

Monday, March 16, 2020 6:00P.M.

# 214 EAST 8TH STREET CITY COUNCIL CHAMBERS, 2ND FLOOR MUNICIPAL BUILDING TOPEKA, KANSAS 66603

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

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

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



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

### **HEARING PROCEDURES**

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

- 1. The Topeka Planning Staff will introduce each agenda item and present the staff report and recommendation. Commission members will then have an opportunity to ask questions of staff.
- 2. Chairperson will call for a presentation by the applicant followed by questions from the Commission.
- 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.
- 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.
- 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

Agenda for Monday, March 16, 2020

- A. Roll call
- B. Approval of minutes February 17, 2020
- C. Declaration of conflict of interest/ex parte communications by members of the commission or staff
- D. Action Items
  - P20/06 Greenhill Pointe Subdivision by Drippe Construction, Inc., comprising 57.31 acres, the centerline of the tract being approximately 2,100 ft. north of NW 46<sup>th</sup> Street and 1,000 ft west of NW Green Hills Road all being within unincorporated Shawnee County. (Driver)
  - 2. Crossroads Wesleyan Church
    - a. A20/01 by The Kansas District of the Wesleyan Church requesting annexation of Crosswind Wesleyan Subdivision, an approximately 29-acre subdivision on property located at 2030 SE 41st Street to allow for a church to be built on Lot 1 of the subdivision. Lot 2 is to be used for future church related outdoor activities. (Warner)
    - b. Z20/01 by Topeka Planning Commission requesting to amend the district zoning map from RR-1 Residential Reserve District to R-1 Single Family Dwelling District on a 2.2 acre tract located at the northeast corner of SE 41st Street and SE California Avenue all being contiguous to the corporate city limits. (Driver)
- E. Communications to the Commission
- F. Adjournment

### Monday, February 17, 2020

### 6:00PM - Municipal Building, 214 SE 8th Street, 2nd floor Council Chambers

Members present: Corey Dehn, Marc Fried, Wiley Kannarr, Jim Kaup, Corliss Lawson, Katrina Ringler (5)

Members Absent: Brian Armstrong, Marc Fried, Wiley Kannarr, Ariane Messina (4)

Staff Present: Bill Fiander, Planning & Development Director; Dan Warner, Comprehensive Planning

Manager; Kris Wagers, Administrative Officer; Mary Feighny, Legal

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

### Approval of Minutes from December 16, 2019

Motion to approve by Mr. Kaup, **second** by Mr. Dehn. **APPROVED** (3-0-2 with Ms. Lawson and Ms. Ringler abstaining)

### Election of 2020 Officers - Chair and Vice Chair

Mr. Dehn nominated Mr. Armstrong and Mr. Fried to serve as 2020 Chair / Vice Chair respectively. The votes were taken separately by ballot. Results were **5-0-0** to elect **Brian Armstrong 2020 Planning Commission Chair** and **5-0-0** to elect **Marc Fried 2020 Planning Commission Vice-Chair.** 

With both Mr. Armstrong and Mr. Fried being absent, Ms. Ringler was asked and agreed to act as Chair for the 2/17/2020 meeting.

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

#### **Action Items**

**2021-2030 CIP** – In accordance with K.S.A. 12-748(b), review the City of Topeka's capital improvement program (CIP) to ensure that it is consistent with the comprehensive metropolitan plan. (Warner)

Mr. Warner explained that state statute designates the Planning Commission review the CIP for consistency with the Comprehensive Plan. Staff has selected projects from the CIP that may impact the City's Land Use and Growth Management Plan or other elements of the Comprehensive Plan and those projects are highlighted in a staff memo that was part of the February agenda packet.

Mr. Warner reviewed some of the projects and answered questions as they arose. Staff from the finance department were also present to take questions. Mr. Kaup asked if all the projects listed had been in previous CIPs and Mr. Warner confirmed that they had. Ms. Ringler stated that having seen and reviewed the CIP over a number of years, the projects seem consistent and show progress. Mr. Fiander agreed, noting that several of the line items have to do with implementation of projects/plans that the Planning Commission has reviewed.

**Motion** by Mr. Dehn to adopt a finding that the City's Capital Improvement Program (CIP) is consistent with the Comprehensive Plan; **Second** by Ms. Lawson. **APPROVED** (5-0-0).

### **Presentations / Non-Action Items**

**Downtown Master Plan** – Mr. Fiander presented information and took questions about the ongoing Downtown Master Plan project. Mr. Warner added information about the River South District plan that is being created with the assistance of a consultant (Stantec), the funding for which is coming from a Brownfields grant. Mr. Fiander also noted how some of the downtown projects relate to and are in line with projects listed in the CIP.

**2019 Development & Growth Management (DGM) Report** – Mr. Fiander presented information and took questions about the year-end DGM Report.

**Review of By-Laws** – Mr. Fiander explained that it has been several years since the by-laws were formally reviewed and accepted, so staff is asking that commissioners review and send recommended changes/updates to staff. Adoption of an updated draft will appear as an action item at the next Planning Commission meeting.

### **Communications to the Commission**

Mr. Fiander reported that the City is doing a citywide market study for housing and a presentation to the Planning Commission will take place sometime in the coming months.

With no further agenda items, meeting was adjourned at 7:19PM.

### P20/06 Greenhill Pointe Subdivision

### SUBDIVISION REPORT

### CITY OF TOPEKA PLANNING DEPARTMENT

### PLANNING COMMISSION DATE: Monday, March 16, 2020

Preliminary Plat Phase

Preliminary and Final Plat Phase

Final Plat Phase

NAME: Greenhill Pointe Subdivision - [P20/06]

**OWNER/DEVELOPER:** Drippe Construction Inc. / Mike Drippe

**ENGINEER/SURVEYOR** Schmidt, Beck, and Boyd Engineering LLC / Jeff Laubach, P.E. and Richard T. Schmidt, P.L.S.

CASE PLANNER: Annie Driver, AICP, Planner II

**GENERAL LOCATION:** 4721 NW Green Hills Road - Property is located north of NW 46<sup>th</sup> Street and along the west side of NW Green Hills Road all being within unincorporated Shawnee County.

PARCEL ID NUMBERS: 0273603001004000

**JURISDICTION:** Class "C" subdivision within the three-mile extra territorial jurisdiction of the City of Topeka not contiguous to the city limits and outside the City's Urban Growth Area (UGA)

**ANNEXATION:** City utility regulations require annexation prior to receiving sanitary sewer service. An exemption to the annexation requirement prior to receiving sanitary sewer is supported since the plat meets UGA design standards. The property owner has granted their written consent to annexation as a condition to receive City sewer.

Area	# of Lots	Density	Proposed Land Use	Zoning
57.31 acres	20 lots	1.4 DUs/acre (Lots 1-8, 11-18)	Single Family	"RR-1" Residential
		<ul> <li>20% of tract</li> </ul>	Residential	Reserve District
		0.045 DUs per acre (Lots 9-10)		
		- 80% of tract		
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**Pending Zoning Case**: Shawnee County has zoning jurisdiction

**Design:** The subject plat is irregular in shape, measuring approximately 1,450 ft and 1,913 ft. The property fronts on to and will take access from NW Green Hills Road via the extension NW 49<sup>th</sup> Terrace. Lots 1-18 range from 0.56 to 0.88 acres and will be served by the extension of sanitary sewer and water. Lots 9 and 10 contain 24.36 and 20.20 acres respectively and are proposed to be serviced by on-site septic and lateral fields. Access to Lots 9 and 10 will be taken from the end of SW 49<sup>th</sup> Terrace and no new access is proposed on NW Green Hills Road, except from NW 49<sup>th</sup> Terrace.

**BACKGROUND:** Per TMC 18.35.130 the applicant has request approval of the preliminary and final plat simultaneously. A Neighborhood Information Meeting was conducted by the applicant on February 19, 2020 at the Pleasant Hills Methodist Church. The applicant's meeting notes and attendance sheet from the meeting are attached to this packet.

### **SERVICES AND FACILITIES:**

1. WATER SERVICE: Rural Water District #4 with all connections and extensions of a water main off of the

proposed NW 49th Terrace being at the expense of the developer.

- 2. SEWAGE DISPOSAL: Half Day Creek Interceptor area- The City of Topeka has a policy to support sanitary sewer connections within this area. Sanitary sewer service by connection to an existing public sanitary sewer main located along NW Green Hills Road. The applicant will create a Shawnee County Sanitary Sewer District with connection to the County Sanitary Sewer District No. 17. The City of Topeka will provide treatment. All connections and extensions are at the expense of the developer.
- 3. WASTEWATER PLAN SERVICE AREA: The property is located within the Primary Urban Service Area as reflected by the <u>Land Use and Growth Management Plan (2040)</u>. The proposal appears to be in full compliance with said plan as connection to sanitary sewer is proposed for the 18 lots along NW 49<sup>th</sup> Terrace. A waiver to allow septic systems to serve Lots 9 and 10 is approved with this plat.
- 4. DRAINAGE CONDITIONS: The Stormwater Report as submitted by the Consultant to the City of Topeka Department of Public Works and Department of Utilities <u>has not yet</u> been approved per memo dated February 20, 2020. Approval is required prior to the plat proceeding to the Governing Body for acceptance.
- 5. STREET PLAN/ACCESS: The preliminary street plans as submitted by the developer to the Shawnee County Public Works Department have been approved by that department. The street improvement project will be completed upon the developer petitioning the County Commission for approval of a benefit district. Maintenance of said street shall be by Soldier Township.
- 6. FIRE DISTRICT: Soldier Township Fire District- No issues. A hydrant will be provided on NW 49th Terrace.
- 7. STREAM BUFFER: The subdivision is impacted by a Type II stream buffer crossing the east portion of the property. The developer has complied with the City of Topeka stream buffer regulations as required by TMC 18.40.150 of the subdivision regulations.
- 8. SCHOOL DISTRICT: USD No. 345 Seaman.
- 9. PARKS/OPEN SPACE: The subject property is located within Parkland Fee District #1 Half Day Creek requiring a fee of \$225 per each net new unit. The fee is collected at the time of building permit issuance and retained in a fund for use by the Shawnee County Parks and Recreation Department when new parkland is developed within this area.

