



CITY OF
TOPEKA

MINUTES

TOPEKA PLANNING COMMISSION

Monday, October 19, 2020

6:00PM – via video conference

Members present: Brian Armstrong (Chair), Marc Fried, Corey Dehn, Jim Kaup, Corliss Lawson, Ariane Messina, Katrina Ringler, Matt Werner (8)

Members Absent: Wiley Kannarr (1)

Staff Present: Bill Fiander, Planning & Development Director; Mike Hall, Current Planning Manager; Kris Wagers, Administrative Officer; Mary Feighny, Legal

Roll Call – Chairman Brian Armstrong called the meeting to order with eight members logged in for a quorum.

Approval of Minutes from September 21, 2020

Motion to approve by Mr. Fried, **second** by Mr. Kaup. **APPROVED** 8-0-0

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

None

Action Items

Public Hearing of PUD20/01 6th & Golden Everage Substation by Everage, Inc. requesting to amend the District Zoning Map from “X-1” Mixed Use District to “PUD” Planned Unit Development District (“X-1” Mixed Use District uses plus allowing a Public Utility Station, Type II with an exception to the 62 ft. height limitation for poles and towers) on a 1.64 acre property located along the south side of SE 6th Avenue lying between SE Golden and SE Highland Avenues. The rezoning allows the remodeling and expansion of the existing electric substation and allows transformers and dead end structures poles to exceed the 62 ft. height limit and allow towers up to a maximum height of 75 ft.

Mr. Hall presented the staff report and staff recommendation of approval. Mr. Kaup asked if the applicant had applied to the BZA for a height variance and Mr. Hall stated they had not.

Alex Darby stated that he, Chris Meyer and Dennis Lawlor were all logged in representing the applicant. Mr. Meyer stated that the applicant had applied for a CUP earlier this year but a height limitation wouldn't allow them to construct the tower they needed. They opted to apply for PUD zoning where a height allowance sufficient to their needs could be approved. He said the land owner is interested in selling and whether Everage moves forward with the purchase is hinging on approval of the PUD.

Mr. Darby added that the current screening walls will be replaced with newer, more attractive stonecast walls similar to what has been done at other substations around town, thus the appearance of the property will be improved. There will also be newer equipment in the facility.

Mr. Armstrong declared the **public comment period open**. With nobody logged in to speak, he declared the **public comment period closed**.

Motion by Ms. Lawson that the Commission recommend to the Governing Body **APPROVAL** of the rezoning from “X-1” Mixed Use District to “PUD” Planned Unit Development (“X-1” Mixed Use District

APPROVED

plus the use of a “Public Utility Facility, Type II); **second** by Mr Dehn. Mr. Armstrong asked Mr. Hall if the motion should include approval being subject to the 6 conditions listed in the staff report and Mr. Hall confirmed that it should. Ms. Lawson agreed to the **friendly amendment**, as did Mr. Dehn. **APPROVED 7-0-0** (Ms. Messina had lost internet connection and was not logged in to vote).

Presentation/Discussion Items

Downtown Master Plan Update with a focus on Tower and Van Buren Districts.

Mr. Warner provided a broad overview of the plan then focused on the Tower District. A slide presentation was shown. With no questions on the Tower District he presented on the Van Buren District.

Mr. Kaup asked about status of the plan(s), and Mr. Warner explained that to date presentations have been created on various districts and they’ve been presented to the Planning Commission and various stakeholder groups. The next phase will include sending out information in the form of GIS storymaps to property owners within the various districts, focusing on a couple districts at a time. Next year there will be increased public engagement.

Mr. Kaup asked if the public parking that is identified in the presentations is all surface level and Mr. Warner stated it is not. Some will be below grade, and the goal is to not add surface level parking lots.

Mr. Dehn asked about the proposed change of one way streets into two way streets. Mr. Warner explained that this will assist with circulation as well as encourage additional pedestrian use. The possibility has been discussed with the state and they voiced no concerns.

Short Term Rentals – A Report by Planning Staff regarding draft changes to the zoning code creating new standards for “Short Term Rentals” and results of October information meetings with stakeholders. Short term rentals are regulated as “bed and breakfast home” and “bed and breakfast inn” in the current zoning code.

Mr. Fiander provided some background information, including information about a March 2020 Board of Zoning Appeals finding that as our code is written, short term rentals require a Conditional Use Permit (CUP). Mr. Fiander explained that it was his decision to have staff pause enforcement of the CUP requirement until they have had an opportunity to adequately research and vet a code amendment dealing more directly with short-term rentals.

Mr. Hall gave a presentation on the draft amendment and took questions from commissioners. He explained that to date two stakeholder meetings have been held. One meeting included owners of short term rentals that were discovered through staff research, and the other meeting included property owners within 200’ of those short term rentals. In all, over 500 meeting invitations were sent out via US Mail.

At the meetings, which were done via Zoom videoconference, presentations were given by staff and those attending were given an opportunity to ask questions and voice concerns and/or support. Staff has been in contact with stakeholders via phone and have encouraged people to submit things in writing in order to be included in the agenda packet when the item comes before the Planning Commission as an action item.

Mr. Kaup asked regarding the effect a code amendment might have on anyone who has already sought and received a CUP to operate a short-term rental. Mr. Hall said he’s not aware of any such CUPs issued to date, but if there are any, he would anticipate the businesses being allowed to continue to operate as approved by the CUP. Mr. Kaup encouraged staff to be sensitive to anyone already holding a CUP and guarding against their being adversely affected by any new regulations.

Mr. Armstrong inquired about the process going forward. Mr. Hall explained that staff will continue to work on the code amendment and bring it before the Commission for a vote, possibly as soon as

December 2020. He added that it could depend on the Planning Commission's December agenda; staff will not want to bring the amendment before the commission if the agenda is full, as they'll want to allow plenty of time for discussion and consideration.

Some questions and suggestions followed about the specifics of the amendment.

Mr. Armstrong noted that several non-commissioners were logged in to hear this evening's discussion. Mr. Fried reminded the Commission that the item is on the agenda this evening as a discussion item and a public hearing will be held when the item comes before the Commission for a vote. Mr. Kaup noted that taking comment from the public at this meeting may give the appearance of undue influence.

Mr. Armstrong thanked the public for attending and called for the next item on the agenda.

Communications to the Commission –

Mr. Fiander reported that cases recently presented to the Planning Commission have been heard and approved by the Governing Body.

Mr. Fiander reported that the Housing Services Division has come under the Planning and Development Department and Mr. Dan Warner has been named Division Director of Planning. Mr. Fiander remains Director of the Planning & Development Department, which now includes Planning, Development Services, and Housing Services Divisions.

With no further agenda items, the meeting was adjourned at 7:10PM