



CITY OF  
**TOPEKA**

**MINUTES**

## **TOPEKA PLANNING COMMISSION**

**Monday, March 16, 2020**

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

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

**Members Absent:** Corliss Lawson (1)

**Staff Present:** Bill Fiander, Planning & Development Director; Dan Warner, Comprehensive Planning Manager; 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 present for a quorum.

### **Approval of Minutes from February 17, 2020**

Motion to approve by Ms. Ringler, **second** by Mr. Kaup. **APPROVED** (4-0-4 with Armstrong, Fried, Kannarr, and Messina abstaining)

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

None

### **Action Items**

**P20/06 Greenhill Pointe Subdivision by Drippe Construction, Inc.**, comprising 57.31 acres, the centerline of the tract being approximately 2,100 ft. north of NW 46<sup>th</sup> Street and 1,000 ft west of NW Green Hills Road all being within unincorporated Shawnee County.

Mr. Hall presented the staff report and staff's recommendation for approval. He explained that subdivisions within the 3-mile boundary are regulated by the city even though they are outside the city limits. The property is outside the Urban Growth Area (UGA), so urban densities are not supported. The proposed density is similar to the density of the subdivision(s) on the east side of Greenhills Road.

Mr. Dehn asked if the Shawnee County Planning Commission would consider this project and Mr. Hall said it does not; the city maintains sole authority over subdivisions within the 3-mile area.

Mr. Kaup asked if there had been a traffic impact study, especially in light of poor sight lines for access off 46<sup>th</sup> Street. It was generally agreed that a traffic study would likely be required if lots 9 and/or 10 were someday developed, though that would be in the far distant future. Regarding the current proposal, the project was reviewed by the Shawnee County Planning Department and Shawnee County Public Works, neither of which asked that a traffic study be done. The agenda packet includes a letter of support from the county, and Mr. Armstrong noted that from a traffic engineering viewpoint, he doesn't believe the projected 200 trips per day would necessitate a traffic study.

Jeff Laubach of Schmidt, Beck & Boyd announced he was present for questions, as was the property owner. Mr. Dehn asked for and received confirmation that the homes will be single-family dwellings.

Mr. Armstrong asked if the applicant has a timeline for building, and Mr. Laubach stated they're aiming

**APPROVED**

for next year; utilities will perhaps be put in later this fall. He added that this schedule is tentative.

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

Ms. Messina expressed concern about the number of vacant properties in Topeka and stated she's not comfortable supporting growth outside the city limits.

Mr. Dehn explained that he lives in the area and supports the proposal. He appreciates the two large lots remaining undeveloped and believes this addresses neighbor concerns about a loss of trees and wildlife. He mentioned that he wishes there were a turn lane on 46<sup>th</sup> Street but acknowledged that the traffic generated from this project won't have a large impact. Mr. Armstrong stated that 46<sup>th</sup> Street is perhaps part of a countywide sales tax project.

Ms. Ringler asked for clarification on what the Planning Commission is being asked to approve. Ms. Feighny stated that it would be a motion to approve the plat subject to the conditions in the staff report. She explained that this is not a recommendation to Council; City Council's authority is to accept dedications of property in the plat. The Planning Commission's responsibility is to determine whether the proposed project meets our subdivision regulations. Mr. Fiander added that the subdivision regulations contain a standard that it must be consistent with our Comprehensive Plan, which is covered in depth in the staff report.

Mr. Kaup noted that City Council is tasked with deciding whether to accept the dedications of public right of way included in the plat. If approved by Planning Commission, plat conditions will stand if Council approves the dedications.

Mr. Fiander stated that since he became director, this is the first time he's seen a major plat outside the city on property not being annexed; it's not a common occurrence. There are very straight-forward rules about connecting to utilities, but this project includes an acceptable exemption from annexation. A main reason this is a rare occurrence is that projects such as this require construction of street(s) at the expense of the applicant, which is quite costly.

Mr. Hall noted that the sewer line was installed well before the current land use plan was adopted. The current land use plan is a departure from past policy. Mr. Fiander explained that if there is concern about more proposals of this type coming in the future, it is within the purview of the Planning Commission to recommend changes to the Land Use and Growth Management Plan (LUGMP).

Mr. Fried inquired about minimum lot size requirements. Mr. Fiander reviewed the LUGMP's density recommendations. Staff worked with the developer to create a density comparable to/compatible with that density to the east of Greenhills Road.

Ms. Messina stated she does have concerns about future projects.

**Motion** by Mr. Dehn to approve the Greenhill Pointe Subdivision plat, subject to conditions listed in the staff report, **second** by Mr. Kannarr. **APPROVED** (7-1-0 with Ms. Messina dissenting)

## **Crossroads Wesleyan Church**

**A20/01 by The Kansas District of the Wesleyan Church** requesting annexation of Crosswind Wesleyan Subdivision, an approximately 29-acre subdivision on property located at 2030 SE 41st Street to allow for church to be built on Lot 1 of the subdivision. Lot 2 is to be used for future church related outdoor activities.

Mr. Warner reviewed the memo provided in the agenda packet and recommendation for a finding that annexing the subject property is consistent with the Comprehensive Plan. The annexation proposal will go before the Governing Body for approval; the Planning Commission is tasked with determining

whether the proposal is consistent with growth management principles of the Land Use and Growth Management Plan (LUGMP).

Mr. Armstrong asked for and received confirmation that the commission will be considering re-zoning of a portion of the property.

Mr. Armstrong **opened the floor to public comment** and, with nobody coming forward to speak, **closed the public comment period.**

**Motion** by Mr. Kaup for a finding that the proposed annexation is consistent with the Comprehensive Plan, **second** by Mr. Dehn. (**APPROVAL** 8-0-0)

**Z20/01 by Topeka Planning Commission** requesting to amend the district zoning map from RR-1 Residential Reserve District to R-1 Single Family Dwelling District on a 2.2 acre tract located at the northeast corner of SE 41st Street and SE California Avenue all being contiguous to the corporate city limits.

Mr. Hall presented the staff report and recommendation of approval, explaining that the land under consideration is just a portion of that being considered for annexation. At this time, the applicant does not intend to change the current use of the remainder of the property, and it is consistent with a zoning of RR-1.

Mr. Kaup asked for and received verification that the proper notifications had been sent out and legal ads published. Mr. Hall noted that this information is included on page 5 of the staff report. The required property owner notification distances are 200' within the City and 1,000' outside the City.

It was noted that Ed Southhall was present representing the applicant and would stand for questions.

Mr. Kaup recommended a change to a comment on the final plat, which is still in draft phase. The change was in regard to the applicant giving consent to a petition for a benefit district, as opposed to simply not objecting to a petition. Staff thanked him for his recommendation and will review the language.

**Motion** by Mr. Werner to recommend to the Governing Body approval of the reclassification of the property from RR-1 Residential Reserve District to R-1 single Family Dwelling District, **second** by Ms. Messina. (**APPROVAL** 8-0-0)

### **Communications to the Commission**

Mr. Fiander explained that in light of the Corona Virus outbreak, there will likely be changes to how public meetings will be held for the time being. Commissioners and the public will be apprised of changes.

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