



CITY OF  
**TOPEKA**

**A G E N D A**

## **TOPEKA PLANNING COMMISSION**

**MONDAY, AUGUST 17, 2020  
6:00P.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  
**TOPEKA**

## **TOPEKA PLANNING COMMISSION**

**Agenda for Monday, August 17, 2020**

**A. Roll call**

**B. Approval of minutes – July 7, 2020**

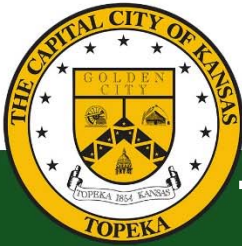
**C. Declaration of conflict of interest/ex parte communications  
by members of the commission or staff**

**D. Action Items**

1. **Z20/02 by Flywheel Fairlawn, LLC**, requesting to amend the district zoning map on property located at 605 SW Fairlawn Road from C-4 Commercial District to M-3 Multiple Family Dwelling District to allow for use of the existing hotel property as residential apartments. **(Driver)**
2. **PUD19/03A Wanamaker West Development PUD by: Cook, NT & Flatt, DW & Strobel, Kenneth E Trust d/b/a CF&S PR**, requesting a major amendment to the Master Planned Unit Development Plan (C-2 commercial uses and other specified uses limited to Self-Storage Types I & II and Building, Construction, & Mechanical Contractor Office) on the 2.1 acre property located on the south side of SW 30th Terrace at the end of the dead-end street to allow for Indoor Recreation Type II indoor simulated golf facility and accessory Drinking Establishment. **(Driver)**

**E. Communications to the Commission**

**F. Adjournment**



CITY OF  
**TOPEKA**

# MINUTES

## TOPEKA PLANNING COMMISSION

**Monday, May 18, 2020**

**6:00PM – via video conference**

**Members present:** Marc Fried, (Acting Chair), Corey Dehn, Wiley Kannarr, Jim Kaup, Corliss Lawson, Ariane Messina, Katrina Ringler, Matt Werner (8)

**Members Absent:** Brian Armstrong (1)

**Staff Present:** Bill Fiander, Planning & Development Director; Mike Hall, Current Planning Manager; Annie Driver, Planner; Kris Wagers, Administrative Officer; Mary Feighny, Legal

**Roll Call –** Acting Chair Marc Fried called the meeting to order with eight members logged in for a quorum.

### **Approval of Minutes from June 15, 2020**

Motion to approve by Mr. Dehn, **second** by Ms. Ringler. **APPROVED** (7-0-1 with Ms. Lawson abstaining)

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

None voiced

### **Action Items**

**CU20/02 by: Evergy, Inc.,** requesting a Conditional Use Permit on a 1.64 acre property along the south side of SE 6th Avenue lying between SE Golden Ave and SE Highland Ave currently zoned “X-1” Mixed Use District in order to expand the existing electrical substation to the east (2647 SE 6th Avenue), increasing electrical system reliability to the area.

Ms. Driver presented the staff report, noting that there is a 62 foot height limit for “poles, towers, television and radio antenna support systems, and similar apparatus...” and that Evergy may find it necessary to erect pole taller than 62’. If this is the case, they will need to apply to the Board of Zoning Appeals (BZA) for a variance to be granted. A CUP cannot grant a variance to base zoning requirements. Ms. Driver added that as an alternative, the commission could table the application and recommend the applicant apply for PUD zoning.

Ms. Driver reported that she received no contact from neighbors either in support of or against the project. A Neighborhood Information Meeting (NIM) was not held due to COVID-19 concerns, but an informational mailing was sent out to those who would have received an invitation to a NIM.

Ms. Driver noted staff’s recommendation for approval of the CUP and stated that applicant representatives were logged in to the meeting and available for questions.

With no questions of staff, Mr. Fried invited Mr. Chris Meyer of Evergy to speak representing the applicant. Mr. Meyer explained that Evergy has an option to purchase the land on which they are requesting the CUP and they will not move forward with the purchase unless / until they are able to obtain the CUP and feel certain they will be able to erect a tower at the necessary height. The improvements are, he said, necessary to install newer technology and improve service to their

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customers. Regarding the height of the pole, he stated that 65-75' is the standard height Evergy uses. Hearing no questions of Mr. Meyer, Mr. Fried declared the **public hearing open**. With nobody having logged in to speak, Mr. Fried declared the **public hearing closed**.

Ms. Messina asked if there is a specific reason for the 62' limit in the zoning code. Mr. Hall explained that he has spoken with the City attorney who agrees that the 62' limit does apply in this instance. He is uncertain as to why that height was chosen for the code and went on to explain that a request for a variance from the BZA is not a sure thing. Specific criteria must be met in order for the variance to be granted and some of that would, in his opinion, be difficult to show in this instance. He stated that if the applicant wants certainty, they would need to revise their CUP application to an application for PUD zoning which could include a more generous height allowance. When asked about the time frame for each option, he explained that to continue with the CUP would mean (likely) Governing Body review/approval in August and an application to the BZA which, due to application deadlines, could not be heard until October. If the applicant withdrew their CUP application, a PUD application could be considered by Planning Commission at their September meeting and considered by the Governing Body in October.

When asked by Mr. Fried, Mr. Meyer explained that he does not know the details of the land purchase option agreement or when it expires. He stated that his preference would be to move forward with the CUP application.

Mr. Kaup noted that he is in favor of the CUP and Ms. Ringler asked if a PUD could be applied for if a variance is not approved by the BZA. Mr. Hall stated that the applicant could apply for PUD zoning at any time.

Mr. Werner asked if concern was expressed over the height of the tower at the pre-application meeting between staff and applicant. Ms. Driver explained that it was not because at that time staff was unaware of the need for a 62+' tower.

**Motion** by Mr. Kaup to recommend APPROVAL to the Governing Body of the Conditional Use Permit CU20/02 subject to conditions in the staff report. **Second** by Mr. Dehn. **APPROVAL** (8-0-0)

### **Communications to the Commission**

Mr. Fiander stated that applications have come in for the August Planning Commission meeting.

Mr. Kaup referenced the Housing Study that was presented at a previous Planning Commission meeting. He suggested that when relevant, staff should reference that document in their staff reports when considering support or concerns regarding applications. He stated that this would be a way to keep the document "alive" and in front of people.

Mr. Fiander explained that the study is technically not a part of the Comprehensive Plan but it will be used to make decisions on amendments and updates to our policies and our zoning code. Because of this, the impact of the study will have far-reaching effects.

**With no further agenda items, meeting was adjourned at 6:40PM**

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

**PLANNING COMMISSION DATE: Monday, August 17, 2020**

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**APPLICATION CASE:** Z20/02 By: Flywheel Fairlawn LLC

**REQUESTED ACTION:** Zoning change from “C-4” Commercial District to “M-3” Multiple Family Dwelling District

**APPLICANT /  
PROPERTY OWNERS:** Flywheel Fairlawn Capital LLC/ Ben Hrouda

**APPLICANT  
REPRESENTATIVE:** Corey Dehn, AIA – Schwerdt Design Group

**STAFF:** Annie Driver, AICP – Senior Current Planner

**PROPERTY LOCATION /  
PARCEL ID:** 605 SW Fairlawn Road / PID: 0983301001002000

**PARCEL SIZE:** 5.7 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 “C-4” Commercial District TO “M-3” Multiple Family Dwelling District.

**PHOTOS:**

**View from SW Fairlawn:**



**View from SW 7<sup>th</sup> Street:**



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## **PROJECT AND SITE INFORMATION**

### **PROPOSED USE / SUMMARY:**

Adaptive re-use of the former 147 room, 2 to 4 story (“mid-rise”) hotel into market rate, work force housing for approximately 130-140 studio, one, and two bedroom apartments. (i.e. the exact number is not yet identified as the floor plans are still being adjusted.) The facility will also have associated accessory uses such as management office, indoor playground, storage units, exercise facility, common areas for co-work space, etc. Minor exterior improvements are proposed such as decorative security fencing, exterior painting/re-roofing, and landscaping.

### **DEVELOPMENT / CASE HISTORY:**

Z58/60 – The site was rezoned from “A” Single Family Dwelling District to “G” Commercial District in 1958. (The “G” classification converted to “C-4” in 1992.) The 147 room motel and conference center was constructed around 1980 and remained used as a hotel and conference until 2017. In 2015, the owners converted the west wing of the building into furnished apartments that were leased out while the hotel was still in operation until 2017.

The site was annexed in 1958.

