



CITY OF
TOPEKA

A G E N D A

TOPEKA PLANNING COMMISSION

**MONDAY, JULY 20, 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

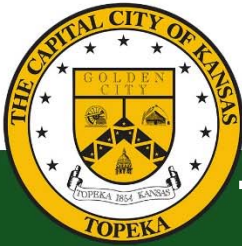


CITY OF
TOPEKA

TOPEKA PLANNING COMMISSION

Agenda for Monday, July 20, 2020

- A. Roll call**
- B. Approval of minutes – June 15, 2020**
- C. Declaration of conflict of interest/ex parte communications
by members of the commission or staff**
- D. Action Items**
 - 1. **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. **(Driver)**
- E. Communications to the Commission**
- F. Adjournment**



CITY OF
TOPEKA

MINUTES

TOPEKA PLANNING COMMISSION

Monday, June 15, 2020

6:00PM – via video conference

Members present: Brian Armstrong (Chair), Corey Dehn, Marc Fried, Wiley Kannarr, Jim Kaup, Ariane Messina, Katrina Ringler, Matt Werner (8)

Members Absent: Corliss Lawson (1)

Staff Present: Bill Fiander, Planning & Development Director; Dan Warner, Comprehensive Planning Manager; Kris Wagers, Administrative Officer

Roll Call – Chairman Brian Armstrong called the meeting to order with seven members present for a quorum. Ms. Messina logged on following the vote regarding approval of the May 2020 minutes.

Approval of Minutes from May 18, 2020

Motion to approve by Mr. Kaup, **second** by Mr. Kannarr. **APPROVED** (7-0-0)

Presentation and discussion on the Downtown Master Plan with a focus on Civic, River to Rail, and River South.

Mr. Fiander introduced the Downtown Master Plan and reminded all that a presentation had been given at the February 2020 Planning Commission meeting.

Mr. Fiander reviewed the current status of the plan with a focus on the Civic and River to Rail districts. Regarding the Civic District, Mr. Fiander noted the possible relocation of Topeka Metro Transit Authority's (TMTA's) current facilities located by the river. He explained that TMTA is in the process of doing a relocation study and the site listed on the Downtown Master Plan is part of that study.

Mr. Fiander explained that KDOT has announced that the reconstruction project of the Polk-Quincy Viaduct will move forward and stated this will have a positive impact on the Downtown Master Plan.

Mr. Warner reviewed the current status of the River South District plan, which includes the potential for park space under the Polk-Quincy Viaduct.

Mr. Fiander wrapped up the presentation and stood for questions. It was noted that the district/hubs concept is something that has been found to be working well in other inner-cities.

Communications to the Commission

Mr. Fiander stated CU20/01 was approved by Council. The Sports Zone PUD applicants are working with planning staff to revise their plan but it likely won't be ready in time to consider at the July meeting.

There is only one case scheduled for the July Planning Commission and there's a good possibility the meeting will again be held via videoconference.

With no further agenda items, meeting was adjourned at 7:07PM

draft

CU20/02
by Evergy, Inc.

STAFF REPORT – ZONING CASE

TOPEKA PLANNING DEPARTMENT

PLANNING COMMISSION DATE: Monday, July 20, 2020

APPLICATION INFORMATION:

CASE NUMBER / NAME: CU20/02 By: Evergy Inc.

REQUESTED ACTION / CURRENT ZONING: A Conditional Use Permit (CUP) for “Public Utility Facility, Type II” (electric substation) on property located on the south side of SE 6th Avenue between SE Highland and SE Golden. The CUP allows the owner to expand the existing substation on to adjacent property at 2647 SE 6th Avenue.

PROPERTY OWNER: Evergy Inc.

APPLICANT REPRESENTATIVE: Alex Darby, Professional Engineering Consultants

CASE PLANNER: Annie Driver, AICP, Senior Current Planner

PROPERTY LOCATION / PARCEL ID: Two properties between SE Golden and Highland along the south side of SE 6th Avenue / PID: 1320402002002000 and 1320402002001000

STAFF RECOMMENDATION: Based upon the above findings and analysis Planning Staff recommends **APPROVAL** subject to conditions in the staff report.

