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

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

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

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

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

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

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

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

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

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

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

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

Members of the Topeka Planning Commission

<table>
<thead>
<tr>
<th>Katrina Ringler, 2018 Chairperson</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brian Armstrong</td>
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<tr>
<td>Ariane Burson</td>
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<tr>
<td>Corey Dehn</td>
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<tr>
<td>Marc Fried</td>
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<tr>
<td>Carole Jordan</td>
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<tr>
<td>Wiley Kannarr</td>
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<tr>
<td>Corliss Lawson</td>
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<tr>
<td>Matt Werner</td>
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Topeka Planning Staff

<table>
<thead>
<tr>
<th>Bill Fiander, AICP, Planning Director</th>
</tr>
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<tbody>
<tr>
<td>Carlton O. Scroggins, AICP, Planner III</td>
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<tr>
<td>Dan Warner, AICP, Planner III</td>
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<tr>
<td>Mike Hall, AICP, Planner III</td>
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<tr>
<td>Tim Paris, Planner II</td>
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<td>Annie Driver, AICP, Planner II</td>
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<td>John Neunuebel, Planner II</td>
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<td>Taylor Ricketts, Planner I</td>
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<td>Tim Esparza, Planner I</td>
</tr>
<tr>
<td>Kris Wagers, Administrative Officer</td>
</tr>
</tbody>
</table>
Agenda for Monday, October 15, 2018 at 6:00 P.M.

A. Roll call

B. Approval of minutes – September 17, 2018

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

D. Public Hearings

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

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

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

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

E. Discussion Items

1. Review and discuss standards for incidental and temporary signs in all districts.

F. Communications to the Commission

G. Adjournment
CITY OF TOPEKA
PLANNING COMMISSION
MINUTES

Monday, September 17, 2018
6:00PM – Municipal Building, 214 SE 8th Street, 2nd floor Council Chambers

Members present: Brian Armstrong, Marc Fried, Dennis Haugh, Wiley Kannarr, Corliss Lawson, Katrina Ringler, Matt Werner, Carole Jordan, Ariane Messina (9)

Members Absent: 

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

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

Approval of Minutes from August 20, 2018

Ms. Lawson requested the minutes be changed to note that she left the room immediately after stating her conflict of interest with the first case, Z18/04.

Motion to approve with the requested change; moved by Ms. Jordan, second by Mr. Haugh. APPROVED (9-0-0)

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

Public Hearings

1. Visual Code Update I (ACZR18/01) considering amending the Topeka Municipal Code (TMC) Title 18 (Comprehensive Plan-Signs-Subdivisions-Zoning) as follows:
   Creating Chapter 18.275 concerning non-residential design standards

   Mr. Fiander explained that this and the next case are scheduled for public hearings where public input could be heard, and then action at this evening’s meeting. He added that it is also the commission’s prerogative to delay action to a future meeting date.

   Mr. Warner presented a PowerPoint presentation and reviewed the proposed non-residential design standards. He noted that the proposal will allow the Planning Director the option to approve alternate materials if appropriate and that, if the applicant and Planning Director could not come to an agreement, the applicant could appeal the decision of the Planning Director to the Board of Zoning Appeals (BZA).

   Upon completion of his review, Mr. Warner stated that staff’s recommendation is for the Planning Commission to recommend approval of TMC 18.275 to the Governing Body.

   With no questions coming from commissioners, Ms. Ringler declared the Public Hearing open. Nobody coming forward to speak, Ms. Ringler declared the Public Hearing closed.

   Mr. Fried stated that staff has presented the proposal a number of times and made changes as requested by the Commission. He believes the design standards will do a good job of helping Topeka look better moving forward.
Mr. Haugh stated he likes the flexibility that has been built into the plan; it will prove helpful to architects.

Mr. Werner stated he agrees with Mr. Fried and added that he sat on the review committee which worked to fine tune the plan. He believes it is at a point where it is ready to move forward toward approval and implementation.

Mr. Kannarr noted that it's obvious a great deal of work has gone into creating the plan and he is unaware of anyone who has stated they have strong objections to it. He noted that nobody came to the public hearing to speak against it.

**Motion** by Mr. Werner to recommend approval of ACZR18/01 to the Governing Body, second by Ms. Lawson. **APPROVAL** (9-0-0)

2. **Visual Code Update II (ACZR18/03)** considering amending the Topeka Municipal Code (TMC) Title 18 (Comprehensive Plan-Signs-Subdivisions-Zoning) as follows:

   Amendments to the Land Use Matrix in Chapter 18.60 and Specific Use Requirements in Chapter 18.225, including amendments to the use standards for Vehicle Tow Lots, Contractor Offices, and Contractor Yards;

   Amendments to the standards in Chapter 18.235, Landscape Requirements, pertaining to the quantity of landscaping, landscaping along street frontages, and landscape setbacks.

Mr. Hall presented a PowerPoint presentation and reviewed the proposed amendments. He noted that at the August Planning Commission, staff presented a proposal to require the landscape setback along street rights of way to be 6’. They have since changed that to 5’.

Upon completion of his presentation, Mr. Armstrong asked for clarification on one of the slides. Ms. Messina asked if the amendments allow the Planning Director discretion to override any of the requirements. Mr. Hall explained that the proposals allow for quite a bit of discretion on the part of the Planning staff as they work with the applicant(s). If staff and the applicant cannot come to an agreement, the Planning Director could approve an alternative to the requirements.

Mr. Armstrong asked for clarification regarding when the requirements would be triggered. Mr. Hall explained that they take effect when there’s a 50% increase in new building or parking lot, but possibly less than 50% when a parking lot is being added and landscaping is needed to screen a parking lot from abutting homes, etc. In regard to tow lots, an increase would trigger the need for compliance on that part of the lot being added.

With no more questions coming from commissioners, Ms. Ringler declared the **Public Hearing open**. Nobody coming forward to speak, Ms. Ringler declared the **Public Hearing closed**.

Ms. Messina inquired in regard to parking lot increases – would the landscaping need to be re-done for the entire property or just for the add-on? Mr. Hall stated that it would depend on the circumstances and where the parking lot/building is located. He stated that unless it proved unreasonable, if someone is redeveloping a site and it’s affecting the entire site, staff would work with the applicant to bring the property up to standards. Both the staff and the Planning Director have discretion and attempt to use it in a consistent, thoughtful and limited way.

Mr. Armstrong noted that he believes the amendments will add to the community, making it more appealing. He stated that the Visual Appeal Survey results indicate the public believes landscaping is important.

Ms. Ringler noted that there has been considerable conversation about the proposed amendments, as well as opportunities for people to object to them, and she’s heard no strong objections.
Motion by Mr. Kannarr to recommend approval of ACZR18/03 to the Governing Body, second by Ms. Messina. APPROVAL (9-0-0)

Communications to the Commission

Mr. Fiander presented a framed certificate to outgoing Commissioner Dennis Haugh, thanking him for his two terms of service as Planning Commissioner. Ms. Ringler seconded Mr. Fiander’s thanks.

