

TOPEKA PLANNING COMMISSION

A G E N D A

Monday, December 19, 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
Ariane Burson
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, December 19, 2016 at 6:00 P.M.

- A. Roll call**
- B. Approval of minutes – November 21, 2016**
- C. Communications to the Commission**
- D. Declaration of conflict of interest/exparte communications by members of the commission or staff**
- E. Action Items**
 - 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) Remanded by Governing Body November 15, 2016**
 - 2. P16/20 Lewis Industrial Park Subdivision** (Preliminary Plat Phase) by Lewis Family Limited Partnership on property located at 840 NE U.S. 24 Highway, all being within the City of Topeka, Shawnee County, Kansas. **(Driver)**
- 3. Public Hearings**
 - 1. Reser’s Development**
 - a. A17/01 by Reser’s Fine Foods, Inc.** requesting to annex into the City the property located at the northwest intersection of SE 6th Street and SE Croco Road. **(Warner)**
 - b. CPA16/01 by Topeka Planning Commission** requesting to amend the text and map of the City’s Land Use and Growth Management Plan 2040 related to the proposed rezoning at the northwest intersection of SE 6th Street and SE Croco Road. **(Warner)**
 - c. PUD16/05 by Reser’s Fine Foods, Inc.** requesting to amend the district zoning classification from “RR-1” (Residential Reserve District) and “C-2”

(Commercial District) on 25 acre property located at the northwest intersection of SE 6th Street and SE Croco Road **ALL TO "PUD"** Planned Unit Development ("I-1" Light Industrial District uses). **(Driver)**

2. **CU16/06 by the City of Topeka** requesting a Conditional Use Permit to allow for a public utility facility (water pump station) on property zoned "R-1" (Single Family Dwelling District) located on the SE corner of SE 5th Street and SE Norwood Avenue **(Hall)**
3. **PUD16/06 Brewster Place Campus Master Planned Unit Development by Congregational Home, Inc. and City of Topeka** requesting a rezone from "R-1" (Single Family Dwelling District), "M-2" (Multiple Family Dwelling District), "O&I-2" (Office and Institutional), "PUD" Planned Unit Development, and "O&I-3" (Office and Institutional uses) on a 25.82 acre property lying near the southwest intersection of SW Topeka Blvd and SW 29th Street and bounded by SW Lincoln Street on the west side and SW 31st Street on the south side , **ALL TO PUD** with "M-3" (Multiple Family Dwelling District) use. **(Driver)**

F. Adjournment



CITY OF TOPEKA
TOPEKA PLANNING COMMISSION

MINUTES

Monday, November 21, 2016

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

Members present: Carole Jordan, Katrina Ringler, Wiley Kannarr, Dennis Haugh, Rosa Cavazos, Scott Gales, Patrick Woods, Brian Armstrong, Ariane Burson (9)

Members Absent: (0)

Staff Present: Bill Fiander, Planning Director; Dan Warner, Planner III; Mike Hall, Planner III; Annie Driver, Planner II; Kris Wagers, Office Specialist; Mary Feighny, Legal

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

B) Approval of Minutes from October 17, 2016

Motion to approve as typed; moved by Ms. Ringler, second by Mr. Kannarr. **APPROVED** (5-0-4; abstaining were Commissioners Armstrong, Burson, Gales, and Woods)

C) Communications to the Commission –

Mr. Fiander introduced and welcomed Commissioner Ariane Burson, giving information about her background.

Mr. Fiander informed the commission that the Governing Body had remanded Case CU16/05 back to the Planning Commission to be re-considered. The case will be re-heard at the December, 2016 Planning Commission (PC) meeting and prior to that, Planning staff will send to commissioners a video link to view and minutes of the October, 2016 PC meeting, a summary of council direction for remand, and information about what has transpired following the meeting. He asked commissioners to direct questions to Planning staff ahead of the December meeting so that staff can answer ahead of time or be prepared. There was discussion as to whether a second public hearing would be held for the case, with Mr. Fiander and Ms. Feighny explaining that since there had already been a public hearing at the October, 2016 PC meeting, and since no new information had come to light since that hearing, a second public hearing is not required. Mr. Gales stated that he felt there had been adequate time for the public to speak at the October PC meeting and no commissioners disagreed. The December PC meeting will not include a public hearing on CU16/05. Mr. Fiander stated that, though not legally required to do so, Planning staff will send out notification to those who gave their names/addresses on the October, 2016 PC meeting sign-in sheet.

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

Mr. Armstrong indicated that he would not be voting on items E2 and E3 as he was design engineer for both items.

E) Public Hearings

1) Z82/17A was continued by applicant

2) Z16/4 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 15 acres of property located approximately 400 feet north of SW 45th Street and approximately 2,300 feet west of SW Burlingame Road.

DRAFT

(Driver)

Upon Mr. Gales calling the case, Mr. Armstrong left the room.

Ms. Driver reviewed the staff report and staff recommendations, stating that she was available for questions. Hearing none, Mr. Steve LaCasse of Bartlett & West Engineers came forward representing the owner. He stated he had no additional information to add to Ms. Driver's review of the case, adding that it is in conformance with the City's Land Use Plan and he feels it would be a good addition to the city.

Mr. Gales pointed out that the use appears to be in general conformance with the LUGMP and Ms. Jordan made a MOTION to approve the re-zoning from RR-1 to R-1 as requested. Second by Mr. Woods.

APPROVAL (8-0-1 with Mr. Armstrong abstaining)

- 3) P14/11 Misty Harbor Estates Subdivision No. 5** A revised final plat for forty single family residential lots on property located approximately 870 ft. north of SW 45th Street and lying between SW Gage and SW Burlingame all being inside the city limits. **(Driver)**

Ms. Driver reviewed the staff report and staff recommendations, pointing out that the Planning Commission had approved the final plat phase on 1/21/2015, but submission to the Governing Body was delayed at the request of the applicant as they preferred it go before the Governing Body in concurrence with seeking Council's approval for financing of the street benefit district. The final plat currently before the Planning Commission includes a request for a design variance. The applicant is seeking approval of both a new phasing plan for the final plat and a variance for the dead-end link in excess of 500 feet until construction of Phase II. She explained that the street will be extended in future phases.

Mr. Gales asked if the property includes a flood plain and Ms. Driver explained that it's a small portion of the property and doesn't include any of the lots that are being developed.

Mr. Steve LaCasse of Bartlett & West Engineers came forward representing the owner, stating he stated he had no additional information to add to Ms. Driver's review of the case and was available for questions.

MOTION by Mr. Woods to approve the final plat with a 50 foot dead end variance as recommended by staff; second by Mr. Haugh. **APPROVAL (8-0-1 with Mr. Armstrong abstaining)**

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

F) Discussion Items

1. Amendment to the Comprehensive Zoning Regulations, TMC 18.50.030, 18.60, and 18.225

that will convert all C-5 Commercial District zoned properties to D-1 Downtown District and eliminate the C-5 District from the zoning regulations. The area is generally bounded by SW 3rd Street (north), SW Topeka Blvd (west), SE Jefferson (east), and SW 11th Street (south).

Mr. Warner gave an overview of the proposal, informing the commission that a Neighborhood Information Meeting (NIM) had been held 11/14/16. Commissioners received a handout of questions and comments received during that public meeting.

Ms. Driver reviewed the proposed changes as indicated on the Zoning Matrix provided in the November Planning Commission agenda packet.

Mr. Hall reviewed proposed sign guidelines as presented in pages marked 23-34 in the November PC agenda packet and discussed public comments and questions from the NIM. Commissioner questions and discussion included allowed locations for monument signs and murals/mural signs

or signs painted directly onto buildings. Mr. Hall noted legalities of attempting to regulate sign content.

Mr. Warner noted that at their December, 2016 meeting the Landmarks Commission will review and consider the proposed zoning changes. Based on that review, they will make a recommendation to the Planning Commission.

2. Zoning Code/Matrix Amendments (Group C)

Review of Title 18 of the Topeka Municipal Code and potential amendments, including:

- Artisan Manufacturing
- Cargo Containers
- Fences
- Applicability of Mixed Use Districts
- Free Little Libraries
- Condition of Signs

Mr. Hall reviewed proposed zoning code/matrix amendments. Discussion included strong concern about allowing cargo containers for storage. Mr. Fiander reported that this has become a popular form of storage and staff has spent a good deal of time trying to think through possible standards. Commission feedback was given and included the possibility of a time limit of 1 year, screening, and a permit requirement.

With no further agenda items, meeting was adjourned at 7:44PM.

CU16/5
by 901 Real Estate LLC

Staff Report – Conditional Use Permit Topeka Planning Department

PLANNING COMMISSION DATE: Monday, December 19, 2016

The Planning Commission recommended DENIAL of both CUP applications (correctional placement facility and surface parking lot) by a vote of 3-2 at its October 17, 2016 public hearing. The Governing Body considered the applications on November 15, 2016 and remanded the request back to the Planning Commission for reasons as follows:

- *Gathering input on the rezoning request from the ExpoCenter.*
- *The Planning Commission having a full attendance by Commission members.*
- *Examine the proposal thoroughly regarding what is best for the future health and regrowth of a neighborhood.*
- *Share more factual information about the operations of the City of Faith to date, including but not limited to photos of their properties, performance data of programs and residents, and more information about the neighborhood and community relationships.*

Subsequent to the Governing Body meeting, City of Faith has withdrawn its participation in the CUP application for a "Correctional Placement Facility". 901 Real Estate LLC, applicant and property owner, has not withdrawn its applications.

In light of the withdrawal of City of Faith's participation, Planning staff recommends DENIAL of the CUP application for a correctional placement facility and APPROVAL of the CUP application for a vehicle surface parking lot subject to submitting an amended site plan. The original staff report follows.

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,

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.

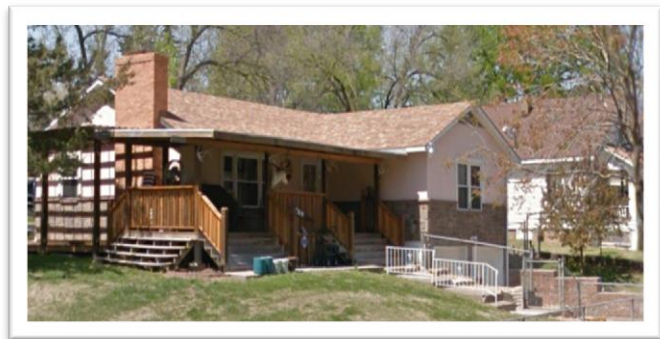
BACKGROUND:

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 streets 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 FACILITES

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.

1. **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, sitting, 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."*

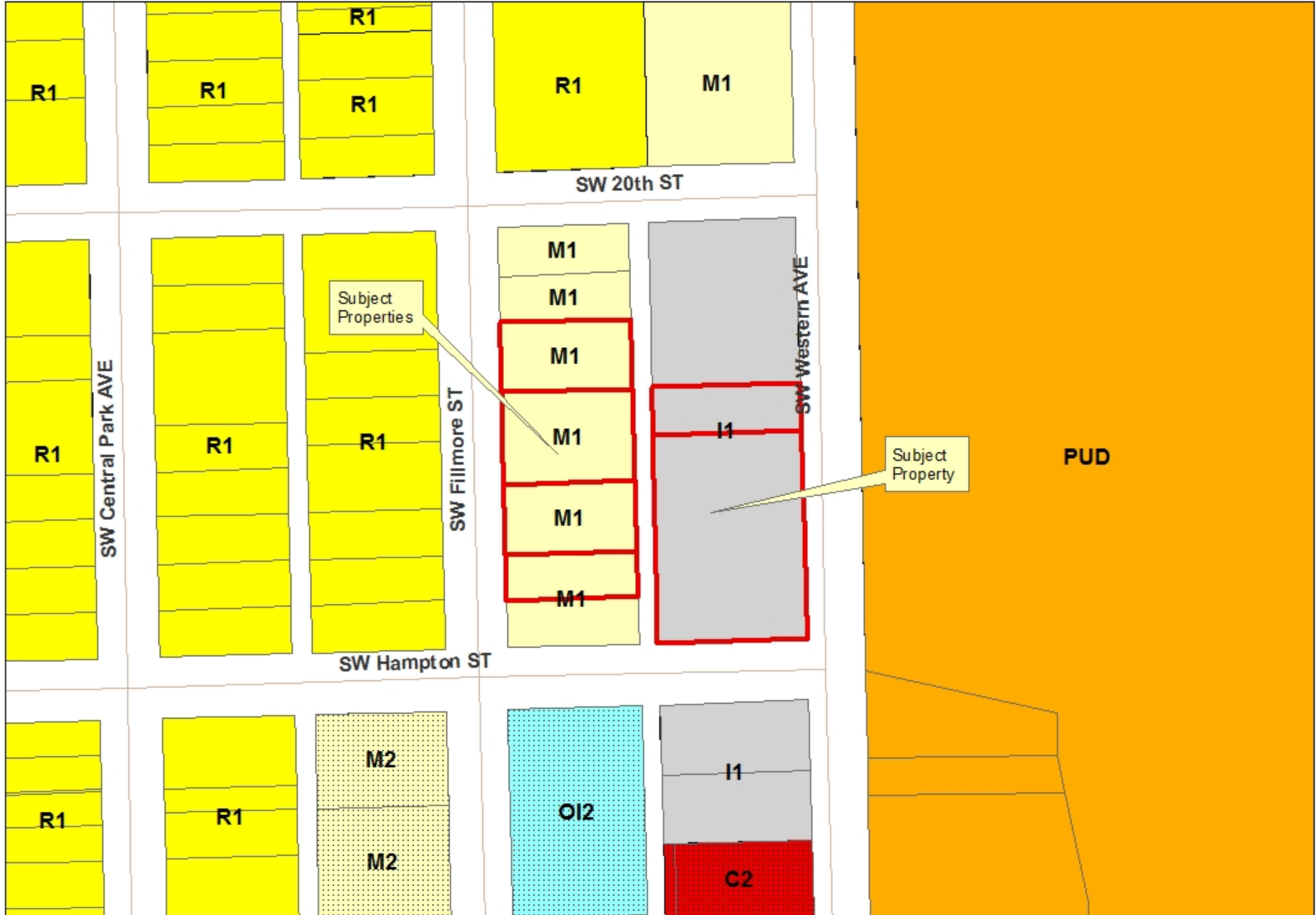
ATTACHMENTS:

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



CU16/5 By: 901 Real Estate LLC





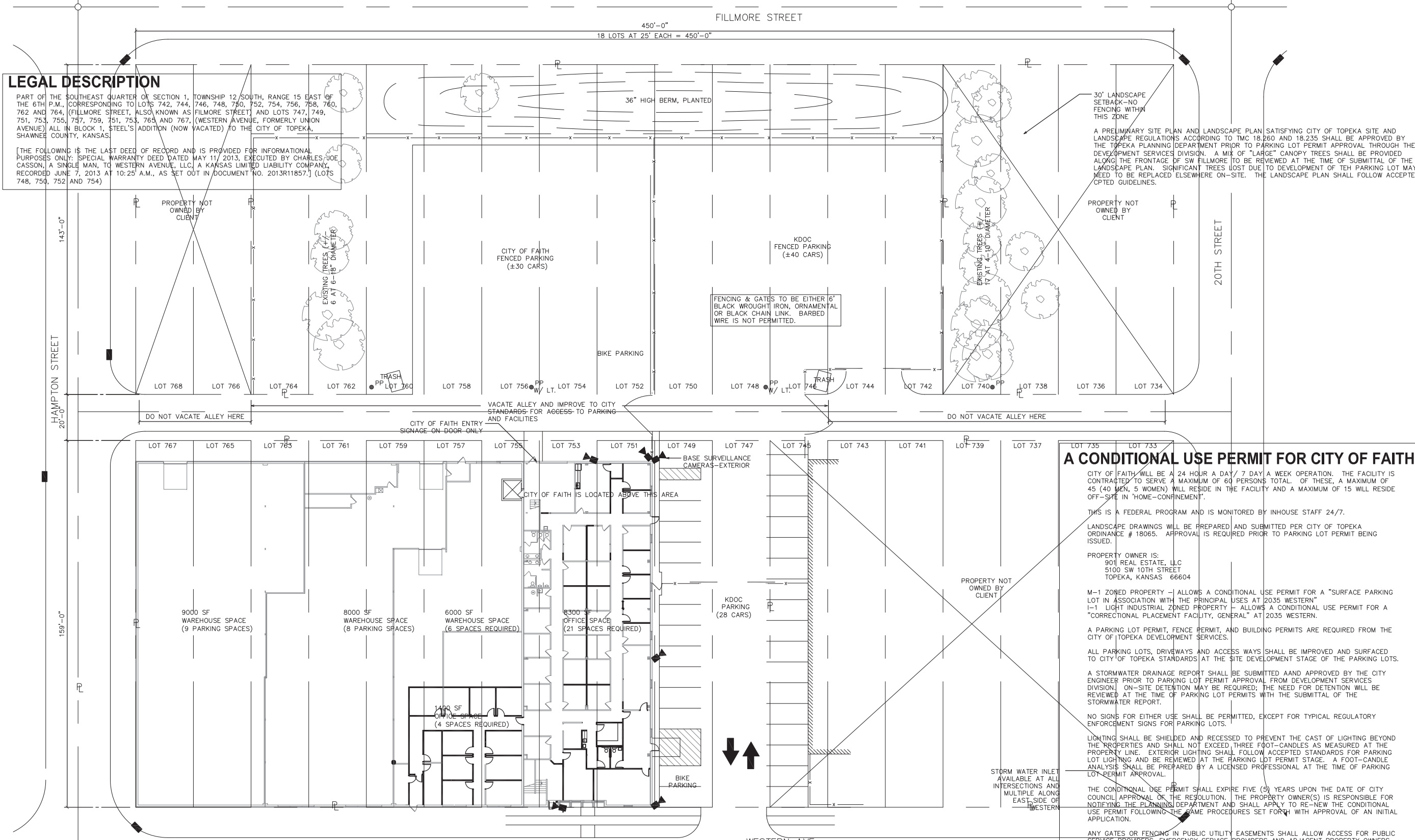
CU16/5 By: 901 Real Estate LLC



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, 751, 753, 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 CASSON, 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. 2013R11857.] (LOTS 748, 750, 752 AND 754)



A CONDITIONAL USE PERMIT FOR CITY OF FAITH

CITY OF FAITH WILL BE A 24 HOUR A DAY / 7 DAY A 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".

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 REAL 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 DIVISION. ON-SITE DETENTION MAY BE REQUIRED; THE NEED FOR DETENTION WILL BE 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.

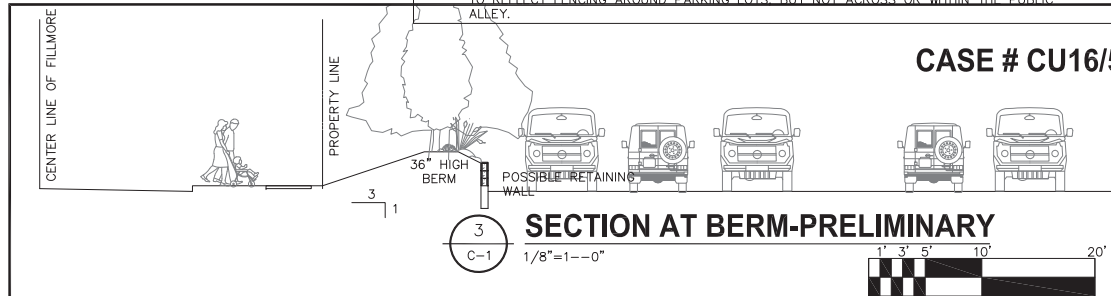
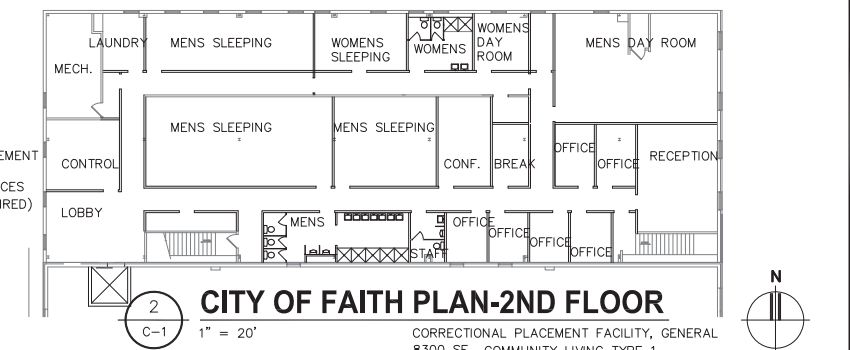
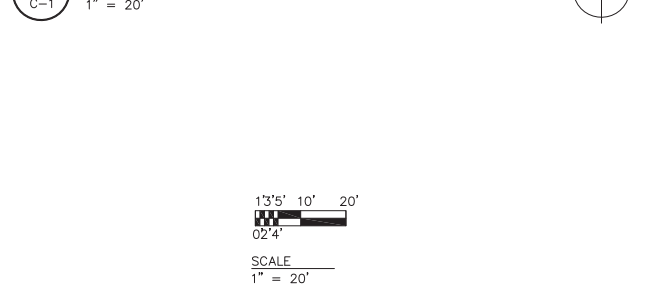
LIGHTING SHALL BE SHIELDED AND RECESSED TO PREVENT THE CAST OF LIGHTING BEYOND THE PROPERTIES AND SHALL NOT EXCEED THREE FOOT-CANDLES AS MEASURED AT THE PROPERTY LINE. EXTERIOR LIGHTING SHALL FOLLOW ACCEPTED STANDARDS FOR PARKING LOT LIGHTING AND BE REVIEWED AT THE PARKING LOT PERMIT STAGE. A FOOT-CANDLE ANALYSIS SHALL BE PREPARED BY A LICENSED PROFESSIONAL AT THE TIME OF PARKING LOT PERMIT APPROVAL.

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.

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 PRIVATE ACCESS AGREEMENT/SHARED PARKING AGREEMENT WITH ADJOINING OWNERS, IF NECESSARY.

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.

1 OVERALL PLAN-GROUND LEVEL



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:



PAG JOB NO. 2016-007
SITE PLAN
C-2 CASE #CU 16/5

**901 Real Estate Investments, LLC
5100 SW 10th St.
Topeka, KS 66604
785-272-5102**

November 9, 2016

Honorable Larry Wolgast
Mayor
City of Topeka
215 SE 7th St., Rm 350
Topeka, Kansas 66603

HAND DELIVERED

Ms. Brenda Younger
City Clerk
City of Topeka
215 SE 7th St., Rm 166
Topeka, Kansas 66603

HAND DELIVERED

Mr. William Fiander
Planning Director
620 SE Madison St.
Topeka, Kansas 66607

**VIA E-MAIL
bfiander@topeka.org**

**RE: CONDITIONAL USE PERMIT APPLICATION 16/5
 2035 SW WESTERN
 901 REAL ESTATE INVESTMENTS, LLC**

To Whom It May Concern:

We are formally requesting that the City Governing Body return the Conditional Use Permit 16/5 to the Topeka Planning Commission for reconsideration based on the following items:

1. The October 17, 2016 Planning Commission meeting was attended by 5 of 9 members, missing were the Chairman and the Co-Chairman. No reason for the 3/2 denial was given; notwithstanding the fact that the Planning Staff had recommended approval.
2. The subject property lies in a Revitalization Area the City of Topeka has designated for redevelopment. The property has been vacant for 10 years and the present plan would have 90% of the building occupied by June 30, 2017, along with a private investment of \$400,000 in improvements to the subject property.
3. The contract City of Faith proposed was characterized as an either/or situation, meaning if the Conditional Use Permit was denied, the contract would default to the

- current contract holder, placing the City of Topeka in a position to determine the outcome of a federally bid contract. This information was both incorrect and irrelevant to the issues that the commission should have appropriately considered under the objective standards of the ordinance.
4. The Federal Bureau of Prisons has inspected and approved the subject property for consideration of the contract award.
 5. The City of Faith runs a low-profile operation and will occupy the second floor of the building with its main entryway on the west side of the building. The distance from this entrance to the southwest entrance of the Expo Centre is 2.5 city blocks and 3.5 city blocks from the ticket box office. All parking and green space areas for this operation are located on the west side of the building. This operation has no external signs, only a small sign at the entrance at the west side of the building.
 6. The Applicants who developed this request worked four weeks with the City Planning Department whose representatives went to exhaustive efforts to review this operation. The City Planning Department recommended the Conditional Use Permit be approved, based on the factors set forth in the ordinance.
 7. One of the terms of Conditional Use Permit 16/5 prohibits the City of Faith from accepting any individual who has committed a sexual offense, crimes against children or any crimes of a heinous nature as documented by the courts. Residents of this facility have committed crimes against the Federal government and not against a state government.
 8. The Chesney Park Neighborhood Improvement Association is behind this project because it brings activity and jobs to their area. The City of Topeka Police Department has spoken in favor of this operation indicating they work together with operations such as City of Faith, due to their ability to know where residents are always located and that the residents are closely monitored.
 9. The current facility, which is located across the street from Highland Park High School, has operated this federal reentry program for twenty years, and has no history of problems. The Bureau of Prisons has procedures and programs in place to determine who should be given the opportunity to return to society.
 10. The protests from Shawnee County or those influenced by Shawnee County should be substantially discounted due to the County's conflict of interest, its lawyer and its desire to convert the existing property into an RV parking lot based on the strategic long range plan for the Expo Center. The County Counselor made an inquiry to our realtor indicating the County needed to buy this property before the owner invested any more money into it. Two Commissioners have openly stated they intend to contact members of the Governing Body of the City of Topeka to vote against this

issue. One cannot decrease the value of another's property to financially benefit its position. We do not believe it is about the children, we believe it is about the future plans of the Expo Center. Nothing has been mentioned about what impact does two new horse barns on the property directly across the street do to our property value? We question the benefit of the protest system which the City of Topeka has in place. One person filing a Protest, without stating any reason, can force a property owner in a Conditional Use Permit situation to seek one more vote at the City Council Level. In short, the County's reasons for objecting could be a pretext to the underlying purpose of keeping the value of the property low for acquisition purposes. However, there is no system in place where people who support the Conditional Use Permit can file an equally powerful statement.

11. This building's second floor has been vacant for 10 years. It has been listed for this entire time without attracting a tenant. For this current tenant, this space is properly zoned but requires a Conditional Use Permit. This permit is under attack because of the activity, but how does the City of Topeka ever approve such a Conditional Use Permit if it allows a "Not in my backyard" argument to be the determining factor. This tenant has met and exceeded the guideline as set out in the Municipal Code for approving a Conditional Use Permit.
12. The Kansas Department of Corrections has confirmed the State of Kansas is in the final stages of approving the relocation of its current Parole Office at 1430 SW Topeka Blvd to the subject property. The Kansas Department of Corrections will occupy 10,000 square feet of newly remodeled office space on the first floor and directly below the space subject to this Conditional Use Permit.

Finally, there are individuals in our area who have ran afoul of the federal law; they have been sent to prison; they have been subject to many programs designed to turn their lives around. They have reached the final leg of their rehabilitation, structured reentry back into society. Part of this process is to place them in jobs, help them get items they will need to return to society such as driver's license, social security number, opening bank accounts, buying insurance, and so forth. These are human beings the same as the children and the same as you and I. They need a hand up, not the verbal abuse they have received from some Shawnee County elected officials who are more concerned about building a horse barn in the middle of the City than focusing on society and this valuable program to our community.

The Planning Commission instructions related to the governing body determination advise that the City Council may return back to the Planning Commission by majority vote any matter that the Council determines by written communication if the Council's basis is an allegation by an interested party that the hearing was unfair, or new facts or evidence have been presented, or the Council believes that further deliberation by the Planning Commission is needed. We suggest that all three standards are manifested in this case. Under the circumstances, we are formally and

respectfully requesting that the City Council return the matter to the Planning Commission for reconsideration as provided by City Ordinance.

We will be available to answer any questions or concerns of the Council at the meeting on November 15, 2016. Thank you for your consideration of this request.

Respectfully submitted,

901 REAL ESTATE INVESTMENTS, LLC

**STEVE CLINKINBEARD
MANAGER**

cc: John R. Hamilton



December 1, 2016

Mr. Bill Fiander, AICP
Planning Director
620 SE. Madison
Topeka, KS 66607

Re: CUP for 2035 Western

Dear Mr. Fiander,

It is my understanding that the city of Topeka will not process two Conditional Use Permits for the same program. With that in mind, I respectfully request that our company be removed from the CUP application that is being considered for 2035 Western, currently owned by Mr. Steve Clinkinbeard and continue to pursue the CUP application being considered for 3401 NE Seward, owned by Mr. John King.

With the Western CUP having already been denied by the Planning Commission and the misgivings spoken by the City Council, I see no reason to pursue this any longer. If Mr. Clinkinbeard feels it necessary to continue with the application for the sake of his parking lot, I ask that you remove us as this issue does not pertain in any way to ReEntry Development or City of Faith.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in blue ink that reads "Terry Williams".

Terry Williams
Executive Director
ReEntry Development, LLC
201 Bunting Dr.
Mandeville, LA 70448

501-920-8684

Council Minutes – November 15, 2016

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, November 15, 2016. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Clear, Ortiz, Emerson, De La Isla, Jensen, Schwartz, Coen and Harmon -9. Mayor Larry E. Wulgast presided -1.

AFTER THE MEETING was called to order, Councilmember Harmon asked for a moment of silent meditation.

CU16/5 Item minutes:

A RESOLUTION introduced by Interim City Manager Doug Gerber, in accordance with Section 18.60.010 of the Topeka Municipal Code (TMC), approving a Conditional Use Permit to allow for a “Correctional Placement Facility” on property zoned “I-1” Light Industrial District located at 2035 SW Western Avenue and to allow for a “Parking Surface 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 between SW Hampton and SW 20th Streets within the City of Topeka, Shawnee County, Kansas, was presented. (CU16/5)

Doug Gerber, Interim City Manager, reported approval would allow a correctional placement facility for up to 45 on-site beds and a parking lot in association with the principal use. He noted a protest petition has been filed constituting 38% of the land area; therefore, eight (8) affirmative votes are needed for approval and all Governing Body members must be present. He stated the Planning Commission recommended disapproval by a vote of 3-2 at its October 19, 2016 meeting, which held the public hearing for the zoning request; however, the Planning

Department recommends approval as staff believes all the concerns expressed by neighborhood residents have been addressed.

Bill Fiander, Planning Department Director, reported the Conditional Use Permit would allow for both a Correctional Placement Facility located on the second floor of the building at 2035 SW Western Avenue and an off-site Vehicle Surface Parking Lot in association with the principal use located on adjacent vacant property along the east side of SW Fillmore between SW 20th and SW Hampton Streets. He stated the residential re-entry facility would be contracted through the U.S. Bureau of Prisons and managed by the City of Faith with an additional office located on the first floor. He noted the CUP includes a five-year sunset provision that helps mitigate future concerns should they arise during the operation of the facility and a Topeka Police Officer would be placed on the City of Faith Community Relations Board to better facilitate communication.

Councilmember Ortiz declared ex parte communications in the form of emails and telephone conversations. She asked Mr. Fiander to expand on the opposition expressed by area residents; if the proposed facility would replace Mirror Inc., a rehabilitation center located at 2201 SE 25th Street; and what type of criminal history would be allowed for the individuals living in the facility.

Councilmember Clear asked if there were any reported problems at other similar facilities located within the city.

Bill Fiander reported area residents expressed fear of adequate security and monitoring of the individuals as well as if it is an appropriate use of the property for the neighborhood; Mirror, Inc., is currently contracted with the U.S. Bureau of Prisons; however, if City of Faith is awarded the bid it could ultimately cause Mirror Inc. to close; and the Statement of Operations prohibits

the applicant from accepting “heinous” offenders as well as offenders convicted of murder, sexual offenses and/or crimes against children. He noted he is not aware of any reported issues at other properties located in the city.

Councilmember Schwartz spoke in opposition of the proposal because she believes it is not the best use of the property and neighborhood.

Councilmember De La Isla spoke in support of the proposal and reported the number one need for re-entry programs across the nation is housing of individuals that take part in these types of programs, making sure they are receiving much needed assistance.

Councilmember Hiller commended staff, City of Faith, Mr. Clinkenbeard and 901 Real Estate, L.L.C., for their work on the proposal. She commented on other similar facilities located in the city and how important transition centers are as well as improving a vacant and unsecure property in a neighborhood. She suggested remanding the resolution back to the Planning Commission as she expressed concern with the low attendance by Planning Commission members at the October 17, 2016 Planning Commission meeting which may have impacted thorough discussion and the resulting vote of disapproval.

Councilmember Schwartz moved to remand the resolution back to the Planning Commission for the purpose of (a) gathering input on the zoning request from the Kansas Expocentre; (b) the Planning Commission meeting have full attendance by Commission members; (c) examine the proposal thoroughly regarding what is best for the future health and regrowth of a neighborhood; (d) share more factual information about the operations of City of Faith to date, including but not limited to photos of their properties, performance data of their programs and residents, and more information about their neighborhood and community relationships. The motion was seconded by Councilmember Hiller.

Councilmember Coen spoke in opposition of remanding the resolution to the Planning Commission and encouraged the Governing Body to vote on the issue to avoid any delays in dealing with the matter.

Councilmember Jensen asked if individuals from across the nation would be housed at the facility.

Bill Fiander reported it would be a regional facility housing individuals with a connection to the community.

Councilmember Schwartz spoke in support of remanding the resolution back to the Planning Commission because she would prefer all Planning Commission members be present to have a thorough discussion on the issue.

The motion to remand the resolution back to the Planning Commission for the purpose of (a) gathering input on the zoning request from the Kansas Expo centre; (b) the Planning Commission meeting have full attendance by Commission members; (c) examine the proposal thoroughly regarding what is best for the future health and regrowth of a neighborhood; (d) share more factual information about the operations of the City of Faith to date, including but not limited to photos of their properties, performance data of their programs and residents, and more information about their neighborhood and community relationships carried. Councilmember Coen voted “no.” Mayor Wolgast voted “yes.” (9-1-0)

At 9:29 p.m., the Governing Body reconvened into open session and Mayor Wolgast announced no action was taken.

NO FURTHER BUSINESS appearing the meeting was adjourned at 9:30 p.m.

Brenda Younger
City Clerk

P#6/20
Lewis Park Subdivision
Preliminary Plat Phase

SUBDIVISION REPORT
(Major Plat)
CITY OF TOPEKA PLANNING DEPARTMENT

Preliminary Plat Phase

Preliminary and Final Plat Phase

Final Plat Phase

NAME: Lewis Industrial Park Subdivision - [P16/20]

OWNER/DEVELOPER: Lewis Family Limited Partnership

ENGINEER/SURVEYOR: Schmidt, Beck & Boyd Engineering, LLC / Richard T. Schmidt

GENERAL LOCATION: 840 NE US 24 Highway

JURISDICTION: Class "A" subdivision within the City of Topeka.

ANNEXATION: N/A

Area	# of Lots	Density	Existing Land Use	Proposed Land Use	Zoning
9.60acres	4	N/A	Wholesale Sales & Service, Industrial	Industrial or Commercial	"I-1" Light Industrial District.

Pending Zoning Case: N/A

Design: The subject plat contains 9.60 acres, more or less, and is irregular in shape, measuring approximately 359.96' x 881.87' with its greatest length running parallel to NE Calhoun Bluff Lane. The proposal consists of a four-lot single Block subdivision. The purpose of the plat is to subdivide the property into four lots to facilitate sale of property and further development.

BACKGROUND: A pre-application meeting was held on June 8, 2016 with a preliminary plat being submitted November 10, 2016 and a revised preliminary plat submitted December 6, 2016. This area of the city was annexed in 1965, and this is the first platting action taken regarding the property. This plat cannot be processed as a minor plat (administrative approval) because further development requires the extension of the sanitary sewer main. That proposed extension may encourage future development to the west along the north side of US 24 Highway.

As indicated on the preliminary plat each of the proposed Lots 1-3 contain buildings and a mix of outdoor storage and businesses. Lot 1 contains a mobile home and outdoor vehicle storage. Lot 2 is occupied by Action Safety Supply Company, presumably a supplier of safety related equipment for road construction companies. Lot 3 is occupied by Petroleum Equipment, Inc., which provides equipment sales, installation and other services to convenience store filling stations. Proposed Lot 4 is vacant.

SERVICES AND FACILITIES:

1. **WATER SERVICE:** All properties to be included in this platting action are to be serviced by City of Topeka water service by means of connection to an 8" water main located along the frontage road of NE

US 24 Highway. Water meters are already set for three of the lots.

2. SEWAGE DISPOSAL: Proposed lots 2 and 3 are currently served by individual septic tanks and lateral field systems. There is no record on file for a sanitary sewer connection for Lot 1. The nearest public sanitary sewer comes from the west is located directly south of proposed Lot 2. The Shawnee County Health Agency has indicated future development of the properties should require connection to public sanitary sewer.
3. WASTEWATER PLAN SERVICE AREA: The property is located within the Primary Urban Service Area as reflected by the Shawnee County Wastewater Management Plan. All sewer main installation will be at developer expense.
4. STORMWATER MANAGEMENT REPORT: The Stormwater Management Report as submitted by the Consultant to the City of Topeka Department of Public Works is under review by that department.
5. STREET PLAN/ACCESS: NE Meriden Road and NE Calhoun Bluff Road are classified as local roads. There is currently an existing 20' road easement for NE Calhoun Bluff Road but with this platting action a 30' right-of-way as measured from the centerline of NE Calhoun Bluff Road is to be dedicated to replace the easement. A single point of access from Meriden road is to be approved at time of site plan review. Access to the frontage road is to be limited to the entrances as indicated on the preliminary plat. Access to NE Calhoun Road is to be determined at time of site plan review.
6. FIRE DISTRICT: City of Topeka Fire District.
7. STREAM BUFFER: N/A
8. SCHOOL DISTRICT: USD No. 345 – Seaman.

