



# CITY OF TOPEKA

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July 26, 2013

Re: PUD 13/1 Walmart Commercial Center Planned Unit Development

## NOTICE OF PUBLIC HEARING

The City of Topeka Planning Commission will conduct a Public Hearing on **Monday, August 19, 2013 at 6:00 pm** in the City Council Chambers, 214 SE 8<sup>th</sup> Street, 2<sup>nd</sup> Floor, Topeka, Kansas in consideration of the following item.

### Request for Zoning

**Name of Owner/Applicant:** William A. & Kathryn D. Reinsch; Darrel E. Simnitt Trust; Richard & Patricia Lake; Elwanda M. Rogers, Trustee of the Elwanda M. Rogers Revocable Trust and DR-DL Building; Flarice Phillips; and Unified School District #501

**Present Zoning Classification:** "C-2" Commercial District "C-4" Commercial District, "M-2" Multiple Family Dwelling District, "R-1" Single Family Residential Dwelling District, and "PUD" Planned Unit Development ("M-2" use group)

**\*Proposed Zoning Classification:** "PUD" Planned Unit Development ("C-4" Commercial District use group)

**Location of Property:** along the east side of California Avenue, all lying between 25<sup>th</sup> Street and 27<sup>th</sup> Street.

**Case Planner:** Annie Driver

**Planner Telephone Number:** 785-368-3728

As a property owner within a 200-foot radius of the subject property, you will have an opportunity to present any comments you may have to the Planning Commission during the public hearing. You also have the right to file a formal protest of the above noted request within 14-days following the public hearing. Protest forms and instructions are available at the Planning Department. A vicinity map and site plan identifying the subject property along with a hearing procedure has been attached for your information. If you have any questions concerning the above noted proposal, do not hesitate to contact the Topeka Planning Department.

***\*The Planning Commission may recommend a more restrictive zoning district than advertised according to the attached Summary of Zoning Districts.***

