TOPEKA PLANNING COMMISSION

AGENDA

Monday, June 25, 2018
6:00 P.M.

214 East 8th Street
City Council Chambers, 2nd Floor
Municipal Building
Topeka, Kansas 66603

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 roll 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.

<table>
<thead>
<tr>
<th>Members of the Topeka Planning Commission</th>
<th>Topeka Planning Staff</th>
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<tbody>
<tr>
<td>Katrina Ringler, 2018 Chairperson</td>
<td>Bill Fiander, AICP, Planning Director</td>
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<tr>
<td>Brian Armstrong</td>
<td>Carlton O. Scroggins, AICP, Planner III</td>
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<td>Ariane Burson</td>
<td>Dan Warner, AICP, Planner III</td>
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<td>Marc Fried</td>
<td>Mike Hall, AICP, Planner III</td>
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<td>Dennis Haugh</td>
<td>Tim Paris, Planner II</td>
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<td>Carole Jordan</td>
<td>Annie Driver, AICP, Planner II</td>
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<tr>
<td>Wiley Kannarr</td>
<td>John Neunuebel, Planner II</td>
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<tr>
<td>Corliss Lawson</td>
<td>Taylor Ricketts, Planner I</td>
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<tr>
<td>Matt Werner</td>
<td>Tim Esparza, Planner I</td>
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<td></td>
<td>Kris Wagers, Administrative Officer</td>
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AGENDA
Topeka Planning Commission
Monday, June 25, 2018 at 6:00 P.M.

A. Roll call
B. Approval of minutes – May 21, 2018
C. Declaration of conflict of interest/ex parte communications
   by members of the commission or staff
D. 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. (Neunuebel)
   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. (Neunuebel)
   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. (Driver)
E. Subdivisions
   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. (Driver)
F. Discussion Items
   Sign Code Revision
   Review and discuss standards for non-residential signs in residential districts; canopy, roof,
   and projecting signs.
G. Communications to the Commission
   • The Adoption of the 2017 National Electrical Code
     Conservation code
H. Adjournment
Roll Call – Chairperson Katrina Ringler called the meeting to order with seven members present for a quorum. Mr. Fried arrived after rollcall.

Approval of Minutes from April 16, 2018

Motion to approve; moved by Mr. Haugh, second by Mr. Kannarr. Mr. Fried arrived prior to the vote. APPROVED (7-0-1 with Ms. Messina abstaining.)

Discussion Items

Building Design Standards

Mr. Warner presented a PowerPoint presentation for review and discussion of non-residential building design standards updates, reviewing the DRAFT standards provided in the agenda packet. During the presentation there were questions and discussion with and by Commissioners.

Following a question, Mr. Warner explained that the standards are to apply to projects that require building permit.

Mr. Warner confirmed that design standards would be reviewed by Planning staff and as early in the design process as possible so there are no “surprises” late in the project. This is part of the “early site plan review” that is encouraged by Planning staff and has been in practice for awhile now.

In regard to d) on p. 3 of the draft, Mr. Warner explained that this is something the technical committee is still working on. It was agreed that we should research what other cities require.

Mr. Warner reviewed the Non-Residential Design Standards – Building Design Review Examples included in the agenda packet, as well as the Building Design Standards (pp. 5-7).

For windows/doors (___% of the area of the front façade required), Mr. Fried asked if garage doors will count as “doors”. It was agreed that they probably should not count.

There was additional discussion about d) on page 3, with Mr. Kannarr asking if there will be a “look back” provision in case someone breaks a remodel into stages. Mr. Warner stated that we don’t currently do that but it’s something to consider. Mr. Werner added that for remodels, it only pertains if someone is adding on
or reducing the size of the building, or changing the façade. If only interior changes are planned, exterior standards will not apply.

Sign Code Revision

Mr. Hall presented a PowerPoint presentation for review and discussion of existing and proposed standards for free-standing and wall signs in Commercial and Office & Institutional Districts, as well as the Proposed Standards and City Comparison that was included in the agenda packet.

Mr. Hall explained that the first step in the sign code update is to review wall and free standing signs in Commercial and Office & Institutional Districts. These make up the highest number of signs currently installed and being permitted. He went on to explain that the code must balance safety, traffic safety, business identification needs, communication needs, and wayfinding needs. It must also be constitutional, taking into account freedom of expression and freedom of speech.

Mr. Hall reviewed some of the issues of the current sign code, including lack of clarity, overly permissive standards, especially in Commercial and Industrial Districts, unsightly signs, quantity and quality, etc. He also reviewed some of the outcomes of the Visual Appeal Survey which seems to indicate that people prefer short, monument style signs.

Questions/clarifications as Mr. Hall went through his PowerPoint presentation included that the “height” of a sign is the very top of a sign (not the top of the pole) and the square footage is based on one side of the sign or one sign face.

Mr. Hall reviewed options for when people would be required to come into compliance with the new standards, including when a sign is re-faced, when a cabinet is replaced, when the entire sign is being replaced, or if there’s a business change. He explained that the technical committee is not ready yet to make a proposal on this yet but anticipates it will be on the side of the less onerous.

Following a question, Mr. Hall explained the concept of “incidental signage” which might include directional signs, menu boards, etc. that would be subject to a different set of standards. He added that large institutions such as hospitals, school campuses, retirement communities, etc. have a lot of need for directional signage that can be handled through a “master sign plan”.

Mr. Hall noted that in some instances, staff is recommending more restrictive height standards than what representatives from the sign industry would recommend.

Ms. Ringler noted that there will be a discrepancy at some point when the sign code is changed and asked if signs would be grandfathered in. If they are, when would the more restrictive standards be triggered, etc. She noted there is an issue of potential hardships that may come about when there are existing 40’ signs and new sign codes require a business owner have a maximum 25’ sign, putting them a disadvantage to their neighbor with a grandfathered (legal non-conforming) sign. She also noted that there comes a time when the code has to be updated and that the technical committee had discussed this. Mr. Werner stated that there should be a standard set and that cities he’s aware of allow a panel change, but anything beyond that would require the sign come into compliance with the new standards. Mr. Fried stated that he believes the standard should be set once rather than changing it gradually over time to finally get to the standards the city ultimately desires.

Discussion continued about when and how signs might be grandfathered and when they might lose their grandfathered status. Discussion of a “hard deadline” was included, with an example of a city that did this (Goddard / deadline 2021), as well as discussion about the cost of sign replacement for businesses. Both Cindy Proett and Virginia Baumgartner of Luminous Neon came forward to give information and answer questions.
There was discussion about the fact that if you provide a maximum height of (i.e. 15’), almost every sign installed will be 15’ and this initiated discussion about possibly allowing additional height if the sign is set back further from the street.

Mr. Hall spoke about wall sign standards and suggested the possibility of the standard based on a ratio of square feet per linear foot. This hasn’t been discussed yet by the technical committee so no recommendation is ready. He also explained that sign material will determine whether the wall sign is considered “temporary” or “permanent”.

Communications to the Commission

Mr. Warner reminded the Commission that the June meeting date is June 25 in Council Chambers.

With no further agenda items, meeting was adjourned at 7:35.
APPLICATION CASE NUMBER / NAME: Z18/02 - Steven & Zona Hudkins

REQUESTED ACTION / CURRENT ZONING: Zoning reclassification FROM “C-2” Commercial District TO “M-1A” Limited Multi-Family District

APPLICANT / PROPERTY OWNER: Steven & Zona Hudkins

APPLICANT REPRESENTATIVE: None

PROPERTY LOCATION / PARCEL ID: 336 SE 45th Street / Parcel I.D: 1341903011005000

PARCEL SIZE: 0.78 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 “C-2” Commercial District to “M-1a” Limited Multi-Family District.

PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY: The change in zoning to MI-A as requested will provide for sale of the property to a new property owner, in conformance to mortgage lender requirements, who intends to continue to utilize it as a single-family residence.

DEVELOPMENT / CASE HISTORY: The subject property includes an existing single-family residence constructed by the applicant’s parents in 1953. As a result of a zoning application subsequently submitted to the City, a change in zoning to “F” (Neighborhood Shopping) was approved for the property in 1962 (Case #Z62/36). The City comprehensively amended its zoning code after 1962 including a change in zoning classifications that resulted in the “F” designation converting to the current designation of C-2 Commercial. Although the City’s current zoning regulations prohibit a single-family residence within the C-2 district, the existing residence is a legal nonconforming use since it predates the change to the zoning code restricting single family residency. Inasmuch as the City’s zoning code normally prohibits the rebuilding of a legal nonconforming structure if damaged by more than 50 percent of its fair market value, the mortgage lender...
of the new buyer of the property requires the elimination of such stipulation.

ZONING AND CHARACTER OF SURROUNDING PROPERTIES:

The adjacent land to the north is zoned PUD Planned Unit Development (R-1 Single-Family use group) and includes single-family residences within Grand Oaks subdivision. The land to the east is zoned C-2 Commercial and includes an auto parts and service business. Directly to the south, across SE 45th Street, the property is zoned OS-1 Open Space and is intermittently used for agricultural production. The area to the south also includes properties zoned I-1 Light Industrial with existing development including an indoor roller skating establishment, as well as a residential development comprised of manufactured housing units further south. As is the subject property, the adjacent property to the west although currently zoned C-2 Commercial includes a residential use in the form of 2 buildings comprising a total of 6 residential rental units.

PHOTOS:

From sidewalk adjacent to SE 45th St. at southeast corner of property facing northwest, with single-family residences in background/ right and building with multi-family apartments in background/ left

At northwest corner of property facing southeast
DEVELOPMENT STANDARDS AND POLICIES

PURPOSE, USE STANDARDS: The purpose of the proposed M1-a zoning district as described in the City’s zoning code is as follows: “This district is established to provide for the use of two-family dwellings, single-family attached dwellings, and multiple-family dwellings, containing not more than four dwelling units, together with specified accessory uses. This district is intended to provide a transitional use buffer in locations between the single- and two-family dwelling districts and other districts which are more intensive.” (TMC 18.95.010)

A range of dwelling types and residential uses are permitted in the M1-a district including single-family detached; single-family attached; two-family dwelling (duplex); three/four-family dwelling; accessory dwelling (secondary to primary dwelling); Group Home; and Home Care type I.

Note: Planning Department staff recommended to the applicant the proposed zone change to the M-1a district in particular as being appropriate based on the property’s location on an arterial roadway (SE 45th Street), as well as being most compatible with the multiple-dwelling residential use to the west, and as a transitional buffer between that property and the commercial business to the east.

DIMENSIONAL STANDARDS: Within the M1-a district a minimum lot area of 4,500 sq. ft. per dwelling unit is required, with minimum setbacks of 25’ front, 5’ side, and 25’ rear.

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

SIGNS: The proposed zone change will result in the limiting of sign types and sizes as are restricted within residential districts.

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 Urban/Suburban Low Density Residential which lends support to a proposed zone change from C-2 to M-1a.

TRANSPORTATION/ACCESS: SE 45th Street adjacent to the site is categorized as a minor arterial roadway.

OTHER FACTORS

SUBDIVISION PLAT: The subject site is currently platted as included within Hilltop Subdivision #2.

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

TRANSPORTATION/TRAFFIC: The proposed change in zoning from a commercial to a residential district will have no immediate impacts upon transportation/traffic
within the area, although the potential for some of the uses permitted by C-2 zoning are high traffic generators (i.e. convenience stores); therefore, the change in zoning to M-1a will reduce potential traffic generation and congestion.

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<thead>
<tr>
<th>HISTORIC PROPERTIES:</th>
<th>None</th>
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<tr>
<td>NEIGHBORHOOD INFORMATION MEETING / STAKEHOLDER FEEDBACK:</td>
<td>The owner/applicants conducted a Neighborhood Information Meeting on May, 30, 2018. A meeting attendee inquired as to the reason for the zone change but expressed no concerns. (Meeting summary attached.)</td>
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<tr>
<td>PUBLIC WORKS/ENGINEERING:</td>
<td>No issues identified.</td>
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<td>WATER POLLUTION CONTROL:</td>
<td>No issues identified.</td>
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<td>FIRE:</td>
<td>No issues identified.</td>
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<td>DEVELOPMENT SERVICES:</td>
<td>No issues identified.</td>
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<td>Other:</td>
<td>None</td>
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### KEY DATES

| APPLICATION SUBMITTAL: | May 03, 2018 |
| NEIGHBORHOOD INFORMATION MEETING: | May 30, 2018 |
| LEGAL NOTICE PUBLICATION: | May 28, 2018 |
| ADJOINING PROPERTY OWNER NOTICES MAILED: | May 25, 2018 |

### STAFF ANALYSIS

**CHARACTER OF NEIGHBORHOOD:** The proposed zoning and land use are compatible with the character of the neighborhood. The subject property abuts single family residential use on the north, medium density residential use on the west, open space to the south, and commercial zoning and use to the east. The proposed M-1a zoning will provide for continued residential use which has been demonstrated for many years to be compatible with the character of the neighborhood. (Area Zoning Map attached.)

**LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION:** The existing single-family residence has been vacant for a short time due to the re-location of the owner who is awaiting the close of sale of the property to a buyer who intends to reside there.

**CONFORMANCE TO COMPREHENSIVE PLAN:** The Topeka Land Use and Growth Management Plan 2040 (LUGMP) includes the subject property and surrounding properties on the Future Land Use Map as Urban/Suburban Low Density Residential. This category is generally characterized with “a cohesive display of single- or two-family
development up to a maximum of six dwelling units per acre. (pg. 44).” Future land use policies also state that the Future Land Use Map ‘only provides broad brush guidelines for actual development patterns and is not intended to be a site specific guide for each individual lot or parcel nor is it a zoning map. There may be smaller parcels suitable for uses other than what is designated on the map (pg. 44).”

The use of the property is single-family residential. The rezoning request is a downzoning from the existing C-2 Commercial zoning district to the m-1a Limited Multiple Family zoning district. The proposed zoning of M-1a is more compatible with the Urban/Suburban Low Density Residential category and provides a suitable transition between the commercial use to the east and the residential neighborhood. The proposed zone change form C-2 to M-1a is in conformance with the Topeka LUGMP 2040. (Future Land Use Map attached.)

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES OF WHICH IT HAS BEEN RESTRICTED:
The property is not entirely suitable for uses to which are permitted under the current C-2 zoning in that with existing development on immediately adjacent properties now containing residential uses, the presence of a commercial use on the site may be an intrusive and inappropriate use. So, too, the legal nonconforming status of the existing single-family residence does not provide for its sale to a new owner and continued residential use pursuant to mortgage lender requirements.

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: No detrimental effects upon nearby properties are anticipated as a result of a change in zoning district that will provide for the existing single-family residence as a permitted use. Moreover, the proposed zoning restricts uses in such a way as to have less potential negative impact than the current C-2 zoning.

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: Future development of the property pursuant to those uses permitted within the current C-2 zoning has potentially negative impacts upon adjacent residential uses. Denial of the change in zoning would be a hardship to the property owner, while approval will allow for the timely sale of an existing single-family residence and its continued use as such.

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 “C-2” Commercial District TO “M-1a” Limited Multi-Family 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 “C-2” Commercial District to “M-1a” Limited Multi-Family District.

Attachments:
- Aerial Map
- Zoning Map
- Future Land Use Map (LUGMP 2040)
- Neighborhood Information Meeting Summary & Attendance
Subject: Summary of Neighborhood Information Meeting for Hudkins Zone Change (Z18/02)

Meeting Location: 336 SE 45th Street

Date/Time: 05/30/18; 5:30 P.M.

Attendance: 1 area property owner; Project Applicants; and city staff from Planning Department

Meeting began at 5:30 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. Steven and Zona Hudkins described how their application for zone change was intended to provide for appropriate residential zoning pursuant to requirements of the mortgage lender of a buyer currently in process of purchasing the property. Discussion ensued with the meeting attendee who owns property property to the west of the subject property as to like commercial zoning currently on their property that has been utilized for multi-family apartments for many years. Said property owner expressed no concerns regarding the proposed re-zoning. The meeting adjourned at 6:00 p.m. and attendees were thanked for attending and their interest in the project.
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<tr>
<th>Name</th>
<th>Address</th>
<th>Email (preferred)/Phone</th>
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<tbody>
<tr>
<td>John Neumuchel</td>
<td>COR Planning Dept.</td>
<td><a href="mailto:john.neumuchel@tpeko.org">john.neumuchel@tpeko.org</a> 785-357-1471</td>
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<td>Barbara Ramirez</td>
<td>2727 SW Burlingame</td>
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<tr>
<td>Steven Zone Hudkins</td>
<td>2630 NW Wilson Rd</td>
<td><a href="mailto:zoningsince@gmail.com">zoningsince@gmail.com</a></td>
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**Hudkins' Zone Change**

**Date:** May 30, 2018 at 5:30 PM

**Location:** 336 SE 45th Street
APPLICATION INFORMATION

APPLICATION CASE NUMBER/NAME: PUD06/01C By: College Hill Apartments LLC

REQUESTED ACTION / CURRENT ZONING: Amendment to the College Hill Redevelopment Planned Unit Development (PUD) Master Plan to provide for the construction and operation of a dog park and pet exercise area, as an interim use on vacant property (0.52 acre) located at 1423 SW Lane Street

APPLICANT/PROPERTY OWNER: College Hill Apartments LLC

APPLICANT REPRESENTATIVE: Mr. Mark Boyd, SBB Engineering, LLC

PROPERTY ADDRESS & PARCEL ID: 1423 SW Lane Street 1410101020002000

PHOTOS:

View of 0.52 acre site facing east from west side of SW Lane Street with single-family residences and garages adjacent to alleyway in background
Facing south from north side of SW 14th Street with College Hill Apts. west of SW Lane Street on right, and College Hill Pizza Pub restaurant south of site in background.

Facing north along eastern property boundary adjacent to alleyway and garage structures for single-family homes fronting onto SW Lincon Street. (Fence and garage in background are on north side of SW 14th Street which is not visible in photo due to grade separation.)

PARCEL SIZE: 0.52 acre (22,474 sq.ft.)

STAFF PLANNER: John Neunuebel, Planner II

RECOMMENDATION: APPROVAL subject to conditions in the staff report

RECOMMENDED MOTION: Based on the findings and analysis in the staff report I move to recommend to the Governing Body APPROVAL of the Amendment to the Planned Unit Development PUD 06/1C along with 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.
PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY: The College Hill Redevelopment PUD Master Plan provides for 183 residential apartments and 33 attached townhomes, in addition to approximately 24,000 square feet of commercial retail spaces. The 0.52 acre site proposed for a dog park and pet exercise area is planned for construction of 8 attached townhomes pursuant to the PUD Master Plan. The dog park will be available for use only by residents of College Hill Apartments and their guests. The dog park will include perimeter fencing 5’ in height and code-access gate, as well as an 800 sq. ft. shelter structure, and additional landscape trees.

DEVELOPMENT / CASE HISTORY: The subject site had previously been zoned M-1 Two Family Dwelling District until adoption of the College Hill Redevelopment PUD Master Plan in 2006 which earmarks residential development for the subject site in the form of eight (8) attached townhomes. The subject PUD Master Plan has to date been amended twice, with an initial amendment approved in 2007 that allowed for a storage/maintenance building as accessory to multiple-family dwellings, and a second amendment approved in 2014 converted a portion of the commercial retail space (8,100 sq.ft.) to 10 residential apartments.

ZONING AND CHARACTER OF SURROUNDING PROPERTIES: The land to the north is zoned M-2 Multiple Family Dwelling District and is occupied by a single-family residence. The land abutting on the south is zoned C-4 Commercial and is occupied by a restaurant (College Hill Pizza Pub). The land to the east and northeast is zoned R-2 Single Family Dwelling District and contains mainly single-family residences, while the land to the west comprises the larger portion of the subject PUD Master Plan area.

PUD AMENDMENT ELEMENTS (PROPOSED):

BUILDING SETBACKS AND OTHER DIMENSIONAL STANDARDS: As illustrated on the proposed dog park site plan comprising Revision No. 3 to the College Hill Redevelopment PUD Master Plan, all building setbacks and dimensional standards adhere to City of Topeka requirements. In regard to proposed fence height; although fencing within residential front yards such as for the future townhomes on the site are normally restricted to no more 4 feet, the proposed fence height of 5 feet is deemed necessary in order to safely and adequately confine larger dogs within the dog park. The placement of fencing is a minimum of 3 feet from property line, and has been set back approximately 23 feet from property line at the southwest corner of the park to provide for an expanded buffer area adjacent to the outdoor patio of the College Hill Pizza Pub restaurant. In addition, as proposed the fence is required to be a “decorative chain link fence… in either black or forest green.”
| DESIGN STANDARDS: | Shelter structure shall include architectural design elements, colors, and building materials that are compatible with adjacent residential buildings and the College Hill Apartments. The proposed 5’ high decorative chain link fence shall be either black or forest green in color, with the use of slat inserts prohibited. |
| OPERATIONAL STANDARDS: | Informational sign to be included on or near the entry gate will state that the dog park is for use by College Hill Apartment residents and their guests; hours of operation; persistently barking or unsupervised dogs to be removed or impounded; and emergency contact telephone number for College Hill Apartment management. |
| OFF-STREET PARKING: | No off-street parking is provided and none is required inasmuch as the dog park is an accessory use to the adjacent College Hill Apartments that includes required off-street parking. There are seven on-street parking spaces adjacent to the property on Lane Street and three on-street parking spaces adjacent on 14th Street. (Note: At the Neighborhood Information Meeting, the owner of the bike shop on the west side of SW Lane Street asked about the need for additional parking.) |
| LANDSCAPING: | The amended PUD site plan for the site as proposed includes notation that a landscape plan shall be submitted and approved prior to issuance of building permit and shall include a mix of large and understory trees to be placed along SW Lane and SW 14th Streets. |
| SIGNAGE: | An approximately 2’ by 3’ sign to be installed on or near the entry gate stipulates rules of use and emergency contact regarding the dog park. |
| OTHER: | None |
| COMPLIANCE WITH DEVELOPMENT STANDARDS AND GUIDELINES | The amended PUD Master Plan establishes development standards and guidelines including the aforementioned standards. |
| OTHER FACTORS | |
| SUBDIVISION PLAT: | The subject site comprises Lot 1 of Block B of the College Hill Redevelopment Subdivision. |
| UTILITIES: | City sanitary sewer and water service is available to the property. |
| FLOOD HAZARDS, STREAM BUFFERS: | N/A |
| HISTORIC PROPERTIES: | N/A |
NEIGHBORHOOD INFORMATION MEETING: The applicant conducted a neighborhood information meeting on Wednesday, May 23rd, at 6:00 p.m. One attendee with a retail building on the west side of SW Lane Street asked about the need for additional parking. No other concerns were raised.

ADDITIONAL COMMENTS AND CONCERNS: A person associated with an adjacent business spoke with Planning Department staff by phone with concerns about both the impact of the proposed dog park/pet exercise area and the potential for the PUD amendment to violate the development agreement for the College Hill Lofts project which the City and the original developer entered into in 2006. The City Attorney’s office is addressing the concern regarding the development agreement apart from this proposed PUD amendment.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

Public Works /Engineering: No issues identified.
Water Pollution Control: No issues identified.
Fire Department: No issues identified.
Development Services: No issues identified.

KEY DATES

SUBMITTAL: April 25, 2018
NEIGHBORHOOD INFORMATION MEETING: May 23, 2018
LEGAL NOTICE PUBLICATION: May 28, 2018
PROPERTY OWNER NOTICE MAILED: May 25, 2018

STAFF ANALYSIS

CHARACTER OF THE NEIGHBORHOOD: The proposed dog park and pet exercise area is an appropriate accessory use to the existing residential development comprising College Hill Apartments, and as an interim use the future development of the site with attached townhomes pursuant to the College Hill Redevelopment PUD Master Plan is not precluded. Additionally, the proposed design and conditions of operation provide increased compatibility with surrounding residential and commercial uses.
ZONING AND USE OF NEARBY PROPERTIES:
The proposed dog park as an interim accessory use for the nearby College Hill Apartments is compatible with adjacent residential and commercial uses. In particular, design standards and provisions related to fencing design and setback(s), shelter structure, landscaping, hours of operation, and other operational matters ensure that the proposed dog park will be in harmony with surrounding properties and land uses. The CUP amendment site plan also notates that it is the responsibility of the property owner to maintain the facility in good condition at all times.

