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December 7, 2016

Annie Driver, AICP, Planner II  
City of Topeka Planning  
620 SE Madison, 3<sup>rd</sup> Floor  
Topeka, KS 66607

RE: Reser's Public Information Meeting Recap

RECEIVED  
DEC 07 2016  
TOPEKA PLANNING  
DEPARTMENT

Dear Annie:

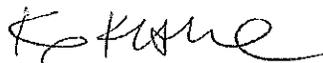
We held a Public Information Meeting for the proposed development located in the northwest corner of 6<sup>th</sup> Street and Croco Road. The meeting was held at Reser's Plant, 3215 SE 6<sup>th</sup> Street in Topeka. The proposed project is located one mile east of the Reser's location where the meeting was held. Thirty-seven (37) people signed in for the Attendance Record for the meeting, although many of the signees had family members with them. The major issues and concerns discussed were:

1. Noise involved with the new plant and traffic from the vehicles coming and going.
2. The smell associated with Reser's cooking operations.
3. Property valuations with a new industrial plant across the street from the homes on Croco.
4. Crime associated with industrial plants and the location of the houses near the plant.
5. Traffic increase and safety of vehicles on the proposed widening of Croco Road and the truck traffic entering and exiting the site from 6<sup>th</sup> Street.
6. Lighting of the proposed plant and overall aesthetics of the proposed project.
7. Drainage after construction of the new facilities and concrete on the existing farm field.
8. Existing location having a "residential feel" currently and industrial nature after construction.
9. Pollution of the proposed plant for the surrounding areas.
10. Concern for annexation of adjacent properties.

Included in this report are letters from residents (7) and sign-up sheets from the meeting (4).

If you have any questions, please contact us.

Sincerely,

  
Kevin K. Holland, P.E.

Kenneth M. Blair, P.E.  
*Chairman*

Robert S. Chambers, P.E.  
*President-Treasurer*

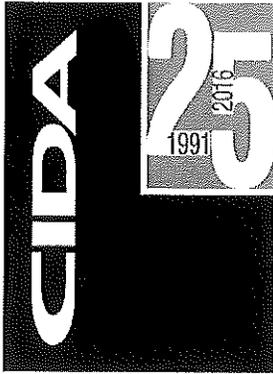
Sabin A. Yañez, P.E.  
*Senior Vice President-Secretary*

Kevin K. Holland, P.E.  
*Vice President*

Daniel W. Holloway, P.E.  
*Vice President*

Charles C. LePage, P.E.  
*Vice President*

Lance W. Scott, P.E.  
*Vice President*



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December 2, 2016

Memo:

RE: Reser's Topeka Croco and 6<sup>th</sup> Ave. Plant  
 CIDA #: 160213.01

RECEIVED  
 DEC 02 2016  
 TOPEKA PLANNING  
 DEPARTMENT

To: Ms. Driver  
 City of Topeka Planning Department

By: David G. Welsh AIA

This memo is in response to noise and odor issues discussed at a neighborhood meeting on December 1, 2016. Reser's is committed to addressing these issues and have worked diligently over recent years to improve the technology in these areas throughout their plants.

**Noise:**

Reser's has effectively managed noise levels on recent plant design and is exploring several options to reduce the noise levels that emanate from the refrigeration equipment for the new Topeka facility. We have hired a sound consultant to assist in developing plans to mitigate the noise from equipment and specifically the refrigeration system. We are looking at changing the fan pitch, change the direction of air flow upward and sound masking. The technology of refrigeration has developed since the Deer Creek facility and Reser is cognizant of their neighbor responsibility. To that end we are placing the refrigeration equipment at the northwest corner of the building to have minimal impact on the neighboring community. We have done research on noise ordinances and have found that many cities have a 60 decibel at the property line when abutting residential areas. Reser will strive to improve on that.

**Odor:**

Reser has just completed a new processing facility in Hillsboro, Oregon. As part of that development a production waste water system was designed to manage and reduce suspended solids, BOD and ph. This new facility is the latest technology in production waste water treatment. It has been in place for a year with no odor problems. Part of the technology was the redesign of the aeration system that adds more oxygen to the Equalization Tank allowing the "bugs" to work more effectively to eliminate the odor. This same facility technology will be utilized at the Croco site.

To further control odor, production solid waste is kept in a totally enclosed conditioned environment on the west side of the building. This enclosed area keeps waste out of sight, allows for control of the waste material and keeps any organic or other material from being introduced into the local environment. As with most industries, the technology and concerns for the environment have instituted better ways of handling waste to reduce impact on land fill and increase recycling activity.

