frontages.

To meet legal scrutiny, staff recommend removing exemptions for signs used by schools and other government entities.

Staff recommend that portable message center signs be prohibited in all zoning districts. Portable message center signs are generally considered unattractive, are often poorly maintained, are misused as permanent signs, and promote a negative image of Topeka.

Staff recommend continuing the City’s general prohibition of new signs in the right-of-way unless exempted by State or City law.
Attachments

1. Existing Temporary and Portable Sign Standards
2. Proposed Temporary Sign Standards
   a. Yard Signs and Free-Standing Banners
   b. Feather Flags
   c. Non Free-Standing Signs (banners and other attached signs)
3. Proposed Incidental Free-Standing Sign Standards
4. Portable Message Center Signs
   a. Inventory by City Council District, Land Use Category, and Zoning District
   b. Map of Portable Message Center Location
5. Draft Sign Definitions

\[1\] Kelly, Eric Damian, J.D., Ph.D., FAICP. “Analysis of Supreme Court Decision in Reed v. Gilbert: Most Sign Ordinances Unconstitutional.” July 2015
Existing Temporary and Portable Sign Standards

• Includes standards for free-standing temp signs, non-freestanding temp signs, and temp “balloon” signs.
• Does not specifically address feather flag signs.
• Free-standing temporary signs restricted to:
  • No more than 1 on the property at a time
  • In residential zoning districts, to max 6 sf area and 4 feet in height, except for parcels greater than one acre allowed 32 sf area and 6 feet in height.
  • In all other zoning districts, allowed 1 sign up to 32 sf area and 6 feet in height
  • Limited to duration of an “event” and for only 2 events per calendar year
  • Permit not required
• Non-freestanding temporary signs:
  • No limit on quantity per parcel
  • Must be placed flat on any face of the building
  • Area of all signs shall not exceed 25% of the surface of the building face on which signs are placed
  • Limited to duration of an “event” and for only 2 events per calendar year
  • Permit not required
• Portable Message Center Signs:
  • 18.25.090 Special portable sign regulations. No portable ground sign maintained within one foot of public property shall exceed eight square feet in single face area, nor shall the highest point of such sign be more than four and one-half feet above grade. All portable signs shall be weighted to prevent overturning. No portable sign shall be located, placed or maintained within the lines of any street, city property, city right-of-way, or city easement. (Ord. 17906 § 12, 10-15-02; Code 1981 § 39-116. Code 1995 § 118-179.)
  • 18.15.060 Fees (c) Any advertising sign affixed to a trailer which is used solely for the transportation of the advertising sign and is not designed to carry any other load, a fee of $10.00 per year per sign. This fee will allow the sign to be placed by the owner for a period of one year from date of issue at locations which comply with sign location requirements, when prior notice of the proposed location is given to the building code enforcement division and approval given by that division. (Ord. 18292 § 16, 7-20-04; Ord. 16396 § 1(39-45), 11-26-91. Code 1995 § 118-59.)
Proposed Temporary Sign Standards

