



CITY OF
TOPEKA

A G E N D A

TOPEKA PLANNING COMMISSION

MONDAY, APRIL 17, 2023
6:00 P.M.

620 SE MADISON
HOLLIDAY CONFERENCE ROOM, 1ST FLOOR
CYRUS K HOLLIDAY BUILDING
TOPEKA, KANSAS 66607

MEETINGS ARE LIVESTREAMED AT WWW.TOPEKASPEAKS.ORG

Persons addressing the Planning Commission will be limited to four minutes of public address on a particular agenda item. Debate, questions/answer dialogue or discussion between Planning Commission members will not be counted towards the four minute time limitation. The Commission by affirmative vote of at least five members may extend the limitation an additional two minutes. The time limitation does not apply to the applicant's initial presentation.

Items on this agenda will be forwarded to the City Council for final consideration.

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



ADA Notice: For special accommodations for this event, please contact the Planning Division at 785-368-3728 at least three working days in advance.

HEARING PROCEDURES

Welcome! Your attendance and participation in tonight's hearing is important and ensures a comprehensive scope of review. Each item appearing on the agenda will be considered by the City of Topeka Planning Commission in the following manner:

1. The Topeka Planning Staff will introduce each agenda item and present the staff report and recommendation. Commission members will then have an opportunity to ask questions of staff.
2. Chairperson will call for a presentation by the applicant followed by questions from the Commission.
3. Chairperson will then call for public comments. Each speaker must come to the podium and state his/her name. At the conclusion of each speaker's comments, the Commission will have the opportunity to ask questions.
4. The applicant will be given an opportunity to respond to the public comments.
5. Chairperson will close the public hearing at which time no further public comments will be received, unless Planning Commission members have specific questions about evidence already presented. Commission members will then discuss the proposal.
6. Chairperson will then call for a motion on the item, which may be cast in the affirmative or negative. Upon a second to the motion, the Chairperson will call for a role call vote. Commission members will vote yes, no or abstain.

Each item appearing on the agenda represents a potential change in the manner in which land may be used or developed. Significant to this process is public comment. Your cooperation and attention to the above noted hearing procedure will ensure an orderly meeting and afford an opportunity for all to participate. Please Be Respectful! Each person's testimony is important regardless of his or her position. **All questions and comments shall be directed to the Chairperson from the podium and not to the applicant, staff or audience.**

Members of the Topeka Planning Commission

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

Topeka Planning Staff

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



CITY OF TOPEKA

TOPEKA PLANNING COMMISSION

Agenda for Monday, April 17, 2023

A. Roll call

B. Approval of Minutes – March 20, 2023

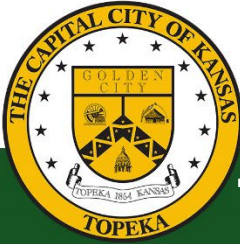
**C. Declaration of Conflict of Interest/Ex Parte Communications
by members of the commission or staff**

D. Action Items

- 1. Public Hearing of Z23/08 by Washburn Avenue KS, LLC**, requesting to amend the District Zoning Map on approximately .46 acre of property located at 1404 SW 17th St from "C-2" Commercial District to "X-1" Mixed Use District to allow for the expansion and reuse of the existing building. (Sharp)
- 2. Public Hearing of PUD23/03 Topeka Independent Living Resources Center PUD**, requesting to amend the District Zoning Map on approximately 4.97 acres at 1921 SE Indiana Avenue, from "R-1" Single Family Dwelling District to "PUD" Planned Unit Development with an "O&I-3" Office and Institutional District use group to allow use of the property by Topeka Independent Living Resource Center for their administrative offices and operations. (Trefren)
- 3. 911 Walnut Project Plan, Finding of Consistency with the Land Use and Growth Management Plan 2040** – In accordance with K.S.A. 12-1722, review the tax Increment finance district known as the South Topeka Tax Increment Financing District Project Plan | 911 Walnut, Inc. for consistency with the Land Use and Growth Management Plan 2040. (Friedman)

E. Communications to the Commission

F. Adjournment



CITY OF
TOPEKA

MINUTES

TOPEKA PLANNING COMMISSION

Monday, March 20, 2023

6:00PM

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

Members Absent: Jeff Preisner (1)

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

Roll Call –Chairman Corey Dehn called the meeting to order with 8 members present for a quorum.

Approval of Minutes from February 20, 2023

Motion by Mr. Fried to approve; second by Mr. Kaup. APPROVED 7-0-1 with Naeger abstaining.

Declaration of conflict of interest/ex parte communications – Mr. Dehn stated that he would be staining from Z23/04.

With no further declarations, Ms. Pearson took the gavel and Mr. Dehn left the room as the first case was called.

Public Hearing of Z23/04 by Cedar Crest Properties, LLC, requesting to amend the district map on approximately 2.5 acres of property located on the south side of SW 6th Street and the east side of SW Governor View Road, from “O&I-1” Office and Institutional to “O&I-2” Office and Institutional to allow for potential development of an office building and parking lot.

Wiley Sharp presented the staff report and staff’s recommendation of approval.

Travis Haizlip of Cook Flatt & Strobel came forward representing the applicant. Mr. Haizlip explained the proposed re-zoning is to allow for a larger building and more parking. The facility is intended to be used as a business headquarters for the Jones Advisory Group.

With no questions from Commissioners, Ms. Pearson declared the **public hearing open**. Nobody came forward to speak and Ms. Pearson declared the **public hearing closed**.

Motion by Mr. Kaup, **second** by Ms. Herron: recommend to the Governing Body APPROVAL of the request for rezoning from “O&I-1” Office and Institutional District to “O&I-2” Office and Institutional District. **APPROVED** (7-0-1 with Dehn abstaining)

Mr. Dehn returned to the room and called the next case.

Public Hearing of Z23/06 by Cornerstone of Topeka, Inc., requesting to amend the district map on approximately 0.8 acres of property located on the east side of SE Alkire Street, approximately 225 feet south of SE 5th Street, from “R-1” Single Family Dwelling District and “M-2” Multiple Family Dwelling District to “M-1” Two Family Dwelling District to allow for construction of a duplex.

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

Jerry Yoder came forward representing the applicant. He stated that the request to rezone is based on the desire of Cornerstone to build 2 duplexes on the lots.

With no questions from commissioners, Mr. Dehn declared the **public hearing open**.

Darrell Mooney came forward to speak against the proposal. He stated he was representing Julie Flores, the owner of 14 units (2 & 4-plexes) located south of the property in question. These units are for people who are disabled and/or 55 and older and there is access from both Woodland and Alkire.

Mr. Mooney asked that the commission table the decision and then ultimately vote no. The request is based on the fact that he doesn't believe the roads can take any more traffic and he doesn't believe that the density should be increased as they don't need any more people in that area (multiple families/multiple noise).

Mr. Kaup asked Mr. Mooney if he sees any development potential for the property in question. Mr. Mooney stated he thinks it should be single family residential; duplexes don't fit in there. He added that he also speaks on behalf of R&R Investments of 3346 Kirklawn. They too are asking that the request to re-zone be denied.

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

Mr. Kaup asked for confirmation of the number of duplexes/structures the applicant is proposing. Mr. Sharp confirmed they want to build 2 duplexes with 3 driveways; one of the driveways will accommodate two units. Ms. Pearson asked how many bedrooms the units will have. Mr. Yoder explained that the duplexes will be built one at a time; the first to be built will have a 2-bedroom unit and a 3-bedroom unit. When the second duplex is built it will be the same as the first.

Mr. Werner noted that one of the lots is already zoned M-2, so about 25% of the property is already zoned to allow for a duplex. Mr. Sharp confirmed and explained that the width of that lot is only 50', which would limit what the applicant could develop.

Mr. Kaup asked if the city traffic engineer has reviewed the project. Mr. Hall explained that a pre-application meeting was held and the city's traffic engineer participated. Once the project application was submitted, it was sent to the traffic engineer for review. No concern was voiced.

Motion by Mr. Fried, **second** by Mr. Naeger: recommend to the Governing Body APPROVAL of the request for rezoning from R-1 and M-2 Multiple-Family Dwelling District to M-1 Two-Family Dwelling District. **APPROVED** 8-0-0

Public Hearing of Z23/07 by Ross, Jesson S., requesting to amend the district map on approximately 3 acres of property located on property to the west and east of SE 21st Street just south of SE Cyprus Drive, from "RR-1" Residential Reserve District and "R-1" Single Family Dwelling District to "I-1" Light Industrial District to allow for expansion of the business located adjacent to said property.

Mike Hall presented the staff report and recommendation of approval. He noted that a portion of the property under consideration is just outside of the City limits; Council will be asked to consider annexation and then, subject to approval, the request to re-zone.

Mr. Naeger asked if the Planning Commission would consider the annexation request. Mr. Hall explained that by policy, only annexations of 10+ acres are presented to Planning Commission to determine consistency with the Land Use and Growth Management Plan.

Mr. Kaup asked if there are any "scraps of land" being cut off. Mr. Hall said no; this was right of way owned and managed by the Kansas Turnpike Authority prior to the applicant purchasing it from them.

Travis Haizlip of Cook, Flatt & Strobel came forward representing the applicant. He explained that this re-zoning will allow for business expansion and added that it is a good use of the property.

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

Frank Meade came forward to speak. He stated that he is the applicant's neighbor and supports the request.

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

Motion by Mr. Tobaben, **second** by Ms. Pearson: recommend to the Governing Body APPROVAL of the reclassification of the property from RR-1" Residential Reserve District and "R-1" Single Family Dwelling District " TO "I-1" Light Industrial District. **APPROVED** 8-0-0

Public Hearing of Z23/05 by Meier, Peter Paul and Helen M. Trust, requesting to amend the district map on approximately 29.9 acres of property located on the south side of US 24 Highway and approximately 622 feet west of Vail Avenue, from "R-1" Single Family Dwelling District to "I-1" Light Industrial District in order to provide for future light industrial development.

Mr. Dehn called the case and Mr. Hall presented the staff report and recommendation of approval.

Kevin Holland with Cook, Flatt & Strobel came forward representing the applicant. He explained that the request is purely speculative; there is no project planned for the property at this time.

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

Jackie Carker of 2121 NW Vale came forward. She stated that she owns 5 acres adjacent to and south of the property. She stated she is not opposed to the re-zoning but would like to voice her concern about the potential for future development of the property to have negative affects her property. Specifically, she is concerned that, since her property already tends to flood, development on the property to the north might add to this problem.

