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.

All information forwarded to the City Council can be accessed via the internet on Thursday prior to the City Council meeting at: https://www.topeka.org/calendar

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, 2021 Chairperson
Ariane Messina
Corey Dehn
Marc Fried
Del-Metrius Herron
Wiley Kannarr
Jim Kaup
Katrina Ringler
Matt Werner

Topeka Planning Staff

Bill Fiander, AICP, Director, Planning & Development Dept.
Dan Warner, AICP, Planning Division Director
Carlton Scroggins, AICP, Transportation Planning Manager
Mike Hall, AICP, Current Planning Manager
Tim Paris, Planner
Taylor Ricketts, Planner
Bryson Risley, Planner
Megan Rodecap, Zoning Inspector
Kris Wagers, Administrative Officer
A. Roll call

B. Approval of minutes – May 17, 2021

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

D. Action Items

1. **Public Hearing of CU21/01 by 8 Iron Therapy (Matthew & Sarah Vanderpool)** requesting a Conditional Use Permit to operate an indoor golf simulation entertainment venue (“Indoor Recreation Type II”) on property zoned “C-2” Commercial District at 2841 SE Croco Road. (Hall)

2. **P21/11 Horseshoe Bend #6 (Final Plat) by RT Builders**, for 28 single family residential lots on 7.54 acres located north of SE 45th Street, east of SW Topeka Blvd and along the south side of the Kansas Turnpike. (Hall)

3. **P21/12 Horseshoe Bend #7 (Final Plat) by RT Builders**, for 31 single family residential lots on 8.88 acres located north of SE 45th Street, east of SW Topeka Blvd and along the south side of the Kansas Turnpike. (Hall)

E. Communications to the Commission

F. Adjournment
Monday, May 17, 2021

6:00PM – via video conference

Members present:  Marc Fried (Acting Chair), Corey Dehn, Del-Metrius Herron, Wiley Kannarr, Jim Kaup, Katrina Ringler, Matt Werner (7)

Members Absent:  Brian Armstrong, Ariane Messina (2)

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

Roll Call – Acting Chair Marc Fried called the meeting to order with seven members logged in for a quorum.

Approval of Minutes from April 19, 2021

Motion by Mr. Kannar to approve with one change, second by Mr. Kaup. APPROVED 8-0-0

Declaration of conflict of interest/ex parte communications by members of the commission or staff – None

Action Items

P21/09 Sherwood Park Subdivision #9 (Preliminary and Final Plat) by RMD Development, LLC, on property located one half mile west of SW Indian Hills Road and north of SW 29th Street. (Fahrenbruch)

Mr. Fried called the case and Ms. Fahrenbruch presented the staff report and recommendation of approval. Ms. Fahrenbruch informed the commission that just prior to this evening’s meeting the applicant withdrew their request for a design variance (staff report, top of p3). Staff is in agreement and the change voids the need for Condition #1.

Jeff Laubach of SBB Engineering was present representing the applicant, as was Mike Drippe. Mr. Laubach stated that the applicant feels they have addressed concerns voiced by the city and by neighbors as they worked through the process. He stated both he and Mr. Drippe would stand for questions.

Mr. Fried asked staff about the change to 26th Street on the preliminary vs. the revised plat. Mr. Hall explained that even prior to the plat application, neighbors had expressed concern to COT engineering regarding vehicle traffic and speeds on 26th Street. The change was made to address concerns about lengthening the street and potentially increasing traffic speeds. While the Long Range Plan does indicate a desire for connectivity between subdivisions, the plan also discourages collectors from running through subdivisions in a direct fashion. The change in the plat was made to inhibit high volume/high speed through traffic. It has been reviewed and approved by both the City traffic engineer. COT Fire has also reviewed and approved the final plat as well as the phasing plan.
Mr. Kaup asked additional questions for clarification regarding the plat and Mr. Hall responded provided the information.

Mr. Fried called for public comment. With nobody logged in to speak, Mr. Fried declared the public comment time closed.

**Motion** by Mr. Dehn to approve the Preliminary and Final plat for Sherwood Park Subdivision No. 9 subject Conditions 2 through 9 as listed in the staff report, and to forward the final plat to the Governing Body for acceptance of land dedicated for public streets and easements. **Second** by Mr. Werner.

**APPROVED** 7-0-0

**Communications to the Commission** –

Mr. Fiander reported that the Sports Zone PUD was approved by Council with a 9/1 vote.