Yard signs, Free-standing Banners, Feather Flags, and Non Free-standing Signs

Yard Signs

Free-Standing Banners
<table>
<thead>
<tr>
<th>Table 1: Yard Signs, Free-standing Banners</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Zoning Districts</strong></td>
</tr>
<tr>
<td>R (all), M-1, M1a, OS-1</td>
</tr>
<tr>
<td>M-2, M-3 and nonresidential uses in R, M-1, M1a, OS-1</td>
</tr>
<tr>
<td>O&amp;I (all), M-S, C-1</td>
</tr>
<tr>
<td>C-2, C-3, C-4, I-1, I-2, X-1, X-2, U-1,</td>
</tr>
<tr>
<td>X-3, D-1, D-3, D-2</td>
</tr>
<tr>
<td><strong>Permitted</strong></td>
</tr>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>Yes</td>
</tr>
<tr>
<td><strong>Length of Time Permitted</strong></td>
</tr>
<tr>
<td>Maximum 30 days per time period; minimum 14 days between time periods; maximum 2 time periods and total 60 days per calendar year</td>
</tr>
<tr>
<td>Maximum 30 days per time period; minimum 14 days between time periods; maximum 4 time periods and total 120 days per calendar year</td>
</tr>
<tr>
<td>Maximum 30 days per time period; minimum 14 days between time periods; maximum 4 time periods and total 120 days per calendar year</td>
</tr>
<tr>
<td>Maximum 30 days per time period; minimum 14 days between time periods; maximum 4 time periods and total 120 days per calendar year</td>
</tr>
<tr>
<td><strong>Number</strong></td>
</tr>
<tr>
<td>1 per street frontage</td>
</tr>
<tr>
<td>1 per 200’ of street frontage</td>
</tr>
<tr>
<td>1 per 200’ of street frontage</td>
</tr>
<tr>
<td>1 per 200’ of street frontage</td>
</tr>
<tr>
<td><strong>Maximum Sign Area</strong></td>
</tr>
<tr>
<td>6 sf; 32 sf on lots greater than one acre if sign set back 10’ or more</td>
</tr>
<tr>
<td>16 sf; 32 sf if set back 10’ or more</td>
</tr>
<tr>
<td>16 sf; 32 sf if set back 10’ or more</td>
</tr>
<tr>
<td>16sf; 32 sf if set back 10’ or more</td>
</tr>
<tr>
<td><strong>Maximum Height</strong></td>
</tr>
<tr>
<td>4 ft; 6 feet on lots greater than one acre if sign setback 10’ or more</td>
</tr>
<tr>
<td>6 feet</td>
</tr>
<tr>
<td>6 feet</td>
</tr>
<tr>
<td>6 feet</td>
</tr>
<tr>
<td><strong>Spacing between temporary f/s signs</strong></td>
</tr>
<tr>
<td>No requirement</td>
</tr>
<tr>
<td>No requirement</td>
</tr>
<tr>
<td>No requirement</td>
</tr>
<tr>
<td>No requirement</td>
</tr>
<tr>
<td>No requirement</td>
</tr>
<tr>
<td><strong>Setback</strong></td>
</tr>
<tr>
<td>0’</td>
</tr>
<tr>
<td>0’</td>
</tr>
<tr>
<td>0’</td>
</tr>
<tr>
<td>0’</td>
</tr>
<tr>
<td><strong>Illumination</strong></td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td><strong>Electronic Message Center</strong></td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td><strong>Changeable Copy</strong></td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>No</td>
</tr>
</tbody>
</table>
Feather Flags
# TABLE 2

## Feather Flag Signs

<table>
<thead>
<tr>
<th>Zoning Districts</th>
<th>Permitted</th>
<th>Length of Time Permitted</th>
<th>Number</th>
<th>Maximum Sign Area</th>
<th>Maximum Height</th>
<th>Spacing between temporary fs signs</th>
<th>Setback</th>
<th>Illumination</th>
<th>Electronic Message Center</th>
<th>Changeable Copy</th>
</tr>
</thead>
<tbody>
<tr>
<td>R (all), M-1, M1a, OS-1</td>
<td>Permitted in all except R-1 and R-2</td>
<td>Maximum 15 days per time period; maximum 2 time periods and total 60 days per calendar year</td>
<td>1 per street frontage</td>
<td>Not permitted</td>
<td>16 ft</td>
<td>No requirement</td>
<td>0'</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>M-2, M-3 and nonresidential uses in R, M-1, M1a, OS-1</td>
<td>Yes</td>
<td>Maximum 15 days per time period; maximum 4 time periods and total 60 days per calendar year</td>
<td>1 per 200' of street frontage</td>
<td>24 sf</td>
<td>16 ft</td>
<td>No requirement</td>
<td>0'</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>O&amp;I (all), M-S, C-1</td>
<td>Yes</td>
<td>Maximum 15 days per time period; maximum 4 time periods and total 60 days per calendar year</td>
<td>1 per 200' of street frontage</td>
<td>24 sf</td>
<td>16 ft</td>
<td>No requirement</td>
<td>0'</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>C-2, C-3, C-4, I-1, I-2, X-1, X-2, U-1, X-3, D-1, D-3, D-2</td>
<td>Yes</td>
<td>Maximum 15 days per time period; maximum 4 time periods and total 60 days per calendar year</td>
<td>1 per 200' of street frontage</td>
<td>24 sf</td>
<td>16 ft</td>
<td>No requirement</td>
<td>0'</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

- **Permitted**: Yes/No
- **Length of Time Permitted**: Number of days per time period and total days per calendar year
- **Number**: 1 per street frontage/1 per 200' of street frontage
- **Maximum Sign Area**: 24 sf
- **Maximum Height**: 16 ft
- **Spacing between temporary fs signs**: No requirement
- **Setback**: 0'
- **Illumination**: No
- **Electronic Message Center**: No
- **Changeable Copy**: No
Non-Freestanding Signs (Banners)
## Temporary Non Free-standing Signs (banners and other attached signs)

