



CITY OF
TOPEKA

A G E N D A

TOPEKA PLANNING COMMISSION

**MONDAY, NOVEMBER 16, 2020
6:00 P.M.**

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

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

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

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



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

HEARING PROCEDURES

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

1. The Topeka Planning Staff will introduce each agenda item and present the staff report and recommendation. Commission members will then have an opportunity to ask questions of staff.
2. Chairperson will call for a presentation by the applicant followed by questions from the Commission.
3. Chairperson will then call for public comments. Each speaker must come to the podium and state his/her name. At the conclusion of each speaker's comments, the Commission will have the opportunity to ask questions.
4. The applicant will be given an opportunity to respond to the public comments.
5. Chairperson will close the public hearing at which time no further public comments will be received, unless Planning Commission members have specific questions about evidence already presented. Commission members will then discuss the proposal.
6. Chairperson will then call for a motion on the item, which may be cast in the affirmative or negative. Upon a second to the motion, the Chairperson will call for a role call vote. Commission members will vote yes, no or abstain.

Each item appearing on the agenda represents a potential change in the manner in which land may be used or developed. Significant to this process is public comment. Your cooperation and attention to the above noted hearing procedure will ensure an orderly meeting and afford an opportunity for all to participate. Please Be Respectful! Each person's testimony is important regardless of his or her position. **All questions and comments shall be directed to the Chairperson from the podium and not to the applicant, staff or audience.**

Members of the Topeka Planning Commission

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

Topeka Planning Staff

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



CITY OF
TOPEKA

TOPEKA PLANNING COMMISSION

Agenda for Monday, November 16, 2020

- A. Roll call**
- B. Approval of minutes – October 19, 2020**
- C. Declaration of conflict of interest/ex parte communications
by members of the commission or staff**
- D. Action Items**
 - 1. **A20/03 by Mitch Barnard** requesting annexation of an approximately 23-acre property located on the east side of SE Croco Road, approximately 300' south of SE 31st Street, to allow for a single family home to be built along the frontage of SE Croco Road with the remainder of the property reserved for future urban development.
(Warner)
- E. Presentation(s)**
 - 1. **East Topeka North Neighborhood Plan (SORT)**
- F. Communications to the Commission**
- G. Adjournment**



CITY OF
TOPEKA

MINUTES

TOPEKA PLANNING COMMISSION

Monday, October 19, 2020

6:00PM – via video conference

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

Members Absent: Wiley Kannarr (1)

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

Roll Call – Chairman Brian Armstrong called the meeting to order with eight members logged in for a quorum.

Approval of Minutes from September 21, 2020

Motion to approve by Mr. Fried, **second** by Mr. Kaup. **APPROVED** 8-0-0

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

None

Action Items

Public Hearing of PUD20/01 6th & Golden Evergy Substation by Evergy, Inc. requesting to amend the District Zoning Map from “X-1” Mixed Use District to “PUD” Planned Unit Development District (“X-1” Mixed Use District uses plus allowing a Public Utility Station, Type II with an exception to the 62 ft. height limitation for poles and towers) on a 1.64 acre property located along the south side of SE 6th Avenue lying between SE Golden and SE Highland Avenues. The rezoning allows the remodeling and expansion of the existing electric substation and allows transformers and dead end structures poles to exceed the 62 ft. height limit and allow towers up to a maximum height of 75 ft.

Mr. Hall presented the staff report and staff recommendation of approval. Mr. Kaup asked if the applicant had applied to the BZA for a height variance and Mr. Hall stated they had not.

Alex Darby stated that he, Chris Meyer and Dennis Lawlor were all logged in representing the applicant. Mr. Meyer stated that the applicant had applied for a CUP earlier this year but a height limitation wouldn't allow them to construct the tower they needed. They opted to apply for PUD zoning where a height allowance sufficient to their needs could be approved. He said the land owner is interested in selling and whether Evergy moves forward with the purchase is hinging on approval of the PUD.

Mr. Darby added that the current screening walls will be replaced with newer, more attractive stonecast walls similar to what has been done at other substations around town, thus the appearance of the property will be improved. There will also be newer equipment in the facility.

Mr. Armstrong declared the **public comment period open**. With nobody logged in to speak, he declared the **public comment period closed**.