Regarding future meetings of the Planning Commission, it was agreed that at least for the time being, location/mode would be decided on a month-to-month basis. If the month’s agenda does not include cases that could potentially invite a substantial audience or number of people who might wish to speak, the meeting will likely be held via Zoom. Planning Staff will communicate to the commission and the public the location / mode of each meeting once the agenda is set. The June meeting will be via Zoom.

With no further agenda items, the meeting was adjourned at 6:23PM
APPLICATION INFORMATION:

CASE NUMBER / NAME: CU21/01 By: 8 Iron Therapy

REQUESTED ACTION / CURRENT ZONING: A Conditional Use Permit (CUP) to operate a an indoor golf simulation entertainment venue ("Indoor Recreation, Type II") and associated indoor recreation on property zoned “C-2” Commercial District

PROPERTY OWNER: Quality Sunflower Properties / Croco Road Center LLC

OWNER & APPLICANT REPRESENTATIVE: Matthew & Sarah Vanderpool

CASE PLANNER: Michael Hall, AICP, Current Planning Manager

PROPERTY LOCATION / PARCEL ID: 2841 SE Croco Rd, Suite 400 / PID: 1321004001015000

STAFF RECOMMENDATION: Based upon the findings and analysis in the staff report Planning Staff recommends APPROVAL subject to conditions stated in the staff report.

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 CU21/01, subject to conditions stated in the staff report.

PHOTOS:

Subject Property (Suite E) – View from Parking Lot on East Side of Building
PROJECT AND SITE INFORMATION

See PROPOSED USE / SUMMARY:

8 Iron Therapy will provide indoor, year-round simulated golf to the general public and, depending on customer interest, may provide league play. Soft beverages and limited alcoholic beverages will be provided at a small bar as an accessory use. The simulated golf and accessory bar will occupy a 2,400 square foot lease space in the strip commercial building. Additionally, in the adjoining 1,400 square foot lease space, the applicant will provide a pitching tunnel and nets for softball and baseball pitching and hitting practice primarily for youth teams.
COMPLIANCE WITH DEVELOPMENT STANDARDS AND GUIDELINES

BUILDING HEIGHT & SETBACKS: The proposed use is in an existing neighborhood strip commercial building meeting the height and setback standards for the C-2 Commercial zoning of the property.

DEVELOPMENT / CASE HISTORY: The subject property has been zoned C-2 Commercial since 2003 (Z03/10). The existing strip commercial building was built in 2009. The site plan has been modified and parking added since 2009. (Shawnee County Appraiser).

ZONING AND CHARACTER OF SURROUNDING PROPERTIES: The surrounding area is characterized by neighborhood commercial uses, single family residential use, and recreation. The nearest single family residence north and west of the proposed use is at a distance of over 400 feet.

The property to the immediate west is zoned C-2 Commercial and is occupied by a Sonic Drive-in. The land to the north is zoned R-1 Single Family Dwelling District, and contains a church on a five-acre tract that is mostly vacant. The property to the east, on the opposite side of Croco Road is zoned RR-1 Rural Residential, is outside city limits, and is built out as a single family residential subdivision. Land on the opposite corner of the 29th and Croco Road intersection is inside city limits, mostly zoned C-2 Commercial, and is occupied by a branch location for Azura Credit Union. Lake Shawnee recreation area is located to the south of the subject property on the opposite side of SW 29th Street.

A site plan was not provided or required for the proposed conditional use because the use will occupy an existing building and no site changes are proposed. See attached Statement of Operations and Floor Plan for more detailed information.
PARKING:

Parking Analysis:

<table>
<thead>
<tr>
<th>Existing Parking – entire site</th>
<th>104</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking Required per TMC 18.240 Off-Street Parking Requirements (Entire Site)</td>
<td>70</td>
</tr>
<tr>
<td>Premises / Assumptions:</td>
<td></td>
</tr>
<tr>
<td>• Bank: 1/200 sf net floor area (3,009 gross floor area; net = 85% of gross floor area) 13 spaces</td>
<td></td>
</tr>
<tr>
<td>• Restaurant: 1/150 sf net floor area (3,889 gross floor area; net = 67% of gross floor area) 17 spaces</td>
<td></td>
</tr>
<tr>
<td>• Insurance Office: 1/400 sf net floor area (1,740 sf gross floor area; net = 90% gross floor area) 4</td>
<td></td>
</tr>
<tr>
<td>• Other Retail: 1/200 sf net floor area (2,760 sf gross floor area; net = 90% gross floor area) 13 spaces</td>
<td></td>
</tr>
<tr>
<td>• Recreation: 1/150 sf net floor area (3,800 sf gross floor area; net = 3,460 sf) 23 spaces</td>
<td></td>
</tr>
<tr>
<td>Parking Required for Proposed Use per Statement of Operations (simulated golf)</td>
<td>6</td>
</tr>
<tr>
<td>Parking Required for Practice Softball/Baseball, (participants and drop-off)</td>
<td>5</td>
</tr>
<tr>
<td>12 fewer spaces than required by TMC 18.240</td>
<td>11 total</td>
</tr>
</tbody>
</table>

Based on the above analysis, off-street parking on the site is sufficient to meet the parking requirements for all uses in the strip commercial building.

