



CITY OF TOPEKA
TOPEKA PLANNING COMMISSION

MINUTES

Monday, September 19, 2016

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

Members present: Scott Gales (Chair), Kevin Beck, Carole Jordan, Katrina Ringler, Wiley Kannarr, Brian Armstrong, Dennis Haugh, Rosa Cavazos (8)

Members Absent: Patrick Woods (1)

Staff Present: Bill Fiander, Planning Director; Mike Hall, Planner III; Annie Driver, Planner II; Mary Feighny, Legal

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

B) Approval of Minutes from August 15, 2016

Motion to approve as typed; moved by Mr. Haugh, second by Ms. Jordan. **APPROVED** (8-0-0)

C) Communications to the Commission –

Mr. Fiander updated the Commission on the zoning cases heard at the August, 2016 meeting, stating that the Working Men of Christ PUDs were approved by the Governing Body, and that the Newcomer PUD would be heard by the Governing Body at their September 20 meeting. Mr. Fiander stated that a protest petition had been filed by the neighborhood, which means the case requires 8 out of 10 votes rather than a simple majority to pass.

Mr. Fiander gave information about National Park Service/Oregon Trail Riverfront Park design charrette taking place the week of August 22 at the Great Overland Station. All are encouraged to attend.

Recognition of outgoing Commissioner Kevin Beck

Mr. Fiander presented a plaque to Mr. Beck as an outgoing Planning Commissioner, thanking him for his dedicated service. Mr. Beck thanked previous and current mayors and commissioners. Mr. Gales thanked Mr. Beck for his service.

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

Mr. Beck reported that due to a conflict of interest, he would be abstaining from hearing/voting on item F1, Mr. Armstrong reported that due to a conflict of interest, he would be abstaining from hearing/voting on item E1.

E) Public Hearings

- 1. Z66/20D Carriage House Master Planned Unit Development By: Kansas Carriage House LLC** requesting to amend the master plan and expand the boundary of the existing 9.1-acre Planned Unit Development (“M-2” Multiple Family Dwelling uses) at 1601 SW 37th Terrace to include an additional 0.6 acres of property currently zoned “R-1” Single Family Dwelling District and located at 1701 SW 37th Street. **(Driver)**

Mr. Armstrong excused himself, and Ms. Driver reviewed the staff report and staff recommendations. With no questions from Commissioners, Mr. Gales invited the applicant/representative to come forward to speak. Angela Sharp of Bartlett & West came forward and stated that also in attendance and available for questions was Mr. Lew McGinnis, owner of Carriage House Apartments. Ms. Sharp explained that, although not part of the PUD, Mr. McGinnis also purchased the home to the west of the home they want to remodel, and they may use that home for the complex manager to live in.

APPROVED

With no questions from commissioners, Ms. Sharp took her seat.

Mr. Gales declared the public hearing open. With none coming forward, the public hearing was closed.

Following comments by Mr. Gales, Mr. Haugh support of the proposal, Mr. Beck asked if the applicant is willing to comply with staff recommendations listed in the staff report. Ms. Sharp verified that the applicant is willing. Mr. Beck noted approvingly that they are extending the sidewalk up Mulvane to tie into the existing complex.

Motion by Mr. Beck to approve subject to recommendations of staff, second by Ms. Jordan.

APPROVED (7-0-1 with Mr. Armstrong abstaining)

F) Action Items

1. **P16/12 Topeka Investment Group Subdivision #3 by: Mycose Entrepreneur Inc.** A minor plat, requesting approval of a design variance in accordance with TMC 18.30.040 of the Subdivision Regulations to the provision of TMC18.40.110 regarding every lot in a subdivision having frontage upon a street on property located at 601 NW US 24 Highway, all being inside the city limits. **(Driver)**

Mr. Beck excused himself, and Ms. Driver reviewed the staff report and staff recommendations. Mr. Gales asked if the requested variances were suggested by the owners or by Planning staff, and Ms. Driver explained the design was proposed by the owners Planning staff is supportive of the variances.

Mr. Haugh asked if maintenance of the shared access easement is shared by all lot owners. Ms. Driver stated that staff asked that the applicant indicate by a note on the plat how maintenance will be provided for. Mr. Gales asked if a maintenance agreement is typically required. Ms. Driver stated that it is a requirement of the staff report.

With no further questions for staff, Mr. Mark Boyd came forward representing the applicant. Mr. Boyd stated that though the maintenance note has not yet been articulated, he believes the applicant is willing and maintenance requirements will be note on items registered through the Shawnee County Register of Deeds.

Mr. Boyd stated that the applicant is okay with preliminary comments and requests received from staff and the notes will be "cleaned up". With no questions for Mr. Boyd, he took his seat.

Mr. Gales stated he's familiar with the property and stated he sees no issues with the requested variance.

Motion by Mr. Armstrong to approve the variance, second by Mr. Haugh. **APPROVED** (7-0-1 with Mr. Beck abstaining)

Following the vote, Mr. Beck returned to the room.

G) Discussion Items

1. **Zoning Code Amendments**

Review of Title 18 of the Topeka Municipal Code and potential amendments to the regulations for signs, subdivisions, and zoning

Mr. Hall reviewed for discussion proposed amendments, focusing on why staff feels the amendments are necessary. Questions from commissioners were answered or addressed.

With no further agenda items, meeting was adjourned at 7:01PM.