WAIVER/VARIANCE TO STANDARDS: N/A

CAPITAL IMPROVEMENT PLAN (CIP): There are currently no transportation projects in the City's or County's CIP's affecting this area.

CONFORMANCE TO COMPREHENSIVE PLAN: The Land Use & Growth Management Plan 2040 (LUGMP) identifies the property as Tier 1 (within city limits) and thus supports development and the extension of services. The plat note requiring extension of sanitary sewer (at developer's expense) is consistent with the LUGMP policy for Tier 1: *Ensure urban infrastructure and services are in place, or readily available to extend at developer's expense, prior to considering land use decisions.* (p. 23)

The Future Land Use Map in the LUGMP designates the area generally as *Urban Growth Residential*. However, considering the existing industrial and commercial land uses and along US 24 Highway and highway access for truck traffic, the area is a candidate for a comprehensive plan amendment to *Industrial* or *Commercial*.

STAFF ANALYSIS: As proposed the overall subdivision design conforms to the established standards and provisions of the subdivision regulations relative to design criteria; and the design appears compatible with existing and planned conditions.

Based upon the above findings and staff analysis, the Planning Department recommends the preliminary plat phase of Lewis Industrial Park Subdivision, preliminary plat received December 6, 2016, be APPROVED subject to:

1. Approval of the Stormwater Management Plan by the City of Topeka.
2. Submission, approval, and recordation of a final plat prior to development.

Attachments: Vicinity Map
Preliminary Plat

Prepared by: Addison Spradlin
& Michael Hall, AICP



P16/20 Lewis Industrial Park Subdivision (Preliminary Plat Phase)

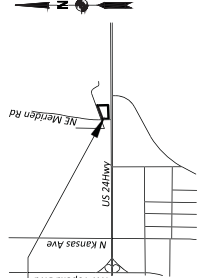


PRELIMINARY PLAT

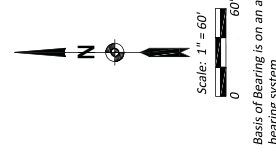
LEWIS INDUSTRIAL PARK SUBDIVISION

A TRACT OF LAND IN RESERVE 5 OF THE KANSAS HALF BREED INDIAN LANDS, IN TOWNSHIP 11 SOUTH,
RANGE 16 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN SHAWNEE COUNTY, KANSAS.

PROPOSED SUBDIVISION



LOCATION MAP

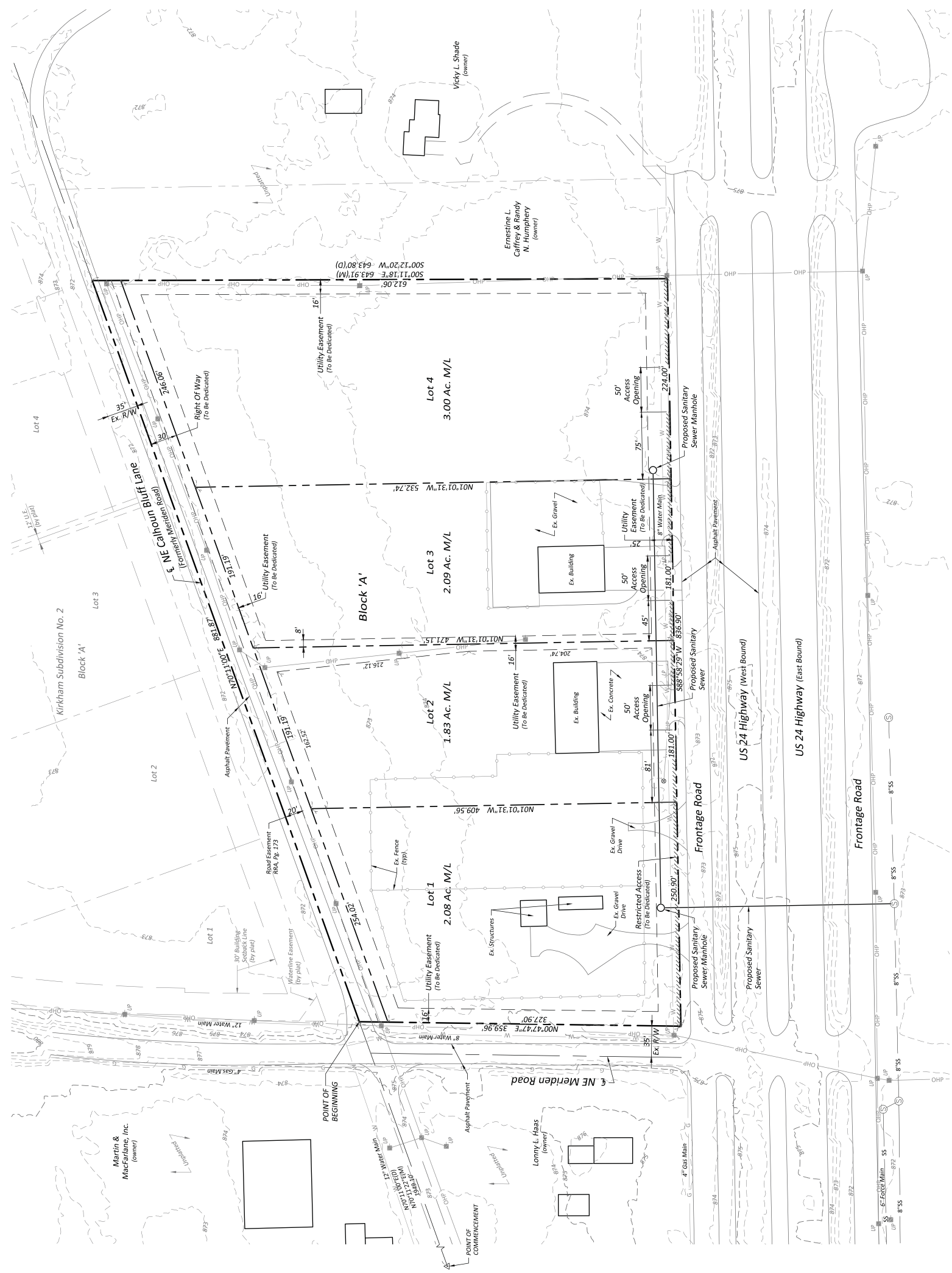


LEGEND

—	R/W	RIGHT OF WAY
—	EX. WATERLINE	EX. WATERLINE
—	EX. SANITARY SEWER	EX. SANITARY SEWER
—	EX. GAS LINE	EX. GAS LINE
—	OHP	EX. OVERHEAD POWER
—	UP	EX. UTILITY POLE
—	IP	EX. LIGHT POLE
—	—	EX. SANITARY SEWER MANHOLE
—	—	RESTRICTED ACCESS

DESCRIPTION:

A tract of land in Reserve 5 of the Kansas Half Breed Indian Lands, in Township 11 South, Range 16 East of the Sixth Principal Meridian, in Shawnee County, Kansas, is described as follows: BEGINNING at a point in the center of Old Meriden Road which is the intersection of the center of Old Meriden Road and the center of Old Meriden Road from the northwest corner of the land sold to Godfrey Graf by deed recorded in Book 35, Page 70, said point being on the East right of way line of Meriden Road as recorded in Deed Book 1297, Page 5; thence North 70 degrees 11 minutes 00 seconds East, 881.85 feet along said centerline to a point 798.38 feet West of the East line of said Reserve 5; thence parallel with the East line of said Reserve 5, South 00 degrees 11 minutes 18 seconds East, 643.91 feet to the North right of way line of U.S. 24 Highway; thence South 88 degrees 58 minutes 29 seconds West, 836.90 feet along said North right of way line to the East right of way line of Meriden Road; thence North 00 degrees 47 minutes 47 seconds East, 359.96 feet along said East right of way line to the POINT OF BEGINNING. The above described tract contains 9.60 acres, more or less.



GENERAL NOTES:

- Property owners shall be admonished from placing any permanent or semi-permanent obstruction in permanent sewer, drainage or utility easements. This includes, but is not limited to, trees, shrubs, fences, retaining walls, buildings or other miscellaneous obstructions that interfere with the proper operation and maintenance of the sewer, drainage or utility lines. Any permanent or semi-permanent obstruction located in the permanent sewer or utility easement may be removed by personnel representing the governing body, to provide for the proper operation and maintenance of that utility line, without cost or obligation for replacement, cost of removal, and/or replacement shall be the responsibility of the property owner.
- Water service will be provided by City of Topeka.
- Sanitary sewer service shall be provided by City of Topeka's public sanitary sewer system.
- According to the Flood Insurance Rate Map, "FIRM" Community Panel No. 20177C0209E, effective date September 29, 2011, subject Tract is in Zone X. Note: This area is shown as being protected from the 1-percent-annual chance or greater flood hazard by a levee system that has been provisionally accredited.
- Minimum opening elevations shall be 1 ft above the highest adjacent 100-year water surface elevation.
- All utilities shall be placed underground pursuant to the City's right-of-way management standards.
- Restricted access line defines portions of the subdivision boundary in which the public is not allowed to cross in order to gain access to the subdivision other than in an emergency situation or for temporary access during construction activities. Temporary access requires prior approval from the Director of Public Works.
- Water service and Sanitary Sewer line are shown as per City of Topeka GIS mapping.
- Gas service line is shown as per Kansas Gas Service GIS mapping.
- Any development on Lots 1-3 that would require an extension to the existing lateral fields would require a connection to sanitary sewer.
- Any land use or development on Lot 4 that generates wastewater shall be required to connect to sanitary sewer.
- Access to Lot 1 from NW Meriden Road will be limited to a single point, the location of which will be determined at Site Plan review. Current access to Lot 1 along the US 24 Highway, Frontage Road can remain until such time as any new development occurs or the existing trailer is removed.

Jim Lewis
P.O. Box 8101
Topeka, Kansas 66608

Schmidt, Beck & Boyd
Engineering, LLC
1415 SW Topeka Blvd.
Topeka, KS 66612
Ph: (785) 215-8630



PRELIMINARY PLAT
Lewis Industrial Park Subdivision
840 NE US 24 Highway
Topeka, Kansas 66608

SHEET TITLE:	PROJECT LOCATION:
16-233	840 NE US 24 Highway
Drawn by: JEM	Checked by: BS
Date: 11/10/2016	Scale: 1" = 60'
Drawing No.:	

A17/01
by Reser's Fine Foods, Inc.

**STAFF REPORT – ANNEXATION CASE
TOPEKA PLANNING DEPARTMENT**

PLANNING COMMISSION DATE: Monday, December 19, 2016

APPLICATION INFORMATION

APPLICATION CASE NO: A17/01

APPLICANT / PROPERTY OWNER: Reser's Fine Foods

PROPERTY LOCATION / PARCEL ID: The annexation proposal includes property that lies on the northwest corner of SE 6th Street and SE Croco Road plus the associated right-of-way for SE 6th Avenue/Street.

PARCEL SIZE: Approximately 31 acres

STAFF PLANNER: Dan Warner, AICP, Comprehensive Planning Manager

PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY: Food manufacturing and distribution – up to 403,000 square feet of building and associated parking.

ADDITIONAL CASES: A proposed zoning change (PUD16/05) from "RR-1" Residential Reserve District and "C-2" Commercial District TO "PUD" Planned Unit Development District ("I-1" Light Industrial District uses). There also is a comprehensive plan amendment (CPA16/01) and there will also be subdivision plat related to this project.

BACKGROUND

The subject property lies outside of the city, within unincorporated Shawnee County. The development is proposing to connect to City water and sewer service, which requires annexation if outside the city. The property owner has consented to annexation.

The property is contiguous to the existing city boundary. Unilateral annexations of this type, one in which the property owner has consented to the annexation and the property is contiguous to the City, requires City of Topeka Governing Body approval. Planning Commission review of annexations is not required by State Statute.

However, the Land Use and Growth Management Plan 2040 established a policy that the Topeka Planning Commission should review annexations greater than 10 acres.

STAFF REVIEW

COMPREHENSIVE PLAN:

General Land Use and Growth Management Policies

The Topeka Land Use and Growth Management Plan 2040 (LUGMP) encourages quality urban growth by promoting pillars (a.k.a. policies) of a prosperous community. Policies related to this annexation proposal state new growth lead to a "Return on Investment" which means: "Topeka's infrastructure and service investments are down payments for the future. It is imperative to develop those areas with existing investments at a level that seeks the greatest return on those initial investments."

Further, the LUGMP states that "These pillars of a prosperous community are intended to ensure that new growth consists of a range of uses and a density that promotes fiscally responsible growth, and that they position the city to attract future population and business generators who will sustain a fiscal health model. They should insure that the community invests in place as the preferred priority and should not seek to limit growth, but to direct growth where the City's services are or where the City can expand service delivery in the most cost-effective manner.

The subject property and the area around it lie within Topeka's Urban Growth Area (UGA), which means there is an expectation that the area will urbanize. The community has made significant investments in infrastructure and services to support the urbanization of this area. City of Topeka water and sewer service is available. The City has also constructed a fire station to serve the area. Major transportation investments have been made which include the improvement of SE 6th Avenue/Street to a 5-lane section and also the construction of the Oakland Expressway, which connects the area to US Hwy. 24 and I-70.

Annexing and developing the property generates significant return on previous investments in infrastructure and services, and allows the city to grow in a cost-effective manner.

Urban Growth Area Service Tier 3 Criteria/Policies

The subject property lies within Tier 3 of the Topeka UGA – as delineated by the LUGMP (see attached map). Generally speaking, Tier 3 areas of the UGA are not ready for urbanization because investments haven't been made in all 5 of Topeka's urban services (fire, police, water, sewer, and streets).

However, investments in infrastructure and services have been made in this area. Therefore it is appropriate to provide a detailed review of Tier 3 criteria and policies as they relate to the subject property:

- **Tier 3 has limited or no existing urban services**
There is City water and sewer adjacent to the property, the police department is currently serving the area directly to the south, there is a fire station less than 1 mile from the subject property, and right-of-way of SE 6th Avenue/Street (a 5-lane urban arterial) will be annexed with this proposal. All 5 urban services are available to this property.
- **Urbanizing Tier 3 does not promote a more compact city at this time**
The subject property is contiguous to the city boundary and all 5 urban services are available. Annexing the subject property allows the city to grow in a compact and efficient manner.

- **A major investment in one or more of the major urban services is necessary in order to support urbanization**
As noted above, all 5 urban services are available to the area and can support urbanization without a major investment.
- **The area may lie within a rural water district area and/or does not support Topeka fire suppression needs**
The area does not lie within a rural water district. Fire suppression needs will be supported by City of Topeka water service to the subject property.
- **LUGMP Tier 3 policy states “No urban development or annexation within Tier 3 until the full suite of urban services is available”.** All 5 urban services are available to the subject property and support its urbanization. Annexation and urbanization of the subject property is not premature.

Other Urban Growth Area Service Tier Considerations

Land within the UGA can qualify as Tier 2 if it is contiguous to the City, developing the area makes the City more compact, and there is a full suite of urban services available. Land can qualify for the Employment Tier if it is zoned or planned for industrial type uses, or the return on investment from developing the area with non-residential development is higher than developing residential uses.

The subject property and much of the Tier 3 area around it may qualify as Tier 2 or the Employment Tier and should be studied further for inclusion as a Tier 2 or Employment Tier area as part of a future comprehensive plan update.

Annexation Policies

LUGMP annexation policies state “If a property within Tier 3 is contiguous, consideration should be given to annexing the property prior to development if all urban services are available and it is cost effective for the City”. The review above shows that this policy can be satisfied for the subject property. Annexing and developing this property is consistent with the policies and principles of the LUGMP and allows the city to grow in a compact and affordable manner.

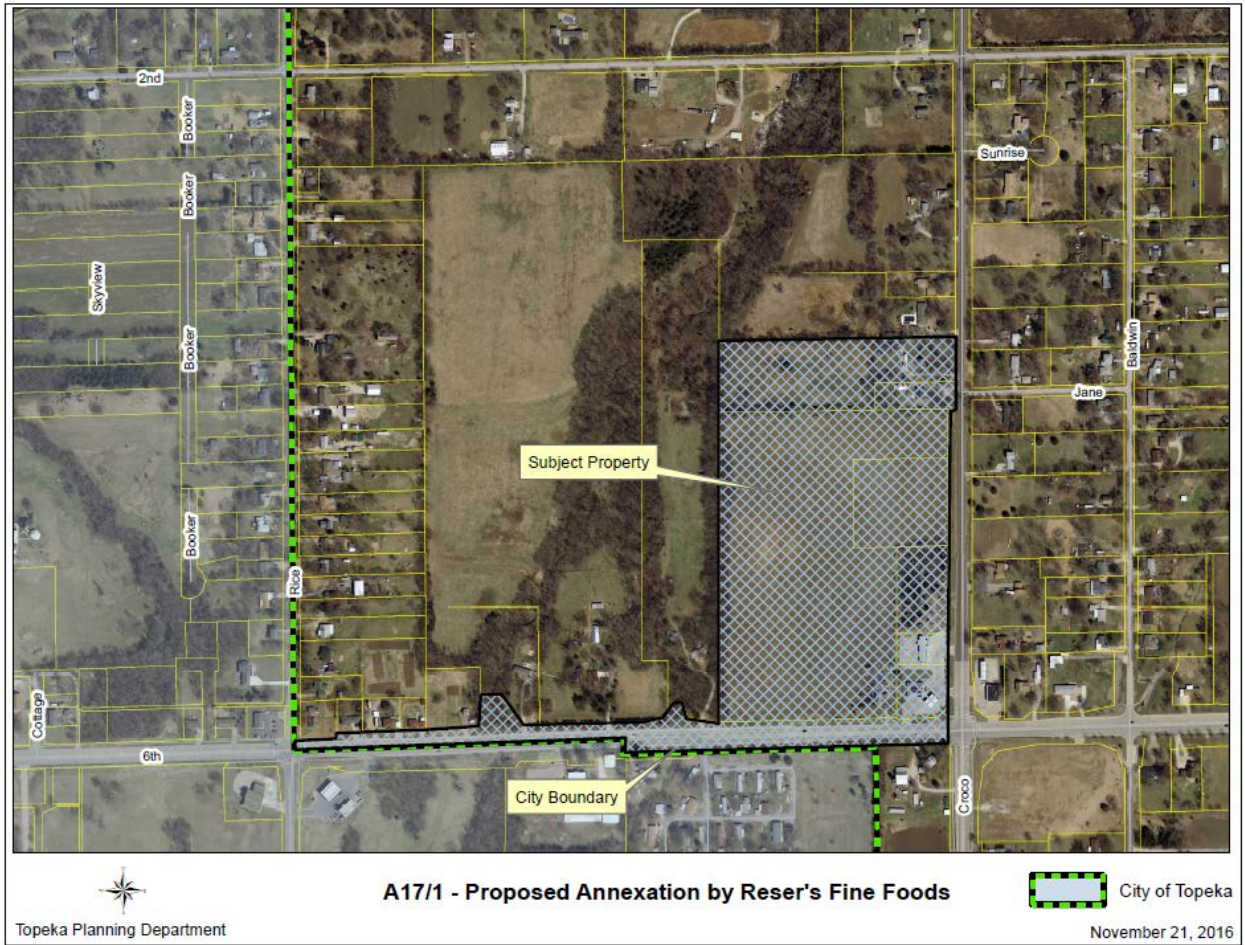
STAFF RECOMMENDATION:

Based upon the above analysis Planning Staff recommends **APPROVAL** of the proposed annexation.

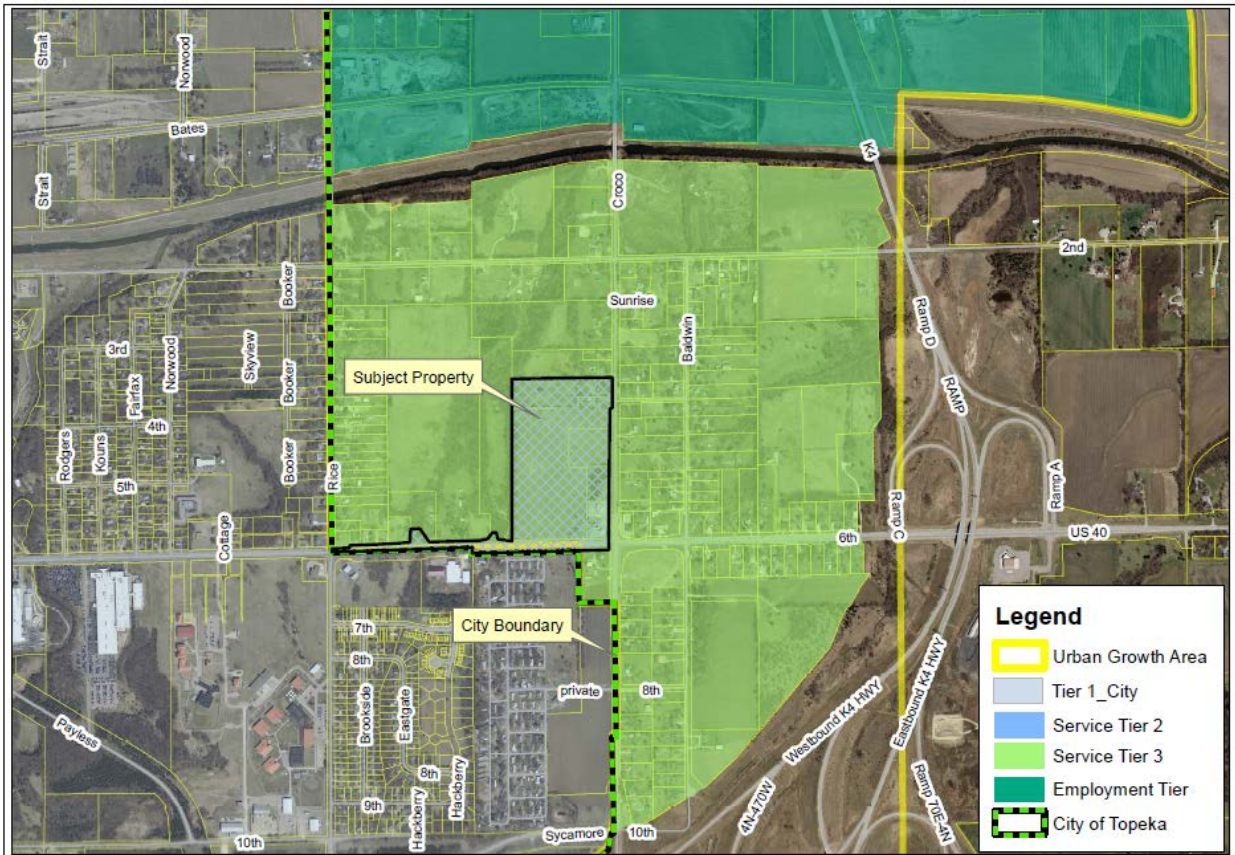
ATTACHMENTS:

1. Aerial
2. Topeka Urban Growth Area Map

Aerial



Topeka Urban Growth Area




A17/1 - Proposed Annexation by Reser's Fine Foods Urban Growth Area

Topeka Planning Department November 21, 2016

*Annexation Proposal
Northwest Corner of SE 6th Street and SE Croco Road
Fact Sheet & Department Comments*

Site

Address/Location: Located on the northwest corner of SE 6th Street and SE Croco Road.

Owner: Reser's Fine Foods

Size: Approximately 25 acres

Existing Land Use: Commercial, residential, and vacant.

Proposed Land Use: Manufacturing – up to 500,000 square foot building

Subdivision: N/A

Planning

Existing Zoning: RR-1 (Residential Reserve) and C-2 Commercial District

Proposed Zoning: PUD (Planned Unit Development District)(I-1 Light Industrial District uses)

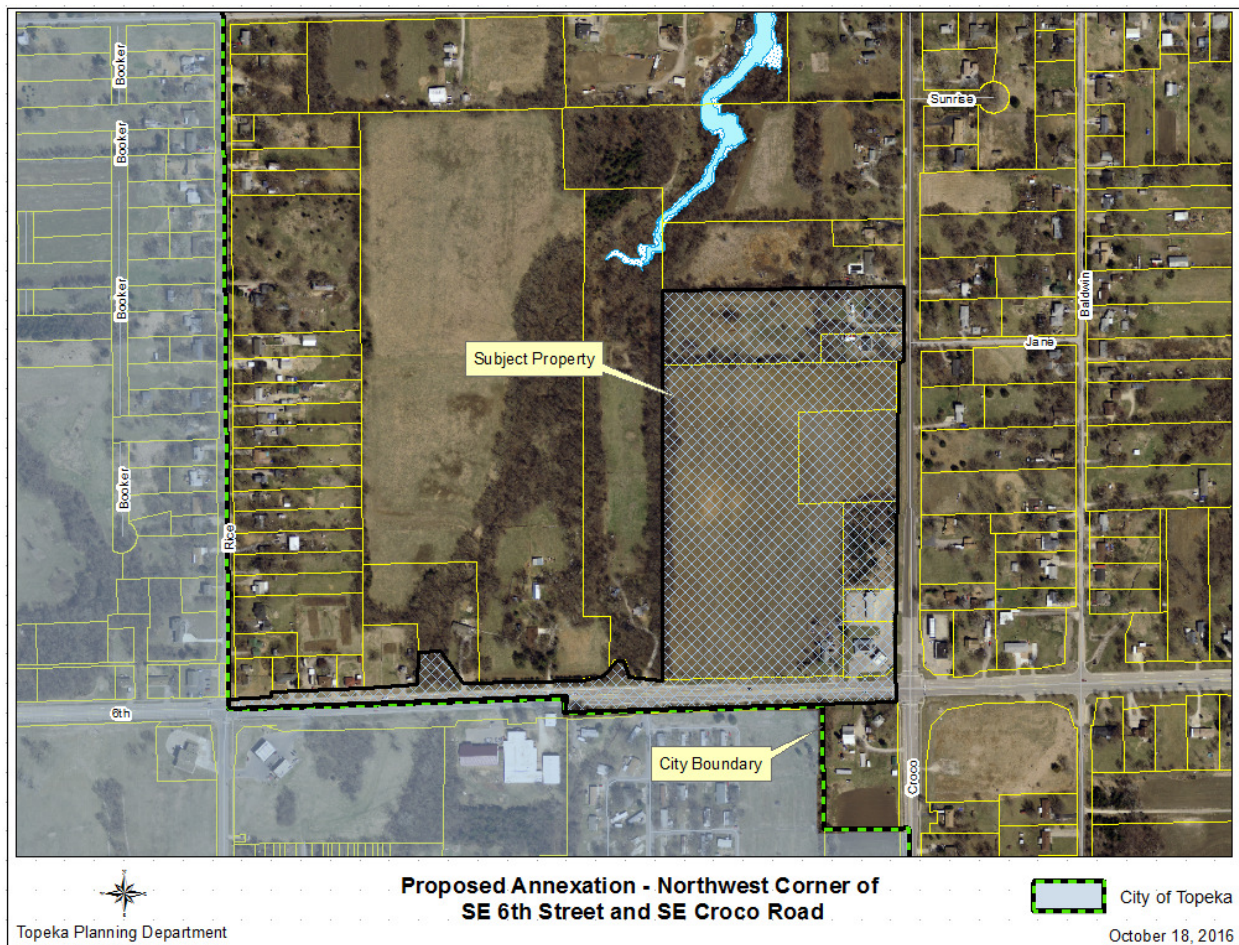
Current Population: 5 residents

Projected Population: 0 residents

Density: N/A

Comprehensive Plan: Urban Growth Area – Service Tier 3

Primary Service Area (Sewer Required): Yes



*Annexation Proposal
Northwest Corner of SE 6th Street and SE Croco Road
Fact Sheet & Department Comments*

Annexation Procedure

Contiguous?: Yes.

Consent?: Yes. Owner provided a written consent.

Requirements: Eligible for annexation under KSA 12-520(7). No required hearings or notices. No service extension plan is required.

Approval Method: COT governing body passes ordinance.

Revenue/Expenses Estimates

Property tax revenue to the City of Topeka in 2016 would be approximately **\$7,112** before any redevelopment takes place. **Future annual property tax revenue** to the City of Topeka upon build-out of development is estimated to be approximately **\$104,189** (estimate based on the assessed value of the existing plant at 315 SE 6th Ave.) Current property tax revenue to Tecumseh Township is approximately **\$2,259** in 2016.

Additionally, the existing water **utility revenue** collected for the existing active properties would be approximately **\$1,026** in 2016. There is no existing stormwater or sewer revenue. **Future annual COT utility revenue** to the City of Topeka upon build-out of the development is estimated to be approximately **\$1,159,174**.

There are no additional costs to serve the proposed annexation for Fire, Police, and Forestry. Water, Sewer, Streets and Stormwater will incur additional annualized infrastructure operational and replacement costs of approximately **\$111,862**. Any costs can be accommodated within existing budgets or with future revenues.

Utility and Service Providers

	Current	Proposed
Water	COT	COT
Wastewater	N/A	COT
Fire	Tecumseh Township	COT
Police	Shawnee County	COT
Streets – SE 6th	Shawnee County	COT
Streets – SE Croco	Shawnee County	Shawnee County
Parks	Shawnee County	Shawnee County
Governing Body	Shawnee County (#2)	COT (#3)

The subject property is proposed for employment related development. COT sewer and water mains will serve this development. No parks existing or planned. No new streets are part of this development.

Streets

SE 6th Street is improved to 5 lanes and there is a signal controlled intersection at SE Croco Road. SE 6th Avenue/Street is currently maintained by Shawnee County and is proposed to be maintained by COT. SE

*Annexation Proposal
Northwest Corner of SE 6th Street and SE Croco Road
Fact Sheet & Department Comments*

Croco Road will be improved by the applicant to five lanes to SE Jane Way. SE Croco is currently maintained by Shawnee County. COT will maintain the street from the edge of the development to the centerline, or enter into an agreement with Shawnee County to maintain it on the City's behalf.

Ability to Provide Adequate Public Services

FIRE

- 1) What is the estimated cost (operational and capital) to your Department/Division to provide adequate service to the proposed annexation?**

Service would be funded through existing operational costs. Actual expenditure would only occur if response was required and will be absorbed within our operational budget.

- 2) Can the estimated cost of service be carried out under your current or anticipated future budget? If not, what would it take to do so?**

Since operational costs are not fixed with the fire department and vary as response is needed, no additional costs can be projected. Response to this proposed annexation area would be absorbed in the current budget with no anticipated issues.

- 3) Describe any other issues that would affect your ability to provide adequate service to the annexation area, or impact service levels to existing residents/businesses of the city.**

The proposed annexation area is located in close proximity of Fire Station 2 and response times would be expected to be within current recommended limits on first in companies. Response times on full alarms would also be within recommended limits.

Ability to Provide Adequate Public Services

FORESTRY

- 1) What is the estimated cost (operational and capital) to your Department/Division to provide adequate service to the proposed annexation?**

No added cost.

- 2) Can the estimated cost of service be carried out under your current or anticipated future budget? If not, what would it take to do so?**

Yes.

- 3) Describe any other issues that would affect your ability to provide adequate service to the annexation area, or impact service levels to existing residents/businesses of the city.**

None.

*Annexation Proposal
Northwest Corner of SE 6th Street and SE Croco Road
Fact Sheet & Department Comments*

**Ability to Provide Adequate Public Services
POLICE**

1) What is the estimated cost (operational and capital) to your Department/Division to provide adequate service to the proposed annexation?

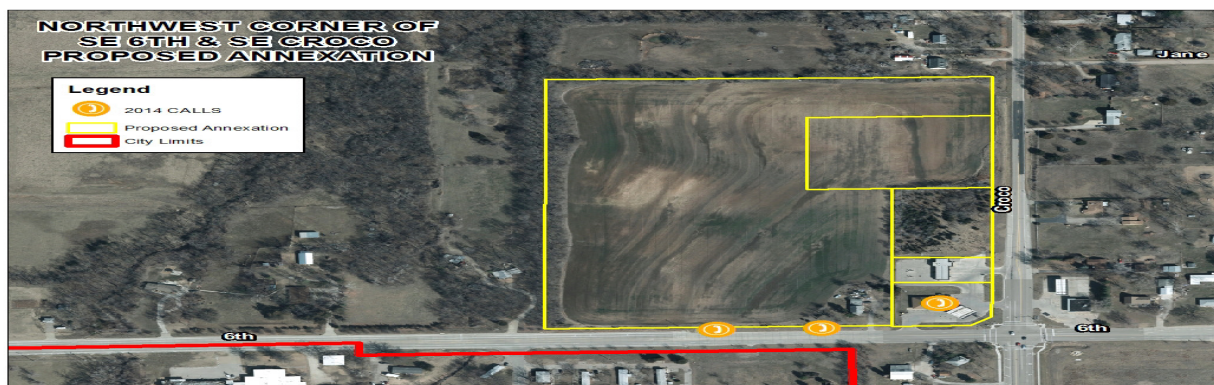
At the present time, the Shawnee County Sherriff's Office provides law enforcement services to the proposed annexed area. The proposed annexed area may require the City of Topeka to add officer in the future once residential and or commercial properties are developed. That development may increase the call load in that area over time, but for the foreseeable future adjacent Topeka Police Department patrol territory units should be able to absorb the call load in the proposed annexed area.

2) Can the estimated cost of service be carried out under your current or anticipated future budget? If not, what would it take to do so?

The Topeka Police Officers in the bordering areas of the proposed annexed area should decrease the response time to the area considerably because of the proximity of the area. In addition, the City of Topeka's Police Department, with its detectives, crime prevention, Community Police Unit, and other services, will provide added benefits to the future residents of the proposed annexation area.

3) Describe any other issues that would affect your ability to provide adequate service to the annexation area, or impact service levels to existing residents/businesses of the city.

In 2014 there were seven calls for law enforcement services in the in the proposed annexed area and one of those was a self-initiated activity. Those calls accounted for approximately six hours and fifteen minutes of allocated time. Of the seven calls one was on 1st Shift, two were on 2nd Shift, and four were on 3rd Shift.



*Annexation Proposal
Northwest Corner of SE 6th Street and SE Croco Road
Fact Sheet & Department Comments*

In 2015 there were eight calls for law enforcement services in the proposed annexed area and two of those were self-initiated activities. Those calls accounted for approximately six hours and fifteen minutes of allocated time. Of the eight calls three were on 1st Shift, four were on 2nd Shift, and one was on 3rd Shift.



In 2016 there have been no calls for law enforcement services in the proposed annexed area.



*Annexation Proposal
Northwest Corner of SE 6th Street and SE Croco Road
Fact Sheet & Department Comments*

**Ability to Provide Adequate Public Services
STREETS**

- 4) **What is the estimated cost/benefit of providing adequate service to the proposed annexation (in current year \$'s):**
- a. **Estimate annualized operations/maintenance cost over the lifecycle of the assets (\$3,500/year)**
 - b. **Estimate annualized replacement cost of the asset (\$84,580/year)**

- 5) **Can the estimated cost of service be carried out under your current or anticipated future budget? If not, what would it take to do so?**

Yes, the incremental increase in service cost for preventative maintenance can be absorbed within existing budgets. The replacement cost of the road would be paid through a future capital improvement project and is not expected to compete with current project funding.

- 6) **Describe any other issues that would affect your ability to provide adequate service to the annexation area, or impact service levels to existing residents/businesses of the city.**

None.

**Ability to Provide Adequate Public Services
STORMWATER**

- 7) **What is the estimated cost/benefit of providing adequate service to the proposed annexation (in current year \$'s):**
- a. **Estimate annualized operations/maintenance cost over the lifecycle of the assets (\$2,803/year)**
 - b. **Estimate annualized replacement cost of the asset (\$4,774/year)**
 - c. **Estimate annualized revenue over the lifecycle of the assets (\$14,229/year)**

- 8) **Can the estimated cost of service be carried out under your current or anticipated future budget? If not, what would it take to do so?**

Yes, the on-going stormwater fee for the development would cover the costs.

- 9) **Describe any other issues that would affect your ability to provide adequate service to the annexation area, or impact service levels to existing residents/businesses of the city.**

None.

*Annexation Proposal
Northwest Corner of SE 6th Street and SE Croco Road
Fact Sheet & Department Comments*

**Ability to Provide Adequate Public Services
WASTEWATER**

- 1) What is the estimated cost/benefit of providing adequate service to the proposed annexation (in current year \$'s):
 - a. Estimate annualized operations/maintenance cost over the lifecycle of the assets (\$560/year)
 - b. Estimate annualized replacement cost of the asset (\$495/year)
 - c. Estimate annualized revenue over the lifecycle of the assets (\$976,945/year)

- 2) Can the estimated cost of service be carried out under your current or anticipated future budget? If not, what would it take to do so?

Yes.

- 3) Describe any other issues that would affect your ability to provide adequate service to the annexation area, or impact service levels to existing residents/businesses of the city.

None.

**Ability to Provide Adequate Public Services
WATER**

- 1) What is the estimated cost/benefit of providing adequate service to the proposed annexation (in current year \$'s):
 - a. Estimate annualized operations/maintenance cost over the lifecycle of the assets (\$3,200/year) to replace the existing 8" line that is 2,000 feet long and at \$20/inch-diameter/foot is \$320,000 capital asset cost and 100 year life cycle.
 - b. Estimate annualized replacement cost of the asset (\$3,200/year) Existing infrastructure.
 - c. Estimate annualized revenue over the lifecycle of the assets (\$168,000/year) based on equivalent water usage of an existing plant per year is 66,898,932 Gal/year and \$2.51 per 1000 gallons revenue.

- 2) Can the estimated cost of service be carried out under your current or anticipated future budget? If not, what would it take to do so?

Yes.

- 3) Describe any other issues that would affect your ability to provide adequate service to the annexation area, or impact service levels to existing residents/businesses of the city.

There should not be a problem in supplying the customer.