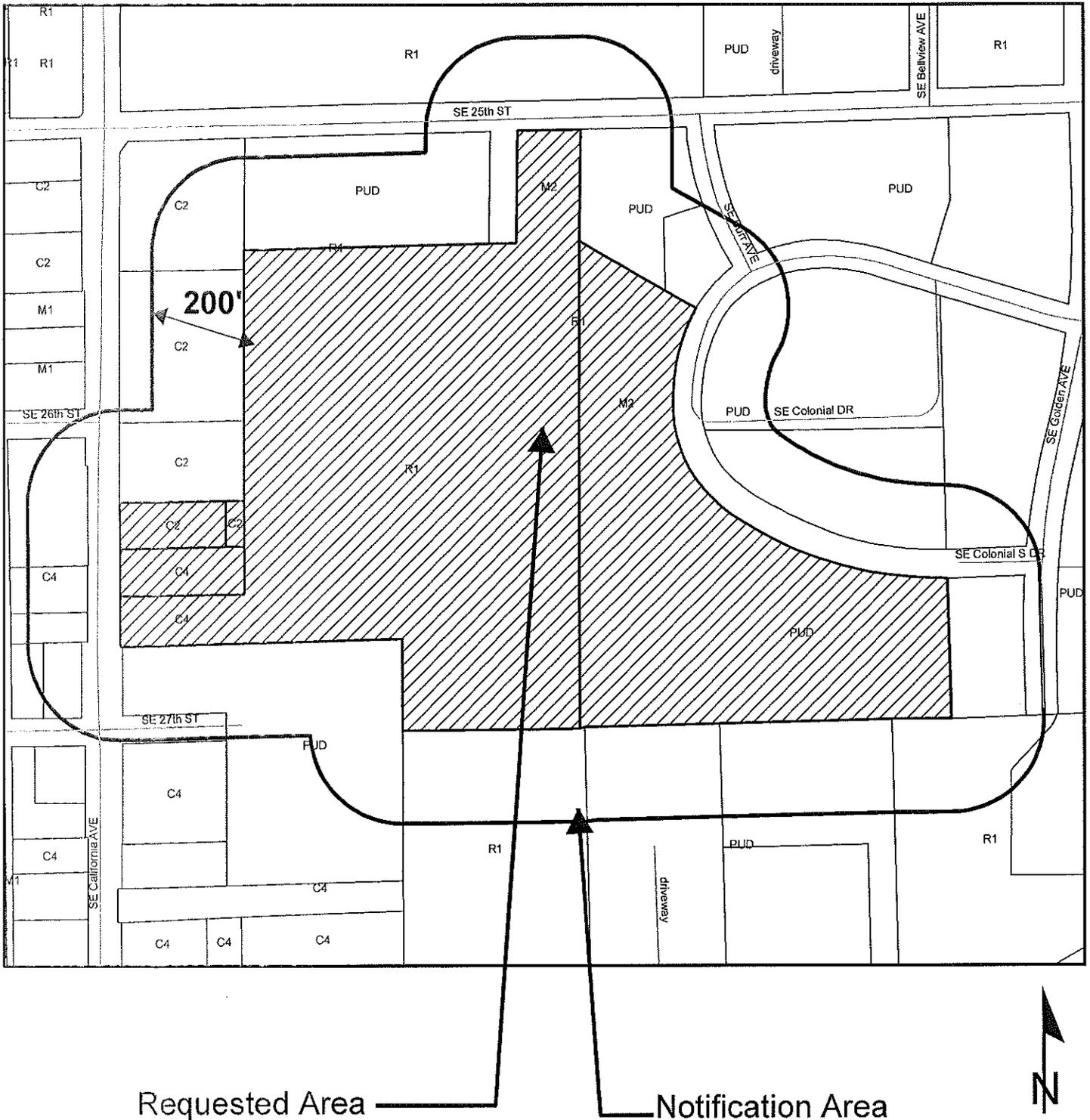
# **PRELIMINARY AGENDA**

Monday, August 19, 2013

The below listed applications are scheduled for hearing by the Topeka Planning Commission on Monday, August 19, 2013. THIS IS A PRELIMINARY AGENDA. Agenda items may be added or deleted. The order in which the cases will be heard may be adjusted prior to or during the meeting.

1. **PUD 13/1 Walmart Commercial Center Planned Unit Development** by William A. & Kathryn D. Reinsch; Darrel E. Simnitt Trust; Richard & Patricia Lake; Elwanda M. Rogers, Trustee of the Elwanda M. Rogers Revocable Trust and DR-DL Building; Flarice Phillips; and Unified School District #501 requesting to amend the District Zoning Classification from "C-2" Commercial District "C-4" Commercial District, "M-2" Multiple Family Dwelling District, "R-1" Single Family Residential Dwelling District, and "PUD" Planned Unit Development ("M-2" use group) **ALL TO** "PUD" Planned Unit Development ("C-4" use group) on property located along the east side of California Avenue, all lying between 25<sup>th</sup> Street and 27<sup>th</sup> Street. **(Driver)**
2. **PUD 13/2 Stevens 17<sup>th</sup> Street Retail Planned Unit Development** by David H. Stevens & Robert J. Stevens and MLW, LLC requesting to amend the District Zoning Classification from "M-1" Multiple Family Dwelling District **TO** "PUD" Planned Unit Development ("C-1" Commercial District and "M-1" Multiple Family Dwelling use group) on properties at 1113-1115 SW 17<sup>th</sup> Street and 1700 SW Buchanan Street. **(Driver)**
3. **CU13/3 by Fellowship Bible Church, Inc.** requesting a Conditional Use Permit to allow for a vehicle surface parking lot in association with a principal use on property zoned "R-1" (Single Family Dwelling District) located on the northeast corner of SW 10<sup>th</sup> Street and SW Urish Road. **(Hoover)**

# PUD13/1 Wal-Mart Commercial Center Planned Unit Development



PUD 13/1 Walmart Commercial Center Planned Unit Development by William A. & Kathryn D Reinsch; Darrel E. Simnitt Trust; Richard & Patricia Lake; Elwanda M. Rogers, Trustee of the Elwanda M. Rogers Revocable Trust and DR-DL Building; Flarice Phillips; and Unified School District #501 requesting to amend the District Zoning Classification from "C-2" Commercial District "C-4" Commercial District, "M-2" Multiple Family Dwelling District, "R-1" Residential Dwelling District, and "PUD" Planned Unit Development ("M-2" use group) TO "PUD" Planned Unit Development ("C-4" Commercial District use group) on property located along the east side of California Avenue, all lying between 25th Street and 27th Street. (Drive



# Summary of Zoning Districts – City of Topeka, Kansas

## RESIDENTIAL

*Most  
Restrictive*

### **OS-1 OPEN SPACE DISTRICT:**

This district is intended to preserve and protect existing and potential public park land, open land, greenways, recreational space, floodways, trails and lands that have other physical, aesthetic, environmental, or cultural characteristics which preclude their inclusion in other less restrictive districts. It is further the intent of this district to protect these areas from typical urban development not including single-family homes.

