

# TOPEKA PLANNING COMMISSION

## A G E N D A

**Monday, March 16, 2015**  
**6:00 P.M.**

**620 SE 6<sup>th</sup> Street**  
**1<sup>st</sup> Floor, Holliday Conference Room**  
**Holliday Building**  
**Topeka, Kansas 66607**

### **Members of the Topeka Planning Commission**

Kevin Beck  
Dustin Crook  
Rosa Cavazos  
**Scott Gales, Chair**  
Dennis Haugh  
Nicholas Jefferson, Vice Chair  
Carole Jordan  
Mike Lackey  
Patrick Woods

### **Topeka Planning Staff**

Bill Fiander, AICP, Planning Director  
Carlton O. Scroggins, AICP, Planner III  
Dan Warner, AICP, Planner III  
Mike Hall, AICP, Planner III  
Tim Paris, Planner II  
Dean W. Diediker, Planner II  
Annie Driver, AICP, Planner II  
Susan Hanzlik, AICP, Planner I  
Kris Wagers, Office Specialist



**ADA Notice: For special accommodations for this event, please contact the Planning Department at 785-368-3728 at least three working days in advance.**

**AGENDA ITEMS**  
**Topeka Planning Commission**  
**Monday, March 16, 2015 at 6:00 P.M.**

**A. Roll call**

**B. Approval of minutes – February 16, 2015**

**C. Communications to the Commission**

**D. Declaration of conflict of interest/exparte communications  
by members of the commission or staff**

**E. Public Hearings**

- 1. Z15/03 by Stormont-Vail Healthcare, Inc. and Stormont-Vail, Inc.** requesting to amend the district zoning classification on properties located at 1500 SW 10th Ave., 1615 SW 8th Ave., 701 SW Garfield Ave., 731 SW Mulvane St., 830 SW Mulvane St., 1812 SW 9th St, 900 SW College Ave., 909 SW Mulvane St., 901 SW Garfield Ave., 921 and 923 SW Garfield Ave., 628 SW Washburn Ave., 706 and 720 SW Lane St., 1315 SW 7th Street, 808 SW Washburn Ave., 816 SW Washburn Ave., 819 and 830 SW Lane St., 901 SW Lane St., and 900 and 920 SW Washburn, from “R-2” Single Family Dwelling District, “M-1” Two Family Dwelling District, “O&I-1” & “O&I-2” Office and Institutional District, and “M-3” Two Family Dwelling District **ALL TO** “MS-1” Medical Services District. **(Driver) ---CONTINUED BY APPLICANT---**
- 2. Z15/04 by Sisters of Charity of Leavenworth Corp.** requesting to amend the District Zoning Classifications “C-4” Commercial District, “O&I-2” Office and Institutional District, “M-1” Two Family Dwelling District, and “R-2” Single Family Dwelling District **ALL TO** “MS-1” Medical Services District on properties located at 600 SW Jewell Avenue, 615, 701, and 707 SW Mulvane Street; 708 & 732 SW College Avenue; 1501, 1507, 1511, and 1515 SW 6<sup>th</sup> Avenue; 610, 630 and 700 SW Horne Street. **(Driver) ---CONTINUED BY APPLICANT---**
- 3. Z15/05 by Stormont-Vail Healthcare, Inc. and Stormont-Vail, Inc.** requesting to amend the district zoning classification on property located at 1308 SW 10<sup>th</sup> Avenue from “R-2” Single Family Dwelling District and “O&I-2” Office and Institutional District **TO** “MS-1” Medical Services District. **(Driver) ---CONTINUED BY APPLICANT---**

**F. Discussion Items**

1. Neighborhood Health 2015
2. Visual Code Update

**G. Adjournment**

**Minutes of the  
Topeka Planning Commission**

**Monday, February 15, 2015**

**A. Roll call**

**Present:** Scott Gales (Chair), Kevin Beck, Rosa Cavazos, Nicholas Jefferson, Patrick Woods, and Mike Lackey **(6)**

**Absent:** Dustin Crook, Dennis Haugh, Carole Jordan **(3)**

**Staff Present:** Bill Fiander – Planning Director, Mike Hall – Planner III, Dan Warner - Planner III, Annie Driver – Planner II, and Kris Wagers – Office Specialist.

