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City Council Agenda

**City Council Chambers
214 SE 8th Street
Topeka, Kansas 66603**

October 14, 2014

6:00 PM

Mayor: Larry E. Wolgast

Councilmembers

Karen A. Hiller	District No. 1	Chad Manspeaker	District No. 6
TJ Brown	District No. 2	Elaine Schwartz	District No. 7
Sylvia E. Ortiz	District No. 3	Nathan Schmidt	District No. 8
Denise Everhart	District No. 4	Richard Harmon	District No. 9
Michelle De La Isla	District No. 5		

City Manager: Jim Colson

Addressing the Council: No person shall address the Council during a Council Meeting, unless they have notified the City Clerk by 5:00 P.M. on the day of any Council Meeting of their desire to speak on a specific matter on the published meeting agenda or during the public comment portion of the Council Meeting. This limitation shall not apply to items added during the course of a meeting. The Council does not take action with respect to any subject not on the agenda unless added to the agenda by a two-thirds vote of the Council

Persons addressing the City Council will be limited to four (4) consecutive minutes of public address on a particular agenda item. Debate, question/answer dialogue or discussion between Councilmembers will not be counted towards the four (4) minute time limitation. The Chair may extend time with the unanimous consent of the Council or the Council by affirmative vote of five (5) members may extend the four (4) minute limitation.

Persons will be limited to addressing the City Council one (1) time on a particular matter unless otherwise allowed by an affirmative vote of five (5) members of the City Council.

Citizens wishing to offer Public Comment may sign up by phoning the City Clerk's office at 368-3940.

To make arrangements for special accommodations please call 785-368-3940. A 48-hour advance notice is preferred.

The Federal Communications Commission (FCC) has adopted use of the 711 dialing code for access to Telecommunications Relay Services (TRS). TRS permits persons with a hearing or speech disability to use the telephone system via a text telephone (TTY) or other device to call persons with or without such disabilities. To reach the City Clerk's office using the TRS, please dial 711.

(Agendas are available on Thursday afternoon in the City Clerk's office, 215 SE 7th – Room 166 and on the City's web site at <http://www.topeka.org>)

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

1. MAYORAL PROCLAMATIONS:
"None scheduled at this time."

2. PRESENTATIONS:
"2015 Legislative Agenda"

3. ROLL CALL:

4. CONSENT AGENDA:

A. MINUTES of the regular meeting of October 7, 2014

B. APPLICATIONS:

5. ACTION ITEMS:

A. Ordinance - Batis Development Company (PUD14/3)


[ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Jim Colson, amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on property located at 3900, 3904, 3908, 4000 and 4004 SW 29th Street; 2809, 2813, 2817 and 2821 SW Gage Boulevard; and 4025, 4021, 4017 and 4013 SW 28th Terrace, all contained at the northwest intersection of SW 29th Street and SW Gage Boulevard from "R-1" Single Family Dwelling District TO "PUD" Planned Unit Development District ("C-2" Commercial District). (PUD14/3) (Council District No. 8)

Voting Requirement: Three-fourths majority vote of the Governing Body, including the Mayor. All Governing Body members must be present.

(Approval would allow a new 14,820 square feet Walgreens store to be developed on the northwest corner of SW 29th Street and SW Gage Boulevard. The new store would be re-located from the southwest corner of the same intersection.)

B. Ordinance - Oakland Neighborhood Plan Rezoning (Z14/9)


[ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Jim Colson, amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on the six properties located along the east side of the 100 block of NE Lime Street from "I-2" Heavy Industrial District TO "R-2" Single-Family Dwelling District. (Z14/09) (Council District No. 2)

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval would change the zoning for 112, 118, 120, 122, 124 and 132 NE Lime Street from heavy industrial to residential to reflect the existing single-family development on the block.)

C. Ordinance - Historic North Topeka East Neighborhood Plan Rezoning (Z14/10)



AN ORDINANCE introduced by City Manager Jim Colson, amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on a property located at 844 NE Quincy Street in the Historic North Topeka East neighborhood from "X-2" Mixed Use District TO "OS-1" Open Space District. (Z14/10) (Council District No. 2)

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval changes the zoning of Veteran's Park from mixed use to open space.)

D. Ordinance - Historic North Topeka East Neighborhood Plan Rezoning (Z14/11)

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Jim Colson, amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on an unaddressed property located on the east side of the 800 block of NE Monroe Street, approximately 100 feet from the intersection of NE Laurent and NE Monroe in the Historic North Topeka East neighborhood from "R-4" Manufactured Home District TO "X-2" Mixed Use District. (Z14/11) (Council District No. 2)

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval changes the zoning of a vacant property in the 800 block of NE Monroe Street from manufactured home to mixed use consistent with surrounding zoning.)

E. Applications - Retail Cereal Malt Beverage and Scrap Metal Dealers License

APPROVAL of Retail Cereal Malt Beverage and Scrap Metal Dealers License Applications.

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Retail Cereal Malt Beverage License applications and Scrap Metal Dealer applications must be approved by the governing body prior to issuance of the licenses.)

6. ANNOUNCEMENTS:

-

7. PUBLIC COMMENT:

-

8. EXECUTIVE SESSION:

Executive Sessions are closed meetings held in accordance with the provisions of the **Kansas Open Meetings Act**.

(Executive sessions will be scheduled as needed and may include topics such as personnel matters, considerations of acquisition of property for public purposes, potential or pending litigation in which the city has an interest, employer-employee negotiations and any other matter provided for in K.S.A. 75-4319.)

9. ADJOURNMENT:

-



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Council Action Form

Council Chambers
214 SE 8th Street
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September 12, 2014

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DATE: October 14, 2014

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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BACKGROUND:

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ATTACHMENTS:

No Attachments Available



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DOCUMENT DESCRIPTION:

"None scheduled at this time."

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No Attachments Available



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DOCUMENT DESCRIPTION:

"2015 Legislative Agenda"

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

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No Attachments Available



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STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 23, 2014

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DATE:	October 14, 2014		
CONTACT PERSON:	Bill Fiander/Annie Driver	DOCUMENT #:	PUD14/3
SECOND PARTY/SUBJECT:	Batis Development Company	PROJECT #:	
CATEGORY/SUBCATEGORY	014 Ordinances – Non-Codified / 007 Zoning		
CIP PROJECT:	No		
ACTION OF COUNCIL:		JOURNAL #:	
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Jim Colson, amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on property located at 3900, 3904, 3908, 4000 and 4004 SW 29th Street; 2809, 2813, 2817 and 2821 SW Gage Boulevard; and 4025, 4021, 4017 and 4013 SW 28th Terrace, all contained at the northwest intersection of SW 29th Street and SW Gage Boulevard from “R-1” Single Family Dwelling District TO “PUD” Planned Unit Development District (“C-2” Commercial District). (PUD14/3) (Council District No. 8)

Voting Requirement: Three-fourths majority vote of the Governing Body, including the Mayor. All Governing Body members must be present.

(Approval would allow a new 14,820 square feet Walgreens store to be developed on the northwest corner of SW 29th Street and SW Gage Boulevard. The new store would be re-located from the southwest corner of the same intersection.)

POLICY ISSUE:

The Governing Body has the following options:

1. Adopt the recommendation. 3/4 vote of all the governing body (8 minimum).
2. Amend the recommendation granting the zoning request. 3/4 vote of all the governing body (8 minimum).

Item #9

3. Reject the recommendation (i.e. deny rezoning application). 2/3 majority vote of the governing body (7 minimum).
4. Remand to the Planning Commission with a statement specifying the basis for the governing body's failure to approve or disapprove the recommendation. Simple majority vote of the governing body (6 minimum).

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

The land use principles and policies of the Land Use and Growth Management Plan 2025 recommend that commercial uses, such as this proposal, be located in a "nodal" pattern at arterial intersections. There is currently commercial development located at three of the four corners of this intersection comprising a total of only 11 acres of land area. Rezoning the subject property to locate the most intensive uses closest to the intersection is consistent with policies of the Comprehensive Plan.

The Planning Department's proposed LUGMP 2040 and Future Land Use Map recommend this intersection be established as a Community Commercial node. Community Commercial uses draw traffic from the surrounding community, serve multiple neighborhoods across the City, and carry approximately 30,000 to 40,000 average daily traffic at or near the intersection. The proposed PUD is in conformance to the recommended "nodal" land use arrangement as supported by the Comprehensive Plan for the location of Community Commercial centers at major arterial intersections.

The existing pattern of single-family residential land uses fronting a major commercial intersection is not sustainable. Property values, housing maintenance and public safety have all suffered over time as the traffic impacts and commercial intensity surrounding them have grown. Property values on average are \$10,000 to \$20,000 less for the lots located at the intersection than those lots interior to the neighborhood. The increased crime rates and lack of maintenance for these properties have contributed to depressed rents making them less suitable for single-family residential.

The Planning Department as well as the Planning Commission recommends approval.

BUDGETARY IMPACT:

There would be no budgetary impact to the City.

SOURCE OF FUNDING:

Not applicable

ATTACHMENTS:

[Ordinance](#)

[Summary Report](#)

[staff report](#)

[Planning Commission minutes 9/22/14](#)

[Planning Commission Minutes 6/16/14](#)

[aerial map](#)

[zoning map](#)

[site plan \(color\)](#)

[PUD plan](#)

[Metro bus stops](#)

[Neighborhood Information Meeting report 9-11-14](#)

[Hutton letter 9-17-14](#)

[Public comment letters](#)

[Traffic Study](#)

[Huffman - 8-29-2014 TIS review](#)

[Kaw Valley TIS Addendum 9-16-14](#)

[Protest Petitions](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Jim Colson, City Manager amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code (TMC), by providing for certain changes in zoning on property located at 3900, 3904, 3908, 4000, and 4004 SW 29th Street; 2809, 2813, 2817, 2821 SW Gage Blvd; and 4025, 4021, 4017, 4013, SW 28th Terrace from "R-1" Single Family Dwelling District **TO** "PUD" Planned Unit Development District ("C-2" Commercial District) **(PUD14/3) (Council District No. 8)**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. That the "District Map" referred to and made a part of the Zoning Ordinance by Section 18.50.050 of the Topeka Municipal Code (TMC), be and the same is hereby amended, by reclassifying the following described property:

THAT PORTION OF LOTS 5 THRU 8, LOTS 14 THRU 22, BLOCK C AND A PORTION OF 28TH STREET TERRACE RIGHT-OF-WAY, WESTVIEW HEIGHTS ESTATE IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS, RECORDED IN DEED BOOK 12-A, PAGE 151 AND RE-RECORDED IN BOOK 12-A, PAGE 198 AND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 12 SOUTH AND RANGE 15 EAST, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 13 IN SAID WESTVIEW HEIGHTS ESTATE; THENCE ALONG AN ASSUMED BEARING OF S 18°56'38" W, ALONG THE WEST RIGHT-OF-WAY LINE OF GAGE BOULEVARD, A DISTANCE OF 158.04 FEET; THENCE S 22°33'56" W, CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 79.16 FEET; THENCE S 18°56'38" W, CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 79.00 FEET; THENCE S 24°34'02" W, CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 81.64 FEET; THENCE S 53°27'35" W, CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 38.43 FEET TO THE NORTH RIGHT-OF-WAY LINE OF 29TH STREET; THENCE N 89°46'48" W, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 357.47 FEET TO THE SOUTHWEST CORNER OF LOT 22 OF SAID WESTVIEW HEIGHTS ESTATE; THENCE N 00°49'04" E, ALONG THE WEST LINE OF SAID LOT 22, A DISTANCE OF 134.31 FEET TO THE NORTHWEST CORNER OF SAID LOT 22; THENCE S 89°46'48" E, ALONG THE NORTH LINE OF SAID LOT 22, A DISTANCE OF 72.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 22; THENCE N 00°49'04" E, ALONG THE EAST LINE OF LOT 4 OF SAID WESTVIEW HEIGHTS ESTATE, A DISTANCE OF 139.60 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT; THENCE EASTERLY, NORTHEASTERLY, AND NORTHERLY, ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 328.00 FEET, AN ARC LENGTH OF 229.20 FEET, A CHORD BEARING OF N 59°03'34" E, AND A CHORD DISTANCE OF 224.57 FEET TO THE SOUTHWEST CORNER OF LOT 9 OF SAID WESTVIEW HEIGHTS

ESTATE; THENCE S 71°03'22" E, ALONG THE SOUTH LINE OF SAID LOT 9, A DISTANCE OF 125.65 FEET TO THE SOUTHEAST CORNER OF SAID LOT 9; THENCE N 18°56'38" E, ALONG THE EAST LINE OF SAID LOT 9 AND ITS CONTINUATION, A DISTANCE OF 88.54 FEET TO THE SOUTHWEST CORNER OF LOT 13 OF SAID WESTVIEW HEIGHTS ESTATE; THENCE S 71°03'22" E, ALONG THE SOUTH LINE OF SAID LOT 13, A DISTANCE OF 120.01 FEET TO THE POINT OF BEGINNING. CONTAINS 3.32 ACRES, MORE OR LESS.
END OF DESCRIPTION

Section 2. The development of the site is from "R-1" Single Family Dwelling District

ALL TO "PUD" Planned Unit Development District ("C-2" Commercial District)

Subject to:

- 1. Use and compliance of the site in accordance with the recorded Master Planned Unit Development Plan for 29th and Gage Retail.**

Section 3. The Master PUD Plan for 29th and Gage Retail shall be recorded with the Shawnee County Register of Deeds in accordance with Section 18.190.060(b) of the Topeka Municipal Code (TMC). Following the recording of the Master PUD Plan and prior to any building and/or land development on the site, site development plans shall be submitted for review and administrative approval by the Planning Director.

Section 4. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

Section 5. This Ordinance Number shall be fixed upon the "District Map".

Section 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

PASSED AND APPROVED by the Governing Body of the City of Topeka,

_____, 2014.

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified _____

Not To Be Codified X

CITY OF TOPEKA PLANNING DEPARTMENT

SUMMARY REPORT

RE: PUD14/3 By: Batis Development Company

A request to amend the district zoning classification for thirteen single-family residential properties located at 3900, 3904, 3908, 4000, and 4004 SW 29th Street; 2821, 2817, 2813, and 2809 SW Gage Blvd; and 4013, 4017, 4021, 4025 SW 28th Terrace, all contained at the northwest intersection of SW 29th Street and SW Gage Blvd (3.32 acres total) from “R-1” Single-Family Dwelling District TO “PUD” Planned Unit Development (“C-2” Commercial uses).

Approval will allow for a new 14,820 sq. ft. Walgreens with drive through pharmacy that is open 24 hours. The proposed Walgreens is being re-located from its current site at the southwest corner of the intersection. This rezoning request revises a previous application (**PUD14/2 By: Batis Development Co. – WITHDRAWN**) by:

- Adding two additional single family residential properties at 4004 SW 29th Street (westernmost) and 2809 SW Gage Blvd (northernmost) into the rezoning request.
- Re-locating driveways so that they are moved further back from the SW 29th/Gage intersection, approximately 303 ft. (SW 29th) and 338 ft. (SW Gage) and align with the opposing driveways across the streets, as measured along the curb line (City street design criteria).
- Providing a pork chop median at the Gage exit that will restrict left turns on to SW Gage.
- Creating a small pocket park within the 35 ft. green area that is between the fence and SW 28th Terrace (residential street) creating a greater residential appearance along SW 28th Terrace. This also allows the fence to be placed further back from the street and is kept outside the front yards of adjacent residential properties consistent with residential zoning requirements. No accessory structures are permitted within the pocket park (i.e. trellises, gazebos, pergolas, etc.)
- Adding bus stop, including a bus pull-out lane along SW 29th Street, with a pedestrian connection to main building entrance.
- Splitting the original single detention pond along the northern boundary into two separate ponds in order to retain some of the old growth trees located on the north side of the building. The overall development will achieve a 40 percent open space to developed area ratio.

The land use principles and policies of the LUGMP 2025 recommend that commercial uses, such as this proposal, be located in a “nodal” pattern at arterial intersections. There is currently commercial development located at three of the four corners of this intersection comprising a total of only 11 acres of land area. Rezoning the subject property for commercial would complete the commercial node and locate the most intensive uses closest to the intersection, which is consistent with policies in the Comprehensive Plan. The Planning Department’s proposed LUGMP 2040 and Future Land Use Map recommend this intersection be established as a *Community Commercial* node. *Community Commercial* uses draw traffic from the surrounding community, serve multiple

neighborhoods across the City, and carry approximately 30,000-40,000 average daily traffic at or near the intersection.

The existing pattern of single-family residential land uses fronting a major commercial intersection is not sustainable. Property values, housing maintenance, and public safety have all suffered over time as the traffic impacts and commercial intensity surrounding them have grown. Property values on average are \$10,000-\$20,000 less for the lots located at the intersection than those lots interior to the neighborhood. The increased crime rates and lack of maintenance for these properties have contributed to depressed rents, which makes them less suitable for single-family residential.

A Traffic Impact Study (TIS) has been approved by the City's Traffic Engineering Consultant who agreed with the overall results that the project will only have minimal impact on these two arterial streets, including the intersection. The TIS indicates the development will generate an estimated 51 AM peak hour trips, 147 PM peak hour trips, and 1436 weekday daily trips, which is only an estimated 1-2% increase in total traffic trips affecting the intersection and considered inconsequential. In addition, the applicant's TIS was done on the conservative side, as the preparer could have shown a reduction in trips generated by not including the thirteen single-family homes and accounting for pass-by trips.

A minor plat still needs administrative approval prior to the issuance of any building permits.

The Planning Department recommended approval of the zone change, as referenced in the attached staff report. The Planning Commission recommended the zone change be approved by a vote of 8-0-0 at its September 22, 2014 public hearing, as referenced in the attached minutes. **The Planning Department requests the Governing Body move to approve the ordinance and adopt the zone change.**

September 22, 2014
Agenda Item # E-1

ZONING REPORT

CITY OF TOPEKA PLANNING DEPARTMENT

CASE NO: **PUD14/3**

By: **Batis Development Company**

PROPOSAL: Zone change from “R-1” Single Family Dwelling District **TO** “PUD” Planned Unit Development (C-2 uses)

LOCATION: Thirteen (13) properties located at 3900, 3904, 3908, 4000, and 4004 SW 29th Street; 2821, 2817, 2813, and 2809 SW Gage Blvd; and 4013, 4017, 4021, 4025 SW 28th Terrace (3.32 acres)

PRESENT USE: Single-family dwellings

PROPOSED USE: A new 14,820 sq. ft. Walgreens with drive-through pharmacy that is open 24-hours, which is being re-located from the southwest corner of the intersection. This rezoning request revises the previous application (**PUD14/2 By: Batis Development Co. – WITHDRAWN**) by:

- Adding two additional single family residential properties at 4004 SW 29th Street (westernmost) and 2809 SW Gage Blvd (northernmost) into the rezoning request.
- Re-locating driveways so that they are moved further back from the SW 29th/Gage intersection, approximately 303 ft. (SW 29th) and 338 ft. (SW Gage) and align with the opposing driveways across the streets, as measured along the curb line (City street design criteria).
- Providing a pork chop median at the Gage exit that will restrict left turns on to SW Gage.
- Creating a small pocket park within the 35 ft. green area that is between the fence and SW 28th Terrace (residential street) creating a greater residential appearance along SW 28th Terrace. This also allows the fence to be placed further back from the street and is kept outside the front yards of adjacent residential properties consistent with residential zoning requirements. No accessory structures are permitted within the pocket park (i.e. trellises, gazebos, pergolas, etc.)
- Adding bus stop, including a bus pull-out lane along SW 29th Street, with a pedestrian connection to main building entrance.
- Splitting the original single detention pond along the northern boundary into two separate ponds in order to retain some of the old growth trees located on the north side of the building. The overall development will achieve a 40 percent open space to developed area ratio.

CHARACTER OF NEIGHBORHOOD: The subject properties are located at the intersection of SW Gage Blvd and SW 29th Street (major arterials), which is comprised of commercial development at the remaining three corners. A single-family residential neighborhood bounds the subject properties to the north and west. The existing Walgreen’s and retail center are located south of SW 29th Street with single-family residential also bordering this center on its south side. Two banks are located at the southeast corner of the intersection. A retail center (southwest), Sonic drive-in (northeast), and banks (southeast) are located on opposite corners of the intersection. Until recently, a gas station was located at the northeast corner as well.

September 22, 2014
Agenda Item # E-1

ZONING CLASSIFICATION AND USE OF SURROUNDING PROPERTIES:

	ZONING CLASSIFICATION	PRESENT LAND USE
North:	“R-1” Single Family Dwelling District	Single family dwellings
South:	“PUD” Planned Unit Development (C-4 uses)	Walgreens/Retail center
East:	“PUD” Planned Unit Development (C-4 uses)	Vacant
	“C-2” Commercial District	Retail center
West:	“R-1” Single Family Dwelling District	Single family dwellings

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT RESTRICTIONS: The subject properties have remained zoned for single-family dwellings since annexed in 1951. The subdivision (Westview Heights) was platted in 1956. The existing single family dwellings were constructed in approximately 1959 when the intersection was entirely residential or undeveloped.

SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED: The subject properties that front on to SW Gage and SW 29th are no longer suitable for single-family dwellings based upon the pattern of surrounding land uses, the location of the property at the intersection of two major arterials, and the physical condition of the residences. The existing pattern of single-family residential land uses fronting a major commercial intersection is not sustainable. Property values, housing maintenance, and public safety have all suffered over time as the traffic impacts and commercial intensity surrounding them have grown. Property values on average are \$10,000-\$20,000 less for the lots located at the intersection than those lots interior to the neighborhood. The increased crime rates and lack of maintenance for these properties have contributed to depressed rents, which makes them less suitable for single-family residential. While these properties have become more blighted, the four lots directly behind them along SW 28th Terrace are impacted which in turn also negatively impacts the rest of the neighborhood. Police Department dispatch records have indicated 19 calls responding to the properties between January and March, 2014.

CONFORMANCE TO COMPREHENSIVE PLAN: The Topeka Land Use and Growth Management Plan 2025 (LUGMP 2025)’s future land use map identifies the area for *Urban Suburban Low Density Residential* uses. However, the future land use map in the plan is a broad brush approach and does not designate specific land uses for each particular lot within a neighborhood, but rather gives general guidelines for making land use and rezoning decisions.

The land use principles and policies of the LUGMP 2025 recommend that commercial uses, such as this [proposal](#), be located in a “nodal” pattern at arterial intersections and encompass approximately 7 – 15 acres at each corner of the intersection rather than in strip commercial patterns fronting along the arterial streets. There is currently commercial development located at three of the four corners of this intersection comprising a total of only 11 acres of land area. Rezoning the subject property for commercial would complete the commercial node and locate the most intensive uses closest to the intersection.

The Topeka Planning Department’s proposed Future Land Use Map and Land Use and Growth Management Plan 2040 establishes nodal principles for the intensity and type of commercial uses at street intersections based on functional street classifications, Average Daily Traffic, proximity to other

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commercial centers, neighborhoods served, and the pattern of surrounding land uses near the commercial. Commercial nodes exhibit an ideal pattern of land use because the higher intensity uses are concentrated at major road intersections that are designed to handle the traffic from the commercial use rather than being stripped out linearly along the arterial street – A pattern which creates numerous commercial driveways along the arterial.

The proposed LUGMP 2040 and Future Land Use Map update recommends this intersection be established as a *Community Commercial* node. *Community Commercial* uses draw traffic from the surrounding community and serve multiple neighborhoods across the City. This intersection carries approximately 37,000 trips per day. *Community Commercial* centers typically carry approximately 30,000 – 40,000 ADT at or near the intersection.

The current land use design with single-family driveways accessing the arterial streets is discouraged by policies in the LUGMP 2025 because it tends to decrease the primary function of an arterial street, which is to move traffic. The proposed PUD design has provided for future cross access with the adjoining lots fronting SW Gage and SW 29th, in the event they are redeveloped for “transitional” uses in the future. The PUD leaves at least 35 ft. of green space to act as a buffer between the proposed commercial use and residential.

The proposed PUD is in conformance to the recommended “nodal” land use arrangement as supported by the Comprehensive Plan for the location of *Community Commercial* centers at major arterial intersections.

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: Removal of the present restrictions may have a detrimental effect upon the nearby single-family residential properties without providing effective buffering techniques. The subject property is adjacent with residential properties along both its north and west boundaries. Some of these potential effects caused upon these nearby properties could be attributed to parking lot lighting, noises, traffic from the 24-hour pharmacy, visual appearance, truck loading/unloading during evening hours, etc. The PUD proposes an 8 ft. composite fence around the property with 6 ft. tall evergreens (20 ft. tall when fully grown) located along the outside of the fence that should reduce noise. There is at least 35 ft. of green space proposed as a pocket park along the north property boundary (outside the fence) that separates the Walgreen’s building from the residential street (SW 28th Terrace). The fence is kept primarily outside of the front yard setbacks of adjacent residential properties, except the segment of fence on top of the retaining wall. A note on the PUD plan will allow staff to have the discretion to reduce the height of the fence at the time of site plan review if the full 8 ft. height is deemed excessive, where it is located on top of the retaining wall. The three existing rose bushes contained in the island within the current SW 28th Terrace right-of-way will be relocated to the pocket park and remain as an asset to the neighborhood. No structures will be allowed within the pocket park, as noted on the PUD, which is consistent with “R-1” zoning requirements regarding accessory structures within front yard setbacks. The building itself is setback at least 90 ft. from the residential boundaries.

Trash dumpsters will be contained in 6 ft. tall finished masonry enclosures. A PUD note indicates, “*The building design shall be coordinated on all elevations with regard to color, materials, and architectural form to achieve harmony of design and neighborhood compatibility.*” Staff believes this is significant since the rear elevations (i.e. delivery and drive-through elevations) face residential properties. All light poles adjacent with residential boundaries will not exceed three foot-candles at the property lines (City

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standard) and the illumination will be shielded so the lighting is directed away from residential areas. A note has been added to further exclude commercial delivery truck loading/unloading between the hours of 8:00 pm and 7:00 am in order to protect the adjacent residential properties from noises that are attributed to commercial uses. Staff believes these measures will mitigate any detrimental effects upon nearby properties by removal of the present restrictions for “R-1” zoning. In addition, removal of the present restrictions for single-family residential zoning will eliminate properties from the neighborhood that have become blighted from a lack of maintenance and increased crime rates that contributes to depressed property values and a lack of home ownership. These factors directly contribute to a neighborhood’s overall health ranking.

A revised traffic impact study (TIS) was submitted by the applicant’s engineer with the revised PUD showing the new development area. The TIS points out the additional land fronting along SW 29th Street and SW Gage Boulevard has allowed the project to meet two of the Planning Commission’s key traffic concerns, which were the location of the project’s access driveways. This revised TIS has been approved by the City’s Traffic Engineering Consultant who agrees with the overall results that the project will only have minimal impact on these two arterial roadways including their intersection. The TIS indicates the project would generate an estimated 51 AM Peak Hour Trips, 147 Peak Hour Trips, and 1436 Weekday Daily Trips. The TIS was done on the conservative side, as the preparer could have shown a reduction in trips without thirteen single-family homes and accounting for pass-by trips. The intersection is already operating at a LOS D, which is acceptable in the peak hour. The LOS at the intersection is not reduced by this particular development’s traffic. The proposed design attempts to accommodate the situation to the best extent possible. The driveways on both SW 29th and Gage are located 303 ft. (SW 29th) and 338 ft. (SW Gage) from the intersection as measured along the curb line and are aligned with their respective driveways across the street, which is consistent with the minimum City street design criteria. The PUD plan further restricts all left turns out of the development on to SW Gage. Sometime in the future, the SW 29th Street and SW Gage Boulevard intersection may have to be improved and, if so, the project dedicates right-of-way that would be necessary for future intersection improvements at SW 29th and Gage. Commercial projects generate a significant amount of traffic which is one of the reasons the Comprehensive Plan suggests commercial uses be located at the intersection of two major arterials. This allows traffic to frequently enter and leave the site without going through the intersection.

Further, the PUD is consistent with the City’s complete streets policies, which is an added benefit to the neighborhood. The development allows pedestrians from this neighborhood to access Walgreens without crossing busy arterials. Bicycle racks are included near the front entrance. A pedestrian cross walk will be provided from the bus shelter to the front entrance. Sidewalks along SW 29th, Gage, and 28th Terrace will be constructed or improved. The PUD proposes a bus pull-out lane along SW 29th Street for a new Topeka Metro bus shelter in the future. Currently, there are no bus shelters at the intersection; only uncovered bus benches at the remaining three corners. The SW 29th Street westbound route bus stop would be relocated by Topeka Metro to this corner from the northeast corner (former gas station); the exact location of such lane would be approved by the City Engineer and Topeka Metro at the time of site development.

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 reclassification would allow the property to develop for commercial uses, which is consistent with the planned pattern of

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future development at the intersection of two major arterials. The current development pattern along SW Gage and SW 29th allowing individual residential driveways accessing arterial streets is not the ideal land use arrangement and decreases the functionality of the arterial, which is a detriment to the public health, safety, and welfare. This land use arrangement also causes the single-family properties to deteriorate and lose their values significantly, which has led to disinvestment and a concentration of crime. Reversal of these trends would be a benefit to public health, safety, and welfare. The impact upon the value of the adjacent residential properties created from a commercial use directly abutting residential should be minimized by the landscaping, fencing, and green space along property boundaries that the PUD provides. Any impact upon the value of adjacent properties should be off-set by the public safety benefits that arise from removing blighted homes from impacting the neighborhood, buffering improvements, and residential driveways too close to the arterial intersection.

AVAILABILITY OF PUBLIC SERVICES: The subject properties are currently served with public utilities, services, and facilities. The developer is constructing new sidewalks along SW Gage Blvd, SW 28th Terrace, and SW 29th Street. All public improvements and utility re-locations (water, sewer, gas, electric) will be at the cost of the developer.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS: Bike rack parking is located near the front entrance of the building in an amount above the required 5% of the automobile parking spaces (Four bike rack spaces are required. The PUD proposes seven bike rack spaces.)

Minimum lot area: **Compliant** – 3.32 acres (1 acre is required)

Setbacks: **Compliant** – Established on the PUD plan

Platting: **Non-Compliant** – A minor plat of the existing thirteen lots will need to be re-submitted and approved in order to merge lots, vacate a portion of the SW 28th Terrace right-of-way, and grant or vacate new easements and rights-of-way that are needed.

CONCERNS OF STAFF AND REVIEWING AGENCIES: This request was submitted to all applicable reviewing agency staff for consideration and comment. The Storm Water Management Report (quantity review) has been reviewed by the City of Topeka Engineer. The plan designates two storm water detention ponds on the north side of the property. Storm water quality review was not required since the development does not exceed one acre of new impervious area. However, the report does propose storm water features that will assist with infiltration and removing sediments, which is beneficial to the city and supported by City staff because of the proximity of the properties to the 100-year flood plain. Further review of these proposed water quality features will be reviewed by the City Engineer at the site development stage. The Traffic Impact Study has been submitted and accepted by the City Traffic Engineering Consultant.

ADDITIONAL FACTORS:

1. Citizen Participation Process: The applicant conducted a neighborhood information meeting on Thursday, August 28, 2014 at Crestview Shelter House, 6:00 pm.
2. Capitol Area Plaza Authority: N/A
3. Flood Hazard Area: The area currently dedicated as a right-of-way for SW 28th Terrace is covered by the 100 year flood plain. Minimum opening elevations shall be established at 1 ft. above the adjacent 100-year water surface elevation. A drainage easement will need to cover the 100-year

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flood plain on the subject properties. A note has been added to the plat indicating: *“Any portions of the fence that is within the drainage easement covering the 100-year flood plain shall be constructed so it does not obstruct the overland flow by allowing water to pass underneath the fence.”*

4. Airport Hazard Area: N/A
5. Historic Properties: N/A

STAFF RECOMMENDATION: Based upon the above findings and analysis, planning staff recommends **APPROVAL** of this proposal, **subject to:**

1. Use and development of the site in accordance with the recorded **Master Planned Unit Development Plan for 29th and Gage Retail**.
2. Removing Note #2 under Circulation, Parking and Traffic notes since it is duplicative of Note #4 minus the addition of the bus pull-out lane.

Prepared by:
Annie Driver, AICP
Planner II

**Minutes of the
Topeka Planning Commission
Monday, September 22, 2014**

PUD 14/03 29th and Gage Retail Planned Unit Development By: Batis Development Company

requesting to amend the District Zoning Classification from “R-1” Single Family Dwelling District **TO** “PUD” Planned Unit Development (“C-2” Commercial District use group) on properties located at 3900, 3904, 3908, 4000, and 4004 SW 29th Street; 2809, 2813, 2817, 2821 SW Gage Boulevard and 4025, 4021, 4017, 4013 SW 28th Terrace, all located at the northwest corner of SW Gage Boulevard and SW 29th Street (13 properties). **(Driver)**

Discussion by members & staff: Annie Driver summarized the staff report and advised the Planning Commission that staff recommended approval of this petition.

Mr. Beck explained that we have heard this item in a different case but different circumstances so we have heard several concerns from applicant, neighbors, and representatives. Mr. Beck asked that every effort be made to present new information only.

Applicant:

Mark Wittenburg, Batis Development, stated that Batis is the applicant, along with the 13 homeowners who signed to re-zone the residential properties.

Mr. Wittenburg explained that Walgreens in Topeka has eight stores and 320 employees. He stated that the new store is needed because this is one of only two existing 24-hour stores in Topeka; the existing store has more square footage than needed. (18,k v. 14.8,k). The existing store does not have a drive-thru and the new location is preferable because it’s “homebound” and “homebound,” which should reduce automobile accidents because most will be making right-hand turns.

Impact on host neighborhood: Of concern is decreasing home values. Possible causes include:

*Increase in crime rate. Mr. Wittenburg stated there were 19 calls to 911 in the first three months of this year.

*Concern that introducing commercial property could have a negative impact on home values. Mr. Wittenburg stated there’s already a Walgreens in the neighborhood and all three other corners are commercial. He stated that property values near 37th & Wanamaker Walgreens location experienced only one year of declining property values.

Batis had a study done by a Ph.D. in land economics (Arthur Nelson) and his conclusion was that the proposed development would result in higher detached residential property values throughout the vicinity.

*Increasing number of rental homes in area. Mr. Wittenburg stated that 32% of the neighborhood is rental. Wendy Usrey’s study shows “strong evidence that rental density plays an important role

in determining a home's overall selling price; with rentals located within ¼ mile of a property negatively affecting price." Batis believes the Walgreens project will improve property values in part because it will be reducing the number of rental properties.

Mr. Wittenburg explained that the project design has undergone changes since last being brought to Planning Commission. The last design called for purchasing 11 properties; current calls for 13. Ideas from the previous Planning Commission meeting were incorporated into the new design.

In regard to traffic: The project eliminates seven points of access onto 29th & Gage and both entrances are greater than 300 feet from the intersection. Both entrances aligned with opposing drives and 29th & Gage Blvd. entrance locations eliminate opposing left turn movements associated with offset driveways. The new plan improves the Gage entrance/exit and a bus stop/bus lane was added on 29th Street.

In regard to Neighborhood Improvements: Screening fence & evergreen trees; pocket park expanded back yard buffer and increased side yard green space. More old growth trees are able to be retained and there is increased green space on Gage. There will be exterior lighting shielding from adjacent homes and improved sight lines at intersection, all right-of-way dedications requested have been granted, there is an increase in the number of fire hydrants, and delivery times to the store will be between 7:00AM & 8:00PM. New is a crosswalk from the building to the bus stop.

Mr. Wittenburg stated that the functionality of the 29th & Gage intersection is not something to be borne by the developer; that is a city issue. The developer's responsibility is to follow the standards and appropriately design in a manner that is safe for traffic. The traffic study approved by Batis's engineer, the city's engineer, and the others involved says that it is.

Mr. Lackey inquired as to the sight line distance on Gage. David Wood, Kaw Valley Engineering of Lenexa, Kansas, responded that the actual driveway for Walgreens has substantial sight distance. Mr. Jefferson asked what prompted the decision to restrict the left turn onto Gage. Mr. Wood stated that leaving it at full access would have caused no issues.

Mr. Beck asked in regard to the home driveways that are remaining along Gage and 29th; do their proximity to the Walgreens ingress/egress cause any issues? Mr. Wood stated that he is less concerned than he was with the initial application. The driveways are at a greater distance now.

Mr. Jefferson asked what the base flood elevation is. Mr. Wittenburg stated that it is 925 and the finished floor will be 932.8 so there will be a difference of 7+ feet.

Mr. Woods asked about a slide Mr. Wittenburg had shown regarding crime in the neighborhood. Exhibit B had a pie chart of the crimes reported in 2013. The 19 calls referred to on the next page are just from 11 of the homes Walgreens will be buying.

Public Testimony:

John Hutton, Attorney representing Marketplace Shopping Center, LP, which is the landowner of the property on the southwest corner of 29th & Gage. Mr. Hutton stated that most of the issues are the same as those in from the previous project discussed June 2014.

Mr. Hutton stated that the project still “does not pass muster” under the Golden vs. City of Overland Park test set for by the Kansas Supreme Court. Mr. Hutton directed the Commission to a letter that is an attachment to his September 17, 2014 letter. He would like his letter of September 17, 2014 to be part the record and his request to be on the record also.

Mr. Hutton stated that there has been a lot of talk about the neighborhood and expressed concern that the applicant has tried to term/set the cause for the project as “an urban renewal project.” Mr. Hutton stated that this isn’t about crime or solving urban problems in the city of Topeka; it’s about developing a Walgreens.

Mr. Hutton stated that currently we have an R1 use and the applicant is asking that it go to a C2 use. He said there are 12 zoning classifications between R1 and C2. He questions why it’s necessary to go from R1 to C2, and why does that have to be imposed on all the neighbors within this block, which has had an R1 zoning for over 50 years. He stated that it’s very rare to find C2 right next to residential neighborhoods, and stated that it is the Planning Commission’s duty to make sure those people who purchased their property on the basis of it being R1 and the neighbors being R1, that they have “their day in court, so to speak.” He stated that this “commission’s role is to protect the quality of life for landowners who are not lucky enough to be part of this deal.”

Mr. Hutton stated that “spot zoning” is not a win/win solution and stated that approving this Planned Unit Development creates clear losers. He said no new jobs will be created and a large commercial space will be made vacant when Walgreens leaves their current location.

Addressing the traffic situation, Mr. Hutton stated that Mr. Huffman would be speaking, via Skype, to the viability of the 29th & Gage intersection and concluding that it is dysfunctional. Mr. Hutton stated that Batis says that’s the city’s problem and Mr. Huffman asked: if the Commission were considering a new PUD in an area of the city that had not been developed, would they take into consideration services such as water, sewer, and adequate streets. He stated that part of what the Planning Commission and City Council are charged with is to make sure the infrastructure that is in place is adequate. He contends current services are not adequate and they’ll be throwing additional traffic to already inadequate infrastructure.

Regarding the Kincy and Mitchell properties, Mr. Hutton reported that there is litigation going on to do with right of first refusal agreement and wanted to make sure the Commission is aware. He stated that if the court finds in favor of the plaintiffs, those two properties will not be part of the proposed Walgreens project.

Mr. Hutton asked the Commission to consider their role and pointed out that unlike many other jurisdictions in Kansas, Topeka’s City Council will not hold public hearings on zoning matters, so the Planning Commission is the last opportunity for a public hearing. He asked the Commission to consider carefully the testimony provided.

Mr. Jefferson asked Mr. Hutton if allowing the zoning change from residential to PUD would keep Market Place Shopping from exercising their right of first refusal if the court decided for Market Place Shopping. Mr. Hutton explained that if the Planning Commission and City Council approved the rezoning, Batis could move forward with bulldozing the houses on those properties, degrading the property that Market Place had hoped to purchase. Mr. Jefferson asked for clarification and Mr. Hutton said that at this time the property has not been sold; it’s contingent

upon the deal going through. Mr. Jefferson asked if there had been an answer filed to the petition. Mr. Hutton answered that no, as of yet there had not been.

Mr. Jefferson asked how much time was left on the lease Walgreens has with Market Place Shopping. Mr. Hutton stated the lease will terminate in June, 2017. He stated that Mr. Wittenburg said it would take 150 days to build the project, so Mr. Hutton contends that it's not an emergency.

Chris Huffman, PE, Huffman Corridor Consulting, Inc. spoke remotely via Skype from Shanghai, China. He stated he was asked to review a revised traffic effect study dated August 1, 2014. He met with Mr. Wood and there are points of agreement and points of disagreement. Mr. Huffman contends that the number used in the study is an underestimation of site generated traffic. The drawings utilized in Kaw Valley's study for the vehicle demand at 29th & Gage are underestimations of the actual demand. Third, Mr. Hutton cautioned the Commission against assuming that reducing a cycle length for a signal will result in improved capacity of the intersection. It will not. Mr. Huffman stated that in order for the intersection to be made ready for additional commercial demand and additional turning demand in the turning area, he has made three recommendations. These include dedicated right turn lanes on each of the four approaches.

Mr. Beck informed Mr. Huffman that his allotted 4 minutes had been exceeded and inquired as to how much additional time he might need. Mr. Huffman stated that he could conclude now. He stated that in his opinion the 29th & Gage intersection isn't ready for additional commercial traffic.

Mr. Lackey asked what percentage of traffic this development will add to the intersection. Mr. Huffman stated he does not know. He doesn't believe that the proposed Walgreens adds a tremendous amount of new volume to the intersection. He states that the concern is increased turn demands within the functional area of the intersection that are not there presently. Mr. Lackey pointed out that the business is simply moving from one side of the intersection to another.

Mr. Lackey asked again if anyone in attendance knew what percent of traffic the proposed development would add to the intersection. Mr. Woods responded that realistically, perhaps 1% or 2%.

Ms. Cuevas-Stubblefield asked Mr. Huffman if he's seen the updated site plan with the new right only exit on Gage Blvd. Mr. Huffman stated that he had and he's not sure what that will do to improve traffic.

Mr. Jefferson asked Mr. Huffman how soon he thinks the intersection is due for an upgrade. Mr. Huffman thinks right turn lanes should be installed as soon as they're reasonably feasible to do. He does not mean to imply that this developer should be responsible for that. The purpose of a traffic impact study is to identify needed improvements, not to assign financial responsibility.

Dan Craig, a co-owner of Market Place Shopping Center, spoke to the increased competition for tenants. He pointed out that they currently have a vacancy in the shopping center that has been there for 7 years. They are concerned that if their anchor business (Walgreens) is allowed

to move across the street, it will have a significant negative impact on the shopping center and their tenants. He pointed out that Walgreens, through their lease, has the right to stay there at least an additional 28 years, they're operating profitably, and the shopping center has the ability to build them a new store in the parking lot of their existing corner.

Mr. Craig spoke to testimony on declining values of homes. He states that owners of rental property report that renters are already asking for rent reduction in the neighborhood of \$75/month based on the prospect of Walgreens building in the neighborhood.

Mr. Craig contends that those whose property will be purchased by Walgreens are for the project, but those outside the fence either oppose the project or want the project expanded to include their house. Mr. Craig pointed out that the most recent city map shows the neighborhood as healthy and also shows the long range plan as single family residential.

In regard to testimony about crime in the neighborhood, Mr. Craig points out that in his 40 years experience in the neighborhood, the crime comes and goes.

Mr. Craig pointed out that the US Census Bureau recently released statistics showing that across the country, the number of single-family homes converting to rental homes has increased 31% from 2006 to 2013. He stated that there is a trend towards people choosing to live in rental housing. Rental housing is not bad; it's landlords who don't take care of the property, and it's the city's responsibility to enforce building codes.

Mr. Craig stated that he believes adding another access point will compound the existing traffic problems and he is concerned about what things will look like 5-10 years down the road due to increased traffic.

Mr. Craig thanked that Commission for their attention and asked that they reject the proposal.

Donnis Williams, owner of rental house at 4021 SW 28th Street Terrace, spoke in favor of the project. She stated that since this has come up, her tenant has moved out. She stated that in the past 4 years, her property values have gone down \$7,000 and she states she has one of the nicer houses in the neighborhood. She said she believes the traffic would flow a lot better if it were on the opposite side. She states that she totally approves of the rezoning for this project. She stated it needs to be done because everything needs to be cleaned up there.

Jeanie Algood, owner of property at 4008 SW 29th Street spoke in opposition of the petition. She stated that she provides rescue and foster for dogs who aren't being cared for correctly. Some of her dogs are alert dogs, and she's concerned about the noise causing the dogs to bark a lot. She stated that she doesn't believe she should have to get rid of her dogs because people want to bring in more noise and more trash. She stated many people will be displaced due to the homes being torn down. She stated that in her opinion the city has not done their job in keeping the homes up to code so the tenants rent cheap and may not be able to find affordable housing.

Ms. Algood is concerned about traffic and bringing entrance/exit closer to her driveway. She is concerned about all the trees that will be torn down, animals displaced, noise, trash, and her dogs. She suggested property at 37th & Gage is already zoned for commercial and perhaps Walgreens could build there.

Ms. Algood stated that if the petition goes through, there should be some kind of compensation for the property owners.

Roger Underwood, of 1901 SE 37th Street, expressed concern about the traffic flow. He spoke to people blocking driveways so homeowners can't get in and out. He stated that if they move the Walgreens, the current location will not remain empty and so the traffic will double at that corner.

Ms. Algood returned to the podium and stated that there had recently been a car sales lot put in on the NE corner of 29th & Gage so the traffic is already increased from that.

Mr. Woods asked if she thought there is more traffic from the car lot than there used to be from the gas station that was located on that corner and she said yes.

Mr. Woods asked Ms. Algood to elaborate about her dogs and asked if the issue is construction or the business itself being located right next to the dogs. She stated she has 10 dogs, all city licensed, and she's up to code on her kennels. Many of the dogs alert when there is noise. She states that with Walgreens currently being across the street and the dogs in the back, the dogs aren't hearing a lot of noise. She is concerned about the construction and disrupting the neighborhood with the dogs barking.

Vernon Jarboe of Sloan Law Firm in Topeka spoke in favor of the project, stating that he has a couple clients who are sellers to Batis and they asked him to speak in support of the application.

Mr. Jarboe stated Mr. Hutton attacked Mr. Wittenburg's statistics about the crime rate but Mr. Jarboe doesn't believe the proposal was that the project was going to lower crime; the statement was that the crime rate was part of the deterioration of values.

Mr. Jarboe stated that Mr. Hutton referred to this as "spot zoning" but in fact, spot zoning would be if all the corners were residential and they wanted to put in commercial. He contends that this project is bringing the 4th corner into alignment with the rest of the neighborhood.

Mr. Jarboe pointed out that the intersection is already dysfunctional and that's what the engineers are telling the Commission. He doesn't believe this change has anything to do with that.

Mr. Jarboe contends that the property owner on the other corner is obviously concerned about one tenant. He stated that in effect, that property owner wants the Commission to bring about an effect on business and interfere with private enterprise.

Mr. Jarboe stated that he doesn't believe the litigation that Mr. Hutton spoke about has anything to do with the Commission's decision and suggested that if the Commission has questions they could inquire of the city attorney in attendance. He points out that if Mr. Hutton prevails, the project could still go forward without the two lots and the outcome should not affect the Commission's judgment.

Mr. Beck stated that he agrees that the intersection at 29th and Gage is not the applicant's concern but rather a city infrastructure condition / potential problem that they would need to address to accommodate the economic viability of the city.

Mr. Gales pointed out that what we have is a primary commercial zone fairly close to a national interstate and it's ironic that the 3 existing commercial properties are all C4, community-wide or regional zoned. C2 tends to be more neighborhood-based zoning and he stated that we're putting more restrictions on this neighborhood one. Mr. Gales stated that 29th & Gage is indeed a very busy intersection, very noisy, and it is a commercial district. He said that C2 is not unheard of in a neighborhood that has residential because it a residential-based commercial district.

Mr. Lackey pointed out that the addition of traffic due to Walgreens moving is very small compared to the natural growth in traffic that comes from general travel through the intersection. Concerns he had last time about opposing left turns have been addressed by the offset entrances.

Mr. Lackey stated that he thinks the zoning is entirely within the comprehensive planned community. The new plan coming out calls for in-fill; this is a node between two arterials and that's one of the items emphasized in the new community growth program coming out shortly.

Mr. Jefferson agreed regarding traffic issues and reminded the Commission that a number of driveways will be removed so people won't be backing up into a very busy intersection. He stated that he believes increased traffic is outweighed by increased safety provided by taking out those driveways.

He points out that there is commercial zoning on every corner of the intersection except this one. He believes changing to a C2 is appropriate and the gain outweighs the detriment.

Ms. Cuevas-Stubblefield stated that any initial concerns she had regarding design and proximity to houses have been addressed with the new design.

Mr. Fiander informed the Commission that the city's traffic engineer consultant, **Terry Coder of Coder Engineering**, is present if they have questions.

Mr. Lackey asked Mr. Coder what he thinks of the porkchop (right out only) and Mr. Coder replied that he thinks it's a good design. He stated he would have approved the design without the porkchop, but the way they have it shown, it would work.

Mr. Beck asked Mr. Coder what his thoughts were about the 29th & Gage intersection. Mr. Coder computes that it will add 1.6 vehicles/minute to the intersection during the peak hour and this is inconsequential.

Mr. Beck asked Mr. Fiander if staff is recommending approval. Mr. Fiander stated yes, staff recommends approval.

Mr. Wittenburg informed the Commission that the porkchop was included in the design at his request, not at the recommendation of the traffic engineers. He stated that if the Commission wanted Walgreens to pull it out, they would.

Mr. Beck called for additional comments or questions. With none, Mr. Beck declared the Public Hearing closed.

Planning Commission Discussion

Mr. Lackey stated that he does think the porkchop discourages left hand turns and sees no reason to pull it. Mr. Gales concurred.

Mr. Crook moved to approve the proposal subject to staff recommendations, seconded by Mr. Lackey seconded. **APPROVAL. (8-0-0.)**

DRAFT

**Minutes of the
Topeka Planning Commission
Monday, June 16, 2014**

- 1. PUD 14/02 29th and Gage Retail Planned Unit Development** by Batis Development Co. requesting to amend the District Zoning Classification from “R-1” Single Family Dwelling District **TO** “PUD” Planned Unit Development (“C-2” Commercial District use group) on properties located at 3900, 3904, 3908 and 4000 SW 29th Street; 2813, 2817, 2821 SW Gage Boulevard and 4025, 4021, 4017, 4013 SW 28th Terrace, all on the northwest corner of SW Gage Boulevard and SW 29th Street (11 properties). **(Driver)**

Discussion by members: Annie Driver summarized the staff report for the case.

Dennis Haugh asked if there are setback restrictions, in regards to the property to the north of the proposed, by City ordinance when in the front yard. Mr. Haugh stated the fence was proposed to be ten feet tall that will be against the sidewalk. Scott Gales stated there is no buffer between the sidewalk and fence.

Mr. Haugh asked if a ten foot fence would be allowed if the proposed was a residential property. Ms. Driver stated it would not be allowed beyond the front face of the building. Ms. Driver stated the fence will end at the front of the house in lot 22 in the site plan.

Mr. Haugh stated he drove through the neighborhood and the fence appears to be an intrusion of 20 feet or more of the front yard if looking at the whole streetscape. Mr. Haugh asked if the fence could be moved back further from the sidewalk so it is less intrusive.

Bill Fiander suggested that the applicant can discuss the issue when they speak due to an elevation change.

Bill Hoover summarized the Traffic Impact Analysis for the case.

Richard Beardmore asked if there was any count for a decrease in traffic due to the property on the southwest corner being closed or a different business occupying. Mr. Hoover said he was unsure where the existing counts for the report were obtained from. Mr. Hoover stated the KDOT traffic counts were from the last year. Mr. Hoover explained that the gas station on the northeast corner has been closed for over a year. Mr. Hoover stated he presumed they did not and that a new occupant would be general retail and would not make much difference in changing the traffic.

Mike Lackey asked if the report addressed the left turn conflicts for the driveways of the property to the southwest and the northwest. Mr. Lackey stated he was familiar with the traffic of that area. Mr. Lackey explained that left turns into either property will conflict with the signal cues during peak hours of traffic. Mr. Lackey added there was no way to avoid the fact that traffic backs up to the bridge near Shunga Creek to the north of 29th and Gage. Mr. Lackey asked if the analysis addressed the left turn conflict and how long the conflict would last. Mr. Hoover stated that Terry Coder, interim traffic engineer for Topeka, looked at both issues and recommended that both driveways would be full access, allowing either left or right turns in and

out of the properties. Mr. Lackey clarified he is concerned about drivers going west on 29th Street that wanted to turn left into the Marketplace Shopping Center. Mr. Hoover explained that drivers should turn left at the light and then turn into the parking lot off of Gage Boulevard.

