



CITY OF
TOPEKA

MINUTES

TOPEKA PLANNING COMMISSION

Monday, December 17, 2018

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

Members present: Brian Armstrong, Corey Dehn, Marc Fried, Corliss Lawson, Katrina Ringler (Chair), Matt Werner, Ariane Messina (7)

Members Absent: Wiley Kannarr, Carole Jordan (2)

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

Roll Call – Chairperson Katrina Ringler called the meeting to order with seven members present for a quorum.

Approval of Minutes from October 22, 2018

Motion to approve with one correction; moved by Mr. Fried, second by Mr. Werner. **APPROVED** (7-0-0)

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

Regarding agenda item D.1.B. (Z18/09) - Mr. Werner stated that he has a conflict of interest with this item and will recuse himself.

Public Hearings

Z18/08 by: McDonald's Corporation requesting to amend the District Zoning Classification from M-1 Multi-Family Residential District to C-2 Commercial District, or more restrictive designation, on a portion of property located adjacent to SW Fillmore Street to provide for re-build of McDonald's restaurant and parking lot expansion.

Mr. Neunuebel presented the staff report and staff recommendation for approval.

With no questions from commissioners, Ms. Ringler declared the **public hearing open** and Mark Bachamp with Olsson came forward representing the applicant. He noted that the owner/operator was also in attendance and available for questions.

Mr. Bachamp explained that this is the beginning step in re-development of the existing McDonald's, adding that it is standard practice for McDonald's to try to "clean up" and re-plate when property is found to contain several lots. Ultimately the building will be re-done similar to the McDonald's at 21st and Belle.

With nobody else coming forward, Ms. Ringler declared the **public hearing closed**.

DRAFT FOR APPROVAL

Mr. Fried stated that he appreciates the recommended OS-1 (open space) at the west side of the property.

Motion by Ms. Lawson to recommend approval to the Governing Body of the reclassification of the subject property from M-1 Two Family Dwelling District to C-2 Commercial District, and OS-1 Open Space District for a rectilinear portion of the property that is 22 feet in width and immediately adjacent to SW Fillmore Street public right-of-way; **second** by Mr. Werner. **APPROVAL** (7-0-0)

Z18/09 by Haas Property Management, LLC (Six Zero East) requesting to amend the District Zoning Classification from R-1 Single Family Dwelling District to I-1 Light Industrial District on property located at 3041 NW Highway 24 to allow for retail and outdoor storage.

Mr. Werner stepped out of the room as the case was called.

Ms. Driver presented the staff report and staff recommendation for approval.

Ms. Ringler declared the **public hearing open**. John Ladson of TGB Group came forward representing the applicant, stating that he was available for questions. With none coming, Mr. Ladson took his seat.

With nobody else coming forward, Ms. Ringler declared the **public hearing closed**.

Ms. Ringler stated that it seems reasonable to allow this type of use at this location and Mr. Armstrong and Mr. Fried agreed it is consistent with the corridor.

Motion by Mr. Fried to recommend to the Governing Body approval of the reclassification of the property from R-1 Single Family Dwelling District to I-1 Light Industrial District; **second** by Mr. Armstrong.

APPROVAL (6-0-1 with Mr. Werner abstaining)

Mr. Werner returned to his seat following the vote.

Sherwood Village Subdivision

A18/02 by William L. & Joyce G. Rowland requesting to annex into the City an approximately 9.2-acre subdivision on property located at 2400 SW Indian Hills Road.

Ms. Ringler explained that the Governing Body decides whether to approve annexations. The only role of the commission is to consider the proposed annexation and determine whether the proposed annexation is consistent with the land use and growth management principles in the Comprehensive Plan. It is then up to the Governing Body to decide whether to annex or not.

Mr. Fiander explained that the annexation and the plat itself are grouped together because they're both regarding Sherwood Village Subdivision, but he does recommend that action be taken separately. He also explained that while there are no public hearings for these items, the Commission can agree to allow public comment.

Mr. Warner explained that this is a unilateral annexation, meaning that the property owner has consented to annexation and the property is contiguous to the city boundary. He continued to review the memorandum provided in the agenda packet and closed with staff's recommendation for a finding that annexation of the subject property is consistent with the Comprehensive Plan with provisions listed in the above mentioned memo.

Mr. Armstrong asked if the improvement of Indian Hills Road is currently in the CIP, and Mr. Fiander explained that Commission recommendation of agreement would be recommending adding the project to the CIP. He added that early in 2019, the Commission will have the opportunity to make recommendations to the Governing Body regarding projects to be included in the CIP.

