

# TOPEKA PLANNING COMMISSION

## A G E N D A

**Monday, July 17, 2017**  
**6:00 P.M.**

**214 East 8th Street**  
**City Council Chambers, 2<sup>nd</sup> 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

Wiley Kannarr, Chair  
Brian Armstrong  
Ariane Burson  
Rosa Cavazos, Co-Vice Chair  
Scott Gales  
Dennis Haugh  
Carole Jordan  
Katrina Ringler, Co-Vice Chair  
Patrick Woods

### Topeka Planning Staff

Bill Fiander, AICP, Planning Director  
Carlton O. Scroggins, AICP, Planner III  
Dan Warner, AICP, Planner III  
Mike Hall, AICP, Planner III  
Tim Paris, Planner II  
Annie Driver, AICP, Planner II  
John Neunuebel, Planner II  
Taylor Ricketts, Planner I  
Tim Esparza, Planner I  
Kris Wagers, Administrative Officer

# **AGENDA**

## **Topeka Planning Commission**

**Monday, July 17, 2017 at 6:00 P.M.**

- A. Roll call**
- B. Approval of minutes – May 15, 2017**
- C. Communications to the Commission**
- D. Declaration of conflict of interest/exparte communications by members of the commission or staff**
- E. Action Items**
  - 1. Public Hearings**
    - a. Z17/02 by: Joint Economic Development Organization of Topeka & Shawnee County (JEDO),** requesting to amend the district zoning classification of the subject property (6.06 acres) located at 2014 SE Washington Street **from** “R-1” Single Family Dwelling District **to** “O&I-2” Office and Institutional to allow for a physical center for workforce development training in East Topeka. (Neunuebel)
    - b. PUD17/02 Wheatfield Village Planned Unit Development by: 29 Fairlawn, LLC,** requesting to amend the district zoning classification of the subject property (14.7 acres) located at the Northwest corner of SW 29th Street and Fairlawn Road **from** “C-4” Commercial District **to** “PUD” Planned Unit Development (C-4 Commercial and M-3 Multiple Family Dwelling Use Groups) to allow for development of a theater, hotel, restaurants, and residential apartments. (Neunuebel)
  - 2. Other**
    - a. Wheatfield Village Project Plan, Finding of Consistency with the Land Use and Growth Management Plan 2040 –** In accordance with K.S.A. 12-1722, review the tax Increment finance district, known as the Wheatfield Village Project Plan, for consistency with the Land Use and Growth Management Plan 2040. (Warner)
- F. Adjournment**



CITY OF TOPEKA  
**TOPEKA PLANNING COMMISSION**

MINUTES

Monday, May 15, 2017

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

**Members present:** Wiley Kannarr, Brian Armstrong, Ariane Messina, Dennis Haugh, Carole Jordan, Rosa Cavazos (6)

**Members Absent:** Katrina Ringler, Scott Gales, Patrick Woods (3)

**Staff Present:** Bill Fiander, Planning Director; Mike Hall, Planner III; John Neunuebel, Planner II; Kris Wagers, Administrative Officer; Mary Feighny, Legal

**Roll Call** – Eight members present for a quorum.

**Approval of Minutes from April 17, 2017**

**Motion** to approve as typed; moved by Ms. Jordan, **second** by Mr. Armstrong. **APPROVED** (5-0-1 with Ms. Cavazos abstaining)

**Communications to the Commission**

Mr. Fiander noted Mrs. Messina's recent wedding and name change from Burson.

Mr. Fiander invited all to the May 17 Bike with the Mayor/City Manager event.

Mr. Fiander reported that the Governing Body had approved the Reser's annexation and PUD that was before the Planning Commission at their April meeting.

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

Mr. Armstrong stated he would be stepping out for P17/06 McFarland Farm Subdivision.

**Public Hearings**

**Z17/01 101 N Kansas Avenue, by 101 N Kansas Avenue, LLC**, requesting to amend the Zoning District for the subject property (16,500 sq.ft.) located at 101 N Kansas Avenue from "I-1" Light Industrial to "D-3" Downtown District to provide for use of an existing vacant building as residential apartments. (Hall)

Mr. Hall presented the staff report, noting the staff recommendation of approval. He noted that the developer had held a Neighborhood Information Meeting (NIM) which was well attended. Issues raised had to do with

**DRAFT**

parking concerns and intensified use of the alley behind the building. He added that these issues were addressed in the staff report.

Ms. Jordan asked if the alley is currently gravel and if the city will need to pave it. Mr. Hall explained that necessary alley improvements would be the responsibility of the developer; necessary improvements would be determined during the permitting process of the building renovation.

The applicant, Mr. Mike Wilson, Managing Partner for 101 N Kansas LLC, came forward to speak. He elaborated on the number of planned units and parking spaces, as well as planned improvements for the alley. He noted that in addition to putting parking in the basement, 101 N Kansas LLC had also purchased another nearby building that they will use for resident parking, making a minimum of 49 available parking spaces, approximately 1.5 per unit.

Mr. Wilson stated that Downtown Topeka, Inc. (DTI) is in support of the project, having stated that they feel it will make a great improvement to the neighborhood. DTI has provided a grant for the project.

Mr. Kannarr declared the **Public Hearing open**. With none coming forward to speak, he declared the **Public Hearing closed**.

Ms. Cavazos noted an April 010 email that was included in the agenda packet. The email expressed concern about the condition or existence of a crosswalk and asked if that would be addressed. Mr. Hall stated that the City's traffic engineer would be responsible for determining whether a crosswalk is justified. He added that he would bring this location to the Traffic Engineer's attention.

Mr. Armstrong stated that he is familiar with the planned Polk-Quincy Viaduct project and assured all that he had reviewed this and found that it does not directly impact the location currently under consideration. He added that he believes the proposed project is a great re-use of the building.

Ms. Jordan stated that she had gone to the area and looked around. She believes it will add to the Downtown area and also the corridor between Downtown and NOTO.

Mr. Kannarr noted that the agenda packet included letters of support from surrounding businesses.

**Motion by Ms. Jordan** to recommend to the Governing Body approval of the reclassification of the property from I-2 Heavy Industrial District to D-3 Downtown District. **Second by Mr. Haugh. APPROVAL (6-0-0)**

**Z69/44H Woodland Park at Soldier Creek, by Brick & Mortar Phase I Construction, LLC**, requesting to amend the Planned Unit Development (PUD) land use group FROM PUD (M-2) Multiple Family dwellings TO PUD (M-1) Two-Family Dwelling District on Lot(s) 1 and 2 comprising 6.14 acres generally located at the southeast corner of NW Topeka Blvd. & NW Menninger Rd. (Neunuebel)

Mr. Neunuebel presented the staff report, noting the staff recommendation for approval along with conditions, noting a proposed, staff approved change to condition #3 that would include the option of wood fencing. He reviewed a handout / memo to Planning Commissioners regarding an additional condition about sidewalks.

Ms. Messina asked for clarification regarding sidewalks. Mr. Neunuebel stated they are required on both sides of the street.

Ms. Cavazos asked if the frontage road along Topeka Blvd is going to remain. Mr. Neunuebel explained that it will not.

Mark Boyd of Schmidt, Beck and Boyd came forward representing the applicant. He added that the frontage road will be removed for the extent of the property; anything beyond the property under consideration will remain.

Mr. Boyd stated that the applicant is not in full agreement with staff regarding all of the conditions. They have concerns about #2, believing there are other potentially better alternatives to an HOA.

Mr. Boyd expressed concern about condition #4, stating there's no policy in place to address concerns about the placement of duplexes and single family homes. He stated that if design standards are to be placed on PUDs, there should be a policy in place that has been hashed out through the public process and agreed to by the Planning Commission. He stated that he is concerned this will potentially create problems down the road for the owner and would like to have Condition #4 removed.

Mr. Boyd expressed concern about Condition #5. Following discussion, it was agreed by Mr. Boyd and staff that this could be amended as such: [two garage entries] "and having a width of greater than 24 feet" [each entry shall be...].

Mr. Wiley asked for clarification, stating that he heard the applicant say they are in agreement only with conditions 1, 3, 6 & 7. Mr. Boyd stated that having noted their exception, they would be willing to go along with Condition #2. Mr. Haugh asked for more information about their concerns with #2. Mr. Boyd suggested deed restrictions as an alternative to a Homeowners Association as a method of ensuring maintenance of private streets and other facilities hard by residents.

With no further questions from Commissioners, Mr. Boyd took his seat.

Mr. Kannarr declared the **public hearing open**.

None came forward to speak.

Mr. Kannarr asked staff if they had responses to Mr. Boyd's concerns about staff recommendations #4 and #5. Mr. Neunuebel stated that regarding #5, staff is agreeable to the proposed change in wording as typed above.

Mr. Neunuebel explained that staff's main concern and the reason for Condition #4 is the uncertainty it could potentially cause property owners later on. Staff explained that recently there had been concerns by property owners on Gemstone Lane who had single family homes and were opposed to duplexes being built across the street. Though the zoning allowed for duplexes, property owners had been assured by the developer that single family homes would be built. The property later changed hands and the new developer wished to exercise his option to building duplexes. Planning staff felt that Condition #4 would help ensure that something like this wouldn't happen in the future with the property currently under consideration, further noting that that Planning staff is responsible for trying to foresee potential compatibility issues and the fact that this is a PUD it allows for a condition that defines compatibility. Staff stressed that the condition is written so as not to be overly prescriptive.

Mr. Haugh asked what characteristics would make duplexes/single family home incompatible. Mr. Hall suggested that single-family homes directly across the street from duplexes might be deemed such, and

he suggested that staff would recommend grouping single family with and across from single family and duplexes with and across from duplexes.

Mr. Kannar asked if staff has a process for dealing with a request. Mr. Fiander stated that the Condition is actually "Plan B". He stated that "Plan A" would be to determine now which properties would be single family and which duplexes. The developer desires more flexibility based on the market, so what staff has suggested is "Plan B". He stated that if only duplexes are built, the applicant will not need planning's approval. If a single-family home is built, the applicant will need to have Planning review the plans for compatibility. He stated there are no design issues here; it's a matter of compatibility.

Mr. Kannarr invited Mr. Boyd to return to the podium. Mr. Boyd stated that the condition presumes the person buying the property won't know what they bought. He explained that this is a market driven development and the developer with a PUD to allow for flexibility of doing either single family or duplexes. He stated his main concern is the process and setting a precedent.

Mr. Armstrong asked if the developer would prefer "Plan A", determining on the PUD which properties would be single family homes or duplexes and Mr. Boyd stated he would not; he prefers the flexibility of allowing it to be market driven.

Ms. Messina asked if the developer has an idea of timeline for building the properties and Mr. Boyd suggested 12-18 month.

Mr. Haugh asked Mr. Boyd if he felt Planning should have the ability to have some oversight rather than allowing random placement of single family homes and duplexes and Mr. Boyd responded that yes, there could be oversight but the process is not yet in place.

Ms. Cavazos asked if the developer would move forward if Condition #4 is not removed. Mr. David Watson of Brick & Mortar Phase I Construction, LLC, came forward and responded that he believes things are being made more difficult than they need to be. He believes they'll go forward regardless, but stated it might have an impact on their desire to develop in the future.

With no more questions and none coming forward to speak, Mr. Kannarr declared the public hearing closed.

Mr. Kannarr stated that while he is in favor of allowing the PUD amendment, Condition #4 does cause concern as a pattern. With no process in place to avoid arbitrary and capricious approval/disapproval, there's nothing to protect against it.

Mr. Haugh stated that because it is a PUD, that gives the developer the flexibility they need to building based on the market, but it also gives Planning staff the ability to implement the modifications to make it more palatable from a planning standpoint. He stated that's the compromise that is being offered here and he believes it should move forward with the Conditions staff have requested.

Ms. Messina asked if this would be the only opportunity for Planning to have input on where single family vs. duplexes would be built and Mr. Fiander confirmed it is. He added that the Planning Commission could defer the vote for a month to allow time for staff and the applicant to come to agreement.

Ms. Cavazos asked if the zoning and potential for duplexes is made known to potential buyers. Mr. Fiander stated that zoning and the fact that it is a PUD is public record.

Ms. Feighny confirmed that Planning Commission could defer the vote for a month. The applicant returned to the podium and stated that they would prefer to move forward with Condition #4 in place rather than defer.

Mr. Haugh moved to forward to the Governing Body a recommendation of approval of the proposed amendment to Woodland Park at Soldier Creek PUD Master Plan along with conditions.

Mr. Kannar asked for and received confirmation from Mr. Haugh that the motion includes: Condition #3 shall state "such as ~~vinyl-clad wood~~ wood, vinyl, wrought iron, or masonry." Condition #5: The text [two garage entries] "*and having a width of greater than 24 feet*" [each entry shall be...] shall be added.

**Second by Ms. Jordan. APPROVAL** (5-1-0 with Mr. Kannarr dissenting)

## Subdivisions

### **P17/05 Woodland Park at Soldier Creek Subdivision No. 3 (Preliminary and Final Plat) by Brick & Mortar Phase I Construction, LLC** on property located at NW Topeka Blvd & NW Menninger Rd (Neunuebel)

Mr. Neunuebel presented the staff report and staff recommendation for approval subject to conditions in staff report and included in the staff memo to Planning Commission dated 5/15/17.

Mr. Boyd came forward and stated he has nothing to add to the staff report.

Mr. Kannarr asked if anyone in the public would like to comment. None came forward.

