

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

PLANNING COMMISSION DATE: Monday, April 17, 2017

APPLICATION CASE NO

PUD16/5A – Reser’s Fine Foods Planned Unit Development

**REQUESTED ACTION / CURRENT
ZONING:**

AMENDMENT to the Master Planned Unit Development Plan (I-1 uses) to include the property to the west at 3636 SE 6th Avenue/Street and the properties to the north at 347/349 SE Croco Road, currently zoned “RR-1” Residential Reserve District.

APPLICANT / PROPERTY OWNER:

Reser’s Fine Foods

APPLICANT REPRESENTATIVE:

Paul Leavy, Reser’s Fine Foods
David Welsh, CIDA
Kevin Holland, Cook, Flatt, and Strobel Engineers

PROPERTY ADDRESS & PARCEL ID:

Generally lying at the northwest intersection of SE 6th Street and SE Croco Road.

Parcels being added to the PUD master plan:
3636 SE 6th Avenue/Street (12.4 acres)
347/349 SE Croco Road

PARCEL SIZE:

44 acres total

STAFF PLANNER:

Annie Driver, AICP, Planner II

PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY:

The PUD allows the construction of a 403,000 sq. ft. food processing and packaging facility/warehouse distribution center in two phases. Phase 1 (318,000 sq. ft.) is scheduled for 2017-18. Phase 2 is 85,000 sq. ft. and will contain a warehouse/distribution building.

This major amendment to the PUD master plan relocates the waste water pre-treatment facility and stormwater detention pond on the property at 3636 SE 6th Street. Re-locating these allows for improved truck circulation around the back of the warehouse and places these buildings lower on the property and less visible from SE 6th Street. There is no development proposed on property to the north. The existing single family residences on these properties have current leases running for 1 and 5 years. After which, the PUD designates these areas as open space.

DEVELOPMENT / CASE HISTORY:

The property was annexed and rezoned by the Governing Body from “RR-1” Residential Reserve on January 10, 2017 (A17/1

and PUD16/5) to PUD (I-1 uses). The subject property for this amendment was not available at the time of the rezoning. An annexation will be heard in conjunction with this PUD amendment for the property at 3636 SE 6th Street.

**PUD MASTER PLAN ELEMENTS
(PROPOSED):**

**DEVELOPMENT PHASING
SCHEDULE:**

This PUD revision does not alter the approved phasing. Phase 1 is scheduled for 2017-18. Phase 2 is scheduled for 2022-2028. Phase 1 consists of the 318,000 sq. ft. food processing and packaging facility, stormwater detention, road and sidewalk improvements, and associated parking. Phase 2 consists of 85,000 sq. ft. warehouse/distribution and remaining parking.

**PARKING, CIRCULATION &
TRAFFIC:**

Required: 1 stall per 600 sq. ft. up to 25,000 sq. ft.; 1 stall per 1,000 sq. ft. thereafter. Phase 1- 335 required; Phase 2- 85 required. 488 stalls are provided.

21 bike rack stalls are required; 24 are provided.

**BUILDINGS, SETBACKS, AND
DESIGN:**

North – 30' perimeter setback
South – 100' building setback
East – 120' building setback
West - as shown

LANDSCAPING:

Additional landscaping has been added along the frontage of SE 6th Street. A 20' or greater landscape parking lot setback is provided along both street frontages. A 3 - 5 foot tall berm is provided along street frontages. A generous landscape plan demonstrating compliance with TMC 18.235 and emphasizing an attractive mix of deciduous trees, evergreen trees, and shrubs has been submitted.

SIGNAGE:

See attached exhibit.

BUILDING ELEVATIONS:

See attached exhibit

PROJECT DATA:

Use: "I-1" use group for "Manufacturing and Processing, Types I and II only.

VARIANCES REQUESTED:

A variance to TMC 18.235.060(d)(1) regarding the 6' residential screening buffer along the west property is granted due to the presence of a stream buffer along the length of this property boundary.

