



CITY OF
TOPEKA

A G E N D A

TOPEKA PLANNING COMMISSION

MONDAY, JUNE 26, 2023
6:00 P.M.

214 SE 8TH AVE.
CITY COUNCIL CHAMBERS
TOPEKA, KANSAS 66603

MEETINGS ARE LIVESTREAMED AT WWW.TOPEKASPEAKS.ORG

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 Division 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

Corey Dehn, 2023 Chairperson
Marc Fried
Del-Metrius Herron
Jim Kaup
William Naeger
Donna Rae Pearson
Jeff Preisner
Jim Tobaben
Matt Werner

Topeka Planning Staff

Rhiannon Friedman, Interim Director, Planning & Development Dept.
Dan Warner, AICP, Director, Planning Division
Carlton Scroggins, AICP, Transportation Planning Manager
Mike Hall, Land Use Planning Manager
Annie Driver, Planner
Taylor Ricketts, Planner
Bryson Risley, Planner
William Sharp, Planner
Megan Rodecap, Zoning Inspector
Amanda Tituana- Feijoo, Administrative Officer



CITY OF TOPEKA

TOPEKA PLANNING COMMISSION

Agenda for Monday, June 26, 2023

A. Roll call

B. Approval of Minutes – May 15, 2023

C. Declaration of Conflict of Interest/Ex Parte Communications by members of the commission or staff

D. Action Items

1. Public Hearing of Z23/10 RT Properties – requesting to amend the district zoning map on a 0.3 acre property at the northeast intersection of SE 45th Street and SE Horseshoe Bend Drive, from “R-2” Single Family Dwelling District TO “C-2” Commercial District. **(Driver)**

2. Public Hearing of CU23/01 Aslan Properties (Cair Paravel Latin School) requesting a Conditional Use Permit (CUP) on approximately 1.29 acres of property located between SW Buchanan and SW Clay along the south side of SW 7th Street and presently zoned “R-2” Single Family Dwelling District. The CUP will allow for a Vehicle Surface Parking Lot in Association with the Principal Use of the school located at 635 SW Clay Avenue. **(Driver)**

3. Public Hearing of CU23/02 Patterson Family Infant/Toddler requesting a Conditional Use Permit (CUP) on approximately 0.44 acre located on the southwest corner of SE Lott St & SE Wisconsin Ave presently zoned “R-2” Single Family Dwelling District. The CUP will allow for a Day Care Facility, Type II at this location. **(Sharp)**

4. PUD23/03 Eugene and Paramore, requesting to amend the District Zoning Map for approximately 7.2 acres of property located on the east side of Rochester Road, approximately 300 feet south of NW Walnut Lane from “R-1” Single Family Dwelling to “PUD” Planned Unit Development with “M-2” Multiple Family Dwelling District uses to allow for the development of duplexes and four-plexes for a total of 30 dwelling units. **(Hall)**

[The Planning Commission held a public hearing for PUD23/02 on March 20, 2023 and made a recommendation of approval to the Governing Body. On May 2, 2023, the Governing Body remanded PUD23/02 to the Planning Commission requesting that the Commission consider a) the character of the neighborhood, b) a connection to Sprouton Lane, c) whether a traffic study is necessary, and d) stormwater drainage.]

E. Adjournment



CITY OF
TOPEKA

MINUTES

TOPEKA PLANNING COMMISSION

Monday, May15, 2023

6:00PM

Members present: Corey Dehn (2023 Chair), Jim Fried, Del- Metrius Herron, William Naeger, Donna Rae Pearson, Jeff Preisner (6)

Members Absent: Jim Kaup, Jim Tobaben, Matt Werner (3)

Staff Present: Rhiannon Friedman, Interim Planning & Development Director, Dan Warner, Planning Director; Mike Hall, Land Use Planning Manager; William Sharp, Planner; Amanda Tituana-Feijoo, Administrative Officer; Mary Feighny, Legal

Roll Call –Chairman Corey Dehn called the meeting to order with 6 members present for a quorum.

Approval of Minutes from April 17, 2023

Motion by Commissioner Preisner to approve; **second** by Commissioner Pearson. **APPROVED 4-0-0.**

Declaration of conflict of interest/ex parte communications – Commissioner Naeger stated that although his landlord is the owner for the Potwin Lofts case, and they have not discussed any of the projects. He feels that he is able to make a “non-conflicted” decision.

2024-2033 CIP. In accordance with K.S.A. 12-748(b), review the City of Topeka’s capital improvement program (CIP) to ensure that it is consistent with the Comprehensive Plan.

Staff:

Dan Warner presented the staff report and staff’s recommendation of approval.

Questions/Comments from Commissioners:

Commissioner Preisner expressed concern about the growth of the community in Southwest Shawnee County, and asked why the Elevation Parkway did not completely go through Wanamaker Road. Mr. Warner explained that although there are 4 anticipated phases for that project; this particular CIP is only referencing phase I and II and associated costs for those phases. Mr. Preisner mentioned how both the Elevation Parkway, and something off Auburn Road near the turnpike would open up more growth for the community.

Commissioner Dehn asked if there was a plan for Rochester Road, North of Highway 24, in the near future. Mr. Warner expressed that it was not currently in the City’s CIP plan.

Owner’s Representative:

None

Mr. Dehn declared the **public hearing open**. With nobody coming forward to speak, he declared the **public hearing closed**.

Questions from Commissioners:
None

With no further questions from commissioners, Mr. Dehn called for a motion.

Motion by Commissioner Dehn, **second** by Commissioner Herron: **to recommend that the 2024-2033 CIP is consistent with the Comprehensive Plan. Approved 6-0**

Public Hearing of HL23-01 Potwin Lofts, requesting approval of the nomination for the Potwin Presbyterian Church as a historical landmark.

Staff:
William Sharp presented the staff report and staff's recommendation of approval.

Questions/Comments from Commissioners:
Commissioner Fried referenced an earlier case regarding the rezoning of this, and was curious if either of the two cases would affect the other. Mr. Sharp indicated that it would not.

Commissioner Naeger wanted clarification as to who the owner of the project was, and whether the church had to do anything. Mr. Sharp informed the council that Mark Burenheide, Potwin Lofts LLC, owns the entire parcel. Mr. Burenheide later explained that he is the owner and the church holds a long term lease. They are not opposed to the Historic Landmark.

Owner's Representative:
Mark Burenheide, Potwin Lofts LLC

In response to Commissioner Fried's question, Mr. Burenheide provided the following information: Council approved for a zoning change for the property earlier this year, and that will allow for 6 apartments to be built. The church will undergo a new heating and air conditioning system, and eventually restoration of the windows will take place.

Commissioner Fried wondered if this kind of designation would impact the work regarding the heating and cooling systems. Mr. Burenheide stated no.

Commissioner Dehn declared the **public hearing open**. With nobody coming forward to speak, he declared the **public hearing closed**.

Questions from Commissioners:
None

With no further questions from commissioners, Mr. Dehn called for a motion.

Motion by Commissioner Fried, **second** by Commissioner Preisner **to recommend APPROVAL of the requested designation as a historic landmark designation for the property at 400 southwest Washington. Approved 6-0**

Public Hearing Z23/09, by Sherwood Office Park 2016 LLC, move to recommend the request for rezoning from O&I-2 Office and Institutional District to M-3 Multiple-Family Dwelling District.

Staff:
William Sharp presented the staff report and staff's recommendation of approval. Mr. Sharp touched on comments about off street/off- site parking, stating that these will be addressed in the building permit phase or site plan phase.

Questions/Comments from Commissioners:

Commissioner Naeger questioned if an apartment building was built in the area, would the road be wide enough for “through traffic” to handle the traffic flow and emergency services. Mr. Hall stated the dead-end road was addressed when it was platted. There is a potential connection for the current street, as additional land gets developed.

Commissioner Pearson asked if it is realistic to put a multi- family building on this small piece of land. Although Mr. Sharp did refer to the applicant, he mentioned the dimensions of the parcel: at the northern point is 130 feet wide, 80 feet wide towards the middle, and 155 feet wide towards the southern part. Mr. Sharp also explained that minimum setbacks would be enforced.

Commissioner Fried asked about the M2 classification versus the M3 classification. Mr. Sharp informed the commission that a “M3” option gives the applicant more options for the development of the land, as it allows for 30 dwelling units per acre. A “M2” option only allows for 15 dwelling units per acre.

Commissioner Fried commented on how a “M2” status allows for a maximum height of 50 feet per building, where as the maximum height for a “M3” building is 160 feet. He is concerned if the builder can make a building fit, still have all the off- street parking they need, and how the height of a building would compare to that of the rest of the neighborhood. Commissioner Fried also asked for clarification on the transition density, and what it is referring to as “medium”. Mr. Hall believes that a designation of “M2” falls within the lines of the medium density with 15 units per acre.

Owner’s Representative:

Walker Bassett, Sherwood Office Park 2016 LLC

Mr. Bassett stated that although plans are preliminary, they see a need for housing in Topeka, and the land has been vacant for a long time.

Commissioner Fried asked Mr. Bassett why they selected the “M2” category vs the “M3” category. Mr. Bassett stated that “M3” offers more options.

Commissioner Dehn declared the **public hearing open**.

Angela and Paul Wilson, 2931 SW Villa West Dr. Topeka, Ks 66614, stated she believes that with the multiple medical offices along that strip, there is no feasible way that street can handle the normal business traffic along with multiple vehicles associated with a housing development. Mr. Wilson feels that street parking will present a dangerous situations for patients who are loading/unloading their families. Although they have no problem with a structure being built, the volume of people and the street parking have the Wilson’s concerned.

Hank Hudson, address unknown, stated the neighborhood has enough issues with the traffic, and on that particular spot as one has to come over the hill to get through the traffic. Mr. Hudson is curious as to what is being accomplished by putting residential housing on the thin strip of land. As a resident of the area, he wants it known there is a lot of traffic in that area, and it is a spot for accidents.

Gary Russ, works for organization that owns Sherwood Apartments, states that this area is a low visibility area which makes oncoming traffic difficult to see, when looking from the East down 29th Street.

Henry McClure, address unknown, acknowledges that it is tough to develop within this community. He believes this project makes sense, and disagrees that there is a traffic problem.

With no further comments, Commissioner Dehn declared the **public hearing closed**.

Questions from Commissioners:

Commissioner Pearson stated that putting housing in this area feels out of character, rather than building another office building. Ms. Pearson agrees with the public comment that the road doesn’t seem wide enough for a single car, let alone multiple vehicles on the road.

Commissioner Fried stated that he doesn't have a problem with building housing, as he recognizes the need. However, Mr. Fried does have a problem with the category "M3", as he believes it allows for too much density with the project.

Commissioner Naeger stated that as an "M3", this project could allow for 30 units per acre which would total about 75 housing units in this area. He believes that seems intensive for the area.

Commissioner Dehn questioned whether on-street parking would even be possible. Mr. Hall stated that on street parking is currently permitted via parallel parking, and if need be, the public works department would view as they look at things case by case basis. Mr. Hall explained the area is already zoned for office development, and a different land use will offset the "peak" parking and traffic demands.

With no further questions from commissioners, Mr. Dehn called for a motion.

Motion by Commissioner Preisner, **second** by Commissioner Herron: **Motion** to recommend the approval of the request for rezoning from O&I-2 Office and Institutional District to M-3 Multiple-Family Dwelling District. **Failed: 3-3**

Mary Feighny informed Commissioner Dehn that he has the authority to make an amendment to the recommendation, recommending a re-zoning to "M2".

Commissioner Fried motioned and Commissioner Naeger seconded.

Commissioner Dehn declared the **public hearing open**.

Paul Wilson, 2931 SW Villa West Dr. Topeka, Ks 66614, wants clarification as to where people for this 30 unit dwelling would be parking. Mr. Wilson asked the commissioners if cars would be parking parallel on the street, or parking on a lot and backing up into the street. Mr. Wilson believes the commissioners need more data to make a sound decision. Mr. Hall clarified that the "on- street" parking is permitted unless the City of Topeka declares it a "no-parking" zone and signs it as such. Per Mr. Hall, that location will require "off- street" parking, typically 2 off street parking spots per unit.

Hank Hudson, address unknown, questions if the over flow from the housing will start parking in the medical buildings' spaces and if that could be considered trespassing. How would that be dealt with?

Richard Bassett, Sherwood Office Park 2016 LLC

Mr. Bassett acknowledged that although the property has been sitting vacant for 26 years, water and sewer are currently set up. Mr. Bassett understands everyone's concerns, however he won't build anything that doesn't have off street parking.

Angela Wilson, 2931 SW Villa West Dr. Topeka, Ks 66614, questions whether a light would be planned if this project goes through. Mrs. Wilson understands the need for housing, but she wants everyone to be safe.

With no further comments, Commissioner Dehn declared the **public hearing closed**.

Questions from Commissioners:

Commissioner Naeger wanted clarification on the current traffic as seen with an empty lot versus the traffic once the land was fully developed, and whether a light would be needed.

Mr. Hall clarified when the City receives an application for rezoning, it is typically unusual to require a traffic study. When a site plan comes forward, and if it reaches a certain point, then a traffic study would be required and the potential outcome could be a traffic signal. Traffic and peak volumes are considered.

Motion by Commissioner Fried, **second** by Commissioner Naeger: **Motion** to **change** the recommendation of approval from the “M-3” Multiple-Family Dwelling District, to an “M-2” Multiple-Family Dwelling District. **Approved: 5-1 with Commissioner Pearson dissenting.**

Communications to the Commission

KOMA Video – The COT Legal Department is asking that each of our board members and commissioners review a video regarding the Kansas Open Meeting Act (KOMA). This video was made by our City Attorney and a link will be emailed to each commissioner. Staff asks that commissioners email Ms. Tituana-Feijoo to let her know that they have watched the video.

PUD 23/08 Eugene and Paramore – This case will come back before the commission in June.

Updating Bylaws- Ms. Friedman stated that she is working with Ms. Feighny to make some updates to the Planning Commission by-laws. The updates will include additional avenues for public comment. Recommended changes to the by-laws must be brought to the Planning Commission for review and approval.

Upcoming Taskforce about Accessory Dwelling Units – Ms. Friedman reported that staff is working with the Policy and Finance committee to form a task force and an outreach program within the community.

With no further business appearing, the meeting adjourned at 7:10 PM.

**STAFF REPORT – ZONING CASE
TOPEKA PLANNING DEPARTMENT**

PLANNING COMMISSION DATE: Monday, June 26, 2023

APPLICATION CASE: Z23/10 – RT Properties LLC

REQUESTED ACTION: A request to amend the District Zoning Map from “R-1” Single Family Dwelling District to “C-2” Commercial District

APPLICANT / PROPERTY OWNERS: RT Properties LLC (Ray Thurlow)

APPLICANT REPRESENTATIVE: Jeff Laubach, SBB Engineers

PROPERTY LOCATION / PARCEL ID: SE Horseshoe Bend Drive and SE 45th Street (Northeast corner)
PID: 1320304002012000 & 1320304002015000

PROPERTY SIZE: 0.3 acres (13,068 sf) of a larger 6.8 acre parcel

PHOTOS:



Looking north from 45th Street



Looking towards the south from subject property



Looking towards west from subject property

CASE PLANNER:

Annie Driver, AICP, Land Use Planner

RECOMMENDATION:

Approval

RECOMMENDED MOTION:

Based on the findings and analysis in the staff report I move to recommend to the Governing Body **APPROVAL** of the reclassification of the property from "R-1" Single Family Dwelling District **TO** "C-2" Commercial District.

PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY:

A rezoning to allow for a commercial development at the northeast corner of the intersection of SE Horseshoe Bend and SE 45th Street. Although, this rezoning case is speculative in nature and the City has not received official development plans for the subject site, the owner

has expressed initial interest in developing the frontage of their parcel along of SE 45th Street for commercial uses and the remainder for housing. The “C-2” zoning is necessary to allow development on the corner of Horseshoe Bend Dr. However, the subject rezoning case only applies to part of the parcel currently zoned R-1.

DEVELOPMENT / CASE HISTORY:

The subject property is remnant of a larger commercial piece that was rezoned from “A” Single Family Dwelling District to “F” Neighborhood Shopping District in 1962. (This “F” District zoning classification converted to “C-2” in 1992 by a text amendment per TMC18.50.) This particular tract of land was excluded from that original rezoning because there was a single-family residence on the site and was only demolished within the past year.

ZONING AND SURROUNDING PROPERTIES:

East: “C-2” Commercial District (Vacant)

West: “I-1” Light Industrial District / self- storage facility

South: “I-1” Light Industrial District /building and site for contractor office and shop

North: “C-2” Commercial District/ Undeveloped land

DEVELOPMENT STANDARDS AND POLICIES

PURPOSE, USE STANDARDS:

“C-2” district: *This district is established to provide 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. The extent and range of activities permitted are in the moderate to medium intensity range with a ground floor area limitation and a prohibition on outside sales and storage of supplies, materials, products, and equipment.* Convenience stores and gas pumps, drive-through quick service restaurants, and indoor enclosed self-storage facilities are examples of allowed uses in C-2 Commercial zoning.

DIMENSIONAL STANDARDS:

The following building setbacks apply in “C-2”: Front/Rear- 25’ and Side- 10’. The maximum building height in “C-2” is 50’.

OFF-STREET PARKING:

“C-2” district: Off-street parking is required per the standards in TMC 18.240. All parking areas will need to be hard surfaced per City policy based on the weight of loads that are parked and/or stored on the pavement and extent to which these areas are accessible by the public and emergency responders.

OTHER DESIGN GUIDELINES AND CONSIDERATIONS:

A Landscape Plan subject to TMC 18.235 Landscape Requirements and demonstrating species, quantity, and location of plantings will be required at the time of Site Plan Review application. TMC 18.235 gives the Planning Director latitude in the implementation of the standards in the chapter. For those properties with more than one street frontage, 60

percent of landscape points are typically required along street frontages where this is feasible depending on the presence of utilities.

SIGNAGE:	Signage will be permitted per TMC 18 Division 2 Signs as allowed under C-2 zoning. Most signs require a Sign Permit through Development Services Division. Generally, the property will be allowed one (1) free-standing monument sign at a maximum of 15 ft tall, 80 sq. ft. sign area with a 5' setback measured from the property line. There are allowances for a larger sign to this base requirement depending on the sign's setback.
COMPREHENSIVE PLANS:	<u>Land Use and Growth Management Plan 2040 (LUGMP)</u> : Designated <i>Urban Suburban Low Density</i> on the Future Land Use Map.
TRANSPORTATION PLANS:	Not applicable

OTHER FACTORS

SUBDIVISION PLAT:	The 6.8 acre parcel is not platted. A subdivision plat will be required prior to building permits.
FLOOD HAZARDS, STREAM BUFFERS:	The land is outside of any 100-year or 500-year floodplain. There are no stream buffers on the property.
UTILITIES/WPC:	There is an 18" City transmission water main running parallel along the south side of SE 45 th with an 8" distribution main extending off this main north terminating in a dead-end at the subject property. There is an 8" public sanitary sewer main running along SE Horseshoe Bend Drive terminating in a dead-end. Extensions of these public mains are likely required prior to future development of this site. A Stormwater Management Plan will be reviewed and approved by the City of Topeka at the time of Subdivision Plat and Site Plan Review Application.
TRAFFIC:	The location, spacing and number of driveways will be approved as part of the Site Plan Review process and Traffic Impact Analysis. As part of the TIA, the property owner will need to consider the future development of the remainder of the parcel in conjunction with the subject site regarding circulation, queuing, and access. A Traffic Impact Analysis will be required for new commercial development, which typically is any commercial development that includes a land use with a drive-up window or land uses that meets or exceeds an established threshold of traffic generated.
HISTORIC PROPERTIES:	Not applicable
NEIGHBORHOOD MEETING:	The applicant conducted a neighborhood information meeting on Wednesday, June 7, 2023 at 5:30 pm. There were no attendees at the

meeting and there have been no questions or comments relative to the zoning change.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

PUBLIC WORKS/ENGINEERING:	A stormwater management plan will be required demonstrating the runoff from the 2-100 year storms is detained and treated on-site via acceptable stormwater detention system prior to being released into the City of Topeka storm system.
FIRE:	No objection to rezoning; additional comments may be forthcoming as site development progresses.
DEVELOPMENT SERVICES:	As part of the pre-application consultation, Development Services Division advised the applicant of applicable codes for building construction. No other comments received.

KEY DATES

SUBMITTAL:	May 5, 2023
NEIGHBORHOOD INFORMATION MEETING:	May 31, 2023
LEGAL NOTICE PUBLICATION:	May 31, 2023
PROPERTY OWNER NOTICE:	June 2, 2023

STAFF ANALYSIS

In accordance with Topeka Municipal Code Section 18.245.020, the following findings and conclusions are presented for consideration and adoption. These findings and conclusions reflect the “golden factors” per Donald Golden v. City of Overland Park, 1978 Kansas Supreme Court.

CHARACTER OF NEIGHBORHOOD: The surrounding area is characterized by commercial, single-family residential and light industrial uses and zoning. The subject property lies along a principal arterial street (SE 45th Street) and local street (SE Horseshoe Bend Drive) and is included as part of this owner’s larger 6.8 acre commercially zoned parcel that was rezoned in 1962 for neighborhood commercial uses.. A contractor shop (gutter and leaf protection) is located on property directly south of SE 45th Street opposite the subject site. Self-storage facilities are located directly west of the subject site. A single family subdivision that has slowly been developing to full build-out since 2000 is located north of owner’s 6 plus acre parcel and lies between SE 45th and the Kansas Turnpike.

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: The site has historically remained zoned for the “R-1” Single Family Dwelling District. A residence was located on the site until it was demolished in or after 2020 based on the City’s past aerial imagery. Due to the previous residence on the subject property demolished in 2020, the site was excluded from the 1962 zoning case

that changed the zoning classification of the area from single family dwelling district zoning to C-2 neighborhood commercial zoning. The subject rezoning case is only intended to provide for a similar and consistent zoning classification with the zoning of the owner's larger 6.8 parcel as well as the zoning and land use of surrounding properties and allow development to extend over to the corner of Horseshoe Bend Drive.

CONFORMANCE TO COMPREHENSIVE PLAN: **CONFORMANCE TO COMPREHENSIVE PLAN:** The proposed "C-2" Commercial zoning is in conformance with the principles and policies of the Land Use and Growth Management Plan – 2040 (LUGMP), although the designation does not conform to the Future Land Use Map in the LUGMP. The Future Land Use Map designates the property for *Urban/Suburban Low Density* land uses. However, the Future Land Use designations are intended a guide but not necessarily to be implemented on a parcel-by-parcel basis. In circumstances such as this, where zoning and land use do not conform to the Future Land Use Map, land use decisions are generally guided by written policies in the plan and the pattern of surrounding land uses and zoning in the area. The surrounding area is comprised of commercial/industrial land uses and zoning and therefore, the proposed zoning does not conflict with LUGMP policies, and thus the proposal is in substantial conformance with the Comprehensive Plan.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES OF WHICH IT HAS BEEN RESTRICTED: The property is not suitable for the development to which it is limited under the current R-1 zoning. The R-1 zoning classification is intended for single family residential development and a narrow range of residential and non-residential uses. The R-1 zoning on the 0.3 acre-tract is inconsistent with the pattern of surrounding land uses and zoning in the larger general area. The development of a new single-family residence on the subject property is not likely because of its incompatibility with surrounding zoning and land use. The property is surrounded on three sides by vacant land zoned C-2 Commercial and I-1 Light Industrial. The land to the south, on the south side of 45th Street, is zoned and build for light industrial use

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: Removal of the restrictions associated with the current R-1 zoning is not expected to have any substantial detrimental effect on adjacent properties, mainly because the adjacent properties are zoned C-2 or I-1 for commercial and industrial uses. In addition, under the proposed C-2 Commercial zoning any new land use will be required to satisfy site, landscape and building design standards as a part of the site plan review application process. Any land use that generates a high volume of traffic will likely require a traffic impact analysis (TIA), with requirements for access control or street to prevent negative impact to the operation of the public streets.

THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE OWNER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER: Denial of the request for rezoning limits how the owner can use the entire property since the R-1 zoning inhibits development near or at the intersection. There is little or nothing to be gained for neighboring properties or the general public because of the commercial and industrial uses and zoning surrounding the property. The 6.8 acre site is already predominantly zoned for commercial uses. Excluding the 0.3 acre tract from the C-2 creates an unreasonable restriction on the current owner.

AVAILABILITY OF PUBLIC SERVICES: Adjacent public streets are adequate to serve the development. A sidewalk will be required along Horseshoe Bend Drive at the time of site development. All essential public utilities, services and facilities are presently available to serve this property are close enough to be extended to the property if required in the future by Utilities Department. Public sewer and water extensions are likely required to serve the subject property. Required connections to, and extensions of infrastructure, are generally the responsibility of the developer.

STAFF RECOMMENDATION:

RECOMMENDATION: Based on the above findings and analysis Planning Staff recommends APPROVAL of the reclassification of the property from "R-1" Single Family Dwelling District "TO "C-2" Commercial District.

RECOMMENDED MOTION: Based on the findings and analysis in the staff report I move to recommend to the Governing Body **APPROVAL** of the reclassification of the property from "R-1" Single Family Dwelling District "TO "C-2" Commercial District.

Attachments / Exhibits:

Aerial map

Zoning map

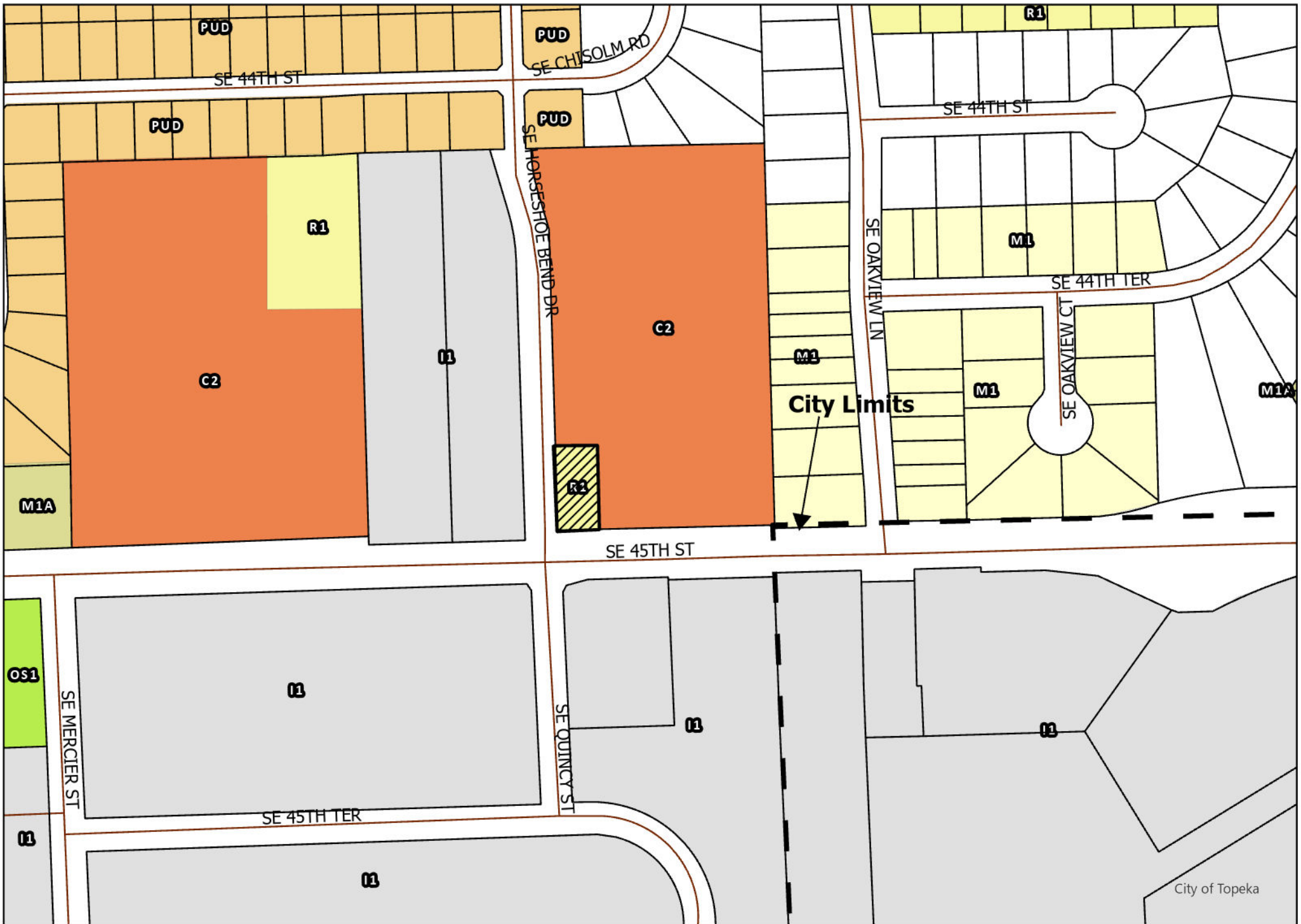
Future land use map

Neighborhood Information Meeting Summary



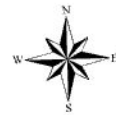
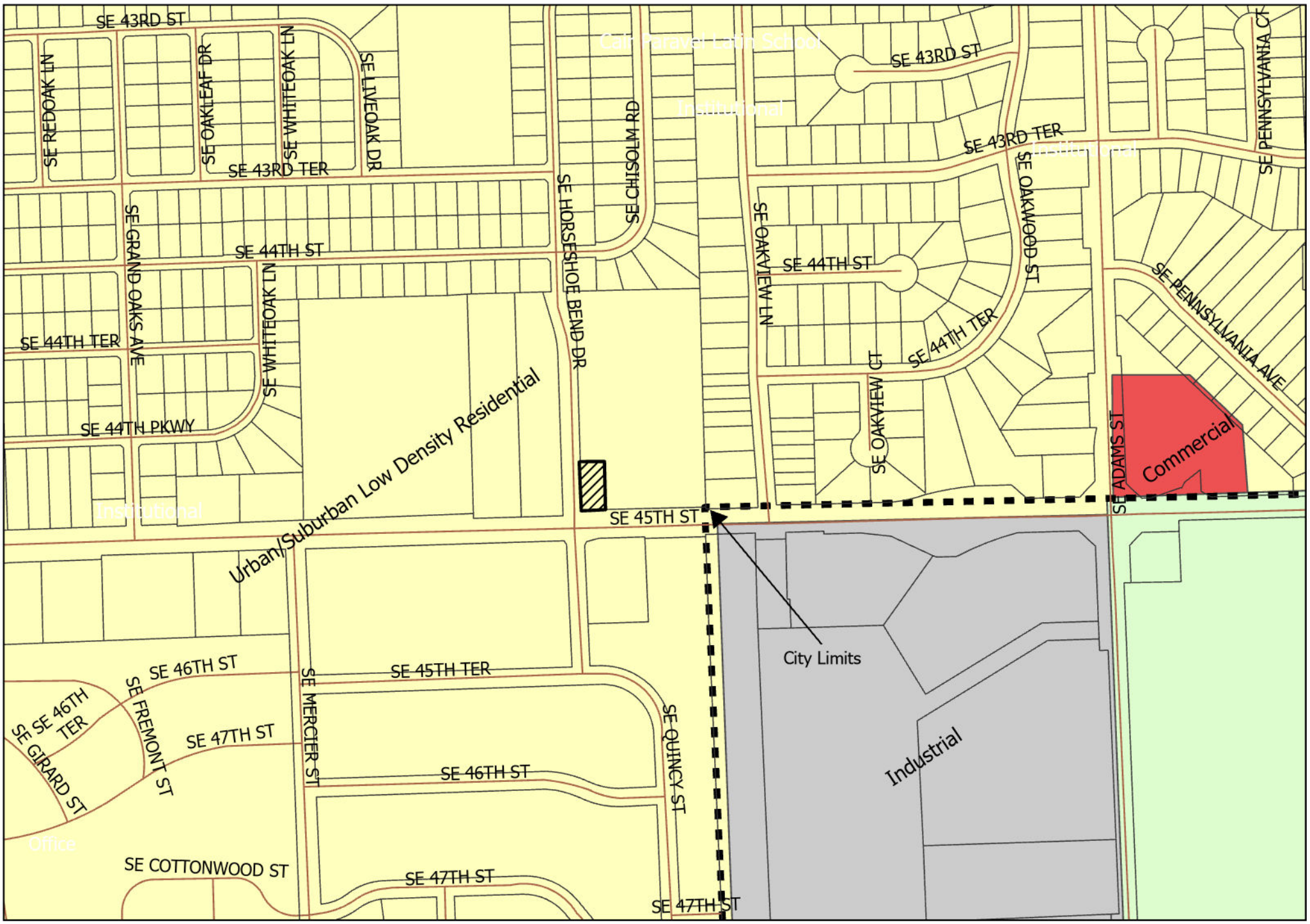
Z23/10 By: RT Properties LLC





Z23/10 By: RT Properties LLC





From: Jeff Laubach <Jeff.Laubach@sbbeng.com>
Sent: Wednesday, June 7, 2023 5:44 PM
To: Annie Driver
Cc: Raymond Thurlow; Mark Boyd; Joseph Mauk; Vernon L. Jarboe
Subject: NIM Summary Horseshoe Bend rezoning (Neighborhood Meeting)

Follow Up Flag: Flag for follow up

Flag Status: Flagged

This message originated from outside your organization

Annie,

As discussed on the zoom call for the neighborhood meeting, there were no participants beside SBB Engineering and yourself.

Thanks,

Jeff Laubach, P.E.

SBB Engineering, LLC

101 S Kansas Ave

Topeka, KS 66603

Ph.: 785.215.8630 Ext. 1003

Cell: 913.486.2101

Fax: 785.215.8634

Jeff.laubach@sbbeng.com

**STAFF REPORT – ZONING CASE
TOPEKA PLANNING DEPARTMENT**

PLANNING COMMISSION DATE: Monday, June 26, 2023

APPLICATION INFORMATION:

CASE NUMBER / NAME: CU23/01 – Cair Paravel Latin School

REQUESTED ACTION / CURRENT ZONING: A Conditional Use Permit (CUP) for “Off-Street Parking Lot in Association with a Principal Use” in conjunction with Cair Paravel Latin School located at 635 SW Clay Street on property currently zoned “R-2” Single Family Dwelling District.

PROPERTY OWNER: Aslan Properties LLC

APPLICANT REPRESENTATIVE: Cassandra Taylor, HTK Architects
Jeff Laubach, SBB Engineers

CASE PLANNER: Annie Driver, AICP, Land Use Planner

PROPERTY LOCATION / PARCEL ID: Properties containing a total of 1.29 acres lying between SW Buchanan and SW Clay and lying south of SW 7th Street. / PIDs: 0973601020010000, 0973601020009000, 0973601020008000, 0973601020024000, 0973601020007000, 0973601020006000, 0973601020001000, 0973601020002000, 0973601020003000, 0973601020005000

STAFF RECOMMENDATION: Based upon the above findings and analysis Planning Staff recommends **APPROVAL** subject to conditions 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 CU23/01 subject to conditions in the staff report.

PHOTOS: View of properties from Buchanan:



View from Clay:



PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY:

The property owner proposes to construct a new off-street parking lot in three phases to allow for both visitor and employee parking and reduce overcrowding along the public street.

- Phase 1: 35 stalls at the southeast corner of SW 7th and Buchanan to meet immediate needs of the school and stormwater detention pond (summer 2023) designed to handle runoff from all three phases.
- Phase 2: 38 stalls at southwest corner of SW Clay and along the frontage of SW 7th (After 2025)
- Phase 3: 32 stalls located directly south of Phase 1 along east side of Buchanan (2028 or later) to take into account possible future expansion of the school.

DEVELOPMENT / CASE HISTORY:

The Subject Property has remained zoned “R-2” Single Family Dwelling District since the adoption and implementation of the Old Town Neighborhood Plan shortly after 2003. Prior to that time, the properties were zoned for multiple family dwellings. There have been single-family residences on the property since at least the 1950s.

ZONING AND CHARACTER OF SURROUNDING PROPERTIES:

The neighborhood is predominantly zoned for single family residential land uses. The length of the frontages of SW 6th Avenue have historically been zoned “Commercial” for commercial businesses along the frontage of SW 6th. The blocks directly north and east comprise Cair Paravel Latin School, which is a major institutional anchor for the neighborhood. The frontages of SW 8th Avenue contain a mix of institutional, office and single- and multiple-family residential land uses. Significant institutional uses that are anchors of the Old Town Neighborhood include: Grace Cathedral, Penwell Gable Funeral Home, Cair Paravel, Mater Dei, and Topeka High School. The hospital district (Stormont Vail and University of Kansas Health System) lies to the west and is entirely zoned “MS-1” Medical Services District.

COMPLIANCE WITH DEVELOPMENT STANDARDS AND GUIDELINES

BUILDING HEIGHT, SETBACKS & FENCES:

The site plan denotes a landscape setback around the perimeter of the parking lots, which shall be maintained as a landscape buffer separating the parking lots from street frontages and adjacent residential properties. No fencing is currently proposed on the plan, b. However, a note has been added to the plan to indicate, *“Any fencing shall require Fence Permits and shall be no higher than 4’ beyond front face of residences on adjoining lots”*

PARKING AND ACCESS:

The CUP proposes a total of 99 new parking stalls for employees and visitors of Cair Paravel Latin School over three phases in the next five years. Primary access to the site will be taken from SW Buchanan and SW Clay Streets. The alley will remain a public alley. If the applicant proposes access from the alley in the future, they may need to vacate the alley and improve and widen it to two-way commercial standards. At that point, the alley may be vacated and retained as private and privately maintained. Vacation of the public alley rights-of-way requires Governing Body approval.

LANDSCAPING AND SCREENING:

The site plan denotes existing trees in the public right of way and on private property to remain and a landscape setback along visible street frontages. A landscape plan meeting the intent of TMC 18.235 including residential buffer requirements has been provided. The current Landscape Plan denotes 10’-15’ parking lot setback from property line along Clay and Buchanan and 5’-10’ setback from

property line along 7th Street for the addition of new landscaping. A more detailed plan identifying exact species and quantity of landscaping will be required at the time of Site Plan Review.

SIGNAGE:

The CUP site plan indicates no signage is proposed. Directional or traffic control signage shall follow standards under TMC18.10.130 for free standing incidental signs, which typically allows a maximum of 6 square feet and 4 feet in height.

LIGHTING & SOUND GENERATION:

Any exterior lighting shall be no more than three foot-candles as measured at the property line and the source of illumination shall not be visible from public right-of-way or adjacent properties per code.

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 site plan denotes landscape setbacks, residential buffer yards, stormwater detention, and improves traffic congestion along residential blocks.

PUBLIC FACILITES

NEIGHBORHOOD PLAN:

. Old Town Neighborhood Plan – Urban/Suburban Low Density (Historic Urban Core). This land use classification represents those areas that are characterized by large homes built in the early 1900’s. This area is anchored by a number of institutional uses (e.g. Topeka High School, Mater Dei Catholic Church, Trinity Lutheran, and Cair Paravel School).

OTHER FACTORS

SUBDIVISION PLAT:

The subject property is currently platted as Lots 217 through 223, odd, and the north 10 feet of Lots 225 on SW Clay Street; Lots 218 through 236, even, and the north 15 feet of Lot 238 on Buchanan Street, all in Horne’s Addition, City of Topeka, Shawnee County Kansas.

FLOOD HAZARDS, STREAM BUFFERS:

Zone X - “Area of Minimal Flooding”

HISTORIC PROPERTIES:

None

NEIGHBORHOOD INFORMATION MEETING:

The applicant conducted a Neighborhood Information Meeting on May 17, 2023 at 5:30 pm via a Zoom Online Meeting. The Old Town NIA attended the meeting and expressed concern primarily with removal of the three vacant houses during phase 2 in 2025. The applicant presented revised plans at this meeting that removed access to the parking lot from the public alley. A second meeting organized by the

NIA was held at Cair Paravel Latin School on May 31 at 5:30 to verbally describe and present the plan sheets.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

PUBLIC WORKS/ENGINEERING:	The public alley may need to be vacated in the future to accommodate two-way traffic flow.
PUBLIC WORKS/ TRAFFIC ENGINEERING:	Traffic Engineering staff expressed concerns about allowing direct access from the parking through and across the public alley. The revised site plan removes any direct access from the private parking lot to the public alley. An alley vacation will be required in the future if the owner desires to use the alley for commercial access. The alley may need to be widened to 24 feet to allow for two-way traffic. Any signage for directional and traffic control shall be approved by City Traffic Engineering.
WATER POLLUTION CONTROL:	No issues identified. A City of Topeka infrastructure permit will be required to connect into the City's 18" reinforced concrete pipe (RCP) along the west side of Clay and the inlet at the northwest corner of Clay and 7 th . The stormwater runoff detention pond will be sized and designed to drain within a short time period (24 hours) and will not accumulate water for a long period.
FIRE:	The Fire Department has no objections to the proposal.
DEVELOPMENT SERVICES:	No issues identified. Permits will be required. A Parking Lot Permit and Fence Permits will be required. A separate Site Plan Review Application, including submittal of the Stormwater Management Plan, is required prior to submittal of permits to Development Services.

KEY DATES

APPLICATION SUBMITTAL:	April 25, 2023
NEIGHBORHOOD INFORMATION NOTICES MAILED:	May 17, 2023
LEGAL NOTICE PUBLICATION:	May 31, 2023
ADJOINING PROPERTY OWNER NOTICES MAILED:	June 2, 2023

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 “*Urban Suburban Low Density – Historic Residential Core*” in the Old Town Neighborhood Plan (2003). This land use designation represents those areas that are characterized by large homes built in the early 1900’s. This area is anchored by a number of institutional uses (e.g. Topeka High School, Mater Dei Catholic Church, Trinity Lutheran, and Cair Paravel School). Much of the historic character of the neighborhood is owed to these land uses. Institutional uses, such as Cair Paravel School, are recognized by this designation of “*Urban/Suburban Low Density Residential*” in the neighborhood. Expansions of these uses are anticipated and should be reflected on the land use map since the continuance of these uses balance the needs of the neighborhood with the needs of the institutions.

The addition of the infill parking lot should assist in substantially reducing overcrowding on residential adjacent streets during school drop off and pick up as well as facilitate the expansion of the major core institutional use in the neighborhood. The Conditional Use Permit provides requirements that the site and landscape plan reflect setbacks and landscaping to ensure compatibility with surrounding lots and blocks and to ensure the parking lot does not further encroach upon the entire block in the future. For the reasons stated above, the proposal is consistent with the policies of 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 character of the neighborhood includes a mix of institutional, single- and multiple- family residential apartment buildings and conversions, commercial, and office uses. The neighborhood is characterized by the presence of large single-family residences constructed in the 1900s, commercial business along the frontages of SW 6th Avenue, and large core institutional uses, such as the hospital district, schools, religious institutions, and a mature tree canopy. The Single-Family Dwelling front yard building setbacks in the neighborhood average between 0’ and 15’. There is also a scattering of apartments throughout the Old Town neighborhood. Many of these infill multiple-family projects were likely developed in the aftermath of the 1966 tornado when the neighborhood was downzoned to the multiple-family dwelling district with the intent of accommodating new housing for the displaced residents. Although the neighborhood was rezoned to accommodate single-family in 2003 with the adoption of the neighborhood plan, many of these apartments and multiple family conversions remain today. Cair Paravel School has remained a core institutional use in the neighborhood and contributes to the neighborhood’s current character since purchased in 1985.

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 zoning of the property will remain “R-2” Single Family Dwelling District. The surrounding zoning is entirely “R-2” Single Family Dwelling District and the CUP does not change this underlying zoning. The intent of the Conditional Use Permit is only to allow for this single parking lot in association with Cair Paravel Latin School and to control and limit the spread of parking lots further into this neighborhood. Institutional uses represent a dominant presence in the neighborhood and the expansion is encouraged to sustain their presence. The proposed CUP strictly reserves the properties for parking associated with the school and visitors of the school. If the property transitions in ownership in the future for another use, a rezoning or an amendment to the CUP will be required. The CUP standards in TMC18.215 address when amendments may be approved administratively or require full public hearing approval by Planning Commission and City Council.

4. **The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations:** The subject property is still suitable for restrictions under the current zoning of “R-2” Single Family Dwelling District. The “R-2” base zoning classification does not change with approval of the Conditional Use Permit and the “R-2” standards will remain in effect. The houses along Buchanan have already been demolished. As part of Phase 2, the houses along Clay and 7th will also be removed by the school. Therefore, development of the subject properties for off-street parking lot does remove the properties from their potential to develop for future housing stock. However, the owner’s only alternative site for the new parking lot would be to build the new parking in place of the existing playground that is currently adjacent to the school. This is not as desirable from the school’s perspective since it means children have to cross the street during the day to access the playground, which may create a safety hazard. Additionally, the parking expansion reduces the need for on-street parking during school hours and thereby, reduces congestion on public streets due to the school’s traffic. Due to these considerations, the infill parking lot in association with the school and designed and built to City standards is seen as being a suitable infill development for this particular location since the CUP limits further encroachment into the block.
5. **The length of time the property has remained vacant as zoned:** The subject property has been zoned “R-2” Single Family Dwelling District since 2003 when downzoned from multiple family dwelling district as part of implementation of the Old Town Neighborhood Plan. Prior to this, the properties were zoned “M-2” Multiple Family Dwelling District since 1966. The residences along Buchanan were removed between 2018 and 2020. The residences along Clay and 7th will be removed as part of phase 2 of the plan after 2025.
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 presented on the site and landscape plan that demonstrates landscape setbacks and the addition of street trees to provide a buffer and separation from residential uses. Owners and residents may see some benefit from reduced congestion as staff depart from it.
7. **The extent to which the proposed use would substantially harm the value of nearby properties:** The redevelopment of the presently vacant properties for new infill parking lot associated with the school may help prevent the decline in values in the neighborhood. The presence of adjacent vacant or abandoned properties will only harm the value of nearby properties surrounding the school if left unmaintained and abandoned and become tax delinquent. The off-street parking lot encourages and allows for the expansion and growth of the long-time neighborhood institution, which should ultimately benefit the value of surrounding properties as it may encourage future revitalization of the area.
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 off-street parking lot reduces congestion and overcrowding along public neighborhood streets during school drop off/pick up. In tandem with the CUP, the school is making changes to allow westbound traffic only on SW 7th Street during school pick up/drop off hours. The school is supportive of this change. These recommended changes were part of a study done by the City and Cair Paravel to address the pick-up/drop-off parking concerns, reduce congestion, and facilitate better traffic flow.
9. **The extent to which the proposed use would create excessive air pollution, water pollution, noise pollution or other environmental harm:** The current plan protects existing right of way trees, adds a parking lot landscape setback for the addition of new street trees, and designs a detention pond that will both detain and treat storm water runoff that is created from the new impervious surface being added to the site. The stormwater management plan will be approved by the City of Topeka as part of the Site Plan Review Application phase, constructed, and inspected prior to the issuance of a parking lot permit. The applicant has indicated the detention pond will be sized to handle the increase in runoff from all phases and the entire pond will be constructed as part of Phase 1. The stormwater detention pond will hold water and release water over a short period of time so water will not accumulate over a longer period of time.

10. **The economic impact of the proposed use on the community:** Cair Paravel Latin School is a major core institutional use in the neighborhood and brings students, employees, and visitors from various parts of surrounding Topeka neighborhoods into the neighborhood. The structure was historically used by USD 501 as Clay Elementary School and was purchased for adaptive reuse by Cair Paravel in 1985. The parking lot improves their site and offsets the presence of on-street parking surrounding the school by providing the school with the alternative of having an off-street parking lot, which has never been the case in the past. The continued presence of the major neighborhood benefactor improves the neighborhood's vitality and encourages redevelopment of the neighborhood and, therefore, is a benefit for surrounding Topeka.
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 a gain to the public health, safety and welfare by approval of the application since the project reduces the current on-street parking congestion along adjacent residential streets. The school has historically relied upon public cutback parking on adjacent public streets. Denial of the application would result in a significant hardship on the owner as the only other feasible option is building parking in place of the existing fenced playground, which eliminates their on-site playground and requires students to cross the street to access the only available area for a school playground. Alternatively, denial of the application leaves the property available for development of new housing in the future and does not disrupt and pave over a historically contiguous residential block to allow for a parking lot, and doing so could be considered beneficial to the health and viability of the neighborhood.

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 CU23/03, subject to:

1. Use and development of the site in accordance with the approved Site Plans and Statement of Operations for the Cair Paravel Latin School (CU23/01).
2. Add note: *"Property designated for Phase 2 and 3 shall remain for current uses or maintained as open space until developed."*
3. Add note: *"Any signs may require review by the City of Topeka Traffic Engineer and are subject to TMC 18.10 Sign Code."*
4. Add to note #6 on the Site Plan: *"The type of fencing to be used will be reviewed as part of the Site Plan Review application."*
5. A landscape plan specific to phase 1 is required prior to, or at the time, of a Site Plan Review application.

Attachments:

- Statement of Operations
- Aerial Map
- Zoning Map
- Future Land Use Map
- CUP Site Plan – Phase 1
- CUP Site Plan - Overall
- CUP Landscape Plan
- NIM Summary

STATEMENT OF OPERATIONS

Cair Paravel Latin School Parking Lot

Cair Paravel Latin School (CPLS) has been located in Old Town for nearly 40 years. The success of the school has created an on-street parking burden within the neighborhood. In an effort to be a good neighbor, and help alleviate this burden, CPLS has begun studying ways to provide off-street parking. Through this study process CPLS has considered many options.

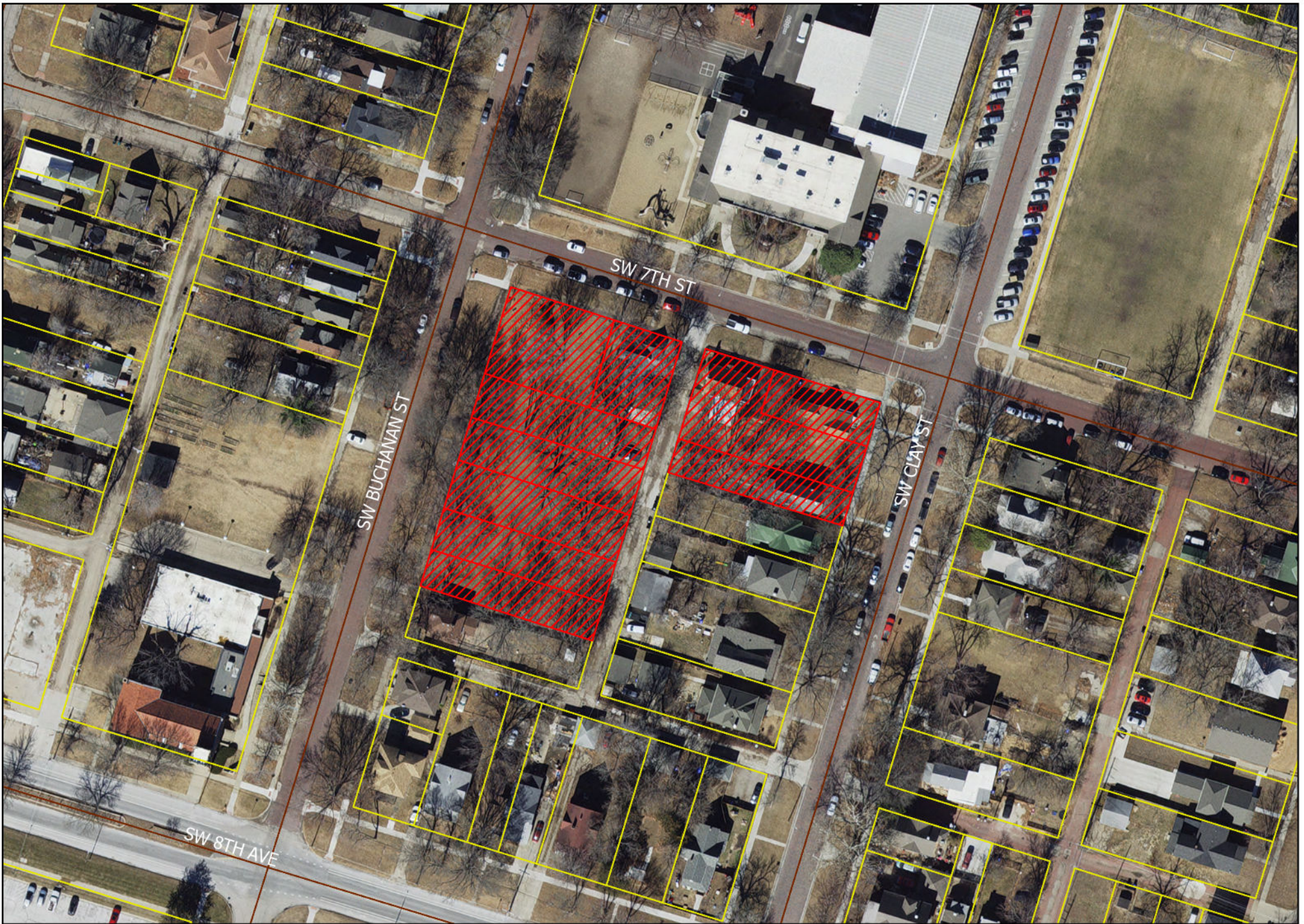
The option that meets the current city ordinances, without a Conditional Use Permit, is to construct a playground across 7th street and construct a new parking lot where the current playground is located. However, this option places students and staff at higher risk several times each school day. As such, CPLS is seeking a Conditional Use Permit that will help alleviate frustrations and keep the playground adjacent to the school.

