

TOPEKA PLANNING COMMISSION

A G E N D A

Monday, October 17, 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.

All information forwarded to the City Council can be accessed via the internet on Thursday prior to the City Council meeting at: <https://www.topeka.org/calendar>



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
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
Taylor Ricketts, Planner I
Kris Wagers, Office Specialist

AGENDA
Topeka Planning Commission
Monday, October 17, 2016 at 6:00 P.M.

A. Roll call

B. Approval of minutes – September 19, 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. CU16/5 By: 901 Real Estate LLC** requesting a Conditional Use Permit for a Correctional Placement Facility, General” on property located at 2035 SW Western and presently zoned “I-1” Light Industrial District and requesting a Conditional Use Permit for a “Surface Parking Lot in Association with a Principal Use” on property located along the east side of SW Fillmore between SW 20th and SW Hampton streets and presently zoned “M-1” Two Family Dwelling District. **(Driver)**

F. Action Items

- 1. Initiation of re-zoning for Misty Harbor Estates No. 5**
Consider initiating a rezoning of the Misty Harbor Estates No. 5 subdivision.

G. Discussion Items

- 1. Zoning Code/Matrix Amendments (Group B)**
Review of Title 18 of the Topeka Municipal Code and potential amendments, including:
 - Short Term Rental Housing (Bed & Breakfast Home or Inn)
 - Artisan Manufacturing
 - Cargo Containers
 - Setbacks for Uncovered Decks, Porches, Stair Landings, and Ramps

H. Adjournment



CITY OF TOPEKA
TOPEKA PLANNING COMMISSION
M I N U T E S

Monday, September 19, 2016

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

Members present: Scott Gales (Chair), Kevin Beck, Carole Jordan, Katrina Ringler, Wiley Kannarr, Brian Armstrong, Dennis Haugh, Rosa Cavazos (8)

Members Absent: Patrick Woods (1)

Staff Present: Bill Fiander, Planning Director; Mike Hall, Planner III; Annie Driver, Planner II; Mary Feighny, Legal

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

B) Approval of Minutes from August 15, 2016

Motion to approve as typed; moved by Mr. Haugh, second by Ms. Jordan. **APPROVED** (8-0-0)

C) Communications to the Commission –

Mr. Fiander updated the Commission on the zoning cases heard at the August, 2016 meeting, stating that the Working Men of Christ PUDs were approved by the Governing Body, and that the Newcomer PUD would be heard by the Governing Body at their September 20 meeting. Mr. Fiander stated that a protest petition had been filed by the neighborhood, which means the case requires 8 out of 10 votes rather than a simple majority to pass. Mr. Fiander gave information about National Park Service/Oregon Trail Riverfront Park design charrette taking place the week of August 22 at the Great Overland Station. All are encouraged to attend.

Recognition of outgoing Commissioner Kevin Beck

Mr. Fiander presented a plaque to Mr. Beck as an outgoing Planning Commissioner, thanking him for his dedicated service. Mr. Beck thanked previous and current mayors and commissioners. Mr. Gales thanked Mr. Beck for his service.

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

Mr. Beck reported that due to a conflict of interest, he would be abstaining from hearing/voting on item F1, Mr. Armstrong reported that due to a conflict of interest, he would be abstaining from hearing/voting on item E1.

E) Public Hearings

- 1. Z66/20D Carriage House Master Planned Unit Development By: Kansas Carriage House LLC** requesting to amend the master plan and expand the boundary of the existing 9.1-acre Planned Unit Development (“M-2” Multiple Family Dwelling uses) at 1601 SW 37th Terrace to include an additional 0.6 acres of property currently zoned “R-1” Single Family Dwelling District and located at 1701 SW 37th Street. **(Driver)**

Mr. Armstrong excused himself, and Ms. Driver reviewed the staff report and staff recommendations. With no questions from Commissioners, Mr. Gales invited the applicant/representative to come forward to speak. Angela Sharp of Bartlett & West came forward and stated that also in attendance and available for questions was Mr. Lew McGinnis, owner of Carriage House Apartments. Ms. Sharp explained that, although not part of the PUD, Mr. McGinnis also purchased the home to the west of the home they want to remodel, and they may use that home for the complex manager to live in.

DRAFT

With no questions from commissioners, Ms. Sharp took her seat.

Mr. Gales declared the public hearing open. With none coming forward, the public hearing was closed.

Following comments by Mr. Gales, Mr. Haugh support of the proposal, Mr. Beck asked if the applicant is willing to comply with staff recommendations listed in the staff report. Ms. Sharp verified that the applicant is willing. Mr. Beck noted approvingly that they are extending the sidewalk up Mulvane to tie into the existing complex.

Motion by Mr. Beck to approve subject to recommendations of staff, second by Ms. Jordan.

APPROVED (7-0-1 with Mr. Armstrong abstaining)

F) Action Items

1. **P16/12 Topeka Investment Group Subdivision #3 by: Mycose Entrepreneur Inc.** A minor plat, requesting approval of a design variance in accordance with TMC 18.30.040 of the Subdivision Regulations to the provision of TMC18.40.110 regarding every lot in a subdivision having frontage upon a street on property located at 601 NW US 24 Highway, all being inside the city limits. **(Driver)**

Mr. Beck excused himself, and Ms. Driver reviewed the staff report and staff recommendations. Mr. Gales asked if the requested variances were suggested by the owners or by Planning staff, and Ms. Driver explained the design was proposed by the owners Planning staff is supportive of the variances.

Mr. Haugh asked if maintenance of the shared access easement is shared by all lot owners. Ms. Driver stated that staff asked that the applicant indicate by a note on the plat how maintenance will be provided for. Mr. Gales asked if a maintenance agreement is typically required. Ms. Driver stated that it is a requirement of the staff report.

With no further questions for staff, Mr. Mark Boyd came forward representing the applicant. Mr. Boyd stated that though the maintenance note has not yet been articulated, he believes the applicant is willing and maintenance requirements will be note on items registered through the Shawnee County Register of Deeds.

Mr. Boyd stated that the applicant is okay with preliminary comments and requests received from staff and the notes will be "cleaned up". With no questions for Mr. Boyd, he took his seat.

Mr. Gales stated he's familiar with the property and stated he sees no issues with the requested variance.

Motion by Mr. Armstrong to approve the variance, second by Mr. Haugh. **APPROVED** (7-0-1 with Mr. Beck abstaining)

Following the vote, Mr. Beck returned to the room.

G) Discussion Items

1. **Zoning Code Amendments**

Review of Title 18 of the Topeka Municipal Code and potential amendments to the regulations for signs, subdivisions, and zoning

Mr. Hall reviewed for discussion proposed amendments, focusing on why staff feels the amendments are necessary. Questions from commissioners were answered or addressed.

With no further agenda items, meeting was adjourned at 7:01PM.

Staff Report – Conditional Use Permit Topeka Planning Department

PLANNING COMMISSION DATE: Monday, October 17, 2016

APPLICATION INFORMATION

APPLICATION CASE NO: CU16/5 By: 901 Real Estate LLC

REQUESTED ACTION / CURRENT ZONING: A Conditional Use Permit (CUP) for *Correctional Placement Facility, General* on property at 2035 SW Western that is zoned "I-1" Light Industrial District and a Conditional Use Permit for a *Surface Parking Lot in Association with a Principal Use* on property zoned "M-1" Two-Family Dwelling District and located along the east side of SW Fillmore.

APPLICANT / PROPERTY OWNER: 901 Real Estate LLC

APPLICANT REPRESENTATIVE: Steve Clinkenbeard, MindTap Group (property owner)
Terry Williams, Director, City of Faith (Applicant)
Stan Peterson, Peterson Architectural Group, Architect

PROPERTY ADDRESS & PARCEL ID: 2035 SW Western Ave (1410104028009000 and 1410104028001010);

Vacant properties lying along SW Fillmore between SW Hampton and SW 20th Streets (1410104028004000, 1410104028005000, 1410104028006000, 1410104028007000)

PHOTOS:



2035 SW Western



Fillmore properties adjacent to 2035 Western

PARCEL SIZE: 2.05 acres
STAFF PLANNER: Annie Driver, AICP, Planner II

PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY:

A federal re-entry program (City of Faith) contracted through the U.S. Bureau of Prisons for a maximum of 60 persons: 45 will live at the facility (40 men, 5 women) and 15 will live off-site in "home confinement". Those in "home confinement" are monitored electronically and check-in as scheduled. **A detailed program description is provided in the applicant's Statement of Operations.*

The Kansas Department of Corrections will use the first floor for their re-located parolee office (8,300 sq. ft.) and is a permitted use in the "I-1" zoning district.

The new 70-stall parking lot on SW Fillmore will provide adequate parking for both users: The KDOC offices on the first floor and City of Faith on the second floor.

DEVELOPMENT / CASE HISTORY:

"I-1" Light Industrial – The zoning has remained as such since 1940 when part of the building (warehouse) was constructed as an assembly plant. The two-story office building (proposed site) was constructed in 1969 and contains 16,600 sq. ft. total (two floors).

"M-1" Two – Family Dwelling District – Part of this block along the east side of Fillmore was zoned "I-1" in 1998 and rezoned to "M-1" after the adoption of the first Chesney Park Neighborhood Plan (1998). The remaining block has been zoned "M-1" as far back as records indicate.

BACKGROUND:

Mirror, Inc. located at 2201 SE 25th Street is currently contracted as the Federal Re-Entry Facility in Topeka and has existed in this location since 1996. Mirror, Inc. is bidding on this same current contract with the Bureau of Prisons and will lose contractees if City of Faith is awarded this bid instead, which ultimately will cause this facility to close.

The zoning of this property is PUD (M-2 uses) and the use is considered legal non-conforming and permitted to continue since it has existed at the site since the adoption of the current "Correctional Placement Facility" zoning category after 2000.

ZONING AND CHARACTER OF SURROUNDING AREA:

The zoning and land uses along the west side of SW Western from SW 21st SW 18th are industrial in nature and/or zoning classification and are used for storage, warehousing, parking lots, and/or Water Treatment Plant by the City of Topeka. The Chesney Park Great Mural Wall surrounds the City Water Plant located north of this

block. The east side of SW Fillmore between 19th and 21st contains a mix of residential and non-residential uses. The blocks along the west side of SW Fillmore are entirely single-family residential in character. *(Below is an example of a residence directly across SW Fillmore Street from the proposed parking lot that has made investments.)*



COMPLIANCE WITH DEVELOPMENT STANDARDS AND GUIDELINES

BUILDING SETBACKS:

The site plan provides a 30' parking lot setback along SW Fillmore that is consistent with the standard zoning setback of "R-1" (zoning of property on the west side of Fillmore).

OFF-STREET PARKING:

Required: 1 per 400 stalls for KDOC office (21 stalls)
1 per 2 beds based on 45 beds (23 stalls)
1 per staff based on maximum staff on a shift (6 stalls)

Proposed: 28 parking stalls at 2035 SW Western
Approximately 70 new parking stalls on Fillmore

LANDSCAPING:

The site plan provides a 30' landscape setback for the parking lot with a 36" berm along Fillmore. The site plan states no fencing is allowed within this 30 ft. setback. Additional street trees are required along Fillmore. A specific Landscape Plan addressing points, type, and quantity will be provided at the time of site plan review and prior to approval of a Parking Lot Permit.

