



CITY OF
TOPEKA

A G E N D A

TOPEKA PLANNING COMMISSION

**MONDAY, JULY 17, 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, 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
Quinn Cole, Management Analyst



CITY OF TOPEKA

TOPEKA PLANNING COMMISSION

Agenda for Monday, July 17, 2023

A. Roll call

B. Approval of Minutes – June 26, 2023

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

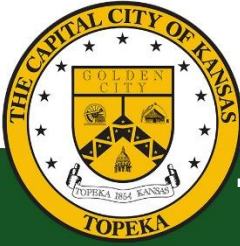
D. Action Items

1. P23/11 Elk Lake Shawnee Subdivision (Preliminary and Final Plat) (Jana K El-Koubsi Trust)– A two lot subdivision on 3.13 acres located on the north side of SE 29th Street approximately 750 feet west of SE Croco Road. Approval of the plat will allow for development of 26 residential dwellings in two phases. **(Driver)**

2. Public Hearing for CU23/03 DT Garages (Frank Meade) requesting a Conditional Use Permit (CUP) to allow for 10 or more individual parking garages in a single structure located on SE Monroe Street approximately 180 feet south of SE 10th Avenue. **(Driver)**

D. Communications

E. Adjournment



CITY OF
TOPEKA

MINUTES

TOPEKA PLANNING COMMISSION

Monday, June 26, 2023

6:00PM

Members present: Corey Dehn (2023 Chair), Del- Metrius Herron, Jim Kaup, William Naeger, Donna Rae Pearson, Jim Tobaben, Matt Werner (7)

Members Absent: Marc Fried, Jeff Preisner (2)

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

Roll Call –Chairman Corey Dehn called the meeting to order with 7 members present for a quorum.

Approval of Minutes from May 15, 2023

Motion by Commissioner Naeger to approve; **second** by Commissioner Herron. **APPROVED 4-0-3.**

Declaration of conflict of interest/ex parte communications – Commissioner Herron stated that although she sits on a committee that is working on the new facility for the Patterson Family Daycare; she feels that she is able to vote impartially.

Public Hearing of Z23/10 RT Properties. Rezoning to allow for a commercial development at the northeast corner of the intersection of SE Horseshoe Bend and SE 45th St.

Staff:

Annie Driver presented the staff report and staff's recommendation of approval.

Questions/Comments from Commissioners:

N/A

Owner's Representative:

Jeff Laubach, SSB Engineering

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

Henry McClure, address unknown, has worked with the owner regarding the light industrial land that is across the street from this parcel of land. Both the owner and Mr. McClure welcome the rezoning change. With no further comments from the public, **Commissioner Dehn declared the public hearing closed.**

Questions/Comments from Commissioners:

N/A

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

Motion by Commissioner Kaup, **second** by Commissioner Naeger: **to recommend approval of the property from "R-1" single family dwelling district to "C-2" commercial district. Approved 7-0**

Public Hearing of CU23/01 Aslan Properties (Cair Paravel Latin School), A Conditional Use Permit (CUP) for an “off- street” parking lot in conjunction with Cair Paravel Latin School located at 635 SW Clay Street, on property that is currently zoned “R-2” Single Family Dwelling District.

Staff:

Annie Driver presented the staff report and staff’s recommendation of approval.

Questions/Comments from Commissioners:

Commissioner Kaup inquired as to whether the city code would require fencing around the retention pond. Mrs. Driver informed the commissioners that although the City doesn’t require fencing, should the applicant choose put up fencing, then it would have to meet regulation standards.

Commissioner Kaup questioned whether there was an outlet for the retention pond, and Mrs. Driver said that would be reviewed as part of the storm water management plan.

Commissioner Pearson inquired how this parking lot would reduce traffic. Mrs. Driver stated that the school currently has cutback parking along public streets, and this would provide both visitors and employees actual parking spaces. There was continual conversation between both Commissioner Pearson and Mrs. Driver as to whether the parking lot itself would actually cut back on the traffic on the street.

Commissioner Pearson also inquired about the growth of the area, as to whether the school and/or the neighborhood is growing; along the pickup/drop off plan for the school as well.

Commissioner Naeger inquired about the 3 current homes that will be demolished with the proposal. Mrs. Driver responded that the houses are used in conjunction with the school, and wouldn’t be torn down until “Phase 2” of the project.

Commissioner Naeger referenced the staff report, and “how the parking lot would help to prevent a decline in property values within the neighborhood”. Mr. Naeger mentioned how the city is looking to reduce excessive parking, with the hopes of increasing property taxes. Mrs. Driver informed the commission that this parking lot would be providing an active use, and it would be maintained.

Owner's Representative:

Jeff Laubach, SSB Engineering

Mr. Laubach referenced an earlier question about the storm water, and did confirm that it will be addressed at the site plan review. Mr. Laubach did clarify that there is an underground storm sewer on the west side of Clay, and it will connect to the east side.

Commissioner Pearson, again, inquired about the growth of the school. Although Mr. Laubach could not provide specific numbers, he did confirm that HTK, SSB Engineering, and other sub consultants are working on a current addition to the school. Commissioner Pearson asked how many kids in the neighborhood attend Cair Paravel, and Mr. Laubach was unable to provide that information.

Commissioner Pearson, again, asked about the pickup/drop off plan. Mr. Laubach referenced a traffic study that suggested that 7th street become one way going west for certain times of the day. He did refer back to the upcoming site plan review. There was continual conversation between both Commissioner Pearson and Mr. Laubach about the possible increase in traffic on Buchanan and with the local alley.

Commissioner Naeger inquired about the drop off plan again, and how a parking lot would be useful in a one way traffic situation. Mr. Laubach did inform the commissioners that parents may choose to either utilize the one way flow of traffic, or pull into a parking spot. Mr. Laubach believes that the one way traffic flow will help with any safety issues, and the flow of traffic.

Commissioner Naeger referenced “phase1“as being for staff, and then inquired how many staff are at the school. Mr. Laubach was unable to provide that information.

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

Questions/Comments from Commissioners:

Commissioner Pearson stated that the reasons presented for the parking lot will not actually solve the traffic congestion. Commissioner Pearson feels that the parking lot is excessive, and is not sure whether the school and/or neighborhood are actually growing.

Commissioner Naeger shares the same concerns as Commissioner Pearson, and questions the staff's report on its lack of detail regarding responses to the NIA president.

Commissioner Pearson asked if the NIA president got the follow up meeting, and Mrs. Driver confirmed they did. Based on his recollections of the second meeting, Mr. Hall informed the committee that the neighborhood was more concerned about the homes around the parking lot and a preference for relocating them within the neighborhood. It was mentioned that neighborhood representatives did not require any more follow up after that meeting.

Commissioner Kaup mentioned that although he is not a fan of parking lots, the ground has already been leveled and the houses along Buchanan are already gone. He agrees that it is hard to imagine that particular area being developed for residential purposes.

Commissioner Tobaben does see some potential benefits from this parking lot, and thinks it will make the pedestrians more visible.

Commissioner Pearson would like to see the pickup/drop off plans, because she doesn't believe the parking lot is going to impact the traffic.

Commissioner Dehn believes that the parking lot would be safer. There was conversation between Commissioners Dehn and Pearson about the number of staff and the current allocated parking areas for staff.

Mrs. Driver did point out that there was another option for a parking lot, however it would be in place of the playground. The playground would then potentially have to move across the street.

Commissioner Werner pointed out that the aerial map shows potential staff parking on the street, and the assumption is that all of those cars would move into the parking lot. He mentioned it would be easier to pull out of a parking lot, than to back into oncoming traffic.

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

Motion by Commissioner Kaup, **second** by Commissioner Tobaben **to recommend APPROVAL of the Conditional Use Permit, CU23/01, subject to the conditions stated in the staff report. Approved 5-2-0**

Public Hearing of CU23/02 Patterson Family Infant/Toddler, A Conditional Use Permit for "Daycare facility, type II" for operation of a day care facility at 2301 SE Wisconsin Ave presently zoned "R-2" Single Family Dwelling District

Staff:

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

Questions/Comments from Commissioners:

Commissioner Naeger wanted clarification on two surrounding areas (north and south) of the proposed lot and whether they contained single-family homes. Mr. Sharp confirmed that they did.

Owner's Representative:

Melissa Patterson, Current Owner for Paterson Family Childcare Center

She knows that there is a need for childcare, and the center currently has 28 children in its care (ages between 2 weeks and 5 years of age). The other center would focus on infants and toddlers. Due to being at current occupancy, Mrs. Patterson stated that some families might not be able to bring all of their children.

Commissioner Naeger inquired about foot traffic between the two locations. Mrs. Patterson stated that was not a concern because of the ages of the children; however there might be families who drop off at one center and then another center.

Commissioner Dehn asked about the maximum number of toddlers and infants for the new facility. Mrs. Patterson confirmed that 28 children will be the max.

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

Tiara Patterson, employee at Patterson Family Child Care

Ms. Patterson considers the childcare as one of the best in the area not only for the staff but also for the quality of care the children receive.

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

Motion by Commissioner Werner, **second** by Commissioner Kaup: **Motion** to recommend the approval of the Conditional Use Permit CU23/02, subject to the conditions stated in the staff report. **Approved: 7-0-0**

PUD23/03 Eugene and Paramore, a 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.

Staff:

Michael Hall presented the staff report and staff's recommendation of approval. The Planning Commission held and closed the public hearing on March 20, 2023. Governing Body voted on May 2nd, 2023 to remand PUD23/02 back to the Planning Commission to consider: character of neighborhood, connection to Sproaton Lane, need for a traffic study, and storm water drainage.

Questions/Comments from Commissioners:

Commissioner Kaup wanted clarification on the drainage issue, and whether or not the North Topeka Drainage District had authority with the development. Mr. Hall stated within a certain distance of the levy, the Corps of Engineers would have to become involved. That has not happened yet, but should be a part of the site plan review. As Mr. Hall further clarified, the staff recommendation is to add "a note on the master plan stating that the property is within 500 feet of the Soldier Creek Levee and thus must be reviewed and approved by North Topeka drainage district."

Commissioner Kaup wanted to also clarify on the character of the neighborhood and the density of the zoning. Mr. Hall stated that most of the zoning districts have an absolute limit on density. The density of single family homes under the current zoning is a function of lot size and new streets. He estimates that the most that could be built on the land is 32-35 single family homes. There was conversation between Commissioner Kaup and Mr. Hall about the maximum height for the "R1" zone which is 45 feet. Commissioner Kaup acknowledged the concerns of several people as to how the development might overwhelm the neighborhood, and that 45 feet is enough for a three-story house. Mr. Hall explained that the applicant's plans are for single-story structures. The master plan, as recommended, requires that the buildings be in substantial conformance with the design plans (attached to the staff report). What is specific, is the recommended condition that the buildings include single or two car garages for each dwelling, modulated building facades, and gable roofs. Those are design controls that are not applied to single family residential developments, permitted by right under the current "R-1" zoning.

Commissioner Naeger inquired about the staff recommendation for the pedestrian/bike path, and whether or not it was built into the plan. Mr. Hall stated that it is a recommendation as a condition that was added to the master plan.

Commissioner Naeger asked for clarification on the traffic thresholds that are typically followed. Mr. Hall referenced a TIA guideline within the packet. Commissioner Naeger asked about Rochester Road improvements, and Mr. Hall confirmed that the county has a plan but it has not yet been designed, and then proceeded to read the statement from the Shawnee County Public Works Director.

Commissioner Naeger questioned about some of the deceased individuals on the protest mailing. Mr. Hall confirmed that it was a valid protest, and those addresses could be run by estates or trusts.

Commissioner Tobaben asked for clarification on the number of units and a cul de sac. Mr. Hall confirmed that anything over 30 units would require a secondary access. Commissioner Tobaben also asked about the spacing between the units, and Mr. Hall informed the committee that "R1" setbacks are 14 feet.

Regarding the need for a traffic study, Commissioner Kaup stated "that the information provided here, which is at least a limited traffic study" and asked what a "full blown traffic study" would provide in addition. Lee Holmes, City of Topeka Engineer Analyst, and Jim Jussel, Benesch – Consulting Traffic Engineers, were in attendance to answer questions about the need for a traffic study. Mr. Kaup also asked about the reference in the traffic memo to a recent traffic study. Mr. Jussel explained that there wouldn't be much more done for a traffic study than what he had done for this meeting. The recent traffic study referenced in Mr. Jussel's memo was done a couple months ago for the intersection of 25th and Rochester.

Commissioner Dehn declared there would be **no public hearing**, as this was not required for this case tonight.

Questions/Comments from Commissioners:

Commissioner Dehn mentioned that since the last time, he has looked at everything in detail. When it comes down to the character of the neighborhood, the units could be a lot taller and closer together. He also feels better overall about the project, and feels that over time it will fit in with the neighborhood.

Motion by Commissioner Kaup, **second** by Commissioner Herron: **Motion** to recommend the approval to resubmit the Commission's original recommendation of the rezoning with the conditions stated in the staff report. **Approved: 7-0-0**

Communications to the Commission

Upcoming Taskforce about Accessory Dwelling Units
Commissioners Pearson, Naeger, and Herron expressed interest.

With no further business appearing, the meeting adjourned at 7:34 PM.

