Dear Ms. Driver,

Knowing the applicant has deferred his application for rezoning of the above mentioned application (from the original February Planning Commission meeting schedule on 17 February 2020) as well as not seeing any documentation to date from the applicant regarding the Neighborhood Meeting, I thought it would be prudent to provide you my meeting minute note details so that this can be incorporated into the public record for this application.

The Neighborhood meeting began at approximately 5:15 PM on January 27th, 2020 in the reception area of the driver license bureau tenant, located at 3907 Burlingame Road.

Items Discussed:

1. Ms. Driver noted that all neighbors received an updated Notice of Public hearing document in their mail. She presented a base summary of the zoning change which was referenced by a 24x36 drawing of the submitted change (attached SportsZone PUD Masterplan.pdf). In her summary, she noted:
   a. The applicant adjusted the plan from the original September application to indicate that Track A & B, are now changed to be a PUD with O & I2 use (as well as additional specified I1-Industrial Uses) & Track C would be PUD with I1 use.
   b. She indicated that the modified uses as shown on the document provided in the Notice of Public Hearing (which is also on the attached 20200127 SportsZone PUD 19-2 Revised.pdf)

2. Kevin Holland, the Applicant representative did not add anything else (at this time).

3. John Palma & Julie Ireland, representing 3905 Burlingame Road, asked where the traffic study that was requested at last fall’s planning commission meeting.
   a. Kevin noted that a study was not needed since the uses have not changed and that they could not complete a study of their plan as they did not know what it will be. He noted that Kristina was here to listen to the meeting and assist, if possible with questions.
   i. Kristina did not add any comments, which upset John Palma and Julie Ireland as they noted that is what the Planning Commission requested
   ii. Julie added that the truck traffic, which is not allowed on the property at all and was noted as such last on the original application last September, continues to this day unabated on site and with full access along the road between 3905 Burlingame & Foster Cemetery. No reply comments from Applicant or Annie

4. Robert Masilionis, who is the President of the Board for Foster Cemetery, noted that their remains a large pile of debris, numerous building materials and large caterpillar equipment in the parking lot next to the cemetery which has been there for over a year and sits adjacent the cemetery property which looks horrible and not allowed by Topeka Municipal Code. He inquired why the owner of SportsZone is allowed to violate the codes and why this has not been addressed by the owner even though this was communicated during last fall’s original application.
   a. The owner noted that he thought that the Caterpillar was there for snow removal, perhaps, but was not aware of the other items.
   i. Matt Masilionis corrected him and noted the caterpillar has not moved since last September (when I noted it on site) and that regardless if it was used for snow removal (which it is not) that the equipment is not allowed on the site at all and is in violation of zoning.
   ii. Annie noted that she did not know where and what this was, to which the neighbors all noted to her that she could not miss it on site and could clearly see it when she left the building.

5. Robert Masilionis noted that at the planning commission meeting last September when the original application was under review, Ms. Driver presented to the Planning Commission that the neighborhood was accepting of the proposed application during the September Neighborhood meeting; which was completely inaccurate as he was at the meeting where he noted that Margaret Masilionis voiced strong objections to the applicant which was also followed up with a letter noting her opposition to the application
   a. Annie said that she did not believe she had said that, but Robert noted that it was even written that way in the Planning Commission meeting minutes.
   b. Matt Masilionis noted that Annie’s comments at the planning commission about the neighborhood meeting were incorrect and could have misled the commission. Matt noted he was disappointed that this occurred as it appeared staff may have been listening to the neighborhood meeting comments correctly or had not read the submitted letter of opposition document from my mother, as no mention of the neighbor opposition was noted in the staff report on the original application. Matt noted that this oversight appeared to be disrespectful of Margaret and the Palma family and many have provided an easier path for staff to support the application by an owner who has allowed non-conforming, illegal use activities on the SportsZone property.