ARCHITECTURE  
 ENGINEERING  
 PLANNING  
 INTERIORS

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**Fw: Resers**

1 message

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**Boomer Poyner** <mrboomer187@yahoo.com>  
Reply-To: Boomer Poyner <mrboomer187@yahoo.com>  
To: kholland@cfse.com

Fri, Dec 2, 2016 at 3:29 PM

My name is Howard Poyner  
242 SE Croco Rd 66607 (also own a home at 866 SE Eastgate Dr)

I will give you my opinion  
about this new Reser's that is being discussed at  
6th & Croco Rd.  
As you can tell from my  
address this new facility will be across the street and just  
up the road a little bit. It will bring A LOT more traffic  
and noise to a quiet neighborhood. With more traffic it  
means more accidents.

Traffic is the  
1st concern, there are several school busses that  
travel is area every day, that will not be good with the  
added semi traffic.  
(traffic study or not this will not be safe)

2. A. concern  
is the run off for storm water the area to the north of this  
property does not have storm drains, it runs through our  
yards and having this big of a cement slab just to the south  
of us means we will certainly be  
under water anytime it rains hard.

2. B. concern ... the  
lagoon that is going to be on the property. Where will this  
drain?? How will this water be treated?? It will certainly  
have to drain north I believe.

3rd concern is  
the disgusting smell that will be emitted from this  
factory and all of the trash  
around it. If you don't know what I'm  
talking about I'd strongly advise you to take a stroll  
down  
SE 6th St in front Reser's other plant and  
take a  
look and sniff.

4th concern is  
noise, this big of a manufacturing facility will be a big  
noise problem from all of their machinery to all of the semi  
truck pulling in and out right down to the beep beep beep  
when they are backing up. This is  
a quiet neighborhood now.

5th concern is  
the potential of lowering our property values because nobody  
wants to live that close to a large factory. (I sure as hell  
would not have bought my house 4 years ago had I known this was even a possibility)

I have lived within 2

miles of 6th & Croco my entire life, my  
mother was one of the 1st 3 homeowners in  
Eastgate in 1970

I moved farther east to  
get away from all of the hustle & bustle, noise, garbage  
and traffic. This is where some of us are raising families  
and did not want to be around a facility such as this.

Surely there is another  
place in this city that is already zoned for commercial that  
is better suited for everyone involved.

SO IN A NUTSHELL I STRONGLY OPPOSE  
THIS BEING BUILT HERE & REZONING.

\_\_\_\_\_Howard Poyner\_\_\_\_\_

\*\*\*\*\* I want my voice to be heard and hope  
this city council meeting is not just for show and all the  
residents opinion are taken into consideration.\*\*\*\*\*

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## Reser's PUD

1 message

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jspiker1 <jspiker1@cox.net>  
To: Engineer Kevin Holland/Reser's <kholland@cfse.com>

Sat, Dec 3, 2016 at 10:39 AM

Date: 12-3-2016

To: Kevin Holland, CFS Engineers

From: Lonnie and Janice Spiker, 526 SE Croco Road, Topeka, KS. 66605

Subject: Questions/Concerns for December 19, 2016 Planning Commission Meeting in the City Council Chambers, Topeka, KS.

### PRIVACY FENCING:

CONSIDER: Putting a privacy fence from the beginning of the site at 6<sup>th</sup> St. and Croco Road to the North end of the site.

### NOISE:

In numbers, what will the sound level be from the site ?

### TRASH

The people working on the closed convenience store and the closed car wash are not being responsible for their trash. A Rapid Rubble large dumpster was there for weeks being full of items from the men working in the closed convenience store. Soon people were using it for old furniture, trash and etc. The dumpster was overflowing with an old household trash.

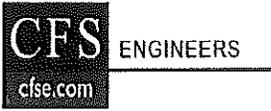
For weeks after looking at this mess, plus the trash ending on our property, we called Rapid Rubble and asked if they would consider picking it up as it was overflowing and trash blowing in the neighboring yards. The dumpster was picked up that same day. Rapid Rubble left an old large old couch sitting next to the gas pumps. Probably because the dumpster was so overflowing. The couch sat there for many days before being removed.

Is this how Reser's/Engineering/Workers will handle their trash ?

### L-1 Zoning District Summary States:

This is a wide range of uses excepted specified uses which are obnoxious or offensive by reason of **odor, dust, smoke, gas or noise**. The permitted uses are highly intensive. In general, residential dwellings are not permitted in this district, but there are exceptions.

What will the numbers be for **odor, dust, smoke, gas** ?



