

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

PLANNING COMMISSION DATE: Monday, December 19, 2016

APPLICATION CASE NO

PUD16/5 – Reser’s Fine Foods Planned Unit Development

REQUESTED ACTION / CURRENT ZONING:

Rezoning from “RR-1” Residential Reserve District and “C-2” Commercial District **ALL TO** “PUD” Planned Unit Development (I-1 use group)

APPLICANT / PROPERTY OWNER:

Reser’s Fine Foods

APPLICANT REPRESENTATIVE:

Paul Leavy, Reser’s Fine Foods
Kevin Holland, Cook, Flatt, and Strobel Engineers

PROPERTY ADDRESS & PARCEL ID:

Generally lying at the northwest intersection of SE 6th Street and SE Croco Road. More specifically:

3728 SE 6th Avenue/PID: 1083404001033000
545 SE Croco Road/PID: 1083404001033040
535 SE Croco Road/PID: 1083404001033030
PID: 1083404001033010

PARCEL SIZE:

25.93 acres (four parcels)

STAFF PLANNER:

Annie Driver, AICP, Planner II

PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY:

Construct 403,000 sq. ft. food processing and packaging facility/warehouse distribution center in two phases and will add approximately 350-380 employees for both phases. Phase 1 (318,000 sq. ft.) is scheduled for 2017-18. Phase 2 is 85,000 sq. ft. and will contain a warehouse/distribution building. (*The 10th Street/Deer Creek Parkway plant will be remodeled and will shift the employees to this new plant. In the long term, the 10th Street plant will be put back into operation and add new employees.)

DEVELOPMENT / CASE HISTORY:

The property is currently located in unincorporated Shawnee County and has remained zoned “RR-1” Residential Reserve District and “C-2” Commercial District as far back as records indicate. The “C-2” property was developed in 1994 for a gas station and car wash. The “RR-1” property has a single residence and is farmland.

A17/1 - Annexation case and CPA17/1 - Comprehensive Plan Amendment case are heard in conjunction with this rezoning request and require approval along with the rezone.

PHOTOS:



Convenience store



Single Family Residence



Car wash

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

**DEVELOPMENT PHASING
SCHEDULE:**

Phase 1 is scheduled for 2017-18. Phase 2 is scheduled for 2022-2028. Phase 1 consists of the 318,000 sq. ft. food processing and packaging facility, stormwater detention, road and sidewalk improvements, and associated parking. Phase 2 consists of 85,000 sq. ft. warehouse/distribution and remaining parking.

GENERAL NOTES:	The property will be platted prior to issuance of new building permits.
PARKING, CIRCULATION & TRAFFIC:	Required: 1 stall per 600 sq. ft. up to 25,000 sq. ft.; 1 stall per 1,000 sq. ft. for each thereafter. Phase 1- 335 required; Phase 2- 85 required. 488 stalls are provided. 21 bike rack stalls are required; 24 are provided.
BUILDINGS, SETBACKS, AND DESIGN:	The PUD plan establishes a minimum 30 ft. perimeter setback around the boundary of the subject property. The actual building setbacks are 200 ft. from SE 6 th Street 120 ft. from SE Croco, and 400 ft. from the north property line.
LANDSCAPING:	A 20' or greater landscape parking lot setback is provided along both street frontages. A 5 foot tall berm is provided along street frontages. A generous landscape plan demonstrating compliance with TMC 18.235 and emphasizing an attractive mix of deciduous trees, evergreen trees, and shrubs has been submitted. Staff will approve the landscape plan at the site development plan review stage.
SIGNAGE:	See attached exhibit.
BUILDING ELEVATIONS:	See attached exhibit
PROJECT DATA:	<u>Use:</u> "I-1" use group for "Manufacturing and Processing, Types I and II only.
VARIANCES REQUESTED:	None