With no further agenda items, meeting was adjourned at 6:47PM.
Z18/05
by: Gage Center Dental Group, PA
<table>
<thead>
<tr>
<th>APPLICATION CASE NUMBER / NAME:</th>
<th>Z18/05 - Gage Center Dental Group, PA</th>
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</thead>
<tbody>
<tr>
<td>REQUESTED ACTION / CURRENT ZONING:</td>
<td>Zoning reclassification FROM &quot;R-1&quot; Residential District TO &quot;O&amp;I-2&quot; Office and Institutional District</td>
</tr>
<tr>
<td>PROPERTY OWNER:</td>
<td>DDS4Properties LLC</td>
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<tr>
<td>APPLICANT:</td>
<td>Gage Center Dental Group, PA</td>
</tr>
<tr>
<td>APPLICANT REPRESENTATIVE:</td>
<td>Kevin K. Holland, P.E.</td>
</tr>
<tr>
<td>PROPERTY LOCATION / PARCEL ID:</td>
<td>1329 SW Woodhull Street / Parcel No. 1420301002008000</td>
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<tr>
<td>PARCEL SIZE:</td>
<td>0.24 acre</td>
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<tr>
<td>CASE PLANNER:</td>
<td>J. Neunuebel, Planner II</td>
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<tr>
<td>RECOMMENDATION:</td>
<td>Approval</td>
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<tr>
<td>RECOMMENDED MOTION:</td>
<td>Based on the findings and analysis in the staff report I move to recommend <strong>APPROVAL</strong> to the Governing Body of the reclassification of the subject property from &quot;R-1&quot; Residential District to &quot;O&amp;I-2&quot; Office and Institutional District.</td>
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**PROJECT AND SITE INFORMATION**

**PROPOSED USE / SUMMARY:** The change in zoning to O&I-2 as requested will provide for use of a property at 1329 SW Woodhull Street for expansion of accessory parking for an existing dental clinic located on adjacent property at 1271 SW Woodhull Street. The applicant/ owner of the subject property, which is now a single-family residence, intends to demolish the residence to provide for an expanded parking area that will adjoin existing parking lot area(s) immediately to the north and west.

**DEVELOPMENT / CASE HISTORY:** The existing single-family residence was constructed in 1951, and the property has been zoned R-1 Single-Family Residential or an equivalent since that time.
ZONING AND CHARACTER OF SURROUNDING PROPERTIES:

Based on the zoning and land uses of surrounding properties as described below, the subject property is a remnant single-family land use amidst commercial, office, and higher density residential uses.

Adjacent and north: O&I-2 Office and Institutional including the applicant’s dental clinic building and associated parking areas, and C-2 Commercial including Herman’s restaurant, with Gage Bowl bowling alley on the north side of Huntoon Street.

Adjacent and west: O&I-2 including additional parking lot area for dental clinic with access onto SW Hillsdale Street, and R-1 Single-Family Residential with single-family dwellings on the west side of SW Hillsdale Street and south of dental clinic parking.

Adjacent and east across SW Woodhull Street: Planned Unit Development (with C-4 commercial use group) including Gage Center Office Suites comprised of a 2-story building along with parking lot areas within a larger commercial center primarily accessed from SW Huntoon Street and Gage Boulevard.

Adjacent and south: M-2 Multiple-Family including a residential apartment building located at 1337 SW Woodhull St. with eight residential units. (Property further south: M-3 Multiple-Family including a residential apartment building located at 1347 SW Woodhull St. with 17 units.

PHOTOS:

On SW Woodhull street facing west along northern property line of subject property with single-family residence on left and dental clinic with existing parking area on right.
West of subject property facing backside of existing residence and fence, with additional parking area for dental clinic located to the south of the clinic bldg. in foreground. (This parking area currently accessed from SW Hillsdale Street.)

On SW Woodhull street facing west along southern property line of subject property with single-family residence on right and 8-unit apartment building on left.

DEVELOPMENT STANDARDS AND POLICIES

PURPOSE, USE STANDARDS: The purpose / intent of the proposed O&I-2 zoning district is to provide for a limited range of nonresidential and noncommercial uses such as general purpose office, professional, or administrative operations. The district shall not permit those uses and activities pertaining to retail product display, installation, service, repair, or maintenance unless specifically provided for within the chapter. Among others, an objective of this district is to provide for a transitional buffer between districts of lesser and greater intensity; and to restrict the intensity of use to a low
to moderate range and to encourage compatible design with the adjacent use and development. (TMC 18.130.010).

A very limited range of office and commercial activities are permitted in the O&I-2 district such as bank/finance institution, funeral home, health service and clinic, medical equipment, and radio and TV broadcasting.

**DENSITY & DIMENSIONAL STANDARDS:**

Within the O&I-2 district minimum lot area is 7,500 square feet and maximum building coverage is 50% of lot area. Principal building setbacks within the district are: front – 25 feet; side – 7 feet; and rear – 25 feet. Maximum building size is 20,000 square feet ground floor area.

**OFF-STREET PARKING:**

The increase in parking stalls as a result of the proposed zone change is not required to provide minimum off-street parking for the existing dental clinic as is already provided but is intended to supplement available parking for the added convenience of dental clinic users and staff.

**LANDSCAPING:**

Any development pursuant to the proposed O&I-2 zoning will require landscaping and buffer yards in conformance with TMC 18.235 Landscape Requirements. Landscape plans will be reviewed and approved as part of a site plan review application required for development.

**OTHER DESIGN GUIDELINES AND CONSIDERATIONS:**

None

**SIGNS:**

Pole signs are not allowed within the O&I-2 district, while monument signs are limited to a maximum of 100 square feet or 50 square feet per sign face, with a maximum height of 5 feet. Wall signs are limited to a maximum sign area of 40 square feet.

**COMPREHENSIVE PLAN:**

The Topeka Land Use and Growth Management Plan 2040 (LUGMP) includes the subject property and adjacent properties on the west side of Woodhull Street on the Future Land Use Map as “Urban/ Suburban Low Density Residential,” while properties on the east side of the street are designated at “Commercial.” Although the west side of Woodhull Street is designated “Urban/Suburban Low Density Residential” the uses on that side of the street are a mixture of commercial, office, and multi-family. The dental clinic has been operating for many years, serving as an appropriate transitional use between the commercial centers to the north and east and residential uses to the south and west. The proposed zone change is consistent with the LUGMP in this regard.

**TRANSPORTATION AND ACCESS:**

SW Woodhull Street is a local street, while SW Huntoon Street approximately 350 feet north of the subject site is classified as a Minor Arterial.
OTHER FACTORS

SUBDIVISION PLAT: Lots 1267, 1269, 1271 and East ½ of the Vacated Alley, EAM Smiths Lenox Place Subdivision

FLOOD HAZARDS, STREAM BUFFERS: None

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

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

HISTORIC PROPERTIES: None

NEIGHBORHOOD INFORMATION MEETING / STAKEHOLDER FEEDBACK: The applicant conducted a Neighborhood Information Meeting on September 27, 2018; however, no external attendees (besides the applicant team and city staff) were present at the meeting.

PUBLIC WORKS/ENGINEERING: No issues identified.

WATER POLLUTION CONTROL: No issues identified.

FIRE: No issues identified.

DEVELOPMENT SERVICES: No issues identified.

Other: None

KEY DATES

APPLICATION SUBMITTAL: August 28, 2018

NEIGHBORHOOD INFORMATION MEETING: September 27, 2018

LEGAL NOTICE PUBLICATION: September 24, 2018

ADJOINING PROPERTY OWNER NOTICES MAILED: September 20, 2018

STAFF ANALYSIS

CHARACTER OF NEIGHBORHOOD: The proposed O&I-2 zoning is compatible with the existing and desired future character of the neighborhood. The subject property is on the west side of Woodhull Street at mid-block. The surrounding development on the block is characterized by office and retail with accessory surface parking, residential duplexes, and two and three-story apartment buildings. The block on the east side of Woodhull contains a two-story office and retail building. The rear of the building faces Woodhull Street. The proposed O&I-2 zoning allows for office and other similar
commercial and institutional uses. However, the property is likely too small to support anything but a small building, and the owner is requesting the O&I-2 zoning to allow for expansion of parking for the existing Gage Dental Clinic to ensure the clinic has sufficient parking. Development of the property will require an approved site and landscape plan to ensure proper parking design, setbacks and buffer yards, and landscaping.

