



CITY OF TOPEKA  
**TOPEKA PLANNING COMMISSION**

MINUTES

Monday, July 17, 2017

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

**Members present:** Brian Armstrong, Ariane Messina, Dennis Haugh, Carole Jordan, Rosa Cavazos (Acting Chair), Katrina Ringler, Scott Gales, Patrick Woods (8)

**Members Absent:** Wiley Kannarr (1)

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

**Roll Call** – Seven members present for a quorum. Mr. Woods arrived later in the evening.

**Approval of Minutes from May 15, 2017**

**Motion** to approve; moved by Mr. Armstrong, **second** by Ms. Jordan. **APPROVED** (7-0-0)

**Communications to the Commission**

Mr. Fiander pointed out that Commissioners should each have received 3 handouts; 2 regarding Z17/02 and one for the Wheatfield Village Project Plan (Item E2a)

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

Mr. Haugh and Mr. Armstrong each reported a conflict of interest on Item E1a (Z17/02) and stated they would not be voting on this item.

**Public Hearings**

**Z17/02 by: Joint Economic Development Organization of Topeka & Shawnee County (JEDO),** requesting to amend the district zoning classification of the subject property (6.06 acres) located at 2014 SE Washington Street **from** “R-1” Single Family Dwelling District **to** “O&I-2” Office and Institutional to allow for a physical center for workforce development training in East Topeka. (Neunuebel)

Mr. Haugh and Mr. Armstrong left the room and Mr. Fiander explained the voting requirement to pass a motion is a majority of those voting.

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

With no questions from Commissioners, Ms. Angela Sharp of Bartlett & West came forward representing the applicant. Ms. Sharp pointed out that while the re-zoning isn’t dependent on the short-term intended

**APPROVED**

use but rather on overall long-term use, the entities requesting the action have a history of bringing positive, long-lived projects to the area and they expect their current project to be the same. If the re-zoning is approved, the applicant believes that the physical changes they intend to make to the property will have a positive impact on the surrounding neighborhood.

Ms. Cavazos noted a request from a citizen to have the building be opened/available as a tornado shelter. Ms. Sharp stated that it's certainly something the applicant would likely consider when the project got further along.

Ms. Cavazos declared the **public hearing open**. With none coming forward to speak, she declared the **public hearing closed**.

Mr. Gales asked for and received assurance from staff that no traffic issues are anticipated with the re-zoning. Ms. Jordan asked if there is a projected timeline on the completion of the project, and Mr. Neunuebel stated that he's not sure if a timeline has been set.

Ms. Cavazos pointed out that the building has been vacant for a number of years and it's exciting to see something going in there.

**Motion by Mr. Gales** to approve the request to amend the district zoning classification. **Second by Ms. Jordan. APPROVAL (5-0-2** with Mr. Haugh and Mr. Armstrong abstaining).

Mr. Haugh and Mr. Armstrong returned to their seats following the vote.

**PUD17/02 Wheatfield Village Planned Unit Development by: 29 Fairlawn, LLC**, requesting to amend the district zoning classification of the subject property (14.7 acres) located at the Northwest corner of SW 29th Street and Fairlawn Road **from** "C-4" Commercial District **to** "PUD" Planned Unit Development (C-4 Commercial and M-3 Multiple Family Dwelling Use Groups) to allow for development of a theater, hotel, restaurants, and residential apartments. (Neunuebel)

Mr. Fiander noted that a project traffic engineer and others were in attendance to answer technical questions Commissioners may have.

Mr. Neunuebel presented the Staff Report, concluding with staff's recommendation for approval of the Wheatfield Village PUD Master Plan subject to the 13 conditions listed in the Staff Report.

Mr. Gales asked if possible parking variances would be reviewed with the proposed phases of the project, and Mr. Neunuebel confirmed that an administrative variance could be possible based on applicant's providing adequate support to determine it appropriate.

Ms. Messina asked if there would be bicycle parking requirements; Mr. Fiander stated that City code requires 5% of total vehicle parking spaces be set up for bike parking. There are no additional requirements set for this PUD.

With no further questions for staff, Ms. Cavazos invited the applicant's representative to come forward to speak. Mr. Bob Johnson of Polsinelli Law Firm came forward and stated he represents the applicant, 29 Fairlawn LLC. He introduced those who were with him and available to answer questions, including Jeff Wilke, a traffic engineer for TranSystems.