This CUP seeks to develop land owned by CPLS into a paved parking lot. This parking lot will be constructed in three phases. Phase 1 will provide 35 stalls to meet the immediate needs for parking. This phase will also include a storm water detention area that will meet the needs of both phases.

Phases 2 & 3 of the parking lot will provide a total of 99 parking stalls. These phases will meet the parking requirements of the addition that will happen in Phase 2 (storm shelter and classroom addition) and Phase 3 (theater and classroom addition).

With the potential of 7th street changing to one-way traffic during peak traffic hours, the parking lot is not intended to be used specifically for pick up & drop off, other than for parents that may need to come into the building at those times. This area of parking will provide additional safety as parents and kids will not be exiting vehicles onto the street. The lot is also intended to provide spaces for staff, volunteers, special events, and ever-increasing high school student parking.

The parking lot will be hard surfaced with an appropriate pavement according to the City of Topeka Off-Street Parking Lot Standards and Policy. It will also have a green space buffer on the south end to allow some landscaped separation between the houses and the parking area.



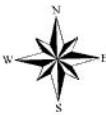
CU23/01 By: Aslan Properties LLC (Cair Paravel Latin School)



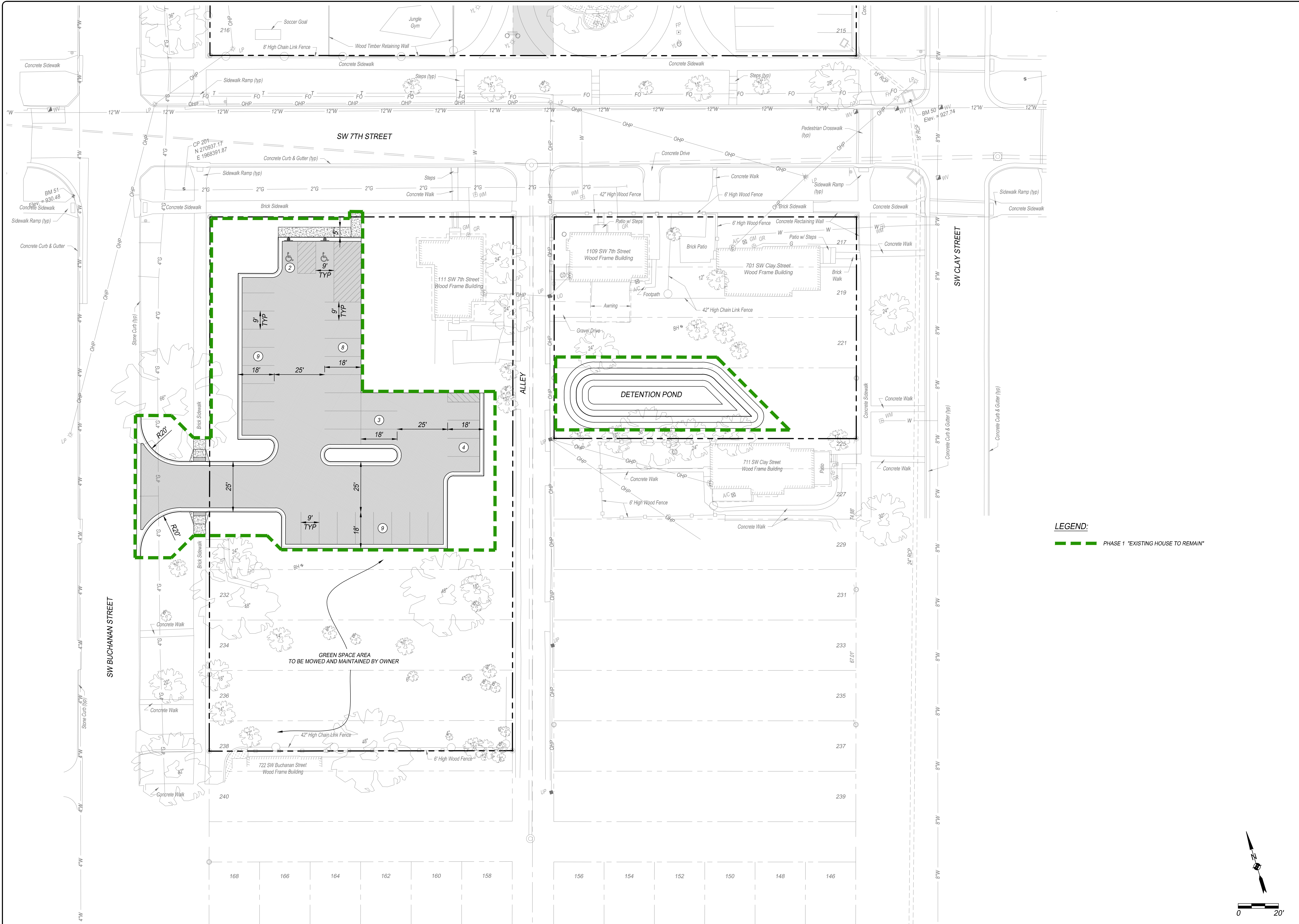


CU23/01 By: Aslan Properties LLC (Cair Paravel Latin School)

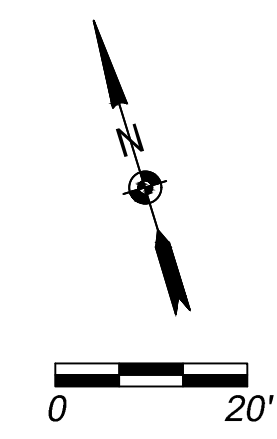




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LEGEND:
--- PHASE 1 "EXISTING HOUSE TO REMAIN"



Rev.	By	Date	Description

PREPARED FOR:
Cair Paravel Latin School
 635 SW Clay Street
 Topeka, Kansas 66606



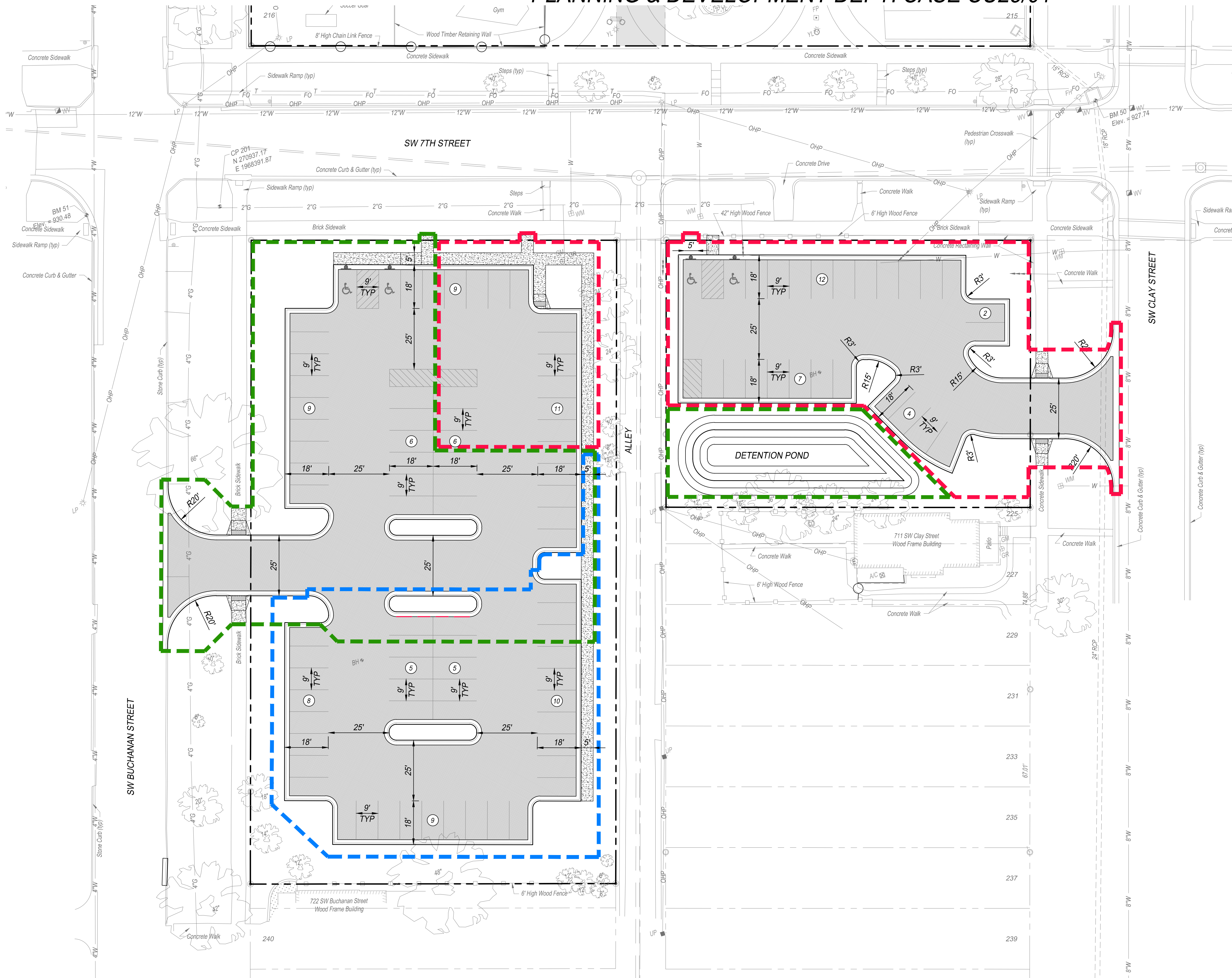
SBB Engineering, LLC
 transportation-site development - surveying
 101 South Kansas Avenue
 Topeka, Kansas 66603
 Ph: (785) 215-8630 / www.sbbeng.com

SBB ENGINEERING

SHEET TITLE	SITE PLAN PHASE 1
PROJECT LOCATION	Cair Paravel Latin School 635 SW Clay Street Topeka, Kansas 66606
SBB Proj. No.:	23-066
Drawn by:	JK
Checked by:	JWL
Date:	05/25/2023
Sheet No.:	2

A CONDITIONAL USE PERMIT FOR CAIR PARAVEL LATIN SCHOOL PARKING LOT

PLANNING & DEVELOPMENT DEPT. CASE CU23/01



LEGAL DESCRIPTION:

LOTS 217 THROUGH 223, ODD, AND THE NORTH 10 FEET OF LOT 225 ON SW CLAY STREET; LOTS 218 THROUGH 236, EVEN, AND THE NORTH 15 FEET OF LOT 238 ON SW BUCHANAN STREET, ALL IN HORNE'S ADDITION TO THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS.

PROPERTY OWNERS:

ASLAND PROPERTIES, LLC
635 SW CLAY STREET
TOPEKA, KS 66606

STATEMENT OF USE:

CONDITIONAL USE PERMIT TO ALLOW FOR AN OFF-SITE PARKING LOT FOR USE PRIMARILY BY CAIR PARAVEL LATIN SCHOOL LOCATED AT 635 SW CLAY STREET.

PROJECT DATA:

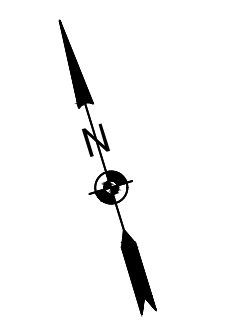
EXISTING ZONING: "R2" SINGLE FAMILY DWELLING DISTRICT
 PARCEL SIZE: 1.29 ACRES
 PARKING DATA:
 PROPOSED PARKING STALLS = 99 SPACES
 REQUIRED ACCESSIBLE SPACES = 4 SPACES (1 PER 25 PARKING SPACES)
 PROVIDED ACCESSIBLE SPACES = 4 SPACES

GENERAL NOTES:

- PARKING LOT LIGHTING SHALL POINT DOWNWARD AND THE SOURCE OF ILLUMINATION SHALL NOT EXCEED 3 FOOT-CANDLES AT THE PROPERTY LINES, INCLUDING RIGHT-OF-WAY LINES.
- BRICK SIDEWALKS TO BE MAINTAINED BY THE OWNER(S) AND REPAIRED AS NEEDED.
- SUBMITTAL OF A SITE PLAN REVIEW APPLICATION IS REQUIRED PRIOR TO PROCEEDING WITH PERMITS FOR THE PARKING LOT.
- NO PERMIT(S) SHALL BE ISSUED UNTIL ALL STORMWATER MANAGEMENT REQUIREMENTS SET FORTH IN THE TOPEKA MUNICIPAL CODE (TMC) ARE MET, INCLUDING APPROVAL OF STORMWATER MANAGEMENT PLAN, GRANTING OF ANY NECESSARY STORMWATER MANAGEMENT, DRAINAGE OR STREAM BUFFER EASEMENTS, AND CONSTRUCTION AND INSPECTION OF ALL STORMWATER MANAGEMENT FACILITIES CONTAINED IN THE APPROVED STORMWATER MANAGEMENT PLAN FOR EACH PHASE AS APPLICABLE.
- ALLEY IS PUBLIC RIGHT-OF-WAY TO BE MAINTAINED BY THE CITY OF TOPEKA UNLESS VACATED IN FUTURE. FUTURE VACATION OF THE ALLEY SHALL REQUIRE OWNER CONSENT AND AGREEMENT OF ALL PROPERTY OWNER(S) OF PROPERTY ADJACENT TO THE SEGMENT OF ALLEY PROPOSED TO BE VACATED.
- FENCE PERMITS ARE REQUIRED FOR ANY FENCING. FENCING SHALL COMPLY WITH TMC 18.210.040 FENCE STANDARDS OF THE COMPREHENSIVE ZONING REGULATIONS. FENCING THAT DOES NOT MEET THESE STANDARDS REQUIRES APPROVAL BY THE BOARD OF ZONING APPEALS.
- PER THE ADOPTED 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN, A PARKING FACILITY REQUIRES 1 ADA ACCESSIBLE STALL PER 25 VEHICLE PARKING STALLS, ONE OF WHICH SHALL BE VAN ACCESSIBLE.
- ALL WORK IN THE PUBLIC RIGHT-OF-WAY SHALL MEET THE CURRENT CITY OF TOPEKA STANDARD SPECIFICATIONS, DETAILS AND DESIGN CRITERIA.

LEGEND:

- PHASE 1 "EXISTING HOUSE TO REMAIN"
- PHASE 2 "AFTER 2025"
- PHASE 3 "5 YEARS PLUS"



[File Location: X:\1 - SBB Drawings\2023\23-066-PRC-Cair Paravel Latin School Planning\Design\Site Construction\Planets\23-066-PRC-Cair Paravel Latin School Planning\23-066-PRC-Cair Paravel Latin School Planning.dwg] (Plot Date: 03/25/2023 4:02:56 PM) [User: jwll] (Plot Scale: 0.500000) (Plot Size: 11.0000 x 17.0000)

Rev.	By	Date	Description

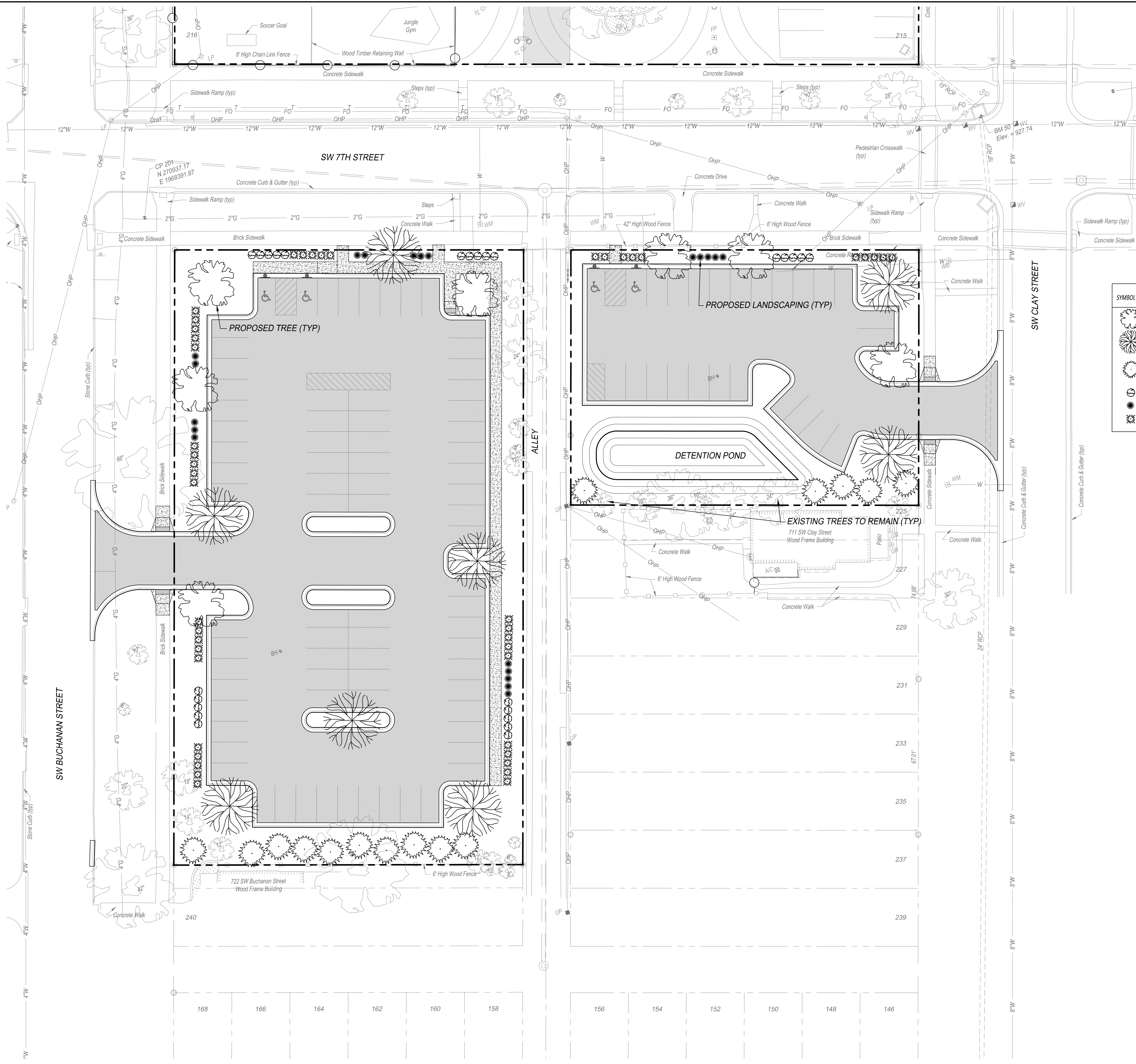
PREPARED FOR:
Cair Paravel Latin School
635 SW Clay Street
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SBB Engineering, LLC
transportation-site development - surveying
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SHEET TITLE:	SITE PLAN
PROJECT LOCATION:	Cair Paravel Latin School 635 SW Clay Street Topeka, Kansas 66606
SBB Proj. No.:	23-066
Drawn by:	RK
Checked by:	JWL
Date:	05/25/2023
Sheet No.:	1

File Location: X:\1_SBB Drawings\9-2023\23-066-IFPC-Cair Paravel\Design\Site Construction Plans\23-066-LAND.dwg (Plot Date: 03/02/2023 5:08:05 PM) (Last Saved: 03/02/2023 5:07:42 PM - AutoSave)



LANDSCAPE DATA TABLE:

SQUARE FOOTAGE OF DEVELOPED AREA	56,314
BASE POINTS REQUIRED	225
(40 points + 1.2 points for each additional 300 sf over 10,000 sf of developed area)	
PARKING LOT POINTS REQUIRED	150
(1.5 points per parking space)	
EXISTING TREES TO BE REMOVED POINTS REQUIRED	0
EXISTING TREE CREDITS CLAIMED	0
IRRIGATION CREDITS CLAIMED	0
TOTAL POINTS REQUIRED	375
TOTAL POINTS OBTAINED	375
RESIDENTIAL BUFFER YARD REQUIRED	YES
PARKING LOT BUFFER REQUIRED	NO

LANDSCAPE NOTES:

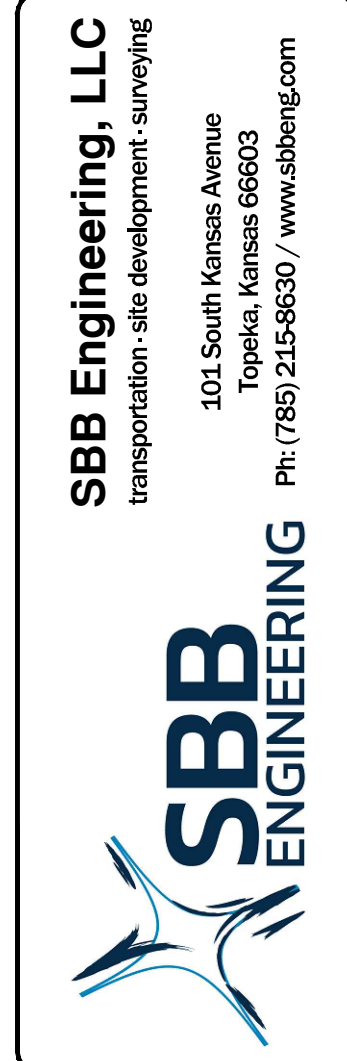
- Irrigation is not provided; water source will be provided by the owner.
- All ground left exposed shall be covered with grass or other groundcover such as pine straw or tree bark.

SYMBOL	QT	BOTANICAL NAME	COMMON NAME	PTS	SUB-TOTAL
	7	LARGE TREE (TO BE DETERMINED)	(TO BE DETERMINED)	11	77
	8	LARGE TREE (TO BE DETERMINED)	(TO BE DETERMINED)	11	88
	15	CONIFEROUS (TO BE DETERMINED)	(TO BE DETERMINED)	8	120
	25	SHRUB/ORNAMENTAL GRASSES (TO BE DETERMINED)	(TO BE DETERMINED)	1	25
	20	SHRUB/ORNAMENTAL GRASSES (TO BE DETERMINED)	(TO BE DETERMINED)	1	20
	45	SHRUB/ORNAMENTAL GRASSES (TO BE DETERMINED)	(TO BE DETERMINED)	1	45
TOTAL				375	

Rev.	By	Date	Description

PREPARED FOR:
Cair Paravel Latin School
 635 SW Clay Street
 Topeka, Kansas 66606

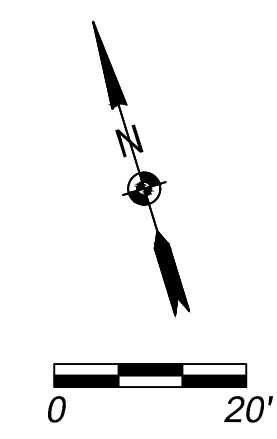
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SHEET TITLE:
LANDSCAPE PLAN

PROJECT LOCATION:
 Cair Paravel Latin School
 635 SW Clay Street
 Topeka, Kansas 66606

SBB Proj. No.:	23-066
Drawn by:	JK
Checked by:	JWL
Date:	05/25/2023
Sheet No.:	3





Annie Driver
AICP, Planner II
Topeka Planning & Development Dept.
620 SE Madison
Topeka KS 66607

May 30, 2023

Re: CU23/01 – Cair Paravel Conditional Use Permit
Neighborhood Information Meeting (NIM) Minutes
NIM date: Wednesday, March 17th from 5:30 pm to 6:30 pm

Ms. Driver,
See below for a summary/compilation of the minutes for subject meeting.
The meeting started at approximately 5:30 pm with 10 participants.

Attendees:

Consultants/City of Topeka:

Jeff Laubach - SBB Engineering
Mark Boyd - SBB Engineering
Joseph Mauk - SBB Engineering
Maria Kutina - HTK
Cassandra Taylor - HTK
Mike Hall - City of Topeka, Senior Land Use Planner
Annie Driver - City of Topeka, Current Planner
Monique Glaudé - City of Topeka, Director of Community Engagement

Other Attendees:

ShaMecha King Simms - Secretary, Historic Old Town Neighborhood Improvement Association
Debby DuBois - Historic Old Town Neighborhood Improvement Association
Melody Congdon - Head of School (Cair Paravel)
David Church - WSP USA (conducted traffic study for City of Topeka)

Opening Statements/Comments:

Jeff Laubach:

Gives a short introduction to start the meeting.
Passes meeting to Annie Driver, the current planner of the project.

Annie Driver:

Gives an synopsis of the project, and how the rezoning process works.
Passes meeting to Jeff to for presentation.

Jeff Laubach:

Starts presentation with exhibits and details on the proposed development.

ShaMecha King Simms:

Expresses concerns about losing decent housing.

Q&As:

ShaMecha asked questions regarding any plans on moving the houses that are planned to be demolished. And if anyone knew who she could contact at the city regarding available funds to move the houses.

-Mike and Monique both respond to ShaMecha's questions.

Mike and Annie both asked questions regarding the proposed detention pond and water quality.

-Jeff responded to both questions with details of the proposed detention pond.

Mike asked a question Jeff and Cassandra regarding directional signage.

-Cassandra responded that discussions still need happen regarding signage.

ShaMecha requests an updated plan and maybe another zoom meeting to reflect the updates to the plan.

-Monique offered to help send out postcards with the updated plans.

-Melody thought another Neighborhood Association meeting would be good to do.

-Mark offered SBB representatives to attend the Neighborhood meeting to help explain the updates to the plans.

Closing:

Jeff ends the meeting at approximately 6:16 pm

**STAFF REPORT – ZONING CASE
TOPEKA PLANNING DEPARTMENT**

PLANNING COMMISSION DATE: Monday, June 26, 2023

APPLICATION INFORMATION:

CASE NUMBER / NAME: CU23/02 By: Patterson Family Infant & Toddler Center LLC

REQUESTED ACTION / CURRENT ZONING: A Conditional Use Permit (CUP) for “Day care facility, type II” for operation of a day care facility at 2301 SE Wisconsin Ave presently zoned R-2 Single Family Dwelling District.

PROPERTY OWNER: Eric L & Melissa A Patterson

APPLICANT REPRESENTATIVE: Bryan Falk, Falk Architects

CASE PLANNER: William Sharp, Planner I

PROPERTY LOCATION / PARCEL ID: Southwest corner of SE Lott St and SE Wisconsin Ave / 1330801019001000

SIZE OF PROPERTY: 0.44 acre

STAFF RECOMMENDATION: Based upon the findings and analysis, Planning Staff recommends **APPROVAL** to the Governing Body of the Conditional Use Permit CU23/02 subject to conditions stated in the staff report.

RECOMMENDED MOTION: Based on the findings and analysis in the staff report I move to recommend to the Governing Body **APPROVAL** of the Conditional Use Permit CU23/02 subject to conditions stated in the staff report below.

Photos



View of property looking southwest.



View of property looking north.

PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY:

The use requires a CUP in the R-2 Single Family Dwelling District since under TMC18.60 it is classified “day care facility, type II”.

The property owner proposes to operate a childcare center that will be an extension for Patterson Family Child Care Center LLC (PFCCC LLC). The new child care center will specialize in children 6 weeks – 2 1/2 years of age. The center will be licensed for up to 28 children and have up to 8 staff.

The applicant has included a Statement of Operations describing in detail the operating characteristics of the use.

DEVELOPMENT / CASE HISTORY:

Subject property underwent a neighborhood wide rezoning from “A” Single-Family Dwelling District to “B” Single-Family Dwelling District. This zoning later converted to “R-2” Single-Family Dwelling District, its current zoning designation.

The property has appeared to remain vacant since the formation of the subdivision.

ZONING AND CHARACTER OF SURROUNDING PROPERTIES:

North: “R-2” Single-Family Dwelling District / single family residence

South: “R-2” Single-Family Dwelling District / single family residence

East: “R-2” Single-Family Dwelling District / single family residence

West: "R-2" Single-Family Dwelling District / single family residence

**COMPLIANCE WITH
DEVELOPMENT
STANDARDS AND
GUIDELINES**

**BUILDING HEIGHT,
SETBACKS & FENCES:**

Building Setbacks: The "R-2" zoning district require building setbacks of:

Front 25 ft
Side 5 ft
Rear 25 ft
Side abutting the street (Lott) 25 ft

Proposed building setbacks:

Front > 30 ft
Side 7 ft
Rear 30 ft
Side abutting the street (Lott) > 60 ft

Height: The "R-2" zoning district has a building height limit of 42 ft.

Fence: A 4' tall chain link fence will surround the play area for children in the side yard. The proposed fence meets the fence standards in TMC 18.210.040 but will require a fence permit.

PARKING AND ACCESS:

The parking standards for a Day Care Center, Day care center, type II:

1 per every 10 persons the facility is licensed to serve, but not less than 5 spaces. To provide for the safe and convenient loading and unloading of persons as well as minimize traffic congestion, a paved unobstructed pickup space with adequate stacking area (as determined by the City or County Building Official) shall be provided at the building entrance or stacking space to accommodate 5 vehicles.

Five off-street parking stalls are provided based on the expected number of employees and visitors. There will be a drive constructed where vehicles will enter on Wisconsin Avenue and exit on Lott Street.

**LANDSCAPING AND
SCREENING:**

The Landscape Requirements in TMC 18.235 dictate quantity of landscaping based on "developed area" and number of parking spaces, and employs a formula to assign a point value. 48 landscaping points are required for this project. 50 points have been provided on the landscape plan to include installation of a dogwood tree, gallon shrubs, and saplings. The landscaping will be located near the entrance of the building and also out by the exit of the driveway.

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 R-2 zoning.

BUILDING DESIGN STANDARDS:

Type "A" building design standards per TMC 18.275 Nonresidential Design Standards. The building is being reviewed for compatibility with the residential character of its immediate surroundings.

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.

Adherence to Guidelines

Land Use Compatibility:

- The site is contained on an existing, 0.44 acre parcel in a residential subdivision. Typical building lots in this neighborhood are ¼ acre or less in size.
- Density (building coverage), building height and size will be similar to existing development in the neighborhood. Building coverage is greater than (more dense) than the block to the north of the site.
- The building exceeds required setbacks. It will be set back greater than 30 ft from SE Wisconsin Avenue and SE Lott Street.

Site Development:

- Off-street parking exceeds what is required. The site includes a drop off point along with a one way drive for traffic circulation.
- Site development will comply with the City's stormwater drainage requirements.
- The design of the building is residential in character: single-story with a hip roof; exterior materials are required to be similar to those used for surrounding residential buildings. The building will be reviewed for compliance with the building design standards in TMC 18.275 at or prior to application for building permits.

Operating Characteristics:

- The off-street parking, drop-off area, and overall site plan have been reviewed by Planning and Engineering staff to ensure that traffic does not have an undue negative impact on adjoining streets and the immediate neighborhood.

PUBLIC FACILITIES

TRANSPORTATION AND ACCESS:

SE Wisconsin Avenue and SE Lott Street are both classified as local streets.

OTHER FACTORS

SUBDIVISION PLAT:	The subject property is currently platted as Lots 1,3,5,7, and 9 of the Shawnee Heights Subdivision.
FLOOD HAZARDS, STREAM BUFFERS:	N/A
HISTORIC PROPERTIES:	None
NEIGHBORHOOD INFORMATION MEETING:	The applicant held a neighborhood information meeting on May 22, 2023 at 2347 SE Wisconsin Ave. No neighborhood residents attended the meeting.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

PUBLIC WORKS/ TRAFFIC ENGINEERING:	No issues identified.
FIRE:	No issues identified.
DEVELOPMENT SERVICES:	No issues identified.

KEY DATES

APPLICATION SUBMITTAL:	April 25, 2023
NEIGHBORHOOD INFORMATION MEETING:	May 22, 2023
LEGAL NOTICE PUBLICATION:	June 5, 2023
PROPERTY OWNER NOTICES MAILED:	May 30, 2023

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 “*Residential – Low Density*” by the Central Highland Park Neighborhood Plan. The plan establishes goals and guiding principles for the neighborhood. Protecting single-family land uses and increasing homeownership are emphasized in the neighborhood plan. New development within the Residential – Low Density designation should be compatible with the existing single-family character, which would include churches, schools and other institutional uses. A daycare facility is a complementary use providing an important service to neighborhood residents. For these reasons the proposed use conforms to the neighborhood 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 neighborhood is characterized predominantly by post-World War II single-family residential housing. The existing C-2 Commercial District lot located on the northwest corner of SE Wisconsin Ave & SES 24th St is the existing daycare operated by Patterson Family Child Care. The building was originally a neighborhood grocery store which later converted to the present childcare facility. The proposed building is of a size and design that will depart very little from the character of the immediate neighborhood. The circular driveway and parking lot is not entirely consistent with the neighborhood character, although will be set back more than 25 feet from the edge of the roadway and the landscape on the site will soften its visual impact. The parking and driveway are essential for safe drop-off and pick-up of children, and the parking is needed to prevent a negative impact to neighborhood residents. Staff have reviewed and find the project meets the Guidelines for Evaluation in TMC 18.215.30 regarding land use compatibility, safe parking and circulation, and building design.
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 zoning and uses of nearby properties is for single-family dwellings and has been such since platted in 1923 with 25 ft. wide lots. A property being used as a “Day Care Center Type II” is allowed with a Conditional Use Permit in the “R-2” Single-Family Dwelling District. The zoning of the property is not changing and the lot has remained vacant for some time. This, combined with the property’s proximity to higher-intensity uses, render this use compatible with surrounding uses. As approved under the CUP, the proposed use is in harmony with surrounding zoning and land uses. Staff have reviewed and find the project meets the Guidelines for Evaluation in TMC 18.215.30 regarding land use compatibility, safe parking and circulation, and building design..
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 “R-2” Single-Family Dwelling District since 1957. It is still suitable for residential purposes although nothing has been built on the site in the past 60 years or more, suggesting residential development under the current zoning of the site might not be economically feasible.
5. **The length of time the property has remained vacant as zoned:** Historic aerial photos indicate the subject property has been vacant since the late 1960s or earlier.
6. **The extent to which the approval of the application would detrimentally affect nearby properties:** Based upon the surrounding land uses, approval of this application should not have a detrimental effect upon nearby properties, as approved under the CUP. The number of children permitted to be at the day care center shall be limited by the permit issued by the Kansas Department of Health and Environment. The applicant verifies that the hours of operation shall be from 7:00 am to 5:30 pm, further limiting the possible impacts this business will have on nearby properties. Occupied by a day care center, the property will likely have a more positive impact on neighboring properties than if it remained vacant. Staff have reviewed the project relative to the Guidelines for Evaluation in TMC 18.215.30 regarding land use compatibility, safe parking and circulation, and building design, and the results of the evaluation indicate it will not have a substantial detrimental effect on nearby properties.

7. **The extent to which the proposed use would substantially harm the value of nearby properties:** The proposed use will not likely have a negative impact upon the value of nearby properties due to the nature and scale of the day care activities described in the CUP application. Staff have reviewed the project relative to the Guidelines for Evaluation in TMC 18.215.30 regarding land use compatibility, safe parking and circulation, and building design, and the results of the evaluation indicate it will not substantially harm the value of nearby properties.
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 likely to have an adverse impact upon the road network based on the application and descriptions of the proposed CUP. The property is served by streets classified as “local” roads with the capacity to handle the traffic generated by the use.

Parents will be required to park and drop-off their children in the prescribed parking spaces according to the site plan. By having the loading zone located off-street, it will minimize disruption to local vehicular traffic from pedestrian crossings and will provide a safe loading environment for the children.

In response to the comments and recommendations from City traffic engineering staff, the applicant has agreed to make revisions to the plans to ensure safe traffic operation.
9. **The extent to which the proposed use would create excessive air pollution, water pollution, noise pollution or other environmental harm:** There is no floodplain or stream buffer on this property. The noise impact on adjacent properties should be minimal due to the restricted hours of operation stated in the application (7:00 am to 5:30 pm).
10. **The economic impact of the proposed use on the community:** There will be an economic benefit to the community by this proposed use. First, taxes will begin being assessed on the property as it will no longer be tax exempt under its previous religious institution status. Day care is an essential service and this day care has the potential to provide that service to neighborhood residents.
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 no apparent gain to the public health, safety and welfare by denial of the application since approval of the application will take a vacant non-residential building in the neighborhood and replace it with a viable use on the property that allows the property to be utilized, maintained and returned to the tax rolls. Alternatively, denial of the application will leave the property in its present vacant state.

STAFF RECOMMENDATION:

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

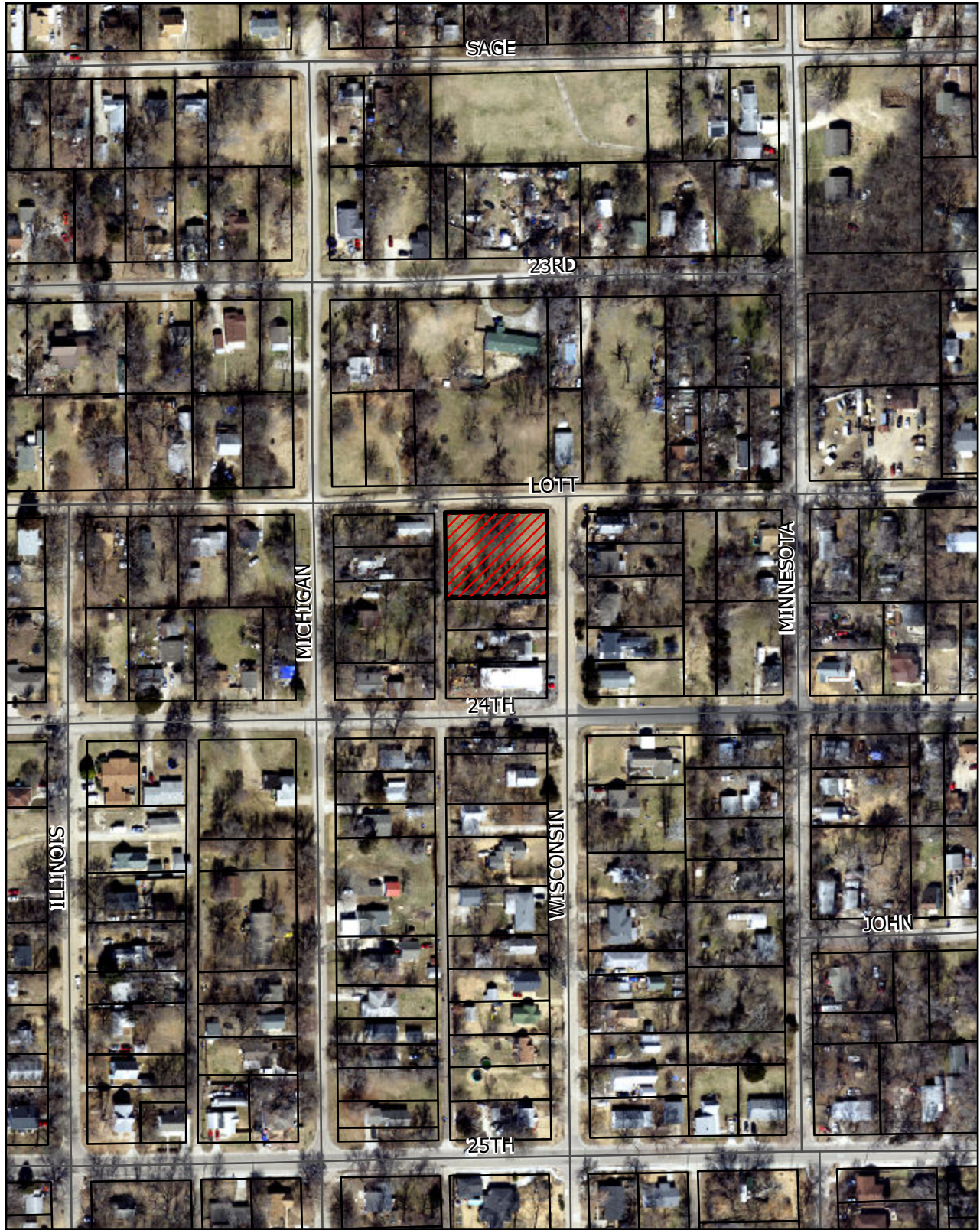
RECOMMENDED MOTION: Based on the findings and analysis in the staff report I move to recommend to the Governing Body **APPROVAL** of the Conditional Use Permit CU23/02 subject to the following conditions of approval:

1. Use and development of the site in accordance with the approved Conditional Use Permit (CU23/02) and Statement of Operations from applicant dated April 25, 2023 or as revised by these conditions.
2. Use and development in accordance with an approved site plan that includes revisions to the site plan received with the application (attached). The revised site plan will:

- a. Reverse the direction of the circular drive so that traffic enters the driveway closest to Lott Street (north driveway) and exits the driveway farthest from Lott Street (south driveway).
 - b. Include additional landscaping to comply with the landscape requirements in TMC 18.235.
 - c. Include correct setback information.
 - d. Include a note stating: *“Building design is subject to review and approval by City staff in consideration of the building design standards in TMC 18.275, the applicable neighborhood plan, and neighborhood context.”*
3. Add information about trash disposal on the Statement of Operations or Site Plan. If a commercial dumpster is being used, the location will need to be shown on the site plan and an enclosure may be required.
 4. In the event of substantial changes in operations, the applicant shall submit a revised Statement of Operations to the Planning Department to allow staff to ascertain compliance with the Conditional Use Permit.

Attachments / Exhibits:

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Building Plans including CUP site plan
5. Applicant’s Statement of Operations
6. Applicant’s Neighborhood Meeting Summary



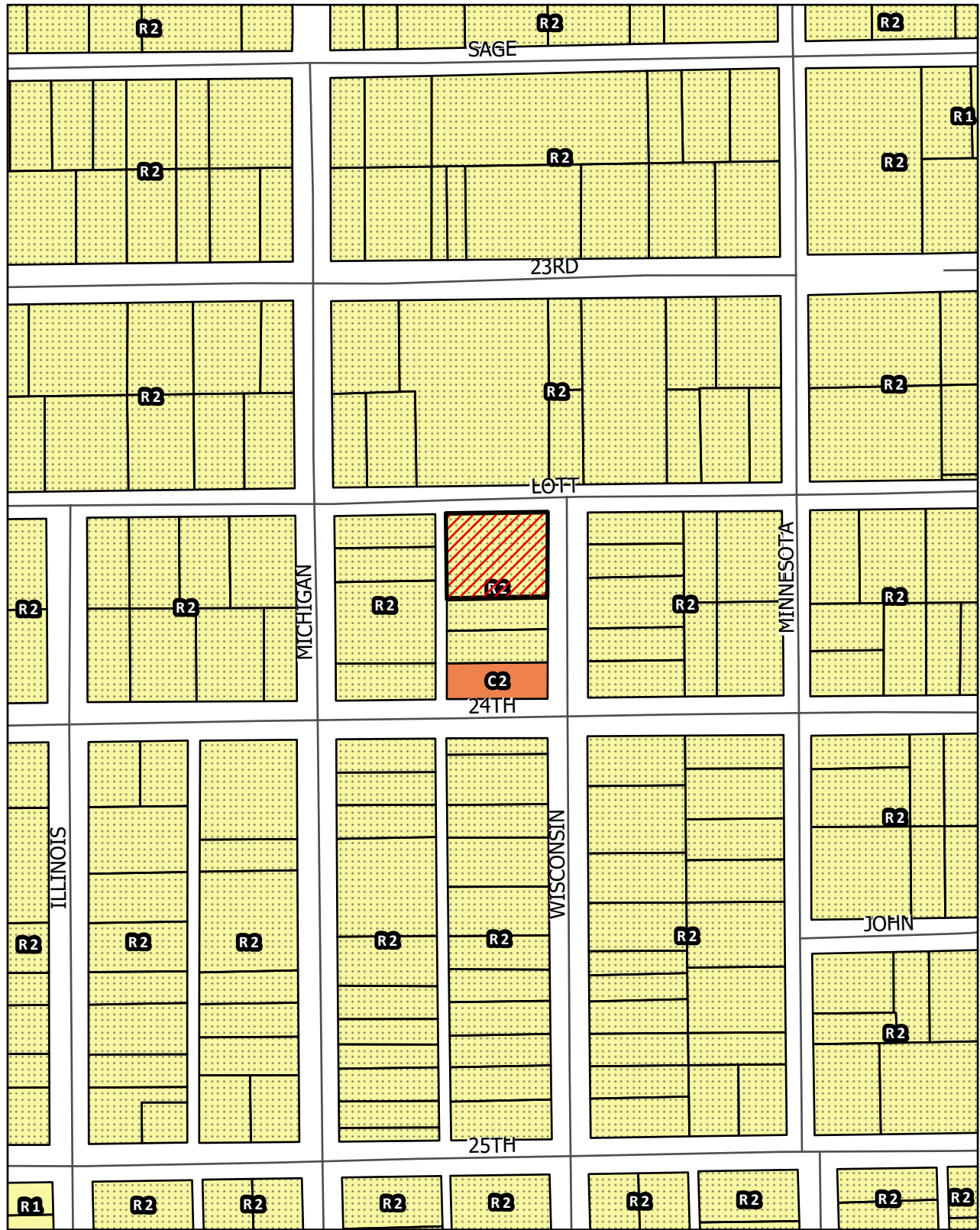
Topeka Planning Division



Subject Property

Aerial Map

CU23/02 by Patterson Family Infant & Toddler Center LLC

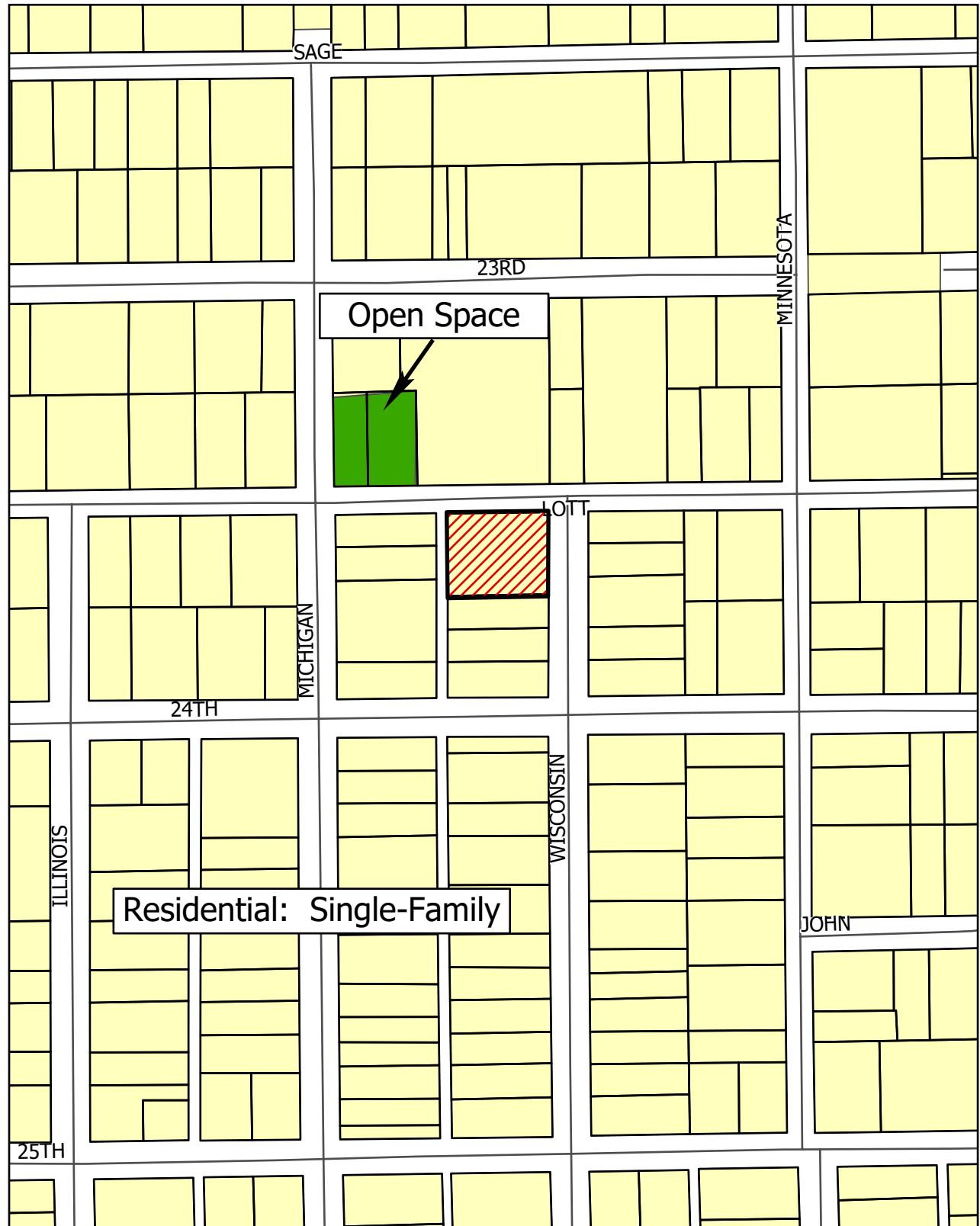


Topeka Planning Division




Subject Property

Zoning Map



Topeka Planning Division

 Subject Property

Future Land Use Map

SITE PLAN LEGEND

	EXISTING TOPOGRAPHIC LINES
	MODIFIED TOPOGRAPHIC LINES
	WATER LINES
	WATER/SEWAGE NODES
	CONCRETE
	PLAY AREA / TURF
	PROPERTY LINE
	SETBACK LINES
	DITCH
	PAVEMENT / ASPHALT

CONTAINING 19,000 SQUARE FEET OF LAND, MORE OR LESS. ALL IMPROVEMENTS LOCATED ON THE PROPERTY ARE INCLUDED IN THIS LEGAL DESCRIPTION.

NOTES:

AN EXISTING DITCH FLOWING NORTHWEST IS LOCATED ON THE NORTHERN LINE OF THE PROPERTY ALONG THE STREET.

AN EXISTING FIRE HYDRANT IS LOCATED AT THE NORTHEASTERN CORNER OF THE SITE.

AN EXISTING STORMWATER DRAIN IS LOCATED ON THE NORTHEASTERN CORNER OF THE SITE.

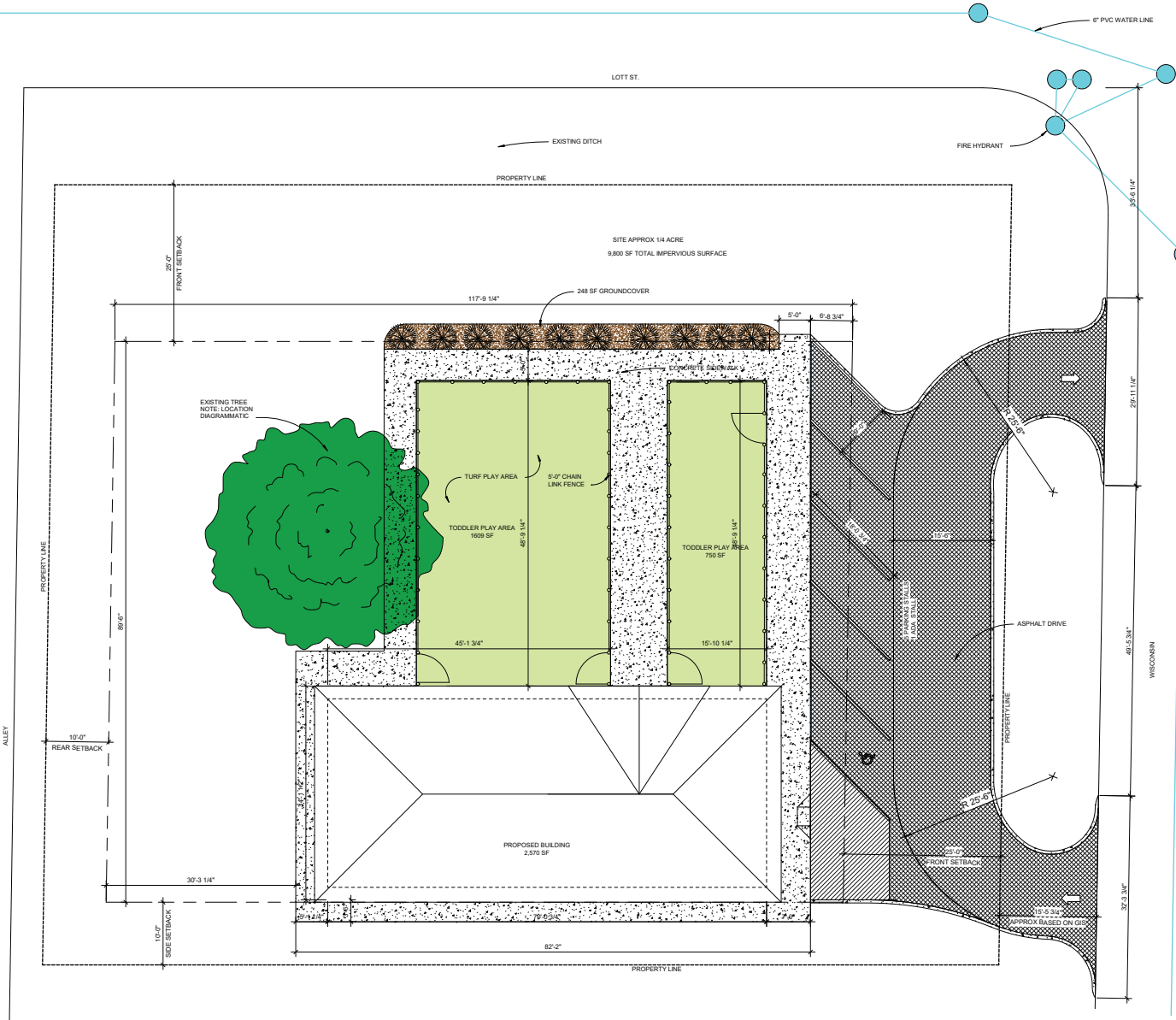
SITE IS APPROXIMATELY 0.44 ACRES, WITH A DESIGNED IMPERVIOUS ZONE OF 9,800 SF.

