



CITY OF  
**TOPEKA**

**MINUTES**

## **TOPEKA PLANNING COMMISSION**

**Monday, June 17, 2019**

**6:00PM – Municipal Building, 214 SE 8<sup>th</sup> Street, 2<sup>nd</sup> floor Council Chambers**

**Members present:** Brian Armstrong (Acting Chair), Corey Dehn, Carole Jordan, Wiley Kannarr, Corliss Lawson, Ariane Messina, , Matt Werner (7)

**Members Absent:** Katrina Ringler, Marc Fried (2)

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

**Roll Call** – Vice Chair Brian Armstrong called the meeting to order with 7 members present for a quorum.

### **Approval of Minutes from May 20, 2019**

Motion by Ms. Jordan to approve; **second** by Mr. Werner. **APPROVED** (7-0-0)

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

Mr. Werner announced that he would recuse himself from item D1 on the agenda.

Mr. Armstrong announced that he would recuse himself from items D4 and D5 on the agenda. During that time, he would appoint Wiley Kannarr to preside over the meeting as Chairperson.

Mr. Armstrong called the first case and Mr. Werner left the room.

### **Public Hearing of PUD19/01 Sherwood Crossing Master Planned Unit Development Plan by: 29th Street**

**Partners & Binkley, Michael A. & Rick A. & Gregg A**, requesting to rezone 14 acres that were originally included in the 16 acre Master Planned Unit Development Plan for Villa West Shopping Center located at the northwest intersection of SW Wanamaker and SW 29<sup>th</sup> Street to accommodate the redevelopment of the existing shopping center and new commercial uses on the property.

Annie Driver explained that the two properties at the corner of 29<sup>th</sup> & Wanamaker are part of the current Villa West PUD plan and are not included in this new PUD. Their zoning will remain under the existing Villa West Shopping Center PUD. She presented the staff report and staff recommendation for approval subject to conditions in the staff report and as revised per the Revised Recommended Conditions in the staff memorandum dated June 17, 2019 and provided to commissioners as a handout.

With no questions from commissioners, Kevin Holland came forward representing the applicant. He stated that the owners were also in attendance and would take questions if necessary.

Mr. Holland explained that the property has been in a state of decline over the past 20 years. The proposal makes improvements to the look of the buildings and the neighborhood. Though a business on the north side of the property might bring more traffic than a self-storage facility, he believes a neighborhood would prefer a nice looking C-4 building as a neighbor. He stated that the owners expect to move quickly with Phase 1 so improvements will be obvious in quick fashion.

**APPROVED 7/15/2019**

Mr. Armstrong asked if "Building F" in Phase 2 is in fact "generically unknown" and Mr. Holland confirmed that it is. He stated that the buildings could vary in size a bit to allow for the requirements of specific users. Mr. Armstrong asked about circulation, and Mr. Holland explained that in Phase II parking would be added to the west, accessible by the far west 29<sup>th</sup> Street entrance (to the west of where Happy Bassett is located). It has not been determined yet whether there will be access between buildings E & F.

Mr. Armstrong asked for information about signage. Mr. Hall spoke to the approach staff took to working out the agreed upon signage allowances. He explained that the project is seeking CID & TIF incentives and staff's practice of late has been to apply sign standards that are in the draft sign code (as approved by Planning Commission). Mr. Hall reviewed the sign proposals, staff recommendations, and the signage that was ultimately agreed upon by staff and applicant. Mr. Armstrong expressed appreciation for staff attempting to incorporate updated standards.

Mr. Dehn asked for clarification on landscaping requirements and Ms. Driver provided.

Mr. Armstrong **opened the floor for public comment**. With nobody coming forward to speak, Mr. Armstrong declared the **public comment period closed**.

**Motion** by Mr. Dehn to forward to the Governing Body a recommendation of approval of the proposed PUD Master Plan subject to conditions in the staff report and as revised per the Revised Recommended Conditions in the staff memorandum; **second** by Ms. Messina. **APPROVAL** (6/0/1 with Mr. Werner abstaining).

Mr. Werner returned to his seat and Mr. Armstrong called the next case.