STAFF REPORT - SUBDIVISION

CITY OF TOPEKA PLANNING DEPARTMENT

Preliminary Plat Phase

Preliminary and Final Plat

Final Plat Phase

RECOMMENDATION: Based upon the findings and staff analysis below, the Planning & Development Department recommends the preliminary and final plat phase of Elk Lake Shawnee Subdivision be **APPROVED** and the final plat be forwarded to the City Council for its acceptance of land to be dedicated for public purposes, upon the conditions in the staff report being completed.

RECOMMENDED MOTION: I move to forward approval of the final plat for Elk Lake Shawnee Subdivision to the Governing Body for acceptance of land to be dedicated for public purposes upon the conditions in the staff report below being completed.

NAME: Elk Lake Shawnee Subdivision [P23/11]

OWNER/DEVELOPER: El-Koubysi Jana Trust

ENGINEER/SURVEYOR: Steve Lacasse, TBGroup/Andy Tanking, Tanking Surveys

STAFF: Annie Driver, AICP, Planner II

GENERAL LOCATION: 3440 SE 29th Street

PARCEL ID NUMBERS: 1321004001012000

JURISDICTION: Class "A" Subdivision contained within the City Limits.

ANNEXATION: Not applicable

Area	# of Lots	Residential Density	Proposed Land Use	Zoning
3.13 acres	2 lots (Lot 1, Block B- 18 units/ Lot 1, Block A- 8 units)	8.3 DU/acre (overall) Lot 1, Block B - 9.2 DUs/acre Lot 1, Block A – 7.3 DUs/acre (excluding right-of- way)	3 bath/2 bed Lot 1, Block B – 18 units Lot 1 Block A –8 units	*M-2 Multiple- Family Dwelling District

Zoning Case: *Case Z20/03 rezoned the property from R-1 Single Family Dwelling District to "M-2" Multiple Family Dwelling District to accommodate the applicant's two-phase project for 18 units on the north lot as part of Phase 1 and 8 units on the south lot along with removal of the existing single family residence as part of Phase 2.

Design: The final plat is rectangular in shape with its longest measurement extending perpendicular to SE 29th Street and measures 756' X 190'. The plat creates two lots for the purpose of 26 dwelling units with 18 units located on the north lot (Lot 1, Block B) and 8 units located on the south lot (Lot 1, Block A).

The plat proposes access to the lots by extending SE 28th Street Terrace from the west to terminate in a temporary turnaround at its eastern property limit where it will be extended in the future at the time the property to the east is platted. The single family residence on Lot 1, Block A will be removed at the time Phase 2 is developed. The final plat provides for a 20' public utility easement through the mid-section of the property north of SE 28th Terrace and an 8' utility/drainage easement along the entire length of the east property line as required to accommodate the extension of public utilities. Additionally, there is an existing 16' - 20' wide utility and drainage easement already platted on property to the west in Aquarian Center Subdivision. A stormwater management easement will be dedicated on Lot 1, Block A for the development of the two infiltration basins that are provided to satisfy the City of Topeka's stormwater quantity and quality requirements.

BACKGROUND: The 2,078 sq. ft. single family dwelling has existed on the site since 1967. The site also contains a detached garage and storage shed (within the proposed public right-of-way). The site was annexed into the City in 1980 and has remained zoned for single-family uses since that time. The existing single-family residence was constructed before the property was annexed into the city. The size and configuration of the property are reflective of this being a County rural residential homestead using a septic system for wastewater, which still serves the residence today. The property was rezoned by the current applicant in August 2020 from "R-1" to "M-2" for this proposed development.

NEIGHBORHOOD INFORMATION MEETING: The applicant conducted a neighborhood information meeting digitally via Zoom on June 14, 2023 at 5:30 pm. Questions at the meeting were raised about rental versus owner occupancy, type of construction, quality of materials, maintenance of common areas/stormwater detention, and sale of individual dwellings. The current plat does not allow the sale of individual units and any future sale of units requires a replat. The applicant responded they units will be slab on grade construction, no basements, 2 bed/3 bath, and 2 car garages. (There is similar type of housing to that proposed, south on SE Croco and opposite Lake Shawnee)

SERVICES AND FACILITIES:

1. **WATER SERVICE:** City of Topeka by the extension of, and connection to, the existing 8" water main terminating at the end of the existing SE 28th St. Terrace right-of-way. All public extensions will be at the expense of the developer as part of a developer financed project to approved through the City Engineer.
2. **SEWAGE DISPOSAL:** City of Topeka by the extension of, and connection to, an existing 8" City of Topeka public main along the north side of SE 28th St. Terr. right-of-way. All public extensions will be at the expense of the developer as part of a developer financed project to be approved through the City Engineer.
3. **WASTEWATER PLAN SERVICE AREA:** The property is located within the Primary Urban Service Area as reflected by the Land Use and Growth Management Plan (2040), which requires connection to sanitary sewer. The subdivision is in compliance with said plan since an extension of the public sanitary sewer is proposed by the developer. The existing single family residence has been served by an on-site septic system and lateral field since 1967, which still serves the residence today. For Phase 2, the house will be demolished and new residences will be connected to the public sewer as required by Code Section TMC 13.20.100 when a main or lateral is adjacent to the property.
4. **DRAINAGE CONDITIONS:** The Stormwater Management Plan as submitted by the consultant with the preliminary and final plat phase for Elk Lake Shawnee Subdivision has not yet been approved by the Department of Utilities per memo dated May 23, 2023. Drainage easements and Stormwater Management

Easements are included in the plat for the construction of the infiltration basins that will be designed to capture and treat runoff from the increase in impervious surface and simultaneously serve as a water quality feature to treat runoff prior to it entering the City’s storm sewer system. The applicant’s civil engineer has proposed construction of two ponds contained on Lot 1, Block A – one temporary smaller pond as part of Phase 1 and a second permanent pond to be constructed as part of phase 2 upon removal of the existing dwelling. The ponds will ensure future flows to the SE 28th Street Terrace storm system are equal or less than the pre-existing condition. Approval of the stormwater management plan is required prior to the plat proceeding to the Governing Body for acceptance of land dedications.

5. **STREET PLAN/ACCESS:** The preliminary street plans for the extension of SE 28th Street Terrace have been submitted for review to the Department of Public Works by the civil engineering consultant, but have not yet been approved. Preliminary approval of these plans by the City Engineer is required prior to Governing Body consideration of the final plat. The plat provides for the extension of SE 29th St. Terrace to serve the two-lot subdivision and allow for a future connection with the unplatted property to the east when this parcel develops at an urbanized density. The proposed street will terminate in a temporary turnaround until the land to the east is platted and developed. Public sidewalks will be provided along both sides of the street as lots are developed.
6. **FIRE DISTRICT:** City of Topeka - The 20’ wide unobstructed path is provided via the private driveway with an approved turnaround for dead-end lengths beyond 150 ft. Fire apparatus access roads shall be constructed of asphalt, concrete, or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds. There is existing hydrant located at end of SE 28th St. Terrace. Hydrant spacing is regulated by IFC 507.5 based on occupancy classification determined at the time of permits. An additional hydrant may be needed.
7. **STREAM BUFFER:** Not Applicable
8. **SCHOOL DISTRICT:** USD No. 450- Shawnee Heights U.S.D,

WAIVER/VARIANCE TO STANDARDS: TMC 18.40.120 of subdivision regulations establishes parameters for utility easements of 8 ft. width along the sides of the lots (or 16’ width when an easement of equal width is not platted on the adjoining property) where necessary for drainage and utilities, unless an easement is provided elsewhere on the site. The 8’ easement along the length of the west property line is waived due to the presence of an existing platted 16’ to 20’ U.E./D.E. on adjoining property and the provision for the 20’ U.E. extending north-south through the mid-section of the property.

CAPITAL IMPROVEMENT PLAN (CIP): The adopted 2024-23 City of Topeka CIP lists no projects within the area surrounding the property. SE 29th Street is located under Shawnee County jurisdiction.

CONFORMANCE TO COMPREHENSIVE PLAN: The proposed subdivision is located in an area described on the future land use map of the Land Use and Growth Management Plan (LUGMP) – 2040 as a “Mixed Use Node”. Mixed Use Nodes are designated at or close to arterial street intersections where only two or fewer corners are zoned or developed for commercial uses, such as this intersection of SE 29th and Croco. Medium density housing is an appropriate land use within the Mixed Use Nodal designation. Future lots will take access off the interior SE 28th Terrace when it is extended as noted on the plat. Therefore, the proposal is in conformance to policies of the LUGMP.

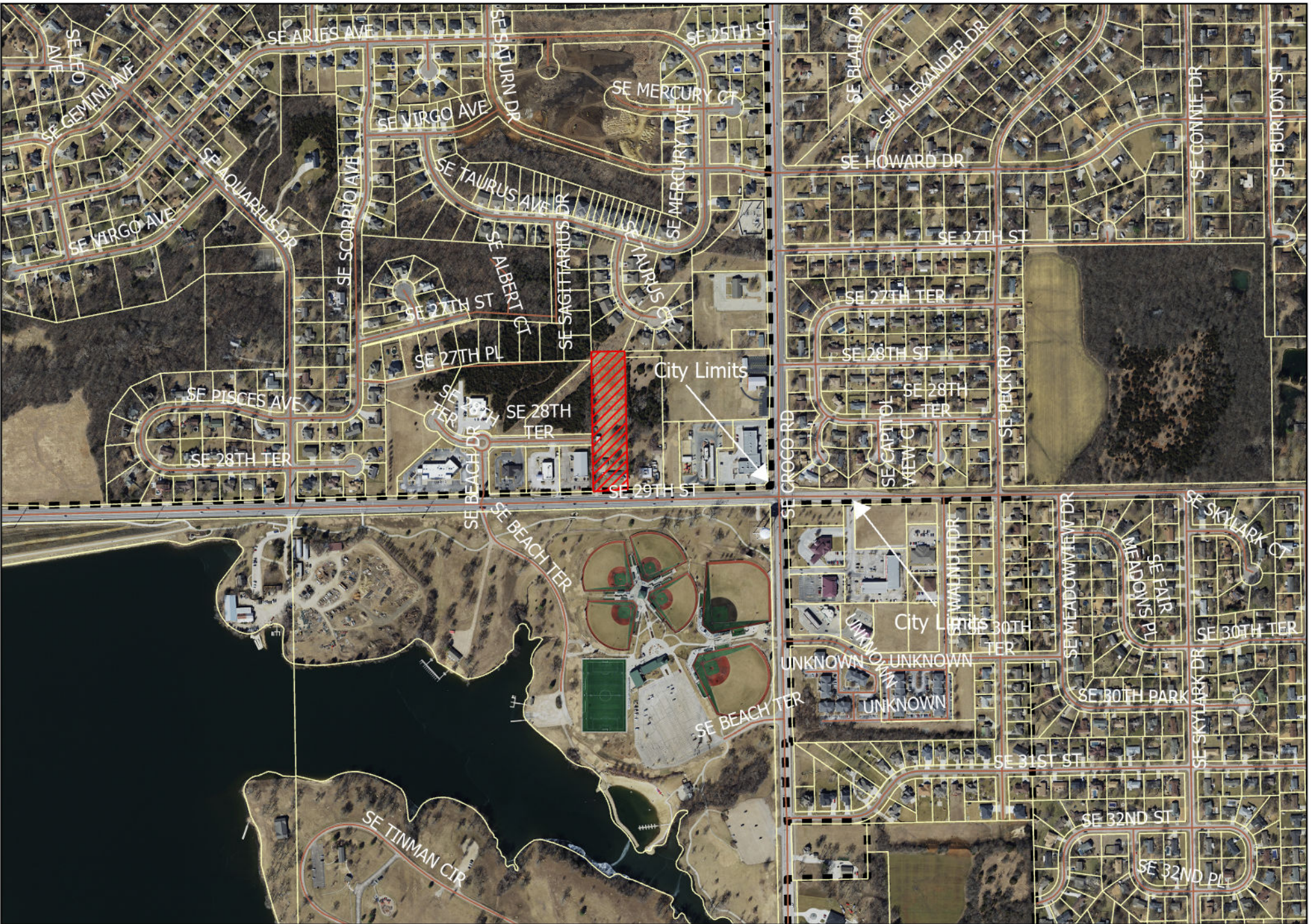
STAFF ANALYSIS: The subdivision conforms to the established standards and provisions of the City Subdivision Regulations relative to design criteria. The subdivision is compatible with adjacent development and will not overburden existing public infrastructure facilities. Based upon the above findings and staff analysis, the Planning Department recommends the preliminary

and final plat phase of Elk Lake Shawnee Subdivision be APPROVED, subject to the following conditions:

1. Approval and acceptance of the preliminary street plans by the City of Topeka Department of Public Works prior to Governing Body consideration of the final plat.
2. Approval and acceptance of the Stormwater Management Plan by City of Topeka Utilities Department prior to Governing Body consideration of the final plat.
3. Revise Note #8 to indicate: “*No building permits shall be issued for any development associated with Lot 1, Block A (striking Phase 2 from existing note)...*”
4. Pursuant to TMC 18.35.150 (q) adding note to the preliminary plat stating how lots will be sewerred.
 - a. *City of Topeka – Public Sanitary Sewer System*


