

PUD1412

**Citizen Participation Report**

**Neighborhood Information Meeting – Rezoning for NWC of 29<sup>th</sup> Street and Gage Blvd., Topeka, KS**

Meeting Date – May 29<sup>th</sup>, 2014

Meeting Time – 6:30 pm

Meeting Location – Crestview Community Center, 4801 SW Shunga Dr., Topeka, KS

Invitations Mailed – May 5, 2014

Mailing Radius – 500'

Number of Invitations Mailed – 252

Number Returned with Forwarding Address & Rемаiled – 5

Number Returned with No Forwarding Address – 12

Invitations Mailed to Owners Outside 500' – 46

Number in Attendance at Neighborhood Information Meeting: (see attached Attendance Roster – Exhibit A)

- Home Addresses in Attendance – 23
- City of Topeka Personnel – 4
- City Council Person – 1
- Developer Representatives – 5
- Other Attendees – 2

Presentation Materials were displayed on easels – (see attached Presentation Materials – Exhibit B)

**Summary of Citizen Questions:**

**1. Site Plan –**

a. *“How will sanitary sewer and utilities be dealt with?”*

- i. Response: Most of the utilities lay along the property lines between the properties where the back yard meet. These utilities will be rerouted from the points where they enter the rezoned property in a manner that permits access by the utility companies without being located under the new structure.

b. *“What will happen to the fire hydrants?”*

- i. Response: The existing fire hydrants have been flow tested and we can best serve the new facility and surrounding neighborhood by installing a new hydrant at each entrance to the property that will serve the neighborhood and the new facility. The existing fire hydrant on 28<sup>th</sup> Terrace will remain in place.

c. *“How tall is the screening fence around the property?”*

- i. Response: The screening fence will be a solid surface structure of at least 8' in height. We will be working with the City Planning Department to raise the fence height to 10' along 28<sup>th</sup> Terrace and on the west side of the property. This fence will serve as a formal barrier between the retailer and the neighborhood by not having any auto or pedestrian traffic into the neighborhood. The planting of Taylor Junipers on the neighborhood side of the fence will soften the

appearance of the fence and contribute to reducing views of and noise from the new facility.

d. *"What is the storm-water detention pond and what will it look like?"*

i. Response: The storm-water detention pond shown on the site plan will be a depression that will capture the storm-water run-off from the site. This detention pond will not permanently hold water; it will only have water in it during periods of heavy rain. The depression will be fully covered by sod and mowed with the same regularity that other grass areas are maintained.

e. *"What will happen to the rose garden that is in the semi-circle on 28<sup>th</sup> Terrace?"*

i. Response: As depicted in the site plan, the rose garden will be expanded and for the first time will be irrigated. We learned from police department design consultants that we should avoid making any gathering areas like park benches or play areas. The rose garden should be a source of beauty within the neighborhood.

f. *"Will the parking lot lights shine into adjacent residences?"*

i. Response: We will be installing LED parking lot lighting that screens lights in a manner that will deflect the light specifically into the parking lot and not into adjacent residences. To light the green space areas, we will install fence mounted lights that are not capable of shining into adjacent properties.

## **2. Crime –**

a. *"Are the crime statistics accurate and who produced that data?"*

i. Response: The crime statistics were assembled by the Topeka Police Department. The data pointing to 26 calls for police response, at only the eleven homes in the rezoning, is accurate data. These calls range from prostitution, battery of a law enforcement officer, narcotics, dog fighting and code enforcements.

b. *"Won't the displaced criminal elements move deeper into the neighborhood?"*

i. Response: Currently, 32% of the homes in this neighborhood are rental properties. Of those, the ones in the worst state of repair will be removed to complete this project. The remainder of the rental properties are well maintained and appear to be managed by active landlords. To prevent the continued growth of crime in the neighborhood, these rental properties must continue to be well maintained, charge market rents, and be selectively rented after good background checks of potential renters. As always, the burden to maintain a safe and vibrant neighborhood is also the responsibility of the home owners working together with rental property owners and community resources like the police department, with programs like Neighborhood Watch, to strengthen the community. The first step of removing the worst part of the neighborhood will be accomplished through this project, but it is the responsibility of all owners to strengthen relationships and consequently property values.

**3. Long Range Plan –**

*a. “Is the rezoning contemplated in the City’s Long Range Plan?”*

- i. Response: Yes. The City of Topeka uses a comprehensive plan approach and has identified the highest and best use for all corners of this intersection to be commercial zoning. Three of the corners are already commercial use, C-4 zoning. The rezoning being sought for this project is a lower zoning level at PUD with C-2 uses.

