



CITY OF
TOPEKA

A G E N D A

TOPEKA PLANNING COMMISSION

MONDAY, SEPTEMBER 21, 2020
6:00 P.M.

Meeting Held Electronically Only via Video Conference
For information on live viewing,
contact the Planning & Development Department.

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

Brian Armstrong, 2020 Chairperson
Ariane Messina
Corey Dehn
Marc Fried
Wiley Kannarr
Jim Kaup
Corliss Lawson
Katrina Ringler
Matt Werner

Topeka Planning Staff

Bill Fiander, AICP, Planning Director
Carlton O. Scroggins, AICP, Planner III
Dan Warner, AICP, Planner III
Mike Hall, AICP, Planner III
Tim Paris, Planner II
Annie Driver, AICP, Planner II
Taylor Ricketts, Planner I
Bryson Risley, Planner I
Melissa Fahrenbruch, Planner I
Kris Wagers, Administrative Officer



CITY OF
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TOPEKA PLANNING COMMISSION

Agenda for Monday, September 21, 2020

- A. Roll call**
- B. Approval of minutes – August 17, 2020**
- C. Declaration of conflict of interest/ex parte communications
by members of the commission or staff**
- D. Action Items**
 - 1. Public Hearings**
 - a. Z20/04 by Stormont-Vail Healthcare, Inc.** requesting to amend the district zoning map on property located at 700 SW Washburn Avenue from M-3 Multiple Family Dwelling District to MS-1 Medical Service District to allow for Cotton O'Neil Cancer Center Pharmacy Addition. **(Fahrenbruch)**
 - b. Z20/03 by A.M. El-Koubysi, Trustee for El-Koubysi Jana Trust,** requesting to amend the district zoning map on property located at 3440 SE 29th Street from R-1 Single Family Dwelling District to M-2 Multiple Family Dwelling District to allow for conversion of the existing single family home to a duplex, as well as conversion of attached garage to use as a single family dwelling. Future development will add three duplexes on the north side of the property upon the extension of SE 28th Terrace. **(Driver)**
 - 2. Other**
 - a. P20/15 Timber Ridge Subdivision #2** (preliminary/final plat phase) is a 6.08 acre tract for ten lots generally located at the southeast intersection of SW 53rd Street and SW Timber Ridge Lane, the center of the tract being approximately 1,000 feet south of SW 53rd Street along the east side of SW Timber Ridge Lane, all being within the City of Topeka three mile extraterritorial jurisdiction and within unincorporated Shawnee County, Kansas. **(Driver)**
- E. Communications to the Commission**
- F. Adjournment**

Z20/04

by

Stormont-Vail Healthcare, Inc.

**STAFF REPORT – ZONING CASE
TOPEKA PLANNING DEPARTMENT**

PLANNING COMMISSION DATE: Monday, September 21, 2020

APPLICATION CASE: Z20/04 Stormont Vail Healthcare, Inc.

REQUESTED ACTION: Zoning change from "M-3" Multiple Family Dwelling District to "MS-1" Medical Service District

APPLICANT / PROPERTY OWNERS: Stormont Vail Healthcare Inc / Keith Griffin

APPLICANT REPRESENTATIVE: Joshua Bielinski, PE SBB Engineering

STAFF: Melissa Fahrenbruch –Current Planner

PROPERTY LOCATION / PARCEL ID: 700 SW WASHBURN AVE/ PID: 0973601017002000

PARCEL SIZE: 0.43 acres

RECOMMENDATION: APPROVAL

RECOMMENDED MOTION: Based on the findings and analysis in the staff report I move to recommend to the Governing Body approval of the reclassification of the property from "M-3" Multiple Family Dwelling District to "MS-1" Medical Service District.

PHOTOS: View from SW Washburn Avenue:



View from SW 7th Street and SW Washburn Avenue:



PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY:

The proposed zoning change to MS-1 will allow owner Stormont Vail Healthcare Inc. to build an internal-use pharmacy for the Cancer Center connecting it to the Cancer Center by a hallway. Planning staff have reviewed a site plan and other plans for the project. Planning Commission's recommendation on the zoning change is required prior to building permit application. City Council approval of zoning change is required prior to issuance of permits. (SPR 20/15)

DEVELOPMENT / CASE HISTORY:

Z82/28 – The site was rezoned from "C" Two Family Dwelling District to "D & O" Multiple Family and Office in 1982. Z85/31 – Was rezoned from "D & O" classification to "E" Multiple Family dwelling district in 1985. The one residential structure with detached garage was demolished to build a 31 unit apartment building with related 34 parking spaces in 1985. ("E" Multiple Family dwelling district converted to "M-1" in zoning code change.) The apartment building was demolished in 2016.