**Reser's Fine Foods
Cost Benefit Analysis
Utilities**

This analysis assumes a 100-year lifecycle for the approximately **2,000** feet of water line. The assumed lifecycle for the **275** feet of new sewer line is 50 years. The assumed lifecycle of the stormwater facilities in the ground is roughly another 80 years. This development is a food manufacturing and distribution facility – up to 403,000 square feet of building.

Future annual COT water revenue to the City of Topeka would be approximately **\$168,000** (based on existing Reser's facility water usage of 66,898,932 Gal/year and \$2.51 per 1,000 gallons revenue). **Future annual sewer utility revenue** to the City of Topeka would be approximately **\$976,945** per year (based on discharge of current Reser's facility with pretreatment). **Future annual COT stormwater utility revenue** is expected to be approximately **\$14,229** (based on full buildout of 750,000 sq. ft. impervious area minus 25% reduction for detention facilities).

Annual water operations and replacement (year 100) costs are estimated to be approximately **\$6,400**. Annual wastewater operations and replacement (year 50) costs are estimated to be approximately **\$1,055**. Annual stormwater operations and replacement (year 80) costs are estimated to be approximately **\$7,577**.

Utility	Operations Cost	Replacement Cost	Revenue	Difference
Water (Annualized)	\$3,200	\$3,200	\$168,000	+\$161,600
Wastewater (Annualized)	\$560	\$495	\$976,945	+\$975,890
Stormwater (Annualized)	\$2,803	\$4,774	\$14,229	+\$6,652
Total (Annualized)	\$6,563	\$8,469	\$1,159,174	+\$1,144,142

The cost benefit analysis estimates that the annual costs to maintain and replace the water, wastewater, and stormwater infrastructure over the course of 100, 50, and 80 years respectively demonstrates that COT utility revenue from the development will cover the operations and replacement costs for those utilities.

**Reser's Fine Foods
Cost Benefit Analysis
Streets**

This analysis assumes a 40-year cycle for regular preventative maintenance of **2,600** feet of SE 6th Street pavement and **3,600** feet of SE Croco Road*. The proposed development is a food manufacturing and distribution facility – up to 403,000 square feet of building.

Total property tax revenue to the City of Topeka would be approximately **\$104,189**, with approximately **\$4,167,560** collected over 40 years.

The annualized 40-year cycle cost of maintaining and replacing the **6,200** feet of street is **\$96,830**. The annualized street sweeping and winter treatment/snow plowing cost is **\$4,500**. The annualized total street maintenance cost is **\$101,330**. The annual property tax revenue to the City of Topeka is **\$104,189** for a net annualized revenue of **\$2,859**.

Street Preventative Maintenance	Cost	Property Tax	Difference
Joint repairs, mill and overlay, signal repair/replace and full street replacement (Annualized)	\$96,830	\$104,189	+\$7,359
Annual street sweeping (Annualized)	\$2,000		-\$2,000
Annual winter treatment/snow plowing (Annualized)	\$2,500		-\$2,500
Total (Annualized)	\$101,330	\$104,189	+\$2,859

The cost benefit analysis to maintain the streets over the course of 40 years demonstrates that COT property tax revenue from the subdivision should be adequate.

*SE Croco Road is proposed to rebuilt by the applicant as a 5-lane section from SE 6th Street to SE Jane Way. COT will maintain the street from the edge of the proposed development to the centerline, or enter into an agreement with Shawnee County to maintain it on the City's behalf.

CPA16/01
by Topeka Planning Commission

**STAFF REPORT – COMPREHENSIVE PLAN AMENDMENT CASE
TOPEKA PLANNING DEPARTMENT**

PLANNING COMMISSION DATE: Monday, December 19, 2016

APPLICATION INFORMATION

APPLICATION CASE NO: CPA16/01

APPLICANT / PROPERTY OWNER: Reser's Fine Foods

PROPERTY LOCATION / PARCEL ID: An approximately 25-acre property lying on the northwest corner of SE 6th Street and SE Croco Road

PARCEL SIZE: Approximately 25 acres

STAFF PLANNER: Dan Warner, AICP, Comprehensive Planning Manager

PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY: Food manufacturing and distribution – up to 403,000 square feet of building.

RELATED CASES: A proposed zoning change (PUD16/05) from "RR-1" Residential Reserve District and "C-2" Commercial District TO "PUD" Planned Unit Development District ("I-1" Light Industrial District uses). There is a proposed annexation (A17/01), and there will also be a subdivision plat related to this project.

BACKGROUND

Map #3 – Topeka Future Land Use of Topeka's Land Use and Growth Management Plan 2040 (LUGMP) designates the subject property as Urban Growth Area (Residential). The proposed food manufacturing and distribution use does not align with Comprehensive Plan policy with regards to future land use.

The LUGMP contains a Comprehensive Plan update and amendment process which establishes the criteria by which a proposal to amend the Comprehensive Plan should be reviewed.

STAFF REVIEW

The applicant is requesting a rezoning from the "RR-1" Residential Reserve District and "C-2" Commercial District to "PUD" Planner Unit Development District ("I-1" Light Industrial District uses) to allow for food manufacturing and distribution on an approximately 25-acre property at the northwest corner of SE 6th Street and SE Croco Road. The proposal includes up to 403,000 square feet of building and associated parking.

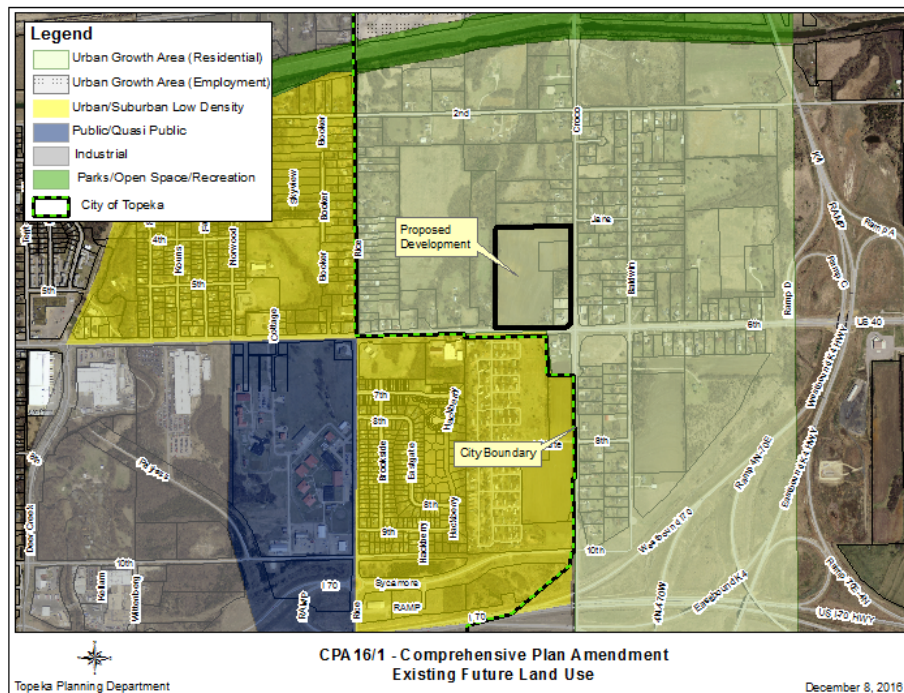
The proposal does not comply specifically with Map #3 – Topeka Future Land Use of the LUGMP. The proposed comprehensive plan amendment is to amend Topeka LUGMP Future Land Use to align Comprehensive Plan policy with the requested rezoning.

Staff reviewed this amendment based upon the review criteria outlined in Section VII of the LUGMP. If approved, the future land use text and map should be updated to designate the subject property as suitable for employment related land use.

COMPREHENSIVE PLAN AMENDMENT REVIEW

1. Does the proposed amendment result from changed circumstances or unforeseen conditions not understood or addressed at the time the Plan was adopted?

The subject property lies within Tier 3 of Topeka's Urban Growth Area (UGA). Map #3 – Topeka Future Land Use designates Tier 3 (and the subject property) as Urban Growth Area (Residential). The "Urban Growth Area (Residential)" category states "this area is meant for future primarily urban residential neighborhoods and is expected to systematically urbanize in a compact manner as the City of Topeka expands services and infrastructure in the future."



The "Urban Growth Area (Residential)" designation applies to Tiers 2 and 3 of the UGA and is a more general land use category when compared with the specific future land use categories designated within Tier 1. When

Topeka's Land Use and Growth Management Plan 2040 was originally developed, detailed future land use planning did not occur for the land within Tiers 2 and 3 of the UGA (outside of the city) as was done for the areas within Tier 1 (inside the city).

Therefore, it is appropriate to provide a more focused review of the future land use in this area because of the subject development proposal.

2. Does the proposed amendment advance a clear public purpose and is consistent with the long-range goals and policies of the plan?

The LUGMP promotes pillars (policies) of a prosperous community and states this about return on investment: "Topeka's infrastructure and service investments are down payments for the future. It is imperative to develop those areas with existing investments at a level that seeks the greatest return on those initial investments."

The subject property and the area around it lie within Topeka's UGA, which means there is an expectation that the area will urbanize. The community has made significant investments in infrastructure and services to support the urbanization of this area. City of Topeka water and sewer service is available. The City has also constructed a fire station to serve the area. Major transportation investments have been made which include the improvement of SE 6th Avenue/Street to a 5-lane section and also the construction of the Oakland Expressway, which connects the area to US Hwy. 24 and I-70. Developing the subject property generates a significant return on the previous investment made by the community. The proposed amendment advances a clear public purpose.

In addition, there is an associated annexation case (A17/01) that is also being processed. The property lies within Tier 3 of Topeka's UGA, and Tier 3 annexation policy states: "No urban development or annexation within Tier 3 until the full suite of urban services is available". The property is contiguous to the city boundary and all 5 urban services (fire, police, water, sewer, and streets) are available to serve the subject development.

LUGMP policies promote fiscally responsible future growth, which means development should be cost-effective with all 5 city services and make development decisions that don't fiscally harm the City and its residents. All 5 urban services are available to the subject property. Annexing and developing the property is consistent with the long range goals and policies of the LUGMP and allows the city to grow in a compact and affordable manner.

3. Does the proposed amendment result from a clear change in public policy?

The proposed amendment does not result from a clear change in public policy. As noted above in #2, it aligns with LUGMP pillars (policies) of a prosperous community and return on investment.

Further, the LUGMP states that "These pillars of a prosperous community are intended to ensure that new growth consists of a range of uses and a density that promotes fiscally responsible growth, and that they position the city to attract future population and business generators who will sustain a health fiscal model. They should insure that the community invests in place as the preferred priority and should not seek to limit growth, but to direct growth where the City's services are or where the City can expand service delivery in the most cost-effective manner.

The subject property and the area around it lie within Topeka's UGA, which means there is an expectation that the area will urbanize. The community has made significant investments in infrastructure and services to support the urbanization of this area. City of Topeka water and sewer service is available. The City has also

constructed a fire station to serve the area. Major transportation investments have been made which include the improvement of SE 6th Avenue/Street to a 5-lane section and also the construction of the Oakland Expressway, which connects the area to US Hwy. 24 and I-70.

By way of comparison, if the proposed use was located farther east in an area outside of Topeka's Urban Growth Area, it would not be consistent with existing public policy. A location like that would require a major extension of infrastructure and would unnecessarily stress police and fire services.

Developing this particular location within the UGA generates significant return on the previous investments made in infrastructure and services. The proposed amendment is consistent with public policy.

In addition, the following shall be considered for any map amendments:

4. The proposed change is significant. Minor changes shall be reflected under next major update.

The proposal is a significant change.

5. Will the proposed amendment affect the adequacy of existing or planned facilities and services?

No. All 5 city services (fire, police, water, sewer, and streets) are available and are adequate to support this development. It does not appear that facilities and services will be negatively impacted by this development. Any traffic improvements needed for this project will be constructed and paid for by the applicant.

6. Will the proposed change result in reasonably compatible land use relationships?

The subject property lies within an area that contains a mixture of rural and large lot rural residential uses to the north, east, and west, as well as urban residential and nonresidential uses south of the subject property. In a typical land use arrangement, industrial uses have impacts and are generally not compatible with residential land uses. However, urbanizing this area, which is consistent with public policy, is difficult if a strict separation of land uses is followed. To best realize the greatest return on the community's investment, a mixed use context must be planned for that will buffer adjoining land uses to create a more compatible land use relationship. Currently, the character of the SE 6th Avenue/Street corridor between SE Deer Creek Parkway and SE Rice Road has a mixed use context with larger-scale footprints co-existing with smaller scale footprints.

The requested rezoning is from the "RR-1" Residential Reserve District and "C-2" Commercial District to "PUD" Planner Unit Development District ("I-1" Light Industrial District uses). Per Chapter 18.190 of the Topeka Municipal Code, the purpose of the "PUD" district is to "permit greater flexibility and more creative, innovative, and imaginative design for the development of areas that are generally not possible under the strict application of the regulations in the other districts. It is further intended to promote more economical and efficient use of the land while providing for a pleasing and harmonious development and environment, including opportunities to provide for a high level of urban amenities, and the preservation of open spaces."

The subject property will be required to comply with certain site, operational, and building design standards in order to mitigate the impact of the proposed use on the residential properties including:

- Landscape berms and street trees along both street frontages, a landscape setback where the development is adjacent to residential properties, and landscape buffers along all properties lines;

- Outside storage of vehicles, equipment, and machinery is not permitted, and all docks or loading areas will be erected to the side and rear yards and not front onto any public street rights-of-way;
- While the PUD requires a minimum 30-foot building setback along the perimeter boundary of the property, the building is proposed to be setback from the public streets from 120 to 200 feet;
- The specific PUD building design note for this project states: "A minimum of 50 percent of the main entry of the front façade (east facing) shall be comprised of windows, door openings. The main entry of the front façade shall be treated with architectural finishes and be of high quality design. The 6th Street façade (south facing) shall contain some form of architectural variations with respect to materials, texture, roofline, color, etc. Mechanical, heating, air conditioning/cooling, and roof mounted equipment shall be screened or not visible from public rights-of-way.";
- Detention and stormwater treatment for water quality are required for this project. The submitted stormwater plan proposes to hold stormwater and release it at pre-development rates or less;
- Odor will be managed using the latest technology in production waste water treatment. Reser's new processing facility in Hillsboro, Oregon utilizes the new technology and they state there have been no odor problems in the year that system has been in place, and;
- Noise is being addressed by the company by exploring techniques to reduce the noise levels that emanate from the refrigeration equipment. They have hired a sound engineer to assist in developing plans to mitigate the noise from equipment. Reser's is also placing the refrigeration equipment at the northwest corner of the building away from nearest residences.

The combination of site, operational, and building design requirements of this PUD will help buffer the food manufacturing use and should help facilitate a more compatible land use relationship with surrounding properties.

7. Will the proposed change advance the interests of the citizens of Topeka as a whole, not solely those having immediate interest in the affected area?

As discussed above, the subject property and the area around it lie within Topeka's UGA, which means there is an expectation that the area will urbanize. The community has made significant investments in infrastructure and services to support the urbanization of this area. City of Topeka water and sewer service is available. The City has also constructed a fire station to serve the area. Major transportation investments have been made which include the improvement of SE 6th Avenue/Street to a 5-lane section and also the construction of the Oakland Expressway, which connects the area to US Hwy. 24 and I-70.

The community has made a significant down payment to support the urbanization of this area. Developing the subject property as proposed generates significant return on the community's down payment. The proposed change advances the interests of the citizen of Topeka as a whole, not solely those having immediate interests in the affected area.

STAFF RECOMMENDATION:

Based upon the above analysis Planning Staff recommends the initiation and **APPROVAL** of the proposed comprehensive plan map and text amendment as attached.

ATTACHMENTS:

1. Proposed Amendment
2. Existing Land Use
3. Aerial Map

Proposed Amendment

LUGMP

Section 5 – Land Use (pg. 52)

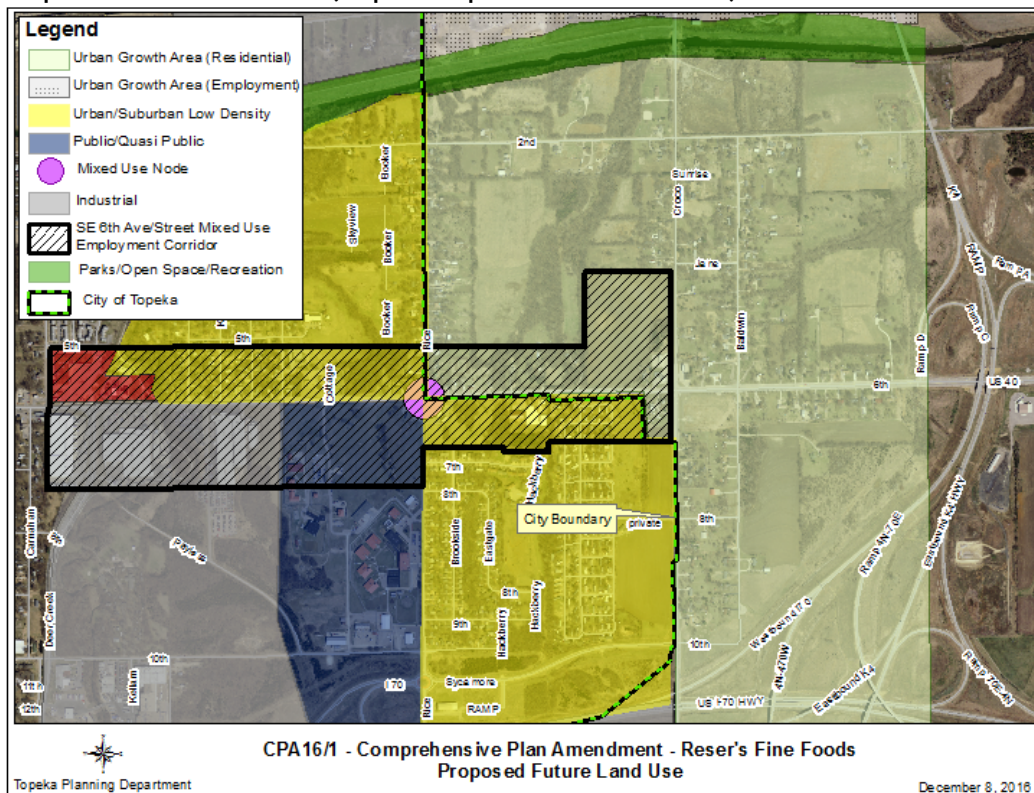
SE 6th Avenue/Street Mixed Use Employment Corridor

This category applies to the mixed use employment corridor along SE 6th Avenue/Street from Deer Creek Parkway to SE Croco Road. A key consideration for this designation is that this area already has mixture of employment related uses, some that are large-scale employers. A portion of the corridor lies with the existing city boundary where all 5 urban services (fire, police, water, sewer, and roads) are present. The area that lies outside the city, but within the Topeka Urban Growth Area, also has all 5 urban services present and available for urban development.

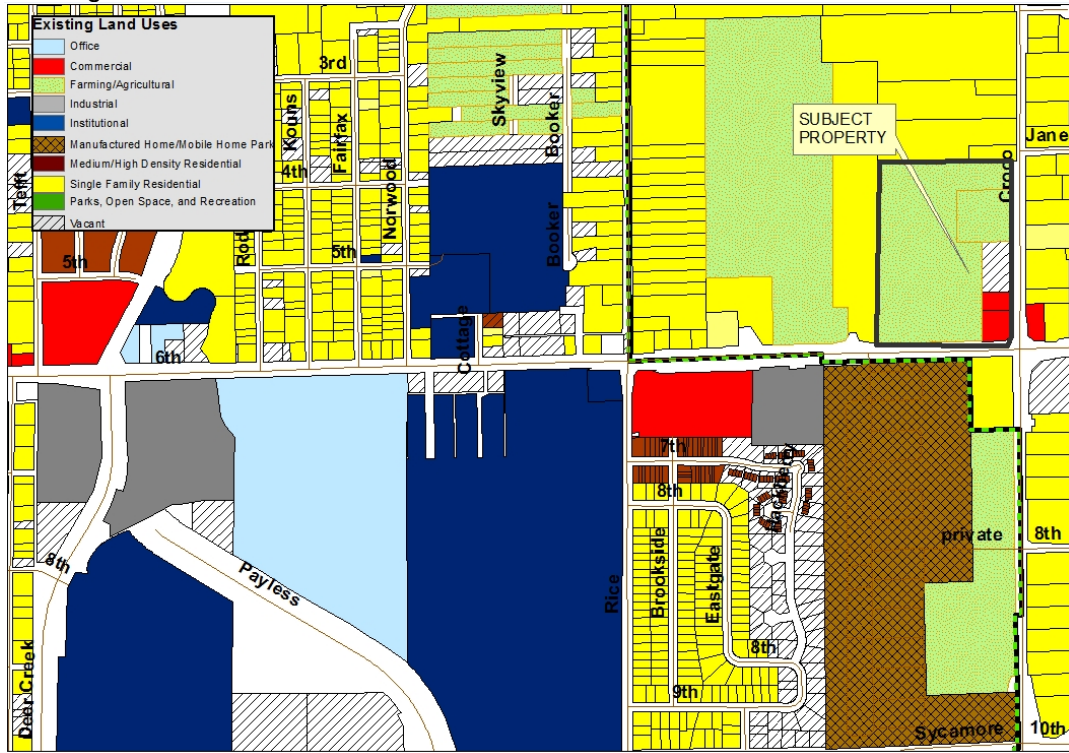
The continued development of this corridor for mixed use employment related land use generates significant return on the investment the community has made in infrastructure and services and continues the large/small-scale residential/non-residential character along SE 6th Avenue/Street corridor.

This category permits employment related land use if developed as a Planned Unit Development (PUD) with high standards to mitigate the impacts of the industry from residential. The standards should include landscaping, site design, operational, and building design considerations that meet the goal of a “clean” land compatible to surrounding properties while promoting a visually appealing mixed-use corridor linked to the regional transportation network.

Proposed Future Land Use (Map 3 – Topeka Future Land Use)



Existing Land Use



PUD16/5 Reser's Fine Foods Master PUD Plan



Aerial



CPA16/1 - Comprehensive Plan Amendment - Reser's Fine Foods



December 2, 2016

PUD16/05
by Reser's Fine Foods, Inc.

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

PLANNING COMMISSION DATE: Monday, December 19, 2016

APPLICATION CASE NO

PUD16/5 – Reser’s Fine Foods Planned Unit Development

REQUESTED ACTION / CURRENT ZONING:

Rezoning from “RR-1” Residential Reserve District and “C-2” Commercial District **ALL TO** “PUD” Planned Unit Development (I-1 use group)

APPLICANT / PROPERTY OWNER:

Reser’s Fine Foods

APPLICANT REPRESENTATIVE:

Paul Leavy, Reser’s Fine Foods
Kevin Holland, Cook, Flatt, and Strobel Engineers

PROPERTY ADDRESS & PARCEL ID:

Generally lying at the northwest intersection of SE 6th Street and SE Croco Road. More specifically:

3728 SE 6th Avenue/PID: 1083404001033000
545 SE Croco Road/PID: 1083404001033040
535 SE Croco Road/PID: 1083404001033030
PID: 1083404001033010

PARCEL SIZE:

25.93 acres (four parcels)

STAFF PLANNER:

Annie Driver, AICP, Planner II

PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY:

Construct 403,000 sq. ft. food processing and packaging facility/warehouse distribution center in two phases and will add approximately 350-380 employees for both phases. Phase 1 (318,000 sq. ft.) is scheduled for 2017-18. Phase 2 is 85,000 sq. ft. and will contain a warehouse/distribution building. (*The 10th Street/Deer Creek Parkway plant will be remodeled and will shift the employees to this new plant. In the long term, the 10th Street plant will be put back into operation and add new employees.)

DEVELOPMENT / CASE HISTORY:

The property is currently located in unincorporated Shawnee County and has remained zoned “RR-1” Residential Reserve District and “C-2” Commercial District as far back as records indicate. The “C-2” property was developed in 1994 for a gas station and car wash. The “RR-1” property has a single residence and is farmland.

A17/1 - Annexation case and CPA17/1 - Comprehensive Plan Amendment case are heard in conjunction with this rezoning request and require approval along with the rezone.

PHOTOS:



Convenience store



Single Family Residence



Car wash

**PUD MASTER PLAN ELEMENTS
(PROPOSED):**

**DEVELOPMENT PHASING
SCHEDULE:**

Phase 1 is scheduled for 2017-18. Phase 2 is scheduled for 2022-2028. Phase 1 consists of the 318,000 sq. ft. food processing and packaging facility, stormwater detention, road and sidewalk improvements, and associated parking. Phase 2 consists of 85,000 sq. ft. warehouse/distribution and remaining parking.

GENERAL NOTES:	The property will be platted prior to issuance of new building permits.
PARKING, CIRCULATION & TRAFFIC:	Required: 1 stall per 600 sq. ft. up to 25,000 sq. ft.; 1 stall per 1,000 sq. ft. for each thereafter. Phase 1- 335 required; Phase 2- 85 required. 488 stalls are provided. 21 bike rack stalls are required; 24 are provided.
BUILDINGS, SETBACKS, AND DESIGN:	The PUD plan establishes a minimum 30 ft. perimeter setback around the boundary of the subject property. The actual building setbacks are 200 ft. from SE 6 th Street 120 ft. from SE Croco, and 400 ft. from the north property line.
LANDSCAPING:	A 20' or greater landscape parking lot setback is provided along both street frontages. A 5 foot tall berm is provided along street frontages. A generous landscape plan demonstrating compliance with TMC 18.235 and emphasizing an attractive mix of deciduous trees, evergreen trees, and shrubs has been submitted. Staff will approve the landscape plan at the site development plan review stage.
SIGNAGE:	See attached exhibit.
BUILDING ELEVATIONS:	See attached exhibit
PROJECT DATA:	<u>Use:</u> "I-1" use group for "Manufacturing and Processing, Types I and II only.
VARIANCES REQUESTED:	None

COMPLIANCE WITH DEVELOPMENT STANDARDS AND GUIDELINES

The Master PUD Plan establishes development standards and guidelines, as indicated above.

OTHER FACTORS

SUBDIVISION PLAT:	The existing convenience store and car wash are partially platted as Cope Subdivision #6. The remainder of the property is unplatted. Approval of a plat is required prior to issuance of a building permit.
TRANSPORTATION/MTPO:	SE 6 th Street is classified as a minor arterial and is a full five lane arterial street extending east of the K-4 Highway/6 th Street interchange. SE Croco Road is classified as a minor arterial and is two lanes north and three lanes south of SE 6 th Street. There are currently no sidewalks along SE 6 th or SE Croco. The nearest bus stop is located inside the City limits at 6 th /Rice, approximately ½-mile from the site. The planned bicycle route #1 does not extend along

SE 6th past Rice Road. Upon annexation, the applicant will work with Topeka Metro to provide an on-site bus stop or bus stop on SE 6th Street.

KDOT Traffic Counts (2014): SE Croco Road south of intersection - 4,510 average daily trips (ADT); SE 6th Street west of Rice Road - 5,665 ADT; Rice Road north of SE 6th - 1,275 ADT.

UTILITIES:

Water: There is an 8" water main along SE 6th and Croco that will serve the site and is adequate. Upon annexation, the developer will make any improvements to the existing water line if further capacity for Fire suppression is necessary.

Sanitary sewer: There is an 8" sewer main extending to this site from SE 6th Street and is adequate to serve the site, but upon annexation this main will need to be re-routed at developer expense.

Waste Water Treatment: A waste water treatment building and equalizing tank to eliminate odors is located on the west side the site and to the rear of the building. An industrial discharge waste water pre-treatment permit is issued by the City of Topeka through an EPA mandate for any user exceeding a flow of 25,000 gallons/day (i.e. Reser's).

FLOOD HAZARDS, STREAM BUFFERS:

The property is not affected by a stream buffer or flood zone.

HISTORIC PROPERTIES:

There are no "listed" historic properties in the neighborhood.

NEIGHBORHOOD MEETING:

The applicant held a Neighborhood Information Meeting on Thursday, December 1, 2016. The applicant's report to the City is attached. Key issues heard at the meeting included: The rural and residential character of the area; the effects an industrial use has on the character; traffic associated with operations and employees; property values, noise, odors, air pollution, and stormwater flooding.

In addition to Reser's representatives and City staff, approximately 50 people attended the meeting. Many of these people expressed frustrations about the project and questioned the process. Some asked that the public hearing not be held December 19th, but continued to a later date due to the holiday season.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

ENGINEERING/STORMWATER:

Detention and stormwater treatment for water quality are required. The Stormwater Report and Management Plan addressing both water quantity and quality has been submitted. The report has been accepted by the Utilities Division for water quality. The report is still under review by the Engineering Division for water quantity. The Stormwater Report addressed the 2, 10, 50, 100 year events and proposes an "Extended Dry Detention Basin" at the northwest corner of

the property that will hold water and release it at pre-development rates or less. An "Extended Dry Detention Basin" holds water for longer periods (40 + or – hours) to let pollutants settle.

ENGINEERING/TRAFFIC:

A Traffic Impact Analysis (TIA) was completed by the consultant as required by the City Traffic Engineer. The TIA addressed the surrounding street system and existing traffic conditions from Deer Creek Parkway to K-4/Oakland Expressway. The TIA is not complete and has not been approved, but recommends the following:

- A 205 ft. westbound right-turn deceleration lane (w/ 120 ft. taper) on SE 6th Street for truck access;
- Improving SE Croco Road to five lanes (including adding a 5 ft. sidewalk along the along the property's length of frontage);
- Providing and extending 5' sidewalks along the north side of SE 6th to connect with sidewalk at Rice Road.

All improvements shall be completed by the developer prior to issuance of a Certificate of Occupancy. The City Traffic Engineer has accepted these recommendations, but requires an updated TIA addressing the remaining deficiencies in the report.

FIRE:

The Fire Department will review future plans prior to construction for access and fire suppression requirements.

DEVELOPMENT SERVICES:

A Building Permit is required with each phase of development.

KEY DATES

SUBMITTAL:

November 4, 2016

NEIGHBORHOOD INFORMATION MEETING:

December 1, 2016

LEGAL NOTICE PUBLICATION:

November 23, 2016

PROPERTY OWNER NOTICE MAILED:

November 23, 2016

STAFF ANALYSIS

CHARACTER OF THE NEIGHBORHOOD:

The character of the immediate neighborhood is predominantly residential and rural in character lying within unincorporated Shawnee County. The exception to this residential character is the arterial corridor of SE Croco and SE 6th Avenue. The south side of SE 6th is developed for a mix of commercial/industrial uses that includes a Casey's gas station and convenience store and custom cabinet manufacturing warehouse (31,000 sq. ft.). There is existing "C-4" zoning that is part of the mobile home park on the south side of SE 6th Street. The residences surrounding the site lie on 1 to 3 acre parcels or larger rural acreages. A 55-acre residential mobile home park lies on the south side of SE 6th Street. There are parcels containing smaller scale commercial and warehouse/storage uses near the intersection of SE 6th and Rice Road and 6th and Croco Road.

The PUD Master Plan contains requirements and design elements such as ample building setbacks, landscaping berms, and architectural features to help preserve the area's residential character.

ZONING OF PROPERTIES NEARBY:

The zoning of surrounding properties is "RR-1" Residential Reserve District to the west, north, and east. The zoning of the commercial properties at the intersection corners of the SE 6th/Croco intersection is "C-2" Commercial District. The mobile home park lying south of SE 6th is zoned "M-2" Multiple-Family Dwelling District. The intersection of SE 6th/Rice Road comprises the "O&I-1" Office and Institutional Districts and "C-4" Commercial Districts. A 5.7 acre property along the south side of SE 6th is zoned "I-1" Light Industrial for use as a cabinet manufacturing warehouse, the building which comprises only half of the entire site area

LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER THE PRESENT CLASSIFICATION:

The gas station and car wash facility were constructed in 1994 and have been vacant for at least one year. Prior to 1994, the properties were undeveloped and vacant. The single-family residence on the remaining 21 acre tract of land was constructed in 1920 and has remained residential since that time. The property has also been used for agricultural purposes. The property is unplatted except for the land containing the vacant convenience store and car wash.

SUITABILITY OF USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED:

There are other uses suitable on the subject property other than to those which they have been restricted under "RR-1" Residential Reserve and "C-2" Commercial zoning. The "RR-1" zoning district is intended to allow for the gradual development of urban uses while providing for the coexistence of agricultural farmland based upon the availability of municipal services. In theory, "RR-1" zoning is reserved for future development. Once platted and annexed those areas should be rezoned to an appropriate urban zoning district. The subject properties are adjacent to the city limits where the full range of urban infrastructure is readily available (sewer, water, roads, Fire, Police). City policies recommend these areas should be annexed prior to development. The site is easily accessible to and from the major highways of K-4, I-70 and the Kansas Turnpike. All infrastructure investments that have been made contribute to making the property as desirable for industrial uses dependent on excellent access to the major regional transportation network.

Although the investments have been made and the infrastructure is in place for industrial land uses, the subject property is still predominately surrounded by large-lot residential uses and residential zoning to the east and north. However, further west within the city limits and the East Topeka neighborhood, the character of the SE 6th Street corridor is mixed use in nature with large-scale employment uses, smaller scale retail/industrial, and a mobile home park. (*See attached existing land use map).

CONFORMANCE TO THE COMPREHENSIVE PLAN:

The subject property lies within Tier 3 of Topeka's Urban Growth Area (UGA). Map #3 – Topeka Future Land Use of the Land Use and Growth Management Plan 2040 (LUGMP) designates Tier 3 (and the subject property) as Urban Growth Area (Residential). The "Urban Growth Area (Residential)" category states "this area is meant for future primarily urban residential neighborhoods and is expected to systematically urbanize in a compact manner as the City of Topeka expands services and infrastructure in the future."

However, the "Urban Growth Area (Residential)" designation applies to Tiers 2 and 3 of the UGA and is a more general land use category when compared with the specific future land use categories designated within Tier 1. When Topeka's Land Use and Growth Management Plan 2040 was originally developed, detailed future land use planning did not occur for the land within Tiers 2 and 3 of the UGA (outside of the city) as was done for the areas within Tier 1 (inside the city). Therefore, it is appropriate to provide a more focused review in this area because of the subject PUD proposal and determine if any LUGMP amendments are warranted.

The LUGMP review is two-fold: 1.) Is annexation appropriate, and if so 2.) Is the land use appropriate?

The associated annexation case (A17/01) that is also being processed with this application concludes: The community has made significant investments in infrastructure and services to support the urbanization of this area. City of Topeka water and sewer service is available. The City has also constructed a fire station to serve the area. Major transportation investments have been made which include the improvement of SE 6th Street to a 5-lane section and also the construction of the Oakland Expressway, which connects the area to US Hwy. 24 and I-70. Annexing and developing the property is consistent with the long range goals and policies of the LUGMP and allows the city to grow in a compact and affordable manner.

The associated Comprehensive Plan Amendment case (CPA17/1) to the LUGMP's Future Land Use section is required along with the zoning change. It recommends the text/map be amended to reflect a "6th Avenue/Street Mixed Use Employment Corridor" as follows:

SE 6th Avenue/Street Mixed Use Employment Corridor

This category applies to the mixed use employment corridor along SE 6th Ave/Street from Deer Creek Parkway to SE Croco Road. A key consideration for this designation is that this area already has mixture of employment related uses, some that are large-scale employers. A portion of the corridor lies with the existing city boundary where all 5 urban services (fire, police, water, sewer, and roads) are present. The area that lies outside the city, but within the Topeka Urban Growth Area, also has all 5 urban services present and available for urban development.

The continued development of this corridor for mixed use employment related land use generates significant return on the investment the community has made in infrastructure and services and continues the large/small-scale residential/non-residential character along SE 6th Street corridor.

This category permits employment related land use if developed as a Planned Unit Development (PUD) with high standards to mitigate the impacts of the industry from residential. The standards should include landscaping, site design, operational, and building design considerations that meet the goal of a "clean" land compatible to surrounding properties while promoting a visually appealing mixed-use corridor linked to the regional transportation network.

THE EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTAL AFFECT NEARBY PROPERTIES:

The change in zoning has the potential to detrimentally affect nearby residential properties because of changes in character, noise, odor, pollution, lighting, stormwater, traffic, and other visual impacts.

The Master PUD Plan mitigates these potential physical negative effects through the use of a 5-foot tall landscape berm with landscaping along public street frontages, signage restrictions, screening of mechanical equipment, restricting truck loading and unloading to the side and rear of the building, and building design considerations. The landscape berm will serve to buffer the building and parking areas from nearby residential uses. The building itself will be set back from property lines 200 ft. off of SE 6th Street and 120 ft. off of SE Croco Road. Outside storage and loading areas are restricted to the side and rear yards of the building. The PUD addresses building designs with the following note: "A minimum of 50 percent of the main entry of the front façade (east facing) shall be comprised of windows, door openings. The main entry of the front façade shall be treated with architectural finishes and be of high quality design. The 6th Street façade (south facing) shall contain a form of architectural variations with respect to materials, texture, relief, color, etc. Mechanical, heating, air conditioning/cooling, and roof mounted equipment shall be screened or not visible from public rights-of-way and shall be located to the side or rear yards." These design considerations will improve the appearance of the property along the visible street corridors.

The developer is making improvements to SE 6th and Croco that will off-set any negative impacts of the new plant and these improvements have been accepted by the City Traffic Engineer. However, additional information in the TIA will determine the full effect of traffic on SE 6th Street from this development. For example, there is no signal currently at 6th and Deer Creek Parkway and the TIA does not explain how truck trips are distributed between the existing facilities and

this proposed facility. A condition of transportation improvements consistent with the TIA recommendations is noted on the Master PUD Plan.