COMPLIANCE WITH DEVELOPMENT STANDARDS AND GUIDELINES

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

OTHER FACTORS

SUBDIVISION PLAT:

Platted as Reser's Croco Subdivision. A minor plat for Reser's Croco Subdivision #2 that includes the unplatted properties at 3636 SE 6th ar 347/349 SE Croco is under review.

TRANSPORTATION/MTPO:

SE 6th Street is classified as a minor arterial and is a full five lane arterial street extending east to the K-4 Highway/6th Street interchange. SE Croco Road is classified as a minor arterial and is two lanes north and three lanes south of SE 6th Street. There are currently no sidewalks along SE 6th or SE Croco. The nearest bus stop is located inside the City limits at 6th/Rice, approximately ½-mile from the site. The planned bicycle route #1 does not extend along SE 6th past Rice Road. The applicant will work with Topeka Metro to provide a bus stop. A trail easement (dedicated by plat) is provided along the stream buffer to allow a future connection with the Shunga Trail.

KDOT Traffic Counts (2014): SE Croco Road south of intersection - 4,510 average daily trips (ADT); SE 6th Street west of Rice Road – 5,665 ADT; Rice Road north of SE 6th – 1,275 ADT.

UTILITIES:

Water: There is an 8" water main along SE 6th and Croco that will serve the site and is adequate. All connections are at the expense of the developer.

Sanitary sewer: There is an 8" sewer main extending to this site from SE 6th Street and is adequate to serve the site and this main is being re-routed at developer expense.

Waste Water Treatment: This PUD amendment allows the waste water treatment building and equalizing tank to be moved further west and behind the building. The new site sits lower on the property and is less visible from SE 6th Street.

An industrial discharge waste water pre-treatment permit is issued by the City of Topeka through an EPA mandate for any user exceeding a flow of 25,000 gallons/day.

FLOOD HAZARDS, STREAM BUFFERS:

The property is affected by a Type II stream buffer running along the west side of 3636 SE 6th Street.

HISTORIC PROPERTIES:

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

NEIGHBORHOOD MEETING:

The applicant held a Neighborhood Information Meeting on Monday, May 27, 2017.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

ENGINEERING/STORMWATER:

Detention and stormwater treatment for water quality are required. The amended Stormwater Report and Management Plan (February 28, 2017) addressing both water quantity and quality has been submitted. The report has been accepted by the Utilities Division for water quality. The revised report is still under review by the Engineering Division for water quantity.

The Stormwater Report addressed the 2, 10, 50, 100 year events. The PUD amendment relocates the “Extended Dry Detention Basin” to northwest corner of the property. This detention basin will hold water and release it at pre-development rates or less. An “Extended Dry Detention Basin” holds water for longer periods (40 + or – hours) to let pollutants settle and therefore, is a stormwater quality measure in addition to a water quantity measure. A gravel access road is provided to the stormwater detention pond to allow maintenance.

ENGINEERING/TRAFFIC:

A Traffic Impact Analysis (TIA) was completed by the consultant as required by the City Traffic Engineer as part of the initial PUD approval. The TIA addressed the surrounding street system and existing traffic conditions from Deer Creek Parkway to K-4/Oakland Expressway. The TIA has been approved and recommended the following improvements to be completed prior to issuance of a Certificate of Occupancy for Phase 1:

- A 205 ft. westbound right-turn deceleration lane (w/ 120 ft. taper) on SE 6th Street for truck access;
- Improving SE Croco Road to three lane industrial width roadway (including adding sidewalk along the along the property’s frontage);
- Providing and extending sidewalks along the north side of SE 6th to connect with sidewalk at Rice Road.

FIRE:

The Fire Department has no issues with the proposed PUD amendment and will review and approve future plans prior to construction for access and fire suppression requirements.

DEVELOPMENT SERVICES:

A Building Permit is required with each phase of development.

