



CITY OF
TOPEKA

MINUTES

TOPEKA PLANNING COMMISSION

Monday, November 15, 2021

6:00PM – via video conference

Members present: Corey Dehn, Del-Metrius Herron, Wiley Kannarr, Jim Kaup, Ariane Messina, Donna Rae Pearson, Jim Tobaben, Matt Werner, (8)

Members Absent: Marc Fried (1)

Staff Present: Bill Fiander, Planning & Development Director; Dan Warner, Planning; Mike Hall, Current Planning Manager; Kris Wagers, Administrative Officer; Mary Feighny, Legal

Roll Call – Planning & Development Director Bill Fiander called the meeting to order with eight members logged in for a quorum.

Election of Vice Chairperson – Mr. Fiander explained that with Chairman Armstrong's second term ending in September, Vice Chair Marc Fried will serve as Chair through the end of 2021. It is necessary to elect a Vice-Chair and that person will need to act as Chair at this evening's meeting because Mr. Fried is unable to attend.

Mr. Werner nominated Corey Dehn and he accepted the nomination. With no other nominations forthcoming, **Mr. Dehn was elected to serve as Vice-Chair through the end of 2021 by a roll call vote of 8-0-0.**

Mr. Dehn accepted the virtual gavel.

Approval of Minutes from September 20, 2021

Motion to approve by Ms. Messina, **second** by Mr. Kaup. **APPROVED** 8-0-0

Declaration of conflict of interest/ex parte communications by members of the commission or staff –

Mr. Kaup noted that he has a long-time client with office space in the downtown area and he himself leases space in the downtown area. He stated that this will not affect any decisions he makes on the downtown rezoning cases and he will not be abstaining.

Public Hearing of PUD21/03 911 Storage by LCG, LLC requesting to amend the District Zoning Map for the property located at 3245 SW Topeka Boulevard and associated parcels from C-4 Commercial all to PUD Planned Development with C-4 Commercial uses and warehouse or storage uses as defined by chapter 18.55 of the Topeka Zoning Code.

Mr. Dehn called the case and Mr. Hall presented the staff report with recommendation for approval. He noted that Neighborhood Information Meeting (NIM) notices were sent to everyone with property within 500' of the subject property and no public attended the meeting. Notification of tonight's public hearing was sent to everyone with property within 200' of the subject property.

Mr. Kaup asked if zoning regulations prohibit the storage of hazardous materials. His concern is that the property is very close to neighborhoods.

Mr. Hall explained that the requested zoning does not speak to or prohibit storage of specific types of materials, but building and fire codes would likely address/regulate this.

APPROVED

Mr. Kaup asked if a condition could be included that bans the storage of hazardous materials such as petroleum, fireworks, etc. Mr. Hall stated that it could and he could get assistance from Topeka Fire to write a condition that addresses these issues.

Kevin Holland of Cook, Flatt & Strobel Engineers spoke representing the property owners. He explained that the owners have nothing specific planned for the property at this point but are requesting the re-zoning to allow them more flexibility in case someone wants to rent the entire facility. He added that the property owners also wish to improve the appearance of the property.

When asked by Mr. Kaup if the applicant would be amenable to a condition limiting what could be stored on the property, Mr. Holland deferred to Henry McClure, a co-owner of the property who was logged in. Mr. McClure stated he has no issues with a condition that disallows the storage of fertilizer or fireworks.

Mr. Kaup explained that he anticipates a conceptual motion and staff would be asked to draft appropriate language to remove the possibility of the storage of most dangerous materials on the property.

With no further questions, Mr. Dehn declared the **public hearing open** and with nobody from the public coming forward to speak, he declared the **public hearing closed**.

Motion by Mr. Kaup to recommend to the Governing Body approval of the rezoning of property located at 3245 SW Topeka Boulevard and associated parcels from C-4 Commercial all to PUD Planned Development with C-4 Commercial uses and warehouse or storage uses as defined by chapter 18.55 of the Topeka Zoning Code. Included in the motion was the stated expectation that staff will work with Topeka Fire to draft language for a condition that excludes storage or warehousing of hazardous materials that are inappropriate for storage in a structure with such close proximity to residential properties. **Second** by Ms. Pearson.

Discussion: Mr. Kannarr asked Ms. Feighny if she is comfortable with a conceptual motion as stated above and she said she is.

Upon roll call vote, the **motion passed 8-0-0**.

Initiation of Downtown Zoning Cases and Associated Text Amendments

Requesting to initiate rezoning for specific properties located in the Downtown area to D-1, D-2 and D-3 Downtown Mixed Use districts, and initiate related zoning code text amendments.

Mr. Warner presented information about the history and the process of district-wide re-zoning cases. He explained that "D" zoning was created in 2006 and partially implemented in 2017. The 2021 Downtown Master Plan calls for additional implementation of "D" zoning and necessary text amendments. Staff is recommending the Planning Commission approve the initiation of 3 zoning cases and 1 text amendment (ACZR) case. If initiated, the cases would follow the same procedure of other zoning cases with public hearings, property owner notifications, legal ads, etc. Staff would bring only one zoning case at a time to a Planning Commission meeting so as to minimize confusion that might be created by trying to work with all three at once.

Mr. Fiander explained that tonight's meeting does not include a public hearing, but staff has held multiple public meetings prior to this and interested parties are present. He encouraged the commission to allow an opportunity for the public to speak if they wish.

Mr. Dehn opened the floor for public comment. With nobody coming forward wishing to speak, the declared the public comment period closed.

Motion by Mr. Kannarr to initiate rezoning for specific properties located in the Downtown area to D-1, D-2 and D-3 Downtown Mixed Use districts, and initiate related zoning code text amendments, all in alignment with the Downtown Master Plan; **second** by Mr. Werner. Upon roll call vote, the **motion passed 8-0-0**.

Presentation: 3rd Quarter Development & Growth Management (DGM) Report

Mr. Fiander presented the 3rd Quarter DGM report and stood for questions.

Communications to the Commission

Mr. Fiander welcomed Commissioners Donna Rae Pearson and Jim Tobaben.

Mr. Fiander stated that there will be a December Planning Commission meeting which will include a request to re-zone, a major plat, and one of the Downtown zoning cases.

In response to a question from Mr. Tobaben, Mr. Fiander explained that the Planning Commission provides a representative to serve on the Topeka Metropolitan Planning Organization (MTPO) Policy Board. The representative is the Planning Commission Chair or their chosen representative, so with a new chair, a new representative will need to be named. Mr. Tobaben is willing to serve, and Mr. Fiander explained that if others are willing they should contact him. He will discuss with Chairman Fried and it will be up to Mr. Fried to serve or appoint someone.

With no further agenda items, the meeting was adjourned at 7:08PM