<table>
<thead>
<tr>
<th>Zoning Districts</th>
<th>Permitted</th>
<th>Length of Time Permitted</th>
<th>Number</th>
<th>Sign Area</th>
<th>Placement</th>
<th>Spacing between temporary non ffs signs</th>
<th>Illumination</th>
<th>Electronic Message Center</th>
<th>Changeable Copy</th>
</tr>
</thead>
<tbody>
<tr>
<td>R (all), M-1, M1a, OS-1, M-2, M-3 and nonresidential uses in R, M-1, M1a, OS-1</td>
<td>yes</td>
<td>Maximum 30 days per time period; minimum 14 days between time periods; maximum 4 time periods and total 120 days per calendar year</td>
<td>1 per building</td>
<td>6 sf except in OS-1; maximum 32 sf in OS-1</td>
<td>Placed flat on exterior building wall only</td>
<td>No requirement</td>
<td>No</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>O&amp;S (all), M-S, C-1</td>
<td>yes</td>
<td>Maximum 30 days per time period; minimum 14 days between time periods; maximum 4 time periods and total 120 days per calendar year</td>
<td>No limit</td>
<td>Cumulative total of all temporary non-freestanding signs shall not exceed 1/2 of maximum signage allowed for permanent wall signs.</td>
<td>Placed flat on exterior building wall only</td>
<td>No requirement</td>
<td>No</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>C-2, C-3, C-4, I-1, I-2, X-1, X-2, U-1, X-3, D-1, D-3, D-2</td>
<td>yes</td>
<td>Maximum 30 days per time period; minimum 14 days between time periods; maximum 4 time periods and total 120 days per calendar year</td>
<td>No limit</td>
<td>Cumulative total of all temporary non-freestanding signs shall not exceed 1/2 of maximum signage allowed for permanent wall signs.</td>
<td>Placed flat on exterior building wall only</td>
<td>No requirement</td>
<td>No</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

Cumulative total of all temporary non-freestanding signs shall not exceed 1/2 of maximum signage allowed for permanent wall signs.
Incidental Free-standing Signs

Topeka's sign regulations do not distinguish incidental signs from other types of permanent signs. With a new sign code there is an anticipated need for regulations pertaining specifically to incidental free-standing signs because of the more restrictive standards anticipated for free-standing signs in commercial and industrial districts.
<table>
<thead>
<tr>
<th>Zoning Districts</th>
<th>R (all), M-1, M1a, OS-1</th>
<th>M-2, M-3 and nonresidential uses in R, M-1, M1a, OS-1</th>
<th>O&amp;I (all), M-S, C-1</th>
<th>C-2, C-3, C-4, I-1, I-2, X-1, X-2, U-1, X-3, D-1, D-3, D-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>Number</td>
<td>1 per street frontage</td>
<td>1 per 300’ of street frontage.</td>
<td>1 per 300’ of street frontage.</td>
<td>2 per first 300’ of street frontage. 1 for each additional 300’ of street frontage.</td>
</tr>
<tr>
<td></td>
<td>No restriction on quantity of signs located a minimum of 30 feet from property line.</td>
<td>No restriction on quantity of signs located a minimum of 30 feet from property line.</td>
<td>No restriction on quantity of signs located a minimum of 30 feet from property line.</td>
<td>No restriction on quantity of signs located a minimum of 30 feet from property line.</td>
</tr>
<tr>
<td>Sign Area</td>
<td>6 sf per sign; may increase by 4 sf for each additional 10’ setback, but shall not exceed 16 sf per sign, and maximum of 80 sf cumulative for all incidental signs.</td>
<td>6 sf per sign; may increase by 4 sf for each additional 10’ setback, but shall not exceed 16 sf per sign, and maximum of 80 sf cumulative for all incidental signs.</td>
<td>6 sf per sign; may increase by 10 sf for each additional 10’ setback, but shall not exceed 50 sf per sign and shall not exceed 150 sf cumulative for all incidental signs.</td>
<td>6 sf per sign; may increase by 4 sf for each additional 10’ setback, but shall not exceed 16 sf per sign, and maximum of 80 sf cumulative for all incidental signs.</td>
</tr>
<tr>
<td>Height</td>
<td>4 feet.</td>
<td>4 feet; maximum height may increase by 1 foot for each additional 10’ setback, but regardless of location on site shall not exceed height of 8 feet.</td>
<td>4 feet; maximum height may increase by 1 foot for each additional 10’ setback, but regardless of location on site shall not exceed height of 8 feet.</td>
<td>4 feet; maximum height may increase by 1 foot for each additional 10’ setback, but regardless of location on site shall not exceed height of 8 feet.</td>
</tr>
<tr>
<td>Spacing</td>
<td>NA</td>
<td>25’ for signs located with 30’ of property line.</td>
<td>25’ for signs located with 30’ of property line.</td>
<td>25’ for signs located with 30’ of property line.</td>
</tr>
<tr>
<td>between</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>incidental</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>signs and other</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>detached</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>signs</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Setback</td>
<td>NA</td>
<td>0'</td>
<td>0'</td>
<td>0'</td>
</tr>
<tr>
<td>---------</td>
<td>----</td>
<td>----</td>
<td>----</td>
<td>----</td>
</tr>
<tr>
<td>Illumination</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Electronic Message Center</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No, but EMCs are permitted when not located within 25’ of any property line.</td>
</tr>
<tr>
<td>Changeable Copy</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
</tbody>
</table>