Attachments:

Aerial Map
Preliminary Plat –Elk Lake Shawnee
Final Plat- Elk Lake Shawnee
Neighborhood Meeting Summaries

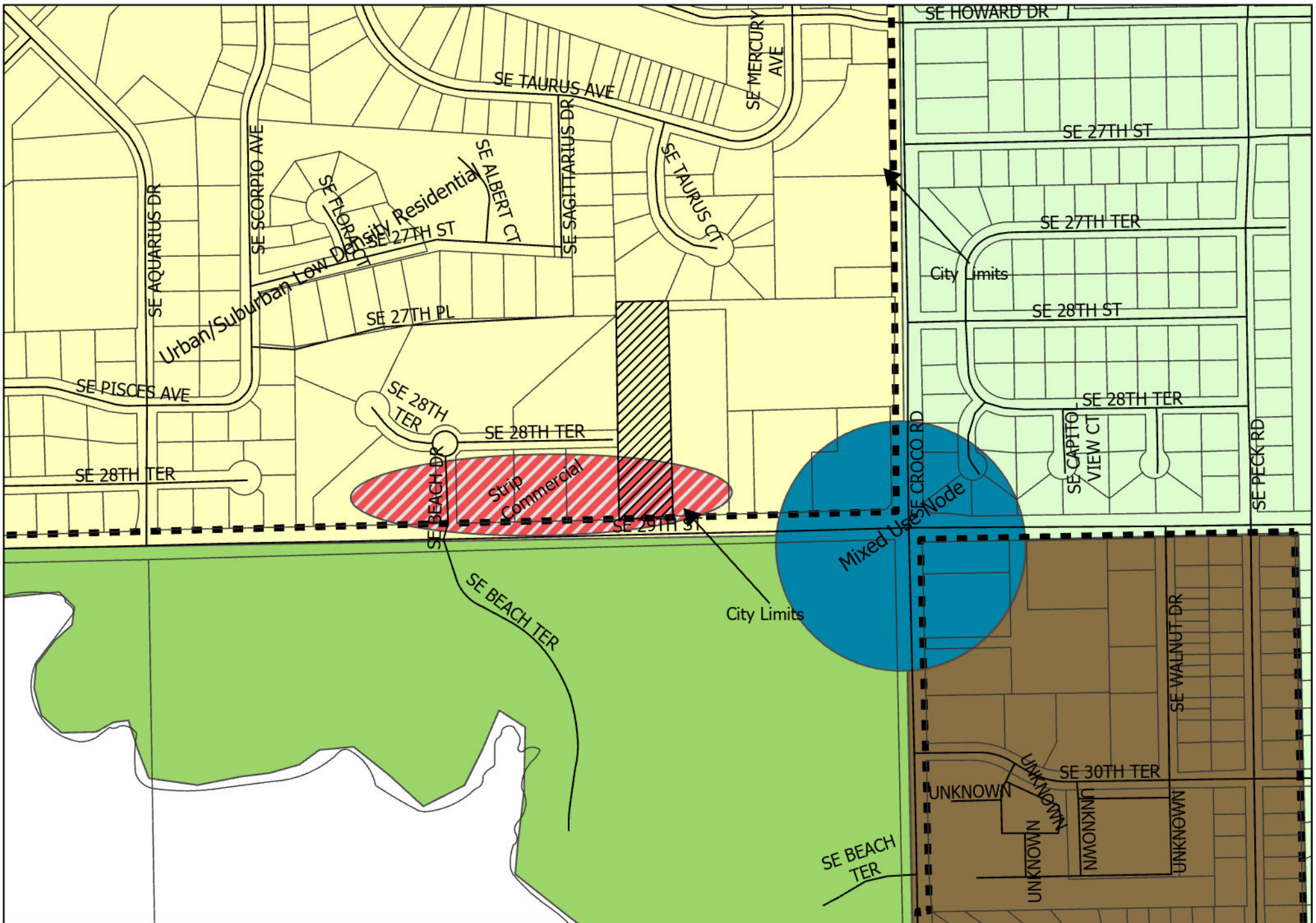


P23/11 Elk Lake Shawnee Subdivision

Legend

 P23-11 Elk Lake Shawnee Subd





P23/11 Elk Lake Shawnee Subdivision

Future Land Use Map



PRELIMINARY PLAT
ELK LAKE SHAWNEE SUBDIVISION

A parcel of land in the SE 1/4 of Sec. 10-12-16
 Shawnee County, Kansas

DESCRIPTION (Bk. 2016R02354):

Part of the Southeast Quarter of Section 10, Township 12 South, Range 16 East of the 6th P.M., Shawnee County, Kansas, described as follows: Beginning at the Southeast corner of said Southeast Quarter of Section 10, Township 12 South, Range 16 East of the 6th P.M.; thence West on the South line of said Quarter Section, 813.26 feet for a place of beginning; thence North 804.81 feet; thence West 190.00 feet; thence South 806.40 feet; thence East 190.01 feet to place of beginning, less the South 50 feet thereof for road purposes, being also described as Tract #14 in the Plat of Survey of Barstow Farm as recorded in Plat of Survey Book 2 Page 108.

NOTES:

- The South line of the SE 1/4, Sec. 10-12-16, has assumed bearing of S89°31'30"W.
- The origin of all Found Monuments is unknown unless otherwise Noted.
- DEDICATION: Know all men by these presents that the undersigned owners to the below described tract of land have caused the same to be subdivided into lots, blocks and public ways which shall be known as ELK LAKE SHAWNEE SUBDIVISION.
- NOTICE: In the event there are other owners or those holding any proprietary interest in any land contained in this subdivision who do not appear and duly acknowledge this plat prior to the time of recording in the Office of the Register of Deeds, the plat shall be null and void.
- EASEMENTS: Easements are hereby granted to the public as follows: 'Utility Easement' to allow public utility providers, contractors, and authorized agents to locate, construct and maintain facilities to provide utility service to the public. All public utilities specifically including but not limited to water, gas, sewer, stormwater and telecommunications may place or locate their facilities over, under and along the strips marked 'Utility Easements'. A temporary construction easement of 12 feet adjacent to the side of utility easements is dedicated for the use of the public utilities while initial construction of the public utility's facilities are in progress.
- FLOOD PLAIN: According to the Flood Insurance Rate Map (FIRM) Community Panel No. 20177C0238E, Effective date of September 29, 2011, the Entire Plat is NOT located in a Flood plain.
- EASEMENT OBSTRUCTIONS: Property owners shall be admonished from placing any permanent or semi-permanent obstruction in permanent sewer or utility easements. This includes, but is not limited to, trees, shrubs, fences, retaining walls, buildings or other miscellaneous obstructions that interfere with access or egress of maintenance vehicles or equipment for the operation and maintenance of the utilities or pipe lines located in the easement.
- BUILDING PERMITS: No building permits shall be issued until arrangements for the installation of water mains and/or connection charges have been made with City of Topeka.
 No building permits shall be issued for any development associated with Phase 2 until an administrative subdivision replat is submitted that vacates the existing Stormwater Management Easement (SME) on Lot 1, Block A and dedicates a new Stormwater Management Easement (SME) on Lot 1, Block A.
 No building 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.
- RESTRICTED ACCESS: Restricted access line defines portions of the subdivision boundary in which the public is not allowed to cross in order to gain access to the subdivision other than in an emergency situation or for temporary access during construction activities. Temporary access requires prior approval from the Director of Public Works.
- MINIMUM OPENINGS: Minimum opening elevations shall be 1 foot above the highest adjacent 100-year water surface elevation.
- STREET DEDICATION: The public ways (streets and roads) not heretofore dedicated, are hereby dedicated to the public. Temporary turn-around easements are hereby established as shown on the accompanying plat and shall be automatically vacated when streets are extended.
- EXISTING DRIVEWAYS: The existing driveways on Lot 1, Block A shall only be permitted as long as they are used in conjunction with the existing single-family residence. At the time of future permits for Lot 1, Block A or Lot 1, Block B, the existing driveways on SE 29th Street shall be permanently closed and all access taken from SE 28th Street Terrace upon its acceptance for maintenance by the City of Topeka as a public street.
- STORMWATER MANAGEMENT EASEMENT: Stormwater Management Easements (SME) are hereby established as shown or described to provide for the management of storm water including, but not limited to, detention, retention, storage and treatment of storm water. Property Owners and their assigns and successors (Property Owners) agree to install, construct, reconstruct, replace, enlarge, repair, operate and provide perpetual maintenance of pipe, flume, ditch, swale, vegetative areas or mechanical devices for storm water conveyance and/or treatment, or any improvements in the SME for the drainage and/or treatment of said storm water. No change to the grade, topography or storm water management structures and improvements in the SME shall be made without the prior written approval of the applicable public works director or designee.

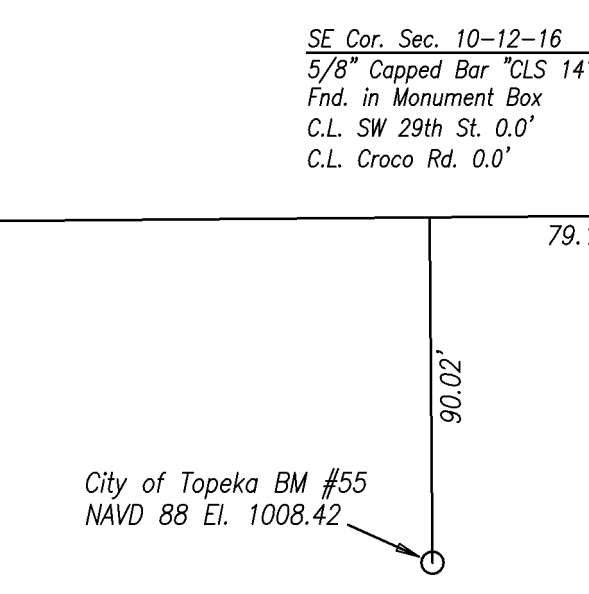
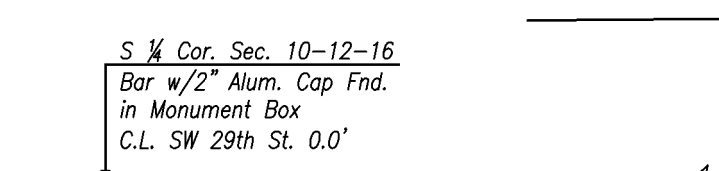
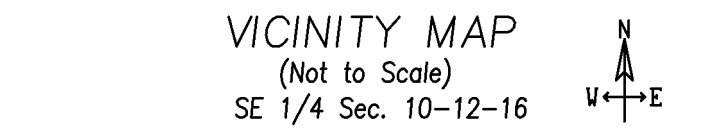
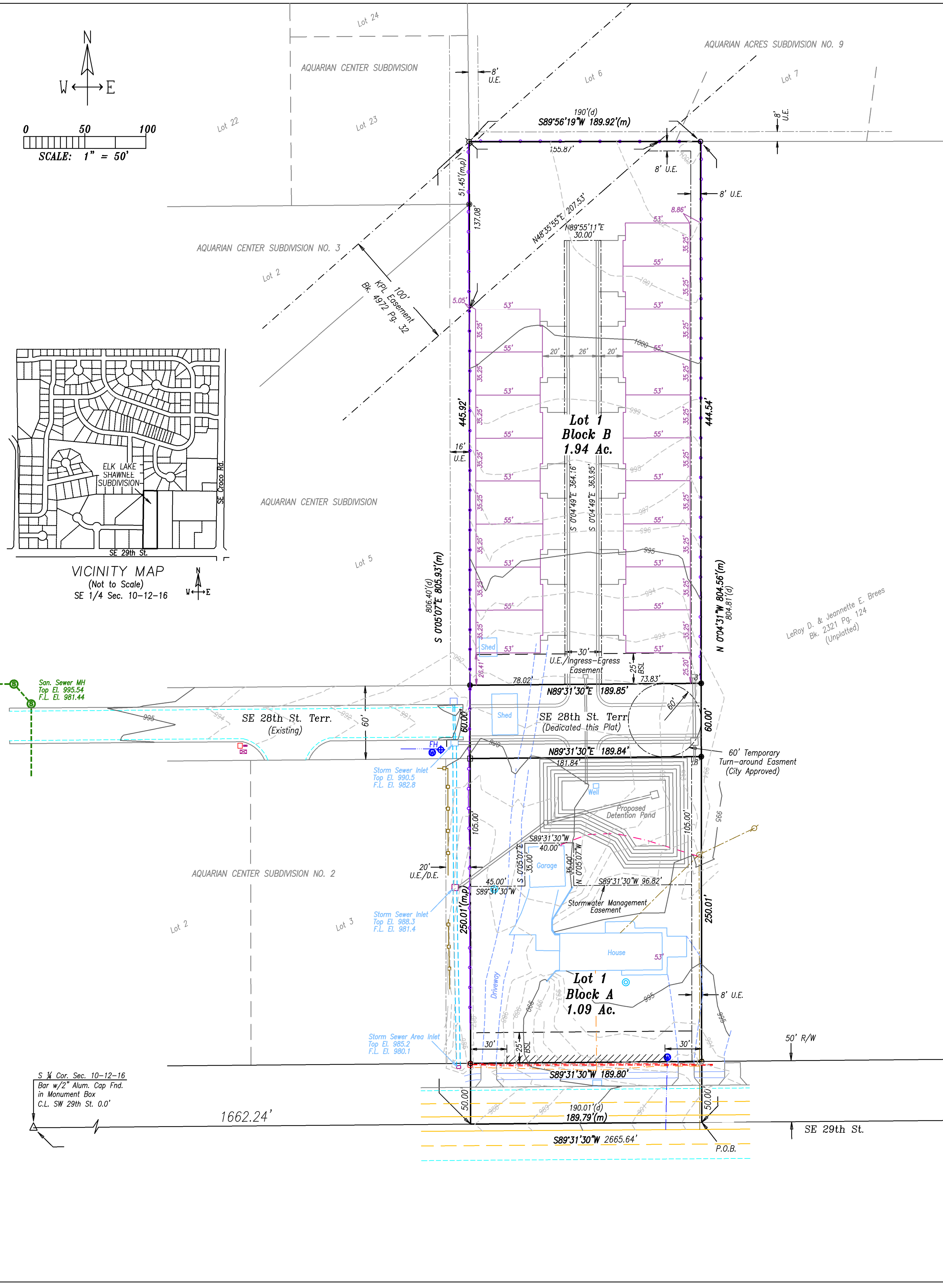
Property Owners shall not place or permit any permanent, semi-permanent or temporary obstruction in said SME including, but not limited to, trees, shrubs, vegetation, rocks, fences, retaining walls, landscaping, structures, buildings or other obstruction that interfere with or obstruct designed water flow and/or treatment process in an engineered channel, conduit, structure or area, nor shall Property Owners, prevent or otherwise hinder ingress, egress or operation of maintenance vehicles, equipment and personnel. Upon receiving written permission from the applicable public works director or designee, Property Owners may construct at their own peril other limited improvements and/or landscaping within the SME which do not and will not interfere with the function of the storm water management system. Any obstruction or improvements in the SME, permitted or not permitted, may be removed by the applicable public works department or its contractor to provide for designed water flow and/or treatment process of the storm water management system. Cost of removal, damage and any repair or replacement shall be the responsibility of the Property Owner.

