APPLICATION INFORMATION:

CASE NUMBER / NAME: CU20/03 By: Kansas Sand and Concrete Inc.

REQUESTED ACTION / CURRENT ZONING: A Conditional Use Permit (CUP) for "Manufacturing and Processing Type II" to allow a concrete mixing plant on property located along the east side of NW Stina Court at its intersection with NW 25th Street.

PROPERTY OWNER: Kansas Sand and Concrete Inc.

APPLICANT REPRESENTATIVE: John Hutton, Attorney-at-Law, Hutton, Henson, Mudrick, Gragson, Vogelsberg Attorneys LLP

CASE PLANNER: Annie Driver, AICP, Senior Current Planner

PROPERTY LOCATION / PARCEL ID: Northeast corner of NW Stina Court and 25th Street / 0961402001002110

SIZE OF PROPERTY: 10.2 acres

STAFF RECOMMENDATION: Based upon the above findings and analysis, Planning Staff recommends APPROVAL to the Governing Body of the Conditional Use Permit CU20/03 subject to conditions stated in the staff report below.

RECOMMENDED MOTION: Based on the findings and analysis in the staff report I move to recommend APPROVAL to the Governing Body of the Conditional Use Permit CU20/03 subject to conditions stated in the staff report below.

Photos

View of property looking east taken from NW Stina Court
PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY:

The property owner proposes to construct a 27,500 sq. ft. concrete mixing plant, offices, and associated shop. The use requires a CUP in the I-2 zoning district since under TMC18.60 it is classified “Manufacturing and Processing Type III”. The operations of the plant will primarily be conducted inside the enclosed shop, including mixing of concrete. Dust associated with this activity is collected in a dust collector and recycled. Outdoor operations are limited to offloading of crushed rock, sand, and cement on the north portion of the property. The crushed rock will be stored in concrete bins. There is a washout pit on the northeast side of the property for trucks to wash out the residual concrete from the trucks’ drums. No extraction of sand will occur on the property. Sand and aggregate will
Setbacks: The “I-2” zoning district does not require setbacks except where adjacent to residential zoning. However, the proposed building setback for the office portion is 315 ft from NW 25th Street, 180 ft. from the adjoining east property line, and 100 ft. from Stina Ct. The proposed setback for the actual plant facility is 473’ from NW 25th Street and 100 ft. from Stina Ct.

Height: The “I-2” zoning district does not have a building height limit. The proposed building height is 23’ (office) up to 91’ (plant).

Fence: A 6’ tall chain link fence with black PVC slatting will surround the office, parking, shop, plant, and storage areas. The landscaping is for the will be located on the outside of the fence, next to the street side.

Off-street parking is provided at 1 stall per 1,000 sq. ft. pursuant to TMC18.240 for industrial uses. 73 stalls are provided which exceeds the required parking. Additional parking for concrete trucks is provided at the northeast side of the property.

The City of Topeka has "Surfacing Standards for Parking, Loading, and Outdoor Storage Areas". The applicant’s site plan meets those standards.
LANDSCAPING AND SCREENING:

The CUP landscape plan demonstrates compliance with the basic requirements of TMC 18.235 Landscape Regulations for the considered “developed area” of 127,000 sq. ft. Per 18.235.060, unimproved areas and outside storage areas are not applied to the generation of required points provided the performance standards of the chapter are satisfied. The landscape plan demonstrates “large trees” along the street frontages of Stina and NW 25th. A natural buffer of at least 20' in width is provided along the east property line adjoining undeveloped land (zoned Heavy Industry).

SIGNAGE:

The CUP site plan indicates no signage is proposed. If signage is proposed in the future, all signage shall comply with TMC18.10 for I-2 zoning.

BUILDING DESIGN STANDARDS:

The Type C standard indicated in TMC18.275 applies to the building. As consistent with previous industrial projects, staff will only apply this standard to the “office” portion of the building. Staff performed a preliminary review (prior to building permit) and determined there are no substantial changes required based on the elevation concept that the applicant submitted.

TMC 18.215.030 – GUIDELINES FOR CUP EVALUATION:

The guidelines relate to development density, height and floor area relative to surrounding structures, setbacks of surrounding structures, building coverage, functionality and safety of parking and circulation, stormwater management, building design, traffic and other operational characteristics, the Comprehensive Plan, and other applicable regulations. The attached Statement of Operations describes in detail how these objectives are met, as described by the applicant.