**WAIVER/VARIANCE TO STANDARDS:** Pursuant to the provisions of TMC 18.30.040 of the City of Topeka Subdivision Regulations the applicant is seeking the following design variances as noted on the plat:

The applicant is requesting that a design variance be granted to the provisions of TMC 18.40.120 for easements along the perimeter of Lots 9 and 10 and a design variance to provisions of TMC 18.40.050(c) for streets exceeding 500 ft. in length.

Planning staff supports the approval of these design variances. Staff recommends approval of the first variance because Lots 9 and 10 will have septic systems serving two rural residences and other utilities are existing in the road right-of-way; no further divisions of these lots is supported by the <u>Land Use Growth Management Plan</u>. The second design variance is supported as NW 49<sup>th</sup> Terrace will serve a maximum of 20 single-family residential lots (200 trips per day), which is an accepted standard for the maximum number of lots accessing off a dead-end street.

CAPITAL IMPROVEMENT PLAN (CIP): None

**CONFORMANCE TO COMPREHENSIVE PLAN**: The proposed subdivision is located outside the Urban Growth Area (UGA) boundary but inside the Primary Service Area adopted with the <u>Land Use and Growth Management Plan (2040)</u>. This means "urban" densities are not supported but sanitary sewer is required unless a waiver to allow a septic system is approved by the City and County. Because the property fronts the existing public sanitary sewer, connection to sewer is supported for development of Lots 1-8, 11-18 provided the development is not at an urban density.

Planning staff supports the proposed design which renders sewer connection economically feasible for those lots. The proposed subdivision layout follows UGA cluster development policies in the <u>Land Use and Growth Management Plan (2040)</u> by setting aside 80% of the total property (proposed Lots 9 and 10) and clustering the remaining 18 lots on 20% of the property (Lots 1-18). Lots 1-18 have a residential density of 1.4 DUs per acre, which is similar to the density of subdivisions on the east side of Green Hills Road. The lot sizes maintain a rural character and are larger than what policy would recommend inside city limits and the UGA.

City utility regulations require annexation while allowing for exemptions. The plat does not meet the requirements for annexation indicated under the <u>LUGMP-2040</u> prior to receiving sanitary sewer since the full suite of all five urban services is not available (water, roads, City Police, City Fire). The owner has consented to annexation by note on the plat. Staff supports an annexation exemption allowed by utility regulations since the owner has consented and this plat meets UGA design standards. A waiver from the requirement to connect to sanitary sewer, in order to allow septic systems, is granted with this plat for Lots 9 and 10 (The size of each lot is greater than 20 acres.).

As proposed, the subdivision's design meets policies and regulations and is in conformance to the Comprehensive Plan since it sets aside 80% of the property for future urban development.

STAFF ANALYSIS: The subdivision is located beyond the City's Urban Growth Area (UGA). The UGA was adopted in 2015 as part of the <u>LUGMP (2040)</u> to specifically designate those areas where there is the full complement of urban services, or will be extended in the future, that are needed to support urban development. This subdivision leapfrogs beyond undeveloped and rural residential areas and in manner may encourage more urban sprawl without adequate urban infrastructure and services and without the ability of being annexed. This is not generally a sustainable pattern of growth that is in the best interest of the community. Allowing urban development in areas without the full complement of urban services in place, or planned in the near future, increases the cost to all taxpayers, both those inside and outside the city limits. However, the subdivision design accounts for the existing circumstances by providing lots of a similar residential density as the surrounding subdivisions and sets aside 80% of the property.

Provided staff recommendations are implemented, the overall subdivision design conforms to the established standards and provisions of the subdivision regulations relative to design criteria with approval of the noted design variances. Based upon the above findings and staff analysis, the Planning Department recommends the Preliminary and Final Plat phases for Greenhill Pointe Subdivision be **APPROVED**, **subject to**:

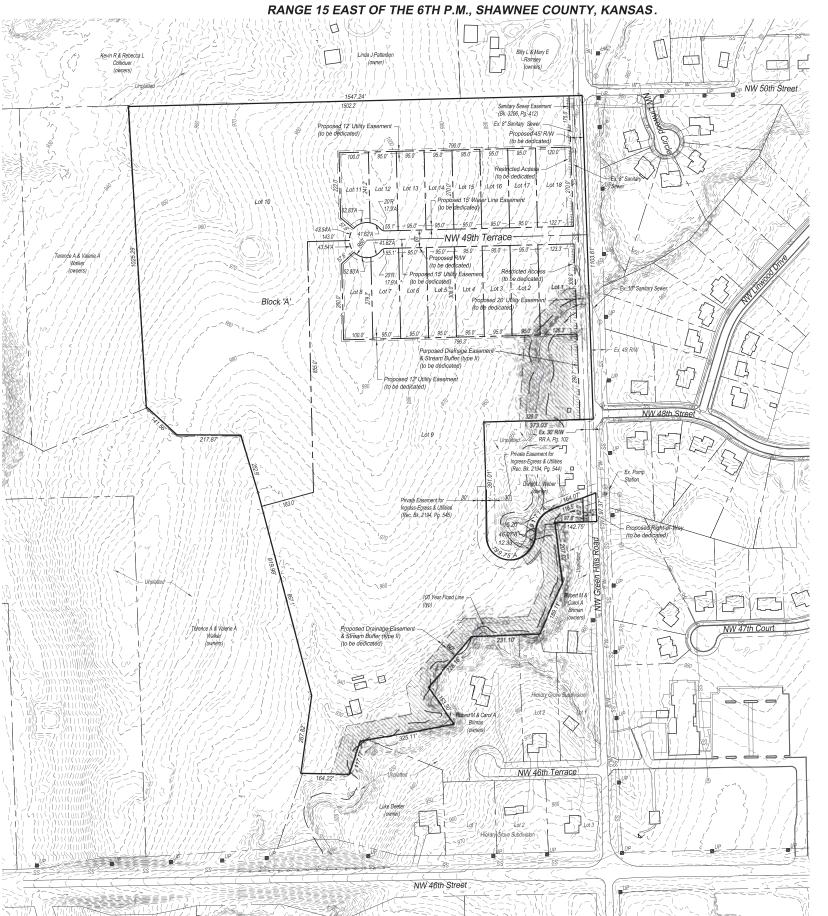
- 1. Adding Annexation Exemption note as follows: "Pursuant to TMC 13.220.a.4.iii, an annexation exemption is approved for sanitary sewer service to serve the subdivision."
- 2. Revising Note #3 to state: "... Lots 9 and 10 may be allowed the use of an on-site septic system and lateral field upon obtaining approval by the Shawnee County Health Agency under the condition these lots are not further divided."
- 3. Approval and acceptance of the Stormwater Management Report by the Department of Public Works and Department of Utilities prior to the plat proceeding to the Governing Body for acceptance of easements and rights-of-way.

#### Exhibits:

Preliminary and Final Plat
Aerial Map
Aerial Map – small scale
Map – Location Relative to UGA and 3-Mile Extraterritorial Jurisdiction
Neighborhood Meeting Report (SBB)
Neighborhood Meeting Attendance (SBB)
Review Comment: Memorandum from Shawnee County Public Works

### PRELIMINARY PLAT **GREENHILL POINTE**

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 10 SOUTH,



TYPICAL TYPE II

25' Streamside Area (min)

Flood control, utility corridors Foot paths, road crossings Protect the physical and ecological

Vegetation: Native vegetation or managed lawn

STREAM BUFFER EASEMENT:

Biking/hiking paths, flood control, orridors, stormwater BMPs, res ards, landscape areas

The following practices and activities are prohibited within the buffer, except with the written approval by the director

of the public works department or designee. Please refer to the Topeka Municipal Code (TMC) 17.10.060 for the

Clearing of existing vegetation
 Grading, stripping, or other soil disturbing
 Filling or dumping
 Draining buffer area

5) Use, storage or application of pesticides 6) Livestock and maintenance

7) Storage or operation of motorized vehicles

unabridged code for buffer establishment, management and

Protect key components of the stream and filter and slow velocity of water runoff.

- 25' Outer Area

STREAM SIDE AREA: Vegetation: Native vegetation

OUTER AREA:







ane 66536 Drippe Developm 919 E Jesuit Lar t. Mary's, Kansas t

Engineering, SBB |

**BB** AGINEERING S

NW beka,

SBB Proj. No.: 19-274 Drawn by: JEM Checked by: RS

Date: 2/5/2020

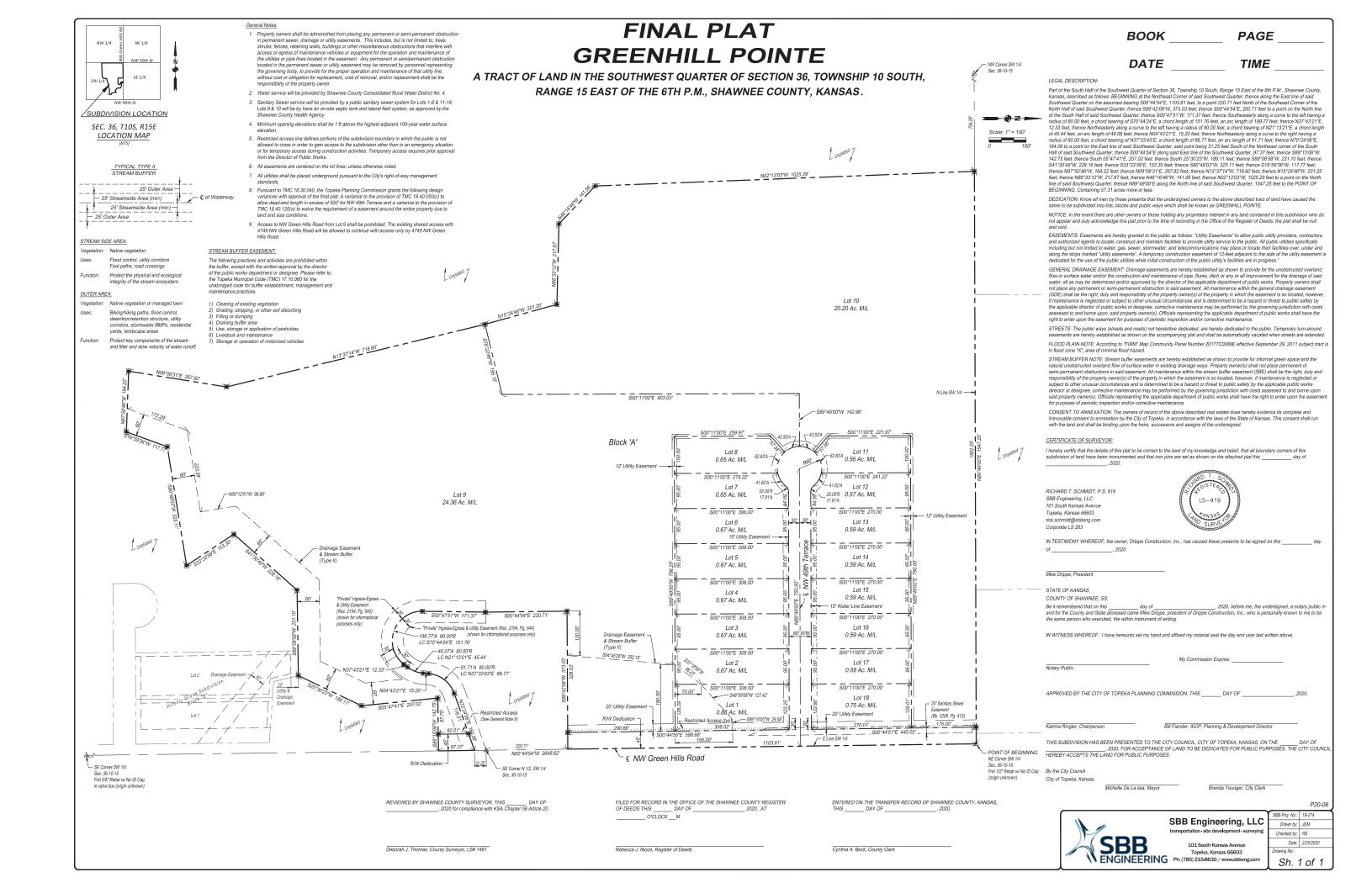
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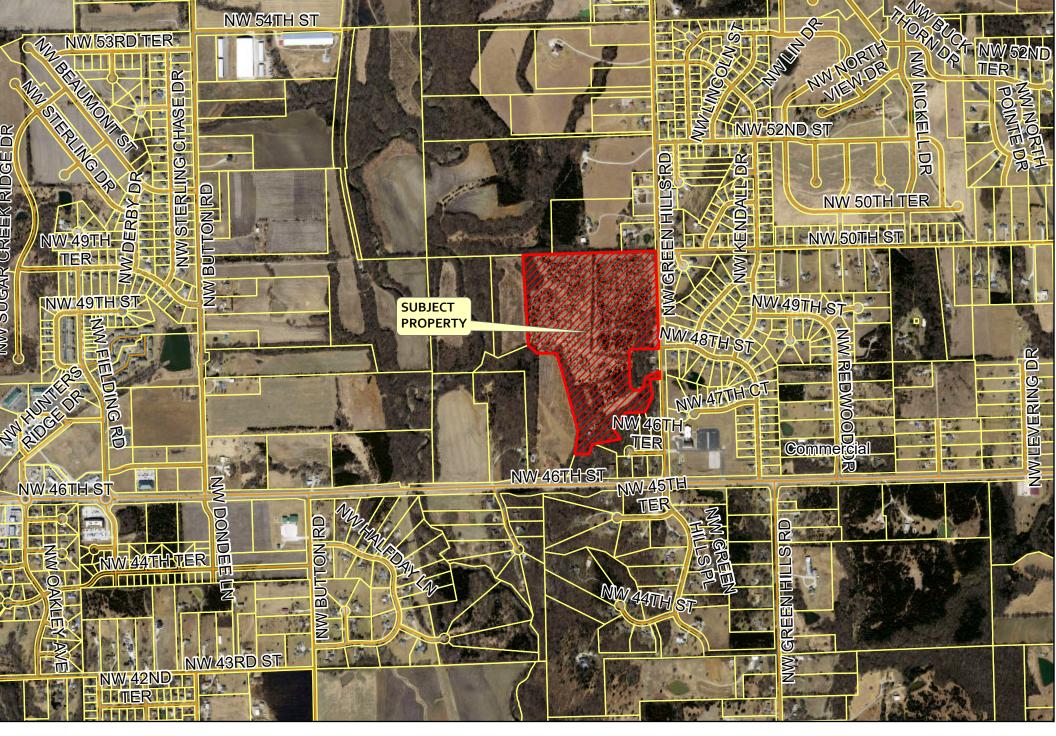
### Legal Description:

Tract 1: Part of the South Half of the Southwest Quarter of Section 36, Township 10 South, Range 15 East of Tract 1: Part of the South Half of the Southwest Quarter of Section 36. Township 10 South, Range 15 East of the 60 PM. Rhamee County, Kansas, described as follows: Commencing at the Northeast Corner of the South Half of said Southwest Quarter, thence South 0 degrees 44 minutes 54 seconds East (assumed bearing) along the East line of said Southwest Quarter, 31.25 feet to the Point of Beginning; thence continuing South 0 degrees 44 minutes 54 seconds East, along the East line of said Southwest Quarter, 97.37 feet; thence South 80 degrees 15 minutes 06 seconds West, 142.75 feet, thence South 50 degrees 47 minutes 41 seconds East, 207.02 feet, thence South 25 degrees 30 minutes 32 seconds West, 182.11 feet; thence South 80 degrees 0 minutes 48 seconds West, 228.16 feet; thence South 33 degrees 33 minutes 39 seconds West, 153.30 feet; thence South 60 degrees 48 minutes 30 seconds West, 325.11 feet; thence South 19 degrees 50 minutes 36 seconds West, 177.77 feet; thence North 67 degrees 50 minutes 46 seconds West, 154.22 feet; thence North 167 degrees 00 minutes 31 seconds East 31 seconds East 31 seconds East 267.62 feet; thence North 13 degrees 37 minutes 14 seconds West, 171.60 feet to the North line of the South Half of said Southwest Quarter; thence North 96 degrees 67 minutes 39 seconds East along the North line of the South Half of said Southwest Quarter; thence North 96 degrees 67 minutes 39 seconds East along the North line of the South Half of said Southwest degrees 37 minutes 14 seconds West, 718.60 feet to the North line of the South Half of said Southwest Quarter, thence North Bio degrees 51 minutes 39 seconds East along the North line of the South Half of said Southwest Quarter, 777-92 feet, thence South Odegrees 47 minutes 51 seconds West, 171.37 feet, thence Southeasterly along a curve to the left having a radius of 80.00 feet, a chord bearing of South 70 degrees 44 minutes 24 seconds East, a chord length of 151.76 feet, an arc length of 1997.77 feet, thence North 37 degrees 43 minutes 21 seconds East, 12.33 feet; thence Northeasterly along a curve to the left having a radius of 80.00 feet, a chord bearing of North 21 degrees 13 minutes 21 seconds East, a chord length of 45.44 feet, an arc length of 46.08 feet; thence Northeasterly along a curve to the right having a radius of 80.00 feet, a chord bearing of North 37 degrees 33 minutes 23 seconds East, a chord length of 86.77 feet an arc length of 16 feet to the 67.7 feet an arc length of 16 feet to the 86.77 feet, an arc length of 91.71 feet; thence North 70 degrees 24 minutes 06 seconds East, 164.06 feet to the

Tract 2: A tract of land in the Southwest Quarter of Section 36, Township 10 South, Range 15 East of the Sixth Principal Meridian, Shawnee County, Kansas, described as follows: Beginning at the Northeast Corner of said Southwest Quarter, thence South 0 degrees 44 minutes 54 seconds East (assumed bearing) along the East line of said Southwest Quarter, thence South 89 degrees 42 minutes 08 seconds West, 373.03 feet; thence South 60 degrees 44 minutes 34 seconds East, 220.71 feet (thence South 89 degrees 56 minutes 39 seconds West (mass). South 89 degrees 57 minutes 39 seconds West (mass). South 89 degrees 57 minutes 39 seconds West, 373.03 feet; thence North 15 degrees 24 minutes 46 seconds West, 201.25 feet; thence North 88 degrees 33 minutes 12 seconds West, 217.87 feet; thence North 46 degrees 56 minutes 46 seconds West, 371.87 feet; thence North 46 degrees 54 minutes 48 seconds West, 371.87 feet; thence North 46 degrees 54 minutes 48 seconds West, 371.87 feet; thence North 46 degrees 34 minutes 48 seconds West, 371.87 feet; thence North 46 degrees 34 minutes 31 similates 13 simi feet: thence North 46 degrees 16 minutes 46 seconds West, 141,56 feet: thence North 2 degrees 13 minutes 03 seconds West, 1025.29 feet to the North line of said Southwest Quarter; thence North 89 degrees 49 minutes 00 seconds East along the North line of said Southwest Quarter, 1547.25 feet to the point of beginning.