Kevin Holland <kholland@cfse.com>

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**resers plant expansion**

1 message

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randy coffman <r331@msn.com>

Sun, Dec 4, 2016 at 2:59 PM

To: "kholland@cfse.com" <kholland@cfse.com>

This is a letter of protest on the new resers plant proposal. I and all of my neighbors are against this expansion in our neighborhood.. One reason is noise because Croco rd is always having constant traffic down it now. Also the noise factor of the plant itself. And enviornmental pollution smells of foods polluting our air. And not to mention it will probably bring property values. And a constant stream of semi trucks up and down the road. This can be put somewhere else I'm sure not so close to housing areas. Also the other resers plant they built by deer creek blots out the sun its so tall. nobody wants this and we were not really consulted about this before they started it. Pretty dirty politics if you ask me. You want it put it by your house. No I don't think you would, Thanks Randy Coffman 331 se Croco rd

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## Reser's planned expansion

1 message

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Mark Armstrong <marmstrong@usd343.org>  
To: kholland@cfse.com

Sun, Dec 4, 2016 at 9:08 PM

Dear Kevin:

My name is Mark Armstrong and I live at 344 SE Croco Road, Topeka, KS. 66607. After attending the meeting at Reser's last Thursday, I have thought about several complaints that I have about the proposed expansion at 6th and Croco.

1. We just found out about the proposed expansion a couple of weeks ago. From all I have heard, this has been in the works for a long time before that. I thought that in a democracy that the government is supposed to represent ALL of the people, not just BIG business. The city government should have consulted with us a long time ago. This year the silent majority rose up to select a new President. I wish you would have been more mindful of the silent majority in Topeka over this controversial issue.
2. I am concerned about the noise pollution, air pollution and the amount of traffic that will increase in our area. The odors and noise from the current plant on 6th street are very overwhelming at times and not a good thing to live near. My wife and I bought this place over 3 years because it is a quiet and peaceful neighborhood with great neighbors. We were looking forward to retiring in such a peaceful setting. That now seems to be in danger of happening because of Reser's new plant right across the road from us.
3. Three shifts working 24 hours a day. That means shift changes and much noise when we are trying to sleep. We are not happy about this.
4. We were told at the meeting at Reser's on Dec. first that Croco road would be enlarged to a 3 lane road with curb and gutter. However, in reading other paperwork we understand that the plans are for a 5 lane road. Which is it? In any event, there will be an increase amount of traffic that will be very unsettling. We are not pleased with this aspect of the project.
5. Water run off. With so much pavement covering the acreage, a 1 inch rainfall will give thousands of gallons of rain water a need to drain. If it goes down Croco road to the north, there are many homeowners with low areas in their yards. What do you plan to do about potential runoff because of the hard surfaces on the new plant site?
6. We are concerned with the devaluation of our property. If we decide to sell our property in the next few years, there might not be anyone that is willing to pay us what we need to pay off our mortgage in full. Nobody will want to live across the street from the Reser's plant.
7. We are also concerned with the potential for increased crime.

These are some of our major concerns. There are a few other minor ones, but other people will probably mention them. I would encourage you and other members of the Planning Committee to consider these issues and remember that the people in this neighborhood are already stressed about the potential of the new plant being built in the midst of several residential areas. Please reconsider and vote against the planned expansion.

IN ADDITION, I HAVE A COUPLE OF QUESTIONS ABOUT THE MEETING ON THE 19TH OF DECEMBER.

1. CAN ANYONE IN THE NEIGHBORHOOD STAND AND SPEAK TO THE PLANNING COMMISSION FOR 4 MINUTES, OR CAN ONLY HOMEOWNERS WITHIN A CERTAIN NUMBER OF FEET OF THE PROPERTY HAVE THAT RIGHT?
2. DO WE HAVE TO SIGN UP AHEAD OF TIME IN ORDER TO SPEAK TO THE PLANNING COMMITTEE? (I HEAR CONFLICTING REPORTS ON THAT ISSUE.)

Thanks for your time and interest. I look forward to seeing you at the next meeting.

Respectfully,  
Mark Armstrong  
344 SE Croco Rd.  
Topeka, KS



Kevin Holland <kholland@cfse.com>

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## Proposed Reser's Food Processing Plant

1 message

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deuan miller <deun65@yahoo.com>

Tue, Dec 6, 2016 at 7:53 PM

Reply-To: deuan miller <deun65@yahoo.com>

To: "Kholland@cfse.com" <Kholland@cfse.com>, "adriver@topeka.org" <adriver@topeka.org>

To whom it may concern:

We live at 520 SE Croco rd directly across the street from Reser's proposed new plant. The traffic this plant

will cause with cars and trucks will be terrific day and night. Lights will be blaring night and day.

Huge noisy fans

will be blowing all the time and the smell from making potato salad and any other food will be terrible as it is at the plant they have further west of us.

They plan on widening Croco rd and 6th street, but that will not eliminate all the traffic noise and confusion.

This area is a residential area with houses on both sides of Croco and 6th street. We have lived here for over 50 years and you know the value of our home and all the homes around us will be drastically depreciated.

Reser's also want to be taken into the city so they can have all the city amendments such as gas, water, and sewer. There is no reason for them to be able to change zoning for this property to put such buildings in the middle of mostly homes and housing. Please consider our plea to refuse this going request. Put yourself in our place and see if you would like this construction across the street from you.