OWNER IS SUPPLYING A TURF PLAYGROUND FOR THE CHILDREN IN THE FRONT OF THE BUILDING SURROUNDED BY A 5'-0" CHAIN LINK FENCE.

LANDSCAPING WILL MEET LANDSCAPING POINT MINIMUMS.



AERIAL VIEW OF SITE



SITE PLAN
1/8" = 1'-0"

A

PATTERSON DAYCARE
CORNER OF LOTT ST & WISCONSIN AVE,
TOPEKA KS

OWNER NOT FOR CONSTRUCTION OR USE FOR PROFESSIONAL ENGINEERING & DATE IS PRELIMINARY

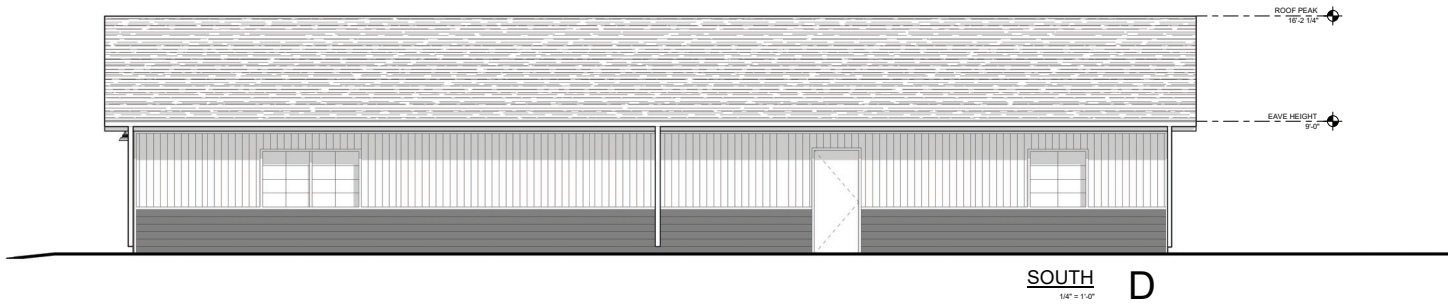
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CHECKED BY: B.J.F

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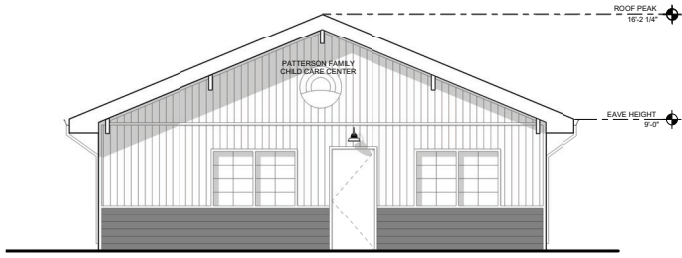
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SITE PLAN

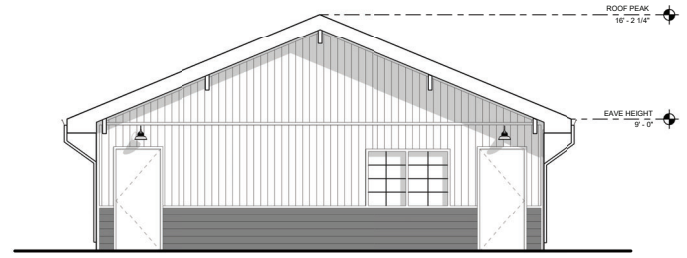
FALK ARCHITECTS INC.



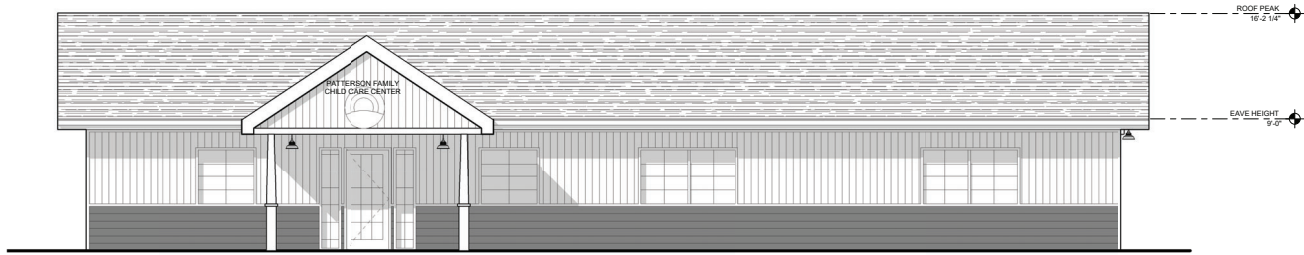
SOUTH D
1/4" = 1'-0"



EAST C
1/4" = 1'-0"



WEST B
1/4" = 1'-0"



NORTH A
1/4" = 1'-0"

DATE: 04/24/2023
 FILE PATH: C:\projects\patterson\patterson\patterson.dwg
 PROJECT: Patterson Family Child Care Center

SD
DATE: 04/24/2023
2023-000

PATTERSON DAYCARE
 CORNER OF LOTT ST & WISCONSIN AVE,
 TOPEKA KS

DRAWINGS NOT FOR
 CONSTRUCTION UNLESS
 PROFESSIONAL SEAL, SIGNATURE
 & DATA IS PROVIDED

DRAWN BY: JES
CHECKED BY: B.J.F.

FALK ARCHITECTS
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ELEVATIONS

FALK ARCHITECTS INC.

Statement of Operations.

Patterson Family Infant and Toddler Center LLC (PFITC LLC). This will be an extension for Patterson Family Child Care Center LLC (PFCCC LLC) located at 2347 SE Wisconsin Ave Topeka Ks, 66605. PFCCC LLC owned by Melissa Patterson has been in operation for 26 years this August 2023. I would like to build a new child care center that will specialize in children 6 weeks to 2 1/2 years of age. This child care center will employ 8 staff members and meet the needs of infant and toddler care in Topeka. Currently at PFCCC LLC. We are licensed for 28 children. We only have one infant and toddler room that has a max of 2 infants and 6 toddlers. By opening a new center, we will be able to increase the number of infants to 8 and toddlers to 20. This will open room for 8 children 2 1/2 to 5 years in the current location. PFITC LLC will be within walking distance of PFCCC LLC. This will allow families with multi-age children to be in the same area for child care. PFITC LLC will mimic the service of PFCCC LLC. This includes early education, family events, family in-need, outreach, and food donations. For other services provided we partner with TARC, 501, Child Care Aware, and Family Service and Guidance Center. We have a music therapist that visits every Tuesday and story time from the Topeka public library every first Wednesday of the month. PFITC LLC will look like a residential house that will bring value to the neighborhood. The center will operate M-F from 7:00 am to 5:30 pm.



CITY OF TOPEKA

Planning Division
Holliday Building, 620 SE Madison St., Unit 11
Topeka, KS 66607

Dan Warner, AICP, Director
Tel: 785-368-3728
www.topeka.org

MEMORANDUM

To: File
From: William Sharp, Planner I
Date: June 15, 2023
RE: Neighborhood Information Meeting, CU23/02

On May 22, 2023 at 6:00 pm a neighborhood information meeting was conducted at Patterson Family Child Care, 2347 SE Wisconsin Ave, regarding the conditional use permit application for the property located on the southwest corner of SE Lott St & SE Wisconsin Ave.

The applicant, Melissa Patterson attended the meeting. William Sharp and Dan Warner attended the meeting on behalf of City of Topeka. No neighbors attended the meeting. The meeting was concluded at 6:15 pm after having no guests attend beyond staff and the applicant.

**STAFF REPORT – PLANNED UNIT DEVELOPMENT
TOPEKA PLANNING AND DEVELOPMENT DEPARTMENT**

PLANNING COMMISSION DATE: Monday, June 26, 2023

PUD23/02 by Eugene & Paramore LLC

PUD23/02 is a request to rezone 7.2 acres of vacant land from “R-1” Single-Family Dwelling District to PUD Planned Unit Development District (“M-2” land use) for the development of duplexes and four-plexes for a total of 30 dwelling units.

The Planning Commission held a public hearing for PUD23/02 on March 20, 2023. Staff recommended approval of the rezoning based on the findings and analysis in the staff report. The written comments received prior to the public hearing were presented to the Planning Commission and are attached. Eleven neighborhood residents spoke in opposition or with concern about the project at the public hearing.

After considering public comment, the Planning Commission closed the public hearing and voted 8-0-0 to recommend APPROVAL to the Governing Body based on the findings and analysis and subject to the recommended conditions in the staff report.

At its May 2, 2023 meeting, the Governing Body remanded PUD23/02 to the Planning Commission requesting that the Commission consider:

- ***The character of the neighborhood***
- ***The connection to NW Sprouton Lane***
- ***Whether a traffic study is necessary***
- ***Drainage***

Planning staff notified all owners of property within 200 feet of the subject property of the June 26, 2023 meeting.

Character of the Neighborhood

As required by Topeka’s zoning regulations, the staff report includes findings and conclusions regarding “Character of the Neighborhood.” “Character” pertains mainly to the physical characteristics of the existing neighborhood and the proposed development. The conditions and restrictions of the PUD master plan for the development ensure it is not substantially out of character with the existing neighborhood. More specifically:

- *Buildings must be in substantial conformance with the applicant’s design plans, which are for single-story, one and two-bedroom units with garages.*
- *The recommended PUD master plan limits development to no more than 30 units for a density of 4.2 units per acre, which is a lower density than what may be permitted for single family residential development under the current zoning.*
- *Fencing at a minimum height of 4 feet where the property abuts adjacent, existing residential use. Fencing is not required by the site’s current zoning.*
- *Specific landscape requirements as a buffer for adjacent residential uses.*
- *Buildings required to include single or two car garages for each dwelling, modulated building facades, and gable roofs.*
- *The buildings will be oriented so that the rear yards for the proposed development will be along the north and south perimeter of the site adjacent to the existing residential development north of the site.*

Connection to NW Sprouton Lane

The project does not include any street or other vehicular connection to Sprouton Lane and the owners and residents north of the subject property oppose a connection to Sprouton Lane. Per Fire Code, the development is allowed a single point of vehicular access from Rochester Road without need for a secondary access because the development is limited to no more than 30 dwellings.

The Land Use & Growth Management Plan encourages pedestrian connectivity between and within subdivisions and, therefore, staff is recommending pedestrian access be provided between the end of the private drive and the east boundary to provide for a pedestrian and bicycle connection through the adjacent tract, if and when it is developed, to the south end of NW Sprouton Lane, giving pedestrians and cyclists an alternative to Rochester Road.

Need for Traffic Study

City traffic engineering staff determined that a traffic impact analysis (TIA) is not required due to the limited traffic volume generated by the development. When development is proposed, the need for a TIA is determined in large part by thresholds requiring a TIA as described on the attached TIA information document. The proposed project does not meet any of these thresholds requiring a TIA.

City traffic engineering staff have provided the following traffic data and analysis.

Based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, the 30 dwelling unit development would result in the following:

30 dwelling units / multi-family housing (low rise)

ADT = 268 vehicles per day (vpd)

AM Peak Hour Traffic = 32 vehicles per hour (vph) (8 vph enter and 24 vph exit)

PM Peak Hour Traffic = 33 vph (21 vph Enter and 12 vph exit)

Rochester Road has an average daily traffic of 15,565 vehicle trips per day (vpd) south of NW 25th Street, and 5,680 vpd north of Menninger Road, according to KDOT traffic volumes maps. Using traffic data from a recent traffic impact study in the area, Rochester Road currently has a daily traffic volume of 6,800 vpd. Based on the estimated ADT, the proposed development will generate 3.9% of the daily traffic volume.

Future Improvements to Rochester Road:

After the May 2, 2023 City Council meeting, staff learned about a planned Shawnee County project. Per Curt Neihaus, Shawnee County Public Works Director, "Shawnee County has a sales tax project (2027-2031) to reconstruct Rochester Road from the north end of Walmart to 50th Road. If we can fit everything in, there will be 3 lanes (center continuous left-turn) curb & gutter, sidewalk, multi-use path, enclosed drainage, a bridge widening and possibly two roundabouts (35th and possibly 50th). We'll bring a consultant on board in mid- to late 2026 with design starting in 2027. Construction will likely take 3 years (2029-2031)."

Drainage

Neighborhood residents have expressed concerns about the proposed development increasing potential flood hazards and the potential for the proposed development to be flooded, as well.

Flood hazards are mapped by the Federal Emergency Management Agency (FEMA) and these hazards are the official flood maps. The City's GIS includes the flood hazards mapped by FEMA. Mapped flood zones include Reduced Flood Risk due to Levee; .2% Annual Chance Flood Zone (500-year floodplain); 1% Annual Chance Flood Zone (100-year floodplain); and the Floodway. Topeka regulations restrict development in the 100-year floodplain and floodway. The regulations do not restrict development in the other flood hazard areas. As shown on the attached map, the subject property is not located in any of the mapped flood hazard areas.

The developer will be required to submit a stormwater management plan for review at the time of the subdivision plat and site plan review applications. City staff will review the stormwater management plan to restrict the amount of drainage allowed to run off the site post development. Plans for erosion control during construction are also required. Additionally, Ground disturbance of one acre or more requires the stormwater management plan to include best management practices (bmp) to treat stormwater runoff entering the City's stormwater system.

**APPLICATION
INFORMATION**

**APPLICATION CASE
NUMBER/NAME:**

PUD23/02 Eugene & Paramore LLC

**REQUESTED ACTION /
CURRENT ZONING:**

Rezoning from “R-1” Single-Family Dwelling District to PUD Planned Unit Development District with “M-2” Multiple-Family Dwelling District use group for the development of duplexes and four-plexes for a total of 30 units on 7.2 acres.

PROPERTY OWNER:

Eugene & Paramore, LLC

APPLICANT REPRESENTATIVE:

Travis Haizlip, CFS Engineers

CASE PLANNER:

Bryson Risley, Planner II

PROPERTY ADDRESS:

NW Rochester Rd – PID: 1041801004008010 and
NW Rochester Rd – PID: 1041801004009000

PARCEL SIZE(S):

NW Rochester Rd – 1.5 acres
NW Rochester Rd – 5.96 acres
(the east 60 feet of the parcels are not included in the PUD)

PHOTOS:



Facing east towards the property.

RECOMMENDATION:

APPROVAL subject to conditions detailed in the staff report.

RECOMMENDED MOTION:

Based on the findings and analysis in the staff report I move to recommend to the Governing Body **APPROVAL** of the rezoning from “R-1” Single-Family Dwelling District to “PUD Planned Unit Development” with “M-2” Multiple-Family Dwelling District use group with additional development requirements and restrictions for multiple-family residential development not to exceed 30 dwellings.

PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY:

Multi-family residential development consisting of duplexes and four-plexes for a total of 30 units (dwellings). Each dwelling is anticipated to include one or two bedrooms and a one-car garage.

The PUD zoning is necessary to provide for a cul-de-sac having a length greater than 500' (a variance to subdivision regulations), and to include conditions and requirements not required under the M2 zoning classification.

DEVELOPMENT / CASE HISTORY:

PUD06/02 North Park Village – In 2006 a zoning change was brought to the Governing Body, following approval by the City of Topeka Planning Commission to change the zoning from “R-1” Single-Family Dwelling District to “PUD” Planned Unit Development District with “M-1a” Limited Multiple-Family Use Group. The Zoning case was denied by the Governing Body and Protest Petition was filed by the neighbors. The PUD proposed 48 units of duplexes and triplexes on 9.07 acres.

There are no other cases or development associated with the properties.

ZONING AND CHARACTER OF SURROUNDING PROPERTIES:

North: R-1 (Single-Family Dwelling District); single-family homes.

East: R-1 (Single-Family Dwelling District); single-family homes, vacant.

South: R-1 (Single-Family Dwelling District); single-family home; Soldier Creek Levee

West: R-1 (Single-Family Dwelling District); vacant

COMPLIANCE WITH DEVELOPMENT STANDARDS AND GUIDELINES

USE STANDARDS AND DIMENSIONAL STANDARDS:

M-2 use and dimensional standards will apply except as restricted by the Planned Unit Development (PUD) master plan.

M-2 is a multi-family residential zoning classification that is less restrictive than the current R-1 single-family residential zoning. M-2 zoning is intended to provide 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. The location of this district is further intended to provide a transitional use between the districts of lesser and greater intensity (TMC18.100.010).

The density and dimensional standards of the current “R-1” single-

family dwelling district and proposed “M-2” multiple-family dwelling district are similar. The differences between the R-1 and M-2 classifications are:

- an increase in maximum height from 42ft to 50ft;
- a decrease in minimum lot width from 60ft to 50ft,
- a 7’ side building setback for R-1, and a 5’ side setback for M-2; and
- a maximum density of 15 units per acre for M-2; R-1 density is limited by a minimum lot size of 6,500 sf (a net density of 6.7 units per acre not accounting for streets).

The PUD Master Plan includes the following limits on development beyond the restrictions of M-2 zoning:

- A maximum of 30 dwelling units for a density of 4.2 units per acre.
- A general site layout consisting of multiple buildings with substantial open space between buildings.
- Fencing at a minimum height of 4 feet along property lines abutting adjacent, existing residential use.
- Specific landscape requirements as a buffer for adjacent residential uses.

PARKING AND ACCESS:

Off-street parking requirements are determined by land use and not the zoning classification. Multiple-family dwelling units require two parking spaces per dwelling unit for the first 20 dwelling units. As described, each dwelling unit will have two parking spaces, with one stall within the garage and one in the associated driveway. Planning staff will ensure compliance with these parking standards as part of the review of the site development plan (Site Plan Review application).

DESIGN STANDARDS:

Staff recommends the addition of a note or other text to the PUD master plan requiring buildings to be in substantial conformance with the concept design plans: *North Topeka Development*.

LANDSCAPING:

A site development plan (Site Plan Review application) will be required at the time of development, to include a landscape plan. The PUD master plan includes the Landscape Note: “Landscaping will be required in accordance with chapter 18.235 of the development code. The landscape plan shall include trees along the north and south perimeter of the site to provide a visual buffer from the neighboring residences.”

SIGNAGE:

Signage will be required to comply with the Sign Code (TMC18.10) as applied to M-2 zoning designations.

LIGHTING & SOUND:

Exterior lighting is regulated (per the site development plan) by section 18.540.020 (b)(6) of the zoning regulations, restricting the intensity of lighting to no more than three foot candles at the lot line.

VARIANCES REQUESTED:

Allow the private cul-de-sac to be constructed at a length greater than 500'.

OTHER FACTORS

SUBDIVISION PLAT:

Currently un-platted, a major plat will be required prior to permits being issued, based upon the intent to develop the site into eight lots and one tract and an extension of the public sewer main to the site.

The tract for the PUD is one of two tracts recently created by a subdivision of land that requires an approved subdivision plat.

UTILITIES:

Public sanitary sewer main is located approximately 865' to the east and will require extension at the expense of the developer. City water mains are located along all abutting streets and roads.

FLOOD HAZARDS, STREAM BUFFERS:

The property is outside of the 100-year and 500-year floodplain. However, the property is within 500 feet of the Soldier Creek levee and thus review and approval by the North Topeka Drainage District is required.

PEDESTRIAN ACCESS

Per a note on the PUD, sidewalks will be provided along both sides of the private drive.

Per Fire Code, the development is allowed a single point of vehicular access from Rochester Road without need for a secondary access because the development is limited to no more than 30 dwellings. The Land Use & Growth Management Plan encourages pedestrian connectivity between and within subdivisions and, therefore, staff is recommending pedestrian and bicycle access be provided between the end of the private drive and the east boundary where it can connect with access through the adjacent tract and to the south end of NW Sprouton Lane, giving pedestrians and cyclists an alternative to Rochester Road.

HISTORIC PROPERTIES:

N/A

NEIGHBORHOOD PLAN:

N/A

NEIGHBORHOOD INFORMATION MEETING:

The applicant conducted a Neighborhood Information Meeting on February 22nd, 2023. Owners of properties within 500 feet were invited to hear a presentation from the developer about the project and provide comments and feedback.

Approximately 22 individuals attended the meeting via Zoom online platform. Discussion centered on the design of the buildings, traffic

and circulation, access off of NW Rochester Road, relation to floodplain location, and the type of tenants that the units would be marketed towards. The developer and consultant provided tentative building elevations, clarification on access off of NW Rochester Road only, and the intent of tenants of the age group 55+, but would not use that as the only condition.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

Public Works /Engineering:	Will require a sewer extension. Traffic Engineer comments are attached below.
Water Pollution Control:	No issues identified regarding rezoning.
Fire Department:	No issues identified regarding rezoning. Fire Department has provided general comments and conditions applicable to site development.
Development Services:	No issues identified regarding rezoning. Permits will be required.

KEY DATES

SUBMITTAL:	January 25, 2023
LEGAL NOTICE PUBLICATION:	February 27, 2023
PROPERTY OWNER NOTICE MAILED:	February 24, 2023

STAFF ANALYSIS

Planning staff have reviewed the zoning application relative to the required findings and conclusions in Topeka Municipal Code Section 18.245 (Findings and conclusions reflect the “golden factors” per Donald Golden v. City of Overland Park, 1978 Kansas Supreme Court) as is required for applications for rezoning.

CHARACTER OF THE NEIGHBORHOOD: The property sits to the east of NW Rochester Road which is a minor arterial. The surrounding neighborhood is characterized by single-family housing to the north, northeast, and northwest. A single-family home is situated to the south of the property on 5 acres. Further to the south and east is Soldier Creek. The land to the west, on the west side of Rochester Road, is vacant. There are single-family homes to the east of the property that sit on larger lots. The conditions and restrictions on the PUD master plan help to ensure the development does not substantially depart from the existing neighborhood character.

ZONING AND USE OF NEARBY PROPERTIES: The proposed zoning of Planned Unit Development (PUD) with M-2 uses and development restricted by the master plan is compatible with the surrounding zoning and land uses. The proposed development has a density of 4.2 units per acre, consistent with R-1 density and within the threshold of Urban/Suburban Low Density Residential as defined by the Land Use & Growth Management Plan. The conditions and restrictions per the PUD Master Plan will ensure the development is compatible with the single-family uses and zoning that surround the property.

LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER THE PRESENT CLASSIFICATION: The two parcels have remained vacant since at least 1942. In 2006, there was an attempt to rezone the two properties to PUD with "M-1a" Limited Multiple-Family use group. This Rezoning was approved by the Planning Commission but denied by the Governing Body. The parcel has remained vacant and zoned "R-1" Single-Family since that time.

SUITABILITY OF USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED: The property is well suited for the uses to which it is restricted under its current R-1 single-family residential zoning, but the shape of the parcel and limited existing access provides limitations. Currently the property only has access from NW Rochester Rd and extension of NW Sproaton Ln would require additional right-of-way to be dedicated. The shape of the parcel would likely reduce the number of units that could be developed on the site as well, but the two subdivisions to the north have similar dimensions. Development of a conventional single-family residential subdivision will necessitate the construction and dedication of a public street by the developer, making development less economically feasible.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The proposed development is consistent with the Land Use and Growth Management Plan 2040, Topeka's comprehensive plan. The site is designated "Urban/Suburban Low Density Residential" in the Land Use and Growth Management Plan. The "Urban/Suburban Low Density Residential" designation is characterized by "a cohesive display of single-family or two-family residential development, up to a maximum of 6 dwelling units per acre, primarily in the form of subdivisions that are within the current city limits where the full range of urban services (sewer, water, police, fire, and urban roads) are either provided or expected to be extended within this planning horizon." Additionally, "new single- and two-family development proposals should demonstrate compatibility with the character of the existing residential development in regards to building designs, lot layouts, streets, and setbacks. Infill development is encouraged in these areas where there is already existing infrastructure. Complete streets and pedestrian connectivity between and within subdivisions is encouraged and should be provided." While the proposed development does not meet the single- and two-family definition provided above, it does fall within the maximum of 6 dwelling units per acre and is proposed as 4.2 units per acre.

THE EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: Development allowed under the proposed zoning is anticipated to generate few if any detrimental effects on nearby properties. M-2 zoning allows the property to be developed in a manner not permitted under the current R-1 zoning, although the restrictions and requirements of the PUD master plan help to ensure compatibility with existing and potential future development surrounding the site. The proposed PUD master plan references M-2 zoning as the land use, but the master plan limits the development to 30 units for a relative low density, requires perimeter fencing and landscaping not specifically required under M-2 zoning, and limits development to buildings containing two to four dwellings with each dwelling having its own garage. The proposed development does not provide vehicular access to the subdivision to the north, although it could be developed with that connection and at a similar density with single-family detached homes under the current R-1 zoning.

THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE OWNER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER: The proposed zoning strikes a reasonable and appropriate balance between the

rights of the property owner, the health and welfare of the community at large, and the well-being of surrounding property owners. The limited nature of the proposed development is not likely to have a detrimental impact to nearby property owners. Denial of the application restricts the property owner from developing a form of housing needed in Topeka as has been documented by Topeka's Citywide Housing Market Study and Strategy.

AVAILABILITY OF PUBLIC SERVICES: All essential public roadways, utilities, and services are currently present and available within the area or will be extended at the expense of the developer.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS: Development under the proposed zoning will be required to comply with M-2 Multiple-Family Dwelling District or as allowed and restricted by the PUD master plan. The PUD zoning allows the parcels to be developed for 30 units in buildings consisting of two to four dwellings per building and subject to conditions making the zoning and land use consistent with the Land Use and Growth Management Plan 2040. The property is currently un-platted and will require a major plat prior to issuance of permits.

STAFF RECOMMENDATION

Based upon the above findings and analysis, Planning staff recommend **APPROVAL** of the proposed zoning, subject to the following conditions, which are to be included in the ordinance adopted by the Governing Body:

1. Use and development of the site in accordance with the **Planned Unit Development Master Plan , Eugene & Paramore LLC**, as recorded with the office of the Shawnee County Register of Deeds.
2. Addition of the following note to the master plan (under Building Notes): Buildings shall be in substantial conformance with the concept design plans: *North Topeka Development. Essential building elements include:*
 - a. *Single or two car garages for each dwelling.*
 - b. *Modulated building facades with architectural details*
 - c. *Gable roofs*
3. Addition of the following text under "Project Data" and in a note under "Building Notes": *Buildings to contain two to four dwellings per building.*
4. Addition of a note under "Circulation, Parking & Traffic Notes": A pathway for pedestrians and bicyclists provided at the east end of the private drive to connect with a pedestrian/cyclist access on the adjacent land abutting on the east side of the property. The intent of the note is to provide for access to the south end of NW Sprouton Lane.
5. The addition of a note under "General Notes": The property is within 500 feet of the Soldier Creek levee and thus review and approval by North Topeka Drainage District is required.
6. Under "General Notes" addition of text to the fencing note to indicate fencing is of a type that provides a visual screen.

PLANNING COMMISSION MOTION: Based on the findings and analysis in the staff report I move to recommend to the Governing Body **APPROVAL** of the rezoning from "R-1" Single-Family Dwelling District to "PUD" Planned Unit Development with "M-2" Multiple-Family Dwelling District use group with additional development requirements and restrictions for multiple-family residential development not to exceed 30 dwellings, subject to conditions as recommended in the staff report.

ATTACHMENTS (included with March 20, 2023 staff report):
Planned Unit Development Master Plan; Eugene & Paramore LLC
Concept Design Plans: *North Topeka Development*
Aerial View Map
Zoning Map

Future Land Use Map
Neighborhood Information Meeting Attendance and Summary
City of Topeka Traffic Engineering Comments
Floodplain Concerns Email
Photos Related to Flooding Concerns
Opposition to PUD Email

ATTACHMENTS (added to June 26, 2023 staff report):

TIA Memo, Benesch for the City of Topeka
City of Topeka TIA Guidelines
Floodplain Map
Protest Petitions
Planning Commission Minutes of March 20, 2023 for PUD23/02
Public Comment Received March 20 2023
Public Comment per Topeka Speaks March 14 2023

Memorandum

TO: Lee Holmes, PE
FROM: Jim Jussel, PE, PTOE
SUBJECT: TIA Determination - Eugene & Paramore PUD Development (NW Rochester Road)
DATE: June 16, 2023

A planned unit development is proposed along NW Rochester Road, approximately 370 feet south of NW Walnut Lane. The development is proposed to have nine townhome building structures that would provide a total of 30 dwelling units. The question has been raised if a Traffic Impact Analysis (TIA) study should be completed for this development. A TIA is required within the City of Topeka when the estimated site-generated traffic meets or exceeds various volume thresholds identified in City of Topeka TIA Guidelines or if the development has a drive-up window or a convenience store.

Trip generation for a proposed site is calculated based on national guidelines available from the Institute of Transportation Engineers (ITE). ITE has the Trip Generation Manual, 11th Edition, which is used for traffic impact analysis studies to estimate the amount of traffic that is expected for a proposed land use. For this development, Land Use Code 220 -Multi-family Housing (Low-Rise) would be used. Table 1 provides a summary of the amount of traffic that would be expected to be generated by this site.

Table 1 – ITE Trip Generation

LAND USE CODE	LAND USE	MISC.		ADT (VPD)	A.M. PEAK HOUR (VPH)			P.M. PEAK HOUR (VPH)		
		Quantity	Unit		In	Out	Total	In	Out	Total
220	Multi-Family (Low-Rise)	30	Unit	268	8	24	32	21	12	33

Based on the City of Topeka Traffic Impact Analysis Guidelines (attached) and as detailed in Table 2, a TIA would not be required because the proposed development land use would not meet the required criteria.

Table 2 – City of Topeka TIA Guidelines

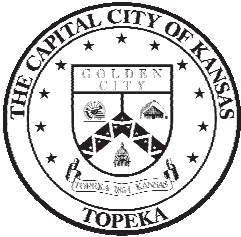
	Est Volume			Criteria Met
	ADT	AM	PM	
<u>A TIA is required when one or more of the following are applicable</u>				
A. Site generates over 2,000 vehicles-trips per day	268			No
B. Site generates over 200 vehicles-trips per peak hour		32	33	No
C. Site generates over 100 vehicles-trips in the peak direction during the peak hour		32	33	No
D. Primary trips generated by the site exceeds 10% of the existing volume of traffic on the street(s) providing access	4.0%			No
E. Any land use providing service to the motorists (e.g. drive-up window)				No
F. Parking garages and off-street parking lots and facilities with at least 500 stalls for long-term parking or 100 stalls for short-term customer parking				No
G. Convenience store with gas pumps				No



Rochester Road has an average daily traffic of 15,565 vehicles per day (vpd), south of NW 25th Street, and 5,860 vpd north of Menninger Road, according to KDOT traffic volumes maps. Using traffic data from a recent traffic impact study in the area, Rochester Road currently has a daily traffic volume of 6,800 vpd. Based on the estimated ADT, the site is about 3.9% of the daily traffic volume.

Shawnee County has a proposed roadway project in their long-range plan which is likely to increase this from a rural two-lane roadway to an urban three-lane roadway. These roadway improvements would support this proposed development.

While the City of Topeka's TIA guidelines provide the general basis for providing a TIA, it is sometimes advisable to have a TIA completed even when a development does not meet these thresholds if there are other traffic operation concerns. Based on this quick estimation of trip generation, it is our opinion that the proposed development would not meet the requirements for a TIA and will not adversely impact the existing street network. This development creates a 3.9% increase in traffic volume to Rochester Road and these traffic volumes are not expected to meet any turn lane warrants on Rochester Road.



City of Topeka Planning Department

620 SE Madison Street, 3rd Floor | Topeka, Kansas 66607

Phone 785.368.3728

Traffic Impact Analysis

The purpose of a TIA is to determine what impact traffic will have on the existing and proposed roadway network, and what impact the existing and projected traffic will have on the proposed development. It will provide a credible basis for estimating roadway and on-site improvement requirements attributable to a particular project, and assess the compatibility of local transportation plans. The specific content of a TIA may vary depending upon the site, prevailing conditions, and safety considerations as expressed by the reviewing staff during the pre-application meeting, and shall conform to the recommended practice methods of the Institute of Transportation Engineers.

A TIA is required when one or more of the following are applicable

- A. Site generates over 2,000 vehicles-trips per day
- B. Site generates over 200 vehicles-trips per peak hour
- C. Site generates over 100 vehicles-trips in the peak direction during the peak hour
- D. Primary trips generated by the site exceeds 10% of the existing volume of traffic on the street(s) providing access
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- F. Parking garages and off-street parking lots and facilities with at least 500 stalls for long-term parking or 100 stalls for short-term customer parking
- G. Convenience store with gas pumps

Basic contents of the TIA:

1. Review of existing site conditions.
2. Site's trip generation and design hour volume data.
3. Trip distribution and traffic assignment. The TIA coverage will be determined by the Planning Department Staff in consultation with the City Traffic Engineer.
4. Existing and projected traffic volume information. Projected site traffic will be for full development. Base traffic on the street will be projected for the period of full development and for 20 years.
5. Capacity analysis for the period indicated in #4 above for all intersections, streets and driveways included up to arterial-arterial intersections in all directions around the proposed site.
6. Traffic accident history.
7. Internal circulation and parking.
8. Needs for pedestrians, bicyclists and public transit users.

9. Traffic operations, signalization and geometric improvements.

10. Summary of findings and recommendations.

THRESHOLDS FOR APPROVAL OF THE TIA

Intersections: Minimum overall level of service “C”, with no individual lane group movement higher than level of service “D”.

Vehicle Queues: The stacking length of vehicles at the approach of a public street intersection or driveway should not impede the operation of other driveways and public streets.

Location and Design Standards: All proposed site and off-site improvements must meet the minimum acceptable thresholds as required in the City of Topeka Design Criteria Standards Section 1.2 and the Topeka-Shawnee County Transportation Plan 2015.



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Phone 785.368.3728

Traffic Impact Analysis

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- E. Any land use providing service to the motorists (e.g. drive-up window)
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8. Needs for pedestrians, bicyclists and public transit users.

9. Traffic operations, signalization and geometric improvements.
10. Summary of findings and recommendations.

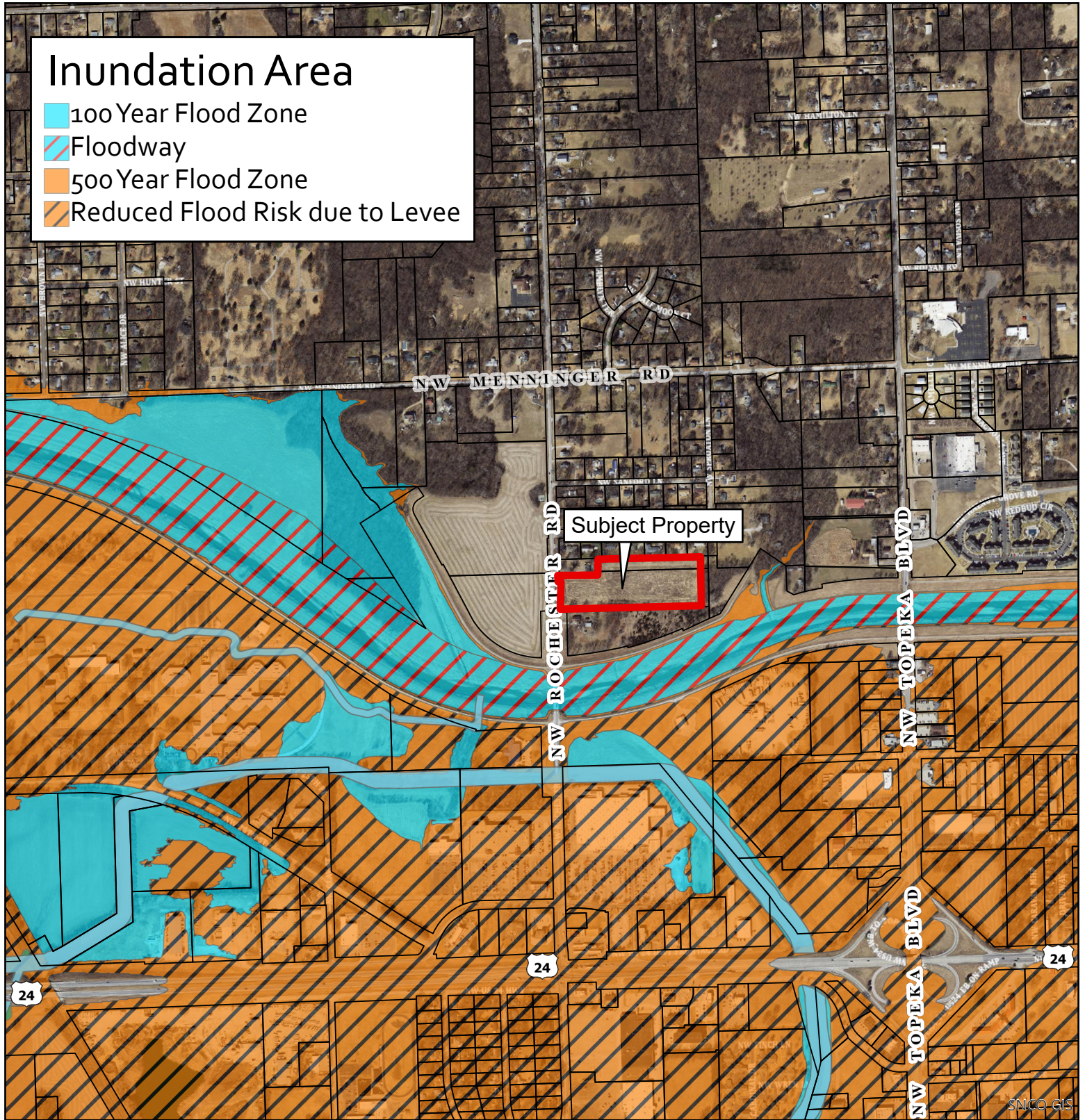
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Vehicle Queues: The stacking length of vehicles at the approach of a public street intersection or driveway should not impede the operation of other driveways and public streets.

Location and Design Standards: All proposed site and off-site improvements must meet the minimum acceptable thresholds as required in the City of Topeka Design Criteria Standards Section 1.2 and the Topeka-Shawnee County Transportation Plan 2015.

PUD23/02 Eugene & Paramore LLC - Floodplain Map





City of Topeka PLANNING DIVISION

Legal Protest Petition Filed

Case #	<u>PUD 23/02</u>
Case Name:	<u>Eugene & Paramore LLC</u>
Public Hearing Date:	<u>March 30 2023</u>
Deadline for Protests:	<u>April 3 2023</u>

PROTEST COMPUTATIONS

TOTAL AREA	<u>973151.18 sf</u>
Request Area	<u>314707.81 sf</u>
R/W Area	<u>161246.71 sf</u>
NET AREA	<u>497196.66 sf</u>
PROTEST AREA	<u>303985.73 sf</u>

Land Area %	61.14%
--------------------	---------------

OUTCOME

SUFFICIENT
Land Area % is 20% or more

X

INSUFFICIENT
Land Area % is LESS THAN 20%

ZONING AMENDMENT PROTEST PETITION
CITY OF TOPEKA, KANSAS

REC'D TOPEKA CITY CLERK
'23 APR 3 AMB:16

SECTION I

The undersigned property owner(s) protest the proposed change in district zoning classification on property described in Topeka Planning Commission Case Number (see agenda) **PUD 23/02** requesting a zoning classification change **FROM R1 District**
TO PUD M-2 District
and located at/about **NW Rochester Road and Walnut** in the City of Topeka, Kansas.

SECTION II—Protestor(s)

NAME(s)
Edward R Stadler by Jeffrey Stadler POA

Signature

ADDRESS & LEGAL DESCRIPTION
OF PROTESTER'S PROPERTY

2700 NW Rochester Rd., Topeka, Kansas 66617

Edward Stadler

Typed or Printed Name

See attached Exhibit A

Signature

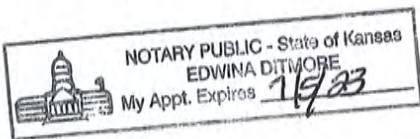
Typed or Printed Name

ACKNOWLEDGEMENT

STATE OF KANSAS)
COUNTY OF SHAWNEE) ss

Be it remembered that on this 30th day of March, 2023, before me a Notary Public in and for said County and State, came Edward Stadler personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.
by Jeffrey Stadler as power of attorney.

In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.



[Signature]

Notary Public

My Commission Expires 7/5/23

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.

Exhibit A

A tract of land in the Northeast Quarter of Section 18, Township 11 South, Range 16, East of the 6th P.M., described as follows: Beginning at a point in the center line of the Rochester Road which is 753.62 feet North of the South line of said Quarter Section; thence East 31.91 feet; thence Northeasterly, along the North line of North Topeka Drainage District tract for Soldier Creek Channel Change, on a curve to the left, having a radius of 2389.42 feet, a distance of 468.9 feet; thence Southeasterly on a radial line, 10 feet; thence Northeasterly, along said North line, on a curve to the left having a radius of 2399.42 feet, a distance of 397.1 feet; thence Southeasterly on a radial line, 20 feet; thence Easterly 200 feet to a point on the East line of said Quarter Section, which is 986.65 feet North of the Southeast corner thereof; thence North on said East line 83.87 feet, more or less, to a point 16.22 chains North of the Southeast corner of said Quarter Section; thence West 16.125 chains to the center line of Rochester Road; thence South along said center line 316.90 feet, more or less, to the place of beginning, Shawnee County, Kansas;

DURABLE POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS:

That I, EDWARD R. STADLER, a resident of Topeka, Shawnee, Kansas, do hereby make, constitute and appoint my son, JEFFREY A. STADLER, who shall serve as my true and lawful attorney in fact for me and in my name and stead and to my use, with full power to handle, manage and transact any and all of my business and financial affairs of every kind and nature whatsoever, and to do everything that is either necessary or proper to be done for that purpose, the same as I could do if personally present and fully competent, specifically including, but not limited to the following matters. If, my son Jeffrey A. Stadler is unable to serve as my true and lawful attorney in fact for me, then I designate and appoint my daughter, CATHRYN A. MILLER, who shall serve as my true and lawful attorney in fact for me and in my name and stead and to my use, with full power to handle, manage and transact any and all of my business and financial affairs of every kind and nature whatsoever, and to do everything that is either necessary or proper to be done for that purpose, the same as I could do if personally present and fully competent, specifically including, but not limited to the following matters.

1. To ask, demand, sue for, collect, recover and receive all sums of money, debts, rents, accounts, legacies, interest, annuities, or other demands whatsoever now due or which may hereafter become due and payable to me; and to give good and sufficient receipts or discharges therefore;

2. To transact all of my ordinary bank business at any bank in which I may have

deposited or may deposit funds; to draw checks on my account in said bank; to endorse all checks, promissory notes, drafts, and bills of exchange which may require my endorsement for collection or deposit, and to waive demand, notice, and notice of protest thereon;

3. To borrow money on my account and to make, sign, execute and deliver any note or notes, mortgage or mortgages, necessary to secure the payment thereof;

4. To assign or release mortgages (whether on real estate or on chattels) standing in my name, receive the proceeds thereof and deposit the same to the credit of my account in any bank in which I may have or may deposit funds;

5. To compromise any debt, claim or demand now or hereafter owing or payable to me; or to grant an extension of time for the payment and satisfaction thereof either with or without security, upon such terms and conditions as to my attorney may seem proper and expedient in the circumstances;

6. To sell, assign, and convey any securities standing in my name or which I may now or hereafter own at their then market value, and to invest and reinvest the proceeds thereof or to deposit such proceeds to my account in any bank in which I may have or may deposit funds;

7. To receive and receipt for all dividends now due or which shall hereafter become due and payable on any stock standing in my name in any company or corporation; and to vote at the meetings of any such company or corporation and otherwise to act as my proxy or representative in respect to any shares of stock now held or which may hereafter be acquired by me, and for that purpose to sign and execute any proxies or other instruments in my name and on my behalf;

8. To pay all premiums on life, fire, or other insurance policies held by me or which may hereafter be taken out in my name. To borrow money on my life insurance policies, execute and deliver any note or notes necessary to obtain such loans, to sign and receipt money due or to become due to me on any insurance policy in which I am payee or beneficiary;

9. To lease or let, to mortgage or to sell and convey any real estate standing in my name or in which I may have an interest, including but not limited to my homestead, upon such terms and conditions and under such covenants as to my said attorney may seem proper, and deliver such leases, mortgages and notes, contracts of sale or deeds as may be necessary in the premises.

All powers herein shall extend to homestead property, including my home at 2700 NW Rochester Road, Topeka, KS 66617, with the legal description which may be attached hereto, and includes the right to identify, select, designate, waive or abandon this or any other homestead. It is my intent that the execution of this power shall constitute my consent of authority to alienate and convey homestead property, as required under Article 15, Section 9 of the Kansas Constitution;

10. To apply for a certificate of title or for registration, or to endorse and transfer title to any automobiles titled in my name;

11. To make, amend, appeal, consent to, acknowledge and file all government reports (either Federal or State) including income tax returns for any year; which may be or are necessary for the conduct of my affairs or of my business; to exercise any right or election in any tax matter; to pay any tax, interest or penalty; and to request, collect and

receive any refunds that might hereafter be due to me, individually or jointly;

12. To represent me in the administration of any estate in which I may now or hereafter be interested as heir, legatee, or devisee; to accept service of notices in my behalf, and to accept and receive for my distributive share in any such estate;

13. To have access to my safe deposit box wherever it may be located, including access to my safe deposit box after my death for the purpose of inventorying the same and removing any documents of testamentary nature, to include my Last Will and Testament in my name and any policies of insurance.

14. To request, receive, review and authorize release of any information, verbal or written, regarding my personal affairs or physical or mental health, including medical, hospital and pharmacy records, and to execute any releases or other documents that may be required for such information. This release authority shall be effective both during my lifetime and after my death and applies to any information governed by the health insurance Portability and Accountability Act of 1996 (HIPAA), 42 U.S.C. §1320d, and the Department of Health and Human Services (HHS) Privacy Rule of 2000 (Standards for Privacy of Individually Identifiable Health Information).

15. To pay reasonable expenses incurred for my funeral and burial, or other disposition of my body.

I hereby give and grant unto my said attorney full power and authority to do and perform all and every lawful act and thing whatsoever requisite and necessary to be done as fully to all intents and purposes as I might or could do if personally present, and hereby confirm and ratify all that my said attorney shall lawfully do or cause to be done hereunder.

This is a durable power of attorney and the authority of my attorney in fact shall not terminate if I become disabled or in the event of later uncertainty as to whether I am dead or alive. This Power of attorney is executed in accordance with the provisions of the Kansas power of attorney act, K.S.A. 58-650 *et seq.*

It is understood that the specific powers herein set up do not and shall not in any way control, limit, or diminish the general powers herein granted or which should have been granted in order to carry out the purposes hereinbefore expressed.

I hereby declare that this Power of Attorney shall be and remain in full force and effect until revoked in writing by me and do hereby revoke any Power of Attorney predating this instrument.

IN WITNESS WHEREOF, I have hereunto set my hand this ^{1st} ONE day of March, 2018.

Edward R. Stadler
EDWARD R. STADLER

STATE OF KANSAS, COUNTY OF SHAWNEE, ss:

BE IT REMEMBERED, that on this ^{1st} day of March, 2018, before me the undersigned, a notary public in and for the County and State aforesaid, appeared EDWARD R. STADLER, who is personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.



[Handwritten Signature]
Notary Public

ZONING AMENDMENT PROTEST PETITION
CITY OF TOPEKA, KANSAS

REC'D TOPEKA CITY CLERK
25 APR 3 AM 8:17

SECTION I

The undersigned property owner(s) protest the proposed change in district zoning classification on property described in Topeka Planning Commission Case Number (see agenda) **PUD 23/02** requesting a zoning classification change FROM **R1 District** TO **PUD M-2 District** and located at/about **NW Rochester Road and Walnut** in the City of Topeka, Kansas.

SECTION II—Protestor(s)

NAME(s)

ADDRESS & LEGAL DESCRIPTION
OF PROTESTER'S PROPERTY

William Brandlin
Signature

614 NW Walnut Lane, Topeka, KS
66617

Lot 10, Block B, Logan Subdivision,
Shawnee County, Kansas.

William Brandlin
Typed or Printed Name

Celestina Brandlin
Signature

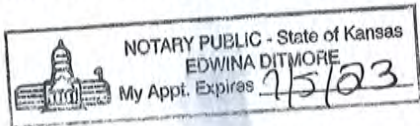
Celestina Brandlin
Typed or Printed Name

ACKNOWLEDGEMENT

STATE OF KANSAS)
COUNTY OF SHAWNEE) ss

Be it remembered that on this 30th day of March, 2023, before me a Notary Public in and for said County and State, came **William Brandlin** and **Celestina Brandlin** to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.



[Signature]
Notary Public

My Commission Expires 7/5/23

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.

ZONING AMENDMENT PROTEST PETITION
CITY OF TOPEKA, KANSAS

REC'D TOPEKA CITY CLERK
'23 APR 3 AMB:17

SECTION I

The undersigned property owner(s) protest the proposed change in district zoning classification on property described in Topeka Planning Commission Case Number (see agenda) **PUD 23/02** requesting a zoning classification change **FROM R1 District**
TO PUD M-2 District
and located at/about **NW Rochester Road and Walnut** in the City of Topeka, Kansas.

SECTION II—Protestor(s)

NAME(s)

ADDRESS & LEGAL DESCRIPTION
OF PROTESTER'S PROPERTY

Mae Lynne Brown
Signature

3019 NW Sproaton Ln, Topeka, Kansas 66617
Beginning at a point 433.42 feet S of the NE Quarter of Section 18, Township 11 S, Range 16 E of the 6th PM; thence S 110 feet to a point 2109.61 feet N of the S line of said NE Quarter; thence W parallel with the S line of said Quarter Section, 179.91 feet; thence N 110 feet; thence E 179.01 feet to the place of beginning, Shawnee County, Kansas

Mae Lynne Brown
Typed or Printed Name

Signature

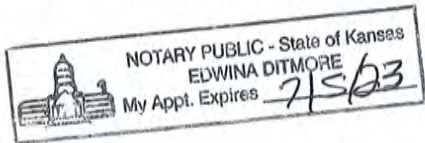
Typed or Printed Name

ACKNOWLEDGEMENT

STATE OF KANSAS)
COUNTY OF SHAWNEE) ss

Be it remembered that on this 30th day of March, 2023, before me a Notary Public in and for said County and State, came **Mae Lynne Brown** to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.



[Signature]
Notary Public

My Commission Expires 7/5/23

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.

ZONING AMENDMENT PROTEST PETITION

CITY OF TOPEKA, KANSAS

REC'D TOPEKA CITY CLERK
23 APR 8 AM 8:17

SECTION I

The undersigned property owner(s) protest the proposed change in district zoning classification on property described in Topeka Planning Commission Case Number (see agenda) **PUD 23/02** requesting a zoning classification change **FROM R1 District**
TO PUD M-2 District
and located at/about **NW Rochester Road and Walnut** in the City of Topeka, Kansas.

SECTION II—Protestor(s)

NAME(s)

ADDRESS & LEGAL DESCRIPTION
OF PROTESTER'S PROPERTY

Dwight Holmes
Signature

735 NW Walnut, Topeka, Kansas 66617
Lot 13, Block B, Logan Subdivision,
Shawnee County, Kansas

Dwight Holmes
Typed or Printed Name

Signature

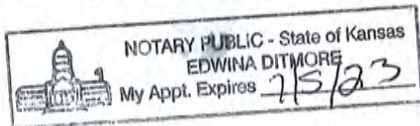
Typed or Printed Name

ACKNOWLEDGEMENT

STATE OF KANSAS)
COUNTY OF SHAWNEE) ss

Be it remembered that on this 30th day of March, 2023, before me a Notary Public in and for said County and State, came Dwight Holmes personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.



