

TOPEKA PLANNING COMMISSION

A G E N D A

Monday, September 19, 2016

6:00 P.M.

**214 East 8th Street
City Council Chambers, 2nd Floor
Municipal Building
Topeka, Kansas 66603**

Persons addressing the Planning Commission will be limited to four minutes of public address on a particular agenda item. Debate, questions/answer dialogue or discussion between Planning Commission members will not be counted towards the four minute time limitation. The Commission by affirmative vote of at least five members may extend the limitation an additional two minutes. The time limitation does not apply to the applicant's initial presentation.

Items on this agenda will be forwarded to the City Council for final consideration. The progress of the cases can be tracked at: http://www.topeka.org/planning/staff_assignment/tracker.pdf

All information forwarded to the City Council can be accessed via the internet on Thursday prior to the City Council meeting at: <http://public.agenda.topeka.org/meetings.aspx>



ADA Notice: For special accommodations for this event, please contact the Planning Department at 785-368-3728 at least three working days in advance.

HEARING PROCEDURES

Welcome! Your attendance and participation in tonight's hearing is important and ensures a comprehensive scope of review. Each item appearing on the agenda will be considered by the City of Topeka Planning Commission in the following manner:

1. The Topeka Planning Staff will introduce each agenda item and present the staff report and recommendation. Commission members will then have an opportunity to ask questions of staff.
2. Chairperson will call for a presentation by the applicant followed by questions from the Commission.
3. Chairperson will then call for public comments. Each speaker must come to the podium and state his/her name. At the conclusion of each speaker's comments, the Commission will have the opportunity to ask questions.
4. The applicant will be given an opportunity to respond to the public comments.
5. Chairperson will close the public hearing at which time no further public comments will be received, unless Planning Commission members have specific questions about evidence already presented. Commission members will then discuss the proposal.
6. Chairperson will then call for a motion on the item, which may be cast in the affirmative or negative. Upon a second to the motion, the Chairperson will call for a role call vote. Commission members will vote yes, no or abstain.

Each item appearing on the agenda represents a potential change in the manner in which land may be used or developed. Significant to this process is public comment. Your cooperation and attention to the above noted hearing procedure will ensure an orderly meeting and afford an opportunity for all to participate. Please Be Respectful! Each person's testimony is important regardless of his or her position. ***All questions and comments shall be directed to the Chairperson from the podium and not to the applicant, staff or audience.***

Members of the Topeka Planning Commission

Brian Armstrong
Kevin Beck
Rosa Cavazos
Scott Gales, Chair
Dennis Haugh
Carole Jordan
Wiley Kannarr
Katrina Ringler
Patrick Woods, Vice Chair

Topeka Planning Staff

Bill Fiander, AICP, Planning Director
Carlton O. Scroggins, AICP, Planner III
Dan Warner, AICP, Planner III
Mike Hall, AICP, Planner III
Tim Paris, Planner II
Dean W. Diediker, Planner II
Annie Driver, AICP, Planner II
Susan Hanzlik, AICP, Planner II
Taylor Ricketts, Planner I
Kris Wagers, Office Specialist

AGENDA
Topeka Planning Commission
Monday, September 19, 2016 at 6:00 P.M.

A. Roll call

B. Approval of minutes – August 15, 2016

C. Communications to the Commission

1. Recognition of outgoing Commissioner Kevin Beck

D. Declaration of conflict of interest/exparte communications by members of the commission or staff

E. Public Hearings

- 1. Z66/20D Carriage House Master Planned Unit Development By: Kansas Carriage House LLC** requesting to amend the master plan and expand the boundary of the existing 9.1-acre Planned Unit Development (“M-2” Multiple Family Dwelling uses) at 1601 SW 37th Terrace to include an additional 0.6 acres of property currently zoned “R-1” Single Family Dwelling District and located at 1701 SW 37th Street. **(Driver)**

F. Action Item

- 1. P16/12 Topeka Investment Group Subdivision #3 by: Mycose Entrepreneur Inc.** A minor plat, requesting approval of a design variance in accordance with TMC 18.30.040 of the Subdivision Regulations to the provision of TMC18.40.110 regarding every lot in a subdivision having frontage upon a street on property located at 601 NW US 24 Highway, all being inside the city limits. **(Driver)**

G. Discussion Items

1. Zoning Code/Matrix Amendments (Group A)

Review of Title 18 of the Topeka Municipal Code and potential amendments, including:

- Site and Landscape Ordinances
- Automobile Wrecking and Salvage Yards
- Microbreweries, Microdistilleries, etc.
- Mobile Retail Vendors
- Outdoor Concert Venues
- Truck Stops, etc.
- Wood and Yard Waste Recycling

G. Adjournment



CITY OF TOPEKA
TOPEKA PLANNING COMMISSION

MINUTES

Monday, August 15, 2016

6:00PM – Municipal Building, 214 SE 8th Street, 2nd floor Council Chambers

Members present: Scott Gales (Chair), Kevin Beck, Carole Jordan, Katrina Ringler, Wiley Kannarr, Brian Armstrong, Dennis Haugh, Rosa Cavazos, Patrick Woods (9)

Members Absent: (0)

Staff Present: Bill Fiander, Planning Director; Mike Hall, Planner III; Annie Driver, Planner II; Mary Feighny, Legal; Kris Wagers, Office Specialist

A) Roll Call – Nine members present for a quorum.

B) Approval of Minutes from July 18, 2016

Motion to approve as typed; moved by Mr. Beck, second by Mr. Haugh. **APPROVED** (9-0-0)

C) Communications to the Commission –

Mr. Fiander reminded commissioners and public that Futures 2040 kick-off meetings would be held at noon and 5:30PM at the Topeka/Shawnee County Public Library this Thursday (8/18/16). All are encouraged to attend.

Mr. Fiander gave information about National Park Service/Oregon Trail Riverfront Park design charrette taking place the week of August 22 at the Great Overland Station. All are encouraged to attend.

**D) Declaration of conflict of interest/exparte communications
by members of the commission or staff**

Mr. Beck and Mr. Gales both stated they would need to abstain from item E2 on the agenda, PUD16/02 by Heartland Management Co. / First Assembly of God.

E) Public Hearings

1) PUD16/03 by Working Men of Christ Ministry requesting to amend the District Zoning Classification from “R-2” Single Family Dwelling District TO “PUD” Planned Unit Development (“R-2” Single Family Dwelling District use group plus re-use of the residential structure for a Correctional Placement Residence, Limited Use intended for use by the Working Men of Christ) on property located at 1025 SW Western Avenue. **(Driver)**

Ms. Driver reviewed the staff report and staff recommendations. She addressed concerns expressed at the July Planning Commission meeting and stated that staff does not recommend requiring a fence, but has discussed the possibility with the applicant, who is willing. She also stated that while a sunset clause is not recommended or permissible, staff has addressed neighbor concerns by adding language allowing the city to make inspections to assure compliance with any of the conditions of approval, including the Statement of Operations. If not in compliance, the Planning Commission would be allowed to initiate and recommend a zone change pursuant to TMC 18.245.

Mr. Gales asked for questions from Commissioners, and with none, he invited the applicant/representative to speak. Mr. Spencer Lindsey came forward to represent WMOC Ministry and stated he would be happy to take questions. Mr. Gales asked if the conditions put forth by staff were something WMOC could work

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within and Mr. Lindsey replied that WMOC is happy with and can work within the conditions. With no further questions, Mr. Lindsey took his seat.

Mr. Gales declared Public Hearing open. With none coming forward to speak, Mr. Gales declared the Public Hearing closed.

Motion to approve the requested zone change per staff's recommendation, subject to those items listed in staff report under Staff Recommendation. Second by Mr. Kannarr. **APPROVAL (9-0-0)**

- 2) **PUD16/02 by Heartland Management Co. / First Assembly of God** requesting to amend the District Zoning Classification from "R-1" Single Family Dwelling District with a Conditional Use Permit for a surface parking lot and "O&I2" Office and Institutional District, on property at 520 SW 27th Street, and from "R-1" Single Family Dwelling District on the west portion of property at 500 SW 27th, **ALL TO "PUD" Planned Unit Development ("O&I2" Office and Institutional District uses). (Driver)**

Due to conflicts of interest, Mr. Beck and Mr. Gales left the room prior to the introduction of this case. The gavel moved to Mr. Woods.

Ms. Driver reviewed the staff report and staff recommendations. She also stated that she had received two phone calls from neighbors who couldn't attend this Planning Commission meeting but wished to voice objection to the zoning amendment.

With no questions from commissioners, Mr. Woods asked if the applicant or a representative wished to speak. Mr. Vern Jarboe came forward representing the applicant.

Mr. Jarboe stated that also present and able to answer questions was Art Glassman, Ren Newcomer, Mark Boyd, and a representative from First Assembly of God Church.

Mr. Jarboe gave information about Newcomer, saying they've been in business for 120 years. They have approximately 120 Topeka employees, 40 of whom are at the SW 27th Street location. With the addition they anticipate adding another 5 at that location. Newcomer also has locations in several other states. It is a family owned business and the proposed expansion allows the business to grow and stay in Topeka.

Mr. Jarboe stated that following the June 3, 2016 filing of the application, the applicant had meetings with staff and neighbors where concerns were identified. One of these was what the building was going to look like, including size/scale and where it's to be situated. He stated that largely because of these concerns, an architect had been retained to help Newcomer decide both the scale of the building needed and the best orientation on the property. The initial building proposal was downsized and the orientation of the building changed to be laid out north and south, making it consistent with the current building and the neighborhood. Mr. Jarboe pointed out that to the west of the current and proposed buildings are large structures, a church and multi-story single family home, and to the east another church. He stated that Newcomer's structures – the existing one and the one they wish to build – are one story structures with residential scale and they believe the structures will fit in well with the neighborhood.

Another concern identified was landscaping. The changing of the orientation allows Newcomer to keep at least two of the large, mature trees that are on the property.

Mr. Jarboe explained that a concern voiced by neighbors was drainage, and he stated that in phase 1 a berm will be erected to move stormwater into the public system. Mr. Jarboe stated that in phase 2, a dry detention pond will be constructed, which only fills when it's raining and empties generally within hours of the rain ceasing. This pond will be hidden by the berm. A study has been done by City engineers and it reports that the public system can handle this drainage/run-off. Mr. Jarboe added that one of the current drainage problems is caused by a shed in the parking lot of the church. This shed will be removed and the drainage design will return to what it was originally. Drainage should improve immediately.

Mr. Jarboe explained that the proposed changes include a more modern design for the parking lot which will improve the appearance and allow better stormwater removal. There will be less parking than currently offered. Also with the changes will come new and improved lighting which will meet the requirement of the City that new lighting not spill out into the neighborhood. In short, Phase 1 will guarantee a better parking lot for stormwater, appearance, traffic circulation and lighting.

Another concern of neighbors was traffic, and the parking lot re-design allows for the removal of two driveways, namely the exit onto Western and an entrance from 27th Street. The new entrance will be a bit east, where the current driveway is for the church. This is allowed by re-orientation of building and re-design of parking lot. The applicant was concerned that the City Fire Department would want better access than one entry/exit would allow, but in meetings with them, they stated they are fine with it and recommended a hydrant be placed on the property. This will be at Newcomer's expense and they intend to have one installed.

Mr. Jarboe pointed out that the traffic study done by the City states that the proposed changes will have nominal or no effect on neighboring streets. The results of the study are available in the staff report to the Planning Commission.

With nothing further, Mr. Jarboe stood for questions.

Mr. Haugh asked him to describe the berm/landscaping, and Mr. Jarboe stated that in phase 1, the only thing that happens is the berm along the north side of the property to keep water from going off into the neighborhood as it currently does. The detailed landscaping plan will be part of the permitting process in Phase 2. The City will need to approve landscaping at that time.

With no additional questions from commissioners, **Mr. Woods declared the public hearing open.**

Joel Taylor of 2435 SW Granthurst Avenue came forward to speak against the expansion of the Newcomer building, stating that the detention pond is one of his main concerns in that it would disrupt the neighborhood. His concern is that while it was stated that the water would be gone within a few hours of a rain, there are always unforeseen things and he referenced the floods in New Orleans and Baton Rouge. He stated that he doesn't understand how an earthen berm would keep the pond from flooding into the neighborhood as dams fail. He spoke of concerns about retention ponds.

Regarding traffic concerns, he pointed out that even with closing the two driveways, traffic will likely travel to Topeka Blvd. by going down Western to 21st where they can turn east at stoplight by Quinton Heights Hill. The other option will be to go down 27th to Burlingame.

At this point, Mr. Taylor's allotted 4 minutes were up.

Amy Potter of 717 SW Merriam Ct. came forward to speak in opposition to the proposed zoning amendment.

Mrs. Potter stated that she and her husband feel the zoning change will violate the historic preservation plan the City adopted in 2014, which, she stated, says that neighborhoods are a valuable economic asset that require maintenance and preservation. She stated that the neighborhood is pursuing historic preservation status for their residential neighborhood and a zoning change of this size would alter and impact their community and the entire city of Topeka.

Mrs. Potter spoke to the history of the neighborhood and stated that they lost one of the unique neighborhood homes when it was torn down to construct the current Newcomer building and expressed concern that this would happen to other homes in the neighborhood because Newcomer would wish to expand again. She spoke of residents who she stated had been approached by Mr. Newcomer to sell him their residences so, she stated, that they could be demolished to expand his business. She stated that what was once a small business on the border of their neighborhood threatens to destroy more historic

homes. She suggested Newcomer might be better served by moving to an office district that can accommodate future growth and expansion.