Mr. Hall confirmed for Commissioners that any development of the property in question would need to go through Site Plan Review and likely platting; these would require a stormwater management plan restricting runoff.

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

Of note: following Ms. Carker's testimony she was able to speak directly with the applicant, his representative, and Planning staff regarding her concerns.

There was discussion regarding required setbacks when there are residential properties adjacent to industrial zoned properties. Mr. Hall explained that the residential setback requirements are mirrored on the industrial zoned properties, thus doubling them. Mr. Kaup voiced concern that this might not be enough and asked staff to consider addressing this in future code amendments. It was also noted that buffering or screening would be a good alternative to a larger setback and Mr. Hall explained that screening requirements already exist in the zoning code.

Motion by Mr. Werner, **second** by Ms. Herron: recommend to the Governing Body APPROVAL of the reclassification of the property from "R-1" Single Family Dwelling District TO "I-1" Light Industrial District. **APPROVED** 8-0-0

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

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

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

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

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

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

Kevin Holland of Cook, Flatt & Strobel came forward representing the applicant. He indicated an understanding of the maximum of 30 units and noted that there is also a four-plex maximum. He anticipates a layout that provides a lot of greenspace, and he noted again that it is a cul de sac; there is no street tie in to the street(s) to the north. He also noted that the owner was present and available for questions.

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

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

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

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

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

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

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

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

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

Kenneth Bailey of 649 NW Walnut Lane came forward to speak against the request. He noted that he and his neighbors have patios facing the south and the new development would obstruct their living arrangements. Currently their view is a wooded area, farmhouse and barn, and single family homes. He doesn't want duplexes and 4-plexes built that would obstruct his view and he is concerned about a loss of wildlife.

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

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

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

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

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

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

Due to potential flooding, Ms. Downs is concerned about building homes in the proposed area, and

especially homes for older people. She believes there are safer places to build.

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

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

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

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

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

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

Mr. Kaup asked Mr. Murphy if he believes most people who would move into the property in question would be exiting their street to go north (out of town) or south (toward town) on Rochester Road. Mr. Murphy noted that if there is a wreck on Rochester then people normally going south would have to go north instead.

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

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

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

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

Mr. Sloyer stated that initially he had reached out to neighbors when he saw surveyors on Sproaton Lane. In December of 2022 he spoke with his councilmember regarding his concerns and she encouraged him to get information out to his neighbors as quickly as he could. His concerns include the idea that the proposed buildings will be multi-family housing "slammed up against" single family housing, which will

harm property values. He voiced concern about the project adding to already existing traffic problems on Rochester and Menninger Roads. He also stated that neighbors have needed to call the city to come out and cut down weeds, etc. on the property under consideration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Naeger stated that initially he had concerns about flooding. He asked questions about the state of the levee. Mr. Risley confirmed that it is in the North Topeka Drainage District area and of course overseen by the Corps of Engineers. Mr. Risley noted that the floodplain map that staff has provided is the most current and is from 2011.

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

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

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

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

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

Communications to the Commission

Mr. Warner stated that the 2023 American Planning Association National Conference will be available online. Staff will provide information to Commissioners by email.

With no further business appearing, the meeting adjourned at 8:16PM.

STAFF REPORT – ZONING CASE
TOPEKA PLANNING & DEVELOPMENT DEPARTMENT

PLANNING COMMISSION DATE: Monday, April 17, 2023

APPLICATION CASE: Z23/08 by: Washburn Ave KS LLC

REQUESTED ACTION: Zoning change from C-2 Commercial District **to** X-1 Mixed Use District

APPLICANT / PROPERTY OWNER: Lori Gast, Washburn Ave KS LLC / Joshua Bielinski, SBB Engineering

STAFF: William Sharp, Planner I

PROPERTY LOCATION / PARCEL ID: 1404 SW 17th St / PID: 1410101025010000
Lots 228, 230, 232, 234, 236, 238 of the Byron Place Subdivision

PARCEL SIZE: 0.46 acres

STAFF RECOMMENDATION: Based on the following findings and analysis, the Planning Division recommends **APPROVAL** of the request for rezoning from C-2 Commercial District to X-1 Mixed Use District.

RECOMMENDED MOTION: Based on the findings and analysis in the staff report I move to recommend to the Governing Body **APPROVAL** of the request for rezoning from C-2 Commercial District to X-1 Mixed Use District.

PHOTOS:



Front of building, Byron Place Subdivision, Lots 228, 230, 232, 234, 236, 238



Rear of building

PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY:	Rezone the lots to allow for the expansion and reuse of the existing building.
DEVELOPMENT / CASE HISTORY:	The property was originally a part of a residential neighborhood and was rezoned to "F" Neighborhood Shopping District after the 1966 Topeka Tornado. The "F" Neighborhood Shopping District zoning later converted to C-2 Commercial District as part of a comprehensive zoning code rewrite.
ZONING AND USE OF SURROUNDING PROPERTIES:	Surrounding properties are made up of commercial, multifamily, and single-family zoning districts. U-1 University District (Washburn University) located to the southwest. North – M-1 Two Family Dwelling District, M-2, and M-3 Multiple Family Dwelling District South – R-1 Single Family Dwelling District and C-2 Commercial District East – M-1 Two Family Dwelling District West – PUD with M-2 Multiple Family and C-2 Commercial

DEVELOPMENT STANDARDS AND POLICIES

PURPOSE, USE STANDARDS:

Existing C-2 Commercial District:

Provide for those commercial activities which serve a major segment of the total community population. In addition to a variety of retail goods and services, these centers may typically feature a number of large traffic generators that require access from major thoroughfares. The extent and range of activities permitted are in the moderate to medium intensity range with a ground floor area limitation and a prohibition on outside sales and storage of supplies, materials, products, and equipment.

Proposed X-1 Mixed Use District:

This district facilitates a compatible mixed use activity center within a traditional residential neighborhood and, to a limited extent, in areas envisioned for mixed use development by the comprehensive plan. The district includes a balance of compatible residential, office, civic, and neighborhood commercial retail/service uses of low to moderate intensity that complement and support dense neighborhood residential areas and pedestrian usage with quality urban design.

USE STANDARDS AND DIMENSIONAL STANDARDS:

The setbacks required for the X-1 Mixed Use District are determined by the existing context, including setbacks of adjacent buildings. The ranges for required building setbacks are 0-15 feet for the front, 0-25 feet for the rear, and 0-8 ft feet on the sides.

The maximum allowed building coverage is 75%.

Maximum allowed building height: 40 ft

OFF-STREET PARKING:

Off street parking requirements for retail businesses are 1 parking space per 200 square feet of floor area. Existing parking spaces are already on site.

LANDSCAPING:

In accordance with Topeka Municipal Code, Chapter 18.235 Landscape Requirements are not required based on the understood scope of the project.

SIGNAGE:

Signage will be permitted subject to Title 18 Division 2 Sign Code for X-1 Mixed Use District. Most signs require a sign permit through Development Services Division.

COMPREHENSIVE PLANS:

Land Use Growth Management Plan: The property sits within an area designated "Mixed Use" on the Future Land Use Map for the neighborhood plan.

SUBDIVISION PLAT:	Byron Place Subdivision
FLOOD HAZARDS, STREAM BUFFERS:	N/A
UTILITIES:	City water, sanitary sewer, and storm sewer are located along SW 17th and behind in the alley.
TRAFFIC:	No issues were identified by the Traffic Engineer regarding the rezoning. City standards will apply at time of development.
HISTORIC PROPERTIES:	Not applicable
NEIGHBORHOOD MEETING:	The applicant conducted a neighborhood information meeting remotely via Zoom on March 29, 2023 at 5:30 pm. The applicants and planning staff attended. Two guests were in attendance.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

PUBLIC WORKS/ENGINEERING:	Water and sanitary sewer connections will be reviewed at the time of Building Permit Application.
FIRE:	The Topeka Fire Department may have additional comments or requirements as the site development progresses.
DEVELOPMENT SERVICES:	Development Services will review construction plans when they are submitted as a part of the application for the building permit. New commercial development requires design and construction in accordance with International Building and Fire Codes.

KEY DATES

SUBMITTAL:	March 3, 2023
NEIGHBORHOOD INFORMATION MEETING:	March 29, 2023
LEGAL NOTICE PUBLICATION:	March 22, 2023
PROPERTY OWNER NOTICE:	March 24, 2023

STAFF ANALYSIS

As a zoning case, Planning staff have reviewed the case 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).

CHARACTER OF NEIGHBORHOOD: The intersection of SW 17th St and SW Lane St is a prominent crossroads in the City. The surrounding neighborhood contains a rich mix of residential and commercial land uses at a medium to high density relative to typical Topeka neighborhoods. To the east, there are the Central Park and Chesney Park neighborhoods divided by 17th St. Washburn University and the College Hill neighborhood are located to the west. The College Hill Redevelopment Subdivision, including College Hill Apartments, is located north of the subject property and consists of townhomes, apartments, and neighborhood commercial development. The subject property lies on the path of the 1966 Topeka Tornado. The rezonings of the property from 1966-1968 were directly related to the destruction of homes at this location caused by the tornado. The existing building was constructed in 1970 according to the Shawnee County Appraiser’s records.

THE ZONING AND USE OF PROPERTIES NEARBY: The proposed X-1 zoning and use of the building is compatible with surrounding zoning and land use. The property is surrounded by a variety of zoning districts. To the north there are M-1 Two-Family Dwelling District and M-2 Multiple-Family Dwelling District. The M-2 lot consists of a dwelling converted to apartments and the M-1 lot is currently a parking lot. To the east there is more residential zoning. M-1 Two-Family Dwelling Districts line 17th St heading east until SW Lincoln St. The lots contain single family residences and dwellings converted to apartments. South, across 17th St there is a C-2 Commercial District which the Shawnee County Appraiser designates as a strip-store center. Directly east of the commercial center sits more residential housing in the R-1 Single-Family Dwelling District. To the west, at the northwest corner of the intersection of 17th and Washburn Avenue, lies part of the College Hill Redevelopment Subdivision consists of apartments with ground-floor retail.

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: Since 1966, after the rezoning to “F” Neighborhood Shopping District, the property has remained as a commercial development. The location has had some amount of smaller stores and restaurants located in the existing building since that time.

