

TOPEKA PLANNING COMMISSION

A G E N D A

Monday, July 18, 2016
6:00 P.M.

**214 East 8th Street
City Council Chambers, 2nd Floor
Municipal Building
Topeka, Kansas 66603**

Persons addressing the Planning Commission will be limited to four minutes of public address on a particular agenda item. Debate, questions/answer dialogue or discussion between Planning Commission members will not be counted towards the four minute time limitation. The Commission by affirmative vote of at least five members may extend the limitation an additional two minutes. The time limitation does not apply to the applicant's initial presentation.

Items on this agenda will be forwarded to the City Council for final consideration. The progress of the cases can be tracked at: http://www.topeka.org/planning/staff_assignment/tracker.pdf

All information forwarded to the City Council can be accessed via the internet on Thursday prior to the City Council meeting at: <http://public.agenda.topeka.org/meetings.aspx>



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

HEARING PROCEDURES

Welcome! Your attendance and participation in tonight's hearing is important and ensures a comprehensive scope of review. Each item appearing on the agenda will be considered by the City of Topeka Planning Commission in the following manner:

1. The Topeka Planning Staff will introduce each agenda item and present the staff report and recommendation. Commission members will then have an opportunity to ask questions of staff.
2. Chairperson will call for a presentation by the applicant followed by questions from the Commission.
3. Chairperson will then call for public comments. Each speaker must come to the podium and state his/her name. At the conclusion of each speaker's comments, the Commission will have the opportunity to ask questions.
4. The applicant will be given an opportunity to respond to the public comments.
5. Chairperson will close the public hearing at which time no further public comments will be received, unless Planning Commission members have specific questions about evidence already presented. Commission members will then discuss the proposal.
6. Chairperson will then call for a motion on the item, which may be cast in the affirmative or negative. Upon a second to the motion, the Chairperson will call for a role call vote. Commission members will vote yes, no or abstain.

Each item appearing on the agenda represents a potential change in the manner in which land may be used or developed. Significant to this process is public comment. Your cooperation and attention to the above noted hearing procedure will ensure an orderly meeting and afford an opportunity for all to participate. Please Be Respectful! Each person's testimony is important regardless of his or her position. ***All questions and comments shall be directed to the Chairperson from the podium and not to the applicant, staff or audience.***

Members of the Topeka Planning Commission

Brian Armstrong
Kevin Beck
Rosa Cavazos
Scott Gales, Chair
Dennis Haugh
Carole Jordan
Wiley Kannarr
Katrina Ringler
Patrick Woods, Vice Chair

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 II
Taylor Ricketts, Planner I
Kris Wagers, Office Specialist

AGENDA
Topeka Planning Commission
Monday, July 18, 2016 at 6:00 P.M.

A. Roll call

B. Approval of minutes – May 16, 2016

C. Communications to the Commission

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

E. Public Hearings

- 1. Continued by applicant: PUD16/02 by Heartland Management Co. / First Assembly of God** requesting to amend the District Zoning Classification from “R-1” Single Family Dwelling District with a Conditional Use Permit for a surface parking lot and “O&I2” Office and Institutional District, on property at 520 SW 27th Street, and from “R-1” Single Family Dwelling District on the west portion of property at 500 SW 27th, **ALL TO** “PUD” Planned Unit Development (“O&I2” Office and Institutional District uses). **(Driver)**

- 2. PUD16/03 by Working Men of Christ Ministry** requesting to amend the District Zoning Classification from “R-2” Single Family Dwelling District TO “PUD” Planned Unit Development (“R-2” Single Family Dwelling District use group plus re-use of the residential structure for a Correctional Placement Residence, Limited Use intended for use by the Working Men of Christ) on property located at 1025 SW Western Avenue. **(Driver)**

- 3. PUD16/04 by Working Men of Christ Ministry** requesting to amend the District Zoning Classification from “R-2” Single Family Dwelling District TO “PUD” Planned Unit Development (“R-2” Single Family Dwelling District use group plus re-use of the residential structure for a Correctional Placement Residence, Limited Use intended for use by the Working Men of Christ) on property located at 1175 Clay Street. **(Driver)**

F. Discussion Items

- 1. Futures 2040 – Topeka Regional Transportation Plan**
Information and updates can be found at <http://www.topekampo.org/futures-2040.html>

G. Adjournment

PUD 16/03
by Working Men of Christ - Western



CITY OF TOPEKA
TOPEKA PLANNING COMMISSION

MINUTES

Monday, May 16, 2016

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

Members present: Scott Gales (Chair), Kevin Beck, Katrina Ringler, Wiley Kannarr, Carole Jordan, Brian Armstrong, Dennis Haugh (7)

Members Absent: Rosa Cavazos, Patrick Woods (2)

Staff Present: Dan Warner, Planner III; Mike Hall, Planner III; Annie Driver, Planner II; Susan Hanzlik, Planner II; Kris Wagers, Office Specialist; Mary Feighny, Legal

A) Roll Call – Seven members present for a quorum.

B) Approval of Minutes from April 18, 2016

Motion to approve as typed; moved by Ms. Jordan, second by Mr. Beck. **APPROVED** (5-0-2 with Mr. Haugh and Mr. Armstrong abstaining)

C) Communications to the Commission –

Mr. Warner announced that City Council had approved the amended PUD regulations allowing less than one acre adaptive re-use as part of a PUD. He also stated that City Council approved the two Conditional Use Permits (CUPs) passed at Planning Commission the previous month.

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

Mr. Beck explained that he would be abstaining from Agenda Item E1 - NCD16/01.

E) Public Hearings

1) NCD16/01 Elmhurst Neighborhood Conservation District (NCD) requesting to amend the District Zoning Classification from “R-2” Single Family Dwelling District, “HL-R2” Historic Landmark Single Family Dwelling District and “M-1” Multi-Family Dwelling District **TO** “R-2/NCD-2,” “HL-R2/NCD-2,” and “M-1/NCD-2,” adding the Elmhurst Neighborhood Conservation District Overlay to the existing base zoning, for residential properties between SW 10th Ave to the north, SW Washburn Ave to the east, SW Huntoon St to the south, and SW Boswell Ave to the west. **(Warner)**

Mr. Warner informed the Commission that Ms. Hanzlik would be presenting the item, which was initiated at the March, 2016 Planning Commission Meeting.

Ms. Hanzlik reviewed the item, pointing out that there had been some minor changes since the Commissioners had last seen it. She concluded by stating that staff recommends approval.

Mr. Gales called for questions, and Mr. Haugh asked if metal storage sheds would be banned as metal garages/carports are. Ms. Hanzlik stated that they would be banned unless they were not visible from the public street. They would be permitted if located in back of the house and screened by a fence or other screening materials.

DRAFT

Mr. Haugh asked if the same applied to plastic storage sheds, and Ms. Hanzlik stated that the neighborhood had not brought these up as a concern.

Mr. Gales asked for confirmation that front yard fences in place at the time of the plan's approval would be "grandfathered" in and allowed to remain. He received confirmation of this, and also confirmation that, while ordinary maintenance/upkeep of the fences would be allowed, material modification/location changes would be subject to the new regulations.

Mr. Mark Galbraith, 1230 College Avenue, president of Elmhurst Neighborhood Association (NA), came forward representing the Neighborhood Association. He thanked the Planning Commission for allowing them to be here and began with a brief history of the neighborhood, which celebrated its 100th anniversary about 6 years ago. Items that made the neighborhood distinct in its early days included cement sidewalks throughout, streetcar lines serving the homes, new gas mains and high pressure water, universal telephone service throughout the neighborhood, and its proximity to Washburn University.

Mr. Galbraith stated that Mr. Burge, the founder of the neighborhood, brought many distinguishing factors from the Arts & Crafts movement in Great Britain, including the common themes of originality, simplicity, use of local materials, and craftsmanship throughout the building process.

Mr. Galbraith spoke to his belief that the City did a good thing in allowing for Neighborhood Conservation Districts, stating that it shows that the City recognizes there is value in the historic character of many of Topeka's older neighborhoods.