Off-street parking is adequate per TMC 18.240. Parking demand based on the Statement of Operations is less than parking requirements per TMC 18.240.

Parking demand generated by the proposed simulated golf and practice baseball/softball use is anticipated to occur in evenings and on weekends, off set from the peak parking demand for the other uses in the buildings, especially the bank and insurance office.
LANDSCAPING AND SCREENING: The perimeter of the site of the strip commercial center is landscaped with trees and shrubs in a manner generally consistent with the landscape requirements of TMC 18.235. No additional landscape is required or warranted for the proposed use.

SIGNAGE: The applicant will be applying for a permit for a wall sign. No additional free-standing signs are proposed at this time. The site contains existing free-standing signs that do not conform to the current sign code. (legal nonconforming signs)

LIGHTING & SOUND GENERATION: The proposed use is not anticipated to generate additional lighting or noise.

DESIGN STANDARDS: The proposed use is in an existing building and no changes to the exterior of the building are proposed, so current standards in TMC18.275 do not apply. Even so, the building contains materials, architectural details, and windows that appear to meet current design standards.

TMC 18.215.030 – GUIDELINES FOR CUP EVALUATION: The guidelines of TMC 18.215.030 address land use compatibility, site development, operating characteristics (i.e. traffic), and the comprehensive plan. Many of the guidelines are not relevant to the proposed use because it will occupy a relatively small part (3,800 square feet) within an existing strip commercial building. Guidelines for parking and internal circulation are relevant.

Parking and Internal Circulation: Most of the activity associated with the simulated golf and baseball pitching and hitting practice facilities will occur in evenings and on weekends. Most of the tenants of the building, and especially those on the east and north sides of the building, operate primarily during daytime. A restaurant (Senor Burrito) occupies the other side of the building. Because of the difference in peak operating times among most uses in the building, little or no traffic or parking conflicts are anticipated. An analysis of parking is provided in the Parking and Access section of this report.

PUBLIC FACILITIES

TRANSPORTATION: There are no issues related to transportation. The traffic generated by the proposed use is similar to retail uses for which the building is designed.

OTHER FACTORS

SUBDIVISION PLAT: Lot 3, Block A, Croco Plaza Subdivision
FLOOD HAZARDS, STREAM BUFFERS: No mapped flood hazards.

UTILITIES: The property is served by a full range of utilities and services.

TRANSPORTATION/TRAFFIC: The proposed Conditional Use Permit will have no discernable impact upon transportation/traffic within the area beyond the retail uses for which the building and site are already designed.

HISTORIC PROPERTIES: None

NEIGHBORHOOD INFORMATION MEETING: The applicant conducted a neighborhood information meeting at 5:30pm on May 25, 2021 via Zoom. Other than the applicant and Planning staff, one neighboring property owner participated. The participating neighbor expressed support for the proposed use.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

PUBLIC WORKS/ENGINEERING: No issues identified.

PUBLIC WORKS/TRAFFIC ENGINEERING: No issues identified

WATER POLLUTION CONTROL: No issues identified.

FIRE: No issues identified.

DEVELOPMENT SERVICES: No issues identified. A "code footprint" plan for a change in occupancy may be required for compliance with applicable building codes.

KEY DATES

APPLICATION SUBMITTAL: May 10, 2021

NEIGHBORHOOD INFORMATION MEETING: May 25, 2021

LEGAL NOTICE PUBLICATION: May 31, 2021

PROPERTY OWNER NOTICES MAILED: May 26, 2021
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 “Mixed Use Node” by the Land Use & Growth Management Plan 2040. A Mixed Use Node is a major intersection that exhibits two or fewer corners which are zoned or developed in a commercial manner. In a Mixed Use Node, mixing uses is appropriate within the same buildings or within the overall node. The highest intensity uses should develop closest to the intersection. The existing strip commercial building is consistent with the Mixed Use Node designation. The building contains a variety of retail uses of varying intensities. The proposed use of 3,800 square feet of the building, immediately north of the bank, contributes to an appropriate mix of uses and is consistent with the Land Use & Growth Management Plan. Approval of the conditional use permit is in conformance to the Comprehensive Plan.