All maintenance and repairs within the SME shall be the right, duty and responsibility of the Property Owners of the property on which the SME is located. However, if designed water flow and/or treatment process are impeded by neglected maintenance, system failure or are subject to other unusual circumstances causing a hazard or threat to public safety, as determined by the applicable public works director or designee, emergency or corrective maintenance may be performed by the applicable public works department or its contractor with costs charged to said Property Owners. Unpaid costs shall be assessed to and imposed as a lien on the land. The applicable public works department and its contractors shall have the right to enter upon the SME for purposes of periodic or special inspection and/or corrective maintenance.

LEGEND:

- Lot Line
- - - Existing KP&L Easement
- - - Existing Utility Easement (By Plat)
- - - Utility Easement (Dedicated this Plat)
- - - Restricted Access
- - - Building Setback Line
- - - Exist. Edge of Asphalt
- - - Exist. Edge of Gravel
- - - Exist. U.G. Sanitary Sewer Line
- - - Exist. O.H. Power Line
- - - Exist. U.G. Gas Line
- - - Exist. U.G. ATT-D Line
- - - Exist. U.G. Water Line
- - - Exist. U.G. Storm Sewer Pipe
- - - Exist. U.G. Electric Line
- - - Existing Wood Fence
- - - Existing Barb Wire Fence
- Proposed Duplex and Driveway
- △ Section Corner Found
- ⊗ Existing Fence Post Located on Corner
- ⊙ Existing 5/8" Capped Bar Fnd. Stamped "C.F.&S."
- ⊠ Existing 1/2" Capped Bar Fnd. Stamped "Cornerstone"
- ⊙ Existing 5/8" Bar Found
- ⊙ 1/2" x 24" Bar Set w/Plastic Cap Stamped "APT LS 1314"
- (m) = Measured Distance
- (d) = Deed Distance
- (p) = Platted Distance
- BSL = Building Setback Line
- U.E. = Utility Easement
- D.E. = Drainage Easement
- P.O.B. = Point of Beginning
- ⊠ Existing Electric Box
- ⊙ Existing San. Sewer Manhole
- ⊙ Existing Power Pole
- ⊙ Existing Fire Hydrant
- ⊙ Existing Water Meter
- ⊙ Existing Septic Cleanout
- ⊙ Existing Telephone Pedestal

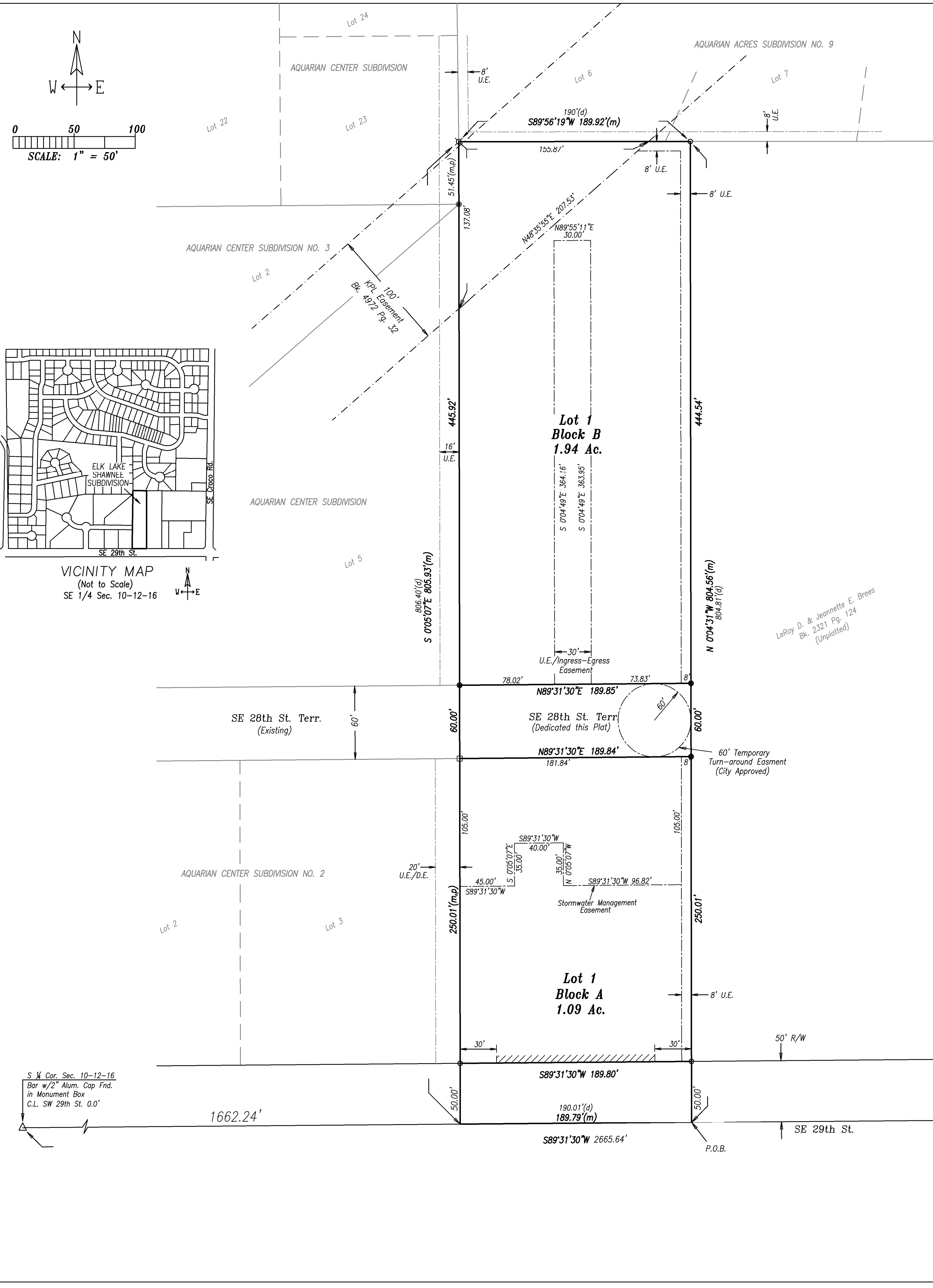
VERTICAL DATUM: City of Topeka BM #55
 NAVD 88 El. 1008.42
 SW Cor. of Int. of SE 29th & SE Croco Rd.
 (As shown on Plat)



Preliminary Plat ELK LAKE SHAWNEE SUBDIVISION Being a Subdivision of the SE 1/4, Sec. 10, T12S, R16E Shawnee County, Kansas Owner-Subdivider Jana K. El-Koubysi Trust	TANKING SURVEY 25850 L Road Circleville, Ks 66416 (785) 364-7191 Date of Field Work: Page 1/1 Case # March 4, 2023
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FINAL PLAT
ELK LAKE SHAWNEE SUBDIVISION

A parcel of land in the SE ¼ of Sec. 10-12-16
 Shawnee County, Kansas



DESCRIPTION (Bk. 2016R02354):

Part of the Southeast Quarter of Section 10, Township 12 South, Range 16 East of the 6th P.M., Shawnee County, Kansas, described as follows: Beginning at the Southeast corner of said Southeast Quarter of Section 10, Township 12 South, Range 16 East of the 6th P.M.; thence West 804.81 feet; thence North 190.00 feet; thence South 806.40 feet; thence East 190.01 feet to place of beginning, less the South 50 feet thereof for road purposes, being also described as Tract #14 in the Plat of Survey of Barstow Farm as recorded in Plat of Survey Book 2 Page 108.

LEGEND:

- Lot Line
 - - - Existing KP&L Easement
 - - - Existing Utility Easement (By Plat)
 - - - Utility Easement (Dedicated this Plat)
 - ////// Restricted Access
- △ Section Corner Found
 - ⊗ Existing Fence Post Located on Corner
 - ⊙ Existing 5/8" Capped Bar Fnd. Stamped "C.F.&S."
 - Existing 1/2" Capped Bar Fnd. Stamped "Cornerstone"
 - Existing 5/8" Bar Found
 - 1/2" x 24" Bar Set w/Plastic Cap Stamped "APT LS 1314"
- (m) = Measured Distance
 - (d) = Deed Distance
 - (p) = Platted Distance
 - BSL = Building Setback Line
 - U.E. = Utility Easement
 - D.E. = Drainage Easement
 - P.O.B. = Point of Beginning

IN TESTIMONY WHEREOF, The owners, **ELK LAKE SHAWNEE SUBDIVISION**, have caused these presents to be signed this day of _____, 2023. The owners of record of the above described real estate does hereby evidence its complete and irrevocable consent to annexation by the City of Topeka, in accordance with the laws of the State of Kansas. This consent shall run with the land and shall be binding upon the heirs, successors and assigns of the undersigned.

ABDULRAHMAN M. EL-KOUBYSI, Trustee
 Jana K. El-Koubysi Trust, dated 2/01/02

STATE OF KANSAS, COUNTY OF SHAWNEE, ss: Be it remembered that on this _____ day of _____, 2023, before me a notary public, in and for the County and State aforesaid, came **Abdulrahman M. El-Koubysi, Trustee of the Jana K. El-Koubysi Trust, dated February 1, 2002**, who is personally known to me to be the same person who executed the within instrument of writing, and such persons duly acknowledge the execution of the same.

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

Notary Public

APPROVED BY THE TOPEKA PLANNING COMMISSION THIS _____ DAY OF _____, 2023.

Cory Dehn, Planning Commission Chairman Dan Warner, Planning Commission Secretary

THIS SUBDIVISION HAS BEEN PRESENTED TO THE CITY COUNCIL, CITY OF TOPEKA, KANSAS, ON THE _____ DAY OF _____, for acceptance of land to be dedicated for public purposes. The City Council hereby accepts the land for public purposes.

By the City Council, City of Topeka, Kansas

Michael Padilla, Mayor Brenda Younger, City Clerk

ENTERED ON THE TRANSFER RECORD OF SHAWNEE COUNTY, KANSAS, THIS _____ DAY OF _____, 2023.

Cynthia A. Beck, County Clerk

REVIEWED BY THE SHAWNEE COUNTY SURVEYOR, THIS _____ DAY OF _____, 2023. Only for compliance with KSA Chapter 58 Article 20

Deborah J. Thomas, County Surveyor, LS #1461

FILED FOR RECORD IN THE OFFICE OF THE SHAWNEE COUNTY REGISTER OF DEEDS THIS _____ DAY OF _____, 2023, AT _____ O'CLOCK, ____ M.

Rebecca J. Nioce, Register of Deeds

SURVEYOR'S CERTIFICATE

I hereby certify the details of this plat to be correct, to the best of my knowledge and belief, that all boundary corners of this subdivision of land have been monumented, that iron pins are set as shown on the attached plat this _____ day of _____, 2023.