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 the site was cleared for redevelopment of the college Hill area beginning in 2006. The applicant is requesting the dog park as an interim use until such time as market demand for housing enables the construction of additional housing units on the subject site pursuant to the approved PUD Master Plan.

SUITABILITY OF USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED:
The property is suitable for the use to which it is now restricted (8 residential townhomes). However, the owner has indicated that the market does not support development of the townhomes at this time. The proposed dog park will be an attractive amenity to project residents and will provide an interim use until such time as conditions support residential development.

CONFORMANCE TO THE COMPREHENSIVE PLAN:
The Topeka Land Use and Growth Management Plan 2014 (LUGMP) includes the subject property within the Central Park Neighborhood Plan that designates future land use for the site as Medium Density Residential with zoning of “M-2” Multiple Family which is in conformance with the College Hill Redevelopment PUD Master Plan. Inasmuch as the proposed dog park is an appropriate accessory use to the existing residential development and is earmarked as an interim use that will not preclude the future residential development of the site, the proposed PUD amendment is in conformance with the Topeka LUGMP 2040.

THE EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES:
The proposed amendment to the PUD Master Plan does not alter previously approved conditions that address potential detrimental effects upon nearby properties because of changes to the character of the neighborhood, lighting, stormwater management, traffic impacts, or other impacts.

Designs standards and provisions related to construction and operation of the dog park will minimize potential impacts on nearby properties. For example; limiting hours of operation and stating within rules of operation that persistently barking or unsupervised pets must be removed or impounded will minimize potential impacts. So, too, a dog park/ pet exercise area is typically associated with parks and open space which are permitted uses in all zoning districts.

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:
The proposed dog park will provide a gain to the public health, safety and welfare because of the provision of a needed amenity for the residents of the College Hill Apartments as an interim use until such time as increased market demand for housing provides for construction of additional residential units on the subject property.

AVAILABILITY OF PUBLIC SERVICES:
All essential public utilities and services are readily available within the area.
COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:
The College Hill Redevelopment PUD Master Plan as amended establishes developments standards and guidelines as indicated.

STAFF RECOMMENDATION

Based upon the above findings and analysis, Planning staff recommend APPROVAL of this PUD amendment, subject to:

1. Add new Building and Structure Note #3 to PUD amendment site plan that indicates the following: “Lighting for shelter structure will illuminate the interior space within/ below structure only and the source of illumination shall not be visible from adjacent properties. Lighting shall not exceed three-foot candles as measured from the property line.”

2. Revise information on PUD amendment site plan to be included on sign located on or near entry gate to indicate dog park hours of operation to be: “6:30 AM to 11:00 PM.”

PLANNING COMMISSION MOTION: Based on the findings and analysis in the staff report I move to recommend to the Governing Body APPROVAL of the Amendment to the Planned Unit Development PUD 06/1C along with conditions to provide for the construction and operation of a dog park and pet exercise area as an interim use with underying PUD residentiial land use group remaining in place to provide for construction of residential apartments in the future.

ATTACHMENTS:
Aerial Map
Zoning Map
Future Land Use Map
PUD Master Plan Site Plan (Revision No.3) (Exhibit)
Neighborhood Information Mtg. Summary and Sign-In sheet
PUD06/01C - Zoning Map
College Hill Dog Park
Date: May 23, 2018
To: City of Topeka Planning Department
From: SBB Engineering, LLC
Mark A. Boyd
Re: CH Apartments – PUD06/01C
   Neighborhood Meeting Minutes

To whom it may concern:

On May 23, 2018 at 6:00 P.M., we held a publicized meeting for the above referenced case. There was 3 people present for the meeting. An attendance sheet is attached for name and address. Others in attendance were Michael Hall (Topeka Planning Department), Mr. & Mrs. McGinnis (CH Apartments, Owner), and Mark Boyd (SBB Engineering).

Mr. Hall explained why an amendment to the PUD is necessary. Mr. Boyd explained the the conditions of the site and the proposed improvements.

One attendee, who is a neighbor and owns a retail building across the street to the west, had concerns about available parking. No other concerns were raised.

The owner was present to address questions or concerns.

Respectfully submitted,

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

**Sign-In Sheet**

*College Hill Apts.*  *Dog Park*

*May 23, 2018*  *6:00 pm*

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>PHONE</th>
<th>EMAIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dave Morgan</td>
<td>1415 SW Lane St</td>
<td>785-234-0162</td>
<td><a href="mailto:dsm7378@hotmail.com">dsm7378@hotmail.com</a></td>
</tr>
<tr>
<td>Jerry Morgan</td>
<td></td>
<td></td>
<td><a href="mailto:jbs14@windspring.com">jbs14@windspring.com</a></td>
</tr>
<tr>
<td>Alexander Martinez</td>
<td>320 SW Reece St</td>
<td>785-383-2586</td>
<td><a href="mailto:amartinez@cjonline.com">amartinez@cjonline.com</a></td>
</tr>
<tr>
<td>Mike Hall</td>
<td>City of Topeka</td>
<td>368-3607</td>
<td><a href="mailto:mghall2@topeka.org">mghall2@topeka.org</a></td>
</tr>
<tr>
<td></td>
<td>620 SE Madison</td>
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</tbody>
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APPLICATION CASE NO: PUD18/1 By: Frito Lay Inc

REQUESTED ACTION / CURRENT ZONING: Rezoning from “I-1” Light Industrial District TO “PUD” Planned Unit Development District (I-1 uses).

The primary reason for the PUD rezoning is to gain approval of a variance from the Planning Commission to exceed a building height of 70’ in the “I-1” Light Industrial District. The reason the applicant applied for a PUD rezoning and did not submit to the Board of Zoning Appeals for a variance is they wanted more assurance that the future phases would be approved and not require subsequent BZA actions. The uses are permitted by-right under the base zoning.

APPLICANT / PROPERTY OWNER: Frito Lay, Inc

APPLICANT REPRESENTATIVE: Angela Sharp, Bartlett & West Engineers

PROPERTY ADDRESS & PARCEL ID: Southwest intersection of SW Kirklawn Road and the dead-end of SW 42nd Street.

PARCEL SIZE: 18.31 acres

STAFF PLANNER: Annie Driver, AICP, Planner

RECOMMENDATION: Based upon the above findings and analysis Planning Staff recommends APPROVAL of this proposal, subject to conditions listed on Pg. 8-9.

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: Development of three phases allowing a maximum building footprint of 220,000 sq. ft. for an “Automated Storage and Retrieval System” (“ASRS”) (i.e. automated warehouse) up to a maximum height of 125 ft., truck staging, and parking with each of these phases.

The initial phase of the warehouse expansion does not add or create additional employees. The expansion will substantially
reduce the number of truck trips travelling back and forth between the existing plant and to their warehouses currently leased on Topeka Blvd.

Phase 1:  85,000 sq. ft. building footprint with associated truck docks, staging, and parking. (Expected 2018-19)
Phase 2:  Additional unit with a 33,000 sq. ft. building footprint for “ASRS” and associated truck docks, staging, and parking. (Expected within 5 years)
Phase 3:  Two additional “ASRS” units, each with 33,000 sq. ft. building footprint and associated truck docks, staging, and parking and 30,000 sq. ft. low bay. (Undetermined)

DEVELOPMENT / CASE HISTORY:
The subject property has remained vacant and undeveloped since it was annexed in 1960. The existing main Frito Lay facility was opened in 1971 and has expanded in varying degrees to the west and south since that time.

ZONING AND CHARACTER OF SURROUNDING AREA:
All lands within ¼ mile of the property are classified as “I-1” Light Industrial District. The existing plant and parking is zoned “I-1”. The Kansas Turnpike borders the property on the northwest side. A temporary City of Topeka – Utilities Department demolition landfill lies to the immediate west. The western side of the subject property is covered by a stream buffer easement and the 100 year flood plain (1% chance of annual flood). The surrounding area is industrial in character with the exception of unimproved land.

PUD MASTER PLAN ELEMENTS (PROPOSED):
The PUD master plan establishes additional design parameters not typically required under the “I-1” District and area noted below.

PARKING, CIRCULATION & TRAFFIC:
The PUD master plan provides for truck staging and parking by phase areas. Parking compliance per TMC 18.240 will be reviewed at the site development plan review stage.

Bicycle racks are recommended per code section which requires adding bicycle parking at a ratio of 5% of the newly expanded vehicle parking. The PUD indicates these will be added at a location to be determined at the time of site development plan review.

LANDSCAPE:
The PUD master plan provides a 20’ landscape setback along SW Kirklawn and future SW 42nd/Wenger Street and proposes a three foot berm within the setback. Truck parking and circulation should not encroach within this landscape setback.

Detailed landscape plan drawings demonstrating compliance with TMC 18.235 will be submitted and reviewed at the time of site development plan review for each phase.

BUILDING AND STRUCTURE:
The proposed elevations are attached and will be referenced by
note on the PUD master plan. The “ASRS” (Automated Storage Retrieval) is connected to the main plant via a low bay connecter that attaches to the west side of the existing facility. The low bay connecter is approximately 41’ in height and rises to a height of 125’ for the “ASRS” portion of the building. (See attached Elevations drawings.)

The “ASRS” uses a crane that removes pallets from varying levels of storage. The need for the height variance is an element of both efficiency, cost savings, employee safety, as well as maintenance issues that will prevent potential groundwater infiltration occurring if one level was constructed below grade. As explained by the applicant, the alternative solution to the 125’ height would have required the building’s lowest level 24 ft. below the first level of the production plant and possibly resulting in both the employee safety and equipment maintenance issues (imposed from having employees working on the main level 24 ft. higher than the ground floor below requiring the need to use certain safety provisions). Maintenance issues from potential groundwater infiltration are also a concern.

Following are the heights of Frito Lay’s other buildings and structures: In comparison, an office building of 125’ is approximately 12 ½ floors (i.e. Jayhawk Tower = 120’, Ramada Inn = 120, Docking State Office= 130’)

- Silos – 110’
- Boiler building nearest Topeka Blvd and emissions system building – 65’ and 90’ above ground level
- Existing “ASRS” – 78’

Under TMC 18.230.050(b), the silos are exempt from height restriction in I-1. The 70 ft. maximum height limit in the “I-1” District TMC 18.60 is a product of the 2014 zoning code update that changed the use tables in the code from a list format to a matrix format. The existing buildings exceeding the height requirement were made legal non-conforming as there was no height limit in the I-1 District previously.

**SIGNAGE:**

The PUD limits the number and square footage of allowable signs. Freestanding signage is limited to one monument sign per public street frontage or designated private drive, not to exceed 8 ft. in height and 50 sq. ft. of sign area. Wall signage is limited to one wall sign per face that fronts a public street, not to exceed 40 sq. ft. Directional signs are limited to 4 sf.

The base “I-1” zoning allows signs up to 300 sq. ft. and 55 ft. in height. However, staff believes the PUD proposes signage that is too restrictive in this situation, particularly for “directional signs” and “wall signs” and alternatively proposes directional signs be allowed up to 8 sq. ft. per sign face and wall signs be allowed up to 100 sq. ft. per sign face.
COMPLIANCE WITH DEVELOPMENT STANDARDS AND GUIDELINES
The Master PUD Plan establishes development standards and guidelines, as indicated above.

OTHER FACTORS

SUBDIVISION PLAT: The property is platted as Seymour Subdivision. A corresponding Application for Frito Lay Subdivision #3 is heard in conjunction.

The re-plat is required in order to vacate existing platted right-of-way for SW Kirkawn and SW 45th Street and to dedicate right-of-way for the re-the re-alignement of 42nd Street/Wenger and a cul-de-sac at the end of SW Kirkawn St. Public Works is in support of this re-alignment of 42nd/Wenger since it will retain a needed industrial collector street connecting SW 42 to SW 49th for future and existing development. The re-alignement of the street is addressed in detail by the corresponding subdivision plat application (Frito Lay Subdivision #3).

TRAFFIC/TRANSPORTATION: A Traffic Impact Analysis (TIA) was not required by the City Engineer for Phase 1 since the expansion will reduce the existing truck trips to and from Topeka Blvd and the existing plant. Phase 1 will have access off of SW Kirkawn Road and does not add new employees or add additional production space.

