



CITY OF TOPEKA  
**TOPEKA PLANNING COMMISSION**

MINUTES

Monday, August 21, 2017

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

**Members present:** Wiley Kannarr (Chair), Brian Armstrong, Ariane Messina, Dennis Haugh, Carole Jordan, Rosa Cavazos, Katrina Ringler, Scott Gales, Patrick Woods (9)

**Members Absent:** (0)

**Staff Present:** Bill Fiander, Planning Director; Mike Hall, Planner III; John Neunuebel, Planner II; Kris Wagers, Administrative Officer; Mary Feighny, Legal

**Mr. Kannarr opened the meeting and roll was called**– Nine members present for a quorum.

**Approval of Minutes from July 17, 2017**

**Motion** to approve; moved by Mr. Gales, **second** by Mr. Haugh. **APPROVED** (8-0-1 with Mr. Kannarr abstaining)

**Communications to the Commission**

Mr. Fiander reported that the Governing Body heard and unanimously passed Z17/02 by JEDO. He added that the Wheatfield Village PUD is scheduled for the September 24 Governing Body meeting.

Mr. Woods and Mr. Gales were each recognized and thanked for their service to the City of Topeka by their years on the Topeka Planning Commission.

Mr. Wiley thanked Ms. Cavazos for serving as Acting Chair at the July 2017 Planning Commission meeting.

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

None reported

**Public Hearings**

**PUD17/03 by Frank Meade** requesting to amend the District Zoning Classification of the subject property (10.7 acres) located at the Northeast corner of SE 29<sup>th</sup> Street and SE Wittenberg Road **from** “R-1” Single Family Dwelling District **to** PUD Planned Unit Development for a self-service storage facility (Type I and Type II Storage) and offices. (Neunuebel)

Mr. Neunuebel presented the Staff Report, concluding with staff’s recommendation for disapproval of the requested zoning reclassification.

**APPROVED 9-18-17**

Mr. Gales asked if the 17 conditions listed in the staff report were minimal expectations for further consideration and suggested there be further elaboration on design character pertaining to the properties, including percentages of materials. Mr. Neunuebel noted that if the applicant were to submit a revised PUD Master Plan, elevations therein would allow for an opportunity to work through design and aesthetics. Mr. Gales emphasized that he believed there should be additional detail regarding requirements for aesthetics.

Mr. Woods stated that he has strong feelings about adhering to the LUGMP 2040 land use recommendations and noted that a constituent had contacted him about this also. He noted that perhaps he should have mentioned the contact as an exparte conversation .

Mr. Fiander stated that the property in question is in Tier 1 of the LUGMP 2040, which is a priority area. He noted that the use of the property may need to be re-considered during the next review of the LUGMP and if it were, it would likely be recommended for mixed use to allow for neighborhood office/residential. He does not think it would be recommended for industrial or heavy intensive commercial uses.

Mr. Woods suggested that the LUGMP should be updated prior to allowing a more intense use than what's currently recommended there. Mr. Fiander noted that the plan is done "with broad strokes" and is not necessarily site specific; it is a general plan rather than a zoning map.

Mr. Kannarr noted that the property has been vacant for at least 20 years and there was brief discussion regarding whether anyone else had attempted to develop it.

Mr. Kannarr noted that the staff report did not mention in the "relative gain to the public health, safety and welfare" section any potential positives the project might bring economically. Mr. Fiander agreed and stated that he believed this was addressed in the Conformance to Comprehensive Plan section.

Mr. Kannarr invited the applicant to come forward to speak.

Mr. Frank Meade came forward, thanking the Planning Department and noting that changes had been made to the PUD proposal even after the deadline necessary to allow for staff's thoughtful consideration. He noted that the process has stretched out for months as additional changes continued to be made to the plans.

Mr. Meade noted that commercial uses were not recommended by Planning staff or the County due to traffic issues it would present on Wittenberg and also on 29th Street even after it's widened. He stated that's one of the big reasons he chose the proposed uses.

First he addressed the proposed office space, noting that East Topeka is lacking in office space. He believes his proposed project will help with that and he said he's gotten good response so far.

Next he addressed storage, noting there's virtually no boat or RV storage in the area. He said he's built boat/RV storage near Clinton and it's worked well for both him and the lake. He then stated there are many RVs, campers, boats and trailers parked in yards around Lake Shawnee and his storage buildings would give the property owners the opportunity to store them somewhere other than in their yards.