KEY DATES

SUBMITTAL:

March 3, 2016

NEIGHBORHOOD INFORMATION MEETING:

March 27, 2017

LEGAL NOTICE PUBLICATION:

March 22, 2017

PROPERTY OWNER NOTICE MAILED:

March 24, 2017

STAFF ANALYSIS

CHARACTER OF THE NEIGHBORHOOD:

The character of the immediate neighborhood related to this amendment is predominantly residential, rural and wooded in character lying within unincorporated Shawnee County. T

The PUD Master Plan contains requirements and design elements such as ample building setbacks, landscaping berms, and architectural features to help preserve the area's residential character. This amendment to the PUD does not alter conditions established by the original PUD plan. It relocates the waste water pre-treatment building and stormwater detention further west and lower on the site, thereby making these features less visible from SE 6th Street. This PUD amendment also adds open space and buffers around the building that place a larger distance between the building and surrounding residential properties.

ZONING OF PROPERTIES NEARBY:

The zoning of surrounding properties are zoned "RR-1" Residential Reserve District immediately to the west, north, and east of the amendment areas.

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

The properties that are added into the PUD Plan are located at 3636 SE 6th and 347/349 SE Croco Road and are still presently zoned "RR-1" Residential Reserve District. The single family residences were constructed around the 1970s and have been used for this purpose since then. They have current leases running for one and five years, respectively. After the leases expire, the PUD plan designates these home sites and remaining land for open space. 347/349 Croco has already been annexed into the City. 3636 SE 6th Street is proposed to be annexed concurrently with the PUD amendment.

SUITABILITY OF USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED:

The residential properties at 347 SE Croco and 3636 SE 6th Street may still be suitable under their present zoning since they continue to be used for single family residential and will continue under this use in the short-term. However, adding these to the PUD provides additional open space around the building by incorporating the stream buffer into the PUD plan's design and provides a more effective transition between the industrial development and residential/agricultural uses lying to the north and west. The waste water pre-treatment plan and stormwater detention are moved further to the west sitting lower on the property than shown on the previous PUD plan allowing for better truck circulation on site, and resulting in more truck trips using the SE 6th Street entrance away from residential on Croco.

The original PUD already established that the area is suitable for development. This PUD amendment does not alter the development threshold that was previously approved with the master plan. The revision actually improves circulation on the site and reduces the visibility of the pre-treatment building from SE 6th Street. The "RR-1" zoning district is intended to allow for the gradual development of urban uses while providing for the coexistence of agricultural farmland based upon the availability of municipal services. In theory, "RR-1" zoning is reserved for future development. Once platted and annexed those areas should be rezoned to an appropriate urban zoning district. The subject properties are adjacent to the city limits where the full range of urban infrastructure is readily available (sewer, water, roads, Fire, Police). City policies recommend these areas should be annexed prior to development. The site is easily accessible to and from the major highways of K-4, I-70 and the Kansas Turnpike. All infrastructure investments that have been made contribute to making the property desirable for industrial uses that are dependent on excellent access to the major regional transportation network.

Although the investments have been made and the infrastructure is in place for industrial land uses, the subject property is still predominately surrounded by large-lot residential uses and residential zoning to the east and north. There are

substantial factors on the PUD amendment (stream buffer, trail designation, open space) further constraining development on the site. These factors provide a more adequate buffer between residential large-lot uses and the subject industrial development. Further west within the East Topeka neighborhood, the character of the SE 6th Street corridor is mixed use in nature with large-scale employment uses, smaller scale retail/industrial, and a mobile home park.

CONFORMANCE TO THE COMPREHENSIVE PLAN:

Upon annexation, the subject property (3636 SE 6th Street) will lie within Tier 1 of the Urban Growth Area. The Land Use and Growth Management Plan-2040 (LUGMP) indicates these areas are the first priority for future growth/urban development and the full suite of urban infrastructure is readily available to the property. The Comprehensive Plan Amendment case (CPA17/1) approved in January amended the Land Use and Growth Management Plan (2040) and designated the area “6th Avenue/Street Mixed Use Employment Corridor”.

