

# TOPEKA PLANNING COMMISSION

## A G E N D A

**Monday, August 15, 2016**  
**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. The progress of the cases can be tracked at: [http://www.topeka.org/planning/staff\\_assignment/tracker.pdf](http://www.topeka.org/planning/staff_assignment/tracker.pdf)

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



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

# HEARING PROCEDURES

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

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

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

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

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

## **Topeka Planning Staff**

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

**AGENDA**  
**Topeka Planning Commission**  
**Monday, August 15, 2016 at 6:00 P.M.**

**A. Roll call**

**B. Approval of minutes – July 18, 2016**

**C. Communications to the Commission**

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

**E. Public Hearings**

- 1. PUD16/03 by Working Men of Christ Ministry** requesting to amend the District Zoning Classification from “R-2” Single Family Dwelling District TO “PUD” Planned Unit Development (“R-2” Single Family Dwelling District use group plus re-use of the residential structure for a Correctional Placement Residence, Limited Use intended for use by the Working Men of Christ) on property located at 1025 SW Western Avenue. **(Driver)**
  
- 2. PUD16/02 by Heartland Management Co. / First Assembly of God** requesting to amend the District Zoning Classification from “R-1” Single Family Dwelling District with a Conditional Use Permit for a surface parking lot and “O&I2” Office and Institutional District, on property at 520 SW 27<sup>th</sup> Street, and from “R-1” Single Family Dwelling District on the west portion of property at 500 SW 27<sup>th</sup>, **ALL TO** “PUD” Planned Unit Development (“O&I2” Office and Institutional District uses). **(Driver)**

**F. Discussion Items**

- 1. Zoning Code Amendments**  
Review of Title 18 of the Topeka Municipal Code and potential amendments to the regulations for signs, subdivisions, and zoning

**G. Adjournment**



CITY OF TOPEKA  
**TOPEKA PLANNING COMMISSION**

MINUTES

Monday, July 18, 2016

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

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

**Members Absent:** Carole Jordan (1)

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

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

**B) Approval of Minutes from May 16, 2016**

**Motion** to approve as typed; moved by Mr. Beck, second by Mr. Kannarr. **APPROVED** (8-0-0)

**C) Communications to the Commission** –

Mr. Fiander pointed out that the Commissioners should have received handouts regarding the cases to be heard at this meeting.

Mr. Fiander pointed out that Item E1 on the agenda has been continued and re-scheduled for the August Planning Commission meeting.

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

None

**E) Public Hearings**

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

Ms. Driver explained that Items E2 & E3 on the agenda are quite similar and asked if the Commission would consider a summary of each case before discussion and Public Hearing. Hearing no objection, it was agreed by unanimous consent.

Ms. Driver spoke to the history of the two cases and reviewed the staff report for Item E2 on the agenda, noting staff recommendation of approval subject to conditions in the staff report. She added that following the completion of the staff report, concern arose regarding the statement of operations, specifically in regard to references to faith based activities/characteristics. She explained that a further condition is recommended, namely that the applicant revise their statement of operations to remove references to faith-based activities and characteristics. In place of this, language could be added regarding highly

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structured programs and operations with a focus on job training, life skills, education and therapy. The final statement would need to be reviewed and approved by both Planning staff and the COT legal staff.

Ms. Driver reviewed the staff report for Item E3, stating that staff recommends approval subject to the same condition as in item E2, amending the statement of operations.

Mr. Gales asked Ms. Driver if the applicant is agreeable to the requested changes in their statement of operations. She stated that she had just spoken with them prior to the convening of this meeting and they would have an opportunity to respond when they came forward to speak.

Mr. Beck asked why the stipulation (condition) is being placed upon them. Ms. Feighny explained that the approval is attached to the land itself rather than to the property owner; with the change, subsequent property owners would not be required to have only faith-based operations.

Mr. Gales asked why this ministry would be treated differently from a church, and Ms. Feighny explained that based on our zoning code, it is considered a correctional placement residence.

Mr. Bob Christensen came forward on behalf of the applicant, introducing himself as an attorney who has been involved with Working Men of Christ (WMOC) Ministry as their attorney and a board member since their inception. He stated that they have appreciated the cooperation they've received from the City and staff and that he believes Ms. Driver's presentation to have been comprehensive. He added that WMOC's focus is to get their ministry in place and they will not object to changing the statement of operations. He is confident they will be able to reach satisfactory language. He did state that their desire would be to leave the statement as it is and have it be granted as a separate entity, however they will do what's necessary to have the plan approved.

Mr. Christensen gave information about how residents enter the program, and referenced the letter from Officer Diehl included in the agenda packet. Mr. Christensen stated that he doesn't think there are similar houses in Topeka; this is a unique ministry. They have five houses in Wichita and WMOC believes they're some of the best neighbors they'd had in a long time.

With no questions from commissioners, Mr. Gales declared the **public hearing open**.

Mr. Nels Anderson of 1025 SW Fillmore, stating that while he has no issues with the WMOC ministry or their house, he does have grave concerns about property values and people's willingness to invest in the neighborhood because of the two houses in such close proximity to the neighborhood.

Mr. Gales stated that if WMOC move out, the home could return to a single family residence; it does not have to be a correctional placement residence. Mr. Anderson explained that the concern comes from the fact that the PUD is related to the land not the property owner so it could continue as a correctional placement residence and the presence of WMOC sets a precedent.

Ms. Maura Dingman of 1118 SW Taylor came forward to express concern about the PUD. She stated that she owns 7 homes in Holliday Park and reminded the Commission that the neighborhood is a national register historic district. As a neighborhood, they approve of the mission and spirit of the WMOC Ministry but are concerned about the character of the neighborhood and the house itself. Their desire would be that the use would be allowed solely to WMOC and not transferrable to another property owner. Like Mr. Anderson, she's concerned that the house will get "labeled", and she and her neighbors are concerned about property values.

Mr. Michael Michner, owner of Western Properties LLC (3 houses and large triplex). Mr. Michner stated that he echoes the concerns of the other who had spoken in regard to property values. He stated that he's been in the neighborhood for approximately 15 years and property values have been increasing. His concerns are property values and the proximity of his properties to the 1025 SW Western house. He stated

that if the Commission approves the application, he would like to see a privacy fence built to shield his three houses.

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

Mr. Armstrong asked staff to address the ability to apply this directly to the property owner and not the property itself. Mr. Hall explained that zoning goes with the property, not the property owner; this is true of a conditional use permit and a change in zoning. Mr. Fiander added that the only real option he sees would be to add a time restraint/renewal requirement on the PUD (a sunset clause). It's also okay for the Zoning Inspector to do inspections to ensure the things are operating in conformance with the PUD conditions. Mr. Fiander stated that while a sunset is not what staff is recommending, they could help the Commission explore that possibility.

Mr. Woods stated that he felt a sunset might be appropriate, potentially with a renewal time being shorter than the time period when re-sale is foreseen so to alleviate residents' concerns that what is approved today would perpetuate itself.

Mr. Haugh stated that another option would be to deny the request, and he expressed concern that the house may sit vacant and deteriorate unless homeowner(s) in the neighborhood purchased the house and kept it up. He also expressed concern about the applicant using the property with a non-conforming use and asking the Commission to solve their problem of non-compliance by re-zoning.

At this point Ms. Dingman stated that she'd like to provide the Commission with some history; hearing no objections from Commissioners, Mr. Gales invited Ms. Dingman to come to the podium to speak.

Ms. Dingman stated that a couple years after the neighborhood downzoned, the property was sold and the new owner, unaware of the downzoning, began remodeling to turn the house into a duplex. The neighborhood informed the City, and the owner stopped the remodel. She stated that she thought there was a single family living in the home for a couple years just prior to WMOC acquiring the property.

Ms. Dingman added that many property owners have in fact purchased multiple properties on the block and the block is now one of the most beautiful in the neighborhood.

With no questions from Commissioners, Ms. Dingman returned to her seat.

Mr. Beck stated that from what he's heard, he believes the concern is not the intended use at the present time but in the future. He believes that the requirement to have either the staff or the Commission as a whole periodically review the operation to confirm they continue to meet the conditions of the PUD is a viable option and believes a 3-year review would be. If, upon the review, the use appears no longer applicable for the neighborhood, the use would revert back to R2. He stated that he is not hearing the residents say they are concerned about the current user but rather a continued future use.

Mr. Fiander stated that this would be an appropriate condition but it's not one that staff has talked with the applicant about.

Mr. Kannarr expressed concern that a sunset clause has the potential of making it difficult to sell the property.

Mr. Fiander stated that staff would recommend approval regardless of whether or not the house were occupied and stated that reintegration is a serious issue in our society; the ability to have a community adopt reasonable polices for reintegration in terms of land use is part of what staff considered, but at the same time, staff does not wish to overstep the character of the neighborhood or create unintended consequences. The PUD was crafted as narrowly as possible short of adding a sunset clause.

Discussion continued and included questions about condition #8 and how that would be enforced, and possible options as to how to proceed.

Mr. Gales invited Mr. Christensen back to the podium to respond to the discussion. Mr. Christensen stated that he thinks the idea of a sunset clause may be welcomed by the applicant as it would help hold the ministry accountable and give them an opportunity to share about their success. He thought a 3-5-year term would work and reminded the Commission that WMOC would be making a financial investment in the house.

Mr. Beck reminded the commission regarding Mr. Michner's request for a privacy fence. Commissioners discussed the viability of the request.

Motion by Mr. Gales to approve staff recommendations to approve the PUD with a change to the statement of operations, to add a sunset clause requiring the PUD conditions be reviewed by the Planning Commission in 3 years for verification of compliance for renewal, and to request a fence on 3 sides of the 1025 Western yard to assure privacy to neighbors.

Commissioners discussed the fence and Mr. Beck seconded in order to further discussion, which did continue.

Mr. Beck suggested and Mr. Gales agreed to revise the motion regarding the fence to ask that only the southern property have a privacy fence, meeting requirements of the city/permitting.

Mr. Beck seconded.

Mr. Kannarr suggested that a deferral might be a better option to give staff an opportunity to explore all the requested changes. He elaborated that this may give staff, neighbors, and applicant an opportunity to come to agreement regarding the sunset and fence.

Discussion continued and Mr. Gales asked the applicant regarding their opinion of continuing the case. Mr. Christensen returned to the podium and stated that while they hadn't anticipated a request for a fence, they would be open to providing that to move the ministry forward. He asked the Commission to be mindful of the fact that there are men who are needing a place to live, adding that they are willing to proceed in whatever manner is requested.

Mr. Gales confirmed with Mr. Fiander that the case could be considered again at the August 15, 2016 Planning Commission meeting.

Mr. Gales asked Ms. Dingman to return to the podium to respond to concerns expressed. She stated that she likes the idea of a sunset. Mr. Gales then offered Mr. Michner an opportunity to speak again and he declined.

Mr. Gales rescinded his previous motion and moved that Item E2 be tabled with the intent to come back before the Commission at the August 15, 2016 meeting, giving staff and the applicant an opportunity to review all pertinent items. Second by Mr. Kannarr. Mr. Fiander asked for and received confirmation that "sunset" refers to an end to the PUD with the option for renewal. **APPROVAL** (8-0-0)

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

Ms. Driver stated that she had nothing new to add regarding this case, and Mr. Gales invited Mr. Christensen to speak for the applicant.

Mr. Christensen stated they only ask that the same concessions previously discussed in regard to the Western property be considered in relation to this. He added that the property on Clay is not occupied at this time.

Mr. Gales declared the public hearing open.

Mr. Michael Bell, president of Tennessee Town NIA, came forward to speak in support of the proposal. He stated that Tennessee Town is a low to moderate income neighborhood with vacant homes that they are trying to get back on the taxrolls and, of course, finding good neighbors as well. He stated that the NIA is supportive of the WMOC mission and group and voted to endorse WMOC's efforts to establish a discipleship house at 1175 Clay. At their July 11, 2016 meeting they voted to send a letter of support to the Planning Commission.

Mr. Gales asked for and received from Mr. Bell confirmation that the letter provided as a handout is the letter referred to.

Mr. Gales asked Mr. Bell if, having heard the previous concerns regarding the property on Western, Tennessee Town shares them. Mr. Bell replied that they do not.

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

Following brief discussion, Mr. Beck moved approval of the PUD with recommendations of staff, including the proposed change to the statement of operations discussed earlier. Second by Ms. Cavazos.

APPROVAL (8-0-0)

## **F. Discussion Item**

### **Futures 2040 – Topeka Regional Transportation Plan**

Mr. Fiander reviewed the need for updating the plan, the process, and gave a general overview, asking for input from the Planning Commissioners and encouraging them to complete an online survey.

Mr. Fiander stated that they've been asking stakeholders two basic questions:

#### **What should the region focus on (walking, biking, transit, driving)?**

Mr. Gales stated that it's important to approach from a philosophy of having victories to celebrate often throughout the process so there are very measurable improvements that people can see. He suggested having constant improvements in each of the categories and then celebrating them publicly.

Mr. Armstrong stated that all four are ultimately connected and should be focused on, especially with the ½ cent sales tax program and defined list of projects. There are already processes in place to assure the Complete Streets elements are incorporated into part of those designs.

Mr. Woods stated that he rejects the premise that you have to choose between the four as they're all connected. He stated that economic development is hampered without a decent driving system, and that hampers everything else. He suggested that focus on streets that people drive on would more quickly attract positive attention. He also hopes they'll focus on biking and walking, as these are of personal interest to him.

Mr. Haugh stated that driving on streets that aren't maintained is demoralizing and gives a sense that "things are not quite right", especially when compared to other nearby cities who might maintain their streets better.



**Do you have thoughts about where our transportation impacts could be used to leverage or achieve other goals?**

Mr. Gales stated that taking care of economic development will help to resolve some of the other areas.

Mr. Gales had to leave the meeting so he passed the gavel to Mr. Woods.

Mr. Fiander explained that public input would be requested from neighborhoods so that localized priorities can be heard. He added that there is an August 18 public kickoff meeting at the library and all are invited.

Adjournment at 8:00PM

PUD16/03  
by Working Men of Christ Ministry

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

**PLANNING COMMISSION DATE: Monday, August 15, 2016**

The Planning Commission held a public hearing on **Monday, July 18, 2016** and **DEFERRED** the item to the August meeting by a vote of **8-0-0**. The Commission directed staff to explore the following items and make a recommendation as appropriate:

- Revise the Statement of Operations to exclude references to “faith-based organizations” and religious – specific programs and replace with “structured” or “highly programmatic” specific language.
- Explore possibility of adding a sunset clause that would cause the PUD to expire after three or five years.
- Determine if fencing is appropriate along the south, north, or all property lines.

Staff reviewed the request to require a privacy fence around all or one property line. Regarding the land use pattern and character of the neighborhood, a privacy fence in the rear yard is not necessary for compatibility with the neighborhood and, therefore, staff is not recommending it as a requirement. The applicant may apply for fence permit if they desire to enclose their rear yard for further privacy and has indicated they are willing to do so. A wood privacy fence in the rear yard is subject to staff level administrative review only for its location in the historic district. City staff indicated a “wood” privacy fence would be acceptable if the applicant chooses to do so. A different material (i.e. vinyl) would require Landmarks Commission approval and may not necessarily be approved.

According to Legal staff, State Law will not allow a “PUD” zoning to “sunset” or automatically “expire” since this is an amendment to the District Map and differs in legal requirements from a Conditional Use Permit. A change to the District Zoning map must follow procedures for a zone change as outlined in TMC 18.245 and State Law. Legal staff will send a separate memorandum further clarifying.