**Public Hearing of Sherwood Crossing Project Plan, Finding of Consistency with the Land Use and Growth Management Plan 2040** – In accordance with K.S.A. 12-1722, review the tax Increment finance district known as the Sherwood Crossing Project Plan for consistency with the Land Use and Growth Management Plan 2040.

Dan Warner explained that prior to the Governing Body considering approval of the project plan, the Planning Commission must vote on its consistency with the Land Use and Growth Management Plan 2040 (LUGMP). He presented the staff memorandum from Bill Fiander, Planning & Development Director, and staff's recommendation to approve Resolution 1-2019.

Representing the applicant, Kevin Holland indicated he had nothing to add.

Mr. Armstrong **opened the floor for public comment**. With nobody coming forward to speak, Mr. Armstrong declared the **public comment period closed**.

Ms. Lawson made a **motion** to approve Resolution 1-2019, finding that the Project Plan is consistent with the intent of the comprehensive plan; **second** by M. Jordan. **APPROVAL** (7-0-0)

**Public Hearing of Z19/04 by Tim's Auto Salez, LLC**, requesting to amend the District Zoning Map from C-4 Commercial District to I-1 Light Industrial District on property located at 660 NE US 24 Hwy to allow for use as a storage facility.

Mr. Hall presented the staff report and staff's recommendation for approval.

Kevin Holland came forward representing the prospective developer. Mr. Holland explained that the photo included in the email (agenda packet) is a photo of one of their current facilities in Alabama. They intend the new facility to look very similar. Mr. Holland noted that the owner of the golf course close to the property seeking re-zoning is happy to see this come in. The reason for the I-1 zoning is to allow for the option of having outdoor storage, especially for RVs or boats. The current zoning classification already allows for indoor storage.

Mr. Armstrong **opened the floor for public comment**. With nobody coming forward to speak, Mr. Armstrong declared the **public comment period closed**.

**Motion** by Mr. Kannarr to recommend to the Governing Body approval of the reclassification of the property from C-4 Commercial District to I-1 Light Industrial District; **second** by Mr. Dehn. **APPROVAL** (7-0-0)

Mr. Armstrong passed the gavel to Mr. Kannarr and left the room.

**Public Hearing of CU19/06 Cantilever Topeka, LLC, by: Giant Communications** requesting a Conditional Use Permit for installation and operation of a public utility facility including a small office on property zoned C-4 Commercial District located at 5031 SW 28th Street.

John Neunuebel presented the staff report and staff recommendation for approval subject to conditions listed in the staff report.

With no questions from commissioners, Mr. Kannarr invited the applicant to speak.

Austin Taylor came forward representing Giant Communications. He stated that Giant Communications is excited to be a part of broadband growth in Topeka and this facility will allow them to do so.

Acting Chair Wiley Kannarr **opened the floor for public comment**. With nobody coming forward to speak, Mr. Kannarr declared the **public comment period closed**.

Mr. Kannarr stated that he has no issues with the analysis of staff.

**Motion** by Mr. Werner to recommend approval to the Governing Body, subject to the conditions of approval in the staff report; **second** by Mr. Dehn. **APPROVAL** (6-0-1 with Mr. Armstrong abstaining)

**Public Hearing of CU19/07 by City of Topeka**, requesting a Conditional Use Permit for a water booster pump station on property zoned R-1 Single Family Dwelling District located at 2907 NW Topeka Blvd.

John Neunuebel presented the staff report and staff recommendation for approval subject to the condition listed in the staff report.

With no questions from commissioners, Mr. Kannarr invited the applicant to speak.

Angela Sharp with Bartlett & West came forward representing the applicant. Ms. Sharp stated that the pump station will provide a greater level of water service reliability and redundancy for the North Topeka service area, and no detrimental impacts have been identified for adjacent properties. She added that the proposed building will be more attractive than the existing building and will be more in keeping with the residential setting.

Mr. Werner noted that one person had expressed concern in an email about traffic on N Topeka Blvd. and he asked Ms. Sharp how much traffic would be generated by the pump station. Ms. Sharp said that staff will be able to monitor the station remotely so they anticipate two truck trips per week for regular maintenance; much less traffic than a single family residence would generate.