Phases 2 and 3 should have a similar impact on traffic, but the PUD master plan leaves this decision up to a future determination by the City Engineer. In doing so the PUD master plan provides a condition for the timing of roadway improvements prior to the development of Phase 2 or 3 as follows below and requires a TIA or Traffic Statement to provide assurances for when the extension of SW 42nd/Wenger needs to be completed:

“Property owner(s) shall agree(s) to a fair and equitable irrevocable waiver of objection to participation in a street benefit district for the future improvement of SW 42nd Street/SW Wenger Street to connect with SW 49th Street. The extension of SW 42nd/SW Wenger may be required for Phases 2 and 3 based on the review of a Traffic Impact Analysis (TIA) or traffic statement, as required by the City Traffic Engineer prior to site development plan review for each of these phases. If this analysis or statement warrants the extension of SW 42nd/Wenger, these improvements shall be constructed to City standards prior to issuance of a Certificate of Occupancy for any building in Phases 2 or 3 or according to timing as determined by the traffic statement.”
FLOOD HAZARDS, STREAM BUFFERS:
The west side of the property is covered by Zone A (area of 1% annual flooding) and also a Type 2 stream buffer as classified by the U.S. Geological Survey maps for the tributary.

The limits of the stream buffer easement are shown on the PUD plan to cover the 100 year flood plain, as required by code section 17.10.050 (c) and adjusted in width to account for the flood plain and slope. Pending further review and evaluation of the Stormwater Management Report by Public Works, a replat to amend the stream buffer easement and gain approval of a variance to the stream buffer regulations according to Section 17.10.080 by the Public Works Director may be required pending final approval of the Stormwater Report. The PUD and plat need to be amended to reflect the “inner” and “outer” areas of the buffer accordingly per TMC17.10.050.

HISTORIC PROPERTIES:
N/A

NEIGHBORHOOD MEETING:
The applicant held a Neighborhood Information Meeting on Thursday, May 24 at 6:00 pm located at the Frito Lay offices. City staff attended. The property owner of 4225 SW Kirklawn, SE corner of 42nd and Kirklawn attended the meeting. The main concern of the attendees was the truck staging and parking along 42nd and Kirklawn, which has in the past prevented access. SW 42nd Street is already signed “No Trailer Parking”. The City is not currently enforcing this restriction since the proposal to add truck parking should address this concern to the City’s satisfaction. Engineering staff are aware of the situation.

Trailer parking is an allowed use under the base “I-1” zoning and does not require the PUD rezoning. The on-site circulation of trucks and trailer parking will be reviewed in-depth during the more detailed site development plan review stage.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

ENGINEERING/STORMWATER:
The Stormwater Management Report as submitted by the consultant has not been approved per memo from the City Engineering Division and dated May 29, 2018. A resolution of the comments #1-7 in the memo are required prior to City Council consideration of the PUD master plan and plat for Frito Lay Subdivision #3.

A stormwater management easement is dedicated by plat for the detention located on the west side of Lot 1 (per plat). The stream buffer should be indicated as “outer” and “inner” areas on the PUD master plan and plat in order for Engineering to determine if a stream buffer variance is necessary for the future expansions. The Stormwater Management Report as submitted was also not clear as to what impacts there are on the stream buffer and floodplain for the future phases. Future development may require a variance (to be determined by further review of the Stormwater Management Report).
ENGINEERING/TRAFFIC: A TIA was not required by the City Engineer for Phase 1. Prior to site development of Phases 2 or 3, a TIA is required in order for the City Engineer to determine if development warrants the improvement of SW 42nd/Wenger to connect with SW 49th Street.

FIRE: The Fire Department has no concerns with hydrants or overall access. Internal circulation and gates will allow access for emergency responders and will be reviewed as a part of site development plan review.

DEVELOPMENT SERVICES: A site construction activity permit and building permit are required. A Flood Plain Development Permit is required for any development in the 100-year flood plain. Kansas Division of Water Resources (DWR) approval and permit is required for adding fill to the 100-year flood plain.

METROPOLITAN TOPEKA AIRPORT AUTHORITY (MTAA): MTAA has reviewed the request and has no issues with the proposal. An airspace analysis by the FAA is not required as determined by MTAA.

METROPOLITAN TOPEKA TRANSIT AUTHORITY (TMTA): The area is not on a bus route as Metro has no bus routes south of SW 38th Street. Metro does participate in the SOTO (South Topeka) route pilot program with current funding from JEDO to offer on demand rides via Capital City Taxi to Frito Lay.

KANSAS TURNPIKE AUTHORITY (KTA) KTA has reviewed the drainage report submitted with the subdivision and indicated the proposed development will not increase the total flow going to the stream box culvert underneath I-335. KTA will be afforded the opportunity for review detailed stormwater plans submitted at the site development stage.

KEY DATES

SUBMITTAL: April 23, 2018

NEIGHBORHOOD INFORMATION MEETING: May 24, 2018

LEGAL NOTICE PUBLICATION: May 28, 2018

PROPERTY OWNER NOTICE MAILED: May 25, 2018

STAFF ANALYSIS

CHARACTER OF THE NEIGHBORHOOD: The character of the area and surrounding area is Industrial in nature, land use, and zoning. Buildings on the surrounding properties are “Industrial” in nature, more specifically: large metal warehouses, smoke stacks, boilers, truck parking/staging, etc. The properties to the south are currently undeveloped. The City of Topeka
Utilities Department demolition landfill is located to the west of the subject property. The undeveloped properties in the area are planned for large scale industrial uses as a part of the City’s Employment Growth Area.

**ZONING AND USES OF PROPERTY NEARBY:** The zoning of surrounding properties is “I-1” Light Industrial. The existing Frito Lay plant, warehousing, and trucking staging is to the east and south. The Kansas Turnpike borders the property to the northwest where there is an exit just north of the site. A City of Topeka – Utilities Department temporary dumpsite lies to the west. The U.S. Army Reserve is located to the north of SW 42nd Street. The surrounding character of the area contains both existing industrial uses and is also planned for Industrial land 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 undeveloped and vacant since annexed into the City in 1969. The property has been zoned for industrial uses since 1969. The western side of the subject property is covered by the 100 year flood plain limit (1% chance of annual flood) and stream buffer easement for the Type I classified water way (Shunganunga Creek) crossing the property from the southeast to northeast.

**SUITABILITY OF USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED:** The subject property is suitable for uses as to which it has been restricted as light industrial. The PUD master plan does not alter the uses that are permitted and will allow all “I-1” Light Industrial uses. The PUD is needed to allow a height up to 125 ft., which exceeds the 70’ height limit in the “I-1” base zoning. Staff believes a taller building height, smaller building footprint, and greater density is appropriate on the property, which is further limited by its natural features, such as the flood plain and stream buffer covering the west portion of the site and complicating development of the west portion of the property.

The height restriction in the “I-1” District was added with a recent code update in 2014 to accommodate the wide expanse of industrial zoned areas covering the City and may not have taken into account all other factors, such as setbacks, location, proximity to residential or other non-industrial uses, distance from the property line or adjoining properties, etc. A 70 ft. height limit in the I-1 zoning district may be too restrictive in all situations. The subject property is located in an area planned for large scale industrial uses. The proposed buildings are set back at least 300’ from the future rights-of-way of SW 42nd/Wenger Street (west) and 700’ from the north right-of-way of SW 42nd Street.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The subject property lies within an area designated Industrial and Employment Tier as classified in the Topeka Land Use and Growth Management Plan -2040. The plan indicates these “Industrial” areas are intended for both light and heavy industrial uses and are located at sites with available transportation access and infrastructure is readily available or can be extended without significant constraints. The proposed use is consistent with this designation in the Comprehensive Plan.

**THE EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTAL AFFECT NEARBY PROPERTIES:** Based upon the pattern of surrounding lands uses and zoning there will be little or no detrimental effect on nearby properties caused by approving the zone change to PUD, which allows the variance for the 125 ft. building height. As demonstrated on the attached Line of Sight graphic “Viewsheds A and B”, the grades at Topeka Blvd/42nd indicate the proposed “ASRS” will have significant spacing from any adjoining properties and is not visible over the top of the existing structures, trees, berm, and building roofs as seen from Topeka Blvd. Therefore, it will have little impact on adjacent properties.

The only view shed where the proposed “ASRS” is visible to the public is from the west and north sides of the Kansas Turnpike where there is an exit into Topeka from the Kansas Turnpike. However, that exit does not provide direct access to SW 42nd Street, so that public view is limited to the very short length of time that one makes the required turn leaving the Turnpike. The view from this point is labeled as “Viewshed C” on the attached Line of Sight graphic (i.e. Seen from traveling south when merging on to the highway or traveling north and exiting the highway Exit 177). Views are limited at this point due to a tree line along the turnpike, distance from the properties on opposite side of the turnpike, and other factors associated with the property’s location bordering a public highway (i.e. merging lanes, exiting, driver speed/awareness, etc) as well as the short length of time the property is actually visible from the Turnpike. (The Line of Sight graphic is attached as Exhibit #1 for reference.)
The Exterior Elevations that are attached as Exhibit #2 and to be referenced by note on the PUD master plan do provide some architectural variation on the north wall exterior façade of the “ASRS” portion of the building in an attempt to break up that blank wall of the north 125 ft. tall exterior wall elevation that is visible from this short segment of the Turnpike.

Another benefit of the PUD master plan is the ability to add further design parameters that are not typically addressed under the base I-1 zoning. Specifically, these include: Building exterior design, landscape berms, and accommodating additional truck and trailer parking.

**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:** There appears to be no harm to the public health, safety and welfare by denial of the PUD which would restrict the height to 70 ft. The hardship upon the landowner is evident due to the physical constraints on the site and the employee safety issues that may occur if they were forced to build to the height restriction.

**AVAILABILITY OF PUBLIC SERVICES:**
All essential public utilities, services and facilities for Phase 1 are presently available to this property or will be extended with connections being made at the expense of the developer. A storm sewer re-alignment for the existing storm sewer located in the Kirklawn right-of-way (proposed to be vacated) is required. A public water line project is required for Phase 1. Sanitary sewer will be connected to the private service line serving the existing facility. Phases 2 and 3 may require the extension of SW 42nd/Wenger to be determined prior to site plan review upon review of a Traffic Impact Analysis or traffic statement. If warranted, construction of the street shall be completed prior to a “Certificate of Occupancy” for any building in Phases 2 or 3.

**COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:**
The Master PUD Plan establishes development standards and guidelines as indicated and stated herein. TMC 18.190.080, establishes criteria the Planning Commission must satisfy in order to approve a variance to any provision in the zoning code under the PUD zoning district. This application adequately demonstrates that the following criteria, “The strict application of any provision would result in peculiar and exception practical difficulties to, or exceptional and undue hardship upon, the owner of such property; provided, that the variance may be granted without substantial determent to the public good and without substantially impairing the purpose of this chapter” is met and that approval of the PUD master plan to allow the greater building height is justified.

**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 Frito Lay ASRS** as recorded with the Office of the Shawnee County Register of Deeds.

2. Completion, approval and acceptance of the Stormwater Management Report comments #1-7 prior to City Council consideration of the PUD and subdivision plat. If a variance to the stream buffer is required by Public Works (pending Stormwater Report approval), a note shall be added as appropriate to the PUD master plan and plat and that variance should be approved at or prior to site development plan review.

3. Denote “Inner” and “Outer” areas of the stream buffer per TMC17.10.050 and “SME” for the detention of stormwater on the PUD plan as required by the City Engineer.

4. Denote “future pavement” phase by what is planned to be constructed with “Phase 2 and Phase 3” and indicate where the temporary parking area is provided (used during construction of Phase 1) as discussed during NIM. The PUD graphic is not clear as to what pavement is proposed now versus with future phases (2/3).
5. Revise Landscaping Note #1 to indicate: “. . . Parking and driveways shall not encroach into the required 20’ landscape setback.”

6. Label or add note indicating a minimum building setback from the future street right of way line of SW 42nd Street/Wenger (west) and SW 42nd Street (north).

7. Revise Building and Structure Note #1 to indicate: “. . . and shall be substantially compatible with those exterior elevations submitted with this master PUD application.”