Andrew P. Tanking, RLS 1314

NOTES:

1. The South line of the SE ¼, Sec. 10-12-16, has assumed bearing of S89°31'30"W.
2. The origin of all Found Monuments is unknown unless otherwise Noted.
3. DEDICATION: Know all men by these presents that the undersigned owners to the below described tract of land have caused the same to be subdivided into lots, blocks and public ways which shall be known as ELK LAKE SHAWNEE SUBDIVISION.
4. NOTICE: In the event there are other owners or those holding any proprietary interest in any land contained in this subdivision who do not appear and duly acknowledge this plat prior to the time of recording in the Office of the Register of Deeds, the plat shall be null and void.
5. EASEMENTS: Easements are hereby granted to the public as follows: "Utility Easement" to allow public utility providers, contractors, and authorized agents to locate, construct and maintain facilities to provide utility service to the public. All public utilities specifically including but not limited to water, gas, sewer, stormwater and telecommunications may place or locate their facilities over, under and along the strips marked "Utility Easements". A temporary construction easement of 12 feet adjacent to the side of utility easements is dedicated for the use of the public utilities while initial construction of the public utility's facilities are in progress.
6. FLOOD PLAIN: According to the Flood Insurance Rate Map (FIRM) Community Panel No. 2017700238E, Effective date of September 29, 2011, the Entire Plat is NOT located in a Flood plain.
7. EASEMENT OBSTRUCTIONS: Property owners shall be admonished from placing any permanent or semi-permanent obstruction in permanent sewer or utility easements. This includes, but is not limited to, trees, shrubs, fences, retaining walls, buildings or other miscellaneous obstructions that interfere with access or egress of maintenance vehicles or equipment for the operation and maintenance of the utilities or pipe lines located in the easement.
8. BUILDING PERMITS: No building permits shall be issued until arrangements for the installation of water mains and/or connection charges have been made with City of Topeka. No building permits shall be issued for any development associated with Phase 2 until an administrative subdivision replat is submitted that vacates the existing Stormwater Management Easement (SME) on Lot 1, Block A and dedicates a new Stormwater Management Easement (SME) on Lot 1, Block A. No building 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.
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<p>Final Plat ELK LAKE SHAWNEE SUBDIVISION Being a Subdivision of the SE ¼, Sec. 10, T12S, R16E Shawnee County, Kansas Owner-Subdivider Jana K. El-Koubysi Trust</p>	<p>TANKING SURVEY 25850 L Road Circleville, Ks 66416 (785) 364-7191</p>
<p>Date of Field Work: March 4, 2023</p>	<p>Page 1/1 Case #</p>

A.R. El-Koubysi
3933 SE 37th St
Topeka, KS 66605

Aug 21, 2020

RE: Neighborhood Information Meeting summary for rezoning application
at 3440 SE 29th st, Topeka KS 66605 (Z20/03 by A. El-Koubysi, Trustee for El-Kioubysi Jana Trust)

The meeting was held via ZOOM starting at 6pm Aug 20, 2020 and concluded
at 635pm.

Attendees:

A.R. El-Koubysi, applicant

Ms. Judy Scherff, 2640 SE FLORA CT, Topeka, KS 66605

Ms. Annie Driver, Topeka planning and Development 620 SE Madison/ Unit
11 Topeka, KS 66607

Ms. Annie Driver started the meeting by providing a brief introduction
to the process.

A.R. El-Koubysi provided information on location of property and reason
for requesting the zoning change from R1 to M2.

Ms. Judy Scherff major concern with Duplex buildings in general is that
they are typically not owner occupied and how some renters can possibly
cause damage to the property over time. She did not have issue with
duplexes on this particular property because they were not close to
where she lives on FLORA CT.

Ms. Annie Driver explained that this application is for rezoning only
and that during the plat process (which is a separate application)
specific issues such as building types and other issues are discussed
before plat process is completed.

The meeting concluded at approximately 635pm.

AR El-Koubysi, PhD
3933 SE 37th St
Topeka, KS 66605
Tel. 785-266-9328 Email: elkoubysi@gmail.com

Updated June 21, 2023

RE: Neighborhood Information Meeting notes

Meeting was held at 530pm and adjourned at 6pm via Zoom on June 14, 2023.

Attendees:

Mike Hall
Barry M. (3408 SE 29th)
Clementine Titus
Annie Driver
and AR El-Koubysi

AR started the presentation with an overview of property location and surrounding area. A layout of the proposed ELK Lake Shawnee subdivision was presented showing extended SE 28th Terrace as a public street to the east property line. Discussed Phase 1 – which included developing a north lot of 17 attached units, and a private street. Also, discussed Phase 2 – which included developing a south lot of 8 attached units and remove access to 29th street.

Questions were raised regarding potential use of the housing units, rentals vs. owner occupied, and the quality of materials and workmanship that will be used. AR suggested it might be possible to sell individual units if there is an HOA in place, etc. Mike Hall responded that given the project and plat being proposed, the plat would need to be revised to allow for the sale of individual dwellings. A revised plat that allows for that will raise several difficult issues.

Mike Hall and Annie Driver explained the process of going through major city plat. The neighborhood information meeting is informal and encouraged questions, feedback, or concerns. Mentioned that the property was re-zoned as M2 in 2020. Explained that the next step is Commission Public Hearing, then it will be presented to City Council.

The meeting was adjourned at 6pm.

Staff Report – Conditional Use Permit Topeka Planning Department

PLANNING COMMISSION DATE: Monday, July 17, 2023

APPLICATION INFORMATION

**APPLICATION CASE
NUMBER/NAME:**

CU23/03 By: DT Garages LLC

**REQUESTED
ACTION /
CURRENT ZONING:**

Requesting a new Conditional Use Permit on property zoned “D-1” Downtown District to allow for the enclosed storage of vehicles. The property already has an existing CUP for an “Automobile Service Station, Type III” that was approved in 2003 under case CU03/01 and remains with the land unless revoked by the Governing Body.

**APPLICANT /
PROPERTY OWNER:**

Frank W. and Esta L. Meade

**APPLICANT
REPRESENTATIVE:**

Frank Meade

**PROPERTY ADDRESS
& PARCEL ID:**

1000 SE Quincy Street/ PID: 1093104017001000. The proposed garages front upon SE Monroe Street

PHOTO:



Subject Site – SE Monroe (looking toward property from the east)

2.2 acre property

PARCEL SIZE:



Existing Service Garage – 1000 SE Quincy (looking toward property from the intersection of SE 10th and Monroe)

STAFF PLANNER:

Annie Driver, AICP, Planner II

RECOMMENDATION:

APPROVAL subject to conditions in the staff report

RECOMMENDED MOTION:

I move to recommend **APPROVAL** to the Governing Body of the Conditional Use Permit CU23/03 Subject to conditions in the staff report.

PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY:

To allow a new building for 10 or more individual parking garages spaces for passenger vehicles and light duty trucks. Use of the garages is limited only to the storage and parking of vehicles. The CUP will prohibit the storage of hazardous or flammable equipment and work from being performed within the interior of these individual garages.

DEVELOPMENT / CASE HISTORY:

The piece of property fronting SE 10th Avenue has likely been used by this applicant for a service repair garage, parking and warehousing since at least 2003 when the CUP for the “Automobile Service Station Type III” was approved. The City’s 1959 and 1966 aerials reflect single-family dwellings on the properties. The properties were rezoned from “C-4” and “C-5” Commercial District in 2000 to “C-5” Commercial District for the purpose of allowing the owner to construct a hotel on the site. An existing pre-manufactured metal garage sits at the corner of the intersection of Monroe and 9th. In 2017, the C-5 zoning for Downtown properties and was replaced by the “D-1” District through a text amendment converting the C-5 District to the D-1 District.

ZONING AND CHARACTER OF SURROUNDING AREA:

The subject properties are at the edge of the Central Business District and at the SE 10th Avenue entrance ramp to Interstate 70. The proposed building will face Interstate 70. Most of this block and blocks to the south and west are covered by surface parking.

North: "D-1" Downtown District / BNSF Headquarters and Office
West: "D-1" Downtown District / Warehouse and office combination
East: "D-1" Downtown District / I-70 Ramp and Office
South: "D-1" Downtown District / Parking, single family house, vacant

COMPLIANCE WITH DEVELOPMENT STANDARDS AND GUIDELINES

BUILDING SETBACKS:

A 0 ft setback from the front property line at Monroe Street is allowed under the D-1 zoning.

OFF-STREET PARKING:

Not applicable

LANDSCAPING:

The Downtown Topeka Design Guidelines require landscaping along visible street frontages. Planning staff have discussed landscaping the with the applicant and agreed that landscaping on the property abutting Monroe Street would look out of place and become difficult to maintain. Three street trees are recommended along the street frontage of SE Monroe in the public right-of-way. The applicant has claimed that the turfed area of the right-of-way behind the sidewalk, contains rock and concrete refuse and is not a suitable place for trees to thrive. Staff is working with the City Forester to determine suitability of trees in this public right-of-way and the City Forester indicate the City will assist with establishment of the trees, but the maintenance and upkeep of any landscaping in the public right-of-way will be left to the owner to maintain and replace.

SIGNAGE:

"D-1": One monument sign per street frontage up to 50 sf, 10-20 feet tall maximum. There is an existing abandoned pole sign along SE 10th that may need to be removed per TMC 18.10.110 Non-conforming signs.

OPERATING CHARACTERISTICS:

Use of the garages will be 24 hour per day and seven days a week operated by an electronic key pad entry system.

PUBLIC FACILITIES

TRANSPORTATION:

The subject property is located in Downtown Topeka where all public facilities exist and will not become overburdened.

UTILITIES: The property is connected to City sanitary sewer and water. Utilities are not affected by this revision.

OTHER FACTORS

SUBDIVISION PLAT: LOTS 121 THRU 143 ODD & MONROE ST LOTS 337 THRU 359 ODD & LOT 360 & S1/2 LOT 358 ON QUINCY ST & 1/2 VACATED ALLEY, ORIGINAL TOWN

FLOOD HAZARDS, STREAM BUFFERS: N/A

HISTORIC PROPERTIES: N/A

NEIGHBORHOOD INFORMATION MEETING: The applicant conducted a Zoom video neighborhood meeting on Wednesday, June 21, 2023 at 5:30 pm. Other than the owner (Frank Meade), his consultant (Ed Southall), and planning staff (Mike Hall), only one couple attended. The only issue raised at the meeting summary was concerning the incorporating building along the street facing side (SE Monroe).

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

Public Works /Engineering: No issues identified

Water Pollution Control: No issues identified

Fire Department: No issues identified

Development Services: No issues. A building permit is required

KEY DATES

SUBMITTAL: May 19, 2023

NEIGHBORHOOD INFORMATION MEETING: June 21 2023

LEGAL NOTICE PUBLICATION: June 21, 2023

PROPERTY OWNER NOTICE MAILED: June 23, 2023

STAFF ANALYSIS

EVALUATION CRITERIA: In considering an application for a Conditional Use Permit, the Planning Commission and Governing Body will review the request following standards in Topeka Municipal Code Section 18.245(4)(ix) 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 for 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 the proposed Water Tower District of the Downtown Topeka Master Plan (2022). The “D-1” zoning is intended to facilitate a compatible mixed use activity center within the core area of downtown Topeka. The district is predominately composed of state offices, as well as local and federal facilities, commercial and retail uses. The district includes compatible residential, office, civic, and commercial retail/service uses which complement and support a high density of activity and facilitate pedestrian usage. The plan envisions the area to develop over the longer term planning horizon for higher density housing, retail spaces and restaurants. However, full build-out according to this estimated planning implementation timeframe is not expected within a 10 year time period since it likely involves a single property owner needing to combine several properties in order to create a developable site for either a mixed use activity center or residential housing as proposed in the plan for this district. The CUP provides for suitable building used only to enclose existing surface parking on the site in the interim time period until the Master Plan is realized. The CUP incorporates elements of the Downtown Urban Design Guidelines.

The CUP proposal, as presented, is limited to 10 single vehicle garages under the proposed CUP and does not preclude the planned concept envisioned in the Downtown Topeka Master Plan (2022). The CUP places conditions to create a visually pleasing environment and enhance the street frontages, such as making provisions for street trees and building murals and addressing building orientation, composition, transparency, and setbacks that are all elements of the Urban Design Guidelines. As conditioned, the proposal is in conformance to the Comprehensive Plan policies.

- 2. The character of the neighborhood including but not limited to: land use, zoning, density, architectural style, building materials, height, structural mass, sitting, open space and floor-to area ratio:** The site is located adjacent to the Interstate 70 and SW 10th Street entrance ramp in a highly visible location that serves as an entry way into Downtown Topeka. The character of the area is comprised primarily by Downtown storefronts along S. Kansas Avenue, multi-level office buildings and multi-level parking garages surrounding Kansas Avenue along Quincy Street (BNSF, 9th St. garage, Coronado garage, 10th and Monroe Parking). The properties south of SE 11th Street are predominately undeveloped and vacant. The existing service garage located upon the subject property on the site was constructed for automobile service repair and sits back at zero feet from front property lines. The owner’s adjacent warehouse on the property located at the corner of 11th and Monroe is a pre-fabricated metal building and sits back from the property lines 30-50’.