Mrs. Potter stated that with Newcomer's initial expansion her home lost 20% of its value, and that this expansion will go even further, creating 30,000 square feet of office space, 88 parking stalls, and a very large detention pond. She added that detention ponds can handle water run-off but also overflow into yards and basements, attract snakes and wildlife, and are nasty eyesores.

Shane Sawyer of 2601 SW Western came forward to speak against the proposed zoning amendment, stating that she was in attendance to ask that the commission save their unique neighborhood from commercial encroachment. She read from a Topeka magazine from 2009, an article entitled Architecturally Positive Addition which is about their neighborhood. The article speaks positively of the Country Club Addition Neighborhood. She quoted the article as saying that the neighborhood is "an architecturally diverse and unusual neighborhood much like Westboro" and then stated that she doesn't believe the City would permit the expansion of commercial property at the expense of Westboro's residents and houses.

Alice Brooks of 2525 SW Western came forward to speak against the proposed zoning amendment. She spoke in regard to a home Mr. Newcomer had purchased in the past and torn down and how she doesn't trust what will happen if the city allows the zoning amendment. She stated that she thinks Topeka has too many empty office buildings; too many places have been deserted to build a newer and better building. She stated that if Newcomer wants to expand, she thinks that ideally, he would take one of these buildings and renovate it to make it work for him; someplace that is not in their neighborhood.

Randy Sawyer of 2601 SW Western came forward to speak against the proposed zoning amendment, asking that the commission reject the Planning staff's recommend for approval and to remove the existing driveway entrance on Western Avenue. Mr. Sawyer spoke of a home and trees/foliage that were removed for the current Newcomer building in 2009. He stated that his current view from his home is parking lots, building, increased traffic, and invasive light at night that comes clear across the street. Mr. Sawyer stated that there's no plan in the PUD for how that light might be eliminated.

Mr. Sawyer stated that the Western Avenue parking lot engages numerous types of traffic, including a semi-truck and trailer rig in use. He stated that there are no sidewalks in the neighborhood and the increased traffic puts pedestrians and cyclists at risk.

Speaking to the traffic study, Mr. Sawyer cited the potential for 98 more trips per day, stating that meant an extra 49 extra vehicles exiting and entering their streets during peak hours. He does not see how this is deemed negligible.

David Hewitt of 601 SW Merriam Court came forward to speak against the proposed zoning amendment. He stated that his property suffers most from current parking lot drainage/run-off problems during spring rains, stating that he gets a "creek" running through his back yard that dumps out onto the street even days after the rains have quit. He recognizes that he stands to gain the most from any improvements to the drainage system, but he is still against the amendment. He stated that the beauty and architecture of the neighborhood is a value that goes beyond commerce. Despite his problems with drainage, he hopes the commission will give up on the idea of further commercialization encroaching on the borders of the neighborhood, stating that commercialization results in decay and they don't want their neighborhood to turn into urban blight. He stated that he enjoys living in the neighborhood and that it's truly one of the gems of Topeka. He has a respect for the neighborhood that he didn't have when he initially moved in.

Howard Blackmon came forward to speak, stating that he is the Quinton Heights NIA President. He stated that this proposed amendment has caused a lot of stir in the neighborhood and asked those present in the audience who were attending in opposition to stand. Mr. Blackmon stated that he was once a Planning Commissioner and understands the commissioners have a difficult decision to make. He stated that the neighborhood's main concern is Western Street and traffic. Despite the traffic study, he's

concerned about commercial traffic with the pedestrian and cyclist traffic and virtually no sidewalks in the neighborhood. He also pointed out that 27th Street is a bike route.

Mr. Blackmon stated that he believes Mr. Newcomer listened to the concerns voiced at the Neighborhood Information Meeting and made some significant changes from the original plans. He thinks it's too bad that things had happened in the past and he knows this commission can do nothing to rectify. He stated that he was glad the first package didn't go, he's glad to see the Western Street exit closed, and he sees that the new plans have a lot more specifics and requirements included to give the City more say in what is built on the property.

Billie Padilla came forward to speak against the proposed zoning amendment. She stated she's lived at 724 SW Merriam Court for 20 years. She thinks the neighborhood is beautiful and doesn't want it to change. She stated she lives 2 blocks off Topeka Blvd. and rarely does she hear sirens, there's not a lot of traffic, and she doesn't want that to change.

With no one else coming forward to speak, asked the applicant if they would like to respond. They asked for a 2 minute break to confer, and Mr. Woods stated the commission would break until 7:15PM.

When the meeting was called back to order, Mr. Jarboe came forward representing the applicant. Referring to the churches near the property in question, he stated that the applicant understands that change is difficult but he wished to point out that although churches are not zoned commercial, they draw a lot of people and have big parking lots. He stated that commercial intervention had already been established long before this building was built in 1968. He pointed out the church to the east also occupies land basically to the same northern neighborhood boundary.

Mr. Jarboe stated that the plan is not about encroaching into the neighborhood because it's not going further in and in fact not as far as the property to the west used to. He added that many allegations had been made against Mr. Newcomer which he could respond to, but they have nothing to do with the case at hand so he would not.

Mr. Jarboe pointed out that zoning is not a "plebiscite", or a vote of the neighbors. It is what the Planning Commission and ultimately what City Council think is best for the community. He further stated that most of the issues the neighbors had spoken about would be solved with this proposal. He stated that upon completion, neighbors wouldn't be able to see Topeka Blvd. or a parking lot, or the lighting that's lighting the parking lot today because that will be updated. He believes this proposal is best both for the community and even for this neighborhood.

Mr. Woods asked regarding neighborhood concerns about traffic. Mr. Jarboe stated he was not at the Neighborhood Information Meeting, but having spoken with some who were, including neighbors, he thought the biggest issue was regarding the driveway on Western. With the re-orientation of the building that driveway will be removed. Mr. Jarboe spoke to original applicant concerns about adequate entrances for fire protection, but that issue is resolved by placing a fire hydrant on site. This is part of the building permit phase; they believe this is what will be required and it's what they plan on doing.

With no further questions for Mr. Jarboe, he was seated.

Mr. Woods asked if anyone else would like to speak and with none coming forward, he **declared the public hearing closed.**

Though the public hearing was officially closed, Joel Taylor returned to the podium and asked why a detention pond is necessary. Jeff Laubach of SBB Engineering stated that currently there is a detention basin on site and the new detention basin will be about the same size.

Mr. Haugh asked where it would be located, and Mr. Laubach stated it will be upstream of the parking lot that's being removed. He explained that during Phase 1 the existing detention pond will remain and a berm will be built. Phase 2 is when the new detention pond will be built. He added that the removal of the shed,

along with the berm, will help immediately to move the water to the east toward Topeka Blvd. He stated the current detention basin is mowed and manicured, and he reminded the commission that what will be built will be a detention basin rather than a retention basin so it will be dry most of the time. He stated that people would hardly know it's there.

Mr. Woods once again stated that the public hearing was closed and asked Commissioners for discussion.

Mr. Haugh asked staff what could be built on this property if the current owner didn't function there. Mr. Fiander stated that R-1 allows for single family residential or institution uses such as school and churches. The only limitations are setbacks of 30'; no limitation on scale.

Ms. Cavazos asked if the new plans to remove the driveway on Western and all the other changes the owners had made after the Neighborhood Information Meeting had been shared with the neighbors. Ms. Driver stated that by law, the Planning Department was required to (and did) send notification that the case had been re-submitted. The changes were also available on the City of Topeka website.

Mr. Fiander stated due to neighborhood concerns about encroachment of commercialization on the neighborhood, the Planning Department is very cognizant of maintaining an adequate character transition to maintain character. Generally development includes a parking lot that fronts a street. In this situation, the parking will be behind the building and shielded from the street. That's a big plus for not commercializing that road; the change/removal of the driveway was very significant.

Ms. Cavazos asked how many additional parking spaces would be created and Ms. Driver stated the parking lot will be re-designed but no additional parking spaces added.

Ms. Jordan asked about the staff recommendation #5 requiring the applicant maintain a residential appearance on all 4 sides; how is that enforced? Mr. Fiander explained that the PUD requirements include using architectural elements consistent with the current building, elevations to be approved by the Planning Department, and maintaining a residential appearance on all 4 sides. He explained that commercial buildings often have a "back" that has dumpsters, etc. and the PUD will guard against this. The applicant intends to mimic the elevations currently on the site, as well as architectural detail, roof elevations, etc. Planning Dept. staff will hold them to that design.

Mr. Woods pointed out that he'd heard from neighbors one concern about property values, two about drainage, four about traffic, and eight about the character of the neighborhood. He asked Mr. Fiander to explain what the Planning Department looks at to help R1 remain R1 and not allow encroachment from commercial activity. Mr. Fiander stated that character is about reflecting what's there, such as materials, shapes, scale. No parking lots in front, though homes have driveways, trees, and landscaping. The question is whether expansion is in keeping or harming the character. He added that the staff is not approving or recommending approval of anything beyond this property, and will not recommend expansion or encroachment into the neighborhood beyond the property lines that are currently before the Commission.

Mr. Kannarr stated he too had been tracking neighbor comments and heard a lot about the view onto Topeka Blvd., lights, etc. He asked how these issues might be solved if the zoning amendment were not approved; how is the character of the neighborhood restored that may have already changed?

Mr. Fiander replied that if the amendment doesn't pass, then nothing will change or be improved, including improved lighting that doesn't spill beyond the parking lot.

Motion from Ms. Ringler to accept staff recommendation for approval; second by Ms. Jordan. **APPROVAL** (7-0-2 with Mr. Gales and Mr. Beck abstaining)

Mr. Gales and Mr. Beck returned to their seats and the gavel returned to Mr. Gales.

F. Discussion Item

Zoning Code Amendments

Review of Title 18 of the Topeka Municipal Code and potential amendments to the regulations for signs, subdivisions, and zoning

Mr. Hall reviewed the memo that was included in the August agenda packet, briefly going through each of the items listed in the memo. He explained that most of the coming amendments to the code would be basic "clean-up". About half of the proposed amendments will be brought to the Commission at the September meeting, the other half at the October meeting, and at the November meeting staff will ask the Commissioners to vote to make a recommendation to the Governing Body to accept the amendments.

Mr. Fiander stated that another amendment staff would be bringing to Commission before the end of 2016 would be the D-1 conversion from C-5, the difference being that D-1 has design guidelines.

With no further agenda items, meeting was adjourned at 8:05PM.

Z66/20D
Carriage House PUD Amendment

STAFF REPORT – PLANNED UNIT DEVELOPMENT
TOPEKA PLANNING DEPARTMENT

PLANNING COMMISSION DATE: Monday, August 15, 2016

APPLICATION CASE NO

Z66/20D- Carriage House Apartment – Major Amendment to Planned Unit Development Plan

REQUESTED ACTION / CURRENT ZONING:

Amending and expanding the boundary of the Master PUD Plan for the Carriage House Apartments (Multiple-Family Dwelling uses) to include property currently zoned "R-1" Single Family Dwelling District and located at 1701 SW 37th Street.

APPLICANT / PROPERTY OWNER:

Kansas Carriage House LLC

APPLICANT REPRESENTATIVE:

Angela Sharp, Bartlett & West Engineers

PROPERTY ADDRESS & PARCEL ID:

1701 SW 37th Street/1601 SW 37th Terrace

PHOTO:



1701 SW 37 Street

PARCEL SIZE:

9.73 acres

STAFF PLANNER:

Annie Driver, AICP, Planner II

PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY:

To re-model the 1,900 sq. ft. residence as a "leasing and management office" for the apartments to the south (Carriage House Apartments, 1601 SW 37th Terrace).

DEVELOPMENT / CASE HISTORY:

The property was annexed in 1958. The residence at 1701 SW 37th has remained zoned for single-family uses since constructed in 1959. In 1966, the apartments were rezoned from "D" Multiple Family Dwelling District to a Community Unit Plan for multiple family residential. This Community Unit Plan converted over to a Planned Unit Development Plan in 1992 with a comprehensive zoning code update.

ZONING AND CHARACTER OF SURROUNDING AREA:

The zoning and land uses of surrounding properties are multiple-family residential, office, institutional, and single-family residential. Offices and a day care are adjacent to this property on the east. Apartments (Carriage House) and retirement community border the property on south and north sides, respectively. Single-family residences and a baseball diamond (County-operated Major Palm Park) are located to the west.

PUD MASTER PLAN ELEMENTS (PROPOSED):

PARKING, CIRCULATION & TRAFFIC:

Area 1: Apartments "M-3" use group – *Existing development*

- Required – 506 stalls (282 units)
- Proposed – 423 stalls (-83 stalls short based on current parking requirement)

Area 2: Leasing and Management Office - *Proposed*

- Required – 5 stalls (1/400 based on the net area of the 1,900 sf administrative leasing office)
- Proposed – 5 stalls

The existing parking for the apartments does not meet the current parking requirement. However, the original Community Unit Plan (approved 1966) established the minimum parking requirement at the time. A note is added to the PUD plan to reflect that additional parking may be required in the event the number of dwelling units is increased in the future. The current revision does not increase the density of the existing development.

LANDSCAPE:

A landscape plan is required for the new parking lot at the time of site development, including residential buffer yard along the length of the west property line (Area 2) and possibly some type of fencing. The PUD proposes a 20' landscape setback along SW 37th St.

SIGNAGE:

Free-standing: Non-illuminated, limited to monument signs, 40 sf and 5 ft. in height maximum, two per public street or private drive entrances

Wall signs: Non-illuminated, One sign per building per public street frontage. The PUD needs to add a maximum sq. ft.