Mr. Johnson thanked staff for all the work they've put into the project and stated that the applicant agrees to all the conditions put forth in the staff report.

Mr. Johnson spoke of the history and current state of the property, which he stated has been in decline for some time and is currently an eyesore along a highly visible corridor in the City. He explained that the PUD plan calls for all current buildings to be demolished and new buildings built into what he described as a modern mixed use site.

Mr. Johnson reviewed a conceptual site plan (PowerPoint) and spoke to the intended modern, high quality project the owners plan for the site. Currently planned are a hotel, apartments, movie theater, two restaurants and a coffee shop. He also spoke about the ease of access to the Shunga Trail for residents, those staying at the hotel, and others who come to dine and/or attend a movie.

Mr. Johnson reviewed potential traffic access scenarios and explained that traffic engineer Jeff Wilke would review them in more detail. He stated that Mr. Wilke, working with COT's traffic engineer Terry Coder, has produced an exhaustive traffic study that has analyzed the project from all angles and they both agree that every intersection and every movement studied under each of the scenarios meets an acceptable level of service through all phases of the project. Scenario one and two both include the same improvements to Fairlawn, which include a fully signalized intersection at 28<sup>th</sup> & Fairlawn. Just north of that they will retain the existing southbound turn lane and add a dedicated northbound turn lane at 28<sup>th</sup> & Fairlawn. They'll construct a raised median, leaving a break in access to the south of the intersection for access to the property on the east side of Fairlawn. The applicant will also construct an additional left turn lane on 29<sup>th</sup> to turn east onto Fairlawn.

Scenario One, which includes the proposed break in access from the I-470 on-ramp, includes all the Fairlawn modifications listed above. 29<sup>th</sup> Street improvements would include increasing capacity of the left turn lane onto the I-470 west bound on-ramp.

Scenario Two, which does not include a break in access from the I470 on-ramp, also includes all the Fairlawn modifications listed above. 29<sup>th</sup> Street improvements would include adding a 2<sup>nd</sup> left hand turn lane for traffic going east on 29<sup>th</sup> Street to turn North onto Fairlawn. That would also include additional storage west of the 29<sup>th</sup> Street & I-470 on-ramp intersection.

Mr. Johnson explained that the Fairlawn street improvements would occur with Phase One of the Wheatfield Village, which includes the movie theater and pad site for fast/casual restaurant along Fairlawn. SW 29<sup>th</sup> Street improvements will occur with Phase Two of the project. Certificates of Occupancy will not be granted by the City until the agreed upon street improvements are complete in each of the phases.

Mr. Wilke, Traffic Engineer for TranSystems, KCMO, came forward and reviewed three traffic simulation scenarios. Mr. Gales asked if the simulations took into account events such as movies letting out and dumping several hundred cars at once onto the street. Mr. Wilke explained that the traffic simulations were for peak traffic times for commuting, which is when the Wheatfield traffic addition would likely have the biggest impact. Scenarios showed potential traffic movement to be within industry approved standards even after the completion of Phase Two.

Mr. Gales asked what sorts of issues we might see in the simulations if there was a problem, and Mr. Wilkes stated it would be ques between intersections being extensive and not clearing in one light cycle. He explained that this is typical of a level E or F, but the levels predicted in the models are within good thresholds.

Mr. Armstrong asked for and received clarifications on the 29<sup>th</sup> Street improvements. He asked when the applicant expects a final answer regarding the proposed break in access, and was told that it would perhaps be about 5 months; however, it's uncertain how long it will take Federal Highways Administration to review the proposal.

Ms. Cavazos asked if there would be a pedestrian crossing at the 28<sup>th</sup> & Fairlawn intersection and was told that yes, a crosswalk would be part of the signalized intersection.

Mr. Haugh asked if there had been discussion with the City about cleanup of Shunga and surrounding trees and debris. Mr. Johnson explained that since it's in a floodway, they are prohibited from making changes in that area.

Mr. Gales pointed out that some of the proposed new building was within the 100 year flood zone. Mr. Johnson explained that this has been taken into consideration and discussed with City staff. They plan to elevate the site to move it out of the 100 year floodplain. They've met with a number of parties, including the City, KDOT, and Kansas Division of Water Resources; they will work together to make sure the issue is adequately addressed before receiving permits.

With no further questions to the applicant, Acting Chair Cavazos declared the **public hearing open**. With none coming forward to speak, she declared the **public hearing closed**.

