CITY OF TOPEKA

AGENDA

TOPEKA PLANNING COMMISSION

MONDAY, DECEMBER 21, 2020
6:00 P.M.

Meeting Held Electronically Only via Video Conference
For information on live viewing,
contact the Planning & Development Department.

Persons addressing the Planning Commission will be limited to four minutes of public address on a particular agenda item. Debate, questions/answer dialogue or discussion between Planning Commission members will not be counted towards the four minute time limitation. The Commission by affirmative vote of at least five members may extend the limitation an additional two minutes. The time limitation does not apply to the applicant's initial presentation.

Items on this agenda will be forwarded to the City Council for final consideration.

All information forwarded to the City Council can be accessed via the internet on Thursday prior to the City Council meeting at: https://www.topeka.org/calendar

ADA Notice: For special accommodations for this event, please contact the Planning Department at 785-368-3728 at least three working days in advance.

HEARING PROCEDURES

Welcome! Your attendance and participation in tonight's hearing is important and ensures a comprehensive scope of review. Each item appearing on the agenda will be considered by the City of Topeka Planning Commission in the following manner:

1. The Topeka Planning Staff will introduce each agenda item and present the staff report and recommendation. Commission members will then have an opportunity to ask questions of staff.

2. Chairperson will call for a presentation by the applicant followed by questions from the Commission.

3. Chairperson will then call for public comments. Each speaker must come to the podium and state his/her name. At the conclusion of each speaker's comments, the Commission will have the opportunity to ask questions.

4. The applicant will be given an opportunity to respond to the public comments.

5. Chairperson will close the public hearing at which time no further public comments will be received, unless Planning Commission members have specific questions about evidence already presented. Commission members will then discuss the proposal.

6. Chairperson will then call for a motion on the item, which may be cast in the affirmative or negative. Upon a second to the motion, the Chairperson will call for a role call vote. Commission members will vote yes, no or abstain.

Each item appearing on the agenda represents a potential change in the manner in which land may be used or developed. Significant to this process is public comment. Your cooperation and attention to the above noted hearing procedure will ensure an orderly meeting and afford an opportunity for all to participate. Please Be Respectful! Each person's testimony is important regardless of his or her position. **All questions and comments shall be directed to the Chairperson from the podium and not to the applicant, staff or audience.**

Members of the Topeka Planning Commission

Brian Armstrong, 2020 Chairperson
Ariane Messina
Corey Dehn
Marc Fried
Wiley Kannarr
Jim Kaup
Corliss Lawson
Katrina Ringler
Matt Werner

Topeka Planning Staff

Bill Fiander, AICP, Director, Planning & Development Dept.
Dan Warner, AICP, Planning Division Director
Carlton Scroggins, AICP, Transportation Planning Manager
Mike Hall, AICP, Current Planning Manager
Tim Paris, Planner
Annie Driver, AICP, Planner
Taylor Ricketts, Planner
Bryson Risley, Planner
Melissa Fahrenbruch, Planner
Megan Rodecap, Zoning Inspector
Kris Wagers, Administrative Officer

CITY OF TOPEKA

TOPEKA PLANNING COMMISSION

Agenda for Monday, December 21, 2020

A. Roll call

B. Approval of minutes – November 16, 2020

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

D. Action Items

1. **CPA20/01 by the City of Topeka,** a request to amend the text and map of the City of Topeka's Comprehensive Plan creating the East Topeka North Neighborhood Plan. The area affected by the amendment is bounded by the BNSF railways to the north and west, Deer Creek Trail to the east, and SE 6th Avenue to the south. **(Risley)**

2. **Z20/05 by Topeka North American Legion Post 400,** requesting to amend the district zoning map on property located at 3029 NW U.S. 24 Highway from "M-2" Multiple Family Dwelling District to "I-1" Light Industrial District. **(Driver)**

3. **CU20/03 by: Kansas Sand & Concrete, Inc.,** requesting a Conditional Use Permit on property presently zoned "I-2" Heavy Industrial District and located along the east side of NW Stina Court near the intersection of NW 25th Street and NW Stina Court, in order to allow for "Manufacturing Processing, Type III" (concrete mixing plant). **(Driver)**

4. **ACZR20/01,** a request to amend the Topeka Municipal Code (TMC) Title 18 (Comprehensive Plan-Signs-Subdivisions-Zoning) as follows: Amendments to the Definitions in Chapter 18.55, Use Tables in Chapter 18.60, and Special Use Requirements in Chapter 18.225 to regulate Short-Term Residential Rentals, uses currently referred to as "Bed and Breakfast Home" and "Bed and Breakfast Inn" by TMC Title 18. Amendments to other chapters of TMC Title 18 may also be considered as needed to regulate Short-Term Residential Rentals which are generally owner-occupied or non-owner occupied dwellings that offer lodging to transient guests. **(Hall)**

E. Communications to the Commission

F. Adjournment

CITY OF TOPEKA

MINUTES

TOPEKA PLANNING COMMISSION

Monday, November 16, 2020

6:00PM – via video conference

Members present: Brian Armstrong (Chair), Marc Fried, Corey Dehn, Wiley Kannarr, Jim Kaup, Corliss Lawson, Ariane Messina, Katrina Ringler, Matt Werner (9)

Members Absent:

Staff Present: Bill Fiander, Planning & Development Director; Dan Warner, Planning Division Director, Bryson Risley, Planner, Kris Wagers, Administrative Officer; Mary Feighny, Legal

Roll Call – Chairman Brian Armstrong called the meeting to order with nine members logged in for a quorum.

Approval of Minutes from October 19, 2020

Motion to approve by Mr. Fried, **second** by Ms. Messina. **APPROVED** 8-0-1 with Mr. Kannarr abstaining

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

None

Action Items

A20/03 by Mitch Barnard requesting annexation of an approximately 23-acre property located on the east side of SE Croco Road, approximately 300' south of SE 31st Street, to allow for a single family home to be built along the frontage of SE Croco Road with the remainder of the property reserved for future urban development.

Mr. Warner presented the request and staff's recommendation for a finding that the proposed annexation is consistent with the Comprehensive Plan.

Mr. Kaup asked why the property would be serviced by a rural water district rather than by the City. Mr. Warner explained that the property lies within Rural Water District #8's service boundary. City staff met with the general manager of the district; they agreed they could serve the property and Braxton Copley (COT) approved. This isn't common, but as the city expands into existing rural water districts, it will likely happen more often. There is no requirement that the City serve the property with water. Mr. Warner went on to say that all of the lots to the east and the south are currently served by Rural Water District 8. He confirmed for Mr. Kaup that if those properties are developed, they will likely continue to be served by Rural Water District 8.

Mr. Kannarr inquired regarding the zoning of the property. Mr. Warner explained that it is the Planning Commission that would initiate a re-zoning. Mr. Fiander added that often upon annexing property, Planning staff ask the Planning Commission to initiate a re-zoning. In this instance, the majority of the property is not being developed right away. The owner wishes to retain the RR1 zoning for now so they can use the land for agriculture.

Mr. Warner verified that neither the property owner nor their representative were logged into the meeting. **Motion** by Mr. Kannarr for a finding that annexation of the subject property is consistent with

the Comprehensive Plan; **second** by Mr. Dehn. **APPROVED 8-0-0**

Presentation/Discussion Items

East Topeka North Neighborhood Plan (SORT)

Mr. Risley gave a presentation on the plan and process thus far, taking questions from commissioners as they arose. Questions/'discussion included properties that are/are not eligible for HUD funding due to the fact that they are in a 100 year flood zone. Based on input from the neighborhood, there is a focus on projects around Scott Magnet School. Projects in the primary target area will be given priority and next priority will be given to the eastern target area. Finally, if there are still funds available they will go toward projects in the general neighborhood.

Mr. Fiander pointed to the Health Map, noting the 2000 rating of 1.0 vs. the current rating of 2.2. Improvements are unmistakable. Mr. Dehn noted that public safety also went from red to dark blue. He asked if anything was done by the police department to assist in that change; Mr. Fiander was uncertain and he specifically noted that the neighborhood has become less transitional in nature.

Communications to the Commission –

Mr. Fiander reported that the December meeting will have a full agenda.

With no further agenda items, the meeting was adjourned at 6:40PM

CITY OF TOPEKA
Planning Division
620 SE Madison, Unit 11
Topeka, KS 66607
Dan Warner, AICP, Division Director
Tel: 785-368-3728
www.topeka.org

MEMORANDUM

To: Topeka Planning Commission

From: Dan Warner, AICP, Planning Division Director

Date: December 21, 2020

RE: East Topeka North Neighborhood Plan

Background

- The East Topeka North NIA was awarded the 2020 SORT (Stages of Resources Targeting).
- This is a two-part process with neighborhood planning occurring in 2020 and implementation occurring in 2021 – 2022. The planning stage is coming to completion and is being presented as an update on the East Topeka North Neighborhood Plan process.
- The NIA has been working with Planning staff since February 06, 2020 in creating their updated neighborhood plan.
- The Plan reflects the targeted approach associated with the SORT process. The most "in-need" areas have been identified for targeting both housing and infrastructure resources.

Process

- Staff notified all property owners in the planning area and held a kickoff meeting on February 06, 2020 to present a "current conditions" analysis.
- Steering committee meetings and sub-committee meetings were held digitally throughout the year for more in-depth evaluation of the Plan topics. Major focus areas include Goals and Policies, Land Use, Revitalization Themes, Neighborhood-Wide Strategies, and Implementation.
- Surveys and GIS Storymaps were utilized to garner larger public input throughout the planning process in lieu of in person meetings.
- All renters, landlords, and homeowners in the East Topeka North neighborhood were mailed notice advertising the final neighborhood meetings on December 9th and 10th, 2020.
- The draft plan was presented with discussion so as to gain feedback and input from the neighborhood.
- Staff incorporated feedback into the final East Topeka North Neighborhood Plan document. The draft plan is available online: https://cot-wp-uploads.s3.amazonaws.com/wp-content/uploads/planning/CPA20-01ETNNeighborhoodPlan/ETN.pdf

Current Neighborhood Conditions

- The neighborhood is, for the first time, comprised solely of “At Risk” health ratings. Since 2000, the East Topeka North Neighborhood has consistently received “At Risk” and “Intensive Care” designations.
- The neighborhood plan boundaries are SE 6th Avenue, Deer Creek Trail and the BNSF railways.
- 70% of all housing units are single-family or two-family, of which 47% are owner occupied.
- Infrastructure needs include replacement of pavement, curb and gutter, alleys, waterline, and sidewalks, as well as installation of ADA compliant ramps.

Notable Findings

- The East Topeka North Neighborhood began as part of Downtown Topeka, with many of Topeka’s Residents living in East Topeka.
- East 6th Avenue was the only entrance to Topeka besides river or rail and acted as the commercial corridor for the City.
- The construction of I-70 removed one of the poorest neighborhoods in Topeka. This led to many of its residents moving to East Topeka.
- Following the 2002 East Topeka Revitalization Plan, most of the neighborhood was rezoned to restore the single-family character of the neighborhood, while encouraging mixed use along SE 6th Avenue.
- Target areas are located to the south and east of Scott Magnet Dual Language Elementary and centered around SE Tefft Street, with the intent to build upon the strengths and anchors of the neighborhood.
- Due to the Shunganunga Creek, much of the neighborhood to the south is covered by the 100-year floodplain.

Staff Recommendation: Staff recommends the Planning Commission:

1) Conduct a public hearing on the Plan for action on December 21, 2020.
2) Recommend approval to the Governing Body as an element of the City’s Comprehensive Plan.

East Topeka North

Topeka, Kansas

Neighborhood Plan

An Element of the

Topeka Comprehensive Plan

A Cooperative Effort By:

&

Topeka Planning Division

ADOPTED:

Topeka Planning Commission, (Hold for Date)

Topeka Governing Body, (Hold for Date)

ACKNOWLEDGEMENTS

Central Park Neighborhood Improvement Association

John Moyer – President
Tony Galvan – Vice President
Rita Moyer – Secretary
Foster Chisholm – Treasurer

City of Topeka Mayor

Michelle De La Isla

Topeka City Council

Karen Hiller
Tony Emerson
Neil Dobler
Christina Valdivia-Alcalá
Michael Padilla
Spencer Duncan
Sylvia Ortiz
Hannah Naeger
Michael Lesser

Topeka Planning Commission

Brian Armstrong
Marc Fried
James Kaup
Ariane Messina
Matthew Werner
Corey Dehn
Wiley Kannarr
Corliss Lawson
Katrina Ringler

Topeka Planning Department

Bill Fiander, AICP, Director
Dan Warner, AICP, Comprehensive Planning Manager, Bryson Risley, Planner I

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CHAPTER 1

INTRODUCTION AND PURPOSE

Introduction and Purpose

Background

In July of 2000, the Topeka City Council and Shawnee County Board of commissions adopted the Neighborhood Element of the Topeka-Shawnee County Metropolitan Comprehensive Plan 2025. The plan identified the majority of East Topeka as a "**high priority"** area for planning assistance and reinvestment. Following this decision, planning staff identified East Topeka North and East Topeka South for the development of the East Topeka Neighborhood Revitalization Plan. Following adoption of the East Topeka Neighborhood Revitalization Plan by the Topeka City Council and the Shawnee County Commission, much of the neighborhood was rezoned to reflect the existing land uses.

In 2017 the health rating for the entire East Topeka North neighborhood improved from "Intensive Care" to "At Risk". Then in fall of 2019, the East Topeka North Neighborhood Improvement Association (NIA), in partnership with the Bread of Life Church, applied for and was awarded the 2020 Stages of Resource Targeting (SORT) program. Through the 2020 SORT process, the 2020 East Topeka North Neighborhood Plan was created to identify strengths and weaknesses of the neighborhood, current and future land uses, target areas, and the action steps to stabilize and improve blocks within the neighborhood. The 2020 East Topeka North Neighborhood Plan intends to evaluate East Topeka North and build upon the 2002 Neighborhood Revitalization Plan.

Purpose

The City of Topeka SORT funding will provide planning assistance and targeted implementation funding.

Through the spring and fall of 2020, the East Topeka North NIA, SORT Planning Committee, and planning staff were able to collaborate to finalize a neighborhood plan that comprehensively address land use, housing, safety, infrastructure, neighborhood character, and provide an overarching vision and goals for East Topeka North. The intent of this document is to build upon the 2002 East Topeka Neighborhood Revitalization Plan by analyzing neighborhood trends and provide long-range guidance and direction to City agencies, residents, and other organizations for future revitalization and investment in the neighborhood. The Plan is intended to be comprehensive, cohesive, and a coordinated approach to address issues found in East Topeka North.

Recommendations for infrastructure, housing, and park improvements all involve major City/County expenditures that are constrained by the amount of tax revenues that are collected. Other neighborhood plans compete for such allocations. Reliance on non-City/County funding sources will also determine the pace of implementation. Another purpose of this plan is to provide guidance for prioritization of projects, given the limited resources. Through the SORT program, East Topeka North residents seek to continue efforts to reach a “Healthy” neighborhood status.

Relation to Other Plans

The East Topeka North Neighborhood Plan constitutes an amendment to the Comprehensive Plan and is regularly monitored, reviewed, and updated as needed. It is intended to balance neighborhood needs with city-wide objectives and be consistent with goals of existing and future elements of the Comprehensive Plan including Downtown, Transportation, Economic Development, and Trail elements. This plan also aligns with other city of Topeka plans, such as the Bikeways Plan, Pedestrian Plan Futures 2040, and the Land Use and Growth Management Plan.

Process

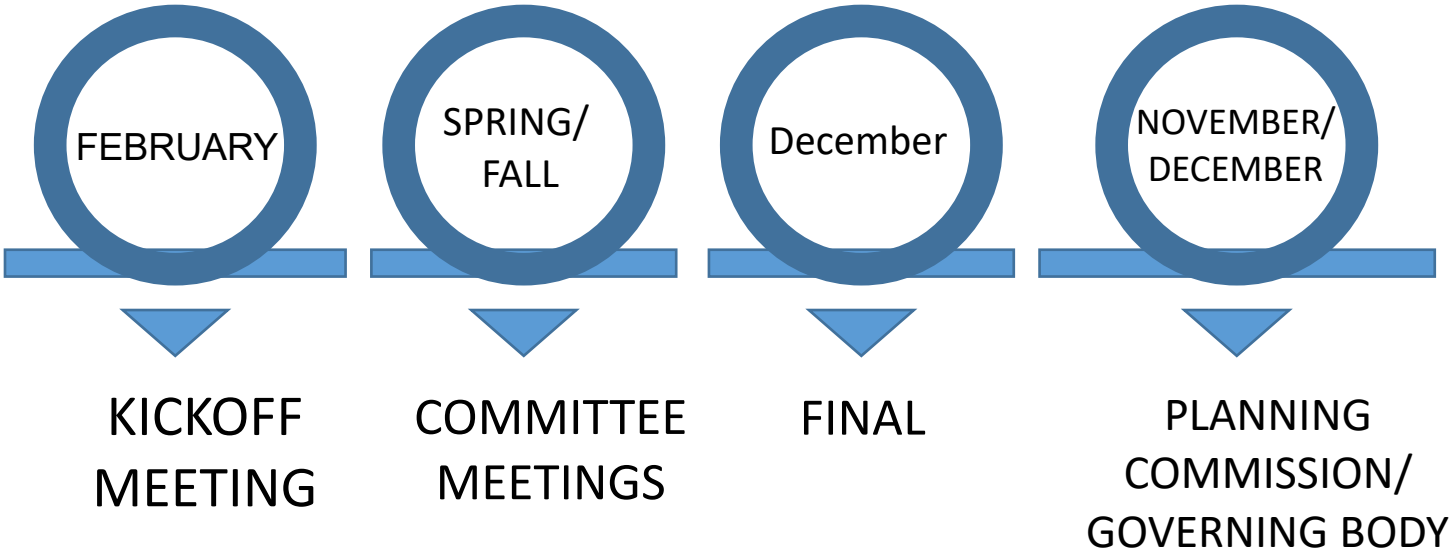
In fall 2019, The East Topeka North NIA applied for, and was awarded as the 2019 neighborhood SORT recipient. Following the selection, planning staff conducted a property-by-property land use, housing, infrastructure, and crime survey of the neighborhood, as well as, collected pertinent demographic data.

The “state-of-the-neighborhood” information was shared during the kickoff meeting which took place on February 06, 2020. The East Topeka North planning steering committee, comprised of neighborhood volunteers, met five times between March and October) and looked in-depth at issues related to land use, zoning, circulation, parks, infrastructure, and developed goals, guiding principles, and SORT target areas.

Due to Covid-19, in person meetings were canceled and replaced with Zoom conference calls. To supplement the planning steering committee meetings, four surveys were distributed to the neighborhood to provide additional information to City staff and committee members. Along with surveys, stakeholder interviews were conducted with business owners in the community and a Storymap was developed to facilitate input from the neighborhood at-large.

A summary of the final plan was presented to the community at the final neighborhood-wide meeting, held December 9th and 10th via zoom conference call. A work session was held with the City of Topeka Planning Commission on November 16th, 2020, to provide an introduction and update to the neighborhood planning process.

Planning Process - Timeline



Planning Process - Steps

Step 1

Where is the neighborhood at?

Housing Conditions, Demographics, Homeownership, Crime, History, Infrastructure, and More

Products: Neighborhood Profile

Step 2

Where do you want the neighborhood to be?

Stakeholder Interview, Survey, and Guiding Principles

Products: Vision and Goals

Step 3

How do we get there?

Strategies to Achieve Vision, Goals, and Guiding Principles

Products: Land Use Plan and Revitalization Strategy

Step 4

What do we do first and when?

Priorities, Actions, Programs, Costs, etc. to Implement the Plan

Products: Implementation Plan

Step 5

How are we doing?

Implement Plan, Review Accomplishments, Reaffirm Goals, and Adjust Bi-Annually

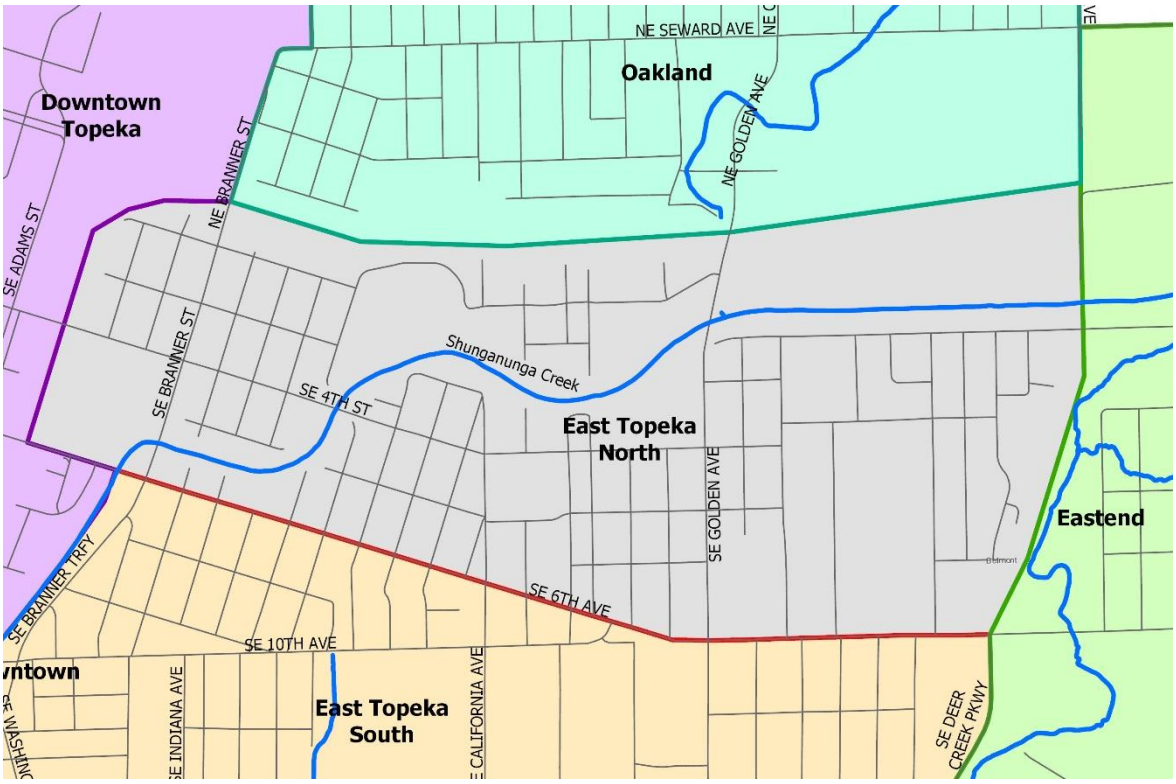
Ongoing

CHAPTER 2

Neighborhood Profile

Neighborhood Profile

Location and Character



The East Topeka North neighborhood is located just east of Downtown Topeka, Kansas. East Topeka North is bounded to the south by SE 6th Avenue, to the east by Deer Creek trail, and the north and west by Burlington Northern Santa Fe Railway tracks. Land uses making up the neighborhood consist primarily of residential uses, but include commercial and industrial uses along SE 6th Avenue and the northern edge of the neighborhood.

The neighborhoods topography is dictated by the Shunganunga Creek which cuts through the neighborhood. Much of the neighborhood south of the Shunganunga Creek falls within the 100-year flood boundary.

History

Early in Topeka's history, "East" Topeka did not exist but was simply the part of Downtown Topeka. Downtown Topeka was anchored along the river by railroad depots, with most of Topeka's residents living in East Topeka. Many of the first residents of this area were immigrants from primarily Germany and Russia, who worked in the neighboring rail yards.

1913 Sanborn Maps show the impact of the railyards on East Topeka North.

Topeka, which has long been known for its anti-slavery stance during the days before statehood, continued to promote its message of freedom and welcomed new settlers to Topeka. East 6th Avenue, which during this period of time was the only entrance to Topeka besides river or rail was known as the Liberty Highway and followed the historic route of the Oregon Trail. Because of this, America's westward expansion during the latter days of the 19th Century paraded down 6th Avenue, which acted as a commercial corridor lined with stores offering services, products, restaurants, and hotels.

Eventually, 6th Avenue became US Highway 40, which resulted in an increase in automobile traffic. The additional traffic created new commerce in an already vibrant corridor for the residents of Topeka.

However, the role of 6th Avenue as the primary entrance to the City did not last. This area of Topeka has declined in its prominence during the latter half of the 20th Century, as the City expanded west. Several factors contributed to the decline, beginning with the flood of 1951. This flood, described by some as the "flood of the Century," inundated much of Topeka. During this flood, the Kansas River covered nearly all of North Topeka but the lesser known Shunganunga Creek also left its banks, flooding much of the area north of SE 10th Street between the Shunga and SE Golden Street. The losses and prospects for recovery were too great for many residents of the area, who chose to relocate to other areas of Topeka.

As a direct result of the flood of 1951, the Army Corps of Engineers created a levee along the banks of the Shunganunga Creek. This project channelized and maximized the flow of water through the creek, but also left the area with only a few streets to connect to the neighborhoods on either side of the creek. This action began a process of isolating East Topeka from downtown and areas further west.

In the early 1960's US Highway 40 was diverted away from E 6th Avenue with the construction of the Interstate Highway System. Completed in 1963, the construction of I-70 split East Topeka in two. What had been a single residential neighborhood now became two, each separate and isolated from each other. In addition, the path of I-70 through Downtown Topeka forced the displacement and relocation of one of Topeka's poorest neighborhoods. Most of these families were located in East Topeka, further distressing the neighborhood.

Then on June 8, 1966 a tornado tore through Topeka. The path of the tornado tore through downtown, across Branner Street, and over Ripley Park before continuing to the Oakland neighborhood. Much of this area in the path of the tornado has never fully recovered from this devastation.

While East Topeka North's history has led to isolation and disinvestment, many of the landmarks which have helped define East Topeka North still stand and offer a connection to the City's history. Furthermore, in 1996, Topeka Public Schools invested $7 Million dollars in the neighborhood for the development of Scott Magnet Elementary School for computer technology, which has become a major source of pride and stability for the neighborhood attracting students from throughout Topeka. Lastly, the area is once again a destination for new immigrant populations, as residents from Mexico and other Latin American countries are establishing homes and investing in new businesses in the neighborhood. These grass-roots and community driven efforts act as key drivers for continued revitalization of East Topeka North.

Character

The character of East Topeka North has changed very little. The western area of the neighborhood features primarily single family homes built on smaller lots around 1900. To the east, the homes tend to be smaller and built around 1960. However, events such as the flood of 1951, the 1966 tornado, isolation, permissive zoning, or urban decay have led to disinvestment throughout the neighborhood. In order to combat these negative trends, the neighborhood should capitalize on its proximity to 6th Avenue and encourage rehabilitation of properties such as Eastboro Shopping Center, Timberlee Apartments and Deer Creek Apartments. Rehabilitation of these properties with a high level of design can create activity nodes throughout the neighborhood.

Existing Conditions

Health

The Neighborhood Element of the Comprehensive Plan establishes a health rating for all neighborhoods in Topeka in order to prioritize planning assistance and resource allocation. The health ratings are based upon the existing conditions of property values, crimes per capita, homeownership rates, the number of vacant or boarded homes, and the percent of people living below the poverty level. According to the 2017 updated Neighborhood Element, the East Topeka North area is comprised of three primary health ratings, all of which are designated as “At-Risk”. While “At-Risk” is generally classified as emerging negative conditions, this is the first time since the initial 2000 health rating, no segment of the neighborhood has been classified as “Intensive Care”.

Land Use

East Topeka North consist primarily of housing with nearly 71 percent of parcels devoted to residential land uses. Of this nearly all of the residential uses are single family detached parcels, and make up 42.2 percent of the land area. Vacant parcels are the second most prevalent land use making up 21 percent of the total parcels and 14.2 percent of the total land area. The remaining eight percent of parcels are made up of higher density housing, commercial, open space, institutional, parking and utility, industrial, and farming uses. Higher intensity uses are predominately located along SE 6th Avenue, with industrial uses also being located along the norther boundary of the neighborhood.

Table 1 Land Use

East Topeka North						
Category	Parcels	Total parcels	Parcel %		Total Acre	
Residential - Single Family	768	1103	69.63%	175.00	415	42.2%
Residential - Two Family	5	1103	0.45%	1.20	415	0.3%
Residential - Multi Family	9	1103	0.82%	14.00	415	3.4%
Commercial	37	1103	3.35%	29.00	415	7.0%
Open Space	7	1103	0.63%	30.00	415	7.2%
Institutional	9	1103	0.82%	21.00	415	5.1%
Parking/Utility	9	1103	0.82%	9.00	415	2.2%
Vacant Total	231	1103	20.94%	59.00	415	14.2%
Industrial	27	1103	2.45%	35.50	415	8.6%
Farming	1	1103	0.09%	39.00	415	9.4%
Total with ROW	1103	1103	100%		520	

Zoning

The majority of East Topeka North was rezoned following the 2002 East Topeka Neighborhood Revitalization Plan. Most of SE 6th Avenue was rezoned to X1 (Mixed Use) to accommodate the variety of commercial and residential uses along the corridor. West of SE Golden Avenue was rezoned to R2 (Single Family Residential), providing less restrictive zoning standards to much of the neighborhood. East of SE Golden Avenue remains R1 (Single Family Residential). There are pockets of I1 (Light Industrial) and I2 (Heavy Industrial) found to the north of Shunga Creek.

Housing Diversity

East Topeka North averages just above two residential units per acre due to the mix of multi-family and single family residential units. Single-family housing provides the highest quantity of units (768) within East Topeka North and has a housing density of 4.4 units per acre. The few existing multiple-family parcels in East Topeka provide 336 housing units with an average of 24 units per acre. Single-family property values vary throughout the neighborhood and the average value has increased nearly $5,000 since 2002 ($16,753 to $21,708) an increase of almost 30 percent. Multiple-family housing has an average property value of $809,888.

Table 2 Housing Density

East Topeka North	Units	Percent	Acres	Units/Acre
Single Family	768	69%	175.00	4.4
Two Family	10	1%	1.20	8.3
Multiple Family	336	30%	14.00	24.0
Net Density - Residential	1114	100%	190.20	5.9
Net Density All	1114	100%	415.00	2.7
Gross Density w/ROW	1114	100%	520.00	2.1

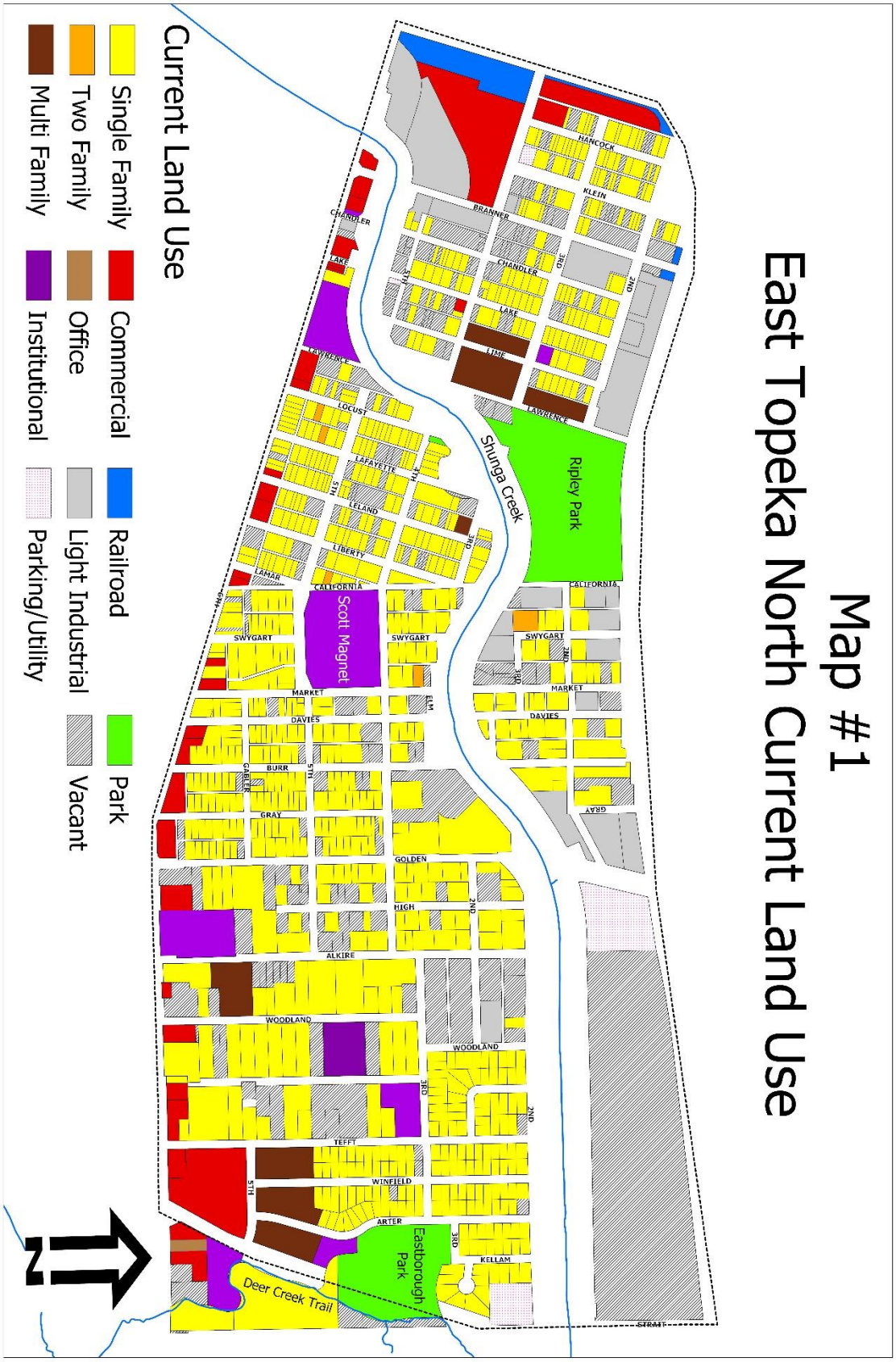
Table 3 Property Values

East Topeka North	Median	Mean	Minimum	Maximum
Single Family	$ 20,700	$ 21,708	$ 150	$ 134,550
Two Family	$ 24,410	$ 28,280	$ 22,760	$ 37,780
Multiple Family	$ 739,695	$ 809,889	$ 7,160	$1,884,970
Vacant	$ 510	$ 679	$0	$ 12,580

Housing Conditions

A housing assessment was conducted in East Topeka North to evaluate individual housing conditions, as well as create a block by block housing conditions map. There were almost 3,000 deficiencies found in the single-family housing stock (Table found in Appendix C). Of the housing stock survey, 33 percent was found to be in a deteriorating condition. While this number seems large over 90 percent of the deficiencies found were minor or intermediate, with only eight percent being major deficiencies. This likely indicates that deficiencies are evenly distributed throughout the neighborhood, and effect a large number of properties.

The blocks that exhibit the worst housing conditions are generally located north of Shunga Creek and east of SE Golden Avenue. These two areas are very different in context, with the areas north of Shunga Creek being isolated with higher density housing and smaller lots. The area east of SE Golden Avenue with deteriorating housing scores, is generally, located along SE Alkire Street, SE Woodland Avenue and SE Tefft Street between SE 6th Avenue and SE 3rd Street. Throughout the neighborhood there are other blocks that feature high rates of housing deterioration and can be found south of SE 5th Street between SE California Avenue and SE Golden Avenue.