**4. Traffic –**

*a. “Will the new Walgreens cause additional traffic congestion at this intersection?”*

- i. Response: No. Walgreens is already present at this intersection, so their move will not change the volume of traffic. The rezoning of the northwest corner will reduce the number of drives on both 29<sup>th</sup> Street and Gage Blvd. The fact that the new facility is located in the northwest corner will cause all access to the site will be right turns during the heaviest traffic times. This is much better than the current location where westbound traffic on 29<sup>th</sup> Street must cross eastbound lanes to enter the existing facility. Additionally, our traffic engineering study supports the fact that no new traffic will be generated.

**5. Property Taxes & Values –**

*a. “Will the rezoning of the eleven homes cause our home to be taxed at a commercial rate?”*

- i. Response: No. No properties will be taxed at the commercial rate other than the eleven homes in the project.

*b. “Will the change to commercial zoning at this intersection cause a decline in home values in the neighborhood?”*

- i. Response: No. While this is a difficult and subjective question, we have three points of analysis or professional opinions that refute the fact that rezoning these properties will reduce adjacent property values.
  - 1. The first is a report published by Planners Web News & Information for Citizen Planners. In this report (attached Exhibit C), Wendy Grey, AICP, addresses how commercial development can improve increase the value of adjacent home values.
  - 2. We prepared a comparison of the declining home values at the subject property to residential properties adjacent to another Walgreens development in Topeka, Kansas. (See attached Exhibit D)
  - 3. The question of whether the crime rate within the neighborhood, the deteriorating condition of many of the homes within the project area, or the introduction of commercial zoning will most drastically impact property values going forward is a matter of opinion. The opinion of the owner of the largest residential brokerage firm in Topeka is that the crime rate and condition of existing properties has a greater impact on values than the introduction of commercial uses. (See attached Exhibit E).

6. Other Questions –

a. *“Why does Walgreens want a new store across the road from their existing store?”*

- i. Response: Their need for a new store is to better serve their customers. This store is one of only two Walgreens pharmacy's in Topeka that is open 24 hours per day. Their existing store was originally an IGA and at 18,000sf is far too large for Walgreens who only requires approximately 14,500sf. The main reason for the move is the existing store does not have a drive-thru for pharmaceutical pick-up, a key service to their customers. Walgreens site data also points to the fact that the move to the NW corner will improve traffic flow at this intersection by reducing lane crossing for access during the highest traffic periods of the day.

Submitted this 3<sup>rd</sup> day of June, 2014.

By: J. Mark Wittenburg

Company: Batis Development Company

Title: President

Signature: \_\_\_\_\_



**EXHIBIT A**

**Attendance Roster**

**29th & Gage Rezoning  
 Neighborhood Information Meeting - May 29, 2014 - 6:30 pm  
 Crestview Shelter House, Topeka, Kansas**

<b>Attended</b>	<b>Owner's Name</b>	<b>Property Address</b>
X	ALLGOOD, ROGENA M	4008 SW 29TH ST
X	ANDERSON, JAMES R	4005 SW 28TH TER
X	ASHBAUGH, LESLEY L & JANICE L	4205 SW 28TH ST
X	BENSON, CARRIE E & MAURICE	4105 SW 28TH TER
X	BRIGGS, SHIRLEY D	2918 SW LYDIA AVE #109
X	BROADBOOKS, JOANN	3034 SW LYDIA AVE #108
X	COLBERT, COLIN B	4013 SW 28TH ST
X	COLE, SHIRLEY A & GORDON	2824 SW SEABROOK AVE
X	COLEMAN-MUNOZ, SUE	2934 SW LYDIA AVE #202
X	HEINZ, FRED M & JAN S & KRISTIN N (Mietchen, Derek & Angie)	4101 SW 28TH TER
X	HORN, STUART C	4225 SW 29TH TER
X	KINCY, KATHLEEN	2809 SW GAGE BLVD
X	KIRCHNER, BETTY A (Goff, Auston)	4201 SW 28TH TER
X	MICHAUD, PATRICK G & SHERYL K	4101 SW 28TH ST
X	MITCHELL, MELBA G & ROBERT M	4004 SW 29TH ST
X	MZHICKTENO, VERNON L	3001 SW LYDIA AVE #212
X	OHLEMEIER, MARK W	4009 SW 28TH ST
X	OWEN, M EARLENE & H DEAN	4012 SW 28TH ST
X	READY, CORY & HOWE, CORTNEY	4024 SW 28TH TER
X	STICKLEY FRANKE S TRUST	4016 SW 28TH TER

**Attendees not on the Mailing List**

X	Beth Dickson	4208 SW 28th Terr.
X	Scott & Carie Campbell	2536 Prairie
X	Janis Salsbury	4209 SW 28th Terr.