[Signature]
Notary Public

My Commission Expires 7/5/23

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.

ZONING AMENDMENT PROTEST PETITION
CITY OF TOPEKA, KANSAS

REC'D TOPEKA CITY CLERK
23 APR 3 AM 8:17

SECTION I

The undersigned property owner(s) protest the proposed change in district zoning classification on property described in Topeka Planning Commission Case Number (see agenda) **PUD 23/02** requesting a zoning classification change **FROM R1 District**
TO PUD M-2 District
and located at/about **NW Rochester Road and Walnut** in the City of Topeka, Kansas.

SECTION II—Protestor(s)

NAME(s)

ADDRESS & LEGAL DESCRIPTION
OF PROTESTER'S PROPERTY

Nina Skidmore
Signature

630 NW Walnut Ln., Topeka, KS 66617

Nina Skidmore
Typed or Printed Name

Lot 6, Block A, LOGAN SUBDIVISION
in the City of Topeka, Shawnee
County, Kansas

Signature

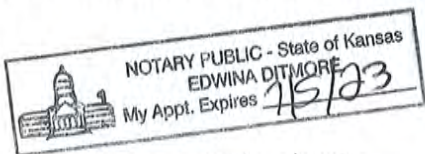
Typed or Printed Name

ACKNOWLEDGEMENT

STATE OF KANSAS)
COUNTY OF SHAWNEE) ss

Be it remembered that on this 30th day of March, 2023, before me a Notary Public in and for said County and State, came **Nina Skidmore** to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.



[Signature]
Notary Public

My Commission Expires 7/5/23

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.

ZONING AMENDMENT PROTEST PETITION
CITY OF TOPEKA, KANSAS

REC'D TOPEKA CITY CLERK
'23 APR 3 AMB:17

SECTION I

The undersigned property owner(s) protest the proposed change in district zoning classification on property described in Topeka Planning Commission Case Number (see agenda) **PUD 23/02** requesting a zoning classification change **FROM R1 District**
TO PUD M-2 District
and located at/about **NW Rochester Road and Walnut** in the City of Topeka, Kansas.

SECTION II—Protestor(s)

NAME(s)

ADDRESS & LEGAL DESCRIPTION
OF PROTESTER'S PROPERTY


Signature

620 NW Walnut Ln., Topeka, KS 66617

John Downes

Lot 7, Block A, in Logan
Subdivision, in the City of
Topeka, Shawnee County, Kansas

Typed or Printed Name


Signature

Marilyn Downes

Typed or Printed Name

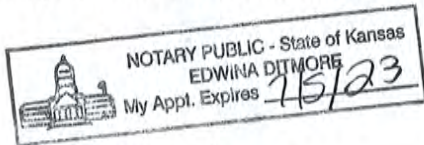
ACKNOWLEDGEMENT

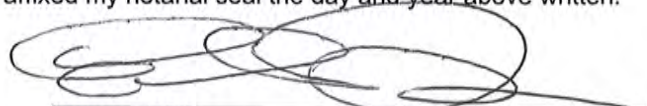
STATE OF KANSAS)

COUNTY OF SHAWNEE) ss

Be it remembered that on this 30th day of March, 2023, before me a Notary Public in and for said County and State, came **John Downes** and **Marilyn Downes** to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.




Notary Public

My Commission Expires 7/5/23

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.

ZONING AMENDMENT PROTEST PETITION
CITY OF TOPEKA, KANSAS

REC'D TOPEKA CITY CLERK
'23 APR 3 AM 11:18

SECTION I

The undersigned property owner(s) protest the proposed change in district zoning classification on property described in Topeka Planning Commission Case Number (see agenda) **PUD 23/02** requesting a zoning classification change **FROM R1 District**
TO PUD M-2 District
and located at/about **NW Rochester Road and Walnut** in the City of Topeka, Kansas.

SECTION II—Protestor(s)

NAME(s)

ADDRESS & LEGAL DESCRIPTION
OF PROTESTER'S PROPERTY

Kenneth Bailey
Signature

649 NW Walnut Ln., Topeka, KS 66617

Kenneth Bailey
Typed or Printed Name

Walnut Lane BLK B Lot 11 Logan Sub
Subdivision - Logan
Sec: 18 TWN 11 RNG 16 QTR NE
Parcel ID #1041801004004000
Tax Unit 009

Barbara Bailey
Signature

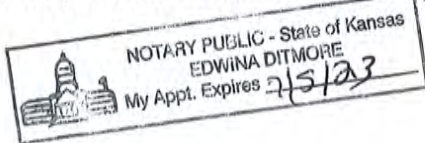
Barbara Bailey
Typed or Printed Name

ACKNOWLEDGEMENT

STATE OF KANSAS)
COUNTY OF SHAWNEE) ss

Be it remembered that on this 30th day of March, 2023, before me a Notary Public in and for said County and State, came **Kenneth Bailey** and **Barbara Bailey** to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.



[Signature]
Notary Public

My Commission Expires 7/5/23

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.

**ZONING AMENDMENT PROTEST PETITION
CITY OF TOPEKA, KANSAS**

REC'D TOPEKA CITY CLERK
'23 APR 3 AMB:18

SECTION I

The undersigned property owner(s) protest the proposed change in district zoning classification on property described in Topeka Planning Commission Case Number (see agenda) **PUD 23/02** requesting a zoning classification change **FROM R1 District**
TO PUD M-2 District
and located at/about **NW Rochester Road and Walnut** in the City of Topeka, Kansas.

SECTION II—Protestor(s)

NAME(s)

**ADDRESS & LEGAL DESCRIPTION
OF PROTESTER'S PROPERTY**

Genevieve Collins
Signature

623 NW Walnut Ln., Topeka, KS 66617

Genevieve Collins

Lot 8, Block B, Logan Subdivision
Shawnee County, Kansas

Typed or Printed Name

Nancy Christian
Signature

Nancy Christian

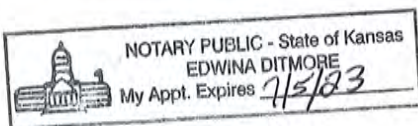
Typed or Printed Name

ACKNOWLEDGEMENT

STATE OF KANSAS)
COUNTY OF SHAWNEE) ss

Be it remembered that on this 30th day of March, 2023, before me a Notary Public in and for said County and State, came **Genevieve Collins** and **Nancy Christian** to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.



[Signature]
Notary Public

My Commission Expires 7/5/23

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.

**ZONING AMENDMENT PROTEST PETITION
CITY OF TOPEKA, KANSAS**

REC'D TOPEKA CITY CLERK
23 APR 3 AM 6:16

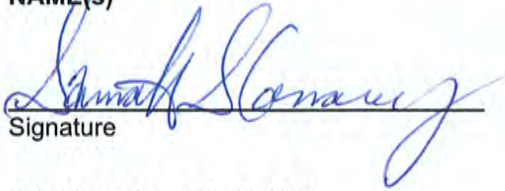
SECTION I

The undersigned property owner(s) protest the proposed change in district zoning classification on property described in Topeka Planning Commission Case Number (see agenda) **PUD 23/02** requesting a zoning classification change **FROM R1 District**
TO PUD M-2 District
and located at/about **NW Rochester Road and Walnut** in the City of Topeka, Kansas.

SECTION II—Protestor(s)

NAME(s)

**ADDRESS & LEGAL DESCRIPTION
OF PROTESTER'S PROPERTY**


Signature

641 NW Sanford LN, Topeka, KS 66617

SAMANTHA CONAWAY

Tract 1: Lot 10 on Sanford Lane, in Deanwood
Subdivision, Shawnee County, Kansas.

Typed or Printed Name


Signature

Tract 2: Lot 5, Block A, on Walnut Lane in Logan
Subdivision in the City of Topeka, Shawnee
County, Kansas.

JEFFREY CONAWAY

Typed or Printed Name

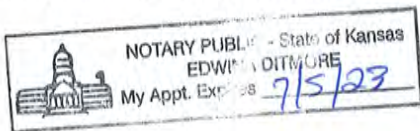
ACKNOWLEDGEMENT

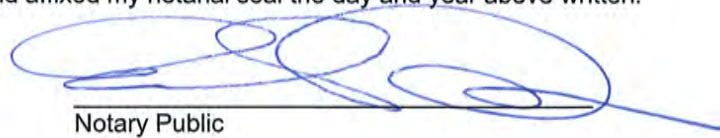
STATE OF KANSAS)

COUNTY OF SHAWNEE) ss

Be it remembered that on this 2nd day of April, 2023, before me a Notary Public in and for said County and State, came Samantha & Jeffrey Conaway to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.




Notary Public

My Commission Expires 7/5/23

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.

**ZONING AMENDMENT PROTEST PETITION
CITY OF TOPEKA, KANSAS**

REC'D TOPEKA CITY CLERK
'23 APR 3 AM 8:19

SECTION I

The undersigned property owner(s) protest the proposed change in district zoning classification on property described in Topeka Planning Commission Case Number (see agenda) **PUD 23/02** requesting a zoning classification change **FROM R1 District**
TO PUD M-2 District
and located at/about **NW Rochester Road and Walnut** in the City of Topeka, Kansas.

SECTION II—Protestor(s)

NAME(s)

**ADDRESS & LEGAL DESCRIPTION
OF PROTESTER'S PROPERTY**

Brendon Roark
Signature

700 NW Walnut Ln., Topeka, KS 66617

BRENDON ROARK

Typed or Printed Name

Lot 4, Block A, Logan Subdivision, City of
Topeka, Shawnee County, Kansas

Brooke Roark
Signature

BROOKE ROARK

Typed or Printed Name

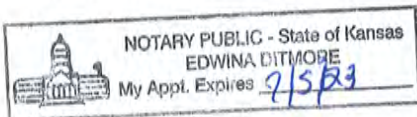
ACKNOWLEDGEMENT

STATE OF KANSAS)

COUNTY OF SHAWNEE) ss

Be it remembered that on this 2nd day of April, 2023, before me a Notary Public in and for said County and State, came Brendon Roark and Brooke Roark to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.



[Signature]
Notary Public

My Commission Expires 7/5/23

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.

ZONING AMENDMENT PROTEST PETITION
CITY OF TOPEKA, KANSAS

REC'D TOPEKA CITY CLERK
23 APR 3 AM 10

SECTION I

The undersigned property owner(s) protest the proposed change in district zoning classification on property described in Topeka Planning Commission Case Number (see agenda) **PUD 23/02** requesting a zoning classification change FROM **R1 District** TO **PUD M-2 District** and located at/about **NW Rochester Road and Walnut** in the City of Topeka, Kansas.

SECTION II—Protestor(s)

NAME(s)

ADDRESS & LEGAL DESCRIPTION OF PROTESTER'S PROPERTY

Douglas Brier
Signature

701 NW Walnut Ln., Topeka, KS 66617

Douglas Brier
Typed or Printed Name

Tract One:
Lot 12, Block B, Logan Subdivision,
Shawnee County, Kansas.

Deceased
Signature

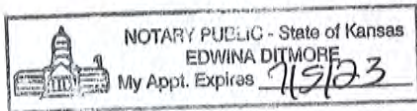
Shirley Brier
Typed or Printed Name

ACKNOWLEDGEMENT

STATE OF KANSAS)
COUNTY OF SHAWNEE) ss

Be it remembered that on this 30th day of March, 2023, before me a Notary Public in and for said County and State, came **Douglas Brier** and **Shirley Brier** to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.



[Signature]
Notary Public

My Commission Expires 7/5/23

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.

ZONING AMENDMENT PROTEST PETITION
CITY OF TOPEKA, KANSAS

REC'D TOPEKA CITY CLERK
23 APR 3 AMB:19

SECTION I

The undersigned property owner(s) protest the proposed change in district zoning classification on property described in Topeka Planning Commission Case Number (see agenda) **PUD 23/02** requesting a zoning classification change **FROM R1 District**
TO PUD M-2 District
and located at/about **NW Rochester Road and Walnut** in the City of Topeka, Kansas.

SECTION II—Protestor(s)

NAME(s)

ADDRESS & LEGAL DESCRIPTION
OF PROTESTER'S PROPERTY

Donald Sloyer
Signature

633 NW Walnut Ln., Topeka, KS 66617

DONALD SLOYER
Typed or Printed Name

Lot 9, Block B, Logan Subdivision, City of
Topeka, Shawnee County, Kansas

Gail Sloyer
Signature

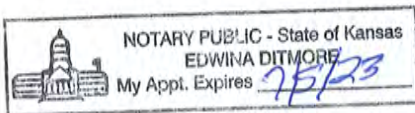
GAIL SLOYER
Typed or Printed Name

ACKNOWLEDGEMENT

STATE OF KANSAS)
COUNTY OF SHAWNEE) ss

Be it remembered that on this 2nd day of April, 2023, before me a Notary Public in and for said County and State, came Donald Sloyer and Gail Sloyer to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.



[Signature]
Notary Public

My Commission Expires 7/5/23

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.

ZONING AMENDMENT PROTEST PETITION
CITY OF TOPEKA, KANSAS

REC'D TOPEKA CITY CLERK
'23 APR 3 AM 8:18

SECTION I

The undersigned property owner(s) protest the proposed change in district zoning classification on property described in Topeka Planning Commission Case Number (see agenda) **PUD 23/02** requesting a zoning classification change
FROM R1 District
TO PUD M-2 District
and located at/about **NW Rochester Road and Walnut** in the City of Topeka, Kansas.

SECTION II—Protestor(s)

NAME(s)

ADDRESS & LEGAL DESCRIPTION
OF PROTESTER'S PROPERTY

Deceased
Signature

3016 NW Sproaton Ln., Topeka, KS 66617

Martin Esser
Typed or Printed Name

Lot 5 in Deanwood Subdivision
in the City of Topeka

Patricia J. Esser
Signature

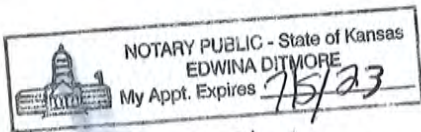
Patricia Esser
Typed or Printed Name

ACKNOWLEDGEMENT

STATE OF KANSAS)
COUNTY OF SHAWNEE) ss

Be it remembered that on this 30th day of March, 2023, before me a Notary Public in and for said County and State, came ~~Martin Esser~~ and **Patricia Esser** to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.



[Signature]
Notary Public

My Commission Expires 7/5/23

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.



CITY OF
TOPEKA

TOPEKA PLANNING COMMISSION

Monday, March 20, 2023

CASE MINUTES

Members present: Corey Dehn (2023 Chair), Marc Fried, Del-Metrius Herron, Jim Kaup, William Naeger, Donna Rae Pearson, Jim Tobaben, Matt Werner (8)

Members Absent: Jeff Preisner (1)

Staff Present: Rhiannon Friedman, Interim Planning & Development Director, Dan Warner, Planning Director; Mike Hall, Land Use Planning Manager; Bryson Risley, Planner; William Sharp, Planner; Wiley Sharp, Intern; Kris Wagers, Administrative Officer; Mary Feighny, Legal

Public Hearing of PUD23/02 by Eugene & Paramore LLC, requesting to amend the District Zoning Map for approximately 7.2 acres of property located on the east side of Rochester Road, approximately 300 feet south of NW Walnut Lane from "R-1" Single Family Dwelling District to "PUD" Planned Unit Development with " M-2" Multiple Family Dwelling District uses to allow for development of residential duplexes and four-plexes.

Mr. Dehn called the case and Mr. Risley presented the staff report and recommendation of approval. He noted the recommended conditions and the requested variance to subdivision regulations due to the length of the cul de sac being greater than 500'. Mr. Risley also mentioned that 15 written public comments were received by staff and were uploaded to TopekaSpeaks for commissioner and public review.

Due to the requested variance, Mr. Werner asked how long the public street is proposed to be. He was later informed by Mr. Kevin Holland that the proposed road is approximately 700-740'.

Mr. Kaup inquired regarding density. Referring to the staff report, he noted that if the current zoning is not changed, a maximum of 45 single family dwellings would be allowed. The applicant is proposing 30 units.

Mr. Fried later asked if the maximum of 30 units proposed on the PUD Master Plan is "locked in" so that it cannot be increased. Mr. Risley confirmed that while the layout may change from preliminary drawings provided, the maximum number of units cannot be increased without a major amendment to the PUD. This would require Planning Commission and Council action. Deputy City Attorney Mary Feighny confirmed that the maximum density requirement in the PUD Master Plan notes is enforceable.

Mr. Naeger referenced concerns voiced in public comments regarding traffic in the existing neighborhood to the north. He asked for and received confirmation from Mr. Risley that there is no traffic access from the property in question to the neighborhood to the northeast. All traffic will enter and exit off Rochester Road and provide no access to or from Sproaton Lane or Walnut Lane.

Kevin Holland of Cook, Flatt & Strobel came forward representing the applicant. He indicated an

understanding of the maximum of 30 units and noted that there is also a four-plex maximum. He anticipates a layout that provides a lot of greenspace, and he noted again that it is a cul de sac; there is no street tie in to the street(s) to the north. He also noted that the owner was present and available for questions.

Mr. Dehn declared the **public hearing open**.

William “Tony” Brandlin of 641 NW Walnut Lane came forward to speak against the request. He stated that the plan is to change single family dwelling units to multiple family units which will basically be single story apartment buildings because, he stated, the owner has no intention of giving residents ownership rights. He stated the density is twice as dense as the area to the north; properties to the west, east and north are all in the floodplain and Soldier Creek is to the south. He stated that no matter what the floodplain maps say, the property in question is in the floodplain. He spoke about flooding that took place in 2006, with water nearly to the back doors of the properties south of Walnut.

Mr. Brandlin noted that his neighborhood is made up of 70 year old single story single family homes; the architecture of the proposed project does not fit in.

Gail Sloyer of 633 NW Walnut Lane came forward to speak against the request. She stated that she and her husband do not want the proposed project in their back yard.

Ms. Sloyer expressed concern about access road(s) to the development. She explained that at some point, connecting to her neighborhood was considered. She understands this has changed. She expressed concern about and read the following statement on pp. 6/7 of the staff report: “The proposed development does not provide vehicular access to the subdivision to the north, although it could be developed with that connection...” She stopped reading, though the staff report continues “and at a similar density with single-family detached homes under the current R-1 zoning.” She wonders if this is referencing “this plan” or something that may happen in the future, and she is concerned because of the traffic it would bring to her neighborhood.

Ms. Sloyer expressed concern about how busy Rochester Road already is and indicated that the neighborhood streets are not designed for heavy equipment, construction vehicles or worker traffic. Ms. Sloyer concluded by stating that she would like all access to be from Rochester Road.

Mae Brown of 3019 NW Sproaton Lane came forward to speak against the request. She expressed concern about the pedestrian access recommended on p4 of the staff report. She noted that Sproaton and Walnut ultimately end at Rochester; there are no sidewalks and no speed limit signs in the neighborhood; the streets are scarcely wide enough for 2 vehicles to pass and cars parked along the side of the street only add to these concerns. Once pedestrians get to Menninger or Rochester, there is no pedestrian infrastructure.

Ms. Brown believes that providing this neighborhood pedestrian access will expose her and her neighbors to increased risk of criminal theft and trespassing and put their safety at risk for driving and walking in their own neighborhood. It would also put at risk the safety of those who chose to make use of the pedestrian connection. She believes that if the request is approved, the developer, City, or both should be required to upgrade and expand pedestrian infrastructure on Rochester.

Ms. Brown stated she believes that not requiring a traffic study is a mistake; Rochester Road is very busy and this project calls for adding 30 more families pulling in and out of Rochester in an already very congested area.

Kenneth Bailey of 649 NW Walnut Lane came forward to speak against the request. He noted that he and his neighbors have patios facing the south and the new development would obstruct their living arrangements. Currently their view is a wooded area, farmhouse and barn, and single family

homes. He doesn't want duplexes and 4-plexes built that would obstruct his view and he is concerned about a loss of wildlife.

Mr. Kaup stated that he is familiar with the property and appreciates the fact that currently the residents have a great view. He asked Mr. Bailey what sort of development he would be okay with seeing on the land and Mr. Bailey stated he would like to see no development.

Mary Bargman of 540 NW Menninger Road came forward to speak against the request. She expressed concern about the fact that a traffic study is not required and spoke about the amount of traffic that is there already. She stated that Menninger Road becomes the default "un-marked" detour whenever something is going on with Rochester Road and ultimately this project will increase traffic on Menninger Road and the surrounding streets like Sproatan, Wilder, etc. She expressed concern about the difficulty emergency vehicles have getting down the busy, narrow roads.

Ms. Bargman believes that including the pedestrian access to Sproatan is unfair to the neighbors who are living there and it will affect their privacy. She added that there are currently no sidewalks in the area.

Ms. Gargman concluded by stating that she is not against new housing, but she believes there are other areas in town that would be more feasible and provide a friendlier area to be developed.

Marilyn Downs of 620 NW Walnut Lane came forward to speak against the request. She stated they have lived in their home for almost 40 years; it's a nice, quiet street where people enjoy walking and riding bikes, kids learning to ride their bikes and trikes, etc.

Ms. Downs spoke about an October morning in 2005 when she opened her back door and there was so much water there were seagulls flying around. "Soldier Creek was up to the brim." They went down to the bridge and took photos of Soldier Creek and Rochester, and these photos were included in the agenda packet.

Due to potential flooding, Ms. Downs is concerned about building homes in the proposed area, and especially homes for older people. She believes there are safer places to build.

Dwight Holmes of 735 NW Walnut Lane came forward to speak against the request. He expressed concern about how long it's going to take to build the proposed homes, citing dust and noise, etc.

Mr. Brandlin noted that one person who had intended to speak is sick but his email is included in TopekaSpeaks.

Jeff Stadler came forward to speak against the request. He noted that he was speaking on behalf of his father, Edward Stadler, who lives at 27 Rochester Road. This is south of the proposed development and located right next to Soldier Creek.

Mr. Stadler expressed concern about existing traffic on Rochester, as well as potential run-off water from the proposed project.

Mr. Werner asked Mr. Stadler if his father's property (house) has ever flooded. Mr. Stadler stated that it has not flooded since Soldier Creek was developed. His father has, however, been told at least twice to flee to higher ground. Mr. Werner indicated that the most recent FEMA maps agree that the property did not flood.

Eugene Murphy of 535 NW Menninger Road came forward to speak against the request. He stated that the area does not need any more foot or automotive traffic. He spoke to the difficulty of turning from a side street onto Menninger Road at certain times of the day.

Mr. Kaup asked Mr. Murphy if he believes most people who would move into the property in question

would be exiting their street to go north (out of town) or south (toward town) on Rochester Road. Mr. Murphy noted that if there is a wreck on Rochester then people normally going south would have to go north instead.

Terry Wing (?) came forward stating he lives on Menninger Road. He wanted to know why Mr. Risley was “touting” this project, and Mr. Risley explained his role as a staff planner. He then asked what people in the room would want to see out their back door if they live on Walnut – duplexes or a field. Mr. Kaup responded regarding property rights and the ability to use property you own as you wish in accordance with the rules and regulations. Mr. Wing responded, stating that nobody he knows who lives in his neighborhood could afford to purchase the property in question and do nothing with it.

Mr. Wing inquired regarding whether the proposed development would require sewer; he doesn't believe we have the necessary facilities to deal with that. Mr. Risley responded that the project will require sewer, but this is the zoning stage. Details regarding sewer will be worked out in future phases of any proposed project. Mr. Warner added that there is a treatment plant in Oakland and the proposed project would simply require an extension of the closest main. Mr. Holland of CFS came forward and explained that plans for extension of the main are included in the project.

There was discussion regarding whether nearby neighbors would have to convert from septic to sewer; neighbors were concerned that they would be required to connect and pay that expense themselves. Mr. Hall reviewed some of the conditions that might require this, **but those conditions do not exist here.**

Don Sloyer of 633 NW Walnut Lane came forward to speak against the proposed development. He stated that his preference for the property under consideration would be that it be farmed. This is what the previous owner did.

Mr. Sloyer stated that initially he had reached out to neighbors when he saw surveyors on Sproaton Lane. In December of 2022 he spoke with his councilmember regarding his concerns and she encouraged him to get information out to his neighbors as quickly as he could. His concerns include the idea that the proposed buildings will be multi-family housing “slammed up against” single family housing, which will harm property values. He voiced concern about the project adding to already existing traffic problems on Rochester and Menninger Roads. He also stated that neighbors have needed to call the city to come out and cut down weeds, etc. on the property under consideration.

Mr. Sloyer spoke about 2005 when water came close to breaching the levee and concluded by saying this is just an example of how residents on his street are being treated. He noted that 3 single family homes in the neighborhood have been converted into businesses as nursing facilities and now the proposal is for “another business” to take over the land. He doesn't think this type of project would be allowed in South or West Topeka.

Mr. Kaup noted Mr. Sloyer's comment about being active in getting information out about the project and asked how misinformation regarding the property being in a floodplain came about. Mr. Kaup noted that the property is not in a floodplain. Mr. Sloyer referred to the photos shown previously and spoke about the high waters in 2005/2006. Mr. Kaup noted again that according to FEMA maps the property is not in the floodplain. He asked Mr. Sloyer if he believes the property is in a floodplain and Mr. Sloyer stated he does.

Mr. Spradlin returned to the podium and stated that the property is in the 100 year floodplain and spoke again about the property being underwater in 2005/2006.

Mr. Spradlin expressed concern about the cost of potentially widening Rochester and installing sidewalks.

Mr. Kaup asked what sort of development Mr. Spradlin would be in favor of. Mr. Spradlin responded that he would like to see R-1 “if that’s the best we can do.” Mr. Kaup noted that the potential density is greater under R-1 and Mr. Spradlin replied that there wouldn’t enough space for that many single family homes. He also stated that the architecture of the duplexes/fourplexes doesn’t fit it.

Mr. Spradlin returned to the podium. He stated that although his dad’s house never flooded, he does believe that some of the lowest lying areas of the property did flood in 2005.

Craig McCullough came forward to speak as the owner/applicant. He explained that his company, Eugene & Paramore, is named after the intersection his childhood home was located at. He currently lives about a mile west of the property in question; he has children who attend local schools and he has a vested interest in North Topeka.

Mr. McCullough stated that his intent is to build a nice, safe, beautiful community in North Topeka for 55+ housing. His purpose is not to make trouble or ruin anyone’s view, but rather to provide good (affordable but not low-income) housing in North Topeka.

Regarding the pedestrian access, he stated he didn’t ask for and doesn’t necessarily want that. He intends to have a self-contained walking trail on the land that he owns.

Regarding a traffic study; he agrees that Rochester is broke and needs to be fixed, but a traffic study was not required by the City.

Regarding his plans not fitting in well with the neighborhood – he stated he plans to build single-story ranch style homes with 2-car garages. He believes his duplexes will have a similar footprint to nearly every home in the existing neighborhood.

Mr. McCullough explained that he prefers a cul de sac with one access point and that is what is proposed. In response to a comment which was made about his “not being willing to allow individuals to own their units”, Mr. McCullough stated his plan is to operate senior living rentals until such time as he can establish a common interest community or homeowner association and parcel out individual units to sell individually. He didn’t include that in the information provided because he didn’t see a need to; right now he is simply taking the first step of re-zoning.

Mr. McCullough explained that he has already taken steps to explore what is needed to extend the sewer main to his property. It will not affect the neighbors to the north, but if they are interested in exploring the possibility of hooking their property in, they are welcome to contact him.

In regard to “ruining the view” for people, Mr. McCullough apologized but explained that he cannot afford to own the property and do nothing with it. If someone would like to do that, he would discuss selling the property to them. If the request to re-zone doesn’t go through, he could potentially build single family residences with an increased density.

Mr. McCullough spoke about how he takes pride in his properties and wants to leave things better than he found them.

Ms. Downs returned to the podium. She made reference to another new building project in the area and stated that it is crowded. She doesn’t like the layout or the appearance and that building project is what has got a lot of the neighbors concerned.

With nobody else coming forward to speak, **Mr. Dehn declared the public hearing closed.**

Mr. Naeger stated that initially he had concerns about flooding. He asked questions about the state of the levee. Mr. Risley confirmed that it is in the North Topeka Drainage District area and of course overseen by the Corps of Engineers. Mr. Risley noted that the floodplain map that staff has provided is

the most current and is from 2011.

Ms. Herron inquired – in the event of a flood, who is responsible for paying for damage done to a property. It was agreed that ultimately it is the owner's responsibility.

Mr. Kaup asked staff if they heard anything during the public comments that might make them change their recommendation or any part of it.

Mr. Risley noted that he heard the concerns voiced about pedestrian access. Mr. Hall added that this is a staff recommendation based not on regulations but rather on policy. One of the principles in the Comprehensive Plan includes providing Complete Streets and pedestrian connectivity between and within subdivisions. Staff stand by their recommendation.

Ms. Pearson stated she heard many concerns about traffic already being a concern. Mr. Dehn, who lives in the area, confirmed that he too sees this. Mr. Kaup noted that while there is a lot of traffic, current zoning of the property in question allows for single-family residences. He spoke about concerns regarding property rights being constricted by lack of public infrastructure.

Motion by Mr. Fried, **second** by Mr. Kaup: Recommend to the Governing body approval of the re-zoning from "R-1" Single Family Dwelling District to "PUD" Planned Unit Development with " M-2" Multiple Family Dwelling District uses with additional development requirements and restrictions for multiple family residential development not to exceed 30 dwellings, subject to the conditions as recommended in the staff report. **APPROVED** 8-0-0

Bryson M. Risley

From: Douglas Brier <mbrier2571@ymail.com>
Sent: Monday, March 20, 2023 8:39 AM
To: Dan Warner; Bryson M. Risley; Christina Valdivia-Alcala
Cc: Tony Brandlin
Subject: Proposed rezoning PUD23/02 by Eugene & Paramore LLC

This message originated from outside your organization



This message needs your attention

- No employee in your company has ever replied to this person.
- This is a personal email address.

Powered by Mimecast

Hello:

My name is Douglas M. (Mike) Brier. I own the property at 701 NW Walnut Lane since 1974. I had planned to attend tonight's meeting and speak but due to illness will not be able to attend.

I want to go on record with a couple of concerns:

- 1.) If the owner of proposed development at some point down the road decides to to sell, could property be re-classified to low-income housing?
- 2.) Possible negative impact on property values.

I would also like to know if there is any provisions for construction of privacy fencing around the perimeter of property.

I appreciate your consideration.

Thank You

Douglas M. (Mike) Brier
701 NW Walnut Lane
Topeka, Ks. 66617

(785) 250-4994

mbrier2571@ymail.com

Topeka Speaks
Published Comments for March 20, 2023 Planning
Commission Meeting
PUD23/02 by Eugene & Paramore LLC

Bryson Risley - Neighborhood Planner & Planning Analyst - City of Topeka

• Mar 14, 2023 • 4:39pm

City of Topeka Planning Staff received the following public comments via priority mail on Tuesday March 14th. The attachment includes 15 individual public comments regarding the proposed rezoning.

 [Attachments](#) [See Attachment #1 below]

Address:

620 SE Madison 3rd Floor Unit 11
Topeka, 66607

Topeka Speaks
Attachment for March 20, 2023 Planning Commission
Meeting
PUD23/02 by Eugene & Paramore LLC

Attachment #1

3200 NW Wilder Road
Topeka, KS 66617
February 14, 2023

Dear Mr. Warner:

This letter concerns the proposed housing complex development east of Rochester Road and south of Walnut Lane, north of the North Topeka Walmart on Highway 24.

My husband and I have lived on Northwest Wilder Road for over forty years and have two daughters who live with their families on Sproaton and Sanford Lanes. We all regularly walk this area and have observed an increase in traffic as the three Autumn Care homes on Walnut Lane receive deliveries, maintenance vehicles, health care service vehicles, employee vehicles, etc. On one occasion a 911 call was unable to send a fire truck through Sanford Lane because of parking on both sides of the street. Sproaton Lane is one way traffic only at times due to parking on the sides of the street. The streets have no curbs or sidewalks, so parking often damages lawns, creating muddy conditions. This area is not equipped to handle any more traffic. The proposed housing units would generate more service vehicles, trash collection, mail distribution, and possibly ten-plus school bus passes ([preschool, elementary, middle, high school, special ed.]

Consideration must be given to turning onto Rochester Road. This is the main road leading to Seaman High School from Highway 24. During morning and afternoon work and school rush times, making a left turn into 40 mph traffic can be challenging. The same holds true for Topeka Blvd. and Menninger Rd. The infrastructure is not adequate to support the proposed development.

In addition to traffic patterns, consideration should be given to population density and the school attendance boundaries of current residents. Would district attendance lines have to be redrawn, thus negatively impacting

students currently attending Northern Hills Elementary? Current neighborhood school boundaries should be honored for the families who have invested in homes in the area.

Although we have been told this is not a flood plain, we witnessed the water rising in Soldier Creek in the nineties. Because the dike breached and flooded west of Forest Hills Estates south of 35th and Green Hills Rd, flooding was averted south of Walnut for that time. As much vegetation was removed to construct Walmart, Dillons, and the apartments east of Topeka Blvd. and south of Menninger, could this impact flooding during unusually wet years?

We are joining the concerns of the local residents to the planning and development of this property. We urge the planning to include the interests and concerns of residents who have built the community in which they live. Many in the area are long term residents who are invested in their community.

Respectfully,

Gary and Loretta Zimbelman

WILLIAM AND CELESTE BRANDLIN

**641 NW Walnut Lane
Topeka, KS 66617-1254
785-670-0677
grayheard18@yahoo.com**

March 11, 2023

**Topeka Planning Commission
620 SE Madison Street
Topeka, KS 66607**

Re: Case# PUD23/02

Gentlepeople:

This letter will serve to voice our extreme opposition to Case# PUD23/02, which seeks a rezoning of a portion our neighborhood in North Topeka from R-1 to M-2.

Some of the reasons for our extreme opposition include:

- 1. This is an attempt to negatively re-characterize our neighborhood by allowing multi-family housing in a neighborhood which has been exclusively single family homes for nearly 70 years.**
- 2. In the developer Neighborhood Information Meeting, presented via Zoom, on February 22, 2023, the developer adeptly avoided giving any meaningful answers to the questions of the residents of our neighborhood.**
- 3. To the west and east of the subject parcel of land begging rezoning are recognized flood plains. The levee to the north of Soldier Creek, allegedly protecting the subject parcel, has not been upgraded in so long that the neighborhood cannot recall the last time any inspections or repairs occurred. In 2005, the rainwater from heavy rains reached the back doors of the single family homes on the south side of Walnut Lane because the levee was so ineffective. What happens when the next heavy rains occur and the subject parcel, which is visually the lowest point in the 500 foot notice zone, gets flooded? The parcel is also part of a Federal 100 Year Flood Plain.**
- 4. The developer (Eugene and Paramore, LLC, who also owns the subject parcel...Craig McCullah, representative) said at the Neighborhood Information Meeting that the construction period would be 2 to 3 years because the developer wanted to build 12 units, take a break, build another 12 units, take another break, and finally, build the final 6 units. Any experienced person knows that developers rarely complete construction on time. Experience dictates that it is often reasonable to double the developer's construction time estimate, or 4 to 6 years for Case# PUD23/02.**

5. With reference to item 4, preceding, several questions concerning the developer arise, specifically
 - a. If the developer has to build in 3 stages allowing for 2 breaks (between the first and second phases, each), does the developer have the financial wherewithal to complete the project? Or does the developer have to lease out Phase One to gain the financing to begin Phase Two, and repeat the process for Phase Three?
 - b. Will the developer post any sort of bonding to protect the neighborhood residents against non-performance during the construction and post construction periods?
 - c. Has the Planning Commission obtained audited financial statements, tax returns, compliance with all Federal and Kansas required LLC filings or a bank letter of guaranteed credit for the construction loan? In any private enterprise endeavor, these would be minimum requirements.
 - d. Our brief research indicates that the developer was not “active and in good standing” but, rather, “corporation is delinquent” in 2019 with the state of Kansas on their required filings.
 - e. The neighborhood has regularly has had to ask the appropriate agencies in Topeka to demand that the developer maintain the subject parcel of land and remove weeds and other growth that presented an extreme fire hazard.
 - f. The developer (in the Neighborhood Information Meeting) said that he intends to lease, rather than sell, the units. So we have disguised single story duplex apartment complex?
6. Rochester Rd., Walnut Lane, Sproaton Ave., Sanford St., and Menninger Rd. are all narrow one lane thoroughfares. None can be widened or expanded either due a lack of an easement or, in the case of Rochester Rd., a permanent one lane each way bridge south of Soldier Creek. Is it the expectation that the developer will pay for a new bridge or any street widening or expansion to accommodate the automobile traffic created by 30 new rental units, each with two cars? Or does that fall on the City of Topeka or the existing neighborhood residents?
7. With the development being a “renters only” project, the single family homes in the surrounding neighborhood historically will suffer a decrease in property values.
8. With a likely expanded construction period, the existing residents will be deprived of their right to the quiet enjoyment of their homes due to increased construction traffic, noise, dust, construction equipment and worker parking on existing streets and problematical school bus and emergency vehicle access.

- 9. For the homeowners on the south side of Walnut Lane...if a conversion from septic to city sewer lines is necessary, who pays for that?...the developer, the City of Topeka or the existing homeowners?**
- 10. What legal measures are in place to guarantee that the developer will not, at some future point, convert the project from senior rental housing to some sort of government subsidized affordable housing?**
- 11. What provisions are being made for noise abatement and fencing to protect the property of the homeowners on the south side of Walnut Lane?**

This is a flawed plan with too many negative variables that have not been fully addressed to give it any rezoning credence.

We would ask that the Planning Commission consider the human cost to the homeowners in the Logan Tract of this reckless rezoning proposal.

Ask yourselves "Would I vote for this zoning change if the zoning change forever and needlessly re-characterized the essence and quality of my neighborhood and investment in my home?"

William Brandlin

**WILLIAM BRANDLIN
785-670-0677**

Celeste Brandlin

**CELESTE BRANDLIN
310-892-4739**

PATRICIA ILENE ESSER

3016 N.W. SPROATON LANE

FEB. 21, 2023

I HAVE LIVED IN THIS NEIGHBOURHOOD FOR 47 YEARS, THIS PROPOSED HOUSING IS THE WORST ("TRAMA") THAT HAS HAPPENED TO OUR GREAT NEIGHBOURHOOD SINCE I HAVE LIVED HERE, PLEASE DON'T DO THIS TO US!

EMERGENCY SERVICES

I MYSELF SAW THAT WHEN THE WOODLAND'S APPTS. WERE ON FIRE, THEY HAD TO BRING IN THE ~~THE~~ ARIEL TRUCKS TO PUT THE FIRE OUT, BECAUSE THE APPTS. BUILDINGS WERE TOO CLOSE TOGETHER TO GET THE REGULAR TRUCKS IN, THE SAME WILL HAPPEN WITH THESE APPTS. NARROW STREETS.

I PERSONALLY HAD AN EXPERIENCE ON WALNUT LN. WHERE THE NURSING HOMES LOCATED, I HAD TO GO KNOCK ON ONE OF THE HOMES DOORS & ASK THEM TO MOVE

A COUPLE CARS, JUST SO I COULD GET THROUGH TO GO ON TO ROCHESTER RD.

MY STREET IS ~~SA~~ NARROWER YET THAN WALNUT LN. MY STREET WILL HAVE THE MOST TRAFFIC TO GET IN & OUT OF THE PROPOSED APPTS. WE, WHO LIVE IN THIS NEIGHBOURHOOD WON'T BE ABLE TO PARK OUR OWN CAR ON THE STREET BECAUSE IT WILL BE TOO FULL OF CARS AFFILIATED WITH THE APPTS OF THE CROWDEDNESS OF THE PARKING IN THE APPTS. WE WILL NOT BE ABLE TO GET OUT OF OUR DRIVEWAY BECAUSE OF ALL THE ~~TRAFFIC~~ TRAFFIC.

THE BUSY TRAFFIC WILL PUT DANGER ON THE CHILDREN WHO PLAY BECAUSE THEY HAVE ~~NO~~ NO OTHER PLACE TO PLAY & AL FOR THE WALKERS.

JUST WHAT SHAPE WILL ^{OUR} BLACK TOP STREETS BE IN WHEN THE HEAVY TRUCKS & EQUIPMENT ARE FINISHED USING IT. OUR STREETS ARE TOO NARROW.

THIS NEIGHBOURHOOD IS KIND OF A COUNTRY SETTING. WE HAVE WILDLIFE AROUND US. PLEASE DON'T TAKE THAT AWAY FROM US. IT'S A QUIET NEIGHBOURHOOD, A SAFE NEIGHBOURHOOD. DON'T TAKE THAT AWAY FROM US.

WE HAVE WORKED HARD ALL THESE YEARS TO IMPROVE OUR NEIGHBOURHOOD. PLEASE DON'T DECREASE THE VALUE OF PROPERTIES,

30 UNITS IN THAT SMALL OF A SPA JUST WHERE ARE YOU GOING TO PUT THEM YOU'VE GOT TO BE KIDDING!

DID THEY EVER REPAIR THE LEAKS ON SOLDIER CREEK WHEN IT ALMOST FLOODED A FEW YEARS BACK. I DON'T THINK SO I CAN GO ON & ON. COMMON SENSE OUGHT TO TELL YOU DEVELOPERS SOMETHING. JUST WHERE IS YOUR "COMMON SENSE" ???

The chief concern is the three existing city streets that will be effected by proposed zoning change and the consequences, both short and long term, that will trickle-down if said zoning change is passed.

Sproatton, Walnut Lane, and Sanford are not traditional, two-way, yellow paint marked streets. There are no curbs, sidewalks, or shoulders.

Sproatton and Sanford have more variations in width due to inclines in street grades and Walnut Lane

has the most consistent 20 foot measurement, but this span is greatly diminished when vehicles park at the streets.

Compact cars can measure 70" in width with older models, work vehicles, school buses, etc. measuring even more;

in many places the three named streets can not support parked cars, pedestrians, moving vehicles, let alone cyclists, emergency vehicles, school buses, construction vehicles. At current date a cyclist and a vehicle can not safely travel side by side due to paths being narrow.

The influx of traffic from construction vehicles and construction workers personal vehicles will cause unsafe conditions on all three streets as there will

previously our streets have no shoulders or curbs so there is reason to believe construction vehicles, both company and the workers private vehicles, will be parking / loading / unloading in current property owners yards as streets are not wide enough.

The existing streets will also be immediately effected by the weight of construction vehicles and the general increase in vehicles traveling on them. Being distressed will cause deterioration leading not only to unsafe road conditions, but costs for repairs. Who will be responsible for paying for said repairs?

The city is already proposing a utility rate increase for the years 2024-2026; if you include in this the possibility of having to pay for upgrades to city sewer lines from our current individual septic tanks and a special assessment for neighborhood improvements that inevitably come with housing developments; now you've got homeowners that can't afford the homes they have lived in 30 plus years.

The proposed zoning change and housing development will negatively impact

I am opposed to development of the land south of me because it would change my neighborhood and decrease the value of my property.

The streets in the area were not designed for more traffic. The streets are narrow, have no sidewalks, no curbs + gutters and with the nursing homes on the west end of Walnut we already have more traffic than the streets were designed for. The nursing homes have already caused enough problems with visitors parking on both sides of the street, making it difficult if not impossible for emergency vehicles to get thru. More traffic would only add to that problem. Sprouton is very dangerous because of the hill making it impossible to see oncoming traffic. Menninger and Tapche is an especially difficult intersection.

Several of us have to back out our driveways onto Walnut and more traffic would make that more difficult or impossible.

Planning Commission:

2-23-2023

My name is Genevive Collins and I own my home at 623 NW Walnut Lane in north Topeka. I am against the housing unit complex that is proposed in the 7 acre open field next to my backyard.

Since I own the last house at the east end of the street, my property will ALSO be next to the access road they plan to build down to the area, using an existing easement. There would be 30 units of multiplex housing and this road next to me will be the ONLY entrance and exit. I am VERY concerned about the noise, my safety, and traffic this will create. I am also concerned about the quality of people it would draw. Renters, emergency vehicles, school buses and trash trucks will all be passing by my house! Would you want your 95+ year old mother to deal with this undesirable change to her neighborhood?


My neighbors and I have enjoyed the various crops and all kinds of wildlife strolling up and down the field for many years. It's peaceful, calm, and we look out after each other - it's a wonderful place to live. Please do not take that away from us.

Thank you,


Genevive Collins

623 NW Walnut Lane

Topeka, Kansas

Fw: Proposed building of Duplexes and Quadplexes in our area: My issues/concerns. 

Douglas Brier <mbrier2571@ymail.com>
To gsloyer2@cox.net

2/13/2023 9:14 PM 

----- Forwarded Message -----

From: Douglas Brier <mbrier2571@ymail.com (<mailto:mbrier2571@ymail.com>)>

To: Douglas Brier <mbrier2571@ymail.com (<mailto:mbrier2571@ymail.com>)>

Sent: Monday, February 13, 2023 at 08:04:16 PM CST

Subject: Proposed building of Duplexes and Quadplexes in our area: My issues/concerns.

I will preface my issues by saying a Developer attempted a similar development early in the 2000's. Mrs. Sloyer may still have documentation. The point being it was voted down by the Planning commission and council.

My concerns/issues:

1. Safety with increase in traffic on Walnut Lane and Sproaton. It is already hectic due to 3 Autism Home care facilities on Walnut Lane along with parking issues.
2. Access problems for Emergency service vehicles not only on Walnut and Sproaton but also in proposed development.
3. Damage to streets from heavy construction vehicles which may raise our taxes for repair.
4. Issue if property is in flood plain.
5. Would development of property require property owners to convert to new sewer systems.
6. Is there any EPA issues.
7. What impact will this have on wildlife in area, especially the deer.
8. Negative impact on our property values.
9. Negative impact on the rural atmosphere which was main reason I purchase my property in 1974.

In closing, I'm opposed to this development. It seems North Topeka citizens have no say in these type developments. There is a lot of property in Southwest and Southeast areas that could be developed.

Thank You

Douglas M. Brier - Owner

701 NW Walnut Lane, Logan Subdivision, Section 18
Township 11, Range 16

785-250-4994

mbrier2571@ymail.com (<mailto:mbrier2571@ymail.com>)

NO, THIS IS NOT A GOOD IDEA

I am Patrica Mills and live at 640 NW Sanford Ln. This has been my home for almost 40 years. Why did we buy a home here? This is a very quiet, safe neighborhood and has remained that way would be the main reason. Children who grew up in this area have come back as young adults and bought home here. We are like family.

Why is this a bad idea to change zoning from R-1 to PUD with M-2 uses? Our area has narrow streets, sometimes it is hard to drive through as it is. We have neighbors (including children) that walk these 3 streets because of low traffic volume, There are 3 adult care homes located on Walnut lane that when the weather is nice their clients are able to get out and enjoy the quiet neighborhood and walk along the streets.

We do not need the added traffic that the planned units would cause, 10 duplexes and 20 quadplexes. With the plan to have the only access is to extend Sproatan Lane into the complex is asinine. That has the potential to add a minimum of 140 automobiles on the 3 streets in our neighborhood.

I ask that you please look back in your records a few years and see that this was denied once before, nothing has changed since then. Please take in consideration of the residents living in this area, I know of only one home in this neighborhood that is a rental, all others are owner occupied homes. **PLEASE DO NOT** wreck a residential area with these units.

Thank you,

Patricia Mills

Proposed Zoning Change

From: lea dinwiddie (windiddie@yahoo.com)

To: windiddie@yahoo.com

Date: Friday, February 17, 2023 at 04:15 PM CST

2/17/2023

Lea Anne Dinwiddie
720 N.W. Sanford lane
Topeka Ks66616

Dear Planning Commission,

I would like to address a few concerns I have about the proposed zone changes regarding case #PUD23/02.

I don't think it is at all a good idea to add multi-unit housing in this area.

1. The streets are too narrow to accommodate the traffic that would come with it.

2. What about emergency vehicles and school bus routes. The roads around here are narrow. At times there is no room for more cars to park on the streets. Which they would be parked up and down Walnut during construction.

3. What about our property values. Will this change make them go up or down?

4. Why is the property not in a floodplain, the people who have lived here for years can show you pictures of the flooding ON that property from 2005. It was under 3 feet of water I have been told and did see the pictures.

5. Will this be low income housing that will hurt the nice sleepy neighborhood? We all know because we live in what is considered a "lesser" part of North Topeka that we will except what ever we are told is good for the city. I how ever am not happy about this proposed change in zoning and will do whatever is in my power to help my neighbors stop it. I am not opposed to single family homes being built in the area, I would have no problem with that.

Thank you for your time.



gsloyer2 <gsloyer2@cox.net>

2/19/2023 12:56 PM

To gsloyer2 <gsloyer2@cox.net>

February 19, 2023

Planning commission

My name is Dwight Galen Holmes

Owner of property at 735 Northwest Walnut Lane, Topeka Kansas

I'm writing this regarding the proposed housing complex in the open field south of my house. It's my understanding that they are proposing a total of 30 units. I live on the west end of Walnut Lane between 3 residential nursing homes. The traffic has already increased on this small Street and has bottled neck trying to get out on Rochester road. Adding 30 more units to the neighborhood would increase traffic by at least 60 or more cars. This creates a problem for nursing homes pushing wheelchairs back and forth. We have children riding bicycles and families out on walks.

When emergency vehicles, mainly fire trucks, show up, Walnut Lane is pretty well shut off.

With Dillion and Walmart to the south , Rochester sometimes impossible to get out on, and extra traffic would not help this problem.

I'm worried overtime the property value of my house would drop drastically.

The field behind me is great for watching wildlife.

Sproatan Lane is basically like a one lane road with cars parked along it, a lot!

I DO NOT feel like this is a good idea!

Thank you!

Mae Brown
3019 NW Sproaton Ln
Topeka KS 66617

2/19/2023

I am writing this letter to express my concerns against the proposed rezoning request for case number PUD23/02. The property in question is north of my small neighborhood which is made up of residential homes. I purchased my home as a first time home buyer six years ago, and live here with my eight year old daughter. My home was slightly outside of my budget, but when I toured the home, saw the spacious yards, the peaceful neighborhood and the great school it would give my daughter access to, I knew this was a great place for me to raise my family.

I'm very disheartened to hear that a developer intends to utilize my small street, Sproaton Lane, to access up to 30 additional living units they plan to develop on less than 6 acres. Currently our neighborhood of three streets has 40 residential homes, with many families having multiple cars and using the street for parking. Our streets are narrow and there are no sidewalks, so families consistently walk their dogs while children ride bikes up and down the streets at various times of the day. I am very concerned with how the city would plan to enhance our streets to be able to handle almost double the number of families and their associated traffic, without compromising the safety of the residents who already live here.

In addition to traffic, I am also concerned about the noise pollution we will face. This is currently a quiet and peaceful neighborhood. We often see wildlife and rarely hear the noise of the rest of town. One of my favorite parts of living here is it feels a little bit like living in the country, with the convenience of being in town. It's one of the reasons many have lived here most of their life, and why all of us paid a premium price to own a home North of Hwy 24. To put in a crowded multi-home housing development next door to us will likely decrease the value of our homes, and take away the peace and quiet that many of us work so hard to keep.

Lastly, I want to express concern with the potential impact this additional housing community could have on the school district. This neighborhood is barely inside the district line for Northern Hills Elementary. If 30 new families move into our neighborhood, will the bus and school system be able to support them as is, or will it cause changes to district lines and bus availability?

I would seriously question the quality of housing and parking that can be provided in such a small plot, with limited access. There are so many other pieces of land that are more suitable for this kind of development in the Topeka area that could offer families a better standard of living, without compromising mine and my neighbors' quality of living. There is a better place and a better way, and it is my belief that the property in question should remain zoned as a single-family dwelling.

Sincerely,

A handwritten signature in cursive script that reads "Mae Lyme Brown". The ink is dark and the handwriting is fluid and personal.