Map #1
East Topeka North Current Land Use
Current Land Use
Single Family
Two Family
Multi Family
Commercial
Office
Institutional
Railroad
Light Industrial
Parking/Utility
Park
Vacant
Ripley Park
Scott Magnet
Shunga Creek
Eastborough Park
Deer Creek Trail
HANCOCK
KLEIN
BRANNER
CHANDLER
LAKE
LIME
LAWRENCE
LOCUST
LAFAYETTE
LELAND
LIBERTY
LAMAR
CALIFORNIA
SWYGART
MARKET
DAVIES
BURR
GRAY
GOLDEN
HIGH
ALKIRE
WOODLAND
TEFFT
WINFIELD
ARTER
KELLAM
SIRAM
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2ND
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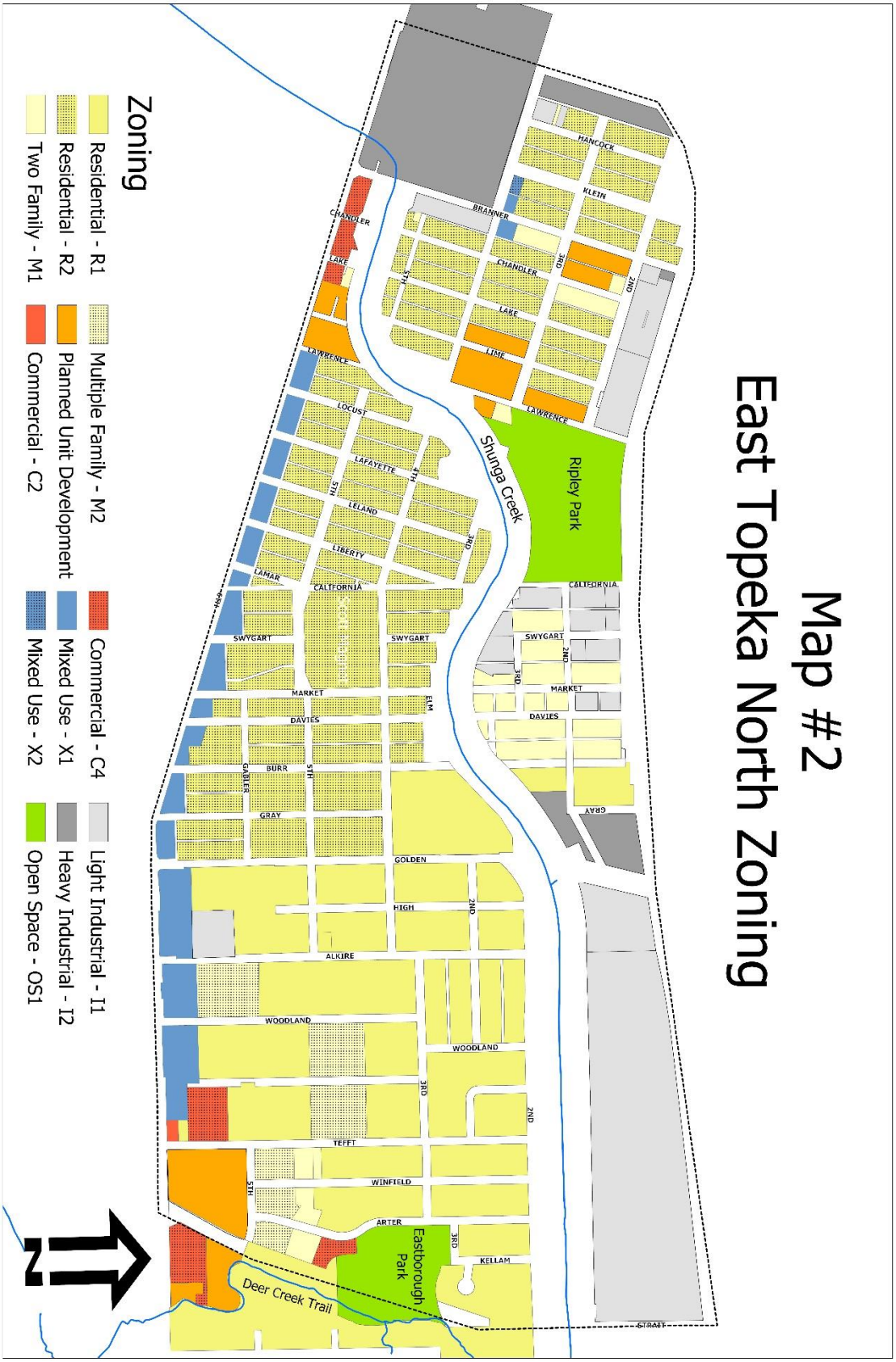

Map #2
East Topeka North Zoning
Zoning
Residential - R1
Residential - R2
Two Family - M1
Multiple Family - M2
Planned Unit Development
Commercial - C2
Commercial - C4
Mixed Use - X1
Mixed Use - X2
Light Industrial - I1
Heavy Industrial - I2
Open Space - OS1
Ripley Park
Eastborough Park
Shunga Creek
Deer Creek Trail
HANCOCK
KLEIN
BRANNER
CHANDLER
LAKE
LIME
LAWRENCE
LOCUST
LAFAYETTE
LELAND
LIBERTY
LAMAR
CALIFORNIA
SWYGART
MARKET
DAVIES
BURR
GRAY
GOLDEN
HIGH
ALKIRE
WOODLAND
TEFFT
WINFIELD
ARTER
KELLAM
STRAIT
ELM
GABLER
1ST
2ND
3RD
4TH
5TH
6TH


Map #3
East Topeka North Housing Conditions
Housing Conditions
N/A
Major Deterioration
Intermediate Deterioration
Minor Deterioration
Sound
HANCOCK
KLEIN
BRANNER
CHANDLER
LAKE
LIME
LAWRENCE
CHANDLER
LAKE
LAWRENCE
LOCUST
LAFAYETTE
LELAND
LIBERTY
LAMAR
Shunga Creek
Ripley Park
CALIFORNIA
SWYGART
Scott Magnet
MARKET
DAVIES
BURR
GRAY
GABLER
GOLDEN
HIGH
ALKIRE
WOODLAND
TEFFT
WINFIELD
ARTER
KELLAM
Eastborough Park
Deer Creek Trail
STRAUTS

Tenure (Owner / Renter)

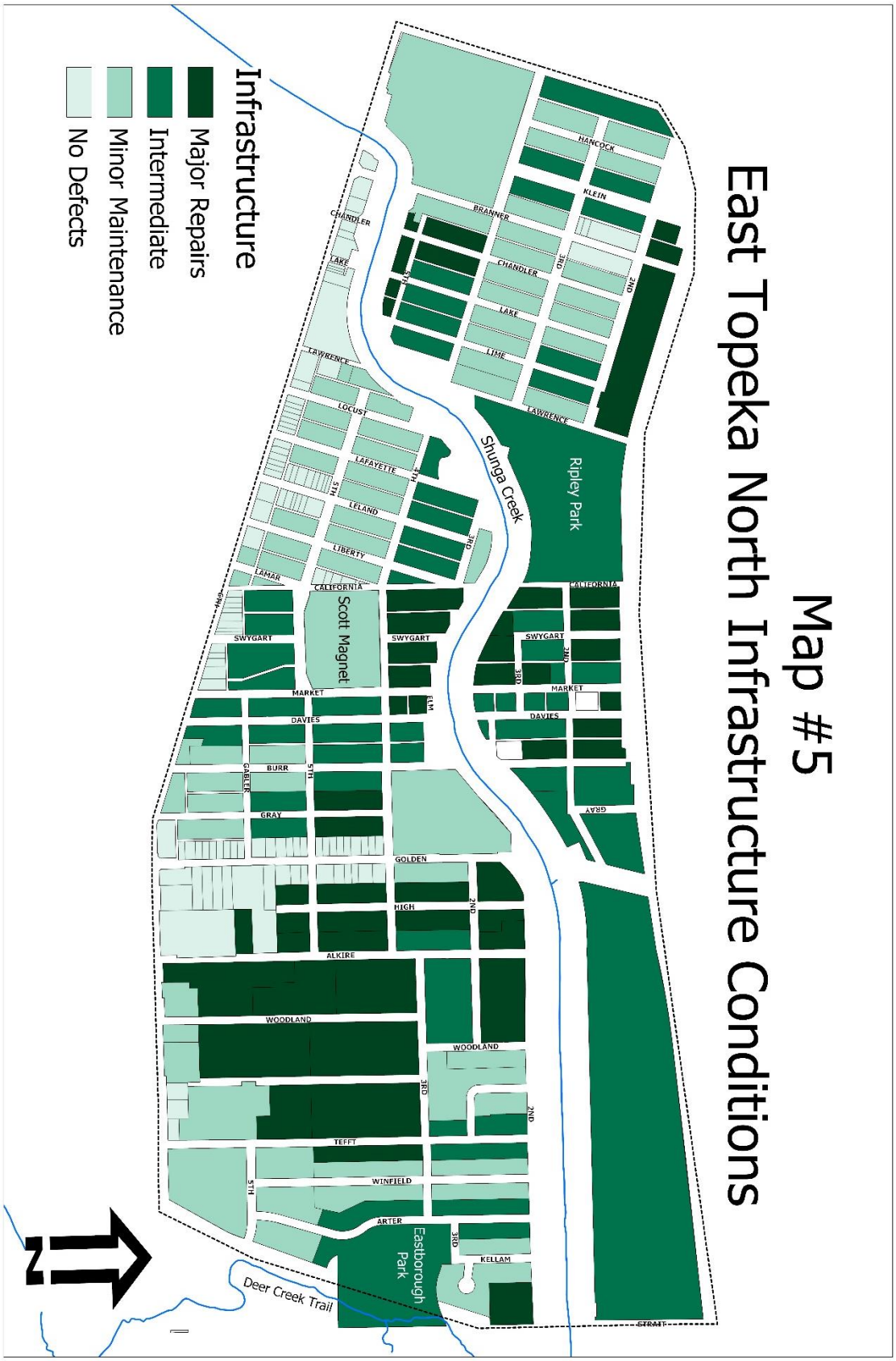
Of single-family housing, 50 percent of parcels are owner occupied, with the remaining homes being renter occupied. East Topeka North also has pockets of high density residential uses, with nearly all of these units also being renter occupied. Low levels of owner occupancy in single family structures can lead to disinvestment in neighborhoods, leading to higher levels of housing deficiencies.

As illustrated in Map number 4, blocks with low levels of owner-occupants can be found scattered throughout the neighborhood. Generally, blocks with low numbers of owner-occupants are scattered throughout the neighborhood, with little to no discernable pattern of blocks of high ownership. Since 2000, rates of homeownership have increased throughout the neighborhood from 38 percent to a current level of 47 percent. While this improvement is a positive for the neighborhood, it should be considered that housing deficiencies seem to overlap blocks with low rates of owner occupancy.

Infrastructure

Infrastructure includes pavement, sidewalk, alleyway, and curb and gutter conditions. Within East Topeka North, mill and overlay projects have been completed to improve pavement conditions in the northwest portion of the neighborhood. Sidewalk projects have been implemented through the Safe Routes to School Program, primarily focused on sidewalk infill surrounding Scott Magnet Dual Language Elementary School. However, much of the neighborhood lacks sufficient sidewalk infrastructure with 64% of the parcels having cracked, broken, or no sidewalks. Nearly 25 percent of the parcels in East Topeka North have no curb and gutter in place. These parcels, generally, are located to the east of SE Golden Avenue. Map Number 5 shows that infrastructure deficiencies are concentrated north of Shunga Creek and east of SE Golden Avenue.


Map #4
East Topeka North Owner Occupancy
Owner Occupancy
0%-30%
30%-49%
50%-69%
70%-100%
N/A
HANCOCK
KLEIN
BRANNER
CHANDLER
LAKE
LIME
LAWRENCE
Ripley Park
Shunga Creek
LOCUST
LAFAYETTE
LELAND
LIBERTY
LAMAR
CALIFORNIA
Scott Magnet
SWYGART
MARKET
DAVIES
BURR
GRAY
GOLDEN
HIGH
ALKIRE
WOODLAND
TEFFT
WINFIELD
ARTER
KELLAM
Eastborough Park
Deer Creek Trail


Map #5
East Topeka North Infrastructure Conditions
Infrastructure
Major Repairs
Intermediate
Minor Maintenance
No Defects
Ripley Park
Shunga Creek
Scott Magnet
Eastborough Park
Deer Creek Trail
HANCOCK
KLEIN
BRANNER
CHANDLER
LAKE
LIME
LAWRENCE
LOCUST
LAFAYETTE
LELAND
LIBERTY
LAMAR
CALIFORNIA
SWYGART
MARKET
DAVIES
BURR
GRAY
GABLER
GOLDEN
HIGH
ALKIRE
WOODLAND
TEFFT
WINFIELD
ARTER
KELLAM
STRATT
ELM
1ST
2ND
3RD
4TH
5TH

Public Safety

Map Number 6 illustrates the number of reported major crimes committed by block for the year 2019, according to crime statistics provided by the Topeka Police Department. The blocks with the largest crime totals are generally located near concentrations of multi-family housing and commercial uses along SE 6th Avenue. Criminal activity is only a symptom of a neighborhood's overall poor health and livability. The revitalization of East Topeka North neighborhood will only be successful if comprehensive strategies are undertaken to care for the whole neighborhood, rather than simply treating the symptoms. Major crimes are defined as Part 1 Crimes - murder, rape, robbery, aggravated assault, burglary, and theft. Surveys conducted throughout the planning process indicate that residents feel crime is one of the largest concerns within the neighborhood. Further communication between neighborhood leaders and the City of Topeka Police Department could help address these concerns of the community.

Flood Hazard Area

The Shunganunga Creek splits the East Topeka North NIA into two different segments. The northern section is protected by the Oakland Levee, and much of the southern section falls in the 100 year floodplain as defined by the Federal Emergency Management Agency (FEMA). Structures within this boundary have a 1 percent chance to flood in any given year, and therefore considered high-risk and subject to additional restrictions set forth by the City of Topeka and the Federal Government. Due to the 100 year floodplain, roughly 48% of homes in East Topeka North are ineligible to receive federal rehabilitation funding (Map 7).

Building Activity

From 2010 to 2019 there has been little development activity within the neighborhood. During that time there have been 37 building permits and 24 demolition permits issued, made up of both residential and commercial permits. Several other properties have been condemned, but are currently waiting for demolition.

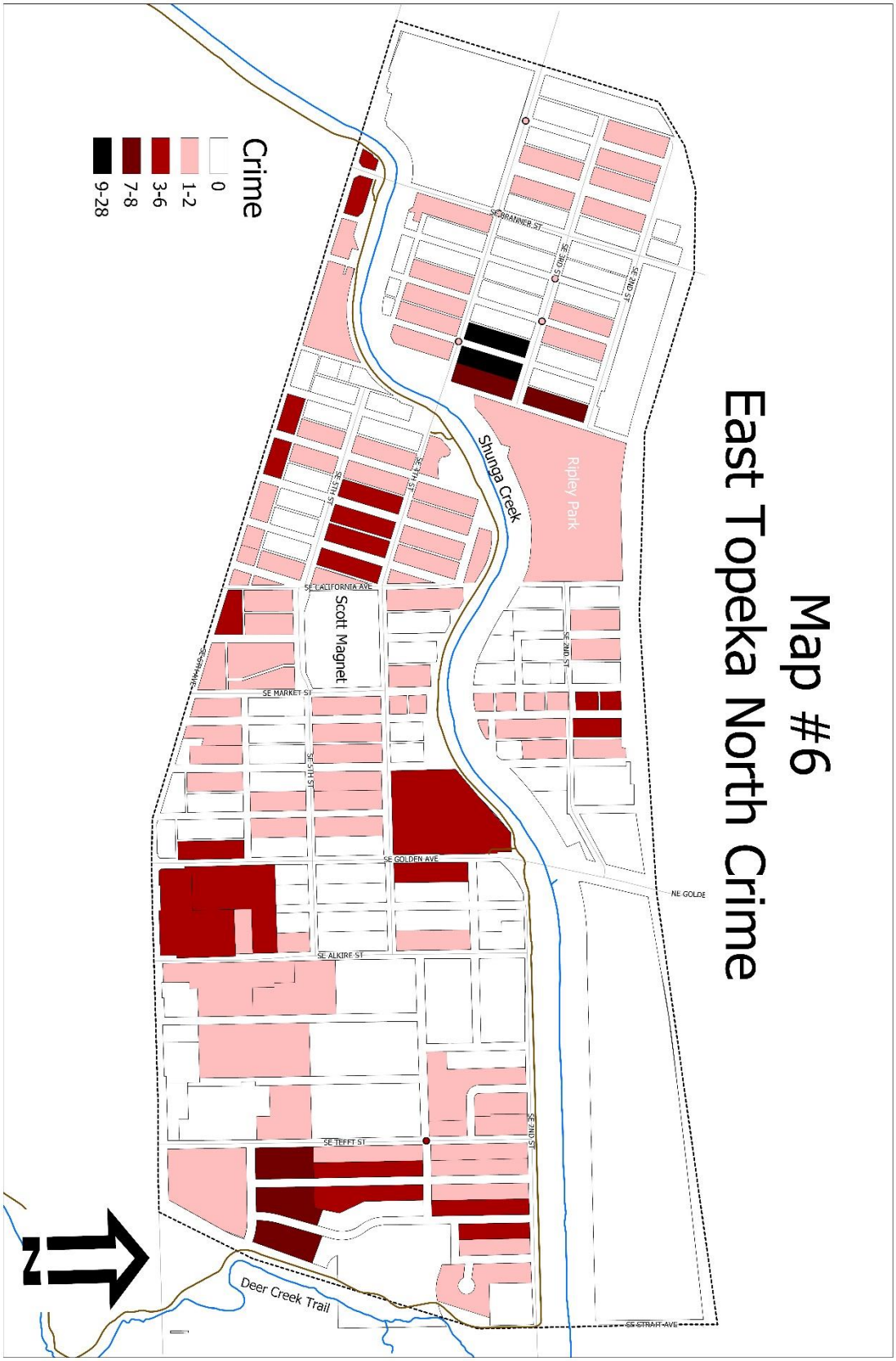
Circulation

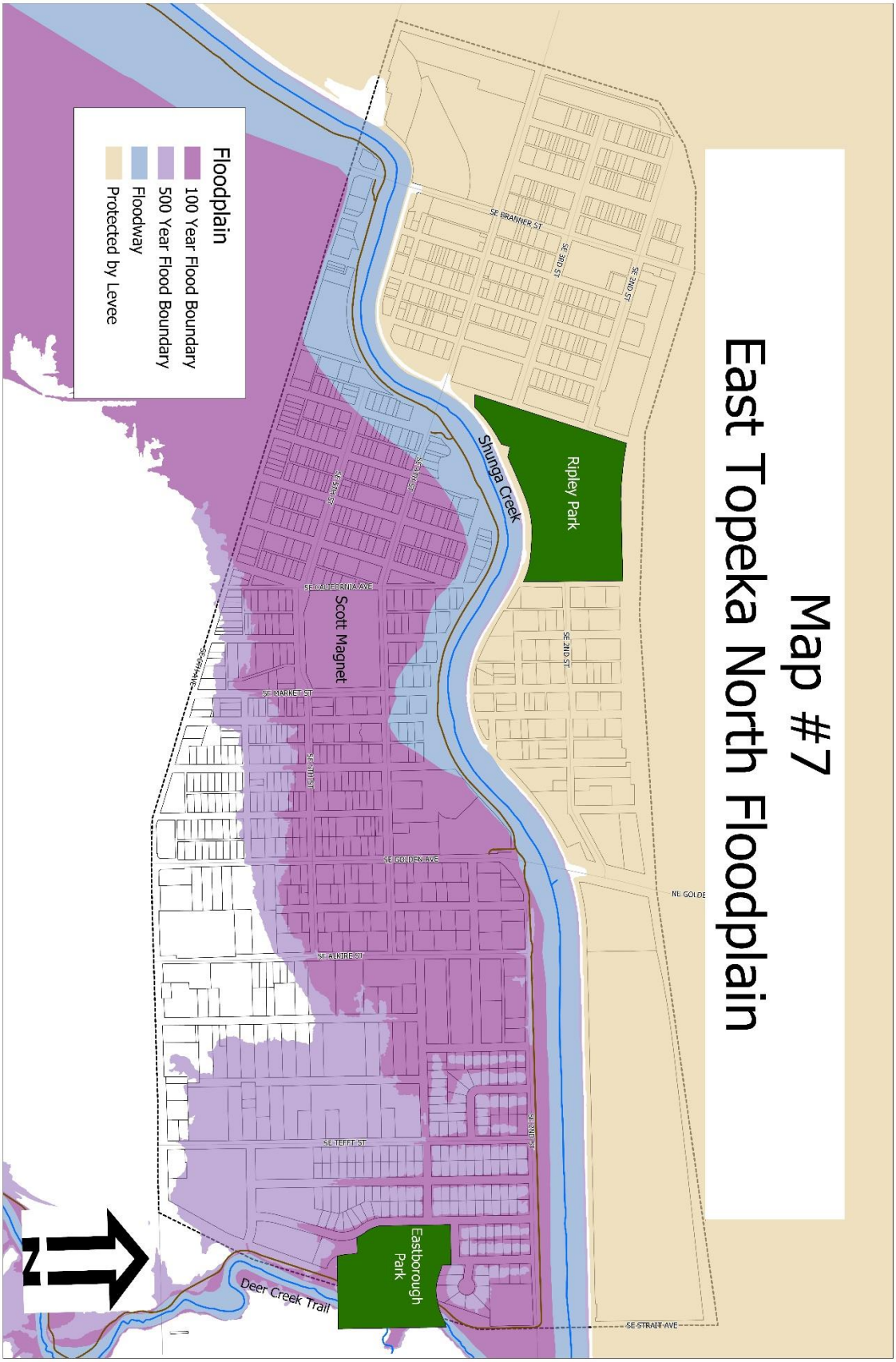
As identified by the Futures 2040 Topeka Regional Transportation Plan, the neighborhood is bound to the south by minor arterial SE 6th Avenue. Within the neighborhood, SE Branner Traffic-way (minor arterial) and SE Golden Avenue (major collector) run north to south through the neighborhood, and SE 4th Street (major collector) runs east to west through the neighborhood. Two bus routes run in East Topeka North. The number three bus route runs along SE 6th Avenue and the number one bus route runs along SE Branner Traffic-way connecting the neighborhood to Oakland and North Topeka neighborhoods. Numerous bikeways run through or along

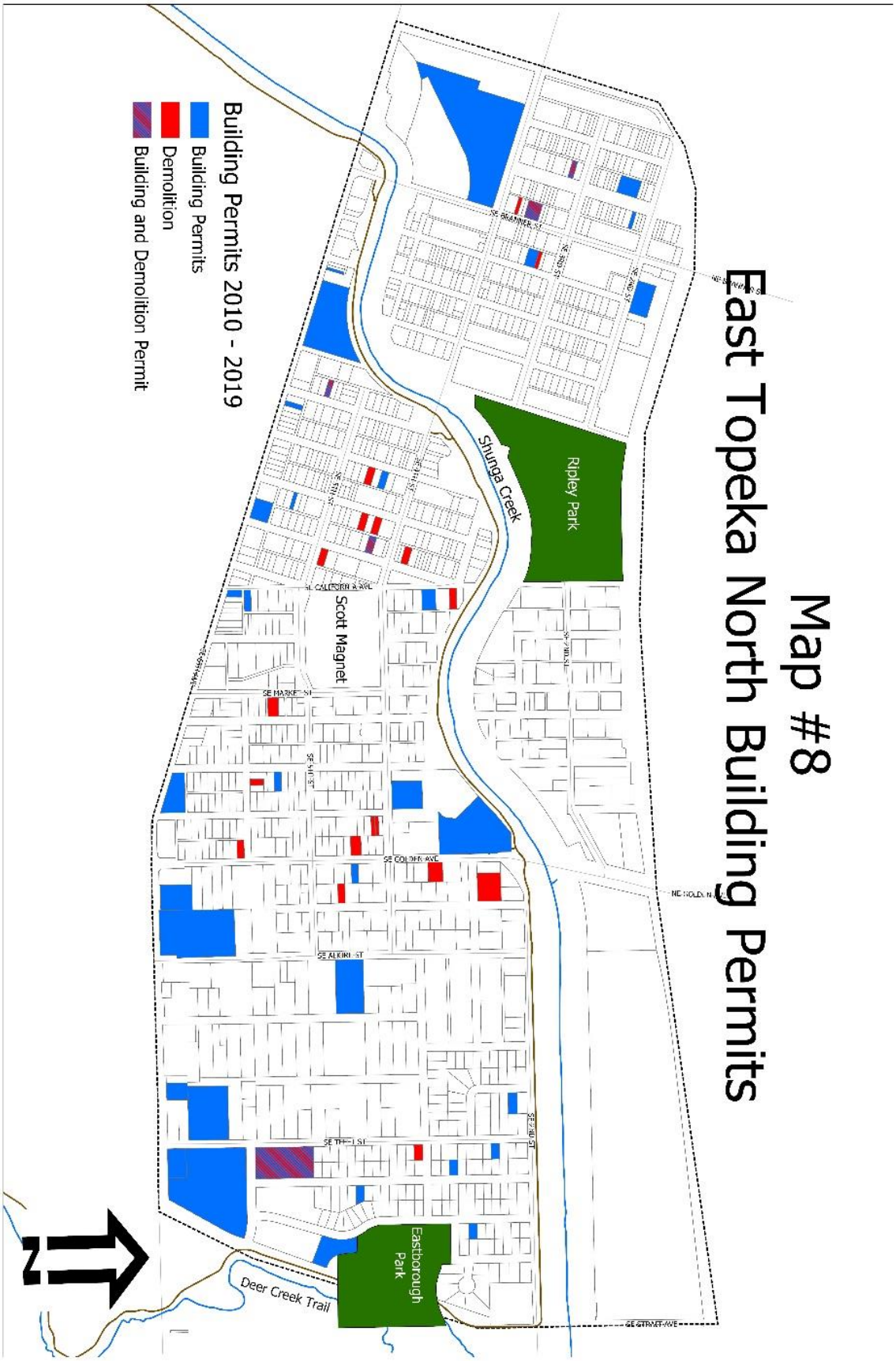
the neighborhood with newly placed bike lanes on SE 6th Avenue helping connect East Topeka North residents to Downtown Topeka.

Public Facilities

East Topeka North features the 19 acre Ripley Park, the 10 acre Eastborough Park, and Scott Magnet Duel Language Elementary School. These facilities provide playground equipment, park benches, basketball courts, and a pavilion.


Map #6
East Topeka North Crime
Crime
0
1-2
3-6
7-8
9-28
Ripley Park
Shunga Creek
Scott Magnet
Deer Creek Trail
SE BRANNER ST
SE ONE ST
SE 2ND ST
SE 4TH ST
SE 5TH ST
SE 7TH ST
SE CALIFORNIA AVE
SE MARKET ST
SE GOLDEN AVE
SE ALKIRE ST
SE TEFFT ST
NE GOLDE
SE STRAFF AVE


Map #7
East Topeka North Floodplain
Floodplain
100 Year Flood Boundary
500 Year Flood Boundary
Floodway
Protected by Levee
Ripley Park
Shunga Creek
Scott Magnet
Eastborough Park
Deer Creek Trail
SE BRANNER ST
SE 3RD ST
SE 2ND ST
SE 1ST ST
SE 2ND ST
SE 5TH ST
SE 4TH ST
SE CALIFORNIA AVE
SE MARKET ST
SE 6TH ST
SE GOLDEN AVE
SE ALKIRE ST
SE TEFFT ST
SE STRAUT AVE
SE VAN BUREN
SE VAN BUREN


Map #8
East Topeka North Building Permits
Building Permits 2010 - 2019
Building Permits
Demolition
Building and Demolition Permit
Ripley Park
Shunga Creek
Scott Magnet
Eastborough Park
Deer Creek Trail
SE MARNER ST
SE CALIFORNIA AVE
SE MARKET ST
SE COLORADO AVE
SE ALKIRE ST
SE 6TH ST
SE 6TH AVE

Socio-Economic Trends

East Topeka North is located within parts of Census Tract Block Groups 11:1, 11:2, 11:3 and 4:1. Since the census tracts do not match the boundary of the neighborhood uniformly, socioeconomic statistics for the neighborhood are gained using Maptitude, A GIS mapping system that assists in breaking down partial census tract data. Table 4 shows that population grew 7.9 percent from 1990 to 2000 but slowed to a rate of five percent from 2000 to 2010. Since 1990, East Topeka North has seen a continued growth in population under the age of ten, and a downward trend for those over the age of 55.

Table 4 Population Demographics

	East Topeka North						Topeka	
	1990		2000		2010		2010	
Population	2,483	100.0%	2,678	100.0%	2,812	100.0%	127,473	100.0%
Male	1,265	50.9%	1,389	51.9%	1,416	50.4%	66,532	52.2%
Female	1,218	49.1%	1,289	48.1%	1,396	49.6%	60,941	47.8%
Black	639	25.7%	592	22.1%	640	22.8%	17,918	14.1%
White	1,596	64.3%	1,302	48.6%	1,496	53.2%	102,698	80.6%
Other	247	9.9%	784	29.3%	676	24.0%	13,732	10.8%
Hispanic Origin	527	21.2%	1,017	38.0%	1,364	48.5%	17,023	13.4%
Under 5 years	172	6.9%	286	10.7%	366	13.0%	9,505	7.5%
5 to 9 years	194	7.8%	267	10.0%	323	11.5%	8,948	7.0%
10 to 14 years	158	6.4%	231	8.6%	208	7.4%	7,877	6.2%
15 to 19 years	150	6.0%	200	7.5%	211	7.5%	8,050	6.3%
20 to 24 years	194	7.8%	186	6.9%	316	11.2%	9,200	7.2%
25 to 34 years	419	16.9%	440	16.4%	443	15.8%	18,601	14.6%
35 to 44 years	405	16.3%	289	10.8%	233	8.3%	14,714	11.5%
45 to 54 years	154	6.2%	302	11.3%	247	8.8%	17,080	13.4%
55 to 64 years	213	8.6%	174	6.5%	188	6.7%	15,312	12.0%
65 and over	424	17.1%	305	11.4%	277	9.9%	18,183	14.3%
Medain Age	N/A		31		21		36	

Since 2000, East Topeka North has seen a steady decline in the number of households, a loss of one percent. Over the same period of time, family households grew 11 percent. As family households grew, female head of households and female head of households with children under the age of 18 both saw a significant increase with over half of family household being female lead and a 300 percent increase in female head of households with children under the age of 18.

The household median income in East Topeka North is less than half of the city-wide household median income. As of 2010, 56 percent of family household fell below the poverty line, which is an increase of 30 percent from the year 2000. 77 percent of the

families below the poverty level had children in the household under the age of 18. Trends outlined in Table 6 show a trend of growing poverty within East Topeka North.

Table 5 Households

	East Topeka North						Topeka	
	1990		2000		2010		2010	
Households	966	100.0%	953	100.0%	940	100.0%	53,943	100.0%
Families	653	67.6%	610	64.0%	677	72.0%	30,707	24.1%
Female Head of Household	N/A	N/A	209	21.9%	365	38.8%	7,661	6.0%
With Children <18	N/A	N/A	135	14.2%	541	57.6%	4,760	3.7%
Person per Household	2.6	N/A	2.8	N/A	3.0	N/A	2.0	N/A
Persons per Family	3.8	N/A	4.4	N/A	4.2	N/A	4.6	N/A

Table 6 Income

	East Topeka North			Topeka
	1990	2000	2010	2010
Household Median Income	$13,668	$23,163	$18,269.00	$40,342
Family Median Income	$13,960	$27,394	$18,274.00	$52,483
Poverty				
Percent of Family Below Poverty Level	N/A	26%	56%	23%
Female Head of Household with child <18 below Poverty Level	N/A	88%	77%	41%

Profile Summary

East Topeka North is a neighborhood experiencing change. The neighborhood is roughly 50 percent homeowners, yet single family home values are stagnant or decreasing. However, there is still potential for the neighborhood to continue to develop into a thriving neighborhood with anchors like Scott Magnet Dual Language School already in place. Significant rehabilitation of Deer Creek Shopping Center could provide the private investment needed for the community to revitalize at an increasing rate.

The neighborhood is a diverse set of land uses with greenspace space located throughout the neighborhood. Single family housing dominates the neighborhood, with commercial and industrial uses found along the edges. The rezonings following the 2002 revitalization plan helped to accommodate the uses along SE 6th Avenue and reflect the single family nature of the neighborhood.

The current conditions found in the neighborhood present unique opportunities and constraints moving forward.

Needs and Constraints

- High occurrence of individual property maintenance violations and concerns
- Deteriorating housing stock
- Poor and incomplete infrastructure, specifically, east of SE Golden Avenue
- Moderate homeowner rates
- Neighborhood is divided by the Shunga Creek
- Existing floodplain makes new development difficult

Strengths and Opportunities

- Ripley Park, Eastborough Park, Scott Magnet Dual Language Elementary School, and SE 6th Avenue act as anchors for the neighborhood.
- Eastboro Shopping Center is prime for redevelopment helping push the recovery of the neighborhood.
- Area north of Shunga Creek are protected by the Oakland levy.

CHAPTER 3

Vision and Goals

Vision and Goals

Vision Statement

Following the certification of the southern Shunga Creek Levy, East Topeka North experienced a boom of reinvestment. Developers began to identify underutilized land and began to fill the neighborhood with high quality housing for families of all income levels. The increase in high quality housing attracted young, working class families who continue to add to the diverse population in the neighborhood. Neighbors all know each other, whether it be from the walks they take throughout their neighborhood, or from their visits to 6th Avenue, where families can pick up all of their necessities from small "mom and pop" businesses. Eastobro Shopping Center, once again, is thriving being a destination for all residents of east Topeka. The improvements to Ripley Park and Eastborough Park act as hubs for the community. Partnerships with 6th Avenue businesses allow for the park to hold large community events that draw people of all ages. Families take advantage of the Shunga Creek Trail to move throughout the neighborhood during cool fall evenings.

Goals and Guiding Principles

Land Use:

Goal – Preserve the viability of single family residential blocks, while increasing infill housing, all while allowing healthy commercial service development, and improving accessibility of open space for residents.

Guiding Principles:

- Locate commercial development along the SE 6th Avenue; allow for "mom and pop" shops within the interior of the neighborhood.
- Locate higher density residential land uses near commercial nodes, or in areas that compliment commercial uses.
- Enhance neighborhood public park space so that it is more functional for residents, youth, and civic/cultural events.
- Prohibit the expansion of industrial uses into viable residential blocks.
- Fortify mixed-use development along 6th Avenue corridor and improve its image.
- Encourage community gardens on vacant private land in advance of their development.

Housing:

Goal – Increase density of population by substantially upgrading the quantity and quality of the housing stock to attract new homeowners/residents of all incomes.

Guiding Principles:

- Increase homeownership levels in all blocks by placing a high priority on assisting blocks to achieve greater than 50% owner occupancy.
- Place a high priority on the continued rehabilitation and infill of single-family homes throughout the neighborhood.
- Ensure that new affordable in-fill housing maintains high quality standards that compliments existing or preferred design character of the neighborhood.
- Encourage the rehabilitation of existing apartment complexes.
- Increase the quality and quantity of affordable senior housing options.

Economic Development:

Goal – Increase opportunities within East Topeka North for employment and wealth generation.

Guiding Principles:

- Support and promote local entrepreneurship within the context of the plan.
- Recruit businesses to the area that can utilize or enhance the skills and abilities of the existing workforce.
- Support redevelopment/rehabilitation of commercial/industrial areas to facilitate larger commercial/mixed use developments in key areas.
- Increase opportunities within the study area for workforce training for the unemployed and the underemployed.

Infrastructure and Public Facilities:

Goal – Ensure modern infrastructure and public facilities are in place, to support increased infill housing, commercial, and institutional development.

Guiding Principles:

- Target infrastructure and public facility improvements to support areas planned for housing improvements.
- Ensure sidewalk infrastructure is in place to allow for safe pedestrian mobility throughout the neighborhood.
- Encourage the certification of the south Shunga Creek Levy to provide flood protection for current and future residents of the neighborhood.
- Continue to enhance the functionality of SE 6th Avenue as a “Complete Street” that promotes multi-modal connections between East Topeka and Downtown Topeka.
- Increase the safety and accessibility of neighborhood parks and open spaces.
- Discourage heavy truck traffic from residential streets.

Image:

Goal – Communicate an image for East Topeka North that reflects and promotes the positive, inviting, and growing nature of the neighborhood.

Guiding Principles:

- Create more opportunities to take pride in their neighborhood. i.e. banners, murals, neighborhood events.
- Work to counter any negative press about the neighborhood with news of positive actions and events.
- Better influence local government and Topeka leadership by presenting a unified voice that represent the diverse interests of East Topeka North stakeholders.
- Establish SE 6th Avenue, SE Branner Traffic way, and SE Golden Ave as the gateways and corridors that reflect a positive first impression of East Topeka North.
- Strive for high standards for new development/rehabilitation that will enhance property values in the neighborhood.

Youth and Education:

Goal – East Topeka North should be "kid-friendly", desirous for parents to raise their children, and a place where children want to be.

Guiding Principles:

- Work with local institutions to develop after-school, mentoring, and work programs that enable youth to enhance their academic and leadership skills.
- Increase the variety, quality, and accessibility of recreational amenities for the youth.
- Ensure safe and accessible child care is available to those in need i.e. daycare facility.
- Assess the feasibility of a community center space within the neighborhood.

Safety and Environment:

Goal - Create a safe and clean environment for everyone in East Topeka North to live, learn, work and play.

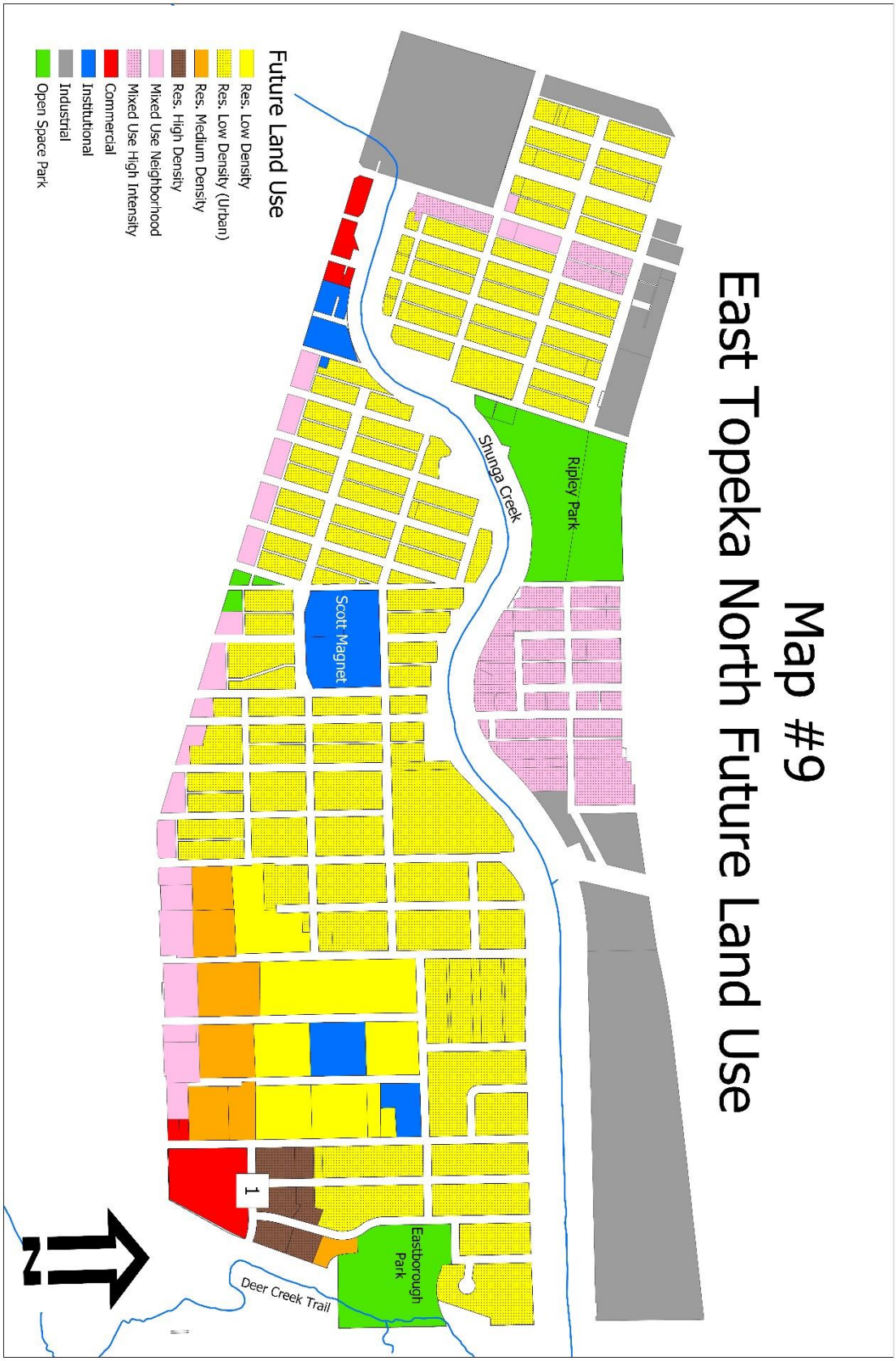
Guiding Principles:

- Organize volunteers to take a more organized and proactive role in safety/environmental prevention.
- Improve neighborhood lighting for increased feeling of safety.