Motion by Ms. Lawson that the Commission recommend to the Governing Body **APPROVAL** of the rezoning from “X-1” Mixed Use District to “PUD” Planned Unit Development (“X-1” Mixed Use District

draft

plus the use of a “Public Utility Facility, Type II); **second** by Mr Dehn. Mr. Armstrong asked Mr. Hall if the motion should include approval being subject to the 6 conditions listed in the staff report and Mr. Hall confirmed that it should. Ms. Lawson agreed to the **friendly amendment**, as did Mr. Dehn. **APPROVED 7-0-0** (Ms. Messina had lost internet connection and was not logged in to vote).

Presentation/Discussion Items

Downtown Master Plan Update with a focus on Tower and Van Buren Districts.

Mr. Warner provided a broad overview of the plan then focused on the Tower District. A slide presentation was shown. With no questions on the Tower District he presented on the Van Buren District.

Mr. Kaup asked about status of the plan(s), and Mr. Warner explained that to date presentations have been created on various districts and they’ve been presented to the Planning Commission and various stakeholder groups. The next phase will include sending out information in the form of GIS storymaps to property owners within the various districts, focusing on a couple districts at a time. Next year there will be increased public engagement.

Mr. Kaup asked if the public parking that is identified in the presentations is all surface level and Mr. Warner stated it is not. Some will be below grade, and the goal is to not add surface level parking lots.

Mr. Dehn asked about the proposed change of one way streets into two way streets. Mr. Warner explained that this will assist with circulation as well as encourage additional pedestrian use. The possibility has been discussed with the state and they voiced no concerns.

Short Term Rentals – A Report by Planning Staff regarding draft changes to the zoning code creating new standards for “Short Term Rentals” and results of October information meetings with stakeholders. Short term rentals are regulated as “bed and breakfast home” and “bed and breakfast inn” in the current zoning code.

Mr. Fiander provided some background information, including information about a March 2020 Board of Zoning Appeals finding that as our code is written, short term rentals require a Conditional Use Permit (CUP). Mr. Fiander explained that it was his decision to have staff pause enforcement of the CUP requirement until they have had an opportunity to adequately research and vet a code amendment dealing more directly with short-term rentals.

Mr. Hall gave a presentation on the draft amendment and took questions from commissioners. He explained that to date two stakeholder meetings have been held. One meeting included owners of short term rentals that were discovered through staff research, and the other meeting included property owners within 200’ of those short term rentals. In all, over 500 meeting invitations were sent out via US Mail.

At the meetings, which were done via Zoom videoconference, presentations were given by staff and those attending were given an opportunity to ask questions and voice concerns and/or support. Staff has been in contact with stakeholders via phone and have encouraged people to submit things in writing in order to be included in the agenda packet when the item comes before the Planning Commission as an action item.

Mr. Kaup asked regarding the effect a code amendment might have on anyone who has already sought and received a CUP to operate a short-term rental. Mr. Hall said he’s not aware of any such CUPs issued to date, but if there are any, he would anticipate the businesses being allowed to continue to operate as approved by the CUP. Mr. Kaup encouraged staff to be sensitive to anyone already holding a CUP and guarding against their being adversely affected by any new regulations.

Mr. Armstrong inquired about the process going forward. Mr. Hall explained that staff will continue to work on the code amendment and bring it before the Commission for a vote, possibly as soon as

December 2020. He added that it could depend on the Planning Commission's December agenda; staff will not want to bring the amendment before the commission if the agenda is full, as they'll want to allow plenty of time for discussion and consideration.

Some questions and suggestions followed about the specifics of the amendment.

Mr. Armstrong noted that several non-commissioners were logged in to hear this evening's discussion.

Mr. Fried reminded the Commission that the item is on the agenda this evening as a discussion item and a public hearing will be held when the item comes before the Commission for a vote. Mr. Kaup noted that taking comment from the public at this meeting may give the appearance of undue influence.

Mr. Armstrong thanked the public for attending and called for the next item on the agenda.

Communications to the Commission –

Mr. Fiander reported that cases recently presented to the Planning Commission have been heard and approved by the Governing Body.

Mr. Fiander reported that the Housing Services Division has come under the Planning and Development Department and Mr. Dan Warner has been named Division Director of Planning. Mr. Fiander remains Director of the Planning & Development Department, which now includes Planning, Development Services, and Housing Services Divisions.

With no further agenda items, the meeting was adjourned at 7:10PM



CITY OF TOPEKA

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

Dan Warner, AICP, Division Director
Tel: 785-368-3728
www.topeka.org

MEMORANDUM

To: Topeka Planning Commission

From: Dan Warner, AICP, Planning Division Director / Comprehensive Planning Mgr.