Alternatively, the following language has been added to the Conditions of Approval to address concerns of the Planning Commission, “The owner shall allow the City to make periodic inspections for compliance with these conditions of approval. In the event the use is not compliant with the conditions of approval, the use changes, or the use ceases, the Planning Commission shall initiate and make recommendation on a zone change pursuant to TMC18.245.”

The Conditions of Approval have been amended accordingly and the revised Statement of Operations is attached.

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**APPLICATION INFORMATION**

**PUD16/3 – 1025 SW Western**

**APPLICATION CASE NO:**

**REQUESTED ACTION / CURRENT ZONING:**

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

**APPLICANT / PROPERTY OWNER:**

Working Men of Christ Ministry, Inc. (WMOC)

**APPLICANT REPRESENTATIVE:**

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

**PROPERTY LOCATION / PARCEL ID:**

1025 SW Western/PID: 0973604012024000

**PARCEL SIZE:**

0.14 acres/6,098 sq. ft.

**STAFF PLANNER:**

Annie Driver, AICP, Planner II

**BACKGROUND:**

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

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

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

**PROJECT AND SITE INFORMATION**

**PROPOSED USE / SUMMARY:**

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

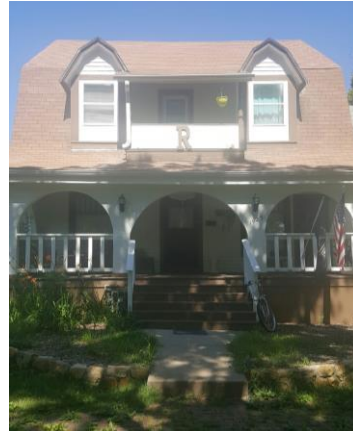
Although, operated independently from the Kansas Department of Corrections (KDOC), WMOC is a “partner” with KDOC.

The City Attorney determined this use falls under the definition of a “*Correctional Placement Residence, Limited*”<sup>1</sup> because a

<sup>1</sup> “Correctional Placement Residence, Limited” - Correctional placement residence or facility” means a facility for individuals or offenders that provides residential and/or rehabilitation services for those who reside or have been placed in such facilities due to any one of the following situations: (1) prior to, or instead of, being sent to prison; (2) received a conditional release prior to a hearing; (3) as a part of a local sentence of not more than one year; (4) at or near the end of a prison sentence, such as a state-operated or franchised work release program, or a privately operated facility housing parolees; or

minimum of three (3) individuals may be parolees coming out of a prison sentence.<sup>2</sup>

**PHOTO:**



**DEVELOPMENT / CASE HISTORY:**

The residence was constructed in 1920 and contains 2,340 sq. ft. and five bedrooms. The property was downzoned from multiple-family residential to single-family residential in 1998 as a part of implementation of the Holiday Park Neighborhood Plan (1998). It was likely zoned multiple-family dwelling district after 1966 and remained such until the time of the downzoning. There are no records the property has been used as a group home use in the past. It's last known past use was a duplex in 2008. The residence was vacant until its present use by this owner.

**ZONING AND CHARACTER OF SURROUNDING PROPERTIES:**

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

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**COMPLIANCE WITH DEVELOPMENT STANDARDS AND POLICIES**

**BUILDING SETBACKS AND OTHER DIMENSIONAL STANDARDS:**

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

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(5) received a deferred sentence and placed in a facility operated by community corrections. Such facilities will comply with the regulatory requirements of a federal, state or local government agency; and if such facilities are not directly operated by a unit of government they will meet licensure requirements that further specify minimum service standards.

<sup>2</sup> "Correctional placement residence or facility, limited" means a facility occupied by three to 15 individuals, including staff members who may reside there.

<b>OFF-STREET PARKING:</b>	A minimum of two staff parking spaces are required and these are provided from the existing driveway off the alley. The residents will not own or use motor vehicles. All transportation is provided by the Working Men of Christ staff
<b>SIGNAGE:</b>	No signage is proposed.
<b>LANDSCAPING:</b>	Not applicable
<b>OTHER DESIGN GUIDELINES AND CONSIDERATIONS:</b>	Exterior and interior modifications to the structure are restricted by the subject property's location within the Holliday Park National Historic District. Further modifications may need to be reviewed by the Landmarks Commission if they require a building permit.  The neighborhood plan also has design standards for exterior improvements.
<b>COMPREHENSIVE PLANS:</b>	<u>Historic Holliday Park Neighborhood Plan</u> (update adopted 2008) <u>Land Use and Growth Management Plan – 2040</u>
<b>TRANSPORTATION/MTPO PLANS:</b>	None applicable

**OTHER FACTORS**

<b>SUBDIVISION PLAT:</b>	Platted as the South ½ of Lot 345, all of Lot 347, and the North 6 ¼ feet of Lot 349, Western Avenue, Young's Addition.
<b>FLOOD HAZARDS, STREAM BUFFERS:</b>	Not applicable
<b>UTILITIES:</b>	The residence is connected to existing utilities.
<b>TRANSPORTATION/TRAFFIC:</b>	Western is classified as a Major Collector on the <u>MTPO Functional Classification Map</u> . The property is not located on a bicycle route as designated in the <u>Topeka Bikeways Plan</u> .
<b>HISTORIC PROPERTIES:</b>	Holliday Park National Historic District. Pending review by the Landmarks Commission at their meeting on July 14, 2016. Staff recommended approval.
<b>NEIGHBORHOOD INFORMATION MEETING:</b>	The applicant conducted a Neighborhood Information Meeting on Monday, June 27 <sup>th</sup> at 6:00 pm located at the Topeka-Shawnee County Public Library. The property is located within the Historic Holliday Park NIA. The applicant's report is attached.  Key concerns expressed at the meeting are as follows: The effect a change in operator will have the PUD zoning, openness with the NIA regarding residents and types of offender living in the

house, monitoring and rules of residents, maintenance of the houses, and the close or overconcentration of like or similar uses within close proximity to each other. A letter from Holliday Park NIA is attached.

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

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## **KEY DATES**

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

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## **STAFF ANALYSIS**

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

**LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER**

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

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

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

The applicant’s only rezoning option other than that proposed is to rezone to the “M-2” Multiple-Family Dwelling District with a Conditional Use Permit for a “*Correctional Placement Residence, Limited*”. A straight “M-2” Multiple-Family Dwelling District zoning on the subject property would not be in conformance to the neighborhood plan since this “M-2” zoning would allow a future owner to convert the structure into individual apartment units or break-up the nature of the single-family dwelling. A “spot” zoning, such as this, is not desired in a single-family neighborhood that was intentionally downzoned in 1998 to prevent these types of residential conversions. However, infill development and adaptive re-use of older and historic structures conform to policies in Land Use and Growth Management Plan- 2040. The PUD proposes an adaptive re-use of the existing residence in a manner that does not break-up the nature of the single-family residence or prevent it from being used in the future as single-family.

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

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

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



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

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

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

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

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

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### **STAFF RECOMMENDATION:**

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

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

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

2. Use and development of the site according to the "Statement of Operations" submitted by the operator with their application (Exhibit A) keeping as a single family residence. *Any change to this "Statement of Operations" shall require major amendment approval by the Planning Commission and City Council.*
3. Use of the site is limited to "Correctional Placement Residence, Limited" as indicated by Exhibit A and the base "R-2" Single Family Dwelling District use group. The base zoning of "R-2" Single-Family Dwelling District shall apply unless otherwise stated herein.
4. "No signage advertising the nature of the use shall be permitted".
5. "A minimum of two (2) driveway parking spaces shall be provided off the alley for staff."
6. "No major physical interior or exterior building modifications shall be made to the existing residential structure affecting the ability to use the residence as single-family dwelling (i.e. addition of interior walls, bedrooms, bathrooms). *A maximum of five bedrooms are allowed.* Planning staff shall approve any future permits submitted to Development Services prior to approval."
7. "Compliance with all applicable City codes for buildings, construction and life safety as required by Development Services and the Fire Marshal. A conditional Certificate of Occupancy shall be obtained from Development Services no later than six months from the date of publication of the Ordinance.
8. *"The owner shall allow the City to make periodic inspections for compliance with these conditions of approval. In the event the use is not compliant with the conditions of approval, the use changes, or the use ceases, the Planning Commission shall initiate and make recommendation on a zone change pursuant to TMC18.245."*

**Attachments:**

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

## **STATEMENT OF OPERATIONS**

### **1025 SW WESTERN AVENUE**

The following Statement of Operations is being provided in support of the Rezoning Applications and PUD Amendments filed by Operator (see case PUD 16/3), regarding the above described property. The proposed use of both of the property is to provide a highly structured, programmatic group living home for men or women who are transitioning out of homelessness, incarceration or other difficult or destructive life situations and see them successfully integrated back into society and their communities. The house at the above described location will be used as and considered the residence of the men or women it serves and functions as single-family dwelling..

The house will be operated similar in nature to a traditional group home with the exception that it will be a structured environment with the focus on training the residents in all aspects of pursuing life skills, education, job training, and therapy and is monitored by a governing organization overseeing operations of the residence. All residents will be expected to obtain employment and participate in all programs as detailed in the governing organization's operations plan.

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

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

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

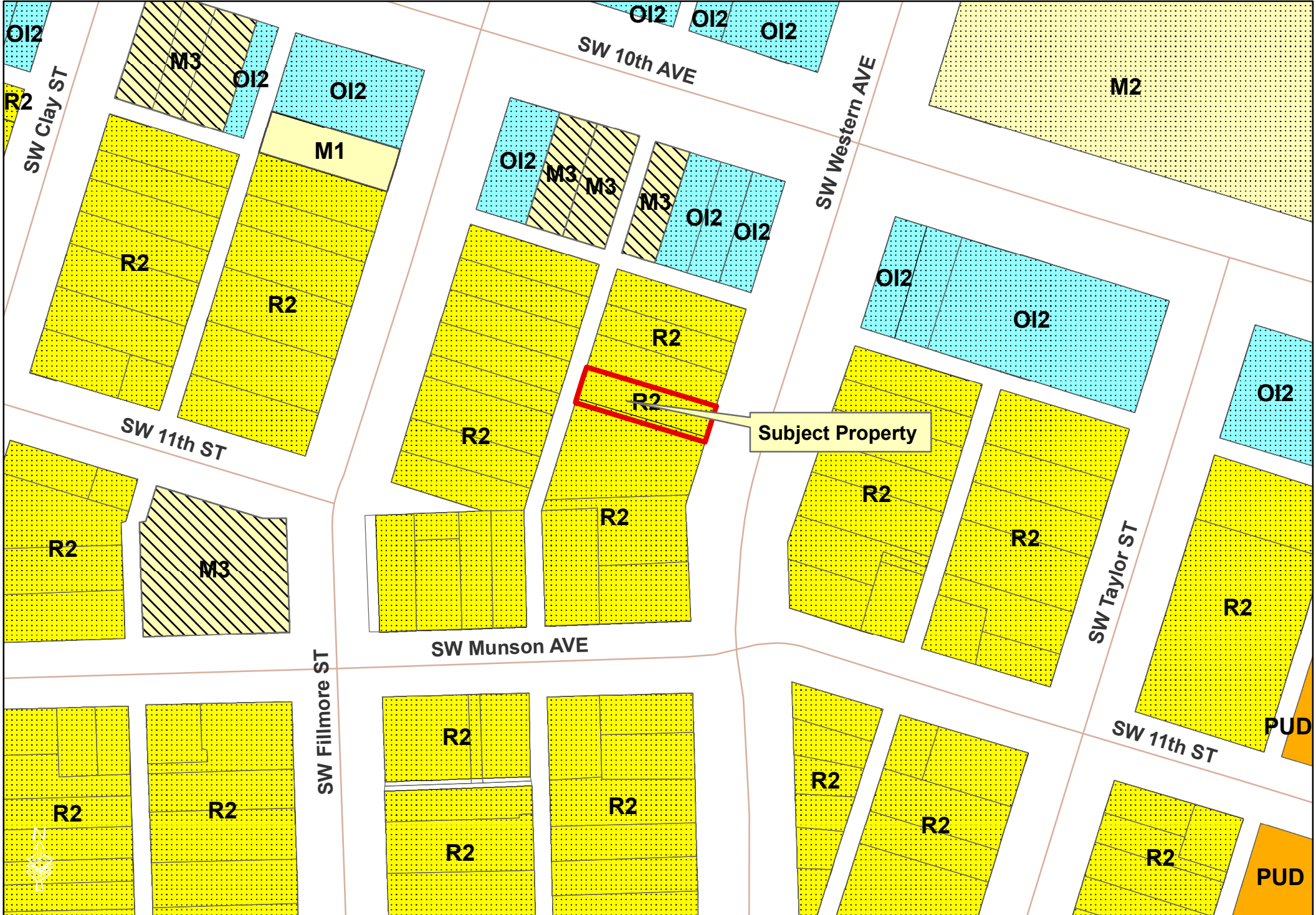
The property has adequate off-street parking in the rear of each property for the staff residents (a minimum of 2 parking spaces) and there should be no impact on parking in the neighborhood or the neighborhood traffic patterns.

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



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





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



PUD16/02  
by Heartland Management Co. / First Assembly of God

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

**PLANNING COMMISSION DATE: Monday, August 15, 2016**

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**APPLICATION CASE NO**

**PUD16/2- Newcomer Funeral Group**

**REQUESTED ACTION / CURRENT ZONING:**

Rezoning from “O&I-2” Office & Institutional District and “R-1” Single Family Dwelling District with a Conditional Use Permit for a Parking Lot (520 SW 27<sup>th</sup>) and rezoning from “R-1” Single Family Dwelling District (west portion of 500 SW 27<sup>th</sup>) **ALL TO** “PUD” Planned Unit Development District (O&I-2 uses, restricted to a professional or administrative office).

**APPLICANT / PROPERTY OWNER:**

Heartland Management Company: Warren J. Newcomer Jr.; President First Assembly of God: Steven E. Peoples, President of the Board

**APPLICANT REPRESENTATIVE:**

Daren Miller, Heartland Management Co. / Mark Boyd, Schmidt, Beck & Boyd Engineering, LLC

**PROPERTY ADDRESS & PARCEL ID:**

520 SW 27<sup>th</sup> Street/PID: 1330702021009000 (Newcomer office) and a portion of 500 SW 27<sup>th</sup> Street/PID: 1330702021011000 (First Assembly Church).

**PARCEL SIZE:**

2.27 acres

**STAFF PLANNER:**

Annie Driver, AICP, Planner II

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**PROJECT AND SITE INFORMATION**

**PROPOSED USE / SUMMARY:**

The PUD plan proposes a new single-story office (Building #2) with maximum Gross Floor Area (GFA) of 8,600 sq. ft.: 4,300 sq. ft. (ground floor); 4,300 sq. ft. (basement) and to re-configure and re-construct parking on the church’s property for shared use by both applicants. The plan proposes to close the Western entrance, the single-lane drive closest to Western and widen and move to the west the second 27<sup>th</sup> Street driveway, which will be shared by Newcomer and the church.

**DEVELOPMENT / CASE HISTORY:**

CU05/12 (October 2005); a Conditional Use Permit for expansion of the Newcomer Funeral Services Group facility to include the remodel of a former residence (3,000 sf) sitting to the north of existing building for a “*Reception, conference, and assembly facility*” on that part of the property zoned “R-1”. This CUP also included a new driveway on to SW Western Avenue, located at the north end of the property. The Planning Commission recommended approval in October 2005. The Governing Body

approved CU05/12 in November 2005.