OPERATION CHARACTERISTICS:

The facility is a 24/7 operation with round the clock security personnel by 13 Security Officers. Additionally, there will be six full time staff on-site per shift. Approximately 30% of the residents living on-site will drive and adequate parking is provided for staff and residents. Residents will maintain full-time employment and are subject to job checks by staff. Residents are required to pay a percentage of their week income as subsistence. The Re-Entry Center employs a digital sign in/sign out program called Safe-Keep to maintain accountability. Those residing off-site will be accounted for by electronic monitors.

FENCING:

A fence is proposed around the KDOC parking lot. Staff is

recommending an additional fence around the City of Faith parking.

LIGHTING:

A lighting note states: *"Lighting shall be shielded and recessed to prevent the cast of lighting beyond the properties and shall not exceed three foot-candles as measured at the property line. Exterior lighting shall follow accepted standards for parking lot lighting and be reviewed at the parking lot permit stage."*

SIGNAGE:

The site plan states: *"No signage for either use is permitted except typical parking lot regulatory signs"*. The site plan needs to address signs for City of Faith.

PUBLIC FACILITIES

TRANSPORTATION:

SW Western is classified as a collector street. All access to and from the site will be restricted to the Western driveway entrance. SW Fillmore is a local street. No access is provided along Fillmore.

There are bus routes on SW 17th (Route #17) and SW 21st (Route #21). The closest bus stops to the property are located at SW Fillmore/21st and SW Western/17th. Topeka Metro is reviewing the need to re-route down Western and provide a bus stop in front of the facility.

UTILITIES:

The building is connected to existing sanitary sewer and water. Service lines will need to be verified to determine if sizing is correct. A public utility easement is necessary if the alley is vacated.

OTHER FACTORS

SUBDIVISION PLAT:

Existing platted lots of record.

After application submittal, the applicant discovered a lot line discrepancy on property covered by the northernmost row of parking stalls at 2035 SW Western- The owner to the north may actually have fee title to this portion of the property. An access easement or quick-claim deed may need to be executed between the two property owners (901 Real Estate/Starky). The applicant and adjacent owner are in discussion regarding how to proceed.

FLOOD HAZARDS, STREAM BUFFERS:

No applicable

HISTORIC PROPERTIES:

Not applicable

VACATION:

The applicant has submitted an alley vacation application in conjunction with this application that would enable them to connect their parking with the building by fencing/gates. This is intended to limit the points of pedestrian access into the

neighborhood and also control access to a single driveway on Western.

NEIGHBORHOOD MEETING:

The applicant conducted a meeting on Monday, September 26, 2016 at 5:30 pm located on-site at 2035 SW Western. Approximately 20 attended the meeting, including Planning and Police Department staff.

Key issues discussed at the meeting included:

- Security provisions, including staffing, door entry provisions, lighting
- Need to re-locate bus stop or route in front of the facility.
- Fencing around site to limit pedestrian and vehicular access through/from the neighborhood.
- The need for good cooperation and communication between Police and the tenants.
- Types of crimes committed: The applicant responded that they will not serve people convicted of "Heinous" crimes as well as, those convicted of murder, sexual offenses, and crimes against children. "Heinous" crimes have to be deemed as "Heinous" by the court system and are considered those that are unnecessarily violent.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

Public Works/Engineering:

Stormwater quantity has not been reviewed. As noted on the site plan, the City Engineer will review a stormwater report for drainage quantity at the time of City Parking Lot Permit application to identify the need for detention based upon what is being added to the existing storm system from new parking. Detention may be required, but more information is needed from the applicant's engineer at the time of Parking Lot Permit application to determine the future location of detention.

Water Pollution Control:

Stormwater quality measures are not required since the developed area is less than 1 acre.

Fire Department:

The Fire Department indicated there are no current issues. Future plans will be further reviewed.

Development Services:

A Parking Lot Permit and Building Permit are required. All driveways, parking areas, and the alley will be improved and surfaced to City standards.

Topeka Metro:

Topeka Metro is reviewing the request to move or re-locate the bus route and add a new bus stop in front of the facility.

Police Department:

Police Department staff walked the site with Planning staff and reviewed for access, lighting, and security concerns. The proposed site plan and conditions of approval is based on this discussion. The Police Department recommended the applicant pursue vacating the alley and the applicant has submitted an application, which is under review.

KEY DATES

SUBMITTAL:	September 6, 2016
NEIGHBORHOOD INFORMATION MEETING:	September 26, 2016
LEGAL NOTICE PUBLICATION:	September 21, 2016
PROPERTY OWNER NOTICE MAILED:	September 23, 2016

STAFF ANALYSIS

EVALUATION CRITERIA: In considering an application for a Conditional Use Permit, the Planning Commission and Governing Body will review the request following standards in Topeka Municipal Code Section 18.245(4)(ix) in order to protect the integrity and character of the zoning district in which the proposed use is located and to minimize adverse effects on surrounding properties and neighborhood. In addition, all Conditional Use Permit applications are evaluated in accordance with the standards established in the Section 18.215.030 for Land Use Compatibility, Site Development, Operating Characteristics, and consistency with the Comprehensive Plan.

- The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies:**
The subject properties lie within areas designated as "Transition Areas" (M-1 zoned properties) and "Industrial" land uses (2035 SW Western) by the Chesney Park Neighborhood Plan (re-adopted 2009). The "Industrial" category characterizes the blocks lying adjacent to the Expo Center. The category is intended to accommodate either for the expansion of the Expo Center uses (parking, storage, etc.) or for the expansion of existing light industrial uses. The category does not support the whole sale re-development of entire blocks for new industrial land uses. The blocks lying along the east side of Fillmore are designated as a "Transition Areas". These areas are those that have potential to develop for non-residential uses due to the presence of vacant land, deteriorated or blighted structures, or other non-residential uses lying nearby. The plan establishes design standards for new development within these areas that includes: fencing, setbacks, berms, landscaping, tree retention, street closures/alley closures, and limiting driveway access off of local streets. The zoning of the properties are not changing. A "Correctional Placement Facility, General" is permitted with a Conditional Use Permit in the "I-1" zoning. A "Parking Lot in Association with a Principal Use" is permitted with a Conditional Use Permit in the "M-1" zoning. If the vacation of the public alley is approved, the parking lots will be connected to, and tied together, with the properties at 2035 SW Western by fencing/gates.

The CUP site plan demonstrates consistency with design guidelines for these "Transition Areas" along Fillmore. The following design guidelines are provided: A 36" berm to separate the parking from residential uses, a

setback that is consistent with the "R-1" zoning front yard setback, retention of existing trees and provision for street trees along Fillmore. Additionally, the site plan adds notes about lighting considerations and addresses concerns with pedestrian access through the neighborhood. No fencing shall be placed within the "front yards" along SW Fillmore within 30 ft.

As conditioned, the site plan satisfies design standards and is in conformance with the Chesney Park Neighborhood Plan.

2. **The character of the neighborhood including but not limited to: land use, zoning, density, architectural style, building materials, height, structural mass, siting, open space and floor-to area ratio:** The neighborhood is characterized by single-family dwellings fronting the west side of SW Fillmore St. and extending further westward into the neighborhood. Industrial uses or uses related to the Kansas Expo Center front on SW Western between SW 21st and 18th streets. The residential blocks on the east side of SW Fillmore and between SW 17th and SW Hampton are designated as "Transition Areas" in the neighborhood plan, recognizing that there is an industrial pull at these locations, which does limit their viability for new residential development.
3. **The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning and uses:** The zoning and uses of nearby properties is for two-family dwellings along the east side of Fillmore and single-family dwellings along the west side and has been such since platted in the 1880's with 25 ft. wide lots. Both the uses of the properties for a "Correctional Placement Facility" and "Surface Parking Lot in Association with a Principal Use" are allowed with Conditional Use Permits in the base zoning districts of "I-1" and "M-1", respectively. The zoning of the properties are not changing. The second floor of the building is being re-purposed for the "Correctional Placement Facility". The properties along Fillmore will remain zoned "M-1". The site plan demonstrates design standards (setbacks, berms, landscaping) that allow the parking lot to "Transition" into the single-family residential land uses further west. The proximity of the "M-1" zoned properties to higher intensity industrial uses lessen their potential to re-develop as currently zoned.

Physically, the proposed development is in character with the neighborhood. The site plan proposes a suitable design for a parking lot within a "Transition Area". The building itself is currently vacant and this would be an infill development, adaptive re-use of an unoccupied structure. Operationally, there may be some aspects of the proposal that are not in character with the neighborhood, but is dependent upon the monitoring and structural arrangement of the program.

4. **The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations:** The "I-1" zoned property (2035 SW Western) and building is still suitable for non-residential uses or industrial uses. However, the part of the warehouse structure where City of Faith/KDOC will be re-located was originally constructed for office purposes and has been used entirely for those purposes since 1969 until 2006 (when it became vacant). Removal of the offices and returning this unit of the building to an industrial space would require a substantial interior remodel. Additionally, the property is located between warehouses and other light industrial uses. This location does not fit the criteria or the needs most professional office users require and other uses are also appropriate at this site.

The "M-1" zoned properties along the east side of Fillmore are still suitable as restricted for new single-family dwellings or new duplexes. In fact, duplexes or another multiple-family residential zoning would be an appropriate transition into the single-family neighborhood lying west of Fillmore. New housing on this block of Fillmore would promote the goals of the neighborhood plan. The Chesney Park neighborhood has undergone extensive revitalization efforts as initiated by the neighborhood plan (1998) and plan's update (2009). These investments have included new infill single-family homes for homeownership, rehabilitation of existing housing, installation/repair new alleys, sidewalks, and curbing. Public safety (Part I crimes) has improved and crime has dropped between 2000 and 2014, as indicated by the Neighborhood Health Maps. This has led to Chesney

Park improving from an "Intensive Care" to an "At Risk" neighborhood from 2007 to 2014.

Although, the neighborhood is still viable for single- or two- family homes, this particular block was not part of the plan's target areas for new City investment so any new residential investment likely would come primarily from the private sector. There have been some investments by private landowners on Fillmore (Note: residence directly across Fillmore.) Additionally, in 2014, Habitat for Humanity constructed two new infill houses along the east side of Fillmore on blocks north of the subject property (1816/1814 SW Fillmore). Nevertheless, the near proximity of industrial land uses that back-up to these four, "M-1" zoned properties does limit their viability and feasibility for new residential development.

5. **The length of time the property has remained vacant as zoned:** The office space portion (constructed 1969) has been unoccupied since 2006 when it was last used by Family Service and Guidance Center. The warehouse space portion of the building was constructed in 1949 and is still in use as warehousing. The single family lots along Fillmore have been vacant since at least 2006. (The last known aerial map showing houses on the properties was in 1966.)
6. **The extent to which the approval of the application would detrimentally affect nearby properties:** The proposed site design should "physically" have no detrimental effects on nearby properties. The Re-Entry Center will be located in an existing building and be inconspicuous. All of the following design aspects of the parking lot provide for a suitable use of a "Transition Area": Restricted access along Fillmore (local street), three-foot tall berm, landscape setbacks, and fencing. Fencing and vacation of the alley will control and restrict access (pedestrian and vehicular) to a single driveway on Western. Parking lot lighting will be further reviewed at the site development stage after a foot-candle analysis is prepared by a licensed professional, but a note is added to the CUP to address parking lot lighting concerns of staff.