We would like to express our concern regarding the proposed rezoning and housing development on Rochester road. In addition to the disruption of our once quiet life on Walnut Lane, here are a few things to consider and question:

- does the developer have the finances to complete the job in a timely manner? He has stated 2 to 3 years. At the zoom meeting in February, he mentioned the possibility of "phasing in" some of the multiplex units. To me, that means probably 5 or 6 years. This is unacceptable.
- are you certain that the housing development will be a "senior complex"? He eluded to dropping the age requirement if needed. What does that mean? I thought this was being considered due to the "lack" of senior housing in north Topeka, even though we already have The Cottages of Topeka and Shorey Estates just down the road on Lyman.
- will the developer be a responsible owner and maintain the surrounding grounds and not let it grow up in weeds like he did previously? Since he wasn't interested in farming the 7 acres of land as others did previously, we were forced to contact city offices and file complaints to get it mowed. If you can afford to own land, you can afford to take care of it.
- are you sure you want to add even MORE traffic to Rochester Road with 30+ seniors attempting to get out on and turn off of Rochester Road? This perpetuates the increase of traffic we now have due to Walmart and Dillions. Not smart.
- the developer stated there are very few properties available for housing complexes in the area. That may be true, but this is NOT the place to put the complex. If you haven't noticed, the two housing developments at the intersection of Topeka Blvd. and Menninger Road are disgusting - too crowded, cheap and they create more traffic issues. Is this the new philosophy for the City of Topeka ... "Ok, I've got a couple acres of land, let's pack in as many apartments and multiplexes as we can. It's a real money maker!" It's sad.

Thank you,

Donald E. and Gail A. Sloyer

633 NW Walnut Lane

Stephanie Langley <stephanie.langley08@gmail.com>

2/27/2023 1:45 PM

Letter regarding proposed housing developement

To gsloyer2@cox.net

John and Stephanie Langley
3027 NW Sproaton Ln Topeka, KS 66617
February 27th, 2023

To whom it may concern, as residents of Sproaton Ln here in North Topeka, we strongly believe AGAINST the proposed housing development south of Walnut Lane. One of the many reasons we recently moved here was to find a home that had a country feel with more land but is also close enough to the city for our commute to work. We love how quiet Sproaton Ln is and that there is not much vehicular traffic. If that housing development occurs, we are concerned for increased traffic in the area which would increase noise, be a danger for foot traffic which occurs frequently among neighbors in this area, and cause an overall decrease in value in the homes in this neighborhood. For the property directly south of Walnut Ln, there is risk of displacement and harm to wildlife, as well as partial and/or complete blockage of the view of all backyards of those homes. As residents of this area, we thoroughly enjoy the free and more open spaces that comes with living here, and it would be greatly upsetting to see that go away and have it be crowded where we CHOSE to live in a more free and open environment. Please take these concerns into serious consideration. We as a neighborhood would greatly appreciate it.

Thank you,
John and Stephanie Langley

Thomas E. and Tammie L. Wolf
3002 NW Sproaton Lane
Topeka, KS 66617

February 22nd 2023

City of Topeka Planning & Development Department/Planning Division
620 SE Madison ST 3rd Floor
Topeka, KS. 66607

Please accept this letter as an expression of our many concerns regarding Case # PUD23/02, the proposed rezoning that would allow development of Multi Family Dwellings in an area adjacent to our neighborhood. We want to state that we strongly oppose the acceptance of this rezoning application.

As the proposed Multi Family Dwellings cannot be accessed from Rochester road, this will greatly increase traffic in our area. This neighborhood was designed to accomadate single family, rather than multi-family dwellings. With the proposed addition of 30 units, it is reasonable to expect an additional 60 vehicles that will be driving down Sproaton Lane or Walnut Lane.

This raises concerns about safety with risk to children and walkers in the neighborhood. There are a lot of young children who ride bikes, play together and visit between homes. Our streets are very narrow and not designed to accomodate a lot of traffic. Currently, many cars are parked along the roadside. During a recent road construction on Rochester Rd in which traffic was redirected through our area, we had an increased amount of vehicles, many of them driving way too fast, potentially endangering the kids.

In addition, there will be excessive wear and tear on the streets, resulting in damaged roads. Initially, this would occur in the construction phase with heavy equipment coming and going, then continue with the consistent, daily traffic of an additional 60 vehicles. The city would need to be prepared, willing, and able to provide the necessary funding to maintain these streets. This also includes Shawnee county, as traffic on Menninger Rd will be increased.

There are also safety concerns for the proposed residents of this new housing addition. In cases of emergencies police, fire, and medical professionals will need quick and easy access to this proposed area.

We have lived in our house at 3002 NW Sproaton Lane for 35 1/2 years raising our 2 sons and then our grandson who is 17. It has always been a quiet, peaceful and overall safe neighborhood to raise a family. Our neighborhood has always had the feel of being in the country while still being inside the city limits. We see deer, racoons, opossum, fox, woodchucks.

We understand and support the need for additonal housing and affordable housing in Topeka, but truly do believe other sites would be a better choice. We appreciate your attention to our concerns and continuing dialogue regarding this matter.

Sincerely,



Thomas Wolf



Tammie Wolf

February 21, 2023

Topeka Planning Commission:

It has come to our attention that Eugene & Paramore LLC is asking that a piece of property close to our home be Rezoned from R-1 Single-Family Dwelling District to Planned Unit with M-2" Multiple-Family Dwelling uses, of 30 Units. Which translates to 60 to 90 people and maybe close to 40 to 50 vehicles, With no access from Rochester Road, meaning all in-out traffic from that area would have to be from a new road from the intersection of Walnut Lane and Sproaton, both of which are narrow residential streets that are not suitable to accommodate the increased traffic that the units would create, plus the increased pedestrian traffic and young people playing-walking in the streets. It would also make it difficult for school buses and emergency vehicles to access the area.

If this is approved the traffic of heavy equipment, trucks hauling building material and concrete trucks would damage the streets as they were not built accommodate that kind of traffic.

If these units are to be affordable housing units we feel that they would reduce the value of the homes in the area.

John & Marilyn Downes

620 North West Walnut Lane

Topeka, Kansas 66617

Bryson M. Risley

From: Dan Warner
Sent: Tuesday, February 7, 2023 7:38 AM
To: Bryson M. Risley
Subject: FW: Opposing Rezoning at NW Rochester Rd

Dan Warner, AICP
Planning Division Director



From: Abi Haas <ahaas190@gmail.com>
Sent: Monday, February 6, 2023 11:46 PM
To: Dan Warner <DWarner@topeka.org>; Christina Valdivia-Alcala <cvaldivia-alcala@topeka.org>
Subject: Opposing Rezoning at NW Rochester Rd



This message needs your attention

- This is a personal email address.

Powered by Mimecast

Hello,

I am a resident of NW Sanford Ln and I oppose the rezoning of the 5.96 acre parcel owned by Eugene & Paramore LLC. I oppose this rezoning because of the impact to our property value a new development in the area would cause.

Thank you for hearing me out,
Abi Haas

PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN

EUGENE & PARAMORE LLC

BOOK _____ PAGE _____
DATE _____ TIME _____

RECORDED WITH THE SHAWNEE COUNTY REGISTER OF DEEDS

REBECCA J. NIOCE, REGISTER OF DEEDS

CERTIFICATION OF PUD MASTER PLAN APPROVAL

THIS PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN HAS BEEN REVIEWED AND APPROVED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18.190 OF THE COMPREHENSIVE ZONING REGULATIONS OF THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS AND MAY BE AMENDED ONLY AS PRESCRIBED IN TMC 18.190.070 OF AND AS SET FORTH ON THIS DOCUMENT OR AS MAY SUBSEQUENTLY BE APPROVED AND RECORDED.

_____, INTERIM PLANNING & DEVELOPMENT DIRECTOR DATE _____

STATE OF KANSAS ss
COUNTY OF SHAWNEE ss

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, CAME _____, INTERIM PLANNING AND DEVELOPMENT DIRECTOR, CITY OF TOPEKA, WHO IS PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE WITHIN INSTRUMENT OF WRITING, AND SUCH PERSON DULY ACKNOWLEDGED THE EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HEREBY SET MY HAND AND AFFIX MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

OWNER'S CERTIFICATE

EUGENE & PARAMORE LLC, OWNER, AGREES TO COMPLY WITH THE CONDITIONS AND RESTRICTIONS AS SET FORTH ON THE PUD MASTER PLAN.

IN TESTIMONY WHEREOF, THE OWNERS OF THE ABOVE DESCRIBED PROPERTY, COMET INDUSTRIES LLC, HAVE SIGNED THESE PRESENTS THIS _____ DAY OF _____, 2023.

CRAIG MCCULLAH, OWNER
EUGENE & PARAMORE, LLC

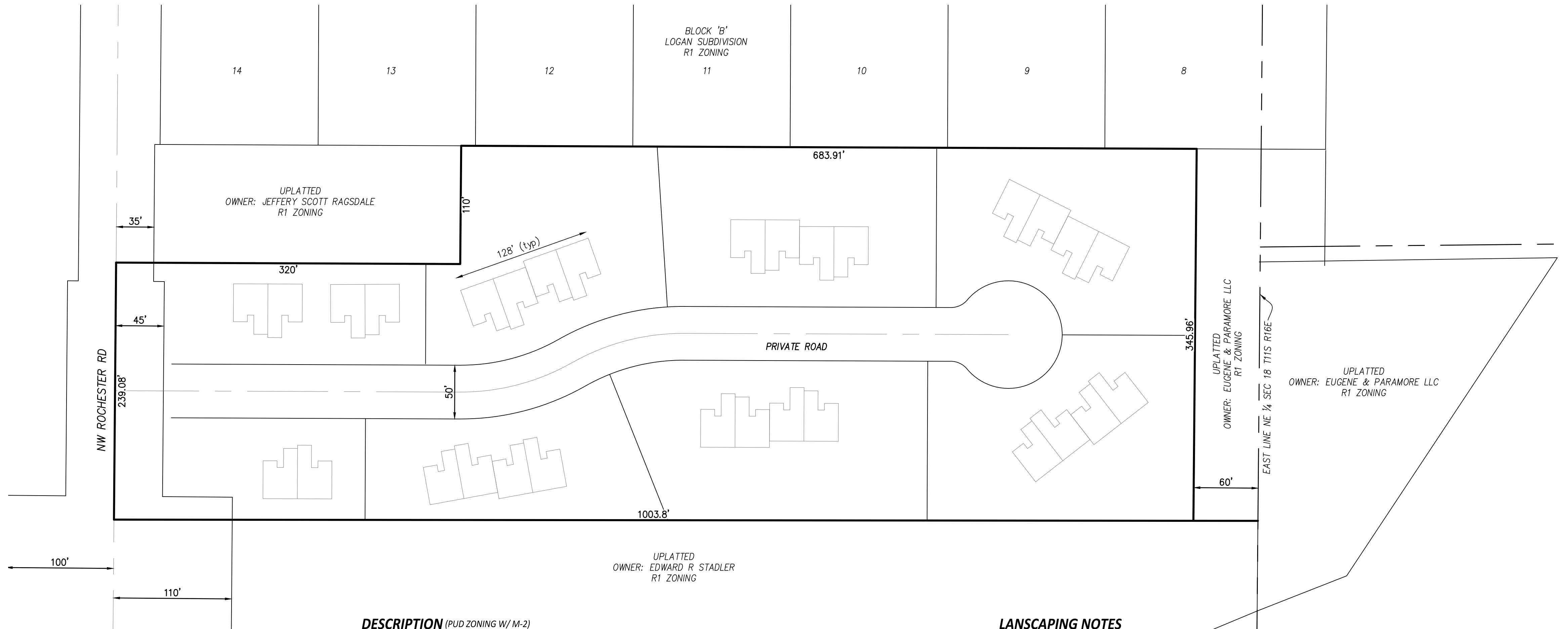
STATE OF KANSAS ss
COUNTY OF SHAWNEE ss

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, CAME GREG GREENWOOD, OWNER, COMET INDUSTRIES LLC, WHO IS PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE WITHIN INSTRUMENT OF WRITING, AND SUCH PERSON DULY ACKNOWLEDGED THE EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HEREBY SET MY HAND AND AFFIX MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____



DESCRIPTION (PUD ZONING W/ M-2)

THE SOUTH HALF OF THE FOLLOWING DESCRIBED TRACT OF LAND: COMMENCING ON THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 11 SOUTH, RANGE 16 EAST OF THE 6TH P.M., SHAWNEE COUNTY, KANSAS, 16.22 CHAINS (1070.52 FEET) NORTH OF THE SOUTHWEST CORNER OF SAID QUARTER SECTION; THENCE WEST PARALLEL TO THE SOUTH LINE OF SAID NORTHEAST QUARTER, 16.125 CHAINS (1064.25 FEET) TO THE CENTER OF THE ROAD; THENCE NORTHERLY ALONG THE CENTER OF SAID ROCHESTER ROAD 10.543 CHAINS (695.84 FEET); THENCE EAST PARALLEL TO SAID SOUTH LINE 16.125 CHAINS (1064.25 FEET) TO THE EAST LINE OF SAID QUARTER SECTION; THENCE SOUTH 10.543 CHAINS (695.84 FEET) TO THE PLACE OF BEGINNING, LESS THE EAST 60 FEET THEREOF. AND LESS THE FOLLOWING DESCRIBED PARCEL: A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 11 SOUTH, RANGE 16 EAST OF THE 6TH P.M., SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGIN ON THE CENTERLINE OF ROCHESTER ROAD AT THE SOUTHWEST CORNER OF LOGAN SUBDIVISION; ACCORDING TO THE RECORDED PLAT THEREOF; THENCE ON AN ASSUMED BEARING OF NORTH 89° 59' 22" EAST, 320.00 FEET ALONG THE SOUTH LINE OF SAID SUBDIVISION; THENCE PARALLEL WITH THE CENTERLINE OF ROCHESTER ROAD, SOUTH 00° 13' 29" WEST, 110.00 FEET; THENCE SOUTH 89° 59' 22" WEST 320.00 FEET TO THE CENTERLINE OF ROCHESTER ROAD; THENCE NORTH 00° 13' 29" EAST, 110.00 FEET ALONG SAID CENTERLINE TO THE POINT OF BEGINNING.

PERFORMANCE OBJECTIVE

TO PROVIDE FOR LAND USES IN ACCORDANCE WITH THE M-2 ZONING CLASSIFICATION IN A MANNER COMPATIBLE WITH SURROUNDING NEIGHBORHOOD. TO ACCOMMODATE NEW CONSTRUCTION OF QUAD-PLEX STYLE RESIDENTIAL DEVELOPMENT OF UP TO 30 UNITS.

GENERAL NOTES

- THE STANDARDS APPLICABLE TO THE BASE ZONING OF M-2 SHALL APPLY UNLESS OTHERWISE STATED.
- "NO BUILDING PERMITS SHALL BE ISSUED UNTIL INDIVIDUAL SITE DEVELOPMENT PLANS SUBJECT TO TMC 18.190.060(C) HAVE BEEN REVIEWED AND APPROVED BY THE PLANNING DIRECTOR AND OTHER CITY AGENCIES PRIOR TO SUBMITTAL FOR BUILDING PERMITS. THESE SITE PLANS SHALL ADDRESS INDIVIDUAL BUILDING SITE LOCATIONS, OFF-STREET PARKING AND INTERNAL CIRCULATION, FIRE HYDRANTS, LANDSCAPING, FENCING, PEDESTRIAN CONNECTIVITY, EXTERNAL LIGHTING, SIGNAGE, BUILDING ELEVATIONS, CPTED, UTILITIES, STORM WATER, RELATIONSHIP TO ADJACENT LOTS, ETC.
- NO BUILDING PERMITS SHALL BE ISSUED UNTIL THE PROPERTY IS PLATTED.
- PURSUANT TO TMC 18.190, THE APPLICANT MUST RECORD THE PUD MASTER PLAN WITH THE SHAWNEE COUNTY REGISTER OF DEEDS WITHIN SIXTY (60) DAYS UPON APPROVAL OF THE GOVERNING BODY. FAILURE BY THE APPLICANT TO RECORD THE PLAN WITHIN THE PRESCRIBED TIME PERIOD AND PROVIDE THE PLANNING DEPARTMENT WITH THE REQUIRED NUMBER OF COPIES OF THE RECORDED PLAN WITHIN NINETY (90) DAYS OF THE DATE OF ACTION BY THE GOVERNING BODY SHALL RENDER THE ZONING PETITION NULL AND VOID.
- ALL REGULATIONS OF TITLE 18, TOPEKA MUNICIPAL CODE APPLY UNLESS STATED OTHERWISE HEREIN.
- NO BUILDING PERMITS SHALL BE ISSUED UNTIL STORMWATER MANAGEMENT PLANS AND REQUIREMENTS ARE MET AND APPROVED, INCLUDING GRANTING OF ANY NECESSARY STORMWATER MANAGEMENT EASEMENTS.
- THE CARE, MAINTENANCE, AND OWNERSHIP OF LANDSCAPING SHALL BE THE RESPONSIBILITY OF THE OWNERS. ALL LANDSCAPING SHALL BE INSTALLED PURSUANT TO PHASING SCHEDULE AND PROPERLY MAINTAINED. IF ANY PORTION OF THE LANDSCAPED MATERIAL DIES, IT SHALL BE REPLACED BY THE NEXT PLANTING SEASON.
- ANY INCREASE IN QUANTITY OF DWELLING UNITS WILL REQUIRE A MAJOR AMENDMENT TO THE PUD MASTER PLAN.
- FENCING AT A MINIMUM HEIGHT OF FOUR FEET SHALL BE PROVIDED ALONG PROPERTY LINES ABUTTING RESIDENTIAL PROPERTY USES. A FENCE PERMIT IS REQUIRED.
- IF THE PROJECT IS TO BE PHASED, A PLAN FOR PHASING SHALL BE ADDRESSED AT SITE PLAN REVIEW OR A PART OF SITE PLAN REVIEW.
- AN APPROVED SITE DEVELOPMENT PLAN (SITE PLAN REVIEW) WILL BE REQUIRED PRIOR TO APPLICATION FOR BUILDING PERMITS.

LANDSCAPING NOTES

- LANDSCAPING WILL BE REQUIRED IN ACCORDANCE WITH CHAPTER 18.235 OF THE DEVELOPMENT CODE. THE LANDSCAPE PLAN SHALL INCLUDE TREES ALONG THE NORTH AND SOUTH PERIMETER OF THE SITE TO PROVIDE A VISUAL BUFFER FROM THE NEIGHBORING RESIDENCES.

UTILITY NOTES

- PUBLIC WATER SERVICE WILL BE PROVIDED BY THE CITY OF TOPEKA AS EXTENDED AT THE EXPENSE OF THE DEVELOPER.
- PUBLIC SEWER SERVICE WILL BE PROVIDED BY THE CITY OF TOPEKA AS EXTENDED AT THE EXPENSE OF THE DEVELOPER.
- ALL UTILITIES SHALL BE PLACED UNDERGROUND PURSUANT TO THE CITY'S RIGHT-OF-WAY MANAGEMENT STANDARDS.

CIRCULATION, PARKING & TRAFFIC NOTES

- SIDEWALKS WILL BE REQUIRED ALONG THE PRIVATE DRIVE.
- SIDEWALKS MAY BE REQUIRED ALONG NW ROCHESTER RD IN ACCORDANCE WITH CITY OF TOPEKA POLICIES AND REGULATIONS.
- PARKING REQUIRED TO MEET STANDARDS OF 18.240.030.
- ALL DRIVES, LANES, AND PRIVATELY-OWNED ACCESS WAYS PROVIDING ACCESSIBILITY TO STRUCTURES, BUILDINGS, AND USES WITHIN THE PLANNED UNIT DEVELOPMENT SHALL BE CONSIDERED AND SERVE AS MUTUAL RIGHTS OF ACCESS FOR OWNERS, TENANTS, INVITED GUESTS, CLIENTS, CUSTOMERS, SUPPORTS AND UTILITY SERVICE PERSONNEL AND EMERGENCY SERVICE PROVIDERS, INCLUDING LAW ENFORCEMENT, FIRE PROTECTION, AND AMBULANCE SERVICES. ALL ACCESS WAYS PROVIDING GENERAL ACCESSIBILITY TO, AND CIRCULATION AMONG, THE USES WITHIN THE PLANNED UNIT DEVELOPMENT SHALL BE MAINTAINED AT ALL TIMES IN GOOD SERVICEABLE CONDITION WITH THE MAINTENANCE OF THE SAID ACCESS WAYS BEING THE RESPONSIBILITY OF THE OWNER(S).

SIGNAGE NOTES

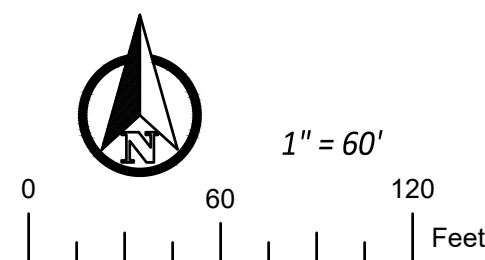
- SIGNS SHALL BE APPROVED BY SEPARATE SIGN PERMIT APPLICATION
- TMC 18, DIVISION 2 SIGNS SHALL GOVERN ALL OTHER SIGNS UNLESS SPECIFICALLY STATED HEREIN.

BUILDING NOTES

- THE PROPOSED BUILDING LOCATION AND PLACEMENT IS CONCEPTUAL IN NATURE AND ALLOWS FOR ALTERATIONS AT THE SITE DEVELOPMENT PLAN APPROVAL PHASE.

VARIANCE NOTES

- THE PRIVATE CUL-DE-SAC IS ALLOWED TO BE CONSTRUCTED AT A LENGTH GREATER THAN 500' AS IDENTIFIED IN 18.40.050 OF THE SUBDIVISION DESIGN STANDARDS, AS LONG AS THE DEVELOPER COMPLIES WITH TOPEKA FIRE DEPARTMENT STANDARDS FOR ACCESS AND HYDRANT SPACING.



DATE:
MARCH 6, 2023

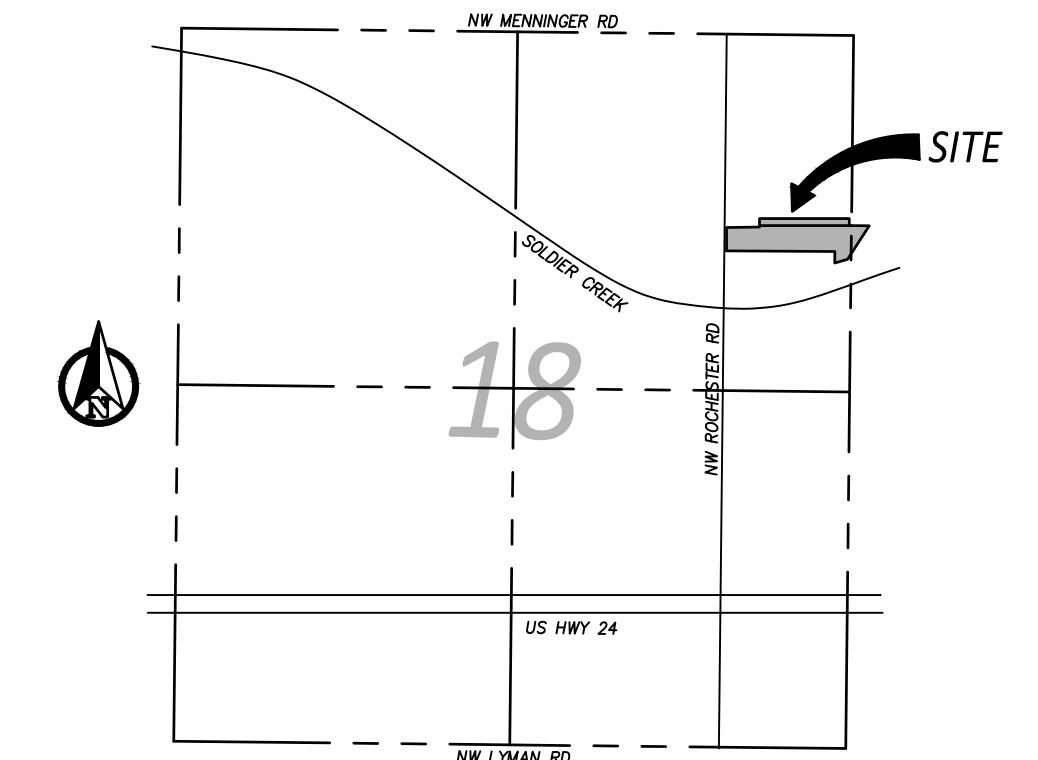
PROPERTY OWNER:
EUGENE & PARAMORE LLC
PROPERTY ADDRESS:
NW ROCHESTER RD

PROJECT DATA

- SITE AREA: 313,668 SQ FT ± OR 7.20 ACRES ±
- PROPOSED ZONING: PLANNED UNIT DEVELOPMENT (PUD) WITH M-2 USE GROUPS
- MINIMUM LOT AREA: 7,500 SF
- MAXIMUM BUILDING COVERAGE RATIO: 60%
- 30 UNITS MAXIMUM



2930 SW Woodside Dr, Topeka, KS 66614
☎ 785-272-4706 f. 785-272-4736



VICINITY MAP
NO SCALE

NORTH TOPEKA DEVELOPMENT

GENERAL INFO:

AIA DOCUMENT "A201. GENERAL CONDITIONS OF THE CONTRACT FOR CONSTRUCTION" SHALL BE INCORPORATED INTO THE CONTRACT BY REFERENCE.

ALL WORK SHALL BE INSTALLED PER THE CURRENTLY ADOPTED CODES, ORDINANCES, LAWS & STATUTES OF THE AUTHORITY HAVING JURISDICTION.

ALL PRODUCTS SHALL BE INSTALLED PER MANUFACTURER'S RECOMMENDATIONS.

CONTRACTOR SHALL NOTIFY OWNER & ARCHITECT OF DISCREPANCIES BETWEEN DRAWINGS & FIELD CONDITIONS IMMEDIATELY UPON DISCOVERY.

ARCHITECT: FALK ARCHITECTS, INC.
CONTRACTOR:

FALK ARCHITECTS, INC.
BRYAN FALK, LICENSED ARCHITECT, NCARB, LEED AP
BRYAN@FALK-ARCHITECTS.COM
785-691-9959
308 SW VAN BUREN ST
TOPEKA, KS 66603
www.falk-architects.com

PROJECT DESCRIPTION: NEW CONSTRUCTION RESIDENTIAL UNITS

SPECIFICATIONS:

SECTION 01 3000 - PRODUCT SUBMITTALS:

SUBMIT PRODUCT DATA FOR EACH PRODUCT USED. IF PRODUCT CUTSHEETS CONTAIN MULTIPLE PRODUCTS HIGHLIGHT PRODUCT AND OPTIONS BEING USED PRIOR TO SUBMITTING TO GENERAL CONTRACTOR & ARCHITECT. ALLOW 3 WEEKS FOR INITIAL REVIEW AND 2 WEEKS FOR RESUBMITTAL.

ALL PRODUCTS TO BE INSTALLED PER MANUFACTURERS RECOMMENDATIONS & INSTRUCTIONS. IF MANUFACTURER'S RECOMMENDATIONS DIFFER FROM ARCHITECTS SPECIFICATIONS INSTALL PER MANUFACTURER ONLY AFTER DISCUSSING WITH OWNER & ARCHITECT.

ALL PRODUCTS AS SPECIFIED UNLESS APPROVED BY ARCHITECT.

SUBMIT COLOR/TEXTURE SAMPLES FOR APPROVAL FOR ALL PRODUCTS.

SECTION 01 5000 - FACILITIES & TEMPORARY CONTROLS:

PROVIDE SAFETY PRECAUTIONS AROUND CONSTRUCTION & STAGING AREAS. PROVIDE BARRICADES, WARNING SIGNS & ENVIRONMENTAL PROTECTION TO COMPLY WITH BUILDING CODE REQUIREMENTS, HEALTH & SAFETY REGULATIONS, POLICE & FIRE DEPARTMENT CONSIDERATIONS & ENVIRONMENTAL PROTECTION REGULATIONS.

COMPLY WITH NFPA 241 "STANDARD FOR SAFEGUARDING CONSTRUCTION ALTERATIONS AND DEMOLITION OPERATIONS & ALL OTHER CODES & SAFETY REQUIREMENTS.

SECTION 01 7000 - EXECUTION & CLOSEOUT

MAKE VERTICAL ELEMENTS PLUMB AND HORIZONTAL ELEMENTS LEVEL UNLESS OTHERWISE INDICATED.

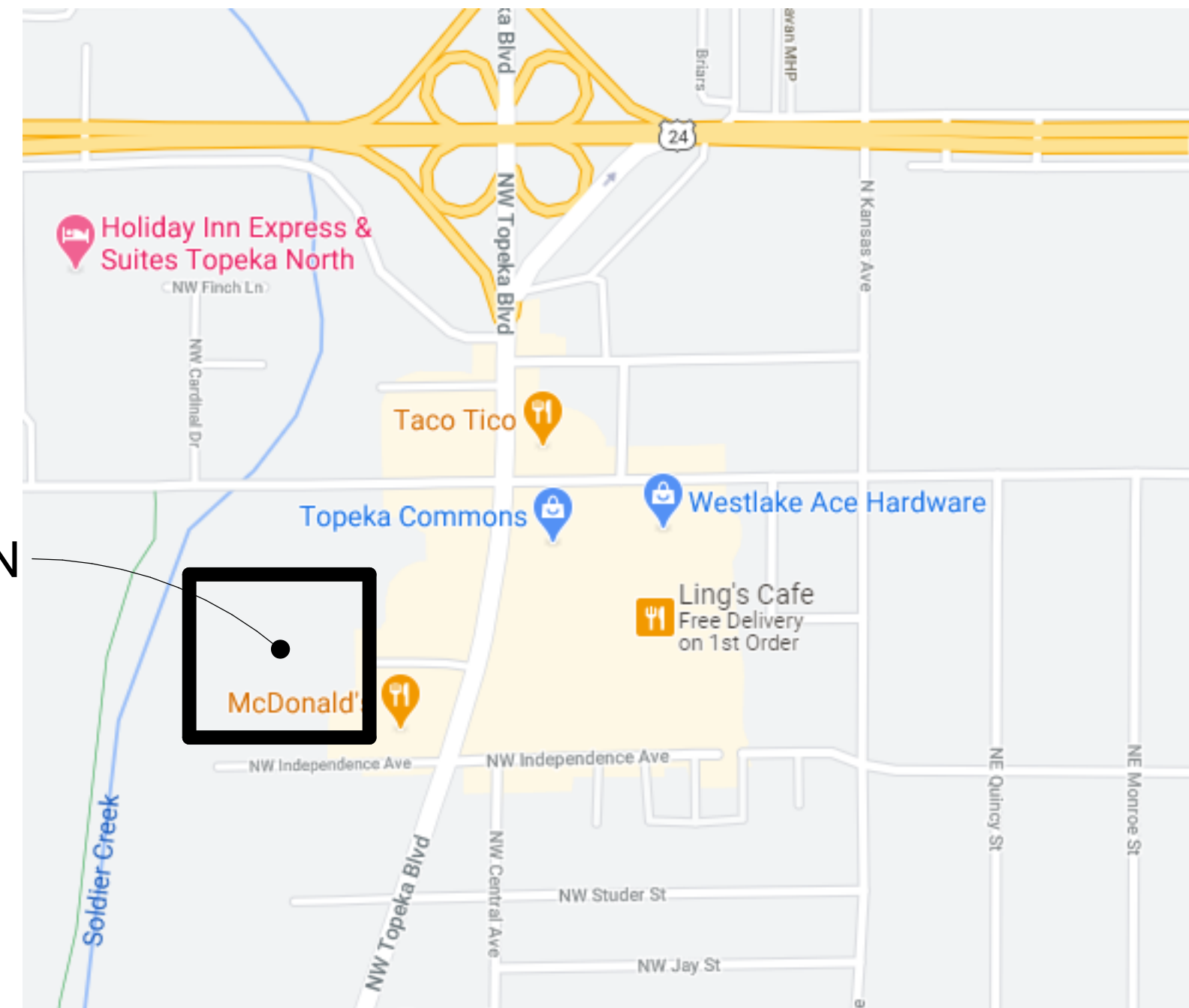
EXECUTE FINAL CLEANING BEFORE SUBSTANTIAL COMPLETION WALK THRU.

NOTIFY ARCHITECT WHEN WORK IS READY FOR SUBSTANTIAL AND FINAL COMPLETION.

PROVIDE 1 YEAR WARRANTY. 1 YEAR PERIOD BEGINS AT "SUBSTANTIAL COMPLETION" OR WHEN THE OWNER CAN USE THE AREA FOR IT'S INTENDED PURPOSE.

10 MONTHS AFTER INSTALLATION COORDINATE WALK THROUGH OF BUILDINGS TO REVIEW ANY DEFECTS. REPAIR DEFECTS PRIOR TO 1 YEAR WARRANTY ENDING.

PROJECT LOCATION

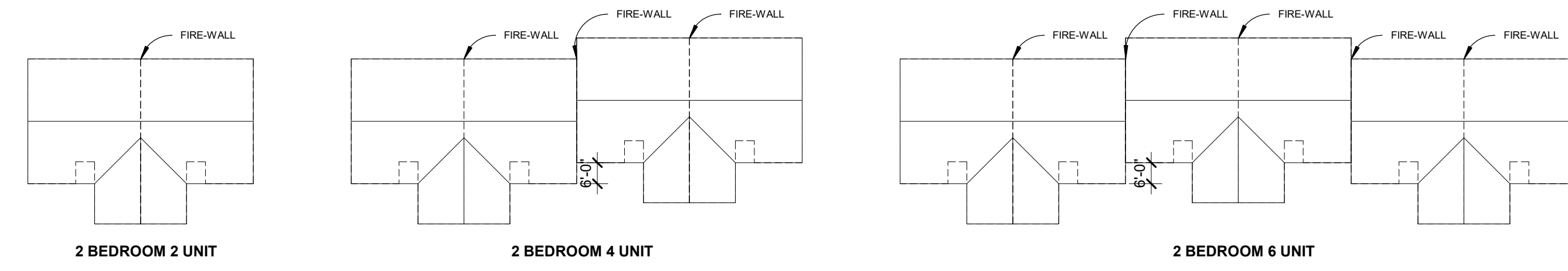


SITE MAP

NAME [NUMBER]	ROOM NAME AND NUMBER	SHEET INDEX
	BUILDING SECTION 1=SECTION NO. A101= SHEET NO.	A105 WINDOW ELEVATIONS & SCHEDULES
	WALL SECTION 1=SECTION NO. A101= SHEET NO.	GENERAL G000 COVER SHEET G001 ADA TYP
	ELEVATION 1=ELEVATION NO. A101= SHEET NO.	ARCHITECTURE A101 FLOOR PLANS A102 REFLECTED CEILING AND ROOF PLANS A103 BUILDING ELEVATIONS A104 WALL SECTIONS & SCHEDULES A106 SAFE ROOM BENCH (PLAN/SECTION)
	DETAIL SECTION 1=DETAIL NO. A101= SHEET NO.	
	DETAIL CALLOUT 1=DETAIL NO. A101= SHEET NO.	
	PARTITION MARK (REF. PARTITION TYPES)	CAST STONE (ELEVATION)
	DOOR TAG	RIGID INSULATION
	WINDOW MARK	SPRAY INSULATION
	NORTH ARROW	CONCRETE MASONRY
	CEILING TAG W/ HEIGHT	ASPHALT SHINGLES
	LEVEL MARK	CONCRETE
	COLUMN GRID	UNDISTURBED EARTH
	FINISH FLOOR ELEVATION	DISTURBED EARTH
	PLAN NOTE & DEMO NOTE	STEEL
	REVISION	GYPSON BOARD
	TOILET ACCESSORY	DRAINAGE FILL
	CONTROL JOINT	PLYWOOD
	GRAPHIC SCALE	BLANKET OR LOOSE FILL INSULATION
		DEMOLITION
		EXISTING
		NEW PARTITION

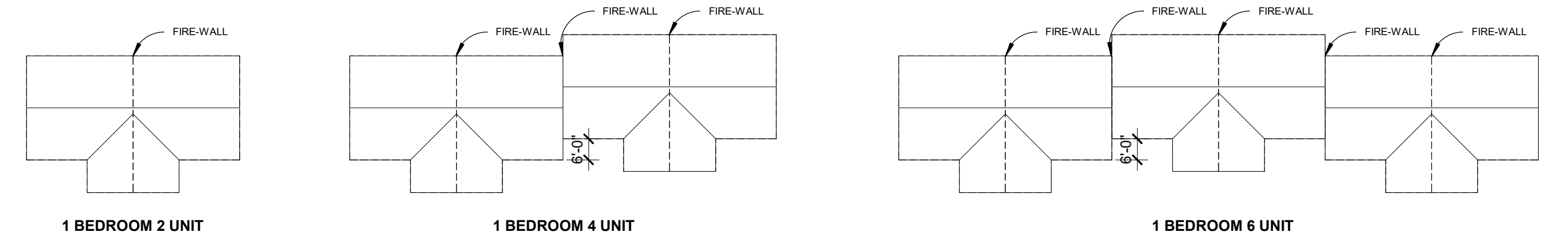
SYMBOL LIST

MATERIAL LEGEND



GENERAL NOTES:
STAGGER/OFFSET 4, 6, 8 UNIT
BUILDINGS 6' FOR EVERY 2 UNITS.

TWO BEDROOM BUILDING LAY-OUTS



GENERAL NOTES:
STAGGER/OFFSET 4, 6, 8 UNIT
BUILDINGS 6' FOR EVERY 2 UNITS.

ONE BEDROOM BUILDING LAY-OUTS

CD
DATE: 02-23-2022

2020-033

NORTH TOPEKA DEVELOPMENT
 N.W. TOPEKA BOULEVARD & N.W.
 INDEPENDENCE AVE. TOPEKA, KANSAS 66608

12/22/2020

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G000

COVER SHEET

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 Redesign - X\Previous Project\2020-033 Craig McCullish North Topeka Development - X\Revised\2020-033 North Topeka
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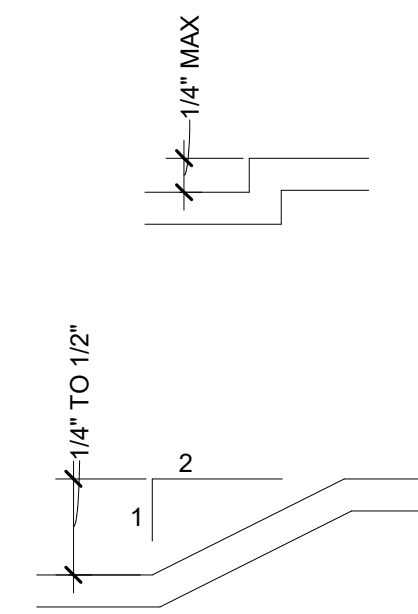
GENERAL ADA NOTES

1. REFERENCED STANDARD(S):
 PROJECT SHALL COMPLY WITH
 ADA 2010 AND ANSI 117.1 2003
2. DIMENSIONS ON THIS SHEET ARE TO
 FINISH FACE OF WALLS AND CEILINGS.

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 DATE: 02-23-2022
 2020-033

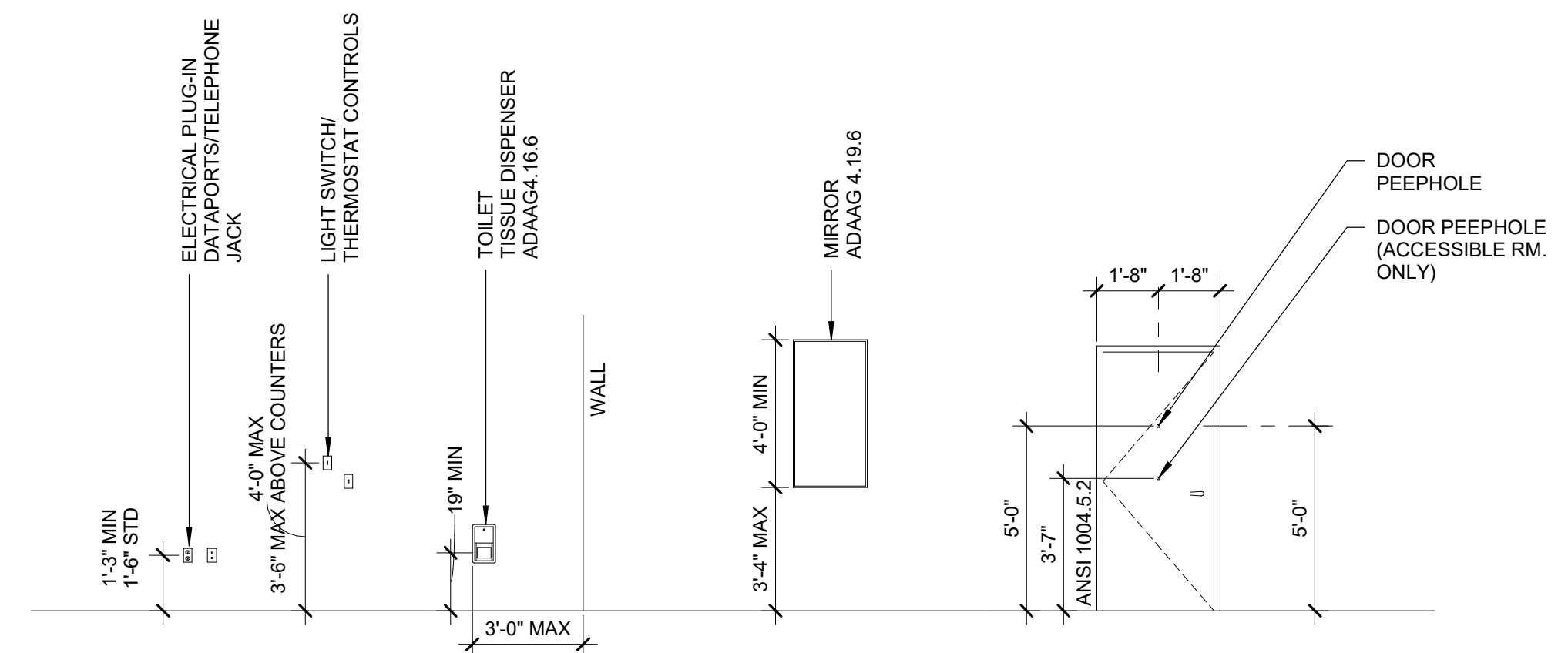
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LEVEL CHANGES
 1/4" = 1'-0"

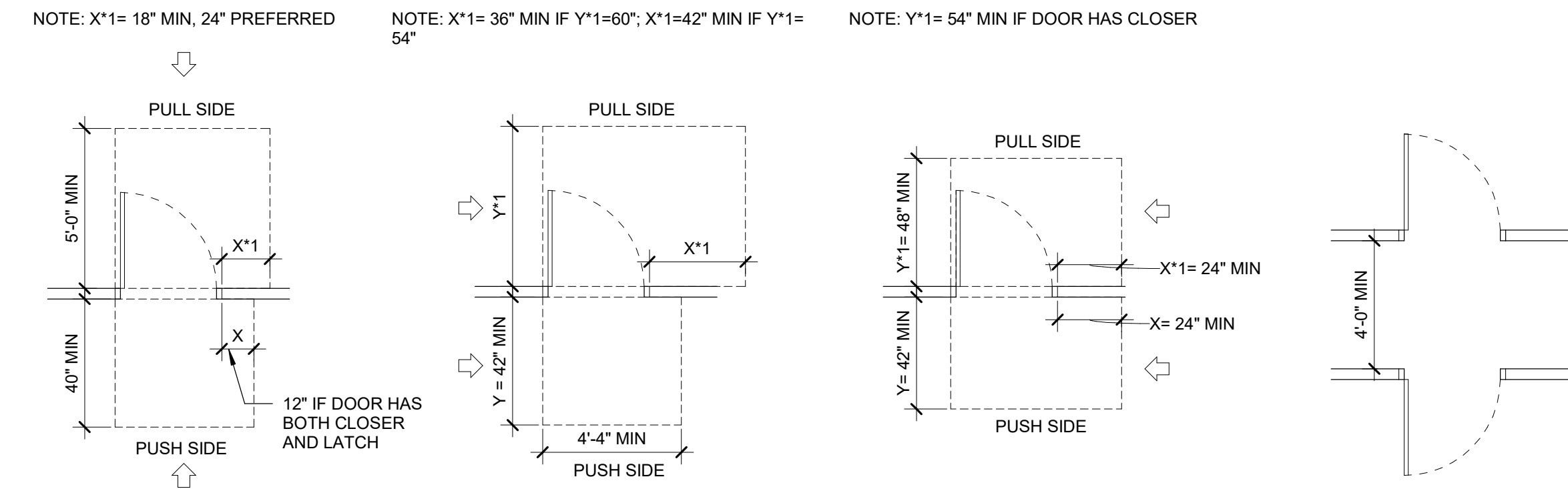


B

ADA & ANSI 117.1 MOUNTING HEIGHTS
 1/4" = 1'-0"



A



DOOR CLEARANCES
 1/4" = 1'-0"

C

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ADA TYP

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CODE ANALYSIS:

PROJECT SCOPE - NEW CONSTRUCTION OF TOWNHOUSE RESIDENTIAL UNITS AS DEFINED BY CHAPTER 2 OF 2009 INTERNATIONAL RESIDENTIAL CODE

VB CONSTRUCTION

R-3 OCCUPANCY

FULLY SPRINKLED - NO - PER CITY OF TOPEKA MUNICIPAL CODE 14.40.110 AN AUTOMATIC SPRINKLER SYSTEM IS NOT REQUIRED IN BUILDINGS CONSISTING SOLELY OF FOUR UNITS OR LESS

ACTIVE FIRE SAFETY FEATURES -
2-HR FIRE SEPARATION BETWEEN UNITS

TOTAL OCCUPANT LOAD -
2 BEDROOM UNIT - 5
1 BEDROOM UNIT - 4

FACILITY NAME - NORTH TOPEKA DEVELOPMENT

FACILITY ADDRESS - N.W. TOPEKA BOULEVARD & N.W. INDEPENDENCE AVENUE

CITY - TOPEKA COUNTY - SHAWNEE

LOCAL FIRE DEPARTMENT - CITY OF TOPEKA

WATER SUPPLY - CITY OF TOPEKA

LOCAL CITY INSPECTION DEPARTMENT - CITY OF TOPEKA

PER THE CITY OF TOPEKA MUNICIPAL CODE 14.55.240, EACH TOWNHOUSE SHALL BE CONSIDERED A SEPARATE BUILDING AND BE SEPARATED BY FIRE-RESISTANCE RATED WALL ASSEMBLIES MEETING REQUIREMENTS OF IRC R302.1

A COMMON 2-HR FIRE RESISTANCE RATED WALL ASSEMBLY TESTED IN ACCORDANCE WITH ASTM E 119 OR UL 263 IS PERMITTED IN TOWNHOUSES OF SUCH WALLS THAT DO NOT CONTAIN PLUMBING OR MECHANICAL EQUIPMENT, DUCTS OR VENTS IN THE CAVITY OF THE COMMON WALL. THE WALL SHALL BE RATED FOR FIRE EXPOSURE FROM BOTH SIDES AND SHALL EXTEND TO AND BE TIGHT AGAINST EXTERIOR WALLS AND THE UNDERSIDE OF THE ROOF SHEATHING. ELECTRICAL INSTALLATIONS SHALL BE INSTALLED IN ACCORDANCE WITH THE CURRENTLY ADOPTED EDITION OF THE NATIONAL ELECTRICAL CODE. PENETRATIONS OF ELECTRICAL OUTLET BOXES SHALL BE IN ACCORDANCE WITH SECTION R302.4

CODES:

- CITY OF TOPEKA MUNICIPAL CODE
- 2009 INTERNATIONAL RESIDENTIAL CODE CHAPTERS 1 THROUGH 10 AND APPENDIX F
- 2009 INTERNATIONAL ENERGY CONSERVATION CODE - NEW RESIDENTIAL CONSTRUCTION ONLY
- 2015 INTERNATIONAL BUILDING CODE AND LOCAL AMENDMENTS
- 1997 UNIFORM CODE FOR BUILDING CONSERVATION
- 2015 UNIFORM MECHANICAL CODE
- 2017 NATIONAL ELECTRICAL CODE
- 2018 UNIFORM PLUMBING CODE
- 2015 INTERNATIONAL FIRE CODE AND LOCAL AMENDMENTS
- 2015 LIFE SAFETY CODE AND LOCAL AMENDMENTS
- 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN - DEPARTMENT OF JUSTICE SEPTEMBER 15, 2010 EDITION

PROFESSIONAL INFO:

BRYAN FALK
BRYAN@FALK-ARCHITECTS.COM
785-691-3959
308 SW VAN BUREN ST. TOPEKA, KS 66603

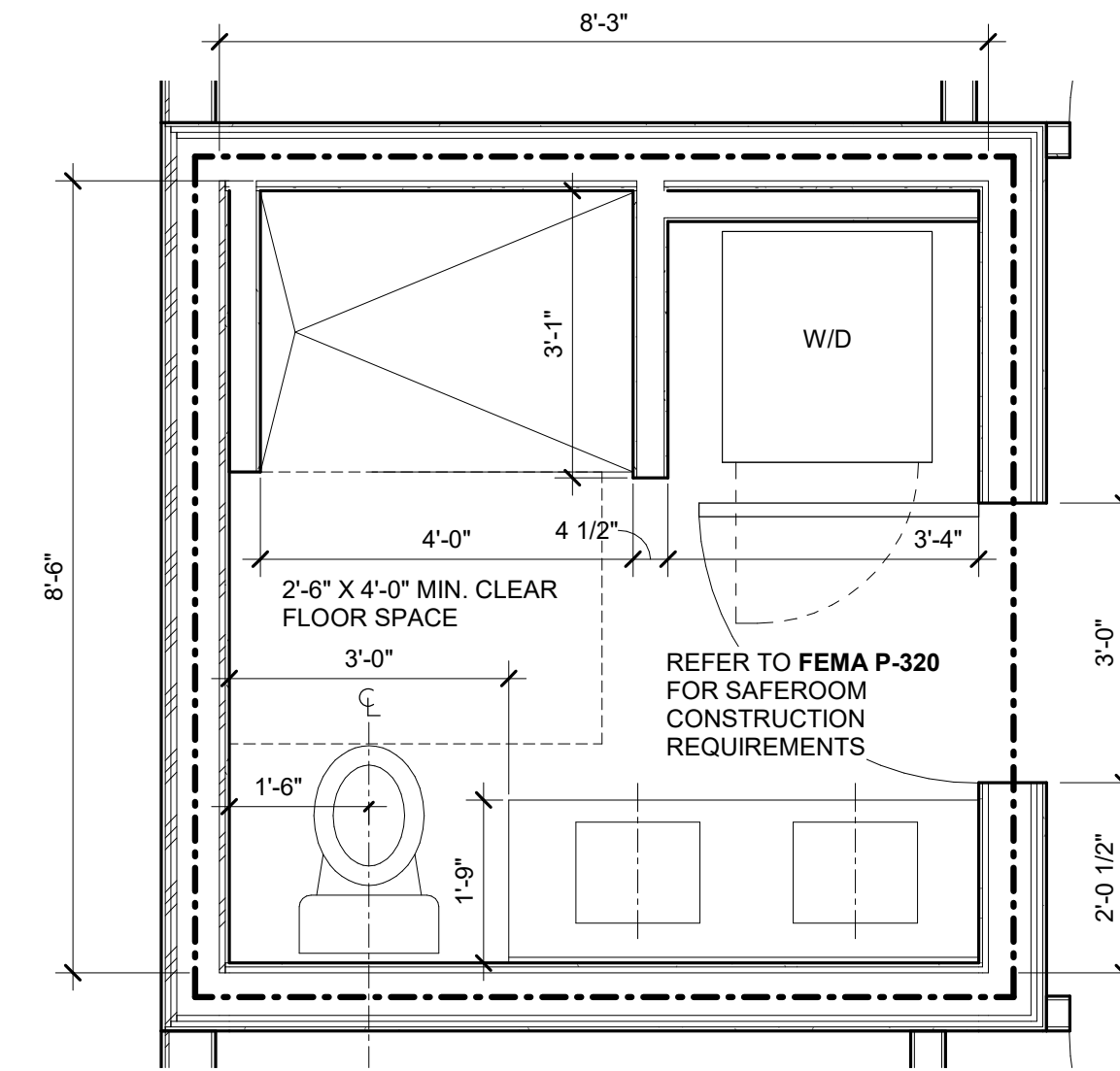
WALL TYPES:

EXTERIOR WALLS: 2" x 6" STUDS, 16" O.C. WITH 5 1/2" ACOUSTICAL BATT INSULATION; 1/2" SHEATHING, HOUSE WRAP, SIDING ON EXTERIOR, 1/2" GYPSUM WALLBOARD ON INTERIOR, EXCEPT WHERE NOTED

