



CITY OF
TOPEKA

A G E N D A

TOPEKA PLANNING COMMISSION

MONDAY, AUGUST 21, 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, August 21, 2023

A. Roll call

B. Approval of Minutes – July 17, 2023

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

D. Action Items

1. CU23/04 St. Peter and St. Paul Orthodox Christian Church requesting a Conditional Use Permit on a 29.4 acre parcel, located south of SE 38th Street and west of SE Adams Street, and along the north side of the Kansas Turnpike on property zoned “R-1” Single Family Dwelling District to allow for a Religious Assembly use with an accessory cemetery not meeting the requirement in the zoning code that access to a religious assembly use be on or within 300 feet of a major traffic thoroughfare. **(Driver)**

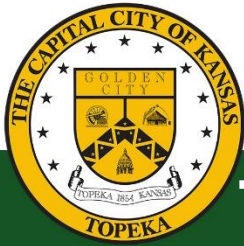
2. PUD23/05 Topeka Prime Sports PUD23/05 by Topeka Prime Sports, LLC (property owner Fellowship Hi-Crest, Inc.) requesting rezoning of 3601 SW 33rd St from “R-1” Single-Family Dwelling District to “PUD” Planned Unit Development to convert the church into facilities for cheerleading classes or similar sports and recreation instruction. **(Brown)**

E. Discussion Items

1.Revision to the By-laws of the Planning Commission

F. Communications

G. Adjournment



CITY OF
TOPEKA

MINUTES

TOPEKA PLANNING COMMISSION

Monday, July 17, 2023

6:00PM

Members present: Corey Dehn (2023 Chair), Del- Metrius Herron, Jim Kaup, William Naeger, Jim Tobaben, Matt Werner (6)

Members Absent: Marc Fried, Donna Rae Pearson, Jeff Preisner (3)

Staff Present: Rhiannon Friedman, Planning & Development Director, Dan Warner, Planning Director; Mike Hall, Land Use Planning Manager; 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 June 26, 2023

Motion by Commissioner Tobaben to approve; **second** by Commissioner Herron. **APPROVED 6-0-0.**

Declaration of conflict of interest/ex parte communications – NA

Public Hearing of P23/11 Elk Lake Shawnee Subdivison (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.

Staff:

Michael Hall presented the staff report and staff's recommendation of approval.

Questions/Comments from Commissioners:

Commissioner Kaup asked for further information on the lot lines for phase two of the project. Mr. Hall clarified that phase one is the lot north of the extension of 28th Terrace, and phase two is the single lot south of 28th Terrace. Mr. Hall informed the group that it is one plot of land with a street running through it. He went on to further clarify that there will be a total of 8 units on lot 2 (the lot on the southside of 28th Terr). The storm water retention is currently on the northeast corner of lot two, however, when the current house is demolished, that storm water retention will shift to the south west corner.

Commissioner Tobaben inquired about the setback requirements for the back property line and from the street. Mr. Hall informed the group that the set backs are 25 feet in both the front and back, and 5 feet on each side. Commissioner Tobaben then inquired about the design of the buildings, and whether or not the back of the buildings would back up to the property line. Mr. Hall educated the group on the architectural design, and how the back of the buildings would actually face the sides of the property.

Commissioner Tobaben asked about side walk requirements, however, Mr. Hall said that was something that could be discussed in the site plan review. Mr. Hall did mention the complaint that came via email, however, he also cited that the zoning had previously been changed to allow this land use.

Commissioner Werner inquired that the front yards will face the street due to this being one lot. Mr. Hall confirmed that they would. Commissioner Werner also asked about who would be putting in 28th and Terrace, the city or the developer. Mr. Hall confirmed that the developer will build it, and dedicate it to the city.

Commissioner Werner questioned the restricted access along 29th Street, and why there are two openings. Mr. Hall explained that the house that is on the property currently will be allowed to continue to use those access points. However, when the land is redeveloped, those access points will be restricted completely.

Commissioner Naeger questioned future development in connecting 28th Terrace with Croco Road, and whether or not the private street on the northern part of 28th Terrace would be able to be connected with Croco Road. Mr. Hall confirmed that the land north of this particular plat is already developed.

Owner's Representative: (A.R. El- Koubysi, Owner and Developer)

Mr. El- Koubysi confirmed the need for housing in the Shawnee Heights area. He informed the council that rezoning was done back in 2020. Mr. El- Koubysi confirmed the setbacks for the property. On the East side there is an 8 foot setback, and on the West side is a 4 foot setback.

Commissioner Dehn declared the **public hearing open**.
With no one coming forward from the public, **Commissioner Dehn declared the public hearing closed**.

Questions/Comments from Commissioners:
N/A

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

Motion by Commissioner Werner, **second** by Commissioner Naeger: **to recommend 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. Approved 6-0**

Public Hearing of 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.

Staff:
Michael Hall presented the staff report and staff's recommendation of approval.

Questions/Comments from Commissioners:
Commissioner Kaup inquired if there was an appropriate "term of years" for the CUP since the report read "interim use". Mr. Hall confirmed although he wasn't sure what that might be, the life of the building is longer than 10 years. Mr. Hall also said that there could be a condition requiring renewal in the future with conditions.

Commissioner Naeger asked if the difference in zoning changes would help the market for middle housing downtown. Mr. Hall confirmed that there is both a need and demand for housing in the downtown area.

Owner's Representative: (Frank Meade, Kanza Oz LLC)
Mr. Meade stated that there is no market for housing downtown. It cost the same amount of money to build on the West side of town as it does Downtown, and everyone wants to live on the West side. The garages are 10 x 25, and according to Mr. Meade, the doors will have higher doors to cover any height of the vehicles. Mr. Meade informed the group of the special locks that will be used on each door, making each unit extremely secure. These garages will be on already existing parking, and top reasons for these garages include both weather and security. Mr. Meade also addressed the landscaping concerns, and the reasons for why the trees will not properly grow on this land.

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

Henry McClure, address unknown, also faces the same parking challenge on one of his properties. The market is currently stating the need, and although the market could change in the future, it is possible at that time that Mr. Meade would be willing to sell his properties.

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

Questions/Comments from Commissioners:

Mr. Hall acknowledged there was an error in the staff report, and the CUP that was established in 2003 for a transmission shop is not actually valid.

Commissioner Kaup also pointed out that paragraph 11 in the staff report had an error and the word "approval" should be replaced with "disapproval". Mr. Hall agreed with the recommendation.

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

Motion by Commissioner Naeger, **second** by Commissioner Kaup: to recommend approval of the Conditional Use Permit subject to the conditions listed in the staff report. **Approved 6-0**

Communications to the Commission

Upcoming Taskforce about Accessory Dwelling Units – hopefully to start meetings at the end of July/ early August

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

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

PLANNING COMMISSION DATE: Monday, August 21, 2023

APPLICATION INFORMATION:

CASE NUMBER / NAME:

CU23/04 – Saints Peter & Paul Orthodox Christian Church

REQUESTED ACTION / CURRENT ZONING:

Conditional Use Permit (CUP) for a Religious Assembly use along with accessory cemetery with access from a local street, with access being more than 300 feet from a major traffic thoroughfare (SE Adams) / “R-1” Single Family Dwelling District.

PROPERTY OWNER:

St. Peter and Paul Orthodox Christian Church

APPLICANT REPRESENTATIVE:

Kevin Holland, Cook Flatt and Strobel Engineers

CASE PLANNER:

Annie Driver, AICP, Planner II

PROPERTY LOCATION / PARCEL ID:

29.44 acres west of SE Quincy Street, south of SE 38th Street, and west of SE Adams Street / Parcel ID: 1341901009049010

STAFF RECOMMENDATION:

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 Conditional Use Permit CU23/04 subject to the conditions stated in the staff report.

PHOTOS:

View towards the property from the end of SE 40th Street.



View of property towards the west entrance at SE 40th Street.



PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY:

The proposed use requires a Conditional Use Permit in the “R-1” Single Family Dwelling District because the property containing the religious assembly use does not meet the Special Use Requirements (18.225) as follows below.

The Special Use Requirements [18.225.010 (r)] state that in the “R-1” Single Family Dwelling District, the entrance to a place of religious assembly may allow access directly onto a local street, so long as this access entrance is located within 300 feet of a major traffic thoroughfare (i.e. arterial or collector street designation). Per section 18.225.010 (r) a religious assembly use not meeting said requirement may be approved by a Conditional Use Permit. The nearest point of access to the property will be located at the dead-end stub of SE 40th Street located approximately 2,783 ft. from the closest arterial street (SE Adams) intersection. The site may have a future secondary access off SE Evans Drive (local street) upon development of the second or third phases, which is 1,280 ft. from Adams.

Phase 1 includes a fellowship hall for the current 85 member parish, office space, a kitchen, 80 parking stalls, and restrooms with religious services generally being held on Saturday evenings, Sunday mornings, and Wednesday evenings.

Phase 2 will include construction of the church temple with capacity of 250 seats, an educational building for religious education, and a church cemetery used for parishioner burial services only. The cemetery will not be open to the public and the applicant indicated the church has only conducted two funeral services and burials

since 2019. All funeral services and burials are held entirely on-site and there are typically no funeral processions needed through the neighborhood.

Phase 3 will include construction of the future parish hall and additional parking for 50 new stalls.

DEVELOPMENT / CASE HISTORY:

The property has never been developed. On the property's west and north boundary, the land fronting on Quincy and 38th was platted as a subdivision in 1965 with single-family residences built as recently as 2006. A City of Topeka water tower has been located at the southwest corner of the property since at least the 1960s.

ZONING AND CHARACTER OF SURROUNDING PROPERTIES:

The neighborhood is predominantly zoned for single family residential land uses to the west and north of the property. There are properties at the corner of SE 37th and SE Adams Street that are zoned "C-2" Commercial District and "PUD" Planned Unit Development. To the east of SE Adams St, there is a 45 acre property zoned "I-1" Light Industrial and PUD. The "I-1" zoned property contains the Southwest Publishing production and distribution center. The 100 year flood zone and a natural stream channel transects the east side of the property and, therefore, provides a natural buffer between the proposed church site and other uses to the north and east along SE Adams. Linn Education Center (zoned R-1 Single Family Dwelling District) is located at the northwest corner of SE 40th and Quincy, closed in 2011 as an elementary school and reopened as an education center for gifted USD 501 students.

COMPLIANCE WITH DEVELOPMENT STANDARDS AND GUIDELINES

BUILDING HEIGHT, SETBACKS & FENCES:

The CUP site plan denotes a 30 ft. building setback along the west and north boundaries of the property although actual setbacks are much greater as shown on the site plan. The proposed buildings are set back 207 feet from the closest single family residences and vacant lots to the west, and 330 feet from the Kansas Turnpike. The cemetery is located over 250 feet from the closest residential lots.

PARKING AND ACCESS:

The CUP site plan provides a total of 130 new parking spaces for employees and parish members (80 stalls with Phase 1 Fellowship hall and 50 stalls with Phase 3 Parish building). Primary access to the site will be taken from SE 40th Street with a possible future entrance off SE Evans Drive, both to be improved with permanent paved cul-de-sac turnarounds to City standards (45' paved radii and 60' right-of-way). The Off-Street Parking Regulations (Chapter 18.240) require parking at a ratio

of 1 stall per 4 seats in the sanctuary or largest room (63 required). The proposed parking in Phase 1 meets this standard for the use based on future seating capacity of 250. The 130 stalls is more than needed to satisfy the required parking.

LANDSCAPING AND SCREENING:

Landscape Regulations, Chapter 18.235, will apply for each phase with plans to be submitted at the time of site development for each phase. The plans will address exact species and quantities of landscaping proposed at such time. Residential buffer yard Chapter 18.235.060(d) requirements apply along the west and north sides at the time of development. Native vegetation that provides for a continuous visual barrier of at least 20 feet in width is an acceptable buffer. Staff will determine compliance with the Landscape Regulations at the time of site plan review and whether existing vegetation should be retained to serve as a visual screening buffer.

SIGNAGE:

The CUP site plan indicates that any proposed signage will not exceed 40 sq. feet in area nor 5 feet in height. 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 for residential uses.

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 CUP chapter identifies key guidelines for the review and approval of CUPs, namely: 1. Land use compatibility (Height and floor area, setbacks, and building coverage) 2. Site Development (Parking and internal circulation, stormwater management, building design) 3. Operating Characteristics (Traffic capacity) 4. Comprehensive Plan.

The CUP site demonstrates, or will demonstrate at the time of site plan review, conformance to these guidelines.

A primary guideline related to approval of the CUP is whether the use will have an adverse effect on the road network caused by external traffic traveling to the site since the property does not meet the zoning standard that access to the church be within 300 ft. of a major traffic thoroughfare. The standard is likely intended to ensure traffic arriving and departing is concentrated on a street that has a capacity to serve the use.

For these reasons, Traffic Engineering required a Traffic Impact Analysis (TIA) from the applicant to assess the need for roadway improvements based on whether there is an adverse impact on the surrounding streets.

COMPREHENSIVE PLAN:

There is not an adopted neighborhood plan within this area. The Land Use and Growth Management Plan – 2040 identifies the property for *Urban Suburban Low Density Residential* uses. Religious Assembly, along with other institutional uses, are generally seen as being compatible with the *Urban Suburban Low Density* land use classification. The purpose of the Conditional Use Permit is to establish restrictions on building size, placement, setbacks, as well as consider other site features (noise, parking, lighting, traffic) that may negatively impact surrounding or adversely affect the roadway network.

OTHER FACTORS

SUBDIVISION PLAT:

The site is not platted as a subdivision and will require a subdivision plat prior to approval of building permits. Provisions for utilities, rights-of-way and stormwater management will be addressed at the time of the plat.

FLOOD HAZARDS, STREAM BUFFERS:

Zone AE 100- year flood zone, panel number 20177C0306E effective 9-29-2011 covers much of the east half of the property. A stream buffer easement pursuant to City Ordinance runs along the east property line and part of the north property line. Buildings, grading, clearing of native vegetation and other activities are restricted within the stream buffer. All of the proposed development is well outside of the stream buffer and 100 year floodplain.

HISTORIC PROPERTIES:

None

NEIGHBORHOOD INFORMATION MEETING:

The applicant conducted a Neighborhood Information Meeting on Thursday, August 3, 2023 at 5:30 pm via a Zoom Online Meeting. The applicant’s meeting summary and attendance list is attached. Concerns expressed by attendees include but are not limited to: Property maintenance and mowing especially – post construction and pre construction, retention of existing landscaping, vandalism and crime in the neighborhood, and the effect of increased traffic that will occur from the development, and the effect of the cemetery on property values.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

PUBLIC WORKS/ENGINEERING: None identified with the CUP other than specified by Traffic Engineering.

PUBLIC WORKS/ TRAFFIC ENGINEERING:

Traffic Engineering requested the Traffic Impact Analysis (TIA) for the full – build out of the 250 seating capacity future temple in order to evaluate the need for roadway improvements as well as the impact upon the existing roadway network, adjacent to the existing residential neighborhood, to ensure

the proposed development does not adversely impact traffic operation on the adjacent roadways. The applicant submitted a TIA and City of Topeka traffic engineering staff have issued comments, including requested revisions, regarding the TIA. At the time this staff report was being written, the applicant had not made revisions to the TIA.

Based on review of the TIA, the City staff findings are as follows:

The TIA originally submitted by the applicant recommends that a northbound left-turn lane on Adams Street at the intersection with SE 38th Street be considered at a future time for full development.

1. The TIA assumed the highest site-generated traffic scenario of 130 entering trips prior to the event and 130 exiting trips after the event. The site-generated traffic was based on number of parking spaces.
2. ITE peak traffic generation for a church is the Sunday Peak Hour of Generator which results in a total of 128 vehicles (62 enter and 66 exit). This is based on the number of seats in the church and is based on national studies included in the ITE trip generation manual.
3. The peak event traffic for a church typically occurs during the non-peak volume periods for the existing street network. These typically occur during Sunday morning or Saturday evening.
4. TIA assumed all the site-generated traffic will enter the site from Adams Street. Access 1 connects to SE 40th Street so some traffic would come to the site via SE 40th Street. Access 1 will be built to City standards as part of Phase 1 of the development site.

City Traffic Engineering recommends reassignment of the site-generated traffic to include the SE 40th Street entrance, which would be more reflective of the actual distribution for arrivals and departures to the proposed site. With the reduction in the highest trip generation scenario along with the reassignment of the site-generated traffic volumes, it is Traffic Engineering's opinion that a northbound left-turn will not meet the volume threshold to warrant the turn lane on Adams Street.

Traffic Engineering indicates that a more accurate assumption would be to use the appropriate ITE land use category based on the number of future seats in the future temple (250 seats) rather than total number of parking stalls. This assumption would indicate a total of 216 trips (108 arriving/108 departing). Traffic Engineering believes the recommendation for a northbound left turn lane on Adams is based on all site-generated traffic will arrive via 38th and Adams intersection. A more reasonable approach would be to assign the traffic through the neighborhood.

City traffic engineering staff concludes the TIA should be revised to address these assumptions, traffic reassignment, and turn lane analysis and then will result in no turn lanes being warranted on the surrounding roadway network. The TIA thus concludes that the

adjacent streets have sufficient capacity to accommodate the traffic generated by the proposed religious assembly use.

UTILITIES: None identified with the CUP. Public sanitary sewer and water are available to the site and property with connections being at the expense of the developer. If public extensions are necessary that will be at the expense of the developer.

FIRE: The Fire Department requires a 20 ft. wide unobstructed driving lane and hard surfaced to support the loads of 75,000 lbs. Future improved access off of Evans may be required with Phase 2 or 3 with 45' radii paved cul-de-sac (60' radii right-of way).

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 any Permits.

KEY DATES

APPLICATION SUBMITTAL: June 22, 2023

NEIGHBORHOOD INFORMATION MEETING: August 3, 2023

LEGAL NOTICE PUBLICATION: July 26, 2023

PROPERTY OWNER NOTICES MAILED: July 28, 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* in the Land Use and Growth Management Plan – 2040. Religious Assembly uses are allowed in single family dwelling zoning districts and the base zoning of R-1 is not changing with approval of the CUP. The CUP is only necessary because the site does not meet the standard that the use be located within in 300 ft. of a major thoroughfare, which is necessary to ensure traffic accesses directly on to and departs from a roadway that has the capacity to handle the increase in trips.

Religious Assembly and other institutional uses, such as schools, have traditionally developed within residential neighborhood settings and are considered appropriate within the urban suburban low density residential use

classification provided impacts can be effectively mitigated through site design, building design or building orientation.

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 predominantly zoned for single family residential land uses to the west and north of the property. The existing single-family residences around the site are 1 – 1/ 2 stories in height so they are much shorter than the maximum 42' height allowed by the zoning. There are commercial properties at the corner of SE 37th and SE Adams Street zoned "C-2" Commercial District and "PUD" Planned Unit Development, but are separated from the subject site by the flood plain and stream buffer. To the east of SE Adams St, there is a 45 acre property zoned "I-1" Light Industrial and PUD. The "I-1" zoned property contains the Southwest Publishing production and distribution center. The 100 year flood zone and a natural stream crossing transects the east side of the property and, therefore, acts as a substantial buffer between the proposed church site and any other uses to the north or east along SE Adams and also prevents the owner from obtaining access off of SE Adams. Based on the subject site location, site characteristics, and building placement, design, and setbacks, the proposed use is in character with the surrounding neighborhood setting.
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 for single-family dwellings and will not change as a result of the proposed conditional use permit. The base "R-1" standards will apply to the site and the CUP places stricter requirements on development of the subject property for a church use to ensure a good fit with surrounding properties and the neighborhood. The large 29 acre site allows for a substantial setback for the building and cemetery to provide harmony with surrounding properties and uses.
3. **The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations:** The subject property may still be suitable as restricted under the current zoning of "R-1" Single Family Dwelling District. The "R-1" base zoning classification does not change with approval of the Conditional Use Permit and the "R-1" base zoning will remain in effect. The length of time the property has remained vacant as zoned indicates single family residential development might not be economically viable, and the religious assembly use is also suitable.
4. **The length of time the property has remained vacant as zoned:** The site has historically been vacant and undeveloped. The surrounding subdivision was platted in 1965 and lots bordering the site have not yet developed. The eastern portion of Southern Hills subdivision surrounding the site started developing around 2000 to 2006 based on historic aerial maps. There are still vacant platted lots along the property's west boundary fronting SE Quincy that will border the subject site and may still develop in the future for single family dwellings.
5. **The extent to which the approval of the application would detrimentally affect nearby properties:** Based on the proposed building location, setbacks, and other stipulations there should be no substantial detrimental effect on nearby properties by approval of the CUP as conditioned. The facilities are on a large, 29 acre site and the buildings, parking areas, and cemetery will be set back large distances from adjacent properties.

Car and light truck traffic generated by the proposed religious assembly use will not have an adverse impact on surrounding neighborhood streets. As indicated in the Statement of Operations on the CUP site plan, the heaviest traffic will be generated by religious services and similar activities Saturday evenings, Sunday mornings, and to a lesser extent on Wednesday evenings. The traffic impact analysis (TIA) of those peak events indicates no street improvements to increase capacity are necessary.

Apart from the potential for traffic congestion on neighborhood streets, the traffic and other activity is likely to result in a recognizable change to the neighborhood, especially in comparison to the little or no activity occurring on the currently vacant site. However, the impact of the religious assembly use should be considered in light of

development currently permitted by right. The site is zoned R-1 for single family residential development at an overall density of approximately four residential lots per acre. At that density, there is potential for more than 50 single family homes to be built on the site if only one half of its 29 acre is developed, equating to 500 new vehicle trips per day using the ITE Manual's land use classification for single family houses. (10 vehicles trips per day per dwelling).