The applicant has provided a detailed Statement of Operations to make certain the proposed use does not "operationally" have a detrimental effect on nearby properties. The City recognizes there are perceived negative effects associated with "unregulated" halfway houses that have been developed in the past and the impact they may have had on public safety and property values. The "*Correctional Placement Facility or 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. This CUP request is consistent with that intention because it provides an opportunity for transparency between the "*Correctional Placement Facility or Residence*" and the neighborhood. This owner should make all attempts to remain accountable to the Chesney Park NIA and the Police Department concerning current residents and is encouraged to inform the neighborhood and Police Department when there is a change in residents. The Statement of Operations indicates the facility will exclude residents who have been convicted of "heinous" crimes, which are those deemed by the court system to be "unnecessarily violent in nature" as well as, all those individuals who have committed murder, crimes against children, and sexual offenses. Staff does have some concerns with the proximity of this facility to a recently approved CUP for a day care center at SW 19th and Fillmore and also after the City Council's recent approvals of two other "Correctional Placement Residences" in nearby central Topeka neighborhoods.

7. **The extent to which the proposed use would substantially harm the value of nearby properties:** There may be some negative effects upon property values by the close proximity of "Correctional Placement Facilities" and the perceived danger resulting from this use. Staff proposes a time limit requiring renewal of the conditional use permit after five years. This time limit on the CUP will give staff the opportunity to re-review the request after five years and assess the presence of any negative impacts.
8. **The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the use, or present parking problems in the vicinity of the property:**
The proposed uses will present no parking problems in the neighborhood and have no adverse effect on the

capacity or safety of that portion of the road network. Primary access is provided from SW Western (collector street) and there will be no vehicle or pedestrian access to SW Fillmore (local street). The fencing will restrict vehicles and pedestrians to a single driveway entrance. Additionally, only 30 percent of the residents living on-site will drive and the remaining will rely on bus transportation. Topeka Metro is reviewing the need to re-route a bus along Western to pick-up from the facility. The additional parking lots on Fillmore are necessary to make certain there is not an overflow parking problem along surrounding neighborhood streets. The vacated alley and driveways will be improved to City standards at the time of site development of the parking lot.

9. **The extent to which the proposed use would create excessive air pollution, water pollution, noise pollution or other environmental harm:** The subject properties are not affected by a stream buffer or flood plain. The proposed development will need to comply with the City's stormwater quantity requirements. If the City Engineer determines that it is required, detention will be provided in order to retain the additional increase in runoff, but further information needs to be provided from the applicant at the time the parking lot is developed. Water quality treatment is not required since the increase in impervious area is less than 1 acre. The 36" berm along Fillmore and parking lot setback will lessen any noise impact that may be associated with parking lot traffic. Additionally, vehicular access is not proposed from off of Fillmore.
10. **The economic impact of the proposed use on the community:** There would be a positive economic impact upon the community from the tax revenue that is added to the community from the new jobs that are created and from the additional investment in the building. A building lying vacant does not provide a positive impact upon the neighborhood or community.
11. **The gain, if any, to the public health, safety and welfare due to denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application:** Denial of the application will leave the present building in its current unoccupied state, in which there is no gain to the public health, safety and welfare. Any harm to the public health, safety, and welfare may come from a lack of compliance with conditions of their approval and Statement of Operations, which is enforced by the applicant. The CUP site plan proposes an adaptive re-use of an older, industrial-like building on the exterior boundary of the single family neighborhood. There is a better chance the structure will be maintained if it is occupied rather than left to stand vacant. There is a hardship imposed upon the individual landowner since they have actively been trying to lease the site for an office for at least 10 years without any success.

STAFF RECOMMENDATION AND CONDITIONS OF APPROVAL

The proposed physical site design appears to satisfy the standards for evaluation as provided for in TMC 18.215.030 Conditional Use Permits for Land Use Compatibility, Site Development, Operating Characteristics, and consistency with the Comprehensive Plan by incorporating the design standards for "Transition Areas" from the Chesney Park Neighborhood Plan. There is still some uncertainty as to whether the nature of this use in its operational characteristics will have a negative impact on the neighborhood. The applicant's Statement of Operations has attempted to address the use's operational characteristics to limit its impact on the neighborhood. The five year time limit will allow further evaluation of the use's operational characteristics and effect on the neighborhood.

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

1. **Use and development of the site in accordance with the approved Resolution, Conditional Use Permit Site Plan and Statement of Operations for City of Faith (CU16/5).**
2. *Adding note: "The Conditional Use Permit shall expire five (5) years upon the date of City Council approval of the Resolution. The property owner(s) is responsible for notifying the Planning Department and shall apply to*

re-new the Conditional Use Permit following the same procedures set forth with approval of an initial application."

3. Revising note regarding number the facility "will house" to state: *"City of Faith will be a 24 hour/7 day per week operation. The facility is contracted to serve a maximum of 60 persons total. Of these, a maximum of 45 (40 men, 5 women) will reside in the facility and a maximum of 15 will reside off-site in 'home-confinement'".*
4. Revising Lighting note to include: *". . . A foot-candle analysis shall be prepared by a licensed professional at the time of parking lot permit approval."*
5. Adding note: *"Any gates or fencing in public utility easements shall allow access for public service providers, emergency service providers, and adjacent property owners who need access."* Provide for a private access agreement/shared parking agreement with adjoining owners, if necessary.
6. Labelling and revising site plan to indicate the segment of the public alley that is *"proposed to be vacated"*.
7. Adding note to fencing to indicate the type: *"6' black wrought iron, ornamental or black chain link. Barbed wire is not permitted."*
8. Depicting additional fencing around City of Faith parking lot with gates across alley, as needed.
9. Revising signage statement on site plan to propose the type of signage for City of Faith. Staff recommends a door sign only if any sign for this use is desired.
10. Add site plan note: *"In the event the alley vacation is not approved, the site plan shall be revised to reflect fencing around parking lots, but not across or within the public alley."*

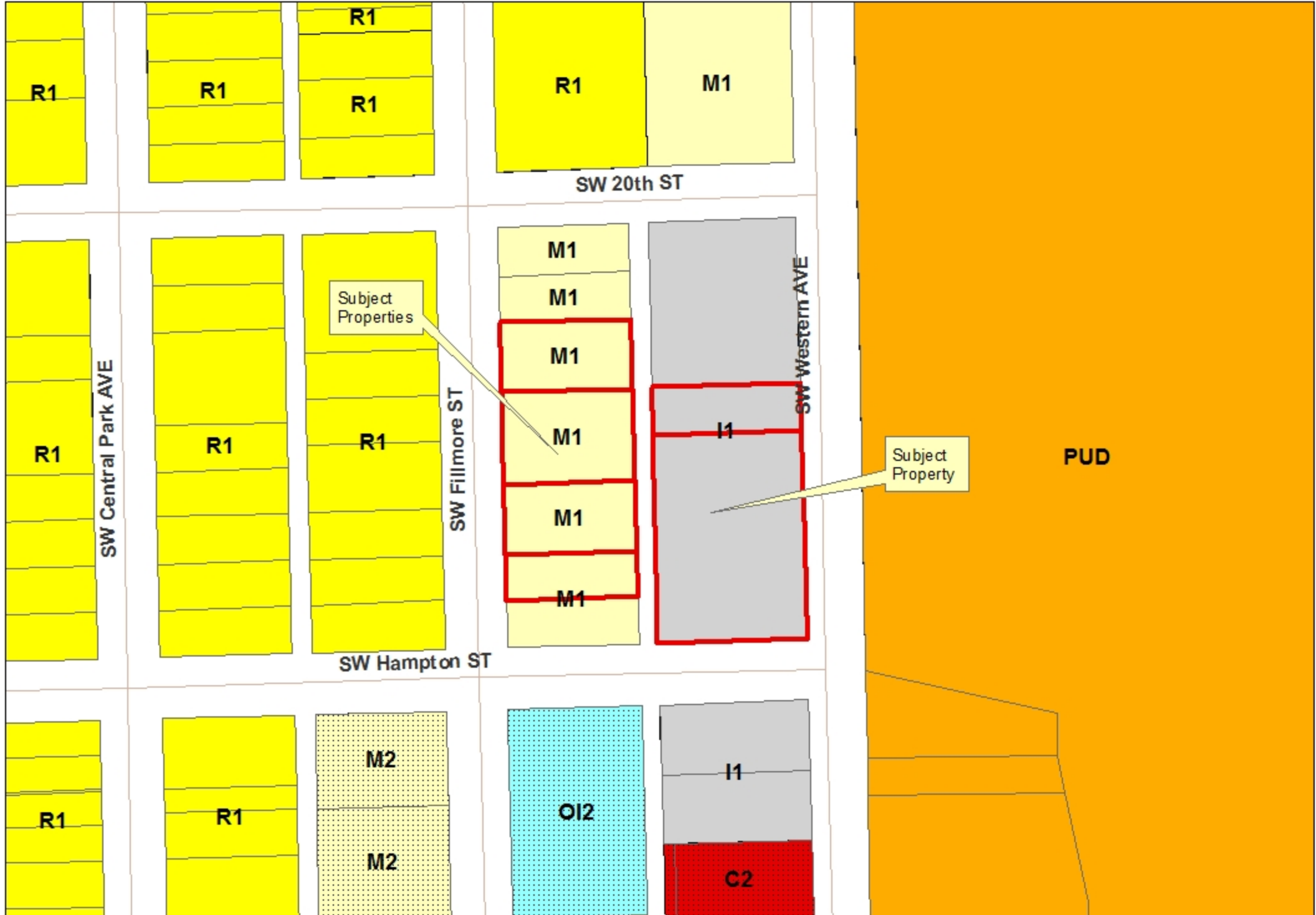
ATTACHMENTS:

Aerial Map
Zoning Map
CUP site plan
Statement of Operations
NIM report
Additional Operating Information