This is a huge factory they are wanting to put in a residential area.

David and Virginia Martinson

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## Reser's zoning change

1 message

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Jones, Trey <Trey.Jones@bnsf.com>

Wed, Dec 7, 2016 at 12:55 AM

To: "kholland@cfse.com" <kholland@cfse.com>, "adriver@topeka.og" <adriver@topeka.og>, "mghall@topeka.com" <mghall@topeka.com>, "ddiediker@topeka.org" <ddiediker@topeka.org>, "sortiz@topeka.org" <sortiz@topeka.org>  
Cc: "Jones, Trey" <Trey.Jones@bnsf.com>, "kevin.cook@snco.us" <kevin.cook@snco.us>, "tbsjones@cox.net" <tbsjones@cox.net>

Mr. Holland,

Thanks for taking the time to meet with the neighborhood folks at the Reser's plant on December 1<sup>st</sup>. I live at 612 SE Croco rd., and I appreciate the opportunity to weigh in and add comment to your report being drafted for the Topeka Planning Department.

Obviously the neighborhood is not too excited about the potential of an industrial plant being built in the neighborhood, and I think that message was clearly, and at times unprofessionally, communicated that night. I think the concerns that we all share are obvious, and I don't think they differ from anyone else in the community if they were about to have a potato salad plant built next to, or across the street from them. I will offer several concerns that I have for my family, and then finish with a more personal reason as to why I am opposed to the zoning change.

- **Crime** – I understand from speaking with the TPD that they respond to disturbances at the Reser's parking lot someone often, and especially during shift change. The reasons for calls are many, but drugs usage or transactions, fights, and thefts would be the most common. Obviously the number of calls in the proposed new plant location is zero, so any increase in law enforcement calls, or the need for law enforcement presence, could be 100% up to 1000% increase, and maybe more, depending on the actual data once the plant is built.
- **Smell** – The current Reser's plant on 6<sup>th</sup> street is maintained well and I know that they put effort into keeping the plant clean, presentable, and being good stewards of the areas surrounding their plants. I spoke to a service technician from local service company who at the time of the story was unaware of where I lived. He told me a story about a call that he received from Payless Shoes not too long ago. The call was placed because they thought that there might be a sewer leak in the building due to a strong smell of sewage throughout. What the service technician ultimately found is that Payless had their fresh air intake dampers open, bringing air in from outside, which was coming from the Resers plant. No broken sewer line was found, and once the fresh air intake dampers were closed, the smell subsided. I am not trying to accuse Reser's of producing that smell all the time, but I am assuming that the plant will produce similar smells based on its manufacturing practices, intentional or not. These are not the type of smells I want in my house during the spring and fall when I have my attic fan on bringing in fresh air, or while out in the pool with my children during the summer.
- **Noise** – The Resers plant runs ammonia generators that are raised in the air approximately 25 feet. These mechanical devices are extremely loud, and produce a lot of noise in the area of the plant. The fans at one of the plants can be heard from my house at their current plant location if the wind is right. At its current state, the site being proposed for the new plant produces no noise aside from an occasional excessive acceleration from the stop light, or a freight train passing by when the wind is out of the north. Right now at night, I can sit on the deck around the pool, or on the back patio, and enjoy the sound of insects at dusk, or conversation with family and friends. I do not want to sit on back deck and listen to Reser's ammonia generators, or a Reser's semi-truck hooking up to or hauling trailers from the plant to the distribution center on Carnahan.

- **Property value** – It would probably be safe to assume that the property value of the houses in neighborhood of the plant would have their property values negatively impacted by the construction and operation of the plant. I did not want to just assume, so I had an appraiser come out to look at my house to give me the market value of my house with the neighborhood in its current condition. This information will be used to set a benchmark property value, and could be used in a future lawsuit if the value of the property is in fact affected by the construction of the plant should the zoning change be approved by the City of Topeka. In addition to the property value, the desirability for a buyer is all but gone, and the chances of current residents selling their homes once the plant is built is slim to none.

- **Attractiveness to other industrial plants further south** – Once industry is allowed to enter the area at 6<sup>th</sup> and Croco, there is a good potential that other corporations will find the area that is south of 6<sup>th</sup> street on Croco road attractive too. If other corporations don't see immediate value themselves, certainly JEDO would continue to consider the area for future industry.

- **Increased traffic** – I am not clear whether a traffic study was completed or not. You mentioned at the neighborhood meeting that one was done, but the paperwork submitted to the City contradicts that statement, and instead states that one was not completed. There is no arguing that passenger traffic in the area is going to be increased by employees coming and going to work, and at all different times of the day due to the shift schedules that Reser's maintains. This increase in passenger traffic from the Reser's plant will be in addition to the increase in traffic that the area will see due to the 300 employees that FUTAMURA plans to begin employing within the next couple months. In addition to passenger traffic, an increase in tractor trailer traffic will be certain, indicative of the roads surrounding the plant being widened to accommodate industrial sized lanes and trucks.

