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
Marc Fried
Dennis Haugh
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
Tim Esparza, Planner I
Kris Wagers, Administrative Officer
AGENDA
Topeka Planning Commission
Monday, July 16, 2018 at 6:00 P.M.

A. Roll call

B. Approval of minutes – June 25, 2018

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

D. Public Hearings

1. Z18/03 by Belt, Kathleen & John, requesting to amend the Zoning District for the subject property (0.09 acre) located at 412 SW Jackson Street from I-1 Light Industrial District to D-1 Downtown Mixed Use District to allow for residential living on 2nd floor and garden level apartment at back of main floor. (Neunuebel)

2. PUD11/05C by USD 501 and Calamar Development requesting to amend the Master PUD Plan for Kanza Education and Science Park on Lot 1, Block C ("O&I-3" District uses and others as stated) to allow for multiple family dwellings on a 26-acre property located at 3001 SW Kanza Drive lying between SW 3rd Street and SW Kanza Drive, the centerline of the tract being approximately 1,432 ft. west of SW MacVicar Avenue. (Driver)

E. Communications to the Commission

F. Adjournment
Roll Call – Chairperson Katrina Ringler called the meeting to order with eight members present for a quorum.

Approval of Minutes from April 16, 2018

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

Declaration of conflict of interest/ex parte communications by members of the commission or staff - none

Public Hearings

Z18/02 by Hudkins, Steven & Zona requesting to amend the Zoning District for the subject property (0.8 acre) located at 336 SE 45th Street from C-2 Commercial District to M-1 Limited Multi-family District in adherence to mortgage lender requirements for sale of property including existing residence.

Mr. Neunuebel presented the staff report and noted that one person attended the Neighborhood Information Meeting. This person did not express concern about the proposed re-zoning. Mr. Neunuebel explained that staff recommendation is for approval of the zoning reclassification from C-2 Commercial to M-1a Limited Multi-Family district as proposed.

Zona Hudkins came to the podium to answer questions commissioners might have.

With no questions, for Ms. Hudkins, Ms. Ringler declared the public hearing open. None came forward to speak and Ms. Ringler declared the public hearing closed.

Motion by Mr. Werner to recommend APPROVAL to the Governing Body of the reclassification of the subject property from “C-2” Commercial District to “M-1a” Limited Multi-Family District. Second by Mr. Haugh. APPROVAL (8-0-0)

PUD06/01C by College Hill Apartments, LLC requesting to amend the Planned Unit Development Master Plan to provide for the construction and operation of a Dog Park, as an interim land use prior to market
demand in the future for additional rental units, for use by residents of College Hill Apartments on an
approximately 0.5-acre property located on the east side of SW Lane Street just south of SW 14th Street.

Mr. Neunuebel presented the staff report and reported on Neighborhood Information Meeting (NIM),
explaining that there was one attendee and they had questions about parking. No additional parking is
required since the proposed Dog Park is for residents of College Hill Apartments. He referred to the
handout, “Supplemental Information for Planning Commission...” which includes an additional condition
that staff recommends be included as “General Note #8”. It states that “Interim use as a dog park shall be
valid for a period of three (3) years from the date the PUD Master Plan is recorded with the Shawnee
County Register of Deeds, at which time the owner shall cease operation of the dog park. At that time the
owner may submit an application to amend to PUD Master Plan to continue or resume operation of the dog
park. An application to continue or resume operation as a dog park shall be processed and considered as
a major amendment to the PUD Master Plan.” He presented the staff recommendation for approval of the
PUD amendment subject to the 2 conditions listed in the staff report and the additional condition in the
memo.

Mr. Kannarr noted that he had received an email from Henry McClure about the case. Ms. Ringler stated
that she had previously confirmed with Mary Feighny (attorney for COT) that since the email was sent to all
Planning Commissioners, it is a matter of record and not considered ex parte communication.

Mark Boyd with SBB Engineering came forward to speak on behalf of the owners. He stated that Lou
McGinnis was also present and would take questions.

Mr. Boyd stated that he’s in agreement with conditions 1 & 2 but expressed concern about condition #3.
He thought the condition was going to be a sunset in 5 years rather than 3 and added that he’s never seen
a time-frame put on a PUD. He stated that he believes it’s very aggressive for the owner to be required to
apply for a major amendment to the PUD every 3 years in order to extend the allowance of the dog park.
He doesn’t understand why a major amendment and public meeting is necessary to extend the timeframe.
His proposal would be a 3 year sunset with a 2 year extension allowed by a minor amendment (e.g.
administrative approval), then after 5 years the requirement for a major amendment. He feels that 5 years
would give the owner time to analyze the market and determine how the site should be utilized

Mr. Haugh asked what the maximum occupancy/utilization of the site would be. Mr. McGinnis came
forward and stated that currently there are a little over 200 dogs at College Hill Apartments, adding that’s
what motivated them to set up a dog park. Mr. Haugh noted concern about odor and the impact that might
have on neighbors.

Ms. Ringler announced that the public hearing was open. With none coming forward to speak, she
declared the public hearing closed.