COMPLIANCE WITH DEVELOPMENT STANDARDS AND GUIDELINES

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

OTHER FACTORS

SUBDIVISION PLAT:	The existing convenience store and car wash are partially platted as Cope Subdivision #6. The remainder of the property is unplatted. Approval of a plat is required prior to issuance of a building permit.
TRANSPORTATION/MTPO:	SE 6 th Street is classified as a minor arterial and is a full five lane arterial street extending east of the K-4 Highway/6 th Street interchange. SE Croco Road is classified as a minor arterial and is two lanes north and three lanes south of SE 6 th Street. There are currently no sidewalks along SE 6 th or SE Croco. The nearest bus stop is located inside the City limits at 6 th /Rice, approximately ½-mile from the site. The planned bicycle route #1 does not extend along

SE 6th past Rice Road. Upon annexation, the applicant will work with Topeka Metro to provide an on-site bus stop or bus stop on SE 6th Street.

KDOT Traffic Counts (2014): SE Croco Road south of intersection - 4,510 average daily trips (ADT); SE 6th Street west of Rice Road - 5,665 ADT; Rice Road north of SE 6th - 1,275 ADT.

UTILITIES:

Water: There is an 8" water main along SE 6th and Croco that will serve the site and is adequate. Upon annexation, the developer will make any improvements to the existing water line if further capacity for Fire suppression is necessary.

Sanitary sewer: There is an 8" sewer main extending to this site from SE 6th Street and is adequate to serve the site, but upon annexation this main will need to be re-routed at developer expense.

Waste Water Treatment: A waste water treatment building and equalizing tank to eliminate odors is located on the west side the site and to the rear of the building. An industrial discharge waste water pre-treatment permit is issued by the City of Topeka through an EPA mandate for any user exceeding a flow of 25,000 gallons/day (i.e. Reser's).

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.

NEIGHBORHOOD MEETING:

The applicant held a Neighborhood Information Meeting on Thursday, December 1, 2016. The applicant's report to the City is attached. Key issues heard at the meeting included: The rural and residential character of the area; the effects an industrial use has on the character; traffic associated with operations and employees; property values, noise, odors, air pollution, and stormwater flooding.

In addition to Reser's representatives and City staff, approximately 50 people attended the meeting. Many of these people expressed frustrations about the project and questioned the process. Some asked that the public hearing not be held December 19th, but continued to a later date due to the holiday season.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

ENGINEERING/STORMWATER:

Detention and stormwater treatment for water quality are required. The Stormwater Report and Management Plan addressing both water quantity and quality has been submitted. The report has been accepted by the Utilities Division for water quality. The report is still under review by the Engineering Division for water quantity. The Stormwater Report addressed the 2, 10, 50, 100 year events and proposes an "Extended Dry Detention Basin" at the northwest corner of

the property that will hold water and release it at pre-development rates or less. An "Extended Dry Detention Basin" holds water for longer periods (40 + or – hours) to let pollutants settle.

ENGINEERING/TRAFFIC:

A Traffic Impact Analysis (TIA) was completed by the consultant as required by the City Traffic Engineer. The TIA addressed the surrounding street system and existing traffic conditions from Deer Creek Parkway to K-4/Oakland Expressway. The TIA is not complete and has not been approved, but recommends the following:

- A 205 ft. westbound right-turn deceleration lane (w/ 120 ft. taper) on SE 6th Street for truck access;
- Improving SE Croco Road to five lanes (including adding a 5 ft. sidewalk along the along the property's length of frontage);
- Providing and extending 5' sidewalks along the north side of SE 6th to connect with sidewalk at Rice Road.

All improvements shall be completed by the developer prior to issuance of a Certificate of Occupancy. The City Traffic Engineer has accepted these recommendations, but requires an updated TIA addressing the remaining deficiencies in the report.

FIRE:

The Fire Department will review future plans prior to construction for access and fire suppression requirements.

DEVELOPMENT SERVICES:

A Building Permit is required with each phase of development.