The Commission agreed unanimously to hear public comment on the matter, and Ms. Ringler invited the property owner to come forward and speak. Rick Schmidt of SBB came forward representing the owner, William (Bill) Rowland. He stated that he had no comments but would take questions.

Ms. Ringler invited the public to speak, stating that comments would be limited to 4 minutes.

Connor Sabel of 2527 SW Wexford Drive came forward and expressed concern about traffic on Wexford if it becomes a through street. He spoke of the large number of children (34) who currently live on the street and suggested that either the street not be connected to 24th or speed bumps installed to deter people from cutting through.

Mary Feighny reminded all that the Planning Commission's decision this evening is a technical one. People will have an opportunity to speak at City Council when it's before the Governing Body.

Brent Hall came forward and stated that he used to live at 7423 SW 23rd Terrace. He expressed concern about traffic if Wexford becomes a through street.

Nobody else came forward to speak.

Mr. Fiander explained that concerns about traffic are germane to the plat of subdivision. Regarding the proposed annexation, considerations would include questions such as whether services are in place, whether infrastructure is in place or there are plans to put it in place, etc.

Ms. Ringler stated that based on what she has seen and heard, the proposal does seem to fit within the Comprehensive Plan. Ms. Messina & Mr. Werner agreed.

Motion by Mr. Fried to find that annexing the subject property is consistent with the Comprehensive Plan, provided: (1) SW Indian Hills Road is planned to be improved to an urban standard as part of the City's next 10-year Capital Improvement Plan, and (2) the property is rezoned to R-1 Single Family Dwelling District. **Second** by Mr. Dehn. **APPROVAL** (7-0-0)

P18/25 Sherwood Village Subdivision (Preliminary & Final Plat) by William L. & Joyce G. Rowland
on property located at 2400 SW Indian Hills Road.

Ms. Driver presented the staff report, noting that an application for rezoning will come at a later Planning Commission meeting. Stormwater approval by the City of Topeka Engineering Department is pending and necessary for the case to move forward for consideration by the Governing Body. Ms. Driver noted the two variances requested as part of the subdivision application, including (1) a variance to allow the block length of Block A to exceed the maximum 1200' length and (2) a variance to allow a dead-end length exceeding 500' for SW 24th Terrace until the street is extended in the future to connect with SW Berkshire Dr. She noted that the residential density of the proposed subdivision is 3.6 living units per acre, which is slightly higher than the subdivisions to the north and south. Miller's Reserve to the north has a density of 1.5 dwelling units per acre and Sherwood Park to the south of the proposed

subdivision has a density of 2 to 2.5 dwelling units per acre. She noted that the Land Use and Growth Management Plan encourages greater densities in new neighborhoods than what was historically developed in the past.

Ms. Driver reported that staff is recommending approval of the subdivision plat subject to the conditions listed in the staff report and with the addition of two notes that are on the preliminary plat but were inadvertently left off the final plat. These notes are regarding the vacation of the detention pond on Block C and the temporary turn-around being rescinded for public use when the street is extended.

Mr. Armstrong asked for clarification on the detention pond note. Ms. Driver explained that there was an easement granted in 2000 that must be noted on the plat in order for it to be vacated.

Mr. Armstrong asked about the process for considering connectivity in a development such as this. Mr. Fiander explained that Wexford Drive was originally platted with the idea that it would connect to the north. It was part of the original Sherwood Park plat that was approved. In this case, the original plan is now being followed through. When things like this are reviewed to assure they are advisable, considerations are subdivision regulations for block length and the Comprehensive Plan, which encourages more connectivity within neighborhoods. He noted that in this instance, the number of lots being added are not substantial enough to impact traffic on Indian Hills in any significant way. It is a neighborhood connectivity consideration. Adding additional traffic ways in and through a neighborhood diffuses the impact of traffic. It also allows the city to have more cost effective service and infrastructure investment. Later Mr. Armstrong asked about the ability to provide emergency services and Mr. Fiander agreed that this is important and response time goes down when there is more than 1 way in and out of a neighborhood.

Mr. Fiander noted that the above is more to do with a comprehensive plan review. Subdivision reviews are more of a technical review of subdivision regulations and have to do with block lengths and connections. Subdivision regulations themselves encourage connectivity.

Following additional questions and staff responses, Ms. Ringler invited the applicant to speak. Rick Schmidt of SBB Engineering came forward representing the applicant. He stated that the owner is in agreement with all staff recommendations.

With no questions of Mr. Schmidt, **Ms. Ringler invited public comments**, noting the limited scope of consideration by the Planning Commission.