6. Matt Masilionis articulated the items noted on the letter of major opposition from Margaret which was delivered to Ms. Driver at the end of the meeting:
   a. There is no detailed information provided by the applicant regarding their intended plan, which is required by the change in use and required for the neighborhood meeting. The application documents provide only basic information for the requested zoning change designation from R1 to a Planned Unit Development with O&I-1 and I-1 Industrial Uses on their Tracks A, B and C. The application does not provide any details required by the Municipal code for: exact types of intended uses, location of uses, size of uses, access of
uses to the site, details as to how the plan would be planned with the existing uses and neighborhood. The lack of any detail required by the code and missing on the application does not provide the ability to understand or comment on the application for the proposed change to a Planned Unit Development. As such, the neighborhood meeting does not meet the basis of a proper application which is step one of the planning process and should disavow the application.

b. The owner of the property has non-conforming zoning tenant uses in place, those being a Truck Driving School (which has large semi-tractor trucks regularly visiting and remaining on-site), Day Care Center and Dance School; all of which are in clear violation of zoning uses and laws. The existing uses are completely illegal and need to be removed immediately to place the parcel back within the existing approved R1 Zoning and its approved conditional and special uses. Further, the continued access and storage of trucks and commercial vehicles on its property is in violation Chapter 18.210.020, which indicates storage of truck, truck bodies, trailers, tractors, machinery and commercial vehicles is not allowed. This application (or applicant) should not be considered for any rezoning as the owner is currently in violation of existing zoning.

c. The I-1 Light Industrial use designated in the application represent an encroachment to the R1 existing zoning (including my homes) as I-1 zoning is not allowed within R1 zoning nor is R1 zoning allowed within I-1. Of note, the existing approved R1 Zoning, as detailed on the Topeka Municipal Code, details that the R1 Zoning provides for housing and living purposes free from the encroachment of incompatible uses. This application should not be under consideration as an encroachment of the existing R1 zoning is obvious from applicants intended uses.

d. The application is in violation of Topeka Future Land Use Map, which articulates that the site in question behind my home (and including to the west of the Foster Cemetery) has been designated as ‘Parks, Open Space and Recreation’. As such, the application should not be under consideration it violates the Topeka Future Land Use Map.

7. Kevin and Annie both asked Matus what should be done to help address the application, which he noted:
   a. Have the owner immediately Correct the illegal activities not allowed by Zoning. I noted these items were clearly articulated in writing of these violations on the original application last September and during the Planning Commission meeting (which my mother’s notes were part of the meeting documentation) yet they have done nothing to address. I added that the updated ambiguous application which has wording placing obligations to the owner/applicant that they will comply with the City of Topeka’s requirements, but that the owner has not complied with Municipal Codes in the past and places the adjacent homes in further peril. He noted that the owner’s ignorance of the existing Municipal codes for a long period places them legally liable for their actions and they should not be allowed to move forward with any new application until they conform to the Municipal Code of Topeka.
   i. Kevin noted that they are doing something to address the non-compliant uses, which is the revised application will amend the zoning to allow the uses in place.
   1. Matt noted that that process is improper and an immoral and that the city should not allow a violator to be accommodated for his illegal actions (current and past)
   b. Prepare a proper plan that addresses how my mother (and uncles) existing R1 is not being harmed or encroached by the application (and noted that “I” type occupancies are encroachments per the city code)
      i. Kevin asked me how I would design the site to achieve this, which I responded that it is the owner and applicant requirement to meet the Municipal Codes and Processes properly. I noted that it was up to the owner to properly prepare a design that would address the four primary items (indicated Item #6 above), and which had also been identified in last September’s letter of opposition from Margaret, but has been ignored on this revised application. Matt also noted that the applicant and owners should meet directly with the property owners to obtain their support BEFORE moving forward.

