



CITY OF TOPEKA
TOPEKA PLANNING COMMISSION

MINUTES

Monday, September 18, 2017

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

Members present: Wiley Kannarr (Chair), Brian Armstrong, Ariane Messina, Dennis Haugh, Rosa Cavazos, Katrina Ringler (6)

Members Absent: Carole Jordan (1)

Staff Present: Bill Fiander, Planning Director; Mike Hall, Planner III; Annie Driver, Planner II; John Neunuebel, Planner II; Kris Wagers, Administrative Officer; Mary Feighny, Legal; Dan Warner, Planner III; Tim Esparza, Planner I

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

Approval of Minutes from August 21, 2017

Motion to approve; moved by Ms. Ringler, **second** by Mr. Haugh. **APPROVED** (6-0-0)

Communications to the Commission

Mr. Fiander informed Commissioners that there will be Planning Commissioner training offered at the 2017 Annual Conference of the APA (Kansas Chapter) and asked that if they'd like to attend, please contact the Planning Department to be registered.

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

None reported

Public Hearings

Z17/03 by: Topeka Scottish Rite, requesting to amend the District Zoning Classification of the subject property **from** "M-2" Multiple Family Dwelling District **to** "O&I-2" Office and Institutional to allow future uses consistent with O&I-2 zoning on the 3.2 acre property located at 2300 SW 30th Street. **(Driver)**

Ms. Driver presented the staff report. Dale Fritz, Executive Director of the Topeka Scottish Rite came forward and stated that since the Neighborhood Information Meeting was held, there was an offer made by Peaceful Rest Funeral Home to purchase the building.

Mr. Kannarr declared the **public hearing open** and with none coming forward to speak, declared the **public hearing closed**.

Mr. Haugh asked Ms. Driver if the information about the possible sale of the building to a known buyer with a known use would allay staff concerns about the openness of the site and if additional proposed buildings

APPROVED

would be reviewable by City Planning Department. Ms. Driver answered that yes, additional building would likely come before the Planning Department for administrative approval in the form of site plan review.

Mr. Armstrong asked if use as a funeral home would be allowable under the proposed zoning and Ms. Driver confirmed that this would be permitted in O&I-2 zoning; however, if they wished to add a crematorium, it would require a Conditional Use Permit.

Following brief additional discussion, Mr. Armstrong made a **motion** to approve the reclassification of the subject property from "M-2" Multiple Family Dwelling District to "O&I-2" Office and Institutional District. **Second** by Ms. Cavazos. **APPROVAL** (6-0-0)

PUD17/04 Aqua Blast Laundry by: Chamberlin Properties, LLC, requesting to amend the District Zoning Classification from "O&I-2" Office and Industrial District to "PUD" Planned Unit Development (O&I-2 Use Group and Laundry) for development of a self-service laundromat on the 2.44-acre property located at the Northeast corner of SW Westport Drive & SW 22nd Terrace (**Neunuebel**)

Mr. Neunuebel presented the staff report and staff recommendations. Commissioners asked questions about some of the recommendations, including #5 and #1. Mr. Haugh asked what the limitations are for the drainage and utility easements. Mr. Neunuebel stated that there is currently a drainage plan under review with City staff and that the drainage easement must be left undisturbed. Mr. Fiander added that the easement could potentially be altered through a platting process.

Mr. Greg Ferris came forward representing the owner/applicant. Mr. Ferris pointed out that they have removed a driveway/entrance that was originally planned on SW Terrace because neighbors had expressed concern about it. He spoke about the materials and landscaping that are planned and stated that the applicant is asking for a variance in what staff is asking them to do regarding landscaping

Mr. Ferris stated that the proposed PUD offers a transitional buffer between nearby industrial and commercial development and multi-family uses to the south. He stated that the recreation center just to the north of the PUD site has a much more intensive use than the proposed laundromat.

Regarding conditions recommended by staff, Mr. Ferris stated that the applicant agrees with numbers 2, 4, 6, 8 & 9 and have submitted changes to Mr. Neunuebel to comply with those recommendations. He briefly reviewed those recommendations and changes.

