Monday, January 25, 2021
6:00PM – via video conference

Members present:  Brian Armstrong (Chair), Corey Dehn, Marc Fried, Wiley Kannarr, Jim Kaup, Corliss Lawson, Katrina Ringler, Matt Werner (8)

Members Absent:  Ariane Messina (1)

Staff Present:  Bill Fiander, Planning & Development Director; Mike Hall, Current Planning Manager; Kris Wagers, Administrative Officer; Mary Feighny, Legal

Roll Call – Chairman Brian Armstrong called the meeting to order with eight members logged in for a quorum.

Approval of Minutes from December 21, 2020

Motion to approve by Mr. Kannarr, second by Mr. Dehn. APPROVED 6-0-2 with Commissioners Fried and Werner abstaining.

Election of 2021 Chair and Vice Chair

Mr. Fiander explained that traditionally the Chair serves two consecutive years. He stated that Mr. Armstrong’s 2nd term as Planning Commissioner ends in September 2021 so, if elected to serve a 2nd term as Chair, the Vice Chair would serve as Chair for the October – December 2021 meeting.

Motion by Mr. Fried to elect Mr. Armstrong as Chair to the end of his term; second by Mr. Dehn. Mr. Kaup moved that the nominations be closed. APPROVED (8-0-0)

Motion by Mr. Armstrong to elect Mr. Fried to continue his role as Vice Chair and assume the role of Chair in October 2021; second by Mr. Kaup. Mr. Dehn moved that the nominations be closed. APPROVED (8-0-0)

Declaration of conflict of interest/ex parte communications by members of the commission or staff –

Mr. Fried explained that through his work at Washburn University he has employed Mr. Hutton’s law firm (reference CU20/03). He stated he is not currently working with them on anything and the relationship will not impact his ability to make a decision on the case.

Action Items

CU20/03 by: Kansas Sand & Concrete, Inc., requesting a Conditional Use Permit on property presently zoned “I-2” Heavy Industrial District and located along the east side of NW Stina Court near the intersection of NW 25th Street and NW Stina Court, in order to allow for “Manufacturing Processing, Type III” (concrete mixing plant). (deferred from December 2020).

Mr. Armstrong called the case and Mr. Hall explained that staff is recommending CU20/03 by Kansas Sand & Concrete, Inc. be deferred to the February 2021 Planning Commission meeting. To his knowledge, there has been no agreement between the applicant and the City’s Public Works Department regarding street improvements/maintenance to 25th Street and/or Stina.

Motion by Ms. Ringler to defer the item to the February 2021 Planning Commission meeting, second by Mr. Kannarr. Mr. Armstrong noted that without an agreement as requested by the Commission at their
December 2020 meeting, he agrees with the deferral. Upon roll call vote, the motion was APPROVED (8-0-0)

ACZR20/01, a request to amend the Topeka Municipal Code (TMC) Title 18 (Comprehensive Plan-Signs-Subdivisions-Zoning) as follows: Amendments to the Definitions in Chapter 18.55, Use Tables in Chapter 18.60, and Special Use Requirements in Chapter 18.225 to regulate Short-Term Residential Rentals, uses currently referred to as “Bed and Breakfast Home” and “Bed and Breakfast Inn” by TMC Title 18. Amendments to other chapters of TMC Title 18 may also be considered as needed to regulate Short-Term Residential Rentals which are generally owner-occupied or non-owner occupied dwellings that offer lodging to transient guests. (deferred from December 2020)

Mr. Armstrong called the case. Mr. Hall presented a memo written by him and included in the meeting’s agenda packet. The memo specifically addresses revisions to the draft ordinance that staff is recommending based on input from Commissioners at the December 2020 Planning Commission meeting.

Mr. Armstrong stated that, having reviewed the minutes from the December meeting, he believes the recommended changes conform to what the commission is hoping to accomplish.

In respect to restricting noise, Mr. Kaup asked if the proposed language is found somewhere else in the code. Ms. Feighny explained that the language comes from the City’s noise ordinance, specifically section 2 “which interferes with the use or enjoyment of property”. She explained that the standard by which we address whether someone has violated the noise ordinance would be, for instance, if there’s a loud party and the police are called. Mr. Kaup asked Ms. Feighny if it is a municipal offence to violate the noise ordinance and if, by using the language here, it makes meeting the standard a condition of maintaining one’s permit to operate a short term rental. Ms. Feighny confirmed.

Mr. Fried inquired regarding to parking. He asked if a property used as a short term rental is anticipated to have the same number (or more, or fewer) vehicles than if it were used as a single family residence. Mr. Hall explained that staff have considered this and in short, don’t believe there would be too much difference. He went on to explain that it’s difficult to determine how many vehicles a single family may have; it could be 1 or 2 or, if the family has teenagers of driving age, they may have as many as 1 vehicle per family member. He also noted that the definition of a single family residence is broad enough to include up to 5 unrelated individuals and they could potentially each have at least 1 vehicle.

By comparison – in a STR Type 1 where the primary resident lives there, the owner could have 1-2 vehicles and each individual renting might have a vehicle. With STR Type 2, it’s probably more common that a single family or group would be renting the residence and likely one have 1 vehicle.

Mr. Fried thanked Mr. Hall and explained that he felt it important the record show this had been considered.

Motion by Mr. Kannarr to recommend approval of ACZR20/01, an ordinance amending the zoning regulations for short term rentals; second by Ms. Lawson. APPROVAL (8-0-0)

Communications to the Commission –

Mr. Fiander stated that staff anticipates bringing the Downtown Master Plan to the February Planning Commission meeting as a presentation/discussion item and hopes to be able to hold a public hearing on it at the March meeting.

In regard to the Housing Study presented in 2020, Mr. Fiander explained that Council adopted an implementation plan for 2021 and if anyone wishes to view it, staff can provide a copy.

Mr. Fiander stated that staff planner Annie Driver accepted a position in Planning & Development’s Develop Services Division as the city’s new Land Development Coordinator.
Mr. Fiander explained that Ms. Lawson has accepted an employment offer outside of the city so she will be re-locating. This was her last meeting as a Planning Commissioner and Mr. Fiander presented a framed certificate in appreciation for her service.

Fellow planning commissioners join in thanking Ms. Lawson and wishing her well.

With no further agenda items, the meeting was adjourned at 6:30PM