6. **The extent to which the proposed use would substantially harm the value of nearby properties:** There is no substantiated harm to the value of nearby properties based on traffic and other effects in the neighborhood that may arise from approval of the Conditional Use Permit for the Religious Assembly use in accordance with its conditions and requirements. The CUP proposes building setbacks and a setback for the cemetery that is greater than 200 feet from any adjoining residential properties to the west and north. Institutional uses, such as schools, parks, and religious assembly facilities are considered assets to residential neighborhoods and have historically developed within traditional single-family neighborhood settings. Typically, developed properties that are properly maintained provide a greater benefit to the surrounding property values than undeveloped properties that are poorly maintained, mismanaged and become tax delinquent.
7. **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 traffic impact analysis (TIA) for the proposed religious assembly use concludes there will be no adverse impact on the safe operation of neighborhood streets. The parking provided (80 stalls in Phase 1 and 50 in Phase 3) is more than adequate to support the proposed use. The site also has available area for future parking and temporary off-street overflow parking, if needed.

The TIA did not evaluate event driven traffic from larger community events that may be held on an annual basis and also intended to bring outside traffic from the community at large. Staff is aware of at least one event per year that has the potential to draw traffic from the larger community and these events were not included in the TIA. Traffic Engineering indicated these types of infrequent events are not part of the normal operation of the facility and thus are not normally assessed in a TIA.

8. **The extent to which the proposed use would create excessive air pollution, water pollution, noise pollution or other environmental harm:** The church is located at the high point of the site and well outside of the stream buffer and 100 year flood plain. The stream buffer setback and Zone AE flood plain create a natural transition for development on the eastern portion of the property. The applicant indicated they plan to maintain these areas as native vegetation with paths and walking trails. The intention of the City's stream buffer ordinance is to maintain a stream side setback around the water way that is needed to maintain water quality and help the City comply with its national water pollutant discharge permit. In addition, the applicant will be required to comply with local Stormwater Management Regulations that require they detain and treat all newly created stormwater runoff attributed to the increase in impervious surface from the pre-developed condition so there is not a negative impact on adjacent properties. The proposed development of religious facilities will not create excessive air, water, or noise pollution or environmental harm, especially in comparison to development permitted by right under the site's current zoning.
9. **The economic impact of the proposed use on the community:** The development of the site for a religious assembly use will have no substantial economic impact on the community since the applicant is only relocating their existing church internally from another site across town in Topeka and the non-profit church will remain off the tax rolls.
10. **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:** Denial of the CUP will enable the subject property to remain developable for new single family residences, which may still be a desirable use of the property. However, developing the site for single family dwellings as currently zoned may be difficult considering the land has historically remained undeveloped. The cost of constructing a bridge or stream crossing

over the flood plain and stream prevents the church from obtaining reasonable access off of SE Adams, which may have inhibited development of the property. Additionally, at the time of purchase the applicant was not aware they needed to obtain access within 300 ft. of SE Adams. On balance, the hardship created to the current owner of the property by a denial of the conditional use permit is greater than the benefit neighboring property owners will gain by such a denial.

STAFF RECOMMENDATION:

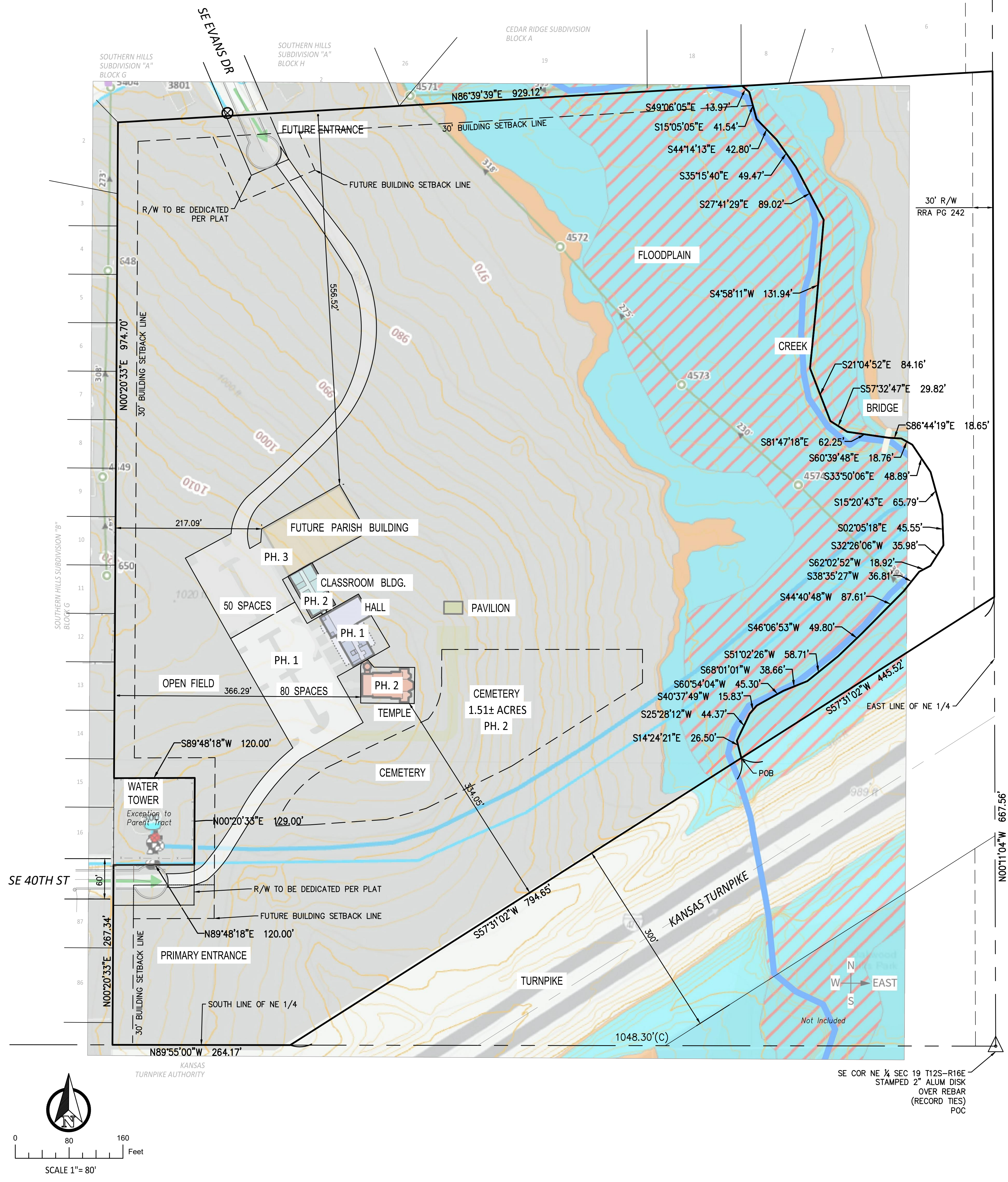
RECOMMENDATION: Based upon the above findings and analysis, Planning Department staff recommends **APPROVAL** subject to the following conditions in the staff report.

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 CU23/04, subject to:

1. Use and development of the site in accordance with the approved Site Plans and Statement of Operations for the St. Peter and Paul Orthodox Christian Church (CU23/04).
2. Updating Traffic Impact Analysis as recommended by Traffic Engineering prior to consideration by the Governing Body.
3. Adding Note: *“If additional off-street parking is warranted based on community driven special events, temporary parking may need to be provided and approved by the City of Topeka.”*
4. Adding a note stating, *“The proposed building height shall not exceed that permitted under the ‘R-1’ zoning, unless approved as a variance from the Topeka Board of Zoning Appeals.”*
5. Denote an area or “cloud” on the site plan depicting the existing significant tree area [perTMC18.235.070].
6. Add CUP note: *“Existing significant trees along the north and eastern property boundaries, as clouded on the site plan, shall be surveyed subject TMC18.235.070 at the time of site plan review application and potentially retained and maintained by the property owner as a visual screening barrier.”*

Attachments:

- CUP Site Plan
- Traffic Impact Analysis
- Traffic Engineering Comments/Revisions
- Aerial Map
- Zoning Map
- Future Land Use Map
- Neighborhood Meeting Summary - Applicant
- Public Comments: Joe Ledbetter and Henry McClure
- Conceptual Elevations for Phase 1- Fellowship Hall



DESCRIPTION:

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 12 SOUTH, RANGE 16 EAST OF THE 6TH P.M. IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE ON AN ASSUMED BEARING OF NORTH 00 DEGREES 11 MINUTES 04 SECONDS WEST ON THE EAST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 667.56 FEET TO THE NORTHWESTERLY RIGHT OF WAY OF THE KANSAS TURNPIKE; THENCE SOUTH 57 DEGREES 31 MINUTES 02 SECONDS WEST ON SAID NORTHWESTERLY RIGHT OF WAY A DISTANCE OF 445.52 FEET TO THE CENTER OF BUTCHER CREEK AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 57 DEGREES 31 MINUTES 02 SECONDS WEST ON SAID NORTHWESTERLY RIGHT OF WAY A DISTANCE OF 794.65 FEET TO THE SOUTH LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 55 MINUTES 00 SECONDS WEST ON SAID SOUTH LINE A DISTANCE OF 264.17 FEET TO A FENCE RUNNING NORTH AS CALLED FOR IN KANSAS WARRANTY DEED RECORDED IN BOOK 4592 AT PAGE 69 IN THE OFFICE OF THE SHAWNEE COUNTY REGISTER OF DEEDS; THENCE NORTH 00 DEGREES 20 MINUTES 33 SECONDS EAST ON SAID FENCE LINE A DISTANCE OF 267.34 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND AS DESCRIBED IN DEED BOOK 1432 AT PAGE 103 IN THE OFFICE OF THE SHAWNEE COUNTY REGISTER OF DEEDS; THENCE NORTH 89 DEGREES 48 MINUTES 18 SECONDS EAST A DISTANCE OF 120.00 FEET; THENCE NORTH 00 DEGREES 20 MINUTES 33 SECONDS EAST A DISTANCE OF 129.00 FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 18 SECONDS WEST A DISTANCE OF 120.00 FEET; THENCE NORTH 00 DEGREES 20 MINUTES 33 SECONDS EAST ON SAID FENCE LINE A DISTANCE OF 974.70 FEET TO A FENCE CORNER; THENCE NORTH 86 DEGREES 39 MINUTES 39 SECONDS EAST A DISTANCE OF 929.12 FEET TO THE CENTER OF BUTCHER CREEK; THENCE SOUTHERLY ON THE CENTER OF SAID CREEK THE FOLLOWING 26 COURSES, SOUTH 49 DEGREES 06 MINUTES 05 SECONDS EAST, 13.97 FEET; THENCE SOUTH 15 DEGREES 05 MINUTES 05 SECONDS EAST, 41.54 FEET; THENCE SOUTH 44 DEGREES 14 MINUTES 13 SECONDS EAST, 42.80 FEET; THENCE SOUTH 35 DEGREES 15 MINUTES 40 SECONDS EAST, 49.47 FEET; THENCE SOUTH 27 DEGREES 41 MINUTES 29 SECONDS EAST, 89.02 FEET; THENCE SOUTH 04 DEGREES 58 MINUTES 11 SECONDS WEST, 131.94 FEET; THENCE SOUTH 21 DEGREES 04 MINUTES 52 SECONDS EAST, 84.16 FEET; THENCE SOUTH 57 DEGREES 32 MINUTES 47 SECONDS EAST, 29.82 FEET; THENCE SOUTH 81 DEGREES 47 MINUTES 18 SECONDS EAST, 62.25 FEET; THENCE SOUTH 86 DEGREES 44 MINUTES 19 SECONDS EAST, 18.65 FEET; THENCE SOUTH 60 DEGREES 39 MINUTES 48 SECONDS EAST, 18.76 FEET; THENCE SOUTH 33 DEGREES 50 MINUTES 06 SECONDS EAST, 48.89 FEET; THENCE SOUTH 15 DEGREES 43 SECONDS EAST, 65.79 FEET; THENCE SOUTH 02 DEGREES 05 MINUTES 18 SECONDS EAST, 45.55 FEET; THENCE SOUTH 32 DEGREES 26 MINUTES 06 SECONDS WEST, 35.98 FEET; THENCE SOUTH 62 DEGREES 02 MINUTES 52 SECONDS WEST, 18.92 FEET; THENCE SOUTH 38 DEGREES 35 MINUTES 27 SECONDS WEST, 36.81 FEET; THENCE SOUTH 44 DEGREES 40 MINUTES 48 SECONDS WEST, 87.61 FEET; THENCE SOUTH 46 DEGREES 06 MINUTES 53 SECONDS WEST, 49.80 FEET; THENCE SOUTH 51 DEGREES 02 MINUTES 26 SECONDS WEST, 58.71 FEET; THENCE SOUTH 68 DEGREES 01 MINUTES 01 SECONDS WEST, 38.66 FEET; THENCE SOUTH 60 DEGREES 54 MINUTES 04 SECONDS WEST, 45.30 FEET; THENCE SOUTH 40 DEGREES 37 MINUTES 49 SECONDS WEST, 15.83 FEET; THENCE SOUTH 25 DEGREES 28 MINUTES 12 SECONDS WEST, 44.37 FEET; THENCE SOUTH 14 DEGREES 24 MINUTES 21 SECONDS EAST, 26.50 FEET TO THE POINT OF BEGINNING. THIS DESCRIPTION PREPARED BY MICHAEL A. ADAMS, P.S. 1126 ON AUGUST 12, 2021, AND CONTAINS 29.44 ACRES OF LAND MORE OR LESS.

NOTES:

CURRENT OWNERS OF PROPERTY:
SAINTS PETER AND PAUL ORTHODOX CHURCH INC.

CURRENT ZONING:
R1

CURRENT USE:
UNDEVELOPED

PARCEL SIZE: 29.44 acres

CONDITIONAL USE REQUESTED:
1. RELIGIOUS ASSEMBLY
2. CEMETERY

PROPOSED IMPROVEMENTS:
PHASE 1: FELLOWSHIP HALL, PARKING LOT, AND PRIMARY ENTRANCE
FELLOWSHIP HALL: 3,820 SQ. FT.
KITCHEN: 3,150 SQ. FT.
OFF-STREET PARKING: 80 SPACES (STANDARD)

PHASE 2: CHURCH TEMPLE, BELL TOWER, EDUCATIONAL BUILDING, AND CEMETERY
CHURCH TEMPLE: 4,520 SQ. FT.
BELL TOWER: 540 SQ. FT.
EDUCATION BUILDING: 4,750 SQ. FT.
HALL BETWEEN EXPANDED HALL AND CLASSROOM BUILDING: 65 SQ. FT.
CEMETERY: 1.51± ACRES

PHASE 3: FUTURE PARISH BUILDING, EXTENDED PARKING LOT, AND FUTURE ENTRANCE
FUTURE PARISH BUILDING: 17,000 SQ. FT.
OFF-STREET PARKING EXTENDED: 50 SPACES (STANDARD)

UTILITIES:
WATER SERVICE: CITY OF TOPEKA - PUBLIC SANITARY SEWER AND WATER
SEWAGE DISPOSAL: CITY OF TOPEKA - PUBLIC SANITARY SEWER AND WATER

FLOOD ZONE:
ACCORDING TO FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 20177C0306E, EFFECTIVE SEPTEMBER 29, 2011, THE SUBJECT PROPERTY LIES PARTIALLY IN THE FLOODWAY AND FLOOD ZONE "AE", AREA OF HIGH RISK, (1% ANNUAL CHANCE FOR FLOOD) WITH THE BALANCE IN FLOOD ZONE "X" AREA OF MINIMAL RISK. (0.2% CHANCE OF ANNUAL FLOOD)

LIGHTING:
LIGHT FIXTURES SHALL BE SHIELDED OR RECESSED WITH CUT-OFF ANGLES TO PREVENT THE CAST OF LIGHTING BEYOND THE PROPERTY. LIGHTING SHALL BE SAFETY LIGHTING ABOVE THE ENTRANCE DOOR. THE LIGHTING SHALL BE LOW INTENSITY LIGHTING, LOW ENERGY LIGHTING TO PROVIDE SAFETY TO THOSE ENTERING AND EXITING THE BUILDING.

SIGNING:
SIGNAGE TO COMPLY WITH TMC 18.10 FOR NON-RESIDENTIAL USES IN R-1 ZONING

FENCING:
TBD

GENERAL NOTES:

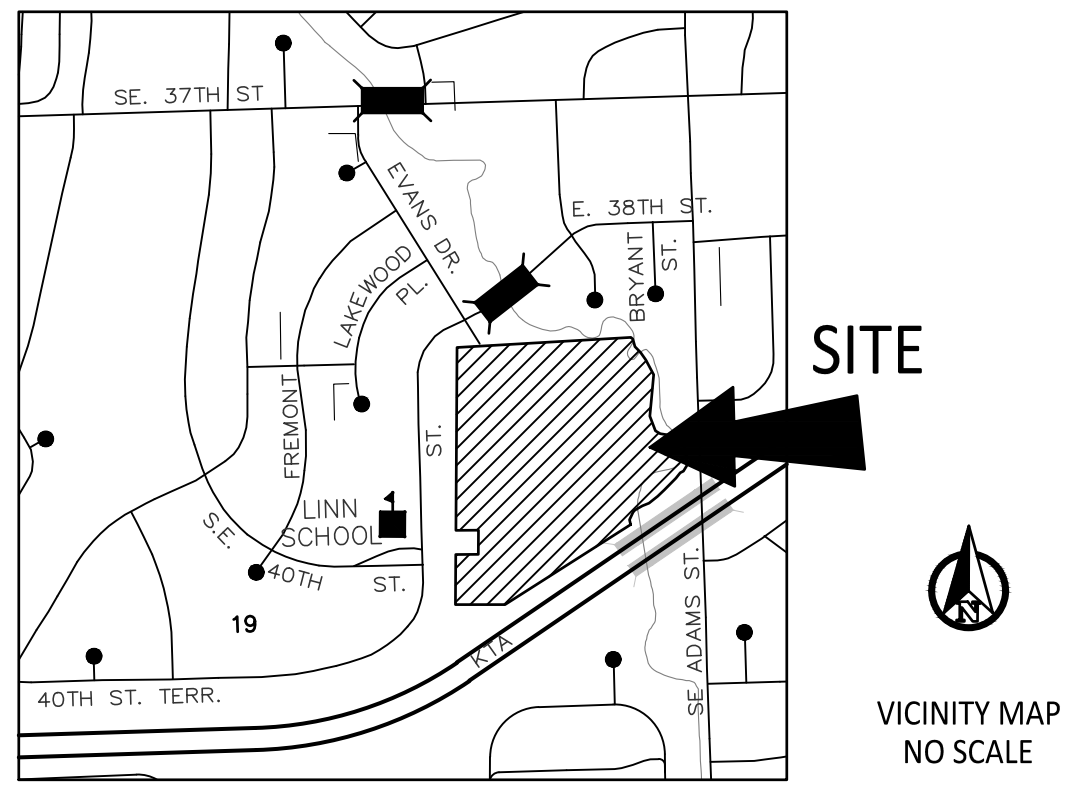
-NO BUILDING PERMITS SHALL BE ISSUED UNTIL THE PROPERTY IS PLATTED.
-A SITE PLAN REVIEW APPLICATION SHALL BE REQUIRED PRIOR TO SUBMITTAL OF ANY BUILDING PERMITS. SITE PLANS SHALL ADDRESS LOCATION OF INDIVIDUAL BUILDING FOOTPRINTS, LANDSCAPING, STORMWATER MANAGEMENT, UTILITIES, RELATIONSHIP TO ADJACENT LOTS, AND PEDESTRIAN ACCESS, ETC. DEPENDING ON THE LEVEL OF SCOPE, A SITE PLAN REVIEW APPLICATION MAY BE REQUIRED FOR EACH PHASE OF DEVELOPMENT.
-A LANDSCAPE PLAN SHALL BE SUBMITTED AT THE TIME OF SITE PLAN REVIEW PURSUANT TO TMC 18.235 ADDRESSING REQUIRED POINTS, SPECIES, AND QUANTITIES OF ALL LANDSCAPING, INCLUDING SUBSTANTIALLY ADDRESSING ANY REQUIRED RESIDENTIAL ZONE BUFFERS.
-APPROVAL OF ALL REQUIRED PERMITS FROM CITY OF TOPEKA DEVELOPMENT SERVICES, INCLUDING BUT NOT LIMITED TO BUILDING, FENCE, SIGN, AND PARKING-LOT PERMITS, SHALL BE REQUIRED PRIOR TO COMMENCEMENT OF OPERATIONS ON THE SITE IN CONJUNCTION WITH THE APPROVED CUP.
-THE CITY OF TOPEKA OFF-STREET PARKING AND SURFACING POLICY APPLIES FOR THE HARD SURFACING OF ALL PRIVATE OFF-STREET PARKING AREA, FIRE LANES, AND ACCESS DRIVES.
-ALL WORK IN THE PUBLIC RIGHT-OF-WAY SHALL BE CONSTRUCTED TO CITY OF TOPEKA STANDARD TECHNICAL SPECIFICATIONS.
-ALL USES SHALL COMPLY WITH THE BASE ZONING OF 'R-1' EXCEPT WHERE STATED OTHERWISE ON THE APPROVED CUP.

STATEMENT OF OPERATIONS:

A CUP TO ALLOW THE 'RELIGIOUS ASSEMBLY USE ALONG WITH ACCESSORY AND SUBORDINATE CEMETERY USE' THAT DOES NOT HAVE ACCESS WITHIN 300 FEET OF THE MAJOR TRAFFIC THOROUGHFARE OF SE ADAMS.

