

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

PLANNING COMMISSION DATE: Monday, January 23, 2023

**APPLICATION
INFORMATION**

**APPLICATION CASE
NUMBER/NAME:**

PUD23/01 Potwin Lofts II by Potwin Lofts, LLC.

**REQUESTED ACTION /
CURRENT ZONING:**

Rezoning from R-2 Single Family Dwelling District and X-1 Mixed Use District to PUD Planned Unit Development District with M-2 Multiple Family Dwelling District and X-1 Mixed Use District use groups in order to support conversion of a portion of the church into apartments and the adjacent lot into associated parking.

The proposed zoning is for a parcel of less than one acre. Parcels containing less than one acre may be reclassified to a planned unit development district where a plan includes the reuse of an existing building. Applications for PUD zoning typically include a master plan. As is allowed under TMC 18.190.050 (PUD procedures) the requirement for a master plan because the conditions and restrictions of the PUD can be adequately included in the ordinance reclassifying the property.

PROPERTY OWNER:

Potwin Lofts, LLC

APPLICANT REPRESENTATIVE:

Mark Burenheide

CASE PLANNER:

Ian Trefren, Associate Planner

PROPERTY ADDRESS:

400 SW Washburn Ave – PID: 0973601004002000 and
500 SW Washburn Ave – PID: 0973601007005000

PARCEL SIZE(S):

0.39 acre – 400 SW Washburn
0.27 acre – 500 SW Washburn

PHOTOS:



400 SW Washburn from the north facing south - 1958 Addition on the left



400 SW Washburn from the south facing north – Courtyard where stair tower will be located. 1958 addition to the right



500 SW Washburn from the north facing south – Future parking lot for tenants



400 SW Washburn from the west facing east – Church (1924 portion)

RECOMMENDATION:

APPROVAL subject to conditions detailed 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 rezoning from *R-2 Single Family Dwelling District and X-1 Mixed Use District* to *PUD Planned Unit Development (M-2 Multiple Family Dwelling District and X-1 Mixed Use District Uses)* to support the conversion of a portion of the church into apartments and the adjacent lot as associated parking.

**PROJECT AND SITE
INFORMATION**

PROPOSED USE / SUMMARY:

Applicant proposes to convert a portion of the church at 400 SW Washburn Avenue to six apartment units. The applicant also seeks to use the parcel located across the street to the south – 500 SW Washburn - as parking for these units.

Rezoning as a PUD is necessary to support the increased residential density as well as the use of the adjacent lot as parking for the new use. The M-2 zoning classification is intended to, “to provide for the use of attached dwelling units containing three or more dwelling units, designed and intended for individual dwellings, group or community living facilities, congregate living facilities, and including townhouse, condominium or cooperative division of ownership. The location of this district is further intended to provide a transitional use between the districts of lesser and greater intensity”.

DEVELOPMENT / CASE HISTORY:

Z01/16 (400 SW Washburn) – A large portion of the Ward-Meade neighborhood underwent a rezoning effort in 2001. This rezoning effort included the northern parcel of the subject properties which was rezoned from “M-1” Multiple Family Dwelling District to “R-2” Single-Family Residential Dwelling District.

The church currently located on the property was constructed in 1924. In 1958 the eastern portion of the church was expanded to include a school building. The portion of the church that was constructed in 1958 is primarily the subject of the alterations proposed by this project.

Z01/19 (500 SW Washburn) – As a part of the aforementioned rezoning effort, the southern parcel was rezoned from “C-4” Commercial District” to “X-1” Mixed Use District.

The 1300sf structure currently located on this parcel was constructed in the 1940s as a gas station. It is currently being used by the Potwin Neighborhood Association as auxiliary storage.

**ZONING AND CHARACTER OF
SURROUNDING PROPERTIES:**

North: R-1 (Single Family Dwelling District); single family homes.

East: R-2 (Single Family Dwelling District); single family homes.

Southwest: M-1a (Limited Multiple Family Dwelling District);

South: X-1 (Mixed Use District)

West: X-1, M-1 (Multiple Family Dwelling District)

Southeast: M-1a (Limited Multiple Family Dwelling District)

**COMPLIANCE WITH DEVELOPMENT
STANDARDS AND GUIDELINES**

**USE STANDARDS AND
DIMENSIONAL STANDARDS:**

M-2 and X-1 use, density and dimensional standards will apply.

M-2 use standards are intended to provide for the use of attached dwelling units containing three or more dwelling units, designed and intended for individual dwellings, group or community living facilities, congregate living facilities, and including townhouse, condominium or cooperative division of ownership. The location of this district is further intended to provide a transitional use between the districts of lesser and greater intensity (TMC18.100.010).