CU16/5 By: 901 Real Estate LLC





CU16/5 By: 901 Real Estate LLC



18 LOTS AT 25' EACH = 450'-0"

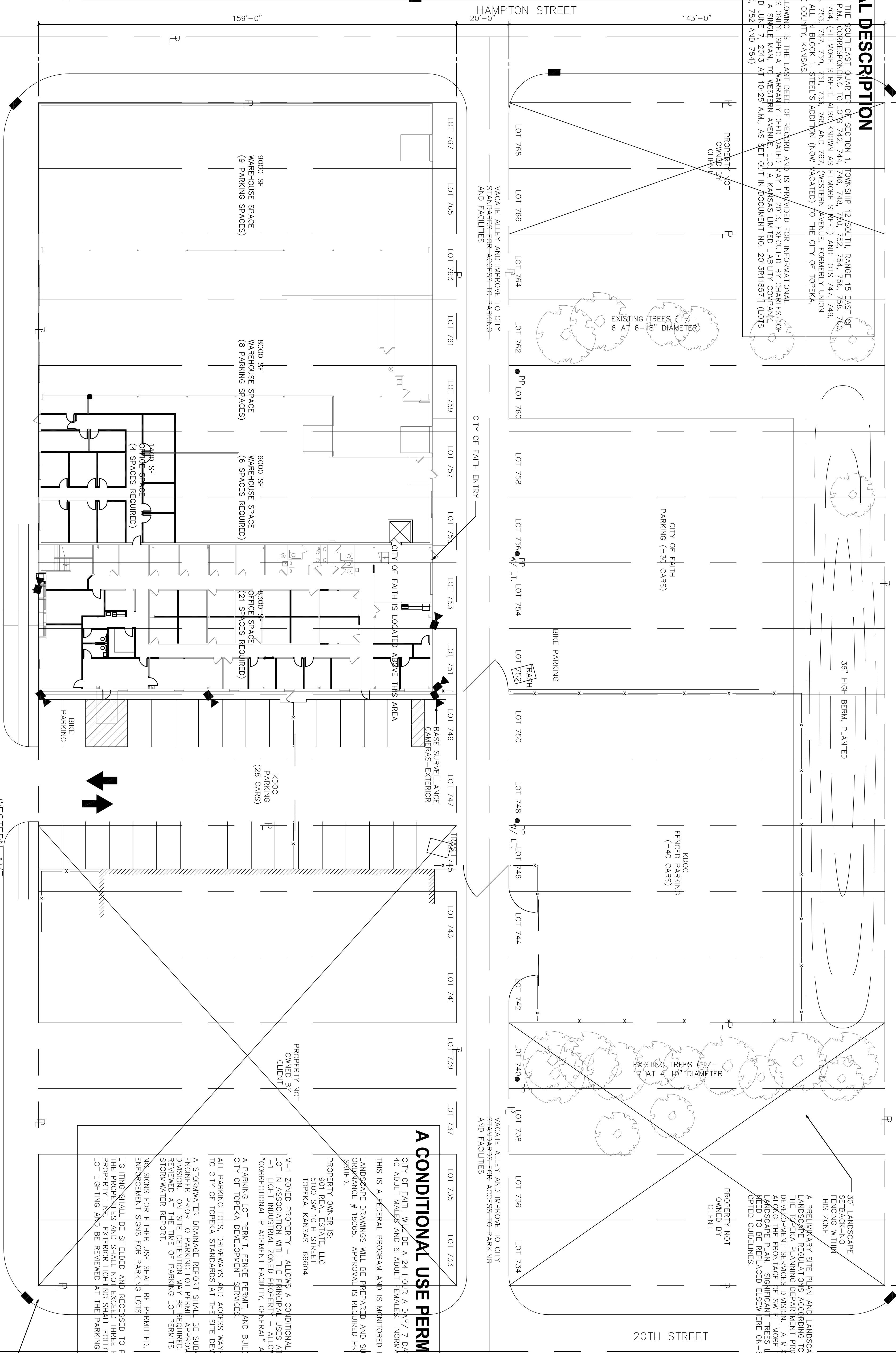
FILLMORE STREET

LEGAL DESCRIPTION

PART OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 6TH P.M. CORRESPONDING TO LOTS 742-744, 746-748, 750-752, 754-756, 758-760, 762 AND 764, (FILLMORE STREET ALSO KNOWN AS FILLMORE STREET AND LOTS 747, 749, 751, 753, 755, 757, 759, 761, 763, 765 AND 767) (WESTERN AVENUE, FORMERLY UNION AVENUE), ALL IN BLOCK 1, STEEL'S ADDITION (NOW VACATED) TO THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS.

[THE FOLLOWING IS THE LAST DEED OF RECORD AND IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY: SPECIAL WARRANTY DEED DATED MAY 11, 2013, EXECUTED BY CHARLES JOE CARSSON, A SINGLE MAN, TO WESTERN AVENUE, LLC, A KANSAS LIMITED LIABILITY COMPANY, RECORDED JUNE 7, 2013 AT 10:25 A.M., AS SET OUT IN DOCUMENT NO. 2013RH1857.] (LOTS 746, 750, 752 AND 754)

HAMPTON STREET



A CONDITIONAL USE PERMIT FOR CITY OF FAITH

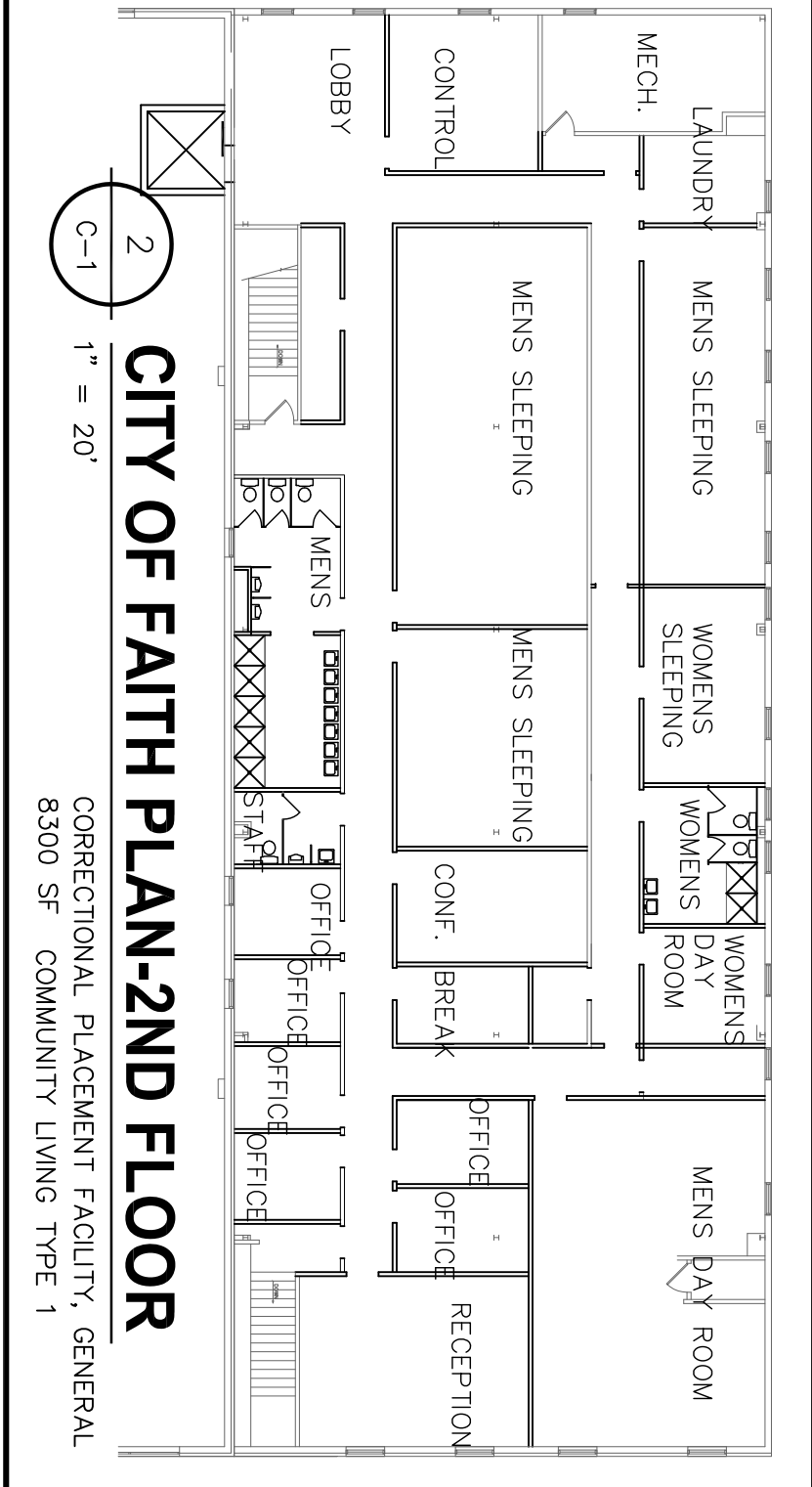
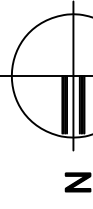
CITY OF FAITH WILL BE A 24 HOUR A DAY / 7 DAY A WEEK OPERATION. IT WILL HOUSE 40 ADULT MALES AND 6 ADULT FEMALES. NORMAL STAFFING IS 6 PER SHIFT. THIS IS A FEDERAL PROGRAM AND IS MONITORED BY INHOUSE STAFF 24/7. LANDSCAPE DRAWINGS WILL BE PREPARED AND SUBMITTED PER CITY OF TOPEKA ORDINANCE # 18065. APPROVAL IS REQUIRED PRIOR TO PARKING LOT PERMIT BEING ISSUED.

PROPERTY OWNER IS:
901 REAR ESTATE, LLC
5100 SW 10TH STREET
TOPEKA, KANSAS 66604

M-1 ZONED PROPERTY - ALLOWS A CONDITIONAL USE PERMIT FOR A "SURFACE PARKING LOT IN ASSOCIATION WITH THE PRINCIPAL USES AT 2035 WESTERN"
I-1 LIGHT INDUSTRIAL ZONED PROPERTY - ALLOWS A CONDITIONAL USE PERMIT FOR A CORRECTIONAL PLACEMENT FACILITY, GENERAL AT 2035 WESTERN.
A PARKING LOT PERMIT, FENCE PERMIT, AND BUILDING PERMITS ARE REQUIRED FROM THE CITY OF TOPEKA DEVELOPMENT SERVICES.
ALL PARKING LOTS, DRIVEWAYS AND ACCESS WAYS SHALL BE IMPROVED AND SURFACED TO CITY OF TOPEKA STANDARDS AT THE SITE DEVELOPMENT STAGE OF THE PARKING LOTS.
A STORMWATER DRAINAGE REPORT SHALL BE SUBMITTED AND APPROVED BY THE CITY ENGINEER PRIOR TO PARKING LOT PERMIT APPROVAL FROM DEVELOPMENT SERVICES. REVIEWED AT THE TIME OF PARKING LOT PERMITS WITH THE SUBMITTAL OF THE STORMWATER REPORT.
NO SIGNS FOR EITHER USE SHALL BE PERMITTED, EXCEPT FOR TYPICAL REGULATORY ENFORCEMENT SIGNS FOR PARKING LOTS.
LIGHTING SHALL BE SHIELDED AND RECESSED TO PREVENT THE CAST OF LIGHTING BEYOND THE PROPERTY AND SHALL NOT EXCEED THREE FOOT-CANDELES AS MEASURED AT THE PROPERTY LINE. EXTERIOR LIGHTING SHALL FOLLOW ACCEPTED STANDARDS FOR PARKING LOT LIGHTING AND BE REVIEWED AT THE PARKING LOT PERMIT STAGE.