RECOMMENDED MOTION: Based on the findings and analysis in the staff report I move to recommend **APPROVAL** to the Governing Body of the Conditional Use Permit CU20/02 subject to conditions in the staff report.

PHOTOS: *View from SE 6th Avenue and SE Highland / PID: 1320402002001000*





PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY:

The property owner proposes to re-build and expand the existing electric substation currently located at SE Golden and SE 6th on to adjacent property containing an automotive repair shop at 2647 SE 6th Avenue. The expansion is necessary to maintain and improve electric service within the area.

DEVELOPMENT / CASE HISTORY:

The substation has remained on the western parcel since 1981. The property was zoned "R-1" Single Family Dwelling District. It is not clear how the substation was constructed under this zoning. This was not a listed use in the zoning code at the time and is presumed to have been exempted. The automotive repair station has remained on the property at 2647 SE 6th since 1977. The site was zoned for heavy commercial uses at this time. The properties were rezoned to "X-1" Mixed Use District following the adoption of the East Topeka Neighborhood Plan. In the "X-1" District and in most other zoning districts, a Conditional Use Permit is required for "Public Utility Facilities Type II".

ZONING AND CHARACTER OF SURROUNDING PROPERTIES:

The properties to the immediate north are neighborhood retail and a church (institutional) and zoned "X-1" Mixed Use District. The property to the immediate west of the existing substation is retail and zoned "X-1" Mixed Use District. The property to the immediate east of the existing automotive repair shop is a single-family residence and zoned "X-1" Mixed Use District. The block to the south of SE 6th is single-family residential and zoned "R-1" Single-Family Dwelling District.

COMPLIANCE WITH DEVELOPMENT STANDARDS AND GUIDELINES

BUILDING HEIGHT, SETBACKS & FENCES:

The maximum building height in the X-1 District is 40 feet, although TMC18.230.050 (Dimensional Requirements) allows "poles, towers, television, and radio antenna support systems, and similar apparatus, flagpoles, erected for non-commercial purposes" to a height of 62 feet provided the structures meet minimum setbacks. The tallest such dead-end structure proposed on the site plan ranges from 60 to 75 feet. The actual height is still being determined by Evergy. **If this structure is taller than 62 ft., a variance to this requirement will need to be granted by the Board of Zoning Appeals. A CUP cannot grant a variance to base zoning requirements.**

The setbacks to this structure from the three nearest property lines are 85' (6th Street), 69' (Highland) and 128' (South property line) and thus comply with the requirement in TMC18.230.050 that the utility poles be set back no less than 80 percent of that structure's height from the public right of way and adjacent property lines.

The plat denotes a 30' platted setback along SE Golden and SE 6th where the existing substation is located and the plat denotes a 25' platted setbacks along SE 6th and Highland where the expansion is proposed. The new equipment complies with these setbacks since all equipment will be located inside the pre-cast wall. The pre-cast wall sits at the platted setback line. The area outside the pre-cast wall will be turfed and landscaped.

The 9 ft. tall pre-cast wall is permitted on the site according to TMC18.210.040(d)(2), which indicates fences located in or upon public utility facilities may exceed the base standard of 8 ft. in height with approval by the Planning Director.

PARKING AND ACCESS:

Primary access to the site will occur from the driveway on SE Highland, which will be rebuilt to City standards. In the event of an emergency or major maintenance, the driveway from SE 6th will be utilized. Both entrances will be kept locked and gated by a 9 ft. tall aluminum gate.

The Topeka Zoning Ordinance does not include a parking quantity standard specifically for electrical substations.. There will be parking on-site that is sufficient for vehicular access anticipated to occur one time per month for routine maintenance.

LANDSCAPING AND SCREENING:

The CUP landscape plan demonstrates compliance with the basic requirements of TMC 18.235 Landscape Regulations. A more detailed and planting specific plan will be reviewed and approved by staff at the time of building permit approval. The 9 ft. tall stone wall with decorative aluminum gates will be extended to the east along 6th, the south property line, and along Highland. The extension of the stone wall along the south property line is being off-set by 6 ft. to leave a buffer from the adjoining residential property.

SIGNAGE:

The CUP site plan indicates no signage is proposed. If signage is proposed in the future, all signage shall comply with TMC18.10.