Acting Chair Wiley Kannarr **opened the floor for public comment**.

Greg DeBacker of 2907 NW Topeka Blvd came forward to speak. He provided 3 separate handouts to the commissioners. Mr. DeBacker expressed concern about the amount of traffic on N Topeka Blvd. while noting that the pump station itself does not warrant the widening of the road. He expressed concern about the property not being mowed, about a fence being put around the facility, and about drainage on the property, asking that the CUP be approved conditional to work being done on the drainage. He also stated that the property had been through eminent domain; he doesn't really want the pump station in his front yard and he's not happy that the City intends to use his driveway as an entrance to the new building.

With nobody else coming forward to speak, Ms. Sharp returned to the podium to speak to Mr. DeBacker's concerns. Ms. Sharp stated that a fence is not planned for the perimeter of the property; there is a tree line on two sides of the property. There is a gate to the entry of the pump station to keep cars from pulling into the booster pump station parking area and parking there. Ms. Sharp explained that the access road to the old pump station was off Topeka Blvd. and is in too close to proximity for city standards to put a secondary access due to the existing residential driveway. There's also a grade differential between Topeka Blvd. and

the new site that factors in to the City's choice. As part of the agreement between the City and Mr. DeBacker, there will be a commercial standard concrete drive constructed to replace what is currently a more narrow asphalt driveway. Ms. Sharp also stated that the project will include excavating and re-grading the ditch line and installing a 24" culvert pipe to allow drainage from the north to flow south to Soldier Creek. She stated that impervious area will only be increased by about 4,000sf; design criteria allows an increase of up to 10,000sf without having any stormwater treatment. She stated that Braxton Copley and Paul Bodner were both present to answer any technical questions.

Mr. Dehn asked if this project will be putting any stormwater onto Mr. DeBacker's property and Ms. Sharp answered no, it will all flow south to Soldier Creek.

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

Mr. Kannarr stated that he is satisfied with staff's evaluation. **Motion** by Ms. Lawson to recommend approval to the Governing Body, subject to the condition of approval in the staff report; **second** by Mr. Werner.

**Discussion:** Mr. Dehn stated that he appreciates Mr. DeBacker's comment regarding traffic on Topeka Blvd, however, this project does not increase traffic in any significant way. Mr. Kannarr stated that he doesn't believe the pump station will affect any traffic flow issue there may be.

Upon roll call vote, **APPROVAL** (6-0-1 with Mr. Armstrong abstaining)

Mr. Armstrong returned to his seat and resumed his position as Chairman.

**Public Hearing of P19/11 Horseshoe Bend Subdivision #5 (Final Plat) by RT Builders, LLC**, comprising 10.79 acres and proposed as 32 single family residential lots, located at the west end of SE 43<sup>rd</sup> Terrace (to be extended) and more generally located north of SE 45<sup>th</sup> Street, south of the Kansas Turnpike and east of SW Topeka Blvd, all being within the City of Topeka, Shawnee County, Kansas.

Ms. Driver presented the staff report and recommendation for approval. She noted that the four conditions listed in the staff report have been addressed, as indicated on the memo emailed to commissioners on 6/17/19 and handed out to commissioners at this evening's meeting.

Mr. Dehn asked if access will be provided to the Landon Trail. Ms. Driver confirmed and added that the county will provide maintenance for the trail easement.

Mark Boyd of SBB Engineering came forward to speak representing the applicant. He noted the owner was in attendance and available for questions. Mr. Boyd explained that this is an ongoing subdivision that is being broken up into smaller phases to allow for more economical development.

Mr. Armstrong asked if there is an expected timeframe for the additional phases. Mr. Boyd explained that they will begin once the 1<sup>st</sup> phase is built out and marketed.

Ms. Messina noted a concern expressed at the Neighborhood Information Meeting (NIM) about excessive speed on the streets and the possibility of using traffic calming measures. Mr. Boyd explained that in residential areas the speed is designed to be low. COT Traffic Engineering has reviewed the street plans.

Mr. Armstrong **opened the floor for public comment**.