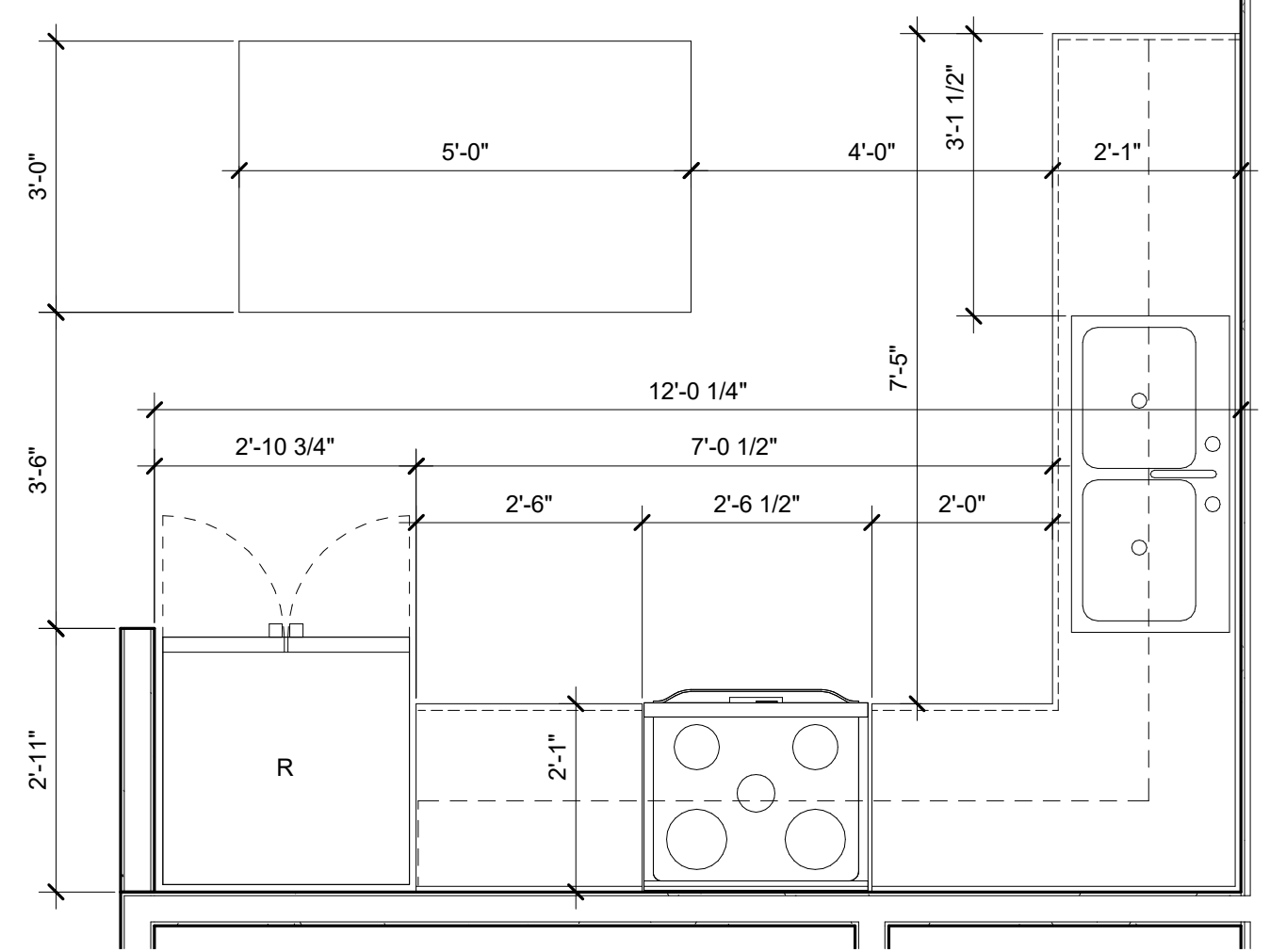
2-HR RATED FIRE WALL: U.L. U347 OR G.A. ASW 1005

INTERIOR WALLS: 2" x 4" STUDS, 16" O.C. WITH 3 1/2" ACOUSTICAL BATT INSULATION; 1/2" GYPSUM WALLBOARD ON BOTH SIDES, EXCEPT WHERE NOTED

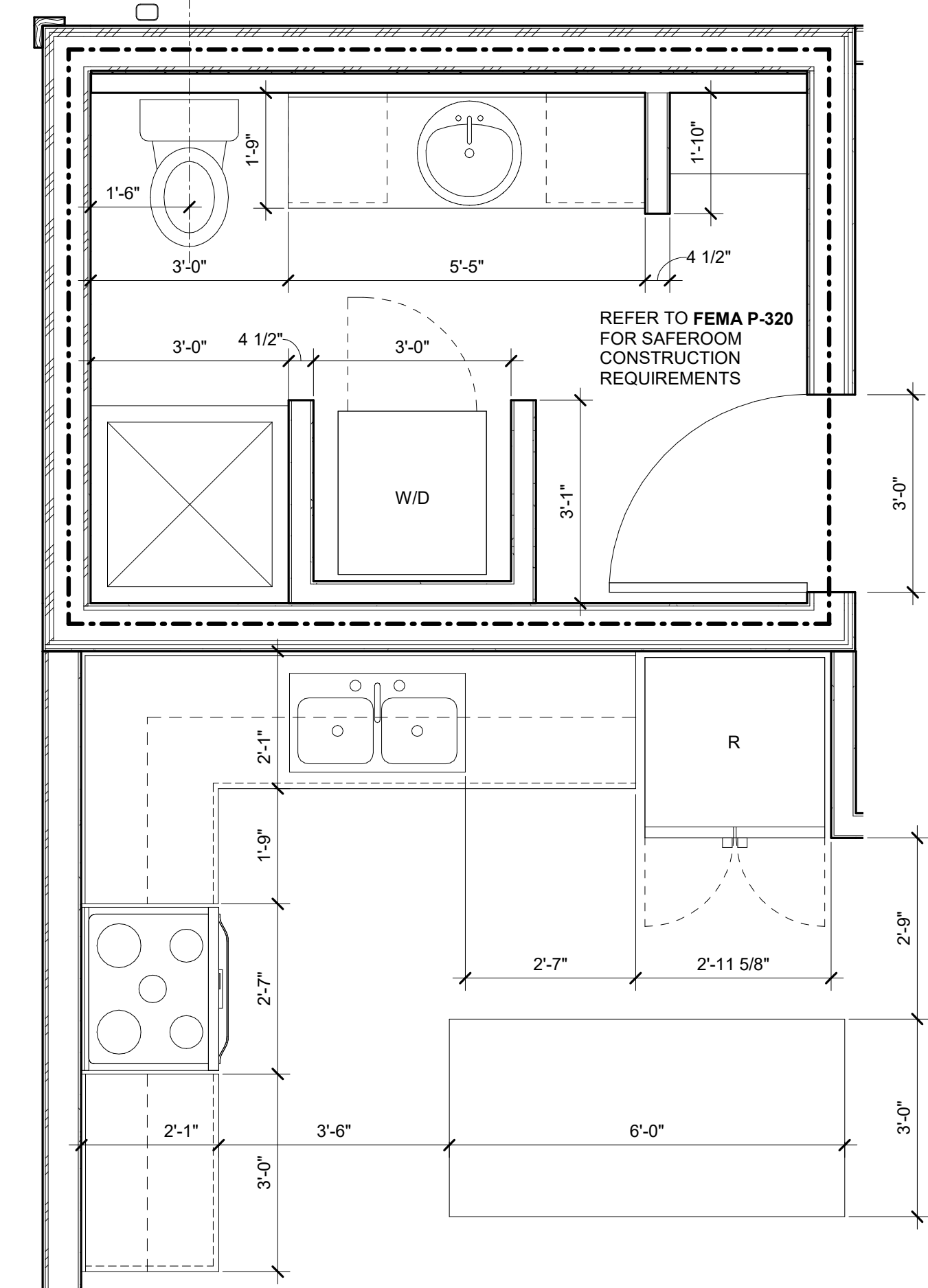
REFER TO FEMA P-320 FOR SAFEROOM CONSTRUCTION REQUIREMENTS



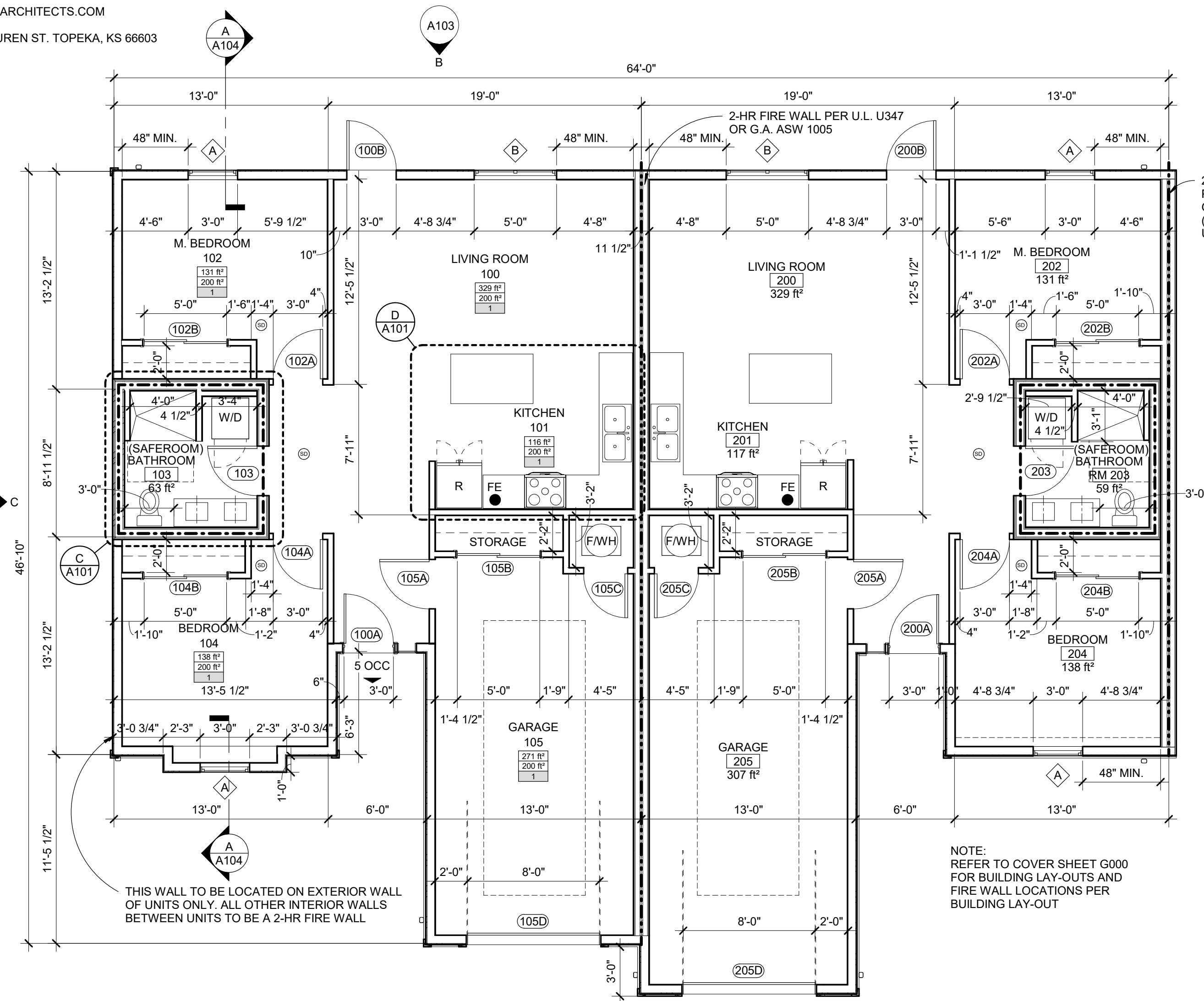
ENLARGED BATHROOM PLAN (SAFEROOM) - TWO BEDROOM
1/2" = 1'-0"



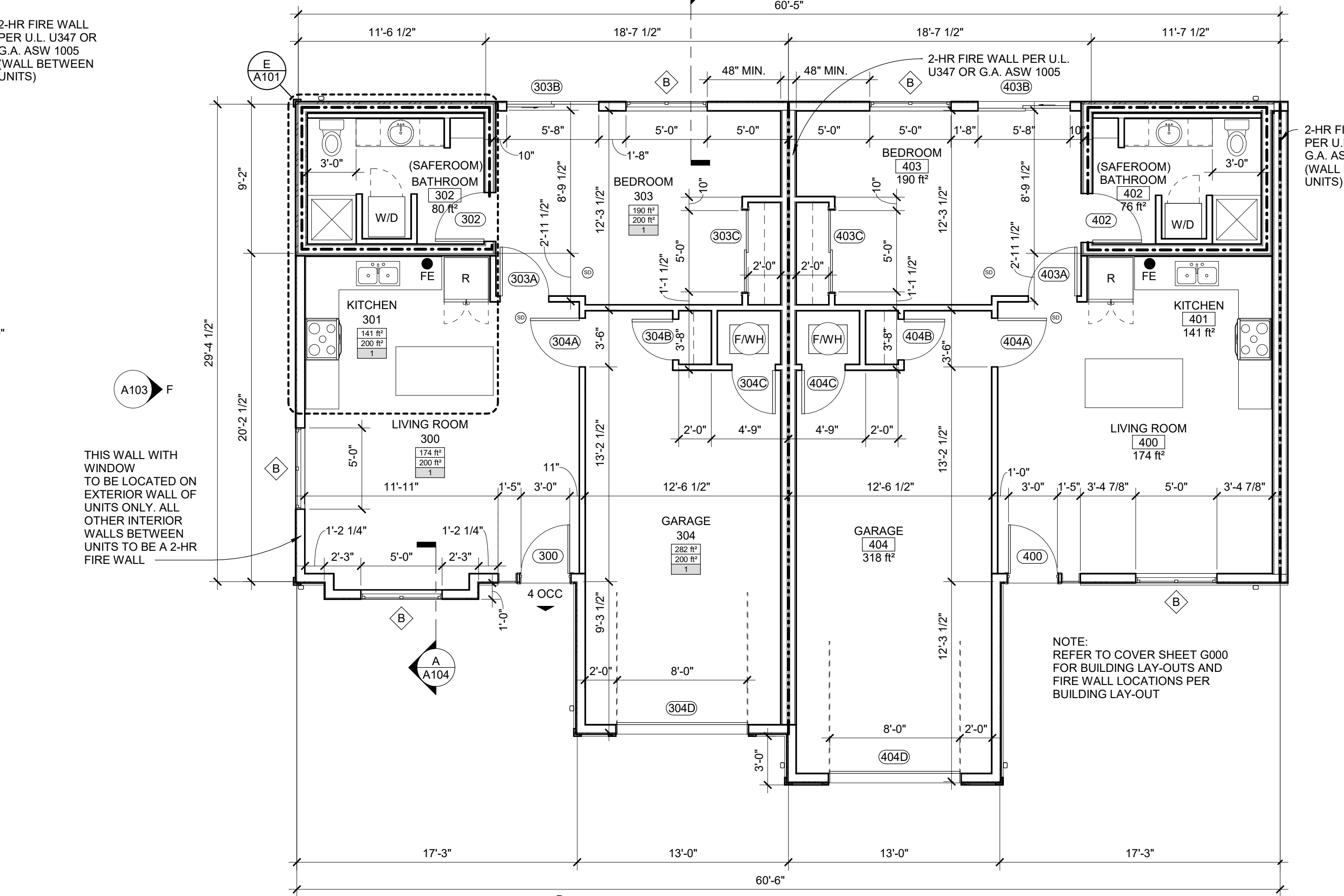
ENLARGED KITCHEN PLAN - TWO BEDROOM
1/2" = 1'-0"



ENLARGED KITCHEN AND BATHROOM (SAFEROOM) PLAN - ONE BEDROOM
1/2" = 1'-0"



TWO BEDROOM FLOOR PLAN
3/16" = 1'-0"



ONE BEDROOM FLOOR PLAN
3/16" = 1'-0"

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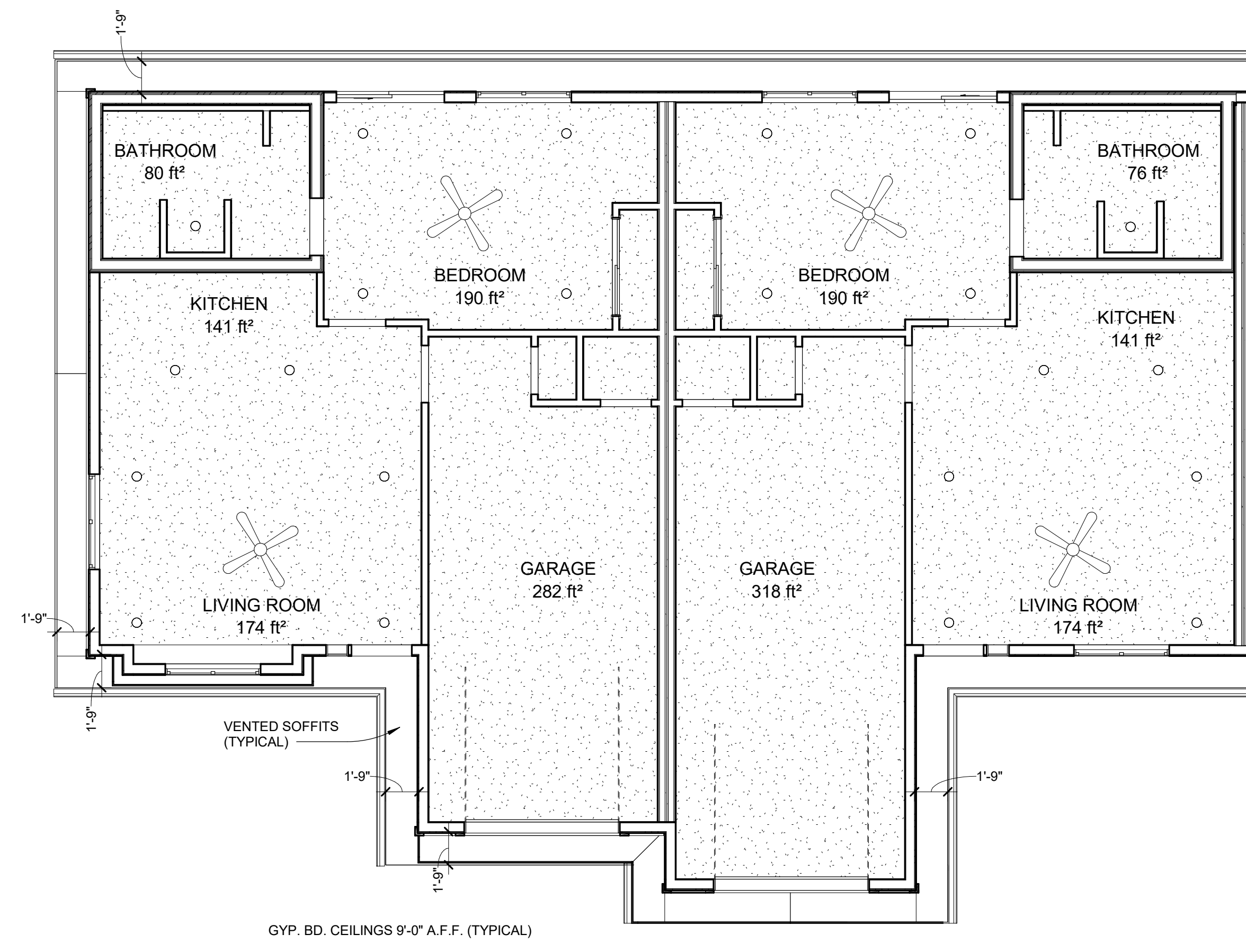
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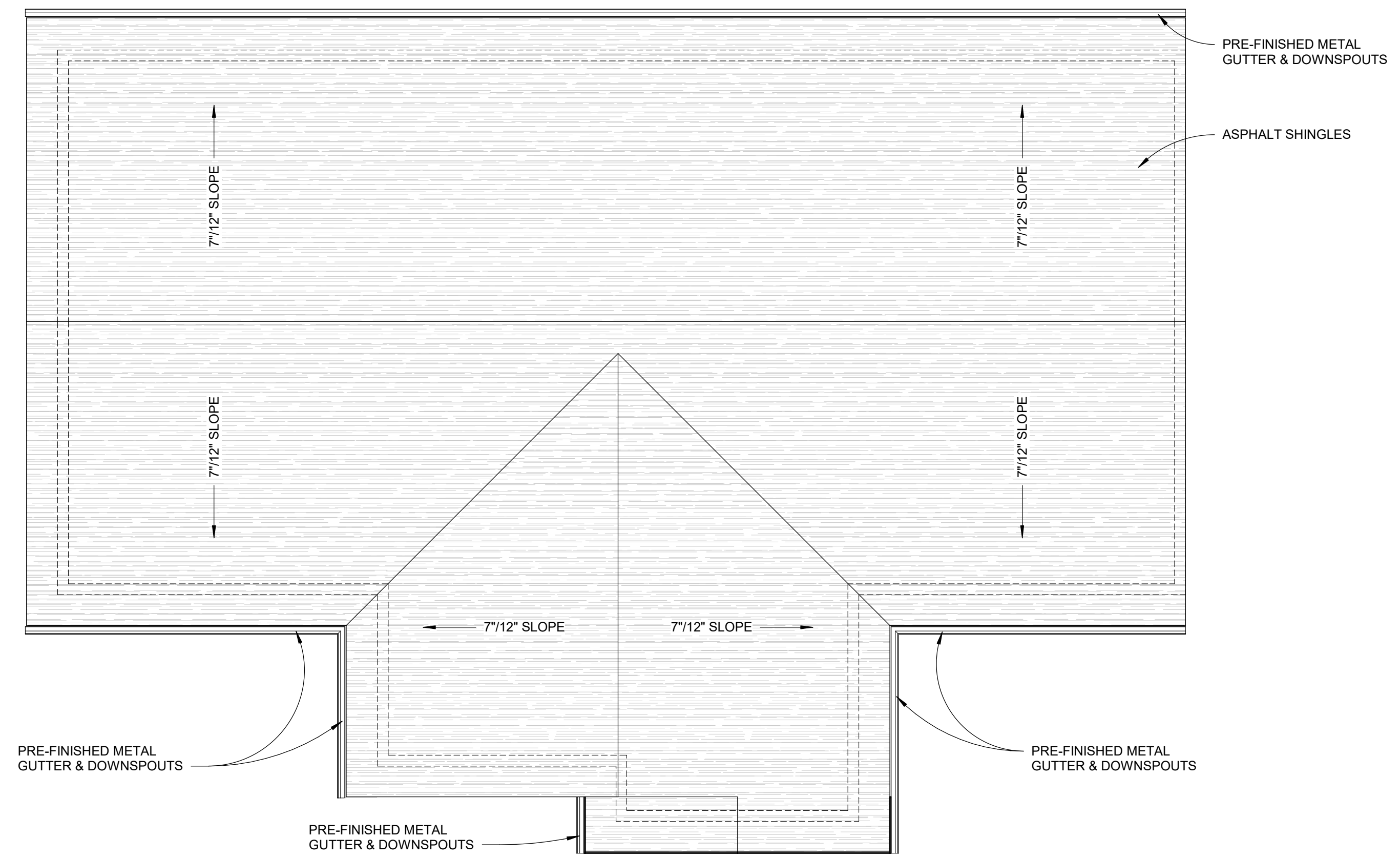
FLOOR PLANS

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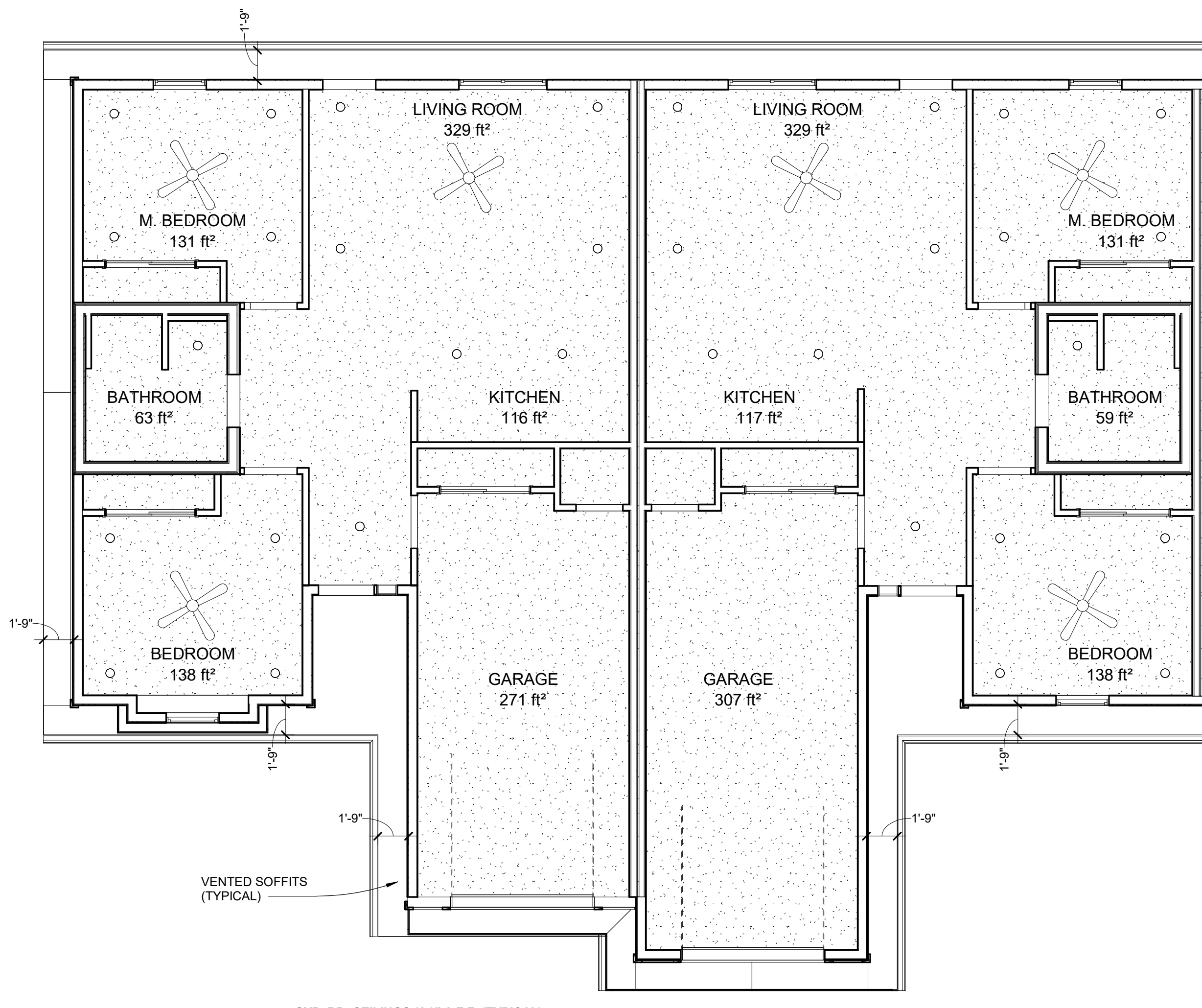


GYP. BD. CEILINGS 9'-0" A.F.F. (TYPICAL)

ONE BEDROOM REFLECTED CEILING PLAN D
3/16" = 1'-0"

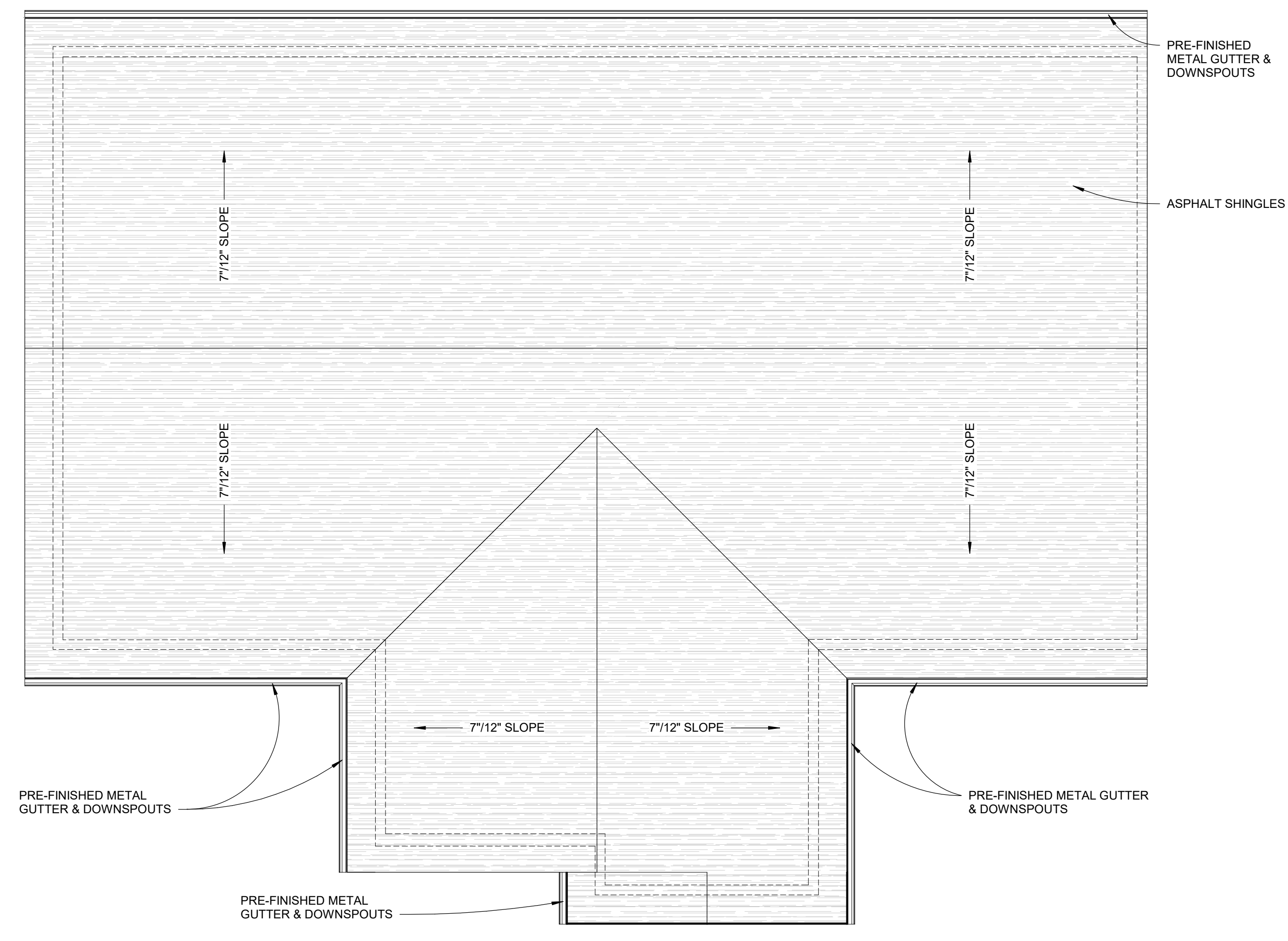


ONE BEDROOM ROOF PLAN C
3/16" = 1'-0"



GYP. BD. CEILINGS 9'-0" A.F.F. (TYPICAL)

TWO BEDROOM REFLECTED CEILING PLAN B
3/16" = 1'-0"



TWO BEDROOM ROOF PLAN A
3/16" = 1'-0"

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REFLECTED CEILING AND ROOF PLANS

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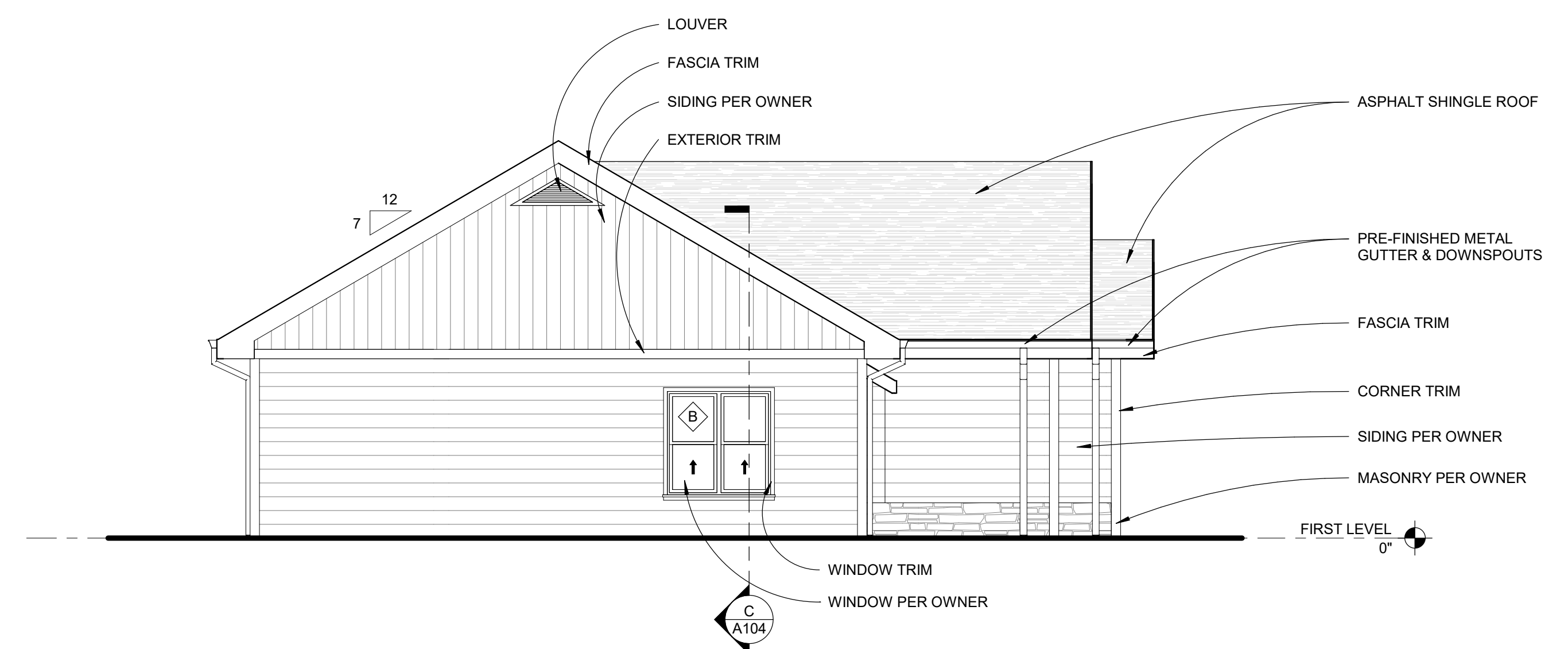
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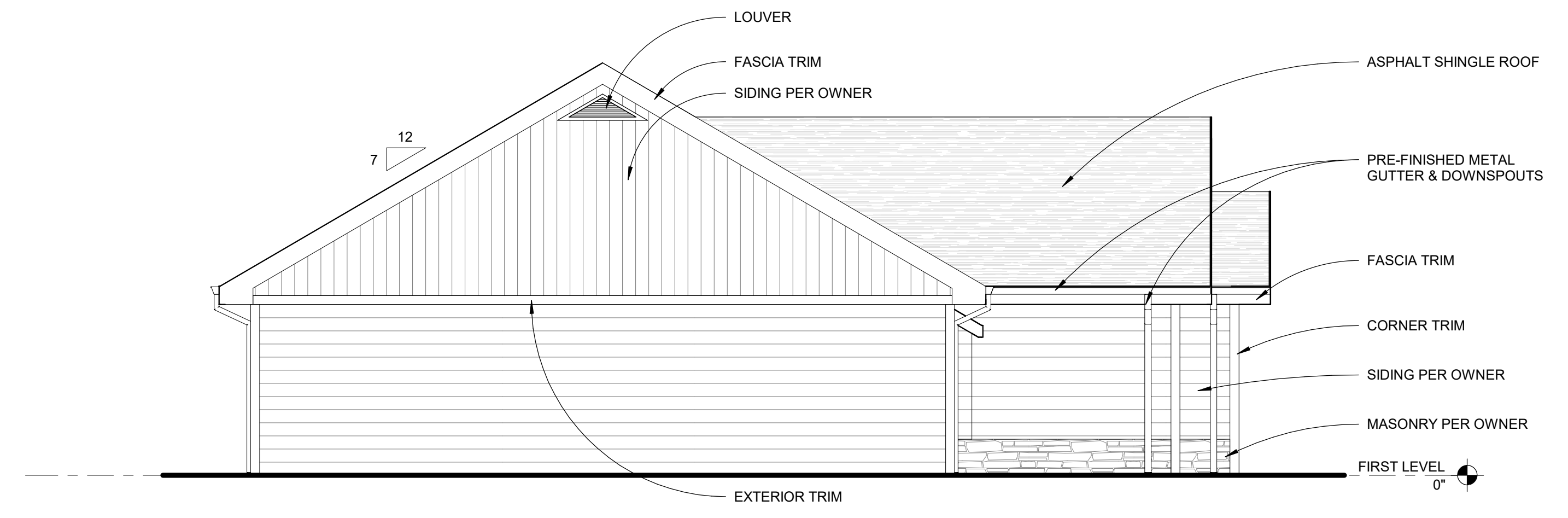
A103

BUILDING ELEVATIONS

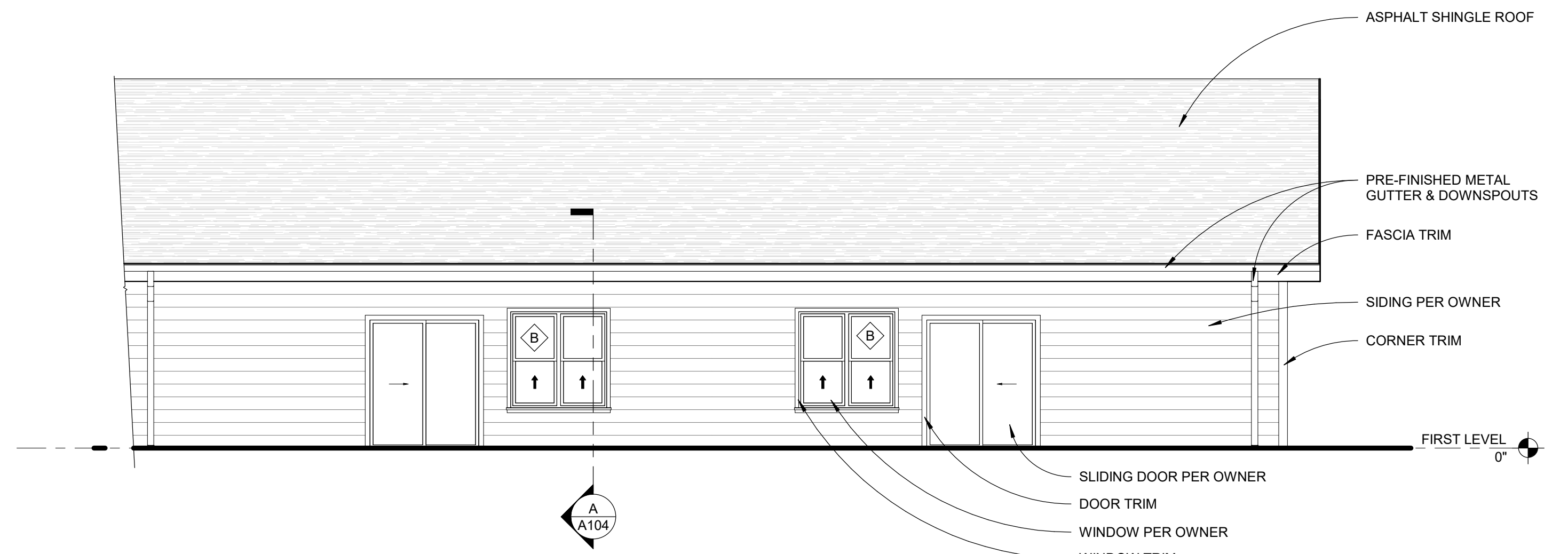
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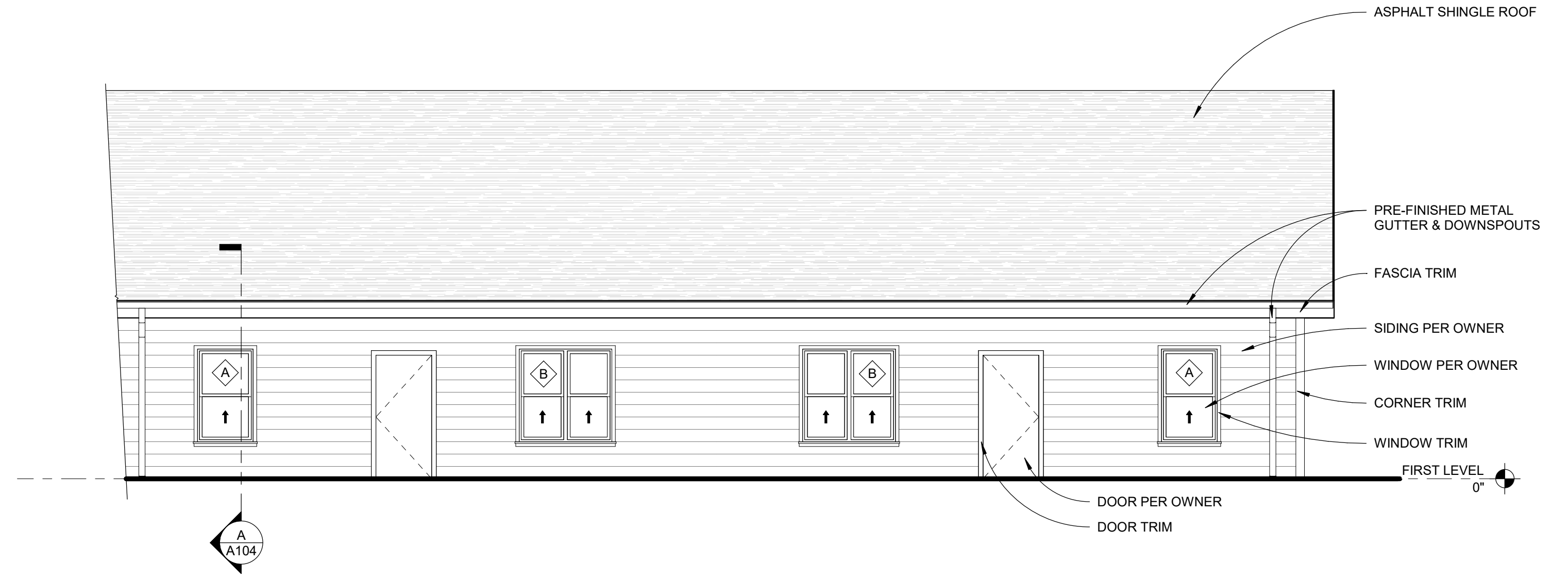
SIDE ELEVATION - ONE BEDROOM **F**
 3/16" = 1'-0"



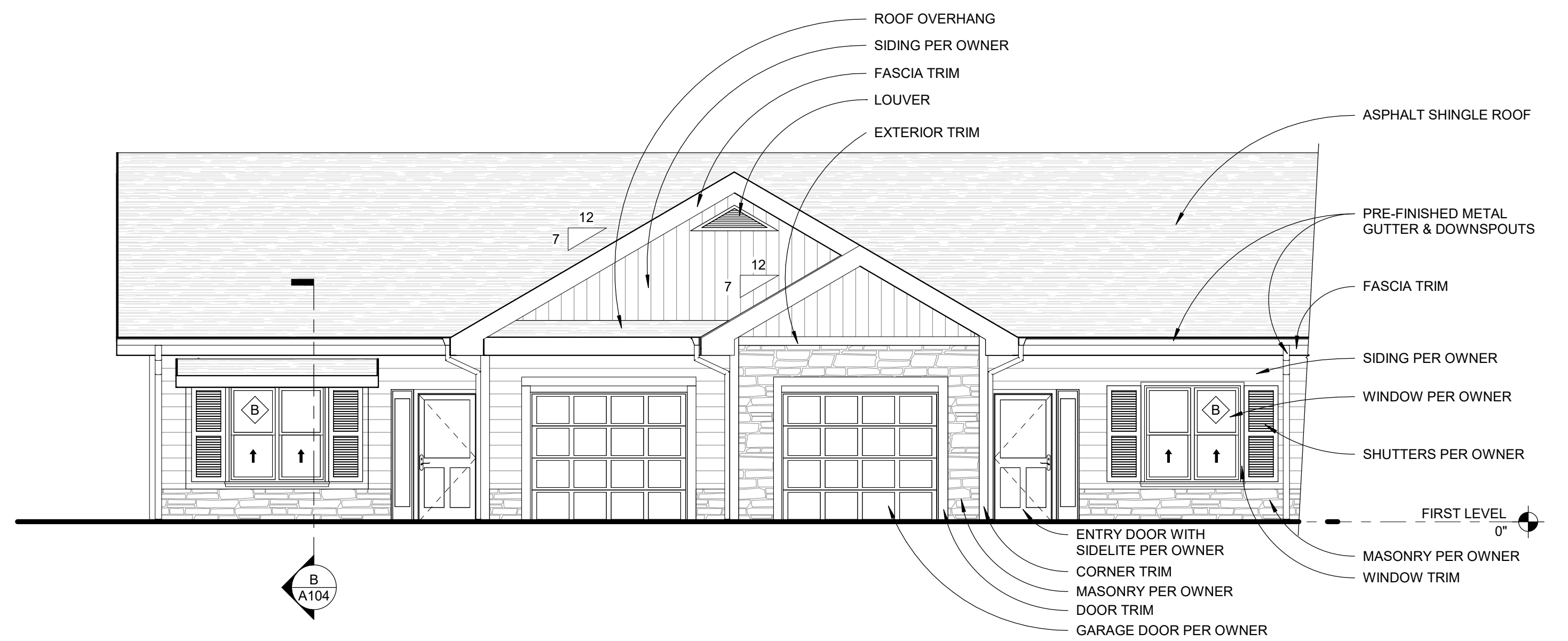
SIDE ELEVATION - TWO BEDROOM **C**
 3/16" = 1'-0"



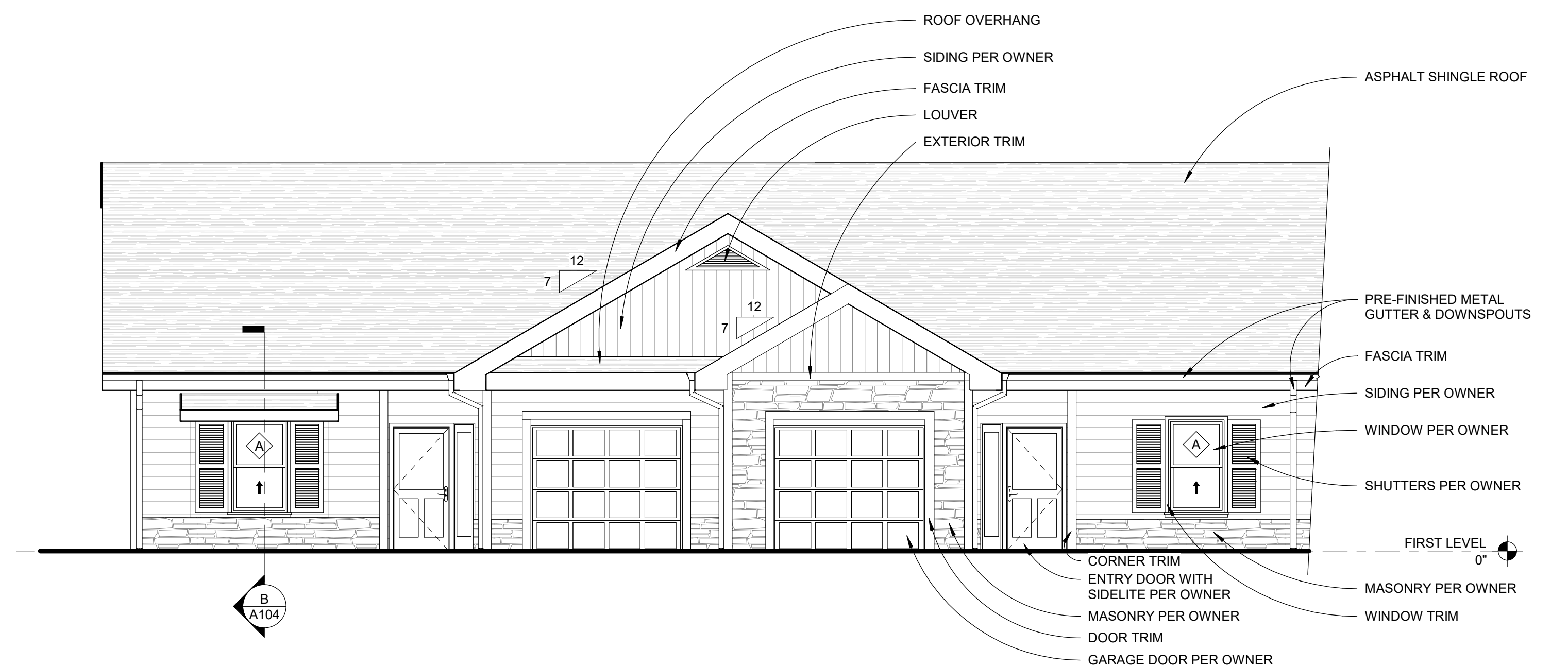
BACK ELEVATION - ONE BEDROOM **E**
 3/16" = 1'-0"



BACK ELEVATION - TWO BEDROOM **B**
 3/16" = 1'-0"



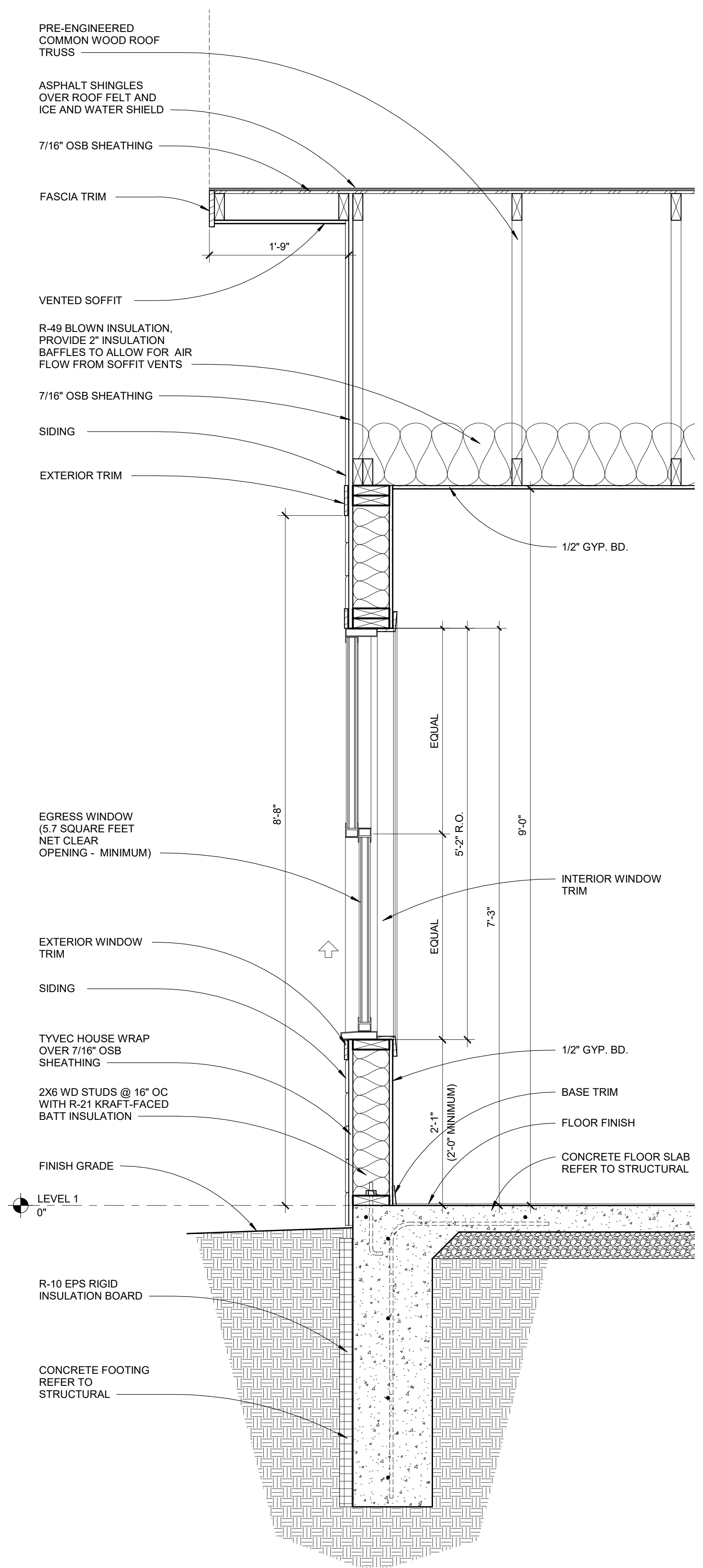
FRONT ELEVATION - ONE BEDROOM **D**
 3/16" = 1'-0"



FRONT ELEVATION - TWO BEDROOM **A**
 3/16" = 1'-0"