Mr. Werner asked if there had been discussion about perhaps view reducing fence rather than chain link.
Mr. Neunuebel said no, but design standards require a black or forest green finish on the chain link.

Mr. Fried asked for clarification on the hours, expressing concern that it’s not clear what hours the park can
be open. Mr. Hall pointed to staff recommendation #2, explaining that the Master PUD Plan would be
revised before going to Council and state that the hours of operation will be 6:30AM – 11:00PM.

Mr. Kannarr asked staff for clarification on their thought process regarding Condition #3. Mr. Neunuebel
explained that staff feels 3 years is a reasonable time period; it emphasizes the interim nature of the dog
park and points to the need to pay attention to the PUD Master Plan and land uses.

Ms. Ringler asked if there are other PUDs that have time limits. Mr. Neunuebel responded that he’s not
aware of any, but he’s also not aware of other PUDs that allow for interim uses.

Mr. Hall explained that the entitlement to build eight townhomes on this site continues even with the interim
use agreement.
Addressing Mr. Boyd’s suggestion that an additional 2 years be allowed by a minor amendment, Mr. Hall stated that this wouldn’t work well as there would be no clear indication of conditions for staff to either allow or deny the extension. He suggested that if Commissioners feel 3 years is too short a time, it would be better to extend it to more years than to allow 3 years with a minor amendment to allow an additional 2.

Mr. Fried asked if staff feels there’s a significant reason to allow 3 years rather than 5. Mr. Fiander explained there are 2 reasons. First it’s to allow for further development that should take place on the site, noting that it’s in a TIF District. Second, the use may be objectionable and a shorter timeframe makes sense to staff. He added that there is no clear criteria for approving or disapproving at an administrative level so allowing for a minor amendment would not be his recommendation.

Mr. Fried stated he wondered what “interim” meant if there were no time limit so he appreciates Condition #3.

Mr. Werner suggested 4 years. Mr. Fried stated that he could agree with 3 years to see how the use works out and perhaps allow a 5 year extension next time.

Mr. Fiander explained that at a meeting with the owner/applicant, there was indication that 18-24 month time period was required for developing the property, so staff "went above that" when recommending the 3 year limit.

Mr. Kannarr stated he also would suggest putting a time limit on the interim use, and Ms. Messina stated she leans more toward 4-5 years.

Motion by Mr. Fried to recommend to the Governing Body APPROVAL of the Amendment to the Planned Unit Development PUD 06/1C along with the three staff conditions to provide for the construction and operation of a dog park and pet exercise area as an interim use with underlying PUD residential land use group remaining in place to provide for construction of residential apartments in the future. Second by Ms. Lawson. APPROVAL (6-2-0 with Mr. Werner and Ms. Messina dissenting).

PUD18/01 Frito Lay Subdivision #3 Master Planned Unit Development Plan by: Frito Lay Inc. (purchaser under contract) requesting to amend the District Zoning Classification from “I-1” Light Industrial District TO “PUD” Planned Unit Development District (I-1 use group) to allow future buildings (220,000 sf total footprint) with a maximum height of 125 ft., which exceeds the 70 ft. maximum height limit in the “I-1” Light Industrial zoning district, on an 18.31 acre property located at the SW intersection of the dead-end of SW 42nd Street and SW Kirklawn Avenue, approximately 1900 ft. west of SW Topeka Blvd.

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

Mr. Haugh asked where the other to potential phases will be on the site and Ms. Driver stated her understanding is that they are directly south of Phase I.

Allen Moore, Director of Engineering for Frito Lay, came forward representing the applicant. He explained that future expansion of Frito Lay in Topeka is limited by warehouse space. The immediate impact of the project will be additional storage, as well as new parking and a reduction in the number trucks running to/from the (now offsite) storage. Eventually additional manufacturing (and jobs) open as more product storage is available.

Mr. Fried asked if Frito Lay anticipates going to the full requested height in additional phases. Mr. Moore stated potentially, yes, though future phases are only conceptual at this point. That’s the maximum height they would go to based on automatic equipment that would go into the building(s). They could go below ground to reduce the height but that would not be the best option.

Angela Sharp with Bartlett & West came forward representing the applicant. She added that John Hassler was also in attendance and could answer technical questions.
Ms. Sharp explained that the PUD allows for design constraints such as the landscaping berm along the future extension of 42nd Street, screening the property from the highway. Another design constraint would be signage. She also stated that stormwater quality/quantity is under review by the City of Topeka.

Mr. Haugh asked if the proposal vacates the turn around. Ms. Sharp stated that their proposal does vacate the turn around Kirklawn up to the north edge of Frito Lay’s existing property. Mr. Haugh mentioned that there were many semis on Kirklawn. Mr. Allen came forward and explained that most of the semis are associated with Frito Lay. With the additional parking, these will go away.

Ms. Ringler declared the public hearing open.

Brent Hall came forward stating he represents the workers at Frito Lay and is president of their Local BCTGM #218 union that represents the workers. He expressed support of the project but was concerned that local contractors be used for construction of it. He feels strongly that the best way for Frito Lay to give back to the community some of the benefits they received from local tax cuts is to hire construction workers locally as they live and spend in the local market.