- Create volunteer “neighbor to neighbor” programs that can address smaller housing maintenance issues – painting, porches, gutters, etc. - environmental programs like this prolong the life of the existing housing stock and prevent the “broken window” cycle.
- Work with Topeka Police Department to educate residents to know “what to look for in detecting/preventing crime and ensure instances of crime are being reported.
- Improve pedestrian linkages, especially in areas where children must walk or ride bicycles.

CHAPTER 4

Future Land Use Plan


Map #9
East Topeka North Future Land Use
Ripley Park
Shunga Creek
Scott Magnet
Eastborough Park
Deer Creek Trail
1
Future Land Use
Res. Low Density
Res. Low Density (Urban)
Res. Medium Density
Res. High Density
Mixed Use Neighborhood
Mixed Use High Intensity
Commercial
Institutional
Industrial
Open Space Park

Future Land Use

The East Topeka North planning area contains a diverse mix of land uses, including single-family, multi-family, mixed use, commercial, institutional, and open space. The East Topeka North Future Land Use Plan (Map Number 8) graphically illustrates a conceptual guide for land use development of the neighborhood that embodies the vison and goals presented in **Chapter 3**. The map is conceptual and should not be used to determine precise zoning boundaries. The following land uses, zoning districts, and densities are the "maximum recommended" and assumes less intensive land uses, zoning districts, or densities are appropriate.

Land Use Plan Categories

The following recommended land uses, zoning districts, and densities are proposed as the "maximum allowed" and does not preclude lower intensity land uses, zoning districts, or densities from being appropriate. The recommended densities are defined for "gross areas" and not on a per lot basis.

Residential – Low Density

This category reserves lower density non-urbanized areas of East Topeka that primarily front "local" low volume streets where larger lot single-family uses exist. These areas originally developed less compact due to infrastructure or topographical constraints and exhibit rural-like characteristics (deep road-side ditches, narrow roads, very low density). These areas have significant infrastructure needs that have to be addressed before they could develop into a **Residential – Low Density (Urban)** category. They are not expected to develop into urban densities over the 10-year horizon of this plan. New development in this area should be compatible with the existing single-family character, which could include such uses as churches, daycares, and institutional uses.

Primary Uses: *Single-family dwellings*

Zoning Districts: *R-2 (Single Family)*

Density: *1-4 units/acre (net)*

Residential – Low Density (Urban)

This category reserves lower density yet urbanized areas of East Topeka that primarily front "local" low volume streets where the highest concentrations of single-family uses exist without a significant mixing of two/multiple-family uses. These areas originally developed as more compact single-family areas than the rest of East Topeka since they have a more urbanized road/utility infrastructure. New development in this area should be compatible with the existing single-family character, which could include such uses as churches and small-scale daycares. Density levels in these areas reflect a higher density than the **Residential - Low Density** areas, but with the same use characteristics.

Primary Uses: *Single-family dwellings*

Zoning Districts: *R-2 (Single Family)*

Density: *5-7 units/acre (net)*

Residential – Medium Density

This category is applied exclusively to residential blocks that are either transitioning from a higher intensity land use are to a lower density single-family area or where viable two to four-unit complexes already exist. This category is applied to the area north of SE 6th Avenue and east of SE Golden Avenue (2-4 unit complexes may also be appropriate in the **Mixed Use** categories). These uses are characterized by their medium densities, affordability and proximity to public transportation lines. The purpose of this category is to allow medium density residential uses while protecting against the spread of higher density development into the single-family areas.

Primary Uses: *Two to four unit dwellings*

Zoning Districts: *"M-1A" (Limited Multiple-"Family), "PUD" (M-2 Multiple-Family)*

Density/Intensity: *8-14 dwelling units/acre (net)*

Residential – High Density

This category is applied to exclusive multi-family residential blocks that are comprised of existing or potential apartment complex developments. Sites best suited for high density residential include those areas closest to activity zones such as major thoroughfares with public transportation and employment/shopping areas. Blocks on the interior of predominantly single-family area are not ideal and should not be promoted for high density use in the future (e.g., Timberlee Apartments) nor should any new sites on the edges of East Topeka (see Land Use Guiding Principles).

Primary Uses: *Multi-family dwellings (5+ units)*

Zoning Districts: *"M-2" (Multiple-Family)*

Density/Intensity: *15-29 dwelling units/acre (net*

Mixed Use – Neighborhood

This category promotes the integration of neighborhood commercial uses with medium density residential uses on blocks that front minor and major arterials generally at neighborhood edges. Neighborhood-scaled office, institutional, and commercial retail/service uses could be designed to accommodate residential uses within the same structure or on adjacent property. Residential standards should accommodate "zero-lot line" designs. High density residential (5+ units/lot) may be appropriate based upon its compatibility to the site and quality of design.

Since all of these blocks front major image streets (6th Avenue and Branner Traffic way), parking lots should be effectively screened from street frontages or placed at the site or rear of properties. Quality of design should be emphasized by orienting building close to the street, making sites pedestrian friendly, softening views where possible, restricting large pole signage, ensuring visual integrity, minimizing points of access, and buffering physical impacts from adjacent residential blocks. Adaptive re use of residential building should be highly encouraged. The purpose of this classification to provide for healthy mixed-use development and re-development along an aesthetically pleasing urban corridor.

Primary Uses: *single to four unit dwellings; neighborhood commercial*

Zoning Districts: *X-1 (Mixed Use); C-2 (Commercial)*

Density/Intensity: *8-22 dwelling units/acre (net)*

Mixed Use – High Intensity

This designation is recommended for those areas that currently display an industrial presence within a residential environment, have large tracts of open or vacant land, and/or that are transitioning from heavier industrial –type areas. This area includes a portion of land between Ripley Park and SW Golden Avenue. The objective of this designation is to promote development or redevelopment of these areas as employment areas while mitigating site-related impacts that affect more viable, cohesive and stable residential use districts. It is not the intent of this designation to blanket reclassify an area for industrial usage that allows piecemeal industrial development. Instead, it is the desire of this designation to promote a healthy balance of residential, institutional, commercial, and light industrial that blends together within a unified plan of development. **New heavy industrial uses are prohibited.**

Primary Uses: *light industrial, commercial, high density residential*

Zoning District: *X-2 (Mixed Use)*

Intensity: *High*

Commercial

The purpose of this category is to define concentrated commercial districts, or nodes, that will support commercial retail or entertainment development. Higher intensity nodes are located intermittently at high traffic intersections along 6th Avenue and Branner

Traffic way. Smaller neighborhood commercial nodes are typically located at corner intersections. These areas should be reserved for larger-scale shopping needs of the community that attract customer from outside the immediate area. These areas are more appropriate to support higher intensity shopping/entertainment needs since they are either already within existing commercial developments and because they are reasonably separated from more sensitive single-family residential blocks. High quality site design should also be emphasized since these areas front a major image corridor.

Primary Uses: *Commercial retail and entertainment*

Zoning Districts: *C-2 (Commercial); C-4 (Commercial); X-3 (Mixed Use)*

Density/Intensity: *Medium to high*

Industrial

This designation recognizes both light and heavy industrial use areas located within proximity to Interstate entrance/exits and/or rail lines without encroachment upon the residential interior of the neighborhood. This includes existing and future industrial expansion areas. Attention needs to be paid to site buffering and traffic calming will be needed for those existing industrial areas adjacent to single-family residential blocks.

Primary Uses: *Heavy and Light Industrial*

Zoning Districts: *I-1 (Light Industrial); I-2 (Heavy Industrial)*

Intensity: *High*

Institutional

This designation recognizes existing schools, churches, non-profit service agencies, medical services and utilities. Major expansion of existing institutional sites should be reflected on the map. Anticipated expansion are within very low-density residential areas and should not pose any negative impacts on surrounding blocks.

Primary Uses: *Schools, churches, etc.*

Zoning Districts: *Primarily R-2 (Single-Family)*

Intensity: *Medium (limited occurrences)*

Open Space – Parks

This designation represents those **active** open space areas with elements such as playgrounds, athletic fields, or other recreational or cultural enhancements. Current parks in East Topeka North include Ripley Park and Eastborough Park. Additionally, the Shunga Creek Trail and Deer Creek Trail run throughout East Topeka North creating additional open space. It recognizes that the development of these sites are reserved for public recreational space and should not be developed for non-park uses.

Primary Use: *Parks*

Zoning District: *OS (Open Space)*

Intensity: *Low*

Open Space – Green Space

This designation represents those **passive** open space areas without structural or recreational elements. These areas provide visual respite and are either in a naturally occurring state or maintained in a more formal setting with landscaping, trees and ground cover. They are most commonly formed as greenways, gateways, and wooded areas. Future greenspaces should include portions of the Deer Creek Trail and a triangle gateway at the intersection of SE 6th Avenue and SE California. Under this category, greenspace is publicly-owned and maintained as right-of-way for street or drainage purposes. It recognizes that the development of these sites are reserved for public purposes and shall not be developed

Primary Use: *Greenspace*

Zoning District: *OS (Open Space)*

Intensity: *Low*

1* Ideally, these properties would redevelop concurrently, creating one cohesive mixed use development. Opportunities through grant programs, like HUD's Choice Neighborhoods, would encourage redevelopment of the commercial and high density residential properties.

CHAPTER 5

Revitalization Strategy

Revitalization Themes

Themes

Make Homeownership the Choice

East Topeka North is roughly 50 percent renters. While diversity of renters and owners is welcomed, increased homeownership rates could help stabilize the neighborhood's housing conditions and improve property values. Returning more units to homeownership and marketing the neighborhood for homeownership is essential to long-term success.

Put Out the Welcome Mat

East Topeka North is bounded to the south by SE 6th Avenue and has several primary "image" streets – SE Golden Avenue and SE Branner Traffic way – that link local and regional interests. The plan recommends that these corridors be given special consideration in their streetscape, land use character, and building design to create a strong urban street frontage. The implementation of gateways into the neighborhood present a unique opportunity to welcome pedestrians to the neighborhood using visually appealing design with pedestrian friendly approaches.

Community and Neighborhood Building

A strong neighborhood is built of strong relationships between neighbors. East Topeka North needs to cultivate these ties so that residents can help support one another as they work to improve the neighborhood. Many organizations are targeting their efforts to help empower residents by going door to door and helping them acquire the tools they need, as they do throughout many neighborhoods in Topeka. Habitat for Humanity, the City of Topeka and a variety of non-profit agencies are all working to improve the quality of life for East Topeka North residents. Connecting key stakeholders with these agencies can help align the neighborhood's interests to achieve the goals outlined in Chapter 3.

Supply and Demand

Image plays a large role in the success of a neighborhood. The image of East Topeka north must be strong enough to change the perception of the neighborhood. While the City of Topeka Health Map shows that East Topeka North is an "At Risk", improvements to key areas, such as, Eastoboro Shopping Center, Ripley Park, Timberlee Apartments, and Deer Creek Apartments could increase the demand to live within the neighborhood. Furthermore, single-family housing infill could provide needed high quality housing to increasing supply while driving up demand.

Incremental Improvement

Solving all of the problems within East Topeka North can seem like an overwhelming task and recommendations found in the plan cannot be achieved over-night. However, continued activity throughout the neighborhood can make the goals outlined in the plan not only more manageable but more achievable as well.

Target Area Strategies

Target Area Concepts and Principles

Neighborhoods make up the fabric of a city, but blocks make up the fabric of a neighborhood. When the fabric is strong, the city or neighborhood is strong. If the fabric becomes frayed, wears down and tears, the city or neighborhood is susceptible to accelerated decay. The most successful strategies in neighborhood revitalization involve the repair and reinvestment in the neighborhood fabric. To do this, a neighborhood revitalization strategy must protect key assets or anchors, isolate weaknesses, and reposition them as strengths. The Target Area Concept Map depicts these current features in East Topeka North as defined below.

Anchors

These are the rigid points of support that give a neighborhood its identity. They are long-term community investments that draw people to them as destinations, thereby lending stability to the area and making them desirous for residential investment (e.g., schools, churches, parks, community centers, etc.).

Strength/Potential

These are areas comprised of relatively strong blocks of a neighborhood that exhibit staying power and/or recent investment. These can also be underachieving areas that have potential to become strengths or anchors provided appropriate investment.

Weakness

Weaknesses are areas that have the highest concentrations of negative conditions (e.g. low homeownership, vacant/boarded houses, poverty, substandard infrastructure, and high crime). The higher the concentration of these conditions, the greater social problems occur and the more entrenched they become. Diluting their concentration gives surrounding areas a greater chance to revitalize on their own.

Spatial relationships play a dynamic role in the overall concept. Spread too thin, and anchors or areas of strength will fail to influence beyond their natural reach, leaving poorly performing areas little hope of revitalization on their own. Conversely, much like a shopping mall where the stores between two anchors will benefit from greater pedestrian traffic, weaker blocks isolated between two closely placed areas of strength will be prone to more investment because they are “attaching” themselves to something more stable and desirable. Using this thought, new investment “public dollars” should be centered on strengths and anchors maximizing the impact and transformation of the

neighborhood. Spreading out dollars throughout a neighborhood dilutes its effectiveness and impact. Combining the same amount of dollars for infrastructure and housing investments into targeted three to five block areas will give that area a much better chance to transform itself and become a strength upon which to build. The more areas of strength or fewer areas of weakness for a neighborhood, the better it will be.

The SORT Program targets a few select blocks, the most “in need” blocks, with the theory that intensive investment in this small geographic area will act as a catalyst and create a blooming effect on the surrounding area. Blocks between major anchors are built up using this investment, and ideally the selected area is near high-traffic areas so that passerby see the investment being made in this area. The following four strategies are consistent with how this has been implemented in the past and explain the intent behind them. The targeted area will have an even greater chance to succeed if it can:

- Attach itself to an anchor and/or area of strength (protects existing assets)
- Address a significant need or weakness (transform)
- Provide a benefit to the greatest number of people possible (can include image)
- Leverage private investment to the greatest extent possible (sustainable)

The idea behind targeting is to focus a critical mass of improvements in a concentrated number of blocks so that it stimulates additional investment by adjacent property owners, increases property values, and leaves behind a visible transformation of the area. If the improvements are not visible enough, then the stabilization of that area is marginalized and investments to the area will not be leveraged. Each Target Area may require a different set of strategies for improvement. Ultimately, public funding is limited for improvement and some of the strategies outlined for these area will not be made in a sufficiently timed manner for the improvements necessary.

Target Area Selection

From minor infrastructure upgrades to major housing rehabilitation projects, it was determined that some of the needs of East Topeka North could be met with SORT funds. However, the finite amount of funding allocated to each neighborhood required the SORT Plan Review Committee to step back and look objectively at the entire neighborhood to see which blocks were most in need and had the most potential. Four rating factors were used to evaluate each block to see which area was most in need:

- Housing Conditions
- Home Ownership
- Major Part 1 Crimes
- Infrastructure Conditions

These rating factors were each mapped at the beginning of the planning process with the results averaged per block. Maps are then overlaid to see which blocks consistently scored low (Map 9). This method allows a pattern to emerge for areas that were in need

and, and based upon their proximity to Anchor Areas and Strength/Potential Areas had the highest potential for responding to public investment (Map 10).

When looking at East Topeka North and comparing the four health maps – housing conditions, owner occupancy, crime and infrastructure – a few blocks in the neighborhood begin to stand out. Specifically, blocks surrounding Scott Magnet and blocks east of SE Golden Avenue.

With an overall goal to ensure quality, impactful finished projects within the target areas, (see Implementation Section for potential projects) a discussion was held with the plan review committee to select a primary target area that would produce the best ripple effect throughout the neighborhood. The plan review committee determined that the highest priority area should be the central target area, with SORT funds expanding to the eastern target area, if available. Building conditions in these blocks range from "most need" to "average". The target areas are surrounded by local streets, however, potions of both target areas are visible from SE 6th Avenue. Blocks within both of these areas feature homes that could benefit from housing rehabilitation and infrastructure repairs associated with SORT in order to create a new strength for the entire neighborhood.

Infrastructure projects and housing rehabilitation will occur in the primary and secondary target areas accordingly. Property owners, outside of the 100 year floodplain, in these areas will be the first to be notified of available funding assistance. If housing rehabilitation funds remain after these property owners have had the opportunity to apply, additional property owners in surrounding blocks will be notified until either all housing funding is spent or all property owners have had the opportunity to apply.

Primary Target Area: Central

These blocks, to the south and east of Scott Magnet, consist of the 400 and 500 blocks of Market Street, Davies, Street, Burr Street, and Gray Street, as well as, the 500 block of California Avenue and Swygart Street have been identified as the primary target area. These blocks exhibit minor to significant levels of housing deterioration, moderate levels of homeownership, minor to major infrastructure conditions, and relatively lower levels of crime. This area is primarily visible from interior local streets, but is also visible from 6th Avenue.

Infrastructure Projects

Roadway repair/replacement

Sidewalk infill and new construction

Housing

Housing improvement strategies should include a combination of the following:

Interior and exterior rehabilitation of existing owner-occupied homes

Exterior rehabilitation of some renter-occupied homes

Secondary Target Area: East

This area consists of the 200 blocks of Woodland Ave, Carnahan Place, Tefft Street, Winfield, and Arter Avenue, as well as, the 300 to 500 blocks of Teffts Street Winfield Ave, and the west side or Arter Avenue. This area has been identified as the secondary target area. These blocks were selected due to their lower levels of owner-occupancy, higher instances of crime, need for urban infrastructure, and sound housing conditions.

Infrastructure Projects

Roadway repair/replacement

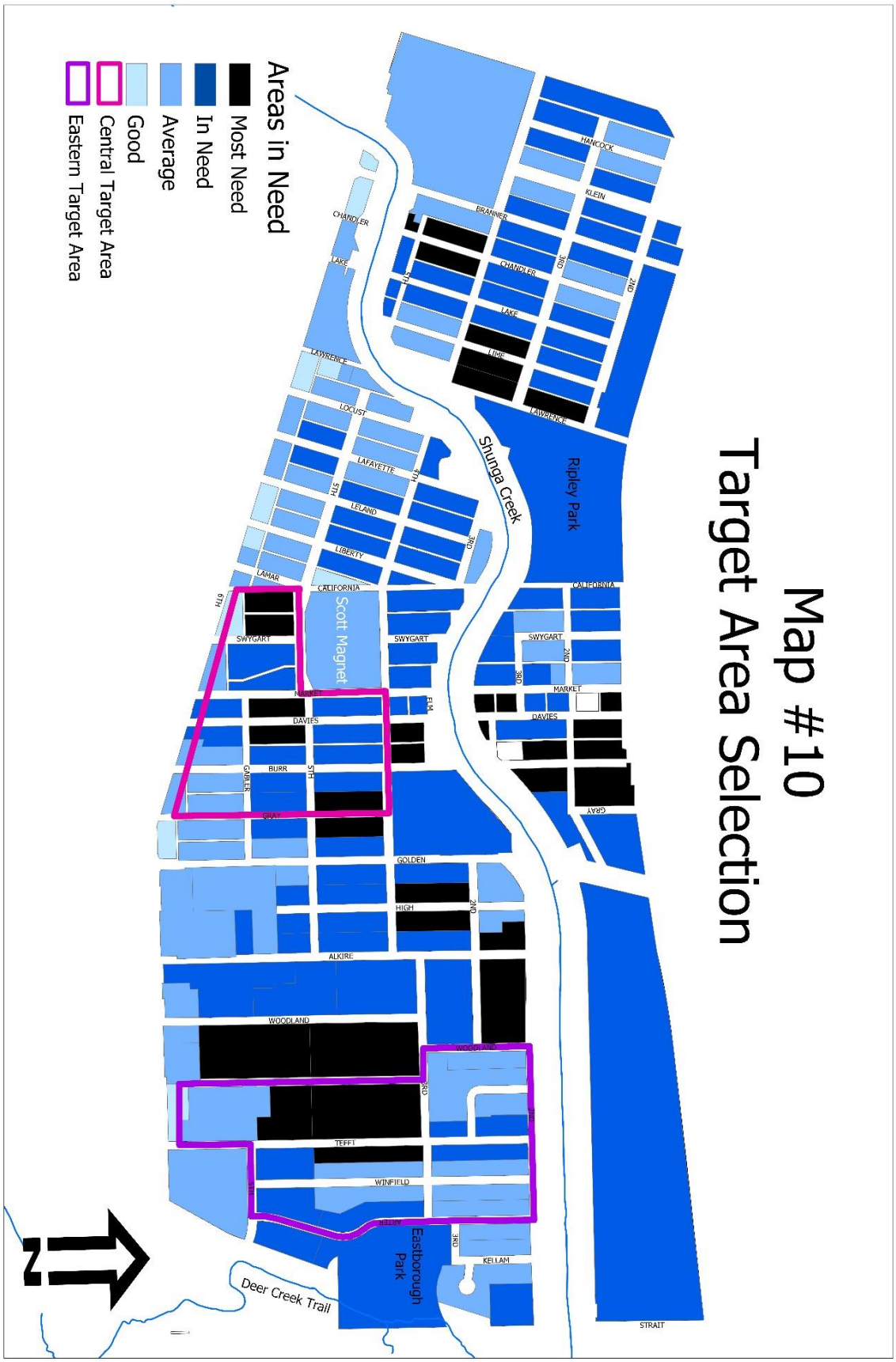
Sidewalk infill and new construction

Housing

Housing improvement strategies should include a combination of the following:

Interior and exterior rehabilitation of existing owner-occupied homes

Exterior rehabilitation of some renter-occupied homes


Map #10
Target Area Selection
Areas in Need
Most Need
In Need
Average
Good
Central Target Area
Eastern Target Area
Ripley Park
Shunga Creek
Scott Magnet
Eastborough Park
Deer Creek Trail
HANCOCK
KLEIN
BRANNER
CHANDLER
LAKE
LINE
LAWRENCE
LOCUST
LAFAYETTE
LELAND
LIBERTY
LAMAR
CALIFORNIA
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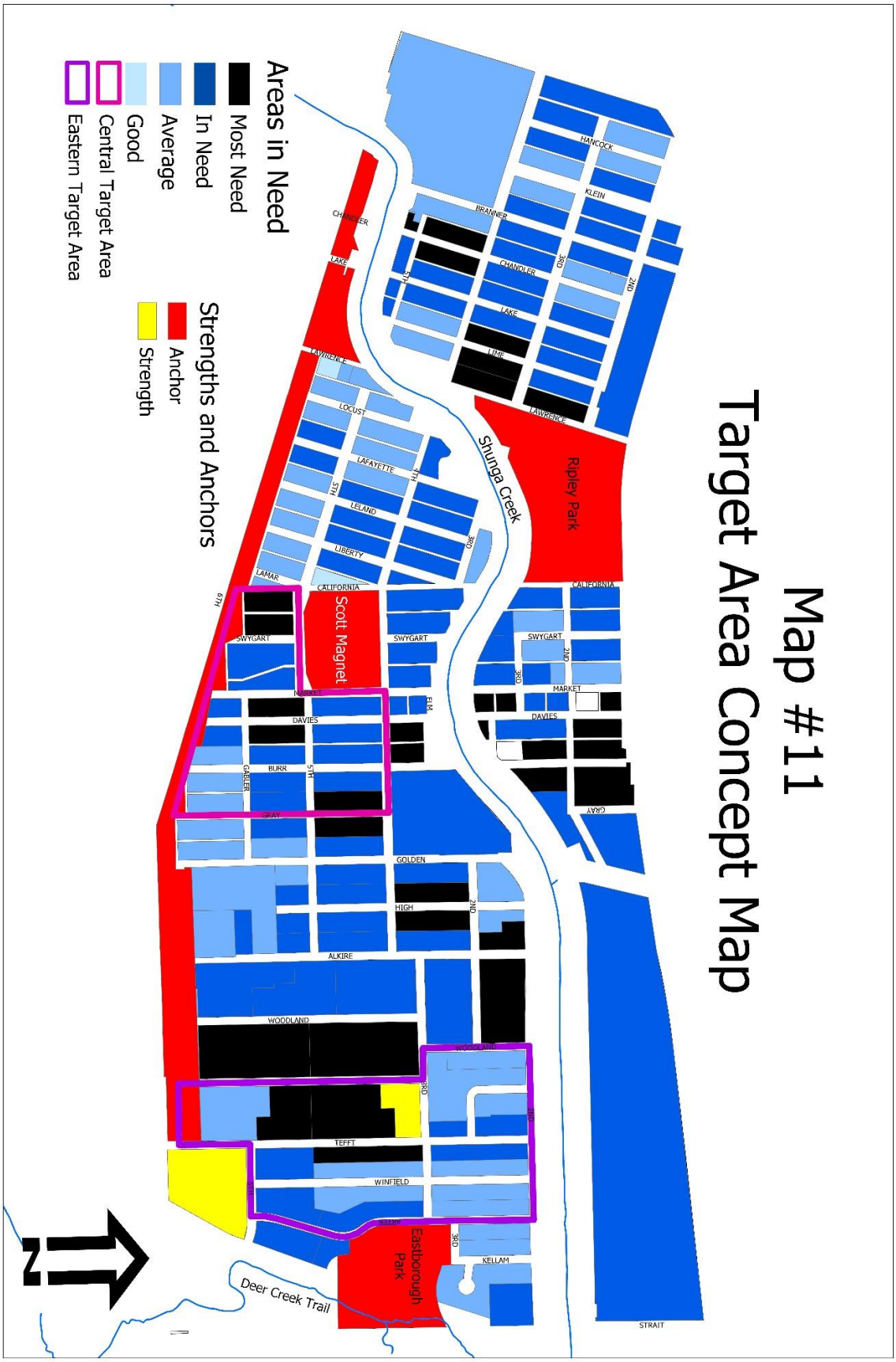
Map #11
Target Area Concept Map
Areas in Need
Most Need
In Need
Average
Good
Central Target Area
Eastern Target Area
Strengths and Anchors
Anchor
Strength
Ripley Park
Scott Magnet
Eastborough Park
Shunga Creek
Deer Creek Trail
HANCOCK
KLEIN
BRANNER
CHANDLER
LAKE
LINE
LAWRENCE
LOCUST
LAFAYETTE
LELAND
LIBERTY
LAMAR
CALIFORNIA
SWYGART
MARKET
DAVIES
BURR
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Neighborhood-Wide Strategies

Improving livability within East Topeka North will increase the desire for residents to stay and encourage new residents to move into the neighborhood, both of which, will lead to higher rates of homeownership. To improve livability the East Topeka North NIA, with help from the city of Topeka's Department of Neighborhood Relations, developed the East Topeka North Community Building Plan. The Community Building Plan outlines a neighborhood vision, assets, potential partnerships, goals, and objectives. The goals and objectives focus on:

- Creating a safe community
- Improving education opportunities
- Reducing vacant and neglected properties
- And Increased home/business ownership.

The following sections look to build upon these goals by identifying actions, programs, and opportunities to address and improve livability within East Topeka North.

Community Building and Initiatives

Community building is a key part of a neighborhood revitalization strategy because of its focus on making the neighborhood a stronger advocate for itself. Empowering the residents and institutions within a neighborhood with the notion that they can foster change that impacts the neighborhood in a positive manner is one of the goals of community building. Three aspects that make up community building – public safety, organizing, and capacity building – are explored below in greater detail to help create a better sense of community.

Public Safety

Crime is a multifaceted issue. There is no single solution that will erase the occurrence or perception of crime within the community. Implementing the revitalization strategies described previously will go a long way towards making East Topek North safer for residents of the neighborhood. The following will provide a few programs and activities that citizens can undertake to reverse the perception of crime within their neighborhood.

Neighborhood Clean Ups

The NIA should consider starting a neighborhood/alley clean-up program and start an annual "trim-up" campaign. These clean-ups led by the NIA can be vital to avoiding or eliminating environmental code problems as well as deterring crime by showing that residents care about the appearance of their neighborhood. Another program could be a "most improved" yard clean up or neighborhood landscape contest. The neighborhood should also encourage youth the help with neighborhood clean-ups, particularly in areas around Ripley and Eastborough Park. These activities connect youth with other segments of the population and help build relationships.

Youth

Youth are critical for the ongoing revitalization of the neighborhood. As these children grow up and are forced with choices about where to live, they are going to be more inclined to stay in the neighborhood if they had good experiences growing up. By providing a positive environment, East Topeka North can continue to be recognized as "kid friendly." A neighborhood that is "kid friendly", will have the benefit of attracting and retaining families in the short term, leading to long term community benefit and growth.

Public Involvement

By increasing the awareness of various community programs and groups, residents of East Topeka North can become more involved in their community. Picnics, block parties, community events, church events, children's sporting events, and neighborhood festivals provide an opportunity for people to get out, socialize, and feel connected with their fellow neighbors. Additionally, there are many young adult groups that ask their members to perform community services. Honor societies, KEY Club, Boy and Girl scouts and 4-H all stress to their members the importance of involvement in their community. These groups could be contacted to help elderly residents or work on specific community projects.

Combat the Image of Crime

East Topeka North is sometimes associated with crime. Regardless of the reason, the negative reports overshadow the benefits of living in East Topeka North. Marketing East Topeka north as a safe place to live involves countering any negative and potentially untrue perceptions of the neighborhood.

Neighborhood Patrols

While the neighborhood has not created a formal neighborhood watch program, neighbors are vigilant about crime and potential crime. Neighborhood programs such as Stroll Patrol should be a consideration for East Topeka North. Stroll Patrols put people out walking the neighborhood, discouraging criminal activity.

Community Policing

This vital program must be continued by the Topeka Police Department to combat crime in the neighborhood. The individual contacts made by police officers and relationships made with the community are essential to the cooperation needed to ensure residents' safety. This program can be extended by actively reaching out and engaging members of the community by promoting safe habits.

Crime Prevention Through Environmental Design (CPTED)

Safe Streets and the Topeka Police Department can help the neighborhood determine which property configurations encourage crime. There are ways to design properties to discourage criminal activity. For example, the "5 and 2" rule states that trees should be

trimmed to at least five feet high and bushes should be trimmed so that they are no taller than two feet.

Using CPTED to Reinforce Ownership and Increase Safety

These methods follow four basic principles: access control, surveillance, territorial reinforcement, and maintenance.

Natural Surveillance	The design and placement of physical features in such a way to maximize visibility.
Access Control	This involves designing streets, sidewalks, building entrances, and neighborhood gateways to clearly indicate transitions from the public environment to the semi-private and private areas
Surveillance	Design principle that maximizes the visibility of people, parking areas, vehicles, and site activities. Strategies involve the strategic placement of windows, doors, walkways, parking lots, and vehicular routes.
Territorial Reinforcement	Sidewalks, landscaping, and porches help distinguish between public and private areas. It uses physical attributes to express pride and ownership and limits large spaces that serve no specific purpose.
Maintenance	This addresses management and maintenance of space. Proper upkeep (mowing grass, trimming trees, landscaping, picking up trash, repairing broken windows and light fixtures, and painting over graffiti). It helps signal that a location or facility is well cared for and therefore would be inhospitable to a criminal and also signals that an owner, manager, or neighbor is watching out for the property and could spot illegal behavior.

Lighting

While lighting by no means guarantees improved safety, it can be a strong step towards making an area uncomfortable for criminal activity. This fulfills CPTED guidelines as well as provides a sense of safety to someone driving through the neighborhood. Working to ensure existing street lights are free of tree branches that can block light would be the first step. To accomplish this, the City's forestry department can help evaluate if trimming is needed.

During the East Topeka North Kick-Off meeting, numerous members of the community brought up the need for additional lighting in the neighborhood. In May of 2019, the City of Topeka Transportation Operations Division revised the Street Lighting Policy. Under the existing policy, City provided lighting can only be provided at intersections. While there may be special cases, a public process must be followed before making decisions to install new street lighting. This process is implemented trough the City's Public works

Department and its Lighting Policy. Another approach to improve street lighting is for home owners to rent lights from Westar or install lights on their private property. Increased neighborhood organization could assist in identifying areas that may need additional lighting.

Organizing

Successful organizations have the wherewithal to succeed. A neighborhood's ability to complete competitive grant applications, run successful meetings open to all residents, and complete projects in a timely manner demonstrates to decision makers and funding organizations that the neighborhood is serious about getting things done. Ideally, the neighborhood should function similar to a business.

Neighborhood Empowerment Initiative	Support may be given to a variety of neighborhood designed and based public facility projects by the City of Topeka. Grants are limited and encourage a match by the neighborhood organization or a match generated by the neighborhood organization in the form of volunteer labor. NIA's that are currently receiving target area assistance may not be eligible for this program. The final allocations of these project funds are made by the City Council.
Education and Training	Neighborhood leaders should attend seminars and conferences that deal with community building, neighborhood revitalization and other community issues. As an example, the City of Topeka hosts organizations like NeighborWorks Training Institute who participates in local trainings. It is recommended that the NIA and City explore ways to encourage neighborhood attendance.
Strength in Numbers	When opportunities present themselves for the neighborhood to appear before decision makers, the neighborhood must be able to demonstrate a unified voice with a larger number of people. A phone tree, e-mail group list, and social media presence should be developed to rally supporters when needed.
Collaborate to Form Partnerships	Building community requires work by all sectors – local residents, community-based organizations, businesses, schools, religious institutions, and health and social service agencies – in an atmosphere of trust cooperation and respect. It will take time to and committed work to develop these partnerships.
Marketing	The targeting of East Topeka North for federal and municipal investment during the 2020-2022 presents a unique opportunity to market and advertise the successes and future potential of the neighborhood. The East Topeka North NIA should examine the feasibility of a public relations campaign to attract new owner-occupants and private development. If implemented, this public

	relations campaign would leverage local media and social media platforms.

Capacity Building

NIA as Community Builders	East Topeka North should pursue a 501(C) 3 status. This Non-profit status would allow the NIA to pursue additional funding sources, such as public and private grants. These grants can allow the NIA to acquire properties, demolish or rehabilitate sub-standard units, and even build new housing. Further stipulations apply with the use of City funds.
Micro Business Development	There are a number of small businesses along SE 6th Avenue that add value to the quality of life for its residents. However, several commercial properties have fallen into disrepair or have less than neighborhood-friendly uses. One such idea to help develop quality small business ventures involves the rehabilitation of the Eastboro Shopping Center at Teftt and SE 6th Avenue. This location could potentially help develop quality small business ventures. Key improvements such as rehabilitating the existing structure to modern design standards would increase the property's value and enhance the neighborhood's image, but provide opportunities to small business start-ups

Housing

Housing Rehabilitation

When City funds are used, priority investments into housing rehabilitation should be focused in the areas outlined in the Target Area Strategies section previously recommended in the Plan. Upgrading houses in a randomly dispersed pattern only dilutes the impact upon the neighborhood and will not lead to any spin-off effect in nearby blocks. Where feasible, the following programs and recommendations can be used throughout the neighborhood.

Major Rehabilitation	This program is primarily intended for owner-occupied properties in need of interior and exterior repairs within the selected target areas. Eligible properties can receive up to $30,000 for housing rehabilitation. With SORT rehabilitation funds, the property must meet established housing standards. Rehabilitation dollars can be spent on roof, gutters, downspouts, windows, doors, electrical

	service, plumbing, mechanical equipment, insulation, radon and lead based paint issues. Households that are eligible for major rehabilitation must be at or below 80 percent of the identified median income.
Exterior Rehabilitation	This program is primarily intended for renter-occupied properties with low/moderate income tenants within the selected target areas in need of significant exterior repair. Eligible properties can receive up to $15,000, and retain tenants who are at or below 80 percent of the identified median income. Rehabilitation dollars can be spent on exterior repairs, such as, roof, guttering, siding, windows, doors, and HVAC.

Technical Assistance/Rehab Manual

A technical assistance/rehab manual could be a useful tool that helps new or inexperience homeowners navigate small home repairs. For example, some old home renovations replace original sash cord windows with smaller windows, never thinking that they could save money through sash cord replacement. Other small projects like weather stripping, glazing, and insulation around window frames are all do-it-yourself jobs that homeowners may be unsure of how to complete.

Residential Façade Improvement Program

As an added financial incentive, a program could potentially be created that matches dollar for dollar exterior renovations of older homes to be consistent with the City's adopted design guidelines. This program would be patterned after the City's commercial storefront façade program, free design assistance could be combined with rehab match grants of up to $5,000 to encourage an owner to go the extra step towards sensitive design.

Housing Infill

A priority of this Plan is to support and encourage new housing to be built throughout East Topeka North, with emphasis on replacing dilapidated housing and on vacant lots. The existing housing stock in East Topeka North represents a variety of architectural styles from the early 20th Century to Mid Century housing.

New housing should fit the architectural character of the neighborhood. While there is not one specific character that defines the neighborhood, generally speaking the neighborhood can be split into two different character types. East of SE Golden Avenue features homes that were built after 1940. These homes are often ranch styles with attached garages. West of SW Golden Avenue features a wide array of housing types, but much of the housing stock was built before 1940 with multiple levels and detached garages.

Existing housing providers like Habitat for Humanity and Cornerstone are good candidates for partnerships to establish new housing in East Topeka North. This plan recommends that options beyond current program offerings be explored in order to expand opportunities for new housing in the neighborhood.

City Sponsored Programs

TOTO-II – The City of Topeka in cooperation with Housing and Credit Counselling, Inc. (HCCI) and participating lenders offer the program to new homeowners. Assistance is provided as a 2nd mortgage, deferred loan subsidizing the purchase and rehab costs of a home for families at or below 80% of median income. While the program is available Citywide, it is structured to encourage home purchases in At-Risk and Intensive Care areas. Other rehabilitation incentives offered to income eligible homeowners by the City's Department of Neighborhood Relations include forgivable loans for major rehabilitation, emergency repair and accessibility modifications. Lending institutions participate by managing the maintenance escrow.

Emergency Repairs

Emergency home repair assistance (primarily repairs that are of an immediate health or safety nature) can be provided for owner-occupants throughout the neighborhood, whose incomes are at or below 60% of the median. This assistance is intended for higher cost, major emergency repairs. Minor maintenance and repairs remain the primarily responsibility of the homeowner.

Accessibility Modifications

This assistance is available to persons with disabilities throughout the City whose incomes are at or below 80% of median, whether they are owner-occupants or tenants. This assistance is intended to provide access into and out of the home. The priority is to build exterior ramps, widen doorways, and provide thresholds.

Other Potential Housing Programs

There are housing programs in other communities that may be worth a look for Topeka. About Dollar Homes is a HUD initiative that allows low-income individuals the opportunity to purchase qualified HUD-owned homes. There is also a $1 home program in Kansas City, Missouri. Finally, the Good Neighborhood Next Door is a HUD program that offers home purchase discounts to qualified law enforcement, teachers, firefighters and emergency medical technicians.