THE PROPOSED USE OF THE PROPERTY WILL FIRST BE TO CONSTRUCT A FELLOWSHIP HALL ALONG WITH OFFICE SPACE, KITCHEN AND RESTROOMS. THIS WILL BE USED FOR ALL LITURGICAL, SACRAMENTAL, SOCIAL, EVANGELISTIC, EDUCATIONAL, OUTREACH AND FUNDRAISING FUNCTIONS OF SS. PETER AND PAUL ORTHODOX CHURCH. WE WOULD REGULARLY HOLD RELIGIOUS SERVICES ON SATURDAY EVENINGS, SUNDAY MORNINGS AND WEDNESDAY EVENINGS. ONCE THE FELLOWSHIP HALL HAS BEEN PAID FOR THE NEXT PHASE OF CONSTRUCTION WILL BE TO BUILD A CHURCH TEMPLE AND AN EDUCATIONAL BUILDING FOR RELIGIOUS EDUCATION. THE PROPOSED CHURCH TEMPLE WOULD SEAT AROUND 250 PEOPLE. AND HAVE THE GREATEST ATTENDANCE ON SUNDAY MORNINGS. WE WILL ALSO ESTABLISH A CEMETERY ON THE PROPERTY TO BE USED FOR THE INTERMENT OF OUR PARISH MEMBERS AND THEIR FAMILIES. IN THE EASTERN SIDE OF THE PROPERTY, WHICH LIES IN THE FLOOD PLAIN, WE WOULD PLACE A WALKING TRAIL AND DEVELOP THE TREE CANOPY IN PARTS AND DEVELOP AREAS FOR GARDENING. OTHER AREAS OF THE PROPERTY WE WOULD PLANT FRUIT AND NUT TREES AND DECREASE THE NUMBER OF EASTERN RED CEDARS ESPECIALLY IN THE NORTH WEST QUADRANT OF THE PROPERTY.

PREPARED BY:
COOK FLATT & STROBEL ENGINEERS
2930 SW WOODSIDE DR
TOPEKA KS, 66614
785-272-4706



CONDITIONAL USE PERMIT
SAINTS PETER AND PAUL ORTHODOX CHRISTIAN CHURCH INC.

CFS ENGINEERS
2930 SW Woodside Dr,
Topeka, KS 66614
o: 785-272-4706
f: 785-272-4736

NOTE: Saints Peter and Paul Orthodox Church
CFS PROJECT # 21-5545 DATE: 07/20/2023
PROJECT MANAGER: TH SHEET 1 OF 1

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Saints Peter and Paul Orthodox Church
SE 37th & SE Adams Street
Topeka, Kansas 66609
CFS Project Number 215545

Traffic Study Memorandum

July 21, 2023



Prepared by:
Thomas E. Ingram, PE, PTOE
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<i>Appendix I- Site Layout</i>	

Introduction and Scope

Introduction: This Traffic Impact Analysis Memorandum has been prepared for the proposed Saints Peter and Paul Orthodox Church at SE 38th & SE Adams Street in Topeka, Kansas. The proposed church will be constructed on a vacant property area spanning 29.44 acres, which is currently zoned as R-1, Single Family Dwelling District. The initial proposed improvements include the expansion of the hall, kitchen, bell tower, church, a connecting hall between the expanded hall and classroom building, classroom building. A total of 80 off-street parking stalls will also be provided. Furthermore, future plans include the construction of a parish building along with an additional 50 off-street parking spaces. The buildings will be used for all liturgical, sacramental, social, evangelistic, educational, outreach and fundraising functions of Saints Peter and Paul Orthodox Church. The religious services will be regularly held on Saturday evenings, Sunday mornings, and Wednesday evenings. The proposed church would seat around 250 people with the largest attendance projected on Sunday mornings. A public sidewalk connection to the public R/W sidewalk system will be constructed. Bicycle Racks will be installed. **Figure 1** displays the proposed site location, while **Figure 2** presents the site detail plan.



Figure 1: Proposed Site Location

(Source: Google Earth)

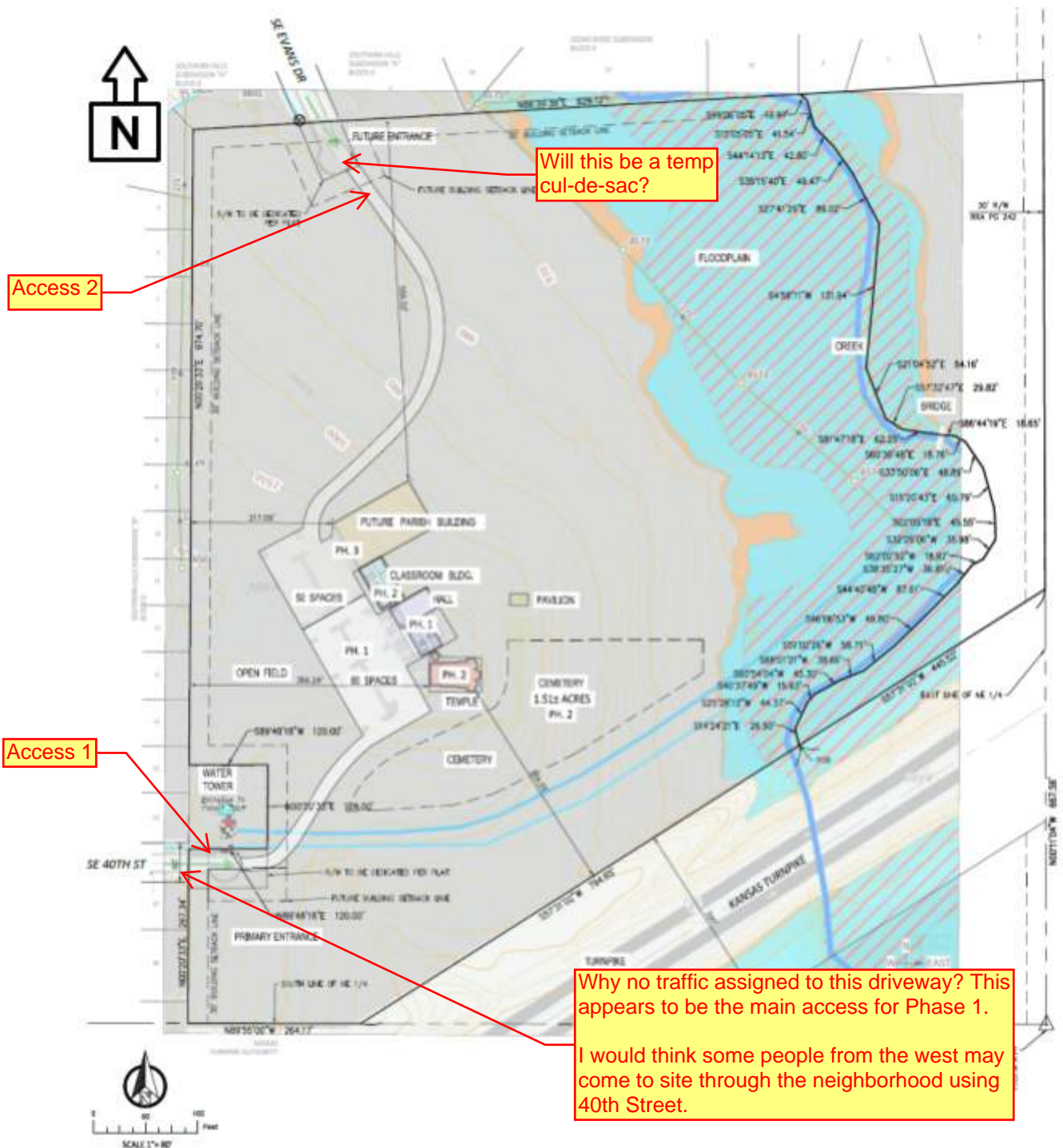


Figure 2: Site Detail Plan

Existing Land-Use and Property Information: The proposed church construction would be located on the 29.44 acre site (Parcel ID: 1341901009049010). **Figure 4**, taken from the Shawnee County Appraiser’s website, shows the location and detailed information about the development including the property address of SE 38th & SE Adams Street, 29.5 acres, and land use category of 9910-Residential highest and best use. The current zoning code of the site is R-1 (Single Family Dwelling District). **Figure 5** shows the zoning map of the site.



Figure 4: Shawnee County Property Information
(Source: <https://gis.sncoapps.us/propertysearch/index.html>)



Figure 5: Topeka Kansas Zoning Map
(Source: <https://topeka.maps.arcgis.com/apps/webappviewer/index.html?id=b7452fa2680e42f08e41a998831b19eb>)

Surrounding Land-Use: The surrounding land-uses information (**Figure 4**) is obtained from The Shawnee County Appraiser’s Office website. To the south of the site, across SE Interstate 470, the land-use is classified as 1101-Single Family Residence (Detached). To the west of the site, the adjacent area is classified as 1101-Single Family Residence (Detached); across SE Quincy Street, the classification of the area is 6121-Elementary and 1101-Single Family Residence (Detached). To the north of the site, the adjacent area is classified as 1101-Single Family Residence (Detached); across SE 38th Street, the land-use is classified as 9901-Residential Highest and Best Use. To the east of the site, the adjacent area is classified as 1101-Single Family Residence (Detached); across SE Adams Street, the land-use is classified as 4215-Commercial Printing.

Potential Flooding Conflicts: The FEMA FIRM Panel 20177C0306E effective on 09-29-2011, indicates that the part of the site is located within the special flood hazard areas. **Figure 6** displays various detailed information.

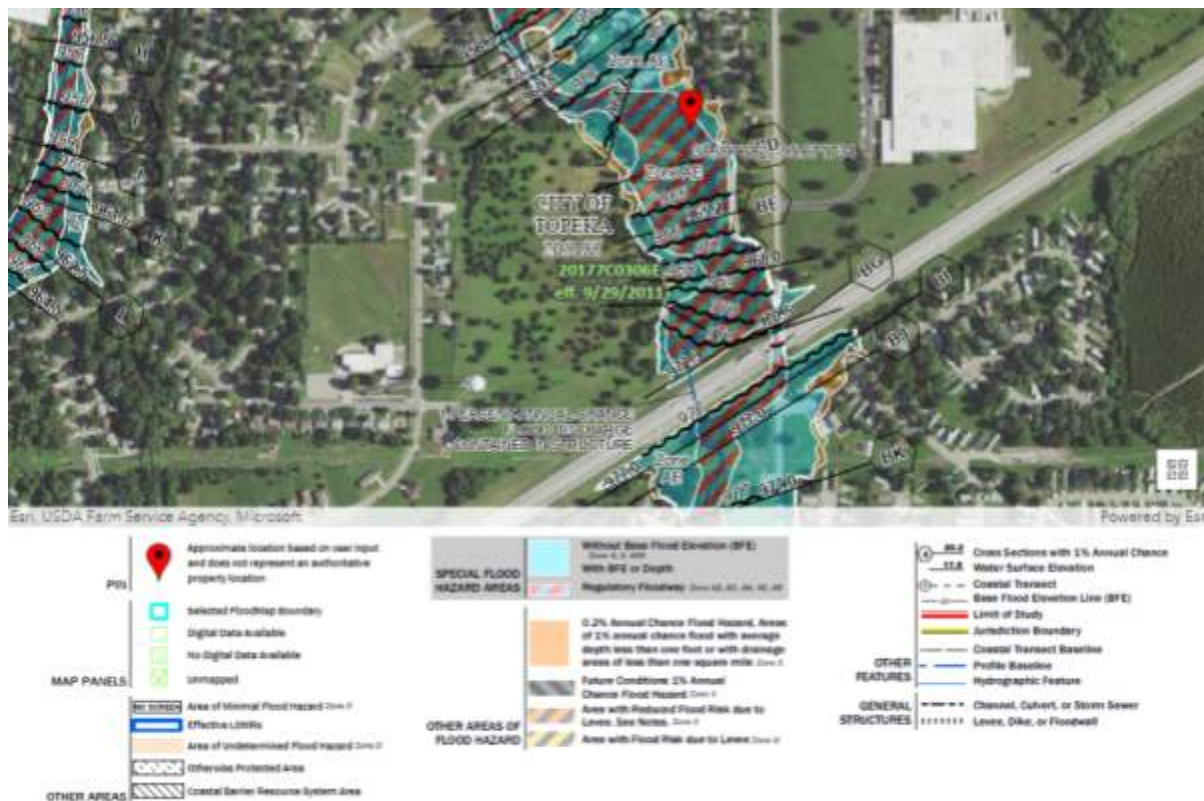


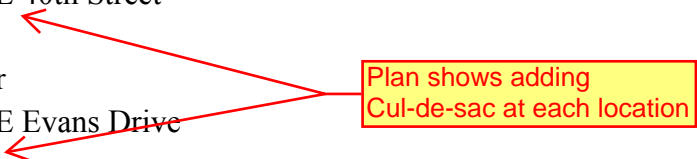
Figure 6: FEMA Flood Map Service
(Source: <https://msc.fema.gov/portal/search?AddressQuery=66609>)

Proposed Access for the Development

Proposed Access: As part of the current plan, SE 40th Street will be extended to serve as the primary entrance, connecting directly to the off-street parking lots. In the future, as the parish building and an additional 50 parking stalls are constructed, SE Evans Drive will be extended to provide direct access to the off-street parking lots. **Figure 7** shows the location of the access points with an overlay of the site plan.

- Access 1 - Extend of SE 40th Street
 - 24 feet wide
 - Curb and Gutter
- Access 2 - Extend of SE Evans Drive
 - 24 feet wide
 - Curb and Gutter

Plan shows adding
Cul-de-sac at each location



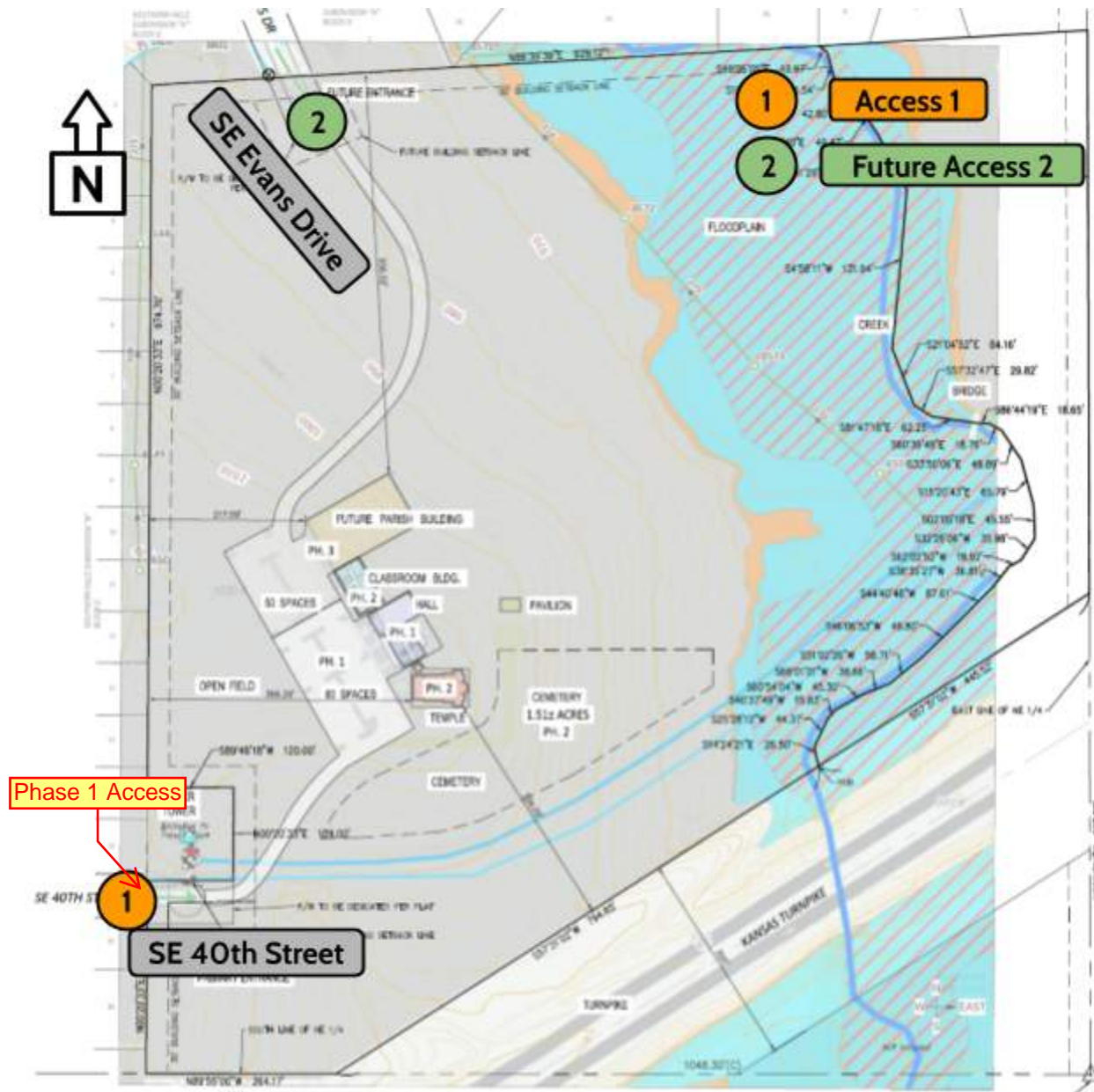


Figure 7: Planned Access Locations to the Site

Existing and Projected Traffic Volume

Existing Traffic Volume: Traffic volumes for the surrounding streets were estimated using KDOT’s Traffic Volume Map of Topeka, published in March of 2021. Trip distributions to and from the church were based on the 2021 traffic volumes. In **Figure 8**, to the west of the site, the traffic volume is 15,775 vpd on SW 37th Street; to the east of the site, the traffic volume is 4,840 vpd on SW 37th Street; to the north of the site, the traffic volume is 7,645 vpd on SE Adams Street; to the south of the site, the traffic volume is 3,800 vpd on SE Adams Street. Considering that the new generated trips primarily originate from or head to those four directions, the percentages between the existing traffic volumes in each direction can be utilized as the respective directional percentages for the new generated trips. The percentage in each direction is presented in **Table 1**.

Table 1. Traffic Volume Percentage in Each Direction

	West	East	North	South	SUM
Traffic Volume	15,775	4,840	7,645	3,800	32,060
Percentage	49.2%	15.1%	23.8%	11.9%	100%

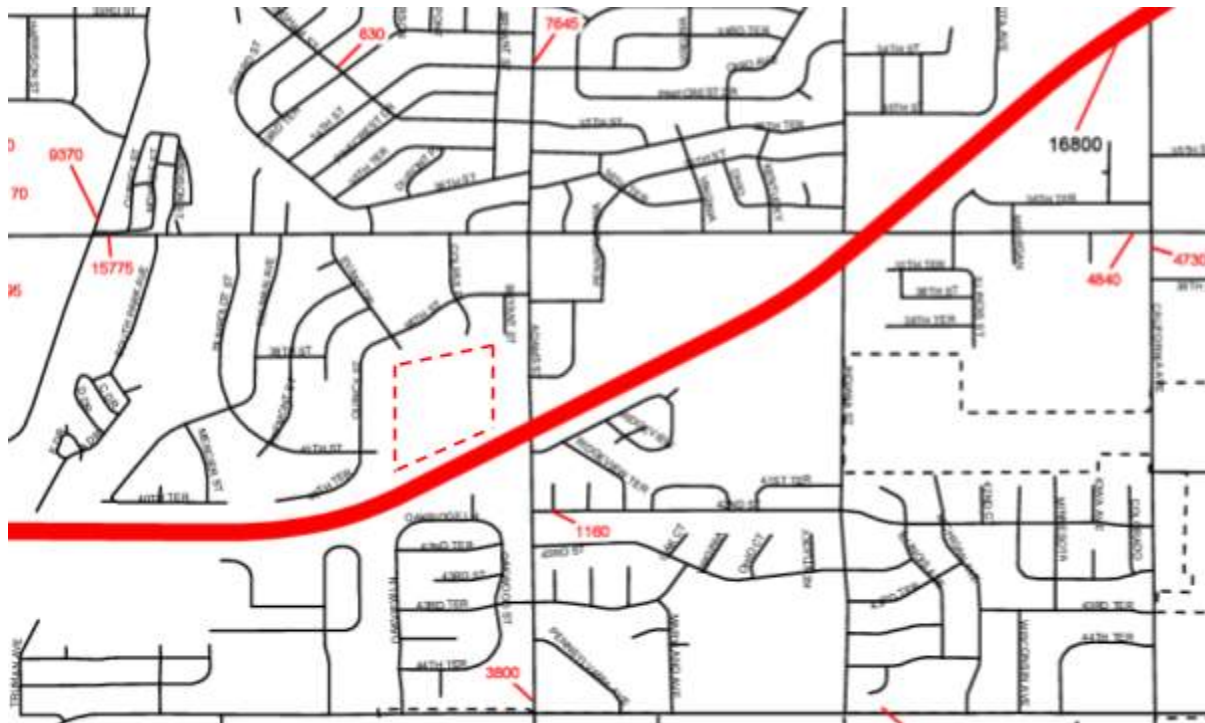


Figure 8: Topeka Existing Traffic Volume Map

(Source: <https://www.ksdot.gov/burtransplan/maps/MapCountCities.asp>)

Trip Generation and Design Hour Volume for Proposed Development

Trip Generation Rates and Design Hourly Volume Data: Trip generation calculations utilized the land-use types categorized by the Institute of Transportation Engineers Trip Generation Guidelines, 11th Edition. The ITE land-use category Church (ITE Code 560) was used to estimate the number of trips generated by the site based on the square footage of the church building. The AM Peak hour aligns with 7-9AM therefore the trip generation rates were based on “Peak Hour, One Hour Between 7 and 9 AM.” The PM Peak hour aligns with 4-6PM therefore the trip generation rates were based on “Peak Hour, One Hour Between 4 and 6 PM.”

