

ZONING REPORT

CITY OF TOPEKA PLANNING DEPARTMENT

CASE NO: PUD13/1

By: William A. & Kathryn D. Reinsch; Darrell E. Simnitt Trust; Richard & Patricia Lake; Elwanda M. Rogers, Trustee of the Elwanda Rogers Revocable Trust and DR-DL Building; Flarice Phillips; and Unified School District #501

PROPOSAL: Zone change from “C-2” Commercial District, “C-4” Commercial District, “M-2” Multiple-Family Dwelling District, “R-1” Single-Family Dwelling District, “PUD” Planned Unit Development (“M-2” Multiple-Family Dwelling District use group) **ALL TO** “PUD” Planned Unit Development (“C-4” and “C-2” Commercial District use groups).

LOCATION: On property located between SE 25th and SE 27th Streets along the east side of SE California Avenue

PRESENT USE: The property is presently vacant (28.5 acres) except for the 4,591 sq. ft. daycare facility that will be demolished. The property was formerly a drive-in theater.

PROPOSED USE: Approximate 160,000 sq. ft. Wal Mart supercenter (grocery store, department store, seasonal garden center, hardware, etc.) on Lot 1 (27.36 acres) and one out lot (1 acre) fronting SE California Avenue.

The proposed PUD plan is providing:

- 635 automobile parking spaces, an on-site Topeka Metro bus stop on the north side of the building, and bicycle parking at both entrances.
- Two access points on to SE California and SE 25th Street (Drive A and Drive B)
- Traffic signal (InSync) with pedestrian-activated crossing at Drive A and California
- Bike lane or bike sharrows (as necessary) along both sides of SE 25th Street.
- Left turn lane along SW 25th Street for 150 ft. from the intersection with California.
- Nine-foot tall berm located on the east side of the building with a row of 6 ft. tall evergreen trees planted atop the berm and 8 ft. landscape screening barrier along the north side of parking lot.
- Sidewalk connection along SE 25th from Drive B to SE Burr
- Interior sidewalks and pedestrian crossings connecting SE California and SE 25th Street to the building.
- Detention basin on east side of building.

CHARACTER OF NEIGHBORHOOD: The property is located east of a principal arterial (SE California Avenue) and south of a collector street (SE 25th Street) with a 300 ft. wide leg connecting to SE California and a 120 ft. wide leg connecting to SE 25th Street. The frontages along SE California between SE 25th and SE 29th Streets are developed for commercial uses. The properties to the east and north of the subject property are developed for multiple-family residential. Highland Park High School is located north of SE 25th Street on the north side of the subject property. Dornwood Park lies further east of the subject property at the end of SE 25th Street. SE 25th Street is a residential collector and primarily serves residential neighborhoods and Dornwood Park, as well as, provides an egress for the high school

ZONING CLASSIFICATION AND USE OF SURROUNDING PROPERTIES:

	ZONING CLASSIFICATION	PRESENT LAND USE
North:	“PUD” Planned Unit Development (“M-2” use)	Apartments
South:	“R-1” Single-Family Dwelling District	Vacant
	“PUD” Planned Unit Development (“M-2” use)	Apartments
East:	“PUD” Planned Unit Development (“M-2” use)	Apartments
West:	“C-2” Commercial District	Retail stores
	“PUD” Planned Unit Development (“I-1” use)	Self-storage facility

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT RESTRICTIONS: The interior of the property has remained zoned “R-1” Single-Family Dwelling District since 2004 when it was rezoned from “R-1” Single-Family Dwelling District with a Resolution of Intent (ROI) for “C-4” Commercial District. Prior to 2004, the interior of the property was originally zoned for single-family dwellings since annexed in 1958. (ROIs were a pre-1992 form of conditional zoning, which were approved by City Council and the applicant would subsequently have to meet criteria listed in the approving resolution before using the property as allowed under that district. The ROI on this property for “C-4” uses was eliminated in 2004 when staff recommended the “R-1” District for the subject property.) The “C-4” zoned tract along SE California has remained as zoned for commercial since at least the 1960s. There is one existing building currently being used as a day care facility on this tract that was constructed in 1980 for retail uses and will be demolished. The “M-2” tracts have remained zoned for multiple-family residential since 1969 and have been vacant ever since. The “R-1” tract was used as a drive-in theater at some point historically in the past.

SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED: The subject property may still be suitable as presently restricted for residential uses since this is the character of the area along SE 25th Street to the east and west of SE California Avenue. SE 25th Street has traditionally acted as the line of demarcation between the commercial and residential uses along California. However, there may also be other uses for which the property would be suitable due to the length of time it has been undeveloped for residential uses. The property is located within an “Outpatient” area and fronts upon an “At Risk” area, as designated by the City’s 2011 Neighborhood Health Map. The subject property has frontage on the eastern edge of the City’s Neighborhood Revitalization Area and is eligible for a ten-year property tax rebate. Comprehensive plan policies encourage development and re-development on infill sites inside the City’s inner urban core areas and within its “Intensive Care”, “At Risk” and “Outpatient” neighborhoods.

This development has the potential to encourage further investment on undeveloped properties within this area. However, considering SE 25th Street has traditionally functioned as a residential collector street for neighborhoods to the east and west and has not served commercial properties, there are significant traffic and street improvements that need to be made before the subject property could be considered suitable for a regional commercial development of this size (160,000 sq. ft.) since the property is located approximately 1,500 ft. north of the arterial intersection at 29th and California. If this applicant makes the necessary traffic and street improvements as recommended by the City of Topeka to both SE California and 25th Streets, the subject property may also be suitable for uses other than residential.

CONFORMANCE TO COMPREHENSIVE PLAN: The Topeka Land Use and Growth Management Plan – 2025 (LUGMP) identifies the area along SE California between SE 29th and SE 25th Streets for *Commercial/Office* uses. However, the future land use map of the LUGMP is more of broad brush approach and does not designate specific land uses for each particular parcel or tract of land, but rather gives general guidelines for making land use and rezoning decisions. The plan's land use principles and policies generally require regional commercial uses to be at arterial intersections and encompass approximately 7 – 15 acres at each corner of the intersection and should not be located within close proximity to residential neighborhoods. Arterial streets are constructed to have the capacity to handle traffic from regional commercial uses of this type, not collector streets. Policies in the plan also recommend against “stripping out” arterial streets with commercial uses because of a number of undesirable results that can occur, such as:

- Lessening the primary purpose of the arterial's ability to move traffic.
- Excessive public cost due to the need for traffic control devices.
- Reducing property values for residential uses adjacent to the strip of commercial zoning as the commercial uses “bleed” into the neighborhood.
- Lowering the value of “prime” retail properties as an excessive amount of commercial properties are established.

The subject property is located approximately 1,500 ft. north of the SE 29th and SE California arterial intersection and accesses off a collector street (SE 25th Street) and is in an area that has already been primarily stripped out with commercial uses fronting along California. SE 25th Street has primarily functioned as a collector street that provides access to residential properties. SE 25th Street was not intended to serve commercial properties and carry heavy truck traffic to these properties. That being said, the intersection of SE 29th and SE California will probably not experience new commercial development on its south and west sides since the neighborhoods to the west of California and south of 29th are already predominately developed, leaving the subject property at a more practical location for the expansion of commercial development.

The PUD plan does provide some buffering with residential properties to the east and south, as well as, makes pedestrian and bicycle connections. However, staff does recommend a couple of additions be included to this buffering. Staff recommends a 6 ft. black or green chain link fence be installed along the south side of the principal building, just to the south of the row of parking stalls and connected with the fence around the detention pond, which should also be 6 ft. tall, black or green chain link. An existing vegetative tree line lies across the south boundary line with an approximate 240 ft. of separation between the property line and developed area, but this will need to be depicted on the plan graphics to ensure it remains as the required residential buffer area for properties to the south. On its east boundary, the PUD requires a 9 ft. tall berm with 6 ft. of evergreen landscaping across the berm to act as a residential buffer

for the apartments to the east, which staff believes is sufficient buffer for properties to the east. An 8 ft. tall landscaped screening barrier will also be established across the north end of the parking lot that is adjacent with apartments.