PROJECT DATA:

Area 1: "M-3" use group – All permitted uses
Maximum Height - 75 ft.
Maximum Density - 32 units per acre (9.13 acres)
Maximum Units - 293 units

Maximum Building Footprint - 1,500 per dwelling unit
Minimum Green space - 20%
Area 2: "M-3" use group for Leasing and Management Office
Maximum Height - 42 ft.
Maximum Building Coverage - 45%
Setbacks: Front – 30 ft. (37th Street)
Side - 7 ft. (including Mulvane)
Rear – 30 ft.

COMPLIANCE WITH DEVELOPMENT STANDARDS AND GUIDELINES

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

OTHER FACTORS

SUBDIVISION PLAT:

The residence located at 1701 SW 37th has been platted as Lot 5a & 5b, Theime Subdivision. Provided the new site development plan for the leasing office includes all of the existing platted lots, a replat is not required.

The property containing the Carriage House Apartments (1601 SW 37th Terrace) has not been platted. However, new development is not proposed for the apartments. In the event new development is proposed, a plat may be required at such time as noted.

TRAFFIC/TRANSPORTATION:

SW 37th Street is classified as a minor arterial and is currently a three-lane roadway. KDOT, 2014 traffic counts indicate the street carries approximately 12,010 ADT. An additional 12.5' of right along SW 37th Street is required and may be dedicated by separate instrument at the time of site development.

SW 37th Street is listed on Topeka Metro Bus Route #5. There is currently a bus stop "sign" along the south side of SW 37th, just east of the subject property. The applicant and Topeka Metro are discussing the addition of a shelter for the bus stop.

The property is not listed on a current bicycle route in the Topeka Bikeways Plan. The addition of at least one bike rack is required as part of development of the leasing office.

The property is located within an area of *Medium-to-Low Pedestrian Demand* on the Topeka Pedestrian Plan. The applicant will provide a sidewalk along Mulvane with development of the leasing office that will connect SW 37th Street with the apartment complex.

FLOOD HAZARDS, STREAM BUFFERS:

The property is not affected by a stream buffer or flood zone.

HISTORIC PROPERTIES:

N/A

NEIGHBORHOOD MEETING: The applicant held a Neighborhood Information Meeting on Monday, August 29, 2016 at 7:00 pm at the Carriage House Apartments clubhouse. The applicant's report to the City is attached. There were no attendees at the meeting.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

ENGINEERING/STORMWATER: Water quality treatment measures are not required since the increase in new impervious area is less than one acre.

Stormwater quantity will be reviewed further at the site development stage. The parking lot design shall not direct additional drainage to discharge on to adjacent residential properties to the west.

ENGINEERING/TRAFFIC: A sidewalk with ADA pedestrian crossings is required along the west side of SW Mulvane that connects SW 37th Street to SW 37th Terrace at the time of site development of the leasing office.

The proposed new driveway alignment on SW Mulvane is effective. 12.5' of additional right-of-way along SW 37th Street is required at the site development stage of the leasing office so that there is at minimum 52.5' from the centerline of the street. This can be accomplished through separate instrument dedication.

FIRE: The Fire Department has no concerns with providing services.

DEVELOPMENT SERVICES: A parking lot permit and building permit is required for the re-model of the residence and new parking lot.

KEY DATES

SUBMITTAL: August 5, 2016
NEIGHBORHOOD INFORMATION MEETING: August 29, 2016
LEGAL NOTICE PUBLICATION: August 24, 2016
PROPERTY OWNER NOTICE MAILED: August 26, 2016

STAFF ANALYSIS

CHARACTER OF THE NEIGHBORHOOD:

The character of the neighborhood is predominantly single-family residential fronting along the south side of SW 37th Street, multiple-family residential along both sides of SW 37th Street, and office/institutional along the south side of SW 37th Street, just east of the subject property, in land uses and zoning.

LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER THE PRESENT CLASSIFICATION: The residence was constructed for single-family purposes in approximately 1959, around the time it was annexed into the City. The residence has been vacant since at least 2012. Currently, the single-family residence is unoccupied and is boarded-up.

SUITABILITY OF USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED: The subject property at 1701 SW 37th Street (single family residence) may no longer be as suitable for uses to which it has been restricted since it takes direct access from an arterial street. The subject property, as well as, similar properties to the west front on a minor arterial street. SW 37th Street carries approximately 12,010 trips per day (*KDOT traffic counts, March 2014*). The existing pattern of single-family residential land uses (constructed in 1959) fronting on to an arterial is no longer a desirable land use pattern. The residential driveways accessing on the arterial inhibit the street's primary function, which is to move traffic and not to provide direct access to residential properties. The office design proposes to close the driveway off of SW 37th Street and add a driveway on SW Mulvane, which is more appropriate considering surrounding streets and land uses.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The subject property lies within an area designated *Medium/High Density Residential* by the Land Use and Growth Management Plan. *"These areas are characterized by triplexes, quadplexes, townhouses, and apartments in the range of 7 to 15 dwelling units per acre for medium density and greater than 15 dwelling units per acre for high density."*

At a density of 30 units per acre, the existing Carriage House Apartment is considered within the range of high density residential land uses. This proposal does not significantly alter the density or character of existing development and surrounding area. The request only adds a leasing and management office to the site. The pattern of existing single-family residential land uses fronting on to SW 37th Street, an arterial street, no longer fits the desired land use pattern as supported by the Comprehensive Plan. This request eliminates one residential driveway along the arterial, which is further supported by policies in the plan. As proposed, the request to expand the multiple-family residential Planned Unit Development to include the "R-1" Single Dwelling District property into the PUD boundary for a leasing and management office is in conformance to the Comprehensive Plan.

THE EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTAL AFFECT NEARBY PROPERTIES: Based upon the pattern of surrounding lands uses and zoning, including the single-family residential property into the PUD to allow only a leasing and management office will have no detrimental effects on nearby properties. Alternatively, the proposal allows the property to improve its visibility and connection with the surrounding neighborhood. The proposed remodel of the residence and new parking lot will address landscaping, sidewalks, residential buffers, and stormwater drainage at the time of site development. A 6 ft. wide landscape residential buffer along the west property line will be required. The PUD proposes a 20' landscape setback along SW 37th. The driveway currently located on SW 37th Street (arterial street) will be removed and all access taken from SW Mulvane (local street).

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: There appears to be no gain to the public health, safety and welfare leaving the property at 1701 SW 37th Street zoned "R-1", which would leave the existing single-family residence vacant and unoccupied. Rezoning allows the owner to re-model the residence for a leasing office and provide visible public street frontage for the apartments, as well as a connection with SW 37th Street.

AVAILABILITY OF PUBLIC SERVICES:

All essential public utilities, services and facilities are presently available to this property with connections being made at the expense of the developer.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:

The Master PUD Plan establishes development standards and guidelines as indicated. A plat for the Carriage House Apartments may be required if new development is proposed on the site containing the apartments.

STAFF RECOMMENDATION

Based upon the above findings and analysis Planning Staff recommends **APPROVAL** of this proposal, **subject to:**

1. Use and development of the site in accordance with the **Master Planned Unit Development Plan for the Carriage House Apartments** as recorded with the Office of the Shawnee County Register of Deeds.
2. Adding General Note: *"A plat may be required for new building permits within Area 1 unless meeting exceptions provided in TMC 18.245.060(f).*
3. Adding notes under Circulation, Parking, and Traffic: *"The uses of Area 1 do not satisfy the minimum required parking per City Code for multiple family residential uses. If new dwelling units or substantial redevelopment is proposed for Area 1, the need for additional off-street parking will be reviewed and may be required at such time."*
4. Revising Note #2 under Signage to indicate wall signs per building shall not exceed 40 sq. ft.
5. Revising Note #3 under Building and Structural to include a fence for Area 1. This may be desired with further improvements to Area 1 and the PUD should not preclude a fence if it is desired or necessary.
6. Correcting misspelling of Note #4 under General Notes to indicate: "Stormwater *quantity*".
7. Revising parking note #1 to indicate: "One per 400 sf" for the office use.

ATTACHMENTS:

Aerial Photo
Zoning Map
Master PUD Plan
NIM Report/Sign-In



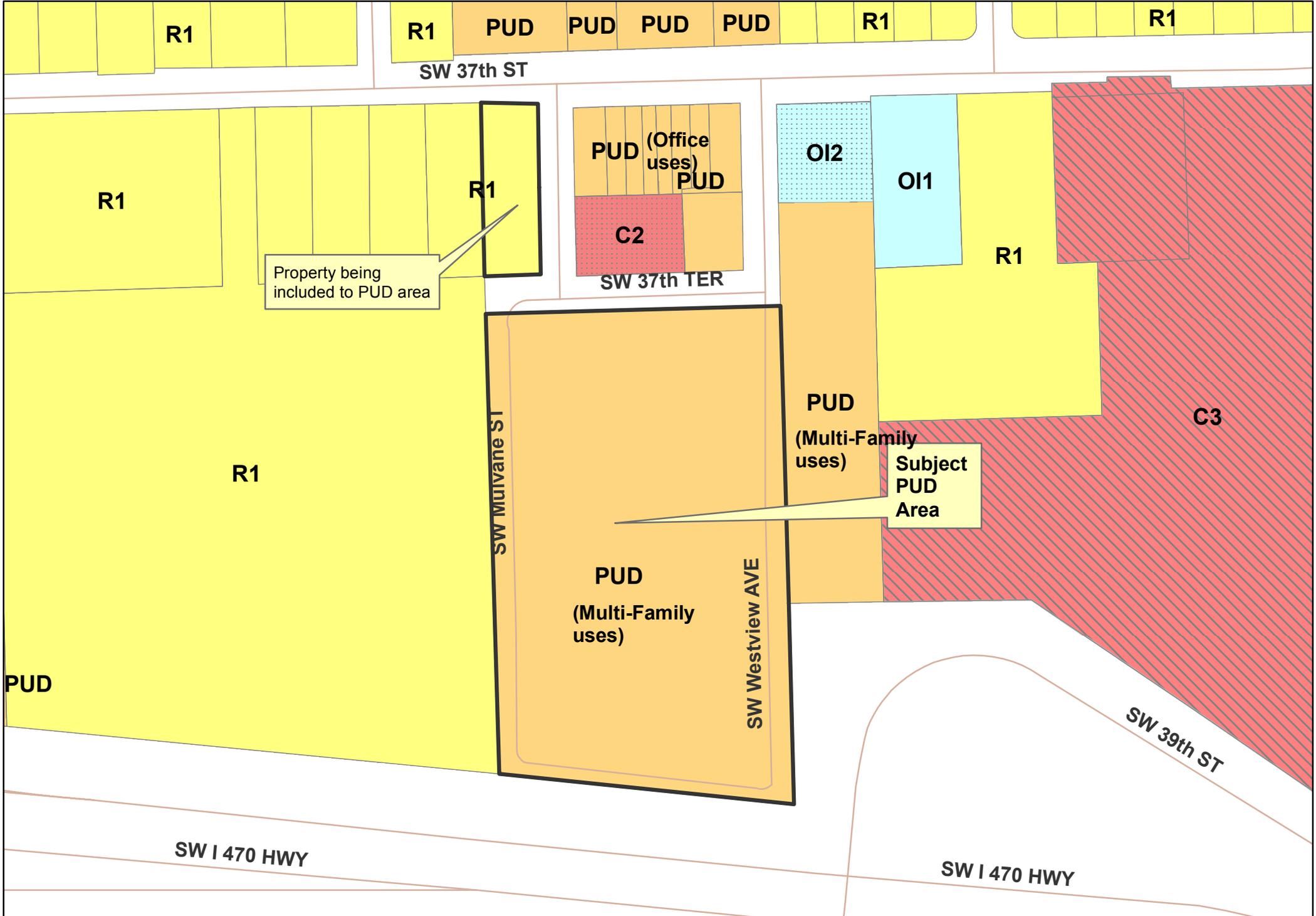
Property being included to PUD area

Subject PUD Area

2014 Aerial

Z66/20D By: Kansas Carriage House LLC





Z66/20D By: Kansas Carriage House LLC



BOOK : _____ PAGE : _____

DATE : _____ TIME : _____

A PLANNED UNIT DEVELOPMENT FOR: CARRIAGE HOUSE

LOTS 5A AND 5B, THIEME SUBDIVISION; AND A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 6TH P.M., IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS

DESCRIPTION:
LOTS 5A & 5B, THIEME SUBDIVISION IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS,
AND

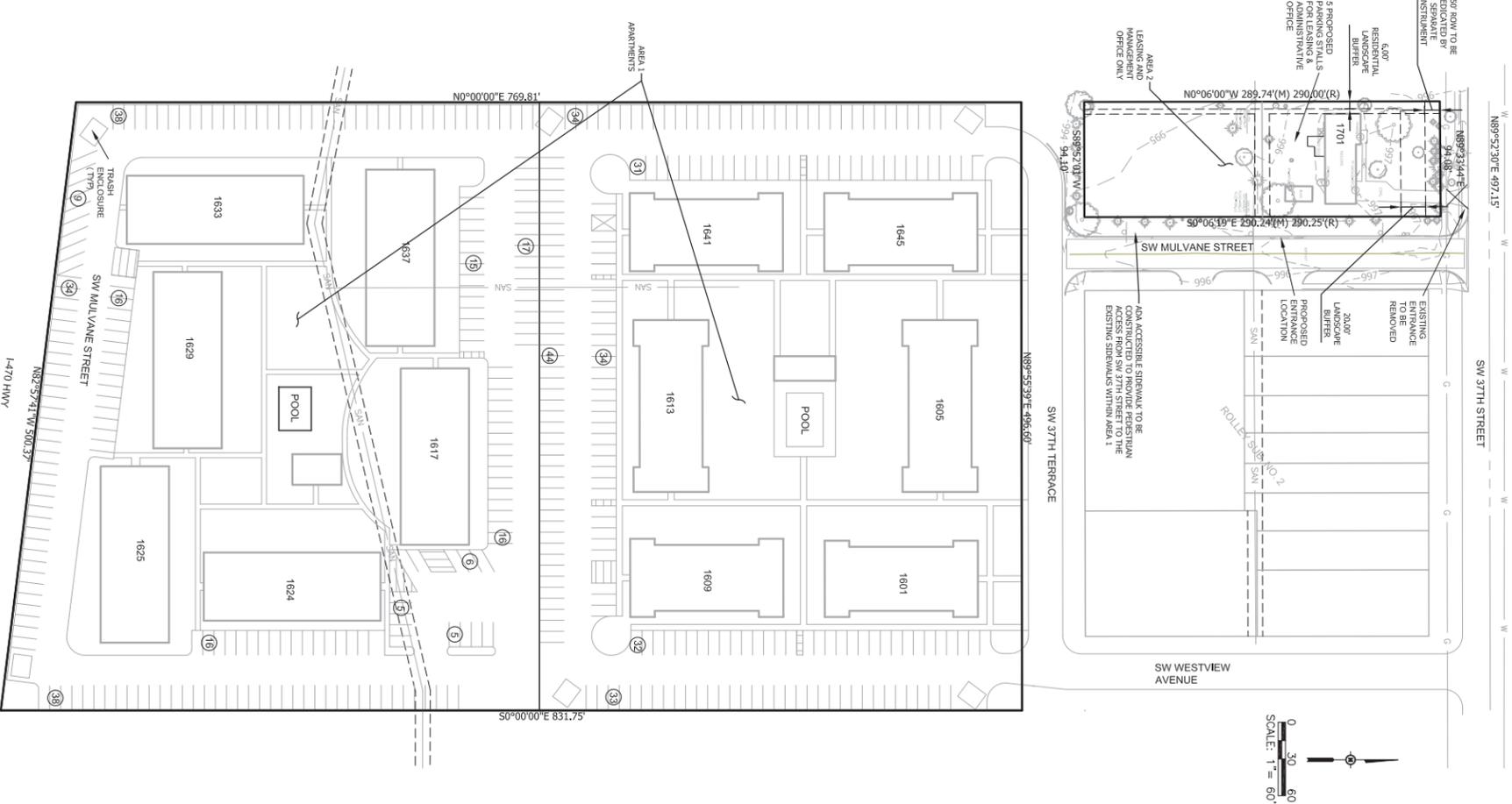
COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 6TH P.M., IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST (ASSUMED BEARING) ADJOINING THE EAST LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 390.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, ADJOINING SAID EAST LINE A DISTANCE OF 831.75 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 470; THENCE NORTH 82 DEGREES 57 MINUTES 41 SECONDS WEST ADJOINING SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 500.37 FEET TO A POINT ON THE WEST LINE OF THE EAST 15 ACRES OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 24; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ADJOINING SAID WEST LINE A DISTANCE OF 769.81 FEET; THENCE NORTH 89 DEGREES 55 MINUTES 39 SECONDS EAST A DISTANCE OF 496.60 FEET TO THE POINT OF BEGINNING, SAID LAND BEING FORMERLY DESCRIBED AS THE FOLLOWING TWO TRACTS:

TRACT A:
THE SOUTH 390 FEET OF THE NORTH 780 FEET OF THE EAST 15 ACRES OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 6TH P.M., IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS BEGINNING ON THE EAST LINE OF SAID NORTHWEST QUARTER, 390 FEET SOUTH OF THE NORTHEAST CORNER THEREOF; THENCE SOUTH ALONG SAID EAST LINE 390 FEET; THENCE WEST 496.96 FEET TO (AND THE SAME BEING) THE WEST LINE OF SAID EAST 15 ACRES; THENCE NORTH ALONG SAID WEST LINE, 390 FEET; THENCE EAST 496.96 FEET TO THE POINT OF BEGINNING.

TRACT B:
A TRACT OF LAND IN THE EAST 15 ACRES OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 6TH P.M., IN SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING ON THE EAST LINE OF SAID NORTHWEST QUARTER, 780 FEET SOUTH OF THE NORTHEAST CORNER THEREOF; THENCE SOUTH ALONG SAID EAST LINE 441.99 FEET TO THE NORTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 470; THENCE WESTERLY ON AN ANGLE OF 82 DEGREES 57 MINUTES 20 SECONDS IN THE NORTHWEST QUADRANT, ALONG SAID RIGHT OF WAY FOR 500.37 FEET TO THE WEST LINE OF SAID EAST 15 ACRES; THENCE NORTH ALONG SAID WEST LINE, 380.03 FEET; THENCE EAST 496.96 FEET TO THE POINT OF BEGINNING, WHICH TRACT IS ALSO DESCRIBED AS THE EAST 15 ACRES OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 6TH P.M., IN SHAWNEE COUNTY, KANSAS, EXCEPT THE NORTH 780 FEET THEREOF AND EXCEPT THE PORTION OF THE SOUTH WHICH HAS BEEN TAKEN FOR INTERSTATE HIGHWAY NO. 470.

THE ABOVE DESCRIBED TRACT CONTAINS 9.76 ACRES, MORE OR LESS.

UNITS	TYPE	UNIT S.F.	TOTAL S.F.
36	A - 1 BED/1 BATH - GARDEN	686	24,696
80	B - 1 BED/1 BATH - BALCONY	686	54,880
24	C - 2 BED/1.5 BATH - GARDEN	875	21,000
48	D - 2 BED/1.5 BATH - BALCONY	875	42,000
40	E - 2 BED/1 BATH - BALCONY	869	34,760
24	F - 2 BED/1 BATH - BALCONY XL	941	22,584
30	G - 2 BED/1 BATH - GARDEN	869	26,070
TOTAL 282		AVERAGE 801	TOTAL 225,990





Memorandum

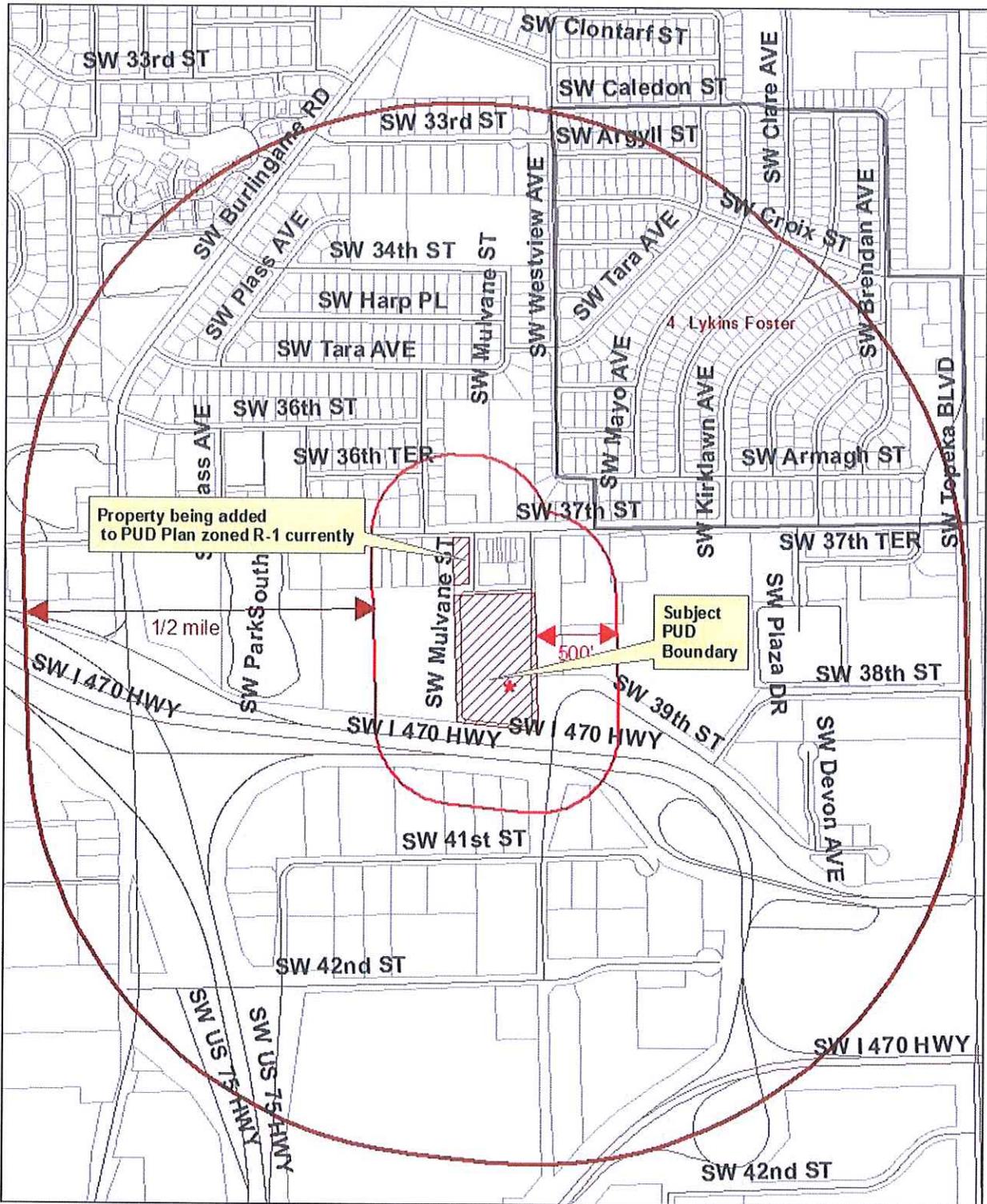
Date: August 29, 2016

To: Annie Driver, Topeka Planning Department

From: Angela Sharp

Re: Carriage House PUD (Z66/20D) – Neighborhood Meeting Minutes
Carriage House Clubhouse, 1601 SW 37th Street, 7:00 PM

Please note the attached sign in sheet for those in attendance, which were: Lew McGinnis representing the owner, Annie Driver, Topeka Planning Department and Angela Sharp, Bartlett & West. Angela arrived at 6:30 PM, Mr. McGinnis arrived at 6:35 PM and Annie arrived at approximately 6:45 PM. All three of us stayed until 7:30 PM and no one else arrived.



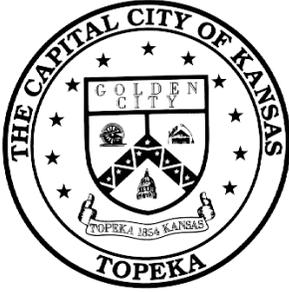
Property being added to PUD Plan zoned R-1 currently

Subject PUD Boundary

* = Meeting Location:
 Carriage House Apartments Clubhouse



P16/12
Topeka Investment Group Subdivision #3



CITY OF TOPEKA

PLANNING DEPARTMENT
620 SE Madison Street, Unit 11
Topeka, Kansas 66607-1118
Tel.: (785) 368-3728

Bill Fiander, AICP, Director
Email: bfiander@topeka.org
Fax: 785-368-2535
www.topeka.org

MEMORANDUM

To: Topeka Planning Commission
From: Annie Driver, AICP, Planner II
Date: September 19, 2016

RE: Design Variance Request for Topeka Investment Group Subdivision #3 [P16/12]

Request: Pursuant to *TMC 18.30.040 Design Variances*, the Planning Commission is authorized to grant design variances to the provisions of *TMC 18.40 Design Standards* contained in the Subdivision Regulations. Specifically, this applicant requests a variance to the provisions of Subdivision Regulation *TMC 18.40.110(g) stating that every lot shall have frontage upon a street*. Approval of this variance will allow the proposed Lots 2 and 3 to have their primary public access across other lots contained in the subdivision via a “public ingress-egress easement”. The easement will ensure all future owners and the public has access from the Highway U.S. 24 frontage road.

The plat is eligible as a “minor plat” meaning the Planning and Public Works Directors have the ability to approve the plat administratively. The Planning Commission is reviewing the plat in order to grant its approval of the above referenced design variance. Only the Planning Commission has the ability to grant a design variance to this section of the Subdivision Regulations. The staff report for the plat, including revisions that are necessary, is attached.

Background: The reason for the design variance is to allow buildings already constructed on a single lot to be divided on separate lots to accommodate their future sale. In granting approval of the design variance, the Planning Commission shall consider and make a finding based upon the following factors in the City of Topeka Subdivision Regulations:

18.30.040 Design variances.

Whenever it is found that the land included in a proposed subdivision presented for approval is of such size or shape or is subject to, or is affected by, such topographical location or conditions, or is to be devoted to such usage, that full conformity to the provisions of this division is impossible or is impractical, the planning commission may authorize certain design variances which in its determination and findings will not adversely affect the subject property, other properties nearby or the public interest. In consideration of such variance, the planning commission shall make a finding that:

- (a) *There are special circumstances or conditions affecting the property. The design allows for the best method of providing access to the properties that are located along the Highway 24 frontage road since it restricts public access to a single driveway opening.*

(b) The variances are necessary for the reasonable and compatible development of the subject property. The design accommodates the future sale of the commercial buildings, which is in the best interest for compatible commercial development with adjacent properties.

(c) The granting of the variances will not be detrimental to the public interest or other properties in the vicinity and will effect substantial justice and promote the general welfare. A “public ingress-egress easement” shall be established on this plat to ensure all owners, tenants, service providers, and the public have access from the public street frontage. The plat has been reviewed by the Fire Department, City Engineer, and public utility agencies for service provisions and easements. As conditioned, the plat is acceptable and provisions for services are sufficiently accommodated. The easement language shall be revised and noted accordingly to indicate it is a “Public Ingress-Egress Easement”. The staff report indicates a note should be added to the plat addressing the ownership, maintenance and responsibility of this easement since it provides the only means of public access to the lots.