### **ZONING AND USE OF SURROUNDING PROPERTIES:**

North: Right-of-Way / SW 6<sup>th</sup> Avenue and Interstate 70 / Automobile Repair

South: “C-4” Commercial District / General office and Automobile Repair

West: “C-4” Commercial District / Vacant Nursing Home

East: “C-4” Commercial District / Automobile Convenience Stores / Undeveloped property

## **DEVELOPMENT STANDARDS AND POLICIES**

### **PURPOSE, USE STANDARDS:**

“M-3” Commercial District: *The purpose of this district to provide for multiple-family dwelling structures which are in the moderate to high density range and at heights which allow for a high intensity of use and development. The location of this district is intended to complement high activity centers such as the central business district, employment centers or other similar locations. Since this district will have high levels of pedestrian activity, attention will be focused on ensuring a pleasant, safe and efficient pedestrian environment.*

### **DIMENSIONAL STANDARDS:**

Front/Rear building setbacks: 25' - **Compliant**

Side building setbacks: 5' - **Compliant**

The maximum building coverage is 60% - **Compliant** (No new construction is proposed.)

The maximum density is 30 DUs per acre - **Compliant**

The maximum building height is 160 ft.- **Compliant**

**OFF-STREET PARKING:**

"M-3" District: TMC 18.240 off-street parking standards indicates it may be appropriate to use the parking standard most suitable for the use. Staff considers the standard for "*multi-family high rise*" of 1.5 per dwelling unit for first 20 dwelling units and 1 per dwelling unit thereafter to be the most appropriate for this use since predominately intended for studio and one-bedroom apartments. 140 apartments will require the addition of 150 parking stalls based on this standard. The site has adequate off-street parking.

**OTHER DESIGN GUIDELINES AND CONSIDERATIONS:**

Compliance with TMC 18.235 Landscape Regulation is not required because there is not an expansion to the building or parking lot.

**SIGNAGE:**

Signage will be permitted subject to Title 18 Division 2 Sign Code for "M-3" zoning. Subject to TMC 18.10.110. Any non-conforming signs may need to come into compliance with area and height requirements. The pole sign is an abandoned, non-conforming sign per sign code, which means on October 1, 2020 the pole sign shall be removed.

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**OTHER FACTORS**

**SUBDIVISION PLAT:**

Platted as Fairlawn Acres Subdivision

**FLOOD HAZARDS, STREAM  
BUFFERS:**

Not applicable

**UTILITIES:**

There are existing sewer and water service lines. There is an 8" water main along SW 7<sup>th</sup> and a 12" main along SW Fairlawn that are available. The applicant will need to add a 6" fire line connection. An 8" sanitary sewer main is already serving the site.

**TRAFFIC/TRANSPORTATION:**

No issues were identified by the Traffic Engineer regarding the rezoning. There are no changes to access openings being proposed.

The site has access to public transit and the trail and bikeway system via SW 6<sup>th</sup> Avenue, which is an asset for multiple-family residential uses. There is also a sidewalk along Fairlawn to provide pedestrian access to shopping and the middle school.

**HOUSING:**

The City housing and market study indicates a demand for market rate, lower cost workforce multiple family housing. The addition of the new studio market rate apartment units helps to meet this demand.

**HISTORIC PROPERTIES:**

Not applicable

**NEIGHBORHOOD MEETING:**

The applicant conducted a neighborhood information meeting on Wednesday, July 29, 2020 at 6:00 pm via a Zoom Video Conference. The owner representative, architect, two neighbors, and Planning staff attended this meeting. Key issues identified at the meeting were:



- Type of housing and funding
- Leasing requirements and terms
- Income requirements
- Management of the facility
- Effects of zoning on property value and crime

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## **REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES**

### **PUBLIC WORKS/ENGINEERING:**

**FIRE:** The Change of Use requires the owner to install a fire sprinkler system through-out the building. 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 and Change of Use.

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## **KEY DATES**

**SUBMITTAL:** July 2, 2020

**NEIGHBORHOOD INFORMATION MEETING:** July 29, 2020

**LEGAL NOTICE PUBLICATION:** July 22, 2020

**PROPERTY OWNER NOTICE:** July 24, 2020

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## **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 automobile-oriented commercial, office, and institutional uses and retail uses and eating/beverage establishments along Fairlawn nearby. The site is located at the intersection of SW Fairlawn and SW 6<sup>th</sup> (major arterials). The uses surrounding the property include a vacant nursing home lying west, an occupied retirement home (Presbyterian Manor) lying northeast, automobile repair shops east and north, general offices lying south, and an automobile convenience and gas station lying east. Landon Middle School is located south along SW Fairlawn. MacLennan Park and Cedar Crest lie to the north of Interstate 70. The site has excellent access to the public transit and bikeways from SW 6<sup>th</sup> Avenue. The site has pedestrian access to the middle school for children via Fairlawn sidewalks. The proposed zoning will not substantially alter the physical character of the neighborhood. The addition of longer term residents, instead of more transient hotel guests might have some effect on daily and nightly activity.

**THE ZONING AND USE OF PROPERTIES NEARBY:** The property to the west is zoned “C-4” Commercial District and contains a nursing home that has remained vacant for at least three years. The properties directly south are zoned “C-4” District. Except for the automobile repair shop, the remaining properties contain professional offices. An automobile repair shop and automobile gas station and convenience store are located north and east of the subject property. The proposed zoning is compatible with the surrounding C-4 zoning and variety of commercial and institutional 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 heavy commercial uses since 1958. The hotel and conference center was constructed in 1980 and used as a hotel until 2017. The building has remained vacant since 2017. A live-in care taker has remained on-site since this time to care for the building and grounds. Ultimately, the condition of the building will decline the longer the property sits vacant, which makes it more difficult to market the property for another hotel or other suitable commercial uses. The paid on-site caretaker is one reason the property and building have remained in decent condition since it has been vacant. However, keeping this on-site caretaker to care for an abandoned building is not a foreseeable option for the long term future.

**CONFORMANCE TO COMPREHENSIVE PLAN:** The subject property is located at the southwest edge of a *Small Commercial Node* as described by the Land Use and Growth Management Plan - 2040. The plan describes policies for concentrating medium or higher density housing around the edges of a commercial corridor and commercial nodes (Pg. 45). The plan also indicates although the dominate character of an area may be commercial, this character should not preclude the mixing of uses as a component of a development or redevelopment of the commercial area. (pg. 48). Additionally, the plan encourages compact growth that includes a mix of housing choices and higher residential densities as this promotes compact growth and uses existing infrastructure and services (pg. 36). For these stated reasons, the proposed adaptive re-use is in conformance with the policies of the Comprehensive Plan.

**THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES OF WHICH IT HAS BEEN RESTRICTED:** The subject property and building have remained vacant since at least 2017. The layout and design of the hotel make it difficult to re-use the building for commercial uses allowed in C-4 zoning other than another hotel and conference center. That being said, there is a sufficient supply of “C-4” Commercial zoning and hotel rooms throughout the City making it more difficult to market the subject property as restricted by the present zoning.

**THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES:** Removal of the present restrictions should have very little, if any, detrimental impacts on nearby properties. In the long-term, a property that is used and maintained has a better outcome on surrounding properties than a property that remains vacant, not maintained, and is left abandoned. There is always the potential there may be some limited impact on adjacent offices from a higher concentration of residents living nearby (e.g. vandalism) and changes in property value. However, the effect of zoning on property value and crime is difficult to connect and this claim is not substantiated. It is generally understood, that the longer the building remains vacant and under-used in its current state, the more likely it is to be vandalized, which will have a negative impact upon surrounding properties. The subject property has sufficient on-site parking to accommodate the predominantly studio to one-bedroom apartments, which means there will be very little parking on the street. As an additional measure, the applicant indicated decorative fencing will surround the site as a security precaution.

**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 hardship imposed upon the individual landowner is the longer length of time the building sits vacant or unoccupied and is not being maintained, the less marketable it becomes for another hotel user. The building is not adaptable for other C-4 commercial uses and there is documented oversupply of lower classification hotel rooms in Topeka, which makes it difficult to market property as zoned. The primary reason the hotel has remained in suitable condition until this time, is that it is being cared for by an on-site resident. However, the longer it remains vacant the less viable, and more difficult, it becomes to keep the building suitable for other uses. Additionally, the longer it sits vacant, the more costly it is to maintain the building and the cost of keeping the on-site caretaker is not a viable option. Alternatively, there is a gain to the public health, safety and welfare by preserving and re-adapting the existing hotel for

“workforce housing”, which is a documented need in Topeka based on the City’s recent housing study. The new use is perfectly situated to take advantage of the nearby public transit and bikeways network, which many of its residents will rely upon.