### **RA-1 RURAL AGRICULTURE DISTRICT:**

This district is intended to provide for the conservation, preservation and protection of farmland and to protect agricultural activities from encroachment of non-agricultural activities, which are primarily urban in character and lacking essential utility and community services. Permits numerous agricultural associated commercial uses and other rural oriented uses as conditional use permits, and single-family dwellings on three (3) acre minimum sites. Height limit: 42 feet.

### **RR-1 RESIDENTIAL RESERVE DISTRICT:**

This district is intended to provide a transitional area between urbanized development and rural-agricultural areas expecting to urbanize upon the availability and extension of municipal services and facilities. Provides for uses similar to "RA-1" District. Height limit: 42 feet.

### **R-1 SINGLE FAMILY DWELLING DISTRICT:**

This district is intended to provide for development of single-family detached neighborhoods and to permit other uses customarily associated with residential neighborhoods such as group homes, parks, schools, religious assemblies, day care facilities, among others; and numerous non-residential uses such as recreation fields, cultural facilities, community centers, bed and breakfast inns, and other uses as conditional use permits. Establishes a minimum lot area of 6,500 square feet for single-family dwellings and maximum height limit: 42 feet.

### **R-2 SINGLE FAMILY DWELLING DISTRICT:**

This district is similar to the "R-1" District except for a minimum lot area of 5,000 square feet and a 5' side setback.

### **R-3 SINGLE FAMILY DWELLING DISTRICT:**

This district is intended to provide flexibility in the location of single-family dwellings to promote compact housing development at affordable levels through reduced site area requirements, and optional public improvement design standards. The District permits uses similar to the "R-1" District with a minimum lot area requirement of 4,000 square feet for dwellings including an option for zero-lot-line side yard setbacks.

### **R-4 SINGLE FAMILY DWELLING DISTRICT:**

Allows uses under in "R-1" including manufactured homes less than 22' wide. Requires a minimum district size of 8,000 square feet and 4,000 square foot minimum lot sizes.

### **M-1 TWO FAMILY DWELLING DISTRICT:**

Allows uses under "R-1" including two-family (duplex) dwellings. Requires a minimum lot area of 4,000 square feet for single-family dwellings and 4,500 square feet for two-family dwellings with a maximum height of 45 feet.

### **M-1a LIMITED MULTIPLE FAMILY DWELLING DISTRICT:**

This district provides for the development of single-family detached, two-family (duplex) dwellings, and multi-family dwellings containing not more than four (4) dwelling units. Requires a minimum lot area of 4,000 square feet for single-family dwellings; 4,500 square feet for two-family dwellings; 4,350 square feet per dwelling units for multi-family dwellings; sets a maximum height of 45 feet.

### **M-2 MULTIPLE FAMILY DWELLING DISTRICT:**

Allows single-family detached, two-family, and multiple-family dwellings up to a maximum density of 29 units/acre. Other allowable uses include boarding houses, residential and medical care facilities, sororities and fraternities, and day cares. Higher intensity group living facilities and non-residential uses customarily associated with residential neighborhoods are permitted by conditional use permit. Establishes minimum lot areas requirements of 3,500 square feet for single-family dwellings; 4,000 square feet for a two-family dwelling; and 1,500 square feet per dwelling unit for multi-family dwellings. Sets a maximum height of 50 feet.

### **M-3 MULTIPLE FAMILY DWELLING DISTRICT:**

Allows single-family detached, two-family, and multiple-family dwellings up to a maximum density of 72 units/acre. This district provides for uses similar to that of the "M-2" District except, minimum lot area requirements are decreased to 3,500 square feet for single-family dwellings; 4,000 square feet for two-family dwellings; and, 600 square feet per dwelling unit for multi-family dwellings. Sets a maximum height of 100 feet.

