



CITY OF  
**TOPEKA**

**A G E N D A**

# **TOPEKA PLANNING COMMISSION**

**MONDAY, NOVEMBER 15, 2021  
6:00 P.M.**

Meeting Held Electronically Only via Video Conference  
VIEW A LIVESTREAM OF THE MEETING AT [WWW.TOPEKASPEAKS.ORG](http://WWW.TOPEKASPEAKS.ORG)

For information on other ways to view or participate,  
contact the Planning & Development Department.

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

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

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



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

# HEARING PROCEDURES

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

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

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

## Members of the Topeka Planning Commission

Marc Fried, Acting Chairperson  
Ariane Messina  
Corey Dehn  
Marc Fried  
Del-Metrius Herron  
Wiley Kannarr  
Jim Kaup  
Donna Rae Pearson  
Jim Tobaben  
Matt Werner

## Topeka Planning Staff

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



CITY OF  
**TOPEKA**

# TOPEKA PLANNING COMMISSION

Agenda for Monday, November 15, 2021

- A. Roll call
- B. Election of Vice Chairperson & Appointment of Planning Commission Representative to MPO Policy Board
- C. Approval of minutes – September 20, 2021
- D. Declaration of conflict of interest/ex parte communications by members of the commission or staff
- E. Action Items
  - 1. **Public Hearing of PUD21/03 911 Storage by LCG, LLC** requesting to amend the District Zoning Map for the property located at 3245 SW Topeka Boulevard and associated parcels from C-4 Commercial all to PUD Planned Development with C-4 Commercial uses and warehouse or storage uses as defined by chapter 18.55 of the Topeka Zoning Code.
  - 2. **Initiate Downtown Zoning Cases and Associated Text Amendments**  
Requesting to initiate rezoning for specific properties located in the Downtown area to D-1, D-2 and D-3 Downtown Mixed Use districts, and initiate related zoning code text amendments.
- F. Presentation(s)
  - 1. **3<sup>rd</sup> Quarter Development & Growth Management (DGM) Report**
- G. Communications to the Commission
- H. Adjournment



CITY OF  
**TOPEKA**

**MINUTES**

## **TOPEKA PLANNING COMMISSION**

**Monday, September 20, 2021**

**6:00PM – via video conference**

**Members present:** Marc Fried (Acting Chair), Corey Dehn, Wiley Kannarr, Jim Kaup, Ariane Messina, Katrina Ringler, Matt Werner (7)

**Members Absent:** Brian Armstrong, Del-Metrius Herron (2)

**Staff Present:** Bill Fiander, Planning & Development Director; Dan Warner, Planning; Mike Hall, Current Planning Manager; Bryson Risley, Planner; Kris Wagers, Administrative Officer; Mary Feighny, Legal

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

### **Approval of Minutes from August 16, 2021**

Motion to approve by Mr. Kannarr, **second** by Mr. Dehn **APPROVED** 5-0-2 with commissioners Kaup and Ringler abstaining.

### **Declaration of conflict of interest/ex parte communications by members of the commission or staff –**

None

**Public Hearing of Z21/07 by Brian Thompson** requesting to amend the district map on property located on the south side of SE 10th Street, approximately 360 feet east of SE Wittenberg Road, from R-1 Single Family Dwelling District to I-1 Light Industrial District. The application was submitted in order to allow for operation of a contractor office and shop.

Mr. Fried called the case and Mr. Hall presented the staff report with recommendation for approval. Mark Boyd of SBB Engineering was present representing the applicant. He had nothing to add but stated he would stand for questions.

**Mr. Fried declared the public hearing open.** With nobody logged in to speak, the **public hearing was declared closed.**

**Motion** by Mr. Kaup to recommend to the Governing Body **APPROVAL** of the request for rezoning from R-1 Single Family Dwelling District to I-1 Light Industrial District. **Second** by Mr. Werner. **APPROVED 7-0-0**

**Public Hearing of PUD21/02 Fairvan Scooter's Coffee Kiosk PUD by Fairvan Land Investments, LLC** requesting to amend the District Zoning Map for the property located at 1409 NW Topeka Boulevard from

**DRAFT**

R-2 Single Family Dwelling District all to PUD Planned Development with C-1 Commercial uses and food and beverage kiosk with drive-up and walk-up window service.

Mr. Fried called the case and Mr. Hall presented the staff report with recommendation for approval subject to conditions listed in the staff report.

Mr. Dehn asked about the land to the south of the proposed development, wondering whether it would be landscaped or if there could be future development there with the PUD zoning. Mr. Hall stated his understanding is that there's no intent to develop that with anything but landscaping.

Mr. Kaup asked if a left turn exit would be possible onto Topeka Blvd. Mr. Hall explained that a Traffic Impact Analysis/Study would be required later in the development process and would be used to determine the answer to this question.

Mr. Kaup asked if the proposed zoning would allow for the sale of liquor/cereal malt beverages (CMB). He acknowledged that the proposed business does not intend to sell liquor, but the zoning goes with the property so future owners or projects must be considered. Mr. Hall stated that neither a drinking establishment nor packaged liquor sales would be permitted under C-1. There could be potential for CMB to be allowed as an accessory use because that is allowed in C-1 zoning. He went on to say that PUD conditions as written refer to food and beverage sales and do not specify non-alcoholic beverages. If that's a concern, text could be added to the condition so that it does not allow for the sale of CMB or alcoholic beverages.

Additional discussion followed and Mr. Kaup asked about including a condition that there be no sale of alcoholic liquor or CMB for off-premise consumption. Mr. Hall suggested adding "not including sales of alcoholic beverages for off-premise consumption" after "restaurant or beverage store" in the condition would clarify. Mr. Kaup confirmed he would be in favor of disallowing sales for off-premise consumption due to the nature of the surrounding neighborhood being mostly residential.

Randy Fair, one of the owners of Fairvan Land Investments, spoke about the proposed zoning. He explained that this would be the sixth Scooters Coffee store his company has opened. He explained Scooters is a franchise with a required minimum 10-year obligation and the franchise does not sell alcohol or alcoholic beverages.

Mr. Fair explained that he has spoken with the pastor of a nearby church who was at the Neighborhood Information Meeting, sending him additional information and confirming that they understand Fairvan's intent. He noted that the church has plans for some major renovations soon and it is Fairvan's desire to work with them and be good neighbors.

In regard to Mr. Dehn's question about potential development of the property to the south of the proposed development, Mr. Fair explained that they intend to landscape.

Mr. Kaup assured Mr. Fair that his concern is in regard to what could happen if this development doesn't happen or what happens with the property in the future. He is glad to see the property being developed.

Mr. Kaup asked Mr. Fair if he has any objection to a condition that restricts the sale of alcohol/CMB for off-premise consumption and Mr. Fair stated he does not.

**Mr. Fried declared the public hearing open.** With nobody logged in to speak, the **public hearing was declared closed.**

**Motion** by Mr. Dehn and **second** by Ms. Messina to recommend approval. Mr. Kaup asked Mr. Dehn if he would be open to a friendly amendment allowing staff to add to the conditions a restriction on sales of CMB / alcoholic liquor for off-premise consumption consistent with the discussion held this evening. Mr. Dehn and Ms. Messina both agreed to the amended motion.

**Amended Motion:** Recommend to the Governing Body approval of the rezoning from R-2 Single Family Dwelling District to PUD Planned Unit Development (C-1 Commercial uses plus food and beverage kiosk with drive-up and walk-up window service, not including sales of alcoholic or cereal malt beverages for off-premises consumption) on property located at 1409 NW Topeka Blvd, subject to conditions as recommended in the staff report. **APPROVED 7-0-0**

**Public Hearing of CPA 21/01 by the City of Topeka** requesting to amend the text and map of the City of Topeka's Comprehensive Plan creating the Valley Park Neighborhood Plan. The area affected by the amendment is bounded by SW 21st Street to the north, SW Randolph Avenue to the west, SW Washburn Avenue to the east, and SW Shunga Drive to the south.

Mr. Fried called the case and Mr. Risley presented staff's report and PowerPoint presentation. Staff's recommendation is for approval as an element of the City's Comprehensive Plan. If approved by the Governing Body, staff expects project design and implementation in 2022 and 2023.

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

**Susan McClacherty**, president of Valley Park NIA, was logged in and spoke. Ms. McClacherty said she thought that a great job was done on the plan and hopes it will be approved.