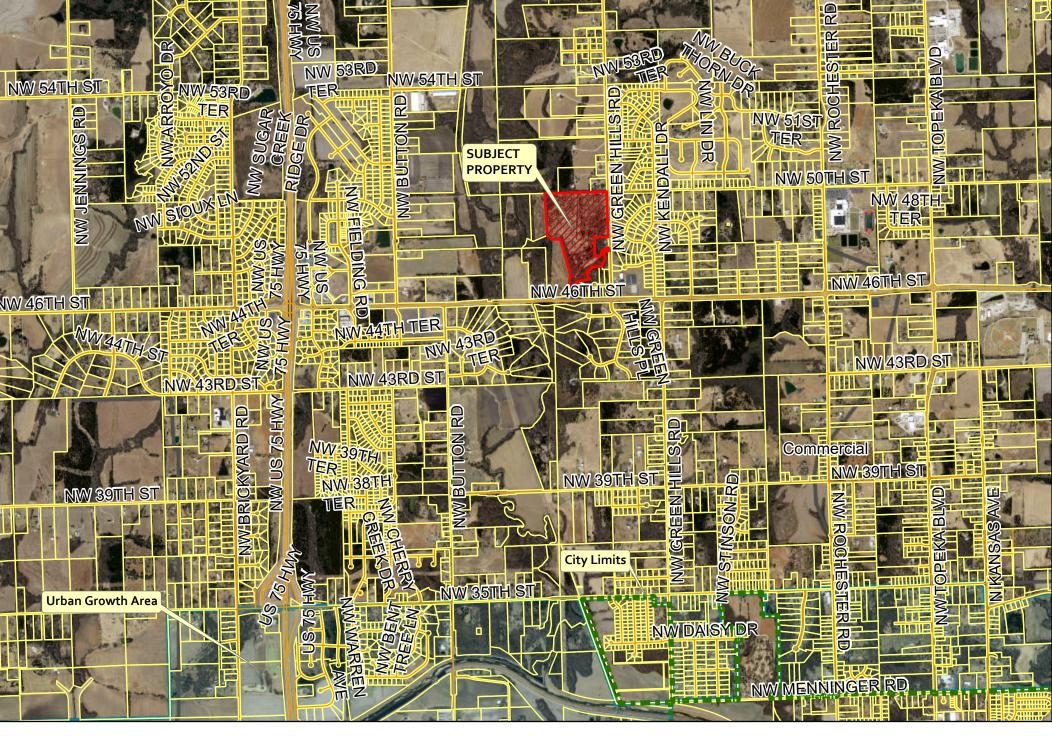
- 1. Property owners shall be admonished from placing any permanent or semi-permanent obstruction in permanent sewer, drainage or utility easements. This includes, but is not limited to, tress, strubs, fences, retaining walls, buildings or other miscellaneous obstructions that interfere with accessor orgress of maintenance vehicles or equipment for the operation and maintenance of the utilities or pipe lines located in the easement. Any permanent or semipermanent obstruction located in the permanent sewer or utility easement may be removed by personnel representing the governing body, to provide for the proper operation and maintenance of that utility line, without cost or obligation for replacement, cost of removal, and/or placement shall be the responsibility of the property owner
- 2. Water service will be provided by Shawnee County Consolidated Rural Water District No. 4.
- Sanitary Sewer service will be provided by a public sanitary sewer system for Lots 1-8 & 11-18. Lots 9 & 10
  will be by have an on-site septic tank and lateral field system, as approved by the Shawnee County Health
- 4. Minimum opening elevations shall be 1 ft above the highest adjacent 100-year water surface elevation.
- 5. Restricted access line defines portions of the subdivision boundary in which the public is not allowed to cross in order to gain access to the subdivision other than in an emergency situation or for temporary access during construction activities. Temporary access requires prior approval from the Director of Public Works.
- 6. All easements are centered on the lot lines, unless otherwise noted.
- 7. All utilities shall be placed underground pursuant to the City's right-of-way management standards
- Pursuant to TMC 18.30.040, the Topeka Planning Commission grants the following design variances with approval of the final plat: A variance to the provision of TMC 18.40.050(c) to allow dead-end length in excess of 500' for NW 49th Terrace and a variance to the provision of TMC 18.40.120(a) to waive the requirement of a easement around the entire property due to land and size conditions.
- 9. Access to NW Green Hills Road from Lot 9 shall be prohibited. The existing shared access with 4749 NW Green Hills Road will be allowed to continue with access only by 4749 NW Green Hills Road
- According to "FIRM" Map Community Panel Number 20177C0089E, effective September 29, 2011, this tract is in flood zone "X", area of minimal flood hazard.





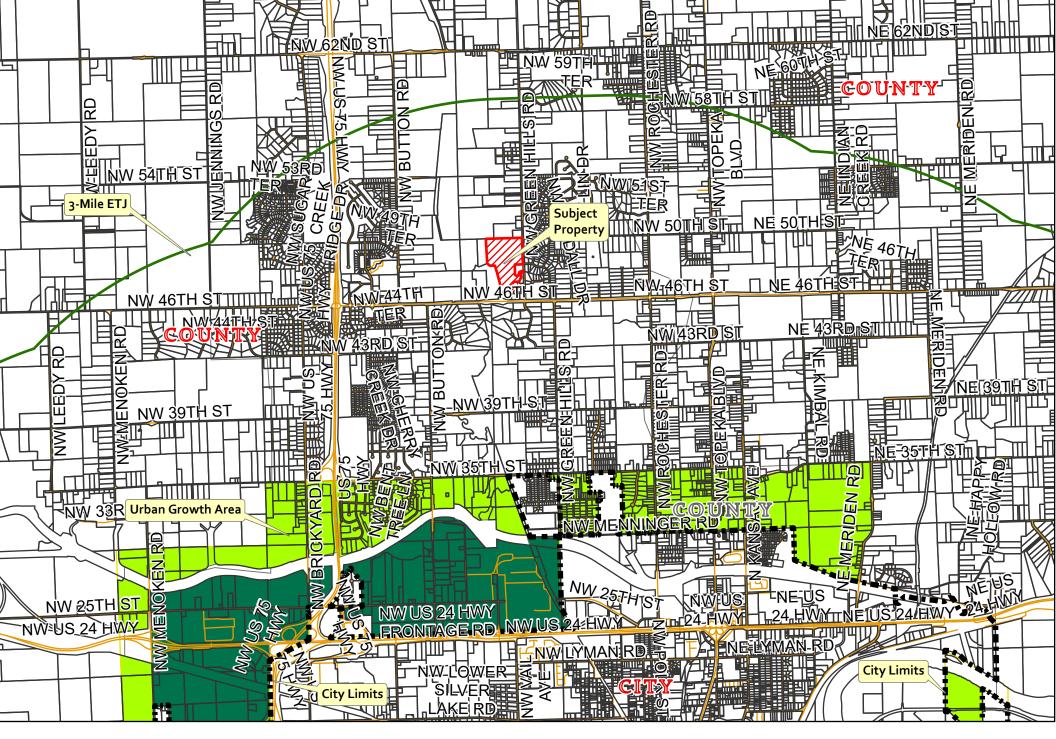
P20/06 GREENHILL POINTE SUBDIVISION (PRELIMINARY AND FINAL PLAT)





P20/06 GREENHILL POINTE SUBDIVISION (PRELIMINARY AND FINAL PLAT)





P20/06 GREENHILL POINTE SUBDIVISION





Date: February 21, 2020

City of Topeka Planning Department To:

From: SBB Engineering, LLC

Mark A. Boyd

Greenhill Pointe Subdivision - P20/06 Re:

**Neighborhood Meeting Minutes** 

### To whom it may concern:

On Wednesday, February 19, 2020 at 5:30 P.M., we held a publicized meeting for the above referenced case. There were about 22 people present for the meeting. An attendance sheet is attached with name and address. Others in attendance were Michael Hall (Topeka Planning Department), Mark Boyd (SBB Engineering), Jeff Laubach (SBB Engineering), and Mike Drippe (Owner).

It appeared that most of those in attendance lived in the immediate area. Concerns raised included the following:

- Is annexation to the City anticipated
- Will there be further development of the two larger lots into smaller lots
- What are expected house value, size and amenities of proposed homes
- Will the homes be speculative or custom built
- If there are utility specials and who would be responsible for payment
- What is the timeline of construction for streets and houses
- Will there be covenants or an HOA
- What is the existing and developed stormwater flow and management
- Where will the sanitary sewer main connect to

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- Will there be utility service interruption during construction
- What will be the hours of construction
- Will any homes be converted to rentals and/or construction of multi-family housing

All these questions and concerns were addressed by representatives of the owner or the owner himself to the best of their abilities.

Respectfully submitted

Mark A. Boyd

SBB Engineering, LLC

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### Neighborhood Information Meeting Sign in Sheet

Case #: P20/06 Subdivision Plat for Greenhill Pointe Date: February 19, 2020

NIM Location: Pleasant Hill United Methodist Church, 4525 NW Button Rd.



101 S Kansas Ave., Topeka, KS 66603 P: 785-215-8630 F: 785-215-8634

Name	Address	Phone (if desired)	E-mail (if desired)	
	·			
Mark Boyd, SBB	101 S Kansas Ave.	(785) 215-8630	mark.boyd@sbbeng.com	
Jeff Laubach, SBB	101 S Kansas Ave.	(785) 215-8630	jeff.laubach@sbbeng.com	
Mike Drippe, Drippe Homes	919 E Jesuit Ln., St. Marys	(785) 321-1126	mdrippe@drippehomes.com	
Eline Kenyses,	5025 NWYheen Hills Rd	Rd 785-207-1683		
Leida Pattuson	5037 NW Green Lills Rd	785 246 4248		
ROBERT & LINDAS	RIFRE 2312 NG46TH TEB		STAIERTRIC VAHOO, CON	
Rob+Carol BriMan	2340 NW 46th Ter	185-231-8246	rmbriman @ Gmail Com	
Mark + Tari Notzler	1715 NW 49 4CH	785-845-5850	Marking Soul Shathills cay	
Larry Cheriff	300/ NW DAWdy	785-249-1739	buckleld@aol.com	
Duxles	/			
Pam Bean	4907 NW Linwood De	785-640-2001	rbean 1124 acox. net	
KUhama	470911W Gradell	\$ 785 2810 3234		
DarrenBrennan	4932 NW LINNOODCIR	785-183-1193	domen. breman@abcsupply	1.COM
SOHWESONNER CARD	4841 NW LILYAND PR	785-554-4165	icarney Coox not	
Thea thori Mortage	4911 N. & Unwal or	7=5-266-1444	Il morterey @ yaheo. com	
Hevin + Lebeur Colhoner	5141 NW Green Hills Rd	787-640-2355	colhouer OsBcGlobal, net	

### Neighborhood Information Meeting Sign in Sheet

Case #: P20/06 Subdivision Plat for Greenhill Pointe Date: February 19, 2020



NIM Location: Pleasant Hill United Methodist Church, 4525 NW Button Rd.