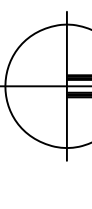
OVERALL PLAN-GROUND LEVEL

1" = 20'

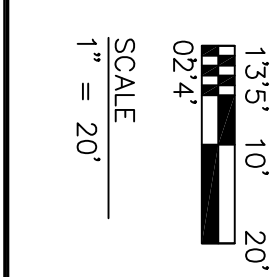


CITY OF FAITH PLAN-2ND FLOOR

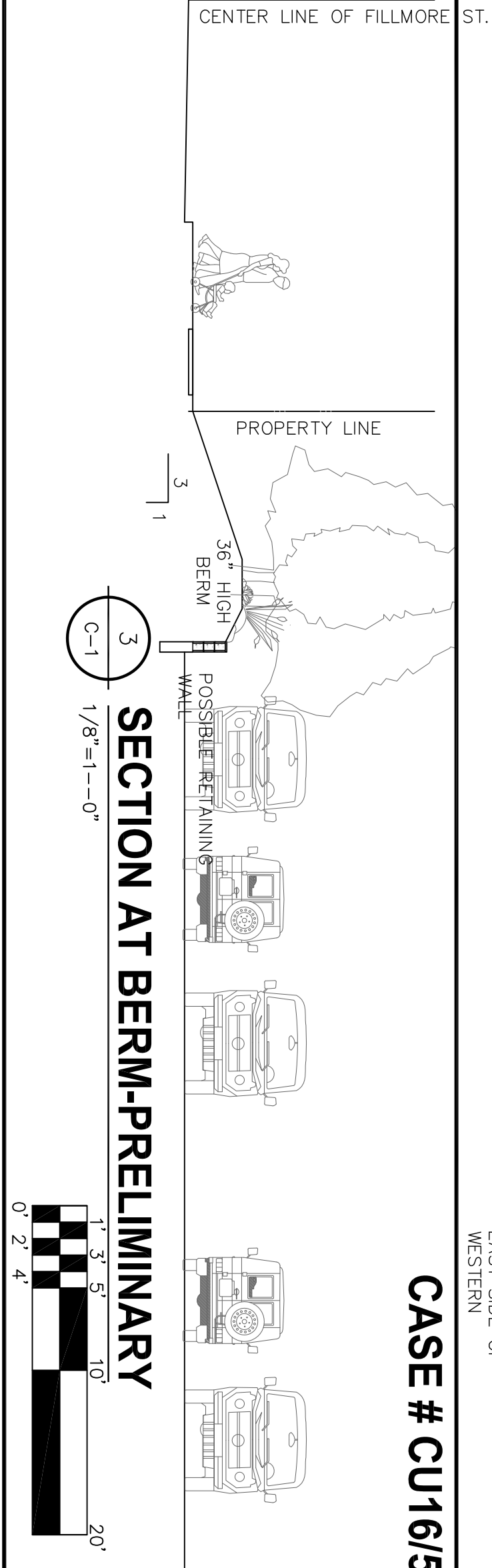
1" = 20'



CORRECTIONAL PLACEMENT FACILITY, GENERAL
8300 SF COMMUNITY LIVING TYPE 1



1" = 20'



SECTION AT BERM-PRELIMINARY

1/8" = 1'-0"



1" = 20'

CASE # CU1615

	BUILDING REMODEL FOR CITY OF FAITH RE-ENTRY DEVELOPMENT, LLC 2035 WESTERN STREET, TOPEKA, KANSAS			
	DATE: APRIL 2016	DRAWN BY: CSP	CHECKED BY: CSP	REV: -
PAGE JOB NO. 2016-007 SITE PLAN	PETERSON ARCHITECTURAL GROUP ARCHITECTS & PLANNING 6052 SW WILLOWBROOK LANE TOPEKA, KANSAS 66604 TELEPHONE 785-550-0643 E-MAIL: star@tpkarchitects.com			

C-2
CASE #CU 1615

EXPLANATION OF OPERATIONS OF RE-ENTRY DEVELOPMENT, LLC AS TENANT IN SECOND FLOOR OF 2035 SW WESTERN AVE

201 Bunting Drive
Mandeville, LA 70448

RECEIVED

OCT 05 2016

**TOPEKA PLANNING
DEPARTMENT**

September 2, 2016

To Whom It May Concern:

REVISED

The purpose of this correspondence is to inform you that Re-Entry Development, LLC has submitted an offer for a Residential Reentry Center (RRC) or "halfway house" services for federal offenders releasing to the Topeka, Kansas area. The population of this facility will consist only of citizens of Kansas. This action is being taken in response to a request for proposal (RFP) issued by the Federal Bureau of Prisons (BOP). The BOP encourages full and open competition in the procurement of these services; consequently, other offerors may also be responding to this RFP.

Re-Entry Development, LLC was established for the purpose of providing a quality program and environment to help facilitate an individual's successful transition into the community from which they came. The typical resident is an offender who is in the latter stage of his or her incarceration. All releasing federal offenders will be considered for placement into the facility with the exception of sex offenders and crimes against children.

Re-Entry Development consists of a partnership between employees of City of Faith and St. Tammany Workforce Solutions. The top tier administration consists of Allan Tingle, CEO and General Contractor, David Hanson, Vice President and General Contractor, Troy Adams, Human Resource Specialist and Compliance Officer, Tab Abnet, Chief Financial Officer and myself, Terry Williams, Executive Director. The operators of Re-Entry Development, LLC have over 35 years of experience in housing federal and state re-entry residents at facilities located in Slidell, Louisiana, Monroe, Louisiana and Little Rock Arkansas. For the purpose of this contract we anticipate leasing a location at 2035 SW Western Street in Topeka Kansas. The zoning of the property is I-1 Industrial Use. The property is zoned for use as a Residential Re-Entry Center with a conditional use permit, which we are seeking. Renovations will be necessary in order to serve the purpose as a re-entry center and we anticipate the renovations to be complete by 120 days or less from the awarding of the contract with a target date of January 1, 2017. These renovations will include providing additional restroom facilities, laundry rooms, office space and a classroom as well as recreational facilities at a cost of approximately \$150,000. This amount includes the \$100,000 to install an elevator. On site parking should accommodate approximately 15 resident vehicles and 7-8 staff members at any given time for a total of 22-23. Typically the percentage of people who drive may be as

high as 35% of the population but normally averages 20-25%. These statistics are based upon our experience at our other facilities.

The total term of the proposed contract is for a 1-year base period and 4 option years totaling 5 years. The Bureau of Prisons proposal calls for 40 male beds and 5 female beds for a total of 45 maximum in house beds. In addition, the proposal calls for servicing a maximum of 15 Home Confinement residents, totaling services provided to 60 individuals. These individuals will live at home and work in close proximity to their home. They will be supervised by electronic monitoring equipment by Re-Entry Development staff. These numbers reflect the BOP's best estimates of bed space needed at this time. However, the proposed sites could accommodate up to 60 offenders, and the BOP may exceed its original estimates if there is an unanticipated need for additional space in this area. Anticipated performance is to begin on January 1, 2017 with contract award approximately 120 days prior to that date.

The Bureau of Prisons has a long history of transferring offenders who are within a few months of release to a RRC for transitional programming. These offenders have often been removed from the community for an extended period of time. Sound correctional practice suggests that a RRC enhances public safety by offering offenders the opportunity to find employment, establish a residence, and re-enter the community through a structured, supportive environment.

The Bureau of Prisons takes its responsibility for contract oversight very seriously. Contract language establishes requirements for inmate accountability, programming, life safety, staffing, inmate discipline, urine and alcohol surveillance, and a variety of other areas. These requirements are closely monitored by Bureau of Prisons staff, which provide training and conduct both scheduled and unannounced on-site inspections.

Federal offenders at the RRC will come from two sources: offenders who are transferred from a prison to the RRC for pre-release programming, and offenders under the supervision of the U.S. Probation Office for whom residence at the RRC is a condition of supervision. Nationwide, the average RRC placement is six months of length, although longer/shorter placements are sometimes made.

One of the major keys to Re-Entry Development, LLC's continuing success is its focus on resident accountability. Residents are required to inform the facility where they will be at all times. Since Re-Entry Development, LLC is a work release program, federal residents are required to obtain and maintain full-time employment. The resident is subjected to physical as well as telephonic job checks. He is allotted reasonable commute time both to and from work. Should a resident be tardy for no apparent or justifiable reason then sanctions are imposed. ReEntry Development employs a digital sign in/out program called Safe-Keep to maintain accountability in a way that decreases human error and keeps documentation on each resident such as employment, release plan, times in/out, medication, etc. "This program is a multi-user, professional grade accountability and facility management program. It utilizes the most up-to-date internet security to maintain complete accountability and record keeping. This program can be accessed anywhere worldwide to provide real time solutions and information for administrators. This program

is hosted off-site and maintained by a team of network professionals to keep the information safe. Access is limited for different roles within the organization." For example, when a resident signs out of the facility, that information is immediately logged with the date, time, destination and a time limit is given for the resident to phone the facility to say he/she has arrived at their destination. If this resident does not call in a timely manner, an alert is given to security personnel via Safe-Keep to begin efforts to locate this individual. Alerts are given if a resident has not signed back into the facility at the required time as well as to remind residents to take their medicine, maintaining logs of hourly head counts, vehicle make and model (if the resident has earned driving privileges) and many other information details.

A federal resident is required to pay a percentage of his or her weekly earnings as subsistence. Should a resident have any outside obligations such as fines, court costs, restitution and/or child support payments, then a part of the remaining earnings goes towards satisfying those particular obligations. Residents are also required to maintain a savings account, which is inaccessible, until release, other than for approved purposes.

Upon arrival, residents are assigned a case manager who assists them in formulating a program plan that covers factors such as job placement, family reconciliation, short and long term goals, education aspirations, assessment of monies to be saved, and formulation of realistic and viable release plans. Program plans are constantly monitored for compliance such as mandatory attendance at social service meetings, i.e. AA/NA.

Residents are able to earn privileges such as passes to spend time with their families. Passes are closely regulated and suspended should a resident fail to comply with all the stringent requirements associated with obtaining passes. When residents return from passes, they are required to submit to alcohol and random drug testing. Failure of either test will subject a resident to harsh sanctions including the possibility of immediate removal from the program and a return to secure custody. 17-20% of our residents will return to prison or to court due to some rule violation that can range from anything as serious as unaccountability to not obtaining/maintaining employment to failure of drug/alcohol tests. At no time will Re-Entry Development, LLC house anyone who has been convicted of a sexual offense, a crime against children, murder, or deemed, by the court system, to be of a heinous nature.

Re-Entry Development, LLC will also employ security staff with shifts around the clock to constantly monitor residents. Security staff conducts documented random searches of residents as well as their living areas. Residents are also required to clean their living areas as well as assist in the overall upkeep of the facility.

Staffing of this facility will consist of five (5) administrative staff members: Facility Director, Social Service Coordinator, Home Confinement Coordinator and two (2) federal case managers. Additionally, there will be around-the-clock security provided by 13 Residential Security Officers. Anticipated annual payroll will be approximately \$700,000. Expected income earned by residents is approximately \$1.3 million.

Re-Entry Development, LLC's mission is to aspire to provide a quality program for the Bureau of Prisons and individuals it houses, in addition to providing sound correctional

techniques. Re-Entry Development, LLC views itself as a tool for individuals who are truly intent upon breaking down the barriers confronting them and successfully turning their lives around. Re-Entry Development, LLC believes in providing a quality environment and program that encourages quality performance from its residents. Re-Entry Development, LLC adheres to the principle, which advocates providing a positive example so as to increase the probability of obtaining positive results. Additionally, we believe that our residents should "give back" to their communities through volunteer efforts. Our residents have logged many hours volunteering at local animal shelters, feeding indigent senior citizens at Christmas and Thanksgiving, providing toys for the YWCA, cleaning local parks and setting up/breaking down fundraising events for local non-profits to name a few. We believe these efforts have contributed to our current success rate of 83% which is typical of Federal Bureau of Prisons Reentry programs.