**LIGHTING & SOUND
GENERATION:**

Any exterior lighting shall be no more than three foot-candles as measured at the property line and the source of illumination shall not be visible from public right-of-way or adjacent properties per code. Security lighting will be installed that inside and below the height of the stone cast wall. There is no sound generation by operating the substation.

DESIGN STANDARDS:

TMC18.275 Non-Residential Design Standards do not apply as the site does not contain a building. The applicant will extend the 9 ft. stone wall surrounding the expanded area and will add landscaping and along the frontages for both the existing site and new site.

**TMC 18.215.030 – GUIDELINES
FOR CUP EVALUATION:**

The guidelines relate to development density, height and floor area relative to surrounding structures, setbacks of surrounding structures, building coverage, functionality and safety of parking and circulation, stormwater management, building design, traffic and other operational characteristics, the Comprehensive Plan, and other applicable regulations.

Adherence to guidelines:

- The electric substation will generate significantly less traffic than the existing automotive repair shop with one maintenance trip per month expected.
- The expansion will increase system reliability in this neighborhood and area.
- No signage is proposed
- The substation creates no sound when operating.
- As part of bring the existing substation into compliance, the applicant will add landscaping along streets for both the existing legal non-conforming site and the expanded site.
- The expansion of the substation provide the required 6 ft. wide residential landscape buffer along the length of the south side.
- The owner will construct a new sidewalk along SE Highland as part of re-constructing the commercial entrances and curb line along Highland.

PUBLIC FACILITES**TRANSPORTATION:**

There are no issues related to transportation as the substation will generate only one traffic trip per month. All regular maintenance access to the site will be taken from SE Highland (local street). The SE 6th Avenue driveway will only be used in the event of major maintenance or emergency access.

OTHER FACTORS

SUBDIVISION PLAT:	The subject property is currently platted as Lot 1, Block A, KPL Gas Service Subdivision and Lot 1, Block A, Smith Brothers Subdivision.
FLOOD HAZARDS, STREAM BUFFERS:	Zone X - "Area of Minimal Flooding"
HISTORIC PROPERTIES:	None
NEIGHBORHOOD INFORMATION MEETING:	The applicant was not required to hold a neighborhood information meeting due to current circumstances of COVID19. The applicant did mail out a neighborhood information notice to property owners within 300 feet and post signage on the property that indicates the date of the hearing. The Planning Department has not received any comments or questions from surrounding property owners by phone or email regarding either opposition or support to the substation expansion.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

PUBLIC WORKS/ENGINEERING:	No issues identified.
PUBLIC WORKS/ TRAFFIC ENGINEERING:	Traffic Engineering has approved the existing locations due to site characteristics and existing conditions. The curb will be reconstructed along Highland along with installation of new sidewalk.
WATER POLLUTION CONTROL:	No issues identified.
FIRE:	No issues identified.
DEVELOPMENT SERVICES:	No issues identified. Permits will be required. Construction plans will be required for issuance of a building permit.

KEY DATES

APPLICATION SUBMITTAL:	May 26, 2020
NEIGHBORHOOD INFORMATION NOTICES MAILED:	June 12, 2020
LEGAL NOTICE PUBLICATION:	June 29, 2020
ADJOINING PROPERTY OWNER NOTICES MAILED:	June 25, 2020

STAFF ANALYSIS

EVALUATION CRITERIA: In considering an application for a Conditional Use Permit, the Planning Commission and Governing Body make findings and conclusions with respect to the following pursuant to Topeka Municipal Code Section

18.245.020 in order to protect the integrity and character of the zoning district in which the proposed use is located and to minimize adverse effects on surrounding properties and neighborhood. In addition, all Conditional Use Permit applications are evaluated in accordance with the standards established in the Section 18.215.030 as related to land use compatibility, site development, operating characteristics, and consistency with the Comprehensive Plan.