**Motion by Mr. Haugh** to approve the preliminary plat and to forward a recommendation of approval to the Governing Body of the proposed final plat for Woodland Park at Soldier Creek Subdivision No. 3 including the conditions in the staff report. Includes the condition stated in the staff memo to Planning Commission dated 5/15/17. **Second by Ms. Messina. APPROVAL** (6-0-0)

### **P17/06 McFarland Farm Subdivision No. 5 (Preliminary and Final Plat) by McFarland Farm, LLC** on property located East of SW Prairie Rd, South of SW 10<sup>th</sup> Ave, West of SW Steeplechase Ln (Driver)

Upon the calling of this case, Mr. Armstrong excused himself from the room.

Mr. Hall presented the staff report and staff recommendation for approval subject to conditions including that included in the staff memo to Planning Commission dated 5/15/17. He explained that the Planning Commission votes to approve the preliminary plat and makes a recommendation to the Governing Body regarding the final plat. It is the Governing Body who will vote on approval of the final plat.

Mr. Steve LaCosse of Bartlett & West Engineers came forward on behalf of the applicant. He explained that these lots will be part of what's known as McFarland Farm Estates and though it's a small reduction in lot size, lots are still around  $\frac{3}{4}$  acres. He noted that a Neighborhood Information Meeting was held and nobody who attended felt strongly enough about the proposal to be present this evening. He noted that the road layout matches exactly what was laid out in 1998 and the length of the cul de sac is not changed.

Mr. LaCosse explained that previously homes had been built with 25' setbacks and the owners would prefer that, which would mean striking Condition #4, but they are open to the 30' setbacks required by the City.

Mr. Kannarr asked if there were anyone else who would like to address to the Commission. None came



forward.

Ms. Jordan asked Mr. Hall to explain the reason for Condition #4. Mr. Hall explained that the 30' is based on the City's design criteria for specific types of streets and the recommendation of the City's Engineering Department. It is unclear why previous homes were allowed to be built with 25' setbacks, but staff does not feel that asking for the additional 5' is particularly onerous. He added that if at some point the City wished to require sidewalks, that 5' additional would be important.

Mr. Kannarr asked if there was a change in ordinances at some point that would have changed the setback requirements. Mr. Fiander stated he doesn't believe so and is unclear as to why 25' was previously allowed.

Ms. Cavazos asked about the notification process for the Neighborhood Information Meeting and Mr. Hall explained that it's properties within 500' radius.

Mr. Kannarr asked the applicant if they knew why the 25' setback had been allowed in the past. Mr. Ron Lutz came forward as one of the developers and stated he does not know.

Mr. Kannarr stated he's inclined to go forward with the 30' requirement since it's the City's standard and nobody knows why 25' had been allowed in the past.

Mr. Haugh stated that he concurred with Mr. Kannarr's the comments about the easement. He added that based on overall lot size, he thinks the proposed change on the lot sizes is miniscule.

**Motion by Ms. Jordan** to forward a recommendation of approval to the Governing Body of the proposed final plat for McFarland Farm Subdivision No. 5. Includes the revision as stated in the staff memo to Planning Commission dated 5/15/17. "Areas are non-buildable and reserved for landscaping amenities such as , trees, shrubs, trails, berms, etc. Fencing owned or installed by individual lot owners shall be prohibited from being located within the landscape easement." **Second by Ms. Messina. APPROVAL (6-0-0)**

**Adjourned at 7:35PM**

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

PLANNING COMMISSION DATE: JULY 17, 2017

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APPLICATION CASE NUMBER / NAME:	<b>Z17/02 – Joint Economic Development Organization of Topeka &amp; Shawnee County (JEDO)</b>
REQUESTED ACTION / CURRENT ZONING:	Zoning reclassification <b>FROM</b> "R-1" Single-Family Dwelling District <b>TO</b> "O&I-2" Office and Institutional District
APPLICANT / PROPERTY OWNER:	<b>JEDO</b>
APPLICANT REPRESENTATIVE:	Ms. Angela Sharp, PE / Bartlett & West
PROPERTY LOCATION / PARCEL ID:	2014 SE Washington Street / 13305030270080000
PARCEL SIZE:	6.06 acres
CASE PLANNER:	John Neunuebel, Planner II
RECOMMENDATION:	Approval
RECOMMENDED MOTION:	Based on the findings and analysis in the staff report I move to recommend <b>APPROVAL</b> to the Governing Body of the reclassification of the subject property from R-1 Single-Family Dwelling District to O&I-2 Office and Institutional District.

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**PROJECT AND SITE INFORMATION**

PROPOSED USE / SUMMARY:	The change in zoning to O&I-2 will accommodate the renovation and reuse of existing buildings formerly utilized as a National Guard Armory for use as the "East Topeka Learning Center" that, in conjunction with Washburn University and Washburn Institute of Technology, will provide educational and career programs in support of the workforce development needs of local employers. Such a business and vocational training facility is not permitted under the current R-1 zoning.
DEVELOPMENT / CASE HISTORY:	The existing buildings comprising the former National Guard Armory were constructed during the 1950's although being a federal facility and not subject to the City's building and permitting process precise dates in which the six (6) primary building were constructed is difficult to ascertain. There is no history of zoning changes, conditional or special use permits on the property.
ZONING AND CHARACTER OF SURROUNDING PROPERTIES:	Adjacent and north: R-1; current institutional use as 'Antioch Family Life Center,' a social services agency.

Adjacent and south across 21<sup>st</sup> Street : R-1 and M-1; single-family residences and one duplex residence (at SW corner of SE 21<sup>st</sup> & Indiana).

Adjacent and west across Washington Street: R-2; single-family residences.

Adjacent and east across Indiana Avenue: R-2; single-family residences and a parking lot owned by City of Topeka (at NE corner of SE 21<sup>st</sup> & Indiana).



On 21<sup>st</sup> Street facing north into central portion of project site.



On 20<sup>th</sup> Street near Indiana Avenue facing southwest into project site.



Facing north along Washington Street near 21<sup>st</sup> Street with single-family residences on west side of Washington Street.

## DEVELOPMENT STANDARDS AND POLICIES

### **PURPOSE, USE STANDARDS:**

The purpose of the proposed O&I-2 zoning is to “provide for a limited range of nonresidential and noncommercial uses such as general purpose office, professional, or administrative operations. The district shall not permit those uses and activities pertaining to retail product display, installation, service, repair, or maintenance unless specifically allowed within this chapter. Among others, an objective of this district is to provide for a transitional buffer between the districts of lesser and greater intensity; and to restrict the intensity of use to a low to moderate range and to encourage a compatible design with the adjacent use and development.” (TMC 18.130.010)

A relatively narrow range of land uses are permitted within the O&I-2 district. Permitted uses include: assisted living facility; medical care facility; private club or lodge; governmental services; outdoor recreation; religious assembly; banks; office/professional; and business and vocational school. Retail uses, auto repair, and other service uses are generally not permitted in the O&I-2 District (TMC 18.60 Land Use Matrix)

### **DIMENSIONAL STANDARDS:**

Within the O&I-2 district, where a lot abuts an R district, a yard at least equal to the abutting yard required in the R district shall be provided along the R district boundary line. Building height is restricted to sixty feet (60') in the O&I-2 district.

### **OFF-STREET PARKING:**

In the O&I-2 district off-street parking is required per the standards in TMC 18.240.030. The off-street parking requirement for business and vocational school is 1 space per 200 square feet of floor area after deducting floor area for lobbies, mechanical rooms, stairways, restrooms, etc..

**LANDSCAPING:**

In the O&I-2 District landscaping is required for new construction and building and parking lot expansions. Landscaping will be reviewed as part of the pending permitting process in modification of the existing buildings.

**OTHER DESIGN GUIDELINES AND CONSIDERATIONS:**

There are no explicit design standards applicable to the O&I-2 district although, depending on the scope of the project, site plan review and landscape requirements may apply.

**COMPREHENSIVE PLANS:**

The Topeka Land Use and Growth Management Plan 2040 (LUGMP) contains policies related to Tier 1 (City) development and redevelopment. The LUGMP *"encourages infill and redevelopment within Topeka to take advantage of existing urban infrastructure and services and that promote a range of uses to fit within the overall character of the area."*

The subject property is included within the "Central Highland Park Neighborhood Plan," and is categorized as "Institutional" within the Neighborhood Plan's Future Land Use Map. The subject area is further addressed within the Neighborhood Plan, and identified as 'the former Armory Building,' by indicating that buildings should be adaptively re-used for community-wide uses. The Central Highland Park Neighborhood Plan also indicates that for the subject site "Ideally, large-scale uses that attract heavy traffic onto local interior streets should be avoided or mitigated." The subject property is accessed via major collector and streets (Indiana and Washington), as well as a minor arterial (21<sup>st</sup> St.).

The proposed zoning is consistent with the LUGMP and the Central Highland Park Neighborhood Plan.

**TRANSPORTATION/MTPO PLANS:**

The Topeka Pedestrian Master Plan:

- Actions 1B and 1D require sidewalks to be part of new developments (pages 19 and 24). These policies will be implemented with the Site Plan Review and building permit processes.
- Action 4C: "Promote walking in neighborhoods through mixed use development and redevelopment along neighborhood corridors." (page 53)

The Topeka Bikeways Master Plan:

- A bikeway is located within the area on 21<sup>st</sup> Street between Indiana and Wisconsin Streets, and there is also a bikepath along Indiana Street between 21<sup>st</sup> and 25<sup>th</sup> Streets.

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**OTHER FACTORS**

**SUBDIVISION PLAT:**

None ( Although the subject property has never been platted , it

<b>FLOOD HAZARDS, STREAM BUFFERS:</b>	Is anticipated that an application for minor plat is forthcoming.) None
<b>UTILITIES:</b>	The site is served by City of Topeka water and sewer. The extent of any needed improvements to infrastructure will continue to be assessed during subsequent steps in the development process.
<b>TRANSPORTATION/TRAFFIC:</b>	21st Street is categorized as a minor arterial within the subject area, while Indiana Avenue and Washington Street are categorized as a major collector(s) within the area.  Regarding the anticipated use of the property as a vocational school (East Topeka Learning Center) approximately 400 full and part-time students are expected to attend various classes throughout the year. Class schedules generally begin at 8:00 a.m. and end at 3:00 p.m. The owner/ applicant estimates that 50% will ride Topeka Metro buses, 10% will walk, and 40% will either drive or be dropped off via private vehicles.
<b>HISTORIC PROPERTIES:</b>	None
<b>NEIGHBORHOOD INFORMATION MEETING / STAKEHOLDER FEEDBACK:</b>	The owner/applicant conducted a neighborhood information meeting on June 28, 2017. (Meeting attendance and summary attached.) Seven people attended the meeting, not including the attendees associated with the zoning application and project. The response to the presentation was generally positive, although there was concern expressed regarding traffic and potential for other uses allowed under the proposed O&I-2 zoning.

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**REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES**

<b>PUBLIC WORKS/ENGINEERING:</b>	None
<b>WATER POLLUTION CONTROL:</b>	None
<b>FIRE:</b>	None
<b>DEVELOPMENT SERVICES:</b>	None
<b>Other:</b>	None

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**KEY DATES**

**SUBMITTAL:** June 2, 2017

NEIGHBORHOOD INFORMATION MEETING: June 28, 2017  
LEGAL NOTICE PUBLICATION: June 26, 2017  
PROPERTY OWNER NOTICE MAILED: June 23, 2017

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## **STAFF ANALYSIS**

**CHARACTER OF NEIGHBORHOOD:** The proposed O&I-2 zoning is compatible with the existing and desired future character of the neighborhood in that the area is characterized by primarily residential development that is compatible with the primarily office and institutional uses allowed within the proposed zoning district.

**LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION:** The buildings located on the subject site, previously utilized as National Guard Armory, have been vacant for approximately 15 years.

**CONFORMANCE TO COMPREHENSIVE PLAN:** The proposed zoning change to O&I-2 conforms to the Central Highland Park Neighborhood Plan as adopted pursuant to the Land Use and Growth Management Plan – 2040 (LUGMP). Zoning changes and building reuse and renovation are important to the implementation of the LUGMP, and the subject property being designated *Institutional* within the Future Land Use Map within the Neighborhood Plan is consistent with the proposed zoning.

**THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES OF WHICH IT HAS BEEN RESTRICTED:** The property and the existing building are not suitable for the single-family residential uses to which it is restricted under the current R-1 Single Family zoning. The O&I-2 zoning classification would allow the existing buildings to be adapted for a compatible institutional use in the form of the anticipated "East Topeka Learning Center."

**THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES:** The change in zoning and the planned renovation and re-use of the buildings on the subject property, which is possible only by the change in zoning, will have a net positive effect on nearby properties. The zoning change will facilitate physical improvements to presently vacant buildings and provide a needed educational service within the East Topeka area.

**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:** Approval of the proposed zoning change will allow for currently vacant buildings to be used for purposes that are economically feasible and provide a needed community service, allowing for investment in the property and long term maintenance. Furthermore, denial of the zoning change likely creates a situation where the buildings will continue to deteriorate and remain vacant.

**AVAILABILITY OF PUBLIC SERVICES:** Adjacent public streets are adequate to serve the development. All essential public utilities, services and facilities are presently available to this area or will be extended at developer expense upon construction.

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## **STAFF RECOMMENDATION:**

**RECOMMENDATION:** Based on the above findings and analysis Planning Staff recommends approval of the zoning reclassification FROM "R-1" Single Family Dwelling District TO "O&I-2" Office and Institutional as proposed.

**RECOMMENDED MOTION:** Based on the findings and analysis in the staff report I move to recommend **APPROVAL** to the Governing Body of the reclassification of the property from "R-1" Single Family Dwelling District TO "O&I-2" Office and Institutional District.