CU05/12A (June 2009); a minor amendment to the Conditional Use permit CU05/12 to revise the site plan by removing the "Reception, conference, and assembly facility", which was never completed, and including in its place a parking lot to serve the Newcomer Funeral Service Group office and expand the existing building by 1,900 sq. ft.. The already approved Western driveway was moved further south from the previous plan CU05/12. The Planning Commission reviewed the request and determined the change could be processed as a minor amendment at their June 15, 2009 meeting. The CUP regulations, at the time, did not have criteria to distinguish major from amendments so, in this case, the Planning Commission made that determination. The Planning Department approved CU05/12A as a minor amendment in July 2009. The former residence was demolished around 2009.

**PHOTOS:**





**ZONING AND CHARACTER OF SURROUNDING AREA:**

Other than the applicant's existing building, the surrounding area is zoned entirely "R-1" Single-Family Dwelling District. The area is predominantly residential and institutional in character and includes a mix of single family residences and churches. The Topeka Country Club golf course is located to the south of SW 27<sup>th</sup> Street. The First Assembly of God Church and parking lot, which includes two buildings, is located immediately to the east. Grace United Methodist Church is located to the west across SW Western Avenue. A large 5,600 sq. ft. (2,384 foot print) single family residence, formerly a Florence Crittenton Home for Unwed Mothers, is also located to the west and surrounded by parking. Single family residences are located on the adjoining land to the north.

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

**DEVELOPMENT PHASING:**

Phase I (summer 2017): Reconstruct Church's parking lot, remove parking lot along north property line and return to green space, and re-construct earth berm along the north property line to re-direct and improve the flow of stormwater so it reaches an inlet on the church's property line near Topeka Blvd. Remove and curb/gutter Western driveway. Remove and curb/gutter single-lane driveway off SW 27<sup>th</sup> Street and return this area to green space.

Phase II (long-term): Construct Building #2 and re-configure parking as needed. Re-locate and construct new stormwater detention pond, vacate easements and abandon sanitary sewer main if needed.

**GENERAL NOTES:**

A re-plat is required prior to permits.

Site development plans by phase are required prior to permits.

Relocation and/or abandonment of sanitary sewer and vacation of easements are required prior to building permit issuance for Building #2.

**UTILITIES:**

Addresses lighting to indicate parking lot lighting shall be full cut-off, shielded and recessed to prevent cast of lighting beyond the property lines. No lighting shall exceed 3 foot-candles as measured at the property line.

**PARKING, CIRCULATION & TRAFFIC:**

Access is provided from SW 27<sup>th</sup> Street via the reconstructed driveway on 27<sup>th</sup> Street and intended for shared use. The single lane drive on 27<sup>th</sup> and the Western entrance are proposed to be closed during Phase I construction (Summer 2017).

**BUILDINGS, SETBACKS, AND**

Provides maximum building height of 25' and single-story design.

**DESIGN:**

Building setbacks: Western – 30; 27<sup>th</sup> Street – 25'; North property line – 30'; East property line – 30'. The building will front on to SW Western.

Building elevations to be consistent with existing Building #1. A conceptual graphic is attached.

**LANDSCAPE:**

The PUD addresses landscaping for both phases. Landscaping will be emphasized along SW Western, SW 27<sup>th</sup> Street, and the north property line. Detailed landscape plans to be submitted at the time of site development for each phase.

**SIGNAGE:**

Electronic Message Centers are not permitted.

Sign Illumination: Building #1- Signage shall be lit only indirectly by flood lighting or ground level spot lights. Internal illumination is not permitted. Building #2- Signage shall not be illuminated, either indirectly or internally.

Free-standing signs: Building #1- One sign per building; Building #1- 50 sq. ft., 5' tall; Building #2- 25 sq. ft., 4 ft. tall

Wall signs: One sign per building; Building #1- 40 sq. ft.; Building #2- 25 sq. ft.

**PROJECT DATA:**

Use groups:

Building #1- "O&I-2" Office and Institutional District

Building #2 - "O&I-2" uses restricted to a "Professional Office, and Administrative office"

Total Maximum Buildings:

Building #1 (existing) – ground floor (8,280 sf); basement (8,280 sf)

Building #2 (proposed) – ground floor (4,300 sq. ft.); basement (4,300 sq. ft.)

Off street parking: 1 space at 400 sf requires 63 stalls total  
88 stalls total will be provided. The plan proposes no new parking stalls, but only to remove and reconfigure existing parking stalls.

**VARIANCES REQUESTED:**

None

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**COMPLIANCE WITH DEVELOPMENT STANDARDS AND GUIDELINES**

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

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## OTHER FACTORS

### **SUBDIVISION PLAT:**

A re-plat of Newcomer Subdivision and First Assembly Church is required prior to building permit/parking lot permit approval.

### **TRAFFIC VOLUMES:**

Based upon the size of the expansion and known traffic volume on SW 27<sup>th</sup> Street (KDOT 2014 - 2,995 Average Daily Traffic, immediately east of SW Burlingame) and the June 22, 2016 traffic counts, the City Traffic Engineer determined the development does not meet the threshold of requiring a Traffic Impact Analysis (TIA).

SW 27<sup>th</sup> Street is classified as a Collector on the MTPO Functional Classification Map. SW Western is a local street. Federal Highway Metrics indicate local streets typically may carry up to 3,000 ADT and Collectors may carry up to 5,000 ADT. KDOT counts and the traffic counts taken on June 22, 2016 show neither SW 27<sup>th</sup> nor SW Western exceed these general metrics.

KDOT 2014 counts indicate SW 27<sup>th</sup> Street east of Burlingame Road carries 2,995 ADT. Engineering also conducted more current 24-hour traffic counts on June 22, 2016 at the Newcomer (Western) driveway, Newcomer 27<sup>th</sup> single lane driveway, and 27<sup>th</sup> Street drive shared by church and Newcomer.

*(Note: The counts were taken on a Wednesday where activity at the church may be higher than average because of church functions.)*

The City Traffic Engineer's summary of findings is as follows and full analysis is attached:

#### **Existing Conditions:**

The parking lot for the existing 16,000 sq. ft. building has two entrances. One of the entrances is off of SW Western and the other is off of SW 27<sup>th</sup>. Persons accessing the office building also use the parking lot of the church which is immediately east of the subject office building property. The church parking lot has two entrances off of SW 27<sup>th</sup> with the western most entrance being the only one of the two with significant use for the office building.

#### **EXISTING TRAFFIC** (June 22, 2016, 24-hour counts, at each of three entrances)

<i>Location</i>	<i>Observed Total Two-Way Traffic Volume (vehicles per day)</i>	<i>Traffic Volume Generated by Existing Office Building (newcomer)</i>
SW Western north of entrance	202	23 (11.4%)
SW Western south of entrance	219	39 (17.8%)
Office parking lot entrance off SW Western	62	62 (100%)
SW 27 <sup>th</sup> west of entrances	2142	87 (4.1%)
SW 27 <sup>th</sup> east of entrances	2158	81 (3.8%)
Office parking lot entrance off SW 27 <sup>th</sup>	36	36 (100%)
Shared office/church parking lot entrance off of SW 27 <sup>th</sup>	132	84 (63.6%) Church 48 (36.4%)

Total Trips Generated by Existing Newcomer Office Building = 182 Trips Per Day  
Trip Generation Rate of Existing Office Building = 11.4 Trips Per 1000 Square Feet

**Summary (Project Conditions):**

Assuming the proposed 8,600 sf new office building would generate traffic trips at the same rate (11.4 trips per 1,000 sf) as the existing building, the new office building would generate an additional 98 vehicle trip ends. The proposed new building would increase traffic generated by the development from about 182 trips per day to about 280 trips per day. Distribution of these trips over the roadway network shows the following traffic impacts.

- The construction of the proposed 8,600 sq. ft. building will generate about 98 additional vehicle trip ends per day – 49 vehicles entering and 49 vehicles exiting.
- Traffic on SW Western Street north of the PUD would likely increase around 5% from about 202 vehicles per day (vpd) to about 216 vpd if an entrance to the development from SW Western Street is provided.
- Traffic on SW Western Street north of the PUD would likely increase 0% to 5% if the existing entrance from the PUD is removed.  
*(Conservative assumption that same amount of traffic continues to turn right and travel on Western.)*
- Traffic on SW 27<sup>th</sup> Street will increase by about 2% from around 2,150 vehicles per day to around 2,200 vehicles per day.

**FLOOD HAZARDS,  
STREAM BUFFERS:**

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

**HISTORIC PROPERTIES:**

There are no “listed” historic properties in the neighborhood. The neighborhood does contain residences of historic value. The neighborhood between Merriam Court and 24<sup>th</sup> Street has expressed interest with Planning staff in creating a historic district.

**NEIGHBORHOOD MEETING**

The applicant held a Neighborhood Information Meeting on June 9, 2016. The applicant’s report to the City is attached.

**PUBLIC COMMENT:**

Following is a summary of comments received by the Planning Department both via email and from the neighborhood meeting:

- The rezone and size of new building will radically change the historic and residential character of the neighborhood.
- Western Avenue provides access to the residential neighborhood. There is already enough traffic from this office using the driveway (and more office development will generate more traffic).
- Delivery truck traffic to the office building using residential streets to avoid Topeka Blvd.
- Additional parking lot lighting impact neighbors.
- Added multi-modal conflicts between vehicles/bikes/pedestrians

attributed to new bike sharrows on 27<sup>th</sup> street, more traffic attributed to office, and lack of sidewalks.

- Need for traffic signal at SW 27<sup>th</sup>/Topeka Blvd
- Drainage issues to north may be attributed to the rate of release from the applicant's detention pond and storage building setting within easement causing a "dam" preventing water from running off to the inlet at Topeka Blvd.
- The location of a "pool" next to houses that will hold water and bring mosquitos. (i.e. *The applicant has proposed a "detention pond" which are typically dry, except during rain event and designed to hold water for short time, i.e. during a 100-year event the basin will drain within two hours.*)
- This development affects the historic character of the neighborhood.
- The change in zoning and resulting development will negatively affect the values of neighborhood homes.
- The neighborhood is being "gradually invaded by business groups, such as Noller Ford" encroaching from the north.
- The residents are concerned about what the owner might do with the property. The lack of trust is in part a result of the owner's demolition of the house that used to be located at the rear of the property and installing the Western driveway.

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

### **ENGINEERING/STORMWATER:**

Water quality treatment measures are not required since the increase in new impervious area will be less than one acre.

Water quantity measures are required. The applicant has submitted a Stormwater Management Report as required. This report has been approved by the Department of Public Works per memo dated July 15, 2016. The memo indicates the flume located at the existing Newcomer parking lot shall not be directed towards proposed building (if not re-located during expansion).

Phase I proposes removal of the parking lot on the north side and construction of a 3' berm south of the Newcomer/First Assembly property line that will divert water to the inlet at the northeast corner of the church property. Phase II will include construction of a stormwater detention pond adjacent with the berm. The detention pond will discharge into the swale and into the inlet located on the church property just west of Topeka Blvd. This inlet and 21-inch main on Topeka Blvd. have capacity to handle the discharge. The property owners are expected to maintain the inlet in the future.

### **ENGINEERING/TRAFFIC:**

The single lane driveway on SW 27<sup>th</sup> and the driveway on Western will be closed as a part of Phase 1. The City Traffic Engineer has approved the proposed design since SW 27<sup>th</sup> Street is a collector street and has capacity to provide access for these uses.

There are no current projects listed in the CIP for SW 27<sup>th</sup> Street. SW 27<sup>th</sup> Street is Route #8 in the Topeka Bikeways Plan. "Sharrows"

and a bike crossing at SW 27<sup>th</sup>/Topeka Blvd were provided as part of Phase 1 of the Bikeways Plan. A future design in the plan calls for a 10' wide side path along the south side of SW 27<sup>th</sup> Street, but this is not yet included in City funds.

The Quinton Heights NIA (west of SW Western Street) is eligible to apply for Community Empowerment Grants (CBDG) that could be used to fund sidewalk construction within their boundary limits. Staff is recommending the developer also provide a sidewalk along the north side of SW 27<sup>th</sup> and along Western, which is not within the NIA. The area is listed as a "Medium Priority" area in the Pedestrian Master Plan. There may be funding in the future to connect this sidewalk to Topeka Blvd.

Because of concerns from the neighborhood and the Newcomer development, Public Works will conduct a traffic assessment for the Quinton Heights Neighborhood proposed to begin fall 2016. The focus of the study will look at:

- Traffic signal warrants at 27<sup>th</sup> and Topeka- *The last study was conducted approximately ten years ago and the intersection did not meet those warrants at the time.*
- Speed study on 27<sup>th</sup>.
- Speed and cut through from 21<sup>st</sup> to 27<sup>th</sup> on Fillmore and Buchanan
- Stop sign at 26<sup>th</sup> and Fillmore
- Alley between Buchanan and Fillmore
- Line of sight at intersections
- Study to involve significant public involvement with the NIA

**FIRE:**

The closure of Western does mean response time for the Fire Department may be hindered if a conflict occurs at the driveways on SW 27<sup>th</sup> Street. This is satisfactory unless SW 27<sup>th</sup> is blocked in an emergency situation. If SW 27<sup>th</sup> Street is blocked, this may reduce response times for the church and Newcomer. With the closure of the Western driveway, the closest hydrant the Fire Department has the ability to lay hoses and connect with is located at SW 27<sup>th</sup>/Western intersection. An on-site fire hydrant and service line will likely be required by the developer when Building #2 is constructed. The Fire Department also requires a temporary access road be constructed during Phase 1 so they can access the existing building during parking lot improvements.

**DEVELOPMENT SERVICES:**

Parking Lot and Building Permits are required for each phase.

**KEY DATES**

**SUBMITTAL:**

June 3, 2016 **Continued by the applicant from July 18<sup>th</sup>.**

**NEIGHBORHOOD INFORMATION MEETING:**

June 9, 2016

**LEGAL NOTICE PUBLICATION:** June 22, 2016 July 20, 2016 re-advertised  
**PROPERTY OWNER NOTICE MAILED:** June 24, 2016 July 22, 2016 re-notified

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## **STAFF ANALYSIS**

### **CHARACTER OF THE NEIGHBORHOOD:**

The character of the neighborhood is predominantly single-family residential and institutional in land uses and zoning. The Country Club Place Addition lying to the north between Merriam Court and 24<sup>th</sup> Street was platted approximately 100 years ago as a single family neighborhood. The institutional uses lie along the neighborhood's major east-west streets (SW 27<sup>th</sup> and SW 24<sup>th</sup>) and include churches and USD 501 administration office/Quinton Heights Education Center. The remainder of the neighborhood is entirely single-family with the exception of the Newcomer existing office building at SW Western and 27<sup>th</sup> Street, originally constructed in the 1968 for another office. The Topeka Country Club (zoned "R-1" and developed 1951) lies south along SW 27<sup>th</sup> Street. First Assembly Church was constructed in the 1966. USD 501 constructed their administration office on SW 24<sup>th</sup> Street sometime in the early 1980s. Quinton Heights Education Center (formerly school) on 24<sup>th</sup> Street was constructed in 1950.

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

The rear of the property north of the parking lot contained a house, built in 1965, that was unoccupied for some time before it was demolished. The owner demolished the house in 2009 and in 2012 constructed the parking lot, entrance off Western Avenue, and a 1,900 addition to the office, leaving much of the north end of the property vacant but attractively landscaped. The rest of the property has been vacant since.

### **SUITABILITY OF USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED:**

The north end of the property is currently zoned "R-1" with a Conditional Use Permit for a parking lot. The south half of the property is zoned "O&I-2" Office and Institutional District where the current Newcomer office building is located. The remainder of the church parking lot is zoned "R-1". Under the current "O&I-2" zoning, the property is suitable as presently restricted for its present uses, but does not allow for an expansion of the existing Newcomer office (constructed 1968). The portion of the property north of the parking lot (with CUP) is no longer suitable as presently restricted for "R-1" uses. The parking lot to the south makes it so the remnant is not suitable or viable for the development of a new house between the parking lot and the north property line. The remainder of the "R-1" property is already developed for a church and parking lot.

