



CITY OF TOPEKA
TOPEKA PLANNING COMMISSION

MINUTES

Monday, May 16, 2016

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

Members present: Scott Gales (Chair), Kevin Beck, Katrina Ringler, Wiley Kannarr, Carole Jordan, Brian Armstrong, Dennis Haugh (7)

Members Absent: Rosa Cavazos, Patrick Woods (2)

Staff Present: Dan Warner, Planner III; Mike Hall, Planner III; Annie Driver, Planner II; Susan Hanzlik, Planner II; Kris Wagers, Office Specialist; Mary Feighny, Legal

A) Roll Call – Seven members present for a quorum.

B) Approval of Minutes from April 18, 2016

Motion to approve as typed; moved by Ms. Jordan, second by Mr. Beck. **APPROVED** (5-0-2 with Mr. Haugh and Mr. Armstrong abstaining)

C) Communications to the Commission –

Mr. Warner announced that City Council had approved the amended PUD regulations allowing less than one acre adaptive re-use as part of a PUD. He also stated that City Council approved the two Conditional Use Permits (CUPs) passed at Planning Commission the previous month.

**D) Declaration of conflict of interest/exparte communications
by members of the commission or staff**

Mr. Beck explained that he would be abstaining from Agenda Item E1 - NCD16/01.

E) Public Hearings

1) NCD16/01 Elmhurst Neighborhood Conservation District (NCD) requesting to amend the District Zoning Classification from “R-2” Single Family Dwelling District, “HL-R2” Historic Landmark Single Family Dwelling District and “M-1” Multi-Family Dwelling District **TO** “R-2/NCD-2,” “HL-R2/NCD-2,” and “M-1/NCD-2,” adding the Elmhurst Neighborhood Conservation District Overlay to the existing base zoning, for residential properties between SW 10th Ave to the north, SW Washburn Ave to the east, SW Huntoon St to the south, and SW Boswell Ave to the west. **(Warner)**

Mr. Warner informed the Commission that Ms. Hanzlik would be presenting the item, which was initiated at the March, 2016 Planning Commission Meeting.

Ms. Hanzlik reviewed the item, pointing out that there had been some minor changes since the Commissioners had last seen it. She concluded by stating that staff recommends approval.

Mr. Gales called for questions, and Mr. Haugh asked if metal storage sheds would be banned as metal garages/carports are. Ms. Hanzlik stated that they would be banned unless they were not visible from the public street. They would be permitted if located in back of the house and screened by a fence or other screening materials.

APPROVED

Mr. Haugh asked if the same applied to plastic storage sheds, and Ms. Hanzlik stated that the neighborhood had not brought these up as a concern.

Mr. Gales asked for confirmation that front yard fences in place at the time of the plan's approval would be "grandfathered" in and allowed to remain. He received confirmation of this, and also confirmation that, while ordinary maintenance/upkeep of the fences would be allowed, material modification/location changes would be subject to the new regulations.

Mr. Mark Galbraith, 1230 College Avenue, president of Elmhurst Neighborhood Association (NA), came forward representing the Neighborhood Association. He thanked the Planning Commission for allowing them to be here and began with a brief history of the neighborhood, which celebrated its 100th anniversary about 6 years ago. Items that made the neighborhood distinct in its early days included cement sidewalks throughout, streetcar lines serving the homes, new gas mains and high pressure water, universal telephone service throughout the neighborhood, and its proximity to Washburn University.

Mr. Galbraith stated that Mr. Burge, the founder of the neighborhood, brought many distinguishing factors from the Arts & Crafts movement in Great Britain, including the common themes of originality, simplicity, use of local materials, and craftsmanship throughout the building process.

Mr. Galbraith spoke to his belief that the City did a good thing in allowing for Neighborhood Conservation Districts, stating that it shows that the City recognizes there is value in the historic character of many of Topeka's older neighborhoods.

Mr. Galbraith briefly reviewed the process the Elmhurst NA has gone through in developing their proposed NCD plan, stating that they've had a great deal of neighborhood involvement. He feels the NA has been very responsive to concerns that have been expressed throughout the process, and stated he believes the NA has incorporated most all of the recommendations received into the plan in its present state.

Mr. Galbraith stated that he would be happy to answer questions, and Mr. Kannarr asked him if he could think of any suggestions from neighborhood residents that were not adopted into the plan. Mr. Galbraith stated that the only one he could think of was one from a neighbor who suggested they not go forward with the plan at all. He looked to Ms. Hanzlik, who also stated that the only one that stood out to her was the one to hold off pursuing the NCD.

Mr. Gales declared the **public hearing open** and invited people to come forward to speak.

Mr. Lonnie Nessler, 1156 Boswell, came forward to speak against the plan. He stated concerns about adding rules, about not being able to put up a fence in his front yard, and not being able to put up a metal storage shed because they're cheaper than wood sheds. He added that he has been to all the Neighborhood Meetings and has been consistently unsupportive of Elmhurst being an NCD.

Mr. Gales asked Ms. Hanzlik for clarification regarding metal sheds, and Ms. Hanzlik stated that they are allowed as long as they are placed in back of the house and not visible from the street.

Mr. Phil Johnson, 1156 SW Mulvane, came forward to speak in support of the plan. He stated that the Elmhurst neighborhood has done an amazing job throughout the process and has listened to and taken into accounts all opinions.

Mr. Mark Gibbs, 1816 SW 11th, came forward to speak against the plan, stating that he believes there are enough ordinances in place without adding the NCD rules. He specifically has concerns that he wouldn't be able to build a garage that he's been considering.

Ms. Ringler had to leave due to a scheduling conflict, but before going she stated that she is in support of approving the NCD.

With nobody else coming forward to speak, Mr. Gales declared the **public hearing closed**.

Mr. Armstrong asked for clarification about rules regarding garages. Mr. Warner stated that the NCD does not address how the garage can be accessed (from the street vs. from the alley), only that it must be placed behind the house.

Mr. Gales asked how much leeway one might have regarding design of a new home. Mr. Warner confirmed that it must include some design elements that are prevalent in the neighborhood.

Motion to approve the NCD by Ms. Jordan, second by Mr. Armstrong. **APPROVED** (5-0-1 with Mr. Beck abstaining)

2) Z16/3 by Topeka Planning Commission requesting to amend the District Zoning Classification from “RR-1” Residential Reserve District to “R-1” Single Family Dwelling District on 1.5 acres of property located to the north of SW 27th Street, approximately 500’ east of SW Indian Hills Road. **(Driver)**

Ms. Driver reviewed the staff report, clarifying the “utilities” section by stating that the applicants intend to connect to sewer and water at their own expense. She added that a Neighborhood Information Meeting was held and there were no comments from that.

Mr. Haugh asked why another parcel that remains zoned RR-1 wasn’t included in the re-zoning request. Mr. Warner explained that when the proposal for the subdivision came in, the City asked the RR-1 property owners to the west and north if they were interested in being annexed by the city and they were not.

Mr. Gales declared the **public hearing open**. With nobody coming forward to speak, he declared the **public hearing closed**.

Motion by Mr. Beck to approve request; second by Mr. Haugh. **APPROVAL** (6-0-0)

Adjourned at 7:00PM