**Attachments:**

- Aerial Map
- Zoning Map
- Neighborhood Information Meeting Notes & Attendance

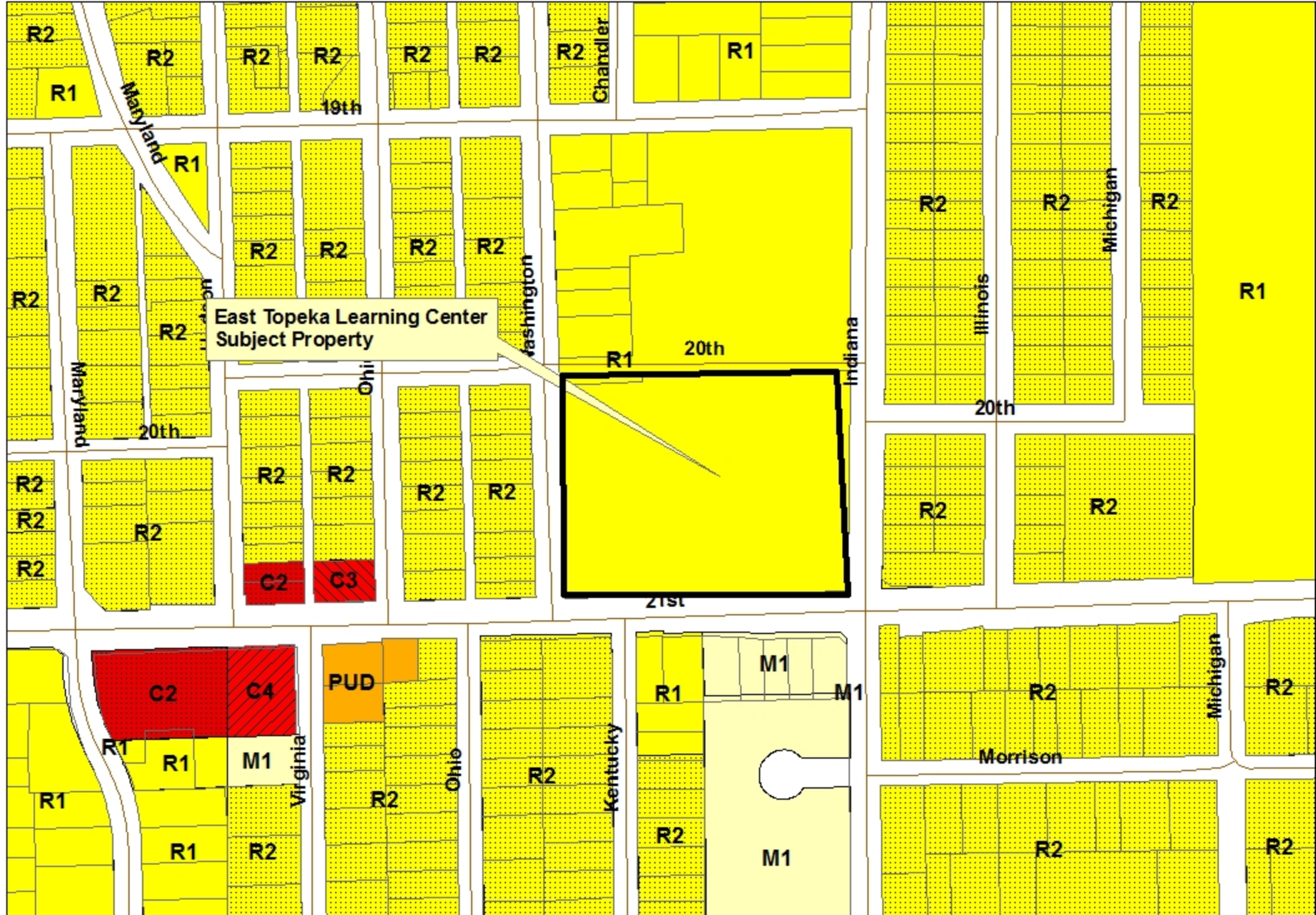




East Topeka Learning Center  
Campus Subject Property

# Z 17/02 By: Joint Economic Development Organization (JEDO) - Rezoning





# Z 17/02 Proposed Zone Change East Topeka Learning Center



## MEMORANDUM

Date: June 28, 2017

To: John Neunuebel, Topeka Planning Department

From: Angela Sharp, Bartlett & West

Re: Neighborhood Information Meeting: East Topeka Learning Center, Proposed Zone Change for former National Guard Armory Site at 2014 SE Washington Street  
Location and Time: Hillcrest Community Center June 28, 2017 at 6:30 PM

Those in attendance are as indicated on the attached attendance sheet. The meeting began at 6:30 PM with an overview of the zoning process and answering of general questions by Mike Hall, Topeka Planning Department. The project team introduced themselves and indicated their involvement with the project. Barbara Stapleton, GO Topeka then discussed the project concept for the East Topeka Learning Center and answered questions relative to the partnership between GO Topeka/JEDO and Washburn Institute of Technology, the focus and goals of the new facility and the benefits to the community and the surrounding neighborhood. Angela Sharp then discussed the exterior site elements of the project such as traffic, lighting, storm water and noise, the impacts of which would be mitigated or completely alleviated as a part of the design process. Clark Coco, Washburn Tech, then talked about the anticipated programming that may be offered and indicated that the first session is expected to begin late 2018. There was a good discussion between the neighbors present and the project team, with a consensus that this type of use has been needed for some time in this area. It was expressed numerous times that input from the neighbors and prospective students are desired and will be helpful in the design and programming of the facility. The meeting ended at approximately 7:30.



STAFF REPORT – PLANNED UNIT DEVELOPMENT  
TOPEKA PLANNING DEPARTMENT

PLANNING COMMISSION DATE: July 17, 2017

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**CASE NUMBER & NAME:** PUD17/02  
Wheatfield Village Planned Unit Development (PUD) Master Plan

**REQUESTED ACTION /  
CURRENT ZONING:** Rezoning of 14.7-acre site *from* "C-4" Commercial District *to* "PUD"  
Planned Unit Development to provide for re-design/ re-use of commercial  
center, along with new residential development. Proposed PUD stipulates  
Use Group(s) of C-4/ Restaurant, Hotel, Theater; and M-3/ Multiple-Family  
Dwellings providing for 178 apartments.

**APPLICANT / PROPERTY OWNER:** 29 Fairlawn, LLC

**APPLICANT REPRESENTATIVE:** Mr. Kevin K. Holland, CFS Engineers, P.A.

**PROPERTY ADDRESS & PARCEL  
ID:** Northwest corner of the intersection of SW 29<sup>th</sup> Street and SW Fairlawn  
Road  
Parcel ID: 1420904010007000

**PARCEL SIZE:** 14.7 acres

**CASE PLANNER:** John Neunuebel, Planner II

**STAFF  
RECOMMENDATION:** Approval of Wheatfield Village PUD Master Plan subject to conditions  
included on Pages 14-15

**RECOMMENDED  
MOTION:** Based on the findings and analysis in the staff report, I move to  
recommend **APPROVAL** with conditions to the Governing Body of the  
proposed Wheatfield Village PUD Master Plan.

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## PROJECT AND SITE INFORMATION

### PROPOSED USE SUMMARY:

Proposed Planned Unit Development (PUD) with mixed-use Use Group(s) of C-4/ Restaurant/ 'Family Dining;' Restaurant/ 'Fast Food (2 restaurants within a single building);' Hotel; Theater; and M-3/ Multiple-Family Dwellings providing for 178 apartments. The subject area comprises a designated Redevelopment Project Area with associated Redevelopment Project Plan approved and adopted by the City of Topeka that is consistent with the proposed PUD.

### DEVELOPMENT / CASE HISTORY:

Existing site includes vacant land and primarily vacant structures. Commercial development on the site occurred in a piecemeal manner including: construction of a bowling alley in 1960; auto service station in 1963; and hotel in 1968. All three of these structures have been demolished with only their foundation pads still visible. There are currently two (2) commercial businesses operating on the site, and these are a billiards hall and vacuum cleaner repair service. Zoning on the site is currently C-4 Commercial District.

In addition to the proposed PUD in process, there are associated preliminary and final re-plat(s) also being processed concurrently.

### PHOTOS:



North side of project area looking west along SW 28<sup>th</sup> Court with a newly-constructed segment of Shunga Creek Trail located on right.  
Note: SW 28<sup>th</sup> Court public right-of-way to be abandoned upon approval of new subdivision plat for subject property currently in process.



North central portion of property looking toward southeast, with building pad in foreground that of previous bowling alley structure.



North side of property looking south along Fairlawn Avenue

**ZONING AND CHARACTER OF SURROUNDING AREA:**

Adjacent areas to the south, east, and west along 28 Street, 29<sup>th</sup> Street, and Fairlawn Avenue include commercial zoning and uses, with nearby residential development being located to the north on the opposite side of Shunganunga Creek, with Crestview Park being located north of 28<sup>th</sup> Street just east of Fairlawn Avenue.

## OVERVIEW OF PROPOSED PUD ELEMENTS

**UTILITIES:** All utilities to be underground, with existing sanitary sewer and water service provided by City of Topeka.  
(A Preliminary Stormwater Drainage Analysis has been submitted for the PUD, with formal analysis to be completed during processing of the associated subdivision plat and site plan review applications.)

**CIRCULATION & ACCESS:** The PUD master plan provides for internal circulation for vehicles and pedestrians. A segment of the Shunga multi-use trail was recently completed adjacent to the project area, and will provide direct access into the development at various points.

A Traffic Impact Study (TIS) has been completed and is currently in review in assessing the impact of the proposed development plan on the surrounding transportation system . Acceptance of the TIS by the City of Topeka including associated roadway improvements will be required prior to final approval of the PUD master plan.

Three access points are being proposed in servicing the new development. There will be two new driveways along Fairlawn Road, with one of these being a full access, signalized driveway aligning with 28<sup>th</sup> Street. The other driveway onto Fairlawn Road will be located 200 feet south of 28<sup>th</sup> Street and will be limited to right-turn movements only. A *potential* third access into the development will be located off the I-470 Westbound entrance ramp just north of 29<sup>th</sup> Street, and will accommodate one-way traffic only into the site. This potential third access will require a 'break-in access' on the I-470 entrance ramp, and is presently being considered for approval by the Kansas Department of Transportation (KDOT) and the Federal Highway Administration (FHWA). Should the break-in-access onto the I-470 entrance ramp not be approved by either agency, the proposed PUD master plan is notated to provide for administrative processing of a minor amendment to the master plan in eliminating the I-470 entrance ramp access.

The Traffic Impact Study provides detailed analysis of improvements to the area roadway system for 3 access points, as well as 2 access points without the break-in-access on the I-470 entrance ramp. Regardless of which access scenario occurs, all necessary roadway improvements must be completed prior to occupancy of any new structure. The following tables (next page) provide an overview of roadway improvements to 29<sup>th</sup> Street and Fairlawn Road for either access scenario, as well as for Phase I and Phase II of development.



<b>Phase I Roadway System Improvements</b> (Supports development of movie theater and 2-tenant restaurant with drive through)		
	<b>29<sup>th</sup> Street</b>	<b>Fairlawn Road</b>
<b>Phase I</b> Phase I roadway improvements are the same whether or not an entrance of I-470 Ramp is approved by FHWA or not	No improvements to 29 <sup>th</sup> Street required for Phase I.	1) New traffic signal installation and construct northbound turn lane at 28 <sup>th</sup> Street 2) Construct second southbound turn lane on Fairlawn at 29 <sup>th</sup> 3) Construct raised median on Fairlawn between 28 <sup>th</sup> and 29 <sup>th</sup> Streets

Sidewalk and other miscellaneous improvements will be included in work tabulated above.

<b>Phase II Roadway System Improvements</b> (Supports Phase I development plus development of apartments, hotel, and sit-down restaurant)		
	<b>29<sup>th</sup> Street</b>	<b>Fairlawn Road</b>
<b>Phase II</b> Roadway improvements required if entrance off I-470 Ramp is approved by KDOT and the FHWA	Widen 29 <sup>th</sup> Street to extend eastbound left turn lane at the I-470 Ramp/Connection Road Intersection	No additional improvements to Fairlawn Road for Phase II. (Phase I improvements only)
<b>Phase II</b> Roadway improvements required if entrance off I-470 Ramp is not approved by KDOT and the FHWA	Widen 29 <sup>th</sup> Street to provide second eastbound left turn lane and additional left turn storage at the intersection of 29 <sup>th</sup> and Fairlawn	No additional improvements to Fairlawn Road for Phase II. (Phase I improvements only)

Sidewalk and other miscellaneous improvements will be included in work tabulated above.

## BUILDINGS/USES:

The proposed development includes:

- Building 1: A 4-storey 88-room hotel near northeast corner of the site. (134,257 square feet)
- Building 2: A 4-storey 178 unit apartment complex with parking garage in the northwest corner of the site. (201,827 square feet including parking garage)
- Building 3: Nine-screen, 691-seat movie theater in the south central portion the site. (34,451 square feet)
- Building 4: Family dining restaurant at the southeast corner of the site (7,375 square feet).
- Building 5: Fast food restaurant with two tenants operating a drive-through window at east end of the site. (5,100 sf)
- 'Farmers Market' open-space area at the southeast corner of the site. (approx. 600 square feet)

Anticipated project phasing will be completion of the fast food restaurant (Building 5) and movie theater (Building 3) in the first phase of development, with residential development, hotel, and family restaurant (Buildings 1, 2, and 4) in the second phase.