**City of Topeka Personnel**

X	Bill Fiander - Director of Planning - City of Topeka
X	Annie Driver - Planning Staff - City of Topeka
X	Sgt. Julie Hoffman - Topeka PD
X	Ofc. Jeff Schleuder - Topeka PD

**City Council Person**

X	Nathan Schmidt - City of Topeka Councilperson District # 8
---	--

**Batis Representatives**

X	Mark Wittenburg - Batis Owner
X	Matt Werner - Batis Owner (Architect)
X	Leon Osborne - Kaw Valley Engineering
X	Ed Baker - Batis CFO
X	Tara Nichols - Batis Contract Administrator

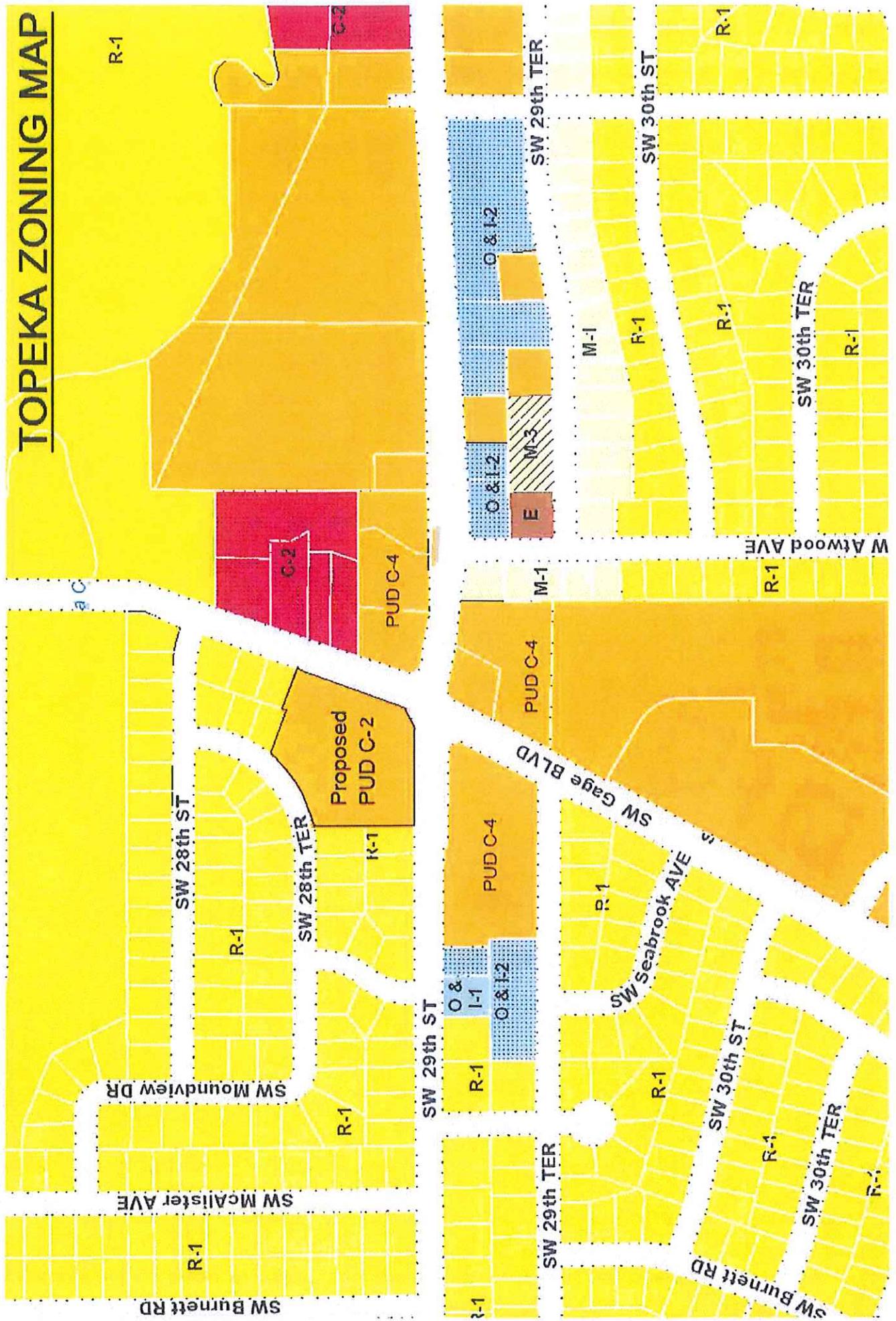
**Other Attendees**

X	John Hutton - Atty. for Marketplace Shopping Center
X	Brady Robb

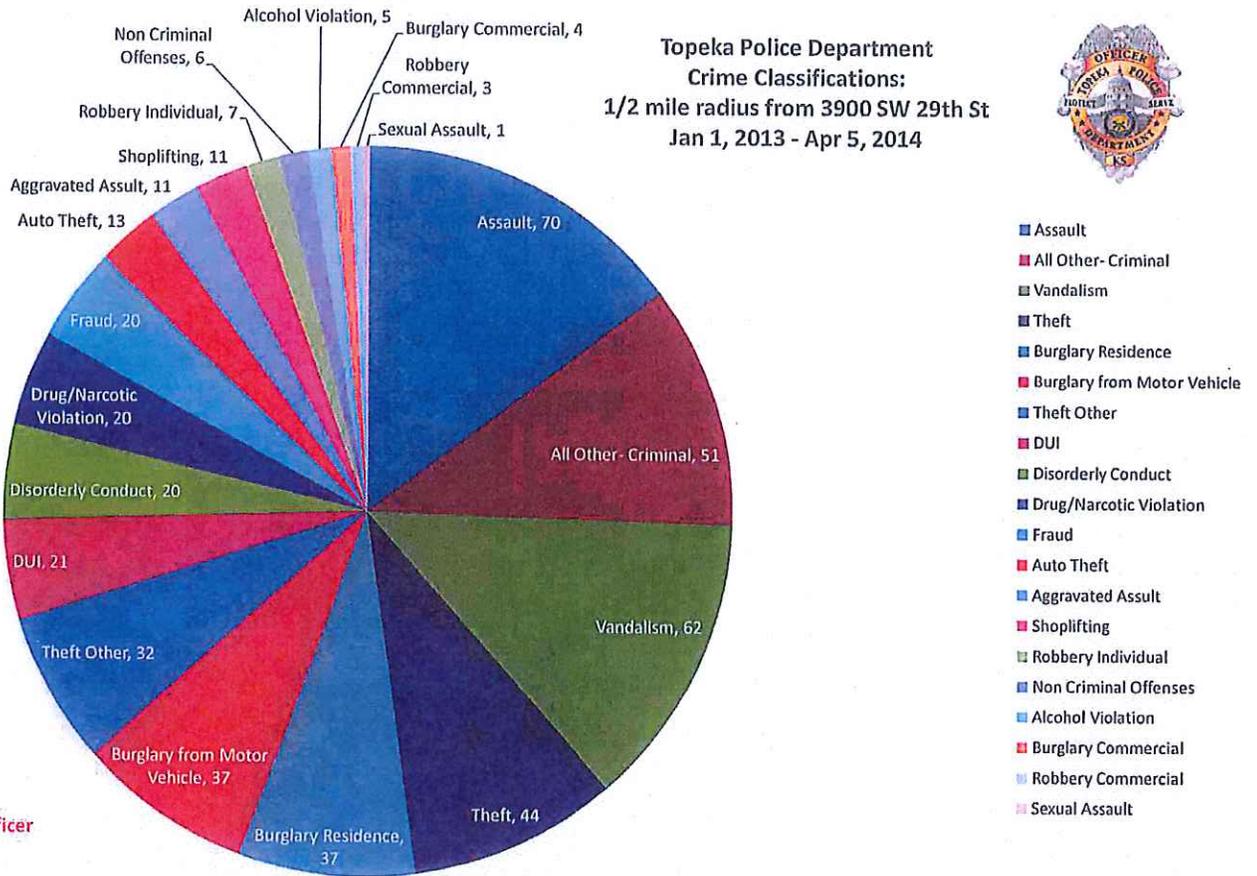
**EXHIBIT B**

**Presentation Materials Provided at Neighborhood Information Meeting**

# TOPEKA ZONING MAP



**Topeka Police Department  
Crime Classifications:  