Mr. Lackey stated he is concerned with the left turn conflict coming from the south on Gage Boulevard turning left into the Marketplace Shopping Center. Mr. Lackey stated that would not be possible. Mr. Hoover stated that is correct. Mr. Lackey stated that could cause rear end collisions.

Mr. Lackey asked if the City Traffic Engineer reviewed the traffic study comments submitted by the owner of the Marketplace Shopping Center, Mr. Huffman. Mr. Hoover stated the Deputy City Engineer reviewed the comments. Mr. Lackey asked if there were any comments to those concerns. Ms. Driver stated the response included that the access on 29th Street would not necessarily have opposing left turns due to the direction of the off-set and he was comfortable with the opposing left turns.

Mr. Lackey asked how much the off-set was. Mr. Beck stated less than 150 feet. Ms. Driver confirmed.

Mr. Beck asked if there were any other comments from the Deputy City Engineer. Ms. Driver indicated there were not.

Proponents:

Mark Wittenberg, Kaw Valley Engineering, spoke in favor of the proposal. Mr. Wittenberg explained Kaw Valley Engineering worked various City of Topeka departments for this project. Mr. Wittenberg explained that Kaw Valley Engineering worked with the police department and a planner from Carter and Associates that specialize in turning around neighborhoods. Mr. Wittenberg stated many of the concepts from the case study were implemented into the project.

Mr. Wittenberg explained that Walgreens has eight locations in Topeka, employs over 300 employees and two locations that serve Topeka 24 hours daily. Mr. Wittenberg stated the proposed location is one of the two pharmacies that serve the pharmacy needs of the community after hours.

Mr. Wittenberg stated that Walgreens currently occupies a store location in the Marketplace Shopping Center and is under lease. Mr. Wittenberg explained that the location is not configured to meet the Walgreens prototype stores. Mr. Wittenberg explained the facility does not have an existing drive-thru or the capability to add one. Mr. Wittenberg stated the drive-thru is critical to their business.

Mr. Wittenberg explained that Walgreens has less than 36 months remaining on the lease at the property in the Marketplace. Mr. Wittenberg stated the company begins evaluating the location to determine the needs in the area and the performance of the store. Mr. Wittenberg explained the practice is similar to the relocation of the Walgreens on North Topeka Boulevard. Mr. Wittenberg stated Walgreens determined the need for a new location.

Mr. Wittenberg stated the applicant exhausted the possibility of the other three corners of the intersection prior to determining the relocation of the northwest corner. Mr. Wittenberg

explained that the other three corners are zoned “C-4” commercial, whereas the applicant’s request for rezoning is to “C-2” commercial, which is less intensive.

Mr. Wittenberg briefed the Planning Commission on the history of the Westview Heights neighborhood and the composition of the residential properties. Mr. Wittenberg stated the fiber of homes have been under attack in the last decade. Mr. Wittenberg stated the appraised value of homes in the neighborhood have declined steadily over the last nine years. Mr. Wittenberg explained that comparison of residential property values of neighborhoods adjacent to Walgreens. Mr. Wittenberg explained that properties adjacent to the 37th and Wanamaker Road Walgreens did not decrease but increased in value.

Mr. Wittenberg explained that 15 homes in that neighborhood have been identified recently as “A-Zone” by the FEMA Floodplain. Mr. Wittenberg stated the homes affected by the new classification are not in the proposed site plan.

Mr. Wittenberg explained that 32% of the homes in the area have transitioned to rental properties over the last decade. Mr. Wittenberg stated there are five properties in the neighborhood today.

Mr. Wittenberg briefed the Crime Statistics by Topeka Police Department which included prostitution, pit bull fighting, battery of police officers, narcotic sales and domestic abuse.

Mr. Wittenberg stated the Site Plan was done as collaboration with traffic engineers, neighborhood planners, police consultants, and engineers. Mr. Wittenberg stated the applicant purchased four more properties than were required to complete the project. Mr. Wittenberg explained that based on the advice of the consultants, purchasing the additional properties allowed the egress to be at a safe distance.

Mr. Wittenberg stated the plan includes an excess of \$110,000 in fencing and trees that allow screening and will serve as a sound buffer. Mr. Wittenberg stated the fence has been brought closer into the property and can be done more. Mr. Wittenberg stated the plan initially included a six foot fence but after speaking to the neighbors and the Planning Department, it was decided that it would be better to increase to ten feet tall.

Mr. Wittenberg explained there is a rose garden currently in existence and the plan is to save and expand the garden. Mr. Wittenberg stated this will be a nice feature for the neighborhood.

Mr. Wittenberg stated there is screening LED lights in the site plan and wall mounted light packs on the fence. Mr. Wittenberg stated it is important to light the green space, according to the Police Department, which includes moving the lights to the curb.

Mr. Wittenberg stated the store will have the open prototype floor layout to enhance security.

Mr. Wittenberg stated Walgreens site location selection is based on citizens heading home in the afternoons from both directions. Mr. Wittenberg stated that traffic is heaviest in the afternoons and the customers are picking up prescriptions at that time. Mr. Wittenberg stated the site on the northwest corner supports all right turn-ins and all right exits from the location. Mr. Wittenberg explained that current traffic going westbound on 29th experience left turn conflicts and traffic backup if traveling to the Marketplace Shopping Center.

Mr. Wittenberg stated the new store plans will eliminate the sightline obstructions that the residence on the northwest corner currently presents. Mr. Wittenberg explained that the current residents of the homes on the northwest corner have difficulty pulling out of the driveways on 29th Street to the west of Gage Boulevard. Mr. Wittenberg stated the grade will be lowered on the proposed site and the store being built at 150 feet from the curb will more than double the sightline on that corner.

Mr. Wittenberg stated a new bus stop at the corner of 29th and Gage will be constructed at no cost to the City of Topeka.

Mr. Wittenberg explained the stormwater retention pond should improve the run off which is currently a struggle.

Mr. Wittenberg stated the proposed will reduce the number of pylon signs to one sign instead of two. Mr. Wittenberg stated the proposed is reducing access points on 29th and Gage from seven to two access points.

Mr. Wittenberg stated the building is expected to be no more than 30 feet tall although allowed to be 60 feet tall by municipal code. Mr. Wittenberg stated the goal of the project is to make the intersection at 29th and Gage safer and a better attraction.

Mr. Beardmore asked if the lighting was on the fence shining back onto the store. Mr. Wittenberg confirmed.

Mr. Beardmore asked if the pylon signs were being reduced. Mr. Wittenberg stated there is currently two large pylon signs. Mr. Wittenberg stated it will reduce to just one sign.

Mr. Lackey asked if the applicant had data regarding the number of trips were generated by the store. Mr. Lackey stated it would be more realistic to use that data than the information provided by ITE.

Leon Osborne, Kaw Valley Engineering, explained that the firm used trip generation manual. Mr. Osborne explained they did not do the local market study because the trip generation standard was conservative. Mr. Wittenberg added that the trip generation manual provides more trips generated than is experienced locally.

Michelle Cuevas-Stubblefield asked if there is a current lease at the existing location in the Marketplace Shopping Center. Mr. Wittenberg stated Walgreens is leasing the building and will payout the remaining lease.

Mr. Beck stated he appreciated the setbacks planned for the property as 25 to 30 feet is the standard in Topeka. Mr. Beck asked if there is a way to make the setback 30 feet to get truck deliveries done in the back of the proposed building.

Matt Werner, Batis Development, stated there is about 25 feet from curb to property line at the tightest point and increases going east and west. Mr. Werner explained that a change in grade from two to five feet from the parking lot to 28th Street. Mr. Werner stated there will always be that kind of a drop to deal with against the retaining wall. Mr. Werner continued that

they can work within that serpentine wall but would have difficulty against the wall.

Mr. Beck explained that it could work without the wall.

Mr. Wittenberg explained that they are still working to make improvements. Mr. Wittenberg stated that as it relates to the side wall, the proximity of the fence and trees being planted to the adjacent home owners, it was determined this was the best location to act as a sound buffer. Mr. Wittenberg stated if there is something they can do to move it closer to the store, it is certainly something to consider. Mr. Wittenberg stated the challenge is the side yard issue for the adjacent property owners and if they are required to maintain the area.

Mr. Beck stated he is concerned with 28th Street Terrace. Mr. Beck stated that bringing the fence up the hill will help with sound and visibility. Mr. Beck suggested reducing the height of the wall from ten feet to six or eight feet with an additional five foot elevation difference could help.

Mr. Beck asked if direct access from the neighborhood was discussed with staff or the residents. Mr. Wittenberg stated there was initial conversation with the Planning Department that included pedestrian access. Mr. Wittenberg stated the consultants assisting the Police Department were concerned that it not assist in a grab and run scenario. Mr. Wittenberg stated the consultants advised that it was safer for the neighborhood to not have the direct access but it could be added at a later date.

Scott Gales stated the Planning Commission received a letter from Henson Hutton that included a document that has Mr. Gale's signature block. Mr. Gales stated the statement was prepared in 2010 and not prepared in conjunction with the proposed application being presented. Mr. Gales stated the signature block was being used unbeknownst to him and he takes no issue of the use at this time. Mary Feighny asked what the purpose of the block was. Mr. Gales stated the firm he works for represented the property owner for options of development. Mr. Gales stated this is a merged document and used for a study.

Marshall Barber, concerned citizen and residential real estate agent in Topeka, spoke in favor of the proposal. Mr. Barber stated the developers have shown by the North Topeka project that they will build a high quality building.

Mr. Barber stated that one thing Topeka suffers from is a lot of aging structures that are depressing visually. Mr. Barber stated that anytime someone has the ability and has proven that they will do better should be encouraged as it will make people feel better about being there. Mr. Barber suggested a drive around Olathe where there new things all over the place.

Mr. Barber stated there is not building being done in town. Mr. Barber stated that the consultants are people who want to do something constructive to make Topeka a more attractive place.

Mr. Barber suggested considering the 29th and Fairlawn, 21st and Gage and 29th and Wanamaker intersections. Mr. Barber stated that all intersections are built up with commercial property on all four corners with the exception of the Veteran's Administration property on Gage. Mr. Barber stated the homes in those areas are not impacted in terms of resale by the commercial property.

Mr. Barber asked what happens if the Planning Commission does not approve the project. Mr. Barber asked what the consequences are and what will happen to the houses along 29th and Gage. Mr. Barber stated there is a chance that there will be more pit bulls and more deterioration. Mr. Barber stated that the plans are all in future and if the proposal is approved, the odds are that the future will be brighter.

Mr. Beardmore asked if Mr. Barber owned property around the intersection. Mr. Barber stated he did not. Mr. Beardmore asked if the store like that would it help the home or deter the value of the home. Mr. Barber stated he has not seen any difficulty because of the presence of the commercial structures.

Annie Wilcox, resident of 4013 SW 28th Terr and property owner of one of the purchased homes spoke in favor of the proposed. Ms. Wilcox stated her testimony is based off observations she has had living in her home. Ms. Wilcox stated her son is 17. Ms. Wilcox stated when her son was younger, he brought needles to her that were found on sidewalks in front of the properties on 29th and Gage. Ms. Wilcox stated that her son has told her of the gangs and crime that she was unaware of. Ms. Wilcox stated that the kids know what is really going on in the neighborhood before the adults.

Ms. Wilcox stated it is already noisy at the intersection. Ms. Wilcox explained that there is a lot of light at night and she has had to keep her curtains closed at night because of the lights at Sonic.

Ms. Wilcox stated there are tons of turning problems at the intersection. Ms. Wilcox stated you must be careful. Ms. Wilcox stated it is very difficult to turn left there but having a place for the traffic to go, like Walgreens, could reduce the traffic.

Ms. Wilcox asked why the businesses of Mr. Hutton are opposed to the proposed. Ms. Wilcox asked if it was due to a fear of competition. Ms. Wilcox stated there are a lot of Walgreens and pharmacies in Topeka but building the new Walgreens is not going to take away from Mr. Hutton's business.

Ms. Wilcox stated there were pit bulls behind her house. Ms. Wilcox stated she got a privacy fence to prevent them from coming into her yard. Ms. Wilcox stated the dogs fought a lot and were bloody. Ms. Wilcox stated the dogs are now gone.

Mr. Beck asked if Ms. Wilcox see the drug activity in the area or specifically on the corner of 29th and Gage. Ms. Wilcox stated her son and another neighbor boy was approached about purchasing drugs although not involved in drugs on the corner of 29th and Gage. Mr. Beck asked if it was on the arterials. Ms. Wilcox stated yes. Mr. Beck asked if it was in the neighborhood. Ms. Wilcox stated it was not.

Cynthia Green, resident of 4025 SW 28th Terr and property owner of one of the purchased homes spoke in favor of the proposed. Ms. Green stated she has lived in her home for over 11 years and initially moved into the home as a foster home. Ms. Green stated she has fostered and adopted many children. Ms. Green stated has feared for her little ones from playing outside. Ms. Green stated she had plans to move from the home and turn it into a rental. Ms. Green stated she owns rentals surround her residential home and they have been

empty for almost two years.

Ms. Green stated she has experienced the crime in the neighborhood. Ms. Green stated she has heard gunshots, partying and loud noises from the neighbors of the rental properties. Ms. Green stated the crime comes from the rentals along 29th Street. Ms. Green stated the properties on the circle are nice and there is no experience of crime in that area. Ms. Green stated her plan was made prior to being approached was to let the home go at a loss and leave. Ms. Green stated she would appreciate whatever it takes to clean up the neighborhood and asked for approval of the plan.

Donnis Williams, resident of 4021 SW 28th Terr and property owner spoke in favor of the proposed. Ms. Williams testified about the gunshots. Ms. Williams stated she had a window shot out. Ms. Williams stated the houses facing 29th Street are a mess and have been for a long time. Ms. Williams stated the property values have decreased over \$7,500 in 2012 and 2013. Ms. Williams stated she tries to keep good renters but the houses on 29th Street are the problem. Ms. Williams stated the renters keep the weeds high to shield what is going on.

Mr. Beck asked if she would be okay with anything but the rentals. Ms. Williams confirmed and said as long as it cleans up the houses. Ms. Williams stated the owner of the problem houses do not care who they rent to.

Opponents:

John Hutton, attorney for the property owner of the Marketplace Shopping Center, spoke in opposition of the proposal. Mr. Hutton stated he provided his letter to Ms. Driver on Friday to provide to the Planning Commission.

Mr. Hutton stated he did not inform Mr. Gales of the use of his document to avoid exParte communication.

Mr. Hutton stated that proposal does not meet the standards set forth in the the Supreme Court's ruling in *Golden vs. Overland Park*. Mr. Hutton stated that the letter presented to the Planning Commission spoke to all of the conflicts of the application in regards to the case.

Mr. Hutton stated that the northwest corner of 29th and Gage is a healthy corner. Mr. Hutton stated he is concerned as to why the corner is being turned into a crime issue. Mr. Hutton stated the 11 homes included in the proposed purchase are nice homes. Mr. Hutton stated some are less than perfect and all of them are not great but that is consistent with most of the neighborhoods in Topeka.

Mr. Hutton stated there were 19 acts of crime that took place in some period of time according to crime statistics provided by the applicant. Mr. Hutton stated there is no context to that. Mr. Hutton stated there is no statistic for Topeka at large as it relates to the items in the chart. Mr. Hutton stated the facts are relative to nothing in the neighborhood. Mr. Hutton stated there is crime in the neighborhood but there isn't a neighborhood in Topeka that doesn't have crime.

Mr. Hutton requested additional time. Ms. Feighny explained that Mr. Hutton should be given the same amount of time as the applicant's representatives. Mr. Hutton stated the applicant's representatives took 13 minutes. Mr. Beck agreed Mr. Hutton will receive an additional nine minutes.

Mr. Hutton stated the neighborhood that is being impacted have been zoned residential for over 50 years. Mr. Hutton stated that the northwest corner is not comparable to the other corners of the intersection.

Mr. Hutton stated the developer is approaching this project as a rural renewal project. Mr. Hutton explained that the project is not about solving crime but developing a property and making a profit. Mr. Hutton stated there is a zoning issue and that is what matters.

Mr. Hutton stated he is concerned with the discussions that something needed to be done with the 11 houses. Mr. Hutton asked what would happen to the neighborhood when a 24-hour Walgreens is butted up against residential homes. Mr. Hutton stated that if it was his home, he would be upset. Mr. Hutton posed the question of if the benefit outweighed the impact. Mr. Hutton stated it did not.

Mr. Hutton stated the staff reported a nodal concept with high impact commercial on each corner. Mr. Hutton stated the 2025 plan for the City of Topeka calls for residential in that particular neighborhood. Mr. Hutton stated that may be what Topeka wants to do in future planning on new sites with a nodal concept but blow up neighborhood just to make it nodal does not make sense.

Mr. Hutton stated staff made a proposal to make the hours of delivery prohibited 8 pm – 5 am. Mr. Hutton stated that the delivery trucks will be allowed to begin deliveries at 5 am and wake the neighborhood. Mr. Hutton stated some of the trucks have beepers or airbrakes which would be loud.

Mr. Hutton stated the application is requesting a zoning change from “R-1” Residential to “C-2” Commercial zoning. Mr. Hutton stated that is a change of 12 zoning classifications to a more intense zoning. Mr. Hutton asked if the use is appropriate for this site. Mr. Hutton stated he did not believe so. Mr. Hutton stated if there is a possibility that we don’t want those houses there, many options exist that make more sense for the neighborhood. Mr. Hutton suggested an office building or multi-family homes that are less intensive than a Walgreens store.

Mr. Hutton stated the real issue is trying to protect land owner rights and the quality of life for the property owners who were not lucky enough to get the call from Mr. Whittenburg to buy their property at an inflated value. Mr. Hutton stated it is the responsibility of the Planning Commission and City Council to protect the owners who did not make the cut.

Mr. Hutton stated it is clear that it is not the optimum situation to disturbing the neighborhood with the plans of the applicant. Mr. Hutton stated the optimum situation would have been to develop the neighborhood 50 years ago with a plan in mind. Mr. Hutton stated that was not done and you cannot unring the bell. Mr. Hutton explained the reason he included Mr. Gales partnering is because there is clearly an option to build this use on the existing “C-4” site. Mr. Hutton stated the zoning is in place in the area to accommodate the use and the drive-thru window which is what Walgreens wants to do. Mr. Hutton asked why not use the zoning in place before causing severe damage to a neighborhood.

Mr. Hutton stated Mr. Wittenberg is an experienced developer with numerous contacts and resources. Mr. Hutton stated there is no reason that a compatible use for the site could not be

found or developed in the near future. Mr. Hutton stated he hopes that the development is done with a compatible use.

Mr. Hutton introduced Mark Craig, one of the principals of Marketplace Shopping Center and Chris Huffman, a traffic engineer.

Mr. Hutton stated this is a “don’t fix it if it isn’t broken” situation. Mr. Hutton stated there are many options that make more sense. Mr. Hutton asked that the Planning Commission not approve the application.

Mr. Lackey asked if Mr. Craig would lose money if the applicant moved out and was vacant. Mr. Hutton stated Walgreens would move out and then it would have to be leased out. Mr. Lackey asked if the owners had anything else in mind to move in. Mr. Hutton stated he was not aware of anything. Mr. Hutton stated there is two and a half years left in the lease with Walgreens. Mr. Lackey stated he is concerned about creating another vacancy.

Antone Arns, resident of Topeka, spoke in opposition of the proposed. Mr. Arns explained that his in-laws live in the neighborhood. Mr. Arns stated as a taxpayer he sees a tremendous amount of vacant property in Topeka. Mr. Arns stated that after having driven in the neighborhood, he asked if anyone considering the line of sight turning off 28th Street Terrace and what accidents could occur. Mr. Arns stated it is unconceivable if there is no study of conflicting traffic patterns.

Mr. Arns stated he is concerned with the property values if the proposed is approved. Mr. Arns stated the proposed is not a crime issue, it is a zoning issue. Mr. Arns stated the crime issue is a concern for the police and that the Planning Commission should be concerned with the zoning and families wanting to live in the neighborhood. Mr. Arns stated the value should be in living space and not commercial.

Mr. Arns asked that the Planning Commission vote no for the proposed.

Mr. Gales asked the address of Mr. Arn’s in-laws. Mr. Arns stated the in-laws lived at 2816 SW 28th Terrace, which is across the circle of roses.

Chris Huffman, registered professional engineer, stated he was asked by Mr. Hutton to testify in regards to the traffic study of the proposal. Mr. Huffman stated he was asked by Mr. Hutton and the principals of the Marketplace Shopping Center to review the submitted traffic impact study and make comments.

Mr. Huffman stated there are concerns with the way the study was conducted and the conclusions made. Mr. Huffman stated that the prominent is the access arrangements that were proposed. Mr. Huffman stated he has 15 years’ experience with the Kansas Department of Transportation, 12 years in access and corridor management. Mr. Huffman stated he is a national senior instructor teaching access management and location design for the National Highway Institute.

Mr. Huffman stated that anytime a proposal for an off-set driveway is determined, he is concerned. Mr. Huffman stated the direction and small dimension of the off-set, an eastbound to northbound vehicle will compete for the same amount of space as a westbound to

southbound vehicle. Mr. Huffman stated that is an overlapping left turn conflict and concerns him a lot and is the most dangerous situation to have.

Mr. Huffman stated that there appears to be no traffic analysis done or consideration of historical crash data. Mr. Huffman stated he isn't sure there is significant information in the traffic impact study to determine the safety of the proposal.

Mr. Huffman stated the traffic impact study was completed using a Syncro simulation model for the capacity conclusion. Mr. Huffman stated there is no problem with a Syncro simulation model but a field calibration must be conducted as part of the analysis. Mr. Huffman stated the timing out of Syncro simulation that Mr. Huffman received were significantly different than those of the submitted traffic impact study. Mr. Huffman stated the difference is significant enough that it would alter the capacity calculation of the 29th and Gage intersection.

Mr. Huffman stated he was unable to replicate the conclusions of the submitted traffic impact study and was unable to get a feel for the intersection. Mr. Huffman said since there is no baseline, there is no way to calculate the impact of additional traffic on the intersection. Mr. Huffman stated that figure four and five of the study indicates traffic has been added.

Mr. Huffman stated he did not believe there was sufficient information in the submitted traffic impact study for the Planning Commission to make an informed decision. Mr. Huffman stated that standing and watching traffic in the intersection, he limited his observations due to the street construction.

Mr. Huffman stated he would reject the traffic impact study if he were reviewing the submitted study for KDOT.

Mr. Lackey asked if Mr. Huffman had any comments regarding the indication that the level of service "D" would not change much. Mr. Huffman stated when he is teaching seminars or classes regarding the organization and review of the impact studies, he says, "I can make the answer whatever you want it to be." Mr. Huffman stated the software is sufficiently complex that relatively small modulations and input perimeters can vastly alter the output, thus the reason the Syncro calibration is necessary. Mr. Huffman explained Syncro does not follow the Highway Capacity Manual which is the foundational document in such matters. Mr. Huffman added that does not mean it is wrong, it just does not follow. Mr. Huffman stated there is a tendency to overestimate capacity and underestimate impact.

Mr. Gales asked if the ITE study derives the information from other than local studies. Mr. Gales asked if Mr. Huffman's observation was that something was left off or not adequate. Mr. Huffman stated the use of ITE trip generation has to be taken with the grain of salt because of the nature of the statistical data. Mr. Huffman stated there were three things that concern him with ITE trip generation, which he uses himself. Mr. Huffman stated the other states that submitted studies to ITE for average generations do so without understanding of each case, split between modes of transportation. Mr. Huffman stated it is challenging to compare those studies directly to central United States. Mr. Huffman stated it would be difficult if one were to survey Walgreen's store managers as it would not accurately give number of customers in their stores daily. Mr. Huffman stated that without knowing what the market area is and the sections of approach, there is no way to realistically check the numbers or cross check the trip distribution assumptions from the submitted study. Mr. Huffman stated he did not believe there

has been sufficient cross-checking or detail on the submitted study.

Mr. Beck stated he has used the Trip Generation Manual and he believes it is a good tool for development that is unknown but if there is something in existence then the existing data is better.

Mr. Beardmore asked what the length of time his observations were. Mr. Huffman stated he observed on a weekday for 1 hour from 4-5 pm. Mr. Huffman stated that there was construction in place, so his observation was limited for that reason.

Mr. Beardmore asked if Mr. Huffman just did an observation and not an exhaustive study. Mr. Huffman stated he was not hired to provide a traffic impact study but review the traffic impact study submitted with the application.

Cathleen Kenzie, resident of 2809 SW Gage Boulevard, spoke in opposition of the proposal.

Ms. Kenzie stated she does not oppose the project but the location the new store. Ms. Kenzie stated she views the proposal as new jobs but the new store is right next to her property line. Ms. Kenzie stated she is blind, uses the Lift, a cane and can't imagine what traffic will be like with a business directly next door to her home.

Mark Kenzie, resident of 2809 SW Gage Boulevard, spoke in opposition of the proposal. Mr. Kenzie stated he is in opposition because it is right next to property line. Mr. Kenzie stated there are times that it takes up to five minutes to get out of the driveway. Mr. Kenzie stated best way to get out of driveway in a timely matter is to back into his driveway. Mr. Kenzie stated he has a paved driveway and added gravel and there have been times that it takes longer. Mr. Kenzie stated he has lived there since 1990. Mr. Kenzie stated he is completely opposed to adding the Walgreens right beside him.

Mr. Lackey asked what direction he was trying to go getting out of driveway. Mr. Kenzie stated any direction. Mr. Kenzie stated the noise concern will not be addressed by the fence. Mr. Kenzie stated he is a truck driver and there is no way to buffer the sound on Gage Boulevard.

Mr. Gales asked Mr. Kenzie when he normally hears the traffic noises. Mr. Kenzie replied as early as 6:30 am and in the evening the noise starts at 3:30 pm and goes as late as 6 to 6:30 pm.

Malba Mitchell, resident of 4004 SW 29th Street, spoke in opposition of the proposal. Ms. Mitchell stated the Walgreens driveway will be next to her house and she will not be able to get out of her driveway. Ms. Mitchell stated the parking lot is next to her bedroom and is concerned with the traffic noise. Ms. Mitchell stated she is opposed to being woke at 5 am for trucks banging.

Pat Michaud, resident of 4101 SW 28th Street, spoke in opposition of the proposal. Mr. Michaud stated there will be increase in congestion on the corner. Mr. Michaud stated he has lived there for eight years and has traveled the intersection for over 16 years. Mr. Michaud stated that he can remember in 1990 that traffic would back up. Mr. Michaud doesn't think that the left turn will be possible coming out of the Walgreens to go north on Gage or east on 29th Street.

Mr. Michaud stated the residences and trees that are currently there provide a buffer from traffic noise, lights and the commercial property. Mr. Michaud stated he does not agree with the contentions about the crime. Mr. Michaud stated he has lived in the neighborhood for over 16 and a half years and does not recall police cars coming into the neighborhood. Mr. Michaud stated there was once a wavered home for troubled adults that the police were there for a domestic disturbance.

Mr. Michaud stated that if the Walgreens move to the new site, the people next to it will sell their homes and then the houses will be rentals. Mr. Michaud stated by doing so, it is moving the problem closer to the nice homes.

Mr. Michaud asked how many drug stores are needed within two miles of each other. Mr. Michaud asked if there is a need to condemn houses to make room for commercial property. Mr. Michaud suggested moving the site to the fourteen acres for sale at 29th and Fairlawn or south on Gage Boulevard. Mr. Michaud stated there is no need to tear down 11 houses to put commercial property.

Mr. Michaud stated he believes Walgreens is only doing the project because of CVS being built on 21st Street. Mr. Michaud asked if it made sense to lose a residential neighborhood for competition of two pharmacies.

Mr. Gales asked for Mr. Michaud's address. Mr. Michaud stated his address is 4101 SW 28th Street. Mr. Michaud added that he is concerned people will cut down 28th Street to avoid the 29th and Gage intersection.

Shane Arns, resident of 2210 SW 15th Street and grandchild of residents of 4016 SW 28th Terrace, spoke in opposition of the proposed. Mr. Arns stated when growing up he had dogs that he was free to walk in the neighborhood, even at nights. Mr. Arns stated he, nor his sister or female cousins have any problems in the neighborhood. Mr. Arns stated the crime problems did not come back into the neighborhood but could potentially if Walgreens is built in the proposed area. Mr. Arns stated that people could jump the fence or drive to the back of the Walgreens which is his main concern.

Mr. Arns stated the new bus stop would increase wait times at the corner. Mr. Arns stated that if the bus is stopping then the wait time would be over a minute. Mr. Arns stated he is concerned that people will cut through the Walgreens although illegal

Mr. Arns stated he is concerned with crossing at the intersection. Mr. Arns stated there have been crosses and flowers placed along the street from deaths that have occurred along Gage Boulevard. Mr. Arns stated he has to take extra precautions when pulling out onto Gage Boulevard and fears there will be more problems.

Mr. Arns asked what the difference in entrances from existing the Walgreens and new projects is. Mr. Arns stated it seems closer together and closer to the corner.

Mr. Arns stated that Mr. Wittenberg anticipates crime to come into Walgreens. Mr. Arns stated he is concerned with the apartments on the southeast corner as there are a lot of people similar to the renters on 29th Street. Mr. Arns stated that crime will just come into the new Walgreens and is afraid that will just continue the crime problem and not eliminate the crime problem.

Mr. Arns stated the delivery trucks would still require to turn left at the intersection. Mr. Arns stated there is no way to avoid that if coming off the highways. Mr. Arns stated all people who turn into Walgreens has to turn out and the wait is a lot longer.

Mr. Arns stated there are great opportunities around Topeka with other vacant property.

Mr. Lackey asked if there is going to be a bus stop on the northwest corner. Mr. Werner stated Topeka Metro asked for a bus stop pad. Mr. Werner stated there is no indication of where exactly the bus stop will be but the plan is on 29th Street. Mr. Werner stated that during negotiations, the applicant agreed to put in the concrete pad for the bus stop.

Mr. Lackey asked if one of the three existing bus stops would be removed.

Ms. Driver stated the language in the PUD leave it open to a location to be determined as suitable and decided during site development. Ms. Driver stated that if a location was not suitable, then it would not be addressed.

Mr. Lackey stated there are three bus stops already at the location. Ms. Driver stated she believed it would be moved if the location was not suitable. Mr. Lackey stated the problem is cueing up behind the bus across the intersection.

Ms. Driver stated that is why the language on the PUD is open to being put in only if determined the location is suitable.

Ms. Cuevas-Stubblefield asked if there was a study conducted, in regards to the driveways, to identify any safety issues regarding the properties located at 4004 and 2809. Mr. Hoover stated the overriding thought was the further from intersection the two Walgreens driveways are, the better.

Mr. Beck stated he is concerned with the conflicting left turns when he views the two entrances, the existing driveway at Marketplace and the proposed location. Mr. Beck stated as a practice in general engineering, the standard is a minimum of 125-150 feet for off-set intersections. Mr. Beck stated he agrees with the comment that there will be left turn conflicts.

Mr. Beck stated the entrances do not meet the City's requirement of a distance of 300 or 500 feet for major arterial street from the intersection. Mr. Beck stated the plan indicates a distance of less than 300 feet which is a minor arterial at the least. Mr. Beck said he knows there are existing conditions at least on the south, southeast and northeast corners. Mr. Beck stated that because the intersection has high traffic, he is concerned that staff is not looking at what is required on a high profile corner to meet those requirements and divert traffic numbers from that intersection. Mr. Beck added that a dedicated right turn is a good idea but there are medians in place that prevent the left turns. Mr. Beck stated it is a tight space. Mr. Beck stated he is concerned with the traffic. Mr. Beck stated he thinks the traffic should be reviewed in comparison to the existing traffic at the Walgreens at 29th and Gage, not the Walgreens at 37th and Wanamaker. Mr. Beck stated he did not think that the traffic is as high. Mr. Beck

suggested reviewing the traffic conditions with other existing Walgreens to assure a better historical document.

Nicholas Jefferson stated he agrees with Mr. Beck and that the configuration of the intersection is going to raise trips to the intersection. Mr. Jefferson stated he is interested in a comparison as suggested by Mr. Beck too.

Mr. Beck said he is in favor of eliminating the driveway on 29th and Gage in order to eliminate more traffic issues. Mr. Beck stated he would like to see more investigation on the Traffic Analysis.

Mr. Lackey stated he is uncomfortable with the Traffic Analysis submitted with the proposal. Mr. Lackey stated that Mr. Hutton raised enough concerns to warrant more in-depth studies. Mr. Lackey stated he is concerned with the complexity of the off-set driveways. Mr. Lackey stated he has experienced the traffic himself going to the existing Walgreens and believes the proposed Walgreens will be worse. Mr. Lackey stated the cue on 29th and Gage backs up a lot. Mr. Lackey stated he wants a better traffic study. Mr. Lackey stated he doesn't have a problem with the development but thinks that the traffic concerns need to be addressed better.

Bill Fiander stated that he concurs with the traffic concerns and agrees there needs to be more review by staff. Mr. Fiander stated staff received the memorandum from Mr. Hutton on Friday and there was a precursory review. Mr. Fiander suggested a tighter study. Mr. Fiander stated that if the study came back the same then there is at least some assurance that it was reviewed thoroughly.

Mr. Beck stated that it would be interesting to know if this corner is suitable for commercial development or is it too congested in the opinion of the two traffic consultants in the audience. Mr. Beck stated it is a high traffic intersections and in his opinion, it is suitable for urban and commercial development based on location. Mr. Beck stated that he does not feel the size of the parcel is adequate to address the traffic concerns. Mr. Beck stated the proposed is removing residential driveways but adding commercial driveways that are too close to the intersection. Mr. Beck stated that if it was expanded it would be a larger redevelopment to the 29th and Gage site and not the neighborhood, although it would remove more homes.

Mr. Fiander stated that there is a big picture that is that the studies have been done for the neighborhood and it is not a good thing to strip out arterial roads for the neighborhood or traffic. Mr. Fiander stated having the big picture is what the Comprehensive Plan supports and the concept is definitely a good thing for the city when you have 30-40 cars going through that intersection. Mr. Fiander stated the current land use is not sustainable along the frontage and sort of spills over into the back side of the surrounding properties. Mr. Fiander stated he is not trying to minimize the decision but the frontage is not deep enough for proper commercial development, non-residential or multi-family development. Mr. Fiander stated there is a bit of challenge to work with mitigating the impacts such as buffering, setting the structure further back, landscaping and fencing. Mr. Fiander stated the structure is proposed to be setback twice as far back as the existing Walgreens structure is, which sits across the street from a row of houses. Mr. Fiander stated the applicant is trying to do all of that but also trying to stay comfortable with a statement that a situation is not being created that is not as safe, such as the traffic. Mr. Fiander stated that was a good observation and it needs to be shown that it was done.

Dennis Haugh stated he drives past Walgreens on 37th and Wanamaker and noticed there are fairly upscale homes behind the Walgreens. Mr. Haugh stated he has not heard of any problems with that buffer zone or any complaints of how the store acts like a neighbor to those homes. Mr. Haugh stated it would be interesting to know from neighbors of other Walgreens have had any issues in a similar situation.

Mr. Beck stated he wondered if any neighbors from the Walgreens on 37th and Wanamaker would be in attendance as there was a debate on the impact of the store wasn't sure they wanted it in their neighborhood.

Ms. Cuevas-Stubblefield stated she struggles with is that the area is deteriorating in its current state. Ms. Cuevas-Stubblefield asked if the deterioration will continue if nothing is done and how does that look on a main arterial road. Ms. Cuevas-Stubblefield stated that from a business aspect, while Topeka has gained another retail property, there is another vacant building in Topeka. Ms. Cuevas-Stubblefield stated she lives in North Topeka and while she likes the new Walgreens, she looks at a vacant building and wonders what will go there and when. Ms. Cuevas-Stubblefield stated that it isn't until the vacant building is occupied that you see progress.

Mr. Beardmore asked how many deliveries happen daily at a Walgreens and what the trash pickup schedule is. Mr. Werner said he does not have the exact number but anticipates at least the morning heavy delivery truck is only once a day. Mr. Werner stated that a lot of deliveries to Walgreens are small box trucks for soda, bread, etc. which is spread out through the day. Mr. Werner stated it is one deliver prior to the store opening, typically once a day. Mr. Werner offered more research on the deliveries for start times.

Mr. Werner stated there trash is contained in compactors, one cardboard and one trash. Mr. Werner stated the compactors are contained in brick walls. Mr. Werner stated the trash is picked up once a week due to being compacted but no more than twice a week.

Mr. Beardmore asked if the turn radius was enough to stay in the lane for large trucks turning into the property from westbound. Mr. Werner stated it was not and is that way in both drives. Mr. Werner stated the plan included going as big as they could with the lanes. Mr. Beardmore asked if the trucks had to deliver before hours because of that. Mr. Werner confirmed.

Mr. Gales asked for clarification of the awareness of 100 year floodplain in the area to the north. Mr. Gales asked if the neighborhood was impacted in the last decade when there were issues to the west of the Shunga area. Mr. Fiander stated he was not aware of the area flooding. An unidentified member of the audience stated the streets flooded but none of the homes. Mr. Gales stated many of the homes in the area were affected by the need of flood insurance because of the plan.

Mr. Beck stated he hesitates to see the fence right up to the sidewalk in the neighborhood and would like to see it pulled back with the same setback greenspace in the yards adjacent to the

proposed. Mr. Beck stated it would be attractive change to fit the neighborhood and would help with the fence heights. Mr. Beck recommending removing the retaining wall, which hurts the landscaping plan against the curbing but recommended putting on the backside on neighborhood. Mr. Beck stated he thought it would help to soften the look more than just the junipers or evergreens.

Mr. Beck asked if the stormwater report included the quality requirements. Ms. Driver stated the quality was addressed and indicated that the final design may include filter strips. Ms. Driver stated the comment from the report indicated the applicant will be capturing the water and directing towards Gage Boulevard. Ms. Driver stated the stormwater is currently directed towards 28th Terrace.

Mr. Beck stated that doesn't treat the water by regulation as vegetative strips may. Mr. Beck stated that when reviewing the site plan he noticed a dry detention basin that drains over time. Mr. Beck asked if that was an extended dry detention that provides for water quality enhancements per code or design standard.

Mr. Fiander stated staff would review that information. Mr. Fiander stated it may be a redevelopment exemption, when there is already impervious surface that quality is not mandated. Mr. Fiander stated he was not able to confirm that at this time.

Mr. Lackey proposed to defer the case until a more comprehensive traffic study and review of the stormwater report could be done. Mr. Lackey asked what was an appropriate timeline. Mr. Hoover stated there is not a full month between June and July's Planning Commission meeting, which is needed to ensure the packets are mailed to the commissioners.

Mr. Wittenberg stated they would accommodate the request. Mr. Wittenberg stated the common thread throughout the public hearing was that everyone stated that traffic is a problem today. Mr. Wittenberg stated the reason for discussion was to discuss zoning. Mr. Wittenberg stated there is no question there is a problem with traffic but the problem exists today. Mr. Wittenberg stated that he does not dismiss that it should be discussed but the question is whether the site plan is correct. Mr. Wittenberg stated there is no question that there is a residential area in where the arteries have grown to a point that it no longer supports a residential use. Mr. Wittenberg stated the traffic is a problem and coming up with a better plan will not change how it relates to the residential use in a high traffic area.

Mr. Lackey stated he agrees with Mr. Wittenberg but is concerned with the off-sets. Mr. Lackey asked if it was worse to have the off-sets or move the entrances closer to the intersection. Mr. Lackey stated he has a little experience and would like more information regarding that.

Mr. Wittenberg asked if there is something specific that the applicant can bring back. Mr. Hoover suggested Mr. Wittenberg coordinate a meeting with him and the deputy city engineer to go through the results.

Mr. Wittenberg asked if there is a response from developer on the issues addressed at the beginning of the public hearing. Mr. Beck stated he has not closed the public hearing and will continue the public hearing.

Mr. Beck stated that part of the Planning Commission process is to vet as many issues as

possible to give the City Council as much information as possible due to there not being a public hearing at City Council. Mr. Beck stated the goal of the Planning Commission is to get the information out for an informed decision.

Mr. Hutton asked that if an amended traffic study is being submitted that a substantial amount of time is allowed for the public to review the information.

Mr. Beck stated he thought the traffic questions needed to be answered before a decision is made.

Mr. Beck asked how long it would take to get the studies done and allow the public a chance to review the information. Mr. Fiander stated the recommendation of a motion did not have a date but is contingent on a complete study that addresses the concerns of the Planning Commission. Mr. Fiander suggested an open date to be determined by staff and the developer.

Mr. Lackey suggested that the two traffic engineers negotiated through staff to ensure there is a concise presentation with all questions at once. Mr. Lackey clarified that once a better traffic study is submitted by the developer and Mr. Hutton has had a chance to review and submit questions, then staff will present the matched information to the Planning Commission at once. Mr. Lackey stated this will avoid a back and forth debate. Mr. Fiander stated that could be done and the public hearing is not the place for a traffic study debate.

Mr. Beardmore asked that a time restriction of no later than August be set to be fair to the developer. Mr. Beck asked the developer if that was acceptable.

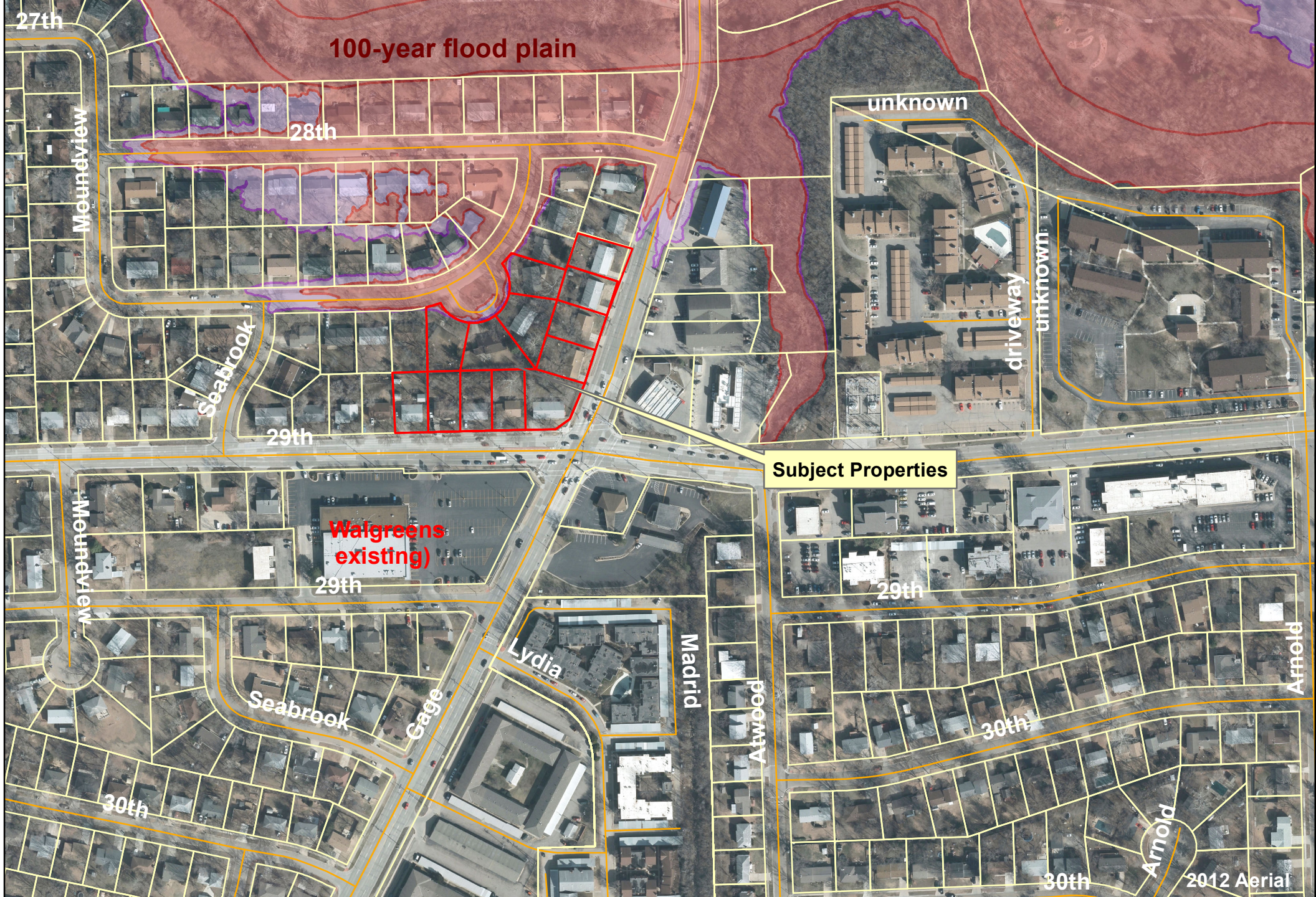
Mr. Wittenberg stated he wanted to work with Mr. Hutton to ensure they appreciate the work that is being done. Mr. Wittenberg asked to clarify that the traffic concerns are not about the counts but more so the conflicting traffic patterns. Mr. Wittenberg stated the use is not new to the intersection and the traffic is already there. Mr. Wittenberg stated they know the traffic counts for the intersection.

Mr. Gales stated he disagreed because the use is being replicated on the northwest corner and will be duplicated on the southwest corner. Mr. Gales stated that the traffic study should indicate that the intersection can accommodate that without dramatic impact. Mr. Gales stated the concern but the fact remains that a new commercial business could move into the existing Walgreens building and that would generate additional traffic. Mr. Gales stated the study should cover all bases.

Mr. Wittenberg asked if there was a particular store that the study should be modeled after. Mr. Beck suggested the Walgreens at 10th and Topeka Boulevard that is a 24 hour pharmacy with a lot of similarities.

Mike Lackey moved to defer the public hearing until a more comprehensive traffic study and Stormwater report is submitted, seconded by Richard Beardmore. **APPROVAL. (9-0-0.)**

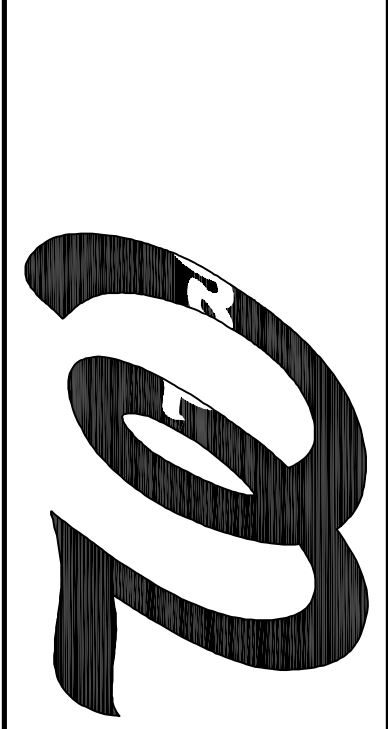
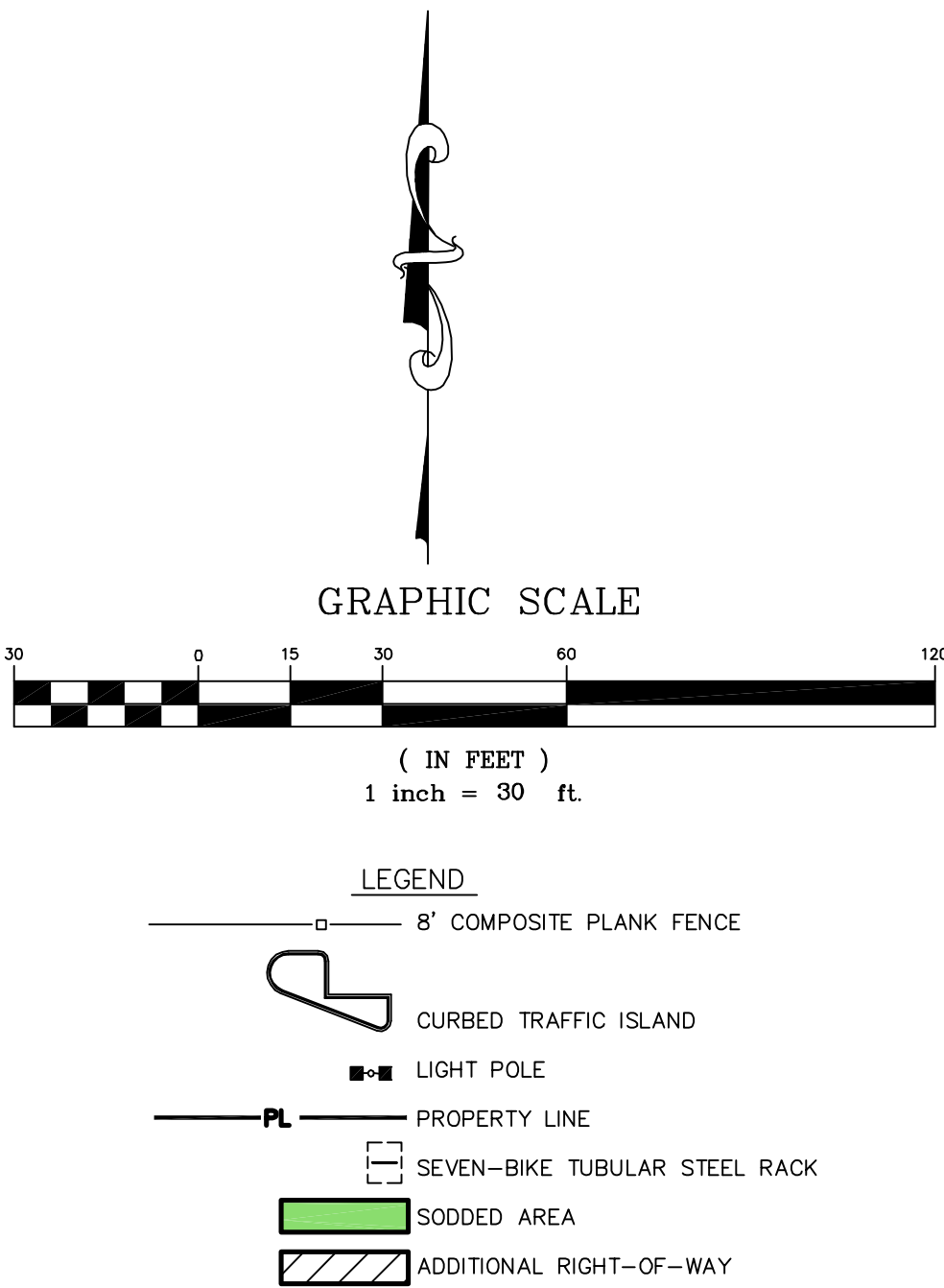
Mr. Fiander stated that due to the fact that a date for continuance has not been determined for the case, a notice will be sent to the required 200 feet property owners.



PUD14/3 By: Batis Development Co.



PUD14/3 By: Batis Development Co.



I HEREBY CERTIFY THAT THIS PLAN AND WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED SURVEYOR UNDER THE KANSAS AS SIGNED BY MY HAND AND SEAL.

BATIS

DEVELOPMENT

2003 SW WOODSIDE DRIVE, SUITE 200
TOPEKA, KANSAS 66604

TEL: 785-272-4400
FAX: 785-272-4404

REVISIONS			
NO.	DATE	BY	DESCRIPTION
2	08-06-14	BKR	REVISED PER CITY COMMENTS
1	05-22-14	BKR	REVISED PER CITY COMMENTS
0	04-30-14	BKR	INITIAL ISSUE

COLOR LANDSCAPE PLAN

WALGREENS STORE NO.

WALGREENS

SW 29TH STREET & SW GAGE BOULEVARD
TOPEKA, KANSAS

CADD PLOT:
6828EXHB_LP

DRAWN BY:
BKR

DATE: 04/17/2014

REVIEWED:
LDO

2319 NORTH JACKSON
P.O. BOX 1304
JUNCTION CITY, KANSAS 66441
(785)762-5040
FAX (785)762-7744
E-MAIL: jcv@kveng.com

KAW VALLEY ENGINEERING, INC.
CONSULTING ENGINEERS

KAW VALLEY ENGINEERING, INC. IS AUTHORIZED TO OFFER
SURVEYING SERVICES BY KANSAS STATE CERTIFICATE OF
AUTHORIZATION #LS-20. EXPIRES 12/31/14

PROJ. NO. A14_6828

DSN: LDO

CFN: 6828EXHB_LP

DWN: BKR

A MASTER PLANNED UNIT DEVELOPMENT FOR:
SW 29TH AND SW GAGE RETAIL DEVELOPMENT
(NWC) SW 29TH STREET AND SW GAGE BOULEVARD

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 12 SOUTH,
RANGE 15 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN TOPEKA, SHAWNEE COUNTY, KANSAS

BOOK
PAGE
DATE
TIME

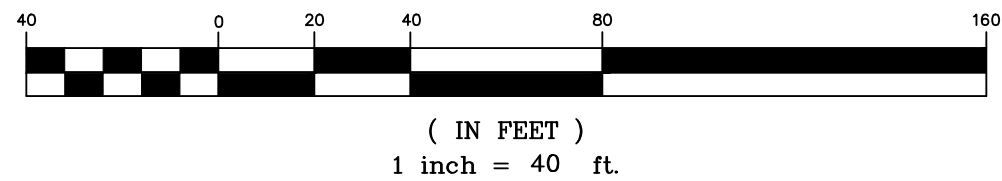
CERTIFICATE OF REGISTER OF DEEDS

STATE OF KANSAS } SS
COUNTY OF SHAWNEE }

FILED FOR RECORD IN THE OFFICE OF THE SHAWNEE COUNTY REGISTER OF DEEDS
THIS ____ DAY OF _____, 2014, AT ____ O'CLOCK.