CONFORMANCE TO COMPREHENSIVE PLAN: The proposed X-1 Mixed Use District zoning is consistent with the applicable neighborhood plan. The future land use of the subject property is projected as “Mixed Use” in the Central Park Neighborhood Plan. In the neighborhood plan it goes on to define Mixed Use as, “to provide flexibility for the intended use of the property and the area designated, which could include commercial, office and residential uses.” X-1 zoning will allow for the existing building to be adapted for reuse in a manner consistent with the neighborhood plan and with the surrounding context.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES OF WHICH IT HAS BEEN RESTRICTED: The purpose of this rezoning is to allow for smaller setbacks on a proposed addition to the building. The C-2 Commercial setbacks in Topeka Municipal Code 18.60.020 are 25 ft for the rear. The existing rear setback to the building right now is approximately 20 ft. The future tenant of the building requires more building area and so a building expansion is planned for the north, rear side of the building, which is not permitted under the setback restrictions of the current zoning. The X-1 Mixed Use dimensional requirements allow for rear setbacks of 0 feet. A minimal setback at the rear of the building is appropriate based on the context. The rear of the building faces an alley and a parking lot. The adjacent building to the west, which is on the same parcel, is located within a few feet of the alley.

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: There will be few if any detrimental effects upon adjacent properties by rezoning to X-1 Mixed Use District. This rezoning is only affecting the strip shopping center east of the former gas station. The property will continue to operate in a commercial nature for the foreseeable future if the zoning is granted. The building addition allowed by the X-1 zoning has no discernable effect on the property east of the building, and the land north of the alley and west of the

building is owned by the owner of the subject property. X-1 Mixed Use does allow for greater variability of land use. X-1 allows for a full range of residential uses as well from single-family dwellings to duplexes and townhouses. The use of this site for residential purposes is not expected in the future as this property still attracts commercial tenants and is built for commercial use.

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: Disapproval of the proposed zoning change would likely impose a hardship on the property owner. The future tenant, a discount retail store (Dollar Tree), does not want to occupy the building if the building addition is not permitted because, without the expansion, the building does not meet the minimum floor area required according to Dollar Tree Corporation's requirements. If this rezoning were not to happen the property might remain vacant for an indeterminate amount of time.

AVAILABILITY OF PUBLIC SERVICES: There are city water and sanitary sewer mains close by. The water utility runs along 17th St east to west and the sewer main is located behind the building in the alley.

STAFF RECOMMENDATION:

RECOMMENDATION: Based on the above findings and analysis Planning Staff recommends **APPROVAL** of the request for rezoning from C-2 Commercial District to X-1 Mixed Use District.

RECOMMENDED MOTION: Based on the findings and analysis in the staff report I move to recommend to the Governing Body **APPROVAL** of the request for rezoning from C-2 Commercial District to X-1 Mixed Use District.


Exhibits:

- Aerial map
- Zoning map
- Future land use map
- NIM Summary



Topeka Planning Division


Aerial Map

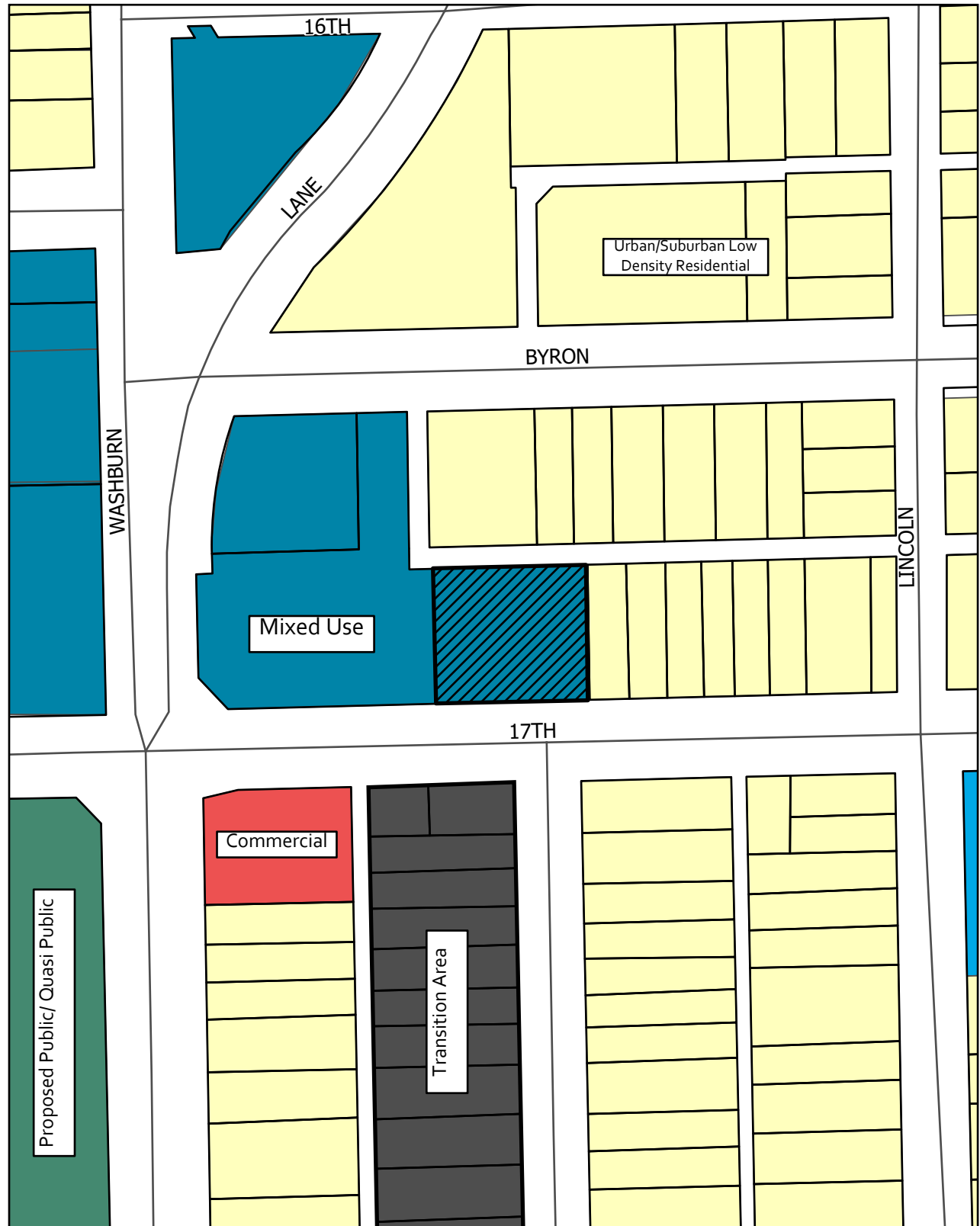
 Subject Property



Topeka Planning Division


Zoning Map

 Subject Property



Topeka Planning Division

Future Land Use Map

 Subject Property



William Sharp
Land Use Planner
Topeka Planning & Development Dept.
620 SE Madison
Topeka KS 66607

April 5, 2023

Re: Z23/08 Rezoning – a portion of 1404 SW 17th St, Topeka, KS 66604
Neighborhood Information Meeting (NIM) Minutes
NIM date: Wednesday, March 29th from 5:35 to 6:01 (Approx)

Mr. Sharp,

See below for a summary/compilation of the minutes for the 1404 SW 17th Street NIM.

Meeting started at approximately 5:35 pm with 11 participants.

Attendees:

Consultants/City of Topeka/Applicant

Joshua Bielinski, SBB Engineering

Joseph Mauk, SBB Engineering

Tom Gast, Owner's Representative and Project Manager, Principal with Gast Retail Group

Brenda Benter, Red Mountain Group's Senior Vice President of Leasing

Kien Tsoi, Regional Director of Leasing in the Midwest for Dollar Tree Stores

Mike Bryant, Real Estate Manager with Casey's General Stores

William J. Sharp – Land Use Planning with the City of Topeka

Dan Warner – Planning Division Director with the City of Topeka

Other Attendees:

Property Owners/Property Occupant

Jason Rogers

Sunny (Owner name Darren)

SBB Engineering, LLC

785.215.8630 | 785.215.8634 (F) | www.sbbeng.com | 101 South Kansas Avenue | Topeka, Kansas 66603

785.260.2805 | 3705 Clinton Parkway Ste. 202 | Lawrence, Kansas 66047

Owner (Participant name unknown)

Joshua Bielinski (SBB Engineering)

- Introduction.
- Why participants were invited.
- Zoom use and rules.
- How to comment and participate.

William Sharp

- Will talks about zoning in general and the C-2 to X-1 zoning change in this case.
- Why X-1 zoning was chosen and why it is a good fit in this situation.
- X-1 zoning allows for a reduced north setback for the Dollar Tree addition.
- Notes other ways for public to comment.

Joshua Bielinski (SBB Engineering)

- Brief intro on Dollar Tree site plan.
- Turns presentation over to other consultants to add more detail about the project.

Tom Gast, Owner's Representative and Project Manager, Principal with Gast Retail Group

- Brief intro for Red Mountain Group.
- Gives overview of the overall development project to include a new Casey's and other improvements on the overall site in the NEC of 17th and Washburn.
- Talks about traffic through the site.

Mike Bryant, Real Estate Manager with Casey's General Stores

- Brief intro to Caseys.
- Adds additional details about the development.

Kien Tsoi, Regional Director of Leasing in the Midwest for Dollar Tree Stores

- Kien talks about the Dollar Tree project and building addition.
- Adds additional details about the development.

Brenda Benter, Red Mountain Group's Senior Vice President of Leasing

- Brenda talks about the overall development and benefits of the redevelopment.
- Talks about how the Gross Leasable Area (GLA) will be lowered and how that reduces the amount of building area on the project site.

SBB Engineering, LLC

785.215.8630 | 785.215.8634 (F) | www.sbbeng.com | 101 South Kansas Avenue | Topeka, Kansas 66603
785.260.2805 | 3705 Clinton Parkway Ste. 202 | Lawrence, Kansas 66047

Tom Gast, Owner's Representative and Project Manager, Principal with Gast Retail Group

- Asks if there are any questions from attendees.

Sunny (Owner name Darren)

- Asks which buildings are being removed and which are not.
- Asks if the entire Dollar Tree building will be torn down.
- Asks if there are going to be any street or entrance improvements.
- States he likes the project and what is going to happen.