Re-Entry Development, LLC further believes that its male and female residents, upon release, should return to being productive citizens and good neighbors. If Re-Entry Development, LLC only makes a difference in a small percentage of its residents, then it has made a huge difference in a child's life, hopefully ending the cycle of incarceration associated with extended separation between parent and child as well as the negative effects of broken single parent homes. Re-Entry Development, LLC's mission, simply stated, is to make a difference one resident at a time.

The Federal Bureau of Prisons is currently evaluating all proposals that were submitted for this contract. Re-Entry Development, LLC and the Bureau of Prisons invite you to express your support or concerns about this proposed RRC facility. Comments may be directed to me at 201 Bunting Drive, Mandeville, LA 70448 (501-920-8684) or to Pattie Williams, Contract Specialist, Federal Bureau of Prisons, 320 First Street, NW, Washington, DC 20534. The phone number is (202) 307-3070.

I am sincerely grateful to you for taking your valued time to review this correspondence. I hope you have gained a little insight into what Re-Entry Development, LLC is trying to accomplish in this community, as well as the other communities in which Re-Entry Development, LLC is located.

I hope in the future you will take the time to visit our facility. The doors are always open and you will always be most welcome.

Sincerely,

Terry Williams
Executive Director

Re-Entry Development Neighborhood Meeting Minutes

9/26/16

All attendees were requested to sign in on attached sign in sheet. It does not appear that all in attendance followed this request.

Meeting opened with Steve Clinkinbeard, managing member of 901 Real Estate (property owner), addressing timeline of purchases the building activities to date:

- 901 Real Estate reaches agreement to purchase property in April
- Kansas Department of Corrections releases request for proposal (RFP) for 10,000 sq. ft. of office space. RFP was subsequently answered by 901 Real Estate.
- Several tours of property with KDOC for initial approval
- Federal Bureau of Prisons contract opens for bids, Re-Entry Development submitted a bid and begins searching for suitable location.
- Re-Entry Development tours 2035 SW Western Ave property and express interest.
- Federal Board of Prisons tours facility for initial approval to house Re-Entry Development for federal contract and likes the layout for their needs.
- Meet with city planning department to begin application for conditional use permit (CUP). Conditional uses include the following.
 - Though 2035 Western Ave. is appropriately zoned I-1 – light industrial for use as a residential correction facility, a CUP is still required by the city for operation on the premises.
 - Adjacent lots on Fillmore St. are zoned M-1 – multi family dwelling. The request is to place additional parking on these lots, CUP is required. Fencing will be put in place from vacant house on north side of Fillmore block south to home in south end of block creating a barrier between facility and neighborhood.

Additional items mentioned: The property is located in a City appointed revitalization zone to encourage private investment of the property. Misc. regular upkeep done to the building, paint outside, address overgrowth on Fillmore lots, discard old fencing, etc. has already been done by the owner.

Steve Clinkinbeard also said the approval of the CUP would bring 50 plus jobs to the 2035 Western Ave. and private investment of approximately \$400,000. He indicated he believed this was the intent of the City by creating Revitalization zones providing tax benefit to those investors who invest in such zones.

Terry Williams, Executive Director of City of Faith working in conjunction with Re-Entry Development, LLC spoke to the operations of the proposed tenant.

- Re-Entry Development, LLCs goal is to provide stability for inmate reaching the end of their sentence to allow them to readjust to the community. Specific goals include obtaining employment, reentry into family relationships, creating money management discipline.
- Federal contract is for 45 residents, 40 men 5 women

- Approximately 25-30 residents will sleep at the facility nightly with the remainder being released to their home on active electronic monitoring, these individuals will be monitored at all times and check in on scheduled basis to the facility for regular drug and alcohol testing and re-entry training. The facility will be supervised 24/7 by Re-Entry Development staff.
- An internal policy of Re-Entry Development's is to disallow entry of residents who have a criminal history that is sexual in nature, crimes towards children, and of other heinous crimes.
- Residents average stay is 6 months
- Residents are required to maintain jobs while being in the facility and work in the community.
- 24-hour video surveillance will be put into place both inside and outside the facility to increase security for the neighborhood.
- In house residents check out of the facility with a specific time to get to their job and report back to facility from work telephone if the resident fails to respond in this timeframe computerize resident tracing system notifies facility personnel and Re-Entry Development staff attempt to locate resident. If these attempts are failed, local U.S. Marshall services are contacted to join search.
- Strict rules are enforced on residents with punishment being either return to the custody of the Bureau of Prison to finish remainder of sentence, or return with additional time added to their rehabilitation depending on severity of violation. These rules include, but are not limited to, regular drug and alcohol testing for compliance, maintain gainful employment, timely check ins with facility, general behavior in facility.
- Re-Entry Development, LLC works under the supervision of City of Faith, which has an 83% success rate with residents, those who are unsuccessful are returned to the custody of the Bureau of Prisons.

At this time the meeting was opened to questions from attendees.

- It was pointed out, Topeka already has a BOP contract with Mirror, Inc. which is located directly south of Highland Park High School and Kansas Department of Corrections' Topeka Parole office is currently located 6 blocks away on 14th and Topeka Blvd. Topeka police reports no unusual problems with either location and TPD benefits by having programs such as City of Faith and the Topeka Parole office monitoring individuals with prior criminal issues.
- Attendee Josh Smith, from Shawnee County District Attorney, spoke to the concern of bringing convicts to the location due to the number of youth events held at adjacent Kansas Expo facility. It was pointed out the activities of KDOC are mostly 8 to 5, five days a week and not as likely to be times when children's events were occurring at the Expo Center. It was also mentioned City of Faith dealt with inmates which had committed crimes against the Federal Government and was not associated with KDOC.
- Topeka Police Major Darin Scott addressed problems he faces with vacant buildings in the area:
 - Per Major Scott, when a crime is committed at the Kansas Expo Center, the first action in the past has been to send patrol cars to 20th and Fillmore St. and drive into 2035 SW Western parking lot to force possible suspects hiding in dark overgrown Fillmore lots to Fillmore St. towards waiting officers.

- He spoke to the benefits gained from having activity, lighting, camera's, and maintained grounds to keep trouble away.
- He indicated programs that monitor residents, such as City of Faith and KDOC, are a benefit to local law enforcement. Also, he indicated the current two locations had not been a problem for the City of Topeka. Major Scott suggested the neighborhood could be safer due to 24/7 on duty staffing, additional lighting, fencing and security cameras.
- Jay Nichols, runs home for veterans on corner of 21st and Fillmore St. He expressed concern with increased foot traffic past his facility to reach the bus stop at 21st and Fillmore St. Terry Williams assured him that if need be, she can instruct her residents to use the bus stop located East of 21st and Western. Also, it was brought up it can be requested with the City Metro to have a bus stop in the area of 2035 SW Western Ave. The City Planning Department has since contacted Topeka Metro.
- Ann Marshall, a member of the Chesney Park NIA, spoke about the benefit of having an occupied/well-kept building instead of a vacant building. She favored the additional monitored activity.
- There was discussion about the residents of City of Faith doing volunteer work for the community and neighborhood. This work served two purposes. Inmate supervised activity and giving back to the community.

At this time the meeting was adjourned.

Facts about 2035 SW Western Ave.

In 1940, the first phase of the building was built and housed the Allis Chalmers assembly plant. It consisted of 25,400 sq. feet which has since been converted to a three bay warehouse, of which two are occupied by KDOR and KDOT. The third bay, the northern most bay, is vacant and currently being improved to leasable condition.

In 1969, a two story office building was built by and for Casson Construction and other tenants. The structure contains 16,600 sq. feet of office space. It was last occupied by Kansas Children and Family Guidance Center, who vacated in 2006. From 2006 to the current period many attempts were made to lease the space, but it was not leasable due to the Casson family's failure to maintain the building and its location. Consequently, because of the neglect, the ceiling tiles and lights, walls and flooring were all damaged. Today the walls are intact, but there is no ceiling and floor covering. In its current state, the building is not leasable.

Through the years, the Casson family acquired all lots adjacent to the west of the structure on Fillmore with the exception of the two corner lots. The Casson lots are vacant.

In April of 2016, 901 Real Estate Investments, LLC purchased the property with the intent of improving the building to a leasable condition. Since its ownership, 901 has:

1. Removed debris from the damaged office space and restored the both floors to a showable condition.
2. Painted the exterior, removing all graffiti.
3. Cleared the property of unwanted brush and trees with the Fillmore lots restored to a park like setting. The properties are mowed weekly, while the two corner lots remain over grown.
4. Repaired all roofs, drains and guttering.
5. Sealed all exterior brick surfaces to resist water damage and deterioration.
6. Replace concrete where needed along Western Avenue.

The property is now in a condition which is showable and the deteriorating condition has been reversed. \$100,000 of private money has been invested into this property since April, 2016. Further, no special funding or bonds are being sought by the investors to continue to improve the property. This property does lie in a revitalization zone and the owners will seek assistance on property taxes for the improvements they make to attract tenants to the property. The owners understand it is the City of Topeka's intent to assist private investment into targeted areas of the inner city through property tax assistance.

During the time between signing an agreement to purchase the property and it's closing, the Kansas Department of Corrections issued an RFP for their parole office which is currently located in the Kansas Department of Commerce building in the 1400 block of Topeka Blvd. The RFP requires 35 offices, doesn't require visibility and prefers to be located close to public transportation. They also sought a location which was removed from schools and daycare centers. 2035 SW Western Ave met all their requirements plus offered them 10,000 square feet of newly remodeled office space. This lease will require a \$400,000 investment into the improvement of this property. Currently the lease has been approved by the owner and KDOC. The parties are awaiting the approval of a fifteen-year lease by the Kansas Legislative Building committee. If approved, this lease will bring fifty jobs to this area.

Two weeks after closing on 2035 Western, the owners were contacted by the Louisiana not-for profit organization, City of Faith. City of Faith has several contracts with the Federal Bureau of Prisons. City of Faith was interested in bidding the six Kansas county (including Shawnee) area contract for a reentry facility which is currently located directly across from Highland Park High School. In early June, City of Faith, toured 2035 SW Western, as well as, other locations in the Topeka area, before determining the 2035 Western location and its current condition allowed them their best opportunity to secure the federal contract. They requested the first floor of 2035 Western and were advised of the proposal in front of KDOC. City of Faith then agreed to the use of the second floor of 2035 Western. Currently the Federal Bureau of Prisons is in the process of selecting their operator of the six county area of which City of Faith hopes to secure and retain the jobs for the City of Topeka.

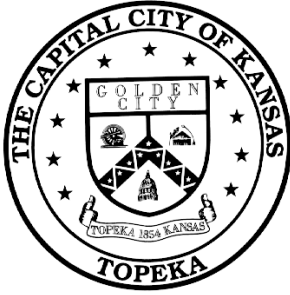
Today, 2035 SW Western Ave has benefited from \$100,000 of deferred maintenance and improvements to get it into a position to lease. While 901 has incurred these costs, it still has a building with 24,000 square feet of vacant space in a location which is not going to attract most office users. However, it is on the verge of potentially securing one and possible two leases which the location is ideally suited. The investment in the property will exceed twice the amount which was paid to secure the property in April, 2016. This will be an investment in a revitalization zone which the City of Topeka is willing to assist owners who are willing to risk/invest their own assets.