Section 12.3 of Appendix A of the Downtown Topeka Urban Design Guidelines indicates facades containing an expanse of blank wall without windows, entrances or other openings represent a serious detriment to the vitality and viability of the Downtown area to support pedestrian scale uses. There are elements included in the Urban Design Guidelines that indicate parking facilities should incorporate landscaped buffer strips, such as hedge rows, street trees, and decorative fencing; address building orientation; setbacks and site design; building composition, and lighting components to mitigate spillover on adjacent properties. Staff makes recommendations to address some of these concepts. Including, making provisions for both street trees in the public right of way and recommending the building contain a smooth finish along the street comparable to the context of design within Downtown.

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 surrounding zoning is “D-1” Downtown District since converted by a text amendment from the “C-5” Commercial District in 2017. In 2000, the property was rezoned to C-5 from the C-4 Commercial. The C-5 district originally covered the Central Business District and preceded the D-1 District. The “C-5” zoning converted to “D-1” zoning by a text amendment in 2017 that replaced the C-5 District and incorporated the urban design guidelines for Downtown.
4. **The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations:** The zoning is not changing from its present “D-1” Downtown District. The site is suitable for uses as provided and restricted under its current zoning. However, current market conditions might not fully support the Downtown Master Plan’s vision for this block and the density and character of development as encouraged under D-1 zoning. And the property owner is not currently interested in developing it to its potential as envisioned by the Master Plan and zoning. A CUP was approved in 2003 for transmission repair (Automobile Service Station Type III) but that CUP is not being exercised at this time. The proposed CUP allows for the construction and operation limited to individual garage spaces for passenger vehicles and light duty trucks and, therefore, encloses the surface parking already on the site, permitted by right under the previous zoning of C-5 but requiring a conditional use permit under the current D-1 zoning. The D-1 zoning will be realized when further development of the area is proposed in the future. In the interim, the proposed CUP places restrictions on building composition, setbacks, and building orientation to address elements of Urban Design Guidelines contained in the current zoning regulations of D-1. The proposed garages may provide a useful facility for downtown residents who may have no parking or insufficient parking. At this particular location at the edge of the central business district, the proposed parking garages are appropriate as an interim use until such time that a more intensive use envisioned by the Downtown Master Plan can come forward to replace the garages.
5. **The length of time the property has remained vacant as zoned:** The property is not currently vacant but as a surface parking lot may be underutilized. The piece of property fronting SE 10th Avenue has been used for a service repair garage, parking and warehousing since at least 2003 when a previous CUP was approved. This CUP allows for an Automobile Service Station, Type III (transmission repair shop, automobile wash, car storage and parking, office, and maintenance of lawn equipment) and remains with the property unless revoked by the Governing Body. The City’s 1959 and 1966 aerials reflect single-family dwellings on the properties. The properties were rezoned from “C-4” and “C-5” Commercial District in 2000 to “C-5” Commercial District for the purpose of allowing the owner to construct a hotel with zero-foot building setbacks on the site as part of the City’s previous vision for the water tower district. An existing pre-manufactured metal garage sits at the corner of the intersection of SE Monroe and 11th. In 2017, the “C-5” zoning for Downtown properties and was replaced by the “D-1” District approved by text amendment converting the “C-5” District to the “D-1” District.
6. **The extent to which the approval of the application would detrimentally affect nearby properties:** If implemented as recommended, the proposal is anticipated to have no detrimental effect on nearby properties as it only serves to provide enclosed parking in the place of existing surface parking on the property that is already allowed under the previous zoning. Staff recommendations address the composition of exterior building materials, landscaping, murals, and fencing that are elements included in the Urban Design Guidelines to ensure the use does not detrimentally affect nearby properties.
7. **The extent to which the proposed use would substantially harm the value of nearby properties:** As implemented by restrictions placed on the CUP, the minor addition of individual garages to replace surface parking will have little or no harm on the value of nearby properties. The properties surrounding the site include multi-level parking garages, surface parking lots, and undeveloped or vacant lots.
8. **The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the use, or present parking problems in the vicinity of the property:** The amendment will have no significant impact on the road network. Access to the site is from Monroe and

does not change with this project. Access to the individual garages is from the interior of the site.

9. **The extent to which the proposed use would create excessive air pollution, water pollution, noise pollution or other environmental harm:** There is none anticipated since there is no increase in building area or paving being added to the parking lot and off-street parking is already permitted in the CUP. The site is used for parking as a principal use now, rather than as accessory parking, and the proposed use is parking as a principal use.
10. **The economic impact of the proposed use on the community:** The proposed individual garage units may assist in increasing housing opportunities in Downtown Topeka as it potentially serves future residents as the need for individual garages may grow with new housing being added Downtown. The construction and operation of parking at this site may be more efficient and more physically possible than to provide parking on the site of residential or commercial use in need of parking.
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 little hardship imposed upon the landowner by denial of the application as they already have the ability of using the existing site for surface parking, automobile, transmission repair and storage of vehicles as outlined by the existing CUP. On the other hand, approval of the conditional use permit does little or nothing to benefit the public given that other development more aligned with the Downtown Master Plan's vision for this block is not likely within the next five years or more. Additionally, the proposed use of enclosed garages will serve an interim need for residential parking in Downtown Topeka and, therefore, provides some benefit to the public health, safety, and welfare until the vision of the Master Plan is fully realized.

RECOMMENDATION:

The project demonstrates compliance with standards for evaluation as provided for in TMC 18.215.030 Conditional Use Permits for Land Use Compatibility, Site Development, Operating Characteristics, and consistency with the Comprehensive Plan.

STAFF RECOMMENDATION: Based upon the above findings and analysis, Planning staff recommends **APPROVAL** of this Conditional Use Permit, **subject to conditions below:**

1. Use and development of the site in accordance with the approved Site Plan, Resolution and Conditions stated herein.
2. Statement of Use: *"A CUP to allow for 10 or more individual parking garages for the storage of passenger vehicles or light duty trucks. No repair or maintenance of vehicles shall be permitted inside the garages. The use of the garages for contractor storage and shops or for the storage of hazardous or flammable materials shall not be permitted. Operation of the facility shall be 24 hours per day with entry provide through an electronic key pad entry system."*
3. Fences: *"The existing fencing along the SE Monroe property line will be removed as part of construction.. Any fencing shall require approval of a Fence Permit and shall comply with TMC 18.210.040 fencing regulations. Type and material of any proposed fencing shall be approved by Planning staff for consistency to the Urban Design Guidelines."*
4. Building Materials: *"Hardie Board Fiber Cement siding 'smooth finish' for commercial applications, such as: 0.312 X 120" X 48' or similar product material to be approved at the time of Building Permit submittal.. Design subject to the Downtown Topeka Urban Design Guidelines. Artwork or a building mural may be provided along street facing façade to create visual interest."*
5. Surfacing: *"The City of Topeka Off-Street Parking Policy applies for the hard surfacing of any parking areas and access drives."*
6. Landscaping: *"Pursuant with the City of Topeka's recommended species list, three large canopy trees shall be provided along SE Monroe between the curb and the sidewalk at the the time of site development. Any landscaping in the public right-of-way shall be the responsibility of the property owner(s) to maintain and replace if damaged. The*

City of Topeka shall not be liable to replace any landscaping in the public right-of-way that is needed to fulfill the owner's landscaping requirements."

PLANNING COMMISSION MOTION: I move to recommend **APPROVAL** to the Governing Body the amendment to the Conditional Use Permit CU23/03 subject to conditions stated in the staff report.

ATTACHMENTS:

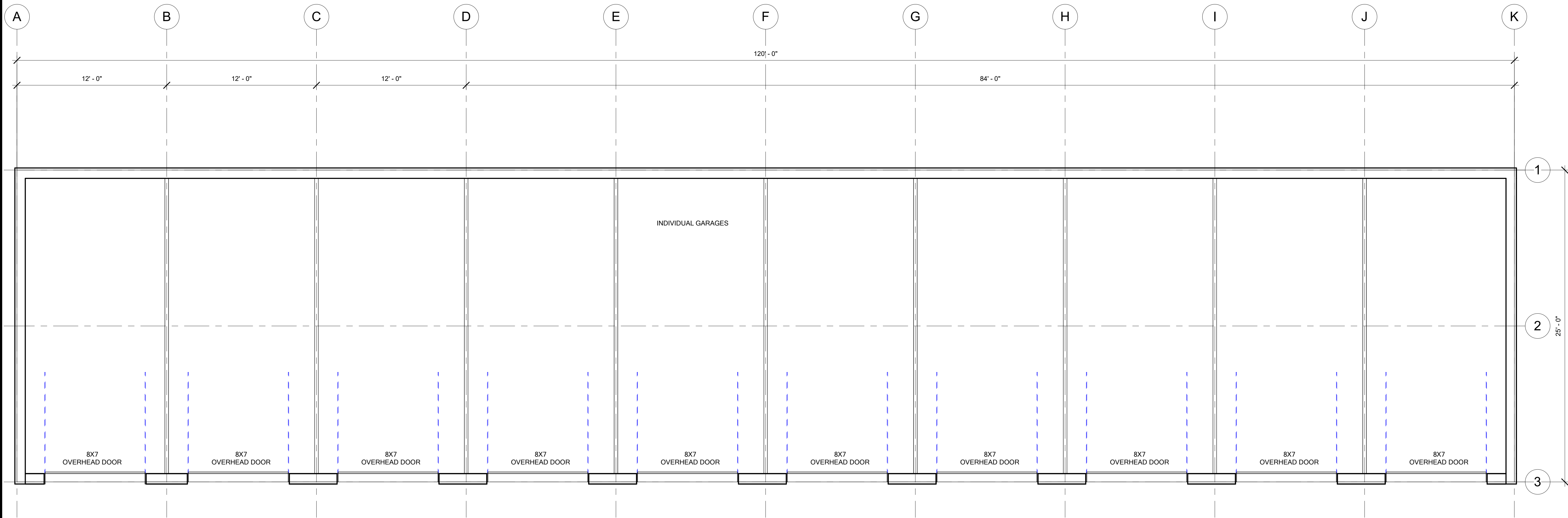
Site Plan and Building Plans
Aerial Map
Zoning Map
NIM report and Sign-In sheet
Downtown "D" Rezoning Map
Downtown Master Plan Land Use Map



Caton Architectural Design LLC

6320 Marion Avenue
Kansas City, Mo 64133
www.caton4design.com
913-515-3384

25X100
1025 MONROE TOPEKA, KS



1 FLOOR PLAN
1/4" = 1'-0" FLOOR AREA = 3,000 S.F. +/-

GENERAL NOTES

- A. ALL DIMENSIONS ARE TO THE FINISH FACE OF PARTITIONS OR OUTSIDE FACE OF GIRT @ EXTERIOR
- B. PROVIDE CONTROL JOINTS IN GYP. BOARD WALLS AT 30'-0" O.C. MAX. SEE DETAIL X
- C. ALL INTERIOR WALLS ARE TO BE 22 GA. - 3 5/8" MTL. STUDS @ 16" O.C., 10' TALL W/ TYPE "X" 5/8" GYPSUM BOARD ON EITHER SIDE.
- D. ALL CONSTRUCTION SHALL COMPLY WITH THE REQUIREMENTS OF THE AMERICAN WITH DISABILITIES ACT AND APPLICABLE EDITION OF THE BUILDING CODE.
- E. FIELD VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS PRIOR TO THE START OF DEMOLITION AND CONSTRUCTION.
- F. REFER TO SHEET A1.10 FOR TYPICAL TOILET, FIXTURE AND ACCESSORY MOUNTING HEIGHTS.

CONSTRUCTION NOTES

- 1 PROVIDE WIRE SHELF @ 60" WITH PAINTED 1X6 BELOW FOR COAT HOOKS SPACED AT 6" O.C.
- 2 PROVIDE WIRE SHELF AT 80" ABOVE PREP SINK
- 3 PROVIDE WIRE SHELF AT 80" ABOVE ALL TOILETS AGE 2-3, 4-5, 6-7
- 4 PROVIDE OUTLET AT 84" AND BLOCKING IN WALL FOR FAN MOUNTS
- 5 PROVIDE BEAD BOARD WAINSCOT TO 48" A.F.F.

