



CITY OF TOPEKA

TOPEKA PLANNING COMMISSION

C A S E M I N U T E S

Monday, January 23, 2017

6:00PM – Municipal Building, 214 SE 8th Street, 2nd floor Council Chambers

Members present: Katrina Ringler, Wiley Kannarr, Rosa Cavazos, Scott Gales, Brian Armstrong, Ariane Burson (6)

Members Absent: Carole Jordan, Dennis Haugh, Patrick Woods (3)

Staff Present: Bill Fiander, Planning Director; Dan Warner, Planner III; Mike Hall, Planner III; Kris Wagers, Office Specialist; Mary Feighny, Legal

ACZR17/01 Amending the Zoning Code / Matrix

Mr. Fiander pointed out that many of the proposed amendments were reviewed at previous Planning Commission meetings (Sept/Oct/Nov 2016) and what was now before commissioners was the package as a whole.

Mr. Warner reviewed Downtown Zoning D-1 Conversion with a PowerPoint presentation. He explained that staff recommends converting existing C-5 zoning to D-1 and eliminating the C-5 zoning district from our City Code. Both C-5 and D-1 are downtown zoning districts, and D-1 includes design guidelines.

With no questions from Commissioners, Mr. Hall began a review of proposed sign standards in D Districts (Section A-15 thru A-18 of the agenda packet). A PowerPoint presentation [also provided as handouts] was used. Mr. Hall answered questions from commissioners, which included questions about wall signs on the side of a building rather than the front and questions about EMC signs.

There was discussion regarding window signs and changes were proposed by Commissioners. Suggestions included making window signage restrictions per tenant and specifying 1st floor windows in the percentage calculations.

As review and discussion of D1 conversion came to a close, Mr. Gales declared a **public hearing open** so people could speak about the items reviewed thus far.

Ms. Virginia Baumgartner with Luminous Neon came forward to speak. She stated that she had served on the sign standard review committee and has spoken with many people regarding the proposed sign standards. She said that most of the group's concerns had been addressed and thinks it's a very good compromise. She suggested regarding monument signs [Section A-16/A-17 #6 (i) – Ground Signs] that 75% might be a more visually appealing number than 90%, but added that was her opinion.

Mr. Hall confirmed that 90% is intended to be regulatory because it's linked to the definition of a monument sign. He stated that in a historic district, a pylon sign (which is similar to a monument sign) is not allowed, whereas a monument sign is. It was agreed that due to the urban density of the downtown setting, visibility may be a consideration and flexibility may be useful.

Mr. Clayton Sherwood, Swims and Sweeps, came forward and asked for clarification as to art vs. signage. He stated that his building has the name of his business painted on it and he would consider that signage, but it also has a large mural that he would consider art. Mr. Hall stated that if what was intended was a commercial message about the business or their products, then it is considered a sign. If no message was intended, it's not a sign but a mural. Mr. Gales asked for (and received) verification that the painted sign would be considered legal non-conforming and could be both retained and maintained.

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There was continued discussion amongst commissioners and staff regarding signs vs. artwork. Mr. Kannarr asked for a definition of what constitutes a “message” and Ms. Feighny stated SCOTUS has determined that the content of a sign cannot be regulated. Following questions from Mr. Gales, Mr. Hall stated that message content may be either text or pictures of products supplied by the business and be considered a sign.

Ms. Burson expressed concern about clarifying regulations so as not to impede the use of murals and discussion continued. Mr. Fiander pointed to the mural on the Subway building at 10th & Kansas as a good example of mural/art.

Ms. Cindy Proett of Luminous Neon came forward stating she’d like to thank the Planning Department and especially Mr. Hall on how cooperative and inclusive they’ve been throughout the process.

With nobody else coming forward, Mr. Gales declared the **Public Hearing Closed**.

Mr. Hall reviewed Section B – Miscellaneous Amendments, focusing on those that had previously brought up questions by the commissioners.

Mr. Hall reviewed Mobile Retail Vendors (especially food trucks), explaining that the changes are meant to be more clear and less restrictive. Discussion included questions about how parking restrictions and required parking spaces are to be handled, as well as stipulating a minimum distance to maintain for residential homes. Mr. Hall explained that parking spaces could be determined using GIS software and specific issues could be handled at the time the license is applied for. He explained that minimum distances from residences were intentionally left out to allow some discretion. He added that parking regulations must also be complied with.

Mr. Hall reviewed Accessory Dwelling Units (“mother-in-law” quarters or “carriage house”) explaining that additional dwelling units are allowed in districts where multiple dwellings are allowed on a site (M-1, M-1a, M-2, M-3). He stated that the intent was to not allow greater density than is allowed in the zoning district.

Mr. Gales asked about why a carriage house wouldn’t be allowed in R-1. Mr. Hall stated that allowing this is something that would need to include stakeholder input. Mr. Fiander stated that the amendment isn’t saying this is something we shouldn’t have, but it is something that would require further engagement and consideration.

Ms. Cavazos asked regarding “Little Free Libraries” and the size limitations. Mr. Hall pointed to Page B-26, which specifies size regulations. Ms. Cavazos did not request any changes.

There was discussion about Cargo Containers – pp. B12-15 of the agenda packet. Mr. Hall explained that currently they’re only allowed short-term in all but Industrial Districts and he reviewed the proposed changes.

Mr. Gales expressed concern about not requiring fence screening for some retail if the container is visible from another business but not the street.

There was discussion about the language in 18.210.050 (d)1, and staff clarified that the intent of the word “permitted” was “allowed” rather than work that requires a building permit. Mr. Fiander invited commissioners to help staff determine when “temporary” becomes too long and requires screening of the cargo container. He explained that staff had talked about a variety of ways to determine how long a container that’s visible from a public street could remain for a construction project before the City required it be screened, and their thought was that a specific time period would be easiest to enforce. Mr. Gales concurred, adding that requiring a semi-permanent screen might encourage people to build storage space rather than use a cargo container. He suggested adding text such as Mr. Fiander had recommended.

Mr. Hall reviewed Uncovered Horizontal Structures.

With no further questions from commissioners, Mr. Gales declared the **public hearing open**. With none coming forward, Mr. Gales declared the **public hearing closed**.

Mr. Fiander explained the motion/vote options, which included passing the amendments as a whole, deferring a vote until a February meeting while staff make the recommended changes, or passing part of the amendments and bringing the others back in February after staff has made changes.

Following discussion, Mr. Armstrong made a **motion** to approve all but the following items:

18.200.090 (f) (2) Painted Exterior Wall Signs. It was agreed that the text needs to be more explicit about grandfathering existing murals. Mr. Fiander stated staff will attempt to better define signs.

18.200.090 (f) (4) Window Signs. It was agreed that staff should make changes based on earlier discussion and suggestions.

18.200.090 (f) (6) Monument Signs. Mr. Fiander stated that staff will review in light of Ms. Baumgartner's concerns about a 90% base vs. 75% base.

18.210.050 Cargo Containers. It was agreed that staff should define a length of construction time allowed prior to requiring screening as discussed earlier.

Second by Mr. Kannarr. **APPROVAL** (6-0-0)

It was agreed that staff will work on the above 4 items and bring them back to the February meeting.

Mr. Fiander explained that next month's meeting includes a Conditional Use Permit that might take some time and suggested a 4th Monday Policy Board meeting to review the above 4 items and the 2018-2021 CIP. Commissioners agreed: February 20, 6:00PM will be the televised meeting in Council Chambers. February 27, 5:30PM there will be an untelevised meeting at the Holliday Building, 1st floor Holliday Conference Room.