8. Add note to Building and Structural to state: “The Phase 2 and 3 ‘ASRS’ buildings shall be offset from the Phase 1 ‘ASRS’ along the west side a minimum of 5’ in a manner to provide some degree of relief along the expanse of the total façade plane and reviewed at the site development plan stage.”

9. Revising Signage note #3 to allow directional signs not to exceed 8 sq. ft. maximum per sign face and allow wall signs not to exceed 100 sq. ft. maximum per sign face, which is less restrictive than what the PUD master plan currently indicates.

ATTACHMENTS:
Aerial Photo
Zoning Map
Master PUD Plan
Exh #1: Line of sight views
Exh #2: Building Elevations
Exh #3: Facility floor plan
NIM report/attendance sheet
PUD18/1 By: Frito Lay Inc  (Master Planned Unit Development Plan for an Automated Warehouse Expansion)
PUD18/1 By: Frito Lay Inc  (Master Planned Unit Development Plan for an Automated Warehouse Expansion)
COUNTY, KANSAS

CUSTOMER AGREEMENT:

1. THE EXTERIOR BUILDING DESIGN OF ALL PRINCIPAL BUILDING(S), ACCESSORY BUILDING(S), AND ACCESSORY STRUCTURES SHALL
   BE COORDINATED WITH THE EXTERIOR OF ALL PRINCIPAL BUILDING(S), ACCESSORY BUILDING(S), AND ACCESSORY STRUCTURES SHALL
   BE COORDINATED WITH THE CITY'S COMMUNITY DESIGN STANDARDS. ALL EXTERIORS AND CONNECTIONS SHALL BE MADE OF SUSTAINABLE,
   REUSABLE MATERIALS.

2. SANITARY SEWER SERVICE SHALL BE BY THE CITY OF TOPEKA. ALL EXTENSIONS AND CONNECTIONS SHALL BE MADE UPON APPROVAL
   OF THE CITY OF TOPEKA. BUILDING PERMITS FOR STORMWATER MANAGEMENT SHALL BE ISSUED BY THE TOPEKA FIRE DEPARTMENT AS
   PART OF THE IMPROVEMENT PLANS PRIOR TO THE START OF CONSTRUCTION.

3. THE LOCATION OF TRASH ENCLOSURES SHALL BE DETERMINED AT THE SITE DEVELOPMENT PLAN STAGE TO ENSURE TRASH AREAS
   ARE LOCATED AT REASONABLE DISTANCES FROM NEIGHBORING PROPERTIES, AND THAT THE LOCATIONS OF TRASH ENCLOSURES
   ARE ACCESSIBLE WITHIN THE OVERALL DEVELOPMENT.

4. ALL UTILITIES SHALL BE INSTALLED UNDERGROUND PURSUANT TO THE CITY'S PLANNING AND ENGINEERING STANDARDS.

5. OFF STREET PARKING FOR EMPLOYEES AND VISITORS SHALL BE PROVIDED IN ACCORDANCE WITH THE CITY’S ENGINEERING
   STANDARDS AND APPLICABLE ZONING CODE REQUIREMENTS UNLESS DETERMINED OTHERWISE BY THE TOPEKA TRAFFIC
   ENGINEER. PARKING REQUIREMENTS FOR THE NEW BUILDING ADDITION MAY BE REQUIRED FOR PHASES 2 AND 3 BASED IN THE REVIEW OF A
   PHASE II PLAN SUBMITTED FOR CONSTRUCTION.

6. THE EXTERIOR BUILDING DESIGN OF ALL PRINCIPAL BUILDING(S), ACCESSORY BUILDING(S), AND ACCESSORY STRUCTURES SHALL
   BE COORDINATED WITH THE EXTERIOR OF ALL PRINCIPAL BUILDING(S), ACCESSORY BUILDING(S), AND ACCESSORY STRUCTURES SHALL
   BE COORDINATED WITH THE CITY’S COMMUNITY DESIGN STANDARDS. ALL EXTERIORS AND CONNECTIONS SHALL BE MADE OF SUSTAINABLE,
   REUSABLE MATERIALS.

7. THE LOCATION OF TRASH ENCLOSURES SHALL BE DETERMINED AT THE SITE DEVELOPMENT PLAN STAGE TO ENSURE TRASH AREAS
   ARE LOCATED AT REASONABLE DISTANCES FROM NEIGHBORING PROPERTIES, AND THAT THE LOCATIONS OF TRASH ENCLOSURES
   ARE ACCESSIBLE WITHIN THE OVERALL DEVELOPMENT.

8. THE EXTERIOR BUILDING DESIGN OF ALL PRINCIPAL BUILDING(S), ACCESSORY BUILDING(S), AND ACCESSORY STRUCTURES SHALL
   BE COORDINATED WITH THE EXTERIOR OF ALL PRINCIPAL BUILDING(S), ACCESSORY BUILDING(S), AND ACCESSORY STRUCTURES SHALL
   BE COORDINATED WITH THE CITY’S COMMUNITY DESIGN STANDARDS. ALL EXTERIORS AND CONNECTIONS SHALL BE MADE OF SUSTAINABLE,
   REUSABLE MATERIALS.

9. THE LOCATION OF TRASH ENCLOSURES SHALL BE DETERMINED AT THE SITE DEVELOPMENT PLAN STAGE TO ENSURE TRASH AREAS
   ARE LOCATED AT REASONABLE DISTANCES FROM NEIGHBORING PROPERTIES, AND THAT THE LOCATIONS OF TRASH ENCLOSURES
   ARE ACCESSIBLE WITHIN THE OVERALL DEVELOPMENT.

10. THE EXTERIOR BUILDING DESIGN OF ALL PRINCIPAL BUILDING(S), ACCESSORY BUILDING(S), AND ACCESSORY STRUCTURES SHALL
   BE COORDINATED WITH THE EXTERIOR OF ALL PRINCIPAL BUILDING(S), ACCESSORY BUILDING(S), AND ACCESSORY STRUCTURES SHALL
   BE COORDINATED WITH THE CITY’S COMMUNITY DESIGN STANDARDS. ALL EXTERIORS AND CONNECTIONS SHALL BE MADE OF SUSTAINABLE,
   REUSABLE MATERIALS.

11. THE LOCATION OF TRASH ENCLOSURES SHALL BE DETERMINED AT THE SITE DEVELOPMENT PLAN STAGE TO ENSURE TRASH AREAS
   ARE LOCATED AT REASONABLE DISTANCES FROM NEIGHBORING PROPERTIES, AND THAT THE LOCATIONS OF TRASH ENCLOSURES
   ARE ACCESSIBLE WITHIN THE OVERALL DEVELOPMENT.
STREET VIEW FROM SW TOPEKA BLVD & SW 42TH STREET
VIEW "B"
OVERALL PLANT - 1ST FLOOR PLAN

1" = 160'-0"
MEMORANDUM

Date:   May 24, 2018

To:  Annie Driver, AICP, Case Planner, Topeka Planning Department

From:   Angela Sharp, Bartlett & West

Re:  Neighborhood Information Meeting:  Frito Lay Zoning change from I-1 Light Industrial District to PUD Planned Unite Development district, PUD18/01
Location and Time: Frito Lay, Inc., 4236 SW Kirklawn Ave., Cheetos Conference Room; Thursday, May 24, 2018 at 6:00 PM

Those in attendance are as indicated on the attached attendance sheet. The meeting began at 6:00 PM with an overview of the zoning process and answering of general questions by Annie Driver, Topeka Planning Department. The project team introduced themselves and indicated their involvement with the project. Allen Moore, Frito Lay, then discussed the reason the warehouse expansion that is driving the zoning case is needed. Angela Sharp then discussed the exterior site elements of the project such as building location, truck traffic routing, and storm water. Pam Reynolds and Mary Kuckelman asked questions relative to alleviating the congestion from truck parking on the public street right of way. Allen Moore indicated that the Frito Lay owned trucks are being directed to not park on the street any longer and the trucks owned privately by third parties accessing Frito Lay should be ticketed in the future. He also indicated that the truck traffic will be reduced once the new warehouse is operational because it will no longer be necessary for product to be transported to and from rented storage facilities off site. The meeting ended at approximately 7:00.
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Email</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Angela Sharp</td>
<td>1800 SW Executive Dr</td>
<td><a href="mailto:angela.sharp@bartwest.com">angela.sharp@bartwest.com</a></td>
<td>785-272-2352</td>
</tr>
<tr>
<td>John Haester</td>
<td>101 Riverside Ave SE</td>
<td><a href="mailto:john.haest@kansasec.gov">john.haest@kansasec.gov</a></td>
<td>785-791-4755</td>
</tr>
<tr>
<td>Annie Driver</td>
<td>COT Planning 620 SE Madison Ave</td>
<td><a href="mailto:adriver@topeka.gov">adriver@topeka.gov</a></td>
<td>360-8-3010</td>
</tr>
<tr>
<td>Pam Reynolds</td>
<td>Capstan Ag 43225 SW Kirkland Ave</td>
<td><a href="mailto:preynolds@capstanag.com">preynolds@capstanag.com</a></td>
<td>785-232-4417</td>
</tr>
<tr>
<td>Jon Reynolds</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mary Kuckelman</td>
<td>Winner Cooke &amp; Girard (attorneys for Capstan)</td>
<td><a href="mailto:Kuckelman@wlg.law.com">Kuckelman@wlg.law.com</a></td>
<td>785-235-5300</td>
</tr>
<tr>
<td>Allen Moore</td>
<td>4236 SW Kirkland</td>
<td><a href="mailto:allmoore@pols.co.com">allmoore@pols.co.com</a></td>
<td>785 338 7263</td>
</tr>
</tbody>
</table>
RECOMMENDATION: Based upon the below findings and analysis, the Planning Department recommends the preliminary and final plat for Frito Lay Subdivision #3 be APPROVED, subject to the conditions on Pg. 5.

RECOMMENDED MOTION: I MOVE TO FORWARD A RECOMMENDATION OF APPROVAL TO THE GOVERNING BODY OF THE PROPOSED PLAT FOR FRITO LAY SUBDIVISION #3 AS CONDITIONED ON PG. 5.

NAME: Frito Lay Subdivision #3 [P18/13]

OWNER/DEVELOPER: Frito Lay Inc.

ENGINEER/SURVEYOR: Bartlett & West Engineers/Angela Sharp, P.E.

STAFF PLANNER: Annie Driver, AICP, Planner

GENERAL LOCATION: On property lying between and running linearly between SW 42nd Street and SW 49th Street, approximately halfway between SW Topeka Blvd and U.S. 75 Highway.

JURISDICTION: City of Topeka

ANNEXATION: Class “A” Subdivision within the City of Topeka

<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>76.09 acres</td>
<td>2</td>
<td>N/A</td>
<td>Industrial</td>
<td>I-1 (Lot 2)/PUD (Lot 1)*</td>
</tr>
</tbody>
</table>

*Pending Zoning Case: The zone change for Lot 1 is heard being heard in conjunction with the subdivision plat as Case #PUD16/1 for Frito Lay ASRS Master PUD Plan.
**Design:** The subject property is irregular in shape and measures approximately 3400’ long along the west boundary (proposed SW 42nd/Wenger), 370’ along the south boundary (SW 49th St) and 841’ along the north boundary (proposed SW 42nd St. and Kansas Turnpike). The subject plat is a re-plat of Frito Lay Subdivision #2 (Lot 2 proposed) and a portion of Block C, Seymour Subdivision (Lot 1 proposed). The subject site is traversed by a tributary of the Shunganunga Creek beginning near the southeast corner of Lot 2 and draining northwest along the west portion of Lot 1. This stream corridor divides Lot 1 and Lot 2.

The primary purpose of the plat is to vacate existing right-of-way for SW Kirklawn and dedicate a cul-de-sac at the end of the street, vacate the right-of-way for SW 45th Street, and dedicate right-of-way for SW 42nd Street/Wenger to connect with SW 49th Street. The existing 50’ right-of-way for Westview (re-named Wenger) is currently platted along the west boundary Lot 2 and connects to SW 49th Street. The proposed plat dedicates additional right-of-way running along the Kansas Turnpike that is needed to provide a connection with SW 49th Street in the future. Lot 1 proposes development in three phases as described on the corresponding PUD application. There are no pending plans to develop Lot 2 in the near future. A 20’ wide water line easement is dedicated on Lot 1 for a public water main extension.