101 S Kansas Ave., Topeka, KS 66603 P: 785-215-8630 F: 785-215-8634

Name	Address	Phone (if desired)	E-mail (if desired)
1141110	71441000	i none (ii desired)	L-man (n desned)
Melinda Schneider	2128 nw 47+nc+		mschneider4136@gmail.com
Kirsten Tunnineham	4821 NW GANDON ON	(7-85) 249-3681	Ktz 8214 Ogmail. com
Angie Turoin	4847 NW Linwood 2		aturain & webbosses. cond
CANE S DIAKASO	7HLY 4835 NWL	and of Dr.	CSTALLY QUED STS-LO
	,		
	:		



### **Shawnee County Department of Public Works**

1515 N.W. SALINE STREET • SUITE 200 • TOPEKA, KANSAS 66618-2867 785-251-6101 FAX 785-251-4920

> **CURT F. NIEHAUS, P.E.** DIRECTOR OF PUBLIC WORKS **COUNTY ENGINEER**

### **MEMORANDUM**

DATE: February 12, 2020

TO:

Kris Wagers, Office Specialist, City of Topeka Planning Department

FROM: Michael M. Welch, P.E., Civil Engineer II Manuar

RE:

P20-06 Greenhill Point Subdivision Preliminary & Final Plat Phase

The Public Works Department has the following comments regarding the proposed plat:

- 1. NW Green Hills Road is classified as a Major Collector. The proposed dedication of 45 ft of right of way from section line is acceptable. Controlled access shall shown along the entire East line of Lot 9 along NW Green Hills Road. Access to NW Green Hills Road from Lot 9 shall be prohibited. The existing shared access with 4749 NW Green Hills Road will be allowed to continue with access only by 4749 NW Green Hills Road.
- 2. Preliminary street plans are approved.
- Sanitary sewer service will be provided by creation of a Sanitary Sewer District. Connection to the Sanitary Sewer District No. 17 Sub Basin system. Treatment will be provided by the City of Topeka.
- Sanitary sewer lines should be place on the south "downhill" side of NW 49th Terrace. 4.
- A class A drainage report was submitted and is acceptable.

RECEIVED
FEB 12 2020
TOPEKA PLANNING
DEPARTMENT

Brile Copy

From: Mark Boyd
To: Mark Boyd

Subject: FW: Pasture Building

From: Rachel Buckles < rachelmbuckles@gmail.com >

Date: Wed, Feb 19, 2020, 6:52 PM

Subject: Pasture Building
To: <info@drippehomes.com>

To Whom This May Concern,

Who do you think you are coming into OUR territory around 4721 NW Greenhills Road in Topeka and Tearing up our beautiful pasture land?? My dad voiced his displeasure at a recent meeting and he had EVERY Right to! There are hundreds of trees that will die at your hand, but that will be your fault! There are already TOO many trees around our neck of the woods that have died for new houses here (That are NOT needed by the way.) We have ENOUGH houses for the school district here, you pigs!! And yes I dont say that much...What about the Coyotes and animals that live on the pasture of Greenhills Road? Are you GOING to kill them too by taking away their only home they have here?! Shame on you if you dont care enough about the Environment to kill trees and animals living on land that is theirs!! You are NOT even from Topeka, last I saw you are from St. Mary's KS. So WHO says YOU get to decide how our lives should be???! You hypocrites!! Who says we WANT new houses on Greenhills Road in Topeka? At least we wont be part of the city. We are the country!!! Besides, it's not rightfully fair if you DID NOT let the people Vote to say Yes or No on this project. It's always Nice to see this beautiful pasture outside our house. It's the only part of the country we have left! I feel sorry for the trees and animals you might kill on the pasture. Plus, storms and tornadic storms sometimes form over that pasture. Dont believe me? I live on top of a hill overlooking it! So what will happen to the NEW houses you build then?? Just wish you would reconsider building on Greenhills Road in Topeka....

Sincerely,

**RMB** 

From: Rachel Buckles
To: Mark Boyd

**Subject:** Pasture On Greenhills

Date: Wednesday, February 19, 2020 8:18:42 PM

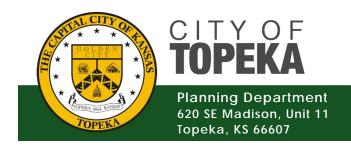
### To Whom It May Concern,

It has been brought to my attention that the City of Topeka and Drippe Construction want to tear up some pastureland on Greenhills, near my house. Now do you honestly think tearing down some trees to make new housing is going to help the environment?? I think not. I'm a nature lover, and it makes me angry when people are killing trees around my neighborhood for new houses! I guess people dont care about trees today, what a shame, because they add beauty. I realize that Drippe Construction owns that pasture on Greenhills, and I emailed him too. What will happen to the coyotes and animals that we hear all the time in that land. It's not fair to the native animals that have to move or die! My family and I have lived in the country most of my life, so I won't apologize. All we know is the country and the pasture on Greenhills, just wish ya'll would reconsider building houses there... No residents around Greenhills Road are happy about it either....

Thanks,

Rachel Buckles

### A20/01 by the Kansas District of the Wesleyan Church



Bill Fiander, AICP, Director Tel: 785-368-3728 www.topeka.org

### **MEMORANDUM**

To: Topeka Planning Commission

From: Dan Warner, AICP, Comprehensive Planning Manager

Date: March 16, 2020

RE: A20/1 Crossroads Wesleyan Subdivision (2030 SE 41st Street) annexation request by Kansas

District of the Wesleyan Church

### **Proposal**

The Kansas District of the Wesleyan Church is requesting annexation of Crosswind Wesleyan Subdivision (P20/3), an approximately 29-acre subdivision on property located at 2030 SE 41<sup>st</sup> Street (see Map 1). A church will be built on Lot 1 of the subdivision. Lot 2 is to be used for future church related outdoor activities.

### **Background**

A unilateral annexation of this type, one in which the property owner has consented to the annexation and the property is contiguous to the City, requires City of Topeka Governing Body approval. Planning Commission review of annexations is not required by State Statute.

However, the Land Use and Growth Management Plan 2040 (LUGMP) established a policy that the Planning Commission should review annexations greater than 10 acres for consistency with growth management principles of the LUGMP.

### **LUGMP Review**

The property lies within Tier 2 of the Urban Growth Area (see Map 2). Tier 2 areas are contiguous to the City and are the next priority for Topeka's future urban growth since this is where Topeka has already made service and infrastructure investments.

The subject property is contiguous to the City and also lies in an area where urban infrastructure and services are available. There is developed urban single-family housing that is being served by the city directly to the southwest and north of the subject property. Annexing and developing this property makes the city more compact.

The subject property is designated as Urban Growth Area (residential) by the Topeka Future Land Use Map (Map #3). A church and church related activities are consistent with a future residential area. If, in the future, Lot 2 develops for a residential use, that also would be consistent with land use policies.

### **MEMORANDUM**

### **Street Network**

SE California is currently a two-lane arterial between SE 37<sup>th</sup> and SE 45<sup>th</sup> Streets. There is an approved county-wide sales tax project to improve this section of SE California to an urban standard 3 lane arterial.

SE 41<sup>st</sup> Street is a collector but does not meet Topeka's standards for a local street or a collector. It is narrow and has open ditches on both sides. Eventually, as the land along it develops, it will need to be improved by widening and the addition of curb, gutter, and sidewalk. The appropriate and most effective way to improve this segment of 41<sup>st</sup> is to design and build the full section (north and south sides). This can't be done effectively or economically for one lot at a time, and so will not be the immediate responsibility of the new adjacent owner, the Crossroads Wesleyan Church. If the road construction is financed by a benefit district in the future, the church and other adjacent owners will be participants in that benefit district.

#### Recommendation

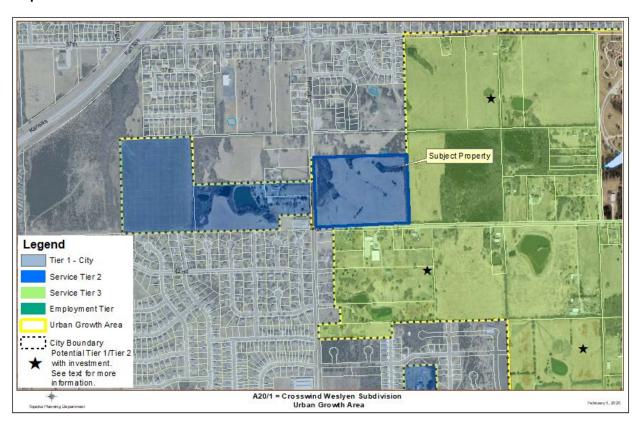
Annexing the subject property is consistent with the Comprehensive Plan.

### Map 1



### **MEMORANDUM**

### Map 2



### Z20/01 by the Topeka Planning Commission

### STAFF REPORT – ZONING CASE TOPEKA PLANNING DEPARTMENT

### PLANNING COMMISSION DATE: Monday, March 16, 2020

### **APPLICATION INFORMATION**

APPLICATION CASE NO: Z20/01 By: Topeka Planning Commission

(Crossroads Wesleyan Church Subdivision)

REQUESTED ACTION / CURRENT ZONING: Zoning change from "RR-1" Residential Reserve District TO

"R-1" Single Family Dwelling District

APPLICANT: Topeka Planning Commission

PROPERTY LOCATION / PARCEL ID: A part of the 28.7 acre property located at the north east corner

of SE California Avenue and SE 41st Street, 2030 SE 41st Street

/ PID: 1352102001055000

PARCEL SIZE: 2.2 acres

STAFF PLANNER: Annie Driver, AICP, Planner

**RECOMMENDATION:**Based on the following findings and analysis, the Planning

Department recommends **APPROVAL** of the zone change from "RR-1" Residential Reserve District to "R-1" Single 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 "RR-1" Residential Reserve

District TO "R-1" Single Family Dwelling District.

### PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY: A 3,000 sq. ft. church (Religious Assembly) and 25 stall associated

parking lot.

**DEVELOPMENT / CASE HISTORY:** The property is currently undeveloped.

On February 7, 2020, the Topeka Planning Commission initiated the rezoning of Crossroads Wesleyan Church Subdivision from "RR-1" to "R-1" pending its annexation into the City. An annexation case and minor plat for the entire 28.7 acre parcel will run concurrent with rezoning of the subject site. The proposed zoning is more restrictive than the "RR-1" zoning and will provide greater protection for nearby existing and future single-family residential development from

potentially incompatible uses.

### ZONING AND SURROUNDING PROPERTIES:

The area to the south and east is zoned "R-1" Single-Family Dwelling District, within the City Limits, and developed as single-family residential. Some of the land east, west, and south is zoned "RR-1" Residential Reserve District and is mainly undeveloped with a few rural homes or farms. An Evergy power substation lies to the immediate west and is zoned "R-1". The land to the immediate north is included in this owner's plat and will remain zoned "RR-1" Residential Reserve District as no development is proposed on this remaining acreage.