Mr. Meade stated that the response to the proposed office space has been so good that he has decided to include additional office space in Phase II of the project . He noted that the project will provide a buffer between residential and commercial and stated that the plans include leaving as many trees as possible between the proposed buildings and the nearby residences. In leaving as many trees as possible and putting the office buildings in front, they are attempting to make the storage virtually invisible.

Mr. Meade closed by asking "if not this, what are you going to put there?"

C.L. Mauer with Landplan Engineering out of Lawrence came forward as the design professional for the project. He showed renderings of the proposed buildings, noting the buffer between the creek to the north, retaining walls on the east with additional trees, and landscaped green space between the buildings and the streets.

Mr. Mauer referenced a report done a year ago that states "DWR classifies this dam as a size 4, class C, high hazard dam". He questioned whether DWR would sign off on residential building or whether insurance companies would insure homes in the area, noting that offices and storage would be lower risk.

Mr. Mauer reviewed renderings of the proposed storage and office buildings that he brought with him as part of a PowerPoint presentation.

Mr. Mauer noted that the property is lower than any of the sanitary sewer lines. For the proposed plans, the applicant will need to provide a small, private pump station to pump sewage up to the sewer lines. He questioned whether that would be affordable for intense residential building.

Mr. Mauer showed an overhead of the staff's conditions and noted that the changes to the plan had been made and noted in red. He stated that the only condition they didn't agree to was #10 where Planning staff asked that the parking be moved from the front to between the buildings. He believes that the buildings are set back far enough and berming and landscaping could hide most of the cars/parking area. He also noted that the driveway had been moved based on a request made by Shawnee County.

Mr. Mauer stated he was open for questions. Mr. Armstrong asked for additional information regarding parking. Mr. Haugh inquired about the difference in elevations between the property and the residences to the east, and how the lighting of the proposed project would affect the residences. Mr. Mauer stated that the residences were sitting at about 950 feet and Mr. Meade's property is at about 930 feet. He explained that the storage facilities will not require much lighting and what there is will be pack lighting at roof level pointed down. He stated the offices will also not require a lot of lighting. If they require pole lighting, poles would be approximately 25' and the lights would be pointed down with shades so you wouldn't see them from above.

There was discussion about what the project would look like from the street, with Mr. Mauer stating that the project will likely look like an office park. Mr. Gales expressed concern about the density of the buildings, stating he might be more open to the idea if it were half as dense with more green space. Mr. Mauer stated that after Phase I the phases will basically be market driven, adding that storage and green space don't really go together because of the need for access, and they are attempting to shield the facility with trees and landscaping. Mr. Meade came forward and stated that there will be a great deal of greenspace behind the proposed buildings, and that the storage buildings viewable from the street will be built to look much like offices.

There was discussion about right of way requested by the county and Mr. Mauer stated that the applicant is okay with the request. He also pointed out that when the plans were drawn up and submitted to Planning, the applicant was unaware of the ROW needed. The plans were changed based on this.

Mr. Kannarr asked about the proposed phasing of the project, and Mr. Meade came forward to address, explaining that physically the buildings for regular storage and boat/RV storage are very similar and what they're used for will be in part market driven. Phase I is what is necessary just to get the project off the ground and hopefully additional phases will follow.

Mr. Haugh asked if 2-story facilities were considered to reduce the number of buildings on the site. Mr. Mauer stated it had been discussed and they're not necessarily ruling anything out.

With no further questions of the applicant, Mr. Kannarr declared the **public hearing open**.

Christopher Gunn of 3000 SE Pices Avenue came forward stating he owns one of the 4 properties directly adjacent to the proposed PUD. He stated that he's an attorney and while not representing anyone this evening, his comments echo those of a number of his neighbors and people who live in the area.

Specific issues included constant lights from the project, and reference was made to 20-25' pole lights, which would be at approximately the same elevation as the residences. He noted that the trees referenced are, for the most part, deciduous and during the winter he can see cars and headlights going down Wittenberg. He noted the fact that he was stating this on the record would serve as advance notice that this may be an issue of quiet enjoyment.

Mr. Gunn noted property value concerns, noting that the storage portion of the project is industrial in nature.

Broader issues include, he said, the fact that the project includes no commercial benefit to the area. He stated that those in the neighborhood are not against commercial development in this part of the city, but it must make sense for this area, and this particular project does not. He stated that it's not an anchor property, it will not spur other commercial development in the area and it will not attract other businesses. He expressed concern about traffic congestion, noting that while there's a plan to widen 29<sup>th</sup> Street, it's not yet been widened. He also noted that trying to turn off Wittenburg onto 29<sup>th</sup> Street is very difficult and often entails a long wait. He said that he's been told that it's not a likely location for a stoplight due to its proximity to another stoplight.