Mr. Galbraith briefly reviewed the process the Elmhurst NA has gone through in developing their proposed NCD plan, stating that they've had a great deal of neighborhood involvement. He feels the NA has been very responsive to concerns that have been expressed throughout the process, and stated he believes the NA has incorporated most all of the recommendations received into the plan in its present state.

Mr. Galbraith stated that he would be happy to answer questions, and Mr. Kannarr asked him if he could think of any suggestions from neighborhood residents that were not adopted into the plan. Mr. Galbraith stated that the only one he could think of was one from a neighbor who suggested they not go forward with the plan at all. He looked to Ms. Hanzlik, who also stated that the only one that stood out to her was the one to hold off pursuing the NCD.

Mr. Gales declared the **public hearing open** and invited people to come forward to speak.

Mr. Lonnie Nessler, 1156 Boswell, came forward to speak against the plan. He stated concerns about adding rules, about not being able to put up a fence in his front yard, and not being able to put up a metal storage shed because they're cheaper than wood sheds. He added that he has been to all the Neighborhood Meetings and has been consistently unsupportive of Elmhurst being an NCD.

Mr. Gales asked Ms. Hanzlik for clarification regarding metal sheds, and Ms. Hanzlik stated that they are allowed as long as they are placed in back of the house and not visible from the street.

Mr. Phil Johnson, 1156 SW Mulvane, came forward to speak in support of the plan. He stated that the Elmhurst neighborhood has done an amazing job throughout the process and has listened to and taken into accounts all opinions.

Mr. Mark Gibbs, 1816 SW 11th, came forward to speak against the plan, stating that he believes there are enough ordinances in place without adding the NCD rules. He specifically has concerns that he wouldn't be able to build a garage that he's been considering.

Ms. Ringler had to leave due to a scheduling conflict, but before going she stated that she is in support of approving the NCD.

With nobody else coming forward to speak, Mr. Gales declared the **public hearing closed**.

Mr. Armstrong asked for clarification about rules regarding garages. Mr. Warner stated that the NCD does not address how the garage can be accessed (from the street vs. from the alley), only that it must be placed behind the house.

Mr. Gales asked how much leeway one might have regarding design of a new home. Mr. Warner confirmed that it must include some design elements that are prevalent in the neighborhood.

Motion to approve the NCD by Ms. Jordan, second by Mr. Armstrong. **APPROVED** (5-0-1 with Mr. Beck abstaining)

2) Z16/3 by Topeka Planning Commission requesting to amend the District Zoning Classification from “RR-1” Residential Reserve District to “R-1” Single Family Dwelling District on 1.5 acres of property located to the north of SW 27th Street, approximately 500’ east of SW Indian Hills Road. **(Driver)**

Ms. Driver reviewed the staff report, clarifying the “utilities” section by stating that the applicants intend to connect to sewer and water at their own expense. She added that a Neighborhood Information Meeting was held and there were no comments from that.

Mr. Haugh asked why another parcel that remains zoned RR-1 wasn’t included in the re-zoning request. Mr. Warner explained that when the proposal for the subdivision came in, the City asked the RR-1 property owners to the west and north if they were interested in being annexed by the city and they were not.

Mr. Gales declared the **public hearing open**. With nobody coming forward to speak, he declared the **public hearing closed**.

Motion by Mr. Beck to approve request; second by Mr. Haugh. **APPROVAL** (6-0-0)

Adjourned at 7:00PM

**STAFF REPORT – PLANNED UNIT DEVELOPMENT
TOPEKA PLANNING DEPARTMENT**

PLANNING COMMISSION DATE: Monday, July 18, 2016

APPLICATION INFORMATION

APPLICATION CASE NO: PUD16/3 – 1025 SW Western

REQUESTED ACTION / CURRENT ZONING: Zone change from “R-2” Single Family Dwelling District TO “PUD” Planned Unit Development (“R-2” use group plus a Correctional Placement Residence, Limited that proposes an adaptive re-use of the existing residence, only as indicated by Exhibit A).

APPLICANT / PROPERTY OWNER: Working Men of Christ Ministry, Inc. (WMOC)

APPLICANT REPRESENTATIVE: Spencer Lindsay, President, Working Men of Christ, Inc.
Robert Christensen, Law Office of Robert W. Christensen

PROPERTY LOCATION / PARCEL ID: 1025 SW Western/PID: 0973604012024000

PARCEL SIZE: 0.14 acres/6,098 sq. ft.

STAFF PLANNER: Annie Driver, AICP, Planner II

BACKGROUND: The applicant applied in February for the “M-2” Multiple-Family Dwelling District along with a Conditional Use Permit to allow a “Correctional Placement Residence, Limited” for their other residence on 1175 SW Clay (Case #PUD16/4), the corresponding application tonight.

They withdrew those applications after staff indicated a lack of support to rezone to “M-2” Multiple-Family Dwelling District and instead proposed an amendment to the Planned Unit Development regulations that accommodates a “PUD” on property less than one acre where a re-use of a building is proposed. Rezoning the property to “M-2” would permit the full-range of residential uses in a neighborhood that was downzoned from multiple-family residential to implement the Holliday Park Neighborhood Plan.

In reviewing the Clay proposal, staff discovered the subject property at 1025 SW Western is also used by the applicant for the same use desired at 1175 SW Clay. At the time the applicant purchased this property, they were unaware the use was not permitted in the “R-2” Single-Family Dwelling District.

PROJECT AND SITE INFORMATION

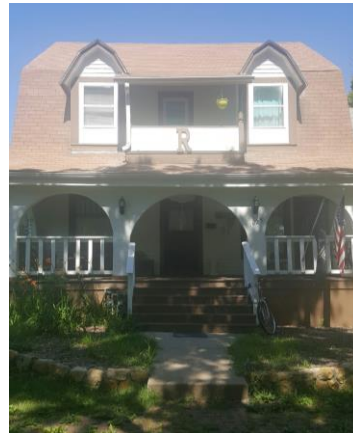
PROPOSED USE / SUMMARY:

A faith-based discipleship house for homeless men or women, which includes those transitioning out of prison. A maximum of seven (7) residents and one (1) staff will reside in this particular house at a given time. The operating characteristics of the house are similar to a typical half-way house, except the house is religiously-based and places an emphasis on Christian ministry, bible studies, job training, and therapy with the ultimate focus of transitioning the men (or women) back into society. The average length of stay widely varies, but ranges from six months to two years. This length of stay is very dependent upon when the individual resident feels they are ready to move out.

Although, operated independently from the Kansas Department of Corrections (KDOC), WMOC is a “partner” with KDOC.

The City Attorney determined this use falls under the definition of a “*Correctional Placement Residence, Limited*”¹ because a minimum of three (3) individuals may be parolees coming out of a prison sentence.²

PHOTO:



DEVELOPMENT / CASE HISTORY:

The residence was constructed in 1920 and contains 2,340 sq. ft. and five bedrooms. The property was downzoned from multiple-family residential to single-family residential in 1998 as a part of implementation of the Holiday Park Neighborhood Plan (1998). It was likely zoned multiple-family dwelling district after 1966 and remained such until the time of the downzoning. There are no records the property has been used as a group home use in the

¹ “Correctional Placement Residence, Limited” - Correctional placement residence or facility” means a facility for individuals or offenders that provides residential and/or rehabilitation services for those who reside or have been placed in such facilities due to any one of the following situations: (1) prior to, or instead of, being sent to prison; (2) received a conditional release prior to a hearing; (3) as a part of a local sentence of not more than one year; (4) at or near the end of a prison sentence, such as a state-operated or franchised work release program, or a privately operated facility housing parolees; or (5) received a deferred sentence and placed in a facility operated by community corrections. Such facilities will comply with the regulatory requirements of a federal, state or local government agency; and if such facilities are not directly operated by a unit of government they will meet licensure requirements that further specify minimum service standards.

² “Correctional placement residence or facility, limited” means a facility occupied by three to 15 individuals, including staff members who may reside there.

past. It's last known past use was a duplex in 2008. The residence was vacant until its present use by this owner.