James Unger of 2504 SW Wexford Drive came forward to express concern about the proposed subdivision, especially regarding the small lot size and proposed density. He is concerned this will have a negative impact on surrounding neighborhoods. Regarding density, he stated that the difference between 2-2.5 and the proposed 3.5 dwelling units per acre is more than slightly higher. He stated that in essence this will create an entirely separate neighborhood between Sherwood Park to the south and Sherwood Village, as reduced lot size will require smaller homes than are in the neighborhoods to the north and south. He expressed concern about having heard that the proposed homes will be on concrete slabs and he stated that these notoriously encourage non-family inhabitants, while the existing

neighborhoods are family oriented. He is concerned that people will not want to purchase homes in his neighborhood because of the potentially lower property values in the proposed subdivision.

Michael Bush of 2522 SW Wexford Drive came forward to speak, expressing concern about traffic if Wexford Drive is extended. He said he appreciates Mr. Sabel's concerns expressed during the annexation portion of the meeting and he too is concerned about the safety of the children living on Wexford Drive. He noted that he shares Mr. Unger's concerns about the proposed lot sizes and also stated that crime is a concern when Wexford Drive is no longer a dead end.

Kyle Poage of 2512 SW Santa Fe Ct came forward and expressed concern about how stormwater will be handled with the proposed new addition.

Michelle Fox of 2511 SW Wexford Drive came forward expressing concern about the difference in density between the proposed subdivision and existing Sherwood Park and Miller's Reserve. She is concerned that the density of the houses will bring increased traffic and is concerned for the safety of the children on Wexford Drive. She stated there are currently 36 children, as opposed to the 34 previously stated. It was her understanding when she purchased her home that Sherwood Park would be extended with a density similar to her neighborhood. She expressed concern about no walkways or green space being proposed. She wishes the developer would make the proposed lots larger.

Greg Stueve of 2739 SW Chauncey expressed concern that the proposed lot sizes are too small and this will affect the continuity of the existing developments. He believes that putting a small, slab on grade home development in the middle of two very nice neighborhoods would be a mistake. He concluded by stating that the land needs to be developed, but in a manner consistent with the neighborhoods to the north and south. He stated that a number of people in his neighborhood had asked him to speak regarding these concerns.

Adam Proffitt of 2631 SW Windermere Ct spoke against the proposed subdivision. He stated that in order to approve the neighborhood, 3 exceptions will have to be made. He noted the necessary Indian Hills Road improvements and believes we are "putting the cart before the horse". He stated that another exception is asking to make a longer block than what is typically accepted in new development, and he expressed concern about the density, stating that the difference between 2-2.5 and 3.5 is substantial.

Nobody else came forward to speak and Ms. Ringler declared the public comment time closed.

Discussion and questions followed. Mr. Armstrong asked about proposed development, access, and connectivity to the north. Ms. Ringler asked for more information about the detention pond. Ms. Driver explained that stormwater plans are still under review with the City of Topeka Engineering Department and Mr. Fiander confirmed that a stormwater plan must be approved before going to Council.

Ms. Ringler asked about the density of the neighborhoods to the east of the proposed subdivision. Ms. Driver stated that she has looked at 5 of the subdivisions to the east and they average 3.7 dwelling units per acre.

In regard to the comprehensive plan encouraging greater residential densities in newer neighborhoods than what had previously been developed, Mr. Fried asked if this takes into account the neighboring subdivisions when it makes that recommendation. Mr. Fiander stated that he doesn't consider these to be incompatible. Preferred density is from 3 to 5 dwelling units per acre, as that's what can support urban services in a cost effective manner. Surrounding density should not be disregarded and staff does take that into consideration.

Ms. Ringler referenced items from the agenda packet which referred to what zoning regulations actually regulate regarding what types of houses can be built. Ms. Driver explained that zoning has dimensional standards and the proposed lots meet those standards. Ms. Ringler asked if someone could purchase 2 lots and put 1 big house on them. Mr. Fiander confirmed that this could be done. He explained that the commission's responsibility is to determine whether the subdivision proposal conforms to the subdivision regulations and, within that, does that conform to what our anticipated zoning regulations would be, as well as the Comprehensive Plan. He explained that the minimum dimensions in subdivision zoning would be met by the proposal at hand. The proposed lots are 65-70' wide and the minimum allowed in R-1 zoning is 60'. The depth is 110' minimum and the proposed lots are 130' plus. Minimum allowed lot size is 6,500 sf and the proposed lots exceed that.

Mr. Fiander continued to explain that in terms of what is built on the lots, this is something we do not have control of other than through setbacks. Setbacks in R-1 zoning are 7' on each side and 30' in front and back. These are the same setbacks that are required in the surrounding neighborhoods.