ZONING AND USE OF SURROUNDING PROPERTIES:

North: "M-1" Two Family Dwelling District/ Single family residence according to Shawnee County.

South: "MS-1" Medical Service District/ Cotton O'Neil Cancer Center

West: "O&I-2" Office and Institutional District/ Kansas Rehabilitation Hospital, a joint venture of Encompass Health and Stormont Vail Health

East: "MS-1" Medical Service District/ Parking Lot for Cancer Center

DEVELOPMENT STANDARDS AND POLICIES

PURPOSE, USE STANDARDS:	<i>"MS-1" Medical Service District: This district is established to provide for the location and use of a regional medical center together with related medical facilities and supporting ancillary service uses, including residential dwellings. It is not the purpose nor the intention of this zoning district to preclude the similar use of land or buildings as provided herein from other districts as may be permitted by this division.</i>
DIMENSIONAL STANDARDS:	Front/Rear building setbacks: 25' – Compliant Side building setbacks: 5' for a building up to 50' in height and 10' for buildings taller than 50' in height – Compliant The maximum building coverage allowed is 80% - Compliant (includes new construction as proposed.) The maximum density permitted is 15 DUs per acre - N/A The maximum building height allowed is 160 ft.- Compliant
OFF-STREET PARKING:	<i>"MS-1" District: Standard for "Professional Offices- Medical...Clinics" of 1 per 300 square feet of floor area applies (TMC 18.240). No additional parking will be required. The site has adequate off-street parking.</i>
OTHER DESIGN GUIDELINES AND CONSIDERATIONS:	TMC 18.235 Landscape Regulations apply. TMC 18.275 Nonresidential Design is exempt and alternative compliance will apply.
SIGNAGE:	Signage will be permitted subject to Title18 Division 2 Sign Code for "MS-1" zoning. Subject to TMC18.10.110 and permits are required for most signs.

OTHER FACTORS

SUBDIVISION PLAT:	Lots 218-220-222-224-226, Corrected Plat of Horne's 2 nd Addition.
FLOOD HAZARDS, STREAM BUFFERS:	None
UTILITIES:	There is a 6" water main along SW Washburn Ave and a 12" main along SW 7 th St is available. A 27" sanitary sewer main is already serving the site.
TRAFFIC/TRANSPORTATION:	The site has access to public transit and bikeway system via SW 6 th Ave and SW 8 th Ave. A sidewalk along Washburn Ave and 7 th St to provide pedestrian access to medical services.
HOUSING:	Not applicable

HISTORIC PROPERTIES: Not applicable
NEIGHBORHOOD MEETING: Not required.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

PUBLIC WORKS/ENGINEERING: None
FIRE: The Topeka Fire Department may have additional comments or requirements as the project development progresses. The Fire Department inspectors will review plans upon Building Permit submittal.
DEVELOPMENT SERVICES: Development Services will review construction plans upon submittal for the application for the Building Permit.
COX COMMUNITIONS: Cox will need a 2" conduit from inside communications room to outside easement location. This will allow entry into the building for communication service.

KEY DATES

SUBMITTAL: August 7, 2020
NEIGHBORHOOD INFORMATION MEETING: Not required at discretion of department.
LEGAL NOTICE PUBLICATION: August 31, 2020
PROPERTY OWNER NOTICE: August 28, 2020

STAFF ANALYSIS

As a zoning case Planning staff have reviewed the case relative to the required findings and conclusions in Topeka Municipal Code Section 18.245 (Findings and conclusions reflect the "golden factors" per Donald Golden v. City of Overland Park, 1978 Kansas Supreme Court).

CHARACTER OF NEIGHBORHOOD: The surrounding area is characterized by medical services, office and institutional uses and multifamily housing. The site is located at the intersection of SW Washburn Avenue and SW 7th Street (collector and local street respectively). The surrounding medical use buildings are brick and stucco facades, in a generally contemporary style. The adjacent residential buildings are more traditional with front porches and parking mostly along the alleys.