With nobody else logged in to speak, Mr. Fried declared the **public hearing closed.**

**Motion** by Ms. Ringler to recommend approval to the Governing Body as an element of the City's Comprehensive Plan; **Second** by Mr. Kaup. **APPROVED 7/0/0**

### **Presentation: Neighborhood Revitalization Plan (NRP) – 2022-2024 Renewal**

Mr. Warner presented formation about the NRP update. He provided history on the NRP, noting that it began in and has been going since 1995. Since then there have been 8 updates and we typically have 100% participation from impacted tax entities.

Mr. Warner provided some historical statistical data. He explained that NRP is based on Topeka's Neighborhood Health and the boundaries of the NRP are based on at-risk and intensive care neighborhoods. To date, 76% of the investment has been in at-risk and intensive care neighborhoods resulting in the creation of about 500 new residential units.

Mr. Warner provided additional information and talked about "next steps", then stood for questions. Mr. Kaup asked what happens to properties with (for instance) a 10-year rebate if the boundaries change and the location is no longer in the NRP area; will they continue to get their rebates? Mr. Warner said yes, the rebates are honored.

## **Communications to the Commission**

Mr. Fiander reported on the Governing Body's decision to approve C-4 zoning on the Wanamaker property Planning Commission had recommended re-zoning to C-2. He noted that this doesn't happen very often and Council did commend the Planning Commission and staff for leaning toward enforcing the new sign code policy.

Mr. Fiander recognized the end of Commissioners Ringler and Armstrong's terms on the Planning Commissioner, thanking each of them for their commitment.

**With no further agenda items, the meeting was adjourned at 7:03PM**

STAFF REPORT – PLANNED UNIT DEVELOPMENT  
TOPEKA PLANNING DEPARTMENT

PLANNING COMMISSION DATE: Monday, November 15, 2021

---

**APPLICATION  
INFORMATION**

APPLICATION CASE  
NUMBER/NAME:

PUD21/03 911 Storage by LCG, LLC

REQUESTED ACTION /  
CURRENT ZONING:

Requesting to amend the District Zoning Map for the property located at 3245 SW Topeka Boulevard and associated parcels from C-4 Commercial all to PUD Planned Development with C-4 Commercial uses and warehouse or storage uses as defined by chapter 18.55 of the Topeka Zoning Code.

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 has been waived because the conditions and restrictions of the PUD can be adequately included in the ordinance reclassifying the property.

PROPERTY OWNER:

LCG, LLC

APPLICANT REPRESENTATIVE:

Kevin Holland, CFS Engineers

CASE PLANNER:

Mike Hall, AICP, Current Planning Manager

PROPERTY ADDRESS:

3245 SW Topeka Blvd / PID: 1461301014027000  
(Former Gordmans Department Store)

Other parcels: 1461301014028000, 1461301014001000, 1461301014030000

PARCEL SIZE  
(Total of all Parcels):

12.66 Acres

PHOTOS:



View looking west from NE corner of the site at intersection of Topeka Blvd and 32<sup>nd</sup> Terrace. (May 2019)



View looking southwest from NE corner of site. (May 2019)



View looking southwest from SW Fillmore St with stormwater detention basin and berm in lower right. (May 2019)



View looking southeast from SW Clare Ave. Recently built duplexes on the right. (May 2019)

**RECOMMENDATION:**

**APPROVAL** subject to conditions

**RECOMMENDED MOTION:**

Based on the findings and analysis in the staff report I move to recommend to the Governing Body **APPROVAL** of the rezoning from *C-4 Commercial* all to *Planned Unit Development (PUD) District with C-4 Commercial uses and warehouse or storage uses* on parcels located at 4345 SW Topeka Boulevard, subject to conditions as recommended in the staff report.

**PROJECT AND SITE  
INFORMATION**

**PROPOSED USE / SUMMARY:**

No specific project is planned at this time. The former Gordmans building and site have been approved for "self-storage, type I" (indoor with indoor access), which is allowed under the current zoning. The proposed rezoning will allow owner to use or remodel the building for a storage or warehouse use other than allowed under the current C-4 zoning.

**DEVELOPMENT / CASE HISTORY:**

The City of Topeka approved rezoning of the east third of the property from "A" Single Family to "G" Commercial in October 1962 (Z62/58), and rezoning of the balance of the property from "A" Single Family to "G" commercial in February 1966 (Z65/88).

**ZONING AND CHARACTER OF  
SURROUNDING PROPERTIES:**

North: R-1 Single Family Dwelling District, single family homes; and C-4 Commercial District with a used car lot.

West: M-1 Two Family Dwelling District with residential duplexes.

South: M-1 Two Family Dwelling District with residential duplexes.

East: C-4 Commercial with fast food restaurants and car dealerships.

**COMPLIANCE WITH  
DEVELOPMENT STANDARDS  
AND GUIDELINES**

**USE STANDARDS AND  
DIMENSIONAL STANDARDS:**

C-4 Commercial district use and dimensional standards apply now and will apply, except as specifically indicated in the conditions to be attached to the adopting ordinance.

Under the proposed PUD zoning, in addition to the uses allowed under C-4 zoning, warehouse and storage as listed in the Land Use Matrix in TMC 18.60 are also allowed and are defined in TMC 18.55 Definitions.

The proposed and recommended conditions of the PUD include restrictions on fencing and requirements for landscaping related to warehouse and storage uses.

**PARKING AND ACCESS:**

Off-street parking requirements are determined by land use and not the zoning classification. The site now contains ample parking for uses allowed under C-4 zoning. Warehouse and storage uses generally require less parking than retail and other uses allowed under C-4 zoning.

**LANDSCAPING:**

A landscape plan per TMC 18.235, Landscape Requirements, for substantial redevelopment. A recommended condition of the PUD requires landscaping in event of a 1) building addition for warehouse or storage; or 2) the addition of overhead doors or loading docks to the north or east sides

of the building; or 3) the addition of 8 or more loading docks to the south side of the building.

The property is large enough to accommodate additional buildings. A site development plan (Site Plan Review application) and landscape plan will be required for additional buildings.

**SIGNAGE:** Signage will be required to comply with the Sign Code (TMC18.10) as applied to C-4 zoning except as specifically provided or restricted by the PUD.

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

### **OTHER FACTORS**

**SUBDIVISION PLAT:** Lots 3 and 4, Arlan's Subdivision; Lot 1 of Nellie M. Mays Subdivision; and Lot 1, Block A, Perkins Subdivision.

**UTILITIES:** The former Gordmans building is connected to City of Topeka water and sewer.

**FLOOD HAZARDS, STREAM BUFFERS:** There are no flood hazards mapped on the site.

**HISTORIC PROPERTIES:** None

**NEIGHBORHOOD:** Located adjacent to the Likins Foster Neighborhood.

**NEIGHBORHOOD INFORMATION MEETING:** The applicant conducted a Neighborhood Information Meeting on October 26, 2021 remotely via Zoom. The applicant, his representative, and Planning Division staff attended. No others attended.

---

### **REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES**

**Public Works /Engineering:** No comments received.

**Water Pollution Control:** No comments received.

**Fire Department:** No comments received.

**Development Services:** No issues identified regarding rezoning. Permits will be required.

## KEY DATES

SUBMITTAL:	September 30, 2021
LEGAL NOTICE PUBLICATION:	October 25, 2021
PROPERTY OWNER NOTICE MAILED:	October 22, 2021

---

## STAFF ANALYSIS

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

**CHARACTER OF THE NEIGHBORHOOD:** The property fronts on SW Topeka Boulevard. The adjacent segment of Topeka Boulevard is characterized by a mix of retail services including restaurants, drinking establishments, and new and used car lots. The parcels surrounding the south, west, and north sides of the property contain single and two-family residences. There are substantial buffers formed by setbacks, trees, and other landscaping between the subject property and the adjacent residential neighborhoods. The proposed zoning change limits uses other than C-4 Commercial uses to warehouse and storage and is subject to conditions, including restrictions on heavy truck parking and access, and landscaping requirements tied to physical building changes, and these restrictions will ensure that the use and physical character of the property will change very little from its current commercial character.

**ZONING AND USE OF NEARBY PROPERTIES:** The proposed rezoning from C-4 Commercial to Planned Unit Development (PUD) allowing for C-4 Commercial and warehouse and storage uses is compatible with surrounding zoning and land use.

Adjacent zoning and land use to the north is R-1 Single Family residential and C-4 Commercial, consisting of single family residences and commercial land use. The residential use is separated from current and future development by a stormwater detention basin and Fillmore Street.

The adjacent zoning and land use to the south and west is M-1 Two Family residential and consisting of residential duplexes. Buffers between the adjacent lands and the subject property contain substantial setbacks and landscaping.