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 proposed indoor recreation use will have no discernible effect on the character of the neighborhood. It will occupy tenant space within an existing neighborhood commercial strip building designed to accommodate a variety of commercial uses, including indoor recreation. The net effect of the proposed use is likely to be positive as its operation is complementary to the other uses in the building, and the surrounding neighborhood benefits when most or all of the tenant spaces in a strip commercial building are occupied.

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 proposed indoor recreation use will have little or no negative impact on surrounding properties in large part because it will occupy part of an existing building designed to accommodate a variety of commercial uses of a retail nature. The indoor recreation use complements and supports adjacent businesses and the recreation at Lake Shawnee to the south.

   The parking on the site is adequate for the proposed use and the other uses in the building, so spillover of parking on the adjacent Sonic Drive-in restaurant is not likely. According to the applicant's Statement of Operations, actual parking demand from the proposed use is less than the parking requirements per the zoning code (TMC 18.240). The proposed use is not likely to generate any more noise than other uses of the building and the nearest residence to the west and north is over 400 feet away, with the nearest residence to the east being on the other side of Croco Road, a heavily traveled arterial street.

4. The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations:
   The 3,800 square feet of space the proposed use will occupy is suitable for a variety of uses allowed under the current C-2 Commercial zoning. The current C-2 zoning allows by right a wide variety of commercial and institutional uses such as restaurants, health clinics, professional offices, and personal services such as beauty
salons. Commercial uses typically of a more intense nature, such as drinking establishments, billiard halls and similar indoor recreation uses, require a conditional use permit under C-2 zoning. The types of businesses that can function in the small to medium sized space is limited, but the space appears to be functional for the proposed indoor recreation use.

5. **The length of time the property has remained vacant as zoned:** According to the owner, the largest of the two tenant lease spaces the proposed use will occupy has been vacant for at least five years, with the latest tenant being a karate studio. The smaller of the two spaces has never been occupied. Finding a long term tenant for both spaces has been difficult.

6. **The extent to which the approval of the application would detrimentally affect nearby properties:** The indoor recreation use is not likely to have any detrimental effect on nearby properties. The proposed use will tend to benefit other businesses in the commercial building because it will bring customer traffic while generating peak parking demand at times of the day and week that will not conflict with the parking demands of other businesses. The proposed use is not expected to generate noise or a large volume of traffic that might harm adjacent businesses and residents.

7. **The extent to which the proposed use would substantially harm the value of nearby properties:** The proposed indoor recreation use will not substantially harm the value of nearby properties. It will occupy retail lease space in an existing building designed for that purpose. The proposed use is not expected to generate noise or a large volume of traffic that might harm adjacent businesses and residents. The use is not anticipated to generate any more volume of traffic or other effects than would alternative uses allowed without a conditional use permit.

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:** The proposed use is not anticipated to generate a level of traffic greater than the traffic generated by alternative uses of the tenant space in the building. Furthermore, the peak traffic volume and parking demand for the proposed use will be at times of the day and week that are not likely to conflict with peak traffic volume and parking demand generated by other uses in the building.

9. **The extent to which the proposed use would create excessive air pollution, water pollution, noise pollution or other environmental harm:** The proposed indoor recreation use is not anticipated to generate discernible noise outside of the building, and will not generate air pollution or other environmental effects beyond what is generated by other current and potential uses of the building and site.

10. **The economic impact of the proposed use on the community:** The proposed indoor recreation use is anticipated to have a positive economic impact on other businesses in the strip commercial building and on the broader community. The proposed use complements the businesses in the building by providing a new service to the mix of businesses and will bring customer traffic to the property. The proposed indoor recreation use – simulated golf, pitching and batting practice – is a new, locally owned and operated business. Having a new tenant to occupy a long vacant lease space will provide revenue to the owner.

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:** There is apparently nothing to be gained by denial of a conditional use permit for the proposed indoor recreation use. The owner and applicant have entered into a lease, so denial of a conditional use permit will be both costly and inconvenient to them. The applicant (operator of the indoor recreation business) has already invested in the equipment and, therefore, denial of a conditional use permit is potentially a substantial economic hardship to the applicant.
STAFF RECOMMENDATION:

RECOMMENDATION: Based upon the above findings and analysis, Planning staff recommend APPROVAL.