1. **The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies:** The subject property lies within an area designated "*Mixed Use Neighborhood*" in the East Topeka Neighborhood Plan. There is no specific land use category for "public utility structures". However, there are policies of the Comprehensive Plan that recognize the need for public facilities in and near residential areas to sustain existing development and to provide necessary public service infrastructure to the community and neighborhood. Approval of the Conditional Use Permit does not alter the underlying mixed use zoning for the property. The substation has existed on the site since 1981 and the expansion is necessary to increase electric service reliability in the neighborhood and broader community. Additionally, the expansion allows the removal of a heavy commercial use (i.e. automobile repair shop) along SE 6th that is considered a legal-nonconforming use under the current "X-1" Mixed Use zoning. The neighborhood plan does clearly establish policies regarding heavy commercial automobile uses along SE 6th under the "Mixed Use Neighborhood" designation. One purpose of this designation was to reduce the number of high intensity commercial uses (i.e. auto sales lots, auto repair, tow lots, etc.) along the frontage SE 6th Avenue.

The expansion maintains the established setbacks, extends the 9 ft .stone screening wall, and adds landscaping, including trees, along street frontages for the existing site and expanded area. Approval of the CUP is deemed to be in conformance to the Comprehensive Plan.

2. **The character of the neighborhood including but not limited to: land use, zoning, density, architectural style, building materials, height, structural mass, siting, open space and floor-to area ratio:** The character of the neighborhood includes a mix of neighborhood retail, automotive commercial uses, and residential uses fronting along SE 6th Avenue. The neighborhood south of SE 6th Avenue contain single-family residences on lots that range of approximately 0.3 to 0.8 acres in size.
3. **The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning and uses:** The existing substation has been located on the property since at 1981 without any significant impacts on nearby properties. As this substation nears the end of its useful life, it is necessary that it be re-built and expanded to provide adequate electric capacity to the surrounding neighborhoods.
4. **The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations:** The subject property at 2647 SE 6th is probably suitable as restricted under "X-1" zoning and could foreseeably develop as presently restricted by the zoning district. The automobile repair shop is a non-conforming use and may continue. The viability of other uses allowed under the current "X-1" District zoning has not been analyzed or determined.
5. **The length of time the property has remained vacant as zoned:** The substation has remained on the property since at least 1981. The automotive repair has remained on the site since 1974. Prior to 2002, the substation was zoned "R-1" Single Family Dwelling District and the automobile repair was zoned "C-4" Commercial District.
6. **The extent to which the approval of the application would detrimentally affect nearby properties:** There should be minimal detrimental effects upon nearby properties as the proposed screening pre-cast wall will be extended along the south property line. The wall is being off-set from the existing wall to all a landscaped residential buffer between the adjoining property and the expanded substation. The existing substation has been adjacent to the single-family residences for 40 years and has had little or no known negative impacts on the nearby properties. The substation will be made more attractive from the street frontage with the addition of landscaping and by improving the existing gravel access entrance and curb line along Highland.

7. **The extent to which the proposed use would substantially harm the value of nearby properties:** The existing substation has remained on the site for nearly 40 years with little or no impact on adjacent properties. The expansion will improve the quality of electric service in this neighborhood. The appearance of the site from public streets will be improved with the addition of landscaping, turf, and by extending the stone cast wall that allows the removal of the non-conforming vehicle repair shop. The owner will add landscaping where wrecked or vehicles waiting repair are currently being stored at the automobile repair shop directly adjacent with the SE 6th avenue public street frontage. The applicant has agreed off-set to the new stone wall along the south property line by 6 ft. in order to add a landscape barrier as shown on the site plan.
8. **The extent to which the proposed use would adversely affect the capacity or safety of the portion of the road network influenced by the use, or present parking problems in the vicinity of the property:** The proposed use will generate very few, if any, additional vehicles trips as will only be required for routine maintenance of the facility one time per month. There will be no discernable impact on the road network.
9. **The extent to which the proposed use would create excessive air pollution, water pollution, noise pollution or other environmental harm:** The proposed substation has a minimal documented impact. There is little noise or odors associated with the operation of the substation and there have been no complaints received concerning this existing substation on the property. The expansion adds landscaping and green space, which in turn reduces the amount of impervious surface currently on the site.
10. **The economic impact of the proposed use on the community:** Electric substations are a vital and necessary components of the city and therefore have a positive economic impact on this neighborhood and the community at-large. Substations serve an important function for the general public as do other forms of public infrastructure (roads, sewer, water, electric, gas) and are vital to a community's growth and development. It is understood the owner of the automobile repair shop is searching for a new location.
11. **The gain, if any, to the public health, safety and welfare due to denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application:** There is no apparent gain to the public health, safety and welfare by denial of the application since approval of the application is necessary to maintain and upgrade the electrical system in the neighborhood. Denial of the application would result in a significant hardship on the owner as the expansion is necessary to allow the substation to be upgraded and modernized with new equipment.