8. Mr. Hall asked what could be done to help make things move forward:
   a. Matt noted that he and his mother had reasons to be concerned, as staff recommended approval to the Planning Commission of the original application last fall and also misrepresented the neighbor’s opposition to the original application. Further, it appeared that staff may have overlooked Margaret’s details and facts in her letter of opposition at last fall’s Planning Commission meeting as her questions or details were not addressed in the staff report.
      i. Annie noted that she did not believe that she had the documentation from Margaret in time before the Planning Commission, which Margaret noted she hand delivered the package to Annie before the time that Annie required (in addition to Matt emailing the complete documentation to Annie several hours earlier in the day).
      1. Matt noted that Ms. Driver’s comment was reason to be concerned for his mother and Aunt/Uncle as Margaret had had digitally and hand delivered her document as directed by Ms. Driver last September.
   b. Matt noted that the owner must address the four primary items (indicated Item #6 above), which had also been identified in last September’s letter of opposition from Margaret and have been completely ignored on this revised application.
   c. Matt noted that the applicant and owners should meet directly with the property owners to obtain their support BEFORE moving forward.

9. At about 5:45, the Tenant (driver license bureau) noted they had been to close the office and go home as it was past 5:30 and asked if the meeting could continue somewhere else; which fragmented the meeting and the meeting forum was ended.

My notes above constitute my understanding and details discussed at the Neighborhood Meeting regarding this matter.

Please contact me with any questions.

Matt Masilionis
Son and Agent for Margaret Masilionis
10801 West 167th Street
Overland Park, Kansas 66221
816-210-5709 M
matt@rmta.biz

Margaret Masilionis
3901 Burlingame Road
Topeka, Kansas 66609
785-266-8658 H
lmasil@cox.net

Cc: Robert Masilionis, bmasilionis@cox.net
Vernon L. Jarboe, VJarboe@sloanlawfirm.com
-- NOTICE OF PUBLIC HEARING --
(Deferred from September 2019)

The City of Topeka Planning Commission
will conduct a Public Hearing
6:00 p.m., Monday, February 17, 2020
in the City Council Chambers,
214 SE 8th Street, 2nd Floor, Topeka, Kansas
in consideration of the following item.

Request for Zoning

Name of Owner/Applicant & Case Info: T&J Land Company LLC
Case # PUD19/02 (Sports Zone Complex PUD)

Location of Property: 3907 and 3909 SW Burlingame Rd
Lot 1, Block A, Saint Sebastian Sports Subdivision & Lot 1, Block A, Knights of Columbus Subdivision

Present Zoning Classification: R-1 Single Family Dwelling District with existing Conditional Use Permit for “Outdoor Recreation Fields, Retail Sales, and Food Service and existing Special Use Permits for Private Membership Club with Golf Courses and Community Building with Alcohol Sales

*Proposed Zoning Classification: PUD Planned Unit Development (O&I-2 uses with limited I-1 uses)

Proposed Land Use: No Change (speculative zoning change)

Case Planner name and telephone number: Annie Driver / 785.368.3728

You have been identified as being a property owner within a 200-foot radius of the property listed above. You will have an opportunity to present any comments you may have to the Planning Commission during the public hearing. You also have the right to file a formal protest of the above noted request within 14-days following the public hearing. Protest forms and instructions are available at the Planning Department.

A vicinity map and site plan identifying the subject property, along with information about the hearing procedures, has been attached for your information. If you have any questions concerning the above noted proposal, do not hesitate to contact the Topeka Planning Department.

*The Planning Commission may recommend a more restrictive (lower) zoning district than advertised according to the Summary of Zoning Districts.
ABOUT THE TOPEKA PLANNING COMMISSION HEARING

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.

Planning Commission agendas can be viewed at: https://www.topeka.org/planning/planning-commission/

All information forwarded to the City Council can be accessed via the internet on Thursday prior to the City Council meeting at: https://topeka.novusagenda.com/agendapublic/

HEARING PROCEDURES

Your attendance and participation in the Topeka Planning Commission 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 roll 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.