- **Increased lighting and overall aesthetics** – The area that the plant is being proposed to be built in is a dark agricultural area with the only current lighting coming from the dim lights inside the gas station, and the exterior lights on the farm house. This allows us to see stars at night, and enjoy the darkness of the county. If the plant is built, parking lot lighting will be necessary to reduce crime, move trailers, and make it possible to navigate around the plant. This lighting will light the area up like a stadium. This is obviously not desirable, and will cause a disruption to normal life in the area.

- **Choice of land** – Although I understand that the land chosen for the new plant was done so because it "made the most sense" for Reser's and was the easiest to acquire due to only having to buyout six property owners, being flat land, no rocks, city services already run to the site. It seems as though there are other options, better options, that would not only be less disruptive to the residents of the county, but would offer more convenience to the City of Topeka, and Reser's. I think these areas are already in the city limits, and are closer in proximity to the existing plant. These properties may not be as easy to acquire due to circumstances that the owners may be in, but I would think the City and owners could work together to get the deal done. The area of Eastgate shopping center, and surrounding apartments should be considered. Additionally the 35 acres owned by Forrest Park Retreat and Conference Center just south of the current salad plant would only require Reser's to acquire property from one owner and would not have an effect on any surrounding neighborhood. This would connect the Reser's plants on 6<sup>th</sup> street and the 10<sup>th</sup> street. There is also 22 acres owned by five different land owner immediately east of the existing burrito plant on 10<sup>th</sup> street. This area would be adjacent to the existing plant. There is also 32 acres of agricultural ground on 21<sup>st</sup> street between Carnahan and Wittenburg road that could be purchased and not affect any residential area. An argument could be made by Reser's that the land at 21<sup>st</sup> and Wittenburg or the land owned by Forrest Park Retreat and Conference Center is in a NEMA flood plane, which is true, but Reser's current salad plant on 6<sup>th</sup> street, and their tortilla plant on 10<sup>th</sup> street is currently in the same NEMA AE zone.

I purchased my house from my Grandfather after my Grandmother passed away. My Grandparents bought this house sometime round 1971, and this house became our family house in which all of our Easter, Thanksgiving, Christmas, and birthday dinners took place my entire life growing up. When my wife and I bought the house in 2001, we did so with the unwritten rule that we would continue to host the family dinners in the family house. We have kept that tradition alive even though our family has been blessed with over 35 people attending. The Reser's corporation is inadvertently and unintentionally disrupting our family traditions due to the fact that we may be forced to sell the family house based on the reason provided above.

It's no surprise when I say that I am in opposition of the zoning change and am requesting that either the Planning Department deny the request by Resers to change the zoning on the parcels being requested at 6<sup>th</sup> and Croco rd, or send letter to the City Council recommending that they deny the zoning change request. Additionally I would challenge the City of Topeka to work with Reser's to find another area to construct the salad plant, that is not in a residential area, and possibly clean up an area of the city that could use some revitalization and new industry.

Thank you for taking the time to read my concerns, and thanks in advance for including my comments in your report.

Thanks,

Trey Jones



Kevin Holland <kholland@cfse.com>

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## Concerns regarding Case #PUD16/5

1 message

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Rebecca Cannon <jopari@gmail.com>  
To: kholland@cfse.com, adriver@topeka.org

Wed, Dec 7, 2016 at 9:48 AM

Greetings,

We are emailing you regarding Case #PUD16/5 wherein Reser's Fine Foods has applied to rezone a 26 acre property at the northwest intersection of SE Croco Rd. and SE 6th Ave. We have done research and attached to this email is a document outlining these concerns in detail. We have provided identical documents in both .docx and .pdf format for your convenience.

Thank you.

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### 2 attachments

-  **Concerns Regarding Reser's Case #PUD16 5.docx**  
10K
-  **Concerns Regarding Reser's Case #PUD16 5.pdf**  
82K

Subject: Concerns regarding Case #PUD16/5

Greetings,

We are emailing you regarding Case #PUD16/5 wherein Reser's Fine Foods has applied to rezone a 26 acre property at the northwest intersection of SE Croco Rd. and SE 6th Ave from a combination of RR-1 Residential Reserve District and C-2 Commercial District to an I-1 Light Industrial District. The applicant's plan for the property, should it be rezoned, is for it to serve as the site of a new 318,000 sq. ft. food processing and packaging facility, as well as an 85,000 sq. ft. storage and distribution building.

As residents within the affected area, we have these concerns and many more regarding the planned facility.