The density and dimensional standards of the current "R-2" single family dwelling district and proposed "M-2" multiple family dwelling district are very similar. The only difference between them are an increase in maximum height from 42ft to 50ft, an increase in minimum lot width from 40ft to 50ft, and the "M-2" designation has a maximum unit density of 15 while "R-2" does not define a maximum.

X-1 use standards are intended to facilitate a compatible mixed-use activity center within a traditional residential neighborhood and, to a limited extent, in areas envisioned for mixed use development by the comprehensive plan. The district includes a balance of compatible residential, office, civic, and neighborhood commercial retail/service uses of low to moderate intensity that complement and support dense neighborhood residential areas and pedestrian usage with quality urban design (TMC18.185.020).

PARKING AND ACCESS:

Off-street parking requirements are determined by land use and not the zoning classification. Multiple family dwelling units require two parking spaces per dwelling unit for the first 20 dwelling units. With six dwelling units, this project will require a minimum of 12 parking spaces dedicated to the development. Applicant is proposing six parking spaces at a ratio of one parking space per dwelling unit.

One parking space per dwelling units will be appropriate for this use since it is predominantly intended for studio and one-bedroom apartments. This variation in parking requirements would also facilitate future development of 500 SW Washburn Avenue by increasing the amount of parking available for use on the lot.

DESIGN STANDARDS:

N/A

LANDSCAPING:

N/A

SIGNAGE:

Signage will be required to comply with the Sign Code (TMC18.10) as applied to X-1 and M-2 zoning designations. Because this PUD ordinance does not include provisions related to signage, all Sign Code associated with the respective zoning regulations apply.

LIGHTING & SOUND:

Any exterior lighting installations shall not have a negative impact on traffic safety or the surrounding properties, and there shall be no spillover effects on the adjacent properties.

VARIANCES REQUESTED:

Off-street parking provided less than required for multiple-family dwelling units (<20 units) (TMC 18.24 – Off-Street Parking Requirements)

OTHER FACTORS

SUBDIVISION PLAT:

Both properties are platted under Horne's Addition.

UTILITIES:

Public sanitary sewer main is located in the alley to the east of the properties. City water mains are located along all abutting streets and roads.

**FLOOD HAZARDS, STREAM
BUFFERS:**

None

HISTORIC PROPERTIES:

None

NEIGHBORHOOD PLAN:

Located in the Ward Meade neighborhood and subject to the 2010 Ward Meade Neighborhood Plan

NEIGHBORHOOD INFORMATION MEETING:

The applicant conducted a Neighborhood Information Meeting on January 4th, 2023. Owners of properties within a surrounding buffer of 300ft were invited to hear a presentation from the developer about the project and provide comments and feedback.

Approximately 15 individuals attended the meeting in the Fellowship Hall of Potwin Presbyterian Church located at 400 SW Washburn Avenue. Discussion centered on the appearance of the lofts, the type of tenants that the units would be marketed towards, and the parking provided for the units.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

Public Works /Engineering:	No issues identified regarding traffic or engineering.
Water Pollution Control:	No issues identified regarding rezoning.
Fire Department:	No issues identified regarding rezoning. Fire Department has provided general comments and conditions applicable to site development.
Development Services:	No issues identified regarding rezoning. Permits will be required.

KEY DATES

SUBMITTAL:	November 22, 2022
LEGAL NOTICE PUBLICATION:	January 2, 2023
PROPERTY OWNER NOTICE MAILED:	December 30, 2022

STAFF ANALYSIS

Planning staff have reviewed the zoning application relative to the required findings and conclusions in Topeka Municipal Code Section 18.245 (Findings and conclusions reflect the “golden factors” per Donald Golden v. City of Overland Park, 1978 Kansas Supreme Court) as is required for applications for rezoning.

CHARACTER OF THE NEIGHBORHOOD: The surrounding neighborhood is characterized by single family housing to the north, east, and south, duplex units to the east and south, commercial to the south and immediate west, and institutional uses further west. The northern parcel is located at the confluence of SW Willow Avenue, SW Washburn Ave, and SW 5th St. All three of these thoroughfares are identified as “collectors”, providing adequate carrying capacity for new development. The Potwin neighborhood is located to the north of the property and the Potwin Place Historic District to the northwest. The renovation of the property will have little material effect on the neighborhood character.