**BACKGROUND:** Pursuant with TMC 18.35.130 of the Subdivision Regulations, the Planning Director has approved submission of the preliminary and final plats to be heard together at the June 25th Planning Commission hearing.

**SERVICES AND FACILITIES:**

1. **WATER SERVICE:** The development will be serviced by City of Topeka public water supply via a 12” main along the west side of SW Kirklawn upon approval of public utility extensions plans by the Public Works Department with all connections being at developer expense. A 20’ water main easement is provided on Lot to accommodate the required extension.

2. **SEWAGE DISPOSAL:** The development will be serviced by City of Topeka sanitary sewer with all connections being at developer expense. The extension of a public main is not required for proposed development on Lot 1 as this will be connected to existing service lines currently serving the plant, which connects to a City public main. The 18” South Shunganunga sanitary sewer interceptor traverses the site from southeast to northwest running parallel with the stream tributary. Any public utility extension plans needed for future development on Lot 2 will be approved by the Public Works Department.

3. **WASTEWATER PLAN SERVICE AREA:** The proposal is located with the Urban Service Area as reflected by the Land Use and Growth Management Plan (2040); the proposal is in full compliance with said Plan since the development proposes to extend and connect to public sanitary sewer.

4. **DRAINAGE CONDITIONS:** The Stormwater Management Report as submitted by the consultant to the City of Topeka Department of Public Works has not been approved per memo dated May 29, 2018. The Stormwater Management Report, as submitted, indicates a tributary of the Shunganunga Creek divides Lot 1 from Lot 2 and begins on the west side of the site near the southeast corner and drains northwest. Lot 1 drains from east to west towards the creek and Lot 2 drains north to northwest. Development is unknown on Lot 2 at this time and Stormwater detention is anticipated for Lot 2, but not yet planned. Stormwater detention is proposed for Lot 1. The Stormwater Report submitted was inadequate per City Engineer memo and did not effectively address existing and proposed conditions for improvements in relation to future development on Lot 1 and, therefore, the City Engineer requires additional information before approving the Stormwater Report. Comments #1-7 in the memo require resolution prior to City Council consideration of the plat.

The Kansas Turnpike Authority (KTA) has reviewed the drainage report submitted with the subdivision and indicated the proposed development will not increase the total flow going to the stream box culvert underneath
Interstate-335. KTA will be afforded the opportunity for review detailed stormwater plans submitted at the site development stage.

5. STREET PLAN/ACCESS: The plat dedicates additional right-of-way that is necessary to extend SW 42\textsuperscript{nd} Street crossing the Shunganunga Creek channel to connect to the existing 50’ right-of-way along the west boundary of Lot 2 (Wenger) and connecting with SW 49\textsuperscript{th} Street. This proposed street alignment will retain a needed industrial collector street that connects with properties south of SW 49\textsuperscript{th} Street through to SW 57\textsuperscript{th} Street. Additional right-of-way for this street re-alignment will need to be dedicated on property to the west (Go Topeka) when that land is platted and developed for an industrial use. At the time that right-of-way is dedicated, a length of the existing 50’ right-of-way (segment connecting to SW 49\textsuperscript{th} St.) on this subject property can be vacated. The re-alignment re-names Westview to Wenger and allows a connection with Wenger south of SW 49\textsuperscript{th}. Public Works is in support of this street alignment as it was originally planned by Go Topeka as a part of the overall concept master plans for industrial development in this area that a collector street would be provided through to SW 57\textsuperscript{th} Street near this location.

The proposed plat vacates right-of-way for Kirklawn and SW 45\textsuperscript{th} Street and dedicates right-of-way for a new cul-de-sac at the end of Kirklawn. The plat provides a condition for the timing of future roadway improvements to SW 42\textsuperscript{nd}/Wenger: “Property owner(s) of Lots 1 and 2 shall agree(s) to a fair and equitable irrevocable waiver of objection to participation in a street benefit district for the future improvement of SW 42\textsuperscript{nd}/SW Wenger to connect with SW 49\textsuperscript{th} Street. The City Traffic Engineer shall determine prior to site development plan review for Lot 2 and as noted on the Master PUD Plan for Lot 1 if a Traffic Impact Analysis (TIA) or traffic statement is required. If this analysis or statement warrants the extension of SW 42\textsuperscript{nd}/Wenger, these improvements shall be constructed to City standards prior to issuance of a Certificate of Occupancy for any building on Lot 1 or Lot 2 or according to timing as determined by the TIA or traffic statement.”

As indicated by Public Works, the improvements to SW 42\textsuperscript{nd}/Wenger will in all likelihood be triggered by what occurs on either Lot 2 or property to the west of Lot 2 (Go Topeka). As currently proposed, the development on Lot 1 will have no impact on this street extension unless the proposal is significantly altered.

6. FIRE DISTRICT: City of Topeka Fire Department. Additional hydrants as required by the Fire Department will be provided as a part of the water main extension on Lot 1. The Fire Department will review and approve those future improvement plans.

7. STREAM BUFFER/FLOOD PLAIN: Zone A 100-year floodplain (Area of 1% chance of annual flooding) covers the property from southeast to northwest along that extent of the creek channel. A tributary to the Shunganunga Creek (Type 2 stream) traverses Lot 1 and 2 from southeast to northwest. Pursuant to TMC 17.10.50 this classification of a U.S. Geological Survey classified waterway requires the dedication of a stream buffer easement delineating the “outer” and “streamside” areas per TMC 17.10.050. The plat does not delineate these “streamside” and “outer” areas of the buffer. Pending further review of the Stormwater Management Report by Public Works, a replat to amend the stream buffer easement and gain approval of a variance to the stream buffer regulations according to Section 17.10.080 by the Public Works Director may be required pending final approval of the Stormwater Report. A trade off or addition to the stream buffer at another location may be needed.

8. SCHOOL DISTRICT: Auburn-Washburn USD 437

9. PARKS/OPEN SPACE: N/A
WAIVER/VARIANCE TO STANDARDS: The Subdivision Regulations require the construction of sidewalks along one side of street where boundary of the subdivision is an existing street. Pursuant to TMC18.45.080, “Where the boundary of the subdivision is an existing street or a proposed street, sidewalks shall then be installed on the nearest adjacent side or side.” Additionally, the City’s current Complete Streets Policy supports sidewalks be provided as a part of all new developments and this policy is also part of Public Works’ policy to provide sidewalks as a part of street improvement projects that re-build or build new streets or widen existing streets. This current policy concerning the construction of sidewalk has changed since past developments were completed in the area when sidewalk construction may not have always been ultimately required.

A waiver from this requirement to construct sidewalks requires approval by the Planning Commission per TMC18.45.080. Staff is agreeable to the Planning Commission waiving this sidewalk requirement along the west side of SW Kirklawn since there is has very slight chance this short segment of sidewalk will connect with a network. However, sidewalks should be provided along SW 42nd/Wenger when development occurs or as part of future street improvement projects.

CAPITAL IMPROVEMENT PLAN (CIP): There is a 2018 City CIP petition project for SW 49th Street lying between SW Wenger Road and the railroad tracks to the west of Topeka Blvd that will transform the two-lane rural road section to an urban concrete roadway section, 41 ft. industrial width with curb/gutter with an expected July 31, 2018 completion date.

CONFORMANCE TO COMPREHENSIVE PLAN: The Land Use and Growth Management Plan - 2040 establishes and designates this area for Industrial land uses. The plan indicates these “Industrial” areas are intended for both light and heavy industrial uses and are located at sites with available transportation access and infrastructure is readily available or can be extended without significant constraints. The proposed use is consistent with this designation in the Comprehensive Plan.

This project represents an infill industrial development project that is appropriate with this “Employment Growth Area” as designated under policies in the plan. Existing urban services are available to serve the area or will be extended prior to development. Therefore, the proposal is consistent with the policies and principles of the Land Use and Growth Management Plan.

STAFF ANALYSIS:
With the exception of the noted design variance requesting waiver to construct sidewalks, 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 improvements are made as conditioned on the plat and corresponding PUD master plan. Based upon the above findings and staff analysis, the Planning Department recommends the preliminary and final plat phase of Frito Lay Subdivision #3 be APPROVED, subject to the following conditions:

1. Adding note: “Pursuant to TMC 18.45.080, the Planning Commission hereby grants a waiver to the provision in the subdivision regulations requiring a sidewalk be constructed along the west side of SW Kirklawn Street.”

2. Completion, approval and acceptance of the Stormwater Management Report comments #1-7 prior to City Council consideration of the PUD and subdivision plat. If a variance to the stream buffer is required by Public Works (pending Stormwater Report further review and resolution), a note shall be added as appropriate to the PUD master plan and plat that variance shall be approved at, or prior to site development.

3. Denoting “Inner” and “Outer” areas of the stream buffer as required by the City Engineer per TMC17.10.050. (Label all points along the stream buffer as it appears some of the labels were left off.)

4. Adding the standard Street Dedication note: “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.”

Frito Lay Subdivision #3
Page 4 of 5
5. Adding street name label for SW 42nd Street/Wenger that indicates location of the street name change to final plat.

6. More effectively differentiating the north boundary lot line separation between the north and south lines of Lot 1 and 2 on preliminary and final plats.

7. Providing at least 75' right-of-way at the north boundary of Lot 1 (currently dimensioned at 60') adjacent to the KTA irregular-shaped cut-out of their right-of-way to ensure adequate space for an industrial collector that does not encroach on any portion of the KTA right-of-way.

8. Comply with Westar comments on final and preliminary plat. (See attached)

Attachments:

Aerial Map
Westar comments
Stormwater review memo
Preliminary Plat
Final Plat
P18/13 By: Frito Lay Inc - Frito Lay Subdivision #3
A PRELIMINARY PLAT FOR:
FRITO LAY SUBDIVISION NO. 3

A REPLAT OF LOT 1, BLOCK A, FRITO LAY SUBDIVISION NO. 3 AND A PORTION OF BLOCK C, REPLAT OF SEYMOUR SUBDIVISION CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS.

DESCRIPTION:
A TRACT OF LAND SITUATED IN THE EIGHTH QUARTER OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 4TH P.M., LOCATED IN BLOCK C OF THE REPLAT OF SEYMOUR SUBDIVISION CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH CORNER OF SEYMOUR SUBDIVISION LOT 1, THENCE SOUTH 88 DEGREES 19 MINUTES 17 SECONDS EAST, CONSIDERED TO BE PART OF THE WESTERLY RIGHT OF WAY LINE OF 8" WATER LINE ON THE OUTER AREA, A DISTANCE OF 707.90 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER, ALSO BEING THE SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 374.97 FEET; THENCE COINCIDENT WITH SAID SOUTHERLY RIGHT OF WAY LINE ON A SPIRAL CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 6.90 FEET, A CHORD BEARING OF NORTH 40 DEGREES 33 MINUTES 15 SECONDS EAST AND A CHORD LENGTH OF 6.90 FEET; THENCE SOUTH 49 DEGREES 37 MINUTES 29 SECONDS EAST, COINCIDENT WITH SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 20.00 FEET; THENCE WEST 100.64' TO THE SOUTHWEST CORNER OF SEYMOUR SUBDIVISION LOT 2, CONTAINING 2.67 ACRES, MORE OR LESS.

OWNED:
PREVIN, INC.

SURVEYOR CERTIFICATION:
I, JOHN SOMMERS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF KANSAS, DO HEREBY CERTIFY THAT I HAVE MADE THE HEREON DESCRIBED SURVEY ON THE GROUND ON NOVEMBER 13, 2014 AND THAT SAID SURVEY MEETS OR EXCEEDS CURRENT KANSAS MINIMUM STANDARDS ADOPTED BY KANSAS STATE BOARD OF TECHNICAL PROFESSIONS.

TYPICAL TYPE I STREAM

BARTLETT & WEST

STORMWATER MANAGEMENT EASEMENT

REPUBLIC AREA

S.M.E.
NOTES:

1. DISTANCE REFERRED TO IS THE CENTER TO CENTER DISTANCE BETWEEN TWO ADJACENT BUILDINGS AS SHOWN IN THE FIGURES ATTACHED.

2. DISTANCE REFERRED TO IS THE CENTER TO CENTER INSTALLATION DISTANCE BETWEEN TWO ADJACENT BUILDINGS AS SHOWN IN THE FIGURES ATTACHED.