REBECCA J. NIOCE, REGISTER OF DEEDS

GRAPHIC SCALE



PROPERTY DESCRIPTION:

THAT PORTION OF LOTS 5 THRU 8, LOTS 14 THRU 22, BLOCK C AND A PORTION OF 28TH STREET TERRACE RIGHT-OF-WAY, WESTVIEW HEIGHTS ESTATE IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS, RECORDED IN DEED BOOK 12-A, PAGE 151 AND RE-RECORDED IN BOOK 12-A, PAGE 198 AND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 12 SOUTH AND RANGE 15 EAST, BEING DESCRIBED AS FOLLOWS:

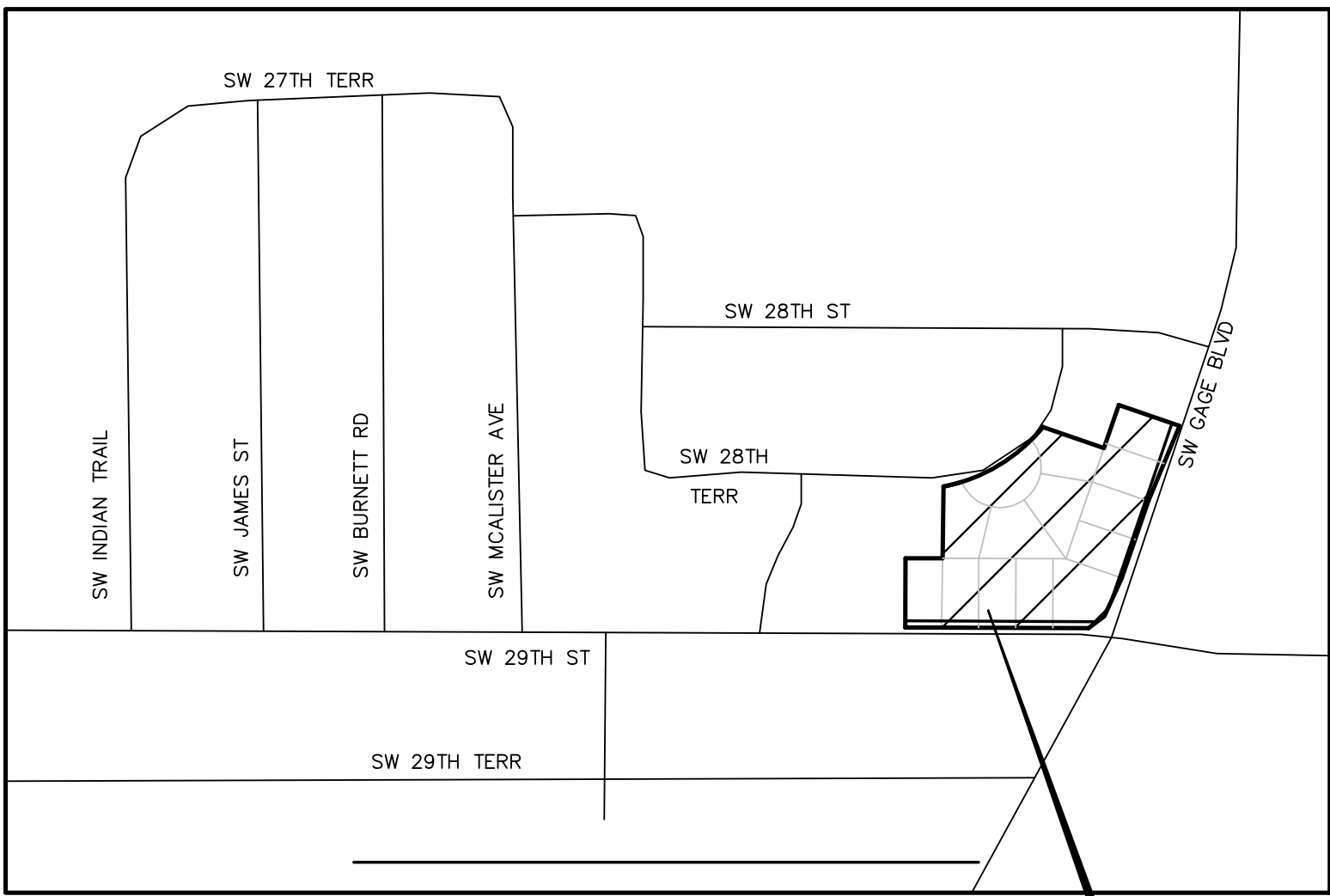
BEGINNING AT THE SOUTHEAST CORNER OF LOT 13 IN SAID WESTVIEW HEIGHTS ESTATE; THENCE ALONG AN ASSUMED BEARING OF S 18°56'38" W, ALONG THE WEST RIGHT-OF-WAY LINE OF GAGE BOULEVARD, A DISTANCE OF 158.04 FEET; THENCE S 22°33'56" W, CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 79.16 FEET; THENCE S 18°56'38" W, CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 79.00 FEET; THENCE S 24°34'02" W, CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 81.64 FEET; THENCE S 53°27'35" W, CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 38.43 FEET TO THE NORTH RIGHT-OF-WAY LINE OF 29TH STREET; THENCE N 89°46'48" W, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 357.47 FEET TO THE SOUTHWEST CORNER OF LOT 22 OF SAID WESTVIEW HEIGHTS ESTATE; THENCE N 00°49'04" E, ALONG THE WEST LINE OF SAID LOT 22, A DISTANCE OF 134.31 FEET TO THE NORTHWEST CORNER OF SAID LOT 22; THENCE S 89°46'48" E, ALONG THE NORTH LINE OF SAID LOT 22, A DISTANCE OF 72.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 22; THENCE N 00°49'04" E, ALONG THE EAST LINE OF LOT 4 OF SAID WESTVIEW HEIGHTS ESTATE, A DISTANCE OF 139.60 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT; THENCE EASTERLY, NORTHEASTERLY, AND NORTHERLY, ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 328.00 FEET, AN ARC LENGTH OF 229.20 FEET, A CHORD BEARING OF N 59°03'34" E, AND A CHORD DISTANCE OF 224.57 FEET TO THE SOUTHWEST CORNER OF LOT 9 OF SAID WESTVIEW HEIGHTS ESTATE; THENCE S 71°03'22" E, ALONG THE SOUTH LINE OF SAID LOT 9, A DISTANCE OF 125.65 FEET TO THE SOUTHWEST CORNER OF SAID LOT 9; THENCE N 18°56'38" E, ALONG THE EAST LINE OF SAID LOT 9 AND ITS CONTINUATION, A DISTANCE OF 88.54 FEET TO THE SOUTHWEST CORNER OF LOT 13 OF SAID WESTVIEW HEIGHTS ESTATE; THENCE S 71°03'22" E, ALONG THE SOUTH LINE OF SAID LOT 13, A DISTANCE OF 120.01 FEET TO THE POINT OF BEGINNING. CONTAINS 3.32 ACRES, MORE OR LESS.

LEGEND

- HEAVY DUTY ASPHALT
- NUMBER OF PARKING STALLS IN A ROW
- DEDICATED RIGHT-OF-WAY
- 8" COMPOSITE PLANK FENCE
- TRAFFIC FLOW ARROW (IN DRIVE)
- CURBED TRAFFIC ISLAND
- LIGHT POLE
- PROPERTY LINE
- HANDICAP PARKING SYMBOL
- SEVEN-BIKE TUBULAR STEEL RACK
- FIRE HYDRANT

SITE ANALYSIS TABLE

WALGREENS	14,820 SF
PARKING SPACES REQUIRED	1/200 SF = 14820/200=74 STALLS
PARKING SPACES PROVIDED	89 SPACES
ACCESSIBLE SPACES PROVIDED	4 SPACES
TOTAL PARKING SPACES PROVIDED	83 SPACES
LOT SIZE	137,362.56 SF / 3.15 ACRES
OPEN SPACE	55,442.92 SF
BICYCLE PARKING	7 SPACES
BICYCLE PARKING REQUIRED	5% OF 74 = 3.7



VICINITY MAP
TOPEKA, KANSAS

PROJECT LOCATION

BENCHMARKS:

BMF #1: ALUMINUM DISC IN TOP OF POINT OF INTERSECTION OF CONCRETE RETAINING WALL AT SOUTHWEST QUADRANT OF SOUTHWEST 29TH STREET AND SOUTHWEST GAGE BOULEVARD. STAMPED CITY OF TOPEKA ENGINEERING DEPARTMENT.

ELEV=935.82

BMS #1: CHISELED "SQUARE" SET ON TOP OF SOUTHEAST CORNER CURB INLET, NORTH SIDE OF 29TH STREET, 20'± WEST OF SOUTHWEST PROPERTY CORNER.

ELEV=935.61

BMS #2: CHISELED "SQUARE" SET ON TOP OF SOUTHWEST CORNER CURB INLET, WEST SIDE OF GAGE BOULEVARD, 10'± EAST OF THE NORTHEAST PROPERTY CORNER.

ELEV=925.82

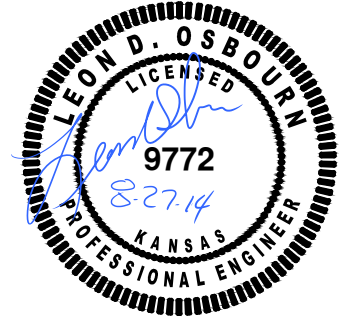
BMF #2: CHISELED "SQUARE" ON TOP OF CURB INLET SOUTH SIDE

ELEV=928.42

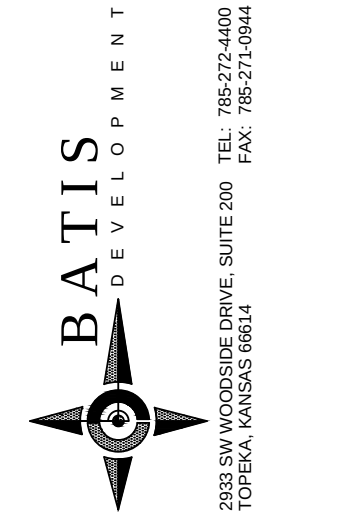
2319 NORTH JACKSON
P.O. BOX 1304
JUNCTION CITY, KANSAS 66441
(785)762-5040
FAX (785)762-7744
E-MAIL jc@kvweng.com



KAW VALLEY ENGINEERING, INC.
CONSULTING ENGINEERS
KAW VALLEY ENGINEERING, INC., IS AUTHORIZED TO OFFER SURVEYING SERVICES BY KANSAS STATE CERTIFICATE OF AUTHORIZATION #S-20. EXPIRES 12/31/14
PROJ. NO. A14-6828 DSN: LDO
CFN: 6828PUD_SP DWN: BKR



I HEREBY CERTIFY THAT THIS PLAN AND SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED SURVEYOR UNDER THE LAWS OF THE STATE OF KANSAS. WITNESSED BY MY HAND AND SEAL.



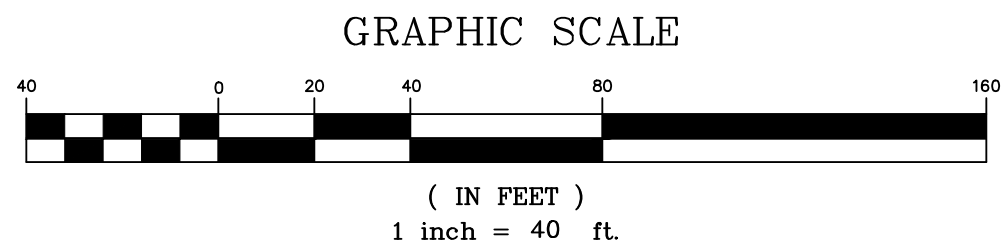
NO.	DATE	BY	DESCRIPTION
2	08-08-14	BKR	REVISED PER CITY COMMENTS
1	05-22-14	BKR	REVISED PER CITY COMMENTS
0	04-30-14	BKR	INITIAL ISSUE

SITE PLAN
WALGREENS STORE NO.
WALGREENS
SW 29TH STREET & SW GAGE BOULEVARD
TOPEKA, KANSAS

CADD PLOT:
6828PUD_SP
DRAWN BY:
BKR
DATE: 04/17/2014
REVIEWED:
LDO

A MASTER PLANNED UNIT DEVELOPMENT FOR:
SW 29TH AND SW GAGE RETAIL DEVELOPMENT
(NWC) SW 29TH STREET AND SW GAGE BOULEVARD

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 12 SOUTH,
RANGE 15 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN TOPEKA, SHAWNEE COUNTY, KANSAS



BOOK
PAGE
DATE
TIME

CERTIFICATE OF REGISTER OF DEEDS

STATE OF KANSAS }
COUNTY OF SHAWNEE } SS
FILED FOR RECORD IN THE OFFICE OF THE SHAWNEE COUNTY REGISTER OF DEEDS
THIS ____ DAY OF ____, 2014, AT ____ O'CLOCK.

REBECCA J. NIOCE, REGISTER OF DEEDS

LEGEND

(10) NUMBER OF PARKING STALLS IN A ROW

DEDICATED RIGHT-OF-WAY

8' COMPOSITE PLANK FENCE

TRAFFIC FLOW ARROW
(IN DRIVE)

CURBED TRAFFIC ISLAND

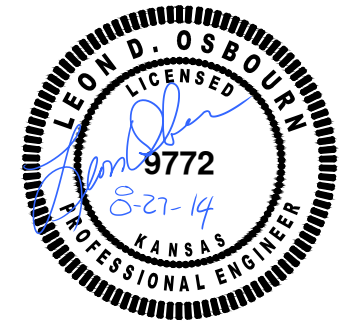
LIGHT POLE

PROPERTY LINE

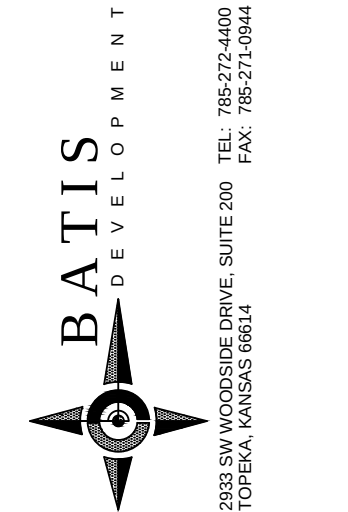
HANDICAP PARKING SYMBOL

SEVEN-BIKE TUBULAR STEEL RACK

FIRE HYDRANT



I HEREBY CERTIFY THAT
THIS PLAN AND
SPECIFICATION WAS
PREPARED BY ME OR
UNDER MY DIRECT
SUPERVISION AND THAT I
AM A DULY REGISTERED
SURVEYOR UNDER THE
LAWS OF THE STATE OF
KANSAS. WITNESSED BY MY
HAND AND SEAL.



REVISIONS			
NO.	DATE	BY	DESCRIPTION
2	8-06-14	BKR	REVISED PER CITY COMMENTS
1	05-22-14	BKR	REVISED PER CITY COMMENTS
0	04-30-14	BKR	INITIAL ISSUE

GRADING PLAN		WALGREENS STORE NO.
CADD PILOT:	6828PUD.GP	WALGREENS
DRAWN BY:	BKR	SW 29TH STREET & SW GAGE BOULEVARD
DATE:	04/17/2014	TOPEKA, KANSAS
REVIEWED:	LDO	

BENCHMARKS:

BMF #1: ALUMINUM DISC IN TOP OF POINT OF INTERSECTION OF
CONCRETE RETAINING WALL AT SOUTHWEST QUADRANT OF SOUTHWEST
29TH STREET AND SOUTHWEST GAGE BOULEVARD. STAMPED CITY OF
TOPEKA ENGINEERING DEPARTMENT.

ELEV=935.82

BMS #1: CHISELED "SQUARE" SET ON TOP OF SOUTHEAST CORNER
CURB INLET, NORTH SIDE OF 29TH STREET, 20'± WEST OF SOUTHWEST
PROPERTY CORNER.

ELEV=935.61

BMS #2: CHISELED "SQUARE" SET ON TOP OF SOUTHWEST CORNER
CURB INLET, WEST SIDE OF GAGE BOULEVARD, 10'± EAST OF THE
NORTHEAST PROPERTY CORNER.

ELEV=925.82

BMF #2: CHISELED "SQUARE" ON TOP OF CURB INLET SOUTH SIDE

ELEV=928.42

2319 NORTH JACKSON
P.O. BOX 1304
JUNCTION CITY, KANSAS 66441
(785)762-5040
FAX (785)762-7744
E-MAIL: jo@kvweng.com



KAW VALLEY ENGINEERING, INC.
CONSULTING ENGINEERS
KAW VALLEY ENGINEERING, INC. IS AUTHORIZED TO OFFER
SURVEYING SERVICES BY KANSAS STATE CERTIFICATE OF
AUTHORIZATION #S-20. EXPIRES 12/31/14

PROJ. NO. A14-6828 DSN: LDO
CPN: 6828PUD_GP DWN: BKR

PLANT SCHEDULE									
KEY	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	COND.	MATURE HEIGHT	MATURE SPREAD	PTS PER PLANT	TOTAL POINTS
SHRUBS									
BB	117	EUONYMUS ALATUS	BURNING BUSH	2 GAL.	CONT.	4'	30'	1	80
SGJ	119	JUNIPEROUS CHINENSIS 'SEA GREEN'	SEA GREEN JUNIPER	2 GAL.	CONT.	3'	4'	1	101
BBP	130	BUDDLEJA HYBRID	BUTTERFLY BUSH	5 GAL.	CONT.	1.5'	2.5'	1	106
TREES									
RM	6	AMUR RUBRA 'RED SUNSET'	RED SUNSET MAPLE	2.5" CAL.	B & B	40'	30'	11	154
RB	8	CERCIS CANADENSIS 'OKLAHOMA'	OKLAHOMA REDBUD	1.5" CAL.	B & B	15'	12'	5	25
HL	9	GLEDTISIA TRIACANTHOS 'SHADEMASTER'	SHADEMASTER HONEYLOCUST	1.5" CAL.	B & B	15'	12'	8	136
RO	9	QUERCUS RUBRA	RED OAK	2.5" CAL.	B & B	60'	40'	11	66
CONIFEROUS TREE									
TJ	164	JUNIPEROUS VIRGINIANA 'TAYLOR'	TAYLOR JUNIPER	6' HEIGHT	B & B	20'	3'	8	1080
GROUND COVER									
PW	332	EUONYMUS COLORATUS 'WINTERGREEN'	PURPLE LEAF WINTERCREEPER	6" POT	CONT.	8-12"	12-18"	0.25	70

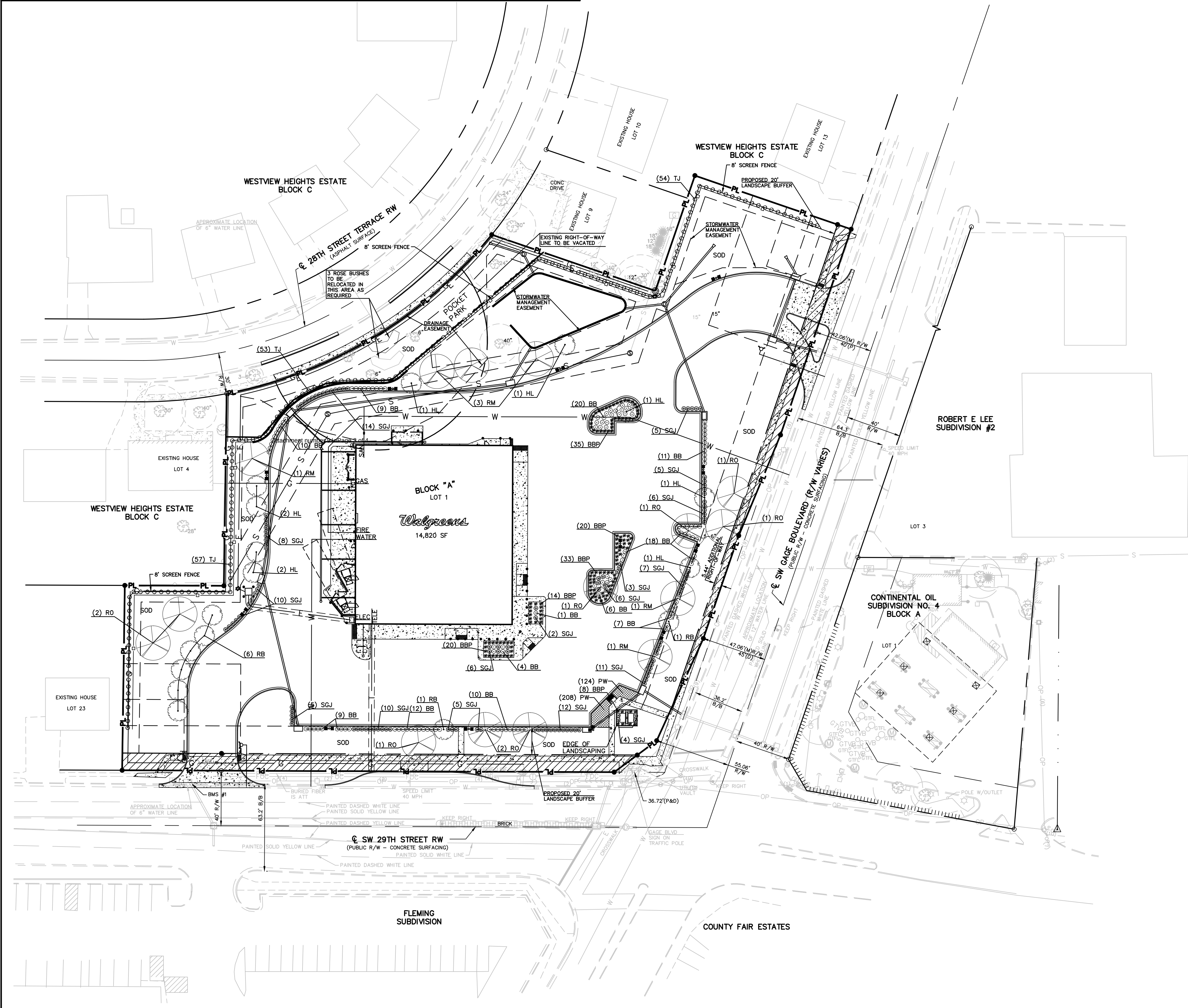
A MASTER PLANNED UNIT DEVELOPMENT FOR:
SW 29TH AND SW GAGE RETAIL DEVELOPMENT
(NWC) SW 29TH STREET AND SW GAGE BOULEVARD

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 12 SOUTH,
RANGE 15 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN TOPEKA, SHAWNEE COUNTY, KANSAS

GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.



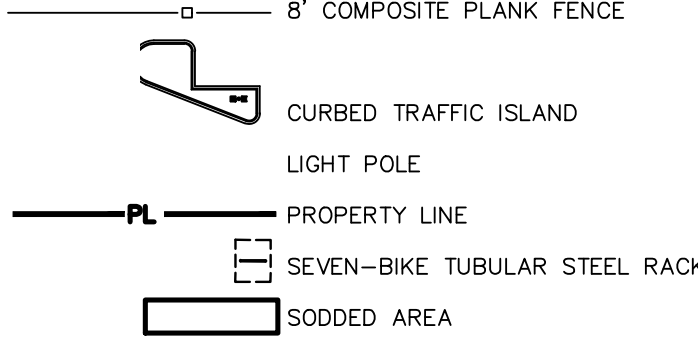
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PAGE
DATE
TIME

CERTIFICATE OF REGISTER OF DEEDS

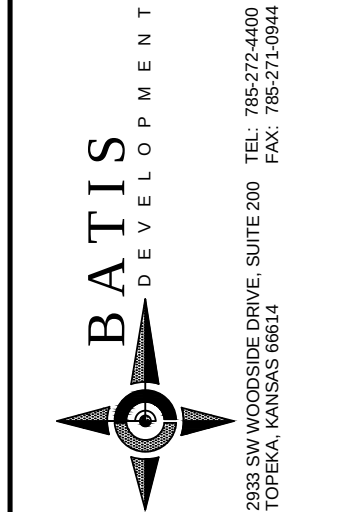
STATE OF KANSAS }
COUNTY OF SHAWNEE } SS
FILED FOR RECORD IN THE OFFICE OF THE SHAWNEE COUNTY REGISTER OF DEEDS
THIS ____ DAY OF _____, 2014, AT ____ O'CLOCK.

REBECCA J. NIOCE, REGISTER OF DEEDS

LEGEND



I HEREBY CERTIFY THAT
THIS PLAN AND
SPECIFICATION WAS
PREPARED BY ME
OR UNDER MY DIRECT
SUPERVISION AND THAT I
AM A DULY REGISTERED
SURVEYOR UNDER THE
LAWS OF THE STATE OF
KANSAS. WITNESSED BY MY
HAND AND SEAL.



REVISED PER CITY COMMENTS		REVISED PER CITY COMMENTS		INITIAL ISSUE		DESCRIPTION	
2	08-08-14	BKR	1	05-22-14	BKR	NO.	BY
						DATE	BY

LANDSCAPE PLAN		WALGREENS STORE NO.	
CADD PILOT:		WALGREENS	
DRAWN BY:		SW 29TH STREET & SW GAGE BOULEVARD	
DATE:		TOPEKA, KANSAS	
REVIEWED:			

2319 NORTH JACKSON
P.O. BOX 1304
JUNCTION CITY, KANSAS 66441
(785)762-5040
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E-MAIL: jcv@kveg.com
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SURVEYING SERVICES BY KANSAS STATE CERTIFICATE OF
AUTHORIZATION #LS-20, EXPIRES 12/31/14
PROJ. NO. A14_6828 DSN: LDO
CFN: 6828PUD_LP DWN: BKR

CREATE A COMMERCIAL DEVELOPMENT AND DRIVE-THRU PHARMACY THAT INCORPORATES QUALITY DESIGN CHARACTERISTICS AND STANDARDS TO ENHANCE THE SUBJECT SITE AND ADJACENT PROPERTIES.

1. SUBJECT PROPERTY IS SHOWN TO BE LOCATED IN OTHER AREAS ZONE "X", OTHER FLOOD AREAS ZONE "X" AND SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD ZONE "AE" ON THE FLOOD INSURANCE RATE MAP FOR CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS. MAP NO. 201777C0213E, EFFECTIVE DATE SEPTEMBER 29, 2011. OTHER AREAS ZONE X IS DEFINED AS "AREAS DETERMINED TO BE SUBJECT TO THE 0.2% ANNUAL CHANCE FLOOD FLOODING", OTHER FLOOD AREAS ZONE "X" IS DEFINED AS "AREAS OF 0.2% ANNUAL CHANCE FLOOD", AREAS OF 1% ANNUAL CHANCE FLOOD WITH AN ELEVATION OF THE FLOOD LESS THAN 100' OR WITH AN ELEVATION LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD. SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD ZONE "AE" IS DEFINED AS "BASE FLOOD ELEVATIONS DETERMINED. THE 1% ANNUAL CHANCE FLOOD (100-YEAR FLOOD), ALSO KNOWN AS THE BASE FLOOD, IS THE FLOOD THAT HAS A 1% CHANCE OF BEING EQUALLED OR EXCEEDED IN ANY GIVEN YEAR. THE SPECIAL FLOOD HAZARD AREA IS THE AREA SUBJECT TO FLOODING BY THE 1% ANNUAL CHANCE FLOOD. LOCATION DETERMINED BY A SCALED GRAPHICAL PLOT OF THE FLOOD INSURANCE RATE MAP. AREAS OF SPECIAL FLOOD HAZARD INCLUDE ZONES A, AE, AH, AO, AR, A99, V AND VE. THE BASE FLOOD ELEVATIONS IS THE WATER-SURFACE ELEVATION OF THE 1% ANNUAL CHANCE FLOOD.

- UTILITY NOTES:

1. ALL UTILITIES SHALL BE INSTALLED UNDERGROUND PURSUANT TO THE CITY'S RIGHT-OF-WAY MANAGEMENT STANDARDS.
2. SANITARY SEWER SERVICE SHALL BE BY THE CITY OF TOPEKA.
3. WATER SERVICE SHALL BE BY CITY OF TOPEKA.
4. FIRE HYDRANTS TO BE INSTALLED PER CITY OF TOPEKA STANDARDS.
5. THE LOCATION, HEIGHT, TYPE OF FIXTURE AND INTENSITY OF SITE, LIGHTING SHALL BE DETERMINED AT THE SITE DEVELOPMENT PLAN STAGE. LIGHT POLES BORDERING RESIDENTIAL AREAS WILL NOT EXCEED 3.0 FOOT-CANDLES AND PROVIDE SCREENING OF THE ILLUMINATION.

1. SW GAGE AND SW 29TH SHALL EACH BE PERMITTED ONE ACCESS OPENING THAT ARE CONSISTENT WITH CITY STREET DESIGN SPACING AND LOCATION CRITERIA AND LOCATION CRITERIA AND ALLOWED ONLY AS STATED HEREIN.
2. A CONCRETE PAD FOR THE INSTALLATION OF A TOPEKA METRO BUS STOP SHELTER ALONG SW 29TH STREET SHALL BE INSTALLED BY THE PROPERTY OWNER, IF DETERMINED NECESSARY, AND AT A LOCATION AS APPROVED BY THE TOPEKA METROPOLITAN AREA TRANSIT AUTHORITY AND THE CITY ENGINEER.
3. A CROSS ACCESS AGREEMENT WITH THE ADJACENT PROPERTY OWNERS FRONTING SW GAGE BOULEVARD AND SW 29TH STREET SHALL BE PROVIDED IF THESE PROPERTIES ARE RE-DEVELOPED IN THE FUTURE FOR TRANSITIONAL USES. THE CROSS ACCESS AGREEMENT SHALL BE RECORDED WITH THE SHAWNEE COUNTY REGISTER OF DEEDS BY SEPARATE INSTRUMENT OR PROVIDED BY VIRTUE OF MINOR RE-PLAT AT SUCH TIME.
4. A CONCRETE PAD FOR THE INSTALLATION OF A TOPEKA METRO BUS SHELTER ALONG SW 29TH STREET WITH BUS PULL-OUT LANE, IF DETERMINED NECESSARY, SHALL BE INSTALLED BY THE PROPERTY OWNER AND AT A LOCATION AS APPROVED BY THE TOPEKA METROPOLITAN AREA TRANSIT AUTHORITY AND CITY ENGINEER AT THE SITE DEVELOPMENT PLAN REVIEW STAGE.

1. ONE 25FT SINGLE POLE PYLON SIGN WITH 2 PANELS NOT TO EXCEED 126 SQ FT PER SIGN FACE. PANEL ONE IS TO NOT EXCEED 85 SF OF SIGNAGE PER SIGN FACE. PANEL 2(LED) IS NOT TO EXCEED 41 SF OF SIGNAGE PER SIGN FACE. THE BASE OF THE SIGN WILL BE 2' BRICK AND MAINTAINED WITH LANDSCAPING.
2. WALL SIGNS SHALL COMPLY WITH THE PROPERTY'S BASE 'C-2' ZONING USE GROUP.
3. DIRECTIONAL TRAFFIC SIGNS SHALL NOT BE INCLUDED WITHIN THESE RESTRICTIONS. PORTABLE, TEMPORARY, OR ROOF MOUNTED SIGNS SHALL OTHERWISE NOT BE PERMITTED.

1. LANDSCAPE PLANS SHALL BE SUBMITTED WITH THE SITE DEVELOPMENT PLAN PRIOR TO BULDIG PERMIT ISSUANCE. SAID PLAN SHALL CONFORM TO THE CITY LANDSCAPE REGULATIONS, INCLUDING REQUIRED POINT VALUES AND RESIDENTIAL BUFFERS.
2. FENCE NO HIGHER THAN 6 FEET TALL BUILT WITH COMPOSITE PLANK FENCE SHALL EXTEND ALONG THE SURROUNDING RESIDENTIAL AREA AND BE PLANTED WITH 6 FT TALL TAYLOR JUNIPERS ON THE SAME SIDE AS THE RESIDENTIAL PROPERTIES AND RUN ALONG THE ENTIRE LENGTH OF THE FENCE.
3. ANY PORTION OF THE FENCE THAT IS WITHIN THE DRAINAGE EASEMENT COVERING THE 100-YEAR FLOOD PLAIN SHALL BE CONSTRUCTED SO IT DOES NOT OBSTRUCT THE OVERLAND FLOW BY ALLOWING WATER TO PASS UNDERNEATH THE FENCE.
4. THE MAINTENANCE OF THE FENCE SHALL BE THE RESPONSIBILITY OF THE PARTY OF RECORD. THE FRONT PORCH TERRACE SHALL BE BY THE OWNER OF LOT 1 AND SHALL BE RESERVED FOR LANDSCAPING ONLY WITHOUT STRUCTURES IN THE FRONT YARD SETBACK OF ADJOINING PROPERTIES; INCLUDING GAZEBOS, PERGOLAS, TRELLISES, PARK BENCHES, ETC.

1. THE EXTERIOR BUILDING DESIGN SHALL BE COORDINATED ON ALL ELEVATIONS WITH REGARD TO COLOR, MATERIALS, AND ARCHITECTURAL FORM TO ACHIEVE A HARMONY OF DESIGN AND NEIGHBORHOOD COMPATIBILITY. BUILDING ELEVATIONS SHALL BE APPROVED BY THE PLANNING DEPARTMENT AT THE TIME OF SITE DEVELOPMENT.
2. THE LOCATION OF ALL TRASH ENCLOSURES SHALL BE DETERMINED AT THE SITE DEVELOPMENT PLAN STAGE TO ENSURE TRASH AREAS ARE NOT OVERLY CONCENTRATED, ARE EFFECTIVELY SCREENED FROM PUBLIC AREAS, AND PROVIDE ADEQUATE CIRCULATION WITHIN THE OVERALL DEVELOPMENT. ALL SAID RECEPTACLE SHALL HAVE 6 FT TALL ENCLOSURES THAT SCREEN THE RECEPTACLES FROM VIEW AND ARE CONSTRUCTED OF MATERIALS COMPATIBLE WITH THE ARCHITECTURAL FEATURES OF THE PRINCIPAL STRUCTURE.

1. BASE ZONE: "C-2" ZONING USE GROUP
2. NO STRUCTURE SHALL BE BUILT WITHIN THE FOLLOWING SETBACKS OF THE PLANNED UNIT DEVELOPMENT BOUNDARY: 30' FROM THE FRONT OR BACK, AND 10' FROM THE SIDE OF ANY LOT.
3. MAXIMUM HEIGHT OF 42'.
4. LOT AREA = 137,362.56 SF/ 3.15 ACRES
5. OPEN AREA = 55,442.92 SF.
6. THERE SHALL BE NO DELIVERY TRUCK LOADING/UNLOADING BETWEEN THE HOURS OF 8:00 PM AND 7:00 AM
7. THE % OF THE AMOUNT OF GREEN SPACE TO DEVELOPED AREA= 55,442.92 SF/137,362.56 SF=40.4%

1. THIS PROJECT WILL BE COMPLETED IN ONE PHASE

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 12 SOUTH,
RANGE 15 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN TOPEKA, SHAWNEE COUNTY, KANSAS

STATE OF }
COUNTY OF } SS

IN TESTIMONY WHEREOF:

JAMES MARK WITTENBURG, PRESIDENT
BATIS DEVELOPMENT COMPANY, A KANSAS CORPORATION

I HEREBY SET MY HAND AND AFFIXED MY NOTARIAL SEAL THE DAY AND YEAR LAST WRITTEN ABOVE.

STATE OF }
COUNTY OF } SS

IN TESTIMONY WHEREOF:

MARK L. KINCY

KATHLEEN M. KINCY

I HEREBY SET MY HAND AND AFFIXED MY NOTARIAL SEAL THE DAY AND YEAR LAST WRITTEN ABOVE.

STATE OF }
COUNTY OF } SS

IN TESTIMONY WHEREOF:

ROBERT M. MITCHELL

MELBA G. MITCHELL

I HEREBY SET MY HAND AND AFFIXED MY NOTARIAL SEAL THE DAY AND YEAR LAST WRITTEN ABOVE.

NAME OF NOTARY

MY COMMISSION EXPIRES _____

STATE OF KANSAS }
COUNTY OF SHAWNEE } ss

FILED FOR RECORD IN THE OFFICE OF THE SHAWNEE COUNTY REGISTER OF DEEDS
THIS _____ DAY OF _____, 2014, AT _____ O'CLOCK.

REBECCA J. NIOCE, REGISTER OF DEEDS

THIS PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN HAS BEEN REVIEWED AND APPROVED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18.190 OF THE COMPREHENSIVE ZONING REGULATIONS OF THE CITY OF TOPEKA AND SHAWNEE COUNTY, KANSAS, AND MAY BE AMENDED ONLY AS PRESCRIBED IN TMC 18.190.070 AND AS SET FORTH ON THIS DOCUMENT OR AS MAY SUBSEQUENTLY BE APPROVED AND RECORDED.

APPROVED BY THE TOPEKA PLANNING DIRECTOR THIS _____ DAY OF _____, 2014.

BILL FIANDER, AICP, PLANNING DIRECTOR
SECRETARY TO PLANNING COMMISSION

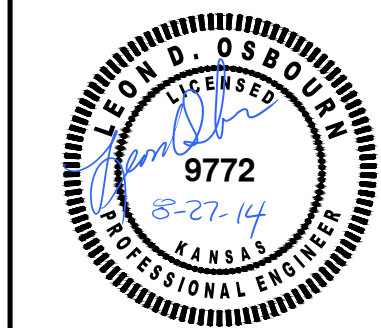
BE IT REMEMBERED THAT ON THIS _____ DATE OF _____, A.D. _____ 2014, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE CAME BILL FIANDER, AICP WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHO EXECUTED THE WITHIN INSTRUMENT OF WRITING, AND SUCH PERSON DULY ACKNOWLEDGE THE EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HEREBY SET MY HAND AND AFFIX MY NOTARIAL SEAL THE DAY AND YEAR LAST WRITTEN ABOVE.

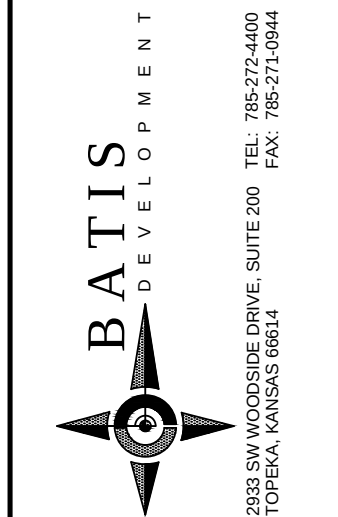
NAME OF NOTARY

MY COMMISSION EXPIRES

Waldgreens
FACILITIES PLANNING
DESIGN AND ENGINEERING
106 WILMOT ROAD
DEERFIELD, IL 60015-5105



HEREBY CERTIFY THAT THIS PLAN AND SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED SURVEYOR UNDER THE LAWS OF THE STATE OF KANSAS AS SIGNIFIED BY HAND AND SEAL



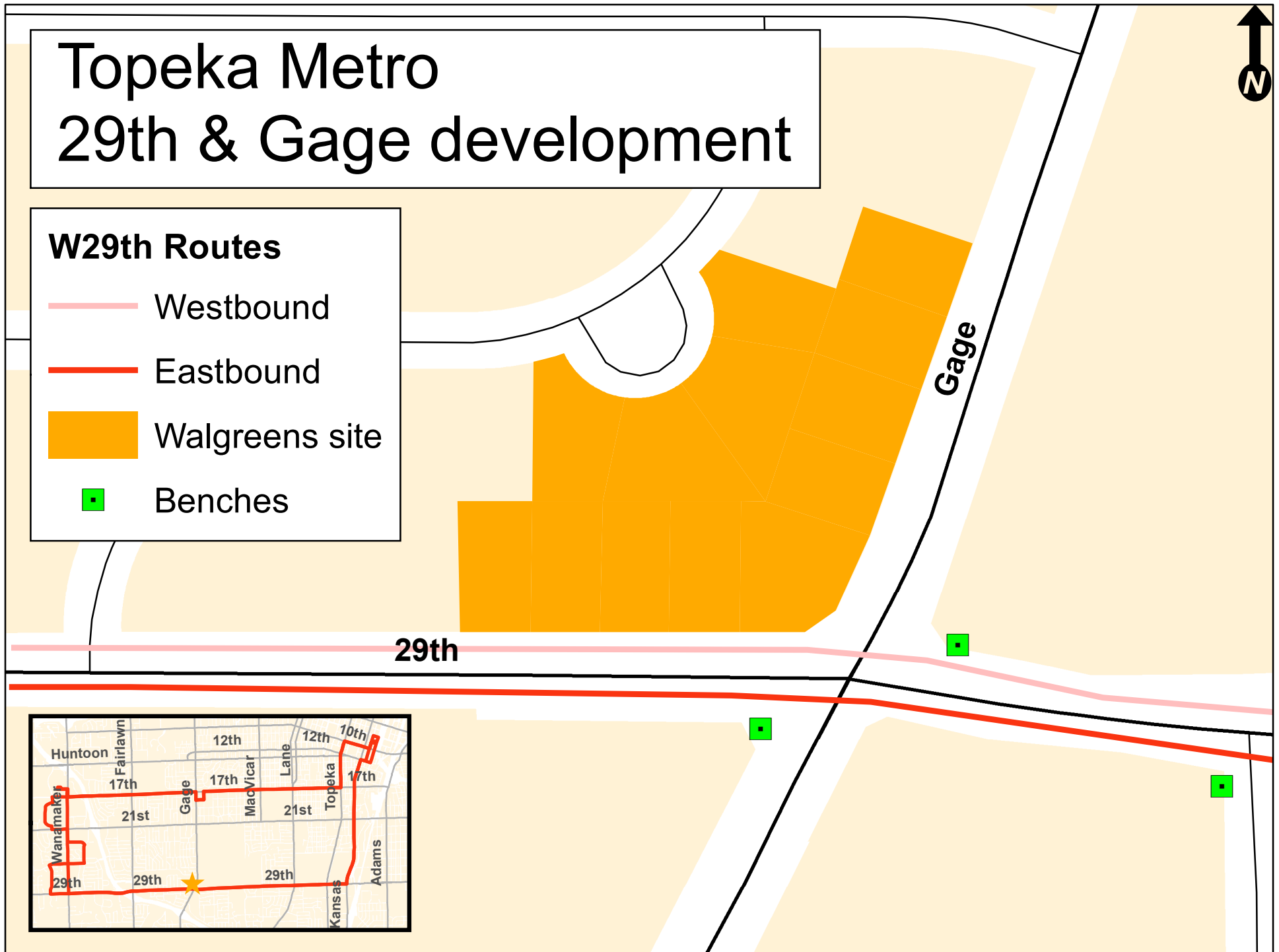
NO.	DATE	BY	DESCRIPTION	REVISIONS
2	08-06-14	BKR	REVISED PER CITY COMMENTS	
1	05-22-14	BKR	REVISED PER CITY COMMENTS	
0	05-16-14	BKR	INITIAL ISSUE	

4 OF 4		NOTES
CADD PILOT: 6628PUD NOTES	WALGREENS STORE NO.	
DRAWN BY: BKR	WALGREENS	
DATE: 04/17/2014	SW 29TH STREET & SW GAGE BOULEVARD	
REVIEWED:	TOPEKA, KANSAS	
LDO		

Topeka Metro 29th & Gage development

W29th Routes

- Westbound
- Eastbound
- Walgreens site
- Benches



Citizen Participation Report

Neighborhood Information Meeting – Rezoning for NWC of 29th Street and Gage Blvd., Topeka, KS

Meeting Date – August 28th, 2014

Meeting Time – 6:00 pm

Meeting Location – Crestview Community Center, 4801 SW Shunga Dr., Topeka, KS

Invitations Mailed – August 15th, 2014

Mailing Radius – 500'

Number of Invitations Mailed – 256

Number Returned with Forwarding Address & Rемаiled – 5

Number Returned with No Forwarding Address – 7

Invitations Mailed to Owners Outside 500' – 23

Number in Attendance at Neighborhood Information Meeting: (see attached Attendance Roster – Exhibit A)

- Home Addresses in Attendance – 19
- City of Topeka Personnel – 2
- Developer Representatives – 5
- Other Attendees – 1

Presentation Materials were displayed on easels – (see attached Presentation Materials – Exhibit B)

General Comments – In comparison to the prior Neighborhood Information Meeting, the attendance was lower, but the number of new attendees who weren't at the first NIM was very high. We asked how many of the 19 homeowners present attended the prior NIM and learned that only 5 people had attended both NIM's.

Summary of Citizen Questions:

1. General –

a. "Why are you holding a second Neighborhood Information Meeting ("NIM")?"

- i. The original rezoning application was for an assemblage of 11 properties. The assemblage was changed to add two more properties. The addition of these two properties constitutes the filing of a new rezoning application and restarting the entire process.
- ii. The two parcels were added primarily to incorporate the ideas that resulted from the initial Planning Commission meeting. These ideas and changes are further addressed in the Traffic section below.

b. "What is the timeline for the project?"

- i. The steps in the project are:
 1. Planning Commission – 9/22/14
 2. City Council Vote – 10/15/14
 3. Close on all parcels being purchased – 11/15/14 through 12/15/15
 4. Demolition – We will attempt to raze the structures as soon as they are vacated by the owners/residents. The variable in this step will be the weather conditions at that point in time offset by the need to avoid having vacant properties in the neighborhood.

- 5. Design & permitting – 1/1/15 through 3/1/15
- 6. Construction – 3/1/15 through 9/1/15

2. Site Plan –

- a. *“Will there be pedestrian access from the new store to the Westview Neighborhood?”*
 - i. Response: Pedestrian access is possible from the sidewalks on 29th or Gage. There will be no access points through the fence bordering the property. This is an intentional design decision to limit escape routes for shoplifters and to keep them out of the neighborhood. At the existing Walgreens facility, shoplifters have a 360 degree choice of escape routes and ½ of those routes are into residential neighborhoods.
- b. *“Why are there now 2 detention ponds & will this project increase the water run-off to the neighborhood behind the store?”*
 - i. Response: By decreasing the size of the original detention pond design we were able to maintain more old growth trees. The amount of storm-water the system can detain is the same as in the prior plan. These two basins will actually reduce the amount of storm-water run-off leaving this site and entering the neighborhood.
- c. *“How wide is the pocket park created by moving the boundary fence closer to the new facility?”*
 - i. Response: Most of the park will be more than 40’ deep; from back of the curb to the screening fence behind the new store.
- d. *“Will the parking lot lights shine into adjacent residences?”*
 - i. Response: We will be installing LED parking lot lighting that screens lights in a manner that will deflect the light specifically into the parking lot and not into adjacent residences. To light the green space areas, we will install fence mounted lights that are not capable of shining into adjacent properties.

3. Crime –

- a. *“As a resident deep within the Westview neighborhood we are not exposed to the crime purported by the crime stats from the Topeka Police Department; is anyone else seeing it?”*
 - i. Response: (this response was given by a residential neighbor on the south side of 29th Street) “We see drug deals and cars coming and going all hours of the day and night; at the homes closest to the intersection on 29th Street; YES, it’s real!”
- b. *“Isn’t most of the crime a result of thefts at adjacent commercial properties?”*
 - i. Response: No, of the 475 crimes reported in the 15 months preceding March 31, 2014, only 18 were classified by police as Commercial or Shoplifting.
- c. *“Did you compare crime at this intersection with crime at other similar intersections?”*
 - i. Response: No, the crime data we were supplied by the TPD required many man hours for their staff to assemble. The data presented did not come from the national web database; instead the data presented was gathered from police department records. We did not ask them to spend additional manpower tracking similar data on other sites. We also trusted their judgment that the growing crime rate at this intersection is a concern to the Police Dept.

4. Traffic –

- a. *“What were the main benefits of moving the points of ingress/egress further from the 29th Street & Gage Blvd. intersection?”*

i. Response:

1. Both access points are aligned with the drives on the opposing side of their respective streets,
2. Both access points are now further than 300' from the intersection,
3. Conflicting turning motions were eliminated at both access points,
4. The left turn into Walgreens from north bound Gage is well beyond the peak stacking of south bound Gage traffic turning left onto east bound 29th Street.

b. *"Leaving the neighborhood via 28th Street onto Gage Blvd. can take a long time and is a nerve wracking experience. Can we get the site lines cleared?, and can we get the speed limit on south bound Gage lowered?"*

i. Response:

1. Yes, a request to have trees, shrubs and other site line impediments removed; can be made to Kent Pelton, Traffic Technician for the City of Topeka. Mr. Pelton performs a site line study and then recommends removal of materials interfering with safe site lines.
2. No, while a request to consider lowering the speed limit on south bound Gage Blvd. can be made; the studies in the area point to a reduction in accidents when the speed in this area was increased from 35 mph to 40 mph. Mr. Pelton, explained that most of the traffic in this area was already moving at 40 mph and more rear end collisions occurred with vehicles attempting to maintain the posted 35 mph speed limit.

c. *"When was the new traffic study available and was it prepared with input from the traffic engineer who commented on the original plan traffic study?"*

- i. Response: One of the benefits of filing a new rezoning plan was the opportunity incorporate the thoughts from the Planning Staff, Planning Commission and the people who presented ideas to these two bodies. That includes the ideas of the traffic engineer, Mr. Huffman, who evaluated the original plan. Our traffic engineer corresponded with the other engineers in arriving at this design. The traffic study was given to the City on 8/7/14 and provided to the Mr. Huffman on 8/11/14 for his review and comment. Our traffic engineer, the traffic engineer for the City & Mr. Huffman will meet on 9/15/14 to discuss Mr. Huffman's review and ideas for improvement.

5. Property Values –

a. *"Will the change to commercial zoning at this intersection cause a decline in home values in the neighborhood?"*

- i. Response: No. While this is a difficult and subjective question, we have three points of analysis or professional opinions that refute the fact that rezoning these properties will reduce adjacent property values. We prepared a comparison of the declining home values at the subject property to residential properties adjacent to another Walgreens development in Topeka, Kansas. (See attached Exhibit C) This comparison points to the fact that Walgreens facilities adjacent to residential neighborhoods has not served to reduce their home values. So, what is contributing to the declining home values in the NW corner of 29th & Gage Blvd?

1. Does the addition of commercial property to residential areas negatively impact home values?
 - a. The first is a report published by Planners Web News & Information for Citizen Planners. In this report (attached Exhibit D), Wendy Grey, AICP, addresses how commercial development can improve increase the value of adjacent home values.
 - b. Relevant literature research & land economic analysis (attached Exhibit E) – Dr. Arthur C. Nelson, PhD, FAICP (Curriculum Vitae attached as Exhibit I). The findings of Dr. Nelson’s research point to the addition of the Walgreens facility as having a positive effect on home values in the neighborhood – *“the proposed development for this site including site planning recommendations of planning staff will likely result in higher detached residential property values throughout the vicinity as well as for detached residential units that are closest to the site”*
2. Can the growth of rental properties as a percentage of total homes lead to declining home values? Two Doctoral studies point to the idea that the growth of rental properties within Westview Heights is a leading cause of value declines.
 - a. The Impact of Rental Properties on the Value of Single-Family Residences (attached Exhibit F) by: Wang, Grissom, Webb and Spellman concluded – *“This study demonstrates that an inverse relationship exists between the value of a house and the presence of rental properties in the study area.”*
 - b. The Rental Next Door: The Impact of Rental Proximity on Home Values (attached Exhibit G) by: Wendy Usrey concluded – *“I find strong evidence that rental density plays an important role in determining a home’s overall selling price; with rentals located within ¼ mile of a property negatively affecting price”*
3. Highest and best use - The question of whether the crime rate within the neighborhood, the deteriorating condition of many of the homes within the project area, or the introduction of commercial zoning will most drastically impact property values going forward is a matter of opinion. The opinion of the owner of the largest residential brokerage firm in Topeka is that the crime rate and condition of existing properties has a greater impact on values than the introduction of commercial uses. (See attached Exhibit H).