The plan's stormwater design proposes an "Extended Dry Detention Basin" located at the northwest corner of the property that will hold water and release it at pre-development rates or less. An "Extended Dry Detention Basin" holds water for longer periods (40 hours + or -) in order to let pollutants settle and, therefore, is both a stormwater quality and quantity feature.

Operationally, any detrimental effect on nearby properties is expected to be minimal. The loading docks, refrigeration/cooling system, and wastewater treatment building are shielded on the west side of the building, at least 760 ft. from the public rights-of-way and approximately 880 ft. from residential uses along SE Croco. The refrigeration and cooling system are located on the west side of the building rather than in the front of the building as is the case at the 6th and Deer Creek facility. This buffers noises that are associated with the refrigeration system. Additionally, the applicant indicates they will maintain 60 decibels at the property line (i.e. normal conversation tone as indicated by a decibel chart). The odors that may have arisen in the past generated by the 6th and Deer Creek plant were from wastewater treatment operations. These will be alleviated because of new technologies employed that did not exist with previous operations. The applicant indicates there is no air pollution created from the production as the only exterior gas is steam that emits through the cooking processes. KDHE has not had any violations or complaints from this applicant's existing permitted facilities in Kansas.

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:

The proposed off-site and on-site improvements will provide a gain to the public health, safety and welfare (i.e. street, sidewalk improvements). The sidewalk connection to SE Rice Road and the potential expansion of a Metro bus route to the site are significant benefits to public safety. The creation of the proposed 350 to 380 new jobs at this facility may ultimately have a positive economic impact on the public welfare and greater community at large. A manufacturing facility of this size creates jobs not only on-site, but has the potential to spawn and create new jobs for businesses providing services to the plant.

There is no clear definitive evidence to suggest this use will have a negative effect on surrounding property values. Staff researched property values of residential properties along SE Carnahan that are within the vicinity of SE 6th and Deer Creek Parkway (built 2005) and compared values both pre- and post- the existing Reser's development. This comparison did not show any substantial indicators that would suggest this development alone contributed to a negative impact on the property values for the nearby residential properties. There is a significant hardship on the owner to find another appropriate 25 acre site with access to existing utilities, roads, highways, and that is still within proximity to the existing plant and distribution center.

AVAILABILITY OF PUBLIC SERVICES:

All essential public utilities, services and facilities are available to the area and will be extended or re-routed at developer expense.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:

The Master PUD Plan establishes development standards and guidelines as indicated. A subdivision plat is required prior to building permit issuance in accordance with the City of Topeka's Subdivision Regulations.

STAFF RECOMMENDATION

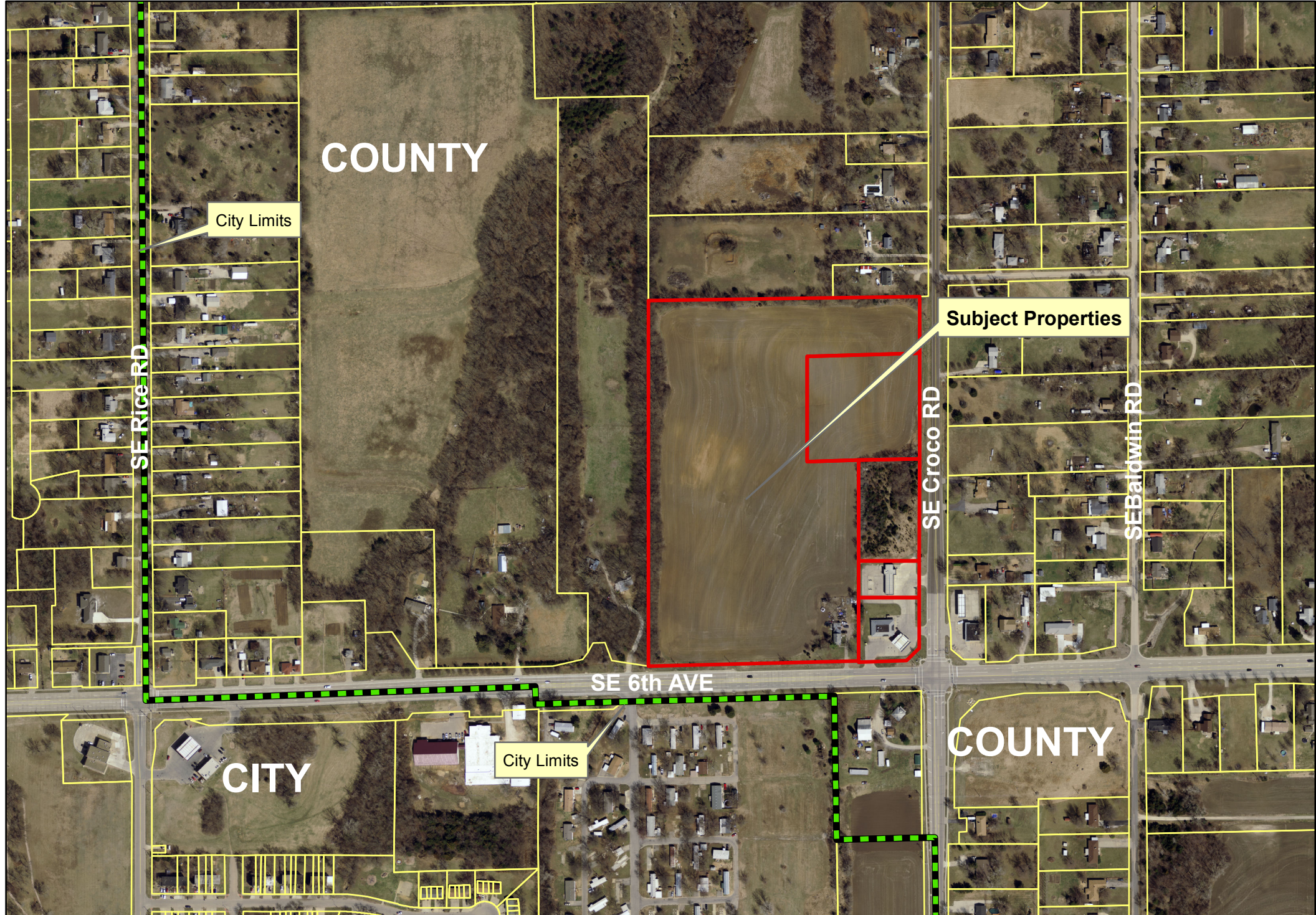
Based upon the above findings and analysis Planning Staff recommends **APPROVAL** of this proposal **subject to the following conditions** and in conjunction with A17/1 Annexation and CPA17/1 Comprehensive Plan Amendment.

1. Use and development of the site in accordance with the Master Planned Unit Development Plan for Reser's Fine Foods as recorded with the Office of the Shawnee County Register of Deeds.
2. Approval and acceptance of the Stormwater Management Report by the Department of Public Works and Utilities. The plat, site development plan and required permits shall incorporate design improvements and practices as concluded by the approved Stormwater Management Report.
3. Approval and acceptance of the Traffic Impact Analysis by the Department of Public Works. The plat, site development plan and required permits shall incorporate design improvements and practices as recommended by the TIA.
4. Revising Phase 1 note under Development Phasing Schedule to state: “. . . *Construction of 5 ft. sidewalk along the north side of SE 6th Street to connect with the sidewalk that terminates just east of Rice Road. Construction of 5' sidewalks along the length of the properties frontages on SE Croco Road and SE 6th Street.*”
5. Correcting misspelling under Circulation, Parking, and Traffic note #6 and revising this note to state: “*All improvements required by the Traffic Impact Analysis as approved by the City Traffic Engineer shall be completed by the developer prior to issuance of a Certificate of Occupancy for Phase 1. A revised Traffic Impact Analysis may be required by the City Traffic Engineer prior to development of Phase 2.*”
6. Removing General Note #6 as it is duplicated under Circulation, Parking, and Traffic.
7. Adding note to Signage Notes to state: “*Signage elevations to be approved at the time of sign permit application and shall be substantially compliant with those submitted as an exhibit to the Master PUD Plan.*”
8. Adding note to Building Notes to state: “*Building elevations to be approved at the time of site development plan review and shall be substantially compliant with those submitted as an exhibit to the PUD Master Plan.*”
9. Revising Building Notes #3 to state: “*A minimum of 50 percent of the main entry of the front façade (east facing) shall be comprised of windows, door openings. The main entry of the front façade shall be treated with architectural finishes and be of high quality design. The 6th Street façade (south facing) shall contain a form of architectural variations with respect to materials, texture, relief, color, etc. Mechanical, heating, air conditioning/cooling, and roof mounted equipment shall be screened or not visible from public rights-of-way and shall be located to the side or rear yards.*”
10. Changing minimum required setback to south and east property lines to reflect actual building setback on the site plan.
11. Labelling the “**circle**” above the Waste Water Treatment Building on the PUD graphic as “*Waste Water Treatment Equalizing Tank*”.
12. Adding note under Building Notes: “*The noise level of outdoor equipment shall be maintained to 60 decibels at the property line.*”
13. Adding note under Building Notes: “*Maintain acceptable minimum air quality standards as regulated by KDHE.*”
14. Adding note under Building Notes: “*There shall be no discernable odors emitting from the wastewater pre-treatment process beyond any property lines.*”

15. Moving General Note #5 to Building Notes and revising to state: *“The location of trash and recycling receptacles shall be determined at the site development stage to ensure trash areas are not overly concentrated, are effectively screened from public areas, and provide adequate circulation within the overall development. All said receptacles shall have enclosures that screen the receptacles from view and are constructed with materials compatible with the front façade of the principal building.”*
16. Adding note: *“Pursuant to TMC 18.190, the applicant must record the Master PUD Plan with the Shawnee County Register of Deeds within sixty (60) days upon approval of the Governing Body. Failure by the applicant to record the plan within the prescribed time period and provide the planning department with the required number of copies of the recorded plan within ninety (90) days of the date of action by the Governing Body shall render the zoning petition null and void.”*

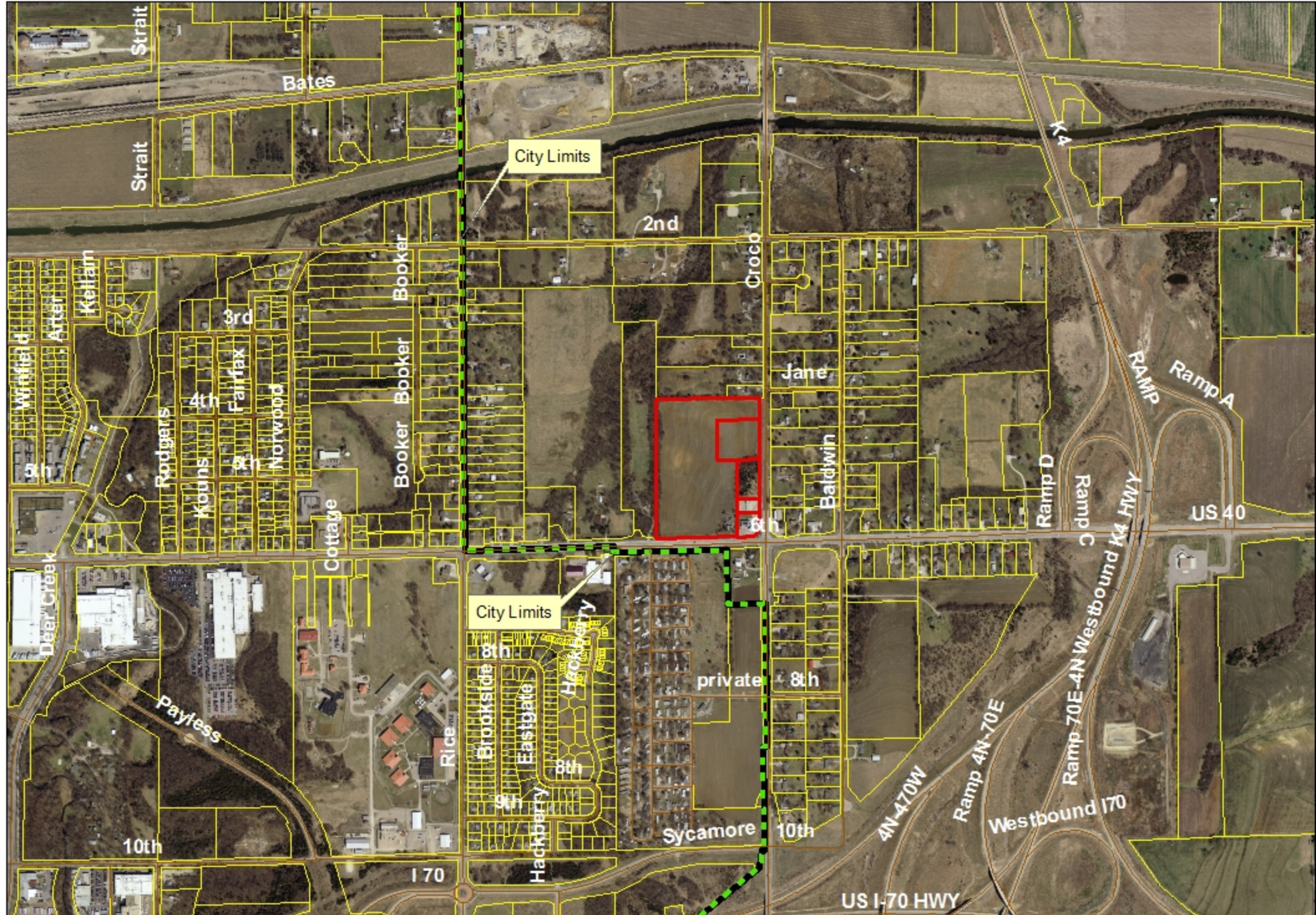
ATTACHMENTS:

Aerial Maps
Zoning Map
Master PUD Plan
Building Elevations
Sign Elevations
Existing Land Use Map
Schematic Landscape Plan
Memo from City Traffic Engineer
NIM meeting notes/written testimony



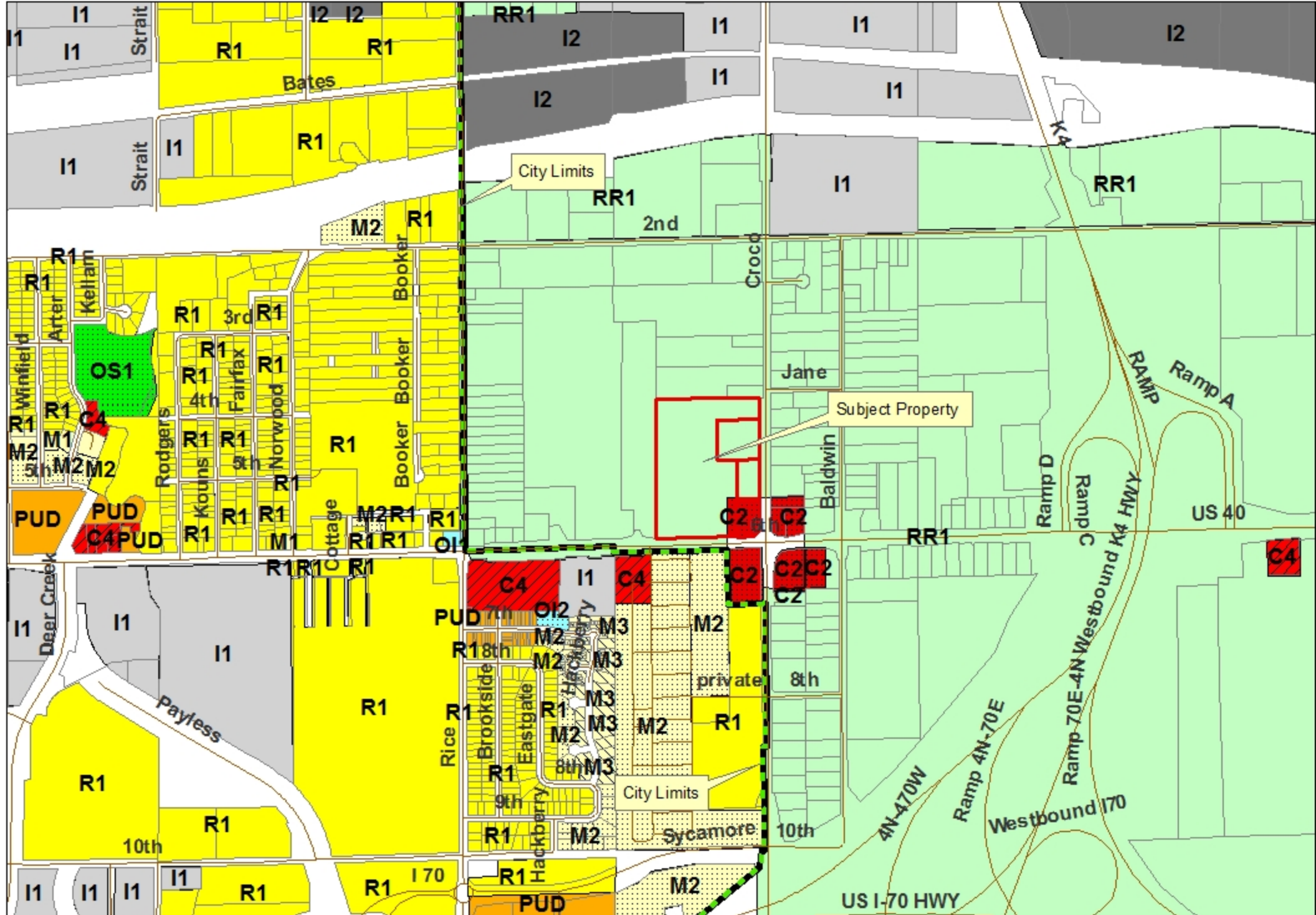
PUD16/5 Reser's Fine Foods- Planned Unit Development





PUD16/5 Reser's Fine Foods- Planned Unit Development





PUD16/5 Reser's Fine Foods- Planned Unit Development



RECORDED WITH THE SHAWNEE COUNTY REGISTER OF DEEDS

REBECCA J. NIOCE, REGISTER OF DEEDS

CERTIFICATION OF MASTER PUD PLAN APPROVAL

THIS PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN HAS BEEN REVIEWED AND APPROVED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18.190 OF THE COMPREHENSIVE ZONING REGULATIONS OF THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS AND MAY BE AMENDED ONLY AS PRESCRIBED IN TMC 18.190.070 OF SAID CHAPTER AND AS SET FORTH ON THIS DOCUMENT OR AS MAY SUBSEQUENTLY BE APPROVED AND RECORDED.

BILL FIANDER, PLANNING DIRECTOR

DATE

STATE OF KANSAS) ss
 COUNTY OF SHAWNEE) ss
 BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2016, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, CAME BILL FIANDER, PLANNING DIRECTOR, WHO IS PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE WITHIN INSTRUMENT OF WRITING, AND SUCH PERSON DULY ACKNOWLEDGED THE EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HEREBY SET MY HAND AND AFFIX MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

OWNER'S CERTIFICATE

RESER'S FINE FOODS INC. OWNER, AGREES TO COMPLY WITH THE CONDITIONS AND RESTRICTIONS AS SET FORTH ON THE MASTER PUD PLAN.

IN TESTIMONY WHEREOF, THE OWNERS OF THE ABOVE DESCRIBED PROPERTY, RESER'S FINE FOOD INC. HAS SIGNED THESE PRESENTS THIS _____ DAY OF _____, 2016.

PAUL LEAVY, CHIEF FINANCIAL OFFICER
 RESER'S FINE FOODS INC.

DESCRIPTION

INSTR: 2016R17250

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 11 SOUTH, RANGE 16 EAST OF THE 6TH P.M. SHAWNEE COUNTY, KANSAS DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER, THENCE SOUTH 88 DEGREES 32 MINUTES 38 SECONDS WEST (ASSUMED BEARING) ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, 250.20 FEET; THENCE NORTH 0 DEGREES 21 MINUTES 22 SECONDS EAST, 60.02 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 32 MINUTES 38 SECONDS WEST ALONG THE NORTH RIGHT OF WAY LINE OF US-40 HIGHWAY, 707.69 FEET; THENCE NORTH 0 DEGREES 00 MINUTES 00 SECONDS EAST, 1225.96 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 957.55 FEET TO THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 0 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, 186.49 FEET; THENCE SOUTH 88 DEGREES 32 MINUTES 38 SECONDS WEST, 403.50 FEET; THENCE SOUTH 0 DEGREES 00 MINUTES 00 SECONDS WEST, 350.00 FEET; THENCE NORTH 88 DEGREES 32 MINUTES 38 SECONDS EAST, 153.59 FEET TO THE NORTHWEST CORNER OF COPE SUBDIVISION NO. 4; THENCE SOUTH 0 DEGREES 01 MINUTES 22 SECONDS WEST (MEAS) SOUTH 0 DEGREES 00 MINUTES 00 SECONDS WEST (PLAT) ALONG THE WEST LINE OF COPE SUBDIVISION NO. 4, 665.14 FEET TO THE POINT OF BEGINNING.

AND

INSTR: 201618725

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 11 SOUTH, RANGE 16 EAST OF THE 6TH P.M., SHAWNEE COUNTY, KANSAS DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 725.00 FEET AND SOUTH 88 DEGREES 32 MINUTES 38 SECONDS WEST 30.00 FEET TO THE WEST RIGHT OF WAY LINE OF SE CROCO ROAD AND THE TRUE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 350.00 FEET PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 88 DEGREES 32 MINUTES 38 SECONDS WEST 373.50 FEET; THENCE SOUTH 0 DEGREES 00 MINUTES 00 SECONDS WEST, 350.00 FEET; THENCE NORTH 88 DEGREES 32 MINUTES 38 SECONDS EAST 373.50 FEET ALONG THE NORTH LINE OF COPE SUBDIVISION NO. 4, EXTENDED, TO THE POINT OF BEGINNING.

AND

COPE SUBDIVISION NO. 4, SHAWNEE COUNTY, KANSAS.

AND

COPE SUBDIVISION NO. 6, SHAWNEE COUNTY, KANSAS.

PERFORMANCE OBJECTIVE

TO CONSTRUCT A FOOD PROCESSING AND PACKAGING FACILITY WITHIN A RESIDENTIAL/AGRICULTURAL SETTING WHILE REASONABLY ACCOMMODATING THE OWNERS OF THE FACILITY AND SURROUNDING NEIGHBORHOOD.

DEVELOPMENT SCHEDULE

PHASE I (2017-2018) - CONSTRUCT 318,000 SF FACILITY, CONSTRUCT DECELERATION LANE INTO WEST ENTRANCE OFF SE 6TH ST., WIDENING OF SE CROCO RD. TO ACCOMMODATE INDUSTRIAL WIDTH 3 LANE ROADWAY THROUGH THE NORTH ENTRANCE ON SE CROCO AND IMMEDIATELY TAPERING TO EXISTING WIDTH. (NOT SHOWN). CONSTRUCT SIDEWALK ON SE 6TH ST TO CONNECT TO WALK ON SE RICE RD

PHASE II (2022-2028) CONSTRUCT 85,000 SF STORAGE AND DISTRIBUTION BUILDING THAT WILL BE ATTACHED TO THE PHASE I MAIN STRUCTURE. (NORTH OF EXISTING BUILDING WITHIN EXISTING PARCEL)

PROJECT DATA

CURRENT ZONING: RR-1, C-2
 PROPOSED ZONING: I-1 USES FOR WAREHOUSING/DISTRIBUTION AND MANUFACTURING AND PROCESSING, TYPES I AND II ONLY. ALL OTHER USES LISTED IN 18. 60 ARE NOT PERMITTED.

MINIMUM LOT AREA: 10,000 SF
 MAXIMUM DENSITY: N/A PER I-1 STANDARDS
 MAXIMUM BUILDING COVERAGE RATIO: 85%
 TOTAL STRUCTURES (PROPOSED): SINGLE STORY BUILDING
 TOTAL MAXIMUM BUILDING AREA: 317,190 SF
 281,000 SF PRODUCTION
 27,850 SF OFFICE/EMPLOYEE SERVICE
 640 SF COVER OUTDOOR BREAK AREA
 5,000 SF COVERED TRASH COLLECTION AREA
 2,700 SF AMMONIA ROOM
 PARCEL SIZE: 25.93 ACRES
 PARKING CALCULATIONS: PH I & PH II
 488 SPACES PROVIDED (479 STANDARD + 9 HANDICAP)
 417 REQUIRED (1 SPACE / 600 SQ. FT UP TO 25,000 SQ. FT.; 1 SPACE / 1000 SQ. FT. THEREAFTER)
 24 BIKE SPACES PROVIDED

GENERAL NOTES

- THE BASE ZONING OF I-1 SHALL APPLY UNLESS OTHERWISE STATED
- NO BUILDING PERMITS SHALL BE ISSUED UNTIL INDIVIDUAL SITE DEVELOPMENT PLANS SUBJECT TO TMC 18. 190. 060(C) HAVE BEEN REVIEWED AND APPROVED BY THE PLANNING DIRECTOR. THESE SITE PLANS SHALL ADDRESS INDIVIDUAL BUILDING SITE LOCATIONS, OFF-STREET PARKING AND INTERNAL CIRCULATION, FIRE HYDRANTS, LANDSCAPING, PEDESTRIAN CONNECTIVITY, EXTERNAL LIGHTING, SIGNAGE, BUILDING ELEVATIONS, UTILITIES, STORM WATER, RELATIONSHIP TO ADJACENT LOTS, ETC.
- NO BUILDING PERMITS SHALL BE ISSUED UNTIL THE PROPERTY IS PLATTED.
- NO BUILDING PERMITS SHALL BE ISSUED UNTIL STORMWATER MANAGEMENT PLANS PURSUANT TO TMC 13.335 ARE APPROVED, INCLUDING GRANTING OF ANY NECESSARY STORMWATER MANAGEMENT EASEMENTS.
- THE LOCATION OF ALL TRASH ENCLOSURES SHALL BE DETERMINED AT THE SITE DEVELOPMENT PLAN STAGE.
- ALL DRIVES, LANES, AND PRIVATELY OWNED ACCESS WAYS PROVIDING ACCESSIBILITY TO STRUCTURES, BUILDINGS, AND USES WITHIN THE PLANNED UNIT DEVELOPMENT SHALL BE CONSIDERED AND SERVE AS MUTUAL RIGHTS OF ACCESS FOR OWNERS, TENANTS, INVITED GUESTS, CLIENTS, CUSTOMERS, SUPPORTS AND UTILITY SERVICE PERSONNEL AND EMERGENCY SERVICE PROVIDERS, INCLUDING LAW ENFORCEMENT, FIRE PROTECTION, AND AMBULANCE SERVICES. ALL ACCESS WAYS PROVIDING GENERAL ACCESSIBILITY TO, AND CIRCULATION AMONG, THE USES WITHIN THE PLANNED UNIT DEVELOPMENT SHALL BE MAINTAINED AT ALL TIMES IN GOOD SERVICEABLE CONDITION WITH THE MAINTENANCE OF SAID ACCESS WAYS BEING THE RESPONSIBILITY OF THE OWNER(S).

UTILITY NOTES

- LIGHTING SHALL BE FULL CUT OFF, SHIELDED & RECESSED WITH CUT-OFF ANGLES TO PREVENT THE CAST OF LIGHTING BEYOND THE PROPERTY & NOT EXCEED 3 FOOT CANDLES AS MEASURED AT THE PROPERTY LINE. EXTERIOR LIGHTING SHALL FOLLOW ACCEPTED NATIONAL GUIDELINES FOR PARKING LOT LIGHTING (I.E. CPTED). THE TYPE, ILLUMINATION, POLE HEIGHT & QUANTITY OF NEW PARKING LOT LIGHTING SHALL BE APPROVED BY THE TOPEKA PLANNING DEPARTMENT AT THE TIME OF PERMIT APPROVAL BY DEVELOPMENT SERVICES. A FOOT CANDLE ANALYSIS WILL BE APPROVED AT THE SITE DEVELOPMENT PLAN STAGE.
- WATER AND SEWER WILL BE PROVIDED BY CITY OF TOPEKA. THE PROJECT WILL PROVIDE A LOOP FROM THE WATER MAINS ON 6TH & CROCO ALONG THE WEST AND NORTH OF THE PARCEL. FIRE HYDRANTS WILL BE ADDED NORTHWEST OF THE PROPOSED BUILDING. THE FIRE DEPARTMENT SHALL REVIEW AND APPROVE FUTURE PLANS SHOWING FIRE HYDRANT LOCATIONS AND FIRE ACCESS PRIOR TO THE START OF CONSTRUCTION.
- ALL UTILITIES SHALL BE PLACED UNDERGROUND PURSUANT TO THE CITY'S RIGHT-OF-WAY MANAGEMENT STANDARDS.

CIRCULATION, PARKING & TRAFFIC NOTES

- HANDICAP SPACES SHALL MEET MINIMUM ADA CRITERIA WITH A MINIMUM OF NINE(9) HANDICAP SPACES PER 401-500 PARKING SPACES.
- A 40 FT. SIGHT TRIANGLE, MEASURED FROM THE FACE OF CURB EXTENDED, SHALL BE MAINTAINED AT ALL ENTRANCES; NO OBSTRUCTIONS GREATER THAN (30) INCHES ABOVE GRADE OF ANY ADJACENT STREET OR ENTRANCE MAY BE PLACED WITHIN THIS AREA.
- ACCESS OPENINGS SHALL BE ALLOWED AS DEPICTED ON THE PLAN.
- ALL NEW DRIVES, STREETS, PARKING AREAS, APPROACHES AND WALKS SHALL BE CONSTRUCTED TO CITY OF TOPEKA STANDARDS.
- ALL DRIVES, LANES & PRIVATELY OWNED ACCESS WAYS PROVIDING ACCESSIBILITY TO STRUCTURES, BUILDINGS AND USES WITHIN THE PLANNED UNIT DEVELOPMENT SHALL BE CONSIDERED AND SERVE AS MUTUAL RIGHTS OF ACCESS TO OWNERS, TENANTS, INVITED GUESTS, CLIENTS, EMPLOYEES, CUSTOMERS, SUPPORT AND UTILITY PERSONNEL AND EMERGENCY SERVICE PROVIDERS, INCLUDING LAW ENFORCEMENT, FIRE PROTECTION AND AMBULANCE SERVICES. ALL ACCESS WAYS PROVIDING GENERAL ACCESSIBILITY TO, AND CIRCULATION AMONG, THE USES WITHIN THE PLANNED UNIT DEVELOPMENT SHALL BE MAINTAINED AT ALL TIMES IN GOOD SERVICEABLE CONDITION WITH THE MAINTENANCE OF SAID ACCESS WAYS BEING THE RESPONSIBILITY OF THE OWNER.
- ALL REQUIREMENTS OF THE TRAFFIC IMPACT ANALYSIS SHALL BE COMPLETED PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
- A TOPEKA METRO BUS SHELTER CONCRETE PAD AND/OR PULL OUT LANE MAY BE REQUIRED AS DETERMINED AT THE SITE DEVELOPMENT STAGE UPON FURTHER DETERMINATION BY THE CITY TRAFFIC ENGINEER AND THE TOPEKA METROPOLITAN TRANSIT AUTHORITY.

BUILDING NOTES

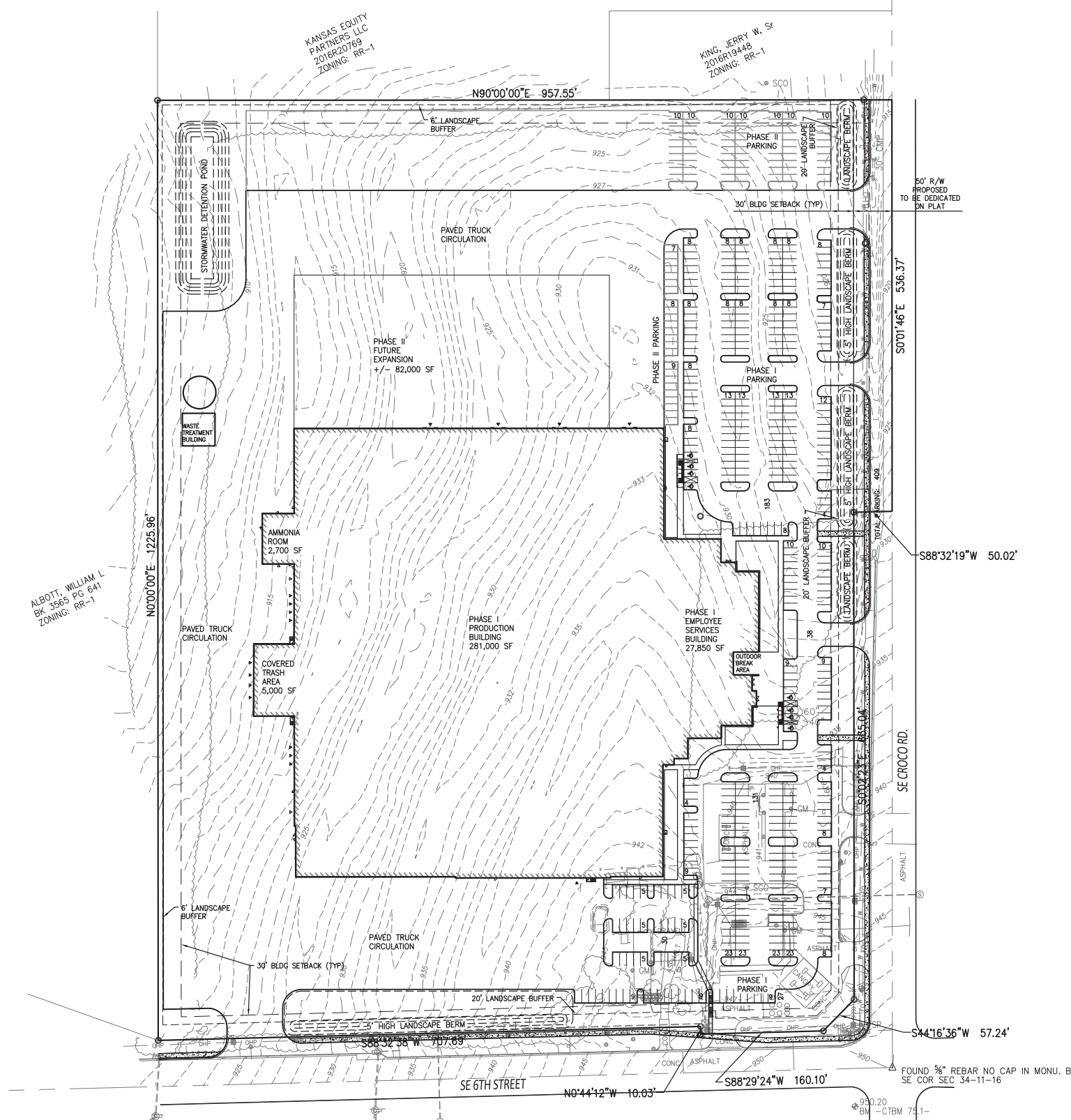
- ALL BUILDINGS/STRUCTURES SHALL BE CONSISTENT WITH I-1 ZONING REQUIREMENTS AND RESTRICTIONS.
- THE OUTSIDE STORAGE OF VEHICLES (OTHER THAN TRUCKS UNLOADING/LOADING), EQUIPMENT AND MACHINERY SHALL NOT BE PERMITTED. ALL DOCKS AND/OR LOADING AREAS SHALL BE ERRECTED TO THE SIDE AND REAR YARDS AND NOT FRONT ON TO ANY PUBLIC STREET RIGHTS OF WAY.
- A MINIMUM OF 50% OF THE MAIN ENTRY OF THE FRONT FACADE SHALL BE COMPRISED OF WINDOWS AND DOOR OPENINGS. THE MAIN ENTRY OF THE FRONT FACADE SHOULD BE TREATED WITH ARCHITECTURAL FINISHES. ADD MECHANICAL EQUIPMENT SHALL BE SCREENED OR NOT VISIBLE FROM PUBLIC STREET RIGHTS OF WAY.

LANDSCAPING NOTES

- ALL LANDSCAPING SHALL BE CONSISTENT WITH I-1 ZONING REQUIREMENTS AND RESTRICTIONS.
- LANDSCAPING SHALL BE PROVIDED CONSISTENT WITH TMC 18.235 LANDSCAPE REGULATIONS. THE SPECIFIC POINTS, TYPES AND QUANTITIES SHALL BE APPROVED BASED ON THE LANDSCAPE PLAN SUBMITTED AT THE SITE DEVELOPMENT PLAN REVIEW STAGE. "AN ATTRACTIVE MIX OF EVERGREEN TREES, SHRUBS, AND DECIDUOUS 'LARGE' TREES SHALL BE PROVIDED ALONG THE PROPERTY'S STREET FRONTAGES WITHIN THE 20 FT. LANDSCAPE SETBACK AND WHERE THE BUILDING AND/OR DEVELOPED AREA IS IMMEDIATELY ADJACENT TO RESIDENTIAL PROPERTIES.
- THE CARE, MAINTENANCE, AND OWNERSHIP OF COMMON OPEN SPACE, PARKING AREAS, UTILITIES, PRIVATE STREETS, ACCESS WAYS, STORMWATER MANAGEMENT EASEMENTS, FENCING, AND LANDSCAPING SHALL BE THE RESPONSIBILITY OF THE OWNERS. ALL LANDSCAPING SHALL BE INSTALLED PURSUANT TO PHASING SCHEDULE AND PROPERLY MAINTAINED. IF ANY PORTION OF THE LANDSCAPED MATERIAL DIES, IT SHALL BE REPLACED BY THE NEXT PLANTING SEASON.

SIGNAGE NOTES

- ALL SIGNAGE SHALL BE CONSISTENT WITH I-1 ZONING REQUIREMENTS AND RESTRICTIONS.
- SIGNS SHALL BE APPROVED BY SEPARATE SIGN PERMIT APPLICATION.
- NO PORTABLE OR TEMPORARY SIGNS ARE PERMITTED OTHER THAN REAL ESTATE SIGNS RELATING TO THE LEASE OR SALE OF THE PROPERTY.
- TMC 18, DIVISION 2 SIGNS SHALL GOVERN ALL OTHER SIGNS UNLESS SPECIFICALLY STATED HEREIN.