Adherence to guidelines:

- The site is contained within an existing industrial park planned for similar such uses. The site has been zoned Heavy Industrial since the 1960s when there area was planned as an industrial park in Shawnee County.
- The office building is set back from NW 25th 315 feet, the plant is set back at least 450 feet, and all areas for outdoor storage are at the north side of property.
- No extraction of raw materials will occur on this site
- The facility is design so that all mixing of concrete is done indoors, dust collected and recycled.
- Concrete bins on the north side of the site will hold crushed rock and sand.
- A washout pit is located on the north side of the site where trucks will be allowed to wash drums of concrete.
- There are two detention ponds on the south and north sides of the property to address stormwater runoff. The applicant will address stormwater treatment by installing rain gardens and vegetated swales, as identified on the site plan.
- The applicant’s Traffic Impact Analysis (TIA) concludes there is no change to the existing level of service A at the intersections (NW Stover/25th and NW Stina/25th). The scope of the TIA studied these two intersections as the predominant traffic will come from Highway 24 via Stover Road.
The City's traffic engineer required a Pavement Analysis to determine the additional deterioration on adjacent streets from trucks traveling to and from the concrete plant. City Engineering Division is making recommendations for overlays to NW Stina and segment of NW 25th based on this analysis.

PUBLIC FACILITIES

TRANSPORTATION FACILITIES: NW 25th Street is designated on the MTPO Functional Classification Map as a collector street. NW Stina is a local street. NW Stina was constructed in 2010 to City design standards for designated local streets. NW 25th was likely constructed in unincorporated Shawnee County to the County design specifications in effect at the time (unknown).

OTHER FACTORS

SUBDIVISION PLAT: The subject property is currently platted as Lots 8-11, ADR Industrial Park Subdivision.

FLOOD HAZARDS, STREAM BUFFERS: Zone X - “Area of Minimal Flooding"

HISTORIC PROPERTIES: None

NEIGHBORHOOD INFORMATION MEETING: The applicant held a neighborhood information meeting on November 18, 2020 via video conference. One relative of the owner of the adjoining property to the east attended the meeting. A summary of that meeting is attached.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

Although the property is zoned I-2 for industrial uses, and heavy truck traffic is typically associated with industrial uses allowed under I-2 zoning, a CUP is required for the proposed use (“Manufacturing and Processing, Type II”). The guidelines in TMC18.215.030 (c) of the CUP regulations require the City to determine that the use not have an adverse effect on transportation infrastructure. Furthermore, the Land Use & Growth Management Plan-2040 (the City’s comprehensive plan for land use) expresses the policy objective of ensuring adequate infrastructure for uses in the Employment Tier in which this property is located.

As a part of the original application, the Traffic Engineer required the consultant to submit a Traffic Impact Analysis to address whether there will be a detrimental impact to the operation of the intersections from the volume of vehicles added to road network by this use. The potential for undue deterioration of the condition of roadway surfaces is also a concern and, to address that concern, the City requested a Pavement Analysis be
conducted to analyze the design life and conditions of NW Stina and NW 25th (from the intersection west to Stover Rd).

The TIA indicated the use adds only an additional 39 AM and PM peak hour trips to the street network and will not adversely affect the capacity or traffic operations within the study areas of NW 25th and Stina and NW 25th and Stover Roads. The intersections will operate at a Level of Service A.

The Pavement Analysis concluded the following:

- **NW Stina Court:** NW Stina is a locally designated street constructed to City design specifications. The design life is reduced from 18 years to 12 years, with significant repairs needing to be made at the end of that life.

- **NW 25th Street to NW Stover Road:** NW 25th is a collector designated street and an older concrete section, likely constructed by Shawnee County, overlain with asphalt concrete. A different method was used to estimate design life because construction plans and maintenance records are not available for this road. Instead, an overview was performed of existing road conditions that evaluated pavement distress and cracking. In general, life of the roadway may be shortened by 30%, similar to Stina, due to anticipated loading. Based on traffic loading provided by KS Sand, additional overlay is also anticipated to what would be required for standard industrial traffic.

- The City Engineering Division has made the recommendation that based on evaluation of the Pavement Analysis that a 2” overlay on the full width of NW Stina up to the northern most proposed driveway and 1” mill/3” overlay of NW 25th from the east property line to the west curb return of NW Stover Road. A substantially equivalent proposal with the goal of prolonging the life of existing pavement, using different methods or materials, will be considered.