Date: November 16, 2020

RE: A20/03 – Annexation request by Mitch Barnard for property located on the east side of SE Croco Road, approximately 300' south of SE 31st Street

Proposal

Mitch Barnard is requesting annexation of an approximately 23-acre property located on the east side of SE Croco Road, approximately 300-feet south of SE 31st Street (see Map 1). The owner will construct a home along the frontage of SE Croco Road on approximately 6 acres. The remainder of the property is reserved for a future urban single-family development (see Map 2).

The project will be connecting to City of Topeka sewer. Development that connects to sewer outside the city is required by City of Topeka utility rules to annex and plat. The property will be receive water service from Rural Water District #8.

Background

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

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

LUGMP Review

The property lies within Tier 2 of the Urban Growth Area (see Map 3). Tier 2 areas are contiguous to the City and are the next priority for Topeka's future urban growth since this is where Topeka has already made service and infrastructure investments.

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

The subject property is designated as Urban Growth Area (Residential) by the Topeka Future Land Use Map (Map #3). The proposed development is consistent with a future residential area.

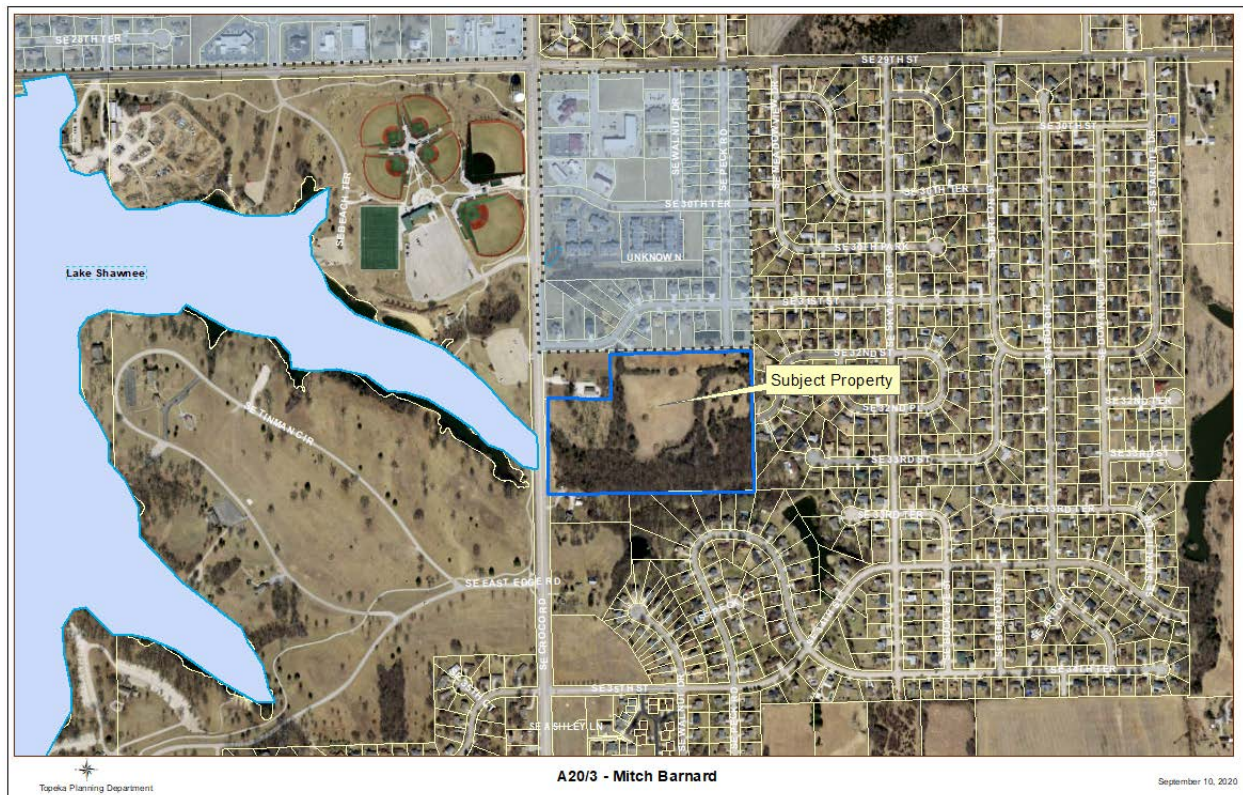
Street Network

Future access to the new home will come from SE Croco Road, which is an improved urban 5-lane road. Streets within the future urban subdivision on the remaining property will connect to the existing local street network in the neighborhoods to the north and east.

Recommendation

Annexing the subject property is consistent with the Comprehensive Plan.