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

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## **STAFF RECOMMENDATION:**

**RECOMMENDATION:** Based on the above findings and analysis Planning Staff recommends approval of the zoning reclassification from “C-4” Commercial District TO “M-3” Multiple Family Dwelling 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 “C-4” Commercial District TO “M-3” Multiple Family Dwelling District.

**Exhibits:**

Aerial map

Zoning map

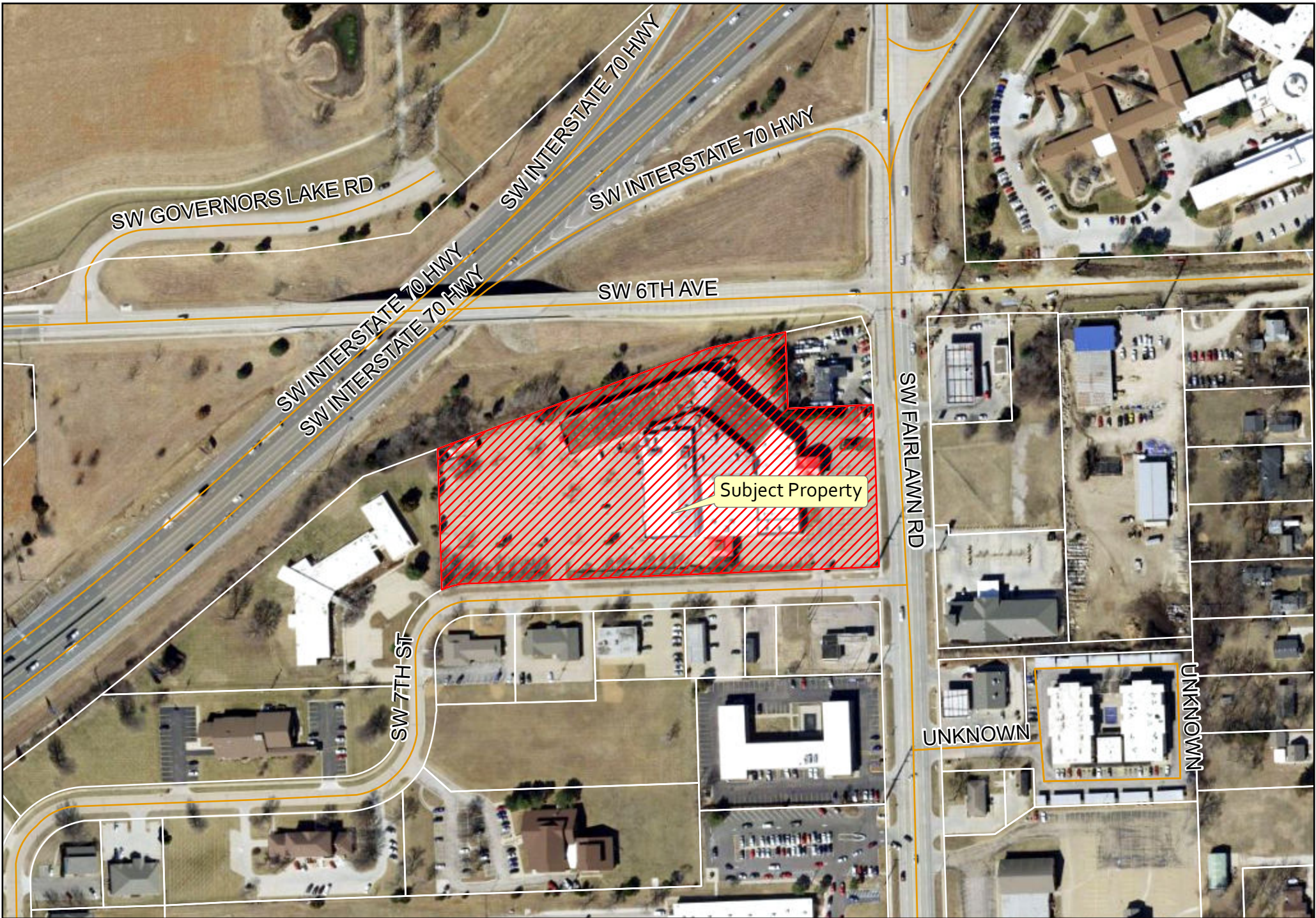
Future land use map

NIM Summary and Attendance

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<sup>i</sup> “Workforce housing” - Workforce housing is targeted to people with income levels ranging from 60% to 120% of Area Medium Income (AMI). In contrast, the term affordable housing is generally used for households whose income is less than 60% of AMI.