In regard to recommendations 1 and 7, Mr. Ferris stated that the drainage easement limits how the applicant can configure the site. He discussed the proposed landscaping and how it's more landscaping than is typical for the area, and he stated that the applicant sees no good reason for the requested 30" high berm (#7).

In regard to recommendation #[5] (stated as #3 by Mr. Ferris), Mr. Ferris stated that the applicant is considering what would be allowed in O&I2, the current zoning of the property. He stated that businesses that are allowed in O&I2 include medical offices with pharmacies, funeral homes, radio & TV broadcasting, and fitness clubs which can operate 24 hours/day and have substantial traffic. He stated that the applicant is concerned about the proposed restriction of hours. They have stated they'll have someone onsite 24 hours/day to manage the facility, their business plan includes being open 24 hours, and they feel anything short of that would be discriminatory against people who work 2nd or 3rd shift and need to do laundry at different hours.

In regard to the building itself (#3), he referenced the materials they're planning to use (brick and a gabled roof) and stated that it's not required in O&I-2. He believes that the building they plan to build complies with what O&I-2 allows and goes well beyond that.

Mr. Ferris reviewed the "Golden Rules" and how the applicant feels the project complies with those. He asked the Commission to approve the PUD application with staff recommendations, except for numbers 1, 3, 5 & 7.

Mr. Haugh asked what might be done with the remaining land to the north of the proposed building. Mr. Ferris stated that perhaps a small office building could be placed there, but any proposals would need to be approved through a PUD amendment.

Mr. Haugh inquired as to whether the building could be re-designed to allow for the minimum 10' landscape setback and buffer. Mr. Ferris stated that because of the way the applicant's buildings and layout are configured to allow for the washers and dryers, maintenance, etc., it would hinder the applicant's ability to have the number of machines needed. He stated that they don't believe the trade-off for a small amount of landscaping is warranted. Mr. Haugh asked about the possibility of rotating the building and Mr. Ferris stated that their architects say that would be very difficult. They have three other facilities and this is the same way those facilities are designed.

Ms. Messina asked Mr. Neunuebel about the reason for recommending restricting the hours of operation. Mr. Neunuebel stated that staff feels it would be more in keeping with the nearby residential area, which is just on the other side of 22nd Terrace.

Mr. Fiander asked commissioners if it would be helpful for staff to address the staff recommendations that the applicant expressed concern about and they agreed that it would be.

Regarding #5 / hours of operation - Mr. Fiander explained that staff sees this as a commercial use and since the facility is going into a transition area with homes and offices nearby, a 24 hour operation doesn't fit the character of a transitional area.

Regarding #1 / 10' landscape buffer - Mr. Fiander explained that while there is a requirement in O&I-2, what's being requested is a PUD, where there are no set requirements other than the requirement to reflect the character of what's around it. Thus there are no variances available.

Regarding #3 / architectural elevations – Mr. Hall explained that due to the size of the proposed building, it can have a longer ridgeline, looking less like a small scale office building and potentially look more like a barn. The purpose of the recommendation is to address that concern.

Regarding #7 / 30" berm along 22nd Terrace – Mr. Fiander stated that the berm was added in response to keeping with the character of the area, wanting to hide or screen the parking lot as much as possible. He added that requesting a berm is fairly standard when there's a large parking area that is incompatible with its surroundings or on an image street.

Mr. Armstrong asked for additional information about #3 and what staff is trying to achieve. Mr. Fiander directed the commissioners to Sheet A4 of the plans included in the agenda packet, which deal with elevations. He pointed out that gabled roof is large and blank and that's what the staff recommendation is trying to address. Mr. Hall added that the length of the building / ridgeline is substantial and that affects the character of the building.

Mr. Kannarr declared the **public hearing open**.

Esther Lane, of 5839 SW 22nd Terrace #2, stated she's with the Pheasant Run HOA Board. She expressed concerns about traffic and handed around a sheet of photos. She pointed to two exits from Pheasant Run and spoke of the poor sight lines, ultimately being concerned about issues that would be caused by additional traffic from the proposed laundromat. She also pointed out where buses stop when picking up/dropping off children several times a day. Ms. Lane added that Pheasant Run is individually owned condos, owned by people who have their own laundry facilities and would not be using the proposed Aqua Blast.