THE ZONING AND USE OF PROPERTIES NEARBY: The proposed O&I-2 zoning is compatible with the zoning and land use of adjacent properties and in the surrounding neighborhood for multiple reasons. The subject property is comprised of a single-family residence that is not particularly compatible with surrounding commercial, office, and higher density residential uses. The zoning change will support an expansion of the existing parking lot for the Gage Dental Clinic. The additional parking will help prevent parking congestion and potential conflicts with parking for surrounding uses. The development resulting from the zoning change will be surrounded by two-story office and residential apartment buildings, residential duplexes, and parking lots.

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: The subject property includes an existing single-family residence that is owned by the applicant and utilized as a rental property although it is currently vacant.

CONFORMANCE TO COMPREHENSIVE PLAN: The Topeka Land Use and Growth Management Plan 2040 (LUGMP) designates the subject property on the Future Land Use Map as “Urban/Suburban Low Density Residential,” and although such a designation would not normally provide for an office use in the form of a dental clinic, the fact that the dental clinic has been operating for many years serving as an appropriate transitional use between the commercial centers to the north and east and residential uses to the south and west, the proposed zoning change is in conformance with LUGMP policies in part because it provides additional parking for the dental clinic.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES OF WHICH IT HAS BEEN RESTRICTED: Under its current R-1 zoning the property is restricted to single-family residential and a narrow range of limited institutional uses such as churches (religious assembly). The small size of the property (.24 acre) also limits how the property can be used. Its R-1 zoning and current single family residential use is perhaps less compatible with the adjacent dental clinic and other surrounding zoning and land use than if it was reclassified to O&I-2 and utilized for expanded off-street parking for the existing dental clinic.

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: The change in zoning to O&I2 will allow the owner to provide additional off-street parking for Gage Dental Clinic which has operated at its location for many years without reported problems. The additional parking likely has a positive effect on nearby property owners and residents because it helps to prevent parking congestion on Woodhull and Hillsdale streets, and averts the potential problem of clinic customers parking in other private lots. Additionally, development of parking or another use permitted under the proposed zoning will require an approved site and landscape plan with property setbacks, buffer yards, and landscaping to protect neighboring owners and residents from the potential negative effects of development.

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 continued use of the property as a single-family residence is not particularly suitable with existing development within the area. Denial of the proposed zone change and additional off-street parking for the existing dental clinic may prove burdensome to the applicant to the point of their needing to re-locate the clinic to another area resulting in vacating of a building that has been utilized for many years.

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 “R-1” Single-Family Residential District TO “O&I-2” Office and Institutional 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 “R-1” Residential District to “O&I-2” Office and Institutional District.

Attachments:
- Aerial Map
- Zoning Map
- Future Land Use Map (LUGMP 2040)
STAFF REPORT – ZONING CASE
TOPEKA PLANNING DEPARTMENT

PLANNING COMMISSION DATE: October 15, 2018

<table>
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<th>APPLICATION CASE NUMBER / NAME:</th>
<th>Z18/07 - TERC, LLC</th>
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<tbody>
<tr>
<td>REQUESTED ACTION / CURRENT ZONING:</td>
<td>Zoning reclassification FROM “I-1” Light Industrial District TO “C-4” Commercial District</td>
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<tr>
<td>PROPERTY OWNER:</td>
<td>Nancy E Sharp Trust</td>
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<td>APPLICANT:</td>
<td>TERC, LLC</td>
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<td>APPLICANT REPRESENTATIVE:</td>
<td>Roland Bartels</td>
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<tr>
<td>PROPERTY LOCATION / PARCELS ID:</td>
<td>1834 SW Topeka Boulevard / Parcel I.D: 1330603005001010 312 SW 19th Street / Parcel I.D: 1330603005002000</td>
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<tr>
<td>PARCEL SIZE:</td>
<td>1.31 acres</td>
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<td>CASE PLANNER:</td>
<td>J. Neunuebel, Planner II</td>
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<tr>
<td>RECOMMENDATION:</td>
<td>Approval</td>
</tr>
<tr>
<td>RECOMMENDED MOTION:</td>
<td>Based on the findings and analysis in the staff report I move to recommend APPROVAL to the Governing Body of the reclassification of the subject property from “I-1” Light Industrial District to “C-4” Commercial District.</td>
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PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY: The change in zoning to C-4 as requested will provide for re-use of a property as a tunnel car wash, along with vacuum stations. (A tunnel car wash utilizes a conveyance system to move a line of vehicles forward through a sequence of wash, rinse, and dry functions.)

DEVELOPMENT / CASE HISTORY: The subject property includes an existing building and parking lot as have been for many years a portion of Sharp Honda auto dealership currently in the process of re-locating to a new facility. The existing building on the subject site was constructed in 1981 as an auto showroom, with the addition of auto service bays on the east side of the building completed in 1991.
ZONING AND CHARACTER OF SURROUNDING PROPERTIES:

Adjacent and north: “I-1” Light Industrial – remainder portion of Sharp Honda, with “C-4” Commercial on north side of SW 18th Street – Avis Car Rental.

Adjacent and east: “I-1” Light Industrial – Topeka Transmission Service on east side of SW Harrison Street.

Adjacent and south: “C-4” Commercial on south side of SW 19th Street – Doug Richert Cadillac auto dealership. (Also; “M-1” Two-Family Dwellings – residential area to the south and west along SW Van Buren Street south of 19th St., with the nearest residential dwelling located approximately 700 feet from the subject property.

Adjacent and west: “PUD” Planned Unit Development (C-2 commercial use group) on west side of SW Topeka Blvd. – The Kansas Expocentre.

PHOTOS:

From west side of SW Topeka Boulevard facing front of subject property at 1834 SW Topeka Blvd.

Facing north along east property line adjacent to SW Harrison Street with Topeka Transmission Service in beige building on right.
DEVELOPMENT STANDARDS AND POLICIES

PURPOSE, USE STANDARDS: The purpose / intent of the proposed C-4 zoning district is to provide for commercial uses and activities which are intended to serve as community or regional service areas. Uses and activities permitted are typically characterized by outdoor display, storage and/or sale of merchandise, by repair of motor vehicles, by outdoor commercial amusement and recreational activities, or by activities or operations conducted in buildings and structures not completely enclosed. The extent and range of activities permitted are highly intensive and therefore special attention must be directed toward buffering the negative aspects of these uses upon any residential use. (TMC 18.155.010).

A very wide range of office and commercial activities are permitted in the C-4 district, although many such uses are also provided for within the I-1 district per the current zoning classification. A variety of potential light industrial uses permitted in the I-1 district will of course remain in effect for properties adjacent to the subject property to the north and east.

DENSITY & DIMENSIONAL STANDARDS: Within the C-4 district the minimum required lot area is 10,000 square feet, while maximum building coverage is 60% of lot area. Principal building setbacks within the C-4 district are: front – 25 feet; side – 10 feet; and rear – 25 feet. Maximum building height within the C-4 district is 70 feet. (The existing building conforms to these standards and they also apply to new construction.)

OFF-STREET PARKING: Off-street parking requirements for the anticipated car wash use will be determined during the site plan review process.

LANDSCAPING: The proposed change in zoning will have no substantial effect on landscaping requirements pursuant to TMC 18.235 Landscape Requirements, with landscape plans to be reviewed and approved as part of the site plan review process. (Note: Proposed new landscape requirements are currently being drafted, and if adopted by the City will affect landscape requirements within C-4 districts including the subject property.)

OTHER DESIGN GUIDELINES AND CONSIDERATIONS: Although non-residential design standards are not yet in effect, it is anticipated that new construction on the subject site will be required to adhere to such standards as may be approved by the City of Topeka Governing Body in the near future.

SIGNS: Although revised and updated sign standards for new development are currently being drafted, at this time sign standards for the C-4 district I-1 district are the same. For both districts, for example, ground signs are permitted to a maximum height 55 feet with maximum area per sign face of 300 square feet.
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 "Commercial," with adjacent property to the west including the Kansas Expocentre being "Public/Quasi Public."