6. Other Questions –

- a. *“Why does Walgreens want a new store across the road from their existing store?”*
 - i. Response: Their need for a new store is to better serve their customers. This store is one of only two Walgreens pharmacy’s in Topeka that is open 24 hours per day. Their existing store was originally an IGA and at 18,000sf is far too large for Walgreens who only requires approximately 14,500sf. The main reason for the move is the existing store does not have a drive-thru for pharmaceutical pick-up, a key service to their

customers. Walgreens site data also points to the fact that the move to the NW corner will improve traffic flow at this intersection by reducing lane crossing for access during the peak periods of the day.

Submitted this 11th day of September, 2014.

By: J. Mark Wittenburg

Company: Batis Development Company

Title: President

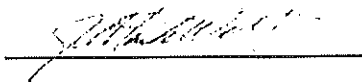
Signature: 

EXHIBIT A**Attendance Roster**

<u>Attendee</u>	<u>Mailing Address</u>
Mailing List Attendees:	
Adair, Charlotte M.	1603 Plass Ave.
Brooks, Kathryn	4525 SW 29 th St.
Coleman-Munoz, Sue	2934 SW Lydia Ave., Apt. 202
Carter, Janet	4009 SW 28 th Terr.
Goff, Auston	4201 SW 28 th Terr.
Hederson, Donna Lee	2804 SW Moundview Dr.
Kincy, Mark	2809 SW Gage Blvd.
McKinley, Ted J. & Sheri L	3244 SW MacVicar Ave.
Michaud, Patrick G & Sheryl K	4101 SW 28 th St.
Mzhickteno, Vernon L	3001 SW Lydia Ave., Apt. 212
Oshea, John J & Marcele A	4716 SW Cedar Crest Rd.
Stickley, Susan	4016 SW 28 th Terr.
Wichers Photography Inc.	4105 SW 29 th St.
Stolte, Viola	4337 SW 29 th Terr.
Yoho, Alex & Sheryl K	2813 SW Moundview Dr.
Dan & Mark Craig	8500 Shawnee Mission Parkway, Ste. L5, Merriam, KS
City Planning Staff:	
Annie Driver, City Planning Staff	
Bill Fiander, City Planning Dir.	
Developer Representatives:	
Mark Wittenburg	
Matt Werner	
Ed Baker	
Tara Nicholas	
Leon Osbourne, Kaw Valley Engineering	
Other Attendees:	
John Hutton, atty. for Craigs	100 SE 9th, Second Floor, Topeka, KS

EXHIBIT B**Presentation Materials Provided at Neighborhood Information Meeting**

EXHIBIT B - Continued

Presentation Materials Provided at Neighborhood Information Meeting (Continued)

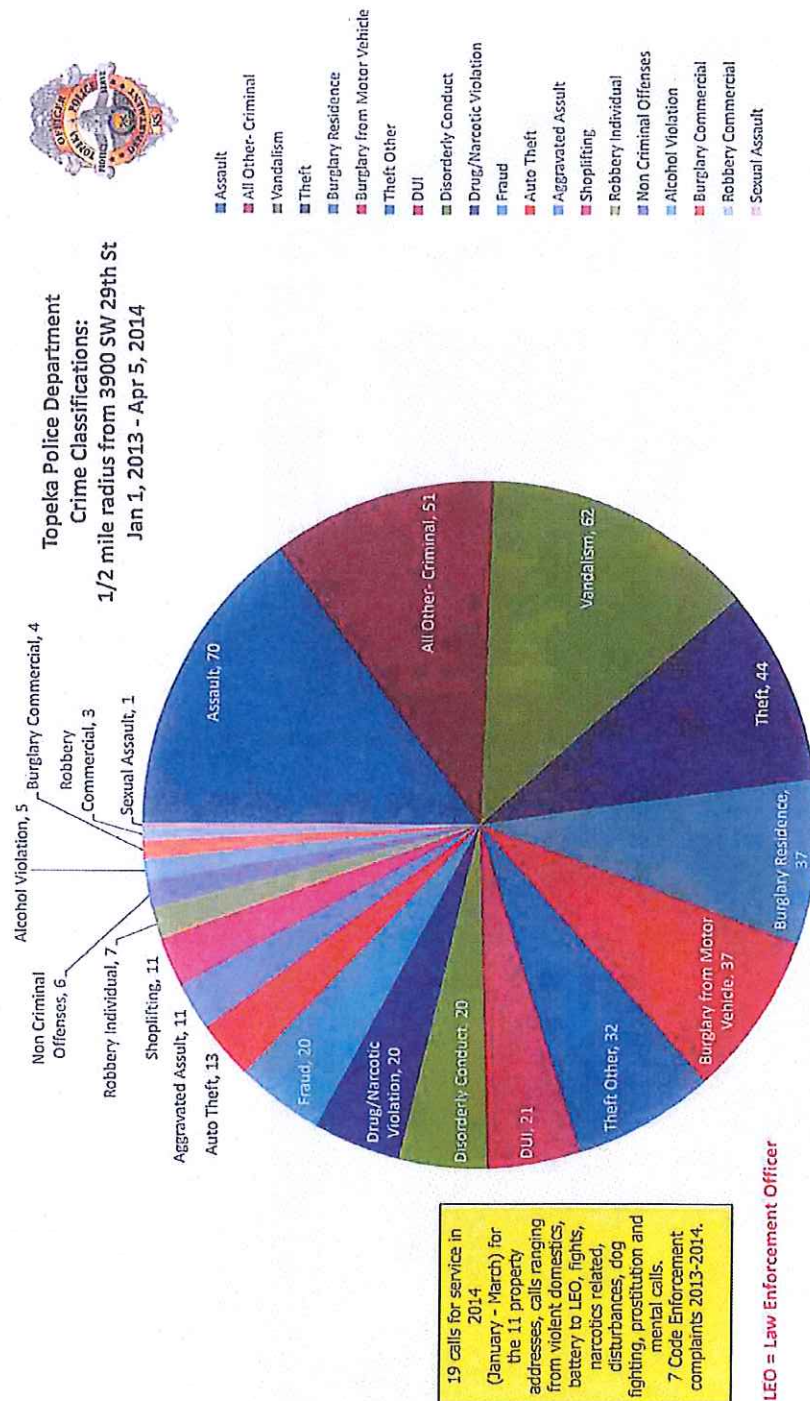


EXHIBIT B - Continued

Presentation Materials Provided at Neighborhood Information Meeting (Continued)

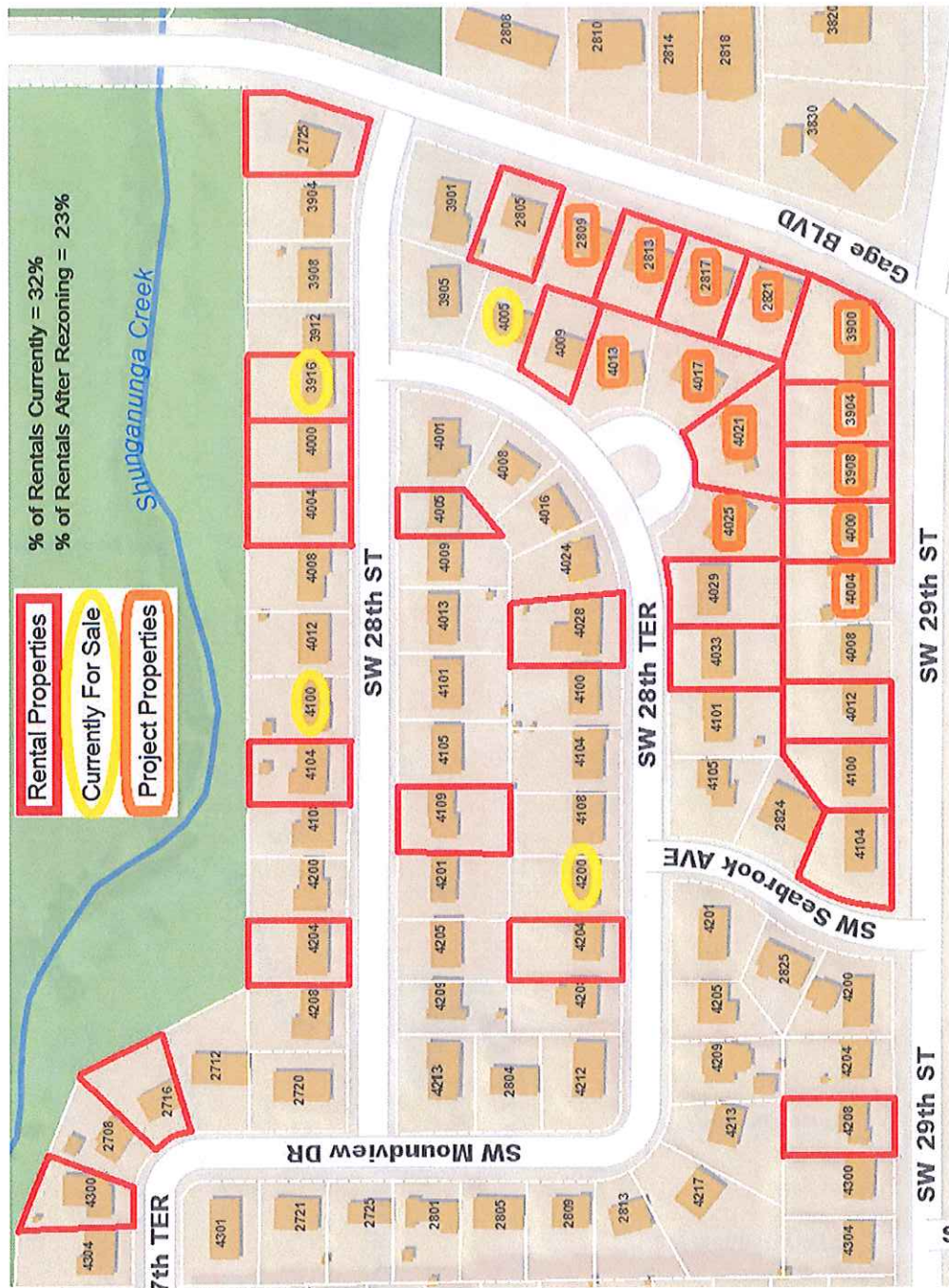


EXHIBIT B - Continued

Presentation Materials Provided at Neighborhood Information Meeting (Continued)

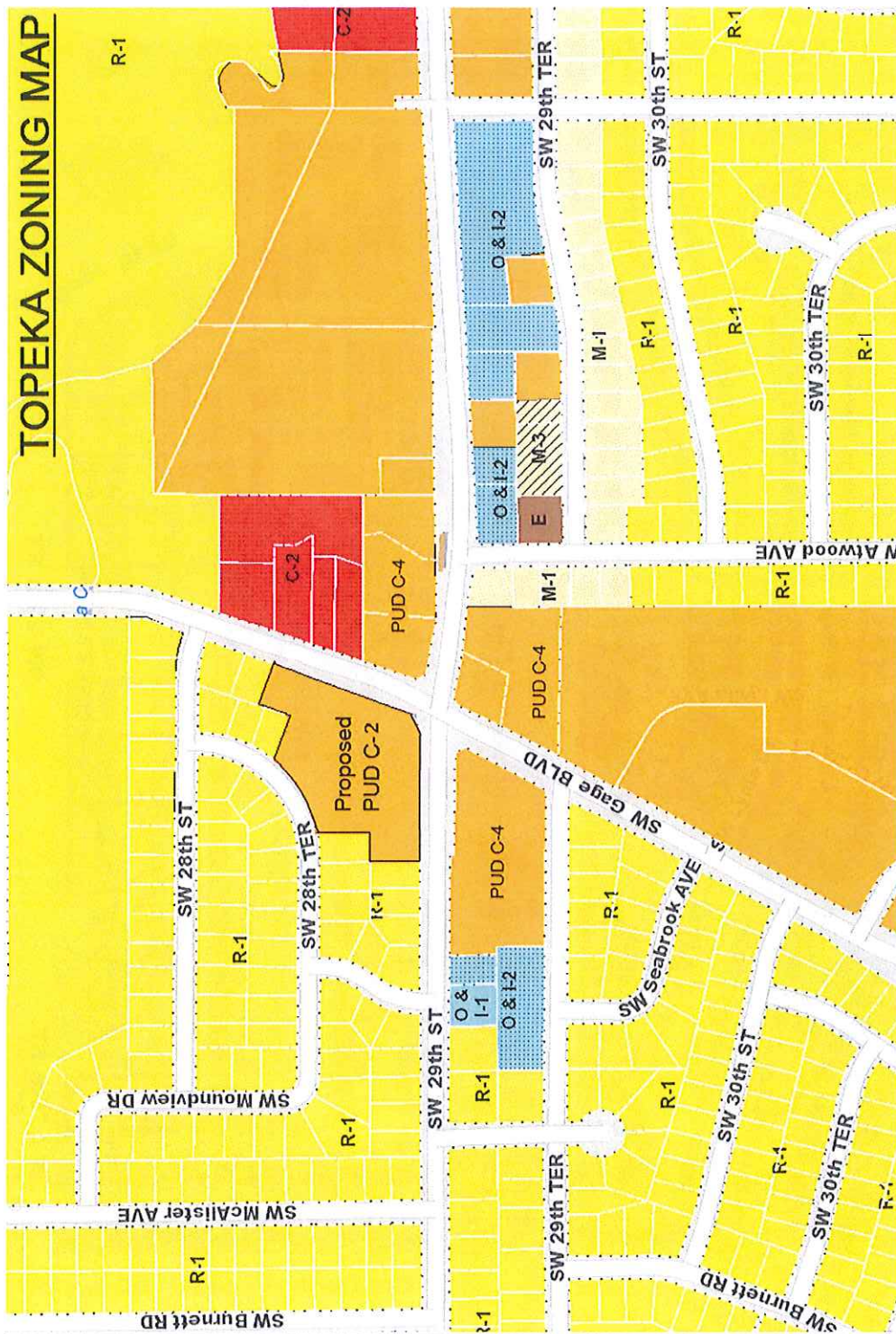


EXHIBIT B - Continued

Presentation Materials Provided at Neighborhood Information Meeting (Continued)

Examples of Taylor Junipers



Examples of Fence Materials



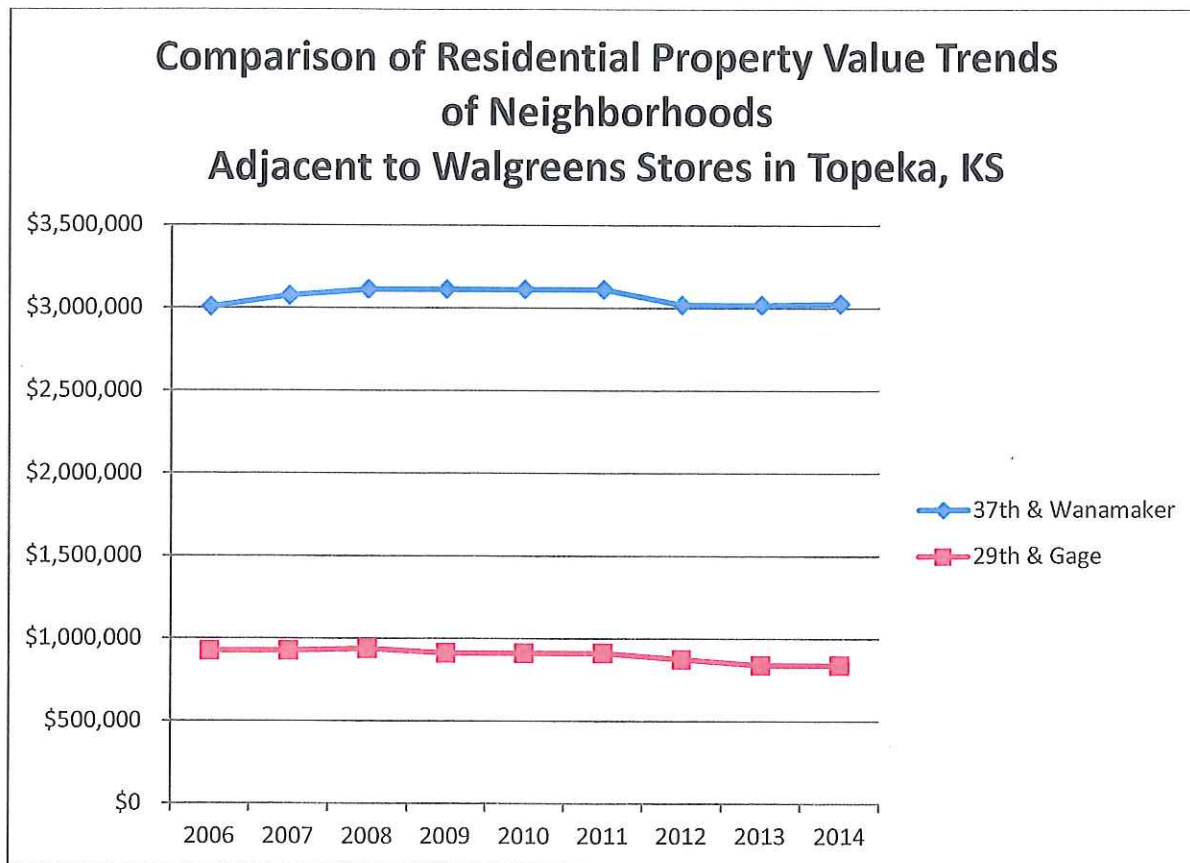
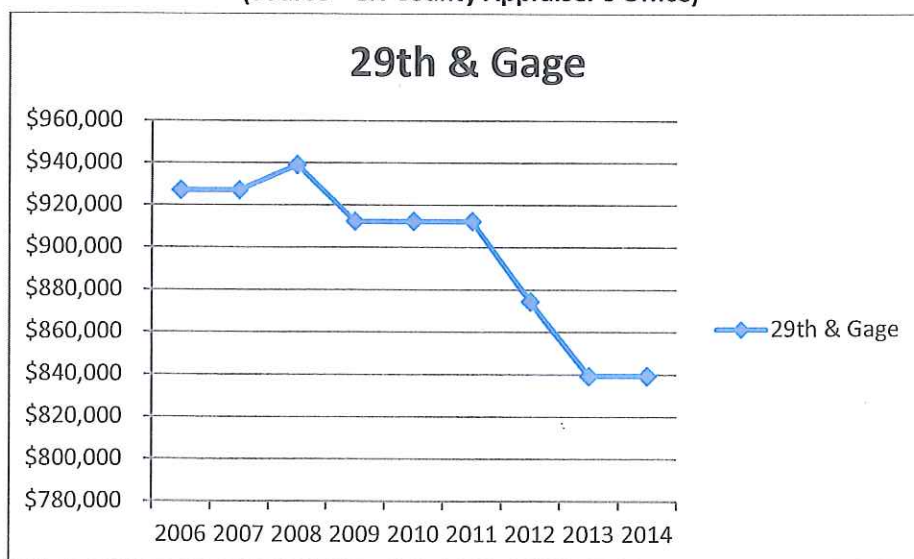
EXHIBIT B - Continued

Presentation Materials Provided at Neighborhood Information Meeting (Continued)



EXHIBIT C

Historic Value Trend of Project Properties
(Source – SN County Appraiser's Office)



100 S.E. 9th Street, 2nd Floor | Topeka, Kansas 66612-1213 | (785) 232-2200 | Fax (785) 232-3344
www.hensonlawoffice.com

Topeka Planning Commission
September 17, 2014
Page 2 of 3

Shawnee County Case No. 2014 CV 829 is attached hereto as **Exhibit B** for your reference. Given the restrictive timeframe caused by the zoning procedure and the indication by Batis Development that the houses will be torn down relatively quickly if a zoning decision in favor of Batis is made, my client applied for a preliminary injunction from the court to put any transaction on hold until such time as the court finally adjudicates the issue. Said Motion for Preliminary Injunction is attached hereto as **Exhibit C**. The hearing before the district court on the preliminary injunction is presently set for October 7, 2014. The court at that time could enjoin any further transaction of the Kincy and Mitchell properties which would make the proposed development in its present form impossible to construct.

In addition to significant legal questions about the developer's right to use the Kincy and Mitchell properties in its development, there remain significant issues pertaining to the traffic on both 29th Street and Gage Boulevard fronting the proposed development. At the June 16, 2014 Planning Commission hearing concerning this project, it was our understanding that the Planning Commission wished for a collaborative approach on further traffic study to take place. My client's retained traffic engineer, Chris Huffman, attempted to offer his services in collaboration to Kaw Valley Engineering on June 26, 2014. Unfortunately, those offers were rejected and Kaw Valley moved forward with its new traffic study without any assistance from Mr. Huffman. Unfortunately, the result is much as we expected. The revised Kaw Valley study leaves more questions than it gives answers. Kaw Valley's insistence on using "canned" traffic data as opposed to the actual data that was available and inaccurate traffic light timing data while allowing for additional commercial drives within the functional area of the intersection, leaves its study fatally flawed. Mr. Huffman's August 29, 2014 correspondence addressing these issues and others is attached hereto as **Exhibit D**.

One of Mr. Huffman's chief complaints about the Kaw Valley study is its lack of guidance as to what functional changes should be made at the subject intersection to allow it to properly handle both the traffic that is presently travelling through the intersection in addition to additional traffic that would be created by a retail development on the northwest corner of 29th and Gage. Given this concern, Mr. Huffman prepared his own capacity analysis of the 29th and Gage intersection and included his findings in his September 11, 2014 correspondence which is attached hereto as **Exhibit E**. As you can see, Mr. Huffman's findings demonstrate that the intersection is not operating at acceptable levels and that the additional turning traffic from the proposed development will worsen its performance, particularly in terms of safety risks. The bottom line is that the 29th and Gage intersection is simply not ready for additional commercial demand in its current configuration and requires significant design changes before additional redevelopment can occur. This is especially true given the developer's placement of commercial drives within the functional area of the intersection.

As is referenced in my June 13, 2014 correspondence, this project fails in the application of all of the relevant Golden v. City of Overland Park factors established by the Kansas Supreme Court. The developer and its retained engineers have steadfastly refused to use actual data and appropriate modeling to create a traffic impact study that reflects the actual condition at the intersection.

Topeka Planning Commission
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Page 3 of 3

Finally, the very ability of the developer to move forward with this project is presently being litigated in the Shawnee County District Court. If Batis Development is unable to use the Kincy and Mitchell lots, the project that is presently before the Planning Commission simply cannot be built. The traffic concerns identified by my client and other neighbors still have not been addressed by the applicant. As a result, we are left with the same conclusion that was reached back in June of this year. The proposed C-2 usage with a 24-hour, high volume retail store on this site is not necessary or appropriate. This project creates zero jobs and allows for more vacant retail space in Topeka, which is certainly a negative impact on the entire community. There are other options that exist which accomplish solutions for both the developer and the surrounding neighborhood and which have a much less significant impact on the 29th and Gage intersection and the safety of the travelling public.

Please vote to withhold your recommendation for this project.

Very truly yours,

HENSON, HUTTON,
MUDRICK & GRAGSON, LLP



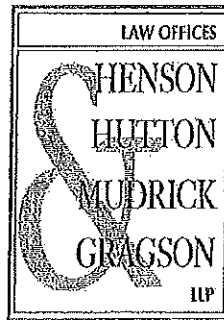
John H. Hutton

JHH/ss

Encs.

cc: Annie Driver, Dan Craig, Mark Craig (all via e-mail)

JOHN H. HUTTON*
 DAVID P. MUDRICK*
 J. PHILLIP GRAGSON*
 AMANDA S. VOGELSBERG*
 MATTHEW J. DONNELLY



Retired:
 CHARLES N. HENSON
 * Also Admitted In Missouri

Sender's e-mail
 jhutton@hensonlawoffice.com

File No.: 017831-00001

June 13, 2014

City of Topeka Planning Commission
 620 SE Madison
 Topeka, KS 66607

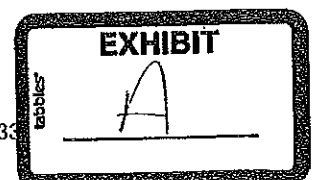
Re: Rezoning Application No. PUD 14/02

Dear Commissioners:

My client Market Place Shopping Center, LP opposes the above-referenced proposed zoning amendment. As this Commission is aware, its review of the proposed zoning amendment must be done in accordance with the factors set forth by the Kansas Supreme Court in *Golden v. City of Overland Park*, 224 Kan. 591 (1978). Unfortunately, this proposed zoning amendment fails to take into consideration the concerns of the surrounding neighbors, and the safety of the traveling public on 29th Street and Gage Boulevard. Further, this proposal is unnecessary. The development is ostensibly for the location of a 24-hour Walgreens store. Presently, there is a Walgreens store south of the proposed project area with approximately three years left on its lease and a site concept to build a free-standing store at its present location. All of these issues will be addressed below in our examination of the pertinent *Golden* factors as they relate to this case.

1. Character of the neighborhood: The neighborhood is clearly single-family residential. All of the homes that are proposed to be taken in this development are single family and all of the remaining homes are single family. In the City of Topeka's 2011 assessment of neighborhoods throughout the City, this area was identified as "healthy." See the City of Topeka Neighborhood Health 2011 Map attached hereto as Ex. A. In staff's zoning report, lengths are taken to describe the retail uses on the east side of Gage and the south side of 29th street; however, it is abundantly clear that a residential neighborhood will be significantly disturbed by this proposed project.

2. Zoning classification and use of surrounding properties: Again, the uses on the east side of Gage and the south side of 29th street are C-4 and C-2 uses. This project involves moving a C-2 use immediately adjacent to residential properties when the existing C-4 and C-2 uses have been separated from the residential properties by significant thoroughfares being Gage and 29th street for decades. Again, this R-1 use is part of a healthy neighborhood as described and identified by the City of Topeka.



Topeka Planning Commission
June 13, 2014
Page 2 of 4

3. Length of time property has remained vacant as zoned or used for its current use under present restrictions: The subject area has been purely residential for at least 55 years. Each individual who purchased a home adjacent to the proposed redevelopment purchased in an established residential neighborhood with no forewarning that a C-2 usage could be developed immediately adjacent to their home especially when that C-2 usage (Walgreens) was already well established much further to the south, on the south side of 29th street in its own separate development.

4. Suitability of property for uses to which it has been restricted: Both the developer and City staff are approaching this project on the basis that some sort of "urban renewal" is required or necessary on the northwest corner of 29th and Gage. In fact, staff notes that "the subject properties along southwest Gage and 29th are no longer suitable for single family dwellings based upon the pattern of surrounding land uses, the location of the property at the intersection of the two principle arterials and their condition." Staff seems to feel that since they have identified a few houses within the proposed redevelopment area that are problematic that the remaining neighbors whose homes are in excellent shape must now be forced to live next to a C-2 usage which will be a 24 hour Walgreens store. Unfortunately, staff's analysis of this factor fails to take into consideration the fact that there are numerous classifications between R-1 and C-2 which are less intensive ranging from single family, multiple family and office and institutional classifications. Zoning regulations cannot dictate the specific type of development that will be constructed at a certain site; however, this Commission certainly realizes that the role of zoning regulations and indeed this Planning Commission is to assure that the intensity of the proposed land use is not overwhelming and damaging to the existing property owners. The proposed development intends to skip over 12 less intensive land use classifications to get to the intensive C-2 use necessary for the proposed development.

5. The extent to which removal of the restrictions will detrimentally affect nearby properties: It is unquestioned that a C-2 use which is proposed to be a 24-hour, high volume retail operation will detrimentally affect the remaining neighbors. The staff so much as agrees with this assertion by indicating that "removal of the present restrictions may have detrimental effect upon the nearby single-family residential properties without effective buffering techniques." Unfortunately, for those properties that are immediately adjacent to the proposed development, there are no effective buffering techniques, especially when those residential structures are within eight to ten feet from the property line. It is absurd to think that a ten foot fence will adequately dampen sound from delivery trucks which according to staff's proposed restriction would be allowed to start their deliveries at 5:00 a.m. in the morning. There is a significant portion of the population that reasonably expects to be asleep for at least several more hours beyond 5:00 a.m.

Topeka Planning Commission
June 13, 2014
Page 4 of 4

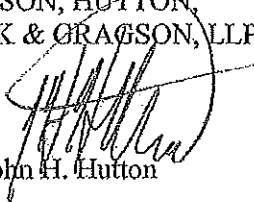
to rely on these plans. The citizens in the area adjacent to the proposed development have a right to rely on continued R-1 for their neighborhood.

This proposed project is destructive to property rights, and public safety. The Planning Commission should take a very hard look at this project. A rushed decision could have far reaching negative impacts on this area for years to come. The proposed C-2 usage with a 24 hour, high-volume retail store on this site is not necessary or appropriate. Other options exist which accomplish solutions for both the developer and the surrounding neighborhood.

Please do not recommend approval of this zoning amendment.

Very truly yours,

HENSON, HUTTON,
MUDRICK & GRAGSON, LLP



John H. Hutton

JHH/ss
cc: Bill Flander (via email)



September 11, 2014

Mr. John H. Hutton, Attorney at Law
Henson, Hutton, Mudrick, Gragson, LLP
100 SW 9th Street, 2nd Floor
Topeka, KS 66601-3555

RE: Capacity Analysis of 29th & Gage Intersection

Mr. Hutton,

A chief concern of mine regarding the traffic impacts of the proposed redevelopment of the northwest quadrant of SW 29th Street and SW Gage Boulevard intersection has been the methods and data utilized to analyze the existing capacity and level of service for this intersection. As was established in the June 2014 Planning Commission Meeting, a level of service of "D" is the minimum acceptable level of service for a signalized intersection in an urban area. That the Kaw Valley Engineers' Traffic Impact Study (TIS) showed a level of service of "D" for this intersection concerned me because of the methods and data employed in the analysis. I had communicated a number of concerns via e-mail and phone regarding the TIS report, and had offered to consult regarding concerns, but the revised TIS report dated August 1, 2014 employs essentially the same data and methodology originally utilized. I have, therefore, analyzed the SW 29th Street and SW Gage Boulevard intersection using more appropriate input parameters and analysis methods. In so doing, I have consulted with two colleagues of mine, including the Manager of the MCTrans center at the University of Florida (the University Transportation Center that programs and supports the Highway Capacity Software suite). The purpose of this letter is to convey my findings and recommendations. In brief, I conclude that the functional area of the intersection of SW 29th Street and SW Gage Boulevard is not configured to accept additional commercial traffic demands or turning movements at this time. Before additional commercial traffic or turning demand is added to this functional intersection area, improvements on all four approaches should be made including:

- Construction of dedicated right turn lanes,
- Reservation of rights of way for future dual-left turn lanes OR lengthening of the dedicated left turn lanes by means of non-traversable median, and
- Construction of non-traversable median for a minimum distance of 1000'

The foundation for these recommendations follows.

Peak hour turning movement counts (intersection demand) is where any capacity and level of service analysis begins. Timely and accurate collection of vehicle counts underpin any analysis and the method with which vehicles are counted is critical to an accurate understanding of intersection demand. David

534 S Kansas Ave., STE 1108
Topeka, KS 66601
888.804.4367



Access and Corridor Management
Right of Way Services
Technical Training



Wood, PE PTOE confirmed in an e-mail dated September 5 that "We count departure volumes. Vehicles were counted as they entered the intersection in order to identify the specific movements." I understand this to mean that vehicles were counted as they crossed the stop-bar on each approach. I understand the need to differentiate the through and turning movements; however, regarding demand flow rates, Page 18-9 of the Highway Capacity Manual 2010 states that

"Demand flow rate represents the flow rate of vehicles *arriving* at the intersection. When measured in the field, this flow rate is based on a traffic count taken upstream of the queue associated with the subject intersection. This distinction is important for counts during congested periods because the count of vehicles departing a congested approach will produce a demand flow rate that is lower than the true rate."

Therefore, the volumes provided in the TIS for analysis are almost certainly underestimations of true demand in the functional intersection area. Regrettably, this shortcoming cannot be immediately remedied because of the disruption caused by the construction zone, and accurate demand counts must wait for some time following removal of the construction zone to allow traffic to normalize.

Since the provided traffic numbers are the only recent data available, I also utilized them to perform a capacity analysis using HCS 2010 Software, as I have recommended to Kaw Valley. For uncoordinated signal analysis, with an odd combination of platooning of arriving traffic and isolated operations HCS 2010 is, in my opinion, the most appropriate tool for quality of flow and level of service analysis. Utilizing the traffic volumes provided by Kaw Valley and the signal phasing and timing information provided by the City of Topeka, the peak 15 minute period results in an Intersection Level of Service of "E" (unacceptable level of service) even with full actuation in place and assuming that maximum green times are not called. The resulting traffic queues from this operation on the north and west legs of the intersection range from 11.5 vehicles (approximately 288 feet) to 20.3 vehicles (approximately 508 feet).

- Conclusion – even with underestimated demand and under the assumption that maximum green times are not called by the signal operation, the intersection level of service is unacceptable, and the proposed driveways will be blocked for some, if not all, movements into and out of the drives. A copy of this intersection level of service report is attached for reference.

Given the likely underestimation of demand, and given the observed peak hour operation of maximum green time calls for major intersections during peak hours, a slightly different operating condition is also analyzed. If true traffic demands cause the signal to call the maximum green times during the same 15 minute peak period, then the intersection level of service will be negatively impacted. I modified the analysis to reflect calls for maximum green time on any movement that exceeded 50 vehicles in the peak 15 minutes, and the resulting Intersection Level of Service drops to "F" (failed level of service). The



resulting traffic queues on the north and west legs of the intersection range from 16.5 vehicles (approximately 413 feet) to 32.6 vehicles (approximately 815 feet).

- Conclusion – if maximum green times are called on the signal on a consistent basis during the peak period for demands exceeding 50 vehicles, then the intersection fails across the board for the majority of movements. The proposed driveways will be blocked for most, if not all, movements into and out of the drives. A copy of this intersection level of service report is attached for reference.

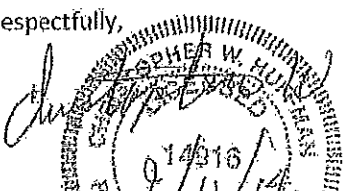
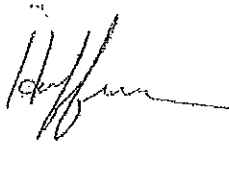
The likelihood of ALL maximum green times being called during a peak 15 minute period may be remote, even for higher volume movements. If, instead, the truth lies between underestimated demand / actuated operation level of service and the underestimated demand / max call level of service then the question is: does the SW 29th Street and SW Gage Boulevard intersection operate at an unacceptable Level of Service "E", or at an unacceptable Level of Service "F"?

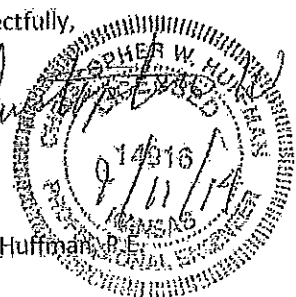
In conclusion, it is my opinion that the functional area of the SW 29th Street and SW Gage intersection is not ready for additional commercial demand in its current configuration. Before additional redevelopment occurs within this functional area I recommend the following:

- That dedicated right turn lanes be constructed for all approaches,
- That reservation of right of way for future dual-left turn lanes on all approaches be initiated, OR that the existing dedicated left turn lanes are lengthened by means of non-traversable median, and
- That non-traversable medians be constructed on all approaches for a minimum distance of 1000'.

I am at your disposal if further discussion would be of benefit:

Respectfully,



Chris Huffman, P.E.



GRIFFITH & BLAIR
AMERICAN HOME

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5120 SW 28TH STREET
TOPEKA, KS 66614-2399

BUS. (785) 273-1330
FAX (785) 273-2303

MACVICAR OFFICE
2222 SW 29TH STREET
TOPEKA, KS 66611-1997

BUS. (785) 267-2700
FAX (785) 267-8600

June 9, 2014

Mr. Bill Fiander, Director of Planning
City of Topeka
620 SE Madison
Topeka, Kansas 66607

RE: REZONING REQUEST FOR NWC OF 29TH & GAGE BLVD

Dear Mr. Fiander:

I have driven by this intersection every work day for the past fifteen years and have watched the deterioration of the homes close to the northwest corner of 29th and Gage Boulevard. Since the other three corners of the intersection are commercial in nature, it is very unlikely that any residential improvement will ever be made to these properties to improve the overall value to the neighborhood.

The plan for the commercial development of the property is the most logical scenario for improving the current situation. The adjoining property owners to the proposed development may prefer to see residential development of the area; but the economics of such an investment are indeed remote. The stabilization of property values for the area would best be protected by replacing the crime-infested residential rental units with the proposed commercial development occupied by Walgreens, a substantial corporate citizen which has already proven its interest in maintaining its property for the benefit of its customers and neighbors.

Thank you for your consideration. I am looking forward to a nicer drive home.

Sincerely,

Bryon R. Schlosser, President

Annie Driver

From: Bill Fiander
Sent: Tuesday, August 12, 2014 12:07 PM
To: lashbaugh@cox.net
Cc: Annie Driver
Subject: RE: rezoning of 29th & gage

Follow Up Flag: Follow up
Flag Status: Completed

Mr. Ashbaugh,

Thank you for your comments. I will forward these on to the Planning Commission.

Bill Fiander, AICP
 Planning Director
 City of Topeka Planning Department
 620 SE Madison, 3rd Floor
 Topeka, KS 66607
 (785) 368-3728
www.topeka.org

-----Original Message-----

From: lashbaugh@cox.net [<mailto:lashbaugh@cox.net>]
Sent: Monday, August 11, 2014 11:51 PM
To: Bill Fiander
Subject: rezoning of 29th & gage

Bill, as the present location for walgreens is larger than needed and there is no drive up pharmacy, 29th terrace is next to the center, it should be easy enough to put a drive up window on the south side of the building, put a paved area along side of the building and there is their drive up window which eliminates the need to build a new building. There is already empty space in the shopping center, what is going to happen to the empty store when their lease expires in 3 years if they don't renew. Would they be wanting to move across the street if there wasn't a new drug store moving into 21st & gage (sw corner)?

We have lots of empty business buildings with no takers throughout Topeka now. I moved in the area in 1976, raised our son & we are satisfied with the neighborhood except for the difficulty in going east onto Gage at 28th Street where there is an entrance to gage. If you are going north, within a couple of hundred feet, there is a bridge and the road curves to the southwest, the city raised the speed limit to 40 miles an hour a few years ago & that is the least of what they go. You have traffic going north on the east side of gage, there are trees and bushes at the creek and on the private house on the northwest corner of gage & 28th street which sometimes you get a glimpse of the wheels of a car going south toward you and you gun

it and get across the street. I have called the street department and they trimmed around the creek last year but say they cant do anything about private property. I understand that and asked the owner about 2 years ago and he let us cut down and haul away a large tree which helped somewhat. If it was your neighborhood, how would you feel about the business intrusion, noise, increased traffic problems, etc. Thank you for your consideration. Sincerely, Les Ashbaugh



KAW VALLEY ENGINEERING, INC.

* Only includes
portion of TIS.
The complete TIS
is on Planning
Dept website *

**TRAFFIC IMPACT STUDY
WALGREENS
SW 29th STREET AND SW GAGE BOULEVARD
TOPEKA, KANSAS**

Prepared For:

BATIS DEVELOPMENT COMPANY
2933 SW Woodside Drive, Suite 200
Topeka, Kansas 66614

Prepared By:

KAW VALLEY ENGINEERING, INC.
14700 West 114th Terrace
Lenexa, Kansas 66215

April 17, 2014
Updated: August 1, 2014

Project No. A14D6828

Consulting Engineers

14700 W. 114th Terrace
 Lenexa, Kansas 66215
 www.kveng.com



Tel: 913-894-5150
 Fax: 913-894-5977
 E-mail: LX@kveng.com

KAW VALLEY ENGINEERING, INC.

August 1, 2014

A14D6828

Batis Development Company
 2933 SW Woodside Drive, Suite 200
 Topeka, Kansas 66614

**RE: WALGREENS
 SW 29th STREET AND SW GAGE BOULEVARD
 TOPEKA, KANSAS**

On the behalf of Batis Development Company, Kaw Valley Engineering, Inc. (KVE) has updated the Traffic Impact Study for a proposed Walgreens on the northwest corner of SW 29th Street and SW Gage Boulevard in Topeka, Kansas based on the revised development submitted for rezoning. The purpose of this study is to assess current traffic conditions and to determine the impact of additional traffic on the surrounding street system generated by the proposed development. This study update also addresses comments and questions raised by City Staff on May 13, 2014 as well as concerns submitted by Henson, Hutton, Mudrick and Gragson, LLP to the City of Topeka Planning Commission on June 13, 2014

This report has been completed in accordance with City requirements as discussed with City staff and will be submitted to the City of Topeka, Kansas for review. This report summarizes our findings and focuses on the impacts the proposed project will have on traffic during the typical weekday AM and PM peak hour periods. The report includes an analysis of existing conditions and traffic volumes, proposed traffic projections, capacity analysis and recommendations for improvements that would be warranted by the development of this property.

DEVELOPMENT DESCRIPTION

The Batis Development Company is proposing the construction of a 14,820 SF free standing Walgreens with Drive Thru. The proposed development will be located on the northwest corner of SW 29th Street and SW Gage Boulevard in Topeka, Kansas. The general location of the site relative to major streets is shown on Figure 1. The site plan for the proposed development is shown on Figure 2. The proposed development will be constructed in a single phase and additional development on the property in the future is not anticipated. The developer is proposing one site access point on SW 29th Street and one access point on SW Gage Boulevard. Although not specifically addressed in this study, the site configuration should be designed to accommodate easy access to parking areas as well as truck loading areas along the building while limiting conflict points internal to the site. The site designer should evaluate internal turning radii and driveway widths to accommodate both passenger and truck traffic. The recommended location and configuration of the drives in relation with street offsets is discussed later in the report.

other locations

Junction City, Kansas Kansas City, Missouri Salina, Kansas

EXISTING ROADWAY CONDITIONS AND TRAFFIC VOLUMES

SW 29th Street is a four lane undivided roadway with a center two way left turn. In the southeast corner of the proposed development, SW 29th Street intersects with SW Gage Boulevard. SW Gage Boulevard is also a four lane undivided roadway with a center two way left turn lane. The intersection of SW 29th Street and SW Gage Boulevard is signalized. The two way left turn lanes transition to a single dedicated left turn lane at the intersection with a raised median. The posted speed limit is 40 mph on both SW 29th Street and SW Gage Boulevard. Both roadways would be classified as arterials and are the primary corridors used to access Interstate 470, a mix of residential areas as well as small commercial developments. Refer to Figure 3 for an illustration of the existing street layout adjacent to the development.

To assess the impacts of the proposed development, KVE collected Peak Hour Traffic counts for the A.M. and P.M. peak hour on Wednesday April 2, 2014. Manual turning movement counts were collected at the following intersections:

- SW 29th Street and SW Gage Boulevard

Additional counts were taken for the AM peak hour at SW 29th Street and the commercial drive on the south side of the street. KVE did not collect the 2014 ADT as part of the Traffic Impact Study for this project. During the due diligent phase of this project, Annual Average Daily Traffic (AADT) was obtained from the City of Topeka for 2011. The 2011 counts indicated that the AADT on 29th Street adjacent to the development was 12,565 Vehicles Per Day (VPD). The AADT on SW Gage Boulevard is 21,290 VPD. Assuming the peak hour counts fall within a typical range of 8 to 12% of the AADT, the 2014 AADT is similar to the 2011 AADT.

Refer to Figure 4 for the Existing A.M. and P.M. Peak Hour Traffic Volume and Distribution Diagrams.

DRIVEWAY SPACING AND ACCESS MANAGEMENT

The fundamental concern that needs to be addressed by the site designer is proper planning for future traffic volumes and access management. As stated earlier, the Batis Development Company is proposing to construct two driveways to serve the Walgreens. One entrance is planned to be located on SW 29th Street. This entrance is noted to be 36' wide to allow one ingress and two egress lanes and is shown to be approximately 300' west of the west curb line of the 29th and Gage intersection. The proposed driveway is aligned with an existing driveway to the commercial development on the southwest corner of 29th Street and Gage Boulevard. The second driveway proposed to be constructed as part of the Walgreen's development is to be located on SW Gage Boulevard approximately 340' north of the north curb line of the 29th and Gage intersection. This access is illustrated as a ¾ driveway with one ingress and one egress lane. Egress is restricted to right out only. The Gage Boulevard access is aligned with the north driveway serving the commercial development in the northeast quadrant of the intersection of SW 29th Street and SW Gage Boulevard. To maximize accessibility to the proposed Walgreen's the number of access points to the property is appropriate, but the site designer needs to consider the impact and spacing the proposed driveways have on the traffic operations of the adjacent street network and driveways.

The anticipated traffic volumes expected to be generated by this project will not significantly increase the traffic on the adjacent street network, but the proposed Walgreens will replace a small number of single family homes and consolidate driveways into higher volume commercial access points. Proper driveway spacing and controls on traffic movements should be considered. To enhance safety, it is recommended that the site designer considers the functional area of the adjacent intersections and the impacts constructing driveways in close proximity to adjacent intersections has on traffic operations. AASHTO states the driveways should not be situated within the functional boundary of at grade intersections. This boundary is traditionally recognized as the physical limits of the intersection including the limits of auxiliary turn lanes, but should also be expanded to include the functional area comprising of queues, reaction and maneuvering distance as practical. Research has indicated that to enhance safety, the average driver should expect to clear an intersection or complete one maneuver prior to being expected to encounter another decision due to downstream traffic operations. Based upon the design speed of both SW 29th Street and SW Gage Boulevard the recommended spacing between site driveways and adjacent intersections can be determined from the information presented in Table 1 below.

Table 1

TABLE 1							
		Limiting Conditions			Desirable Conditions		
Upstream Functional Area	Speed	PIEV Plus Deceleration (ft)	Queue 95% (ft)	Total (ft)	PIEV Plus Deceleration (ft)	Queue 95% (ft)	Total (ft)
Eastbound on SW 29th Street	40 mph	335	TBD	335 + Queue	490	TBD	490 + Queue
Southbound on SW Gage Boulevard	40 mph	335	TBD	335 + Queue	490	TBD	490 + Queue
Downstream Functional Area	Speed	AASHTO SSD (ft)	Downstream Functional Area 2013 KDOT AMP	Left Turn Driving Task (ft)			
Westbound on SW 29th Street	40 mph	335	245	90			
Northbound on SW Gage Boulevard	40 mph	335	245	90			

Source: 2013 KDOT Access Management Policy Table 4.4

Based on the recommendations presented in Table 1, both proposed access points for Walgreen's will have vehicular movements that fall within the functional area of the intersection at SW 29th Street and SW Gage Boulevard. However, the site designer has illustrated that the proposed driveways will be constructed as far as practical from the SW 29th Street and SW Gage Boulevard intersection. The proposed driveways align with respective commercial driveways on the opposite side of the roadway and are constructed at approximately mid-block locations between the SW 29th Street and SW Gage Boulevard intersection and the first residential street intersection north and west of the 29th and Gage intersection. It is likely that during peak hours the traffic demand on 29th and Gage Boulevard queuing at the signalized intersection would occasionally restrict access to both the existing driveways along the corridor as well as the proposed Walgreens access points. This will be discussed further in the Capacity and Queuing Analysis section later in the report.

SIGHT DISTANCE

The guidelines for sight distance analysis are based upon the design guidelines for intersection sight distance for at-grade intersections published in the American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highway and Streets, 2004 Edition. Refer to Table 2 for the recommended sight distances for driveways.

Table 2

Intersection Sight				
Access Location and Turning Movement		Design Speed*	AASHTO Recommended Distance Passenger Car	AASHTO Recommended Distance Single Unit Truck
Driveway on SW 29th Street	Left	40	500**	620**
	Right		385	500
Driveway on SW Gage Boulevard	Left	40	500**	620**
	Right		385	500

* Design Speed was assumed to be statutory speed of 40 mph.

** Intersection Sight Distances based on five lane road for left turns.

The recommended intersection sight appears to be available along the frontage of the Walgreen's property. The topography within the vicinity of the proposed development is generally level with limited horizontal curvature. The developer is advised that care should be taken by the site designer to not locate landscaping or development signage within the sight triangles at each driveway.

SITE TRAFFIC PROJECTIONS

The analysis of the proposed development's impact included estimates of vehicle trip generation and distribution of trips onto the street network. This study focuses on the typical weekday AM and PM peak hours as well as additional ADT since the development is commercial in nature. Vehicle trip generation estimates were determined using the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition. Based on the anticipated use of this development, ITE Code 881 for a drug store with drive through window seemed most appropriate for this development. PM Peak hour trip generation counts were also collected at a Walgreen's with drive thru in the Topeka area to confirm statistical accuracy of the ITE trip generation manual. These counts were plotted on ITE trip generation graphs in the appendix of the report and fell within the range of rates and standard deviation presented on the ITE graphs. The estimated daily AM and PM peak hour volumes used in the study are shown in Table 3.

Table 3 - DEVELOPMENT TRAFFIC**Walgreens**

ITE Trip Generation: 9th edition					
Land Use	1000 GFA	ITE Code	Daily Traffic	AM Peak Hour	PM Peak Hour
Drug Store with Drive Through Window	14.82	881	1436	51	147
	Enter		718	27	73
	Exit		718	25	73

Page: 1801-1804

Average Rate used

TRIP DISTRIBUTION

Using the trip generations above, the projected traffic was distributed onto the existing street system. It was assumed the site-generated traffic would follow a similar distribution pattern to existing traffic. Using these assumptions, site-generated traffic was distributed onto the adjacent roadway network. The general trip distributions are summarized in Table 4.

Table 4

Trip Distribution (Table 4)	
Direction	Site Distribution Proposed
To/From East on SW 29th Street	30%
To/From West on SW 29th Street	20%
To/From North on SW Gage Boulevard	25%
To/From South on SW Gage Boulevard	25%
Total	100%

The projected traffic volumes were superimposed onto the street system with the existing traffic. The area in the general vicinity of the proposed Walgreens is developed and it is anticipated that future growth in background traffic adjacent to the development will be limited and therefore was not analyzed. Refer to Figure 5 for the Proposed AM and PM Peak Hour Traffic Volume Diagram.

CAPACITY AND QUEUING ANALYSIS

The peak hour traffic volumes at the study intersections were analyzed to determine the operational characteristics during the peak hours of a typical weekday for the following scenarios:

- Existing Conditions
- Existing Plus Proposed Conditions

The study intersections were analyzed using procedures and methodology outlined in the Highway Capacity Manual 2000 (HCM) produced by the Transportation Research Board. The intersections were evaluated using Level-of-Service (LOS). An intersection operational analysis is typically quantified by the LOS experienced by drivers. LOS ranges from 'A' to 'F'. LOS 'A' represents free flow movement of traffic and minimal delay. LOS 'F' is usually an

indication of congested conditions and excessive delay. Intermediate grades indicate incremental increases in congestion and delay. The LOS deemed acceptable varies by community and facility type. LOS of 'E' or 'F' are often acceptable for low or moderate traffic volumes such as private driveways or intersections where signalization warrants are not met or a traffic signal may be undesirable. The criteria for LOS as defined by delay for an unsignalized and signalized intersection is listed in Table 5.

Table 5

Level-of-Service: Delay Threshold		
Level-of-Service (LOS)	Unsignalized Intersection Approach Delay (Sec/Veh)	Signalized Intersection Approach Delay (Sec/Veh)
A	0-<10	0-<10
B	10-<15	10-<20
C	15-<25	21-<35
D	25-<35	35-<55
E	35-<50	55-<80
F	>50	>80

A queuing analysis was also performed for the study intersections. This type of analysis will be used to determine if the proposed driveways are adequately spaced, there are potential conflicts with the access points and determine if dedicated turning lanes or additional length to turning lanes may be required. Results are presented as the 95th Percentile Queue. Moreover, the 95th Percentile Queue is a measurement of the expected length (queue) of traffic that would develop because of traffic control at an intersection. The 95th percentile was used to account for traffic fluctuations. The analysis was conducted using Synchro 6 software developed by Trafficware. The results of the analysis are included in the appendix of the report and the Synchro files have been provided to the City for verification. It should be noted that the results of the Synchro analysis may overestimate actual signal delay and underestimate queue lengths in comparison to the Highway Capacity Software, but it is the understanding of KVE that Synchro software is an acceptable modeling software to the City of Topeka and the results can be used to obtain a general assessment of traffic operations and additional delay and queuing that may be expected to occur following the construction of the Walgreen's.

The results of the analyses as well as recommendations for improvements to the study intersections are listed below for each of the scenarios evaluated.

EXISTING CONDITIONS

The results of the capacity analysis for the existing AM and PM peak hours are summarized in Table 6. The intersection of SW 29th Street and SW Gage Boulevard was evaluated using the existing traffic volumes, roadway geometry, and traffic control as indicated on Figure 3 to determine the extent of the existing queues and level of service at the signalized intersection.