3. PART OF THIS PROPERTY LIES WITHIN ZONE A SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD WITH  NO BASE FLOOD ELEVATIONS DETERMINED. THE REST OF THE PROPERTY LINES WITHIN ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN, AS PER FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP (FIRM) No. 20177C0302E WITH AN EFFECTIVE DATE OF SEPTEMBER 29, 2011.

4. UTILITY EASEMENT MAY BE REMOVED BY PERSONNEL REPRESENTING THE GOVERNING BODY, TO PROVIDE FOR THE PROPER OPERATION AND MAINTENANCE OF THAT UTILITY LINE, WITHOUT COST OR OBLIGATION FOR REPLACEMENT. COST OF REMOVAL, AND/OR REPLACEMENT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.

5. EASEMENTS ARE HEREBY GRANTED TO THE PUBLIC AS FOLLOWS: "UTILITY EASEMENTS" TO LOCATE, CONSTRUCT AND MAINTAIN OR AUTHORIZE THE USE OF ANY OR ALL OF THE UTILITY WORKS AS SHOWN, OR ANY PART OR PERCENTAGE OF THEM OVER, UNDER AND ALONG THE STRIPS MARKED "UTILITY EASEMENTS".

6. STREAM BUFFER EASEMENTS ARE HEREBY ESTABLISHED AS SHOWN TO PROVIDE FOR INFORMAL GREEN SPACE AND THE NATURAL UNOBSTRUCTED OVERLAND FLOW OF SURFACE WATER IN EXISTING DRAINAGE WAYS. PROPERTY OWNER(S) SHALL NOT PLACE PERMANENT OR SEMI-PERMANENT OBSTRUCTIONS IN SAID EASEMENT. ALL MAINTENANCE WITHIN THE STREAM BUFFER EASEMENT (SBE) SHALL BE THE RIGHT, DUTY, AND RESPONSIBILITY OF THE PROPERTY OWNER(S) IN WHICH THE EASEMENT IS SO LOCATED, HOWEVER, IF MAINTENANCE IS NEGLECTED OR SUBJECT TO OTHER UNUSUAL CIRCUMSTANCES AND IS DETERMINED TO BE A HAZARD OR THREAT TO PUBLIC SAFETY BY THE DIRECTOR OF THE APPROPRIATE DEPARTMENT OF PUBLIC WORKS, CORRECTIVE MAINTENANCE MANY BE PREFORMED BY THE GOVERNING JURISDICTION WITH COSTS ASSESSED TO AND BORNE UPON SAID PROPERTY OWNER(S). OFFICIALS REPRESENTING THE APPROPRIATE DEPARTMENT OF PUBLIC WORKS SHALL HAVE THE RIGHT TO ENTER UPON THE EASEMENT FOR PURPOSES OF PERIODIC INSPECTION AND/OR CORRECTIVE MAINTENANCE.

7. DRAWING NAME: W:\Proj\15000\15400\15400.203\AutoCad\Plan Set\Plat\15400.203 Frito Lay_Plat.dwg  

8. DRAWING DATE: 5/24/2018

9. DRAWING NO: PXX/18

10. SHEET NO: 1 of 2

11. DRAWN BY: RCP00722

12. PRINTED BY: RCP00722

13. SCALE: 1" = 100 Feet

14. DRAWN TO SCALE: Yes

15. SHEET SIZE: 24" x 36"

16. DRAWING TITLE: PP 02

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A FINAL PLAT FOR:
FRITO LAY SUBDIVISION NO. 3

A REPLAT OF LOT 1, BLOCK A, FRITO LAY SUBDIVISION NO. 2 AND A PORTION OF BLOCK "C", REPLAT OF SEYMOUR SUBDIVISION, CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS

DESCRIPTION:

A TRACT OF LAND SITUATED IN THE WEST HALF OF SECTION 25, TOWNSHIP 12 SOUTH, RANGE 15 EAST, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BOUNDARY:

1. COMMENCE AT THE NORTHWEST CORNER OF LOT 1, BLOCK A, FRITO LAY SUBDIVISION NO. 2, THENCE SOUTH 88 DEGREES 19 MINUTES 17 SECONDS EAST, A DISTANCE OF 33.24 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 88 DEGREES 19 MINUTES 17 SECONDS EAST, A DISTANCE OF 674.66 FEET TO THE WEST RIGHT OF WAY LINE OF SW KIRKLAWN AVENUE; THENCE SOUTH 88 DEGREES 19 MINUTES 17 SECONDS WEST, A DISTANCE OF 20.00 FEET; THENCE SOUTH 49 DEGREES 37 MINUTES 29 SECONDS WEST, A DISTANCE OF 20.00 FEET; THENCE SOUTH 62 DEGREES 16 MINUTES 56 SECONDS WEST, A DISTANCE OF 319.28 FEET; THENCE SOUTH 01 DEGREES 20 MINUTES 56 SECONDS WEST, A DISTANCE OF 147.15 FEET TO THE POINT OF BEGINNING.

PRESENTED TO:

IN ACCORDANCE WITH KSA CHAPTER 58, ARTICLE 20.

BY:

LOT 1, BLOCK A, FRITO LAY SUBDIVISION NO. 2, CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS, CONTAINING 18.59 ACRES, MORE OR LESS.

AND

LOT 1, BLOCK A, FRITO LAY SUBDIVISION NO. 3, CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS, CONTAINING 18.59 ACRES, MORE OR LESS.

DESCRIPTION:

A TRACT OF LAND SITUATED IN THE EAST HALF OF SECTION 25, TOWNSHIP 12 SOUTH, RANGE 15 EAST, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BOUNDARY:

1. COMMENCE AT THE SOUTH WEST CORNER OF LOT 1, BLOCK A, FRITO LAY SUBDIVISION NO. 2, THENCE South 88 DEGREES 19 MINUTES 17 SECONDS EAST, A DISTANCE OF 33.24 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 88 DEGREES 19 MINUTES 17 SECONDS EAST, A DISTANCE OF 674.66 FEET TO THE WEST RIGHT OF WAY LINE OF SW KIRKLAWN AVENUE; THENCE SOUTH 88 DEGREES 19 MINUTES 17 SECONDS WEST, A DISTANCE OF 20.00 FEET; THENCE SOUTH 49 DEGREES 37 MINUTES 29 SECONDS WEST, A DISTANCE OF 20.00 FEET; THENCE SOUTH 62 DEGREES 16 MINUTES 56 SECONDS WEST, A DISTANCE OF 319.28 FEET; THENCE SOUTH 01 DEGREES 20 MINUTES 56 SECONDS WEST, A DISTANCE OF 147.15 FEET TO THE POINT OF BEGINNING.

PRESENTED TO:

IN ACCORDANCE WITH KSA CHAPTER 58, ARTICLE 20.

BY:

LOT 1, BLOCK A, FRITO LAY SUBDIVISION NO. 3, CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS, CONTAINING 18.59 ACRES, MORE OR LESS.

AND

LOT 1, BLOCK A, FRITO LAY SUBDIVISION NO. 2, CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS, CONTAINING 18.59 ACRES, MORE OR LESS.
NOTE:
1. WATER SERVICE TO THE CITY OF TOPEKA, PENDENT TO SUBDIVISION, WHERE LOCAL VACATION SUP.
2. NO WATER SERVICE TO THE CITY OF TOPEKA, PENDENT TO SUBDIVISION. WHERE LOCAL VACATION SUP.
3. DEDICATION: LESS THAN 40 PSI, THE BUILDER IS REQUIRED TO INCREASE WATER PRESSURE TO AT LEAST 40 PSI. GREATER THAN THE MAXIMUM WATER PRESSURE HERETOFORE DEDICATED ARE DEDICATED TO THE PUBLIC. THE UTILITY EASEMENTS SHOWN HEREON ARE HEREBY ALLOWED, SHALL BE GOVERNED BY THE UPC AND ITS AMENDMENTS.
4. AUTOMATICALLY NULL AND VOID FOLLOWING INITIAL INSTALLATION OF UTILITIES WITHIN SAID UTILITY EASEMENTS AND SHALL NOT REQUIRE ANY ACTION BY THE GOVERNING BODY TO VACATE, REMOVE OR OTHERWISE ELIMINATE.
5. EASEMENTS ARE HEREBY GRANTED TO THE PUBLIC AS FOLLOWS: "UTILITY EASEMENTS" TO LOCATE, CONSTRUCT AND MAINTAIN OR AUTHORIZE THE USE OF THE PUBLIC UTILITIES WHILE INITIAL CONSTRUCTION IS IN PROGRESS.
6. THE PERPETUAL MAINTENANCE EASEMENTS (SME) ARE HEREBY ESTABLISHED AS SHOWN OR DESCRIBED TO PROVIDE FOR THE MANAGEMENT OF STORM WATER MANAGEMENT SYSTEM. ANY OBSTRUCTIONS OR IMPROVEMENTS IN THE SME, PERMITTED OR NOT PERMITTED, MAY BE REMOVED BY THE APPLICABLE PUBLIC WORKS DEPARTMENT OR ITS CONTRACTOR WITH COSTS ASSESSED TO AND BORNE UPON SAID PROPERTY OWNERS. UNPAID COSTS SHALL BE ASSESSED TO AND IMPOSED AS A LIEN ON THE LAND. THE APPLICABLE PUBLIC WORKS DEPARTMENT STAFF AND THEIR CONTRACTORS SHALL HAVE THE RIGHT TO ENTER UPON THE SME FOR PURPOSES OF PERIODIC OR SPECIAL INSPECTION AND/OR CORRECTIVE MAINTENANCE.
7. STREAM BUFFER EASEMENTS ARE HEREBY ESTABLISHED AS SHOWN TO PROVIDE FOR INFORMAL GREEN SPACE AND THE NATURAL UNOBSTRUCTED WATER FLOW OF THE SOURCES OF THE CITY OF TOPEKA, PENDENT TO SUBDIVISION, WHERE LOCAL VACATION SUP.
8. CHANNEL DRAINAGE EASEMENTS SHALL NOT BE OBSTRUCTED BY ANY PERMANENT OR SEMI-PERMANENT OBSTRUCTION. THIS INCLUDES, BUT IS NOT LIMITED TO, BUILDINGS, STRUCTURES, CONSIDERATION, CHANNELS, OR ANY OTHER PROPERTIES THAT ARE SUBJECT TO THE CITY OF TOPEKA.
9. OWNED PROPERTY OWNERS SHALL NOT PLACE OR PERMIT ANY PERMANENT, SEMI-PERMANENT OR TEMPORARY PERMANENT OR SEMI-PERMANENT OBSTRUCTION IN PERMANENT SEWER OR UTILITY LINE, WITHOUT COST OR OBLIGATION FOR REPLACEMENT. COST OF REMOVAL, AND/OR REPLACEMENT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.
10. PROPERTY OWNERS SHALL BE ADMONISHED FROM PLACING ANY PERMANENT OR SEMI-PERMANENT OBSTRUCTION IN PERMANENT SEWER OR UTILITY LINE, WITHOUT COST OR OBLIGATION FOR REPLACEMENT. COST OF REMOVAL, AND/OR REPLACEMENT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.
11. EASEMENTS ARE HEREBY GRANTED TO THE PUBLIC AS FOLLOWS: "UTILITY EASEMENTS" TO LOCATE, CONSTRUCT AND MAINTAIN OR AUTHORIZE THE USE OF THE PUBLIC UTILITIES WHILE INITIAL CONSTRUCTION IS IN PROGRESS.
12. OWNED PROPERTY OWNERS SHALL NOT PLACE OR PERMIT ANY PERMANENT, SEMI-PERMANENT OR TEMPORARY PERMANENT OR SEMI-PERMANENT OBSTRUCTION IN PERMANENT SEWER OR UTILITY LINE, WITHOUT COST OR OBLIGATION FOR REPLACEMENT. COST OF REMOVAL, AND/OR REPLACEMENT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.
13. RIGHT-OF-WAY THAT IS NECESSARY FOR THE EXTENSION OF SW 42ND STREET/SW WENGER STREET ON THE CITY OWNED PROPERTY TO THE WEST SHALL BE DETERMINED PRIOR TO SITE DEVELOPMENT PLAN REVIEW FOR LOT 1 AND AS NOTED ON THE MASTER PUD PLAN FOR LOT 2. IF A TRAFFIC IMPACT ANALYSIS (TIA) OR TRAFFIC STATEMENT IS REQUIRED. IF THE ANALYSIS OR STATEMENT WARRANTS THE EXTENSION OF SW 42ND STREET/SW WENGER STREET ON THE CITY OWNED PROPERTY TO THE WEST, THESE IMPROVEMENTS SHALL BE CONSTRUCTED TO CITY STANDARDS PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR ANY BUILDING ON LOT 1 OR LOT 2 ACCORDING TO TIMING AS DETERMINED BY THE TIA OR TRAFFIC STATEMENT.
14. CHAIN OF Title REQUIREMENTS SHALL NOT BE DISTURBED BY ANY PERMANENT OR SEMI-PERMANENT OBSTRUCTION. THIS INCLUDES, BUT IS NOT LIMITED TO, BUILDINGS, STRUCTURES, CONSIDERATION, CHANNELS, OR ANY OTHER PROPERTIES THAT ARE SUBJECT TO THE CITY OF TOPEKA. THE ABOVE CONDITIONS APPLY TO THE CITY OWNED PROPERTY TO THE WEST OF THE CITY STREETS AS DETERMINED BY THE TIA OR TRAFFIC STATEMENT.
15. OWNED PROPERTY OWNERS SHALL NOT PLACE OR PERMIT ANY PERMANENT, SEMI-PERMANENT OR TEMPORARY PERMANENT OR SEMI-PERMANENT OBSTRUCTION IN PERMANENT SEWER OR UTILITY LINE, WITHOUT COST OR OBLIGATION FOR REPLACEMENT. COST OF REMOVAL, AND/OR REPLACEMENT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.