TRANSPORTATION/ AND ACCESS: Topeka Boulevard is classified as a principal arterial and includes sidewalks on both sides of the street, while both 19th and Harrison Street(s) adjacent to the site are classified as local streets.

OTHER FACTORS

SUBDIVISION PLAT: Lots 671-686 Walnut Grove Addition.

FLOOD HAZARDS, STREAM BUFFERS: Existing flood hazards are associated with the nearby Shunganunga Creek, with the entire property being located within the 100-year (1%) floodplain and the south edge of the property being within the floodway. Such flood hazards will affect development requirements on the site.

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

TRANSPORTATION/TRAFFIC: The proposed change in zoning from Light Industrial to C-4 Commercial will have no anticipated impacts upon transportation/traffic within the area.

HISTORIC PROPERTIES: None

NEIGHBORHOOD INFORMATION MEETING / STAKEHOLDER FEEDBACK: The applicant conducted a Neighborhood Information Meeting on September 26, 2018. Information was presented on the project including a preliminary site plan indicating access points and other design details. Meeting attendees expressed support for the project.

PUBLIC WORKS/ENGINEERING: No issues identified.

WATER POLLUTION CONTROL: No issues identified.

FIRE: No issues identified.

DEVELOPMENT SERVICES: No issues identified.

Other: None
KEY DATES

APPLICATION SUBMITTAL: September 5, 2018
NEIGHBORHOOD INFORMATION MEETING: September 26, 2018
LEGAL NOTICE PUBLICATION: September 24, 2018
ADJOINING PROPERTY OWNER NOTICES MAILED: September 21, 2018

STAFF ANALYSIS

CHARACTER OF NEIGHBORHOOD: The proposed C-4 zoning is compatible with the existing and desired future character of the neighborhood given the largely auto-oriented commercial businesses within the area including repair shops and tow and salvage lots, as well as the institutional use to the west in the form of the Kansas Expocentre.

THE ZONING AND USE OF PROPERTIES NEARBY: The subject property is surrounded by I-1 Light Industrial District and C-4 Commercial zoning inclusive of auto-oriented businesses to the north, east, and south, as well as with the Kansas Expocentre to the west.

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: The property is a part of an existing auto dealership. Although it is not currently vacant, the dealership is in the process of relocating with the property then being vacant until such time as new uses are established. An existing auto dealership often does not easily transition to a new use. The timely re-use of at least a portion of the larger property is more desirable and supportive of other uses also being established rather than the entire property remaining vacant.

CONFORMANCE TO COMPREHENSIVE PLAN: The Topeka Land Use and Growth Management Plan 2040 (LUGMP) designates the subject property on the Future Land Use Map as “Commercial” which is fully consistent with the requested change to C-4 Commercial District.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES OF WHICH IT HAS BEEN RESTRICTED: The subject property and existing building, as it is designed for an auto showroom and auto repair area, is designed and built for retail uses. Apart from the building, the land is suitable for uses permitted under its current I-1 zoning classification. Other than car washes, the commercial uses permitted in the C-4 district are also permitted in the I-1 district. However, the C-4 designation would provide for the property’s more immediate and compatible use as a car wash.

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: The change in zoning to C-4 would comprise a more restrictive use than the current I-1 zoning; thus resulting in there being no anticipated detrimental effects upon nearby properties.

THE 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: Use and development of the property permitted within the current I-1 zoning could potentially be compatible with existing and future uses within the area. However, denial of the proposed zone change may result in the building remaining vacant for an extended period due to its size and the design of the existing building, as well as many uses permitted within the I-1 district probably being deemed inappropriate within the area given the presence of the nearby Kansas Expocentre and the functioning of Topeka Boulevard as a gateway into the downtown area from the south.

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

RECOMMENDATION: Based on the above findings and analysis Planning Staff recommends approval of the zoning reclassification FROM “I-1” Light Industrial District TO “D-4” Commercial District as proposed.

RECOMMENDED MOTION: Based on the findings and analysis in the staff report I move to recommend APPROVAL to the Governing Body of the reclassification of the subject property from “I-1” Light Industrial District to “C-4” Commercial District.

Attachments:
- Aerial Map
- Zoning Map
- Future Land Use Map (LUGMP 2040)
- Neighborhood Information Meeting Summary & Attendance
- Statement of Support – Monroe Neigh. Improvement Assoc.
PUD
(C-2 Use Group)

Subject Property

Z18/07 - Zoning Map
TERC, LLC

Topeka Planning Department
October 1, 2018

Mr. John Neunuebel
City of Topeka
620 SE Madison
Topeka, KS 66607

RE: Tiger Express Wash
1834 SW Topeka Blvd.
Topeka, KS
Cochran Project No. M18-7588

Dear Mr. Neunuebel:

A neighborhood meeting was held on September 26, 2018 at 6:00 p.m. for the rezoning of 1834 SW Topeka Blvd. from I-1 Light Industrial to C-4 Commercial. The meeting was held in the lobby of the existing building located on the subject site. A total of 4 people were in attendance for the meeting. A list of the attendees is included on the attached sign-in sheet. Kurt Daniels with Cochran was in attendance to discuss the project. Mr. Daniels had a site plan for viewing purposes and used it to describe the proposed car wash, site configuration, and improvements which will occur with the project. Mr. Daniels discussed how the site was currently located in the floodplain and that the new building will be raised to be above the floodplain. The retaining walls required for raising the site and the access points for the site and adjacent property were also discussed. The individuals in attendance were receptive to the site development. Mr. Hust expressed his excitement for the development and stated it would be an improvement for the area. Mr. Hust stated he would be forwarding a letter of recommendation for the site.

If you have any questions please feel free to contact me.

Sincerely,

[Signature]

Eric S. Kirchner, P.E.
Senior Project Manager
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Email (preferred)/Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>R. Sharp</td>
<td>1444 SW Washburn Rd</td>
<td><a href="mailto:rs@typesharpbook.com">rs@typesharpbook.com</a></td>
</tr>
<tr>
<td>Ed Ellis</td>
<td>3813 SE 32nd Pl</td>
<td><a href="mailto:ed@kansascommercial.com">ed@kansascommercial.com</a></td>
</tr>
<tr>
<td>Todd Hiest</td>
<td>1526 SW Harrison</td>
<td><a href="mailto:todd.hust@gmail.com">todd.hust@gmail.com</a></td>
</tr>
<tr>
<td>James Richard</td>
<td>1900 Stephens</td>
<td><a href="mailto:jrichard@topeka.com">jrichard@topeka.com</a></td>
</tr>
<tr>
<td>John Neumuebel</td>
<td>COT Planning</td>
<td><a href="mailto:JNeumuebel@topeka.com">JNeumuebel@topeka.com</a></td>
</tr>
<tr>
<td>Kurt Daniels</td>
<td>8E main street, Westside</td>
<td><a href="mailto:Kurt@Coehome.com">Kurt@Coehome.com</a></td>
</tr>
</tbody>
</table>
From: Todd Huston <toddhust63@gmail.com>
Sent: Tuesday, October 02, 2018 10:15 PM
To: Kurt Daniels <Kurt@cochraneng.com>
Subject: car wash

My name is Todd Huston. I am the president of the Monroe neighborhood improvement association. I am writing this letter of recommendation for the proposed car wash at 1834 SW Topeka Blvd. The Nia believes this will be a welcome asset to the community. We feel that not only will the car wash provide a service for the community but also be cosmedically appealing.

