

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

PLANNING COMMISSION DATE: Monday, December 16, 2024

**APPLICATION
INFORMATION**

**APPLICATION CASE
NUMBER/NAME:**

**PUD24/16 – Amendment to Planned Unit Development Plan for Paradise
Providence Place**

**REQUESTED ACTION /
CURRENT ZONING:**

Amend the Master Planned Unit Development District (M-2 uses) to allow a Crisis Center Type II within the existing building on the site and operated in association with, and accessory to, the Religious Assembly use of the property.

PROPERTY OWNER:

Open Arms Outreach Ministries

APPLICANT REPRESENTATIVE:

Joseph Mauk, SBB Engineering LLC

CASE PLANNER:

Ann-Marie Driver, AICP, Planner II

**PROPERTY ADDRESS/ PARCEL
ID:**

2401 SE 11th Street / PID: 1320403010001000

PARCEL SIZE(S):

2.59 acres

PHOTOS:

Looking towards the building from SE 11th Street:



RECOMMENDATION:

Staff recommends APPROVAL of the amendment to the Master PUD Plan for Paradise Providence Place as stated below in the conditions of approval

RECOMMENDED MOTION:

Motion to APPROVE the amendment to the Master PUD Plan for Paradise Providence Place as stated below in the conditions of approval.

**PROJECT AND SITE
INFORMATION****PROPOSED USE / SUMMARY:**

The purpose of the PUD amendment is to allow a Crisis Center, Type II (permitted by a conditional use in the X-2, D-1 or D-2 Districts) included within Area B of the Master PUD Plan operated in association with, and accessory to, the religious assembly use currently on the property. This Crisis Center will include the following uses:

- 1.) Temporary boarding and lodging for a maximum of six (6) individuals until said individuals are able to secure employment; and
- 2.) Boarding and lodging for seasonal emergency overnight 24-hour shelter for up to twenty (20) additional persons; and
- 3.) A food and clothing pantry; and
- 4.) A permanent residence for up to two full time building caretakers.

The Master PUD Plan incorporates both Areas A and B. Area A includes 15 new duplexes operated by the Topeka Housing Authority (THA) constructed after 2007. Area A is not affected by this revision to the PUD Master Plan. Area B includes a Religious Assembly use, day care center, and community center.

The existing building(s) contained within Area B of the PUD Master Plan has been operated by Open Arms Ministry as a religious assembly use, clothing and food bank since at least 2014 when the applicant moved their ministry into the building. The applicant began their ministry in 2003 and, as stated on their website, provides social services, clothing and food to citizens in the city.

DEVELOPMENT / CASE HISTORY:

The site has been used since 2014 as a church, clothing and food bank when the applicant purchased the building and grounds. In 2016, a maximum of two residents began residing in the building as caretakers. American Rescue Plan Act (ARPA) grant funds were provided to Open Arms by the City of Topeka in 2022 to assist with these programs. This rezoning application is in response to life safety code violations that are in the process of being resolved.

The building is divided into two wings. Historically, these wings were constructed in phases between 1946 and 1965 and then subsequently used as Belvoir Elementary by USD 501 from 1966 to the mid-1990s.

The building has been used as a church and community center since at least 2007 when rezoned as part of the PUD to allow the duplexes to the east. The east wing of the building contains a church sanctuary and related offices and the west wing contains the previous school classrooms, and these rooms have been converted to food pantry, clothing pantry, and living and sleeping rooms for residents.

**ZONING AND LAND USE
SURROUNDING PROPERTIES:**

West: PUD (Multiple Family Dwelling District uses) / Apartments (Paradise Plaza)

East: PUD (Duplexes) / Ybarra Place senior housing / 15 duplexes/ Pine Ridge Apartments (Topeka Housing Authority)

South: Interstate 70 Right – of -Way

North: R-1 Single Family Dwelling District / large lot single family and vacant lots

**COMPLIANCE WITH
DEVELOPMENT STANDARDS AND
GUIDELINES**

**USE STANDARDS AND
DIMENSIONAL STANDARDS:**

The PUD Master Plan establishes the use and dimensional standards. The purpose of the PUD revision is to allow a Crisis Center Type II” as defined in the zoning code as, *“a facility and portion thereof and premises which is used for purposes of emergency shelter, crisis intervention, including counseling, referral, hotline response, and similar human social service functions; meal preparation, distribution and services; merchandising distribution; and temporary and/or transient shelter, including boarding and lodging”* The Planning Director concluded that the proposed use meets the definition stated above and, therefore, requires a Major Amendment to the PUD Master Plan to allow the use of a Crisis Center Type II. A Crisis Centers Type II is only allowed by conditional use in the X-2, D-1, and D-2 zoning districts and is prohibited in all other zoning districts.