A FINAL PLAT FOR:
FRITO LAY SUBDIVISION NO. 3
A DE PLOT IS BLOCK A, FRITO LAY SUBDIVISION NO. 3 AND A PORTION OF BLOCK 'C', SEYMOUR SUBDIVISION OF TOPEKA TRAFFIC ENGINEER SHALL DETERMINE PRIOR TO SITE DEVELOPMENT PLAN REVIEW FOR LOT 2 AND AS NOTED ON THE MASTER PUD PLAN FOR LOT 1 IF A TRAFFIC IMPACT ANALYSIS (TIA) OR TRAFFIC STATEMENT IS REQUIRED. IF THE ANALYSIS OR STATEMENT WARRANTS THE EXTENSION OF SW 42ND STREET/SW WENGER STREET ON THE CITY OWNED PROPERTY TO THE WEST, THESE IMPROVEMENTS SHALL BE CONSTRUCTED TO CITY STANDARDS PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR ANY BUILDING ON LOT 1 OR LOT 2 ACCORDING TO TIMING AS DETERMINED BY THE TIA OR TRAFFIC STATEMENT.

CERTIFICATE OF APPROVAL:
icky L. Powers, Director Global Real Estate, Frisko Lay, Inc. has approved and executed this plat as the plat of the subdivision of the properties subject to the conditions of the plat.

IN TESTIMONY WHEREOF, THE OWNER(S), FRITO-LAY, INC., BY BETSY K. POWER, DIRECTOR GLOBAL REAL ESTATE, HAS SET MY HAND, AND AFFIXED MY SEAL THE DAY AND YEAR LAST WRITTEN ABOVE.

31 MAY 2018

BARTLETT & WEST ENGINEERS

PXX/18

ALL RIGHTS RESERVED. ALL BARTLETT & WEST ENGINEERS PLANS, SPECIFICATIONS AND DRAWINGS ARE PROTECTED UNDER COPYRIGHT LAW, INCLUDING RIGHTS IN ART, AND UNDER THE PROHIBITIONS SET FORTH IN SECTION 106 OF COPYRIGHT ACT. COPIES MAY NOT BE MADE OR USED EXCEPT AS AUTHORIZED BY THE COPYRIGHT OWNER OR THE LAW, OR UNDER PERMISSION OF THE COPYRIGHT OWNER. COPIES MAY NOT BE SOLD, RENTED, OFFERED FOR SALE, OR OTHERWISE DISPOSED OF WITHOUT THE PRIOR WRITTEN CONSENT OF THE COPYRIGHT OWNER.
This drainage report has been reviewed and the proposed subdivision viewed in the field to confirm the consultant's description of existing conditions. Comments from the reviewer are attached. If additional information is needed, the consultant should respond to these comments.

REPORT STATUS

☐ Approved This Date - See Comments Below
☐ Approved After Additional Information Received
☐ Final Approval Date: ______

Report Category: ☑ A  ☐ B  ☐ C  ☐ D

FINAL STATUS

☑ Minimum Opening Elevations Required
☑ Storm Sewer Project Required
☐ Site Storm Sewer Required
☐ Channel Improvement Required
☑ Detention/Retention Required
☑ Easement Required

COMMENTS:

Jennifer Harrell
Original To: Development Services – Gregg Schell
Metro Planning – Kris Wagers
Consultant Attn: Angela Sharp & Steve LaCasse - Bartlett & West
Comments:

Frito Lay Subdivision No. 3 Plat (P18-13) and PUD (PUD18-01) Review

1. There is currently a storm sewer system in the SW Kirklawn Avenue R/W, of which the south portion appears to be proposed for vacation as part of this plat. Provide the drainage plan for the portion of Kirklawn Avenue to remain (specifically the extreme southern portion to remain). All necessary easements should be shown on the plans.

2. Per Chapter 17.10-Buffer Areas of the Topeka Municipal Code, the outer area of a Type I stream buffer can contain detention structures, however the streamside area cannot. Identify inner vs. outer areas of the buffer, and provide confirmation that only allowable uses in each area are proposed. The proposed detention pond appears to be located close to or within the streamside portion of the proposed stream buffer. Also, note the requirements for increased buffer width per section 17.10.050 and, if needed, make adjustments accordingly.

3. The PUD Master Plan does not show the stormwater detention easement shown on the plat, which should be called a Stormwater Management Easement, but does show the location of future buildings. The Stormwater report shows other future improvements such as parking lots, drives etc. It is extremely difficult to decipher what is being proposed now vs. later since items are not presented consistently on each document. Information on the PUD Master Plan and plat should match. A drainage report should be provided that describes only those modifications associated with the replat being applied for at this time.

4. A phasing/sequencing plan with impacts to the floodplain/stream buffer/etc. for each phase would be extremely helpful, with an acknowledgment of items needed for each phase. A site plan shall be provided that depicts existing and proposed conditions for approval at this time and future conditions to be approved at a later time. Future replat will need to address additional development and related infrastructure proposed at that time.

5. Water Quality treatments are typically most cost effective and beneficial when regionalized, therefore it is recommended that water quality BMP’s be designed and implemented for each side of the stream, in a regionalized way.

6. The MARC Water Quality worksheets provided are difficult to follow. Provide an exhibit showing the areas referenced on the MARC worksheets for Disturbed, Impervious, and Post Developed Areas. All disturbed areas shall be accounted for in the Treatment area calculations.
7. The 100-year water surface elevation and floodplain limits for the tributary of South Branch Shunganunga Creek, which flows across the southwest portion of the site, shall be clearly shown on the plat and site plans. Also show minimum building opening elevations.

It is noted that this review is for the replat only. However, it is also noted that there is additional information that will be needed at the time of site plan or building permit review, which are captured, in part, in the comments below:

8. Design information for the dry detention basin shall be provided; including details on the orifice structure, proposed contours, drainage area depiction, overflow routes, etc. The City of Topeka Drainage Review Guidelines are attached for your reference.

9. The Stormwater Report and water quality worksheets describe the use of a vegetated filter strip, in addition to the dry detention basin, to serve as water quality BMPs. The plans shall include the location and approximate dimensions of the vegetated filter strip. The MARC manual describes design requirements and considerations, such as entrance flow, sizing, grades, and vegetation, that need to be addressed in the Stormwater Report and associated plans and calculations. Note that this site is located within the South Branch Shunganunga Creek watershed, which is listed as an impaired stream in the City’s Post Construction Stormwater Quality Policy. Per the policy, a stormwater management plan and stormwater quality BMPs that meet the requirements of Section 13.35 are required for the site. Therefore, provide relevant design information including, but not limited to, the total area of disturbed land and total increase in impervious area associated with the proposed improvements.

10. Confirm that filling within the floodplain boundaries is offset by excavation to offset increase in 100 YR water surface elevation downstream. In addition, verify that the top of the detention basin has adequate freeboard during the 100-year storm event.

11. A new street, storm sewer, and sidewalk improvements project is identified on the plat. Does the City have this plan information?

12. A detailed operation and maintenance plan shall be provided for all proposed water quality BMPs; which includes the maintenance activities, the maintenance individual or group of individuals responsible for each item listed in the plan, the maintenance frequency or typical maintenance schedule, and the evaluation of the effectiveness of the maintenance program. Refer to Chapter 13.35.040 of the Topeka Municipal Code for maintenance requirements of water quality systems. An example Maintenance Plan is attached for your reference.

13. The on-site storm sewer systems shall be designed for the 10-year storm with provisions for overflow for the 100-year storm.

14. The PUD Master Plan shows a future proposed building area that encroaches upon the 100-year floodplain. Note that buildings and parking lot areas shall be built at least 1 foot above the 100-year water surface elevation.

15. Responses to these comments should be provided with the resubmitted information.

16. Find attached the revised City of Topeka Post Construction Stormwater Quality Policy for your information.
Annie,

Our Real Estate folks had a few more comments. They are below. They have contact Bartlett and West to clarify some of the questions.

Thanks,

Katie Walbridge
Westar Energy
Area Engineer
Katie_Walbridge@WestarEnergy.com
O (785) 575-1367  C (785) 840-7596

From: Matt Jacob Armfield
Sent: Friday, June 1, 2018 2:50 PM
To: Cindy Broxterman <Cindy.Broxterman@westarenergy.com>; Katie Walbridge <Katie.Walbridge@westarenergy.com>; Kahle Loveless <Kahle.Loveless@westarenergy.com>
Cc: John Sommers <john.sommers@bartwest.com>; Angela Sharp <angela.sharp@BARTWEST.COM>; Richard Ballew <Richard.Ballew@westarenergy.com>
Subject: RE: P18/13 Frito Lay Subdivision #3

Katie, et al,

Attached and below are Matt’s comments with respect to the proposed FRITO LAY SUBDIVISION NO. 3 PLAT.

1. I spoke to John and he stated that Westar’s new easements in LOT 2 BLOCK A are not overwritten by either the SW Westview Rd, or the SW 49th Road. Those road right of ways have not changed because of this plat. I have a comment referencing this on the attached Preliminary Plat.

2. Additional Preliminary Plat attachment comment is that Westar has a Transmission Dead End structure in the portion being taken as New Road Right of Way immediately south of the turnpike. If possible, it would be nice that the city Exclude the area around the power pole(s) within the new taking, or reference on the plat the location of any power poles in the new Road Right of Way taking which are covered by easement prior to the taking.

3. Final Plat- 2 comments – 1) I requested that easement 2014R20913 be called out on LOT 2 BLOCK A; and 2) That the vacated portion of SW 45th Street between the 2 Westar easements be saved as a Utility Easement through the vacation. This is due to the fact that the 2014 easement, 2014R20913, which is attached, does not extend across the road right of way.
All comments are in red on the attached plats.

Thank you,

Matt J. Armfield, SR/WA, R/W-NAC  
Westar Energy  
Real Estate Coordinator  
matt.armfield@WestarEnergy.com  
O (785) 575-1826  C (785) 817-5649

If you've received this message in error, I apologize for the inconvenience. Please don't distribute it. Instead, please just delete it and respond to let me know of my error. Then, have a wonderful day.

From: Cindy Broxterman  
Sent: Wednesday, May 30, 2018 9:34 AM  
To: Katie Walbridge <Katie.Walbridge@westarenergy.com>  
Cc: Matt Jacob Armfield <Matt.Armfield@westarenergy.com>  
Subject: Fwd: P18/13 Frito Lay Subdivision #3

Hi Katie,

When you have time please forward the recent correspondence you received regarding this plat to us. As I mentioned from the initial review there are some concerns.

Thanks,

Cindy

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