Mr. Gunn expressed concern about what would happen if for some reason 29<sup>th</sup> Street is not widened. He said it was stated by the applicant at the Neighborhood Information Meeting that the success of the project is tied to that street widening.

With the speaker's time allotment running out, it was agreed by the Planning Commission to allow 1 additional minute.

Mr. Gunn stated that the empty hay bales sitting on the property are more attractive than what's being proposed and that he doesn't think people who live in the neighborhood will utilize the storage facility because they have their homes to store their things in.

Mr. Armstrong asked Mr. Gunn if he paid any high-hazard insurance because he lives so close to the dam and Mr. Gunn answered that to his knowledge, no.

Mr. Haugh asked if the area was developed in such a way as to provide jobs that would be beneficial to his neighborhood, would he support that? Mr. Gunn stated he'd consider on a case by case basis. He re-stated his concerns about lighting regardless of what's planned for that space. He noted that the in Staff Report there was a request to plant evergreen trees to try to mitigate that but he noted that it would be a number of years before the trees grow tall enough to impede lighting that would come directly onto his property.

Michael Meyers of 2909 SE Virgo, which is adjacent to the north of the property in question, came forward to speak against approval of the proposed project.

Mr. Meyers noted that all the residences surrounding the subject property sit at a higher elevation so they do have a downward, birds eye view, and most of the trees around the property are deciduous so that in the winter time the homes have a direct view of the property.

Mr. Myers stated that he attended the NIM and Mr. Meyers seems willing to do what's needed to the buildings look nice, including making the roofs green. Mr. Myers is not as concerned about the facades as he is the rooftops and noted that these rooftops will be what someone walking the dam at Lake Shawnee will see.

Mr. Myers stated he hopes Mr. Meade builds the project, but not in his backyard. He is an RV owner and a prospective tenant, but is concerned about what might come in the future if the property is re-zoned for Industrial use. He added that perhaps his greatest concern is future outdoor storage units due to their negative visual impact.

Mr. Myers noted that there's an existing storage facility in the area at 21<sup>st</sup> & Wittenberg. He stated that it's mixed in with other industrial use and that's where an outdoor storage facility belongs. He asked that if the Commission does vote in favor of the project, they include strong prohibitions against outdoor storage.

He also asked that the Commission carefully consider the traffic at 29<sup>th</sup> & Wittenberg. He said trying to find a break in traffic that allows you to turn onto 29<sup>th</sup> from Wittenberg is difficult for a car or truck and it would be much more difficult for a vehicle pulling a trailer or boat, thus making the traffic issue even worse for neighborhood residents.

In conclusion, Mr. Myers suggested that if the project is not approved the City look at long-range planning that includes green space on the property.

Karen Tardiff of 3025 SE Virgo came forward to speak against the project. She stated that there are some evergreen and some deciduous trees around/behind her house and she is able to see the lake in the winter.

Ms. Tardiff noted that Shawnee is a small lake; it's not Clinton or Pomona. She noted that there's a lot of commercial use around 6<sup>th</sup> & Croco and stated that this is not necessarily the atmosphere you'd want in a recreational area. She stated that she doesn't have high hazard insurance premiums and also that most people she has spoken with are horrified at the prospect of storage facility being placed at 29<sup>th</sup> & Wittenberg.

Ms. Tardiff spoke of a property in Kansas City where a large lumber yard and store was built in an area where large expensive homes are forced to look down at the roof and grounds of the store and parking lot, noting that it looks like a prison. She is concerned that homes in her neighborhood will experience the same sort of thing if the project goes forward.

She re-stated that the project doesn't fit in with the atmosphere and said she has recommendations for a recreational area, restaurant, etc. She concluded by saying that she believes the property can be developed but that this isn't an appropriate use.

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

Mr. Fiander pointed out for accuracy sake that the PUD proposal does not permit pole lights. Lighting would be pack lighting pointing down from the top of the building walls. Mr. Meade came forward to verify this is the plan for lighting and also noted that security will be provided via keycards, alarms and cameras so an excess of lighting will not be necessary. Questions from Ms. Ringler and Mr. Woods brought out the fact that Mr. Meade does not anticipate having to light the storage areas late at night. Per Mr. Meade, the lightpacks are designed to hang approximately 9' from the ground and the 25-35 watt LED bulbs are pointed downward. The exterior buildings will be taller than the interior buildings so they will shield some of the view and also some of the lighting.

