



CITY OF TOPEKA
PLANNING COMMISSION
M I N U T E S

Monday, July 16, 2018

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

Members present: Brian Armstrong, Marc Fried, Dennis Haugh, Wiley Kannarr, Corliss Lawson, Katrina Ringler, Matt Werner (7)

Members Absent: Carole Jordan, Ariane Messina (2)

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

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

Approval of Minutes from June 25, 2018

Motion to approve; moved by Mr. Fried, **second** by Mr. Kannarr. **APPROVED** (6-0-1 with Mr. Armstrong abstaining.)

Declaration of conflict of interest/ex parte communications by members of the commission or staff - none

Public Hearings

Z18/03 by Belt, Kathleen & John, requesting to amend the Zoning District for the subject property (0.09 acre) located at 412 SW Jackson Street from I-1 Light Industrial District to D-1 Downtown Mixed Use District to allow for residential living on 2nd floor and garden level apartment at back of main floor.

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

Mr. Fried asked for clarification on where living spaces would be, and Mr. Neunuebel explained that the 2nd floor would be living space, as well as a small apartment in the rear on the 1st floor. Mr. Fried asked how that would work with D-1 zoning and Mr. Neunuebel explained that with D-1 the front of the 1st floor shouldn't be used for residential living space, but it's okay in the back of the building. Ms. Ringler asked about Downtown Design Guidelines and Mr. Neunuebel explained that yes, if re-classified, this building would be subject to the Downtown Design Guidelines for future modifications.

The applicant was available to answer questions but chose not to present.

Ms. Ringler declared the **public hearing open**.

Tony Privitera of 1245 SW Hodges Road came forward and stated that he owns the 3 buildings next to the location in question, namely, 414, 416, and 420 SW Jackson. Mr. Privitera wished to go on record about the fact that he purchased these three buildings with a zoning of I-1 Light Industrial and intends to use them for purposes allowed within that zoning classification. He is concerned that those potential uses, though allowed in I-1 zoning, might prove disruptive to residential living. He stated that he attended the Neighborhood Information Meeting and voiced his concerns there. He stated he has also spoken of them privately with the applicants.

APPROVED

Ms. Ringler asked the applicant if they wished to respond. Mr. Belt came forward and stated that he is aware of Mr. Privitera's concerns. He stated that when he first met Mr. Privitera, Mr. Privitera stated that his intent was to make apartments out of the 3 buildings he owns. He pointed out that since then, Mr. Privitera has apparently changed his mind. Mr. Belt stated that he intends to live in the loft apartment of 412 SW Jackson and is not concerned about potential noise levels. He pointed out that AMR is across the street and he expects there will be siren noise from there, which also doesn't concern him. He confirmed that he intends to lease out the small apartment in the back of the 1st floor.

Ms. Ringler asked if he's aware of the Downtown Design Guidelines and he stated that he is aware and intends to abide by them.

With nobody further coming forward to speak, Ms. Ringler declared the **public hearing closed**.

Mr. Kannarr asked Mr. Privitera if he had in fact originally intended to make his buildings into apartments. Mr. Privitera stated that this had been his intention, but he then decided against it because he didn't want to go through the re-zoning process.

Mr. Haugh asked if there are limits on sound decibel levels in I-1 and Mr. Hall stated that there are not.

Ms. Ringler asked if the Land Use and Growth Management Plan has a long range plan for developing this area into downtown mixed use and Mr. Hall stated that it does.

Motion by Ms. Lawson to recommend APPROVAL to the Governing Body of the reclassification of the subject property from "I-1" Light Industrial District to "D-1" Downtown District; **Second** by Mr. Armstrong. **APPROVAL** (7-0-0)

PUD11/05C by USD 501 and Calamar Development requesting to amend the Master PUD Plan for Kanza Education and Science Park on Lot 1, Block C ("O&I-3" District uses and others as stated) to provide for multiple family dwellings on a 26-acre property located at 3001 SW Kanza Drive lying between SW 3rd Street and SW Kanza Drive, the centerline of the tract being approximately 1,432 ft. west of SW MacVicar Avenue.