DESIGNER: SC
 DRAWN BY: RT
 JOB NO.: 051623
 DATE: 5/16/2023

PROJECT REVISIONS

NO.	DATE	REVISION

SHEET NUMBER

FLOOR PLAN

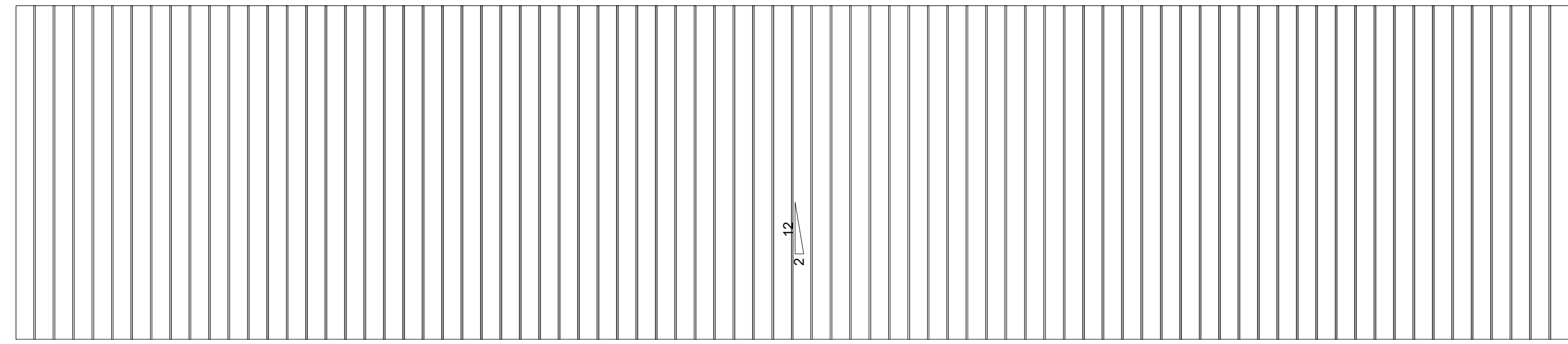
A101



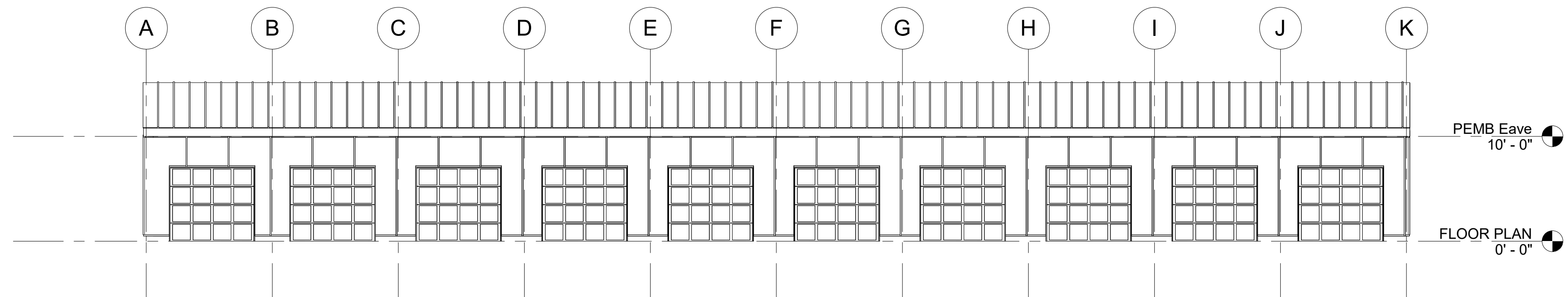
Caton
Architectural
Design LLC

6320 Marion Avenue
Kansas City, Mo 64133

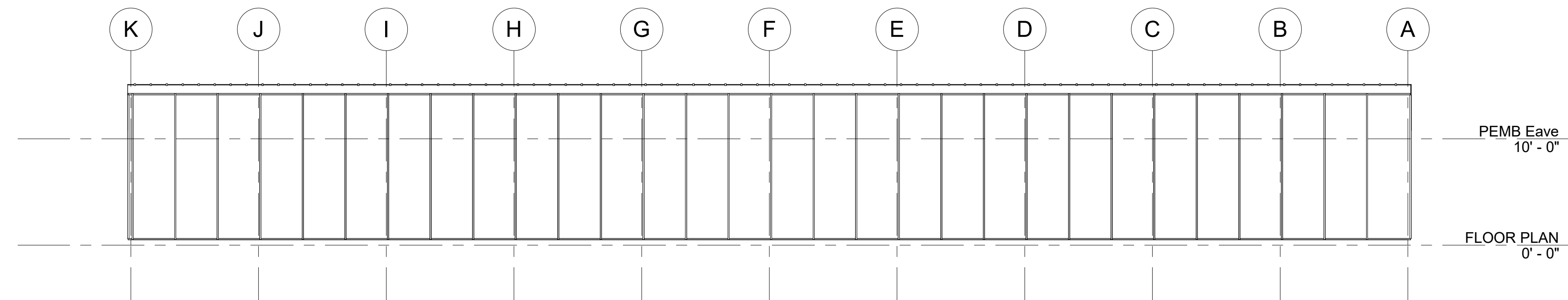
www.caton4design.com
913-515-3384



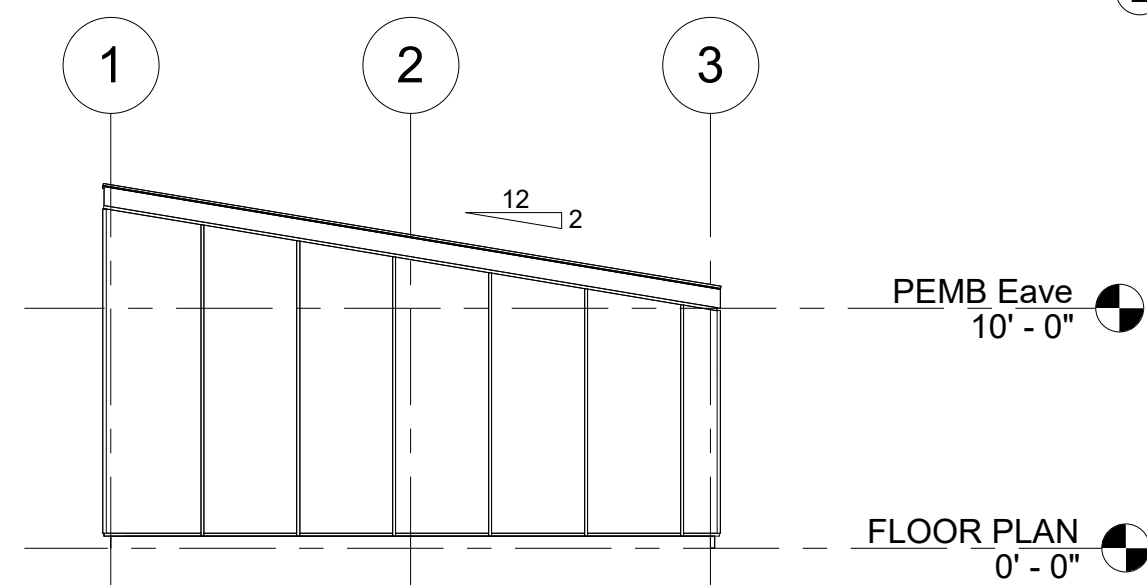
5 ROOF PLAN
1/8" = 1'-0"



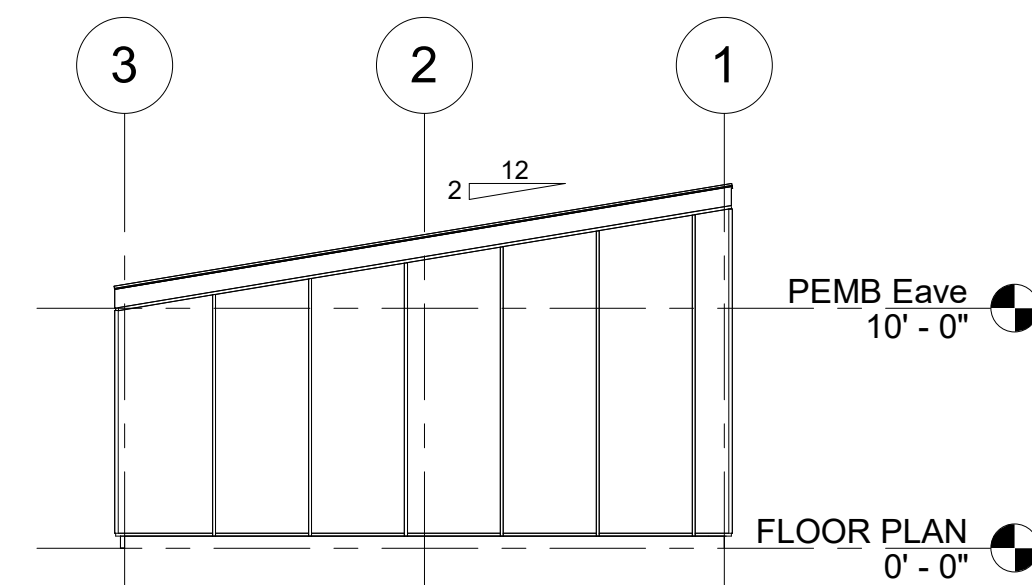
1 FRONT
1/8" = 1'-0"