ZONING AND CHARACTER OF SURROUNDING PROPERTIES:

The character of the neighborhood south of SW 10th Avenue is zoned single-family residential ("R-2" District). The neighborhood still consists of a mix of legal non-conforming, multi-family uses that remain from prior to the downzoning in 1998. A multiple-family property lies to the south. Offices and institutional uses ("O&I-2" District) and multiple-family uses are located along the frontage of SW 10th Avenue that were originally converted from single-family residences. The subject property is located along a collector street (SW Western) with access provided via the public alley to its rear.

COMPLIANCE WITH DEVELOPMENT STANDARDS AND POLICIES

BUILDING SETBACKS AND OTHER DIMENSIONAL STANDARDS:

No exterior modifications are planned that affect existing setbacks and dimensional requirements. The dimensional requirements remain the same as in the base "R-2" District.

OFF-STREET PARKING:

A minimum of two staff parking spaces are required and these are provided from the existing driveway off the alley. The residents will not own or use motor vehicles. All transportation is provided by the Working Men of Christ staff

SIGNAGE:

No signage is proposed.

LANDSCAPING:

Not applicable

OTHER DESIGN GUIDELINES AND CONSIDERATIONS:

Exterior and interior modifications to the structure are restricted by the subject property's location within the Holliday Park National Historic District. Further modifications may need to be reviewed by the Landmarks Commission if they require a building permit.

The neighborhood plan also has design standards for exterior improvements.

COMPREHENSIVE PLANS:

Historic Holliday Park Neighborhood Plan (update adopted 2008)
Land Use and Growth Management Plan – 2040

TRANSPORTATION/MTPO PLANS:

None applicable

OTHER FACTORS

SUBDIVISION PLAT:

Platted as the South ½ of Lot 345, all of Lot 347, and the North 6 ¼ feet of Lot 349, Western Avenue, Young's Addition.

FLOOD HAZARDS, STREAM BUFFERS:

Not applicable

UTILITIES:

The residence is connected to existing utilities.

TRANSPORTATION/TRAFFIC:

Western is classified as a Major Collector on the MTPO Functional Classification Map. The property is not located on a bicycle route as designated in the Topeka Bikeways Plan.

HISTORIC PROPERTIES:

Holliday Park National Historic District. Pending review by the Landmarks Commission at their meeting on July 14, 2016. Staff recommended approval.

NEIGHBORHOOD INFORMATION MEETING:

The applicant conducted a Neighborhood Information Meeting on Monday, June 27th at 6:00 pm located at the Topeka-Shawnee County Public Library. The property is located within the Historic Holliday Park NIA. The applicant's report is attached.

Key concerns expressed at the meeting are as follows:
The effect a change in operator will have the PUD zoning, openness with the NIA regarding residents and types of offender living in the house, monitoring and rules of residents, maintenance of the houses, and the close or overconcentration of like or similar uses within close proximity to each other. A letter from Holliday Park NIA is attached.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

PUBLIC WORKS/ENGINEERING:

None

WATER POLLUTION CONTROL:

None

FIRE:

Additional fire alarms, door hardware, and/or fire suppression may need to be provided.

DEVELOPMENT SERVICES:

Per the 2006 International Building Code this will be classified as a Group R-3 – Residential Occupancy with use as a congregate living facility. Due to the age of the structure, Development Services will not require the applicant bring the building up to the most current 2006 adopted building codes. A phasing plan for building, fire, and life safety modifications will be developed between the applicant, Fire Marshal, and Development Services upon approval of the rezoning prior to issuance of their occupancy permit. A conditional Certificate of Occupancy will be issued by Development Services pending modifications that are required. No modifications are being proposed that should require a building permit.

KEY DATES

SUBMITTAL:	June 3, 2016
NEIGHBORHOOD INFORMATION MEETING:	June 27, 2016
LEGAL NOTICE PUBLICATION:	June 22, 2016
PROPERTY OWNER NOTICE MAILED:	June 24, 2016

STAFF ANALYSIS

CHARACTER OF NEIGHBORHOOD: The character of the neighborhood is predominantly single family residential in land uses and zoning. However, there still remains a scattering of multi-family residential conversions and apartments within the neighborhood located along side single-family residences from the time the neighborhood was zoned for multiple-family dwellings. A single property containing a triplex and duplex lies directly to the south. The blocks along the frontage of SW 10th are predominantly office and institutional and multiple-family residential uses that were converted from single-family residences.

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: The residence was constructed as a single-family residence in 1920. There have been no interior or exterior modifications made to the structure that would affect use of the property for a single-family dwelling in the future. The subject property has been used by the Working Men of Christ since at least 2015. Prior to that, it was unoccupied. Before occupying the residence, the applicant was unaware their use was not permitted in the “R-2” District. Zoning records indicate the property was last used as a duplex in 2008 and no zoning records indicate it was used as a group home or similar such use in the past. However, five or more unrelated individuals may have lived in the residence and permitted in the zoning as a “Family”³.

SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED: The property is still suitable to which it has been restricted under the “R-2” zoning classification. The PUD zoning will not change this use group or restrictions of this “R-2” classification except to allow the indicated conditional use. This PUD allows the residence to be occupied while still physically functioning as a single-family dwelling. Currently, a maximum of two parolees may live in the residence as it is presently zoned. The “*Correctional Placement Residence, Limited*” use comes into consideration when there is a minimum of at least three individuals falling under the criteria in this definition. The WMOC falls under this category making the use no longer suitable to which it has been restricted, as they are currently occupying the home.

CONFORMANCE TO COMPREHENSIVE PLAN: The subject property is classified *Residential – Low Density (Urban)* in the Historic Holliday Park Neighborhood Plan (2008). The plan provides this designation for those areas “*where the highest concentrations of cohesive single-family uses exist without a significant mix of two/multiple-family uses or major frontage along arterial streets. . . the ‘urban’ designation . . . recognizes predominately single-family districts that have either been built on smaller lots and/or contain two/multiple-family conversions that have taken place over time.*”

The applicant’s only rezoning option other than that proposed is to rezone to the “M-2” Multiple-Family Dwelling District with a Conditional Use Permit for a “*Correctional Placement Residence, Limited*”. A straight “M-2” Multiple-Family Dwelling District zoning on the subject property would not be in conformance to the neighborhood plan since this “M-2”

³ “Family” means an individual or two or more persons related by blood, marriage, or legal adoption, or a group of not more than five persons (excluding servants) not related by blood or marriage, living together as a single housekeeping unit with common kitchen facilities in a dwelling unit.

zoning would allow a future owner to convert the structure into individual apartment units or break-up the nature of the single-family dwelling. A “spot” zoning, such as this, is not desired in a single-family neighborhood that was intentionally downzoned in 1998 to prevent these types of residential conversions. However, infill development and adaptive re-use of older and historic structures conform to policies in Land Use and Growth Management Plan- 2040. The PUD proposes an adaptive re-use of the existing residence in a manner that does not break-up the nature of the single-family residence or prevent it from being used in the future as single-family.

This adaptive re-use PUD zoning will restrict the use of the property as indicated in Exhibit A and the PUD conditions of approval. The base use group of the PUD will remain “R-2” Single-Family Dwelling District and, therefore, restrict future development of the property to this zoning district. Further, the PUD establishes conditions on the zoning of the property limiting exterior and interior physical and structural modifications that may prevent the residence from being returned to a single-family dwelling use in the future (i.e. addition of interior walls, bathrooms, bedrooms). As conditioned, the rezoning request is in conformance to the Land Use and Growth Management Plan and Historic Holliday Park Neighborhood Plan.

Nevertheless, staff is concerned with the close concentration of “*Correctional Placement Residences*” and similar such uses (i.e. “Oxford Houses” - drug/alcohol rehab houses) in this neighborhood and surrounding neighborhoods because of the fear they create real or perceived crime problems and have negative impacts on public safety. Future rezonings to accommodate similar such uses in Historic Holliday Park that are in close proximity to this use would be discouraged by staff.