The PUD Master Plan includes extensive notes providing increased certainty as to the scale, quality, and design character of buildings. (See "Building Notes" and "Building Elevation Notes".) The design controls provided by these notes apply to all buildings.

Staff is of the understanding that the residential component of the PUD is highly conceptual. Even so, staff makes the following observations and recommendations.

- An average setback of at least 10 feet for residential buildings is recommended with landscaping to including extensive plantings and other features to provide an appropriate buffer.
- Responding to the Fire Department's requirements, the PUD master plan includes a fire access lane on all sides of the residential development. Additional setback is needed to accommodate trees and other plants around the buildings.
- While the residential component of development is acknowledged to be conceptual in nature, staff have identified a potential deficit in the number of residential parking spaces as proposed. (See 'Parking' section below.)

**PARKING:**

On sheet 1 of the master plan, for each building and land use, calculations are provided for *required* parking (per the zoning regulations) and *proposed* parking. The proposed parking exceeds required parking for all of the uses with the exception of the residential use. The following summarizes staff’s analysis and findings.

	Parking per Master Plan (sheet 1)	Required by Ordinance	Parking Shown on Sheet 2 of Master Plan
Building 1 (Hotel)	93	88	93
Building 3 (Theater)	269	277	256
Building 4 (Restaurant)	103	<50	103
Building 5 (fast food restaurant)	66	<60	66
Total Non-Residential Uses	531	<475	518
Building 2 (Apartments)	188	277	Parking Garage Footprint shown but not Individual Spaces

- The master plan substantially overstates the parking required for building 4 (60 spaces) and building 5 (50 spaces). Per the regulations, after deducting square feet for restrooms, storage areas, corridors, lobbies, and other unoccupied space, fast food requires 1 space per 85 square feet and family dining requires space per 150 square feet (TMC 18.240). The applicant’s calculations are based on the total floor area of each building.
- The master plan substantially understates parking required for the residential land use because it uses the standard for “multiple-family dwelling, high-rise” instead of “multiple-family dwelling and apartment hotels.” For high-rise apartments the regulations require 1.5 spaces per unit for the first 20 units and 1 space per unit for the balance of 158 units for a total of 188 (188 are proposed). The master plan’s concept for the apartments is not for a high-rise development (“high-rise” generally means 6 stores or more) and, therefore, the applicable standard (multiple-family dwellings) is 2 spaces per unit for the first 20 units and 1.5 spaces per unit for the balance for a total of 277 spaces. The proposed parking is 89 spaces short of the parking standard.

- The City may approve variances to the parking standards as part of a PUD upon making the findings in TMC 18.180.080. If the parking demand for the proposed apartments is typical of other apartments, the actual parking required will be greater than 188 spaces, although perhaps not as high as 277 spaces. If the parking demand for the residential component exceeds 188 spaces, residents will very likely use the theater parking. Encroachment on the theater parking will be exacerbated to some extent by the relative convenience to residents parking in the surface lot instead of in a parking garage. However, over building of parking spaces is also not advised in a mixed-use/shared parking setting where pedestrian-scaled features are a priority. For these reasons staff recognizes a variance to the residential parking requirements – a reduction of up to 25% - may be justified at a future time when the owner may demonstrate the ratio as too restrictive given the characteristics of the residential use. The parking ratio may also be satisfied through a combination of reduced residential units or increased parking spaces.

**SIGNAGE:**

Sign regulations applicable to the C-4 zoning district are not restrictive, allowing for multiple 55' high ground signs up to 300 square feet in copy area per sign face and an unrestricted quantity of 300 sf wall signs. Therefore, PUDs help establish where appropriate more restrictive but reasonable sign standards in keeping with best practices of the community. The following photos are provided for illustration.



SW Wanamaker, 1100 block; PUD zoning; 55' high; 196 sf (Home Depot) plus 280 sf (Dicks and other tenants)



SW Wanamaker & Huntoon  
(Wanamaker Crossing); PUD  
zoning; 30' high, 300 sf



SW Wanamaker & Huntoon  
(Wanamaker Crossing); PUD  
zoning; 50' high, up to 300 sf



SW 12<sup>th</sup> & Wanamaker (Crosswinds  
Commons); C4 zoning; 35' high, 300 sf



SW 12<sup>th</sup> & Wanamaker (Crosswinds Commons); C4 zoning; 13' high, 36 sf

At the recommendation of staff, the applicant is proposing an appropriate limit on wall signage (for commercial uses cumulative area of signs limited to 20% of the façade of each building). For ground signs (signs mounted in the ground on pylons or monuments) the signage notes in the master plan provide for up to five ground signs, not including small directional signs, to include two monument signs along I-470 and SW 29<sup>th</sup>, each up to 50' high and 300 sf, and two monument signs on Fairlawn, each up to 30' high and 300 sf. As proposed the shopping center name and logo is not to be included in the 300 sf size limit.

Staff is recommending more restrictive standards for the ground signs based on what is appropriate at this location and on restrictions imposed on other similar developments. Signs at a height of 50 feet or more are sometimes needed for visibility from I-470. Signs at a height of 30' or less are appropriate for visibility from arterial streets.

#### LANDSCAPING:

The Planning Department received a current Landscape Plan on July 5<sup>th</sup>, too late to complete a detailed review prior to completion of the staff report. It is attached for information and not as a recommended approved plan. Staff can make these observations and recommendations as the process moves forward:

- Landscaping will include a mix of large trees and understory trees, coniferous trees, and shrubs along Fairlawn Road and 29<sup>th</sup> Street, as well as throughout the project area.
- An enriched landscape parkway adjacent to Fairlawn Road will also include a 30' high contoured berm in providing enhanced screening of parking lot expanse as viewed from Fairlawn Road.

- In addition to meeting the landscape point total for quantity, it is important for the landscaping to also be arranged throughout the site to ensure compatibility between uses and to enhance the project's appearance at its edges. Staff recommends substantial landscaping and related features between the residential component and the entertainment and hotel uses.

**OTHER:** A Preliminary Stormwater Drainage Analysis has been submitted for the PUD, with formal analysis to be completed during processing of the associated subdivision plat and site plan review applications.

**VARIANCES REQUESTED:** None  
(Provision for future potential variance from residential parking standards.)

**COMPLIANCE WITH DEVELOPMENT STANDARDS AND GUIDELINES**

(The PUD Master Plan establishes development standards and guidelines as described in the previous section of this report.)

**OTHER FACTORS**

**SUBDIVISION PLAT:** A subdivision plat is required for the project. The applicant has indicated they will submit a subdivision plat application during the time the PUD application is under review. Staff anticipates the subdivision plat will be eligible as a minor plat and thus not require approval by the Planning Commission and City Council.

**FLOOD HAZARDS, STREAM BUFFERS:** The subject area is partially located within FEMA designated floodplain associated with nearby Shunganunga Creek, and will require processing of permit through FEMA in ensuring that all structures are safely above the FEMA 100-year base floodplain elevation prior to development. All proposed drives and parking lots will be curbed with enclosed storm sewer lines to collect and convey drainage north to the Creek. Stormwater detention for the site is proposed with the use of underground storage chambers.

(A Stormwater Management Plan for the site is currently under review and will be further considered during the subdivision platting process.)

**HISTORIC PROPERTIES:** None

**NEIGHBORHOOD MEETING:** The project applicant held a Neighborhood Information Meeting on Monday, April 24, 2017. Questions/comments from the sixteen (16) attendees were primarily concerned with traffic impacts, specific commercial uses proposed, and site design and layout. .  
(Applicant's meeting summary and sign-in sheet as attachment.)

OTHER: None

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**REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES**

**PUBLIC WORKS/  
ENGINEERING:** A Traffic Impact Study (TIS) has been completed and is currently in review in assessing the impact of the proposed development plan on the surrounding transportation system. Acceptance of the TIS by the City of Topeka including associated roadway improvements will be required prior to final approval of the PUD master plan.

**WATER POLLUTION  
CONTROL:** No Comments Received; continued review during processing of associated subdivision plat. (A Stormwater Management Plan for the site is currently under review and will be further considered during the subdivision platting process.)

**FIRE:** Residential apartments at northwest portion of project site will require review and analysis for placement of fire lanes during subsequent steps in the development process.

**DEVELOPMENT  
SERVICES:** All structures must be certified as being above the FEMA 100-year base floodplain elevation prior to issuance of building permits.

**OTHER:** Westar Energy has concerns regarding placement of electric utility easements to be addressed during processing of associated subdivision plat.

**KEY DATES**

<b>SUBMITTAL OF PUD APPLICATION</b>	December 12, 2015 (Proposed PUD Case16/01 application deemed incomplete.)
<b>SUBMITTAL OF REVISED PUD APPLICATION</b>	March 31, 2017 (Proposed PUD Case 17/02 application submitted with re-configured commercial and residential development.)
<b>NEIGHBORHOOD INFORMATION MEETING</b>	April 27, 2017
<b>LEGAL NOTICE PUBLICATION</b>	April 24, 2017 May 29, 2017 (Notice of re-scheduled public hearing)
<b>PROPERTY OWNER NOTICE MAILED</b>	April 20, 2017 May 25, 2017 (Notice of re-scheduled public hearing) June 6, 2017 (Notice of re-scheduled public hearing)



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## STAFF ANALYSIS

**Character of Neighborhood:** The proposed PUD Master Plan provides for re-development of a deteriorated commercial center and will provide for new commercial and residential development that will be compatible with other commercial and residential development within the area. The character of the single –family neighborhood to the north of the project area will be well-buffered from the proposed commercial development with the presence of Shunganunga Creek being located between the two areas.

**Length of time property has remained vacant as zoned or used for its current use under present classification:** The site has been underdeveloped and in a deteriorating state for several years or more. The adoption of the proposed Wheatfield Village PUD Master Plan is justified in part based on the length of time the subject property has continued to deteriorate and the desirability of a mixed use development coordinated with transportation improvements needed to support commercial development at this location.

**Conformance to Comprehensive Plan:** The Topeka Land Use and Growth Management Plan 2040 (LUGMP) contains policies related to growth management and future land use that support the proposed redevelopment project. The LUGMP “*encourages infill and redevelopment within Topeka to take advantage of existing urban infrastructure and services and that promote a range of uses to fit within the overall character of the area.*” In addition, the LUGMP emphasizes mixed use and promotes the concept throughout the land use plan.

The future land use map (Map #3) designates the intersection of Southwest 29<sup>th</sup> Street and Fairlawn Road as a Community Commercial Node. This designation supports the proposed project and also states: “*Even though the dominant character of a node intersection or an area is commercial, that shouldn’t preclude mixing uses as a component of a development or redevelopment of the node or the area.*”

The proposed project will comprise a mixed use redevelopment that includes both residential and commercial land uses. The proposed project is also a Tier 1 redevelopment that is taking advantage of existing urban infrastructure and services. The proposed redevelopment project is consistent with the Topeka Land Use and Growth Management Plan 2040.

**The extent to which removal of the restrictions will detrimentally affect nearby properties:** The proposed Wheatfield Village PUD Master Plan will include development standards that are more restrictive than current standards within the current C-4 zoning district, thus providing more protections for nearby properties. A traffic impact study and a financing plan will be required to mitigate the traffic generated by the new development, and its potential to adversely affect neighboring commercial and residential uses.

**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 Wheatfield Village PUD Master Plan allows the property owner to construct new residential and commercial development pursuant to market-driven demand. Proposed development will have a substantial benefit on neighboring property owners as compared to the existing deteriorated and vacant development and the potential development under C4 zoning. All traffic-related impacts will be mitigated by improvements required within the approved Traffic Impact Analysis.

**Availability of Public Services:** All essential public services and utilities are presently available or will be extended at property owner expense.

**Compliance with zoning and subdivision regulations:** The proposed PUD Master Plan establishes development standards and guidelines as indicated. The standards established by this Master Plan exceed

standards normally applicable to the C-4 zoning district. More details of the project will be reviewed at the site plan review stage. An associated subdivision plat will be submitted for review and must be found to adhere to the City's subdivision regulations prior to its approval.