Thank you

Todd E. Huston
Monroe nia
Z18/06
by: TKG 125, LLC & DV Investments, LLC
<table>
<thead>
<tr>
<th>APPLICATION CASE:</th>
<th>Z18/6 By: TKG 125 LLC/Ted Graf and JT &amp; DV Investments LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>REQUESTED ACTION:</td>
<td>Zoning change from “I-2” Heavy Industrial District TO “D-3” Downtown District</td>
</tr>
<tr>
<td>APPLICANT / PROPERTY OWNERS:</td>
<td>TKG 125 LLC and JT &amp; DV Investments LLC</td>
</tr>
<tr>
<td>PROPERTY LOCATION / PARCEL ID:</td>
<td>121 and 125 N. Kansas Avenue</td>
</tr>
<tr>
<td>PARCEL SIZE:</td>
<td>0.17 acres per parcel</td>
</tr>
<tr>
<td>PHOTOS:</td>
<td></td>
</tr>
<tr>
<td>CASE PLANNER:</td>
<td>Annie Driver, AICP</td>
</tr>
<tr>
<td>RECOMMENDATION:</td>
<td>Approval</td>
</tr>
<tr>
<td>RECOMMENDED MOTION:</td>
<td>Based on the findings and analysis in the staff report I move to recommend to the Governing Body approval of the reclassification of the property from “I-2” Heavy Industrial District TO “D-3” Downtown District.</td>
</tr>
</tbody>
</table>
PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY: The change in zoning at 125 N. Kansas to “D-3” zoning accommodates the re-use of the 2nd floor for three, residential loft apartments that was completed in 2018. The applicant was under the assumption the rezoning had already been approved when adjacent properties within the block were rezoned to “D-3”. The Planning Department also inadvertently approved a building permit for the apartments without the proper residential zoning. Residential uses are not permitted under the current “I-2” zoning.

The owner of the adjacent building at 121 N. Kansas building is a co-applicant to this rezoning to allow for future conversion of the building to residential. There are no plans to convert 121 N. Kansas to residential use in the near future.

DEVELOPMENT / CASE HISTORY: The building at 125 N Kansas (Graf) was constructed in the late nineteenth century. The building at 121 N. Kansas was constructed in the 1920s and is presently being used for storage and warehouse, but the owner may have interest to convert the building in the future.

In August 2011 the Governing Body approved the zoning change from “I-2” to “D-3” for the two parcels immediately south of the subject properties (115/109 N. Kansas). In June 2017, the Governing Body approved the zoning change from “I-2” to “D-3” for the parcel south located at 101 N. Kansas Avenue.

The subject property is one of five buildings in the Mill Block Historic District (1st and Crane, east of alleyway) established in May 2015 by the US Department of the Interior.

ZONING AND SURROUNDING PROPERTIES: Adjacent and north: “I-2” Heavy Industrial – warehouse, storage uses

Adjacent and west: “I-2”; current use is a storage warehouse and associated parking and loading

Adjacent and east across N Kansas Avenue bridge: “I-1” (Light Industrial) used for the Kansas Lottery. The State currently leases the parking under the bridge from the City of Topeka during the business hours, but is available after business hours to tenants.

The two buildings south of the subject properties (109/115 N. Kansas) contain two residential units each and were converted from warehouse spaces near 2011. The building at 101 N. Kansas Avenue is undergoing a conversion to allow 33 residential units along with a below surface parking garage.

The surrounding properties zoned both “I-1” and “I-2” Light and Heavy Industrial District contain a variety of uses associated with plant, factory, heavy goods storage, handling activities,
warehousing, parking and loading areas as well as associated offices for these business establishments.

DEVELOPMENT STANDARDS AND POLICIES

PURPOSE, USE STANDARDS: The purpose of the I-2 district is to provide for the most intensive land uses including the full range of both light and heavy industrial uses.

The purpose of the “D-3” Downtown District is to “... reestablish the linkage between downtown and the Kansas River through intensive redevelopment of the area north of Crane Street to the Kansas River. The district includes housing, commercial and office uses.” (TMC 18.200.020) Staff considers most of the area north of 3rd Street and east of Van Buren to be potentially suitable for “D-3” because of the fact Crane Street is in close proximity and potential future access to the Kansas River and because of the industrial nature of the built environment north of 3rd Street.

Residential uses are not permitted in the “I-2” District, except for caretaker residences (i.e. night watchmen). Industrial uses in the “D-3” District are limited to: Contractor yards; Manufacturing-Processing Type I (i.e. (Businesses engaged in the manufacture of finished parts or products from previously prepared materials); Self-Storage Type I (i.e. Enclosed climate controlled, self-storage with entry from an interior hall); Micro-Alcohol Production; and Artisan Manufacturing (i.e. Production and assembly of finished products or component parts typically by hand); and Commercial Bakeries. Warehousing, Storage and Distribution is not permitted in the “D-3” District, although existing storage in these buildings will be allowed to continue as a legal non-conforming use or as accessory uses. It is anticipated storage type uses in “D-3” will be addressed in a future code update.

DIMENSIONAL STANDARDS: “I-2” district: Building setbacks are not required except where development is adjacent to a residential zoning district. The building coverage limit is 85% (i.e. the existing buildings being in an older industrial district are legal non-conforming). There is no height restriction.

“D-3” district: “D-3” zoning allows for 100 percent building coverage with no minimum building setbacks. There is no restriction on residential density. The maximum building height is 60 feet.

OFF-STREET PARKING: “I-2” District: Off-street parking is required per the standards in TMC 18.240.030 by based on the use for warehousing.

“D-3” District: No off-street parking is required. Requiring off-street parking is an obstacle to the reuse and renovation of existing buildings and can hinder the density and diverse use mix that is key to revitalization. The applicant indicated the building at 125 N. Kansas has garage parking on the lower level for the apartments. The owner indicated tenants may also use parking under the Kansas Avenue bridge that is presently being leased by the Kansas Lottery from the
City when not in use by the Lottery.

**OTHER DESIGN GUIDELINES AND CONSIDERATIONS:**

Development in the “D-3” District is subject to the Downtown Topeka Urban Design Guidelines. (TMC 18.200.090). The standards generally only apply to new development and not adaptive re-use of buildings.

**SIGNAGE:**

Any potential future signage on the building exterior face will be subject to the sign standards for downtown districts and historic district guidelines reviewed both internally and externally by planning staff and the State. (TMC section 18.200.090).

**COMPREHENSIVE PLANS:**

Land Use and Growth Management Plan 2040 (LUGMP):
- Located in the “Downtown” area on the Future Land Use Map.
- “This area is classified as Topeka’s Central Business District and should continue to encourage the development of Downtown as an office, regional employment, and commercial center. However, Downtown should also be redeveloped for a mix of uses that include retail, high density residential, and loft conversions . . . A residential component is critical to the redevelopment of Downtown.” (page 52)
- “Mixed use is a priority in Downtown, including commercial, office, and higher density residential land uses.” (page 55)

**TRANSPORTATION/MTPO PLANS:**

The block is adjacent with a future realignment of Interstate 70 where it would intersect the blocks south of SW 1st Street. The Polk-Quincy Viaduct Study (KDOT) addresses this re-alignment of I-70. The project does not directly affect the subject property, although the recommended changes in exit and entrance ramps should have some positive effect on access to the riverfront area.

The Topeka Pedestrian Master Plan:
- Actions 1B and 1D require sidewalks to be part of new developments (pages 19 and 24).
- Action 4C: “Promote walking in neighborhoods through mixed use development and redevelopment along neighborhood corridors.” (page 53)

The Topeka Bikeways Master Plan:
- This segment of Kansas Avenue is on the “North Topeka Bikeway”. The roadway will incorporate sharrows with associated use of walks on southbound side of the bridge. (pages 168-169)

**OTHER FACTORS**

**SUBDIVISION PLAT:**

Lots 21, 23, 25, and 27, Mill Block Subdivision

**FLOOD HAZARDS, STREAM BUFFERS:**

Designated FEMA Zone X “area with reduced risk due to levee protection
UTILITIES: The site is served by the full range of utilities and services.

TRANSPORTATION: Kansas Avenue is classified as a minor arterial. SW 1st Avenue is classified as a major collector.

