

Staff Report – Conditional Use Permit Topeka Planning Department

PLANNING COMMISSION DATE: Monday, February 19, 2018

APPLICATION INFORMATION

APPLICATION CASE
NUMBER/NAME:

CU18/01 By: Topeka & Shawnee County Public Library

REQUESTED ACTION /
CURRENT ZONING:

A Conditional Use Permit (CUP) for **“Parking, Surface Lot In Association With A Principal Use”** on property zoned “C-2” Commercial District and “M-1” Two-Family Dwelling District.

APPLICANT/
PROPERTY OWNER:

Topeka & Shawnee County Public Library

APPLICANT REPRESENTATIVE:

Mr. Mark Boyd, SBB Engineering, LLC

PROPERTY ADDRESS &

The subject site is located at the southwest corner of SW 10th Avenue and SW Garfield Avenue.

PARCEL(S) ID:

0973603002001002 & # 0973603002001090

PHOTOS:



Facing east along south side of 10th Street with portion of existing parking lot to be left in place and newly graded area that was location of now-razed medical offices building beyond, with library building in background.



Facing south along west side of Garfield Avenue adjacent to newly-graded area that was location of now-razed medical offices building, with adjacent residential apartment building in background

PARCEL SIZE: 1.08 acres

STAFF PLANNER: John Neunuebel, Planner II

RECOMMENDATION: **APPROVAL** subject to conditions in the staff report

RECOMMENDED MOTION: Based on the findings and analysis in the staff report I move to recommend to the Governing Body **APPROVAL** of the Conditional Use Permit (CU18/01) to provide for construction of a supplemental, off-site parking lot for the Topeka and Shawnee County Public Library.

PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY: The City of Topeka & Shawnee County Public Library, located at the southeast corner of SW 10th and SW Garfield Avenue(s), proposes to construct an off-site parking lot to be located at the southwest corner of SW 10th Avenue and Garfield Avenue(s) for use primarily by library employees. The site is bounded to the east by SW Garfield Avenue; to the north by SW 10th Avenue; and to the west by SW Mulvane Street.

DEVELOPMENT / CASE HISTORY: The subject site includes portions of a parking lot previously used for the recently demolished Medical Plaza Building that was located at 1001 SW Garfield Avenue. The Medical Plaza Building was constructed in 1964 pursuant to a re-zoning of the property from residential to commercial as occurred in 1962. Special Use Permits were approved during the 1970's for expansion of the the Medical Plaza parking area within a residential zoning district. Prior to construction of the medical office building, the area included 2-dwelling residential buildings constructed in the early 20th

century.

**ZONING AND CHARACTER OF
SURROUNDING AREA:**

The now-vacant site is zoned “C-2” Commercial for that portion within approximately 100 feet of SW 10th Avenue, with the remainder southerly portion of the site zoned “M-1” Two-Family Dwelling District. There is a commercial hearing aid clinic on a small parcel (0.07 acre) immediately adjacent to the site at the northeast corner of 10th Avenue and Mulvane Street. A single-family residence is located to the south of the site on Mulvane Street, and there is a multi-family apartment building also to the south that fronts onto Garfield Avenue.

Adjacent zoning districts are as follows:

North: “C-4” Commercial and “O&I-2” Office & Institutional
West: “C-2” Commercial and “R-2” Single-Family Residential
East: “O&I-3” Office & Institutional (Public Library site)
South: “M-1” Two-Family Dwelling and “M-3” Multiple-Family Dwelling.

**COMPLIANCE WITH
DEVELOPMENT STANDARDS
AND GUIDELINES**

USE STANDARDS:

Because the parking serves a primary use not located on the same zoning lot, it is an “off-site accessory parking lot” subject to the specific use requirements in TMC 18.225.010(y). One of the requirements stipulates that the parking lot site shall be of the same zoning classification as that of the primary use or be sited in a *less* restrictive district. The parking lot does not meet this requirement. The library is zoned O&I3 (Office and Institutional) and part of the parking lot is zoned M1 (Two Family Dwelling District), a more restrictive zoning classification than O&I3. A conditional use permit is required for an off-site accessory parking lot when one or more of the special use requirements are not met.

BUILDING SETBACKS:

Standards not applicable/ no building or structure being constructed.

OTHER DIMENSIONAL STANDARDS:

Standards not applicable/ no building or structure being constructed.

