



CITY OF  
**TOPEKA**

**A G E N D A**

## **TOPEKA PLANNING COMMISSION**

**MONDAY, MAY 18, 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, May 18, 2020**

**A. Roll call**

**B. Approval of minutes – April 20, 2020**

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

**D. Action Items**

- 1. PUD19/02 Sports Zone PUD by: T&J Land Co. LLC**, requesting to amend the District Zoning Map from R-1 Single Family Dwelling District with an existing Conditional Use Permit for “Outdoor Recreation Fields, Retail Sales, and Food Service” and existing Special Use Permits for “Private Membership Club with Golf Courses” and “Community Building with Alcohol Sales” **all to PUD Planned Unit Development (O&I-2 uses with limited I-1 uses)** on a 23 acre property located at 3907 and 3909 SW Burlingame Road. **(Continued from September 2019 Public Hearing - Driver)**
- 2. CU20/01 by: City of Topeka Water Pollution Control** requesting a Conditional Use Permit on property zoned “R-2” Single Family Dwelling District and located at the southeast corner of NE Grant Street and NE Jefferson Street in order to relocate and rebuild a sanitary sewer pump station **(Driver)**
- 3. A20/02 Six Zero North Subdivision (P20/09)**, an approximately 74-acre subdivision on property located at 3325 NW 25<sup>th</sup> Street. **(Warner)**
- 4. Review/Approval of Topeka Planning Commission By-Laws**

**E. Communications to the Commission**

**F. Adjournment**



CITY OF  
**TOPEKA**

# MINUTES

## TOPEKA PLANNING COMMISSION

**Monday, April 20, 2020**

**6:00PM via Video Conference**

**Members present:** Brian Armstrong (Chair), Corey Dehn, Marc Fried, Wiley Kannarr, Jim Kaup, Corliss Lawson, Ariane Messina, Katrina Ringler, Matt Werner (9)

**Members Absent:** (0)

**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 nine members present / logged in for a quorum.

### **Approval of Minutes from March 16, 2020**

Motion to approve by Mr. Fried, **second** by Mr. Kaup. **APPROVED** (8-0-1 with Ms. Lawson abstaining)

### **Presentation and discussion** on the draft Citywide Housing Market Study and Strategy for the City of Topeka

Mr. Fiander gave a brief introduction regarding the study and introduced consultants Andy Pfister and Justin Carney, both from Development Strategies.

Mr. Pfister presented using PowerPoint presentation that was viewable by all. Mr. Carney also provided information and both took questions from commissioners as they arose.

Development Strategies had requested and received public input and from that shared that the goals of the public seemed to be:

- 1 – Leverage housing (re)-investment to stabilize Topeka's core neighborhoods.
- 2 - Improve housing stability for Topeka's vulnerable residents – house as opportunity
- 3 – Support new housing development, particularly affordable and moderate-income options
- 4 – Address problem landlords, absentee owners, and vacant properties
- 5 – Expand the housing ecosystem by building new partnerships to fund the Affordable Housing Trust Fund and create a new CDC network.

Questions/discussion included how the study can be used specifically related to inform land use planning and policy decisions. It was noted that much of Topeka's supply of "affordable" housing is in poor condition. There is unmet demand for high-end, more expensive housing for both homeowners and renters and employer feedback indicates a desire for high end housing options as they seek to fill high-paying jobs. It was suggested that the study could be used by developers in making decisions about projects.

The "relevant recommendations" of the consultants were:

- 1 – Support infill development
- 2 - Support downtown development
- 3 – Diversify housing stock

draft



4 - Recruit developers to fill undeveloped lots.

#### **Communications to the Commission**

Mr. Fiander stated that there are 3 cases scheduled for the May meeting and it is uncertain at this point whether the meeting will be held "in person" or via video conference.

Mr. Fiander referred to information provided by City attorney Mary Feighny via email regarding ex parte communications, what they are, and the need to divulge those prior to hearing a case. It remains up to individuals as to whether or not they wish to discuss items with the public.

**With no further agenda items, meeting was adjourned at 7:28PM.**

# **PUD19/02**

by T & J Land Co., LLC  
(Sports Zone Complex)

## STAFF REPORT – PLANNED UNIT DEVELOPMENT TOPEKA PLANNING DEPARTMENT

PLANNING COMMISSION DATE: Monday, May 18, 2020

*The item was first heard by the Planning Commission at its September 16, 2019 public hearing. The Commission deferred the item to a date undetermined to give staff and the applicant time to address issues raised about truck traffic from the KS Department of Revenue- Dept. of Motor Vehicles and White Line truck driver private training school that are using the site. The item was postponed from subsequent meetings at request of the applicant. The applicant held a second meeting with the surrounding property owners on Monday, January 27, 2020. The item was originally re-scheduled for April Planning Commission, but the applicant agreed to postpone due to declaration of emergency of COVID19.*

*The staff report has been updated and revised to reflect the new information based on knowledge of the DMV commercial truck driver licensing, testing, and the White Line private driver training school using the existing building on Tract A and heightened concerns about the uncertainty of light industrial uses on Tract B that were presented to staff at the neighborhood information meeting in January. Memos provided by the applicant from the DMV and White Line are attached as exhibits.*

*Following are the key changes that are reflected on the current draft of the PUD Master Plan proposed for consideration:*

- **Northern Entrance Driveway** – For current uses, access for semi-tractor trailer trucks to Tract A or Tract B is prohibited by the PUD. The owners have indicated they will work with the City's traffic engineer to place private signs along Burlingame Rd and at the public frontage road intersection to direct semi- trucks to the south entrance for ingress and egress.
- **Tract A uses:** The owners have agreed to eliminate parking for semi-tractor trailers on Tract A. The private truck driver vocational school and DMV will not use Tract A for on-site testing. (See development/case history on Pg. 6.) Under the proposed zoning, the PUD will allow "O&I-2" Office and Institutional uses on Tract A, which allows the DMV to continue use of the building for an office only. The dance studio and day care will be permitted as "O&I-2" uses. These uses are appropriate since they are complementary with the use of the sports recreation facility on Tract B
- **Tract B - current uses:** Semi-tractor trailer trucks may only use the south entrance and signs will be installed along Burlingame as indicated. The White Line truck driver school will continue to park and test on Tract B with access only from the south entrance driveway as indicated above.
- **Tract B - future uses:** If a Change of Use or substantial addition is proposed to one of the allowed industrial uses that is noted on the PUD master plan, all use of the north driveway will be restricted for emergency responder access (Fire, ambulance, Police, etc). The applicant will be required and will have to submit a site plan showing a gate and fence that limits access for all normal vehicular traffic in addition to the already prohibited semi-trailers.
- **Tract B future permitted uses:** The PUD primarily limits any future industrial uses to enclosed warehousing/storage, contractor shops (without outside storage of equipment and products), self-storage facilities, and artisan manufacturing (defined in TMC18.55 where products are primarily made by hand with no or very little use of equipment/machinery). Additionally, any outside display and storage of products, equipment, and machinery is prohibited for any of the allowed uses.
- **Tract C future permitted uses:** "I-1" Light Industrial uses and dimensional standards

### APPLICATION INFORMATION:

CASE NUMBER / PUD19/02 By: T&J Land Company LLC (Sports Zone PUD)  
NAME:

**REQUESTED ACTION / CURRENT ZONING:** Rezone from "R-1" Single Family Dwelling District with Special Use Permits (SUP) for "*Community Building and alcohol sales*" and "*Private Membership Club and Golf Course*" and a Conditional Use Permit (CUP) for "*Outdoor Recreational Uses, Retail Sales, and Food Service*" ALL TO "PUD" Planned Unit Development Master Plan (O&I-2; plus I-1 uses only as indicated on the PUD Master Plan for Tracts B and C.)

**APPLICANT / PROPERTY OWNER:** T&J Land Company LLC –John Ostrowski, Manager Member

**APPLICANT REPRESENTATIVE:** Kevin Holland, P.E. - Cook, Flatt, and Strobel Engineers

**PROPERTY ADDRESS & PARCEL ID:** 3909 / 3907 SW Burlingame Road / PID: 1462301003008000 and 1462301003003010

**PARCEL SIZE:** 23 acres

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

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

**RECOMMENDED MOTION:** Based on the findings and analysis in the staff report, I move that the Topeka Planning Commission forward to the Governing Body a recommendation of APPROVAL subject to conditions stated in the staff report.

**PHOTOS:**



View of front of north building (Knights of Columbus/DMV office building)



View separating houses on east side of the subject property



North entrance drive and public frontage road intersection (Google Maps)



Single Family Residences along public frontage road (Google Maps)



Apartments adjacent to site



Church north of the site



Sports Zone Complex from south side

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## **PROJECT AND SITE INFORMATION**

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

There are not any proposed projects for the site or are planned at this time. The PUD rezoning is intended to allow the owner to more effectively market portions of the property. Tract A will be used by the Department of Motor Vehicles for office uses without semi-truck parking or driver testing. Tract B will be used for indoor and outdoor recreational uses. Semi-trucks will use and park on Tract B with access from only the south entrance.

The intent of the PUD Master Plan allows the owner to market Tract B and Tract C for light industry (I-1 uses) and provide an office zoning for the existing building on Tract A. The existing building is suitable for an office use. The PUD Master Plan narrowly defines the range of allowed "I-1" uses (i.e. enclosed warehousing, contractor shops) on Tract B due to the location and proximity to single family residential houses. The reason for the PUD rezoning as opposed to straight I-1 zoning is to maintain compatibility with the residential and recreational character of the properties surrounding Tract A and B. Tract C is adjacent to industrial uses on both its north and south boundaries.

The northernmost building is currently used as office/day care/dance studio and is approximately 18,000 sf and the larger Sports Zone complex immediately south of it is approximately 50,000 sf. The adjoining grounds west of the Sports Zone are used as recreational fields and not included in this rezoning.

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

1960 – Annexed and subsequently zoned for single family dwellings

1965 – Special Use Permit for "Private Membership with Golf Course" approved on the site containing the northernmost building

that was constructed for use by the Knights of Columbus as a meeting lodge. (Tract A)

1989 – Special Use permit for “Community Building with Alcohol Sales” approved for site containing the Knights building. An addition was added to the existing building. The building was expanded and the ball diamonds were developed after that time. (Tract A)

1998 – Conditional Use Permit for “Outdoor Recreational Fields, Retail Sales, and Food Service” approved. The Sports Zone Building (50,000 sf), indoor sports recreational facility, was constructed on the south side of the Knights of Columbus building. (Tract B)

Land Use/Zoning history – The building on Tract A has been used by the State Department of Motor Vehicles for some time since 2012. The use has expanded over time to accommodate DMV Commercial Truck Vehicle Licensing and testing for commercial truck drivers. The DMV has not had the proper zoning to use this building as an office or truck testing. At the time the DMV began operations, the City Attorney took the position that State uses were not subject to City zoning

The Planning Department was not aware the property has recently been used by the private White Line Truck Training Academy until the September Planning Commission hearing and also did not have knowledge of the extent of the commercial truck testing by the DMV on that portion of the site until the September meeting.

The building also contains a Day Care Business and Dance Studio, which will be allowed uses under the proposed “O&I-2” zoning for the Tract A. The zoning will allow the DMV to continue to use the building as an office without testing or parking outside. Truck testing, training and parking will be accommodated only on Tract B and access for semi-trailer trucks will be taken only from south entrance on to SW Burlingame.

**ZONING AND CHARACTER OF  
SURROUNDING AREA:**

North: PUD (Multiple Family uses) / Church and apartment complex

South: “I-1” Light Industrial / Budweiser warehouse distributor

West: “R-1” Sports Zone recreational fields, flood way and 1% floodplain zone

East: “R-1” Single Family Dwelling District / Residential; Cemetery and “I-1” fueling station



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

**PARKING, CIRCULATION &**

PUD Note: The PUD establishes mutual cross access between all tracts. The unapproved access to the north is not permitted under TMC18.230.060 to a more restrictive zoning district from a more intensive use.

**LANDSCAPE:**

PUD Note: Compliance with TMC 18.235 Landscape Regulations is required for substantial changes of use or new development. The PUD requires a 20' buffer along the east lines of Tract A and B if a substantial change of use or new development is proposed on either of those tracts. Landscaping for Tract C will be provided as required for new development under TMC 18.235.

**BUILDING AND STRUCTURE:**

PUD Note: Type C standard in TMC 18.275 Non-Residential Design Standard applies to new construction in Tracts B, and C. Type B standard applies to Tract A for new construction.

Building Setbacks: Setbacks are established on the PUD Master Plan of 30' for Tract A and B along the front.

**SIGNAGE:**

PUD Note: Governed by TMC18, Division 2 Signs unless stated otherwise. Tract C is limited "O&I-2" sign standards.

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**COMPLIANCE WITH DEVELOPMENT STANDARDS AND GUIDELINES:** The Master PUD Plan establishes development standards and guidelines, as indicated above.

**OTHER FACTORS**

**SUBDIVISION PLAT:**

Platted as Lot 1, Knights of Columbus Subdivision and a part of Lot 1, Saint Sebastian Sports Subdivision.

A replat may be required if there is a sale or change of ownership to areas described by the PUD zoning and creates new parcels that land lock adjacent property or inhibit access to adjacent property..

**TRAFFIC/TRANSPORTATION:**

SW Burlingame is an arterial roadway. The PUD Master Plan identifies one existing primary public intersection on to Burlingame Road.

The subject property's northern entrance and public intersection is shared among the three residential properties and the Sports Zone. The subject site also has alternative approved access to Burlingame from the adjacent property at 4201 SW Burlingame by means of private access agreement. There may also be a future access opening on to Burlingame when Tract C develops.

The PUD Master Plan requires that future access on Burlingame be

reviewed by Traffic Engineering for consistency to City design specifications if there is a new addition or substantial change of use in order to determine the need for a Traffic Impact Analysis (TIA) for necessary road improvements to public streets or frontage roads.

A question was asked at the NIM as to why a TIA was not required with the zone change? The purpose of a TIA is to scope improvements based on the future need. Overestimating the future need by requiring a TIA in the case of a speculative rezoning, for example, may result in either inadequate improvements being made or an excessive level of improvements. Those needed improvements are better addressed when a specific project is proposed.

The COT Engineering Division has initiated a traffic analysis at the intersection of the Burlingame frontage road and north entrance drive to address the crash history/traffic volume concerns from residents. (That analysis is on-hold until the Sports Zone begins normal operations in either late May or June following the Stay-at-Home order.) The intersection is a public intersection and appropriate signage should be installed under City traffic control standards. The current traffic control "yield" sign is not an approved City sign and was installed by the owner of the Sports Zone without approval by traffic engineering. The applicant will install, at their expense, private signs along Burlingame and at the public intersection as approved by the City Traffic Engineer to better direct semi-trucks to the south entrance and away from the north entrance driveway.

**FLOOD HAZARDS, STREAM  
BUFFERS:**

Regulatory Floodway / Development in the FEMA designated floodway is very difficult and costly. A hydrological study is generally required for any development of a floodway and needs to show the development or fill will not increase the Base Flood Elevation (BFE) greater than 1 ft.<sup>1</sup> A City of Topeka Flood Plain Development Permit is required. A Division of Water Resources Permit is required.

**HISTORIC PROPERTIES:**

Not Applicable

**NEIGHBORHOOD MEETING:**

The applicant conducted a second Neighborhood Information Meeting on Monday, January 27, 2020 and several neighborhood residents attended the meeting. Planning staff and the City Traffic Engineer attended. The residents expressed major objections. The four main objections are stated in the letter from Matthew Massillonis that is included with this packet. The Planning Department has informed the concerned neighbors via email about the current draft of the PUD Master Plan and how it proposes to address concerns.

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

<b>ENGINEERING/STORMWATER:</b>	No new development is proposed at the current time. Future plans and permits will be reviewed by Engineering/Utilities for compliance with all applicable stormwater quantity and quality regulations.
<b>ENGINEERING/TRAFFIC:</b>	No new development is proposed at the current time. Future plans and permits will be reviewed for compliance with traffic engineering requirements.
<b>ENGINEERING/UTILITIES:</b>	No new development is proposed at the current time. Future plans and permits will be reviewed for connections to sewer and water.
<b>FIRE:</b>	No new development is proposed at the current time. Future plans or permits will be reviewed for fire suppression needs. Additional fire hydrants will be needed for future development of Tract B and C. The northern entrance will remain a permanent entrance for emergencies by gated access.
<b>DEVELOPMENT SERVICES:</b>	No new development is proposed at the current time. Permits will be required for Changes of Use/Occupancy to existing buildings or new construction.
<b>METROPOLITAN TOPEKA TRANSIT AUTHORITY (TMTA):</b>	None

## **KEY DATES**

<b>SUBMITTAL:</b>	July 19, 2019 – The case was heard by the Planning Commission on September 16, 2020 and deferred to a date uncertain to address concerns raised about the CDL White Line driver training school, CDL State DMV licensing and testing, and truck traffic from these uses.
<b>NEIGHBORHOOD INFORMATION MEETING:</b>	August 26, 2019 (original meeting); January 27, 2020 (2 <sup>nd</sup> meeting)
<b>LEGAL ADVERTISING:</b>	August 23, 2019 (original notice); April 22, 2020 (May hearing)
<b>PROPERTY OWNER NOTICE MAILED:</b>	August 21, 2019 (original notice); April 24, 2020 (May hearing)

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**STAFF ANALYSIS:** As this is a zoning case, Planning staff have considered the Golden Factors as described in Topeka Municipal Code Section 18.245 (*Donald Golden vs. City of Overland Park, 1978 Kansas Supreme Court*). This staff analysis evaluates the proposal based on these factors as indicated below.

**CHARACTER OF THE NEIGHBORHOOD:** The surrounding area to the west is characterized by large open spaces used for outdoor recreation. The applicant's remaining property to the west is almost entirely covered by the floodway<sup>ii</sup>. The west side of Burlingame Road contains land either undeveloped or in recreational usage and also in the floodway. Other land uses west of Burlingame Road are: a beer distributor, a fueling station, a cemetery, and three single family residences on the lots located along the Burlingame frontage road. The floodway separates residential subdivisions

much further to the west from current development along Burlingame Road and, therefore, is a natural barrier for development of the area west of the Sports Zone.

The subject site is southwest of the Interstate 470/Kansas Turnpike/U.S. 75 interchange. The surrounding areas east of U.S. 75 and east of SW Burlingame are light industrial and contain various industrial uses such as warehousing/storage, self-storage facilities, equipment and tractor rental, wholesaling, home remodeling services, plastic fabrication, and other industrial uses. There are two single-family homes along Burlingame between Burlingame and U.S. 75 that have existed since 1920 and 1950.

The proposed rezoning to accommodate office & institutional uses on Tract A, and limited light industrial uses on Tract B, as recommended, and intended for enclosed warehousing/storage, contractor offices, and self-storage units is compatible with light industrial to the south. Staff is recommending the PUD Master Plan contain restrictive conditions to ensure vehicular traffic for future industrial uses access through and across Tracts B and C and not through Tract A in order to protect the existing residential properties that are adjacent to Tract A.

**ZONING AND USES OF PROPERTY NEARBY:** The immediate property to the north is zoned "PUD (M-2 uses)" for multiple family residential land use and contains a church and apartment complex. The surrounding area to the west is zoned "R-1" Single Family Dwelling District with an existing CUP for Outdoor Recreation on that property and contains recreational ball fields. The surrounding area to the immediate east is zoned "R-1" Single Family Dwelling District and contains three residences constructed near the 1950s. Property to the immediate south is zoned "I-1" Light Industrial and contains a beer distributor (I-1 use). A propane fueling station zoned "I-1" Light Industrial lies between areas on the PUD Master Plan designated Tract C and Tract B and also provides this site with a secondary access driveway through a private access agreement. The PUD Master Plan proposes landscaping, setbacks, and use/building size restrictions to ensure the future compatibility with the zoning and land uses of property nearby when Tract B and C develop or there is a substantial change of use to Tract B. Staff is recommending a change to the PUD Master Plan to further restrict all truck driving, parking, and training to Tract B and require closure of the northern entrance driveway (fence/gate) for Tract B except as needed for emergency responders for a light industrial use.

**LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER THE PRESENT CLASSIFICATION:** The property has been zoned Single Family Dwelling District since it was annexed in 1960. The property has been zoned under a Special Use Permit (SUP) allowing the Knights of Columbus membership hall (north building) since 1965. A 1989 SUP further broadened this use to allow a community building with alcohol sales in this north building located on Tract A. The building was expanded at that time and ball diamonds were added. The Conditional Use Permit (CUP) approved in 1998 allowed expansion of the property for the indoor sports facility with sales of food and beverage when the 50,000 sf building was constructed on Tract B. The north building is currently used for a KS CDL licensing office, dance studio and a day care business.

This building currently houses the DMV's Commercial Licensing office for driving tests. The zoning for these state uses has never officially been approved because when the DMV began operation, the City Attorney at the time took a position that the State uses do not require zoning approval. After the majority of the DMV branch office relocated, the use morphed into the DMV Commercial Licensing office with truck testing. Recommendations of staff will remove the truck parking, testing, and training from Tract A and restrict driving tests to Tract B with all truck access taken from the south entrance. Although, Tracts B and C have been and are currently occupied, the owner wants the zoning that provides flexibility for other non-residential uses since the site is not ideal for residential uses.

**SUITABILITY OF USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED:** The subject property is zoned to allow single family dwellings and uses allowed under the existing Conditional Use Permit/Special Use Permits of an indoor/outdoor sports facility, private membership club and community building. The intent of the original Conditional Use Permit/Special Use Permits limited the scope of uses to recreational due to proximity with residential. However, the site is in an area with access to highways that has evolved over time to contain more light industrial uses and unlikely to develop as zoned "R-1" Single-family residential. Other reasons the site is unlikely to develop for new single family uses are: 1. There are already two commercial buildings and parking located on Tract A and B. 2. The building on Tract A is

more suitable for an office use than any residential uses. 3. Tract B is located next to a commercial fueling station and the building on Tract B is industrial in nature. 4. Tract C is next to a vehicle fueling station and beer distributor. 5. The property is close to the interchange of I-470/U.S.75/Kansas Turnpike and has excellent transportation access for industrial uses. 6. The floodway to the west establishes a natural barrier between the urban single-family neighborhoods to the west and industrial areas east of U.S. 75 and Burlingame.

Additionally, the very narrow scope of the existing special permits and conditional use permits makes it difficult for the owner to market the property. The PUD Master Plan will continue to allow indoor and outdoor sports recreation, but broadens the allowed uses on the site to make it more feasible to market existing buildings and undeveloped portions of the property for future use and/or sale in a manner that is consistent with the pattern of land uses and zoning to the north and south. The area to be rezoned is located outside the floodway channel that covers property to the west.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The subject property lies within an area that is designated "Parks/Open Space/Recreation" on the north side and "Industrial" and "Urban Growth Area-Residential" on the south side in the Land Use and Growth Management Plan – 2040 (LUGMP). The LUGMP – 2040 future land use map was not meant to define future land uses on a parcel by parcel basis as a neighborhood plan does, but is more general and a broad categorization of the land uses in an area. One primary reason staff approached this rezoning with discretion is the future land use plan does not provide clear direction for development of this particular property and immediate properties to the north, east, and south. There is a process in the LUGMP-2040 that establishes the procedures for Comprehensive Plan Amendments. Those amendments are usually done as a package with other map amendments when the plan is reviewed and updated, rather than piecemeal with a specific rezoning case. This is an area that may be reviewed during a future update to the map.

The areas in PUD Master Plan shown as Tract B and C are immediately adjacent to "Industrial" land uses and, for this reason, it was determined that limited light industrial zoning is appropriate for those tracts and not for Tract A. An "O&I-2" use group on Tract A will allow development consistent with the apartments and institutional uses (church) to the north and is appropriate considered the existing building is constructed as an office building and not a residential use. The transition from O&I-2 uses on Tract A to limited industrial uses on Tracts B, and all I-1 uses on Tract C, as recommended, is appropriate based on surrounding land uses and zoning.

**THE EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES:** The reason for the Planned Unit Development zoning designation is to address compatibility concerns arising from proximity to residential zoning and land uses. One purpose of the PUD Regulations is to integrate multiple uses into the development and to adapt the proposed use(s) to meet the conditions of the site. Because of the multiple uses on this site, the mix of uses surrounding the site (single family residential, multiple-family, church, recreational, industrial), and the flood zones involved that limit the development potential of the site, the proposed PUD zoning is appropriate.

Although, neighbors are concerned about the detrimental effects of removing the present restrictions, the proposed PUD Master Plan and conditions recommended by staff mitigate these potential detrimental effects and address concerns from adjacent residents. By doing such, the PUD Master Plan provides a reasonable level of protection for neighboring properties.

The PUD limits uses of Tract A to office and institutional and uses of Tract B to "I-1" Light Industrial for only warehousing/storage, self-storage, and contractor shops. The PUD will also limit truck access through the north entrance and truck parking on Tract A which was a major concern of nearby property owners. As recommended, the PUD will exclude the current on-site truck driver testing from Tract A. The proposed PUD Master Plan will allow a broader range of uses than currently allowed but is effectively written to promote compatibility and prevent conflicts with adjacent residential and institutional uses by limiting access for industrial traffic and limiting industrial uses to Tracts B and C where closer to other industrial uses. In particular, the PUD Master Plan limits Tract A to office and institutional zoning, while allowing for a narrow range of light industrial uses on Tract B, and all light industrial use on Tract C.

A key item on the PUD Master Plan is in the event Tract B changes to an approved industrial use, all vehicular traffic will be prohibited from using the northern entrance. Emergency responders will be provided access through a gate for emergencies. Additionally, upon any substantial change of the use to Tracts A and B, a landscape buffer will be required along the east and north property lines where they abut residential and institutional uses. The PUD establishes 30' building setbacks and 20' landscape setbacks for Tracts A and B if new development or a substantial change of use is to occur.

**THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE OWNER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER:** Denial of the proposed zoning change imposes a significant hardship on the individual landowner since the current R-1 single family residential zoning significantly limits allowed uses on the property. Economic use of the property under R-1 zoning is difficult at best. The property has never been used for single-family residential use. Additionally, the restrictions in effect under the special use permits issued in 1965 and 1989, and the conditional use permit approved in 1998, are for a narrow range of uses and, therefore, limit the ability of the owner to make improvements and market the property.

The proposed PUD master plan imposes restrictions that are reasonable for the property owner while providing substantial protections to the adjacent property owners and the broader community. The PUD Master Plan limits uses on Tract A and B and establishes standards for new development, including the requirement that industrial and all semi-truck traffic use the entrance 800 feet south of the main entrance and the closest residence. Access across the north entrance driveway for the existing use on Tract B is allowed under the current CUP that was approved by the Governing Body as long as the building remains in use as a sports recreational facility. Access to Tract B from the north entrance is not allowed when there is a change to one of the industrial uses allowed by the PUD master plan. The traffic and access related requirements separate heavy truck traffic from residential traffic and thus address concerns about traffic safety and livability that arose from the meetings and communications with residents.

**AVAILABILITY OF PUBLIC SERVICES:**

All essential public utilities, services and facilities are presently available to this property with all connections being made at the expense of the developer at the time of site development.

**COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:**

The Master PUD Plan establishes development standards and guidelines as stated herein.

**STAFF RECOMMENDATION**

Based upon the above findings and analysis Planning Staff recommends **APPROVAL** of this proposal, **subject to:**

1. Use and development of the site in accordance with the **Planned Unit Development Master Plan for Sports Zone** as recorded with the Office of the Shawnee County Register of Deeds.
2. Revising Note #7 under Parking, Circulation and Traffic to include after along Burlingame: ". . . and at the public frontage road intersection at the expense of the applicant/owner. . ."
3. Removing period in last sentence of Landscape Note #2 between the "buffer" and the "if".
4. Remove the apostrophe before "In addition" in Landscape Note #1.

**Exhibits**

- Proposed PUD Master Plan – as recommended that includes all staff's conditions and revisions
- Aerial Map
- Zoning Map
- Future Land Use Map
- Proposed PUD Master Plan
- NIM summary and attendance (January 27<sup>th</sup>) – Holland

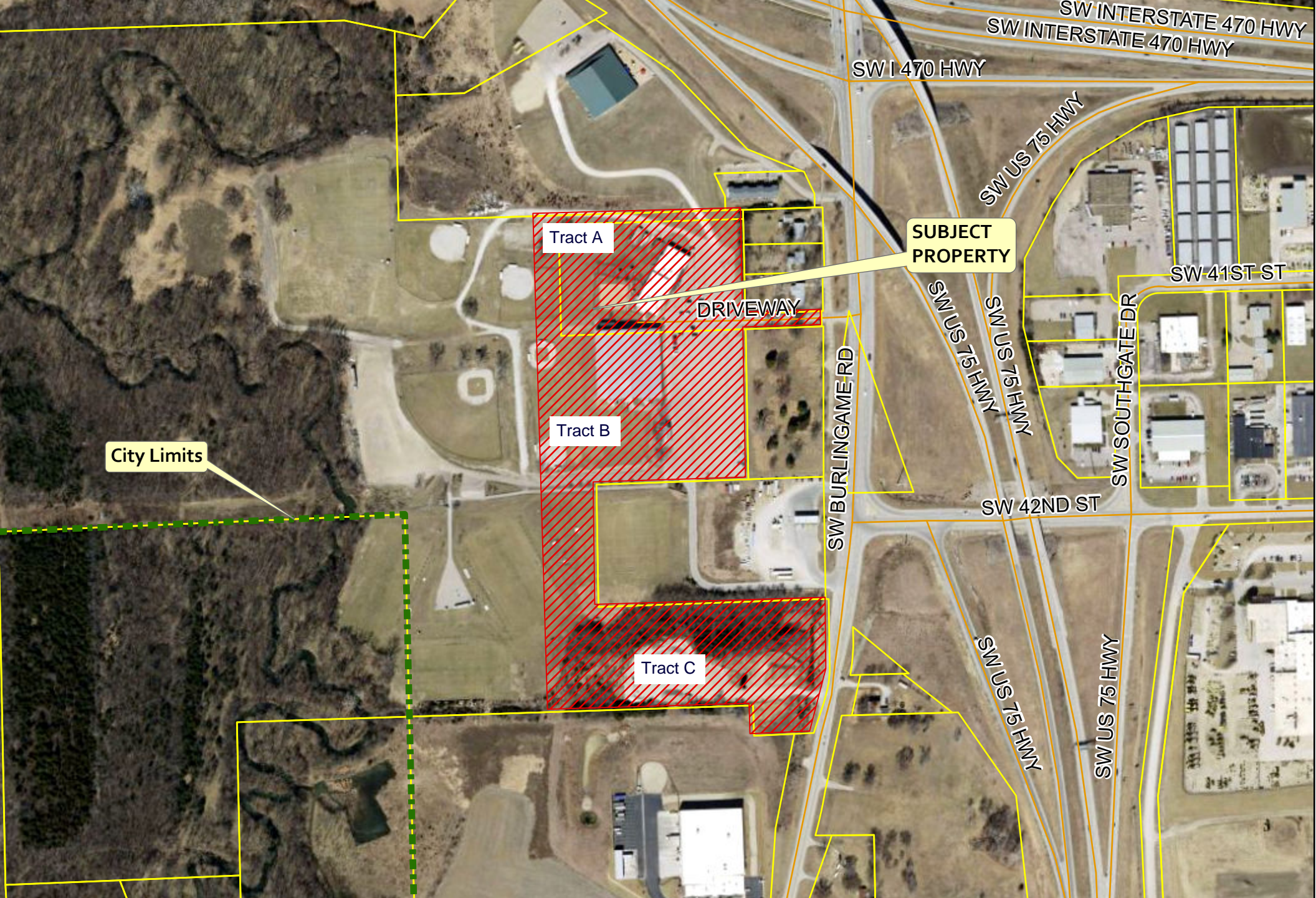
- Public Testimony and meeting summary (January 27<sup>th</sup>) - Massillionis
- Memo from Kevin Fulton, KS Department of Revenue –Dept of Motor Vehicles
- Memo from Justin Lossen, White Line CDL Training School

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<sup>i</sup> BFE- The computed elevation to which floodwater is anticipated to rise during the base flood (FEMA)

<sup>ii</sup> *"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. (FEMA)*

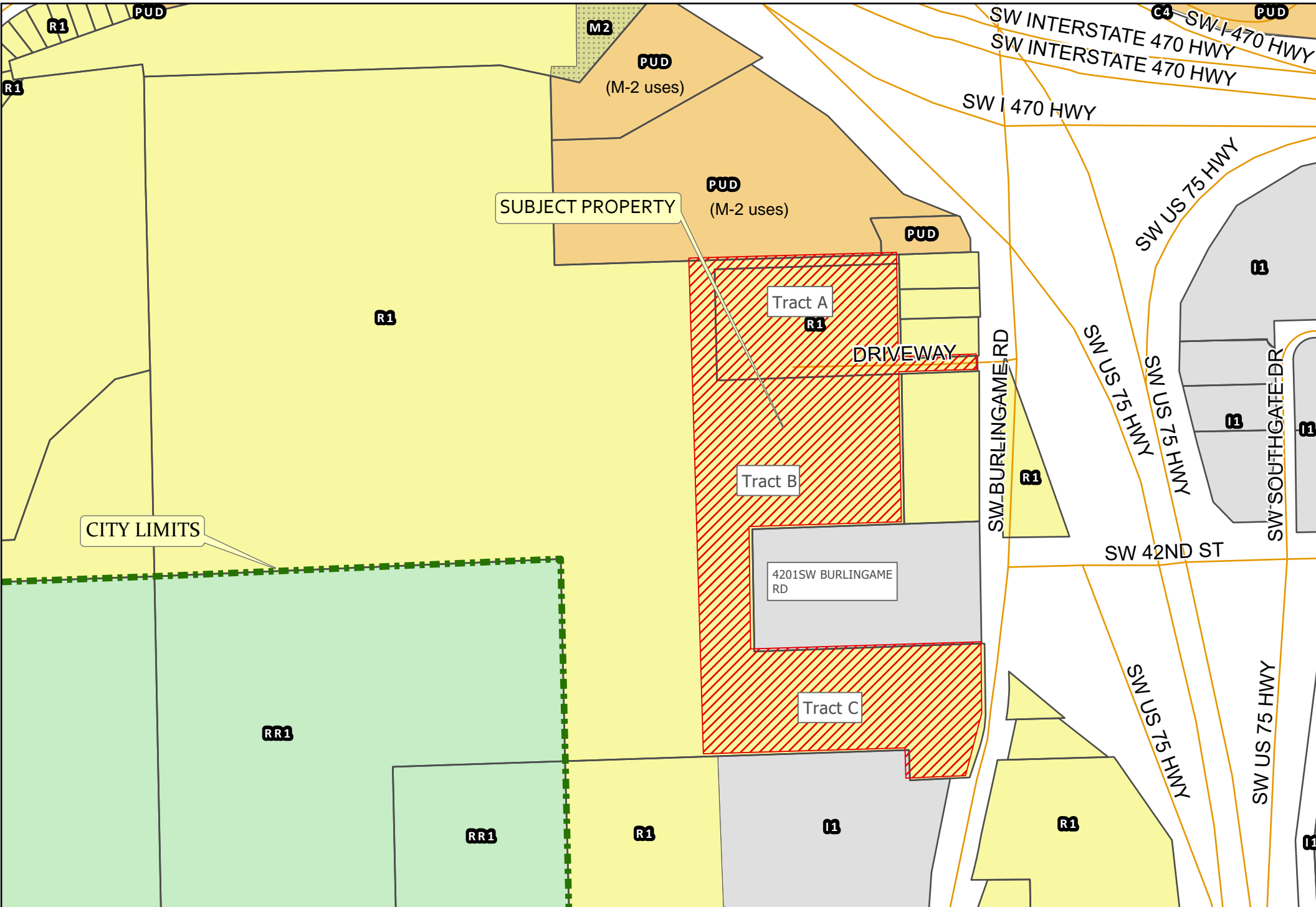




**PUD19/02 BY: T & J LAND CO. LLC (SPORTS ZONE COMPLEX)**







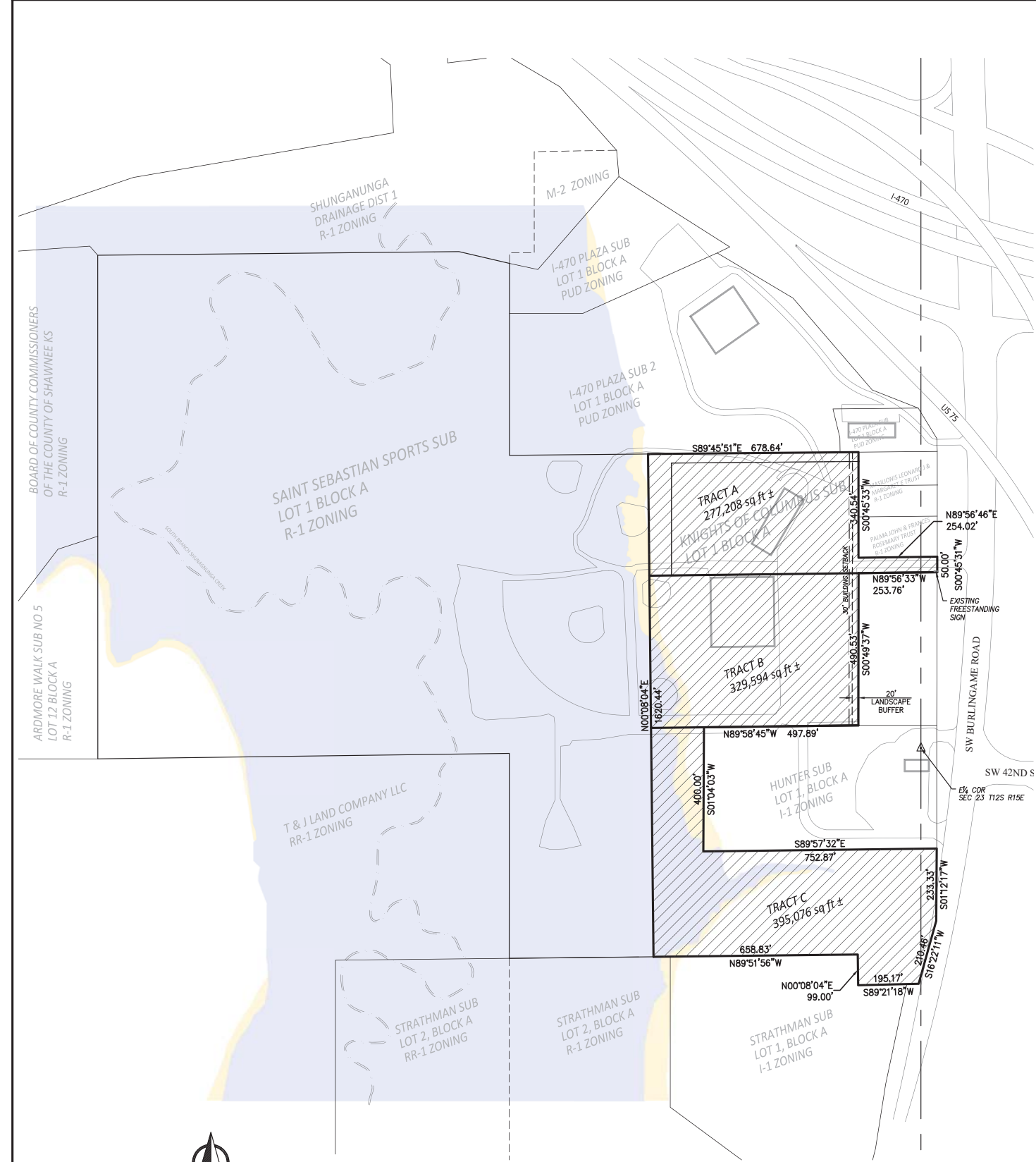
**PUD19/02 SPORTS ZONE (T&J LAND CO. LLC) -  
ZONING MAP**



**PUD19/02 SPORTS ZONE (T&J LAND CO. LLC) -  
FUTURE LAND USE MAP**



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# SPORTS ZONE COMPLEX PLANNED UNIT DEVELOPMENT MASTER PLAN

CFSENGINEERS

cfse.com

2930 SW Woodside Dr., Topeka, KS 66614  
o: 785-272-4706 f: 785-272-4736

## DESCRIPTION

ALL OF LOT 1, BLOCK A, KNIGHTS OF COLUMBUS SUBDIVISION AND A PART OF LOT 1, BLOCK A, SAINT SEBASTIAN SPORTS SUBDIVISION, IN THE CITY OF TOPEKA, SHAWNEE COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 89 DEGREES 21 MINUTES 18 SECONDS WEST A DISTANCE OF 195.17 FEET; THENCE NORTH 00 DEGREES 08 MINUTES 04 SECONDS EAST A DISTANCE OF 99.00 FEET; THENCE NORTH 89 DEGREES 51 MINUTES 56 SECONDS WEST A DISTANCE OF 658.83 FEET; THENCE NORTH 00 DEGREES 08 MINUTES 04 SECONDS EAST A DISTANCE OF 1620.46 FEET; THENCE SOUTH 89 DEGREES 45 MINUTES 51 SECONDS EAST A DISTANCE OF 678.64 FEET; THENCE SOUTH 00 DEGREES 45 MINUTES 33 SECONDS WEST A DISTANCE OF 340.54 FEET; THENCE NORTH 89 DEGREES 56 MINUTES 46 SECONDS EAST A DISTANCE OF 254.02 FEET; THENCE SOUTH 00 DEGREES 45 MINUTES 31 SECONDS WEST A DISTANCE OF 50.00 FEET; THENCE NORTH 89 DEGREES 56 MINUTES 33 SECONDS WEST A DISTANCE OF 253.76 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 37 SECONDS WEST A DISTANCE OF 490.53 FEET; THENCE NORTH 89 DEGREES 58 MINUTES 45 SECONDS WEST A DISTANCE OF 497.89 FEET; THENCE SOUTH 01 DEGREES 04 MINUTES 03 SECONDS WEST A DISTANCE OF 400.00 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 32 SECONDS EAST A DISTANCE OF 752.87 FEET; THENCE SOUTH 01 DEGREES 12 MINUTES 17 SECONDS WEST A DISTANCE OF 233.33 FEET; THENCE SOUTH 16 DEGREES 22 MINUTES 11 SECONDS WEST A DISTANCE OF 210.46 FEET TO THE POINT OF BEGINNING. CONTAINS 23.00 ACRES MORE OR LESS.

## PERFORMANCE OBJECTIVE

PROVIDE FOR A RANGE OF USES THAT CAN BEST UTILIZE THE EXISTING BUILDINGS, AND DEVELOPED AND UNDEVELOPED LAND, WHILE ENSURING COMPATIBILITY OF USE AND DEVELOPMENT WITH ADJACENT RESIDENTIAL AND INSTITUTIONAL USES, AND OPEN SPACE.

## GENERAL NOTES

- THE BASE ZONING AND STANDARDS OF EACH TRACT SHALL APPLY UNLESS STATED OTHERWISE HEREIN.
- NO BUILDING PERMITS SHALL BE ISSUED FOR NEW CONSTRUCTION OR SUBSTANTIAL CHANGE OF USE/OCCUPANCY UNTIL SITE PLAN REVIEW APPLICATIONS PURSUANT TO TMC 18.190.060(C), FOR DEVELOPMENT MEETING THE APPLICABILITY CRITERIA IN TMC 18.260.030 HAVE BEEN REVIEWED AND APPROVED BY THE PLANNING AND DEVELOPMENT DIRECTOR AND OTHER CITY DEPARTMENTS. THESE SITE PLANS SHALL ADDRESS EACH BUILDING SITE LOCATION, OFF-STREET PARKING AND CIRCULATION, FIRE HYDRANTS, LANDSCAPING, PEDESTRIAN CONNECTIVITY, EXTERNAL LIGHTING, BUILDING ARCHITECTURAL ELEVATIONS, STORMWATER, RELATIONSHIP TO ADJACENT LOTS, UTILITIES, BUS STOPS, ETC."
- NO BUILDING PERMITS FOR NEW CONSTRUCTION OR SUBSTANTIAL CHANGE OF USE/OCCUPANCY SHALL BE ISSUED UNTIL STORMWATER MANAGEMENT PLANS ARE MET AND APPROVED, INCLUDING GRANTING OF ANY NECESSARY STORMWATER MANAGEMENT EASEMENTS.
- PURSUANT TO TMC 18.190, THE APPLICANT MUST RECORD THE MASTER PUD PLAN WITH THE SHAWNEE COUNTY REGISTER OF DEEDS WITHIN SIXTY (60) DAYS UPON APPROVAL OF THE GOVERNING BODY. FAILURE BY THE APPLICANT TO RECORD THE PLAN WITHIN THE PRESCRIBED TIME PERIOD AND PROVIDE THE PLANNING DEPARTMENT WITH THE REQUIRED NUMBER OF COPIES OF THE RECORDED PLAN WITHIN NINETY (90) DAYS OF THE DATE OF ACTION BY THE GOVERNING BODY SHALL RENDER THE ZONING PETITION NULL AND VOID.
- A REPLAY MAY BE REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE FOR ANY SUBSTANTIAL CHANGE OF USE OR NEW CONSTRUCTION.
- ALL REGULATIONS OF TITLE 18, TOPEKA MUNICIPAL CODE APPLY UNLESS STATED OTHERWISE HEREIN.

## UTILITY NOTES

- WATER AND SEWER SERVICE WILL BE PROVIDED BY CITY OF TOPEKA AS EXTENDED AT THE EXPENSE OF THE DEVELOPER.
- THE FIRE DEPARTMENT SHALL REVIEW AND APPROVE FUTURE PLANS SHOWING FIRE HYDRANT LOCATIONS AND FIRE ACCESS PRIOR TO THE START OF CONSTRUCTION AS PART OF BUILDING PERMIT OR SITE PLAN REVIEW.
- LIGHTING SHALL BE FULL CUT OFF, SHIELDED & RECESSED WITH CUT-OFF ANGLES TO PREVENT THE CAST OF LIGHTING BEYOND THE PROPERTY & NOT EXCEED 3 FOOT CANDLES AS MEASURED AT THE PROPERTY LINE.
- ALL UTILITIES SHALL BE PLACED UNDERGROUND PURSUANT TO THE CITY'S RIGHT-OF-WAY MANAGEMENT STANDARDS.