Tim Emerson of 110 SE 44<sup>th</sup> Parkway in Grand Oaks came forward to speak. He stated he attended the NIM and one of the questions that came up was why Grand Oaks can't be extended in Phase 1 rather than Phase 2. He is concerned about construction traffic that will be on Truman, which is a very narrow road, while Grand Oaks is a wide road. He also spoke of concerns about the speed of traffic and lack of stop signs in the area, as well as concerns about stormwater runoff and a lack of mosquito control.

Mr. Emerson stated that without extending Grand Oaks there will only be one way in and out for emergency vehicles, etc. He also expressed concern about a lack of fence between properties and the Landon trail, stating that anyone using the trail can easily walk into back yards and noting that homeless are currently living just beyond the trail.

Mr. Armstrong asked for clarification about whether there are one or two ways out of the neighborhood and Ms. Driver explained that Truman Ave and SE 43<sup>rd</sup> Terrace would serve as the two entrances/exits until Grand Oaks is extended. She added that though it may not be ideal, both Fire and Engineering have reviewed and they feel that what is proposed is sufficient until Phase 2.

Mr. Armstrong asked Ms. Driver about potential or current stormwater issues. Ms. Driver stated that the Stormwater Management Plan was approved by City of Topeka Departments of Public Works and Utilities as noted in the memorandum provided dated 6/17/19 re: P19/11 Horseshoe Bend Subdivision #5 – Resolution to Staff Conditions.

Greg DeBacker came forward and encouraged the use of speed bumps to slow down traffic in residential areas, then returned to his seat.

Mr. Fiander explained traffic controls are not governed through the platting process. This is an operational control that takes place once a street plan has been approved by engineering and put in place. Signage or traffic calming measures are not found on plats and are beyond the purview of the Planning Commission.

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

Ms. Lawson asked if there had been consideration about concerns regarding the trail being open to back yards. Mr. Fiander explained that the additional housing would likely discourage the homeless population from living in the area as they attempt to avoid people. He added that the trail is an amenity; providing connections and access to our trail systems is a goal.

**Motion** by Mr. Kannarr to recommend approval of the final plat for Horseshoe Bend #5 to the Governing Body for acceptance of land to be dedicated for public purposes, as conditioned on page 4 of the staff report and as amended in the memo from Bill Fiander on 6/17/2019 regarding P19/11 Horseshoe Bend Subdivision #5; **second** by Mr. Dehn.

**Discussion:** Mr. Armstrong stated he is comfortable for now with there being an east and south access point in/out of the neighborhood. He also noted that he likes and supports the connection to the Landon Trail; this will provide access to the neighborhood and encourage more use of the trail.

Ms. Messina stated she agrees with Mr. Armstrong.

Upon roll call vote, **APPROVAL** (7/0/0)

### **Small Cell Wireless Facilities – discussion item**

Mr. Fiander introduced the topic, explaining that staff will be bringing an amendment to the zoning regulations to accommodate small cell wireless facilities, which are 50' high or less, limited to 50 cubic feet, and almost always located in the Right of Way along with light poles and other utility infrastructure. The FCC has given municipalities very little discretion in denying these, but we can have reasonable design and locational standards. Aesthetic Guidelines have been written and administratively approved by the City of Topeka and Shawnee County.

Mr. Fiander stated that there could be as many as 60 small cell wireless facilities per square mile, so perhaps as many as 2,000 citywide. Under our current code, most if not all of them would require Conditional Use Permits (CUPs).

Mr. Fiander took questions from commissioners and explained that the small cell wireless facilities will not replace but rather complement the large cell towers.

### **Communications to the Commission**

Mr. Fiander reported that the amendment to the sign code is scheduled as a discussion item at the August 13 meeting of the Governing Body. Meanwhile, he will be sitting down individually with Council members to review and answer questions.

Brian Armstrong asked about the process of the Sherwood Crossing CID and TIF. Mr. Fiander confirmed that unless they hold a special meeting, the Sherwood Crossing PUD and Project Plan will go before Council in August.

**With no further agenda items, meeting was adjourned at 7:34PM**