Tom Gast, Owner's Representative and Project Manager, Principal with Gast Retail Group

- Responds to Darren which portions of buildings will be staying and that the Dollar Tree will consist of the existing building and an addition on the north side of the existing building.
- Responds to Darren about traffic, traffic patterns through the site, and truck deliveries to the proposed Dollar Tree addition.

Dan Warner – Planning Division Director with the City of Topeka

- States the project is a good one and about prioritizing its development and permitting.

Tom Gast, Owner's Representative and Project Manager, Principal with Gast Retail Group

- States that the presentation/meeting is essentially over.

Joshua Bielinski (SBB Engineering)

- Closing remarks/meeting ends.

NIM meeting conclusion: General positive feedback from participants – no objections or concerns on the rezoning or intended use of the building noted.

Meeting Concluded at approximately 6:01 pm.

SBB Engineering, LLC

785.215.8630 | 785.215.8634 (F) | www.sbbeng.com | 101 South Kansas Avenue | Topeka, Kansas 66603
785.260.2805 | 3705 Clinton Parkway Ste. 202 | Lawrence, Kansas 66047

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

PLANNING COMMISSION DATE: Monday, April 17, 2023

**APPLICATION
INFORMATION**

**APPLICATION CASE
NUMBER/NAME:**

**PUD23/03 – Topeka Independent Living Resource Center – Louis Curtis
Campus by Topeka Area Accessible Housing Industries, Inc. (TILRC)**

**REQUESTED ACTION /
CURRENT ZONING:**

Rezoning from “R-1” Single Family Dwelling District to “PUD” Planned Unit Development with an “O&I-3” Office and Institutional District use group to accommodate the conversion of an existing structure and its associated facilities to allow for the operation of an independent living resources center.

Applications for PUD zoning typically include a master plan. As is allowed under TMC 18.190.050 (PUD procedures) the requirement for a master plan is waived in this case because the conditions and restrictions of the PUD can be adequately included in the ordinance reclassifying the property.

PROPERTY OWNER:

Topeka Area Accessible Housing Industries, LLC

APPLICANT REPRESENTATIVE:

Joshua Bielinski, SBB Engineering

CASE PLANNER:

Ian Trefren, Associate Planner

PROPERTY ADDRESS:

1921 SE Indiana Avenue – PID: 1330503027001000

PARCEL SIZE(S):

5 acres

PHOTOS:



Looking northeast from southwest corner of site (2012 photo)



Looking southwest from the northeast corner of the site (2012 photo)

RECOMMENDATION:

Staff recommends approval of the application to rezone the property from “R-1” Single Family Dwelling District to “PUD” Planned Unit Development with an R-1 use group and the operation of an independent living resources center subject to conditions described in the staff report.

The recommended zoning limits land use to what is permitted by R-1 zoning and the offices and operations for TILRC and is thus more restrictive than the request in the application.

RECOMMENDED MOTION:

Motion to approve rezoning of the property located at 1921 SE Indiana Avenue FROM “R-1” Single Family Dwelling District TO “PUD” Planned Unit Development with an “R-1” use group and operation of an independent living resources center subject to conditions as described in the staff’s report.

**PROJECT AND SITE
INFORMATION**

PROPOSED USE / SUMMARY:

Applicant proposes to convert a former elementary school, more recently used as a church, at 1921 SE Indiana Avenue to a center to provide social services, vocational training, and other amenities for people with disabilities and others in pursuit of independent living.

Rezoning as a PUD is necessary to restrict the permitted land uses to those that are compatible with the surrounding neighborhood. While some land uses within higher intensity zoning designations may be compatible with low density residential surroundings, others are not. Rezoning the property as a PUD provides for the option to restrict land uses such that the applicant can make use of compatible land uses while protecting the interest of surrounding land owners and residents from potentially incompatible land uses.

DEVELOPMENT / CASE HISTORY:

The property was annexed into the City of Topeka in 1957, and has been under low density single family residential zoning since the time of its annexation.

The principal structure on the property was constructed in 1955 as the Highland Park North Elementary School. Following the school’s closure, the site housed the Antioch Missionary Baptist Church and the Antioch Family Life Center – the social outreach and community support arm of the church until the church’s relocation. Since that point in time, the building and property have remained vacant.

ZONING AND CHARACTER OF SURROUNDING PROPERTIES:

North: “R-1” Single Family Dwelling District – Single-family neighborhood

East: “R-1” – Single Family Neighborhood

South: “O&I-3” Office and Institutional District – Washburn Tech East

West: “R-1” – Single Family Neighborhood

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 conditions will include a community garden, professional offices, food pantry, and vocational training of a low intensity.

The proposed uses are 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 into a potentially incompatible office or institutional land use.

PARKING AND ACCESS:

Off-street parking requirements are determined by land use and not the zoning classification. (TMC 19.240) The nature of the proposed land use is predominantly similar to professional offices with the exception of the uses more akin to a community center land use. Because of this blend of land uses, required parking is calculated as follows:

Office Space at 1 space per 400 sf:	42
Classroom Space at 2.5 spaces per classroom:	5
Gym (community center) at 1 space per 300 sf:	9
Total – parking required:	<u>56</u>

The applicant provided staff with an aerial photo exhibit showing existing and potential new parking spaces. Some of the existing spaces require re-striping. The following is a summary of what is shown in the exhibit:

Existing parking stalls: 39
New stalls: 41
Total parking stalls: 80

Americans with Disabilities Act (ADA) requires 1 of every 25 stalls to be designed to serve the disabled, and it is estimated 1 stall will be removed for every stall designated as an ADA stall, reducing the total stall count to 76.

- DESIGN STANDARDS:** N/A (No substantial exterior changes to the building are proposed.)
- LANDSCAPING:** Landscaping requirements apply for expansions of parking where abutting existing residential land use.
- 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. Any new outdoor light shall not exceed a level of 3 foot-candles at the property line.
- VARIANCES REQUESTED:** None requested.

OTHER FACTORS

- SUBDIVISION PLAT:** The subject property is not platted. A subdivision plat may be required prior to approval of a building permit depending on the scope of the project.
- UTILITIES:** Public sanitary sewer and water connections are readily available.
- FLOOD HAZARDS, STREAM BUFFERS:** None
- HISTORIC PROPERTIES:** None
- NEIGHBORHOOD PLAN:** Located in the Central Highland Park neighborhood and is subject to the 2010 Central Highland Park Neighborhood Plan. The neighborhood plan's Future Land Use Map designates the subject property as "Institutional."

Other Neighborhood Plan Goals and Policies

Land Use

Goal – *Protect single-family land uses, while accommodating commercial, office and multiple-family residential within established higher intensity areas.*

Guiding Principles

- Single-family residential land use, which is the majority land use within the neighborhood, should remain viable and be protected from encroachment of higher-intensity land uses particularly within the interior of the neighborhood.

NEIGHBORHOOD INFORMATION MEETING:

The applicant conducted a Neighborhood Information meeting via Zoom on March 28th, 2023. Owners of properties within a 500 feet of the property were invited to the meeting. Approximately 7 residents not associated with the development team or city staff were in attendance.

Topics discussed include the nature and impacts of the PUD designation, continued use of the field in the northern portion of the property for informal outdoor recreation by local children, maintenance of the private street in front of the principal structure, and retention of the landscaping along the western property line.

Those neighbors who spoke at the meeting voiced their support for the applicant’s mission and services. Attendees also expressed pleasure in hearing that the site would be receiving continued building and landscaping maintenance.

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:	February 28, 2023
LEGAL NOTICE PUBLICATION:	March 27, 2023
PROPERTY OWNER NOTICE MAILED:	March 24, 2023

STAFF ANALYSIS

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

CHARACTER OF THE NEIGHBORHOOD: The surrounding neighborhood is characterized by small to medium-sized detached single family homes (most built in the 1950s and 1960s) to the north, east, and west. The Washburn Institute of Technology satellite campus is located to the south, which is a higher intensity educational and vocational training facility. The limitations and requirements of the PUD zoning will help to prevent nuisances and maintain the residential character of the surrounding neighborhood.

ZONING AND USE OF NEARBY PROPERTIES: The properties to the north, east, and west are all zoned “R-1” Single Family Dwelling District while the adjacent property to the south is zoned “O&I-3” Office and Institutional District. The R-1 properties are all detached single family dwelling units while the O&I-3 property is the site of a vocational training and education institute. Zoning standards and conditions that will apply under the proposed zoning will help ensure compatibility of the proposed use with the existing neighborhood surrounding the site.

LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER THE PRESENT CLASSIFICATION: The subject property received its current zoning designation when it was annexed into the City in 1969. Initially the Highland Park North Elementary School, the site was redeveloped into the Antioch Missionary Baptist church until the church’s closure following the COVID-19 pandemic’s outbreak. Since that point in time, the site has remained vacant.

SUITABILITY OF USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED: Given that the property has been used exclusively for institutional or nonresidential land uses since its initial development, the current zoning restrictions are not ideal for the future development of the property. Redevelopment of the site for residential use under the current R-1 zoning is probably economically infeasible or difficult for other reasons. It is unlikely that another school or religious institution will utilize the building and site. The proposed use or a similar institutional use are more likely but require rezoning.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The proposed zoning is consistent with the comprehensive plan. The PUD zoning will allow the existing site and building to be adapted for an institutional use with restrictions and ensure compatibility with surrounding land use. The subject property is located in the Central Highland Park neighborhood and is subject to the 2010 Central Highland Park Neighborhood Plan. The neighborhood plan’s Future Land Use Map designates the subject property as “Institutional.” The proposed zoning is consistent with a goal and guiding principle of the neighborhood plan to protect existing single-family residential areas from encroachment of higher-intensity land uses particularly within the interior of the neighborhood.

THE EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: Development of the subject property as proposed is not expected to generate any substantial deleterious effects to the nearby properties. The proposed land use is of equal or lesser intensity to land uses that have existed before it, and moving from one light-to-moderate intensity nonresidential use to another is not likely to create additional negative effects. Adjacent property owners will be better off if the building can be occupied and maintained than if the building is not occupied and deteriorates due to lack of use.

THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE OWNER’S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER: The neighborhood will stand to gain from the services being provided by applicant

TILRC. Further, denial of the application would not provide any apparent gain to the public health, safety, and welfare while simultaneously denying the property owner their right to use their property in a manner that is similar to land uses previously occupying the site.