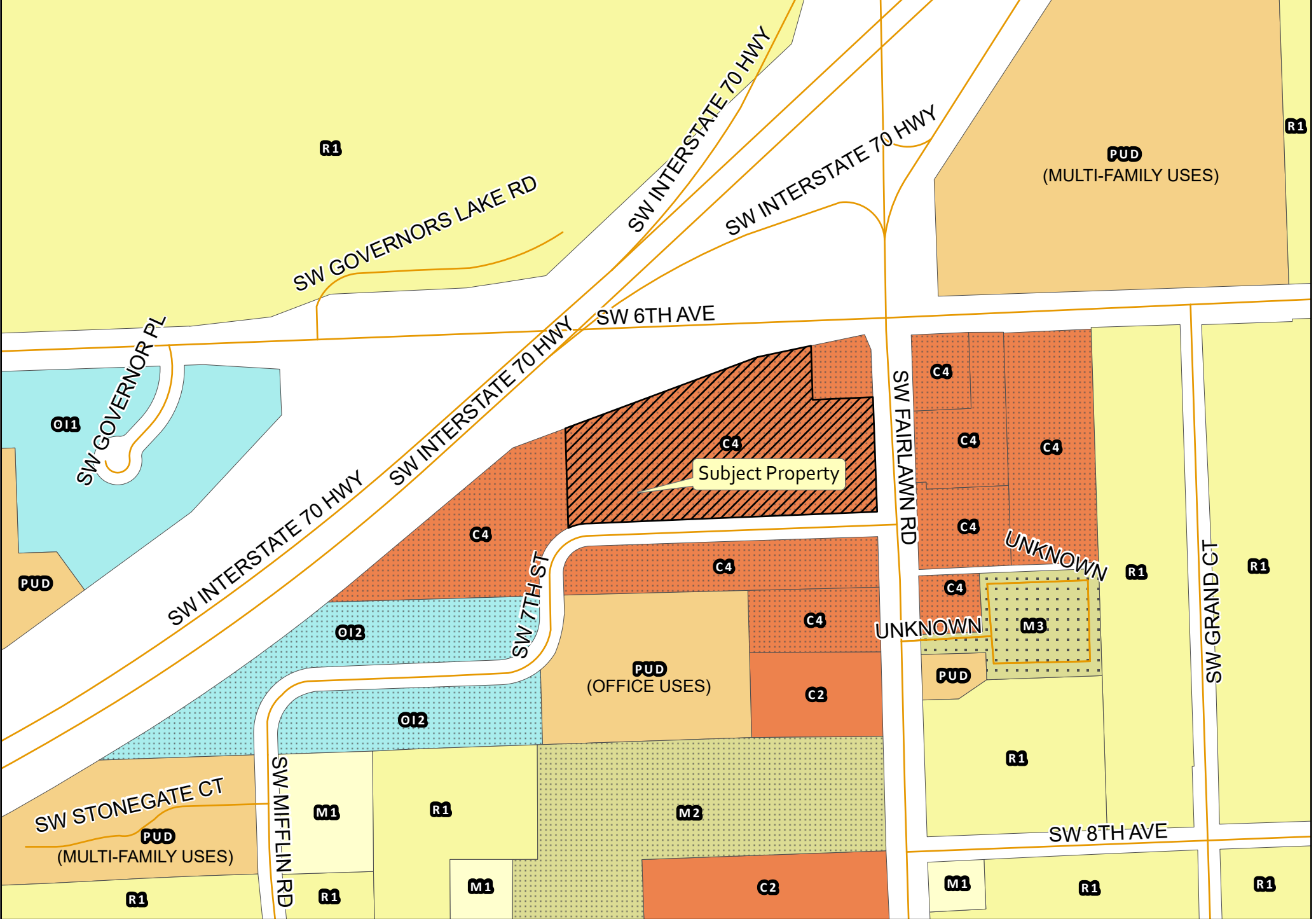




Z20/02 BY: FLYWHEEL FAIRLAWN LLC

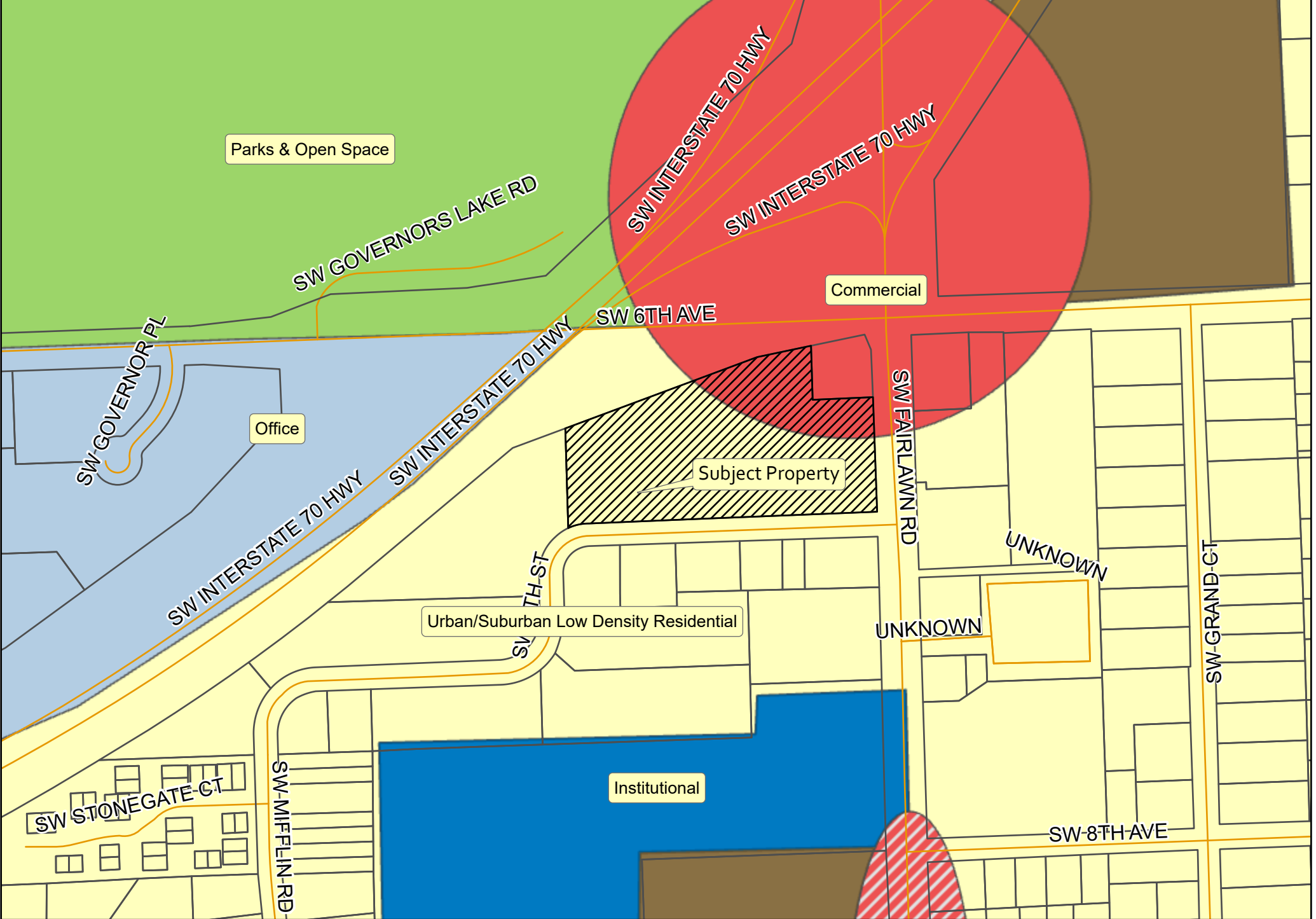






Z20/02 FLYWHEEL FAIRLAWN LLC (ZONING MAP)





Z20/02 FLYWHEEL FAIRLAWN LLC (FUTURE LAND USE MAP)





## Plato's Cave Topeka

Public Meeting held 6:00pm, July 28, 2020 via Zoom

### Attendees (online):

Corey Dehn, AIA	Architect / Owners Rep; Schwerdt Design Group
Annie Driver	City of Topeka
Brent Trout	City of Topeka
Doug Rosencutter	Nearby property owner
Jon Newman	Nearby property owner representative
Josh Brohaugh	Nearby property owner representative
Joe Prokop	Nearby property owner

### Minutes:

1. Annie described we desire to change from a C4 to M3 multi family to facilitate a change of use from current hotel to apartments.

2. Corey Described the owners plans for the property:

- The owner previously looked into remodeling the hotel into a higher end hotel. After many meetings and looking at studies it was determined that the Topeka market would not support that so they changed gears when they saw that we did need lower cost market rate housing.
- Plan to remodel building into studio, 1 bedroom and 2 bedroom apartments.
- They will have resident on site management.
- These will be lower cost apartments but NOT section 8 or government subsidized. They will be privately funded, lower priced market rate.
- They plan to install a decorative architectural aluminum fence around the entire property for the safety of their residence. We do not know if we will gate any of the current 3 entrances. This is NOT a chain link fence.
- The owner is working on a similar project in Branson, MO. That project is different in that Branson has a large amount of transient and foreign workers who come in for just the tourist season then leave. The Topeka project is geared toward year round full time residence.
- The facility is planning on including amenities like fitness room, on site rentable storage (within the existing building), larger kitchens for residence to use, co-working / public office spaces for use by the residents.



**Questions by property owners:**

1. What are the terms of the lease: *A: The owner is targeting longer term leases. Also, workers who may be in town for a specified amount of time, ie. Construction workers working on a project.*
2. Are there income requirements? (not answered during meeting) *A: Yes, they will have to demonstrate that they have a job and are able to pay their lease.*
3. Will background checks be done? (not answered during meeting) *A: Yes, background checks will be completed on all residence who apply. This would include credit, criminal, predator list, etc.*
4. Will this change the property tax structure, ie. Will it change adjacent property values? *A: There has currently been a full time caretaker living on site since the hotel closed which has kept the property maintained and protected. If he was not there it is very likely that the appearance would not be as good as it is now and could have already negatively affect property values prior to the current owner purchasing the property. We believe that moving forward with this project will allow the property to be well maintained which should help maintain or enhance adjacent property values.*
5. Who is the owner? *A: The building's owner is Flywheel Capitol out of Denver. The developer is Rebvlik, which is who developed Plato's Cave in Branson.*



**STAFF REPORT – PLANNED UNIT DEVELOPMENT  
TOPEKA PLANNING DEPARTMENT**

**PLANNING COMMISSION DATE: Monday, August 17, 2020**

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**APPLICATION  
INFORMATION**

<b>APPLICATION CASE NUMBER/NAME:</b>	<b>PUD19/03A Wanamaker West PUD Master Plan – Major Amendment</b>
<b>REQUESTED ACTION / CURRENT ZONING:</b>	Amending the PUD Master Plan to add “Indoor Recreation Facility Type II” as an allowed use. The PUD Master Plan currently allows “C-2” Commercial uses plus self-storage facilities and building and contractor offices/yards.
<b>PROPERTY OWNER:</b>	Cook, N T & Flatt, DW & Strobel, Kenneth E Trust D/B/A C F & S PR
<b>APPLICANT REPRESENTATIVE:</b>	Mr. Bryan Falk, Falk Architects
<b>CASE PLANNER:</b>	Annie Driver, Senior Current Planner
<b>PROPERTY ADDRESS: &amp; PARCEL I.D:</b>	6017 SW 30 <sup>th</sup> Terrace 1441701001009000
<b>PARCEL SIZE(S):</b>	2.11 Acres
<b>RECOMMENDATION:</b>	<b>APPROVAL</b>
<b>RECOMMENDED MOTION:</b>	Based on the findings and analysis in the staff report I move to recommend to the Governing Body <b>APPROVAL</b> of the proposed amendment to the PUD Master Plan.

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**PROJECT AND SITE  
INFORMATION**

<b>PROPOSED USE / SUMMARY:</b>	<p>The amendment is needed to allow the potential buyer to construct an indoor golf simulation entertainment venue, which is classified in TMC18.60 as “Indoor Recreation Type II” and requires a CUP in the PUD Master Plan’s base “C-2” zoning use group. The PUD also allows the “drinking establishment” as an accessory use to the indoor golf simulation venue.</p> <p>Rather than applying for a CUP, the owner chose to amend the PUD Master Plan by adding language to the PUD Master Plan allowing the “indoor recreation type II”.</p>
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**DEVELOPMENT / CASE HISTORY:**

The subject site is undeveloped and heavily wooded in the western portion of the property. The entire property was rezoned in 1997 from "PUD" with multi-family use to "O&I2" Office and Institutional. The eastern two-thirds of the property was also subsequently rezoned in 2007 from "O&I2" Office and Institutional District to "C-2" Commercial District. The property was rezoned from "C-2" to "PUD" in 2019 with the intention of allowing "Self-Storage, Building/Contractor Office and yard" in addition to other allowed "C-2" uses. The property was annexed in 1980 and platted in 1997. SW 30<sup>th</sup> Terrace has been constructed since 2009.