### **M-4 MULTIPLE FAMILY DWELLING DISTRICT:**

This district is designed exclusively for multi-family dwellings up to a maximum density of 109 units/acre. Continues to provide for compatible non-residential uses, including some commercial retail uses as accessory uses. as permitted uses and by conditional use permit. Establishes a minimum lot area requirement of 400 square feet per dwelling unit and a maximum height limit of 160 feet.

# Summary of Zoning Districts – City of Topeka, Kansas

## OFFICE, COMMERCIAL, INDUSTRIAL

### **O & I - 1 OFFICE AND INSTITUTIONAL:**

This district allows for a limited range of general office uses of low to moderate intensity to encourage compatibility with adjacent residential development. Other permitted uses include cultural facilities, broadcasting studios, funeral homes, parking lots, and day care facilities. Other compatible uses such as churches, bed and breakfast inns, small animal hospitals or clinics, community centers, and dwelling units located above the ground floor. Commercial retail as a primary use is not allowed. The district establishes a maximum ground floor area of 7,500 square feet and a total building area of 15,000 square feet. Maximum height permitted is 42 feet.

### **O & I - 2 OFFICE AND INSTITUTIONAL:**

This district provides for an expanded list of office, institutional, business and service uses allowed under "O&I-1" such as funeral homes, community living facilities, business or vocational schools, private membership associations, and other compatible uses. Commercial retail as a primary use is not allowed. Establishes a maximum ground floor area of 20,000 square feet and a maximum height limit of 75 feet.

### **O & I - 3 OFFICE AND INSTITUTIONAL:**

This district provides for an expanded list of high intensity office, institutional, business, and service type uses allowed under "O&I-2" including hospitals, printing plants, and reception/conference facilities. Commercial retail as a primary use is not allowed. There is no height limitation except when in conflict with Airport Hazard Zone Regulations.

### **C-1 COMMERCIAL DISTRICT:**

This district provides for limited neighborhood commercial uses intended to serve a residential neighborhood without attracting community-wide patronage. Requires an increased building setback or screening when located adjacent to an "R" District. "O&I" uses are not allowed. Establishes a maximum gross floor area of 4,000 square feet for single tenant businesses; a maximum gross floor area of 15,000 square feet for multi-tenant structures with no individual tenant space exceeding 2000 square feet. Prohibits outdoor storage and display of goods and merchandise; and, sets a maximum height limit of 35 feet.

### **C-2 COMMERCIAL DISTRICT:**

This district provides for neighborhood commercial uses that serve a larger segment of the community population than "C-1". These may include a number of large traffic generators that require access from major thoroughfares. Allows uses in "C-1" and "O&I-3". Requires an increased building setback or screening when located adjacent to an "R" District, establishes a maximum gross floor area of 50,000 square feet, and sets a maximum height limit of 60 feet.

### **C-3 COMMERCIAL DISTRICT:**

This district permits a broader and more intensive range of commercial uses than "C-2" including commercial recreational facilities, home improvement centers (indoor display only), vehicle sales, and billboards. Not subject to a maximum ground floor area but does establish a maximum height of 70 feet.

### **C-4 COMMERCIAL DISTRICT:**

This district provides for the highest intensity commercial uses within a community and regional service area. Uses include outdoor display for home improvement and garden centers, vehicle sales, repair of motor vehicles, outdoor/indoor commercial amusement, communication towers, and contractor offices and storage (enclosed). Not subject to a maximum ground floor area but does establish a maximum height of 70 feet.

### **C-5 COMMERCIAL DISTRICT:**

This district provides for all "C-3" uses plus certain additional uses, which are contained in the Central Business District or core area of the community. Establishes no setback, minimum parking, or maximum floor area requirements. Maximum permitted height is variable dependent upon width of adjoining street(s) and whether located within the Capitol Area Plaza Authority area.

### **I-1 LIGHT INDUSTRIAL DISTRICT:**

This district provides for all "C-4" District uses and a wide range of light industrial uses, including manufacturing, processing, and warehousing of products not considered obnoxious or offensive by reason of odor, dust, smoke, gas or noise. Outside storage is permitted. No residential uses are permitted. There are no minimum yard requirements unless abutting a dwelling district and no maximum height requirement except subject to Airport Hazard Zone Regulations.