Staff believes with the completion of the recommended traffic and bike lane improvements and appropriate residential buffering, the request is **in conformance** to the Comprehensive Plan. These improvements should assist in mitigating against the negative effects that can arise from “stripping out” arterials with commercial uses as noted in the LUGMP. SE 25th Street should remain the line of demarcation between commercial uses to the south and residential to the north along California, except for the *Transition Area* at the northwest corner of SE 25th and SE California Avenue as designated in the Central Highland Park Neighborhood Plan (2010).

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: Removal of the present restrictions would have a detrimental effect upon nearby properties without the necessary street and traffic improvements being made to SE California and SE 25th Street that would enable the subject property to be suitable for a regional commercial development of 160,000 sq. ft.

The traffic and street improvements the City of Topeka requests are listed below:

- Left-turn lane on SE 25th Street for 150 ft. from the intersection with California.
- A center turn lane along SE California from SE 25th Street through at least 50 ft. south of SE 25th Street (exclusive of tapering).
- Three synchronized traffic signals (InSync) at Drive A, SE 25th Street, and SE 29th Street, which are the two traffic signals on either side of Drive A that will be significantly impacted.
- Drive A will be constructed as a four-way commercial traffic light with a pedestrian-activated crossing across California.
- Collaborate with City of Topeka to establish shared access for the two residential properties on the west side of California across from Drive A.
- Bike lanes along SE 25th Street since this is a designated route in the City Bikeways Plan. (The bike lanes may transition to sharrows near the intersection to accommodate the left-turn lane.)
- Mid-block crossing for pedestrians across SE 25th Street with the exact location of the crossing to be determined at the time of site development plan review

The Traffic Impact Study (TIS) indicates the project will generate 9,639 new vehicle trips per day. SE California currently carries 17,932 trips per day. The estimated 9,639 trips per day added would bring California to a total of 27,571 trips per day. This would make this development responsible for nearly 35% of that total. Even though the TIS indicates the streets and intersections will still be at acceptable levels of service, this traffic increase clearly reduces much of the carrying capacity of California for a four-lane road way that the City expended considerable cost widening in the recent past.

The subject property is adjacent with residential properties and zoning districts on three sides and without adequate residential buffering would have a detrimental effect upon these properties. As indicated above, staff believes the PUD plan requires sufficient buffering for these residential properties, but is recommending some additions to the buffering proposed on the plan. Lighting still needs to be addressed on the plan as to type and intensity of lighting in order to ensure parking areas are adequately lit and lighting will not impact adjacent properties.

THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE OWNER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER:

The proposed reclassification would allow the property to develop for commercial uses. There would be a relative gain to the public health, safety, and welfare since the PUD will provide sidewalk, pedestrian, and bicycle connectivity both internal to the site and externally with surrounding neighborhoods and accommodates various modes of transportation. These improvements would add to considerable investments the City has made, or is planning to make in the future, in both widening SE California Avenue to four lanes and providing for infrastructure improvements (sidewalks, curbs, and gutters) within Central Highland Park to the west of the subject property.

AVAILABILITY OF PUBLIC SERVICES: With the exception of street and traffic improvements noted above, the subject property is served with public utilities, services, and facilities. All improvements will be at the cost of the developer. The City will collaborate with the developer to develop shared access for the two residential properties on the west side of SE California that will be needed to accommodate the traffic signal at Drive A. The Storm Water Management Report has been approved by the City of Topeka. The plat will need to reflect the area covering the detention basin as a storm water management easement (SME), as required by the City.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS: A 20 percent reduction is requested with the PUD to the Off-Street Parking Regulation requirement that retail uses provide parking at 1 per 200 sq. ft. of floor area due to provisions being made for other modes of transportation (bus stop, bike lanes, and sidewalks). The plan proposes 635 off-street automobile parking spaces. The applicant will provide bike lanes on SE 25th Street, which is a designated bike route on the City of Topeka Bikeways Plan and bicycle parking at a rate of 4 percent of the required automobile parking spaces (equals 25 bike rack spaces). Bike parking will be located in front of the main entrances of the building with the exact type approved at the time of site plan review. An on-site Topeka Metro bus stop is provided at the north end of the property. The applicant is also making numerous sidewalk and pedestrian connections both internal to the site and with adjacent properties with sidewalks and pedestrian crossings.