- **Pungent Odors and Air Quality**
- **Undue Burden on Homeowners and County Sheriff's Department From Increased Crime Originating From The Facility**
- **Disingenuous Phrasing Pertaining to Light Pollution and its Distressing Impact On Our Homes**
- **Significant Concern About Privacy In Our Homes**
- **Lack of Positive Impact on Current Deer Creek Location**
- **Massive Decline in Property Values and Likely Deterioration of Surrounding Area**
- **Catastrophic Failure To Abide By the 2040 Land Use and Growth Management Plan And Zoning Requirements**
- **Reasonable Expectations of our Neighborhood and Quality of Life**
- **Burden of Inevitable Traffic on the Roads to the North of the Property**
- **Waste Water Management and Burden on Existing Infrastructure**
- **Condition of Current Facility**
- **Conclusion**

## **Pungent Odors And Air Quality**

The food processing and packaging facility that Reser's Fine Foods is planning to construct would be used to make prepared salad products similar to their other facility at Deer Creek. While driving by the Deer Creek Reser's Fine Foods plant, there is often a noticeable odor coming from it. This has been particularly noticeable in the last few months at night, where there has been an overwhelming odor of sewage.

After affected residents, including ourselves, voiced our concerns regarding the smell of the Deer Creek facility, Reser's Fine Foods appended a supplemental memo to their PUD regarding the odor and noise pollution of their manufacturing and processing plants. On the topic of produced odor, the memo states that the technology that facilitates production wastewater treatment has improved, and that the facility that was constructed in Hillsboro, Oregon in 2014 has been in place for a year with no odor problems. We are skeptical of the memo's claim however, as the Hillsboro, Oregon facility was constructed within Hillsboro's North Industrial Area Enterprise Zone. This zone is specifically for industrial uses with limited commercial uses, and no new residential uses are permitted. The memo never states what constitutes an "odor problem," but we think that it is fair to assume that there is a considerable difference between an "odor problem" for a facility residing in a purely industrial/commercial area and an "odor problem" for a facility that would be bordering a residential area.

## **Undue Burden on Homeowners and County Sheriff's Department From Increased Crime Originating From The Facility**

Our neighborhood currently has absolutely nowhere near the amount of crime that surrounds the Deer Creek Reser's plant. The CPTED standards mentioned in the utility notes section of the PUD Master Plan acknowledge and address the reality of increased crime rates in facilities with large parking lots and high activity. With our homes directly across the street that are not landscaped / fully illuminated with the intention of deterring crime, there is the very real possibility of crime/theft escaping the boundaries of the isolated industrial setting and picking the less secure 'easier target' residential houses. Since the facility would be spot annexed into Topeka, it would stand to reason that the Topeka police department would handle crime on their property. However, any crime that would originate from Reser's and end up affecting our properties would be handled by the Sheriff's department. This is an unfair burden on their officers and staff and to us, the homeowners who will no longer have any peace of mind and who will be forced to invest in making our properties more secure.

## **Disingenuous Phrasing Pertaining to Light Pollution and its Distressing Impact On Our Homes**

The amount of visible light that will be coming from the plant is a very serious concern for this neighborhood. There is currently no artificial lighting coming from the plot of land under consideration, and there are also very few street lights within the surrounding area on Croco. The site plan states that the lights will be "full cut off" and "not exceed 3 foot candles luminance past the property line." This seems to be worded to imply that we will not see any visible light from the facility in our homes. However, the CPTED standards mentioned in the same section are standards for parking lot lighting intended to reduce the historic dramatic increase in crime rates surrounding a large amount of parking space. It seems disingenuous to use a standard of "illumination of an area" in this case to claim that their lighting will not be obtrusive to "our properties". Their lighting may not provide more than three foot candles of direct illumination to our properties across the street, but it will still be fully visible and distressing from the front yards and windows of all of our houses that are directly facing it.

## **Significant Concern About Privacy In Our Homes**

The fact of the proposed facility directly facing our houses brings up a huge privacy concern as well. The PUD Master Plan states that there will be a "Minimum of 50% of the main entry of the front facade shall be comprised of windows and door openings". There is also a planned 640 square foot outdoor break area on the same side. These elements, combined with the foot traffic from the parking lot, are all in direct visibility of the front side of our homes. The updated PUD Master Plan shows planned 5 foot landscaping berms in the areas that are not roads. It is unclear whether they are suggesting them to be 5 feet wide and flat or 5 feet tall, but even if they intend for them to be 5 feet tall, this is still not tall enough to address privacy concerns. The proposed addition of trees to the berms would also not be mature enough for additional privacy for quite a long time.

## **Lack of Positive Impact on Current Deer Creek Location**

The distance between our neighborhood and Deer Creek may seem insignificant when viewing it terms of miles, but our economic situation, quality of housing and quality of life are incomparable. The neighborhood plans for all of the neighborhoods in and around the Deer Creek plant are almost entirely in "intensive care" status, with very high crime rates and very high rates of poverty. Even though these neighborhoods have not been healthy since before Reser's established themselves there, their presence has clearly not improved the situation. It has been historically shown that the presence of industrial type facilities dramatically lowers the property values of the surrounding homes.