This study memorandum evaluated the proposed church with its new 16,845 sq ft building, as well as a future construction plan for a total of 33,845 sq ft area that incorporates a 17,000 sq ft parish building. This memorandum provides an overview of the proposed improvement, outlining the key details as follows:

Expanded Hall: 3,850 sq ft

Kitchen: 3,150 sq ft

Belltower: 540 sq ft

Church: 4,520 sq ft

Hall between Expanded Hall and Classroom Building: 65 sq ft

Classroom Building: 4,750 sq ft

Future Parish Building: 17000 sq ft

Off-Street Parking: 130 spaces

Current proposed improvements summary: 3,850 sq ft + 3,150 sq ft + 540 sq ft + 4,520 sq ft + 65 sq ft + 4,750 sq ft = 16,875 sq ft

Future proposed improvements summary: 16, 875 sq ft + 17, 000 sq ft = 33,875 sq ft

Church (560)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 7 and 9 a.m.
 Setting/Location: General Urban/Suburban
 Number of Studies: 6
 Avg. 1000 Sq. Ft. GFA: 40
 Directional Distribution: 62% entering, 38% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
0.32	0.08 - 0.94	0.24

Data Plot and Equation

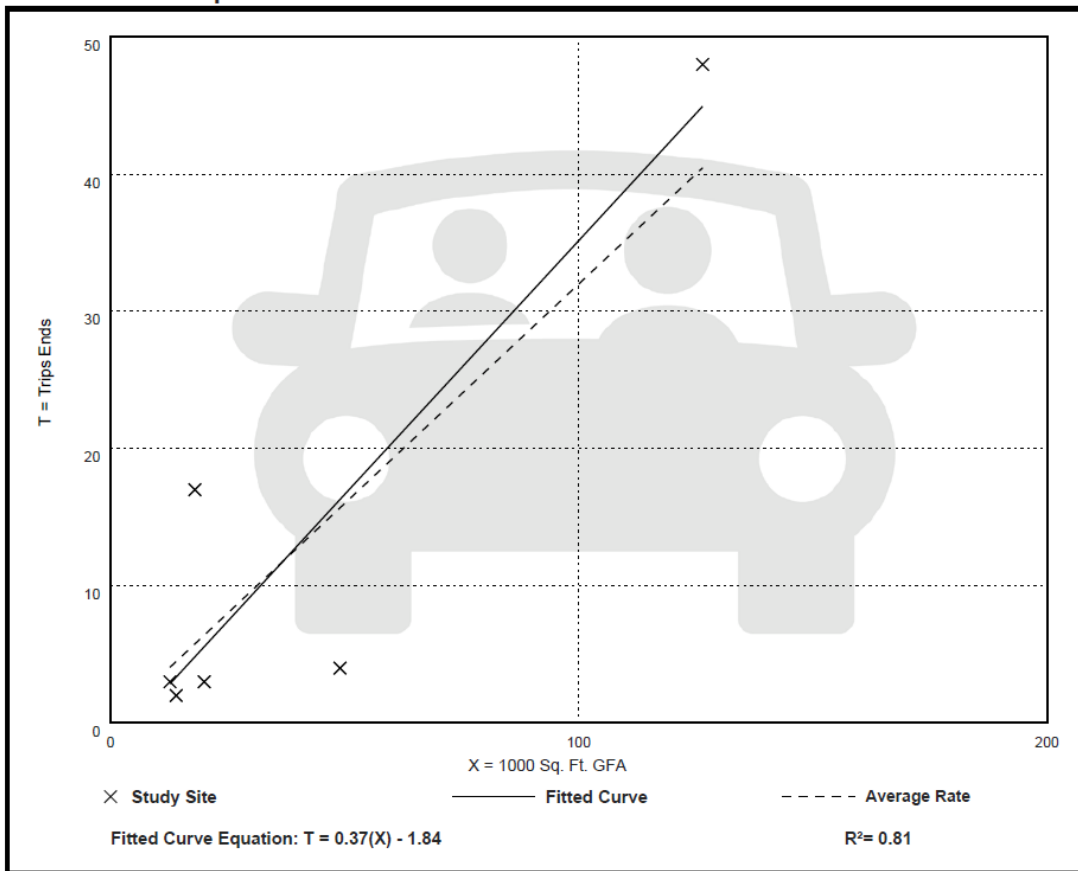


Figure 9. Land Use Category Church (ITE Code 560) Weekday AM Peak Hour Trip Generation Parameters

(Source: ITE Trip Generation Handbook, 3rd Edition)

Church (560)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 4 and 6 p.m.
 Setting/Location: General Urban/Suburban
 Number of Studies: 11
 Avg. 1000 Sq. Ft. GFA: 35
 Directional Distribution: 44% entering, 56% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
0.49	0.21 - 2.10	0.41

Data Plot and Equation

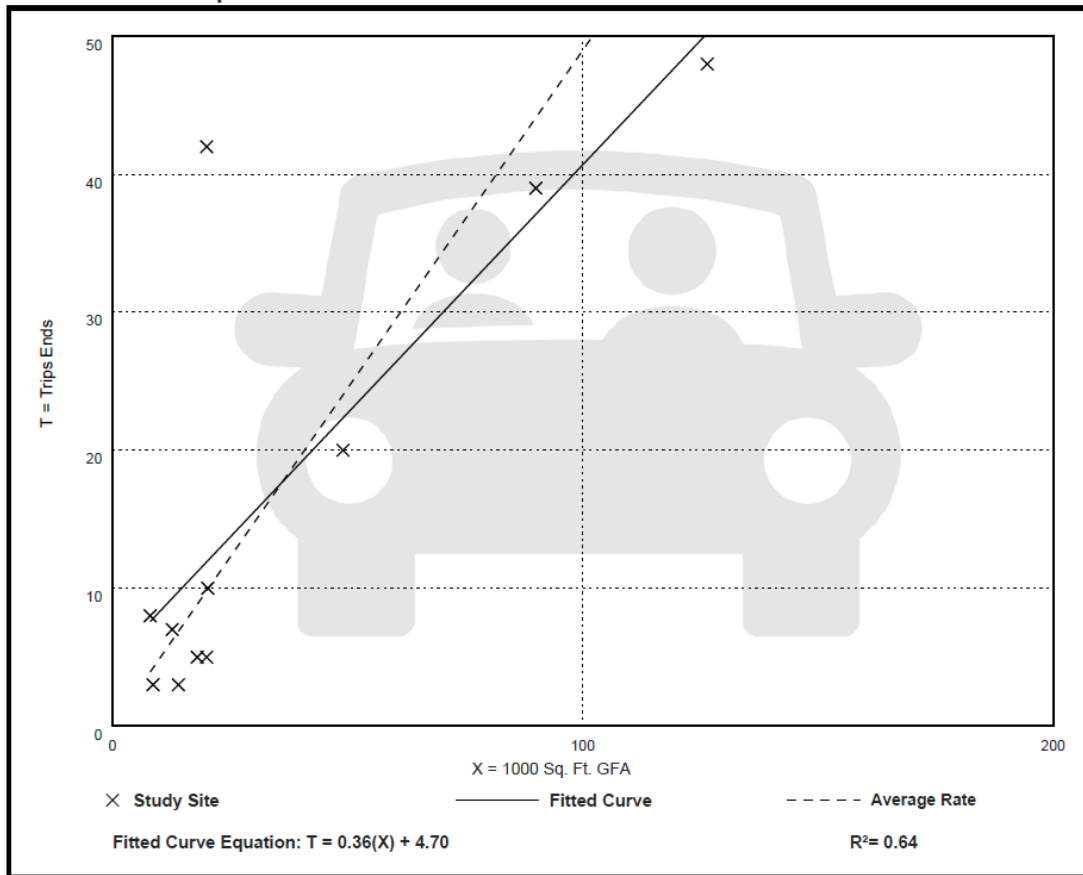


Figure 10. Land Use Category Church (ITE Code 560) Weekday PM Peak Hour Trip Generation Parameters

(Source: ITE Trip Generation Handbook, 3rd Edition)

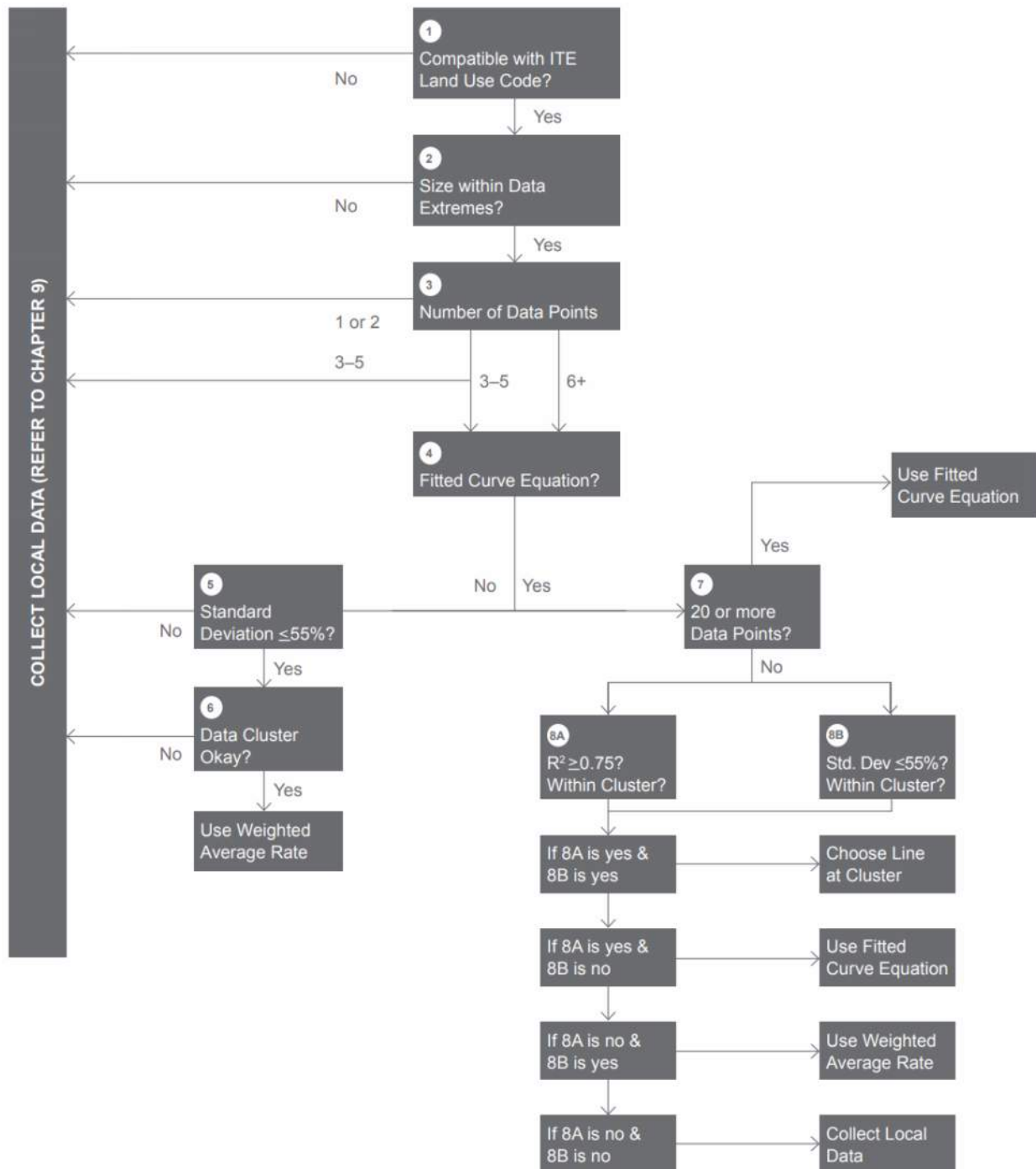


Figure 11. Process for Selecting Average Rate or Equation in Trip Generation Manual
(Source: Figure 4.2 of ITE Trip Generation Handbook, 3rd Edition)

Based on the process of selecting average rate or equation in **Figure 11**, along with the AM and PM peak hour data for land use code 560 in **Figure 9** and **10**, the procedures for determining new trips generation functions are as follows, and the resulting number of new trips is summarized in **Table 2**.

Estimate trip generation for Land Use Code 560 (Church) on a weekday during the **AM** Peak hour of adjacent street traffic as a function of gross floor area.

Step 2: size of site is within the range of data

Step 3: sufficient number of data points (6)

Step 4: Fitted Curve Equation is provided

Step 7: less than 20 data points (6)

Step 8A: R square is 0.81 which is greater than 0.75

Step 8B: Standard Deviation is 0.24; Weight Average Rate is 0.32. Thus, Standard Deviation is greater than 55% of Weight Average Rate

Step 8A is yes and Step 8B is no. Use Fitted Curve Equation: $T = 0.37(X) - 1.84$. $X = 1,000$ Sq. Ft. GFA

Estimate trip generation for Land Use Code 560 (Church) on a weekday during the **PM** Peak hour of adjacent street traffic as a function of gross floor area.

Step 2: size of site is within the range of data

Step 3: sufficient number of data points (11)

Step 4: Fitted Curve Equation is provided

Step 7: less than 20 data points (11)

Step 8A: R square is 0.64 which is less than 0.75

Step 8B: Standard Deviation is 0.41; Weight Average Rate is 0.49. Thus, Standard Deviation is greater than 55% of Weight Average Rate

Step 8A is no and Step 8B is no. Collecting Local Data is recommended. To simplify this traffic study memorandum, weight average rate (0.49) is used for the PM peak hour trips generation.

Trip generation verified for weekday periods

Table 2. ITE Traffic Generation Parameters and Volumes

Description (ITE Code)	Church ITE Code 560	Description (ITE Code)	Church ITE Code 560	Church ITE Code 560
AM Peak Hour		Units	$X / 1,000 \text{ sq ft}$	$(\text{Future})X / 1,000 \text{ sq ft}$
AM Peak Total	$T = 0.37 (X) - 1.84$	Expected Units	$16,875 \text{ sq ft} / 1,000 \text{ sq ft}$	$33,875 \text{ sq ft} / 1,000 \text{ sq ft}$
AM Peak In	62%	AM Peak Total	$0.37 (16.875) - 1.84 = 5$	$0.37 (33.875) - 1.84 = 11$
AM Peak Out	38%	AM Peak In	$5 \times 62\% = 3$	$11 \times 62\% = 7$
PM Peak Hour		AM Peak Out	$5 \times 38\% = 2$	$11 \times 38\% = 4$
PM Peak Total	0.49	PM Peak Total	$0.49 \times 16.875 = 8$	$0.49 \times 33.875 = 17$
PM Peak In	44%	PM Peak In	$8 \times 44\% = 4$	$17 \times 44\% = 7$
PM Peak Out	56%	PM Peak Out	$8 \times 56\% = 4$	$17 \times 56\% = 10$

Need traffic assignment, see traffic assignment comments

Based on the The ITE [Church (ITE Code 560)], the total estimated volume of non-event trips generated by the site was 5 vehicles (3 entering, 2 exiting) in the AM peak hour and 8 vehicles (4 entering, 4 exiting) in the PM peak hour before fully construction; the total estimated volume of non-event trips generated by the site was 11 vehicles (7 entering, 4 exiting) in the AM peak hour and 17 vehicles (7 entering, 10 exiting) in the PM peak hour after fully construction.

Event Hour Trip Generation: Taking into account the regular religious services that will be held on Saturday evenings, Sunday mornings, and Wednesday evenings, and the parking lots with a capacity of 130 spaces, two assumptions are made:

- 1) Typically, the event will involve a total of 130 vehicles traveling to and from the location, corresponding to the capacity of the 130 parking stalls available in the parking lots.
- 2) The 130 event trips are expected to arrive within one hour before an event and depart within one hour after an event.

In this traffic study memorandum, the focus is primarily on event-hour new trips for traffic analysis, as they significantly outnumber the non-event newly generated trips.

Trip generation for Sunday services should be completed using Sunday Peak Hour of Generator. I would recommend using number of seats in church (250 seats) per page 3.

Trip Distribution and Traffic Assignment for Proposed Development

Trip Distribution and Traffic Assignment: The trips generated by the proposed land-use were assigned to directional percentages applied to entry and exit paths of the roadway network. These directional percentages were based on existing travel patterns. Based on the existing traffic volume directional percentages in **Table 1**, listed assumptions, and new trips generated by the proposed development, **Figure 12** and **13** illustrate the trip routing diagrams for newly generated event-trips.

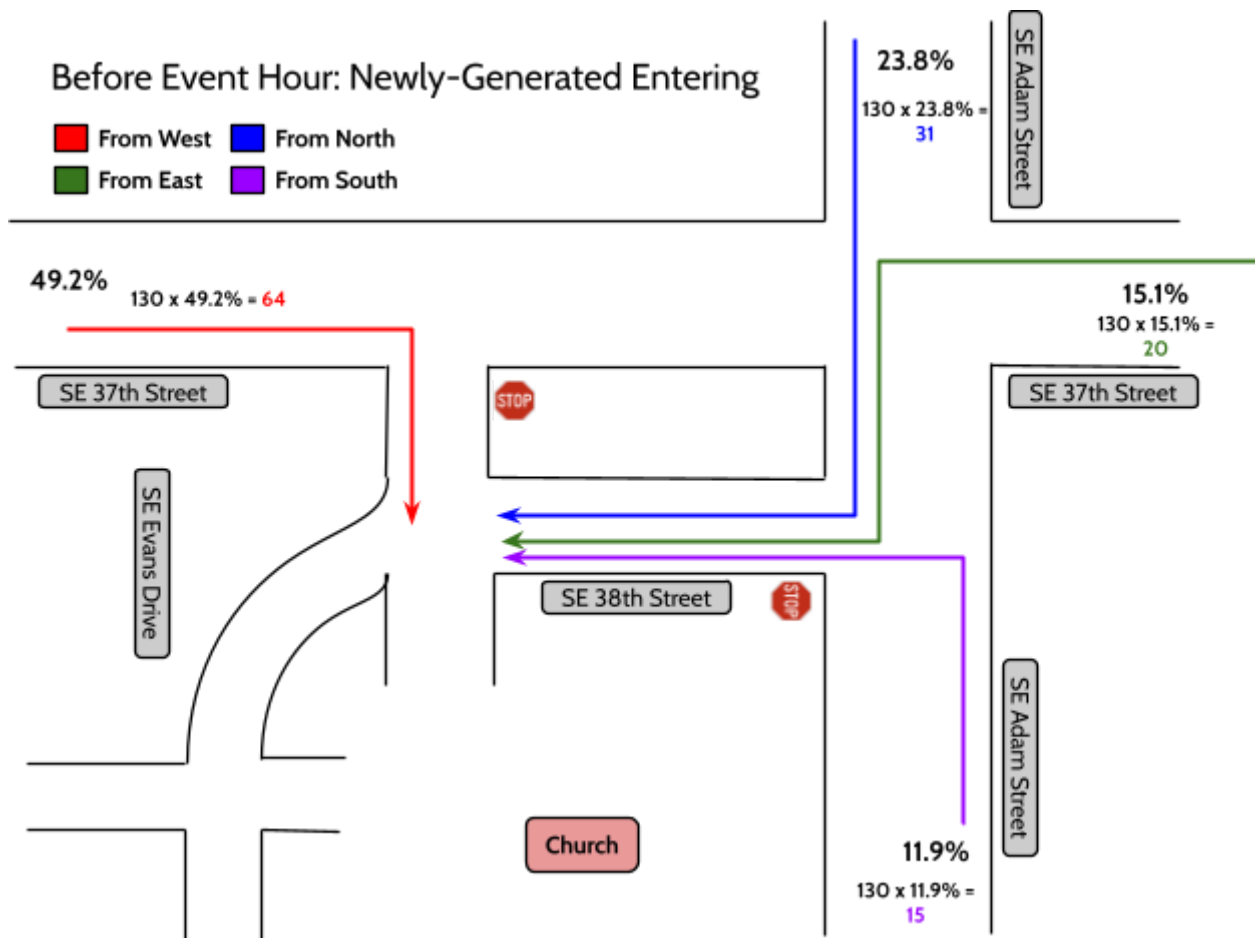


Figure 12. Trip Routing Diagram: Event Peak Hour Traffic Conditions for Newly Generated Entering Trips

Should weekday peak period assignments for the trip generation developed.