HISTORIC PROPERTIES: 101 N. Kansas Avenue is a contributing property to the Mill Block Historic District. In 2015, the Mill Block Historic District was added to the National Register of Historic Places. The owner/applicant is using state historic tax credits to help finance the building renovation. On October 11, 2018, the Topeka Landmarks Commission will consider the proposed zoning change from I-2 to D-3 to determine whether the change in zoning damages or destroys the historical integrity of the property located at 101 N. Kansas Avenue or the surrounding Mill Block Historic District.

NEIGHBORHOOD MEETING: The owner/applicant conducted a neighborhood information meeting on Thursday, September 27, 2018 at 6 pm. There was one attendee at the meeting other than staff and the applicants. The following concerns were expressed:

- Impact of future residential uses within an existing industrial area and the conflicts that may arise as more residents move into the area.
- The uncertain timing of the future Polk Quincy Viaduct construction

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REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

PUBLIC WORKS/ENGINEERING: None

WATER POLLUTION CONTROL: None

FIRE: None

DEVELOPMENT SERVICES: The applicant was issued a Certificate of Occupancy on April 24, 2018 for the building’s Change of Use to residential per International Building Code.

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KEY DATES

SUBMITTAL: September 7, 2018

NEIGHBORHOOD INFORMATION MEETING: September 27, 2018

LEGAL NOTICE PUBLICATION: September 24, 2018

PROPERTY OWNER NOTICE: September 24, 2018
STAFF ANALYSIS

CHARACTER OF NEIGHBORHOOD: The area is alongside the north edge of Interstate 70 (Polk-Quincy Viaduct) is characterized by a mix of light and heavy industrial uses, offices, and parking and loading areas. Much of the Mill Block (subject historic block between SW 1st and NW Crane) is transitioning to higher density residential uses from warehouses constructed in the late nineteenth/early twentieth centuries. The “D-3” zoning is compatible with the Mill Block, however, the zoning is potentially not compatible with surrounding uses on the blocks to the east and west that are zoned for heavy and light industry. The surrounding character of the existing neighborhood is “Industrial” in land use and zoning and contains a variety of industrial uses. Some of the uses within the current I-2 and I-1 zoning are generally not compatible with the future and desired use of the neighborhood for Downtown higher density residential.

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: The buildings were historically used for storage and warehousing in the late nineteenth and early twentieth century. The upper floor of the existing building at 125 N. Kansas was converted for three residential apartments in 2017 with garage parking on a portion of the lower level. The remainder of the lower level is currently vacant, but was recently used as an exercise gym. The existing building at 121 N. Kansas has historically been used for warehousing and storage. This owner is not proposing to convert the building 121 N. Kansas to residential in the near future.

CONFORMANCE TO COMPREHENSIVE PLAN: The proposed zoning change to “D-3” Downtown District conforms to Topeka’s comprehensive plan for the re-use of historic Mill Block. The Topeka Land Use and Growth Management Plan 2040 (LUGMP) designates the subject property on the Future Land Use Map for “Downtown” land uses. In accordance with the Downtown designation, the LUGMP envisions redevelopment within the area comprising a mix of uses including retail, high density residential, and residential loft conversions that are also encouraged within the City’s adopted Downtown zoning districts. Zoning changes for re-use and conversion within the designated Downtown area are important to implementation of the Comprehensive Plan. However, that being said, there is the potential for compatibility issues with existing Industrial uses as the area transitions to mixed-use/residential development.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES OF WHICH IT HAS BEEN RESTRICTED: The subject property at 125 N. Kansas has already been converted for residential apartments on the second floor so “I-2” zoning is no longer appropriate on the property. The “D-3” classification at 125 N. Kansas will bring the zoning into compliance, but will also make the use of the lower floor for warehousing a legal non-conforming use. The properties and especially the buildings are not suitable for many of the uses to which it is restricted under the current “I-2” zoning. The buildings were designed for a warehouse of the type used in the early part of the last century, which is not easily converted to other industrial uses as permitted in the current I-2 district. The “D-3” classification allows the existing building (121 N. Kansas) to be adapted for a broader range of uses, including multifamily, retail, and office in the future as well as limited light industrial uses, but also makes the current warehousing and storage a legal non-conforming use.

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETERMINATELY AFFECT NEARBY PROPERTIES: The change in zoning and the previous and planned renovations of the buildings will have a net positive effect on nearby properties. The addition of residents will help to support retail services and other downtown businesses and contribute to the vitality of the neighborhood and re-use and conversion of Downtown. There is potential for some detrimental effects to occur upon surrounding industrial land owners as the ongoing expansion of residential within this historically industrial area continues, which may lead to conflicts that can arise when a growing residential population becomes displeased with noxious industrial activity. However, those net impacts should be outweighed by achieving a mixed use Downtown as outlined by the Comprehensive Plan.

THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE OWNER’S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER: Approval of the proposed zoning change will allow the buildings to be used for purposes that are...
economically feasible in a mixed use Downtown as well as allowing for investment in the properties and long term maintenance of buildings. Considering the surrounding uses in the historic Mill Block and the complimentary past rezoning actions on those properties, there should be no overall harm to the public health, safety and welfare by denial of the rezoning. Denial of the rezoning application imposes a significant hardship upon the landowner at 125 N. Kansas Avenue since he has already made a substantial investment to convert the upper floor of the building for residential apartments.

**AVAILABILITY OF PUBLIC SERVICES:** Adjacent public streets are adequate to serve the development. All essential public utilities, services and facilities are presently available to this area or will be extended at developer expense. The existing alley and underlying infrastructure (water/sewer) is currently being improved by the City.

**STAFF RECOMMENDATION:**

**RECOMMENDATION:** Based on the above findings and analysis Planning Staff recommends approval of the zoning reclassification from “I-2” Heavy Industrial District TO “D-3” Downtown District as proposed.

**RECOMMENDED MOTION:** Based on the findings and analysis in the staff report I move to recommend to the Governing Body approval of the reclassification of the property from “I-2” Heavy Industrial District TO “D-3” Downtown District.

Exhibits:
- Aerial map
- Zoning map
- Future land use map
- NIM Report and Attendance
Z18/6 By: TKG 125 LLC/JT & DV Investments LLC
121 and 125 N. Kansas Avenue

On September 27, 2018, 6:00 pm a Neighborhood Information Meeting was held to discuss the rezoning of 121 and 125 N. Kansas Avenue.

The proposed rezoning of the two properties from I-2 to D-3 was discussed with attendees; Michelle Hoferer – J.T. Lardner, Annie Driver, Mike Hall COT Planning and property owner’s Ted & Kerry Graf of TKG 125 LLC.

The rezoning requirement was discussed with some concern expressed by Ms. Hoferer regarding the residential growth and increase of traffic in the area. Mrs. Graf also inquired as to why the rezoning was not required at the time of the building permit application.

The meeting concluded at approximately 6:45 pm.

Kerry Graf
TKG 125 LLC
# Neighborhood Information Meeting

## Sign in Sheet

Z18/6 Ted Graf/JT & DV Investments LLC

**Date:** Thursday, September 27, 6:00pm  
**Location:** ON SITE 125 N. Kansas Ave

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Michelle Hoferer</td>
<td>128 NW Van Buren</td>
<td><a href="mailto:mahoferer@gmail.com">mahoferer@gmail.com</a></td>
</tr>
<tr>
<td>Terry Graf</td>
<td>125 N. Kansas Ave</td>
<td><a href="mailto:terrygraff@gmail.com">terrygraff@gmail.com</a></td>
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<td>Ted Graf</td>
<td>125 N. Kansas Ave</td>
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<td>Annie Driver</td>
<td>COT Planning</td>
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<tr>
<td>Mike Hall</td>
<td>COT Planning</td>
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Z55/43K
Gage Center Master Planned Unit Development by BLEM Development
Application Case No. Z55/43K Gage Center Master Planned Unit Development Plan

Requested Action / Current Zoning:
Amendment to PUD Master Plan for Gage Center to allow a gas station and convenience store (“Automobile Service Station, Type I”), located in the building on the easternmost end of the strip center. The revision to the PUD applies to Building site “F” only.