### **STAFF RECOMMENDATION**

Based upon the above findings and analysis Planning Staff recommend approval of the Wheatfield Village PUD Master Plan, subject to the following:

1. Use and development of the site in accordance with the Wheatfield Village PUD Master Plan for 29 Fairlawn LLC as recorded with the Office of the Shawnee County Register of Deeds.
2. Revise PUD Master Plan graphic to clearly depict the presence of recently completed segment of the Shunga Trail, a designated multi-use trail, as well as connections with pedestrian circulation within the project area.
3. Add new note within "Landscaping Notes" requiring a 10' average landscape buffer adjacent to Building 2 (residential apartments).
4. Revise the "Project Data" section of page 1 of the master plan to indicate "Multiple Family Dwelling" parking ratio. Compliance with the new parking ratio may be achieved in combination by either reducing the quantity of dwellings or increasing the quantity of parking spaces devoted to residential use, or through an administrative variance.
5. Revise Note #8 within Circulation, Parking & Traffic Notes to: "Off-Street parking shall generally be provided in accordance with TMC 18.240.020 unless stated otherwise herein. All parking, drives, approaches, and walks shall be improved to City of Topeka standards. Up to a 25% reduction in the quantity of required parking spaces may be administratively approved where it can be demonstrated that the use has characteristics reducing the number of parking spaces needed. Reserving an area of land on the site equal in size to the area of land needed for the quantity of parking being reduced shall not be required."
6. Revise the "Project Data" section of page 1 of the master plan such that the building numbers match the building numbers on page 2 of the master plan.
7. Revise General Note #12 to substitute use of "buildings" instead of "lots" in describing construction Phases I and II.
8. Delete Landscaping Note #1 regarding an "attached landscape plan."
9. Revise Signage Notes as follows:
  - a. Revise note # 3.A.1 to: 1. TOTAL TENANT COPY AREA SHALL NOT INCLUDE ARCHITECTURAL EMBELLISHMENTS AND SHOPPING CENTER NAME/LOGOS PROVIDED THE SHOPPING CENTER NAME AND LOGO ARE INTEGRATED WITH THE EXTERIOR MATERIAL OF THE BASE OR STRUCTURE OF THE SIGN. USE OF ILLUMINATED COPY FOR THE SHOPPING CENTER NAME AND LOGO THAT INCLUDES PAN CHANNEL LETTERS OR OTHER ILLUMINATED LETTERS ARE PERMITTED. HOWEVER USE OF AN INTERNALLY ILLUMINATED CABINETS WITH TRANSLUCENT FACE FOR THE SHOPPING CENTER NAME AND LOGO ARE NOT PERMITTED.
  - b. Revised note # 3.A.2 to: 2.. TWO MONUMENT STYLE, MULTI-TENANT SIGNS ON SW FAIRLAWN ROAD . . . 300 SQUARE FEET OF TENANT COPY AREA PER FACE, AND

SHALL BE LOCATED A MINIMUM OF 150 FEET APART FROM ONE ANOTHER.

- c. Revise note #3 A.3 to: 3. ~~TWO~~ONE MONUMENTSTYLE, MULTI-TENANT SIGNS ON 29<sup>TH</sup> STREET/I-470 . . . COPY AREA PER FACE AND LOCATED A MINIMUM OF 280 FEET FROM SW FAIRLAWN ROAD.
  - d. After note # 3 A.3 add: 4. ONE MONUMENT STYLE, MULTI-TENANT SIGN ON SW 29<sup>TH</sup> STREET NOT TO EXCEED TWENTY FIVE FEET (25') IN OVERALL HEIGHT AND 150 SQUARE FEET OF TENANT COPY AREA PER FACE.
  - e. After note # 3.a.4 add: 6. THE EXTERIOR MATERIALS AND COLORS OF THE BASES OF MONUMENT-STYLE SIGNS SHALL BE COMPATIBLE WITH THE MATERIALS AND COLORS OF OTHER SIGNS AND THE EXTERIORS OF BUILDINGS WITHIN THE DEVELOPMENT.
- 10. Revise Circulation, Parking & Traffic Note #6 to indicate that roadway improvements required for each development phase "shall be under contract for completion prior to issuance of a building permit and said improvements shall be accepted for maintenance by the City of Topeka prior to issuance of a certificate of occupancy."
  - 11. Revise Circulation, Parking & Traffic Note #8 to indicate: "Off-street parking, including bicycle parking, shall be provided in accordance with TMC 18.240.020. All parking, drives, approaches, and walks shall be improved to City of Topeka standards."
  - 12. Within "Project Data," correct the number of parking spaces provided pursuant to the number of parking spaces illustrated on the Master Plan graphic.
  - 13. Delete Building Note #1 indicating: All buildings/structures shall be consistent with C-4 zoning requirements and restrictions.

## ATTACHMENTS

Aerial Map

Zoning Map

Wheatfield Village PUD Master Plan (2 pages) plus landscape plan

Neighborhood Information Meeting report and attendance sheet

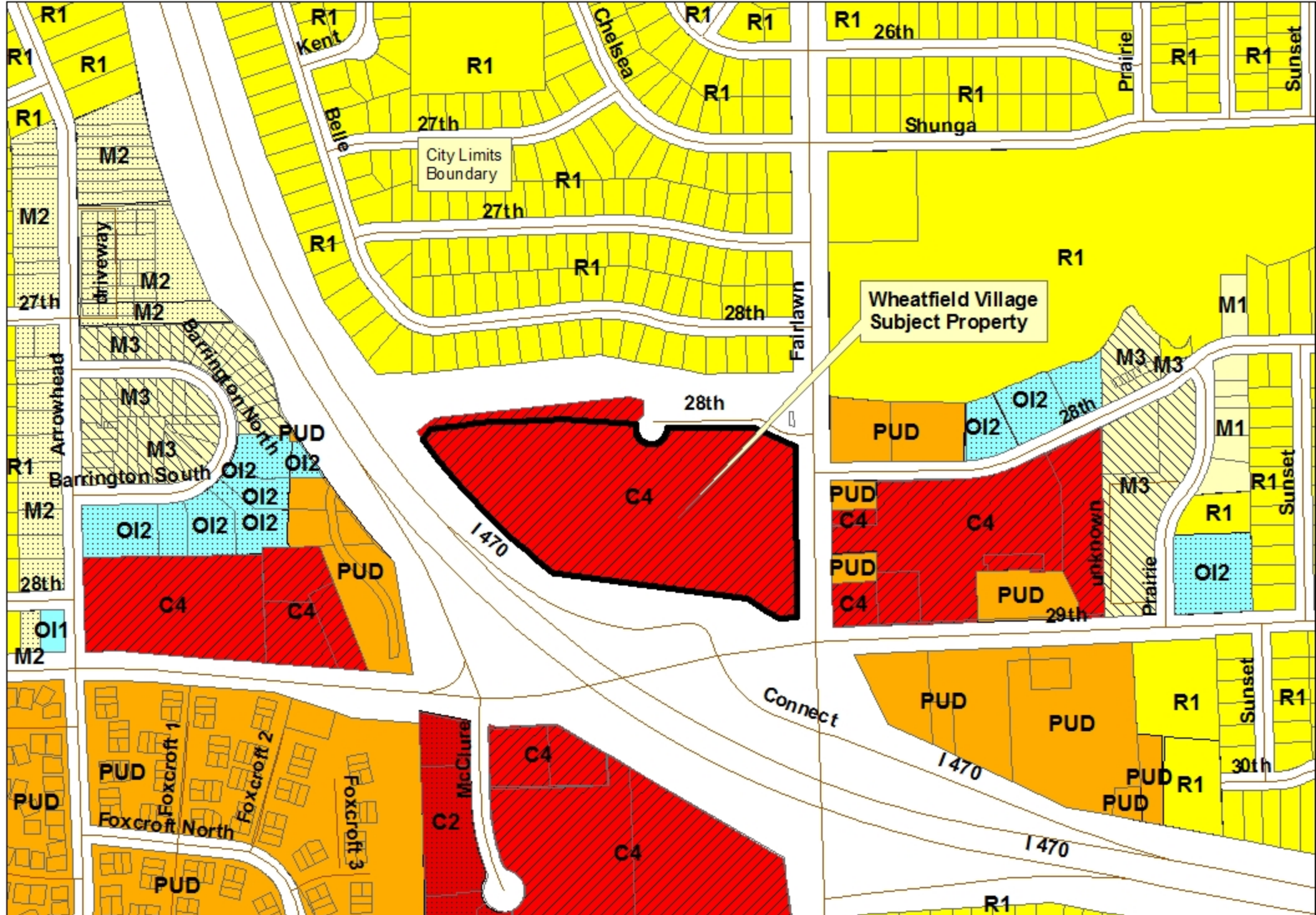




Wheatfield Village PUD Master Plan  
Subject Property

**PUD 17/02**  
**Wheatfield Village PUD Master Plan**





**PUD 17/02**  
**Wheatfield Village PUD Master Plan**

# WHEATFIELD VILLAGE PLANNED UNIT DEVELOPMENT MASTER PLAN

BOOK DATE \_\_\_\_\_ PAGE TIME \_\_\_\_\_

RECORDED WITH THE SHAWNEE COUNTY REGISTER OF DEEDS

REBECCA J. NIOCE, REGISTER OF DEEDS

## PROJECT DATA

PREVIOUS ZONING: C-4  
CURRENT ZONING: PUD (USE GROUP(S): C-4/RESTAURANT,HOTEL,THEATER; AND M-3/MULTIPLE-FAMILY DWELLINGS  
MINIMUM LOT AREA: 10,000 SF  
MAXIMUM DENSITY (LOT 6 - APARTMENTS): 72 UNITS/ACRE  
MAXIMUM BUILDING COVERAGE RATIO: 60% OF LOT AREA PARCEL SIZE: 14.67 ACRES  
MAXIMUM BUILDING HEIGHT: 100FT (M-3/MULTIPLE FAMILY DWELLING DISTRICT)  
TOTAL STRUCTURES (PROPOSED): 6  
TOTAL MAXIMUM BUILDING AREA: 8.80 ACRES

BUILDING	USE	PARKING	BICYCLE
BUILDING 1: 134,257 SF	HOTEL	1/ROOM = 88 REQ'D (93 PROV.)	5
BUILDING(S) 2: 201,827 SF	APARTMENTS	1.5/(20)+158 = 188 REQ'D (188 PROV.)	15
BUILDING 3: 5,100 SF	FAST FOOD	1/85 SQ.FT = 60 REQ'D (66 PROV.)	3
BUILDING 4: 7,375 SF	FAMILY DINING	1/150 SQ.FT = 50 REQ'D (103 PROV.)	3
BUILDING 5: 34,451 SF	THEATER	1/2.5 SEATS = 691 SEATS/2.5 = 248 REQ'D (269 PROV.)	13

TOTAL = 634 REQ'D (719 PROV.)

## GENERAL NOTES

- THE BASE ZONING OF EACH USE GROUP SHALL APPLY UNLESS OTHERWISE STATED.
- THE BUILDING LAYOUTS ARE CONCEPTUAL IN NATURE AND MINOR ADJUSTMENTS TO THE BUILDING LAYOUT MAY BE PERMITTED. 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 OF ADJACENT LOTS, ETC.
- 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.
- NO CITY OF TOPEKA DEVELOPMENT SERVICES PERMITS SHALL BE ISSUED FOR DEVELOPMENT IN THE FLOOD ZONE AE (FLOODWAY OR 100 YEAR FLOOD PLAIN) UNTIL ALL REQUIRED APPROVALS HAVE BEEN OBTAINED FROM APPROVAL AGENCIES, INCLUDING FEDERAL EMERGENCY MANAGEMENT AGENCY, DIVISION OF WATER RESOURCES- KANSAS DEPARTMENT OF AGRICULTURE, AND THE US. ARMY CORPS OF ENGINEERS AS MAY BE REQUIRED. THE APPLICANT SHALL OBTAIN AN APPROVED CURRENT FLOOD PLAIN FILL PERMIT FROM THE KANSAS DEPARTMENT OF AGRICULTURE, DIVISION OF WATER RESOURCES PRIOR TO APPROVAL OF A FLOOD PLAIN DEVELOPMENT PERMIT FROM THE CITY OF TOPEKA PURSUANT TO TMC 17.30.
- NO CITY DEVELOPMENT SERVICES PERMITS SHALL BE ISSUED UNTIL ALL CITY OF TOPEKA STORM WATER MANAGEMENT REQUIREMENTS ARE MET INCLUDING: APPROVAL OF STORM WATER MANAGEMENT PLANS AND GRANTING OF ANY NECESSARY STORM WATER EASEMENTS.
- 29 FAIRLAWN LLC OR ITS SUCCESSORS AND ASSIGNS, ("OWNER"), MAY SOLELY INITIATE AMENDMENTS TO WHEATFIELD VILLAGE MASTER PUD PLAN. THE TERMS AND PROVISIONS HEREOF SHALL EXTEND TO AND BE BINDING UPON THE HEIR, EXECUTORS, ADMINISTRATORS, TRUSTEES AND ASSIGNS OF 29 FAIRLAWN LLC. SHOULD MORE THAN ONE ENTITY HOLD TITLE, THEN ALL SUCH AFFECTED OWNERS AS DETERMINED BY THE PLANNING DIRECTOR OF ALL SUCH TITLE SHALL BE REQUIRED TO EXECUTE ANY SUCH AMENDMENT.
- 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.
- MINIMUM OPENING ELEVATIONS SHALL BE 1 FT. ABOVE THE HIGHEST ADJACENT 100-YEAR WATER SURFACE ELEVATION.
- ACCORDING TO "FIRM" MAP COMMUNITY PANEL NUMBER 20177C0213E EFFECTIVE SEPT 29TH, 2011, THIS TRACT LIES IN FLOOD ZONE "AE" (AREA OF FLOODWAY), FLOOD ZONE "AE" [1% ANNUAL CHANCE FLOOD](WITH A BASE FLOOD ELEVATION RANGING FROM TO 938.9 TO 941.2) & FLOOD ZONE "X" (AREA OF MINIMAL FLOODING)
- THE DEVELOPMENT MAY BE CONSTRUCTED IN TWO PHASES. PHASE ONE SHALL INCLUDE LOTS 3 AND 5. PHASE 2 SHALL INCLUDE LOTS 1, 2, AND 4.

## 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 FIRE DEPARTMENT SHALL REVIEW AND APPROVE FUTURE PLANS SHOWING FIRE HYDRANT LOCATIONS AND FIRE ACCESS PRIOR TO THE START OF CONSTRUCTION.
- ALL NEW UTILITIES SHALL BE PLACED UNDERGROUND PURSUANT TO THE CITY'S RIGHT-OF-WAY MANAGEMENT STANDARDS.
- MINIMUM 20 FT. WIDE FIRE LANES SHALL BE PROVIDED AND POSTED 'NO PARKING' PURSUANT TO 901.4.2 OF THE UNIFORM FIRE CODE AS REQUIRED ALL FIRE HYDRANT LOCATIONS SHALL BE APPROVED BY THE CITY OF TOPEKA FIRE DEPARTMENT AS PART OF THE IMPROVEMENT PLANS PRIOR TO THE START OF CONSTRUCTION.