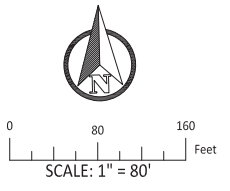
MASTER PLANNED UNIT DEVELOPMENT PLAN

RESER'S FINE FOODS EAST DEVELOPMENT

PROPERTY OWNER'S:
 RESER'S FINE FOODS INC.
 OWNER ADDRESS:
 P.O. BOX 8
 BEAVERTON, OR 97075

PROPERTY ADDRESS:
 3728 SE 6TH STREET
 TOPEKA, KS 66607

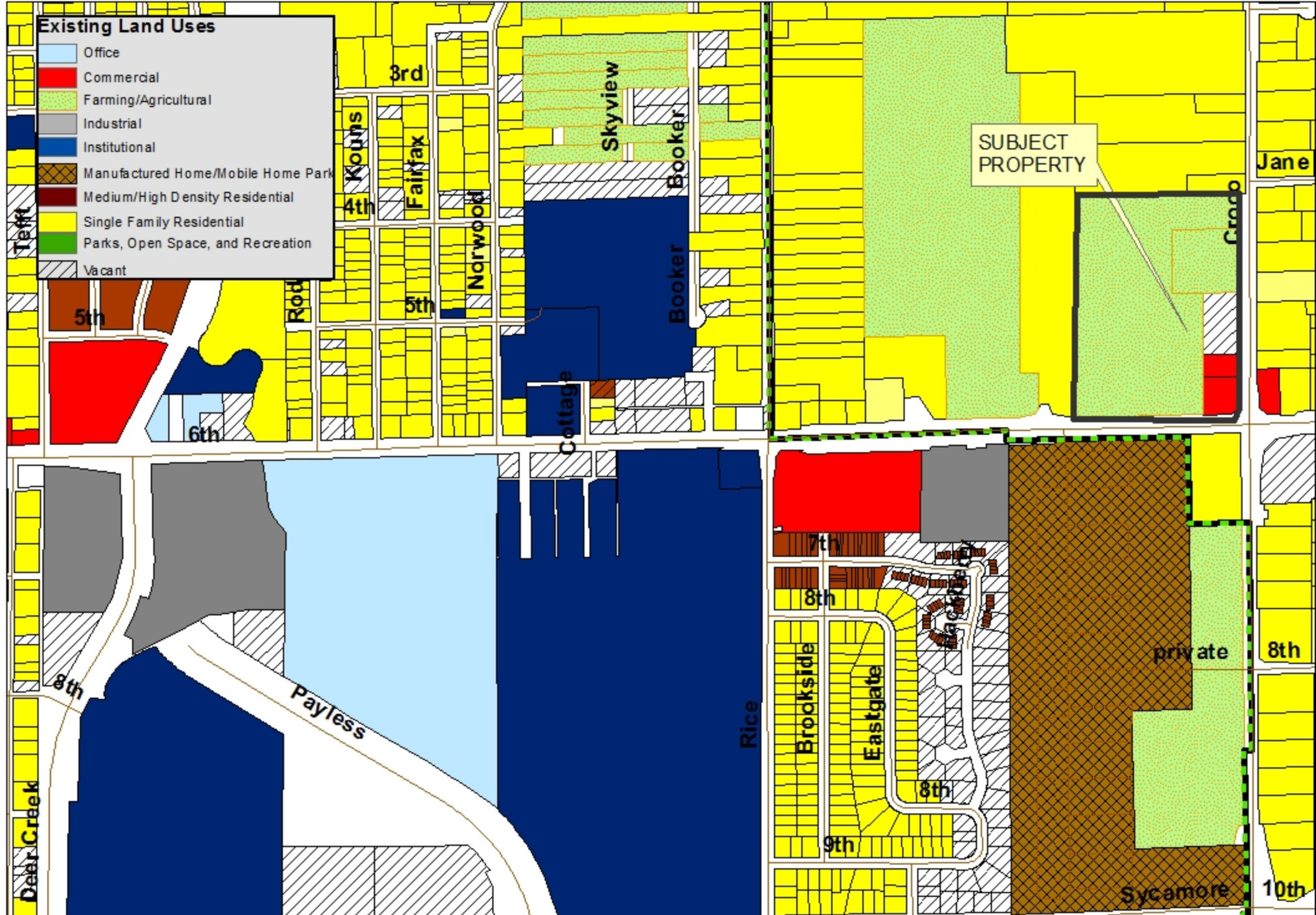
DATE:
 DECEMBER 2ND 2016



CFS ENGINEERS
 cfse.com
 2930 SW Woodside Dr. Topeka, KS 66614
 t: 785-272-4706 f: 785-272-4736

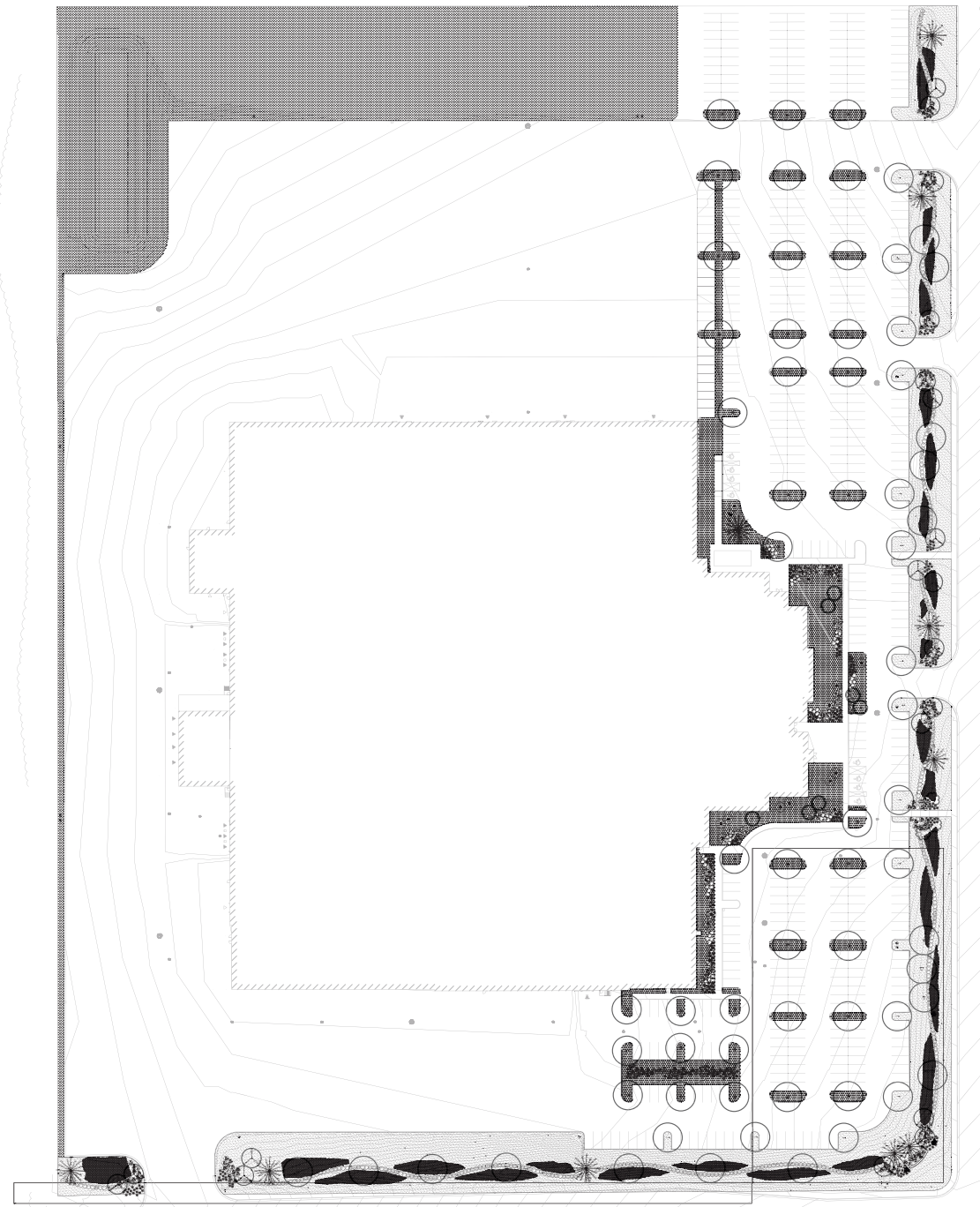
Existing Land Uses

- Office
- Commercial
- Farming/Agricultural
- Industrial
- Institutional
- Manufactured Home/Mobile Home Park
- Medium/High Density Residential
- Single Family Residential
- Parks, Open Space, and Recreation
- Vacant



PUD16/5 Reser's Fine Foods Master PUD Plan





PLANTING LEGEND

QUANTITIES ARE FOR OVERALL SITE

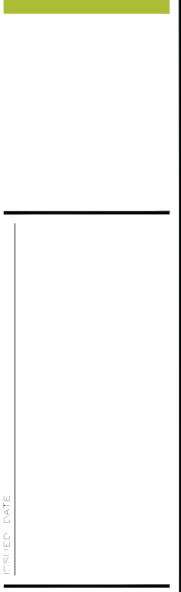
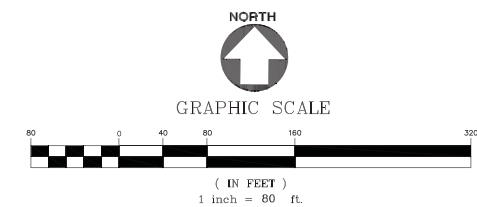
TREES	QTS.	SCIENTIFIC NAME / COMMON NAME
	—	LARGE SHADE TREE 1
	—	LARGE SHADE TREE 2
	—	LARGE EVERGREEN TREE 1
	—	ORNAMENTAL TREE 1
	—	ORNAMENTAL TREE 2
	—	ORNAMENTAL TREE 3
	—	ORNAMENTAL TREE 4
SHRUBS		
	—	LARGE SHRUB 1
	—	SMALL SHRUB 1
	—	SMALL SHRUB 2
GROUNDCOVER		
	—	GROUNDCOVER 1
	—	GROUNDCOVER 2
SEEDING		
	—	FIELDGRASS
ANNUALS/PERENNIALS		
	—	ANNUALS / PERENNIALS

TABLE OF POSSIBLE PLANT SELECTIONS

- TREES:**
 DAWN REDWOOD
 ELM
 PATMORE RED ASH
 BURGUNDY BELLE MAPLE
 EASTERN REDBUD
 SIBERIAN SPRUCE
 SKYROCKET JUNIPER
- SHRUBS:**
 ALLEGHANY VIBURNUM
 FLOWER CARPET ROSE
 OAKLEAF HYDRANGEA
 FRAGRANT VIBURNUM
 GOLDFLAME SPIREA
 ROSEY LIGHTS AZALEA
 PRINCE OF WALES CREEPING JUNIPER
 SAYBROOK JUNIPER
 BLUE PRINCE HOLLY
 BLUE PRINCESS HOLLY
 CRIMSON PYGMY BARBERRY
- ORNAMENTAL GRASSES:**
 FEATHER REED GRASS
 VARIEGATUS MAIDEN GRASS
- PERENNIALS AND ANNUALS:**
 MAY NIGHT SALVIA
 STELLA DORO DAYLILY

NOTES

LANDSCAPING SHALL BE PROVIDED CONSISTENT WITH TMC 18.235 LANDSCAPE REGULATIONS. THE SPECIFIC POINTS, TYPES AND QUANTITIES SHALL BE APPROVED BASED ON THE LANDSCAPE PLAN SUBMITTED AT THE SITE DEVELOPMENT PLAN REVIEW STAGE.



3835 SW 72ND AVE SUITE 200
 PORTLAND, OREGON 97224
 TEL: 503.227.1222
 FAX: 503.227.1170
 WWW.CIDAARCHITECTS.COM

SITE DEVELOPMENT FOR
RESER'S FINE FOODS EAST DEVELOPMENT
 6TH AND CROCO
 TOPEKA, KANSAS

CONCEPTUAL
 LANDSCAPE PLAN

L1.0
 J.E. NC. 17C212.01

© 2017 OIA, F.G./OIA. ALL RIGHTS RESERVED.

Subject:

Reser's Fine Foods, Inc.
Proposed Warehouse and Distribution Center
545 SW Croco Road Topeka Ks, 66607
CFS Project No. 16-5226
Traffic Impact Analysis
October 31, 2016

A review of the subject Traffic Impact Analysis has been completed. The following items need to be addressed before the TIA can be accepted as meeting the minimum requirements:

1. Site's trip generation and design hour volume data.
 - a. The PUD "Development Schedule" indicates Phase 1 will be a 318,000sf manufacturing facility and Phase 2 will be an additional 85,000 sf warehouse. The TIA says 307,000 sq ft building. Please correct the TIA. Please include the Phase 2 development in the TIA so that a second TIA will not be necessary when Phase 2 is developed. Phase 2 and Phase 1 may be combined in the TIA and not analyzed separately.
 - b. The TIA shows land uses 110 General Light Industrial, 150 Warehousing, and 715 Single – Tenant Manufacturing. Engineering and Planning Department staff believe the appropriate land use for Phase 1 (in total) is 140 Manufacturing and for Phase 2 is 150 Warehousing. Please revise the TIA accordingly
 - c. The trip generation in the TIA is based upon the number of employees. The TIA estimates a total of 350 to 380 employees in the first paragraph. The trip generation calculation was based upon a total of 182 employees. Use the total number of employees, not the estimated number of employees per shift.
 - d. Calculate the trip generation based upon the total number of employees and on the square footage of the buildings and use the most conservative values.
2. Trip Distribution and Traffic Assignment.
 - a. The TIA needs to show how the traffic entering and exiting the will be distributed over the site entrances and the surrounding roadway network
 - b. Will there be trucking operations between the existing Reser's facilities on SE Deer Creek and the proposed facilities? If so how much and describe this operation,
 - c. Will there a significant increase in truck traffic at SE 6th & Deer Creek Trafficway?
3. Existing and Projected Traffic Volume Information:
 - a. The TIA needs to include existing and projected traffic volume information. Projected site traffic will be for full development. Base traffic on the streets will be for the period of full development and for 20 years.

4. Capacity analysis for the period indicated in #3 above for all intersections, streets and driveways included up to arterial - arterial intersections in all directions around the site. Include analysis of the intersections of SE 6th & Croco and SE 6th & Deer Creek.
5. Is a traffic signal warranted at 6th & Deer Creek as a result of the development?
6. Discuss internal circulation and parking
7. Discuss need for Bike parking



2930 SW Woodside Drive
Topeka, Kansas 66614
(785) 272-4706 Office
(785) 272-4736 Fax

cfse.com

Other Offices:
Lawrence, Kansas
Kansas City, Kansas
Wichita, Kansas
Kansas City, Missouri
Branson, Missouri
Springfield, Missouri

December 7, 2016

Annie Driver, AICP, Planner II
City of Topeka Planning
620 SE Madison, 3rd Floor
Topeka, KS 66607

RE: Reser's Public Information Meeting Recap

RECEIVED
DEC 07 2016
TOPEKA PLANNING
DEPARTMENT

Dear Annie:

We held a Public Information Meeting for the proposed development located in the northwest corner of 6th Street and Croco Road. The meeting was held at Reser's Plant, 3215 SE 6th Street in Topeka. The proposed project is located one mile east of the Reser's location where the meeting was held. Thirty-seven (37) people signed in for the Attendance Record for the meeting, although many of the signees had family members with them. The major issues and concerns discussed were:

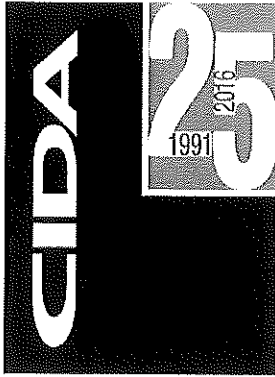
1. Noise involved with the new plant and traffic from the vehicles coming and going.
2. The smell associated with Reser's cooking operations.
3. Property valuations with a new industrial plant across the street from the homes on Croco.
4. Crime associated with industrial plants and the location of the houses near the plant.
5. Traffic increase and safety of vehicles on the proposed widening of Croco Road and the truck traffic entering and exiting the site from 6th Street.
6. Lighting of the proposed plant and overall aesthetics of the proposed project.
7. Drainage after construction of the new facilities and concrete on the existing farm field.
8. Existing location having a "residential feel" currently and industrial nature after construction.
9. Pollution of the proposed plant for the surrounding areas.
10. Concern for annexation of adjacent properties.

Included in this report are letters from residents (7) and sign-up sheets from the meeting (4).

If you have any questions, please contact us.

Sincerely,

Kevin K. Holland, P.E.



15895 SW 72ND AVE
SUITE 200
PORTLAND, OR 97224
PHONE: 503.226.1285
FAX: 503.226.1670
INFO@CIDAINC.COM
WWW.CIDAINC.COM

December 2, 2016

Memo:

RE: Reser's Topeka Croco and 6th Ave. Plant
CIDA #: 160213.01

RECEIVED
DEC 02 2016
TOPEKA PLANNING
DEPARTMENT

To: Ms. Driver
City of Topeka Planning Department

By: David G. Welsh AIA

This memo is in response to noise and odor issues discussed at a neighborhood meeting on December 1, 2016. Reser's is committed to addressing these issues and have worked diligently over recent years to improve the technology in these areas throughout their plants.

Noise:

Reser's has effectively managed noise levels on recent plant design and is exploring several options to reduce the noise levels that emanate from the refrigeration equipment for the new Topeka facility. We have hired a sound consultant to assist in developing plans to mitigate the noise from equipment and specifically the refrigeration system. We are looking at changing the fan pitch, change the direction of air flow upward and sound masking. The technology of refrigeration has developed since the Deer Creek facility and Reser is cognizant of their neighbor responsibility. To that end we are placing the refrigeration equipment at the northwest corner of the building to have minimal impact on the neighboring community. We have done research on noise ordinances and have found that many cities have a 60 decibel at the property line when abutting residential areas. Reser will strive to improve on that.

Odor:

Reser has just completed a new processing facility in Hillsboro, Oregon. As part of that development a production waste water system was designed to manage and reduce suspended solids, BOD and ph. This new facility is the latest technology in production waste water treatment. It has been in place for a year with no odor problems. Part of the technology was the redesign of the aeration system that adds more oxygen to the Equalization Tank allowing the "bugs" to work more effectively to eliminate the odor. This same facility technology will be utilized at the Croco site.

To further control odor, production solid waste is kept in a totally enclosed conditioned environment on the west side of the building. This enclosed area keeps waste out of sight, allows for control of the waste material and keeps any organic or other material from being introduced into the local environment. As with most industries, the technology and concerns for the environment have instituted better ways of handling waste to reduce impact on land fill and increase recycling activity.

ARCHITECTURE
ENGINEERING
PLANNING
INTERIORS



Kevin Holland <kholland@cfse.com>

Fw: Resers

1 message

Boomer Poyner <mrboomer187@yahoo.com>
Reply-To: Boomer Poyner <mrboomer187@yahoo.com>
To: kholland@cfse.com

Fri, Dec 2, 2016 at 3:29 PM

My name is Howard Poyner
242 SE Croco Rd 66607 (also own a home at 866 SE Eastgate Dr)

I will give you my opinion
about this new Reser's that is being discussed at
6th & Croco Rd.
As you can tell from my
address this new facility will be across the street and just
up the road a little bit. It will bring A LOT more traffic
and noise to a quiet neighborhood. With more traffic it
means more accidents.

Traffic is the
1st concern, there are several school busses that
travel is area every day, that will not be good with the
added semi traffic.
(traffic study or not this will not be safe)

2. A. concern
is the run off for storm water the area to the north of this
property does not have storm drains, it runs through our
yards and having this big of a cement slab just to the south
of us means we will certainly be
under water anytime it rains hard.

2. B. concern ... the
lagoon that is going to be on the property. Where will this
drain?? How will this water be treated?? It will certainly
have to drain north I believe.

3rd concern is
the disgusting smell that will be emitted from this
factory and all of the trash
around it. If you don't know what I'm
talking about I'd strongly advise you to take a stroll
down
SE 6th St in front Reser's other plant and
take a
look and sniff.

4th concern is
noise, this big of a manufacturing facility will be a big
noise problem from all of their machinery to all of the semi
truck pulling in and out right down to the beep beep beep
when they are backing up. This is
a quiet neighborhood now.

5th concern is
the potential of lowering our property values because nobody
wants to live that close to a large factory. (I sure as hell
would not have bought my house 4 years ago had I known this was even a possibility)

I have lived within 2

miles of 6th & Croco my entire lfe, my
mother was one of the 1st 3 homeowners in
Eastgate in 1970

I moved farther east to
get away from all of the hustle & bustle, noise, garbage
and traffic. This is where some of us are raising families
and did not want to be around a facility such as this.

Surely there is another
place in this city that is already zoned for commercial that
is better suited for everyone involved.

SO IN A NUTSHELL I STRONGLY OPPOSE
THIS BEING BUILT HERE & REZONING.

_____Howard Poyner _____-

***** I want my voice to be heard and hope
this city council meeting is not just for show and all the
residents opinion are taken into consideration.*****

Reser's PUD

1 message

jspiker1 <jspiker1@cox.net>
To: Engineer Kevin Holland/Reser's <kholland@cfse.com>

Sat, Dec 3, 2016 at 10:39 AM

Date: 12-3-2016

To: Kevin Holland, CFS Engineers

From: Lonnie and Janice Spiker, 526 SE Croco Road, Topeka, KS. 66605

Subject: Questions/Concerns for December 19, 2016 Planning Commission Meeting in the City Council Chambers, Topeka, KS.

PRIVACY FENCING:

CONSIDER: Putting a privacy fence from the beginning of the site at 6th St. and Croco Road to the North end of the site.

NOISE:

In numbers, what will the sound level be from the site ?

TRASH

The people working on the closed convenience store and the closed car wash are not being responsible for their trash. A Rapid Rubble large dumpster was there for weeks being full of items from the men working in the closed convenience store. Soon people were using it for old furniture, trash and etc. The dumpster was overflowing with an old household trash.

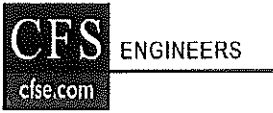
For weeks after looking at this mess, plus the trash ending on our property, we called Rapid Rubble and asked if they would consider picking it up as it was overflowing and trash blowing in the neighboring yards. The dumpster was picked up that same day. Rapid Rubble left an old large old couch sitting next to the gas pumps. Probably because the dumpster was so overflowing. The couch sat there for many days before being removed.

Is this how Reser's/Engineering/Workers will handle their trash ?

L-1 Zoning District Summary States:

This is a wide range of uses excepted specified uses which are obnoxious or offensive by reason of **odor, dust, smoke, gas or noise**. The permitted uses are highly intensive. In general, residential dwellings are not permitted in this district, but there are exceptions.

What will the numbers be for **odor, dust, smoke, gas** ?



Kevin Holland <kholland@cfse.com>

resers plant expansion

1 message

randy coffman <r331@msn.com>

Sun, Dec 4, 2016 at 2:59 PM

To: "kholland@cfse.com" <kholland@cfse.com>

This is a letter of protest on the new resers plant proposal. I and all of my neighbors are against this expansion in our neighborhood.. One reason is noise because Croco rd is always having constant traffic down it now. Also the noise factor of the plant itself. And enviornmental pollution smells of foods polluting our air. And not to mention it will probably bring property values. And a constant stream of semi trucks up and down the road. This can be put somewhere else I'm sure not so close to housing areas. Also the other resers plant they built by deer creek blots out the sun its so tall. nobody wants this and we were not really consulted about this before they started it. Pretty dirty politics if you ask me. You want it put it by your house. No I don't think you would, Thanks Randy Coffman 331 se Croco rd

Reser's planned expansion

1 message

Mark Armstrong <marmstrong@usd343.org>
To: kholland@cfse.com

Sun, Dec 4, 2016 at 9:08 PM

Dear Kevin:

My name is Mark Armstrong and I live at 344 SE Croco Road, Topeka, KS. 66607. After attending the meeting at Reser's last Thursday, I have thought about several complaints that I have about the proposed expansion at 6th and Croco.

1. We just found out about the proposed expansion a couple of weeks ago. From all I have heard, this has been in the works for a long time before that. I thought that in a democracy that the government is supposed to represent ALL of the people, not just BIG business. The city government should have consulted with us a long time ago. This year the silent majority rose up to select a new President. I wish you would have been more mindful of the silent majority in Topeka over this controversial issue.
2. I am concerned about the noise pollution, air pollution and the amount of traffic that will increase in our area. The odors and noise from the current plant on 6th street are very overwhelming at times and not a good thing to live near. My wife and I bought this place over 3 years because it is a quiet and peaceful neighborhood with great neighbors. We were looking forward to retiring in such a peaceful setting. That now seems to be in danger of happening because of Reser's new plant right across the road from us.
3. Three shifts working 24 hours a day. That means shift changes and much noise when we are trying to sleep. We are not happy about this.
4. We were told at the meeting at Reser's on Dec. first that Croco road would be enlarged to a 3 lane road with curb and gutter. However, in reading other paperwork we understand that the plans are for a 5 lane road. Which is it? In any event, there will be an increase amount of traffic that will be very unsettling. We are not pleased with this aspect of the project.
5. Water run off. With so much pavement covering the acreage, a 1 inch rainfall will give thousands of gallons of rain water a need to drain. If it goes down Croco road to the north, there are many homeowners with low areas in their yards. What do you plan to do about potential runoff because of the hard surfaces on the new plant site?
6. We are concerned with the devaluation of our property. If we decide to sell our property in the next few years, there might not be anyone that is willing to pay us what we need to pay off our mortgage in full. Nobody will want to live across the street from the Reser's plant.
7. We are also concerned with the potential for increased crime.

These are some of our major concerns. There are a few other minor ones, but other people will probably mention them. I would encourage you and other members of the Planning Committee to consider these issues and remember that the people in this neighborhood are already stressed about the potential of the new plant being built in the midst of several residential areas. Please reconsider and vote against the planned expansion.

IN ADDITION, I HAVE A COUPLE OF QUESTIONS ABOUT THE MEETING ON THE 19TH OF DECEMBER.

1. CAN ANYONE IN THE NEIGHBORHOOD STAND AND SPEAK TO THE PLANNING COMMISSION FOR 4 MINUTES, OR CAN ONLY HOMEOWNERS WITHIN A CERTAIN NUMBER OF FEET OF THE PROPERTY HAVE THAT RIGHT?
2. DO WE HAVE TO SIGN UP AHEAD OF TIME IN ORDER TO SPEAK TO THE PLANNING COMMITTEE? (I HEAR CONFLICTING REPORTS ON THAT ISSUE.)

Thanks for your time and interest. I look forward to seeing you at the next meeting.

Respectfully,
Mark Armstrong
344 SE Croco Rd.
Topeka, KS

Proposed Reser's Food Processing Plant

1 message

deuan miller <deun65@yahoo.com>

Tue, Dec 6, 2016 at 7:53 PM

Reply-To: deuan miller <deun65@yahoo.com>

To: "Kholland@cfse.com" <Kholland@cfse.com>, "adriver@topeka.org" <adriver@topeka.org>

To whom it may concern:

We live at 520 SE Croco rd directly across the street from Reser's proposed new plant. The traffic this plant

will cause with cars and trucks will be terrific day and night. Lights will be blaring night and day.

Huge noisy fans

will be blowing all the time and the smell from making potato salad and any other food will be terrible as it is at the plant they have further west of us.

They plan on widening Croco rd and 6th street, but that will not eliminate all the traffic noise and confusion.

This area is a residential area with houses on both sides of Croco and 6th street. We have lived here for over 50 years and you know the value of our home and all the homes around us will be drastically depreciated.

Reser's also want to be taken into the city so they can have all the city amendments such as gas, water, and sewer. There is no reason for them to be able to change zoning for this property to put such buildings in the middle of mostly homes and housing. Please consider our plea to refuse this going request. Put yourself in our place and see if you would like this construction across the street from you.

This is a huge factory they are wanting to put in a residential area.

David and Virginia Martinson

Reser's zoning change

1 message

Jones, Trey <Trey.Jones@bnsf.com>

Wed, Dec 7, 2016 at 12:55 AM

To: "kholland@cfse.com" <kholland@cfse.com>, "adriver@topeka.og" <adriver@topeka.og>, "mghall@topeka.com" <mghall@topeka.com>, "ddiediker@topeka.org" <ddiediker@topeka.org>, "sortiz@topeka.org" <sortiz@topeka.org>
Cc: "Jones, Trey" <Trey.Jones@bnsf.com>, "kevin.cook@snco.us" <kevin.cook@snco.us>, "tbsjones@cox.net" <tbsjones@cox.net>

Mr. Holland,

Thanks for taking the time to meet with the neighborhood folks at the Reser's plant on December 1st. I live at 612 SE Croco rd., and I appreciate the opportunity to weigh in and add comment to your report being drafted for the Topeka Planning Department.

Obviously the neighborhood is not too excited about the potential of an industrial plant being built in the neighborhood, and I think that message was clearly, and at times unprofessionally, communicated that night. I think the concerns that we all share are obvious, and I don't think they differ from anyone else in the community if they were about to have a potato salad plant built next to, or across the street from them. I will offer several concerns that I have for my family, and then finish with a more personal reason as to why I am opposed to the zoning change.

- **Crime** – I understand from speaking with the TPD that they respond to disturbances at the Reser's parking lot someone often, and especially during shift change. The reasons for calls are many, but drugs usage or transactions, fights, and thefts would be the most common. Obviously the number of calls in the proposed new plant location is zero, so any increase in law enforcement calls, or the need for law enforcement presence, could be 100% up to 1000% increase, and maybe more, depending on the actual data once the plant is built.
- **Smell** – The current Reser's plant on 6th street is maintained well and I know that they put effort into keeping the plant clean, presentable, and being good stewards of the areas surrounding their plants. I spoke to a service technician from local service company who at the time of the story was unaware of where I lived. He told me a story about a call that he received from Payless Shoes not too long ago. The call was placed because they thought that there might be a sewer leak in the building due to a strong smell of sewage throughout. What the service technician ultimately found is that Payless had their fresh air intake dampers open, bringing air in from outside, which was coming from the Resers plant. No broken sewer line was found, and once the fresh air intake dampers were closed, the smell subsided. I am not trying to accuse Reser's of producing that smell all the time, but I am assuming that the plant will produce similar smells based on its manufacturing practices, intentional or not. These are not the type of smells I want in my house during the spring and fall when I have my attic fan on bringing in fresh air, or while out in the pool with my children during the summer.
- **Noise** – The Resers plant runs ammonia generators that are raised in the air approximately 25 feet. These mechanical devices are extremely loud, and produce a lot of noise in the area of the plant. The fans at one of the plants can be heard from my house at their current plant location if the wind is right. At its current state, the site being proposed for the new plant produces no noise aside from an occasional excessive acceleration from the stop light, or a freight train passing by when the wind is out of the north. Right now at night, I can sit on the deck around the pool, or on the back patio, and enjoy the sound of insects at dusk, or conversation with family and friends. I do not want to sit on back deck and listen to Reser's ammonia generators, or a Reser's semi-truck hooking up to or hauling trailers from the plant to the distribution center on Carnahan.

- **Property value** – It would probably be safe to assume that the property value of the houses in neighborhood of the plant would have their property values negatively impacted by the construction and operation of the plant. I did not want to just assume, so I had an appraiser come out to look at my house to give me the market value of my house with the neighborhood in its current condition. This information will be used to set a benchmark property value, and could be used in a future lawsuit if the value of the property is in fact affected by the construction of the plant should the zoning change be approved by the City of Topeka. In addition to the property value, the desirability for a buyer is all but gone, and the chances of current residents selling their homes once the plant is built is slim to none.

- **Attractiveness to other industrial plants further south** – Once industry is allowed to enter the area at 6th and Croco, there is a good potential that other corporations will find the area that is south of 6th street on Croco road attractive too. If other corporations don't see immediate value themselves, certainly JEDO would continue to consider the area for future industry.

- **Increased traffic** – I am not clear whether a traffic study was completed or not. You mentioned at the neighborhood meeting that one was done, but the paperwork submitted to the City contradicts that statement, and instead states that one was not completed. There is no arguing that passenger traffic in the area is going to be increased by employees coming and going to work, and at all different times of the day due to the shift schedules that Reser's maintains. This increase in passenger traffic from the Reser's plant will be in addition to the increase in traffic that the area will see due to the 300 employees that FUTAMURA plans to begin employing within the next couple months. In addition to passenger traffic, an increase in tractor trailer traffic will be certain, indicative of the roads surrounding the plant being widened to accommodate industrial sized lanes and trucks.

- **Increased lighting and overall aesthetics** – The area that the plant is being proposed to be built in is a dark agricultural area with the only current lighting coming from the dim lights inside the gas station, and the exterior lights on the farm house. This allows us to see stars at night, and enjoy the darkness of the county. If the plant is built, parking lot lighting will be necessary to reduce crime, move trailers, and make it possible to navigate around the plant. This lighting will light the area up like a stadium. This is obviously not desirable, and will cause a disruption to normal life in the area.

- **Choice of land** – Although I understand that the land chosen for the new plant was done so because it "made the most sense" for Reser's and was the easiest to acquire due to only having to buyout six property owners, being flat land, no rocks, city services already run to the site. It seems as though there are other options, better options, that would not only be less disruptive to the residents of the county, but would offer more convenience to the City of Topeka, and Reser's. I think these areas are already in the city limits, and are closer in proximity to the existing plant. These properties may not be as easy to acquire due to circumstances that the owners may be in, but I would think the City and owners could work together to get the deal done. The area of Eastgate shopping center, and surrounding apartments should be considered. Additionally the 35 acres owned by Forrest Park Retreat and Conference Center just south of the current salad plant would only require Reser's to acquire property from one owner and would not have an effect on any surrounding neighborhood. This would connect the Reser's plants on 6th street and the 10th street. There is also 22 acres owned by five different land owner immediately east of the existing burrito plant on 10th street. This area would be adjacent to the existing plant. There is also 32 acres of agricultural ground on 21st street between Carnahan and Wittenburg road that could be purchased and not affect any residential area. An argument could be made by Reser's that the land at 21st and Wittenburg or the land owned by Forrest Park Retreat and Conference Center is in a NEMA flood plane, which is true, but Reser's current salad plant on 6th street, and their tortilla plant on 10th street is currently in the same NEMA AE zone.

I purchased my house from my Grandfather after my Grandmother passed away. My Grandparents bought this house sometime round 1971, and this house became our family house in which all of our Easter, Thanksgiving, Christmas, and birthday dinners took place my entire life growing up. When my wife and I bought the house in 2001, we did so with the unwritten rule that we would continue to host the family dinners in the family house. We have kept that tradition alive even though our family has been blessed with over 35 people attending. The Reser's corporation is inadvertently and unintentionally disrupting our family traditions due to the fact that we may be forced to sell the family house based on the reason provided above.

It's no surprise when I say that I am in opposition of the zoning change and am requesting that either the Planning Department deny the request by Resers to change the zoning on the parcels being requested at 6th and Croco rd, or send letter to the City Council recommending that they deny the zoning change request. Additionally I would challenge the City of Topeka to work with Reser's to find another area to construct the salad plant, that is not in a residential area, and possibly clean up an area of the city that could use some revitalization and new industry.

Thank you for taking the time to read my concerns, and thanks in advance for including my comments in your report.

Thanks,

Trey Jones



Kevin Holland <kholland@cfse.com>

Concerns regarding Case #PUD16/5

1 message

Rebecca Cannon <jopari@gmail.com>
To: kholland@cfse.com, adriver@topeka.org



Wed, Dec 7, 2016 at 9:48 AM

Greetings,

We are emailing you regarding Case #PUD16/5 wherein Reser's Fine Foods has applied to rezone a 26 acre property at the northwest intersection of SE Croco Rd. and SE 6th Ave. We have done research and attached to this email is a document outlining these concerns in detail. We have provided identical documents in both .docx and .pdf format for your convenience.

Thank you.

2 attachments

-  **Concerns Regarding Reser's Case #PUD16 5.docx**
10K
-  **Concerns Regarding Reser's Case #PUD16 5.pdf**
82K

Subject: Concerns regarding Case #PUD16/5

Greetings,

We are emailing you regarding Case #PUD16/5 wherein Reser's Fine Foods has applied to rezone a 26 acre property at the northwest intersection of SE Croco Rd. and SE 6th Ave from a combination of RR-1 Residential Reserve District and C-2 Commercial District to an I-1 Light Industrial District. The applicant's plan for the property, should it be rezoned, is for it to serve as the site of a new 318,000 sq. ft. food processing and packaging facility, as well as an 85,000 sq. ft. storage and distribution building.

As residents within the affected area, we have these concerns and many more regarding the planned facility.

- **Pungent Odors and Air Quality**
- **Undue Burden on Homeowners and County Sheriff's Department From Increased Crime Originating From The Facility**
- **Disingenuous Phrasing Pertaining to Light Pollution and its Distressing Impact On Our Homes**
- **Significant Concern About Privacy In Our Homes**
- **Lack of Positive Impact on Current Deer Creek Location**
- **Massive Decline in Property Values and Likely Deterioration of Surrounding Area**
- **Catastrophic Failure To Abide By the 2040 Land Use and Growth Management Plan And Zoning Requirements**
- **Reasonable Expectations of our Neighborhood and Quality of Life**
- **Burden of Inevitable Traffic on the Roads to the North of the Property**
- **Waste Water Management and Burden on Existing Infrastructure**
- **Condition of Current Facility**
- **Conclusion**

Pungent Odors And Air Quality

The food processing and packaging facility that Reser's Fine Foods is planning to construct would be used to make prepared salad products similar to their other facility at Deer Creek. While driving by the Deer Creek Reser's Fine Foods plant, there is often a noticeable odor coming from it. This has been particularly noticeable in the last few months at night, where there has been an overwhelming odor of sewage.