STAFF RECOMMENDATION:

RECOMMENDATION: Based upon the above findings and analysis, Planning staff recommend **APPROVAL**.

RECOMMENDED MOTION: Based on the findings and analysis in the staff report I move to recommend **APPROVAL** to the Governing Body of the Conditional Use Permit CU20/02, subject to:

1. Use and development of the site in accordance with the approved Site Plan and Statement of Operations for the Evergy Substation located at SE 6th and SE Golden.
2. Add note to CUP site plan: *"The maximum height of transformers and dead-end structures shall not exceed a height of 62 ft. unless a variance to TMC 18.230.050(a)(6) Exceptions to height limitations is approved by the Topeka Board of Zoning Appeals."*

Attachments:

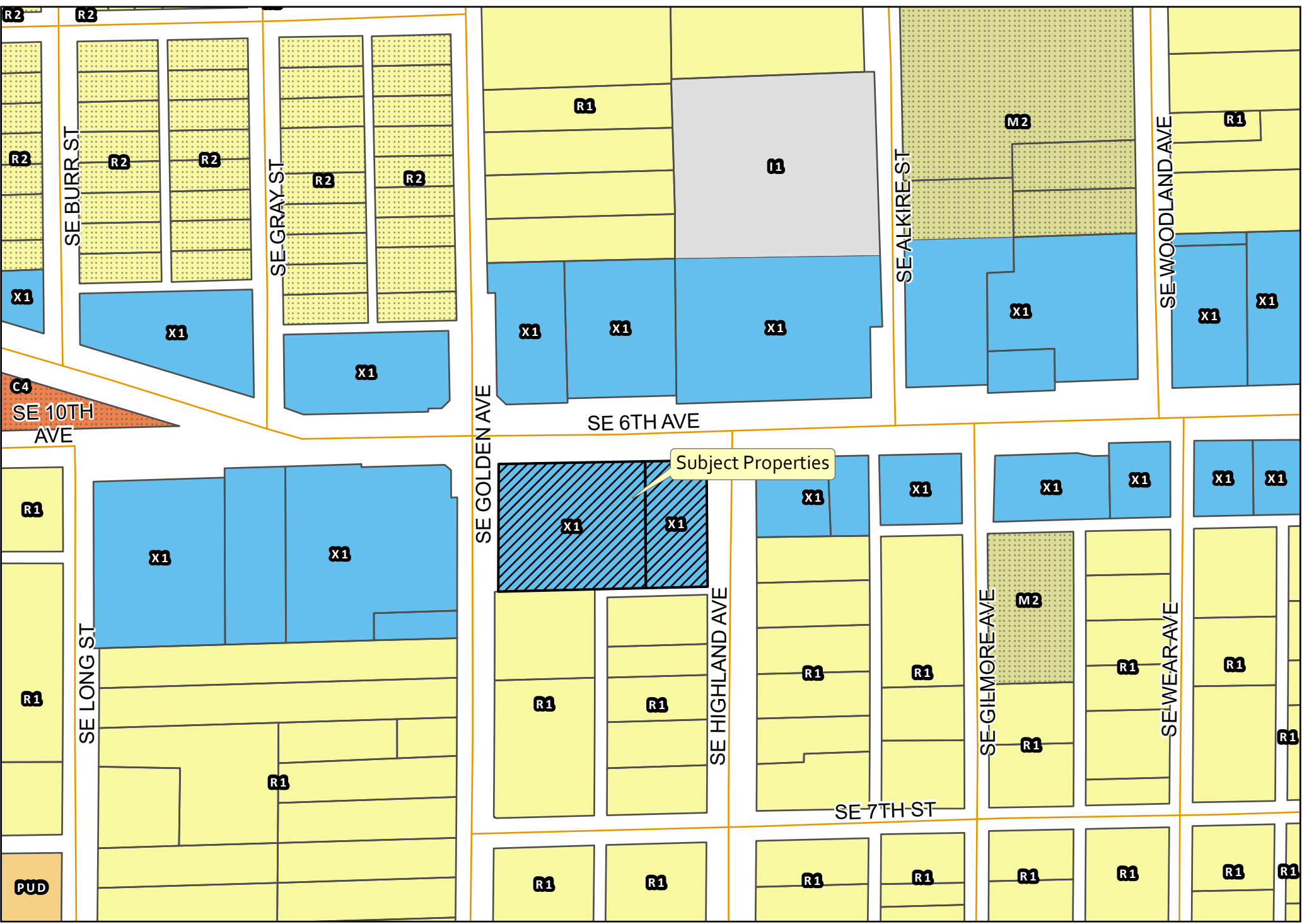
- Aerial Map
- Zoning Map
- Future Land Use Map
- CUP site plan