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 CU20/01, subject to:

1. Use of the property in accordance with the approved Statement of Operations for 8 Iron Therapy.

Attachments:
- Aerial Map
- Zoning Map
- Future Land Use Map
- Statement of Operations
- Floor Plan for Simulated Golf
- Neighborhood Information Meeting Attendance & Summary
- Exhibit: Aerial of Existing Site with Parking Counts
CU21/01 BY: 8 IRON THERAPY (FUTURE LAND USE MAP)
8 Iron Therapy – Statement of Operation

Overview: 8 Iron Therapy is a retail location offering indoor, year-round simulated golf to the Topeka community. Three swing bays and a 12 x 18 putting green offer practice for both the long and short game. Bookings in 1, 2 or 4-hour blocks will be made online. In an adjacent suite, The Batter’s Box will offer a pitching tunnel to safely allow pitching and catching practice. There are also four hitting nets for hitting off of tee’s and/or soft toss.

Hours: Hours of operation will be 10am to 8pm Wednesday through Thursday, 10am to 10pm Friday and Saturday, and 12pm to 6pm on Sundays. The Batters Box will be mostly by appointment / reservation.

Customers:

Lunch Hour: A typical lunch hour customer would come in and use one bay for 45 minutes. They would be able to utilize the driving range or 3-hole option.

Leagues: Evening, weekends, Veterans, female and couple leagues will be formed (if interest allows). Those would be booked 2–4-hour slots (depending on number of league members), weekly; leagues will be eight weeks long.

Date Night: Couples could block a one-, two-, or four-hour block of time on a bay and enjoy the driving range simulation, 3-, 9- or 18-hole courses.

Youth: Partnering with First Tee, a youth golf program, youth will be offered lessons and clinics as demand warranted. Initially Saturday morning youth clinics are planned, along with summer camps during the afternoons in 2022.

Batter’s Box: The main customers for the Batter’s Box will be teams. One to two coaches, along with their teams, will utilize the Batter’s Box for team practices. One to two parking spots will be utilized by the coaches. If a pitching or catching coach has lessons, that would be 1-2 clients, meaning 3 parking stalls utilized.

Beverages: Bottled water, canned soda, canned beer, canned wine and some liquors will be available for purchase to customers with a reservation at 8 Iron Therapy. Limited seating is available for those waiting for their bay to open. An industrial refrigerator will hold the beverages, with surplus in the locked storage area. Owners are completing TIPS training (Global Leader in Alcohol Server and Seller Training) and will have any future employees do the same. This is required by insurance.

Prepared by: Sarah Vanderpool, co-owner
On: June 9, 2021
5/25/2021
8 Iron Therapy
Neighborhood Information Meeting
5:30pm via Zoom link

Attendees:
Mike Hall, City of Topeka Planner
Matt & Sarah Vanderpool, 8 Iron Therapy Owners, CUP applicants
Amy Dubach, neighboring property owner

Meeting notes:
A property owner attended the meeting, Mike Hall explained the process of obtaining a Conditional Use Permit and the reasons for the meeting. Matt and Sarah explained their vision for the business and intent. The property owner expressed excitement and asked for permission to help spread the word. Mike ensured she knew about the public hearing on June 21st, and the meeting was adjourned.
CU21-01 / 8 Iron Therapy / Aerial of Site including Existing Parking Counts
(Exhibit by Planning Division Staff)
STAFF REPORT - SUBDIVISION

CITY OF TOPEKA PLANNING DEPARTMENT

Preliminary Plat Phase          Preliminary and Final Plat          Final Plat Phase

RECOMMENDATION: Based upon the findings and staff analysis below, the Planning & Development Department recommends the final plat phase of Horseshoe Bend Subdivision #6 be APPROVED and forwarded to the City Council for its acceptance of land to be dedicated for public purposes, subject to the conditions in the staff report below.

RECOMMENDED MOTION: I move to forward approval of the final plat for Horseshoe Bend Subdivision #6 to the Governing Body for acceptance of land to be dedicated for public purposes subject to the conditions in the staff report below.

NAME: Horseshoe Bend Subdivision #6 [P21/11]

OWNER/DEVELOPER: RT Builders

ENGINEER/SURVEYOR: Schmidt, Beck, and Boyd LLC/Richard T. Schmidt, P.L.S./Jeff Laubach, P.E.

STAFF: Annie Driver, AICP

GENERAL LOCATION: On property generally located north of SE 45th Street, east of SW Topeka Blvd and along the south side of the Kansas Turnpike.

