

**STAFF REPORT – COMPREHENSIVE PLAN AMENDMENT CASE  
TOPEKA PLANNING DEPARTMENT**

**PLANNING COMMISSION DATE: Monday, December 19, 2016**

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**APPLICATION INFORMATION**

**APPLICATION CASE NO:** CPA16/01

**APPLICANT / PROPERTY OWNER:** Reser's Fine Foods

**PROPERTY LOCATION / PARCEL ID:** An approximately 25-acre property lying on the northwest corner of SE 6<sup>th</sup> Street and SE Croco Road

**PARCEL SIZE:** Approximately 25 acres

**STAFF PLANNER:** Dan Warner, AICP, Comprehensive Planning Manager

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**PROJECT AND SITE INFORMATION**

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

**RELATED 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 is a proposed annexation (A17/01), and there will also be a subdivision plat related to this project.

**BACKGROUND**

Map #3 – Topeka Future Land Use of Topeka’s Land Use and Growth Management Plan 2040 (LUGMP) designates the subject property as Urban Growth Area (Residential). The proposed food manufacturing and distribution use does not align with Comprehensive Plan policy with regards to future land use.

The LUGMP contains a Comprehensive Plan update and amendment process which establishes the criteria by which a proposal to amend the Comprehensive Plan should be reviewed.

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## **STAFF REVIEW**

The applicant is requesting a rezoning from the “RR-1” Residential Reserve District and “C-2” Commercial District to “PUD” Planner Unit Development District (“I-1” Light Industrial District uses) to allow for food manufacturing and distribution on an approximately 25-acre property at the northwest corner of SE 6<sup>th</sup> Street and SE Croco Road. The proposal includes up to 403,000 square feet of building and associated parking.

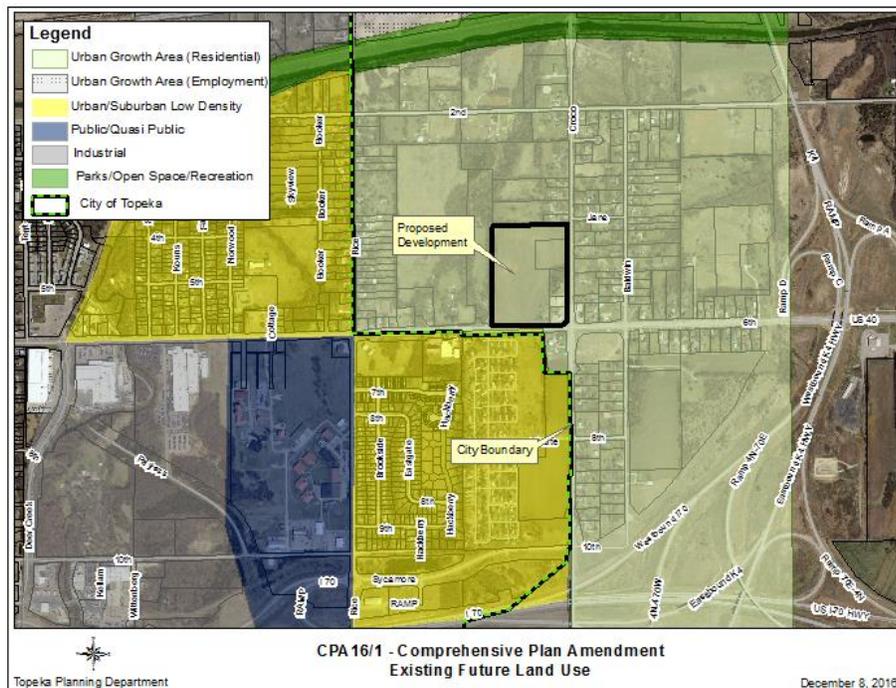
The proposal does not comply specifically with Map #3 – Topeka Future Land Use of the LUGMP. The proposed comprehensive plan amendment is to amend Topeka LUGMP Future Land Use to align Comprehensive Plan policy with the requested rezoning.

Staff reviewed this amendment based upon the review criteria outlined in Section VII of the LUGMP. If approved, the future land use text and map should be updated to designate the subject property as suitable for employment related land use.

## **COMPREHENSIVE PLAN AMENDMENT REVIEW**

### **1. Does the proposed amendment result from changed circumstances or unforeseen conditions not understood or addressed at the time the Plan was adopted?**

The subject property lies within Tier 3 of Topeka’s Urban Growth Area (UGA). Map #3 – Topeka Future Land Use designates Tier 3 (and the subject property) as Urban Growth Area (Residential). The “Urban Growth Area (Residential)” category states “this area is meant for future primarily urban residential neighborhoods and is expected to systematically urbanize in a compact manner as the City of Topeka expands services and infrastructure in the future.”