The findings and conclusions of the planning commission shall be entered into the record, and the variances shall be noted on the plat of subdivision.

Recommendation: Based upon the above analysis and findings, the Planning Department recommends approval of the design variance to the requirements for street frontage in TMC 18.40.110(g).

Attachments:

- Staff Report
- Aerial Map
- Plat

Plaza Subdivision is for "public ingress-egress" and the easement recorded in Book 36, Page 49 of Seaman Square Subdivision #4 is for "Fire Department ingress-egress".

- Revise Note #10 to remove the first two bullets.
- Revise Note #10 to state: "A variance to TMC 18.40.110(g) regarding street frontage requirements to allow access for Lots 2 and 3, Block A to be taken through and across the 31' wide 'public ingress-egress easement' due to these lots not having street frontage."
- Remove Note #11 as this easement on the adjoining property to the east was platted specifically for Fire Department access and is not clear as to whether this allows public access. Cross access cannot be provided on a plat with a property not signing off on the plat.
- Add a note clarifying who owns, maintains and is responsible for the "31' wide Public - Ingress easement" that will provide public access to all lots within the subdivision boundary.
- Provide additional 3' of utility easement along the west property line pursuant with requirement from Kansas Gas Service.
- Revise Note #5 to indicate this is referring to the "City of Topeka public sanitary sewer system".
- Remove Note #12 as it is repetitive of Note #9.

Prepared by:
Annie Driver, AICP
Planner II

Minor Plat Eligibility

Eligible	Not eligible	More information needed
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1. Right-of-way for new streets is not proposed or required to serve the lots or tracts in the subdivision.

Comments:	<table border="1" style="width: 100%;"> <tr> <td style="text-align: center; width: 33%;">X</td> <td style="width: 33%;"></td> <td style="width: 33%;"></td> </tr> </table>	X		
X				

2. The subdivision includes the total contiguous tract of land owned, or under control of, the applicant(s).

Comments:	<table border="1" style="width: 100%;"> <tr> <td style="text-align: center; width: 33%;">X</td> <td style="width: 33%;"></td> <td style="width: 33%;"></td> </tr> </table>	X		
X				

3. The applicant has complied with any storm water management requirements.

Comments: Stormwater Management Report is pending approval by City Engineer.

		X
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4. No more than five lots or tracts are added.

Comments:

X		
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5. Dedication of land for public purposes is not required.

Comments:

X		
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6. New lots or tracts front onto or are accessible from an existing street right-of-way which, except for non-buildable lots or tracts, conforms to City specifications.

Comments:

X		
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7. Extensions of water or sewer mains are not required to serve the additional lots or tracts.

Comments:

X		
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8. Existing easements for utilities are not vacated, altered, removed or realigned unless the Utility consents in writing and the Planning Director determines the vacation will not adversely impact adjoining property owners or the public health and welfare.

Comments: Address comments from Kansas Gas Service regarding the additional 3' easement width needed along the west property line.

		X
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9. The plat is consistent with the Comprehensive Metropolitan Plan.

Comments: The 2040 Future Land Use Map designates the area for industrial land uses.

X		
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NW US 24 HWY

Subject Property

NW Finch LN

NW Cardinal DR

2014 Aerial

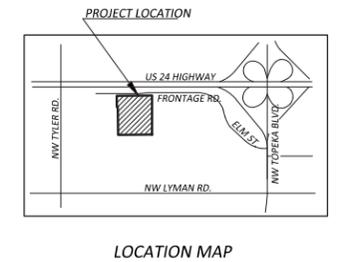


P16/12 Topeka Investment Group Subdivision #3

PRELIMINARY PLAT

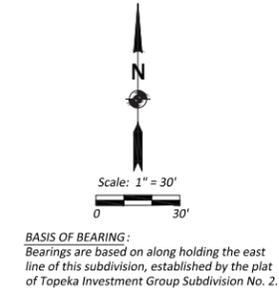
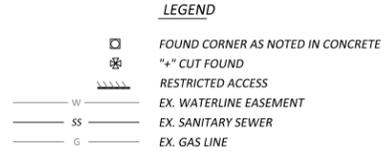
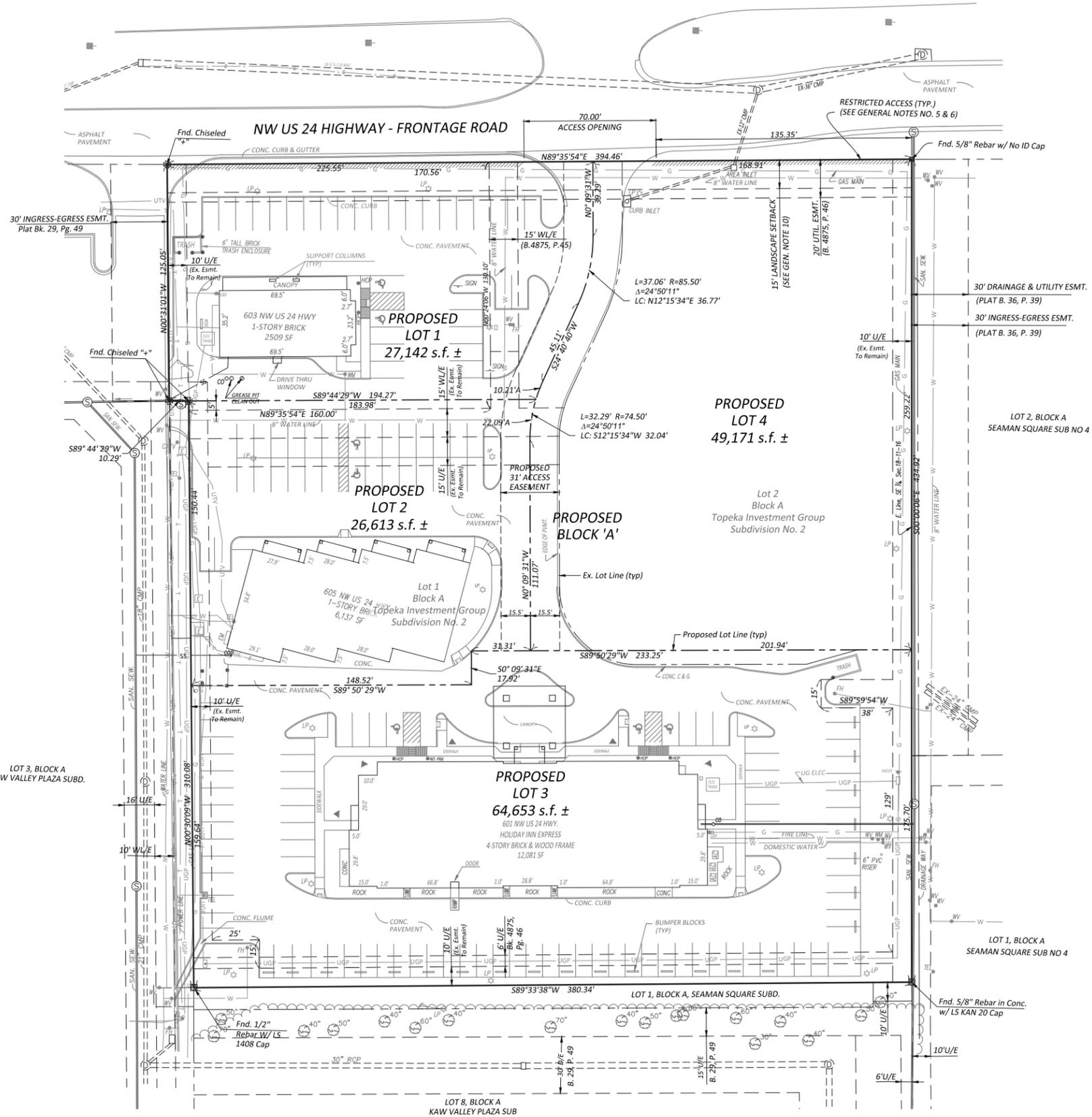
TOPEKA INVESTMENT GROUP SUBDIVISION NO. 3

A MINOR REPLAT OF LOTS 1 AND 2, BLOCK A, TOPEKA INVESTMENT GROUP SUBDIVISION NO. 2, IN THE SOUTHEAST QUARTER, SECTION 18, TOWNSHIP 11 SOUTH, RANGE 16 EAST OF THE 6TH P.M., CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS.



NW US 24 HIGHWAY

LOCATION MAP



OWNER: MYCOSE ENTREPRENEUR, INC.
601 NW US 24 HIGHWAY
TOPEKA, KS 66608
(785) 233-7006

LEGAL DESCRIPTION:
A Minor Replat of Lots 1 and 2, Block A, Topeka Investment Group Subdivision No. 2, City of Topeka, Shawnee County, Kansas.
The above described tract contains 3.85 acres, more or less.

DATE: August 18, 2016

- GENERAL NOTES:**
- Property owners shall be admonished from placing any permanent or semi-permanent obstruction in permanent sewer, or utility easements. This includes, but is not limited to, trees, shrubs, fences, retaining walls, buildings or other miscellaneous obstructions that interfere with access or egress of maintenance vehicles or equipment for the operation and maintenance of the utilities or pipe lines located in the easement. Any permanent or semipermanent obstruction located in the permanent sewer or utility easement may be removed by City of Topeka, its employees or agents to provide for the proper operation and maintenance of that utility line, without cost or obligation for replacement, cost of removal, and/or replacement shall be the responsibility of the property owner.
 - No building permits shall be issued until arrangements for the installation of water mains and/or connection charges have been made with the City of Topeka Water Department.
 - No building permit(s) shall be issued until all Stormwater Management requirements set forth in the Topeka Municipal Code (TMC) are met including: approval of Stormwater Management Plan and granting of any necessary Stormwater Management Easements.
 - All utilities shall be placed underground pursuant to the City's right-of-way management standards.
 - This subdivision shall be served by a public sanitary sewer system.
 - This subdivision shall be served by the City of Topeka Water Department.
 - Restricted access line defines portions of the subdivision boundary in which the public is not allowed to cross in order to gain access to the subdivision other than in an emergency situation or for temporary access during construction activities. Temporary access requires prior approval from the Director of Public Works.
 - All lots within the subdivision shall have shared driveway by means of the 70' wide access opening on to NW 24 Highway and 31' Access Easement across Lots 1, 2, and 4, Block A. Existing access openings shall be permitted as depicted. Any new access openings shall only be approved by the City Traffic Engineer that are consistent with City street design standards for location and spacing.
 - Cross Access: A cross access agreement shall exist between all structures and lots within the subdivision boundary. Said cross access agreement shall be binding upon the heirs, successors, executors, administrators, trustees and assigns of the owner. A secondary means of access into the site may be achieved through either the 30-foot ingress-egress easement recorded in Book 29, Page 49 or the 30-foot ingress-egress easement recorded in Book 36, Page 39.
 - Pursuant with TMC 18.30.040, the Topeka Planning Commission hereby grants the following design variances to the provisions of the Subdivision Regulations:
 - It has been determined the Landscape Setback along the frontages of Lots 1 and 2, Block A, pursuant with TMC 18.235.060(d)(2)(ii) will be consonance with the City of Topeka's Parking Lot Buffer.
 - It has been determined utility easements along the perimeter of the lots and subdivision boundaries pursuant with TMC 18.40.120(a) are not necessary beyond what is shown due to the utilities already being in place within said subdivision.
 - It has been determined the street frontage for Lots 2 and 3, Block A, pursuant with TMC 18.40.110(g) are not necessary by cause of the 31' Access Easement.
 - Cross access (ingress/egress) shall be allowed through and between the subject property and adjacent property to the east.
 - Existing access openings shall be permitted as depicted. Any new access openings shall only be approved by the City Traffic Engineer that are consistent with City street design standards for location and spacing.
 - According to the Flood Insurance Rate Map "FIRM" Community Panel No. 2017C0208E, effective date September 29, 2011, subject Tract is in Zone X.

Prepared for: Mycose Entrepreneur, Inc. 601 NW US 24 Hwy. Topeka, Kansas 66608	Prepared by: Schmidt, Beck & Boyd Engineering, LLC 1415 SW Topeka Blvd. Topeka, KS 66612 Ph: (785) 215-8650	SHEET TITLE: Topeka Investment Group Subdivision No. 3 Preliminary Plat	PROJECT LOCATION: 601 NW US 24 Hwy. Topeka, Kansas
SBB Proj. No.: 16-169	Drawn by: MB	Checked by: RS	Date: 8/17/2016
Scale: 1" = 30'		Drawing No.:	
Sh. 1 of 1			

FINAL PLAT

TOPEKA INVESTMENT GROUP SUBDIVISION NO. 3

A MINOR PLAT OF LOTS 1 AND 2, BLOCK A, TOPEKA INVESTMENT GROUP SUBDIVISION NO. 2, IN THE SOUTHEAST QUARTER, SECTION 18, TOWNSHIP 11 SOUTH, RANGE 16 EAST OF THE 6TH P.M., CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS

BOOK _____ PAGE _____

DATE _____ TIME _____

LEGAL DESCRIPTION:
A replat and Minor Plat of Lots 1 and 2, Block A, Topeka Investment Group Subdivision No. 2, City of Topeka, Shawnee County, Kansas.

DEDICATION: The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner shown on the accompanying plat which subdivision shall be known as "TOPEKA INVESTMENT GROUP SUBDIVISION NO. 3".

NOTICE: In the event there are other owners or those holding any proprietary interest in any land contained in this subdivision whom do not appear and duly acknowledge this plat prior to the time of recording in the Office of the Register of Deeds, the plat shall be null and void.