The KDOC will be an office user whose purpose is to guide northeast Kansas residents who have committed crimes against the State of Kansas and are in the process of returning these individuals back into the community to be productive citizens. This is not something new to Topeka, rather the relocation of an office six blocks away. KDOC is vacating their current location because the Kansas Department of Commerce needs the space. City of Faith seeks to house northeast Kansas residents who have committed crimes against the Federal government. City of Faith will assist their residents to seek employment and retrain them in order to return to society as productive citizens. The Federal Bureau of Prison's contract is not new to Topeka; Topeka already has the facility located right across the street from a large public high school.

City of Faith will bring 24/7 employment to the local area. If revitalization is truly the goal for this area, the potential of KDOC and City of Faith provides this opportunity. The Kansas citizens who will be served by these two facilities have paid their price and are seeking an opportunity to change their lives as they reenter society. They need help and they need guidance, which is exactly what is being proposed to take place at 2035 SW Western Ave.

We would like to invite all city employees and elected officials to tour this facility as it awaits its potential future. Please call me at 785-272-5102 for a tour.

Steve Clinkinbeard, Managing Member
901 Real Estate Investments, LLC
5100 SW 10th Ave
Topeka, Ks 66604



CITY OF TOPEKA

PLANNING DEPARTMENT
620 SE Madison Street, Unit 11
Topeka, Kansas 66607-1118
Tel.: (785) 368-3728

Bill Fiander, AICP, Director
Email: bfiander@topeka.org
Fax: 785-368-2535
www.topeka.org

MEMORANDUM

TO: Topeka Planning Commission

**FROM: Dan Warner, AICP
Comprehensive Planning Manager**

DATE: October 7, 2016

RE: Initiation of the rezoning of the Misty Harbor Estates No. 5 subdivision

The Misty Harbor Estates No. 5 subdivision is being final platted as a 40-lot single-family development. The property lies within the unincorporated portion of Shawnee County and is currently zoned "RR-1" Rural Residential Reserve District. The property is tentatively scheduled to be considered for annexation by the Topeka Governing Body in October 18, 2016.

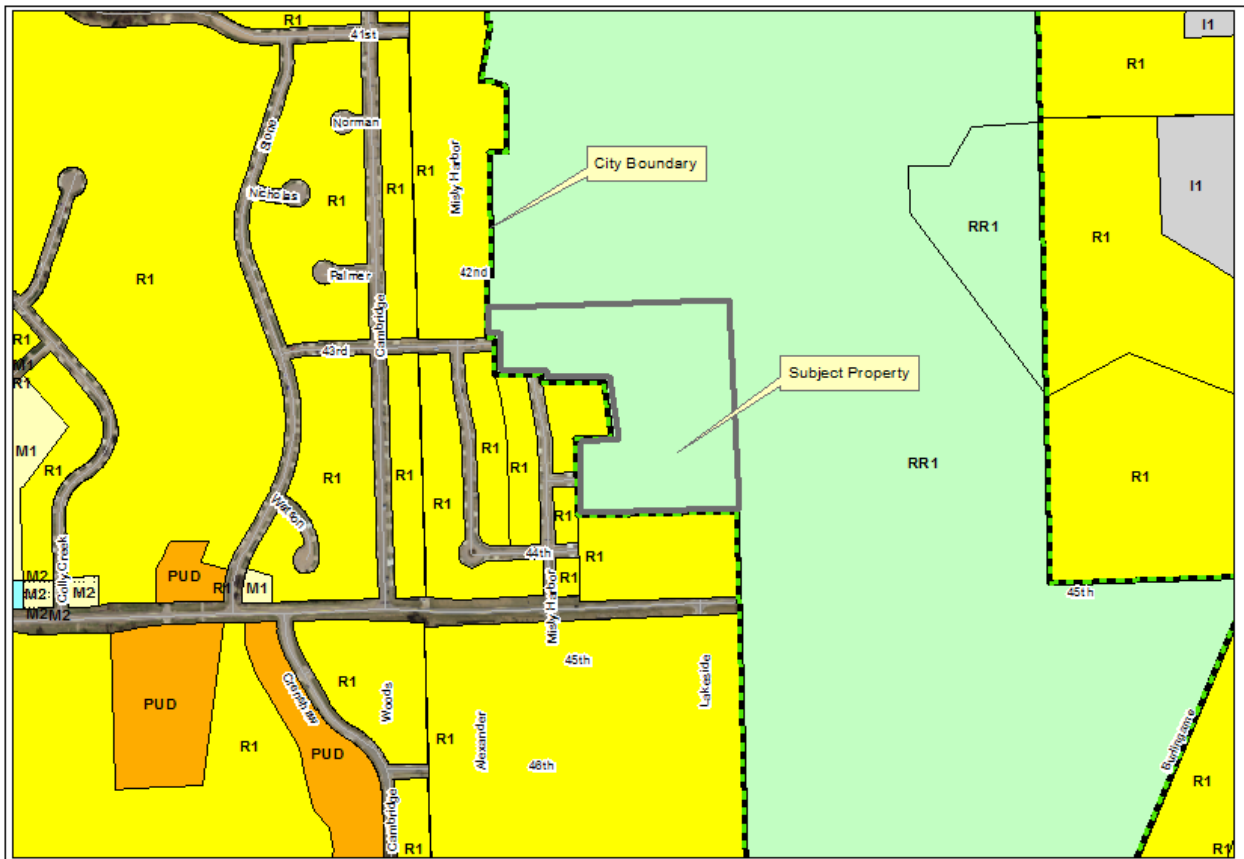
Upon annexation into Topeka, the property should be rezoned to an urban residential zoning district that is appropriate for the urban single-family nature of the development. There is an established urban single-family neighborhood to the west and south of the subject property.

The Planning Commission, as permitted under the City Zoning Regulations, should initiate the rezoning. **Adoption of this recommendation only allows staff to set the public hearing for future consideration and does not adopt the rezoning.**

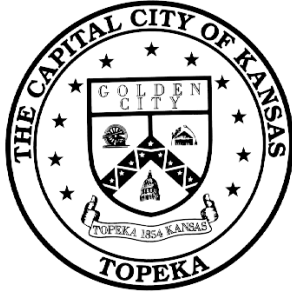
The process to review this rezoning would be typical of any rezoning case before the Commission. Staff will review the attached proposals, provide a written staff report, and make recommendations at a scheduled public hearing before the Commission. The neighborhood information meeting for this proposal is being held in conjunction with the Planning Commission's review of the annexation proposal.

Staff Recommendation:

- Staff recommends the Planning Commission initiate the rezoning of the Misty Harbor Estates No. 5 subdivision.



Initiate Rezoning - Misty Harbor Estates No. 5



CITY OF TOPEKA

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MEMORANDUM

To: Topeka Planning Commission

From: Michael Hall, AICP, Current Planning Manager

Re: Zoning Code Amendments (Topeka Municipal Code Title 18)

Date: October 5, 2016

At the September 19th meeting Planning staff presented for discussion the first part of the draft “clean up” amendments, keeping in mind that some of the proposed amendments may result in substantive changes to the Zoning Ordinance. Additionally, for discussion at one or more future meetings staff will present additional proposed amendments including a draft amendment for the conversion of C-5 zoning to D-1 zoning for the downtown area. Potentially the Planning Commission will take action on the amendments – making a recommendation to the Governing Body - at the December meeting.

The following preliminary draft amendments are attached:

- **Exhibit 1 - Short Term Rental Housing (Bed and Breakfast Home or Inn)**
- **Exhibit 2 – Artisan Manufacturing**
- **Exhibit 3 – Cargo Containers (as accessory storage)**
- **Exhibit 4 – Setbacks for Uncovered Horizontal Structures (decks, patios, stoops, stair landings, and accessibility ramps)**

Staff will elaborate on these draft text amendments and, as time permits, may present others at the September 19th meeting.

Exhibit 1

Short Term Rental Housing (Bed and Breakfast Home or Inn)

October 5, 2016

18.55.120 “B” definitions.

* * *

~~“Bed and breakfast home” means a private, owner-occupied single family dwelling where no more than four guestrooms are provided for overnight paying guests for not more than seven consecutive nights. The dwelling shall be the primary residence of the owner with no employees permitted, other than permanent residents of the dwelling. Food service may be provided for guests.~~

“Bed and breakfast home, type I” means a portion of a dwelling unit occupied by up to three persons renting one or more rooms for a period of time not to exceed 30 consecutive days and in which a part of the dwelling unit is occupied by the owner or primary resident. For the purposes of this definition, a dwelling unit shall include all housing types but shall not include group living or other lodging uses.

“Bed and breakfast home, type II” means a dwelling unit occupied by a group of persons meeting the definition of “Family” and renting one or more rooms for a period of time not to exceed 30 consecutive days and in which no part of the dwelling unit is occupied by the owner or primary resident. For the purposes of this definition, a dwelling unit shall include all housing types but shall not include group living or other lodging uses.

Bed and breakfast inn” means a single-family structure or portion thereof that provides not more than 10 guestrooms for overnight paying guests for a period of time not to exceed 30 consecutive days. Food service may be provided for guests and sometimes in conjunction with social events.

* * *

18.60.010

Add row for “Short Term Rental Housing”. “S” in R-1, R-2, R-3, M-1, M-1a, M-2, M-3, MS-1, X-1, X-2, X-3, D-1, D-2, and D-3; Prohibited in all other districts.

18.225.010 Special Use Requirements

(a) Bed and Breakfast Home, Type 1 and II

1. The owner or operator of the bed and breakfast home must register the use with the City of Topeka.
2. The bed and breakfast home shall function as a single dwelling unit with common kitchen facilities within the dwelling unit.
3. The bed and breakfast home shall generate no more noise, odor, light, or other impacts greater than what is normally generated by a single family residential dwelling.
4. In R, M, and MS-1 districts the exterior of the bed and breakfast home shall not be modified in any way, nor shall any exterior signs be erected that indicate any use other than the principal residential use.
5. In R, M, and MS-1 districts the bed and breakfast home shall not create a need for off-street parking greater than that which is normally needed for the principal residential use.
6. The maximum rental period for any single individual in a bed and breakfast home type I or group of persons in a bed and breakfast home type II is 30 consecutive days.
7. A dwelling may be used as a Short Term Rental Housing Unit Type I or II by no more than 90 days within a single calendar year. Any use of a dwelling for Short Term Rental Housing Unit Type I or II shall be subject to the requirements of a Bed and Breakfast Inn, Hotel, or Motel.
8. If one or more of the above requirements cannot be met, an individual may apply for a conditional use permit pursuant to TMC 18.215.

Exhibit 2

Artisan Manufacturing

October 20, 2016

18.55.10 A” definitions.

* * *

“Artisan Manufacturing” means the production and assembly of finished products or component parts, typically by hand, and including design, processing, fabrication, assembly, treatment, and packaging of finished products. Typical artisan manufacturing trades include, but are not limited to: food and bakery products; non-alcoholic beverages; printmaking; leather products; jewelry and clothing/apparel; metal work; woodwork; furniture; and glass or ceramic production;. Artisan manufacturing differs from other forms of manufacturing as it is substantially limited in the scale of production and is controlled in a manner such that it shall not cause noise, odor, or detectable vibration onto any neighboring property.