Table 6

Summary of Results: Capacity & Queuing Analysis							
Existing Conditions							
Intersection	Movement	PM Peak Hour			PM Peak Hour		
		LOS	Delay (sec/veh)	95% Queuing	LOS	Delay (sec/veh)	95% Queuing
SW 29th Street and SW Gage Boulevard	All Movements	D	42.3	-	D	49.5	-
	Eastbound Left			240			243
	Eastbound			197			295
	Westbound Left			161			313
	Westbound			287			388
	Northbound Left			72			146
	Northbound			396			310
	Southbound Left			176			307
	Southbound			166			289
West Driveway and SW 29th Street	Westbound Left	A	9.1	1	A	9.9	4
	Northbound	C	16.6	6	D	30.6	39

Using a base signal timing of 120 seconds (typical maximum cycle length for urban signalized intersections), the results of the analysis for the existing conditions indicate that the intersection is could operate at a LOS D. This is typically an acceptable operating threshold for urban areas during peak hour. More importantly the queuing analysis indicate that during a typical AM and PM peak hour, the vehicle queue that develops due to the traffic signal will have a high probability of impacting traffic flow into and out of both the existing and proposed commercial driveways in all directions due to the proximity of the driveways to the existing signal. It should be noted that at a 120 second cycle length, certain movements during the peak hours may not have sufficient green time to fully clear a developed queue and actual queues observed in the field may be longer. Regarding the proposed Walgreens, the anticipated spillback will have the greatest impact on the northbound left turn movement at the Gage Boulevard driveway downstream of the traffic signal.

EXISTING PLUS DEVELOPMENT CONDITIONS

As stated earlier, Batis Development Company is proposing a full access driveway on SW 29th Street and a ¾ access on SW Gage Boulevard. This configuration has been analyzed to determine the impact the proposed development will have on the adjacent street network. The results of the capacity analysis for the proposed AM and PM peak hours are summarized in Table 7. Refer to Figure 5 for the Proposed AM and PM Peak Hour traffic volume diagram.

Table 7

Summary of Results: Capacity & Queuing Analysis							
Proposed Conditions							
Intersection	Movement	AM Peak Hour			PM Peak Hour		
		LOS	Delay (sec/veh)	95% Queuing	LOS	Delay (sec/veh)	95% Queuing
SW 29th Street and SW Gage Boulevard	All Movements	D	43.3	-	D	51.7	-
	Eastbound Left			248			269
	Eastbound			197			304
	Westbound Left			161			313
	Westbound			293			406
	Northbound Left			74			154
	Northbound			400			320
	Southbound Left			187			326
	Southbound			169			303
North Driveway and SW Gage Boulevard	Eastbound Left	-	-	-	-	-	-
	Eastbound Right	B	10.6	2	B	12.4	4
	Westbound Left	F	74.5	2	F	87.3	21
	Westbound Right	B	11.3	0	B	10.6	1
	Northbound Left	A	9	1	B	10.5	3
	Southbound Left	B	12.5	0	B	10.7	1
West Driveway and SW 29th Street	Eastbound Left	A	8.6	0	A	9.7	2
	Westbound Left	A	9.1	1	A	9.9	4
	Northbound	C	19.2	8	E	47.6	58
	Southbound Left	C	23.1	4	F	81.2	55
	Southbound Right	B	10.1	1	A	9.4	2

The results of the analysis for proposed conditions indicate that the development of the Walgreen's will have little impact on the adjacent signalized intersection at 29th and Gage Boulevard with minor increases in delay and queues. From a Level of Service Analysis, the left turn movements from the west driveway will function, but operate at an undesirable level of service due to the baseline traffic demand on the adjacent public streets, especially during the PM Peak Hour. It is anticipated the driveway at SW Gage Boulevard will experience more congestion than the SW 29th Street driveway due to the heavier traffic volumes on SW Gage Boulevard. As stated earlier, site entrances would ideally be located (at minimum) outside the intersection vehicular storage area in addition to the areas needed for preparation/reaction time and deceleration, but (as noted earlier) the proposed driveways are properly aligned with other commercial driveways and located mid-block. Given the proximity of the driveways to the signal, it is important that the site designer and developer are aware of the impacts the driveway locations will have on the adjacent public roadways and vice versa.

RECOMMENDED IMPROVEMENTS

Using the general access management policies identified earlier, the following general assessment could be made regarding the proposed access points.

the study intersections has been reevaluated. The results of the capacity analysis for the proposed AM and PM peak hours are summarized in Table 8.

Table 8

Summary of Results: Capacity & Queuing Analysis							
Proposed Conditions with Recommended Improvements							
Intersection	Movement	AM Peak Hour			PM Peak Hour		
		LOS	Delay (sec/veh)	95% Queuing	LOS	Delay (sec/veh)	95% Queuing
SW 29th Street and SW Gage Boulevard	All Movements	D	40.1	-	D	50.8	-
	Eastbound Left			295			232
	Eastbound			193			304
	Westbound Left			154			313
	Westbound			252			406
	Northbound Left			77			154
	Northbound			523			320
	Southbound Left			174			326
	Southbound			191			303
North Driveway and SW Gage Boulevard	Eastbound Left	D	34	4	F	86.2	30
	Eastbound Right	A	9.7	1	B	12.4	4
	Westbound Left	E	45.4	1	F	82.6	20
	Westbound Right	B	10.5	0	B	10.5	1
	Northbound Left	A	9	1	B	10.5	3
	Southbound Left	B	11.5	0	B	10.5	1
West Driveway and SW 29th Street	Eastbound Left	A	8.6	0	A	9.7	2
	Westbound Left	A	9.1	1	A	9.9	4
	Northbound	C	19.2	8	E	47.6	58
	Southbound Left	C	22.7	1	F	59.7	24
	Southbound Right	B	10.1	1	A	9.4	2

The results of the analysis for proposed conditions indicate that a north driveway with full access will have minimal impact on delay and queuing at the adjacent signalized intersection at 29th and Gage Boulevard. The balancing of traffic between the two driveways will reduce delay and queues at the west driveway and the SW Gage Boulevard and SW 18th Street intersection. Both driveways will still operate at an undesirable level of service for the outbound left turn movements during the PM Peak Hour, but the balancing of traffic between the two driveways would decrease the overall average delay per vehicle exiting the proposed Walgreens.

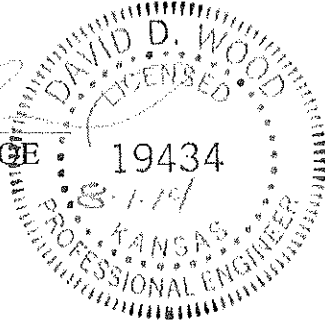
FUTURE CONDITIONS

Although not specifically requested to be included in the Walgreen's Traffic Impact Study by the City of Topeka, a general commentary on adjacent thoroughfares is provided based on the existing and proposed conditions in the vicinity of the 29th Street and Gage Boulevard.

The development history along the corridor suggests that the City has allowed development to occur with a focus on access in lieu of mobility. This assessment is based upon the number of access points along the corridor, direct access of residential property to both 29th Street and Gage

Boulevard and the overall lack of controlled access along corridor. Long term, it may be desirable to the City of Topeka to adopt a more comprehensive access management policy along the corridor. The existing ADT on the adjacent roadways indicates that a raised median and driveway consolidation may be considered to limit access and improve safety while preserving mobility. This may eliminate the left turn movements from the departure legs of the 29th Street and SW Gage Boulevard intersection that conflict with the upstream functional area of the intersection by extending the center median as required. Furthermore, consideration may be given to add additional auxiliary left turn lanes at the 29th and Gage Street intersection. Dual left turn lanes are typically considered as the left turn approach volumes exceed 300 vehicles per hour.


David D. Wood, P.E., PTCE 19434
Project Engineer



HCM Signalized Intersection Capacity Analysis

3: SW 29th Street & SW Gage Blvd

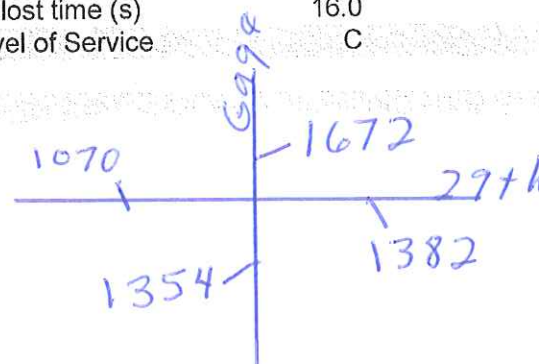
Existing AM
7/31/2014

	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Movement												
Lane Configurations	↰	↱		↰	↱		↰	↱		↰	↱	
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Lane Util. Factor	1.00	0.95		1.00	0.95		1.00	0.95		1.00	0.95	
Frt	1.00	0.99		1.00	0.94		1.00	0.97		1.00	0.97	
Flt Protected	0.95	1.00		0.95	1.00		0.95	1.00		0.95	1.00	
Satd. Flow (prot)	1770	3486		1770	3314		1770	3434		1770	3431	
Flt Permitted	0.95	1.00		0.95	1.00		0.95	1.00		0.95	1.00	
Satd. Flow (perm)	1770	3486		1770	3314		1770	3434		1770	3431	
Volume (vph)	195	353	39	119	355	263	40	651	161	131	344	88
Peak-hour factor, PHF	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85
Adj. Flow (vph)	229	415	46	140	418	309	47	766	189	154	405	104
RTOR Reduction (vph)	0	7	0	0	113	0	0	17	0	0	18	0
Lane Group Flow (vph)	229	454	0	140	614	0	47	938	0	154	491	0
Turn Type	Prot			Prot			Prot			Prot		
Protected Phases	7	4		3	8		5	2		1	6	
Permitted Phases												
Actuated Green, G (s)	18.3	28.6		13.4	23.7		5.9	41.9		13.6	49.6	
Effective Green, g (s)	18.3	28.6		13.4	23.7		5.9	41.9		13.6	49.6	
Actuated g/C Ratio	0.16	0.25		0.12	0.21		0.05	0.37		0.12	0.44	
Clearance Time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Lane Grp Cap (vph)	285	878		209	692		92	1268		212	1499	
v/s Ratio Prot	c0.13	0.13		0.08	c0.19		0.03	c0.27		c0.09	0.14	
v/s Ratio Perm												
v/c Ratio	0.80	0.52		0.67	0.89		0.51	0.74		0.73	0.33	
Uniform Delay, d1	45.9	36.5		47.9	43.6		52.4	31.1		48.2	21.0	
Progression Factor	1.00	1.00		1.00	1.00		1.00	1.00		1.00	1.00	
Incremental Delay, d2	15.0	0.5		7.9	13.1		4.7	3.9		11.7	0.6	
Delay (s)	60.9	37.0		55.8	56.7		57.1	35.0		59.9	21.6	
Level of Service	E	D		E	E		E	C		E	C	
Approach Delay (s)		44.9			56.6			36.0			30.5	
Approach LOS		D			E			D			C	

Intersection Summary

HCM Average Control Delay	42.3	HCM Level of Service	D
HCM Volume to Capacity ratio	0.79		
Actuated Cycle Length (s)	113.5	Sum of lost time (s)	16.0
Intersection Capacity Utilization	72.8%	ICU Level of Service	C
Analysis Period (min)	15		
c Critical Lane Group			

Staff
Notes →
EB = 587
WB = 737
NB = 852
SB = 563
Totals = 2,739



HCM Signalized Intersection Capacity Analysis

3: SW 29th Street & SW Gage Blvd

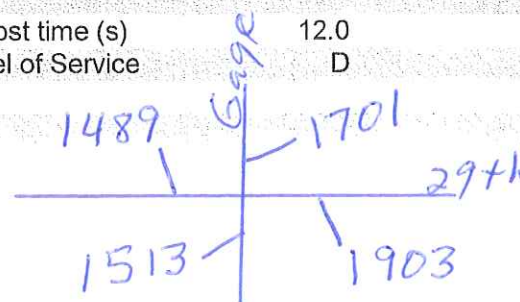
Existing PM
7/31/2014

	↖	→	↗	↖	←	↗	↖	↑	↗	↘	↓	↘
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↖	↖↖		↖	↖↖		↖	↖↖		↖	↖↖	
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Lane Util. Factor	1.00	0.95		1.00	0.95		1.00	0.95		1.00	0.95	
Frt	1.00	0.98		1.00	0.95		1.00	0.96		1.00	0.97	
Flt Protected	0.95	1.00		0.95	1.00		0.95	1.00		0.95	1.00	
Satd. Flow (prot)	1770	3462		1770	3367		1770	3385		1770	3420	
Flt Permitted	0.95	1.00		0.95	1.00		0.95	1.00		0.95	1.00	
Satd. Flow (perm)	1770	3462		1770	3367		1770	3385		1770	3420	
Volume (vph)	162	475	81	236	528	253	104	434	178	233	480	139
Peak-hour factor, PHF	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85
Adj. Flow (vph)	191	559	95	278	621	298	122	511	209	274	565	164
RTOR Reduction (vph)	0	12	0	0	49	0	0	36	0	0	22	0
Lane Group Flow (vph)	191	642	0	278	870	0	122	684	0	274	707	0
Turn Type	Prot			Prot			Prot			Prot		
Protected Phases	7	4		3	8		5	2		1	6	
Permitted Phases												
Actuated Green, G (s)	14.9	26.7		20.7	32.5		12.3	30.6		20.6	38.9	
Effective Green, g (s)	14.9	26.7		20.7	32.5		12.3	30.6		20.6	38.9	
Actuated g/C Ratio	0.13	0.23		0.18	0.28		0.11	0.27		0.18	0.34	
Clearance Time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Lane Grp Cap (vph)	230	807		320	955		190	904		318	1161	
v/s Ratio Prot	0.11	0.19		c0.16	c0.26		0.07	c0.20		c0.15	0.21	
v/s Ratio Perm												
v/c Ratio	0.83	0.80		0.87	0.91		0.64	0.76		0.86	0.61	
Uniform Delay, d1	48.6	41.4		45.6	39.7		49.0	38.6		45.6	31.5	
Progression Factor	1.00	1.00		1.00	1.00		1.00	1.00		1.00	1.00	
Incremental Delay, d2	21.7	5.5		21.2	12.6		7.2	5.9		20.6	2.4	
Delay (s)	70.3	46.9		66.9	52.3		56.3	44.5		66.2	33.9	
Level of Service	E	D		E	D		E	D		E	C	
Approach Delay (s)		52.2			55.7			46.2			42.7	
Approach LOS		D			E			D			D	

Intersection Summary

HCM Average Control Delay	49.5	HCM Level of Service	D
HCM Volume to Capacity ratio	0.83		
Actuated Cycle Length (s)	114.6	Sum of lost time (s)	12.0
Intersection Capacity Utilization	75.6%	ICU Level of Service	D
Analysis Period (min)	15		
c Critical Lane Group			

Staff
Notes
→ EB = 718
WB = 1017
NB = 716
SB = 852
Totals = 3303



HCM Signalized Intersection Capacity Analysis 3: SW 29th Street & SW Gage Blvd

Proposed PM
7/31/2014

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		 			 			 			 	
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Lane Util. Factor	1.00	0.95		1.00	0.95		1.00	0.95		1.00	0.95	
Frt	1.00	0.98		1.00	0.95		1.00	0.96		1.00	0.97	
Flt Protected	0.95	1.00		0.95	1.00		0.95	1.00		0.95	1.00	
Satd. Flow (prot)	1770	3457		1770	3365		1770	3387		1770	3422	
Flt Permitted	0.95	1.00		0.95	1.00		0.95	1.00		0.95	1.00	
Satd. Flow (perm)	1770	3457		1770	3365		1770	3387		1770	3422	
Volume (vph)	180	487	89	236	540	263	112	444	178	243	490	139
Peak-hour factor, PHF	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85
Adj. Flow (vph)	212	573	105	278	635	309	132	522	209	286	576	164
RTOR Reduction (vph)	0	12	0	0	50	0	0	35	0	0	21	0
Lane Group Flow (vph)	212	666	0	278	894	0	132	696	0	286	719	0
Turn Type	Prot			Prot			Prot			Prot		
Protected Phases	7	4		3	8		5	2		1	6	
Permitted Phases												
Actuated Green, G (s)	16.0	28.4		20.9	33.3		13.0	29.2		21.3	37.5	
Effective Green, g (s)	16.0	28.4		20.9	33.3		13.0	29.2		21.3	37.5	
Actuated g/C Ratio	0.14	0.25		0.18	0.29		0.11	0.25		0.18	0.32	
Clearance Time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Lane Grp Cap (vph)	245	848		319	968		199	854		326	1108	
v/s Ratio Prot	0.12	0.19		0.16	0.27		0.07	0.21		0.16	0.21	
v/s Ratio Perm												
v/c Ratio	0.87	0.79		0.87	0.92		0.66	0.81		0.88	0.65	
Uniform Delay, d1	48.8	40.8		46.1	40.0		49.3	40.8		46.0	33.5	
Progression Factor	1.00	1.00		1.00	1.00		1.00	1.00		1.00	1.00	
Incremental Delay, d2	25.7	4.8		22.0	14.0		8.1	8.4		22.3	2.9	
Delay (s)	74.6	45.7		68.1	54.0		57.4	49.2		68.3	36.5	
Level of Service	E	D		E	D		E	D		E	D	
Approach Delay (s)		52.6			57.2			50.4			45.3	
Approach LOS		D			E			D			D	
Intersection Summary												
HCM Average Control Delay		51.7					HCM Level of Service			D		
HCM Volume to Capacity ratio		0.86										
Actuated Cycle Length (s)		115.8					Sum of lost time (s)			12.0		
Intersection Capacity Utilization		78.1%					ICU Level of Service			D		
Analysis Period (min)		15										
c Critical Lane Group												



August 29, 2014

Mr. John H. Hutton, Attorney at Law
Henson, Hutton, Mudrick, Gragson, LLP
100 SW 9th Street, 2nd Floor
Topeka, KS 66601-3555

RE: A Review of the Revised Traffic Impact Study for Proposed Walgreens NWQ of SW 29th & SW Gage Blvd Conducted by Kaw Valley Engineering, Inc. Dated August 1, 2014

Mr. Hutton,

Since my June 12, 2014 letter to you regarding my review of the original Traffic Impact Study (TIS) report conducted by Kaw Valley Engineering for above noted proposed development, dated April 17, 2014, several events have transpired. I have conducted trip generation, standing queue, and safety analyses in order to better understand the proposed development. I have also received a revised TIS report dated August 1, 2014 and was asked to review that revised report. The purpose of this letter is to discuss my review of that revised report, particularly in the context of the additional studies that I've conducted. I will go through the revised TIS report on a page by page basis.

Introductory Comments:

In an e-mail to David Wood, P.E., P.T.O.E. of Kaw Valley Engineering dated June 26, 2014 several questions and concerns were raised regarding conduct of the revised TIS, and an offer was made to collaborate regarding these questions and concerns. A copy of this e-mail is attached to this letter. I also spoke to Mr. Wood by phone, and reiterated the offer to collaborate. These offers were rejected.

In a telephone call to Mr. Jeff Hunt P.E., Assistant City Engineer – City of Topeka (City) on July 9 a number of issues relating to the analysis of SW 29th & SW Gage were discussed. Among these issues was the notion of a 1.0% to 1.2% background traffic growth rate for horizon year (future traffic condition) analysis. I also requested traffic/turning count information, information regarding safety records, and signal phasing and timing information for 29th & Gage. A follow up e-mail on July 9 acknowledged the request for information, and expressed concurrence with the background traffic growth assumption. A copy of this e-mail is attached to this letter.

In the weeks that have followed from July 9th to the date of this letter, I received signal phasing and timing information from the City, as well as safety data from the Kansas Department of Transportation (KDOT). I was informed that no recent traffic/turning counts were available for this intersection; however, a Kansas Open Records Act request file-stamped by the City Clerk on July 29, 2014 ultimately



led to me being furnished with turning movement counts for 29th & Gage taken in 1999. A copy of the file-stamped KORA request is attached to this letter. I received the revised TIS report (dated August 1, 2014) by e-mail on August 11, 2014, and have since reviewed the revised report, particularly in the context of my own studies.

Page 2 – Revised TIS Report:

Additional counts were taken for the AM peak hour at SW 29th Street and the commercial drive on the south side of the street.

The date that these additional counts were taken was not specified in the report, though the information does not appear in the April 17, 2014 report, nor the May 20, 2014 Addenda to the April report. If the counts were taken with the construction zone in place, then the numbers are undoubtedly skewed. That these additional counts were taken in the AM peak is also concerning, in that the PM peak appears to be the appropriate analysis condition, and KV's own turning movement counts indicate differences between AM and PM traffic characteristics. Regardless, I am unclear as to what this information adds to the analysis.

"During the due diligence phase of this project, Annual Average Daily Traffic (AADT) was obtained from the City of Topeka for 2011."

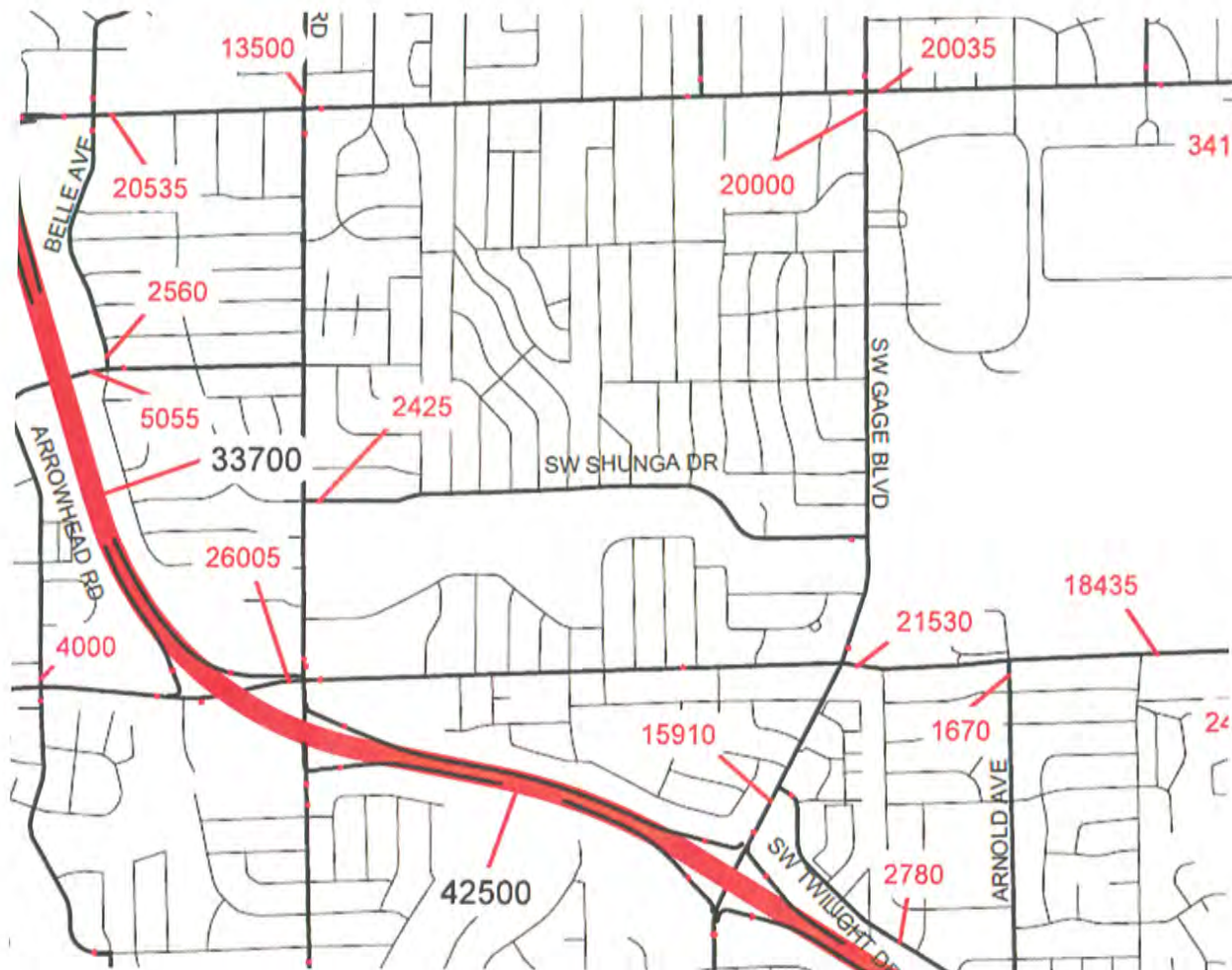
In more than one phone call and e-mail to Mr. Jeff Hunt, P.E. (Assistant City Engineer), I was informed that there was no traffic count information available at that intersection within the last 10 years. Further, in an Open Records Request filed by me, and stamped by the City Clerk on July 29, 2014, the most recent traffic/turning movement counts at the 29th & Gage intersection were requested, along with crash data within the functional area of the intersection. The first response from the City Attorney's Office was silent on the subject of the traffic/turning movement counts, but did speak to the safety data. A second request from me declining the safety data, but again requesting the traffic/turning count information was made by e-mail. The result of that second query was that turning movement counts from the 29th & Gage intersection dated 1999 were furnished to me. I do not understand where the 2011 counts cited in the TIS could have come from, nor am I clear in how they are incorporated into the analysis.

"The 2011 counts indicated that the AADT on 29th Street adjacent to the development was 12,565 Vehicles Per Day (VPD). The AADT on SW Gage Boulevard is 21,290 VPD."

I am at a loss to understand these numbers. According to the Traffic Count Map of Topeka, published on-line by the KDOT, the traffic counts shown on that map (from counts taken May and June 2013) tell a remarkably different story.



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This map indicates traffic volumes as follows:

AADT's from KDOT Traffic Flow Map			
Street	AADT	Location of Count	
29th Street	21,530	29th St Just East of Gage Blvd	
	26,005	29th St Just West of Fairlawn	
Gage Blvd	15,910	Gage Blvd Just South of Twilight Dr	
	20,000	Gage Blvd Just South of 21st	

These counts were NOT taken adjacent to the proposed development, and are not a substitute for actual, and recent, volume counts. They do, however, illustrate a critical point. Traffic volumes increase on Gage Blvd from south to north, and increase on 29th Street from east to west. I am at a loss to understand where the 12,565 VPD comes from, or in how it is utilized in the analysis.

It appears from Figure 4 (appendix) that the two-hour turning movement counts reportedly taken by KVE for purposes of the TIS may have been "grossed up" by a design hour volume (DHV) in order to



reach the VPD numbers that appear on Page 2 of the report. Design hour volume (DHV) is the traffic volume in the peak hour divided by the traffic volume over a 24-hour period and is in essence the percentage of the total vehicles per day (VPD) that occurs during the peak hour. If the traffic volumes in the TIS were derived this way, however, then it appears that an 11.85% DHV was used on 29th Street, while a 7.99% DHV was used on Gage Boulevard. If this is true, then I see no rational basis for such a difference in design hour volumes in proximity to the same intersection.

“One entrance is planned to be located on SW 29th Street. This entrance is noted to be 36’ wide ... and is shown to be approximately 300’ west of the west curb line of the 29th & Gage intersection.”

In the absence of survey-grade measurements that are typically reflected in a TIS report, less precise measurements must be relied upon. I am unclear what “west of the curb line” means in this context, as I’m not aware of this as a standard measurement. If the proposed 29th Street drive is to line up with the commercial drive on the south side of 29th Street, thereby addressing the extreme concern introduced by overlapping left-turn conflicts, then rough field measurement seems to dispute the “approximately 300’” cited in the report. Rough field measurement indicates that the eastern-most existing drive on the south side of 29th Street is approximately 255’ from the stop bar.



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Measurement from the stop bar is, in my opinion, a more rational measure because a stop bar denotes the beginning of the queue. If the proposed drive on 29th Street is to line up with the eastern-most existing commercial access, then the dimensional discrepancy between the TIS and the field measurement is equal to the storage requirement for nearly two vehicles, which is a material concern to the operation of the drive and the safety of the travelling public.

"The second driveway proposed ... is to be located on SW Gage Boulevard approximately 340' north of the north curb line ... This access is illustrated as a $\frac{3}{4}$ driveway ... Egress is restricted to right out only."

I have the same concern regarding any measurement described as "340' north of the north curb line"; though, lining up commercial drives does address the extreme concern regarding overlapping left-turn conflicts. I am unclear, however, of the intent of the description of the $\frac{3}{4}$ intersection on Page 2. Page 9 of the TIS appears to discard the notion of the $\frac{3}{4}$ intersection and Figures 5 and 6 in the addenda seem to show both scenarios. I am unclear as to whether or not a $\frac{3}{4}$ drive is proposed, and do not believe that it would appreciably benefit the public safety, if it is proposed. In my experience, violation rates of such drive configurations, particularly in off-peak hours, tends to be high, introducing unexpected turning



conflicts. They also prove difficult to deal with in winter maintenance situations and typically suffer significant damage relatively quickly. The configuration on the east side of Wanamaker Road south of Winding Road provides a useful illustration of these points.

Page 3 – Revised TIS Report:

Page 3 provides a very useful discussion of the presence of access points within the functional areas of major intersections. The TIS report correctly explains that drives within functional areas of major intersections should be avoided, and in explaining that the PIEV (perception-reaction distance) plus the deceleration-maneuver distance required under the operating conditions of the 29th & Gage intersection are already at, or greater than, the driveway spacing proposed even without adding queuing distance. The report also, however, appears to put the responsibility for dealing with this fact back on the site designer, and I emphatically disagree with that approach. It is reasonable and customary in Traffic Impact Studies to both identify traffic and safety concerns AND to recommend appropriate mitigations. In twelve years of reviewing TIS reports for the KDOT, and in teaching seminars on the organization and review of TIS reports, I have found that best practice requires such problems to be identified and solutions or mitigations proposed. In my opinion, this TIS report fails in this regard.

“It is likely that during peak hours the traffic demand on 29th & Gage Boulevard queuing at the signalized intersection would occasionally restrict access to both the existing driveways along the corridor as well as the proposed Walgreens access points.”

A field study I conducted of the PM peak hour operation of the east leg of the 21st & Gage intersection supports this conclusion. On Wednesday August 20th from 4:15 pm to 6:15 pm I observed the operation of the east leg of the 21st & Gage intersection, particularly the operation of the intersection of 21st Street and Atwood Street, which lies approximately 275' east of the stop bar. This is a similar configuration to the west leg of the 29th & Gage intersection (approximately 255' from the stop bar to the proposed drive), has lane configurations identical to the west leg of 29th & Gage, and is not disrupted by construction.



This observation found that the peak period is from 4:45 pm to 5:45 pm, and during this time the Atwood intersection was blocked by standing queues or by startup-lost time 39.5% of the time. In the peak 15 minute period (5:15 pm to 5:30 pm) the Atwood Street intersection was blocked 65.6% of the time. This demonstrates that the proposed access point on SW 29th Street will not function for a significant portion of the peak period.



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Site Traffic Projections – Page 3, and Table 3 – Page 4 Revised TIS Report:

The revised analysis apparently still relies upon the same ITE Trip Generation Manual data as did the previous study. However, the revised TIS does provide information regarding a manual trip generation count study performed by Kaw Valley at the Walgreens located at 10th & Topeka Boulevard, though the date of this study does not appear in the TIS. The study of the 10th & Topeka Boulevard site indicated 189 vehicles in a period from 4:45 pm to 5:45 pm. For a store of 12,872 sq.ft. gross floor area this



indicates a peak hour trip generation of 14.68 trips per 1,000 sq.ft. of gross floor area. This is well above the 9.91 trips per 1,000 sqft of gross floor area average found in ITE. I made a similar manual trip generation study of the Walgreens store located at 21st & Fairlawn, taking care to count only those vehicles where people actually parked and went into Walgreens, or those that exited Walgreens and departed, as well as drive-through usage. My counts were made on July 8, 2014 from 4:30 pm to 6:30 pm. I also found the peak period to be from 4:45 pm to 5:45 pm, and I counted 264 entering and exiting vehicles for a store of 13,722 sqft gross floor area. This computes to a peak hour trip generation of 19.24 trips per 1,000 sq.ft. of gross floor area. I observed as many as four vehicles queued in the drive-through. Given the differences in trip characteristics between the downtown area and the southwest part of the City during "after work" hours, I believe that the 21st & Fairlawn location is more indicative of the commercial trip characteristics of 29th & Gage. Even if one were to average these two findings, it is clear that the trip generation characteristics of Walgreens stores in the Topeka market are significantly greater than the average reported in the ITE Trip Generation Manual. I adamantly disagree that the purpose of manual trip generation studies is to *"confirm the statistical accuracy of the ITE trip generation manual."* – Page 4. Rather, the purpose of such a local study is to UTILIZE the local data instead of the Manual data in queuing and capacity analyses. The difference between the 9.91 average reported in ITE and even the lower of the local studies is significant, and use of the average from the Trip Generation Manual introduces significant error into the analysis by underestimating the volumes of turning traffic into and out of the proposed site.

Page 5 – Revised TIS Report:

"It was assumed the site-generated traffic would follow a similar distribution pattern to existing traffic."

I do not concur that this assumption is reasonable. It is customary and reasonable for analysts to identify and consider the market area of the proposed land use, identify probable productions and attractions within that market area, and derive reasonable trip assignments from this basis. The ITE publication "Transportation Impact Analyses for Site Development" speaks to this point, and is considered a foundational reference document for traffic impact studies. It is reasonable and customary for an analyst to confer with the developer, or other knowledgeable market participant in order to develop an understanding of the market forces that drive trip demands, and to incorporate this information into the TIS. I find no evidence that this has been done in this case, and as a result, can place no confidence in the trip assignments utilized.

"The area in the general vicinity of the proposed Walgreens is developed and it is anticipated that future growth in background adjacent to the development will be limited and therefore was not analyzed."

It is reasonable and customary to include a horizon year analysis in ANY traffic impact study. A horizon year analysis is simply the analysis of likely traffic conditions in a future year (often 20 years, or it could



correspond to the future year of the comprehensive plan). Just as existing condition analysis establishes existing operating conditions and levels of service, horizon year analysis helps to identify if and when problems with operating conditions and levels of service are likely to occur in the future. In this case, I do not agree that the potential for redevelopment of the 29th & Fairlawn area, the potential development of the Fairlawn and Gage corridors south of I-470, and the proposal to increase the commercial node of 29th & Gage to approximately 30 acres will result in negligible change in traffic demands in the vicinity of this development. If the turning movement counts found in Figure 5 and Figure 6 of the TIS are to be accepted, then a 2% average annual traffic growth rate for only 10 years will see the need for dual-left turn lanes for the southbound-to-eastbound left turn. All four approaches will merit dual left turn lanes with even a 1% growth rate over a 20 year planning horizon. Dedicated right turn lanes are warranted now, but do not exist, nor are they proposed. The purpose of a horizon year traffic analysis is not to assign financial responsibility for future improvements to a given developer, but is rather to alert government officials regarding the need for future improvements so that capital planning may take place.

Page 6 – Revised TIS Report:

“The analysis was conducted using Synchro 6 software ... It should be noted that the results of the Synchro analysis may overestimate actual signal delay and underestimate queue lengths in comparison to the Highway Capacity Software, but it is the understanding of KVE that Synchro software is an acceptable modeling software to the City of Topeka ...”

I concur that Synchro is a widely accepted and quite powerful software tool for the analysis of capacity and levels of service. It is not, however, the optimum tool to be used under all conditions. If a development is proposed along a street that has numerous traffic signal controls each within one another's functional area, and the operation of one signal directly impacts the operation of the next, and then the next, ... then Synchro is held by many engineers as the preferred tool to analyze such conditions. In this case, however, the 29th & Gage signal operates in a much more isolated fashion, with more random arrivals of much “looser” platoons of traffic, and with numerous unsignalized intersections between the signals. If a stochastic modeling tool (one that relies on probabilities in the behavior of individual vehicles) such as Synchro is to be utilized in the case of 29th & Gage, then it must be understood that Synchro departs from the Highway Capacity Manual (the foundational source cited in the TIS) in some respects. Because of these departures, and because of its stochastic nature, field calibration of Synchro model results is especially important and is impossible given the disruptions of the ongoing construction. Finally, regardless of the software tool utilized to analyze queuing and capacity, any software program is dependent upon accuracy and reasonableness of inputs to yield reliable results. It is my opinion that utilizing theoretical optimum model inputs rather than actual data and conditions will result in unreliable model results regardless of the software utilized.



Page 7 – Revised TIS Report:

“Using a base signal timing of 120 seconds (typical maximum cycle length for urban signalized intersection), the results of the analysis for the existing conditions indicate that the intersection is could operate at a LOS D.”

It is reasonable and customary to utilize ACTUAL signal timings in cases of existing signals whenever the existing phasing and timing plans are available. Signal phasing and timing plans were furnished to me by Mr. Jack Fultz (City) in an e-mail dated July 9, 2014 and indicate an actual cycle length of 178.8 seconds without modifications for active traffic management due to construction. The difference between 30 cycles/hour (120 second cycle) and 20 cycles/hour (178.8 second cycle) is profound, and will have a material impact upon the queuing and level of service yielded by any modeling software.

Another item that must be noted regarding model inputs involves the Peak Hour Factors utilized in the Synchro model. The 2010 Edition of the Highway Capacity Manual (HCM 2010) is the foundational document utilized throughout the U.S. for analyzing capacity, quality of flow, and level of service. On page 4-3 of Volume 1 of the HCM 2010 the concept of the Peak Hour Factor (PHF) is presented. The purpose of the PHF is to account for variations in the flow of traffic and is expressed as hourly volume divided by the peak flow rate within the hour. An unlabeled figure located in the addenda of the revised TIS report after Figure 3 tabulates traffic movements and volumes, and computes the peak hour factors and distributions for each movement. Yet, the Synchro analysis shows a uniform PHF of 0.85, which corresponds to none of the PHF's computed in the earlier mentioned Figure. Another input parameter is the Lane Utilization Factor, which is a parameter indicating how drivers distribute themselves within available lanes. The Synchro model in the TIS report utilized 0.95 to 1.0 lane utilization factors, which indicates an assumption of near-perfect lane utilization (even distribution of vehicles). This assumption contradicts field observations, which show much more disparate lane utilizations as vehicles anticipate downstream turns, and enter the most advantageous lane despite greater queues. The picture on the following page shows an example of this occurring on the north leg of the 29th & Gage intersection. It must be acknowledged that downstream construction is exacerbating this phenomenon in the case of 29th & Gage; however, this driver behavior may be observed at virtually any major intersection, even with no downstream obstructions present.



"It should be noted that at a 120 second cycle length, certain movements during the peak hours may not have sufficient green time to fully clear a developed queue and actual queues observed in the field may be longer."

Putting aside for the moment the fact that a 120 second cycle does not correspond to the actual operation of the signal, I concur with the statement above. I disagree completely, however, with the lack of explanation as to the impacts of the statement. The fact that the Synchro analysis using an "optimum" cycle length, a uniform PHF, and a near-perfect lane utilization factor indicates likely cycle failure (left-over queues during peak times) is extremely important. First and foremost, I reiterate that local and actual data should always be utilized in a queuing and capacity analysis, at least for analysis of existing conditions. Indications of cycle failure under theoretically optimum conditions should indicate to the analyst that multiple periods need to be analyzed so that the effects of these leftover queues are included in the queue length and level of service computations. I do not see that this has been done.

"As stated earlier, Batis Development Company is proposing a full access drive on SW 29th Street and a ¾ access on SW Gage Boulevard."

Again, there is inconsistency between this verbiage, and the description of recommended improvements on Page 9. It is also difficult to tell which condition was modeled in Synchro, as it appears that only the signalized intersection itself was analyzed.



Page 8 – Revised TIS Report:

“The results of the analysis for proposed conditions indicate that the development of the Walgreen’s will have little impact on the adjacent signalized intersection at 29th and Gage Boulevard with minor increases in delays and queues.”

Given the problems discussed above with the differences between the theoretical optimum that was analyzed and the actual conditions that are present, I find the above statement incredible. The notion that most of the traffic visiting the proposed site was likely on the adjacent streets already is likely reasonable. However, overly general statements like the one above contradict the operational problems noted (and underestimated) in the TIS report regarding access points within functional areas of major intersections. This is one unfortunate result when theoretical optimum conditions, rather than actual conditions, are analyzed and reported. Finally, overly general statements like the one above do nothing to address the safety impacts of commercial access points within functional areas of major intersections. In re-developing the northwest quadrant of the 29th & Gage intersection to more closely resemble the other three quadrants, patterns of crashes that are currently seen (particularly on the north and east legs of the intersection) are likely to present themselves on the west leg of the intersection. A more detailed discussion of these patterns of crashes follows.

Page 9 – Revised TIS Report:

“In general the redevelopment of this property is improving traffic safety on 29th Street and Gage Boulevard due to the closure of seven residential driveways in close proximity to the signalized intersection.”

I find the above statement to be unfounded and deeply disturbing. While it is true that fewer drives means fewer conflict points, such blanket statements in the absence of actual safety analysis to support them ignore the effects of relative demand upon those drives (exposure), contradict the actual safety record of the 29th & Gage intersection functional area, and show a lack of understanding regarding the safety impacts of higher volume commercial drives within functional areas of major intersections.

Analysis of safety records provided to me by KDOT on August 6, 2014 gives cause for serious concern regarding the statement in the TIS. Data was requested for crashes reported to the KDOT from January 1, 2011 through July, 2014 and within 1000’ of the intersection of SW 29th & SW Gage. During this time period 102 crashes were reported within 650’ of the intersection. Twenty nine of these were injury crashes, resulting in 42 injuries. Seventy two of the crashes (70.6%) are attributable to intersections or access points. More specific analysis of these crashes follows by type. It must be noted that the images that follow are not to scale, but rather represent the relative positions of the crashes reported.



- Rear End Crashes

This is, by far, the most prevalent type of crash in the functional area of this intersection. Rear end crashes most typically result from speed differentials between vehicles stopped or slowing at the end of a queue or to make a turn, which are then overtaken by following vehicles. These crashes are denoted as: 



These crashes are to be found on all four legs of the intersection, but are most prevalent where standing queues stopped at the signalized intersection are forced to interact with demands from commercial access points as well as vehicles approaching the queues from downstream. The lower incidence of rear end crashes on the west leg of the intersection will be negatively impacted by the introduction of new commercial access.

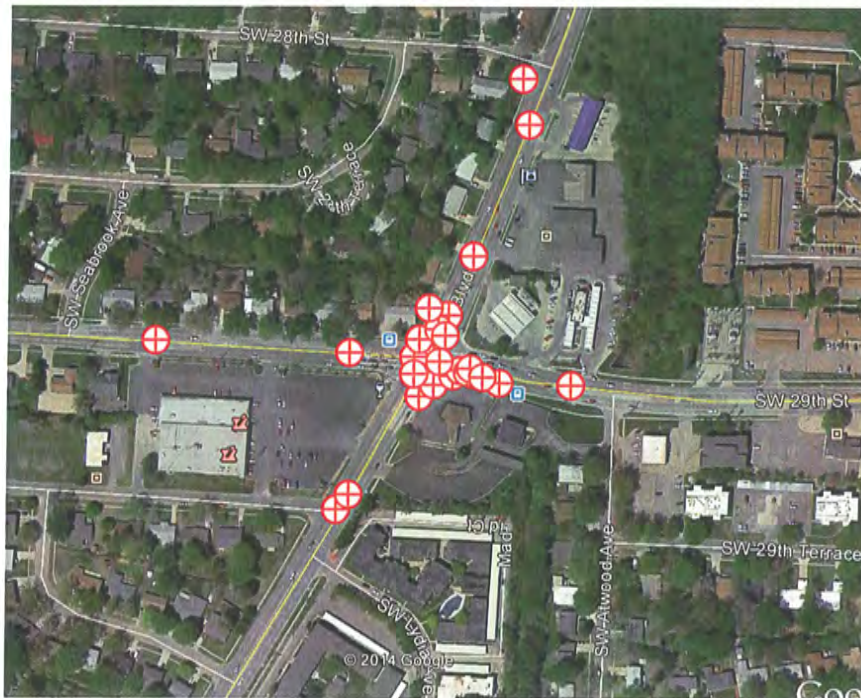
- Angle Collisions

Angle collisions tend to be the most severe of crashes, as they result in "T-Bone" collisions between vehicles. They occur only where vehicles crossing traffic streams from intersections or access points come into conflict with through movements on those traffic streams. These crashes are denoted as:





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These collisions tend to cluster, particularly where commercial access points exist within functional areas of signalized intersections. The lower incidence of angle crashes on the west leg of this intersection will be negatively impacted by the introduction of new commercial access.

- Sideswipe Collisions

Sideswipe collisions occur on multi-lane streets in urban areas where vehicles attempt to change lanes in anticipation of a downstream turn. As with angle collisions, these tend to cluster in areas where high turning demand is generated by commercial access points within functional areas of major intersections. These crashes are denoted as: ➡



This type of crash is clustered primarily on the east leg of the intersection, where high turn volumes at the intersection are exacerbated by the presence of commercial access points within the functional area of the intersection. The low incidence of these crashes on the west leg of the intersection will be negatively impacted by the introduction of new commercial access.

Other types of crashes seen in the data set include, but are not limited to, collision with fixed objects and pedestrian collisions. While no crash is insignificant, these types of crashes do not occur with sufficient frequency to indicate a pattern or a design defect.

The injuries arising from these crashes (42 injuries reported within this data set) are predominantly the result of the influence of intersections or commercial access points, particularly in off-peak periods where higher operating speeds result in higher speed differentials with vehicles slowing to make turns. This is illustrated by the fact that only 9 of the 42 injuries reported in this data set occurred during (AM or PM) peak periods.

The proposed development places demands for turning vehicles into commercial drives that have not existed previously, making the west leg of the intersection more closely resemble the north and east legs. This will undoubtedly have a negative impact upon public safety, particularly since no attempt is made in the TIS to analyze or recommend appropriate safety improvements.

“The developer and site designer may want to consider providing full access at the Gage Boulevard Driveway.”



Again, I am confused as to which condition is actually analyzed. Is Figure 5 or Figure 6 reflected in the Synchro analysis?

Pages 9 and 10 – Revised TIS Report:

I concur with the recommendation that the City take a more comprehensive look at the SW 29th Street corridor. I am left wondering, however, why a horizon year analysis was not conducted as part of this TIS, why geometric improvements to the 29th & Gage intersection were not recommended for consideration, or why geometric and/or safety improvements to the proposed access drives were not recommended.

Concluding Comments:

The proposed site design relies entirely upon the SW 29th Street and SW Gage Boulevard arterial streets, which the TIS concludes will be blocked for periods during peak times, even under theoretical optimum conditions. Similar site design in the northeast quadrant of 29th & Gage may have contributed to the failure of that land use, while superior on site circulation and access points further from the intersection in the southwest and southeast quadrants have likely benefited those users. There are numerous points within this TIS report that are not in keeping with the guidance provided in the ITE publication "Transportation Impact Analyses for Site Development". There are numerous instances in this TIS report when theoretical, optimum, and average assumptions are made instead of relying upon available actual field data. It is my opinion that these factors combine to result in a capacity analysis that is incredible, and should be rejected. The blanket statement regarding safety, unsupported by actual safety analysis, is deeply disturbing. While little, if any, new traffic is being added to either SW 29th Street or SW Gage Boulevard by this proposed development, the impacts of moving forward with this development as-proposed will be to add crashes to the west leg of the intersection where there are currently relatively few, and to the north leg which already experiences significant crashes. The impacts of moving forward with this development as-proposed from a level of service and quality of traffic flow perspective cannot be understood from this TIS report. Only the analysis of a theoretical optimum condition has been presented in this TIS report, rather than analysis of actual existing and proposed conditions. It is my opinion that this TIS report should be rejected.

Respectfully,

The signature block contains a handwritten signature in cursive that reads "Christopher W. Huffman". Overlaid on the signature is a circular professional engineer seal for the State of Kansas. The seal contains the text "CHRISTOPHER W. HUFFMAN", "LICENSED PROFESSIONAL ENGINEER", "14916", and "8/29/14".

Chris Huffman, P.E.

Chris Huffman P.E.

From: Chris Huffman P.E. <chris@huffmancorridorconsulting.com>
Sent: Thursday, June 26, 2014 8:15 AM
To: 'David Wood'
Subject: RE: Topeka Walgreen's- 29th and Gage Blvd
Attachments: 05-20-14 Walgreens Traffic Impact Study Addendum.pdf

Tracking:	Recipient	Read
	'David Wood'	
	John Hutton (jhutton@hensonlawoffice.com) (jhutton@hensonlawoffice.com)	Read: 6/26/2014 8:39 AM

David,

Thanks for forwarding the May 20 version of the TIS. I hadn't seen that one. It seems that the primary challenges are still in getting the access points out of the functional area of the intersection so that they function (add value), and dealing with the offsets from opposing access points so they function safely (no overlapping left-turn conflicts). If you have a copy of the TRB Access Management Manual, there is some good, and nationally accepted, guidance on these topics.

I'm curious about several things regarding the inputs to the analysis, and about the methods of analysis to generate the results.

- I'm curious to know what ADT and turning movement volumes the City will provide to you for analysis, when they were taken, and how they were normalized. Would you mind forwarding those to me when you receive them?
- Will you also request crash data from the City? I'm curious to know about any crash patterns that may need to be mitigated.
- Will the City provide you with background traffic growth rate for horizon year analysis? With significant redevelopment now possible at 29th & Fairlawn, and continuing growth vectors south of I-470, I'm curious about how long it will be before dual left-turn capacity is warranted at 29th & Gage.
- Will you field verify the signal timings on the various phases? I'm very concerned that the signal timings that exist on a plan on a shelf may not reflect actual operating conditions of 29th & Gage.
- Will you run an HCS analysis of the signal operation? With the more isolated operation of the 29th & Gage signal, I'm concerned that Synchro is not the most appropriate capacity analysis tool. It appeared to me that the arrival types were more random, and the peak hour factors significantly different than those shown in the Synchro analysis. As you know, this has a profound impact upon queue lengths. Also, Synchro does not comply with the Highway Capacity Manual on everything, and it is my experience that Synchro tends to underestimate standing queues and overestimate capacity.

I am at your disposal for any coordination or collaboration that you feel is appropriate.

Chris Huffman P.E.

Kansas Professional Engineer
 Kansas and Missouri Certified General Real Property Appraiser
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chris@huffmancorridorconsulting.com

From: David Wood [<mailto:Wood@kveng.com>]
Sent: Monday, June 23, 2014 3:50 PM
To: chris@huffmancorridorconsulting.com
Subject: Topeka Walgreen's- 29th and Gage Blvd

Chris,

As discussed, Batis Development and KVE met with City Staff on Thursday of last week to discuss the Walgreen's project. KVE will be working with the Developer and City to address your questions and comments dated June 12, 2014. We hope to have additional information compiled and submitted to the city next week.

On a side note, it appeared that you had a copy of the April 17 study. You may have it already, but I have attached the May 20, 2014 TIS Addendum/response to City comments for your records. The addendum included the analysis of the right in/right out scenario on Gage Blvd.

Thanks,

David Wood, P.E., PTOE



Kaw Valley Engineering, Inc.
Designing the ground where we live, work and play
14700 W. 114th Terrace | Lenexa, KS 66215
P: (913) 894-5150
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wood@kveng.com
Licensed in KS, MO

Chris Huffman P.E.

From: Chris Huffman P.E. <chris@huffmancorridorconsulting.com>
Sent: Thursday, June 26, 2014 8:15 AM
To: 'David Wood'
Subject: RE: Topeka Walgreen's- 29th and Gage Blvd
Attachments: 05-20-14 Walgreens Traffic Impact Study Addendum.pdf

Tracking:	Recipient	Read
	'David Wood'	
	John Hutton (jhutton@hensonlawoffice.com) (jhutton@hensonlawoffice.com)	Read: 6/26/2014 8:39 AM

David,

Thanks for forwarding the May 20 version of the TIS. I hadn't seen that one. It seems that the primary challenges are still in getting the access points out of the functional area of the intersection so that they function (add value), and dealing with the offsets from opposing access points so they function safely (no overlapping left-turn conflicts). If you have a copy of the TRB Access Management Manual, there is some good, and nationally accepted, guidance on these topics.

I'm curious about several things regarding the inputs to the analysis, and about the methods of analysis to generate the results.