1/2 mile radius from 3900 SW 29th St  
Jan 1, 2013 - Apr 5, 2014**

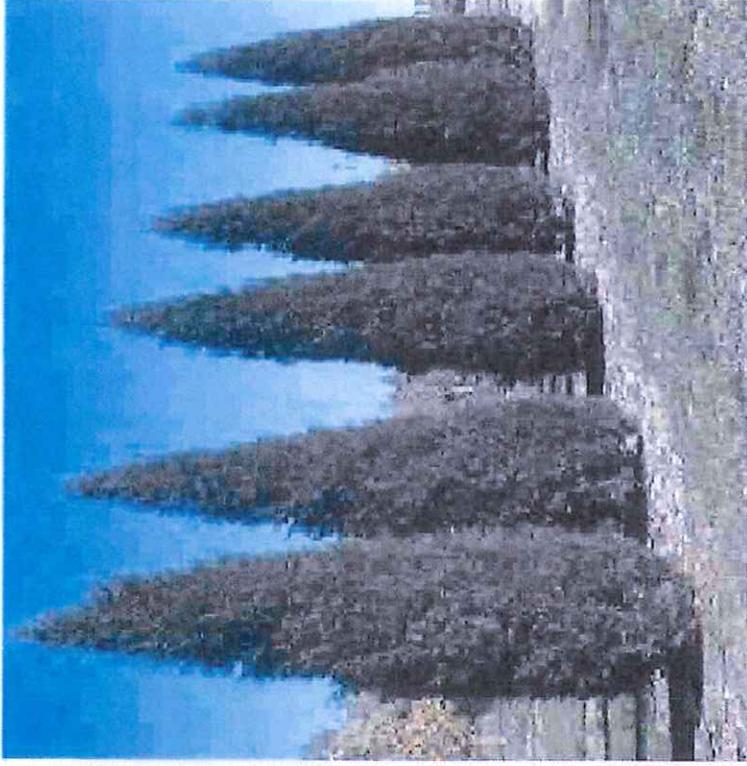
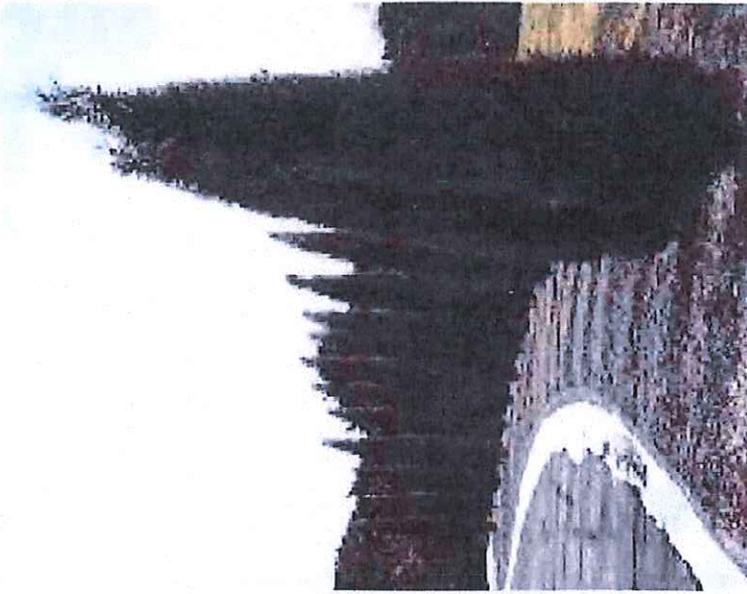


19 calls for service in 2014 (January - March) for the 11 property addresses, calls ranging from violent domestics, battery to LEO, fights, narcotics related, disturbances, dog fighting, prostitution and mental calls. 7 Code Enforcement complaints 2013-2014.