* * *

18.60.010

Add row for “Artisan Manufacturing #”. “C” in C-1, C-2, C-3, and D-2; “s” in C-4, C-5, X-1, X-2, X-3, D-1, and D-3; Allowed and not subject to “s” in I-1 and I-2 districts. Prohibited in all other districts.

18.225.010 Special Use Requirements

(a) Artisan Manufacturing

1. The area used for production and assembly shall be limited to no more than 80% of the gross floor area of the principal structure, not to exceed a total of 10,000 sq. ft..
2. All activities and equipment associated with all aspects of Artisan Manufacturing must be confined to the interior of structures located on the property.
3. In C-1, C-5, X-3, and D-1, and D-2 districts artisan manufacturing occurring on the ground level within a designated district classification must retain the front portion of the ground level to serve as a storefront entrance to a showroom, retail space, office use, or permitted residential use, consistent with the general character of the adjacent properties.
4. The production process shall not produce offensive chemical odors, dust, vibration, noise, or other offensive external impacts that are detectable beyond the boundaries of the subject property.
5. Retail sales of the product produced on site are allowed. On-site retail sales of other non-related products are permitted.

Exhibit 3

Cargo Containers

October 5, 2016

18.55.030 “C” definitions.

“Cargo container” means any portable, weather-resistant receptacle, container or other structure that is designed or used for the storage or shipment of household goods, commodities, building materials, furniture, or merchandise. A cargo container is synonymous with “shipping container”, is typically rented for temporary use but is sometimes intended for a long term use, and is delivered and removed from the property via truck.

* * *

**Chapter 18.210
ACCESSORY USES**

18.210.010 Accessory uses.

Accessory uses, buildings and land customarily associated with, and clearly incidental to, a permitted use, special use requirement or conditional use permit shall be permitted provided they are:

- (a) Located on the same lot or parcel as a principal use and commonly associated with a principal building or use.
- (b) Subordinate in area, extent and purpose to the principal building. The cumulative footprint of all accessory buildings shall not exceed 90 percent of the principal building’s footprint.
- (c) Operated and maintained under the same ownership and are contributory to the comfort, convenience or necessity of the occupants, business or industry in the principal building or use served.
- (d) Time of Construction. No accessory building shall be constructed or established more than 120 days prior to the time of completion of the construction or establishment of the principal building or use to which it is an accessory. (Ord. 19921 § 136, 9-23-14.)

18.210.020 Permitted uses.

The accessory uses, buildings and other structures permitted in each zone may include the following:

- (a) In the RR-1 district:

* * *

- (18) Temporary construction buildings for on-site construction purposes for a period not to exceed the duration of the construction project.

(19) Cargo containers as regulated by TMC 18.210.050.

(b) In the R-1, R-2, R-3, R-4, M-1 and M-1a districts: in addition to the accessory uses included in subsections (a)(6) through (a)(18) of this section, the following shall be permitted:

(1) Storage buildings and garages for the storage of wood, lumber, lawn or gardening equipment and other materials and equipment, exclusively for the personal use of the residents of the premises, but not including storage for commercial purposes. Truck bodies and cargo containers are not allowed as accessory uses. However, cargo containers may be used on a temporary basis ~~for up to 30 days within a calendar year~~ as regulated by TMC 18.210.050.

(2)(i) No farming equipment or farming machinery shall be parked or stored on a lot or tract of land unless within an enclosed lawful structure, or screened from view from any abutting property or street. No truck, excluding a pickup truck, trailer, boat, bus, tractor, or similar vehicle, machinery, or equipment with a curb weight (unloaded vehicle weight) or manufacturer's gross vehicle weight rating exceeding six tons shall be parked or stored any place on a lot or tract of land within an R, M-1 or M-1a district.

(ii) No commercial vehicles or commercial equipment, machinery or materials of any kind shall be stored any place on a lot or tract of land, except if such vehicles, equipment, machinery or materials are in temporary usage to actively accomplish permitted temporary activities on the premises such as construction, repair, moving, and other similar activities. In such case they shall be removed from the lot or tract of land within 48 hours of completion of said activity.

(3) Off-street parking as regulated by Chapter [18.240](#) TMC.

(4) A child's playhouse.

(c) In the M-2 and M-3 districts: in addition to the accessory uses included in subsection (b) of this section, the following shall be permitted:

(1) A maintenance storage building incidental to a permitted use, provided no such structure shall exceed 160 square feet in gross floor area, and shall be in keeping with the principal structure.

(2) A facility for leasing, managing and/or maintenance of a multiple-family dwelling or planned unit development, provided such facility is of such size and scale which is in keeping with, and is accessory in nature to, said multiple-family dwelling or planned unit development, all as determined by the planning director.

(d) In the O&I-1, O&I-2 and O&I-3 districts:

(1) For residential uses, the accessory uses included in subsection (c) of this section shall be permitted.

(2) Off-street parking as regulated by Chapter [18.240](#) TMC.

(3) A storage building incidental to a permitted use, provided no such structure shall exceed 400 square feet in gross floor area, and shall be in keeping with the principal structure.

- (4) Employee restaurants and cafeterias, when located in a principal structure.
- (5) Signs as regulated by Chapter [18.20](#) TMC.
- (6) Fences as regulated by TMC [18.210.040](#).
- (7) Flagpoles and statuary.
- (8) Private garages and carports.

(e) In the C-1, C-2, C-3, C-4 and C-5 districts: in addition to the accessory uses included in subsection (d) of this section, the following shall be permitted:

- (1) Restaurants, drugstores, gift shops, clubs, lounges, newsstands, and travel agencies when located in a permitted hotel or motel.
- (2) One independent, freestanding commercial structure of 400 square feet or less in the C-1 district and 600 square feet in the other districts shall be permitted on a zoning lot. Such accessory structure shall not be required to provide off-street parking, but shall be located as to not interfere with or reduce the amount of required parking for the principal use. The location of such accessory structure shall be reviewed and approved by the planning director at the time of building permit application, provided such location does not conflict or interfere with site access and interior vehicular circulation.

* * *

18.210.050 Cargo Containers.

(a) Cargo containers as an accessory use may be used on a temporary basis in any zoning district for up to 30 days within a calendar year.

(b) Cargo containers as an accessory use for a period of time exceeding that which is permitted in TMC 18.210.050 are permitted in accordance with the following standards.

(1) No more than one cargo container shall be permitted for institutional uses in the R, M, and O&I districts and for all uses in the C, U, MS, X, and D districts.

(2) The aggregate area of cargo containers shall not exceed the height or 90 percent of the gross floor area of the principal structure(s).

(3) Cargo containers shall not be located in any required front or side yard setback.

(4) Cargo containers shall not be stacked.

(5) Cargo containers shall not be used as a base, platform, or location for business identification signs.

(6) Cargo containers, either by placement or screening with fencing, landscaping, or other structures, shall not be visible from public street rights-of-way or from the front of buildings on adjacent properties.

(7) Upon the review of a site plan and other pertinent information, the Planning Director or designee may approve cargo containers that do not meet the standards of paragraphs (1) and (6) but, due to the cargo container(s)' distance from other buildings, relative size, landscaping, topography, paint color or other factors, meets the objectives of this section. In doing so, the Planning Director or designee may impose requirements for exterior paint, landscaping, or other features and site conditions.

Exhibit 4

Setbacks for Uncovered Horizontal Structures (decks, patios, stoops, stair landings, and accessibility ramps)

October 5, 2016

18.230.040 Permitted encroachments in required yards.

Under the terms of this division, a required yard shall be open, unoccupied, and unobstructed from grade to the sky. The following are permitted encroachments in required yards ~~except in the case of platted setbacks and recorded easements, in which case no encroachments are permitted.~~

(a) Accessory Building. Accessory buildings may be located in any yard except the front yard, provided they shall comply with the requirements of Chapter [18.210](#) TMC.

(b) Architectural Features. Eaves, cornices, marquees, awnings, canopies, belt courses, sills, buttresses or other similar features which extend beyond the wall of a building may encroach into any required yard by not more than 30 inches.

(c) Canopy, Gas Pump Island. Unenclosed canopies over gas pump islands may encroach into any required yard, provided the supports shall be no closer than 10 feet to the right-of-way line and do not conflict with the sight distance triangle as established by the city or county.

(d) Chimneys, Bay Windows and Balconies. Chimneys, bay windows and balconies may encroach into any yard not more than 30 inches, provided such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located.

(e) Fences, Hedges and Walls. Fences, hedges and walls may be located in any yard, subject to the requirements of TMC [18.210.040](#).

(f) Fire Escapes and Unenclosed Stairways. Fire escapes and unenclosed stairways exceeding a height of 6 feet may encroach into any yard, provided they shall not extend into a side yard more than three feet or into a rear yard more than five feet. Fire escapes and unenclosed stairways of a height of 6 feet or less are subject to the permitted encroachments for uncovered horizontal structures.

(g) Dispensing Equipment and Devices. Fuel pump and air dispensing devices located in districts where allowed shall be exempt from the front yard requirement, but, on a corner lot all such dispensing equipment and devices shall be subject to the sight distance triangle as established by the city or county.

(h) Off-Street Parking, Off-Street and Driveway Access. Except as otherwise provided in Chapters 18.235 and 18.240 TMC, open off-street parking and driveway access may be located in any yard.

(i) Uncovered Horizontal Structures. ~~Uncovered horizontal structures such as Porches, Deck and Stoops~~ porches, decks, patios, stoops, stair landings, and accessibility ramps. ~~An unenclosed porch, deck or stoop may encroach not more than 10 feet into the front or rear required yards and shall maintain a minimum distance of 12 and one half feet from a street right of way line; provided further, the aforementioned improvements shall not be in conflict with an established setback line as reflected on a plat of subdivision as follows:-~~

- 1) Uncovered horizontal structures of a height of six inches or less may encroach entirely into required yards but shall maintain a minimum distance of 12 and one half feet from street rights-of-way. Concrete and other non-porous surfaces shall be subject to the maximum coverage restrictions in TMC 18.60.
- 2) Uncovered horizontal structures of a height greater than six inches and no greater than 30 inches may encroach into required yards but shall maintain a minimum 3 foot setback from side and rear property lines and a minimum setback of 12 and one half feet from street rights-of-way. Concrete and other non-porous surfaces of a height greater than six inches and no greater than 30 inches shall be subject to the maximum coverage restrictions in TMC 18.60.
- 3) Uncovered horizontal structures of a height greater than 30 inches may encroach not more than 10 feet into the required front or rear yards but shall maintain a minimum distance of 12 and one-half feet from street rights-of-way. Concrete and other non-porous surfaces of a height greater than 30 inches are subject to the maximum accessory building coverage restrictions in TMC 18.60.
- 4) Uncovered stair landings and accessibility ramps no greater than 150 square feet and of a height no greater than 30 inches may encroach 10 feet into the required front and rear yard and entirely into required side yards but shall maintain a minimum distance of 12 and one half feet from street rights-of-way.
- 5) The height of a porch, deck, patio, stoop, stair landing or similar structure is measured from the deck or walking surface to surrounding grade.