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: As conditioned, there should be limited detrimental effects upon nearby properties. The applicant’s use functions similarly to a “Family” in its characteristics. The proposal presents no parking problems for the neighborhood as parking is already provided in the rear for a staff member and residents will not have or use motor vehicles. A maximum of seven residents plus one staff will live in the house at any one time. Under a “Family” in the zoning code, up to five unrelated individuals may live in a single-family house without oversight by a staff member. There is also no limit on the number of parked vehicles. The PUD provides more certainty for the neighborhood concerning monitoring aspects of residents.

The City recognizes the neighborhood’s past experience and perception of those “unregulated” halfway houses that have been developed in the past within close proximity to each other and the impact they may have had on public safety and crime rates. The “*Correctional Placement Residence*” zoning category was created after the adoption of these neighborhood plans to ensure there is a public process and oversight of these types of uses, as well as, the opportunity for the neighborhoods to voice input. Staff believes this rezoning request is consistent with that intention and provides openness between the operator of the “*Correctional Placement Residence*” and the neighborhood. The operator should make all attempts to remain open with the neighborhood concerning current residents and is encouraged to inform the neighborhood when there is a change in residents. Staff is not aware of other similar permitted or conditional uses that exist today in this neighborhood.

THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE OWNER’S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER: As conditioned, reclassification of the subject property should not harm the public health, safety, and welfare of the neighborhood because it limits modifications to the interior and exterior of the residential structure that would prevent the structure from returning to a single-family use. The single-family dwelling will remain physically intact so exteriorly it will have little impact. Any harm to the public health, safety, and welfare may come from a lack of compliance with conditions of their approval and monitoring oversight by the applicant. The PUD zoning helps to ensure an adaptive re-use within the single-family neighborhood and continued use of an unoccupied residence. There is a better chance the structure’s exterior and interior will be preserved in its original form if it is occupied rather than left to stand vacant. The hardship remains upon the individual landowner to re-locate if their zoning is not approved since they currently occupy the residence.

AVAILABILITY OF PUBLIC SERVICES: All essential public utilities, services and facilities are presently available to the subject property.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS: No exterior improvements are planned affecting existing setbacks or dimensional standards. The subject property's base zoning of "R-2" Single Family Dwelling District will still apply unless otherwise stated in the conditions of approval. In response to the question from the neighborhood information meeting, the operator or ownership may transfer to a new owner since the zoning remains with the land. However, the use of the residence must continue to comply with Exhibit A (as attached).

STAFF RECOMMENDATION:

Based upon the above findings and analysis Planning Staff recommends **APPROVAL** of this proposal, **subject to the following conditions:**

The following conditions of approval will be reflected in the adopting Ordinance reclassifying the property.

1. The requirement for a master PUD plan is waived pursuant to TMC 18.190.050(a).
2. Use and development of the site according to the "Statement of Operations" submitted by the operator with their application (Exhibit A) keeping as a single family residence. Any change to this "Statement of Operations" shall require re-approval by the Planning Director and may require major amendment approval by the Planning Commission as provided in TMC 18.190.070 if the use or character is altered or new conditional use is requested.
3. Use of the site is limited to "Correctional Placement Residence, Limited" as indicated by Exhibit A and the base "R-2" Single Family Dwelling District use group. The base zoning of "R-2" Single-Family Dwelling District shall apply unless otherwise stated herein.
4. *"No signage advertising the nature of the use shall be permitted".*
5. *"A minimum of two (2) driveway parking spaces shall be provided off the alley for staff."*
6. *"No major physical interior or exterior building modifications shall be made to the existing residential structure affecting the ability to use the residence as single-family dwelling (i.e. addition of interior walls, bedrooms, bathrooms). Planning staff shall approve any future permits submitted to Development Services prior to approval."*
7. *"Compliance with all applicable City codes for buildings, construction and life safety as required by Development Services and the Fire Marshal. A conditional Certificate of Occupancy shall be obtained from Development Services no later than six months from the date of publication of the Ordinance."*
8. *"The PUD is subject to annual inspections by the Zoning Inspector for compliance with these conditions of approval."*

Attachments:

Exhibit A: Statement of Operations
Aerial Map
Zoning Map
Applicant letters as attached/sign-in
Holliday Park letter

STATEMENT OF OPERATIONS

1025 SW WESTERN AVENUE

The following Statement of Operations is being provided in support of the Rezoning Applications and PUD Amendments filed by Operator (see case PUD 16/3), regarding the above described property. The proposed use of the property is to provide a discipleship home for men or women who are transitioning out of homelessness, incarceration or other difficult or destructive life situations and see them successfully integrated back into society and their communities. The house at the above described locations will be used as and considered the home of the residents living there.

The house will be operated similar in nature as a traditional halfway house with the exception that it will be a structured faith-based environment with the focus on training the residents in all aspects of pursuing a faith-based lifestyle. All residents will be expected to obtain employment and participate in faith-based studies and therapy ministries such as Celebrate Recovery and other faith-based ministries through their respective churches.

The maximum number of residents for the Western Avenue property will be 7 residents and 1 staff resident.

The Operator will provide all transportation needs for the residents including transportation to and from work, meetings with parole officers, attendance at their respective church meetings and rehabilitation meetings. The Western Avenue property has been in operation for approximately 18 months.

The Western Avenue property is a 2 story structure with a fully equipped kitchen and 3 bedrooms located on the second floor. The main floor of this residence consists of 2 bedrooms being utilized by the staff residents and an office and common living area. No renovations to this home are anticipated unless required as a result of this application. No interior walls will be added to create additional rooms. We are currently awaiting further instructions on the installation of any fire detection devices and/or sprinklers as may be required by City code.

The property has adequate off-street parking in the rear of each property for the staff residents (a minimum of 2 parking spaces) and there should be no impact on parking in the neighborhood or the neighborhood traffic patterns.

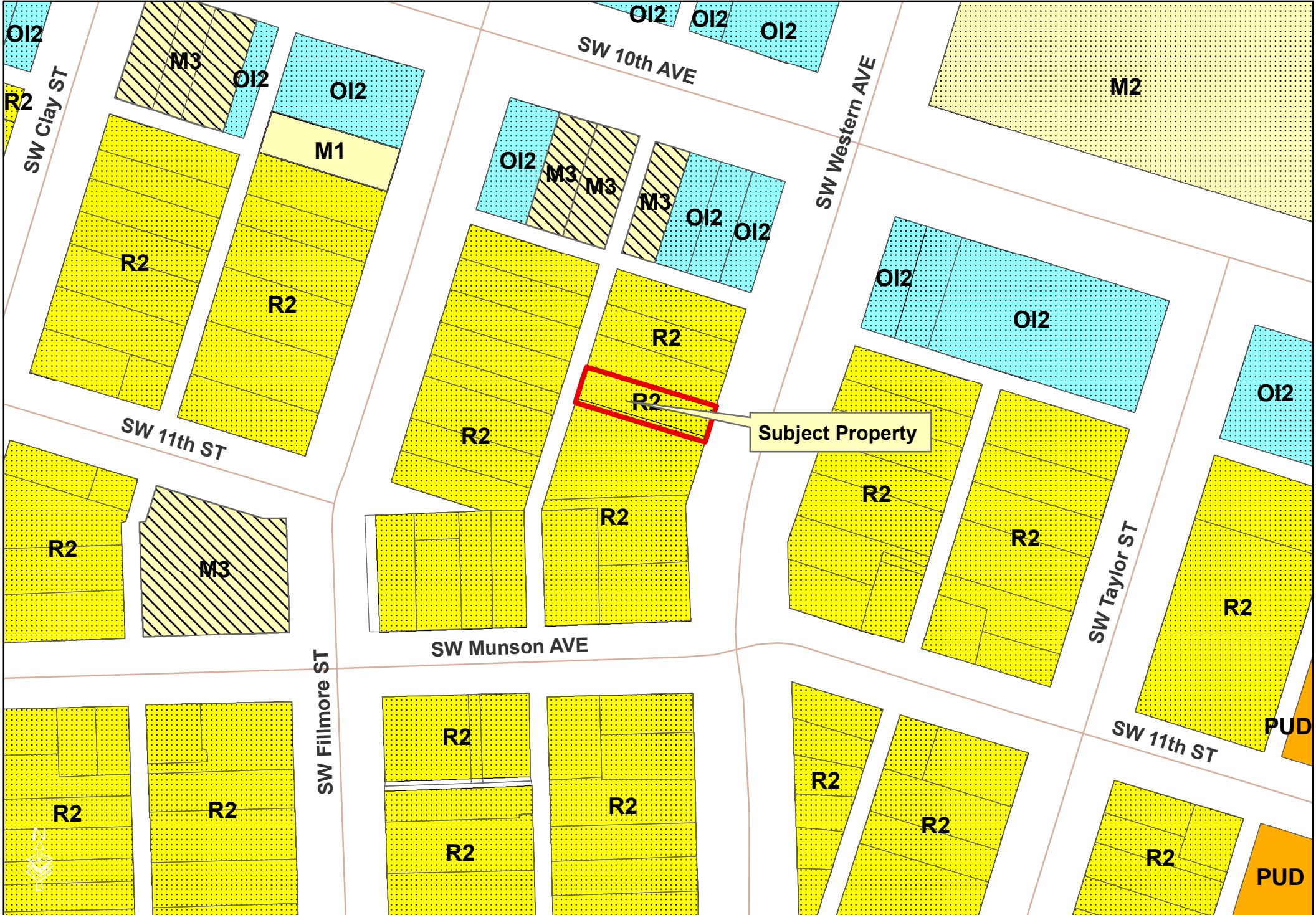
The Operator works closely with both the Kansas Department of Corrections and the Kansas Parole Department. The Operator does not supervise its residents on behalf of either of the two aforementioned agencies, other than the supervision which is part of the voluntary rules and policies of each house to which the residents agree to abide in order to reside in the house. The goal of this program is to be an asset in the neighborhoods where their homes are located; to improve each neighborhood in appearance, community growth, and safety; and to successfully launch its residents back into their respective communities equipped with the faith-based life skills to be successful in all they do.