LEO = Law Enforcement Officer



## Examples of Taylor Junipers



## Examples of Fence Materials



Rental Properties

Currently For Sale

Project Properties

% of Rentals Currently = 32%  
% of Rentals After Rezoning = 25%

Shungahunga Creek

7th TER

SW Moundview DR

SW 28th ST

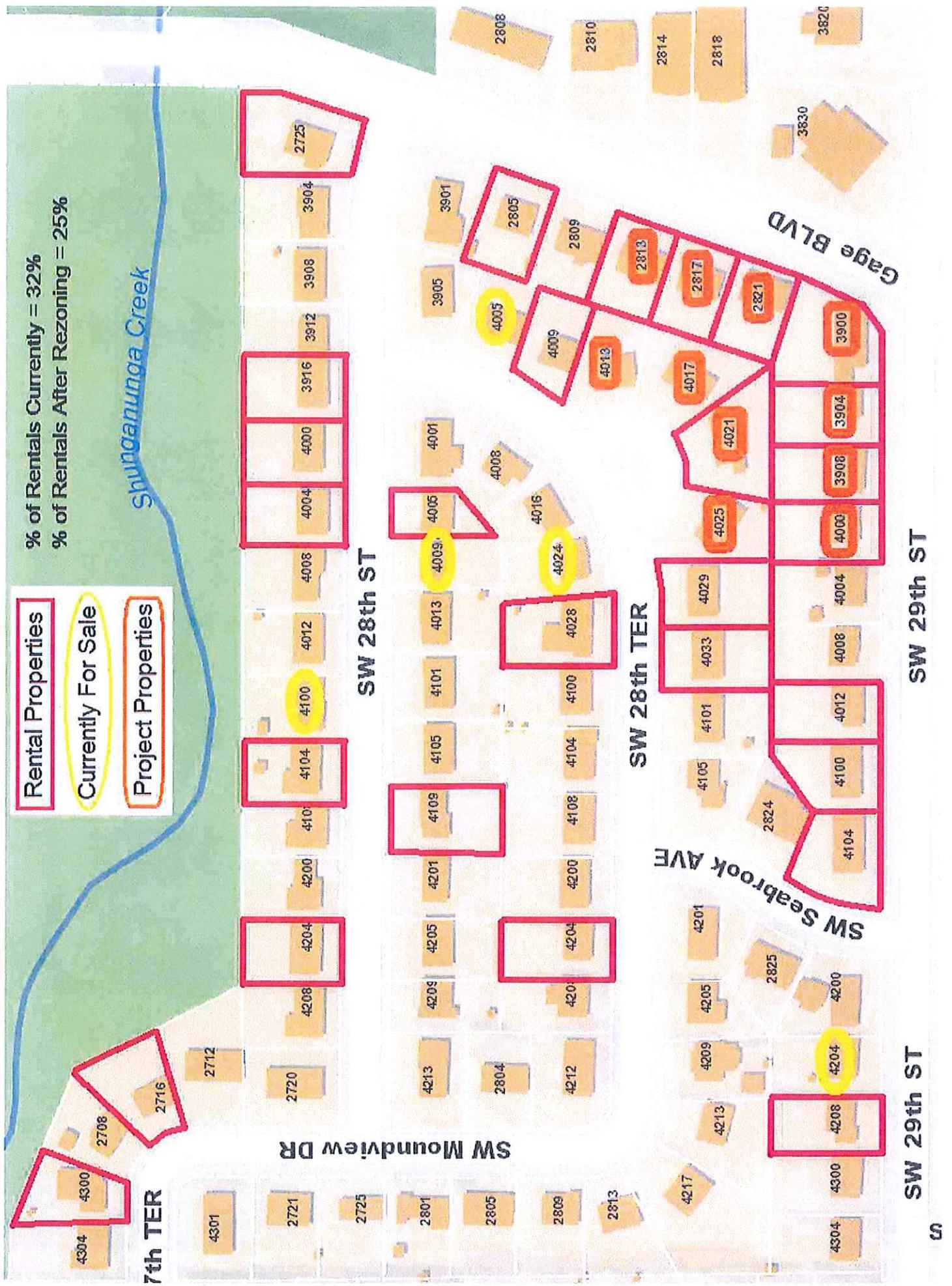
SW 28th TER

SW 29th ST

SW 29th ST

Gage BLVD

SW Seabrook AVE



**EXHIBIT C**

**"Bringing Commercial Uses Closer to Existing Residential Neighborhoods"**

**By: Wendy Grey, AICP**

## Bringing Commercial Uses Closer to Existing Residential Neighborhoods

*by Wendy Grey, AICP*

March 26th, 2013

Mixed use development can occur at many scales — within a building, along a street, within a neighborhood, or as part of a large scale planned community. In this short article and a follow-up piece, I want to focus on a situation facing a number of communities — how to bring commercial uses closer to existing residential neighborhoods.

Residents in established neighborhoods, not surprisingly, will often be very concerned about zoning proposals to allow new commercial uses nearby. They will cite noise, odor, light intrusion, increased traffic, the potential increase in crime, and the (“slippery slope”) potential for land uses changes to move further into the neighborhood.

All these are legitimate concerns. The question planners and planning commissioners must be able to answer is how the creation of a commercial district along the edge of the neighborhood will be a positive change.

The first step in implementing a mixed use development pattern is to conduct a detailed analysis of each area proposed for a land use change. The planning office must do its homework and be prepared — before introducing the zoning change proposal — to answer questions that residents will inevitably raise, such as:

1. What is the specific problem local government is trying to solve — or opportunity it is trying to capitalize on — by making this land use change?

First and foremost, be prepared to explain just why the zoning proposal is being made, and what benefits it will bring. Simply saying that the community needs (or the comprehensive plan calls for) more mixed use areas, or wants to become more “sustainable,” isn’t going to be very compelling to someone who contemplates the sound of dumpsters being emptied at 4 AM.

Instead, offer more specific reasons for the proposal. For example, a significant traffic increase along roads bordering a neighborhood may already have made housing along those roadways less desirable, resulting in lower property values and other negative consequences (such as a decline in property maintenance). Commercial uses may be a better fit along these roadways.

On a broader scale, the community may have a goal of reducing vehicle trips, which (in turn) would reduce the need for costly road widenings on arterials throughout the community. Introducing commercial uses closer to residential neighborhoods can help achieve that goal by reducing the number and length of automobile trips. Some nearby residents might even value the opportunity of having some commercial uses just a short drive away or within walking distance.



*In many cities you'll still find neighborhood stores on or next to residential blocks. A growing number of cities are trying to encourage more residential development close to existing shopping centers (as in the photo below from Burlington, Vermont's New North End) or vice-versa. Photos by Wayne Senville.*



*New senior housing is being built next to the Ethan Allen Shopping Center in Burlington, Vermont. It reflects a growing interest in providing convenient neighborhood retail opportunities which older residents (often without cars) and others can easily walk to.*

Be prepared to address concerns from residents of adjoining neighborhoods about adverse impacts. Show how your zoning proposal will assure that any commercial center is well designed and landscaped, and carefully sited.

