

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

**PLANNING COMMISSION DATE: Monday, August 17, 2020**

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**APPLICATION  
INFORMATION**

<b>APPLICATION CASE NUMBER/NAME:</b>	<b>PUD19/03A Wanamaker West PUD Master Plan – Major Amendment</b>
<b>REQUESTED ACTION / CURRENT ZONING:</b>	Amending the PUD Master Plan to add “Indoor Recreation Facility Type II” as an allowed use. The PUD Master Plan currently allows “C-2” Commercial uses plus self-storage facilities and building and contractor offices/yards.
<b>PROPERTY OWNER:</b>	Cook, N T & Flatt, DW & Strobel, Kenneth E Trust D/B/A C F & S PR
<b>APPLICANT REPRESENTATIVE:</b>	Mr. Bryan Falk, Falk Architects
<b>CASE PLANNER:</b>	Annie Driver, Senior Current Planner
<b>PROPERTY ADDRESS: &amp; PARCEL I.D:</b>	Property west of 6017 SW 30 <sup>th</sup> Terrace, approximately 500 ft west of the intersection of Wanamaker and SW 30 <sup>th</sup> Terrace, along the north side of SW 30 <sup>th</sup> Terrace.  1441701001009000
<b>PARCEL SIZE(S):</b>	2.11 Acres
<b>RECOMMENDATION:</b>	<b>APPROVAL</b>
<b>RECOMMENDED MOTION:</b>	Based on the findings and analysis in the staff report I move to recommend to the Governing Body <b>APPROVAL</b> of the proposed amendment to the PUD Master Plan.

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**PROJECT AND SITE  
INFORMATION**

<b>PROPOSED USE / SUMMARY:</b>	<p>The amendment is needed to allow the potential buyer to construct an indoor golf simulation entertainment venue, which is classified in TMC18.60 as “Indoor Recreation Type II” and requires a CUP in the PUD Master Plan’s base “C-2” zoning use group. The PUD also allows the “drinking establishment” as an accessory use to the indoor golf simulation venue.</p> <p>Rather than applying for a CUP, the owner chose to amend the PUD Master Plan by adding language to the PUD Master Plan allowing the “indoor recreation type II”.</p>
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**DEVELOPMENT / CASE HISTORY:**

The subject site is undeveloped and heavily wooded in the western portion of the property. The entire property was rezoned in 1997 from "PUD" with multi-family use to "O&I2" Office and Institutional. The eastern two-thirds of the property was also subsequently rezoned in 2007 from "O&I2" Office and Institutional District to "C-2" Commercial District. The property was rezoned from "C-2" to "PUD" in 2019 with the intention of allowing "Self-Storage, Building/Contractor Office and yard" in addition to other allowed "C-2" uses. The property was annexed in 1980 and platted in 1997. SW 30<sup>th</sup> Terrace has been constructed since 2009.

**ZONING AND CHARACTER OF SURROUNDING PROPERTIES:**

Zoning and land uses adjacent to the site are as follows:

North: "C-4" commercial district with the backside of the Hy-Vee grocery market. "O&I-2" zoning and vacant land immediately to the north.

West: Continuation of the "O&I2" office and institutional district, with vacant property immediately to the west of the site.

East: "C-2" Commercial District with recently-opened Club Carwash

South: The City of Topeka's corporate boundary lies along the south property line of the site. The land to the south is zoned "RR-1" Residential Reserve (Shawnee County unincorporated area zoning designation). The adjoining 50-acre property is generally vacant although there is a single-family residence located approximately 200 feet south of the subject site, with associated outbuildings.

**COMPLIANCE WITH DEVELOPMENT STANDARDS AND GUIDELINES****BUILDING SETBACKS:**

Future buildings to be constructed on the site shall adhere to "C-2" Commercial building setbacks as follows:

- Front setback – 25 feet;
- Rear setback – 25 feet; and
- Side setback – 10 feet.

**DENSITY & DIMENSIONAL STANDARDS:**

Density & dimensional standards for the C-2 Commercial district apply to future development on the site in compliance with the following standards: 10,000 sq. ft. minimum lot area; maximum building coverage of 50%; minimum lot width of 50 feet; and maximum building size of 50,000 sq. ft.