**ZONING AND CHARACTER OF SURROUNDING PROPERTIES:**

Zoning and land uses adjacent to the site are as follows:

North: "C-4" commercial district with the backside of the Hy-Vee grocery market. "O&I-2" zoning and vacant land immediately to the north.

West: Continuation of the "O&I2" office and institutional district, with vacant property immediately to the west of the site.

East: "C-2" Commercial District with recently-opened Club Carwash

South: The City of Topeka's corporate boundary lies along the south property line of the site. The land to the south is zoned "RR-1" Residential Reserve (Shawnee County unincorporated area zoning designation). The adjoining 50-acre property is generally vacant although there is a single-family residence located approximately 200 feet south of the subject site, with associated outbuildings.

**COMPLIANCE WITH DEVELOPMENT STANDARDS AND GUIDELINES****BUILDING SETBACKS:**

Future buildings to be constructed on the site shall adhere to "C-2" Commercial building setbacks as follows:

- Front setback – 25 feet;
- Rear setback – 25 feet; and
- Side setback – 10 feet.

**DENSITY & DIMENSIONAL STANDARDS:**

Density & dimensional standards for the C-2 Commercial district apply to future development on the site in compliance with the following standards: 10,000 sq. ft. minimum lot area; maximum building coverage of 50%; minimum lot width of 50 feet; and maximum building size of 50,000 sq. ft.

**TRANSPORTATION AND ACCESS:**

SW 30<sup>th</sup> Terrace is designated as a local street, with the city's long-range plans anticipating its extension to the west, joining with SW Villa West Drive, also a local street which currently terminates south of SW 29<sup>th</sup> Street. SW 30<sup>th</sup> Terrace and SW Villa West Drive together comprise a designated bikeway within the Topeka Bikeway Master Plan and will provide connection between SW Wanamaker Road and SW 29<sup>th</sup> Street, enabling bicyclists to bypass the busy intersection of these two arterial roadways. A sidewalk is completed within the adjacent public right-of-way for a distance of approximately 2/3 of the subject

site's north property boundary and will be extended as part of this development.

The purpose of a Traffic Impact Analysis is to assess the need for public road improvements beyond what the current capacity of the roadway is able to accommodate. The current "C-2" zoning already allows for a restaurant/drinking establishment, which is a comparable use. A TIA is not typically required with a zone change or site plan unless certain warrants are met (e.g. new drive-through restaurant, gas station/convenience store, site generates 2,000 vehicle-trips/day or 200 vehicle-trips/peak hour.). The proposed use does not meet these warrants.

The proposed PUD Master Plan notates the need to complete SW 30<sup>th</sup> Terrace with an improved turnaround to align with the west property line of the subject property upon development of the site.

**OFF-STREET PARKING:**

Required off-street parking is determined by specific land use and not by the particular zoning district. The amount and placement of off-street parking will be determined during future Site Development Plan review and approval process.

**DESIGN STANDARDS:**

Building elevations will be subject to the City's Non-Residential Design Standards, unless stated otherwise on the Master PUD Plan.

**LANDSCAPING:**

The PUD Master Plan will be subject to the City's landscape requirements, with the PUD Master Plan also indicating that a mix of trees and shrubs shall be provided within a 5 ft. landscape setback along the street frontage and a residential screening buffer will be provided along the south boundary of the site.

**SIGNAGE:**

The PUD Master Plan requires that each sign shall be approved by separate sign permit application pursuant to the City's sign regulations for the "C-2" use group.

**OTHER FACTORS**

**SUBDIVISION PLAT:**

Platted as Lots 3, 4, 5, Block B, Wanamaker West Subdivision No.2.

**UTILITIES:**

City sanitary sewer and water service are generally available to the property, although a sewer line will need be extended from the east property line.

**FLOOD HAZARDS, STREAM  
BUFFERS:**

None

**HISTORIC PROPERTIES:**

None

**NEIGHBORHOOD INFORMATION  
MEETING:**

The applicant conducted a Zoom Video Conference neighborhood information meeting on Monday, July 27, 2020. The applicant, owners, and Planning staff attended the meeting. The notice was mailed to property owners within 500' and indicated how and where to access the link to attend the virtual meeting. One property owner across the east side of SW Wanamaker Road attended (outside notification area). The meeting summary is attached.

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**REVIEW COMMENTS BY CITY DEPARTMENTS  
AND EXTERNAL AGENCIES**

<b>Public Works /Engineering:</b>	No issues identified regarding the rezoning. The property owner will extend sanitary sewer at the time of site development
<b>Water Pollution Control:</b>	No issues identified regarding rezoning.
<b>Fire Department:</b>	No issues identified regarding rezoning.
<b>Development Services:</b>	Concerns will be addressed upon submittal of the application for the building permit.

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**KEY DATES**

<b>SUBMITTAL:</b>	June 24, 2020
<b>NEIGHBORHOOD INFORMATION MEETING:</b>	July 27, 2020
<b>LEGAL NOTICE PUBLICATION:</b>	July 22, 2020
<b>PROPERTY OWNER NOTICE MAILED:</b>	July 24, 2020

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**STAFF ANALYSIS**

**CHARACTER OF THE NEIGHBORHOOD:** The proposed PUD Master Plan is compatible with the existing and desired future character of the neighborhood which includes a mix of uses including commercial and office uses, as well as very low-density residential uses and unincorporated Shawnee County. The required Site Plan review and approval process, along with other PUD Master Plan provisions ensure that development impacts on surrounding properties, if any, will be mitigated and requirements for development are met. The PUD Master Plan stipulates provisions for landscape screening along the south and north property lines.

**ZONING AND USE OF NEARBY PROPERTIES:** The proposed zoning and potential uses are compatible with the zoning and use of nearby properties. The parcels adjacent to the subject property are classified "C-4"

Commercial, “C-2” Commercial, “O&I-2” Office & Institutional, and “RR-1” Residential. The backside of a Hy-Vee grocery store and newly opened Club Carwash are the only existing development immediately adjacent to the site. The standards of the PUD Master Plan help ensure development will be compatible with current and future development on surrounding properties.

**LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER THE PRESENT CLASSIFICATION:** The subject property is vacant and has never been developed. The property was annexed in 1980 and platted in 1997.

**SUITABILITY OF USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED:** The current zoning is Planned Unit Development (PUD) with allowed uses to include C-2 uses, self-storage, and building contractor office. Allowed C-2 uses are of moderate to medium intensity and include but are not limited to offices, retail sales, restaurant, automobile repair, personal services, and health services. Considering the site was just rezoned one year ago little time has elapsed to determine it cannot develop for uses as presently restricted. The property is likely to be suitable for many of the uses to which it has been restricted. On the other hand, some C-2 uses, such as retail and restaurants, might not be commercially viable because of the site’s relative lack of visibility and adjacent traffic. Furthermore, the property has been vacant and unutilized since it was annexed in 1980 and platted in 1997, and the additional use of “indoor recreation Type II” allowed by the proposed amendment to the PUD also appears to be a suitable both in terms of its level of compatibility and commercial viability. The land use arrangement where the property fronts on to the rear side of the Hy-Vee store has clearly been a detriment to the development of the property as it is currently zoned and under the previous zonings.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Topeka Land Use and Growth Management Plan 2040 (LUGMP) includes the subject property and adjacent properties as Office within the future land use map. However, a Commercial Node is designated for the arterial intersection of SW Wanamaker and SW 29<sup>th</sup>. The nodal designation on the map allows for some extension of commercial uses past what is actually depicted on the general future land use map. The effect of the PUD conditions will allow for a suitable transition to the low-density residential area located immediately to the south that is within unincorporated Shawnee County. The newly-constructed carwash located immediately to the east of the site also reduces any transitional benefit that may be derived from an office use in subject location. The proposed “indoor recreation facility, type II” serves as an appropriate use between the C-4 zoned shopping center and low density residential uses to the south that is adjacent with the car wash facility. The LUGMP plan also promotes policies that encourage development where infrastructure is already in place. SW 30<sup>th</sup> Terrace was constructed in 2009 to serve the lots that were platted for development purposes in 1997 and the property has ever since remained undeveloped.