- City and County Public Works requested additional information be added that address impact on the County roads (excluding highways) that are being used to bring sand/aggregate to the site. The County does not have additional significant concerns based on information provided in the updated TIA dated 12-10-2020, which provides clarification on these routes.

**FIRE:**

The Fire Dept. did not express substantial concerns with the site layout as proposed. The Fire Dept. will review additional plans upon submittal of site plan review and building permit applications.

**DEVELOPMENT SERVICES:**

Submittal of all applications for permits is required including, but not limited to: site construction, parking, and building.
KEY DATES

APPLICATION SUBMITTAL: October 23, 2020
NEIGHBORHOOD INFORMATION MEETING: November 18, 2020
LEGAL NOTICE PUBLICATION: November 20, 2020
PROPERTY OWNER NOTICES MAILED: November 25, 2020

STAFF ANALYSIS

EVALUATION CRITERIA: In considering an application for a Conditional Use Permit, the Planning Commission and Governing Body make findings and conclusions with respect to the following pursuant to Topeka Municipal Code Section 18.245.020 in order to protect the integrity and character of the zoning district in which the proposed use is located and to minimize adverse effects on surrounding properties and neighborhood. In addition, all Conditional Use Permit applications are evaluated in accordance with the standards established in the Section 18.215.030 as related to land use compatibility, site development, operating characteristics, and consistency with the Comprehensive Plan.

1. The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies: The subject property lies within an area designated “Employment Tier – Industrial” by the Land Use and Growth Management Plan – 2040. The plan establishes additional policies for development of industrial uses for properties in the Employment Tiers. Although most of these areas are already zoned for industrial uses, the extension of urban infrastructure may be necessary to serve either single or multiple users. Provided objectives of the plan are met, the proposed use is in conformance to the Comprehensive Plan as the area has been planned and zoned for heavy industry since 1968.

2. The character of the neighborhood including but not limited to: land use, zoning, density, architectural style, building materials, height, structural mass, siting, open space and floor-to area ratio: The character of the area is predominantly a mix of rural parcels used for pasture/grazing/farming that include single-family houses and parcels that are developed for industrial uses. All of the lands fronting on NW 25th Street and bounded by U.S. 24 Highway on the south, Soldier Creek on the north, US-75 on the west, and up to and including the Goodyear Tire plant on the east are zoned “I-2” Heavy Industrial, but most are being used for agriculture. There are two single-family residences and a parcel containing several residential cottages lying directly south of the subject property opposite NW 25th Street, and these are all zoned I-2. Even so, the proposed concrete plan (with its office component being closest to 25th Street) is set back 300 to 400 feet from the residential properties and separated by the addition of a stormwater detention facility between the new building and 25th Street.

3. The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning and uses: The area was zoned “I-2” Heavy Industrial District in the late 1960s for an industrial park that was planned north of Topeka. The surrounding area is undeveloped, pasture/grazing land, industrial uses, or rural residential home sites. The east side of the property contains an existing landscape buffer that the applicant intends to leave undisturbed. The proposed site and landscape plan adds additional landscaping along the road frontages and along the east property line. The office/shop/plant and exterior storage areas are set back substantially back from residential uses on the opposite side of NW 25th Street by at least 300 to 500 feet. The site plan shows any outside storage areas to be sited at the far north end of the property, a substantial distance from any residential uses.

4. The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations: The subject property has been zoned for Heavy Industrial uses since zoned by Shawnee County in
1968 when an industrial park was planned north of Topeka. The site is still suitable for uses as presently restricted under the “I-2” Heavy Industrial District provided infrastructure needed to serve this industrial use is adequate.

5. **The length of time the property has remained vacant as zoned:** There subject property has historically contained pasture/grazing or farmland. The site was annexed in 2010 when the property was platted for future industrial uses as part of ADR Industrial Park Subdivision.

6. **The extent to which the approval of the application would detrimentally affect nearby properties:** There should be minimal detrimental effects upon nearby properties as the proposed use lies within an existing industrial park and the surrounding area is zoned for heavy industrial uses. A Conditional Use Permit allows a use in a zoning district subject to conditions to ensure there will be no detrimental impacts on adjacent property and public roadways. CUPs often require some conditions to mitigate any potential detrimental effects that are anticipated. If improvements are made as recommended, the use should be in harmony with the surrounding zoning and future and existing land uses.

7. **The extent to which the proposed use would substantially harm the value of nearby properties:** Based upon the surrounding pattern of zoning and development, the proposed use should have a minimal, if any, impact on the value of surrounding properties since the surrounding properties are all zoned for “I-2” Heavy Industrial uses.