After affected residents, including ourselves, voiced our concerns regarding the smell of the Deer Creek facility, Reser's Fine Foods appended a supplemental memo to their PUD regarding the odor and noise pollution of their manufacturing and processing plants. On the topic of produced odor, the memo states that the technology that facilitates production wastewater treatment has improved, and that the facility that was constructed in Hillsboro, Oregon in 2014 has been in place for a year with no odor problems. We are skeptical of the memo's claim however, as the Hillsboro, Oregon facility was constructed within Hillsboro's North Industrial Area Enterprise Zone. This zone is specifically for industrial uses with limited commercial uses, and no new residential uses are permitted. The memo never states what constitutes an "odor problem," but we think that it is fair to assume that there is a considerable difference between an "odor problem" for a facility residing in a purely industrial/commercial area and an "odor problem" for a facility that would be bordering a residential area.

Undue Burden on Homeowners and County Sheriff's Department From Increased Crime Originating From The Facility

Our neighborhood currently has absolutely nowhere near the amount of crime that surrounds the Deer Creek Reser's plant. The CPTED standards mentioned in the utility notes section of the PUD Master Plan acknowledge and address the reality of increased crime rates in facilities with large parking lots and high activity. With our homes directly across the street that are not landscaped / fully illuminated with the intention of deterring crime, there is the very real possibility of crime/theft escaping the boundaries of the isolated industrial setting and picking the less secure 'easier target' residential houses. Since the facility would be spot annexed into Topeka, it would stand to reason that the Topeka police department would handle crime on their property. However, any crime that would originate from Reser's and end up affecting our properties would be handled by the Sheriff's department. This is an unfair burden on their officers and staff and to us, the homeowners who will no longer have any peace of mind and who will be forced to invest in making our properties more secure.

Disingenuous Phrasing Pertaining to Light Pollution and its Distressing Impact On Our Homes

The amount of visible light that will be coming from the plant is a very serious concern for this neighborhood. There is currently no artificial lighting coming from the plot of land under consideration, and there are also very few street lights within the surrounding area on Croco. The site plan states that the lights will be "full cut off" and "not exceed 3 foot candles luminance past the property line." This seems to be worded to imply that we will not see any visible light from the facility in our homes. However, the CPTED standards mentioned in the same section are standards for parking lot lighting intended to reduce the historic dramatic increase in crime rates surrounding a large amount of parking space. It seems disingenuous to use a standard of "illumination of an area" in this case to claim that their lighting will not be obtrusive to "our properties". Their lighting may not provide more than three foot candles of direct illumination to our properties across the street, but it will still be fully visible and distressing from the front yards and windows of all of our houses that are directly facing it.

Significant Concern About Privacy In Our Homes

The fact of the proposed facility directly facing our houses brings up a huge privacy concern as well. The PUD Master Plan states that there will be a "Minimum of 50% of the main entry of the front facade shall be comprised of windows and door openings". There is also a planned 640 square foot outdoor break area on the same side. These elements, combined with the foot traffic from the parking lot, are all in direct visibility of the front side of our homes. The updated PUD Master Plan shows planned 5 foot landscaping berms in the areas that are not roads. It is unclear whether they are suggesting them to be 5 feet wide and flat or 5 feet tall, but even if they intend for them to be 5 feet tall, this is still not tall enough to address privacy concerns. The proposed addition of trees to the berms would also not be mature enough for additional privacy for quite a long time.

Lack of Positive Impact on Current Deer Creek Location

The distance between our neighborhood and Deer Creek may seem insignificant when viewing it terms of miles, but our economic situation, quality of housing and quality of life are incomparable. The neighborhood plans for all of the neighborhoods in and around the Deer Creek plant are almost entirely in "intensive care" status, with very high crime rates and very high rates of poverty. Even though these neighborhoods have not been healthy since before Reser's established themselves there, their presence has clearly not improved the situation. It has been historically shown that the presence of industrial type facilities dramatically lowers the property values of the surrounding homes.

Massive Decline in Property Values and Likely Deterioration of Surrounding Area

Property values are of utmost concern for all residents of our neighborhood. Potential buyers will be at best "put off" by the industrial setting, and at worst, will assume that our neighborhood is an extension of the critically ill neighborhoods around Deer Creek and avoid viewing the homes entirely when listed at current market value. If a home is forced to sell for well below previous market value or simply be left unsold and unoccupied, there is a very real concern that the quality of the neighborhood would deteriorate.

Catastrophic Failure To Abide By the 2040 Land Use and Growth Management Plan And Zoning Requirements

As previously mentioned, the rezoning application is for converting a property that is currently a combination of RR-1 Residential Reserve District and C-2 Light Commercial District into an I-1 Light Industrial District. The description of an I-1 Light Industrial District specifically states that **no residential uses are permitted**. Given that only a small section of the property is marked as C-2 and the majority of the property is marked as RR-1, this rezoning seems to go against the specifications of an I-1 district. The 2040 plan states that an annexation must be consistent with the Comprehensive Plan, and industrial uses must be limited to the Employment Tier. Our neighborhood is classified as Service Tier 3 and a Residential Urban Growth area. This is clearly an extreme deviation from long term expectations.

Reasonable Expectations of our Neighborhood and Quality of Life

Since we live outside of the city limits, we have a low level of noise in our neighborhood. This is especially true at night, where the only noise is the occasional vehicle driving by. After talking to some of our neighbors at the public meeting, we learned that some residents in the neighborhood even moved here specifically for the lack of noise. The Deer Creek facility emits noise at all hours, and it can be assumed that the planned facility would as well due to its similarities. If this rezoning is approved, the quality of life for every resident in the entire neighborhood would be dramatically decreased due to the constant barrage of sound coming from the plant.

After hearing our concerns at the public meeting regarding the noise pollution of the Deer Creek plant, Reser's Fine Foods appended a memo regarding the noise output of the planned facility. The memo states that recently constructed plants emit less noise than the Deer Creek facility, and that they are exploring options for decreasing the noise of the plant such as changing the fan pitch and moving the placement of the refrigeration equipment further away from the property line. Regardless of whether these steps decrease the level of noise coming from the plant, the fact remains that the plant would be a consistent source of noise in an area that was

previously isolated from industrial noise. The end of the relevant section of the memo even admits this where it states that they will try to "improve" on the maximum volume limit set by city ordinances.

Burden of Inevitable Traffic on the Roads to the North of the Property

Reser's claims that they will widen Croco up to the north edge of their property and no further, and they see no opportunity for "pass by traffic" - However, this assessment seems to assume that all workers will not arrive there or go back home by travelling north, whether to Oakland or up to North Topeka. It is foolish to think that the part of Croco that is north of the facility will not be significantly impacted. Shawnee County will then be forced to provide a significantly increased amount of maintenance for the affected roads in their jurisdiction, but they won't see any benefits since the taxes taken from the money generated by the project will go to the city.

Waste Water Management and Burden on Existing Infrastructure

The 2040 Land Use Plan states that rezoning should not be permitted if the increase in waste water is significantly more than what the land was previously used for. They have addressed the water runoff, but there would be an incredible amount of water that will be used and discarded for the processing of food, whether that water is treated at the facility or not. The Land Use Plan also states that it should not be an "undue burden on the surrounding infrastructure". It seems very unlikely that the city water hookup intended for a small gas station would be anywhere near sufficient for the needs of a giant industrial building. Judging by the state of our non-working fire hydrant across the street and the GasTrip that frequently smells of sewage inside, it also seems unlikely that any significant maintenance has been performed on those water/sewer lines for quite some time.

Condition of Current Facility

The parking lot of the Deer Creek Reser's facility where the Public Information Meeting was held was full of litter and trash as we walked into the building, and the air had a very distinct odor to it. Their turbines were also still producing a significant amount of noise well after the meeting had concluded. This was a very poor impression to be leaving on the residents of the neighborhood that they are attempting to pacify.

Conclusion

To summarize, the proposed plan claims to want to "work with the residents of the neighborhood", but the problem lies entirely in that statement. It is grossly inappropriate for an industrial facility to attempt to rezone and annex into the city a Service Tier 3 Residential Urban Growth Area into a Light Industrial District, especially since there are no projected plans for industrial growth in this area. This seems to be a clear case of spot zoning with special interests in mind, to the willfully blind detriment of the area surrounding it.

Thank you for your time and consideration in this matter.

Residents of the Affected Neighborhood

Re: Reser's planned expansion

1 message

Kevin Holland <kholland@cfse.com>

Wed, Dec 7, 2016 at 2:11 PM

To: Mark Armstrong <marmstrong@usd343.org>

Thank you for your comments Mark. I wanted to answer your questions.

1. CAN ANYONE IN THE NEIGHBORHOOD STAND AND SPEAK TO THE PLANNING COMMISSION FOR 4 MINUTES, OR CAN ONLY HOMEOWNERS WITHIN A CERTAIN NUMBER OF FEET OF THE PROPERTY HAVE THAT RIGHT?

- Anyone can speak at the public hearing about the issue.

2. DO WE HAVE TO SIGN UP AHEAD OF TIME IN ORDER TO SPEAK TO THE PLANNING COMMITTEE? (I HEAR CONFLICTING REPORTS ON THAT ISSUE.)

- You DO NOT have to sign up to speak. They will ask people to speak on each position.

Thank you,

Kevin Holland, PE
Vice President



Kevin K. Holland, P.E. | CFS Engineers

2930 SW Woodside Drive | Topeka, KS 66614

O: 785.272.4706 | f: 785.272.4736

M: 785.221.5313 | cfse.com

CONFIDENTIALITY AND PLAN NOTICE:

All information received in electronic format should be verified with the signed and sealed plans for accuracy. This information is to be used at your sole discretion as Cook, Flatt & Strobel Engineers, P.A. will assume no liability for its format or content. The content of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message or their agent, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.

On Sun, Dec 4, 2016 at 9:08 PM, Mark Armstrong <marmstrong@usd343.org> wrote:

Dear Kevin:

My name is Mark Armstrong and I live at 344 SE Croco Road, Topeka, KS. 66607. After attending the meeting at Reser's last Thursday, I have thought about several complaints that I have about the proposed expansion at 6th and Croco.

1. We just found out about the proposed expansion a couple of weeks ago. From all I have heard, this has been in the works for a long time before that. I thought that in a democracy that the government is supposed to represent ALL of the people, not just BIG business. The city government should have consulted with us a long time ago. This year the silent majority rose up to select a new President. I wish you would have been more mindful of the silent majority

in Topeka over this controversial issue.

2. I am concerned about the noise pollution, air pollution and the amount of traffic that will increase in our area. The odors and noise from the current plant on 6th street are very overwhelming at times and not a good thing to live near. My wife and I bought this place over 3 years because it is a quiet and peaceful neighborhood with great neighbors. We were looking forward to retiring in such a peaceful setting. That now seems to be in danger of happening because of Reser's new plant right across the road from us.
3. Three shifts working 24 hours a day. That means shift changes and much noise when we are trying to sleep. We are not happy about this.
4. We were told at the meeting at Reser's on Dec. first that Croco road would be enlarged to a 3 lane road with curb and gutter. However, in reading other paperwork we understand that the plans are for a 5 lane road. Which is it? In any event, there will be an increase amount of traffic that will be very unsettling. We are not pleased with this aspect of the project.
5. Water run off. With so much pavement covering the acreage, a 1 inch rainfall will give thousands of gallons of rain water a need to drain. If it goes down Croco road to the north, there are many homeowners with low areas in their yards. What do you plan to do about potential runoff because of the hard surfaces on the new plant site?
6. We are concerned with the devaluation of our property. If we decide to sell our property in the next few years, there might not be anyone that is willing to pay us what we need to pay off our mortgage in full. Nobody will want to live across the street from the Reser's plant.
7. We are also concerned with the potential for increased crime.

These are some of our major concerns. There are a few other minor ones, but other people will probably mention them. I would encourage you and other members of the Planning Committee to consider these issues and remember that the people in this neighborhood are already stressed about the potential of the new plant being built in the midst of several residential areas. Please reconsider and vote against the planned expansion.

IN ADDITION, I HAVE A COUPLE OF QUESTIONS ABOUT THE MEETING ON THE 19TH OF DECEMBER.

1. CAN ANYONE IN THE NEIGHBORHOOD STAND AND SPEAK TO THE PLANNING COMMISSION FOR 4 MINUTES, OR CAN ONLY HOMEOWNERS WITHIN A CERTAIN NUMBER OF FEET OF THE PROPERTY HAVE THAT RIGHT?
2. DO WE HAVE TO SIGN UP AHEAD OF TIME IN ORDER TO SPEAK TO THE PLANNING COMMITTEE? (I HEAR CONFLICTING REPORTS ON THAT ISSUE.)

Thanks for your time and interest. I look forward to seeing you at the next meeting.

Respectfully,
Mark Armstrong
344 SE Croco Rd.
Topeka, KS

CITY OF TOPEKA SIGN IN SHEET

Open House			Date:
Name Company	Address	Phone Number (s)	E-Mail
Lannie Spiker	526 SE Croco Rd ^{Topeka} 66607	785 234-9503	LSpiker7@cox.net
Beverly Clark	337 SE Croco	785 608-4374	belark4374@gmail.com
Pat & Lohelle Rehrman		379 5168	Lot 35 00 H 40
Mark Armstrong	344 SE Croco Rd.	785-845- 6484	MARMSTRONG@USD343.com
Lila Amaty))	785 354 1488	larluarm@aol.com
Stephanie Cannon	416 SE Croco Rd	785-233-8022	Stephanie.Cannon@washburn.edu
Sheila & Gordon Summers	432 SE Croco Rd	785 357 0853	gsummers@ku.edu
Shelby Lynn Bengtson	432 SE Croco Rd	785 357 0853	shelby.bengtson@washburn.edu
Alone Shively	3729 SE Croco Rd	785-231-7144	alone.shively@gmail.com
James Griford	3825 SE 2nd st	785-817-6000	JGriford10@yahoo
KEVIN COOK	1512 SW 3rd	2514107	
John Flory	714 S. E. Croco Rd	785 233 1715	
Howard Poyner	242 SE Croco Rd	633-3290	
Howard Poyner	866 SE Eastgate	633-3290	
Ben Heiserman	432 SE Baldwin Rd.	260-1582	ben.heiserman@cox.net
Sandra Campise	416 SE Croco Rd	785 233-8022	Candyapple35@yahoo.com
MIKE HALL CITY	620 SE MADISON	368-3007	mghall@topeka.org
DAN WATSON	"	"-306	dwatson@topeka.org

CITY OF TOPEKA SIGN IN SHEET

Open House Date:

Name Company	Address	Phone Number (s)	E-Mail
Virginia & Les Haslett	533 SE Baldwin Rd	740-6701 234-9104	
Debra McRay	246 SE Croco	220 5985	
Floyd & Louise Rockers	3620 SE 6th St	354-1013	
<small>John &</small> Rose Classen	3915 SE 6th St	357-0505	
John Ashleg	525 SE Baldwin Rd	580-5976	
Melvin Jones	612 SE Croco rd	409-8011	Trey. Jones @bnsf.com
Andrew Abbott	3636 SE 6th	785-285-1678	
PATRICK BLANKENSHIP	TOPEKA METRO	785-233-2011	p.blankenship@topekametro.org
Ann Driver	City Planning		adriver@topeka.org

8

CITY OF TOPEKA SIGN IN SHEET

Open House

Date:

Name Company	Address	Phone Number (s)	E-Mail
Grain Plaster	345 SE Baldwin Rd	785 875-233-0432	
Virginia Markovina	520 S.E. Croco Rd	785-233-9875	
Doris N. Martin	520 SE Croco Rd	785 2339875	
Wiggle Junk	916 SE Croco Rd	785-233-1916	Wiggle@com.net
Tom & Dianne Plemmons	713 SE Baldwin Rd	785-213-2445	tomplemons@sbcglobal.net
Rebecca Cannon	416 SE Croco RD	785-207-4799	rebecac@gmail.com
Justin Araspiger	416 SE Croco Rd.	785-217-5386	justin.araspiger@gmail.com
Brett Caleb	529 SE Baldwin rd	_____	_____

CITY OF TOPEKA SIGN IN SHEET

Open House	Date: 12-1-16
-------------------	-------------------------

Name Company	Address	Phone Number (s)	E-Mail
Kelley C. Land	438 SE Rice	220-1404	N/A
Stephani A. Land	438 SE Rice	224-6553	N/A

CU16/06
by City of Topeka

Staff Report – Conditional Use Permit Topeka Planning Department

PLANNING COMMISSION DATE: Monday, December 19, 2016

APPLICATION INFORMATION

APPLICATION CASE NO: CU16/6 – City of Topeka Utilities Department

REQUESTED ACTION / CURRENT ZONING: A Conditional Use Permit (CUP) for “**Public Utility Facility, Type II (Water Pump Station)**” on property presently zoned “R-1” Single Family Residential, as indicated by TMC 18.60 Use Matrix.

APPLICANT / PROPERTY OWNER: City of Topeka

APPLICANT REPRESENTATIVE: Angela Sharp, PE; Bartlett & West

PROPERTY ADDRESS & PARCEL ID: South East corner of SE 5th Street and SE Norwood Avenue/
108340319001000

PHOTO: *(Photos taken with Google Maps)*



PARCEL SIZE: 0.15 acres (6,750 sq. ft. approximate)

STAFF PLANNER: Michael Hall, AICP, Current Planning Manager

PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY:

The City of Topeka Utilities Department proposes to construct a water pump station. The visible elements of the pump station include a 600 square foot building (approximate height of 12'); access to the site by a 21.25-foot wide driveway from SE 5th Street; a 5-foot high steel entrance gate at the driveway entrance; and new landscaping.

The new pump station will replace the existing station located at the Rice Community Center property located about 280 feet to the east. The existing station does not contain a building. The existing pump station has reached the end of its designed life and thus needs to be replaced. The Utilities Department identified the subject property as the best, most effective location for a pump station.

DEVELOPMENT / CASE HISTORY:

The property is currently vacant.

ZONING AND CHARACTER OF SURROUNDING AREA:

The site is surrounded by R-1 zoning on all sides. The character of the surrounding area is largely residential with one-story detached single family residents predominant. There is a church on the south side of the property and the Rice Community Center, a county facility, to the northeast at the end of SE 5th St.

COMPLIANCE WITH DEVELOPMENT STANDARDS AND GUIDELINES

BUILDING SETBACKS:

In this zoning district (R-1) the required minimum building setbacks are 30' front (Norwood side), 7' side, and 30' rear. Setbacks from property lines adjoining street right-of-way are required to meet front setbacks.

The proposed building meets the above setbacks for the west, south, and east sides. The proposed setback from the north property line, at SE 5th Street, is 19'. Planning staff have accepted the proposed 19' building setback from SE 5th Street as it can be designed to satisfy TMC 18.230.030 (f) which provides for a reduced setback on existing lots of record (plat recorded in 1923) if the development:

- 1) *does not conflict with . . . the comprehensive metropolitan plan or an adopted neighborhood plan;*
- 2) *is intended to complement the existing character and architecture of the surrounding properties in the neighborhood;* and
- 3) *will be consistent with the existing setbacks of buildings on the block face. Where variable building setbacks exist with respect to these properties, an average of the building setbacks may be applied. (Note: The average of the setbacks of building on adjacent blocks to the north, northwest, and west is approximately 17 feet.)*

According to the proposed exterior building elevations (see Architectural Plan & Details) the building as designed does not complement the existing character of the surrounding properties. The character is defined by residential buildings with sloped gable roofs and substantial eaves. The church building on the south side of the site has a relatively flat roof and a masonry exterior with windows. The proposed pump station building has no windows, an exterior of EIFS (Exterior Insulation Finishing System) and a flat, thin-membrane roof with shallow eaves of less than 1 foot depth. In order to meet criterion #2 staff recommends a hip or gable roof with a minimum 3 to 12 pitch and asphalt shingle or similar roof.

OTHER DIMENSIONAL STANDARDS:

Maximum building height in the R-1 zoning district is 42 feet. The proposed building has a height of 12-13 feet.

OFF-STREET PARKING:

The Topeka Zoning Ordinance does not list a parking standard (quantity) specifically for a water pump station. The proposed parking is sufficient. As proposed 1 stall is provided for personnel and vehicular access limited to periodic maintenance and operations visits which will occur once per week.

LANDSCAPING:

The CUP Landscape plan demonstrates compliance with TMC 18.235 Landscape Regulations. Based on developed area, 34.5 points are required. With some minor revisions the landscape plan will comply with the quantity (points) standard. Staff considers landscaping to be sufficient. However, the species of Juniper and size at planting along the north property line needs to be specified. The juniper needs to qualify as a tree.

SIGNAGE:

The CUP site plan (General Layout CUP Site Plan) includes a note stating approval of the sign, consistent with signs for public buildings, to be approved prior to issuance of a building permit. Staff recommends no illumination and size of no more than 12 square feet.

OPERATION CHARACTERISTICS:

The CUP site plan limits maintenance and operations of the site to once per week.

TMC 18.215.030, GUIDELINES FOR EVALUATION:

The guidelines relate to development density, height and floor area relative to surrounding structures, setbacks of surrounding structures, building coverage, functionality and safety of parking and circulation, stormwater management, building design, traffic and other operational characteristics, the Comprehensive Plan, and other applicable regulations.

Regarding these guidelines:

- The pump station will generate less traffic (fewer trips) than surrounding land use (SFD residential).
- The building is smaller and development is less dense than the existing development on surrounding lots.

- The building and parking meets required setbacks on the condition that the design of the building be modified. As designed, the relatively flat roof is out of character with the roof design of residential buildings in the area.
- Public facilities like this one are necessary and not unusual in residential districts.

PUBLIC FACILITES

TRANSPORTATION:

SE Norwood Avenue and SE 5th Street are classified as local streets and each have two lanes. There are no sidewalks along either street within one block or more in any direction.

UTILITIES:

There is an existing 12" water main in SE 5th Street along the north side of the site.

The CUP site plan does not depict light fixture locations and does not address light source type, pole height, or level of illumination.

OTHER FACTORS

SUBDIVISION PLAT:

Existing lots of record, Lots 118 and 120, Belmont Addition Subdivision.

FLOOD HAZARDS, STREAM BUFFERS:

None

HISTORIC PROPERTIES:

Not applicable

NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood information meeting on Tuesday, November 29, 2016 at Rice Community Center (432 SE Norwood). The property lies within the boundary of the East End Neighborhood Improvement Association (NIA). The NIA was invited and Planning Department informed the NIA of the application. Nobody attended the meeting other than the applicant, applicant's consultant, and Planning Department staff. The applicant's report on the information meeting is attached. Staff have received no comments from the public.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

Public Works /Engineering:

Facility generates no wastewater; connection to sanitary sewer not necessary.

Since the facility is a water pumping station, all water-related needs or requirements will be addressed by the project.

The increase in impervious surface is less than 10,000 sf and thus stormwater review for water volume is not required.

Location of driveway access is approved. Driveway approach shall be concrete per City standards.

Note: All of the above comments received at pre-application meeting.

Water Pollution Control:

Water quality measures are not required since the developed area is less than 1 acre. (pre-application meeting)

KEY DATES

SUBMITTAL:	November 4, 2016
NEIGHBORHOOD INFORMATION MEETING:	November 29, 2016
LEGAL NOTICE PUBLICATION:	November 28, 2016
PROPERTY OWNER NOTICE MAILED:	November 21, 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.

1. **The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies:**
The subject property lies within an area designated *Urban/Suburban Low Density Residential* by the Land Use and Growth Management Plan – 2040. This category is generally characterized with *“a cohesive display of single- or two-family development up to a maximum of six dwelling units per acre. (pg. 43)”*. The Land Use and Growth Management Plan recognizes the need for public facilities, including water pump stations, in predominantly residential areas to sustain existing residential development and support new residential development. Based on the conditions of approval the proposed development is consistent with the Land Use & Growth Management Plan.

2. **The character of the neighborhood including but not limited to: land use, zoning, density, architectural style, building materials, height, structural mass, sitting, open space and floor-to area ratio:** The neighborhood is characterized by detached single-family dwellings with sloped gable roofs and institutional buildings with masonry exteriors. The proposed pump station has a relatively plain exterior with no windows and a flat roof. With design changes pursuant to the conditions of approval the proposed pump station and associated improvements will be compatible with the character of the neighborhood.
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 development of the pump station, if designed appropriately, is not unusual in a residential district and will be harmonious with the existing residential zoning and land uses.
4. **The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations:** The subject property is small and, as a corner site, is difficult to develop for a residential use.
5. **The length of time the property has remained vacant as zoned:** The subject property has been vacant for 10 years or more.
6. **The extent to which the approval of the application would detrimentally affect nearby properties:** The water pump station will generate far fewer vehicle trips than a single family residence, which is allowed in this R-1 zoning district. With the proposed landscaping and conditions of approval requiring design changes for compatibility, the pump station will not detrimentally affect nearby properties.
7. **The extent to which the proposed use would substantially harm the value of nearby properties:** For the aforementioned reasons, including the low intensity of the land use and conditions on building design, the proposed pump station will not substantially harm the value of nearby properties.
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 pump station generates very little traffic and substantially less traffic than is generated by the existing residential and institutional uses allowed in the existing R-1 zoning district on surrounding properties. The proposed design satisfies parking requirements and the City of Topeka traffic engineer has no concerns about the proposed driveway access.
9. **The extent to which the proposed use would create excessive air pollution, water pollution, noise pollution or other environmental harm:** The proposed pump station has a minimal impact. It does not generate air or water pollution, and the noise it generates is minimal. The increase in impervious surface is less than 10,000 square feet and, therefore, there is no concern about stormwater drainage with respect to volume or quality.
10. **The economic impact of the proposed use on the community:** The water pump station is essential to the effective delivery of city water to users in the community. Therefore, subject to the recommended conditions the water pump station has a positive economic impact on the 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:** There is no apparent gain to the public health, safety and welfare by denial of the application since approval of the application will help to ensure the effective delivery of city water to users. Conditions of approval help to ensure that the water pump station maintains public health, safety, and welfare of the community.

STAFF RECOMMENDATION AND CONDITIONS OF APPROVAL

The project demonstrates compliance with 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. Based upon the above findings and analysis, Planning staff recommends **APPROVAL** of this application, **subject to the following conditions.**

1. Use and development of the site shall be in accordance with the approved Conditional Use Permit plans "General Layout CUP Site Plan", "Site Plan CUP", and "Architectural Plan and Details" and as modified according to conditions of approval.
2. On the "General Layout CUP Site Plan" note #8 shall be deleted or revised to state: "Maximum building height as shown on "Architectural Plan and Details".
3. On the "General Layout CUP Site Plan" add the following to note #14: "However, the sign shall not be illuminated and the area of the sign shall not exceed 12 square feet."
4. On the "General Layout CUP Site Plan" revise note #15 to state: "Any fencing proposed for the site shall require a fence permit from the City of Topeka. Fencing at or less than 4 feet from the property lines along SE Norwood and SE 5th Street shall be a black decorative metal fence not to exceed a height of 4 feet. Fences of a height greater than 4 feet or of a material other than black decorative metal shall be set back a minimum of 4 feet from the SE Norwood and SE 5th Street rights-of-way and shall comply with other standards of the Topeka fence regulations. For fence materials other than black decorative metal, additional landscaping may be required between the fence and the street right-of-way."
5. On the "General Layout CUP Site Plan" add a note stating that the pump station will generate no sound greater than 30 decibels measured at the property line.
6. On the "General Layout CUP Site Plan" revise note #17 by replacing "at least three foot-candles" with "no more than three foot candles".
7. On the "Site Plan CUP" add text or a note to indicate that the driveway approach will be of "concrete in accordance with City of Topeka standards."
8. On the "Site Plan CUP" identify the species of juniper for the two plants along the north property line. A juniper or other evergreen species with an upright, columnar form is acceptable. It must be of a height and size to constitute a tree and not a shrub.
9. On the "Architectural Plan and Details" revise the plans such that:
 - a. The roof design is a gable or hip roof with a minimum slope of 3:12 (3 inch rise to 12 inch run).
 - b. The roof covering is constructed of, or is equivalent in appearance to, a composite or architectural shingle roof with a color consistent with such roofing material.
 - c. The eave extends a minimum horizontal distance of 1 foot beyond the exterior wall.

ATTACHMENTS:

Aerial Map
Zoning Map
General Layout CUP Site Plan
Site Plan CUP
Architectural Plan and Details
NIM report and Sign-In sheet



Subject Property

5th

Norwood

Fairfax

Cottage

CU16/6 City of Topeka Water Pump Station

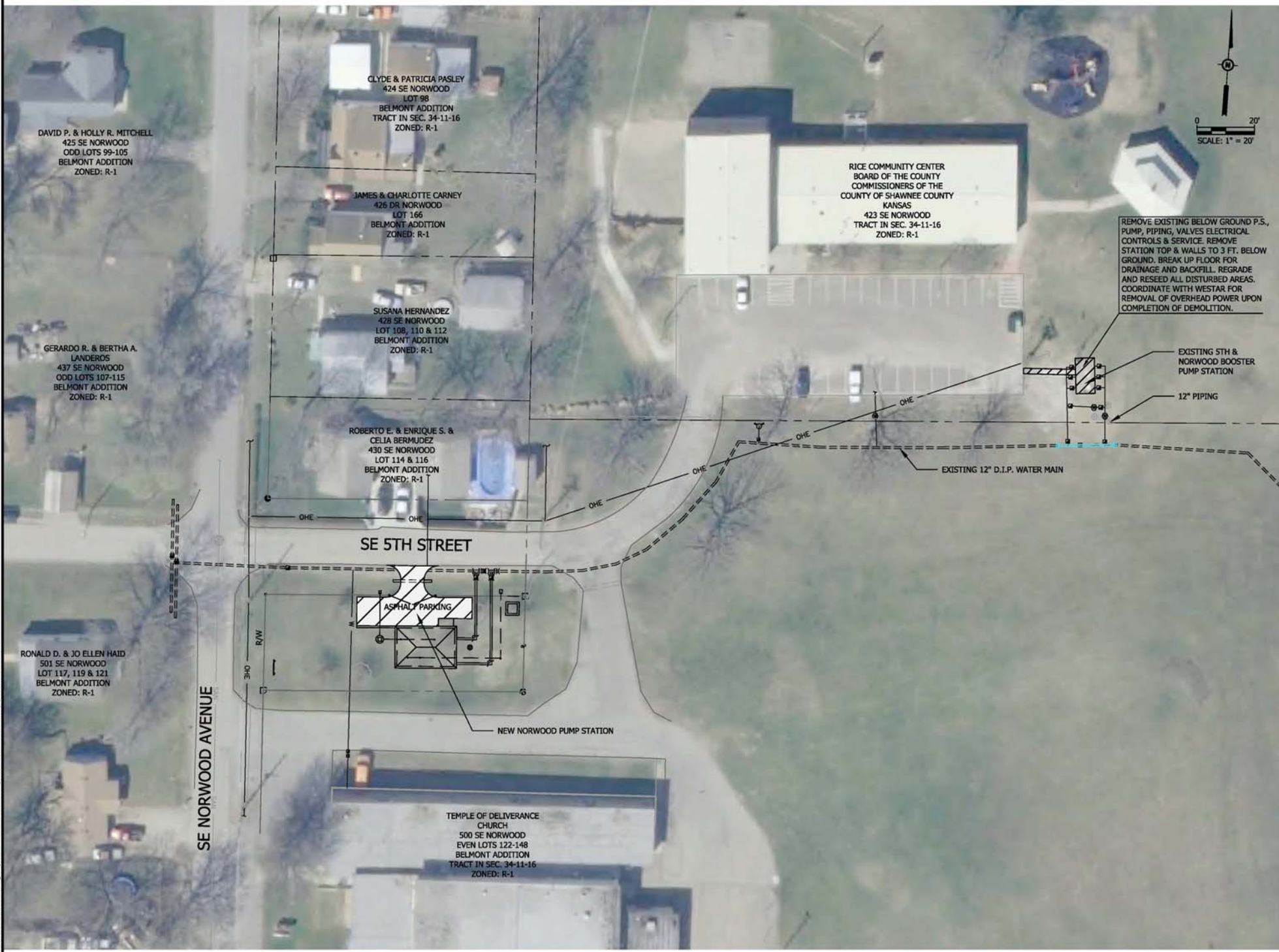




CU16/6 City of Topeka Water Pump Station



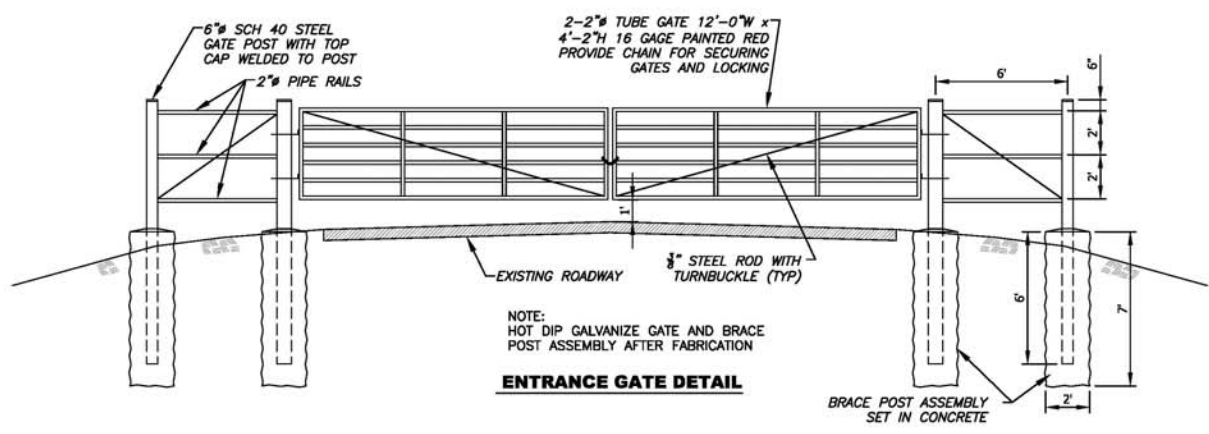
Drawing Name: W:\Proj\180001813\18133.060\AutoCAD\Plan_S&L\18133.060 01 CUP SHEET 1.dwg Layout Name: CUP 01 Printed By: ACS09065 Printed on: 12/21/2016 11:11:54 AM
 Last edit on: 01/06/2016



GENERAL NOTES

- Existing Zoning: R1 - Residential
No changes in zoning are proposed.
- Legal Description:
Lots 118 and 120, Belmont Addition to the City of Topeka, according to the plat thereof.
- Parcel Size: 6,750 SF
- Owner:
City of Topeka
Topeka, Kansas
- Civil Engineer & Plan Preparer
Bartlett & West, Inc.
1200 SW Executive Dr.
Topeka, KS 66451
- Current Use:
Vacant residential lot.

Proposed Use:
Public Utility Facility, Type II (Water Pump Station)
City of Topeka Water Pump Station replacing existing station located at the Community Center property about 280 feet to the East.
- Personnel and vehicular access is limited to periodic maintenance and operations visits that may occur once per week.
- Maximum building height shall be no greater than 25 feet.
- Boundary information taken from survey performed by Bartlett & West.
- Proposed paving to be Asphaltic Concrete.
- Parking Information:
Required Parking = 1 Stall
Proposed Parking Provided = 1 Stall
- Owner to submit location and type of signage to City of Topeka for their approval before receiving a building permit. Signs to be permitted as allowed in sign code for public facilities and public buildings.
- The owner will coordinate the use of a Knox Box, Key or Code with the Fire Department so that they may have access all times.
- Signage shall be limited to a building mounted wall sign identifying the purpose of the facility and memorial messaging relating to the donation of the property by the property owners.
- Chain link with barb wire security fencing with a maximum eight foot height may be added to the perimeter of the site in the future should the Public Works Director or other governmental official with jurisdiction determine it is needed for security purposes.
- The exterior color scheme of the building shall consist of earth tones to blend with the surroundings.
- The intensity of any parking lot lighting shall be at least three foot-candles as measured at the property line. The source of illumination shall not be visible from public rights-of-way or adjacent residential properties.