## FIRE DEPARTMENT NOTES:

- FINAL LOCATION OF ALL FIRE HYDRANTS MUST BE APPROVED BY THE TOPEKA FIRE DEPARTMENT. TRAVEL DISTANCE BETWEEN FIRE HYDRANTS SHALL NOT EXCEED 400 FEET.
- AN ACTIVE FIRE HYDRANT SHALL BE LOCATED WITHIN 400 FEET OF ANY BUILDING TO BE CONSTRUCTED OF COMBUSTIBLE MATERIALS AS PERMITTED BY CODE PRIOR TO COMMENCEMENT OF ABOVE GRADE CONSTRUCTION. LOCATION OF REQUIRED FIRE HYDRANTS SHALL BE REVIEWED AND APPROVED BY THE TOPEKA FIRE DEPARTMENT PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- TEMPORARY CONSTRUCTION ACCESS DRIVES SHALL BE CLEARLY DELINEATED AT ALL TIMES DURING CONSTRUCTION. TEMPORARY ACCESS DRIVES SHALL BE 20 FEET WIDE AND CONSTRUCTED OF A MINIMUM OF SIX INCHES OF CRUSHED STONE OR EQUIVALENT, IN ORDER TO SUPPORT EMERGENCY FIRE AND RESCUE APPARATUS. LOCATION, CONFIGURATION AND MARKING OF TEMPORARY ACCESS DRIVES ARE SUBJECT TO REVIEW AND APPROVAL BY THE TOPEKA FIRE DEPARTMENT. TEMPORARY ACCESS DRIVES SHALL BE MAINTAINED AS REQUIRED BY THE TOPEKA FIRE DEPARTMENT.

## LANDSCAPING NOTES

- THE ATTACHED LANDSCAPE PLAN ENTITLED "LANDSCAPE PLAN" DATED 05/05/17 IS HEREBY APPROVED.
- 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" DATED 05/05/17." AN ATTRACTIVE MIX OF EVERGREEN TREES, SHRUBS, AND DECIDUOUS "LARGE" TREES SHALL BE PROVIDED ALONG THE PROPERTY'S STREET FRONTAGES WITHIN THE 20 FOOT LANDSCAPE SETBACK SHOWN THEREON AND WHERE THE BUILDING AND/OR DEVELOPED AREA IS IMMEDIATELY ADJACENT TO RESIDENTIAL PROPERTIES AND THE SHUNGA TRAIL.
- A 30 INCH HIGH LANDSCAPING BERM INCORPORATING TREES IS TO BE PLACED ALONG THE FAIRLAWN ROAD FRONTAGE AS SHOWN ON THE "LANDSCAPE PLAN" DATED 05/05/17 EXCEPT AS TO ALLOW FOR APPROVED SIGNAGE.
- DETAILED LANDSCAPING PLANS (DRAWN AT SCALE OF 1" EQUALS 20') SHALL BE SUBMITTED TO THE CITY OF TOPEKA FOR REVIEW AND APPROVAL AS PART OF THE SITE DEVELOPMENT PLAN(S) APPROVAL PROCESS AND SHALL ADHERE TO THE LANDSCAPE PLAN DATED 05/05/17 AS APPROVED FOR THE PUD MASTER PLAN AREA.
- 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

- 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 AND IN ACCORDANCE WITH THE FOLLOWING:
  - A MAXIMUM OF FIVE (5) FREE-STANDING SIGNS SHALL BE PERMITTED AND LOCATED AS SHOWN HEREIN AS FOLLOWS:
    - TOTAL TENANT COPY AREA SHALL NOT INCLUDE ARCHITECTURAL EMBELLISHMENTS AND SHOPPING CENTER NAME/LOGOS.
    - TWO MONUMENT STYLE, MULTI-TENANT SIGNS ON FAIRLAWN ROAD NOT TO EXCEED THIRTY FEET (30') IN OVERALL HEIGHT AND 300 SQUARE FEET OF TENANT COPY AREA PER FACE.
    - TWO MONUMENT STYLE, MULTI-TENANT SIGNS ON 29TH STREET/1470 NOT TO EXCEED FIFTY FEET (50') IN OVERALL HEIGHT AND 300 SQUARE FEET OF TENANT COPY AREA PER FACE.
    - IN ADDITION TO THE ABOVE ITEMS 2 AND 3, THE LAND DESIGNATED FOR APARTMENTS SHALL BE PERMITTED A MAXIMUM OF ONE MONUMENT SIGN NOT TO EXCEED 5 FEET IN HEIGHT AND 32 SQUARE FEET PER SIDE AND LOCATED ON THE LOT ON WHICH APARTMENTS ARE LOCATED.
  - ATTACHED BUILDING SIGNS:
    - ATTACHED SIGNS, SUCH AS WALL AND PROJECTING SIGNS, FOR THE C-2 AND C-4 USE GROUPS SHALL BE LIMITED IN SIZE TO NOT MORE THAN 20 PERCENT OF THE AREA OF THE WALL ON WHICH SUCH SIGNS ARE LOCATED.
    - ATTACHED SIGNS FOR THE APARTMENTS SHALL NOT EXCEED 1 SIGN PER BUILDING AND 32 SQUARE FEET PER SIGN.
- IN ADDITION TO OTHER TYPES OF SIGNS PERMITTED, NO MORE THAN SIX (6) DIRECTIONAL SIGNS SHALL BE PERMITTED WITH EACH LOT AND SHALL NOT EXCEED 8 SQUARE FEET IN AREA AND 5 FEET IN HEIGHT.
- PORTABLE SIGNS AND ROOF SIGNS (UNLESS ARCHITECTURALLY INTEGRATED WITH THE BUILDING) ARE NOT PERMITTED SIGNAGE ELEVATIONS TO BE APPROVED AT THE TIME OF SIGN PERMIT APPLICATION AND SHALL BE SUBSTANTIALLY COMPLIANT WITH THE BUILDING ARCHITECTURE.

## CIRCULATION, PARKING & TRAFFIC NOTES

- HANDICAP SPACES SHALL MEET MINIMUM ADA CRITERIA WITH A MINIMUM OF 15 HANDICAP SPACES PER 500-1000 PARKING SPACES. (2% OF 717)
- 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 IMPROVEMENTS ON SW FAIRLAWN ROAD AND SW 29TH STREET REQUIRED BY THE TRAFFIC IMPACT ANALYSIS AND AS APPROVED BY THE CITY TRAFFIC ENGINEER FOR PHASE ONE OF DEVELOPMENT SHALL BE COMPLETED BY THE DEVELOPER PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR BUILDINGS CONSTRUCTED IN PHASE ONE. ALL IMPROVEMENTS ON SW FAIRLAWN ROAD AND SW 29TH STREET REQUIRED BY THE TRAFFIC IMPACT ANALYSIS AND AS APPROVED BY THE CITY TRAFFIC ENGINEER FOR PHASE TWO OF DEVELOPMENT SHALL BE COMPLETED BY THE DEVELOPER PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR BUILDINGS CONSTRUCTED IN PHASE TWO. THE SPECIFIC IMPROVEMENTS REQUIRED TO SW 29TH STREET SHALL BE DICTATED BY WHETHER THE BREAK IN ACCESS REQUEST REFERENCED IN NOTE #7 BELOW IS GRANTED OR DENIED AS FURTHER DESCRIBED IN THE TRAFFIC IMPACT ANALYSIS.
- BREAK IN ACCESS TO 1470 ON RAMP REQUIRES APPROVAL BY KANSAS DEPARTMENT OF TRANSPORTATION AND OTHER APPLICABLE AGENCIES AS REQUIRED. IN THE EVENT THE BREAK IN ACCESS REQUEST IS DENIED BY THE KANSAS DEPARTMENT OF TRANSPORTATION FOR THE FEDERAL HIGHWAYS ADMINISTRATION, THE CITY WILL ADMINISTRATIVELY APPROVE A MINOR PLAN AMENDMENT REMOVING SUCH BREAK IN ACCESS.
- OFF-STREET PARKING SHALL BE PROVIDED IN ACCORDANCE WITH TMC 18.240.020 UNLESS STATED OTHERWISE HEREIN. ALL PARKING, DRIVES, APPROACHES, AND WALKS SHALL BE IMPROVED TO CITY OF TOPEKA STANDARDS.
- ALL BUILDING SITES SHALL INCLUDE DESIGNATED PEDESTRIAN WALKWAYS THAT ARE INTER-CONNECTED THROUGHOUT THE PROJECT AREA INCLUDING CONNECTIONS TO SW FAIRLAWN ROAD AND THE EXISTING SHUNGA TRAIL.
- SITE DEVELOPMENT PLAN(S) SHALL INCLUDE PLACEMENT AND CONSTRUCTION OF A CONCRETE PAD (SIZED 10 FEET x 15 FEET) TO ACCOMMODATE A BUS SHELTER FOR AN ADJACENT BUS STOP, WITH CONCRETE PAD TO BE LOCATED WITHIN 60 FEET WEST OF THE WESTERN EDGE OF FAIRLAWN ROAD CROSSWALK OR AS OTHERWISE APPROVED.

## BUILDING NOTES

- ALL BUILDINGS/STRUCTURES SHALL BE CONSISTENT WITH C-4 ZONING REQUIREMENTS AND RESTRICTIONS.
- NO OUTDOOR STORAGE SHALL BE PERMITTED EXCEPT AS PROVIDED IN THE AREA LABELED "FARMER'S MARKET" AS DEFINED IN TMC18.55.
- 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 FACADE OF THE PRINCIPAL BUILDING.

## BUILDING ELEVATION NOTES

- MINOR ADJUSTMENTS TO THESE DESIGN GUIDELINES MAY BE APPROVED ADMINISTRATIVELY BY THE PLANNING DIRECTOR AT THE SITE DEVELOPMENT STAGE PROVIDED THE ARCHITECTURAL INTENT IS BEING MET.
- THE EXTERIOR BUILDING DESIGN OF ALL PRINCIPAL BUILDING(S), ACCESSORY BUILDING(S), AND ACCESSORY STRUCTURES SHALL BE COORDINATED ON ALL ELEVATIONS WITH REGARD TO COLOR, MATERIALS, ARCHITECTURAL FORM AND ELEMENTS TO ACHIEVE VISUAL INTEREST, HARMONY OF DESIGN, AND CONTINUITY.
- WINDOWS AND DOORS: DOORWAYS, DISPLAY WINDOWS, AND OTHER OPENINGS IN THE FACADE SHOULD BE PROPORTIONED TO REFLECT PEDESTRIAN SCALE AND MOVEMENT, AND TO ENCOURAGE INTEREST AT THE STREET OR SIDEWALK LEVEL ON THE FRONT AND STREET FACADES. THESE OPENINGS SHALL COMPRISE A MINIMUM OF 60% OF THE TOTAL AREA FOR GROUND LEVEL FACADES ON FRONT AND STREET FACADES
- MATERIALS: EXTERIOR STREET AND FRONT FACING FACADES ARE TO BE FINISHED WITH 85% STONE, BRICK, CAST STONE, OR STUCCO. SYNTHETIC STONE, SUCH AS PRE-MANUFACTURED FIBERGLASS, CULTURED STONE, OR GLASS FIBER REINFORCED CONCRETE, IF IT IS IDENTICAL IN APPEARANCE AND OF EQUAL OR GREATER DURABILITY TO NATURAL STONE. CEMENT BOARD SIDING MAY BE USED TO FULFILL THE MASONRY REQUIREMENT BUT THE PERCENTAGE OF MASONRY BECOMES 100%, EXCLUDING TRIM. REMAINING FACADES SHALL BE FINISHED WITH THE MATERIALS LISTED ABOVE, OR CEMENTIOUS-FIBER PLANKING. SOLID WOOD PLANKING AND DECORATIVE CEMENTIOUS-FIBER PANELS MAY BE USED FOR ACCENT FEATURES.
- ARCHITECTURAL ELEMENTS: FOR EACH 50 LINEAR FEET (OR LESS) OF STREET OR FRONT FACING BUILDING FRONTAGE, EACH BUILDING SHALL BE DESIGNED WITH A MINIMUM OF 4 ARCHITECTURAL ELEMENTS, SUCH AS: VARIED ROOF HEIGHTS, RECESSED ENTRIES, AWNINGS OR CANOPIES, ORNAMENTAL CORNICES, WINDOWS/DOORWAYS, ETC. ONE ADDITIONAL ARCHITECTURAL ELEMENT REQUIRED/OR EACH ADDITIONAL 25 FEET OF STREET OR FRONT FACING BUILDING FRONTAGE.
- BLANK WALLS: MAXIMUM LENGTH OF NON-STREET OR NON-FRONT FACING WALLS WITHOUT ARCHITECTURAL ELEMENTS OR DETAILS IS 30 FEET.