Shelby Fehrenbacher came forward to speak, expressing some concerns about families and workers at Frito Lay. She expressed concern that there’s no plan to add jobs with this project and is concerned that employees will be required to work overtime.

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

Mr. Fried commented on the number of trucks parked along the street and stated that it would be good if this proposed project would take care of that problem as stated.

Mr. Haugh asked what the anticipated increase in employment would be and Mr. Moor stated the warehouse is mostly automated. Increased employment would come later with manufacturing expansions that can about because of additional storage capacity.

Mr. Haugh noted that due to the setbacks, he doesn’t see the increased height as an issue.

**Motion** by Mr. Kannarr to recommend to the Governing Body **APPROVAL** of proposal, subject to the 9 conditions listed in the staff report; **second** by Ms. Messina. **APPROVAL** (8-0-0)

**P18/13 Frito Lay Subdivision No. 3 (Preliminary and Final Plat) by Frito Lay, Inc.** (purchaser under contract) on property lying between SW 42nd Street and SW 49th Street, approximately 1725 ft. west of SW Topeka Blvd., and containing 76 acres more or less and all contained within the city limits of Topeka, Kansas.

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

Angela Sharp with Bartlett & West came forward representing the applicant, stating Ms. Driver had covered the proposal well and she would be happy to answer questions.

Mr. Fried asked if the road change anticipates an increase in traffic flow down 49th Street. Ms. Sharp stated it’s dependent upon any expansion Frito Lay might have in the future, as well as what other property owners develop, especially that property owned by GoTopeka.

Ms. Ringler announced that the public hearing was open. With none coming forward to speak, she declared the public hearing closed.

Mr. Fried asked if there would be a traffic study required at some future point in development and Ms. Driver explained that is something determined by City of Topeka traffic engineer.

**Motion** by Ms. Lawson to recommend to the Governing Body approval of the preliminary and final plat phase of Frito Lay Subdivision #3, subject to the 8 conditions listed in the staff report; **second** by Mr. Haugh. **APPROVAL** (8-0-0)
Sign Code Revision

Mr. Hall presented and took questions on progress of the sign code revision for non-residential signs in residential districts; canopy, roof, and projecting signs.

Communications to the Commission

Mr. Fiander reported that as of May 2018, the City of Topeka has officially adopted the 2015 International Building Code AND International Fire Code, as well as the Life Safety Code. Development Services is currently working on updating the Electrical Code to 2017 and looking at whether there should be adopted an Energy Efficiency Code that applies to commercial building.

With no further agenda items, meeting was adjourned at 7:37.
APPLICATION CASE NUMBER / NAME: Z18/03 - Kathleen & John Belt

REQUESTED ACTION / CURRENT ZONING: Zoning reclassification FROM “I-1” Light Industrial District TO “D-1” Downtown District

PROPERTY OWNER: Michael R. Fox Revocable Living Trust

APPLICANT: Kathleen and John Belt

APPLICANT REPRESENTATIVE: John Quinton, Architect

PROPERTY LOCATION / PARCEL ID: 412 SW Jackson Street / Parcel I.D: 1093101019005000

PARCEL SIZE: 0.09 acre

CASE PLANNER: John Neunuebel, Planner II

RECOMMENDATION: Approval

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 “I-1” Light Industrial District to “D-1” Downtown District.

PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY: The change in zoning to D-1 as requested will provide for re-use of an existing building for 2 residential units, along with garage and storage area for use by residents.

DEVELOPMENT / CASE HISTORY: The subject property includes an existing, currently vacant building constructed in approximately 1910. The property and adjacent attached buildings have been zoned and utilized for light industrial uses for many years based upon available documentation.

ZONING AND CHARACTER OF SURROUNDING PROPERTIES: The entire 400 block of SW Jackson Street, as well as 300 block to the north, is zoned I-1 Light Industrial, with the attached building to the north currently housing a wholesaler, with a social services agency in the next attached building north of the wholesaler. The attached building to the south is currently vacant and undergoing renovation with the new property owner just now undergoing marketing of the property for lease. The area on the west side of SW
Jackson Street includes an emergency medical services provider; a State of Kansas building apparently used for storage; as well as a surface parking lot. The area to the east beyond an adjacent alleyway and fronting onto S Kansas Avenue is zoned D-1 Downtown District and currently includes a surface parking lot.

PHOTOS:

From west side of SW Jackson Street facing front of subject property at 412 SW Jackson (center attached building with brown garage door)

Facing west from alleyway behind subject property (beige building center) with existing gravel parking area off alleyway. (Building view is that of loading dock addition, with ramp up to square-shape entry no longer present.)