- Structure Layout



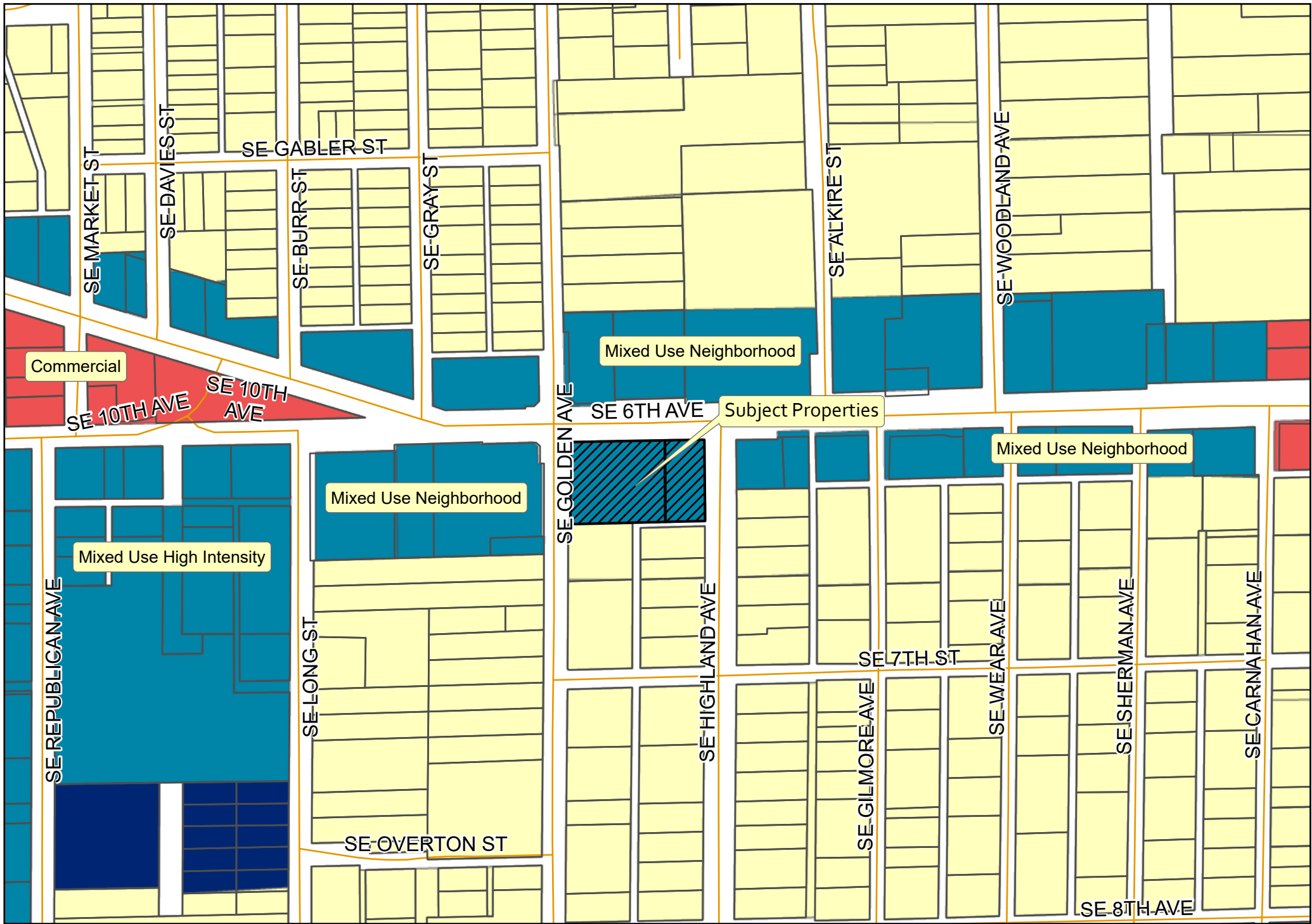
CU20/02 BY: EVERGY INC.