EASEMENTS: Easements are hereby granted to the public as follows: "Utility Easements" to allow public utility providers, contractors, and authorized agents to locate, construct and maintain facilities to provide utility service to the public. All public utilities specifically including but not limited to water, gas, sewer, stormwater, and telecommunications may place or locate their facilities over, under and along the strips marked "utility easements". A temporary construction easement of 12-foot adjacent to the side of the utility easement is dedicated for the use of the public utilities while initial construction of the public utility's facilities are in progress.

STORMWATER MANAGEMENT EASEMENT: Stormwater Management Easements (SME) are hereby established as shown or described to provide for the management of storm water including, but not limited to, detention, retention, storage and treatment of storm water. Property Owners and their assigns and successors (Property Owners) agree to install, construct, reconstruct, replace, enlarge, repair, operate and provide perpetual maintenance of pipe, flume, ditch, swale, vegetative areas or mechanical devices for storm water conveyance and/or treatment, or any improvements in the SME for the drainage and/or treatment of said storm water. No change to the grade, topography or storm water management structures and improvements in the SME shall be made without the prior written approval of the applicable public works director or designee.

Property Owners shall not place or permit any permanent, semi-permanent or temporary obstruction in said SME including, but not limited to, trees, shrubs, vegetation, rocks, fences, retaining walls, landscaping, structures, buildings or other obstructions that interfere with or obstruct designed water flow and/or treatment process in an engineered channel, conduit, structure or area, nor shall Property Owners obstruct, prevent or otherwise hinder ingress, egress or operation of maintenance vehicles, equipment and personnel. Upon receiving written permission from the applicable public works director or designee, Property Owners may construct at their own peril other limited improvements and/or landscaping within the SME which do not and will not interfere with the function of the storm water management system. Any obstructions or improvements in the SME, permitted or not permitted, may be removed by the applicable public works department or its contractor to provide for designed water flow and/or treatment process of the storm water management system. Cost of removal, damage and any repair or replacement shall be the responsibility of the Property Owner.

All maintenance and repairs within the SME shall be the right, duty and responsibility of the Property Owners of the property on which the SME is located. However, if designed water flow and/or treatment process are impeded by neglected maintenance, system failure or are subject to other unusual circumstances causing a hazard or threat to public safety, as determined by the applicable public works director or designee, emergency or corrective maintenance may be performed by the applicable public works department or its contractor with costs charged to said Property Owners. Unpaid costs shall be assessed to and imposed as a lien on the land. The applicable public works department and its contractors shall have the right to enter upon the SME for purposes of periodic or special inspection and/or corrective maintenance.

STREETS: The public ways (streets and roads) not heretofore dedicated, are hereby dedicated to the public. Temporary turn-around easements are hereby established as shown on the accompanying plat and shall be automatically vacated when streets are extended.

CERTIFICATE OF SURVEYOR:
I hereby certify that the details of this plat to be correct to the best of my knowledge and belief, that all boundary corners of this subdivision of land have been monumented and that iron pins are set as shown on the attached plat this _____ day of _____, 2016.



RICHARD T. SCHMIDT, P.S. 919
SCHMIDT, BECK & BOYD ENGINEERING, LLC
1415 SW TOPEKA BLVD.
TOPEKA, KS 66612

IN TESTIMONY WHEREOF, Mycose Entrepreneur, Inc., a Kansas Corporation, has caused these presents to be signed this _____ day of _____, 2016.

Madan Rattan, Vice-president
Mycose Entrepreneur, Inc.
STATE OF KANSAS
COUNTY OF _____, SS:

Be it remembered that on this _____ day of _____, 2016, before me, the undersigned, a notary public in and for the County and State aforesaid came Madan Rattan, Vice-president of Mycose Entrepreneur, Inc., a Kansas Corporation, who is personally known to me to be the same person who executed, the within instrument of writing.

IN WITNESS WHEREOF: I have hereunto set my hand and affixed my notarial seal the day and year last written above.

Notary Public

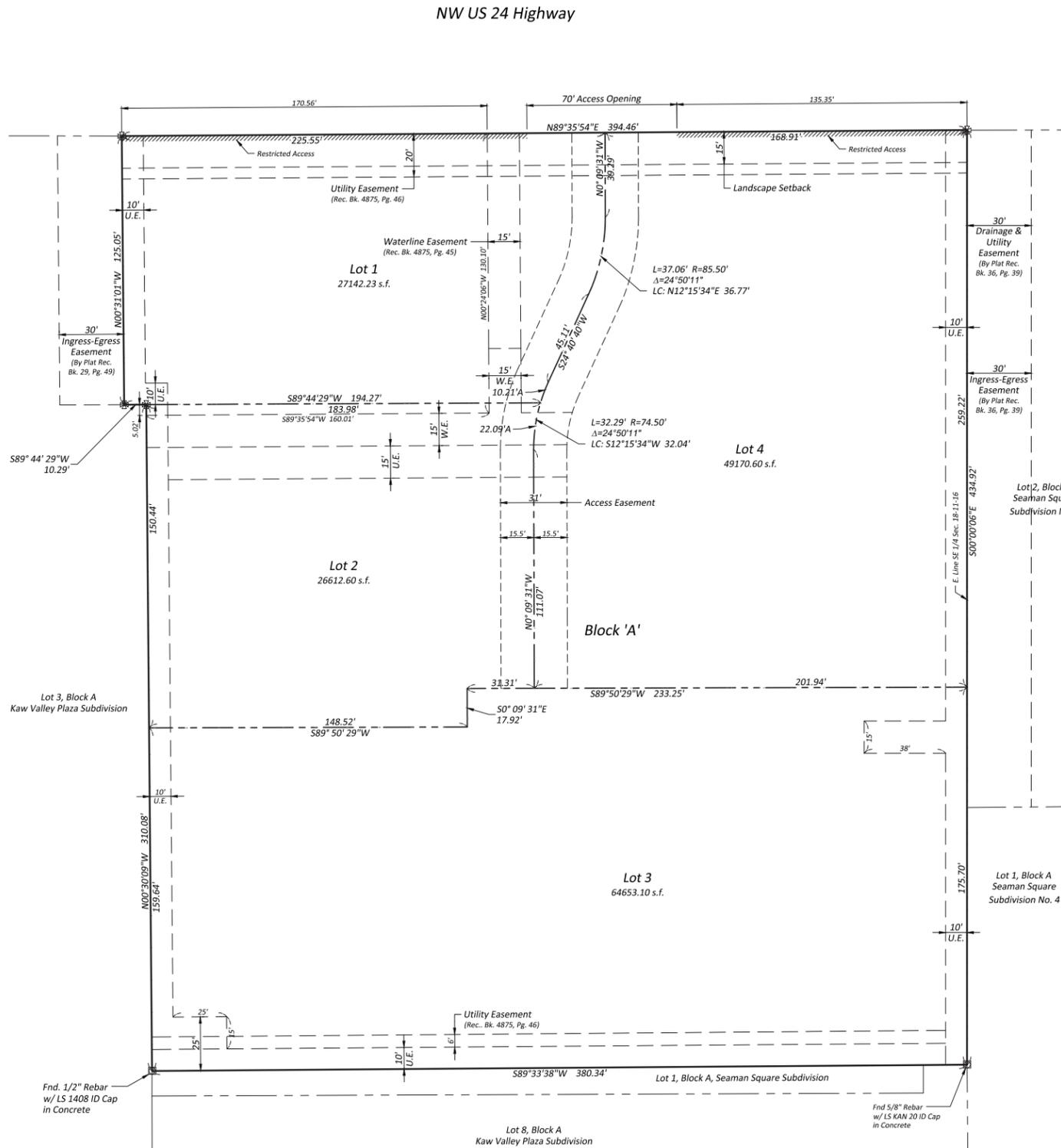
My Commission Expires: _____



BASIS OF BEARING:
Bearings are based on along holding the east line of this subdivision, established by the plat of Topeka Investment Group Subdivision No. 2.

LEGEND

- FOUND CORNER AS NOTED (REMONUMENTED IN CONCRETE)
- SET 1/2"x24" REBAR W/ CLS 263 ID CAP
- ⊕ FOUND CHISELED CROSS
- (M) MEASURED
- (P) PLAT



IN TESTIMONY WHEREOF, Bill Bateson, the owner, has caused these presents to be signed this _____ day of _____, 2016.

Bill Bateson, Owner

APPROVED BY THE CITY OF TOPEKA PUBLIC WORKS DIRECTOR, THIS _____ DAY OF _____, 2016.

Jason M. Peek, Public Works Director

STATE OF KANSAS
COUNTY OF _____, SS:

REVIEWED BY SHAWNEE COUNTY SURVEYOR, THIS _____ DAY OF _____, 2016 for compliance with KSA Chapter 58 Article 20.

Deborah J. Thomas, County Surveyor, LS# 1461

Be it remembered that on this _____ day of _____, 2016, before me, the undersigned, a notary public in and for the County and State aforesaid came Bill Bateson, the owner, who is personally known to me to be the same person who executed, the within instrument of writing.

IN WITNESS WHEREOF: I have hereunto set my hand and affixed my notarial seal the day and year last written above.

ENTERED ON THE TRANSFER RECORD OF SHAWNEE COUNTY, KANSAS, THIS _____ DAY OF _____, 2016.

Notary Public

My Commission Expires: _____

Cynthia A. Beck, County Clerk

APPROVED BY THE CITY OF TOPEKA PLANNING DIRECTOR, THIS _____ DAY OF _____, 2016.

Bill Fiander, Planning Director

FILED FOR RECORD IN THE OFFICE OF THE SHAWNEE COUNTY REGISTER OF DEEDS THIS _____ DAY OF _____, 2016, AT _____ O'CLOCK _____ M.

Rebecca J. Nioco, Register of Deeds

GENERAL NOTES:

- Property owners shall be admonished from placing any permanent or semi-permanent obstruction in permanent sewer, or utility easements. This includes, but is not limited to, trees, shrubs, fences, retaining walls, buildings or other miscellaneous obstructions that interfere with access or egress of maintenance vehicles or equipment for the operation and maintenance of the utilities or pipe lines located in the easement. Any permanent or semipermanent obstruction located in the permanent sewer or utility easement may be removed by City of Topeka, its employees or agents to provide for the proper operation and maintenance of that utility line, without cost or obligation for replacement, cost of removal, and/or replacement shall be the responsibility of the property owner.
- No building permits shall be issued until arrangements for the installation of water mains and/or connection charges have been made with the City of Topeka Water Department.
- No building permit(s) shall be issued until all Stormwater Management requirements set forth in the Topeka Municipal Code (TMC) are met including: approval of Stormwater Management Plan and granting of any necessary Stormwater Management Easements.
- All utilities shall be placed underground pursuant to the City's right-of-way management standards.
- This subdivision shall be served by a public sanitary sewer system.
- This subdivision shall be served by the City of Topeka Water Department.
- Restricted access line defines portions of the subdivision boundary in which the public is not allowed to cross in order to gain access to the subdivision other than in an emergency situation or for temporary access during construction activities. Temporary access requires prior approval from the Director of Public Works.
- All lots within the subdivision shall have shared driveway by means of the 70' wide access opening on to NW 24 Highway and 31' Access Easement across Lots 1, 2, and 4, Block A. Existing access openings shall be permitted as depicted. Any new access openings shall only be approved by the City Traffic Engineer that are consistent with City street design standards for location and spacing.
- Cross Access: A cross access agreement shall exist between all structures and lots within the subdivision boundary. Said cross access agreement shall be binding upon the heirs, successors, executors, administrators, trustees and assigns of the owner. A secondary means of access into the site may be achieved through either the 30-foot ingress-egress easement recorded in Book 29, Page 49 or the 30-foot ingress-egress easement recorded in Book 36, Page 39.
 - It has been determined the Landscape Setback along the frontages of Lots 1 and 2, Block A, pursuant with TMC 18.235.060(d)(2)(ii) will be consonance with the City of Topeka's Parking Lot Buffer.
 - It has been determined utility easements along the perimeter of the lots and subdivision boundaries pursuant with TMC 18.40.120(a) are not necessary beyond what is shown due to the utilities already being in place within said subdivision.
 - It has been determined the street frontage for Lots 2 and 3, Block A, pursuant with TMC 18.40.110(g) are not necessary by cause of the 31' Access Easement.
- Cross access (ingress/egress) shall be allowed through and between the subject property and adjacent property to the east.
- Existing access openings shall be permitted as depicted. Any new access openings shall only be approved by the City Traffic Engineer that are consistent with City street design standards for location and spacing.
- According to the Flood Insurance Rate Map "FIRM" Community Panel No. 20177C0208E, effective date September 29, 2011, subject Tract is in Zone X.

P16/3

Schmidt, Beck & Boyd
Engineering, LLC

1415 SW Topeka Blvd.
Topeka, KS 66612
Ph: (785) 215-8630

SBB Proj. No.:	16-169
Drawn by:	JEM
Checked by:	RS
Date:	8/18/2016
Scale:	1" = 30'
Drawing No.:	Sh. 1 of 1



CITY OF TOPEKA

PLANNING DEPARTMENT
620 SE Madison Street, Unit 11
Topeka, Kansas 66607-1118
Tel.: (785) 368-3728

Bill Fiander, AICP, Director
Email: bfiander@topeka.org
Fax: 785-368-2535
www.topeka.org

MEMORANDUM

To: Topeka Planning Commission

From: Michael Hall, AICP, Current Planning Manager

Re: Zoning Code Amendments (Topeka Municipal Code Title 18)

Date: September 8, 2016

At the August 15th meeting Planning staff presented an overview of the “clean up” code amendments being drafted for the Planning Commission’s consideration. Staff intends to present for discussion the draft “clean up” amendments in two parts with the first part presented at the September meeting and the second part in October. Additionally, staff will present a draft amendment for a conversion of C-5 zoning to D-1 zoning for the downtown area for discussion at the November meeting. Potentially the Planning Commission will take action on the amendments – a recommendation to the Governing Body - at the December meeting.

