

**STAFF REPORT – ZONING CASE  
TOPEKA PLANNING DEPARTMENT**

**PLANNING COMMISSION DATE: OCTOBER 16, 2017**

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**APPLICATION CASE NUMBER /  
NAME:**

**Z17/04 - David A. Bussard**

**REQUESTED ACTION / CURRENT  
ZONING:**

Zoning reclassification **FROM** “O&I-1” Office and Institutional District **TO** “C-2” Commercial District

**APPLICANT / PROPERTY OWNER:**

Mr. David A. Bussard

**APPLICANT REPRESENTATIVE:**

Mr. David A. Bussard

**PROPERTY LOCATION / PARCEL ID:**

2655 SW Wanamaker Road / Parcel I.D: 1430804004062000

**PARCEL SIZE:**

1.4 acres

**CASE PLANNER:**

John Neunuebel, Planner II

**RECOMMENDATION:**

Approval

**RECOMMENDED MOTION:**

Based on the findings and analysis in the staff report I move to recommend **APPROVAL** to the Governing Body of the reclassification of the subject property from “O&I-1” Office and Institutional District to “C-2” Commercial District.

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**PROJECT AND SITE INFORMATION**

**PROPOSED USE / SUMMARY:**

The change in zoning to C-2 will provide for the expansion of an existing office building and provide for a larger replacement sign to accommodate an increased number of tenant office spaces. (The current zoning of O&I-1 limits the ground floor area of a building to 7,500 sq.ft. and size of sign to a maximum of 50 sq.ft per sign face.)

**DEVELOPMENT / CASE HISTORY:**

The subject property had been zoned R-1 Single-Family Residential until 1981 when zoning was changed to “G-PBC” Commercial Planned Business Center. In 1990 another zone change for the site resulted in zoning of “D & O” Dwelling and Office District, which later converted to current designation of “O&I-1” Office and Institutional. The existing building was constructed in 1990 as a bank and was subsequently converted into multiple tenant office spaces by the present owner. (Although the existing building is 12,422 sq.ft in size and the “O&I-1” zoning district includes a maximum building size of 7,500 sq.ft, the existing building is considered a legal non-conforming use since the city’s zoning code did not stipulate a maximum building size for the

subject site when its previous zoning designation was “D & O” Dwelling and Office District.)

In October 1989, under Case #89-29, the Board of Zoning Appeals approved a variance request for a 22 feet high free-standing pylon sign (ground sign) that exceeded the standards for height and size for the D&O zoning district applicable at that time.

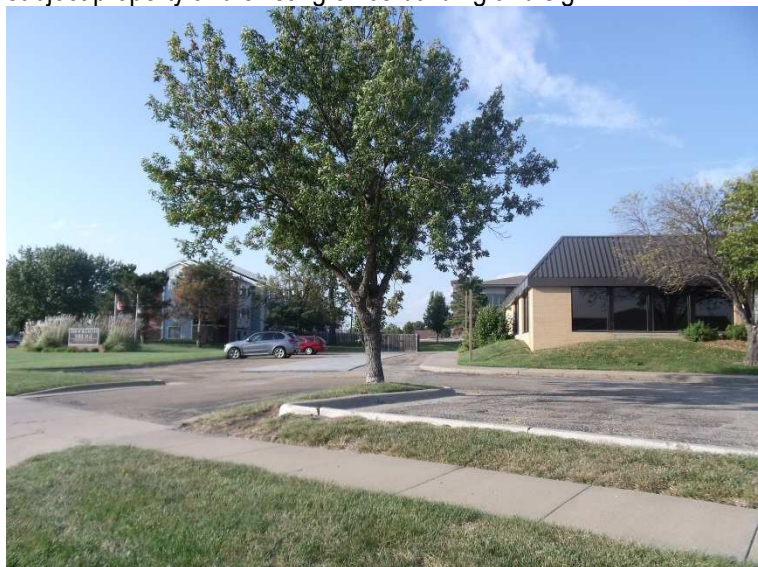
**ZONING AND CHARACTER OF  
SURROUNDING PROPERTIES:**

The adjacent land to the north is zoned C-2 Commercial with an office building. The land to the east across Wanamaker Road is zoned R-1 Single-Family Residential with two churches on separate properties. To the south across 27<sup>th</sup> Street is an office building with C-4 Commercial zoning. The adjacent land to the west is zoned PUD (Planned Unit Development) for multi-family residential development.

**PHOTOS:**



At 27 Street facing north along west side of Wanamaker Road with subject property and existing office building and sign.



Facing north along west side of subject property with existing office building on right and multi-family residential building on left



Facing east along north side of subject property with formerly used bank drive-thru canopy of subject building on right and neighboring office building on property to the north on left.