Traffic assignment should include 40th Street entrance

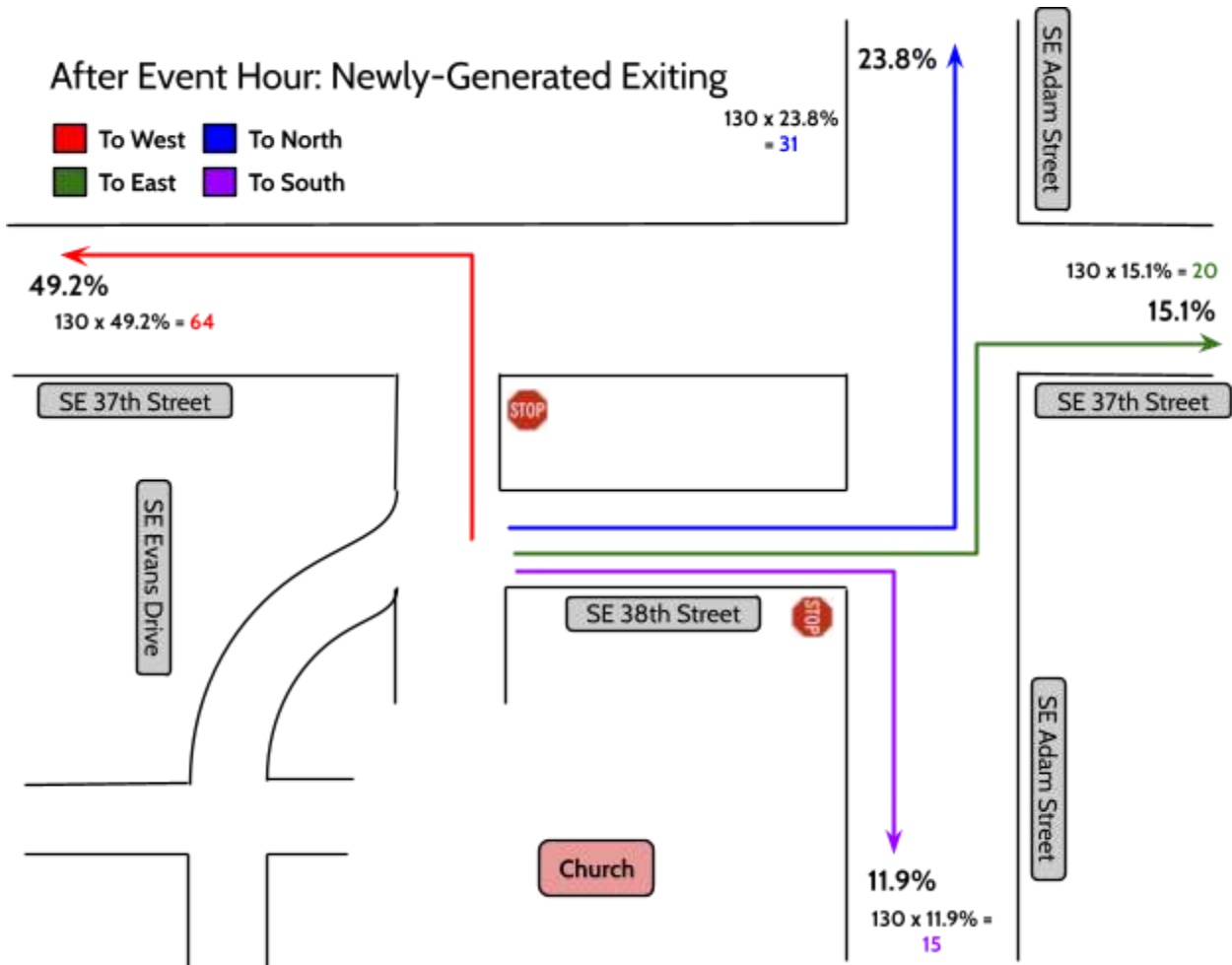


Figure 13. Trip Routing Diagram: Event Peak Hour Traffic Conditions for Newly Generated Exiting Trips

Traffic assignment should include 40th Street entrance

Needs for Pedestrians, Bicyclists and Public Transit Users

Existing Pedestrian Mode Options: There are continuous sidewalks along the both sides of SE 40th Street/SE Humboldt Street. Aside from that, the sidewalk facilities along SE Quincy Street, SE Evans Drive, and SE 38th Street were constructed intermittently and not consistently throughout the entire route. In the site construction plan, a public sidewalk connection to the public R/W sidewalk system shall be constructed.

Existing Bicycle Mode Options: There are no existing bikeways directly surrounding the proposed site. The Landon Nature Trail is the nearest bikeway to the site, conveniently accessible from SE 37th Street, approximately 0.7 miles from the proposed site. The bikeway along SE 37th Street is in the planning phase and has been funded for its development. The bikeway along SE Adams Street is also in the planning phase but not funded. **Figure 14** displays the existing and proposed bikeways around the proposed site.



Figure 14. Topeka Bikeways Around the Proposed Site

(Source: <https://www.topeka.org/planning/bikeways/#gsc.tab=0>)

Existing Public Transit Mode Options: According to the Topeka metro map, the #5 bus route has been designated to offer public transit service along SE 37th Street. A total of 14 bus stops have been scheduled along the designated route on SE 37th Street. The closest two bus stops to the proposed site are SE 37th Street at SE Evans Drive and SE 37th Street at SE Colfax Pl. The distance from both of those two bus stops to the proposed site is approximately 2,000 ft. **Figure 15** displays the #5 bus route and stops on SE 37th Street.

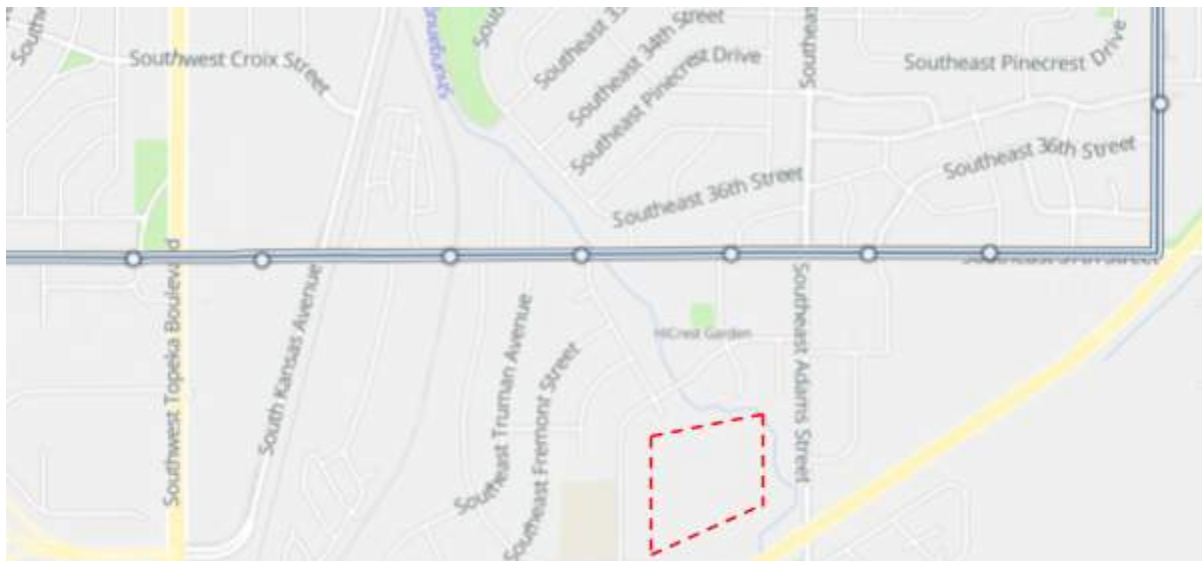


Figure 15. Bus Route Around the Proposed Site

(Source: https://moovitapp.com/index/en/public_transit-line-5-Topeka_KS-1982-775594-249948-0)

Traffic Operations, Signalization and Geometric Improvements

Stopping Sight Distance: According to the KDOT Access Management Policy 4.3.7.a, “Stopping Sight Distance”, the minimum required Stopping Sight Distance for a design speed of 35 mph is 250 ft for level grade. The minimum required Stopping Sight Distance for a design speed of 40 mph is 305 ft for level grade. At all access locations the grade is level, and the minimum requirements are met.

Intersection Sight Distance: According to the KDOT Access Management Policy 4.3.7.b, “Intersection Sight Distance”, the minimum required intersection sight distance for a design speed of 35 mph is 390 ft for a left-turn on a 2-lane highway and 335 ft for a right-turn. For a design speed of 40 mph, the minimum distance is 445 ft for a left-turn on a 2-lane highway and 385 ft for a right-turn. All existing driveways and intersections are in compliance with the minimum required intersection sight distance.

Right-Turn Lanes and Deceleration Taper Warrant: Right-turn lanes or taper were evaluated for southbound traffic along SE Adams Street with trips generated by the Church.

From the Topeka existing traffic volume map, it is observed that to the north of SE 37th Street, the traffic volume on SE Adams Street is 7,645 vehicles per day (vpd), while to the south of SE 37th Street, the traffic volume is 3,800 vpd on SE Adams Street. Based on this information, an estimated traffic volume of approximately $(7645 + 3800)/2 = 5722$ vpd is assumed for SE Adams Street around the intersection of SE Adams Street & SE 37th Street. The peak hour traffic volume is generally 6%-10% of average daily traffic. In this study, 10% is adopted.

Consequently, the peak hour traffic on SE Adams Street around the intersection of SE Adams Street & SE 37th Street is estimated to 572 vehicles per hour (286 vehicles per hour for southbound traffic and 286 vehicles per hour for northbound traffic).

To accurately evaluate turn lanes warrant, intersection counts should be completed instead of estimating based on ADT

From the Topeka existing traffic volume map, it is observed that to the west of the traffic volume on SE 37th Street is 15,775 vehicles per day (vpd), while to the east of SE Adams Street, the traffic volume is 4,840 vpd on SE 37th Street. Based on this information, an estimated traffic volume of approximately $(15775 + 4840)/2 = 10308$ vpd is assumed for SE 37th Street around the intersection of SE Adams Street & SE 37th Street. The peak hour traffic volume is generally 6%-10% of average daily traffic. In this study, 10% is adopted.

Consequently, the peak hour traffic on SE 37th Street around the intersection of SE Adams Street & SE 37th Street is estimated to be 1,030 vehicles per hour (515 vehicles per hour for eastbound traffic and 515 vehicles per hour for westbound traffic).

Based on Table 4-25 in KDOT Access Management Policy, for southbound traffic along SE Adams Street turning to SW 38th Street, it is currently not recommended to have right turn lanes or taper, considering the 51 event vehicles turning right before the event hour and the 40 mph speed limit on SE Adams Street.

Based on Table 4-25 in KDOT Access Management Policy, for eastbound traffic along SE 37th Street turning to SE Evans Drive, it is currently not recommended to have right turn lanes or taper, considering the 35 mph speed limit on SW 37th Street.

Left-turn Lane Warrant: The warrant is based on Table 4-27 of the KDOT Access Management Policy. In the table, the percentage of left-turns out of advancing vehicles is compared against the opposing vehicle traffic.

Northbound SE Adams Street Left-Turn Lane Warrant onto SE 38th Street:

The expected number of left-turning vehicles is approximately 15 for 2023 post-construction traffic conditions.

Speed Limit: 40 MPH

Opposing = SBR + SBT = 51 + 286 = 337

Advancing = NBL + NBT = 15 + 286 = 301

Left-Turn Percentage = 15 / 301 = 5%

To accurately evaluate turn lanes warrant, intersection counts should be completed instead of estimating based on ADT

Based on the traffic volumes, a left-turn lane is warranted for northbound SE Adams Street at SE 38th Street.

Should be re-evaluated for peak hour and Sunday peak hour revised trip generation and assignment

Summary

This traffic impact study memorandum calculated the number of trips generated by the proposed Saints Peter and Paul Orthodox Church at SE Adams Street in Topeka, Kansas. The initial proposed improvements consist of a church and reception hall with a total of 16,875 square feet, accompanied by 80 off-street parking stalls. The extension of SE 40th Street will directly connect to the parking lots, serving as the primary entrance. In the future, there are plans to construct a parnish building spanning a total of 17,000 square feet to the north of the classroom building. An additional 50 off-street parking stalls will be added to accommodate the increased capacity. SE Evans Drive will be extended and directly connected to the parking lots, serving as the second entrance.

Based on the Institute of Transportation Engineers Trip Generation Guidelines, the total estimated volume of non-event trips generated by the site was 5 vehicles (3 entering, 2 exiting) in the AM peak hour and 8 vehicles (4 entering, 4 exiting) in the PM peak hour before fully construction; the total estimated volume of non-event trips generated by the site was 11 vehicles (7 entering, 4 exiting) in the AM peak hour and 17 vehicles (7 entering, 10 exiting) in the PM peak hour after fully construction.

Should revise per Sunday peak hour of generator

The religious services will be regularly held on Saturday evenings, Sunday mornings, and Wednesday evenings. Based on the two assumptions, a total of 130 vehicles are expected to arrive within one hour before an event and depart within one hour after an event. A total of 64/64 eastbound trips are directed to utilize the intersection of SE 37th Street & SE Evans Drive to enter/leave the site. A total of 31/31 southbound trips are directed to utilize the intersection of SE Adams Street & SE 38th Street to enter/leave the site. A total of 20/20 westbound trips are directed to utilize the intersection of SE Adams Street & SE 38th Street to enter/leave the site. A total of 15/15 northbound trips are directed to utilize the intersection of SE Adams Street & SE 38th Street to enter/leave the site.

Will need to verify the analysis after new trip generation and turn lane analysis

Recommendations:

1. At SE Adams Street & SE 38th Street, an auxiliary northbound left-turn lane would be warranted during a full-capacity event. However, with smaller attendance numbers, it may not be necessary. The City should monitor traffic volumes and usage after the church has been constructed to determine if a left-turn lane would be warranted for regular attendance.
2. The newly constructed sidewalks and street crossings should comply with ADA requirements.

Access on 40th Street to be constructed as part of Phase 1. Driveway should be per Topeka standards.

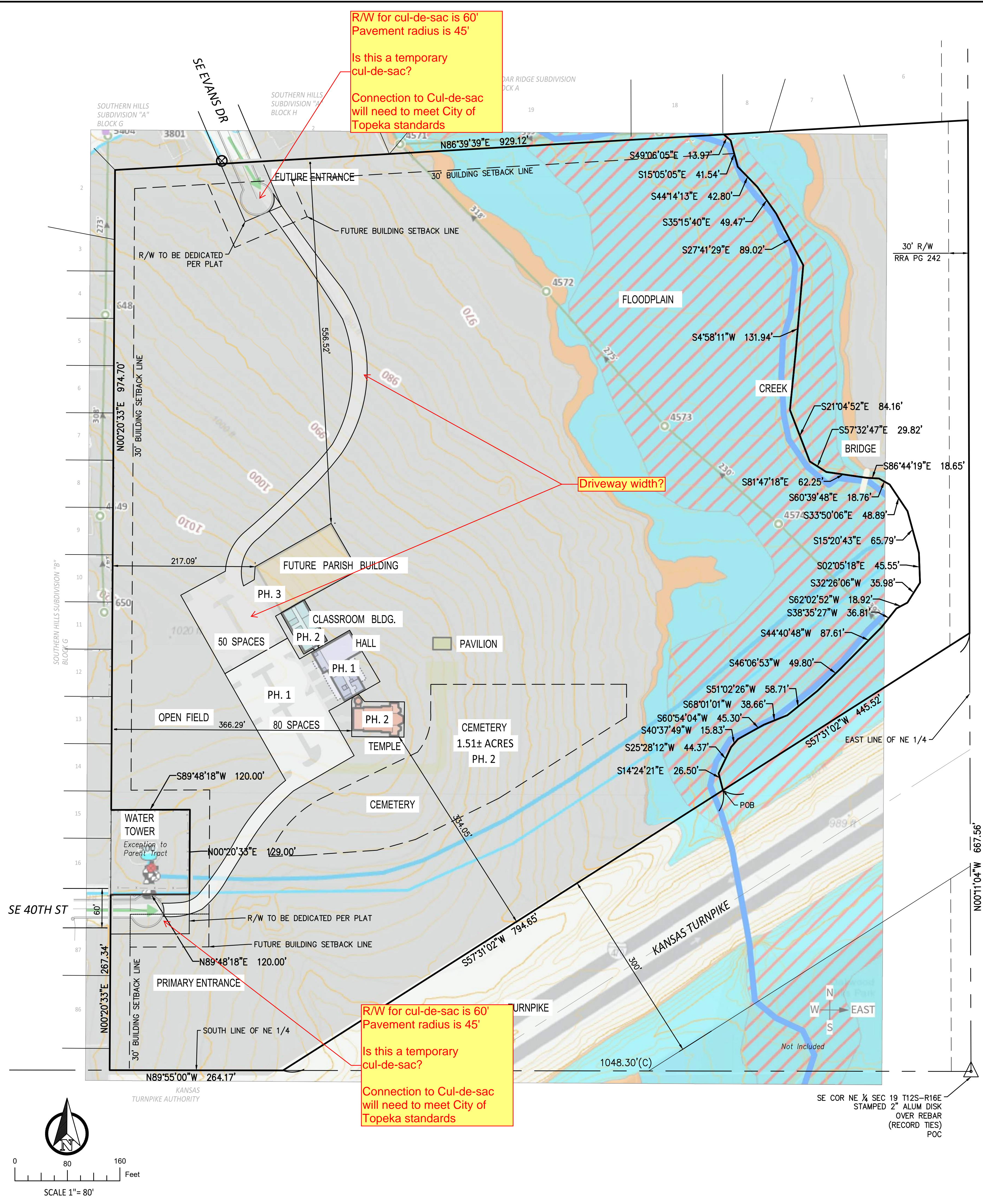
Cul-de-sac should be constructed per City Standards

Appendix I - Site Layout

R/W for cul-de-sac is 60'
Pavement radius is 45'
Is this a temporary
cul-de-sac?
Connection to Cul-de-sac
will need to meet City of
Topeka standards

R/W for cul-de-sac is 60'
Pavement radius is 45'
Is this a temporary
cul-de-sac?
Connection to Cul-de-sac
will need to meet City of
Topeka standards

Driveway width?



DESCRIPTION:

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 12 SOUTH, RANGE 16 EAST OF THE 6TH P.M. IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE ON AN ASSUMED BEARING OF NORTH 00 DEGREES 11 MINUTES 04 SECONDS WEST ON THE EAST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 667.56 FEET TO THE NORTHWESTERLY RIGHT OF WAY OF THE KANSAS TURNPIKE; THENCE SOUTH 57 DEGREES 31 MINUTES 02 SECONDS WEST ON SAID NORTHWESTERLY RIGHT OF WAY A DISTANCE OF 445.52 FEET TO THE CENTER OF BUTCHER CREEK AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 57 DEGREES 31 MINUTES 02 SECONDS WEST ON SAID NORTHWESTERLY RIGHT OF WAY A DISTANCE OF 794.65 FEET TO THE SOUTH LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 55 MINUTES 00 SECONDS WEST ON SAID SOUTH LINE A DISTANCE OF 264.17 FEET TO A FENCE RUNNING NORTH AS CALLED FOR IN KANSAS WARRANTY DEED RECORDED IN BOOK 4592 AT PAGE 69 IN THE OFFICE OF THE SHAWNEE COUNTY REGISTER OF DEEDS; THENCE NORTH 00 DEGREES 20 MINUTES 33 SECONDS EAST ON SAID FENCE LINE A DISTANCE OF 267.34 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND AS DESCRIBED IN DEED BOOK 1432 AT PAGE 103 IN THE OFFICE OF THE SHAWNEE COUNTY REGISTER OF DEEDS; THENCE NORTH 89 DEGREES 48 MINUTES 18 SECONDS EAST A DISTANCE OF 120.00 FEET; THENCE NORTH 00 DEGREES 20 MINUTES 33 SECONDS EAST A DISTANCE OF 129.00 FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 18 SECONDS WEST A DISTANCE OF 120.00 FEET; THENCE NORTH 00 DEGREES 20 MINUTES 33 SECONDS EAST ON SAID FENCE LINE A DISTANCE OF 974.70 FEET TO A FENCE CORNER; THENCE NORTH 86 DEGREES 39 MINUTES 39 SECONDS EAST A DISTANCE OF 929.12 FEET TO THE CENTER OF BUTCHER CREEK; THENCE SOUTHERLY ON THE CENTER OF SAID CREEK THE FOLLOWING 26 COURSES, SOUTH 49 DEGREES 06 MINUTES 05 SECONDS EAST, 13.97 FEET; THENCE SOUTH 15 DEGREES 05 MINUTES 05 SECONDS EAST, 41.54 FEET; THENCE SOUTH 44 DEGREES 14 MINUTES 13 SECONDS EAST, 42.80 FEET; THENCE SOUTH 35 DEGREES 15 MINUTES 40 SECONDS EAST, 49.47 FEET; THENCE SOUTH 27 DEGREES 41 MINUTES 29 SECONDS EAST, 89.02 FEET; THENCE SOUTH 04 DEGREES 58 MINUTES 11 SECONDS WEST, 131.94 FEET; THENCE SOUTH 21 DEGREES 04 MINUTES 52 SECONDS EAST, 84.16 FEET; THENCE SOUTH 57 DEGREES 32 MINUTES 47 SECONDS EAST, 29.82 FEET; THENCE SOUTH 81 DEGREES 47 MINUTES 18 SECONDS EAST, 62.25 FEET; THENCE SOUTH 86 DEGREES 44 MINUTES 19 SECONDS EAST, 18.65 FEET; THENCE SOUTH 60 DEGREES 39 MINUTES 48 SECONDS EAST, 18.76 FEET; THENCE SOUTH 33 DEGREES 50 MINUTES 06 SECONDS EAST, 48.89 FEET; THENCE SOUTH 15 DEGREES 20 MINUTES 43 SECONDS EAST, 65.79 FEET; THENCE SOUTH 02 DEGREES 05 MINUTES 18 SECONDS EAST, 45.55 FEET; THENCE SOUTH 32 DEGREES 26 MINUTES 06 SECONDS WEST, 35.98 FEET; THENCE SOUTH 62 DEGREES 02 MINUTES 52 SECONDS WEST, 18.92 FEET; THENCE SOUTH 38 DEGREES 35 MINUTES 27 SECONDS WEST, 36.81 FEET; THENCE SOUTH 44 DEGREES 40 MINUTES 48 SECONDS WEST, 87.61 FEET; THENCE SOUTH 46 DEGREES 06 MINUTES 53 SECONDS WEST, 49.80 FEET; THENCE SOUTH 51 DEGREES 02 MINUTES 26 SECONDS WEST, 58.71 FEET; THENCE SOUTH 68 DEGREES 01 MINUTES 01 SECONDS WEST, 38.66 FEET; THENCE SOUTH 60 DEGREES 54 MINUTES 04 SECONDS WEST, 45.30 FEET; THENCE SOUTH 40 DEGREES 37 MINUTES 49 SECONDS WEST, 15.83 FEET; THENCE SOUTH 25 DEGREES 28 MINUTES 12 SECONDS WEST, 44.37 FEET; THENCE SOUTH 14 DEGREES 24 MINUTES 21 SECONDS EAST, 26.50 FEET TO THE POINT OF BEGINNING. THIS DESCRIPTION PREPARED BY MICHAEL A. ADAMS, P.S. 1126 ON AUGUST 12, 2021, AND CONTAINS 29.44 ACRES OF LAND MORE OR LESS.

NOTES:

CURRENT OWNERS OF PROPERTY:
SAINTS PETER AND PAUL ORTHODOX CHURCH INC.