The previous annexation case for the initial site concluded the community has made the investments in infrastructure and services to support the urbanization of this area. City of Topeka water and sewer service is available. The City has also constructed a fire station to serve the area. Major transportation investments have been made which include the improvement of SE 6th Street to a 5-lane section and also the construction of the Oakland Expressway, which connects the area to US Hwy. 24 and I-70. Annexing and developing the property is consistent with the goals and policies of the LUGMP and allows the city to grow in a compact and affordable manner. This amendment also provides a trail easement that allows Shawnee County to construct a trail connection with a future planned extension of the Shunga Trail.

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

The revision to the PUD master plan does not alter previously approved conditions that addressed potential detrimental effects upon nearby properties because of changes to the character, noise, odor, pollution, lighting, stormwater, traffic, and other visual impacts. This revision is only intended to add open space as a buffer around the development and place the waste water pre-treatment building and stormwater detention further away, and less visible from, the SE 6th Street corridor. The design allows improved truck circulation behind the back of the building, thereby keeping truck trips to 6th and away from the residential properties on Croco.

The Master PUD Plan addresses any potential negative effects through the use of landscape berm, ample landscaping along public street frontages, signage and building design restrictions, screening of mechanical equipment, restricting truck loading and unloading to the side and rear of the building, and building design considerations. Even with the addition of the potato hopper added on to the south elevation, the loading and unloading of trucks are still restricted to the side and rear yards of the building. As shown on the elevations, the potato hopper blends in with the south façade and sits lower than the berm along SE 6th. The amendment adds open space and allows a for a trail connection, which is a benefit to surrounding properties.

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 off-site and on-site improvements will provide a gain to the public health, safety and welfare because of improvements related to better site circulation and the increases in open space. The wider driveway behind the building pulls truck traffic away from Croco where there are residential uses. The waste water pre-treatment will be less visible from the public street (SE 6th) because it sits lower on the site. The amendment to the Master PUD Plan does not increase the level of intensity rather it provides additional buffer areas and allows future recreation (i.e. trail connection), which are benefits to the public health, safety, and welfare.

AVAILABILITY OF PUBLIC SERVICES:

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

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:

The Master PUD Plan establishes development standards and guidelines as indicated. A subdivision plat for Reser's Croco Subdivision #2 that adds the unplatted property at 3636 SE 6th and 347/349 SE Croco has been submitted and is being reviewed.

STAFF RECOMMENDATION

Based upon the above findings and analysis Planning Staff recommends **APPROVAL** of this PUD amendment, subject to the Governing Body approving the annexation associated with the property at 3636 SE 6th Street.

1. **Use and development of the site in accordance with the Master Planned Unit Development Plan for Reser's Fine Foods-Amendment #1 as recorded and amended with the Office of the Shawnee County Register of Deeds.**
2. Approval and acceptance of the "revised" Stormwater Management Report (dated February 28, 2017) by the Department of Public Works and Utilities. The plat, site development plan and required permits shall incorporate design improvements and practices as concluded by the approved Stormwater Management Report.
3. Correcting the misspelling of "Amendment" in sub-title on the master plan.
4. Labeling "stormwater detention" and "stormwater access road" to indicate: *"Easements to be dedicated by plat"*.
5. Adding note under Landscaping notes: *"Additional landscaping may be appropriate and a new landscape plan approved by the Planning Department at the time the existing single family residences are demolished."*

MOTION BY PLANNING COMMISSION:

- Motion to approve the PUD amendment, subject to conditions in the staff report and subject to the Governing Body approving the annexation associated with the property at 3636 SE 6th Street.

ATTACHMENTS:

Aerial Maps
Zoning Map
Master PUD Plan
Building Elevations
Revised Landscape Plan
NIM report/attendance