Mr. Fiander clarified that the standard Right of Way for arterials is 105' and the county is asking for an additional 20' to serve as a permanent construction easement. He also stated that the elevations shown by the applicant in their PowerPoint presentation had not been made available to Planning staff in time for them to evaluate. He noted that Mr. Meade has worked with staff to make changes requested. He pointed out that while staff is not recommending approval, if the Commission chooses to continue the case, the staff recommendations would be the minimal needed to proceed and the applicant needs to be clear about whether the project is an office park with storage or a storage park with office. Staff recommendations in the staff report are meant to move in the direction of an office park with some storage and have a park setting. He concluded by stating staff ran out of time to accept and review changes based on deadlines necessary to bring the case to the August Commission review. Staff had recommended a continuance but the applicant wanted the case to be heard this month. Staff's "big picture" objection is the proposed density of the project.

Mr. Gales inquired regarding the deadlines involved with Planning Commission cases and Mr. Fiander reviewed the various deadlines necessary to allow staff time to review. He added again that staff had recommended the applicant continue the case to the September Planning Commission to allow more time for necessary changes and reviews. The applicant chose not to, so staff wrote their report based on the information they had at the time.

Mr. Kannarr asked for clarification as to whether the applicant has agreed to 16 of the recommendations listed in the staff report, the exception being #10 having to do with the location of parking. Mr. Neunuebel stated that to his knowledge, the applicant has not submitted anything to staff stating their agreement or disagreement with any of the conditions.

Mr. Kannarr then asked the applicant if they are willing to agree to 16 of the recommendations. Mr. Mauer stated that he had made changes but knew staff wouldn't have time to review so simply brought them straight to the Planning Commission meeting. Mr. Kannarr asked if everything had been addressed except for the parking and Mr. Mauer stated that it had.

Mr. Hall stated that condition 11 requires they decrease Type II Storage by 2/3, a substantial change that should be verified by the applicant.

Regarding Condition 11, Mr. Gales asked Mr. Meade about the phasing of the project and pointed out that the I-1 light industrial doesn't come in until Phase 4 or 5. He wondered how important that is to Mr. Meade's business model since that's what seems to be out of place for the area. Mr. Meade noted that RVs take up a large amount of land because of the area required for turn-around. He stated there may be changes in the future regarding climate control based on the market, but the structure will likely stay the same. He stated that he'd like to have a lot more RV storage space but the land is not available due to the office buildings. He said that phasing might change, noting that those changes would have to be approved by Planning staff. He also stated that he doesn't think of the storage as being I-1. After discussion, Mr. Gales stated that what he was hearing Mr. Meade say, indirectly, is that the I-1 is critical to the long term success of the project.

Mr. Kannarr noted that it's easier to get the zoning changed to PUD with I-1 use than directly from R-1 to I-1. Addressing the view the homes would have looking down, he acknowledged the fact that the view would be different in February than in August because of foliage. He noted that the land has been vacant for 20 years and while he's not sure this is the perfect development, he's also not sure there will be one. He expressed concern about staff not having been provided with or allowed time to review the responses to the 17 recommendations.

Mr. Gales discussed the fact that sometimes higher zoning such as O&I and Commercial can blend in with residential settings but he has concerns about going to I-1 zoning. He also questions the necessity based on the proposed phasing of the project; if it's a priority, why aren't they developing that first?

Mr. Kannarr stated that he too is concerned about identifying space around the lake for storage and wonders about the importance of the storage since it's not included in the first 3 phases of the project.

There was discussion about staff's recommendation #10 and Mr. Gales stated he thinks the parking could remain where it is and hidden with landscaping. Ms. Ringler stated she would not want the backs of the buildings to be to the street.

**Motion by Mr. Haugh to defer this matter until the September 18, 2017 Planning Commission meeting so that staff has time to review the new information presented. Second by Ms. Jordan.**

Discussion followed as to whether the September Planning Commission date would allow the applicant to submit to staff the revised plans that had been presented at this evening's meeting, then allow staff time to review. There was also concern expressed about whether this date would allow time for public notification regarding the revisions.

Following this discussion, Mr. Haugh **amended** his **motion** to be to defer the matter until the October 16, 2017 Planning Commission date. Ms. Jordan seconded this revision. Ms. Messina noted that she is in agreement with deferring the matter as she is currently too conflicted to be sure whether to vote for or against the project. Mr. Woods agreed. APPROVAL (9-0-0)

**Adjourned at 8:05PM**