OFF-STREET PARKING:

The subject parking lot is not required for off-street parking since the library’s primary parking area east of Garfield Avenue and immediately adjacent to the library building provides required off-street parking. The use of the subject parking lot is intended primarily for library employees and as such is accurately categorized as *supplemental* parking and not *required* parking. The new supplemental parking lot will provide a total of 91 additional parking spaces for the library.

LANDSCAPING:

The CUP landscape plan demonstrates compliance with TMC 18.235 Landscape Regulations. Landscape buffer areas exceed the 4-ft setback minimally required, with much of the buffer adjacent to 10th

Avenue being 10 feet wide and the buffer adjacent to Garfield Avenue being a minimum of 5 feet wide. The buffer adjacent to 10th Avenue will also include, in addition to landscape plantings, a 12 to 18 inch earthen and landscaped berm to further screen the parking lot area. Staff has identified the need to further enhance the residential screening buffer adjacent to the single-family residence to the south and the CUP has been so conditioned.

(Note: The City's Public Works Department is approving the inclusion of the landscape buffer adjacent to 10th Avenue within a Utility Easement that would normally not be allowed but is approved in this case due to substantial utilities such as sewer or water lines not being located within the easement.)

SIGNAGE:

There is no signage proposed for the site except for directional and regulatory enforcement signs, and the CUP site plan has been so notated.

**OPERATING
CHARACTERISTICS:**

In regard to parking lot lighting; the CUP site plan includes the note "Parking lot lighting shall point downward and the source of illumination shall not exceed three footcandles at the property lines, including right-of-way lines."

PUBLIC FACILITIES

TRANSPORTATION:

SW 10th Avenue is classified as a minor arterial, while both SW Garfield and SW Mulvane are local streets. The CUP site plan includes an increased public right-of-way adjacent to SW 10th Avenue, as is also reflected in the re-plat currently in process, which will enable future roadway improvements to be completed as warranted. As included on the CUP site plan, an existing north-south alleyway between SW 10th Avenue and SW 11th Street will be vacated and closed within the subject CUP parking lot, with an access easement to SW Mulvane Street maintained to ensure access to and from the alleyway that will remain open to the south to serve existing residences.

Segments of the existing sidewalks along the CUP area boundary will remain or be replaced as part of parking lot re-configuration and re-construction .

UTILITIES:

Connection to sanitary sewer is not necessary for the parking lot. Water service is available should an automatic irrigation system for landscaping be required.

OTHER FACTORS

SUBDIVISION PLAT:

The subject property comprises Lot(s) 325-342 of Stilson & Bartholomew Addition. A replat to consolidate lots and vacate the alley is concurrently in process.

**FLOOD HAZARDS, STREAM
BUFFERS:**

None. (With no increase in impervious surface on the subject site proposed, a drainage report is not required.)

HISTORIC PROPERTIES:

None

**NEIGHBORHOOD INFORMATION
MEETING:**

The applicant conducted a Neighborhood Information Meeting on December 20, 2017 in a TSCP Library conference room. The one invitee who attended the meeting owns a medical office building on the north side of 10th Avenue across from the subject site. This property owner sought information regarding the project and stated he had no concerns.

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

Public Works /Engineering:

Identified issues have been addressed.

Water Pollution Control:

No issues identified.

Fire Department:

No issues identified.

Development Services:

No issues identified.

KEY DATES

SUBMITTAL:

December 1, 2017

**NEIGHBORHOOD INFORMATION
MEETING:**

December 20, 2017

LEGAL NOTICE PUBLICATION:

January 1, 2018

STAFF ANALYSIS

EVALUATION CRITERIA: In considering an application for a Conditional Use Permit, the Planning Commission and Governing Body will review the request following standards in Topeka Municipal Code Section 18.245.020(b) (3) (ix) in order to protect the integrity and character of the zoning district in which the proposed use is located and to minimize adverse effects on surrounding properties and neighborhood. In addition, all Conditional Use Permit applications are evaluated in accordance with guidelines in Section 18.215.030 for land use compatibility, site development, operating characteristics, and consistency with the Comprehensive Plan.

1. **The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies:**
The Elmhurst Neighborhood Plan, an Element of the Comprehensive Plan, designates the Future Land Use

of the subject site as “Medical Services.” The category states “*While the intent of the category is to promote medical-related uses, it is also expected that other professional office uses could be compatible to the area and respectful to any traffic concerns of the surrounding neighborhood.*” The subject proposal is a CUP for a parking lot primarily for the use of employees of the Topeka & Shawnee County Public Library. As included in the previous discussion of Public Facilities/Transportation, the design of the proposed parking lot will provide for enhanced transportation safety and efficiency now and in the future. As approved under the CUP, the proposed use is in conformance to the Comprehensive Plan. (Future Land Use Map attached.)