The “Urban Growth Area (Residential)” designation applies to Tiers 2 and 3 of the UGA and is a more general land use category when compared with the specific future land use categories designated within Tier 1. When

Topeka's Land Use and Growth Management Plan 2040 was originally developed, detailed future land use planning did not occur for the land within Tiers 2 and 3 of the UGA (outside of the city) as was done for the areas within Tier 1 (inside the city).

Therefore, it is appropriate to provide a more focused review of the future land use in this area because of the subject development proposal.

**2. Does the proposed amendment advance a clear public purpose and is consistent with the long-range goals and policies of the plan?**

The LUGMP promotes pillars (policies) of a prosperous community and states this about return on investment: "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."

The subject property and the area around it lie within Topeka's 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 6<sup>th</sup> 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. Developing the subject property generates a significant return on the previous investment made by the community. The proposed amendment advances a clear public purpose.

In addition, there is an associated annexation case (A17/01) that is also being processed. The property lies within Tier 3 of Topeka's UGA, and Tier 3 annexation policy states: "No urban development or annexation within Tier 3 until the full suite of urban services is available". The property is contiguous to the city boundary and all 5 urban services (fire, police, water, sewer, and streets) are available to serve the subject development.

LUGMP policies promote fiscally responsible future growth, which means development should be cost-effective with all 5 city services and make development decisions that don't fiscally harm the City and its residents. All 5 urban services are available to the subject property. Annexing and developing the property is consistent with the long range goals and policies of the LUGMP and allows the city to grow in a compact and affordable manner.

**3. Does the proposed amendment result from a clear change in public policy?**

The proposed amendment does not result from a clear change in public policy. As noted above in #2, it aligns with LUGMP pillars (policies) of a prosperous community and return on investment.

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 health fiscal 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 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 6<sup>th</sup> 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.

By way of comparison, if the proposed use was located farther east in an area outside of Topeka's Urban Growth Area, it would not be consistent with existing public policy. A location like that would require a major extension of infrastructure and would unnecessarily stress police and fire services.

Developing this particular location within the UGA generates significant return on the previous investments made in infrastructure and services. The proposed amendment is consistent with public policy.

**In addition, the following shall be considered for any map amendments:**

**4. The proposed change is significant. Minor changes shall be reflected under next major update.**

The proposal is a significant change.

**5. Will the proposed amendment affect the adequacy of existing or planned facilities and services?**

No. All 5 city services (fire, police, water, sewer, and streets) are available and are adequate to support this development. It does not appear that facilities and services will be negatively impacted by this development. Any traffic improvements needed for this project will be constructed and paid for by the applicant.

**6. Will the proposed change result in reasonably compatible land use relationships?**

The subject property lies within an area that contains a mixture of rural and large lot rural residential uses to the north, east, and west, as well as urban residential and nonresidential uses south of the subject property. In a typical land use arrangement, industrial uses have impacts and are generally not compatible with residential land uses. However, urbanizing this area, which is consistent with public policy, is difficult if a strict separation of land uses is followed. To best realize the greatest return on the community's investment, a mixed use context must be planned for that will buffer adjoining land uses to create a more compatible land use relationship. Currently, the character of the SE 6<sup>th</sup> Avenue/Street corridor between SE Deer Creek Parkway and SE Rice Road has a mixed use context with larger-scale footprints co-existing with smaller scale footprints.

The requested rezoning is from the "RR-1" Residential Reserve District and "C-2" Commercial District to "PUD" Planner Unit Development District ("I-1" Light Industrial District uses). Per Chapter 18.190 of the Topeka Municipal Code, the purpose of the "PUD" district is to "permit greater flexibility and more creative, innovative, and imaginative design for the development of areas that are generally not possible under the strict application of the regulations in the other districts. It is further intended to promote more economical and efficient use of the land while providing for a pleasing and harmonious development and environment, including opportunities to provide for a high level of urban amenities, and the preservation of open spaces."