Ms. Driver presented the staff report and recommendation for approval of the proposal, subject to the 10 conditions listed in the staff report.

Mr. Fried asked if there are any known plans to develop the rest of Lot 1, and Mr. Driver explained that Planning is unaware of any future plans. She stated that the applicant only owns that portion is included in the proposed amendment.

Jerry Hill, Midwest Development Director for Calamar Development, came forward representing the applicant. He gave some background about the 30-year old company that currently has 30 senior independent living facilities located around the country, including a number of facilities in Kansas. He explained that the facilities sell an "active lifestyle" and provide on campus such things as a movie theater, lounge, library, computer room, fitness room, yoga room, etc. He explained that they are working with the local school district to provide programs for high school students to interact with those living in the facility and also are working on programs to involve other seniors living in the general area.

Mr. Hill stated that they are on board with all of the staff recommendations but would like to amend #2 to allow for an "average" set-back of 30'. He explained that in the site plan stage, they will attempt to design the building so that it's possible to keep most or all of the large trees currently on the property. In order to do this, it would be helpful if the wording on staff condition #2 were changed to say a 30' **average** setback. This would give them more flexibility in designing their building to allow for retention of the trees. He added that the site plan, landscaping plan, etc. are required to be approved by the City at a future date.

Mr. Haugh asked if there is a chance that the company would one day enlarge the facility, and Mr. Hill stated that historically the company has not enlarged facilities but rather built additional facilities. He explained that the majority of those who move into their facilities come from surrounding neighborhoods or within about 10 miles.

Mr. Werner asked how the building will sit and Mr. Hill explained that the site plan included in the packet is their typical site plan – not one specific to Topeka. That may be different since they will be attempting to work around the trees. The project specific site plan will be provided to the City during the Site Plan Review stage.

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

Mr. Fried asked what the process is for changing setbacks. Mr. Hall explained that assuming Council approval, the next step in the process would be Site Plan Review, where the set-backs could potentially be dealt with administratively.

Discussion followed about potential wording and allowances for setback. It was suggested that perhaps a “no less than” or minimum number be added. Mr. Werner pointed out that there are utility easements that cannot be changed and suggested that would be sufficient for a “minimum”.

Following additional discussion, it was agreed that simply adding the word “average” into condition #2 would suffice and allow staff ample discretion in the Site Plan Review stage. Mr. Fiander pointed out that there’s not a hard and fast number or percentage that administrative approval is allowed for, but what *would* require a major amendment and thus Planning Commission approval would be a change in the character of the project. He also pointed out that condition #3 includes performance standards that will assist staff in determining whether the proposed design and layout should be approved.

Ultimately Mr. Haugh suggested that the word average be added to condition #2 and staff could determine the rest. Mr. Kannar agreed, stating that adding a minimum might cause more problems than it intended to solve.

Motion by Mr. Kannar to approve the proposal, subject to staff comments #1 through 10, amending #2 to include the word “average” to the 30’ setback requirement; **second** by Mr. Armstrong. **APPROVAL** (7-0-0)

Communications to the Commission

Mr. Fiander reported that the Planning Department is hosting a Development Forum on July 25 at 11AM in the Holliday Conference Room at 620 SE Madison. Planning staff will share information and receive feedback and input regarding proposed Building Design Guidelines. Also on the agenda will be a proposal for adding a landscape component to the guidelines. Mr. Fiander reminded the Commissioners that the Visual Appeal Survey indicated landscaping is important to the overall appearance of a project site. The meeting will include a stormwater review process update.

Mr. Fiander explained that Planning staff anticipate bringing the Building Design Guidelines to Planning Commission as a discussion item at the August 2018 meeting and as an action item at the September 2018 meeting.

With no further agenda items, meeting was adjourned at 6:54PM.