The Choice Neighborhoods Grant program, provided by HUD, is a holistic neighborhood revitalization program designed to influence housing, people, and neighborhoods. While there are no public housing developments within the neighborhood, segments of East Topeka North could be included in a grant proposal. While the floodplain is one limitation, the vacant properties and 6th Avenue presence make East Topeka North a potential candidate neighborhood for the grant.

Rental Registration

A rental property licensing and inspection program could help address the concerns about maintenance and the condition of the rental units and can be modeled after other successful programs in neighboring cities, such as the program in Lawrence, Kansas. A rental registration would allow city staff to identify potential vacant landlords, who do not play an active role in maintenance and care of the rental property. This Plan supports a rental registration program with annual inspections for habitability and the safety of the occupants. However, at this time State legislation limits the ability of cities to inspect rental properties. If legislation changes, rental inspections should be pursued.

Voluntary Demolition

Assistance may be provided for the demolition of substantially deteriorated, vacant structures primarily located within At-Risk and Intensive Care areas. The intent is to remove blighted structures that are beyond feasible repair. For those structures that are privately owned, the City may institute a method of repayment for the demolition services provided. The City would not gain ownership of the property in question.

Lot Expansion

If the City demolishes unoccupied and substandard lots, the vacant land should be offered to adjoining property owners. Considering much of East Topeka North is located within the 100 year flood plain, lot expansion would help remove vacant and blighted homes that reside on small lots and have very little potentially of being successfully inhabited for the long-term.

Non-Profits

Non-profit agencies such as Cornerstone of Topeka, Inc., operates a lease purchase program for households who demonstrate an interest and ability in becoming future homeowners. Low/moderate-income families are placed in rehabilitated single-family units and gain necessary credit-worthiness in a couple of years to eventually become homeowners. Cornerstone funds the rehabilitation of the property and manages it until they are ready. Furthermore, the East Topeka North NIA could pursue a 501(c) 3 organization. Non-profits can help to provide emergency and long-term housing for low/moderate-income residents.

Tenant to Homeowners

Where possible, a Rental Conversion Program can be used to acquire, rehabilitate and convert vacant rental properties into renovated homes, which will then be offered to current renters. Rent to own programs present an opportunity for renters to build credit, with potential to purchase a property at the end of a lease. A program, modeled after Community Resources Council's Tenant to Homeowner Program, would encourage and promote single family homeownership within the neighborhood. Renters who know they

want to become homeowners may lead to higher levels of maintenance and investment in their home, while reducing code violations and the impact of absentee landlords.

Neighborhood Revitalization Program

The City offers tax rebates for home improvements that increase the value of residential property by 10% and commercial by 20%. Improvements must be consistent with the adopted design guidelines for the neighborhood. The City's Planning and Development Services Department administers the program.

Institutional Partners

East Topeka North features several prominent institutions with the neighborhood. Strategies to partner with these institutions for the benefit of improving the housing stock in the neighborhood include:

- Churches in the neighborhood discuss the importance of home maintenance at weekly church services. This type of peer encouragement could convince people to improve or keep up their properties. Individuals who have a better understanding of property maintenance could teach others in the neighborhood the skills needed to better maintain their property

- Schools, churches and organizations across the city require their students or members to complete a set number of community service hours. The neighborhood could reach out to these organizations to help elderly or disabled residents repair their homes.

Neighbor to Neighbor

The "broken windows" theory explains that little things such as a broken window or an unkempt porch at one property can leech out to other properties as people begin to feel that no one cares about what is going on. The problem will continue to grow block-by-block, street-by-street, unit it "tips" and the whole neighborhood is suffering from decline. This "tipping point" can be avoided if attention to paid to the details.

Alternatively, neighbors who see properties being properly maintained, may take additional steps to make cosmetic improvements to their own property increasing the appearance of a block. "Neighbor to Neighbor" programs can address smaller housing maintenance issues – painting, porches, gutters, etc. – that prolong the life of the existing housing stock and prevent the "broken window" cycle. These simpler yet critical home improvement needs can be easily met by a dedicated group of volunteers. It is recommended that the NIA seek sponsorship to help organize volunteer rehab "parties" each year that will assist 2-3 homes in the neighborhood. Outside organizations such as

the City's developing volunteer network and Habitat for Humanity could also partner in this effort.

Neighborhood Coordination

The NIA members have a good opportunity to take an active role in assisting homeowners and other members of the community in maintaining their houses. This would require a dedicated commitment of people to organize volunteers and identify people in need of help, but this would be a great grass-roots approach to revitalizing the housing of East Topeka North.

Accessory Dwelling Units

Many of Topeka's older neighborhoods were developed at a time in which an accessory dwelling unit could be located on a property along with the home. These accessory dwelling units, also known as garlows or granny flats, originated in the early 20th Century. Some were living quarters for family waiting for the main house to be built. Many were used as apartment units for family members or used to provide additional income by renting them out. The additional income potential could make properties more affordable for potential homeowners in East Topeka North who could use that income to help pay a mortgage or property maintenance.

Accessory dwelling units can be located within the main house, such as a basement, or above a garage.

Although an accepted practice in years past, accessory dwelling units are not allowed under today's zoning code in Topeka. Just as accessory dwelling units provided a benefit to homeowners in years past, they should be allowed to do the same today. This plan recommends the City consider including a provision for accessory dwelling units in a future code update.

Neighborhood Character

Housing Infill

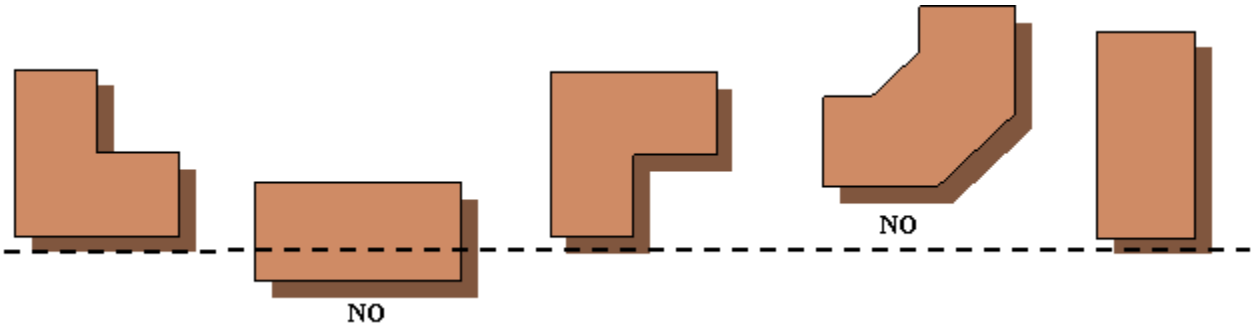
New housing can create a positive impact within its given block. With this in mind, infill housing is a focus of this plan. While East Topeka North does not have one singular housing character, the neighborhood is traditional in the sense that houses are lined up uniformly along blocks, and generally have consistent massing. Care should be taken to ensure new housing is built in a manner that is consistent with the existing character of the neighborhood.

Design Guidelines

The purpose of the following design guidelines are to ensure that new infill housing developments blend with the existing character of East Topeka North. Design guidelines are important to ensure that new houses in a given neighborhood are complimentary to existing houses in size, form, scale, and design. The goal is to make these new homes blend seamlessly into their environs. New houses should not clash or overwhelm the neighborhood which can take away from an area's unique identity. Incompatible in-fill housing will undermine the effectiveness of the revitalization strategy making it more important to integrate the new buildings to the neighborhood.

Massing and Form

Massing generally refers to how a given amount of space is reflected in a building's design. For example, the space could be a rectangular box with no front porch and a flat roof, or two small boxes of uneven length with a covered front porch and a front gable roof. The form determines how the building is positioned on a lot. This is typically dictated by lot design and setbacks from property lines.



It is recommended that all new infill housing be designed in a manner that reflects the architectural character of the neighborhood and traditional neighborhood design

elements. In order to retain the area's character, several guidelines should be followed in East Topeka North related to massing and form.

Characteristics of new infill housing generally follow these guidelines:

- Where applicable, a front-facing, proportional, covered, and functional front porch. The finish should match the trim package of the house (i.e. if the trim on the house is painted white, the porch should be painted white).
- Proportionate window/wall space
- At least one front-gable roof pitch.
- Consistent setbacks based upon the existing front yard setbacks of other homes within the block.
- Garages (attached or detached depending upon lot size and block character) should be placed to the rear of the house and should be clearly subordinate to the principal structure.
- Where alleys are present, it is recommended that garage access be taken from the rear of the lot or from a side street if it is a corner lot.
- New driveways for the properties with alley access are discouraged.
- Vinyl siding is acceptable, however should it should be considerate of the surrounding materials.

Image

Image and perception of a neighborhood can be crucial for success. As people travel on the boundary and throughout the neighborhood, they make judgments in regard to the whole neighborhood based upon, what they see and the impressions they get. The quality of the visual environment is vital to reinforce a positive image of the area, and send a message that East Topeka North is a safe and welcoming place with a strong identity.

6th Avenue

SE 6th Avenue is the gateway not only to East Topeka North, but Downtown Topeka as well. This mixed use corridor consists primarily of commercial uses and single family homes. To enhance the vibrancy of this corridor, there is a need for property beautification.

6th Avenue features several automotive uses, which often have cars in multiple states of disrepair, leading to a cluttered appearance. Furthermore, several homes in the area are currently vacant and in need of substantial rehabilitation. These properties do not provide a positive impression of the neighborhood and contributes to the broken window theory. Interviews with business stakeholders showed an interest in raising design standards for commercial properties, with a hope this promotes an atmosphere that is more conducive to attracting quality businesses and more residents. Housing

rehabilitations should keep the character of the existing structure and reflect the character of its surroundings.

Neighborhood Signage

Monuments and signage present one opportunity for East Topeka North residents to show pride in their neighborhood. Key entryways into the neighborhood and on major street edges should be targeted as the appropriate locations (e.g. SE Branner Traffic way, SE Golden Avenue, and SE 4th Street). The NIA should pursue funding to install neighborhood signage and monuments that represent the neighborhoods lineage. A neighborhood design contest could be used to bring community members together and open discussions for how East Topeka North should be branded.

Neighborhood Banners and Flags

In addition to signage, banners and flags could be incorporated to promote the neighborhood along major streets within the neighborhood (SE 6th Avenue, SE Branner Traffic way, SE 4th Street and SE Golden Avenue). Where possible, banners should be placed on light poles and permission must be obtained from the owner of the pole before a banner can be placed on it. Banners should be prioritized near intersections with remaining banners distributed evenly along the roadway.

Gateways

The 2002 East Topeka Neighborhood Revitalization Plan identified the triangular-shaped parcels located north of SE 6th Avenue between SE Lamar Street and SE California Avenue as a potential gateway. This ground is currently divided into three parcels, but could be acquired and converted into a public greenspace or gateway to Scott Magnet and the East Topeka North neighborhood. The concept of a gateway in this location is to open up the view from SE 6th Avenue and present a clean and inviting image for the neighborhood. Potentially, the gateway could feature a monument sign surrounded by landscaping that invite people into the neighborhood.

Additionally, while not specifically in the East Topeka North neighborhood, a vacant City owned parcel exists along the SE 6th Avenue corridor. This parcel is a remnant from the realignment of SE 10th Avenue to SE 6th Avenue. This may offer another alternative that could act as a gateway to East Topeka. Gateway treatment for this property could include signage and landscaping enhancements.

Tree Trimming

Overgrowth of trees and lawn vegetation contributes to an untidy appearance that detracts from the value of housing, blocks light and can prevent grass from growing in certain areas. If nothing else, trimming back trees and vegetation would make considerable difference in appeal and safety. Until a larger contingent of owner-occupied properties exist, it will be necessary to work the City arborist and property owners to undertake major neighborhood “trim-ups” on a yearly basis.

Code Enforcement

Enforcement of housing, zoning, and environmental codes is an ongoing city-wide program that is used to assure a minimum level of maintenance and compatible uses of properties occur. Code enforcement, when combined with programs that encourage routine property maintenance, can be an effective tool to bring homes up to minimum standards.

Anti-Blight Activities/Nuisance Prevention

There programs include the following:

- The Low/Moderate Income (LMI) area neighborhood clean-up dumpster program.
- The Kansas Department of Correction public infrastructure clean-up program in which crews will clean right-of-ways, curbs and gutters, sidewalks, trim trees, brush, and weeds and grass in LMI areas.

Marketing the Neighborhood

The keys to successfully marketing a neighborhood's assets lie with getting the word out about these assets or potential assets so the neighborhood may show them off. East Topeka North should focus on increasing homeownership to help improve the stability of the neighborhood. The following strategies can help accomplish this through:

Community Events	Utilizing amenities like Ripley Park, Eastborough Park, Scott Magnet, and the Salvation Army, the East Topeka North NIA can host barbecues, community building exercises, and neighborhood forums. These events allow the community to show off their neighborhood pride in fun and engaging ways while allowing the NIA to inform members of the community, collect feedback, and increase activity/participation. Public events help to market the neighborhood and build a community oriented perception.
Resident Recognition & Appreciation	There should be an outreach committee formed by the NIA to welcome new residents (homeowners and renters) and get them involved in East Topeka North from the beginning. Not only will this increase engagement in various community activities, but it will also make them feel a greater sense of pride and ownership about their new community. Buy in from renters in the neighborhood may encourage property up keep and keep residence invested.
Block Captains	The NIA should organize "Block Captains" to serve as a point of contact for NIA information and community activities. Each Captain could be in charge of a few blocks and help involve and engage the resident in

	community activities. Neighbors could come by to talk to them about problems, volunteer to help other neighbors, or learn about what the NIA is working on. This would be more informal than the NIA meetings but would provide another option for people to be involved in the East Topeka North community. Block Captains would be active, community oriented citizens who want to reach out to other neighbors and help revitalize the neighborhood.
Welcome New Neighbors!	A good way to welcome new residents to East Topeka North is to develop a welcoming committee. This could consist of the Block Captains or a group of volunteers. Either way, by talking with new people in the neighborhood, it will serve multiple functions: getting to know your new neighbors and their families encourages a sense of community, helps them learn more about East Topeka North, and promotes getting involved in Neighborhood activities. One of the best benefits to this kind of welcome is that its casual and informal – you can talk to people outside in the nice weather while the kids play in the yard and make them feel a part of the neighborhood.
Home Tours	Proud homeowners throughout the neighborhood can open their homes for scheduled home tours. This will highlight the variety of architectural styles found throughout East Topeka North and inspire others to pursue rehabilitation projects throughout the neighborhood.

Circulation and Infrastructure

Streets

Map 12 shows pavement conditions throughout East Topeka North. Based on these conditions and other factors, engineering has recommended a complete reconstruction of several streets within the neighborhood. Several other streets have been recommended for a one inch mill and overlay. Streets and alleys that run through or adjacent to the primary and secondary target areas should receive priority. Recognizing that there is not enough funding to repair all of the roads within the neighborhood, road work should be done strategically with the goal of maximizing benefits to the neighborhood.

Reconstruction/Repaving

5th Street – A proposed new roadway between SE California Avenue and SE Market Street. This local street runs east/west through the interior of the neighborhood. Due to its location, just south of Scott Magnet, the roadway loads up with traffic during peak hours for child drop off and pick up. The lack of curb and gutters along this stretch of roadway has led to grass along neighboring properties to erode.

Market Street – A proposed new roadway between SE 4th Street and SE 5th Street. This local street runs north/south immediately to the east of Scott Magnet. This segment features many of the same defects as SE 5th Street. Improving this segment of roadway will improve the image around Scott Magnet.

Tefft – A proposed new roadway is between SE 5th Street to SE 2nd Street. This local runs north/south immediately to the west of Eastboro Shopping Center bringing residents to the eastern portion of the neighborhood. North of SE 5th Street the street is narrow and lacks curb and gutters. SE Tefft Street was identified by residents of East Topeka North as a street in need of repair.

Mill and Overlay

Swygart – Between SE 3rd Street and SE 4th Street.

Elm/Davies – Between SE 3rd Street and SE 5th Street.

Market Street – Between SE 5th Street and SE 6th Avenue.

Gray Street – Between SE Gabler Street and SE 6th Avenue.

5th Street – Between SE Market Street and SE Davies Street.

Chandler – Between SE 4th Street and SE 5th Street.

Lake – Between SE 4th Street and SE 5th Street.

Woodland – Between SE 4th Street and SE 2nd Street.

Carnahan – Between SE 2nd Street and SE Tefft Street.

2nd Street – Between SE Carnahan Street and SE Tefft Street.

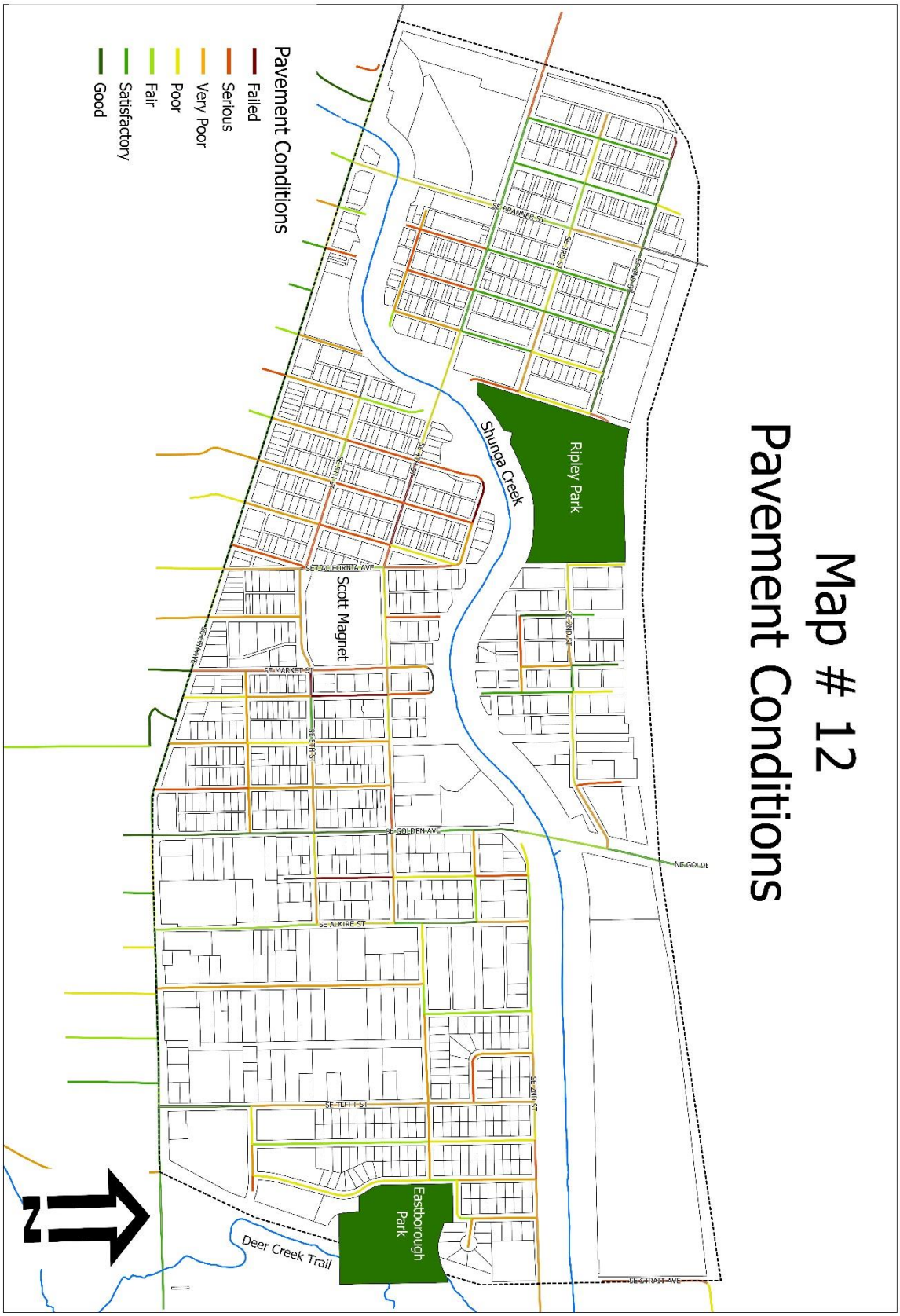
Curbing

Throughout much of the neighborhood there are segments of roadway that have not curb and gutter or highly deteriorated curbing. Four street projects identify curb and gutter for installation, but beyond those projects, replacement should begin in the primary target area and expand outward to the secondary target area.

Alleys

Many of the alleys exist in the neighborhood to the west of SW Golden Avenue. These alleys are generally not paved and in very poor condition. These alleys are often uneven and feature ruts and holes that lead to additional drainage issues. Alleys should be re-done in and around target areas. Improvements to alleys should be evaluated based upon existing material, with one potential improvement being grading with new gravel being laid. Overall, improving alleys will improve circulation and image throughout East Topeka North.

Some alleys within the neighborhood were not platted as alleys, and thus do not have any formal easement or right-of-way dedication. To be formally recognized and maintained by the City, property owners would need to dedicate this segment of their property to formalize the existing use.


Map # 12
Pavement Conditions
Pavement Conditions
Failed
Serious
Very Poor
Poor
Fair
Satisfactory
Good
Ripley Park
Shunga Creek
Scott Magnet
Eastborough Park
Deer Creek Trail
SE BRANNER ST
SE 3RD ST
SE 2ND ST
SE CALIFORNIA AVE
SE MARKET ST
SE 5TH ST
SE GOLDEN AVE
SE ALKIRE ST
SE TUFTS ST
SE 2ND ST
SE GRANT AVE

Urban Infrastructure

Planning for People Not Cars

Looking at East Topeka North from a public health standpoint, as well as an economic standpoint, it is important to ensure that planning for pedestrian improvements occurs alongside planning for roadway infrastructure. Not everyone in East Topeka North has access to a vehicle. This leads residents of East Topeka North to rely on walking, biking, or forms of public transportation. The following section includes infrastructure recommendations to create a walkable, bikeable neighborhood that promotes the goals of the Topeka Bikeways master Plan and the Topeka Pedestrian Plan.

Sidewalks

Improving sidewalks is crucial for any neighborhood. Complete sidewalk infrastructure is something most people take for granted, but is essential for neighborhood connectivity, ownership, safety and a necessity to improve access for those without cars.

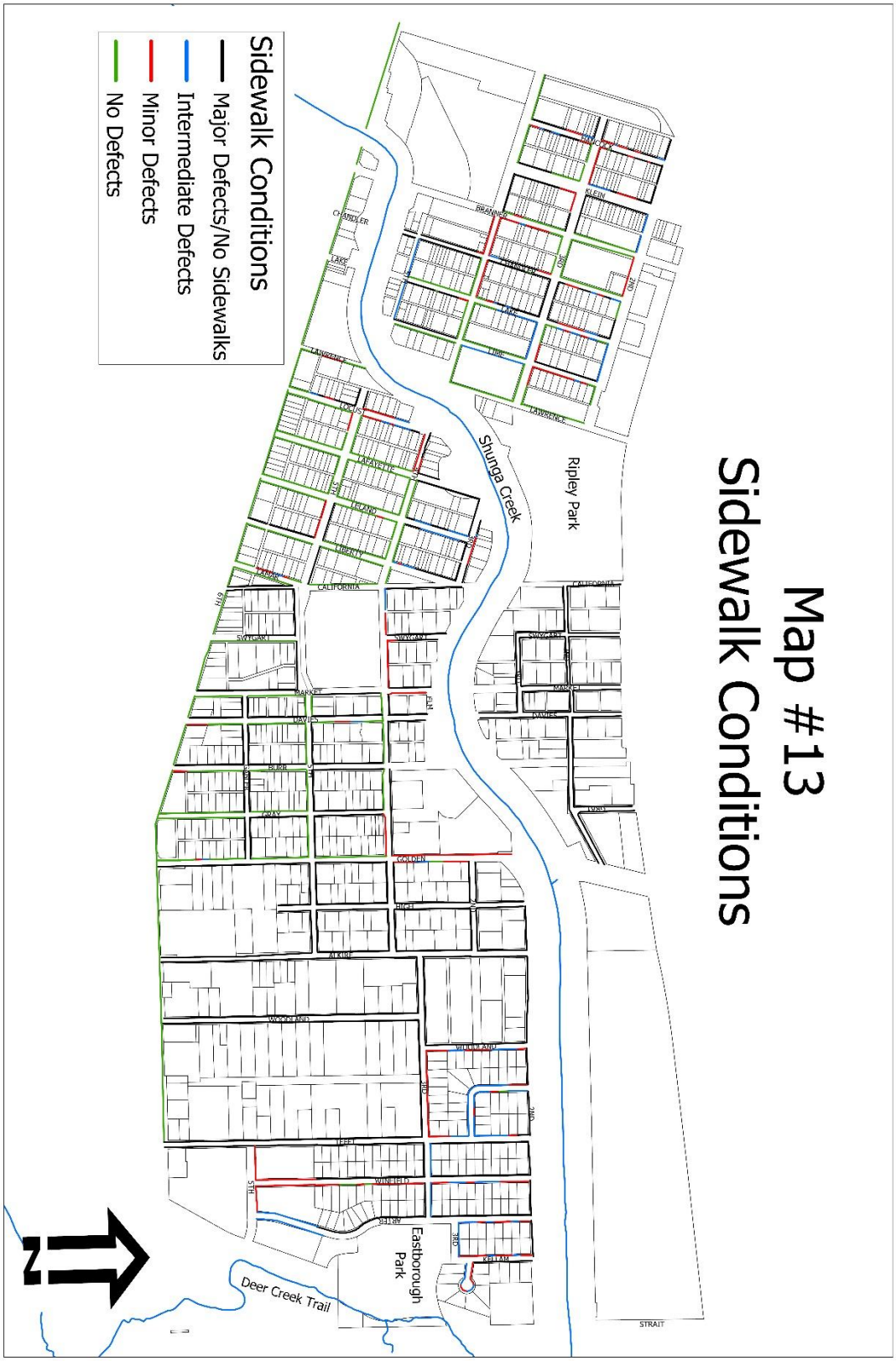
Large segments of sidewalk have been replaced or installed in accordance with Topeka's Safe Routes to School. However, there are still segments that feature deteriorated sidewalk infrastructure or lack sidewalks all together. In alignment with the Topeka Pedestrian master Plan, future sidewalk projects in East Topeka North should focus on infill. Starting with the primary target area, sidewalk projects should focus on replacement of poor quality segments and focus on completing sidewalk connectivity to Scott Magnet Dual Language Elementary School. All sidewalk infill and replacement should match existing sidewalk width.

Potential sidewalk infill projects are located throughout the neighborhood. The SORT Planning Steering Committee identified the Central Target Area as the Primary Target Area and the Eastern Target Area as the Secondary Target Area. Sidewalk projects should follow this prioritization with sidewalk infill occurring in the Primary Target Area, followed by the Secondary Target Area, and finally neighborhood wide. The neighborhood recommends that new sidewalk projects should be prioritized based upon blocks that feature no sidewalk, with blocks with that have sidewalks on one side being considered secondarily for new infill.

There are segments in west of SE Branner Traffic Way that feature brick sidewalk. Generally speaking, if a brick sidewalk is in a level and maintained condition, it should be preserved. It may be appropriate to replace a brick sidewalk with concrete if it is not level or is not being maintained by the property owner. Brick sidewalk conditions in East Topeka North vary greatly, with large segments being poorly maintained. Brick sidewalks should be preserved where:

1. At least 60 percent or more of one block side is brick <u>AND</u>
2. Properly maintained and level.

Hold for neighborhood stance on brick sidewalk (Dec. 9-10)



Bike and Bus Routes

Map 14 shows current and future bike routes as well as current bus routes through the East Topeka North neighborhood.

The City completed its Bikeways master Plan in 2012 and was selected to be part of KDOT's Transportation Alternatives (TA) Program for Phases I and II of the implementation. City-wide, Phase I was granted $1,400,000 and Phase II was granted $223,075.

Bike Route 1: East-West Bikeway

Major east-west route, using 6th, 8th, and 10th Streets as principal routes with bike lanes on 6th Avenue. Connects East Topeka North to Downtown Topeka, Gage Park, the Wanamaker Corridor and the northwest part of the city.

Bike Route 5: Shunga Trail/ Oakland-Potwin Bikeway

East-west route that follows the Shunga Creek and bends to follow Deer Creek on the eastern border of the neighborhood.

Bike Route 14: Golden Bikeway

North-south route on the east side of Topeka linking Oakland to the Shunga Trail and Dornwood Park. This section features an off-road trail connection along SE Golden Avenue to the Shunga Trail.

Bike Route 15: 4th Avenue Bikeway

East-west connection the east side of Topeka to central Topeka. Bike route starts at SE Golden Avenue, passing Scott Magnet, Ripley Park leading to Downtown Topeka and ends at Willow Park.

In 2015, the Topeka Metro redesigned their routes based on a consultant's study. Many of the changes seem to have taken routes out of the interior of neighborhoods to avoid narrow roads, sharp corners, and other points of conflict inherent to residential areas. The routes are now located along major roads alongside neighborhoods

Route 1: Oakland

This route begins at the Quincy Street Station before heading east. The route travels along SE 6th Avenue and heads north at SE Branner Traffic way before traveling through the Oakland neighborhood. Dillons North is the end destination.

Route 1 Bus Stops in East Topeka North

Outbound:	Inbound:
Branner at 4th Street	Branner at 3rd Street

Branner at 3rd Street

Branner at 4th Street

Branner at 6th Avenue

Route 3: East 6th

This route connects the Quincy Street Station to SE Croco Road. The route generally follows SE 6th Avenue, but travels south into East Topeka South following SE Golden Avenue and SE 10th Street.

Route 3 Bus Stops in East Topeka North

Outbound:

- 6th at Branner
- 6th at Lawrence
- 6th at Leland
- 6th at Swygart (shelter
- 6th at Golden
- 6th at Deer Creek (Reser's) (Shelter)

Inbound:

- 6th at Deer Creek (Reser's) (Shelter)
- 6th at Woodland
- 6th at Golden
- 6th at Swygart
- 6th at Liberty
- 6th at Lawrence (Salvation Army)
- 6th at Chandler

Route 4: California

This route connects the Quincy Street Station to Walmart East and ends at 33rd and Adams. This route generally does not impact East Topeka North, but briefly runs along Se 6th Avenue.

Route 4 Bus Stops in East Topeka North

Outbound:

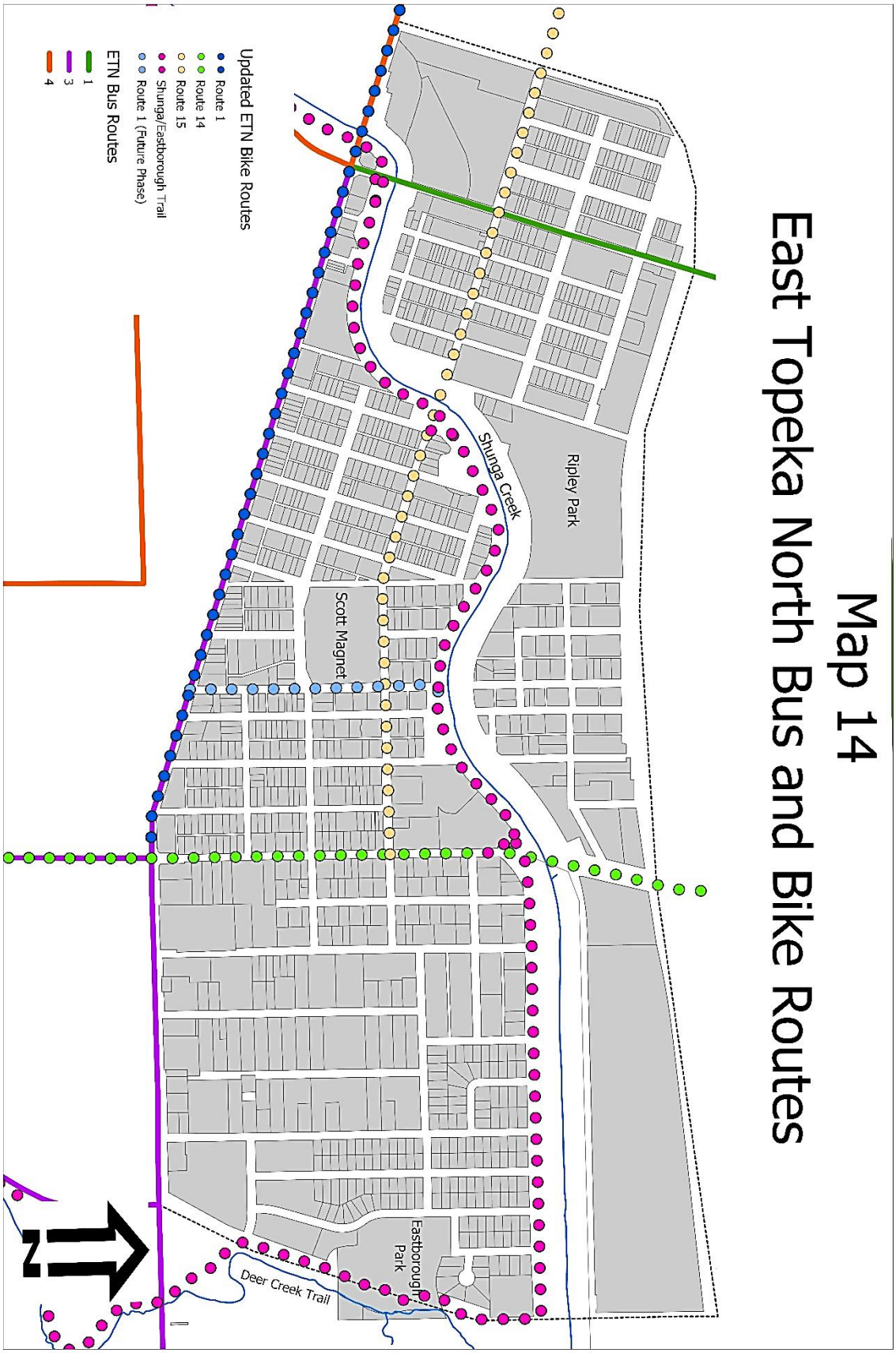
- 6th at Branner

Inbound:

- Branner at Branner

Priorities and Recommendations

- Promote East Topeka North as a bike-friendly neighborhood through coordination with the Bikeways Master Plan implementation, signage, and pavement markings.
- Advocate for continued public transportation, as elderly and low-income residents are less likely to have personal vehicles. Access to public transportation should be convenient, safe, and with bus shelters in place at more in-demand locations.


Map 14
East Topeka North Bus and Bike Routes
Ripley Park
Shunga Creek
Scott Magnet
Eastborough Park
Deer Creek Trail
Updated ETN Bike Routes
Route 1
Route 14
Route 15
Shunga/Eastborough Trail
Route 1 (Future Phase)
ETN Bus Routes
1
3
4

Parks and Open Space

Ripley Park

Ripley Park is a 19.06 acre community park in East Topeka North that experienced damage during the 1966 Topeka tornado. At one time Ripley Park had a community center and pool, but now the pool has been filled in and the community center demolished.

Ripley Park now has clusters of play equipment and sport courts that are largely in disrepair. Much of the existing facility amenities are in bad shape, with the shelter in need of a new roof and fresh paint and the picnic tables in need of repair. The remote location of the park and poor lighting may be contributing factors to vandalism in the area.

Surveys conducted throughout summer and fall provided insight into the level of park activity as well as what may encourage more visitors to the park. Of survey respondents, only 30 percent said they visited Ripley Park. Much of this due to crime in the area and a lack of playground equipment and activities. Respondents recommended that new/improved playground equipment, repaired basketball courts and pavilion/picnic table repairs would bring more members of the community into the park. Another recommendation would be adding soccer goals to the open fields to allow for additional sports to be played.

Eastborough Park

Eastborough Park is a 10.5 acre neighborhood park that has good open space and mature shade trees. The majority of the park is wooded with a clearly defined play area that features new equipment. The Deer Creek Trail runs along the east edge of the park. Currently, the park has no off street parking, and requires walking up from the neighborhood to access.

Surveys conducted throughout summer and fall provided insight into the level of park activity as well as what may encourage more visitors to Eastborough Park. Of survey respondents, only 8 percent said they visited Eastborough Park. Respondents indicated the location and access to the park is one of the biggest barriers to visiting the park.

Shunga Trail

Owned and maintained by Shawnee County, the Shunga trail, a 7.63 mile long bicycle/pedestrian friendly path, runs through the entirety of East Topeka North. Though bikes, skateboards and rollerblades are welcome, walkers have the right-of-way on the trail.

The trail begins in the southwest area of the neighborhood near SE 6th Avenue and SE Branner Street. After passing under SE 6th Avenue the trail curves to the north and east splitting the neighborhood into two separate segments. Once the trail reaches SE

Golden Avenue it generally continues east along SE 2nd Street. The trail ends as it bends to the south at the start of the Deer Creek Trail. The Shunga Trail has access points off SE Branner Street, East of the SE 4th Street Bridge, SE Elm Street and SE Golden Avenue, with a proposed new trail access located off of California Street.

Deer Creek Trail

Owned and maintained by Shawnee County, the Deer Creek Trail, a two mile concrete path runs north/south through East Topeka North. The trail begins east of SE Kellam Ave, where the Shunga Trail and Deer Creek Trail merge. The trail follows Deer Creek and passes Eastborough Park and the Eastoboro Shopping Center before continuing under SE 6th Avenue.

Adopt-A-Park

Adopt-a-park programs are a good way neighborhoods, school, groups, churches, businesses, etc. can assist local governments with the ongoing maintenance of park facilities. The local government gets the benefit of volunteer labor and the sponsoring group gets the benefit of “ownership” and publicity of sponsoring a community resource. The neighborhood should work with the Shawnee County Parks and Recreation Department and other neighborhood groups to form adopt-a-park programs.

Community Gardens

Community gardens provide a huge opportunity to a neighborhood. Not only can vacant land be put to a use, but residents will have access to locally grown healthy food. These gardens can be placed on privately owned land and can help build community spirit. The neighborhood should work with Topeka Common Ground, an all-volunteer organization that coordinates community garden resources, to develop community gardens within East Topeka North.

CHAPTER 6

Implementation

Revitalization Themes

After completing the planning process, action and implementation are essential. Subsequent to identifying goals and target areas, the next logical step is taking action to achieve those goals. The implementation section of a plan identifies specific steps to be taken and by whom, and places a timeline on completing these steps. This allows for progress of the community's vision to be tracked and evaluated. This section should be used by all stakeholders to guide their decision-making in implementing the priorities of the Plan.