### **CONFORMANCE TO THE COMPREHENSIVE PLAN:**

The subject property lies within an area designated *Urban/Suburban Low Density Residential* by the Land Use and Growth Management Plan – 2040 (LUGMP). This category is generally characterized by "*a cohesive display of single- or two-family development up to a maximum of six dwelling units per acre. (pg. 43)*". The subject property, as well as the properties north, west, and east are zoned "R-1" Single-Family Dwelling District. The purpose of the "R-1" district states that it "*is intended that the character and use of this district be for housing and living purposes free from the encroachment of incompatible uses*".

The area between the existing Newcomer office and neighborhood is considered a transitional area since it "transitions" from non-residential office to residential. In transition areas, a PUD may be used between non-residential and residential uses to provide for some flexibility for limited development, but still in manner that is not out of character with the residential area it transitions into. Land use policies of the LUGMP indicate a line of demarcation should be established at the Newcomer/First Assembly north property line and Western Avenue. No further rezonings should be supported by staff that will allow further encroachment of office uses into the single-family neighborhood.

This PUD allows the owner some flexibility to expand an office building that has existed on the site since 1968, but still provides a transition into the residential neighborhood. The PUD plan, and as conditioned by staff, establishes design parameters (setbacks, coverage limitations, design, signs, use groups, landscaping) to ensure the intensity of use and building is a step down from what an "O&I-2" zoning permits.

As conditioned to allow an appropriate "transition" into the residential neighborhood, the request is in conformance to the Comprehensive Plan.

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

As proposed and conditioned, the development will have little to no detrimental effect upon nearby properties and the surrounding neighborhood. Specifically, the building coverage limitations and closure of the Western driveway entrance significantly reduce any negative impact that may have occurred from further encroachment of office uses into the neighborhood. Traffic for Newcomer and First Assembly Church will have their only driveway entrance on SW 27<sup>th</sup> Street, which is classified as a collector street and has capacity. SW Western Street is a local residential roadway. The minimal increase in traffic generated by the proposed development is negligible and will not have a significant adverse impact on SW Western Street roadway safety. SW 27<sup>th</sup> Street is a collector roadway. The minimal increase in traffic generated by the proposed development is negligible and will have no adverse impact on roadway safety.

The PUD zoning provides an appropriate transition from institutional uses into the single-family neighborhood and addresses building design and scale, signage, landscaping, and uses all in the attempt to ensure a future building remains in keeping with the character of the area and its location south and east of the line of zoning demarcation suggested by the Comprehensive Plan. The PUD provides the owner flexibility to expand his office, the building which has existed since 1968. Building #2 will front on to SW Western and is consistent with pattern of development in the neighborhood. The existing elevation of the northern portion of the site (i.e. higher than the existing building) and the proposed building layout for Building #2 will limit and prevent further impacts from parking lot lighting that may currently be impacting residential properties to the west.

**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 purpose of the PUD is to provide more certainty for both the landowner and property owners about the future uses and physical development of the property, as well as its effect on adjacent residential property. Under the restrictions stated on the PUD, there should not be a significant impact on the value of nearby properties since this is a "transition area" and transition areas are allowed some flexibility to develop. The PUD and staff conditions address aesthetics, allowed uses, design, building coverage, setbacks, heights, landscaping, and signage all with potential to have a negative impact on nearby properties to ensure this development does not have a negative impact on nearby properties. These design standards and coverage requirements are intended to ensure the property develops in character with the neighborhood.

**AVAILABILITY OF PUBLIC SERVICES:**

All essential public utilities, services and facilities are presently available to this area or will be extended, abandoned, or re-located at developer expense. Easements will be vacated prior to construction within the Building #2 envelope if the building encroaches into the easement.

**COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:**

The Master PUD Plan establishes development standards and guidelines as indicated. The property will be platted.

---

**STAFF RECOMMENDATION**

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



1. Use and development of the site in accordance with the Master Planned Unit Development Plan for Newcomer Funeral Group as recorded with the Office of the Shawnee County Register of Deeds.
2. Add following note under Utilities: *"Fire hydrant locations and access to be approved by the City of Topeka Fire Department as part of the improvement plans prior to the start of construction. A temporary fire access road to 520 SW 27<sup>th</sup> Street shall be constructed during Phase 1. An on-site fire hydrant and service line connection may need to be provided for Building #2 (Phase 2) at the time of site development."*
3. Adding the following note under General Notes: *"Any increases in intensity (including uses, changes in driveway access, building sizes) or changes to the building elevations that alter the development character shall require a Major Amendment to the PUD Plan."*
4. Revising Note #2 under General Notes: to add: *". . . The building and parking lot configuration is conceptual. Minor adjustments may be necessary upon further review to comply with all applicable City Codes."*
5. Revising Note #3 under Building and Structural Notes to include at the end of the first sentence: *". . . and maintain a residential appearance on all four sides."*
6. Adding the following under Project Data under Building #2: *". . . and specifically excluding medical, dental and health clinics, and any retail sales typically allowed in O&I-2."*
7. Adding the following note under Circulation, Parking, and Traffic: *"A sidewalk shall be constructed across the frontages of SW Western and SW 27<sup>th</sup> Street at the time of construction of Phase 1."*
8. Immediate relocation of the tool shed currently located within a platted drainage easement on the current First Assembly Church Subdivision.
9. Revising Landscape note #2 to include after sentence referring to Phase I: *". . . Additional trees along the north property line may also be required with the development of Phase I."*
10. Adding the following note under Circulation, Parking, and Traffic: *"A cross access and shared parking agreement shall be provided between the owner(s) of the subject property and the property owner(s) of the platted lots to the east. The agreement shall be binding upon all heirs, executors, administrators, and assigns of said owners."*

**ATTACHMENTS:**

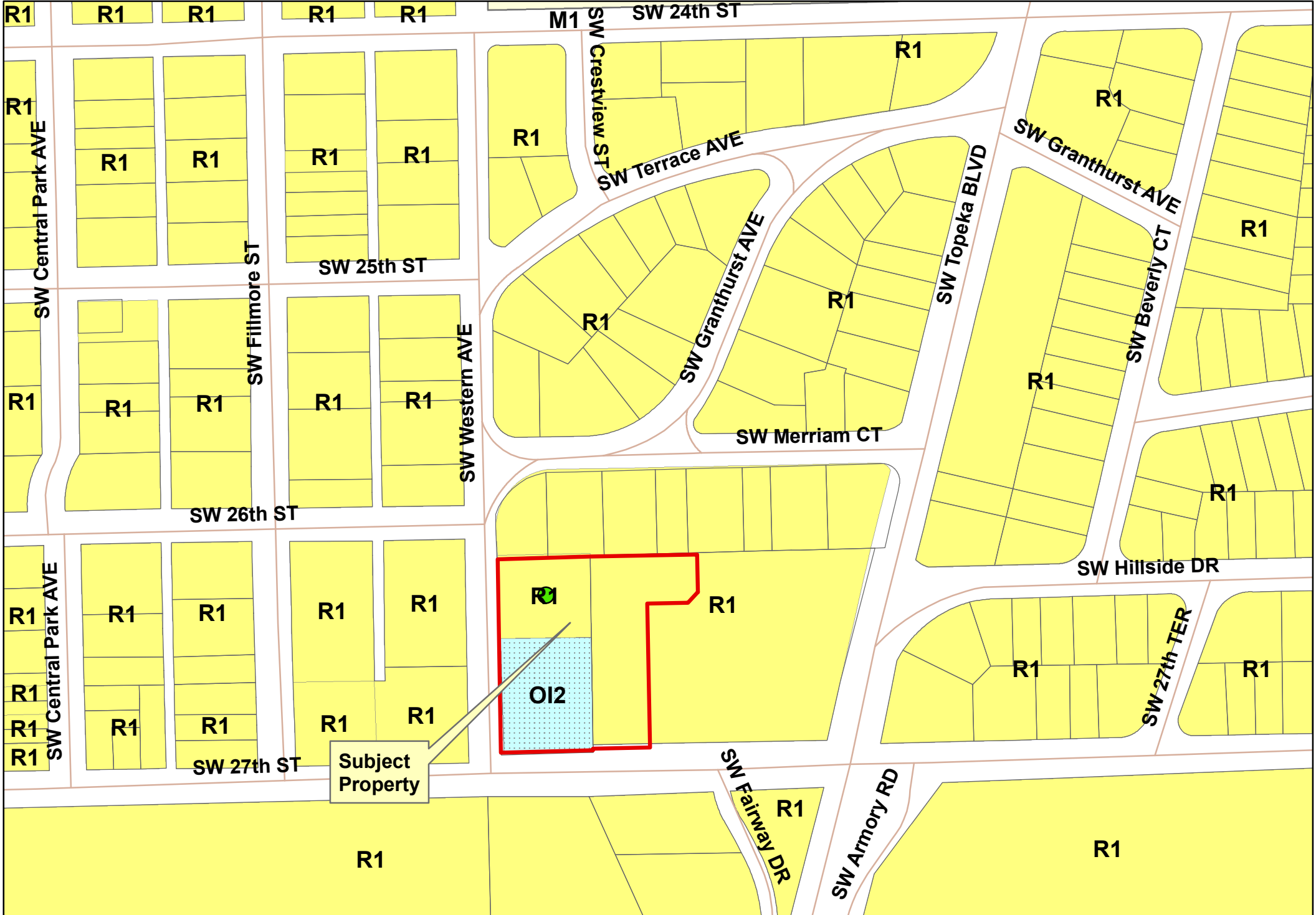
Aerial Photo  
 Zoning Map  
 Master PUD Plan  
 Building Elevations  
 City Traffic Engineer summary  
 NIM Report (6-9-2016)  
 Public Testimony



Subject Property

# PUD16/2 Newcomer Funeral Group PUD





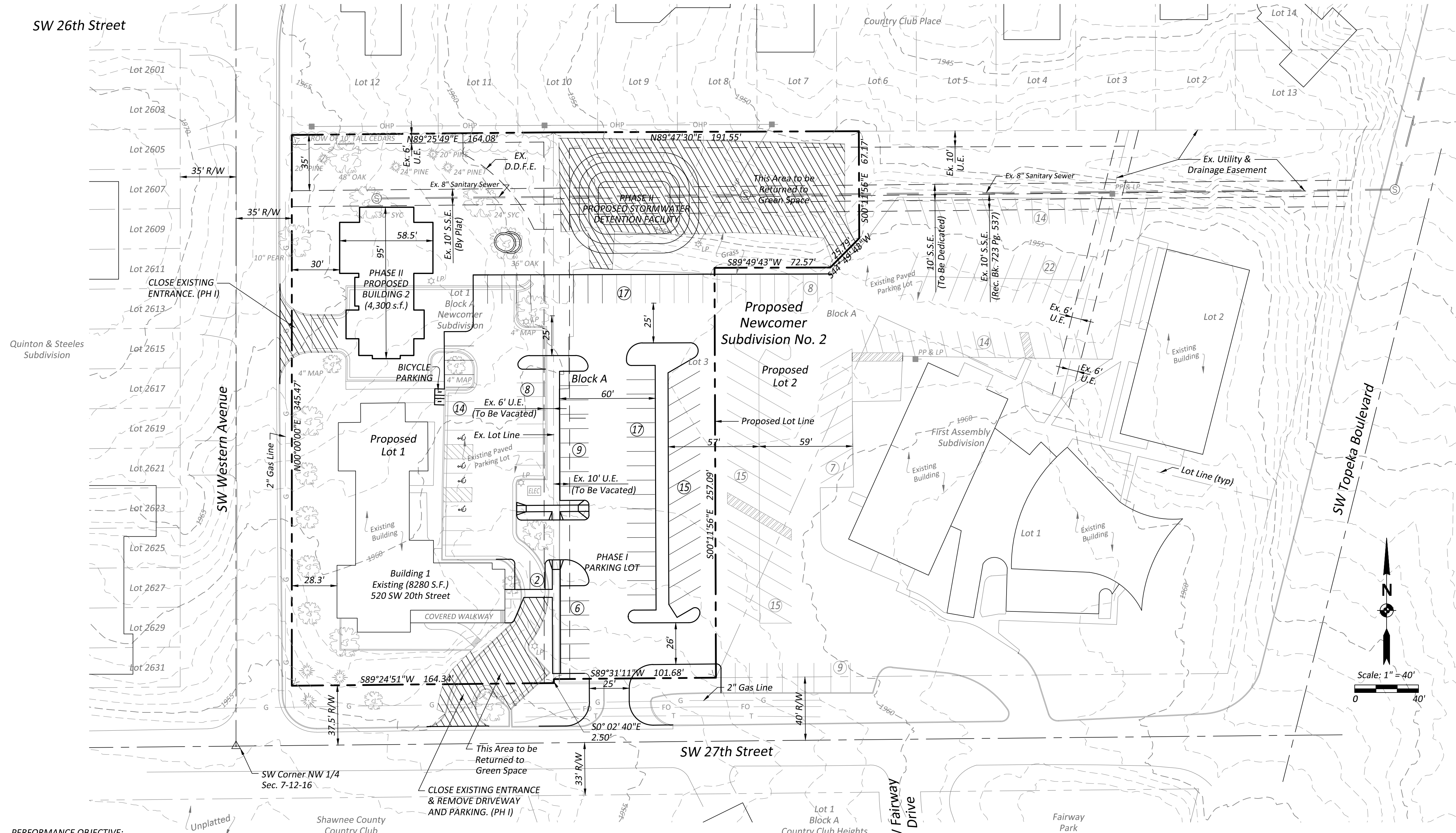
# PUD16/2 Newcomer Funeral Group PUD



# MASTER PLANNED UNIT DEVELOPMENT PLAN NEWCOMER FUNERAL SERVICE GROUP

BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_



RECORDED WITH THE SHAWNEE COUNTY REGISTER OF DEEDS:

REBECCA J. NIOCE, REGISTER OF DEEDS

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

CERTIFICATION OF MASTER PUD PLAN APPROVAL:

DATE: \_\_\_\_\_

BILL FIANDER, PLANNING DIRECTOR  
SECRETARY TO THE PLANNING COMMISSION

STATE OF KANSAS )

COUNTY OF SHAWNEE )

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

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

NOTARY PUBLIC \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

OWNER'S CERTIFICATE:

HEARTLAND MANAGEMENT COMPANY, OWNER, AGREES TO COMPLY WITH THE CONDITIONS AND RESTRICTIONS AS SET FORTH ON THE MASTER PUD PLAN.

IN TESTIMONY WHEREOF, THE OWNERS OF THE ABOVE DESCRIBED PROPERTY, HEARTLAND MANAGEMENT COMPANY HAS SIGNED THESE PRESENTS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

REN NEWCOMER, PRESIDENT  
HEARTLAND MANAGEMENT COMPANY

STATE OF KANSAS )

COUNTY OF SHAWNEE )

BE IT REMEMBERED THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED REN NEWCOMER, PRESIDENT, HEARTLAND MANAGEMENT COMPANY AND WHO IS PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE WITHIN INSTRUMENT OF WRITING.

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

NOTARY PUBLIC \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

**PERFORMANCE OBJECTIVE:**

To Provide a professional office within a residential transitional setting, while reasonably accommodating the needs of the owners of the facility and the surrounding neighborhood.

**Development Phasing Schedule:**

Phase I (Summer 2017): Reconstruct parking lot and entrance from SW 27th St. Remove parking lot entrance from SW Western Ave. and remove the single-lane entrance off SW 27th St. Construct earthen berm along the North Property Line in accordance with the Approved Drainage Report. Remove asphalt parking along the North property line as depicted on the plan.