Minimum lot area: **Compliant** – 28.5 acres (minimum 1 acre lot size)

Setbacks: **Compliant** – Established on the PUD plan

Platting: **Non-Compliant** – The applicant is submitting a plat for the September Planning Commission meeting. A note has been added to the PUD stating, *“No building permits shall be issued until the property is platted.”*

CONCERNS OF STAFF AND REVIEWING AGENCIES: This request was submitted to all applicable reviewing agency staff for consideration and comment, which have been addressed or will be addressed at the time of site plan review and prior to building permit issuance.

ADDITIONAL FACTORS:

1. Citizen Participation Process: The applicant conducted a neighborhood information meeting on July 24, 2013 at Highland Park High School. The applicant's report to the City is attached. All neighborhoods within ½ mile and property owners within 500 ft. were notified of the zone change. (Central Highland Park, Hi-Crest, Highland Acres, and Rolling Meadows.) All written responses received as of the date of the staff report are attached. All public materials related to the application were posted to the City of Topeka Planning website at <http://www.topeka.org/Planning/Walmart.shtml>
2. Capitol Area Plaza Authority: N/A
3. Flood Hazard Area: N/A
4. Airport Hazard Area: N/A
5. Historic Properties: N/A

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 recorded **Master Planned Unit Development Plan for Wal Mart Commercial Center.**
2. Adding Traffic Improvement Notes to Circulation, Parking, and Traffic Notes on Sheet 4:
 - a. Adding Note stating: *“The traffic improvements stated herein shall be under contract for construction prior to the issuance of building permits and completed prior to the issuance of a Certificate of Occupancy.”*
 - i. *A west-bound left turn lane for SE 25th Street where it approaches SE California for 150 ft.*
 - ii. *A continuous two-way center turn lane on SE California from SE 25th through SE 27th so that there is a 50 ft. long northbound left turn lane south of 27th Street (exclusive of the taper).*
 - iii. *Synchronized traffic signals (InSync) at Drive A, SE 25th Street and SE 29th Street.*
 - iv. *5 ft. wide bike lanes on both sides of SE 25th Street from Drive B to SE California with bike sharrows as these lanes near the approach of California to accommodate the left-turn lane.*
 - v. *Construction of Drive A as a four-way commercial traffic light with a pedestrian-activated crossing across California.*
 - vi. *Pedestrian-activated mid-block crosswalk across SE 25th Street with the exact location of the crossing to be determined at the time of site development plan review*
3. Labeling on Sheet 1 that the “pedestrian crossing” at Drive A across California will be pedestrian-activated.
4. Labeling bike lanes/sharrows along SE 25th Street on Sheet 1.

5. Adding Note #4 under Utility Notes to state: *“Parking lot lighting shall be directed way from public streets and residential properties and shall not exceed three foot-candles as measured at the property line. The source of illumination shall be not visible from adjacent properties.”*
6. Indicating the type and intensity of parking lot lighting that is being provided to the above Lighting note under Utility Notes.
7. Adding to Note #1 under Signage Notes to include: *“. . . The base of the pole sign shall be landscaped with shrubs to a height of 30 inches.”*
8. Revising Note #4 under Signage Notes to state: *“Wall signs shall comply with the ‘C-4’ base zoning signage requirements.”*
9. Adding note under Signage Notes: *“No Electronic Message Center signs shall be permitted at the SE 25th Street entrance.”*
10. Adding note under Building and Structure Notes: *“No outdoor storage, sales, or display of products, materials, and merchandise, except within the fenced area shown on the plan and intended for garden center merchandise only.”*
11. Adding note under Building and Structure Notes: *“No parking of semi-truck trailers on the premises, except for those unloading and loading.”*
12. Revising Note #3 under Building and Structure Notes to state: *“The exterior building and sign designs shall demonstrate substantial compliance with the elevations included with the PUD plan and shall be reviewed and approved by the Topeka Planning Director prior to building permit issuance.”*
13. Depicting the existing tree line and width of the tree line on “Sheet 3- Landscaping” since this will act as the southern residential buffer area.
14. Reflecting a 6 ft. tall black or green chain link fence along the south side of the building and just south of the row of parking stalls and connecting with the fence around the detention pond.
15. Indicating that the fence shown on the plan and around the detention pond will be *“6 ft. tall, black or green chain link.”*

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