Subject Property

PUD16/3 By: Working Men of Christ, Inc.





PUD16/3 By: Working Men of Christ, Inc.



PUD 102 / 3
1025 SW Western.

Annie Driver

From: Shannon West <wmocministry@gmail.com>
Sent: Tuesday, June 28, 2016 3:55 PM
To: Annie Driver; Working Men of Christ Ministry
Subject: Topeka Meeting 6/27/16 NIM
Attachments: Topeka.pdf

On June 27th 2016, Spencer Lindsey and Shannon West held a town meeting to discuss the property located at 1025 SW Western, Topeka KS belonging to the Working Men of Christ Ministry Discipleship Ministry Program. There were 13 people in attendance from the neighborhood association as well as concerned neighbors.

Spencer and Shared the vision of the Ministry as well as what the program consisted of and how it was operated in both the women's and the men's house. Many questions were asked and discussed on and everyone's questions was answered.

The main concern that played a huge factor in the neighborhood was if our Ministry is not approved for the zoning would we continue to leave men in there under a different circumstance in which we gave them 100% assurance that we would not leave any men there under any other circumstance than complete approval.

We were very pleased with the meeting and look forward to a long relationship between our Ministry and the City of Topeka.

--
Shannon West
Working Men Of Christ Ministry
Evangelist/CMO
(316) 218-5824
wmocministry@gmail.com
workingmenofchristministry.com

PUD 12/13

HISTORIC HOLLIDAY PARK NIA

RECEIVED
JUL 07 2016
TOPEKA PLANNING
DEPARTMENT

785-845-8431
endaniels@aol.com

812 SW 11th Street
Topeka, KS
66612

July 7, 2016

Michael Hall, AICP
Planner III
Topeka Planning Department
620 SE Madison
Topeka, KS 66607

Dear Mr. Hall:

I am sending this letter on behalf of the Historic Holliday Park NIA in response to a request by Working Men of Christ's purchase of the house at 1025 SW Western in the environs of our NIA, our downzoning plat (done 20 years ago with then Neighborhood Planner, Bill Flander) and our National Register Historic District.

We have become aware that the WMC has been operating their house in our neighborhood for more than a year, but after making a request for construction at 1175 SW Clay for another similar property, it became clear that this house must be rezoned, or create some kind of overlay to provide for what they are doing.

We called a special meeting on June 22, 2016, at which time our NIA voted unanimously to support the WMC, but that the property needed to be independent of the special use "PUD" meaning we don't approve of rezoning the parcel, but rather creating a special use permit for the WMC, leaving the property out of it. We arrived at this decision as a result of the work done 20 years ago downzoning our area, the work done creating a National Register Historic District and our belief that we already have a number of group home type settings in our neighborhood and we feel that the spirit of the downzoning and the Historic Register Designation was to retain as much residential character as possible for now and the future.

We have all invested much in our neighborhood and while we understand the spirit of the WMC's mission, we must think of the ongoing revitalization and health of the area. Too many social services types of properties in the middle of residential areas, two blocks from a high school, etc., just gets to be too much. So, while we approve of them being here for the moment, we don't want the property to be rezoned, as we know that going forward, it would likely set a precedent for the property, and lead to further decline of residential homes and their values.

We would hope our views would be considered in this matter as many of our residents have invested all of their resources in this neighborhood and its ongoing revitalization.

Sincerely yours,

Nikki Daniels, President

Holliday Park NIA

CC: Bill Fiander, AICP, Director, City of Topeka Planning Department
Jennie Chinn, Kansas State Historic Preservation Office
Karen Hiller, City Councilperson District 1

PUD16/04
by Working Men of Christ - Clay

**STAFF REPORT – PLANNED UNIT DEVELOPMENT
TOPEKA PLANNING DEPARTMENT**

PLANNING COMMISSION DATE: Monday, July 18, 2016

APPLICATION INFORMATION

APPLICATION CASE NO: PUD16/4 – 1175 SW Clay

REQUESTED ACTION / CURRENT ZONING: Zone change from “R-2” Single Family Dwelling District TO “PUD” Planned Unit Development (“R-2” use group and a Correctional Placement Residence, Limited that proposes an adaptive re-use of the existing residence, only as indicated by Exhibit A).

APPLICANT / PROPERTY OWNER: Working Men of Christ Ministry, Inc. (WMOC)

APPLICANT REPRESENTATIVE: Spencer Lindsay, President, Working Men of Christ, Inc.
Robert Christensen, Law Office of Robert W. Christensen

PROPERTY LOCATION / PARCEL ID: 1175 SW Clay Street/PID: 0973604022019000

PARCEL SIZE: 0.14 acres/6,098 sq. ft.

STAFF PLANNER: Annie Driver, AICP, Planner II

BACKGROUND: The applicant applied in February for the “M-2” Multiple-Family Dwelling District along with a Conditional Use Permit for a “*Correctional Placement Residence, Limited*” for their residence on this property.

They withdrew those applications after staff indicated a lack of support to rezone to “M-2” Multiple-Family Dwelling District and instead proposed an amendment to the Planned Unit Development regulations that accommodates a “PUD” on property less than one acre where a re-use of a building is proposed. Rezoning the property to “M-2” would permit the full-range of residential uses in a neighborhood that was downzoned from multiple-family residential to implement the Tennessee Town Neighborhood Plan.

PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY: A faith-based discipleship house for homeless men or women, which includes those transitioning out of prison. A maximum of seven (7) residents and two (2) staff will reside in this particular house at one time. The operating characteristics of the house are similar to a typical half-way house, except the house is religiously-based and places an emphasis on Christian ministry, bible studies, job training, and therapy with the ultimate focus of transitioning the men (or women) back into society. The average length of stay

widely varies, but ranges from six months to two years. This length of stay is very dependent upon when the individual resident feels they are ready to move out.

Although, operated independently from the Kansas Department of Corrections (KDOC), WMOC is a “partner” with KDOC.