## CIRCULATION, PARKING & TRAFFIC NOTES

- A 40 FT. SIGHT TRIANGLE, MEASURED FROM THE FACE OF CURB EXTENDED, SHALL BE MAINTAINED AT ALL ENTRANCES; NO OBSTRUCTIONS GREATER THAN (30) INCHES ABOVE GRADE OF ANY ADJACENT STREET OR ENTRANCE MAY BE PLACED WITHIN THIS AREA.
- ALL NEW DRIVES, STREETS, PARKING AREAS, APPROACHES AND WALKS SHALL BE CONSTRUCTED TO CITY OF TOPEKA STANDARDS.
- UNLESS OTHERWISE STATED HEREIN, ALL DRIVES, LANES & PRIVATELY OWNED ACCESS WAYS PROVIDING ACCESSIBILITY TO STRUCTURES, BUILDINGS AND USES WITHIN THE PLANNED UNIT DEVELOPMENT SHALL BE CONSIDERED AND SERVE AS MUTUAL RIGHTS OF ACCESS TO OWNERS, TENANTS, INVITED GUESTS, CLIENTS, EMPLOYEES, CUSTOMERS, SUPPORT AND UTILITY PERSONNEL AND EMERGENCY SERVICE PROVIDERS, INCLUDING LAW ENFORCEMENT, FIRE PROTECTION AND AMBULANCE SERVICES. ALL ACCESS WAYS PROVIDING GENERAL ACCESSIBILITY TO, AND CIRCULATION AMONG, THE USES WITHIN THE PLANNED UNIT DEVELOPMENT SHALL BE MAINTAINED AT ALL TIMES IN GOOD SERVICEABLE CONDITION WITH THE MAINTENANCE OF SAID ACCESS WAYS BEING THE RESPONSIBILITY OF THE OWNERS).
- ACCESS OPENINGS ALONG SW BURLINGAME ROAD ARE EXISTING. ANY NEW ACCESS OPENINGS OR A CHANGE OF USE/OCCUPANCY OR SUBSTANTIAL NEW CONSTRUCTION TO AN APPROVED PUD (I-1 USE) ON TRACTS B OR C, SHALL BE APPROVED BY THE CITY OF TOPEKA TRAFFIC ENGINEER AT THE TIME OF SITE PLAN REVIEW OR BUILDING PERMIT REVIEW. A TRAFFIC IMPACT ANALYSIS (TIA) SHALL BE REQUIRED AS DETERMINED BY THE CITY OF TOPEKA TRAFFIC ENGINEER TO ADDRESS ON-SITE AND OFF-SITE ROADWAY IMPROVEMENTS AT SUCH TIME. THE NORTHERNMOST DRIVEWAY ENTRANCE IS ONLY FOR PASSENGER VEHICLES AND LIGHT TRUCKS. SEMI-TRACTOR TRAILERS SHALL NOT USE THIS NORTHERNMOST DRIVEWAY OPENING ON TO BURLINGAME ROAD. ALTERNATE ACCESS MAY BE APPROVED THROUGH THE ADJACENT PARCEL AT 4201 SW BURLINGAME ROAD PROVIDED LEGAL RIGHTS OF ACCESS ARE ESTABLISHED.
- CROSS ACCESS SHALL BE PROVIDED WITH PROPERTY TO THE WEST AS PERMITTED ON CONDITIONAL USE PERMIT #CU977.
- IF THERE IS A CHANGE IN USE ON TRACT B TO AN APPROVED I-1 LIGHT INDUSTRIAL USE AS STATED HEREIN, VEHICULAR ACCESS THROUGH AND ACROSS THE NORTHERN DRIVEWAY ENTRANCE SHALL BE PROHIBITED FOR TRACT B EXCEPT AS NECESSARY FOR FIRE DEPARTMENT AND OTHER EMERGENCY RESPONDERS. A SITE PLAN SHALL BE APPROVED BY THE PLANNING & DEVELOPMENT DEPARTMENT AT SUCH TIME DEPICTING ALTERNATE ACCESS TO SW BURLINGAME AND HOW THIS DRIVEWAY ENTRANCE IS FENCED AND GATED WITH APPROVED FIRE DEPT. ACCESS.
- PRIVATE SIGNAGE APPROVED BY THE CITY OF TOPEKA TRAFFIC ENGINEER MAY BE INSTALLED ALONG SW BURLINGAME AS NECESSARY TO ADDRESS ANY ACCESS FOR TRACTS A AND B.
- PROPERTY OWNER(S) AGREE, PURSUANT TO K.S.A. 12-6a01 et seq TO WAIVE THEIR RIGHT TO PROTEST THE ESTABLISHMENT OF A SPECIAL BENEFIT DISTRICT FOR STREET IMPROVEMENTS TO PUBLIC FRONTAGE ROADS AND/OR SW BURLINGAME ROAD.

## SIGNAGE NOTES

- SIGNS SHALL BE APPROVED BY SEPARATE SIGN PERMIT APPLICATION.
- ANY ALTERATION TO THE EXISTING FREESTANDING SIGN AT THE NORTHERNMOST ENTRANCE SHALL REQUIRE COMPLIANCE WITH SIGN STANDARDS APPLICABLE TO O&I-2 ZONING. UPON ANY CHANGE TO A USE NOT ALLOWED UNDER THE O&I-2 USE GROUP ON TRACTS A OR B THE EXISTING FREESTANDING SIGN SHALL BE MODIFIED AS NEEDED TO COMPLY WITH SIGN STANDARDS APPLICABLE TO THE O&I-2 ZONING CLASSIFICATION.
- ONE FREESTANDING SIGN SHALL BE ALLOWED ON TRACT C AND SUBJECT TO THE STANDARDS FOR SIGNS APPLICABLE TO O&I-2 ZONING.
- THE REGULATIONS OF TMC 18, DIVISION 2 SIGNS, APPLICABLE TO O&I-2 ZONING, SHALL GOVERN ALL OTHER SIGNS UNLESS SPECIFICALLY STATED HEREIN.
- SIGNAGE ELEVATIONS TO BE APPROVED AT THE TIME OF SIGN PERMIT APPLICATION OR AS PART OF A MASTER SIGN PLAN.

## LANDSCAPING NOTES

- LANDSCAPING SHALL BE PROVIDED CONSISTENT WITH TMC 18.225 LANDSCAPE REGULATIONS. THE SPECIFIC TYPES AND QUANTITIES SHALL BE APPROVED BASED ON THE LANDSCAPE PLAN SUBMITTED AT THE SITE DEVELOPMENT PLAN REVIEW STAGE. IN ADDITION TO THE REQUIRED LANDSCAPING POINTS, AN ATTRACTIVE MIX OF EVERGREEN TREES, SHRUBS, AND DECIDUOUS 'LARGE' TREES SHALL BE PROVIDED WHERE THE BUILDING AND/OR DEVELOPED AREA IS IMMEDIATELY ADJACENT TO RESIDENTIAL PROPERTIES AND ZONING DISTRICTS. A 20 FT. WIDE LANDSCAPE BUFFER SHALL BE PROVIDED ALONG THE EAST BOUNDARY LINE OF TRACT A AND B AND ALONG THE NORTH BOUNDARY LINE OF TRACT A AND PLANTED WITH A SERIES OF EVERGREEN PLANTINGS THAT GROW TO AT LEAST 6 FT IN HEIGHT AND SPACED TO PROVIDE A VISUAL BUFFER. IF NEW DEVELOPMENT IS PROPOSED OR THERE IS A SUBSTANTIAL CHANGE OF USE ON TRACT A OR TRACT B AS DESCRIBED ON THE PUD MASTER PLAN.
- THE CARE, MAINTENANCE, AND OWNERSHIP OF COMMON OPEN SPACE, PARKING AREAS, UTILITIES, PRIVATE STREETS, ACCESS WAYS, STORMWATER MANAGEMENT EASEMENTS, FENCING, AND LANDSCAPING SHALL BE THE RESPONSIBILITY OF THE OWNERS. ALL LANDSCAPING SHALL BE INSTALLED PURSUANT TO PHASING SCHEDULE AND PROPERLY MAINTAINED. IF ANY PORTION OF THE LANDSCAPED MATERIAL DIES, IT SHALL BE REPLACED BY THE NEXT PLANTING SEASON.

## BUILDING NOTES

- BUILDING ELEVATIONS FOR NEW CONSTRUCTION OF BUILDING ADDITIONS GREATER THAN 50 PERCENT SHALL BE REVIEWED FOR CONSISTENCY WITH THE STANDARD FOR EACH USE GROUP AS INDICATED IN TMC 18.275 NON-RESIDENTIAL DESIGN STANDARDS AT THE TIME OF SITE PLAN REVIEW. TYPE C STANDARD IN TMC 18.275 APPLIES FOR TRACTS B AND C AND TYPE B STANDARD IN TMC 18.275 APPLIES TO TRACT A.
- THE LOCATION OF TRASH AND RECYCLING RECEPTACLES SHALL BE DETERMINED AT THE SITE DEVELOPMENT STAGE TO ENSURE TRASH AREAS ARE NOT OVERLY CONCENTRATED, ARE EFFECTIVELY SCREENED FROM PUBLIC AREAS, AND PROVIDE ADEQUATE CIRCULATION WITHIN THE OVERALL DEVELOPMENT. ALL SAID RECEPTACLES SHALL HAVE ENCLOSURES THAT SCREEN THE RECEPTACLES FROM VIEW AND ARE CONSTRUCTED WITH MATERIALS COMPATIBLE WITH THE ARCHITECTURAL FEATURES OF THE PRINCIPLE BUILDING.

## RECORDED WITH THE SHAWNEE COUNTY REGISTER OF DEEDS

REBECCA J. NIOCE, REGISTER OF DEEDS

## CERTIFICATION OF PUD MASTER PLAN APPROVAL

THIS PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN HAS BEEN REVIEWED AND APPROVED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18.190 OF THE COMPREHENSIVE ZONING REGULATIONS OF THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS AND MAY BE AMENDED ONLY AS PRESCRIBED IN TMC 18.190.070 OF AND AS SET FORTH ON THIS DOCUMENT OR AS MAY SUBSEQUENTLY BE APPROVED AND RECORDED. THIS APPROVED AND RECORDED MASTER PUD PLAN FOR SPORTS ZONE REPLACES THE SPECIAL USE PERMITS (#SP65/18 AND #SP88/13) COVERING THIS PORTION OF THE PROPERTY.

BILL FIANDER, PLANNING & DEVELOPMENT DIRECTOR

DATE

## OWNER'S CERTIFICATE

T & J LAND COMPANY, LLC, OWNER, AGREES TO COMPLY WITH THE CONDITIONS AND RESTRICTIONS AS SET FORTH ON THE MASTER PUD PLAN.

IN TESTIMONY WHEREOF: THE OWNERS OF THE ABOVE DESCRIBED PROPERTY, T & J LAND COMPANY, LLC, HAS SIGNED THESE PRESENTS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

JOHN OSTROWSKI, MANAGING MEMBER  
T & J LAND COMPANY, LLC

STATE OF KANSAS) ss  
COUNTY OF SHAWNEE) ss  
BE IT REMEMBERED THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, CAME JOHN OSTROWSKI, MANAGING MEMBER, T & J LAND COMPANY, LLC, WHO IS PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE WITHIN INSTRUMENT OF WRITING, AND SUCH PERSON DULY ACKNOWLEDGED THE EXECUTION OF THE SAME.

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

NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

## PROJECT INFORMATION

### TRACT A:

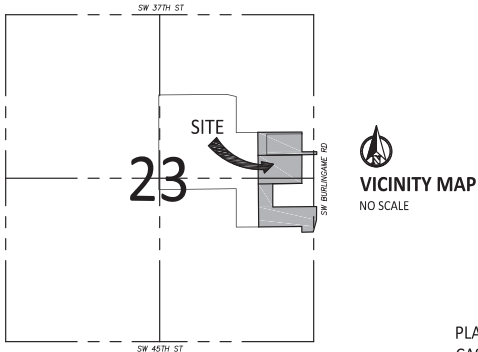
- USE GROUP: "O&I-2" OFFICE AND INSTITUTIONAL DISTRICT USES; USES INVOLVING SEMI-TRACTOR TRAILER PARKING ARE NOT PERMITTED)
- MAXIMUM BUILDING HEIGHT: 42 FT.
- MAXIMUM BUILDING SIZE: 20,000 SF
- FRONT BUILDING SETBACK: 30' AS MEASURED FROM ADJOINING PROPERTY TO THE EAST.
- OTHER: "O&I-2" DIMENSIONAL STANDARDS AND SETBACKS UNLESS STATED OTHERWISE.

### TRACT B:

- USE GROUP: INDOOR RECREATION TYPE I AS ALLOWED UNDER THE EXISTING CONDITIONAL USE PERMIT CU977; "O&I-2" OFFICE AND INSTITUTIONAL DISTRICT PLUS THE ADDITION OF THE FOLLOWING USES AS DESCRIBED IN TITLE 18.60:
  - ENCLOSED WAREHOUSING AND STORAGE FACILITY
  - AGRICULTURAL PRODUCT SALES AND STORAGE
  - CONTRACTOR SHOPS WITHOUT OUTDOOR STORAGE OF EQUIPMENT, MATERIALS, VEHICLES
  - MACHINERY EQUIPMENT REPAIR AND RESTORATION
  - SELF-STORAGE TYPE I AND II
  - ARTISAN MANUFACTURING
  - OUTDOOR RECREATION TYPE I AND II & INDOOR RECREATION TYPE II
- MAXIMUM HEIGHT: 60 FT.
- MAXIMUM BUILDING SIZE: 50,000 SF
- FRONT BUILDING SETBACK: 30' AS MEASURED FROM ADJOINING PROPERTY TO THE EAST. SIDE SETBACK OF 7' SHALL NOT APPLY TO THE NORTH SIDE OF THE EXISTING BUILDING.
- OTHER: "O&I-2" DIMENSIONAL STANDARDS AND SETBACKS UNLESS STATED OTHERWISE.
- THE OUTSIDE STORAGE AND SALES OF PRODUCTS, MATERIALS, AND/OR EQUIPMENT SHALL NOT BE PERMITTED EITHER AS PRIMARY OR ACCESSORY USE.

### TRACT C:

- USE GROUP: "I-1" LIGHT INDUSTRIAL DISTRICT
- DIMENSIONAL STANDARDS, HEIGHT, AND BUILDING SETBACKS OF "I-1" LIGHT INDUSTRIAL IN TMC 18.60 APPLY



Memorandum

To: Annie Driver

From: Kevin Holland

Date: January 30, 2020

Re: Sportszone Complex Public Meeting

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A public meeting was held Monday, January 27, 2020 at the Sportszone complex. The impacted neighbors came to the meeting as well as three City staffers. The neighbors own or have family that own the houses or cemetery to the east of the Sportszone. All people were interested in what was being planned for the property. The neighbors were very vocal about the existing truck school and State of Kansas licensing office being in business from the building on the north. The residents were frustrated that the operations in the building did not match the language of the CUP in place. The operations have been running in the building for the past 10 years. The residents wanted to see an actual plan for what was being planned for the property. The owners did not have a plan and indicated that they are trying to rezone the property to allow for the property to be more marketable. The residents to the east all vocalized that they objected to any change because the existing buildings were running businesses that did not fit into the CUP.



# Neighborhood Information Meeting

## Sign in Sheet

## Sports Zone

Date: Monday, January 27, 2020

ON SITE 3909 SW Burlingame Rd

ON SITE 5909 SW Burlingame Rd		
N	A	

[illegible]

DATE: 27 JANUARY 2020

TO: City of Topeka Planning Department  
Attn: Annie Driver, Planner  
620 SE Madison, 3<sup>rd</sup> Floor, Unit 11  
Topeka, KS 66607  
785.368.3728  
adriver@topeka.org

REF: NEIGHBORHOOD MEETING OF #PUD19/2 - REQUESTED CHANGE IN ZONING FOR 3907 & 3909 SW BURLINGAME ROAD

FROM: R1 WITH CONDITIONAL USE PERMIT FOR "OUTDOOR RECREATION FIELDS, RETAIL SALES AND FOOD SERVICE" AND EXISTING SPECIAL USE PERMITS FOR "PRIVATE MEMBERSHIP CLUB AND GOLF COURSE" AND "COMMUNITY BUILDING WITH ALCOHOL SALES"

TO: PUD/PLANNED UNIT DEVELOPMENT (I-1-LIGHT INDUSTRIAL USES)

Dear Ms. Driver,

This letter shall clarify, in writing, my major objection to the application for rezoning of 3907 & 3909 Burlingame Road. It appears that this current application is the same as the original application from last fall, to which I provided my verbal opposition at the last neighborhood meeting and planning commission meeting as well as providing specific reasons and supporting evidence against the application which includes:

1. **There is no plan nor information provided by the applicant regarding their intended plan**, other than just a zoning change designation to a Planned Unit Development with an I-1 Light Industrial Use. The applicant has not provided any details of exact types of intended uses, location of uses, size of uses, access of uses to the site as well as providing any detail as to how the plan would be planned with the existing uses and neighborhood. The complete lack of any detail by the applicant does not provide any ability to understand, nor comment, on the application for the proposed change to a Planned Unit Development with an I-1 Light Industrial Use.  
*As the application contains no detail to understand the development, the neighborhood meeting does not meet any basis of a proper application to comment on, nor discuss or address any concerns as no detail is provided by the applicant, step one of the planning process is not being met by the applicant disavowing the application.*
2. **The owner of the property has non-conforming zoning tenant uses in place**, those being a Truck Driving School (which has large semi-tractor trucks regularly visiting and remaining on-site), Day Care Center and Dance School; all of which are in clear violation of zoning uses and laws. The existing uses are completely illegal and need to be removed immediately to place the parcel back within the existing approved R1 Zoning (with its approved conditional and special uses). Further, the continued access and storage of trucks and commercial vehicles on its property is in violation Chapter 18.210.020 (which indicates storage of truck, truck bodies, trailers, tractors, machinery and commercial vehicles is not allowed).  
*This application (or applicant) should not be considered for any rezoning as the owner is currently in violation of existing zoning.*
3. **The I-1 Light Industrial use designated in the application represent an encroachment to the R1 existing zoning** (including my homes) as I-1 zoning is not allowed within R1 zoning nor is R1 zoning allowed within I-1. Of note, the existing approved R1 Zoning, as detailed on the Topeka Municipal Code, details that the R1 Zoning provides for housing and living purposes free from the encroachment of incompatible uses.  
*This application should not be under consideration as an encroachment of the existing R1 zoning is obvious from applicants intended uses.*
4. **The application is in violation of Topeka Future Land Use Map**, which articulates that the site in question behind my home (and including to the west of the Foster Cemetery) has been designated as "Parks, Open Space and Recreation".  
*This application should not be under consideration it violates the Topeka Future Land Use Map.*

The items denoted above have been articulated and details with clear evidence from my response to you from the original application to this property last fall; of which, all the major issues and critical problems remain. I respectfully request that the City of Topeka and the planning staff force the owner of the property to correct its existing zoning problems in addition to rejecting the application for the clear regulation and legal issues stated above.

Sincerely,



Margaret Masilionis  
3901 & 3903 Burlingame Road  
Topeka, Kansas 66609

DATE 18 February 2020

TO Ms. Annie Driver, Planner  
City of Topeka Planning Department  
620 SE Madison Street, 3<sup>rd</sup> Floor, Unit 11  
Topeka, Kansas 66607  
[adriver@topeka.org](mailto:adriver@topeka.org)  
785-368-3728

**RE: NEIGHBORHOOD MEETING MINUTES from 1/27/2020 FOR  
REZONING APPLICATION OF 3907 & 3909 SW BURLINGAME ROAD, TOPEKA, KANSAS – PUD19-2**

FROM: R1 WITH CONDITIONAL USE PERMIT FOR "OUTDOOR RECREATION FIELDS, RETAIL SALES AND FOOD SERVICE" AND EXISTING SPECIAL USE PERMITS FOR "PRIVATE MEMBERSHIP CLUB AND GOLF COURSE" AND "COMMUNITY BUILDING WITH ALCOHOL SALES"

TO: PUD with O-I2 and I1 and Business & Vocational School (Track A)  
PUD with O-I2 and I1 and supplemental light industrial uses (Track B)  
PUD with I1 Light Industrial Uses (Track C)

Dear Ms. Driver,

Knowing the applicant has deferred his application for rezoning of the above mentioned application (from the original February Planning Commission meeting schedule on 17 February 2020) as well as not seeing any documentation to date from the applicant regarding the Neighborhood Meeting, I thought it would be prudent to provide you my meeting minute note details so that this can be incorporated into the public record for this application.

The Neighborhood meeting began at approximately 5:15 PM on January 27<sup>th</sup>, 2020 in the reception area of the driver license bureau tenant, located at 3907 Burlingame Road.

Attending the meeting:

- Annie Driver, Planner, City of Topeka
- Kristina Ericksen, Traffic Engineer, City of Topeka
- Both owners of the property were there for most of the meeting
- John Palma (3905 Burlingame Road) and his Daughter, Julie Ireland
- Margaret Masilionis (3901 & 3903 Burlingame Road) along with sons; Matthew (Margaret's representative), Daniel and Robert (or Bob)
- Later in the meeting, Michael Hall, Current Planning Manager, joined the meeting (about 30-45 minutes into the meeting)
- *Of note, Bob Masilionis is the Foster Cemetery President (and represented the Cemetery Property), Julie Ireland is the Foster Cemetery Secretary*

Items Discussed:

1. Ms. Driver noted that all neighbors received an updated Notice of Public hearing document in their mail. She presented a base summary of the zoning change which was referenced by a 24x36 drawing of the submitted change (attached SportsZone PUD Masterplan.pdf). In her summary, she noted:
  - a. *The applicant adjusted the plan from the original September application to indicate that Track A & B, are now changed to be a PUD with O & I2 use (as well as additional specified I1-Industrial Uses) & Track C would be PUD with I1 use.*
  - b. *She indicated that the modified uses as shown on the document provided in the Notice of Public Hearing (which is also on the attached 20200127 SportsZone PUD 19-2 Revised .pdf)*
2. Kevin Holland, the Applicant representative did not add anything else (at this time).
3. John Palma & Julie Ireland, representing 3905 Burlingame Road, asked where the traffic study that was requested at last fall's planning commission meeting.
  - a. *Kevin noted that a study was not needed since the uses have not changed and that they could not complete a study of their plan as they did not know what it will be. He noted that Kristina was here to listen to the meeting and assist, if possible with questions.*
    - i. *Kristina did not add any comments, which upset John Palma and Julie Ireland as they noted that is what the Planning Commission requested*
    - ii. *Julie added that the truck traffic, which is not allowed on the property at all and was noted as such last on the original application last September, continues to this day unabated on site and with full access along the road between 3905 Burlingame & Foster Cemetery. No reply comments from Applicant or Annie*
4. Robert Masilionis, who is the President of the Board for Foster Cemetery, noted that their remains a large pile of debris, numerous building materials and large caterpillar equipment in the parking lot next to the cemetery which has been there for over a year and sits adjacent the cemetery property which looks horrible and not allowed by Topeka Municipal Code. He inquired why the owner of SportsZone is allowed to violate the codes and why this has not been addressed by the owner even though this was communicated during last fall's original application.
  - a. *The owner noted that he thought that the Caterpillar was there for snow removal, perhaps, but was not aware of the other items.*
    - i. *Matt Masilionis corrected him and noted the caterpillar has not moved since last September (when I noted it on site) and that regardless if it was used for snow removal (which it is not) that the equipment is not allowed on the site at all and is in violation of zoning.*
    - ii. *Annie noted that she did not know where and what this was, to which the neighbors all noted to her that she could not miss it on site and could clearly see it when she left the building.*
5. Robert Masilionis noted that at the planning commission meeting last September when the original application was under review, Ms. Driver presented to the Planning Commission that the neighborhood was accepting of the proposed application during the September Neighborhood meeting; which was completely inaccurate as he was at the meeting where he noted that Margaret Masilionis voiced strong objections to the applicant which was also followed up with a letter noting her opposition to the application
  - a. *Annie said that she did not believe she had said that, but Robert noted that it was even written that way in the Planning Commission meeting minutes.*
  - b. *Matt Masilionis noted that Annie's comments at the planning commission about the neighborhood meeting were incorrect and could have misled the commission. Matt noted he was disappointed that this occurred as it appeared staff may have not been listening to the neighborhood meeting comments correctly or had not read the submitted letter of opposition document from my mother, as no mention of the neighbor opposition was noted in the staff report on the original application. Matt noted that this oversight appeared to be disrespectful of Margaret and the Palma family and may have provided an easier path for staff to support the application by an owner who has allowed non-conforming, illegal use activities on the SportsZone property.*
6. Matt Masilionis articulated the items noted on the letter of major opposition from Margaret which was delivered to Ms. Driver at the end of the meeting:
  - a. *There is no detailed information provided by the applicant regarding their intended plan, which is required by the change in use and required for the neighborhood meeting. The application documents provide only basic information for the requested zoning change designation from R1 to a Planned Unit Development with O&I-1 and I-1 Industrial Uses on their Tracks A, B and C. The application does not provide any details required by the Municipal code for: exact types of intended uses, location of uses, size of uses, access of*

uses to the site, details as to how the plan would be planned with the existing uses and neighborhood. The lack of any detail required by the code and missing on the application does not provide the ability to understand or comment on the application for the proposed change to a Planned Unit Development. As such, the neighborhood meeting does not meet the basis of a proper application which is step one of the planning process and should disavow the application.

- b. The owner of the property has non-conforming zoning tenant uses in place, those being a Truck Driving School (which has large semi-tractor trucks regularly visiting and remaining on-site), Day Care Center and Dance School; all of which are in clear violation of zoning uses and laws. The existing uses are completely illegal and need to be removed immediately to place the parcel back within the existing approved R1 Zoning and its approved conditional and special uses. Further, the continued access and storage of trucks and commercial vehicles on its property is in violation Chapter 18.210.020, which indicates storage of truck, truck bodies, trailers, tractors, machinery and commercial vehicles is not allowed. This application (or applicant) should not be considered for any rezoning as the owner is currently in violation of existing zoning.
  - c. The I-1 Light Industrial use designated in the application represent an encroachment to the R1 existing zoning (including my homes) as I-1 zoning is not allowed within R1 zoning nor is R1 zoning allowed within I-1. Of note, the existing approved R1 Zoning, as detailed on the Topeka Municipal Code, details that the R1 Zoning provides for housing and living purposes free from the encroachment of incompatible uses. This application should not be under consideration as an encroachment of the existing R1 zoning is obvious from applicants intended uses.
  - d. The application is in violation of Topeka Future Land Use Map, which articulates that the site in question behind my home (and including to the west of the Foster Cemetery) has been designated as "Parks, Open Space and Recreation". As such, the application should not be under consideration it violates the Topeka Future Land Use Map.
7. Kevin and Annie both asked Matts what should be done to help address the application, which he noted:
- a. Have the owner immediately Correct the illegal activities not allowed by Zoning. I noted these items were clearly articulated in writing of these violations on the original application last September and during the Planning Commission meeting (which my mother's notes were part of the meeting documentation) yet they have done nothing to address. I added that the updated ambiguous application which has wording placing obligations to the owner/applicant that they will comply with the City of Topeka's requirements, but that the owner has not complied with Municipal Codes in the past and places the adjacent homes in further peril. He noted that the owner's ignorance of the existing Municipal codes for a long period places them legally liable for their actions and they should not be allowed to move forward with any new application until they conform to the Municipal Code of Topeka.
    - i. Kevin noted that they are doing something to address the non-compliant uses, which is the revised application will amend the zoning to allow the uses in place.
      1. Matt noted that that process is improper and an immoral and that the city should not allow a violator to be accommodated for his illegal actions (current and past)
  - b. Prepare a proper plan that addresses how my mother (and uncles) existing R1 is not being harmed or encroached by the application (and noted that "I" type occupancies are encroachments per the city code)
    - i. Kevin asked me how I would design the site to achieve this, which I responded that it is the owner and applicant requirement to meet the Municipal Codes and Processes properly. I noted that it was up to the owner to properly prepare a design that would address the four primary items (indicated Item #6 above), and which had also been identified in last Septembers letter of opposition from Margaret, but has been ignored on this revised application. Matt also noted that the applicant and owners should meet directly with the property owners to obtain their support BEFORE moving forward.
8. Mr. Hall asked what could be done to help make things move forward:
- a. Matt noted that he and his mother had reasons to be concerned, as staff recommended approval to the Planning Commission of the original application last fall and also misrepresented the neighbor's opposition to the original application. Further, it appeared that staff may have overlooked Margaret's details and facts in her letter of opposition at last fall's Planning Commission meeting as her questions or details were not addressed in the staff report.
    - i. Annie noted that she did not believe that she had the documentation from Margaret in time before the Planning Commission, which Margaret noted she hand delivered the package to Annie before the time that Annie required (in addition to Matt emailing the complete documentation to Annie several hours earlier in the day).
      1. Matt noted that Ms. Driver's comment was reason to be concerned for his mother and Aunt/Uncle as Margaret had had digitally and hand delivered her document as directed by Ms. Driver last September.
  - b. Matt noted that the owner must address the four primary items (indicated Item #6 above), which had also been identified in last Septembers letter of opposition from Margaret and have been completely ignored on this revised application.
  - c. Matt noted that the applicant and owners should meet directly with the property owners to obtain their support BEFORE moving forward.
9. At about 5:45, the Tenant (driver license bureau) noted they had been to close the office and go home as it was past 5:30 and asked if the meeting could continue somewhere else; which fragmented the meeting and the meeting forum was ended.

My notes above constitute my understanding and details discussed at the Neighborhood Meeting regarding this matter.

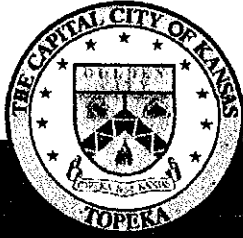
Please contact me with any questions.

  
Matt Masilionis  
Son and Agent for Margaret Masilionis  
10801 West 167<sup>th</sup> Street  
Overland Park, Kansas 66221  
816-210-5709 M  
[matt@rmta.biz](mailto:matt@rmta.biz)

  
Margaret Masilionis  
3901 Burlingame Road  
Topeka, Kansas 66609  
785-266-8658 H  
[ljmasil@cox.net](mailto:ljmasil@cox.net)

Cc: Robert Masilionis, [bmasilionis@cox.net](mailto:bmasilionis@cox.net)  
Vernon L. Jarboe, [VJarboe@sloanlawfirm.com](mailto:VJarboe@sloanlawfirm.com)





# CITY OF TOPEKA

Planning & Development Department  
620 SE Madison, Unit 11  
Topeka, KS 66607

Bill Flander, AICP, Director  
Tel: 785-368-3728  
[www.topeka.org](http://www.topeka.org)

## -- NOTICE OF PUBLIC HEARING -- (Deferred from September 2019)

The City of Topeka Planning Commission  
will conduct a Public Hearing  
**6:00 p.m., Monday, February 17, 2020**  
in the City Council Chambers,  
214 SE 8<sup>th</sup> Street, 2<sup>nd</sup> Floor, Topeka, Kansas  
in consideration of the following item.

### **Request for Zoning**

**Name of Owner/Applicant & Case Info:** T&J Land Company LLC  
Case # PUD19/02 (Sports Zone Complex PUD)

**Location of Property:** 3907 and 3909 SW Burlingame Rd  
Lot 1, Block A, Saint Sebastian Sports Subdivision & Lot 1, Block A, Knights of Columbus Subdivision

**Present Zoning Classification:** R-1 Single Family Dwelling District with existing Conditional Use Permit for "Outdoor Recreation Fields, Retail Sales, and Food Service and existing Special Use Permits for Private Membership Club with Golf Courses and Community Building with Alcohol Sales

**\*Proposed Zoning Classification:** PUD Planned Unit Development (O&I-2 uses with limited I-1 uses)

**Proposed Land Use:** No Change (speculative zoning change)

**Case Planner name and telephone number:** Annie Driver / 785.368.3728

You have been identified as being a property owner within a 200-foot radius of the property listed above. You will have an opportunity to present any comments you may have to the Planning Commission during the public hearing. You also have the right to file a formal protest of the above noted request within 14-days following the public hearing. Protest forms and instructions are available at the Planning Department.

A vicinity map and site plan identifying the subject property, along with information about the hearing procedures, has been attached for your information. If you have any questions concerning the above noted proposal, do not hesitate to contact the Topeka Planning Department.

**\*The Planning Commission may recommend a more restrictive (lower) zoning district than advertised according to the Summary of Zoning Districts.**



# ABOUT THE TOPEKA PLANNING COMMISSION HEARING

## Members of the Topeka Planning Commission

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

## Topeka Planning Staff

**Bill Fiander, AICP**  
Director of Planning &  
Development

Carlton O. Scroggins, AICP  
Transportation Planning Mgr.  
Dan Warner, AICP  
Comprehensive Planning Mgr.  
Mike Hall, AICP  
Current Planning Mgr.  
Tim Paris  
Historic Preservation Planner  
Annie Driver, AICP  
Current Planning  
Melissa Fahrenbruch  
Current Planning  
Taylor Ricketts  
Transportation Planner  
Bryson Risley  
Neighborhood Planner  
Kris Wagers  
Administrative Officer

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.

Planning Commission agendas can be viewed at:  
<https://www.topeka.org/planning/planning-commission/>

All information forwarded to the City Council can be accessed via the internet on Thursday prior to the City Council meeting at:  
<https://topeka.novusagenda.com/agendapublic/>

## HEARING PROCEDURES

Your attendance and participation in the Topeka Planning Commission 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:

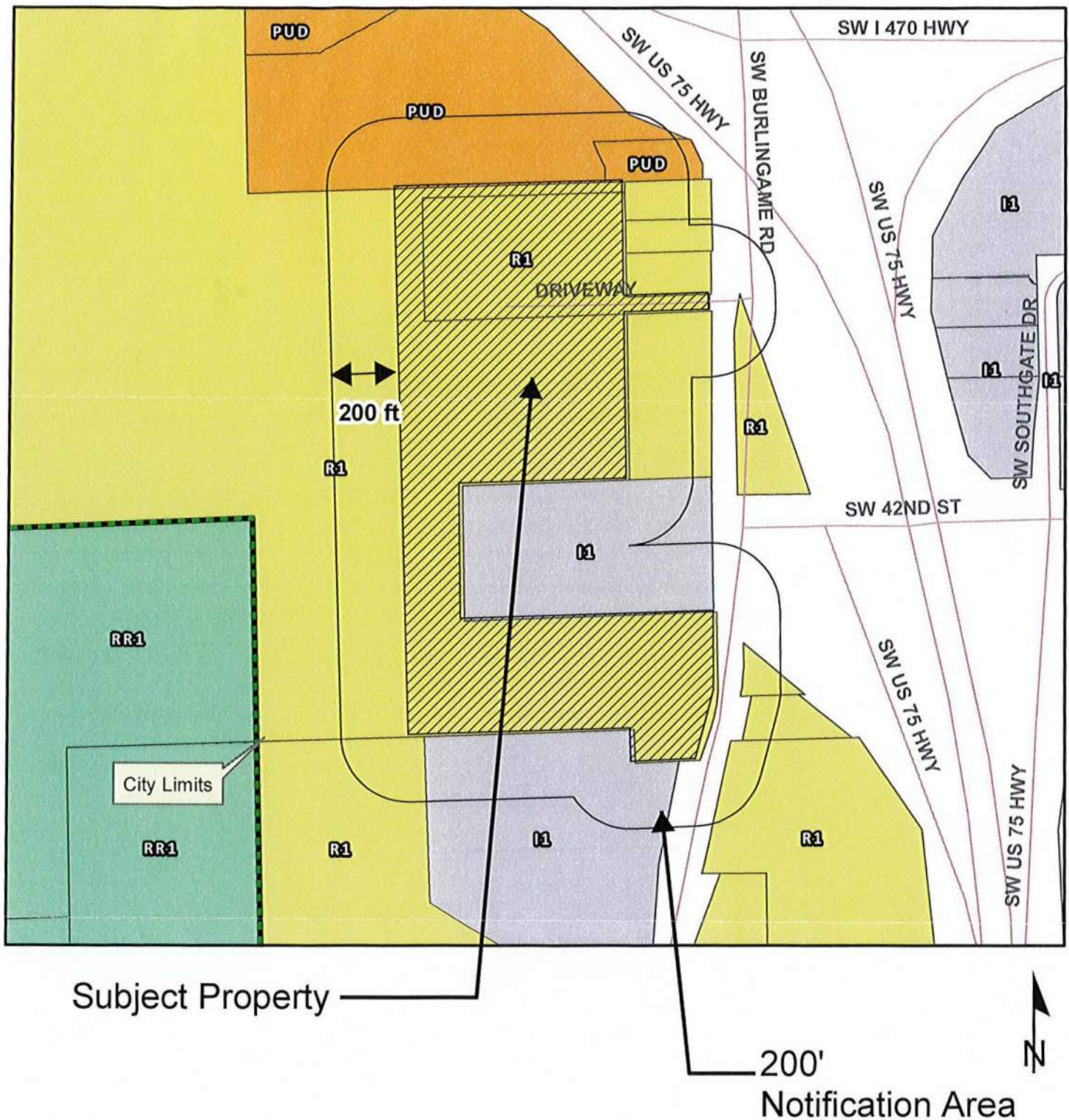
1. The Topeka Planning Staff will introduce each agenda item and present the staff report and recommendation. Commission members will then have an opportunity to ask questions of staff.
2. Chairperson will call for a presentation by the applicant followed by questions from the Commission.
3. Chairperson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



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

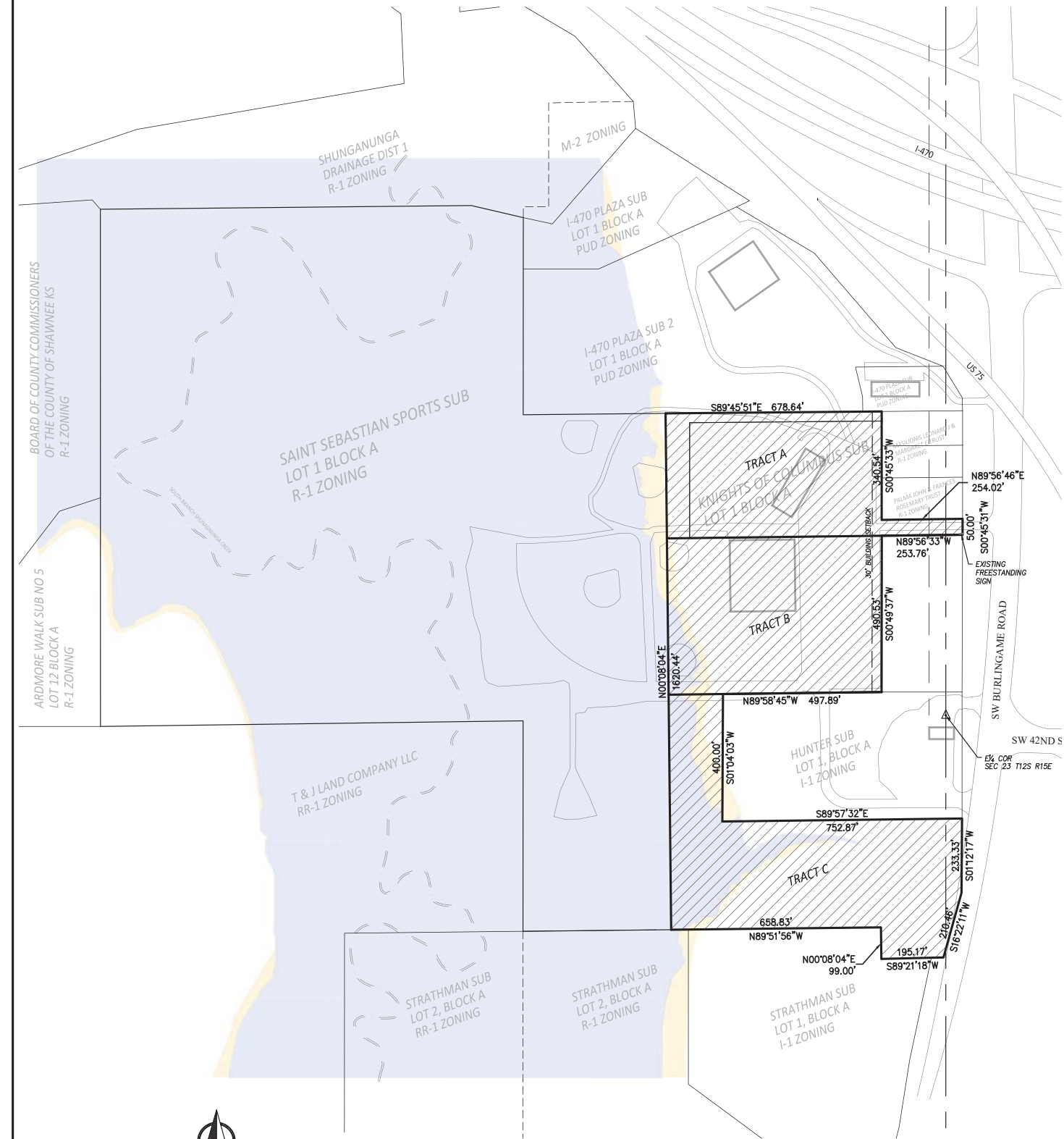
# PUD19/02 Sports Zone PUD By: T&J Land Development Co.



PUD19/02 Sports Zone PUD by: T&J Land Co. LLC, (continued from September, 2019) requesting to amend the District Zoning Map from R-1 Single Family Dwelling District with an existing Conditional Use Permit for "Outdoor Recreation Fields, Retail Sales, and Food Service" and existing Special Use Permits for "Private Membership Club with Golf Courses" and "Community Building with Alcohol Sales" **ALL TO PUD** (O&I-2 uses with limited I-1 uses) on a 23 acre property located at 3907 and 3909 SW Burlingame Road. (Driver)



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# SPORTS ZONE COMPLEX PLANNED UNIT DEVELOPMENT MASTER PLAN

## DESCRIPTION

ALL OF LOT 1, BLOCK A, KNIGHTS OF COLUMBUS SUBDIVISION AND A PART OF LOT 1, BLOCK A, SAINT SEBASTIAN SPORTS SUBDIVISION, IN THE CITY OF TOPEKA, SHAWNEE COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 89 DEGREES 21 MINUTES 18 SECONDS WEST A DISTANCE OF 195.17 FEET; THENCE NORTH 00 DEGREES 08 MINUTES 04 SECONDS EAST A DISTANCE OF 99.00 FEET; THENCE NORTH 89 DEGREES 51 MINUTES 56 SECONDS WEST A DISTANCE OF 658.83 FEET; THENCE NORTH 00 DEGREES 08 MINUTES 04 SECONDS EAST A DISTANCE OF 1620.46 FEET; THENCE SOUTH 89 DEGREES 45 MINUTES 51 SECONDS EAST A DISTANCE OF 678.64 FEET; THENCE SOUTH 00 DEGREES 45 MINUTES 33 SECONDS WEST A DISTANCE OF 340.54 FEET; THENCE NORTH 89 DEGREES 56 MINUTES 46 SECONDS EAST A DISTANCE OF 254.02 FEET; THENCE SOUTH 00 DEGREES 45 MINUTES 31 SECONDS WEST A DISTANCE OF 50.00 FEET; THENCE NORTH 89 DEGREES 56 MINUTES 33 SECONDS WEST A DISTANCE OF 253.76 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 37 SECONDS WEST A DISTANCE OF 490.53 FEET; THENCE NORTH 89 DEGREES 58 MINUTES 45 SECONDS WEST A DISTANCE 497.89 FEET; THENCE SOUTH 01 DEGREES 04 MINUTES 03 SECONDS WEST A DISTANCE OF 400.00 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 32 SECONDS EAST A DISTANCE OF 752.87 FEET; THENCE SOUTH 01 DEGREES 12 MINUTES 17 SECONDS WEST A DISTANCE OF 233.33 FEET; THENCE SOUTH 16 DEGREES 22 MINUTES 11 SECONDS WEST A DISTANCE OF 210.46 FEET TO THE POINT OF BEGINNING. CONTAINS 23.00 ACRES MORE OR LESS.

## PERFORMANCE OBJECTIVE

PROVIDE FOR A RANGE OF USES THAT CAN BEST UTILIZE THE EXISTING BUILDINGS, AND DEVELOPED AND UNDEVELOPED LAND, WHILE ENSURING COMPATIBILITY OF USE AND DEVELOPMENT WITH ADJACENT RESIDENTIAL AND INSTITUTIONAL USES, AND OPEN SPACE. FUTURE IMPROVEMENTS FOR THE EXISTING BUILDINGS SHALL FIT INTO CERTAIN INDUSTRIAL USES.

## GENERAL NOTES

- THE BASE ZONING AND STANDARDS OF EACH TRACT SHALL APPLY UNLESS STATED OTHERWISE HEREIN.
- NO BUILDING PERMITS SHALL BE ISSUED FOR NEW CONSTRUCTION OR SUBSTANTIAL CHANGE OF USE/OCCUPANCY UNTIL SITE PLAN REVIEW APPLICATIONS PURSUANT TO TMC 18.190.060(C), FOR DEVELOPMENT MEETING THE APPLICABILITY CRITERIA IN TMC 18.260.030 HAVE BEEN REVIEWED AND APPROVED BY THE PLANNING AND DEVELOPMENT DIRECTOR AND OTHER CITY DEPARTMENTS PRIOR TO SUBMITTAL FOR BUILDING PERMITS. THESE SITE PLANS SHALL ADDRESS EACH BUILDING SITE LOCATION, OFF-STREET PARKING AND CIRCULATION, FIRE HYDRANTS, LANDSCAPING, PEDESTRIAN CONNECTIVITY, EXTERNAL LIGHTING, BUILDING ARCHITECTURAL ELEVATIONS, STORMWATER, RELATIONSHIP TO ADJACENT LOTS, UTILITIES, BUS STOPS, ETC."
- NO BUILDING PERMITS FOR NEW CONSTRUCTION OR SUBSTANTIAL CHANGE OF USE/OCCUPANCY SHALL BE ISSUED. STORMWATER MANAGEMENT PLANS ARE MET AND APPROVED, INCLUDING GRANTING OF ANY NECESSARY STORMWATER MANAGEMENT EASEMENTS.
- PURSUANT TO TMC 18.190, THE APPLICANT MUST RECORD THE MASTER PUD PLAN WITH THE SHAWNEE COUNTY REGISTER OF DEEDS WITHIN SIXTY (60) DAYS UPON APPROVAL OF THE GOVERNING BODY. FAILURE BY THE APPLICANT TO RECORD THE PLAN WITHIN THE PRESCRIBED TIME PERIOD AND PROVIDE THE PLANNING DEPARTMENT WITH THE REQUIRED NUMBER OF COPIES OF THE RECORDED PLAN WITHIN NINETY (90) DAYS OF THE DATE OF ACTION BY THE GOVERNING BODY SHALL RENDER THE ZONING PETITION NULL AND VOID.
- A REPLAT MAY BE REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE FOR ANY SUBSTANTIAL CHANGE OF USE OR NEW CONSTRUCTION.
- ALL REGULATIONS OF TITLE 18, TOPEKA MUNICIPAL CODE APPLY UNLESS STATED OTHERWISE HEREIN.