- I'm curious to know what ADT and turning movement volumes the City will provide to you for analysis, when they were taken, and how they were normalized. Would you mind forwarding those to me when you receive them?
- Will you also request crash data from the City? I'm curious to know about any crash patterns that may need to be mitigated.
- Will the City provide you with background traffic growth rate for horizon year analysis? With significant redevelopment now possible at 29th & Fairlawn, and continuing growth vectors south of I-470, I'm curious about how long it will be before dual left-turn capacity is warranted at 29th & Gage.
- Will you field verify the signal timings on the various phases? I'm very concerned that the signal timings that exist on a plan on a shelf may not reflect actual operating conditions of 29th & Gage.
- Will you run an HCS analysis of the signal operation? With the more isolated operation of the 29th & Gage signal, I'm concerned that Synchro is not the most appropriate capacity analysis tool. It appeared to me that the arrival types were more random, and the peak hour factors significantly different than those shown in the Synchro analysis. As you know, this has a profound impact upon queue lengths. Also, Synchro does not comply with the Highway Capacity Manual on everything, and it is my experience that Synchro tends to underestimate standing queues and overestimate capacity.

I am at your disposal for any coordination or collaboration that you feel is appropriate.

Chris Huffman P.E.

Kansas Professional Engineer
 Kansas and Missouri Certified General Real Property Appraiser
 Huffman Corridor Consulting/Martens Appraisal
 PO Box 2011 Topeka, KS 66601
 (P) (888) 804-4367; (F) (888) 804-4612
chris@huffmancorridorconsulting.com

From: David Wood [<mailto:Wood@kveng.com>]
Sent: Monday, June 23, 2014 3:50 PM
To: chris@huffmancorridorconsulting.com
Subject: Topeka Walgreen's- 29th and Gage Blvd

Chris,

As discussed, Batis Development and KVE met with City Staff on Thursday of last week to discuss the Walgreen's project. KVE will be working with the Developer and City to address your questions and comments dated June 12, 2014. We hope to have additional information compiled and submitted to the city next week.

On a side note, it appeared that you had a copy of the April 17 study. You may have it already, but I have attached the May 20, 2014 TIS Addendum/response to City comments for your records. The addendum included the analysis of the right in/right out scenario on Gage Blvd.

Thanks,

David Wood, P.E., PTOE



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THIS REQUEST MAY BE REJECTED UNLESS ALL ITEMS ARE COMPLETED AND CORRECT FEES SUBMITTED

REQUEST FOR RECORD **CITY OF TOPEKA (Fax No. 785-368-3943)**

RECEIVED
CITY CLERK

DATE: 7/29/14NAME: CHRIS HUFFMAN (Printed)

2014 JUL 29 A 9:26

ADDRESS: 534 S. KANSAS AVE.; STE 1108 (Street) TOPEKA, KANSAS
TOPEKA, KS 66603 (City, State)PHONE NO. (785) 224-8749 chris@huffman.corridorconsulting.comSIGNATURE: Chris Huffman

Copies Sought: Please provide a specific description of the record(s) you desire to inspect. Include record title, date, originating city agency/department, or any other pertinent information:

Record Title/Date	Originating Agency/Department
1. <u>MOST RECENT TRAFFIC TURNING COUNTS</u> <u>29th & GAGE</u>	
2. _____	
3. <u>CRASH REPORTS; 3yrs; 29th & GAGE</u>	
4. <u>1,000' N, S, E, W</u>	

(To be completed by Records Custodian)

Charges: A charge for providing access to public records is authorized by state law and has been established by the city governing body. These charges are set at a level to compensate the city for the actual costs incurred in honoring record requests. The fee schedule established by the city is posted in this office.

Prepayment for the above request _____ is required _____ is not required

Request:	Date	Access Provided:	Date
	Time		Time

Pages Copied: _____	Pages @ \$.25 per page	\$ _____
Certification(s): _____	Certification @ \$1.00 per certification	_____
Staff Time Involved: _____	Hours @ \$13.00 per hour	_____
CD / DVD Copied: _____	6 hr. media @ \$50.00 ea.	_____
Other Charges _____		_____

Total Charges \$ _____

Prepaid _____
 Paid _____
 Billed _____

Records Custodian



KAW VALLEY ENGINEERING, INC.

September 16, 2014

A14D6828

Batis Development Company
2933 SW Woodside Drive, Suite 200
Topeka, Kansas 66614

**RE: WALGREENS
SW 29th STREET AND SW GAGE BOULEVARD
TOPEKA, KANSAS**

On the behalf of Batis Development Company, Kaw Valley Engineering, Inc. (KVE) has reviewed the comments from Huffman Corridor Consulting, LLC dated August 29, 2014 on the Traffic Impact Study for the proposed Walgreens on the northwest corner of 29th and Gage Boulevard. KVE is issuing this letter in response to those comments and should be considered an Addendum to the Traffic Impact Study dated August 1, 2014. Mr. Huffman's, P.E. comments are below in Gray. Our responses are in red.

Since my June 12, 2014 letter to you regarding my review of the original Traffic Impact Study (TIS) report conducted by Kaw Valley Engineering for above noted proposed development, dated April 17, 2014, several events have transpired. I have conducted trip generation, standing queue, and safety analyses in order to better understand the proposed development. I have also received a revised TIS report dated August 1, 2014 and was asked to review that revised report. The purpose of this letter is to discuss my review of that revised report, particularly in the context of the additional studies that I've conducted. I will go through the revised TIS report on a page by page basis.

Introductory Comments:

In an e-mail to David Wood, P.E., P.T.O.E. of Kaw Valley Engineering dated June 26, 2014 several questions and concerns were raised regarding conduct of the revised TIS, and an offer was made to collaborate regarding these questions and concerns. A copy of this e-mail is attached to this letter. I also spoke to Mr. Wood by phone, and reiterated the offer to collaborate. These offers were rejected. **As indicated in the email response to Mr. Huffman, KVE met with City Staff to discuss the project and revised scope for the Traffic Impact Study for the above referenced project. Due to the changes in the site layout and negotiations for additional property to be included in the project, it was not practical to discuss the changes with Mr. Huffman or Mr. Hutton prior to submittal of the revised rezoning petition. Since receipt of comments on the TIS, KVE has met with Mr. Huffman to discuss the project and provided additional information on the methods of data collection as requested. The meeting to discuss the Traffic Impact Study as it relates to the project occurred on September 15, 2014.**

In a telephone call to Mr. Jeff Hunt P.E., Assistant City Engineer- City of Topeka (City) on July 9 a number of issues relating to the analysis of SW 29th Street and SW Gage were discussed. Among these issues was the notion of a 1.0% to 1.2% background traffic growth rate for horizon year (future

other locations

traffic condition) analysis. I also requested traffic/turning count information, information regarding safety records, and signal phasing and timing information for 29th & Gage. A follow up e-mail on July 9 acknowledged the request for information, and expressed concurrence with the background traffic growth assumption. A copy of this e-mail is attached to this letter.

In the weeks that have followed from July 9 to the date of this letter, I received signal phasing and timing information from the City, as well as safety data from the Kansas Department of Transportation (KDOT). I was informed that no recent traffic/turning counts were available for this intersection; however, a Kansas Open Records Act request file-stamped by the City Clerk on July 29, 2014 ultimately led to me being furnished with turning movement counts for 29 & Gage taken in 1999. A copy of the file-stamped KORA request is attached to this letter. I received the revised TIS report (dated August 1, 2014) by e-mail on August 11, 2014, and have since reviewed the revised report, particularly in the context of my own studies.

Page 2- Revised TIS Report:

Additional counts were taken far the AM peak hour at SW 29th Street and the commercial drive on the south side of the street.

The date that these additional counts were taken was not specified in the report, though the information does not appear in the April 17, 2014 report, nor the May 20, 2014 Addenda to the April report. If the counts were taken with the construction zone in place, then the numbers are undoubtedly skewed. That these additional counts were taken in the AM peak is also concerning, in that the PM peak appears to be the appropriate analysis condition, and KV's own turning movement counts indicate differences between AM and PM traffic characteristics. Regardless, I am unclear as to what this information adds to the analysis. **The additional counts referenced above were taken at the commercial driveway on the south side of 29th Street that will align with the proposed Walgreen's Driveway. These counts were taken on June 24, 2014 from 4:45 to 5:45 PM to coincide with the peak hour counts previously taken on the adjacent roadway. The date and timing of these counts are included in the appendix of the report under tabulated results: vehicles counts. Mr. Huffman is correct in that the construction zone was in place and the drive approaches to Gage Blvd for the development in the SW quadrant of the intersection and the intersection of SW 29th Terrace were closed due to construction. Assumptions were made to assign a portion of the traffic to other approaches and intersections. This data was used to complete the capacity and queuing analysis at the site driveway as identified on Figures 5 and 6 and Tables 6 thru 8.**

"During the due diligence phase a/this project, Annual Average Daily Traffic (AADT) was obtained from the City of Topeka for 2011."

In more than one phone call and e-mail to Mr. Jeff Hunt, P.E. (Assistant City Engineer), I was informed that there was no traffic count information available at that intersection within the last 10 years. Further, in an Open Records Request filed by me, and stamped by the City Clerk on July 29, 2014, the most recent traffic/turning movement counts at the 29th & Gage intersection were requested, along with crash data within the functional area of the intersection. The first response from the City Attorney's Office was silent on the subject of the traffic/turning movement counts, but did speak to the safety data. A second request from me declining the safety data, but again requesting the traffic/turning count information was made by e-mail. The result of that second query was that turning movement counts from the 29th & Gage intersection dated 1999 were furnished to

me. I do not understand where the 2011 counts cited in the TIS could have come from, nor am I clear in how they are incorporated into the analysis. **The 2011 counts cited in the TIS were obtained from the 2011 Traffic Count Map of Topeka. This map has been attached to this addendum for reference.**

"The 2011 counts indicated that the AADT on 29th Street adjacent to the development was 12,565 Vehicles Per Day (VPD). The AADT on SW Gage Boulevard is 21,290 VPD."

I am at a loss to understand these numbers. According to the Traffic Count Map of Topeka, published on-line by the KDOT, the traffic counts shown on that map (from counts taken May and June 2013) tell a remarkably different story.



This map indicates traffic volumes as follows:

AADT's from KDOT Traffic Flow Map		
Street	AADT	Location of Count
29th Street	21,530	29th St Just East of Gage Blvd
	26,005	29th St Just West of Fairlawn
Gage Blvd	15,910	Gage Blvd Just South of Twilight Dr
	20,000	Gage Blvd Just South of 21st

These counts were NOT taken adjacent to the proposed development, and are not a substitute for actual and recent volume counts. They do, however, illustrate a critical point. Traffic volumes increase on Gage Blvd from south to north, and increase on 29th Street from east to west. I am at a loss to understand where the 12,565 VPD comes from, or in how it is utilized in the analysis. **The AADT were not collected by KVE and were included in the May 20th addendum to the April 2014 TIS at the request of Terry Coder, PE who reviewed the original study. As shown on the 2011 Traffic Count Map of Topeka, the reported values in the TIS match the values on the published map and provide additional counts around the study intersection than the map provided by Mr. Huffman. Mr. Bill Hoover with the City of Topeka left a voicemail on September 9, 2014 and indicated that the City had done some additional research on the count maps. Mr. Hoover indicated that a portion of 29th Street may have been under construction during the count period. Furthermore, he indicated that 16,315 VPD were reported on the 2007 map and may be more indicative of the AADT on 29th Street west of Gage Blvd. This information has not been verified.**

It appears from Figure 4 (appendix) that the two-hour turning movement counts reportedly taken by KVE for purposes of the TIS may have been "grossed up" by a design hour volume (DHV) in order to reach the VPD numbers that appear on Page 2 of the report. Design hour volume (DHV) is the traffic volume in the peak hour divided by the traffic volume over a 24-hour period and is in essence the percentage of the total vehicles per day (VPD) that occurs during the peak hour. If the traffic volumes in the TIS were derived this way, however, then it appears that an 11.85% DHV was used on 29th Street, while a 7.99% DHV was used on Gage Boulevard. If this is true, then I see no rational basis for such a difference in design hour volumes in proximity to the same intersection. **No adjustments were made to the manual counts taken at the intersection of 29th and Gage Blvd. The following is an excerpt of an email sent to Mr. Huffman on September 5, 2014 in response to questions regarding the data collection:**

"Counts were taken manually for each movement on the four approaches in fifteen minute intervals from 4PM to 6PM to identify the PM peak Hour and from 7AM to 9AM to identify the AM Peak Hour. Due to the number of movements and volumes in the intersection two people were utilized. We count departure volumes. Vehicles were counted as they entered the intersection in order to identify the specific movements. Variations in arrival volumes were considered by periodically observing for queues on the approaches at the beginning of the red signal phase.

This data was transferred and summarized in the Volume and Distribution Diagram included in the study.

Heavy vehicles were negligible at the intersection the day of the study."

"One entrance is planned to be located on SW 29th Street. This entrance Is noted to be 36' wide ... and is shown to be approximately 300' west of the west curb line of the 29th & Gage intersection."

In the absence of survey-grade measurements that are typically reflected in a TIS report, less precise measurements must be relied upon. I am unclear what "west of the curb line" means in this context, as I'm not aware of this as a standard measurement. If the proposed 29th Street drive is to line up with the commercial drive on the south side of 29th Street, thereby addressing the extreme concern introduced by overlapping left-turn conflicts, then rough field measurement seems to dispute the "approximately 300'" cited in the report. Rough field measurement indicates that the eastern-most existing drive on the south side of 29th Street is approximately 255' from the stop bar.

Measurement from the stop bar is, in my opinion, a more rational measure because a stop bar denotes the beginning of the queue. If the proposed drive on 29th Street is to line up with the eastern-most existing commercial access, then the dimensional discrepancy between the TIS and the field measurement is equal to the storage requirement for nearly two vehicles, which is a material concern to the operation of the drive and the safety of the travelling public.

The distances reported in the TIS correspond to the methodology outlined in the City of Topeka AMP. These measurements are illustrated on Figure 2 in the Appendix of the TIS and can be correlated to the distances from the stop bar as indicated above.

"The second driveway proposed ... is to be located on SW Gage Boulevard approximately 340' north of the north curb line... This access is illustrated as a ¾ driveway ... Egress is restricted to right out only."

I have the same concern regarding any measurement described as "340' north of the north curb line"; though, lining up commercial drives does address the extreme concern regarding overlapping left-turn conflicts. I am unclear, however, of the intent of the description of the ¾ intersection on Page 2. Page 9 of the TIS appears to discard the notion of the ¾ intersection and Figures 5 and 6 in the addenda seem to show both scenarios. I am unclear as to whether or not a 3/4 drive is proposed, and do not believe that it would appreciably benefit the public safety, if it is proposed. In my experience, violation rates of such drive configurations, particularly in off-peak hours, tends to be high, introducing unexpected turning conflicts. They also prove difficult to deal with in winter maintenance situations and typically suffer significant damage relatively quickly. The configuration on the east side of Wanamaker Road south of Winding Road provides a useful illustration of these points.

The developer is proposing a ¾ drive approach to restrict left turn movements. I concur with Mr. Huffman regarding the safety benefit and maintenance issues associated with the island. My recommendation is that the developer provides full access at this location. Figure 5 illustrates the volume and distribution diagram for the developer's proposal. The analysis associated with this scenario is included in Table 7. Our recommendations are outlined on Page 9 of the TIS and the supporting analysis is depicted on Figure 6 and Table 8.

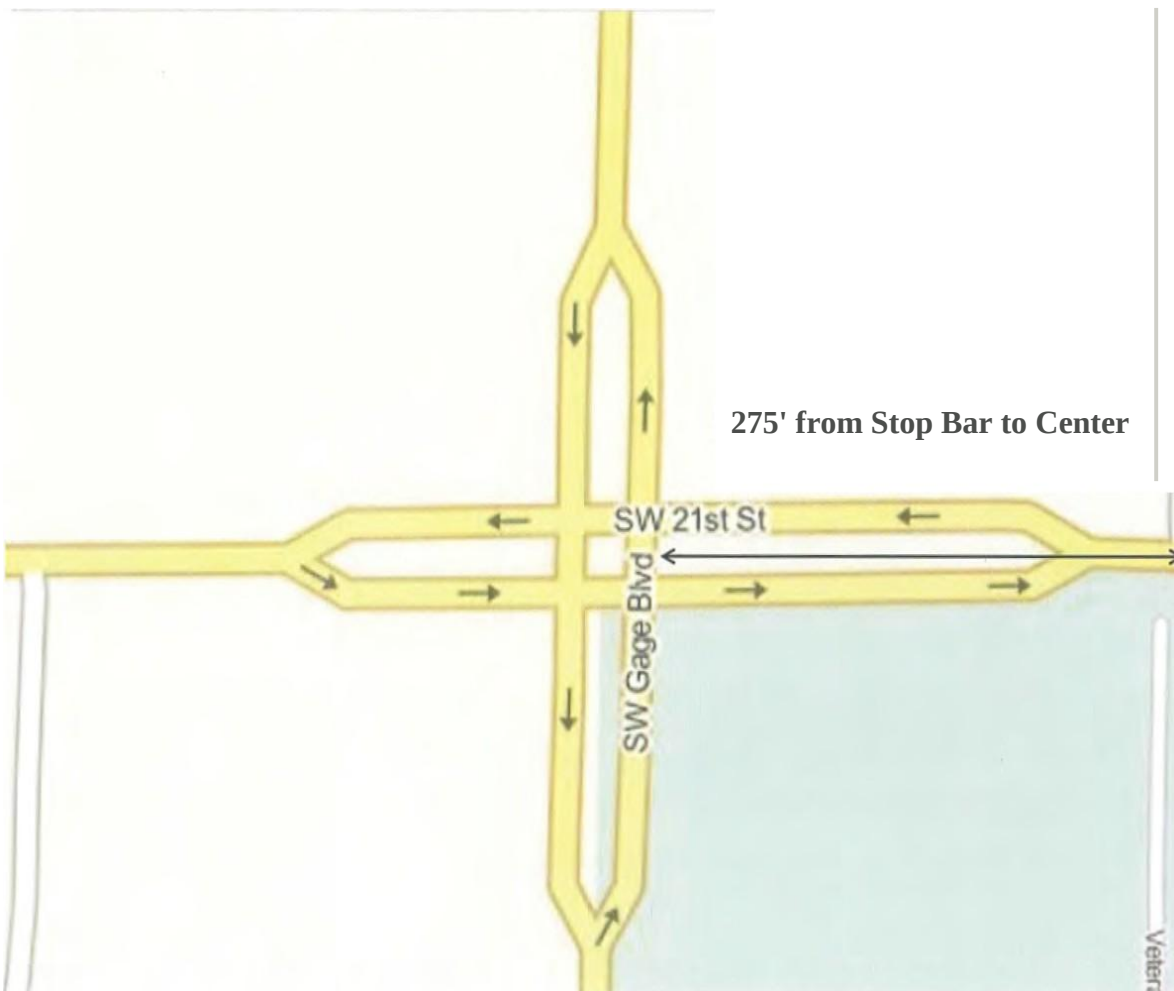
Page 3- Revised TIS Report:

Page 3 provides a very useful discussion of the presence of access points within the functional areas of major intersections. The TIS report correctly explains that drives within functional areas of major intersections should be avoided, and in explaining that the PIEV (perception-reaction distance) plus the deceleration-maneuver distance required under the operating conditions of the 29th & Gage intersection are already at, or greater than, the driveway spacing proposed even without adding queuing distance. The report also, however, appears to put the responsibility for dealing with this fact back on the site designer, and I emphatically disagree with that approach. It is reasonable and customary in Traffic Impact Studies to both identify traffic and safety concerns AND to recommend appropriate mitigations. In twelve years of reviewing TIS reports for the KDOT, and in teaching seminars on the organization and review of TIS reports, I have found that best practice requires such problems to be identified and solutions or mitigations proposed. In my opinion, this TIS report fails in this regard. **Mr. Huffman is correct in his determination that both driveways fall within the functional area of the 29th and Gage intersection. The TIS identifies both the safety concerns**

and recommended improvements associated with the drive approaches and their proximity to the 29th and Gage intersection on pages 8 thru 10 of the TIS.

"It is likely that during peak hours, the traffic demand on 29th and Gage Boulevard queuing at the signalized intersection would occasionally restrict access to both the existing driveways along the corridor as well as the proposed Walgreens access points."

A field study I conducted of the PM peak hour operation of the east leg of the 21st & Gage intersection supports this conclusion. On Wednesday August 20th from 4:15 pm to 6:15 pm I observed the operation of the east leg of the 21st & Gage intersection, particularly the operation of the intersection of the 21st Street and Atwood Street, which lies approximately 275 east of the stop bar. This is a similar configuration to the west leg of the 29th & Gage intersection (approximately 255 from the stop bar to the proposed drive), has lane configurations identical to the west leg of 29th & Gage, and is not disrupted by construction.



This observation found that the peak period is from 4:45 pm to 5:45 pm, and during this time the Atwood intersection was blocked by standing queues or by startup-lost time 39.5% of the time. In the peak 15 minute period (5:15 pm to 5:30 pm) the Atwood Street intersection was blocked 65.6% of the time. This demonstrates that the proposed access point on SW 29th Street will not function for a significant portion of the peak period. **The example Mr. Huffman is providing illustrates that**

queues generated by traffic signals will restrict access to upstream driveways in close proximity to signalized intersections. This scenario is not disputed in the TIS and is a condition that may occur on all four approaches to the 29th and Gage intersection. I would question how the percentage of time blocked at a commercial driveway at 21st and Gage correlates to the proposed project at 29th and Gage. This comparison indicates that this condition is identical to the west leg of the 29th and Gage intersection. Although the distances from the drive approach to the signalized intersection may be comparable, there is no traffic count or other pertinent volume data provided. It should also be noted that the proposed Walgreens will be on the opposite side of the street than the intersection presented in this example and the primary movement is from the departure leg of the signalized intersection. A comparison to the Gage approach would have been more applicable. This comparison does highlight why access points on both 29th and Gage would be beneficial as it limits the number of movements that are restricted at each entrance at one time.



Site Traffic Projections- Page 3, and Table 3- Page 4 Revised TIS Report:

The revised analysis apparently still relies upon the same ITE Trip Generation Manual data as did the previous study. However, the revised TIS does provide information regarding a manual trip

generation count study performed by Kaw Valley at the Walgreens located at 10th & Topeka Boulevard, though the date of this study does not appear in the TIS, The study of the 10th & Topeka Boulevard site indicated 189 vehicles in a period from 4:45 pm_h to 5:45 pm. For a store of 12,872 sq.ft. gross floor area this indicates a peak hour trip generation of 14.68 trips per 1,000 sq.ft. of gross floor area. This is well above the 9.91 trips per 1,000 sq.ft. of gross floor area average found in ITE. I made a similar manual trip generation study of the Walgreens store located at 21st & Fairlawn, taking care to count only those vehicles where people actually parked and went into Walgreens, or those that exited Walgreens and departed, as well as drive-through usage. My counts were made on July 8, 2014 from 4:30 pm to 6:30 pm. I also found the peak period to be from 4:45 pm to 5:45 pm, and I counted 264 entering and exiting vehicles for a store of 13,722 sq.ft. gross floor area. This computes to a peak hour trip generation of 19.24 trips per 1,000 sq.ft. of gross floor area. I observed as many as four vehicles queued in the drive-through. Given the differences in trip characteristics between the downtown area and the southwest part of the City during "after work" hours, I believe that the 21st & Fairlawn location is more indicative of the commercial trip characteristics of 29th and Gage. Even if one were to average these two findings, it is clear that the trip generation characteristics of Walgreens stores in the Topeka market are significantly greater than the average reported in the ITE Trip Generation Manual. I adamantly disagree that the purpose of manual trip generation studies is to *"confirm the statistical accuracy of the ITE trip generation manual."*-Page 4. Rather, the purpose of such a local study is to UTILIZE the local data instead of the Manual data in queuing and capacity analyses. The difference between the 9.91 average reported in ITE and even the lower of the local studies is significant, and use of the average from the Trip Generation Manual introduces significant error into the analysis by underestimating the volumes of turning traffic into and out of the proposed site. **In my opinion, the trip generation provided by the ITE trip generation manual is an appropriate resource for traffic studies. For this particular land use, the manual provides 31 studies of data to develop trip generation rates instead of relying on one or two locations to provide an estimate. It should be noted that Mr. Huffman's summary indicates that the Walgreen's store at 10th and Topeka Blvd as a floor area of 12,872 SF. The actual SF of the building is 15,872 when accounting for the basement storage in the building and part of the gross floor area; the SNCAMA Property Report Card for the 10th & Topeka store is attached for reference. Regarding Mr. Huffman's opinion that the trip generation for the Walgreens at 21st and Fairlawn may be more indicative than the downtown location, it is difficult to justify the use of trip generation data from one data set from a store with significantly different site characteristics. First and foremost, this store is part of a larger commercial development.**

Page 5- Revised TIS Report:

"It was assumed the site-generated traffic would follow a similar distribution pattern to existing traffic."

I do not concur that this assumption is reasonable. It is customary and reasonable for analysts to identify and consider the market area of the proposed land use, identify probable productions and attractions within that market area, and derive reasonable trip assignments from this basis. The ITE publication "Transportation Impact Analyses for Site Development" speaks to this point, and is considered a foundational reference document for traffic impact studies. It is reasonable and customary for an analyst to confer with the developer, or other knowledgeable market participant in order to develop an understanding of the market forces that drive trip demands, and to incorporate this information into the TIS. I find no evidence that this has been done in this case, and as a result, can place no confidence in the trip assignments utilized. **When determining the trip distribution, a number of factors were considered. Per the developer, Walgreen's preference is that no store is**

located closer than 2 miles to an adjacent store. This indicates that the primary market for the store could generally be assumed to be a one mile radius around the store location. The proposed location will fall within a cluster of existing Walgreen's stores. The closest existing store excluding the location across the street is to the northwest. Based on the density of the housing in the 1 mile radius around the store, the distance to the stores to the northeast and southeast of this location and the existing volumes on the adjacent roadway that would contribute as pass-by traffic, the distributions presented on page 5 of the TIS are justifiable.

"The area in the general vicinity of the proposed Walgreens is developed and it is anticipated that future growth in background adjacent to the development will be limited and therefore was not analyzed."

It is reasonable and customary to include a horizon year analysis in ANY traffic impact study. A horizon year analysis is simply the analysis of likely traffic conditions in a future year (often 20 years, or it could correspond to the future year of the comprehensive plan). Just as existing condition analysis establishes existing operating conditions and levels of service, horizon year analysis helps to identify if and when problems with operating conditions and levels of service are likely to occur in the future. In this case, I do not agree that the potential for redevelopment of the 29th & Fairlawn area, the potential development of the Fairlawn and Gage corridors south of 1-470, and the proposal to increase the commercial node of 29th & Gage to approximately 30 acres will result in negligible change in traffic demands in the vicinity of this development. If the turning movement counts found in Figure 5 and Figure 6 of the TIS are to be accepted, then a 2% average annual traffic growth rate for only 10 years will see the need for dual-left turn lanes for the southbound-to-eastbound left turn. All four approaches will merit dual left turn lanes with even a 1% growth rate over a 20 year planning horizon. Dedicated right turn lanes are warranted now, but do not exist, nor are they proposed. The purpose of a horizon year traffic analysis is not to assign financial responsibility for future improvements to a given developer, but is rather to alert government officials regarding the need for future improvements so that capital planning may take place. **The need for a future year scenario to be included in the scope of the TIS was discussed with City staff. KVE was directed that this analysis was not necessary for this project.**

Page 6- Revised TIS Report:

"The analysis was conducted using Synchro 6 software ...It should be noted that the results of the Synchro analysis may overestimate actual signal delay and underestimate queue lengths in comparison to the Highway Capacity Software, but it is the understanding of KVE that Synchro software is an acceptable modeling software to the City of Topeka..."

I concur that Synchro is a widely accepted and quite powerful software tool for the analysis of capacity and levels of service. It is not, however, the optimum tool to be used under all conditions. If a development is proposed along a street that has numerous traffic signal controls each within one another's functional area, and the operation of one signal directly impacts the operation of the next, and then the next, ... then Synchro is held by many engineers as the preferred tool to analyze such conditions. In this case, however, the 29th & Gage signal operates in a much more isolated fashion, with more random arrivals of much "looser" platoons of traffic, and with numerous unsignalized intersections between the signals. If a stochastic modeling tool (one that relies on probabilities in the behavior of individual vehicles) such as Synchro is to be utilized in the case of 29th & Gage, then it must be understood that Synchro departs from the Highway Capacity Manual (the foundational source cited in the TIS) in some respects. Because of these departures, and because of its stochastic

nature, field calibration of Synchro model results is especially important and is impossible given the disruptions of the ongoing construction. Finally, regardless of the software tool utilized to analyze queuing and capacity, any software program is dependent upon accuracy and reasonableness of inputs to yield reliable results. It is my opinion that utilizing theoretical optimum model inputs rather than actual data and conditions will result in unreliable model results regardless of the software utilized. **Mr. Huffman is correct in stating that any analytical tool is dependent upon the accuracy and reasonableness of inputs to yield reliable results. As noted below, the input parameters are based on actual field data and factors as recommended by the Highway Capacity Manual for the geometric configuration of the intersection. It should also be noted that the Synchro software used to complete the capacity queuing analysis is a deterministic model, similar to the Highway Capacity Software (HCS), and utilizes the same inputs and calculations as presented in the Highway Capacity Manual (HCM). Unlike the HCS model that uses arrival types, Synchro relies on progression factors. Isolated intersections modeled in Synchro rely on an arrival type 3 which is a random arrival. Trafficware does offer a stochastic microsimulation tool (simtraffic) that does model multiple cycles and does rely on assigning probabilities in behavior in order to obtain an averaging of results, but this program provides results independent of the Synchro analysis.**

Page 7- Revised TIS Report:

"Using a base signal timing of 120 seconds (typical maximum cycle length for urban signalized intersection), the results of the analysis for the existing conditions indicate that the intersection is could operate at a LOS D."

It is reasonable and customary to utilize ACTUAL signal timings in cases of existing signals whenever the existing phasing and timing plans are available. Signal phasing and timing plans were furnished to me by Mr. Jack Fultz (City) in an e-mail dated July 9, 2014 and indicate an actual cycle length of 178.8 seconds without modifications for active traffic management due to construction. The difference between 30 cycles/hour (120 second cycle) and 20 cycles/hour (178.8 second cycle) is profound, and will have a material impact upon the queuing and level of service yielded by any modeling software. **See discussion on cycle length below.**

Another item that must be noted regarding model inputs involves the Peak Hour Factors utilized in the Synchro model. The 2010 Edition of the Highway Capacity Manual (HCM 2010) is the foundational document utilized throughout the U.S. for analyzing capacity, quality of flow, and level of service. On page 4-3 of Volume 1 of the HCM 2010 the concept of the Peak Hour Factor (PHF) is presented. The purpose of the PHF is to account for variations in the flow of traffic and is expressed as hourly volume divided by the peak flow rate within the hour. An unlabeled figure located in the addenda of the revised TIS report after Figure 3 tabulates traffic movements and volumes, and computes the peak hour factor s and distributions for each movement. Yet, the Synchro analysis shows a uniform PHF of 0.85, which corresponds to none of the PHF's computed in the earlier mentioned Figure. **The individual peak hour factors for each movement were not utilized in the TIS because of the variation in peak 15 minute counts per movement within the peak hour. As stated earlier, KVE counts departure volumes or vehicles as they enter the intersections. To account for variations between the 15 minutes, the average PHF for the entire intersection is determined. This calculation was not included in the original TIS, but I have included the exhibit as an attachment to this addendum for reference. The PHF for the AM Peak was .86. For the PM Peak it was .89. To be conservative a uniform PHF of 0.85 was used.** Another input parameter is the Lane Utilization Factor, which is a parameter indicating how drivers distribute

themselves within available lanes. The Synchro model in the TIS report utilized 0.95 to 1.0 lane utilization factors, which indicates an assumption of near-perfect lane utilization (even distribution of vehicles). This assumption contradicts field observations, which show much more disparate lane utilizations as vehicles anticipate downstream turns, and enter the most advantageous lane despite greater queues. The picture on the following page shows an example of this occurring on the north leg of the 29th and Gage Intersection. It must be acknowledged that downstream construction is exacerbating this phenomenon in the case of 29th & Gage; however, this driver behavior may be observed at virtually any major intersection, even with no downstream obstructions present. **The highway capacity manual recommends factors for lane utilization based upon the number of approach lane groups. These factors were used in the analysis. The photo provided below illustrates a scenario in which the share through/right lane is a defacto right turn lane due to the construction south of the 29th and Gage intersection. This picture is not indicative of normal operating conditions.**



"It should be noted that at a 120 second cycle length, certain movements during the peak hours may not have sufficient green time to fully clear a developed queue and actual queues observed in the field may be longer."

Putting aside for the moment the fact that a 120 second cycle does not correspond to the actual operation of the signal, I concur with the statement above. I disagree completely, however, with the lack of explanation as to the impacts of the statement. The fact that the Synchro analysis using an "optimum" cycle length, a uniform PHF, and a near-perfect lane utilization factor indicates likely cycle failure (left-over queues during peak times) is extremely important. First and foremost, I reiterate that local and actual data should always be utilized in a queuing and capacity analysis, at least for analysis of existing conditions. Indications of cycle failure under theoretically optimum conditions should indicate to the analyst that multiple periods need to be analyzed so that the effects of these leftover queues are included in the queue length and level of service computations. I do not see that this has been done. **It is my opinion that the existing cycle length is too long for the existing traffic volumes observed at the intersection. The 120 second cycle length provides adequate v/c ratios (<1) for all movements while performing at an acceptable LOS. Minor**

variations in the green time splits were studied and may be adjusted to address a residual queue. The statement above referenced from the TIS is made to highlight the point that the analysis provided is based on a single set of peak hour data.

"As states earlier, Batis Development Company is proposed a full access drive on SW 29th Street and a ¾ access on SW Gage Boulevard."

Again, there is inconsistency between this verbiage, and the description of recommended improvements on Page 9. It is also difficult to tell which condition was modeled in Synchro, as it appears that only the signalized intersection itself was analyzed. **Both conditions were analyzed (¾ access at Gage and full access at Gage) for the AM and PM peak hours at the signalized intersections as well as the proposed driveways. The results of the analysis are included in tables 7 and 8. Synchro files are included in the appendix of the report.**

Page 8- Revised TIS Report:

"The results of the analysis /or proposed conditions Indicate that the development of the Walgreen's will have little impact on the adjacent signalized intersection at 29th and Gage Boulevard with minor increases in delays and queues."

Given the problems discussed above with the differences between the theoretical optimum that was analyzed and the actual conditions that are present, I find the above statement incredible. The notion that most of the traffic visiting the proposed site was likely on the adjacent streets already is likely reasonable. However, overly general statements like the one above contradict the operational problems noted (and underestimated) in the TIS report regarding access points within functional areas of major intersections. This is one unfortunate result when theoretical optimum conditions, rather than actual conditions, are analyzed and reported. Finally, overly general statements like the one above do nothing to address the safety impacts of commercial access points within functional areas of major intersections. In re-developing the northwest quadrant of the 29th & Gage intersection to more closely resemble the other three quadrants, patterns of crashes that are currently seen (particularly on the north and east legs of the intersection) are likely to present themselves on the west leg of the intersection. A more detailed discussion of these patterns of crashes follows. **See Below.**

Page 9- Revised TIS Report:

"In general the redevelopment of this property is improving traffic safety on 29th Street and Gage Boulevard due to the due to the closure of seven residential driveways in close proximity to the signalized intersection."

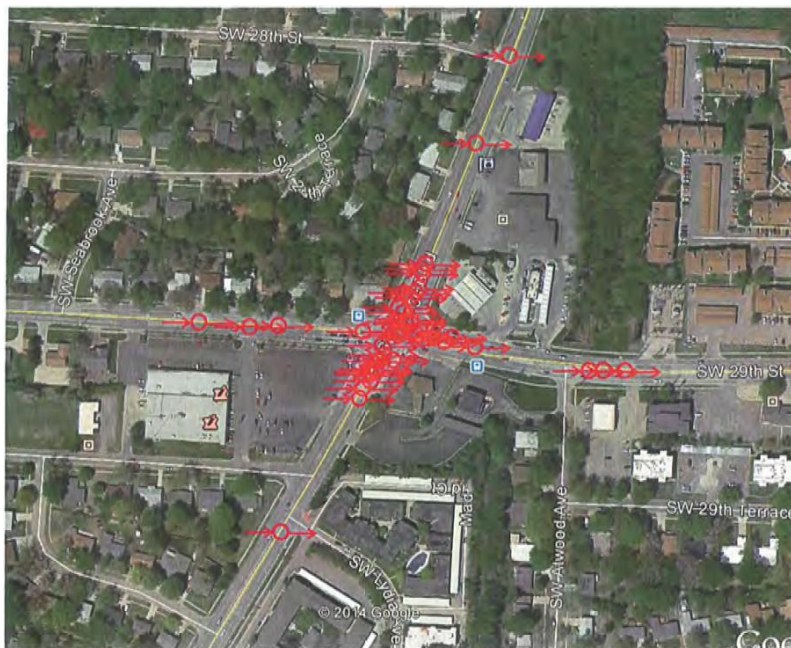
I find the above statement to be unfounded and deeply disturbing. While it is true that fewer drives means fewer conflict points, such blanket statements in the absence of actual safety analysis to support them ignore the effects of relative demand upon those drives (exposure), contradict the actual safety record of the 29th and Gage intersection function area, and show a lack of understanding regarding the safety impacts of higher volume commercial drives within functional areas of major intersections. **The purpose of the above statement is to document a change in access within the functional area of the intersection. Studies have indicated that the reduction/consolidation of access points can yield a significant reduction in accident rates associated with higher driveway**

density on suburban arterials. The safety issues associated with the proposed site layout are identified on Pages 8 and 9 of the TIS.

Analysis of safety records provided to me by KDOT on August 6, 2014 gives cause for serious concern regarding the statement in the TIS. Data was requested for crashes reported to the KDOT from January 1, 2011 through July, 2014 and within 1000' of the intersection of SW 29th & SW Gage. During this time period 102 crashes were reported within 650' of the intersection. Twenty nine of these were injury crashes, resulting in 42 injuries. Seventy two of the crashes (70.6%) are attributable to intersections or access points. More specific analysis of these crashes follows by type. It must be noted that the images that follow are not to scale, but rather represent the relative positions of the crashes reported.

Rear End Crashes

This is, by far, the most prevalent type of crash in the functional area of this intersection. Rear end crashes most typically result from speed differentials between vehicles stopped or slowing at the end of a queue or to make a turn, which are then overtaken by following vehicles. These crashes are denoted as:

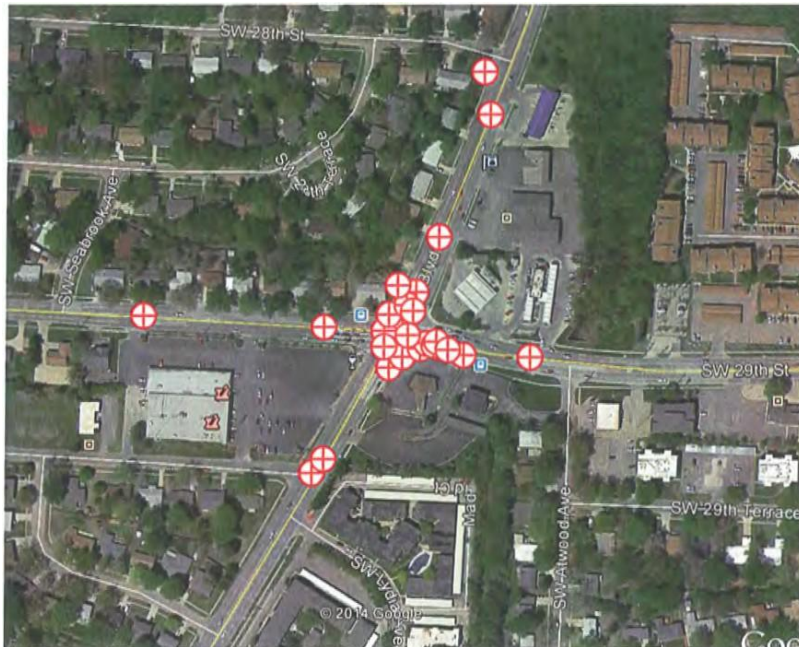


These crashes are to be found on all four legs of the intersection, but are most prevalent where standing queues stopped at the signalized intersection are forced to interact with demands from commercial access points as well as vehicles approaching the queues from downstream. The lower incidence of rear end crashes on the west leg of the intersection will be negatively impacted by the introduction of new commercial access. **Rear end collisions are usually associated with lack of sight distance, left turning vehicles stopped in through lanes, or slow moving vehicle entering or exiting driveways. Crash rates are usually addressed with the installation of auxiliary turn lanes. In the case of the proposed development, a TWLTL is provided along both property frontages. As discussed in the TIS the shared left turn lane on Gage may be partially obstructed during peak hours, but right turn access is available at the 29th Street access for traffic originating south and east of the Gage/29th Street intersection. Auxiliary right turn lanes**

were not recommended because they were not warranted for this development due to the relatively low right turn volumes at the proposed driveways. This warrant analysis is attached to this report.

Angle Collisions

Angle collisions tend to be the most severe of crashes, as they result in "T-Bone" collisions between vehicles. They occur only where vehicles crossing traffic streams from intersections or access points come into conflict with through movements on those traffic streams. These crashes are denoted as:



These collisions tend to cluster, particularly where commercial access points exist within functional areas of signalized intersections. The lower incidence of angle crashes on the west leg of this intersection will be negatively impacted by the introduction of new commercial access. **The introduction of any access point to an arterial introduces the potential for an accident due to additional conflict points. This type of collision is usually associated with driveway density, offset driveways and poor sight distance that can be exacerbated by standing queues on the roadway. The developer is proposing a single point of access on both 29th and Gage that are properly aligned with cross street access points. This development mitigates the sight distance issue to some affect by providing two drive approaches allowing for the majority of movements to occur as the preferred right turn movement.**

Sideswipe Collisions

Sideswipe collisions occur on multi-lane streets in urban areas where vehicles attempt to change lanes in anticipation of a downstream turn. As with angle collisions, these tend to cluster in areas where high turning demand is generated by commercial access points within functional areas of major intersections. These crashes are denoted as:



This type of crash is clustered primarily on the east leg of the intersection, where high turn volumes at the intersection are exacerbated by the presence of commercial access points within the functional area of the intersection. The low incidence of these crashes on the west leg of the intersection will be negatively impacted by the introduction of new commercial access. **It should be noted that this type of crash is usually exacerbated by a high density of access points and a left turning vehicle stopped in a through lane. The proposed development is proposing one access point on both Gage and 29th Street addressing driveway density issues. During most periods of the day, there is a usable two way left turn lane and addresses the issues associated with stopped vehicles in the through lane. During peak hours, vehicles from south on Gage or east on 29th Street have access to a right turn movement at the 29th Street driveway.**

Other types of crashes seen in the data set include, but are not limited to, collision with fixed objects and pedestrian collisions. While no crash is insignificant, these types of crashes do not occur with sufficient frequency to indicate a pattern or a design defect.

The injuries arising from these crashes (42 injuries reported within this data set) are predominantly the result of the influence of intersections or commercial access points, particularly in off-peak periods where higher operating speeds result in higher speed differentials with vehicles slowing to make turns. This is illustrated by the fact that only 9 of the 42 injuries reported in this data set occurred during (AM or PM) peak periods.

The proposed development places demands for turning vehicles into commercial drives that have not existed previously, making the west leg of the intersection more closely resemble the north and east legs. This will undoubtedly have a negative impact upon public safety, particularly since no attempt is made in the TIS to analyze or recommend appropriate safety improvements.

"The developer and site designer may want to consider providing full access at the Gage Boulevard Driveway."

Again, I am confused as to which condition is actually analyzed. Is Figure 5 or Figure 6 reflected in the Synchro analysis? **Both scenarios are analyzed and included in the report as stated previously.**

Pages 9 and 10- Revised TIS Report:

I concur with the recommendation that the City take a more comprehensive look at the SW 29th Street corridor. I am left wondering, however, why a horizon year analysis was not conducted as part of this TIS, why geometric improvements to the 29th & Gage intersection were not recommended for consideration, or why geometric and/or safety improvements to the proposed access drives were not recommended. **Reference Pages 8 thru 10 for a discussion on safety and the improvements recommended for the drive approaches. It is recommended that the developer construct the Gage Boulevard access as a full access in lieu of ¾ access. Although not explicitly stated in the TIS, it is recommended that regardless of the approval of this project, the City may find it advantageous to review the signal timing plan at 29th and Gage.**

Concluding Comments:

The proposed site design relies entirely upon the SW 29th Street and SW Gage Boulevard arterial streets, which the TIS concludes will be blocked for periods during peak times, even under theoretical optimum conditions. Similar site design in the northeast quadrant of 29th & Gage may have contributed to the failure of that land use, while superior on site circulation and access points further from the intersection in the southwest and southeast quadrants have likely benefited those users. There are numerous points within this TIS report that are not in keeping with the guidance provided in the ITE publication "Transportation Impact Analyses for Site Development". There are numerous instances in this TIS report when theoretical, optimum, and average assumptions are made instead of relying upon available actual field data. It is my opinion that these factors combine to result in a capacity analysis that is incredible, and should be rejected. The blanket statement regarding safety, unsupported by actual safety analysis, is deeply disturbing. While little, if any, new traffic is being added to either SW 29th Street or SW Gage Boulevard by this proposed development, the impacts of moving forward with this development as-proposed will be to add crashes to the west leg of the intersection where there are currently relatively few, and to the north leg which already experiences significant crashes. The impacts of moving forward with this development as-proposed from a level of service and quality of traffic flow perspective cannot be understood from this TIS report. Only the analysis of a theoretical optimum condition has been presented in this TIS report, rather than analysis of actual existing and proposed conditions. It is my opinion that this TIS report should be rejected.

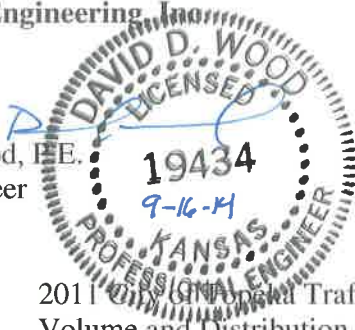
As noted in the TIS, the revisions to the development plan from the previously submittal have addressed a number of concerns outlined in the April 17, 2014 Traffic Impact Study. The proposed drive approaches have been moved further from the signalized intersection and aligned with drive approaches on opposing sides of the street. Mr. Huffman's analysis of the project and comments regarding the traffic impacts are appreciated. It is my opinion that our meeting with Mr. Huffman on September 15, 2014, as well as our responses above, adequately addresses concerns regarding the traffic impacts of this project.

If you have any questions regarding the findings in this study, don't hesitate to contact me at (913) 894-5150 or at wood@kveng.com.

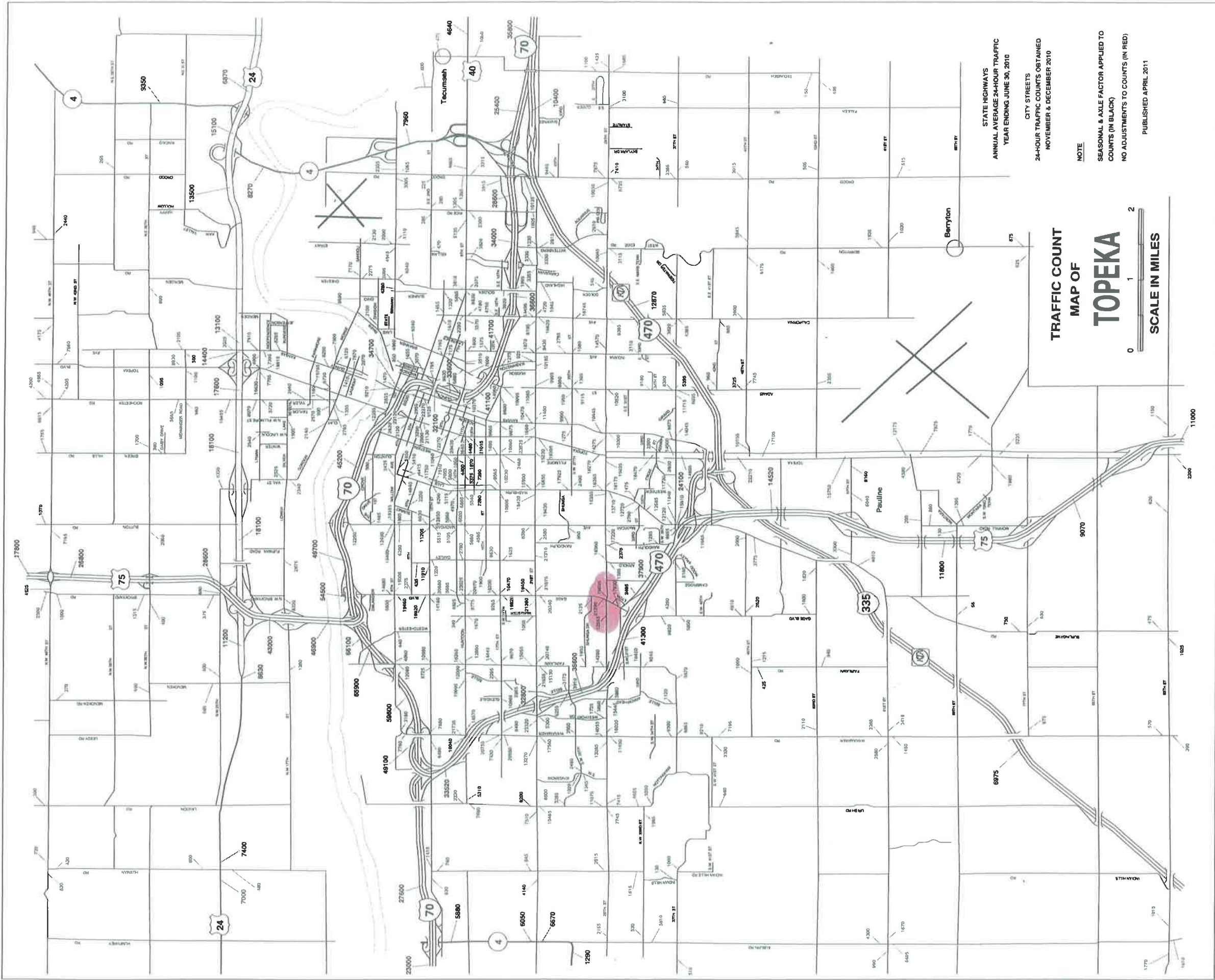
Respectfully Submitted,

Kaw Valley Engineering, Inc.

David D. Wood, P.E.
Project Engineer



Attachments: 2011 City of Topeka Traffic Count Map
Volume and Distribution Diagram – SW 29th Street and SW Gage Boulevard
SNCAMA Property Report Card
Right Turn Warrant Analysis



STATE HIGHWAYS
ANNUAL AVERAGE 24-HOUR TRAFFIC
YEAR ENDING JUNE 30, 2010

CITY STREETS
24-HOUR TRAFFIC COUNTS OBTAINED
NOVEMBER & DECEMBER 2010

NOTE

SEASONAL & AXLE FACTOR APPLIED TO
COUNTS (IN BLACK)
NO ADJUSTMENTS TO COUNTS (IN RED)

PUBLISHED APRIL 2011

16,315 (2007) ADT

Per Bill Hoover - 2011 (29th w. of
Graves under construction)

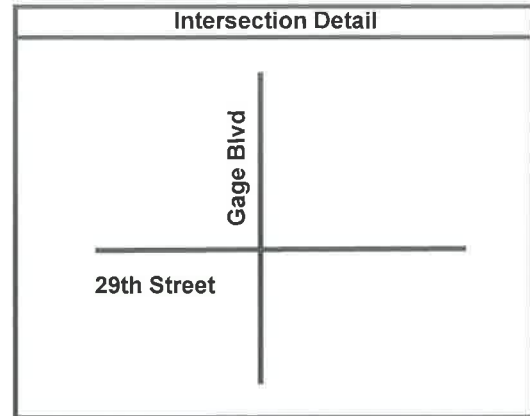
Traffic Impact Study: Topeka Walgreens Kaw Valley Engineering, Inc.