BACKGROUND:

The purpose of the "RR-1" zoning district is, "to provide for a transitional area between urbanized development and rural-agricultural areas. 'RR-1' zoning is intended to allow for the gradual development of urban uses while providing for the coexistence of agricultural farmland based upon the availability of municipal services." In essence, this land is "reserved" for future urbanization. Once platted and annexed, these subdivisions in theory lose their transitional status as designated under "RR-1" zoning and should reflect a more appropriate urban zoning classification. "R-1" zoning on this small tract for a church is consistent with the surrounding zoning.

The proposed "R-1" zoning will prohibit the types of agricultural/farming uses allowed by right that are incompatible with development inside city limits.

### **DEVELOPMENT STANDARDS AND POLICIES**

USE AND DIMENSIONAL STANDARDS OF PROPOSED ZONING COMPARED TO EXISTING ZONING: Uses permitted by-right in "RR-1" and not permitted in "R-1":

 <u>Agriculture-</u> Refers to land devoted to the production of plants, animals, fish, or horticultural products, including but not limited to: forages, grains and feed crops; dairy animals and dairy products; poultry and poultry products; beef, cattle, sheep, swine and horses; aquaculture; trees and forest products; fruits, nuts and berries; vegetables; or nursery, floral, ornamental and greenhouse products. (TMC 18.55 Definitions)

Uses allowed through Conditional Use Permit in "RR-1" and not permitted in "R-1":

- Recreational Vehicle Short Term Campgrounds
- Animal Care and Services Type II (including outdoor kenneling and veterinary care of horses, cattle, sheep, goats, and swine)
- Billboards
- Oil/Gas Drilling
- Construction & Demolition Landfills

### Sanitary Landfills

### **Dimensional Standards:**

"RR-1" compared to "R-1" Dimensional Standards	RR-1 (The following apply to unplatted land)	R-1
Minimum lot area	20 acres	6,500 sq. ft.
Maximum building	10%	45%
coverage		
Minimum lot width	200′	60′
Maximum density	None	None

OFF – STREET PARKING: Community facilities and institutional uses (religious assembly): 1 per

every 4 seats in sanctuary or largest meeting room.

COMPREHENSIVE PLANS: <u>LUGMP – 2040</u>: *Urban/Suburban Low Density Residential* 

**TRANSPORTATION/MTPO PLANS:** SE 41st St is not included in the MTPO's Long Range Transportation

Plan (2040).SE California Avenue is included as a ½ cent sales tax

project for widening in 2021-22.

The <u>Pedestrian Master Plan</u> and <u>Bikeways Master Plan</u> do not include any previously planned improvements for SE 41<sup>st</sup> St. The <u>Pedestrian Master Plan</u> does include planned improvements for SE California Ave between 37th St to 45th St in 2021. Sidewalks along both sides of SE 41<sup>st</sup> St will be part of any future street improvement plans.

### **OTHER FACTORS**

SUBDIVISION PLAT: A two lot minor plat is proposed for Crossroads Wesleyan Church

Subdivision that encompasses the entire 28.7 acre parcel. The 2.2 acre tract is Lot 1 of the proposed plat. The remaining 26.5 acres (Lot 2 of the proposed plat) are "RR-1" and are not included in this rezoning proposal since there is no development planned at the current time. The Stormwater Management Plan is under review as

part of the minor plat process.

FLOOD HAZARDS, STREAM

**BUFFERS**:

Not Applicable

**UTILITIES:** All utilities to be extended at the expense of the developer.

**TRANSPORTATION/TRAFFIC:** The lot has access from SE 41st Street and SE California Avenue.

SE California Avenue is an arterial street and does not meet Topeka's standards for arterial street as it is a ditch section roadway

without sidewalks, but is included as a ½ sales tax project for 2021-

2022.

SE 41st Street is a collector but does not meet Topeka's standards for a local street or a collector. It is narrow and has open ditches on both sides. Eventually, as the land along it develops, it will need to be improved by widening and the addition of curb, gutter, and sidewalk. The appropriate and most effective way to improve this segment of 41st is to design and build the full section (north and south sides). This can't be done effectively or economically for one lot at a time, and so will not be the immediate responsibility of the adjacent owner, the Crossroads Wesleyan Church. If the road construction is financed by a benefit district in the future, the church and other owners will be participants in that benefit district.

### HISTORIC PROPERTIES

### NEIGHBORHOOD INFORMATION MEETING:

### Not applicable

The Planning Department held a neighborhood meeting for the zoning change on Thursday, February 27th at 6:00 pm located at the American Legion Post #1, 3800 SE Michigan. The attendees present included: Pastor for Wesleyan Church, consultant for the church, two nearby property owners, and City Council member for District #4. The two property owners did not express any concerns specifically related to the zoning change to "R-1" from "RR-1". Their stormwater concerns have been forwarded on to City of Topeka Stormwater Engineer and the Project Engineer for the California road project.

The following concerns and issues were expressed:

- > Timing of annexation, permitting, stormwater review and building plan review
- ➤ How the property owners are proposing to extend and connect to sanitary sewer? They will extend the existing sewer main that is located at the southwest corner of their property along SW 41st Street.
- The engineering design proposed for California, timing, etc. The project is proposed in 2021-22 and is currently in the design phase. Utilities will be installed in 2021 and the street will be constructed in 2022. One property owner expressed concerns with how the street project will address stormwater coming off California at SE 39th Street.
- Stormwater concerns and specifically how they intend to address the increase in impervious surface on their site. The applicant's stormwater management plan is under review by City Engineering and Utilities and will address both quantity and quality for Lot 1. There are no plans for any development of Lot 2 being platted, but not rezoned. Lot 1 proposes detention and water quality Best Management Practices (BMPs) on the east and north side of Lot 1.
- ➤ General concerns about existing stormwater issues affecting the proposed Lot 2 (not part of zoning change) related to the natural topography of the site. There are no improvements

- proposed for Lot 2 so there are no stormwater changes required unless they make improvements to this lot.
- Concerns about overland flooding during heavy rain events due to the topography of the subject property and surrounding properties. What mitigation could be done to the undeveloped portion of the subject property?
- ➤ One property owner was also concerned about stormwater runoff coming from SE Long St onto his property.
- ➤ Timing of annexation and its potential to delay building permit review. The plat and stormwater management plan review are currently in progress and comments have been sent to the applicant's consultants.

### REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

PUBLIC WORKS/ENGINEERING:
WATER POLLUTION CONTROL:
None related to the rezoning
None related to rezoning
PEVELOPMENT SERVICES:
None related to rezoning

### KEY DATES

SUBMITTAL: January 31, 2020 (initiated)

NEIGHBORHOOD INFORMATION MEETING: February 27, 2020

**LEGAL NOTICE PUBLICATION:** February 24, 2020

PROPERTY OWNER NOTICE MAILED: February 21, 2020

### STAFF ANALYSIS

<u>CHARACTER OF NEIGHBORHOOD:</u> The predominant character of the neighborhood is single family residential land uses and undeveloped vacant land. The land immediately surrounding the subject property are developed for detached single-family dwellings at lower density to the south, west and nearby north. The entire east side is vacant land. The properties to the west are zoned "RR-1" and "R-1" and contain single family residential subdivisions and an Evergy power substation. The proposed "R-1" zoning for a religious assembly use is consistent with surrounding land uses and zoning.

ZONING AND USES OF SURROUNDING PROPERTIES: The surrounding zoning and land uses are for "R-1" Single Family Dwellings to both the north, south, and west. The property to the west, east and south are zoned "RR-1" Residential Reserve District and has a mix of homes, Westar substation, and undeveloped vacant land. As the properties to the west and north develop and are platted and annexed, it is anticipated they will also be rezoned to "R-1" since within the city limits or inside Tier 2 of the Urban Growth Area (UGA). The properties to the east and south are zoned "RR-1", rural residential in character and located in Tier 3 of the UGA where urban development of these properties is not

anticipated in the near future. The County Parks and Recreation Department owns property to the east with frontage on SE 41st Street and may have future development plans.

<u>PRESENT CLASSIFICATION:</u> The subject property is currently undeveloped. The subject property did have a house and farm on the property until 2016 based on available aerial photographs.

<u>SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED:</u> The subject property is currently zoned "RR-1" Residential Reserve District, which allows uses generally incompatible with the urban development to the southwest. The properties immediately to the west and north are located in Tier 2 of the Urban Growth Area and suitable for annexation because the full suite of urban services are available or there is the ability to extend services in the near future. As it is currently zoned for "RR-1", there are some uses permitted, such as, farming/agricultural land uses that are not reflective of the current urban status. Other such uses are allowed by Conditional Use Permit (e.g. outdoor kennels and veterinary care of cattle, horses, and swine; billboards; sanitary and demolition landfills; oil/gas drilling; storage of fertilizers and pesticides), which may commonly be seen as nuisances in urban single-family residential neighborhoods. The proposed "R-1" zoning on this 2.2 acre tract is suitable.

CONFORMANCE TO COMPREHENSIVE PLAN: The property lies just outside the city limits and will be annexed March 16, 2020 by the Governing Body concurrent with this rezoning and minor plat. Prior to annexation, the property was contained within Tier 2 of the Urban Growth Area, which are those areas contiguous to the City and are the next priority for Topeka's future urban growth. There is a limited amount of land designated as Tier 2 due to the fact that all future urban development must be cost effective for the City and urban growth should only happen where Topeka has already made service and infrastructure investments. Tier 2 is designated for those areas where urban infrastructure and services are readily available.

The applicant is platting the entire 28.7 acre parcel as Crossroads Weslayan Church Subdivision. The subdivision is consistent with these Urban Growth Area policies since it creates a 26 acre minimum parent "set-aside" parcel for future development (Lot 2) and allows 20% of the parent parcel to be developed for the church site (Lot 1). The rezoning request is consistent with the policy of the plan as it rezones only the 2.2 acre tract that is proposed for development at the present time. The remaining Lot 2 will remain zoned "RR-1" until development is proposed and at which point it will be rezoned accordingly.