CURRENT ZONING:
R1

CURRENT USE:
UNDEVELOPED

PARCEL SIZE: 29.44 acres

CONDITIONAL USE REQUESTED:
1. RELIGIOUS ASSEMBLY
2. CEMETERY

PROPOSED IMPROVEMENTS:
PHASE 1: FELLOWSHIP HALL, PARKING LOT, AND PRIMARY ENTRANCE
FELLOWSHIP HALL: 3,820 SQ. FT.
KITCHEN: 3,150 SQ. FT.
OFF-STREET PARKING: 80 SPACES (STANDARD)

PHASE 2: CHURCH TEMPLE, BELL TOWER, EDUCATIONAL BUILDING, AND CEMETERY
CHURCH TEMPLE: 4,520 SQ. FT.
BELL TOWER: 540 SQ. FT.
EDUCATION BUILDING: 4,750 SQ. FT.
HALL BETWEEN EXPANDED HALL AND CLASSROOM BUILDING: 65 SQ. FT.
CEMETERY: 1.51± ACRES

PHASE 3: FUTURE PARISH BUILDING, EXTENDED PARKING LOT, AND FUTURE ENTRANCE
FUTURE PARISH BUILDING: 17,000 SQ. FT.
OFF-STREET PARKING EXTENDED: 50 SPACES (STANDARD)

UTILITIES:
WATER SERVICE: CITY OF TOPEKA - PUBLIC SANITARY SEWER AND WATER
SEWAGE DISPOSAL: CITY OF TOPEKA - PUBLIC SANITARY SEWER AND WATER

FLOOD ZONE:
ACCORDING TO FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 20177C0306E, EFFECTIVE SEPTEMBER 29, 2011, THE SUBJECT PROPERTY LIES PARTIALLY IN THE FLOODWAY AND FLOOD ZONE "AE", AREA OF HIGH RISK, (1% ANNUAL CHANCE FOR FLOOD) WITH THE BALANCE IN FLOOD ZONE "X" AREA OF MINIMAL RISK. (0.2% CHANCE OF ANNUAL FLOOD)

LIGHTING:
LIGHT FIXTURES SHALL BE SHIELDED OR RECESSED WITH CUT-OFF ANGLES TO PREVENT THE CAST OF LIGHTING BEYOND THE PROPERTY. LIGHTING SHALL BE SAFETY LIGHTING ABOVE THE ENTRANCE DOOR. THE LIGHTING SHALL BE LOW INTENSITY LIGHTING, LOW ENERGY LIGHTING TO PROVIDE SAFETY TO THOSE ENTERING AND EXITING THE BUILDING.

SIGNING:
SIGNAGE TO COMPLY WITH TMC 18.10 FOR NON-RESIDENTIAL USES IN R-1 ZONING

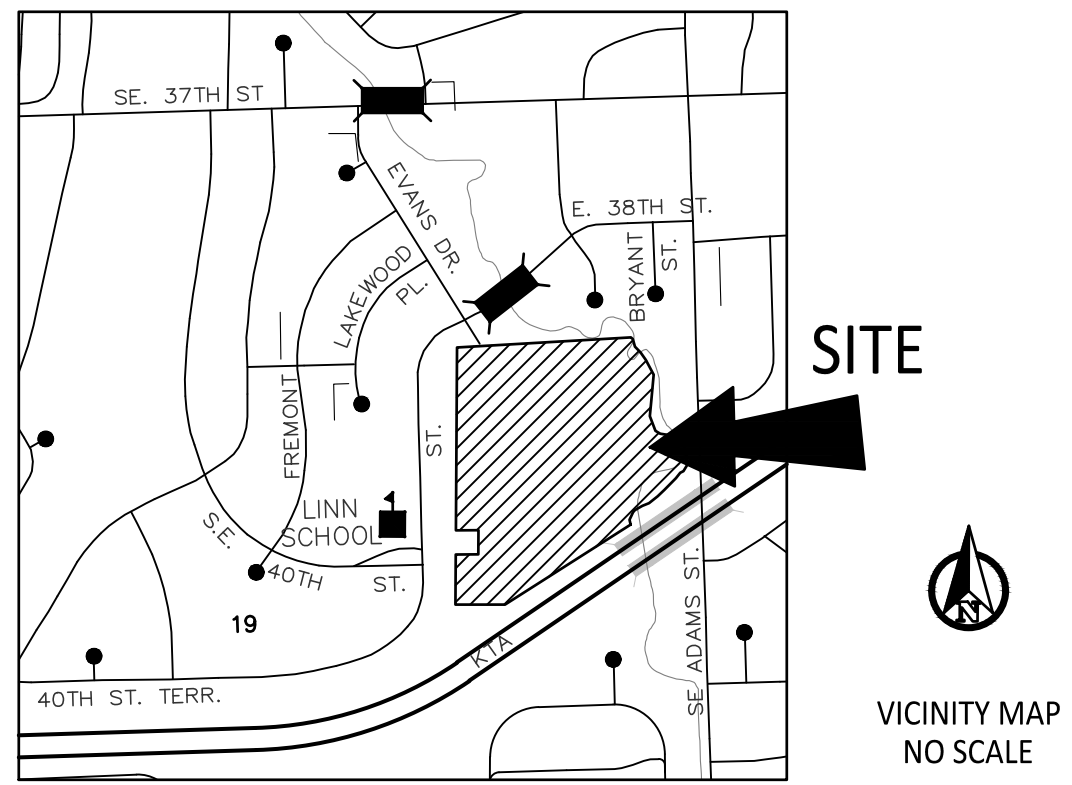
FENCING:
TBD

GENERAL NOTES:
-NO BUILDING PERMITS SHALL BE ISSUED UNTIL THE PROPERTY IS PLATTED.
-A SITE PLAN REVIEW APPLICATION SHALL BE REQUIRED PRIOR TO SUBMITTAL OF ANY BUILDING PERMITS. SITE PLANS SHALL ADDRESS LOCATION OF INDIVIDUAL BUILDING FOOTPRINTS, LANDSCAPING, STORMWATER MANAGEMENT, UTILITIES, RELATIONSHIP TO ADJACENT LOTS, AND PEDESTRIAN ACCESS, ETC. DEPENDING ON THE LEVEL OF SCOPE, A SITE PLAN REVIEW APPLICATION MAY BE REQUIRED FOR EACH PHASE OF DEVELOPMENT.
-A LANDSCAPE PLAN SHALL BE SUBMITTED AT THE TIME OF SITE PLAN REVIEW PURSUANT TO TMC 18.235 ADDRESSING REQUIRED POINTS, SPECIES, AND QUANTITIES OF ALL LANDSCAPING, INCLUDING SUBSTANTIALLY ADDRESSING ANY REQUIRED RESIDENTIAL ZONE BUFFERS.
-APPROVAL OF ALL REQUIRED PERMITS FROM CITY OF TOPEKA DEVELOPMENT SERVICES, INCLUDING BUT NOT LIMITED TO BUILDING, FENCE, SIGN, AND PARKING-LOT PERMITS, SHALL BE REQUIRED PRIOR TO COMMENCEMENT OF OPERATIONS ON THE SITE IN CONJUNCTION WITH THE APPROVED CUP.
-THE CITY OF TOPEKA OFF-STREET PARKING AND SURFACING POLICY APPLIES FOR THE HARD SURFACING OF ALL PRIVATE OFF-STREET PARKING AREA, FIRE LANES, AND ACCESS DRIVES.
-ALL WORK IN THE PUBLIC RIGHT-OF-WAY SHALL BE CONSTRUCTED TO CITY OF TOPEKA STANDARD TECHNICAL SPECIFICATIONS.
-ALL USES SHALL COMPLY WITH THE BASE ZONING OF 'R-1' EXCEPT WHERE STATED OTHERWISE ON THE APPROVED CUP.

STATEMENT OF OPERATIONS:
A CUP TO ALLOW THE 'RELIGIOUS ASSEMBLY USE ALONG WITH ACCESSORY AND SUBORDINATE CEMETERY USE' THAT DOES NOT HAVE ACCESS WITHIN 300 FEET OF THE MAJOR TRAFFIC THOROUGHFARE OF SE ADAMS.

THE PROPOSED USE OF THE PROPERTY WILL FIRST BE TO CONSTRUCT A FELLOWSHIP HALL ALONG WITH OFFICE SPACE, KITCHEN AND RESTROOMS. THIS WILL BE USED FOR ALL LITURGICAL, SACRAMENTAL, SOCIAL, EVANGELISTIC, EDUCATIONAL, OUTREACH AND FUNDRAISING FUNCTIONS OF SS. PETER AND PAUL ORTHODOX CHURCH. WE WOULD REGULARLY HOLD RELIGIOUS SERVICES ON SATURDAY EVENINGS, SUNDAY MORNINGS AND WEDNESDAY EVENINGS. ONCE THE FELLOWSHIP HALL HAS BEEN PAID FOR THE NEXT PHASE OF CONSTRUCTION WILL BE TO BUILD A CHURCH TEMPLE AND AN EDUCATIONAL BUILDING FOR RELIGIOUS EDUCATION. THE PROPOSED CHURCH TEMPLE WOULD SEAT AROUND 250 PEOPLE. AND HAVE THE GREATEST ATTENDANCE ON SUNDAY MORNINGS. WE WILL ALSO ESTABLISH A CEMETERY ON THE PROPERTY TO BE USED FOR THE INTERMENT OF OUR PARISH MEMBERS AND THEIR FAMILIES. IN THE EASTERN SIDE OF THE PROPERTY, WHICH LIES IN THE FLOOD PLAIN, WE WOULD PLACE A WALKING TRAIL AND DEVELOP THE TREE CANOPY IN PARTS AND DEVELOP AREAS FOR GARDENING. OTHER AREAS OF THE PROPERTY WE WOULD PLANT FRUIT AND NUT TREES AND DECREASE THE NUMBER OF EASTERN RED CEDARS ESPECIALLY IN THE NORTH WEST QUADRANT OF THE PROPERTY.

PREPARED BY:
COOK FLATT & STROBEL ENGINEERS
2930 SW WOODSIDE DR
TOPEKA KS, 66614
785-272-4706

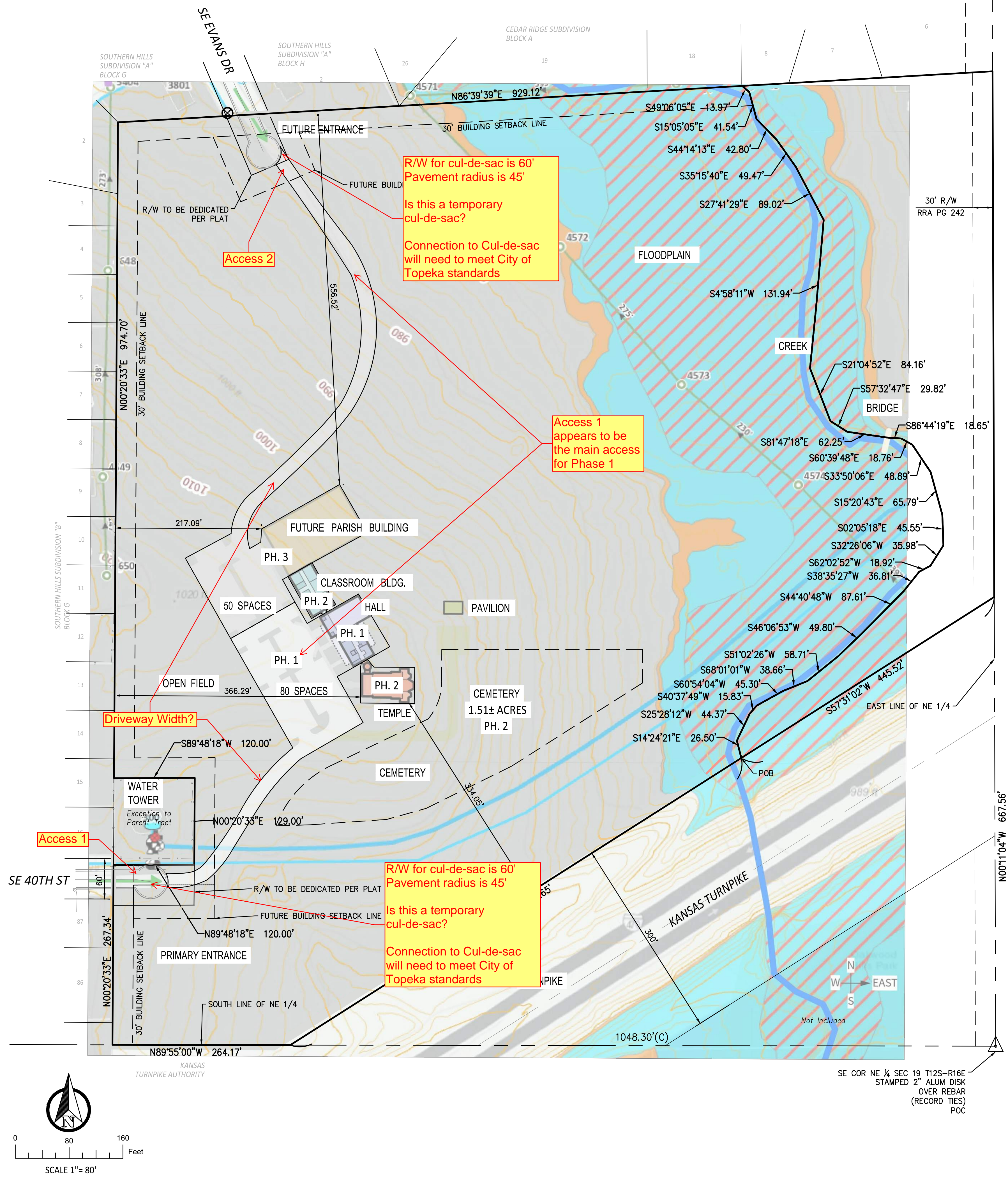


CONDITIONAL USE PERMIT
SAINTS PETER AND PAUL ORTHODOX CHRISTIAN CHURCH INC.

CFS ENGINEERS
2930 SW Woodside Dr,
Topeka, KS 66614
o: 785-272-4706
f: 785-272-4736

NOTE: Saints Peter and Paul Orthodox Church
CFS PROJECT # 21-5545 DATE: 07/20/2023
PROJECT MANAGER: TH SHEET 1 OF 1

G:\Shared\dmeh\215545\CADD\Plotting\Zoning and Legal\Survey\215545-CUP.dwg



DESCRIPTION:

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 12 SOUTH, RANGE 16 EAST OF THE 6TH P.M. IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE ON AN ASSUMED BEARING OF NORTH 00 DEGREES 11 MINUTES 02 SECONDS WEST ON THE EAST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 667.56 FEET TO THE NORTHWESTERLY RIGHT OF WAY OF THE KANSAS TURNPIKE; THENCE SOUTH 57 DEGREES 31 MINUTES 02 SECONDS WEST ON SAID NORTHWESTERLY RIGHT OF WAY A DISTANCE OF 445.52 FEET TO THE CENTER OF BUTCHER CREEK AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 57 DEGREES 31 MINUTES 02 SECONDS WEST ON SAID NORTHWESTERLY RIGHT OF WAY A DISTANCE OF 794.65 FEET TO THE SOUTH LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 55 MINUTES 00 SECONDS WEST ON SAID SOUTH LINE A DISTANCE OF 264.17 FEET TO A FENCE RUNNING NORTH AS CALLED FOR IN KANSAS WARRANTY DEED RECORDED IN BOOK 4592 AT PAGE 69 IN THE OFFICE OF THE SHAWNEE COUNTY REGISTER OF DEEDS; THENCE NORTH 00 DEGREES 20 MINUTES 33 SECONDS EAST ON SAID FENCE LINE A DISTANCE OF 267.34 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND AS DESCRIBED IN DEED BOOK 1432 AT PAGE 103 IN THE OFFICE OF THE SHAWNEE COUNTY REGISTER OF DEEDS; THENCE NORTH 89 DEGREES 48 MINUTES 18 SECONDS EAST A DISTANCE OF 120.00 FEET; THENCE NORTH 00 DEGREES 20 MINUTES 33 SECONDS EAST A DISTANCE OF 129.00 FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 18 SECONDS WEST A DISTANCE OF 120.00 FEET; THENCE NORTH 00 DEGREES 20 MINUTES 33 SECONDS EAST ON SAID FENCE LINE A DISTANCE OF 974.70 FEET TO A FENCE CORNER; THENCE NORTH 86 DEGREES 39 MINUTES 39 SECONDS EAST A DISTANCE OF 929.12 FEET TO THE CENTER OF BUTCHER CREEK; THENCE SOUTHERLY ON THE CENTER OF SAID CREEK THE FOLLOWING 26 COURSES, SOUTH 49 DEGREES 06 MINUTES 05 SECONDS EAST, 13.97 FEET; THENCE SOUTH 15 DEGREES 05 MINUTES 05 SECONDS EAST, 41.54 FEET; THENCE SOUTH 44 DEGREES 14 MINUTES 13 SECONDS EAST, 42.80 FEET; THENCE SOUTH 35 DEGREES 15 MINUTES 40 SECONDS EAST, 49.47 FEET; THENCE SOUTH 27 DEGREES 41 MINUTES 29 SECONDS EAST, 89.02 FEET; THENCE SOUTH 04 DEGREES 58 MINUTES 11 SECONDS WEST, 131.94 FEET; THENCE SOUTH 21 DEGREES 04 MINUTES 52 SECONDS EAST, 84.16 FEET; THENCE SOUTH 57 DEGREES 32 MINUTES 47 SECONDS EAST, 29.82 FEET; THENCE SOUTH 81 DEGREES 47 MINUTES 18 SECONDS EAST, 62.25 FEET; THENCE SOUTH 86 DEGREES 44 MINUTES 19 SECONDS EAST, 18.65 FEET; THENCE SOUTH 60 DEGREES 39 MINUTES 48 SECONDS EAST, 18.76 FEET; THENCE SOUTH 33 DEGREES 50 MINUTES 06 SECONDS EAST, 48.89 FEET; THENCE SOUTH 15 DEGREES 43 SECONDS EAST, 65.79 FEET; THENCE SOUTH 02 DEGREES 05 MINUTES 18 SECONDS EAST, 45.55 FEET; THENCE SOUTH 32 DEGREES 26 MINUTES 06 SECONDS WEST, 35.98 FEET; THENCE SOUTH 62 DEGREES 02 MINUTES 52 SECONDS WEST, 18.92 FEET; THENCE SOUTH 38 DEGREES 35 MINUTES 27 SECONDS WEST, 36.81 FEET; THENCE SOUTH 44 DEGREES 40 MINUTES 48 SECONDS WEST, 87.61 FEET; THENCE SOUTH 46 DEGREES 06 MINUTES 53 SECONDS WEST, 49.80 FEET; THENCE SOUTH 51 DEGREES 02 MINUTES 26 SECONDS WEST, 58.71 FEET; THENCE SOUTH 68 DEGREES 01 MINUTES 01 SECONDS WEST, 38.66 FEET; THENCE SOUTH 60 DEGREES 54 MINUTES 04 SECONDS WEST, 45.30 FEET; THENCE SOUTH 40 DEGREES 37 MINUTES 49 SECONDS WEST, 15.83 FEET; THENCE SOUTH 25 DEGREES 28 MINUTES 12 SECONDS WEST, 44.37 FEET; THENCE SOUTH 14 DEGREES 24 MINUTES 21 SECONDS EAST, 26.50 FEET TO THE POINT OF BEGINNING. THIS DESCRIPTION PREPARED BY MICHAEL A. ADAMS, P.S. 1126 ON AUGUST 12, 2021, AND CONTAINS 29.44 ACRES OF LAND MORE OR LESS.

NOTES:

CURRENT OWNERS OF PROPERTY:

SAINTS PETER AND PAUL ORTHODOX CHRISTIAN CHURCH INC.

CURRENT ZONING:

R1

CURRENT USE:

UNDEVELOPED

PARCEL SIZE: 29.44 acres

CONDITIONAL USE REQUESTED:

1. RELIGIOUS ASSEMBLY
2. CEMETERY

PROPOSED IMPROVEMENTS:

PHASE 1: FELLOWSHIP HALL, PARKING LOT, AND PRIMARY ENTRANCE

FELLOWSHIP HALL: 3,820 SQ. FT.
 KITCHEN: 3,150 SQ. FT.
 OFF-STREET PARKING: 80 SPACES (STANDARD)

PHASE 2: CHURCH TEMPLE, BELL TOWER, EDUCATIONAL BUILDING, AND CEMETERY

CHURCH TEMPLE: 4,520 SQ. FT.
 BELL TOWER: 540 SQ. FT.
 EDUCATION BUILDING: 4,750 SQ. FT.
 HALL BETWEEN EXPANDED HALL AND CLASSROOM BUILDING: 65 SQ. FT.
 CEMETERY: 1.51± ACRES

PHASE 3: FUTURE PARISH BUILDING, EXTENDED PARKING LOT, AND FUTURE ENTRANCE

FUTURE PARISH BUILDING: 17,000 SQ. FT.
 OFF-STREET PARKING EXTENDED: 50 SPACES (STANDARD)

UTILITIES:

WATER SERVICE: CITY OF TOPEKA - PUBLIC SANITARY SEWER AND WATER
 SEWAGE DISPOSAL: CITY OF TOPEKA - PUBLIC SANITARY SEWER AND WATER

FLOOD ZONE:

ACCORDING TO FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 20177C0306E, EFFECTIVE SEPTEMBER 29, 2011, THE SUBJECT PROPERTY LIES PARTIALLY IN THE FLOODWAY AND FLOOD ZONE "AE", AREA OF HIGH RISK, (1% ANNUAL CHANCE FOR FLOOD) WITH THE BALANCE IN FLOOD ZONE "X" AREA OF MINIMAL RISK. (0.2% CHANCE OF ANNUAL FLOOD)

LIGHTING:

LIGHT FIXTURES SHALL BE SHIELDED OR RECESSED WITH CUT-OFF ANGLES TO PREVENT THE CAST OF LIGHTING BEYOND THE PROPERTY. LIGHTING SHALL BE SAFETY LIGHTING ABOVE THE ENTRANCE DOOR. THE LIGHTING SHALL BE LOW INTENSITY LIGHTING, LOW ENERGY LIGHTING TO PROVIDE SAFETY TO THOSE ENTERING AND EXITING THE BUILDING.