Project #: A14D6428

Volume and Distribution Diagram

Intersection: SW 29th Street and SW Gage Blvd

Date: 4-2-14



PM	Traffic Movement												
Time	EBL	EB	EBR	WBL	WB	WBR	NBL	NB	NBR	SBL	SB	SBR	
7:00	35	62	7	15	26	29	7	94	15	22	50	8	
7:15	35	83	8	10	56	43	10	157	39	31	65	9	
7:30	47	79	9	27	106	82	7	180	41	35	87	18	718
7:45	63	108	11	34	86	67	14	213	47	27	102	26	798
8:00	34	94	12	29	89	64	7	124	32	34	66	17	602
8:15	51	72	7	29	74	50	12	134	41	36	89	27	622
8:30	46	113	3	32	95	56	6	113	37	26	68	26	
8:45	48	71	5	25	59	59	9	137	41	48	48	18	
Peak Hour Counts	195	353	39	119	355	263	40	651	161	132	344	88	2740
Peak Hour Factor	0.77	0.82	0.81	0.88	0.84	0.80	0.71	0.76	0.86	0.92	0.84	0.81	0.86
Distribution	33%	60%	7%	16%	48%	36%	5%	76%	19%	23%	61%	16%	

PM	Traffic Movement												
Time	EBL	EB	EBR	WBL	WB	WBR	NBL	NB	NBR	SBL	SB	SBR	
4:00	29	121	16	50	119	61	11	87	37	76	167	26	
4:15	20	89	16	56	134	56	15	82	39	61	125	26	
4:30	30	88	12	48	108	53	31	102	54	82	158	58	
4:45	33	120	22	56	122	63	27	94	42	48	110	35	772
5:00	48	150	26	62	132	68	26	148	61	58	117	31	927
5:15	49	101	20	55	137	55	23	100	42	60	135	33	810
5:30	32	104	13	63	137	67	28	92	33	67	118	40	794
5:45	42	109	20	50	136	71	16	112	37	47	90	24	
Peak Hour Counts	162	475	81	236	528	253	104	434	178	233	480	139	3303
Peak Hour Factor	0.83	0.79	0.78	0.94	0.96	0.93	0.93	0.73	0.73	0.87	0.89	0.87	0.89
Distribution	23%	66%	11%	23%	52%	25%	15%	61%	25%	27%	56%	16%	

Parcel ID: 089-109-31-0-30-15-001.00-0

Quick Ref: R26292

Tax Year: 2015

Run Date: 9/3/2014 3:24:18 PM

OWNER NAME AND MAILING ADDRESS

TOPEKA CAPITAL SQUARE LLC

8739 RESEARCH # DR/URP4

CHARLOTTE, NC 28288-0001

PROPERTY SITUS ADDRESS

1001 SW TOPEKA BLVD

Topeka, KS 66612

LAND BASED CLASSIFICATION SYSTEM

Function: 2102 Retail store Sfx: 0

Activity: 2110 Goods-oriented shopping

Ownership: 1100 Private-fee simple

Site: 6000 Developed site - with building

GENERAL PROPERTY INFORMATION

Prop Class: C Commercial & Industrial - C

Living Units:

Zoning: C4

Neighborhood: 306.0 306.0 - DOWNTOWN SQL

Economic Adj. Factor:

Map / Routing: R18 CE-A

Tax Unit Group: 001



Image Date: 05/19/2014

PROPERTY FACTORS

Topography: Level - 1

Utilities: All Public - 1

Access: Paved Road - 1, Sidewalk - 6

Fronting: Major Strip or CBD - 1

Location: Central Business District - 1

Parking Type: On and Off Street - 3

Parking Quantity: Adequate - 2

Parking Proximity: On Site - 3

Parking Covered:

Parking Uncovered: 60

TRACT DESCRIPTION

ORIGINAL TOWN , Lot 325 + , SW TOPEKA AVE

ALL LTS 325, 327, 329 , 331, 333 -339 ODD & N

5' OF LOT 3 41 TOPEKA AVE & ALL LTS 7 THRU

23 TE NTH AVE AND ADJOINING VACATED

ALLEY SECTION 31 TOWNSHIP 11 RANGE 16

INSPECTION HISTORY

Date	Time	Code	Reason	Appraiser	Contact	Code
04/11/2014	1:40 PM	1	H	SLL	Ashley Osborn	6
02/17/2008	2:00 PM	9		SLL		
02/28/2006	1:15 PM	F		DWM		

BUILDING PERMITS

Number	Amount	Type	Issue Date	Status	% Comp
T0688	14,000	Interior Remodel	10/01/1997	C	100
T0199	585,000	Commercial Building	05/01/1993	C	100

2015 APPRAISED VALUE

Not Yet Available

2014 APPRAISED VALUE

Cls	Land	Building	Total
C	531,520	1,728,780	2,260,300

Total 531,520 1,728,780 2,260,300

PARCEL COMMENTS

Prop-NC: IES10-Sent, IES11-Sent, IE11-Received, IES12-Sent; Prop-Com: AN- ADDED BSMT SF 2-06; App-Com: 00000003500-, INF-1498-2009-, INF-6751-2012-, INF-8970-2014-

MARKET LAND INFORMATION

Method	Type	AC/ISF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	OVRD	Rsn	Cls	Model	Base Size	Base Val	Inc Val	Dec Val	Value Est
Soft	1-Primary Site - 1	53,152											3	10,000.00	10.00	10.00	10.00	531,520

Total Market Land Value 531,520

SNCAMA Property Record Card

Parcel ID: 089-109-31-0-30-15-001.00-0 Quick Ref: R26292

Tax Year: 2015

Run Date: 9/3/2014 3:24:19 PM

GENERAL BUILDING INFORMATION

LBCS Structure Code: 2230-Standalone store or shop building

Bldg No. & Name: 1 WALGREENS

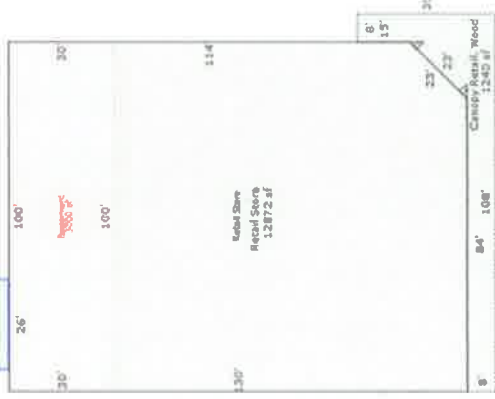
Identical Units: 1 No. of Units:

Unit Type:

MS Zip:

109-31-0-30-15-001.00-0 R26292
1001 SW Topanga Blvd

15' 390 sf 15' Canopy, Off Bk Steel



Source: By Axiom Metrics™

COMMERCIAL BUILDING SECTIONS & BASEMENTS

Sec	Occupancy	MSCIs	Rank	Yr Blt	Eff Yr	Levels	Stories	Area	Perim	Hgt	Phys	Func	Econ	OVR %	Rsn	Inc Use	Net Area	Cls
1	353-Retail Store	C	4.00	1993		01 / 01		12,872	451	18	3	3				034		
703	353-Retail Store	C	4.00			1		3,000	260	12						084		

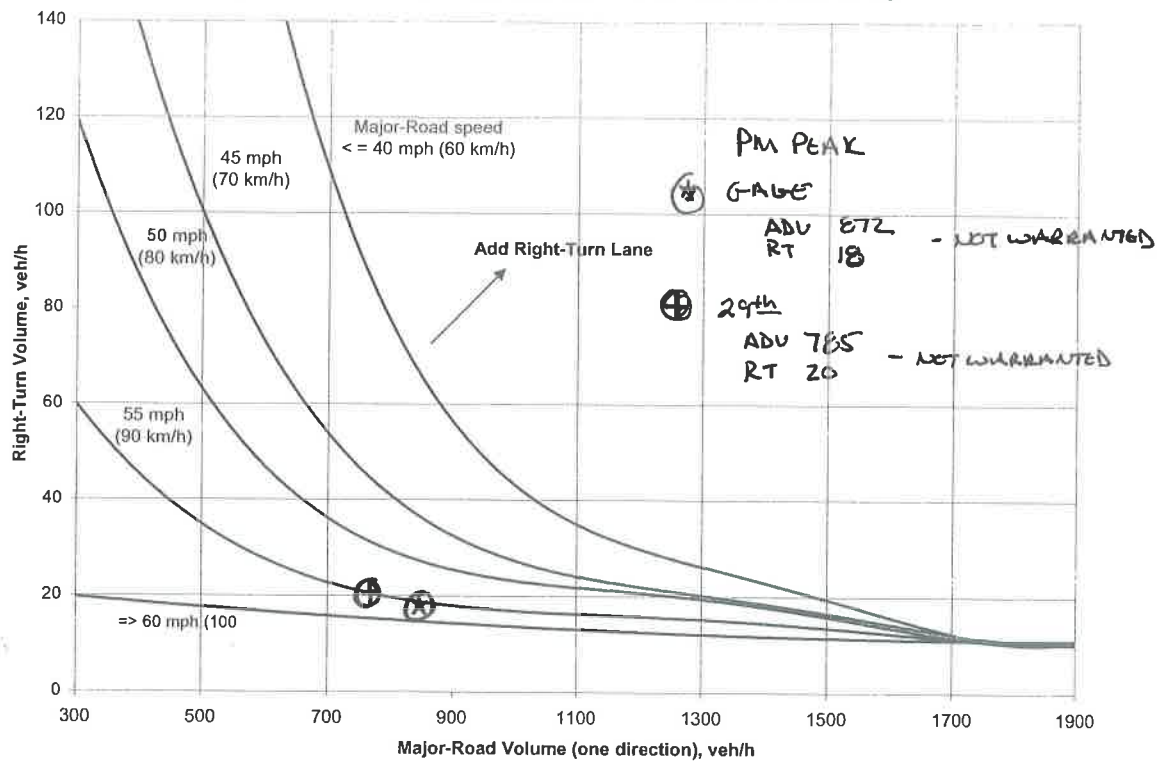
OTHER BUILDING IMPROVEMENTS

No.	Occupancy	MSCIs	Rank	Qty	Yr Blt	Eff Yr	LBCS	Area	Perim	Hgt	Dimensions	Stories	Phys	Func	Econ	OVR%	Rsn	Cls
1	163-Site Improvements	P	2.00	1	1993			10		8		1	3	3				
2	163-Site Improvements	M	2.00	1	1993			10		8		1	3	3				
3	163-Site Improvements	P	2.00	1	1993			10		8		1	3	3				
4	163-Site Improvements	M	2.00	1	1993			10		8		1	3	3				

COMMERCIAL BUILDING SECTION COMPONENTS

Sec	Code	Units	Pct	Size	Other	Rank	Year	No.	Code	Units	Pct	Size	Other	Rank	Year
1	882-Stud -Brick Veneer		50					1	8350-Paving, Asphalt with Base	13,228		10			
1	812-Concrete Block		50					2	8149-Pole Light, Mercury 24 ft.	9		10			
1	612-Warmed and Cooled Air		100					3	8355-Paving, Concrete with Base	4,080		10			
1	683-Wet Sprinklers	12,872						4	8235-Fence, Brick Walls	371		10			
1	683-Wet Sprinklers	3,000													
1	8065-Canopy, Retail Wood Frame	1,240													
1	8061-Canopy, Office-Bank Steel Frame	390													

Right Turn Lane Warrant for Four-Lane Roadway



The following data are required:

1. Advancing Volume (veh/hr) - The advancing volume should include the right-turn, left-turn and through movements in the same direction as the right turning vehicle.
2. Right Turning Volume (veh/hr) - The right turning volume is the number of advancing vehicles turning right.
3. Operating Speed (mph) - The greater of design or posted speed.

Note: Right turn lane not warranted for right turn volume less than 10 vph

If the combination of major-road approach volume and right-turn volume intersects above or to the right of the speed trend line corresponding the major road operating speed, then a right-turn lane is warranted.



CITY OF TOPEKA

PLANNING DEPARTMENT
 Bill Fiander, Director
 620 SE Madison Street, 3rd Floor
 Topeka, Kansas 66607-1118
 Tel.: (785) 368-3728

Fax: (785) 368-2535
www.topeka.org

MEMORANDUM

DATE: October 7, 2014

TO: Honorable Mayor Larry E. Wolgast and Members of the Topeka City Council
 Jim Colson, City Manager

FR: Annie Driver, AICP, Planner II

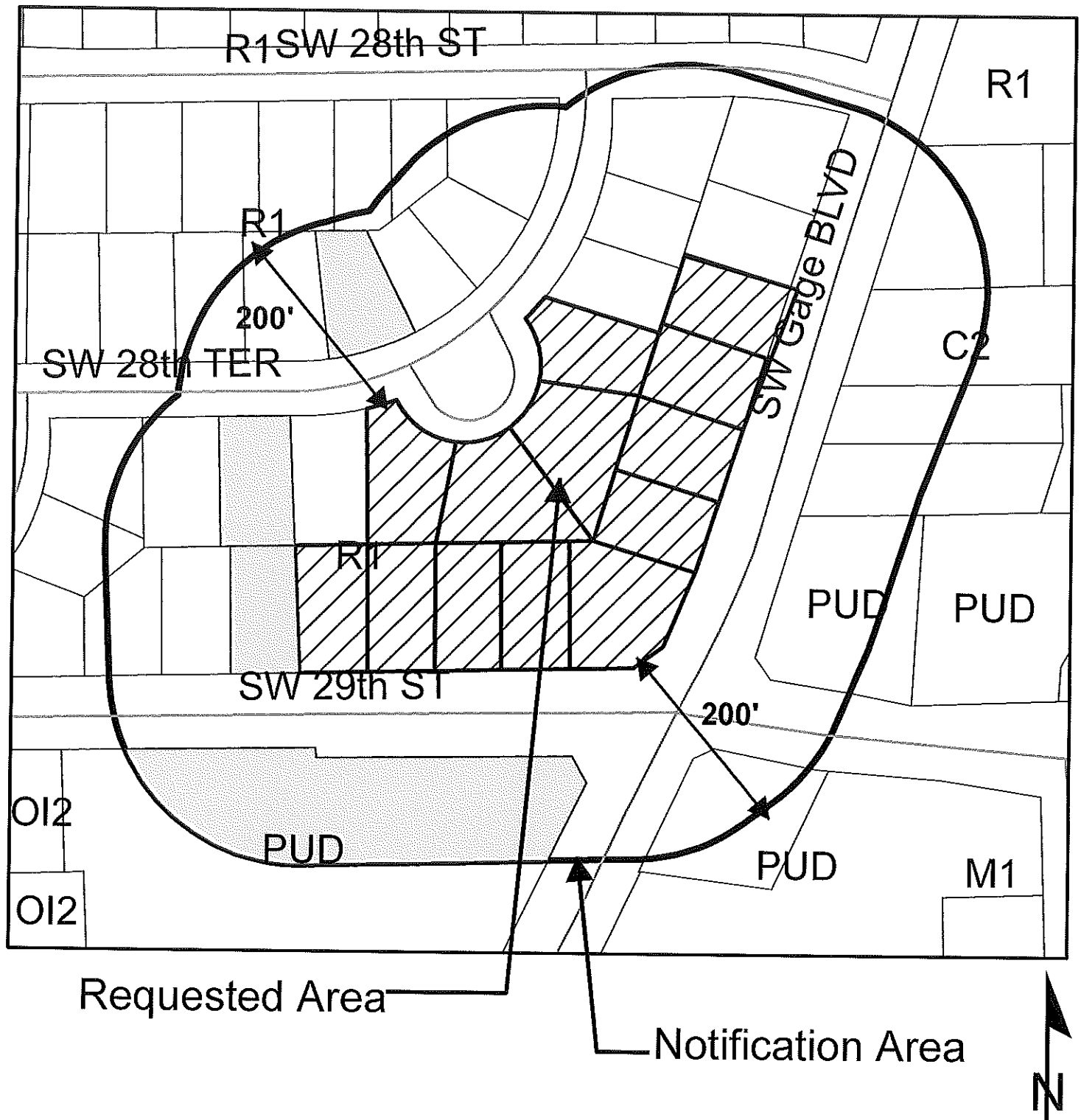
RE: PUD014/3 By: Batis Development Co. (29th and Gage Retail Planned Unit Development Plan)

Please be advised that protest petitions were filed by the October 6, 2014 deadline regarding the above mentioned zoning proposal. The extent of the protests constitutes **27%** of the required notification area. Since the extent of the protest exceeds 20% of the notification area, the zoning proposal cannot be passed except by at least a three-fourths majority vote (8 of 10) of the Governing Body pursuant with K.S.A. 12-757(f)(1). Accordingly, the Governing Body may:

1. **Adopt** the recommendation of the Planning Commission to **APPROVE** the zone change by a three-fourths majority vote (8 of 10) and overriding the legal protest.
2. **Override** the Planning Commission's recommendation by a two-thirds majority vote (7 of 10) and **DISAPPROVE** the zone change.
3. **Return** such recommendation to the Planning Commission by a simple majority vote with a statement specifying the basis for City Council failure to approve or disapprove.

Enclosed is a copy of the protest area map, protest area computations and protest petitions.

PUD14/3 29th and Gage Retail Planned Unit Development



Protest Area Map

-  Protesting Parcels (27%)
-  200 ft. Protest Area

LEGAL PROTEST COMPUTATIONS

TOTAL AREA	<u>590,457.773</u>
LESS REQUEST AREA	<u>133,372.005</u>
LESS R/W AREA	<u>179,355.43</u>
NET AREA	<u>283,730.278</u>
PROTEST AREA	<u>77,002.409</u>

<u>PROTEST AREA</u>	
NET AREA	=
	<u>0.27139 (27%)</u>

RECEIVED
PROTEST PETITION
 Pursuant to K.S.A. 12-757(f)

2014 OCT -3 P 3:17
 1. The undersigned hereby protests the zoning amendment proposed by Batis Development under application no. PUD 14/3 concerning the following real property:

TOPEKA, KANSAS

Lots 5, 6, 7, 8 & 14, 15, 16, 17, 18, 19, 20, 21, & 22 Block C, in the Westview Heights Estate Subdivision in the city of Topeka, Shawnee County, Kansas.

Common Addresses (3900, 3904, 3908, 4000 and 4004 SW 29th Street; 2809, 2813, 2817, 2821 SW Gage Boulevard and 4025, 4021, 4017, 4013 SW 28th Terrace)

The subject property is presently classified as "R-1" single family dwelling district. The proposed zoning classification is "PUD" planned unit development ("C-2" Commercial District Use Group).

2. The undersigned is the owner of certain real property within the 200 foot notification area around the above-referenced real property subject to the zoning amendment application. The undersigned's pertinent information is as follows:

- a. Owner: Market Place Shopping Center, L.P.
- b. The legal description of the undersigned's real property is as follows:

Lot 1, Fleming Subdivision, Topeka, Shawnee County, Kansas.
 (2915 SW Gage Boulevard, Topeka, Kansas 66614).

Daniel W. Craig

Market Place Shopping Center, L.P.

By: Vanguard Investment and Land Planning, Inc., G.P.
 Daniel W. Craig, President

STATE OF KANSAS)
) ss.
 COUNTY OF SHAWNEE)

Subscribed and sworn to before me on this 22nd day of September, 2014.

Sherilyn B. Smith
 Notary Public

My Commission Expires:



PROTEST PETITION
Pursuant to K.S.A. 12-757(f)

RECEIVED
CITY CLERK

1. The undersigned hereby protests the zoning amendment proposed by ^{2014 OCT 3 3:17} ~~Basis~~ Development under application no. PUD 14/3 concerning the following real property:

TOPEKA, KANSAS

Lots 5, 6, 7, 8 & 14, 15, 16, 17, 18, 19, 20, 21, & 22 Block C, in the Westview Heights Estate Subdivision in the city of Topeka, Shawnee County, Kansas.

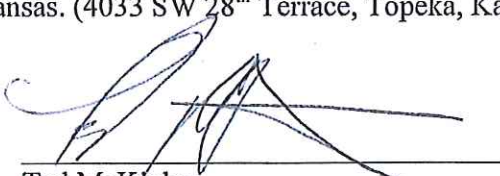
Common Addresses (3900, 3904, 3908, 4000 and 4004 SW 29th Street; 2809, 2813, 2817, 2821 SW Gage Boulevard and 4025, 4021, 4017, 4013 SW 28th Terrace)

The subject property is presently classified as "R-1" single family dwelling district. The proposed zoning classification is "PUD" planned unit development ("C-2" Commercial District Use Group).

2. The undersigned are owners of certain real property within the 200 foot notification area around the above-referenced real property subject to the zoning amendment application. The undersigned's pertinent information is as follows:

- a. Owner: Ted and Sheri McKinley
- b. The legal description of the undersigned's real property is as follows:

Lot 3, Block C, Westview Heights Estates Subdivision, Topeka, Shawnee County, Kansas. (4033 SW 28th Terrace, Topeka, Kansas 66614)

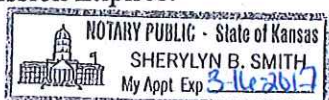

Ted McKinley

STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

Subscribed and sworn to before me on this 15th day of September, 2014.


Notary Public

My Commission Expires:



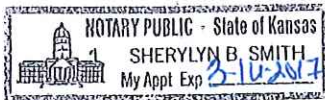
Sheri McKinley
Sheri McKinley

STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

Subscribed and sworn to before me on this 15th day of September, 2014.

Sherilyn B. Smith
Notary Public

My Commission Expires:



PROTEST PETITION
Pursuant to K.S.A. 12-757(f)

RECEIVED
CITY CLERK

2014 OCT -3 P 3: 17

1. The undersigned hereby protests the zoning amendment proposed by Batis Development under application no. PUD 14/3 concerning the following real property:

Lots 5, 6, 7, 8 & 14, 15, 16, 17, 18, 19, 20, 21, & 22 Block C, in the Westview Heights Estate Subdivision in the city of Topeka, Shawnee County, Kansas.

Common Addresses (3900, 3904, 3908, 4000 and 4004 SW 29th Street; 2809, 2813, 2817, 2821 SW Gage Boulevard and 4025, 4021, 4017, 4013 SW 28th Terrace)

The subject property is presently classified as "R-1" single family dwelling district. The proposed zoning classification is "PUD" planned unit development ("C-2" Commercial District Use Group).

2. The undersigned are owners of certain real property within the 200 foot notification area around the above-referenced real property subject to the zoning amendment application. The undersigned's pertinent information is as follows:

- a. Owner: Rogena M. Allgood
- b. The legal description of the undersigned's real property is as follows:

Lot 23, Block C, Westview Heights Estates Subdivision, Topeka, Shawnee County, Kansas. (4008 SW 29th Street, Topeka, Kansas 66614).

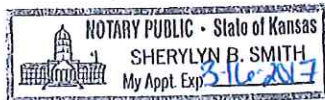

Rogena M. Allgood

STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

Subscribed and sworn to before me on this 17th day of September, 2014.


Notary Public

My Commission Expires:



PROTEST PETITION
Pursuant to K.S.A. 12-757(f)

RECEIVED
CITY CLERK

1. The undersigned hereby protests the zoning amendment proposed by Batis Development under application no. PUD 14/3 concerning the following real property:

2014 OCT - 3 P 3:17
TOPEKA, KANSAS

Lots 5, 6, 7, 8 & 14, 15, 16, 17, 18, 19, 20, 21, & 22 Block C, in the Westview Heights Estate Subdivision in the city of Topeka, Shawnee County, Kansas.

Common Addresses (3900, 3904, 3908, 4000 and 4004 SW 29th Street; 2809, 2813, 2817, 2821 SW Gage Boulevard and 4025, 4021, 4017, 4013 SW 28th Terrace)

The subject property is presently classified as "R-1" single family dwelling district. The proposed zoning classification is "PUD" planned unit development ("C-2" Commercial District Use Group).

2. The undersigned are owners of certain real property within the 200 foot notification area around the above-referenced real property subject to the zoning amendment application. The undersigned's pertinent information is as follows:

- a. Owners: John Paz and Jenna Herrin
- b. The legal description of the undersigned's real property is as follows:

Lot 13, except the following described tract: Commencing at a point on the Northwest corner of Lot 13; thence East 24.83 feet; thence South to a point on the South line of Lot 13 that is 37.49 feet East of the Southwest corner of said Lot 13; thence West to the Southwest corner of Lot 13; thence North along the West line of Lot 13 to the place of beginning.

And also: Commencing at a point on the Northwest corner of Lot 12, thence East 16.55 feet; thence Southerly to a point on the South line of Lot 12, that is 28.77 feet East of the Southwest corner of Lot 12; thence West to the Southwest corner of Lot 12; thence Northwesterly along the West line of Lot 12 to the place of beginning, all in Block B in Westview Heights Estates, an Addition to the City of Topeka, Shawnee County, Kansas. (4024 SW 28th Terrace, Topeka, Kansas 66614).

John T. Paz
John T. Paz

STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

Subscribed and sworn to before me on this 3rd day of October, 2014.

Sherilyn B. Smith
Notary Public

My Commission Expires:



Jenna M. Herrin
Jenna M. Herrin

STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

Subscribed and sworn to before me on this 3rd day of October, 2014.

Sherilyn B. Smith
Notary Public

My Commission Expires:





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214 SE 8th Street
Topeka, Kansas 66603

September 23, 2014

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DATE:	October 14, 2014		
CONTACT PERSON:	Bill Fiander/Susan Hanzlik	DOCUMENT #:	Z14/9
SECOND PARTY/SUBJECT:		PROJECT #:	
CATEGORY/SUBCATEGORY	014 Ordinances – Non-Codified / 007 Zoning		
CIP PROJECT:	No		
ACTION OF COUNCIL:		JOURNAL #:	
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Jim Colson, amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on the six properties located along the east side of the 100 block of NE Lime Street from "I-2" Heavy Industrial District TO "R-2" Single-Family Dwelling District. (Z14/09) (Council District No. 2)

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval would change the zoning for 112, 118, 120, 122, 124 and 132 NE Lime Street from heavy industrial to residential to reflect the existing single-family development on the block.)

POLICY ISSUE:

The Governing Body has the following options:

- (1) Adopt the recommendation of the Planning Commission by a majority vote or (6) of the Governing Body.
- (2) Override the recommendation of the Planning Commission by a two-thirds majority vote or (7) of the Governing Body.
- (3) Return the recommendation to the Planning Commission with a statement specifying the basis for the Governing Body's decision to approve or disapprove by a majority vote or (6) of the Governing Body.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

Item #10

BACKGROUND:

The proposal is a request to amend the district zoning classification on six properties located in the 100 block of NE Lime Street that have historically been used for residential purposes, even prior to Oakland's annexation into the City of Topeka.

The surrounding residential neighborhood consists of "R-2" Single-Family Dwelling District zoning so this rezoning would continue protecting this area from incompatible land uses. This proposal is consistent with the recommendations in the adopted Oakland Neighborhood Plan.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not applicable

ATTACHMENTS:

[Ordinance](#)

[Summary Report](#)

[Staff Report](#)

[PC Initiation Minutes 7/21/14](#)

[PC Minutes 9/22/14](#)

[Vicinity Map](#)

[Current Zoning Map](#)

[Current Land Use Map](#)

[Proposed Zoning Map](#)

[NIM Minutes](#)

[NIM Attendance](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Jim Colson, City Manager amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code (TMC), by providing for certain changes in zoning on properties located on the east side of the 100 block of NE Lime Street from "I-2" Heavy Industrial District **ALL TO** "R-2" Single-Family Dwelling District. **(Z14/09)**
(Council District No. 2)

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. That the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code (TMC), be and the same is hereby amended, by reclassifying the follow described property:

Lots 2 through 24 even on Lime Street, formerly Locust Street, in Webb's Addition
from "I-2" Heavy Industrial District **ALL TO** "R-2" Single-Family Dwelling District.

Section 2. This Ordinance Number shall be fixed upon the "District Map".

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Topeka,

_____, 2014.

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified

Not To Be Codified

X

CITY OF TOPEKA PLANNING DEPARTMENT

SUMMARY REPORT

Re: Z14/09 – Oakland Neighborhood Rezoning

Proposal: - requesting to amend the District Zoning Classification from “I-2” Heavy Industrial District **TO** “R-2” Single Family Dwelling District on multiple properties located at 112, 118, 120, 122, 124, and 132 NE Lime Street in the Oakland neighborhood (6 properties).

Planning Process

Oakland was selected to be a Stages of Resource Targeting (SORT) neighborhood in 2013. By receiving this, the neighborhood was able to update its existing neighborhood plan, in addition to receiving funding for infrastructure and housing improvements. One aspect of the neighborhood plan involves creating or updating the area’s Future Land Use Plan. It was during this part of the Neighborhood Plan process that staff noticed the lots on the east side of the 100 block of NE Lime Street had not been downzoned after the previous plan (2003). These lots were still zoned as “I-2” Heavy Industrial District even though they were all historically and currently used for residential purposes.

Recommendation

The Oakland Neighborhood Plan, including its Future Land Use Plan, was adopted by the Topeka City Council on March 11, 2014 (10-0-0). The Planning Commission met to hold the Public Hearing regarding rezoning the 6 lots on the east side of the 100 block of NE Lime Street on September 22, 2014. The Planning Commission voted unanimously to recommend **APPROVAL** to amend the District Zoning Classification from “I-2” Heavy Industrial District **TO** “R-2” Single Family Dwelling District on the properties within the previously described street and block.

September 22, 2014
Agenda Item # E-2

ZONING REPORT

CITY OF TOPEKA PLANNING DEPARTMENT

CASE NO: Z14/09

By: Topeka Planning Commission

PROPOSAL: Amend the District Zoning Classification from “I-2” Heavy Industrial District **TO** “R-2” Single Family Dwelling District on multiple properties located at 112, 118, 120, 122, 124, and 132 NE Lime Street in the Oakland neighborhood (6 properties).

LOCATION: 112, 118, 120, 122, 124, and 132 NE Lime Street in the Oakland neighborhood (6 properties totaling 1.2 acres).

PRESENT USE: Five properties have single-family site built residential homes on them; the sixth property has one manufactured home. All uses are considered non-conforming within the “I-2” District.

PROPOSED USE: To rezone these six properties to “R-2” Single Family Dwelling District to reflect the historic and present residential use.

CHARACTER OF NEIGHBORHOOD: The subject properties are located on the east side of the 100 block of NE Lime Street. They have historically been residential in use; the Shawnee County Appraiser shows that four of the structures were built in 1900 with another built in 1890.

The nearest major street is NE Seward Avenue which is three blocks away. The nearest commercial property is one block away at 201 NE Lake Street, which is a vacant neighborhood market. The homes themselves were constructed in the late 1800’s and early 1900’s, indicating the time-frame of which these lots have been used for residential purposes.

ZONING CLASSIFICATION AND USE OF SURROUNDING PROPERTIES:

	Zoning Classification	Present Land Use
North:	“R-2” Single Family Residential District	Residential
South:	“I-2” Heavy Industrial District	Rail yard and facilities
East:	“I-2” Heavy Industrial District	Rail yard and facilities
West:	“R-2” Single Family Residential District	Residential

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: These six properties have been used for residential purposes since the early 1900’s, 25 years before Oakland was annexed into the city of Topeka.

September 22, 2014
Agenda Item # E-2

SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED: The subject properties are currently zoned for industrial uses. According to Chapter 18.170, the purpose of the “I-2” District is to “...provide for the use and location of all other uses excluded in other districts except for residential dwellings.” Also, in Chapter 18.170.030 it states, “Residential dwellings are not permitted in this district.”

This portion of Oakland was platted with lots that do not easily support industrial land uses. Further, the current zoning does not reflect the existing residential land uses. The properties are also adjacent to other residential uses. The subject properties are not suitably zoned given the existing uses and the nearby residential land use.

CONFORMANCE TO COMPREHENSIVE PLAN: The Oakland Neighborhood Plan, an element of the *Topeka Comprehensive Plan – 2025*, designates the east side of the 100 block of NE Lime St as “Residential - Low Density (Urban)”, 4 units/acre, which is fitting for a traditional neighborhood. Build-out of the area under the current “I-2” zoning district would greatly change the character and use of this residential street and area. The “Residential - Low Density (Urban)” category reserves lower density yet urbanized areas of Oakland that front “local” low-volume streets, where highest concentrations of single-family uses exist. The Oakland Neighborhood Plan also states the following goals:

- “Single-family residential land use, as the predominant and intended land use of the neighborhood, should remain viable and be protected from encroachment of higher-intensity land uses particularly within the interior of the neighborhood.” (page 15)
- “Maintain the viable single-family residential character of the neighborhood.” (page 15)
- “Maintain current level of high homeownership within the neighborhood and prevent decline of housing conditions.” (page 15)

The proposed re-zoning accurately represents a major step in the Plan’s implementation.

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: There should be no detrimental effect upon surrounding properties by removal of the present restrictions for the “I-2” Heavy Industrial District based upon the existing pattern of land uses and zoning.

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: There would be little gain to the public health, safety, and welfare by leaving this property as presently restricted, as it has been used for residential purposes since prior to the annexation of Oakland by Topeka in 1925 and the uses of the property have not changed. The rezoning will protect the character of the neighborhood as well as afford additional rights to the affected property owners. The hardship upon the individual landowner is significant as the present zoning prohibits residential uses. The existing homes would lose their legal non-conforming status if anything catastrophic happened to the buildings.

AVAILABILITY OF PUBLIC SERVICES: All essential public utilities, services and facilities are presently available to this area.

September 22, 2014
Agenda Item # E-2

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:

- Use: **Compliant** – Five of these properties are single-family uses.
 Non-Compliant – One of these properties has a manufactured home on it. This use is currently non-conforming in the “I-2” District and will continue to be non-conforming uses within the “R-2” District.
- Minimum Lot Area: **Compliant** – Four of these properties have lot areas greater than the 5,000 sq. ft. minimum for the “R-2” District
 Non-Compliant – Two of these properties have lot areas smaller than the 5,000 sq. ft. minimum for the “R-2” District.
- Platting: **Compliant-** Platted as Lots 2 through 24 even on Lime Street, formerly Locust Street, in Webb’s Addition to the City of Topeka, Kansas.

CONCERNS OF STAFF AND REVIEWING AGENCIES: This request was submitted to all applicable reviewing agency staff for consideration and comment. No comments were received.

ADDITIONAL FACTORS:

1. Citizen Participation Process: A neighborhood information meeting was held in conjunction with the Oakland NIA meeting on August 18, 2014 at the Oakland Community Center (801 NE Poplar St) after notifying landowners within 300 ft. and neighborhoods within ½ mile (East Topeka North, East Topeka South, Historic North Topeka East, Oakland). The report to the City is attached.
2. Capitol Area Plaza Authority: N/A
3. Flood Hazard Area: N/A
4. Historic Properties: N/A

STAFF RECOMMENDATION: Based upon the above findings and analysis, planning staff recommends **APPROVAL** of the proposal.

Prepared by:
Susan Hanzlik,
Planner I

Minutes from the July 21, 2014 Topeka Planning Commission Meeting

1. Initiation of the Historic North Topeka East Neighborhood and Oakland Neighborhood Rezoning requesting the initiation of rezonings for eight properties to implement recommendations from the respective plans.

- Properties proposed for rezoning in Historic North Topeka East consist of 844 NE Quincy from “X-2” Mixed Use District to “OS-1” Open Space District and a parcel on the east side of NE Monroe St approximately 100’ south of centerline of NE Laurent St from “R-4” Manufactured Home District to “X-2” Mixed Use District.
- Properties proposed for rezoning in Oakland consist of the east side of the 100 block of NE Lime Street from “I-2” Heavy Industrial District to “R-2” Single-Family Dwelling District. **(Hanzlik)**

Bill Fiander summarized the case information. Mr. Fiander explained there are two properties in Historic North Topeka East to reflect the current use. Mr. Fiander stated the Shawnee County Planning Department concurred with the request. Mr. Fiander stated the additional property is owned by Industrial Chrome and requesting to rezone as it needs corrected from overlooking in the past.

Mr. Fiander stated the motion would be for initiation of a rezoning. Mr. Fiander explained the case would return to the Planning Commission for a public hearing at a later date.

Kevin Beck asked how the rezone will be affected based on the decision of passing the Zoning Matrix. Mr. Fiander stated the changes proposed in the Zoning Matrix will not affect the case. Mr. Fiander explained the proposed rezoning illustrations the need for changes proposed in the Zoning Matrix because under previous code, “X” districts could only be adopted in an area-wide basis. Mr. Fiander stated individual parcels were not able to be initiated previously.

Dustin Crook moved to initiate the rezoning of properties described in the Historic North Topeka case, seconded by Carol Jordan. **APPROVAL. (7-0-0.)**

Mr. Fiander explained there are six parcels zoned “I-2” Industrial. Mr. Fiander stated the rezoning would clean up the zoning to reflect the current use of the properties on that block.

Mike Lackey moved to initiate the rezoning of properties described in the Oakland case, seconded by Dustin Crook. **APPROVAL. (7-0-0.)**

Mr. Beck stated recommended to the Planning Commission to hear the item listed on the July 28th Planning Commission agenda during the July 21st hearing. Mr. Beck stated that due to the Zoning Matrix being complete, it would be logical to adding the item to the July 21st agenda.

Members of the Planning Commission were in unanimous agreement to add the item to the agenda.

Minutes from the July 21, 2014 Topeka Planning Commission Meeting

Michelle Cuevas-Stubblefield moved to add the **Heartland Park Redevelopment Project** case as item F-2 for the July 21, 2014 agenda, seconded by Kevin Beck. **APPROVAL. (7-0-0.)**

**Minutes of the
Topeka Planning Commission
Monday, September 22, 2014**

Z14/09 Oakland Neighborhood Plan Rezoning by the Topeka Planning Commission requesting to amend the District Zoning Classification from “I-2” Heavy Industrial District **TO** “R-2” Single Family Dwelling District on multiple properties located at 112, 118, 120, 122, 124, and 132 NE Lime Street in the Oakland neighborhood (6 properties). **(Hanzlik)**

Discussion by members and staff: Susan Hanzlik summarized the staff report and advised the Planning Commission that staff recommended approval of this petition.

Proponents:

No one spoke in favor of the proposal.

Opponents:

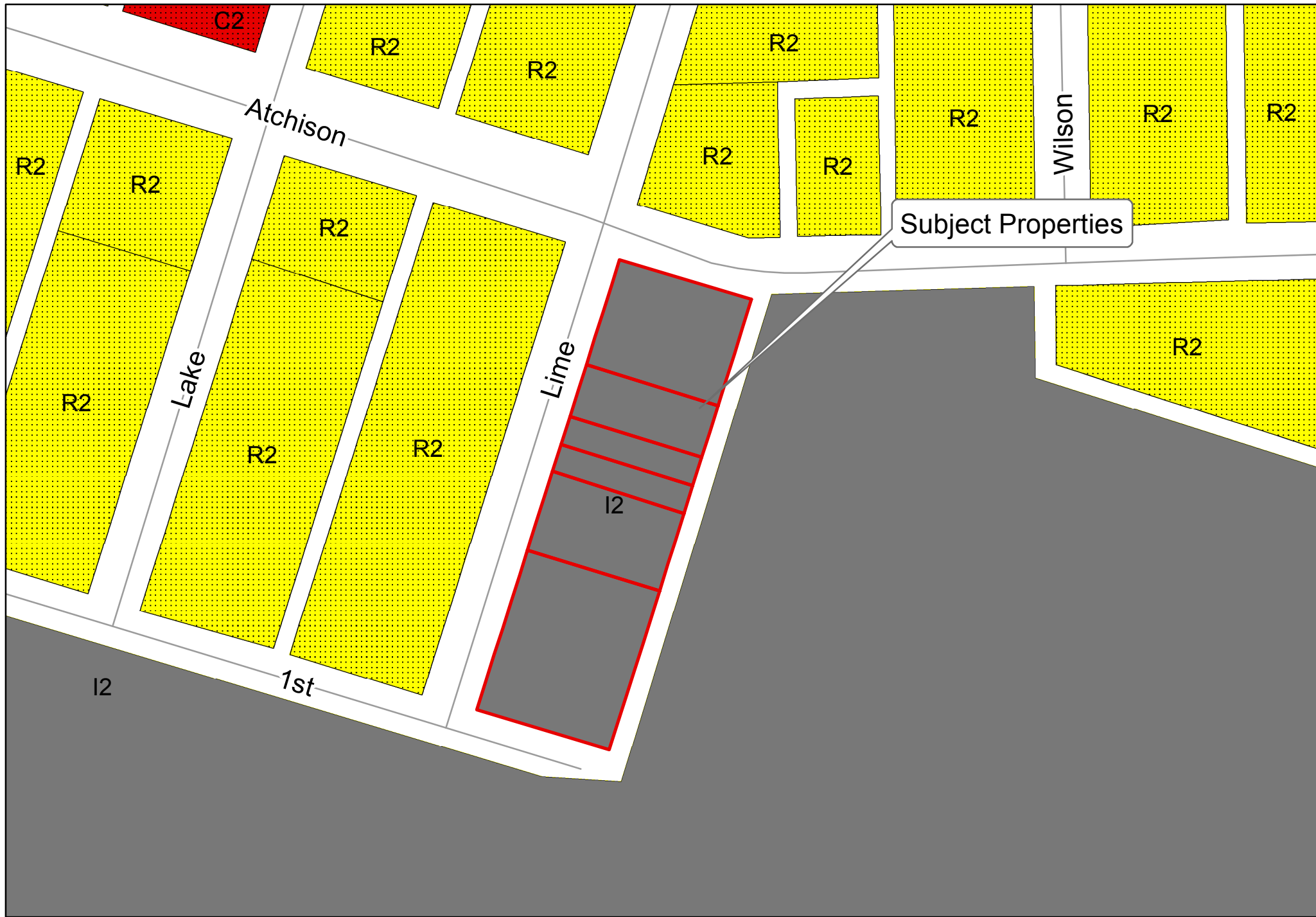
No one spoke in opposition of the proposal.

Discussion

None

Mr. Lackey moved to approve, seconded by Ms. Cuevas-Stubblefield. **APPROVAL. (8-0-0.)**





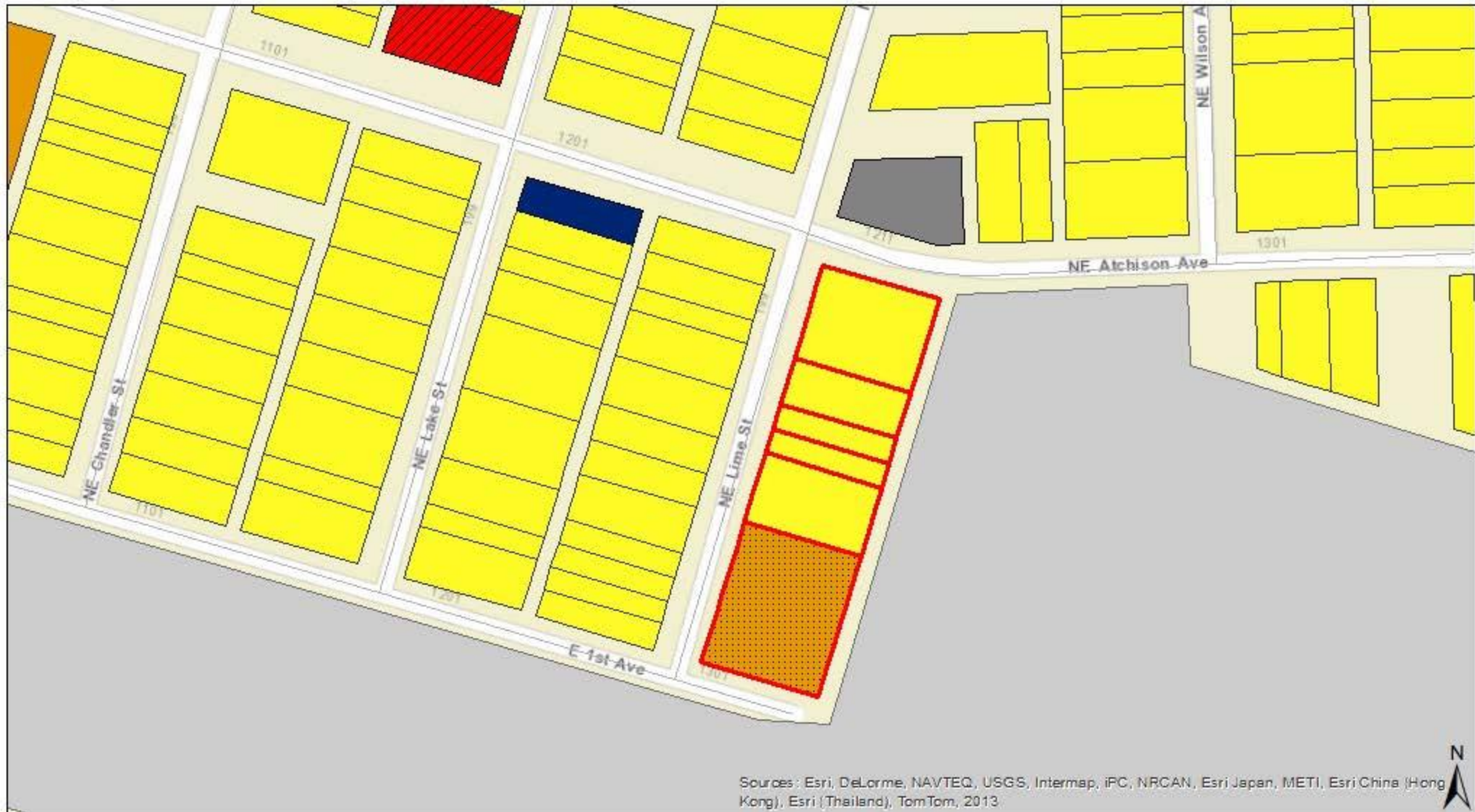
Oakland

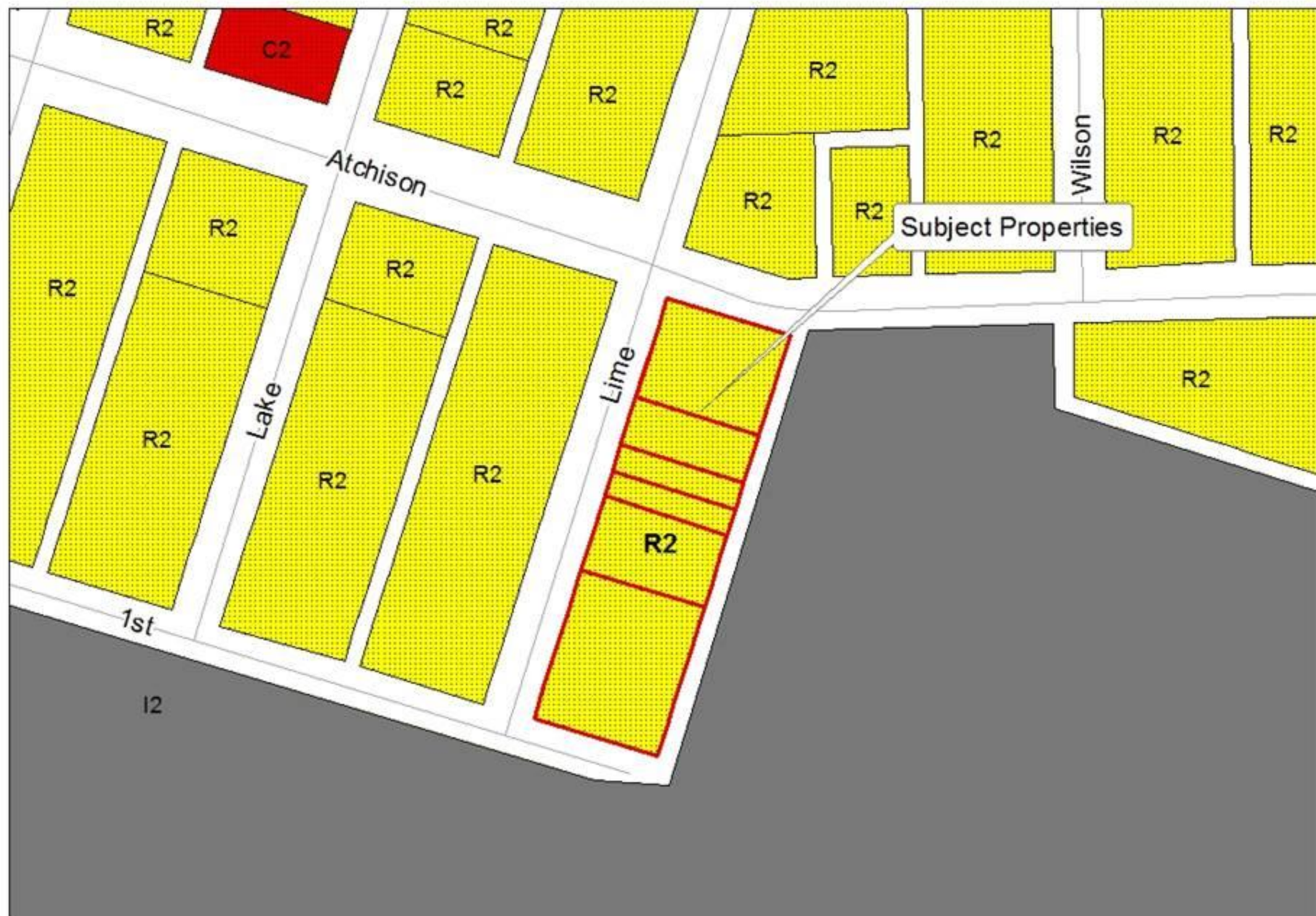
Current Land Use

Z14/09

Legend

	Railroad Facilities		Mobile Home Court
	Commercial Mixed Use		Residential Single Family
	Industrial		Residential Multi Family
	Institutional		





Oakland Neighborhood Plan Rezonings
6 properties on the east side of the 100 block of NE Lime St
Z14/09

Oakland Neighborhood Information Meeting
(as part of the Oakland NIA Meeting)
Oakland Community Center
August 18, 2014
6:30 PM

Susan Hanzlik distributed vicinity maps of the 6 lots proposed for rezoning from “I-2” Heavy Industrial District to “R-2” Single Family Residential District. She described the planning process for creating the Oakland Neighborhood Plan last year with the Oakland NIA. She discussed how most of Oakland was downzoned as a result of the 2004 Oakland Neighborhood Plan and how this half of the 100 block of Lime St was unintentionally omitted. In essence, this rezoning is just correcting that omission. She then discussed the current zoning and how residential uses are not permitted in “I-2” districts. She added that since some of the houses were built in the late 1800’s and the early 1900’s, this is a historic use of the property and should have been corrected with the rezonings in 2004.

Susan then discussed what the purpose of a Neighborhood Information Meeting (NIM) was and how normally the developer of a proposed rezoning would be holding the meeting instead of City staff. She explained that the Planning Commission initiated the rezoning process at the July 21, 2014 meeting and that the Public Hearing would then be held with the Planning Commission on September 22, 2014.

One question was asked during this meeting from the audience. A lady wanted to know if this rezoning would affect her property. Susan asked if she lived in one of the affected properties and the lady replied that she did not. Susan then explained that only the property owners would be affected but, even then, with the properties currently being used for residential purposes, there would be no visible change. She then explained that notices for the NIM were sent to property owners within 300’ of the rezoning. She also explained that an additional letter will be sent out to property owners within 200’ of the rezoning notifying them of the public hearing as this is part of State law.

Oakland NIA Meeting Sign-In

Date 8-18-14

	NAME	ADDRESS	PHONE	EMAIL
1	Tara Nicholas		383	
2	Ann Sargent		383-4404	
3	Cheryl Decham	705 NE Poplar	234-4404	
4	Deborah Abel	423 NE Houston	357-0630	
5	Nancy & Tom Hecke	528 NE Trust	234-4405	
6	Susan Hanzlik	8620 SE Madison	308-3005	shanzlik@topeka.org
7	Warren Woodruff	" "	368-4450	wwoodruff@ " "
8	Helen A Barreto	123 N. Elake	220-8227	
9	Ronchi Mike Dps	1111 NE Street	232-4306	
10	Jim Huettner	1501 NE Oakland	233-1655	
11	Edmon Cowee	1307 NE Seward Ave.	845-3226	
12	Frank Aguilar	2616 NE State		
13	Keith Votaw	Julia - 1503 NE Seward	234-5809	
14	Rose Flora	400 Sumner	249-2170	
15	TJ Brown	521 NE Sumner	554-1746	
16	Keith Tatum	941 SW Woodbridge Ct.	207-0634	
17	Victoria White	1001 NE Atchison Apt. 110	249-5504	
18	Robert Soria	520 NE Lime St	845-5460	robert.soria@gmail.com
19	Roxanne Dan Ortiz	1210 NE Atchison	234-2464	
20	Julie Allen	419 NE WINTFIELD	10083164	
21				
22				
23				
24				



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September 23, 2014

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DATE:	October 14, 2014		
CONTACT PERSON:	Bill Fiander/Susan Hanzlik	DOCUMENT #:	Z14/10
SECOND PARTY/SUBJECT:		PROJECT #:	
CATEGORY/SUBCATEGORY			
CIP PROJECT:	No		
ACTION OF COUNCIL:		JOURNAL #:	
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Jim Colson, amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on a property located at 844 NE Quincy Street in the Historic North Topeka East neighborhood from "X-2" Mixed Use District TO "OS-1" Open Space District. (Z14/10) (Council District No. 2)

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval changes the zoning of Veteran's Park from mixed use to open space.)