## **DEVELOPMENT STANDARDS AND POLICIES**

### **PURPOSE, USE STANDARDS:**

The purpose of the proposed C-2 zoning district is to “provide for those commercial activities which serve a major segment of the total community population. In addition to a variety of retail goods and services, these centers may typically feature a number of large traffic generators that require access from major thoroughfares. The extent and range of activities permitted are in the moderate to medium intensity range with a ground floor area limitation and a prohibition on outside sales and storage of supplies, materials, products, and equipment.” (TMC 18.145.010)

A relatively broad range of land uses are permitted within the C-2 district. Civic/cultural uses include: artist studio; clubs or lodges; museums and libraries; government services; indoor and outdoor recreation; and religious assembly. Office/commercial uses include: banks; funeral homes; hotels; packaged liquor sales; pharmacies; and office/professional office. (TMC 18.60 Land Use Matrix)

### **DIMENSIONAL STANDARDS:**

Current zoning for the subject site of O&I-1 provides for a maximum building ground floor size of 7,500 sq.ft, while proposed zoning of C-2 provides for a maximum building ground floor size of 50,000 square feet. (Should the proposed zone change be approved, the applicant is anticipating an expanded building encompassing total ground floor size of 17,942 sq.ft.)

In regard to allowable signage; the current zoning of O&I-1 provides for a monument-type signs limited to a maximum of 50 sq.ft. per sign face with a maximum height of 5 feet, while proposed zoning of C-2 provides for signs with a maximum of 200 sq.ft. per sign face with a maximum height of 35 feet.

**OFF-STREET PARKING:**

In the C-2 District off-street parking is required per the standards in TMC 18.240.030. Number of required parking spaces is regulated by use and not by Zoning District; therefore, the change in zoning has no direct effect on parking requirements.

**LANDSCAPING:**

In the C-2 District landscaping is required for new construction and building and parking lot expansions, although the change in zoning has no direct effect on landscaping requirements. Landscaping will be reviewed as part of the anticipated permitting process for expansion of the existing building.

**OTHER DESIGN GUIDELINES AND CONSIDERATIONS:**

There are no explicit design standards applicable to the C-2 district although, depending on the scope of the project, site plan review and landscape requirements apply.

**COMPREHENSIVE PLANS:**

The Topeka Land Use and Growth Management Plan 2040 (LUGMP) includes the subject site on the Future Land Use Map as 'Existing Strip Commercial Area.' (Future Land Use Exhibit for subject area as attachment.) Such areas are so designated because they have been identified as requiring special redevelopment consideration in order to lessen detrimental effects along arterial roadways of 'strip commercial' development. Inasmuch as the existing structure on the site is utilized as commercial office space and the anticipated expansion of the building will accommodate additional office space, the intent of minimizing commercial strip development in the future within the subject area would be achieved. The proposed zone change from O&I-1 to C-2 to provide for the expansion of an existing office building adheres to the Topeka LUGMP 2040.

**TRANSPORTATION/ AND ACCESS:**

Two existing driveways off 27<sup>th</sup> Street provide access into the existing parking lot, with no direct access provided from Wanamaker Road. The subject site includes existing sidewalks along both Wannamaker Road and 27<sup>th</sup> Street pursuant to requirements of the Topeka Pedestrian Master Plan.

**OTHER FACTORS**

**SUBDIVISION PLAT:**

The subject property is included within Villa West Subdivision #10 as Lot 1 within Block A.

**FLOOD HAZARDS, STREAM BUFFERS:**

None

**UTILITIES:**

The site is served by a full range of utilities and services.

**TRANSPORTATION/TRAFFIC:**

SW Wanamaker Road adjacent to the subject property is categorized as a minor arterial, and SW 27<sup>th</sup> Street is a local street.

**HISTORIC PROPERTIES:**

None

**NEIGHBORHOOD INFORMATION  
MEETING / STAKEHOLDER  
FEEDBACK:**

The owner/applicant conducted a neighborhood information meeting on September 21, 2017. (Meeting attendance and summary attached.) Two people representing a church located on the opposite side of Wanamaker Road to the southeast of the property attended the meeting and inquired of the subject application and zone-change process, and expressed no concerns with the proposed zone change.

