

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

PLANNING COMMISSION DATE: Monday, February 20, 2017

APPLICATION CASE NO

PUD17/1

**REQUESTED ACTION / CURRENT
ZONING:**

Rezoning from “R-1” Single Family Dwelling District and “I-1” Light Industrial District **ALL TO** “PUD” Planned Unit Development (I-1 use group)

APPLICANT / PROPERTY OWNER:

Charles & Joseph Schmidt et. al.

APPLICANT REPRESENTATIVE:

Mark Boyd, Schmidt, Beck and Boyd Engineering LLC

PROPERTY ADDRESS & PARCEL ID:

1903 and 1911 NW Lower Silver Lake Road combined with property to the west/PID: 0962404001009010, 0962404001009010, 0962404001010020

PARCEL SIZE:

2.07 acres

STAFF PLANNER:

Annie Driver, AICP, Planner II

PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY:

New accessory building and addition to existing building for the storage of products and equipment (6,072 sq. ft. total)

DEVELOPMENT / CASE HISTORY:

The property and surrounding area was annexed in 1958. The property located at 1903 Lower Silver Lake has been zoned for single family residential uses since that time. 1911 NW Lower Silver Lake Road which contains the Existing Building #1 was rezoned to light industrial in 1971 for a warehouse.

PHOTOS:



View from Lower Silver Lake Road – Entrance #1



View from Lower Silver Lake Road – Entrance #2



Character of the area – north side of Lower Silver Lake Road

PUD MASTER PLAN ELEMENTS (PROPOSED):

DEVELOPMENT PHASING:

The PUD proposes two buildings/additions for future development. Building #1 contains 3,072 sq. ft. and Building #2 contains 3,000 sq. ft.

GENERAL NOTES:

The property will be re-platted prior to building permit issuance for Phase 2. The plat proposes to include property zoned “R-1” to the west as a separate lot since it is under the control of a single owner.

PARKING, CIRCULATION & TRAFFIC:

A minimum of 5 new parking stalls are required for the proposed warehouse expansions per TMC 18.240 Off-Street Parking Regulations (industrial uses, warehousing)

BUILDINGS, SETBACKS, AND DESIGN:

Front yard – 30 ft. minimum
Side yards – 7 ft. minimum

LANDSCAPE:

A variance is requested to TMC 18.235.060(d)(2)(ii) regarding reducing the required 20 ft. landscape setback along the street to 5 ft.

A variance is requested to TMC 18.235.060(d)(1)(ii) regarding the impervious visual barrier where the property is adjacent to a residential zoning district.

A landscape plan for the future improvements will be approved at the site development stage. A 5 ft. setback is provided along Lower Silver Lake Road for landscaping.

SIGNAGE:

The applicant is proposing more restrictive signage than what is allowed by-right under the I-1 District as follows:

Electronic Message Centers, temporary or portable signs are not permitted.

Sign Illumination: Use of ground level spot lights or indirect only.

Free-standing signs: A maximum of one monument sign for the PUD area not to exceed 7 ft. and 50 sq. ft.

Wall signs: One sign per building; a maximum of 40 sq. ft.

PROJECT DATA:

Use groups: "I-1" Light Industrial (warehouse/product storage)

Height: 40 ft.

COMPLIANCE WITH DEVELOPMENT STANDARDS AND GUIDELINES

The Master PUD Plan establishes development standards and guidelines, as indicated above.

OTHER FACTORS

SUBDIVISION PLAT:

A portion of the property is platted as Lot 2 and 3, Block A, Leander Subdivision. A re-plat is required prior to site development.

TRANSPORTATION/MTPO:

NW Lower Silver Lake Road is classified as a collector street east of NW Vail.

FLOOD HAZARDS, STREAM BUFFERS:

The property is not affected by a stream buffer or flood zone. The property lies within FEMA Zone "X" Area Protected by Levee

HISTORIC PROPERTIES:

There are no "listed" historic properties in the neighborhood.

NEIGHBORHOOD MEETING:

The applicant held a Neighborhood Information Meeting on January 31, 2017. Property owners in 300 ft. and NIAs within ½ mile were notified of the meeting. There was one resident who attended the meeting. No opposition to the zone change has been expressed.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

ENGINEERING/STORMWATER:

Stormwater quality treatment is not required since there is not a net increase in new impervious surface exceeding one acre.

A stormwater drainage report and/or calculations for water quantity will be reviewed and approved by the Department of Public Works at the plat and site development stages.

ENGINEERING/TRAFFIC:

The PUD proposes to consolidate access openings along Lower Silver Lake Road for future development. There is currently a large access opening across the frontage that does not conform to City policy for access control or street design standards.

FIRE:

The Fire Department will review future plans prior to construction. Access within 150 ft. is required around all sides of the buildings or a sprinkler may need to be provided. The proposed PUD Plan has provided a turnaround for fire trucks.

DEVELOPMENT SERVICES:

Parking Lot, Building, and Driveway Permits are required.