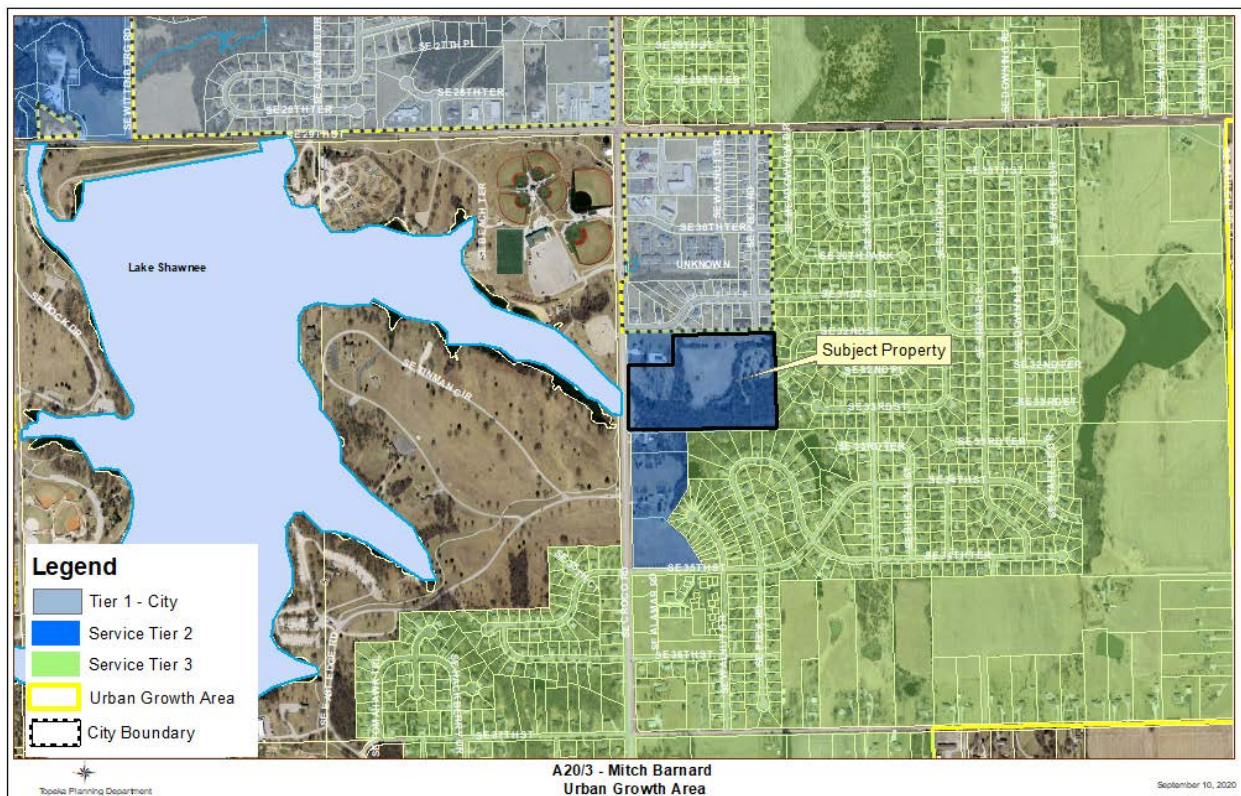
Map 1



Map 2 – Preliminary plat concept



Map 3

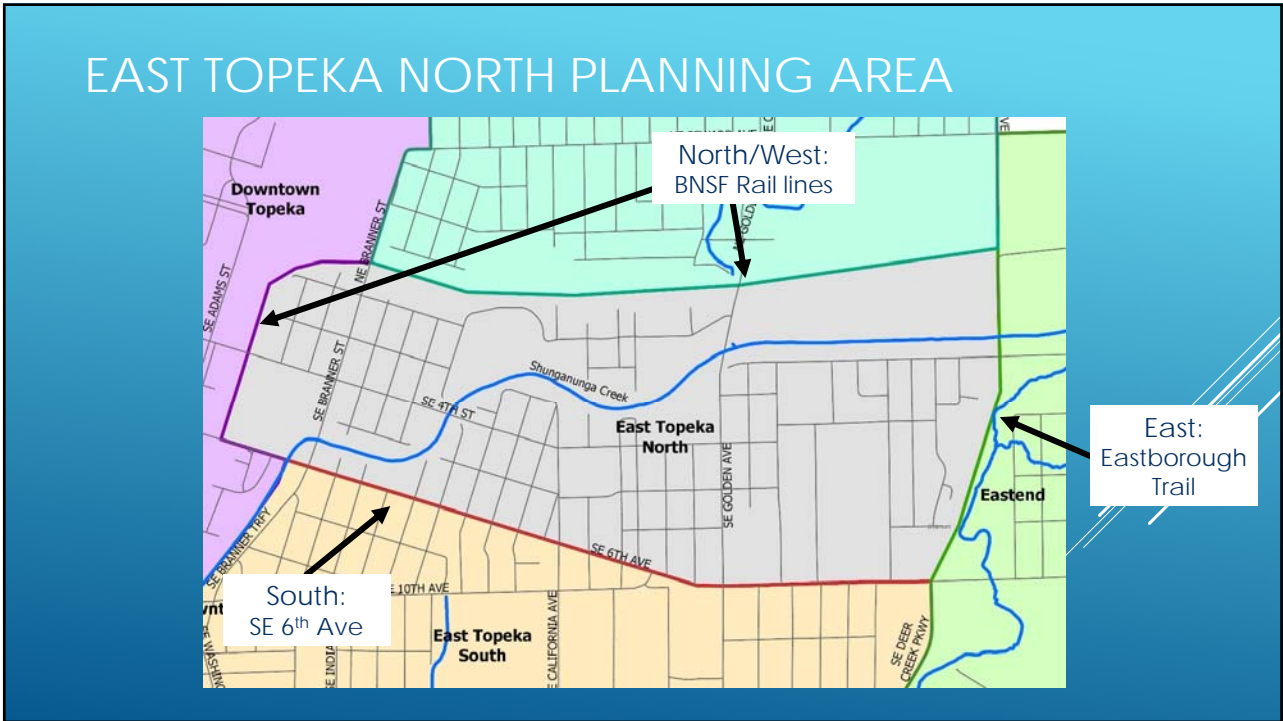
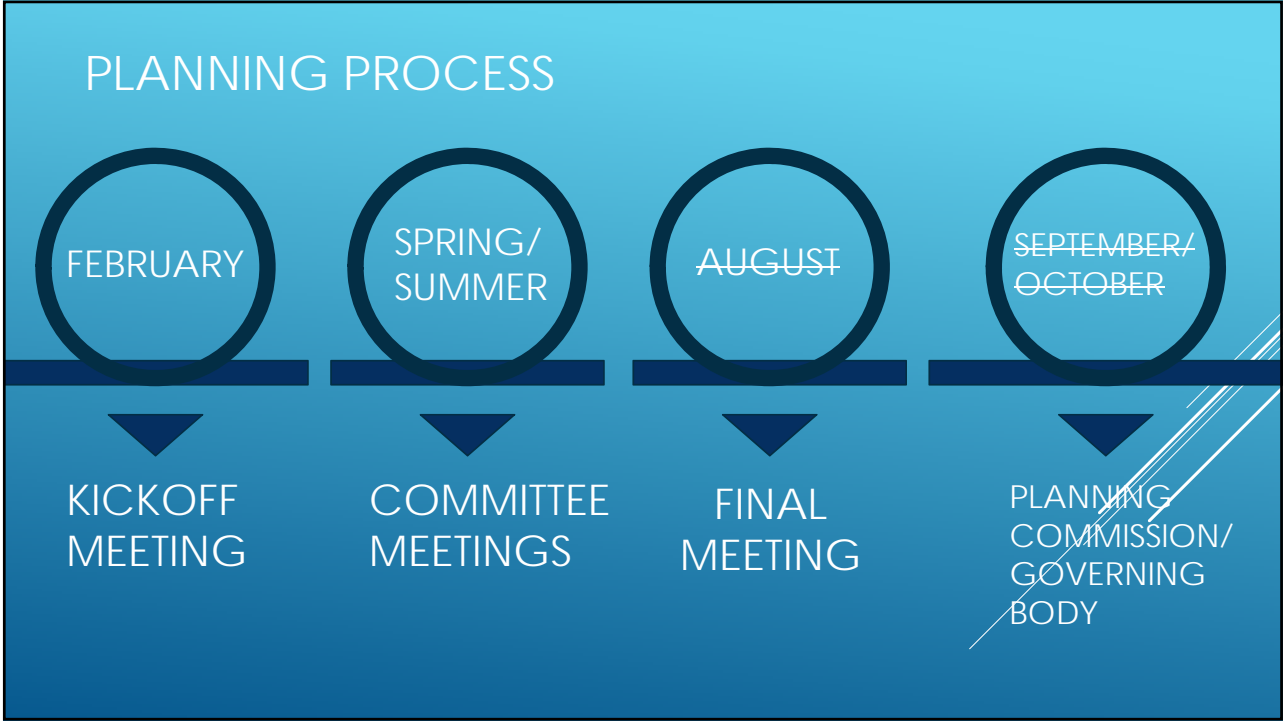


EAST TOPEKA NORTH

East Topeka North NIA & City of Topeka Planning &
Development Department / Planning Division
Neighborhood Plan
2020 Update

WHAT IS SORT?