**B. Approval of minutes**

**1. Minutes from November 17, 2014 meeting**

Mr. Lackey moved for approval of the minutes as typed, seconded by Mr. Beck. **APPROVAL (6-0-0)**

**2. Minutes from January 21, 2015 meeting**

Mr. Beck moved for approval of the minutes as typed, seconded by Mr. Lackey. **APPROVAL (6-0-0)**

**C. Communications to the Commission**

None

**D. Declaration of conflict of interest/exparte communications by members of the Commission or staff –**

None

**E. Action Items –**

**1. 2016-2020 CIP Projects**

Mr. Fiander summarized the 2016-2020 Projects for the Planning Commission. Mr. Woods asked about the location of the south fire station and Mr. Fiander replied that location is not yet determined. Mr. Lackey asked regarding 29<sup>th</sup> Street KTA Interchange, whether discussion has been had with Secretary of Transportation and who is going to pay for it. Mr. Fiander reported that currently there is only a placeholder in the CIP to reserve a spot. Mr. Lackey stated that he believes the project is a waste of money.

Mr. Gales asked if anyone in the audience wished to speak on this item. Seeing none, Mr. Gales asked for additional comments from the Commission.

Mr. Beck stated the summary seems thorough and answers any questions he might have. Mr. Gales complimented Mr. Fiander and staff on the preparation and presentation of the CIP.

Mr. Beck moved to approve the 2016-20 CIP as presented, seconded by Mr. Jefferson. **APPROVAL**

(6-0-0)

## F. Public Hearings

1. **Z15/02 by Southwest Publishing & Mailing Corporation** requesting to amend the District Zoning Classification "C-4" Commercial District TO "I-1" Light Industrial District on property located at 2600 NW Topeka Boulevard. **(Driver)**

Annie Driver summarized the staff report and advised the Planning Commission that staff recommends approval of this petition.

Ms. Driver having reported that nobody attended the neighborhood meeting, Mr. Woods asked what happened when there are none in attendance. Ms. Driver stated that the applicants remained for about an hour in case there were late-comers.

Ty Patton of Gay, Riordan, Fincher, Munson & Sinclair, PA, representing the applicant, came forward to review and answer questions from Commissioners.

Mr. Jefferson stated he understood there were no specific uses of the property at this time; the property owners seek to change zoning to make it easier to sell the property. Mr. Patton confirmed, stating that the owners had erroneously believed the property was zoned as I-1 and has used it as such. As is, the facility is only marketable as an industrial facility.

Mr. Gales asked Mr. Fiander if new occupants would have to come back to the Planning Dept. for a Certificate of Occupancy. Mr. Fiander replied that if it went to a more industrial code use, then yes, they would have to come in for a Change of Use.

Mr. Gales opened the Public Hearing. With none coming forward, the Public Hearing was closed and Mr. Gales called for additional comments or questions from Commissioners.

Mr. Lackey stated that it appears to be a routine change and it fits with the neighborhood.

Mr. Woods moved to approve the request, seconded by Mr. Lackey. **APPROVAL (6-0-0)**

2. **CU15/01 Dillon Real Estate Co., Inc.** requesting a Conditional Use Permit to remodel and rebuild a legal non-conforming 14x48 sq. ft., 55 ft. tall billboard located on a monopole structure on property zoned "C-4" Commercial District and located at 1700 SW Topeka Boulevard. **(Driver)**

Annie Driver summarized the staff report and advised the Planning Commission that staff recommends approval of this petition.

Mr. Beck confirmed that it will be a single sign on a monopole.

Travis Brown of Lamar Advertising, representing the applicant, came forward to answer questions of the Commissioners.

Mr. Lackey asked if it would be an electronic billboard and Mr. Brown stated it will not.

Mr. Beck asked if the existing 300' sign will be converted to a monopole and if it will be elevated. Mr. Brown stated it will be converted to monopole but remain at the same height.

Mr. Beck asked staff what the allowable signage will be for the new Kwik Shop. Ms. Driver replied that it's zoned C-4 so anything up to 300 sq. feet, 55' in height is allowable and confirmed for Mr. Beck that

per code, they could have as many signs as they want.

Mr. Gales opened the Public Hearing. With none coming forward, the Public Hearing was closed and Mr. Gales called for additional comments or questions from Commissioners.

