



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

Monday, June 25, 2018

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

Members present: Carole Jordan, Marc Fried, Dennis Haugh, Wiley Kannarr, Corliss Lawson, Ariane Messina, Katrina Ringler, Matt Werner (8)

Members Absent: Brian Armstrong (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

Roll Call – Chairperson Katrina Ringler called the meeting to order with eight members present for a quorum.
Approval of Minutes from April 16, 2018

Motion to approve; moved by Ms. Messina, **second** by Mr. Kannarr. **APPROVED** (7-0-1 with Ms. Jordan abstaining.)

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

Public Hearings

Z18/02 by Hudkins, Steven & Zona requesting to amend the Zoning District for the subject property (0.8 acre) located at 336 SE 45th Street from C-2 Commercial District to M-1 Limited Multi-family District in adherence to mortgage lender requirements for sale of property including existing residence.

Mr. Neunuebel presented the staff report and noted that one person attended the Neighborhood Information Meeting. This person did not express concern about the proposed re-zoning. Mr. Neunuebel explained that staff recommendation is for approval of the zoning reclassification from C-2 Commercial to M-1a Limited Multi-Family district as proposed.

Zona Hudkins came to the podium to answer questions commissioners might have.

With no questions, for Ms. Hudkins, Ms. Ringler declared the **public hearing open**. None came forward to speak and Ms. Ringler declared the **public hearing closed**.

Motion by Mr. Werner to recommend APPROVAL to the Governing Body of the reclassification of the subject property from “C-2” Commercial District to “M-1a” Limited Multi-Family District. **Second** by Mr. Haugh. **APPROVAL** (8-0-0)

PUD06/01C by College Hill Apartments, LLC requesting to amend the Planned Unit Development Master Plan to provide for the construction and operation of a Dog Park, as an interim land use prior to market

APPROVED

demand in the future for additional rental units, for use by residents of College Hill Apartments on an approximately 0.5-acre property located on the east side of SW Lane Street just south of SW 14th Street.

Mr. Neunuebel presented the staff report and reported on Neighborhood Information Meeting (NIM), explaining that there was one attendee and they had questions about parking. No additional parking is required since the proposed Dog Park is for residents of College Hill Apartments. He referred to the handout, "Supplemental Information for Planning Commission..." which includes an additional condition that staff recommends be included as "General Note #8". It states that "Interim use as a dog park shall be valid for a period of three (3) years from the date the PUD Master Plan is recorded with the Shawnee County Register of Deeds, at which time the owner shall cease operation of the dog park. At that time the owner may submit an application to amend to PUD Master Plan to continue or resume operation of the dog park. An application to continue or resume operation as a dog park shall be processed and considered as a major amendment to the PUD Master Plan." He presented the staff recommendation for approval of the PUD amendment subject to the 2 conditions listed in the staff report and the additional condition in the memo.

Mr. Kannarr noted that he had received an email from Henry McClure about the case. Ms. Ringler stated that she had previously confirmed with Mary Feighny (attorney for COT) that since the email was sent to all Planning Commissioners, it is a matter of record and not considered ex parte communication.

Mark Boyd with SBB Engineering came forward to speak on behalf of the owners. He stated that Lou McGinnis was also present and would take questions.

Mr. Boyd stated that he's in agreement with conditions 1 & 2 but expressed concern about condition #3. He thought the condition was going to be a sunset in 5 years rather than 3 and added that he's never seen a time-frame put on a PUD. He stated that he believes it's very aggressive for the owner to be required to apply for a major amendment to the PUD every 3 years in order to extend the allowance of the dog park. He doesn't understand why a major amendment and public meeting is necessary to extend the timeframe. His proposal would be a 3 year sunset with a 2 year extension allowed by a minor amendment (e.g. administrative approval), then after 5 years the requirement for a major amendment. He feels that 5 years would give the owner time to analyze the market and determine how the site should be utilized

Mr. Haugh asked what the maximum occupancy/utilization of the site would be. Mr. McGinnis came forward and stated that currently there are a little over 200 dogs at College Hill Apartments, adding that's what motivated them to set up a dog park. Mr. Haugh noted concern about odor and the impact that might have on neighbors.

