



CITY OF
TOPEKA

TOPEKA PLANNING COMMISSION

Monday, December 19, 2022

6:00PM

CASE MINUTES

Members present: Marc Fried (Chair), Jeff Preisner, Jim Kaup, William Naeger, Donna Rae Pearson, Jim Tobaben, Matt Werner (7)

Members Absent: Corey Dehn, Del-Metrius Herron (2)

Staff Present: Bill Fiander, Planning & Development Director, Dan Warner, Planning Director; Bryson Risley, Planner; William Sharp, Planner; Ian Trefren, Associate Planner; Kris Wagers, Administrative Officer; Mary Feighny, Legal

A22/03 by Auburn-Washburn USD 437, requesting annexation of approximately 93 acres located on the Northeast corner of SW 29th Street and SW Auburn Road.

Mr. Risley explained that while a review by the Planning Commission is not required by state law, the City's Comprehensive Plan does require a review and finding by the Commission that the proposed annexation is consistent with the Land Use and Growth Management Plan (LUGMP).

Mr. Risley reviewed that staff memo, noting that the owner has consented to annexation. He explained that sanitary sewer will be provided by the Sherwood Improvement District, but it has not yet been determined whether water will be handled by the City or by CRWD #1. Shawnee County has street improvement projects planned for Auburn Road and also for the intersection at 29th & Auburn Road.

Mr. Risley concluded with staff's recommendation for a finding that the proposal is consistent with the LUGMP.

Mr. Naeger asked when the question about water would be decided. Mary Feighny explained that there is a statutory procedure. If the city wants to provide water, it must provide notice to the rural water district and then they will negotiate purchase of infrastructure, etc. The City has provided notice to the rural water district that we *may* be the water service provider but the final decision has not been made yet.

Motion by Mr. Preisner; Second by Mr. Kaup for a finding that annexing the subject property is consistent with the Comprehensive Plan.

APPROVED 7-0-0

Public Hearing of Z22/06 by Auburn-Washburn USD 437, requesting to amend the district map on approximately 93 acres located on the Northeast corner of SW 29th Street and SW Auburn Road, from RR-1 Residential Reserve District, PUD Planned Unit Development with C-2 Commercial District, R-1 Single Family Dwelling District, and O&I-1 Office & Institutional District uses, all to R-1 Single Family Dwelling District to allow for a new middle school for the Auburn-Washburn School District.

Mr. Trefren presented the staff report and recommendation for approval.

Chairman Fried invited the applicant or their representative to speak and David Wood with Kaw Valley Engineering (KVE) came forward. He stated that the project design team was in attendance and would be happy to answer technical questions.

Mr. Tobaben asked if a traffic impact study has been conducted. Mr. Wood confirmed that yes, there had been one done by a consultant not present this evening. In general, they looked at both 29th Street and Auburn Road. As mentioned by staff, the county is in the process of planning a round-about. Additional turn lanes on both 29th and Auburn are being recommended by KVE to help mitigate traffic.

Mr. Naeger asked if there are details about pedestrian paths or how students may walk or bike to school to help alleviate traffic. KVE stated that this is part of the plans they will be submitted to the City later in the process, but yes, a trail connection is being proposed.

Mr. Tobaben asked about concerns regarding potential flooding. Mr. Wood talked about the proposed detention basin on the SE quadrant of the campus which will manage most of the increase in volume and run-off. He acknowledged concerns voiced about water runoff into Lake Vaquero, stated that the design goal is a zero increase, and added that there are subdivisions being developed peripherally to the subject property.

Chairman Fried declared the public hearing open.

Dennis Ross of 7810 SW El Cerrito Drive in the Lake Vaquero area came forward to speak against the proposal. He expressed concern about traffic flow; both 29th & Auburn are busy roads and he has heard about the possibility of a turnpike exit in Auburn. This would, he believes, increase the traffic even more.

Mr. Ross expressed concern about a bond issue that named a different location for the school. He believes that moving the location approved by the voters would require a new vote and failing this, there could potentially be costly litigation.

Mr. Ross spoke about issues Lake Vaquero has had with being considered a “high hazard dam” by the State of Kansas Division of Water Resources due to the property downstream. Property owners around Lake Vaquero had to pay to rehab the lake, which was around \$500,000 divided by the 16 property owners. He’s concerned about the effect on the lake if additional run-off is added.

Mr. Kaup asked if he’s concerned about further development anywhere in the watershed. Mr. Ross spoke about the improvements that had already been made to the lake, and yes, there are concerns about further development having a negative impact.

With nobody else coming forward to speak, Chairman Fried invited Mr. Wood to address concerns voiced. Mr. Werner asked Mr. Wood where the water run-off will go. Mr. Wood explained there’s a culvert that goes under 29th Street and into Lake Vaquero.