**THE EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES:** Removing the present restrictions to allow for only the one additional use of “Indoor Recreation Type II” will have very little or no detrimental effect on nearby properties. The present “C-2” zoning already allows comparable, or even more intense, commercial uses as compared with the proposed indoor recreation venue (such as, restaurants, fast-food drive-throughs, gas station/convenience stores, vehicle car washes). All recreational activity associated with this venue will be enclosed in the building and for this reason staff believes it is more comparable to a restaurant with accessory drinking establishment and will have little impact on adjacent properties. There is existing natural vegetation along the south property line. If a landscape screening buffer is not already provided along the length of the south property line, the property owner will be required to install such buffer at the time of site plan review since the site abuts residential zoning and use.

**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 to PUD will allow a vacant property to be utilized for additional potential uses that are in demand within the city and region. Denial of the zone change

may result in the property continuing to remain vacant and not enable increased utilization of the existing infrastructure that was constructed near 2009 along SW 30<sup>th</sup> Terrace.

**AVAILABILITY OF PUBLIC SERVICES:** All essential public roadways, utilities, and services are currently present available within the area or will be extended at the expense of the developer.

**COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:** The Wanamaker West Development PUD Master Plan establishes developments standards and guidelines as indicated. The property is part of the "Wanamaker West Subdivision No.2." A re-plat is not required.

## **STAFF RECOMMENDATION**

Based upon the above findings and analysis, Planning staff recommend **APPROVAL** of the PUD Master Plan, **subject to:**

1. Use and development of the site in accordance with the **Wanamaker West Planned Unit Development Master Plan-Amendment #1** as recorded with the office of the Shawnee County Register of Deeds.
2. Revising Note #4 under Fencing& Landscaping to state at beginning: *"In addition to the requirements of TMC18.235. . ."*

**PLANNING COMMISSION MOTION:** Based on the findings and analysis in the staff report I move to recommend to the Governing Body **APPROVAL** of the PUD Master Plan along with conditions.

### **ATTACHMENTS:**

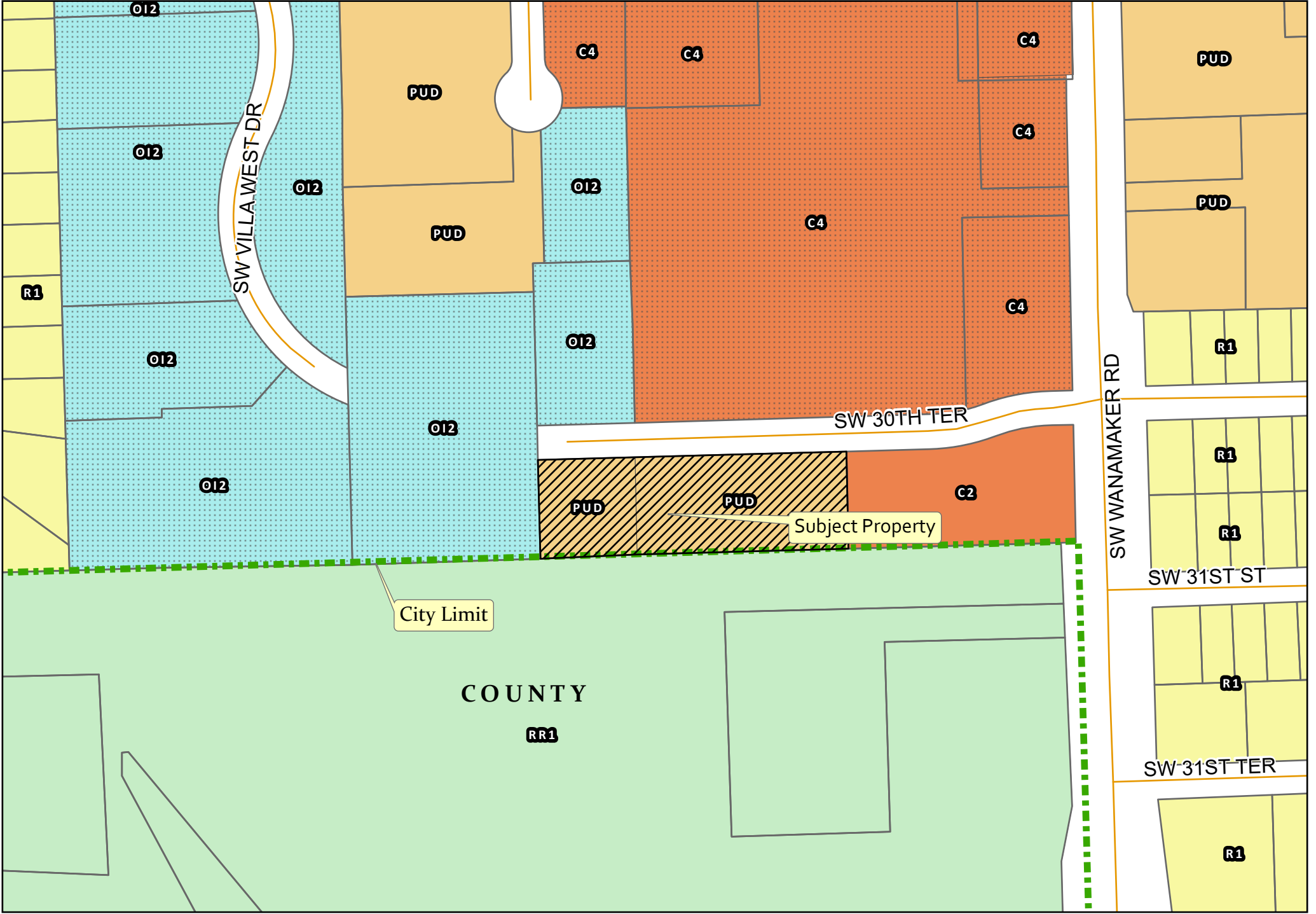
Aerial Map  
Zoning Map  
Future Land Use Map  
PUD Master Plan





P U D 1 9 / 0 3 A   W a n a m a k e r   W e s t   P U D

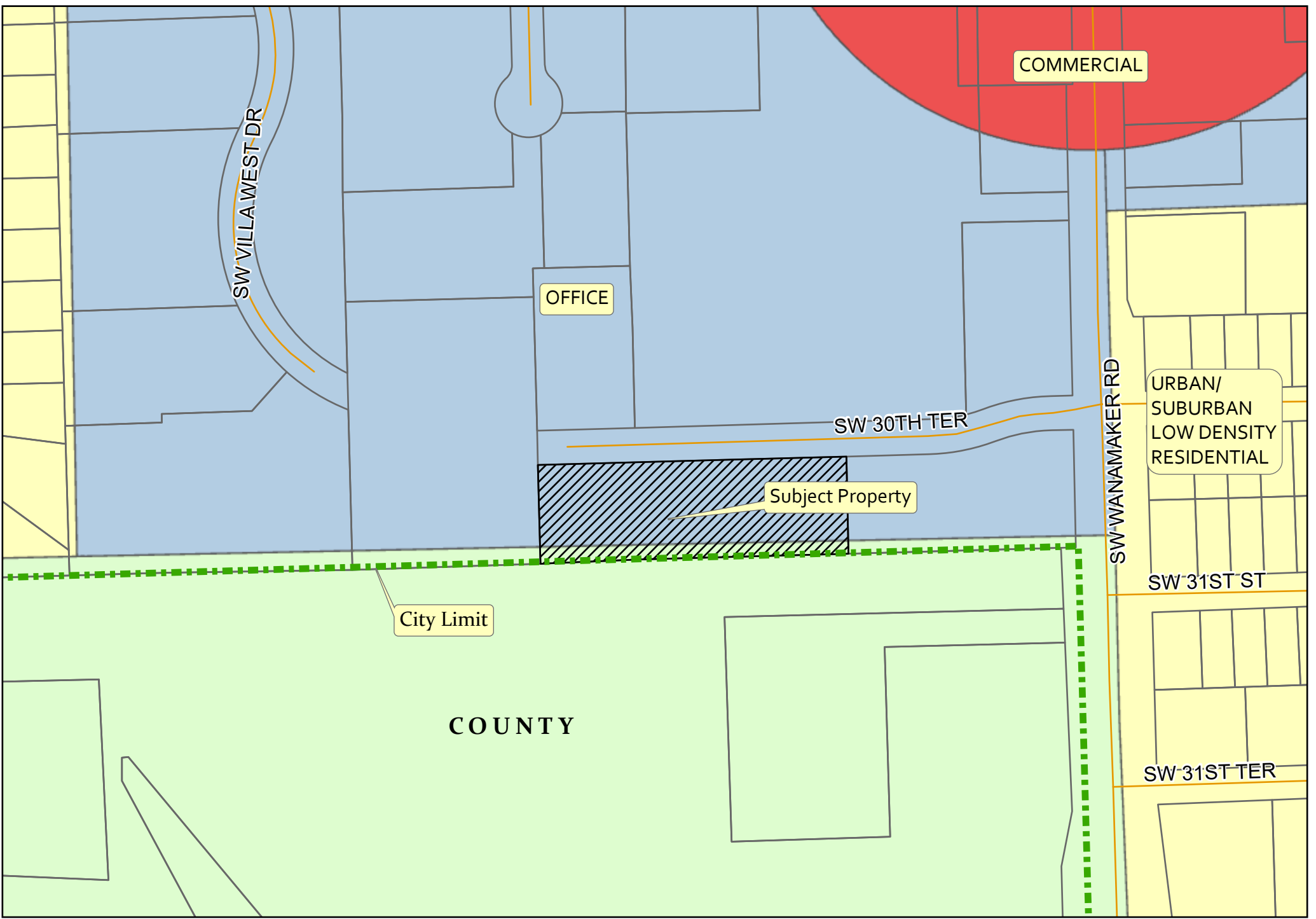




PUD19/3A BY: WANAMAKER WEST PUD MASTER PLAN  
(ZONING MAP)