Conditions of the proposed PUD zoning limit land uses to what is allowed under the current zoning and warehouse and storage uses allowed under I-1 zoning. Warehouse and storage uses are limited to the former Gordmans building or an addition to the south side of the building of up to 32,000 square feet. Conditions of the PUD zoning control for the effects of warehouse and storage uses by restricting the parking of heavy trucks as a primary use, heavy truck access to the residential neighborhoods to the north and west, and fencing. As a mitigation measure, the proposed zoning requires landscaping in the event of a large building addition or the addition of loading doors and docks to the building.

**LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER THE PRESENT CLASSIFICATION:** The existing 90,000 square foot building was occupied by the Gordmans department store until the Summer of 2020. In addition to the former Gordmans building, the property has ample space for one or more additional retail buildings.

**SUITABILITY OF USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED:** The property is well suited for retail and other uses allowed under the current C-4 Commercial zoning. However, the former Gordmans building is 90,000 square feet and thus too large for many retail commercial tenants. With the growth of E-commerce and the decline of large brick and mortar stores, there are few potential retail tenants for the former building Gordmans building. The east half of the property is suitable for smaller retail buildings allowed under the current zoning.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The proposed zoning is consistent with the comprehensive plan. The Land Use Growth Management Plan 2040 (LUGMP) designates the property for *Commercial* uses and more specifically for Community Commercial uses. The Community Commercial designation reflects past use and the physical form of the property as a “big box” retail site. Under the plan’s designation “lower intensity industrial zoning/uses may be appropriate within community commercial areas whose existing character reflects a heavy commercial/industrial mixed land use arrangement.” Furthermore, the LUGMP encourages reuse and redevelopment to support growth in areas such as the subject property where the City has already invested. Allowing flexibility for use of the former Gordmans site supports these goals of the LUGMP.

**THE EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES:** Development allowed under the proposed zoning is anticipated to generate few if any detrimental effects on nearby properties. The conditions of the proposed PUD zoning will control for the potential negative effects of warehouse and storage uses by restricting the long term parking of heavy trucks, heavy truck access to the residential neighborhoods to the north and west, and fencing. As a mitigation measure, the proposed zoning requires landscaping in the event of a large building addition or the addition of loading doors and docks to the building.

**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:** There is no apparent gain to the public health, safety and welfare by denial of the application. The current zoning allows intense retail commercial uses. The proposed change in zoning to allow use of the existing building for warehouse and storage use is subject to restrictions on related uses such as the parking of large trucks as a primary use.

The existing retail building contains 90,000 square feet and is thus too large for most retail tenants. Allowing flexibility for uses not allowed under the current zoning supports adaptive reuse and long term maintenance and for that reason is of benefit to the neighborhood and other city stakeholders. Denial of the application would not be good for the owner, surrounding neighborhood, or the broader community.

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

**COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:** Development under the proposed zoning will be required to comply with C-4 Commercial district standards with minor exceptions. The proposed PUD zoning will allow for the adaptive reuse of the former Gordmans building for general warehouse and storage uses, but the dimensional standards of the C-4 Commercial classification will apply. The conditions of the PUD anticipate the potential for long term truck parking and, therefore, include restrictions on parking of large trucks as a primary use and security fencing beyond what is required by current zoning. The purpose of these additional

restrictions is to maintain the site's primary commercial character and to prevent the property from taking on an incompatible industrial character.

The property contains multiple parcels consisting of undivided lots in platted subdivisions. Proposed use and development is not expected to require a subdivision plat.

## **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. C4 uses allowed; I-1 uses limited to warehouse or storage as defined by Topeka zoning code. Outdoor storage and long term parking of medium and heavy duty trucks (classes 4-9) as a primary use is not permitted.
2. Except as noted in these conditions, land use and development is subject to the standards for C-4 Commercial zoning.
3. Use of the existing building, formerly Gordmans Department Store, as a warehouse or storage is allowed. The cumulative total of building additions up to 32,000 square feet for warehouse or storage is allowed. Warehouse and storage uses are not allowed in detached primary buildings.
4. Heavy duty trucks, including class 7 trucks and higher, are prohibited from accessing or leaving the site using SW Fillmore Street north and west of the property. The Planning & Development Director may require appropriate traffic signage restricting truck access onto SW Fillmore in the event of non-compliance with this condition.
5. For any use other than uses allowed under C-4 standards, a landscape plan shall be provided and approved prior to any of the following events or activities:
  - a. Building addition for warehouse/storage
  - b. The addition of overhead loading doors or docks on either west, north, or east sides of building. The addition of overhead loading doors or docks on the west side of the building is not allowed.
  - c. The addition of 8 or more loading doors or docks to the south side of the building
  - d. Landscaping shall include trees at a minimum density of 1 medium or large tree for every 60 feet of frontage, other than driveways, along SW Fillmore Street, SW 32nd Terrace, and SW Topeka Blvd, and installation of a 5 foot landscape setback between the street right-of-way and parking/drive surface along SW 32nd Terrace. The addition of fencing or landscaping along the south side of the property where it abuts residential zoning or land use will be required if necessary to meet the residential buffer requirements in TMC 18.235.
6. Additional fencing is allowed along the south and west property lines and north of the former Gordmans building. No other additional fencing is permitted except by an amendment to these Planned Unit Development conditions in accordance with TMC 18.190.070.
7. The pole sign at SW 32<sup>nd</sup> Terrace and Topeka Boulevard is meets the definition of a nonconforming abandoned sign and shall be removed no later than by July 31, 2022 in accordance with section 18.10.100 of the Sign Code.
8. The existing freestanding sign shall remain for the time being with the understanding that it does not conform to the current sign code. It's also understood that a reface or alteration of this sign is limited and said reface of a nonconforming sign for a project receiving a property tax rebate or other economic incentive will be allowed only if the sign is made to conform to current standards.
9. Any additional freestanding signs will be allowed only with an approved Master Sign Plan meeting the regulations for Master Sign Plans in TMC 18.10.140 or as an amendment to these Planning Unit Development conditions in accordance with TMC 18.190.070
10. Vehicular access from SW Clare Avenue is not permitted.
11. Amendments to these Planned Unit Development conditions may be considered in accordance with TMC 18.190.070. Major amendments will be adopted by ordinance and may include or refer to a PUD master plan.

Minor amendments may require a master plan or site plan and will be recorded with the Shawnee County Register of Deeds.

**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 *C-4 Commercial* all to *Planned Unit Development (PUD) District* with *C-4 Commercial uses and warehouse or storage uses* on parcels located at 4345 SW Topeka Boulevard, subject to conditions as recommended in the staff report.

.