**TRANSPORTATION AND ACCESS:**

SW 30<sup>th</sup> Terrace is designated as a local street, with the city's long-range plans anticipating its extension to the west, joining with SW Villa West Drive, also a local street which currently terminates south of SW 29<sup>th</sup> Street. SW 30<sup>th</sup> Terrace and SW Villa West Drive together comprise a designated bikeway within the Topeka Bikeway Master Plan and will provide connection between SW Wanamaker Road and SW 29<sup>th</sup> Street, enabling bicyclists to bypass the busy intersection of these two arterial roadways. A sidewalk is completed within the adjacent public right-of-way for a distance of approximately 2/3 of the subject

site's north property boundary and will be extended as part of this development.

The purpose of a Traffic Impact Analysis is to assess the need for public road improvements beyond what the current capacity of the roadway is able to accommodate. The current "C-2" zoning already allows for a restaurant/drinking establishment, which is a comparable use. A TIA is not typically required with a zone change or site plan unless certain warrants are met (e.g. new drive-through restaurant, gas station/convenience store, site generates 2,000 vehicle-trips/day or 200 vehicle-trips/peak hour.). The proposed use does not meet these warrants.

The proposed PUD Master Plan notates the need to complete SW 30<sup>th</sup> Terrace with an improved turnaround to align with the west property line of the subject property upon development of the site.

**OFF-STREET PARKING:**

Required off-street parking is determined by specific land use and not by the particular zoning district. The amount and placement of off-street parking will be determined during future Site Development Plan review and approval process.

**DESIGN STANDARDS:**

Building elevations will be subject to the City's Non-Residential Design Standards, unless stated otherwise on the Master PUD Plan.

**LANDSCAPING:**

The PUD Master Plan will be subject to the City's landscape requirements, with the PUD Master Plan also indicating that a mix of trees and shrubs shall be provided within a 5 ft. landscape setback along the street frontage and a residential screening buffer will be provided along the south boundary of the site.

**SIGNAGE:**

The PUD Master Plan requires that each sign shall be approved by separate sign permit application pursuant to the City's sign regulations for the "C-2" use group.

**OTHER FACTORS**

**SUBDIVISION PLAT:**

Platted as Lots 3, 4, 5, Block B, Wanamaker West Subdivision No.2.

**UTILITIES:**

City sanitary sewer and water service are generally available to the property, although a sewer line will need be extended from the east property line.

**FLOOD HAZARDS, STREAM  
BUFFERS:**

None

**HISTORIC PROPERTIES:**

None

**NEIGHBORHOOD INFORMATION  
MEETING:**

The applicant conducted a Zoom Video Conference neighborhood information meeting on Monday, July 27, 2020. The applicant, owners, and Planning staff attended the meeting. The notice was mailed to property owners within 500' and indicated how and where to access the link to attend the virtual meeting. One property owner across the east side of SW Wanamaker Road attended (outside notification area). The meeting summary is attached.

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

<b>Public Works /Engineering:</b>	No issues identified regarding the rezoning. The property owner will extend sanitary sewer at the time of site development
<b>Water Pollution Control:</b>	No issues identified regarding rezoning.
<b>Fire Department:</b>	No issues identified regarding rezoning.
<b>Development Services:</b>	Concerns will be addressed upon submittal of the application for the building permit.

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**KEY DATES**

<b>SUBMITTAL:</b>	June 24, 2020
<b>NEIGHBORHOOD INFORMATION MEETING:</b>	July 27, 2020
<b>LEGAL NOTICE PUBLICATION:</b>	July 22, 2020
<b>PROPERTY OWNER NOTICE MAILED:</b>	July 24, 2020

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**STAFF ANALYSIS**

**CHARACTER OF THE NEIGHBORHOOD:** The proposed PUD Master Plan is compatible with the existing and desired future character of the neighborhood which includes a mix of uses including commercial and office uses, as well as very low-density residential uses and unincorporated Shawnee County. The required Site Plan review and approval process, along with other PUD Master Plan provisions ensure that development impacts on surrounding properties, if any, will be mitigated and requirements for development are met. The PUD Master Plan stipulates provisions for landscape screening along the south and north property lines.

**ZONING AND USE OF NEARBY PROPERTIES:** The proposed zoning and potential uses are compatible with the zoning and use of nearby properties. The parcels adjacent to the subject property are classified "C-4"

Commercial, “C-2” Commercial, “O&I-2” Office & Institutional, and “RR-1” Residential. The backside of a Hy-Vee grocery store and newly opened Club Carwash are the only existing development immediately adjacent to the site. The standards of the PUD Master Plan help ensure development will be compatible with current and future development on surrounding properties.

**LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER THE PRESENT CLASSIFICATION:** The subject property is vacant and has never been developed. The property was annexed in 1980 and platted in 1997.

**SUITABILITY OF USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED:** The current zoning is Planned Unit Development (PUD) with allowed uses to include C-2 uses, self-storage, and building contractor office. Allowed C-2 uses are of moderate to medium intensity and include but are not limited to offices, retail sales, restaurant, automobile repair, personal services, and health services. Considering the site was just rezoned one year ago little time has elapsed to determine it cannot develop for uses as presently restricted. The property is likely to be suitable for many of the uses to which it has been restricted. On the other hand, some C-2 uses, such as retail and restaurants, might not be commercially viable because of the site’s relative lack of visibility and adjacent traffic. Furthermore, the property has been vacant and unutilized since it was annexed in 1980 and platted in 1997, and the additional use of “indoor recreation Type II” allowed by the proposed amendment to the PUD also appears to be a suitable both in terms of its level of compatibility and commercial viability. The land use arrangement where the property fronts on to the rear side of the Hy-Vee store has clearly been a detriment to the development of the property as it is currently zoned and under the previous zonings.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Topeka Land Use and Growth Management Plan 2040 (LUGMP) includes the subject property and adjacent properties as Office within the future land use map. However, a Commercial Node is designated for the arterial intersection of SW Wanamaker and SW 29<sup>th</sup>. The nodal designation on the map allows for some extension of commercial uses past what is actually depicted on the general future land use map. The effect of the PUD conditions will allow for a suitable transition to the low-density residential area located immediately to the south that is within unincorporated Shawnee County. The newly-constructed carwash located immediately to the east of the site also reduces any transitional benefit that may be derived from an office use in subject location. The proposed “indoor recreation facility, type II” serves as an appropriate use between the C-4 zoned shopping center and low density residential uses to the south that is adjacent with the car wash facility. The LUGMP plan also promotes policies that encourage development where infrastructure is already in place. SW 30<sup>th</sup> Terrace was constructed in 2009 to serve the lots that were platted for development purposes in 1997 and the property has ever since remained undeveloped.

**THE EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES:** Removing the present restrictions to allow for only the one additional use of “Indoor Recreation Type II” will have very little or no detrimental effect on nearby properties. The present “C-2” zoning already allows comparable, or even more intense, commercial uses as compared with the proposed indoor recreation venue (such as, restaurants, fast-food drive-throughs, gas station/convenience stores, vehicle car washes). All recreational activity associated with this venue will be enclosed in the building and for this reason staff believes it is more comparable to a restaurant with accessory drinking establishment and will have little impact on adjacent properties. There is existing natural vegetation along the south property line. If a landscape screening buffer is not already provided along the length of the south property line, the property owner will be required to install such buffer at the time of site plan review since the site abuts residential zoning and use.

**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 to PUD will allow a vacant property to be utilized for additional potential uses that are in demand within the city and region. Denial of the zone change

may result in the property continuing to remain vacant and not enable increased utilization of the existing infrastructure that was constructed near 2009 along SW 30<sup>th</sup> Terrace.

**AVAILABILITY OF PUBLIC SERVICES:** All essential public roadways, utilities, and services are currently present available within the area or will be extended at the expense of the developer.

**COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:** The Wanamaker West Development PUD Master Plan establishes developments standards and guidelines as indicated. The property is part of the "Wanamaker West Subdivision No.2." A re-plat is not required.

## **STAFF RECOMMENDATION**

Based upon the above findings and analysis, Planning staff recommend **APPROVAL** of the PUD Master Plan, **subject to:**

1. Use and development of the site in accordance with the **Wanamaker West Planned Unit Development Master Plan-Amendment #1** as recorded with the office of the Shawnee County Register of Deeds.
2. Revising Note #4 under Fencing& Landscaping to state at beginning: *"In addition to the requirements of TMC18.235. . ."*

**PLANNING COMMISSION MOTION:** Based on the findings and analysis in the staff report I move to recommend to the Governing Body **APPROVAL** of the PUD Master Plan along with conditions.

### **ATTACHMENTS:**

Aerial Map  
Zoning Map  
Future Land Use Map  
PUD Master Plan