## UTILITY NOTES

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

## CIRCULATION, PARKING & TRAFFIC NOTES

- A 40 FT. SIGHT TRIANGLE, MEASURED FROM THE FACE OF CURB EXTENDED, SHALL BE MAINTAINED AT ALL ENTRANCES; NO OBSTRUCTIONS GREATER THAN (30) INCHES ABOVE GRADE OF ANY ADJACENT STREET OR ENTRANCE MAY BE PLACED WITHIN THIS AREA.
- ALL NEW DRIVES, STREETS, PARKING AREAS, APPROACHES AND WALKS SHALL BE CONSTRUCTED TO CITY OF TOPEKA STANDARDS.
- ALL DRIVES, LANES & PRIVATELY OWNED ACCESS WAYS PROVIDING ACCESSIBILITY TO STRUCTURES, BUILDINGS AND USES WITHIN THE PLANNED UNIT DEVELOPMENT SHALL BE CONSIDERED AND SERVE AS MUTUAL RIGHTS OF ACCESS TO OWNERS, TENANTS, INVITED GUESTS, CLIENTS, EMPLOYEES, CUSTOMERS, SUPPORT AND UTILITY PERSONNEL AND EMERGENCY SERVICE PROVIDERS, INCLUDING LAW ENFORCEMENT, FIRE PROTECTION AND AMBULANCE SERVICES. ALL ACCESS WAYS PROVIDING GENERAL ACCESSIBILITY TO, AND CIRCULATION AMONG, THE USES WITHIN THE PLANNED UNIT DEVELOPMENT SHALL BE MAINTAINED AT ALL TIMES IN GOOD SERVICEABLE CONDITION WITH THE MAINTENANCE OF SAID ACCESS WAYS BEING THE RESPONSIBILITY OF THE OWNER(S).
- ACCESS OPENINGS ALONG SW BURLINGAME ROAD ARE EXISTING FOR THE EXISTING USES ONLY. A CHANGE OF USE/OCCUPANCY OR SUBSTANTIAL NEW CONSTRUCTION SHALL ONLY BE APPROVED BY THE CITY OF TOPEKA TRAFFIC ENGINEER AT THE TIME OF SITE PLAN REVIEW OR BUILDING PERMIT REVIEW. A TRAFFIC IMPACT ANALYSIS (TIA) SHALL BE REQUIRED AS DETERMINED BY THE CITY OF TOPEKA TRAFFIC ENGINEER TO ADDRESS ON-SITE AND OFF-SITE ROADWAY IMPROVEMENTS. THE NORTHERNMOST DRIVEWAY IS INTENDED ONLY FOR PASSENGER VEHICLES AND LIGHT TRUCKS. SEMI-TRACTOR TRAILERS SHALL NOT USE THIS NORTHERNMOST DRIVEWAY OPENING ON TO BURLINGAME ROAD. ALTERNATE ACCESS MAY BE APPROVED THROUGH THE ADJACENT PARCEL AT 4201 SW BURLINGAME ROAD PROVIDED LEGAL RIGHTS OF ACCESS ARE ESTABLISHED.
- CROSS ACCESS SHALL BE PROVIDED WITH PROPERTY TO THE WEST AND NORTH AS ESTABLISHED BY SEPARATE MUTUAL CROSS ACCESS AGREEMENTS WITH ADJOINING PROPERTY OWNERS.

## SIGNAGE NOTES

- SIGNS SHALL BE APPROVED BY SEPARATE SIGN PERMIT APPLICATION.
- ANY ALTERATION TO THE EXISTING FREESTANDING SIGN AT THE NORTHERNMOST ENTRANCE SHALL REQUIRE COMPLIANCE WITH SIGN STANDARDS APPLICABLE TO O&I-2 ZONING. UPON ANY CHANGE TO A USE NOT ALLOWED UNDER THE O&I-2 USE GROUP ON TRACTS A OR B THE EXISTING FREESTANDING SIGN SHALL BE MODIFIED AS NEEDED TO COMPLY WITH SIGN STANDARDS APPLICABLE TO THE O&I-2 ZONING CLASSIFICATION.
- ONE FREESTANDING SIGN SHALL BE ALLOWED ON TRACT 3 AND SUBJECT TO THE STANDARDS FOR SIGNS APPLICABLE TO O&I-2 ZONING.
- THE REGULATIONS OF TMC 18, DIVISION 2 SIGNS, APPLICABLE TO O&I-2 ZONING, SHALL GOVERN ALL OTHER SIGNS UNLESS SPECIFICALLY STATED HEREIN.
- SIGNAGE ELEVATIONS TO BE APPROVED AT THE TIME OF SIGN PERMIT APPLICATION OR AS PART OF A MASTER SIGN PLAN.

## LANDSCAPING NOTES

- LANDSCAPING SHALL BE PROVIDED CONSISTENT WITH TMC 18.235 LANDSCAPE REGULATIONS. THE SPECIFIC POINTS, TYPES AND QUANTITIES SHALL BE APPROVED BASED ON THE LANDSCAPE PLAN SUBMITTED AT THE SITE DEVELOPMENT PLAN REVIEW STAGE. "AN ATTRACTIVE MIX OF EVERGREEN TREES, SHRUBS, AND DECIDUOUS 'LARGE' TREES SHALL BE PROVIDED ALONG THE PROPERTY'S STREET FRONTAGES WITHIN THE 20 FT. LANDSCAPE SETBACK AND WHERE THE BUILDING AND/OR DEVELOPED AREA IS IMMEDIATELY ADJACENT TO RESIDENTIAL PROPERTIES. A 6 FT. WIDE LANDSCAPE BUFFER SHALL BE PROVIDED ALONG THE EAST BOUNDARY LINE OF TRACT A AND B AND ALONG THE NORTH BOUNDARY LINE OF TRACT A AND PLANTED WITH A MIX OF EVERGREENS TO CREATE A VISUALLY PLEASING BUFFER. IF NEW DEVELOPMENT IS PROPOSED OR THERE IS A SUBSTANTIAL CHANGE OF USE ON TRACT A OR TRACT B AS DESCRIBED ON THE PUD MASTER PLAN.
- THE CARE, MAINTENANCE, AND OWNERSHIP OF COMMON OPEN SPACE, PARKING AREAS, UTILITIES, PRIVATE STREETS, ACCESS WAYS, STORMWATER MANAGEMENT EASEMENTS, FENCING, AND LANDSCAPING SHALL BE THE RESPONSIBILITY OF THE OWNERS. ALL LANDSCAPING SHALL BE INSTALLED PURSUANT TO PHASING SCHEDULE AND PROPERLY MAINTAINED. IF ANY PORTION OF THE LANDSCAPED MATERIAL DIES, IT SHALL BE REPLACED BY THE NEXT PLANTING SEASON.

## BUILDING NOTES

- BUILDING ELEVATIONS FOR NEW CONSTRUCTION OR BUILDING AND PARKING ADDITIONS GREATER THAN 50 PERCENT SHALL BE REVIEWED FOR CONSISTENCY WITH THE STANDARD FOR EACH USE GROUP AS INDICATED IN TMC 18.275 NON-RESIDENTIAL DESIGN STANDARDS AT THE TIME OF SITE PLAN REVIEW. TYPE C STANDARD IN TMC 18.275 APPLIES FOR TRACTS B AND C AND TYPE B STANDARD IN TMC 18.275 APPLIES TO TRACT A.
- THE LOCATION OF TRASH AND RECYCLING RECEPTACLES SHALL BE DETERMINED AT THE SITE DEVELOPMENT STAGE TO ENSURE TRASH AREAS ARE NOT OVERLY CONCENTRATED, ARE EFFECTIVELY SCREENED FROM PUBLIC AREAS, AND PROVIDE ADEQUATE CIRCULATION WITHIN THE OVERALL DEVELOPMENT. ALL SAID RECEPTACLES SHALL HAVE ENCLOSURES THAT SCREEN THE RECEPTACLES FROM VIEW AND ARE CONSTRUCTED WITH MATERIALS COMPATIBLE WITH THE ARCHITECTURAL FEATURES OF THE PRINCIPLE BUILDING.

## RECORDED WITH THE SHAWNEE COUNTY REGISTER OF DEEDS

REBECCA J. NIOCE, REGISTER OF DEEDS

## CERTIFICATION OF PUD MASTER PLAN APPROVAL

THIS PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN HAS BEEN REVIEWED AND APPROVED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18.190 OF THE COMPREHENSIVE ZONING REGULATIONS OF THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS AND MAY BE AMENDED ONLY AS PRESCRIBED IN TMC 18.190.070 OF AND AS SET FORTH ON THIS DOCUMENT OR AS MAY SUBSEQUENTLY BE APPROVED AND RECORDED. THIS APPROVED AND RECORDED MASTER PUD PLAN FOR SPORTS ZONE REPLACES THE SPECIAL USE PERMITS (#SP65/18 AND SP#89/13) COVERING THIS PORTION OF THE PROPERTY.

BILL FIANDER, PLANNING & DEVELOPMENT DIRECTOR

DATE

## OWNER'S CERTIFICATE

T & J LAND COMPANY, LLC, OWNER, AGREES TO COMPLY WITH THE CONDITIONS AND RESTRICTIONS AS SET FORTH ON THE MASTER PUD PLAN.

IN TESTIMONY WHEREOF, THE OWNERS OF THE ABOVE DESCRIBED PROPERTY, T & J LAND COMPANY, LLC, HAS SIGNED THESE PRESENTS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

JOHN OSTROWSKI, MANAGING MEMBER  
T & J LAND COMPANY, LLC

STATE OF KANSAS) ss  
COUNTY OF SHAWNEE) ss  
BE IT REMEMBERED THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, CAME JOHN OSTROWSKI, MANAGING MEMBER, T & J LAND COMPANY, LLC, WHO IS PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE WITHIN INSTRUMENT OF WRITING, AND SUCH PERSON DULY ACKNOWLEDGED THE EXECUTION OF THE SAME.

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

NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

## PROJECT INFORMATION

CURRENT ZONING: R-1,

### TRACT A:

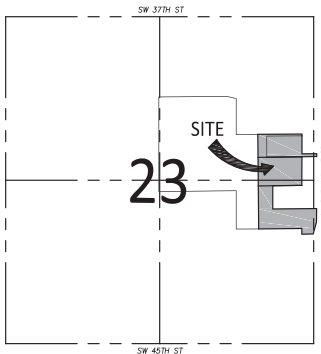
- USE GROUP: INDOOR RECREATION, TYPE I AS WELL AS ACCESS TO THE OUTSIDE RECREATIONAL USES (TYPE I AND II) ON THE ADJACENT PROPERTY; AND "O&I-2" OFFICE AND INSTITUTIONAL DISTRICT USES IN ADDITION TO ANY OTHER ALLOWED USES UNDER THE EXISTING CONDITIONAL USE PERMIT #CU97/7.
- MAXIMUM BUILDING HEIGHT: 42 FT.
- MAXIMUM BUILDING SIZE: 20,000 SF
- FRONT BUILDING SETBACK: 30' AS MEASURED FROM ADJOINING PROPERTY TO THE EAST.
- OTHER: "O&I-2" DIMENSIONAL STANDARDS AND SETBACKS UNLESS STATED OTHERWISE.

### TRACT B:

- USE GROUP: INDOOR RECREATION TYPE I AS ALLOWED UNDER THE EXISTING CONDITIONAL USE PERMIT #CU97/7; "O&I-2" OFFICE AND INSTITUTIONAL DISTRICT PLUS:
  - ENCLOSED WAREHOUSING AND STORAGE FACILITY
  - AGRICULTURAL PRODUCT SALES AND STORAGE
  - CONTRACTOR SHOPS WITHOUT OUTDOOR STORAGE OF EQUIPMENT, MATERIALS, VEHICLES
  - MACHINERY EQUIPMENT REPAIR AND RESTORATION
  - SELF-STORAGE TYPE I AND II
  - WAREHOUSE, STORAGE, DISTRIBUTION FACILITIES
  - ENCLOSED WELDING, TINSMITTING & MACHINE SHOP
  - MANUFACTURING/PROCESSING TYPE I
  - OUTDOOR RECREATION TYPE I AND II
- MAXIMUM HEIGHT: 60 FT.
- MAXIMUM BUILDING SIZE: 50,000 SF
- FRONT BUILDING SETBACK: 30' AS MEASURED FROM ADJOINING PROPERTY TO THE EAST. SIDE SETBACK OF 7' SHALL NOT APPLY TO THE NORTH SIDE OF THE EXISTING BUILDING.
- OTHER: "O&I-2" DIMENSIONAL STANDARDS AND SETBACKS UNLESS STATED OTHERWISE.
- THE OUTSIDE STORAGE AND SALES OF PRODUCTS, MATERIALS, AND/OR EQUIPMENT SHALL NOT BE PERMITTED EITHER AS PRIMARY OR ACCESSORY USE.

### TRACT C:

- USE GROUP: "I-1" LIGHT INDUSTRIAL DISTRICT
- DIMENSIONAL STANDARDS, HEIGHT, AND BUILDING SETBACKS OF "I-1" LIGHT INDUSTRIAL IN TMC 18.60 APPLY



VICINITY MAP  
NO SCALE

PUD \_\_\_\_ / \_\_\_\_

commercial amusement and recreational activities, or by activities or operations conducted in buildings and structures not completely enclosed.

#### I-1 LIGHT INDUSTRIAL DISTRICT:

Provides for a wide range of uses except specified uses which are obnoxious or offensive by reason of odor, dust, smoke, gas or noise. The permitted uses are highly intensive. In general, residential dwellings are not permitted in this district, but there are exceptions.

#### I-2 HEAVY INDUSTRIAL DISTRICT:

Provides for the use and location of all other uses excluded in other districts except for residential dwellings. The intensity and use of land as permitted by this district is intended to facilitate the total range of industrial uses.

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### Other

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#### DOWNTOWN MIXED USE DISTRICT:

The downtown districts are unique to the downtown Topeka area and are provided to encourage a compatible mixed use activity. The D downtown districts serve to implement the downtown Topeka redevelopment plan, which is part of the city of Topeka's comprehensive metropolitan plan. For details on D-2 and D-3 Districts, see our website at [www.topeka.org/ZoningSummary](http://www.topeka.org/ZoningSummary).

#### D-1 DOWNTOWN MIXED USE DISTRICT:

Facilitates a compatible mixed use activity center within the core area of downtown Topeka. The district is predominately composed of state offices, federal facilities, commercial and retail uses. The district includes compatible residential, office, civic, and commercial retail/service uses which complement and support a high density of activity and facilitate pedestrian usage.

#### HL HISTORIC LANDMARK OVERLAY DISTRICT:

*This district provides for the designation of individual local historic landmarks. "Overlay zoning" means any zoning that functions in addition to the existing land use zoning.*

#### HD HISTORIC OVERLAY DISTRICT:

*This district provides for the designation of multiple properties as a historic district. "Overlay zoning" means any zoning that functions in addition to the existing land use zoning.*

#### PUD PLANNED UNIT DEVELOPMENT DISTRICT:

Permits greater flexibility and more creative, innovative and imaginative design for the development of areas that are generally possible under the strict application of the regulations of the other districts. An approved plan exists on file for each specific site zoned PUD and specifies development parameters for each site.

#### MS-1 MEDICAL SERVICE DISTRICT:

Provides for the location and use of a regional medical center together with related medical facilities and supporting ancillary-service uses, including residential dwellings.

#### U-1 UNIVERSITY DISTRICT:

Provides for the use of a college or university as a special zoning district.

#### MIXED USE DISTRICT:

The mixed use districts are unique to traditional neighborhood settings and are provided to encourage a compatible mixed use environment, utilizing the historic character or future character of the area. The X mixed use districts serve to implement land use plans of the Comprehensive Plan.

For details on X-1, X2, and X-3 Mixed Use Districts, see our website at [www.topeka.org/ZoningSummary](http://www.topeka.org/ZoningSummary).

## CITY OF TOPEKA



## ZONING DISTRICT SUMMARY

Specific uses are further detailed in the Zoning Matrix available at  
<https://www.topeka.org/planning/zoning-information-use-matrix/>

### DISTRICTS Residential

and  
Office, Commercial, Industrial  
are listed from  
Most Restrictive to Least Restrictive

PUBLISHED BY THE CITY OF TOPEKA  
PLANNING & DEVELOPMENT DEPARTMENT

View the complete Municipal Code Purpose Statements  
of Zoning Districts at  
<https://www.topeka.org/planning/Documents/Applications>  
or contact Planning & Development at 785-368-3728.



## Residential Districts

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### **OS-1 OPEN SPACE DISTRICT:**

Intended to preserve and protect existing and potential public park land, open land, greenways, recreational space, floodways, trails and lands that have other physical, aesthetic or cultural characteristics which preclude their inclusion in other less restrictive districts, to provide opportunities for passive and active outdoor recreation, preserve scenic views, and protect sensitive or fragile environmental areas.

### **RR-1 RESIDENTIAL RESERVE DISTRICT:**

Provides for a transitional area between urbanized development with intensive activity areas, and the rural-agricultural areas; and which is expected to become urbanized in subsequent planning periods. The limitations of this district are intended to allow for the gradual development of urban uses and activities, therefore providing for the coexistence with agricultural farmland activities based upon the availability and extension of municipal facilities and services.

### **R-1 SINGLE FAMILY DWELLING DISTRICT:**

Provides for the use of detached single-family dwellings together with specified accessory uses and other uses as may be approved.

### **R-2 SINGLE FAMILY DWELLING DISTRICT:**

Provides for the use of detached single-family dwellings together with specified accessory uses and other uses as may be approved. Maximum lot sizes and setbacks are less than in R-1 District.

### **R-3 SINGLE FAMILY DWELLING DISTRICT:**

Provides for the use of detached single-family dwellings together with specified accessory uses and to provide for an increased density through reduced site area requirements.

### **R-4 SINGLE FAMILY DWELLING DISTRICT:**

Primarily provides for the location and use of detached single-family dwellings and manufactured homes as defined, together with specified accessory and supportive uses; and to provide for housing development at affordable levels in a subdivision setting.

### **M-1 TWO FAMILY DWELLING DISTRICT:**

Provides for the use of two-family and attached single-family dwellings together with specified accessory uses. Provides a transitional use between the single-family detached dwelling districts and other, more intensive districts.

### **M-1a LIMITED MULTIPLE FAMILY DWELLING DISTRICT:**

Provides for the use of two-family dwellings, single-family attached dwellings, and multiple-family dwellings, containing not more than four dwelling units, together with specified accessory uses. Provides a transitional use between the single- and two-family dwelling districts and other, more intensive districts.

### **M-2 MULTIPLE FAMILY DWELLING DISTRICT:**

Provides for the use of attached dwelling units containing three or more dwelling units, designed and intended for individual dwellings, group or community living facilities, congregate living facilities, and including townhouse, condominium or cooperative division of ownership. Provides a transitional use between the districts of lesser and greater intensity.

### **M-3 MULTIPLE FAMILY DWELLING DISTRICT:**

Provides for multiple-family dwelling structures which are in the moderate to high density range and at heights which allow for a high intensity of use and development. The location of this district is intended to complement high activity centers such as the central business district, employment centers or other similar locations.

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## Office, Commercial, Industrial

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### **O & I - 1 OFFICE AND INSTITUTIONAL:**

Provides for a limited range of nonresidential and noncommercial uses such as general purpose office, professional, or administrative operations. The district shall not permit those uses and activities pertaining to retail product display, installation, service, repair, or maintenance unless specifically provided for within the chapter.

### **O & I - 2 OFFICE AND INSTITUTIONAL:**

Provides for a limited range of nonresidential and noncommercial uses such as general purpose office, professional, or administrative operations. The district shall not permit those uses and activities pertaining to retail product display, installation, service, repair, or

maintenance unless specifically provided for within the chapter.

### **O & I - 3 OFFICE AND INSTITUTIONAL:**

Provides for a wide range of nonresidential and noncommercial uses such as general purpose office, professional and service, or administrative operations, research, testing and development. Among others, an objective of this district is to provide for a high intensity of use of considerable magnitude and located on a sufficient land area to accommodate the factors of employment, transportation and other land use considerations. The district shall permit uses and activities pertaining to product showrooms for the display, demonstration, training, selection and sale of goods not for delivery on the premises.

### **C-1 COMMERCIAL DISTRICT:**

Provides for limited commercial facilities which serve as convenient services to a residential neighborhood or limited geographic area of the community. Shops in this district should be useful to the majority of the neighborhood residents, should be economically supportable by nearby population, and should not draw community-wide patronage. Gross floor area is limited to 10,000 sq. feet maximum.

### **C-2 COMMERCIAL DISTRICT:**

Provides for those commercial activities which serve a major segment of the total community population. In addition to a variety of retail goods and services, these centers may typically feature a number of large traffic generators that require access from major thoroughfares. Gross floor area is limited to 50,000 sq. feet maximum.

### **C-3 COMMERCIAL DISTRICT:**

Provides for those commercial activities which serve a major segment of the total community population. In addition to a variety of retail goods and services, these centers may typically feature a number of large traffic generators that require access from major thoroughfares. Less restrictive than C-2 Commercial District. Permits more commercial uses than C-2 District and "big box" stores without maximum GFA.

### **C-4 COMMERCIAL DISTRICT:**

Provides for commercial uses and activities which are intended to serve as community or regional service areas. Uses and activities permitted are typically characterized by outdoor display, storage and/or sale of merchandise, repair of motor vehicles, outdoor



John Ostrowski &lt;jmostrowski53@gmail.com&gt;

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**39th St CDL**

6 messages

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**Kevin Fulton [KDOR]** <kevin.fulton@ks.gov>  
To: John Ostrowski <jmostrowski53@gmail.com>

Tue, Sep 17, 2019 at 3:42 PM

John,

The Manager over the CDL unit let me know that they have right around 85 large vehicles (trucks, busses etc) go through that location monthly.

Hope this information was what you were needing. Let me know if you need something else.

Thank You

Kevin Fulton

Office of Financial Management | Facilities Operations

**Kansas Department of Revenue**300 SW 29<sup>th</sup> Street | Topeka, KS 66601

Phone: 785-296-2448

kevin.fulton@ks.gov | www.ksrevenue.org

**CONFIDENTIALITY STATEMENT:**

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**John Ostrowski** <jmostrowski53@gmail.com>

Tue, Sep 17, 2019 at 4:20 PM



3907 SW Burlingame Road, Topeka Kansas 66609

1 November 2019

To Whom It May Concern:

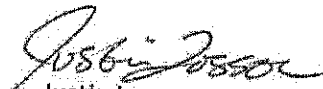
My name is Justin Losson. I am the current owner/operator of White Line CDL Training. For many years, our business has operated at the SportZone facility at 3907 SW Burlingame Road.

In addition to renting classroom space, we rent an outdoor training area from SportZone for "hands-on" training intended to prepare students to test for their CDL licenses. For this purpose, we routinely keep multiple tractor-trailers on site at the SportZone facility.

We limit our use of the northeast entrance of SportZone to when our students are taking their licensing exam. The south entrance is more convenient for our training purposes and better suits our vehicles.

If there are questions concerning this, I can be reached at 785-633-9984.

Very Truly Yours,

  
Justin Losson

White Line CDL Training

Owner/Operator



**DATE** 06 May 2020

**TO** Ms. Annie Driver, Planner  
City of Topeka Planning Department  
620 SE Madison Street, 3<sup>rd</sup> Floor, Unit 11  
Topeka, Kansas 66607  
[adriver@topeka.org](mailto:adriver@topeka.org)  
785-368-3728

**RE: OPPOSITION TO REZONING OF 3907 & 3909 SW BURLINGAME ROAD, TOPEKA, KANSAS – PUD19-2**

**FROM: TRACK A, B & C**

USE GROUP R1 WITH CONDITIONAL USE PERMIT FOR "OUTDOOR RECREATION FIELDS, RETAIL SALES AND FOOD SERVICE" AND EXISTING SPECIAL USE PERMITS FOR "PRIVATE MEMBERSHIP CLUB AND GOLF COURSE" AND "COMMUNITY BUILDING WITH ALCOHOL SALES"

**TO: TRACK A**

USE GROUP: O&I-2 OFFICE AND INSTITUTIONAL USES

**TRACK B**

USE GROUP: INDOOR RECREATION TYPE I AS ALLOWED UNDER THE EXISTING CONDITIONAL USE PERMIT CU#977; & O&I-2 OFFICE AND INSTITUTIONAL DISTRICT PLUS THE ADDITION OF THE FOLLOWING USES AS DESCRIBED IN TITLE 18.60:

- ENCLOSED WAREHOUSING AND STORAGE FACILITY
- AGRICULTURAL PRODUCT SALES AND STORAGE
- CONTRACTOR SHOPS WITHOUT OUTDOOR STORAGE OF EQUIPMENT, MATERIALS, VEHICLES
- MACHINERY EQUIPMENT REPAIR AND RESTORATION
- SELF-STORAGE TYPE I AND II
- ARTISAN MANUFACTURING
- OUTDOOR RECREATION TYPE I AND II & INDOOR RECREATION

**TRACK C**

USE GROUP: I-1 LIGHT INDUSTRIAL DISTRICT

Dear Ms. Driver,

My name is Matt Masilionis and I am Margaret Masilionis son and her representative regarding this planning matter. Margaret resides at 3901 Burlingame Road in addition to owning the adjacent home located at 3903 Burlingame Road. I have reviewed all details indicated on the attached application provided by staff.

This letter shall serve as our official letter of opposition to PUD19-2 and we officially request denial of the above referenced rezoning request from R1 to the numerous uses identified on the PUD19-2 Application for the three tracts (A, B & C) owned by T&J Land Company. In addition to notes and details below, you shall find attached, documentation supporting denial of this application.

**GENERAL SITE HISTORY (Refer to Attachment E)**

*My ancestors, Perry Foster (my great, great grandfather) and Freeman Foster (my great, great uncle), are among the original pioneer citizens of Shawnee County were involved in the planning and platting of the City of Topeka 1854 (with Freeman also a member of the State Legislature until his death on the Topeka family farm in 1897). Refer to Attachment "E".* During the mid-1800 period, Perry T Foster acquired the transfer of ownership of the property in 1860 from James Campbell (who was titled the land due to his US Navy service in the war with Mexico) as documented and recorded on June 15, 1860 from the US Department of Interior Bureau of Land Management (and executed/signature by President James Buchanan). Perry also created a portion of the land to create the Foster Cemetery, located at 3949 SW Burlingame Road, which both are buried, and which my family has been managing as a board members since its creation (with my brother, Robert, currently chairing the board). Perry Foster grandson, Francis Foster who is my grandfather and Margaret's father, was heir to the land was responsible for parceling the land in the late 1950's into the parcels of 3901, 3903, 3905, 3907 and 3909 Burlingame Road. Francis created several parcels for three family homes to reside at 3901, 3903 and 3905 Burlingame Road of which, my mother's sister, Rosemary (Foster), and husband John Palma, were the first to build and occupy at 3905 Burlingame Road in 1958. My grandparents, Francis and Blanche Foster completed their home at 3903 Burlingame in 1960. My parents, Margaret (Foster) and Leonard Masilionis constructed and occupied our family home at 3901 Burlingame Road in 1962.

In the late 1960's, my grandfather saw the opportunity to help Knights of Columbus ("Knights") build a facility which would support their faith based mission in the Topeka area, and offered to sell them a majority of the homestead. As part of the sale process to the Knights, my grandfather assisted the Knights in obtaining the conditional and special uses needed in the R1 zoning to allow for their facility as well as to provide for the proper protection of the families homes. In addition to constructing their community event space facility, the Knights also constructed baseball/softball fields and park gathering spaces near Shunganunga Creek area at the west portion of the property which provided outdoor family gathering opportunities for its members and for the city.

During the 1970's, the Knights outsourced their food services but found themselves with a vendor who created a severe tax burden after several years which the Knights became responsible for the debt and resulted in requiring the Knights sell the property to help relieve their tax debt. The property was acquired by T&J Land Company LLC.

My grandparents, Francis and Blanche Foster, both passed away in the 1980s however, the remaining "Foster" sister and her husband, Mercedes and John Croughwell acquired the property from the family and moved in immediately following my grandmother's death. In the past three years Mercedes and John moved to an elderly care home with John passing away 2 years ago allowing Margaret to purchase the home from my Mercedes and Johns estate, thereby providing the opportunity for my mother to lease the home to my niece and her new husband (Kayla and Matt Munger) and thereby allowing all three homes to remain "in the family". Of note, my father, Leonard Masilionis, passed away within a few weeks of John Croughwell after a sudden illness; after which Margaret improved her home to allow for her to reside in her home for my remaining years of her life.

Margaret Masilionis  
3901 Burlingame Road, Topeka KS 66609

## **SUMMARY OF REASONS FOR APPLICATION DENIAL**

A detailed letter of opposition to the original application was submitted last September by Margaret Masilionis and based on the minor modifications from the original application that this current application indicates, as Margaret Masilionis' agent, please accept our summary detail of opposition related to this application. The appropriate attachments provide the supporting documentation for the basis of denial (including Topeka Municipal Code and Future Land Use Map).

### **1. The applicant has shown complete disregard for the Topeka Municipal Code for many years and these ongoing violations do not warrant a change of use.**

The Sports Zone owner extended their tenancies to three other non-approved zoning uses in the facility, which are of great concern to my mother, as they are not allowed by the City Zoning Uses (*Minimasters Learning Academy Day care center; Center State Dance World dance school; White Line CDL Training Driving School*). Of greatest concern is the Commercial Truck training school which has added dangerous heavy truck traffic to the entry/exit drive to Burlingame Road and has caused near accidents at the intersection of the street in front of the homes and the intersection of the SportsZone private drive. It is critical to note that the uses which are illegal by the Topeka Municipal Code should be removed immediately to place the parcel back within the existing approved R1 Zoning with its approved conditional and special uses. The semi-trucks remain on site (in addition to maintenance occurring on site) and in clear view at all times, even during non-business hours, which is a violation of the zoning and special conditions in place. Further, the applicant is in violation of R-1 Zoning by allowing storage and parked trucks, trailers, machinery, equipment and miscellaneous trash/debris on site, which is in violation of the Municipal Code. We have addressed these violations with the owner (and staff) during the course of this application process, which began last summer, however, to date no corrective actions have occurred.

As the owner has not adhered to the Topeka Municipal Codes *for an extended period of time*, he should not be trusted to address the requirements shown on the application as *noted on the redline commentary of the application indicated on "Attachment A"*.

***This application (or applicant) should not be considered for any rezoning as the owner has been, and is currently, in violation of existing Topeka Municipal Code.***

### **2. The primary issues addressed by Margaret Masilionis on the original PUD19-2 application remain unaddressed.**

On September 5<sup>th</sup>, 2019, Margaret Masilionis formally submitted a letter of Opposition to Rezoning of 3907 & 3909 SW Burlingame Road from "R1" TO "PUD" PLANNED USE DEVELOPMENT ("I-1" LIGHT INDUSTRIAL USES) - #PUD 19/2 and identified several major issues with the application, however, these same items remain unresolved even after a subsequent neighborhood meeting in January to review the revised application. Those items noted from the original application on 9/5/19 (**with current status shown in bold below each item**) are:

- A. *Applicants Lack of Compliance with the Neighborhood Meeting Requirements to providing necessary and proper information required for a change in use (no details to provide "what" is planned and no reason "why" they are requesting a change in use and "how" it can properly include current zoning uses).*
  - **This revised application is nearly identical as the original application with the exception of incorporating O&I-1 while incorporating Industrial "I-1" uses, all of which continue to violate the existing R1 Use per the Topeka Municipal Code in addition to the fact that the revised application does not provide the required details and information for the change in use as required by the Topeka Municipal Code**
- B. *Applicants Lack of Compliance by violating the current approved zoning (including special and conditional uses) of their property by incorporating non-conforming uses which are a clear violation of city laws and compliance of as well as placing me and my family in harm's way.*
  - **The Owner has done nothing to address any of the violations other than the application denotes a minimal landscape buffer from our R1 property to the zoning uses that conflict with our R1 Zoning.**
- C. *Applicant creating an encroachment of an incompatible use of R1 Zoning which is meant for housing and living purposes free from the encroachment of incompatible uses.*
  - **The revised application continues to have incompatible uses with the existing R1 zoning.**
- D. *Applicant proposing a new PUD Zoning which does not include any R1 Uses which create a serious conflict of uses including I-1 uses*
  - **The revised application continues to have no R1 uses incorporated making the plan incompatible with our existing R1 use.**
- E. *Applicant's non-compliance with the Cities Future Land Use Plan.*
  - **The revised application remains in conflict and non-compliant with the Topeka Future Land Use Plan**

***The revised application is nearly identical to the original application from last September and the applicant (and owner) have not addressed any of the major issues identified in Margaret Masilionis' letter of Opposition on the Revised Application. Refer to the redline comments on the Site Plan application document located in Attachment A herein for further detail.***

### **3. The neighborhood meeting was invalid as the applicant did not providing any details allowing any questions or information to be processed as required by the City of Topeka as part of the Planning process.**

Understanding that one of the three primary goals of the neighborhood meeting is to "resolve concerns before the Planning Commission or Governing Body public hearing"; it is critical to note that the applicant has done nothing to address my concerns nor any of the neighbors' concerns noted at either of the meetings in September 2019 and January 2020. Not only has the owner not addressed the ongoing storage of equipment, trash/debris on site and non-conforming uses; no details have been answered by the applicant as to specific uses, planned locations and detailed relationship to my properties, nor does the application provide any ability to understand the proposed change to a Planned Unit Development with an O-I1 and O-I2 (and identified additional industrial uses) and I-1 Light Industrial Use. Section 18.190.050 of the Municipal Code details the that the application must indicate the proposed traffic circulation pattern within the development; the areas to be developed for parking; maximum height and types of business in addition to commercial and industrial use presented in tabular form in comparison to minimum applicable standards and the amount of open space included in the residential, business, commercial, and industrial areas as well as traffic circulation system; all of which are missing on the application. How are we to analyze or respond to the application with anything but to request a denial of their application since there is no real plan nor detail to provide? ***Refer to details within "Attachment B"*** which denote the major issues with ownership and this application.

***The improper detail required for the Neighborhood meeting as well as the owner/applicants lack of ability to address concerns or answer questions asked at the Neighborhood Meetings for the rezoning change invalidates the Neighborhood Meeting and the required Planning Process of Topeka.***

**4. The application is creating a violation of existing R1 Zoning**

The Topeka Municipal Code defines R1 Zoning is “for housing and living purposes free from the encroachment of incompatible uses” as defined in R-1 SINGLE FAMILY DWELLING DISTRICT. The applicant is proposing a PUD Zoning with I1 & I2 uses (in addition to the O-I2) which would create a serious conflict of uses to our homes and its R1 use as defined in the Topeka Municipal Code. Refer to details within “Attachment C” which denote the detailed conflicts of the application with our R1 Zoning.

***This application (or applicant) should not be considered for any rezoning as the application is in violation of existing R1 zoning by encroachment of incompatible uses.***

**5. The I-2 Light Industrial on Track A as well as the identified Industrial uses noted in Track B & C on the application represent an encroachment to the R1 existing zoning (including my homes) and should warrant the application be denied.**

I-1 & I-2 zoning uses are not allowed within R1 zoning nor is R1 zoning allowed within I-1 or I-2. Of note, the existing approved R1 Zoning, as detailed on the Topeka Municipal Code, details that the R1 Zoning provides for housing and living purposes free from the encroachment of incompatible uses. Refer to details within “Attachment C” of the Municipal Code Purpose Statements of Zoning Districts which denote the detailed conflicts of the application with our R1 Zoning.

***This application should not be under consideration as an encroachment of the existing R1 zoning will occur which is in violation of the Topeka Municipal Code.***

**6. The requested change from a low density R1 to an O&I2 (and with industrial uses) and I1 are major changes in density and use (from R1) which creates a grave opportunity for future conflicting uses adjacent my home which are in conflict with the Topeka Municipal Code Zoning.**

If this application were to be approved for change from the existing low density R1 to the substantial change to O&I2 (and with industrial uses) and I2 the long term result will be a mass influx of conflicting uses which are provided for within the O&I2 and I2 uses as shown on the Municipal Code Zoning documentation shown in “Attachment C”. The “floodgates” for future change will be opened to continue to change the uses of the property, which will severely and negatively, harm the adjacent home(s) which have resided with the protection of the R1 zoning use for over 60 years.

Further, the application details only the current requirement that the “THE NORTHERNMOST DRIVEWAY ENTRANCE IS ONLY FOR PASSENGER VEHICLES AND LIGHT TRUCKS. SEMI-TRACTOR TRAILERS SHALL NOT USE THIS NORTHERN ONTO BURLINGAME ROAD” which is NOT allowed currently however the owners (and their tenants) currently violate on a regular bases causing dangerous conditions and deterioration of our property values and violation of our legal rights.

***This application (or applicant) should not be considered for rezoning as the change from R1 use to the numerous, burdensome and conflicting uses will provide a loss to the protection that the R1 use has provided my family for over 60 years.***

**7. The owner of the property has not maintained the site and existing buildings**

The property and building continue to deteriorate and expose users to non-compliant codes issues leaving users to the site and facility open to risk with building facades cracked and crumbling, open wiring in public ways and tremendous amounts of trash/debris in the open parking lot. In addition, they have placed non-compliant uses which utilize heavy trucks and equipment creating dangerous traffic conflicts and deterioration of the traffic lanes which have not been designed for such uses (and they continually violate the access to the site with Semi-Truck traffic on the northern entry). Numerous broken and deteriorating trucks and semi-trailers sit throughout the site amongst the unkempt site. Sadly, it was stated by the applicant during the neighborhood meeting that one of the primary reasons they want to rezone the property is so that the owner can get his long-standing non-conforming uses to be within compliance of zoning laws, which is not proper and would validate the illegal activities which have placed me (and my neighbors) in harm's way for many years.

***This application should not be considered for any rezoning as the owner has not maintained the site and facilities which is creating unsafe and dangerous conditions.***

**8. The application is in violation of Topeka Future Land Use Map (refer to Attachment “D”)**

The Topeka Land Use Map articulates that the primary sites in question (behind my home and including to the west of the Foster Cemetery) have been designated as “Parks, Open Space and Recreation”. The land under review has always been zoned as its current R1 use since its original incorporation into the City of Topeka and Tracks A and B, which are directly behind my home are clearly identified on Topeka's Future Land Use as “Parks, Open Space and Recreation”. The ability for the applicant to ignore the Current & Future Land Use Map and immediately be allowed to place uses not identified in the Future Land Use Map should not be allowed without the proper process to request change to the Future Land Use Map. In addition, the Topeka Municipal Code Chapter 18.190 PUD PLANNED UNIT DEVELOPMENT DISTRICT, Regulation 18.190.020 denotes **A development plan shall not be inconsistent with the following general standards for use of land, and the use,** type, bulk, design and location of buildings, the density or intensity of use, the common open space, the public facilities and the development by geographic division of the site **as well as with the surrounding or adjacent properties.**

***This application should not be under consideration it violates the Topeka Future Land Use Map.***

## SUMMARY

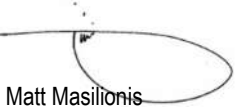
My mother and her family have lived for over 60 years with the protective zoning provided by the R1 use and this application represents a major change to much higher intensive uses (including Industrial Uses) which are improper encroachment of incompatible uses. The owner/applicant of the property have shown a complete lack of care to abiding by the Topeka Municipal Code and its regulations and these legal violations have placed my family in harm's way by placing non-compliant and incompatible uses adjacent the homes and should provide clear evidence that the owner/applicant will not, comply by the Topeka Municipal Code details indicated on the application documents.

Further, as defined herein:

- The PUD19-2 application has numerous planning issues and conflicts of uses with the Topeka Municipal Code and Future Land Use.
- The owner/applicant has shown a complete lack of care in abiding by the code or addressing any violations of the code even following formal notifications and discussions which have occurred during this past years application (and revision) process.
- The owner/applicant has/is placing the homes (3901, 3903 and 3905 Burlingame Road) in harm's way by modifying the northernmost driveway signage and then placing Semi/Heavy Truck traffic on this drive, which is still occurring today.
- The owner/applicant has no articulated design plan or identified users in place for requesting this major change in zoning nor appears to be cognizant of providing any form of proper design separations of our R1 properties to his requested Industrial uses (which the "I" uses are in direct conflict with the existing R1 use).
- The owner has not abided by the codes of Topeka and has done nothing to address the numerus violations in place; yet this application provides immense trust that owner will abide by the codes of Topeka and will not be violating any mandates detailed in the application.

Based on the detail and information contained herein related to this application, I respectfully request the City of Topeka Planning Commission to reject the Applicants Rezoning request #PUD 19/2 for 3907 & 3909 SW Burlingame Road and require the owner to return the property into conformance with the Topeka Municipal Code (and approved uses).

Sincerely,



Matt Masionis  
Son and Agent for Margaret Masionis  
10801 West 167<sup>th</sup> Street  
Overland Park, Kansas 66221  
816-210-5709 M  
[matt@rmta.biz](mailto:matt@rmta.biz)



Margaret Masionis  
3901 Burlingame Road  
Topeka, Kansas 66609  
785-266-8658 H  
[ljmasil@cox.net](mailto:ljmasil@cox.net)

Cc: Robert Masionis, [bmasionis@cox.net](mailto:bmasionis@cox.net)  
Vernon L. Jarboe, [VJarboe@sloanlawfirm.com](mailto:VJarboe@sloanlawfirm.com)

# **ATTACHMENT “AA”**

## **PUD19-2 SITE PLAN APPLICATION** **&** **COMMENTARY RESPONSE OF SITE PLAN APPLICATION**

RECORDED WITH THE SHAWNEE COUNTY REGISTER OF DEEDS

REBECCA J. NIOCE, REGISTER OF DEEDS

CERTIFICATION OF PUD MASTER PLAN APPROVAL

THIS PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN HAS BEEN REVIEWED AND APPROVED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18.130 OF THE COMPREHENSIVE ZONING REGULATIONS OF THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS AND MAY BE AMENDED ONLY AS PRESCRIBED IN TMC 18.190.070 OF AND AS SET FORTH ON THIS DOCUMENT OR AS MAY SUBSEQUENTLY BE APPROVED AND RECORDED. THIS APPROVED AND RECORDED MASTER PUD PLAN FOR SPORTS ZONE REPLACES THE SPECIAL USE PERMITS (HSP65/18 AND SPH89/13) COVERING THIS PORTION OF THE PROPERTY.

BILL FIANDER, PLANNING & DEVELOPMENT DIRECTOR

DATE

OWNER'S CERTIFICATE

T & J LAND COMPANY, LLC, OWNER, AGREES TO COMPLY WITH THE CONDITIONS AND RESTRICTIONS AS SET FORTH ON THE MASTER PUD PLAN.

IN TESTIMONY WHEREOF: THE OWNERS OF THE ABOVE DESCRIBED PROPERTY, T & J LAND COMPANY, LLC, HAS SIGNED THESE PRESENTS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

JOHN OSTROWSKI, MANAGING MEMBER  
T & J LAND COMPANY, LLC

STATE OF KANSAS) ss  
COUNTY OF SHAWNEE) ss  
BE IT REMEMBERED THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, CAME JOHN OSTROWSKI, MANAGING MEMBER, T & J LAND COMPANY, LLC, WHO IS PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE WITHIN INSTRUMENT OF WRITING, AND SUCH PERSON DULY ACKNOWLEDGED THE EXECUTION OF THE SAME.

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

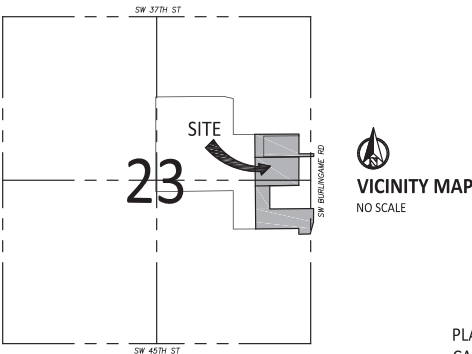
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

PROJECT INFORMATION

- TRACT A:**
- USE GROUP: "O&I-2" OFFICE AND INSTITUTIONAL DISTRICT USES; USES INVOLVING SEMI-TRACTOR TRAILER PARKING ARE NOT PERMITTED)
  - MAXIMUM BUILDING HEIGHT: 42 FT.
  - MAXIMUM BUILDING SIZE: 20,000 SF
  - FRONT BUILDING SETBACK: 30' AS MEASURED FROM ADJOINING PROPERTY TO THE EAST.
  - OTHER: "O&I-2" DIMENSIONAL STANDARDS AND SETBACKS UNLESS STATED OTHERWISE.
- TRACT B:**
- USE GROUP: INDOOR RECREATION TYPE I AS ALLOWED UNDER THE EXISTING CONDITIONAL USE PERMIT CU977; "O&I-2" OFFICE AND INSTITUTIONAL DISTRICT PLUS THE ADDITION OF THE FOLLOWING USES AS DESCRIBED IN TITLE 18.60:
    - ENCLOSED WAREHOUSING AND STORAGE FACILITY
    - AGRICULTURAL PRODUCT SALES AND STORAGE
    - CONTRACTOR SHOPS WITHOUT OUTDOOR STORAGE OF EQUIPMENT, MATERIALS, VEHICLES
    - MACHINERY EQUIPMENT REPAIR AND RESTORATION
    - SELF-STORAGE TYPE I AND II
    - ARTISAN MANUFACTURING
    - OUTDOOR RECREATION TYPE I AND II & INDOOR RECREATION TYPE II
  - MAXIMUM HEIGHT: 60 FT.
  - MAXIMUM BUILDING SIZE: 50,000 SF
  - FRONT BUILDING SETBACK: 30' AS MEASURED FROM ADJOINING PROPERTY TO THE EAST. SIDE SETBACK OF 7' SHALL NOT APPLY TO THE NORTH SIDE OF THE EXISTING BUILDING.
  - OTHER: "O&I-2" DIMENSIONAL STANDARDS AND SETBACKS UNLESS STATED OTHERWISE.
  - THE OUTSIDE STORAGE AND SALES OF PRODUCTS, MATERIALS, AND/OR EQUIPMENT SHALL NOT BE PERMITTED EITHER AS PRIMARY OR ACCESSORY USE.

- TRACT C:**
- USE GROUP: "I-1" LIGHT INDUSTRIAL DISTRICT
  - DIMENSIONAL STANDARDS, HEIGHT, AND BUILDING SETBACKS OF "I-1" LIGHT INDUSTRIAL IN TMC 18.60 APPLY



PLANNING DEPT  
CASE # 19 / 02

DESCRIPTION

ALL OF LOT 1, BLOCK A, KNIGHTS OF COLUMBUS SUBDIVISION AND A PART OF LOT 1, BLOCK A, SAINT SEBASTIAN SPORTS SUBDIVISION, IN THE CITY OF TOPEKA, SHAWNEE COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 89 DEGREES 21 MINUTES 18 SECONDS WEST A DISTANCE OF 195.17 FEET; THENCE NORTH 00 DEGREES 08 MINUTES 04 SECONDS EAST A DISTANCE OF 99.00 FEET; THENCE NORTH 89 DEGREES 51 MINUTES 56 SECONDS WEST A DISTANCE OF 658.83 FEET; THENCE NORTH 00 DEGREES 08 MINUTES 04 SECONDS EAST A DISTANCE OF 1620.46 FEET; THENCE SOUTH 89 DEGREES 45 MINUTES 51 SECONDS EAST A DISTANCE OF 678.64 FEET; THENCE SOUTH 00 DEGREES 45 MINUTES 33 SECONDS WEST A DISTANCE OF 340.54 FEET; THENCE NORTH 89 DEGREES 56 MINUTES 46 SECONDS EAST A DISTANCE OF 254.02 FEET; THENCE SOUTH 00 DEGREES 45 MINUTES 31 SECONDS WEST A DISTANCE OF 50.00 FEET; THENCE NORTH 89 DEGREES 56 MINUTES 33 SECONDS WEST A DISTANCE OF 253.76 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 37 SECONDS WEST A DISTANCE OF 490.53 FEET; THENCE NORTH 89 DEGREES 58 MINUTES 45 SECONDS WEST A DISTANCE 497.89 FEET; THENCE SOUTH 01 DEGREES 04 MINUTES 03 SECONDS WEST A DISTANCE OF 400.00 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 32 SECONDS EAST A DISTANCE OF 752.87 FEET; THENCE SOUTH 01 DEGREES 12 MINUTES 17 SECONDS WEST A DISTANCE OF 233.33 FEET; THENCE SOUTH 16 DEGREES 22 MINUTES 11 SECONDS WEST A DISTANCE OF 210.46 FEET TO THE POINT OF BEGINNING. CONTAINS 23.00 ACRES MORE OR LESS.

PERFORMANCE OBJECTIVE

PROVIDE FOR A RANGE OF USES THAT CAN BEST UTILIZE THE EXISTING BUILDINGS, AND DEVELOPED AND UNDEVELOPED LAND, WHILE ENSURING COMPATIBILITY OF USE AND DEVELOPMENT WITH ADJACENT RESIDENTIAL AND INSTITUTIONAL USES, AND OPEN SPACE.