Mr. Beck stated that he wished there were opportunity in this case as the corner is being re-built to potentially re-locate one of the signs off the property and further away from the intersection. It would be nice to remove one of those signs and make the corner a nicer presentation coming into our downtown area on Topeka Boulevard. He also pointed out that with C-4 zoning they also have the opportunity to put more large signs up.

Mr. Jefferson moved for approval subject to staff recommendations, seconded by Ms. Cavazos.

**APPROVAL (6-0-0)**

- 3. ASR14/01 Subdivision Regulations** requesting to amend Section 18 of the Comprehensive Zoning Regulations of the Topeka Municipal Code on matters concerning platting. These changes implement Land Use and Growth Management Plan 2040 recommendations concerning platting exemptions and minor plats within the City's Extra-Territorial Jurisdiction. **(Warner)**

Dan Warner summarized the staff report and advised the Planning Commission that staff recommends approval of proposed Subdivision Regulations.

Mr. Lackey asked if any changes were made to the initial draft after meeting with the county and landowners. Mr. Warner stated that staff refined the idea that existing legal lots of record would be eligible for exemption going forward.

Mr. Gales opened the Public Hearing.

Mr. Thane Hoffman of Topeka, Kansas came forward and stated he and his wife own 17 acres on W 10<sup>th</sup> Street, west of Urish Road. They purchased the land over 40 years ago.

Mr. Hoffman stated he doesn't understand the logic of the proposed changes and it seemed to him the concern was only with the city. He stated that in order to have larger lots people would be forced to take up more agricultural land and move further out when Municipal Code states that one of the goals is to preserve agricultural land. While encouraged to be more energy efficient, the new subdivision regulations would be creating a scenario where people are going to have to drive further because they're moving further out of town. Mr. Hoffman stated he would go further and ask there be a study made of smaller lots; it is his professional understanding the original reason for 3 acres was for lateral fields and that's an arbitrary number and many lateral fields don't need that much space. If we are trying to get higher density, we should look at sizing the lot based on what it really requires for the lateral field and that's already covered in Municipal Code.

Mr. Gales asked if Mr. Warner or Mr. Fiander would like to address some of Mr. Hoffman's concerns. Mr. Warner stated the city is attempting to increase the density within the city where we've already made investments in infrastructure while still maintaining some land outside the city that we can grow into when appropriate.

Mr. Lackey asked Mr. Hoffman if his 17 acres is farmed now and Mr. Hoffman stated that it's not. It is steep and wooded; no practical way of creating an urban area on that property.

With no further questions for Mr. Hoffman, Mr. Gales invited others to speak. With none coming

forward, the Public Hearing was closed.

Mr. Fiander asked to address Mr. Hoffman's comment about smaller lots. Mr. Fiander stated that no "floor" is put on the size of a lot, provided that septic can be placed on it. Shawnee County Health Agency determines the minimal size of the lot based on what the lateral field needs.

Mr. Fiander stated that staff has built flexibility into the proposed subdivision regulations that does not currently exist, and are sensitive to the fact that every property is different. The intent is to allow the city to review subdivision under 20 acres, and further lot splitting may be allowed.

Upon a citizen request to make a comment, Mr. Beck moved that the floor be re-opened for public comments, seconded by Mr. Woods. Upon unanimous approval, Public Hearing was re-opened.

Mr. Chuck Dultmeier, local builder/developer, stated he'd like to speak in support of the new Subdivision Regulations. He believes the 3-acre lots are choking off future growth areas for the city. It is getting very hard for him to find land to build on. Mr. Dultmeier encouraged the city to go further with annexations.

Mr. Gales invited Mr. Fiander to respond. Mr. Fiander stated that the city would want to have all five services ready to go (fire, police, water, sewer, roads) before annexing. The city makes a major investment to allow an area to grow and that decision must be made in the best interest of the taxpayers, ensuring that we're not over-reaching. Mr. Fiander stated that the point of the plan is to have the infrastructure be the lead and development follow, as opposed to playing catch-up.

Mr. Gales closed the Public Hearing.

Mr. Gales stated he felt staff did a good job clarifying that some of this is geared toward eliminating "bowling lane" style lots.

Mr. Lackey stated that staff has done a good job.

Mr. Lackey moved to approve the ordinance as presented. Second by Mr. Woods. **APPROVAL (6-0-0)**

Mr. Fiander stated there will not be a Planning Commission meeting next week.

Adjournment at 7:00PM