Washburn is a one-way street with south bound traffic. Stormont Vail Hospital & Trauma Center is located southwest along SW Washburn and the University of Kansas Health System St. Francis Campus-Intensive care unit is one block

northwest on SW 6th Ave. The site has access to public transit and bikeways on SW 6th Avenue and SW 8th Avenue. The site has pedestrian access to medical services on the west and north sides by sidewalks. The development allowed will not substantially alter the physical character of the neighborhood.

THE ZONING AND USE OF PROPERTIES NEARBY: The property to the west is zoned "O&I-2" Office and Institutional District and contains Kansas Rehabilitation Hospital, a joint venture of Encompass Health and Stormont Vail Health, as well as parking. The proposed internal-use pharmacy building will connect to the property directly south and east, which is zoned "MS-1" Medical Service District and is the Cotton O'Neil Cancer Center with parking. The properties to the north and directly across the street from the subject property are zoned "M-1" Two Family Dwelling District/ and consist of single family homes. The proposed zoning is compatible with the surrounding "MS-1", "O&I-2", and "M-1" zoning and uses.

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: The subject property has remained zoned for Residential uses in its various forms over the years since platted 1889. The one residential structure with detached garage was demolished to build a 31-unit apartment building with related 34 parking spaces in 1985. The apartment building was demolished and has been vacant with existing parking lot since 2016.

CONFORMANCE TO COMPREHENSIVE PLAN: The subject property is located in the Oldtown Neighborhood Plan, an element of the Comprehensive Plan, which was intended to accommodate the properties in the "Medical Services District" established between the west side of Mulvane Avenue and the west side of Washburn Avenue. The area between Washburn and the alley east of Lane is in transition and anticipated to be converting to medical related uses (Pg. 17).

The plan indicates that this "Medical Services District" may not entirely consist of medical related uses. Uses such as multiple family residential, neighborhood commercial, and office are also anticipated to make up the District (Pg. 17). The subject property would be compatible with the "Medical Services District" indicated in the plan, as it suggests expansion of Medical Services use should occur first and foremost within the Boundary of the District... (Pg. 17). For these stated reasons, the proposed use is in conformance with the policies of the Comprehensive Plan and Future Land Use Map.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES OF WHICH IT HAS BEEN RESTRICTED: The subject property has remained vacant since at least 2016. Under its current M-3 zoning the property is restricted to multiple family residential and a narrow range of limited office and institutional uses. The small size of the property (.43 acre) also limits how the property can be used. The property is not well-suited to its current zoning because it is surrounded by "MS-1" zoning on two-sides within the same parcel.

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: The change in zoning to MS-1 will allow the owner to provide off-street parking and build the proposed internal-use pharmacy for Cotton O'Neil Cancer Center which has operated at its location for many years without reported problems. Additionally, the use of existing parking or another use permitted under the proposed zoning has required 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: Denial of the proposed "MS-1" zoning would impose a hardship upon the individual landowner because it would not allow construction of the pharmacy for the Cancer Center use. *A thriving medical district is an essential ingredient in our regional economy that depends very much on a healthy surrounding neighborhood* (Pg. 17). Alternatively, there is a gain to the public health, safety and welfare by rezoning to allow for the Cancer Center to build the pharmacy.

AVAILABILITY OF PUBLIC SERVICES: Utilities are available and serve the property.

STAFF RECOMMENDATION:

RECOMMENDATION: Based on the above findings and analysis Planning Staff recommends approval of the zoning reclassification from "M-3" Multiple Family Dwelling District to "MS-1" Medical Service District.

RECOMMENDED MOTION: Based on the findings and analysis in the staff report I move to recommend to the Governing Body approval of the reclassification of the property from "M-3" Multiple Family Dwelling District to "MS-1" Medical Service District.

Exhibits:
Aerial map
Zoning map
Future land use map

Z20/04 Stormont Vail Inc.



City of Topeka
Planning and Development
Department

 Subject Property

Z20-04 Stormont Vail Inc. Zoning Map



City of Topeka



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Legend

 Subject Property

Z20-04 Stormont Vail Inc.- Oldtown Future Land Use Map



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 Subject Property