The following preliminary draft amendments are attached:

- **Site and Landscape Ordinances:** Amend and sync up minimum thresholds for Site Plan Review and landscape plans; reduce landscape requirements for some industrial uses; add standards for the siting and screening of trash dumpsters for commercial uses.
- **Add or Revise Use Categories, Definitions and Land Use Matrix:**
 - Automobile Wrecking and Salvage Yards
 - Microbreweries, Microdistilleries, etc.
 - Mobile Retail Vendors
 - Outdoor Concert Venues
 - Truck Stops, etc.
 - Wood and Yard Waste Recycling

Staff will elaborate on these draft text amendments at the September 19th meeting.

Exhibit 1

Site Plan Applicability / When is a Site Plan Review application required? When is a landscape plan required?

September 8, 2016

Revise General Provisions:

18.50.120 Enforcement.

It shall be the duty of the ~~code enforcement~~ Planning Director of the city of Topeka or designee ~~or the Shawnee County zoning administrator~~ to enforce these regulations within their respective jurisdictions through proper legal channels. The Planning Director may require site plans and other building plans as necessary to determine compliance with these regulations prior to the issuance of a building permit or the use of property subject to these regulations. Appeal from the decision of the ~~code enforcement director or zoning administrator~~ Planning Director or designee may be made to the ~~Board of Zoning Appeals~~ Board of Zoning Appeals as provided herein. Other officials of the various departments and divisions of the city of Topeka and Shawnee County shall have the duty and responsibility to report any apparent or alleged violations to the enforcement officer of the appropriate jurisdiction. (Code 1995 § 48-1.11.)

* * *

Revise Landscape Regulations:

18.235.030 Applicability.

All requirements set forth in this chapter are applicable as follows:

(a) Any construction within the O&I-1, O&I-2, O&I-3, C-1, C-2, C-3, C-4, M-S, I-1, I-2, X-1, X-2, X-3, U-1, and D-2, and all planned unit development districts for the above listed use groups; parking lots in the C-5 or D-1 zoning district. Multifamily dwelling developments (buildings composed of four or more dwelling units), churches or other religious or institutional uses in any zoning district and all developments constructed under the provision of a conditional use permit, in any zoning district, are also subject to this chapter.

(b) An alteration to an existing structure which increases or decreases the amount of gross floor area of such structure by more than 50 percent, ~~and~~ or an alteration to a parking lot which increases or decreases the gross area of the parking lot by more than 50 percent shall be required to come into compliance with all landscaping provisions contained in this chapter.

(c) The addition to a building or parking lot where the addition is adjacent to a residential use and a residential zone or parking lot buffer is required in accordance with buffer requirements in TMC 18.235.060.

(c) The provisions of this chapter shall apply to all legal nonconforming uses as established and defined in TMC 18.50.040. (Ord. 18255 § 2, 6-1-04; Ord. 17846 § 3, 6-11-02. Code 1995 § 48-38.02.)

* * *

Revise Site Plan Regulations:

18.260.030 Applicability.

~~An approved~~ site plan approved in accordance with the provisions of this chapter shall be required prior to the issuance of a building permit, in the following instances:

(a) New Construction. For any new construction of a principal structure which requires a building permit in any zoning district except single-family, two-family, and triplex units which are expressly exempted; or

(b) Building Alteration. For any building alteration over 15,000 square feet, or any alteration increasing the gross floor area of a building or buildings by 50 percent or more, or any alteration increasing the height of a building by one story or more, or any alteration that results in a significant change to vehicular circulation or in the net reduction of off-street parking by 20 percent or more, or to an existing structure on improved real estate as set forth in subsection (a) of this section; or

(c) Site Alteration. For any new parking or outdoor storage area, or any alteration increasing the area of a parking or outdoor storage area by 50 percent or more; or

(d) Accessory Uses and Structures. Site plan review shall ~~not~~ be required for accessory uses and accessory structures of greater than 400 square feet, or when said structures result in the net reduction of off-street parking or a significant change to vehicular circulation. ~~However, such a~~ Accessory uses and/or

structures uses may be reviewed in conjunction with the review of principal structures when such accessory structures are shown on the site plan; or

~~(d)~~ (e) General Provisions. A site plan is required whenever a specific reference is made to these regulations in any other part of the code of the city of Topeka ~~or in the regulations of Shawnee County.~~
(Ord. 17913 § 3, 11-5-02. Code 1995 § 48-39.03.)

Exhibit 2

Landscape Plans for Industrial Uses

September 8, 2016

18.235.060 Landscape requirements.

(a) Performance Objectives. All required landscape plans shall emphasize plantings along visible street frontages and required buffer yards, as specified by this chapter to the greatest extent possible.

(b) Planting Requirements/Point System. The developer may use any combination of plantings to obtain the necessary number of points required for the developed area. Different developed areas will lend themselves to different types of plantings. This chapter encourages creativity and diversity in landscaping. In no case shall a mono-culture of plantings be allowed. A variation of plantings, at least three different species, is required.

Each landscape plan must equal or exceed a minimum number of base points in order to obtain approval. The number of points required depends on the size of the developed area (see Table 1). In order to obtain points, the plantings must be placed on the developed property and not on the public right-of-way, without the approval of the planning director in consultation with the public works department.

* * *

(e) Landscape for Industrial Uses. For industrial uses in I districts as listed in the Land Use Matrix in Chapter 18.60, unimproved areas and outdoor storage areas will not be applied toward the generation of required points provided the purpose and performance objectives of this chapter, including the creation of landscape buffers and proper screening of parking and storage areas, are met

Exhibit 3

Screening of Trash and Recycling Containers

September 8, 2016

18.260.060 General performance guidelines.

In considering and acting upon site plans, the planning director shall take into consideration the public health, safety, and welfare, the comfort and convenience of the public in general and the immediate neighborhood in particular. The following guidelines shall be considered in the evaluation of site plans:

(a) General Plan Conformity. The planning director shall review all site plans in accordance with the adopted comprehensive metropolitan plan and/or neighborhood plans for conformity with the adopted plans' objectives, policies, and/or design guidelines.

(b) Circulation – Driveways, Sidewalks, Off-Street Parking, Loading, Curbs and Gutters. The planning director shall review all site plans for access and circulation features to provide mobility for people and goods to reach the site and circulate through it in a safe and efficient manner. All modes of transportation (pedestrian and automobile) must be considered in the site plan review.

(c) Landscaping and Buffers. All site plans shall provide for the landscaping and buffering of all building sites and parking areas. Review of landscaping and buffering is intended to protect and promote the public health, safety, and general welfare by preventing soil erosion; providing shade; protecting from excessive noise, glare, and heat; conserving natural resources of air and water; enhancing the overall appearance of development sites; and facilitating a convenient, attractive, and harmonious streetscape and community. All site plans shall comply with adopted landscape ordinances.

* * *

(h) Trash and Recycling Containers. Trash containers, trash compactors, and recycling containers shall be screened from public view on a minimum of three sides. Screening may include landscaping, walls or fences of design and construction compatible with the principal building, or a combination of walls, fences, and landscaping. If possible, given the constraints of the site and buildings, areas for trash and recycling containers shall be oriented toward the interior of the site and not be located in building setbacks. Under no circumstances shall trash and recycling walls and fences exceeding 7 feet in height shall not be located in required front yard building setbacks and in side yard setbacks adjacent to a street. The screening requirements of this section shall not apply to containers used to collect clothing donations, or publicly accessible recycling containers.

Exhibit 4

Automobile Wrecking and Salvage Yards

September 8, 2016

18.55.010 “A” definitions.

Revised Definition

“Automobile wrecking and/or salvage yard” means ~~area outside of a building~~ a building and/or site which is maintained, operated or used for the storing, keeping, buying, or selling of junk (as cross referenced in TMC 5.135) and where motor vehicles and/or heavy appliances or machinery not in operable condition are disassembled, dismantled, junked, ~~or~~ wrecked, stored , or the used parts thereof are bought, and/or sold., ~~or where motor vehicles not in operable condition or used parts of motor vehicles are stored.~~

Old Definition

“Automobile wrecking yard” means an area outside of a building where motor vehicles are disassembled, dismantled, junked or wrecked, or where motor vehicles not in operable condition or used parts of motor vehicles are stored.

* * *

18.60 Land Use Matrix

Add “Automobile Wrecking and/or Salvage Yard” to Use matrix TMC 18.60 to require a CUP in I-2 Heavy Industrial, and to be prohibited in all other districts. Add “#” for see definition and note to indicate cross reference TMC 5.135

“Junk” is defined in TMC 5.135 (Salvage Yard section) code section concerning “Salvage yards” and should be cross reference in matrix.

Exhibit 5

Microbreweries, Microdistilleries, etc.

September 8, 2016

18.55.020 “B” definitions.

* * *

“Brew pub” means an eating and drinking establishment that includes a microbrewery as an accessory use. The microbrewery is limited to 5,000 barrels per year.

* * *

18.55.040 “D” definitions.

* * *

“Drinking establishment” means a premises which may be open to the general public, where alcoholic liquor by the individual drink is sold. A microbrewery may be included as an accessory use and is limited to 5,000 barrels per year.

* * *

18.55.060 “F” definitions.

* * *

“Farm Winery” means a facility for the manufacture and storage of domestic table wine and domestic fortified wine for distribution, resale, or wholesale, on or off premises, with a capacity of not more than 100,000 gallons per year. Does not allow agricultural production.

* * *

18.55.130 “M” definitions.

* * *

~~“Microbrewery” means a facility licensed by the state for the production and packaging of malt beverages with low alcoholic content for distribution, retail, or wholesale, on or off premises, with a capacity of not more than 15,000 barrels per year.~~

“Micro-Alcohol Production” Includes Microbreweries, Farm Wineries and Microdistilleries. A facility in which beer, wine or spirits are brewed, fermented or distilled for distribution and consumption, and possesses the appropriate license from the state. Tap and Tasting rooms are permitted as an accessory use.

“Micro-brewery” means a facility for the production and packaging of beer for distribution, retail, or wholesale, on or off premises, with a capacity of not more than 15,000 barrels per year.

“Micro-distillery” means a facility for the and packaging of spirits for distribution, retail, or wholesale, on or off premises, with a capacity of not more than 50,000 gallons per year.

* * *

18.55.200 “T” definitions.

“Tap/Tasting Room” means an area included on-site that is accessory to micro-alcohol production to allow customers to taste samples of products manufactured on-site and purchase related items. Sales of alcohols manufactured outside the facility are prohibited. Does not include food sales or service.

TMC 18.60 Use Matrix

Change “Micro Brewery” to “Micro Alcohol Production” and make “Micro-Alcohol Production” a “S” in X-2 and X-3 Districts and the D Districts.

Currently, “Micro Breweries” are permitted in C-4, I-1, I-2, X-2, and D-3; not permitted in X-1, X-3; and by CUP in C-5 and D-1, D-2

Delete “Bar/Tavern” use in matrix and add “Drinking Establishment” use. TMC 18.55 Definitions refers to a “Drinking Establishment” not a “bar/tavern”. Also, consistent with State licensing terms.

* * *

TMC 18.225.010 Special Use Requirements

Proposed Change to add specific use standards for “Micro-Alcohol Production” in X-2, X-3 and D Districts:

(u) Micro-Alcohol Production in X-2 and X-3 and D Districts:

- 1) Micro-breweries are limited to 5,000 barrels per year.
- 2) Tap rooms and tasting rooms are permitted as an accessory use and should be located near the street front side of the building.
- 3) Any portion of the building that fronts a public street should have a store front facade and include windows and door openings along the street frontage.
- 4) The area of the building used for manufacturing, processing, brewing, fermenting, distilling, or storage should be above or below the ground floor or located to the rear of the building or otherwise subordinate in area and extent.

Exhibit 6

Mobile Retail Vendors

September 8, 2016

18.55.010 “M” definitions

* * *

“Mobile Retail Vendor” means any person, corporation, association, or other entity, however organized, that offers any merchandise, food and/or beverage for sale from any vehicle, trailer, cart, or other type of conveyance.

* * *

18.60.010 Use Tables

* * *

Add a row for Mobile Retail Vendors to the Land Use Matrix as an “s” in all districts.

Note: “s” means the use is permitted subject to the Special Use Requirements in TMC 18.225.

* * *

18.225.010 Special Use Requirements

* * *

(n) Mobile Retail Vendors

(1) Mobile retail vendors are allowed in zoning districts where retail sales are permitted per TMC 18.60.

(2) In zoning districts where retail sales are not permitted, mobile retail vendors, not including sales of fireworks, may be permitted in association with public facilities when approved by the owner. The mobile retail vendor shall be located a sufficient distance from adjacent residential land uses so as not to generate a negative impact to adjacent residential land uses.

(3) Approval of the mobile retail vendor by the property owner is required.

(4) The mobile retail vendor shall not occupy any required parking areas and associated driveways.

(5) The siting of the mobile retail vendor, including but not limited to the mobile retail vendor’s vehicles, merchandise, and customer service areas, shall not hinder the flow of pedestrian, bicycle, and vehicular traffic and shall not compromise the safe movement of traffic.

(7) The mobile retail vendor shall obtain all permits and comply with the laws administered by city, state, county, and applicable jurisdictions.