DEVELOPMENT STANDARDS AND POLICIES

PURPOSE, USE STANDARDS: The purpose of the proposed D-1 zoning district is to facilitate a compatible mix use activity center within the core area of downtown
Topeka. The district is predominantly composed of state offices, as well as local and federal facilities, commercial and retail uses. The district includes compatible residential, office, civic, and commercial retail/service uses which complement and support a high density of activity including pedestrian usage. (TMC 18.200.020a)

A relatively narrow range of dwelling types and residential uses are permitted in the D-1 district including bed & breakfast; boarding house; community living facility and group residence. Residential dwellings are permitted above and below the ground floor. (TMC18.60.010) Dwellings are also permitted on the main floor but only if 1) they are either subordinate in area or location to nonresidential uses on the main floor, or 2) in buildings originally built for residential use, or in parts of a building converted from hospital, school, or hotel rooms. (TMC 18.225.010)

The applicant’s plans substantially comply with the special use requirements in TMC 18.225.010 because the ground floor garage at the front of the building already exists. The garage may be converted to a commercial retail or office use. However, conversion of the garage to habitable residential space would not comply with TMC 18.225.010.

A variety of light industrial uses are permitted in the I-1 district as will remain for properties adjacent to the subject property, although the size and configuration of these attached buildings likely limit the extent and scope of light industrial activity. Permitted uses within the I-1 light industrial district include: sales and storage of agricultural products; bottling works; manufacturing Types 1 & 2; micro-alcohol production; research and testing laboratory; and welding & machine shop.

**DIMENSIONAL STANDARDS:** Within the D-1 district there are no requirements related to minimum lot area, maximum building coverage, or building setbacks. An applicable standard is that requiring a minimum lot width of 25’ which is the width of the subject property.

**OFF-STREET PARKING:** There are no off-street parking requirements within the D-1 district for residential development, although the subject property includes both outside and inside (garage) off-street parking.

**LANDSCAPING:** The proposed change in zoning has no effect on landscaping requirements that are generally not applicable to residential development.

**OTHER DESIGN GUIDELINES AND CONSIDERATIONS:** Development in the D-1 district is subject to the Downtown Topeka Urban Design Guidelines. (TMC 18.200.090)

**SIGNS:** Any potential future commercial space as may be located on the first floor of the building will be subject to the sign standards for downtown districts. (TMC section 18.200.090).
COMPREHENSIVE PLANS: The Topeka Land Use and Growth Management Plan 2040 (LUGMP) includes the subject property and surrounding properties on the Future Land Use Map as “Downtown,” and as part of Topeka’s Central Business District should continue to encourage the development of Downtown as an office, regional employment, and commercial center. However, Downtown should also be redeveloped for a mix of uses that include retail, high density residential, and loft conversions. (Page 52)

TRANSPORTATION/AND ACCESS: SW Jackson Street adjacent to the site is categorized as a local street and includes sidewalks on both sides of the street.

OTHER FACTORS

SUBDIVISION PLAT: The subject site is platted as Lot 122 of Original Town.

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

TRANSPORTATION/TRAFFIC: The proposed change in zoning from Light Industrial to Downtown with a primarily residential use will have no immediate impacts upon transportation/traffic within the area, and any potential commercial use of a portion of the first floor of the building will also likely have negligible impacts.

HISTORIC PROPERTIES: Subject Property is not currently registered as an historic structure although it could potentially be considered a contributing structure as included within a designated historic district in the future.

NEIGHBORHOOD INFORMATION MEETING / STAKEHOLDER FEEDBACK: The owner/applicants conducted a Neighborhood Information Meeting on June 27, 2018. A meeting attendee who owns the attached building to the south that is undergoing renovation was supportive of the conversion of the building to a residential use, and further stated that it is important that all parties be aware that due to a potential for a wide variety of uses within the I-1 Light Industrial district such as furniture re-upholstering or high intensity-type gymnasium, for example, there could be noise impacts that at times may intrude into residential spaces. (Meeting summary attached.)

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: June 01, 2018
NEIGHBORHOOD INFORMATION MEETING: June 27, 2018
LEGAL NOTICE PUBLICATION: June 25, 2018
ADJOINING PROPERTY OWNER NOTICES MAILED: June 22, 2018

STAFF ANALYSIS

CHARACTER OF NEIGHBORHOOD: The proposed D-1 zoning is generally compatible with the existing and desired future character of the neighborhood given the mixed-use nature of the Central Business District. Although there are some permitted uses within the I-1 Light Industrial district that may generate noise potentially intrusive within residential spaces, the size and configuration of the existing adjoining buildings are such that the likelihood of these impacts being significant is lessened.

THE ZONING AND USE OF PROPERTIES NEARBY: The subject property is adjacent to existing D-1 Downtown zoning to the east across the alley, but is surrounded on its other three sides by I-1 Light Industrial zoning and a variety of uses. If not for the future land use envisioned by the Land Use and Growth Management Plan (LUGMP), the encroachment of D-1 zoning on a single, small lot west of the alley would raise a concern about compatibility and “spot zoning”. However, the proposed zoning is appropriate because it is consistent with the Future Land Use Map in the LUGMP, and the relatively small footprints of adjacent buildings are not practical for many light industrial uses. Additionally, the nature of the buildings on the block, and their limited or non-existent on-site parking and loading, limits the scale and intensity of potential light industrial uses that could conflict with new residential uses.