2. **The character of the neighborhood including but not limited to: land use, zoning, density, architectural style, building materials, height, structural mass, sitting, open space and floor-to area ratio:** When developed pursuant to the conditions in the Conditional Use Permit, the subject parking lot will continue to serve as an appropriate transitional buffer between the residential area to the south and west, and the more intense medical and office uses to the north.
3. **The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning and uses:** The zoning of the property is not changing and the landscaping and other features of the CUP parking lot site plan render it more compatible with surrounding uses than does the existing parking lot which has been in operation for many years.
4. **The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations:** A parking lot, when accessory to a primary use, is a permitted use within both the C-1 commercial and M-1 residential districts as presently in effect for the subject site. However, with the recent demolition of the medical office building on this property, the existing and expanded parking is more effective as an accessory parking lot for the library.
5. **The length of time the property has remained vacant as zoned:** The subject site is only recently vacant with the demolition of the medical office building.
6. **The extent to which the approval of the application would detrimentally affect nearby properties:** With enhanced landscaping pursuant to the CUP site plan, approval will not detrimentally affect nearby properties but will enhance nearby properties.
7. **The extent to which the proposed use would substantially harm the value of nearby properties:** Inasmuch as an existing parking lot has been located within area without negative effects, it has been demonstrated that construction of a new parking lot in which a primary change is merely the designated user/owner would not detrimentally affect nearby properties.
8. **The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the use, or present parking problems in the vicinity of the property:** The proposed CUP site plan has been thoroughly reviewed by the city traffic engineer and incorporates an increased public right-of-way along SW 10th Avenue that will enable improvement of the roadway in the future. Additionally, the elimination of the existing alleyway presently accessing SW 10th Avenue will eliminate a mid-block access point onto the roadway, thus increasing the safety and efficiency of the roadway.
9. **The extent to which the proposed use would create excessive air pollution, water pollution, noise pollution or other environmental harm:** The addition of nine (9) parking spaces to an existing parking lot will have no discernable environmental impacts.
10. **The economic impact of the proposed use on the community:** The provision of increased parking for the Topeka & Shawnee County Library will further enhance community-wide access to a valuable public Institution and resource.

11. **The gain, if any, to the public health, safety and welfare due to denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application:** There is no apparent gain to the public health, safety and welfare by denial of the application since there has been an existing parking lot in service for many years and a change of associated use (public library instead of medical offices) will have no discernable impact. Denial of the conditional use permit will result in the library not having full utilization of the property.

RECOMMENDATION

The project demonstrates compliance with guidelines for evaluation in TMC 18.215.030 Conditional Use Permits for Land Use Compatibility, Site Development, Operating Characteristics, and consistency with the Comprehensive Plan.

STAFF RECOMMENDATION: Based upon the above findings and analysis, Planning staff recommend **APPROVAL** of this proposal, **subject to:**

1. Use and development of the site in accordance with the approved Conditional Use Permit for Topeka and Shawnee County Public Library Parking Lot – 1001 SW Garfield Avenue.
2. Revise Statement of Use to indicate: “Conditional Use Permit to allow for an off-site parking lot for use primarily by employees of the Topeka and Shawnee County Public Library.”
3. Revise Note No.2 to indicate: “A landscape plan is to be provided prior to the issuance of Parking Lot Permit that demonstrates compliance with all requirements of TMC 18.235 including requirements for residential screening buffer in reducing impacts on existing residential uses to the south.”
4. Add new Note No.9 to indicate: “Pursuant to ADA requirements (Section 208) the parking lot shall include a minimum of 4 accessible parking spaces.”

PLANNING COMMISSION MOTION: Based on the findings and analysis in the staff report I move to recommend to the Governing Body **APPROVAL** of the Conditional Use Permit (CU18/01) to provide for the construction of a supplemental, off-site parking lot for the Topeka and Shawnee County Public Library.

ATTACHMENTS:

Aerial Map
Zoning Map
Future Land Use Map
CU18/01 – CUP Site Plan (Exhibit)
CU18/01 Cup Landscape Plan (Exhibit)
NIM Summary and Sign-In sheet