The proposed revision to Building site “F” on the PUD Master Plan that allows an “Automobile Service Station, Type I” (gas station/convenience store) requires a major amendment to the PUD pursuant to provisions in TMC 18.190.070(1) since this change is deemed by the Planning Director as a “change to the use and character of the development”. The PUD master plan permitted a “retail store or restaurant” on Building site “F”. An “Automobile Service Station, Type I” is considered an increase in commercial intensity under the zoning matrix uses as described in TMC18.60.

Applicant / Property Owner:
Haag Express LLC (developer)/ BLEM Development Co. (owner)

Applicant Representative:
Kevin Holland, Cook, Flatt, and Strobel Engineers

Property Address & Parcel ID:
1301 SW Gage Blvd/PID: 1420301001006000 (Approximately 500 ft. south of the intersection of Huntoon and Gage)

Photo:
East end of Gage center – Driveway 1

Parcel Size:
1.78 acre property within an 18 acre total area that is encompassed by the PUD master plan boundary

Case 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. 6-7.

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

### PROJECT AND SITE INFORMATION

**PROPOSED USE / SUMMARY:**

The applicant proposes a 7,600 sq. ft. gas station and convenience store and pump islands with four rows of two pumps per row ("Automobile Service Station, Type I") that will replace 1/3 of the existing building located on the easternmost end of Gage Center and will front on SW Gage.

**DEVELOPMENT / CASE HISTORY:**

Gage Shopping Center was originally developed for neighborhood shopping in 1959 (Case #Z55/43). The center has undergone various changes in use and ownership since that time and was remodeled substantially in the early 2000s. Throughout its history, the center has contained retail shops, hardware store, department stores (Woolworth's), restaurants, entertainment establishments, offices/banks, bars, and even a movie theater at one point. The PUD master plan has undergone approximately seven revisions for various alterations and additions since its inception. The last major revision added a new building for an Osco Drug Store (i.e. Family Video/Marco’s Pizza) around 2000 that is directly south of this site.

The proposed development site was historically the location of a restaurant, Show Biz Pizza Place and prior to that a, Safeway grocery store. Most recently, the building contained a tanning salon/fitness center and part of the building contains a hair salon that will remain after demolition of 1/3 of the building.

**ZONING AND CHARACTER OF SURROUNDING AREA:**

North: Gage Center – Zoning is PUD with uses containing fast food restaurant, bank, and parking.

South: Gage Center – Zoning is PUD with uses containing movie rental and carry-out pizza restaurant.

East: Zoning is “R-1- NCD” single family dwelling district (Westboro neighborhood)

West: Gage Center PUD – Zoning is PUD and comprised of retail shops, and office tenants.

**PUD MASTER PLAN ELEMENTS (PROPOSED):**

**PARKING, CIRCULATION &**

Building site “F”: A convenience store (“Automobile Service Station, Type I”) requires 1 parking stall per 4 gas pumps. (16 stalls plus 1 ADA stall are provided). An accessible ADA pedestrian route and connection to the public sidewalk on Gage will be provided. Shared parking and cross access are provided.
throughout the boundary of the PUD Master Plan as indicated by note on the master plan.

TMC 18.240 Off-street parking regulations require bicycle parking at a ratio of 5% of the required automobile parking stalls and within 120 ft. of the main entry.

LANDSCAPE: PUD Note for Building site “F”: A landscape plan demonstrating consistency to TMC 18.235 will be reviewed at the time of site plan review. In addition to the standards indicated in TMC18.235 Landscape Regulations, the PUD establishes additional parameters for this site, including providing a 15’ parking lot setback for trees, 2-3’ tall shrub and berm combination along this frontage of Gage.

BUILDING AND STRUCTURE: PUD Note: The PUD indicates new construction will comply with “Type B” standard of the City of Topeka Commercial Building Design Standards (pending) or as submitted with the PUD application.

SIGNAGE: PUD Note for Building site “F”:
• 1 monument sign 6’ tall, 40 sf maximum
• Wall signs: 20% of wall face per building side
• Awning signs: 1 sign per side of the canopy, maximum of 20 sq. ft. per sign

The remainder of the building sites within the PUD are allowed signage pursuant to the C-4 District except that no further free-standing signs are permitted except as shown on the PUD master plan.

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 a portion of Gage Subdivision. A re-plat to that subdivision is required for the development site at or prior to site plan review to comply with subdivision regulations and to address the vacation of a sanitary sewer easement underneath the proposed gas canopy.

TRAFFIC/TRANSPORTATION: SW Gage Blvd is classified a major arterial street (including five lanes plus sidewalks and center turning lane without a raised median) adjacent to this location. The site proposes to use the existing driveways on to Gage (Driveway 1 and 2 as shown on aerial map).
The existing traffic count on Gage is 20,500 ADT (KDOT, Dec 2016) at its south intersection with Huntoon. City of Topeka traffic accident indicates there were 21 accidents (non-fatal) on Gage in 2017-2018 (to date), which occurred at or near the Gage/Huntoon intersection.

FLOOD HAZARDS, STREAM BUFFERS: Not Applicable

HISTORIC PROPERTIES: Not Applicable

NEIGHBORHOOD MEETING: The applicant conducted a Neighborhood Information Meeting on Wednesday, September 26, 2018 at 6:00 pm located on-site at 1301 SW Gage Blvd. Approximately 30 people attended the meeting. The key concerns expressed related to access, lighting, and hours of operation. The attendees are very concerned about the lack of retail tenants within Gage Center and poor lighting on the current site. They also have concerns about cut-through traffic travelling through the Westboro neighborhood.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

ENGINEERING/STORMWATER: A Stormwater Report to address water quantity and runoff will be reviewed at the time of subdivision plat and site plan review applications. Stormwater quality treatment is not required since the net increase in new impervious area is less than 1 acre.

ENGINEERING/TRAFFIC: The applicant’s consultant submitted a Traffic Impact Statement at the request of the City Engineer. The statement was required by the City to address the impact of the new use as compared to previous the uses as well as to verify the new use will not create hazards at the existing driveways caused from turning movements on and off Gage Blvd.

The traffic statement addresses new trip generation (including peak hour volumes) for the convenience store as compared to the previous use, performed an analysis of existing crashes on Gage and reviewed on-site circulation and queuing lengths at the existing driveways. The statement does not recommend any new traffic control on Gage. The City Engineering Division accepted the findings of the traffic statement. The applicants propose to extend the peninsula at Driveway 1 to better accommodate queues on their site so as to not impact safe flow of traffic on Gage.

ENGINEERING/UTILITIES: Water: There is an existing 6" water main along Gage with existing 1" water meter line and 6" fire service line already serving this building.

Sanitary sewer: 18" sanitary sewer line crossing the site and serves existing building. Line may need to be truncated and the easement vacated where it is underneath the proposed gas canopy

FIRE: There were no issues from the Fire Department related to the PUD
amendment. Future plans will be reviewed at the site plan development stage.

DEVELOPMENT SERVICES: No issues with the PUD Amendment

METROPOLITAN TOPEKA TRANSIT AUTHORITY (TMTA): TMTA has no comment regarding bus stops. There are existing bus stops at Huntoon/Gage and 17th/Gage.