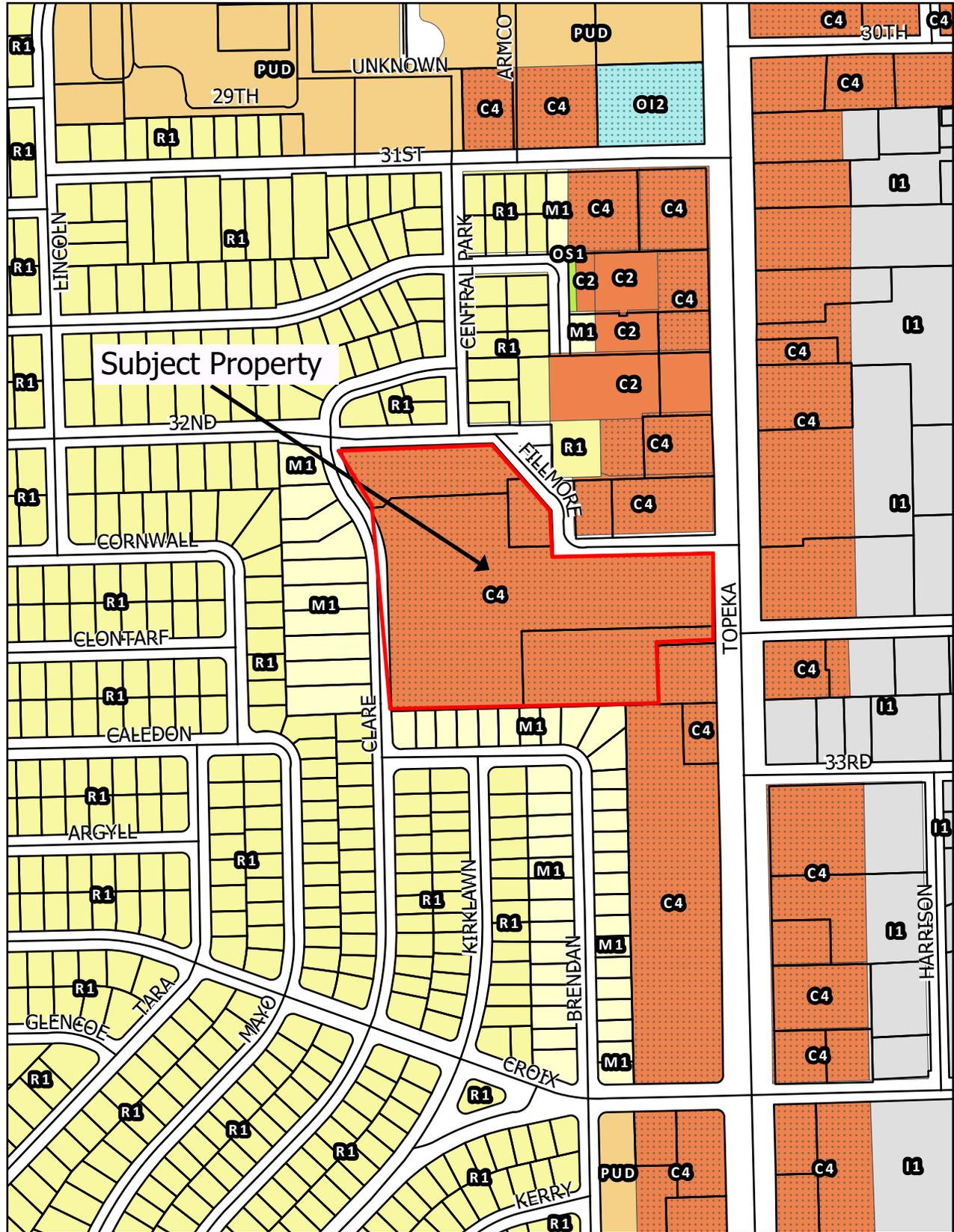
**ATTACHMENTS:**

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Neighborhood Meeting Attendance & Summary

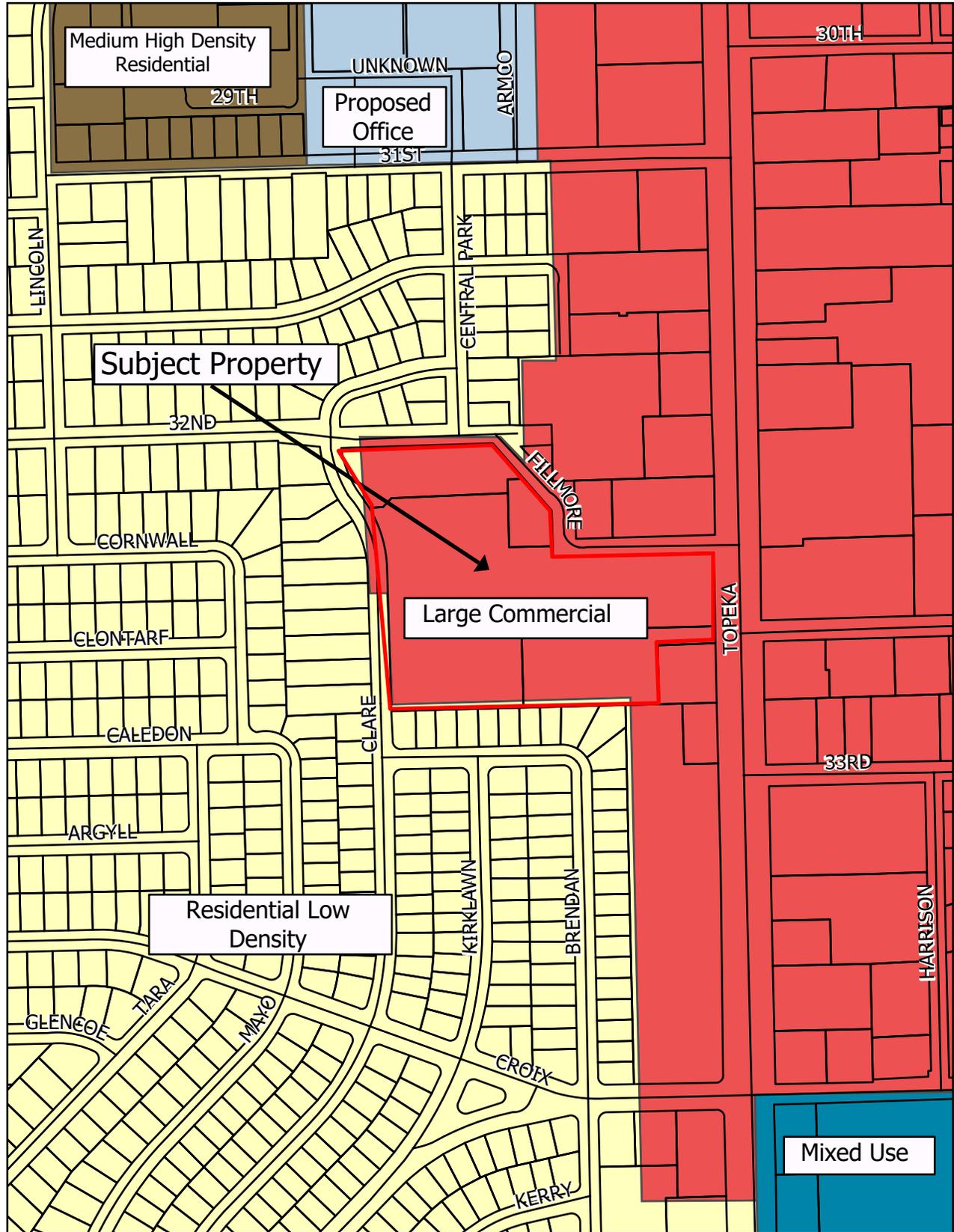
PUD 21/03 - 911 Storage PUD (by LCG, LLC)



# PUD 21/03 - 911 Storage PUD (by LCG, LLC)



# PUD 21/03 - 911 Storage PUD (by LCG, LLC)





November 3, 2021

2930 SW Woodside Drive  
Topeka, Kansas 66614  
(785) 272-4706 Office  
(785) 272-4736 Fax

cfse.com

City of Topeka  
Planning Department  
215 SE 7th St  
Topeka, KS 66603

Other Offices:  
Lawrence, Kansas  
Holton, Kansas  
Kansas City, Kansas  
Kansas City, Missouri  
Springfield, Missouri  
Jefferson City, Missouri

RE: Public Meeting for 911 Storage

Dear Planning Department,

This letter is intended to discuss the Neighborhood Information Meeting held about the zoning change for the 911 Storage located at 3245 SW Topeka Boulevard. The meeting was held via Zoom at 6:00 PM on Tuesday, October 26, 2021 . The meeting was held and the only attendees were the applicant and city staff.

Please let me know if you have any questions.

Board of Directors:  
Kenneth M. Blair, P.E.  
Kevin K. Holland, P.E.  
Daniel W. Holloway, P.E.  
Lance W. Scott, P.E.  
Sabin A. Yañez, P.E.

Sincerely,

Kevin K. Holland, P.E.

Associates:  
Aaron J. Gaspers, P.E.  
Michelle L. Mahoney, P.E.  
Michael J. Morrissey, P.E.  
Gene E. Petersen, P.E.  
Todd R. Polk, P.E.  
Lucas W. Williams, P.E.



# CITY OF TOPEKA

Planning Division  
620 SE Madison, Unit 11  
Topeka, KS 66607

Dan Warner, AICP, Division Director  
Tel: 785-368-3728  
[www.topeka.org](http://www.topeka.org)

## MEMORANDUM

**To:** Topeka Planning Commission

**From:** Dan Warner, AICP, Planning Division Director

**Date:** November 15, 2021

**RE:** Initiation of Downtown Rezoning D-1, D-2, D-3 Downtown Districts and associated text amendments.

### Background

The Downtown Master Plan was adopted by City Council on May 4<sup>th</sup>, 2021. As part of the continued implementation of the City of Topeka's Downtown Master Plan, rezoning of properties to a D Downtown District will encourage a compatible mix of uses. D-1 is meant to facilitate a compatible mixed-use activity center within the core area of downtown. D-2 is meant for new urban residential neighborhoods. D-3 is the industrial mixed-use district.