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: The building is currently vacant, and was previously utilized for warehousing/storage by the State of Kansas the previous property owner.

CONFORMANCE TO COMPREHENSIVE PLAN: The Topeka Land Use and Growth Management Plan 2040 (LUGMP) designates the subject property on the Future Land Use Map as “Downtown.” In accordance with the Downtown designation, the LUGMP envisions redevelopment within the area comprising a mix of uses including retail, high density residential, and residential loft conversions that are also encouraged within the City’s downtown redevelopment plan.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES OF WHICH IT HAS BEEN RESTRICTED: The subject property and building are not suitable for many of the uses to which it is restricted under the current I-1 zoning. The size and configuration of the building as it was constructed in the early part of the 20th Century may provide for industrial or commercial uses of the type permitted in the I-1 district although the small size of the building is not practical for many light industrial uses and their size limits the scale and intensity of such uses. The D-1 designation will allow the existing building to be adapted to residential use.

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: The change in zoning to D-1 would comprise a more restrictive use than the current I-1 zoning; thus resulting in there being no anticipated detrimental effects upon nearby properties. The proposed zone change will result in rehabilitation of the building which together with new residents will contribute to the vitality of Downtown.
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: Although the future development of the property pursuant to those uses permitted within the current I-1 would likely be compatible with existing and future uses within the area, denial of the proposed zone change may result in the building remaining vacant for an extended period due to the size and configuration of the existing building that may not be currently suitable for likely I-1 uses. On this basis disapproval of the proposed D-1 zoning could have a negative impact on continuing mixed-use redevelopment within the downtown area.

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

STAFF RECOMMENDATION:

RECOMMENDATION: Based on the above findings and analysis Planning Staff recommends approval of the zoning reclassification FROM “I-1” Light Industrial District TO “D-1” Downtown District as proposed.

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 “I-1” Light Industrial District to “D-1” Downtown District.

Attachments:
- Aerial Map
- Zoning Map
- Future Land Use Map (LUGMP 2040)
- Neighborhood Information Meeting Summary & Attendance
Z18/03 - Future Land Use Map
Belt

Topeka Planning Department
Subject: Summary of Neighborhood Information Meeting for Belt Zone Change (Z18/02)

Meeting Location: 412 SW Jackson Street

Date/Time: 06/27/18; 6:00 P.M.

Attendance: Area Property Owners; Project Applicants; and City staff

Meeting began at 6:00 p.m. with John Neunuebel, City of Topeka Planning Department, providing an overview of the zoning change application process including the upcoming public hearing before the Planning Commission. Kathy and John Belt described how the zoning change will provide for construction of a loft-style living space on the upper floor of the building for their residential use. They also intend to construct a garden level apartment on the first floor at the backside of the building, along with floor space toward the front/street-side of the building for use as a garage and storage area. A meeting attendee who owns the attached building to the south, expressed support for the residential use of the property and stated that his building may at some point also include a residential unit, as well as a non-residential use such as furniture upholstery shop or high intensity-type gymnasium that at times could produce noise potentially intrusive for adjacent residences, and it is important that all parties be aware of this potential impact. Meeting attendees were provided a brief tour of the building, and the meeting adjourned at 6:25 p.m.
## Neighborhood Information Meeting

### Sign in Sheet

**K & J Belt Zone Change**

**Date:** June 27, 2018 at 6:00 PM  
**Location:** 412 SW Jackson Street

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Email (preferred)/Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Neunuebel</td>
<td>324 SW Van Buren #1</td>
<td><a href="mailto:jneunuebel@topkansas.org">jneunuebel@topkansas.org</a></td>
</tr>
<tr>
<td>TJ Plumber</td>
<td>324 SW Van Buren #1</td>
<td><a href="mailto:tjremodr@yahoo.com">tjremodr@yahoo.com</a></td>
</tr>
<tr>
<td>Tony Privitera</td>
<td>414 SW Jackson</td>
<td><a href="mailto:Tony.Privitera@marriott.com">Tony.Privitera@marriott.com</a></td>
</tr>
<tr>
<td>Dave Freeran</td>
<td>517 SW Van Buren</td>
<td><a href="mailto:dave.freeran@coldwellbanker.com">dave.freeran@coldwellbanker.com</a></td>
</tr>
<tr>
<td>Kathy Belt</td>
<td>12108 126th Rd Hoyts KS</td>
<td><a href="mailto:kebelt@hotmail.com">kebelt@hotmail.com</a></td>
</tr>
<tr>
<td>Bernita Manos</td>
<td>324 SW Van Buren #2</td>
<td><a href="mailto:mommanos@msu.com">mommanos@msu.com</a></td>
</tr>
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APPLICATION CASE NO

PUD11/05C: Kanza Education and Science Park (Lot 1, Block C)

REQUESTED ACTION / CURRENT ZONING:

A Major Amendment that adds the allowed use of multiple-family residential to “Area A” of Lot 1, Block C, as shown, to accommodate the proposed independent living facility. The restrictions on the underlying PUD master plan remain in place, unless stated, and apply only to this defined area. The Project Program of the current PUD Master Plan indicates a goal of the campus is to provide training and mentorship opportunities for students.