While specific conditions vary from community to community, recent studies have also shown higher values for houses in more walkable neighborhoods (i.e., neighborhoods within walking distance of amenities including commercial services).

Two studies on the property value impacts of walkable neighborhoods are:

- [Walking the Walk: How Walkability Raises Housing Values in U.S. Cities](#), by Joseph Cortright.
- [Walk this Way: The Economic Promise of Walkable Places in Metropolitan Washington, D.C.](#), by Christopher B. Leinberger and Mariela Alfonzo (Brookings Metropolitan Policy Program, May 2012) (the Leinberger/Alfonzo report is also discussed in “[Urban Walkability: The New Driver in Real Estate Values](#),” by Mark Hinshaw (May 29, 2012).

## 2. Where will non-residential uses be allowed?

This may seem like a simple question, but it should not be answered until a thorough study of the area has been conducted. Assess both the edge of the neighborhood and internal patterns of development to establish a boundary line or transition zone that will not unravel the fabric of a stable neighborhood. Also, the area designated non-residential should be of sufficient size and dimension to accommodate the proposed development (e.g., parking, loading, trash pickup) to avoid off-site impacts.

## 3. What uses will be allowed, and how will they be regulated?

These questions go hand-in-hand. Be prepared to describe which uses will be allowed and which will be prohibited, especially uses that are perceived as particularly incompatible with neighborhoods (e.g., bars and tattoo parlors).

Be able to explain how potential offsite impacts of non-residential development, such as lighting, noise, and odor, will be addressed. Also expect questions about the likelihood of increased traffic or crime inside the neighborhood. Lastly, be ready to answer questions about tools the local government has to enforce standards intended to mitigate impacts. For example, does your community have a noise or nuisance ordinance that works well? Do you have lighting standards that will prevent offsite impacts?

Give careful consideration to when and how you approach the neighborhood. While you want to take the time to fully analyze the land use change, you also want to make sure residents hear about this proposal from the planning department before rumors start to fly. Remember that in an information vacuum (i.e., when residents learn about the proposed change in land use from some other source) residents will likely assume that changes in land use and zoning are a full assault on the neighborhood.

Your analysis and interaction with the residents may well reveal the need for changes in what you initially had in mind. Don't view that as a setback. Instead, be willing to tailor zoning changes to individual neighborhoods.

Next week, I'll return to address some specific planning and design strategies to allow commercial uses to better fit near residential neighborhoods. If you have questions or comments in the meantime, [post them on our PlannersWeb LinkedIn group page](#).

Update: Apr. 4, 2013: [Part II of Wendy's article](#) is now available.



Wendy Grey, AICP, is principal of Wendy Grey Land Use Planning LLC which works with public, private, and non-profit clients on planning and land use issues. Prior to establishing her own firm in September 2002, Grey spent 20 years in the public sector dealing with development and growth management in Florida, including ten years as Planning Director for Tallahassee and Leon County.

Tags: [Economic Development](#), [Livable Communities](#), [Misc. Planning](#)

[Tools](#), [Retail](#), [Suburbs](#)