Phase II (Long Term Plan): Construct Building No. 2 and reconfigure parking as necessary. Relocate stormwater detention facility as necessary in accordance with the Approved Drainage Report. Vacate easements and abandon sanitary sewer main, as necessary to accommodate construction of Building No. 2.

**GENERAL NOTES:**

- No building or parking lot permits shall be issued until the property is re-platted.
- No building or parking lot permits shall be issued until individual site development plans for each phase subject to TMC 18.190.060(c) have been reviewed and approved by the Planning Director. These site plans shall address individual building site locations, off-street parking and internal circulation, fire hydrants, landscaping, pedestrian connectivity, external lighting, signage, building elevations, utilities, storm water, relationship to adjacent lots, etc.
- The sanitary sewer easement crossing Building No. 2's envelope shall be vacated by the City of Topeka prior to building permit approval for any buildings within the Building No. 2 envelope that encroach on the easement. At such time, the sanitary sewer within the easement shall be abandoned, re-located an/or removed.

**UTILITY NOTES:**

- Lighting shall be full cut-off, shielded and recessed with cut-off angles to prevent the cast of lighting beyond the property and not exceed three 3 foot candles as measured at the property line. Exterior lighting shall follow accepted national guidelines for parking lot lighting (ie. CPTED). The type, illumination, pole height and quantity of new parking lot lighting shall be approved by the Topeka Planning Department at the time of permit approval by Development Services.

**CIRCULATION, PARKING & TRAFFIC NOTES:**

- Handicap parking spaces shall meet minimum ADA criteria with a minimum of four handicap spaces per 100 parking spaces.
- A 40 foot 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. (Reference City of Topeka Code for Fence Construction)
- All new drives, streets, parking areas, approaches and walks shall be constructed to City of Topeka Standards.
- All drives, lanes, and privately owned access ways providing accessibility to structures, buildings, and uses within the planned unit development shall be considered and serve as mutual rights of access of owners, tenants, invited guests, clients, customers, support and utility service personnel and emergency service providers, including law enforcement, fire protection, and ambulance services. All access ways providing general accessibility to, and circulation among, the uses within the planned unit development shall be maintained at all times in good serviceable condition with the maintenance of said access ways being the responsibility of the owner.

**BUILDING AND STRUCTURE NOTES:**

- No building within development shall exceed 25' in height and shall be no more than a single-story design.
- Building set-back lines along perimeter boundary shall be as follows:  
30' along SW 27th St., SW Western Ave., North and East Property Line
- Architectural elements shall be consistent with the existing Building No. 1. Elevations to be approved by the Planning Department at the time of site development plan review.

**LANDSCAPE NOTES:**

- Future improvements will be subject to City of Topeka Landscape Ordinance No. 17846 and addendums thereto.
- Landscaping shall be emphasized along SW Western Ave., SW 27th St., and within the 30 ft. building setback along the north property line. For Phase I (parking lot), additional 'large' trees may be required along SW 27th Street. For Phase II (Building No. 2), 'large' trees may be required along SW Western and a mix of trees, including coniferous trees, provided along the north property line. Detailed landscape plans shall be submitted at the time of site development plan review for each phase prior to building or parking lot permits being issued. Landscape plans shall address point values, types and quantities of landscaping, including required landscape buffers. Any significant trees removed with construction shall be replaced elsewhere on-site as indicated on the Landscape Plans.
- Care and Maintenance: The care, maintenance and ownership of common open space, parking areas, utilities, access ways, stormwater management easements, fencing, and landscaping shall be the responsibility of the owner of title. 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:**

- No electronic message centers (EMC), temporary or portable signs shall be permitted. Temporary real estate signs relating to the sale or lease of the property are not included within these restrictions.
- Building No. 1 signage shall be lit only indirectly, such as through the use of flood lighting or ground level spot lights. Building No. 2 signage shall not be illuminated.
- Free standing signs: One (1) monument style sign shall be permitted per building with a base compatible with the building's architecture. Signage for Building No. 1 shall be limited to a maximum of 50 sq. ft. per sign face, 5 ft. in height as measured from average natural grade. Signage for Building No. 2 shall be limited to 25 sq. ft. per sign face, and 4 ft. in height as measured from average natural grade.
- Wall signs: One (1) wall sign shall be permitted per building. Signage for Building No. 1 shall be limited to 40 sq. ft. per sign face. Signage for Building No. 2 shall be limited to 25 sq. ft. per sign face.
- TMC Title 18, Division 2 Signs shall govern all other signs unless specifically stated herein.

**PROJECT DATA**

PROPOSED ZONING:

BUILDING NO. 1: PUD "O&I-2" OFFICE & INSTITUTIONAL DISTRICT USE GROUP.

BUILDING NO. 2: PUD "O&I-2" OFFICE & INSTITUTIONAL DISTRICT USE GROUP  
RESTRICTED TO PROFESSIONAL OR ADMINISTRATIVE OFFICE.

TOTAL STRUCTURES:

EXISTING (BUILDING NO. 1):  
SINGLE-STORY OFFICE  
GROUND FLOOR = 8,280 S.F. MAXIMUM  
BASEMENT FLOOR = 8,280 S.F. MAXIMUM

PROPOSED (BUILDING NO. 2):  
SINGLE-STORY OFFICE  
GROUND FLOOR = 4,300 S.F. MAXIMUM  
BASEMENT FLOOR = 4,300 S.F. MAXIMUM

TOTAL MAXIMUM BUILDING AREA: 25,160 S.F.

PARCEL SIZE: 2.27 Acres

PARKING CALCULATIONS:

PARKING PROVIDED: 88 STANDARD  
(4 ADA ACCESSIBLE)

PROPOSED BIKE RACK PARKING: 4 SPACES

PARKING REQUIRED:

BUILDING NO. 1 (EXISTING): 16,460 S.F. OFFICE, MEETING ROOMS,  
MEDIA STUDIOS, STORAGE & MECHANICAL @ 1 SPACE / 400 S.F. = 41 SPACES  
BUILDING NO. 2 (PROPOSED): 8,600 S.F. OFFICE, MEETING ROOMS,  
MEDIA STUDIOS, STORAGE & MECHANICAL @ 1 SPACE / 400 S.F. = 22 SPACES  
TOTAL SPACES REQUIRED = 63 SPACES (2 ADA ACCESSIBLE)

**PROPERTY OWNERS**

HEARTLAND MANAGEMENT COMPANY  
520 SW 27TH ST.  
TOPEKA, KANSAS 66611

**DATE:**

JUNE 3, 2016  
REV. JULY 15, 2016

**DESCRIPTION:**

Lot 1, Block A, Newcomer Subdivision and a part of Lot 3, Block A, First Assembly Subdivision, City of Topeka, Shawnee County, Kansas, all being more particularly described as follows: Beginning at the Southwest corner of said Lot 1, Block A, Newcomer Subdivision; thence Northerly along the West line of said Lot on the platted bearing of N00°00'00"E, 345.47 feet (345.41 feet Plat) to the Northwest corner of said Lot; thence N89°25'49"E, 164.08 feet (N89°27'17"E, 164.16 feet Plat) to the Northeast corner of said Lot, being common to the Northwest corner of said Lot 3, Block A, First Assembly Subdivision; thence N89°47'30"E, 191.55 feet along the North line of said Lot 3; thence S00°11'56"E, 67.17 feet; thence S44°49'43"W, 25.79 feet; thence S89°49'43"W, 72.57 feet; thence S00°11'56"E, 257.09 feet to the Southeast corner of said Lot 3, Block A, First Assembly Subdivision; thence S89°31'11"W, 101.68 feet (101.71 feet Plat) to the Southwest corner of said Lot 3; thence S00°02'40"E, 2.50 feet to the Southeast corner of said Lot 1, Block A, Newcomer Subdivision; thence S89°24'51"W 164.34 feet (S89°25'28"W, 164.36 feet Plat) to the Point of Beginning. Containing 2.27 acres more or less.

PUD /

Rev.	By	Date	Description

Newcomer Funeral Service Group  
520 SW 27th Street  
Topeka, Kansas 66611

Schmidt, Beck & Boyd  
Engineering, LLC



SHEET TITLE: MASTER PLANNED UNIT DEVELOPMENT PLAN  
NEWCOMER FUNERAL SERVICE GROUP  
PROJECT LOCATION: 520 SW 27th Street  
Topeka, Kansas 66611

SBB Proj. No.:	16-015
Drawn by:	JEM
Checked by:	RS
Date:	3/16/2016
Scale:	1" = 40'
Drawing No.:	



TRAFFIC CONSIDERATIONS

Terry L. Coder, PE  
 City Traffic Engineer  
 8/4/16

**Existing Conditions:**

The parking lot for the existing 16,000 sq. ft. building has two entrances. One of the entrances is off of SW Western and the other is off of SW 27<sup>th</sup>. Persons accessing the office building also use the parking lot of the church which is immediately east of the subject office building property. The church parking lot has two entrances off of SW 27<sup>th</sup> with the western most entrance being the only one of the two with significant use for the office building. Traffic on SW Western, SW 27<sup>th</sup>, and at these three entrances was counted for a 24 hour period on Wednesday June 22, 2016. These counts are tabulated as follows:

EXISTING TRAFFIC

Location	Observed Total Two-Way Traffic Volume (vehicles per day)	Traffic Volume Generated by Existing Office Building
SW Western north of entrance	202	23 (11.4%)
SW Western south of entrance	219	39 (17.8%)
Office parking lot entrance off SW Western	62	62 (100%)
SW 27 <sup>th</sup> west of entrances	2142	87 (4.1%)
SW 27 <sup>th</sup> east of entrances	2158	81 (3.8%)
Office parking lot entrance off SW 27 <sup>th</sup>	36	36 (100%)
Shared office/church parking lot entrance off of SW 27 <sup>th</sup>	132	84 (63.6%) 48 Church (36.4%)

Total Trips Generated by Existing Office Building = 182 Trips Per Day

Trip Generation Rate of Existing Office Building = 11.4 Trips Per 1000 Square Feet

**Projected Conditions:**

It is proposed to add a new 8600 sq. ft. office building to the site. Assuming the new office building would generate traffic trips at the same rate as the existing building, the new office building would generate an additional 98 trips. It is been proposed to eliminate the existing SW 27<sup>th</sup> Street entrance that serves only the office building park lot and provide a formal shared entrance to the office building and church parking lots off of 27<sup>th</sup>. In addition, site design alternatives have been evaluated for the conditions where the existing entrance off SW Western would remain and where it would be removed. Tabulations of the projected traffic volume increases for the addition of the new office building for each of these scenarios follow:

Additional Trips = 8600 Sq.Ft x 11.4 Trips/1000 Sq. Ft. = 98 Trips

**PROJECTED TRAFFIC WITH ENTRANCE OFF OF SW WESTERN**

Location	Projected Total Two-Way Traffic Volume (vehicles per day)	Percent Increase
SW Western north of entrance	202+11 =213	5%
SW Western south of entrance	219+22 = 241	10%
Office parking lot entrance off SW Western	62+33 = 95	53%
SW 27 <sup>th</sup> west of entrances	2142+33+11 = 2186	2%
SW 27 <sup>th</sup> east of entrances	2158+32 +11 = 2201	2%
Office parking lot entrance off SW 27 <sup>th</sup>	0	-100%
Shared office/church parking lot entrance off of SW 27 <sup>th</sup>	36+132+65 = 233	76%

**PROJECTED TRAFFIC WITH ONLY ONE SHARED ENTRANCE OFF OF SW 27TH**

Location	Projected Total Two-Way Traffic Volume (vehicles per day)	Percent Increase
SW Western north of entrance	202+11 =213	5%
SW Western south of entrance	213	-1%
Office parking lot entrance off SW Western	0	- 100%
SW 27 <sup>th</sup> west of entrances	2142+44+11 = 2197	2%
SW 27 <sup>th</sup> east of entrances	2158+32 +11 = 2201	2%
Office parking lot entrance off SW 27 <sup>th</sup>	0	-100%
Shared office/church parking lot entrance off of SW 27 <sup>th</sup>	36+132+65 + 95 = 328	148%

**Summary:**

The proposed new building would increase traffic generated by the development by about 53.75% from about 182 trips per day to about 280 trips per day. Distribution of these trips over the roadway network shows the following traffic impacts.

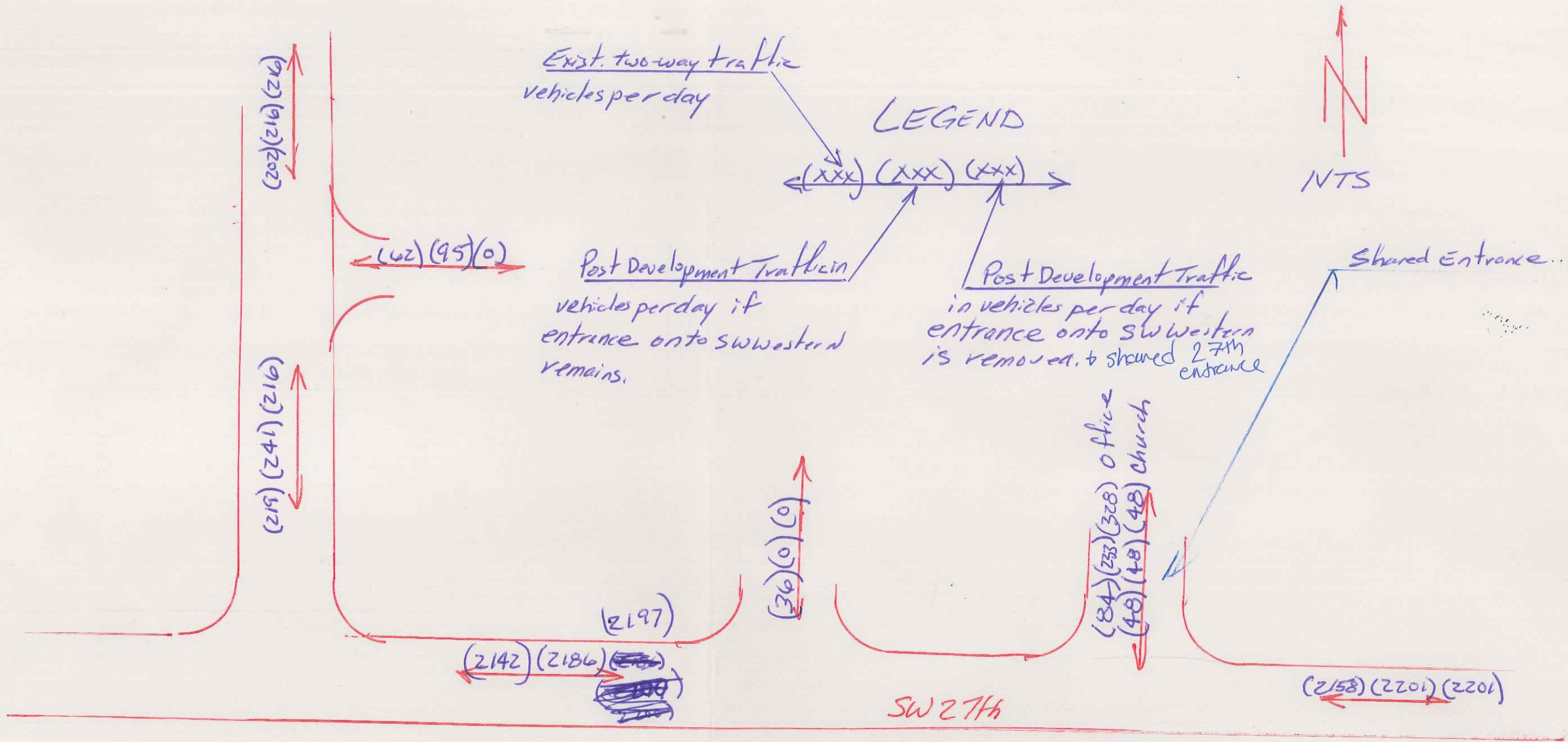
- The construction of the proposed 8600 sq. ft. building will generate about 98 additional vehicle trip ends per day – 49 vehicles entering and 49 vehicles exiting.