ZONING AND USE OF NEARBY PROPERTIES: The proposed zoning of Planned Unit Development (PUD) with M-2 and X-1 uses is a designation that is compatible with the surrounding zoning and land uses. Adjacent and surrounding properties are zoned X-1, M-1a, and M-2 – designations that provide for density above and beyond the most restrictive R-1 Single Family Dwelling District. The nearest R-1 zoning designation is situated to the north of the subject properties, across an arterial road which serves as a buffer between the uses. Zoning standards that will apply under the proposed zoning will help ensure compatibility of development with surrounding zoning and land uses.

Adjacent land uses include neighborhood-level commercial and offices to the west across Washburn Avenue, a mix of single family and duplex housing to the north, east, and south of the property, and medium-intensity commercial which includes drive-through coffee shops and a bar to the south along SW 6th Ave.

LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER THE PRESENT CLASSIFICATION: The northern property has been in use as a church since as early as 1924, according to the Potwin Presbyterian Church. The structure on the southern parcel was constructed in 1950, renovated in 1988, and has been used as storage for the Potwin Neighborhood Association.

SUITABILITY OF USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED: The property is not well suited for the uses to which it is restricted under its current R-2 single family residential zoning. It is surrounded on three sides by streets, including the heavily traveled SW Willow and Washburn Avenues and is thus not a desirable location for single family homes. Few other uses are allowed under R-2 zoning, and the size and shape of the property pose a challenge for development of other uses under other zoning districts, as well.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The subject properties are designated “Institutional” and “Commercial/Mixed-Use” for 400 and 500 SW Washburn Ave, respectively in the Ward Meade Neighborhood Plan (2010) Future Land Uses Map. The “Commercial/Mixed-Use” designation allows for “a healthy combination of mixed-uses along an aesthetically pleasing regional corridor that avoids future “strip commercial” characteristics”. The “Institutional” designation, “recognizes existing schools, churches, utilities, and off-site parking lots” and indicates that limited expansion of institutional uses “should be assessed accordingly”. This provision allows for expansion or alteration of churches such as this under certain circumstances when assessed on their own merits. The proposed method of permitting multi-family development via a Planned Unit Development accommodates this requirement under the neighborhood plan by allowing the church to remain as a use on the property with the additional use of 6 dwelling units. Further, open space on the property is preserved by allowing parking for the multi-family use to be accommodated on the southern property. Because of the limited scope of this project, the modifications proposed in this project conform to the 2010 Ward-Meade Neighborhood Plan.

THE EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: Development allowed under the proposed zoning is anticipated to generate few if any detrimental effects on nearby properties. X-1 Mixed Use uses are compatible and similar to adjacent land uses. Further, M-2 zoning allows the property’s continued use as a church with the addition of 6 dwelling units. In the long-term, a property that is used and maintained has a better outcome on surrounding properties than a property that remains vacant, not maintained, and is left abandoned.

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: The neighborhood would stand to gain from an increase in diversity of housing selection within the surrounding neighborhood. The adaptive reuse of institutional structures is a way to encourage infill development and reinvestment into neighborhoods, boosting the economic productivity of the

surrounding area. The limited nature of the proposed development is not likely to create hardship upon nearby property owners. Denial of the application would not provide any apparent gain to the public health, safety, and welfare.

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

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS: Development under the proposed zoning will be required to comply with M-2 Multiple Family Dwelling District and X-1 Mixed Use District standards. The PUD zoning allows a portion of the church to be use as apartment units subject to conditions making the zoning and land use consistent with the Ward Meade Neighborhood Plan. The property is platted as part of the Horne's Addition Subdivision.

STAFF RECOMMENDATION

Based upon the above findings and analysis, Planning staff recommend **APPROVAL** of the proposed zoning, subject to the following conditions, which are to be included in the ordinance adopted by the Governing Body:

1. Development shall comply with standards applicable to the "M-2" zoning except as noted by any of the following conditions of the Planned Unit Development.
2. Development shall comply with standards applicable to the "X-1" zoning except as noted by any of the following conditions of the Planned Unit Development.
3. The property located at 400 SW Washburn Avenue shall be restricted to one sign that is subject to "M-2" zoning district signage regulations
4. The property located at 500 SW Washburn Avenue shall be subject to "X-1" zoning district signage regulations.
5. In order to accommodate parking requirements, the parking lot at 500 SW Washburn Avenue shall accommodate at least one parking space for every dwelling unit sited at 400 SW Washburn Avenue.

PLANNING COMMISSION MOTION: Based on the findings and analysis in the staff report I move to recommend to the Governing Body **APPROVAL** of the rezoning from "R-2" Single Family Dwelling District and "X-1" Mixed Use District to "PUD" Planned Unit Development with "X-1" and "M-2" Multiple Family Dwelling District use groups on properties located and 400 and 500 SW Washburn Avenue, subject to conditions as recommended in the staff report.