(This latest revision to the Master PUD Plan is attached as an addendum since the base restrictions will remain in effect.)

The PUD originally restricted residential use to the west part of the campus and allowed only two- or three family dwellings within that defined boundary. (Refer to the “Development Area” on Lot 1, Block B on attached Exhibit).

APPLICANT / PROPERTY OWNER:

USD 501 (Owner)/Calamar Development (pending owner)/Jerry Hill

APPLICANT REPRESENTATIVE:

Professional Engineering Consultants/Rebecca Greif

PROPERTY ADDRESS & PARCEL ID:

3001 SW Kanza Drive/Parcel ID: 0972604012001000

PARCEL SIZE:

The development area will comprise approximately 9 acres of the platted 26 acre lot.

STAFF PLANNER:

Annie Driver, AICP, Planner

PHOTO:
RECOMMENDATION: Based upon the above findings and analysis Planning Staff recommends **APPROVAL** of this proposal, **subject to conditions listed on Pg. 7**.

RECOMMENDED MOTION: Based on the findings and analysis in the staff report, I move that the Topeka Planning Commission forward to the Governing Body a recommendation of **APPROVAL** of the proposed PUD Master Plan along with all conditions.

PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY: A 140,000 sq. ft., 132 dwelling unit, age-restricted, independent living apartment complex providing separate resident living quarters with limited social and recreational areas. Detached garages will be provided for some of the units. The facility does not meet the zoning code definition of an “Assisted Living” since it will not contain a centralized dining area, housing keeping service, and on-site medical/skilled nursing care facilities.

The developer (Calamar) has indicated their intention to support the PUD Master Plan’s **Project Program** by providing service opportunities for students.

DEVELOPMENT / CASE HISTORY: The subject property was historically the site of the Topeka State Hospital Park, opened in 1879, and closed by legislative action in 1997 and it is the specific location of the main State Hospital’s buildings that were demolished in or about 2010.

Z00/1 – After the closure of the hospital, the State of Kansas rezoned the property to the “Kanza Business and Technology Park Master PUD Plan” as part of the Department of Administration’s plan to market and develop the property as a private sector office and business park, as well as provide for the re-use of the former buildings on the campus. This original
intention never truly materialized and only the outlying parcels (i.e. fronting MacVicar and 6th) developed for private sector uses prior to 2011 when much of the remaining land was purchased by USD 501.

PUD 11/5 (Amendments PUD11/5A, PUD11/5B) – In 2011, USD 501 subsequently purchased much of the undeveloped portions of the PUD master plan and rezoned that property to accommodate the “Kanza Education and Science Park” campus. At that time, most of the former State buildings originally planned for re-use had been demolished, including buildings on the subject property. USD 501’s intention with the rezoning was to develop an office park campus that would accommodate educational uses and training programs, and these could be oriented toward providing training and mentorship opportunities for youth.

ZONING AND CHARACTER OF SURROUNDING AREA:

The character of the area and neighborhood comprises institutional, medical, and educational uses in a park setting surrounded by substantial open space and large canopy trees. The subject property and surrounding zoning is “PUD” Planned Unit Development (O&I-3 uses, M1-a uses). Many of the buildings have since been re-used by USD 501, State of Kansas, and Shawnee County for offices. The Stormont Vail orthopedic clinic constructed in 2015 lies directly to the east of the subject site.

PUD MASTER PLAN ELEMENTS (PROPOSED):

The restrictions and stipulations of the current PUD Master Plan (PUD11/5B) will remain in full force and effect unless stated on this revision. The proposed amendment allows the additional use of Multiple-Family Dwellings and amends the current height restriction of two-stories or 40 ft. for residential uses to 50 ft.

PARKING, CIRCULATION & TRAFFIC:

Off-street parking will be as required per TMC 18.240 for multi-family elderly uses at a ratio of 1 stall per 2 units. The current PUD master plan (Circulation, Parking, and Traffic Note #1) indicates the Planning Director may also administratively approve an alternative or variance to reduce this parking requirement.

Bike parking shall be provided per TMC 18.240 at a ratio of 5% of the required automobile parking.

LANDSCAPE:

The Landscaping Notes as stipulated on the PUD master plan will remain. A landscape plan will be approved as a part of the site plan review application.

Landscaping notes on the recorded PUD master plan go beyond those stipulated by the TMC 18.235 Landscape Regulations and provide for additional parking lot islands for contiguous impervious surfaces, additional street trees, and retention of existing trees on a site. The conditions are intended to provide a
park setting and reduce the amount of contiguous impervious pavement.

BUILDING AND STRUCTURE: The Building and Structural Notes as stipulated on the PUD master plan remain in effect, except as stated on this revision to allow for the three story residential, multiple family buildings. The PUD master plan will maintain the 60 percent impervious surface coverage ratio (buildings, parking, driveways), provided on the current PUD to maintain the original park setting.