Ms. Ringler announced that the **public hearing was open**. With none coming forward to speak, she declared the **public hearing closed**.

Mr. Werner asked if there had been discussion about perhaps view reducing fence rather than chain link. Mr. Neunuebel said no, but design standards require a black or forest green finish on the chain link.

Mr. Fried asked for clarification on the hours, expressing concern that it's not clear what hours the park can be open. Mr. Hall pointed to staff recommendation #2, explaining that the Master PUD Plan would be revised before going to Council and state that the hours of operation will be 6:30AM – 11:00PM.

Mr. Kannarr asked staff for clarification on their thought process regarding Condition #3. Mr. Neunuebel explained that staff feels 3 years is a reasonable time period; it emphasizes the interim nature of the dog park and points to the need to pay attention to the PUD Master Plan and land uses.

Ms. Ringler asked if there are other PUDs that have time limits. Mr. Neunuebel responded that he's not aware of any, but he's also not aware of other PUDs that allow for interim uses.

Mr. Hall explained that the entitlement to build eight townhomes on this site continues even with the interim use agreement.

Addressing Mr. Boyd's suggestion that an additional 2 years be allowed by a minor amendment, Mr. Hall stated that this wouldn't work well as there would be no clear indication of conditions for staff to either allow *or* deny the extension. He suggested that if Commissioners feel 3 years is too short a time, it would be better to extend it to more years than to allow 3 years with a minor amendment to allow an additional 2.

Mr. Fried asked if staff feels there's a significant reason to allow 3 years rather than 5. Mr. Fiander explained there are 2 reasons. First it's to allow for further development that should take place on the site, noting that it's in a TIF District. Second, the use may be objectionable and a shorter timeframe makes sense to staff. He added that there is no clear criteria for approving or disapproving at an administrative level so allowing for a minor amendment would not be his recommendation.

Mr. Fried stated he wondered what "interim" meant if there were no time limit so he appreciates Condition #3.

Mr. Werner suggested 4 years. Mr. Fried stated that he could agree with 3 years to see how the use works out and perhaps allow a 5 year extension next time.

Mr. Fiander explained that at a meeting with the owner/applicant, there was indication that 18-24 month time period was required for developing the property, so staff "went above that" when recommending the 3 year limit.

Mr. Kannarr stated he also would suggest putting a time limit on the interim use, and Ms. Messina stated she leans more toward 4-5 years.

Motion by Mr. Fried to recommend to the Governing Body APPROVAL of the Amendment to the Planned Unit Development PUD 06/1C along with the three staff conditions to provide for the construction and operation of a dog park and pet exercise area as an interim use with underlying PUD residential land use group remaining in place to provide for construction of residential apartments in the future. **Second** by Ms. Lawson. **APPROVAL** (6-2-0 with Mr. Werner and Ms. Messina dissenting).

PUD18/01 Frito Lay Subdivision #3 Master Planned Unit Development Plan by: Frito Lay Inc.

(purchaser under contract) requesting to amend the District Zoning Classification from "I-1" Light Industrial District TO "PUD" Planned Unit Development District (I-1 use group) to allow future buildings (220,000 sf total footprint) with a maximum height of 125 ft., which exceeds the 70 ft. maximum height limit in the "I-1" Light Industrial zoning district, on an 18.31 acre property located at the SW intersection of the dead-end of SW 42nd Street and SW Kirklawn Avenue, approximately 1900 ft. west of SW Topeka Blvd.

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

Mr. Haugh asked where the other to potential phases will be on the site and Ms. Driver stated her understanding is that they are directly south of Phase I.

Allen Moore, Director of Engineering for Frito Lay, came forward representing the applicant. He explained that future expansion of Frito Lay in Topeka is limited by warehouse space. The immediate impact of the project will be additional storage, as well as new parking and a reduction in the number trucks running to/from the (now offsite) storage. Eventually additional manufacturing (and jobs) open as more product storage is available.