*Note: For projects that qualify for a master sign plan, the Planning Director or designee may approve increases over height and size standards up to 10 percent for master sign plans that meet the intent of the sign regulations and other applicable policies and regulations.

**Note: In X-3, D-1, D-2, and D-3 districts A-frame and T-frame signs (aka “portable pedestrian signs”) are permitted on sidewalks in the street right-of-way provided they do not obstruct pedestrian access, leave a minimum of 4’ passable width, and comply with ADA.

### Pedestrian Portable Signs

Incidental Attached Signs: To be regulated by the allocation for all wall and projecting signs.
Although there is some lack of clarity in the code regarding portable message center signs, section 18.15.060 (c) of the Sign Regulations requires an annual permit for portable signs. Section 18.25.090 does not expressly allow portable message centers of the size (32 sf) commonly used in Topeka.

**Proposed Standards:** Prohibit portable message center signs in all zoning districts.
Number of Portable Signs per Council District

Outside City Council Districts
- District 9: 6
- District 8: 4
- District 7: 2
- District 6: 4
- District 5: 4
- District 4: 4
- District 3: 20
- District 2: 9
- District 1: 11

Total: 90 Signs

Number of Portable Signs per Land Use Category

- Second Hand: 6
- School: 1
- Retail Services: 8
- Retail: 13
- Restaurant: 23
- Personal Services: 4
- Office: 1
- Institutional: 1
- Industrial: 1
- Community center: 1
- Church: 7
- Auto: 21

Total: 90 Signs

Number of Portable Signs per Zoning District

- No Zoning: 6
- X3: 1
- XI: 10
- R2: 3
- R1: 4
- OI2: 4
- OI1: 2
- I2: 1
- I1: 5
- C4: 2
- C3: 13
- C2: 39

Total: 90 Signs
Draft Definitions: Temporary, Incidental, and Portable Message Center Signs

Sign: Any outdoor announcement, device, design, figure, trademark or logo used for decoration, conveying information, identification, or to advertise or promote any business, product, activity, service or interest placed so as to be seen from outside a building or premises. For clarification, examples of items which typically do not satisfy the necessary elements of this definition include, but are not limited to, original art displays, architectural elements incorporated into the style or function of a building, or inscriptions on decorative rocks.

Free-standing Sign: A sign supported by a column, pole, pylon, foundation, pedestal or other structure mounted in the ground.

Incidental Sign: A sign with copy located on a durable panel and mounted on a wall, pole, frame, or similar structure, with or without a structural frame, that is normally incidental to the allowed use of the property, but can contain any message or content.

Incidental Attached Sign: An incidental sign mounted to the face of a building, building columns, or poles or accessory structures not attached to a building.

Non Free-standing Sign: A sign that is not mounted in the ground but is attached to a building, building component such as a column or canopy, or an accessory structure such as a fence.

Portable Sign: Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

Portable Message Center Sign: A portable sign containing changeable copy.

Portable Pedestrian Sign: (aka “Sandwich Board” or “A-frame Sign”) A portable sign that is ordinarily in the shape of an "A" with back to back sign faces, an easel, or a similar configuration. A portable sign can contain changeable copy.

Temporary Sign: A sign typically made of lightweight or flimsy material that can be easily or quickly mounted or removed (such as cloth, canvas, vinyl, cardboard, wallboard, or other light temporary materials), with or without a structural frame, intended for a temporary period of display.