Chairman Fried called once again for people to speak and with nobody coming forward, he declared the **public hearing closed.**

Mr. Kaup asked Ms. Feighny if potential legal issues about the bond are a land-use issue. Ms. Feighny stated that the issue is legally irrelevant to the zoning question. Mr. Fried added that this is simply a zoning issue, and Mr. Warner confirmed that in order to move forward once zoning is approved, there will be a subdivision plat which requires an in-depth stormwater management plan and eventually a site plan review for buildings, sidewalks, etc. A traffic study review is underway.

Motion by Mr. Kaup, Second by Mr. Naeger: Recommend to the Governing Body approval of the reclassification of the property from “RR-1” Residential Reserve district and “PUD” Planned Unit Development with “R-1” Single Family Dwelling District, “C-2” Commercial District, and “O&I-1” Office and Institutional uses to “R-1” Single Family Dwelling District.

APPROVED 7-0-0

Comments made through TopekaSpeaks.org - attached

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Topeka Speaks

Published Comments for December 19, 2022 Planning Commission Meeting

USD 437 - Zoning

John (Jim) Bryan

• Dec 19, 2022 • 8:43am

Comment received via email: Greetings - Another point I failed to make is that there is a proposed turnpike exit onto Auburn Road. USD 437 strongly opposed and got a similar exit on Wanamaker road killed because it didn't want that traffic going by the school. HAVE A GREAT DAY

Address:

7901 SW 29th Street

Topeka, 66614

John (Jim) Bryan

• Dec 19, 2022 • 8:42am

Comment submitted by email: Greetings I'll miss the Monday meeting but likely there will be adequate emotion at the meeting. I've been provided with a copy of a mailing to parents of kids intended to attend the proposed Middle School #2. The 4th bullet point up from the bottom point states "Getting school bus and parent traffic off of Auburn Road and 29th street is a point of emphasis in the design". The proposed school is bounded on the W by Auburn Rd, on S by 29th and on N by private property on Auburn Rd and on E by private property on 29th and no road to the school. Many acres of land will have to be condemned to acquire access from 21st street or Indian Hills Road to the proposed location which was not approved by voters. From a layperson's point of view, it is impossible for the school to avoid the 2 busy access streets which are the only access to the proposed location. Drive by 29th & Auburn Rd and see for yourself the impossibility of the proposed location being used as schools without major contact with both busy 2 land streets without s or shoulders. HAVE A GREAT DAY

Address:

7901 SW 29th Street

Topeka, 66614

John (Jim) Bryan

• Dec 19, 2022 • 8:40am

Comment submitted via email: GREETINGS I'm objecting to re-locating the middle school to 29th& Auburn Road. My address is 7901 sw 29th st which is located on Lake Vaquero between Indian Hills Road and SW Lagito S of 29th st. Objections are based upon the following: 1. Traffic is very heavy on 29th street already. 2. Twenty-ninth st is only 2 lanes with no shoulder. 3. There is Indian Hills grade school at 29th and Indian Hills road. 4. There have been --per memory--at least 1 fatal collision and perhaps 2 on the 29th & Auburn intersection 5. Despite looking like an open intersection controlled by E/W stop signs, many accidents have and continue to occur at that location. 6. Adding a huge number of additional cars coming and going five days a week will undoubtedly result in many more collisions in and around the intersection. 7. Putting a middle school on a busy highway used to commute to and from work by many Topeka employees is begging for injuries and loss of life for children. Auburn Rd is a 2 way no shoulder highway with a high traffic count and 50 mph speed limit. 8. A school zone will not slow down all motorists. 9. A legal reason to halt the proposed change of location to 29th & Auburn is that the bond issue was based upon the location being on Urish South of the fire station. Moving the location which was approved by the voters, will require a new vote and total do-over for the bond issue to be valid. Many people--including me-- who voted for a new school at the stated location would not have approved a new middle school at 29th and Auburn based upon the reasons stated herein. Going ahead with the unapproved location may result in lengthy and costly litigation. 10. Another legal caveat is Lake Vaquero was required by the State of Kansas Dept of Water Resources to destroy the lake and many residents' property values or bring the dam into compliance with the increased risks associated with school traffic on Indian Hills Road. The lake club through its members spent over \$450,000.00 per the club's president, to fix/modify the dam to resolve the heightened risk associated with the increased traffic by the dam. The North end of the Lake abuts SW 29th st and on rare occasions had flooded onto 29th street. The dam modifications fixed the issue of flooding 29th street BUT adding multiple acres of roads, parking lots, and roof area will likely result in

millions of gallons of water flowing East into Lake Vaquero which may recreate flooding onto SW 29th st and/or other peoples property and another DWR requirement to again modify the dam. Kansas law does not, in my opinion, allow a landowner to modify the natural flow of surface water to damage neighboring property. This is particularly true when the damages to be caused are foreseeable and the surface water diverter has been warned BEFORE wrongful action has been taken resulting in huge damages to the Lake Club and the property owners around the lake. The views expressed herein are my own and I am not "representing" any person or corporation, except myself. I am confident many of my friends and neighbors agree with many of the concerns/objections listed above and others not mentioned. HAVE A GREAT DAY

Address:

7901 sw 29th st
Topeka, 66614