Mr. Fried asked if Frito Lay anticipates going to the full requested height in additional phases. Mr. Moore stated potentially, yes, though future phases are only conceptual at this point.. That's the maximum height they would go to based on automatic equipment that would go into the building(s). They could go below ground to reduce the height but that would not be the best option.

Angela Sharp with Bartlett & West came forward representing the applicant. She added that John Hassler was also in attendance and could answer technical questions.

Ms. Sharp explained that the PUD allows for design constraints such as the landscaping berm along the future extension of 42nd Street, screening the property from the highway. Another design constraint would be signage. She also stated that stormwater quality/quantity is under review by the City of Topeka.

Mr. Haugh asked if the proposal vacates the turn around. Ms. Sharp stated that their proposal does vacate the turn around Kirklawn up to the north edge of Frito Lay's existing property. Mr. Haugh mentioned that there were many semis on Kirklawn. Mr. Allen came forward and explained that most of the semis are associated with Frito Lay. With the additional parking, these will go away.

Ms. Ringler declared the public hearing open.

Brent Hall came forward stating he represents the workers at Frito Lay and is president of their Local BCTGM #218 union that represents the workers. He expressed support of the project but was concerned that local contractors be used for construction of it. He feels strongly that the best way for Frito Lay to give back to the community some of the benefits they received from local tax cuts is to hire construction workers locally as they live and spend in the local market.

Shelby Fehrenbacher came forward to speak, expressing some concerns about families and workers at Frito Lay. She expressed concern that there's no plan to add jobs with this project and is concerned that employees will be required to work overtime.

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

Mr. Fried commented on the number of trucks parked along the street and stated that it would be good if this proposed project would take care of that problem as stated.

Mr. Haugh asked what the anticipated increase in employment would be and Mr. Moor stated the warehouse is mostly automated. Increased employment would come later with manufacturing expansions that can about because of additional storage capacity.

Mr. Haugh noted that due to the setbacks, he doesn't see the increased height as an issue.

Motion by Mr. Kannarr to recommend to the Governing Body APPROVAL of proposal, subject to the 9 conditions listed in the staff report; **second** by Ms. Messina. **APPROVAL** (8-0-0)

P18/13 Frito Lay Subdivision No. 3 (Preliminary and Final Plat) by Frito Lay, Inc. (purchaser under contract) on property lying between SW 42nd Street and SW 49th Street, approximately 1725 ft. west of SW Topeka Blvd., and containing 76 acres more or less and all contained within the city limits of Topeka, Kansas.

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

Angela Sharp with Bartlett & West came forward representing the applicant, stating Ms. Driver had covered the proposal well and she would be happy to answer questions.

Mr. Fried asked if the road change anticipates an increase in traffic flow down 49th Street. Ms. Sharp stated it's dependent upon any expansion Frito Lay might have in the future, as well as what other property owners develop, especially that property owned by GoTopeka.

Ms. Ringler announced that the **public hearing was open**. With none coming forward to speak, she declared the **public hearing closed**.

Mr. Fried asked if there would be a traffic study required at some future point in development and Ms. Driver explained that is something determined by City of Topeka traffic engineer.

Motion by Ms. Lawson to recommend to the Governing Body approval of the preliminary and final plat phase of Frito Lay Subdivision #3, subject to the 8 conditions listed in the staff report; **second** by Mr. Haugh. **APPROVAL** (8-0-0)

Sign Code Revision

Mr. Hall presented and took questions on progress of the sign code revision for non-residential signs in residential districts; canopy, roof, and projecting signs.

Communications to the Commission

Mr. Fiander reported that as of May 2018, the City of Topeka has officially adopted the 2015 International Building Code AND International Fire Code, as well as the Life Safety Code. Development Services is currently working on updating the Electrical Code to 2017 and looking at whether there should be adopted an Energy Efficiency Code that applies to commercial building.

With no further agenda items, meeting was adjourned at 7:37.