The City Attorney determined this use falls under the definition of a “*Correctional Placement Residence, Limited*”¹ because a minimum of three (3) individuals may be parolees coming out of a prison sentence.²

PHOTO:



DEVELOPMENT / CASE HISTORY:

The building was constructed as a residence in 1915 and contains 3,559 sq. ft. and five bedrooms. Although used in the recent past as a “Group Home³, the structure remains physically intact as a single-family residence. The structure has been vacant since at least 2012. The property was downzoned from “M-2” Multiple-Family Dwelling District as part of the implementation of the Tennessee Town Neighborhood Plan in 2001. Likely, it was zoned for multiple-family residential uses after 1966 and remained such until the time of the downzoning.

ZONING AND CHARACTER OF SURROUNDING PROPERTIES:

The character of the neighborhood on both sides of SW Clay is residential in character and zoned “R-2” Single Family Dwelling District. An apartment complex (zoned PUD for “M-2” Multiple-Family Dwelling District uses) and church (zoned “R-2”) lie just west of the subject property. The property lies along SW Clay (local street) and takes access via the public alley to its rear.

¹ “Correctional Placement Residence, Limited” - Correctional placement residence or facility” means a facility for individuals or offenders that provides residential and/or rehabilitation services for those who reside or have been placed in such facilities due to any one of the following situations: (1) prior to, or instead of, being sent to prison; (2) received a conditional release prior to a hearing; (3) as a part of a local sentence of not more than one year; (4) at or near the end of a prison sentence, such as a state-operated or franchised work release program, or a privately operated facility housing parolees; or (5) received a deferred sentence and placed in a facility operated by community corrections. Such facilities will comply with the regulatory requirements of a federal, state or local government agency; and if such facilities are not directly operated by a unit of government they will meet licensure requirements that further specify minimum service standards.

² “Correctional placement residence or facility, limited” means a facility occupied by three to 15 individuals, including staff members who may reside there.

³ “Group home” means a dwelling occupied by not more than 10 persons, including eight or fewer persons with a disability who need not be related by blood or marriage and not to exceed two staff residents who need not be related by blood or marriage to each other or to the residents of the home, which dwelling is licensed by a regulatory agency of this state. “Group home” does not include “group residence, general” or “group residence, limited.”

COMPLIANCE WITH DEVELOPMENT STANDARDS AND POLICIES

BUILDING SETBACKS AND OTHER DIMENSIONAL STANDARDS:

No exterior modifications are planned that affect existing setbacks and dimensional requirements. The dimensional requirements remain the same as in the base "R-2" District.

OFF-STREET PARKING:

A minimum of two staff parking spaces are required and these are provided from the existing driveway off the alley. The residents will not own or use motor vehicles. All transportation is provided by the Working Men of Christ staff.

SIGNAGE:

No signage is proposed.

LANDSCAPING:

Not applicable

OTHER DESIGN GUIDELINES AND CONSIDERATIONS:

The neighborhood plan also has design standards for exterior improvements.

COMPREHENSIVE PLANS:

Tennessee Town Neighborhood Plan (adopted 2001)
Land Use and Growth Management Plan – 2040

TRANSPORTATION/MTPO PLANS:

Topeka Bikeways Plan

OTHER FACTORS

SUBDIVISION PLAT:

Platted as South ½ of Lot 419 and all of Lot 421, Block 10, on Clay Street, King's Addition

FLOOD HAZARDS, STREAM BUFFERS:

Not applicable

UTILITIES:

The residence is connected to existing utilities.

TRANSPORTATION/TRAFFIC:

The property is located on the 25th Street/Clay bike route as designated in the Topeka Bikeways Plan.

HISTORIC PROPERTIES:

Not applicable

NEIGHBORHOOD INFORMATION MEETING:

The applicant conducted a Neighborhood Information Meeting on Monday, June 27th at 6:00 pm located at the Topeka-Shawnee County Public Library. The property is located within the Tennessee NIA. The NIA has expressed support for the proposal and a letter of support is attached.

Key concerns expressed at the meeting are as follows:
Effects a change in operator will have the PUD zoning, openness with the NIA regarding residents and types of offender living in the house, monitoring and rules of residents, maintenance of the houses, and the close or overconcentration of like or similar uses within close proximity to each other. The attendees at this meeting were from the Holliday Park neighborhood related to Case #PUD16/3.

The applicant held an initial neighborhood information meeting on February 22, 2016 and a meeting at the NIA on November 9, 2015 in which the residents of Tennessee Town expressed support. Meeting minutes are attached.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

PUBLIC WORKS/ENGINEERING:	None
WATER POLLUTION CONTROL:	None
FIRE:	Additional fire alarms, door hardware, and/or fire suppression may need to be provided.
DEVELOPMENT SERVICES:	Per the 2006 International Building Code this will be classified as a Group R-3 – Residential Occupancy with use as a congregate living facility. Due to the age of the structure, Development Services will not require the applicant bring the building up to the most current 2006 adopted building codes. A phasing plan for building, fire, and life safety modifications will be developed between the applicant, Fire Marshal, and Development Services upon approval of the rezoning prior to issuance of their occupancy permit. A conditional Certificate of Occupancy will be issued by Development Services pending building modifications that are required.

KEY DATES

SUBMITTAL:	June 3, 2016
NEIGHBORHOOD INFORMATION MEETING:	June 27, 2016
LEGAL NOTICE PUBLICATION:	June 22, 2016
PROPERTY OWNER NOTICE MAILED:	June 24, 2016

STAFF ANALYSIS:

CHARACTER OF NEIGHBORHOOD: The character of the neighborhood is single family residential in land use and zoning along SW Clay, and to the north and east. The homes on the block vary in terms of size and upkeep. The blocks lying west of the subject property are multi-family residential and institutional in zoning and land uses, including apartments and a church. However, there still remains a scattering of other multi-family residential conversions and apartments within the neighborhood from the time the neighborhood was zoned for multiple-family dwellings.

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: The subject property contains a vacant residential structure since approximately 2012 when it was last used as a “Group Home” for mentally disabled residents, which is permitted in the “R-2” District. The applicant purchased the property in 2015. Prior to purchasing the property, the applicant was unaware the zoning did not permit their intended use. The residence was historically constructed as a single-family residence in 1915. There have been no major interior or exterior modifications made to the structure that would affect the use of the property for a single-family dwelling in the future.

SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED: The property is still suitable to which it has been restricted under the “R-2” zoning classification. However, the large size of the existing structure (3,559 sq. ft.) and its current condition will require substantial investment and therefore, use as a residence by single-family not as viable. The PUD zoning will not change this use group or restrictions of this classification. The PUD allows the residence to be occupied while still physically functioning as a single-family dwelling.

CONFORMANCE TO COMPREHENSIVE PLAN: The subject property is classified *Residential – Low Density (Urban)* in the Tennessee Town Neighborhood Plan (2001). The plan provides this designation for those areas “*where there are highest concentrations of cohesive single-family uses exist without a significant mix of two/multiple-family uses or major frontage along arterial streets and where a realistic potential exists to sustain this as the predominate character.*”

The applicant’s only rezoning option other than that proposed is to rezone to the “M-2” Multiple-Family Dwelling District with a Conditional Use Permit for a “Correctional Placement Residence, Limited”. A straight “M-2” Multiple-Family Dwelling District zoning on the subject property would not be in conformance to the neighborhood plan since this “M-2” zoning would allow a future owner to convert the structure into individual apartment units or break-up the nature of the single-family dwelling. A “spot” zoning, such as this, is not desired in a single-family neighborhood that was intentionally downzoned in 2001 to prevent these types of residential conversions. However, infill development and adaptive re-use of older and historic structures conform to policies in Land Use and Growth Management Plan-2040. The PUD proposes an adaptive re-use of the existing residence in a manner that does not break-up the nature of the single-family residence or prevent it from being used in the future as single-family.

This adaptive re-use PUD zoning will restrict the use of the property as indicated in Exhibit A and the PUD conditions of approval. The base use group of the PUD will remain “R-2” Single-Family Dwelling District and, therefore, restrict future development of the property to this zoning district. Further, the PUD establishes conditions on the zoning of the property limiting exterior and interior physical and structural modifications that may prevent the residence from being returned to a single-family dwelling use in the future (i.e. addition of interior walls, bathrooms, bedrooms). As conditioned, the rezoning request is in conformance to the Land Use and Growth Management Plan and Tennessee Town Neighborhood Plan.