The subject property will be required to comply with certain site, operational, and building design standards in order to mitigate the impact of the proposed use on the residential properties including:

- Landscape berms and street trees along both street frontages, a landscape setback where the development is adjacent to residential properties, and landscape buffers along all properties lines;

- Outside storage of vehicles, equipment, and machinery is not permitted, and all docks or loading areas will be erected to the side and rear yards and not front onto any public street rights-of-way;
- While the PUD requires a minimum 30-foot building setback along the perimeter boundary of the property, the building is proposed to be setback from the public streets from 120 to 200 feet;
- The specific PUD building design note for this project states: “A minimum of 50 percent of the main entry of the front façade (east facing) shall be comprised of windows, door openings. The main entry of the front façade shall be treated with architectural finishes and be of high quality design. The 6<sup>th</sup> Street façade (south facing) shall contain some form of architectural variations with respect to materials, texture, roofline, color, etc. Mechanical, heating, air conditioning/cooling, and roof mounted equipment shall be screened or not visible from public rights-of-way.”;
- Detention and stormwater treatment for water quality are required for this project. The submitted stormwater plan proposes to hold stormwater and release it at pre-development rates or less;
- Odor will be managed using the latest technology in production waste water treatment. Reser’s new processing facility in Hillsboro, Oregon utilizes the new technology and they state there have been no odor problems in the year that system has been in place, and;
- Noise is being addressed by the company by exploring techniques to reduce the noise levels that emanate from the refrigeration equipment. They have hired a sound engineer to assist in developing plans to mitigate the noise from equipment. Reser’s is also placing the refrigeration equipment at the northwest corner of the building away from nearest residences.

The combination of site, operational, and building design requirements of this PUD will help buffer the food manufacturing use and should help facilitate a more compatible land use relationship with surrounding properties.

**7. Will the proposed change advance the interests of the citizens of Topeka as a whole, not solely those having immediate interest in the affected area?**

As discussed above, the subject property and the area around it lie within Topeka’s 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 6<sup>th</sup> 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.

The community has made a significant down payment to support the urbanization of this area. Developing the subject property as proposed generates significant return on the community’s down payment. The proposed change advances the interests of the citizen of Topeka as a whole, not solely those having immediate interests in the affected area.

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**STAFF RECOMMENDATION:**

Based upon the above analysis Planning Staff recommends the initiation and **APPROVAL** of the proposed comprehensive plan map and text amendment as attached.

**ATTACHMENTS:**

- 1. Proposed Amendment
- 2. Existing Land Use
- 3. Aerial Map

**Proposed Amendment**

LUGMP

Section 5 – Land Use (pg. 52)

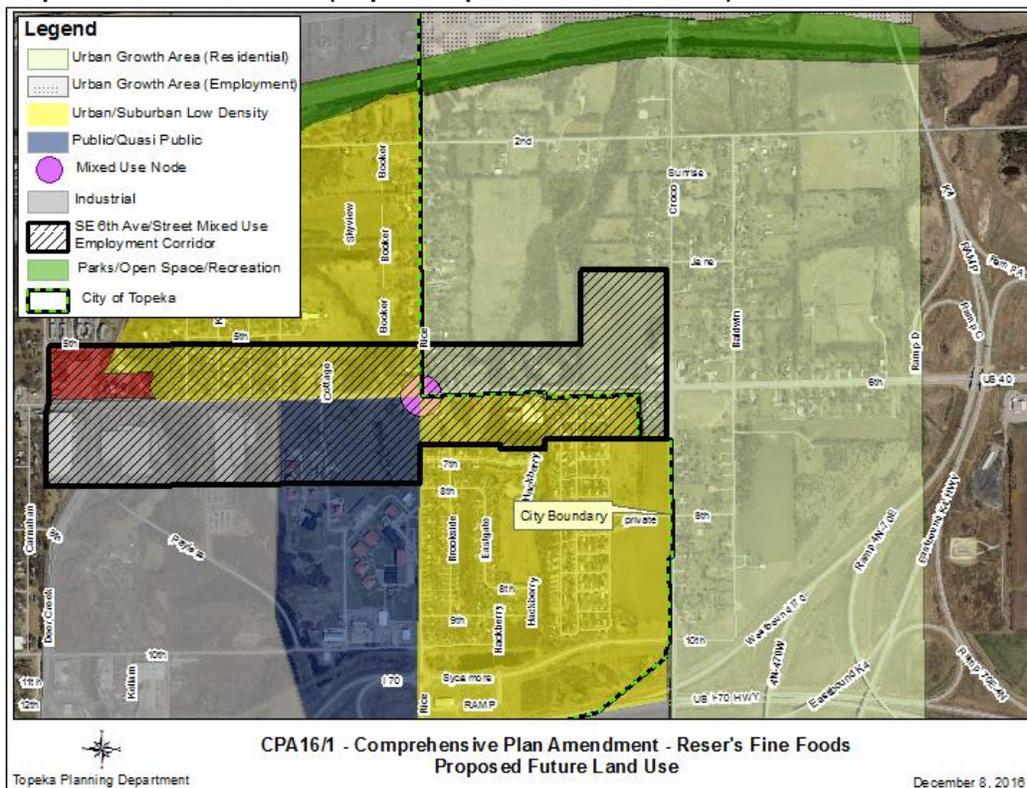
**SE 6<sup>th</sup> Avenue/Street Mixed Use Employment Corridor**