## STREAM BUFFER NOTES

- RESTRICTION: - THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION EXCEPT AS SHOWN HEREON FOR CONSTRUCTION OF GREEN SPACE, UTILITIES AND FIRE DEPARTMENT ACCESS AS PERMITTED UNDER SECTION 17.10.060 OF THIS CODE OR AS APPROVED BY THE PUBLIC WORKS DIRECTOR OR HIS OR HER DESIGNEE.
- STREAM BUFFER EASEMENTS ARE HEREBY ESTABLISHED AS SHOWN TO PROVIDE FOR INFORMAL GREEN SPACE AND THE NATURAL UNOBSTRUCTED OVERLAND FLOW OF SURFACE WATER IN EXISTING DRAINAGE WAYS. PROPERTY OWNER(S) SHALL NOT PLACE PERMANENT OR SEMI-PERMANENT OBSTRUCTIONS OTHER THAN APPROVED LANDSCAPING IN SAID EASEMENT. ALL MAINTENANCE WITHIN THE STREAM BUFFER EASEMENT (SBE) SHALL BE THE RIGHT, DUTY AND RESPONSIBILITY OF THE PROPERTY OWNER(S) OF THE PROPERTY IN WHICH THE EASEMENT IS SO LOCATED, HOWEVER, IF MAINTENANCE IS NEGLECTED OR SUBJECT TO OTHER UNUSUAL CIRCUMSTANCES AND IS DETERMINED TO BE A HAZARD OR THREAT TO PUBLIC SAFETY BY THE DIRECTOR OF THE APPLICABLE DEPARTMENT OF PUBLIC WORKS, CORRECTIVE MAINTENANCE MAY BE PERFORMED BY THE GOVERNING JURISDICTION WITH COSTS ASSESSED TO AND BORNE UPON SAID PROPERTY OWNER(S). OFFICIALS REPRESENTING THE APPLICABLE DEPARTMENT OF PUBLIC WORKS SHALL HAVE THE RIGHT TO ENTER UPON THE EASEMENT FOR PURPOSES OF PERIODIC INSPECTION AND/OR CORRECTIVE MAINTENANCE.

## 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 \_\_\_\_\_

## OWNER'S CERTIFICATE

29 FAIRLAWN LLC, OWNER, AGREES TO COMPLY WITH THE CONDITIONS AND RESTRICTIONS AS SET FORTH ON THE MASTER PUD PLAN.

IN TESTIMONY WHEREOF: 29 FAIRLAWN LLC, THE OWNERS OF THE ABOVE DESCRIBED PROPERTY, HAS SIGNED THESE PRESENTS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

JAMES A. KLAUSMAN, PRESIDENT \_\_\_\_\_

29 FAIRLAWN LLC

STATE OF KANSAS) ss

COUNTY OF SHAWNEE) ss

BE IT REMEMBERED THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, CAME JAMES A. KLAUSMAN, PRESIDENT, 29 FAIRLAWN LLC, 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: \_\_\_\_\_

## LEGAL DESCRIPTION

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 6TH P.M., IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 00 DEGREES 43 MINUTES 10 SECONDS WEST ON THE EAST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 80.00 FEET; THENCE SOUTH 87 DEGREES 47 MINUTES 53 SECONDS WEST AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 60.02 FEET TO THE WEST RIGHT-OF-WAY LINE OF S.W. FAIRLAWN ROAD AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 87 DEGREES 47 MINUTES 53 SECONDS WEST A DISTANCE OF 60.37 FEET; THENCE NORTH 57 DEGREES 13 MINUTES 26 SECONDS WEST A DISTANCE OF 122.09 FEET; THENCE NORTH 82 DEGREES 51 MINUTES 17 SECONDS WEST A DISTANCE OF 655.61 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 3099.56 FEET, A CHORD WHICH BEARS NORTH 43 DEGREES 01 MINUTES 43 SECONDS WEST A DISTANCE OF 647.56 FEET, AN ARC DISTANCE OF 648.74 FEET; THENCE NORTH 48 DEGREES 19 MINUTES 20 SECONDS EAST A DISTANCE OF 73.28 FEET; THENCE NORTH 84 DEGREES 14 MINUTES 59 SECONDS EAST A DISTANCE OF 653.10 FEET; THENCE SOUTH 79 DEGREES 29 MINUTES 44 SECONDS EAST A DISTANCE OF 252.84 FEET; THENCE NORTH 89 DEGREES 16 MINUTES 50 SECONDS EAST A DISTANCE OF 293.57 TO SAID WEST RIGHT-OF-WAY LINE OF SW FAIRLAWN ROAD; THENCE SOUTH 00 DEGREES 43 MINUTES 10 SECONDS EAST ON SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 690.51 FEET TO THE POINT OF BEGINNING.

CONTAINS 639,187 FT<sup>2</sup> OR 14.67 ACRES OF LAND MORE OR LESS.

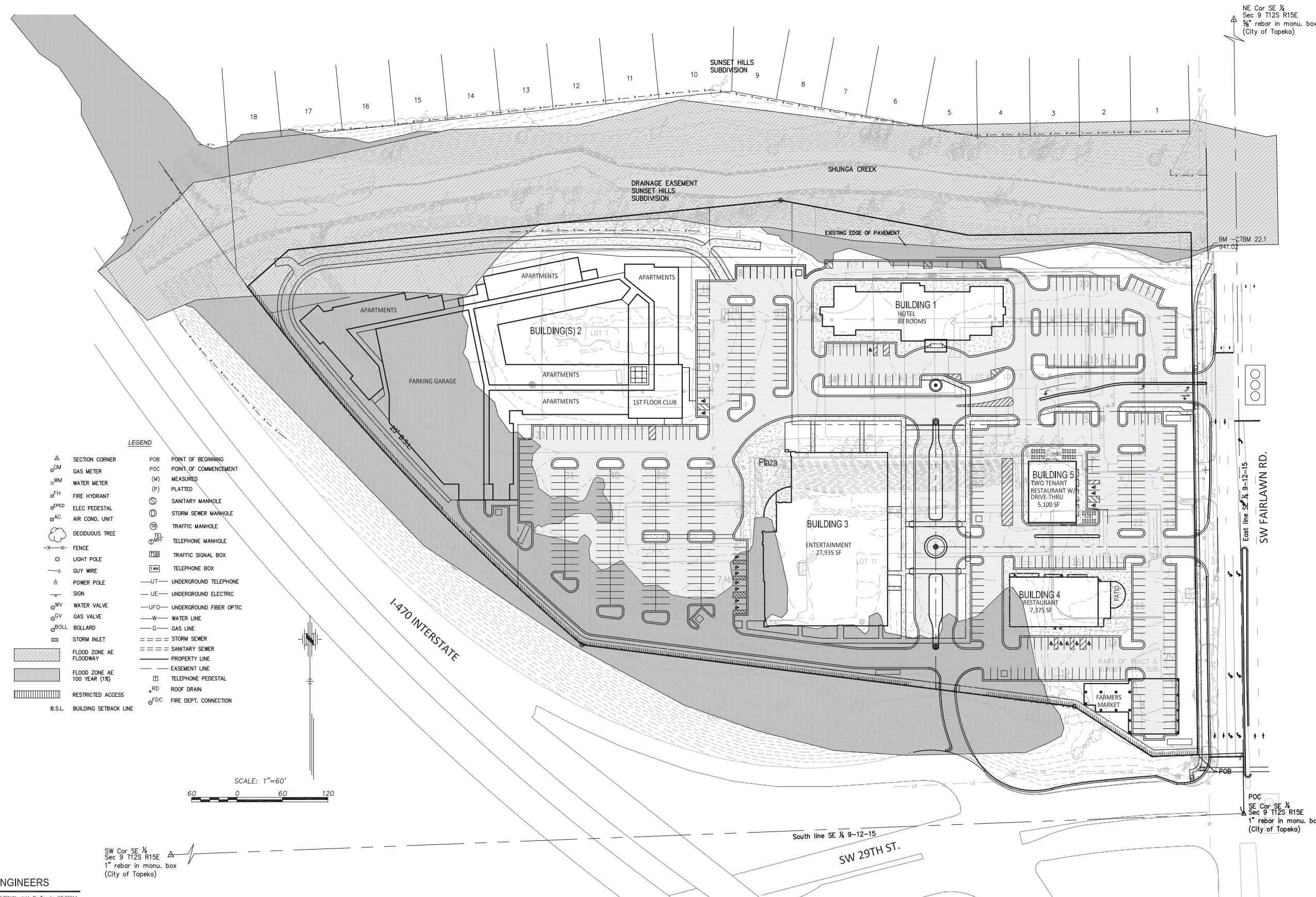
## DATE:

JUNE 23<sup>rd</sup>, 2017

## PROPERTY OWNER'S:

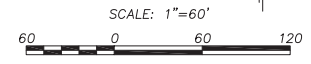
29 FAIRLAWN, LLC  
OWNER ADDRESS: 3715 SW 29TH ST  
TOPEKA, KS 66612  
PROPERTY ADDRESS: 5235 SW 28TH CT  
TOPEKA, KS 66614

# WHEATFIELD VILLAGE PLANNED UNIT DEVELOPMENT MASTER PLAN



**LEGEND**

△ SECTION CORNER	POB POINT OF BEGINNING
⊙ GM GAS METER	POC POINT OF COMMENCEMENT
⊙ WM WATER METER	(W) MEASURED
⊙ FH FIRE HYDRANT	(P) PLATTED
⊙ EPED ELEC PEDESTAL	⊙ SANITARY MANHOLE
⊙ AC AIR COND. UNIT	⊙ STORM SEWER MANHOLE
☁ DECIDUOUS TREE	⊙ TRAFFIC MANHOLE
— FENCE	TEL TELEPHONE MANHOLE
★ LIGHT POLE	TSB TRAFFIC SIGNAL BOX
— GUY WIRE	⊙ TELEPHONE BOX
⊙ POWER POLE	— UT UNDERGROUND TELEPHONE
— SIGN	— UE UNDERGROUND ELECTRIC
⊙ WV WATER VALVE	— UFO UNDERGROUND FIBER OPTIC
⊙ GV GAS VALVE	— W WATER LINE
⊙ BOLL BOLLARD	— G GAS LINE
⊙ STORM INLET	— SS STORM SEWER
▨ FLOOD ZONE AE FLOODWAY	— SANITARY SEWER
▨ FLOOD ZONE AE 100 YEAR (1%)	— PROPERTY LINE
▨ RESTRICTED ACCESS	— EASEMENT LINE
⊙ RD ROOF DRAIN	⊙ TELEPHONE PEDESTAL
⊙ FDC FIRE DEPT. CONNECTION	⊙ RD ROOF DRAIN



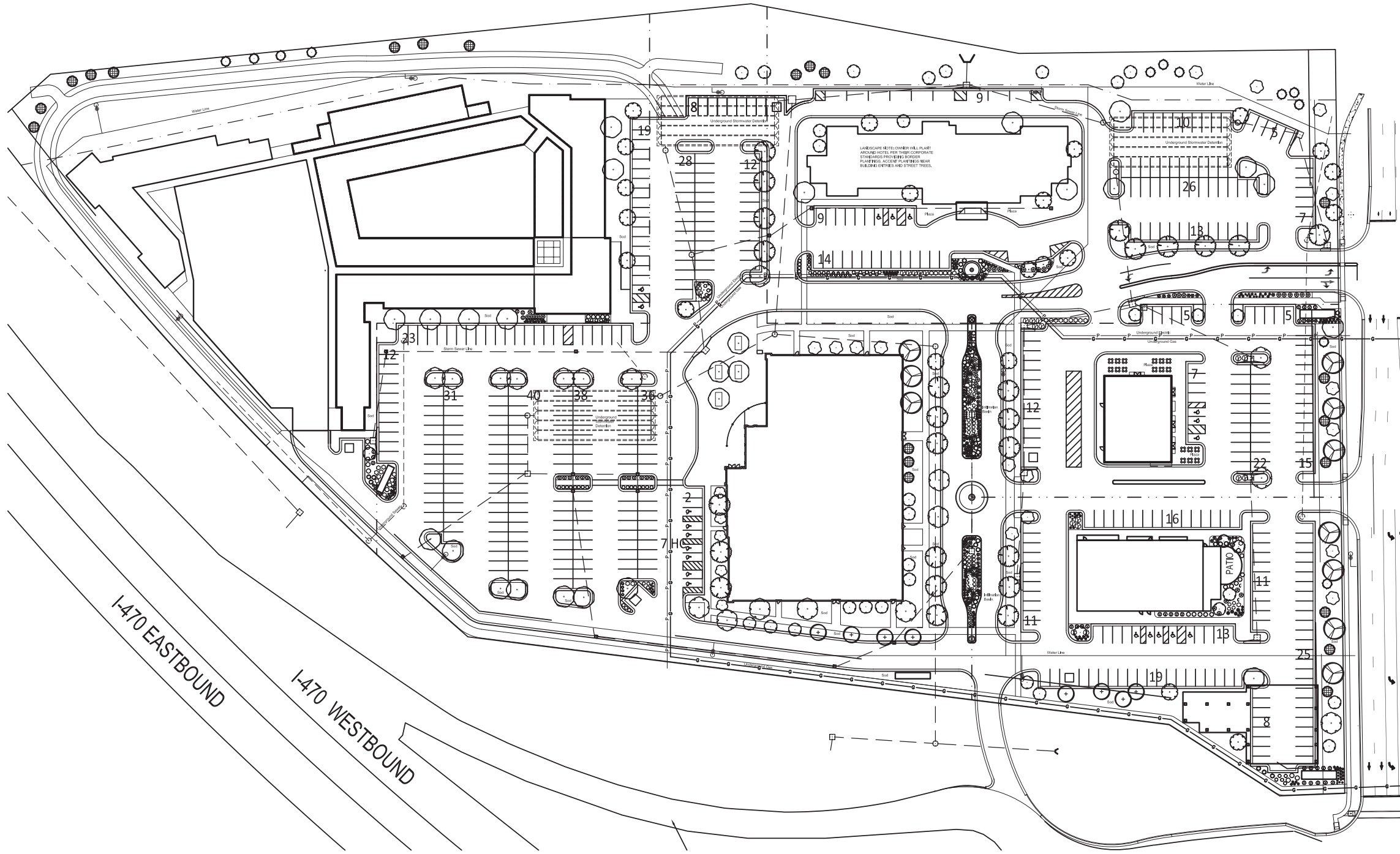
**CFS ENGINEERS**  
cfs.com

2930 SW Woodside Dr. Topeka, KS 66614  
o: 785-272-4706 f: 785-272-4736

SW Cor SE ¼  
Sec 9 T12S R15E  
1" rebar in monu. box  
(City of Topeka)