SIGNING:

SIGNAGE TO COMPLY WITH TMC 18.10 FOR NON-RESIDENTIAL USES IN R-1 ZONING

FENCING:

TBD

GENERAL NOTES:

- NO BUILDING PERMITS SHALL BE ISSUED UNTIL THE PROPERTY IS PLATTED.
- A SITE PLAN REVIEW APPLICATION SHALL BE REQUIRED PRIOR TO SUBMITTAL OF ANY BUILDING PERMITS. SITE PLANS SHALL ADDRESS LOCATION OF INDIVIDUAL BUILDING FOOTPRINTS, LANDSCAPING, STORMWATER MANAGEMENT, UTILITIES, RELATIONSHIP TO ADJACENT LOTS, AND PEDESTRIAN ACCESS, ETC. DEPENDING ON THE LEVEL OF SCOPE, A SITE PLAN REVIEW APPLICATION MAY BE REQUIRED FOR EACH PHASE OF DEVELOPMENT.
- A LANDSCAPE PLAN SHALL BE SUBMITTED AT THE TIME OF SITE PLAN REVIEW PURSUANT TO TMC 18.235 ADDRESSING REQUIRED POINTS, SPECIES, AND QUANTITIES OF ALL LANDSCAPING, INCLUDING SUBSTANTIALLY ADDRESSING ANY REQUIRED RESIDENTIAL ZONE BUFFERS.
- APPROVAL OF ALL REQUIRED PERMITS FROM CITY OF TOPEKA DEVELOPMENT SERVICES, INCLUDING BUT NOT LIMITED TO BUILDING, FENCE, SIGN, AND PARKING-LOT PERMITS, SHALL BE REQUIRED PRIOR TO COMMENCEMENT OF OPERATIONS ON THE SITE IN CONJUNCTION WITH THE APPROVED CUP.
- THE CITY OF TOPEKA OFF-STREET PARKING AND SURFACING POLICY APPLIES FOR THE HARD SURFACING OF ALL PRIVATE OFF-STREET PARKING AREA, FIRE LANES, AND ACCESS DRIVES.
- ALL WORK IN THE PUBLIC RIGHT-OF-WAY SHALL BE CONSTRUCTED TO CITY OF TOPEKA STANDARD TECHNICAL SPECIFICATIONS.
- ALL USES SHALL COMPLY WITH THE BASE ZONING OF 'R-1' EXCEPT WHERE STATED OTHERWISE ON THE APPROVED CUP.

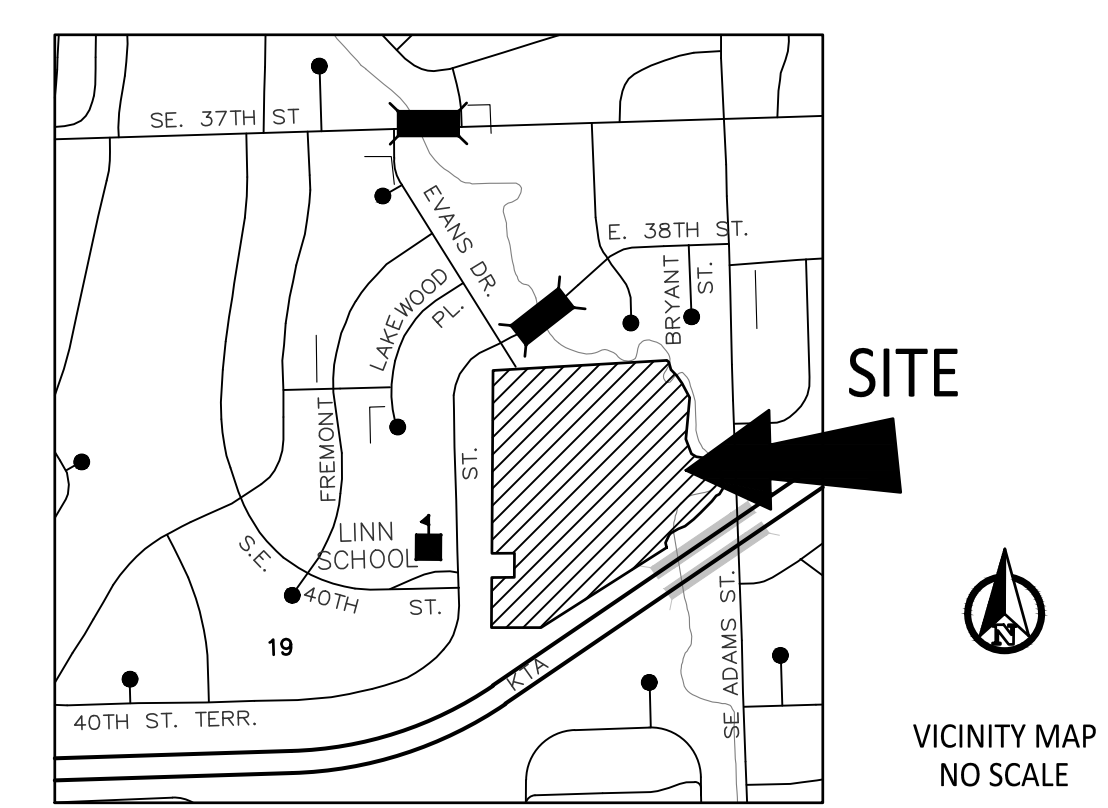
STATEMENT OF OPERATIONS:

A CUP TO ALLOW THE 'RELIGIOUS ASSEMBLY USE ALONG WITH ACCESSORY AND SUBORDINATE CEMETERY USE' THAT DOES NOT HAVE ACCESS WITHIN 300 FEET OF THE MAJOR TRAFFIC THOROUGHFARE OF SE ADAMS.

THE PROPOSED USE OF THE PROPERTY WILL FIRST BE TO CONSTRUCT A FELLOWSHIP HALL ALONG WITH OFFICE SPACE, KITCHEN AND RESTROOMS. THIS WILL BE USED FOR ALL LITURGICAL, SACRAMENTAL, SOCIAL, EVANGELISTIC, EDUCATIONAL, OUTREACH AND FUNDRAISING FUNCTIONS OF SS. PETER AND PAUL ORTHODOX CHURCH. WE WOULD REGULARLY HOLD RELIGIOUS SERVICES ON SATURDAY EVENINGS, SUNDAY MORNINGS AND WEDNESDAY EVENINGS. ONCE THE FELLOWSHIP HALL HAS BEEN PAID FOR THE NEXT PHASE OF CONSTRUCTION WILL BE TO BUILD A CHURCH TEMPLE AND AN EDUCATIONAL BUILDING FOR RELIGIOUS EDUCATION. THE PROPOSED CHURCH TEMPLE WOULD SEAT AROUND 250 PEOPLE. AND HAVE THE GREATEST ATTENDANCE ON SUNDAY MORNINGS. WE WILL ALSO ESTABLISH A CEMETERY ON THE PROPERTY TO BE USED FOR THE INTERMENT OF OUR PARISH MEMBERS AND THEIR FAMILIES. IN THE EASTERN SIDE OF THE PROPERTY, WHICH LIES IN THE FLOOD PLAIN, WE WOULD PLACE A WALKING TRAIL AND DEVELOP THE TREE CANOPY IN PARTS AND DEVELOP AREAS FOR GARDENING. OTHER AREAS OF THE PROPERTY WE WOULD PLANT FRUIT AND NUT TREES AND DECREASE THE NUMBER OF EASTERN RED CEDARS ESPECIALLY IN THE NORTH WEST QUADRANT OF THE PROPERTY.

PREPARED BY:

COOK FLATT & STROBEL ENGINEERS
 2930 SW WOODSIDE DR
 TOPEKA KS, 66614
 785-272-4706



CONDITIONAL USE PERMIT

SAINTS PETER AND PAUL ORTHODOX CHRISTIAN CHURCH INC.


2930 SW Woodside Dr,
Topeka, KS 66614
o: 785-272-4706
f: 785-272-4736

NOTE: Saints Peter and Paul Orthodox Church	
CFS PROJECT # 21-5545	DATE: 07/20/2023
PROJECT MANAGER: TH	SHEET 1 OF 1

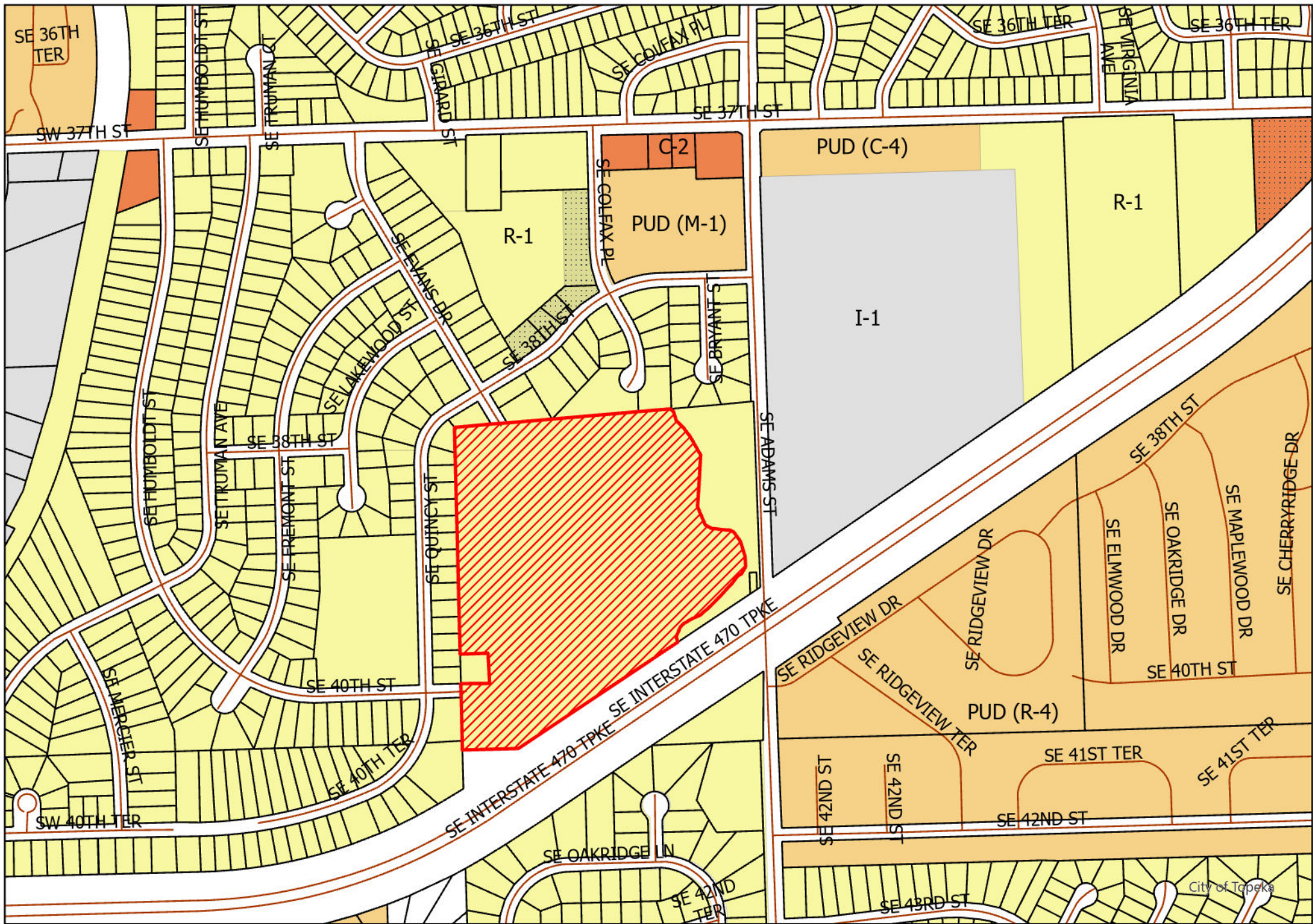
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CU23/04 St. Peters and Paul Orthodox Christian Church

 Subject Property





CU23/04 St. Peters and Paul Orthodox Christian Church

 Subject Property



Persons in attendance:

- 1) Travis Haizlip – CFS
- 2) Kevin Holland – CFS
- 3) Father Nikolai Meyers – Saints Peter & Paul Church
- 4) Henry McClure – MCRE, LLC
- 5) Annie Driver – City of Topeka
- 6) Mike Hall – City of Topeka
- 7) Sonja
- 8) J Meyers
- 9) Janet Unrein
- 10) Mike
- 11) Curtis J
- 12) Brandy
- 13) Celeste
- 14) Lee
- 15) Trina Perez
- 16) Joe Ledbetter
- 17) Adam
- 18) Brenda & Bob Gritten
- 19) iPhone
- 20) iPhone

Issues / Clarifications:

- Vandalism / there's no evidence to support that this development will increase vandalism
- Lighting / the lighting from the buildout will be to City of Topeka design standards
- Animals, rodents / there's no evidence to support that this development will increase rodent population
- Crime / there's no evidence to support that this development will increase crime in the neighborhood
- Church members / currently 85; hopefully 100-140 by end of 2023; 240 max
- Phase 1 detail / Ph 1 will consist of the fellowship hall, the parking lot
- Trees to remain / the church has no plans to remove the trees around the fringe of the development.
- Cul-de-sac / the church will take its access drive off a cul-de-sac to be built on SE 40th St and SE Evans Dr. The cul-de-sac(s) will be constructed entirely on church property. Right of way shall be dedicated by plat for the cul-de-sac(s).
- Rezone / There is no plan to rezone the property
- Planning Commission Meeting / the meeting will be held Aug 21 at 6pm. Deadline for letters for & against the development being sent to the city is Aug 11. Preferably Aug 9.

Issues / Clarifications (cont.)

- Traffic / a traffic distribution memo was submitted to the city for review
- Decrease in surrounding property value due to cemetery / no evidence was submitted to support that the development of a cemetery would reduce property values
- Mowing / a border 25' is adequate according to John Schardine, Property Maintenance Director, City of Topeka (785-368-3170)

Annie Driver

From: Joseph Ledbetter <joe@josephledbetter.com>
Sent: Friday, August 4, 2023 9:38 AM
To: Planning Distribution
Subject: St Peter and Paul Church Conditional Use Permit

This message originated from outside your organization



This message could be suspicious

- The sender's email address couldn't be verified.
- You've never replied to this person.

Powered by Mimecast

I have no problem with this and I own land in the area. I would point out they might want to have a smaller cemetery and screen it off with shrubbery or privacy fencing to make other neighbors more accepting of that part of the proposal. The area does need to be developed into more than just vacant land. Joseph Ledbetter

From: Michael G Hall
Sent: Wednesday, August 9, 2023 12:14 PM
To: Annie Driver
Subject: #10 Public Comment #2- Henry McClure
Attachments: [Church Campus Plan.pdf](#); [CU23_04 NIM Summary.pdf](#); [Floor Plan Hall.pdf](#); [Floor Plan Nave.pdf](#); [Overall Site Plan.pdf](#); [Phase 1 Site Layout.pdf](#)

From: Henry McClure [<mailto:mcre13@gmail.com>]
Sent: Tuesday, August 8, 2023 3:59 PM
To: Rhiannon M. Friedman <rmfriedman@topeka.org>; Richard U. Nienstedt <runienstedt@topeka.org>
Cc: Michael G Hall <mghall@topeka.org>; Michael Padilla <mpadilla@topeka.org>; Brett Kell <bkell@topeka.org>; William Naeger <williamnaeger@gmail.com>
Subject: NIM summary

This message originated from outside your organization

Joe Ledbetter is going to tour the church with Father.

I have a deal with a farmer to bale the HAY.

I should be able to send this direct to the planning commissioners

Considering they are the only public hearing, this formant seem wrong.

Subject: Enhancing Transparency and Community Engagement in Planning Commission

I am writing to express my thoughts and concerns regarding the transparency and accessibility of our community's planning commission. It is my belief that an open and inclusive planning process is essential for the well-being of our city and the trust of its residents.

In the spirit of transparency, I would like to advocate for improved access to our planning commissioners. It has come to my attention that there may be a perceived aversion to ex parte communications, which can sometimes hinder open dialogue between the community and decision-makers. While I understand the need to avoid undue influence, I believe that fostering open communication can lead to better-informed decisions that genuinely reflect the needs and desires of the community.

I also wish to address the past practices that seemed to isolate planning commissioners from meaningful interaction with the community. It is my concern that this approach may have limited open discussions and prevent commissioners from truly understanding the diverse perspectives and aspirations of our residents. By fostering a culture of openness, we can collectively ensure that the destiny of our projects is shaped collaboratively.

To promote more effective engagement, I propose a few fundamental changes. At a bare minimum, every planning commissioner should have a dedicated topeka.org email address, facilitating direct communication with concerned community members. Additionally, there seems to be no valid reason for not publishing their phone numbers, which can offer another channel for engagement.

Furthermore, I suggest exploring the possibility of facilitating communication and information sharing before Planning Commission meetings. Our community deserves the opportunity to be well-informed before critical decisions are made, rather than feeling that we are limited to a mere four minutes of discussion. Public comments should not be confined to a rigid schedule but should be welcomed both before and after meetings to ensure a continuous exchange of ideas.

I also believe that forming subcommittees focused on zoning and planning could greatly enhance the quality of decision-making. By allowing more in-depth discussions on complex matters before the main Planning Commission meetings, we can ensure that the best possible solutions are considered.

Finally, I have concerns about the legality of current practices that appear to keep commissioners hidden from the public eye. Transparency is vital to maintaining the trust of the community, and it is my hope that we can work together to ensure all aspects of the planning process align with legal requirements and community expectations.

I appreciate your attention to these matters and your commitment to the well-being of our city. By embracing transparency, accessibility, and community engagement, we can work toward a future where every voice is heard, and our city thrives through collaborative decision-making.

Thank you for your time and consideration. I look forward to a more open and inclusive planning process that truly benefits all residents of Topeka.

Henry McClure
Time Kills Deals
785.235.3353

From: [Travis Haizlip](#)
Sent: Tuesday, August 8, 2023 11:44 AM
To: [Fr. Nikolai Meyers](#); [Henry McClure](#)
Subject: NIM summary

Sending you a summary of the meeting...

Travis Haizlip, P.S.

📍 2930 SW Woodside Drive
Topeka, Kansas 66614

📞 p: 785.272.4706
c: 785.580.7527

✉️ thaizlip@cfse.com
www.cfse.com

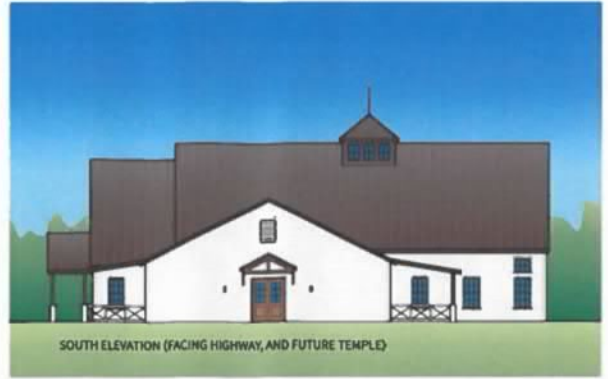


Celebrating 60 Years of Service 1961-2021

CONFIDENTIALITY AND PLAN NOTICE:

All information received in electronic format should be verified with the signed and sealed plans for accuracy. This information is to be used at your sole discretion as Cook, Flatt & Strobel Engineers, P.A. will assume no liability for its format or content. The content of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message or their agent, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.

ELEVATIONS: WHITE SIDING



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Not for bidding, construction, permit, or regulatory review.

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

PLANNING COMMISSION DATE: Monday, August 21st, 2023

**APPLICATION
INFORMATION**

**APPLICATION CASE
NUMBER/NAME:**

PUD23/05 – Topeka Prime Sports, LLC

**REQUESTED ACTION /
CURRENT ZONING:**

Rezoning from “R-1” Single Family Dwelling District to “PUD” Planned Unit Development with “O&I” Office and Institutional uses for the conversion of the former church facilities to a gymnasium for cheer classes. Planned Unit Development Without a Master Plan: As provided per TMC 18.190.050 (PUD procedures) the requirement for a master plan has been waived because the conditions and restrictions of the PUD can be adequately included in the ordinance reclassifying the property.

PROPERTY OWNER:

Fellowship Hi-Crest, Inc

APPLICANT REPRESENTATIVE:

Mark Burenheide

CASE PLANNER:

Zoe Brown, Planning Intern

PROPERTY ADDRESS:

3601 SW 33rd St – PID: 1461402018002000

PARCEL SIZE(S):

2.63 acres

PHOTOS:



View of Church Buildings from SW 33rd Street



View of Site from SW 33rd Street at NW Corner of the Site

RECOMMENDATION: **APPROVAL** subject to conditions

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 all to "PUD" *Planned Unit Development District* with R-1 uses and Sports and Recreation Instruction at 3601 SW 33rd Street, subject to conditions as recommended in the staff report.

PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY: Applicant proposes to convert a former church at 3601 SW 33rd St to a cheer gymnasium with accompanying offices. The Statement of Operations submitted at the request of staff after the initial application indicates the owner and operator (Topeka Elite Cheer) intend to provide pre-school classes as an accessory use and to offer classes for other recreation or activities.

The cheer classes provided by the tenant, Topeka Elite Cheer, are categorized by the Topeka Zoning Regulations, 18.60.010. as "Indoor Recreation Type I", a use permitted under O&I-2 zoning PUD zoning is necessary to restrict the permitted land uses to those that are compatible with the surrounding neighborhood. While some land uses within the O&I-2 classification may be compatible with low density residential surroundings, others are not. Rezoning the property as a PUD provides the applicant the opportunity for a productive use of the property while protecting surrounding land owners and residents from potentially incompatible land uses.