Key Action Priorities

Meetings with the East Topeka North NIA and Steering Committee and stakeholder interviews identified actions for implementing specific strategies. Throughout the planning process the Steering Committee selected projects for Implementation, and identified non-SORT related potential projects.

SORT Infrastructure Projects

East Topeka North infrastructure projects were focused primarily on improving pavement conditions and sidewalk infill. Projects were prioritized based upon their location within the primary and secondary target areas, with support from members of the East Topeka North SORT Planning Committee. To maximize SORT monies City Staff proposed eight projects within the two target areas that would address pavement and sidewalks along Scott Magnet and SE Tefft Street (Table 7). Staff proposed the remaining funds be used for "match" projects throughout the neighborhood, with a focus on projects within and connecting the target areas.

The remaining funds will be used to pursue additional roadway and sidewalk infill projects, with the intent to return to the neighborhood for additional project selection, if funds remain. At the December 9th and December 10th neighborhood meeting, member of the community voted to allow the remaining $565,000 in funds to be used for "match" projects. In the event "match" projects become unavailable projects from Table 8 should be pursued in the order they are listed.

Housing

Homeowner and renter rehabilitation has been identified as the top priority for this neighborhood.

Tables

The tables below show the cost and timing of infrastructure improvements for the proposed target areas and other infrastructure recommendations of the plan. By combining several major actions within a concentrated area of a neighborhood, a

greater cumulative impact can be realized than if they were dispersed throughout the larger planning area. In this manner, it is intended that multiple target areas can be worked on in various stages of completion. Once the first area is “finished”, the majority of the public investment can then be shifted to the second area, etc.

Important Note

The priorities and cost estimates for infrastructure and housing rehabilitation projects in the neighborhood are provided for **information purposes only** and should be relied upon for future costs or as actual bids for future projects. Increases in material costs, overhead and labor can change greatly in a short period of time. Funding is subject to availability as provided by Federal grants and the governing body, and allocation change annually. The housing costs in the following tables represent subsidies from the City Consolidated Plan funding (CDBG/HOME) and are intended to leverage private dollars. Costs for infrastructure reflect City of Topeka capital costs from sources typically found within the City’s Capital Improvement Program (CIP), unless otherwise indicated.

Table 7: Priority Projects

1. Priority Projects - Selection of these projects align with Target Area priorities established by the SORT Planning Committee. Some projects are implemented as part of a funding match allowing additional projects to be implemented.

Project #	Street	From	To	Improvement	Cost + Contingency	Target Area
1	5th	California	Market	new Roadway PLUS	$467,133.33	Central
2	Market	4th	5th	new Roadway	$233,002.78	Central
3	Market	5th	6th	1" M - 2" O	$38,683.33	Central
4	Burr	4th	Gabler	Sidewalk East	$65,000.00	Central
5	Gray	4th	5th	Sidewalk West	$32,500.00	Central
6	Gray	Gabler	6th	1" M - 2" O	$50,416.67	Central
7*	Tefft	3rd	6th	Sidewalk East	$123,437.50	Eastern
8*	Tefft	3rd	6th	C&G East	$103,687.50	Eastern
*Projects 7 and 8 are intended as 1/2 cent sales tax match projects.					**Priority Project Total**	**$1,113,861.11**
Projects 9-12	This line item is used to show the remaining funds after **Priority Project** Implementation. Proposal to set remaining funds aside to be used as a match to leverage more funds				**Eastern Target Area Match Funding**	**$565,388.89**

Table 8: SORT Leveraged Projects

2. SORT Leveraged Projects through matching funds - The $565,000 allocated as a match fund would allow the following projects to implemented with little impact on the SORT budget. In the event that funds are not matched or grants received, projects should be implemented in the order they are listed (e.g. 9,10,11, then 12)

Project #	Street	From	To	Improvement	Match Funded Cost + Contingency	Target Area
9*	Tefft	3rd	5th	New Roadway	$563,500.00	Eastern
10**	4th /3rd			Sidewalk	$93,750.00	Connection
11***	Woodland	3rd	6th	One Side Sidewalk	$118,750.00	Eastern
12***	Alkire St	2nd	6th	One Side Sidewalk	$162,500.00	Eastern
13****	5th Street			Water line	$91,875.00	Central
*Project 9 is leveraged from the match produced by projects 7 and 8.					**Total Leveraged through Match Funding**	**$1,030,375.00**
**Project 10 will be pursued through a Safe Routes to School Grant.						
***Projects 11 and 12 are leveraged through a match with KDOT AIC Grant.						
**** 5th Street water line project paid for by City of Topeka Utilities						

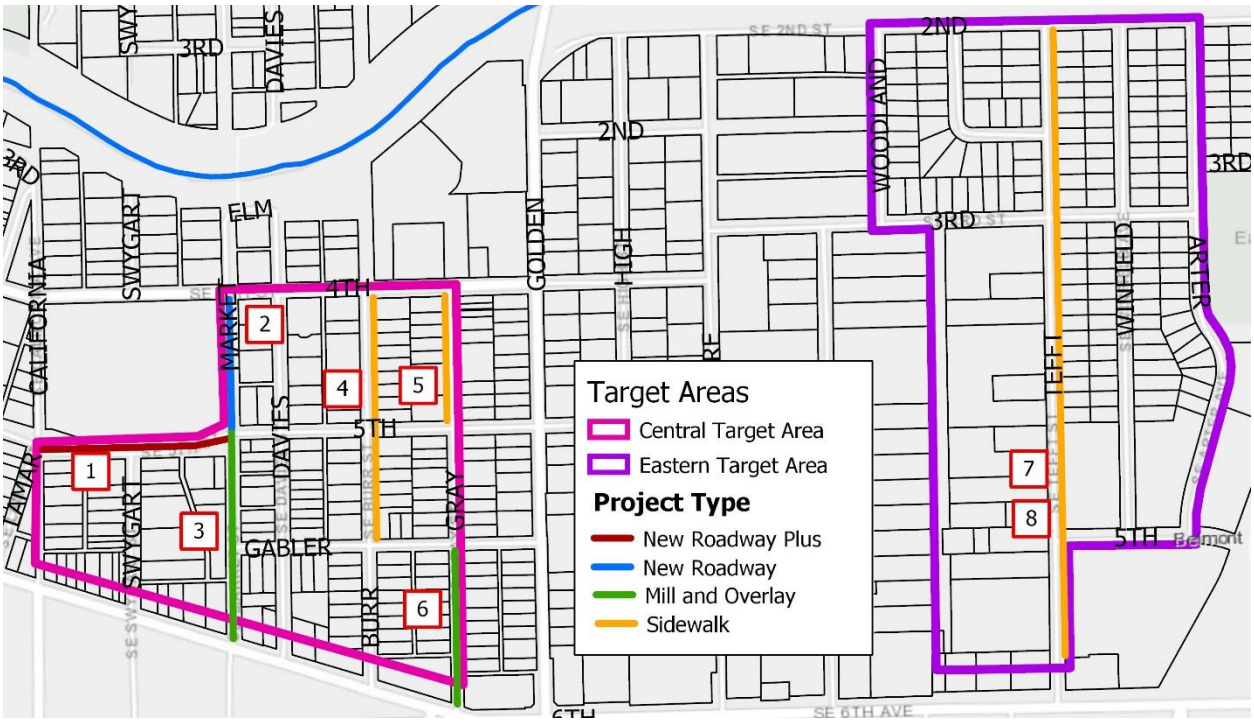
Table 9: Neighborhood Wide Projects

3. A La Cart - If match funding allows for SORT Leveraged Projects through matching funds to be implemented, the remaining SORT budget should be used to select from the following projects.						
Project #	**Street**	**From**	**To**	**Improvement**	**Cost + Contingency**	**Target Area**
13	3rd	Klein	Branner	North Sidewalk	$18,750.00	N/A
14	4th	Klein	Branner	North Sidewalk	$18,750.00	N/A
15	Chandler	3rd	5th	West Sidewalk	$64,062.50	N/A
16	3rd	Chandler	Lake	North Sidewalk	$18,750.00	N/A
17	Chandler	4th	5th	1" M - 2" O	$23,008.33	N/A
18	LAKE	4TH	5TH	2" O	$15,687.50	N/A
19	SE 5th	Leland	California	(one side)	$42,187.50	Eastern
20	Swygart	3rd	4th	1" M - 2" O	$15,720.83	Central
21	Elm/Davies	3rd	5th	1" M - 2" O	$38,866.67	Central
22	5th	Golden	Alkire	South Side	$42,187.50	N/A
23	Woodland	4th	2nd	1" M - 2" O	$86,166.67	Eastern
24	Carnahan	2nd	Tefft	1" M - 2" O	$27,500.00	Eastern
25	2nd	Carnahan	Tefft	1" M - 2" O	$15,125.00	Eastern
26	Winfield	2nd	5th	Sidewalk West	$123,437.50	Eastern
27	Arter	2nd	5th	Sidewalk West	$123,437.50	Eastern
	Alley	From	To	**Improvement**	**Plus 25%**	
28	400 Leland to Liberty	Leland	Liberty	AB-3	$60,416.67	N/A
29	300 Davies to Burr	Davies	Burr	AB-3	$39,875.00	Central
30	1100 6th to 7th	6th	7th	AB-3	$44,104.17	N/A

Table 10: SORT Housing Projects

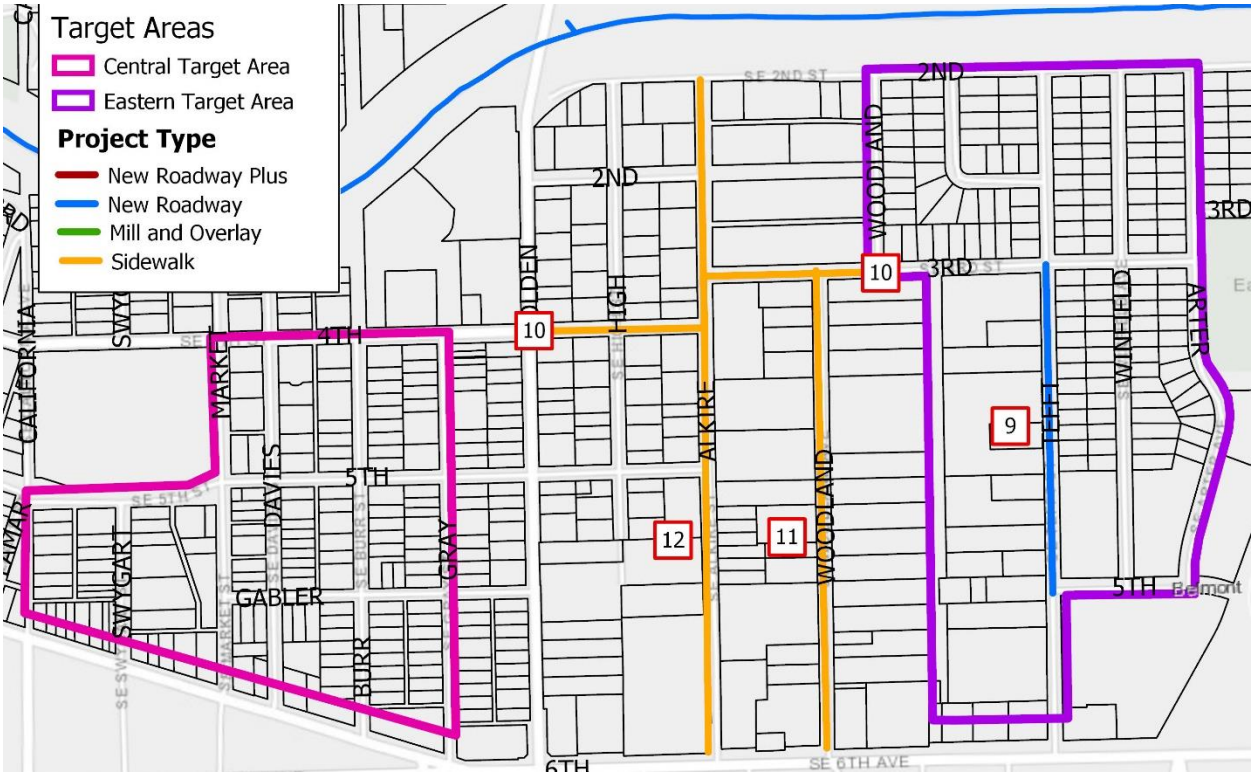
SORT Housing		
Type	Source	1-3 Years
Rehab	CDBG, Home	$330,000
Total		$330,000

Map 15
East Topeka North Priority Projects



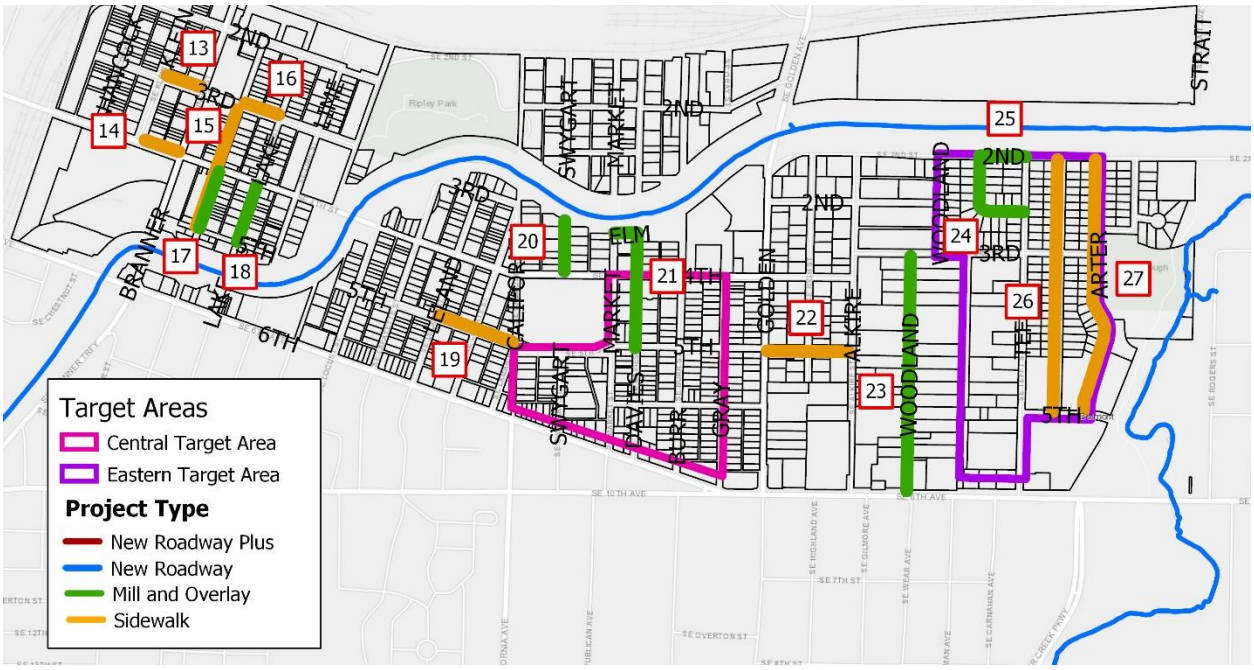
Map 16

East Topeka North SORT Leveraged Projects



Map 17

East Topeka North SORT Neighborhood Wide Projects



Rezoning

There are a few areas within the East Topeka North neighborhood where current zoning is inconsistent with the Future Land Use Plan. A rezoning should be initiated by the Planning Commission to reflect as such (See Map 17 for the proposed rezoning).

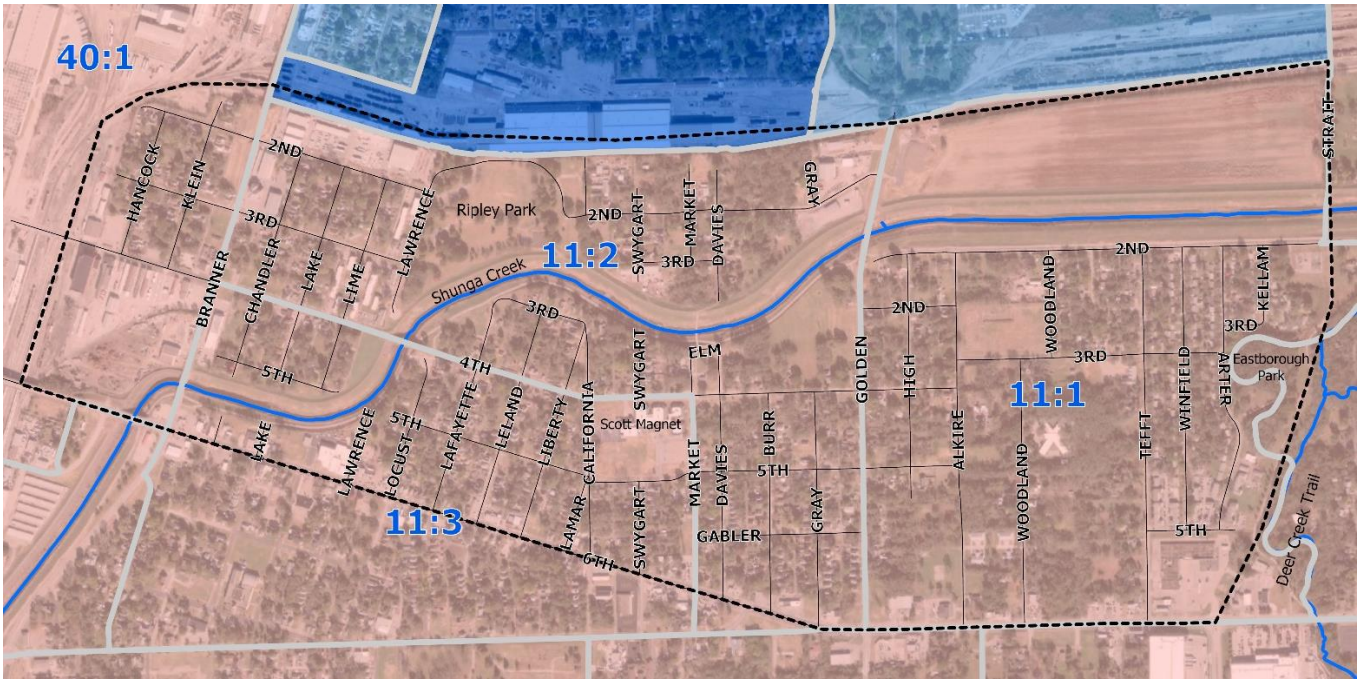
1. The property at 410 SE Arter Avenue is currently zoned for commercial uses. This property should be rezoned to M-1, to fit with the surrounding residential uses.
2. The property at 2401 SE 6th Avenue, while out of the East Topeka North neighborhood, is currently zoned C-4 and not feasible for development. Due to the lack of development opportunity, this property should be rezoned to OS-1.

(HOLD For rezoning Map)

CHAPTER 7

Appendix

Appendix A: Neighborhood Health Data



Vital Signs	Block Group (Pop. 2010)	2000	2003	2007	2011	2014	2017
1) % Persons Below Poverty	11:1 (1,085)	26%	19%	19%	39%	34%	23%
	11:2 (1,028)	18%	30%	30%	55%	45%	55%
	11:3 (1,277)	29%	27%	27%	60%	40%	23%
2) Public Safety (Part 1 Crimes per 100 People)	11:1	(Intensive Care)	14	14	16	14	13
	11:2	(At Risk)	13	13	18	13	11
	11:3	(Intensive Care)	26	22	15	11	9
3) Average Residential Property Values	11:1	$23,260	$22,940	$28,180	$39,030	$38,786	$35,427
	11:2	$15,300	$17,100	$28,690	$34,590	$35,677	$35,233
	11:3	$11,950	$15,250	$14,030	$19,175	$20,216	$19,498
4) Single Family Home Ownership	11:1	48%	49%	41%	47%	45%	47%
	11:2	34%	45%	36%	46%	44%	44%
	11:3	32%	40%	36%	48%	51%	52%
5) Boarded Houses/Unsafe Structures	11:1	2	1	2	1	0	0.30
	11:2	2	1	1	4	3	0.24
	11:3	6	11	6	4	4	1.82
6) Neighborhood Health Composite (Rating)	11:1	1.6	2.2	2.2	2.0	2.2	2.2
	11:2	2.0	2.0	2.0	1.8	1.8	2.2
	11:3	1.0	1.4	1.4	1.8	2.2	2.2

*Vital Signs are recorded by Census Block Group and do not necessarily conform to recognized neighborhood boundaries.

Appendix B: Kickoff Meeting Summary

During the February 2020 East Topeka North Kickoff Meeting three guiding questions were asked:

- What is one thing you would fix or change about East Topeka North?
- What is one thing you want to preserve about East Topeka North?
- How do you see East Topeka North in 15 years?

The following section will outline the answers provided to these questions.

What is one thing you would fix or change about East Topeka North?

- Increase the visual appeal of the Eastboro Shopping Center
- Sidewalks are in poor condition
- Street lighting is needed from 5th Street to 6th Avenue along Alkire
    - Mid-block lighting is needed
    - Along 6th Avenue
    - Along Locust Street
- Trash/dumping in wooded areas – illegal dumping on vacant lots
- Tefft Street 2nd Street to 4th Street needs improvements to pavement, curb and gutter, and sidewalks
- Arter Street drainage issues
- Code compliance issues
- Missing stop signs at intersections
- Lack of a local grocery store (food desert)
- Lack of pharmacy in the area
- Weatherization program needed to help lower utility bills
- Beautify businesses on 6th Avenue
- Lack of funding/organization for training and education
- Vacant, run down houses
- Infrastructure needs around Scott Magnet Dual Language School needs improvement (pavement, curb and gutter, and sidewalks
- More bus shelters
- No pool for kids in the neighborhood

What is one thing you want to preserve about East Topeka North?

- Great neighbors
- Businesses along 6th Avenue
- Ripley Park and Eastborough Park
- Law enforcement
- Code compliance
- Diversity
- Gateway corridor – into the City

- Scott Magnet Dual Language School
- Fire Department
- Close to downtown
- Mom and Pop shops (locally owned businesses)
- Good place to raise children

How do you see East Topeka North in 15 years?

- More parks and community gardens
- Grocery store
- Improved Timberlee apartments or new infill
- Operational Car wash
- Swimming pool at Ripley Park
- More amenities in Ripley Park
- Coffee shop
- Community home financing
- New housing on vacant lots
- More restaurants
- Nice new sidewalks
- Good streets
- New lighting
- Movie theater
- Day care center
- Harley Park – tiny homes and community center
- East Topeka has everything we need

Appendix C: housing and Infrastructure surveys

Criteria used to evaluate **housing** structural defects

Minor Defects – deficiencies correct during the course of regular maintenance.

- Missing shrubbery or bare spots on lawn, trash and garbage accumulation.
- Deteriorated or lacking window screens.
- Weathered pain, minor painting needed.
- Wear on or light damage to steps, window and door sills, frames and porches.
- Weathering of mortar and small amounts of loose, missing material between bricks.
- Cracked window panes, loose putty.
- Handrails deteriorated or missing.
- Missing splash blocks at foot of down spouts.
- Lacking porch lights.

Intermediate Defects – deficiencies serious enough to require more extensive repair than required by regular maintenance.

- Gutters or drain spouts rotten or parts missing.
- Sagging, cracked, rotted or missing roofing, overhang or lattice work.
- Foundation or bearing walls cracked or sagging or with loose, missing material.
- Erosion of landscape due to improper drainage, abandoned vehicle, cracked or uneven sidewalks.
- Deteriorated fencing with loose or missing material.
- Rotted, cracked or sagging porches, columns, door frames and stairways.
- Cracked or missing material from chimney.
- Broken or missing window panes and/or rotted window sills.
- Peeling or cracked paint, complete pain job needed.
- Damaged or missing air vents in foundation.

Major Defects – condition of structural components which can be corrected only by major repairs.

- Holes, open cracks, rotted or missing material in foundations, walls, roofing, porches, columns, etc.
- Sagging or leaning of any portion of house indicating insufficient load bearing capacity: foundation, walls, porches, chimneys.

- Defective conditions caused by storms, fires, floods or land settlements.
- Inadequate or poor quality material used in permanent construction.
- Inadequate conversion for use involved.
- Major deteriorated or dilapidated out building or garage.
- Evidence of a lack of, or inadequate indoor plumbing such as no roof vents.

Category	**Definition**		
Building/Properties	Minor Defects	Intermediate Defects	Major Defects
Sound (3 points)	<5	1	0
Fair (2 points)	0 1 2	2 2 2	0 0 0
Deteriorating (1 point)	Any 3 Any Any	Any 2 3 >2	<5 0 0 0
Dilapidated (0 points)	Any	Any	5+

BLOCKS

SOUND	Average 3.0 – 2.3 points per block
MINOR DETERIORATION	Average 2.29 – 2.0 points per block
INTERMEDIATE DETERIORATION	Average 1.99 – 1.7 points per block
SIGNIFICANT DETERIORATION	Average less than 1.7 points per block

East Topeka North		
Deficiency Type	Count	Percent
Minor	1494	51%
Intermediate	1203	41%
Major	239	8%
Total	2936	100%
Housing Rating	Count	Percent
Dilapidated	6	1%
Deteriorating	253	33%
Fair	129	17%
Sound	380	49%

Criteria used to evaluate **infrastructure**

SIDEWALKS:

3= No defects sidewalk

2= Minor defects- partially overgrown with weeds and grass or broken, cracked (< 25% disrepair/substandard)

1= Intermediate defects- Completely missing segments within that block area, broken and cracked segments, completely overgrown with weeds and grass (> 25% disrepair)

0= Major defects- No sidewalks

CURBS AND GUTTERS:

3= No defects in curbs and gutters

2= Minor defects- Covered up by weeds (< 25 % disrepair/substandard); not draining (standing debris)

1= Intermediate defects- Broken, cracked, missing segments of curbing (> 25 % disrepair)

0= Major defects- None existent; drainage ditches

STREETS:

3= No defects- concrete or asphalt, even, draining

2= Minor defects- uneven concrete/asphalt and/or significant pot holes, cracks, broken pavement (<25% disrepair/substandard)

1= Intermediate defects- uneven concrete/asphalt and/or significant pot holes, cracks, broken pavement (> 25% disrepair/substandard)

0= Major- gravel or dirt; road incomplete or dead-ends; street one-lane and does not allow cars to pass; or any combination of these.

BLOCK AVERAGES

No defects- 2.71 - 3

Minor repairs/maintenance issues- 2.41 – 2.70

Intermediate repairs- 2.00 – 2.40

Major repairs/total construction or replacement- < 2.00

STAFF REPORT – ZONING CASE
TOPEKA PLANNING DEPARTMENT

PLANNING COMMISSION DATE: Monday, December 21, 2020

APPLICATION CASE:	**Z20/05 By: Topeka North American Legion Post #400**
REQUESTED ACTION:	Zoning change from "Multiple Family Dwelling District TO "I-1" Light Industrial District
APPLICANT / PROPERTY OWNERS:	Brett Warren / American Legion Post 400
APPLICANT REPRESENTATIVE:	Kevin Holland, P.E. / Cook, Flatt, and Strobel Engineers
PROPERTY LOCATION / PARCEL ID:	3029 NW U.S. 24 Highway / PID: 0961404003001000
PARCEL SIZE:	2.7 acres
PHOTOS:	View from North side along frontage road:

CASE PLANNER:	Annie Driver, AICP, Senior Current Planner
RECOMMENDATION:	Approval
RECOMMENDED MOTION:	Based on the findings and analysis in the staff report I move to recommend to the Governing Body approval of the reclassification of the property from "M-2" Multiple Family Dwelling District to "I-1" Light Industrial District

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PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY:	Future use of the property is undetermined. Uses are permitted subject TMC 18.60 under "I-1" zoning and subject to those dimensional requirements.

DEVELOPMENT / CASE HISTORY:

The property has remained zoned for multiple family since it was rezoned to "D" Multiple Family Dwelling District in 1975 from its previous Single-Family Dwelling zoning district. (The "D" zoning district converted to "M-2" zoning with a comprehensive change to the zoning code in 1992.)

The original structure was built in 1920 and its original use is unknown. The zoning change in 1975 allowed the use of the building as a fraternal hall by the American Legion. The original structure was altered and expanded in 1990 and 1996 according to the Shawnee County Appraiser. The building and land have been used as a meeting hall and event space. The owner is trying to market the property because of declining membership in the organization.

ZONING AND SURROUNDING PROPERTIES:

East: "I-1" Light Industrial District / light industrial machine shop

West: "I-1" Light Industrial District / new office and warehouse for retail sales of industrial gases

South: "R-1" Single Family Dwelling District / undeveloped, agricultural, or pasture land

North: "I-2" Heavy Industrial District / undeveloped industrial land (recently platted and annexed for future industrial uses)

DEVELOPMENT STANDARDS AND POLICIES

PURPOSE, USE STANDARDS:

"I-1" district: "*The district is established to provide for a wide range of uses except specified uses which are obnoxious by reason of odor, dust, smoke, gas, or noise. The extent and range of uses are highly Intensive."* Uses allowed under I-1 zoning include: *Agriculture product and sales; warehousing, storage and distribution; contractor yards; truck/freight terminals; outside display and storage of equipment and product*s. AirGas, Inc, an industrial gas supplier, recently constructed a warehouse and retail shop adjacent to the property on the west side.

DIMENSIONAL STANDARDS:

"I-1" zoning has no building setbacks, except along the property lines abutting or across the street from a residential zoning district. For this property, a 30' building setback will apply along the length of the south property line that abuts residential zoning as long as that property is zoned for residential uses.

The maximum allowed building coverage ratio is 85 percent in "I-1" zoning. The maximum building height limit is 70'.

OFF-STREET PARKING:

"I-1" District: Off-street parking is required per the standards in TMC 18.240. Outside storage areas will need to be hard surfaced per City policy based on the weight of loads that are parked and/or stored on the pavement and extent to which these areas are accessible by the public and emergency responders.

OTHER DESIGN GUIDELINES AND CONSIDERATIONS:	A Landscape Plan subject to TMC 18.235 Landscape Regulations will be required at the time of Site Plan Review application.
SIGNAGE:	Signage will be permitted per TMC 18 Division 2 Signs as allowed under I-1 zoning. Most signs require a Sign Permit through Development Services Division.
COMPREHENSIVE PLANS:	Land Use and Growth Management Plan 2040 (LUGMP): *Highway Commercial uses*
TRANSPORTATION/MTPO PLANS:	Not applicable

OTHER FACTORS

SUBDIVISION PLAT:	The property is platted as Highway Center Subdivision. Future industrial development may require the owner to dedicate additional right-of-way along the frontage road, which may facilitate the need to re-plat the property. The addition of easements for utilities and stormwater may be required at time of platting or site development.
FLOOD HAZARDS, STREAM BUFFERS:	Designated FEMA "Zone X" area with reduced risk due to levee protection
UTILITIES:	City sewer and water mains already serve the property by public mains s located along the frontage road. All connections to these mains willl be the responsibility of the developer. New development will require the developer to provide post-construction detention and treatment of stormwater.
TRAFFIC:	Access to the site will be from the US 24 Highway frontage road. Site circulation will need to be addressed at the time of Site Plan Review in order to minimize impact on the frontage road.
HISTORIC PROPERTIES:	Not applicable
NEIGHBORHOOD MEETING:	The owner/applicant conducted a neighborhood information meeting on Monday, November 30, 2020 at 5:30 pm via a video conference on Google Meet. No one contacted the applicant's representative to request a link to attend the meeting. Planning staff has not had any email, phone calls or other correspondence regarding this rezoning.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

PUBLIC WORKS/ENGINEERING:	Water (18" main) and sanitary sewer (10" main) currently serve the property with all connections to these mains to be made at the expense of the developer. The stormwater design will be reviewed and approved at the either subdivision plat or site plan review stages. The developer is

required to design and manage stormwater runoff during and after construction so that it does not negatively impact adjacent properties.

FIRE: A fire hydrant is located at the northwest corner of the site in the public right-of-way. The Fire Department will determine if a second hydrant is needed upon submittal of future plans when an actual development is proposed.

DEVELOPMENT SERVICES: There are no issues with the rezoning of the property.

KEY DATES

SUBMITTAL:	November 5, 2020
NEIGHBORHOOD INFORMATION MEETING:	November 30, 2020
LEGAL NOTICE PUBLICATION:	November 25, 2020
PROPERTY OWNER NOTICE:	November 27, 2020

STAFF ANALYSIS

CHARACTER OF NEIGHBORHOOD: Much of the neighborhood along the frontage road of Highway 24 contains a mixture of light industrial and heavy commercial land uses including a motorcycle/ATV dealer and sales, farm/tractor supply dealer and sales, tree/yard waste recycling, and warehouse/storage uses. Air Gas (industrial gases supplier) recently rezoned land on the west to "I-1" for construction of a new warehouse and retail building. Pasture/grazing/farm land, currently zoned "R-1", lies to the south of the subject property. The north side of U.S. 24 Highway contains both a mix of pasture/grazing/farming land and light industrial uses along the frontage road, which is all zoned for "I-2" heavy industrial uses. The property to the north, on the north side of US 24 Highway, was platted and annexed recently for future industrial development.

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: The subject property has remained zoned for multiple family dwellings since it was rezoned from the single family dwelling district in 1975. The existing building has remained on the property since it was constructed around 1920. Available information indicates it started to be used as an American Legion hall in the 1970s, and was expanded in 1990 and 1996. The building and land have been used as a meeting hall and event space. The owner is trying to market the property because of declining membership in the organization.

CONFORMANCE TO COMPREHENSIVE PLAN: The Land Use and Growth Management Plan – 2040 designates the property for *Commercial* uses. This designation along this segment of Highway 24 is intended to allow for highway commercial uses such as: Automobile/truck/trailer dealerships, tractor/farm supply, warehousing, and other similar intensity light industrial or heavy commercial uses that presently exist along the frontage of Highway 24. The category indicates light industrial zoning may also be appropriate when the existing character of the area reflects a mixed land use arrangement that combines heavy commercial and industrial uses such as those uses within this area.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES OF WHICH IT HAS BEEN RESTRICTED: The subject property has remained zoned for multiple family residential use since 1975. Prior to that, it was zoned for single-

family residential use. Due to the mixture of light industrial/heavy commercial uses along the frontage of Highway 24, the subject property is not as suitable as it was in past years as restricted under the "M-2" Multiple Family Residential zoning. All land fronting on US 24 Highway within one mile or more to the west is zoned for light industrial uses, and all land fronting on US 24 Highway within one quarter of a mile to the east is zoned for light industrial or heavy commercial uses. Since 1975 the properties east and west of the property, on the frontage road of Highway 24, have intensified with light industrial and heavy commercial uses. These properties along the frontage of Highway 24 contain a mixture of dealerships (motorcycle/ATV), tractor/farm supply, warehousing/storage uses, and a yard waste/tree mulching operation.

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: There are no anticipated substantial negative effects upon surrounding properties by removal of the present restrictions under the current "M-2" zoning. There are no surrounding residential uses lying along this frontage of NW U.S. 24 Highway. The land immediately to the south is zoned for "R-1" uses, but this land is undeveloped and is designated as "Industrial" on the City's Future Land Use Map in the Land Use & Growth Management Plan.

Redevelopment of the subject site will require City review of a site plan and related plans to ensure compliance requirements for landscaping, off-street parking, exterior building design, and stormwater drainage. The developer of the site will be required to design and manage stormwater runoff so that it does not negatively affect adjacent properties.

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: Without the proposed zoning change, the hardship upon the individual landowner is evident since the surrounding properties along the frontage road have developed for light industrial and heavy commercial uses. The sale and use of the property as restricted for residential is difficult since it is surrounded by uses of light industrial intensity. There appears to be no harm to the public health, safety and welfare by rezoning the property to a zoning district comparable to that of surrounding properties and uses.

AVAILABILITY OF PUBLIC SERVICES: Adjacent public streets are adequate to serve the development. All essential public utilities, services and facilities are presently available to serve this property with any required connections being made at the expense of the developer.

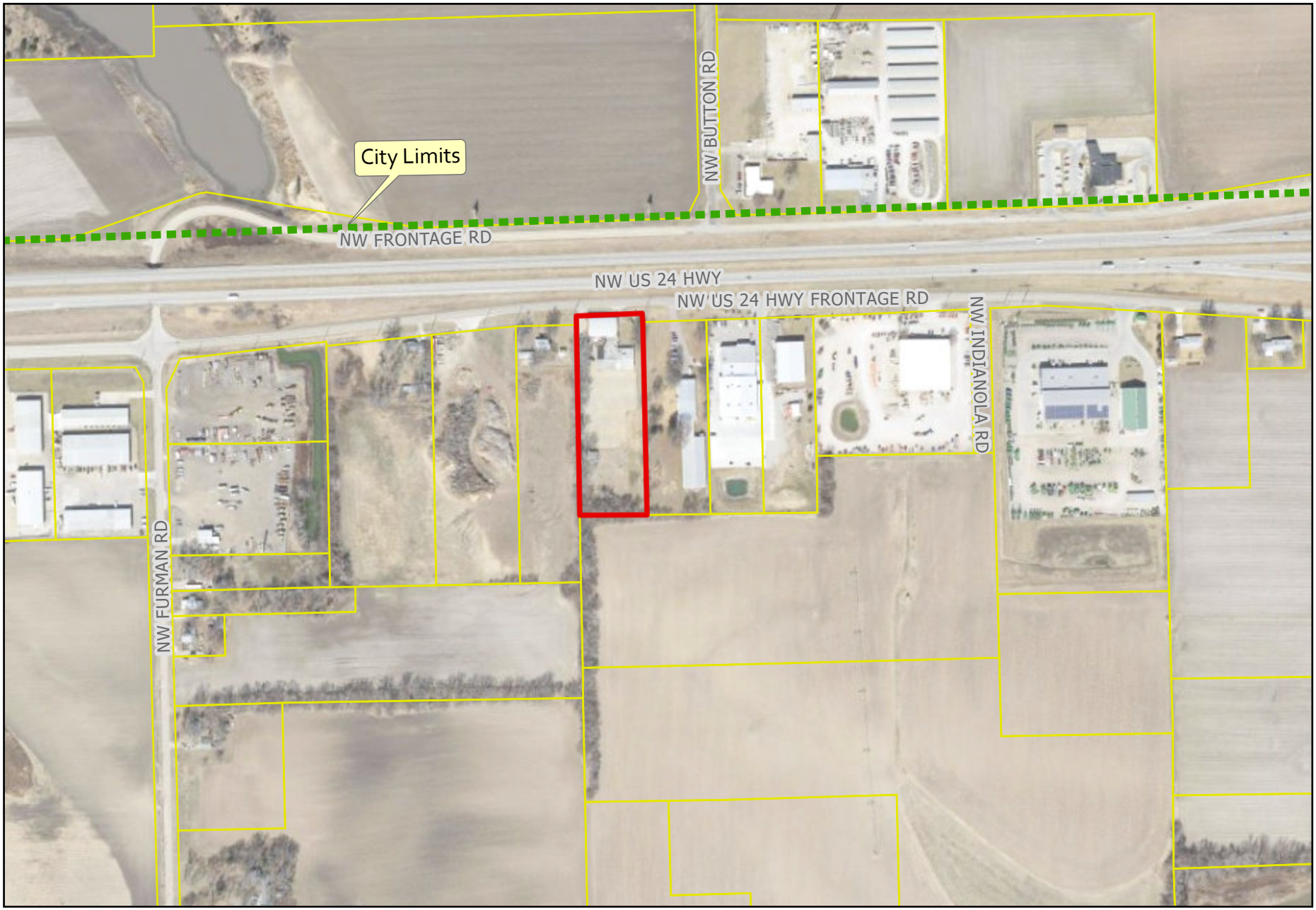
STAFF RECOMMENDATION:

RECOMMENDATION: Based on the above findings and analysis Planning Staff recommends approval of the zoning reclassification from "M-2" Multiple Family Dwelling District TO "I-1" Light Industrial District.