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 require compliance with the conditions detailed in the staff's report as well as "R-1" Single Family Dwelling District zoning, land use, and dimensional standards. The property is not currently platted. The decision of whether to require a subdivision plat will be made based on the scope of the project improvements and the provisions of the zoning and subdivision regulations.

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 permitted. In addition to R-1 uses, administrative offices and operations as described in the attachment entitled *Statement of Operations for the Lois Curtis Campus, Topeka Independent Living Resource Center (TILRC)*. Accessory uses not specifically identified in the Statement of Operations are permitted provided they are of a similar or lesser intensity.
2. Substantial changes to the operations as described in the Statement of Operations, or a substantial change to the site plan, may require an amendment to the this Planned Unit Development in accordance with the amendment procedures in TMC 18.190.070.
3. The use and dimensional standards applicable to R-1 zoning shall apply except as stated in these conditions.
4. A fruit and vegetable garden is permitted. The garden shall be of a size and character that is accessory to the principal use. The garden and any accessory structures and equipment shall be set back a minimum of 30 feet from all property lines. The primary use of the garden is by clients of TILRC.
5. Outdoor storage of materials or inoperable vehicles is not permitted.
6. Reuse and occupancy of the building requires compliance with City of Topeka Off-street Parking Requirements (TMC 18.240). 56 striped parking stalls will be required. A reduction of up to 10 percent may be approved if the owner or occupant can provide additional information to demonstrate that such a reduction complies with Off-street Parking Requirements.
7. Any expansion of the parking areas will require permits and application for permits must include a site plan. Fencing or landscaping will 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 with an "R-1" use group and operation of an independent living resources center subject to conditions as described in the staff's report.

ATTACHMENTS:

Statement of Operations

Aerial Map

Zoning Map

Future Land Use Map

Neighborhood Information Meeting Attendance and Summary

Statement of Operations for the Lois Curtis Campus

(Topeka Independent Living Resource Center)

1921 SE Indiana Avenue, Topeka, KS 66607

From Ami Hyten, Executive Director, Topeka Independent Living Resource Center

January 10, 2023

The building will provide a place for community members, in particular, Black and brown disabled members of the community, a chronically and historically underserved group of people, to access programs, services, and supports they need to live in the community. The building will host the operations and programs of the Topeka Independent Living Resource Center. As a federally-recognized not-for-profit, services and programs will be provided to qualified individuals at no cost to them.

Services and Programs include the following:

Independent Living Skills Training; one-on-one or small group training to learn skills needed to live in the community, such as cooking, budgeting, finding housing or employment, American Sign Language, how to using voting equipment, or using public transportation.

Assistive Technology Access Site; medical equipment is made available to disabled people through a statewide equipment re-use and exchange program; people can come into the facility to look at assistive technology devices ranging from phones for people who are hard of hearing to computers and peripherals for people with limited finger dexterity or who are Blind. Help in finding funding for needed technology purchases and training on how to use assistive equipment and technology is also provided.

George Wolfe Youth Intern Program; 10-16 young people aged 14 – 19 participate in a paid internship each summer and other times through the year as is possible; the interns develop job skills, perform community services specifically designed to promote accessibility for disabled people in all areas of community life.

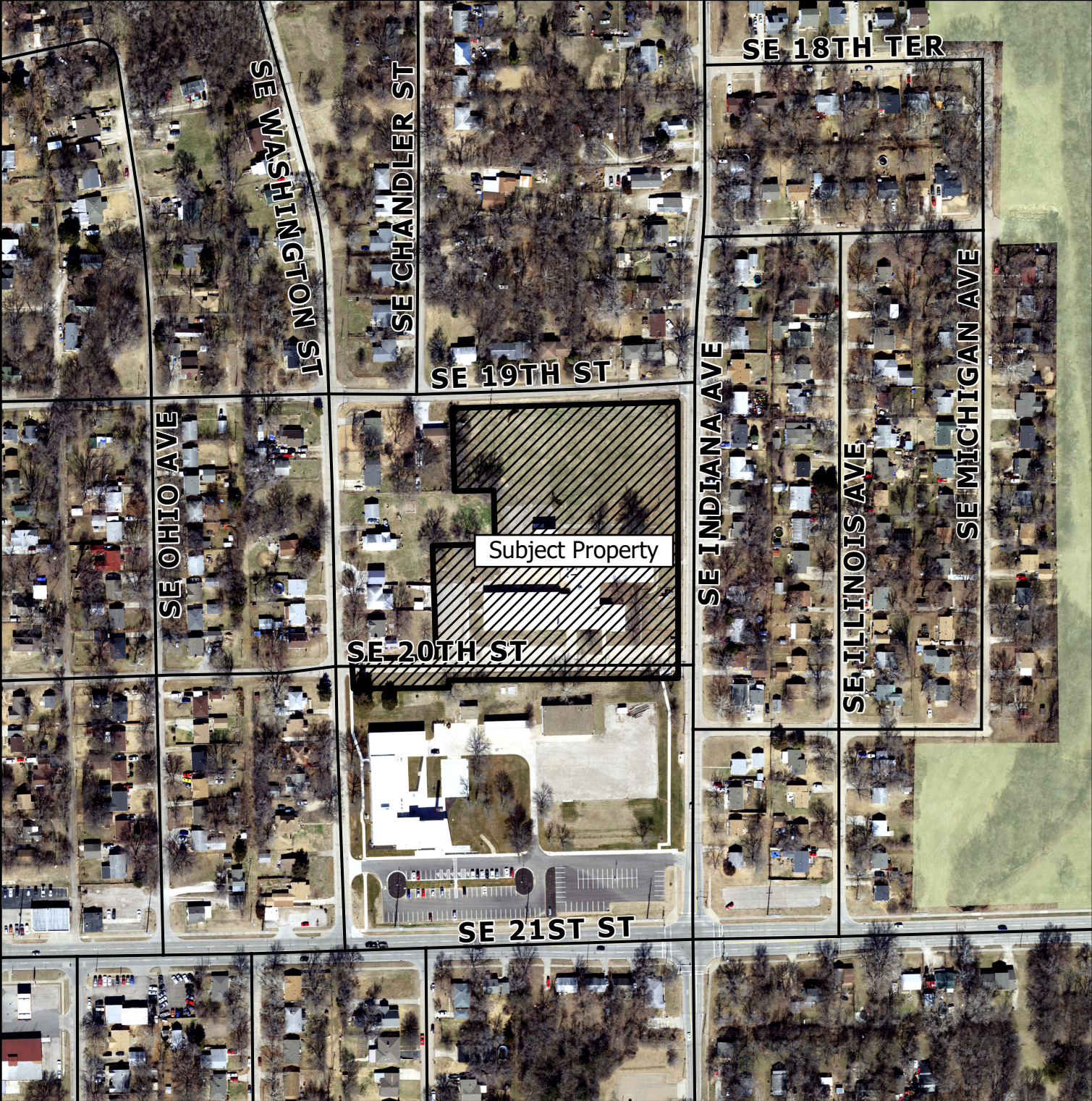
Financial Independence Technical Assistance Center; specifically equipped space in the style of employment “incubators” will be available for people exploring self-employment to learn more about the process, and to develop skills or products to promote financial independence.

Advocacy Assistance; individuals needing help working through systems receive direct assistance from trained advocates or an attorney to address barriers that violate their rights or threaten benefits or entitlements.

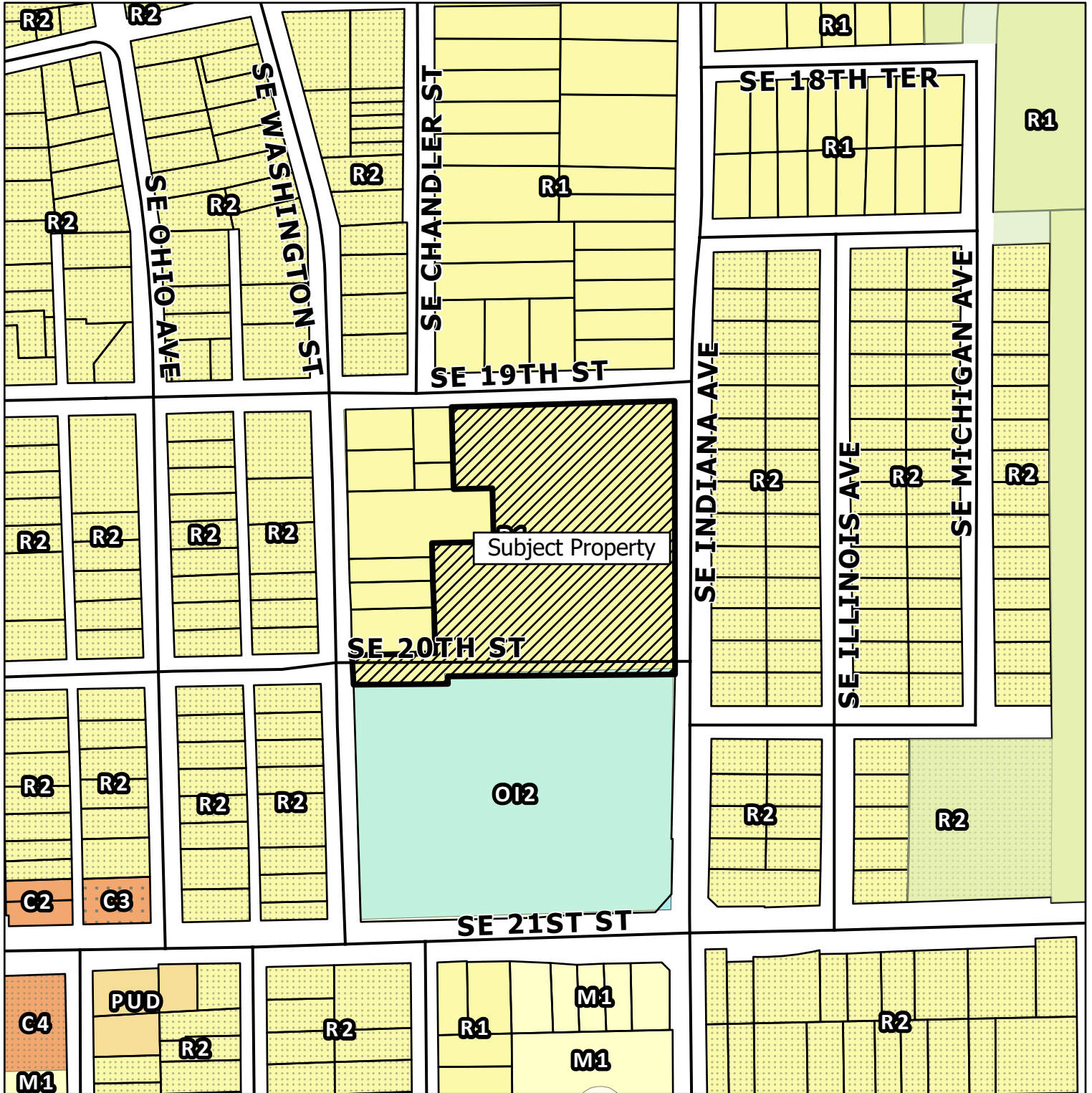
Resources and Direct Assistance; the agency will offer a hygiene and food pantry in collaboration with Harvesters and other donating organizations. Greenspace at the location will be used to develop accessible community gardens so people can be involved in growing, harvesting, and using produce from the space.