Ms. Lane stated that it's difficult to turn from Westport Drive onto 21st Street, as well as from 21st Street onto Westport, due to heavy traffic on 21st Street. She stated that before anything is done, she believes traffic issues and implications should be assessed.

Ms. Lane stated that she had checked with realtors and they believe that having a laundromat in close proximity would have a negative impact on property values. They could not, however, say how much of an impact it might have. Ms. Lane concluded by stating that she'd prefer to have a doctor's office or something else built on the property.

Ms. Cavazos asked Ms. Lane to state her address, which she did, and added that she also has concerns about lights coming into bedroom windows.

Ms. Messina asked Ms. Lane if she feels the current traffic issues could be impacted by the construction on Wanamaker. Ms. Lane stated that it's a possibility.

Mr. Haugh pointed out that a doctor's office would likely have heavier traffic than a laundromat.

Mr. Fiander passed around to commissioners a letter from **Rosalee Cooper**, along with a petition that was handed to him at this evening's meeting.

Joy Barnes, of 5851 SW 22nd Terrace, #2, came forward and stated she lives in Pheasant Run. She stated that she was initially against the re-zoning but, having seen that the applicant has responded to most of the concerns put forth both neighbors, she is now for it. She is not concerned about the laundromat being open 24 hours, believing that with the promised attendant, non-customers would not be allowed to hang out. She stated that the neighborhood currently has problems with people driving through too fast and people going through the garbage; she believes it's that way in most neighborhoods and will not be made worse or better by the existence of a laundromat.

Ruth Madell, of 5719 SW 22nd Terrace, #3, came forward to speak against the proposed project. She stated she lives in The Woods and expressed concerns about the lights from the project. She said her biggest concern is the hours. Ms. Madell stated that everyone in her condos owns their own home and have their own washers; they don't need a laundromat and this will bring people from another part of town. She said that at the Neighborhood Information Meeting residents were told that Sunday is the busiest day for laundromats and Ms. Madell stated that it's nice to have quiet on Sundays.

Ms. Madell stated that when you go to a laundromat you have 40 minutes to wait while your clothes are washing or drying and she expressed concern about where people would go during this time. She feels people will wander out and around 22nd Terrace and the condo complexes.

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

Mr. Armstrong stated that he is involved in the 21st & Wanamaker street project and noted that there is considerable detour traffic right now that will decrease once the 21st & Wanamaker intersection is fully

open. He also noted that there are issues at 21st & Westport at peak hours of the day but he doesn't think the project under consideration would adversely affect it.

Mr. Kannarr stated that he agrees with Mr. Armstrong and added that he drives down Westport on a regular basis coming home from work. He also agrees that this project will not substantially affect traffic and there would be the same issues with any project that went on the property.

Ms. Messina asked Mr. Fiander if there are any road improvements scheduled for 22nd Terrace/Westport Dr. and Mr. Fiander stated there are none scheduled or anticipated.

Ms. Messina asked if the lights on the property would remain on all night regardless of whether the laundromat operated 16 or 24 hours/day. Mr. Fiander pointed out that there is a recommendation in the staff report recommending that light not leave the property. That note does not address the length of time the parking lot / outdoor lights are on.

Mr. Kannarr pointed out that the applicant has objections to 4 of the staff recommendations and asked Commissioners to address those.

Mr. Haugh stated that in regard to number 1, he doesn't believe the applicant did enough study on the site to realize a 10' setback. He believes there's room in the plan to make adjustments to the orientation or other areas to accommodate the requirements. He added that if you correct #1, that could also take care of #3, improving architectural elevations. Mr. Haugh stated that the commission accepting staff recommendations #1 and #3 would be necessary for his approval.

Mr. Kannarr asked staff if, under current zoning, a fitness center would be allowed on this property. Mr. Fiander stated that yes it would, subject to fitting the building on the site. Mr. Kannarr pointed out that the proposed renderings look an awful lot like gymnasiums and he doesn't think it's dissimilar to what might go in there without a zoning change. He stated that due to a lack of expertise, he would defer to Mr. Haugh regarding recommendation #1.