KEY DATES

SUBMITTAL:

January 6, 2017

**NEIGHBORHOOD INFORMATION
MEETING:**

January 31, 2017

LEGAL NOTICE PUBLICATION:

January 25, 2017

**PROPERTY OWNER NOTICE
MAILED:**

January 27, 2017

STAFF ANALYSIS

CHARACTER OF THE NEIGHBORHOOD:

The character of the neighborhood is predominantly comprised of single family residential neighborhoods to the east and rural, agricultural tracts or agricultural land uses (greenhouses, fruit markets) to the west along Lower Silver Lake Road. The neighborhood contains scattered industrial land uses, particularly along the rail road lines.

ZONING OF PROPERTIES NEARBY:

The nearby properties to the north, south, east, and west are all zoned "R-1" Single Family Dwelling District. The primary exceptions are the northeast corner of NW Vail and Lower Silver Lake Road and property to the south along Gordon that are zoned industrial. Residential development on surrounding property is not likely within the foreseeable future.

LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER THE PRESENT CLASSIFICATION:

The subject properties have remained zoned for single family dwellings since at least 1958 when the area was annexed into the City. The industrial tract has remained zoned for light industrial since 1971. A warehouse was constructed on this tract in the 1970s. The "R-1" tract contained an agricultural or storage building in 2006, but has since been demolished and is used for storage or parking currently. The remainder of the property has likely been used for agricultural land.

SUITABILITY OF USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED:

The subject properties are suitable as zoned for single family residential land uses due to like uses along Lower Silver Lake Road even though some properties have remained undeveloped as zoned. In general, the broader area has remained undeveloped for residential uses since annexed in the 1950s. A subdivision was platted (North Park Addition) just west of NW Vail, but has never developed as it was intended for residential uses. Rezoning of the property will allow the current owner to grow his existing vending business to the west closer to more intensive uses.

CONFORMANCE TO THE COMPREHENSIVE PLAN:

The subject properties are located within an area designated *Residential Low Density* on the North Topeka West Neighborhood Plan. The proposed PUD is not intended to allow for the overall expansion of future industrial land uses within this category of the neighborhood plan. The PUD accommodates some reasonable expansion of a light industrial use that has existed since 1971 on the site in a manner that provides for design standards and limitations on the use. Expansion of new industrial uses is generally not appropriate within this category. However, due to the fact the properties are not viable for single family residential, the expansion of existing light industry may be appropriate through the use of PUD or mixed use zoning that incorporates design standards and restrictions on outdoor storage.

THE EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTAL AFFECT NEARBY PROPERTIES:

Approval of this Master PUD Plan will not have a detrimental effect upon nearby properties as it is primarily intended to accommodate the very limited expansion of the existing use on the site. The proposed use will have little impact upon any nearby properties. The PUD allows the expansion so that any storage can be enclosed inside the buildings. Staff recommends there be no outside storage of products or supplies and all vehicles parked outside be screened from public view.

THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE OWNER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER:

The proposed reclassification will not have a detrimental effect upon the public health, safety, and welfare as the area is primarily undeveloped or used as agricultural farmland. The zoning allows the property owner the ability to expand a business that has existed since 1971 on this site. The hardship upon the individual land owner is that there are limited options to develop his property for residential uses due to the length of time it has remained vacant. Furthermore, if the rezoning is not approved the owner would have to accommodate business growth, storage of equipment in particular, in a different location.

AVAILABILITY OF PUBLIC SERVICES:

All essential public utilities, services and facilities are available to the area or will be extended at developer expense.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:

The Master PUD Plan establishes development standards and guidelines as indicated. The property will be re-platted prior to site development.

STAFF RECOMMENDATION

Based upon the above findings and analysis Planning Staff recommends **APPROVAL** of this proposal, **subject to:**

1. Use and development of the site in accordance with the **Master Planned Unit Development Plan for Schmidt Vending** as recorded with the Office of the Shawnee County Register of Deeds.
2. Removing reference to "Proposed Legal Description".

3. Revising Note #4 under Circulation, Parking, and Traffic: *“Entrances #2 and #3 as depicted on the master plan shall be reconstructed at the time of site development of either the proposed Building #1 or #2, whichever is built first, in accordance with City street design standards and to provide a shared driveway with property to the west (proposed Lot 2). The access easement allows for cross access with the property to the west and shall be binding on all owners, heirs, executors, and assigns of said owners.”*
4. Revising note #1 under Landscaping to include: *“. . . A 5' landscape buffer is provided along the frontage of NW Lower Silver Lake Road for Building #1. The landscape buffer shall be planted with “Large” trees at the time of site development of the proposed Building #1 or Building #2, whichever is constructed first. Landscape requirements shall emphasize screening along residential zoned property to the west and south where adjacent to the new developed areas even though this may exceed the required landscape points per TMC18.235.”*
5. Revising outdoor storage note under Landscaping to state: *“The outdoor storage of products and supplies is not permitted. Business vehicles parked outside shall be located on an approved surface and substantially screened from public view by fencing and/or landscaping.”*
6. Revising Note #2 under Building and Structural notes to also indicate there is a minimum rear yard setback of 30 ft.
7. Add note #3 under Building and Structural notes: *“There shall be no fences within the required 30' front yard setback. Any use of barbed wire on fencing shall not permitted.”*

ATTACHMENTS:

Aerial Photo
Zoning Map
Master PUD Plan
Neighborhood Meeting note/sign in