Family Support Center; support through peer-to-peer relationships, development of specialized educational interventions, and making resources available to help stabilize families such as direct assistance will help families with one or more disabled member to remain together as a unit, and support the well-being of the entire family.

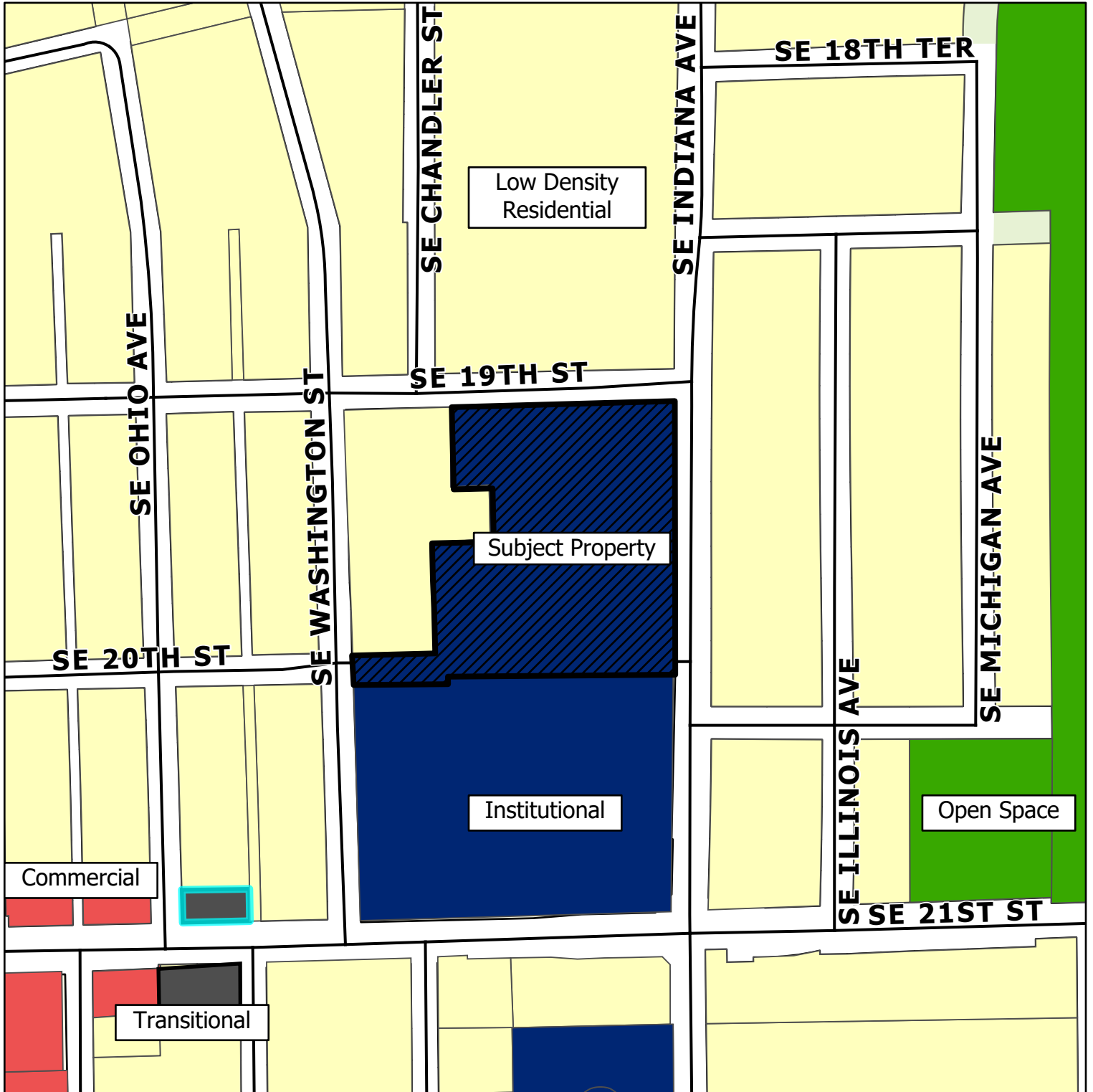
PUD23/03 - Topeka Independent Living Resource Center - Aerial Map



PUD23/03 - Topeka Independent Living Resource Center - Zoning Map



PUD23/03 - Topeka Independent Living Resource Center - Future Land Use





Ian Trefren
Associate Planner
Topeka Planning & Development Dept.
620 SE Madison
Topeka KS 66607

April 5, 2023

Re: PUD23/03 Topeka Independent Living Resource Center – Louis Curtis Campus
Neighborhood Information Meeting (NIM) Minutes
NIM date: Tuesday, March 28th from 5:30 to 6:20 (Approx)

Mr. Trefren,

See below for a summary/compilation of the minutes for the TILRC PUD NIM.

Meeting started at approximately 5:35 pm with 14 total participants.

Attendees:

Consultants/City of Topeka/Applicant

Joshua Bielinski – SBB Engineering
Joseph Mauk – SBB Engineering
Ryman Kinney – Schwerdt Design Group (SDG)
Ian Trefren – City of Topeka - Associate Planner
Mike Hall – City of Topeka – Land Use Planning Manager
Ami Hyten – TILRC (Applicant)
Reyma McCoy Hyten – Presentation Contributor
Jolene (ASL Interpreter)

Other Attendees:

Property Owners/Property Occupant

Veronica Castorena/84204033526
Jessica (3)
Carol Brown

SBB Engineering, LLC

785.215.8630 | 785.215.8634 (F) | www.sbbeng.com | 101 South Kansas Avenue | Topeka, Kansas 66603
785.260.2805 | 3705 Clinton Parkway Ste. 202 | Lawrence, Kansas 66047

Debbie
iPhone
Corrie Wright

Joshua Bielinski (SBB Engineering)

- Introduction.
- Zoom use and rules.

Carol Brown

- Brought up issue with NIM notice and the use of Zoom platform and download.
- Joshua Bielinski and Ian Trefren respond and seek to resolve the issue in the future.

Joshua Bielinski (SBB Engineering)

- Introduction of people.
- Description of zoning and process.

Ian Trefren (COT)

- Brief description on Zoning and PUD process.

Ami Hyten (Applicant)

- Thanks Carol for questions and interest.
- Introduction to TILRC.
- Description of project, Current TILRC Location, Vision, TILRC Mission.
- Answers question on use of the field on the north portion of the property and whether it will be open for local residents to use.

Reyma McCoy Hyten

- Continuation of Ami Hyten description and work of TILRC.
- Description of building use.

Question from Mike Hall (COT) on Ownership

- Ami Hyten responds to how the ownership structure works with TILRC.

Carol Brown asks a question about zoning and future zoning changes.

- Ian responds to Carol on Zoning questions.
- Ami contributes to zoning question response.

SBB Engineering, LLC

785.215.8630 | 785.215.8634 (F) | www.sbbeng.com | 101 South Kansas Avenue | Topeka, Kansas 66603
785.260.2805 | 3705 Clinton Parkway Ste. 202 | Lawrence, Kansas 66047

Corrie Wright responds positively to Ami's description of the project and TILRC encourages Ami to keep the north field open for public use.

- Ami responds to Corrie that the field will remain available for local residents to use.

Ian posts time and date of the Planning Commission meeting in the chat.

Corrie Wright states that she is excited that TILRC is taking over the site/building.

Chat notification (unknown author) with suggestion on walking trail connections.

- Ami responds to the question and discusses walking trail connections.

Carol Brown asks question about fixing sidewalks, the street being public or private, potholes.

- Ami responds on sidewalks, street, and potholes.

Ami Hyten speaks about scheduling in-person neighborhood meetings to garner thoughts/opinions.

Carol Brown states that she wished there was more information in the NIM meeting notice but approves of TILRC mission and work.

Joshua Bielinski asks Ami about a projected timeline for TILRC to potentially move into the building.

- Ami responds with general timeframe with reference to the fact that the zoning has to be completed first.

Corrie Wright states that she would like trees to remain.

- Brief discussion on trees, trimming, tree location, etc.

Mike Hall thanks the applicant team and explains additional zoning process information and NIM notice information.

Joshua Bielinski reiterates that information is available to whomever wants it and encourages follow-up questions.

NIM meeting conclusion: General positive feedback from participants – no objections or concerns on the rezoning or intended use of the building noted.

Meeting Concluded at approximately 6:30 pm.

SBB Engineering, LLC

785.215.8630 | 785.215.8634 (F) | www.sbbeng.com | 101 South Kansas Avenue | Topeka, Kansas 66603
785.260.2805 | 3705 Clinton Parkway Ste. 202 | Lawrence, Kansas 66047



CITY OF TOPEKA

Planning & Development Department
Holliday Building, 620 SE Madison St., Unit 11
Topeka, KS 66607

Rhiannon Friedman, Interim Director
Tel: 785-368-3728
www.topeka.org

MEMORANDUM

To: Topeka Planning Commission
From: Rhiannon Friedman, Interim Planning & Development Director
Date: Wednesday, April 17th 2023
RE: Planning Commission Resolution 1-2023 – Finding of Consistency with Land Use and Growth Management Plan 2040 – South Topeka Tax Increment Financing District Project Plan | 911 Walnut, Inc.