- Traffic on SW Western Street north of the PUD would likely increase around 5% from about 202 vehicles per day (vpd) to about 213 vpd if an entrance to the development from SW Western Street is provided.
- Traffic on SW Western Street north of the PUD would likely increase in the amount of 0% to 5% if the existing entrance from the PUD is removed.
- Traffic on SW 27<sup>th</sup> Street will increase by about 2% from around 2150 vehicles per day to around 2200 vehicles per day.

SW Western Street is a local residential roadway. The minimal increase in traffic generated by the proposed development is negligible and will not have significant adverse impact on SW Western Street roadway safety.

SW 27<sup>th</sup> Street is a collector roadway. The minimal increase in traffic generated by the proposed development is negligible and will have no adverse impact on roadway safety.





Prepared  
 BY: T. Coder  
 8-3-14

Neighborhood Informational Meeting Minutes  
Heartland Management Co.

June 9, 2016

There were 14 neighbors in attendance plus 3 members from the church and 3 from the City planning department. A sign in sheet was available and request was made for the neighbors to sign.

The meeting began at 6:04 pm at the church with Ren Newcomer providing opening comments thanking the attendees for coming. Mr. Newcomer explained that this meeting was a result of the previous meeting in that he listened to the neighbors' concerns about having the new property all being zoned O&I 2. Based on the comments from the neighbors he rescinded his request for zoning and is now pursuing a more restrictive "Planned Unit Development".

Mr. Boyd provided a handout and slide presentation showing the proposed plan to purchase the additional parking and detention space. He explained that the parking lots would be combined with Newcomer's existing lot and the existing Newcomer entrance on 27th street would be removed. He explained the building envelope and answered questions about the setbacks published on the provided drawings.

The neighbors interrupted Mr. Boyd's presentation stating that they wanted the entrance on Western closed due to all the traffic that was being generated in the neighborhood. Multiple conversations about Fillmore traffic, its slope and stop sign were discussed along with neighbors stating that they count the trucks and everyday there is at least 2 Fed EX, 3 UPS and every week there is a Coke semi as well as landscape trucks parked on Western.

The neighbors expressed concern about more auto traffic endangering the children and pedestrian walking traffic in the neighborhood. Several commented about the speed of the traffic on 27th and how a sidewalk needs to be installed before life is lost and eluded the city was not cooperative in the matter.

Mr. Newcomer shared that adding sidewalks on his property was being considered. Several neighbors reiterated that the city needed to do something on 27th and that sidewalks to nowhere were pointless and a waste of money.

The neighbors were concerned about the traffic associated with the 501 building. That this additional traffic was responsible for the addition of a bridge on Fillmore and that a long time respected resident, Dr. Melcus, moved out of the neighborhood because of the traffic 501 added.

One individual commented "not all the traffic is your (Newcomer) fault".

Another asked if Mr. Newcomer would install a traffic light at 27th and Topeka Blvd.

Mr. Newcomer discussed many things have changed since the 1960's and referred to the church history timeline. He couldn't speak for the city regarding traffic signal.

Mr. Steve Vogel said he didn't want it because he has water problems already and that the new detention area would be higher than his property increasing his water problems. Mr. Boyd

explained there would be no hydraulic pressure associated with a detention basin. Mr. Vogel explained he is involved in professional real-estate in Phoenix and is not a novice in this area and disagreed with Mr. Boyd.

One neighbor stated "it just changes the dynamic of the neighborhood". Another neighbor did not have any problem with adding parking but doesn't want a building in his back yard.

A few neighbors stated they did not trust Mr. Newcomer and that he had violated their trust by tearing down the house and cutting down trees without authority. They stated that they were promised that there would be no entrance on Western.

Mr. Newcomer stated that he did not recall the process of the addition of the Western entry way or which trees the neighbors were referring to being cut down. The neighbor stated it was the trees that blocked their view located on an easement and were illegally cut down.

Mr. Newcomer responded with comments about the processes we used would have been done with all the required permits or approvals but didn't recall the details about the event. He indicated that multiple new trees had been planted and city wide how he has been dedicated to the improvements of all his properties.


Mr. Newcomer asked the owner of the Crittenden home "what can I do to gain your trust"? Another person at the table stated "close the entrance to Western" and "plant more trees". The question was finally answered "I will never trust you again". The subgroup continued commenting about "not knowing your plans" and "your bright lights" and "we don't know what the hell you are doing over there!".

Mr. Newcomer took exception to these comments and invited everyone to come to the facility. Several of the neighbors stated that it was where they live not work and he needed to be part of the neighborhood and attend their gatherings and open communications with the neighbors.

One neighbor commented about what would happen if after the rezoning Mr. Newcomer moved out. Mr. Newcomer commented that this is what the PUD is for and that they should consider that comment. Many conversations erupted simultaneously at this point.

Mr. Boyd intervened and asked if there were any additional concerns not yet covered that should be discussed. Hearing none the meeting was closed.

Darren Miller  
Newcomer Funeral Service Group

  
Mark Boyd  
SBB Engineering, LLC



Subject Sign In Sheet Sheet No. 1 of 3

Newcomer POD Job No. \_\_\_\_\_

By \_\_\_\_\_ Date 6/9/2016

Name	Address	Phone # / email address
Sharyn Sawyer	2601 SW Western	785 338 3498
Randy Sawyer	2601 SW Western Ave	785 409 0603
Amy Potts	717 SW Merriam Ct	
John Potter	717 SW Merriam Ct.	
Annal Brewer	City Planning	308-3010
Michael Hall	C.D.T. PLANNING	368-3007 / mg hall@topexa.org
Steve Vogel	555 Merriam	4190.921.5250
Jan + Larry Engler	7147 SW 53 <sup>rd</sup>	(785) 478-4347
Alvin + Carol Crow	26871 Gladden Rd	785 256-6594
Steve Peoples	4445 SW Wanamaker Rd	785 234 5555    steve@topexafirst.com
ALICE BROOKS	2525 SW WESTERN	
GARY HULSE	2808 SW Fillmore	



Subject Sign In Sheet Sheet No. 2 of 3

Newcomer POD Job No. \_\_\_\_\_

By \_\_\_\_\_ Date 6/9/2016

Name	Address	Phone# / email address
Mek & Tillio Alexandria	2509 Fillmore	232-5715 R320010alexander1@ HOT. COM



Subject Sign In Sheet Sheet No. 3 of 3

Newcomer POD Job No. \_\_\_\_\_

By \_\_\_\_\_ Date 6/9/2016

Name	Address	Phone # / email address
HOWARD Blackmon Raynor Stewart	2615 SW Fillmore 2401 S.W. Western	354 7063 235-8642

## Annie Driver

---

**From:** NORMA BURNETT <burnettnj@sbcglobal.net>  
**Sent:** Sunday, July 31, 2016 9:01 AM  
**To:** Annie Driver; Michael Hall; Sylvia Ortiz  
**Subject:** Fw: Zoning Change Objection

**Follow Up Flag:** FollowUp  
**Due By:** Sunday, July 31, 2016 11:18 AM  
**Flag Status:** Completed

RECEIVED  
AUG -2 2016  
TOPEKA PLANNING  
DEPARTMENT

To: Annie Driver:

I want to object to the Revision to PUD 16/02 by Heartland Mgmt/1st Assembly of God (Newcomer Funeral) for the below stated reasons in my previous email.

On Friday, July 1, 2016 9:47 AM, Annie Driver <[adriver@topeka.org](mailto:adriver@topeka.org)> wrote:

Thanks, I will ensure your comment is forwarded to the Planning Commission.

---

**From:** NORMA BURNETT [<mailto:burnettnj@sbcglobal.net>]  
**Sent:** Friday, July 01, 2016 9:40 AM  
**To:** Annie Driver  
**Subject:** Zoning Change Objection

To: Annie Driver

From; Norma J. Burnett  
2419 S. W. Western Avenue  
Topeka, Ks. 66611-1266

Subject: **Objection to zoning change from "R-1" to "O & 1-2"** by the Newcomer group at 520 S. W. 27th Street.

I am writing to express my **OBJECTION** to the above neighborhood zoning change. I have been a resident and homeowner in this neighborhood for 50 years. This zoning change would:

- Negatively impact the **value** of my home and other properties in the neighborhood.
- Would destroy the **historical atmosphere** of the neighborhood. (The homes in this neighborhood were featured in the **Topeka Magazine** several years ago for their architectural uniqueness).
- Increase **traffic** in the neighborhood
- An office building would be an "eye sore" in the neighborhood.

Would you or Mr. Newcomer welcome an office building in your residential neighborhood? I don't think so. There are so many available commercial spaces in Topeka, why destroy historical, beautiful, quiet neighborhoods?

Again, I **OBJECT** to this zoning change.

8/31/16  
Only email  
submitted after  
revised PUD  
mailed out  
to owners 2007  
Annie Driver

I James P. Gilbert Sr. of 605 SW 24<sup>th</sup> St  
Lapeer, oppose the development New-  
comer Group is proposing for the  
area at 26 - 27 hundred block of  
Western.

James P. Gilbert Sr.  
7/1/14



RECEIVED

JUL 06 2016

TOPEKA PLANNING  
DEPARTMENT

June 30, 2016

I oppose the rezoning and expansion proposal for the Newcomer Group at 520 SW 27<sup>th</sup> Street. This change would spoil the family and residential appeal of our neighborhood. Once a change like this is made, it cannot return. The original character and historic atmosphere would be lost.

I support business and commerce, but the location is not suited for a building project of this size and scope. I think repurposing an existing structure in a commercial or office zone makes more sense as there would be no opposition and little restriction for this type of business.

The City of Topeka should take a page from other communities that have had enormous success in promoting their traditional, historic neighborhoods as an attraction for prospective residents.

Topeka has an immense amount of vacant structures, properties, and empty tracts of land that beg for development. They are better locations for this project, instead of radically changing a historic residential neighborhood.

In short, this will be detrimental to the people and homeowners who live here. A project of this size should be built somewhere else. Please keep our community intact. Please keep it as a family dwelling district instead of an office park with congested roadways. Please oppose the rezoning proposal.

Sincerely,

 6/30/16

Calvin Carter  
2529 SW Western Ave.  
Topeka, KS 66611

## Annie Driver

---

**From:** John Potter <misterjohnpotter@gmail.com>  
**Sent:** Friday, July 01, 2016 5:33 PM  
**To:** Annie Driver; Michael Hall  
**Subject:** Fwd: newcomer group at 520 sw 27th st zoning change from r-1 to o&l-2

**Follow Up Flag:** FollowUp  
**Due By:** Friday, July 01, 2016 6:06 PM  
**Flag Status:** Flagged

RECEIVED  
JUL 05 2016  
TOPEKA PLANNING  
DEPARTMENT

Sending a forward.

----- Forwarded message -----

**From:** <jonataylor@cox.net>  
**Date:** Friday, July 1, 2016  
**Subject:** newcomer group at 520 sw 27th st zoning change from r-1 to o&l-2  
**To:** [iadriver@topeka.org](mailto:iadriver@topeka.org)  
**Cc:** [misterjohnpotter@gmail.com](mailto:misterjohnpotter@gmail.com)

I see this business is still wanting to expand their business in our residential community. the longer this goes on the more I find out about this the less I want this plan go forward. this neighborhood sits between two creeks, one being the shunga creek and the other bordering s. Kansas ave.. also there are two bodies of water, one east of 26th and Burlingame and a detention pond at 3401 sw van burien the city has proposed for Fridays to be designated as dump your water days to combat mosquito infestation. I am not in favor of this proposal or the expansion of this business with added traffic, security lamps glowing on the added parking lot area. while this business is only active between 9 and 5 , we as neighbors live here 24/7. I also have heard they tried to buy out two other individuals before they applied for zoning change. please do not approve this application. thank you for the work you do . joel taylor

RECEIVED

JUL 01 2016

Annie Driver

**From:** Del Downs <drummerdel@gmail.com>  
**Sent:** Friday, July 01, 2016 9:59 AM  
**To:** Michael Hall; Annie Driver; Sylvia Ortiz; misterjohnpotter@gmail.com; Sally Downs  
**Subject:** Proposed Zoning Change To Accommodate Newcomer Group at 520 SW 27th St

TOPEKA PLANNING  
DEPARTMENT

I write this with the utmost respect for each and every one of you, both personally and professionally.

My wife and I have lived in this neighborhood for quite some time now (well over 10 yrs). We moved here specifically because it was older, established, and less vulnerable to the inevitable changes so prevalent in the every day process of "life". I am certainly not opposed to change. I love air-conditioning, cars, phones, etc.. However, *Everything* affected by change is not always pondered. Oftentimes businesses have the loudest voice and get listened to the most. ***That is why I very much appreciate the opportunity to express my concerns here.***

- As we watch the unfolding of national and international concerns, one of the most troubling currently, involves the Zika Virus. The world is preparing for the Summer Olympic Games, which used to mean more than anything to world class athletes. Many of those same athletes (that are in the BEST possible physical condition as opposed to our general population) are refusing to go. If they are so concerned about it that they are disrupting their lifelong dreams, why shouldn't we be? I realize that it is transmitted by only certain types of mosquitoes and yet it has already arrived in this country. This new zoning plan actually includes creating an ideal breeding environment for mosquitoes, right in the midst of a residential area. Is this not inviting trouble?
- My wife and I live at 607 SW Terrace Ave., where we, lots of neighbors, their children, and their grandchildren ride bikes and/or walk every single day. Topeka School District 501 Administration employees walk in this same neighborhood on their breaks and lunches as well. There are already concerns about the increased amount of traffic that "flies by" at excessive speeds. It seems that they consider our area to be a great short-cut to and from Topeka Blvd. I'm afraid that additional traffic in this area would create even more potential for harm and in turn, work for the city police. That doesn't even include the influx of occasional Quinton Heights visitors that flock to this area, but only in snow/ice "bad road" type weather conditions. We have dealt with that pretty successfully, but it is only an occasional occurrence. This plan would increase traffic every single day with around 30 more employees or so.
- I'm sure that you also realize what most businesses do to property values when their presence overwhelms the residential intent of a "nice, quiet, established" neighborhood. Even though there might be some tax advantages, it would not impact as much as declining property values would.
- If there were no other options in the city, I would be much more understanding of the need to "disrupt" our lives. However, as you are well aware, the city has all kinds of existing vacant, property falling into disrepair on a daily basis. We both know that these buildings need to be re-purposed, repaired, and occupied for the sake of the entire City. This could easily benefit Newcomers as well, providing more than ample space, without disrupting our neighborhood in any way at all.

Again, with all due respect, I do not believe that the "wants" of the fine folks at Newcomers are, or should be, any more important than the "wants" of this neighborhood's residents. The current plan is a

WIN-LOSE one for us, which always creates animosity. However, there is a tremendous opportunity here for a plan that would definitely be a WIN-WIN-WIN for all involved: The City of Topeka, Our Neighborhood, and most importantly, the Newcomer Group.