Exhibit 7

Outdoor Concert Venue / Outdoor Recreation Type III

September 8, 2016

18.55.180 “R” definitions.

* * *

“Recreation, outdoor (type III)” means high intensity activities including: go kart tracks, horse and auto race tracks, drag strips, motorized kiddie parks, amusement parks, sport stadiums/complexes and arenas, outdoor concert, music, performance, and theater venues, and similar activities.

* * *

Add a note to the Land Use Matrix to include outdoor concert, music, performance, and theater venues under Recreation Outdoor Type III.

Exhibit 8

Truck Stop / Travel Plaza

September 6, 2016

18.60.010

Add row for “Truck Stop”. To be prohibited in C-1, C-2, and C-5; conditional in C-3 and C-4; allowed in I-1, and I-2; and prohibited in all other zoning districts.

* * *

18.55.200 “T” definitions

* * *

“Truck Stop” means a facility that provides services to the trucking industry, including but not limited to the following: dispensing of fuel, repair shops for large trucks, automated washes, restaurants, motels, overnight sleeping quarters, parking areas for large trucks, resting areas for trucks and drivers, all as a primary use.

Exhibit 9

Wood and Yard Waste Recycling

September 8, 2016

18.055.120 “L” definitions.

* * *

“Landfill, demolition” means a facility for the disposition of construction/demolition wastes, including yard and wood waste recycling which are transported to a permitted disposal area from an off-site source, and disposing of said wastes without creating nuisances or hazards to the public health or safety of the environment.

No change is proposed to 18.60 Matrix. Landfills, Demolition are allowed by CUP in I-1 and RR-1 and subj to Specific Use in I-2.

		Approval Levels																											
		● = Allowed Use S = Allowed per Special Use Requirements under Chapter 18.225 S/C = If unable to meet Special Use Requirements, may apply for CUP. C = Conditional Use Permit (CUP) approved by Governing Body																											
Use	Description	R-1/R-2/R-3 Single Family Dwelling	R-4 Manufactured Homes	M-1 Two Family Dwelling	M-1a Limited Multiple Family Dwelling	M-2 Multiple Family Dwelling	M-3 Multiple Family Dwelling	O&I-1 - Office And Institutional	O&I-2 - Office And Institutional	O&I-3 - Office And Institutional	C-1 Commercial	C-2 Commercial	C-3 Commercial	C-4 Commercial	C-5 Commercial	I-1 Light Industrial	I-2 Heavy Industrial	U-1 University	MS-1 Medical Service	See Design Standards for "X" & "D" Districts					RR-1 Residential Reserve	OS-1 Open Space			
																				X-1 Mixed Use	X-2 Mixed Use	X-3 Mixed Use	D-1 Downtown Mixed Use	D-2 Downtown Mixed Use			D-3 Downtown Mixed Use		
Commercial/Office																													
Animal Care and Services type I#	for common household pets in an enclosed building	-	-	-	-	-	-	S	S	S	-	S	S	●	S	●	●	-	-	●	C	C	●	S	C	C	C	-	
Animal Care and Services type II#	services within an enclosed building	-	-	-	-	-	-	-	-	-	-	-	-	●	-	●	●	-	-	-	-	-	-	-	-	-	-	C	-
Arbitration #	Refer to TMC18.225	-	-	-	-	-	-	-	-	-	C	C	C	S	-	●	●	-	-	S	S	S	-	S	C	S	-	-	
Auction House		-	-	-	-	-	-	-	-	-	-	-	S	●	●	●	●	-	-	-	-	-	-	-	-	-	-	-	-
Automobile or Vehicle Carwash #		-	-	-	-	-	-	-	-	-	-	S	S	S	S	●	●	-	-	-	-	-	-	-	-	-	-	-	-
Automotive Rental Establishments		-	-	-	-	-	-	-	-	-	-	S	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	-	-
Auto Service Station, type I #	convenience store with gas sales	-	-	-	-	-	-	-	-	-	C	S	S	S	S	●	●	-	-	●	●	●	●	●	●	●	●	●	●
Auto Service Station, type II #	excludes drive-train work	-	-	-	-	-	-	-	-	-	-	S	S	●	S	●	●	-	-	C	●	-	●	●	●	●	●	●	●
Auto Service Station, type III #	includes drive-train work	-	-	-	-	-	-	-	-	-	-	C	C	S	S	●	●	-	-	C	C	-	●	●	●	●	●	●	●
Automobile Sales & Service	excludes heavy duty vehicles and type III auto services	-	-	-	-	-	-	-	-	-	-	-	S	S	S	●	●	-	-	C	S	-	-	-	-	-	-	-	-
Automobile, Boat, Truck, Heavy & Ag Equipment, Sales/Services	includes heavy-duty trucks, rec. vehicles, trailers and type III service	-	-	-	-	-	-	-	-	-	-	-	-	S	-	●	●	-	-	-	-	-	-	-	-	-	-	-	-
Automobile or Vehicle Tow Lot and Body Shop	not including wrecking yards or long-term storage of disabled vehicles	-	-	-	-	-	-	-	-	-	-	-	-	S	-	●	●	-	-	-	-	-	-	-	-	-	-	-	-
Bakery (Commercial)	including wholesale distribution	-	-	-	-	-	-	-	-	-	-	-	-	●	-	●	●	-	-	-	-	●	-	-	-	-	-	-	-
Bank/Financial Institution	Does not include drive in/drive-throughs	-	-	-	-	-	-	●	●	●	●	●	●	●	●	●	●	-	-	●	●	●	●	●	●	●	●	●	●
Bars and Taverns	includes allowing a microbrewery as an accessory use.	-	-	-	-	-	-	-	-	-	-	E	E	●	E	●	●	-	-	E	E	●	●	●	●	●	●	●	●
Billboard/Panel Poster Sign # (See Section 18.25.110 TMC)	off-premise advertising signs	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	-	-	-	-	-	-	E	C	-	C	C	-
Billboard, Modified Legal Non-Conforming Billboards	relocation, remodeling or rebuilding of legal non-conforming billboards	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Body Art Service/ Tattooing, Body-Piercing	excludes ear-piercing only	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	-	-	●	●	●	●	●	●	●	●	●	●
Brew Pub #	includes a microbrewery as an accessory use. <u>Microbrewery limited to 5000 barrels per year.</u>	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	-	-	●	●	●	●	●	●	●	●	●	●
Building, Construction, & Mechanical Contractor Office	showroom, shop & sales including plumbing, heating, air, electrical, etc.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	●	●	●	●	●	●	●	●	●	●
Catering		-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	-	-	●	●	●	●	●	●	●	●	●	●
Check cashing/pay-day loans/title loans		-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	-	-	●	●	●	●	●	●	●	●	●	●
Drinking Establishment #	includes allowing a microbrewery as an accessory use. <u>Microbrewery limited to 5000 barrels per year.</u>	-	-	-	-	-	-	-	-	-	-	C	C	●	C	●	●	-	-	C	C	●	●	●	●	●	●	●	●
Drive through establishments/facilities	Refer to TMC18.225	-	-	-	-	-	-	S	S	S	S	S	S	S	S	S	S	-	-	S	S	S	S	S	S	S	S	S	S
Funeral Home, Mortuary # without Crematorium	Includes the display and sale of related products	-	-	-	-	-	-	●	●	●	-	●	●	●	●	●	●	-	-	●	●	-	●	●	●	●	●	●	●
Funeral Home, Mortuary # with Crematorium	Includes the display and sale of related products	-	-	-	-	-	-	-	C	●	-	●	●	●	●	●	●	-	-	●	●	-	●	●	●	●	●	●	●
Grave Monuments & Markers	includes display but not stone engraving or cutting.	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	-	-	-	-	-	-	●	●	●	●	●	●
Gun Ranges, Indoor		-	-	-	-	-	-	-	-	-	-	-	C	-	S	S	-	-	-	-	-	-	-	-	-	-	-	-	-
Health Services #, Clinic #, Health Care Facility #	May include a pharmacy as part of the facility	-	-	-	-	-	-	●	●	-	●	●	●	●	●	●	●	-	-	●	●	-	●	●	●	●	●	●	●
Home Improvement & Building Supply	outdoor display, storage <u>Retail merchandise, outdoor display</u> limited to only C-4 & I	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	-	-	●	●	-	●	●	●	●	●	●	●

		Approval Levels																									
		● = Allowed Use \$ = Allowed per Special Use Requirements under Chapter 18.225 S/C = If unable to meet Special Use Requirements, may apply for CUP. C = Conditional Use Permit (CUP) approved by Governing Body																									
Use	Description	Districts																									
		R-1/R-2/R-3 Single Family Dwelling	R-4 Manufactured Homes	M-1 Two Family Dwelling	M-1a Limited Multiple Family Dwelling	M-2 Multiple Family Dwelling	M-3 Multiple Family Dwelling	O&I-1 - Office And Institutional	O&I-2 - Office And Institutional	O&I-3 - Office And Institutional	C-1 Commercial	C-2 Commercial	C-3 Commercial	C-4 Commercial	C-5 Commercial	I-1 Light Industrial	I-2 Heavy Industrial	U-1 University	MS-1 Medical Service	X-1 Mixed Use	X-2 Mixed Use	X-3 Mixed Use	D-1 Downtown Mixed Use	D-2 Downtown Mixed Use	D-3 Downtown Mixed Use	RR-1 Residential Reserve	OS-1 Open Space
# = See Definition in Chapter 18.55 Topeka Municipal Code		See Design Standards for "X" & "D" Districts																									
Commercial/Office																											
Labor Pools #		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hospital #	institution providing inpatient health services, medical or surgical care, and related facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hotel #, Motel #	commercial establishment providing sleeping rooms for overnight guests	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Lawn/Garden Centers	landscape materials, lawn & garden equipment and supplies	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Liquor Sales, Packaged Goods		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Manufactured Housing & Accessory Structure Sales		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Medical Equipment	Hearing aids, eyeglasses, prosthesis stores, etc.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Mobile Retail Vendors #	Refer to TMC 18.225 mobile retail vendors	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Office #, Professional Office #	includes medical offices	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Oil/Gas Well Drilling		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Parking, Surface Lot - As a stand alone Principal Use	temporary storage of vehicles as a principal use	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Parking, Surface Lot, in association with a Principal Use.	temporary storage of vehicles as a principal use	C	C	C	C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C
Parking Garage, (Multi-Level)	temporary storage of vehicles as a principal use	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Patio/Garden, Hardware		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pawn Shops/Second Hand Shops	For outdoor display, see Retail Merchandise Outdoor Display	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Personal Services #	including beauty & barber shops,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pet Shops		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pharmacy # & Drugstores	retail sales of drugs, prosthesis, rehabilitation equipment & medicine. Does not include drive throughs	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Printing/ Copy Center		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Radio & TV Broadcasting/ Recording Studio		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Rental Establishment	general equipment and domestic items	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Restaurant, Family Dining, carry-out # (Delicatessen)	limited to 50 seats and no drive-throughs in C-1.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Restaurant, drive-in/drive through #	Refer to TMC 18.225 for drive throughs	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Restaurant, fast-food #		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Retail Merchandise, Outdoor Display	See TMC 18.225 Retail Merchandise outdoor display, no truck bodies or cargo containers used for storage in any district except in I-1 and I-2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Retail Sales/Service #	sale and repair of items having a low intensity	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Gun Sales and Service		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Theaters #	enclosed structure used for performances for admitted audiences	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Tobacco Shop	Includes Tobacco & Smoke Shop/Hookah Houses/E cigarettes Shop/cigar shops	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Truck Stop #		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Industrial

		Approval Levels																										
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Use	Description	R-1/R-2/R-3 Single Family Dwelling	R-4 Manufactured Homes	M-1 Two Family Dwelling	M-1a Limited Multiple Family Dwelling	M-2 Multiple Family Dwelling	M-3 Multiple Family Dwelling	O&I-1 - Office And Institutional	O&I-2 - Office And Institutional	O&I-3 - Office And Institutional	C-1 Commercial	C-2 Commercial	C-3 Commercial	C-4 Commercial	C-5 Commercial	I-1 Light Industrial	I-2 Heavy Industrial	U-1 University	MS-1 Medical Service	See Design Standards for "X" & "D" Districts			RR-1 Residential Reserve	OS-1 Open Space				
		Districts																										
Industrial																												
Tower, Communication #, Transmission Tower #	ground-mounted free-standing structure transmitting or receiving tv, radio, & microwave frequencies Refer to IMC 18.20	C	C	C	C	C	C	C	C	C	C	C	C	S	S	S	S	C	C	.	.	.	C	C	C	C	.	
Towers, Receiving and Commercial Broadcasting	For radio and television Refer to TMC 18.20	.	.	.	.	.	.	C	C	.	.	.	C	.	C	.	.	C	.	.	.	.	.	.	.	.	.	.
Truck/Friegl/Bus Terminal	in C-5 bus terminal only	.	.	.	.	.	.	.	.	.	.	.	.	.	●	●	●	.	.	.	.	.	.	.	.	.	.	.
Bus Terminal		.	.	.	.	.	.	.	.	.	.	.	.	.	●	●	●	.	.	.	.	.	.	.	.	.	.	.
Warehouse #, Storage #, Distribution Facilities;	structure for storing goods, wares, and merchandise. Cargo containers allowed as Accessory Uses only. Refer to TMC 18.210.20	.	.	.	.	.	.	.	.	.	.	.	.	.	.	●	●	.	.	.	.	●	C	.	.	.	.	.
Welding, Tinsmithing & Machine Shop		.	.	.	.	.	.	.	.	.	.	.	.	.	.	●	●	.	.	.	.	●	.	.	.	.	.	.