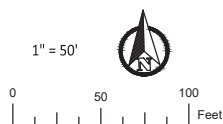


PUD19/3A BY: WANAMAKER WEST PUD MASTER PLAN  
(FUTURE LAND USE MAP)



COOK, N T & FLATT, DW & STROBEL, KENNETH E TRUST D/B/A C F & S PRNTSHIP  
PROPERTY ADDRESS  
6017 SW 30TH TER  
TOPEKA, KS 66614

JULY 24, 2020



LOTS 3, 4, AND 5, BLOCK "B", WANAMAKER WEST SUBDIVISION NO. 2, IN THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 6TH P.M., IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS.

TO PROVIDE FOR DEVELOPMENT IN ACCORDANCE WITH THE C-2 ZONING CLASSIFICATION AND LIMITED STORAGE USES IN A MANNER COMPATIBLE WITH SURROUNDING ZONING AND LAND USE.

1. THE STANDARDS APPLICABLE TO THE SUBDIVISION OF C-2 SHALL APPLY UNLESS OTHERWISE STATED.
2. NO BUILDING PERMITS SHALL BE ISSUED UNTIL A SITE PLAN REVIEW APPLICATION PURSUANT TO TMC 18.260.060(C), FOR DEVELOPMENT MEETING THE APPLICABILITY CRITERIA IN TMC 18.260.030 HAVE BEEN REVIEWED AND APPROVED BY THE PLANNING AND DEVELOPMENT DIRECTOR AND OTHER CITY DEPARTMENTS PRIOR TO SUBMITTAL FOR BUILDING PERMITS. THE SITE PLAN SHALL ADDRESS OFF-STREET PARKING AND CIRCULATION, FIRE PREVENTION, LANDSCAPING, EXTERNAL LIGHTING, BUILDING ARCHITECTURAL ELEVATIONS, STORMWATER MANAGEMENT AND RELATED EASEMENTS, COMPATIBILITY WITH ADJACENT DEVELOPMENT, UTILITIES, ETC.
3. NO BUILDING PERMITS SHALL BE ISSUED UNTIL STORMWATER MANAGEMENT PLANS ARE MET AND APPROVED, INCLUDING GRANTING OF ANY NECESSARY STORMWATER MANAGEMENT EASEMENTS.
4. PURSUANT TO TMC 18.190, THE APPLICANT MUST RECORD THE PUD MASTER PLAN WITH THE SHAWNEE COUNTY REGISTER OF DEEDS WITHIN SIXTY (60) DAYS UPON APPROVAL OF THE GOVERNING BODY. FAILURE BY THE APPLICANT TO RECORD THE PLAN WITHIN THE PRESCRIBED TIME PERIOD AND PROVIDE THE PLANNING DEPARTMENT WITH THE REQUIRED NUMBER OF COPIES OF THE RECORDED PLAN WITHIN NINETY (90) DAYS OF THE DATE OF ACTION BY THE GOVERNING BODY SHALL RENDER THE ZONING PETITION NULL AND VOID.
5. ALL REGULATIONS OF TITLE 18, TOPEKA MUNICIPAL CODE APPLY UNLESS STATED OTHERWISE HEREIN.
6. OUTDOOR STORAGE SHALL BE LIMITED TO OPERABLE AND LICENSED VEHICLES, AND MATERIALS INCIDENTAL TO THE OPERATION OF A CONTRACTOR'S SHOP OR OFFICE. OUTDOOR STORAGE AREAS SHALL BE EFFECTIVELY AND COMPATIBLY SCREENED FROM VIEW FROM OTHER PROPERTIES OR PUBLIC RIGHT-OF-WAY.

1. WATER AND SEWER WILL BE PROVIDED BY CITY OF TOPEKA. ALL REQUIRED PUBLIC IMPROVEMENTS SHALL BE COMPLETED BY THE DEVELOPER AT THE TIME OF SITE DEVELOPMENT PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
2. THE FIRE DEPARTMENT SHALL REVIEW AND APPROVE FUTURE PLANS SHOWING FIRE HYDRANT LOCATIONS AND FIRE ACCESS PRIOR TO THE START OF CONSTRUCTION.
3. LIGHTING SHALL BE FULL CUT OFF, SHIELDED & RECESSED WITH CUT-OFF ANGLES TO PREVENT THE CAST OF LIGHTING BEYOND THE PROPERTY & NOT EXCEED 3 FOOT CANDLES AS MEASURED AT THE PROPERTY LINE.
4. ALL UTILITIES SHALL BE PLACED UNDERGROUND PURSUANT TO THE CITY'S RIGHT-OF-WAY MANAGEMENT STANDARDS.

1. ALL IMPROVEMENTS REQUIRED BY THE CIRCULAR ENGINEER SHALL BE COMPLETED BY THE DEVELOPER PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY. IMPROVEMENTS SHALL INCLUDE THE CONSTRUCTION OF SW 30TH TRAIL TO A POINT ADJACENT TO THE WEST LOT LINE OF LOT 5 AS REQUIRED BY CITY OF TOPEKA PUBLIC WORKS DEPARTMENT.
2. A 40 FT. SIGHT TRIANGLE, MEASURED FROM THE FACE OF CURB EXTENDED, SHALL BE MAINTAINED AT ALL ENTRANCES; NO OBSTRUCTIONS GREATER THAN [30] INCHES ABOVE GRADE OF ANY ADJACENT STREET OR ENTRANCE MAY BE PLACED WITHIN THIS AREA.
3. ALL NEW DRIVES, STREETS, PARKING AREAS, APPROACHES AND WALKS SHALL BE CONSTRUCTED TO CITY OF TOPEKA STANDARDS.
4. ALL DRIVES, LANES & PRIVATELY OWNED ACCESS WAYS PROVIDING ACCESSIBILITY TO STRUCTURES, BUILDINGS AND USUALLY WITHIN THE PLANNED UNIT DEVELOPMENT SHALL BE CONSIDERED AND SERVE AS MUTUAL RIGHTS OF ACCESS TO OWNERS, TENANTS, INVITED GUESTS, CLIENTS, EMPLOYEES, CUSTOMERS, SUPPORT AND UTILITY PERSONNEL AND EMERGENCY SERVICE PROVIDERS, INCLUDING LAW ENFORCEMENT, FIRE PROTECTION AND AMBULANCE SERVICES. ALL ACCESS WAYS PROVIDING GENERAL ACCESSIBILITY TO, AND CIRCULATION AMONG, THE USES WITHIN THE PLANNED UNIT DEVELOPMENT SHALL BE MAINTAINED AT ALL TIMES IN GOOD SERVICEABLE CONDITION WITH THE MAINTENANCE OF SAID ACCESS WAYS BEING THE RESPONSIBILITY OF THE OWNER(S).