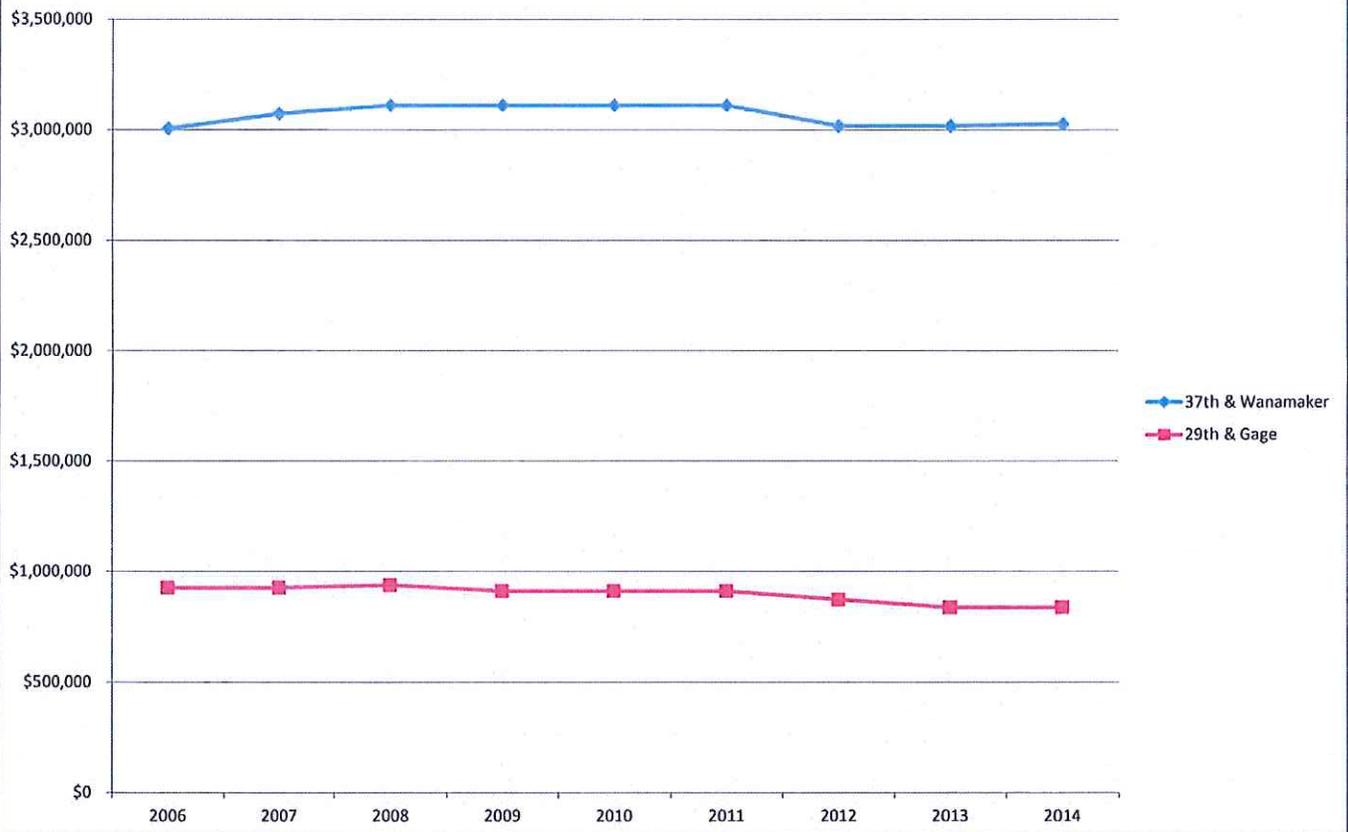
Printed From: <http://plannersweb.com/2013/03/bringing-commercial-uses-closer-to-existing-residential-neighborhoods-part-i/>

**EXHIBIT D**

**Comparison of Home Value Trends: Project Properties v. Homes Adjacent to New Walgreens at 37<sup>th</sup> & Wanamaker Rd.**

**Source of Data: Shawnee County Appraiser and Treasurer's Offices**

### Comparison of Residential Property Value Trends of Neighborhoods Adjacent to Walgreens Stores in Topeka, KS



**EXHIBIT E**

**Future Impact on Westview Heights Home Values: Current Condition of Homes and Rising Crime Rate  
v. Commercial Development**

**By: Bryon Schlosser, Owner, Coldwell Bankers, Griffith & Blair Relators**

FILE COPY



GRIFFITH & BLAIR  
AMERICAN HOME

FAIRLAWN OFFICE  
5120 SW 28TH STREET  
TOPEKA, KS 66614-2399

BUS. (785) 273-1330  
FAX (785) 273-2303

MACVICAR OFFICE  
2222 SW 29TH STREET  
TOPEKA, KS 66611-1997

BUS. (785) 267-2700  
FAX (785) 267-8600

June 9, 2014

Mr. Bill Fiander, Director of Planning  
City of Topeka  
620 SE Madison  
Topeka, Kansas 66607

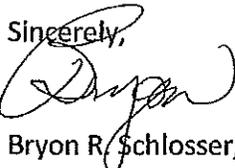
RE: REZONING REQUEST FOR NWC OF 29<sup>TH</sup> & GAGE BLVD

Dear Mr. Fiander:

I have driven by this intersection every work day for the past fifteen years and have watched the deterioration of the homes close to the northwest corner of 29<sup>th</sup> and Gage Boulevard. Since the other three corners of the intersection are commercial in nature, it is very unlikely that any residential improvement will ever be made to these properties to improve the overall value to the neighborhood.

The plan for the commercial development of the property is the most logical scenario for improving the current situation. The adjoining property owners to the proposed development may prefer to see residential development of the area, but the economics of such an investment are indeed remote. The stabilization of property values for the area would best be protected by replacing the crime-infested residential rental units with the proposed commercial development occupied by Walgreens, a substantial corporate citizen which has already proven its interest in maintaining its property for the benefit of its customers and neighbors.

Thank you for your consideration. I am looking forward to a nicer drive home.

Sincerely,  


Bryon R. Schlosser, President