Mr. Gales asked staff to verify that the stipulations staff listed on pp. 14-15 of the staff report are agreeable to the applicant. Mr. Neunuebel stated that the applicant has accepted these conditions and will comply. Ms. Ringler expressed concern about the number of conditions, but it was agreed that many are grammatical and due to the scale of a PUD master plan, it's not uncommon to have a substantial number of conditions. Mr. Hall further explained that a corrected mylar will be required before the case is taken to City Council and staff is comfortable that the applicant will be able to meet the conditions.

**Motion by Mr. Gales** to approve the Wheatfield Village PUD Master Plan, subject to the conditions listed on pp. 14-15 of the Staff Report. **Second by Mr. Haugh**.

Mr. Armstrong pointed out that this is a high traffic area with three existing signals. He stated that the existing analysis takes into account a project that the City already has planned to install a traffic signal. He stated that from a traffic analysis point of view, it appears the break in access vs. non-break have very similar results and pointed out that the break in access will likely relieve some Fairlawn traffic. He stated that he thinks the improvements with Phase One and Phase Two make sense.

There was a request from the audience to re-open the public hearing. Mr. Fiander inquired of the Commissioners whether this would be allowed, and Mr. Gales asked for an explanation as to why it was being requested since the public hearing time had already been opened and subsequently closed. It was determined the potential speaker may not have understood the proceedings.

Mr. Gales stated he would suspend his motion in lieu of hearing public comments if it was the desire of Commissioners to re-open the public hearing and moved to do so. With no objections, Ms. Cavazos declared the **public hearing open**.

Mr. William G. Haynes of Topeka came forward and explained he owns the property at 2830 Fairlawn. He expressed concern about traffic being able to access his property and was unclear as to whether there would be a break in the median on Fairlawn so people could turn into his property from the west side of Fairlawn.

Commissioner Woods arrived at 7:19PM.

Mr. Gales stated that the break in the median is still in the plans and this was confirmed by the applicant and by City Traffic Engineer Terry Coder, who stated that access to Mr. Haynes's property will remain unchanged.

Ms. Cavazos stated the **public hearing was once again closed** and Mr. Gales stated his motion as previously made and seconded by Mr. Haugh stands with no changes. With no further discussion, Ms. Cavazos called for a vote: **APPROVAL (7-0-1** with Mr. Woods abstaining).

**Wheatfield Village Project Plan, Finding of Consistency with the Land Use and Growth Management Plan 2040** – In accordance with K.S.A. 12-1722, review the tax Increment finance district, known as the Wheatfield Village Project Plan, for consistency with the Land Use and Growth Management Plan 2040. (Warner)

Mr. Fiander directed the Commissioners' attention to the handout provided regarding the above. He explained that 29 Fairlawn LLC, the applicant for Wheatfield Village PUD Master Plan, is also proposing a Tax Increment Finance District (TIF District) to help with the financing of the project. He stated that on June 26 they went before the Governing Body to establish the boundaries for the district. By state law, the next step is to come before the Planning Commission for a determination as to whether the proposal is consistent with the Land Use and Growth Management Plan 2040 (LUGMP 2040). If it is found so, the Governing Body will hold a public hearing regarding the TIF District.

Mr. Fiander referred to a memo written by him to the Planning Commission, which was part of the handout referred to above. The memo states staff's opinion is that the Project Plan is consistent with the LUGMP and recommends approval of Resolution (1-2017), finding that the Project Plan is consistent with the Land Use and Growth Management Plan 2040.

Mr. Gales pointed out that the site was zoned C-4 and the Planning Commission has now approved a PUD Master Plan. He stated he believes the project is in keeping with modern development principles, or "best practices". Mr. Fiander agreed that the LUGMP does recommend a large commercial node for the community, at the same time encouraging rather than excluding mixed use.

Mr. Gales stated the developer should be commended for working on a density overlay in close proximity to heavy traffic.

Following discussion about the cost analysis, Mr. Woods stated he agrees with Mr. Gales that this is a good project and it's good that it's happening on this site. He added that he does find it to be consistent with our LUGMP.

**Motion by Mr. Armstrong** to find the Project Plan is consistent with the Land Use and Growth Management Plan 2040. **Second by Mr. Gales. APPROVAL (8-0-0)**

**Adjourned at 7:35PM**