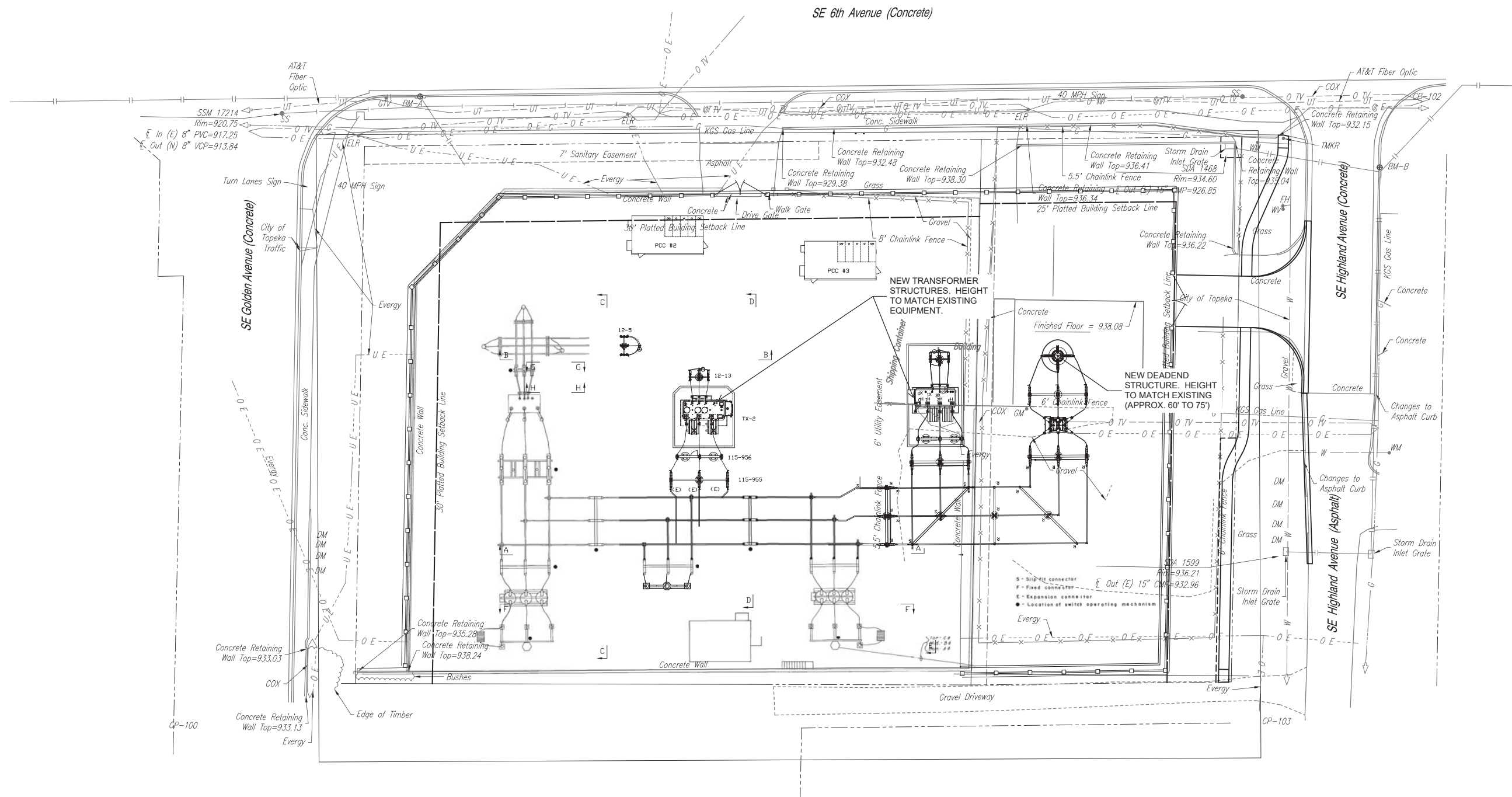
CU20/02 BY: EVERGY INC. (ZONING MAP)