DATE	DESCRIPTION
12-22-16	Planning Staff comment-revisions

BARTLETT & WEST

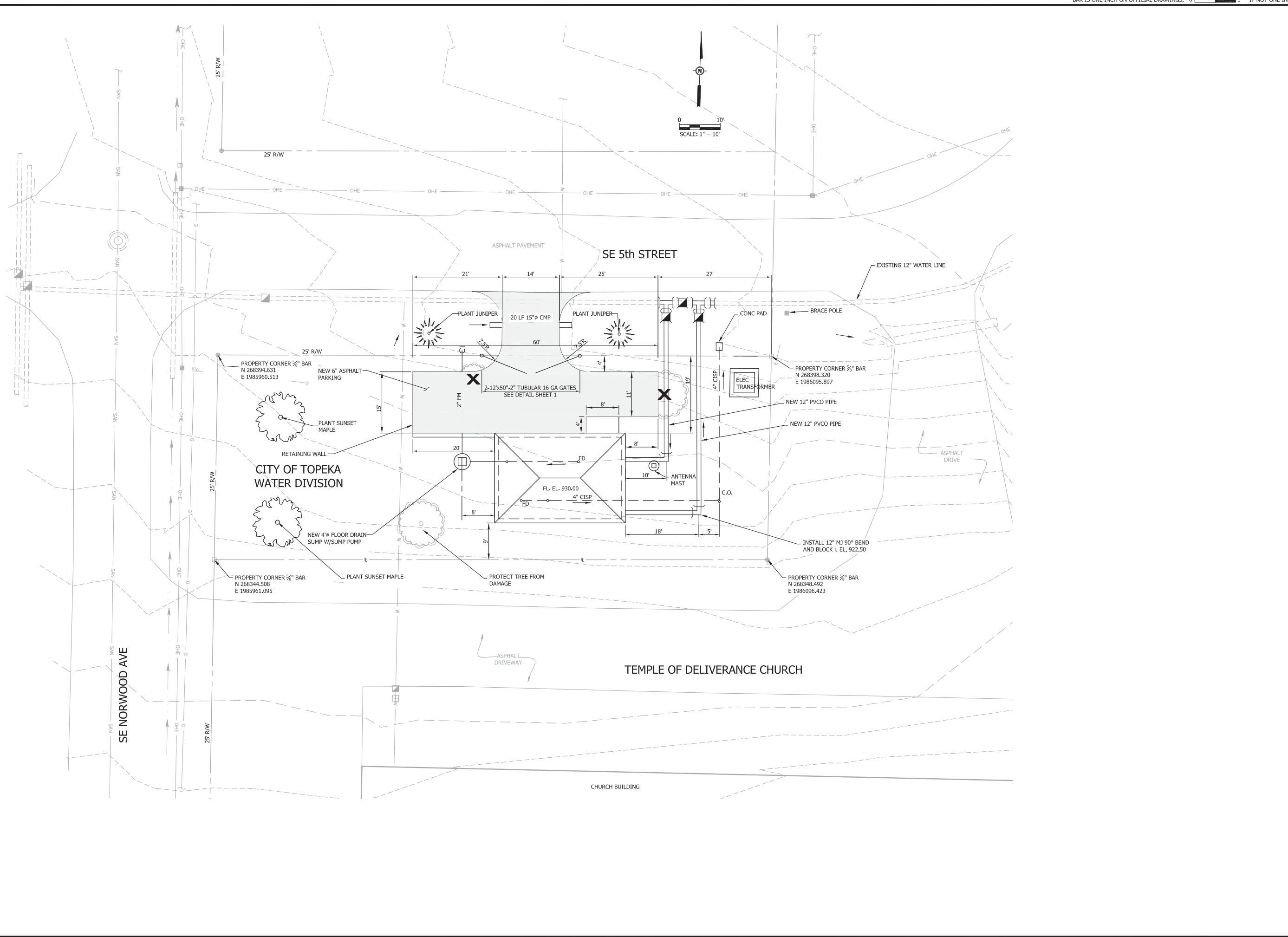
1200 SW EXECUTIVE DRIVE, TOPEKA, KS 66615
 PHONE: (785) 232-2222
 FAX: (785) 232-1000

**GENERAL LAYOUT
CUP SITE PLAN**
**WATER SYSTEM IMPROVEMENTS
NORWOOD PUMP STATION
TOPEKA, KANSAS**

DESIGNED BY:	JMD
DRAWN BY:	ACS
APPROVED BY:	ACS
DESIGN PROJ:	18133.060
CONST PROJ:	TOPEKA, KANSAS
SCALE:	AS NOTED
DATE:	November 4, 2016
DRAWING NO:	CU 16/6
SHEET NO:	1 of 2

ALL RIGHTS RESERVED. ALL BARTLETT & WEST ENGINEERING PLANS, SPECIFICATIONS AND DRAWINGS ARE PROTECTED UNDER COPYRIGHT LAW, AND NO PART MAY BE COPIED, REPRODUCED, DISSEMINATED, PUBLISHED, USED TO CREATE DERIVATIVES, DISTRIBUTED, STORED IN A RETRIEVAL SYSTEM OR TRANSMITTED IN ANY FORM BY ANY MEANS WITHOUT PRIOR WRITTEN PERMISSION OF BARTLETT & WEST ENGINEERS.

Drawing Name: W:\Proj\1800018131\18133060\AutoCAD\Plan_S&I\18133060 NORWOOD.CUP.dwg Layout Name: CUP_02_Hatched By: ACS09065 Plotted on: 12/22/2016 11:08:07 AM
 Last edit: 01/05/2016



NO.	DATE	DESCRIPTION
1	12-22-16	Planting, Staff comment, revisions

BARTLETT & WEST

1800 SW EXECUTIVE DRIVE, TOPEKA, KS 66618
 PHONE: 781-345-2200
 WWW.BARTLETTWEST.COM

SITE PLAN
CUP SITE PLAN
 WATER SYSTEM IMPROVEMENTS
 NORWOOD PUMP STATION
 TOPEKA, KANSAS

DESIGNED BY:	
DRAWN BY:	JMD
APPROVED BY:	ACS
DESIGN PROJ:	18133.060
CONST PROJ:	-
SCALE:	AS NOTED
DATE:	November 4, 2016
DRAWING NO:	CU 16/6
SHEET NO:	2 of 2

ALL RIGHTS RESERVED. ALL BARTLETT & WEST ENGINEERING PLANS, SPECIFICATIONS AND DRAWINGS ARE PROTECTED UNDER COPYRIGHT LAW, AND NO PART MAY BE COPIED, REPRODUCED, DISPERSED, PUBLISHED, USED TO CREATE DERIVATIVES, DISTRIBUTED, STORED IN A RETRIEVAL SYSTEM OR TRANSMITTED IN ANY FORM BY ANY MEANS WITHOUT PRIOR WRITTEN PERMISSION OF BARTLETT & WEST ENGINEERS.

Drawing Name: W:\proj\18000\18133\18133\08\AutoCAD\Plan_S&I\18109--101 NORWOOD PLANS.dwg Layout Name: 4--101 NORWOOD PLANS Plotted By: D0000434 Plotted on: 11/4/2016 9:47:37 AM

Last edit on: 00/00/00

#	DATE	DESCRIPTION	BY

J. TOPEKA PUBLIC WORKS ENGINEERING
 620 SE MADISON • TOPEKA, KS 66607-1118
 Phone: (785) 268-3842 • Fax: (785) 268-3806

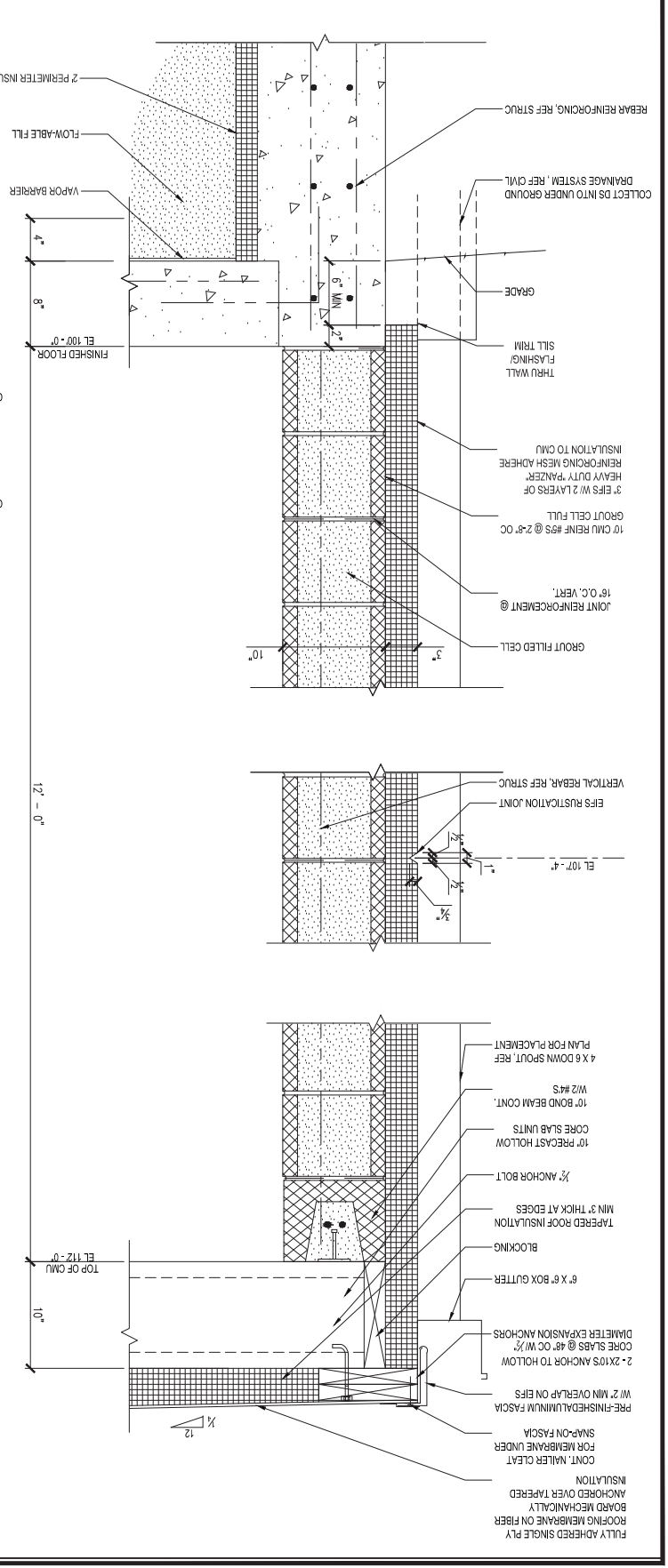
BARTLETT & WEST
 1800 SW EXECUTIVE DRIVE - TOPEKA, KS 66618-8880
 PHONE 785.233.8888 FAX 785.273.7343
 WWW.BARTLETTWEST.COM

**CITY OF TOPEKA
 WATER SYSTEM IMPROVEMENTS
 NORWOOD PUMP STATION UPGRADES
 MONTARA PUMP STATION UPGRADES**

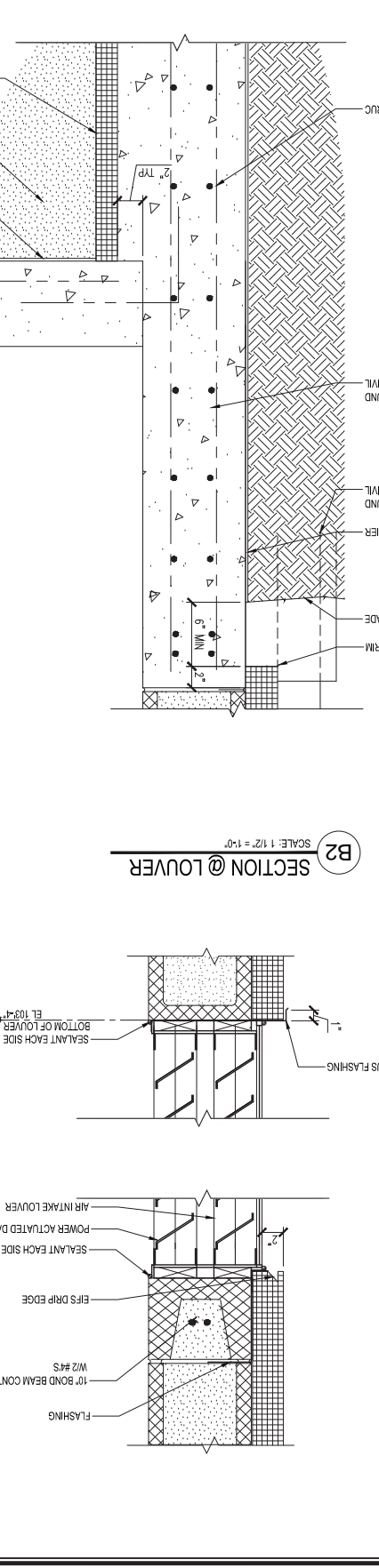
**ARCHITECTURAL PLAN & DETAILS
 NORWOOD PUMP STATION**

PROJ NO: 18133.040
 CONST PROJ: 18133.040
 SCALE: AS NOTED
 DATE: FEB 2016
 SHEET NO: 04
 DRAWING NO: 4 OF 29

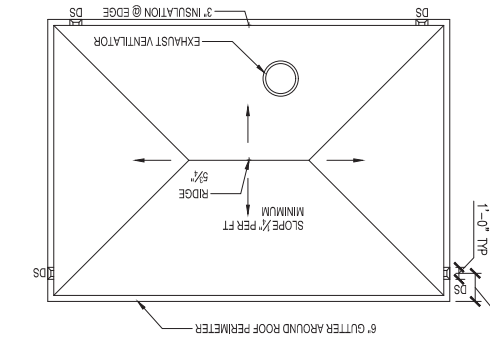
A1 DETAILED WALL SECTION
 SCALE: 1/12" = 1'-0"



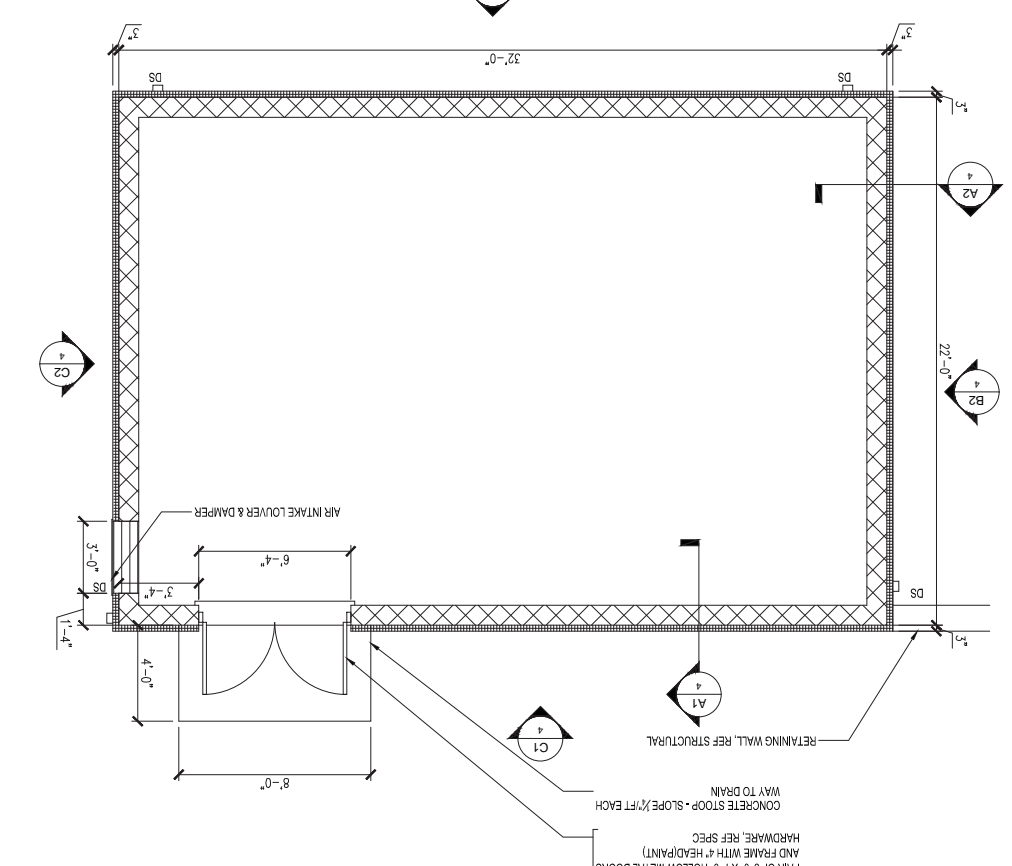
A2 DETAILED WALL @ HIGH GRADE
 SCALE: 1/12" = 1'-0"



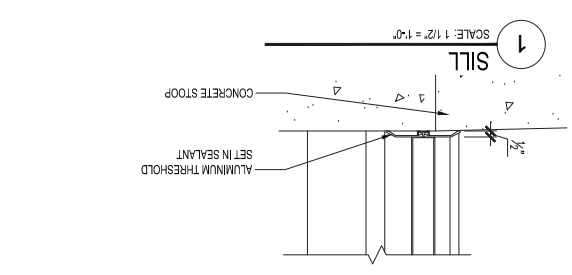
A3 ROOF PLAN
 SCALE: 1/8" = 1'-0"



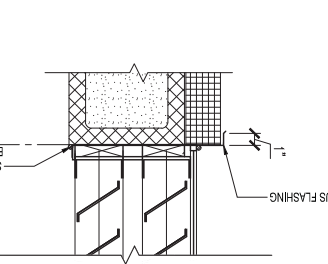
A4 FIRST FLOOR
 SCALE: 1/8" = 1'-0"



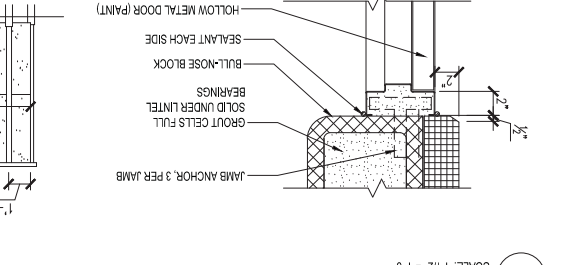
B3 DOOR FRAME DETAILS
 SCALE: 1/12" = 1'-0"



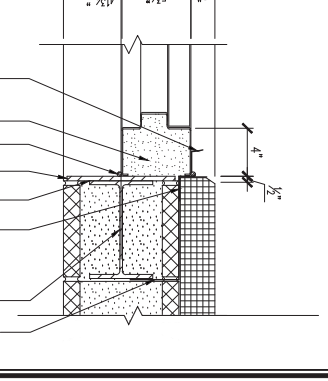
B2 SECTION @ LOUVER
 SCALE: 1/12" = 1'-0"



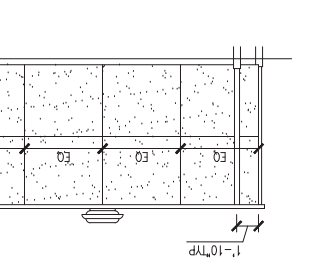
2 JAMB
 SCALE: 1/12" = 1'-0"



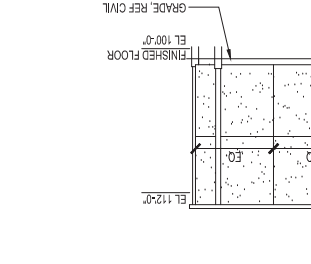
3 HEAD
 SCALE: 1/12" = 1'-0"



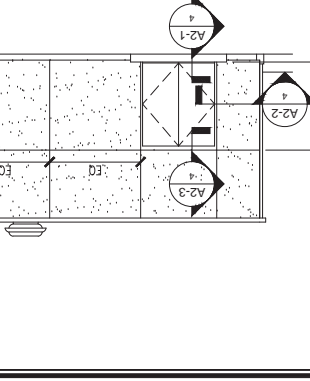
B1 SOUTH ELEVATION
 SCALE: 1/8" = 1'-0"



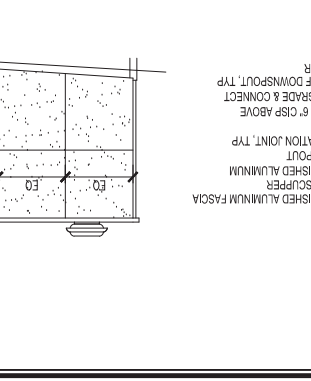
B2 WEST ELEVATION
 SCALE: 1/8" = 1'-0"



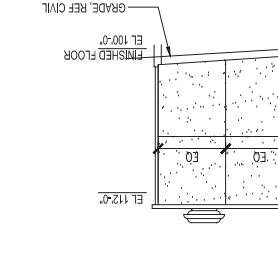
C1 NORTH ELEVATION
 SCALE: 1/8" = 1'-0"



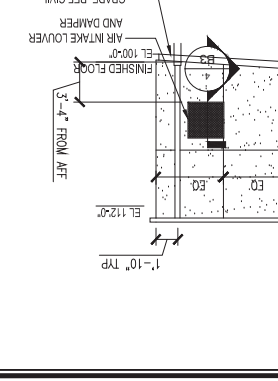
C2 EAST ELEVATION
 SCALE: 1/8" = 1'-0"



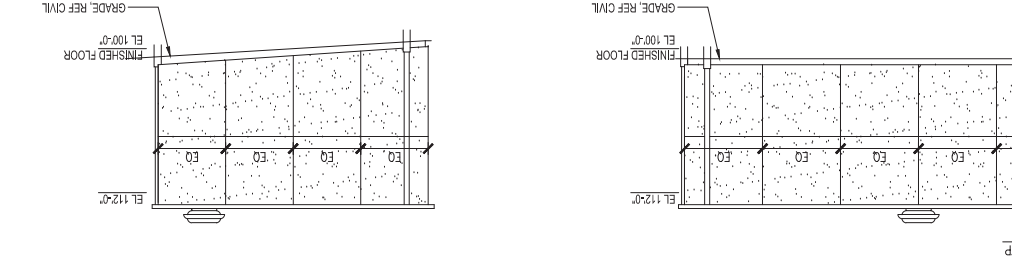
B2 WEST ELEVATION
 SCALE: 1/8" = 1'-0"



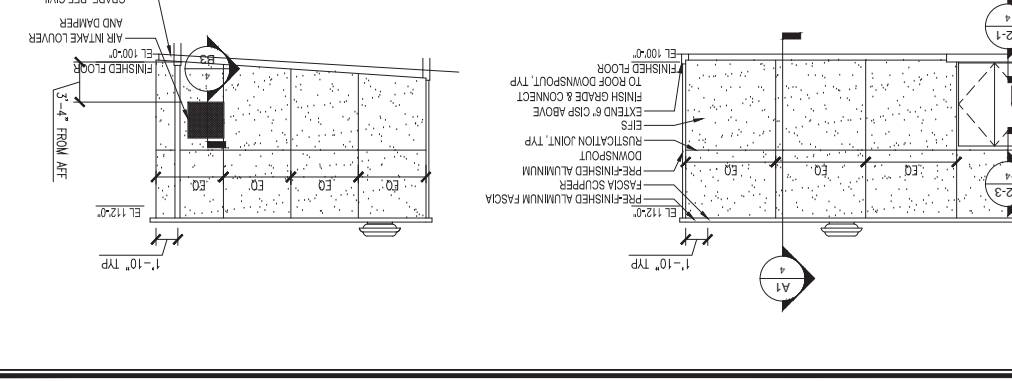
C2 EAST ELEVATION
 SCALE: 1/8" = 1'-0"



B1 SOUTH ELEVATION
 SCALE: 1/8" = 1'-0"



C1 NORTH ELEVATION
 SCALE: 1/8" = 1'-0"




PAIR OF 3'-0" X 7'-0" HOLLOW METAL DOORS AND FRAME WITH 4" HEAD(PAIN'T) HARDWARE, REF SPEC
CONCRETE STOOP - SLOPE 1/4\"/>

Memorandum

Date: November 29, 2016

To: Mike Hall, Topeka Planning Department

From: Angela Sharp 

Re: Norwood Pump Station CUP (CU 16/6) – Neighborhood Meeting Minutes
Rice Community Center, 5:30 PM

Please note the attached sign in sheet for those in attendance, which were: Paul Bodner, PE, Water Facility Engineer, representing the owner, Mike Hall, Topeka Planning Department and Angela Sharp, Bartlett & West. Angela arrived at 5:15 PM, Mr. Hall and Mr. Bodner arrived at approximately 5:30 PM. All three of us stayed until 6:30 PM and no one else arrived.

PUD16/06

Brewster Place Campus Master Planned Unit Development
by Congregational Home, Inc. and City of Topeka

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

PLANNING COMMISSION DATE: Monday, December 19, 2016

APPLICATION CASE NO

PUD16/6- Brewster Place Campus Master PUD Plan

REQUESTED ACTION / CURRENT ZONING:

Rezoning from “O&I-3” Office & Institutional, “O&I-2” Office & Institutional, “R-1” Single Family Dwelling District, “M-2” Multiple Family Dwelling District and “PUD” Planned Unit Development (M-2 and M-3 uses) **ALL TO** “PUD” Planned Unit Development. (O&I-3, O&I-2, M-2, M-3 use groups)

APPLICANT / PROPERTY OWNER:

Congregational Home Inc. aka Brewster Place/City of Topeka

APPLICANT REPRESENTATIVE:

Mark Boyd, Schmidt, Beck and Boyd Engineering LLC

PROPERTY ADDRESS & PARCEL ID:

1001 SW 29th Street/PID: 1461301001002010
2933 SW Central Park Ave/PID: 1461301001003010
1101 SW 29th Street/PID: 1461301001003000
1205 SW 29th Street/PID: 1461301001002000 and
1461301001002020
1110 SW 31st Street/PID: 1461301001027000
2930 SW Brewster Court/PID: 1461301001012000
3016/3022 SW Lincoln St./PID: 1461301001017000 and
1461301001016000
1222 SW 29th Terr/PID: 1461301001010000
2916/2922 SW Lincoln/PID: 1461301001008000 and
1461301001008000

PARCEL SIZE:

25.82 acres

STAFF PLANNER:

Annie Driver, AICP, Planner II

PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY:

New multi-purpose center and three-level parking garage with driveway access on SW 31st Street. To accommodate the existing Brewster Place under a single PUD Master Plan.

DEVELOPMENT / CASE HISTORY:

The City of Topeka annexed this area between 1950 and 1957.

**Reference zoning case insert map:*

Z66/88 – Rezoned from single family dwelling district in 1966 to allow for the retirement apartments.

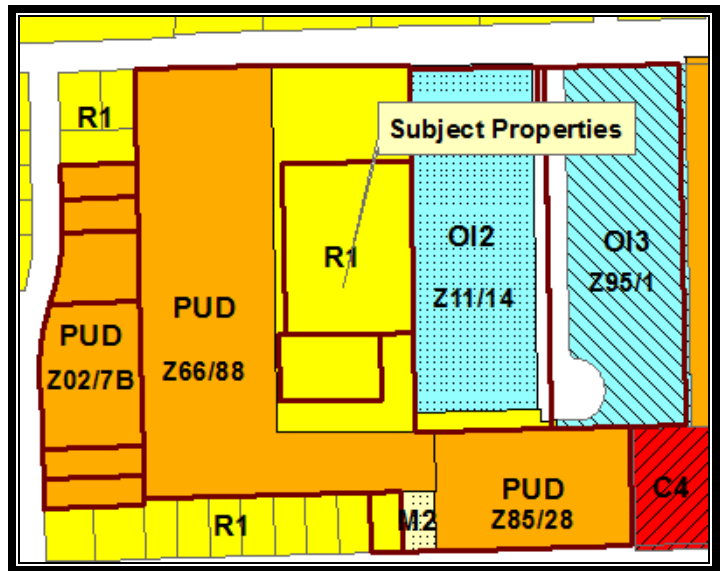
Z85/28 – Rezoned from single family dwelling district in 1985 to

allow apartments.

Z95/1- Rezoned from "M-3" to "O&I-3" in 1995 to allow the health center.

Z02/7B – Rezoned from "R-1" to a "PUD" (M-2 uses) in 2002 to accommodate eight independent living town houses. The plan was amended in 2015 to allow for the 14 new town house units and a maintenance building fronting along Lincoln St. (Indicated in this plan as Phase 1.)

Z11/14- Rezoned from "M-3" to "O&I-2" in 2011 to allow the St. Francis medical clinic



PHOTOS:



SW Lincoln Street



SW 31st Street



Brewster Place – Health Center/Rehab Center



Brewster Place – main structure

**PUD MASTER PLAN ELEMENTS
(PROPOSED):**

DEVELOPMENT PHASING:

Phase 1 (2017) – 14-unit multi-family villa and maintenance building already approved as a part of case # Z02/7B – Brewster Place Townhomes

Phase 2 (2018) – Three – story parking garage

Phase 3 (No anticipated date) – Two-story multi-purpose community center; remove and re-locate entrance on 31st Street.

Phase 4 (Future – no date) – Additional surface parking

GENERAL NOTES:

The property needs to be re-platted prior to building permit issuance for Phase 2.

PARKING, CIRCULATION & TRAFFIC:

Per TMC 18.240 (Off-street parking lot regulations) for each individual use, 309 stalls are required. 702 stalls are proposed and this includes the new 125- stall, 3-story parking garage.

BUILDINGS, SETBACKS, AND DESIGN:

New construction shall maintain a 25 ft. building setback from the PUD perimeter. As required, principal buildings shall be separated by a minimum of 10 ft. from other principal buildings and 6 ft. from other accessory buildings or structures. A setback of 0 ft. from the interior lot lines is needed for the proposed Lot 5 to accommodate the existing building on its own lot.

LANDSCAPE:

A Landscape Plan for each new phase meeting the requirements of TMC18.235 shall be approved at the time of site development plan review. As noted, landscaping shall be emphasized along public streets and where adjacent to residential properties.

SIGNAGE:

Electronic Message Centers, temporary or portable signs are not permitted.

Sign Illumination: Use of ground level spot lights or indirect only.

Free-standing signs: 29th Street- Limited to 50 sq. ft. and 5 ft. tall, Lincoln and 31st Street- Limited to 25 sq. ft. and 4 ft. tall; One per public entrance is allowed.

Wall signs: Not to exceed 40 sq. ft.

Directional signs: Not to exceed 6 sq. ft.

PROJECT DATA:

Use groups: “M-2” Multiple-Family Dwelling District, “O&I-2”/ “O&I-3” Office & Institutional Districts

Height: As established on the Master Plan per building.

COMPLIANCE WITH DEVELOPMENT STANDARDS AND GUIDELINES

The Master PUD Plan establishes development standards and guidelines, as indicated above.

OTHER FACTORS

SUBDIVISION PLAT:

A re-plat is required prior to development of Phase 2. Phase 1 has been re-platted as Brewster Place Subdivision #7 The City of Topeka holds title to all the lots except Lots 2 and 6. A plat is required to delineate

the ownership boundaries by the titleholder for each individual “tract”, thereby, leaving Lots 3, 4 and 5 without public street frontage. This requires approval of a Design Variance from the Planning Commission (major plat) when the property is platted.

TRANSPORTATION/MTPO:

SW 29th Street is a major arterial; SW Lincoln and 31st Streets are local streets. SW 29th Street is a major transit and bicycle route. A bus stop already exists on the south side of SW 29th in front of Brewster Place.

FLOOD HAZARDS, STREAM BUFFERS:

The property is not affected by a stream buffer or flood zone.

HISTORIC PROPERTIES:

There are no “listed” historic properties in the neighborhood.

NEIGHBORHOOD MEETING:

The applicant held a Neighborhood Information Meeting on November 17, 2016. The applicant’s report to the City is attached. Key issues included: Maintenance and lack of repair of the local streets, traffic increases, future and overall expansion plans.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

ENGINEERING/STORMWATER:

Stormwater quality treatment is not required since there is not a net increase in new impervious surface exceeding one acre.

A stormwater drainage report and/or calculations for water quantity will be reviewed and approved by the Department of Public Works at the site development stage for Phase 1 and re-platting stage for Phase 2.

ENGINEERING/TRAFFIC:

The consultant completed a Traffic Impact Analysis as required by the City Traffic Engineer. The TIA is accepted by the City Traffic Engineer.

Results of this TIA indicated the proposed Phase 1 development (14 unit villa on Lincoln) will increase traffic at the Lincoln/29th Terrace intersection by 2.3% (net increase of 29 daily trips). The impact on SW 31st Street from the addition of the parking garage and multi-purpose building and the closure and re-location of the driveway in Phase 2 is negligible.

FIRE:

No issues with PUD. The Fire Department will review future plans prior to construction. Signage to be posted for fire lanes and “No Parking” as required. The Fire Department is provided access to any gates that are kept locked in the evening hours.

DEVELOPMENT SERVICES:

A Parking Lot Permit and Building Permits are required for each phase of development.

KEY DATES

SUBMITTAL:

November 4, 2016

NEIGHBORHOOD INFORMATION MEETING: November 17, 2016

LEGAL NOTICE PUBLICATION: November 23, 2016

PROPERTY OWNER NOTICE MAILED: November 23, 2016

STAFF ANALYSIS

CHARACTER OF THE NEIGHBORHOOD:

The character of the neighborhood is predominantly single-family residential along the west and south sides of Lincoln and 31st Street with the exception of the Brewster Place campus. Brewster Place has co-existed with the neighborhood since the 1960s when the main building at the center of the campus was constructed. The neighborhood developed in the 1950s and is built-out. The subject properties (Brewster Place campus) lie to the south of the Topeka Country Club and just west of the Holliday Square Shopping Center, which is located at the commercial intersection of SW Topeka Blvd and SW 29th Street.

ZONING OF PROPERTIES NEARBY:

The nearby properties to the south, north, and west of Lincoln and 31st Street are all zoned “R-1” Single Family Dwelling District. The intersection of SW 29th and Topeka Blvd is zoned “PUD” Planned Unit Development (C-4 uses), “C-4” Commercial District, and “O&I-2” Office and Institutional District. The Brewster Place campus is a mix of the multiple-family dwelling district, office and institutional districts, and single-family dwelling district. The main Brewster Place structure (center of the campus) has existed since the 1960s and is a legal non-conforming under its current “R-1” zoning district.

LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER THE PRESENT CLASSIFICATION:

The properties have slowly developed as a campus for Brewster Place from 1960 to the present under a mix of distinct zoning districts. The main building was developed between 1959 and 1966. The campus expanded in 1966 with the development of residential duplexes/triplexes surrounding the main building. A health center/rehabilitation clinic was constructed in 1995 and the town houses along Lincoln were constructed in 2003. In 2012, the St. Francis medical clinic along SW 29th Street was constructed. A new 14-unit town house building and maintenance building along Lincoln were approved under a PUD zoning in 2015, but have yet to be constructed.

SUITABILITY OF USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED:

The subject properties are suitable as presently zoned for their existing uses, but the current mix of zoning districts may inhibit expansions of the existing uses. The uses and zoning of existing buildings is not changing. The current new PUD plan is necessary to allow the new construction of a three-story parking garage for residents and visitors, as well as, a multi-purpose center for the residents that will have its access from a driveway on SW 31st Street. The 14-unit, 3-story villa on Lincoln (Phase 1) has already been approved by the City Council under another PUD specific to that property only. Although the existing uses are suitable as presently restricted, the pending PUD rezoning will bring the entire Brewster Campus under a single Master Plan instead of multiple PUD Plans and varying zoning districts. The new PUD zoning is preferred because of the interrelationship of uses, parking, circulation, and amenities.

CONFORMANCE TO THE COMPREHENSIVE PLAN:

The subject property lies within an area designated *Medium/High Density Residential* on the Topeka Future Land Use Map - 2040. The Land Use and Growth Management Plan – 2040 indicates *Medium/High Density Residential* uses are appropriate on the edges of commercial corridors and adjacent to commercial centers. The plan encourages the use of

medium density residential for infill development where there is already adequate infrastructure. The plan also encourages infill and redevelopment within Topeka (*Tier 1 of the Urban Growth Area*) to take advantage of existing urban infrastructure and services and that promotes a range of uses that fit within the overall character of the area. Brewster Place has co-existed at the edge of this neighborhood since the 1960s.

Medium/High Density Residential may be used as a transition between higher densities and lower densities. The overall density of the Brewster Place Town Homes PUD is within a range of 7.6 units/acre, which falls within the *Medium Density Residential* category. *Medium Density Residential* land uses may range acceptably from 7 – 15 units per acre. New medium development residential development should maintain the quality of the single-family residential neighborhood by incorporating similar design features, similar setbacks, connectivity, and provide for some interaction between the new development and existing development. This PUD plan does not alter the density or number of units that have already been approved with subsequent plans for the site.

Staff will address building designs and connectivity at the time of site development plan review to achieve the desired results of the Comprehensive Plan and parameters established by the PUD plan (setbacks, landscaping, fencing, building designs). As proposed, the new development is interior to the site and does not abut single-family residential properties. New development on the site will address sidewalk connectivity with the neighborhood and to the bus route on SW 29th.

If designed effectively to achieve these guidelines that are established on the PUD plan, the subject request will be in conformance to the Comprehensive Plan.

THE EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTAL AFFECT NEARBY PROPERTIES:

Approval of this Master PUD Plan will not have a detrimental effect upon nearby properties as it is primarily intended to accommodate the existing development on the site. The approved Master Plan results in no substantial increase in intensity of residential density. The resulting new development lies interior to the campus and does not abut adjacent single-family residential properties. Any new building on SW 31st will be setback at least 25 feet. The PUD plan effectively addresses building design, setbacks, landscaping, and connectivity. The PUD does not propose additional units or add new driveways and there will be no adverse traffic increase on the local streets as shown in the TIA and approved by the City Traffic Engineer.

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:

The proposed reclassification will not have a detrimental effect upon the public health, safety, and welfare. Overtime, Brewster Place has demonstrated its ability to co-exist with and respect the character of the single-family residential neighborhood since the early 1960s. New development of the site will also provide sidewalks along SW Lincoln that further serve to integrate Brewster Place with the rest of the neighborhood, which is an improvement to the public health, safety, and welfare. For the above mentioned reasons, the proposed PUD will have little or no impact upon surrounding properties. The PUD provides better clarity and certainty to the owners and surrounding residents regarding the future development of the site and where expansions may occur. Brewster Place has demonstrated it is a benefit to the community by providing a healthy living option and allows residents of Topeka to “age-in-place”.

AVAILABILITY OF PUBLIC SERVICES:

All essential public utilities, services and facilities are available to the area or will be extended at developer expense.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:

The Master PUD Plan establishes development standards and guidelines as indicated. The property will be re-platted prior to development of Phase 2 (parking garage). The site area comprising Phase 1 (SW Lincoln) has already been re-platted as Brewster Place Subdivision #7 (2015) to accommodate the development of the new 14-unit multi-family villa.

