



# CITY OF TOPEKA

## TOPEKA PLANNING COMMISSION

### MINUTES

Monday, April 17, 2017

**6:00PM – Municipal Building, 214 SE 8<sup>th</sup> Street, 2<sup>nd</sup> floor Council Chambers**

**Members present:** Katrina Ringler, Wiley Kannarr, Scott Gales, Brian Armstrong, Ariane Burson, Dennis Haugh, Patrick Woods, Carole Jordan (8)

**Members Absent:** Rosa Cavazos (1)

**Staff Present:** Bill Fiander, Planning Director; Dan Warner, Planner III; Mike Hall, Planner III; Annie Driver, Planner II; Kris Wagers, Administrative Officer; Mary Feighny, Legal

**Roll Call** – Eight members present for a quorum.

#### **Approval of Minutes from February 20, 2017**

**Motion** to approve as typed; moved by Ms. Burson, **second** by Mr. Armstrong. **APPROVED** (8-0-0)

#### **MTPO Policy Board Representative**

Mr. Fiander explained that a member of the Planning Commission routinely serves as a representative to the MTPO Policy Board as a voting member. He stated that one person has expressed interest in being that representative for 2017 and asked anyone else interested contact to him as soon as possible.

#### **Communications to the Commission**

Mr. Fiander invited Commissioners and all in attendance to the May 3, 5:30PM Futures 2040 meeting at the library.

Mr. Fiander invited Commissioners and all in attendance to participate in the Bike with the Mayor & City Manager event on May 17.

#### **Declaration of conflict of interest/exparte communications by members of the commission or staff**

Mr. Armstrong stated he will be stepping out during the Forest Park Retreat and Conference Center, Inc. case (Item F1 / Case number CU04/03B) as he is involved with the project.

#### **Public Hearings**

**CU04/3B by: Forest Park Retreat and Conference Center, Inc.** requesting a major amendment to the Conditional Use Permit for a youth camp and retreat center in order to expand the boundary of the existing 34.8 acre site located at 3158 SE 10<sup>th</sup> Street to include a 5.2 acre parcel to the east along SE 10<sup>th</sup> Street on property zoned "R-1" Single Family Dwelling District. **(Driver)**

Mr. Armstrong left the room.

Ms. Driver reviewed the staff report, concluding with staff's recommendation to approve the CUP amendment, subject to the conditions stated in the staff report.

Ms. Sharp came forward representing the applicant. Mr. Gales asked Ms. Sharp if the staff recommendations were agreeable to her clients and she stated that she and her clients are agreeable to the recommendations.

**DRAFT**

Mr. Kannarr declared the **public hearing open**, and with none coming forward, declared the **public meeting closed**.

Mr. Gales asked Ms. Driver for clarification related to required parking, which she provided.

**Motion by Mr. Gales** to approve the CUP amendment, subject to the conditions stated in the staff report; **second by Mr. Woods**.

Mr. Kannarr noted that the additional five acres have been vacant for several years and this seems an appropriate use for them.

**APPROVAL (7-0-1 with Mr. Armstrong abstaining)**

Mr. Armstrong returned to his seat.

**A17/02 by Reser's Fine Foods, Inc.** requesting to annex into the City the property located at 3636 SE 6th. **(Warner)**

Mr. Warner reviewed the request and the staff report, concluding with staff's recommendation that the proposed annexation is consistent with the Land Use and Growth Management Plan 2040. It was also explained that the City's Governing Body will be responsible for approving or disapproving the annexation. Planning Commission review is not specifically required by state statute, however, our Land Use and Growth Management Plan has established a policy that the Planning Commission should review annexations greater than 10 acres for consideration and recommendation based on Land Use and Growth Management principles of the Comprehensive Plan.

Mr. Gales asked why this was coming to Planning Commission so soon after the last annexation request. Mr. Warner explained that at that time, Reser's had not yet completed the purchase of the property.

Mr. Mike Morse of Kansas Commercial Real Estate came forward representing the applicant. Mr. Morse explained that due to the death of the property owner, Reser's was unable to secure the additional property in time for the previous meeting. He explained that at the initial neighborhood meeting, neighbors had expressed some concerns that the added property is able to address.

Mr. Kannarr noted that he too was surprised at the annexation request coming so quickly after the initial annexation. Mr. Morse explained that they desire always to be forthright but negotiations and the process negated their ability to publicly speak about the purchase attempt.

Mr. Haugh asked Mr. Morse if he foresaw this particular site enlarging even more. Mr. Morse explained that the current land meets the company's needs. He added that neighbors have reached out to see if Reser's might be willing to purchase their properties and those opportunities would be considered by Reser's.

Mr. Kannarr declared the **public hearing open**, and with none coming forward, declared the **public meeting closed**.

Mr. Kannarr noted that the conditions on the current property are significantly the same as the conditions of the last annexation proposal that the Planning Commission noted to approve, so it would seem inconsistent to approve the last one and not this one.