KEY DATES

SUBMITTAL: Complete Application submitted - August 17, 2018

NEIGHBORHOOD INFORMATION MEETING: September 26, 2018

LEGAL NOTICE PUBLICATION: September 24, 2018

PROPERTY OWNER NOTICE MAILED: September 24, 2018

STAFF ANALYSIS

CHARACTER OF THE NEIGHBORHOOD: The character of the area and surrounding area is Commercial in nature to the north, south, and west. The property is bordered by SW Gage Blvd (major arterial) on the east, which has five lanes and sidewalks on both sides and has sufficient capacity to accommodate the proposed use. The subject site is included within Gage Center, a commercial shopping center that has historically contained neighborhood and community retail uses, restaurants, offices, and banks and is located at the intersection of Gage and Huntoon (arterial streets). The neighborhood west of Gage is comprised entirely of single-family dwellings (Westboro neighborhood). The proposed gas station and convenience store increase activity at Gage Center and in some ways improve and update its appearance. The change in activity and appearance is generally positive except for the potentially increased vehicular traffic from the last prior use contained in the building.

ZONING AND USES OF PROPERTY NEARBY: The zoning of surrounding properties is zoned Planned Unit Development (C-4 Commercial uses) and intended for a mix of neighborhood commercial retail and office-related uses. The neighborhood east of Gage Blvd is zoned “R-1” Single-Family Dwelling District with a Neighborhood Conservation Overlay District that comprises the Westboro neighborhood. The amended Master PUD Plan potentially increases the intensity of commercial use at the east edge of Gage Center.

LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER THE PRESENT CLASSIFICATION: The building located on the subject site still contains a hair salon. The last prior use in this section of the building was a tanning salon/fitness center. Prior to the tanning salon, a sit down restaurant was in the building. Historically, the building has housed various commercial retail uses since 1959, including originally a Safeway grocery store and then a Show Biz Pizza, but this section of the building has been vacant for at least 10 years.

SUITABILITY OF USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED: The subject property is still suitable for the uses of retail and a restaurant as restricted by the PUD Master Plan. The community shopping center was remodeled around 2000, but in recent years has begun to decline, which is becoming evident by its vacancies and lack of retail or shopping tenants. This half of the existing subject building has remained vacant since last tenant moved out nearly ten years ago. A vacant and unused building that is declining in its appearance, and not being maintained is a detriment to the
goal of achieving a thriving retail center. The construction of a new gas station and convenience store is a viable use for the site and is likely to attract visitors as well as contribute to upgrading the appearance of the shopping center by adding a new, well-designed building and landscaping along the frontage of SW Gage Blvd.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The subject property lies within an area that has developed in a nodal pattern and is designated Commercial in the Topeka Land Use and Growth Management Plan – 2040 (LUGMP). The proposed commercial re-use of the existing site for a gas station and convenience store is consistent with the Comprehensive Plan since it lies within the community commercial center that is located at the intersection of two arterial streets, which is appropriate for the development of a commercial shopping center. In this instance, the proposal is consistent with the policies in the LUGMP-2040 for Nodal development since this is infill development that does not create new access openings on the arterial street. “Nodal” development is preferred to “Strip” development because it terminates commercial uses at or near the intersection and employs cross access with adjoining properties to limit new driveways on the arterial. The proposed site demonstrates conformance to “Nodal” commercial development policies of the Comprehensive Plan.

THE EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTAL AFFECT NEARBY PROPERTIES: The overall site is commercial in character and the proposed development is compatible with surrounding properties since it is an infill development within an existing commercial center and uses the existing driveways for access on to Gage. The changes to the site are mitigated through the use of landscape setbacks as proposed by the PUD master plan. The PUD proposes a 15’ parking lot setback for the placement of a combination of trees, berm and 2-3’ tall shrubs along Gage for this site.

The building’s exterior elevations shall satisfy the Type B standard of the proposed City of Topeka Non-Residential Building Design Standards. The applicant proposes exterior lighting so as to not further create a nuisance upon adjoining properties and indicated lighting will be downward directed. The applicant’s traffic statement indicates the use will have an insignificant impact on traffic compared to the most recent use of the building. The PUD Master Plan will change the internal circulation so as to not create further queuing issues at the driveways. The City’s Engineering Division does not recommend additional traffic control measures on Gage and has concluded the street system is adequate to serve the new development.

Currently, the site contains an unoccupied and vacant commercial building that is not maintained adequately, which is visually unappealing to surrounding property owners and tenants. This creates a potential detriment effect upon adjoining properties because the site is a poorly lit and lacks use by customers thereby contributing to public safety hazards.

Further, the use being considered allows only an “Automobile Service Station Type I” as classified by the zoning regulations in TMC 18.60 Use Matrix. The PUD Master Plan Amendment will not permit the more intensive “Automobile Service Stations, Type II or III” (i.e. Those facilities providing service and repair shops or garages that may be associated with a gas station/convenience store).

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 change to add the new gas station and convenience store to the existing commercial shopping center will have an overall positive impact on the surrounding area and should be harmonious with the surrounding properties because of the added site design and landscaping components. The change will have little impact on the public health, safety and welfare as compared to the current use of the building, which is vacant and not maintained by the current owner. Without the amendment to the PUD Master Plan, the hardship upon the landowner is evident as seen from the decline of center over the course of recent years and its inability to lease all units for retail uses. The new construction, with recommended design conditions, should have positive impact by adding another retail component to the site that is likely to attract additional customers to the once thriving retail community shopping center.

AVAILABILITY OF PUBLIC SERVICES:
All essential public utilities, services and facilities are presently available to this property with connections being made at the expense of the developer.
COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:
The Master PUD Plan establishes development standards and guidelines as indicated and stated herein.

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 Gage Center – Revision K** as recorded with the Office of the Shawnee County Register of Deeds.

2. Revising the use for Building site “F” under **PUD Building and Use Information**, to state: “Retail, Restaurant, or Automobile Service Station, Type I”.

3. Adding note: “The peninsulas at both driveways on to SW Gage for Building site ‘F’ shall be extended further west as determined by the City Traffic Engineer at the time of Site Plan Review Application.”

4. Revising Note #14 to indicate: “. . . and all exterior lighting shall be downward directed with the light source not visible so as not to create a nuisance for neighbors and surrounding properties.”

5. Revising Note #15 to state: “New construction of any new principal buildings shall comply with the Type B standard of the City of Topeka Non-Residential Building Design Standards. The exterior elevations submitted as an exhibit to the PUD Master Plan Amendment (Revision K) are conceptual in nature and shall be further reviewed by staff at the time of Site Plan Review Application for consistency to those standards.”

6. Revising Note #9 to state: “The building footprints and their orientation on the PUD Master Plan are conceptual in nature and minor adjustments to the building footprints, orientation, and/or sq. ft. may be made at the time of Site Plan Review and Building Permit review and approval.”

7. Revising misspellings in Notes #1, 10, and 12b.

8. Revising Note #12b to remove segment: “related to size and height”.

9. Adding a “C” in Note #12 for Building site “F” signs.

10. Revising title to include: “Revision K”

**ATTACHMENTS:**
- Aerial Photo
- Zoning Map
- Master PUD Plan
- Exterior Elevations Exhibit
Z55/43K Gage Shopping Center PUD Amendment
Z55/43K Gage Shopping Center
Z55/43K - Future Land Use
Memorandum

To: Annie Driver
CC:

From: Kevin Holland
Date: October 1, 2018

Re: Public Meeting for PUD Amendment for Gage Center

A public information meeting was held Wednesday, September 26th, 2018 from 6:00 PM until 7:15 PM at the 1301 SW Gage Boulevard for the PUD Amendment of Gage Center.

The following points of interest were discussed in detail at the meeting:

- Residents were concerned with their property values. Our team answered that new development would not decrease property values and could help.
- Residents were concerned with traffic along 15th Street and vehicle parking on both sides of the street.
- Residents were concerned with traffic increasing on cut through streets east of Gage to avoid the traffic signals.
- Residents were concerned with lighting for the site and how the lighting would impact adjacent neighborhoods.
- Residents were concerned with traffic increasing on Gage. Traffic projections from the traffic report were provided.
- Residents were concerned with the remaining pieces of Gage Center and the amount of vacancies.