Introduction

A formal review has been initiated by the City to consider a proposed commercial redevelopment project known as the South Topeka Tax Increment Financing District Project Plan | 911 Walnut, Inc. (Project Plan) at the southwest corner of 32nd St. and Topeka Boulevard.

Part of the approval process for a Project Plan requires the Planning Commission to determine whether the proposed Project Plan “is consistent with the intent of the comprehensive plan”. A resolution has been prepared for consideration by the Planning Commission (attached).

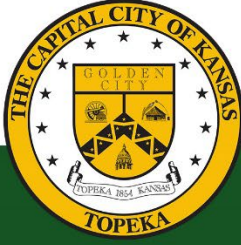
Background

On October 11, 2022, the Topeka Governing Body held a public hearing and approved the establishment of the South Topeka Redevelopment District. The next step in the process will be for the Governing Body to consider a Project Plan for the District. Before the Governing Body can consider the Project Plan, the Planning Commission must review the Project Plan and determine whether the Project Plan is consistent with the Land Use and Growth Management Plan (LUGMP).

The Project Plan consists of the construction of two new pad restaurants and a strip retail center, collectively comprising approximately 20,000 sf of newly constructed commercial space.

Planning Commission Finding Policies of the LUGMP related to fiscally responsible growth, commercial land use, Tier 1 development/redevelopment, and fiscal incentives that support the Project Plan include:

- Section II – Executive Summary
 - c. Pillars for a Prosperous Community
 - Invest in Place/Add Value Where We Are



CITY OF TOPEKA

Planning & Development Department
Holliday Building, 620 SE Madison St., Unit 11
Topeka, KS 66607

Rhiannon Friedman, Interim Director
Tel: 785-368-3728
www.topeka.org

Fiscally responsible growth happens where Topeka has already invested. Grow value in Topeka's existing neighborhoods with strategic investments and incentives.

- Return on Investment
Topeka's infrastructure and service investments are down payments for the future. It is imperative to develop those areas with investments at a level that seeks the greatest return on those initial investments.
- Section IV – Growth Management
 - i(1) Service Tier 1
 - Encourage infill and redevelopment within Topeka to take advantage of existing urban infrastructure and services and that promote a range of uses to fit within the overall character of the area.
 - To help spur infill and redevelopment city-wide, consider crafting new incentives. Be creative, but ensure any fiscal incentives will return the City's investment. Examples of fiscal incentives include:
 - d. Tax Increment Financing (TIF) and Community Improvement Districts (CID).
- Section V – Land Use
 - b(iii) Future Land Use
 - The future land use map designates the intersection of Southwest corner of 32nd St. and Topeka Blvd. as Commercial. This designation supports the proposed project.

Recommendation

In accordance with K.S.A 12-1772, the Planning Commission must determine whether the proposed Project Plan "is consistent with the intent of the comprehensive plan".

Staff's opinion is that the Project Plan is consistent with the LUGMP, and recommends that the Planning Commission move the approval of the attached Resolution (1-2023), finding that the Project Plan is consistent with the Land Use and Growth Management Plan 2040.

Attachments:

- Planning Commission Resolution (1-2023)

**Planning Commission
City of Topeka, Kansas**

Resolution No. 1-2023

RESOLUTION OF THE TOPEKA PLANNING COMMISSION FINDING THAT THE PROPOSED SOUTH TOPEKA TAX INCREMENT FINANCING DISTRICT PROJECT PLAN | 911 WALNUT, INC. IS CONSISTENT WITH THE LAND USE AND GROWTH MANAGEMENT PLAN 2040.

WHEREAS, the Topeka Governing Body has established the South Topeka Redevelopment District (“District”) generally located along South Topeka Blvd., south of SW 32nd Street in the City; and

WHEREAS, a developer for the District has submitted the South Topeka Tax Increment Financing District Project Plan | 911 Walnut, Inc. (“Project Plan”) for consideration by the Topeka Planning Commission in accordance with K.S.A. 12-1772 which, among other things, requires a finding by the Commission that the Project Plan “is consistent with the intent of the comprehensive plan for the development of the city;” and

WHEREAS, the “comprehensive plan for the development of the city” is the Land Use and Growth Management Plan 2040; and

WHEREAS, the property is zoned “C-4 Commercial District and PUD Planned Unit Development District with C-4 uses. The proposed commercial uses are consistent with the zoning of the property.

NOW, THEREFORE, BE IT RESOLVED by the Commission that, in accordance with K.S.A. 12-1772, the Commission finds that the Project Plan is consistent with the Land Use and Growth Management Plan 2040.

Adopted this 17th day of April, 2023.

Chair

ATTEST:

**TAX INCREMENT FINANCING
REDEVELOPMENT PROJECT PLAN
(SOUTH TOPEKA REDEVELOPMENT DISTRICT)**

The Tax Increment Financing Act, K.S.A. 12-1770, et seq., as amended (the “**TIF Act**”), requires that any Redevelopment Project Plan within the City of Topeka, Kansas (the “**City**”) be created in consultation with the City. As part of that consultation, the Planning Commission is required by the TIF Act to determine whether the development components of the Redevelopment Project Plan (“**Project Plan**”) are consistent with the intent of the City’s Comprehensive Plan.

**SUBMITTED PURSUANT TO
KS.A. 12-1770 *et seq.*, as amended
SUBMITTED BY
911 WALNUT, INC.**

Submitted: April 6, 2023

TABLE OF CONTENTS

I. INTRODUCTION1

II. THE PROJECT PLAN1

 A) Description of the TIF District and Project Area.....1

 B) Established TIF District1

 C) Redevelopment Project2

 D) Summary of Feasibility Study2

 E) Relocation Plan3

Exhibit A – TIF District Legal Description

Exhibit A-1 – TIF District and Project Area Boundary Map

I. INTRODUCTION

Pursuant to the Kansas Tax Increment Financing Act, K.S.A. 12-1770 et seq., as amended (the “**TIF Act**”), Kansas municipalities are authorized to establish redevelopment districts and redevelopment project plans for property within their jurisdiction. Redevelopment districts may be created based upon certain findings by the municipality, including, that property within a proposed district meets the requirements of a “enterprise zone” as defined by the TIF Act.

On October 11, 2022, the Topeka, Kansas (the “**City**”), after conducting a duly noticed public hearing, found that an enterprise zone exists on the property generally located at the intersection of SW Topeka Boulevard and SW 37th Street within the City. Based in part upon said finding, the City adopted Ordinance No. 20378, creating the South Topeka Redevelopment District encompassing the subject property (the “**TIF District**”) and approving a plan for redevelopment of the TIF District established under K.S.A. 12-1771 and amendments thereto (the “**District Plan**”) as further described herein).

This redevelopment project plan (the “**Project Plan**”) for a redevelopment project area (“**Project Area**”) within the TIF District, the general boundaries of which are depicted on **Exhibit A-1** attached hereto, is presented to the City for its consideration and approval, with the maximum twenty (20) year term of the Project Plan to commence upon the effective date as specified in the resolution or ordinance adopting this Project Plan.

II. THE PROJECT PLAN

A. Description of the TIF District and Project Area

The property comprising the TIF District consists of approximately 5.05 acres generally located at the southwest quarter of 32nd Terrace and SW Topeka Boulevard within the City. A legal description and boundary map of the TIF District are attached hereto as **Exhibits A** and **A-1**, respectively. The general boundaries of the Project Area are depicted on **Exhibit A-1**.

B. Established TIF District

The Property is within an established TIF District approved by the City on October 11, 2022, pursuant to Ordinance No. 20378. The approved District Plan contained within the Ordinance provides for certain redevelopment projects within the TIF District. This Project Plan proposes the use of tax increment financing revenues generated by the Project Area to pay for or reimburse the costs of the redevelopment project described below (the “**Redevelopment Project**”).

C. Redevelopment Project

Consistent with the District Plan, the Project Plan for the Redevelopment Project is anticipated to include:

- Approximately three (3) commercial buildings totaling approximately 20,000 sf;

- Construction/installation of associated amenities and infrastructure including surface parking, landscaping, lighting, utilities, storm water improvements, sidewalks/walkways, streets/drives and other infrastructure improvements; and
- Land acquisition and design, legal, brokerage, and other fees and soft costs.

These proposed uses are consistent with the District Plan, as approved by the City.

Implementation of the Project Plan is proposed through a combination of public and private financing as described herein. In addition to private equity and financing and other public financing sources, 911 Walnut, Inc., a Missouri corporation, or its affiliates, assigns or successors (the “**Developer**”) anticipates that the required public financing will include Tax Increment Financing (“**TIF**”). The Developer is requesting reimbursement with TIF revenue as provided in the TIF Act (“**TIF Revenue**”) on a pay-as-you-go basis for certain eligible costs associated with the Redevelopment Project.

D. Summary of Feasibility Study

Columbia Capital Management, LLC, financial advisor to the City, prepared a financial analysis of the Redevelopment Project as required under K.S.A. 12-1772(a)(1) (the “**Feasibility Study**”). A summary of the Feasibility Study is provided below:

The Developer submitted its proposal for the Redevelopment Project to the City for consideration of potential TIF incentives. The Project Area is part of the TIF District. The Redevelopment Project would result in the redevelopment of approximately 5.05 acres at the southwest corner of 32nd St. and Topeka Boulevard to permit construction of approximately three (3) commercial buildings, collectively comprising approximately 20,000 sf of newly constructed commercial space (the “**Project**”). The Developer is in good standing as of March 28, 2023, according to the records of the Missouri Secretary of State.

According to the Project Plan, the Project will result in the demolition of existing structures and construction of approximately (3) commercial buildings, which are anticipated to consist of the following:

Restaurants

The Developer intends to prepare two (2) pad sites along the west side of Topeka Blvd. for the construction by third-parties of two approximately 5,000 sf fast food restaurants.

Retail

The Developer intends to construct a retail strip behind the restaurant pads that is expected to be a multi-tenant retail use.

Related Costs

Developer’s related costs include property acquisition, site preparation (including demolition of existing structures), the construction of infrastructure, landscaping, building improvements, signage, and streetscape improvements.