SIGNAGE: The Signage Notes on the current PUD master plan are unchanged by this amendment. Lot 1, Block C is permitted signs as follows: Ground signs: One monument sign per building, up to 100 sf of sign area and 7.5 ft. in height. Wall signs: One wall sign per each side of the building fronting a public or private street limited to a maximum sign area of 10 percent of the wall area to which it is attached.

COMPLIANCE WITH DEVELOPMENT STANDARDS AND GUIDELINES The Master PUD Plan maintains the intent of the original PUD Master Plan. An intent and objective of that Master PUD Plan was to provide for an attractive mixed use development business and educational park within a campus setting the preserves open space and retains the existing mature trees.

OTHER FACTORS

SUBDIVISION PLAT: The property is presently platted as Kanza Education and Science Park Subdivision, Lot 1, Block C. A re-plat is required to further subdivide the 26 acre lot. The plat has not yet been submitted.

TRAFFIC/TRANSPORTATION: SW 3rd Street is classified as a collector roadway and has adequate capacity for the proposed use.

The Bikeways Plan classifies SW 3rd Street as Route #5 (Oakland Potwin Bikeway) and Tuffy Kellogg as Route #2 (Randolph Bikeway).

Sidewalks will be provided with locations determined at the time of site plan review, both internally and externally with adjoining properties. The PUD Master Plan required sidewalk and trails including their connections with adjoining sidewalk, both public and private.

FLOOD HAZARDS, STREAM BUFFERS: The area is not covered by a FEMA flood zone or USGS classified waterway.

HISTORIC PROPERTIES: There are no listed historic properties or districts on the property.

NEIGHBORHOOD MEETING: The applicant held a Neighborhood Information Meeting on Thursday, June 21, 2018 at 6:00 pm. There were no attendees at the meeting other than City staff and the pending owner.
REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

ENGINEERING/STORMWATER: A Stormwater Management Plan addressing both water quantity and quality will be submitted by the applicant and reviewed by City staff during the subdivision plat, site plan review, and building permit stages.

ENGINEERING/TRAFFIC: A complete Traffic Impact Analysis was not required by the City Engineer. Engineering Division required a traffic summary documenting the need for a left-turn lane on SW 3rd Street. The City Engineering Division agreed with the findings that a left turn lane is not warranted based on the estimated number of left-turns into the development. The memo indicated 8-9 vehicles making left turns into the driveway during the peak hour, which is not significant.

City Traffic Engineering has no other issues with the rezoning and will further review on-site circulation at the site plan review stage. The alignment of the driveway entrance with Tuffy Kellogg is preferred.

FIRE: No issues were expressed during the rezoning stage.

DEVELOPMENT SERVICES: A site construction activity permit and building permit are required.

METROPOLITAN TOPEKA TRANSIT AUTHORITY (TMTA): TMTA recommends the applicant provide a bus stop pad on the south side of SW 3rd Street with crosswalk and signage. The exact location of such pad and crosswalk will be determined at the time of site plan review upon consultation with TMTA and the City Engineer.

KEY DATES

SUBMITTAL: May 18, 2018

NEIGHBORHOOD INFORMATION MEETING: June 21, 2018

LEGAL NOTICE PUBLICATION: June 25, 2018

PROPERTY OWNER NOTICE MAILED: June 22, 2018

STAFF ANALYSIS

CHARACTER OF THE NEIGHBORHOOD: The character of the area and neighborhood comprises institutional, medical, and educational uses in a park setting surrounded by substantial open space and large mature growth trees. Many of the former buildings have been re-used by USD 501, State of Kansas, and County offices. The Stormont Vail orthopedic clinic constructed in 2015 lies directly to the east of the subject site. The proposed use is compatible with and complements surrounding uses in the neighborhood.
ZONING AND USES OF PROPERTY NEARBY: The zoning of surrounding properties is Institutional in land use and zoning. The State Surplus Facility and Westar Substation are located to the north. State and Shawnee County offices are located within the park to the east. The Stormont Vail Orthopedic Clinic is located directly to the east. Hummer Sports Park and Natatorium are located south of SW 3rd Street. Additional institutional uses within the park include the Capital City School renovation and the renovation of the Jardine Building by Midland Health. The subject property and surrounding zoning is “PUD” Planned Unit Development and primarily allows for O&I-3 uses and M1-a uses.

LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER THE PRESENT CLASSIFICATION: The subject property has remained vacant since about 2010 when the State Hospital main buildings were demolished. The subject site is the location of the historical entryway and vista from Tuffy Kellogg. Prior to that, the buildings were vacant since the State Hospital was closed by the State of Kansas in 1997. There are still three remaining vacant buildings on the north side of the subject property from the time the property was used as the State Hospital.