### **I-2 HEAVY INDUSTRIAL DISTRICT:**

This district provides for all "I-1" District uses including additional heavy industrial uses subject to approval by City Council upon recommendation of the applicable fire department and health agency. City Council may establish reasonable restrictions upon such a use. Dimensional requirements are the same as the "I-1" District.

Y

*Least Restrictive*

## Summary of Zoning Districts – City of Topeka, Kansas

### OTHER

#### **D-1 DOWNTOWN MIXED USE DISTRICT:**

The purpose of this district is to facilitate a compatible mixed-use activity center within the core area of Downtown Topeka. Similar to the "C-5" District, this district supports compatible residential, office, civic, and commercial retail/ service uses, which compliment and support a high density of activity and facilitate pedestrian usage. Development in the district must comply with adopted design guidelines.

#### **D-2 DOWNTOWN MIXED USE DISTRICT:**

The purpose of this district is to integrate a compatible mixed-use activity with urban residential neighborhoods. The district includes a balance of compatible residential, office, cultural, and neighborhood commercial retail/service uses or low to moderate intensity that compliment and support neighborhood residential areas and pedestrian usage. Development in the district must comply with adopted design guidelines.

#### **D-3 DOWNTOWN MIXED USE DISTRICT:**

The purpose of this district is to re-establish the linkage between downtown and the Kansas River through intensive redevelopment of the area north of Crane Street to the Kansas River. The district includes housing, commercial and office uses that emphasize the relationship between downtown and the river, as well as expand cultural/opportunities in the general downtown area. Development in the district must comply with adopted design guidelines.

#### **HL HISTORIC LANDMARK OVERLAY DISTRICT:**

This district provides for the designation of individual local historic landmarks. The overlay-zoning district does not change the base zoning classification of the subject property, but, attaches preservation responsibilities that are only applicable to the property.

#### **HD HISTORIC OVERLAY DISTRICT:**

This district provides for the designation of multiple properties as a historic district. Historic district designation does not change the base zoning of underlying properties, but requires submission and compliance of district preservation design guidelines.

#### **PUD PLANNED UNIT DEVELOPMENT DISTRICT:**

This district is intended to provide flexibility in the use and design of land and structures to encourage more creative and innovative development, promote efficient land use with smaller networks of utilities and streets, encourage the preservation and best use of the natural features of the site, and to accommodate the integration of multiple uses into a single development. All PUD districts shall designate a zoning district use group with selected uses allowed. All development shall be in accordance with an approved Master Plan.

#### **MS-1 MEDICAL SERVICE DISTRICT:**

This district is intended to accommodate a regional medical center together with related human health care facilities, supporting ancillary-service uses, including all types of residential dwellings. Permitted intensity of use comparable to the "M-3" District with a maximum permitted height of 160 feet dropping to 50 feet for any structure within 150 feet of an "M-S" District boundary.

#### **U-1 UNIVERSITY DISTRICT:**

This district applies to colleges or universities and the related uses pertaining thereto, such as educational, recreational, housing, administrative, and any other use consistent with the operation of such institutions.

#### **X-1 MIXED USE DISTRICT:**

The purpose of this district is to facilitate a compatible mixed-use activity center within a traditional residential neighborhood. The district includes a balance of compatible residential, office, civic, and neighborhood commercial retail/service uses of low to moderate intensity that compliment and support dense neighborhood residential areas and pedestrian usage with quality urban design. Administrative design review is required as part of any new construction. Setback and off-street parking requirements are flexible to match existing character of the block.

#### **X-2 MIXED USE DISTRICT:**

The purpose of this district is to facilitate a mixed-use area that transitions from a higher intensity industrial use area to lower intensity neighborhood-scale residential areas. It includes a balance of compatible residential, office, commercial service, and light industrial uses. Administrative design review is required as part of any new construction. Setback and off-street parking requirements are flexible to match existing character of the block.

#### **X-3 MIXED USE DISTRICT:**

The purpose of this district is to facilitate a destination-oriented mixed-use district in the area known as the North Crossings area of North Topeka that serves as the northern entertainment/cultural anchor of downtown. The objectives of the district include improving the area as a 24-hour destination, adaptive reuse and rehabilitation of existing buildings, appropriately scaled in-fill development, and design standards that maintain a sense of history, human scale, and pedestrian-orientation. Administrative design review is required as part of any new construction. Setback and off-street parking requirements are flexible to match existing character of the block.