- ▶ 3 year process to provide infrastructure and housing improvements
- ▶ Year 1 – 2020: Planning Process
 - ▶ Update Neighborhood Plan
 - ▶ Assess current conditions and identify projects
- ▶ Years 2 & 3 – 2020/2021: Implementation
 - ▶ \$1.7 M in infrastructure projects



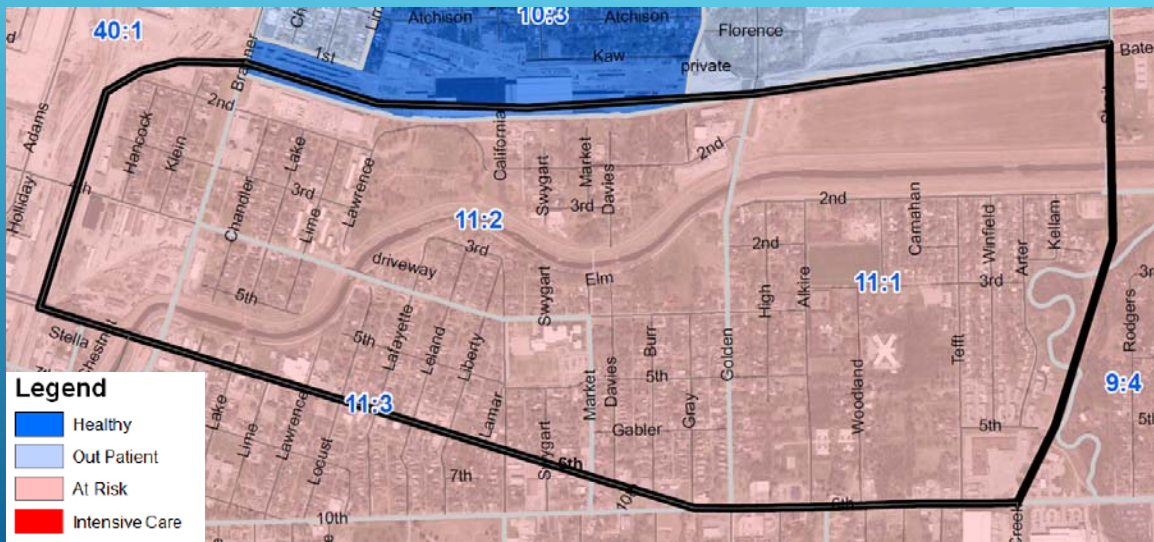
ELEMENTS OF A NEIGHBORHOOD PLAN

- ▶ Neighborhood Profile
 - ▶ History, Existing Conditions, Demographics, and Trends
- ▶ Vision and Goals
- ▶ Future Land Use Plan
- ▶ Revitalization Strategy
 - ▶ Target Area Strategies
 - ▶ Neighborhood-Wide Strategies
 - ▶ Parks and Open Space
 - ▶ Community Building/Organizing
- ▶ Implementation

HISTORY

- ▶ Originated as part of Downtown Topeka, with many Topeka’s residents living in East Topeka.
- ▶ East 6th Avenue, was the only entrance to Topeka besides river or rail followed the historic route of the Oregon Trail.
 - ▶ Acted as the “Commercial Corridor” for the City
- ▶ 1951 “Flood of the Century” – Along with the Kansas River, the Shunganunga Creek also cause flooding to the area north of SE 10th Street.
- ▶ 1960’s – Construction of I-70
- ▶ 1966 - Tornadoes path tears through northern segment of the neighborhood.
- ▶ 1996 – Scott Magnet Elementary School for computer and technology is built.