GENERAL NOTES

- THE BASE ZONING AND STANDARDS OF EACH TRACT SHALL APPLY UNLESS STATED OTHERWISE HEREIN.
- NO BUILDING PERMITS SHALL BE ISSUED FOR NEW CONSTRUCTION OR SUBSTANTIAL CHANGE OF USE/OCCUPANCY UNTIL SITE PLAN REVIEW APPLICATIONS PURSUANT TO TMC 18.190.060(C), FOR DEVELOPMENT MEETING THE APPLICABILITY CRITERIA IN TMC 18.260.030 HAVE BEEN REVIEWED AND APPROVED BY THE PLANNING AND DEVELOPMENT DIRECTOR AND OTHER CITY DEPARTMENTS. THESE SITE PLANS SHALL ADDRESS EACH BUILDING SITE LOCATION, OFF-STREET PARKING AND CIRCULATION, FIRE HYDRANTS, LANDSCAPING, PEDESTRIAN CONNECTIVITY, EXTERNAL LIGHTING, BUILDING ARCHITECTURAL ELEVATIONS, STORMWATER, RELATIONSHIP TO ADJACENT LOTS, UTILITIES, BUS STOPS, ETC."
- NO BUILDING PERMITS FOR NEW CONSTRUCTION OR SUBSTANTIAL CHANGE OF USE/OCCUPANCY SHALL BE ISSUED UNTIL STORMWATER MANAGEMENT PLANS ARE MET AND APPROVED, INCLUDING GRANTING OF ANY NECESSARY STORMWATER MANAGEMENT EASEMENTS.
- PURSUANT TO TMC 18.190, THE APPLICANT MUST RECORD THE MASTER PUD PLAN WITH THE SHAWNEE COUNTY REGISTER OF DEEDS WITHIN SIXTY (60) DAYS UPON APPROVAL OF THE GOVERNING BODY. FAILURE BY THE APPLICANT TO RECORD THE PLAN WITHIN THE PRESCRIBED TIME PERIOD AND PROVIDE THE PLANNING DEPARTMENT WITH THE REQUIRED NUMBER OF COPIES OF THE RECORDED PLAN WITHIN NINETY (90) DAYS OF THE DATE OF ACTION BY THE GOVERNING BODY SHALL RENDER THE ZONING PETITION NULL AND VOID.
- A REPLAY MAY BE REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE FOR ANY SUBSTANTIAL CHANGE OF USE OR NEW CONSTRUCTION.
- ALL REGULATIONS OF TITLE 18, TOPEKA MUNICIPAL CODE APPLY UNLESS STATED OTHERWISE HEREIN.

UTILITY NOTES

- WATER AND SEWER SERVICE WILL BE PROVIDED BY CITY OF TOPEKA AS EXTENDED AT THE EXPENSE OF THE DEVELOPER.
- THE FIRE DEPARTMENT SHALL REVIEW AND APPROVE FUTURE PLANS SHOWING FIRE HYDRANT LOCATIONS AND FIRE ACCESS PRIOR TO THE START OF CONSTRUCTION AS PART OF BUILDING PERMIT OR SITE PLAN REVIEW.
- LIGHTING SHALL BE FULL CUT OFF, SHIELDED & RECESSED WITH CUT-OFF ANGLES TO PREVENT THE CAST OF LIGHTING BEYOND THE PROPERTY & NOT EXCEED 3 FOOT CANDLES AS MEASURED AT THE PROPERTY LINE.
- ALL UTILITIES SHALL BE PLACED UNDERGROUND PURSUANT TO THE CITY'S RIGHT-OF-WAY MANAGEMENT STANDARDS.

CIRCULATION, PARKING & TRAFFIC NOTES

- A 40 FT. SIGHT TRIANGLE, MEASURED FROM THE FACE OF CURB EXTENDED, SHALL BE MAINTAINED AT ALL ENTRANCES; NO OBSTRUCTIONS GREATER THAN (30) INCHES ABOVE GRADE OF ANY ADJACENT STREET OR ENTRANCE MAY BE PLACED WITHIN THIS AREA.
- ALL NEW DRIVES, STREETS, PARKING AREAS, APPROACHES AND WALKS SHALL BE CONSTRUCTED TO CITY OF TOPEKA STANDARDS.
- UNLESS OTHERWISE STATED HEREIN, ALL DRIVES, LANES & PRIVATELY OWNED ACCESS WAYS PROVIDING ACCESSIBILITY TO STRUCTURES, BUILDINGS AND USES WITHIN THE PLANNED UNIT DEVELOPMENT SHALL BE CONSIDERED AND SERVE AS MUTUAL RIGHTS OF ACCESS TO OWNERS, TENANTS, INVITED GUESTS, CLIENTS, EMPLOYEES, CUSTOMERS, SUPPORT AND UTILITY PERSONNEL AND EMERGENCY SERVICE PROVIDERS, INCLUDING LAW ENFORCEMENT, FIRE PROTECTION AND AMBULANCE SERVICES. ALL ACCESS WAYS PROVIDING GENERAL ACCESSIBILITY TO, AND CIRCULATION AMONG, THE USES WITHIN THE PLANNED UNIT DEVELOPMENT SHALL BE MAINTAINED AT ALL TIMES IN GOOD SERVICEABLE CONDITION WITH THE MAINTENANCE OF SAID ACCESS WAYS BEING THE RESPONSIBILITY OF THE OWNER(S).
- ACCESS OPENINGS ALONG SW BURLINGAME ROAD ARE EXISTING. ANY NEW ACCESS OPENINGS OR A CHANGE OF USE/OCCUPANCY OR SUBSTANTIAL NEW CONSTRUCTION TO AN APPROVED PUD (I-1 USE) ON TRACTS B OR C, SHALL BE APPROVED BY THE CITY OF TOPEKA TRAFFIC ENGINEER AT THE TIME OF SITE PLAN REVIEW OR BUILDING PERMIT REVIEW. A TRAFFIC IMPACT ANALYSIS (TIA) SHALL BE REQUIRED AS DETERMINED BY THE CITY OF TOPEKA TRAFFIC ENGINEER TO ADDRESS ON-SITE AND OFF-SITE ROADWAY IMPROVEMENTS AT SUCH TIME. THE NORTHERNMOST DRIVEWAY ENTRANCE IS ONLY FOR PASSENGER VEHICLES AND LIGHT TRUCKS. SEMI-TRACTOR TRAILERS SHALL NOT USE THIS NORTHERNMOST DRIVEWAY OPENING ON TO BURLINGAME ROAD. ALTERNATE ACCESS MAY BE APPROVED THROUGH THE ADJACENT PARCEL AT 4201 SW BURLINGAME ROAD PROVIDED LEGAL RIGHTS OF ACCESS ARE ESTABLISHED.
- CROSS ACCESS SHALL BE PROVIDED WITH PROPERTY TO THE WEST AS PERMITTED ON CONDITIONAL USE PERMIT #CU977.
- IF THERE IS A CHANGE IN USE ON TRACT B TO AN APPROVED I-1 LIGHT INDUSTRIAL USE AS STATED HEREIN, VEHICULAR ACCESS THROUGH AND ACROSS THE NORTHERN DRIVEWAY ENTRANCE SHALL BE PROHIBITED FOR TRACT B EXCEPT AS NECESSARY FOR FIRE DEPARTMENT AND OTHER EMERGENCY RESPONDERS. A SITE PLAN SHALL BE APPROVED BY THE PLANNING & DEVELOPMENT DEPARTMENT AT SUCH TIME DEPICTING ALTERNATE ACCESS TO SW BURLINGAME AND HOW THIS DRIVEWAY ENTRANCE IS FENCED AND GATED WITH APPROVED FIRE DEPT. ACCESS.
- PRIVATE SIGNAGE APPROVED BY THE CITY OF TOPEKA TRAFFIC ENGINEER MAY BE INSTALLED ALONG SW BURLINGAME AS NECESSARY TO ADDRESS ANY ACCESS FOR TRACTS A AND B.
- PROPERTY OWNER(S) AGREE, PURSUANT TO K.S.A. 12-6a01 et seq TO WAIVE THEIR RIGHT TO PROTEST THE ESTABLISHMENT OF A SPECIAL BENEFIT DISTRICT FOR STREET IMPROVEMENTS TO PUBLIC FRONTAGE ROADS AND/OR SW BURLINGAME ROAD.

SIGNAGE NOTES

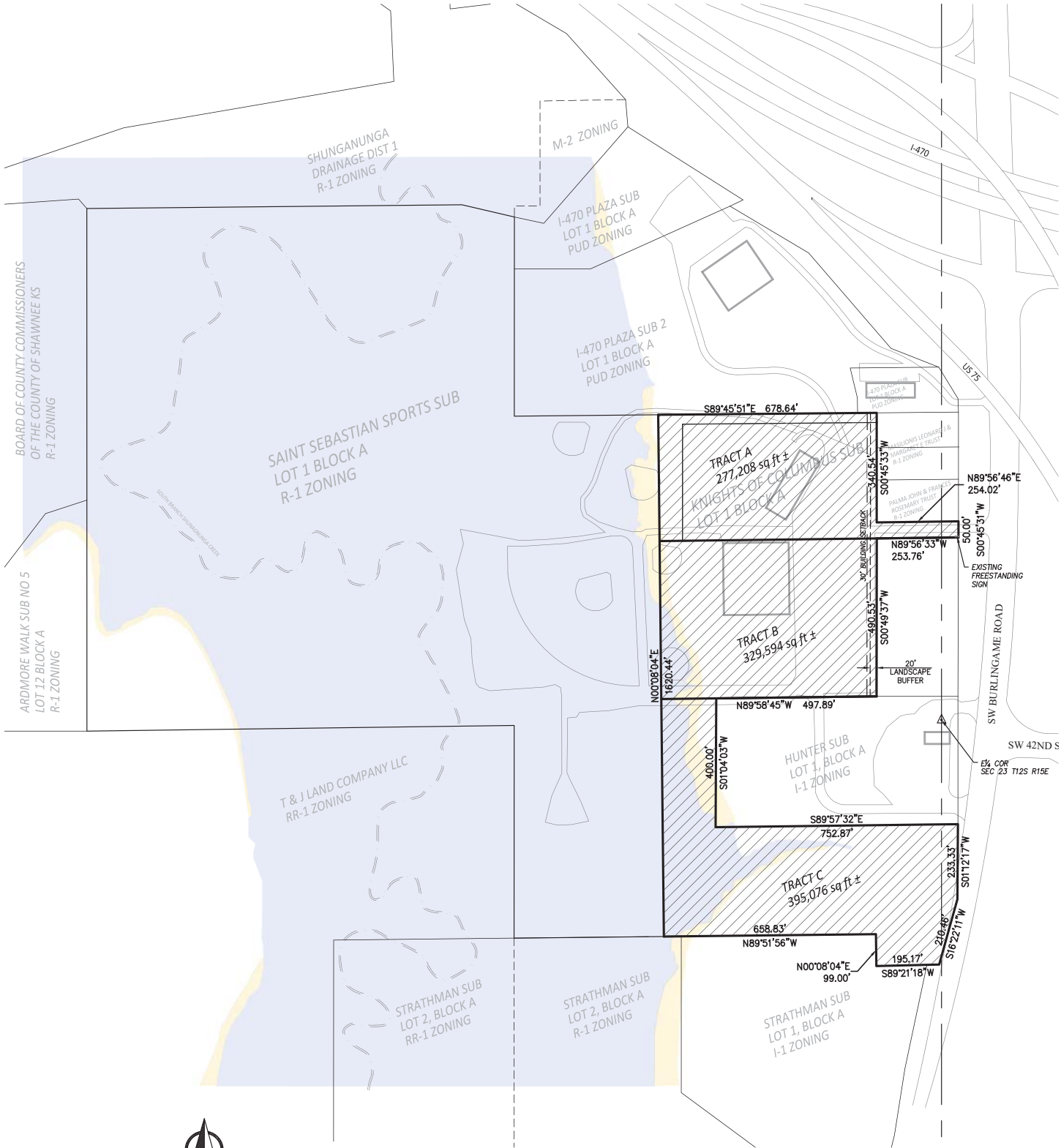
- SIGNS SHALL BE APPROVED BY SEPARATE SIGN PERMIT APPLICATION.
- ANY ALTERATION TO THE EXISTING FREESTANDING SIGN AT THE NORTHERNMOST ENTRANCE SHALL REQUIRE COMPLIANCE WITH SIGN STANDARDS APPLICABLE TO O&I-2 ZONING. UPON ANY CHANGE TO A USE NOT ALLOWED UNDER THE O&I-2 USE GROUP ON TRACTS A OR B THE EXISTING FREESTANDING SIGN SHALL BE MODIFIED AS NEEDED TO COMPLY WITH SIGN STANDARDS APPLICABLE TO THE O&I-2 ZONING CLASSIFICATION.
- ONE FREESTANDING SIGN SHALL BE ALLOWED ON TRACT C AND SUBJECT TO THE STANDARDS FOR SIGNS APPLICABLE TO O&I-2 ZONING.
- THE REGULATIONS OF TMC 18, DIVISION 2 SIGNS, APPLICABLE TO O&I-2 ZONING, SHALL GOVERN ALL OTHER SIGNS UNLESS SPECIFICALLY STATED HEREIN.
- SIGNAGE ELEVATIONS TO BE APPROVED AT THE TIME OF SIGN PERMIT APPLICATION OR AS PART OF A MASTER SIGN PLAN.

LANDSCAPING NOTES

- LANDSCAPING SHALL BE PROVIDED CONSISTENT WITH TMC 18.225 LANDSCAPE REGULATIONS. THE SPECIFIC TYPES AND QUANTITIES SHALL BE APPROVED BASED ON THE LANDSCAPE PLAN SUBMITTED AT THE SITE DEVELOPMENT PLAN REVIEW STAGE. "IN ADDITION TO THE REQUIRED LANDSCAPING POINTS, AN ATTRACTIVE MIX OF EVERGREEN TREES, SHRUBS, AND DECIDUOUS 'LARGE' TREES SHALL BE PROVIDED WHERE THE BUILDING AND/OR DEVELOPED AREA IS IMMEDIATELY ADJACENT TO RESIDENTIAL PROPERTIES AND ZONING DISTRICTS. A 20 FT. WIDE LANDSCAPE BUFFER SHALL BE PROVIDED ALONG THE EAST BOUNDARY LINE OF TRACT A AND B AND ALONG THE NORTH BOUNDARY LINE OF TRACT A AND PLANTED WITH A SERIES OF EVERGREEN PLANTINGS THAT GROW TO AT LEAST 6 FT IN HEIGHT AND SPACED TO PROVIDE A VISUAL BUFFER. IF NEW DEVELOPMENT IS PROPOSED OR THERE IS A SUBSTANTIAL CHANGE OF USE ON TRACT A OR TRACT B AS DESCRIBED ON THE PUD MASTER PLAN.
- THE CARE, MAINTENANCE, AND OWNERSHIP OF COMMON OPEN SPACE, PARKING AREAS, UTILITIES, PRIVATE STREETS, ACCESS WAYS, STORMWATER MANAGEMENT EASEMENTS, FENCING, AND LANDSCAPING SHALL BE THE RESPONSIBILITY OF THE OWNERS. ALL LANDSCAPING SHALL BE INSTALLED PURSUANT TO PHASING SCHEDULE AND PROPERLY MAINTAINED. IF ANY PORTION OF THE LANDSCAPED MATERIAL DIES, IT SHALL BE REPLACED BY THE NEXT PLANTING SEASON.

BUILDING NOTES

- BUILDING ELEVATIONS FOR NEW CONSTRUCTION OF BUILDING ADDITIONS GREATER THAN 50 PERCENT SHALL BE REVIEWED FOR CONSISTENCY WITH THE STANDARD FOR EACH USE GROUP AS INDICATED IN TMC 18.275 NON-RESIDENTIAL DESIGN STANDARDS AT THE TIME OF SITE PLAN REVIEW. TYPE C STANDARD IN TMC 18.275 APPLIES FOR TRACTS B AND C AND TYPE B STANDARD IN TMC 18.275 APPLIES TO TRACT A.
- THE LOCATION OF TRASH AND RECYCLING RECEPTACLES SHALL BE DETERMINED AT THE SITE DEVELOPMENT STAGE TO ENSURE TRASH AREAS ARE NOT OVERLY CONCENTRATED, ARE EFFECTIVELY SCREENED FROM PUBLIC AREAS, AND PROVIDE ADEQUATE CIRCULATION WITHIN THE OVERALL DEVELOPMENT. ALL SAID RECEPTACLES SHALL HAVE ENCLOSURES THAT SCREEN THE RECEPTACLES FROM VIEW AND ARE CONSTRUCTED WITH MATERIALS COMPATIBLE WITH THE ARCHITECTURAL FEATURES OF THE PRINCIPLE BUILDING.



SPORTS ZONE COMPLEX  
PLANNED UNIT DEVELOPMENT MASTER PLAN

s:\2019\p19043\CD00 (existing, Zoning and Legal Survey)19043 PUD.dwg



NOTES IN RED ITALIC ARE ISSUES WITH APPLICATION (AND OWNERS LACK OF CARE IN CONFORMING WITH TOPEKA MUNICIPAL CODE) WHICH ARE ALL DETAIL REASONS FOR DENIAL OF APPLICATION.

This Application and Plan are NOT compatible with R1 (and in conflict with Housing for R1) per Topeka Municipal Code. This Application does not conform to Topeka Future Land Use Map. Owner has been obtuse in violating the Municipal Code (and Zoning) by allowing non-allowed uses by code and operations occurring on site as well as lack of care in maintaining site by allowing storage of non-conforming use equipment, materials and trash. Owner has not maintained any access ways which includes proper signage and maintenance of vehicular ways. Further, Owner has allowed illegal Semi-truck traffic which the drive surface was not designed for allowing for further deterioration.

## DESCRIPTION

ALL OF LOT 1, BLOCK A, KNIGHTS OF COLUMBUS SUBDIVISION AND A PART OF LOT 1, BLOCK A, SAINT SEBASTIAN SPORTS SUBDIVISION, IN THE CITY OF TOPEKA, SHAWNEE COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 89 DEGREES 21 MINUTES 18 SECONDS WEST A DISTANCE OF 195.17 FEET; THENCE NORTH 00 DEGREES 08 MINUTES 04 SECONDS EAST A DISTANCE OF 99.00 FEET; THENCE NORTH 89 DEGREES 51 MINUTES 56 SECONDS WEST A DISTANCE OF 658.83 FEET; THENCE NORTH 00 DEGREES 08 MINUTES 04 SECONDS EAST A DISTANCE OF 1620.46 FEET; THENCE SOUTH 89 DEGREES 45 MINUTES 51 SECONDS EAST A DISTANCE OF 678.64 FEET; THENCE SOUTH 00 DEGREES 45 MINUTES 33 SECONDS WEST A DISTANCE OF 340.54 FEET; THENCE NORTH 89 DEGREES 56 MINUTES 46 SECONDS EAST A DISTANCE OF 254.02 FEET; THENCE SOUTH 00 DEGREES 45 MINUTES 31 SECONDS WEST A DISTANCE OF 50.00 FEET; THENCE NORTH 89 DEGREES 56 MINUTES 33 SECONDS WEST A DISTANCE OF 253.76 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 37 SECONDS WEST A DISTANCE OF 490.53 FEET; THENCE NORTH 89 DEGREES 58 MINUTES 45 SECONDS WEST A DISTANCE OF 497.89 FEET; THENCE SOUTH 01 DEGREES 03 SECONDS WEST A DISTANCE OF 400.00 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 32 SECONDS EAST A DISTANCE OF 752.87 FEET; THENCE SOUTH 01 DEGREES 12 MINUTES 17 SECONDS WEST A DISTANCE OF 233.33 FEET; THENCE SOUTH 16 DEGREES 22 MINUTES 11 SECONDS WEST A DISTANCE OF 210.46 FEET TO THE POINT OF BEGINNING. CONTAINS 23.00 ACRES MORE OR LESS.

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## GENERAL NOTES

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- NO BUILDING PERMITS FOR NEW CONSTRUCTION OR SUBSTANTIAL CHANGE OF USE/OCCUPANCY SHALL BE ISSUED UNTIL STORMWATER MANAGEMENT PLANS ARE MET AND APPROVED, INCLUDING GRANTING OF ANY NECESSARY STORMWATER MANAGEMENT EASEMENTS.
- PURSUANT TO TMC 18.190, THE APPLICANT MUST RECORD THE MASTER PUD PLAN WITH THE SHAWNEE COUNTY REGISTER OF DEEDS WITHIN SIXTY (60) DAYS UPON APPROVAL OF THE GOVERNING BODY. FAILURE BY THE APPLICANT TO RECORD THE PLAN WITHIN THE PRESCRIBED TIME PERIOD AND PROVIDE THE PLANNING DEPARTMENT WITH THE REQUIRED NUMBER OF COPIES OF THE RECORDED PLAN WITHIN NINETY (90) DAYS OF THE DATE OF ACTION BY THE GOVERNING BODY SHALL RENDER THE ZONING PETITION NULL AND VOID.
- A REPLAT MAY BE REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE FOR ANY SUBSTANTIAL CHANGE OF USE OR NEW CONSTRUCTION.
- ALL REGULATIONS OF TITLE 18, TOPEKA MUNICIPAL CODE APPLY UNLESS STATED OTHERWISE HEREIN.

## UTILITY NOTES

- WATER AND SEWER SERVICE WILL BE PROVIDED BY CITY OF TOPEKA AS EXTENDED AT THE EXPENSE OF THE DEVELOPER.
- THE FIRE DEPARTMENT SHALL REVIEW AND APPROVE FUTURE PLANS SHOWING FIRE HYDRANT LOCATIONS AND FIRE ACCESS PRIOR TO THE START OF CONSTRUCTION AS PART OF BUILDING PERMIT OR SITE PLAN REVIEW.
- LIGHTING SHALL BE FULL CUT OFF, SHIELDED & RECESSED WITH CUT-OFF ANGLES TO PREVENT THE CAST OF LIGHTING BEYOND THE PROPERTY & NOT EXCEED 3 FOOT CANDLES AS MEASURED AT THE PROPERTY LINE.
- ALL UTILITIES SHALL BE PLACED UNDERGROUND PURSUANT TO THE CITY'S RIGHT-OF-WAY MANAGEMENT STANDARDS.

## CIRCULATION, PARKING & TRAFFIC NOTES

- A 40 FT. SIGHT TRIANGLE, MEASURED FROM THE FACE OF CURB EXTENDED, SHALL BE MAINTAINED AT ALL ENTRANCES; NO OBSTRUCTIONS GREATER THAN (30) INCHES ABOVE GRADE OF ANY ADJACENT STREET OR ENTRANCE MAY BE PLACED WITHIN THIS AREA.
- ALL NEW DRIVES, STREETS, PARKING AREAS, APPROACHES AND WALKS SHALL BE CONSTRUCTED TO CITY OF TOPEKA STANDARDS.
- UNLESS OTHERWISE STATED HEREIN, ALL DRIVES, LANES & PRIVATELY OWNED ACCESS WAYS PROVIDING ACCESSIBILITY TO STRUCTURES, BUILDINGS AND USED WITHIN THE PLANNED UNIT DEVELOPMENT SHALL BE CONSIDERED AND SERVE AS MUTUAL RIGHTS OF ACCESS TO OWNERS, TENANTS, INVITED GUESTS, CLIENTS, EMPLOYEES, CUSTOMERS, SUPPORT AND UTILITY PERSONNEL AND EMERGENCY SERVICE PROVIDERS, INCLUDING LAW ENFORCEMENT, FIRE PROTECTION AND AMBULANCE SERVICES. ALL ACCESS WAYS PROVIDING GENERAL ACCESSIBILITY TO, AND CIRCULATION AMONG, THE USES WITHIN THE PLANNED UNIT DEVELOPMENT SHALL BE MAINTAINED AT ALL TIMES IN GOOD SERVICEABLE CONDITION WITH THE MAINTENANCE OF SAID ACCESS WAYS BEING THE RESPONSIBILITY OF THE OWNERS.
- ACCESS OPENINGS ALONG SW BURLINGAME ROAD ARE EXISTING. ANY NEW ACCESS OPENINGS OR A CHANGE OF USE/OCCUPANCY OR SUBSTANTIAL NEW CONSTRUCTION TO AN APPROVED PUD (P-1) USE ON TRACTS B OR C, SHALL BE APPROVED BY THE CITY OF TOPEKA TRAFFIC ENGINEER AT THE TIME OF SITE PLAN REVIEW OR BUILDING PERMIT REVIEW. A TRAFFIC IMPACT ANALYSIS (TIA) SHALL BE REQUIRED AS DETERMINED BY THE CITY OF TOPEKA TRAFFIC ENGINEER TO ADDRESS ON-SITE AND OFF-SITE ROADWAY IMPROVEMENTS AT SUCH TIME. THE NORTHERNMOST DRIVEWAY ENTRANCE IS ONLY FOR PASSENGER VEHICLES AND LIGHT TRUCKS. SEMI-TRACTOR TRAILERS SHALL NOT USE THIS NORTHERNMOST DRIVEWAY OPENING ON TO BURLINGAME ROAD. ALTERNATE ACCESS MAY BE APPROVED THROUGH THE ADJACENT PARCEL AT 4201 SW BURLINGAME ROAD PROVIDED LEGAL RIGHTS OF ACCESS ARE ESTABLISHED.
- CROSS ACCESS SHALL BE PROVIDED WITH PROPERTY TO THE WEST AS PERMITTED ON CONDITIONAL USE PERMIT #CU97/7.
- IF THERE IS A CHANGE IN USE ON TRACT B TO AN APPROVED P-1 LIGHT INDUSTRIAL USE AS STATED HEREIN, VEHICULAR ACCESS THROUGH AND ACROSS THE NORTHERN DRIVEWAY ENTRANCE SHALL BE PERMITTED FOR TRACT B EXCEPT AS NECESSARY FOR FIRE DEPARTMENT AND OTHER EMERGENCY SERVICES. A SITE PLAN SHALL BE APPROVED BY THE PLANNING & DEVELOPMENT DEPARTMENT AT SUCH TIME DEPICTING ALTERNATE ACCESS TO SW BURLINGAME AND HOW THIS DRIVEWAY ENTRANCE IS FENCED AND GATED WITH APPROVED FIRE DEPT. ACCESS.
- PRIVATE SIGNAGE APPROVED BY THE CITY OF TOPEKA TRAFFIC ENGINEER MAY BE INSTALLED ALONG SW BURLINGAME AS NECESSARY TO ADDRESS ANY ACCESS FOR TRACTS A AND B.
- PROPERTY OWNER(S) AGREE, PURSUANT TO K.S.A. 12-6401 et seq TO WAIVE THEIR RIGHT TO PROTEST THE ESTABLISHMENT OF A SPECIAL BENEFIT DISTRICT FOR STREET IMPROVEMENTS TO PUBLIC FRONTAGE ROADS AND/OR SW BURLINGAME ROAD.

## SIGNAGE NOTES

- SIGNS SHALL BE APPROVED BY SEPARATE SIGN PERMIT APPLICATION.
- ANY ALTERATION TO THE EXISTING FREESTANDING SIGN AT THE NORTHERNMOST ENTRANCE SHALL REQUIRE COMPLIANCE WITH SIGN STANDARDS APPLICABLE TO OBI-2 ZONING. UPON ANY CHANGE TO A USE NOT ALLOWED UNDER THE OBI-2 USE GROUP ON TRACTS A OR B THE EXISTING FREESTANDING SIGN SHALL BE MODIFIED AS NEEDED TO COMPLY WITH SIGN STANDARDS APPLICABLE TO THE OBI-2 ZONING CLASSIFICATION.
- ONE FREESTANDING SIGN SHALL BE ALLOWED ON TRACT C AND SUBJECT TO THE STANDARDS FOR SIGNS APPLICABLE TO OBI-2 ZONING.
- THE REGULATIONS OF TMC 18, DIVISION 2 SIGNS, APPLICABLE TO OBI-2 ZONING, SHALL GOVERN ALL OTHER SIGNS UNLESS SPECIFICALLY STATED HEREIN.
- SIGNAGE ELEVATIONS TO BE APPROVED AT THE TIME OF SIGN PERMIT APPLICATION OR AS PART OF A MASTER SIGN PLAN.

## LANDSCAPING NOTES

- LANDSCAPING SHALL BE PROVIDED CONSISTENT WITH TMC 18.235 LANDSCAPE REGULATIONS. THE SPECIFIC TYPES AND QUANTITIES SHALL BE APPROVED BASED ON THE LANDSCAPE PLAN SUBMITTED AT THE SITE DEVELOPMENT PLAN REVIEW STAGE. "IN ADDITION TO THE REQUIRED LANDSCAPING POINTS, AN ATTRACTIVE MIX OF EVERGREEN TREES, SHRUBS AND DECIDUOUS 'LARGE' TREES SHALL BE PROVIDED WHERE THE BUILDING AND/OR DEVELOPED AREA IS IMMEDIATELY ADJACENT TO RESIDENTIAL PROPERTIES AND ZONING DISTRICTS. A 20 FT. WIDE LANDSCAPE BUFFER SHALL BE PROVIDED ALONG THE EAST BOUNDARY LINE OF TRACT A AND B AND ALONG THE NORTH BOUNDARY LINE OF TRACT A AND PLANTED WITH A SERIES OF EVERGREEN PLANTINGS THAT GROW TO AT LEAST 6 FT IN HEIGHT AND SPACED TO PROVIDE A VISUAL BUFFER. IF NEW DEVELOPMENT IS PROPOSED OR THERE IS A SUBSTANTIAL CHANGE OF USE ON TRACT A OR TRACT B AS DESCRIBED ON THE PUD MASTER PLAN.
- THE CARE, MAINTENANCE, AND OWNERSHIP OF COMMON OPEN SPACE, PARKING AREAS, UTILITIES, PRIVATE STREETS, ACCESS WAYS, STORMWATER MANAGEMENT EASEMENTS, FENCING, AND LANDSCAPING SHALL BE THE RESPONSIBILITY OF THE OWNERS. ALL LANDSCAPING SHALL BE INSTALLED PURSUANT TO PHASING SCHEDULE AND PROPERLY MAINTAINED. IF ANY PORTION OF THE LANDSCAPED MATERIAL DIES, IT SHALL BE REPLACED BY THE NEXT PLANTING SEASON.

## BUILDING NOTES

- BUILDING ELEVATIONS FOR NEW CONSTRUCTION OF BUILDING ADDITIONS GREATER THAN 50 PERCENT SHALL BE REVIEWED FOR CONSISTENCY WITH THE STANDARD FOR EACH USE GROUP AS INDICATED IN TMC 18.275 NON-RESIDENTIAL DESIGN STANDARDS AT THE TIME OF SITE PLAN REVIEW. TYPE C STANDARD IN TMC 18.275 APPLIES FOR TRACTS B AND C AND TYPE B STANDARD IN TMC 18.275 APPLIES TO TRACT A.
- THE LOCATION OF TRASH AND RECYCLING RECEPTACLES SHALL BE DETERMINED AT THE SITE DEVELOPMENT STAGE TO ENSURE TRASH AREAS ARE NOT OVERLY CONCENTRATED, ARE EFFECTIVELY SCREENED FROM PUBLIC AREAS, AND PROVIDE ADEQUATE CIRCULATION WITHIN THE OVERALL DEVELOPMENT. ALL SAID RECEPTACLES SHALL HAVE ENCLOSURES THAT SCREEN THE RECEPTACLES FROM VIEW AND ARE CONSTRUCTED WITH MATERIALS COMPATIBLE WITH THE ARCHITECTURAL FEATURES OF THE PRINCIPLE BUILDING.

BOOK  
DATE

PAGE  
TIME

## RECORDED WITH THE SHAWNEE COUNTY REGISTER OF DEEDS

REBECCA J. NIOCE, REGISTER OF DEEDS

## CERTIFICATION OF PUD MASTER PLAN APPROVAL

THIS PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN HAS BEEN REVIEWED AND APPROVED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18.190 OF THE COMPREHENSIVE ZONING REGULATIONS OF THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS AND MAY BE AMENDED ONLY AS PRESCRIBED IN TMC 18.190.070 OF AND AS SET FORTH ON THIS DOCUMENT OR AS MAY SUBSEQUENTLY BE APPROVED AND RECORDED. THIS APPROVED AND RECORDED MASTER PUD PLAN FOR SPORTS ZONE REPLACES THE SPECIAL USE PERMITS (#SP65/18 AND SP#89/13) COVERING THIS PORTION OF THE PROPERTY.

## OWNER'S CERTIFICATE

T & J LAND COMPANY, LLC, OWNER, AGREES TO COMPLY WITH THE CONDITIONS AND RESTRICTIONS AS SET FORTH ON THE MASTER PUD PLAN.

IN TESTIMONY WHEREOF, THE OWNERS OF THE ABOVE DESCRIBED PROPERTY, T & J LAND COMPANY, LLC, HAS SIGNED THESE PRESENTS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

JOHN OSTROWSKI, MANAGING MEMBER  
T & J LAND COMPANY, LLC

STATE OF KANSAS) ss  
COUNTY OF SHAWNEE) ss  
BE IT REMEMBERED THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, CAME JOHN OSTROWSKI, MANAGING MEMBER, T & J LAND COMPANY, LLC, WHO IS PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE WITHIN INSTRUMENT OF WRITING, AND SUCH PERSON DULY ACKNOWLEDGED THE EXECUTION OF THE SAME.

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

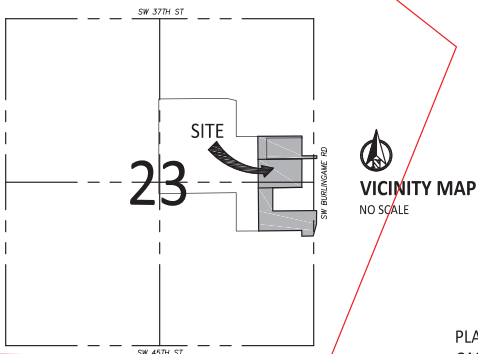
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

The Commercial Truck Operation and Daycare uses were placed on site by the owner years ago which is in violation of the Topeka Municipal Code & Zoning. The owner has violated the zoning laws of the city and created a burden to the adjacent R1 homes by the increased regular traffic and activity by these illegal uses. The owner has shown complete disregard to zoning in place and does not deserve validation of approval by this application for these non-conforming use which have burdened the adjacent homes

## PROJECT INFORMATION

- TRACT A:**
- USE GROUP: "OBI-2" OFFICE AND INSTITUTIONAL DISTRICT USES; USES INVOLVING SEMI-TRACTOR TRAILER PARKING ARE NOT PERMITTED.
  - MAXIMUM BUILDING HEIGHT: 42 FT.
  - MAXIMUM BUILDING SIZE: 20,000 SF
  - FRONT BUILDING SETBACK: 30' AS MEASURED FROM ADJOINING PROPERTY TO THE EAST.
  - OTHER: "OBI-2" DIMENSIONAL STANDARDS AND SETBACKS UNLESS STATED OTHERWISE.
- TRACT B:**
- USE GROUP: INDOOR RECREATION TYPE I AS ALLOWED UNDER THE EXISTING CONDITIONAL USE PERMIT CU97/7; "OBI-2" OFFICE AND INSTITUTIONAL DISTRICT PLUS THE ADDITION OF THE FOLLOWING USES AS DESCRIBED IN TITLE 18.60:
    - ENCLOSED WAREHOUSING AND STORAGE FACILITY
    - AGRICULTURAL PRODUCT SALES AND STORAGE
    - CONTRACTOR SHOPS WITHOUT OUTDOOR STORAGE OF EQUIPMENT, MATERIALS, VEHICLES
    - MACHINERY EQUIPMENT REPAIR AND RESTORATION
    - SELF STORAGE TYPE I AND II
    - ARTISAN MANUFACTURING
  - OUTDOOR RECREATION TYPE I AND II & INDOOR RECREATION TYPE II
  - MAXIMUM HEIGHT: 60 FT.
  - MAXIMUM BUILDING SIZE: 50,000 SF
  - FRONT BUILDING SETBACK: 30' AS MEASURED FROM ADJOINING PROPERTY TO THE EAST. SIDE SETBACK OF 7' SHALL NOT APPLY TO THE NORTH SIDE OF THE EXISTING BUILDING.
  - OTHER: "OBI-2" DIMENSIONAL STANDARDS AND SETBACKS UNLESS STATED OTHERWISE.
  - THE OUTSIDE STORAGE AND SALES OF PRODUCTS, MATERIALS, AND EQUIPMENT SHALL NOT BE PERMITTED EITHER AS PRIMARY OR ACCESSORY USE.
- TRACT C:**
- USE GROUP: "P-1" LIGHT INDUSTRIAL DISTRICT
  - DIMENSIONAL STANDARDS, HEIGHT, AND BUILDING SETBACKS OF "P-1" LIGHT INDUSTRIAL IN TMC 18.60 APPLY



PLANNING DEPT  
CASE # 19 / 02

# SPORTS ZONE COMPLEX PLANNED UNIT DEVELOPMENT MASTER PLAN

Owner has not maintained existing buildings to any degree as there are cracked and delaminated building facade materials as well as open and unsafe wiring. Buildings should be improved to properly maintained facilities (including landscape). As owner has requested new uses that are not allowed under the existing R1, any additions greater than 0% should require review and proper approvals to have owner become compliant with building codes.

Owner has continuously allowed trash, debris and misc. materials to be placed in piles around the site and parking lot for many years (and in clear view). The owner has not earned any trust that they can effectively manage the debris on site and/or maintain a site that meets with this provision.

BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF SHAWNEE KS

R-1 ZONING

ARDMORE WALK SUB NO 5  
LOT 12 BLOCK A  
R-1 ZONING

SAINT SEBASTIAN SPORTS SUB  
LOT 1 BLOCK A  
R-1 ZONING

T & J LAND COMPANY LLC  
RR-1 ZONING

STRATHMAN SUB  
LOT 2, BLOCK A  
RR-1 ZONING

STRATHMAN SUB  
LOT 1, BLOCK A  
R-1 ZONING

PHOTOS OF  
LONG-STANDING  
VIOLATIONS BY  
PROPERTY OWNERS

TRASH/DEBRIS & STORAGE

TRASH/DEBRIS & STORAGE

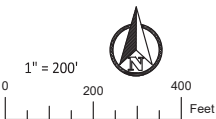
TRASH/DEBRIS & STORAGE

SEMI-TRUCK STORAGE

SEMI-TRUCK STORAGE & REPAIR

TRAILER STORAGE

TRUCK STORAGE & TRAINING  
ON SITE



100 YEAR ZONE AE

FLOODWAY

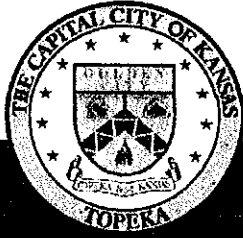
**CFS** ENGINEERS  
cfse.com

2930 SW Woodside Dr, Topeka, KS 66614  
o: 785-272-4706 f: 785-272-4736



## **ATTACHMENT “A”**

### **NOTICE OF NEIGHBORHOOD MEETING INFORMATION**



# CITY OF TOPEKA

Planning & Development Department  
620 SE Madison, Unit 11  
Topeka, KS 66607

Bill Flander, AICP, Director  
Tel: 785-368-3728  
[www.topeka.org](http://www.topeka.org)

## -- NOTICE OF PUBLIC HEARING -- (Deferred from September 2019)

The City of Topeka Planning Commission  
will conduct a Public Hearing  
**6:00 p.m., Monday, February 17, 2020**  
in the City Council Chambers,  
214 SE 8<sup>th</sup> Street, 2<sup>nd</sup> Floor, Topeka, Kansas  
in consideration of the following item.

### **Request for Zoning**

**Name of Owner/Applicant & Case Info:** T&J Land Company LLC  
Case # PUD19/02 (Sports Zone Complex PUD)

**Location of Property:** 3907 and 3909 SW Burlingame Rd  
Lot 1, Block A, Saint Sebastian Sports Subdivision & Lot 1, Block A, Knights of Columbus Subdivision

**Present Zoning Classification:** R-1 Single Family Dwelling District with existing Conditional Use Permit for "Outdoor Recreation Fields, Retail Sales, and Food Service and existing Special Use Permits for Private Membership Club with Golf Courses and Community Building with Alcohol Sales

**\*Proposed Zoning Classification:** PUD Planned Unit Development (O&I-2 uses with limited I-1 uses)

**Proposed Land Use:** No Change (speculative zoning change)

**Case Planner name and telephone number:** Annie Driver / 785.368.3728

You have been identified as being a property owner within a 200-foot radius of the property listed above. You will have an opportunity to present any comments you may have to the Planning Commission during the public hearing. You also have the right to file a formal protest of the above noted request within 14-days following the public hearing. Protest forms and instructions are available at the Planning Department.

A vicinity map and site plan identifying the subject property, along with information about the hearing procedures, has been attached for your information. If you have any questions concerning the above noted proposal, do not hesitate to contact the Topeka Planning Department.

**\*The Planning Commission may recommend a more restrictive (lower) zoning district than advertised according to the Summary of Zoning Districts.**



# ABOUT THE TOPEKA PLANNING COMMISSION HEARING

## Members of the Topeka Planning Commission

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

## Topeka Planning Staff

**Bill Fiander, AICP**  
Director of Planning &  
Development

Carlton O. Scroggins, AICP  
Transportation Planning Mgr.  
Dan Warner, AICP  
Comprehensive Planning Mgr.  
Mike Hall, AICP  
Current Planning Mgr.  
Tim Paris  
Historic Preservation Planner  
Annie Driver, AICP  
Current Planning  
Melissa Fahrenbruch  
Current Planning  
Taylor Ricketts  
Transportation Planner  
Bryson Risley  
Neighborhood Planner  
Kris Wagers  
Administrative Officer

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.

Planning Commission agendas can be viewed at:  
<https://www.topeka.org/planning/planning-commission/>

All information forwarded to the City Council can be accessed via the internet on Thursday prior to the City Council meeting at:  
<https://topeka.novusagenda.com/agendapublic/>

## HEARING PROCEDURES

Your attendance and participation in the Topeka Planning Commission 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:

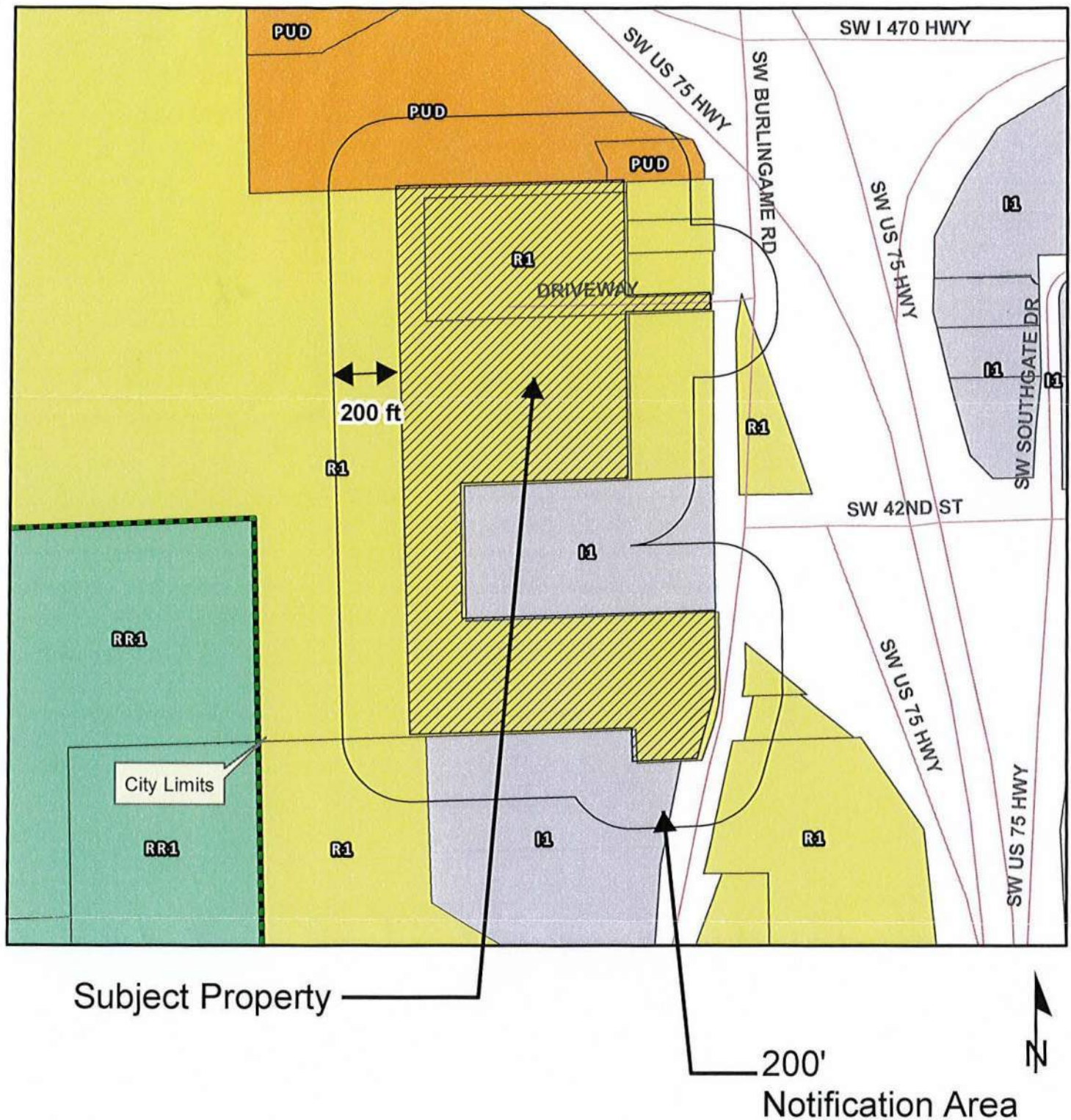
1. The Topeka Planning Staff will introduce each agenda item and present the staff report and recommendation. Commission members will then have an opportunity to ask questions of staff.
2. Chairperson will call for a presentation by the applicant followed by questions from the Commission.
3. Chairperson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



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

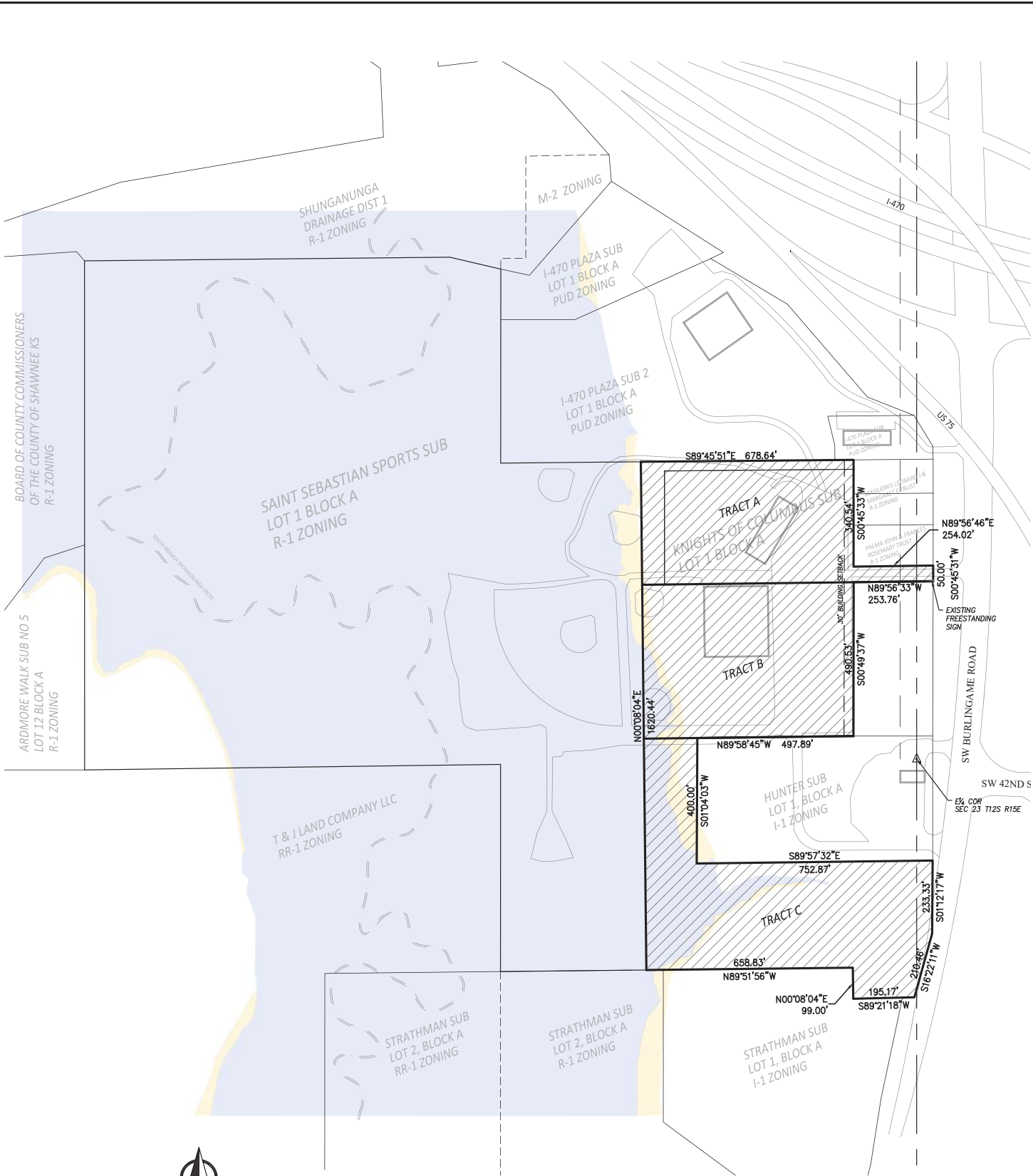
# PUD19/02 Sports Zone PUD By: T&J Land Development Co.