Mr. Werner noted that he has no problems with the connection to Wexford as it was planned that way years ago. Even though he understands they meet the requirements, he does have a concern about the small size of about 2/3 of the proposed lots.

Ms. Ringler briefly reviewed the staff recommendation for approval. Mr. Fiander noted that the subdivision regulations require decisions to conform to the Comprehensive Plan, so once the technical specs are met, the commission must decide whether the proposal is consistent with the Land Use and Growth Management Plan.

Mr. Fried stated that he is concerned that the difference in densities; he stated that generally it's graded, as opposed to large, small, large. He stated that this proposal doesn't appear well thought out.

Mr. Fried noted that the road was planned all along so he has no concerns there. He would, however, expect the lots to be similar to the surrounding lots.

Ms. Ringler stated these are valid points and noted that she also understands the need to improve density to assist with the financial impact of providing infrastructure, urban services, etc.

Motion by Ms. Ringler to recommend approval of the final plat for Sherwood Village Subdivision to the Governing Body for acceptance of land to be dedicated for public purposes as conditioned on pages 3 and 4 of the Staff Report, along with the conditions of adding to the final plat (1) a note regarding vacation of the detention pond on Block C and (2) a note regarding the temporary turn around at end of 24th Terrace being rescinded for public use once the street is extended to the west. **Second** by Ms. Lawson.

Discussion: Ms. Lawson stated she wished to verify the task of the commission. She stated her understanding is that the owner is permitted to divide their property in a manner that complies with the City of Topeka Subdivision Regulations TMC18.30. A re-zoning change from RR-1 to R-1 will come later, initiated by the applicant or the Planning Commission. Mr. Fiander confirmed that to be correct.

Mr. Armstrong stated he agrees this meets the requirements necessary to be subdivided in this manner. He stated that he doesn't know that he would have chosen to do lot sizes of this magnitude but it does conform to the criteria the Commission is tasked to look at.

Upon roll call vote, **APPROVAL** (5-2-0 with Ms. Messina and Mr. Werner dissenting)

ACZR18/03 Visual Code Update II

Mr. Warner explained that the Governing Body remanded non-residential building design standards to consider adding language concerning art features. He added that staff is also proposing additional changes to window/door requirements. He presented information contained in the agenda packet memorandum and concluded with staff recommendations to the Planning Commission.

There was discussion about the reason for the change in calculation method when calculating building material and window/door percentages (from 20' to 12'), and it was generally agreed that the change makes sense.

Ms. Ringler stated that the changes having to do with art feature additions sound good and stated again that the change in the calculation method seems reasonable.

Motion by Mr. Armstrong to recommend approval of changes to TMC 18.275 to the Governing Body concerning (1) the addition of art features to alternative compliance and architectural details, and (2) changes to the window/door requirements. **Second** by Mr. Werner. **APPROVAL** (7-0-0)

Discussion Item – ACZR18/02 Visual Code Update III – review and discuss standards and restrictions for temporary, incidental, and portable message center signs in all districts.

Mr. Hall reviewed the information provided in the agenda packet and took questions from commissioners. Discussion included concern about how the sign code is/can be enforced in regard to temporary signs, and Mr. Fiander pointed out that we basically have one person to enforce the code over about 60 square miles of city. It is important to write our code in a manner that is easily understood and reasonably enforceable.

Continuing with discussion about temporary signs, questions arose regarding subjects that included construction site signs, political signs, and feather flags. Mr. Fried asked how zoning regulations would apply to PUD zoning. Mr. Fiander explained that PUD zoning would follow whatever regulations were written into the PUD; if no regulations were specified, they would default to the sign regulations applicable to the "use group" of the PUD.

Regarding incidental signs, Mr. Hall verified that these will likely require a permit because they are a more "permanent" sign. He stated that there will not be setbacks but limitations regarding sight triangles.

Discussion about portable signs included concerns about enforcement, the possibility of setbacks, and the results of the visual survey that was taken in 2018.

Mr. Fiander explained that Planning & Development will hold a public meeting to provide information and get feedback prior to bringing anything back to the Planning Commission for a vote. Public meetings will take place in February so it's likely the item will be on the March and April agendas.

Mr. Fiander asked for final or additional comments from commissioners and they included Mr. Armstrong noting that he sees no aesthetic value in portable signs. Mr. Fried noted that he's generally in agreement with what has been presented by staff, though he's used to significantly larger sight triangles than what has been discussed. Mr. Fiander explained a new type of sign staff is considering allowing is free-standing banners; currently banners are only allowed on buildings.

With no further agenda items, meeting was adjourned at 8:22PM.