HEALTH MAP

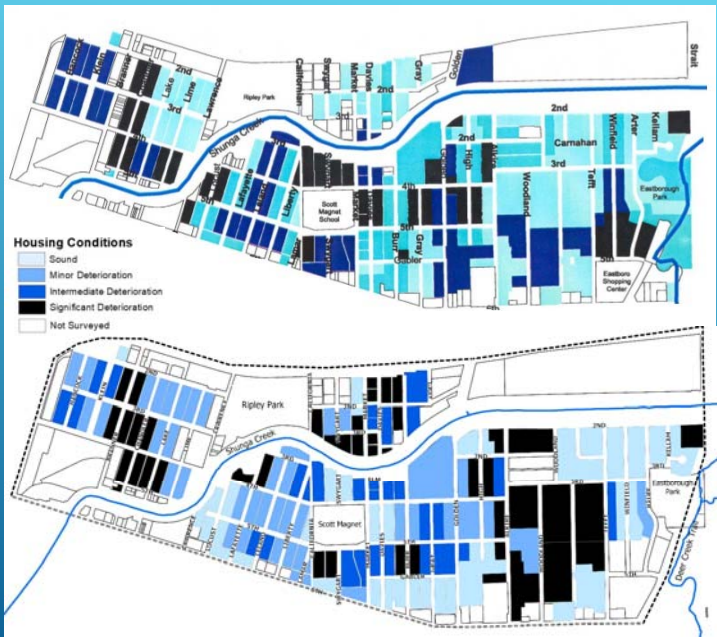


HEALTH MAP

Vital Signs	Block Group (Pop. 2010)	2000	2003	2007	2011	2014	2017
1) % Persons Below Poverty	11:1 (1,085)	26%	19%	19%	39%	34%	23%
	11:2 (1,028)	18%	30%	30%	55%	45%	55%
	11:3 (1,277)	29%	27%	27%	60%	40%	23%
2) Public Safety (Part 1 Crimes per 100 People)	11:1	(Intensive Care)	14	14	16	14	13
	11:2	(At Risk)	13	13	18	13	11
	11:3	(Intensive Care)	26	22	15	11	9
3) Average Residential Property Values	11:1	\$23,260	\$22,940	\$28,180	\$39,030	\$38,786	\$35,427
	11:2	\$15,300	\$17,100	\$28,690	\$34,590	\$35,677	\$35,233
	11:3	\$11,950	\$15,250	\$14,030	\$19,175	\$20,216	\$19,498
4) Single Family Home Ownership	11:1	48%	49%	41%	47%	45%	47%
	11:2	34%	45%	36%	46%	44%	44%
	11:3	32%	40%	36%	48%	51%	52%
5) Boarded Houses/Unsafe Structures	11:1	2	1	2	1	0	0.30
	11:2	2	1	1	4	3	0.24
	11:3	6	11	6	4	4	1.82
6) Neighborhood Health Composite (Rating)	11:1	1.6	2.2	2.2	2.0	2.2	2.2
	11:2	2.0	2.0	2.0	1.8	1.8	2.2
	11:3	1.0	1.4	1.4	1.8	2.2	2.2

HOUSING CONDITIONS

2002



2019

- \$20,700 Median Single-Family Home Value
- 70 % Units single or two family
- Nearly 3,000 housing deficiencies

CRIME

2002



2019



OWNER OCCUPANCY

2002



47% Owner-Occupied

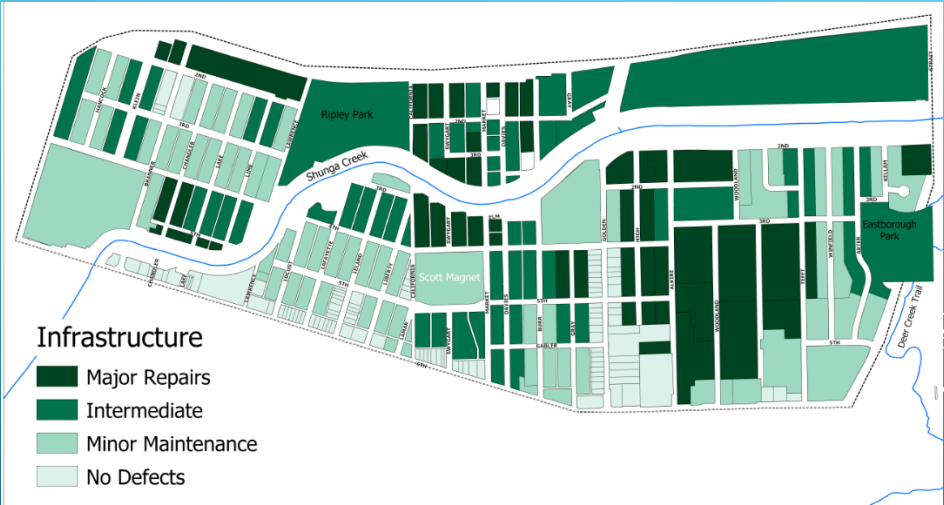
30 % of units are multi-family

2019



INFRASTRUCTURE

2019



KEY ISSUES

► Housing

- Median home values remain stagnant.
- 20% of parcels are currently vacant.
- Large number of deteriorating or dilapidated housing conditions (34%)