8. **The extent to which the proposed use would adversely affect the capacity or safety of the portion of the road network influenced by the use, or present parking problems in the vicinity of the property:** As required by the City of Topeka, a Traffic Impact Analysis was required for the use and indicated the proposed use will generate 39 additional peak hour trips that are being added to the road network based on the study’s scope (25th and Stina and 25th and Stover). Relative to traffic volume, the study indicated there will be no adverse impacts on capacity and traffic operations. The TIA indicated the studied intersections will still operate at a Level of Service A after the development.

The driveway spacing on Stina does not meet City design standards, but the proposed driveways are ideally sited because they align with truck service bays. The site plan demonstrates 73 parking stalls which in excess of required parking per TMC18.240 for industrial uses. The stalls at the north end are designed to accommodate daily parking of concrete trucks. The City and County Department of Public Works have accepted the results of the Traffic Impact Analysis with additional information provided from the applicant.

The concern of the City and County is the effect the impact of loads will have upon the road network, rather than traffic volume, on streets that were not designed for these proposed loads. The TIA demonstrated the need for the applicant to conduct a “Pavement Analysis” for NW Stina and the 25th Street segment up to Stover Road. The results generally indicate a reduction in the design life of Stina Court from 18 to 12 years without additional mill and overlay. A similar conclusion was made for NW 25th to Stover and suggested a 30% decrease in the design life of that segment of roadway would occur from this type of heavy industrial traffic and would normally anticipate additional mill and overlay efforts based on pavement section that were pulled. The City Engineering Division has indicated that improvements to NW Stina and NW 25th Street will be needed. That being said, without improvements to those mentioned segments of the roadway there may be a long-term adverse effect on a portion of the road network.

9. **The extent to which the proposed use would create excessive air pollution, water pollution, noise pollution or other environmental harm:** The applicant has indicated the plans they have to address air, water, noise and smoke within their attached statement of operations. The plant is designed so that all mixing of concrete is conducted indoors and then collected in a dust collector and recycled. Washout pits are provided on the north side of the property for concrete trucks to wash their drums. Any stockpiling will occur on the north side of the site and then be crushed and recycle. The applicant has proposed two stormwater detention facilities located on the north and south sides of the property that will be designed to address stormwater quantity and quality. The plans will be
further reviewed and approved by the City’s Stormwater Engineer when the full Stormwater Management Plan is submitted. An initial concept has been reviewed and considered generally acceptable.

10. **The economic impact of the proposed use on the community:** The applicant has operated a plant in Topeka for nearly 100 years near the Kansas River and employs at least 39 individuals. The existing site is difficult to access given its surroundings near the railroad. The existing site is more readily accessible to/from highways and provide more convenience for trucks coming to and leaving the site to gain access to Highway 24.

11. **The gain, if any, to the public health, safety and welfare due to denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application:** The site is located in an existing industrial park that is zoned for heavy industrial uses; this does not change. Ultimately, as the area develops for additional industrial uses, the surrounding infrastructure will be improved and extended for such uses. The applicant acquired land from the adjoining lot owner because of access to Highway 24 and the area is generally suitable for this type of use.

**STAFF RECOMMENDATION:**

**RECOMMENDATION:** Based upon the above findings and analysis, Planning staff recommends **APPROVAL** subject to conditions of approval.

**RECOMMENDED MOTION:** Based on the findings and analysis in the staff report I move to recommend **APPROVAL** of the Conditional Use Permit CU20/03 subject to the following conditions of approval:

1. Use and development of the site in accordance with the approved Site Plan, landscape plan, and related plans and Applicant’s Statement of Operations for Kansas Sand and Concrete Inc.
2. Adding Note: “No Building Permits shall be issued until Stormwater Management Plans are approved including granting of any necessary stormwater management easements.”
3. Add Note: “Roadway improvements to NW Stina and NW 25th Street as recommended by the City Engineer or a substantially equivalent alternative proposed by the applicant shall be completed or under contract for construction prior to issuance of a Certificate of Occupancy.”

**Attachments:**
- Aerial Map
- Zoning Map
- Future Land Use Map
- CUP site plan and landscape plan, and other related exhibits, revised 12-7-2020
- Applicant’s Statement of Operations
- Applicant’s Neighborhood Meeting Summary, dated 11-18-2020
- Traffic Impact Analysis, SBB Engineering Inc., revised 12-10-2020
- Pavement Analysis, Terracon Consultants, Inc., revised 12-9-2020