CU20/02 BY: EVERGY INC. (FUTURE LAND USE MAP)





6th & Golden Substation Expansion

Conditional Use Permit Application

Supplemental Information

(A) Land Use Compatibility

1. Development Density: There is an existing Evergy electrical substation on the western portion of the site. As such, the proposed use is existing at this location. The proposed development would expand the electrical substation to the east. The adjacent use is an auto mechanic shop/garage. Single family residential homes are located directly to the south of the existing and proposed site. An existing screening wall remain in this location. The electrical substation upgrade will increase electrical system reliability to the surrounding area.

(B) Height and Scale

1. Height and bulk: The existing electrical substation has a high voltage transmission line entering and exiting the existing electrical substation on the south edge of the property. This line will remain in place. The existing electrical substation is surrounded on the north, west and south with a masonry screening wall. Chain-link fence surrounds the remainder of the site. The auto shop is also surrounded by a chain-link fence. The new site will remove the existing auto shop and ancillary structures. The new electrical substation site will be surrounded with a nine foot pre-cast faux stone fence panels on the north, east, west, and southeast corner. This will provide a uniform look from all public streets. Decorative gates will be installed on the north and east. All new equipment installed within the electrical substation walls will be of a similar height and bulk to the existing.
2. Setbacks: The existing setbacks of the two parcels will not be modified. Any new equipment will be installed within the existing setbacks.
3. Building Coverage: The new equipment will be screened and will be similar in nature to the existing equipment.

(C) Site Development

1. Frontage: The site has full width frontage along SE 6th Avenue.
2. Parking and Internal Circulation: The electrical substation is a secured site without public access. No parking or circulation of traffic is required. The project will upgrade the existing handicap ramps at 6th and Golden and at 6th and Highland. New ADA crossings will be installed at the existing site drive along 6th Street and at the new driveway along Highland Avenue.
3. Landscaped Areas: Additional landscaping will be added along the exterior of the new electrical substation site. Due to the nature of an electrical substation the landscaping utilized must be fairly short in nature to prevent conflicts with the

high voltage transmission lines and to prevent unauthorized access. Several larger trees have been included to provide shade along Golden Avenue and at 6th and Highland Avenue. The landscaping shown on the site plan will break up the screening wall and provide a pleasant aesthetic. The proposed landscaping is shown on the CUP Site Plan.

(D) Building Design

1. This project does not include the construction of any buildings.

(E) Operating Characteristics

1. Traffic Capacity: The site will likely reduce the total traffic in this area due to the removal of the auto mechanic shop/garage. The electrical substation will only generate one trip per month by maintenance staff. Normal access will be from SE Highland Avenue driveway. In the event of an emergency or major maintenance activities the drive from 6th Avenue will be utilized. This is expected once per year at a maximum.
2. External Traffic: No external traffic is expected.
3. External Effects: No additional external effects are expected that are not already experienced at the existing electrical substation.
4. Outside storage: No outside storage is expected at the electrical substation site.

(F) Public Facilities

1. Sewage Disposal: New sewer effluent will be generated.
2. Sanitary Sewer: No sanitary sewer service is required for the electrical substation. The existing sewer service for the auto mechanics shop/garage will be abandoned at the connection to the existing public main.
3. Stormwater Management: The proposed site improvements will reduce the overall impervious area of the two sites. See the attached stormwater management summary memorandum.
4. Utilities: No additional utilities are required at the site. The existing water, gas, and electrical service to the auto mechanics shop/garage will be disconnected.

(G) Comprehensive Plan

1. The new electrical substation will replace an existing electrical substation that is reaching the end of its useful life. The new equipment will provide more reliable electrical service to the surrounding area.