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: There will not be a detrimental effect upon adjacent properties by rezoning to "R-1" Single-Family Dwelling District. The proposed "R-1" zoning is appropriate given the property's location within an urbanizing area adjacent the city limits and the land uses of surrounding properties. The proposed "R-1" zoning is more restrictive than "RR-1" with respect to the land uses allowed. The 3,000 sq. ft. church and parking is allowed in the proposed zoning since the property is within 500' of major traffic thoroughfares (SE California and 41st). The subject tract is immediately adjacent to an Evergy power substation. The north and the east 2.2 acre tract are surrounded by the owner's remaining property and are to remain undeveloped. Due to this location and small size of the church building, the use will have few if any impacts on nearby property. The "R-1" zoning is consistent with the pattern of adjacent and nearby development that is located inside the city limits. The development of Lot 1 will provide both detention and water quality treatment to address the increase in impervious surface on the lot.

As areas within Tier 2 of the Urban Growth Area grow and are annexed, this area will only continue to become more urban in character, making the "RR-1" Residential Reserve District no longer appropriate since these properties are adjacent the city limits and "RR-1" zoning allows for some uses that are better suited in areas that are rural in nature. There appears to be no negative detrimental effect upon surrounding properties by rezoning the 2.2 acre tract to accommodate a religious assembly 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: As no detrimental effects are anticipated by the rezoning, there appears to be no particular gain to the public health, safety, and welfare by maintaining the "RR-1" Residential Reserve District. The "RR-1" District allows for potentially incompatible uses with the urbanized single-family neighborhoods surrounding the property. Furthermore, the proposed R-1 zoning is not an obstacle to the owners planned use of the property.

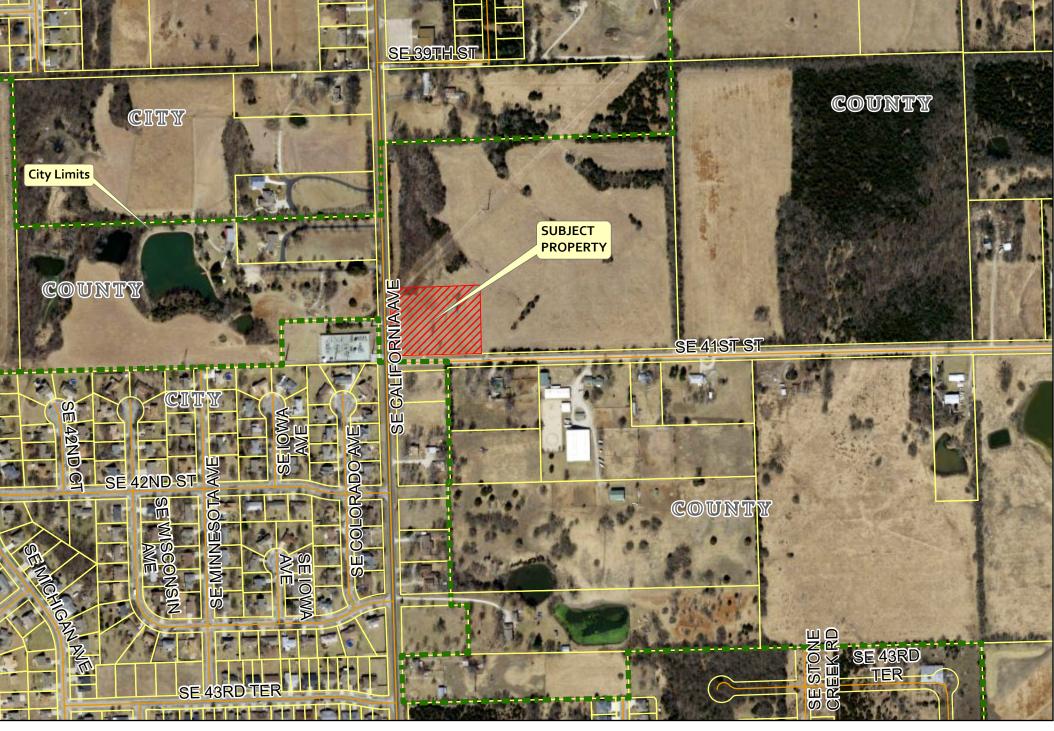
AVAILABILITY OF PUBLIC SERVICES: All essential public utilities, services and facilities are presently available to this area or will be extended at developer expense, including sanitary main, storm sewer and water main improvements. SE California is included as a ½ sales tax project in 2021-22. The applicant has agreed on the plat to not object to participation in a street benefit district for SE 41st Street. The City Engineer is not requiring the developer improve their frontage of SE 41st Street at the time the church is constructed since the entire rural ditch section street requires rebuilding (curb, gutter, sidewalks) and will be included in a larger street project as the area develops.

**STAFF RECOMMENDATION:** Based upon the above findings and analysis Planning Department staff recommends **APPROVAL** of the proposed zoning change from "RR-1" Rural Residential District to "R-1" Single 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 "RR-1" Residential Reserve District TO "R-1" Single Family Dwelling District.

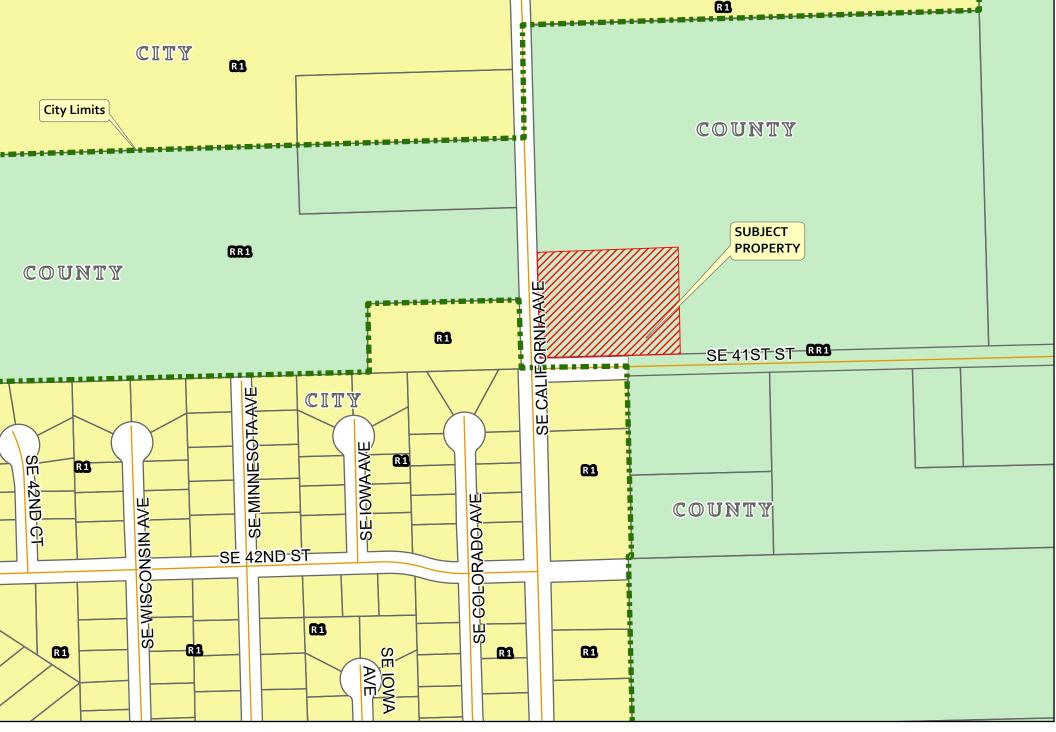
### ATTACHMENTS:

Aerial Map Zoning Map Future Land Use Map Neighborhood Meeting Attendance Minor Plat (as reference) Site Plan (as reference)



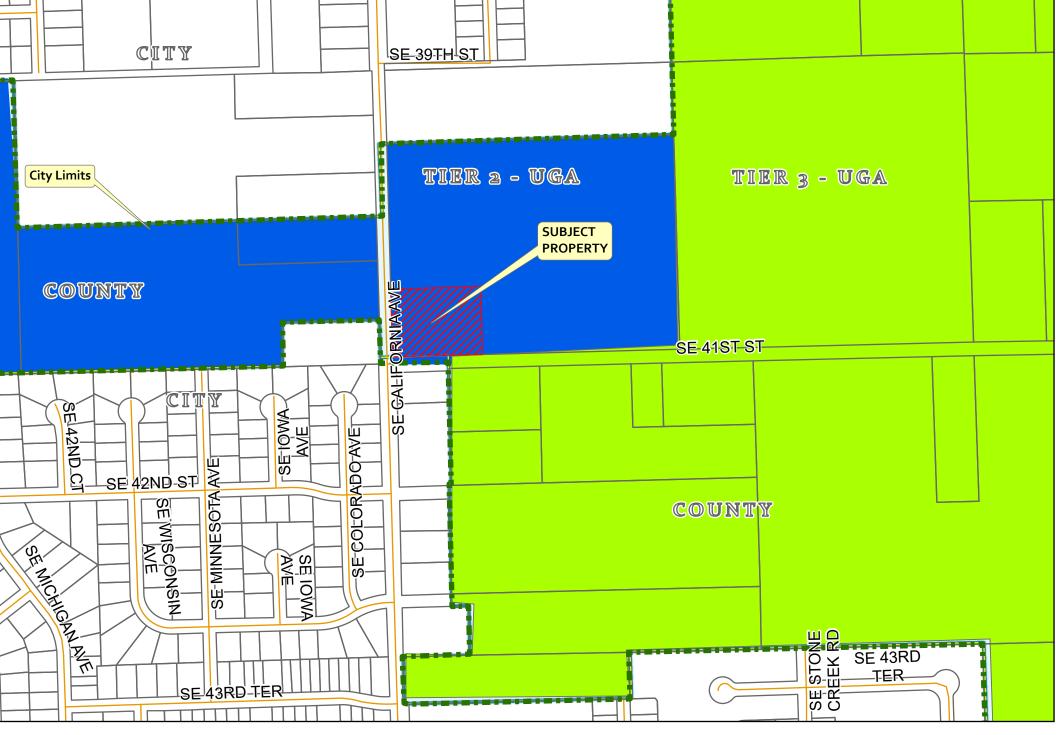
Z20/01 BY: TOPEKA PLANNING COMMISSION (AERIAL MAP 2018)