### Process

Neighborhood information meetings have been held, with all impacted property owners receiving notification. Meetings were held for each of the proposed rezoning districts to define the recommended zoning change, identify changes to the land use matrix, and allow residents to voice any concerns. A [webpage](#) has been created for this project to assist in understanding the scope of the changes. District specific information related to D-1, D-2, and D-3 rezoning includes current zoning maps, proposed zoning maps, frequently asked questions, and a copy of the rezoning presentation that was given for each neighborhood information meeting. The proposed rezoning includes 213 total parcels, of which, 95 are proposed for D-1, 61 are proposed for D-2, and 57 are proposed for D-3. (See attached maps for current and proposed zoning information)

Additionally, the webpage includes information regarding the text amendment changes for the Use Tables Matrix, Special Use Requirements, Chapter 18.200, and Downtown Urban Design Standards. A brief summary of those changes is below:

- Use Tables Matrix – Calibrating the existing use matrix to ensure that each D district reflects true mixed use character. Generally, uses are being added to each district.
- Special Use Requirements – Revising the screening standard for Building, Construction, and Mechanical Contractor Yards. Also creating standards for Warehouse, Storage, Distribution Facilities in response to permitting that use in D-3.
- Chapter 18.200 – Revising the purpose statements for the D Districts.

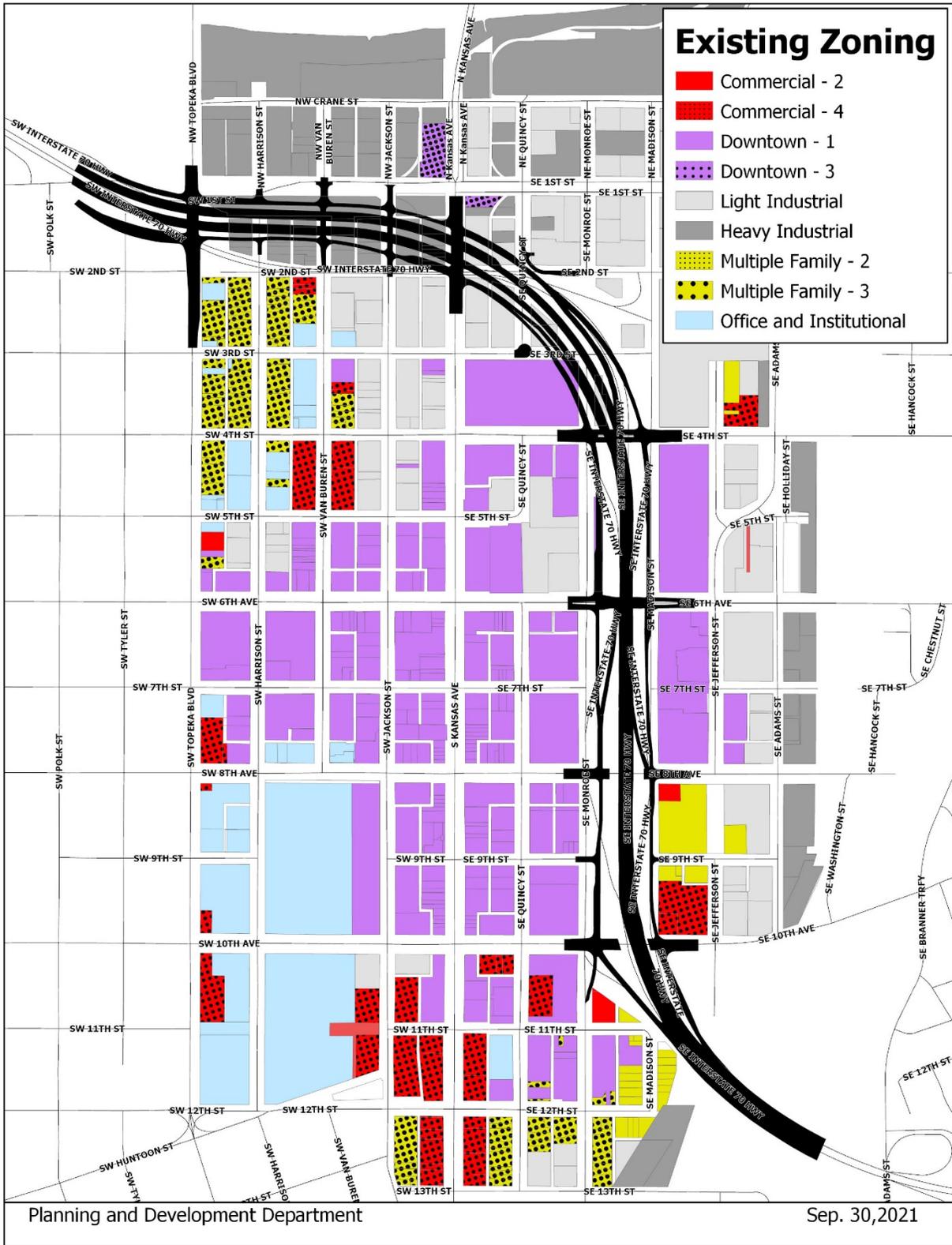
- Downtown Urban Design Standards – The Downtown Urban Design Standards were adopted as part of the Downtown Master Plan. The standards are proposed to be adopted by reference to the Zoning Code.

### **Recommendation**

The Planning Commission, as permitted under the City Zoning Regulations, should initiate the rezoning for D-1, D-2, and D-3 and initiate the text amendments. **Adoption of this recommendation only allows staff to set the public hearing for future consideration and does not adopt the rezoning or text amendments.**

The process to review the rezoning and text amendments would be typical of any case before the Commission. Staff will review the attached proposals, provide a written staff report, and make recommendations at a scheduled public hearing before the Commission.

**Staff Recommendation:** Staff recommends the Planning Commission initiate the rezoning of properties and text amendments in alignment with the Downtown Master Plan.