RECOMMENDED MOTION: Based on the findings and analysis in the staff report I move to recommend to the Governing Body approval of the reclassification of the property from "M-2" Multiple Family Dwelling District TO "I-1" Light Industrial District.

Exhibits:
Aerial map
Zoning map
Future land use map
NIM Summary

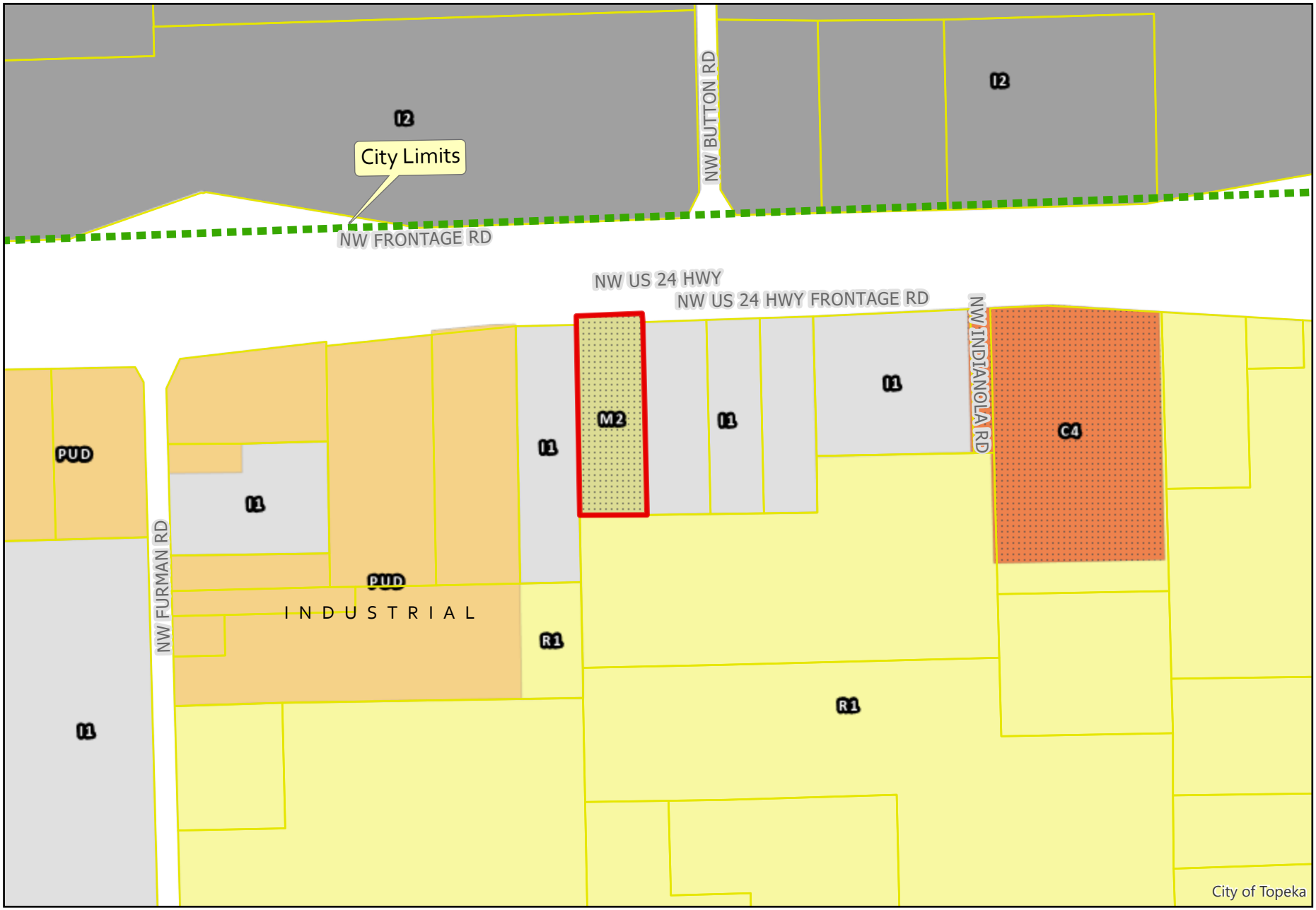
Z20/05 By: Topeka North American Legion Post 400



City of Topeka
Planning and Development
Department

Subject Property (Z20-05)

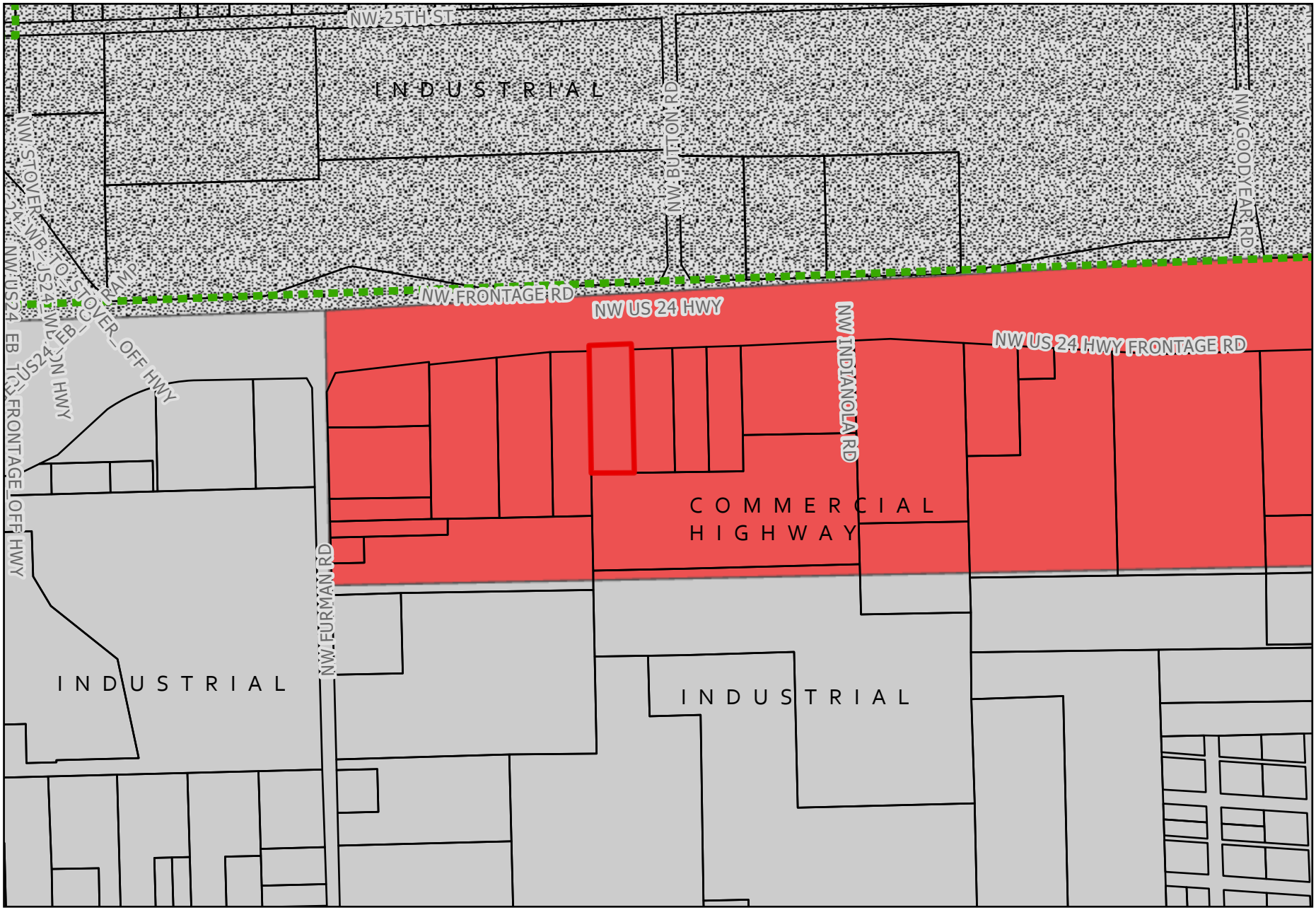
Z20/05 By: Topeka North American Legion Post 400 (Zoning Map)



City of Topeka
Planning and Development
Department

Subject Property (Z20-05)

Z20/05 By: Topeka North American Legion Post 400 (Future Land Use)



City of Topeka
Planning and Development
Department

Subject Property (Z20-05)

Memorandum

To: Annie Driver

CC:

From: Kevin Holland

Date: 12/03/2020

Re: Rezone Public Meeting for American Legion Post 400 Property

Annie, we held a Zoom Public Meeting for the American Legion Post 400 Property off of the Highway 24 Access Road. No one responded to the notices sent to property owners surrounding the property and no one attended the meeting.

STAFF REPORT – ZONING CASE
TOPEKA PLANNING DEPARTMENT

PLANNING COMMISSION DATE: Monday, December 21, 2020

APPLICATION INFORMATION:

CASE NUMBER / NAME:	CU20/03 By: Kansas Sand and Concrete Inc.
REQUESTED ACTION / CURRENT ZONING:	A Conditional Use Permit (CUP) for "Manufacturing and Processing Type II" to allow a concrete mixing plant on property located along the east side of NW Stina Court at its intersection with NW 25th Street.
PROPERTY OWNER:	Kansas Sand and Concrete Inc.
APPLICANT REPRESENTATIVE:	John Hutton, Attorney-at-Law, Hutton, Henson, Mudrick, Gragson, Vogelsberg Attorneys LLP
CASE PLANNER:	Annie Driver, AICP, Senior Current Planner
PROPERTY LOCATION / PARCEL ID:	Northeast corner of NW Stina Court and 25th Street / 0961402001002110
SIZE OF PROPERTY:	10.2 acres
STAFF RECOMMENDATION:	Based upon the above findings and analysis, Planning Staff recommends APPROVAL to the Governing Body of the Conditional Use Permit CU20/03 subject to conditions stated in the staff report below.
RECOMMENDED MOTION:	Based on the findings and analysis in the staff report I move to recommend APPROVAL to the Governing Body of the Conditional Use Permit CU20/03 subject to conditions stated in the staff report below.
Photos	View of property looking east taken from NW Stina Court

View of Single Family Residence taken from NW Stina Court

View of property across NW 25th Street (to the right) from NW 25th looking east. *(Google street view photo)*

PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY:

The property owner proposes to construct a 27,500 sq. ft. concrete mixing plant, offices, and associated shop. The use requires a CUP in the I-2 zoning district since under TMC18.60 it is classified "Manufacturing and Processing Type III". The operations of the plant will primarily be conducted inside the enclosed shop, including mixing of concrete. Dust associated with this activity is collected in a dust collector and recycled. Outdoor operations are limited to offloading of crushed rock, sand, and cement on the north portion of the property. The crushed rock will be stored in concrete bins. There is a washout pit on the northeast side of the property for trucks to wash out the residual concrete from the trucks' drums. No extraction of sand will occur on the property. Sand and aggregate will

be brought to the site, as indicated in the TIA, primarily from the west from Highway 24 and Stover Road.

The applicant has included a detailed Statement of Operations that further addresses operating characteristics of the use. The Statement indicates how they propose to address perceived on-site and off-site impacts.

DEVELOPMENT / CASE HISTORY:

The subject was annexed into the City and platted in 2010 for industrial development as part of ADR Industrial Park Subdivision. The area north of NW 25th and east of Highway 75 has been zoned for Heavy Industrial since at least 1968. The property is located on the extreme northern edge of the City limit boundary, which is the property's north, west and east property line.

ZONING AND CHARACTER OF SURROUNDING PROPERTIES:

North: "I-1" Light Industrial District / undeveloped, vacant pasture

South: "I-2" Heavy Industrial District / Two, single family dwelling parcels, mobile home park and cabins, industrial warehousing, outside storage, undeveloped land

East: "I-2" Heavy Industrial District / undeveloped, vacant pasture

West: "I-2" Heavy Industrial District / Undeveloped, platted, industrial land (ADR Industrial Park Subdivision)

COMPLIANCE WITH DEVELOPMENT STANDARDS AND GUIDELINES

BUILDING HEIGHT, SETBACKS & FENCES:

Setbacks: The "I-2" zoning district does not require setbacks except where adjacent to residential zoning. However, the proposed building setback for the office portion is 315 ft from NW 25th Street, 180 ft. from the adjoining east property line, and 100 ft. from Stina Ct. The proposed setback for the actual plant facility is 473' from NW 25th Street and 100 ft. from Stina Ct.

Height: The "I-2" zoning district does not have a building height limit. The proposed building height is 23' (office) up to 91' (plant).

Fence: A 6' tall chain link fence with black PVC slatting will surround the office, parking, shop, plant, and storage areas. The landscaping is for the will be located on the outside of the fence, next to the street side.

PARKING AND ACCESS:

Off-street parking is provided at 1 stall per 1,000 sq. ft. pursuant to TMC18.240 for industrial uses. 73 stalls are provided which exceeds the required parking. Additional parking for concrete trucks is provided at the northeast side of the property.

The City of Topeka has "*Surfacing Standards for Parking, Loading, and Outdoor Storage Areas*". The applicant's site plan meets those standards.

LANDSCAPING AND SCREENING:	The CUP landscape plan demonstrates compliance with the basic requirements of TMC 18.235 Landscape Regulations for the considered "developed area" of 127,000 sq. ft. Per 18.235.060, unimproved areas and outside storage areas are not applied to the generation of required points provided the performance standards of the chapter are satisfied. The landscape plan demonstrates "large trees" along the street frontages of Stina and NW 25th. A natural buffer of at least 20' in width is provided along the east property line adjoining undeveloped land (zoned Heavy Industry).
SIGNAGE:	The CUP site plan indicates no signage is proposed. If signage is proposed in the future, all signage shall comply with TMC18.10 for I-2 zoning.
BUILDING DESIGN STANDARDS:	The Type C standard indicated in TMC18.275 applies to the building. As consistent with previous industrial projects, staff will only apply this standard to the "office" portion of the building. Staff performed a preliminary review (prior to building permit) and determined there are no substantial changes required based on the elevation concept that the applicant submitted.
TMC 18.215.030 – GUIDELINES FOR CUP EVALUATION:	The guidelines relate to development density, height and floor area relative to surrounding structures, setbacks of surrounding structures, building coverage, functionality and safety of parking and circulation, stormwater management, building design, traffic and other operational characteristics, the Comprehensive Plan, and other applicable regulations. The attached Statement of Operations describes in detail how these objectives are met, as described by the applicant. Adherence to guidelines: • The site is contained within an existing industrial park planned for similar such uses. The site has been zoned Heavy Industrial since the 1960s when there area was planned as an industrial park in Shawnee County. • The office building is set back from NW 25th 315 feet, the plant is set back at least 450 feet, and all areas for outdoor storage are at the north side of property. • No extraction of raw materials will occur on this site • The facility is design so that all mixing of concrete is done indoors, dust collected and recycled. • Concrete bins on the north side of the site will hold crushed rock and sand. • A washout pit is located on the north side of the property where trucks will be allowed to wash drums of concrete. • There are two detention ponds on the south and north sides of the property to address stormwater runoff. The applicant will address stormwater treatment by installing rain gardens and vegetated swales, as identified on the site plan. • The applicant's Traffic Impact Analysis (TIA) concludes there is no change to the existing level of service A at the intersections (NW Stover/25th and NW Stina/25th). The scope of the TIA studied these two intersections as the predominant traffic will come from Highway 24 via Stover Road.

- The City's traffic engineer required a Pavement Analysis to determine the additional deterioration on adjacent streets from trucks traveling to and from the concrete plant. City Engineering Division is making recommendations for overlays to NW Stina and segment of NW 25th based on this analysis.

PUBLIC FACILITES

TRANSPORTATION FACILITIES:	NW 25th Street is designated on the MTPO Functional Classification Map as a collector street. NW Stina is a local street. NW Stina was constructed in 2010 to City design standards for designated local streets. NW 25th was likely constructed in unincorporated Shawnee County to the County design specifications in effect at the time (unknown).

OTHER FACTORS

SUBDIVISION PLAT:	The subject property is currently platted as Lots 8-11, ADR Industrial Park Subdivision.
FLOOD HAZARDS, STREAM BUFFERS:	Zone X - "Area of Minimal Flooding"
HISTORIC PROPERTIES:	None
NEIGHBORHOOD INFORMATION MEETING:	The applicant held a neighborhood information meeting on November 18, 2020 via video conference. One relative of the owner of the adjoining property to the east attended the meeting. A summary of that meeting is attached.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

PUBLIC WORKS/ TRAFFIC ENGINEERING:

Although the property is zoned I-2 for industrial uses, and heavy truck traffic is typically associated with industrial uses allowed under I-2 zoning, a CUP is required for the proposed use ("Manufacturing and Processing, Type II"). The guidelines in TMC18.215.030 (c) of the CUP regulations require the City to determine that the use not have an adverse effect on transportation infrastructure. Furthermore, the Land Use & Growth Management Plan-2040 (the City's comprehensive plan for land use) expresses the policy objective of ensuring adequate infrastructure for uses in the Employment Tier in which this property is located.

As a part of the original application, the Traffic Engineer required the consultant to submit a Traffic Impact Analysis to address whether there will be a detrimental impact to the operation of the intersections from the volume of vehicles added to road network by this use. The potential for undue deterioration of the condition of roadway surfaces is also a concern and, to address that concern, the City requested a Pavement Analysis be

conducted to analyze the design life and conditions of NW Stina and NW 25th (from the intersection west to Stover Rd).

The TIA indicated the use adds only an additional 39 AM and PM peak hour trips to the street network and will not adversely affect the capacity or traffic operations within the study areas of NW 25th and Stina and NW 25th and Stover Roads. The intersections will operate at a Level of Service A.

The Pavement Analysis concluded the following:

- NW Stina Court: NW Stina is a locally designated street constructed to City design specifications. The design life is reduced from 18 years to 12 years, with significant repairs needing to be made at the end of that life.

- NW 25th Street to NW Stover Road: NW 25th is a collector designated street and an older concrete section, likely constructed by Shawnee County, overlain with asphalt concrete. A different method was used to estimate design life because construction plans and maintenance records are not available for this road. Instead, an overview was performed of existing road conditions that evaluated pavement distress and cracking. In general, life of the roadway may be shortened by 30%, similar to Stina, due to anticipated loading Based on traffic loading provided by KS Sand, additional overlay is also anticipated to what would be required for standard industrial traffic.

- The City Engineering Division has made the recommendation that based on evaluation of the Pavement Analysis that a 2"overlay on the full width of NW Stina up to the northern most proposed driveway and 1" mill/3" overlay of NW 25th from the east property line to the west curb return of NW Stover Road. A substantially equivalent proposal with the goal of prolonging the life of existing pavement, using different methods or materials, will be considered

- City and County Public Works requested additional information be added that address impact on the County roads (excluding highways) that are being used to bring sand/aggregate to the site. The County does not have additional significant concerns based on information provided in the updated TIA dated 12-10-2020, which provides clarification on these routes.

FIRE: The Fire Dept. did not express substantial concerns with the site layout as proposed. The Fire Dept. will review additional plans upon submittal of site plan review and building permit applications.

DEVELOPMENT SERVICES: Submittal of all applications for permits is required including, but not limited to: site construction, parking, and building.

KEY DATES

APPLICATION SUBMITTAL:	October 23, 2020
NEIGHBORHOOD INFORMATION MEETING:	November 18, 2020
LEGAL NOTICE PUBLICATION:	November 20, 2020
PROPERTY OWNER NOTICES MAILED:	November 25, 2020

STAFF ANALYSIS

EVALUATION CRITERIA: In considering an application for a Conditional Use Permit, the Planning Commission and Governing Body make findings and conclusions with respect to the following pursuant to Topeka Municipal Code Section 18.245.020 in order to protect the integrity and character of the zoning district in which the proposed use is located and to minimize adverse effects on surrounding properties and neighborhood. In addition, all Conditional Use Permit applications are evaluated in accordance with the standards established in the Section 18.215.030 as related to land use compatibility, site development, operating characteristics, and consistency with the Comprehensive Plan.

1. **The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies:** The subject property lies within an area designated *"Employment Tier – Industrial"* by the Land Use and Growth Management Plan – 2040. The plan establishes additional policies for development of industrial uses for properties in the Employment Tiers. Although most of these areas are already zoned for industrial uses, the extension of urban infrastructure may be necessary to serve either single or multiple users. Provided objectives of the plan are met, the proposed use is in conformance to the Comprehensive Plan as the area has been planned and zoned for heavy industry since 1968.

2. **The character of the neighborhood including but not limited to: land use, zoning, density, architectural style, building materials, height, structural mass, siting, open space and floor-to area ratio:** The character of the area is predominantly a mix of rural parcels used for pasture/grazing/farming that include single-family houses and parcels that are developed for industrial uses. All of the lands fronting on NW 25th Street and bounded by U.S. 24 Highway on the south, Soldier Creek on the north, US-75 on the west, and up to and including the Goodyear Tire plant on the east are zoned "I-2" Heavy Industrial, but most are being used for agriculture. There are two single-family residences and a parcel containing several residential cottages lying directly south of the subject property opposite NW 25th Street, and these are all zoned I-2. Even so, the proposed concrete plan (with its office component being closest to 25th Street) is set back 300 to 400 feet from the residential properties and separated by the addition of a stormwater detention facility between the new building and 25th Street.

3. **The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning and uses:** The area was zoned "I-2" Heavy Industrial District in the late 1960s for an industrial park that was planned north of Topeka. The surrounding area is undeveloped, pasture/grazing land, industrial uses, or rural residential home sites. The east side of the property contains an existing landscape buffer that the applicant intends to leave undisturbed. The proposed site and landscape plan adds additional landscaping along the road frontages and along the east property line. The office/shop/plant and exterior storage areas are set back substantially back from residential uses on the opposite side of NW 25th Street by at least 300 to 500 feet. The site plan shows any outside storage areas to be sited at the far north end of the property, a substantial distance from any residential uses.

4. **The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations:** The subject property has been zoned for Heavy Industrial uses since zoned by Shawnee County in

1968 when an industrial park was planned north of Topeka. The site is still suitable for uses as presently restricted under the "I-2" Heavy Industrial District provided infrastructure needed to serve this industrial use is adequate.

5. The length of time the property has remained vacant as zoned: There subject property has historically contained pasture/grazing or farmland. The site was annexed in 2010 when the property was platted for future industrial uses as part of ADR Industrial Park Subdivision.

6. The extent to which the approval of the application would detrimentally affect nearby properties: There should be minimal detrimental effects upon nearby properties as the proposed use lies within an existing industrial park and the surrounding area is zoned for heavy industrial uses. A Conditional Use Permit allows a use in a zoning district subject to conditions to ensure there will be no detrimental impacts on adjacent property and public roadways. CUPs often require some conditions to mitigate any potential detrimental effects that are anticipated. If improvements are made as recommended, the use should be in harmony with the surrounding zoning and future and existing land uses.

7. The extent to which the proposed use would substantially harm the value of nearby properties: Based upon the surrounding pattern of zoning and development, the proposed use should have a minimal, if any, impact on the value of surrounding properties since the surrounding properties are all zoned for "I-2" Heavy Industrial uses.

8. The extent to which the proposed use would adversely affect the capacity or safety of the portion of the road network influenced by the use, or present parking problems in the vicinity of the property: As required by the City of Topeka, a Traffic Impact Analysis was required for the use and indicated the proposed use will generate 39 additional peak hour trips that are being added to the road network based on the study's scope (25th and Stina and 25th and Stover). Relative to traffic volume, the study indicated there will be no adverse impacts on capacity and traffic operations. The TIA indicated the studied intersections will still operate at a Level of Service A after the development.

   The driveway spacing on Stina does not meet City design standards, but the proposed driveways are ideally sited because they align with truck service bays. The site plan demonstrates 73 parking stalls which in excess of required parking per TMC18.240 for industrial uses. The stalls at the north end are designed to accommodate daily parking of concrete trucks. The City and County Department of Public Works have accepted the results of the Traffic Impact Analysis with additional information provided from the applicant.

   The concern of the City and County is the effect the impact of loads will have upon the road network, rather than traffic volume, on streets that were not designed for these proposed loads. The TIA demonstrated the need for the applicant to conduct a "Pavement Analysis" for NW Stina and the 25th Street segment up to Stover Road. The results generally indicate a reduction in the design life of Stina Court from 18 to 12 years without additional mill and overlay. A similar conclusion was made for NW 25th to Stover and suggested a 30% decrease in the design life of that segment of roadway would occur from this type of heavy industrial traffic and would normally anticipate additional mill and overlay efforts based on pavement section that were pulled. The City Engineering Division has indicated that improvements to NW Stina and NW 25th Street will be needed. That being said, without improvements to those mentioned segments of the roadway there may be a long-term adverse effect on a portion of the road network.

9. The extent to which the proposed use would create excessive air pollution, water pollution, noise pollution or other environmental harm: The applicant has indicated the plans they have to address air, water, noise and smoke within their attached statement of operations. The plant is designed so that all mixing of concrete is conducted indoors and then collected in a dust collector and recycled. Washout pits are provided on the north side of the property for concrete trucks to wash their drums. Any stockpiling will occur on the north side of the site and then be crushed and recycle. The applicant has proposed two stormwater detention facilities located on the north and south sides of the property that will be designed to address stormwater quantity and quality. The plans will be

further reviewed and approved by the City's Stormwater Engineer when the full Stormwater Management Plan is submitted. An initial concept has been reviewed and considered generally acceptable.

10. The economic impact of the proposed use on the community: The applicant has operated a plant in Topeka for nearly 100 years near the Kansas River and employs at least 39 individuals. The existing site is difficult to access given its surroundings near the railroad. The existing site is more readily accessible to/from highways and provide more convenience for trucks coming to and leaving the site to gain access to Highway 24.

11. The gain, if any, to the public health, safety and welfare due to denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application: The site is located in an existing industrial park that is zoned for heavy industrial uses; this does not change. Ultimately, as the area develops for additional industrial uses, the surrounding infrastructure will be improved and extended for such uses. The applicant acquired land from the adjoining lot owner because of access to Highway 24 and the area is generally suitable for this type of use.

STAFF RECOMMENDATION:

RECOMMENDATION: Based upon the above findings and analysis, Planning staff recommends APPROVAL subject to conditions of approval.

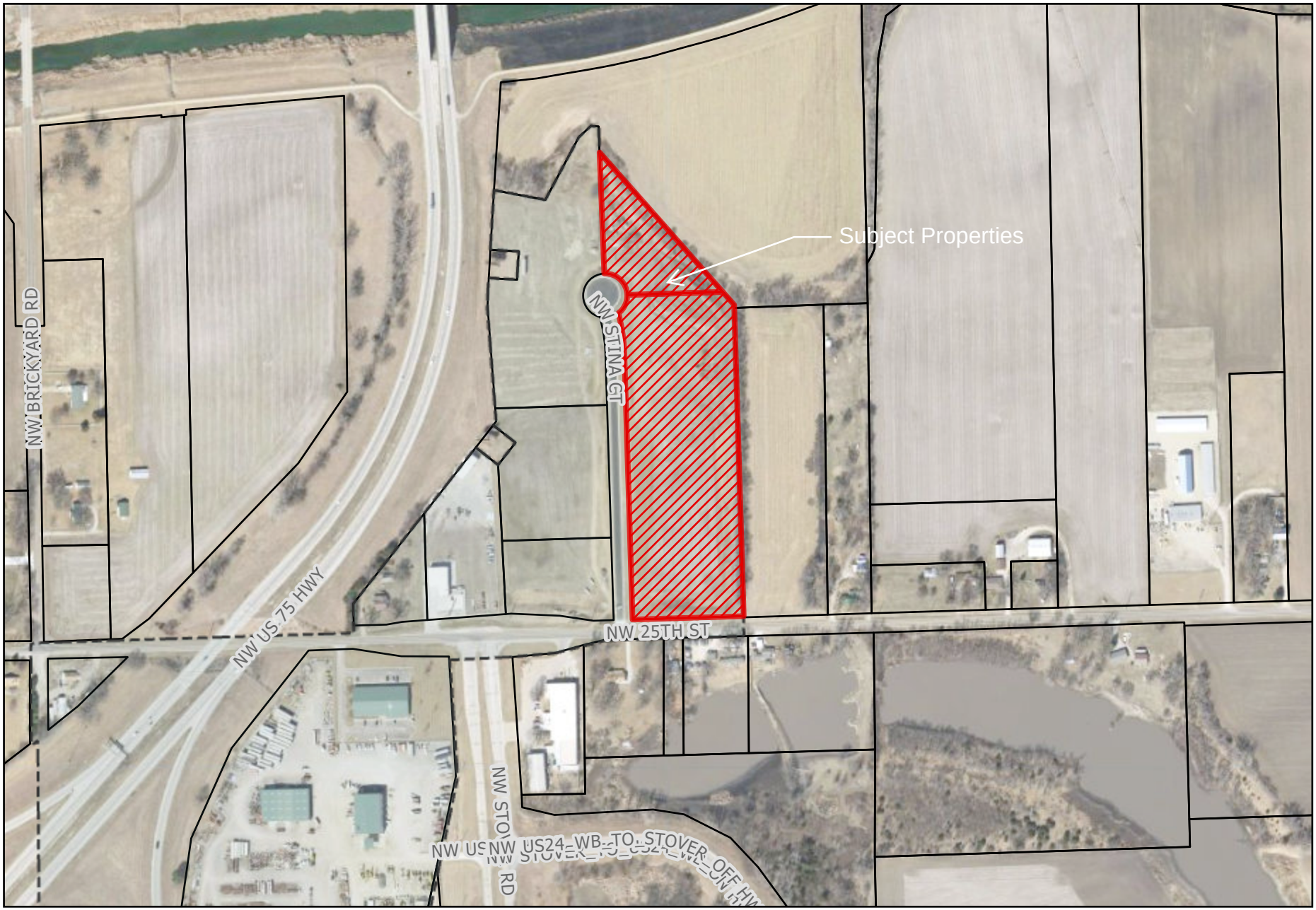
RECOMMENDED MOTION: Based on the findings and analysis in the staff report I move to recommend APPROVAL of the Conditional Use Permit CU20/03 subject to the following conditions of approval:

1. Use and development of the site in accordance with the approved Site Plan, landscape plan, and related plans and Applicant's Statement of Operations for Kansas Sand and Concrete Inc.
2. Adding Note: "No *Building Permits shall be issued until Stormwater Management Plans are approved including granting of any necessary stormwater management easements."*
3. Add Note: "*Roadway improvements to NW Stina and NW 25th Street as recommended by the City Engineer or a substantially equivalent alternative proposed by the applicant shall be completed or under contract for construction prior to issuance of a Certificate of Occupancy."*

Attachments:

- Aerial Map
- Zoning Map
- Future Land Use Map
- CUP site plan and landscape plan, and other related exhibits, revised 12-7-2020
- Applicant's Statement of Operations
- Applicant's Neighborhood Meeting Summary, dated 11-18-2020
- Traffic Impact Analysis, SBB Engineering Inc., revised 12-10-2020
- Pavement Analysis, Terracon Consultants, Inc., revised 12-9-2020

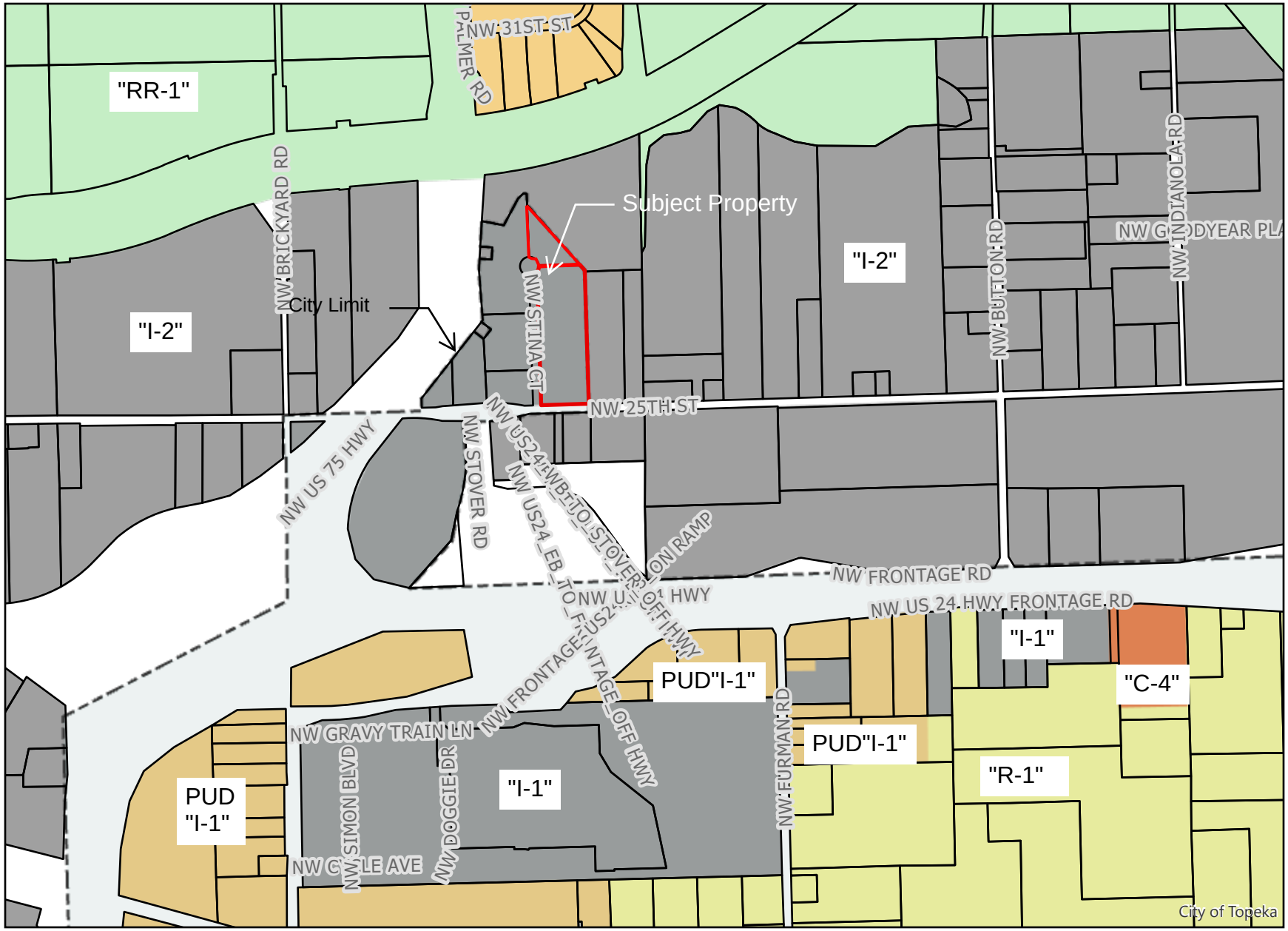
CU20/03 By: Kansas Sand and Concrete Inc



City of Topeka
Planning and Development
Department

Subject Property (Kansas Sand & Concrete Inc)

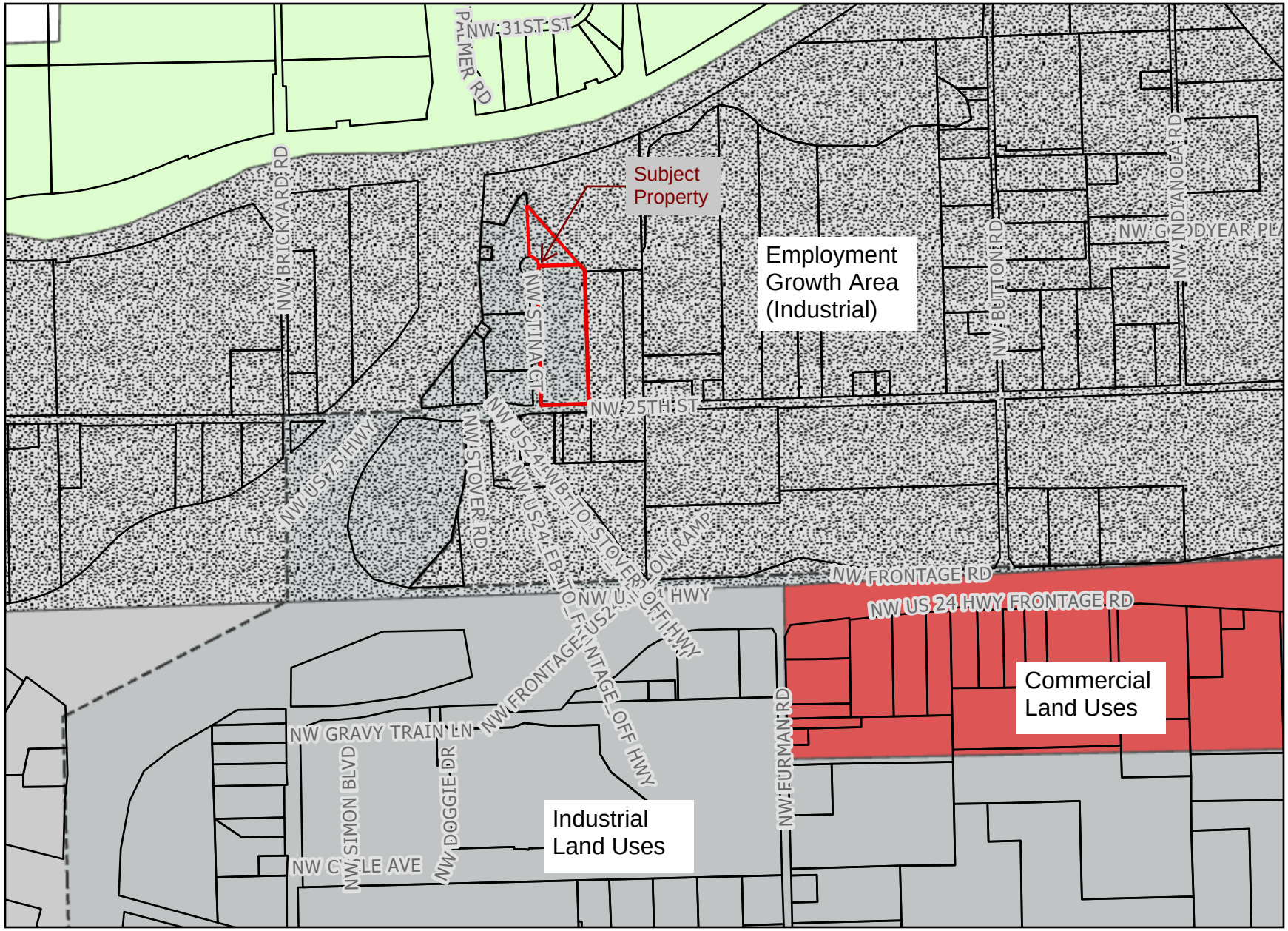
CU20/03 by: Kansas Sand and Concrete Inc. (Zoning Map)



City of Topeka
Planning and Development
Department

Subject Property (CU20/03)

CU20/03 by: Kansas Sand and Concrete Inc. (Future Land Use)



City of Topeka
Planning and Development
Department

Subject Property (CU20/03)

A Conditional Use Permit for Kansas Sand and Concrete, Inc.