Ms. Ringler stated that she agrees with Mr. Haugh on #1 & #3.

Mr. Armstrong referred to a new building going in not too far away that appears to be a concrete block, but he stated that this project is in a transitional area whereas that one is not.

In regard to recommendation #5 / hours of operation:

Ms. Messina stated she is not opposed to 24 hour operation. Mr. Haugh and Mr. Kannarr concurred.

In regard to recommendation #7 / 30" berm:

Mr. Haugh stated that he doesn't believe it would be hard to achieve and wouldn't cost that much to install. Mr. Kannarr concurred.

Ms. Cavazos asked staff what their thoughts were behind limiting business hours. Mr. Fiander stated that staff based their recommendation on the fact that a 24 hour facility in a transitional area/going into a neighborhood is atypical; it's more a commercial character. He also noted that most laundromats are not 24 hours.

Ms. Cavazos stated that she would have concerns about safety issues for 24 hour operation. In regard to a gym, which others had noted might also be a 24 hour business, Ms. Cavazos noted that only gym members come and go when the facility is locked and they have keycards, so there is safety built into that process.

Ms. Messina stated the fact that the laundromat will be staffed 24 hours will help keep non-customers from just hanging out and wandering around the parking lot. She noted that people who work different shifts need the flexibility.

Mr. Kannarr stated he agrees and remembers when he himself had to use laundromats at odd hours. He believes having an attendant will adequately address the vagrancy issue of non-users.

Motion by Mr. Haugh recommending forwarding to the Governing Body a recommendation for approval of the proposed PUD Master Plan, along with the following staff recommendations: 1, 2, 3, 4, 6, 7, 8, 9.

Second by Ms. Messina. Mr. Kannarr noted that he would have left out recommendation #3 but that won't change his vote on the motion. **APPROVAL (6-0-0)**

Mr. Ferris went to the podium and thanked staff and Planning Commissioners.

Mr. Fiander noted that two new Planning Commissioners are on the 9/19/17 City Council agenda for approval so they will be seated on the Planning Commission at the October meeting. Mr. Marc Fried and Mr. Matt Werner were in the audience this evening and Mr. Fiander introduced them.

Tennessee Town Neighborhood Plan (discussion item) - Tim Esparza came forward and reviewed the draft and stood for questions.

Mr. Armstrong asked if there are identified funds for area improvements and Mr. Warner explained that Tennessee Town and Quinton Heights Steele are the 2017 SORT Neighborhoods. SORT neighborhoods receive up to \$1.4m for infrastructure and roughly \$330,000 for housing rehab and infill. Year one is planning and the Quinton Heights Steele Neighborhood Plan is also in the works. Mr. Warner added that SW Huntoon and SW 12th Street are arterial roads and not eligible for SORT funding. They are, however, part of the ½ cent citywide sales tax so those two streets will get done with different funding.

Ms. Ringler offered some corrections to the draft.

Mr. Warner explained the progression of the project, explaining that the final neighborhood meeting is scheduled for September 26 and the final draft of the plan will likely be on the Planning Commission October agenda for a public hearing and action.

Mr. Warner explained that the Planning Commission reviews the Neighborhood Plans because they are elements of the Comprehensive Plan. Any time one is updated or a new plan created, it requires an amendment to the Comprehensive Plan.

Sign / Building Design Code Project (discussion item) – Mr. Fiander reviewed some of the background and reasoning for the project and explained that staff and a consultant will be working on this visual code update, the goal of which is to have higher standards building and sign projects. Mr. Fiander noted that this is a large scale version of the design guidelines recently accepted for downtown and will likely be about a year long process.

With no further business, the meeting was adjourned at 7:51PM.

recommended.

Motion by Mr. Armstrong to approve

Ms. Driver replied that yes, an any crematorium.

on the building

Motion by Mr. Armstrong to recommend to the Governing Body approval of the reclassification of the subject party from “M-2” Multiple Family Dwelling District to “O&I-2” Office and Institutional District. Second by Ms. Cavazos.

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