**This is a chance  
for the City of Topeka to shine brightly  
(and  
we all could use some positive strokes once in awhile.)**

--

*Thank You For Listening,*

*Del Downs*

RECEIVED

JUL 01 2016

TOPEKA PLANNING  
DEPARTMENT

Annie Driver

**From:** NORMA BURNETT <burnettnj@sbcglobal.net>  
**Sent:** Friday, July 01, 2016 9:40 AM  
**To:** Annie Driver  
**Subject:** Zoning Change Objection

To: Annie Driver

From: Norma J. Burnett  
2419 S. W. Western Avenue  
Topeka, Ks. 66611-1266

Subject: **Objection to zoning change from "R-1" to "O & 1-2"** by the Newcomer group at 520 S. W. 27th Street.

I am writing to express my **OBJECTION** to the above neighborhood zoning change. I have been a resident and homeowner in this neighborhood for 50 years. This zoning change would:

- Negatively impact the **value** of my home and other properties in the neighborhood.
- Would destroy the **historical atmosphere** of the neighborhood. (The homes in this neighborhood were featured in the **Topeka Magazine** several years ago for their architectural uniqueness).
- Increase **traffic** in the neighborhood
- An office building would be an **"eye sore"** in the neighborhood.

Would you or Mr. Newcomer welcome an office building in your residential neighborhood? I don't think so. There are so many available commercial spaces in Topeka, why destroy historical, beautiful, quiet neighborhoods?

Again, I **OBJECT** to this zoning change.

## Annie Driver

---

**From:** Michael Hall  
**Sent:** Friday, July 01, 2016 9:49 AM  
**To:** Annie Driver  
**Subject:** FW: Zoning Change

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

RECEIVED  
JUL 01 2016  
TOPEKA PLANNING  
DEPARTMENT

-----Original Message-----

**From:** aker [<mailto:aker@dslextrreme.com>]  
**Sent:** Friday, July 01, 2016 9:42 AM  
**To:** Michael Hall  
**Subject:** Zoning Change

Dear Mister Hall,

Our family has lived in this neighborhood for 53 years.

We agree with completely with the letter sent by John Potter.

He says it better than we could. We hope that you will not approve of the Zoning change.

Thank you,

Gene and Rita Aker

2501 Granthurst

**Annie Driver**

---

**From:** Amy Potter <lipstickndreams@gmail.com>  
**Sent:** Thursday, June 30, 2016 10:52 PM  
**To:** Michael Hall; Annie Driver; Sylvia Ortiz  
**Subject:** Zoning Change for Newcomer Group

**RECEIVED**  
JUL 01 2016  
TOPEKA PLANNING  
DEPARTMENT

**Follow Up Flag:** FollowUp  
**Due By:** Friday, July 01, 2016 5:12 AM  
**Flag Status:** Flagged

I am writing to oppose PUD 16/02 zoning for the Newcomer Funeral Group.

Our neighborhood is historic, each house is uniquely designed by a woman back in the 20's and 30's. Prominent business people originally lived in this area. The house that was immediately south of our house was purchased and torn down by Ren Newcomer so he could expand his parking lot. Everyone loves our neighborhood and stays for a long period of time.

We have increased traffic on 27th street coming from both Topeka Blvd and Burlingame. We have no sidewalks on this street. When I walk our dog I have to walk across residential property or along the fence of the Topeka Country Club to avoid oncoming traffic. Newcomer has several delivery trucks pulling into his parking lot on a daily basis. Senior Citizens and children walk and ride their bicycles in our neighborhood. During the school year we have busses turning down 27th street and dropping kids off on Western. We already have a lot of traffic heading north and south on Western from the School Board building.

We live immediately north of Newcomer's business. This is the second proposal for zoning change this year. We do not want a stormwater retention pond behind our properties. The neighbors already have water runoff from the parking lot behind them. His expansion project will affect property values. We have to see his parking lot full of cars five days a week. He has even asked me and our neighbors to the east of us if we would consider selling our homes to him. This would allow him to tear down our homes and expand his business. He has outgrown the space for his business! This is a neighborhood not a business complex. There are plenty of places in Topeka where he can expand his business and not ruin a residential neighborhood.

Please vote no for the PUD 16/02 zoning change.

Thank you.

Amy Potter  
717 SW Merriam Ct  
Topeka, KS 66611

## Annie Driver

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**From:** Shirley Singer <sansinger48@gmail.com>  
**Sent:** Thursday, June 30, 2016 10:42 PM  
**To:** Michael Hall; Annie Driver; Sylvia Ortiz  
**Subject:** Response to Proposed Zoning Change: 520 SW 27th St.

**Follow Up Flag:** FollowUp  
**Due By:** Friday, July 01, 2016 5:12 AM  
**Flag Status:** Flagged

RECEIVED  
JUL 01 2016  
TOPEKA PLANNING  
DEPARTMENT

My husband and I live across 27th Street (2701 SW Fairway Drive) from the zoning district in question. After reviewing this 2<sup>nd</sup> proposal of zoning change, we still oppose this change at this time. Although it has been helpful to see the general building proposal, we still feel that a larger business here (which may expand at the site again, even further, in the future), is NOT in the best interest of our residential area. We even understand that the owners of this business have already offered to buy 2 additional homes in proximity to the business in order to expand this company site even further than what we now see proposed. Such further future growth of this business could be so very expansive that our current residential home values and the integrity of our residential area might be severely jeopardized. We currently have a nice residential area and properties, the values of which we are all trying hard to maintain. With additional business zoning, and with the chance of several more expansions, the possibility of lowering our home values might occur and would not only hurt the residents, but could also lower the neighborhood residential tax revenue stream for the city.

The issue of having a storm water detention pool is also very concerning. The thought of likely still waters, as possible breeding grounds for mosquitoes, does not bid well for several homeowners currently connected to that part of the property, and to our neighborhood, in general. This is especially worrisome in our possible current Zika-virus environment. We question the harm that a pond might do to home values, as well. We know that such a pond would be a large negative to most anyone who would consider buying a home adjacent to such.

In addition, if an expansive office building is truly necessary, there appears to be no shortage of buildings/areas in other parts of the city to utilize. There are many other options, large amounts of vacant/deteriorated business buildings currently available throughout our city that could easily accommodate this expanding business and would help those areas of business to be revived. (We also must say that this business has always been very well maintained and, thus, would be a huge plus to any other city business area that it would enter!)

Lastly, as we expressed before, we believe that more business in the area and their request for 88 parking spaces will impact and increase traffic onto 27th Street. This traffic would most likely "spill out" onto 27th across from our driveway, making it even more difficult for us, personally, to back out into the traffic. Our 27<sup>th</sup> Street is, at present, a fairly busy street. But, also, more importantly, know that we have much foot-traffic along this section of 27th Street, where no sidewalks exist and citizens often walk so near the street, that safety is often in question. With this expanded business and with so many additional parking spots, this would cause increased business traffic, and pedestrian safety for many citizens could be severely compromised.

At this time we remain committed to opposing this new zoning proposal. We appreciate your time and consideration regarding our concerns over the proposed zoning changes.

Sincerely,

Richard & Shirley Singer



## Annie Driver

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**From:** Michael Hall  
**Sent:** Thursday, June 30, 2016 11:59 AM  
**To:** Annie Driver  
**Subject:** FW: Stop the zoning change

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

RECEIVED  
JUN 30 2016  
TOPEKA PLANNING  
DEPARTMENT

-----Original Message-----

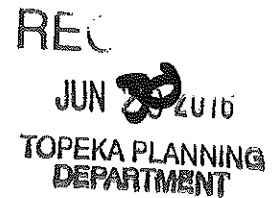
**From:** Jerry Turner [<mailto:enviroguy54@yahoo.com>]  
**Sent:** Thursday, June 30, 2016 10:15 AM  
**To:** Michael Hall  
**Subject:** Stop the zoning change

Please stop the zoning change by the Newcomer Group at 520 SW 27th. This is a small neighborhood within the city of Topeka with a great historic atmosphere. We do not need anymore building in this area. There are plenty of empty buildings within the Topeka area already they can renovate to accommodate their needs. Thank you.

Jerry Turner  
600 SW Terrace Ave

Sent from my iPad

June 30, 2016



I am writing to oppose PUD16/02 for the Newcomer Funeral Group.

Country Club Addition is currently pursuing admission to the National Register of Historic Places and the Register of Historic Kansas Places. This zoning change would change a beautiful and historic residential neighborhood that is overwhelmingly R1 properties into an O&I 2 business development. There is no reason to destroy this historic residential neighborhood with a PUD.

I strongly oppose the proposal for the following reasons.

We do not know enough about future construction. While the proposal would restrict some building aspects, this PUD proposal is a blank check for an unknown construction project with little detail. No specific building plan was given at the neighborhood meeting. A second building may be built or the existing structure may be expanded to the north. No specific answer was given by the applicant. The driveway on Western Street may be removed or it may stay. No specific answer was given by the applicant. When neighbors asked questions, details were ignored, given short shrift, or left completely unanswered at the neighborhood meeting. The lack of information and specific detail created an atmosphere where all neighbors and residents voiced their disapproval for the PUD.

The owner has outgrown the property. The PUD proposal would represent the second expansion on this property since the Newcomer group moved here. The existing structure was expanded to the north and a parking lot was built with a conditional use permit 10 plus years ago. The current request would create 29,560 square feet of office space, destroy trees and green space on the north side of the property, install 88 parking stalls, and build a storm water detention pond. No one wants the mosquito problem this will create and multiple homes on Merriam Court would be below the water level of this new water feature. Frankly, a project of this magnitude should be done elsewhere. I am glad that Topeka has a business that wants to expand, but this is not the right space or area for that expansion. The entire area is zoned residential and should remain that way.

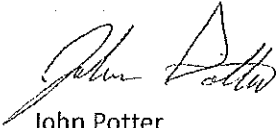
There are major concerns about future expansion in the neighborhood. Homeowners and residents are afraid that this change will destroy our community. Neighbors asked to know what another round of new construction would look like in 10 or 20 years from now if this project was approved. Homeowners specifically asked to know, "what plans are in place if this business needs to expand again at this location?" The applicant has approached the homeowners of 717 SW Merriam and 711 SW Merriam about purchasing their homes for demolition to add to his existing property. No answer was given by the applicant. If a large expansion is needed for this successful Topeka business, perhaps it should find another location for the project. A site that can easily accommodate this new construction and endure any future rounds of construction 10 or 20 years from now.

A business expansion of this enormity will change the nature of our residential neighborhood. Safety will be lost for all families and residents. This will greatly increase traffic flow into a residential area,

creating a safety issue for children, bikers, senior citizens, and pedestrians on our streets. Our community does not have sidewalks, so foot traffic on neighborhood roads is very high. Country Club Addition also has several school bus stops that would be impacted during the school year. Again, neighbors at the information meeting were unanimous in trying to preserve safe streets and traffic conditions for the Country Club Addition area.

Creating a PUD and expanding O&I 2 in the Country Club Addition neighborhood would radically change the character of our neighborhood, destroy the historic atmosphere of our neighborhood, cause undo detriment to nearby properties, negatively impact the value of surrounding homes and properties, and it will change the conformance of a single family dwelling district in our neighborhood to an office park.

Country Club Addition is nearing a 100 year anniversary. It was one of the first neighborhoods in Topeka designed by a woman in the 1920s. Topeka has several historic residential neighborhoods that need to be preserved and salvaged, not commercialized. Adding a PUD with O&I 2 zoning in this neighborhood would be akin to zoning changes in Potwin Place, Collins Park, College Hill, Holliday Park, or Westboro. All of these neighborhoods are proudly displayed on the Visit Topeka website as unique and historic. Country Club Addition fits the aesthetic and historic character of these residential communities in our city. I ask that you vote no on this proposal and honor the homeowners in our residential neighborhood who strongly oppose this change and desire to preserve the historic integrity of our community.



John Potter  
717 SW Merriam Ct.  
Topeka, KS 66611

**Annie Driver**

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**From:** Chelee Main <chelee.main@gmail.com>  
**Sent:** Wednesday, June 29, 2016 7:40 PM  
**To:** Michael Hall; Annie Driver  
**Subject:** Stop the neighborhood zoning change

**Follow Up Flag:** FollowUp  
**Due By:** Wednesday, June 29, 2016 7:47 PM  
**Flag Status:** Completed

**RECEIVED**  
**JUN 30 2016**  
**TOPEKA PLANNING**  
**DEPARTMENT**

We are opposed to changing the zoning because of safety concerns, increased traffic, change of character of our neighborhood, and how it'll affect property value.

## Annie Driver

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**From:** Randy <rhemm@cox.net>  
**Sent:** Wednesday, June 29, 2016 12:20 PM  
**Subject:** Concerning Newcomer Group at 520 SW 27th St. Zoning Changes

My wife and I live in the neighborhood that this zoning change would effect, therefore we are against this zoning change and here some of the reasons why.

We feel it would increase traffic on our streets, radically change the character of our historic neighborhood. This change would also be detrimental to property values nearby. This would also change the conformance of a single family dwelling district in our neighborhood to multiple office buildings.

Thanks for your consideration.

Randy & Linda Hemm  
2520 SW Granthurst Ave.

RECEIVED  
JUN 28 2016  
TOPEKA PLANNING  
DEPARTMENT

**Annie Driver**

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**From:** Trevor Young <trevoryoung88@gmail.com>  
**Sent:** Tuesday, June 28, 2016 8:15 PM  
**To:** Annie Driver; Sylvia Ortiz  
**Subject:** Zoning change

**Follow Up Flag:** FollowUp  
**Due By:** Tuesday, June 28, 2016 8:18 PM  
**Flag Status:** Completed

**RECEIVED**  
**JUN 28 2016**  
**TOPEKA PLANNING**  
**DEPARTMENT**

To whom it may concern,

I'm writing this email to voice my opinions on the Newcomer Group zoning change in our neighborhood. First and foremost this is a very bad idea, to change the zoning from residential to office/institutional district use. My wife and I have moved into this neighborhood because of the history behind it, and thus will destroy the historic atmosphere and ruin our property values. Changing the zoning will cause multiple problems and issues. A business expansion of this size will change the nature of our neighborhood, safety will be lost with all the increased traffic endangering children and pedestrians on our streets. This is not an ideal location for this building at all.

Thank you for your time,

Trevor A. Young  
515 SW Merriam CT.

RECEIVED

JUN 20 2016

TOPEKA PLANNING  
DEPARTMENT

TO: Topeka Planning Department

RE: PUD 16/02 Newcomer

The Quentin Heights NIA has a major concern in regard to the traffic this PUD could bring into the residential part of our neighborhood. It could generate twice as much traffic into the neighborhood as we are having now.

At this time the Quentin Height NIA is opposed to the present PUD. Our major concerns are traffic into the residential areas and the absolute unknown of what kind of building, that could be built. Since we are reviewing this situation **our NIA would request that Western entrance/exit be closed and another if needed be opened on the east side of their property.**

**Prior to Newcomer group moving into the neighborhood the Kansas State High School Activities Association spent several years in that facility with the drive on 27th as the only drive.**

**If you go through the area you will find very few sidewalks. You also find people walking, and kids riding bikes. We feel if this passes and the Western street entrance stays we could have at sometime get twice the traffic we presently get from this business. At the present time we have more commercial because of the Western entrance. We believe that all entrances and exits for the business should be on 27th street. This neighborhood was not created with the thought of having business within. Business should be on the fringe.**

**Ask yourself would I volunteer to have a possible extra forty (40) or more cars and X amount of commercial vehicles pass my house each day? The honest answer is no. We need to keep business out of residential neighborhoods. Western street is residential.**



**Quentin Heights NIA President**

## Annie Driver

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**From:** Randy Sawyer <sawbuckx2@hotmail.com>  
**Sent:** Tuesday, June 14, 2016 6:05 PM  
**To:** Annie Driver  
**Subject:** FW: PUD Newcomer PUBLIC COMMENT - SAWYER 6/9/16

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Sent from [Mail](#) for Windows 10

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**From:** Randy Sawyer (via Google Docs)  
**Sent:** Tuesday, June 14, 2016 5:59 PM  
**To:** [Sawbuckx2@hotmail.com](mailto:Sawbuckx2@hotmail.com)  
**Cc:** [saxbuckx2@hotmail.com](mailto:saxbuckx2@hotmail.com)  
**Subject:** PUD Newcomer 6/9/16

Randy Sawyer has sent a message regarding the following document:



PUD Newcomer 6/9/16

*Snapshot of the item below:*

June 14, 2016

I am writing concerning the PUD Rezoning and PUD Amendments application submitted by the Heartland Management Company and the First Assembly of God, on June 1, 2016, to the City of Topeka Planning Department.