KEY DATES

SUBMITTAL:

November 4, 2016

NEIGHBORHOOD INFORMATION MEETING:

December 1, 2016

LEGAL NOTICE PUBLICATION:

November 23, 2016

PROPERTY OWNER NOTICE MAILED:

November 23, 2016

STAFF ANALYSIS

CHARACTER OF THE NEIGHBORHOOD:

The character of the immediate neighborhood is predominantly residential and rural in character lying within unincorporated Shawnee County. The exception to this residential character is the arterial corridor of SE Croco and SE 6th Avenue. The south side of SE 6th is developed for a mix of commercial/industrial uses that includes a Casey's gas station and convenience store and custom cabinet manufacturing warehouse (31,000 sq. ft.). There is existing "C-4" zoning that is part of the mobile home park on the south side of SE 6th Street. The residences surrounding the site lie on 1 to 3 acre parcels or larger rural acreages. A 55-acre residential mobile home park lies on the south side of SE 6th Street. There are parcels containing smaller scale commercial and warehouse/storage uses near the intersection of SE 6th and Rice Road and 6th and Croco Road.

The PUD Master Plan contains requirements and design elements such as ample building setbacks, landscaping berms, and architectural features to help preserve the area's residential character.

ZONING OF PROPERTIES NEARBY:

The zoning of surrounding properties is "RR-1" Residential Reserve District to the west, north, and east. The zoning of the commercial properties at the intersection corners of the SE 6th/Croco intersection is "C-2" Commercial District. The mobile home park lying south of SE 6th is zoned "M-2" Multiple-Family Dwelling District. The intersection of SE 6th/Rice Road comprises the "O&I-1" Office and Institutional Districts and "C-4" Commercial Districts. A 5.7 acre property along the south side of SE 6th is zoned "I-1" Light Industrial for use as a cabinet manufacturing warehouse, the building which comprises only half of the entire site area

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

The gas station and car wash facility were constructed in 1994 and have been vacant for at least one year. Prior to 1994, the properties were undeveloped and vacant. The single-family residence on the remaining 21 acre tract of land was constructed in 1920 and has remained residential since that time. The property has also been used for agricultural purposes. The property is unplatted except for the land containing the vacant convenience store and car wash.

SUITABILITY OF USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED:

There are other uses suitable on the subject property other than to those which they have been restricted under "RR-1" Residential Reserve and "C-2" Commercial zoning. The "RR-1" zoning district is intended to allow for the gradual development of urban uses while providing for the coexistence of agricultural farmland based upon the availability of municipal services. In theory, "RR-1" zoning is reserved for future development. Once platted and annexed those areas should be rezoned to an appropriate urban zoning district. The subject properties are adjacent to the city limits where the full range of urban infrastructure is readily available (sewer, water, roads, Fire, Police). City policies recommend these areas should be annexed prior to development. The site is easily accessible to and from the major highways of K-4, I-70 and the Kansas Turnpike. All infrastructure investments that have been made contribute to making the property as desirable for industrial uses dependent on excellent access to the major regional transportation network.

Although the investments have been made and the infrastructure is in place for industrial land uses, the subject property is still predominately surrounded by large-lot residential uses and residential zoning to the east and north. However, further west within the city limits and the East Topeka neighborhood, the character of the SE 6th Street corridor is mixed use in nature with large-scale employment uses, smaller scale retail/industrial, and a mobile home park. (*See attached existing land use map).

CONFORMANCE TO THE COMPREHENSIVE PLAN:

The subject property lies within Tier 3 of Topeka's Urban Growth Area (UGA). Map #3 – Topeka Future Land Use of the Land Use and Growth Management Plan 2040 (LUGMP) 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."

However, 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 in this area because of the subject PUD proposal and determine if any LUGMP amendments are warranted.

The LUGMP review is two-fold: 1.) Is annexation appropriate, and if so 2.) Is the land use appropriate?

The associated annexation case (A17/01) that is also being processed with this application concludes: 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 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 is consistent with the long range goals and policies of the LUGMP and allows the city to grow in a compact and affordable manner.