Z20/01 BY: TOPEKA PLANNING COMMISSION (ZONING MAP)





Z20/01 BY: TOPEKA PLANNING COMMISSION (FUTURE LAND USE)





720/01 By:
Typeker Plansing (comm.)
(Crossmach Wesleyou)

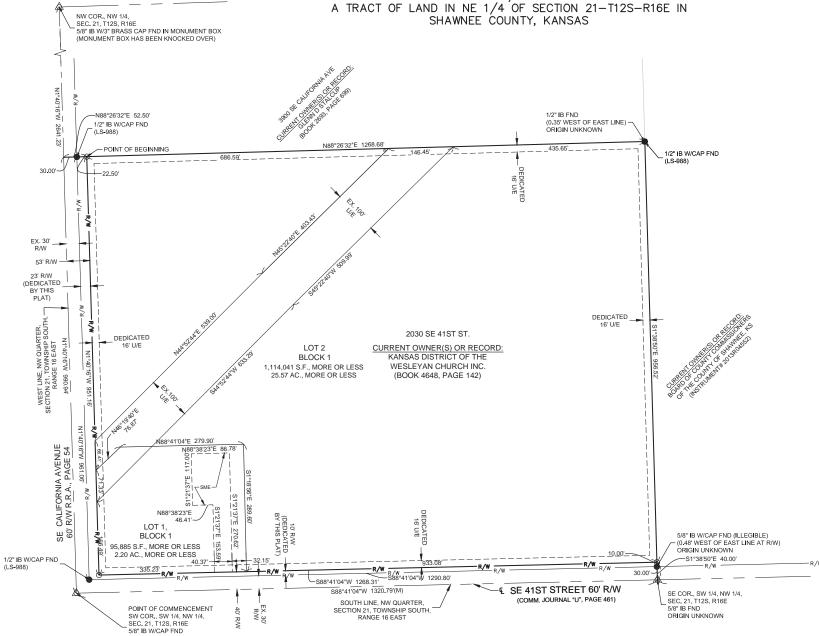
MEETING DATE: <u>2/27/2</u>020

### PLANNING & DEVELOPMENT

	OFEN		
	NAME		EMAIL ADDRESS
YAN	David Deck	Ddeck	@ Topekacc.org (church)
TE	Lee MAXFIELD		e neighbor
VES	Colons Staldy		@39005E calet. (reighbor
<b>S V</b>	Ourme Orwer		e COT Panning
OAD	Mike Har (		e COT Planning
SRO	Melissa Fahrenbruch		@ COT Planning
SO	Ed Southall		e consultant for owner
C R	Tony Emoson		D152 4 (anxi /ma)
			@
DNI.			@
<u> </u>			@
Σ			@
PUBLIC MEET			@
			@
			@

### CROSSROAD WESLEYAN CHURCH

PRELIMINARY/FINAL PLAT
A TRACT OF LAND IN NE 1/4 OF SECTION 21-T12S-R16E IN



## **PROJECT** LOCATION

LOCATION MAP:

### LEGEND:

SME STORM MANAGEMENT EASEMENT

EXISTING

RIGHT-OF-WAY

U/E UTILITY EASEMENT

—S/L — SECTION LINE

#### MONUMENTATION:

SECTION CORNER

MONUMENT FOUND AS NOTED

SET 1/2" x 24" IRON BAR WITH P.S. 830 CAP

### **GENERAL NOTES:**

KANSAS DISTRICT OF THE WESLEYAN CHURCH, INC. 5110 SW. 10TH STREET, SUITE 105 TOPEKA, KANSAS 66604 LANDPLAN ENGINEERING, P.A. OWNERS

CIVIL ENGINEER/ 1310 WAKARUSA DRIVE

SURVEYOR: LAWRENCE, KANSAS 66049

2030 SE 41ST STREET

THE SUBJECT PROPERTY LIE WITHIN A DESIGNATED ZONE X "AREA OF MINIMAL FLOOD HAZARD" AS DEFINED BY FLOOD INSURANCE RATE MAP (FIRM). MAP NUMBER 20177C0307E, SHAWNEE COUNTY, KANSAS, BEARING AN EFFECTIVE DATE OF SEPTEMBER 29, 2011.

THE BASIS OF THE BEARINGS FOR THIS PLAT IS KANSAS STATE PLANE NAD 83 NORTH ZONE. VERTICAL DATUM NAVD 88.

PROPERTY OWNERS SHALL BE ADMONISHED FROM PLACING ANY PERMANENT OR SEMI-PERMANENT PROPERTY OWNERS SHALL BE ADMONISHED FROM PLACING ANY PERMANENT OR SEMI-PERMANENT OR STATEM OF SEMI-PERMANENT SEWER, OR UTILITY EASEMENTS. THIS INCLUDES, BUT IS NOT LIMITED TO, TREES, SHRUBS, FENCES, RETAINING WALLS, BUILDINGS OR OTHER MISCELLANEOUS OBSTRUCTIONS THAT INTERFERE WITH ACCESS OR EGRESS OF MAINTENANCE VEHICLES OR EQUIPMENT FOR THE OPERATION AND MAINTENANCE OF THE UTILITIES OR PIPE LINES LOCATED IN THE EASEMENT. ANY PERMANENT OR SEMI-PERMANENT OBSTRUCTION LOCATED IN THE PERMANENT SEWER OR UTILITY EASEMENT MAY BE REMOVED BY CITY OF TOPEKA, ITS EMPLOYEES OR AGENTS TO PROVIDE FOR THE PROPER OPERATION AND MAINTENANCE OF THAT UTILITY LINE, WITHOUT COST OR OBLIGATION FOR REPLACEMENT, COST OF REMOVAL, AND/OR REPLACEMENT SHALL BE THE RESPONSIBILITY OF THE

NO BUILDING PERMITS SHALL BE ISSUED UNTIL ARRANGEMENTS FOR THE INSTALLATION OF WATER MAINS AND/OR CONNECTION CHARGES HAVE BEEN MADE WITH THE CITY OF TOPEKA WATER

ALL UTILITIES SHALL BE PLACED UNDERGROUND PURSUANT TO THE CITY'S RIGHT-OF-WAY MANAGEMENT

9. LOT SERVICED FROM EXISTING AND PROPOSED SANITARY SEWER.



A TRACT OF LAND IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 12 SOUTH, RANGE 16 EAST OF THE 6th P.M., SHAWNEE COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 01 DEGREES 40 MINUTES 16 SECONDS WEST, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 990.94 FEET; THENCE NORTH 88 DEGREES 26 MINUTES 32 SECONDS EAST, A DISTANCE OF 52.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SAID LINE, A DISTANCE OF 1286.86 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECONDS EAST, A DISTANCE OF 1286.80 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECONDS EAST, A DISTANCE OF 1286.80 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECONDS EAST, AND ADDRESS AND ADDRE SOUTHWEST QUARTER: THENCE SOUTH 01 DEGREES 38 MINUTES 50 SECONDS FAST, ALONG SAID FAST LINE, A DISTANCE OF 956.52 FEET; THENCE SOUTH 80 BEGREES 41 MINUTES 04 SECONDS WEST, A DISTANCE OF 1,268.31 FEET, THENCE NORTH 01 DEGREES 40 MINUTES 16 SECONDS WEST, A DISTANCE OF 1,268.31 FEET, THENCE NORTH 01 DEGREES 40 MINUTES 16 SECONDS WEST, A DISTANCE OF 951.16 FEET AND TO THE POINT OF BEGINNING. THE ABOVE CONTAINS, 27.78 ACRES, MORE OR LESS, 1,209,927 SQUARE FEET, MORE OR LESS, AND IS SUBJECT TO ANY AND ALL, RIGHTS OF WAY, EASEMENTS AND ENCUMBRANCES, IF ANY

BOOK: PAGE: DATE:

TIME:

#### SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THE DETAILS OF THIS PLAT TO BE CORRECT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL BOUNDARY CORNERS OF THIS SUBDIVISION OF LAND HAVE BEEN MONUMENTED, THAT IRON PINS ARE SET AS SHOWN ON THE ATTACHED PLAT THIS \_\_\_\_\_\_ DAY OF \_\_\_\_\_\_, 2019.



LAWRENCE, KS 66049

#### OWNER'S CERTIFICATE:

IN TESTIMONY WHEREOF, THE TRUSTEE, CHRIS BRIAN, HAVE CAUSED THESE PRESENTS TO BE SIGNED THIS

CHRIS BRIAN.

TRUSTEE

#### ACKNOWLEDGEMENT:

STATE OF KANSAS COUNTY OF SHAWNEE,SS:

BE IT REMEMBERED THAT ON THIS DAY OF ,2019, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR THE COUNTY AND STATE AFORESAID, CAME CHRIS BRIAN, TRUSTEE OF KANSAS DISTRICT OF THE WESLEYAN CHURCH, INC., WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHO EXECUTED THE WITHIN INSTRUMENT OF WRITING AND SUCH PERSONS DULY ACKNOWLEDGES THE EXECUTION OF THE SAME.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL THE DAY AND YEAR LAST WRITTEN ABOVE.

NAME OF NOTARY	MY	COMMISSION EXPIRES

#### CERTIFICATE OF APPROVALS:

APPROVED BY THE TOPEKA PLANNING DEPARTMENT THIS DAY OF

BILL FIANDER, PLANNING DIRECTOR

APPROVED BY THE TOPEKA PUBLIC WORKS DIRECTOR THIS

JASON PEEK, PUBLIC WORKS DIRECTOR

ENTERED ON THE TRANSFER RECORD OF SHAWNEE COUNTY, KANSAS, THIS \_\_\_\_

REVIEWED BY THE COUNTY SURVEYOR, THIS \_\_\_\_\_ WITH KSA CHAPTER 58, ARTICLE 20. DAY OF . 2019, ONLY FOR COMPLIANCE

DEBORAH J THOMAS COUNTY SURVEYOR 1S #1461

#### FILING RECORD:

SCALE: 1" = 100'

FILED FOR RECORD IN THE OFFICE OF THE SHAWNEE COUNTY REGISTER OF DEEDS THIS \_\_\_\_\_ DAY OF \_\_\_

BECKY NIOCE, REGISTER OF DEEDS