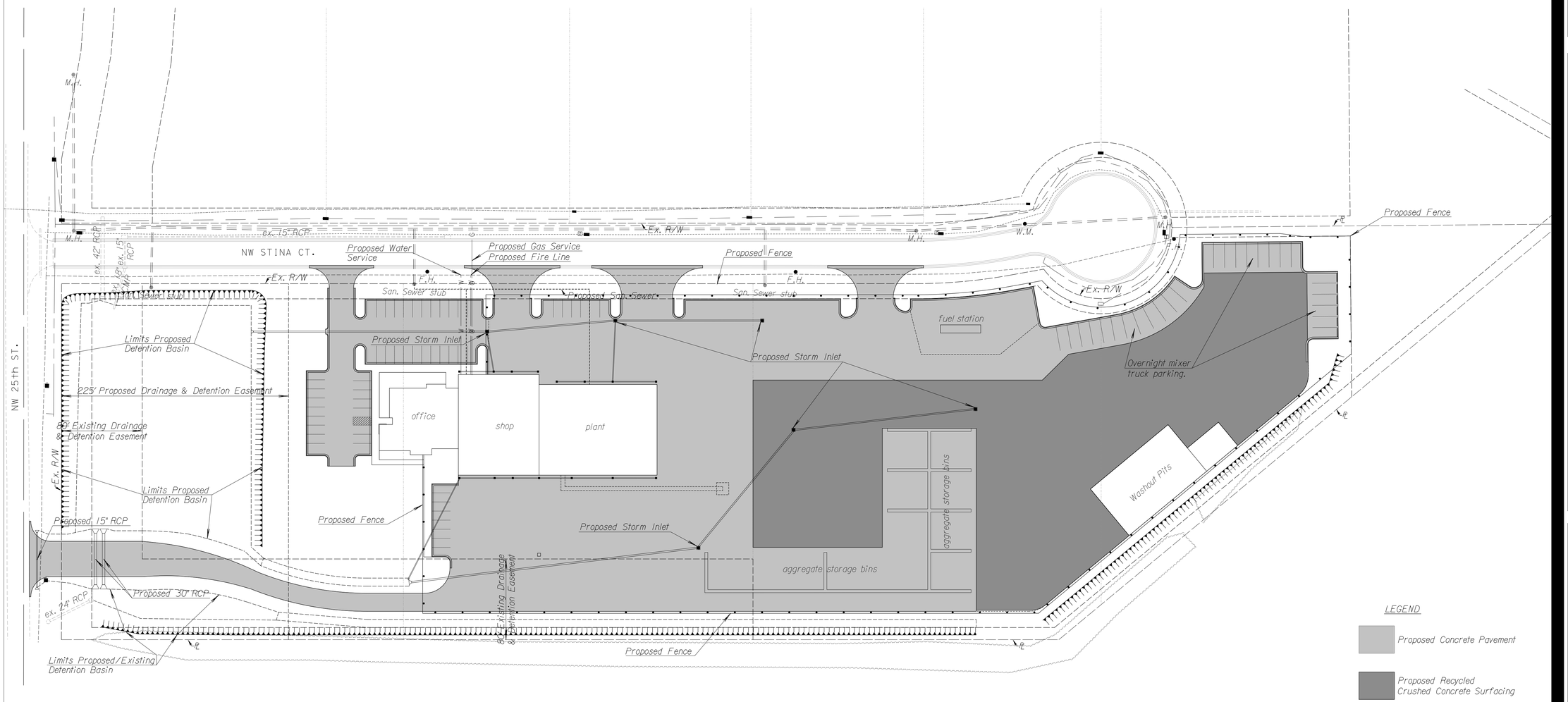
Scale: 1"=50'

0' 25' 50' 100'

NOTE: Approval of all required permits from City of Topeka Development Services including, but not limited to, Building and Fence Permits.

STATEMENT OF USE: Manufacturing and Processing Type III for a Sand and Concrete Mixing Plant.

PARKING: Required off-street parking is 27 stalls at 1 stall per 1,000 sq. ft. based on TMC18.240 as indicated for industrial uses.
Provided parking is 56 stalls, including 2 handicapped accessible stalls.



PROPOSED SITE PLAN
KS SAND PLANT - NW STINA CT.

DATUM BM: City of Topeka BM #136: Brass disk in concrete post, SE quadrant of NW 25th St. and NW Stover Rd. Elev. 894.62

TINNEY & TURNIPSEED
TRANSPORTATION & CIVIL ENGINEERING, L.L.C.
TOPEKA, KANSAS

PROPOSED PLANT FOR:

KANSAS SAND AND CONCRETE, INC.
531 N.W. TYLER,
TOPEKA, KANSAS 66608

JOB NUMBER:

DATE: 11/23/2020

REVISIONS:

DRAWN BY: TAR

Square footage of developed area: 127,410

Base points required: 424 (See Table 1)

Parking lot points required: 109.5 (1.5 points per parking space) 73 parking spaces

Total points required: 533.5

Existing tree credits claimed: 0

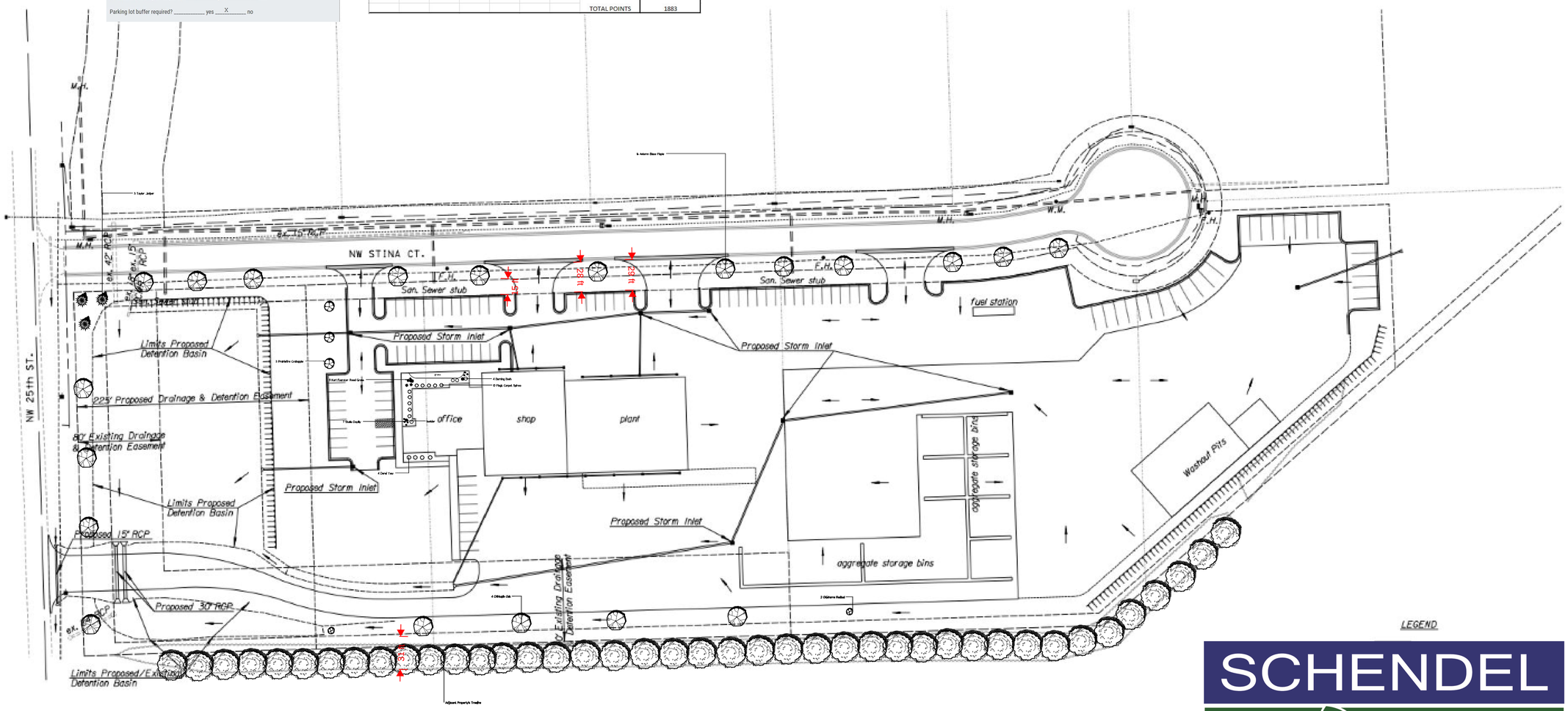
Irrigation credits claimed: 0

Total points obtained: 1883

Residential buffer yard required? _____ yes X no

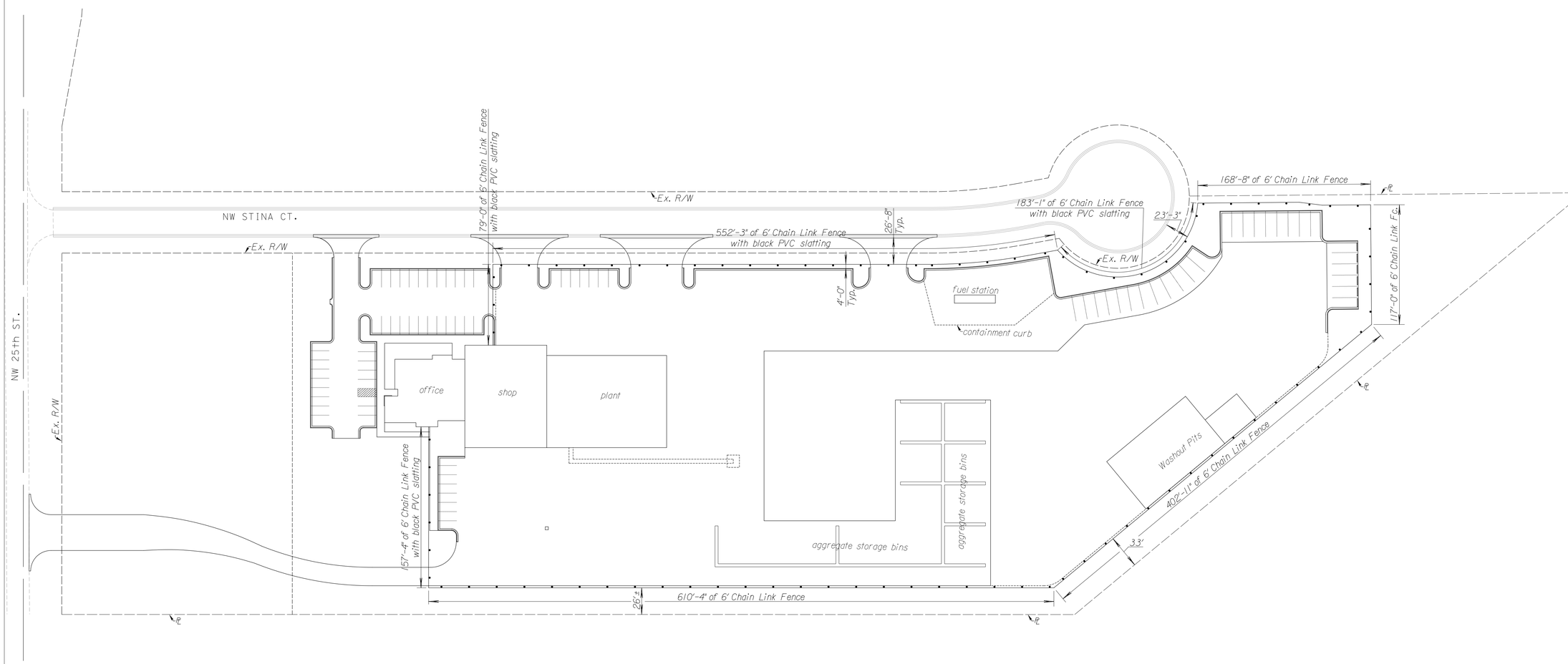
Parking lot buffer required? _____ yes X no

Type	Size	Quantity	of points/unit	Total Points
Autumn Blaze Maple	2"	16	11	176
Oklahoma Redbud	1.5"	2	8	16
Prairie Fire Crabapple	1.75"	3	8	24
Chinkapin Oak	2"	4	11	44
Taylor Juniper	6-7'	3	8	24
Burning Bush	#5	4	1	4
Densi Yew	#5	4	1	4
Magic Carpet Spirea	#2	10	1	10
Karl Foerester Reed Grass	#2	3	1	3
Stella Daylily	#1	7	0	0
Rain Garden Ground Cover	Ground Cover	15,782 SQ Ft	0.1	1578
			TOTAL POINTS	1883



SCHENDEL LAWN LANDSCAPE

Example image of 6' Chain Link Fence with Black PVC Slatting



DATUM BM: City of Topeka BM #136: Brass disk in concrete post, SE quadrant of NW 25th St. and NW Stover Rd. Elev. 894.62

FENCING PLAN
KS SAND PLANT - NW STINA CT.

FINNEY & TURNIPSEED
TRANSPORTATION & CIVIL ENGINEERING, L.L.C.
TOPEKA, KANSAS

PROPOSED PLANT FOR:

KANSAS SAND AND CONCRETE, INC.
531 N.W. TYLER,
TOPEKA, KANSAS 66608

JOB NUMBER:

DATE: 11/23/2020

REVISIONS:

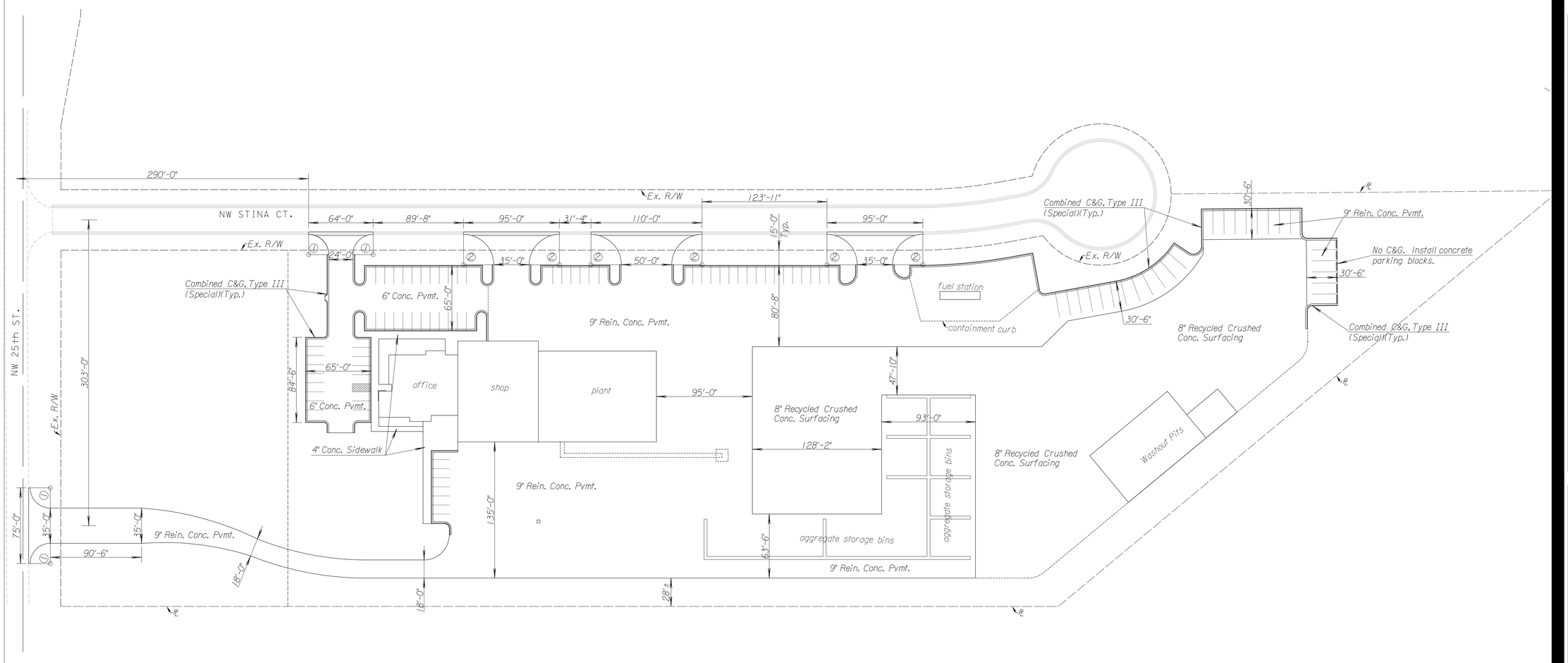
DRAWN BY: TAR

Scale: 1"=50'

0' 25' 50' 100'

Curve Data - Curve No. 1
R=20.00'
Δ=90°-00'
L=31.42'

Curve Data - Curve No. 2
R=30.00'
Δ=90°-00'
L=47.12'



DATUM BM: City of Topeka BM #136: Brass disk in concrete post, SE quadrant of NW 25th St. and NW Stover Rd. Elev. 894.62

SURFACING PLAN
KS SAND PLANT - NW STINA CT.

REVIEW SET
NOT FOR CONSTRUCTION

FINNEY & TURNIPSEED
TRANSPORTATION & CIVIL ENGINEERING, L.L.C.
TOPEKA, KANSAS

PROPOSED PLANT FOR:
KANSAS SAND AND CONCRETE, INC.
531 N.W. TYLER,
TOPEKA, KANSAS 66608

JOB NUMBER:
DATE: 10/22/2020
REVISIONS:

DRAWN BY: TAR

AMENDED STATEMENT OF OPERATIONS
(Proposed Concrete Plant, Shop and Offices for Kansas Sand & Concrete, Inc.)

Kansas Sand & Concrete, Inc. has been providing ready mix concrete and construction aggregates to the Topeka and Shawnee Country construction industries for 98 years. Kansas Sand employs thirty-nine (39) people and its operations are presently located on the north bank of the Kansas River immediately to the west of the Topeka Boulevard bridge. Although this site has been very successful for many decades, it has become increasingly more difficult to operate from this site given its location surrounded by railroad tracks. Accordingly, Kansas Sand purchased several lots in the ADR Industrial Park in the northwest portion of Topeka to construct a new concrete plant, shop, and office. The ADR Industrial Park has previously been zoned I-2 Heavy Industrial. The only other business in the industrial park is Hoyt's Trailer Center which is on the west side of NW Stina Court. Given that Kansas Sand & Concrete intends to build a concrete plant on this site, a Conditional Use Permit is required in addition to the existing I-2 zoning.

Land Use Compatibility

This project is extremely compatible with the site. As mentioned before, it is bounded on the west by Hoyt's Trailer Center which is within the ADR Industrial Park. On the east side of the project are several agricultural parcels. The boundary line between the agricultural parcels to the east and the subject site is marked by a mature stand of trees. To the south and west, are the existing construction operations of RDR Construction and BRB Construction. There are a few residences to the south and east of the property on 25th Street. The plant, shop and office structure that is shown on the site plan would be the only significant improvements placed on this site. The remainder of the site would be used for parking and some storage of aggregate.

Height and Scale

The structure including the concrete plant, shop and offices will be approximately 90 feet in height with a 275' x 100' footprint. The trees along the borderline of the subject property on the east side would almost completely block the view of the concrete plant from the east. These mature trees appear to straddle the boundary line between the subject site and the agricultural property to the east. If a significant number of trees are removed due to damage such that there is a discernable gap in the tree line, new trees can be added. Neither Kansas Sand nor the owner to the east has any desire to remove these trees. The building would be further shielded by trees and other vegetation to be planted which are clearly visible on the landscape plan. All setbacks meet local development standards. Since this is a preexisting industrial park, there is a cul-de-sac road (Stina Ct.) that has been installed in the middle of the park to provide access to all of the lots within the park. The southern boundary of the site is 25th Street which is a two lane street that serves many of the industrial sites in the area including the Goodyear Tire & Rubber Plant which is one mile directly to the east of the subject property.

Site Development

To facilitate traffic flow and parking, Kansas Sand proposes to install four driveway entrances to the site on NW Stina Ct. and one entrance to the site from 25th Street. The 25th Street driveway would be located in the southeast corner of the property. This would serve as a one-way entrance for loaded cement trucks, loaded aggregate trucks and returning (empty) ready mix trucks to better maintain a circular flow of traffic into and out of the property. All traffic from the site will exit via NW Stina Ct. Presently, the site plan shows five points of ingress and egress to and from the project. All of these will be built according to city code and have been reviewed by the fire department at the pre-application meeting for accessibility. Kansas Sand is requesting a variance regarding driveway spacing on NW Stina Ct. which will be addressed in more detail below.

Building Design

The building design accommodates the industrial use being proposed. The majority of the structure will be clad in sheet metal similar to most industrial operations. Unlike many other concrete plants, the operating components of the plant will be enclosed. The attached office will be built and furnished in a similar fashion to other class A office space in the area. The structure which can be seen on the site plan will have attractive, clean lines suitable for its intended use. The state-of-the-art concrete plant design is such that all mixing of concrete will be done indoors with the dust associated with those operations being collected by a dust collector and recycled. The ready mix trucks will actually be inside of the building when they are being loaded with concrete. Outdoor operations will include the offloading of crushed rock, sand, and cement on the northern portion of the property. Crushed rock and sand will be loaded into the concrete bins depicted on the site plan. Trucks needing to wash out residual concrete from their drums will do so outdoors into the washout pit located on the northeast portion of the property. Some stock piling of waste concrete will be done on the north side of the site. This waste concrete will be crushed and recycled. The operational portion of the site (the northern ¾ of the site) will be fenced and gated using galvanized fencing with decorative inserts to shield operations from view. Presently, this property is vacant without any structures so there are no issues with regard to historically significant structures.

Operational Characteristics

On average, Kansas Sand's operations will see seven loads of cement and 16 end dump loads of aggregate coming onto the site along with 47 loads of concrete leaving the site on a daily basis. A traffic impact analysis ("TIA") was performed on streets serving the site showing that the proposed use will only add approximately 39 AM and PM peak hour vehicles. As a result, no changes to intersection control or geometric improvements are required. The additional vehicles will not adversely impact the capacity or traffic operations at the area studied including NW 25th Street and Stina Ct., and NW 25th Street and Stover Road. Additionally, the TIA notes that the 65-foot driveway spacing between the second and third driveway on NW Stina Ct. does not meet the minimum 80-foot spacing required by the City of Topeka Design Criteria. However, the proposed design

will allow greatly improved traffic flow on-site for trucks exiting the service bays and trucks delivering construction aggregates and materials. The operation of the concrete plant will not require long operating hours outside of normal business hours. The only outside storage that would be required is for construction aggregates which will be stored in concrete bins of approximately twelve (12) feet in height on the northeast portion of the property until they are actually fed into the concrete plant. No raw materials will be extracted from this site. Any dust that is created by truck traffic on the gravel pavement on the north side of the site will be controlled with water distributed from the washout basin.

Public Facilities

As this project has previously been platted as an industrial park, all of the necessary public utility facilities are already in place and ready to be tapped for use on this project.

Comprehensive Plan

As far as this project's consistency with the comprehensive plan, as mentioned before, this property has been previously platted as an industrial park and zoned I-2 which was previously approved by the city council.

Additional Regulations

This application for a Conditional Use Permit is required as the intended use falls within the definition of Manufacturing/Processing, Type III. All of the informational requirements for this use type have been met and included in this application.

Drainage

Rain gardens and vegetative swales will be installed as initial treatment for all surface runoff. Further treatment will be accomplished through the detention of runoff in the detention ponds identified on the submitted site plans.

Pavement

A pavement analysis is being prepared at the request of the City Engineer. This analysis will study the nature and condition of NW Stina Ct. and a portion of NW 25th Street in the vicinity of the subject site which are both public streets built on a public right of way. The findings and recommendations, if any, of that analysis will be reviewed and considered in consultation with City staff.

Neighborhood Information Meeting

Re: Kansas Sand & Concrete, Inc., Conditional Use Permit#: CU20/03
Date: November 18, 2020

Present:
Nancy Fleeker-Daniels on behalf of her mother, **Jane Fleeker**, Owner of neighboring agricultural property to the east of the site
Annie Driver, Senior Planner, City of Topeka
Brent Trout, Topeka City Manager
Troy Kapels, Vice President, Dondlinger Construction retained by Kansas Sand & Concrete
Ron Shaffer, Architect retained by Kansas Sand & Concrete
Tim Reed, P.E., Engineer with Finney & Turnipseed retained by Kansas Sand & Concrete
Dan Woodward, General Manager and Vice President, Kansas Sand & Concrete
Scott Toman, Assistant General Manager, Kansas Sand & Concrete
John Hutton, Attorney at Law on behalf of Kansas Sand & Concrete

The meeting commenced via Zoom at 5:45 p.m.

Prior to the meeting while waiting for participants to join, there was a discussion between Ms. Daniels and John Hutton regarding the line of mature trees on the boundary of the subject site and the Fleeker property. It is believed they run along the fence line separating the two properties. Some of the trees would be on the Fleeker side and others on the Kansas Sand side of the boundary line.

Annie Driver explained the purpose of the meeting.

John Hutton provided a brief explanation of the background of Kansas Sand & Concrete and overview of the plans for the new site, including site layout and elevations.

Nancy Fleeker-Daniels asked the following questions:

1. Will there be any runoff from the site on to the Fleeker Property? John Hutton explained the general way in which water flowed on the property and the retention ponds proposed for the south side and north side of the property along with the washout pit on the northeast portion of the property. Tim Reed explained in more detail the retention pond on the north end of the site. Annie Driver further stated there will be a study conducted by the city to confirm that water runoff and treatment conforms with applicable regulations.

2. Ms. Daniels expressed concern about vehicles possibly driving through her mother's property. They have had people in the past drive through their crops. Dan Woodward confirmed that would not happen and that the Kansas Sand site will be fenced.

There were no further questions.

Annie Driver closed the meeting and explained the next step being a public hearing via Zoom on December 21, 2020, before the City of Topeka Planning Commission. Finally, Ms. Driver and John Hutton discussed the expected completion date for the pavement study being performed by Terracon. Mr. Hutton indicated that the report should be completed by the end of the week (Friday, November 20, 2020).

Report of Meeting prepared by:

John H. Hutton, #16573
HENSON, HUTTON, MUDRICK,
GRAGSON & VOGELSBERG, L.L.P.
3649 SW Burlingame Rd., Ste. 200
Topeka, KS 66611-2155
(785) 232-2200; (785) 232-3344 (facsimile)
jhutton@hhmglaw.com
Attorney for Kansas Sand & Concrete, Inc.

Traffic Impact Study
For
New Office, Shop, and Plant for
Kansas Sand and Concrete at
NE Corner of NW 25th St. & NW Stina Ct.

Project Location:
Northeast corner of NW 25th St. & Stina Ct.
Topeka, KS

Client:

Kansas Sand & Concrete Inc.
531 SW Tyler St.
Topeka, KS 66608

Report Prepared by:

SBB Engineering, LLC
101 S. Kansas Ave.
Topeka, KS 66603
Office: 785-215-8630
Fax: 785-215-8634

Date:
October 16, 2020
Revised December 10, 2020

SBB Project No. 20-225

Table of Contents

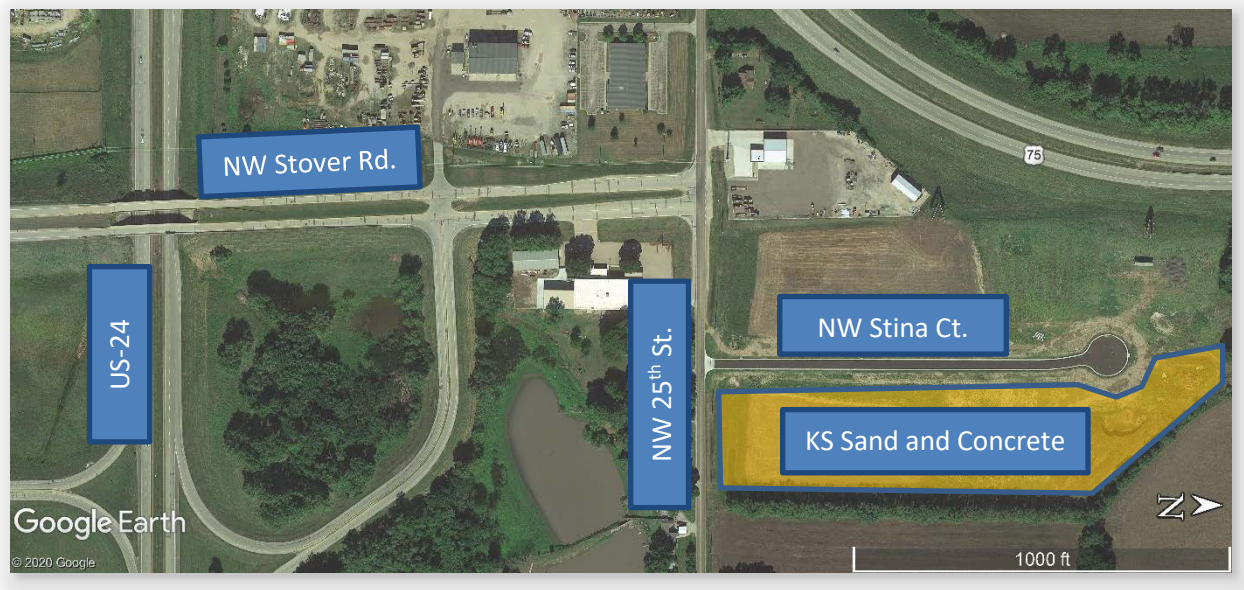
Submitted By:

Brian T. Austin, PE, PTOE

SBB Engineering, LLC
101 S. Kansas Ave.
Topeka, KS 66603
Office: 785-215-8630

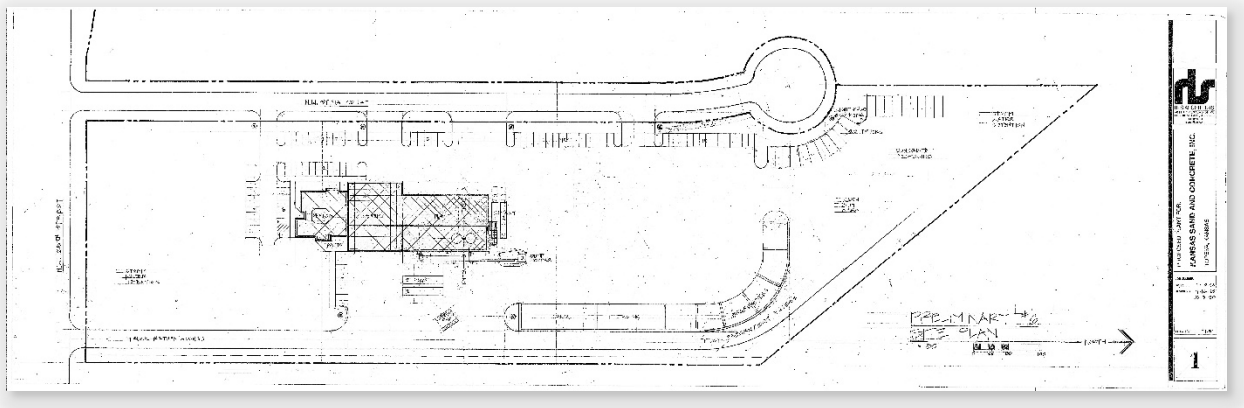
Introduction

Kansas Sand and Concrete, Inc. is developing 10.2 acres at the northeast corner of NW 25th St. and NW Stina Ct. The area being developed is zoned as I2 – Heavy Industrial District. This Traffic Impact Study (TIS) will estimate the traffic impact of this development on the adjacent road network and make recommendations for geometric improvements or changes in intersection control, if warranted.



Kansas Sand and Concrete Project Location

The study area of the traffic impact study includes the intersection of NW 25th & Stover Rd., NW 25th St. & NW Stina Ct., and the proposed accesses for the development along NW Stina Ct. and NW 25th St.



Kansas Sand and Concrete Preliminary Site Plan showing proposed access points.

Existing Conditions

The study area has the following characteristics -

NW 25th St. & Stover Rd. –

NW Stover Rd. is a four-lane divided roadway that was once a portion of US-75. The intersection at NW 25th St. & Stover Rd. is a T-intersection with the northbound approach being stop controlled. There are turn lanes for both the right turn and left turn movements. NW 25th St is a two-lane asphalt road and has uncontrolled eastbound and westbound approaches without turn lanes. NW Stover Rd. does not have a posted speed limit. NW 25th St. has a posted speed limit of 45 mph.

NW 25th St. & Stina Ct. –

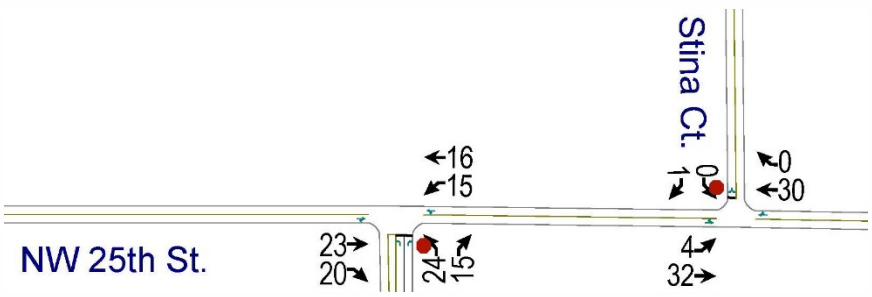
NW Stina Ct. is a 2-lane road with a cul-de-sac approximately 1000-feet north of NW 25th St. NW Stina Ct. at 25th Street is stop controlled and does not have turn lanes while the eastbound and westbound approaches on NW 25th St. are uncontrolled. At the time of this study, NW Stina Ct. only served one industrial property, which is Hoyt Trailer Center. NW Stina Ct. does not have a posted speed limit.

NW 25th & Stover Rd. (looking west)

Existing Traffic Analysis

Morning and afternoon peak hour counts were performed at NW 25th & Stover Rd. and NW 25th & Stina Ct. on Tuesday, October 6. The AM count was performed between 7:00am-9:00am and the PM count was performed between 4:00pm-6:00pm. The AM peak hour occurred between 7:30am and 8:30am and the PM peak hour occurred between 4:00pm and 5:00pm. The traffic count data is provided in Appendix A.

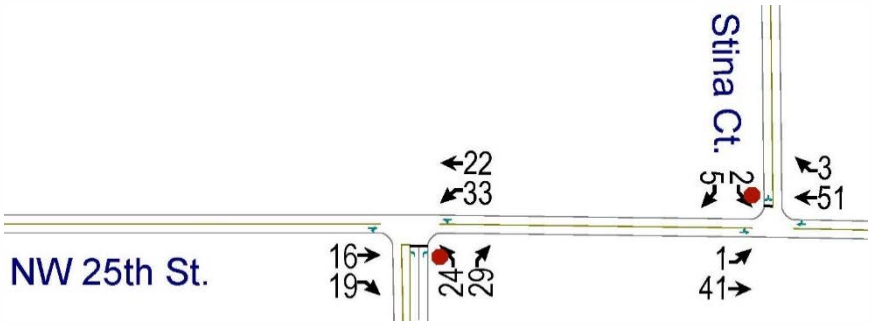
The AM and PM peak hour data was entered into Synchro traffic modeling software to determine the existing intersection Level of Service. The results for the AM and PM peak hour are shown in the tables below. The Synchro results which are based on the Highway Capacity Manual (6th Edition) formulas show both intersections operating at Level of Service (LOS) A in both the AM and PM peak hours. All movements are LOS A and there are no queuing concerns at any of the approaches.