Nevertheless, staff is concerned with the close concentration of “*Correctional Placement Residences*” and similar such uses (i.e. “Oxford Houses” - drug/alcohol rehab houses) in this neighborhood and surrounding neighborhoods because of the fear they create real or perceived crime problems and have negative impacts on public safety. Future rezonings to accommodate similar such uses in Tennessee Town that are in close proximity to this use would be discouraged by staff.

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: As conditioned, little or no detrimental effects upon nearby properties are anticipated. The applicant's use functions similarly to a "Family"⁴ in its characteristics. The proposal presents no parking problems for the neighborhood as parking is already provided in the rear for a staff member and residents will not have or use motor vehicles. A maximum of seven residents plus one staff will live in the house at any one time. As a comparison, under a "Family" in the zoning code up to five unrelated individuals may live in a single-family house without oversight by a staff member. The PUD provides more certainty for the neighborhood concerning monitoring of the residents.

The City recognizes the neighborhood's past experience and perception of those "unregulated" halfway houses that have been developed in the past within close proximity to each other and the impact they may have had on public safety and crime rates. The "*Correctional Placement Residence*" zoning category was created after the adoption of these neighborhood plans to ensure there is a public process and oversight of these types of uses, as well as, the opportunity for the neighborhoods to voice input. Staff believes this rezoning request is consistent with that intention and provides openness between the operator of the "*Correctional Placement Residence*" and the neighborhood. The operator should make all attempts to remain open with the neighborhood concerning current residents and is encouraged to inform the neighborhood when there is a change in residents. Staff is not aware of other similar permitted or conditional uses that exist today in this neighborhood.

THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE OWNER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER: As conditioned, reclassification of the subject property is not expected to harm the public health, safety, and welfare of the neighborhood because it limits modifications to the interior and exterior of the residential structure that would prevent the structure from returning to a single-family use. The single-family dwelling will remain physically intact so it will have little impact. Any harm to the public health, safety, and welfare may come from a lack of compliance with conditions of their approval and monitoring oversight by the applicant. The PUD zoning helps to ensure an adaptive re-use within the single-family neighborhood and continued use of an unoccupied residence. There is a better chance the structure's exterior and interior will be preserved in its original form if it is occupied rather than left to stand vacant.

AVAILABILITY OF PUBLIC SERVICES: All essential public utilities, services and facilities are presently available to the subject property.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS: No exterior improvements are planned affecting existing setbacks, exterior alterations, or dimensional standards. The subject property's base zoning of "R-2" Single Family Dwelling District will still apply unless otherwise stated in the conditions. In response to the question from the neighborhood information meeting, the operator or ownership may transfer to a new owner since the zoning remains with the land. However, the use of the residence must continue to comply with Exhibit A (as attached).

STAFF RECOMMENDATION:

Based upon the above findings and analysis Planning Staff recommends **APPROVAL** of this proposal, **subject to the following conditions:**

The following conditions of approval will be reflected in the adopting Ordinance reclassifying the property.

1. The requirement for a master PUD plan is waived pursuant to TMC 18.190.050(a).

⁴"Family" means an individual or two or more persons related by blood, marriage, or legal adoption, or a group of not more than five persons (excluding servants) not related by blood or marriage, living together as a single housekeeping unit with common kitchen facilities in a dwelling unit.

2. Use and development of the site according to the "Statement of Operations" submitted by the operator with their application (Exhibit A) keeping as a single family residence. Any change to this "Statement of Operations" shall require re-approval by the Planning Director and may require major amendment approval by the Planning Commission as provided in TMC 18.190.070 if the use or character is altered or new conditional use is requested.
3. Use of the site is limited to "Correctional Placement Residence, Limited" as indicated by Exhibit A and the base "R-2" Single Family Dwelling District use group. The base zoning of "R-2" Single-Family Dwelling District shall apply unless otherwise stated herein.
4. *"No signage advertising the nature of the use shall be permitted".*
5. *"A minimum of two (2) driveway parking spaces shall be provided off the alley for staff. "*
6. *"No major physical interior or exterior building modifications shall be made to the existing residential structure affecting the ability to use the residence as single-family dwelling (i.e. addition of interior walls, bedrooms, bathrooms). A maximum of five bedrooms are allowed. Planning staff shall approve all future permits submitted to Development Services prior to approval."*
7. *"Compliance with all applicable City codes for buildings, construction and life safety as required by Development Services and the Fire Marshal. A conditional Certificate of Occupancy shall be obtained from Development Services prior to occupancy and use."*
8. *"The PUD is subject to annual inspections by the Zoning Inspector for compliance with these conditions of approval."*

Attachments:

Exhibit A: Statement of Operations
Aerial Map
Zoning Map
Tennessee Town letter 1-22-2016
Applicant letters as attached/sign-in.

STATEMENT OF OPERATIONS

1175 CLAY STREET

The following Statement of Operations is being provided in support of the Rezoning Applications and PUD Amendments filed by Operator (see case file PUD16/4), regarding the above described property. The proposed use of both of the property is to provide a discipleship home for men or women who are transitioning out of homelessness, incarceration or other difficult or destructive life situations and see them successfully integrated back into society and their communities. The house at the above described location will be used as and considered the home of the residents living there.

The house will be operated similar in nature as a traditional halfway house with the exception that it will be a structured faith-based environment with the focus on training the residents in all aspects of pursuing a faith-based lifestyle. All residents will be expected to obtain employment and participate in faith-based studies and therapy ministries such as Celebrate Recovery and other faith-based ministries through their respective churches.

The maximum number of residents for the Clay Street property will be 7 residents and 2 staff residents.

The Operator will provide all transportation needs for the residents including transportation to and from work, meetings with parole officers, attendance at their respective church meetings and rehabilitation meetings. The Clay Street property will require some minor renovations in order to be placed in operation.

The Clay Street property has a full basement that is unfinished and it contains the heating system and hot water heater. It will be utilized for storage purposes as allowed by City Code. The main floor of this property will be used for the kitchen, dining, and community living area. Also located on the main floor will be the office and living quarters for the house director and house manager. There are 2 bedrooms and one bathroom on the main floor. The second floor of this property will be used for sleeping quarters for the residents. There are currently 3 bedrooms and two bathrooms on the second floor. No interior walls will be added to create additional rooms on either floor. The third floor is a finished attic, however there are no plans for its use until a secondary egress is provided, which is not in the current plans. We are currently awaiting further instructions on the installation of any fire detection devices and/or sprinklers as may be required by City Code.

The property has adequate off-street parking in the rear of each property for the staff residents (a minimum of 2 parking spaces) and there should be no impact on parking in the neighborhood or the neighborhood traffic patterns.

The Operator works closely with both the Kansas Department of Corrections and the Kansas Parole Department. The Operator does not supervise its residents on behalf of either of the two aforementioned agencies, other than the supervision which is part of the voluntary rules and policies of each house to which the residents agree to abide in order to reside in the house. The goal of this program is to be an asset in the neighborhoods where their homes are located; to improve each neighborhood in appearance, community growth, and safety; and to successfully launch its residents back into their respective communities equipped with the faith-based life skills to be successful in all they do.



PUD16/4 By: Working Men of Christ, Inc.





PUD16/4 By: Working Men of Christ, Inc.



P16/064
1175 SW Clay



Tennessee Town Neighborhood Improvement Association

1195 SW Buchanan
Topeka, KS 66604

Web: <http://tenntownnia.weebly.com>

E-Mail: tenntown@yahoo.com

Nextdoor.com:

https://tennesseetown.nextdoor.com/news_feed/

Twitter: @tenntown

January 22, 2016

Michael Hall, AICP
Planner III
Topeka Planning Department
620 SE Madison
Topeka, KS 66607

Dear Mr. Hall:

This letter comes to you as a result of Working Men of Christ's purchase of the house at 1175 SW Clay in the Tennessee Town Neighborhood Improvement Association and WMOC's plans to renovate the house as a "discipleship" house that would facilitate the transition of inmates back into the community.