The associated Comprehensive Plan Amendment case (CPA17/1) to the LUGMP's Future Land Use section is required along with the zoning change. It recommends the text/map be amended to reflect a "6th Avenue/Street Mixed Use Employment Corridor" as follows:

SE 6th Avenue/Street Mixed Use Employment Corridor

This category applies to the mixed use employment corridor along SE 6th Ave/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 6th 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.

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

The change in zoning has the potential to detrimentally affect nearby residential properties because of changes in character, noise, odor, pollution, lighting, stormwater, traffic, and other visual impacts.

The Master PUD Plan mitigates these potential physical negative effects through the use of a 5-foot tall landscape berm with landscaping along public street frontages, signage restrictions, screening of mechanical equipment, restricting truck loading and unloading to the side and rear of the building, and building design considerations. The landscape berm will serve to buffer the building and parking areas from nearby residential uses. The building itself will be set back from property lines 200 ft. off of SE 6th Street and 120 ft. off of SE Croco Road. Outside storage and loading areas are restricted to the side and rear yards of the building. The PUD addresses building designs with the following note: "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 6th Street façade (south facing) shall contain a form of architectural variations with respect to materials, texture, relief, color, etc. Mechanical, heating, air conditioning/cooling, and roof mounted equipment shall be screened or not visible from public rights-of-way and shall be located to the side or rear yards." These design considerations will improve the appearance of the property along the visible street corridors.

The developer is making improvements to SE 6th and Croco that will off-set any negative impacts of the new plant and these improvements have been accepted by the City Traffic Engineer. However, additional information in the TIA will determine the full effect of traffic on SE 6th Street from this development. For example, there is no signal currently at 6th and Deer Creek Parkway and the TIA does not explain how truck trips are distributed between the existing facilities and

this proposed facility. A condition of transportation improvements consistent with the TIA recommendations is noted on the Master PUD Plan.

The plan's stormwater design proposes an "Extended Dry Detention Basin" located at the northwest corner of the property that will hold water and release it at pre-development rates or less. An "Extended Dry Detention Basin" holds water for longer periods (40 hours + or -) in order to let pollutants settle and, therefore, is both a stormwater quality and quantity feature.

Operationally, any detrimental effect on nearby properties is expected to be minimal. The loading docks, refrigeration/cooling system, and wastewater treatment building are shielded on the west side of the building, at least 760 ft. from the public rights-of-way and approximately 880 ft. from residential uses along SE Croco. The refrigeration and cooling system are located on the west side of the building rather than in the front of the building as is the case at the 6th and Deer Creek facility. This buffers noises that are associated with the refrigeration system. Additionally, the applicant indicates they will maintain 60 decibels at the property line (i.e. normal conversation tone as indicated by a decibel chart). The odors that may have arisen in the past generated by the 6th and Deer Creek plant were from wastewater treatment operations. These will be alleviated because of new technologies employed that did not exist with previous operations. The applicant indicates there is no air pollution created from the production as the only exterior gas is steam that emits through the cooking processes. KDHE has not had any violations or complaints from this applicant's existing permitted facilities in Kansas.

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 proposed off-site and on-site improvements will provide a gain to the public health, safety and welfare (i.e. street, sidewalk improvements). The sidewalk connection to SE Rice Road and the potential expansion of a Metro bus route to the site are significant benefits to public safety. The creation of the proposed 350 to 380 new jobs at this facility may ultimately have a positive economic impact on the public welfare and greater community at large. A manufacturing facility of this size creates jobs not only on-site, but has the potential to spawn and create new jobs for businesses providing services to the plant.

There is no clear definitive evidence to suggest this use will have a negative effect on surrounding property values. Staff researched property values of residential properties along SE Carnahan that are within the vicinity of SE 6th and Deer Creek Parkway (built 2005) and compared values both pre- and post- the existing Reser's development. This comparison did not show any substantial indicators that would suggest this development alone contributed to a negative impact on the property values for the nearby residential properties. There is a significant hardship on the owner to find another appropriate 25 acre site with access to existing utilities, roads, highways, and that is still within proximity to the existing plant and distribution center.