2 BACK
1/8" = 1'-0"



3 LEFT
1/8" = 1'-0"



4 RIGHT
1/8" = 1'-0"

25X100
1025 MONROE TOPEKA, KS

DESIGNER: SC
DRAWN BY: RT
JOB NO.: 051623
DATE: 5/16/2023

PROJECT REVISIONS

NO.	DESCRIPTION

SHEET NUMBER

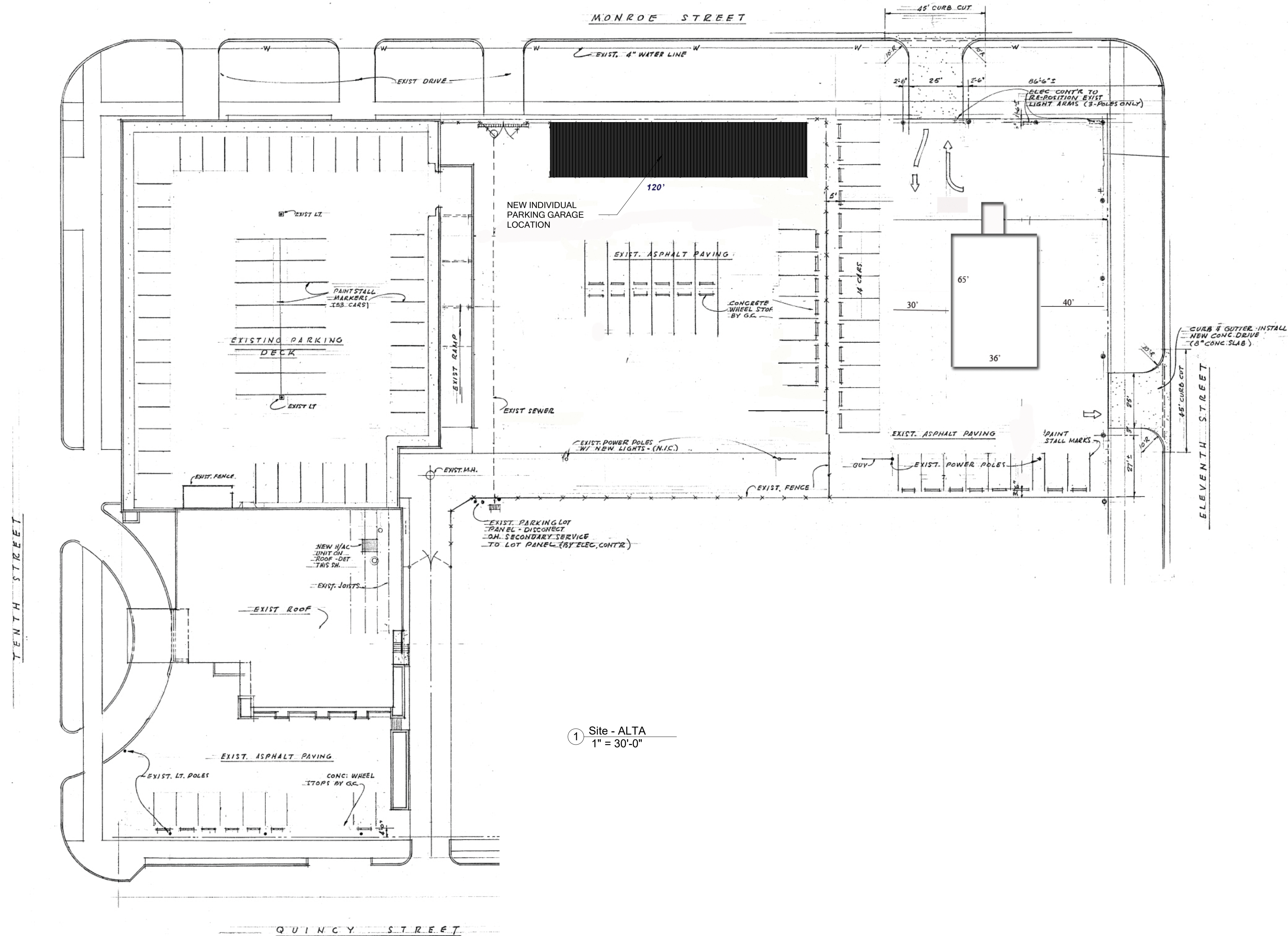
ELEVATIONS

A301



Caton
Architectural
Design LLC

6320 Marlon Avenue
Kansas City, Mo 64133
www.caton4design.com
913-515-3384



1 Site - ALTA
1" = 30'-0"

25X100
1025 MONROE TOPEKA, KS

DESIGNER: SC
DRAWN BY: RT
JOB NO.: 051623
DATE: 5/16/2023

PROJECT REVISIONS

NO.	DESCRIPTION

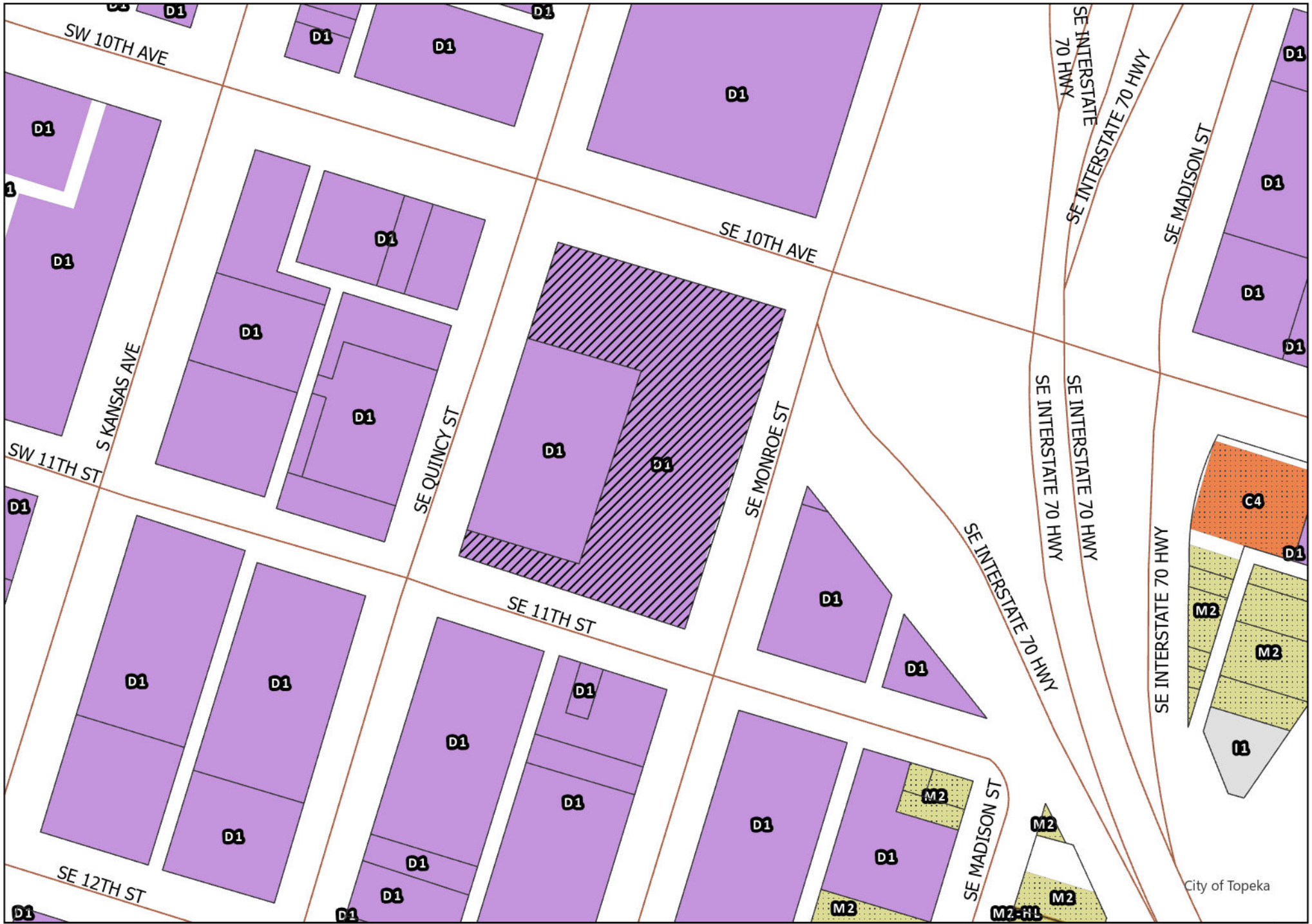
SHEET NUMBER
SITE

BA001



CU23/03 By: Frank W. and Esta L. Meade (DT Garages)





CU23/03 By: Frank W. and Esta L. Meade (DT Garages)



Amanda Tituana-Feijoo

From: Frank Meade <fmeade@aol.com>
Sent: Tuesday, May 23, 2023 8:16 PM
To: Michael G Hall; edconsult4u@aol.com
Cc: Amanda Tituana-Feijoo
Subject: Re: CUP app: Statement of Operations
Attachments: 20230323_170629_(1).jpg

This message originated from outside your organization



This message needs your attention

- This is a personal email address.

Powered by Mimecast

- What will the proposed buildings be used for specifically? The applicant told staff prior to application that they are to be rented to individuals who will store their vehicles in them? Is that correct? yes
- How will the individuals gain access to their individual garages? Will they access using a keypad or something similar? Key for each door using special locking system. see attached.
- What types of vehicles will be allowed to be stored? Cars and light trucks only? Yes, it is designed to recommended garage size (12x25) for vehicles. Tall doors allow for trucks with large tires, roof racks and such.
- Will the garages be accessible to the tenants/users at all hours of the day and night? If not, at what times will they be accessible? 24 hours a day. The area is lighted.

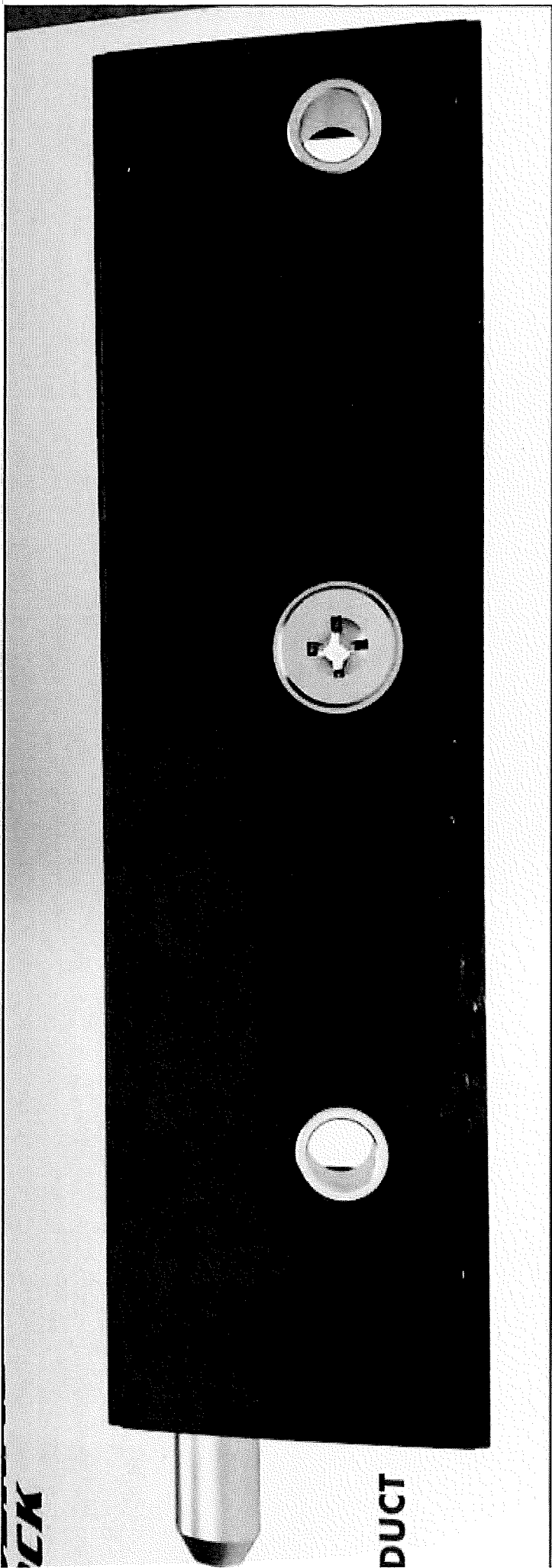
-----Original Message-----

From: Michael G Hall <mghall@topeka.org>
To: Frank Meade <fmeade@aol.com>; edconsult4u@aol.com <edconsult4u@aol.com>
Cc: Amanda Tituana-Feijoo <atituana-feijoo@topeka.org>
Sent: Tue, May 23, 2023 10:46 am
Subject: CUP app: Statement of Operations

Frank. Thank you for submitting your CUP application for the Monroe Street property. It is missing one or two items, and our office administrator, Amanda, will contact you to request the missing item(s). This is a request for the "Statement of Operations". CUP applications typically require a "statement of operations" and we asked you to include one in his application for the Monroe Street property.

Perhaps it is easiest you answer the questions below and these questions and your answers will serve as the "Statement of Operations." We will upload them to the application when we get your answers:

- What will the proposed buildings be used for specifically? The applicant told staff prior to application that they are to be rented to individuals who will store their vehicles in them? Is that correct?
- How will the individuals gain access to their individual garages? Will they access using a keypad or something similar?



CK

DUCT

Amanda Tituana-Feijoo

From: Frank Meade <fmeade@aol.com>
Sent: Wednesday, June 21, 2023 7:23 PM
To: Michael G Hall
Cc: Ed Southall; Annie Driver; Karen A. Hiller
Subject: Public review of Monore Parking

This message originated from outside your organization

At 5:30 on June 21st a meeting was held at 1000 SE Quincy for viewers and those with questions concerning the project.

Those attending were:









Frank Meade
Ed Southall
Mike Hall
Larry and Martha Gibbins

Options were discussed for the Monroe Street portion of the building using murals sponsored by Artsconnect which has and is producing a number of Murals in Topeka.

Artsconnect
909 N Kansas Ave
66608

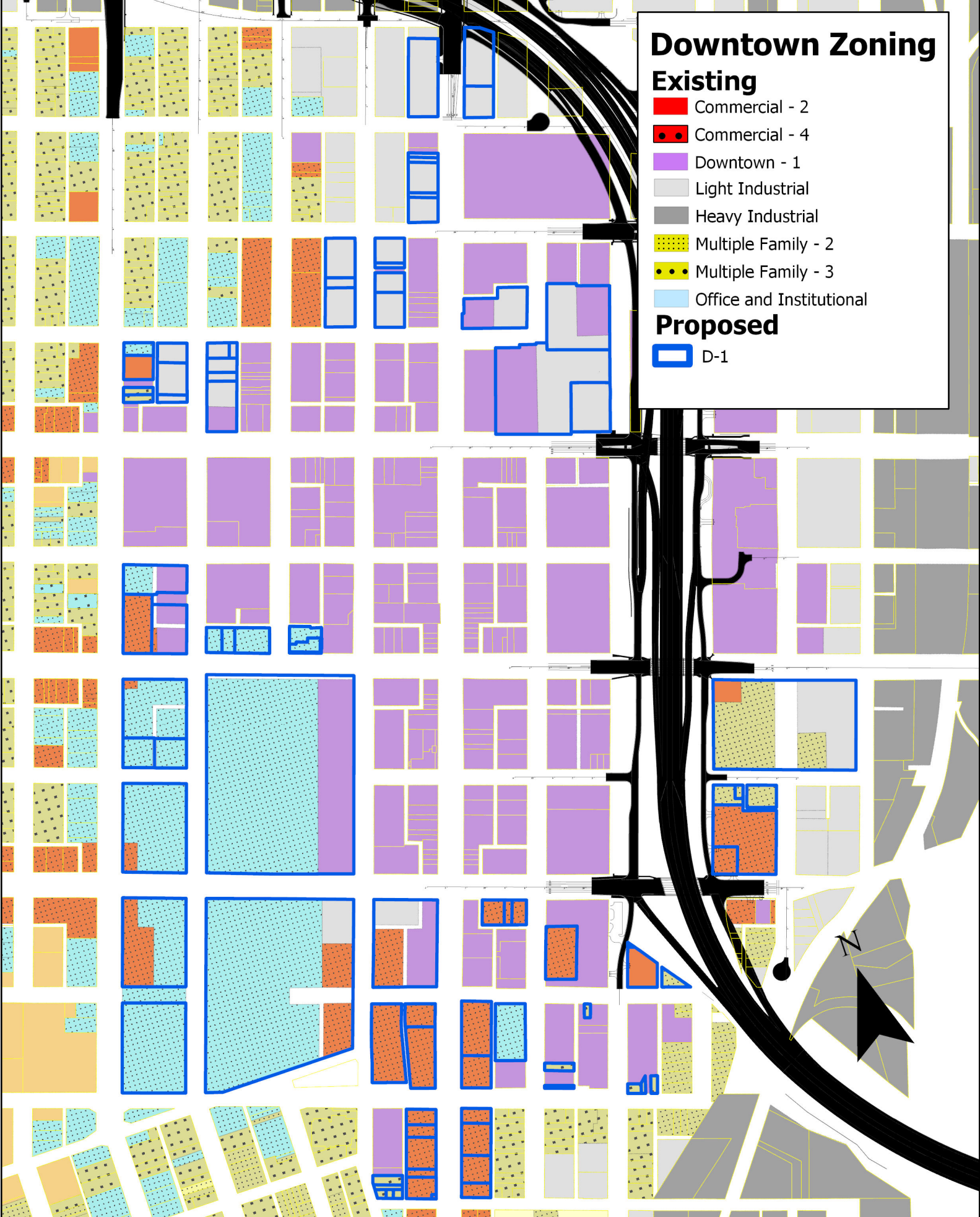
Downtown Zoning

Existing

-  Commercial - 2
-  Commercial - 4
-  Downtown - 1
-  Light Industrial
-  Heavy Industrial
-  Multiple Family - 2
-  Multiple Family - 3
-  Office and Institutional

Proposed

-  D-1





Z21/08 BY: Topeka Planning Commission (Downtown D-1 Rezoning)