**DATE:**  
June 23<sup>rd</sup>, 2017





**PLANT SCHEDULE**

TREES	BOTANICAL NAME / COMMON NAME	QTY
	Acer platanoides 'Warrenred' TM / Pacific Sunset Maple	25
	Cercis canadensis 'Oklahoma' / Oklahoma Redbud	5
	Ginkgo biloba 'Autumn Gold' TM / Maidenhair Tree	26
	Gleditsia triacanthos 'Skyline' / Skyline Honey Locust	18
	Juniperus virginiana 'Canaertii' / Canaertii Juniper	12
	Juniperus virginiana 'Taylor' / Taylor Eastern Redcedar	21
	Magnolia virginiana / Sweet Bay	16
	Magnolia x 'Daybreak' / Daybreak Magnolia	8
	Malus x 'Royal Raindrops' / Royal Raindrops Crabapple	34
	Quercus robur x alba 'Crimson Spire' / Crimson Spire Oak	10
	Syringa reticulata 'Ivory Silk' / Ivory Silk Japanese Tree Lilac	22
SHRUBS	BOTANICAL NAME / COMMON NAME	QTY
	Buddleia x 'Lo & Behold' / Lo & Behold 'Blue Chip' Butterfly Bush	19
	Buxus microphylla koreana 'Green Velvet' / Korean Boxwood	17
	Calamagrostis x acutiflora 'Karl Foerster' / Feather Reed Grass	17
	Cornus sericea 'Kelsey' / Kelsey Dogwood	6
	Echinacea purpurea 'PowWow Wild Berry' / PowWow Wild Berry Coneflower	75
	Fothergilla gardenii / Dwarf Fothergilla	38
	Hemerocallis x 'Going Bananas' / Going Bananas Daylily	109
	Hemerocallis x 'Pardon Me' / Pardon Me Daylily	136
	Ilex aquipernyi 'Dragon Lady' / 'Dragon Lady' Holly	11
	Juniperus horizontalis 'Hughes' / Hughes Juniper	40
	Juniperus horizontalis 'Limeglow' / Limeglow Juniper	21
	Lagerstroemia x 'Infinite Pink' / Infinite Pink Crapemyrtle	5
	Lagerstroemia 'PILLAG-V' / Enduring Summer™ Red Crapemyrtle	6
	Nandina domestica 'Fire Power' / Firepower Nandina	43
	Nepeta x faassenii 'Walkers Low' / Walkers Low Catmint	18
	Pennisetum alopecuroides 'Hameln' / Hameln Dwarf Fountain Grass	12
	Physocarpus opulifolius 'SMPOTW' / Tiny Wine Ninebark	39
	Rhus aromatica 'Gro-Low' / Gro-Low Fragrant Sumac	19
	Rhus typhina 'Baltiger' TM / Tiger Eyes Sumac	16
	Rosa x 'Coral Drift' / Coral Drift Rose	29
	Schizachyrium scoparium 'Blue Heaven' / Blue Heaven Little Bluestem	14
	Weigela florida 'My Monet' / My Monet Weigela	42

**LANDSCAPE PLAN**

The following is a summary of landscape requirements per Chapter 18.235 of the City Code.

The total Development Area is 639,183 SF  
 Total surface parking stalls provided is 518 Stalls

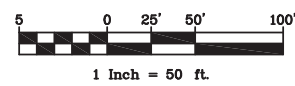
Using Template 1. Provided by the Landscape Code, the following is the required points needed:

Base Points:	33
Greater than 10,000 S.F.	2,097
Parking lot points required: (1.5 points per parking space)	777
Less credit for storm-water best management practices	0
Less Irrigation credits claimed:	-436 (75% of Areas is Irrigated)
Total Points Required:	2,471
<b>Total Points Obtained:</b>	<b>2,471</b>

**LANDSCAPE PROVIDED:**

Type	Quantity	Size	Points Total
Large Tree	79	2" Cal.	869
Medium Tree	47	1.5" Cal.	376
Understory Tree	38	1.5" Cal.	190
Coniferous Tree	38	4' Tall	304
Shrub	369	2-Gal	369
Perennials	320	2-Gal	320
Ornamental Grass	43	2-Gal	43

**Total Points Provided: 2,471**



Revised: 6/30/2017  
 Date of Preparation: 4/3/2017

**CFS ENGINEERS**  
 cfse.com 1421 E. 104th Street, Ste. 100 KCMO 64131  
 o. 816-333-4477 f. 816-333-6688

# Memorandum

**To:** John Neunuebel

**CC:**

**From:** Kevin Holland

**Date:** April 28, 2017

**Re:** Public Meeting for Rezoning of Wheatfield Village, 29<sup>th</sup> & Fairlawn

**A public information meeting was held Monday, April 24, 2017 from 5:30 PM until 6:30 PM at the Town and Country Christian Church for the rezone of the property located at the northwest corner of SW 29<sup>th</sup> Street and SW Fairlawn Road.**

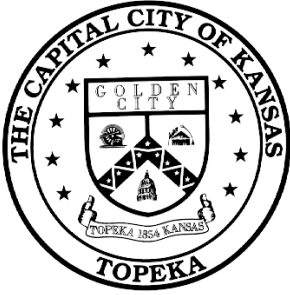
**Sixteen neighbors attended the meeting, mainly from the neighborhood just north of the Shunga Creek. The main questions involved traffic congestion and their ability to get out of their side road onto Fairlawn once the development is completed and operational. The other comments dealt with what uses of buildings were proposed and specifics about the site. The crowd was excited to have the existing dirt/rock pile removed because of the dust issues from the piles in the past. The conversation was relatively supportive, although the question of traffic and the combination of a new signal working with the existing signals at 29<sup>th</sup> and Fairlawn was discussed at length and generated the most concern from the neighbors.**

# Wheatfield Village

Sign In

Monday April 24, 2017

NAME	ADDRESS	EMAIL	PHONE
Kevin Holland	CE3		
Tom Ingram	CE3		
Jennifer Per Spork	Midwest Health		
Tobin Nunnally	CDT		
Marilyn Sue Bussard		suebussard2@yahoo.com	
Richard Pat GORDON	5512 SW 28th St		
Bob + Susan WRIGHT	5800 SW 28th St.		
Collette Barbara Fister	2740 SW Balla Ave		
DALE SMITH	5131 SW 29th	DALESMITH@CAMPIONEINTEGRITY.COM 2731402	
Brad Isaacson	5314 SW 28th St	Brad.Isaacson@yahoo.com	
David + Deborah Maxwell	6600 SW Peninsula Ct		
Henry M. (M) P	5307 SW 28th St	WMV@QLOUDX.WP	267-7174 583-9994
Jim Ferguson	4425 SW 25th St. Tyndal		
Terry Coder	CDT		
MICK HONGERON	CDT		
Isaac	CDT		
Patricia A. Redler, Manager, Redler & Grand	5611 SW Peninsula Ct. So.	redler@wringlow.com	(785) 235-5330
Patricia Beckley		ksbeckley75@yahoo.com	
Mark Ernestillo	6446 SW Gory Road		



# CITY OF TOPEKA

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

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

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## MEMORANDUM

**To: Topeka Planning Commission**

**From: Bill Fiander, AICP, Topeka Planning Director**

**Re: Planning Commission Resolution 1-2017 - Finding of Consistency with Land Use and Growth Management Plan 2040 - Wheatfield Village Project Plan**

**Date: July 17, 2017**

### Introduction

A formal review has been initiated by the City in consideration of the request to establish a tax increment financing (TIF) redevelopment district for a proposed mixed use redevelopment project known as Wheatfield Village Redevelopment Project Plan (Project Plan) at the northwest corner of Southwest 29<sup>th</sup> Street and Fairlawn Road. The Project Plan also includes three properties on the east side of Southwest 29<sup>th</sup> Street. The Planned Unit Development (PUD) rezoning application for the northwest corner is also being considered by the Planning Commission at the July 17<sup>th</sup> meeting.

As part of the process of creating a TIF district to support the project, in accordance with K.S.A 12-1722, the Planning Commission must determine whether the proposed Project Plan “is consistent with the intent of the comprehensive plan”. A resolution has been prepared for consideration by the Planning Commission (attached).

### Background

On June 26, 2017, the Topeka Governing Body held a public hearing and approved the establishment of the Wheatfield Village Redevelopment District. The next step in the process will be for the Governing Body to consider a Project Plan for the District. Before the Governing Body can consider the Project Plan, the Planning Commission must review the Project Plan and determine whether the Project Plan is consistent with the Land Use and Growth Management Plan (LUGMP).

The existing commercial site is primarily vacant with a couple of remaining businesses. Buildings on the site suffer from deferred maintenance, and although the site benefits from its location adjacent to two major arterial streets, it has been less than fully occupied for a number of years. The site is also adjacent to an interstate highway.

The Wheatfield Village Project Plan consists of:

- Building 1: A 4-storey 88-room hotel near northeast corner of the site. (134,257 square feet).
- Building 2: A 4-storey 178 unit apartment complex with parking garage in the northwest corner of the site. (201,827 square feet; appears to include parking garage).
- Building 3: Nine-screen, 691-seat movie theater in the south central portion the site. (34,451 square feet).

- Building 4: Family dining restaurant at the southeast corner of the site (7,375 square feet).
- Building 5: Fast food restaurant with two tenants operating a drive-through window at east end of the site. (5,100 sf).
- ‘Farmers Market’ open-space area at the southeast corner of the site. (approx. 600 square feet).

### **Planning Commission Finding**

Policies of the LUGMP related to fiscally responsible growth, mixed land use, Tier 1 development/redevelopment, and fiscal incentives that support the Project Plan include:

- Section II – Executive Summary
  - c. Pillars for a Prosperous Community
    - Invest in Place/Add Value Where We Are  
Fiscally responsible growth happens where Topeka has already invested. Grow value in Topeka’s existing neighborhoods with strategic investments and incentives.
    - Return on Investment  
Topeka’s infrastructure and service investments are down payments for the future. It is imperative to develop those areas with investments at a level that seeks the greatest return on those initial investments.
    - Connected, Mixed Use, Walkable Neighborhoods  
Mixing together residential, commercial, and jobs, along with open space and other amenities is to provide a balanced mix of land uses in an efficient and compact pattern. Connected and walkable neighborhoods promote a compact shape and are an amenity for retaining and attracting residents.
- Section IV – Growth Management
  - i(1) Service Tier 1
    - Encourage infill and redevelopment within Topeka to take advantage of existing urban infrastructure and services and that promote a range of uses to fit within the overall character of the area.
    - To help spur infill and redevelopment city-wide, consider crafting new incentives. Be creative, but ensure any fiscal incentives will return the City’s investment. Examples of fiscal incentives include:
      - d. Tax Increment Financing (TIF) and Community Improvement Districts (CID).
- Section V – Land Use
  - b(i) Mixed Use
    - Mixed use is emphasized and promoted throughout the future land use plan.
  - b(iii) Future Land Use
    - The future land use map designates the intersection of Southwest 29<sup>th</sup> Street and Fairlawn Road as a Community Commercial Node. This designation supports the proposed project and also states: “Even though the dominate character of a node intersection or an area is commercial, that shouldn’t preclude mixing uses as a component of a development or redevelopment of the node or the area.”

**Recommendation**

The Planning Commission will review the Wheatfield Village rezoning application in advance of this requested action. However, in accordance with K.S.A 12-1722, the Planning Commission must determine whether the proposed Project Plan “is consistent with the intent of the comprehensive plan”.

Staff recommends that the Wheatfield Village Project Plan is consistent with the LUGMP, and that the Planning Commission approve the attached Resolution (1-2017), finding the Wheatfield Village Project Plan is consistent with the Land Use and Growth Management Plan 2040.

**Attachments:**

- Planning Commission Resolution 1-2017

**Planning Commission  
City of Topeka, Kansas**

**Resolution No. 1-2017**

**RESOLUTION OF THE TOPEKA PLANNING COMMISSION FINDING THAT THE PROPOSED WHEATFIELD VILLAGE REDEVELOPMENT PROJECT PLAN IS CONSISTENT WITH THE LAND USE AND GROWTH MANAGEMENT PLAN 2040.**

WHEREAS, the Topeka Governing Body, in order to encourage the development and redevelopment of real property within the City, is considering the establishment of a redevelopment district generally located at the northwest corner of Southwest 29<sup>th</sup> Street and Fairlawn Road in the City, and the Wheatfield Village redevelopment project has submitted a Project Plan to the Topeka Planning Commission.

WHEREAS, the Commission has reviewed the Wheatfield Village Redevelopment Project Plan to determine its consistency with the Land Use and Growth Management Plan 2040 Element of the Topeka Comprehensive Plan as required under K.S.A 12-1722.

NOW, THEREFORE, BE IT RESOLVED by the Commission that the Wheatfield Village Redevelopment Project Plan is consistent with the Land Use and Growth Management Plan 2040.

Adopted this \_\_\_\_\_ day of July 17, 2017.

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_