DEVELOPMENT / CASE HISTORY: The subject property was annexed into the City of Topeka in 1959, and has been under low-density single family residential zoning since the time of annexation.

The principal structure on the property was constructed in 1976. The secondary structure was constructed in 1981. The church has remained vacant since March 2022.

ZONING AND CHARACTER OF SURROUNDING PROPERTIES:

North: "R-1" Single Family Dwelling District – Bishop Professional Development Center owned and operated by Topeka Unified School District 501.

East: "R-1" – Single Family Residences

South: "R-1" – Single Family Residences

West: "R-1" – Single Family Residences

COMPLIANCE WITH DEVELOPMENT STANDARDS AND GUIDELINES

USE STANDARDS AND DIMENSIONAL STANDARDS:

City of Topeka R-1 use, density, and dimensional standards will apply except as noted in the conditions of this PUD. Land uses permitted via provisions and conditions of the PUD zoning will include sports and recreation instruction.

The proposed use is nonresidential, so the use of a PUD provides a way to allow for this property to operate as suggested without the risk of future development of an incompatible office or institutional land use.

PARKING AND ACCESS:

Off-street parking requirements are determined by land use and not the zoning classification. The parking demand from the proposed land use appears similar to a community center use. Per 18.240.030, the parking required for a community center is 1 space per 300 sf after deducting interior spaces as provided in section 18.240.020. Applying the community center parking standards, the estimated required parking is 48 spaces.

Per the Statement of Operations, there are as many as 60 families each week night of operation and up to 100 families on Sundays. Classes are held sequentially during those periods and thus not all of those families are present at the same time. Parking is also needed for staff (up to 11 staff, although not all 11 staff are likely to be present at the same time). Therefore, considering the scheduling of classes and resulting turnover, the parking demand is not expected to exceed 70-80 at any point in time on week nights. The parking demand on Sundays is expected to be similar.

The site currently has 84 parking stalls, expected to be more than sufficient to satisfy parking demand on nearly all occasions.

DESIGN STANDARDS:

N/A

LANDSCAPING: Additional landscaping is recommended along the perimeter where the existing landscaping is not sufficient to provided an adequate buffer.

SIGNAGE: Signage will be required to comply with the Sign Code (TMC18.10) as applied to nonresidential uses in R-1 zoning districts.

LIGHTING & SOUND: Any exterior lighting installations shall not have a negative impact on traffic safety or the surrounding properties, and there shall be no spillover effects on the adjacent properties.

VARIANCES REQUESTED: N/A

OTHER FACTORS

SUBDIVISION PLAT: The subject property was platted in 1976 as Lots 1-2, Block A, Evangelical Covenant Church Subdivision,

UTILITIES: Public sanitary sewer and water connections are readily available.

FLOOD HAZARDS, STREAM BUFFERS: None

HISTORIC PROPERTIES: None

NEIGHBORHOOD PLAN: N/A

NEIGHBORHOOD INFORMATION MEETING: The applicant conducted a Neighborhood Information meeting on August 2nd, 2023. Owners of properties within a 300 tfeet of the property received notice. Notice was also sent to the council member for the district and any registered neighborhoods within one half mile of the site.

Approximately 10 residents not associated with the development team or city staff were in attendance. Topics discussed in the meeting include the nature and impacts of the PUD zoning, potential neighborhood partnerships, cost and accessibility of classes, types of classes offered, events, traffic, lighting, maintenance, and hours of operation.

Neighbors were curious about the project, raised questions, and voiced concerns.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

Public Works /Engineering:	No issues identified regarding traffic or engineering.
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:	July 7, 2023
LEGAL NOTICE PUBLICATION:	July 31, 2023
PROPERTY OWNER NOTICE MAILED:	July 24, 2022

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 proposed zoning and land use will not have a substantial effect on the character of the neighborhood. The surrounding neighborhood is characterized by detached single family housing to the south, west, and east. The Bishop Professional Development Center is to the north on a large 13 acre site with a large parking lot. The subject property abuts SW 33rd Street on its north, and is approximately 275 feet west of SW Arnold Avenue. On the Shawnee County Functional Classification map 33rd Street is designated a *local street* and Arnold Avenue is classified a *collector*.

The existing church facilities include a chapel, gymnasium, and offices comprise about 16,500 square feet, The buildings and parking lot are on a 2.6 acre site. There is substantial landscaping on the property, including along its perimeter, which will help to mitigate the effects of increased activity from the proposed use. The proposed sports and recreation use is restricted to the indoors of the existing facilities and thus the change in zoning will not substantially change the visible physical characteristics of the property.

ZONING AND USE OF NEARBY PROPERTIES: The proposed zoning of Planned Unit Development (PUD) with R-1 uses and Sports and Recreation Instruction t is compatible with the existing land use and zoning designations of adjacent properties. The subject property is located in a neighborhood dominated by detached, single family homes as well as USD 501’s Professional Development Center to the north. The presence of the

higher intensity land use to the north suggests that a similar land use of lower intensity would be suitable for this site. Conditions attached to this zoning action as well as the City of Topeka development standards will serve to limit the potential for negative impacts to adjacent residential property owners and residents as a result of the change of use.

LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER THE PRESENT CLASSIFICATION: The subject property has been vacant for over a year and has been used for religious assembly since its development in the 1970s. Continued vacancy of the building due to the restrictive nature of the current R-1 zoning is a concern.

SUITABILITY OF USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED: The property may be suitable for residential uses, religious assembly and perhaps other non-residential uses to which it is restricted under the current R-1 zoning. However, the demand for religious facilities has declined substantially in recent years. The current "R-1" zoning restricts how the property can be re-purposed. As a former church, the building is designed for primarily nonresidential uses, while the zoning designation is intended for nearly exclusively residential uses. Unless the site were to stay as a church or be redeveloped into school, it will be difficult to adapt for occupancy without a change in its zoning designation. The need to find a new purpose for religious facilities will require rezoning in many instances.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The proposed rezoning is consistent with the Land Use and Growth Management Plan 2040 (LUGMP). Although the subject property is designated as Urban/Suburban Low Density Residential on the City of Topeka Future Land Use Map, rezoning for a sports and recreation instruction use allows for the adaptive reuse of vacant religious facilities but with conditions and restrictions that will protect the residential character of the surrounding neighborhood. Allowing redevelopment of existing facilities helps to prevent blight and is thus consistent with the overriding principles of the LUGMP.

THE EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: The proposed development is anticipated to generate few, if any, detrimental effects on nearby properties. Given the comparatively intense land use of the Bishop Professional Development Center campus to the immediate north, as well as the long-term nonresidential nature of the subject property, the material effects of the use change are marginal. Furthermore, the proposed conditions restrict use of the property to the services and functions intended to be provided by the applicant while protecting the interest of neighboring property owners. The new use will generate noticeable activity and traffic throughout the week but the conditions of the PUD zoning will limit nearly all of the activity to the daytime and evenings before 8pm.

Additionally, the subject property has been vacant for over a year. This vacancy risks introducing blight to the neighborhood if the site is not redeveloped. Because of that, permitting development will help to protect the long-term interest of the neighborhood by ensuring the existing facilities do not fall into disrepair and disuse.

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: Even with the limiting conditions of the PUD zoning, the proposed sports and recreation instruction use (cheer training) may result in a noticeable increase in activity and traffic. But concerns about the potential for negative impacts must be balanced with the positive effects of having the facilities occupied and maintained. Adaptive reuse of vacant institutional structures is a way to prevent the creation of blight within neighborhoods. Even so, some neighboring owners and residents might prefer the rezoning application be denied. Weighing the possibility of negative impact against the positive impact of the facilities being used under the restrictions imposed, the public has little to gain and the owner has much to lose if the rezoning is denied.

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 R-1 Single Family Dwelling and restrictions imposed by the conditions of the PUD zoning.

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. R-1 uses are permitted. In addition to R-1 uses, Sport and Recreation Instruction uses as described in the attachment entitled Statement of Operations for Topeka Prime Sports are permitted. Comparable uses consistent with and similar to North American Industry Classification System, 611620 Sports and Recreation Instruction, may be permitted upon a determination by the Planning Director that they are of equal or lesser impact to the neighborhood property owners and residents. Accessory uses not specifically identified in the Statement of Operations are permitted provided they are of a similar or lesser intensity.
2. Activities associated with the Sports and Recreation Instruction use are to occur indoors only.
3. Sports and Recreation Instruction use is allowed in existing facilities and buildings. Construction of new facilities for Sports and Recreation Instruction and related uses is not permitted. Limited building modifications or expansion may be permitted as a minor amendment to the Planned Unit Development in accordance with the amendment procedures in TMC 18.190.070.
4. Substantial changes to the operations may require an amendment to this Planned Unit Development in accordance with the amendment procedures in TMC 18.190.070.
5. The use and dimensional standards applicable to R-1 zoning shall apply except as stated in these conditions.
6. Section 18.235.060(d) of the Topeka Zoning Regulations (*Landscape Requirements, Buffers*) requires a buffer of landscaping, fencing, or a combination of both where a planned unit development, commercial, or institutional use abuts a residential zoning district. Much of the south and west boundary of the property contains fencing and landscaping that meets the general intent of Section 18.235.060. Where existing fencing and landscaping along the south and west property lines are inadequate, the applicant shall submit a plan to Planning staff for a landscape/fencing buffer meeting the intent of 18.235.060(d). The buffer need not be an opaque screen, but must include trees and be of a density sufficient to mitigate the impact of vehicle headlights at peak departure and arrival times. The plan shall be approved and buffers installed prior to commencement of the Sports and Recreation Instruction use.
7. Any expansion of the parking areas will require permits and application for permits must include a site plan. Additional fencing or landscaping may be required where parking areas are immediately adjacent to neighboring residential property.
8. Existing mature and healthy trees on the property shall be maintained and preserved unless replaced with an equivalency of landscaping based on species, quantity, current size, and size at maturity.

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 *District* with R-1 uses and Sports and Recreation Instruction at 3601 SW 33rd Street, subject to conditions as recommended in the staff report.

ATTACHMENTS:

Aerial View Map

Zoning Map

Future Land Use Map

Statement of Operations

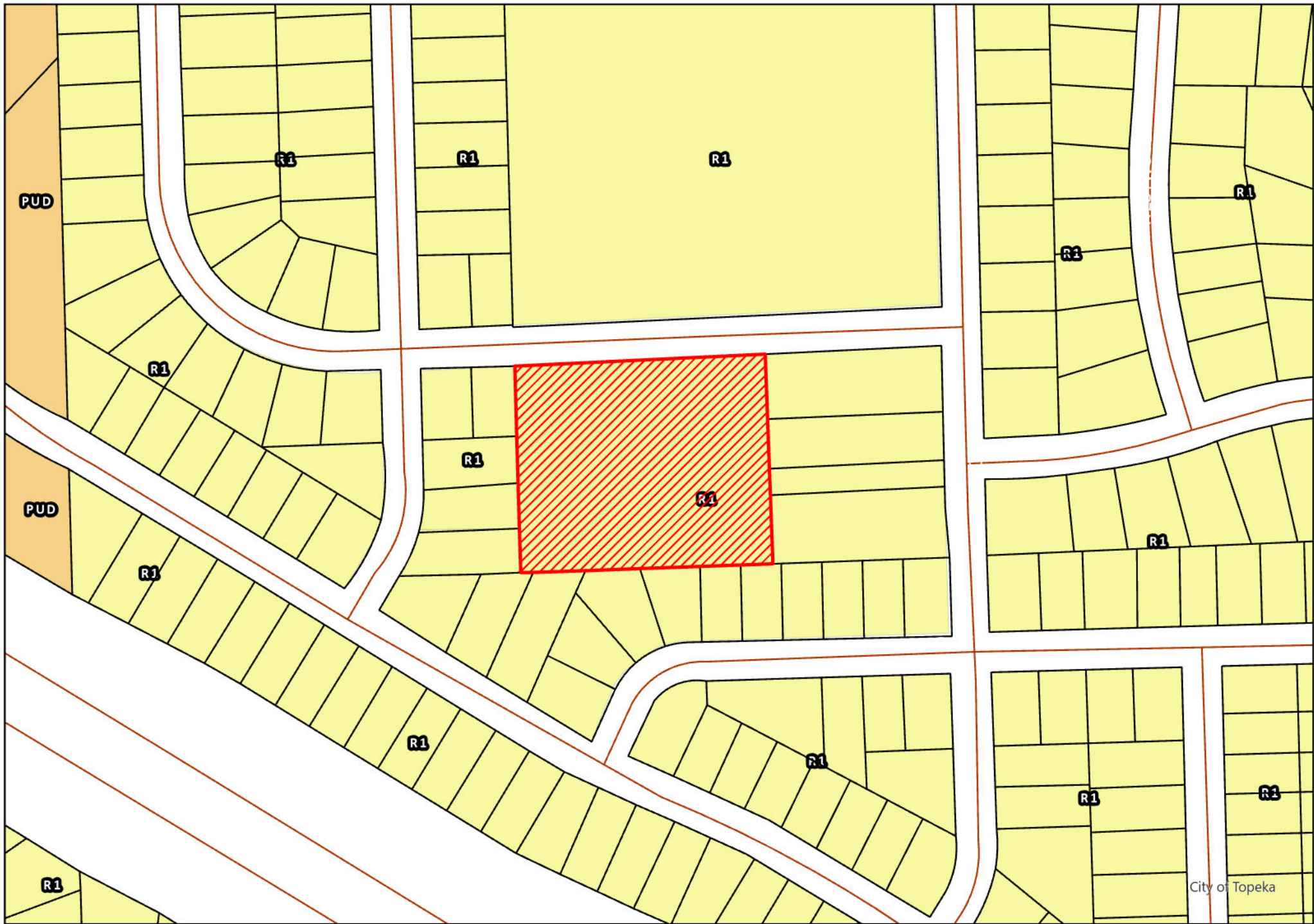
Neighborhood Information Meeting Attendance and Summary



PUD23/05 By: Fellowship Bible Church LLC (Topeka Prime Sports)

 Subject Property

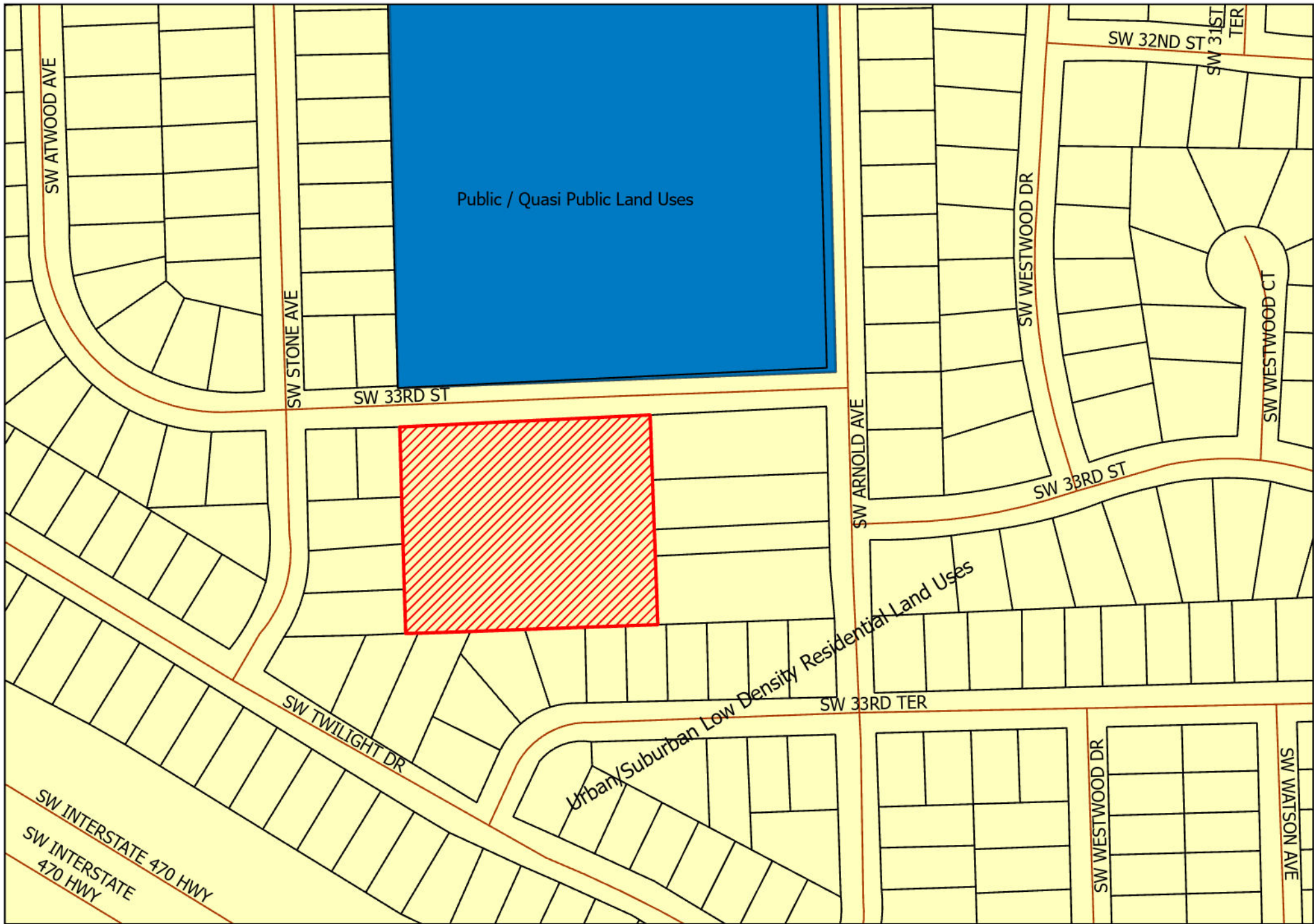





PUD23/05 By: Fellowship Bible Church LLC (Topeka Prime Sports)

 Subject Property





PUD23/05 By: Fellowship Bible Church LLC (Topeka Prime Sports)

 Subject Property



FUTURE LAND USE MAP

STATEMENT OF OPERATIONS

For Topeka Prime Sports, LLC
Planned Unit Development (PUD) Zoning for 3601 SW 33rd Street
Formerly Brookwood Covenant Church

August 8, 2023

Topeka Elite Cheer is proposing to convert the former Brookwood Covenant Church located at 3601 SW 33rd St into a gym for indoor sports and recreation instruction, specifically cheerleading classes with accompanying preschool music classes and offices.

Proposed Hours of Operation: Hours of regular operation will be Monday through Thursday 4:30 - 8:30pm and Sunday 12:00pm – 6:00pm. As Topeka Elite Cheer (TEC) gets established, they would look to add daytime preschool classes during the week.

Number of Anticipated Patrons: For the purpose of this Statement of Operations, “family” means 1 or more persons attending an activity coming from the same household. One “family” may include 1 or more persons engaged in an activity and brought to the facility by a parent or guardian. TEC currently has 167 families and offers 30 classes. With the additional space they would be able to add anywhere from 11-20 additional classes that would allow TEC to provide options for more families. Anywhere from 6-12 kids attend recreational classes and 12-30 kids attend per competitive team classes.

Frequency of classes: Most classes take place 1 to 2 times per week during the times listed above. TEC intends to hold 3-6 classes per night.

Events and Activities: TEC hopes to eventually add events that allow for them to provide more options for families without the commitment of weekly classes. Activities and events beyond regular classes may include open gyms or exhibition workshops the same or similar to indoor sports and recreation instruction.

Offices: TEC will have four offices in the building supporting their operations and staff.

Traffic: TEC typically has 50-60 families in for classes each night. Attendance will be limited to no more than 60 families per week night. Approximately 100 families may attend classes over the course of a Sunday. Overall Sunday attendance will never exceed 150 families.

Project Benefits: With TEC locating their gym here, the building will continue to be a vibrant location for family activities like what it provided as a church. Without this change in zoning the building will remain vacant and will begin to deteriorate if it does not attract another buyer. The longer it remains vacant, the more difficult it will be to find a high-quality occupant. TEC will bring families to the neighborhood and will become a stable cornerstone of the community.

PUD 23/05 Topeka Prime Sports
Summary of Information Meeting
August 10, 2023

Approximately 10 neighbors attended the Neighborhood Information Meeting held on August 2nd at 5:30 pm at the Brookwood Covenant Church.

The applicant and developer, Mark Burenheide, made a short presentation on other projects he and his wife had undertaken. Most of those projects have centered on Downtown. Mark outlined the general plan for the property to be converted from its use as a church into a gym for cheerleading instruction.

Taylor McKaig, Owner of Topeka Elite Cheer (TEC), provided information on how TEC intends to use the building. TEC proposed to use the facility primarily for cheer classes, and plans to provide additional music classes for children as young as 6 months.

Taylor provided information on TEC's programming and the families utilizing the gym. TEC offers 3-6 classes per night Monday through Thursday and on Sundays. Classes take place from 4 pm to 8 pm during the week and from 12 pm to 6 pm on Sundays. There are approximately 40-60 families attending the gym at one time. On Sundays, there may be as many as 100 families per day.

Currently, TEC is holding practices in a warehouse. They have been looking to move into a larger space where there is air conditioning and heat. Taylor emphasized that there are no gyms exclusively dedicated to cheerleading in the Topeka area, which has led the organization to grow considerably since it began offering classes. Several families drive into Topeka from surrounding cities for the cheer gym.

Questions from the neighbors related to the impact of a rezoning, increases in traffic, and potential partnerships within the community. The neighbors were concerned about what types of land uses a rezoning would permit. Mike Hall explained that conditions would be placed on the property that would limit its use to a cheer facility or other similar issues.

Some residents voiced that they would like to see the building serve the surrounding community and were curious about the cost of classes. Taylor responded that they intend to be active in the community by offering a variety of classes and opportunities for neighborhood children to become involved at the gym.