### **Massive Decline in Property Values and Likely Deterioration of Surrounding Area**

Property values are of utmost concern for all residents of our neighborhood. Potential buyers will be at best "put off" by the industrial setting, and at worst, will assume that our neighborhood is an extension of the critically ill neighborhoods around Deer Creek and avoid viewing the homes entirely when listed at current market value. If a home is forced to sell for well below previous market value or simply be left unsold and unoccupied, there is a very real concern that the quality of the neighborhood would deteriorate.

### **Catastrophic Failure To Abide By the 2040 Land Use and Growth Management Plan And Zoning Requirements**

As previously mentioned, the rezoning application is for converting a property that is currently a combination of RR-1 Residential Reserve District and C-2 Light Commercial District into an I-1 Light Industrial District. The description of an I-1 Light Industrial District specifically states that **no residential uses are permitted**. Given that only a small section of the property is marked as C-2 and the majority of the property is marked as RR-1, this rezoning seems to go against the specifications of an I-1 district. The 2040 plan states that an annexation must be consistent with the Comprehensive Plan, and industrial uses must be limited to the Employment Tier. Our neighborhood is classified as Service Tier 3 and a Residential Urban Growth area. This is clearly an extreme deviation from long term expectations.

### **Reasonable Expectations of our Neighborhood and Quality of Life**

Since we live outside of the city limits, we have a low level of noise in our neighborhood. This is especially true at night, where the only noise is the occasional vehicle driving by. After talking to some of our neighbors at the public meeting, we learned that some residents in the neighborhood even moved here specifically for the lack of noise. The Deer Creek facility emits noise at all hours, and it can be assumed that the planned facility would as well due to its similarities. If this rezoning is approved, the quality of life for every resident in the entire neighborhood would be dramatically decreased due to the constant barrage of sound coming from the plant.

After hearing our concerns at the public meeting regarding the noise pollution of the Deer Creek plant, Reser's Fine Foods appended a memo regarding the noise output of the planned facility. The memo states that recently constructed plants emit less noise than the Deer Creek facility, and that they are exploring options for decreasing the noise of the plant such as changing the fan pitch and moving the placement of the refrigeration equipment further away from the property line. Regardless of whether these steps decrease the level of noise coming from the plant, the fact remains that the plant would be a consistent source of noise in an area that was

previously isolated from industrial noise. The end of the relevant section of the memo even admits this where it states that they will try to "improve" on the maximum volume limit set by city ordinances.

### **Burden of Inevitable Traffic on the Roads to the North of the Property**

Reser's claims that they will widen Croco up to the north edge of their property and no further, and they see no opportunity for "pass by traffic" - However, this assessment seems to assume that all workers will not arrive there or go back home by travelling north, whether to Oakland or up to North Topeka. It is foolish to think that the part of Croco that is north of the facility will not be significantly impacted. Shawnee County will then be forced to provide a significantly increased amount of maintenance for the affected roads in their jurisdiction, but they won't see any benefits since the taxes taken from the money generated by the project will go to the city.

### **Waste Water Management and Burden on Existing Infrastructure**

The 2040 Land Use Plan states that rezoning should not be permitted if the increase in waste water is significantly more than what the land was previously used for. They have addressed the water runoff, but there would be an incredible amount of water that will be used and discarded for the processing of food, whether that water is treated at the facility or not. The Land Use Plan also states that it should not be an "undue burden on the surrounding infrastructure". It seems very unlikely that the city water hookup intended for a small gas station would be anywhere near sufficient for the needs of a giant industrial building. Judging by the state of our non-working fire hydrant across the street and the GasTrip that frequently smells of sewage inside, it also seems unlikely that any significant maintenance has been performed on those water/sewer lines for quite some time.

### **Condition of Current Facility**

The parking lot of the Deer Creek Reser's facility where the Public Information Meeting was held was full of litter and trash as we walked into the building, and the air had a very distinct odor to it. Their turbines were also still producing a significant amount of noise well after the meeting had concluded. This was a very poor impression to be leaving on the residents of the neighborhood that they are attempting to pacify.

### **Conclusion**

To summarize, the proposed plan claims to want to "work with the residents of the neighborhood", but the problem lies entirely in that statement. It is grossly inappropriate for an industrial facility to attempt to rezone and annex into the city a Service Tier 3 Residential Urban Growth Area into a Light Industrial District, especially since there are no projected plans for industrial growth in this area. This seems to be a clear case of spot zoning with special interests in mind, to the willfully blind detriment of the area surrounding it.

Thank you for your time and consideration in this matter.