1. EACH SIGN SHALL BE APPROVED BY SEPARATE SIGN PERMIT APPLICATION.
2. TMC 18, DIVISION 2 SIGNS SHALL GOVERN ALL OTHER SIGNS UNLESS SPECIFICALLY STATED HEREIN FOR THE C-2 USE GROUP

1. LANDSCAPING SHALL BE PROVIDED CONSISTENT WITH TMC 18.235 LANDSCAPE REGULATIONS. THE SPECIFIC POINTS, TYPES AND QUANTITIES SHALL BE APPROVED BASED ON THE LANDSCAPE PLANS THAT ARE SUBMITTED AT THE SITE DEVELOPMENT PLAN REVIEW STAGE.
2. THE CARE, MAINTENANCE, AND OWNERSHIP OF COMMON OPEN SPACE, PARKING AREAS, UTILITIES, PRIVATE STREETS, ACCESS WAYS, STORMWATER MANAGEMENT EASEMENTS, FENCING, AND LANDSCAPING SHALL BE THE RESPONSIBILITY OF THE OWNERS. ALL LANDSCAPING SHALL BE INSTALLED PURSUANT TO PHASING SCHEDULE AND PROPERLY MAINTAINED. IF ANY PORTION OF THE LANDSCAPED MATERIAL DIES, IT SHALL BE REPLACED BY THE NEXT PLANTING SEASON.
3. FENCING WITHIN 25 FEET OF THE PERIMETER OF THE SITE SHALL CONFORM TO THE FOLLOWING: 1) A MAXIMUM HEIGHT OF 6 FEET; AND 2) MATERIALS CONSISTING OF EITHER DECORATIVE CHAIN LINK IN BLACK OR DARK GREEN (USE OF SLAT INSERTS PROHIBITED), DECORATIVE VINYL, DECORATIVE METAL, BRICK OR STONE MASONRY, OR DECORATIVE SPLIT-FACED CONCRETE MASONRY UNITS (CMU).

**In addition to the requirements of TMC 18.235:**

- a. A MIX OF EVERGREEN TREES, SHRUBS, AND DECIDUOUS MEDIUM OR LARGE TREES SHALL BE PROVIDED WHERE THE BUILDING AND/OR DEVELOPED AREA IS IMMEDIATELY ADJACENT TO RESIDENTIAL PROPERTIES.
- b. FOR ALL SELF-STORAGE, CONTRACTOR STORAGE, AND OUTSIDE STORAGE USES A MIX OF EVERGREEN TREES, SHRUBS, AND DECIDUOUS 'LARGE' TREES SHALL BE PROVIDED ALONG THE PROPERTY STREET FRONTAGE. OUTDOOR STORAGE SHALL BE SCREENED FROM VIEW FROM SW 300' TERRACE BY INSTALLATION OF A FENCING AND LANDSCAPING.
- c. FENCING ALONG SW 300' TERRACE SHALL BE SET BACK BEHIND THE PROPERTY LINE AND A MINIMUM OF 5 FEET BEHIND THE EDGE OF THE SIDEWALK. SHRUBS AND/OR TREES MAY BE REQUIRED BETWEEN THE FENCE AS PART OF AN APPROVED SITE DEVELOPMENT PLAN.

1. BUILDING ELEVATIONS TO BE APPROVED AT THE TIME OF SITE DEVELOPMENT PLAN REVIEW FOR TYPE A AS INDICATED FOR THE BASE C-2 USE GROUP.
2. STORAGE BUILDINGS MAY BE EXEMPTED FROM THE DOORS AND WINDOWS REQUIREMENTS OF THE NON-RESIDENTIAL BUILDING DESIGN STANDARDS OF TMC CHAPTER 18.275 PROVIDED ELEVATIONS ARE PROPERLY SCREENED BY ATTRACTIVE FENCING AND/OR LANDSCAPING.

- SITE AREA: 2.11 ACRES
- PROPOSED ZONING: PLANNED UNIT DEVELOPMENT (PUD) WITH C-2 USE GROUP, WITH OTHER SPECIFIC USES LIMITED TO INDOOR RECREATION TYPE II, INCLUDING AN INDOOR SIMULATED GOLF FACILITY AND ACCESSORY DRINKING ESTABLISHMENT, SELF-STORAGE TYPE(S) I AND II AND BUILDING, CONSTRUCTION, & MECHANICAL CONTRACTORS OFFICE.
- MINIMUM LOT AREA: 10,000 SF
- MAXIMUM BUILDING COVERAGE RATIO: 85%

BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
DATE \_\_\_\_\_ TIME \_\_\_\_\_

## REBECCA J. NIOCE, REGISTER OF DEEDS

THIS PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN HAS BEEN REVIEWED AND APPROVED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18.190 OF THE COMPREHENSIVE ZONING REGULATIONS OF THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS AND MAY BE AMENDED ONLY AS PRESCRIBED IN TMC 18.190.070 OF AND AS SET FORTH ON THIS DOCUMENT OR AS MAY SUBSEQUENTLY BE APPROVED AND RECORDED.

---

BILL FIANDER, PLANNING & DEVELOPMENT DIRECTOR

DATE \_\_\_\_\_

THE KANSAS UNIVERSITY ENDOWMENT ASSOCIATION, OWNER, AGREES TO COMPLY WITH THE CONDITIONS AND RESTRICTIONS AS SET FORTH ON THE PUD MASTER PLAN.

IN TESTIMONY WHEREOF: THE OWNERS OF THE ABOVE DESCRIBED PROPERTY, THE KANSAS UNIVERSITY ENDOWMENT ASSOCIATION, HAS  
SIGNED THESE PRESENTS THIS                      DAY OF                      , 2019.

---

DALE SEUFERLING, PRESIDENT,  
THE KANSAS UNIVERSITY ENDOWMENT ASSOCIATION

STATE OF KANSAS) ss  
COUNTY OF SHAWNEE) ss  
BE IT REMEMBERED THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2019, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID  
COUNTY AND STATE, CAME DALE SEUFERLING, PRESIDENT, THE KANSAS UNIVERSITY ENDOWMENT ASSOCIATION, WHO IS PERSONALLY  
KNOWN TO BE THE SAME PERSON WHO EXECUTED THE WITHIN INSTRUMENT OF WRITING, AND SUCH PERSON DULY ACKNOWLEDGED THE  
EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HEREBY SET MY HAND AND AFFIX MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES:

CF&S PARTNERSHIP, OWNER, AGREES TO COMPLY WITH THE CONDITIONS AND RESTRICTIONS AS SET FORTH ON THE PUD MASTER PLAN.

IN TESTIMONY WHEREOF: THE OWNERS OF THE ABOVE DESCRIBED PROPERTY, CF&S PARTNERSHIP, HAS SIGNED THESE PRESENTS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

---

STEVE FLATT, MANAGING MEMBER

CF&amp;S PARTNERSHIP

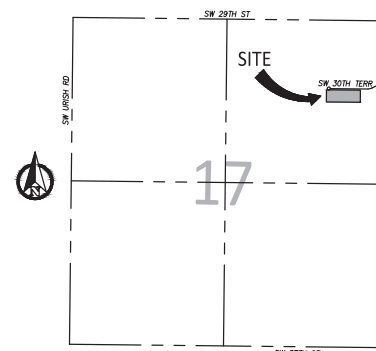
STATE OF KANSAS) ss  
COUNTY OF SHAWNEE) ss

BE IT REMEMBERED THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2019, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, CAME STEVE FLATT, MANAGING MEMBER, CF&S PARTNERSHIP, WHO IS PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE WITHIN INSTRUMENT OF WRITING, AND SUCH PERSON DULY ACKNOWLEDGED THE EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HEREBY SET MY HAND AND AFFIX MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE

\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES:



**VICINITY MAP**  
NO SCALE

**PUD** 19 / 03

# PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN

## WANAMAKER WEST DEVELOPMENT

### AMENDMENT NO. 1



C:\Shared drives\195099\CADD\Plotting Zoning and Legal Survey\195099 PUD Amend 1.dwg

7/28/2020

Bryan Falk  
Falk Architects Inc.  
602 SW 6<sup>th</sup> Ave. #1, Topeka KS 66603

Annie Driver, AICP  
City of Topeka Planner  
620 SE Madison, Topeka KS, 3<sup>rd</sup> Floor

Annie,

At 6:30 pm on July 27<sup>th</sup> 2020 we held a Neighborhood Information Meeting via Google Meet-Up for Case #PUD19/03A. An invitation to the meeting was mailed to all businesses and residences that were within 500' of the project and neighborhood association representatives within ½ mile. A City Planning provided sign was placed on the property to notify neighbors of the process.

Attending the meeting were the following individuals: Annie Driver, Mike Hall, Brent Trout, Jake King, Brandon Best, Bryan Falk, and Gary Nantz.

Annie Driver and Bryan Falk summarized the changes to the PUD that were being proposed for approval.

Bryan Falk summarized the proposed project.

Gary Nantz was the only person that was not representing the project or the City to attend the meeting. Gary lives at 5979 SW 30<sup>th</sup> Terrace. Gary expressed a concern about the loudness of the adjacent car wash property that was recently built. Gary also asked if a traffic impact study was being required as part of this project.

Planning stated they would review whether a traffic impact study would be required.

No other questions or concerns were mentioned so the meeting was adjourned at approximately 6:55 pm.

Thank you,

Bryan Falk  
Architect/Project Manager  
Falk Architects Inc.