



CITY OF
TOPEKA

MINUTES

TOPEKA PLANNING COMMISSION

Monday, November 18, 2019

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

Members present: Katrina Ringler (Chair), Brian Armstrong, Corey Dehn, Marc Fried, Wiley Kannarr, Jim Kaup, Corliss Lawson, Ariane Messina, Matt Werner (9)

Members Absent:

Staff Present: Bill Fiander, Planning & Development Director; Dan Warner, Comprehensive Planning Manager; Mike Hall, Current Planning Manager; Annie Driver, Planner; Kris Wagers, Administrative Officer; Mary Feighny, Deputy City Attorney

Roll Call – Chairperson Katrina Ringler called the meeting to order with 9 members present for a quorum. Ms. Ringler welcomed Jim Kaup to the commission.

Approval of Minutes from September 16, 2019

Motion by Ms. Messina to approve; **second** by Mr. Dehn. **APPROVED** (5/0/4 – abstaining were Armstrong, Fried, Kaup & Werner)

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

none

Public Hearing of Z19/08 by: Shamrock Valley Ventures, LLC requesting to amend the district zoning map on property located at 921 SW 10th Avenue from O&I-2 Office and Institutional District to M-2 Multiple Family Dwelling District to provide for use of the property for one or more residential dwellings, including either a duplex or triplex.

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

Referring to the Neighborhood Information Meeting (NIM) notes, Mr. Armstrong asked Ms. Driver if staff considered a zoning designation of R-2. Ms. Driver explained that the applicant applied for M-2 and that's what staff is recommending for approval, adding that a single family residence could be built on property zoned M-2.

Referring to the staff report, Mr. Kaup asked if there is adequate room on the property to allow for a triplex. Mr. Hall explained that even though technically it's allowed in M-2 zoning, a triplex would not be allowed on this lot due to dimensional standards and the restrictions they impose. The City's zoning code would need to be changed in order for a triplex to be allowed.

With no further questions from commissioners, Ms. Ringler **opened the floor for public comment.**

Casey McLenon, one of the owners of Shamrock Valley Ventures, LLC came forward to speak, noting that Kevin Stultz, co-owner of Shamrock Valley Ventures, LLC, was also present and available for questions. Mr. McLenon explained that the question about zoning had come up as mentioned; his company intends to

APPROVED 12/16/2019

apply for a building permit to build a duplex. Mr. McLenon stated that the property is currently in disrepair and their goal is to make improvements.

Mr. Kaup noted that even though the applicant intends to build a duplex, the M-2 zoning would allow for someone in the future to tear that building down and build a triplex if the dimensional requirements could be met.

Mr. Hall stated that R-2 is a single family residential district and doesn't allow for duplexes. An M-1 zoning would allow for a duplex. The property next to the one in question has a zoning of M-3 and staff supports an M-2 zoning in order to accommodate development consistent with other properties on the block.

Hearing no further questions for the applicant, Mr. McLenon took his seat.

Jennifer Anderson of 1025 SW Fillmore came forward in opposition to the re-zoning. She stated that while she appreciates the owners wanting to improve the property, she has density concerns for her neighborhood. She would be okay with a 2-family home but doesn't want to set a precedence for other properties in the Holliday Park neighborhood and allow potential up-zoning in other areas of the neighborhood. Her request would be that the commission deny the request for a zoning of M-2 and allow either an R-1 or M-1, stating clearly that it can only be a single or two-family dwelling.

Patrick DeLap came forward to speak in opposition to the re-zoning, stating that he too lives in the neighborhood. He expressed concern that the photos provided are almost 4 years old; he doesn't like the color the house has been painted and stated that there are current code compliance issues with the property. He said there are inconsistencies in the report, and expressed concern that the property would "be rented out to anybody and everybody who has money for the week." He noted that no architectural plans have been submitted with the re-zoning request and asked that the commission deny the request for re-zoning.

Chris Meinhardt came forward to speak in opposition to the re-zoning, stating that he is a resident and property owner located within the official notice area. Mr. Meinhardt stated that the zoning change would increase the density of the allowable dwelling units on the lot above what the current lot size allows. He stated that only one property adjacent to this one is zoned M-3 and a change in zoning could affect real estate taxes. Mr. Meinhardt asked that the application be referred back to staff for additional consideration.

Mr. Kaup asked Mr. Meinhardt what his preferred outcome would be; Mr. Meinhardt ultimately expressed concern that the zoning would allow for a triplex. Mr. Kaup asked if Mr. Meinhardt has a preference for the property being used for either residential or non-residential use and Mr. Meinhardt replied he does not.

Nels Anderson of 1025 SW Fillmore came forward to speak in opposition to M-2 zoning. Mr. Anderson complimented the current owners on having done a great job of making improvements thus far, noting that regardless of color preference, at least the house has been painted. Mr. Anderson stated he feels like the zoning should be M-1; he supports a single family home or duplex and expressed concern that at a later date a triplex might be built.

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

Mr. Armstrong stated that even if the lot is zoned M-2, the lot limits it to a duplex. Mr. Hall explained that staff took into account the zoning of the other lots on 10th Street and based their recommendation largely on that. He further explained that M-3 zoning allows for a higher density.

Mr. Ringler asked what would happen if in the future someone wanted to (for instance) build a 3-story apartment building. Mr. Hall confirmed that without a change to the density standards, it would not be allowed on that lot.

Ms. Ringler noted that it's typical to see a buffer zone between residential and institutional uses.

Mr. Kaup asked Mr. Fiander if R-2 zoning would be consistent with the Holliday Park neighborhood plan. Following discussion and information provide by Mr. Fiander, it was noted that what neighbors at the NIM meeting were asking about was M-1 rather than M-2 zoning, and the dimensional standards of the of the lot will not allow for a triplex.

Motion by Mr. Dehn to recommend to the Governing Body approval of the re-classification of the property from O&I-2 Office and Institutional District to M-2 Multiple Family Dwelling District; **Second** by Ms. Messina.
APPROVAL (9-0-0)

Presentations

Land Use and Growth Management (LUGMP) 2040 Review

Mr. Fiander introduced and Mr. Warner presented a review of the LUGMP2040.

Development & Growth Management (DGM) Report

Mr. Fiander gave a brief overview of the DGM report that is published monthly by the Topeka Planning & Development Department.

Communications to the Commission

None

With no further agenda items, meeting was adjourned at 7:17 PM