Residents of the Affected Neighborhood

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**Re: Reser's planned expansion**

1 message

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Kevin Holland <kholland@cfse.com>

Wed, Dec 7, 2016 at 2:11 PM

To: Mark Armstrong <marmstrong@usd343.org>

Thank you for your comments Mark. I wanted to answer your questions.

1. CAN ANYONE IN THE NEIGHBORHOOD STAND AND SPEAK TO THE PLANNING COMMISSION FOR 4 MINUTES, OR CAN ONLY HOMEOWNERS WITHIN A CERTAIN NUMBER OF FEET OF THE PROPERTY HAVE THAT RIGHT?

- Anyone can speak at the public hearing about the issue.

2. DO WE HAVE TO SIGN UP AHEAD OF TIME IN ORDER TO SPEAK TO THE PLANNING COMMITTEE? (I HEAR CONFLICTING REPORTS ON THAT ISSUE.)

- You DO NOT have to sign up to speak. They will ask people to speak on each position.

Thank you,

Kevin Holland, PE  
Vice President



Kevin K. Holland, P.E. | CFS Engineers

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On Sun, Dec 4, 2016 at 9:08 PM, Mark Armstrong <marmstrong@usd343.org> wrote:

Dear Kevin:

My name is Mark Armstrong and I live at 344 SE Croco Road, Topeka, KS. 66607. After attending the meeting at Reser's last Thursday, I have thought about several complaints that I have about the proposed expansion at 6th and Croco.

1. We just found out about the proposed expansion a couple of weeks ago. From all I have heard, this has been in the works for a long time before that. I thought that in a democracy that the government is supposed to represent ALL of the people, not just BIG business. The city government should have consulted with us a long time ago. This year the silent majority rose up to select a new President. I wish you would have been more mindful of the silent majority

in Topeka over this controversial issue.

2. I am concerned about the noise pollution, air pollution and the amount of traffic that will increase in our area. The odors and noise from the current plant on 6th street are very overwhelming at times and not a good thing to live near. My wife and I bought this place over 3 years because it is a quiet and peaceful neighborhood with great neighbors. We were looking forward to retiring in such a peaceful setting. That now seems to be in danger of happening because of Reser's new plant right across the road from us.
3. Three shifts working 24 hours a day. That means shift changes and much noise when we are trying to sleep. We are not happy about this.
4. We were told at the meeting at Reser's on Dec. first that Croco road would be enlarged to a 3 lane road with curb and gutter. However, in reading other paperwork we understand that the plans are for a 5 lane road. Which is it? In any event, there will be an increase amount of traffic that will be very unsettling. We are not pleased with this aspect of the project.
5. Water run off. With so much pavement covering the acreage, a 1 inch rainfall will give thousands of gallons of rain water a need to drain. If it goes down Croco road to the north, there are many homeowners with low areas in their yards. What do you plan to do about potential runoff because of the hard surfaces on the new plant site?
6. We are concerned with the devaluation of our property. If we decide to sell our property in the next few years, there might not be anyone that is willing to pay us what we need to pay off our mortgage in full. Nobody will want to live across the street from the Reser's plant.
7. We are also concerned with the potential for increased crime.

These are some of our major concerns. There are a few other minor ones, but other people will probably mention them. I would encourage you and other members of the Planning Committee to consider these issues and remember that the people in this neighborhood are already stressed about the potential of the new plant being built in the midst of several residential areas. Please reconsider and vote against the planned expansion.

IN ADDITION, I HAVE A COUPLE OF QUESTIONS ABOUT THE MEETING ON THE 19TH OF DECEMBER.

1. CAN ANYONE IN THE NEIGHBORHOOD STAND AND SPEAK TO THE PLANNING COMMISSION FOR 4 MINUTES, OR CAN ONLY HOMEOWNERS WITHIN A CERTAIN NUMBER OF FEET OF THE PROPERTY HAVE THAT RIGHT?
2. DO WE HAVE TO SIGN UP AHEAD OF TIME IN ORDER TO SPEAK TO THE PLANNING COMMITTEE? (I HEAR CONFLICTING REPORTS ON THAT ISSUE.)

Thanks for your time and interest. I look forward to seeing you at the next meeting.

Respectfully,  
Mark Armstrong  
344 SE Croco Rd.  
Topeka, KS

## CITY OF TOPEKA SIGN IN SHEET

Open House			Date:
Name Company	Address	Phone Number (s)	E-Mail
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Beverly Clark	337 SE Croco	785 608-4374	belark4374@gmail.com
Pat & Debbie Rehrman		379 5168	Lot 35 00 H 40
Mark Armstrong	344 SE Croco Rd.	785-845- 6484	MARMSTRONG@USD343.org
Lila Amaty	) )	785 354 1488	larluarm@aol.com
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Howard Poyner	242 SE Croco Rd	633-3290	
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