

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

PLANNING COMMISSION DATE: Monday, December 19, 2016

APPLICATION INFORMATION

APPLICATION CASE NO: A17/01

APPLICANT / PROPERTY OWNER: Reser's Fine Foods

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

PARCEL SIZE: Approximately 31 acres

STAFF PLANNER: Dan Warner, AICP, Comprehensive Planning Manager

PROJECT AND SITE INFORMATION

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

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

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

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

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

STAFF REVIEW

COMPREHENSIVE PLAN:

General Land Use and Growth Management Policies

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

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

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

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

Urban Growth Area Service Tier 3 Criteria/Policies

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

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

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

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

Other Urban Growth Area Service Tier Considerations

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

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

Annexation Policies

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

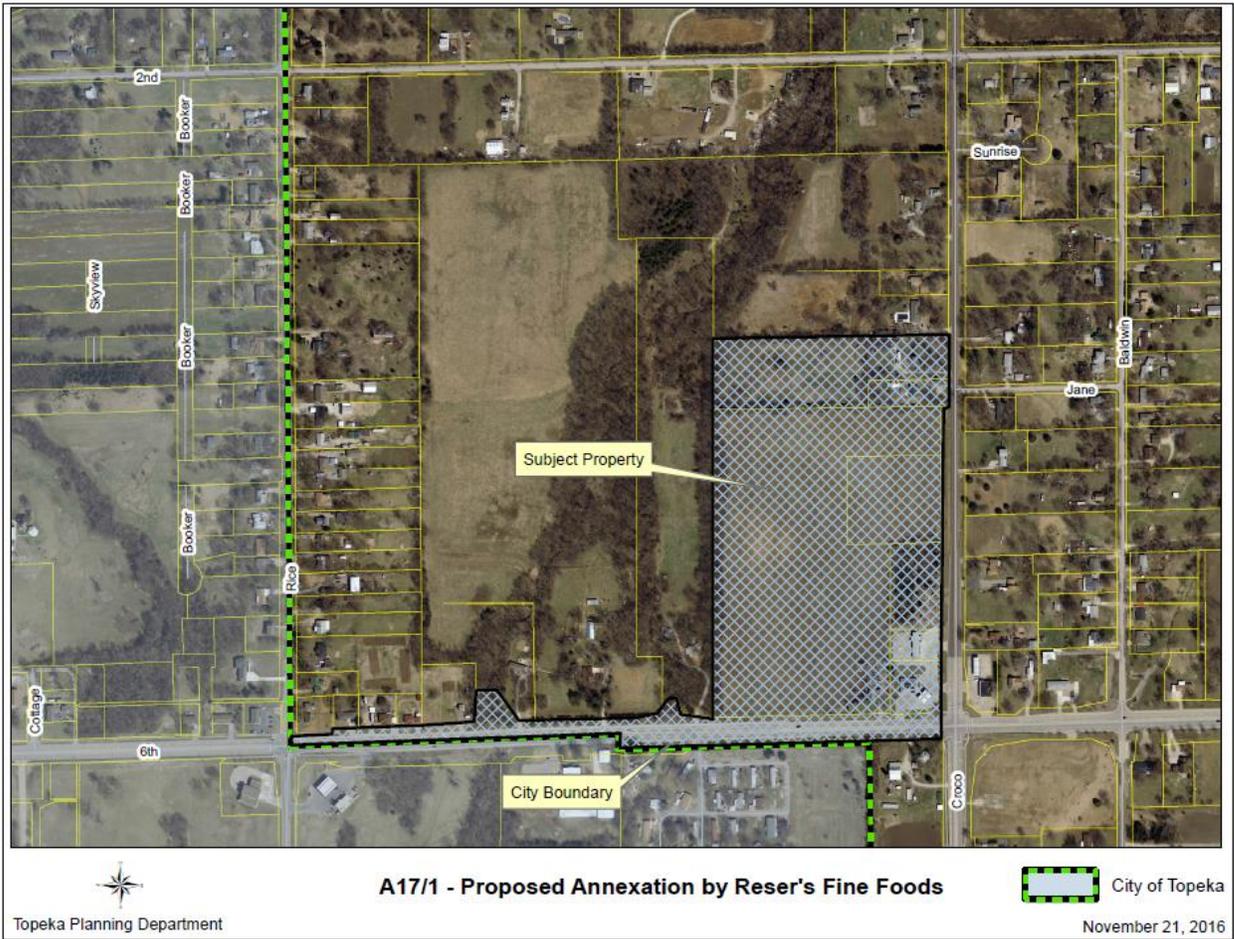
STAFF RECOMMENDATION:

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

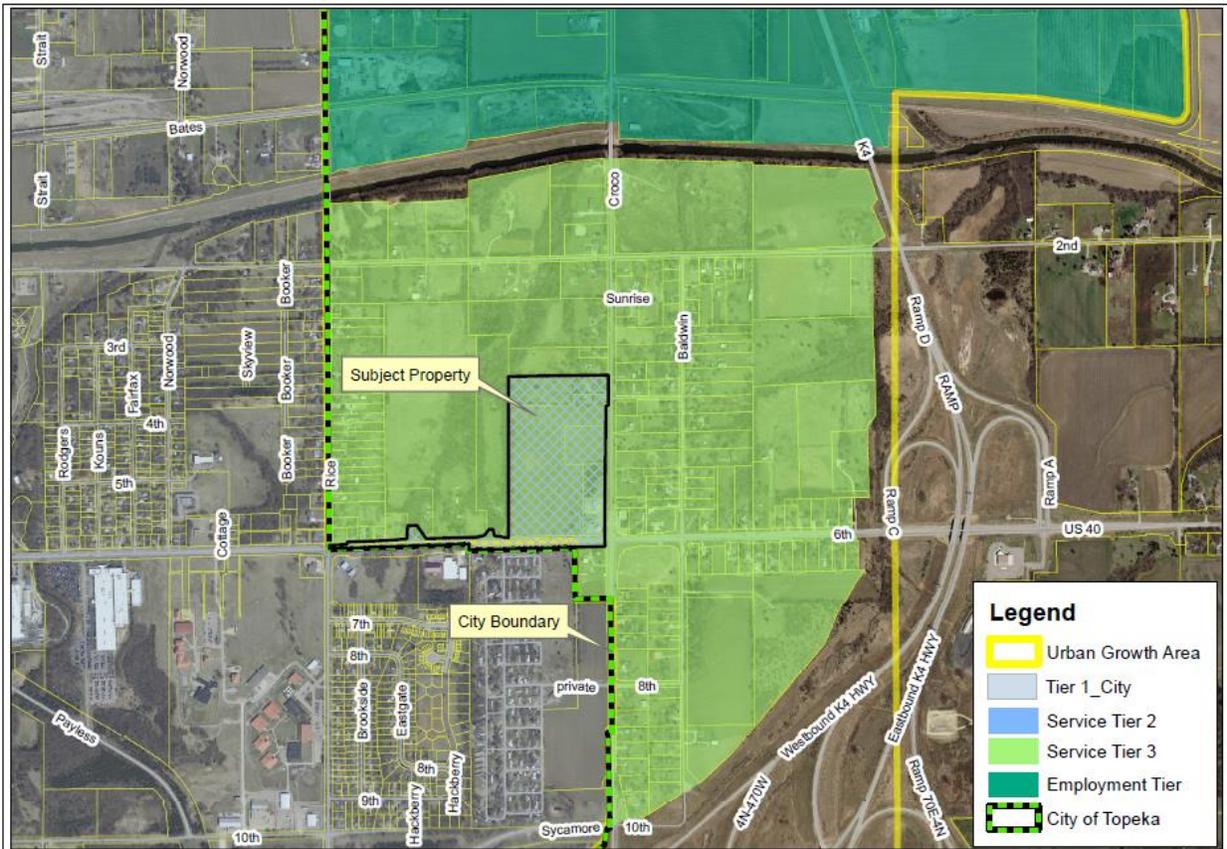
ATTACHMENTS:

1. Aerial
2. Topeka Urban Growth Area Map

Aerial



Topeka Urban Growth Area



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

Topeka Planning Department

November 21, 2016