This category applies to the mixed use employment corridor along SE 6<sup>th</sup> Avenue/Street from Deer Creek Parkway to SE Croco Road. A key consideration for this designation is that this area already has mixture of employment related uses, some that are large-scale employers. A portion of the corridor lies with the existing city boundary where all 5 urban services (fire, police, water, sewer, and roads) are present. The area that lies outside the city, but within the Topeka Urban Growth Area, also has all 5 urban services present and available for urban development.

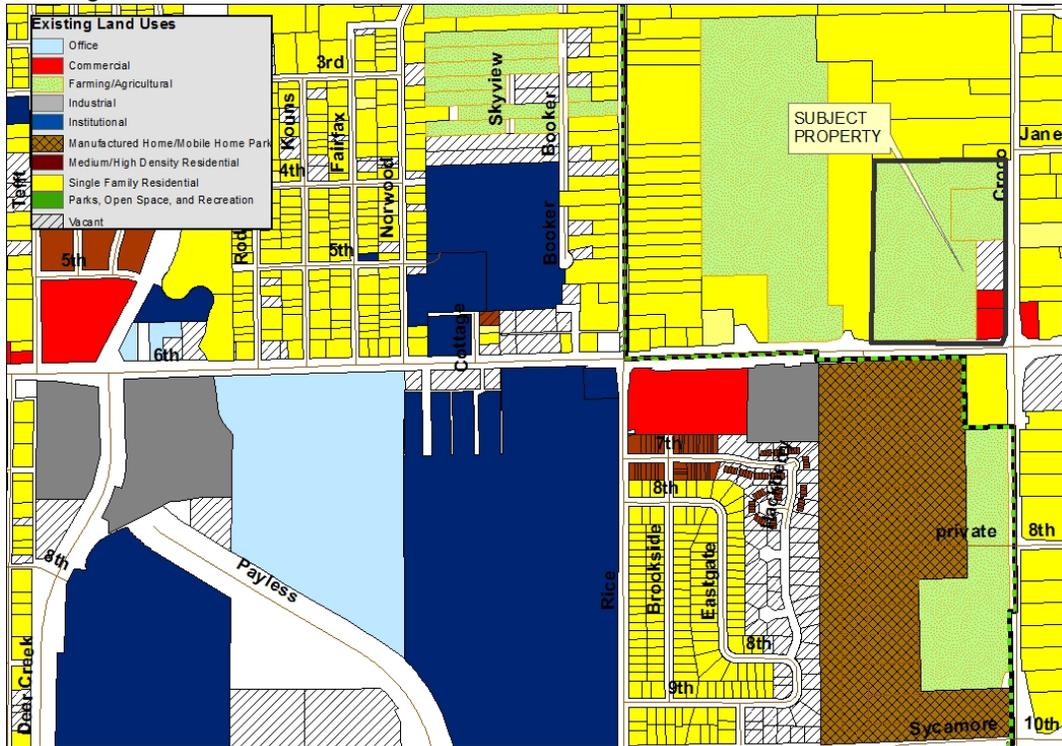
The continued development of this corridor for mixed use employment related land use generates significant return on the investment the community has made in infrastructure and services and continues the large/small-scale residential/non-residential character along SE 6<sup>th</sup> Avenue/Street corridor.

This category permits employment related land use if developed as a Planned Unit Development (PUD) with high standards to mitigate the impacts of the industry from residential. The standards should include landscaping, site design, operational, and building design considerations that meet the goal of a “clean” land compatible to surrounding properties while promoting a visually appealing mixed-use corridor linked to the regional transportation network.

**Proposed Future Land Use (Map 3 – Topeka Future Land Use)**



## Existing Land Use



**PUD16/5 Reser's Fine Foods Master PUD Plan**



## Aerial



**CPA16/1 - Comprehensive Plan Amendment - Reser's Fine Foods**



December 2, 2016