# Development and Growth Management Report



Q3 2021

**2021 3rd Quarter**



## 2021 Building Permits = 527 (projected)

- Vs. 2020 Permits = 513

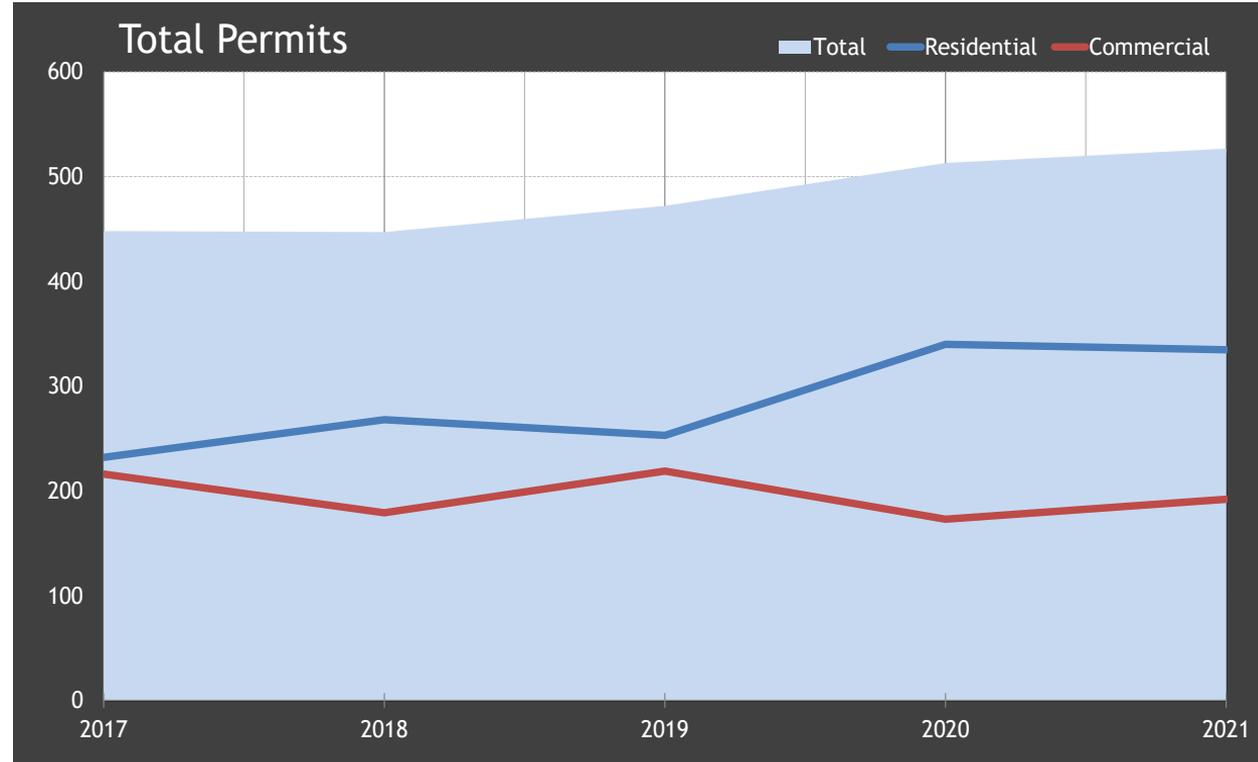


2.7%

- Vs. 5 yr. average = 475



11%





### 2021 Housing Units = 371 (YTD)

- Vs. 2020 = 293

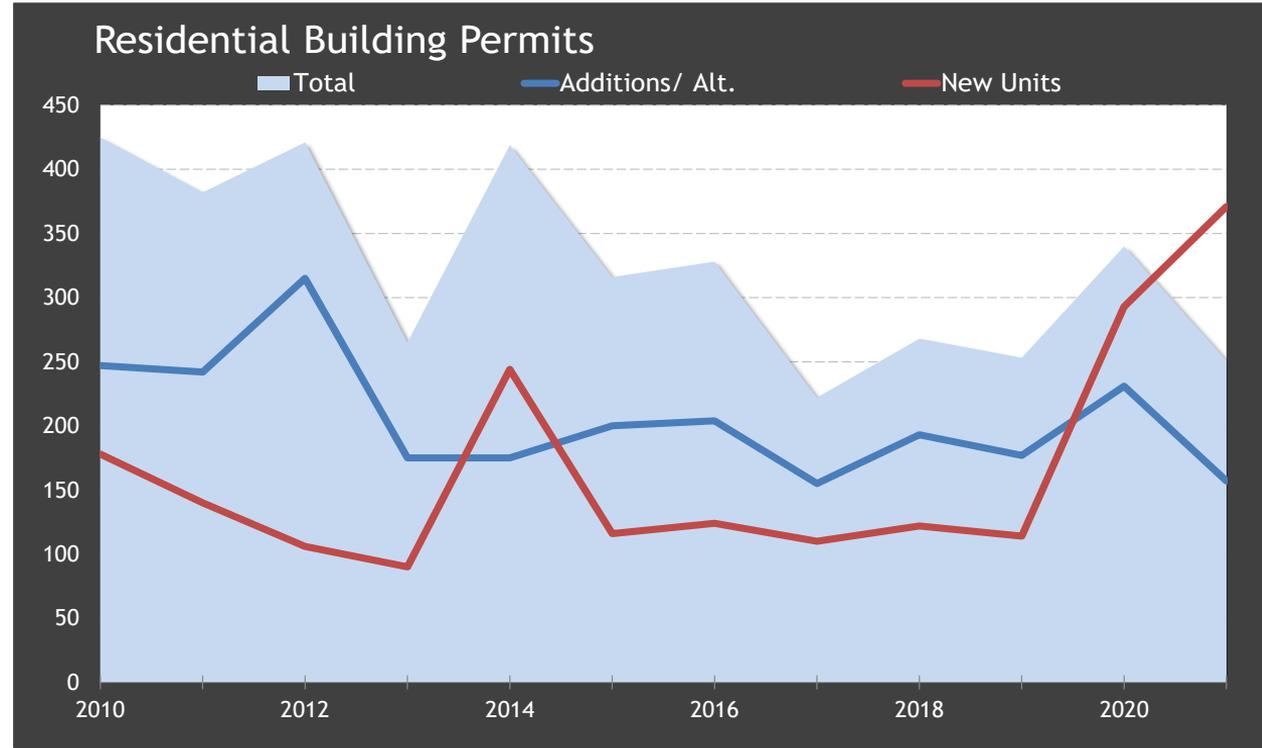


26.6%

- Vs. 5 yr. average = 152.6



143%





### 2021 Multi-Family Unit Share = 78% (YTD)

- Vs. 2020 = 67%

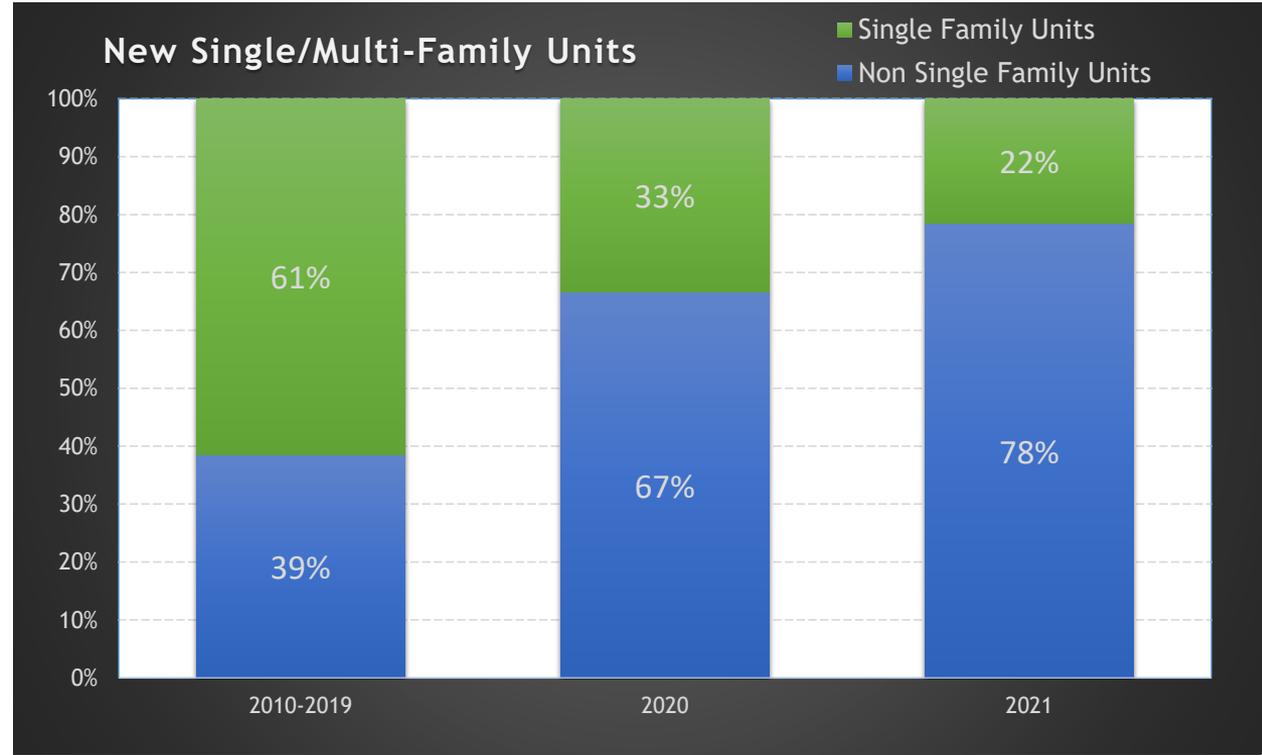


11%

- Vs. 2010-19 = 39%



39%





**2021**  
**City Housing Unit Share**  
**= 79.4% (YTD)**

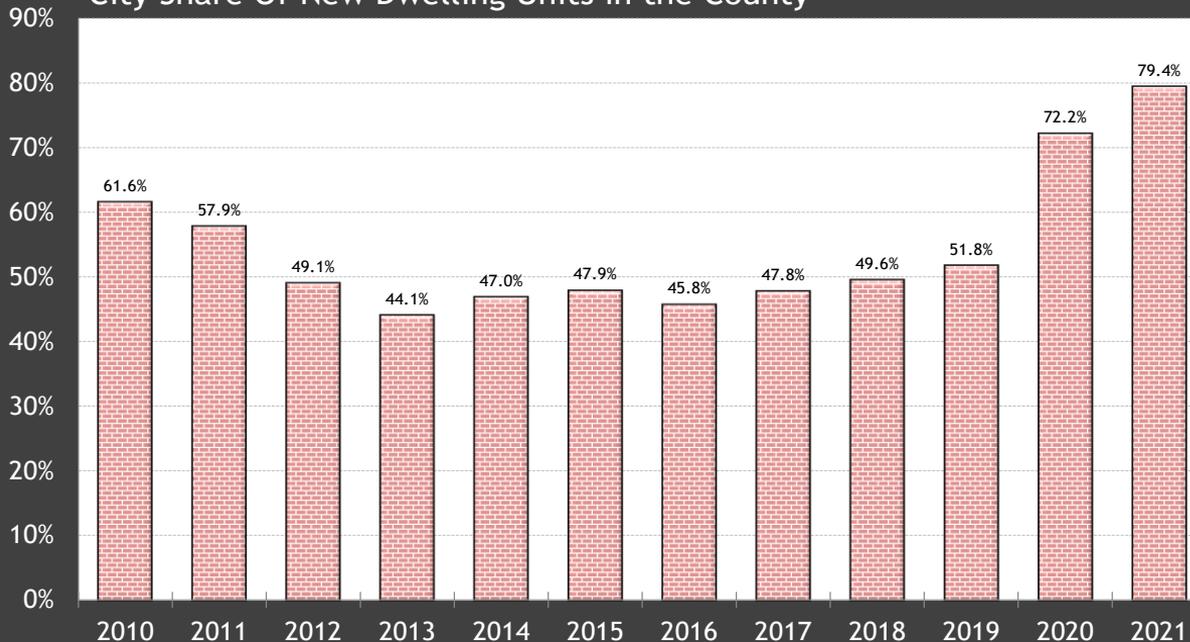
• Vs. 2020 = 72.2%

↑  
7.2%

• Vs. 5 yr. avg = 53.4%

↑  
26%

City Share Of New Dwelling Units in the County



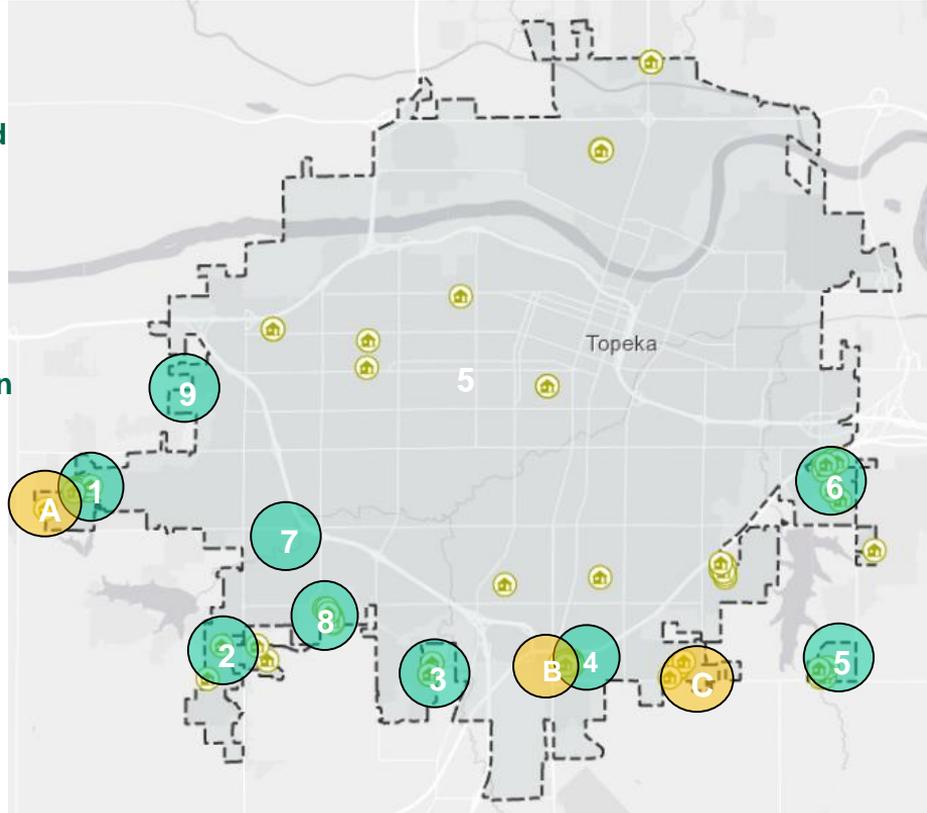


### New Housing (Units)

1. Millers Reserve/ Sherwood Village (9)
2. Laurens Bay/Monarch Meadows (4)
3. Misty Harbor (4)
4. Horseshoe Bend (17)
5. Rockfire (4)
6. Capricorn Woods/Aquarian Acres (12)
7. Wheatfield Village (173)
8. Summerfield Sub (7)
9. Cedarhurst (84)

### New Subdivisions (Lots)

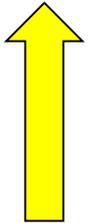
- A. Sherwood Park #9 (94)
- B. Horseshoe Bend #6/7 (59)
- C. Windward Estates (40)





- Buildable, Prime Vacant Lots (BPVL) = Single/Two-Family Lots Platted since 1970 w/ streets or benefit district
- BPVL = **516** lots
- Equates to **5.8** years of lots in pipeline at current pace
- 2021 subdivisions will add another 193 lots or **2.17** yrs to future pipeline

Buildable, Prime Vacant Lots/Units in the City				
Year	4th Qt. 2020	1st Qt. 2021	2nd Qt. 2021	3rd Qt. 2021
Beginning Balance	593	577	560	534
Net New Lots	-	-	-	-
Building Permits	16	17	26	18
Ending BPVL Balance	577	560	534	516
2-yr avg single/two family bldg permits	75.5/yr	89/yr	89/yr	89/yr
BPVL housing growth supply	7.64 years	6.29 years	6.0 years	5.8 years