After having met with WMOC's Director Spencer Lindsay, as well as WMOC's Bob Smith and Les Wedel, and listening to WMOC's presentation at the NIA's November 9, 2015, general membership meeting, WMOC asked the NIA to draft a support letter for its efforts regarding 1175 SW Clay. At that meeting the membership supported WMOC's goals but had questions about zoning issues that had come up regarding WMOC's proposed use of 1175 SW Clay and the number of similar houses in Tennessee Town.

At the NIA's January 11, 2016, general membership meeting the questions posed at the prior meeting were answered: a way to address the zoning issues had been identified and it was revealed that currently there were no other houses similar to WMOC's proposed house in Tennessee Town. Topeka Police Department Community Officer Michael Diehl also offered information that showed that the incidences of crime over the past five years at similar houses in Topeka was no greater than the incidences of crime overall (51 crimes in 60 months).

At the NIA's January 11, 2016, general membership meeting the following was moved and seconded: "The Tennessee Town NIA endorses Working Men of Christ's efforts to establish the House of Joshua discipleship house at 1175 SW Clay." The motion was approved.

Please let us know if you have any questions moving forward.

Thank you for your time and assistance.

Michael Bell

Patrick DeLapp

Sandra Lassiter

Michael Bell

Patrick DeLapp

Sandra Lassiter

Tennessee Town NIA President

Tennessee Town NIA Vice-President

Tennessee Town NIA Secretary-Treasurer

cc: Bill Fiander, Director, Topeka Planning Department
Susan Hanzlik, Planner II, Topeka Planning Department
Spencer Lindsay, Director, Working Men of Christ Ministries
Patrick DeLapp, Tennessee Town NIA Vice-President
Sandra Lassiter, Tennessee Town NIA Secretary-Treasurer

PUD 16/4
1175 SW Clay

Annie Driver

From: Shannon West <wmocministry@gmail.com>
Sent: Tuesday, June 28, 2016 3:55 PM
To: Annie Driver; Working Men of Christ Ministry
Subject: Topeka Meeting 6/27/16 NIM
Attachments: Topeka.pdf

On June 27th 2016, Spencer Lindsey and Shannon West held a town meeting to discuss the property located at 1025 SW Western, Topeka KS belonging to the Working Men of Christ Ministry Discipleship Ministry Program. There were 13 people in attendance from the neighborhood association as well as concerned neighbors.

Spencer and Shared the vision of the Ministry as well as what the program consisted of and how it was operated in both the women's and the men's house. Many questions were asked and discussed on and everyone's questions was answered.

The main concern that played a huge factor in the neighborhood was if our Ministry is not approved for the zoning would we continue to leave men in there under a different circumstance in which we gave them 100% assurance that we would not leave any men there under any other circumstance than complete approval.

We were very pleased with the meeting and look forward to a long relationship between our Ministry and the City of Topeka.

--

Shannon West
Working Men Of Christ Ministry
Evangelist/CMO
(316) 218-5824
wmocministry@gmail.com
workingmenofchristministry.com

PUD 10/4

Annie Driver

From: Shannon West <wmocministry@gmail.com>
Sent: Tuesday, June 28, 2016 4:59 PM
To: Annie Driver
Subject: Re: Clay St

- Tennessee Town NIA - NIM 2/22/16

In February 2016, Spencer Lindsey and Shannon West held a town meeting to discuss the property located at 1175 Clay St, Topeka KS belonging to the Working Men of Christ Ministry Discipleship Ministry Program. There was 5 people in attendance from the neighborhood association as well as concerned neighbors.

Spencer and Shared the vision of the Ministry as well as what the program consisted of and how it was operated in both the women's and the men's house. Many questions were asked and discussed on and everyone's questions was answered.

We were very pleased with the meeting and look forward to a long relationship between our Ministry and the City of Topeka.

On Tue, Jun 28, 2016 at 4:53 PM, Annie Driver <adriver@topeka.org> wrote:

Thanks, but this was in reference to the meeting at the library in February 2016?

From: Shannon West [mailto:wmocministry@gmail.com]
Sent: Tuesday, June 28, 2016 4:50 PM
To: Annie Driver; Working Men of Christ Ministry
Subject: Clay St

In November 2015, Spencer Lindsey and Shannon West held a town meeting to discuss the property located at 1175 Clay St, Topeka KS belonging to the Working Men of Christ Ministry Discipleship Ministry Program. There was 5 people in attendance from the neighborhood association as well as concerned neighbors.

Spencer and Shared the vision of the Ministry as well as what the program consisted of and how it was operated in both the women's and the men's house. Many questions were asked and discussed on and everyone's questions was answered.

We were very pleased with the meeting and look forward to a long relationship between our Ministry and the City of Topeka.

--

Shannon West

Working Men Of Christ Ministry

Evangelist/CMO

PUP 10/4 - 1175 SW Clay

Annie Driver

From: Michael Hall
Sent: Tuesday, February 23, 2016 8:50 AM
To: Annie Driver; Bill Fiander; Mary Feighny
Subject: Quick Summary of NIM for WMOC

2/22/16 NIM.

Follow Up Flag: Follow up
Flag Status: Completed

There were 4 people representing WMOC at last night's meeting: Bob Smith, Spencer Lindsey, Shannon West, and Zack _____. They gave an effective presentation including a 13 minute video. They have clearly given this presentation before and it looked like it is aimed primarily at sponsors and donors.

Tennessee Town President Michael Bell attended. In addition, 3 other people attended and at least two of them live in the general neighborhood. A news cameraman showed up later into the meeting.

Meeting – WMOC Presentation:

- They have 4 houses in Wichita and one in Topeka – at 1025 SW Western. In addition to the house they are trying to open on Clay, they are trying to open at least one in Wyandotte County.
- The process they have allows only those former inmates that really want to be there and who are willing to make a commitment.
- They stress that they are a “discipleship house” and not a “halfway house”.
- Typically inmates are given \$40 or \$100 when released from incarceration. WMOC gives released inmates the opportunity to earn \$160 if they complete a Bible correspondence course

Meeting – Discussion:

- One of the attendees lives in Holiday Park (Lynette Farmer??). She said “Central Topeka has taken a lot of hits and it doesn't get much support from the City. How will you contribute to the community. How will you uplift the community.”
- Response from WMOC: WMOC takes men out into the community to serve the community. Working with churches and other groups, they find opportunities to help people, i.e. moving, painting, etc.
- Michael Bell spoke: He talked about what the NIA is doing and he supports WMOC. A lot of concerns about Central Topeka are based on perceptions only.
- Resident of Holliday Park: Please help us do something about the Dillon's store closing.
- Spencer Lindsey, WMOC: In the first 30 days the men are at the house, they are not allowed to go out and get a job. They are required to do 20 hours of community service. WMOC doesn't let them get a job until they build a relationship at the house. Men have a tendency to be tempted to get into trouble with their first paycheck.
- Second Woman – lives on Fillmore: She is the City Director of _____. She works with inmates. Said that the most important decision they make when released is choosing where to live.
- The third woman attending the meeting appeared to be with the second woman.

In general there was no serious opposition expressed at the meeting.

Michael Hall, AICP
Current Planning Manager
City of Topeka
785-368-3007

PUD 116/4
1175 SW Clay

Annie Driver

From: Shannon West <wmocministry@gmail.com>
Sent: Tuesday, June 28, 2016 4:50 PM
To: Annie Driver; Working Men of Christ Ministry
Subject: Clay St Tennessee Town N/A meeting
11/9/15

Follow Up Flag: Follow up
Flag Status: Completed

In November 2015, Spencer Lindsey and Shannon West held a town meeting to discuss the property located at 1175 Clay St, Topeka KS belonging to the Working Men of Christ Ministry Discipleship Ministry Program. There was 5 people in attendance from the neighborhood association as well as concerned neighbors.

Spencer and Shared the vision of the Ministry as well as what the program consisted of and how it was operated in both the women's and the men's house. Many questions were asked and discussed on and everyone's questions was answered.

We were very pleased with the meeting and look forward to a long relationship between our Ministry and the City of Topeka.

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Shannon West
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Evangelist/CMO
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