PUD19/02 Sports Zone PUD by: T&J Land Co. LLC, (continued from September, 2019) requesting to amend the District Zoning Map from R-1 Single Family Dwelling District with an existing Conditional Use Permit for "Outdoor Recreation Fields, Retail Sales, and Food Service" and existing Special Use Permits for "Private Membership Club with Golf Courses" and "Community Building with Alcohol Sales" **ALL TO PUD** (O&I-2 uses with limited I-1 uses) on a 23 acre property located at 3907 and 3909 SW Burlingame Road. (Driver)



4:20190901\195143\CAD\Utility\_Zoning and Legal\_Survey\195143\_PUD.dwg



# SPORTS ZONE COMPLEX PLANNED UNIT DEVELOPMENT MASTER PLAN

## DESCRIPTION

ALL OF LOT 1, BLOCK A, KNIGHTS OF COLUMBUS SUBDIVISION AND A PART OF LOT 1, BLOCK A, SAINT SEBASTIAN SPORTS SUBDIVISION, IN THE CITY OF TOPEKA, SHAWNEE COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 89 DEGREES 21 MINUTES 18 SECONDS WEST A DISTANCE OF 195.17 FEET; THENCE NORTH 00 DEGREES 08 MINUTES 04 SECONDS EAST A DISTANCE OF 99.00 FEET; THENCE NORTH 89 DEGREES 51 MINUTES 56 SECONDS WEST A DISTANCE OF 658.83 FEET; THENCE NORTH 00 DEGREES 08 MINUTES 04 SECONDS EAST A DISTANCE OF 1620.46 FEET; THENCE SOUTH 89 DEGREES 45 MINUTES 51 SECONDS EAST A DISTANCE OF 678.64 FEET; THENCE SOUTH 00 DEGREES 45 MINUTES 33 SECONDS WEST A DISTANCE OF 340.54 FEET; THENCE NORTH 89 DEGREES 56 MINUTES 45 SECONDS EAST A DISTANCE OF 254.02 FEET; THENCE SOUTH 00 DEGREES 45 MINUTES 31 SECONDS WEST A DISTANCE OF 50.00 FEET; THENCE NORTH 89 DEGREES 56 MINUTES 33 SECONDS WEST A DISTANCE OF 253.76 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 37 SECONDS WEST A DISTANCE OF 490.53 FEET; THENCE NORTH 89 DEGREES 58 MINUTES 45 SECONDS WEST A DISTANCE OF 497.89 FEET; THENCE SOUTH 01 DEGREES 04 MINUTES 03 SECONDS WEST A DISTANCE OF 400.00 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 32 SECONDS EAST A DISTANCE OF 752.87 FEET; THENCE SOUTH 01 DEGREES 12 MINUTES 17 SECONDS WEST A DISTANCE OF 233.33 FEET; THENCE SOUTH 16 DEGREES 22 MINUTES 11 SECONDS WEST A DISTANCE OF 210.46 FEET TO THE POINT OF BEGINNING. CONTAINS 23.00 ACRES MORE OR LESS.

## PERFORMANCE OBJECTIVE

PROVIDE FOR A RANGE OF USES THAT CAN BEST UTILIZE THE EXISTING BUILDINGS, AND DEVELOPED AND UNDEVELOPED LAND, WHILE ENSURING COMPATIBILITY OF USE AND DEVELOPMENT WITH ADJACENT RESIDENTIAL AND INSTITUTIONAL USES, AND OPEN SPACE. FUTURE IMPROVEMENTS FOR THE EXISTING BUILDINGS SHALL FIT INTO CERTAIN INDUSTRIAL USES.

## GENERAL NOTES

- THE BASE ZONING AND STANDARDS OF EACH TRACT SHALL APPLY UNLESS STATED OTHERWISE HEREIN.
- NO BUILDING PERMITS SHALL BE ISSUED FOR NEW CONSTRUCTION OR SUBSTANTIAL CHANGE OF USE/OCCUPANCY UNTIL SITE PLAN REVIEW APPLICATIONS PURSUANT TO TMC 18.190.060(C), FOR DEVELOPMENT MEETING THE APPLICABILITY CRITERIA IN TMC 18.260.030 HAVE BEEN REVIEWED AND APPROVED BY THE PLANNING AND DEVELOPMENT DIRECTOR AND OTHER CITY DEPARTMENTS PRIOR TO SUBMITTAL FOR BUILDING PERMITS. THESE SITE PLANS SHALL ADDRESS EACH BUILDING SITE LOCATION, OFF-STREET PARKING AND CIRCULATION, FIRE HYDRANTS, LANDSCAPING, PEDESTRIAN CONNECTIVITY, EXTERNAL LIGHTING, BUILDING ARCHITECTURAL ELEVATIONS, STORMWATER, RELATIONSHIP TO ADJACENT LOTS, UTILITIES, BUS STOPS, ETC."
- NO BUILDING PERMITS FOR NEW CONSTRUCTION OR SUBSTANTIAL CHANGE OF USE/OCCUPANCY SHALL BE ISSUED. STORMWATER MANAGEMENT PLANS ARE MET AND APPROVED, INCLUDING GRANTING OF ANY NECESSARY STORMWATER MANAGEMENT EASEMENTS.
- PURSUANT TO TMC 18.190, THE APPLICANT MUST RECORD THE MASTER PUD PLAN WITH THE SHAWNEE COUNTY REGISTER OF DEEDS WITHIN SIXTY (60) DAYS UPON APPROVAL OF THE GOVERNING BODY. FAILURE BY THE APPLICANT TO RECORD THE PLAN WITHIN THE PRESCRIBED TIME PERIOD AND PROVIDE THE PLANNING DEPARTMENT WITH THE REQUIRED NUMBER OF COPIES OF THE RECORDED PLAN WITHIN NINETY (90) DAYS OF THE DATE OF ACTION BY THE GOVERNING BODY SHALL RENDER THE ZONING PETITION NULL AND VOID.
- A REPLAT MAY BE REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE FOR ANY SUBSTANTIAL CHANGE OF USE OR NEW CONSTRUCTION.
- ALL REGULATIONS OF TITLE 18, TOPEKA MUNICIPAL CODE APPLY UNLESS STATED OTHERWISE HEREIN.

## UTILITY NOTES

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

## CIRCULATION, PARKING & TRAFFIC NOTES

- A 40 FT. SIGHT TRIANGLE, MEASURED FROM THE FACE OF CURB EXTENDED, SHALL BE MAINTAINED AT ALL ENTRANCES; NO OBSTRUCTIONS GREATER THAN (30) INCHES ABOVE GRADE OF ANY ADJACENT STREET OR ENTRANCE MAY BE PLACED WITHIN THIS AREA.
- ALL NEW DRIVES, STREETS, PARKING AREAS, APPROACHES AND WALKS SHALL BE CONSTRUCTED TO CITY OF TOPEKA STANDARDS.
- ALL DRIVES, LANES & PRIVATELY OWNED ACCESS WAYS PROVIDING ACCESSIBILITY TO STRUCTURES, BUILDINGS AND USES WITHIN THE PLANNED UNIT DEVELOPMENT SHALL BE CONSIDERED AND SERVE AS MUTUAL RIGHTS OF ACCESS TO OWNERS, TENANTS, INVITED GUESTS, CLIENTS, EMPLOYEES, CUSTOMERS, SUPPORT AND UTILITY PERSONNEL AND EMERGENCY SERVICE PROVIDERS, INCLUDING LAW ENFORCEMENT, FIRE PROTECTION AND AMBULANCE SERVICES. ALL ACCESS WAYS PROVIDING GENERAL ACCESSIBILITY TO, AND CIRCULATION AMONG, THE USES WITHIN THE PLANNED UNIT DEVELOPMENT SHALL BE MAINTAINED AT ALL TIMES IN GOOD SERVICEABLE CONDITION WITH THE MAINTENANCE OF SAID ACCESS WAYS BEING THE RESPONSIBILITY OF THE OWNER(S).
- ACCESS OPENINGS ALONG SW BURLINGAME ROAD ARE EXISTING FOR THE EXISTING USES ONLY. A CHANGE OF USE/OCCUPANCY OR SUBSTANTIAL NEW CONSTRUCTION SHALL ONLY BE APPROVED BY THE CITY OF TOPEKA TRAFFIC ENGINEER AT THE TIME OF SITE PLAN REVIEW OR BUILDING PERMIT REVIEW. A TRAFFIC IMPACT ANALYSIS (TIA) SHALL BE REQUIRED AS DETERMINED BY THE CITY OF TOPEKA TRAFFIC ENGINEER TO ADDRESS ON-SITE AND OFF-SITE ROADWAY IMPROVEMENTS. THE NORTHERNMOST DRIVEWAY IS INTENDED ONLY FOR PASSENGER VEHICLES AND LIGHT TRUCKS. SEMI-TRACTOR TRAILERS SHALL NOT USE THIS NORTHERNMOST DRIVEWAY OPENING ON TO BURLINGAME ROAD. ALTERNATE ACCESS MAY BE APPROVED THROUGH THE ADJACENT PARCEL AT 4201 SW BURLINGAME ROAD PROVIDED LEGAL RIGHTS OF ACCESS ARE ESTABLISHED.
- CROSS ACCESS SHALL BE PROVIDED WITH PROPERTY TO THE WEST AND NORTH AS ESTABLISHED BY SEPARATE MUTUAL CROSS ACCESS AGREEMENTS WITH ADJOINING PROPERTY OWNERS.

## SIGNAGE NOTES

- SIGNS SHALL BE APPROVED BY SEPARATE SIGN PERMIT APPLICATION.
- ANY ALTERATION TO THE EXISTING FREESTANDING SIGN AT THE NORTHERNMOST ENTRANCE SHALL REQUIRE COMPLIANCE WITH SIGN STANDARDS APPLICABLE TO O&I-2 ZONING. UPON ANY CHANGE TO A USE NOT ALLOWED UNDER THE O&I-2 USE GROUP ON TRACTS A OR B THE EXISTING FREESTANDING SIGN SHALL BE MODIFIED AS NEEDED TO COMPLY WITH SIGN STANDARDS APPLICABLE TO THE O&I-2 ZONING CLASSIFICATION.
- ONE FREESTANDING SIGN SHALL BE ALLOWED ON TRACT 3 AND SUBJECT TO THE STANDARDS FOR SIGNS APPLICABLE TO O&I-2 ZONING.
- THE REGULATIONS OF TMC 18, DIVISION 2 SIGNS, APPLICABLE TO O&I-2 ZONING, SHALL GOVERN ALL OTHER SIGNS UNLESS SPECIFICALLY STATED HEREIN.
- SIGNAGE ELEVATIONS TO BE APPROVED AT THE TIME OF SIGN PERMIT APPLICATION OR AS PART OF A MASTER SIGN PLAN.

## LANDSCAPING NOTES

- LANDSCAPING SHALL BE PROVIDED CONSISTENT WITH TMC 18.235 LANDSCAPE REGULATIONS. THE SPECIFIC POINTS, TYPES AND QUANTITIES SHALL BE APPROVED BASED ON THE LANDSCAPE PLAN SUBMITTED AT THE SITE DEVELOPMENT PLAN REVIEW STAGE. "AN ATTRACTIVE MIX OF EVERGREEN TREES, SHRUBS, AND DECIDUOUS 'LARGE' TREES SHALL BE PROVIDED ALONG THE PROPERTY'S STREET FRONTAGES WITHIN THE 20 FT. LANDSCAPE SETBACK AND WHERE THE BUILDING AND/OR DEVELOPED AREA IS IMMEDIATELY ADJACENT TO RESIDENTIAL PROPERTIES. A 6 FT. WIDE LANDSCAPE BUFFER SHALL BE PROVIDED ALONG THE EAST BOUNDARY LINE OF TRACT A AND B AND ALONG THE NORTH BOUNDARY LINE OF TRACT A AND PLANTED WITH A MIX OF EVERGREENS TO CREATE A VISUALLY PLEASING BUFFER. IF NEW DEVELOPMENT IS PROPOSED OR THERE IS A SUBSTANTIAL CHANGE OF USE ON TRACT A OR TRACT B AS DESCRIBED ON THE PUD MASTER PLAN.
- THE CARE, MAINTENANCE, AND OWNERSHIP OF COMMON OPEN SPACE, PARKING AREAS, UTILITIES, PRIVATE STREETS, ACCESS WAYS, STORMWATER MANAGEMENT EASEMENTS, FENCING, AND LANDSCAPING SHALL BE THE RESPONSIBILITY OF THE OWNERS. ALL LANDSCAPING SHALL BE INSTALLED PURSUANT TO PHASING SCHEDULE AND PROPERLY MAINTAINED. IF ANY PORTION OF THE LANDSCAPED MATERIAL DIES, IT SHALL BE REPLACED BY THE NEXT PLANTING SEASON.

## BUILDING NOTES

- BUILDING ELEVATIONS FOR NEW CONSTRUCTION OR BUILDING AND PARKING ADDITIONS GREATER THAN 50 PERCENT SHALL BE REVIEWED FOR CONSISTENCY WITH THE STANDARD FOR EACH USE GROUP AS INDICATED IN TMC 18.275 NON-RESIDENTIAL DESIGN STANDARDS AT THE TIME OF SITE PLAN REVIEW. TYPE C STANDARD IN TMC 18.275 APPLIES FOR TRACTS B AND C AND TYPE B STANDARD IN TMC 18.275 APPLIES TO TRACT A.
- THE LOCATION OF TRASH AND RECYCLING RECEPTACLES SHALL BE DETERMINED AT THE SITE DEVELOPMENT STAGE TO ENSURE TRASH AREAS ARE NOT OVERLY CONCENTRATED, ARE EFFECTIVELY SCREENED FROM PUBLIC AREAS, AND PROVIDE ADEQUATE CIRCULATION WITHIN THE OVERALL DEVELOPMENT. ALL SAID RECEPTACLES SHALL HAVE ENCLOSURES THAT SCREEN THE RECEPTACLES FROM VIEW AND ARE CONSTRUCTED WITH MATERIALS COMPATIBLE WITH THE ARCHITECTURAL FEATURES OF THE PRINCIPLE BUILDING.

## RECORDED WITH THE SHAWNEE COUNTY REGISTER OF DEEDS

REBECCA J. NIOCE, REGISTER OF DEEDS

## CERTIFICATION OF PUD MASTER PLAN APPROVAL

THIS PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN HAS BEEN REVIEWED AND APPROVED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18.190 OF THE COMPREHENSIVE ZONING REGULATIONS OF THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS AND MAY BE AMENDED ONLY AS PRESCRIBED IN TMC 18.190.070 OF AND AS SET FORTH ON THIS DOCUMENT OR AS MAY SUBSEQUENTLY BE APPROVED AND RECORDED. THIS APPROVED AND RECORDED MASTER PUD PLAN FOR SPORTS ZONE REPLACES THE SPECIAL USE PERMITS (HSP65/18 AND SPH89/13) COVERING THIS PORTION OF THE PROPERTY.

BILL FIANDER, PLANNING & DEVELOPMENT DIRECTOR

DATE

## OWNER'S CERTIFICATE

T & J LAND COMPANY, LLC, OWNER, AGREES TO COMPLY WITH THE CONDITIONS AND RESTRICTIONS AS SET FORTH ON THE MASTER PUD PLAN.

IN TESTIMONY WHEREOF, THE OWNERS OF THE ABOVE DESCRIBED PROPERTY, T & J LAND COMPANY, LLC, HAS SIGNED THESE PRESENTS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

JOHN OSTROWSKI, MANAGING MEMBER  
T & J LAND COMPANY, LLC

STATE OF KANSAS) ss  
COUNTY OF SHAWNEE) ss  
BE IT REMEMBERED THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, CAME JOHN OSTROWSKI, MANAGING MEMBER, T & J LAND COMPANY, LLC, WHO IS PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE WITHIN INSTRUMENT OF WRITING, AND SUCH PERSON DULY ACKNOWLEDGED THE EXECUTION OF THE SAME.

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

NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

## PROJECT INFORMATION

CURRENT ZONING: R-1,

### TRACT A:

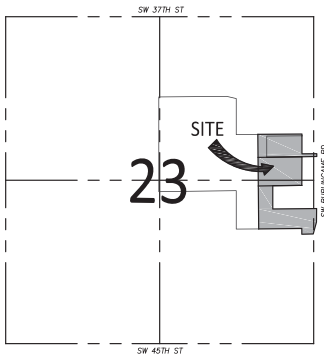
- USE GROUP: INDOOR RECREATION, TYPE I AS WELL AS ACCESS TO THE OUTSIDE RECREATIONAL USES (TYPE I AND II) ON THE ADJACENT PROPERTY; AND "O&I-2" OFFICE AND INSTITUTIONAL DISTRICT USES IN ADDITION TO ANY OTHER ALLOWED USES UNDER THE EXISTING CONDITIONAL USE PERMIT RCU97/7.
- MAXIMUM BUILDING HEIGHT: 42 FT.
- MAXIMUM BUILDING SIZE: 20,000 SF
- FRONT BUILDING SETBACK: 30' AS MEASURED FROM ADJOINING PROPERTY TO THE EAST.
- OTHER: "O&I-2" DIMENSIONAL STANDARDS AND SETBACKS UNLESS STATED OTHERWISE.

### TRACT B:

- USE GROUP: INDOOR RECREATION TYPE I AS ALLOWED UNDER THE EXISTING CONDITIONAL USE PERMIT CU97/7; "O&I-2" OFFICE AND INSTITUTIONAL DISTRICT PLUS:
  - ENCLOSED WAREHOUSING AND STORAGE FACILITY
  - AGRICULTURAL PRODUCT SALES AND STORAGE
  - CONTRACTOR SHOPS WITHOUT OUTDOOR STORAGE OF EQUIPMENT, MATERIALS, VEHICLES
  - MACHINERY EQUIPMENT REPAIR AND RESTORATION
  - SELF-STORAGE TYPE I AND II
  - WAREHOUSE, STORAGE, DISTRIBUTION FACILITIES
  - ENCLOSED WELDING, TINSMITTING & MACHINE SHOP
  - MANUFACTURING/PROCESSING TYPE I
  - OUTDOOR RECREATION TYPE I AND II
- MAXIMUM HEIGHT: 60 FT.
- MAXIMUM BUILDING SIZE: 50,000 SF
- FRONT BUILDING SETBACK: 30' AS MEASURED FROM ADJOINING PROPERTY TO THE EAST. SIDE SETBACK OF 7' SHALL NOT APPLY TO THE NORTH SIDE OF THE EXISTING BUILDING.
- OTHER: "O&I-2" DIMENSIONAL STANDARDS AND SETBACKS UNLESS STATED OTHERWISE.
- THE OUTSIDE STORAGE AND SALES OF PRODUCTS, MATERIALS, AND/OR EQUIPMENT SHALL NOT BE PERMITTED EITHER AS PRIMARY OR ACCESSORY USE.

### TRACT C:

- USE GROUP: "I-1" LIGHT INDUSTRIAL DISTRICT
- DIMENSIONAL STANDARDS, HEIGHT, AND BUILDING SETBACKS OF "I-1" LIGHT INDUSTRIAL IN TMC 18.60 APPLY



VICINITY MAP  
NO SCALE

PUD \_\_\_\_ / \_\_\_\_



commercial amusement and recreational activities, or by activities or operations conducted in buildings and structures not completely enclosed.

#### **I-1 LIGHT INDUSTRIAL DISTRICT:**

Provides for a wide range of uses except specified uses which are obnoxious or offensive by reason of odor, dust, smoke, gas or noise. The permitted uses are highly intensive. In general, residential dwellings are not permitted in this district, but there are exceptions.

#### **I-2 HEAVY INDUSTRIAL DISTRICT:**

Provides for the use and location of all other uses excluded in other districts except for residential dwellings. The intensity and use of land as permitted by this district is intended to facilitate the total range of industrial uses.

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### **Other**

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#### **DOWNTOWN MIXED USE DISTRICT:**

The downtown districts are unique to the downtown Topeka area and are provided to encourage a compatible mixed use activity. The D downtown districts serve to implement the downtown Topeka redevelopment plan, which is part of the city of Topeka's comprehensive metropolitan plan. For details on D-2 and D-3 Districts, see our website at [www.topeka.org/ZoningSummary](http://www.topeka.org/ZoningSummary).

#### **D-1 DOWNTOWN MIXED USE DISTRICT:**

Facilitates a compatible mixed use activity center within the core area of downtown Topeka. The district is predominately composed of state offices, federal facilities, commercial and retail uses. The district includes compatible residential, office, civic, and commercial retail/service uses which complement and support a high density of activity and facilitate pedestrian usage.

#### **HL HISTORIC LANDMARK OVERLAY DISTRICT:**

*This district provides for the designation of individual local historic landmarks. "Overlay zoning" means any zoning that functions in addition to the existing land use zoning.*

#### **HD HISTORIC OVERLAY DISTRICT:**

*This district provides for the designation of multiple properties as a historic district. "Overlay zoning" means any zoning that functions in addition to the existing land use zoning.*

#### **PUD PLANNED UNIT DEVELOPMENT DISTRICT:**

Permits greater flexibility and more creative, innovative and imaginative design for the development of areas that are generally possible under the strict application of the regulations of the other districts. An approved plan exists on file for each specific site zoned PUD and specifies development parameters for each site.

#### **MS-1 MEDICAL SERVICE DISTRICT:**

Provides for the location and use of a regional medical center together with related medical facilities and supporting ancillary-service uses, including residential dwellings.

#### **U-1 UNIVERSITY DISTRICT:**

Provides for the use of a college or university as a special zoning district.

#### **MIXED USE DISTRICT:**

The mixed use districts are unique to traditional neighborhood settings and are provided to encourage a compatible mixed use environment, utilizing the historic character or future character of the area. The X mixed use districts serve to implement land use plans of the Comprehensive Plan.

For details on X-1, X2, and X-3 Mixed Use Districts, see our website at [www.topeka.org/ZoningSummary](http://www.topeka.org/ZoningSummary).

## **CITY OF TOPEKA**



## **ZONING DISTRICT SUMMARY**

Specific uses are further detailed in the Zoning Matrix available at  
<https://www.topeka.org/planning/zoning-information-use-matrix/>

### **DISTRICTS**

**Residential**

and

**Office, Commercial, Industrial**

are listed from

Most Restrictive to Least Restrictive

PUBLISHED BY THE CITY OF TOPEKA  
PLANNING & DEVELOPMENT DEPARTMENT

View the complete Municipal Code Purpose Statements  
of Zoning Districts at

<https://www.topeka.org/planning/Documents/Applications>

or contact Planning & Development at 785-368-3728.

## Residential Districts

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### **OS-1 OPEN SPACE DISTRICT:**

Intended to preserve and protect existing and potential public park land, open land, greenways, recreational space, floodways, trails and lands that have other physical, aesthetic or cultural characteristics which preclude their inclusion in other less restrictive districts, to provide opportunities for passive and active outdoor recreation, preserve scenic views, and protect sensitive or fragile environmental areas.

### **RR-1 RESIDENTIAL RESERVE DISTRICT:**

Provides for a transitional area between urbanized development with intensive activity areas, and the rural-agricultural areas; and which is expected to become urbanized in subsequent planning periods. The limitations of this district are intended to allow for the gradual development of urban uses and activities, therefore providing for the coexistence with agricultural farmland activities based upon the availability and extension of municipal facilities and services.

### **R-1 SINGLE FAMILY DWELLING DISTRICT:**

Provides for the use of detached single-family dwellings together with specified accessory uses and other uses as may be approved.

### **R-2 SINGLE FAMILY DWELLING DISTRICT:**

Provides for the use of detached single-family dwellings together with specified accessory uses and other uses as may be approved. Maximum lot sizes and setbacks are less than in R-1 District.

### **R-3 SINGLE FAMILY DWELLING DISTRICT:**

Provides for the use of detached single-family dwellings together with specified accessory uses and to provide for an increased density through reduced site area requirements.

### **R-4 SINGLE FAMILY DWELLING DISTRICT:**

Primarily provides for the location and use of detached single-family dwellings and manufactured homes as defined, together with specified accessory and supportive uses; and to provide for housing development at affordable levels in a subdivision setting.

### **M-1 TWO FAMILY DWELLING DISTRICT:**

Provides for the use of two-family and attached single-family dwellings together with specified accessory uses. Provides a transitional use between the single-family detached dwelling districts and other, more intensive districts.

### **M-1a LIMITED MULTIPLE FAMILY DWELLING DISTRICT:**

Provides for the use of two-family dwellings, single-family attached dwellings, and multiple-family dwellings, containing not more than four dwelling units, together with specified accessory uses. Provides a transitional use between the single- and two-family dwelling districts and other, more intensive districts.

### **M-2 MULTIPLE FAMILY DWELLING DISTRICT:**

Provides for the use of attached dwelling units containing three or more dwelling units, designed and intended for individual dwellings, group or community living facilities, congregate living facilities, and including townhouse, condominium or cooperative division of ownership. Provides a transitional use between the districts of lesser and greater intensity.

### **M-3 MULTIPLE FAMILY DWELLING DISTRICT:**

Provides for multiple-family dwelling structures which are in the moderate to high density range and at heights which allow for a high intensity of use and development. The location of this district is intended to complement high activity centers such as the central business district, employment centers or other similar locations.

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## Office, Commercial, Industrial

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### **O & I - 1 OFFICE AND INSTITUTIONAL:**

Provides for a limited range of nonresidential and noncommercial uses such as general purpose office, professional, or administrative operations. The district shall not permit those uses and activities pertaining to retail product display, installation, service, repair, or maintenance unless specifically provided for within the chapter.

### **O & I - 2 OFFICE AND INSTITUTIONAL:**

Provides for a limited range of nonresidential and noncommercial uses such as general purpose office, professional, or administrative operations. The district shall not permit those uses and activities pertaining to retail product display, installation, service, repair, or

maintenance unless specifically provided for within the chapter.

### **O & I - 3 OFFICE AND INSTITUTIONAL:**

Provides for a wide range of nonresidential and noncommercial uses such as general purpose office, professional and service, or administrative operations, research, testing and development. Among others, an objective of this district is to provide for a high intensity of use of considerable magnitude and located on a sufficient land area to accommodate the factors of employment, transportation and other land use considerations. The district shall permit uses and activities pertaining to product showrooms for the display, demonstration, training, selection and sale of goods not for delivery on the premises.

### **C-1 COMMERCIAL DISTRICT:**

Provides for limited commercial facilities which serve as convenient services to a residential neighborhood or limited geographic area of the community. Shops in this district should be useful to the majority of the neighborhood residents, should be economically supportable by nearby population, and should not draw community-wide patronage. Gross floor area is limited to 10,000 sq. feet maximum.

### **C-2 COMMERCIAL DISTRICT:**

Provides for those commercial activities which serve a major segment of the total community population. In addition to a variety of retail goods and services, these centers may typically feature a number of large traffic generators that require access from major thoroughfares. Gross floor area is limited to 50,000 sq. feet maximum.

### **C-3 COMMERCIAL DISTRICT:**

Provides for those commercial activities which serve a major segment of the total community population. In addition to a variety of retail goods and services, these centers may typically feature a number of large traffic generators that require access from major thoroughfares. Less restrictive than C-2 Commercial District. Permits more commercial uses than C-2 District and "big box" stores without maximum GFA.

### **C-4 COMMERCIAL DISTRICT:**

Provides for commercial uses and activities which are intended to serve as community or regional service areas. Uses and activities permitted are typically characterized by outdoor display, storage and/or sale of merchandise, repair of motor vehicles, outdoor

DATE 18 February 2020

TO Ms. Annie Driver, Planner  
City of Topeka Planning Department  
620 SE Madison Street, 3<sup>rd</sup> Floor, Unit 11  
Topeka, Kansas 66607  
[adriver@topeka.org](mailto:adriver@topeka.org)  
785-368-3728

RE: **NEIGHBORHOOD MEETING MINUTES from 1/27/2020 FOR  
REZONING APPLICATION OF 3907 & 3909 SW BURLINGAME ROAD, TOPEKA, KANSAS – PUD19-2**

FROM: R1 WITH CONDITIONAL USE PERMIT FOR "OUTDOOR RECREATION FIELDS, RETAIL SALES AND FOOD SERVICE" AND EXISTING SPECIAL USE PERMITS FOR "PRIVATE MEMBERSHIP CLUB AND GOLF COURSE" AND "COMMUNITY BUILDING WITH ALCOHOL SALES"

TO: PUD with O-I2 and I1 and Business & Vocational School (Track A)  
PUD with O-I2 and I1 and supplemental light industrial uses (Track B)  
PUD with I1 Light Industrial Uses (Track C)

Dear Ms. Driver,

Knowing the applicant has deferred his application for rezoning of the above mentioned application (from the original February Planning Commission meeting schedule on 17 February 2020) as well as not seeing any documentation to date from the applicant regarding the Neighborhood Meeting, I thought it would be prudent to provide you my meeting minute note details so that this can be incorporated into the public record for this application.

The Neighborhood meeting began at approximately 5:15 PM on January 27<sup>th</sup>, 2020 in the reception area of the driver license bureau tenant, located at 3907 Burlingame Road.

Attending the meeting:

- Annie Driver, Planner, City of Topeka
- Kristina Ericksen, Traffic Engineer, City of Topeka
- Both owners of the property were there for most of the meeting
- John Palma (3905 Burlingame Road) and his Daughter, Julie Ireland
- Margaret Masilionis (3901 & 3903 Burlingame Road) along with sons; Matthew (Margaret's representative), Daniel and Robert (or Bob)
- Later in the meeting, Michael Hall, Current Planning Manager, joined the meeting (about 30-45 minutes into the meeting)
- *Of note, Bob Masilionis is the Foster Cemetery President (and represented the Cemetery Property), Julie Ireland is the Foster Cemetery Secretary*

Items Discussed:

1. Ms. Driver noted that all neighbors received an updated Notice of Public hearing document in their mail. She presented a base summary of the zoning change which was referenced by a 24x36 drawing of the submitted change (attached SportsZone PUD Masterplan.pdf). In her summary, she noted:
  - a. *The applicant adjusted the plan from the original September application to indicate that Track A & B, are now changed to be a PUD with O & I2 use (as well as additional specified I1-Industrial Uses) & Track C would be PUD with I1 use.*
  - b. *She indicated that the modified uses as shown on the document provided in the Notice of Public Hearing (which is also on the attached 20200127 SportsZone PUD 19-2 Revised .pdf)*
2. Kevin Holland, the Applicant representative did not add anything else (at this time).
3. John Palma & Julie Ireland, representing 3905 Burlingame Road, asked where the traffic study that was requested at last fall's planning commission meeting.
  - a. *Kevin noted that a study was not needed since the uses have not changed and that they could not complete a study of their plan as they did not know what it will be. He noted that Kristina was here to listen to the meeting and assist, if possible with questions.*
    - i. *Kristina did not add any comments, which upset John Palma and Julie Ireland as they noted that is what the Planning Commission requested*
    - ii. *Julie added that the truck traffic, which is not allowed on the property at all and was noted as such last on the original application last September, continues to this day unabated on site and with full access along the road between 3905 Burlingame & Foster Cemetery. No reply comments from Applicant or Annie*
4. Robert Masilionis, who is the President of the Board for Foster Cemetery, noted that their remains a large pile of debris, numerous building materials and large caterpillar equipment in the parking lot next to the cemetery which has been there for over a year and sits adjacent the cemetery property which looks horrible and not allowed by Topeka Municipal Code. He inquired why the owner of SportsZone is allowed to violate the codes and why this has not been addressed by the owner even though this was communicated during last fall's original application.
  - a. *The owner noted that he thought that the Caterpillar was there for snow removal, perhaps, but was not aware of the other items.*
    - i. *Matt Masilionis corrected him and noted the caterpillar has not moved since last September (when I noted it on site) and that regardless if it was used for snow removal (which it is not) that the equipment is not allowed on the site at all and is in violation of zoning.*
    - ii. *Annie noted that she did not know where and what this was, to which the neighbors all noted to her that she could not miss it on site and could clearly see it when she left the building.*
5. Robert Masilionis noted that at the planning commission meeting last September when the original application was under review, Ms. Driver presented to the Planning Commission that the neighborhood was accepting of the proposed application during the September Neighborhood meeting; which was completely inaccurate as he was at the meeting where he noted that Margaret Masilionis voiced strong objections to the applicant which was also followed up with a letter noting her opposition to the application
  - a. *Annie said that she did not believe she had said that, but Robert noted that it was even written that way in the Planning Commission meeting minutes.*
  - b. *Matt Masilionis noted that Annie's comments at the planning commission about the neighborhood meeting were incorrect and could have misled the commission. Matt noted he was disappointed that this occurred as it appeared staff may have not been listening to the neighborhood meeting comments correctly or had not read the submitted letter of opposition document from my mother, as no mention of the neighbor opposition was noted in the staff report on the original application. Matt noted that this oversight appeared to be disrespectful of Margaret and the Palma family and may have provided an easier path for staff to support the application by an owner who has allowed non-conforming, illegal use activities on the SportsZone property.*
6. Matt Masilionis articulated the items noted on the letter of major opposition from Margaret which was delivered to Ms. Driver at the end of the meeting:
  - a. *There is no detailed information provided by the applicant regarding their intended plan, which is required by the change in use and required for the neighborhood meeting. The application documents provide only basic information for the requested zoning change designation from R1 to a Planned Unit Development with O&I-1 and I-1 Industrial Uses on their Tracks A, B and C. The application does not provide any details required by the Municipal code for: exact types of intended uses, location of uses, size of uses, access of*



uses to the site, details as to how the plan would be planned with the existing uses and neighborhood. The lack of any detail required by the code and missing on the application does not provide the ability to understand or comment on the application for the proposed change to a Planned Unit Development. As such, the neighborhood meeting does not meet the basis of a proper application which is step one of the planning process and should disavow the application.

- b. The owner of the property has non-conforming zoning tenant uses in place, those being a Truck Driving School (which has large semi-tractor trucks regularly visiting and remaining on-site), Day Care Center and Dance School; all of which are in clear violation of zoning uses and laws. The existing uses are completely illegal and need to be removed immediately to place the parcel back within the existing approved R1 Zoning and its approved conditional and special uses. Further, the continued access and storage of trucks and commercial vehicles on its property is in violation Chapter 18.210.020, which indicates storage of truck, truck bodies, trailers, tractors, machinery and commercial vehicles is not allowed. This application (or applicant) should not be considered for any rezoning as the owner is currently in violation of existing zoning.
  - c. The I-1 Light Industrial use designated in the application represent an encroachment to the R1 existing zoning (including my homes) as I-1 zoning is not allowed within R1 zoning nor is R1 zoning allowed within I-1. Of note, the existing approved R1 Zoning, as detailed on the Topeka Municipal Code, details that the R1 Zoning provides for housing and living purposes free from the encroachment of incompatible uses. This application should not be under consideration as an encroachment of the existing R1 zoning is obvious from applicants intended uses.
  - d. The application is in violation of Topeka Future Land Use Map, which articulates that the site in question behind my home (and including to the west of the Foster Cemetery) has been designated as "Parks, Open Space and Recreation". As such, the application should not be under consideration it violates the Topeka Future Land Use Map.
7. Kevin and Annie both asked Matts what should be done to help address the application, which he noted:
- a. Have the owner immediately Correct the illegal activities not allowed by Zoning. I noted these items were clearly articulated in writing of these violations on the original application last September and during the Planning Commission meeting (which my mother's notes were part of the meeting documentation) yet they have done nothing to address. I added that the updated ambiguous application which has wording placing obligations to the owner/applicant that they will comply with the City of Topeka's requirements, but that the owner has not complied with Municipal Codes in the past and places the adjacent homes in further peril. He noted that the owner's ignorance of the existing Municipal codes for a long period places them legally liable for their actions and they should not be allowed to move forward with any new application until they conform to the Municipal Code of Topeka.
    - i. Kevin noted that they are doing something to address the non-compliant uses, which is the revised application will amend the zoning to allow the uses in place.
      1. Matt noted that that process is improper and an immoral and that the city should not allow a violator to be accommodated for his illegal actions (current and past)
  - b. Prepare a proper plan that addresses how my mother (and uncles) existing R1 is not being harmed or encroached by the application (and noted that "I" type occupancies are encroachments per the city code)
    - i. Kevin asked me how I would design the site to achieve this, which I responded that it is the owner and applicant requirement to meet the Municipal Codes and Processes properly. I noted that it was up to the owner to properly prepare a design that would address the four primary items (indicated Item #6 above), and which had also been identified in last Septembers letter of opposition from Margaret, but has been ignored on this revised application. Matt also noted that the applicant and owners should meet directly with the property owners to obtain their support BEFORE moving forward.
8. Mr. Hall asked what could be done to help make things move forward:
- a. Matt noted that he and his mother had reasons to be concerned, as staff recommended approval to the Planning Commission of the original application last fall and also misrepresented the neighbor's opposition to the original application. Further, it appeared that staff may have overlooked Margaret's details and facts in her letter of opposition at last fall's Planning Commission meeting as her questions or details were not addressed in the staff report.
    - i. Annie noted that she did not believe that she had the documentation from Margaret in time before the Planning Commission, which Margaret noted she hand delivered the package to Annie before the time that Annie required (in addition to Matt emailing the complete documentation to Annie several hours earlier in the day).
      1. Matt noted that Ms. Driver's comment was reason to be concerned for his mother and Aunt/Uncle as Margaret had had digitally and hand delivered her document as directed by Ms. Driver last September.
  - b. Matt noted that the owner must address the four primary items (indicated Item #6 above), which had also been identified in last Septembers letter of opposition from Margaret and have been completely ignored on this revised application.
  - c. Matt noted that the applicant and owners should meet directly with the property owners to obtain their support BEFORE moving forward.
9. At about 5:45, the Tenant (driver license bureau) noted they had been to close the office and go home as it was past 5:30 and asked if the meeting could continue somewhere else; which fragmented the meeting and the meeting forum was ended.

My notes above constitute my understanding and details discussed at the Neighborhood Meeting regarding this matter.

Please contact me with any questions.



Matt Masilionis  
Son and Agent for Margaret Masilionis  
10801 West 167<sup>th</sup> Street  
Overland Park, Kansas 66221  
816-210-5709 M  
[matt@rmta.biz](mailto:matt@rmta.biz)



Margaret Masilionis  
3901 Burlingame Road  
Topeka, Kansas 66609  
785-266-8658 H  
[ljmasil@cox.net](mailto:ljmasil@cox.net)

Cc: Robert Masilionis, [bmasilionis@cox.net](mailto:bmasilionis@cox.net)  
Vernon L. Jarboe, [VJarboe@sloanlawfirm.com](mailto:VJarboe@sloanlawfirm.com)

DATE: 27 JANUARY 2020

TO: City of Topeka Planning Department  
Attn: Annie Driver, Planner  
620 SE Madison, 3<sup>rd</sup> Floor, Unit 11  
Topeka, KS 66607  
785.368.3728  
adriver@topeka.org

REF: NEIGHBORHOOD MEETING OF #PUD19/2 - REQUESTED CHANGE IN ZONING FOR 3907 & 3909 SW BURLINGAME ROAD

FROM: R1 WITH CONDITIONAL USE PERMIT FOR "OUTDOOR RECREATION FIELDS, RETAIL SALES AND FOOD SERVICE" AND EXISTING SPECIAL USE PERMITS FOR "PRIVATE MEMBERSHIP CLUB AND GOLF COURSE" AND "COMMUNITY BUILDING WITH ALCOHOL SALES"

TO: PUD/PLANNED UNIT DEVELOPMENT (I-1-LIGHT INDUSTRIAL USES)

Dear Ms. Driver,

This letter shall clarify, in writing, my major objection to the application for rezoning of 3907 & 3909 Burlingame Road. It appears that this current application is the same as the original application from last fall, to which I provided my verbal opposition at the last neighborhood meeting and planning commission meeting as well as providing specific reasons and supporting evidence against the application which includes:

1. **There is no plan nor information provided by the applicant regarding their intended plan**, other than just a zoning change designation to a Planned Unit Development with an I-1 Light Industrial Use. The applicant has not provided any details of exact types of intended uses, location of uses, size of uses, access of uses to the site as well as providing any detail as to how the plan would be planned with the existing uses and neighborhood. The complete lack of any detail by the applicant does not provide any ability to understand, nor comment, on the application for the proposed change to a Planned Unit Development with an I-1 Light Industrial Use.  
*As the application contains no detail to understand the development, the neighborhood meeting does not meet any basis of a proper application to comment on, nor discuss or address any concerns as no detail is provided by the applicant, step one of the planning process is not being met by the applicant disavowing the application.*
2. **The owner of the property has non-conforming zoning tenant uses in place**, those being a Truck Driving School (which has large semi-tractor trucks regularly visiting and remaining on-site), Day Care Center and Dance School; all of which are in clear violation of zoning uses and laws. The existing uses are completely illegal and need to be removed immediately to place the parcel back within the existing approved R1 Zoning (with its approved conditional and special uses). Further, the continued access and storage of trucks and commercial vehicles on its property is in violation Chapter 18.210.020 (which indicates storage of truck, truck bodies, trailers, tractors, machinery and commercial vehicles is not allowed).  
*This application (or applicant) should not be considered for any rezoning as the owner is currently in violation of existing zoning.*
3. **The I-1 Light Industrial use designated in the application represent an encroachment to the R1 existing zoning** (including my homes) as I-1 zoning is not allowed within R1 zoning nor is R1 zoning allowed within I-1. Of note, the existing approved R1 Zoning, as detailed on the Topeka Municipal Code, details that the R1 Zoning provides for housing and living purposes free from the encroachment of incompatible uses.  
*This application should not be under consideration as an encroachment of the existing R1 zoning is obvious from applicants intended uses.*
4. **The application is in violation of Topeka Future Land Use Map**, which articulates that the site in question behind my home (and including to the west of the Foster Cemetery) has been designated as "Parks, Open Space and Recreation".  
*This application should not be under consideration it violates the Topeka Future Land Use Map.*

The items denoted above have been articulated and details with clear evidence from my response to you from the original application to this property last fall; of which, all the major issues and critical problems remain. I respectfully request that the City of Topeka and the planning staff force the owner of the property to correct its existing zoning problems in addition to rejecting the application for the clear regulation and legal issues stated above.

Sincerely,



Margaret Masilionis  
3901 & 3903 Burlingame Road  
Topeka, Kansas 66609



## **ATTACHMENT “B”**

### **Topeka Neighborhood Meeting Requirements Process**

## City of Topeka

### Citizen Participation Process

*This process is in addition to any State-mandated public notification procedures for Planning Commission and Governing Body public hearings. For example, all zonings require notifying property owners within 200' of the subject property, at least 20 days before the public hearing.*

#### **GOALS:**

- To ensure all property owners, residents, businesses, and organizations potentially affected by a proposed land development have the opportunity to comment on and understand development proposals before the public hearing.
- To allow for ongoing communication between the developer and potentially affected citizens during the early stages of a land development process, and provide the developer with an opportunity to answer questions, gather comments, consider input, and resolve concerns before the Planning Commission or Governing Body public hearing.
- To provide guidelines and expectations to applicants and developers for gathering citizen input on their proposals.

**Types of projects required to comply with these procedures:** All land development applications requiring approval by the Governing Body; including re-zonings, Conditional Use Permits, Planned Unit Development Plans, major amendments to Planned Unit Development Plans, vacations, and major subdivision plats. Affordable housing tax credit projects that require re-zoning, are on land exempt from zoning, build additional units, or convert existing market-rate units are also required a NIM.

➤ *Minimum notification criteria for projects:*

- Properties < 3 acres should notify land owners within 300' and neighborhood organizations within ½ mile of the subject property. A neighborhood information meeting (NIM) is required.
- Properties 3 acres or > should notify land owners within 500' and neighborhood organizations within ½ mile of the subject property. A neighborhood information meeting (NIM) is required.

*\*The notification area for properties contiguous to the city limits should extend 1000'. These notification areas may be adjusted for certain actions (e.g. vacations) as determined at the discretion of the Planning Director.*

A neighborhood information meeting may be required, but is not intended for actions of a technical or administrative nature (e.g. minor re-zonings, minor PUD amendments, minor plats, site development plans, etc.) not deemed to impact land owners within or beyond the required notification area, as determined by the Planning Director.

**Steps in the Citizen Participation Process:**

- 1. Pre-Application Meeting:** Planning Department staff informs the applicant of the citizen participation process requirements for the requested action and provides direction. The NIM may be held, and in some cases is encouraged, prior to the application submittal.
- 2. Citizen Notices:** Applicants may submit information for notices before or at the time of application, but always after a pre-application meeting. The City will create the notice for the applicant prior to, or at the time of, application submittal. The applicant is responsible for mailing meeting notices to those identified, with a copy sent to the Planning Department and City Council representative.

**A. Notice shall include:**

- The requested action
- Neighborhood meeting time, date and place
- Contact information for owner or developer
- Subject property location and acreage
- Existing zoning
- City Comprehensive Plan designation
- Brief scope of the project
- City Council representative and district
- Date of Planning Commission hearing
- Information for citizens seeking to submit questions in advance, if unable to attend the meeting
- City staff planner contact information

**B.** Notice should be sent to all property owners in the identified notification area (300' or 500' radius). Planning Department staff will provide the applicant with a list of property owner mailing labels and the notice with a map of the notification area.

**C.** Notify City-registered neighborhood organizations and City Council representative within ½ mile of the subject property.