ADA Notice: For special accommodations for this event, please contact the Planning & Development Department at 785-368-3728 at least three working days in advance.
PUD19/02 Sports Zone PUD by: T&J Land Co. LLC, (continued from September, 2019) requesting to amend the District Zoning Map from R-1 Single Family Dwelling District with an existing Conditional Use Permit for “Outdoor Recreation Fields, Retail Sales, and Food Service” and existing Special Use Permits for “Private Membership Club with Golf Courses” and “Community Building with Alcohol Sales” ALL TO PUD (O&I-2 uses with limited I-1 uses) on a 23 acre property located at 3907 and 3909 SW Burlingame Road. (Driver)
commercial amusement and recreational activities, or by activities or operations conducted in buildings and structures not completely enclosed.

1-1 LIGHT INDUSTRIAL DISTRICT:
Provides for a wide range of uses except specified uses which are obnoxious or offensive by reason of odor, dust, smoke, gas or noise. The permitted uses are highly intensive. In general, residential dwellings are not permitted in this district, but there are exceptions.

1-2 HEAVY INDUSTRIAL DISTRICT:
Provides for the use and location of all other uses excluded in other districts except for residential dwellings. The intensity and use of land as permitted by this district is intended to facilitate the total range of industrial uses.

Other

DOWNTOWN MIXED USE DISTRICT:
The downtown districts are unique to the downtown Topeka area and are provided to encourage a compatible mixed use activity. The D downtown districts serve to implement the downtown Topeka redevelopment plan, which is part of the city of Topeka's comprehensive metropolitan plan. For details on D-2 and D-3 Districts, see our website at www.topeka.org/ZoningSummary.

D-1 DOWNTOWN MIXED USE DISTRICT:
Facilitates a compatible mixed use activity center within the core area of downtown Topeka. The district is predominately composed of state offices, federal facilities, commercial and retail uses. The district includes compatible residential, office, civic, and commercial retail/service uses which complement and support a high density of activity and facilitate pedestrian usage.

HL HISTORIC LANDMARK OVERLAY DISTRICT:
This district provides for the designation of individual local historic landmarks. "Overlay zoning" means any zoning that functions in addition to the existing land use zoning.

HD HISTORIC OVERLAY DISTRICT:
This district provides for the designation of multiple properties as a historic district. "Overlay zoning" means any zoning that functions in addition to the existing land use zoning.

PUD PLANNED UNIT DEVELOPMENT DISTRICT:
Permits greater flexibility and more creative, innovative and imaginative design for the development of areas that are generally possible under the strict application of the regulations of the other districts. An approved plan exists on file for each specific site zoned PUD and specifies development parameters for each site.

MS-1 MEDICAL SERVICE DISTRICT:
Provides for the location and use of a regional medical center together with related medical facilities and supporting ancillary-service uses, including residential dwellings.

U-1 UNIVERSITY DISTRICT:
Provides for the use of a college or university as a special zoning district.

MIXED USE DISTRICT:
The mixed use districts are unique to traditional neighborhood settings and are provided to encourage a compatible mixed use environment, utilizing the historic character or future character of the area. The X mixed use districts serve to implement land use plans of the Comprehensive Plan. For details on X-1, X2, and X-3 Mixed Use Districts, see our website at www.topeka.org/ZoningSummary.
Residential Districts

OS-1 OPEN SPACE DISTRICT:
Intended to preserve and protect existing and potential public park land, open land, greenways, recreational space, freeways, trails and lands that have other physical, aesthetic or cultural characteristics which preclude their inclusion in other less restrictive districts, to provide opportunities for passive and active outdoor recreation, preserve scenic views, and protect sensitive or fragile environmental areas.

RR-1 RESIDENTIAL RESERVE DISTRICT:
Provides for a transitional area between urbanized development with intensive activity areas, and the rural-agricultural areas; and which is expected to become urbanized in subsequent planning periods. The limitations of this district are intended to allow for the gradual development of urban uses and activities, therefore providing for the coexistence with agricultural farmland activities based upon the availability and extension of municipal facilities and services.