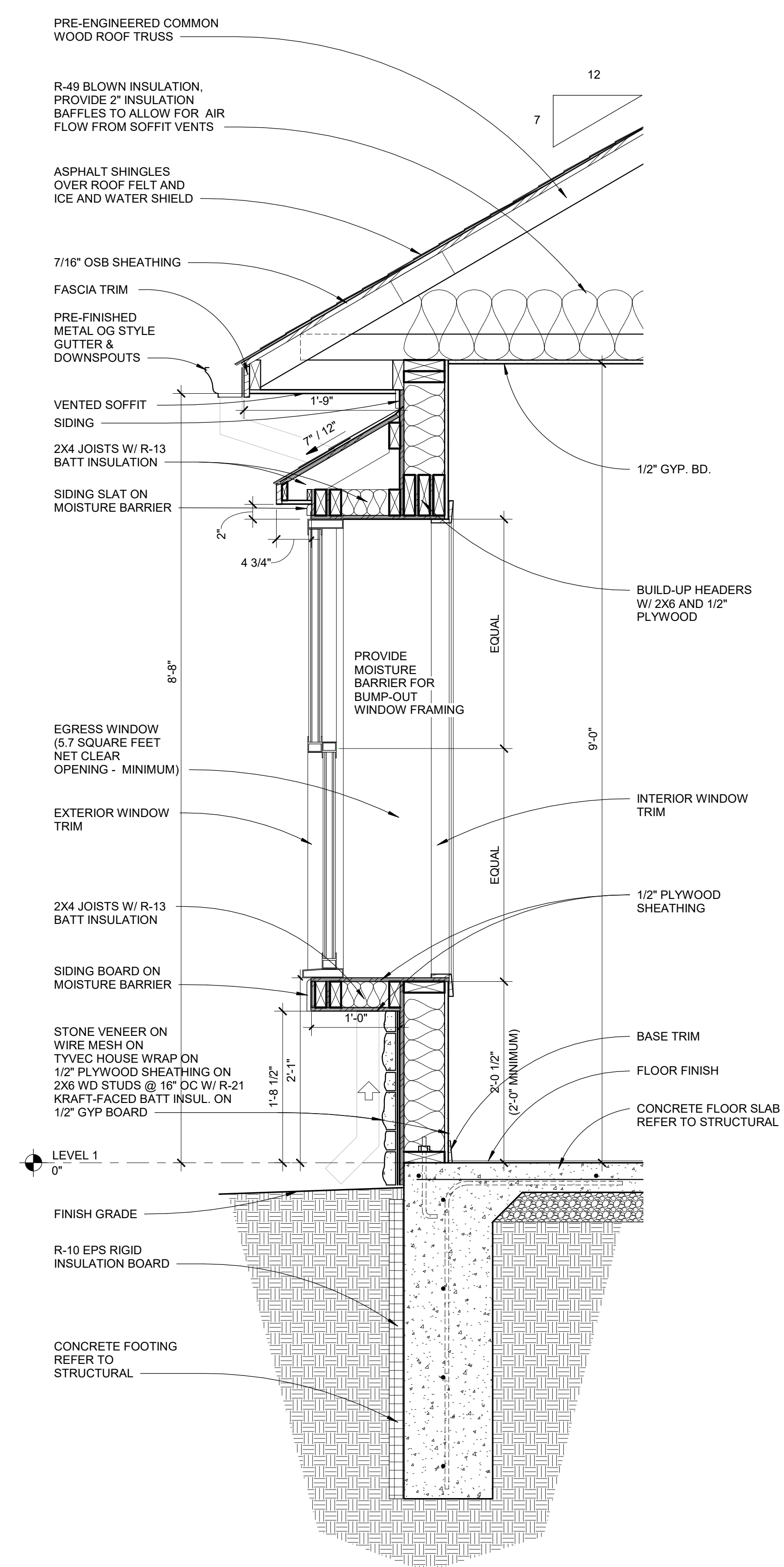
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NORTH TOPEKA DEVELOPMENT
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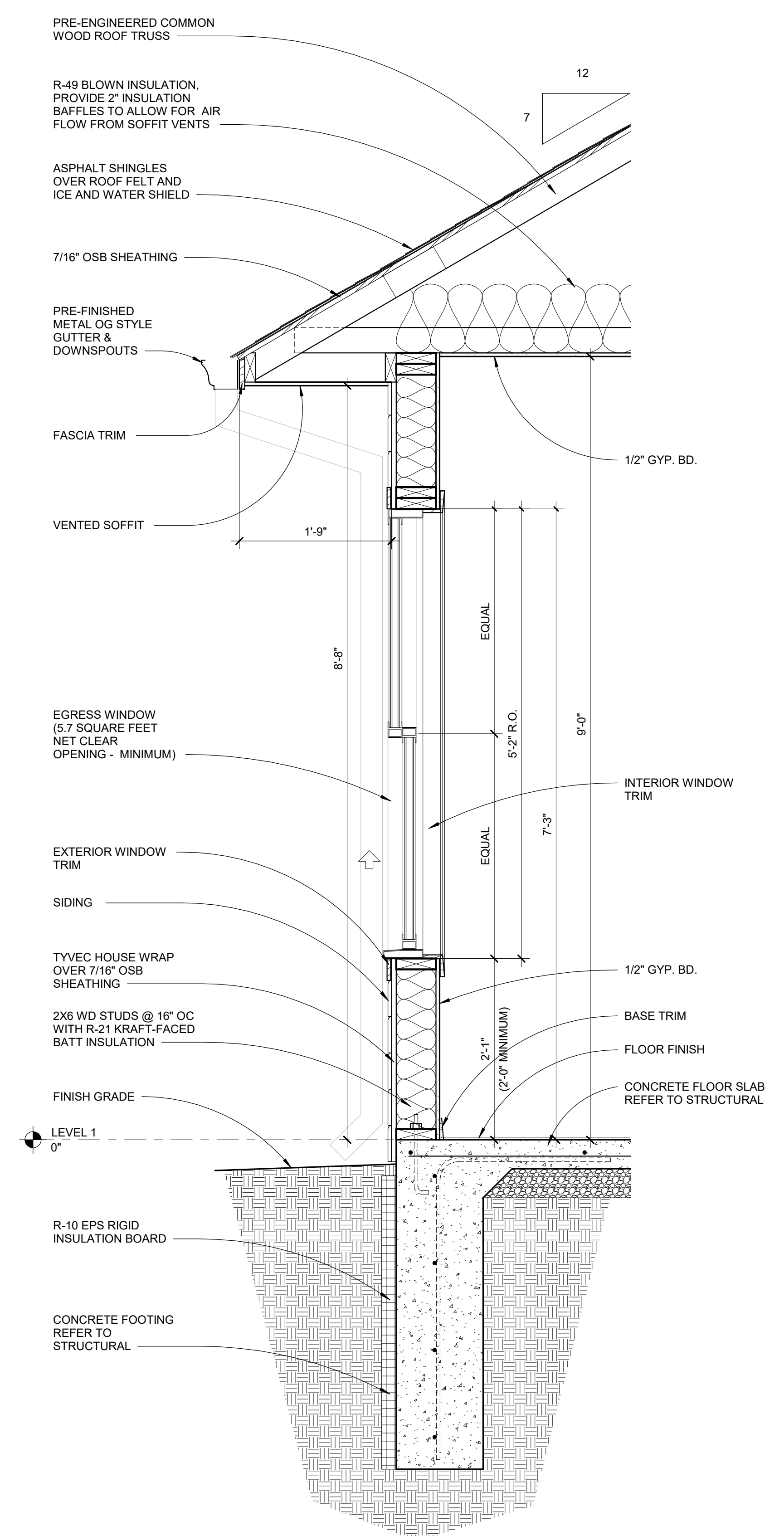
GABLE WALL SECTION @ WINDOW
1" = 1'-0"

C



TYPICAL WALL SECTION @ BUMP-OUT WINDOW
1" = 1'-0"

B



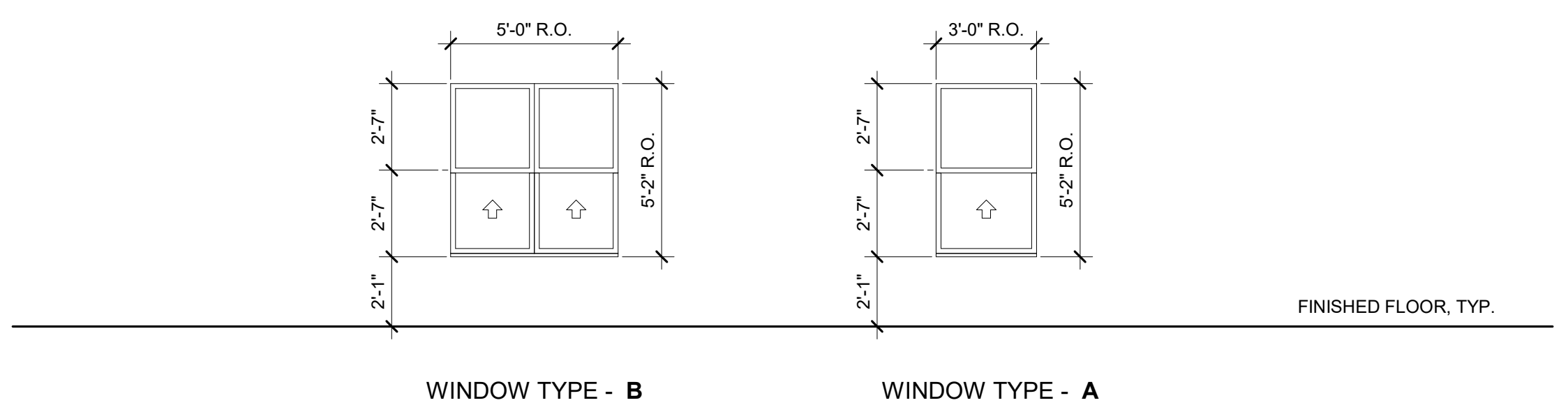
TYPICAL WALL SECTION @ WINDOW
1" = 1'-0"

A

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Mark	DOOR & FRAME SCHEDULE								FIRE RATING LABEL (MIN.)	NOTES
	OPENING SIZE		DOORS	MAT	FIN	FRAMES		FIRE RATING LABEL (MIN.)		
	WIDTH	HGT.				TYPE	MAT			
100A	3'-0"	6'-8"	EXTERIOR ENTRY WITH SIDELITE						DOOR & FRAME PER OWNER	
100B	3'-0"	6'-8"	FLUSH						DOOR & FRAME PER OWNER	
102A	3'-0"	6'-8"	FLUSH						DOOR & FRAME PER OWNER	
102B	5'-0"	6'-8"	DOUBLE SLIDING						DOOR & FRAME PER OWNER	
103	3'-0"	6'-8"	FLUSH						DOOR & FRAME PER OWNER	
104A	3'-0"	6'-8"	FLUSH						DOOR & FRAME PER OWNER	
104B	5'-0"	6'-8"	DOUBLE SLIDING						DOOR & FRAME PER OWNER	
105A	3'-0"	6'-8"	FLUSH						DOOR & FRAME PER OWNER	
105B	5'-0"	6'-8"	DOUBLE SLIDING						DOOR & FRAME PER OWNER	
105C	2'-8"	6'-8"	FLUSH						DOOR & FRAME PER OWNER	
105D	8'-0"	6'-8"	OVERHEAD						DOOR & FRAME PER OWNER	
200A	3'-0"	6'-8"	EXTERIOR ENTRY WITH SIDELITE						DOOR & FRAME PER OWNER	
200B	3'-0"	6'-8"	FLUSH						DOOR & FRAME PER OWNER	
202A	3'-0"	6'-8"	FLUSH						DOOR & FRAME PER OWNER	
202B	5'-0"	6'-8"	DOUBLE SLIDING						DOOR & FRAME PER OWNER	
203	3'-0"	6'-8"	FLUSH						DOOR & FRAME PER OWNER	
204A	3'-0"	6'-8"	FLUSH						DOOR & FRAME PER OWNER	
204B	5'-0"	6'-8"	DOUBLE SLIDING						DOOR & FRAME PER OWNER	
205A	3'-0"	6'-8"	FLUSH						DOOR & FRAME PER OWNER	
205B	5'-0"	6'-8"	DOUBLE SLIDING						DOOR & FRAME PER OWNER	
205C	2'-8"	6'-8"	FLUSH						DOOR & FRAME PER OWNER	
205D	8'-0"	6'-8"	OVERHEAD						DOOR & FRAME PER OWNER	
300	3'-0"	6'-8"	EXTERIOR ENTRY WITH SIDELITE						DOOR & FRAME PER OWNER	
302	3'-0"	6'-8"	FLUSH						DOOR & FRAME PER OWNER	
303A	3'-0"	6'-8"	FLUSH						DOOR & FRAME PER OWNER	
303B	5'-8"	6'-8"	EXTERIOR DOUBLE SLIDING						DOOR & FRAME PER OWNER	
303C	5'-0"	6'-8"	DOUBLE SLIDING						DOOR & FRAME PER OWNER	
304A	3'-0"	6'-8"	FLUSH						DOOR & FRAME PER OWNER	
304B	2'-6"	6'-8"	FLUSH						DOOR & FRAME PER OWNER	
304C	2'-8"	6'-8"	FLUSH						DOOR & FRAME PER OWNER	
304D	8'-0"	6'-8"	OVERHEAD						DOOR & FRAME PER OWNER	
400	3'-0"	6'-8"	EXTERIOR ENTRY WITH SIDELITE						DOOR & FRAME PER OWNER	
402	3'-0"	6'-8"	FLUSH						DOOR & FRAME PER OWNER	
403A	3'-0"	6'-8"	FLUSH						DOOR & FRAME PER OWNER	
403B	5'-8"	6'-8"	DOUBLE SLIDING						DOOR & FRAME PER OWNER	
403C	5'-0"	6'-8"	EXTERIOR DOUBLE SLIDING						DOOR & FRAME PER OWNER	
404A	3'-0"	6'-8"	FLUSH						DOOR & FRAME PER OWNER	
404B	2'-6"	6'-8"	FLUSH						DOOR & FRAME PER OWNER	
404C	2'-8"	6'-8"	FLUSH						DOOR & FRAME PER OWNER	
404D	8'-0"	6'-8"	OVERHEAD						DOOR & FRAME PER OWNER	



EXTERIOR WINDOW ELEVATIONS
1/4" = 1'-0"

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12/22/2020

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WINDOW ELEVATIONS & SCHEDULES

FALK ARCHITECTS INC

NORTH TOPEKA DEVELOPMENT
N.W. TOPEKA BOULEVARD & N.W. INDEPENDENCE AVE. TOPEKA, KANSAS 66608

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SAFE ROOM DETAILS

9 WOOD CEILING ALTERNATE (WOOD FRAME SAFE ROOM ONLY)
Scale: 3/4" = 1'-0"

8 WOOD CEILING ATTACHMENT
Scale: 3/4" = 1'-0"

7 WOOD WALL CORNER PLAN
Scale: 3/4" = 1'-0"

6 WOOD WALL BASE PLAN VIEW
Scale: 3/4" = 1'-0"

5 WOOD EXTERIOR WALL FOUNDATION AT DOOR
Scale: 1/2" = 1'-0"

4 WOOD EXTERIOR WALL FOUNDATION
Scale: 1/2" = 1'-0"

3 WOOD CROSS SECTION
Scale: 1/4" = 1'-0"

2 WOOD FLOOR PLAN
Scale: 1/4" = 1'-0"

1 WOOD FRAME FOUNDATION PLAN
Scale: 1/4" = 1'-0"

CONCRETE DEVELOPMENT AND SPLICE

LAP SPLICE LENGTHS (INCHES)

BAR SIZE	TENSION (CLASS B SPLICE)		COMPRESSION	
	TOP	OTHER	TOP	OTHER
3	21	16	21	16
4	23	17	21	16
5	28	21	24	18
6	34	26	29	20
7	40	31	34	24
8	47	37	41	28

DEVELOPMENT LENGTHS (INCHES)

BAR SIZE	TENSION (CLASS B SPLICE)		COMPRESSION	
	TOP	OTHER	TOP	OTHER
3	25	17	22	15
4	33	22	28	19
5	42	28	36	24
6	50	33	43	29
7	59	40	51	35
8	69	48	60	42

NOTES:
1. TOP BARS ARE HORIZONTAL REINFORCEMENT PLACED 90° THAT MORE THAN 12" OF FRESH CONCRETE IS CAST BELOW THE REINFORCEMENT.
2. LAP SPLICE LENGTHS ARE BASED ON BARS SPACED AT 4 BAR DIAMETERS OR MORE ON CENTER. NOTIFY ENGINEER IF SPACING IS LESS THAN 4 BAR DIAMETERS.

6 SR0.3 CONCRETE DEVELOPMENT AND SPLICE TABLE

5 SR0.3 MASONRY DEVELOPMENT & SPLICE LENGTHS

BAR SIZE	TENSION / COMPRESSION	
	6" MASONRY	8" MASONRY
3	12	12
4	20	23
5	32	37
6	54	43

NOTES:
1. TOP BARS ARE HORIZONTAL REINFORCEMENT PLACED 90° THAT MORE THAN 12" OF FRESH CONCRETE IS CAST BELOW THE REINFORCEMENT.
2. LAP SPLICE LENGTHS ARE BASED ON BARS SPACED AT 4 BAR DIAMETERS OR MORE ON CENTER. NOTIFY ENGINEER IF SPACING IS LESS THAN 4 BAR DIAMETERS.

3 SR0.3 ROOF DESIGN OPTIONS

MATERIAL	SPAN	8 FT	≤ 10 FT	≤ 12 FT	≤ 14 FT
CONCRETE	CONCRETE THICKNESS	4"	6"	6"	6"
	REINFORCEMENT	#4 BAR EW AT 10" OC	#5 BAR EW AT 12" OC	#5 BAR EW AT 12" OC	#5 BAR EW AT 12" OC
WOOD	JOIST(S)	(2) 2x6 AT 12" OC	(2) 2x6 AT 12" OC	(2) 2x10 AT 12" OC	(2) 2x10 AT 12" OC

NOTES:
1. WOOD FRAMED SAFE ROOMS CAN ONLY USE WOOD FRAMED ROOF DESIGNS.
2. WHEN USING WOOD ROOF WITH CONCRETE, CMU, OR ICF WALLS, SHEATHING MUST BE INSTALLED ON INTERIOR OF CEILING AS SHOWN ON DETAIL 6SR1.0.

1 SR0.3 WALL REINFORCEMENT SCHEDULE

WALL TYPE	WALL REINFORCEMENT		OPENING REINFORCEMENT		NOTES
	VERTICAL	HORIZONTAL	VERTICAL (JAMB)	HORIZONTAL (HEADER)	
6" CMU	(1) #5 BAR AT 16" OC	REINFORCEMENT PER GENERAL NOTES	(1) #5 BAR PER CELL OVER 2'-0"	16" BOND BEAM W/ (1) #5 BAR TOP AND BTM	3
8" CMU	(1) #5 BAR AT 40" OC	REINFORCEMENT PER GENERAL NOTES	(1) #5 BAR PER CELL OVER 2'-0"	16" BOND BEAM W/ (1) #5 BAR TOP AND BTM	2
6" CONCRETE	#4 BAR AT 12" OC	#4 BAR AT 12" OC	(3) #5 BAR AT 6" OC	(1) #5 BAR TOP AND BTM	2
4" ICF	#4 BAR AT 12" OC	#4 BAR AT 12" OC	(3) #5 BAR AT 6" OC	(1) #5 BAR TOP AND BTM	1.2
6" ICF	#4 BAR AT 12" OC	#4 BAR AT 12" OC	(3) #5 BAR AT 6" OC	(1) #5 BAR TOP AND BTM	1.2

NOTES:
1. ICF WALL THICKNESS REFERS TO THE CONCRETE THICKNESS OF THE ICF WALL, NOT THE TOTAL THICKNESS OF THE WALL.
2. REFERENCE SPLICE TABLE FOR EXTENSION OF HEADER REINFORCEMENT FASTENING.
3. 6" CMU WALLS CAN ONLY BE USED ON SAFE ROOMS 8'-0" x 8'-0" OR SMALLER.

WOOD CONSTRUCTION CONNECTOR SCHEDULE

LOCATION	REQUIRED UPLIFT CAPACITY (LBS)	SIMPSON STRONG-TIE	UNITED STEEL PRODUCTS
A	800	HGA10	HGA10
B	1,850	SSTB16 AND BPS 5/8"	SSTB16"
C	1,500	2-MTS12	2-MTW12
D	1,500	HETA16	HTA16
E	900	HGA10	HGA10
F	1,500	LG12	LLG12
G	1,700	2-SF6	2-SPT6
H	1,700	HETA 16 OR PAI23	2-HTA12
J	4,500	INDUS-SOS2.5	PHD8

NOTES:
1. THE PLATE WASHER SHALL BE CENTERED ON THE BOTTOM PLATE WITH A STANDARD C/JT WASHER BETWEEN THE PLATE WASHER AND NUT. WHEN IN CONTACT WITH PRESERVATIVE-TREATED PLATE, IT IS RECOMMENDED TO INSTALL HOT-DIPPED GALVANIZED (HDG) FINISH.
** AT TIME OF PUBLICATION, NO EQUIVALENT USP CONNECTOR AVAILABLE. PLATE WASHER MAY BE FABRICATED FROM 3 GAGE STEEL, 3" LONG x 4 1/2" WIDE.

FOOTING SCHEDULE

WALL TYPE	ROOF TYPE	FOOTING SIZE	REINFORCEMENT
WOOD FRAME	WOOD	4'-0" x 16" x CONT	(5) #5 BAR x CONT LONG. AND #5 BAR x 3'-6" TRANS AT 12" OC
WOOD / CMU INFILL	WOOD	3'-0" x 13" x CONT	(4) #5 BAR x CONT LONG. AND #5 BAR x 2'-6" TRANS AT 12" OC
6" CMU	WOOD OR CONCRETE	2'-3" x 10" x CONT	(4) #5 BAR x CONT LONG. AND #5 BAR x 1'-6" TRANS AT 12" OC
8" CMU	WOOD OR CONCRETE	2'-0" x 10" x CONT	(4) #5 BAR x CONT LONG. AND #5 BAR x 1'-6" TRANS AT 12" OC
CONCRETE	WOOD	2'-3" x 13" x CONT	(4) #5 BAR x CONT LONG. AND #5 BAR x 1'-6" TRANS AT 12" OC
CONCRETE	CONCRETE	2'-0" x 10" x CONT	(4) #5 BAR x CONT LONG. AND #5 BAR x 1'-6" TRANS AT 12" OC
ICF	WOOD	2'-3" x 13" x CONT	(4) #5 BAR x CONT LONG. AND #5 BAR x 1'-6" TRANS AT 12" OC
ICF	CONCRETE	2'-0" x 10" x CONT	(4) #5 BAR x CONT LONG. AND #5 BAR x 1'-6" TRANS AT 12" OC

2 SR0.3 FOOTING SCHEDULE

FEMA P-320 (2014)

SHEET TITLE: TABLES
DRAWING NO: SR0.3
DATE: DECEMBER 2014

WOOD CONSTRUCTION CONNECTOR SCHEDULE

FEMA P-320 (2014)

SHEET TITLE: WOOD FRAME SAFE ROOM PLANS AND DETAILS
DRAWING NO: SR1.3
DATE: DECEMBER 2014

WOOD CONSTRUCTION CONNECTOR SCHEDULE

FEMA P-320 (2014)

SHEET TITLE: TABLES
DRAWING NO: SR0.3
DATE: DECEMBER 2014

GENERAL NOTES

- THE CONSTRUCTION DRAWINGS REPRESENT THE FINISHED STRUCTURE. THEY DO NOT INCLUDE CONSTRUCTION MEANS AND METHODS. CONTRACTOR SHALL PROVIDE ALL MEASURES NECESSARY TO PROTECT THE STRUCTURE DURING CONSTRUCTION. SUCH MEASURES SHALL INCLUDE BUT NOT BE LIMITED TO BRACING, SHORING FOR CONSTRUCTION LOADS, TEMPORARY STRUCTURES, AND PARTIALLY COVERED WORK.
- IF THERE IS A CONFLICT AMONG THE GENERAL NOTES, SPECIFICATIONS, AND PLANS, THE MORE STRINGENT CRITERIA SHALL APPLY.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL EXCAVATION PROCEDURES INCLUDING SHORING AND PROTECTION OF ADJACENT PROPERTY, UTILITIES, STREETS, AND UTILITIES IN ACCORDANCE WITH THE LOCAL BUILDING DEPARTMENT. ALL WORK OR CONSTRUCTION SHALL COMPLY WITH ALL APPLICABLE BUILDING CODES, REGULATIONS, AND SAFETY REQUIREMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION AND COORDINATION OF ALL DIMENSIONS, CONDITIONS AND ELEVATIONS.
- OPTIONS ARE FOR CONTRACTOR CONVENIENCE. IF AN OPTION IS USED, THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL NECESSARY CHANGES AND SHALL COORDINATE ALL DETAILS AND NOTES SHALL APPLY. THOUGH NOT NECESSARY AT A SPECIFIC LOCATION ON PLANS, WHERE NO DETAILS ARE SHOWN, CONSTRUCTION SHALL CONFORM TO SIMILAR WORK ON THE PROJECT. DETAILS MAY ONLY SHOW ONE SIDE OF CONSTRUCTION OR MAY OMIT INFORMATION FOR CLARITY. WHERE DISCREPANCIES OCCUR IN THESE DRAWINGS, NOTES AND DETAILS ON DRAWINGS SHALL TAKE PRECEDENCE OVER GENERAL STRUCTURAL NOTES AND TYPICAL DETAILS.
- NOT ALL OPENINGS ARE SHOWN IN THESE DRAWINGS. ESTABLISH AND VERIFY ALL OPENINGS AND INSERTS FOR MECHANICAL, PLUMBING, AND ELECTRICAL WITH APPROPRIATE TRADES, DRAWINGS, AND SUBCONTRACTORS PRIOR TO CONSTRUCTION. OPENINGS MAY REQUIRE ADDITIONAL REINFORCING OR SUPPORTS AS SHOWN ON TYPICAL DETAILS. OPENINGS NEED TO BE PROTECTED PER ICC 500 SECTIONS 310.1 AND 306.3.
- COMPLETE INSPECTION REQUIREMENTS SHALL BE AS DIRECTED BY THE LOCAL BUILDING DEPARTMENT.
- THE CONSTRUCTION DRAWINGS SHOULD NOT BE SCALED. DIMENSIONS APPLY.
- FOLLOW MANUFACTURER'S RECOMMENDATIONS FOR INSTALLING UPLIFT/BEAR RESISTANCE CONNECTORS.
- TO ENSURE THE SAFE ROOM PROVIDES THE DESIRED LEVEL OF PROTECTION, A PROFESSIONAL ENGINEER OR ARCHITECT SHOULD BE CONSULTED FOR ANY DESIGN CONDITION FOUND TO BE DIFFERENT FROM THOSE REPRESENTED BY THESE PLANS.
- TO OBTAIN AN EQUIVALENT LEVEL OF PROTECTION, SAFE ROOM DESIGNS NOT MEETING THE SPECIFIC REQUIREMENTS OF THESE PLANS SHOULD BE DESIGNED TO MEET THE FEMA SAFE ROOM CRITERIA SET FORTH IN THE 2015 FEMA P-361 DESIGN AND CONSTRUCTION GUIDANCE FOR COMMUNITY SAFE ROOMS.
- FOR ALL CONSTRUCTION, USE ONLY SCREWS AND HARDWARE THAT HAVE BEEN EVALUATED THROUGH AN ANSI-APPROVED PRODUCT CERTIFICATION BODY SUCH AS IMPA-OES OR ICC-ES.
- VENTILATION IS TO BE PROVIDED PER PLAN DETAILS. VERIFY SIZE REQUIREMENTS BASED ON LOCAL CODES AND ICC 500.
- MAXIMUM WALL HEIGHT FOR SAFE ROOM SHALL BE 8'-0".
- REFER TO LOCALLY ADOPTED BUILDING CODE FOR EXTERIOR SAFE ROOM WEATHER PROTECTION REQUIREMENTS.
- FOR COMMUNITY SAFE ROOMS SEE 2014 ICC 500 AND 2015 FEMA P-361 FOR ADDITIONAL DESIGN REQUIREMENTS.

CONCRETE NOTES

- REINFORCING BAR DETAILS, FABRICATING, AND PLACING SHALL CONFORM TO THE ACI STANDARD. DETAILING AND DETAILING OF CONCRETE REINFORCEMENT (ACI 318) AND THE MANUAL OF REINFORCING AND PLACING CONCRETE (ACI 307) SHALL BE USED. THE MOST CURRENT EDITIONS OF CONCRETE REINFORCING STEEL INSTITUTES' REINFORCING BAR DETAILING AND PLACING REINFORCING BARS MAY ALSO BE USED.
- REINFORCING STEEL SHALL CONFORM TO THE REQUIREMENTS OF ASTM A615. REINFORCING STEEL SHALL BE PROVIDED BY THE CONTRACTOR. ALL BARS UNLESS NOTED OTHERWISE ON PLANS OR DETAILS. ALL REINFORCING TO BE WELDED SHALL BE TO AMERICAN WELDING SOCIETY'S AWS D14.1 - STRUCTURAL WELDING CODE AND SHALL BE MADE ONLY AT LOCATIONS SHOWN ON PLANS OR DETAILS.
- ALL REINFORCING SHALL BE BENT COLD. BARS SHALL NOT BE STRAIGHTENED AND REBENT. FIELD BENDING OF REBAR SHALL NOT BE ALLOWED UNLESS SPECIFICALLY NOTED OTHERWISE.
- REINFORCING BAR SPACING SHOWN ON PLANS ARE AT MAXIMUM ON CENTERS. ALL BARS SHALL BE DETAIL AND PLACED WITHIN 12" TOLERANCE IN ANY DIRECTION. SECURELY TIE ALL BARS IN LOCATION BEFORE PLACING CONCRETE.
- REINFORCING BAR CLEAR COVER REQUIREMENTS:
a. CONCRETE PLACED AGAINST FORM - 3"
b. CONCRETE PLACED IN FORMS - 1 1/2"
- WELDED WIRE REINFORCING SHALL CONFORM TO THE REQUIREMENTS OF ASTM A1034. LAPS IN WELDED WIRE REINFORCING SHALL BE MADE SUCH THAT THE OVERLAP, MEASURED BETWEEN OUTERMOST CROSS WIRE OF EACH SHEET, IS NOT LESS THAN THE SPACING OF CROSS WIRES PLUS 2 INCHES.
- MECHANICAL SPlice COUPLERS, FLANGE COUPLERS, THREADED COUPLERS, ETC. SHALL HAVE CURRENT ANSI-APPROVED PRODUCT CERTIFICATION BODY SUCH AS IMPA-OES OR ICC-ES APPROVAL AND SHALL BE CAPABLE OF DEVELOPING 125% OF THE STRENGTH OF THE BAR.
- PROVIDE BAR SUPPORTS, BOLSTERS, CHAIRS, SPACERS, AND OTHER DEVICES FOR SPACING, SUPPORTING, AND FASTENING REINFORCING BARS AND WELDED WIRE REINFORCEMENT IN PLACE. MANUFACTURE BAR SUPPORTS FROM STEEL WIRE, PLASTIC, OR PRECAST CONCRETE ACCORDING TO CEMENT MANUAL OF STANDARD PRACTICE.
- PROVIDE TEMPORARY SHORING AND BRACING OF ALL STRUCTURAL AND MISCELLANEOUS ELEMENTS UNTIL LOOSELY TIGHTENED TO THE REQUIRED STRENGTH.
- WHEN PLACING CONCRETE IN HOT WEATHER, REFER TO ACI 309R. WHEN PLACING CONCRETE IN COLD WEATHER, REFER TO ACI 308R.
- ALL BELOW GRADE CONSTRUCTION JOINTS SHALL HAVE A CONTINUOUS WATERSTOP CAST INTO GRADE AT THE JOINT.
- WHERE FOOTINGS, WALLS, OR OTHER STRUCTURAL ELEMENTS INTERSECT, CORNER OR TEE, PROVIDE CORNER BARS WITH REQUIRED LAP LENGTHS TO PROVIDE CONTINUITY OF HORIZONTAL STEEL REINFORCING UNO.
- PROVIDE LOCALLY APPROVED COVER FOR ANCHOR BOLTS AND LOCATE HORIZONTAL REINFORCEMENT TO THE OUTSIDE FOR ANCHOR BOLT CONTAINMENT UNO.
- FOLLOW ALL MANUFACTURER'S INSTALLATION RECOMMENDATIONS WHERE DOWELS, BOLTS, OR INSERTS ARE CALLED TO BE ANCHORED TO BE IN PLACE. CONCRETE ELEMENTS USING EPOXY ADHESIVES OR MECHANICAL ANCHORAGE.
- EPOXY ADHESIVE SHALL BE USED AS ONE TO ONE RATIO OF EPOXY TO CEMENT FOR TOTAL CEMENT CONTENT AS LONG AS THE AMBIENT TEMPERATURE IS ABOVE 40 DEGREES FAHRENHEIT. EPOXY SHALL BE CLASS C CONFORMING TO ASTM C-827.
- ALL CONCRETE EXPOSED TO FREEZING SHALL BE AIR ENTRAINED. AIR CONTENT OF FRESH CONCRETE SHALL BE AS SPECIFIED.
- DO NOT USE SAND FINE AGGREGATE MAY BE USED IN CONCRETE EXPOSED TO WEATHER, VIEW, OR IN HORIZONTAL LOCATIONS.
- DO NOT USE AIR ENTRAINMENT FOR FLOORS WITH A TROVELED FINISH AS SUCH WILL CAUSE ENTRAPPED AIR CONTENT NOT EXCEED 3%.
- CONCRETE FOR FOUNDATION WALLS, FOOTINGS, AND INTERIOR SLABS ON GRADE SHALL HAVE A 28-DAY COMPRESSIVE STRENGTH OF 3,000 PSI WITH A SLUMP OF 4" ± 1".
- CONCRETE FOR CAST-IN-PLACE WALL SHALL HAVE A 28-DAY COMPRESSIVE STRENGTH OF 4,000 PSI WITH A SLUMP OF 4" ± 1". THE MAXIMUM WATER TO CEMENT RATIO SHALL BE 0.45 BY WEIGHT.
- ADDITIONAL FLOWABILITY IS REQUIRED FOR PLACEMENT OF ANY CONCRETE MIX A WATER REDUCING ADDITIVE CONFORMING TO ASTM D411, TYPE A, D, E, OR F SHALL BE USED. NO ADDITIONAL WATER BE ADDED TO THE MIXTURE. WATER REDUCING OR CONCRETE CONTAINING WATER-REDUCING OR HIGH-RANGE WATER-REDUCING ADDITIVE SHALL NOT EXCEED 1% AFTER ADMIXTURE IS INCORPORATED INTO CONCRETE WITH A 2'-4" SLUMP.

ABBREVIATION LEGEND

ACI	ANCHOR BOLT
ACI	AMERICAN CONCRETE INSTITUTE
ACI	AMERICAN INSTITUTE OF STEEL CONSTRUCTION
ANSI	AMERICAN IRON AND STEEL INSTITUTE
AWS	AMERICAN WELDING SOCIETY
BTM	BOTTOM OF
CRP	CAST IN PLACE CONCRETE WALL
CMU	CONCRETE MASONRY UNIT
CONC	CONCRETE
CONT	CONTINUOUS
DM	DIMETER
DL	DOUBLE
EL	ELEVATION
EQ	EQUAL
EW	EACH WAY
FN	FINISHED FLOOR
FTG	FOOTING
GAGE	GAGE
HP	HORIZONTAL
ICF	INTERLOCKED CONCRETE FORMS
INFO	INFORMATION
INSI	KIPS PER SQUARE INCH
L	LENGTH
LB	POUNDS
LONG	LONGITUDINAL
MAX	MAXIMUM
MSP	MECHANICAL, ELECTRICAL, PLUMBING
MFR	MANUFACTURER
MISC	MISCELLANEOUS
MNT	MASONRY Lintel
MTL	METAL
NOT	NOT TO SCALE
OC	ON CENTER
PPF	POUNDS PER CUBIC FOOT
PSF	POUNDS PER SQUARE FOOT
PSI	POUNDS PER SQUARE INCH
PT	PRESSURE TREATED
RE	REFER TO
REIN	REINFORCING
RF	REFLECTED FINISH
SQ	SQUARE FOOT
SFRM	SAFE ROOM
SO	SLAB ON GRADE
STC	STRUCTURAL TIE
T	THICKNESS
TAB	TOP
TO	TOP OF CONCRETE ELEVATION
TOP	TOP OF FOOTING ELEVATION
TOP	TOP OF WALL ELEVATION
TYP	TYPICAL
UNO	UNLESS NOTED OTHERWISE
W	WALL
WV	WELDED WIRE REINFORCING

FEMA P-320 (2014)

SHEET TITLE: GENERAL NOTES
DRAWING NO: SR0.1
DATE: DECEMBER 2014

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Revision: X (Previous Project) 2020-033 Cein McCallahan North Topeka Development.dwg

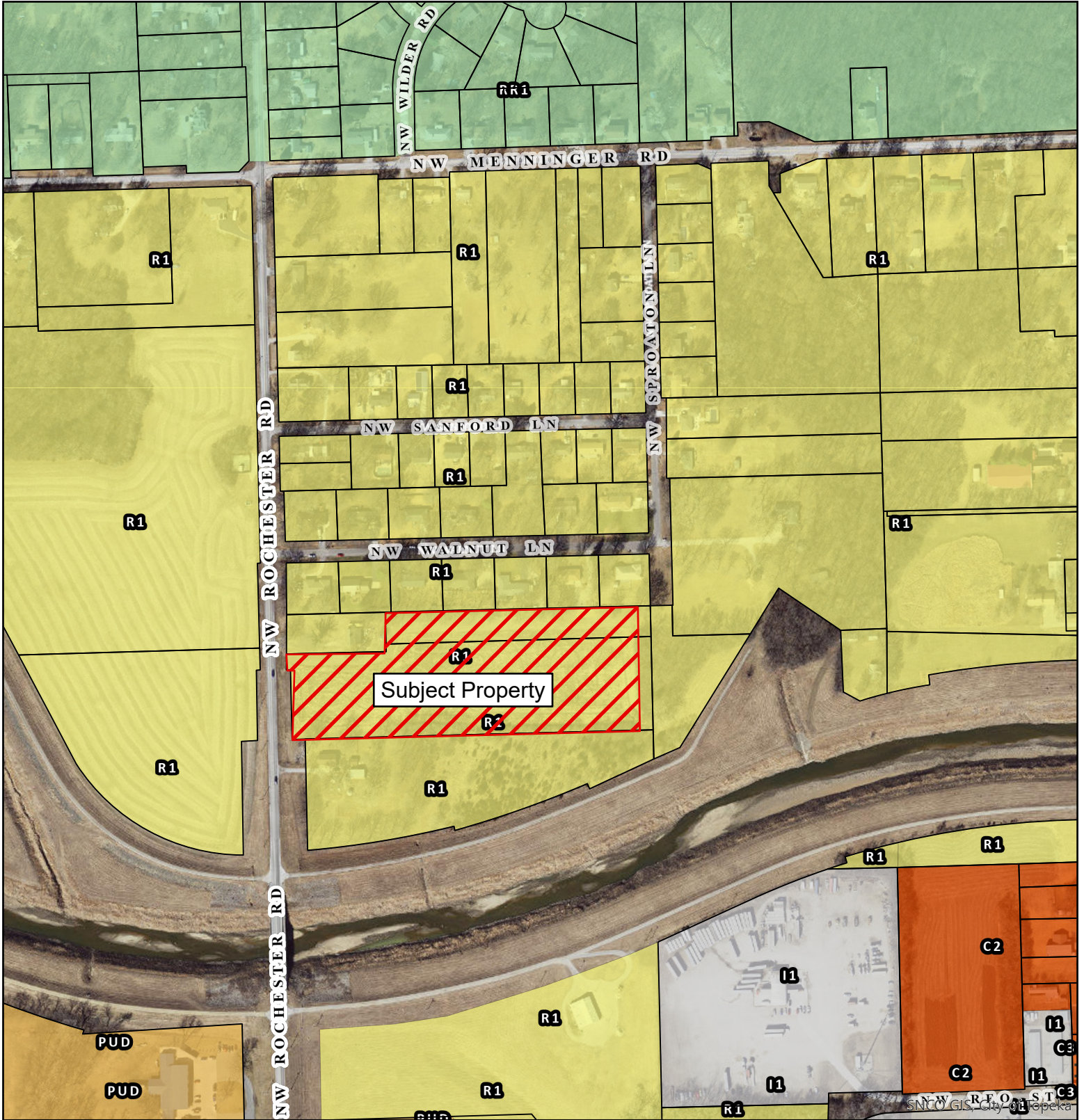
PUD23/02 Eugene & Paramore LLC - Aerial Map



Subject Property



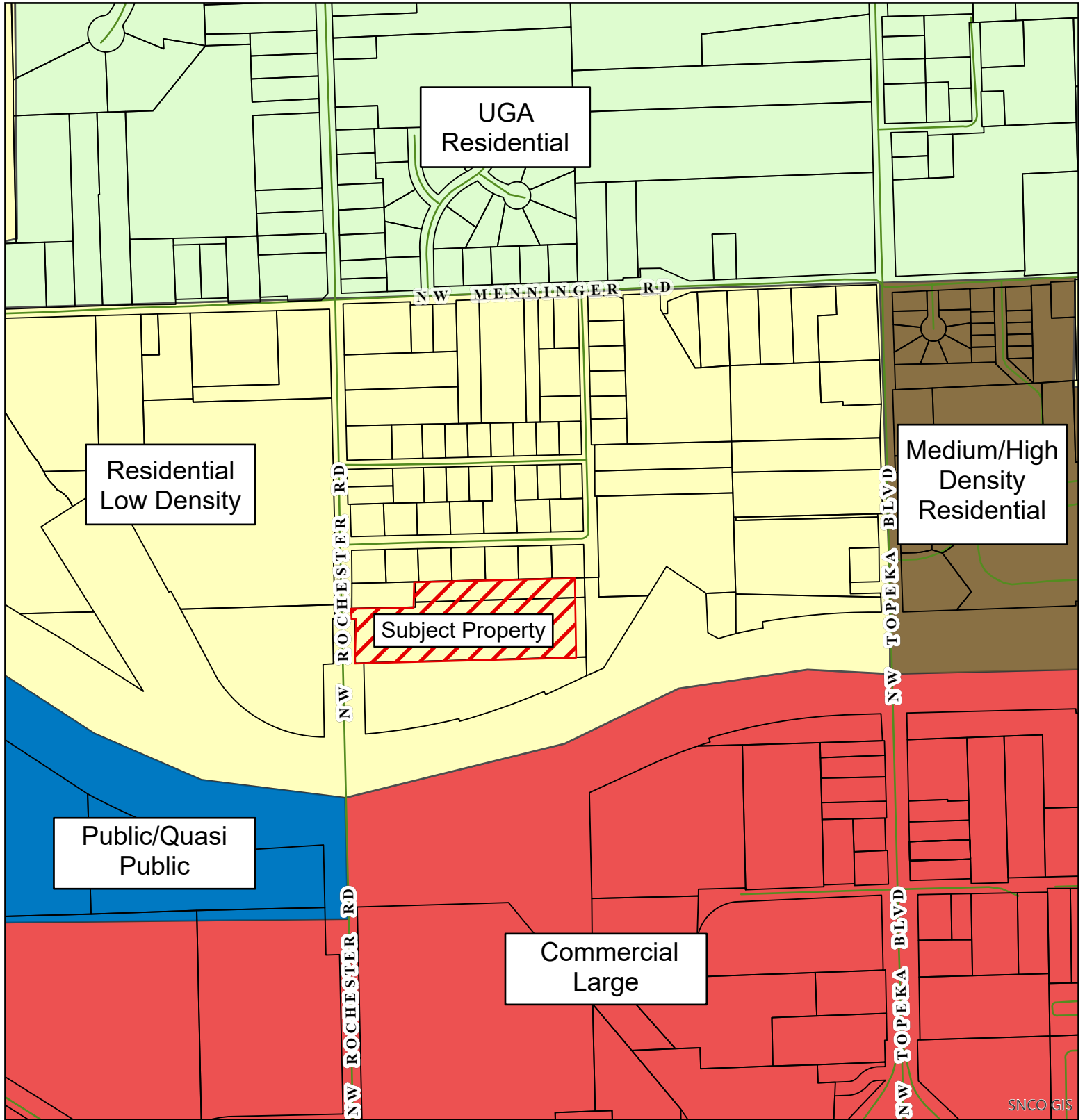
PUD23/02 Eugene & Paramore LLC - Zoning Map



City of Topeka Planning Division



PUD23/02 Eugene & Paramore LLC - Future Land Use Map



City of Topeka Planning Division



PUD23/02
Neighborhood Information Meeting
Eugene & Paramore
R-1 to M-1A

2-22-23
5:30pm – 6:30pm

Persons in attendance:

- 1) Travis Haizlip – CFS
- 2) Kevin Holland – CFS
- 3) Craig McCullah – Owner \ Developer
- 4) Byson Risley – City of Topeka
- 5) Mike Hall – City of Topeka
- 6) Gene Murphy
- 7) Mae Brown
- 8) Mary
- 9) Sam
- 10) Henry McClure
- 11) Christina Valdivia-Alcala
- 12) J Hop 5
- 13) Tammie Wolf
- 14) Jeff S & Ed S
- 15) Marian
- 16) Anonymous
- 17) Anonymous

Issues / Clarifications:

- Access from Rochester
- Section 8 housing not planned
- Sewer for property only
- Not in Floodplain
- Cul-de-sac w/30 units max
- M1-A zoning
- Sidewalks within development
- Owner - Operator

PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN

EUGENE & PARAMORE LLC

BOOK _____ PAGE _____
DATE _____ TIME _____

Traffic Review
Benesch
1/31/23

1. It appears that the unplatted parcels on the east end of this tract will be landlocked. A platted R/W should not be used to service one lot, and when/if the R/W is vacated, then it reverts to the neighboring lots and could lead to a landlocked parcel.
2. Appropriate R/W shall be dedicated along NW Rochester Rd. (assumed to be 52.5' from section line/centerline but should be confirmed with Shawnee County.)
3. Confirmation shall be provided that adequate horizontal and vertical sight distance exists at the proposed exit from the subdivision.
4. All work within the public R/W shall meet current City of Topeka criteria and be built per City standard details and specifications.

RECORDED WITH THE SHAWNEE COUNTY REGISTER OF DEEDS
BECCA J. NIOCE, REGISTER OF DEEDS

CERTIFICATION OF PUD MASTER PLAN APPROVAL

THIS PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN HAS BEEN REVIEWED AND APPROVED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18.190 OF THE COMPREHENSIVE ZONING REGULATIONS OF THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS AND MAY BE AMENDED ONLY AS PRESCRIBED IN TMC 18.190.070 OF AND AS SET FORTH ON THIS DOCUMENT OR AS MAY SUBSEQUENTLY BE APPROVED AND RECORDED.

_____, INTERIM PLANNING & DEVELOPMENT DIRECTOR DATE _____

STATE OF KANSAS ss
COUNTY OF SHAWNEE ss

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, CAME _____, INTERIM PLANNING AND DEVELOPMENT DIRECTOR, CITY OF TOPEKA, WHO IS PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE WITHIN INSTRUMENT OF WRITING, AND SUCH PERSON DULY ACKNOWLEDGED THE EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HEREBY SET MY HAND AND AFFIX MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC _____

MY COMMISSION EXPIRES: _____

OWNER'S CERTIFICATE

EUGENE & PARAMORE LLC, OWNER, AGREES TO COMPLY WITH THE CONDITIONS AND RESTRICTIONS AS SET FORTH ON THE PUD MASTER PLAN.

IN TESTIMONY WHEREOF, THE OWNERS OF THE ABOVE DESCRIBED PROPERTY, COMET INDUSTRIES LLC, HAVE SIGNED THESE PRESENTS THIS _____ DAY OF _____, 2023.

CRAIG MCCULLAH, OWNER
EUGENE & PARAMORE, LLC

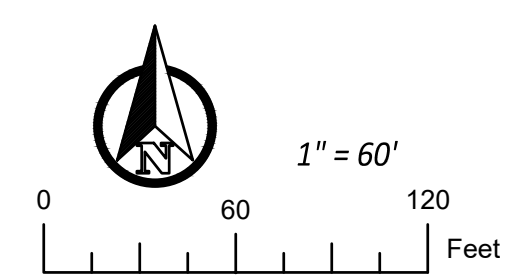
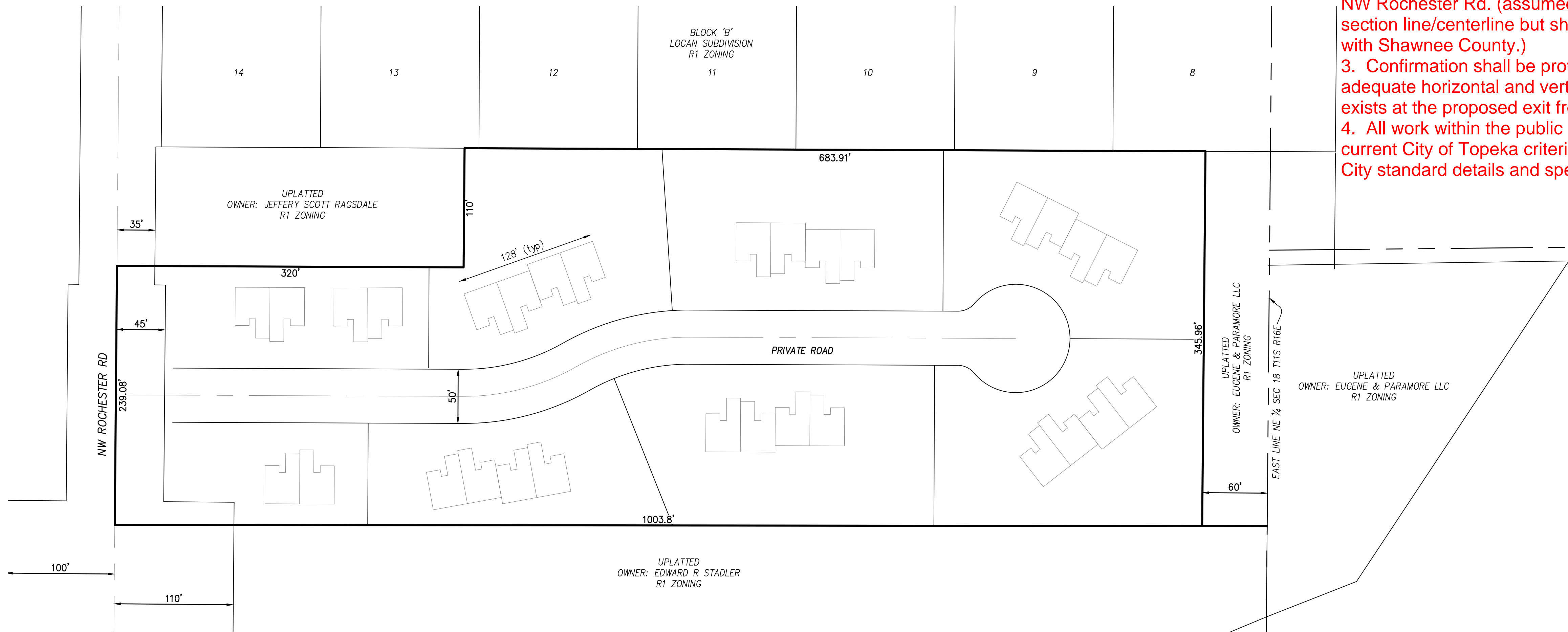
STATE OF KANSAS ss
COUNTY OF SHAWNEE ss

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, CAME GREG GREENWOOD, OWNER, COMET INDUSTRIES LLC, WHO IS PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE WITHIN INSTRUMENT OF WRITING, AND SUCH PERSON DULY ACKNOWLEDGED THE EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HEREBY SET MY HAND AND AFFIX MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC _____

MY COMMISSION EXPIRES: _____



DESCRIPTION (PUD ZONING W/ M-2)

THE SOUTH HALF OF THE FOLLOWING DESCRIBED TRACT OF LAND:
COMMENCING ON THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 11 SOUTH, RANGE 16 EAST OF THE 6TH P.M., SHAWNEE COUNTY, KANSAS, 16.22 CHAINS (1070.52 FEET) NORTH OF THE SOUTHWEST CORNER OF SAID QUARTER SECTION; THENCE WEST PARALLEL TO THE SOUTH LINE OF THE SAID NORTHEAST QUARTER, 16.125 CHAINS (1064.25 FEET) TO THE CENTER OF THE ROAD; THENCE NORTHERLY ALONG THE CENTER OF SAID ROCHESTER ROAD 10.543 CHAINS (695.84 FEET); THENCE EAST PARALLEL TO SAID SOUTH LINE 16.125 CHAINS (1064.25 FEET) TO THE EAST LINE OF SAID QUARTER SECTION; THENCE SOUTH 10.543 CHAINS (695.84 FEET) TO THE PLACE OF BEGINNING, LESS THE EAST 60 FEET THEREOF;
AND LESS THE FOLLOWING DESCRIBED PARCEL:
A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 11 SOUTH, RANGE 16 EAST OF THE 6TH P.M., SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS:
BEGIN ON THE CENTERLINE OF ROCHESTER ROAD AT THE SOUTHWEST CORNER OF LOGAN SUBDIVISION; ACCORDING TO THE RECORDED PLAT THEREOF; THENCE ON AN ASSUMED BEARING OF NORTH 89° 59' 22" EAST, 320.00 FEET ALONG THE SOUTH LINE OF SAID SUBDIVISION; THENCE PARALLEL WITH THE CENTERLINE OF ROCHESTER ROAD, SOUTH 00° 13' 29" WEST, 110.00 FEET; THENCE SOUTH 89° 59' 22" WEST 320.00 FEET TO THE CENTERLINE OF ROCHESTER ROAD; THENCE NORTH 00° 13' 29" EAST, 110.00 FEET ALONG SAID CENTERLINE TO THE POINT OF BEGINNING.