Their request to rezone to PUD (O&I-2) has no explicit plan to build a building other than to say "add a new building for administrative offices to the north side of property." They do mention, "to re-construct parking located on the church's property that will serve the office building at 520 SW 27th St."

This basically a rerun of their last request, back in March of 2016, to rezone the "R-1" Single Family Dwelling District with a "Conditional Use Permit for a Parking Lot," on property at 520 SW 27th St. They also had an open-ended proposal stating they wanted, "To possibly add a 3,200 sq. ft. building for administrative offices on the north side of property at 520 SW 27th Street."

Several concerned neighbors and members of the Quinton Heights Steele NIA attended the Neighborhood Information Meeting back, on March 22, 2016, which we were invited to find out more details from the applicant and had to opportunity to ask questions about their proposed development. The consensus of that meeting was an overwhelming feeling felt, by the neighborhood members, that the proposal be denied. It was agreed that the parking lot could be re-constructed, because the existing zoning already allowed such an effort. The "To possibly add a 3,200 sq. ft. building," clause was not accepted by the neighborhood members. The owners and their engineering representatives stated there was no plan to build a building, there were no plans drawn up, and no proposal made to the city to do so, but it was mentioned in the proposal. It was asked then why even ask to rezone the property. No answers were provided by the owner.

At least 10 emails were sent to the City of Topeka representing formal protests, from the Quinton Heights Steele neighborhood and NIA members. The property owner, on April 14, 2016, officially gave the office, of Bill Fiander, notice of withdrawing their O&I-2 application, after meeting with Lisa Robertson's office on April 13, 2016 ( according to her email) and intend to come back in the next few months with a PUD application that addresses staff and neighborhood concerns. With that new PUD application, they will provide architectural drawing for a new 1-story building which they intend to make look exactly like the one they have now.

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TOPEKA PLANNING  
DEPARTMENT



The planning staff recommended denial of the rezoning request for O&I-2 and would advise a PUD, instead, to better control the design of what is to be built. The April 18, 2016 Public Hearing by the City of Topeka Planning Commission was cancelled.

A May 23, 2016 dated letter from City of Topeka Planning Department was received, by me, and others in this neighborhood, with notice of a 2nd Neighborhood Information Meeting, concerning rezoning a PUD application by Heartland Management Company/First Assembly of God Church. This new meeting was required by the City of Topeka. It was scheduled for June 9, 2016. The public, the city registered NIA, and concerned property owners were invited.

Again, the existing zoning, for change, was still "R-1" Single Family Dwelling District with a "Conditional Use Permit for a Parking Lot."

The new Scope of Project: To re-construct parking currently located on the church's property that will then serve the office building at 520 SW 27th St. To add a new building for administrative offices to the north side of the property at 520 SW 27th Street was proposed.

In reference with the first proposal, for rezoning in March of 2016, the only differences between these two statements are : "To possibly add a 3,200 sq. ft. building," changing to "add a new building," and nothing else. During the past June 9th Neighborhood Informational Meeting it was stated many times, by both the owner/applicant and his applicant representative present, "That there is no plan to build a specific building." This takes us right back to the original rezoning plan last, March, as why to rezone when there is "no plan" to build anything and just "re-construct" the parking lot?

They produced a Master PUD Plan, at the mentioned meeting, with a drawing of the Preliminary Plat-Newcomer Subd. No. 2 prepared by Schmidt, Beck & Boyd Engineering, LLC dated 3/16/2016. Also provided were Elevations-Proposed Building drawings, of partial east, partial north, and west elevations prepared by Treanor Architects P.A. and not dated.

So, as stated by the owner and his applicant representatives, during both neighborhood meetings, that there are no plans or contracts to build, now we all of sudden have drawings presented to us, displaying the Preliminary Plat and Proposed Master PUD Plan, dated back to 3/16/2016, even before the earlier Neighborhood Informational Meeting on March 22, 2016.

All of these new and old plans were only planned or hoped for. There is nothing established as to what they want to do, in reality, except the parking lot. The parking lot may be done within the present zoning guidelines and without a need to rezone, just as before, in their proposal in March. To build a new building will take a new zoning, but they say there is no plan to do so, even with Preliminary Plat and Proposed Building Elevations drawings presented. So, if no building to build, no need to rezone, why apply? I say, just reconstruct the parking lot at will.

There is no evidence of any Traffic Circulation System surveys, or Traffic Circulation Patterns, within 150 feet of the project, completed for this proposed development. There are not existing pedestrian locations. And the Preliminary Plat drawing submitted is not to proper scale. All of these requirements are mentioned in the Topeka Municipal Code of PUD section.

It all breaks down to be an issue, of trust, with the owner and in his representatives.

It goes a way back, possibly 4-5 years ago, when the owner purchased the one story home and property, just north of his existing property, on Western Ave. He attended one of our NIA meetings to pass on his plans of the purchase. He told us he was going to use the house for a training facility for his employees from all over the county. The NIA was pleased that he came to tell us and his plan it was accepted. The house sat empty for quite a while. It was noted that many of the windows were left open, not broken, just open. Contractor activity, at the house, was also noted often. One day a construction machine arrived, at the scene of the house, on Western Ave, and the large ranch style house was demolished, to the ground, in matter of minutes. The machine operator took his machine and left the beautiful home in rubble. Some of our Quinton Heights Steele neighbors stood across the street in total awe witnessing the act. Unbelievable. The rubble was removed and hauled away. Later the mini forest, which surrounded the property was chopped down leaving only four trees standing, other than the northern property border line of trees. Still unbelievable.

The removal of that foliage allowed the church's super, bright, security, light to illuminate the whole eastern face of my three story brick home, at night, to the point I had to put dark blinds on my windows and sleep with a blindfold to prevent sleep deprivation. It shines through my house from the east to west. Its beams reach clear east to some trees on SW Fillmore St. It still shines across at the time of this letter. The light was blocked by the trees before. Now, me and other neighbors have to look out to the east and view and hide from the super bright light, all of the traffic, and hear the noises Topeka Boulevard provides. It used to be an beautiful, residential, and quiet. Neighborhood.

This Newcomer business already creates an extensive amount of traffic in our neighborhood. There are delivery trucks nearly three times a day traveling up through our residential streets, that consistently travel at excessive speed in order to meet their fast delivery services. Another semi-truck passes through to delivery soda pop. That truck got stuck in the street entrance on Western Ave in the snow and created traffic problems and had to be towed out. The landscape companies park their trucks and trailers on Western Ave. The lawn mowing people park their trucks and trailers on Western Ave also. A pest control company also caters to them off Western Ave. Other delivery and maintenance vendors use this Western Ave entrance as well. There is a school bus stop nearly 50 feet from this added Western Ave entrance. The bus stops three times a day during the school session terms.

When the beautiful home was destroyed earlier, there was an new entrance drive placed on Western Ave, to his parking lot, for another building addition added to his existing facility. Mr. Newcomer told us the entrance would not be placed. Later he told us he did not know how the entrance was put there, even though it is on his property. That parking lot houses nearly 30 + cars that enter and exit on Western Ave and some on SW 27th St. I was told by the pastor, from the church involved, that he uses 27th street going west when leaving his parking lot. This is due to not being able to get into or cross traffic at Topeka Boulevard traveling east off SW 27th street. His congregation does the same. Newcomer employees are the same, by using SW 27th street and Western Ave. This creates a lot of traffic in our residential neighborhood.

We have designated bike street lanes in our neighborhood now. No pedestrian walkways and very few curbs on our streets. Neighbors, children, pedestrians, and bicyclist have to walk and bike in the streets. A lot of this traffic we have on SW 27th does not abide by the speed limits and someone is going to be seriously injured here. Cars passing cars has been witnessed on this narrow, two, laned, street. The city is now aware of this. The newly proposed building, that has no plans to be built, was said, during the last Neighborhood Informational Meeting, to create a total of 77 cars for all of the Newcomer's parking needs. That is a lot more traffic using the Western Ave entrance into our residential neighborhood. And no doubt they will also turn west on SW 27th street in order to miss the Topeka Blvd's delay.

Mr Newcomer has made offers to purchase two properties to his north boundary. He told us he would like to make it a green space and not to build on. This is 160 feet to the north to Merriam Ct. and two lots to the east, of his existing property. His offer has been denied by one the owners that I am aware of.

I guess it all boils down to, that this neighborhood just cannot trust Mr. Newcomer's words

- They tell us there are no plans to build.
- They provide us with drawings of building and growth.
- He did not let the neighborhood know when he demolished the mentioned house.
- He tore down the mini forest along with the mentioned house.
- Presenting drawings for a building when he says he is not planning to build.
- At least 10 emails were sent to the city's planning office to protest displaying feelings.
- Presenting a PUD application and only changing words, from his earlier rezoning application. Basically having the same message of no building.
- Having the option to build anything he wants, if awarded the PUD, and the neighborhood would have no say whatsoever does not cut it.

This is our neighborhood. We live here and love it. It is a unique neighborhood with lots of beauty and historic value. It's a part of Topeka, Kansas. I moved here and the neighborhood was with all residential housing present, aside from the two neighborhood churches, and the house I now live in. Trees, quietness, coziness, and little business traffic made it a wonderful and safe place to live. The house I bought, just across Western Ave from Newcomer's, was an unwed mother's facility. We had the property rezoned to "R-1" and had it set that it could not be but anything else from now on. That reinforced making it a truly "R-1" residential neighborhood. To change that for a business that wants to progress with business growth, in our residential neighborhood, is selfish, inconsiderate and preposterous. It would represent a miscarriage of rights, ownership and stewardship. This involves the residential neighborhood, we live in, raise our children in, and went into debt buying our homes for our families' futures. I really do not think Mr. Newcomer would like to see a beautiful home and mini forest be destroyed to rubble, in front of his eyes, across of the street, from his home- then to have a business building erected out his front windows to view.

Mr. Newcomer became quite upset, at the last Neighborhood Information Meeting, when he was told there is no trust in him or his words. He asked what he could do to regain our trust. One neighbor answered, "You can take out the Western Ave parking lot entrance, that you said would not place there, and replace the trees you removed, without the city's permission, that were on the city's right of way easement." He gave no

reply. Another neighbor told him, when asked, there is nothing he can do to regain her trust. She told him how he lied about destroying the house on Western Ave in front of her eyes while never hinting to the neighborhood that he was going to do it. His heated remarks, with a little fire in his eyes, were that just maybe he will just sell his property to someone else and see how they treat the neighborhood and then see how we like that. The meeting ended.

So it is all about trust, truth, and again trust. Them wanting to change zoning when there is no given laid out plan to build is senseless. We cannot see leaving an open ended option for the applicant to build just anything he wants, in our lovely, safe, and residential neighborhood. We sense he would do that in a given chance.

Thank you,

Randy Sawyer

2601 SW Western Avenue

Topeka, Kansas

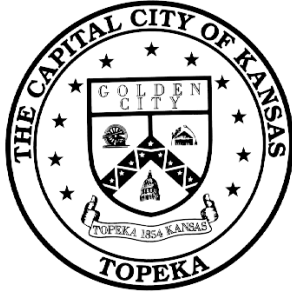
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Discussion Item:  
Zoning Code Amendments



# CITY OF TOPEKA

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## MEMORANDUM

**To:** Topeka Planning Commission

**From:** Michael Hall, AICP, Current Planning Manager (TMC Title 18)

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

**Date:** August 4, 2016

The Planning Department biannually reviews the effectiveness of the City's regulations under its administration, in particular Title 18 of the Topeka Municipal Code (TMC) concerning the comprehensive plan, signs, subdivisions, and zoning. The review includes a look at changes needed to align Title 18 with the policies of the City's Land Use & Growth Management Plan (LUGMP). Based on this review, the Planning Department recommends code amendments for the Planning Commission's consideration and ultimately for adoption by the Governing Body.

Based on the most recent code review, staff has compiled a list of potential code amendments which generally fall into either of two broad categories:

- Those amendments that clarify or correct inaccuracies in the current code. These amendments don't result in significant changes in policy but are intended to improve efficiencies in the code.
- Those amendments that will result in an actual change to standards or procedures. Some of the amendments in this category are relatively minor; others are significant. The most significant of these are listed below.

These proposed changes constitute a "clean-up" to Title 18. Comprehensive amendments requiring an in-depth analysis of a particular issue or chapter in the code are outside the scope of this "clean-up".

With the concurrence of the Planning Commission, staff will begin drafting text amendments with the intent of presenting those amendments to the Planning Commission by the end of the year. The following is a list of the most significant of the potential code amendments.

### **Significant Recommended Code Amendments**

- **Truck Stops and Truck Parking:** Add "truck stops" to the definitions and land use matrix. The new regulations might also address overnight parking and idling of trucks (presumably resting truck drivers).

- **Short Term Rental Housing:** Add provisions and standards to address the incidence of homeowners renting their dwellings for short term stays, in the same manner as hotel rooms (i.e. Airbnb).
- **Surfaces of Parking and Storage Lots:** Create standards for how parking lots, access for fire and garbage trucks, and storage lots (i.e. outdoor industrial materials and equipment storage) are to be improved, whether it is by asphalt, concrete, gravel, or other material. With the input of local civil engineers, Planning, Development Services, and Engineering staff are already drafting performance-based standards appropriate for a variety of conditions. Staff anticipates that the standards will be referenced in the code but not included as part of the code.
- **Mobile Vendors and Temporary Uses:** Add provisions and standards for mobile vendors and temporary uses, such as food trucks and seasonal sales or events (i.e. fireworks stands, Christmas tree lots).
- **Cargo Containers as Accessory Storage:** Provide for the use of cargo containers subject to special use conditions in some commercial districts and in the I-1 district. Use of cargo containers is currently allowed only in the I-2 district and on a temporary basis (30 days) in residential districts.
- **Hotels in the O&I-3 Office and Institutional District:** Provide for development of hotels and motels by conditional use permit in the O&I-3 district.
- **Purpose and Applicability of X Mixed Use Districts:** Amend the X district regulations to provide for changes in zoning to X-1, X-2, or X-3 in areas outside of “traditional neighborhood settings”.
- **“Abandoned” Signs:** Add restrictions on signs for businesses that no longer exist. There are numerous instances of signs, often in poor condition, remaining on properties identifying businesses that no longer exist at those locations.
- **Fence Regulations:** Consider adding reasonable standards for fencing materials. Lower maximum fence height in residential districts and allow use of barbed wire for industrial uses in industrial districts.
- **Trash Dumpster Location and Screening:** Add standards for the siting and screening of trash dumpsters for commercial uses. Screening is currently not required.
- **Applicability of Site and Landscape Ordinances:** Sync up minimum thresholds that determine when site plan and landscape plan requirements are triggered.
- **Artisan Manufacturing:** Provide for and establish limits for “artisan” manufacturing businesses in commercial and mixed use districts.