AVAILABILITY OF PUBLIC SERVICES:

All essential public utilities, services and facilities are available to the area and will be extended or re-routed at developer expense.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:

The Master PUD Plan establishes development standards and guidelines as indicated. A subdivision plat is required prior to building permit issuance in accordance with the City of Topeka's Subdivision Regulations.

STAFF RECOMMENDATION

Based upon the above findings and analysis Planning Staff recommends **APPROVAL** of this proposal **subject to the following conditions** and in conjunction with A17/1 Annexation and CPA17/1 Comprehensive Plan Amendment.

1. Use and development of the site in accordance with the Master Planned Unit Development Plan for Reser's Fine Foods as recorded with the Office of the Shawnee County Register of Deeds.
2. Approval and acceptance of the Stormwater Management Report by the Department of Public Works and Utilities. The plat, site development plan and required permits shall incorporate design improvements and practices as concluded by the approved Stormwater Management Report.
3. Approval and acceptance of the Traffic Impact Analysis by the Department of Public Works. The plat, site development plan and required permits shall incorporate design improvements and practices as recommended by the TIA.
4. Revising Phase 1 note under Development Phasing Schedule to state: “. . . Construction of 5 ft. sidewalk along the north side of SE 6th Street to connect with the sidewalk that terminates just east of Rice Road. Construction of 5' sidewalks along the length of the properties frontages on SE Croco Road and SE 6th Street.”
5. Correcting misspelling under Circulation, Parking, and Traffic note #6 and revising this note to state: “All improvements required by the Traffic Impact Analysis as approved by the City Traffic Engineer shall be completed by the developer prior to issuance of a Certificate of Occupancy for Phase 1. A revised Traffic Impact Analysis may be required by the City Traffic Engineer prior to development of Phase 2.”
6. Removing General Note #6 as it is duplicated under Circulation, Parking, and Traffic.
7. Adding note to Signage Notes to state: “Signage elevations to be approved at the time of sign permit application and shall be substantially compliant with those submitted as an exhibit to the Master PUD Plan.”
8. Adding note to Building Notes to state: “Building elevations to be approved at the time of site development plan review and shall be substantially compliant with those submitted as an exhibit to the PUD Master Plan.”
9. Revising Building Notes #3 to state: “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 6th Street façade (south facing) shall contain a form of architectural variations with respect to materials, texture, relief, color, etc. Mechanical, heating, air conditioning/cooling, and roof mounted equipment shall be screened or not visible from public rights-of-way and shall be located to the side or rear yards.”
10. Changing minimum required setback to south and east property lines to reflect actual building setback on the site plan.
11. Labelling the “circle” above the Waste Water Treatment Building on the PUD graphic as “Waste Water Treatment Equalizing Tank”.
12. Adding note under Building Notes: “The noise level of outdoor equipment shall be maintained to 60 decibels at the property line.”
13. Adding note under Building Notes: “Maintain acceptable minimum air quality standards as regulated by KDHE.”
14. Adding note under Building Notes: “There shall be no discernable odors emitting from the wastewater pre-treatment process beyond any property lines.”

15. Moving General Note #5 to Building Notes and revising to state: *“The location of trash and recycling receptacles shall be determined at the site development stage to ensure trash areas are not overly concentrated, are effectively screened from public areas, and provide adequate circulation within the overall development. All said receptacles shall have enclosures that screen the receptacles from view and are constructed with materials compatible with the front façade of the principal building.”*
16. Adding note: *“Pursuant to TMC 18.190, the applicant must record the Master PUD Plan with the Shawnee County Register of Deeds within sixty (60) days upon approval of the Governing Body. Failure by the applicant to record the plan within the prescribed time period and provide the planning department with the required number of copies of the recorded plan within ninety (90) days of the date of action by the Governing Body shall render the zoning petition null and void.”*

ATTACHMENTS:

Aerial Maps
Zoning Map
Master PUD Plan
Building Elevations
Sign Elevations
Existing Land Use Map
Schematic Landscape Plan
Memo from City Traffic Engineer
NIM meeting notes/written testimony