**D.** The applicant is not required to but may publish the notice in the newspaper or other media outlets. The Planning Dept will publish the notice on the City website.

**3. Neighborhood Information Meeting:**

- A.** The neighborhood information meeting may be held before or after submitting an application, but always after a pre-application meeting with planning staff. The

neighborhood information meeting date, location, and time should be confirmed with the Planning Department at the time of the application submittal. An ADA accessible location is required.

- B. Meetings should be held within the neighborhood, desirably, no more than one mile from the property and at a public location accessible to all affected residents (e.g., schools, community centers, churches, public businesses, etc.). The meeting may be held on-site if it is practical and convenient for the public to do so. The applicant is responsible for scheduling the meeting location provided the location meets the above requirements. Staff will provide assistance in selecting a location at the pre-application meeting.
- C. Meetings should be scheduled during early evening hours on weekdays (excluding Friday), and should not conflict with City Council or Planning Commission meetings.
- D. The applicant should mail notices at least 15 days before the meeting.
- E. The neighborhood meeting should be scheduled no fewer than 20 days before the Planning Commission or Governing Body public hearing, to give the applicant time to address concerns raised at the meeting.
- F. The applicant/developer will facilitate the meeting, set-up the facility (i.e. information providing, information gathering/feedback; Q&A, etc.) and will provide all materials and equipment for meeting. The applicant is responsible for taking notes and attendance at the meeting. The applicant should be prepared to adjust their meeting format depending on the number of attendees.
- G. City Planning staff will attend the meeting. The City planner will introduce the action requested, explain the process including the ways in which stakeholders may provide input, and will then turn the meeting over to the applicant for a short presentation and to respond to questions. The City planner will be available to answer direct code related questions. The City planner will not address questions concerning the staff recommendation.

4. **Citizen Participation Report:** This is the developer's report to the City. It must be submitted to City staff prior to the date the Planning Department mails out its recommendation to the Planning Commission. Staff will review this report and include it with the staff report that is mailed to the Planning Commission.

A. Report must shall include:

- Summary of neighborhood information meetings held, including date, location, meeting notices, sign-in sheets, number of attendees, and results of the meeting.
- Summary of citizen questions, concerns, input, issues, and problems expressed, and how these have been addressed, including any changes to the project. Include concerns the applicant is unable or unwilling to address.
- Copies of all comment letters, petitions, and other pertinent information received from residents and other parties.

- B.** Summary report must be signed and dated by applicant or their designated representative



## TYPES OF PROJECTS REQUIRING A MEETING:

*(The process is in addition to any State-mandated public notification requirements.)*

- \* Projects that need Governing Body approval, specifically:
  - ⇒ Rezoning/Conditional Use Permits
  - ⇒ Planned Unit Development plans
  - ⇒ Major subdivision plats
  - ⇒ Affordable Housing Tax Credit Projects
  - ⇒ Vacations of streets, alleys, easements

### Minimum Notification Area:

*(may be adjusted for some projects):*

- ⇒ Properties less than 3 acres require notification of landowners within 300 ft.
- ⇒ Properties 3 acres or greater require notification of landowners within 500 ft.
- ⇒ Neighborhood organizations in 1/2 mile

*For further information on the Citizen Participation Process and the complete procedures, visit the Planning Department webpage at: <http://www.topeka.org/Planning/nim.shtml>*

## GOALS:

*For the Applicant:*

- ◆ To allow open communication between the developers and neighborhood residents during the early stages of a land development proposal and to **give the applicant a chance to answer questions and resolve concerns from residents prior to the Planning Commission public hearing.**

*For the Neighborhood:*

- ◆ To give affected property owners, business owners, and organizations an early opportunity to **ask questions and provide input on development proposals.** No one knows a neighborhood better than its residents and with continued collaboration there is greater chance of the proposal being welcomed into the area.

*For the City:*

- ◆ City staff attend the meeting as observers, take notes, and answer land development code questions. Planning staff will ultimately evaluate the proposal based upon accepted land use planning principles, compliance with the City Comprehensive Zoning Regulations and conformance to the City's Comprehensive Plan. Staff makes a recommendation on the proposal to the City's Planning Commission.

## CITY OF TOPEKA'S

### Citizen Participation Process:

*A Guide to Neighborhood Information Meetings for Applicants and Citizens*



### Contact:

Topeka Planning Department  
Annie Driver, AICP, Planner II  
Off: 785.368.3010  
Email: [adriver@topeka.org](mailto:adriver@topeka.org)

## Step 1: Set the meeting

1. Set date and time after completing a pre-application meeting on the project with the Planning Department.
2. Generally, the date should allow at least 15 days notification of the meeting and be scheduled 20 days prior to the Planning Commission hearing. Meetings should be held on weekdays and early evenings, excluding Tuesdays/Fridays.
3. City staff will create notice and provide mailing labels after confirming meeting date, location, and time.
4. The applicant mails notices to all property owners within the designated radius and to all City-registered neighborhood organizations within 1/2 mile.
5. The applicant may publish the notice in media outlets. City staff will post the notice on Planning Department's webpage.



## Step 2: Prepare the Meeting

- The meeting is set-up and facilitated by the developer. The meeting should allow for a brief presentation on the project by the applicant and a question/answer period.
- City staff attends the meeting to initially to describe the development process and answer any city code related questions.
- Typical neighborhood meetings are 30 minutes to 1 hour, but may be longer depending on the complexity of the specific project. The meeting should continue as long as there are questions to be addressed, but should be no longer than 2 hours.
- The applicant answers questions, keeps attendance and is the primary record taker at the meeting. Meeting notes are intended to capture key questions and ideas, but are not a verbatim record of minutes.
- The applicant and City staff may wrap up the meeting by reviewing meeting notes, and addressing next steps and meeting dates.

## Step 3: Report of Meeting

- Address information and issues gathered from the meeting.
- Compile meeting notes and prepare a summary of the meeting to include: citizen questions, concerns, input, problems, issues, and ideas.
- Submit summary report to the City staff at least 15 days before the Planning Commission hearing.
- Meeting summary report to include copies of letters or petitions received from residents.



## **ATTACHMENT “C”**

### **Topeka Municipal Code Applicable Documentation**

# Municipal Code Purpose Statements of Zoning Districts – City of Topeka, Kansas

## **RESIDENTIAL**

**MOST  
RESTRICTIVE  
ZONING**



### **OS-1 OPEN SPACE DISTRICT:**

The open space district is intended to preserve and protect existing and potential public park land, open land, greenways, recreational space, floodways, trails and lands that have other physical, aesthetic or cultural characteristics which preclude their inclusion in other less restrictive districts. It is intended that these areas provide opportunities for passive and active outdoor recreation, preserve scenic views, and protect sensitive or fragile environmental areas. It is further the intent of this district to protect these areas from urban, non-open space or incompatible development.

### **RA-1 RURAL AGRICULTURE DISTRICT:**

Repealed by Ord. 19602

### **RR-1 RESIDENTIAL RESERVE DISTRICT:**

This district is established to provide for a transitional area between urbanized development with intensive activity areas, and the rural-agricultural areas; and which is expected to become urbanized in subsequent planning periods. The limitations of this district are intended to allow for the gradual development of urban uses and activities, therefore providing for the coexistence with agricultural farmland activities based upon the availability and extension of municipal facilities and services. Such urban development will be permitted at appropriate intensity-density levels to assure that public improvement expenditures are appropriately planned for in advance of the conversion to urban uses.

**Existing R1  
Zoning Use**

### **R-1 SINGLE FAMILY DWELLING DISTRICT:**

This district is established to provide for the use of detached single-family dwellings together with specified accessory uses and other uses as may be approved. It is intended that the character and use of this district be for housing and living purposes free from the encroachment of incompatible uses.

### **R-2 SINGLE FAMILY DWELLING DISTRICT:**

This district is established to provide for the use of detached single-family dwellings together with specified accessory uses and other uses as may be approved. It is intended that the character and use of this district be for housing and living purposes free from the encroachment of incompatible uses.

### **R-3 SINGLE FAMILY DWELLING DISTRICT:**

This district is established to provide for the use of detached single-family dwellings together with specified accessory uses and to provide for an increased density that will promote compact housing development at affordable levels through reduced site area requirements, lot size and optional public improvement design standards. This district shall be established in conjunction with an approved subdivision which provides for the minimum standards set forth in these regulations.

### **R-4 SINGLE FAMILY DWELLING DISTRICT:**

The primary purpose for the establishment of this district is to provide for the location and use of detached single-family dwellings and manufactured homes as defined, together with specified accessory and supportive uses; and to provide for housing development at affordable levels in a subdivision setting. This district may be established in conjunction with an approved plat of subdivision for development in accordance with the provisions of the dimensional requirements and general lot requirements established in TMC [18.230.020](#).

### **M-1 TWO FAMILY DWELLING DISTRICT:**

This district is established to provide for the use of two-family and attached single-family dwellings together with specified accessory uses. The purpose of this district is intended to provide for a housing type and arrangement that is distinguished from the single-family detached dwellings and multifamily dwellings provided for elsewhere in these regulations. The location of this district is

## Municipal Code Purpose Statements of Zoning Districts – City of Topeka, Kansas

further intended to provide a transitional use between the single-family detached dwelling districts and other districts which are more intensive.

### **M-1a LIMITED MULTIPLE FAMILY DWELLING DISTRICT:**

This district is established to provide for the use of two-family dwellings, single-family attached dwellings, and multiple-family dwellings, containing not more than four dwelling units, together with specified accessory uses. This district is intended to provide a transitional use buffer in locations between the single- and two-family dwelling districts and other districts which are more intensive.

### **M-2 MULTIPLE FAMILY DWELLING DISTRICT:**

This district is established to provide for the use of attached dwelling units containing three or more dwelling units, designed and intended for individual dwellings, group or community living facilities, congregate living facilities, and including townhouse, condominium or cooperative division of ownership. The location of this district is further intended to provide a transitional use between the districts of lesser and greater intensity.

### **M-3 MULTIPLE FAMILY DWELLING DISTRICT:**

It is the purpose of this district to provide for multiple-family dwelling structures which are in the moderate to high density range and at heights which allow for a high intensity of use and development. The location of this district is intended to complement high activity centers such as the central business district, employment centers or other similar locations. Since this district will have high levels of pedestrian activity, special attention must be directed to providing a pleasant, safe and efficient pedestrian environment.

## **OFFICE, COMMERCIAL, INDUSTRIAL**

### **O & I - 1 OFFICE AND INSTITUTIONAL:**

This district is established to provide for a limited range of nonresidential and noncommercial uses such as general purpose office, professional, or administrative operations. The district shall not permit those uses and activities pertaining to retail product display, installation, service, repair, or maintenance unless specifically provided for within the chapter. Among others, an objective of this district is to provide for a transitional buffer between the districts of lesser and greater intensity; and to restrict the intensity of use to a low to moderate range and to encourage a compatible design with the adjacent use and development.

**Requested  
Zoning Use  
Change**

### **O & I - 2 OFFICE AND INSTITUTIONAL:**

This district is established to provide for a limited range of nonresidential and noncommercial uses such as general purpose office, professional, or administrative operations. The district shall not permit those uses and activities pertaining to retail product display, installation, service, repair, or maintenance unless specifically provided for within the chapter. Among others, an objective of this district is to provide for a transitional buffer between the districts of lesser and greater intensity; and to restrict the intensity of use to a low to moderate range and to encourage a compatible design with the adjacent use and development.

### **O & I - 3 OFFICE AND INSTITUTIONAL:**

This district is established to provide for a wide range of nonresidential and noncommercial uses such as general purpose office, professional and service, or administrative operations, research, testing and development. Among others, an objective of this district is to provide for a high intensity of use of considerable magnitude and located on a sufficient land area to accommodate the factors of employment, transportation and other land use considerations. The district shall permit uses and activities pertaining to product showrooms for the display, demonstration, training, selection and sale of goods not for delivery on the premises. Product installation, service, repair and maintenance is not permitted in the district.



# Municipal Code Purpose Statements of Zoning Districts – City of Topeka, Kansas

## **C-1 COMMERCIAL DISTRICT:**

This district is established to provide for limited commercial facilities which are to serve as convenient services to a residential neighborhood or limited geographic area of the community. Shops in this district should be useful to the majority of the neighborhood residents, should be economically supportable by nearby population, and should not draw community-wide patronage. The location of this district will be determined based upon the compatibility and design considerations of the limited geographic area affected.

## **C-2 COMMERCIAL DISTRICT:**

This district is established to provide for those commercial activities which serve a major segment of the total community population. In addition to a variety of retail goods and services, these centers may typically feature a number of large traffic generators that require access from major thoroughfares. The extent and range of activities permitted are in the moderate to medium intensity range with a ground floor area limitation.

## **C-3 COMMERCIAL DISTRICT:**

This district is established to provide for those commercial activities which serve a major segment of the total community population. In addition to a variety of retail goods and services, these centers may typically feature a number of large traffic generators that require access from major thoroughfares. The extent and range of activities permitted are in the moderate to medium intensity range.

## **C-4 COMMERCIAL DISTRICT:**

This district is established to provide for commercial uses and activities which are intended to serve as community or regional service areas. Uses and activities permitted are typically characterized by outdoor display, storage and/or sale of merchandise, by repair of motor vehicles, by outdoor commercial amusement and recreational activities, or by activities or operations conducted in buildings and structures not completely enclosed. The extent and range of activities permitted are highly intensive and therefore special attention must be directed toward buffering the negative aspects of these uses upon any residential use.

## **C-5 COMMERCIAL DISTRICT:**

Converted to D-1 downtown district. Ordinance 20062

## **I-1 LIGHT INDUSTRIAL DISTRICT:**

This district is established to provide for a wide range of uses except specified uses which are obnoxious or offensive by reason of odor, dust, smoke, gas or noise. The extent and range of uses are highly intensive. Residential dwellings are not permitted in this district except for on-site caretakers or watchmen or correctional placement residence or facility, limited or general.

## **I-2 HEAVY INDUSTRIAL DISTRICT:**

This district is established to provide for the use and location of all other uses excluded in other districts except for residential dwellings. The intensity and use of land as permitted by this district is intended to facilitate the total range of industrial uses.

LEAST  
RESTRICTIVE  
ZONING

Requested  
Zoning Use  
Change

# Municipal Code Purpose Statements of Zoning Districts – City of Topeka, Kansas

## OTHER

### **DOWNTOWN MIXED USE DISTRICT:**

The downtown districts are unique to the downtown Topeka area and are provided to encourage a compatible mixed use activity. The D downtown districts serve to implement the downtown Topeka redevelopment plan, which is part of the city of Topeka's comprehensive metropolitan plan.

### **D-1 DOWNTOWN MIXED USE DISTRICT:**

The purpose of this district is to facilitate a compatible mixed use activity center within the core area of downtown Topeka. The district is predominately composed of state offices, as well as local and federal facilities, commercial and retail uses. The district includes compatible residential, office, civic, and commercial retail/service uses which complement and support a high density of activity and facilitate pedestrian usage.

### **D-2 DOWNTOWN MIXED USE DISTRICT:**

The purpose of this district is to integrate a compatible mixed use activity with urban residential neighborhoods. The district includes a balance of compatible residential, office, cultural, and neighborhood commercial retail/service uses of low to moderate intensity that complement and support neighborhood residential areas and pedestrian usage.

### **D-3 DOWNTOWN MIXED USE DISTRICT:**

The purpose of this district is to reestablish the linkage between downtown and the Kansas River through intensive redevelopment of the area north of Crane Street to the Kansas River. The district includes housing, commercial and office uses that emphasize the relationship between downtown and the river, as well as expand cultural opportunities in the general downtown area.

### **HL HISTORIC LANDMARK OVERLAY DISTRICT:**

*This district provides for the designation of individual local historic landmarks. The overlay-zoning district does not change the base zoning classification of the subject property, but, attaches preservation responsibilities that are only applicable to the property.*

**“Overlay zoning” means any zoning that functions in addition to the existing land use zoning, as in the case of local historic landmark or local historic district zoning.**

### **HD HISTORIC OVERLAY DISTRICT:**

*This district provides for the designation of multiple properties as a historic district. Historic district designation does not change the base zoning of underlying properties, but requires submission and compliance of district preservation design guidelines.*

**“Overlay zoning” means any zoning that functions in addition to the existing land use zoning, as in the case of local historic landmark or local historic district zoning.**

### **PUD PLANNED UNIT DEVELOPMENT DISTRICT:**

This district is established to permit greater flexibility and more creative, innovative and imaginative design for the development of areas that are generally possible under the strict application of the regulations of the other districts. It is further intended to promote more economical and efficient use of the land while providing for a pleasing and harmonious development and environment, including opportunities to provide for a high level of urban amenities, and the preservation of open spaces.

The regulations of this district are intended to encourage the use of this district in order to integrate multiple uses into the development; to adapt the proposed use(s) to meet the conditions of the site; and to affect certain economics in public facilities. The requirements contained herein are set forth to provide for such development on other than a lot-by-lot basis.

Due to the nature and implications of a district zone which provides for such a broad spectrum of land use and a more challenging responsibility of the delivery of public services, considerations and quasijudicial deliberations relating to the compatibility of the district to a particular site shall permit greater discretionary review and broad latitude in applying conditions and limitations for a permitted development. The compliance with all standards set forth in this division and the submittal of all specified documents and data shall not entitle an applicant to this district classification.

## Municipal Code Purpose Statements of Zoning Districts – City of Topeka, Kansas

### **MS-1 MEDICAL SERVICE DISTRICT:**

This district is established to provide for the location and use of a regional medical center together with related medical facilities and supporting ancillary-service uses, including residential dwellings. It is not the purpose nor the intention of this zoning district to preclude the similar use of land or buildings as provided herein from other districts as may be permitted by this division.

### **U-1 UNIVERSITY DISTRICT:**

This district is established to provide for the use of a college or university as a special zoning district. All development, redevelopment or enlargements shall be in accordance with an approved master development plan.

### **MIXED USE DISTRICT:**

The mixed use districts are unique to traditional neighborhood settings and are provided to encourage a compatible mixed use environment, utilizing the historic character or future character of the area. The X mixed use districts serve to implement land use plans of the Comprehensive Plan.

### **X-1 MIXED USE DISTRICT:**

This district facilitates a compatible mixed use activity center within a traditional residential neighborhood. The district includes a balance of compatible residential, office, civic, and neighborhood commercial retail/service uses of low to moderate intensity that complement and support dense neighborhood residential areas and pedestrian usage with quality urban design.

### **X-2 MIXED USE DISTRICT:**

This district facilitates a mixed use area that transitions from a higher intensity industrial use area to lower intensity neighborhood-scale residential areas and includes a balance of compatible residential, office, commercial service, and light industrial uses.

### **X-3 MIXED USE DISTRICT:**

This district facilitates a destination-oriented mixed use district in the area known as the North Crossings area of North Topeka that serves as the northern entertainment/cultural anchor of downtown. The objectives of the district include:

- (1) Improving the area as a 24-hour destination for urban, cultural, entertainment, community, and residential experiences; and
- (2) Retention and attraction of businesses, workplaces and residences through adaptive reuse and rehabilitation of existing buildings as a preference; and
- (3) Redeveloping vacant and under-utilized properties through appropriately scaled in-fill development; and
- (4) High quality development and urban design standards that maintain a sense of history, human scale, and pedestrian-orientation.

Existing  
R1 Zoning  
Allowed  
uses

Requested  
Zoning Uses  
(In addition to  
R1 Uses)

Residential

		<div>Approval Levels</div> <div><div>• = Allowed Use</div><div>S = Allowed per Special Use Requirements under Chapter 18.225</div><div>S/C = If unable to meet Special Use Requirements, may apply for CUP.</div><div>C = Conditional Use Permit (CUP) approved by Governing Body</div></div>																								
# = See Definition in Chapter 18.55 Topeka Municipal Code		See Design Standards for "X" & "D" Districts																								
Use	Description	R-1/R-2/R-3 Single Family Dwelling	R-4 Manufactured Homes	M-1 Two Family Dwelling	M-1a Limited Multiple Family Dwelling	M-2 Multiple Family Dwelling	M-3 Multiple Family Dwelling	O&I-1 - Office And Institutional	O&I-2 - Office And Institutional	O&I-3 - Office And Institutional	C-1 Commercial	C-2 Commercial	C-3 Commercial	C-4 Commercial	I-1 Light Industrial	I-2 Heavy Industrial	U-1 University	MS-1 Medical Service	X-1 Mixed Use	X-2 Mixed Use	X-3 Mixed Use	D-1 Downtown Mixed Use	D-2 Downtown Mixed Use	D-3 Downtown Mixed Use	RR-1 Residential Reserve	OS-1 Open Space
Residential		Districts																								
Assisted Living Facility #	has individual living units where at least 6 persons receive personal/nursing care. Refer to TMC18.225 Dwelling Units on main floor	C	C	C	C	•	•	•	•	•	-	-	-	-	-	-	-	•	C	C	C	S	C	-	C	-
Bed & Breakfast Home #	owner-occupied home with up to 4 guest rooms	C	-	C	C	S	S	-	-	-	-	-	-	-	-	-	-	C	•	C	•	•	•	C	C	-
Bed & Breakfast Inn #	single-family dwelling for up to 10 guests	C	-	C	C	S/C	S/C	C	C	C	•	•	•	•	•	•	-	C	•	C	•	•	•	C	C	-
Boarding House #	dwelling where lodging, with or without food, for 6 - 20 persons is provided	-	-	-	-	C	•	-	-	-	-	-	-	-	-	-	-	•	C	C	C	•	C	-	-	-
Caretaker's Residence		-	-	-	-	-	-	-	-	-	-	-	•	•	•	•	•	-	-	-	-	-	-	-	-	-
Community Living Facility, Type I #	dwelling operation for short-term residential care for improving living skills	-	-	-	-	-	C	-	•	•	-	•	•	•	-	-	-	•	-	-	-	•	-	-	-	-
Community Living Facility, Type II #	dwelling operation for residential care providing an intermediate and primary treatment setting	-	-	-	-	-	-	-	C	•	-	•	•	•	-	-	-	C	-	-	-	•	-	-	-	-
Correctional Placement Residence or Facility General #	residential/rehabilitation facility occupied by more than 15 individuals	-	-	-	-	-	C	-	C	C	-	-	C	C	C	C	-	C	-	-	-	-	-	-	-	-
Correctional Placement Residence or Facility Limited #	residential/rehabilitation facility occupied by 3 to 15 individuals	-	-	-	-	C	C	C	C	C	-	-	-	-	-	-	-	C	-	C	-	-	-	-	-	-
Crisis Center, Type I #	may include meals and merchandise to residents	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	•	-	C	-	C	C	-	-	-
Crisis Center, Type II #	facility used for immediate human social service functions including meals, merchandise or shelter	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	C	-	-	-
Dwelling, Detached Single-Family #		•	-	•	•	•	•	-	-	-	-	-	-	-	-	-	-	-	•	•	•	•	-	•	-	•
Dwelling, Attached Single-Family #		-	-	•	•	•	•	-	-	-	-	-	-	-	-	-	-	-	•	•	•	•	-	•	-	-
Dwelling, Two-Family # (Duplex)		-	-	•	•	•	•	-	-	-	-	-	-	-	-	-	-	-	•	•	•	•	-	•	-	-
Dwelling, Three/Four-Family	includes 3-4 unit row or town houses #	-	-	-	•	•	•	-	-	-	-	-	-	-	-	-	-	-	•	•	•	•	-	•	-	-
Dwelling, Multiple-Family #	structure with at least 5 units	-	-	-	-	•	•	-	-	-	-	-	-	-	-	-	-	-	•	C	C	•	S	•	•	-
Dwelling, Accessory #	secondary to primary dwelling, not exceeding 600 sq. ft.	-	-	•	•	•	•	-	-	-	-	-	-	-	-	-	-	-	•	•	•	•	-	-	-	-
Dwelling Units Above Ground Floor or Basement	other than medical care & community living facility	-	-	-	-	-	-	•	•	•	•	•	•	•	-	-	-	-	•	•	•	•	•	•	•	-
Dwelling Units on main floor	subordinate to principal non-residential uses. Refer to TMC18.225	-	-	-	-	-	-	S	S	S	S	S	S	S	-	-	-	-	S	S	S	S	S	S	S	-
Group Home #	licensed dwelling for up to 8 with disability & 1 or 2 staff	•	•	•	•	•	•	-	-	-	-	-	-	-	-	-	-	-	•	•	C	C	•	•	•	-
Group Residence, General #	dwelling occupied by 9 to 15 persons and at least 8 with a disability	-	-	-	-	C	C	-	C	-	-	-	-	-	-	-	-	-	•	-	-	-	-	-	C	-
Group Residence, Limited #	dwelling occupied by up to 10 persons, up to 8 with a disability, and up to 2 staff residents	C	C	C	C	•	•	C	C	-	-	-	-	-	-	-	-	-	•	C	-	-	-	-	C	-
Home Care, type I #	nonsecure dwelling with residential/nursing care for up to 8 care receivers	•	•	•	•	•	•	-	-	-	-	-	-	-	-	-	-	-	•	•	C	C	•	C	-	•
Home Care, type II #	nonsecure dwelling with residential/nursing care for up to 12 care receivers	C	C	C	C	•	•	-	-	-	-	-	-	-	-	-	-	-	•	C	C	C	•	C	-	C
Management/Leasing Facilities	for managing an onsite multi-family community Refer to TMC18.225	-	-	S/C	S/C	S/C	S/C	-	-	-	-	-	-	-	-	-	-	-	S/C	•	•	•	S/C	S/C	S/C	-

Existing  
R1 Zoning  
Allowed  
uses

Requested  
Zoning Uses  
(In addition to  
R1 Uses)

## Residential

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# = See Definition in Chapter 18.55 Topeka Municipal Code		See Design Standards for "X" & "D" Districts																									
Use	Description	R-1/R-2/R-3 Single Family Dwelling	R-4 Manufactured Homes	M-1 Two Family Dwelling	M-1a Limited Multiple Family Dwelling	M-2 Multiple Family Dwelling	M-3 Multiple Family Dwelling	O&I-1 - Office And Institutional	O&I-2 - Office And Institutional	O&I-3 - Office And Institutional	C-1 Commercial	C-2 Commercial	C-3 Commercial	C-4 Commercial	I-1 Light Industrial	I-2 Heavy Industrial	U-1 University	MS-1 Medical Service	X-1 Mixed Use	X-2 Mixed Use	X-3 Mixed Use	D-1 Downtown Mixed Use	D-2 Downtown Mixed Use	D-3 Downtown Mixed Use	RR-1 Residential Reserve	OS-1 Open Space	
Residential		Districts																									
Medical Care Facility, type I #	dwelling for the personal nursing care & treatment for up to 2 persons	•	•	•	•	•	•	-	-	-	-	-	-	-	-	-	-	•	-	-	-	-	-	-	•	-	
Medical Care Facility, type II #	dwelling for the personal nursing care & treatment for more than 3 persons	-	-	-	-	C	C	C	•	•	-	•	•	•	•	•	-	•	-	-	-	-	•	-	-	-	-
Mobile Home #, Manufactured Home #	residential structure manufactured off-site excluding "residential- design manufactured home"	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Residential-Design Manufactured Home #	At least 22' wide on a permanent foundation, pitched roof, and siding/ roofing materials similar to site built homes except in R-4.	•	•	•	•	•	•	-	-	-	-	-	-	-	-	-	-	•	•	•	•	-	•	•	•	-	
Residential Care Facility, Type I #	nonsecure dwelling in which residential care is provided for children and/or adults on 24-hr basis, up to 4 persons	•	•	•	•	•	•	-	-	-	-	-	-	-	-	-	-	•	•	C	C	•	C	-	•	-	
Residential Care Facility, Type II #	nonsecure dwelling in which residential care is provided for children and/or adults on 24-hr basis, up to 10 persons	•	•	•	•	•	•	-	-	-	-	-	-	-	-	-	-	•	C	C	C	•	C	-	•	-	
Residential Care Facility, Type III #	nonsecure dwelling in which residential care is provided to children and/or adults on a 24-hour basis	-	-	-	-	C	•	-	-	-	-	-	-	-	-	-	-	•	-	-	-	-	-	-	-	-	
Student or Faculty Housing	Refer to TMC18.225 Dwelling Units on main floor	-	-	-	•	•	-	-	-	-	-	-	-	-	-	-	•	•	-	-	-	S	-	-	-	-	



## Commercial/Office

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Commercial/Office		Districts																								
Animal Care and Services, Type I #	for common household pets in an enclosed building	-	-	-	-	-	-	S	S	S	-	S	S	●	●	●	-	-	●	C	C	S	C	C	C	-
Animal Care and Services, Type II #	services within an enclosed building	-	-	-	-	-	-	-	-	-	-	-	-	●	●	●	-	-	-	-	-	-	-	-	C	-
Artisan Manufacturing #	refer to Chapter 18.225 TMC	-	-	-	-	-	-	-	-	-	C	C	C	S	●	●	-	-	S	S	S	S	C	S	-	-
Auction House		-	-	-	-	-	-	-	-	-	-	-	-	S	●	●	-	-	-	-	-	-	-	-	-	-
Automobile or Vehicle Carwash #		-	-	-	-	-	-	-	-	-	-	S	S	S	-	-	-	-	-	-	-	-	-	-	-	-
Automotive Rental Establishments		-	-	-	-	-	-	-	-	-	-	S	●	●	●	●	-	-	-	-	-	-	-	-	-	-
Auto Service Station, Type I #	convenience store with gas sales	-	-	-	-	-	-	-	-	-	C	S	S	●	●	●	-	-	●	●	●	S	C	●	-	-
Auto Service Station, Type II #	excludes drive-train work	-	-	-	-	-	-	-	-	-	-	S	S	●	●	●	-	-	C	●	-	S	-	●	-	-
Auto Service Station, Type III #	includes drive-train work	-	-	-	-	-	-	-	-	-	-	C	C	S	●	●	-	-	C	C	-	C	-	C	-	-
Automobile Sales and Service	excludes heavy-duty vehicles and type III auto services	-	-	-	-	-	-	-	-	-	-	-	S	S	●	●	-	-	C	S	-	-	-	-	-	-

Additional uses that can be allowed under I-1 Use

Existing Allowed Zoning Uses

Requested Allowed Zoning Uses

## Commercial/Office (Continued)

		Approval Levels																								
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Commercial/Office		Districts																								
Automobile, Boat, Truck, Heavy and Ag Equipment, Sales/Services	includes heavy-duty trucks, rec. vehicles, trailers and type III service	-	-	-	-	-	-	-	-	-	-	-	-	S	●	●	-	-	-	-	-	-	-	-	-	-
Automobile or Vehicle Tow Lot and Body Shop	not including wrecking yards or long-term storage of disabled vehicles	-	-	-	-	-	-	-	-	-	-	-	-	S	S	S	-	-	-	-	-	-	-	-	-	-
Bakery (Commercial)	including wholesale distribution	-	-	-	-	-	-	-	-	-	-	-	-	●	●	●	-	-	-	●	-	-	-	-	-	-
Bank/Financial Institution	does not include drive-in/drive-through	-	-	-	-	-	-	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	-	-
Billboard/Panel Poster Sign # (See TMC 18.25.110)	off-premises advertising signs	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	-	-	-	-	C	-	C	C	-
Billboard, Modified Legal Nonconforming Billboards	relocation, remodeling or rebuilding of legal nonconforming billboards	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-	-
Body Art Service/Tattooing, Body-Piercing	excludes ear-piercing only	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	-	-	●	●	●	●	●	●	-	-
Brew Pub #	includes a micro-brewery as an accessory use. Micro-brewery limited to 5,000 barrels per year	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	-	-	●	●	●	●	●	●	-	-

Additional uses that can be allowed under I-1 Use

Existing Allowed Zoning Uses

Requested Allowed Zoning Uses

## Commercial/Office (Continued)

		Approval Levels																								
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Commercial/Office		Districts																								
Building, Construction, and Mechanical Contractor Office	showroom, shop and sales including plumbing, heating, air, electrical, etc.	-	-	-	-	-	-	-	-	-	-	-	-	S	S	S	-	-	●	●	●	●	C	●	-	-
Catering		-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	-	-	●	●	●	●	●	●	-	-
Check Cashing/Pay-Day Loans/Title Loans		-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	●	●	●	●	●	●	●	-	-
Drinking Establishment #	includes allowing a micro-brewery as an accessory use. Micro-brewery limited to 5,000 barrels per year	-	-	-	-	-	-	-	-	-	-	C	C	●	●	●	-	-	C	C	●	●	C	●	-	-
Drive-Through Establishments/Facilities	refer to Chapter 18.225 TMC	-	-	-	-	-	-	S	S	S	S	S	S	S	S	S	-	S	S	S	S	S	S	S	-	-
Funeral Home, Mortuary # without Crematorium	includes the display and sale of related products	-	-	-	-	-	-	●	●	●	-	●	●	●	●	●	-	●	●	●	-	●	C	-	-	-
Funeral Home, Mortuary # with Crematorium	includes the display and sale of related products	-	-	-	-	-	-	-	C	●	-	●	●	●	●	●	-	●	-	-	-	●	-	-	-	-
Grave Monuments and Markers	includes display but not stone engraving or cutting	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	-	-	-	-	-	●	●	●	-	-
Gun Ranges, Indoor		-	-	-	-	-	-	-	-	-	-	-	-	C	S	S	-	-	-	-	-	-	-	-	-	-
Additional uses that can be allowed under I-1 Use		Existing Allowed Zoning Uses					Requested Allowed Zoning Uses																			

Additional uses that can be allowed under I-1 Use

Existing Allowed Zoning Uses

Requested Allowed Zoning Uses

## Commercial/Office (Continued)

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Commercial/Office		Districts																								
Health Services #, Clinic #, Health Care Facility #	may include a pharmacy as part of the facility	-	-	-	-	-	-	-	●	●	-	●	●	●	●	●	-	●	●	●	●	●	C	●	-	-
Home Improvement and Building Supply	retail merchandise, outdoor display, storage limited to only C-4 and I. Refer to Chapter 18.225 TMC	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	-	●	●	●	●	●	●	-	-
Labor Pools #		-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	-	-	●	-	-	-	-	-	-
Hospital #	institution providing inpatient health services, medical or surgical care, and related facilities	-	-	-	-	-	-	-	C	●	-	●	●	●	●	●	●	●	-	-	-	●	-	-	-	-
Hotel #, Motel #	commercial establishment providing sleeping rooms for overnight guests	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	-	-	-	C	C	●	C	C	-	-
Lawn/Garden Centers	landscape materials, lawn and garden equipment and supplies	-	-	-	-	-	-	-	-	-	-	-	-	●	●	●	-	-	●	●	●	-	-	-	-	-
Liquor Sales, Packaged Goods		-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	-	-	●	●	●	●	●	●	-	-
Manufactured Housing and Accessory Structure Sales		-	-	-	-	-	-	-	-	-	-	-	-	●	●	●	-	-	-	-	-	-	-	-	-	-

Additional uses that can be allowed under I-1 Use

Existing Allowed Zoning Uses

Requested Allowed Zoning Uses

## Commercial/Office (Continued)

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Commercial/Office		Districts																									
Medical Equipment	hearing aids, eyeglasses, prosthesis stores, etc.	-	-	-	-	-	-	●	●	●	-	●	●	●	●	●	-	●	●	●	●	●	●	●	●	-	-
Mobile Retail Vendors #	refer to Chapter 18.225 TMC	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Office #, Professional Office #	includes medical offices	-	-	-	-	-	-	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	C	●	-	-	
Oil/Gas Well Drilling		-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-	-	-	C	-	
Parking, Surface Lot, as a Stand Alone Principal Use	temporary storage of vehicles as a principal use	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	C	C	C	C	C	C	C	-	
Parking, Surface Lot, in Association with a Principal Use	temporary storage of vehicles in association with a principal use	C	C	C	C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	●	●	●	●	●	●	C	C	C	C	C	C	C	C	
Parking Garage (Multi-Level)	temporary storage of vehicles as a principal use	-	-	-	-	-	C	-	C	C	C	C	●	●	●	●	●	●	C	C	C	●	C	C	-	-	
Patio/Garden, Hardware		-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	-	-	●	●	●	●	●	●	-	-	
Pawn Shops/Second Hand Shops	for outdoor display, see retail merchandise, outdoor display; Chapter 18.225 TMC	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	-	-	-	●	●	S	-	●	-	-

Additional uses that can be allowed under I-1 Use

Existing Allowed Zoning Uses

Requested Allowed Zoning Uses



## Commercial/Office (Continued)

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Commercial/Office		Districts																								
Personal Services #	including beauty and barber shops, laundromats, dry-cleaning, tailors, tanning salons, etc.	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	-	●	●	●	●	●	●	●	-	-
Pet Shops		-	-	-	-	-	-	-	-	-	C	●	●	●	●	●	-	-	●	●	●	●	●	●	-	-
Pharmacy # and Drugstores	retail sales of drugs, prosthesis, rehabilitation equipment and medicine. Does not include drive-throughs	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	-	●	●	●	●	●	●	●	-	-
Printing/Copy Center		-	-	-	-	-	-	-	-	●	-	●	●	●	●	●	●	-	-	●	●	●	●	●	-	-
Radio and TV Broadcasting/Recording Studio		-	-	-	-	-	-	●	●	●	-	●	●	●	●	●	-	-	-	-	-	●	-	-	-	-
Rental Establishment	general equipment and domestic items	-	-	-	-	-	-	-	-	-	-	-	-	●	●	●	-	-	-	-	-	-	-	-	-	-
Restaurant, Family Dining, Carry-Out # (Delicatessen)	limited to 50 seats	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	-	-	●	●	●	●	C	●	-	-
Restaurant, Drive-In/Drive-Through #	refer to Chapter 18.225 TMC for drive-throughs	-	-	-	-	-	-	-	-	-	-	S	S	S	S	S	-	-	S	S	S	S	-	S	-	-
Restaurant Fast Food #		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Additional uses that can be allowed under I-1 Use

Existing Allowed Zoning Uses

Requested Allowed Zoning Uses

## Commercial/Office (Continued)

		Approval Levels																								
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Commercial/Office		Districts																								
Retail Merchandise, Outdoor Display	see Chapter 18.225 TMC, retail merchandise outdoor display	-	-	-	-	-	-	-	-	-	-	-	-	S	S	●	-	-	S	S	S	S	S	S	-	-
Retail Sales/Service #	sale and repair of items having a low intensity	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	-	-	●	●	●	●	●	●	-	-
Gun Sales and Service		-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	-	-	-	●	●	-	-	●	-	-
Theaters #	enclosed structure used for performances for admitted audiences	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	-	-	C	-	●	●	C	●	-	-
Tobacco Shop	includes tobacco and smoke shop/hookah houses/E-cigarettes shop/cigar shops	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	-	●	●	●	●	●	●	●	-	-
Truck Stop #		-	-	-	-	-	-	-	-	-	-	-	C	C	●	●	-	-	-	-	-	-	-	-	-	-
Additional uses that can be allowed under I-1 Use		Existing Allowed Zoning Uses				Requested Allowed Zoning Uses																				

Additional uses that can be allowed under I-1 Use

Existing Allowed Zoning Uses

Requested Allowed Zoning Uses

## Industrial

		Approval Levels																									
		● = Allowed Use S = Allowed per Special Use Requirements under Chapter 18.225 TMC S/C = If unable to meet Special Use Requirements, may apply for CUP C = Conditional Use Permit (CUP) approved by Governing Body																									
# = See Definition in Chapter 18.55 TMC		See Design Standards for X and D Districts																									
Use	Description	R-1/R-2/R-3 Single-Family Dwelling	R-4 Manufactured Homes	M-1 Two-Family Dwelling	M-1a Limited Multiple-Family Dwelling	M-2 Multiple-Family Dwelling	M-3 Multiple-Family Dwelling	O&I-1 Office and Institutional	O&I-2 Office and Institutional	O&I-3 Office and Institutional	C-1 Commercial	C-2 Commercial	C-3 Commercial	C-4 Commercial	I-1 Light Industrial	I-2 Heavy Industrial	U-1 University	MS-1 Medical Service	X-1 Mixed Use	X-2 Mixed Use	X-3 Mixed Use	D-1 Downtown Mixed Use	D-2 Downtown Mixed Use	D-3 Downtown Mixed Use	RR-1 Residential Reserve	OS-1 Open Space	
Industrial		Districts																									
Airport	including landing strips and heliports	C	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	C	-
Agriculture #	agricultural activity and the production, storage, processing of agricultural products	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●
Agricultural Product Sales and Storage	storage and retail sales of raw food material, fertilizers, pesticides, and similar products for crop/livestock production	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	-	-	-	-	-	-	C	-
Automobile Wrecking and/or Salvage Yards #	refer to Chapter 5.135 TMC	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-
Bottling Works		-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	●	-	-	-	-	-	-	-
Contractor Yards		-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	C	C	-	-	-	-	●	-	-
Heliport	heliport only	C	-	-	-	-	-	-	C	C	-	-	-	-	-	-	-	●	-	-	-	-	-	-	-	C	-
Landfill, Demolition #		-	-	-	-	-	-	-	-	-	-	-	-	-	C	S	-	-	-	-	-	-	-	-	-	C	-
Landfill, Sanitary #		-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	C	-
Laundry, Commercial #; Dry-Cleaning, Dyeing		-	-	-	-	-	-	-	-	-	-	-	-	●	●	●	-	-	-	-	-	-	-	-	-	-	-

Additional uses that can be allowed under I-1 Use

Existing Allowed Zoning Uses

Requested Allowed Zoning Uses

## Industrial (Continued)

		Approval Levels																								
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Districts																										
Machinery and Equipment Repair and Restoration		-	-	-	-	-	-	-	-	-	-	-	-	●	●	●	-	-	-	●	-	-	-	-	-	-
Manufacturing/Processing, Type I #	few if any off-site impacts	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	●	-	-	-	●	-	-
Manufacturing/Processing, Type II #	up to medium off-site impacts	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	C	-	-	-	C	-	-
Manufacturing/Processing, Type III #	potential for significant off-site impacts	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-
Micro-Alcohol Production #	refer to Chapter 18.225 TMC	-	-	-	-	-	-	-	-	-	-	-	-	●	●	●	-	-	-	S	S	S	S	S	-	-
Publishing Establishments and Distribution		-	-	-	-	-	-	-	-	-	-	-	-	●	●	●	-	-	-	-	-	-	-	-	-	-
Raw Material Extraction	extraction, processing, storage, and sale of these materials	C	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	C	-
Recycling Depot	collection, storage, and processing of recyclables	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	-	-	-	-	-	-	-	-
Research Lab #, Testing or Development Laboratory	facility for scientific investigation or engineering and development	-	-	-	-	-	-	-	-	●	-	●	●	●	●	●	-	-	C	●	C	●	-	-	-	-

Additional uses that can be allowed under I-1 Use

Existing Allowed Zoning Uses

Requested Allowed Zoning Uses

## Industrial (Continued)

		Approval Levels																									
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Industrial		Districts																									
Railroad Facilities		-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	-	-	-	-	-	-	-	
Self-Storage, Type I #	indoor storage with indoor access	-	-	-	-	-	-	-	-	-	-	C	S	S	●	●	-	-	C	S	-	-	-	-	P	-	-
Self-Storage, Type II (allows boat/RVs) #	indoor and outdoor	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	C	-	-	-	-	-	-	-	
Small Wind Energy System	nonresidential use only	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Storage of Nonmerchandise, Outdoor	See Chapter 18.225 TMC, outdoor storage of nonmerchandise	-	-	-	-	-	-	-	-	-	-	-	-	-	S/C	S/C	-	-	-	C	C	-	-	-	-	-	
Tower, Communication #, Transmission Tower #	ground-mounted freestanding structure transmitting or receiving TV, radio, and microwave frequencies	C	C	C	C	C	C	C	C	C	C	C	C	S	S	S	C	C	-	-	-	C	C	C	C	-	
Small Cell Wireless Facilities	Refer to Chapter 18.225 TMC	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Towers, Receiving and Commercial Broadcasting	for radio and television	-	-	-	-	-	-	-	C	C	-	-	-	C	C	-	-	C	-	-	-	-	-	-	-	-	
Truck/Freight Terminal		-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	-	-	-	-	-	-	-	
Bus Terminal		-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	-	-	●	-	-	-	-	

Additional uses that can be allowed under O&I2 & I-1 Use

Existing Allowed Zoning Uses

Requested Allowed Zoning Uses



## Industrial (Continued)

		Approval Levels																								
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Industrial																										
Warehouse #, Storage #, Distribution Facilities	structure for storing goods, wares, and merchandise. For accessory cargo containers refer to TMC 18.210.050, Cargo containers	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	●	C	-	-	-	-	-
Welding, Tinsmithing and Machine Shop		-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	●	-	-	-	-	-	-

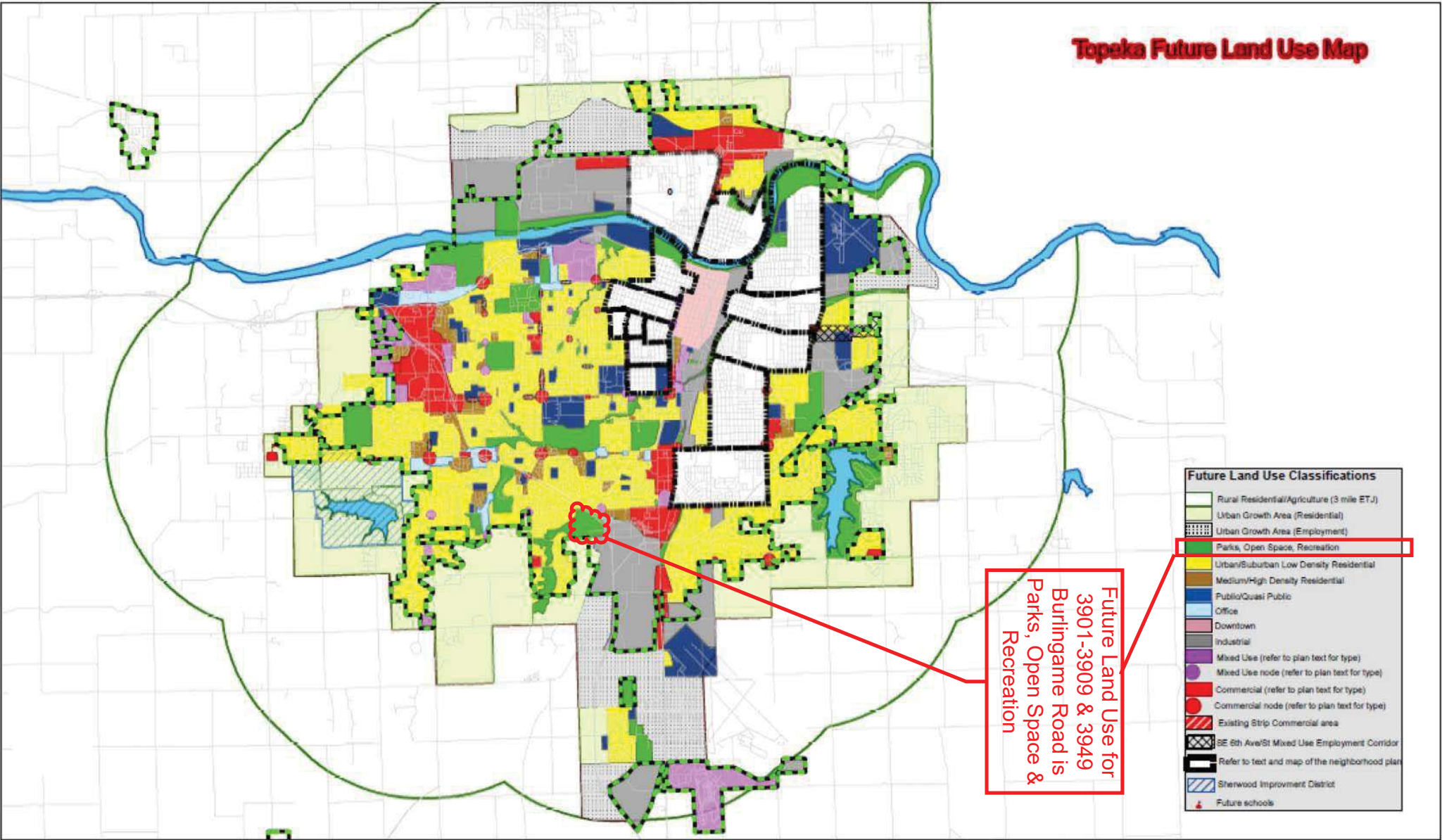
(Ord. 20222 § 3, 11-19-19.)