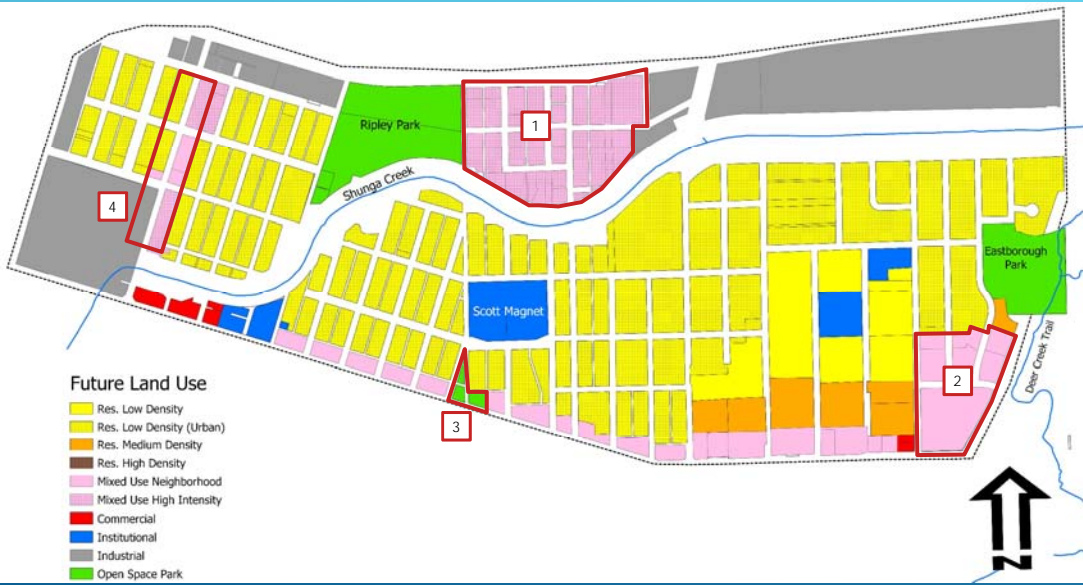
► Infrastructure

- Lack of urban infrastructure east of Golden Avenue
- Lack of sidewalk connectivity

GOALS OF THE PLAN

- Engage community members and East Topeka North NIA to promote citizen buy-in
- Improve housing conditions by focusing on rehabilitation of existing housing stock
- Systematically improve infrastructure in the Target Areas
- Improve health rating from "At Risk" to "Out Patient" or "Healthy"

FUTURE LAND USE



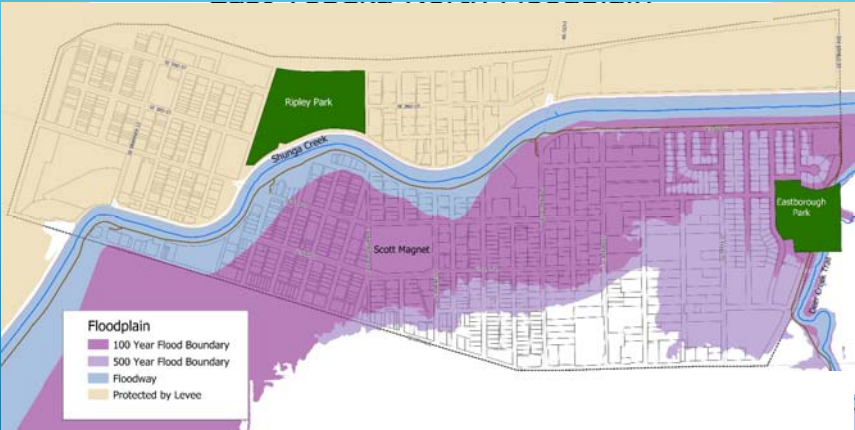
COMPOSITE SCORE



TARGET AREA SELECTION



SORT HOUSING



- ▶ Rehabilitation:
 - ▶ Smaller homes throughout the neighborhood.
 - ▶ Rehabilitation requires dwelling be brought to HUD Standards.
 - ▶ Much of the neighborhood is impacted by the 100 year floodplain.

NEXT STEPS

- ▶ Present Neighborhood Plan in December.
- ▶ Allow time for public comment.
- ▶ Planning Commission Public Hearing tentatively scheduled for December 21, 2020.