JURISDICTION: Class “A” Subdivision - within the corporate limits of the City of Topeka

ANNEXATION: N/A

<table>
<thead>
<tr>
<th>Area</th>
<th># of Lots</th>
<th>Residential Density</th>
<th>Proposed Land Use</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.54 acres</td>
<td>28</td>
<td>3.7 DUs/acre</td>
<td>Single family dwellings</td>
<td>PUD (R-1 uses)</td>
</tr>
</tbody>
</table>

Zoning Case: The property was zoned in 2000 and included in the Grand Oaks Master Planned Unit Development Plan for single family dwellings. The main reason for the PUD zoning was to allow the reduced 40’ street right-of-way width with 16’ utility and public access easements along all the lot’s frontages to incorporate public sidewalks and utilities instead of the standard 60’ right-of-way with a reduced front building setback.

Design: The final plat is fairly rectangular in shape and comprises 7.54 acres and 28 single-family lots. The final plat will provide the needed connection of Grand Oaks Avenue in order to connect 44th Terrace to 43rd Terrace. The 16’ utility easements/pedestrian access easements are provided along the frontage of the lots for public sidewalks along the streets for utilities and sidewalks. An extended wet detention pond was constructed for this project to address water retention and water quality as part of the previous Horseshoe Bend Subdivision #5 and was designed for the final two phases of Horseshoe Bend.

BACKGROUND: This is a final plat for the sixth phase of the seven phase Horseshoe Bend Subdivision (Grand Oaks Planned Unit Development) that was approved July 17, 2000 by the Planning Commission. The original preliminary plat allowed for a total of 309 single-family residential lots and a 7-acre public park and was approved in 2000. Since a preliminary plat is only
effective for a period of six months, an extension is needed from the Planning Commission with approval of this final plat phase. This final plat (Horseshoe Bend Subdivision #6) does not significantly alter the original design of the plat.

**NEIGHBORHOOD INFORMATION MEETING:** The applicant was not required to conduct a meeting for this final phases of Horseshoe Bend. The owner conducted a previous meeting for these phases as part of the plat for Horseshoe Bend Subdivision #5.

**SERVICES AND FACILITIES:**

1. **WATER SERVICE:** The subdivision will be served by City of Topeka public water supply via an 8” water main to be extended at the expense of the developer as part of developer finance project approved through the City Engineer.

2. **SEWAGE DISPOSAL:** The subdivision will be served via an 8” City of Topeka sanitary sewer main to be extended at the expense of the developer as part of a developer financed project approved by the City Engineer.

3. **WASTEWATER PLAN SERVICE AREA:** The property is located within the Urban Service Area (city limits) of the Land Use and Growth Management Plan -2040, which requires service by a sanitary sewer system. In this respect, the proposal and is in full compliance with said Plan.

4. **DRAINAGE CONDITIONS:** The Stormwater Management Plan as submitted by the consultant with the final plat phase for Horseshoe Bend Subdivision #5 and was approved by the Department of Utilities. Horseshoe Bend Subdivision #5 dedicated an extended wet detention basin to provide stormwater retention and water quality treatment for the final phases. The stormwater retention was built with the development of phase 5 and the owner submitted an Operations and Maintenance Manual on file with the Department of Utilities to address maintenance of the pond.

5. **STREET PLAN/ACCESS:** The preliminary street plans have been submitted to the City Engineer and are under review based on engineering specifications. The plat makes connections between of SE 44th Street to connect with SE Grand Oaks Avenue. The overall street layout and design were approved with the PUD phasing and does not deviate from that design.

6. **FIRE DISTRICT:** City of Topeka Fire Department. Additional fire hydrants will be provided as needed with the public water main extensions.

7. **STREAM BUFFER/FLOOD PLAIN:** N/A

8. **SCHOOL DISTRICT:** USD 450 – Shawnee Heights

9. **PARKS/OPEN SPACE:** The subdivision is located in Parkland Fee District #7 and would normally require a parkland fee of $225 per new single-family lot. However, a parkland dedication totaling 7 acres was accepted by the Shawnee County Parks Department (previously City) as a part of the approval of the preliminary plat in 2000 for a public park and is located to the east and intended to be dedicated for the entire subdivision. Due to that previous parkland dedication, Horseshoe Bend Subdivision #6 only requires a parkland fee of $141 per single-family unit under TMC 18.40.130 to be collected at the time of building permit issuance.