R-1 SINGLE FAMILY DWELLING DISTRICT:
Provides for the use of detached single-family dwellings together with specified accessory uses and other uses as may be approved.

R-2 SINGLE FAMILY DWELLING DISTRICT:
Provides for the use of detached single-family dwellings together with specified accessory uses and other uses as may be approved. Maximum lot sizes and setbacks are less than in R-1 District.

R-3 SINGLE FAMILY DWELLING DISTRICT:
Provides for the use of detached single-family dwellings together with specified accessory uses and to provide for an increased density through reduced site area requirements.

R-4 SINGLE FAMILY DWELLING DISTRICT:
Primarily provides for the location and use of detached single-family dwellings and manufactured homes as defined, together with specified accessory and supportive uses; and to provide for housing development at affordable levels in a subdivision setting.

M-1 TWO FAMILY DWELLING DISTRICT:
Provides for the use of two-family and attached single-family dwellings together with specified accessory uses. Provides a transitional use between the single-family detached dwelling districts and other, more intensive districts.

M-1a LIMITED MULTIPLE FAMILY DWELLING DISTRICT:
Provides for the use of two-family dwellings, single-family attached dwellings, and multiple-family dwellings, containing not more than four dwelling units, together with specified accessory uses. Provides a transitional use between the single- and two-family dwelling districts and other, more intensive districts.

M-2 MULTIPLE FAMILY DWELLING DISTRICT:
Provides for the use of attached dwelling units containing three or more dwelling units, designed and intended for individual dwellings, group or community living facilities, congregate living facilities, and including townhouse, condominium or cooperative division of ownership. Provides a transitional use between the districts of lesser and greater intensity.

M-3 MULTIPLE FAMILY DWELLING DISTRICT:
Provides for multiple-family dwelling structures which are in the moderate to high density range and at heights which allow for a high intensity of use and development. The location of this district is intended to complement high activity centers such as the central business district, employment centers or other similar locations.

Office, Commercial, Industrial

O & I - 1 OFFICE AND INSTITUTIONAL:
Provides for a limited range of nonresidential and noncommercial uses such as general purpose office, professional, or administrative operations. The district shall not permit those uses and activities pertaining to retail product display, installation, service, repair, or maintenance unless specifically provided for within the chapter.

O & I - 2 OFFICE AND INSTITUTIONAL:
Provides for a limited range of nonresidential and noncommercial uses such as general purpose office, professional, or administrative operations. The district shall not permit those uses and activities pertaining to retail product display, installation, service, repair, or maintenance unless specifically provided for within the chapter.

C-1 COMMERCIAL DISTRICT:
Provides for limited commercial facilities which serve as convenient services to a residential neighborhood or limited geographic area of the community. Shops in this district should be useful to the majority of the neighborhood residents, should be economically supportable by nearby population, and should not draw community-wide patronage. Gross floor area is limited to 10,000 sq. feet maximum.

C-2 COMMERCIAL DISTRICT:
Provides for those commercial activities which serve a major segment of the total community population. In addition to a variety of retail goods and services, these centers may typically feature a number of large traffic generators that require access from major thoroughfares. Gross floor area is limited to 50,000 sq. feet maximum.

C-3 COMMERCIAL DISTRICT:
Provides for those commercial activities which serve a major segment of the total community population. In addition to a variety of retail goods and services, these centers may typically feature a number of large traffic generators that require access from major thoroughfares. Less restrictive than C-2 Commercial District. Permits more commercial uses than C-2 District and "big box" stores without maximum GFA.

C-4 COMMERCIAL DISTRICT:
Provides for commercial uses and activities which are intended to serve as community or regional service areas. Uses and activities permitted are typically characterized by outdoor display, storage and/or sale of merchandise, repair of motor vehicles, outdoor