ATTACHMENTS:

Aerial View Map
Adjacent Zoning Map
Future Land Use Map
Neighborhood Information Meeting Attendance and Summary

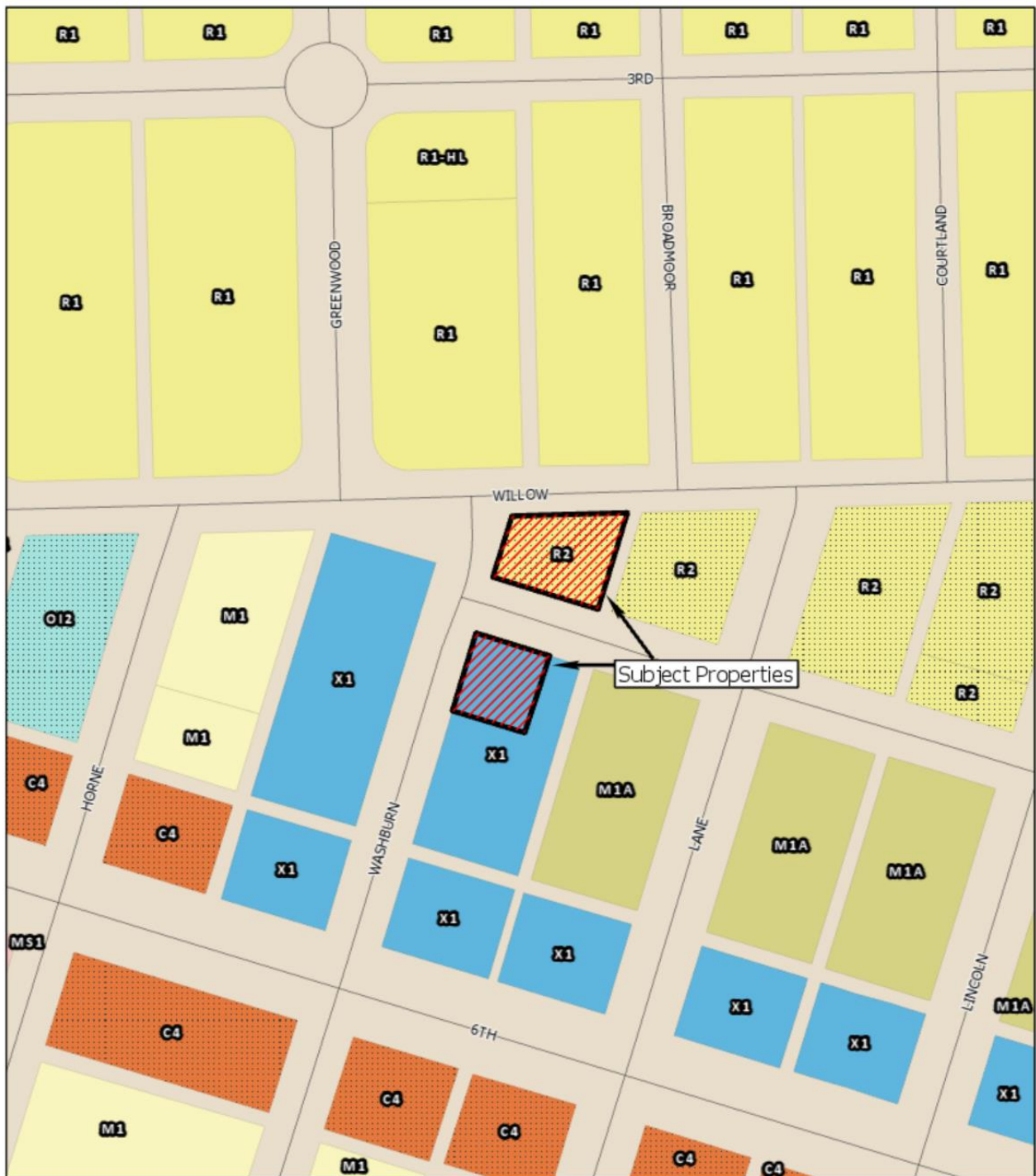
Aerial Map

Aerial View Map



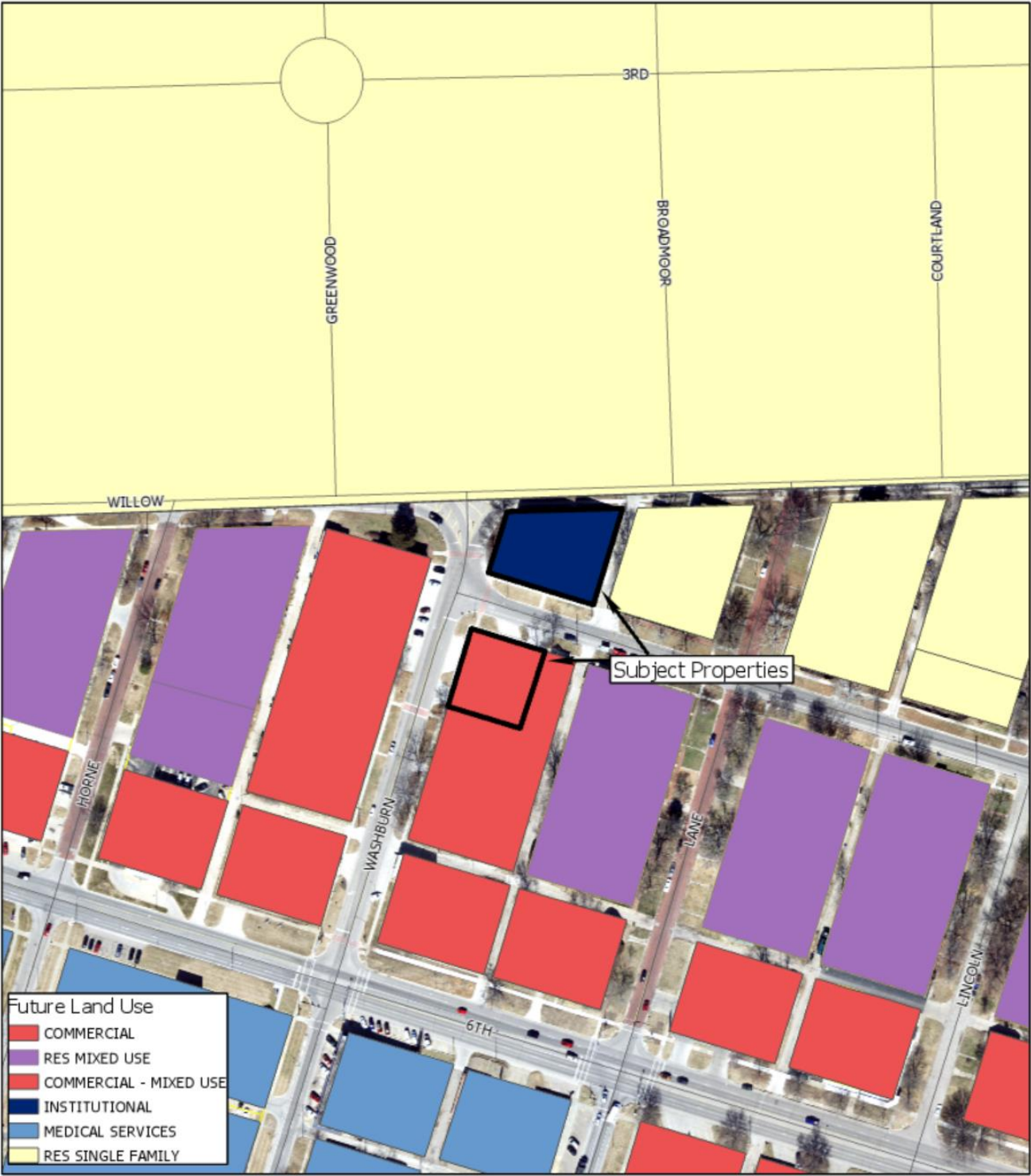
Zoning Map

Adjacent Zoning Map




Future Land Use Map

Future Land Use Map



Neighborhood Meeting Attendance & Summary

TO: IAN TREFEN, DAN WARNER
PLANNING AND DEVELOPMENT DEPARTMENT

FROM: MARK BURENHEIDE 
POTWIN LOFTS, LLC

DATE: 1/11/2022

RE: NEIGHBORHOOD MEETING ON 1/4/2023 IN REGARD TO REZONING OF 400 AND 500 SW
WASHBURN AVE

There were approximately 15 individuals that attended the neighborhood meeting, which took place in the Fellowship Hall of Potwin Presbyterian Church.

Mark Burenheide explained that the former 1959 Education Wing of the Church would be turned into 6 residential lofts. The former filling station would provide parking for the loft residents.

Discussion from attendees centered on the appearance of the lofts and what type of residents would be attracted to the lofts. Parking was also discussed.

The Pastor, Sue Ann Seele also attended the meeting and told the attendees that Potwin Presbyterian Church would be staying in its original 1924 building.

Attendees seemed supportive of the project. The meeting lasted approximately 45 minutes.