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

<b>PUBLIC WORKS/ENGINEERING:</b>	None
<b>WATER POLLUTION CONTROL:</b>	None
<b>FIRE:</b>	None
<b>DEVELOPMENT SERVICES:</b>	None
<b>Other:</b>	None

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**KEY DATES**

<b>APPLICATION SUBMITTAL:</b>	August 29, 2017
<b>NEIGHBORHOOD INFORMATION MEETING:</b>	September 21, 2017
<b>LEGAL NOTICE PUBLICATION:</b>	September 25, 2017
<b>ADJOINING PROPERTY OWNER NOTICES MAILED:</b>	September 21, 2017

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**STAFF ANALYSIS**

**CHARACTER OF NEIGHBORHOOD:** Based on the existing conditions of the subject site and surrounding properties the proposed C-2 zoning is compatible with the existing and desired future character of the neighborhood. The parcel to the north is also zoned C-2 with an existing office building, while the parcel located to the south across 27<sup>th</sup> Street is zoned C-4, also with an existing office building. Uses permitted by the proposed C-2 zoning are generally compatible with the single-family and institutional use to the east across Wanamaker Road, as well as with the adjoining multi-family residential area to the west.

**LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION:** The subject property is not vacant but instead includes a number of tenants, with the building owner proposing expansion of the building to accommodate one or more additional tenants.

**CONFORMANCE TO COMPREHENSIVE PLAN:** The Topeka Land Use and Growth Management Plan 2040 (LUGMP) includes the subject site on the Future Land Use Map as 'Existing Strip Commercial Area.' Such areas are so designated because they have been identified as requiring special redevelopment consideration in order to lessen detrimental effects along arterial roadways of 'strip commercial' development. Inasmuch as the existing structure on the site is utilized as commercial office space and the anticipated expansion of the building will accommodate additional

office space, the intent of minimizing commercial strip development in the future within the subject area would be achieved. The proposed zone change from O&I-1 to C-2 to provide for the expansion of an existing office building adheres to the City of Topeka LUGMP 2040.

**THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES OF WHICH IT HAS BEEN RESTRICTED:**

The owner is requesting a change in zoning to accommodate a building expansion and an enlargement of the existing ground sign. Although the property and the existing building are suitable for the uses to which it is restricted under the current O&I-1 zoning, the dimensional requirements of the current zoning do not provide for an expansion of the existing building. A change in zoning to O&I-2 would also accommodate the owner's desired building expansion, but O&I-2 zoning would not provide for an enlargement of the ground sign. A change in zoning to C-2 Commercial will allow a substantial enlargement of the ground sign to include identification of additional building tenants.

**THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES:** The change in zoning and the planned expansion of the existing building will not have a negative effect on nearby properties inasmuch as office uses are appropriate transitional uses when located in proximity to higher-density residential uses as is the case with the subject site. Although there is a potential for converting from the existing office use to retail or other commercial use should the requested zone change be approved, most commercial uses have a significantly more stringent off-street parking requirement of at least 1 parking space per 200 sf of floor area, compared to 1 space per 300 to 400 sf required for office use, and thus commercial uses are not likely because of the difficulty of providing required off-street parking. Furthermore, the configuration of the existing building originally as a bank and more recently as individual tenant office spaces does not seemingly lend itself well to use as commercial retail space.

The change in zoning to C-2 Commercial also provides for a substantial increase in business signage. O&I-1 and O&I-2 zoning restrict ground signs to a height of 5 feet and an area of 50 sf per side. Under C-2 zoning, ground signs are permitted to a maximum height of 35 feet and size of 200 square feet per side. The existing ground sign, approved by a variance from the Topeka Board of Zoning Appeals in 1989, is approximately 12 feet high and 60 sf in area per face. The owner has stated his intention of increasing the height of the sign by 2 to 4 feet and the size of the sign by less than 50 square feet. An increase in signage that fully utilizes what is permitted in C-2 zoning is potentially out of character with nearby properties, and Planning staff typically do not advise a change in zoning from an O&I classification to a C classification for the purpose of increasing the height, size, or quantity of signs. However, the ground sign for the adjacent property to the north is much larger than the owner's current sign and, considering the owner's intentions and what will be needed for the office use, the anticipated signage will have no detrimental effect on nearby 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:** Approval of the proposed zoning change will allow for the expansion of an existing building by providing additional office spaces in response to market demand for such office spaces within the area.

**AVAILABILITY OF PUBLIC SERVICES:** Adjacent public streets are adequate to serve the development, and all essential public utilities, services and facilities are presently available.

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**STAFF RECOMMENDATION:**

**RECOMMENDATION:** Based on the above findings and analysis Planning Staff recommends approval of the zoning reclassification **FROM** "O&I-1" Office and Institutional District **TO** "C-2" Commercial District as proposed.

**RECOMMENDED MOTION:** Based on the findings and analysis in the staff report I move to recommend **APPROVAL** to the Governing Body of the reclassification of the property from "O&I-1" Office and Institutional District to "C-2" Commercial District.

**Attachments:**

- Aerial Map
- Zoning Map
- Future Land Use Map (LUGMP 2040)
- Neighborhood Information Meeting Notes & Attendance