**WAIVER/VARIANCE TO STANDARDS:** Pursuant to TMC 18.35.160, it is requested the Topeka Planning Commission grant an extension to the six month time limit on its approval of the preliminary plat. Staff is supportive of the Planning Commission
granting this extension since the overall street design, lot configuration, and density have not been altered significantly from what was originally approved by the Planning Commission.

CAPITAL IMPROVEMENT PLAN (CIP): No pending City projects for the proposed 2021-22 CIP.

CONFORMANCE TO COMPREHENSIVE PLAN: The Land Use and Growth Management Plan - 2040 establishes this area for Urban/Suburban Low Density Residential land uses. The expected residential density is 3 dwelling units per acre, which is in conformance with the LUGMP – 2040 policies that recommend densities of up to 3-4 DUs/acre within areas classified Urban/Suburban Low Density Residential.

STAFF ANALYSIS:
As zoned under the existing PUD master plan allowing the reduced rights-of-way widths for a local street, the subdivision conforms to the standards and provisions of the Subdivision Regulations. The subdivision design and densities are compatible with adjacent neighborhoods. Based upon the above findings and analysis, staff recommends Horseshoe Bend Subdivision #6 be APPROVED and forwarded to the City Council for its acceptance of land to be dedicated for public purposes, subject to the following conditions:

1. Approval and acceptance of the preliminary street plans by the City Engineer prior to City Council consideration of the final plat.
2. Removing Note #9 as it is unnecessary as this is seen as interior lots since adjacent to existing platted lots with 8’ utility easements on either side.

Attachments:
- Aerial Map
- Revised Preliminary Plat (Horseshoe Bend #5, 6, 7)
- Final Plat
P21/11 and P21/12 Horseshoe Bend Subdivision #6 and #7
(Final Plat Phases)
STAFF REPORT - SUBDIVISION
CITY OF TOPEKA PLANNING DEPARTMENT

Preliminary Plat Phase Preliminary and Final Plat Final Plat Phase

**RECOMMENDATION:** Based upon the findings and staff analysis below, the Planning & Development Department recommends the final plat phase of Horseshoe Bend Subdivision #7 be **APPROVED** and forwarded to the City Council for its acceptance of land to be dedicated for public purposes, subject to the conditions in the staff report below.

**RECOMMENDED MOTION:** I move to forward approval of the final plat for Horseshoe Bend Subdivision #7 to the Governing Body for acceptance of land to be dedicated for public purposes subject to the conditions in the staff report below.

**NAME:** Horseshoe Bend Subdivision #7 [P21/12]

**OWNER/DEVELOPER:** RT Builders

**ENGINEER/SURVEYOR:** Schmidt, Beck, and Boyd LLC/Richard T. Schmidt, P.L.S./Jeff Laubach, P.E.

**STAFF:** Annie Driver, AICP

**GENERAL LOCATION:** On property generally located north of SE 45th Street, east of SW Topeka Blvd and along the south side of the Kansas Turnpike.

**JURISDICTION:** Class “A” Subdivision- within the corporate limits of the City of Topeka

**ANNEXATION:** N/A

<table>
<thead>
<tr>
<th>Area</th>
<th># of Lots</th>
<th>Residential Density</th>
<th>Proposed Land Use</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.88 acres</td>
<td>31</td>
<td>3.5 DUs/acre</td>
<td>Single family dwellings</td>
<td>PUD (R-1 uses)</td>
</tr>
</tbody>
</table>

**Zoning Case:** The property was zoned in 2000 and included in the Grand Oaks Master Planned Unit Development Plan for single family dwellings. The main reason for the PUD zoning was to allow the reduced 40’ street right-of-way width with 16’ U.E./P.A.E. along all the lot’s frontages to incorporate public sidewalks and utilities instead of the standard 60’ right-of-way with a reduced front building setback.

**Design:** The final plat is irregular in shape and comprises 8.88 acres. The final plat represents the final phase of the Horseshoe Bend development, which was initiated in 2000. The plat will make the remaining street connections connecting Truman and Se 43rd Street. The 16’ utility easements/pedestrian access easements are provided along the frontage of the lots for public sidewalks along the streets for utilities and sidewalks. An extended wet detention pond was constructed for this project to address water retention and water quality as part of the previous Horseshoe Bend Subdivision #5 and was designed for these last two phases of Horseshoe Bend.

**BACKGROUND:** This is a final plat for the last and final phase of Horseshoe Bend Subdivision (Grand Oaks Planned Unit Development) that was approved July 17, 2000 by the Planning Commission. The original preliminary plat allowed for a total of
309 single-family residential lots and a 7-acre public park and was approved in 2000. Since a preliminary plat is only effective for a period of six months, an extension is needed from the Planning Commission with approval of this final plat phase. This final plat (Horseshoe Bend Subdivision #6) does not significantly alter the original design.