SUITABILITY OF USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED: The subject property is suitable for uses as to which it has been restricted under the “O&I-3” Office and Institutional District and as otherwise stipulated on the recorded PUD master plan. However, based upon the pattern of surrounding land uses and zoning for a mix of institutional, medical, and educational uses, the proposed use is a highly appropriate fit within the PUD master plan and complements uses in the surrounding neighborhood.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The subject property lies within an area designated for Mixed-Uses in the Topeka Land Use and Growth Management Plan – 2040. This category comprises those areas, “which exhibit potential for new development or redevelopment of mixed use commercial, residential, and/or office… these areas are characterized where there is a significant display of undeveloped land or vacant buildings that exhibit potential for mixing uses.” The proposed residential multiple-family development is consistent with this designation in the plan and is supported by goals of the Comprehensive Plan that encourage infill housing development.

THE EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTAL AFFECT NEARBY PROPERTIES: Based upon the pattern of surrounding land uses and zoning there should not be a detrimental effect on nearby properties caused by approving the zone change to allow multiple-family dwellings on the subject property provided the character of the area is maintained as intended by the restrictions put in place on the current PUD Master Plan. The base zoning of “O&I-3” already allows assisted living facilities, health clinics, hospitals, nursing homes, student/faculty dormitories, professional offices, and vocational schools, which are more intensive uses and higher traffic generators than independent living facilities. Independent living facilities typically have fewer employees and service providers visiting the facility. Retention of mature trees and open space were key objectives of the current PUD Master Plan’s intention to provide a mix of uses in a park-like campus setting and this objective does not change with this amendment. The recommended conditions of approval safeguard this original intent of the PUD Master Plan. Also, adding the residential uses allow the park to function 24/7 not achievable under only office and institutional uses.

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 amendment to allow multiple family residential within the subject area of the PUD master plan will have no detriment to the public health, safety and welfare, as provided under the current PUD and as conditioned herein. Disapproval of the proposed amendment will impose a hardship on the landowner.

AVAILABILITY OF PUBLIC SERVICES: All essential public utilities, services and facilities are presently available to this property and will be extended (sanitary sewer, water, stormwater) with connections being made at the expense of the developer.
COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:
The Kanza Education and Science Park Master PUD Plan- Revision #3 establishes development standards and guidelines as stated on the master plan and existing Revision #2 to the Master PUD Plan. The applicant is not requesting any variances to standards of the PUD Master Plan or other zoning standards. The proposed Master Plan establishes more demanding development standards than what is associated with zoning for office and multiple-family residential.

STAFF RECOMMENDATION

Based upon the above findings and analysis Planning Staff recommends APPROVAL of this proposal, subject to:

1. Use and development of the site in accordance with the Master Planned Unit Development Plan for Kanza Education and Science Park, Lot 1, Block C – Revision #3 as recorded with the Office of the Shawnee County Register of Deeds.

2. Providing 30 ft. “Building and landscape setback” along the street frontage of “Area A” dimensioned from the property line.

3. Adding the following performance standards to further apply to development on “Area A”:
   - “Parking areas shall not dominate the front of buildings and the majority of parking and associated driveways shall be located to the rear and side yards.”
   - “Large parking lots adjacent to streets shall be screened with trees, berms, and shrubs or a combination of these.”
   - “Existing mature trees located inside and outside of landscape setbacks shall be preserved to the best extent possible and every effort shall be maintained to incorporate existing trees into the site and landscape plan.”
   - “Landscape Plans for each building site shall be reviewed at the time of Site Plan Review and conform to TMC18.235 Landscape Regulations and additional restrictions as stated on Kanza Science and Education Park - Revision #2- PUD11/5B. Additional landscape requirements may be required at that time to satisfy the intent of these standards.”
   - “The building’s main entry shall create a unique focal point that takes advantage of the historical vista entryway from Tuffy Kellogg Drive.”

4. Revising Certification Note: “A major amendment to allow multiple family elderly housing within ‘Area A’ as identified on the Master PUD Plan.”

5. Revising Note #1 to indicate at end: “... The underlying restrictions as stated on the Master PUD Plan for Kanza Education and Science Park – Revision #2 and recorded with the Office of the Shawnee County Register of Deeds (PUD11/5B) still apply unless are otherwise stated in this PUD amendment.”

6. Revising Project Program note #2 to indicate the multiple family residential applies to “Area A” only.

7. Adding note: “A concrete bus pad on SW 3rd Street along with crosswalk striping and signage as required by the City Engineer shall be provided for a Topeka Metro bus shelter and boarding pad with the exact location determined by Topeka Metro and the City Engineer at the time of site development plan review.”

8. Adding note: “Complete the infill sidewalk network along the south side of SW East Circle Drive to connect from SW 3rd Street to SW MacVicar Avenue prior to issuance of a Certificate of Occupancy.”

9. Correct Case # in Title to state: “PUD11/5 – C” or remove since this is duplicated in the title.
10. Denote the “future development areas” to the west and north of “Area A” as “Area B” and remove extra and unnecessary lines from the PUD graphic.

ATTACHMENTS:
Aerial Map
Zoning Map
Future Land Use Map
Proposed: Master PUD Plan Amendment - Revision #3
Exterior Elevations
Addendum: Recorded Kanza PUD Master Plan – Revision #2 – PUD11/5B
Topeka Planning Department

Subject Property

PUD11/5C By: USD 501/ Kanza Educ. & Science Park - Amendment for Lot 1, Block C
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