PERFORMANCE OBJECTIVE

TO PROVIDE FOR LAND USES IN ACCORDANCE WITH THE M-2 ZONING CLASSIFICATION IN A MANNER COMPATIBLE WITH SURROUNDING NEIGHBORHOOD.
TO ACCOMMODATE NEW CONSTRUCTION OF QUAD-PLEX STYLE RESIDENTIAL DEVELOPMENT.

GENERAL NOTES

1. THE STANDARDS APPLICABLE TO THE BASE ZONING OF M-2 SHALL APPLY UNLESS OTHERWISE STATED.
2. NO BUILDING PERMITS SHALL BE ISSUED UNTIL INDIVIDUAL SITE DEVELOPMENT PLANS SUBJECT TO TMC 18.190.060(C) HAVE BEEN REVIEWED AND APPROVED BY THE PLANNING DIRECTOR AND OTHER CITY AGENCIES PRIOR TO SUBMITTAL FOR BUILDING PERMITS. THESE SITE PLANS SHALL ADDRESS INDIVIDUAL BUILDING SITE LOCATIONS, OFF-STREET PARKING AND INTERNAL CIRCULATION, FIRE HYDRANTS, LANDSCAPING, FENCING, PEDESTRIAN CONNECTIVITY, EXTERNAL LIGHTING, SIGNAGE, BUILDING ELEVATIONS, CPTED, UTILITIES, STORM WATER, RELATIONSHIP TO ADJACENT LOTS, ETC.
3. NO BUILDING PERMITS SHALL BE ISSUED UNTIL THE PROPERTY IS PLATTED.
4. PURSUANT TO TMC 18.190, THE APPLICANT MUST RECORD THE PUD MASTER PLAN WITH THE SHAWNEE COUNTY REGISTER OF DEEDS WITHIN SIXTY (60) DAYS UPON APPROVAL OF THE GOVERNING BODY. FAILURE BY THE APPLICANT TO RECORD THE PLAN WITHIN THE PRESCRIBED TIME PERIOD AND PROVIDE THE PLANNING DEPARTMENT WITH THE REQUIRED NUMBER OF COPIES OF THE RECORDED PLAN WITHIN NINETY (90) DAYS OF THE DATE OF ACTION BY THE GOVERNING BODY SHALL RENDER THE ZONING PETITION NULL AND VOID.
5. ALL REGULATIONS OF TITLE 18, TOPEKA MUNICIPAL CODE APPLY UNLESS STATED OTHERWISE HEREIN.
6. NO BUILDING PERMITS SHALL BE ISSUED UNTIL STORMWATER MANAGEMENT PLANS AND REQUIREMENTS ARE MET AND APPROVED, INCLUDING GRANTING OF ANY NECESSARY STORMWATER MANAGEMENT EASEMENTS.

UTILITY NOTES

1. PUBLIC WATER SERVICE WILL BE PROVIDED BY THE CITY OF TOPEKA.
2. PUBLIC SEWER SERVICE WILL BE PROVIDED BY THE CITY OF TOPEKA.
3. ALL UTILITIES SHALL BE PLACED UNDERGROUND PURSUANT TO THE CITY'S RIGHT-OF-WAY MANAGEMENT STANDARDS.

CIRCULATION, PARKING & TRAFFIC NOTES

1. TBD BY CITY STAFF IF APPLICABLE

SIGNAGE NOTES

1. SIGNS SHALL BE APPROVED BY SEPARATE SIGN PERMIT APPLICATION
2. TMC 18, DIVISION 2 SIGNS SHALL GOVERN ALL OTHER SIGNS UNLESS SPECIFICALLY STATED HEREIN.

BUILDING NOTES

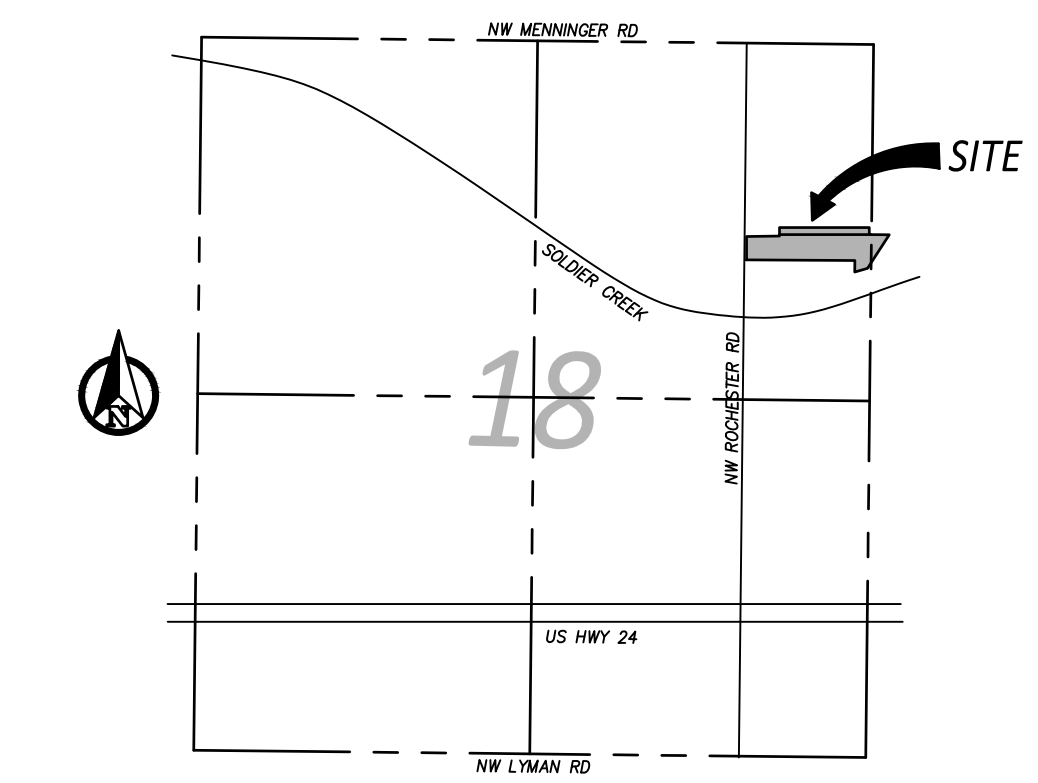
1. TBD BY CITY STAFF IF APPLICABLE.

VARIANCE NOTES

1. TBD BY CITY STAFF IF APPLICABLE

PROJECT DATA

- SITE AREA: 313,668 SQ FT ± OR 7.20 ACRES ±
- PROPOSED ZONING: PLANNED UNIT DEVELOPMENT (PUD) WITH M-2 USE GROUPS
- MINIMUM LOT AREA: 7,500 SF
- MAXIMUM BUILDING COVERAGE RATIO: 60%



VICINITY MAP
NO SCALE



PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN

EUGENE & PARAMORE LLC

BOOK _____ PAGE _____
DATE _____ TIME _____

Traffic Review

Benesch
1/31/23

1. It appears that the unplatted parcels on the east end of this tract will be landlocked. A platted R/W should not be used to service one RECORDED WITH THE SHAWNEE COUNTY REGISTER OF DEEDS
REBECCA J. NIOCE, REGISTER OF DEEDS
2. Appropriate R/W shall be dedicated along NW Rochester Rd. (assumed to be 52.5' from section line/centerline but should be confirmed with Shawnee County.)
3. Confirmation shall be provided that adequate horizontal and vertical sight distance exists at the proposed exit from the subdivision.
4. All work within the public R/W shall meet current City of Topeka criteria and be built per City standard details and specifications.

CERTIFICATION OF PUD MASTER PLAN APPROVAL

THIS PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN HAS BEEN REVIEWED AND APPROVED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18.190 OF THE COMPREHENSIVE ZONING REGULATIONS OF THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS AND MAY BE AMENDED ONLY AS PRESCRIBED IN TMC 18.190.070 OF AND AS SET FORTH ON THIS DOCUMENT OR AS MAY SUBSEQUENTLY BE APPROVED AND RECORDED.

_____, INTERIM PLANNING & DEVELOPMENT DIRECTOR DATE _____

STATE OF KANSAS ss
COUNTY OF SHAWNEE ss

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, CAME _____, INTERIM PLANNING AND DEVELOPMENT DIRECTOR, CITY OF TOPEKA, WHO IS PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE WITHIN INSTRUMENT OF WRITING, AND SUCH PERSON DULY ACKNOWLEDGED THE EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HEREBY SET MY HAND AND AFFIX MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

OWNER'S CERTIFICATE

EUGENE & PARAMORE LLC, OWNER, AGREES TO COMPLY WITH THE CONDITIONS AND RESTRICTIONS AS SET FORTH ON THE PUD MASTER PLAN.

IN TESTIMONY WHEREOF, THE OWNERS OF THE ABOVE DESCRIBED PROPERTY, COMET INDUSTRIES LLC, HAVE SIGNED THESE PRESENTS THIS _____ DAY OF _____, 2023.

CRAIG MCCULLAH, OWNER
EUGENE & PARAMORE, LLC

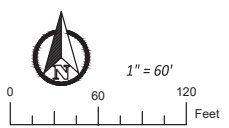
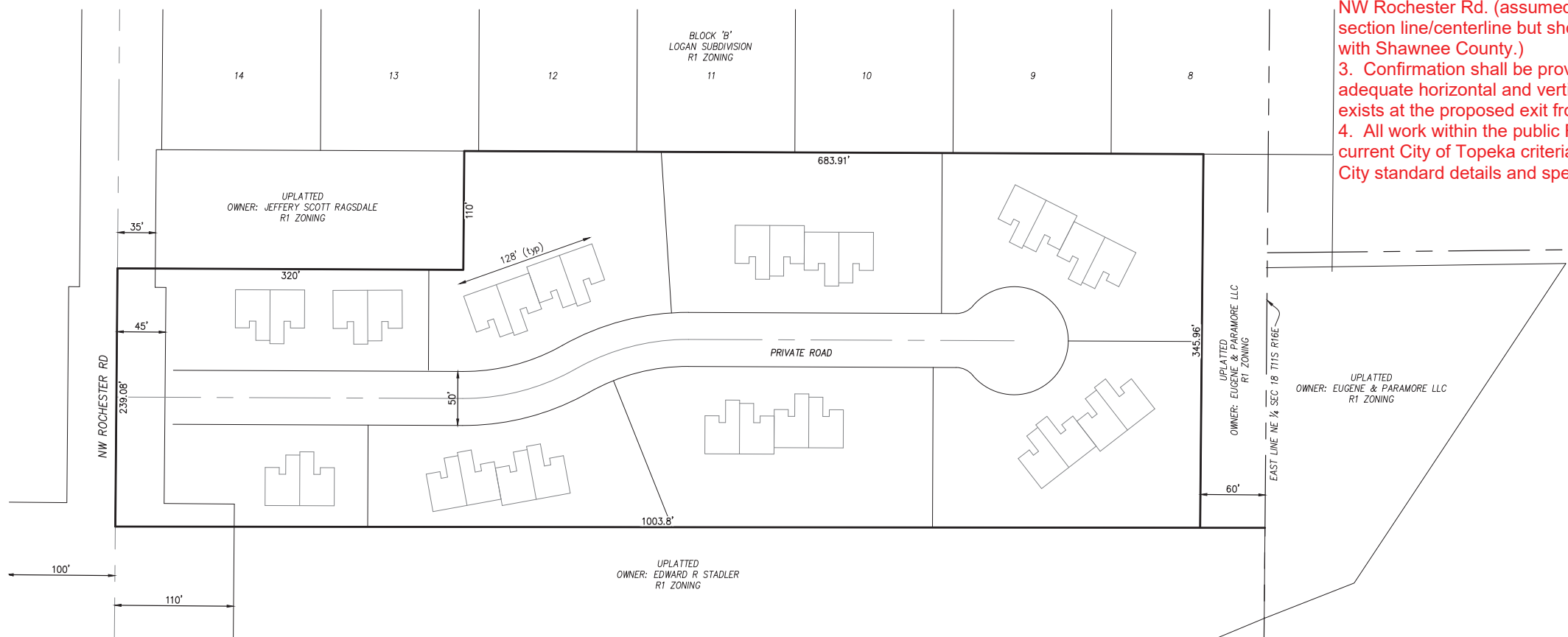
STATE OF KANSAS ss
COUNTY OF SHAWNEE ss

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, CAME GREG GREENWOOD, OWNER, COMET INDUSTRIES LLC, WHO IS PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE WITHIN INSTRUMENT OF WRITING, AND SUCH PERSON DULY ACKNOWLEDGED THE EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HEREBY SET MY HAND AND AFFIX MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____



DESCRIPTION (PUD ZONING W/ M-2)

THE SOUTH HALF OF THE FOLLOWING DESCRIBED TRACT OF LAND:
COMMENCING ON THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 11 SOUTH, RANGE 16 EAST OF THE 6TH P.M., SHAWNEE COUNTY, KANSAS, 16.22 CHAINS (1070.52 FEET) NORTH OF THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE WEST PARALLEL TO THE SOUTH LINE OF THE SAID NORTHEAST QUARTER, 16.125 CHAINS (1064.25 FEET) TO THE CENTER OF THE ROAD; THENCE NORTHERLY ALONG THE CENTER OF SAID ROCHESTER ROAD 10.543 CHAINS (695.84 FEET); THENCE EAST PARALLEL TO SAID SOUTH LINE 16.125 CHAINS (1064.25 FEET) TO THE EAST LINE OF SAID QUARTER SECTION; THENCE SOUTH 2 CHAINS (695.84 FEET) TO THE PLACE OF BEGINNING, LESS THE EAST 60 FEET THEREOF.
AND LESS THE FOLLOWING DESCRIBED PARCEL:
A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 11 SOUTH, RANGE 16 EAST OF THE 6TH P.M., SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS:
BEGIN ON THE CENTERLINE OF ROCHESTER ROAD AT THE SOUTHWEST CORNER OF LOGAN SUBDIVISION; ACCORDING TO THE RECORDED PLAT THEREOF; THENCE ON AN ASSUMED BEARING OF NORTH 89° 59' 22" EAST, 320.00 FEET ALONG THE SOUTH LINE OF SAID SUBDIVISION; THENCE PARALLEL WITH THE CENTERLINE OF ROCHESTER ROAD, SOUTH 00° 13' 29" WEST, 110.00 FEET; THENCE SOUTH 89° 59' 22" WEST 320.00 FEET TO THE CENTERLINE OF ROCHESTER ROAD; THENCE NORTH 00° 13' 29" EAST, 110.00 FEET ALONG SAID CENTERLINE TO THE POINT OF BEGINNING.

PERFORMANCE OBJECTIVE

TO PROVIDE FOR LAND USES IN ACCORDANCE WITH THE M-2 ZONING CLASSIFICATION IN A MANNER COMPATIBLE WITH SURROUNDING NEIGHBORHOOD.
TO ACCOMMODATE NEW CONSTRUCTION OF QUAD-PLEX STYLE RESIDENTIAL DEVELOPMENT.

GENERAL NOTES

1. THE STANDARDS APPLICABLE TO THE BASE ZONING OF M-2 SHALL APPLY UNLESS OTHERWISE STATED.
2. "NO BUILDING PERMITS SHALL BE ISSUED UNTIL INDIVIDUAL SITE DEVELOPMENT PLANS SUBJECT TO TMC 18.190.060(C) HAVE BEEN REVIEWED AND APPROVED BY THE PLANNING DIRECTOR AND OTHER CITY AGENCIES PRIOR TO SUBMITTAL FOR BUILDING PERMITS. THESE SITE PLANS SHALL ADDRESS INDIVIDUAL BUILDING SITE LOCATIONS, OFF-STREET PARKING AND INTERNAL CIRCULATION, FIRE HYDRANTS, LANDSCAPING, FENCING, PEDESTRIAN CONNECTIVITY, EXTERNAL LIGHTING, SIGNAGE, BUILDING ELEVATIONS, CPTED, UTILITIES, STORM WATER, RELATIONSHIP TO ADJACENT LOTS, ETC.
3. NO BUILDING PERMITS SHALL BE ISSUED UNTIL THE PROPERTY IS PLATTED.
4. PURSUANT TO TMC 18.190, THE APPLICANT MUST RECORD THE PUD MASTER PLAN WITH THE SHAWNEE COUNTY REGISTER OF DEEDS WITHIN SIXTY (60) DAYS UPON APPROVAL OF THE GOVERNING BODY. FAILURE BY THE APPLICANT TO RECORD THE PLAN WITHIN THE PRESCRIBED TIME PERIOD AND PROVIDE THE PLANNING DEPARTMENT WITH THE REQUIRED NUMBER OF COPIES OF THE RECORDED PLAN WITHIN NINETY (90) DAYS OF THE DATE OF ACTION BY THE GOVERNING BODY SHALL RENDER THE ZONING PETITION NULL AND VOID.
5. ALL REGULATIONS OF TITLE 18, TOPEKA MUNICIPAL CODE APPLY UNLESS STATED OTHERWISE HEREIN.
6. NO BUILDING PERMITS SHALL BE ISSUED UNTIL STORMWATER MANAGEMENT PLANS AND REQUIREMENTS ARE MET AND APPROVED, INCLUDING GRANTING OF ANY NECESSARY STORMWATER MANAGEMENT EASEMENTS.

UTILITY NOTES

1. PUBLIC WATER SERVICE WILL BE PROVIDED BY THE CITY OF TOPEKA.
2. PUBLIC SEWER SERVICE WILL BE PROVIDED BY THE CITY OF TOPEKA
3. ALL UTILITIES SHALL BE PLACED UNDERGROUND PURSUANT TO THE CITY'S RIGHT-OF-WAY MANAGEMENT STANDARDS.

CIRCULATION, PARKING & TRAFFIC NOTES

1. TBD BY CITY STAFF IF APPLICABLE

SIGNAGE NOTES

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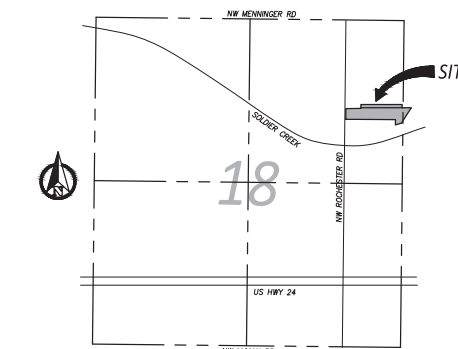
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- MAXIMUM BUILDING COVERAGE RATIO: 60%



VICINITY MAP
NO SCALE

Bryson M. Risley

From: Dan Warner
Sent: Monday, February 20, 2023 8:32 AM
To: Bryson M. Risley; Michael G Hall
Subject: FW: Fw: Question On Flood Plain Classification
Attachments: image001.png; image002.png; image003.jpg; image004.jpg; image005.jpg; image006.jpg; image007.jpg; image008.jpg; image009.jpg; image010.png; image011.png; image012.jpg

See below. Thanks.

Dan Warner, AICP
Planning Division Director



From: DON SLOYER <sloyer@cox.net>
Sent: Sunday, February 19, 2023 7:14 PM
To: Dan Warner <DWarner@topeka.org>; Zach Stueve <zstueve@topeka.org>; Rhiannon M. Friedman <rmfriedman@topeka.org>; Stephen M. Wade <swade@topeka.org>; Sylvia Davis <sdavis@topeka.org>
Cc: graybeard18@yahoo.com
Subject: Fwd: Fw: Question On Flood Plain Classification



This message needs your attention

- You've never replied to this person.
- This is a personal email address.

Powered by Mimecast

To all parties in the attached email chain:

Christina Valdivia-Alcala has shared the information in the attached email chain since some of our neighborhood residents appeared confused about the land classification immediately south of Walnut Lane. At a recent neighborhood meeting discussing the impact of the proposed rezoning and housing units (Case 3PUD 23/02), several questions came up regarding Soldier Creek and the levees that were built to retain the flood water during high rain periods. THANK YOU for verifying that parcel of land is NOT in a flood plain due to levee construction.

We are 40 year property owners at 633 NW Walnut Lane. During the 'high water event' of 2005, we had emergency workers at our door informing us to move cars and basement level belongings to higher ground. The water level could be seen from our deck. Image 4 and 5 illustrate this water level south of our street. You can barely spot the white 'control rod' located on the north levee side. The water was that high! Both views were taken at the bridge over Soldier Creek on Rochester Road. At the time, we were also told the levee walls were heaving and could potentially give way. It was a very stressful time for many.

We are aware the levee was a coordinated effort of several parties, City, State, FEMA, etc. Since a rezoning request has recently been submitted and additional housing units considered in this low area, what information could any of you

share in regard to how the levee is maintained and how often it is checked/monitored. Has any additional work been required to make repairs in various levee locations since the high water level of 2005, 18 years ago? If it does happen again, can water be released 'down stream' to lower the level?

We appreciate your time. Most local residents we have talked to in our immediate area are opposed to this housing development and have their own personal reasons why, but this issue has spurred quite a lot of discussion surrounding the levee and it's safety. We feel this is even more important due to the proposed development and recent record breaking flooding going on in many states the last couple years.

Thank you in advance for any information you can give us.

Respectfully,

Don and Gail Sloyer

----- Original Message -----

From: Christina Valdivia-Alcala <cvalcaladist2@gmail.com>

To: sloyer@cox.net

Date: February 15, 2023 at 2:07 PM

Subject: Fwd: Fw: Question On Flood Plain Classification

----- Forwarded message -----

From: **Christina Valdivia-Alcala** <cvaldivia-alcala@topeka.org>

Date: Wednesday, February 15, 2023

Subject: Fw: Question On Flood Plain Classification

To: "cvalcaladist2@gmail.com" <cvalcaladist2@gmail.com>

Christina Valdivia-Alcalá, Councilwoman

City of Topeka District 2

(785) 233-7110

cvaldivia-alcala@topeka.org

From: Dan Warner

Sent: Tuesday, February 14, 2023 2:06:01 PM

To: Christina Valdivia-Alcala

Cc: Stephen M. Wade; Rhiannon M. Friedman; Sylvia Davis

Subject: FW: Question On Flood Plain Classification

Councilwoman Valdivia-Alcala,

Please see the email from Zach Stueve below. Zach is a Stormwater Engineer for the City's Utilities Department.

Let us know if you have more questions.

Thank you.

Dan Warner, AICP
Planning Division Director
[P&Dhighres copy]

From: Zach Stueve <zstueve@topeka.org>
Sent: Tuesday, February 14, 2023 10:38 AM
To: Sylvia Davis <sdavis@topeka.org>; Rhiannon M. Friedman <rmfriedman@topeka.org>; Stephen M. Wade <swade@topeka.org>; Dan Warner <DWarner@topeka.org>
Subject: RE: Question On Flood Plain Classification

All,

The reason the parcel starred in the aerial in this e-mail chain is not in a flood plain is because it is directly protected by the nearby levee – owned by the North Topeka Drainage District, which you can see as a solid blue line (I've highlighted as well) in the aerial below. This levee serves to protect this area just north of soldier creek from major flooding events and thus is not a FEMA mapped floodplain. You can see this levee containing soldier creek in several of Councilwoman Valdivia-Alcala's photos below.

[\[cid:image010.png@01D9405F.872FD530\]](#)

Several of these pictures appear to be of a nearby but separate area along 35th street. After discussion with Sylvia we believe these are pictures of a flooding event near NW 35th and Fredith RD. This area is not protected by that levee and at least parts of it are in fact in a mapped floodplain surrounding Halfday Creek as can be seen below. Hopefully, that helps but let me know if you need further clarification.

[\[cid:image011.png@01D94060.687C6080\]](#)

Zachary P. Stueve, P.E.
Stormwater Engineer II
Work: 785-368-3122
Cell: 913-568-2903

From: Sylvia Davis <sdavis@topeka.org<mailto:sdavis@topeka.org>>
Sent: Tuesday, February 14, 2023 10:02 AM
To: Rhiannon M. Friedman <rmfriedman@topeka.org<mailto:rmfriedman@topeka.org>>; Stephen M. Wade <swade@topeka.org<mailto:swade@topeka.org>>; Dan Warner <DWarner@topeka.org<mailto:DWarner@topeka.org>>; Zach Stueve <zstueve@topeka.org<mailto:zstueve@topeka.org>>
Subject: RE: Question On Flood Plain Classification

I would suggest first running this by our stormwater engineer Zach Stueve to see if he can put a good explanation down in writing before we pass it back to CVA. He's worked with the folks that built the model (a big collaboration between consultant/State/FEMA). We can get contacts from any of those areas if Zach doesn't have a good response but I think he can assist. I've copied him in this response.

Regards,
Sylvia

From: Rhiannon M. Friedman
Sent: Tuesday, February 14, 2023 9:31 AM

To: Stephen M. Wade <swade@topeka.org<mailto:swade@topeka.org>>; Dan Warner <DWarner@topeka.org<mailto:DWarner@topeka.org>>
Cc: Sylvia Davis <sdavis@topeka.org<mailto:sdavis@topeka.org>>
Subject: RE: Question On Flood Plain Classification

Steve,

Any thoughts on what else we should/can be providing here? The question of the floodplain came up and Dan has provided the GIS map with the floodplain filter to show that this area is not impacted.

Looping in Sylvia to see if she has any thoughts.

Thanks,

Rhiannon Friedman
City of Topeka
Interim Planning & Development Director
620 SE Madison, 3rd Floor
Topeka, KS 66607
(785) 368-3728
rmfriedman@topeka.org<mailto:rmfriedman@topeka.org>
www.topeka.org/planning<<http://www.topeka.org/planning>>
[Signature Artwork]

From: Christina Valdivia-Alcala <cvaldivia-alcala@topeka.org<mailto:cvaldivia-alcala@topeka.org>>
Sent: Tuesday, February 14, 2023 9:04 AM
To: Dan Warner <DWarner@topeka.org<mailto:DWarner@topeka.org>>
Cc: Rhiannon M. Friedman <rmfriedman@topeka.org<mailto:rmfriedman@topeka.org>>; Stephen M. Wade <swade@topeka.org<mailto:swade@topeka.org>>
Subject: Re: Question On Flood Plain Classification

Morning - yes I am requesting additional information on the below. And if needed to drive out with someone later this week to the area in question. Thank you

Christina Valdivia-Alcala, Councilwoman

City of Topeka District 2

(785) 233-7110

cvaldivia-alcala@topeka.org<mailto:cvaldivia-alcala@topeka.org>

From: Dan Warner
Sent: Monday, February 13, 2023 4:44:16 PM
To: Christina Valdivia-Alcala
Cc: Rhiannon M. Friedman; Stephen M. Wade
Subject: RE: Question On Flood Plain Classification

Councilwoman Valdivia-Alcala,

The area north of the creek right there is not in the regulatory floodplain. Below is a snip of our GIS map of the area with the floodplain layer turned on. The various shadings are different elements of either the floodway, or the floodplain.

This is the best I can do to answer your question. If you have more questions about the floodplain in the area, I'll have to see if there is someone in Utilities that can help.

Thank you.

[\[cid:image002.png@01D9405E.D3E82450\]](#)

Dan Warner, AICP
Planning Division Director
[P&Dhighres copy]

From: Christina Valdivia-Alcala <cvaldivia-alcala@topeka.org<mailto:cvaldivia-alcala@topeka.org>>
Sent: Monday, February 13, 2023 4:26 PM
To: Dan Warner <DWarner@topeka.org<mailto:DWarner@topeka.org>>
Cc: Rhiannon M. Friedman <rmfriedman@topeka.org<mailto:rmfriedman@topeka.org>>; Stephen M. Wade <swade@topeka.org<mailto:swade@topeka.org>>
Subject: Question On Flood Plain Classification

Dan

I have recvd notice in the mail about request for change in zoning Case# PUD23/02. My husband, who used to serve District 2, had copies of photos I have attached. I have started receiving calls about the zoning change and a couple of folks that live out in that area have stated they have been told the area for change is NOT considered in flood plain. Given the photos attached, I am confused and seeking clarification. Please advise. Thank you [\[cid:image004.jpg@01D9405E.D3E82450\]](#)

[\[cid:image005.jpg@01D9405E.D3E82450\]](#)

[\[cid:image006.jpg@01D9405E.D3E82450\]](#)

[\[cid:image007.jpg@01D9405E.D3E82450\]](#)

[\[cid:image008.jpg@01D9405E.D3E82450\]](#)

[\[cid:image009.jpg@01D9405E.D3E82450\]](#)

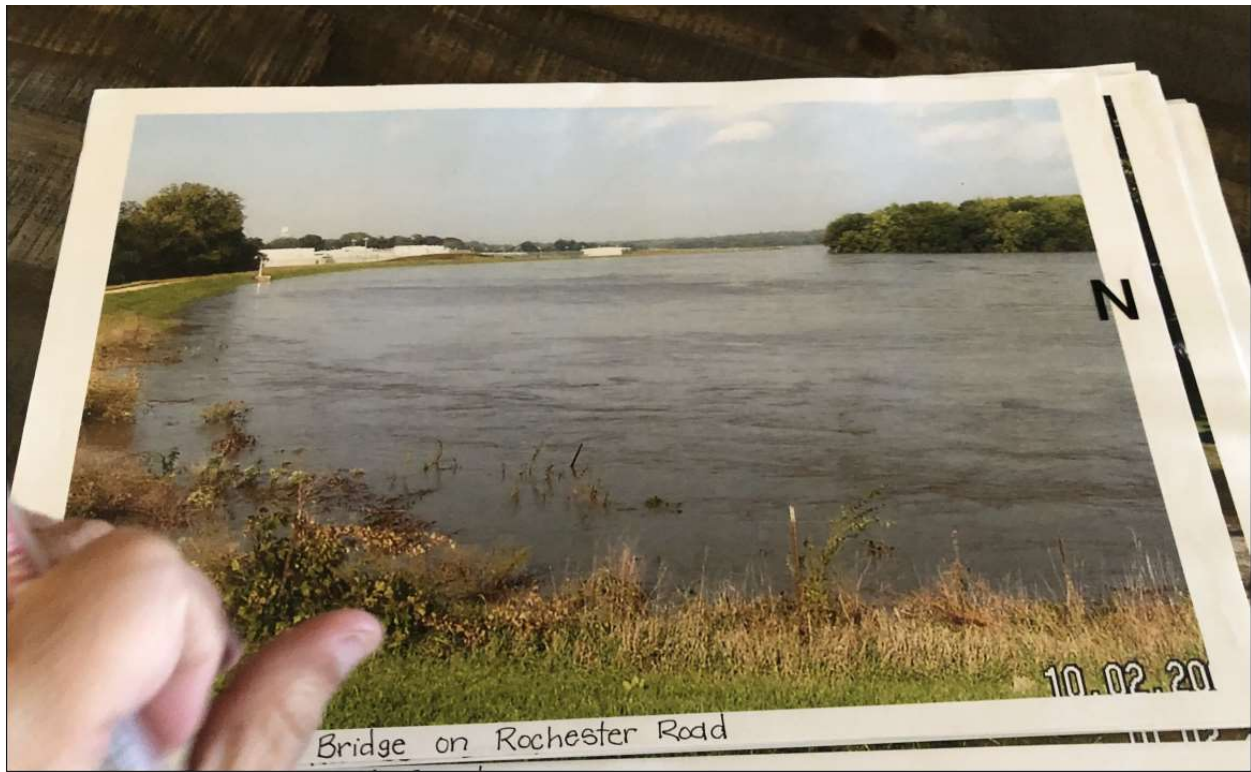
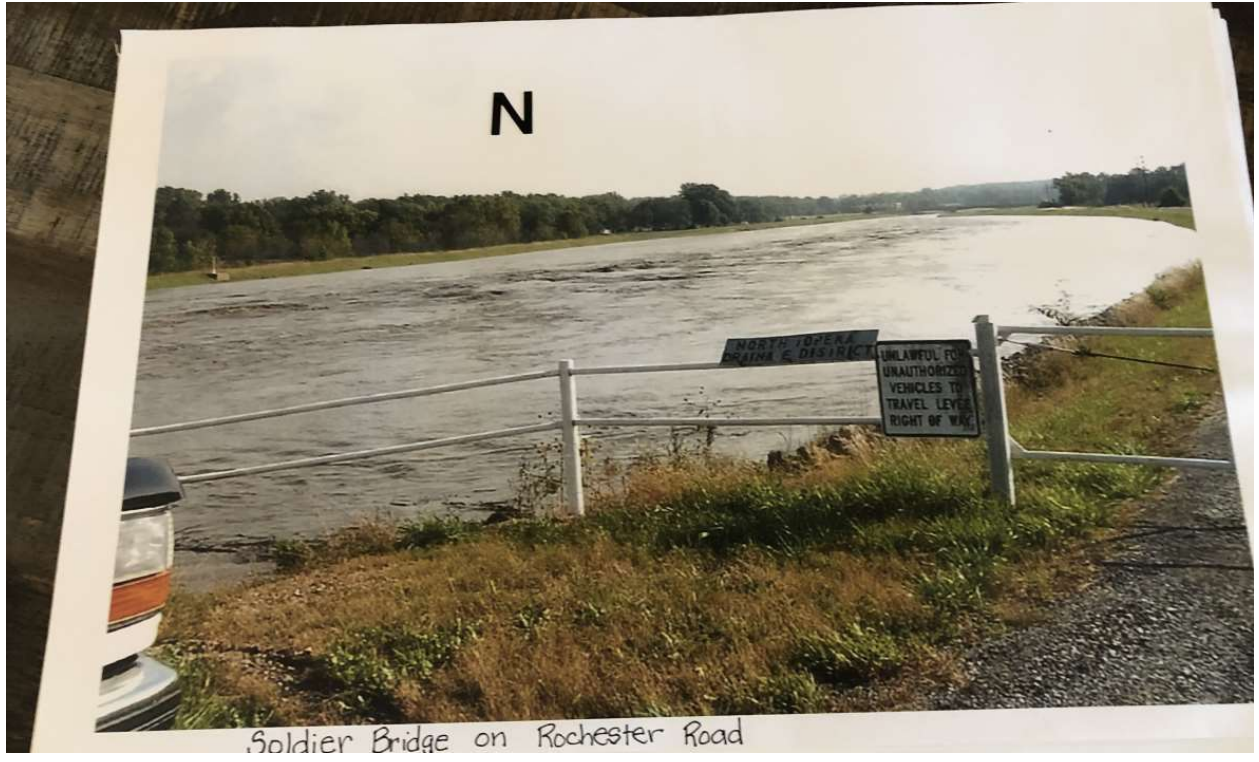
Christina Valdivia-Alcala, Councilwoman

City of Topeka District 2

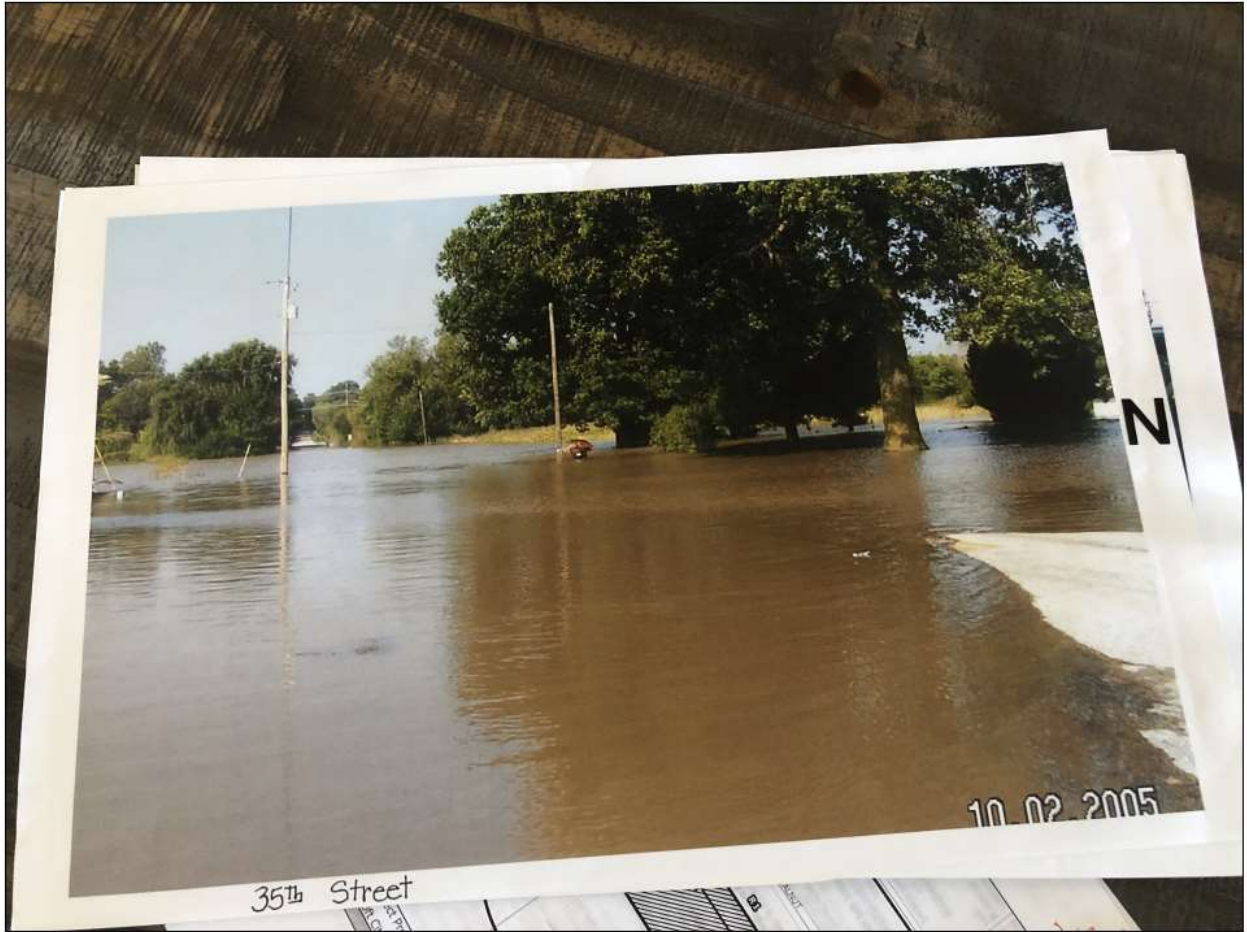
(785) 233-7110

cvaldivia-alcala@topeka.org<mailto:cvaldivia-alcala@topeka.org>

Photos related to flooding concerns

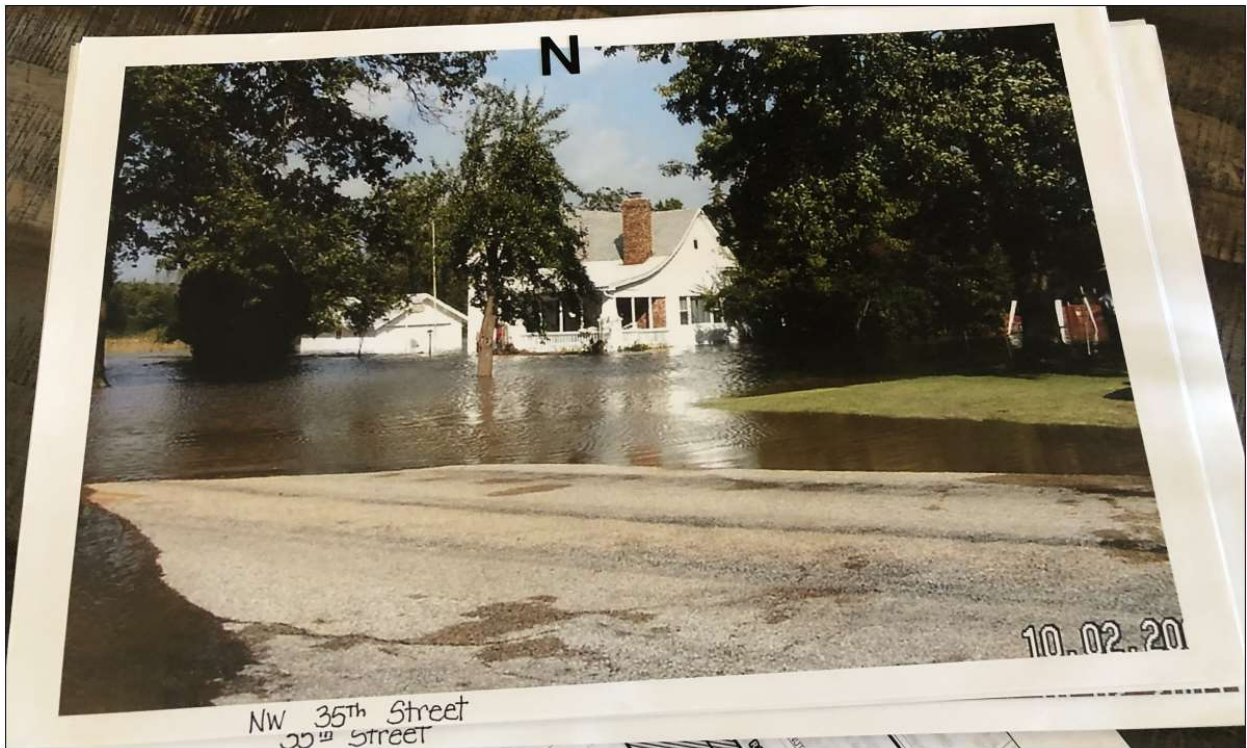






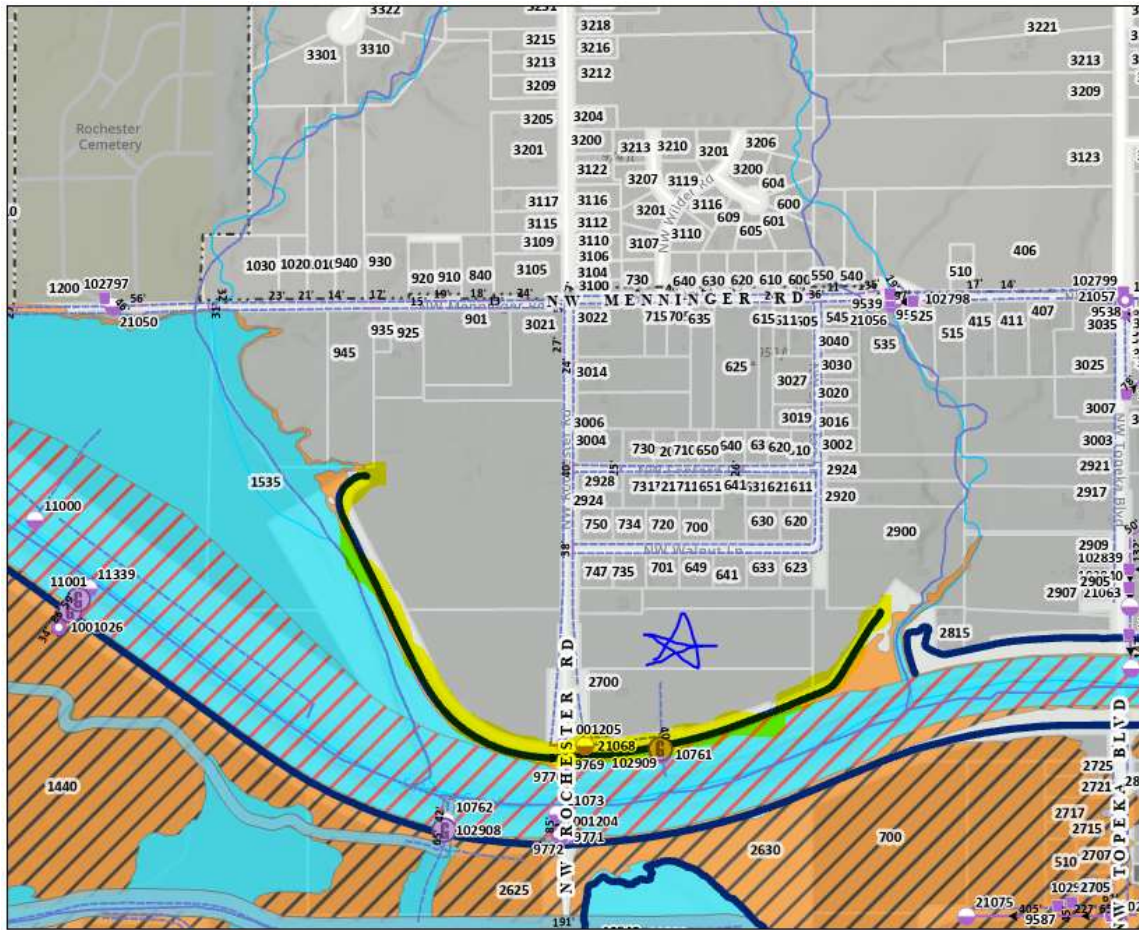
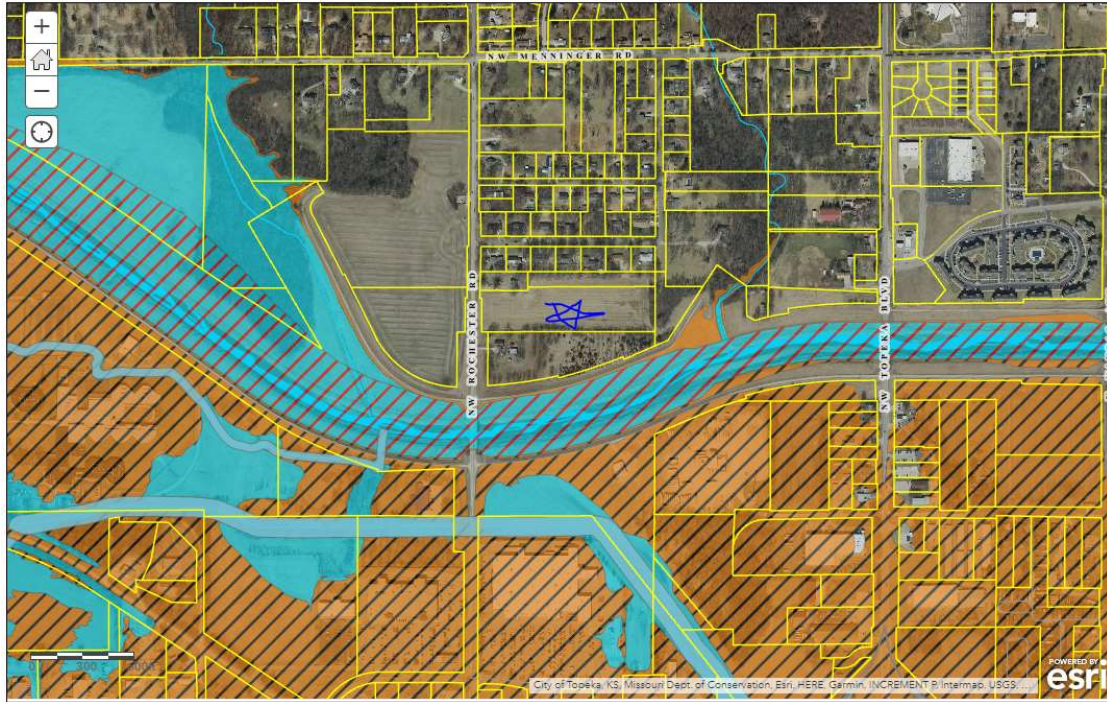
35th Street

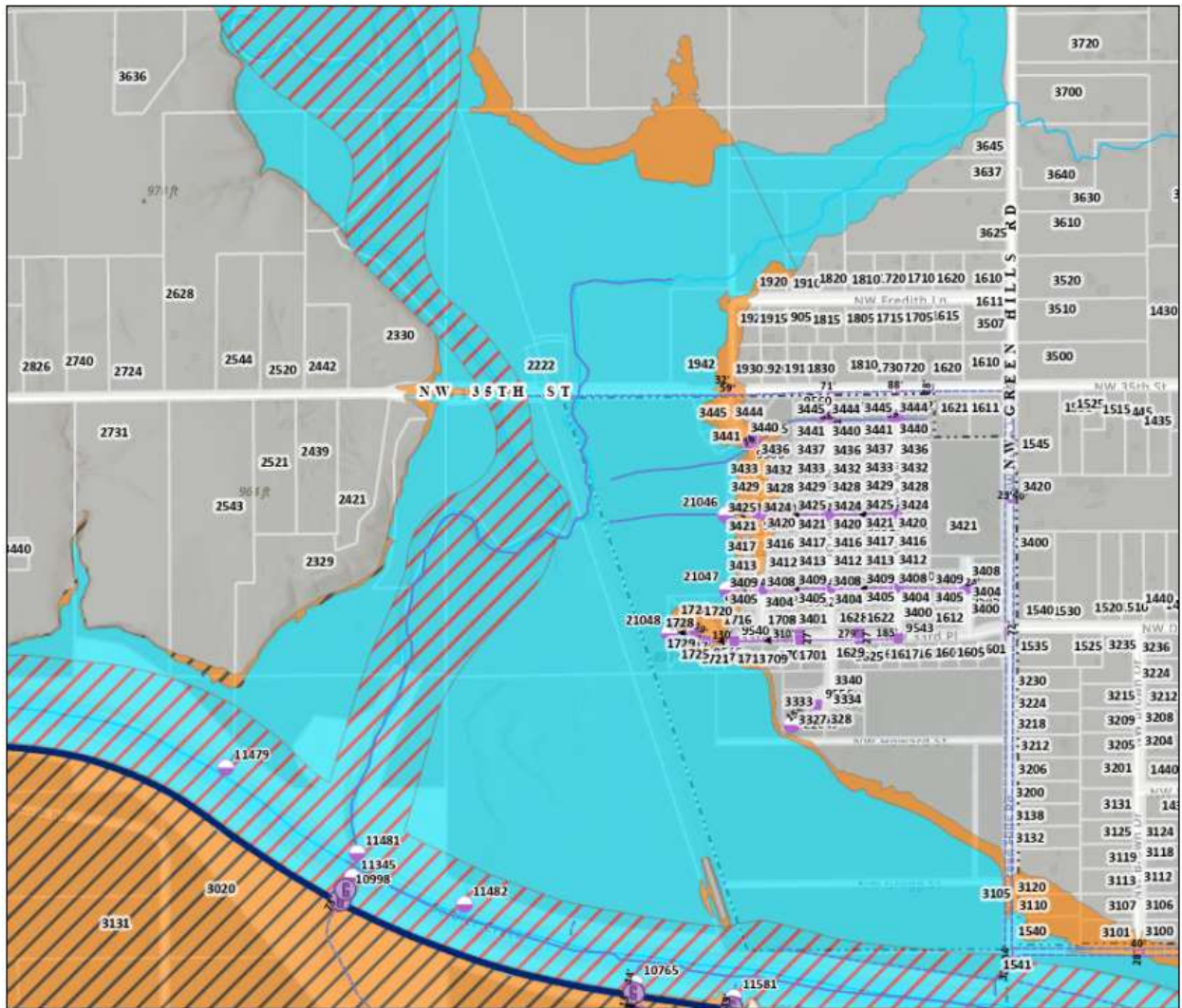
10.02.2005



NW 35th Street
22nd Street

10.02.20





Bryson M. Risley

From: Dan Warner
Sent: Tuesday, February 7, 2023 7:38 AM
To: Bryson M. Risley
Subject: FW: Opposing Rezoning at NW Rochester Rd

Dan Warner, AICP
Planning Division Director



From: Abi Haas <ahaas190@gmail.com>
Sent: Monday, February 6, 2023 11:46 PM
To: Dan Warner <DWarner@topeka.org>; Christina Valdivia-Alcala <cvaldivia-alcala@topeka.org>
Subject: Opposing Rezoning at NW Rochester Rd



This message needs your attention

- This is a personal email address.

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Hello,

I am a resident of NW Sanford Ln and I oppose the rezoning of the 5.96 acre parcel owned by Eugene & Paramore LLC. I oppose this rezoning because of the impact to our property value a new development in the area would cause.

Thank you for hearing me out,
Abi Haas