The total development cost reflected in the Plan is as follows, including costs incurred by third-parties:

USE	TOTAL BUDGET	TIF ELIGIBLE	CID ELIGIBLE
Acquisition & Site Preparation			
Land Acquisition	\$ 250,000	\$ 150,000	\$ 100,000
Site Work Improvements	1,396,815	1,396,815	0
Vertical Construction			
Vertical Building Construction	8,500,000	0	1,371,860
Soft Costs			
Site Permit/Fees	989,682	28,588	50,000
Design/Construction Mgt	989,682	28,588	50,000
Other			
Owner Directed Contingency	296,500	0	0
Furniture, Fixtures & Equipment	1,979,363	0	0
Other	691,849	28,588	0
TOTALS	\$ 15,093,891	\$ 1,632,579	\$ 1,571,860

The Developer's financial modeling relies on an assumption of a capital stack comprised of both debt and equity, plus funds from third parties, applied against total development costs:

SOURCES OF FUNDS	Developer	Others	TOTAL
Debt	\$ 3,408,251	n/a	\$ 3,408,251
Equity	\$ 2,272,167	\$ 9,413,473	\$ 11,685,640
TOTAL SOURCES	\$ 5,680,418	\$ 9,413,473	\$ 15,093,891

Developer expects to sell the pad sites early in the development, reducing its net investment from approximately \$5.7 million to approximately \$3.0 million.

Based upon our review of the information provided by the Developer in the Plan, as supplemented with more detailed information provided to City staff and to us, we find the following:

- the total development costs of the Project are \$15,093,891
- this total development cost will be initially paid through a combination of debt (approximately \$3,408,251) and Developer equity (approximately \$2,272,167), with the balance (approximately \$9,413,473) paid by third-parties
- the future value incentives available to the Developer under the Plan are projected at approximately \$4,200,000. The incentives will be generated over time as TIF and CID

receipts are generated and Developer intends to share a portion of the CID benefit with the eventual owners of the two restaurant pad sites

- the Developer's projected net operating income from the Project at stabilization plus its projected incentives grant in such year exceed its expected costs of servicing the debt in that year and each subsequent year

As such, the Plan's benefits and TIF revenue and other available revenues under subsection (a)(1) of K.S.A. 12-1774, and amendments thereto, are expected to exceed or be sufficient to pay for the Redevelopment Project costs. The Redevelopment Project will have no effect on any outstanding special obligation bonds payable from the revenues described in K.S.A. 12-1774(a)(1)(D), and amendments thereto.

III. RELOCATION PLAN

In the event the City acquires any real property within the Project Area in carrying out the provisions of the TIF Act, and that, as a result, any persons, families and businesses move from real property located in the Project Area or move personal property from real property located in the Project Area, the Developer shall make a \$500 payment to such persons, families and businesses. No persons or families residing in the TIF District shall be displaced unless and until there is a suitable housing unit available and ready for occupancy by such displaced person or family at rents within their ability to pay. Such housing units shall be suitable to the needs of such displaced persons or families and must be decent, safe, sanitary and otherwise standard dwelling. Developer shall provide for payment of any damages sustained by a retailer, as defined in K.S.A. 79-3702, by reason of liquidation of inventories necessitated by relocation from the redevelopment district. Pursuant to the requirements above, it is not anticipated that any relocation assistance will be required as a result of the Redevelopment Project.

EXHIBIT A
TIF DISTRICT
LEGAL DESCRIPTION

U

Part of Lot 1, Nellie M. Mays Subdivision, located in the Northeast Quarter of Section 13, Township 12 South, Range 15 East of the 6th P.M., City of Topeka, Shawnee County, written by Michael A. Adams, P.S. 1126 on this 8th day of June, 2022, described as follows:

Lot 1

Beginning at the Southwest corner of said Lot 1, thence North 00 degrees 29 minutes 37 seconds East a distance of 413.46 feet to a point of curvature; thence on a curve to the left, having a radius of 360.00 feet, a chord which bears North 14 degrees 47 minutes 16 seconds West a distance of 189.77 feet, an arc distance of 192.04 feet to the Southwest corner of a property described in City of Topeka Ordinance No. 15830, Book 2445, Page 071, filed at the Office of the Shawnee County Clerk; thence on the South line of said property described in Book 2445, Page 071 for the following three courses: South 89 degrees 58 minutes 34 seconds East a distance of 41.92 feet; thence North 42 degrees 30 minutes 24 seconds East a distance of 36.17 feet; thence South 89 degrees 58 minutes 34 seconds East a distance of 340.00 feet to the West line of Lot 3, Arlan's Subdivision in the City of Topeka; thence South 00 degrees 34 minutes 47 seconds West a distance of 158.76 feet to the Southwest corner of said Lot 3; thence North 90 degrees 00 minutes 00 seconds East a distance of 127.32 feet to the Southeast corner of said Lot 3; thence South 00 degrees 32 minutes 51 seconds West a distance of 30.00 feet; thence North 90 degrees 00 minutes 00 seconds East a distance of 29.71 feet; thence South 00 degrees 28 minutes 11 seconds West a distance of 209.22 feet to the North line of Lot 1, Block 'A', Perkins Subdivision in the City of Topeka; thence South 89 degrees 58 minutes 44 seconds West a distance of 126.50 feet to the Northwest corner of said Lot 1; thence South 00 degrees 27 minutes 50 seconds West a distance of 225.17 feet to the Southwest corner of said Lot 1; thence South 89 degrees 57 minutes 42 seconds West a distance of 386.59 feet to the point of beginning. This tract contains 6.16 acres of land more or less. Said tract to be recorded as Lot 1, Block A, Nellie M. Mays Subdivision No. 2, City of Topeka, Shawnee County, Kansas.

U

Part of Lot 1, Nellie M. Mays Subdivision, a Replat, located in the Northeast Quarter of Section 13, Township 12 South, Range 15 East of the 6th P.M., City of Topeka, Shawnee County, Kansas, written by Travis L. Haizlip, P.S. 1724 on this 31st day of October, 2022, described as follows:

Lot 2

Beginning on the Northeast corner of Lot 1, Nellie M. Mays Subdivision, a Replat; thence South 00 degrees 28 minutes 11 seconds West on the East line of said Lot 1 a distance of 209.06 feet to the Northeast corner of Lot 1, Block 'A', Perkins Subdivision, thence South 89 degrees 58 minutes 44 seconds West on the North line of Lot 1, Perkins Subdivision a distance of 438.52 feet; thence North 00 degrees 28 minutes 11 seconds East a distance of 209.22 feet to the North line of Lot 1, Nellie M. Mays Subdivision, a Replat; thence North 90 degrees 00 minutes 00 seconds East on said North line a distance of 438.52 feet to the point of beginning. This tract contains 2.11 acres of land more or less. Said tract to be platted as Lot 2, Block A, Nellie M. Mays Subdivision No. 2, City of Topeka, Shawnee County, Kansas.

Lot 3

Lot 1, Block A, Perkins Subdivision, in the City of Topeka, Shawnee County, Kansas.

EXHIBIT A-1

TIF DISTRICT AND PROJECT AREA BOUNDARY MAP

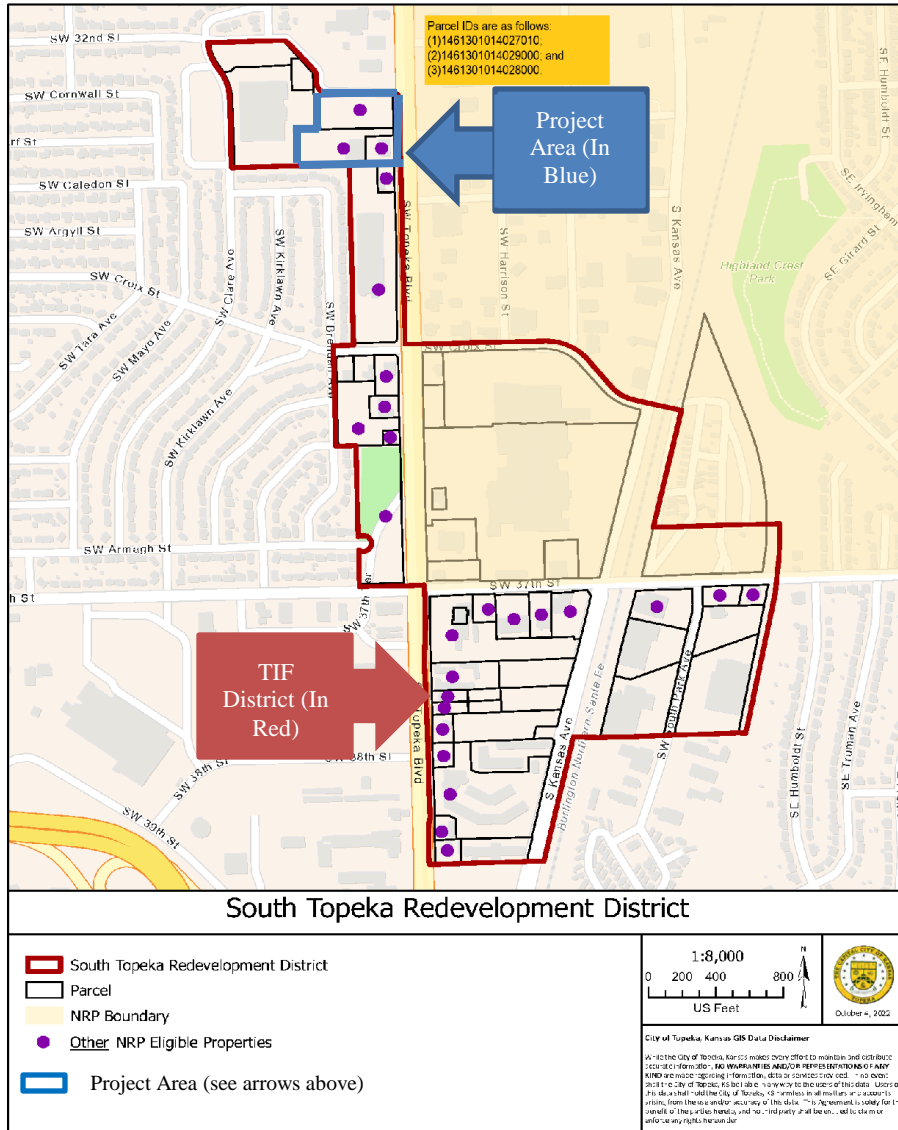


EXHIBIT A-1

PROJECT AREA BOUNDARY: GENERAL DEPICTION

Zoomed in aerial image of Project Area (boundaries generally depicted in blue) provided below.