### 2021 Commercial Permits = 192 (projected)

- Vs. 2020 = 173

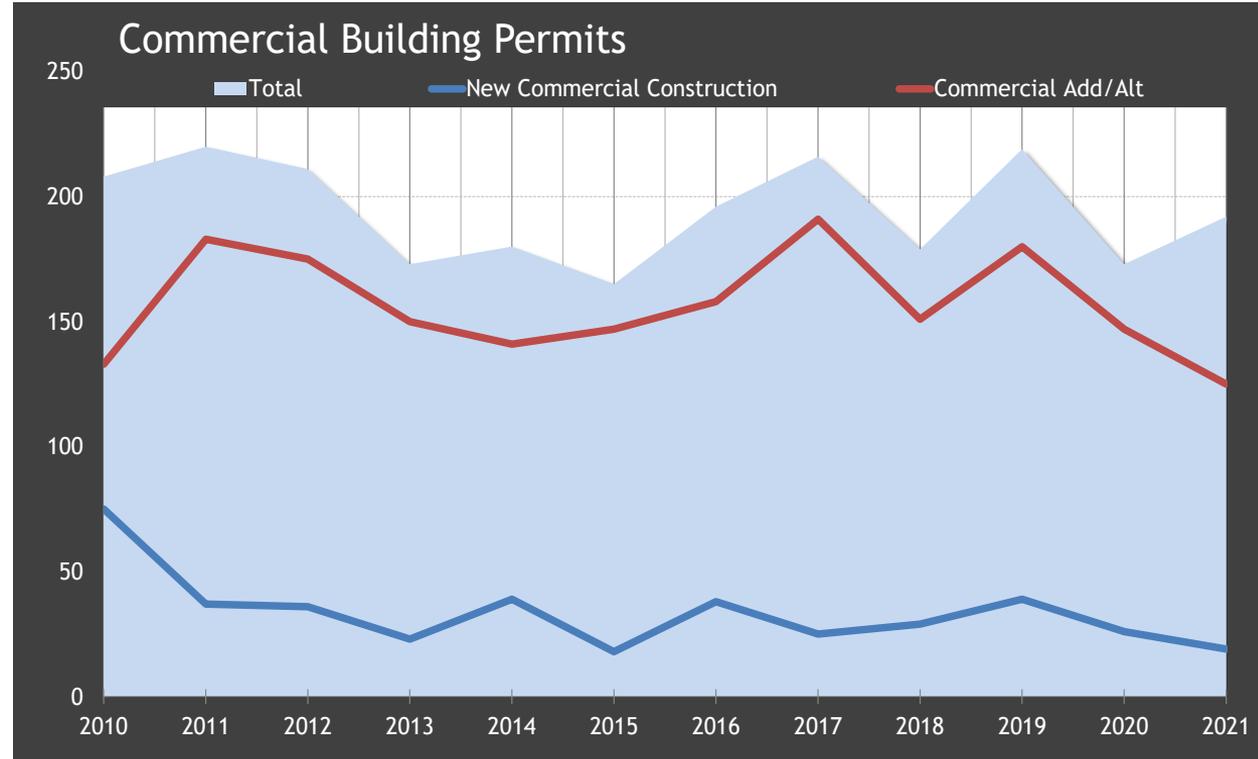


11%

- Vs. 5 yr. avg = 196.6



-2.4%





**2021 Bldg Permit Value  
= \$228.5M (projected)**

• Vs. 2020 = \$203M

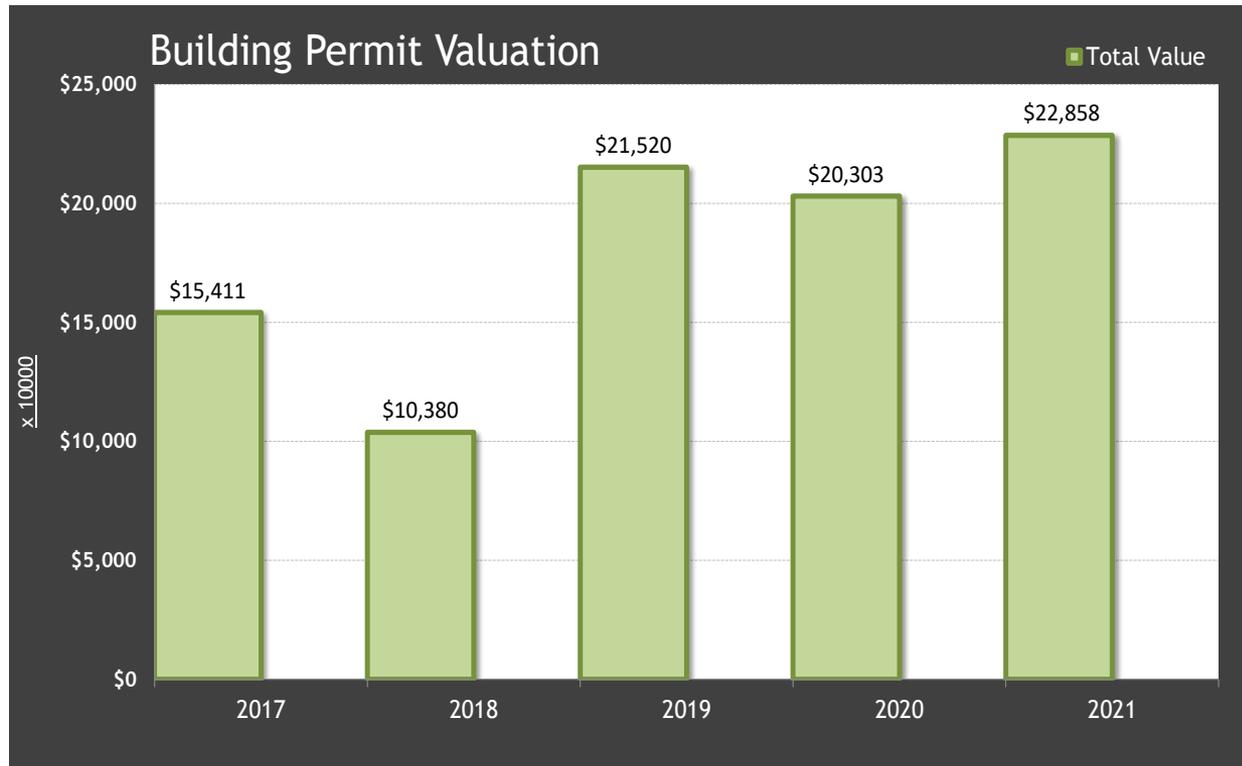


12.6%

• Vs. 5 yr. avg = \$167.3M



36.6%



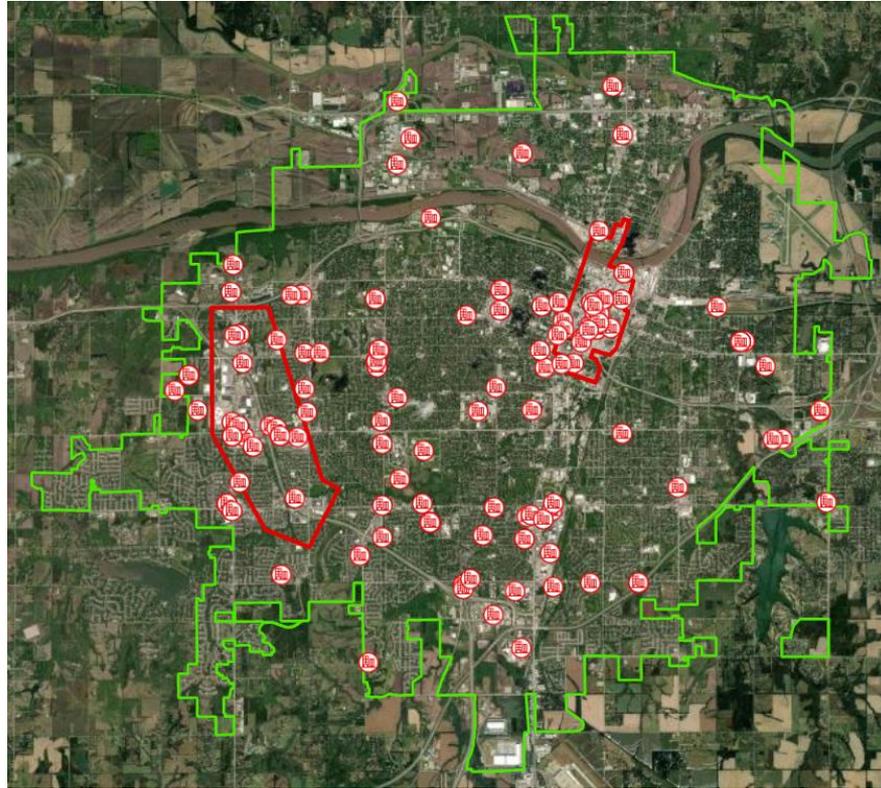


### Citywide

- Commercial Permits YTD = 142
- Total Value = \$111M

### Downtown and I-470 Share

- Commercial Permits YTD = 26%
- Total Value = 35%





## TOP 10 PERMITS (2021- YTD)

2759 SW FAIRLAWN RD	WHEATFILED VILLAGE APARTMENTS & PARKING GARAGE	\$28,022,776
2073 SW WASHBURN TER	WASHBURN UNIVERSITY SCHOOL OF LAW	\$25,500,000
1303 SW INNOVATION PKWY	WALMART DISTRIBUTION CENTER	\$24,099,758
320 NE CRANE ST	HILLS PET NUTRITION - MIH ADDITION & YARD	\$12,000,000
6732 SW 17TH ST	CEDARHURST OF TOPEKA	\$8,004,498
635 SW GAGE BLVD	TOPEKA ZOO GIRAFFE HABITAT—GIRAFFE BARN	\$5,000,000
4115 SW HUNTOON	ADVISORS EXCEL GAGE CENTER SEVERY & TV-RADIO STUDIO	\$3,292,322
3221 SE BLAZING STAR DR	LOT 92, BLOCK B, ROCKFIRE AT THE LAKE SUB	\$2,750,000
1700 SW 7TH St	TUKHS ST FRANCIS	\$2,521,755
1251 SW ASHWORTH PL	CHARLIES CAR WASH	\$2,500,000



Wheatfield Village Apartments





Washburn University School of Law





Hills Pet Nutrition – MIH Addition and Yard





**Cedarhurst of Topeka**



# Public Portal UPDATES

Zoning/Platting Applications is **LIVE** [Visit the Application Portal](#)

Contractor License Renewals is **LIVE** [Visit our Licensing Renewal Portal](#)

- eliminates need for temp staff
- optional first year

Building Permit is **LIVE** [Visit our Permit Portal](#)

- required starting in 2022
- includes Plan Review Fee at time of submittal (TMC 14.20.060(109.3))

**Workflow**

< 1 to 10 of 29 items > Show All

Description	Result	Target End	Completed	M	Comments
Application Review	Approved	10/27/2021 2:46 PM	10/13/2021 2:53 PM	1	
Building Plan Review		10/27/2021 2:53 PM		2	
Land Development Review	NA	10/27/2021 2:53 PM	10/13/2021 3:09 PM	2	
Electrical Trade Review	NA	10/27/2021 2:53 PM	10/13/2021 3:01 PM	2	
Kansas State Agricultural Review		10/27/2021 2:53 PM		2	
Fire Review	NA	10/27/2021 2:53 PM	10/13/2021 3:18 PM	2	
Traffic Review	NA	10/27/2021 2:53 PM	10/13/2021 3:09 PM	2	
Water Review	NA	10/27/2021 2:53 PM	10/13/2021 3:09 PM	2	
Wastewater Review	NA	10/27/2021 2:53 PM	10/13/2021 3:09 PM	2	
Levee Review	NA	10/27/2021 2:53 PM	10/13/2021 3:09 PM	2	

**Select an Application**

search Development Services P...

Applications > Development Services P...

Applications

- Commercial New Building
- Commercial Accessory Structure
- Commercial Building Addition
- Commercial Building Exterior Alteration
- Commercial Building Interior Alterations / Tenant Finishes
- Parking Lot
- Residential New Building
- Residential Building Accessory Structure

Begin Application

## Issue:

- Online portal did not allow customers to submit development applications into Cityworks or make payment directly (only allowed tracking after staff uploads)

## Solution:

- Update portal across multiple platforms to allow direct submissions and payment online. Streamlines process to save time and cost for both customer and staff



2021 Quarter 3

[topeka.org/planning](https://topeka.org/planning)

Google:  
"DGM report  
Topeka"