Existing  
Allowed  
Zoning UsesRequested  
Allowed  
Zoning Uses

# **ATTACHMENT “D”**

## **Topeka Future Land Use Map**

Map #3 – Topeka Future Land Use



The Future Land Use Map only provides a broad brush approach and is not intended to be a site specific guide for each individual lot or parcel nor is it a zoning map. There may be smaller parcels suitable for uses other than what is depicted on the map. Site specific development proposals and rezoning requests should follow more specific area, corridor, and neighborhood plans, as well as, the Golden criteria.



Map Adopted by Topeka City Council - January 10, 2017

## **ATTACHMENT “E”**

### **Historical Ancestral Documents**



PERRY T. FOSTER



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PERRY T. FOSTER.

PERRY T. FOSTER, a pioneer citizen of Shawnee County, whose portrait accompanies this sketch, has a fine farm of 100 acres four miles southwest of Topeka in Topeka township, which his father owned before him. He was born on a farm in Crawford County, Pennsylvania, September 11, 1834, and is a son of Robert and Nancy (Meyler) Foster.

George Foster, grandfather of our subject, was born in England, and at an early age accompanied his father to the North of Ireland, then in later years came to America alone, settling in Pennsylvania. His foot was crippled by an accident and remained so throughout the remainder of his life. He died in Pennsylvania, leaving the following children: Robert, Thomas, William, James, George, Mary and Isabelle.

Robert Foster, father of our subject, was born in Wyoming County, Pennsylvania, in 1796, and was a farmer and stock-raiser throughout life. He tried three times to enlist in the Union Army during the Civil War, but was rejected because of advanced age. In 1864, he accompanied his son to Kansas and took up the claim in Topeka township, Shawnee County, on which our subject and his son now reside. He lived there the remainder of his days, dying at the age of 70 years, one month and one day. He was married in Pennsylvania to Nancy Meyler, who was born at Utica, New York, and died on the home farm in Shawnee County at the age of 79 years. They reared the following children: Mary, deceased; Jane, deceased; Lovina, deceased; Nancy, of California; Lorinda, of Denver, Colorado; Freeman R.; Perry T., whose name heads this sketch; and Merriman, who was in the 11th Pennsylvania Regiment during the Civil War, serving for two years until discharged by reason of disability. Freeman R. Foster, who served in the same company and regiment as our subject during the Civil War, was a member of the Kansas Legislature two terms. He came to Shawnee County in 1854 and assisted in laying off the city of Topeka, in which he owned some 30 lots. His death resulted from an accident on his farm, caused by a team running away.

Perry T. Foster was reared on the home farm until he was 22 years of age, then came West in 1856, to Jefferson City, Missouri, by rail, thence

by boat to Leavenworth, Kansas, and by team to the southwest quarter of section 24, township 12, range 15, in Topeka township, Shawnee County, which adjoins his present home. He built thereon a log house, 11 by 11 feet in dimensions, fenced the prairie and began its cultivation. There were still buffaloes in this country and he had the pleasure of a hunt in which he killed one of a herd. He continued farming and also engaged in the butcher business until the outbreak of the Civil War when he returned to his Eastern home, enlisting August 2, 1862, in Company B, 137th Reg., Pennsylvania Vol. Inf., under Capt. Dillon Walker and Colonel Bosworth. The regiment was attached to the Army of the Potomac, and Mr. Foster participated in engagements at South Mountain and Antietam. In the latter engagement while forming in line in double-quick time, he stepped into a dugout and injured his foot which has been crippled ever since, an injury very like the one sustained by his grandfather. He was sent home and was honorably discharged in February, 1863. He remained in Pennsylvania until 1864, and then, accompanied by his wife and his parents, he came West to his Kansas home, living in the cabin until the following winter, when he sold the property and moved to the claim taken up by his father. This has since been his home. He has erected a modern house for himself and one for his son, and has made all the improvements on the place.

In December, 1861, Mr. Foster married Lucinda Thompson, who was born in Crawford County, Pennsylvania, July 4, 1841, and is a daughter of John and Betsy (Casler) Thompson, the former a native of Crawford County and the latter, of Utica, New York. Three children have been born to them: Robert J., who has four children,—Francis R., Ina, Estella and Marie; Alice, who married George Robinson, of Wabaunsee County, and has a daughter,—Myrtle; and Lena P., who married Paul E. Dallas, of Wabaunsee County, and has a daughter, Mabel, and a son not yet named. Mr. Foster is one of the substantial men of his community and has many friends of many years standing.

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## Freeman R. Foster



FREEMAN R. FOSTER. One of the first men to Set foot on the present site of the City of Topeka, and one of those who assisted in the platting of the town in 1854, was the late Freeman R. Foster. Although nearly twenty years have elapsed since the death of this early settler, he is still remembered as a man of sterling integrity, a helpful factor in the various movements which served to build up and advance the city of his adoption, and a citizen whose contributions to Topeka form a lasting monument to his memory.

Mr. Foster was born on a farm in Crawford County, Pennsylvania, April 1, 1832, and is a son of Robert and Nancy (Myler) Foster, natives of the Keystone state. Robert Foster was a soldier during the War of 1812 and also served three months as a volunteer in the Civil war. He was of Scotch-Irish descent and followed his Son to Topeka, buying the farm adjoining, on which he died in 1865. One of a family of nine children, Freeman R. Foster received his education in the district schools of Pennsylvania in the vicinity of the home farm and in a seminary and was well educated for those days. He was reared to the pursuits of the soil, and when not engaged in his studies helped his father and brothers to cultivate the homestead, remaining thereon until reaching the age of twenty-two years. At that time he was seized with a desire to seek his fortune in the West, at that time a land of unknown promise, and left his home in the Keystone state in a wagon, without any settled idea as to his final destination. His destiny, as it turned out, was to be marked out for him by others, for he came up with a party of other western immigrants, joined them, and finally came with them to Lawrence, Kansas. At that point they came across the information that a number of men intended to start a town on the present site of Topeka, and obeying the instincts of foresight Mr. Foster accompanied these men here. He rendered valuable assistance to these men in their early efforts to start the town, and as a reward for his labors was given a number of lots in different parts of the new hamlet. These, as it turned out, became some of the most valuable land in the city, but with the exception of two lots, situated at Eleventh and Van Buren streets, which Mr. Foster retained to build a home on for his old age, he gave all of this property to the city for its betterment, including the sites of the State Building and of Bethany College.

On first coming to Topeka, Mr. Foster took up a pre-emption claim east of the town, along the Kaw River, but after a short stay became ill and was forced to return to Pennsylvania. He had, however, become imbued with a love for the western prairies, and as soon as he had recovered returned to Kansas, only to find that in his absence someone had jumped his claim. Mr. Foster wasted no time in vain protestation, but promptly pre-empted 160 acres in Topeka Township, where his widow and daughter, Mrs. Doane, and Miss Harriet L. Bowman, now live and where he built a crude log cabin for a home and broke the ground with a team of oxen. His first years were not easy ones, but he had the grit and perseverance to remain and fight out his battle, and after two years he began to see signs of a dawning success.

Deciding to establish a real home in Kansas, Mr. Foster at this time returned to Pennsylvania to claim his bride, Miss Martha Bowman, the daughter of Pitt and Evelyn (Hall) Bowman. The Bowman family has an excellent military record, the brother of Mrs. Foster's grandfather, Capt. Elisha Bowman, having been an aide-de-camp and life guard of Gen. George

Washington in the Revolutionary war; while Joseph Hall Bowman, the only brother of Mrs. Foster, was the first to enlist in Company H, Eighty-third Regiment, Pennsylvania Volunteer Infantry, with which he served throughout the Civil war without receiving a wound sufficiently serious to incapacitate him for duty, although the regiment to which he belonged is believed to have participated in more engagements, except one New England regiment, than any other organization in the Army of the Potomac. Joseph H. Bowman had come to Kansas in 1859, but returned to Pennsylvania, where he enlisted, and he lived in Pennsylvania after the war.

In 1857 Mr. and Mrs. Foster started on the return journey for Topeka, going by railway to St. Louis, and then taking a side-wheeler steamboat to Leavenworth. This stage of the journey was not without its thrills, for during it the old vessel became stuck on a sandbar and it remained there two days and two nights before it could be floated free. From Leavenworth the young couple traveled by stage coach to Topeka and the farm, and at once settled down to life in the little log cabin of one room, built in front of where their house now stands. The first winter was one of suffering, and it must have been particularly hard upon the young wife, who had been taken directly from a comfortable and refined home in the East to the wild and untamed surroundings of a pioneer country, and placed to live in a frontier cabin of the most primitive type. To make things doubly hard, the household furniture had become lost or stolen on the way, and during the first cold season Mr. and Mrs. Foster were compelled to sleep on straw, with but scanty bed clothing to cover them. Mrs. Foster, however, was made of courageous stuff, and she bravely and uncomplainingly took her place beside her husband and assisted him eventually to success.

Mr. Foster was bitterly opposed to slavery, and at the outbreak of the Civil war, as his sentiments were well known and as the country was in a decidedly unsettled condition, he returned to Pennsylvania with his wife, principally for her protection. While in that state he enlisted in Company B, One Hundred and Thirty-seventh Regiment, Pennsylvania Volunteer Infantry, as first sergeant, and with that organization took part in numerous engagements, including the battles of South Mountain, Antietam and Chancellorsville. He was honorably discharged in 1863, and shortly after Quantrell's famous raid on Lawrence, Kansas, he and his wife, much against the will of their parents, returned to the Sunflower state. Mrs. Foster was left alone on the prairie farm, while Mr. Foster, with others, organized the Second Regiment, Kansas State Militia, of which he was elected sergeant-major. The most noted encounter of this regiment was the battle of the Big Blue, October 22, 1864, in which the Kansans defeated the enemy.

Mr. Foster was a man of ability and energy, honest and upright in all his dealings, and in his private undertakings showed the same spirit of courage and fidelity that characterized his military career. Through constant perseverance he won out against the odds of the early days, being always assisted by his faithful and devoted wife, who had the greatest confidence in him, and whose faith often helped him over the rough places. While his own interests kept him busily employed he was never too much occupied to answer the call of his community when it needed strong men to support movements for its welfare. He gave of his time and energies in serving in various offices, being at times township trustee and director of the school board, and from 1874 to 1876 was a member of the Kansas House of Representatives, in which body he worked faithfully and with results in behalf of the interests of his constituents. One of his bills was the Arbor Day bill. Fraternally, he was identified with Topeka Lodge No. 17, Ancient Free and Accepted Masons, as a charter member. Throughout his life Mr. Foster was a student, particularly of the Bible, and he died

in the faith, September 4, 1897, when Topeka lost one of its best, most highly esteemed and most public-spirited citizens. Throughout his career he had been a supporter of the republican party.

Mr. and Mrs. Foster were the parents of five children, of whom two died in infancy, the others being: Charles Freeman, a young man of much promise, who died at the age of twenty-two years; Joe Merriam, a resident of Pueblo, Colorado; and Anna, who is the wife of J. F. Doane, and resides with her aged mother on the Kansas homestead. Mrs. Foster, who is eighty-two years of age, is one of the best known ladies of her locality, is esteemed and held in affection by all who know her, and is a devout member of and worker in the First Congregational Church of Topeka, the first church in the city. J. F. Doane is a native of Kansas and a son of Abner and Sarah (Ward) Doane, his father having been the first man to operate a sawmill in Topeka. He was also one of the best roadmen in the state.

***A Standard History of Kansas and Kansans***, written and compiled by William E. Connelley, Secretary of the Kansas State Historical Society, Topeka. Chicago: Lewis Publishing Company, copyright 1918; transcribed 1997.



Land Patent Details						
Accession Nr: <a href="#">MW-0407-116</a> Document Type: <a href="#">Military Warrant</a> State: <a href="#">Kansas</a> Issue Date: <a href="#">6/15/1860</a> Cancelled: <a href="#">No</a>						
Names On Document			Miscellaneous Information			
<div><div><div>P</div><div>F</div></div>FOSTER, PERRY T, <div><div>W</div><div>C</div></div>CAMPBELL, JAMES</div>			Land Office:	<a href="#">Lecompton</a>		
			US Reservations:	<a href="#">No</a>		
			Mineral Reservations:	<a href="#">No</a>		
			Tribe:	<a href="#">---</a>		
			Militia:	<a href="#">Brig Porpoise United States Navy</a>		
Military Rank:			State In Favor Of: <a href="#">---</a>			
			Authority:	<a href="#">March 3, 1855: ScripWarrant Act of 1855 (10 Stat. 701)</a>		
Document Numbers			Survey Information			
Document Nr:	<a href="#">78154</a>		Total Acres:	<a href="#">160.00</a>		
Misc. Doc. Nr:	<a href="#">---</a>		Survey Date:	<a href="#">---</a>		
BLM Serial Nr:	<a href="#">---</a>		Geographic Name:	<a href="#">---</a>		
Indian Allot. Nr:	<a href="#">---</a>		Metes/Bounds:	<a href="#">No</a>		
Land Descriptions						
State	Meridian	Twp - Rng	Aliquots	Section	Survey #	County
<a href="#">KS</a>	<a href="#">6th PM</a>	<a href="#">012S - 015E</a>	<a href="#">SW/4</a>	<a href="#">24</a>		<a href="#">Shawnee</a>



# THE UNITED STATES OF AMERICA,

To all to whom these Presents shall come, Greeting:

**WHEREAS,** In pursuance of the Act of Congress, approved March 3, 1855, entitled "An Act in addition to certain Acts granting Bounty Land to certain Officers and Soldiers who have been engaged in the military service of the United States," there has been deposited in the GENERAL LAND OFFICE,

Warrant No. *48,154* for *100* acres, in favor of *James Campbell Seaman Brig Porpoise United States Navy War with Mexico.*

with evidence that the same has been duly located upon *the South West quarter of Section twenty four, in Township twelve of Range fifteen, in the District of Lands Subject to sale at Decompton Kansas, containing one hundred and fifty acres.*

according to the Official Plat of the Survey of said Lands returned to the **GENERAL LAND OFFICE** by the **SURVEYOR GENERAL** *The Said Warrant having been assigned by the Said James Campbell to Perry S. Foster, in whose favor Said tract has been located.*

**NOW KNOW YE,** That there is therefore granted by the UNITED STATES unto the said *Perry S. Foster as assignee as aforesaid and to his heirs.*

the tract of Land above described: to HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said *Perry S. Foster as assignee as aforesaid and to his*

heirs and assigns forever.

In testimony whereof, I,

*James Buchanan*  
**PRESIDENT OF THE UNITED STATES OF AMERICA,** have caused these Letters to be made Patent, and the SEAL OF THE GENERAL LAND OFFICE to be hereunto affixed.

GIVEN under my hand, at the CITY OF WASHINGTON, the *fifteenth* day of *June* in the year of our Lord one thousand eight hundred and *sixty*, and of the **INDEPENDENCE** OF THE UNITED STATES the *Eighty fourth*

BY THE PRESIDENT.

By *H. A. Leonard* Sec'y.

*P. Granger* Recorder of the General Land Office.

# **CU20/01**

by City of Topeka Utilities - Water Pollution Control  
(Grant Jefferson Pump Station)

# STAFF REPORT – ZONING CASE

## TOPEKA PLANNING DEPARTMENT

PLANNING COMMISSION DATE: Monday, May 18, 2020

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### APPLICATION INFORMATION:

**CASE NUMBER / NAME:** CU20/01 By: City of Topeka Water Pollution Control

**REQUESTED ACTION / CURRENT ZONING:** A Conditional Use Permit (CUP) for “Public Utility Facility, Type II” (sanitary sewer pump station) on property zoned “R-2” Single-Family Dwelling District

**PROPERTY OWNER:** City of Topeka Utilities – Water Pollution Control

**OWNER REPRESENTATIVE:** Michelle Neiswender, P.E. – Wastewater Engineer

**APPLICANT REPRESENTATIVE:** Angela Sharp, PE, Bartlett & West Inc.

**CASE PLANNER:** Annie Driver, AICP, Senior Current Planner

**PROPERTY LOCATION / PARCEL ID:** Vacant land at southeast corner of NE Jefferson and NE Grant (0.5 acres) / PID: 1092901005001000

**STAFF RECOMMENDATION:** Based upon the above findings and analysis Planning Staff recommends **APPROVAL** subject to conditions stated 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 CU20/01, subject to conditions stated in the staff report.

**PHOTOS:**



Subject Property Looking to south (Morse Ave)



Existing Sanitary Sewer Pump Station (built in 1927) in right-of-way to the north of the subject site.

## **PROJECT AND SITE INFORMATION**

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

The City of Topeka Utilities Department is proposing to rebuild and relocate a sanitary sewer pump station constructed in 1927 that is located just to the north in unbuilt street right-of-way. The visible and above ground elements of the pump station will include approximately a 4,250 square foot building (approximate height of 20.8' at peak of roofline); with access to the site provided by two concrete commercial driveways a minimum of 26 feet in width and 40 ft. in width; 6 ft. tall chain link fence with double swing gates at entrances; a telemetry antenna 62 feet in height (as utilized at other similar City facilities); along with new landscaping and stormwater retention.

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

The subject property has been zoned for single family uses since 2000 when the Historic Topeka Revitalization Plan was adopted. Prior to that, it was zoned "I-1" Light Industrial. The site has never been developed.

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

The properties to the immediate west are residential. The property to the northwest contains a retirement home. The existing sanitary sewer pump station (to be removed when this pump station is in operation) is located directly north on public right-of-way. The railway runs along the entire length of the east boundary of the subject property.

## **COMPLIANCE WITH DEVELOPMENT STANDARDS AND GUIDELINES**

### **BUILDING HEIGHT & SETBACKS:**

Maximum building height in the R-2 zoning district is 42 feet and the proposed pump station building has a height of 21 ft.

Required minimum building setbacks within the R-2 zoning district are 25' front (NE Grant and NE Jefferson-unbuilt); 5' side; and 25' rear. The proposed site plan reduces the setbacks to 14' along Jefferson, 2' along Grant and 10' along the rear property line. The Board of Zoning Appeals will hear the request for variance at its May 11, 2020 meeting. Planning staff recommended approval of these variances based on findings in TMC 2.220.110.

### **TELEMETRY ANTENNA HEIGHT & SEBACKS:**

The proposed pump station includes a telemetry antenna 62' in height that will be utilized in transmission of data required in remotely controlling and monitoring pump station performance. Pursuant to TMC 18.230.050 (6) such an antenna shall not exceed 62 feet in height and shall be a minimum distance of 80 percent of the structure's height from the public right-of-way and adjacent properties. With the required minimum setback for the 60-foot antenna being 50, the proposed setback is 87' from the Jefferson property line and 78' from the closest adjacent property along Grant.

### **PARKING AND ACCESS:**

Access to the pump station site will be from an extension of the existing driveway currently serving the existing pump station and the addition of a second driveway on NE Jefferson both constructed to commercial standard per City design criteria.

The Topeka Zoning Ordinance does not include a parking quantity standard for a sanitary sewer pump station. The proposed parking of one stall is sufficient for personnel and vehicular access anticipated to occur once per week for routine maintenance of the facility.

### **LANDSCAPING AND SCREENING:**

The CUP landscape plan demonstrates compliance with TMC 18.235 Landscape Regulations including screening requirements. The proposed quantity of landscaping is over what is required and is concentrated along public rights-of-way.

### **SIGNAGE:**

The CUP site plan includes a note stating that signage shall be limited to a building mounted wall sign identifying the purpose of the facility and no larger than 12 sq. ft. If there is a need in the future for a free-standing sign, free-standing signs are limited to no more than 6 sq. ft. in size.

### **LIGHTING & SOUND GENERATION:**

The CUP site plan includes a note stating that the intensity of 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.



The CUP site plan also includes a note stating that the ongoing operation of the pump station will generate no sound greater than 55 decibels measured at the property line and this limit shall NOT apply to vehicles for occasional facility and grounds maintenance, use of an emergency generator, temporary station malfunction, or other temporary sources of noise.

#### **DESIGN STANDARDS:**

The applicant has demonstrated they satisfy the requirements for exemption from the Non-Residential Building Design Standards under TMC 18.275.030(a)(2)(b)(1). The site demonstrates landscaping over what is required and the building provides one additional architectural detail by providing historic architectural elements that are reminiscent of the original design in the existing 1927 style building.

#### **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 pump station will generate less traffic (fewer trips) than surrounding land use (Single Family Residential).
- The building demonstrates architectural elements that are reminiscent of the 1927 style pump building.
- Public facilities such as sanitary sewer pump stations are necessary and not unusual in residential districts.
- The original pump station was constructed in 1927. The pump must be reconstructed and modified in this location to sufficiently provide the necessary pumping capacity for this area.
- Operations of the pump station will generate no sounds greater than 55 decibels.
- Wall signage is limited to 12 sq. ft. and intended only to indicate the purpose of the facility.
- The existing pump station has not had problematic odor issues. The exhaust system of the new pump station is being designed to accommodate future odor control measures, if those become necessary.

#### **PUBLIC FACILITIES**

##### **TRANSPORTATION:**

There are no issues related to transportation as the building generates only one traffic trip per week.

#### **OTHER FACTORS**

##### **SUBDIVISION PLAT:**

	The subject property is currently platted as Lots 190-208 (even), Fairchild's Addition. The multiple lots function as a single zoning lot since they are contiguous and under a single ownership.
<b>FLOOD HAZARDS, STREAM BUFFERS:</b>	Zone X- Area of Minimal Flooding. Subject area is levee protected.
<b>UTILITIES:</b>	The property is served by a full range of utilities and services.
<b>TRANSPORTATION/TRAFFIC:</b>	The proposed Conditional Use Permit for the subject public facility will have no discernable impact upon transportation/traffic within the area.
<b>HISTORIC PROPERTIES:</b>	None
<b>NEIGHBORHOOD INFORMATION MEETING:</b>	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. The Planning Department has not received any comments or questions from surrounding property owners by phone or email.

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

<b>PUBLIC WORKS/ENGINEERING:</b>	No issues identified.
<b>PUBLIC WORKS/ TRAFFIC ENGINEERING:</b>	No issues identified
<b>WATER POLLUTION CONTROL:</b>	No issues identified.
<b>FIRE:</b>	No issues identified.
<b>DEVELOPMENT SERVICES:</b>	No issues identified. Construction plans will be required for issuance of a building permit.

## **KEY DATES**

<b>APPLICATION SUBMITTAL:</b>	March 20, 2020
<b>NEIGHBORHOOD INFORMATION NOTICES MAILED:</b>	April 10, 2020
<b>LEGAL NOTICE PUBLICATION:</b>	April 20, 2020
<b>ADJOINING PROPERTY OWNER NOTICES MAILED:</b>	April 24, 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 "*Low Density Residential*" by the North Topeka East Neighborhood Plan. The plan does not include specific guidelines for the placement of utility pump stations within residential areas although elements of the Comprehensive Plan recognize the need for public facilities, including sanitary sewer pump stations, in predominantly residential areas to sustain existing residential development and to provide necessary public service infrastructure to the community. So, too, approval of the Conditional Use Permit will not alter the underlying residential zoning designation for the property. 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 proposed building utilizes a building style reminiscent of the original 1927 pump station building with the addition of historical architectural elements. The site demonstrates enhanced landscaping along NE Jefferson and where existing trees will be removed along the north site boundary (Grant right-of-way). Moreover, the proposed new pump station replaces a previously operating pump station that was constructed in 1927 and has to be reconstructed to provide sufficient capacity to serve the area. The railroad line bounds the entire east length of the property line and there will be no development to the east of the site. The size and appearance of the pump station is compatible with the surrounding character of the neighborhood. Having a masonry exterior, this pump station has a higher level of design quality than is typical of sanitary sewer pump stations. The newly constructed building will have a positive impact on the character of the neighborhood.
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 installation and operation of a pump station is not unusual in a residential zoning district and will be harmonious with the surrounding residential land uses and railroad line. Pump stations are a vital and essential public infrastructure component in residential areas.
4. **The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations:** The subject property is not likely to develop for uses to which it has been restricted under the "R-2" Single Family Dwelling District as it has never been developed for single family residential dwellings. The property's unusual configuration and location bounded by the Union Pacific Railroad has inhibited its development since platted in 1887. Due to the length of time it has remained vacant as zoned, there are likely many other uses more suitable for the site. The current zoning is not changing and the CUP establishes standards to ensure compatibility with other uses allowed by the "R-2" zoning.
5. **The length of time the property has remained vacant as zoned:** The subject property was platted in 1887 and has historically remained vacant likely because of its irregular configuration and its location adjacent with the railroad. The railroad boundary has created an irregular lot configuration that causes the depth of the parcel to be much less than surrounding platted lots in the neighborhood making development for residential uses more difficult.

The property was zoned "I-1" Light Industrial prior to its Historic North Topeka neighborhood downzoning in 2000 as has never been developed since platted.

6. **The extent to which the approval of the application would detrimentally affect nearby properties:** The pump station will generate far fewer vehicle trips than a single-family residence, which is allowed in this R-1 zoning district. With the proposed design of the building and enhanced landscaping, the pump station will not detrimentally affect nearby properties. Any residential properties that are nearby will be further protected by a site plan note in regards to requirements preventing adverse noise or lighting impacts. The new building along with new landscaping along the frontage of NE Jefferson will have a positive impact on the nearby properties.
7. **The extent to which the proposed use would substantially harm the value of nearby properties:** Based on the low intensity of the proposed use, the enhanced building design, and replacement of the outdated pump station, the proposed pump station will not harm the value of nearby properties. The existing pump station has existed for over 90 years with no negative impacts.
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 additional vehicles trips as will only be required for routine maintenance of the facility, and will have 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 pump station has a minimal impact. It does not generate air or water pollution, and the noise it generates will be minimal (55 decibels). The site plan addresses stormwater quantity by providing a retention pond on-site. With the new sanitary sewer pump station construction technologies, the pump station is anticipated to have very little if any odor impacts on adjacent properties. Staff has recommended a note addressing odor be added to the site plan as a condition of approval.
10. **The economic impact of the proposed use on the community:** Utility pump stations are a vital and necessary component of the community and therefore have a positive economic impact on this neighborhood and the community at-large. Pump stations 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.
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 in maintaining public health, safety, and welfare of the community. The applicant has demonstrated the need to re-construct this pump station in this location because of the elevation of the site and how it connects to the adjacent force main so locating another site is not physical feasible. Denial would impose a significant hardship on the property owner since there are no other available sites that suit the needs required for this particular pump station that serves North Topeka or those sites would be too costly to acquire and develop. Additionally, the City of Topeka has already acquired the property obtaining another site would be a financial burden.

### **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 CU20/01, subject to:

1. Use and Development of the site in accordance with the approved site plan, landscape plan, and building elevations for CU20/01- Grant Jefferson Sanitary Sewer Pump Station.

2. Adding note: *"There shall be no discernible odors emitting beyond the property lines. Odor control measures shall be provided if there are complaints from surrounding residents and property owners."*

**Attachments:**

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





**CU20/01 BY: CITY OF TOPEKA UTILITIES- WATER  
POLLUTION CONTROL**

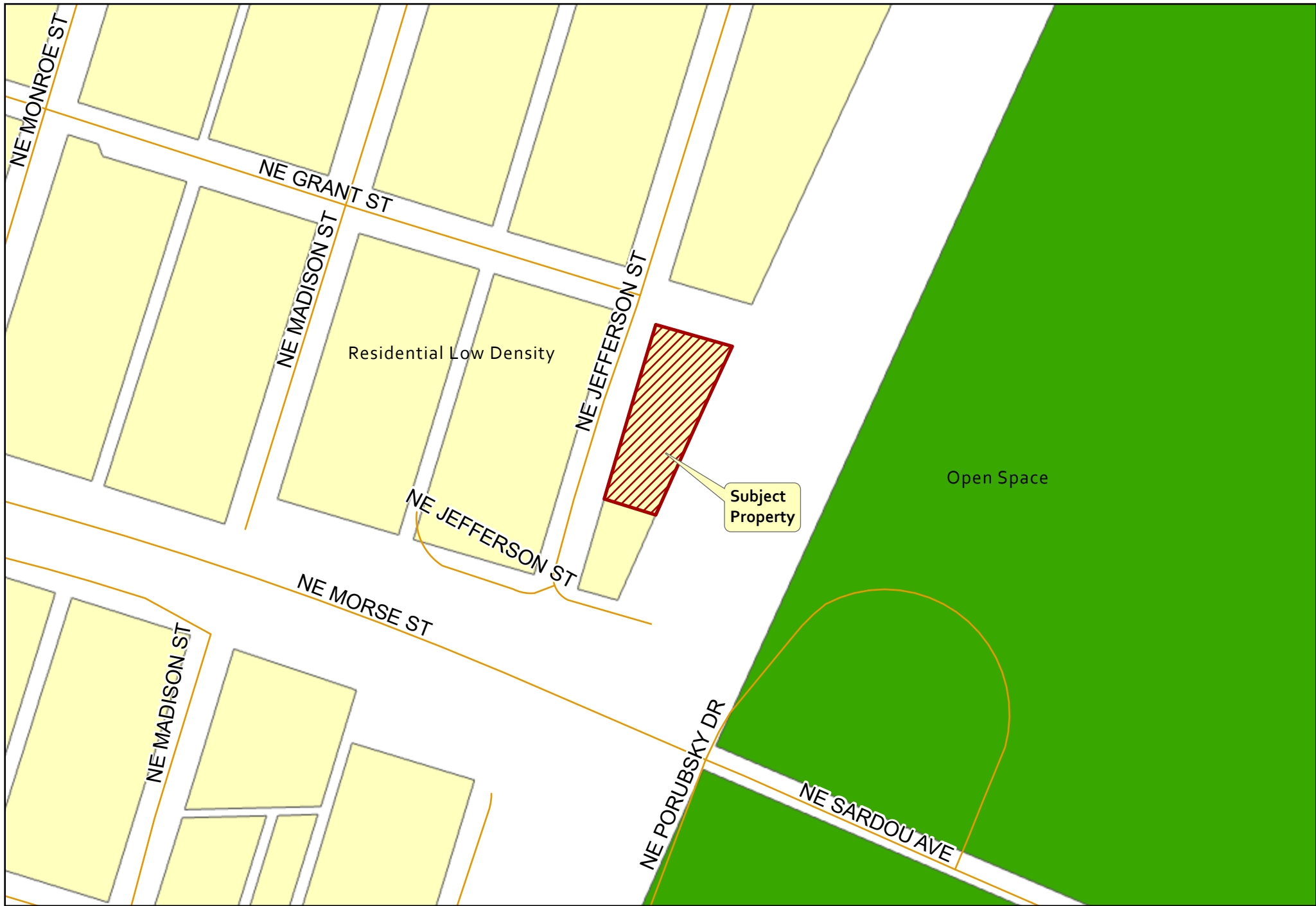






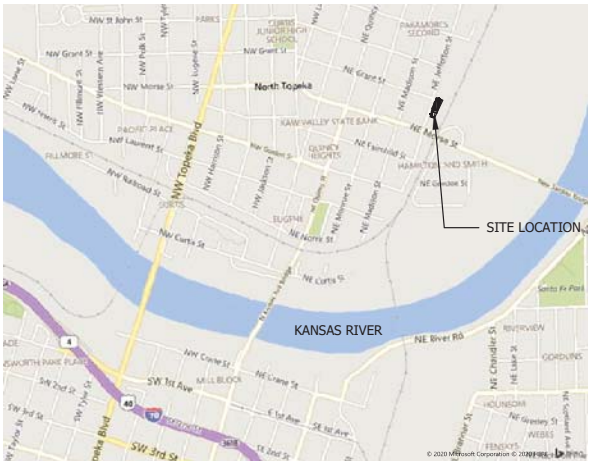
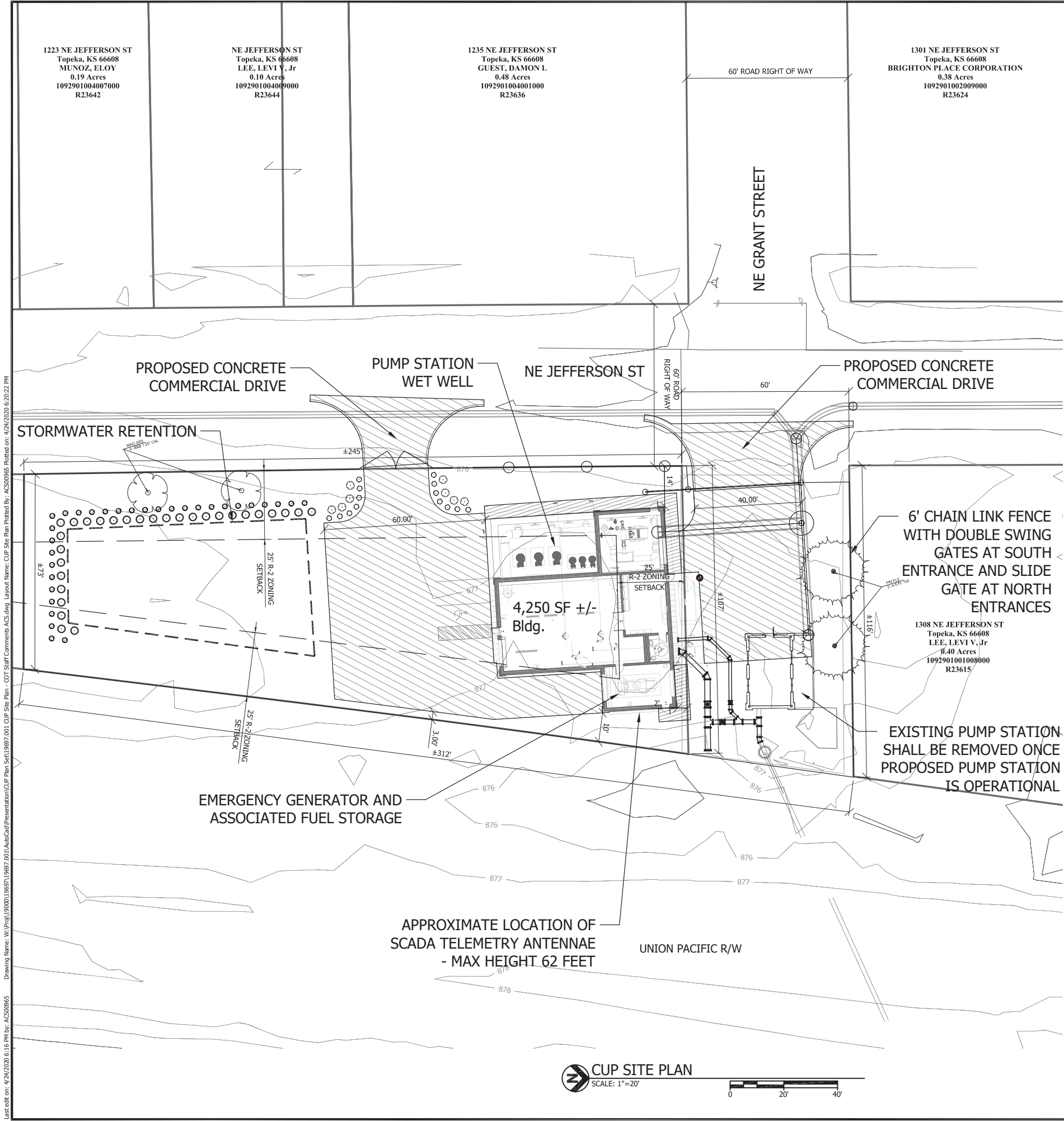
**CU20/01 BY: CITY OF TOPEKA UTILITIES- WATER  
POLLUTION CONTROL**





**CU20/01- FUTURE LAND USE MAP**





VICINITY MAP

STATEMENT OF OPERATIONS

- Existing Zoning: R1 - Residential  
No changes in zoning are proposed.
- Property Description:  
Lots 190, 192, 194, 196, 198, 200, 202, 204, 206, and 208 on Jefferson Street in Fairchild's Addition to the City of Topeka, Shawnee County, Kansas.
- Parcel Size: 0.51 acres (22,190 Square Feet)  
Maximum Building Footprint: 4,500 Square Feet  
Maximum Building Height: One Story
- Owner:  
City of Topeka  
215 SE 7th Street  
Topeka, Kansas 66603
- Civil Engineer & Plan Preparer:  
Bartlett & West, Inc.  
1200 SW Executive Dr.  
Topeka, KS 66451
- Current Use:  
Vacant residential lot.  
Proposed Use:  
Public Utility Facility (Wastewater Pump Station)  
City of Topeka - Grant Jefferson Pump Station
- Personnel and vehicular access is limited to periodic maintenance and operations visits that may occur once per week.
- Boundary information taken from survey performed by Bartlett & West, October, 2019 and February, 2020.
- Proposed site paving to be concrete. Driveway approach paving shall be concrete in accordance with City of Topeka standards and specifications.
- Parking Information:  
Required Parking = 1 Stall  
Proposed Parking Provided = 1 regular stall and 1 accessible stall
- One wall sign shall be permitted not to exceed a maximum of 12 sq. ft. Free standing signage shall comply with 'R-2' zoning sign standards for incidental free standing signs. Separate sign permit applications are required from the City of Topeka Development Services Division except where exempted from permit requirements by code.
- The owner will coordinate the use of a Knox Box, Key or Code with the Fire Department so that they may have access all times.
- Signage shall be limited to a building mounted wall sign identifying the purpose of the facility.
- Any fencing proposed for the site shall require a fence permit from the City of Topeka.
- The intensity of any parking lot lighting shall be no more than three foot-candles as measured at the property line. The source of illumination shall not be visible from public rights-of-way or adjacent residential properties.
- Ongoing operation of the pump station will generate no sound greater than 55 decibels measured at the property line. The sound limit on ongoing operation does not apply to vehicles for occasional facility and grounds maintenance, use of an emergency generator, temporary station malfunction, or other temporary sources of noise.
- Maximum height of telemetry antennae is 62 feet.
- Building setbacks not meeting the setbacks required by the City of Topeka zoning regulations TMC 18.60 require approval of variances from the Topeka Board of Zoning Appeals. Variances approved by the Board of Zoning Appeals shall be recorded with the Office of the Shawnee County Register of Deeds.

LANDSCAPE REQUIREMENTS

- Square footage of developed area: 22,190 sf  
Points required = 89 points
- Parking points= 1.5 per parking stall  
2 stalls x 1.5 = 3 points
- Total points required = 92
- Existing tree credits claimed = 0
- Existing irrigation credits claimed = 0
- Residential buffer required? No

POINTS PROVIDED

Native Grasses: 1 pt/plant = 60  
Shrubs: 1 pt/plant= 22  
Trees: 8 pts/tree = 32

TOTAL POINTS PROVIDED= 114

PLANT SCHEDULE

SHRUBS	BOTANICAL / COMMON NAME	SIZE	QTY
CAR STR	Carex stricta / Tussock Sedge	3 gal	50
PHL GDE	Phlox paniculata 'Glamour Girl' / Glamour Girl Garden Phlox	3 gal	8
RUD HIR	Rudbeckia hirta / Black-eyed Susan	3 gal	14
SCH LIT	Schizachyrium scoparium / Little Bluestem Grass	3 gal	48
TREES	BOTANICAL / COMMON NAME	SIZE	QTY
MAG GR5	Magnolia virginiana 'Green Mile'/Green Mile Sweet Bay Magnolia	B&B 1.25" CAL	2
PIN FLE	Pinus flexilis 'Vanderwolf's Pyramid'/Vanderwolf's Pyramid Pine	B&B 1.25" CAL	2

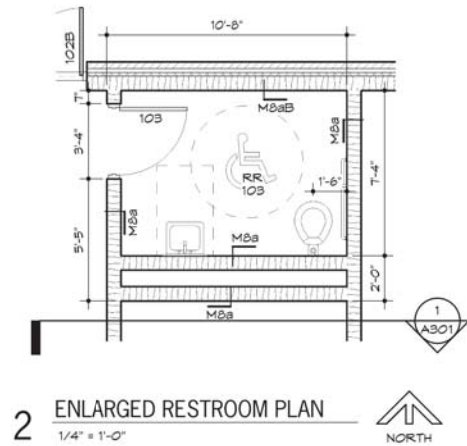
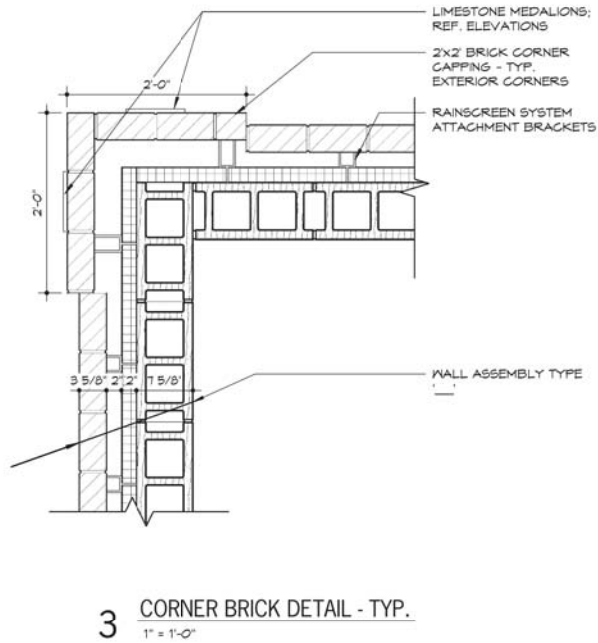
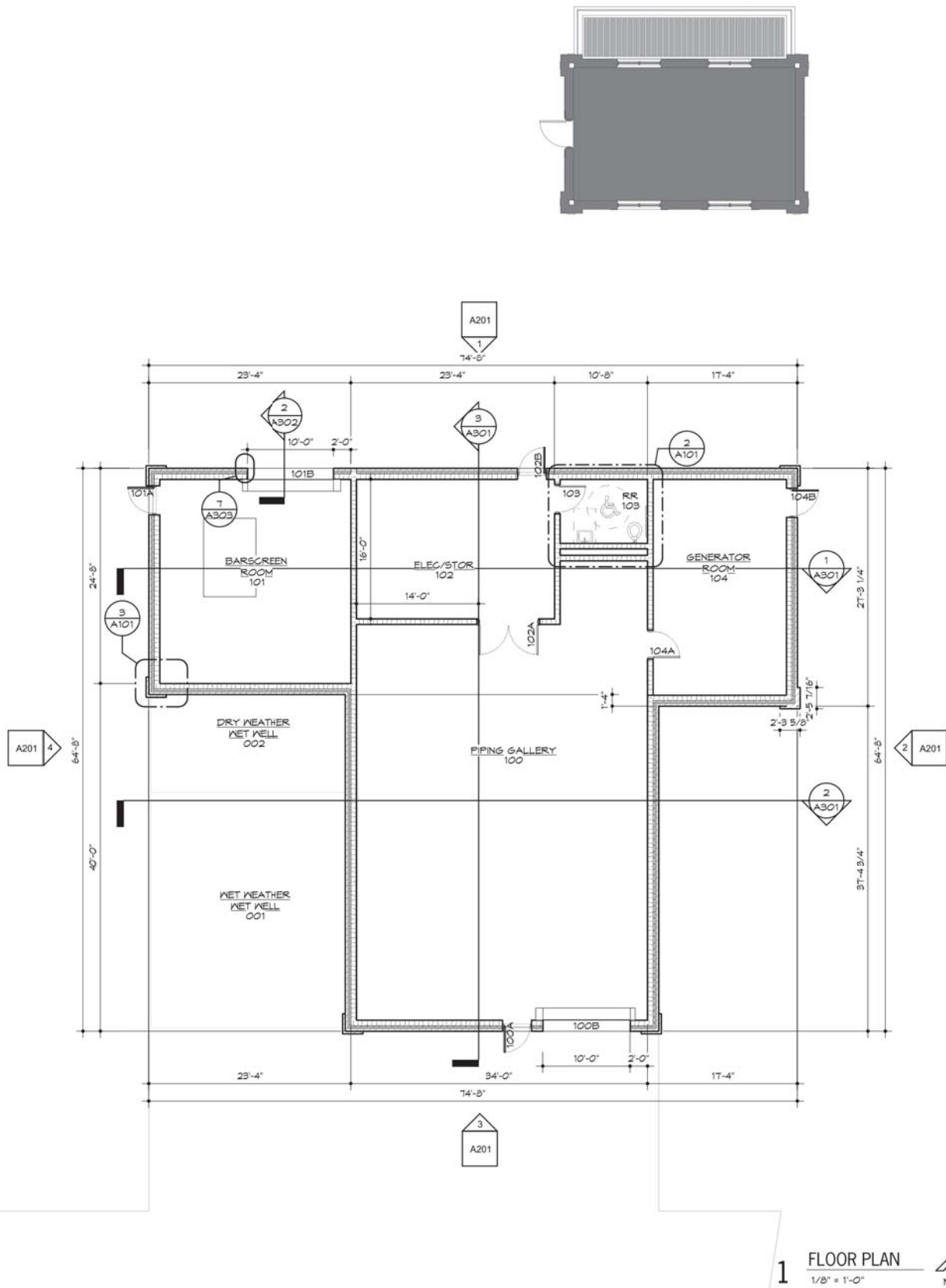
**Bartlett & West**

GENERAL LAYOUT  
CUP SITE PLAN

GRANT JEFFERSON  
PUMPSTATION IMPROVEMENTS CONDITIONAL USE PERMIT  
TOPEKA, KS

DESIGNED BY: NWH  
DRAWN BY: NWH  
APPROVED BY: ACS  
DESIGN PROJ: 19697.001  
CONST PROJ: ----  
SCALE: AS NOTED  
DATE: MARCH 2020  
DRAWING NO:  
**CU20/01**  
SHEET NO:

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REFERENCE NOTES:

GENERAL NOTES:

FEEDER SCHEDULE:

ARCHITECTURAL PLAN AND DETAILS

**Bartlett & West**

1200 SW EXECUTIVE DRIVE - TOPEKA KS 66615-3894  
PHONE 785.272.2252 - FAX 785.272.8735  
WWW.BARTLETTWEST.COM

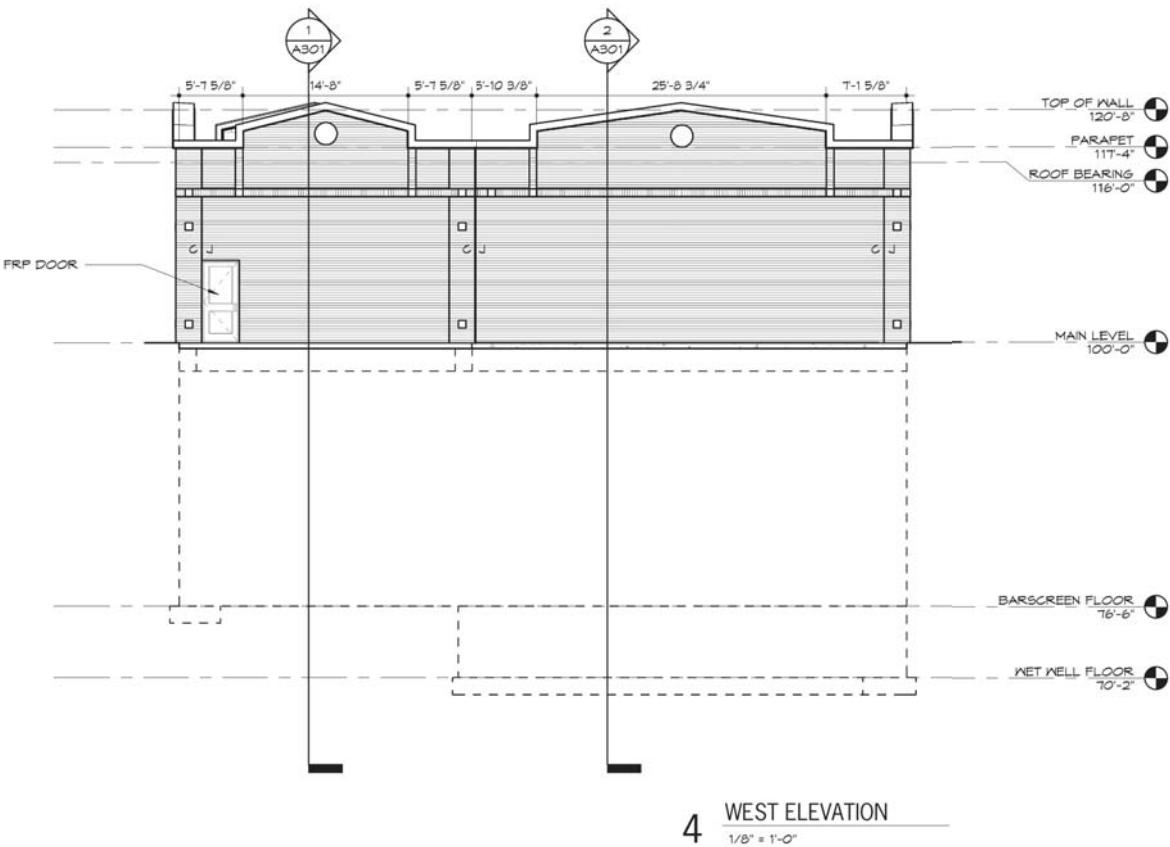
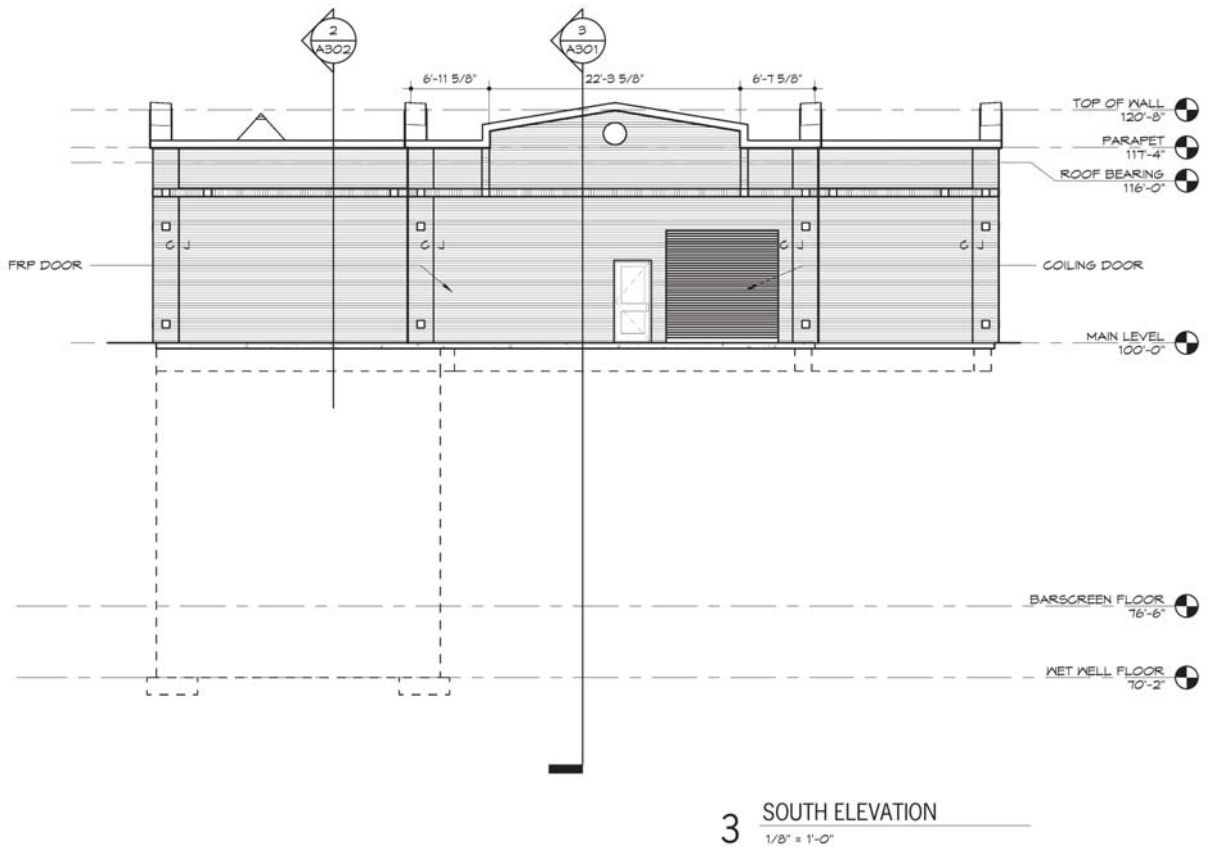
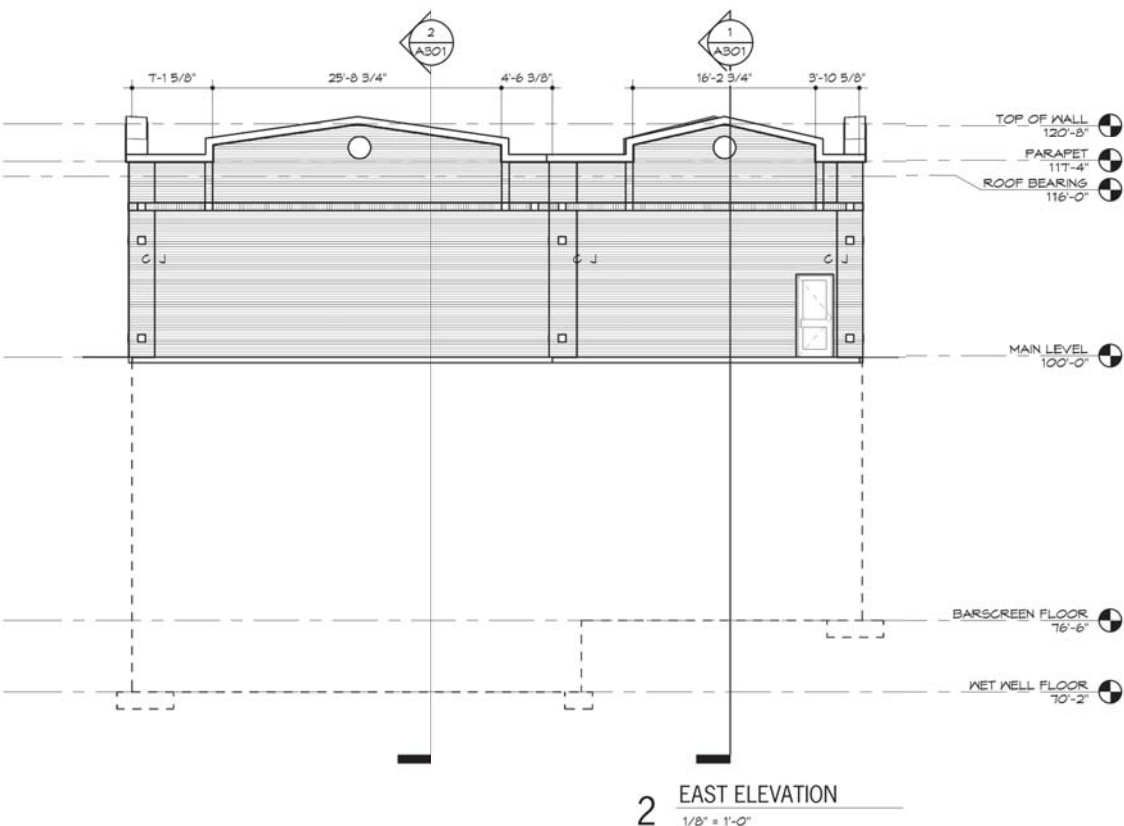
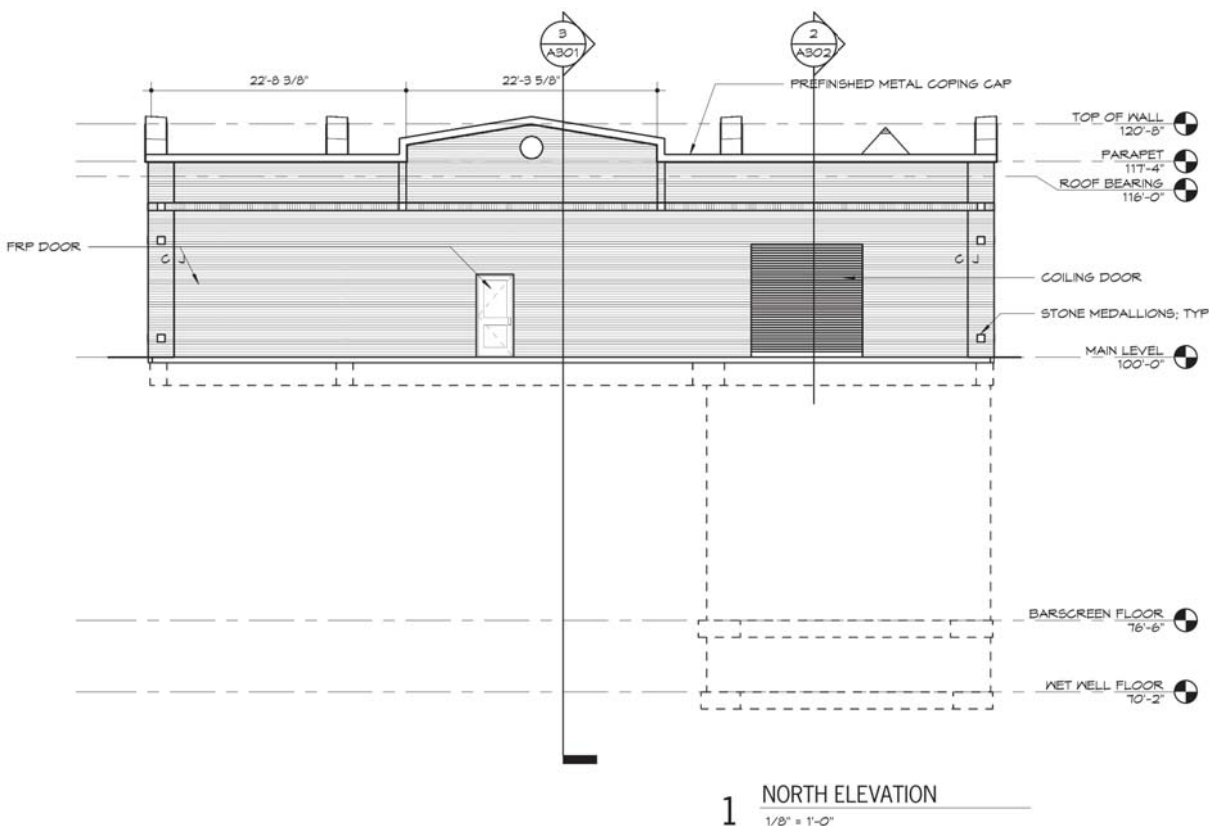
GRANT JEFFERSON  
PUMPSTATION IMPROVEMENTS CONDITIONAL USE PERMIT  
TOPEKA, KS

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DRAWN BY:	NWH
APPROVED BY:	ACS
DESIGN PROJ:	19697_001
CONST PROJ:	---
SCALE:	AS NOTED
DATE:	MARCH 2020
DRAWING NO:	CU20/XX
SHEET NO:	2 of 4



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ARCHITECTURAL PLAN AND DETAILS

**Bartlett & West**

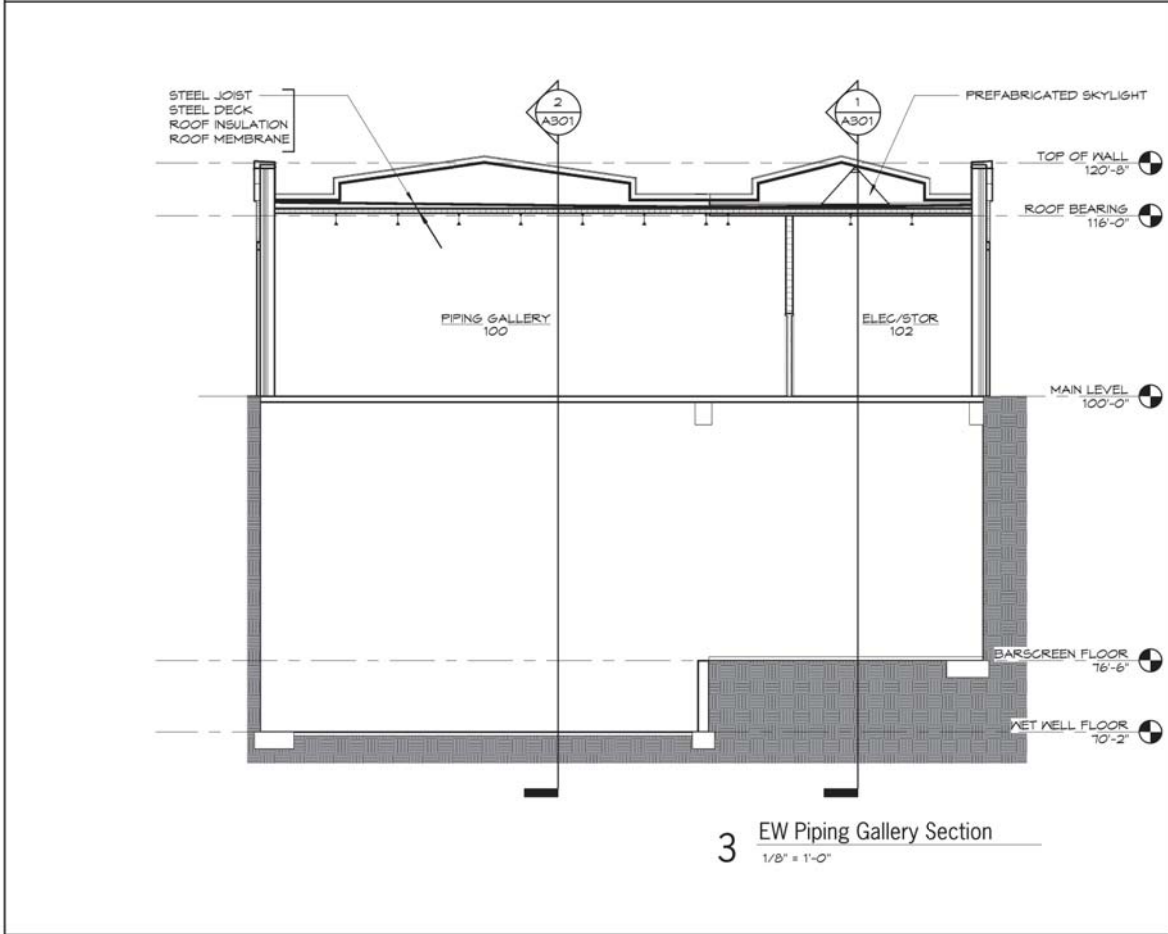
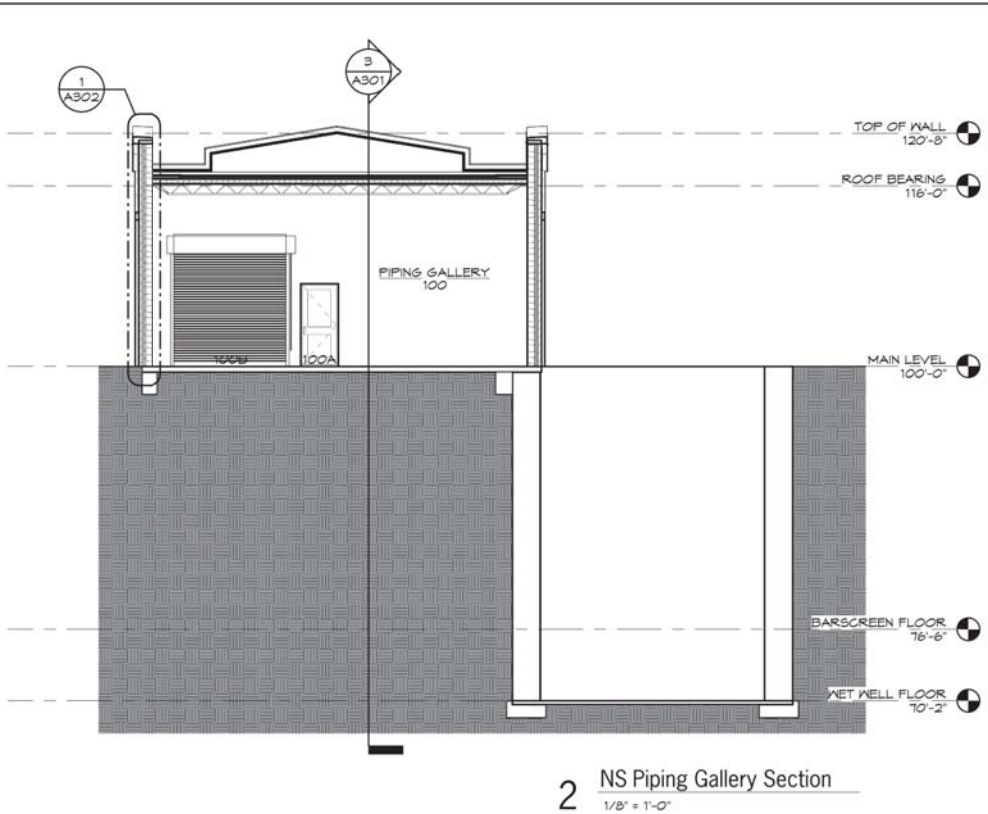
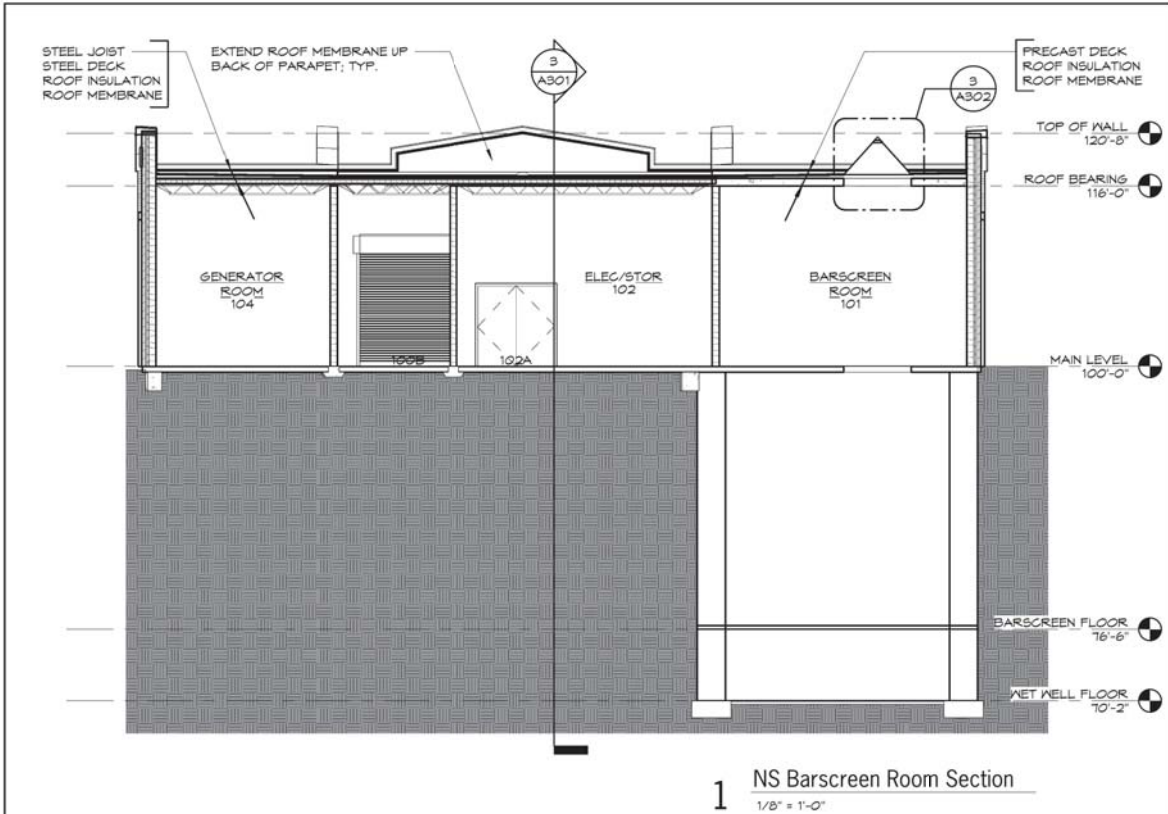
1200 SW EXECUTIVE DRIVE - TOPEKA, KS 66615-3850  
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GRANT JEFFERSON  
PUMPSTATION IMPROVEMENTS CONDITIONAL USE PERMIT  
TOPEKA, KS

DESIGNED BY:	NWH
DRAWN BY:	NWH
APPROVED BY:	ACS
DESIGN PROJ:	19697.001
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REFERENCE NOTES:

GENERAL NOTES:

FEEDER SCHEDULE:

**Bartlett & West**

1200 SW EXECUTIVE DRIVE - TOPEKA, KS 66615-3800  
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WWW.BARTLETTWEST.COM

ARCHITECTURAL PLAN AND DETAILS

GRANT JEFFERSON  
PUMPSTATION IMPROVEMENTS CONDITIONAL USE PERMIT  
TOPEKA, KS

DESIGNED BY:	NWH
DRAWN BY:	NWH
APPROVED BY:	ACS
DESIGN PROJ:	19697.001
CONST PROJ:	----
SCALE:	AS NOTED
DATE:	MARCH 2020
DRAWING NO:	CU20/XX
SHEET NO:	4 of 4



# CITY OF TOPEKA

Planning & Development Department  
620 SE Madison, Unit 11  
Topeka, KS 66607

Bill Fiander, AICP, Director  
Tel: 785-368-3728  
[www.topeka.org](http://www.topeka.org)

## **NOTICE OF PROJECT**

The City of Topeka Utilities Department is requesting a **conditional use permit to rebuild and operate a sanitary sewer pump station located at the southeast corner of NE Grant and Jefferson**. The vicinity map and proposed building plans are attached. More information is available in this link to the City web site: <https://www.topeka.org/planning/cu20-01/>

The Topeka Planning Commission will consider the request at a public hearing, expected to be scheduled for **May 18, 2020**. The decision to approve/not approve the conditional use permit is made by Topeka's Governing Body.

**If you wish to comment on or have questions about the project, please contact City staff listed below by May 1<sup>st</sup>**. Reference case # CU20/01 in all correspondence. You will also have the opportunity to present comments at the public hearing.

Annie Driver, Planner  
Planning & Development Department  
City of Topeka  
620 SE Madison, Unit 11, Topeka, KS 66607  
[adriver@topeka.org](mailto:adriver@topeka.org)  
785-368-3728

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## **Additional Project information**

**Case # CU20/01 – by City of Topeka Utilities, Water Pollution Control Division**

**Action Requested:** Conditional Use Permit for a Sanitary Sewer Pump Station (Public Utility Facility Type II)

**Name of Property Owner:** City of Topeka Utilities – Water Pollution Control

**Name of Owner Representative:** Ms. Michelle Neiswender, Engineer, Water Pollution Control Division  
([mneiswender@topeka.org](mailto:mneiswender@topeka.org))

**Applicant Representative:** Ms. Angela Sharp, Bartlett and West Engineering Inc.  
([angela.sharp@bartwest.com](mailto:angela.sharp@bartwest.com))

**Location of Development:** 0.5 acre parcel at the southeast corner of NE Grant and NE Jefferson

**Existing Zoning:** “R-2” Single Family Dwelling District

**Comprehensive Plan Designation:** “Low Density Residential” – Historic North Topeka East Neighborhood Plan

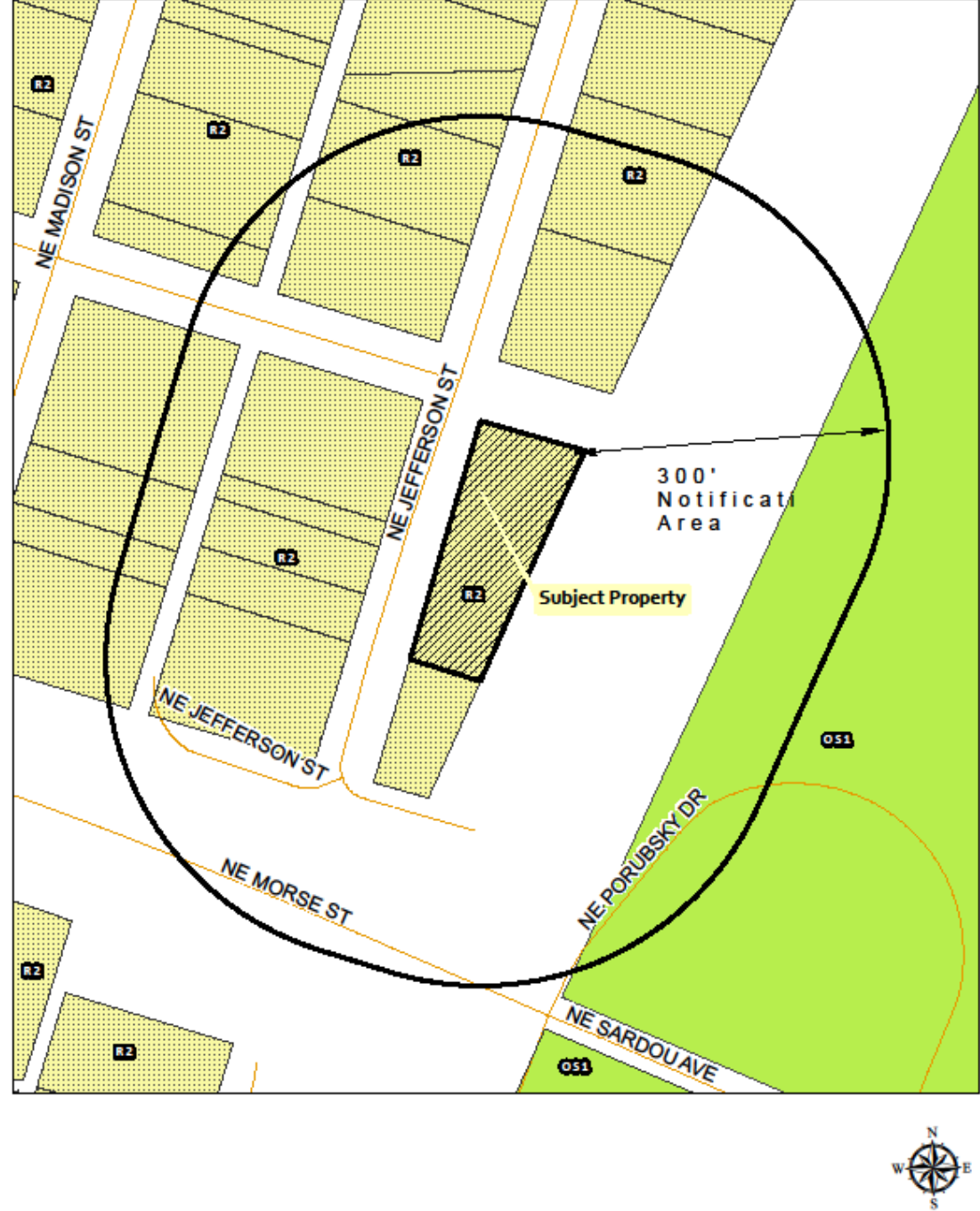
**Scope of Project:** To rebuild and replace the existing sanitary sewer pump station currently located on City of Topeka public right-of-way directly to the north of this subject site.

**Council District:** District #2 - Council Member Christina Valdivia-Alcala

**Planning Commission Public Hearing:** *Tentative* – Monday, May 18, 2020 at 6:00 pm, City Council Chambers or as otherwise scheduled.

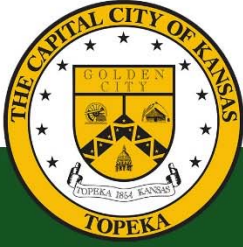
There is no neighborhood meeting required for this zoning action due to the “stay at home order” issued by the Shawnee County and State of Kansas due to COVID-19. Owners of property within **300'** of the project boundary and the neighborhood association representative within ½ mile of the affected area are receiving this notice and project plans instead of normal City requirements that applicants conduct a neighborhood information meeting.

**CU20/o1 By: City of Topeka NE Grant & Jefferson Pump Station)**



**A20/02**

Six Zero North Subdivision



# CITY OF TOPEKA

Planning Department  
620 SE Madison, Unit 11  
Topeka, KS 66607

Bill Fiander, AICP, Director  
Tel: 785-368-3728  
[www.topeka.org](http://www.topeka.org)

## MEMORANDUM

**To:** Topeka Planning Commission  
**From:** Dan Warner, AICP, Comprehensive Planning Manager  
**Date:** May 18, 2020

**RE:** A20/2 Six Zero North Subdivision (3325 NW 25<sup>th</sup> Street) annexation request by Six Zero, Inc.

### Proposal

Six Zero, Inc. is requesting annexation of Six Zero North Subdivision (P20/9), an approximately 74-acre subdivision on property located at 3325 NW 25<sup>th</sup> Street (see Map 1). The use of the property is projected to be industrial with multiple small office/warehouse type industries. There is no immediate development project.

The project will be connecting to City of Topeka sewer and water. Development that connects to water and sewer outside the city is required by City of Topeka utility rules to annex and plat (Six Zero North Subdivision).

### 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 the Employment Tier of the Urban Growth Area (see Map 2). The Employment Tier contains areas that are zoned or planned for industrial type uses.

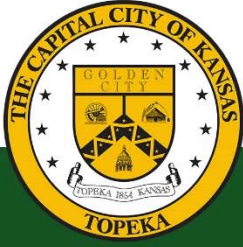
The subject property is contiguous to the City and also lies in an area where urban infrastructure and services are available. The subject property is located in an area that is primarily developed with industrial type uses. There are industrial uses being served by the city to the south and west of the subject property. Annexing and developing this property makes the city more compact.

The subject property is designated as Urban Growth Area (Employment) by the Topeka Future Land Use Map (Map #3). Industrial uses are consistent with a future employment area.

### Street Network

Future access to the property from public roads will come from NW 25<sup>th</sup> Street, NW Button Road, and the Hwy. 24 frontage road. NW Button Road is currently a local two-lane rural gravel road between the Hwy.





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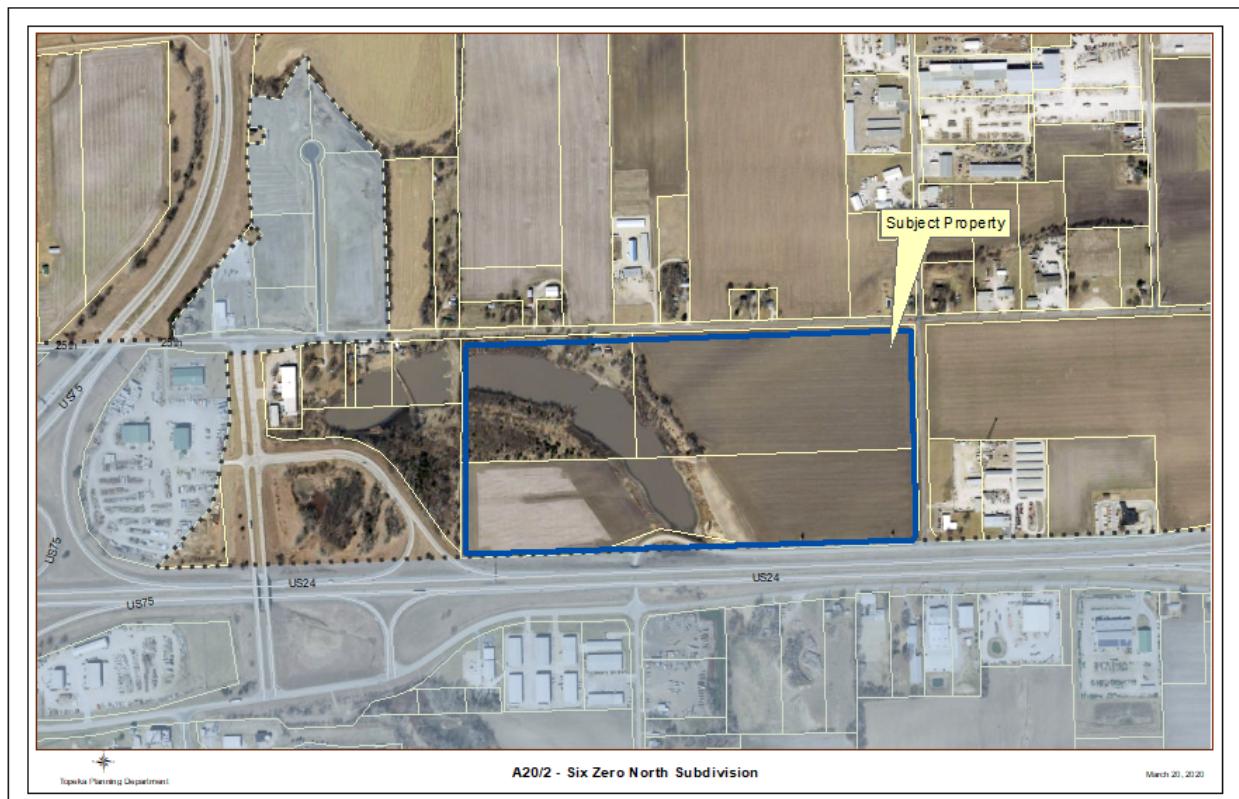
24 frontage road and NW 25<sup>th</sup> Street. NW 25<sup>th</sup> Street is a major collector that is currently a two-lane paved rural road. The Hwy. 24 frontage road is a paved two-lane road.

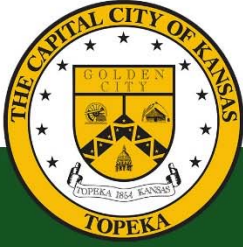
Due to the speculative nature of the development proposal, required improvements to either of the two public roads is unknown at this time. Traffic improvement analysis for the entire subdivision must be approved at the time of development of the first lot and be updated for development on each subsequent lot. If the TIA warrants public roadway and sidewalk improvement, those improvements must be completed prior to issuance of a Certificate of Occupancy for this first building on each lot or as otherwise warranted by the approved TIA.

### Recommendation

Annexing the subject property is consistent with the Comprehensive Plan.

### Map 1





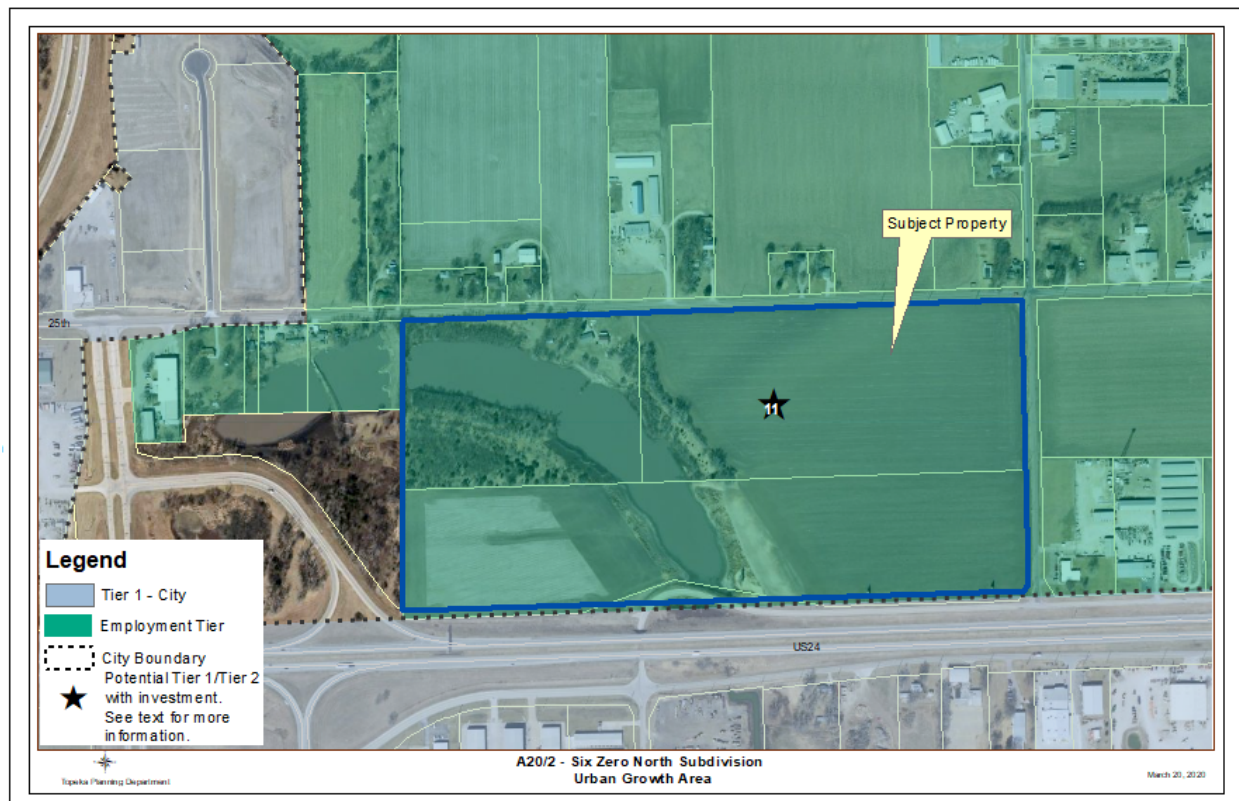
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## MEMORANDUM

### Map 2



**By-Laws  
of the Topeka Planning Commission**

# BY-LAWS OF THE TOPEKA PLANNING COMMISSION

## ARTICLE I

**Section 1. Name.** The name of this organization, established by Topeka Municipal Code (TMC), Chapter 2.65, is the Topeka Planning Commission ("Commission").

**Section 2. Membership.** Membership of the Commission is established in TMC § 2.65.020.

## ARTICLE II

### Purpose of By-Laws

**Section 1. Bylaws.** TMC § 2.65.050 requires adoption of bylaws to implement Chapter 2.65, in accordance with K.S.A. 12-741 et. seq.

**Section 2. Commission.** The function, powers, and duties of the Commission are as authorized by state law and by city ordinance. With some exceptions, actions of the Commission are recommendations subject to review by the governing body. The Commission, however, adopts its own rules and policies for procedure, consistent with its powers.

## ARTICLE III

### Organization

**Section 1. Officers.** The officers of the Commission shall be a chairperson and a vice-chairperson. The chairperson and vice-chairperson shall be elected by the Commission at its regular meeting in January of each year. If there is no meeting scheduled in January, the election shall occur at the first regularly scheduled meeting of the year. Terms of office shall be one (1) year. No person may serve more than two (2) consecutive terms. The Director of Planning and Development or the Director's designee ("Director") shall serve as secretary to the Commission.

**Section 2. Chairperson.** The chairperson shall preside at all meetings of the Commission unless the chairperson designates someone to preside in the chairperson's stead. The chairperson shall appoint all committees and be an ex-officio member of all committees. The chairperson shall also be a voting member of the Commission.

**Section 3. Vice-chairperson.** The vice-chairperson shall act as chairperson in the absence of the chairperson. In the event the office of chairperson becomes vacant, the vice-chairperson shall succeed to that office for the unexpired term, and the Commission shall select a new vice-chairperson for the unexpired term at the next regular meeting.

**Section 4. Secretary.** The secretary shall be the Director. The secretary shall prepare the agenda and the order of business for each regular meeting in consultation with the chairperson. Specifically, the secretary shall facilitate the recording of the minutes of each meeting and ensure that the minutes reflect the votes of the members, indicating whether the

member voted in the affirmative, negative, or abstained. The secretary shall also act on behalf of the Commission in the following matters:

- a) Represent the Commission on planning matters at all meetings of the governing body;
- b) Prepare or present plans, policies or procedures established by the Commission;
- c) Accept and prepare all routine communications on planning matters; and
- d) Give or serve all notices required by law, these bylaws or adopted procedures.

**Section 5. Committees.** The chairperson of the Commission may appoint special committees.

**Section 6. Attendance.** Pursuant to TMC § 2.65.080, any member who is absent from three (3) consecutive regular meetings within any 12-month period without having been previously excused by the chair shall have such absence reported by the chairperson to the governing body.

**Section 7. Planning Office.** The Planning Division shall provide professional and technical assistance to the Commission. Staff planners shall present recommendations of the Commission to the governing body. Recommendations of the professional staff, minutes of the Commission meeting, and other relevant material shall be presented to the governing body with the recommendations of the Commission. The Planning Division shall also provide technical assistance to the governing body and to other boards, commissions and agencies as is deemed appropriate by the Director or City Manager.

## **ARTICLE IV**

### **Meetings**

**Section 1. Regular Meetings.** The Planning Commission shall meet at least four (4) times per calendar year. A regular meeting shall adjourn at 10:00 p.m. unless the Commission votes by a majority of those present to extend the meeting for a designated period not to exceed one hour. Additional extensions shall require an additional motion and approval by a majority of those present. If no vote is taken to extend the meeting or a vote fails, the meeting will be continued to another meeting date and time. Meetings shall be held at such time and place as designated by the chairperson.

**Section 2. Special Meetings; Special Committees.** (a) Special meetings of the Commission may be called by the chairperson or, if absent, the vice-chairperson pursuant to TMC § 2.65.050. Notice of special meetings shall be given by the Director not less than three (3) business days prior to the meeting. The notice shall state the purpose and time and place of the meeting. Notice shall be by mail or e-mail to the address provided by the member to the secretary. (b) The chairperson may appoint special committees consisting of Commission members and/or non-members to address a particular matter and make a recommendation to the Commission.



100       **Section 3. Agenda.** Agendas for all regular meetings shall be available at the  
101 Planning & Development Department or posted on the City's website, if technically feasible, at  
102 least one (1) week prior to the meetings.  
103

104       **Section 4. Quorum Requirements.** A quorum of the Commission shall be five (5)  
105 members as prescribed by TMC § 2.65.060. A quorum of a special committee shall consist of a  
106 majority of the members of the committee. No action can be taken by the Commission or  
107 committees in the absence of a quorum. In the absence of a quorum at any meeting, the  
108 presiding officer after consultation with those members present may adjourn the meeting to a  
109 specified date, time and place. A quorum is not lost when a member or members abstain from  
110 voting.  
111

112       **Section 5. Open Meetings; Video/Teleconference.** All meetings of the Commission  
113 and committees shall be open to the public except that closed sessions may be held in  
114 accordance with the provisions of the Kansas Open Meetings Act (KOMA). Subject to KOMA,  
115 the Commission may meet by teleconference or videoconference provided the technology is  
116 such that all persons participating can hear each other or see each other (videoconference) at  
117 the same time.  
118

119       **Section 6. Voting Requirements.** (a) Except for re-zoning and conditional use  
120 permits, any other matter requiring that a recommendation be made to the governing body shall  
121 require the affirmative votes of at least five members.

122       (b) Matters pertaining to re-zonings and conditional use permits and any other action  
123 shall require only a majority vote of those present and voting.

124       (c) Abstentions from voting will be counted as voting with the majority unless: (1) state  
125 law requires an affirmative vote of the entire membership; or (2) the abstention is based upon a  
126 conflict of interest. In either case, the abstention will not be counted.  
127

## 128                                   **ARTICLE V**

### 129                                   **Conduct of Meetings**

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131  
132       **Section 1. Parliamentary Authority.** Meetings shall be conducted according to the  
133 latest version of Robert's Rules of Order in all cases where they are applicable and not  
134 inconsistent with these bylaws. The chairperson shall decide all points of order, with guidance  
135 from legal counsel.  
136  
137

138       **Section 2. Staff Reports.** Staff reports on all agenda items shall be prepared and  
139 transmitted to the Commission members a minimum of three (3) days prior to the time of the  
140 meeting.  
141

142       **Section 3. Public Hearings.** The Commission shall hold public hearings on zoning  
143 matters for which public hearings are required by ordinance or K.S.A. 12-741 *et seq.* Comments  
144 from an applicant or the applicant's representative and members of the public will be entertained  
145 at the time the public hearing is announced by the chairperson. Members of the public will be  
146 limited to four (4) minutes, unless the Commission, by a majority vote of those present, extends  
147 the time.  
148

149       **Section 4. Public Comment.** (a) Comment from members of the public shall be  
150 entertained on each agenda item and either at the beginning or end of each meeting. Comment  
151 shall be limited to topics directly relevant to Planning Commission business. Comment shall be  
152 limited to four (4) minutes, unless the Commission, by a majority vote of those present, extends  
153 the time.

154       (b) Procedure for Addressing the Commission. Each person shall provide his/her  
155 name in an audible tone or voice for the record. All remarks shall be addressed to the  
156 Commission as a whole and not to any individual member. No person, other than Commission  
157 members and the person who has the floor, shall be permitted to enter into any discussion. No  
158 questions shall be directed to Planning staff or Commission members.

159       (c) Rules of Decorum. The following behavior will not be tolerated from members of  
160 the public: uttering fighting words, slander, speeches invasive of the privacy of individuals,  
161 unreasonably loud speech, repetitious speeches or debate, or actions that disrupt Commission  
162 proceedings.

163  
164       **Section 5. Motions.** Motions before the Commission shall be made in the affirmative  
165 or negative and shall be restated by the Chairperson before a vote is taken.  
166

167       **Section 6. Voting.** Voting shall be by voice ballot or any other method that records and  
168 identifies publically each member's vote.  
169

170       **Section 7. Conflict of Interest.** (a) No member of the Commission shall participate in,  
171 discuss or vote on a matter in which the Commissioner has a conflict or interest as set forth in  
172 TMC § 2.65.070. Should any member have a conflict of interest on a matter coming before the  
173 Commission or its committees, the Chairperson shall declare an abstention for each affected  
174 Commission member for that item on the agenda. Such member shall remove himself/herself  
175 from the proceeding during the public hearing, discussion, and vote

176       (b) A member may consult with the City Attorney's office when in doubt whether a  
177 conflict of interest exists on a matter.  
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179       **Section 8. Record of Proceedings.** The Secretary shall record the minutes of each  
180 meeting as a matter of public record and shall present such minutes to the Commission for  
181 approval.  
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**ARTICLE VI**

**Amendments**

These bylaws may be amended by a vote of at least five members of the Commission at any regular meeting, provided the members have been notified at least one (1) month in advance and the proposed amendment has been placed on the agenda.

Adopted by the Planning Commission on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

By \_\_\_\_\_  
Commission Chairperson

Attest:

\_\_\_\_\_  
Bill Fiander, Secretary to the Planning Commission