POLICY ISSUE:

The Governing Body has the following options:

- (1) Adopt the recommendation of the Planning Commission by a majority vote or (6) of the Governing Body.
- (2) Override the recommendation of the Planning Commission by a two-thirds majority vote or (7) of the Governing Body.
- (3) Return the recommendation to the Planning Commission with a statement specifying the basis for the decision to approve or deny the request by a majority vote or (6) of the Governing Body.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

Item #11

BACKGROUND:

Historic North Topeka East was selected to be a Stages of Resource Targeting (SORT) neighborhood in 2013. In addition to receiving funding for infrastructure and housing improvements, the neighborhood was able to update its existing neighborhood plan.

One aspect of the neighborhood plan involves creating or updating the area Future Land Use Plan. It was during this part of the Neighborhood Plan process that staff noticed that Veteran's Park located at 844 NE Quincy Street was zoned as part of a mixed use district rather than open space.

Shawnee County Parks and Recreation has agreed to the rezoning. The Historic North Topeka East Neighborhood Plan, including its Future Land Use Plan, was adopted by the Topeka City Council on December 17, 2013 (10-0-0). The Planning Commission met to hold the Public Hearing regarding rezoning the Veteran's Park lot on September 22, 2014. The Planning Department as well as the Planning Commission are recommending approval.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not applicable

ATTACHMENTS:

[Ordinance](#)

[Summary Report](#)

[Staff Report](#)

[PC Initiation Minutes 7/21/14](#)

[PC Minutes 9/22/14](#)

[Aerial Map](#)

[Current Zoning Map](#)

[Current Land Use Map](#)

[Proposed Zoning Map](#)

[NIM Minutes](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Jim Colson, City Manager amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code (TMC), by providing for certain changes in zoning on a property located at 844 NE Quincy Street from "X-2" Mixed Use District **TO** "OS-1" Open Space District. **(Z14/10) (Council District No. 2)**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. That the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code (TMC), be and the same is hereby amended, by reclassifying the follow described property:

Parts of lots 76, 78, 80, 82, 84, 86 and 88 on Quincy Street in Eugene

from "X-2" Mixed Use District **TO** "OS-1" Open Space District.

Section 2. This Ordinance Number shall be fixed upon the "District Map".

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Topeka,
_____, 2014.

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified _____
Not To Be Codified _____

 X

CITY OF TOPEKA PLANNING DEPARTMENT

SUMMARY REPORT

Re: Z14/10 – Historic North Topeka East Neighborhood Rezoning

Proposal: - requesting to amend the District Zoning Classification from “X-2” Mixed Use District **TO** “OS-1” Open Space District on a property located at 844 NE Quincy Street in the Historic North Topeka East neighborhood. **(Hanzlik)**

Planning Process

Historic North Topeka East was selected to be a Stages of Resource Targeting (SORT) neighborhood in 2013. By receiving this, the neighborhood was able to update its existing neighborhood plan, in addition to receiving funding for infrastructure and housing improvements. One aspect of the neighborhood plan involves creating or updating the area’s Future Land Use Plan. It was during this part of the Neighborhood Plan process that staff noticed that Veteran’s Park at 844 NE Quincy Street was zoned as part of a mixed use district rather than open space. Staff approached Shawnee County Parks and Recreation regarding this, and Parks and Recreation agreed to the rezoning.

Recommendation

The Historic North Topeka East Neighborhood Plan, including its Future Land Use Plan, was adopted by the Topeka City Council on December 17, 2013 (10-0-0). The Planning Commission met to hold the Public Hearing regarding rezoning the Veteran’s Park lot on September 22, 2014. The Planning Commission voted unanimously to recommend **APPROVAL** to amend the District Zoning Classification from “I-2” Heavy Industrial District **TO** “R-1” Single Family Dwelling District on the property at the previously described address.

September 22, 2014
Agenda Item # E-3

ZONING REPORT

CITY OF TOPEKA PLANNING DEPARTMENT

CASE NO: Z14/10

By: Topeka Planning Commission

PROPOSAL: Amend the District Zoning Classification from “X-2” Mixed Use District **TO** “OS-1” Open Space District on a property located at 844 NE Quincy Street in the Historic North Topeka East neighborhood.

LOCATION: 844 NE Quincy Street in the Historic North Topeka East neighborhood.

PRESENT USE: This property is currently open space, the east half of Veteran’s Park.

PROPOSED USE: To rezone this property to “OS-1” Open Space District to reflect the present use.

CHARACTER OF NEIGHBORHOOD: The subject property is located at the north end of the Kansas Avenue Bridge on property that was originally acquired for the bridge realignment project in 1965. It has a total size of 1.9 acres and provides open space and basketball courts for the nearby community.

This property is adjacent to the intersection of NE Laurent Ave and N Kansas Ave. The surrounding area is zoned “X-2” Mixed Use District to accommodate the variety of uses found there. Uses range from residential, light industrial, a rail line, the Topeka Rescue Mission, and NOTO.

ZONING CLASSIFICATION AND USE OF SURROUNDING PROPERTIES:

	Zoning Classification	Present Land Use
North:	“OS-1” Open Space District	Undeveloped
	“R-2” Single Family Residential District	Residential
South:	“I-2” Heavy Industrial District	Grain Elevator
East:	“X-2” Mixed Use District	Residential
		Office and Equipment Storage
West:	“X-3” Mixed Use District	Park
		Parking Lot

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: This property has been used for open space since 1965 when it was acquired as right-of-way for the Kansas Avenue Bridge realignment. Around 1968, the area surrounding the bridge landing was turned into Veteran’s Park. In 2000, it was downzoned from “I-1” Industrial District to “X-2” Mixed Use District as part of the area-wide downzoning per the Neighborhood Plan. When Shawnee County took over ownership and maintenance of parks, Veteran’s Park transferred from City of Topeka to Shawnee County ownership.

September 22, 2014
Agenda Item # E-3

SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED: The subject property is currently zoned “X-2” Mixed Use District. According to Chapter 18.185, “X-2” Districts “...are provided to encourage a compatible mixed use environment, utilizing the historic character of the area.” Also, in Chapter 18.185.020 regarding the “X-2” Mixed Use District classification, it states, “This district facilitates a mixed use area that transitions from a higher intensity industrial area to lower intensity neighborhood-scale residential areas...”

While use of this property as a park is a permitted principal use under the Topeka Municipal Code for “X-2” Mixed Use District, this district also permits a range of other uses to occur on this parcel should the property owners discontinue its use as a park.

CONFORMANCE TO COMPREHENSIVE PLAN: The Historic North Topeka East Neighborhood Plan, an element of the *Topeka Comprehensive Plan – 2025*, designates Veteran’s Park at 844 NE Quincy St as “Open Space”, intended to accommodate passive and active recreational activities. The Historic North Topeka East Neighborhood Plan also states the following goals:

- *Develop a system of quality-designed open space that links a variety of uses and users and takes advantage of the riverfront (page 12)*
- *Establish gateways, edges, and streetscapes that reflect a positive first image and compliments the area’s historic character (page 13)*
- *Develop and maintain a parks system appropriate to meet the needs of the population in Historic North Topeka (page 13)*
- *Upgrade and maintain public facilities to ensure confidence in the future of Historic North Topeka (page 13)*

The proposed re-zoning accurately represents a major step in the Plan’s implementation.

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: There should be no detrimental effect upon surrounding properties by removal of the present restrictions for the “X-2” Mixed Use District based upon the pattern of land uses and zoning.

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: Veteran’s Park provides the only green space for Historic North Topeka East from the Kansas River to Garfield Park up further north. Neighboring property owners and the neighborhood itself benefit from having access to a park facility to serve this area of the community. As the property is currently being used as a park, rezoning from “X-2” Mixed Use District to “OS-1” Open Space District will not impose a hardship on the property owner as the use will continue to be the same.

AVAILABILITY OF PUBLIC SERVICES: All essential public utilities, services and facilities are presently available to this area.

September 22, 2014
Agenda Item # E-3

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:

Minimum Lot Area: **Compliant** – There is no minimum lot size for the “OS-1” Open Space District

Setbacks: No new development is proposed.

Platting: **Compliant**- Platted as Lot 86 on Monroe Street in Eugene, in the City of Topeka, Shawnee County, Kansas.

CONCERNS OF STAFF AND REVIEWING AGENCIES: This request was submitted to all applicable reviewing agency staff for consideration and comment. No comments were received.

ADDITIONAL FACTORS:

1. Citizen Participation Process: A neighborhood information meeting will be held in conjunction with the Historic North Topeka East NIA meeting on September 8, 2014 at the Garfield Community Center (1600 NE Quincy St) after notifying landowners within 300 ft. and neighborhoods within ½ mile (Historic North Topeka East, Oakland, North Topeka West). **The report to the City is attached.**
2. Capitol Area Plaza Authority: N/A
3. Flood Hazard Area: N/A
4. Historic Properties: N/A

STAFF RECOMMENDATION: Based upon the above findings and analysis, planning staff recommends **APPROVAL** of the proposal.

Prepared by:
Susan Hanzlik,
Planner I

Minutes from the July 21, 2014 Topeka Planning Commission Meeting

1. Initiation of the Historic North Topeka East Neighborhood and Oakland Neighborhood Rezoning requesting the initiation of rezonings for eight properties to implement recommendations from the respective plans.

- Properties proposed for rezoning in Historic North Topeka East consist of 844 NE Quincy from “X-2” Mixed Use District to “OS-1” Open Space District and a parcel on the east side of NE Monroe St approximately 100’ south of centerline of NE Laurent St from “R-4” Manufactured Home District to “X-2” Mixed Use District.
- Properties proposed for rezoning in Oakland consist of the east side of the 100 block of NE Lime Street from “I-2” Heavy Industrial District to “R-2” Single-Family Dwelling District. **(Hanzlik)**

Bill Fiander summarized the case information. Mr. Fiander explained there are two properties in Historic North Topeka East to reflect the current use. Mr. Fiander stated the Shawnee County Planning Department concurred with the request. Mr. Fiander stated the additional property is owned by Industrial Chrome and requesting to rezone as it needs corrected from overlooking in the past.

Mr. Fiander stated the motion would be for initiation of a rezoning. Mr. Fiander explained the case would return to the Planning Commission for a public hearing at a later date.

Kevin Beck asked how the rezone will be affected based on the decision of passing the Zoning Matrix. Mr. Fiander stated the changes proposed in the Zoning Matrix will not affect the case. Mr. Fiander explained the proposed rezoning illustrations the need for changes proposed in the Zoning Matrix because under previous code, “X” districts could only be adopted in an area-wide basis. Mr. Fiander stated individual parcels were not able to be initiated previously.

Dustin Crook moved to initiate the rezoning of properties described in the Historic North Topeka case, seconded by Carol Jordan. **APPROVAL. (7-0-0.)**

Mr. Fiander explained there are six parcels zoned “I-2” Industrial. Mr. Fiander stated the rezoning would clean up the zoning to reflect the current use of the properties on that block.

Mike Lackey moved to initiate the rezoning of properties described in the Oakland case, seconded by Dustin Crook. **APPROVAL. (7-0-0.)**

Mr. Beck stated recommended to the Planning Commission to hear the item listed on the July 28th Planning Commission agenda during the July 21st hearing. Mr. Beck stated that due to the Zoning Matrix being complete, it would be logical to adding the item to the July 21st agenda.

Members of the Planning Commission were in unanimous agreement to add the item to the agenda.

Minutes from the July 21, 2014 Topeka Planning Commission Meeting

Michelle Cuevas-Stubblefield moved to add the **Heartland Park Redevelopment Project** case as item F-2 for the July 21, 2014 agenda, seconded by Kevin Beck. **APPROVAL. (7-0-0.)**

**Minutes of the
Topeka Planning Commission
Monday, September 22, 2014**

Z14/10 Historic North Topeka East Neighborhood Plan Rezoning by the Topeka Planning Commission requesting to amend the District Zoning Classification from “X-2” Mixed Use District **TO** “OS-1” Open Space District on a property located at 844 NE Quincy Street in the Historic North Topeka East neighborhood. **(Hanzlik)**

Discussion by members and staff: Susan Hanzlik summarized the staff report and advised the Planning Commission that staff recommended approval of this petition. Mr. Woods asked if there had been any opponents to the proposal and Ms. Hanzlik stated that she had not been contacted by anyone in opposition of any of the 3 cases (Z14/9, Z14/10, Z14/11).

Proponents:

No one spoke in favor of the proposal.

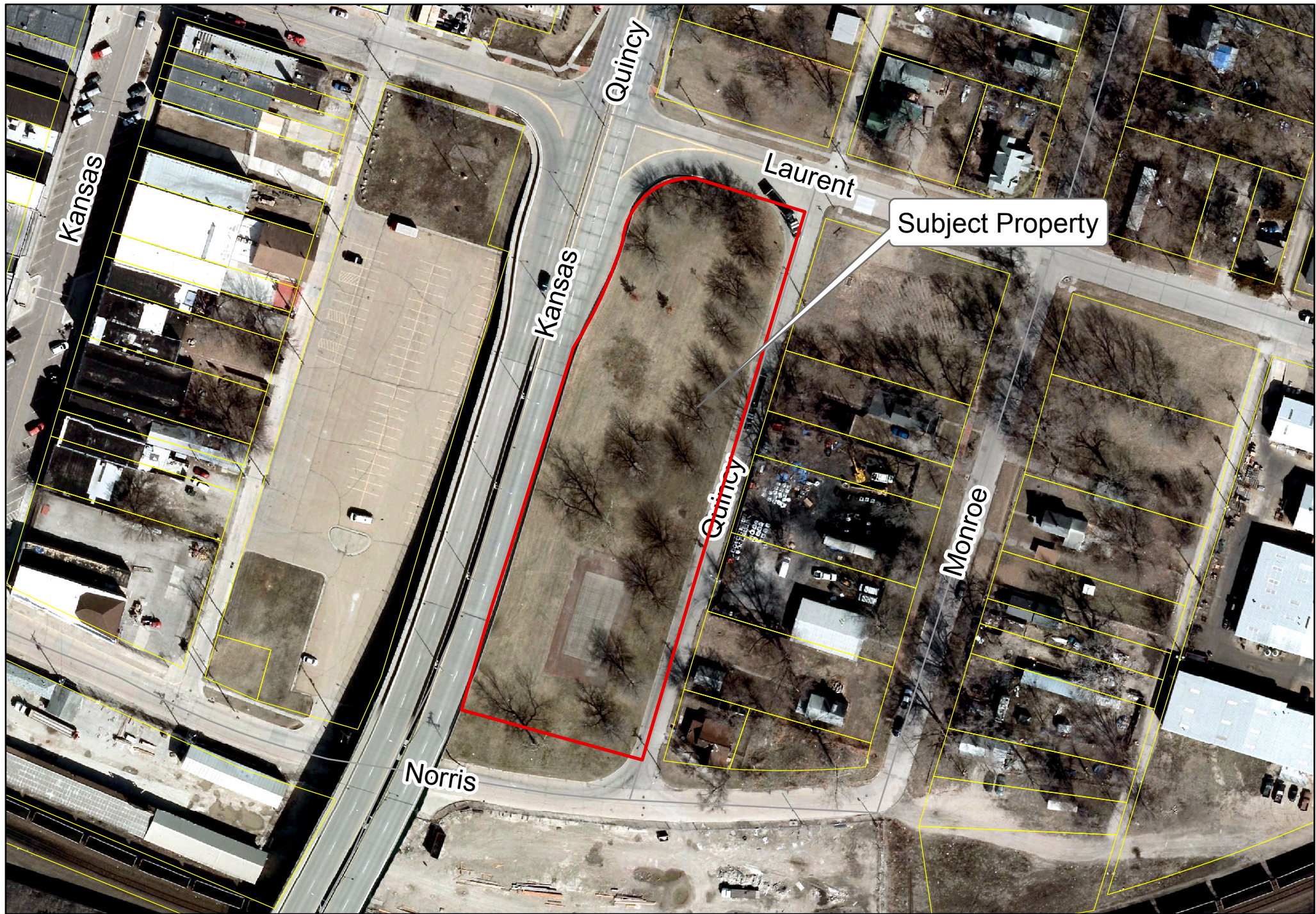
Opponents:

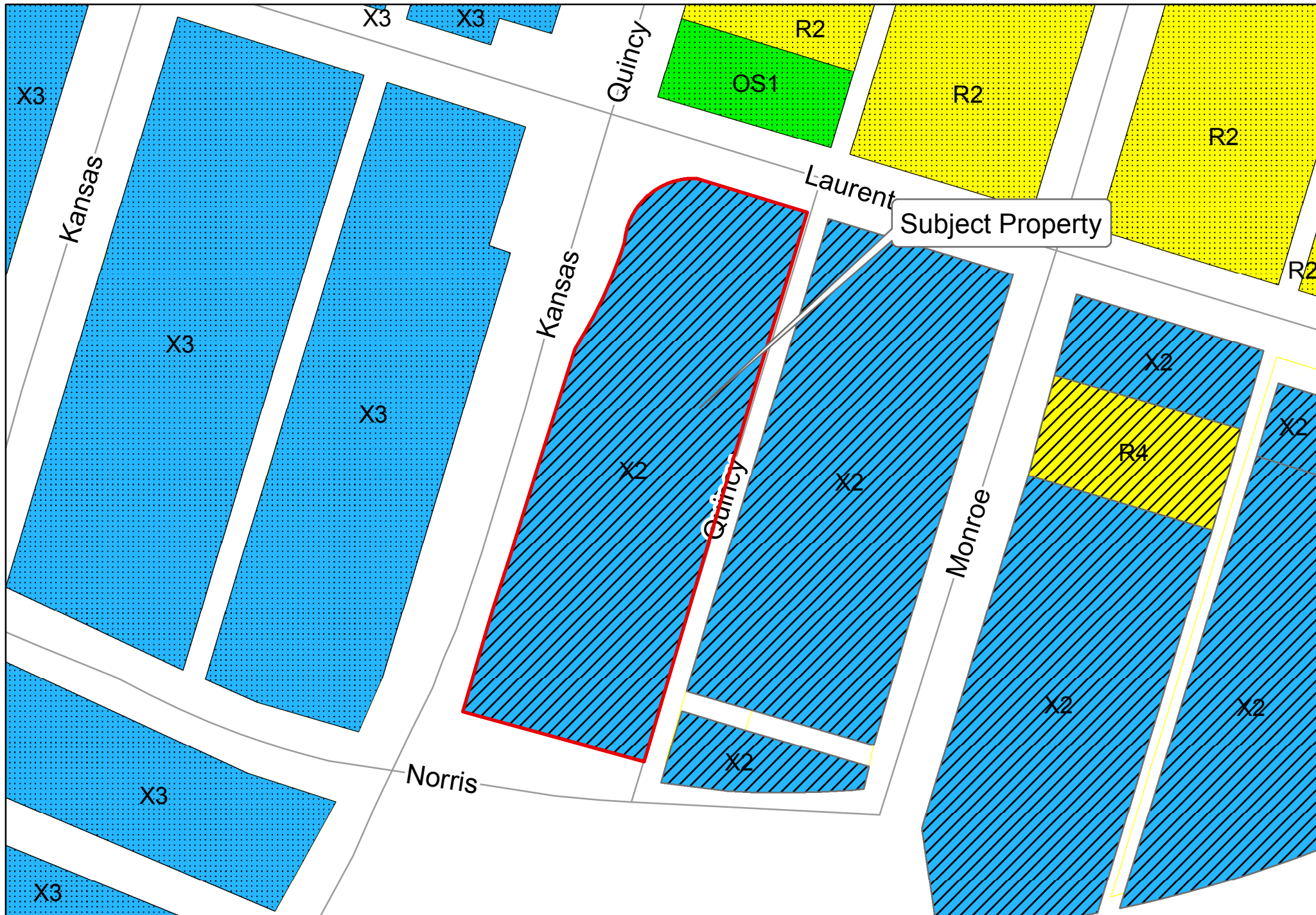
No one spoke in opposition of the proposal.

Discussion

Mr. Beck stated that this seems to fall in line with what the intentions are. Preserving it as a public park is a good step.

Mr. Gales moved to approve, seconded by Mr. Lackey. **APPROVAL. (8-0-0.)**



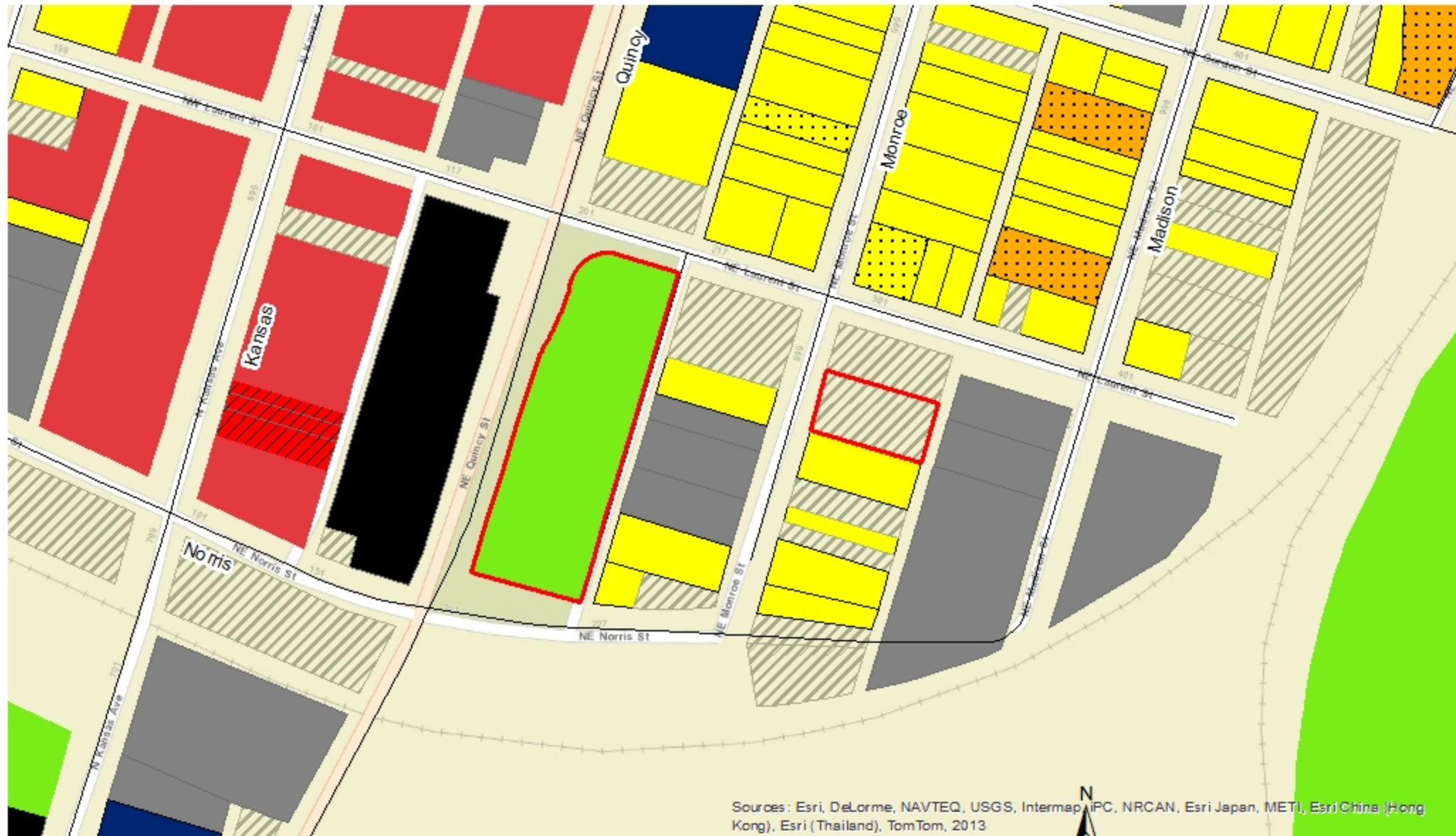


Legend

	Commercial		Mobile Home Site
	Commercial Mixed Use		Open Space/Recreational
	Industrial		Residential Single Family
	Institutional		Parking/Utilities
	Mobile Home Court		Vacant

Historic North Topeka East Current Land Use Map

Z14/10





Z14/10 By: Topeka Planning Commission



Historic North Topeka East Neighborhood Plan Rezoning

1 property at 844 NE Quincy commonly known as Veteran's Park (east half) (Z14/10)

1 property, unaddressed, on the east side of the 800 block of NE Monroe (Z14/11)

Historic North Topeka East Neighborhood Information Meeting

(as part of the Historic North Topeka East NIA Meeting)

Garfield Community Center

September 8, 2014

6:00 PM

Seven neighborhood residents were in attendance at the meeting. Three were there due to receiving NIM property owner notices (Shawnee County Parks and Recreation and White Star Machinery), two were there for the NIA meeting, and two officers of the NIA were there to host the meeting.

Susan Hanzlik explained the neighborhood plan process and how it identified properties whose zoning could be adjusted to better reflect the current land use. She went over the two properties identified—the east half of Veteran's Park and the unaddressed property on NE Monroe St. Susan also explained that this meeting was being held prior to the public hearing with the Planning Commission on September 22, 2014 and asked for questions.

Bill Riphahn and Terry Bertels wanted to know how this would affect the west half of Veteran's Park and what the zoning was there. As that parcel is primarily a parking lot, there would be no affect and they were advised of the current zoning.

There were a few questions regarding the different zoning categories and what was permitted in each.

Katrina Bayless asked whether the "OS-1" designation would prevent businesses on the Veteran's Park parcel.

Katrina also asked what would be allowed on the property on Monroe St. She was advised that it would allow mixed use, including light industrial, single family homes, or residentially designed manufactured homes.



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 23, 2014

+ Back Print

DATE:	October 14, 2014		
CONTACT PERSON:	Bill Fiander/Susan Hanzlik	DOCUMENT #:	Z14/11
SECOND PARTY/SUBJECT:		PROJECT #:	
CATEGORY/SUBCATEGORY	014 Ordinances – Non-Codified / 007 Zoning		
CIP PROJECT:	No		
ACTION OF COUNCIL:		JOURNAL #:	
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Jim Colson, amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on an unaddressed property located on the east side of the 800 block of NE Monroe Street, approximately 100 feet from the intersection of NE Laurent and NE Monroe in the Historic North Topeka East neighborhood from "R-4" Manufactured Home District TO "X-2" Mixed Use District. (Z14/11) (Council District No. 2)

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval changes the zoning of a vacant property in the 800 block of NE Monroe Street from manufactured home to mixed use consistent with surrounding zoning.)

POLICY ISSUE:

The Governing Body has the following options:

- (1) Adopt the recommendation of the Planning Commission by a majority vote or (6) of the Governing Body.
- (2) Override the recommendation of the Planning Commission by a two-thirds majority vote or (7) of the Governing Body.
- (3) Return the recommendation to the Planning Commission with a statement specifying the basis for the decision to approve or deny the request by a majority vote or (6) of the Governing Body.

STAFF RECOMMENDATION:

Item #12

Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

Historic North Topeka East was selected to be a Stages of Resource Targeting (SORT) neighborhood in 2013. In addition to receiving funding for infrastructure and housing improvements the neighborhood was able to update its existing neighborhood plan.

One aspect of the neighborhood plan involves creating or updating the area Future Land Use Plan. It was during this part of the Neighborhood Plan process that staff noticed the parcel located on NE Monroe Street had not been downzoned with the surrounding neighborhood in 2000. The parcel remained as a “R-4” Manufactured Home District as recently rezoned by the owners; however, the property was never developed and has since been sold. The current property owner who also owns adjacent properties has agreed with the rezoning of the property to keep parcel uses consistent with the surrounding neighborhood and properties.

The Historic North Topeka East Neighborhood Plan, including its Future Land Use Plan, was adopted by the Topeka City Council on December 17, 2013 (10-0-0). The Planning Commission met to hold the Public Hearing regarding rezoning the Veteran’s Park lot on September 22, 2014. The Planning Department as well as the Planning Commission is recommending approval.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not applicable

ATTACHMENTS:

[Ordinance](#)

[Summary Report](#)

[Staff Report](#)

[PC Initiation Minutes 7/21/14](#)

[PC Minutes 9/22/14](#)

[Vicinity Map](#)

[Current Zoning Map](#)

[Current Land Use Map](#)

[Proposed Zoning Map](#)

[NIM Minutes](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Jim Colson, City Manager amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code (TMC), by providing for certain changes in zoning on a property located on the east side of the 800 block of NE Monroe Street, approximately 100' from the intersection of NE Laurent and NE Monroe from "R-4" Manufactured Home District **TO** "X-2" Mixed Use District. **(Z14/11) (Council District No. 2)**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. That the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code (TMC), be and the same is hereby amended, by reclassifying the follow described property:

Lot 86 on Monroe Street in Eugene

from "R-4" Manufactured Home District **TO** "X-2" Mixed Use District.

Section 2. This Ordinance Number shall be fixed upon the "District Map".

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Topeka,

_____, 2014.

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified

Not To Be Codified

X

CITY OF TOPEKA PLANNING DEPARTMENT

SUMMARY REPORT

Re: Z14/11 – Historic North Topeka East Neighborhood Rezoning

Proposal: - requesting to amend the District Zoning Classification from “R-4” Manufactured Home District **TO** “X-2” Mixed Use District on a property located on the east side of the 800 block of NE Monroe Street, approximately 100’ from the intersection of NE Laurent and NE Monroe, in the Historic North Topeka East neighborhood. **(Hanzlik)**

Planning Process

Historic North Topeka East was selected to be a Stages of Resource Targeting (SORT) neighborhood in 2013. By receiving this, the neighborhood was able to update its existing neighborhood plan, in addition to receiving funding for infrastructure and housing improvements. One aspect of the neighborhood plan involves creating or updating the area’s Future Land Use Plan. It was during this part of the Neighborhood Plan process that staff noticed that this unaddressed parcel on NE Monroe St. had not been downzoned with the surrounding neighborhood in 2000, but rather remained “R-4” Manufactured Home District as the owners had recently rezoned this parcel. The property was never developed and has since been sold. Staff spoke with the current property owner who owns adjacent properties, and he agreed with rezoning this property so as to have the same development potential as the surrounding neighborhood and properties.

Recommendation

The Historic North Topeka East Neighborhood Plan, including its Future Land Use Plan, was adopted by the Topeka City Council on December 17, 2013 (10-0-0). The Planning Commission met to hold the Public Hearing regarding rezoning the Veteran’s Park lot on September 22, 2014. The Planning Commission voted unanimously to recommend **APPROVAL** to amend the District Zoning Classification “R-4” Manufactured Home District **TO** “X-2” Mixed Use District on the property at the previously described property.

September 22, 2014
Agenda Item # E-4

ZONING REPORT

CITY OF TOPEKA PLANNING DEPARTMENT

CASE NO: Z14/11

By: Topeka Planning Commission

PROPOSAL: Amend the District Zoning Classification from “R-4” Manufactured Home District TO “X-2” Mixed Use District on a property located on the east side of the 800 block of NE Monroe Street, approximately 100’ from the intersection of NE Laurent and NE Monroe, in the Historic North Topeka East neighborhood.

LOCATION: An unaddressed property on the east side of the 800 block of NE Monroe Street, approximately 100’ from the intersection of NE Laurent and NE Monroe, in the Historic North Topeka East neighborhood.

PRESENT USE: This property is currently undeveloped.

PROPOSED USE: To rezone this property to “X-2” Mixed Use District so as to equal the zoning of the surrounding mixed use area.

CHARACTER OF NEIGHBORHOOD: The subject property in the southeast section of the neighborhood—south of NE Laurent St and east of the Kansas Ave Bridge. In 2000, this entire area was rezoned “X-2” Mixed Use District as part of an area-wide rezoning and is home to residential, warehousing, a park, grain elevators, and light industrial manufacturing.

ZONING CLASSIFICATION AND USE OF SURROUNDING PROPERTIES:

	Zoning Classification	Present Land Use
North:	“X-2” Mixed Use District	Undeveloped
South:	“X-2” Mixed Use District	Single-Family Residential
East:	“X-2” Mixed Use District	Manufacturing
West:	“X-2” Mixed Use District	Undeveloped Single-Family Residential

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: This property was rezoned from “I-1” Light Industrial District to “R-4” Manufactured Home District in 1997 with the intent of locating a manufactured home on the site for a permanent residence (Z96/39).

SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED: The subject property is currently zoned “R-4” Manufactured Home District. According to Chapter 18.85, “R-4” Districts provide a place for “...*manufactured homes as defined, together with specified accessory and*

September 22, 2014
Agenda Item # E-4

supportive uses.” The intent of the “R-4” zoning district is to provide a location for ten or more manufactured homes. Both the location and the size of this parcel make it ill-suited for this zoning classification.

CONFORMANCE TO COMPREHENSIVE PLAN: The Historic North Topeka East Neighborhood Plan, an element of the *Topeka Comprehensive Plan – 2025*, identifies this area and property to be “Mixed Use—Medium Intensity”, intended to be an area that transitions from higher intensity industrial uses to lower intensity, neighborhood-scale residential areas. The Historic North Topeka East Neighborhood Plan states the following goals relevant to this:

- *Encourage mobile home development as part of planned unit developments and outside of traditional neighborhood settings (page 12)*
- *Establish a predictable pattern of land use (...) (page 12)*

The proposed re-zoning accurately represents a major step in the Plan’s implementation.

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: There should be no detrimental effect upon surrounding properties by removal of the present restrictions for the “R-4” Manufactured Home District based upon the pattern of land uses and zoning.

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: There would be significant public gain through the rezoning of the property. Removing the “R-4” restrictions would permit this property to develop in a manner consistent with the surrounding neighborhood. As the surrounding area already has the “X-2” Mixed Use District zoning, there appears to be no hardship for the property owner from this proposal. Under the “X-2” Mixed Use classification, the property owner will benefit from the long list of primary uses permitted under the mixed use zoning one of which includes residentially-designed manufactured homes.

AVAILABILITY OF PUBLIC SERVICES: All essential public utilities, services and facilities are presently available to this area.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:

Minimum Lot Area: **Compliant** – There is no minimum lot size for the “X-2” Mixed Use District

Setbacks: Development on the property will be subject to existing “X-2” setback standards.

Platting: **Compliant-** Platted as parts of lots 76, 78, 80, 82, 84, 86 and 88 on Quincy Street in Eugene, in the City of Topeka, Shawnee County, Kansas.

CONCERNS OF STAFF AND REVIEWING AGENCIES: This request was submitted to all applicable reviewing agency staff for consideration and comment. No comments were received.

September 22, 2014
Agenda Item # E-4

ADDITIONAL FACTORS:

1. Citizen Participation Process: A neighborhood information meeting was held in conjunction with the Historic North Topeka East NIA meeting on September 8, 2014 at the Garfield Community Center (1600 NE Quincy St) after notifying landowners within 300 ft. and neighborhoods within ½ mile (Historic North Topeka East, Oakland, North Topeka West). The report to the City is attached.
2. Capitol Area Plaza Authority: N/A
3. Flood Hazard Area: N/A
4. Historic Properties: N/A

STAFF RECOMMENDATION: Based upon the above findings and analysis, planning staff recommends **APPROVAL** of the proposal.

Prepared by:
Susan Hanzlik,
Planner I

Minutes from the July 21, 2014 Topeka Planning Commission Meeting

1. Initiation of the Historic North Topeka East Neighborhood and Oakland Neighborhood Rezoning requesting the initiation of rezonings for eight properties to implement recommendations from the respective plans.

- Properties proposed for rezoning in Historic North Topeka East consist of 844 NE Quincy from “X-2” Mixed Use District to “OS-1” Open Space District and a parcel on the east side of NE Monroe St approximately 100’ south of centerline of NE Laurent St from “R-4” Manufactured Home District to “X-2” Mixed Use District.
- Properties proposed for rezoning in Oakland consist of the east side of the 100 block of NE Lime Street from “I-2” Heavy Industrial District to “R-2” Single-Family Dwelling District. **(Hanzlik)**

Bill Fiander summarized the case information. Mr. Fiander explained there are two properties in Historic North Topeka East to reflect the current use. Mr. Fiander stated the Shawnee County Planning Department concurred with the request. Mr. Fiander stated the additional property is owned by Industrial Chrome and requesting to rezone as it needs corrected from overlooking in the past.

Mr. Fiander stated the motion would be for initiation of a rezoning. Mr. Fiander explained the case would return to the Planning Commission for a public hearing at a later date.

Kevin Beck asked how the rezone will be affected based on the decision of passing the Zoning Matrix. Mr. Fiander stated the changes proposed in the Zoning Matrix will not affect the case. Mr. Fiander explained the proposed rezoning illustrations the need for changes proposed in the Zoning Matrix because under previous code, “X” districts could only be adopted in an area-wide basis. Mr. Fiander stated individual parcels were not able to be initiated previously.

Dustin Crook moved to initiate the rezoning of properties described in the Historic North Topeka case, seconded by Carol Jordan. **APPROVAL. (7-0-0.)**

Mr. Fiander explained there are six parcels zoned “I-2” Industrial. Mr. Fiander stated the rezoning would clean up the zoning to reflect the current use of the properties on that block.

Mike Lackey moved to initiate the rezoning of properties described in the Oakland case, seconded by Dustin Crook. **APPROVAL. (7-0-0.)**

Mr. Beck stated recommended to the Planning Commission to hear the item listed on the July 28th Planning Commission agenda during the July 21st hearing. Mr. Beck stated that due to the Zoning Matrix being complete, it would be logical to adding the item to the July 21st agenda.

Members of the Planning Commission were in unanimous agreement to add the item to the agenda.

Minutes from the July 21, 2014 Topeka Planning Commission Meeting

Michelle Cuevas-Stubblefield moved to add the **Heartland Park Redevelopment Project** case as item F-2 for the July 21, 2014 agenda, seconded by Kevin Beck. **APPROVAL. (7-0-0.)**

**Minutes of the
Topeka Planning Commission
Monday, September 22, 2014**

Z14/11 Historic North Topeka East Neighborhood Plan Rezoning by the Topeka Planning Commission requesting to amend the District Zoning Classification from “R-4” Manufactured Home District **TO** “X-2” Mixed Use District on a property located on the east side of the 800 block of NE Monroe Street, approximately 100 feet from the intersection of NE Laurent and NE Monroe, in the Historic North Topeka East neighborhood. **(Hanzlik)**

Discussion by members and staff: Susan Hanzlik summarized the staff report and advised the Planning Commission that staff recommended approval of this petition. Mr. Lackey asked why this was not rezoned when other properties around it were rezoned. Ms. Hanzlik stated that from reviewing the file, she believes it was the request of the property owners to leave it as it was. The property has new owners and they approve of the rezoning.

Proponents:

No one spoke in favor of the proposal.

Opponents:

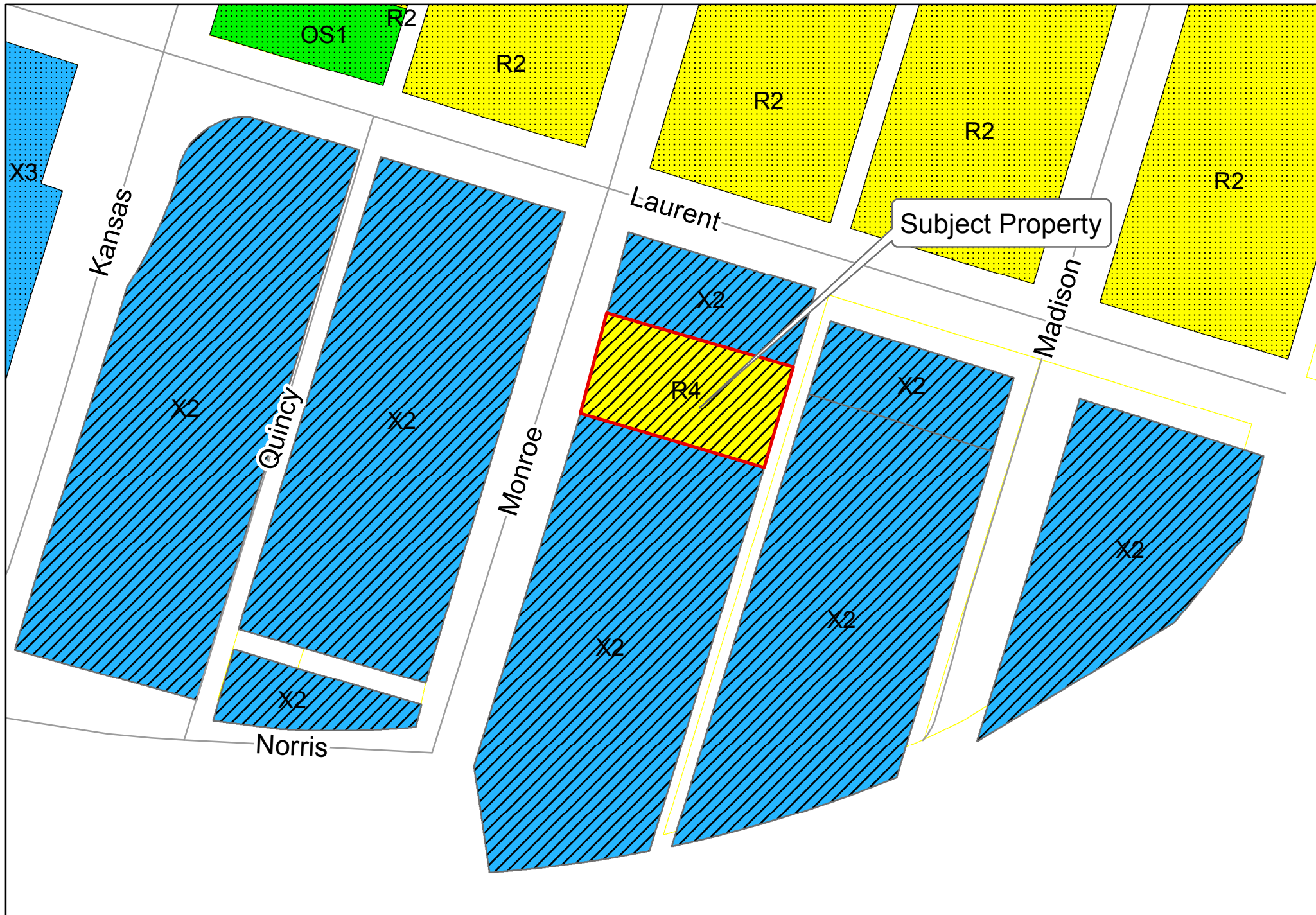
No one spoke in opposition of the proposal.

Discussion

None

Mr. Lackey moved to approve, seconded by Mr. Gales. **APPROVAL. (8-0-0.)**



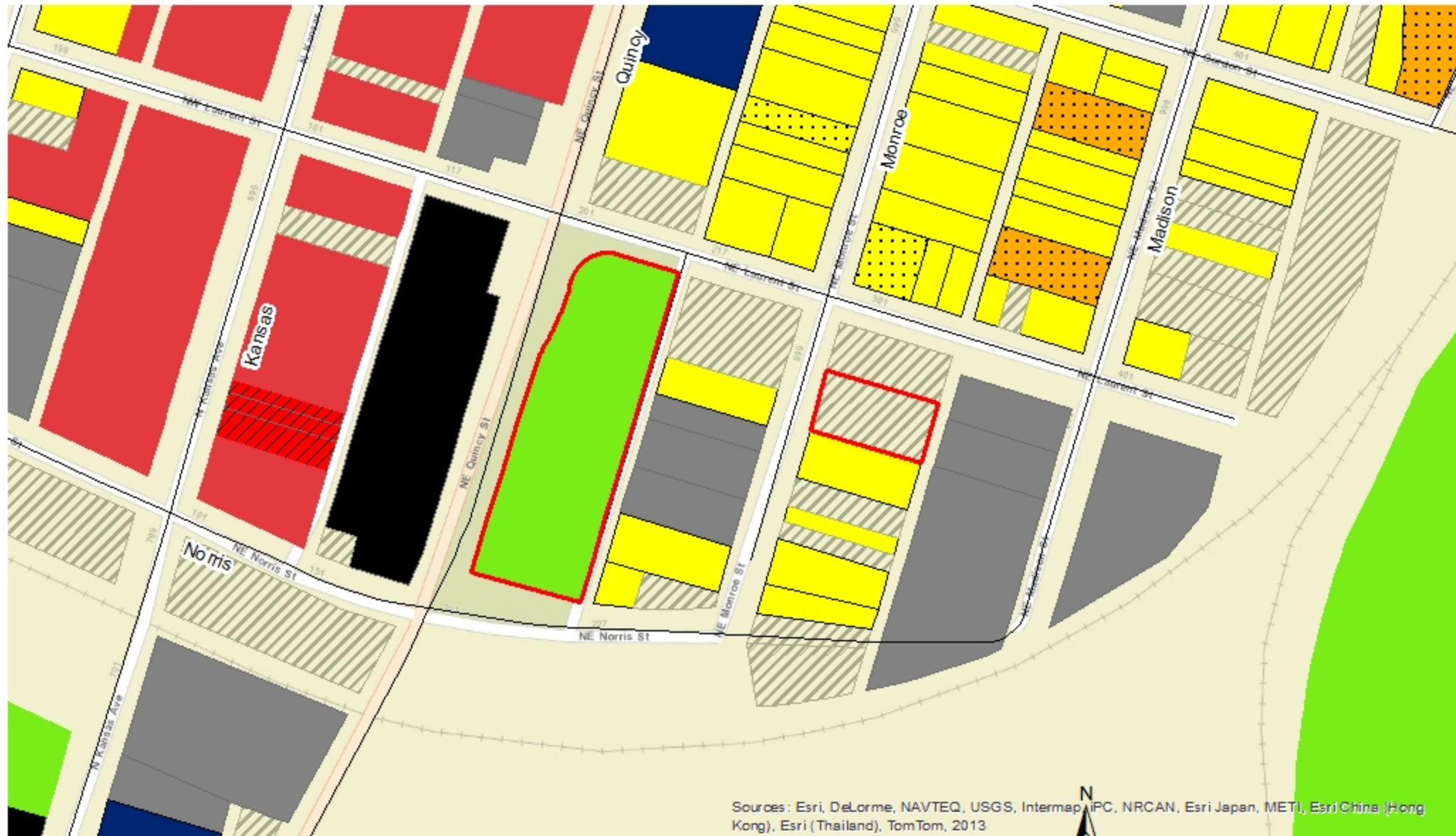


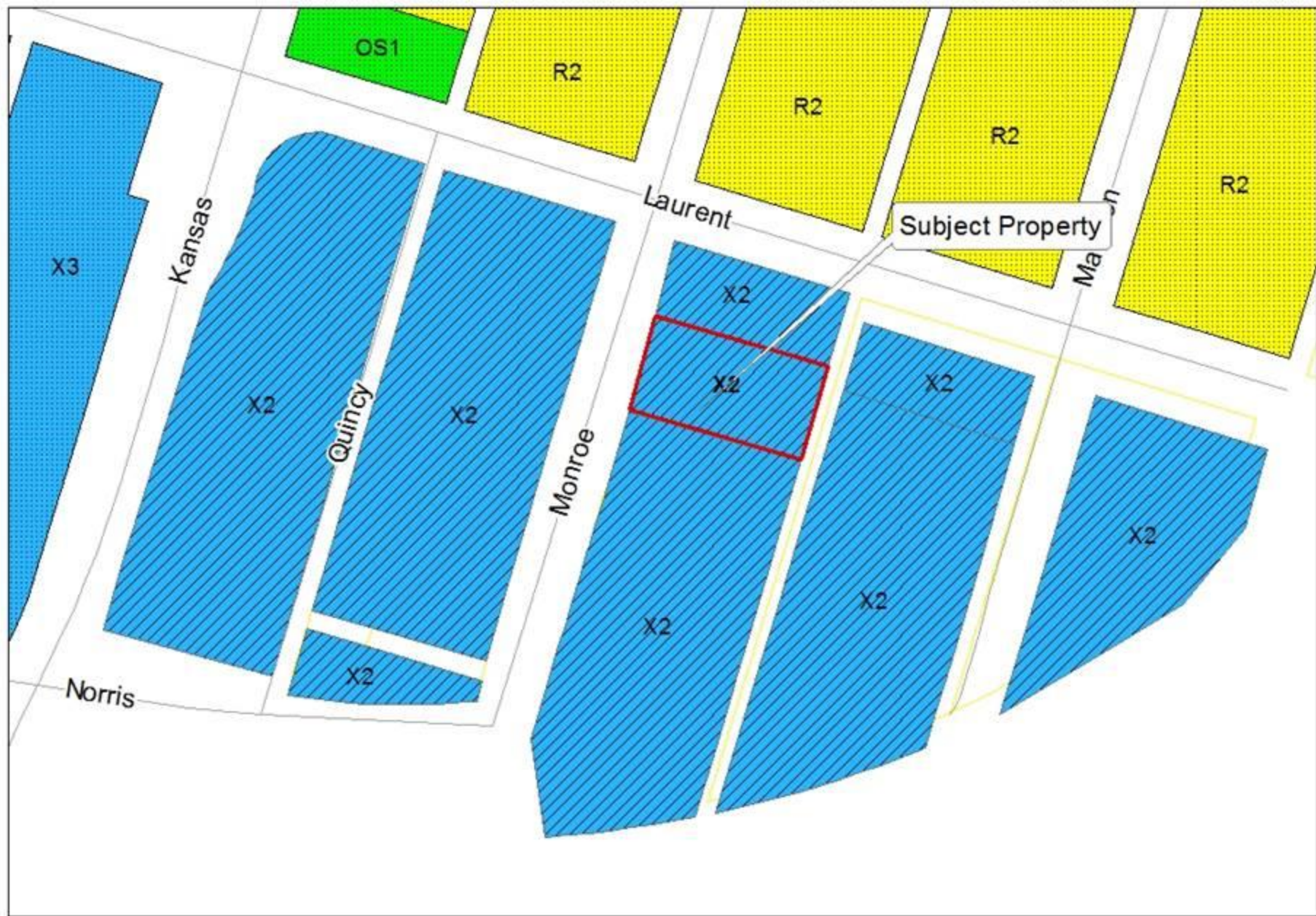
Legend

	Commercial		Mobile Home Site
	Commercial Mixed Use		Open Space/Recreational
	Industrial		Residential Single Family
	Institutional		Parking/Utilities
	Mobile Home Court		Vacant

Historic North Topeka East Current Land Use Map

Z14/11





Historic North Topeka East Neighborhood Plan Rezoning

1 property at 844 NE Quincy commonly known as Veteran's Park (east half) (Z14/10)

1 property, unaddressed, on the east side of the 800 block of NE Monroe (Z14/11)

Historic North Topeka East Neighborhood Information Meeting

(as part of the Historic North Topeka East NIA Meeting)

Garfield Community Center

September 8, 2014

6:00 PM

Seven neighborhood residents were in attendance at the meeting. Three were there due to receiving NIM property owner notices (Shawnee County Parks and Recreation and White Star Machinery), two were there for the NIA meeting, and two officers of the NIA were there to host the meeting.

Susan Hanzlik explained the neighborhood plan process and how it identified properties whose zoning could be adjusted to better reflect the current land use. She went over the two properties identified—the east half of Veteran's Park and the unaddressed property on NE Monroe St. Susan also explained that this meeting was being held prior to the public hearing with the Planning Commission on September 22, 2014 and asked for questions.

Bill Riphahn and Terry Bertels wanted to know how this would affect the west half of Veteran's Park and what the zoning was there. As that parcel is primarily a parking lot, there would be no affect and they were advised of the current zoning.

There were a few questions regarding the different zoning categories and what was permitted in each.

Katrina Bayless asked whether the "OS-1" designation would prevent businesses on the Veteran's Park parcel.

Katrina also asked what would be allowed on the property on Monroe St. She was advised that it would allow mixed use, including light industrial, single family homes, or residentially designed manufactured homes.



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 12, 2014

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DATE: October 14, 2014
CONTACT PERSON: Brenda Younger DOCUMENT #:
SECOND PARTY/SUBJECT: Applications PROJECT #:
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

APPROVAL of Retail Cereal Malt Beverage and Scrap Metal Dealers License Applications.

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Retail Cereal Malt Beverage License applications and Scrap Metal Dealer applications must be approved by the governing body prior to issuance of the licenses.)

POLICY ISSUE:

Approval helps ensure businesses are in compliance with City regulations.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the license application(s) as presented.

BACKGROUND:

Pursuant to K.S.A. 41-2702 as amended, license applications for retail cereal malt beverage must be approved by the governing body prior to issuance of the license.

Pursuant to TMC 5.170.040 and L.2011, Ch. 86, Section 2, Scrap Metal Dealer applications have to be approved by the governing body prior to issuance of registration.

BUDGETARY IMPACT:

Budgetary impact is based on the number of licenses issued.

SOURCE OF FUNDING:

City Clerk's Operating Budget

ATTACHMENTS:

No Attachments Available

Item #13



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PROJECT #:

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CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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JOURNAL #:

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DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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CIP PROJECT: No

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JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available