NEIGHBORHOOD INFORMATION MEETING: The applicant was not required to conduct a meeting for this final phase of Horseshoe Bend. The owner conducted a previous meeting for these last remaining phases as part of the plat for Horseshoe Bend Subdivision #5.

SERVICES AND FACILITIES:

1. WATER SERVICE: The subdivision will be served by City of Topeka public water supply via an 8” water main to be extended at the expense of the developer as part of developer finance project approved through the City Engineer.

2. SEWAGE DISPOSAL: The subdivision will be served via an 8” City of Topeka sanitary sewer main to be extended at the expense of the developer as part of a developer finance project approved through the City Engineer.

3. WASTEWATER PLAN SERVICE AREA: The property is located within the Urban Service Area (city limits) of the Land Use and Growth Management Plan -2040, which requires service by a sanitary sewer system. In this respect, the proposal and is in full compliance with said Plan.

4. DRAINAGE CONDITIONS: The Stormwater Management Plan as submitted by the consultant with the final plat phase for Horseshoe Bend Subdivision #5 and was approved by the Department of Utilities. Horseshoe Bend Subdivision #5 dedicated an extended wet detention basin to provide stormwater retention and water quality treatment for the final phases. The stormwater retention was built with the development of phase 5. The stormwater retention was built with the development of phase 5 and the owner submitted an Operations and Maintenance Manual on file with the Department of Utilities to address maintenance of the pond.

5. STREET PLAN/ACCESS: The preliminary street plans have been submitted to the City Engineer and are under review based on engineering specifications. The plat makes street connections between SE Truman Avenue and SE 43rd Street. The overall street layout and design were approved as part of the PUD phasing and does not deviate from that proposed design.

6. FIRE DISTRICT: City of Topeka Fire Department. Additional fire hydrants will be provided as needed with the water main extensions.

7. STREAM BUFFER/FLOOD PLAIN: N/A

8. SCHOOL DISTRICT: USD 450 – Shawnee Heights

9. PARKS/OPEN SPACE: The subdivision is located in Parkland Fee District #7 and would normally require a parkland fee of $225 per new single-family lot. However, a parkland dedication totaling 7 acres was accepted by the Shawnee County Parks Department (previously City) as a part of the approval of the preliminary plat in 2000 for a public park and is located to the east and intended to be dedicated for the entire subdivision. Due to that previous parkland dedication, Horseshoe Bend Subdivision #7 only requires a parkland fee of $141 per single-family unit under TMC 18.40.130 to be collected at the time of building permit issuance.

WAIVER/VARIANCE TO STANDARDS: Pursuant to TMC 18.35.160, it is requested the Topeka Planning Commission grant
an extension to the six month time limit on its approval of the preliminary plat. Staff is supportive of the Planning Commission granting this extension since the overall street design, lot configuration, and density have not been altered significantly from what was originally approved by the Planning Commission.

CAPITAL IMPROVEMENT PLAN (CIP): No pending City projects for the proposed 2021-22 CIP.

CONFORMANCE TO COMPREHENSIVE PLAN: The Land Use and Growth Management Plan - 2040 establishes this area for Urban/Suburban Low Density Residential land uses. The expected residential density is 3.5 dwelling units per acre, which is in conformance with the LUGMP – 2040 policies that recommend densities of up to 3-4 DUs/acre within areas classified Urban/Suburban Low Density Residential.

STAFF ANALYSIS: As zoned under the existing PUD master plan allowing the reduced rights-of-way widths for a local street, the subdivision conforms to the standards and provisions of the Subdivision Regulations. The subdivision design and densities are compatible with adjacent neighborhoods. Based upon the above findings and analysis, staff recommends Horseshoe Bend Subdivision #7 be APPROVED and forwarded to the City Council for its acceptance of land to be dedicated for public purposes, subject to the following conditions:

1. Approval and acceptance of the preliminary street plans by the City Engineer prior to City Council consideration of the final plat.
2. Removing Note #9 as it is unnecessary as this is seen as interior lots since adjacent to existing platted lots with 8’ utility easements on either side.

Attachments:
Aerial Map
Revised Preliminary Plat (Horseshoe Bend #5, 6, 7)
Final Plat - Horseshoe Bend #7
P21/11 and P21/12 Horseshoe Bend Subdivision #6 and #7 (Final Plat Phases)