STAFF RECOMMENDATION

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

1. Use and development of the site in accordance with the Master Planned Unit Development Plan for Brewster Place Campus as recorded with the Office of the Shawnee County Register of Deeds.
2. Adding note under General Notes: *"The property shall be platted prior to building permit issuance for construction within Phase 2."*
3. Removing General Note #5 as it already stated under Utility Notes.
4. Removing Signage Note #3 as it is already stated in Note #4 or combine as appropriate.
5. Removing Variance Note regarding the 30' perimeter setback. (i.e. The perimeter setback is determined during the review of the PUD and it is not required by code that this be 30 ft.. The setbacks for existing buildings have already been approved and are established. New construction shall be 25 ft. from the perimeter boundary.)
6. Adding Variance Note to allow for the necessary 0' setback for the existing building on Lot 5.
7. Adding note and showing this area: *"The underlying restrictions as also stated on the Master PUD Plan for Brewster Place Town Homes and recorded with the Office of the Shawnee County Register of Deeds (Z02/7B) in Book 53, Page 33 still apply for that area as shown."*

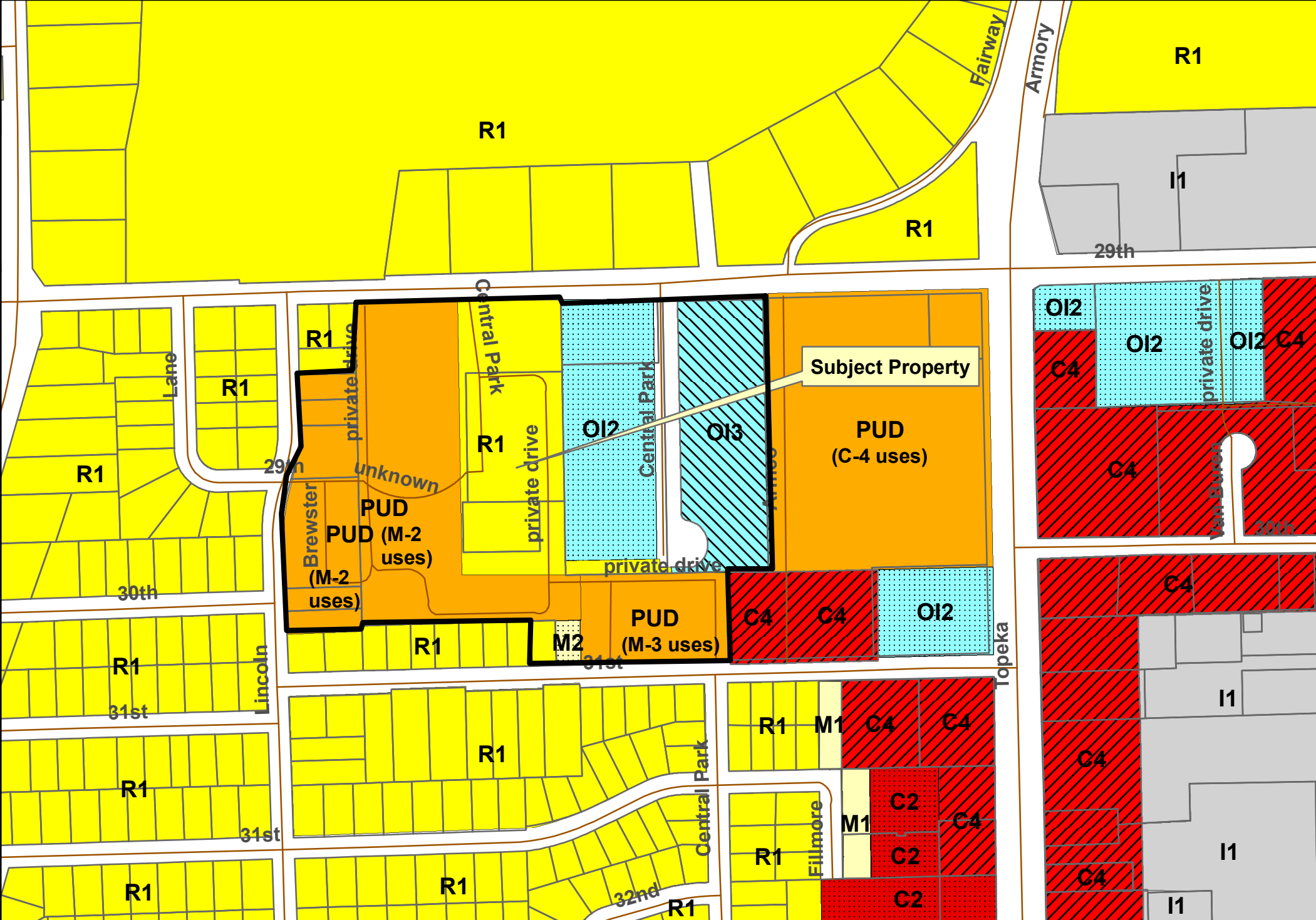
ATTACHMENTS:

Aerial Photo
Zoning Map
Master PUD Plan
Neighborhood Meeting note/sign in



PUD16/6 Brewster Place Campus Planned Unit Development



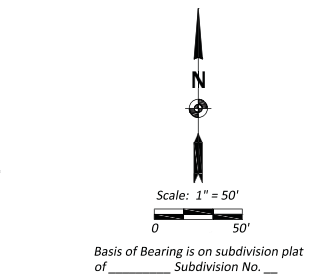
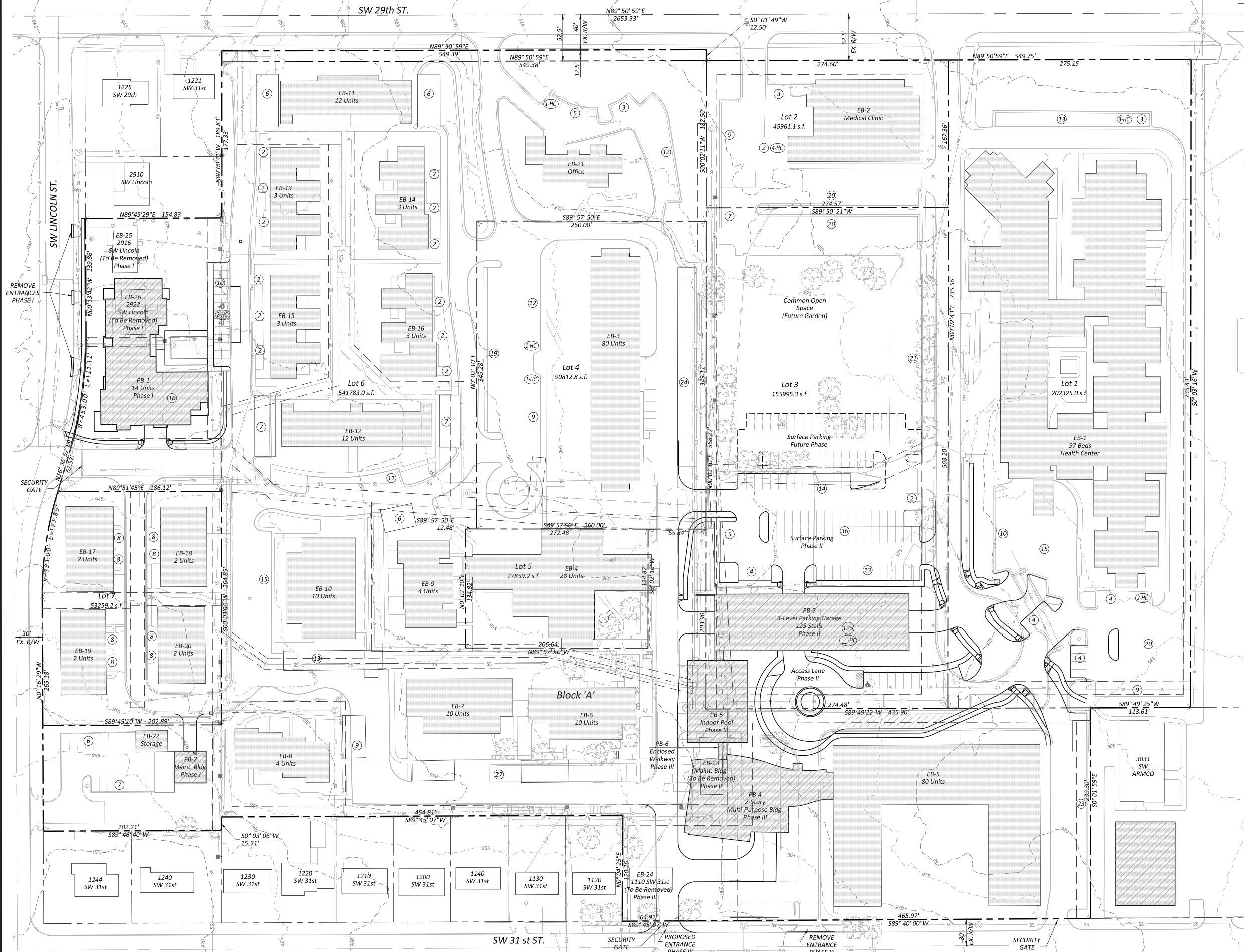


PUD16/6 Brewster Place Campus Planned Unit Development



BREWSTER PLACE CAMPUS MASTER PLANNED UNIT DEVELOPMENT PLAN

BOOK _____ PAGE _____
DATE _____ TIME _____



- LEGEND**
- R/W RIGHT OF WAY
 - W EX. WATERLINE
 - G EX. GAS LINE
 - OHP EX. OVERHEAD POWER
 - STM EX. STORM SEWER
 - SS EX. SANITARY SEWER
 - T EX. BURIED TELEPHONE LINE
 - UP# EX. UTILITY POLE
 - EB-1 EXISTING BUILDING NO.
 - PB-1 PROPOSED BUILDING NO.
 - 15 PARKING STALLS

Rev.	By	Date	Description

Prepared for:
THE CONGREGATIONAL HOME
1205 SW 29th STREET
TOPEKA, KANSAS 66611

Schmidt, Beck & Boyd
Engineering, LLC
1415 SW Topeka Blvd.
Topeka, KS 66612
Ph: (785) 215-8650

SHEET TITLE:
**BREWSTER PLACE CAMPUS
MASTER PLANNED UNIT DEVELOPMENT PLAN**

PROJECT LOCATION:
Brewster Place
1205 SW 29th Street
Topeka, Kansas 66611

SBB Proj. No.:	16-158
Drawn by:	JEM
Checked by:	MB
Date:	9/22/2016
Scale:	1" = 50'
Drawing No.:	Sh. 1 of 2

BREWSTER PLACE CAMPUS MASTER PLANNED UNIT DEVELOPMENT PLAN

BOOK _____ PAGE _____

DATE _____ TIME _____

PROJECT PERFORMANCE OBJECTIVES:

BREWSTER PLACE IS A PLANNED COMMUNITY FOR RETIRED RESIDENTS, DESIGNED IN NEIGHBORHOOD INCREMENTS, WHICH PROVIDES FACILITIES AND SUPPORT SERVICES TO ALLOW THE RETIRED MEMBERS OF SOCIETY TO RESIDE IN A CONVENIENT AND ENJOYABLE ENVIRONMENT, WHILE MAINTAINING AN INDEPENDENT LIVING STATUS. VARIOUS LEVELS OF MEDICAL AND HEALTH CARE FACILITIES ARE AVAILABLE TO PROVIDE A CONTINUUM OF CARE FOR ALL RESIDENTS.

ANTICIPATED DEVELOPMENT SCHEDULE:

PHASE I (2017): PHASE I CONSTRUCTION OF PB-1 (RESIDENTIAL INDEPENDENT LIVING UNITS), PB-2 (MAINTENANCE BUILDING) AND REMOVE RESIDENTIAL STRUCTURES AND DRIVEWAY ENTRANCES ALONG SW LINCOLN HAS BEEN PERMITTED UNDER CURRENT ZONING AND SUBDIVISION PLATTING.

PHASE II (2018): CONSTRUCT PB-3 (PARKING GARAGE) AND ASSOCIATED SURFACE PARKING, ACCESS LANES AND ROUND-ABOUT IN 2018. REMOVE COVERED PARKING AND ACCESS LANES WITHIN DEVELOPMENT AREA.

PHASE III (2019): CONSTRUCT NEW ENTRANCE AND REMOVE EXISTING ENTRANCE ONTO SW 31st ST. CONSTRUCT PB-4 (MULTI-PURPOSED BUILDING), PB-5 (INDOOR POOL ADDITION) AND ENCLOSED WALKWAYS. REMOVE RESIDENTIAL STRUCTURE ALONG SW 31st ST.

PHASE IV (FUTURE): CONSTRUCT ADDITIONAL SURFACE PARKING AND COMMON AREA LANDSCAPE GARDEN (NO TIMELINE).

GENERAL NOTES:

- BUILDING PERMIT FOR PHASE I CONSTRUCTION OF PB-1 (RESIDENTIAL INDEPENDENT LIVING UNITS) AND PB-2 (MAINTENANCE BUILDING) IS COMPLIANT UNDER EXISTING PUD AND SUBDIVISION PLAN FOR BREWSTER PLACE SUBDIVISION NO. 7. NO BUILDING OR PARKING LOT PERMITS SHALL BE ISSUED UNTIL INDIVIDUAL SITE DEVELOPMENT PLANS SUBJECT TO TMC 18.190.060(C) HAVE BEEN REVIEWED AND APPROVED BY THE PLANNING DIRECTOR. THE SITE PLAN SHALL ADDRESS INDIVIDUAL BUILDING SITE LOCATION, OFF-STREET PARKING AND INTERNAL CIRCULATION, FIRE HYDRANTS, LANDSCAPING, PEDESTRIAN CONNECTIVITY, EXTERNAL LIGHTING, SIGNAGE, BUILDING ELEVATIONS, UTILITIES, STORM WATER, RELATIONSHIP TO ADJACENT LOTS, ETC. THE BUILDING AND PARKING LOT CONFIGURATION IS CONCEPTUAL. MINOR ADJUSTMENTS MAY BE NECESSARY UPON FURTHER REVIEW TO COMPLY WITH ALL APPLICABLE CITY CODES.
- FOR ALL OTHER PHASES, NO BUILDING OR PARKING LOT PERMITS SHALL BE ISSUED UNTIL INDIVIDUAL SITE DEVELOPMENT PLANS FOR EACH PHASE SUBJECT TO TMC 18.190.060(C) HAVE BEEN REVIEWED AND APPROVED BY THE PLANNING DIRECTOR. THESE SITE PLANS SHALL ADDRESS INDIVIDUAL BUILDING SITE LOCATIONS, OFF-STREET PARKING AND INTERNAL CIRCULATION, FIRE HYDRANTS, LANDSCAPING, PEDESTRIAN CONNECTIVITY, EXTERNAL LIGHTING, SIGNAGE, BUILDING ELEVATIONS, UTILITIES, STORM WATER, RELATIONSHIP TO ADJACENT LOTS, ETC. THE BUILDING AND PARKING LOT CONFIGURATION IS CONCEPTUAL. MINOR ADJUSTMENTS MAY BE NECESSARY UPON FURTHER REVIEW TO COMPLY WITH ALL APPLICABLE CITY CODES.
- ALL APPLICABLE BASE ZONING USE GROUPS SHALL APPLY UNLESS STATED OTHERWISE HEREIN.
- RESTRICTED ACCESS LINE DEFINES PORTIONS OF THE SUBDIVISION BOUNDARY IN WHICH THE PUBLIC IS NOT ALLOWED TO CROSS IN ORDER TO GAIN ACCESS TO THE SUBDIVISION OTHER THAN IN AN EMERGENCY SITUATION OR FOR TEMPORARY ACCESS DURING CONSTRUCTION ACTIVITIES. TEMPORARY ACCESS REQUIRES PRIOR APPROVAL FROM THE DIRECTOR OF PUBLIC WORKS.
- FIRE HYDRANT LOCATIONS AND ACCESS TO BE APPROVED BY THE CITY OF TOPEKA FIRE DEPARTMENT AS PART OF THE IMPROVEMENT PLANS PRIOR TO THE START OF CONSTRUCTION. TURNAROUNDS AT DEAD-END PARKING LOTS EXCEEDING 150 FEET SHALL BE PROVIDED AND APPROVED BY THE FIRE DEPARTMENT.

UTILITY NOTES:

- PROPERTY OWNERS SHALL BE ADMONISHED FROM PLACING ANY PERMANENT OR SEMI-PERMANENT OBSTRUCTION IN PERMANENT SEWER, DRAINAGE OR UTILITY EASEMENTS. THIS INCLUDES, BUT IS NOT LIMITED TO, TREES, SHRUBS, FENCES, RETAINING WALLS, BUILDINGS OR OTHER MISCELLANEOUS OBSTRUCTIONS THAT INTERFERE WITH ACCESS OR EGRESS OF MAINTENANCE VEHICLES OR EQUIPMENT FOR THE OPERATION AND MAINTENANCE OF THE UTILITIES OR PIPE LINES LOCATED IN THE EASEMENT. ANY PERMANENT OR SEMI-PERMANENT OBSTRUCTION LOCATED IN THE PERMANENT SEWER OR UTILITY EASEMENT MAY BE REMOVED BY PERSONNEL REPRESENTING THE GOVERNING BODY, TO PROVIDE FOR THE PROPER OPERATION AND MAINTENANCE OF THAT UTILITY LINE, WITHOUT COST OR OBLIGATION FOR REPLACEMENT, COST OF REMOVAL, AND/OR REPLACEMENT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.
- WATER SERVICE WILL BE PROVIDED BY CITY OF TOPEKA WATER DEPARTMENT.
- SANITARY SEWER SERVICE SHALL BE PROVIDED BY CITY OF TOPEKA PUBLIC SANITARY SEWER SYSTEM.
- ALL UTILITIES SHALL BE PLACED UNDERGROUND PURSUANT TO THE CITY'S RIGHT-OF-WAY MANAGEMENT STANDARDS.
- ALL FIRE HYDRANT LOCATIONS AND REQUIRED TURNAROUNDS SHALL BE APPROVED BY THE CITY OF TOPEKA FIRE DEPARTMENT AS PART OF THE IMPROVEMENT PLANS PRIOR TO THE START OF CONSTRUCTION.

CIRCULATION, PARKING AND TRAFFIC NOTES:

- OFF-STREET PARKING SHALL BE PROVIDED IN ACCORDANCE WITH TMC 18.240.020 UNLESS STATED OTHERWISE HEREIN. ALL PROPOSED PARKING SHALL BE CONSTRUCTED IN CONJUNCTION WITH THE PROPOSED BUILDING ADDITIONS PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY, IN ACCORDANCE WITH THE APPROVED PLAN. ALL PARKING, DRIVES, APPROACHES, AND WALKS SHALL BE IMPROVED TO CITY OF TOPEKA STANDARDS. ALL BUILDING ADDITIONS SHALL BE SUBJECT TO THE APPLICABLE BUILDING, FIRE AND LIFE SAFETY CODES.
- ALL DRIVES, LANES, AND PRIVATELY OWNED ACCESS WAYS PROVIDING ACCESSIBILITY TO STRUCTURES, BUILDINGS, AND USES WITHIN THE PLANNED UNIT DEVELOPMENT SHALL BE CONSIDERED AND SERVE AS MUTUAL RIGHTS OF ACCESS FOR OWNERS, TENANTS, INVITED GUESTS, CLIENTS, CUSTOMERS, SUPPORTS AND UTILITY SERVICE PERSONNEL AND EMERGENCY SERVICE PROVIDERS, INCLUDING LAW ENFORCEMENT, FIRE PROTECTION, AND AMBULANCE SERVICES. ALL ACCESS WAYS PROVIDING GENERAL ACCESSIBILITY TO, AND CIRCULATION AMONG THE USES WITHIN THE PLANNED UNIT DEVELOPMENT SHALL BE MAINTAINED AT ALL TIMES IN GOOD SERVICEABLE CONDITION WITH THE MAINTENANCE OF SAID ACCESS WAYS BEING THE RESPONSIBILITY OF THE OWNER(S).
- ALL PRIVATE STREETS OR ACCESS WAYS SHALL BE A MINIMUM OF 20 FEET WIDE AND MAINTAINED TO CITY STANDARD WITH SIGNAGE POSTED INDICATING "NO PARKING" ALONG BOTH SIDES OF THE STREET; ALL CITY OF TOPEKA ORDINANCES SHALL BE ENFORCED ON THIS PROPERTY.
- ALL NEW DRIVES, STREETS, PARKING AREAS, APPROACHES AND WALKS SHALL BE CONSTRUCTED TO CITY OF TOPEKA STANDARDS.
- SECURITY GATES SHALL REMAIN OPEN DURING DAYLIGHT HOURS. ACCESS SHALL BE PROVIDED TO THE GATE FOR EMERGENCY VEHICLES WHEN IT IS KEPT LOCKED.

BUILDING DESIGN:

- NEW CONSTRUCTION SHALL MAINTAIN A PERIMETER SETBACK OF 25 FEET UNLESS THE SETBACK WAS PREVIOUSLY APPROVED OR THE BUILDING IS EXISTING.
- THE MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS SHALL BE 10 FEET. ANY ACCESSORY STRUCTURE OR BUILDING SHALL BE AT LEAST 6 FEET FROM OTHER BUILDINGS OR STRUCTURES.
- ANY NEW FENCING SHALL REMAIN CONSISTENT WITH EXISTING FENCING THROUGHOUT THE DEVELOPMENT.
- ELEVATIONS FOR THE PARKING GARAGE AND MULTI-PURPOSE ENTER SHALL BE REVIEWED AND APPROVED BY THE PLANNING DEPARTMENT AT THE SITE DEVELOPMENT STAGE FOR THAT PHASE. THE DESIGNS SHALL MEET STANDARDS OF DESIGN INCLUDING USE OF HIGH QUALITY BUILDING MATERIALS, COLORS, TEXTURES, LIGHTING, ARCHITECTURAL AND LANDSCAPE FEATURES TO CREATE A HARMONIOUS DESIGN FOR THE SITE THAT IS COMPATIBLE WITH NEIGHBORING STRUCTURES AND USES.

SIGNAGE:

- GROUND SIGNS SHALL BE LIMITED TO ONE MONUMENT TYPE SIGN PER PUBLIC ENTRANCE ALONG SW 29TH STREET, SW LINCOLN STREET AND SW 31ST STREET. FREE STANDING SIGNS: SIGN ON SW 29TH STREET SHALL NOT EXCEED 50 SQUARE FEET PER SIGN FACE AND 5 FEET IN HEIGHT. SIGNS ON SW LINCOLN AND SW 31ST ST. SHALL NOT EXCEED 25 SQUARE FEET AND 4 FEET IN HEIGHT. WALL SIGNS: LIMITED TO A MAXIMUM OF 40 SQUARE FEET. ILLUMINATION: LIGHTING SHALL BE INDIRECT OR BY GROUND LEVEL SPOT LIGHTS ONLY.
- NO ELECTRONIC MESSAGE CENTERS (EMC), TEMPORARY OR PORTABLE SIGNS SHALL BE PERMITTED.
- DIRECTIONAL TRAFFIC/PEDESTRIAN SIGNS WITHIN THE PROPERTY SHALL BE ALLOWED WITHIN THESE RESTRICTIONS.
- THE PLANNED UNIT DEVELOPMENT AS A WHOLE SHALL BE PERMITTED INFORMATIONAL AND DIRECTIONAL SIGNS DESIGNATING PARKING, OFF-STREET LOADING, ENTRANCES, EXITS AND SIMILAR INFORMATION, SAID SIGNS SHALL NOT EXCEED SIX SQUARE FEET. TMC CHAPTER 18, SECTION 20 SHALL GOVERN ALL OTHER SIGNS UNLESS SPECIFICALLY STATED HEREIN.

LANDSCAPE NOTES:

- LANDSCAPING SHALL BE CONCENTRATED ALONG PUBLIC STREET FRONTAGES AND WHERE ADJACENT WITH RESIDENTIAL PROPERTIES, INCLUDING A MIX OF CONIFEROUS AND DECIDUOUS TREES. A LANDSCAPE PLANS FOR EACH PHASE SHALL BE SUBMITTED INCLUDING POINT VALUES, TYPES, QUANTITIES AS DETERMINED BY THE CITY LANDSCAPE REGULATIONS TMC 18.235 AND AS STATED HEREIN SHALL BE APPROVED BY THE PANNING DIRECTOR AT THE TIME OF SITE DEVELOPMENT FOR ANY NEW IMPROVEMENTS, INCLUDING TMC 18.235.070 REGARDING ADDITIONAL POINTS FOR THE REMOVAL OF EXISTING SIGNIFICANT TREES.
- THE CARE, MAINTENANCE AND OWNERSHIP OF COMMON OPEN SPACE, PARKING AREAS, UTILITIES, ACCESS WAYS, STORMWATER MANAGEMENT EASEMENTS, FENCING, AND LANDSCAPING SHALL BE THE RESPONSIBILITY OF THE CONGREGATIONAL HOME AND THEIR ASSIGNS. ALL LANDSCAPING SHALL BE INSTALLED PURSUANT TO PHASING SCHEDULE AND PROPERLY MAINTAINED. IF ANY PORTION OF THE LANDSCAPED MATERIAL DIES, IT SHALL BE REPLACED BY THE NEXT PLANTING SEASON.
- FUTURE IMPROVEMENTS WILL BE SUBJECT TO CITY OF TOPEKA LANDSCAPE ORDINANCE NO. 17846 AND ADDENDUMS THERETO.

FLOODPLAIN NOTES:

- ACCORDING TO "FIRM" MAP COMMUNITY PANEL NUMBER 20177C0206E, EFFECTIVE DATE SEPTEMBER 29, 2011, THIS TRACT IS IN FLOOD ZONE X.

VARIANCE:

- IN ACCORDANCE WITH TMC _____, THE PLANNING COMMISSION HEREBY GRANTS A VARIANCE TO THE 30-FOOT BUILDING SETBACK REQUIREMENT ALONG SW LINCOLN ST. TO 15 FEET.

PROJECT DATA AND USE GROUP CATEGORIES:

EXISTING STRUCTURES AND USES:	USE GROUP	AREA / STORIES	PARKING REQUIRED
EB-1 HEALTH CENTER / REHAB	O&I-3	48,313 s.f.	32 (1 PER EVERY 3 BEDS)
EB-2 PRIMARY CARE CLINIC	O&I-2	12,000 s.f.	40 (1 PER 300 S.F.)
EB-3 RESIDENT TOWER / OFFICE	M-3	80 UNITS	40 (1 PER EVERY 2 UNITS)
EB-4 RESIDENCE HALL / CAFETERIA / MEDIA	M-3	28 UNITS	14 (1 PER EVERY 2 UNITS)
EB-5 RESIDENT HALL	M-3	80 UNITS	40 (1 PER EVERY 2 UNITS)
EB-6 THRU EB-20 RESIDENT INDEPENDENT LIVING	M-2	82 UNITS	41 (1 PER EVERY 2 UNITS)
EB-21 ADMINISTRATIVE OFFICE	O&I-2	3,900 s.f.	9 (1 PER 400 S.F.)
EB-22 STORAGE	M-2	1,650 s.f.	
PROPOSED STRUCTURES AND PROPOSED USES:			
Phase I:			
PB-1 RESIDENTIAL INDEPENDENT LIVING	M-2	14 UNITS	7 (1 PER EVERY 2 UNITS)
PB-2 MAINTENANCE BUILDING	M-2	1,300 s.f.	
Phase II:			
PB-3 PARKING GARAGE - 3 LEVELS	M-3	125 SPACES	
PB-4 MULTI-PURPOSE ADDITION	M-3	13,000 s.f.	86 (1 PER 150 S.F.)
Phase III:			
PB-5 INDOOR POOL ADDITION	O&I-2	7,000 s.f.	
PB-6 ENCLOSED WALKWAYS	O&I-2		
Phase IV:			
PB-6 COMMON OPEN SPACE	O&I-2		
PARKING:			
PARKING REQUIRED:	309 SPACES		
PARKING PROVIDED:	702 SPACES		
ADA STALLS:	12 ADA SPACES		

LEGAL DESCRIPTION.: PROPOSED LOTS 1 - 7, BLOCK A, BREWSTER PLACE SUBDIVISION NO. 8

TOTAL LAND AREA: 25.82 ACRES

PROPERTY OWNERS:

THE CONGREGATIONAL HOME
1205 SW 29th ST.
TOPEKA, KANSAS 66611

CITY OF TOPEKA
215 SE 7th ST.
TOPEKA, KANSAS 66603

DATE:

NOVEMBER 4, 2016

LEGAL DESCRIPTION :

LOTS 1 AND 2, BREWSTER PLACE SUBDIVISION; LOT 1, BLOCK A, BREWSTER PLACE SUBDIVISION NO. 2; LOT 1, BLOCK A, BREWSTER PLACE SUBDIVISION NO. 5; LOTS 1 AND 2, BLOCK A, BREWSTER PLACE SUBDIVISION NO. 6; LOT 1, BLOCK A, BREWSTER PLACE SUBDIVISION NO. 7, AND LOT 8, FINX SUBDIVISION; ALL IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS.

THE PROPOSED LEGAL DESCRIPTION IS AS FOLLOWS:

LOTS 1-7, BLOCK A, BREWSTER PLACE SUBDIVISION NO. 8, CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS.

RECORDED WITH THE SHAWNEE COUNTY REGISTER OF DEEDS:

REBECCA J. NIOCE, REGISTER OF DEEDS

THIS PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN HAS BEEN REVIEWED AND APPROVED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18.190 OF THE COMPREHENSIVE ZONING REGULATIONS OF THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS AND MAY BE AMENDED ONLY AS PRESCRIBED IN TMC 18.190.070 OF SAID CHAPTER AND AS SET FORTH ON THIS DOCUMENT OR AS MAY SUBSEQUENTLY BE APPROVED AND RECORDED.

CERTIFICATION OF MASTER PUD PLAN APPROVAL:

DATE: _____

BILL FIANDER, PLANNING DIRECTOR
SECRETARY TO THE PLANNING COMMISSION

STATE OF KANSAS)

COUNTY OF SHAWNEE)

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2016, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE CAME BILL FIANDER, PLANNING DIRECTOR, WHO IS PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE WITHIN INSTRUMENT OF WRITING, AND SUCH PERSON DULY ACKNOWLEDGED THE EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HEREBY SET MY HAND AND AFFIX MY NOTARIAL SEAL THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

OWNER CERTIFICATE:

THE CONGREGATIONAL HOME, OWNER, AGREES TO COMPLY WITH THE CONDITIONS AND RESTRICTIONS AS SET FORTH ON THE MASTER PUD PLAN.

IN TESTIMONY WHEREOF, THE OWNER, CONGREGATIONAL HOME, INC., HAS CAUSED THESE PRESENTS TO BE SIGNED THIS _____ DAY OF _____, 2016.

DAVID BECK, PRESIDENT

STATE OF KANSAS

COUNTY OF SHAWNEE, SS:

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2016, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID CAME DAVID BECK, PRESIDENT OF THE CONGREGATIONAL HOME, OWNER, WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHO EXECUTED, THE WITHIN INSTRUMENT OF WRITING.

IN WITNESS WHEREOF: I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTORIAL SEAL THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

OWNER CERTIFICATE:

CITY OF TOPEKA, A MUNICIPAL CORPORATION AGREES TO COMPLY WITH THE CONDITIONS AND RESTRICTIONS AS SET FORTH ON THE MASTER PUD PLAN.

IN TESTIMONY WHEREOF, THE OWNER, CITY OF TOPEKA, HAS CAUSED THESE PRESENTS TO BE SIGNED THIS _____ DAY OF _____, 2016.

LARRY E. WOLGAST, MAYOR

STATE OF KANSAS

COUNTY OF SHAWNEE, SS:

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2016, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID CAME LARRY E. WOLGAST, MAYOR AND BRENDA YOUNGER, CITY CLERK, CITY OF TOPEKA, WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHO EXECUTED, THE WITHIN INSTRUMENT OF WRITING.

IN WITNESS WHEREOF: I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTORIAL SEAL THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

ATTEST:

BRENDA YOUNGER, CITY CLERK

Rev.	By	Date	Description

Prepared for:
THE CONGREGATIONAL HOME
1205 SW 29th STREET
TOPEKA, KANSAS 66611

Schmidt, Beck & Boyd
Engineering, LLC
1415 SW Topoka Blvd.
Topeka, KS 66612
Ph: (785) 215-8650



SHEET TITLE
**BREWSTER PLACE CAMPUS
MASTER PLANNED UNIT DEVELOPMENT PLAN**

PROJECT LOCATION:
Brewster Place
1205 SW 29th Street
Topeka, Kansas 66611

SBB Proj. No.:	16-158
Drawn by:	JEM
Checked by:	RS
Date:	9/2/2016
Scale:	AS SHOWN
Drawing No.:	

Neighborhood Information Meeting

THE CONGREGATIONAL HOME DBA/BREWSTER PLACE

November 17, 2016

Attendance: 11 Neighbors/Residence
3 Representatives from Brewster Place
2 Representatives from SBB Engineering, LLC
1 Representative from The City of Topeka Planning Department

Meeting started at 6:10 pm.

Mr. Mark Boyd, representative of SBB Engineering, starts with introduction of all representatives to the audience. He then gives outline of the purpose of the Neighborhood Information Meeting.

Mr. Boyd informed audience of the Public Hearing Meeting, which is held on the 3rd Monday of December, 19th of December this year. He gave a summary of the zoning change and explains what is contained in the PUD zoning.

Mr. Boyd touches on the expansions of Brewster Place though out the years which started in the 1960s. He stated that Brewster Place only rezoned and platted as they needed with each development. He elucidate the reason for this rezoning and platting that is currently underway, was because it is time to clean up everything that has happened over the years. He revealed the PUD plan for Brewster Place and expounds on the permitting of the Villa expansion.

-question from audience about what buildings are shown on PUD drawing and if that where the buildings will be.

Mr. Boyd clarifies that this is just a preliminary concept on portions of the drawing and minor elements will change. He disclosed that the Villa's expansion is underway and building is scheduled for summer of 2017. He then points out the artist renderings of the new building in the Villa expansion. He then defined the Phase 1 and Phase 2 areas of construction.

-question from audience about the new parking garage

Mr. Boyd detailed the reasoning for the displacement of existing parking stall.

Mr. Boyd continues with defining the future construction areas and described Phase 3. He spelled out the future building placement and intended use of those buildings. He showed how the plan is to close one of the existing entrances onto SW 31st Street and move to the West. He pointed out the removal of cul-de-sac. He illustrated the current traffic flow and showed the purpose of the removal of the cul-de-sac and existing entrance.

-question from audience on the size of the new pool

Mr. Boyd stated the size of the pool that is outlined on the drawing and reaffirmed that there was not any set plans for that area. He did disclose that the pool would be big enough for lap lanes and was going to include a locker room.

Mr. Boyd continues his illustration on traffic flow and why it is being rerouted. He then stated that Phase 3 is planned to start in 2018.

-question from audience about the Villas timeline for construction.

Mr. Boyd restated that construction is intended to start next summer, May or June.

-question from audience about conference building just for residence or if it was going to be used for outside events. Also where is traffic going to go from the Phase 2 and 3 expansion.

Mr. Boyd explains the purpose of the traffic study and the outcome of the study. The conclusion of the study showed that it will not add additional traffic for meeting building. The increases of traffic are going to be where the new residences are going to be built. Mr. Boyd describes peak time in traffic flow and how older residence tend to avoid those times. Ultimately the impact is negligible.

-question from audience about an email from regarding street damage on SW Lincoln Street from heavy equipment. Who is going to repair it.

Mr. Boyd explained that any damage done by construction vehicles will be the responsibility of the construction company, and they will have to fix. He elucidated on the design of local streets and how they are made to with stand the weight just not a constant flow. He then stated that it is the City of Topeka's responsibility for neglect of maintenance of the streets. He rationalized how it is not fair to ask Brewster to fix the street because of the neglect from the City.

-question from audience that has lived there for 31 years and how SW Lincoln Street is always busy. She always sees big trucks bringing supplies to Brewster. How is that kind of traffic flow not going to grow. Also expressed concern about how Brewster's side will be really nice and their side will be left a mess.

Mr. Boyd empathized with her and explicated again that it is still the responsibly of the City to take care of maintenance of local streets.

-a statement from audience member that the City council will hear about it.

Mr. Boyd stated that is what you need to do. He then told the audience that there is money set aside for street repair.

-City of Topeka Planning Department representative had a question about the email with pictures of broken street and if it is was regarding SW Lincoln Street.

Mr. Boyd clarified that SW Lincoln Street was what the email was regarding. City of Topeka Planning Department representative concurred with Mr. Boyd about the City's responsibility. It is the City's responsibility for the maintenance and repair of City streets. He said they show go to Public Works for repair issues/complaints. He continues with explaining about traffic study and how this expansion is not adding additional traffic because of the use intended.

-Audience member asked Planning representative if they could use the TIA to show the City the amount of current traffic and their lack of maintenance.

Planning representative responded yes he could.

Mr. Boyd restarts the presentation with the Phase 4 expansion. He paraphrased the development to be an open space/garden. He added how nice and mature the complex is and will be.

-question from audience on how big maintenance building will be.

Mr. Boyd deferred to Brewster Place's representative on proposed design.

-question from audience on what the rezoning boundary was.

Mr. Boyd illustrated the boundary.

-Statement from audience on the once a month traffic accidents on SW 29th Street. Person stated its coming downhill from SW Burlingame Avenue and they cannot make a left turn.

-Statement from audience on how it's good for Brewster to build sidewalks for the people but it's a bad street for people to walk along.

-Statements from audience member explaining the history of area since 50s.

-Statement from audience member about founder of Brewster and he came over on mayflower.

Representative of Brewster Place give more detail of Brewster's founder.

Mr. Boyd shows 24"x36" prints on table and explains what process of submittal for this development. He then concludes by reminding the audience that if they have more questions to show up at public hearing in December. The Planning representative gives contact information to audience and tells about how to obtain their staff reports on this development.

Meeting ended at 6:47 pm.

A handwritten signature in black ink, appearing to read "Mr. Boyd". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

SBB Engineering, LLC