PARKING AND ACCESS:

Off-street parking requirements are determined by land use and not the zoning classification. (TMC 18.240). As stated, the parking will be determined based on a rate of 1 stall per 4 seats in the sanctuary and Crisis Centers require parking at a rate of 1 stall per 200 sf of net floor area. Existing paved parking lots are provided adjacent to the existing building(s).

A parking lot striping plan will be needed with the Building Permit application and processing for staff to determine the number of required stalls. The plan should denote all pavement marking and any signs, including ADA signs and markings.

DESIGN STANDARDS:

N/A (No substantial exterior changes to the building are proposed.)

LANDSCAPING:	There are not any expansions to the building or parking lot planned that will require a Landscape Plan pursuant to TMC18.235.
SIGNAGE:	Signage will be required to comply with the Sign Code (TMC18.10).
LIGHTING & SOUND:	Any exterior lighting installations shall not have a negative impact on traffic safety or the surrounding properties. Any new outdoor lighting on the building or within the parking lots shall not exceed a level of 3 foot-candles at the property line.
VARIANCES REQUESTED:	None

OTHER FACTORS

SUBDIVISION PLAT:	There is an existing plat of record for the property that includes Lots 1-34 Block 8, Bellview Addition, plus a vacated alley right of way.
UTILITIES:	Public sanitary sewer and water connections are readily available with all connections being at the expense of the developer.
FLOOD HAZARDS, STREAM BUFFERS:	The subject property is not located in a FEMA designated flood plain.
HISTORIC PROPERTIES:	None
NEIGHBORHOOD PLAN:	Located in the East Topeka South Neighborhood Plan boundary.
NEIGHBORHOOD INFORMATION MEETING:	The applicant conducted a neighborhood information meeting on Thursday, November 21, 2024 at 5:30 pm. Planning staff Michael Hall and Ann-Marie Driver attended the meeting along with the applicant. No one else from the public attended the meeting.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

Public Works /Engineering:	No issues identified regarding rezoning.
Water Pollution Control:	No issues identified regarding rezoning.
Fire Department:	No issues identified regarding rezoning. This revision does not affect the existing fire access. Additional comments and/or requirements may be made as permits and applications for future plans are submitted. Comments on the Code Footprint Plan have been made and will be addressed at time of construction concerning fire separation.

Development Services:

The applicant is currently working with a licensed Architect to prepare the required Code Footprint and Code Analysis Plans. Future improvement plans will be reviewed at the time of Building Permit submittal and processing of permits. All residential uses, food pantry, clothing pantry and associated accessory uses must comply with all building and life safety codes.

Police Department:

Expressed concerns related to the interconnections between the day care and crisis center that are included in the same structure and how security to the day care will be provided. The PUD Master Plan allows a day care in the building although a day care is not currently operating. Staff has written a condition that would not allow a day care to operate in any portion of the building where there is also a Crisis Center operating simultaneously.

KEY DATES**SUBMITTAL:**

November 1, 2024

**NEIGHBORHOOD INFORMATION
MEETING**

November 21, 2024

LEGAL NOTICE PUBLICATION:

November 20, 2024

PROPERTY OWNER NOTICE MAILED:

November 22, 2024

STAFF ANALYSIS

The City of Topeka Planning Department has 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 character of the surrounding area is comprised of predominantly garden-style, multiple – family dwellings, one-story duplexes, single family dwellings, as well as larger swaths of vacant land that are zoned for residential use. Religious Assembly and other institutional uses, such as schools, have traditionally developed within residential neighborhood settings and are considered appropriate within residential settings. Religious Assembly uses often incorporate other accessory uses, such as community centers, day care centers, clothing and food banks as accessory uses that are supported by the Religious Assembly use. A crisis center may potentially complement the principal use of Religious Assembly. That being said, there are still concerns of staff that locating an emergency shelter, including short-term homeless residents has the potential to impact the residential character of a neighborhood that is already designated “At Risk” on the 2020 Neighborhood Health Map. However, there should be no change to the character of the neighborhood due to conditions of the PUD Master Plan limiting the 20-bed seasonal emergency shelter during inclement weather, and limited to October 16th through April 15th within any year, and only in coordination with and at the request of the City of Topeka.

ZONING AND USE OF NEARBY PROPERTIES: The surrounding zoning to the west and east is zoned for multiple family residential that includes both duplexes and garden level, two to three story public housing apartment complexes. The zoning to the north is single family residential and developed with single family dwellings or remains vacant.

LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER THE PRESENT CLASSIFICATION: The subject property has remained as zoned for a church, community center, and day care center since 2007. A day care is not currently operating in the building. Prior to Open Arms purchasing the building in approximately 2014, there were two other churches simultaneously using the building and sanctuary. Historically, the site was the location of Belvoir Elementary School from 1966 to the mid-1990s and was closed as part of the final phase of desegregation from the Brown v. Board case.

SUITABILITY OF USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED: The use of the property as restricted under the Master Planned Unit Development zoning allowing religious assembly, community center and day care is still suitable based on the established pattern of land uses and zoning in the area since these uses are complementary with the surroundings uses and accessory to the Religious Assembly. The church is currently using the east wing of the building and has converted the west wing for use as the Crisis Center and food and clothing bank. The change in zoning allows the owner(s) to fully utilize the west wing of the building and is an appropriate adaptive re-use to ensure the building will be fully occupied.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The subject property is located within the East Topeka Neighborhood Revitalization Plan boundary, which establishes the subject site for *Institutional* uses. This designation of the neighborhood plan was intended to recognize existing schools, churches, not-for-profit social services, medical agencies and utilities. The proposed use of the building to add a Crisis Center Type II that is accessory to, and operated by, the not-for-profit Religious Assembly organization is in conformance with this land use designation in the neighborhood plan.

THE EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: The proposed amendment to the PUD Master Plan accommodates development of the property consistent with goals and objectives of the East Topeka Revitalization Plan's *Institutional* land use classification for this area. The neighborhood plan does encourage and support the function and use of the building continuing for social services and there will not be any substantial changes to the use of the building that will detrimentally affect nearby properties. There may be a perceived detrimental effect upon the neighborhood by allowing a new short-term emergency shelter for transient residents within a neighborhood designated "At Risk" on the City of Topeka's Neighborhood Health Map. However, the PUD Master Plan limits residential use to 6 residents and 2 caretakers in residence allowed throughout the year, and use of the 20-bed emergency shelter for inclement weather is restricted to October 16th through April 15th in any year, and employed only in coordination with and at the request of the City of Topeka.

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 proposed revision to the PUD Master Plan accommodates development of the property consistent with the goals and objectives established by the East Topeka Neighborhood Plan's *Institutional* land use classification for this area and ensures the "historical" school building remains fully occupied with an active use. If left unmaintained and vacant it may become another eyesore to the neighborhood as it continues to decline in condition. There is also a hardship upon the landowner as they have been operating under a grant since 2022 without knowledge that a rezoning was necessary for the food/clothing bank and an emergency shelter. It would be difficult to relocate their uses to another building/site and this would also leave the building unoccupied to further decline in condition.

AVAILABILITY OF PUBLIC SERVICES: All essential public roadways, utilities, and services are currently present and available within the area.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS: Development under the proposed zoning will require compliance with the conditions detailed in the PUD master plan for Paradise Providence Place

STAFF RECOMMENDATION

Based upon the above findings and analysis, Planning staff recommends **APPROVAL** of the amendment to the Master Planned Unit Development Plan for Paradise Providence Place to allow a Crisis Center Type II subject to the conditions stated below:

PLANNING COMMISSION MOTION: Based on the findings and analysis in the staff report, I move to recommend to the Governing Body **APPROVAL** of the amendment to the Master Planned Unit Development Plan for Paradise Providence Place to allow a Crisis Center Type II subject to the conditions stated below:

1. Adding the following note: *“All restrictions set forth by Paradise Providence Place master PUD Plan as recorded in Book 45 Page 13 on October 31, 2007 shall remain in effect unless stated otherwise on this amendment.”*
2. Add note under Building and Structural Notes: *“All residential uses, food and clothing pantry, and any associated accessory uses shall comply with applicable City of Topeka Building and Life Safety Codes.”*
3. Add note under Building and Structural Notes: *“A Day Care Center is not permitted in any wing of the building where there is the simultaneous operation of the Crisis Center Type II.”*
4. Add to the beginning of the first sentence under “Project Performance Objective”: *“Revision #2 to the master plan will allow...”*

Planning Commission Motion: In its motion to approve by a vote of 8-0-1, the Planning Commission requested the following changes to condition #3: Add new note under Building and Structural Notes: *“A Crisis Center Type II and any other residential use is limited to the west wing of the building. A day care center is limited to the east wing of the building.”*

ATTACHMENTS:

Statement of Operations
Aerial Map
Zoning Map
Future Land Use Map
Neighborhood Meeting Attendance
Comment from Police Department