**Motion by Mr. Gales** that upon consideration of the proposed annexation request, it is the Commission's determination that the annexation is consistent with the Land Use & Growth Management Plan; **second by Mr. Haugh. APPROVAL (8-0-0)**

**PUD16/05A by: Reser's Fine Foods** requesting a major amendment to the Master Planned Unit Development Plan (I-1 Light Industrial uses) on property at the northwest intersection of SE Croco Road and SE 6th Street to expand the boundary of the existing Planned Unit Development by adding the property to the west located at 3636 SE 6th and adding the property to the north at 347/349 SE Croco Road, all currently zoned "RR-1" (Residential Reserve District) and located in unincorporated Shawnee County, Kansas. An annexation is being processed concurrently with the application. **(Driver)**

Ms. Driver presented the staff report, concluding with the staff recommendation for approval of this PUD amendment, subject to the Governing Body approving the annexation associated with the property at 3636 SE 6<sup>th</sup> Street.

Mr. Gales asked what the change in building height (elevation) of the building would be and Mr. Craig Harris of AAI Engineering came forward to address the question. Mr. Harris stated the building would be 3-4' lower than originally planned, plus there are larger trees along 6<sup>th</sup> Street that will help hide the building.

Mr. Harris stated that the stormwater detention pond is also being moved closer to the creek to allow for further expansion of the truck maneuvering area, and he noted a new easement for a trail.

Mr. Kannarr inquired about the added truck maneuverability and Mr. Harris explained that an additional 20-30' feet will be available for trucks to turn around. Most truck traffic will be on 6<sup>th</sup> as they will be going to/from the Reser's facility on 6<sup>th</sup> Street.

Mr. Gales asked Mr. Harris to confirm that the stream buffer details were already in place with the original PUD and there were no modifications with this amendment. Mr. Harris did confirm that the stream buffer is a known factor that they worked around.

Mr. Armstrong asked for details about the moving of the detention pond. Mr. Harris stated that they had worked with City engineers on this and all were in agreement that the move is a positive thing and should prove helpful to neighbors with pre-existing stormwater issues.

Mr. Armstrong asked if the originally planned berms remain in the plan and Mr. Harris confirmed they are.

With no additional questions from Commissioners, Mr. Kannarr declared the **public meeting open**.

**Ms. Janice Spiker of 526 SE Croco Rd** came forward to speak. She asked questions about fencing, how many driveway entrances there will be from Croco into Reser's, when the shift changes will be, and where the bus stop will be. She wondered if the bus stop could be moved to the opposite corner of 6<sup>th</sup> Street.

Mr. Gales stated that the only real changes the applicant was requesting were on the western most side and aren't likely to affect the things she's concerned with.

Mr. Kevin Holland of Cook, Flatt & Strobel came forward to assist in answering some of Ms. Spiker's questions. He stated that there are 3 entrances off Croco and they're unchanged from what was previously planned. It is anticipated that trucks will use the 6<sup>th</sup> Street accesses.

Mr. Holland explained that Reser's has 9 shift changes that cover the hours of 5AM and 1AM (20 hours), each of which accommodate 40-50 people.

Mr. Holland reported that they are working with Topeka Metro Transit Authority (TMTA) regarding where the bus stop will be. Ms. Driver stated that currently there is conversation about placing a bus stop on the north side of 6<sup>th</sup> Street but it depends on the bus route. It's not shown on the PUD because the location is not finalized, but the PUD does include a note stating that Reser's is willing to provide a pad for a bus stop.

Mr. Gales asked Mr. Holland to expand on how the locations of the entrances were chosen, and Mr. Holland explained that since the site is sunken, grade dictated the first entrance, as well as the need to keep it as far away from the intersection as possible. He added that Reser's had originally planned for 2 entrances but City staff had asked for 3 to allow more options.

Regarding Ms. Spiker's question about fencing, Mr. Holland explained there is no fencing to the north but there is a 5' tall (approximate) landscaping berm. Mr. Gales added that the 5' tall berm would match the height of a standard fence, plus there will be plantings on the berm.

Mr. Gales asked if there is a substantial change in surface area (paving). Mr. Harris stated there's about a 10% increase and the detention pond was increased to accommodate.

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

Mr. Kannarr summarized some of the positives of the changes, including improvements to sitelines, reducing the flow of water down Croco Road, and the fact that it seems to work better for Reser's truck operations. He stated he has no heard no reason not to support the request.

Mr. Armstrong stated that the stormwater plan seems to be an upgrade from the original and the addition of the trail easement to provide walkability on the west side is an added bonus.

Mr. Gales stated that everything he's heard seems to be the right attitude about forward thinking projects and noted work opportunities are being added utilizing infrastructure improvements already in place. He also noted that Reser's appears to be using only the land they need and leaving the rest as greenspace.

Mr. Haugh noted that he agrees with Mr. Gales but added that if Reser's at some point wants to expand west and cross over the to the other side of the creek, there should be careful analysis before this is allowed. Mr. Gales concurred.

**Motion by Ms. Ringler** 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 6<sup>th</sup> Street; **second by Mr. Armstrong. APPROVAL** (8-0-0)

**Adjourned at 7:13PM**