AM Peak Hour Traffic Volumes

Level of Service (LOS) Results NW 25th & Stover Rd. AM Peak Hour - Existing Traffic							
Approach	Approach Delay (s)	Approach LOS	Movement	Lane Group Delay (s)	Movement LOS	Average (50%) Queue (veh)	95% Queue (veh)
EB	0.0	A	Left	N/A	N/A	N/A	N/A
			Thru	0.0	A	0	0
			Right	0.0	A	0	0
WB	3.6	A	Left	7.5	A	0	0
			Thru	0.0	A	0	0
			Right	N/A	N/A	N/A	N/A
NB	9.2	A	Left	9.4	A	0.1	0.1
			Thru	N/A	N/A	N/A	N/A
			Right	8.8	A	0.1	0.1
SB	N/A	N/A	Left	N/A	N/A	N/A	N/A
			Thru	N/A	N/A	N/A	N/A
			Right	N/A	N/A	N/A	N/A
Intersection Delay			4.2	Intersection LOS			A

Level of Service (LOS) Results NW 25th & Stina Ct. AM Peak Hour - Existing Traffic							
Approach	Approach Delay (s)	Approach LOS	Movement	Lane Group Delay (s)	Movement LOS	Average (50%) Queue (veh)	95% Queue (veh)
EB	0.8	A	Left	7.4	A	0	0
			Thru	0.0	A	0	0
			Right	N/A	N/A	N/A	N/A
WB	0.0	A	Left	N/A	N/A	N/A	N/A
			Thru	0.0	A	0	0
			Right	0.0	A	0	0
NB	N/A	N/A	Left	N/A	N/A	N/A	N/A
			Thru	N/A	N/A	N/A	N/A
			Right	N/A	N/A	N/A	N/A
SB	8.6	A	Left	8.6	A	0	0
			Thru	N/A	N/A	N/A	N/A
			Right	0.0	A	0	0
Intersection Delay			0.6	Intersection LOS			A



PM Peak Hour Traffic Volumes

Level of Service (LOS) Results NW 25th & Stover Rd. PM Peak Hour - Existing Traffic							
Approach	Approach Delay (s)	Approach LOS	Movement	Lane Group Delay (s)	Movement LOS	Average (50%) Queue (veh)	95% Queue (veh)
EB	0.0	A	Left	N/A	N/A	N/A	N/A
			Thru	0.0	A	0	0
			Right	0.0	A	0	0
WB	4.5	A	Left	7.5	A	0.1	0.1
			Thru	0.0	A	0	0
			Right	N/A	N/A	N/A	N/A
NB	9.1	A	Left	9.6	A	0.1	0.1
			Thru	N/A	N/A	N/A	N/A
			Right	8.7	A	0.1	0.1
SB	N/A	N/A	Left	N/A	N/A	N/A	N/A
			Thru	N/A	N/A	N/A	N/A
			Right	N/A	N/A	N/A	N/A
Intersection Delay			5.1	Intersection LOS			A

Level of Service (LOS) Results NW 25th & Stina Ct. PM Peak Hour - Existing Traffic							
Approach	Approach Delay (s)	Approach LOS	Movement	Lane Group Delay (s)	Movement LOS	Average (50%) Queue (veh)	95% Queue (veh)
EB	0.2	A	Left	7.4	A	0	0
			Thru	0.0	A	0	0
			Right	N/A	N/A	N/A	N/A
WB	0.0	A	Left	N/A	N/A	N/A	N/A
			Thru	0.0	A	0	0
			Right	0.0	A	0	0
NB	N/A	N/A	Left	N/A	N/A	N/A	N/A
			Thru	N/A	N/A	N/A	N/A
			Right	N/A	N/A	N/A	N/A
SB	8.8	A	Left	8.8	A	0	0
			Thru	N/A	N/A	N/A	N/A
			Right	0.0	A	0	0
Intersection Delay			0.7	Intersection LOS			A

Proposed Development

The proposed development will be 10.2 acres of I2-Heavy Industrial Zoning. The proposed building will be a 22,900 square foot building of combined office, plant, and shop space for servicing and loading cement trucks.

There will be five new accesses for the plant. One access will be for ingress only for returning concrete truck traffic and raw material deliveries. This access will be spaced approximately 310 feet east of NW Stina Ct. on NW 25th St. This distance meets the minimum corner clearance distance for a minor arterial from the City of Topeka Design Criteria 1.2.5.1.2. There will be four access points on NW Stina Ct. The first driveway is approximately 240-feet north of NW 25th Street. This is greater than the 80-feet corner clearance required for a local road. The remaining driveway spacings are approximately 110-feet, 65-feet, and 140-feet. City of Topeka Design Criteria allows 1 driveway for the first 135-feet of frontage and additional driveways for each additional 300-feet of frontage. The proposed development has 1,120 feet of frontage, including the cul-de-sac, so the number of proposed driveways meets the City of Topeka Design Criteria 1.2.5.1.1 for non-residential driveways on a local street.

The 65-foot driveway spacing between the second and third driveways does not meet the minimum 80-foot spacing required by the City of Topeka Design Criteria. However, the 65-foot spacing for these driveways was designed to align with the truck service bays and material delivery vehicle paths to allow for better on-site traffic circulation. A variance is requested to allow the 65-foot driveway spacing as shown in the preliminary site plan. This variance request is based on NW Stina Ct. being a cul-de-sac local street serving only three low volume industrial developments.

Trip Generation

The Institute of Transportation Engineer's (ITE) Trip Generation Handbook, 10th Edition, was used to estimate the total number of trips generated by the proposed development on the street network. The development is zoned I2 – Heavy Industrial. The ITE Land Use Codes 110 'General Light Industrial' and 140 'Manufacturing' are similar land uses in the Trip Generation Handbook that were used to estimate the volume of traffic that will enter and leave the site.

Trip Generation								
Gross Floor Area 22,900 SF		Vehicle Trips per Gross Floor Area						
Acres 10.2	Land Use		AM Peak Hour			PM Peak Hour		
	Code	Weekday	Total	Inbound	Outbound	Total	Inbound	Outbound
General Light Industrial	110	114	16	14	2	14	1	13
Manufacturing	140	90	14	11	3	15	4	11
Estimates from KS Sand	N/A	242	39	29	10	39	10	29

These land uses and associated trip generation estimates were compared to the estimates provided by Kansas Sand & Concrete based on their past data. The user provided data includes:

Estimated Average Vehicle Trips

1) Ready Mix Concrete Trucks (Outgoing) 47 Loads @ average total weight of 60,000 lbs. (Max weight of 74,000)
2) Cement Truck/Trailers (Inbound) 7 loads @ average total weight of 80,000 lbs.
3) Aggregate End – Dumps (inbound) 32 loads @ average total weight of 80,000 lbs.
4) 35 employee vehicles – 70 daily trips

The result of the developer provided data of 172 trucks and 70 passenger car trips totals 242 daily trips for the site. This volume is higher than the estimated traffic from the ITE Trip Generation Handbook and therefore will be the volume used for Existing + Development traffic analysis scenario.

There are seven suppliers of aggregate and additives for the concrete plant shown in the estimate vehicle trip data shown above. The following are the expected routes for the material sources to the proposed site:

Crushed Rock –

- MSM Big Springs Quarry: 40 Hwy W to I-75, I-75 N to 470 W to I-70 E to 75 N to Hwy 24 E, to Stover Rd. N to 25th St. E to Stina Ct.
- MSM Plummer Creek Quarry (Osage Co.): California S to 189th, W to I-75, N on 75 to 470 W, to I70 E to 75 Hwy N to 24 Hwy , E to Stover Rd, N to 25th, E to Stina Ct.

Sand –

- Oakland: 2nd St. to Kincaid, S on Kincaid to Sardou, W to K-4, N on K-4 to 24 Hwy, W to Stover Rd., N on Stover to 25th St, E to Stina Ct.
- Lower Silver Lake Rd.: E on 17th to I-75, N on 75 to 24, E on 24 to Stover Rd., N on Stover to 25th, E to Stina Ct.

Cement –

- Monarch Cement Co. (Humbolt, KS): Enter Shawnee County from the south on I-75, from 75 will use same route as indicated for Plummer Creek Quarry.

Fly Ash –

- Jeffrey Plant (Pott. Co): Hwy 63 S to 24 HWY, 24 Hwy E to Stover Rd., Stover N to 25th, E to Stina Ct.

Slag –

- N. Kansas City to I-70 W to K-4, K-4 N to 24 Hwy, 24 W to Stover Rd., Stover N to 25th, E to Stina Ct.

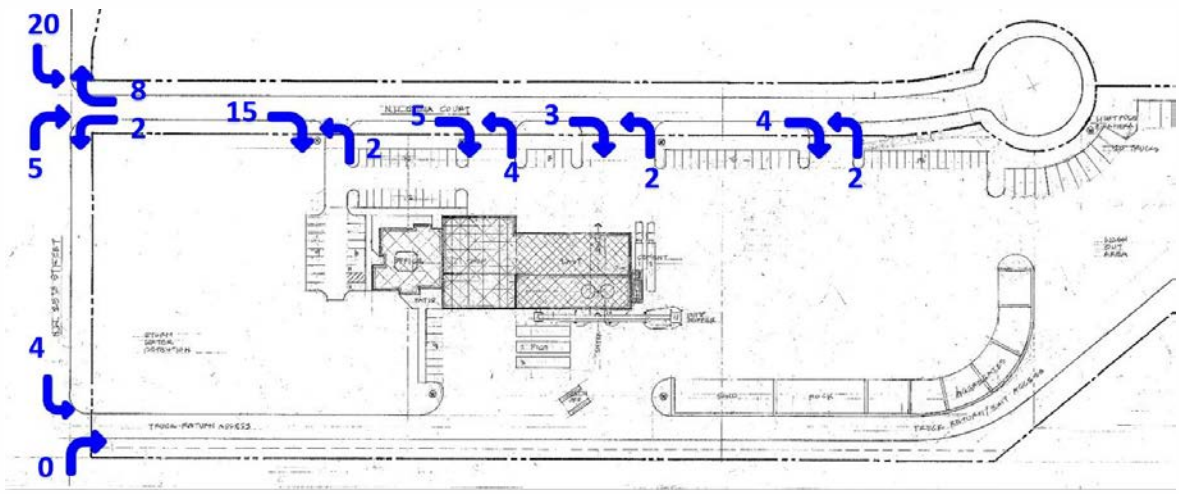
It is impossible to provide a reliable percentage for each element of traffic because the use of additives is very job specific. The decision to use the alternate rock quarry and sand pit are determined by the availability of each product at each facility which varies. It should be noted

that all planned routes to the facility for each time of material will use US-24 to Stover Rd. to NW 25th Street. This is reflected in the Trip Distribution section blow.

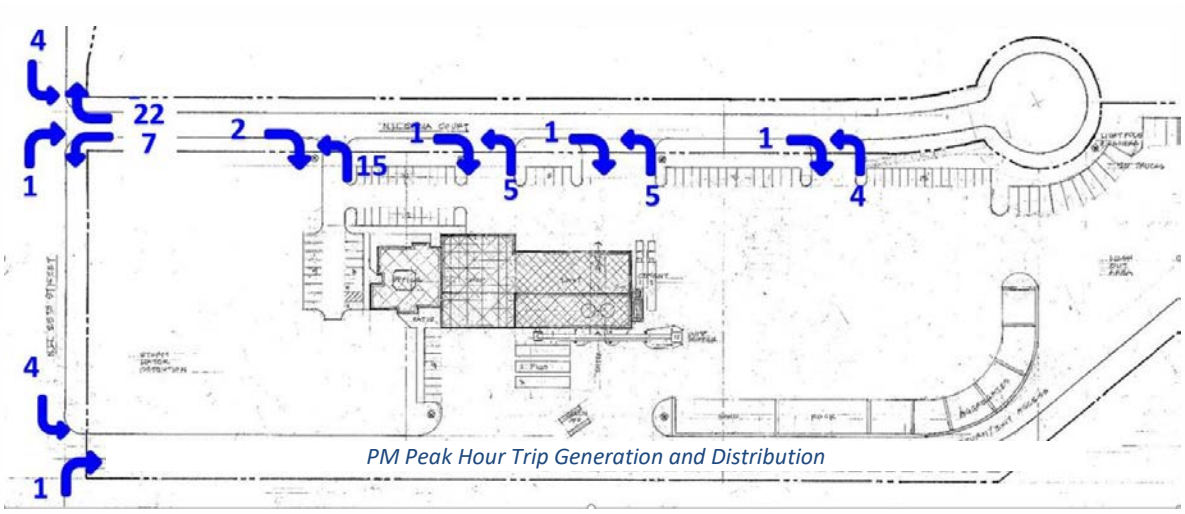
The existing Ks Sand facility at 531 NW Tyler will remain in use after the proposed plant is built, but it is not in the long-term business plan for that facility to stay open after the new facility is up and reliably producing.

Trip Distribution

The AM and PM peak hour traffic was added to the existing traffic to determine the Existing + Development Traffic scenario. The distribution of the 39 peak hour generated vehicles was estimated using engineering judgment and through correspondence with the plant manager. The AM and PM peak hour distributions were estimated as shown in the figures below.



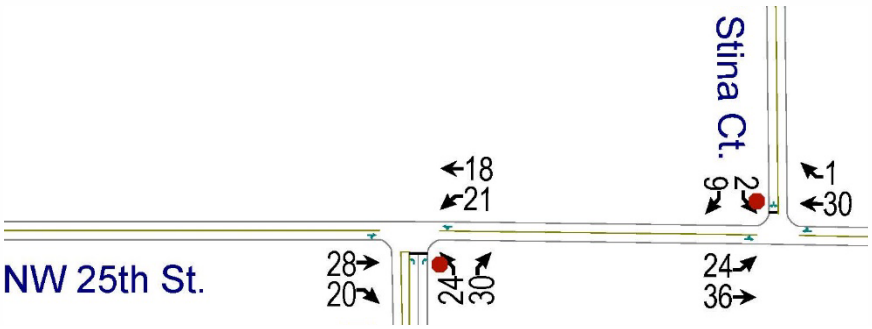
AM Peak Hour Trip Generation and Distribution



PM Peak Hour Trip Generation and Distribution

Existing + Development Traffic Analysis

The existing traffic was added to the site generated traffic to determine the Existing + Development traffic scenario. The resulting volumes and Synchro model analysis for the Existing + Development AM peak hour are shown in the figure and tables below.

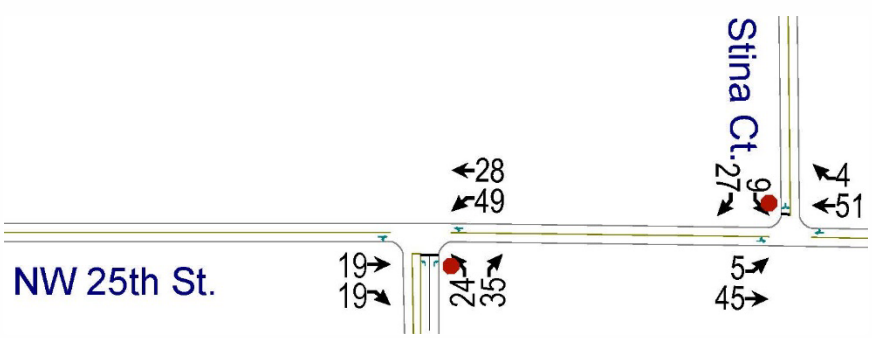


Estimated Existing + Development AM Peak Hour Traffic Volumes

Level of Service (LOS) Results NW 25th & Stover Rd. AM Peak Hour - Existing + Development Traffic							
Approach	Approach Delay (s)	Approach LOS	Movement	Lane Group Delay (s)	Movement LOS	Average (50%) Queue (veh)	95% Queue (veh)
EB	0.0	A	Left	N/A	N/A	N/A	N/A
			Thru	0.0	A	0	0
			Right	0.0	A	0	0
WB	4.1	A	Left	7.5	A	0	0
			Thru	0.0	A	0	0
			Right	N/A	N/A	N/A	N/A
NB	9.2	A	Left	9.6	A	0.1	0.1
			Thru	N/A	N/A	N/A	N/A
			Right	8.9	A	0.1	0.1
SB	N/A	N/A	Left	N/A	N/A	N/A	N/A
			Thru	N/A	N/A	N/A	N/A
			Right	N/A	N/A	N/A	N/A
Intersection Delay			4.7	Intersection LOS			A

Level of Service (LOS) Results NW 25th & Stina Ct. AM Peak Hour - Existing + Development Traffic							
Approach	Approach Delay (s)	Approach LOS	Movement	Lane Group Delay (s)	Movement LOS	Average (50%) Queue (veh)	95% Queue (veh)
EB	3.0	A	Left	7.4	A	0	0.1
			Thru	0.0	A	0	0
			Right	N/A	N/A	N/A	N/A
WB	0.0	A	Left	N/A	N/A	N/A	N/A
			Thru	0.0	A	0	0
			Right	0.0	A	0	0
NB	N/A	N/A	Left	N/A	N/A	N/A	N/A
			Thru	N/A	N/A	N/A	N/A
			Right	N/A	N/A	N/A	N/A
SB	8.8	A	Left	8.8	A	0	0
			Thru	N/A	N/A	N/A	N/A
			Right	0.0	A	0	0
Intersection Delay			2.7	Intersection LOS			A

The resulting volumes and Synchro model analysis for the Existing + Development PM peak hour are shown in the figures below.



Estimated Existing + Development PM Peak Hour Traffic Volumes

Level of Service (LOS) Results NW 25th & Stover Rd. PM Peak Hour - Existing + Development Traffic							
Approach	Approach Delay (s)	Approach LOS	Movement	Lane Group Delay (s)	Movement LOS	Average (50%) Queue (veh)	95% Queue (veh)
EB	0.0	A	Left	N/A	N/A	N/A	N/A
			Thru	0.0	A	0	0
			Right	0.0	A	0	0
WB	4.8	A	Left	7.5	A	0.1	0.1
			Thru	0.0	A	0	0
			Right	N/A	N/A	N/A	N/A
NB	9.2	A	Left	9.9	A	0.1	0.1
			Thru	N/A	N/A	N/A	N/A
			Right	8.8	A	0.1	0.1
SB	N/A	N/A	Left	N/A	N/A	N/A	N/A
			Thru	N/A	N/A	N/A	N/A
			Right	N/A	N/A	N/A	N/A
Intersection Delay			5.2	Intersection LOS			A

Level of Service (LOS) Results NW 25th & Stina Ct. PM Peak Hour - Existing + Development Traffic							
Approach	Approach Delay (s)	Approach LOS	Movement	Lane Group Delay (s)	Movement LOS	Average (50%) Queue (veh)	95% Queue (veh)
EB	0.7	A	Left	7.4	A	0	0.1
			Thru	0.0	A	0	0
			Right	N/A	N/A	N/A	N/A
WB	0.0	A	Left	N/A	N/A	N/A	N/A
			Thru	0.0	A	0	0
			Right	0.0	A	0	0
NB	N/A	N/A	Left	N/A	N/A	N/A	N/A
			Thru	N/A	N/A	N/A	N/A
			Right	N/A	N/A	N/A	N/A
SB	9.0	A	Left	9.0	A	0	0.1
			Thru	N/A	N/A	N/A	N/A
			Right	9.0	A	0	0.1
Intersection Delay			2.5	Intersection LOS			A

The traffic analysis for both the AM and PM peak hour show both intersections operating at LOS A. There are no capacity or queuing concerns at any of the approaches.

Turn Lane Analysis

The City of Topeka Design Criteria 1.2.5.2.8 provides warrants for Right and Left Turn Deceleration Lanes.

Right Turn Deceleration Lane – A right turn deceleration lanes shall be required if:

1) The street's ADT exceeds 10,000 vehicles per day,
2) The street's operating speeds equal or exceed 35 mph,
3) The driveway's volume equals or exceeds 1,000 vehicles per day, and
4) The driveway's right turn ingress movements equal or exceed 40 vehicles per hour.

At both the westbound approaches to the proposed driveway on NW 25th St. and NW Stina Ct., none of the above criteria is met and therefore a right turn lane is not required.

Left Turn Deceleration Lane – A left turn deceleration lane shall be required if:

1) The street's ADT exceeds 10,000 vehicles per day,
2) The street's operating speeds equal or exceeds 35 mph,
3) The driveway's volume equals or exceeds 1,000 vehicles per day, and
4) The driveway's left turn ingress movements exceed 10 percent of the street's peak period traffic volume or 100 vehicles per hour.

At both the eastbound approaches to the proposed driveway on NW 25th St. and NW Stina Ct., none of the above criteria is met and therefore a left turn lane is not required.

Sight Distance Analysis

The minimum intersection sight distance at NW 25th & Stina Ct. is the stopping sight distance for 45 mph which is 360-feet. The intersection sight distance for both the east and westbound egress movement at NW Stina Ct. well exceeds 360-feet and therefore the minimum intersection sight distance is met. Any monument signs that may be constructed for the development should be placed outside of the intersection sight distance area/triangle at the site.

Summary and Recommendations

The proposed Kansas Sand and Concrete development at the northeast corner of NW 25th & Stina Ct. will add approximately 39 AM and PM peak hour vehicles to adjacent street network along NW 25th Street including the intersection at NW Stover Rd. The additional vehicles will not adversely impact the capacity or traffic operations at either of the two study area intersections. All approaches at both intersections operate at LOS A in existing conditions and will continue to operate at LOS A after the proposed development. Changes to intersection control or geometric improvements are not required.

The 65-foot driveway spacing between the second and third driveway on NW Stina Ct. does not meet the minimum 80-foot spacing required by the City of Topeka Design Criteria. However, the 65-foot spacing for these driveways was designed to align with the truck service bays and material delivery vehicle paths to allow for better on-site traffic circulation. A variance is requested to allow the 65-foot driveway spacing as shown in the preliminary site plan.

APPENDIX A

Traffic Data

State of Florida Department of Transportation

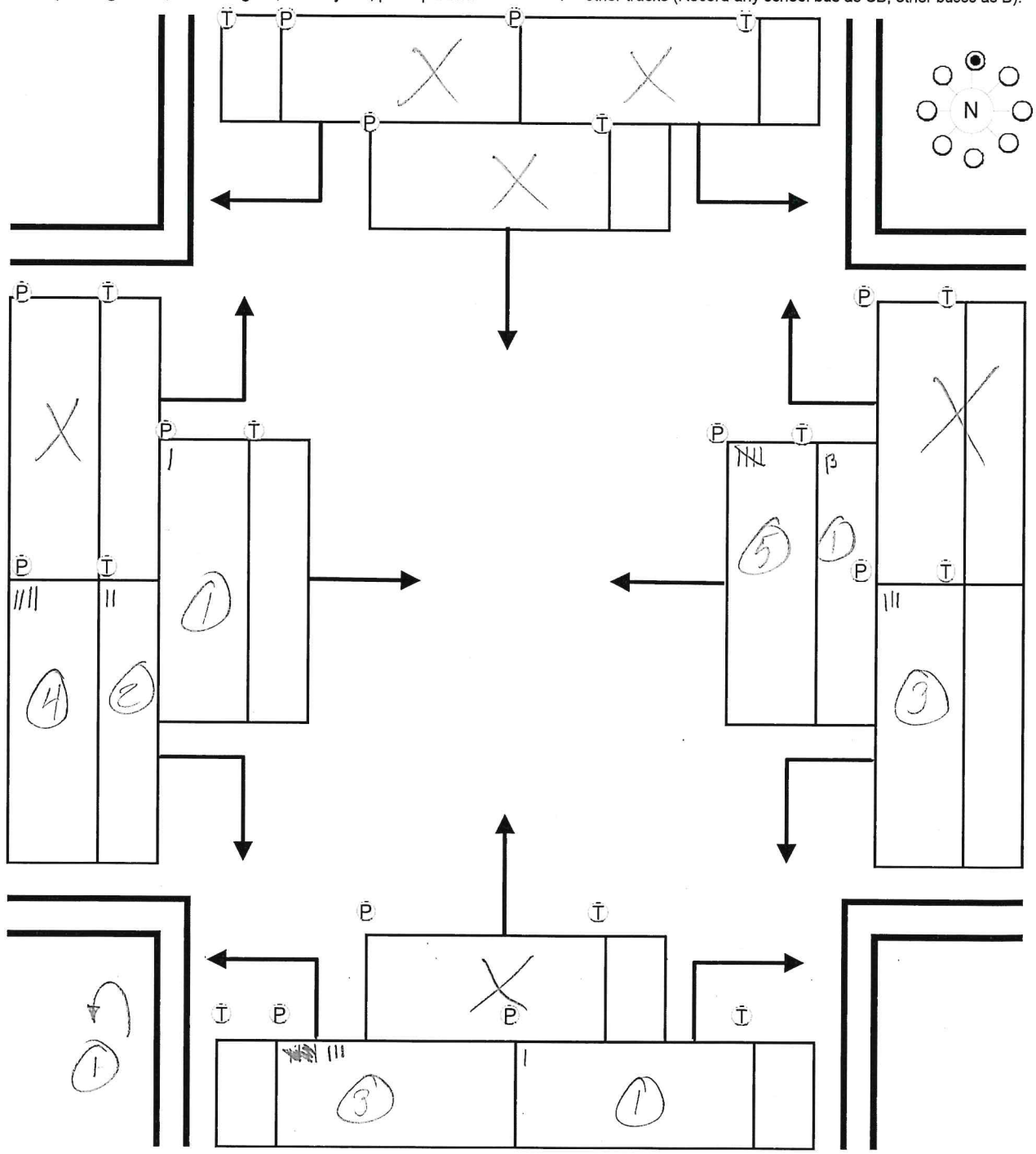
VEHICLE TURNING MOVEMENT COUNTS

Form 750-020-03
TRAFFIC ENGINEERING
10/15

General Information		Site Information	
Analyst/Observer:	Brian Amorial	Location ID:	
Agency or Company:	SBB Engineering	City:	Topeka
Date Performed:	10/6/26	County:	Shawnee
Time Period From:	7:00AM To: 7:15AM	N/S Street:	STOVER RD
Weather/Road Condition:	Clear 50°	E/W Street:	NW 25th St.
Remarks:	BTA		

P = passenger cars, stationwagons, motorcycles, pick-up trucks

T = other trucks (Record any school bus as SB; other buses as B).



Source: Revised from Exhibit E-6 of the ITE Manual of Transportation Engineering Studies, 2nd Edition

State of Florida Department of Transportation

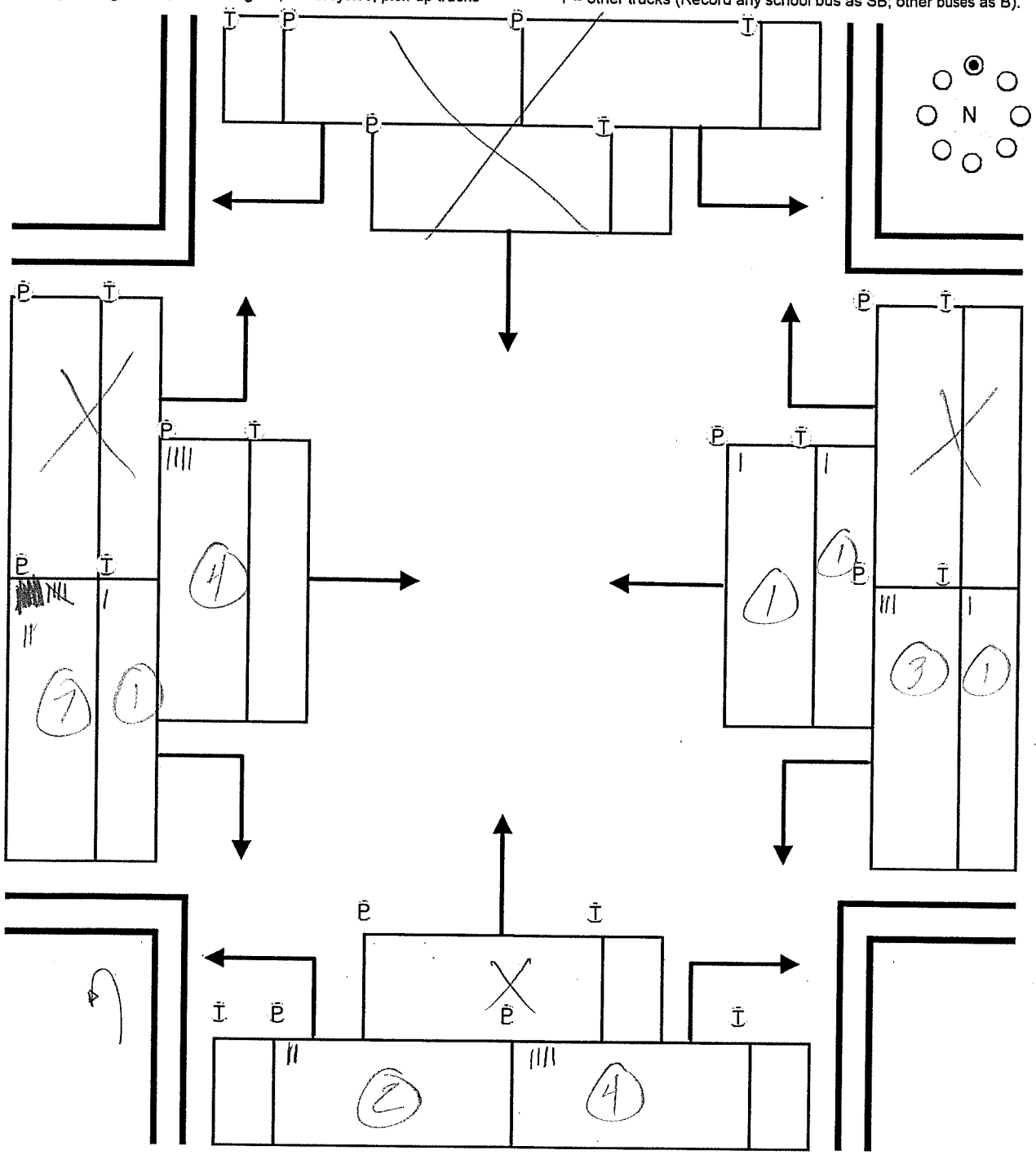
VEHICLE TURNING MOVEMENT COUNTS

Form 750-020-03
TRAFFIC ENGINEERING
10/15

General Information		Site Information	
Analyst/Observer:	Daniel Aurand	Location ID:	
Agency or Company:	SBB Engineering	City:	Topeka
Date Performed:	10/6/20	County:	Shawnee
Time Period From:	7:15am To: 7:30am	N/S Street:	STOVER RD
Weather/Road Condition:	Clear, 51°	E/W Street:	NW 25th St.
Remarks:	BTR		

P = passenger cars, stationwagons, motorcycles, pick-up trucks

T = other trucks (Record any school bus as SB; other buses as B).



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State of Florida Department of Transportation

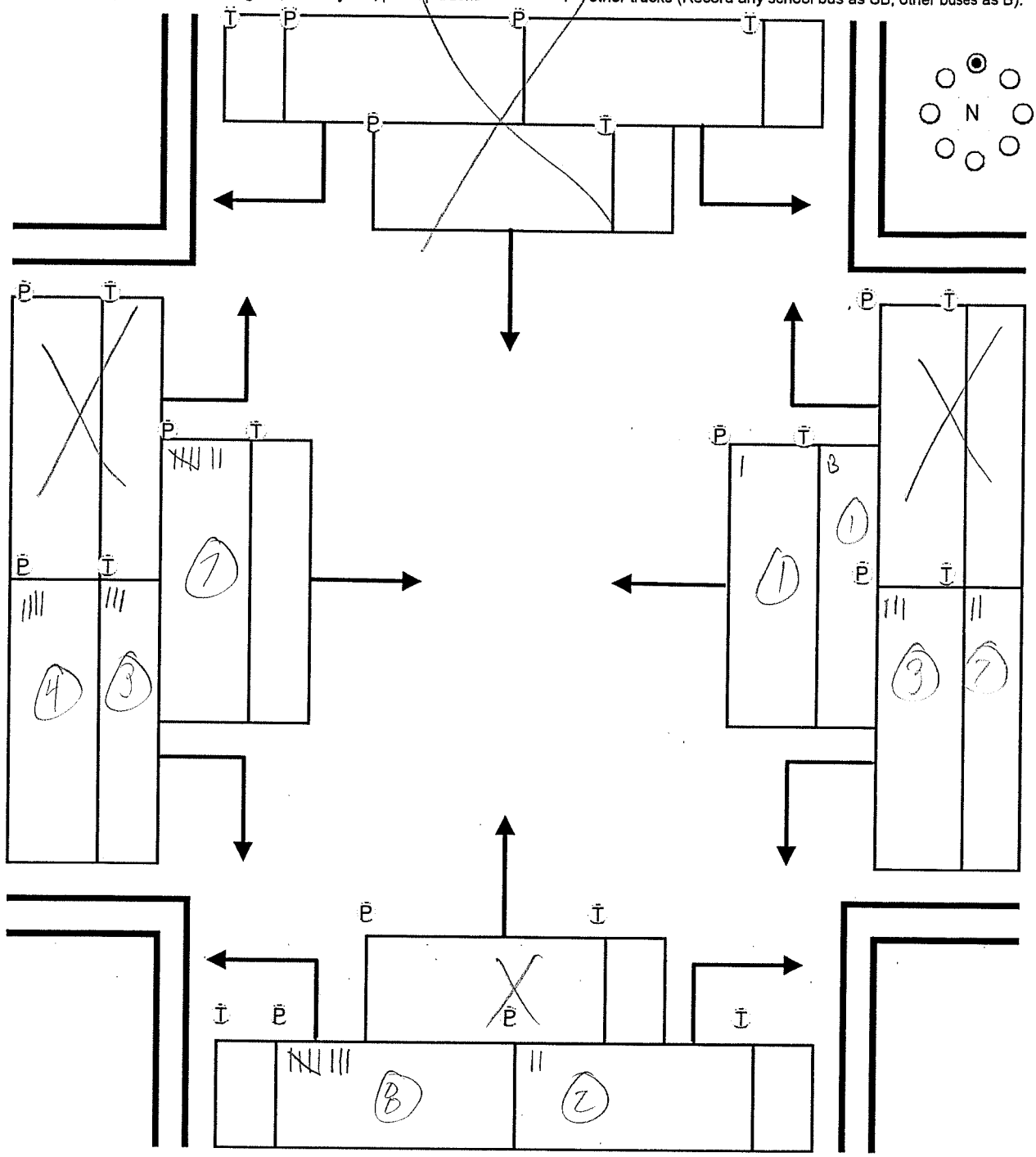
VEHICLE TURNING MOVEMENT COUNTS

Form 750-020-03
TRAFFIC ENGINEERING
10/15

General Information		Site Information	
Analyst/Observer:	Brian Aurand	Location ID:	
Agency or Company:	SBB Engineering	City:	Topeka
Date Performed:	10/6/20	County:	Shawnee
Time Period From:	7:30am To: 7:45am	N/S Street:	STOVER RD
Weather/Road Condition:	clear, 59°	E/W Street:	NW 25th St.
Remarks:	BTA		

P = passenger cars, stationwagons, motorcycles, pick-up trucks

T = other trucks (Record any school bus as SB; other buses as B).



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State of Florida Department of Transportation

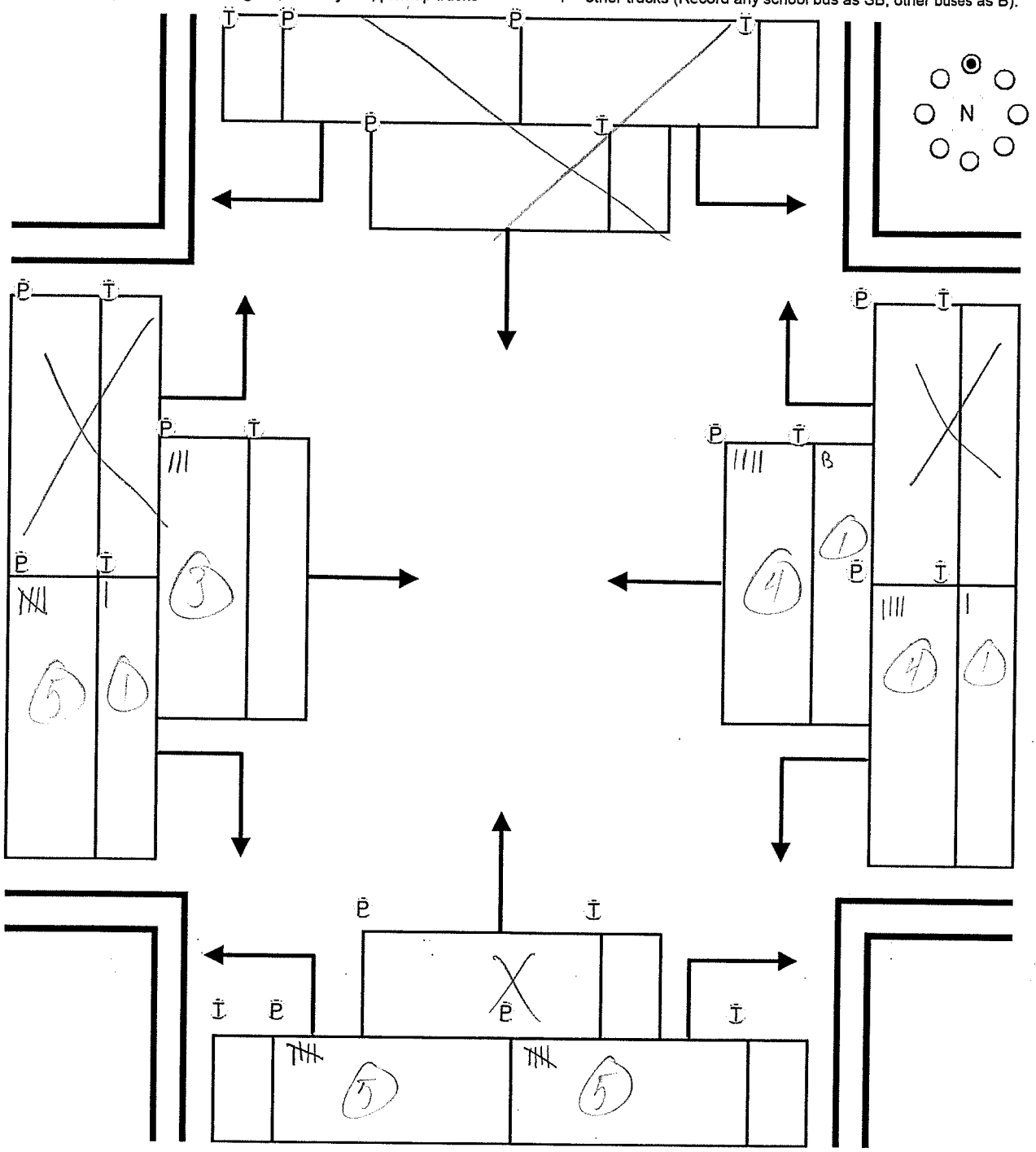
VEHICLE TURNING MOVEMENT COUNTS

Form 750-020-03
TRAFFIC ENGINEERING
10/15

General Information		Site Information	
Analyst/Observer:	Brand Austrol	Location ID:	
Agency or Company:	SBB Engineering	City:	Topeka
Date Performed:	10/6/20	County:	Shawnee
Time Period From:	7:45am To: 8:00am	N/S Street:	STOVER RD
Weather/Road Condition:	Clear, Dry	E/W Street:	NW 25th St.
Remarks:	BTA		

P = passenger cars, stationwagons, motorcycles, pick-up trucks

T = other trucks (Record any school bus as SB; other buses as B).



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State of Florida Department of Transportation

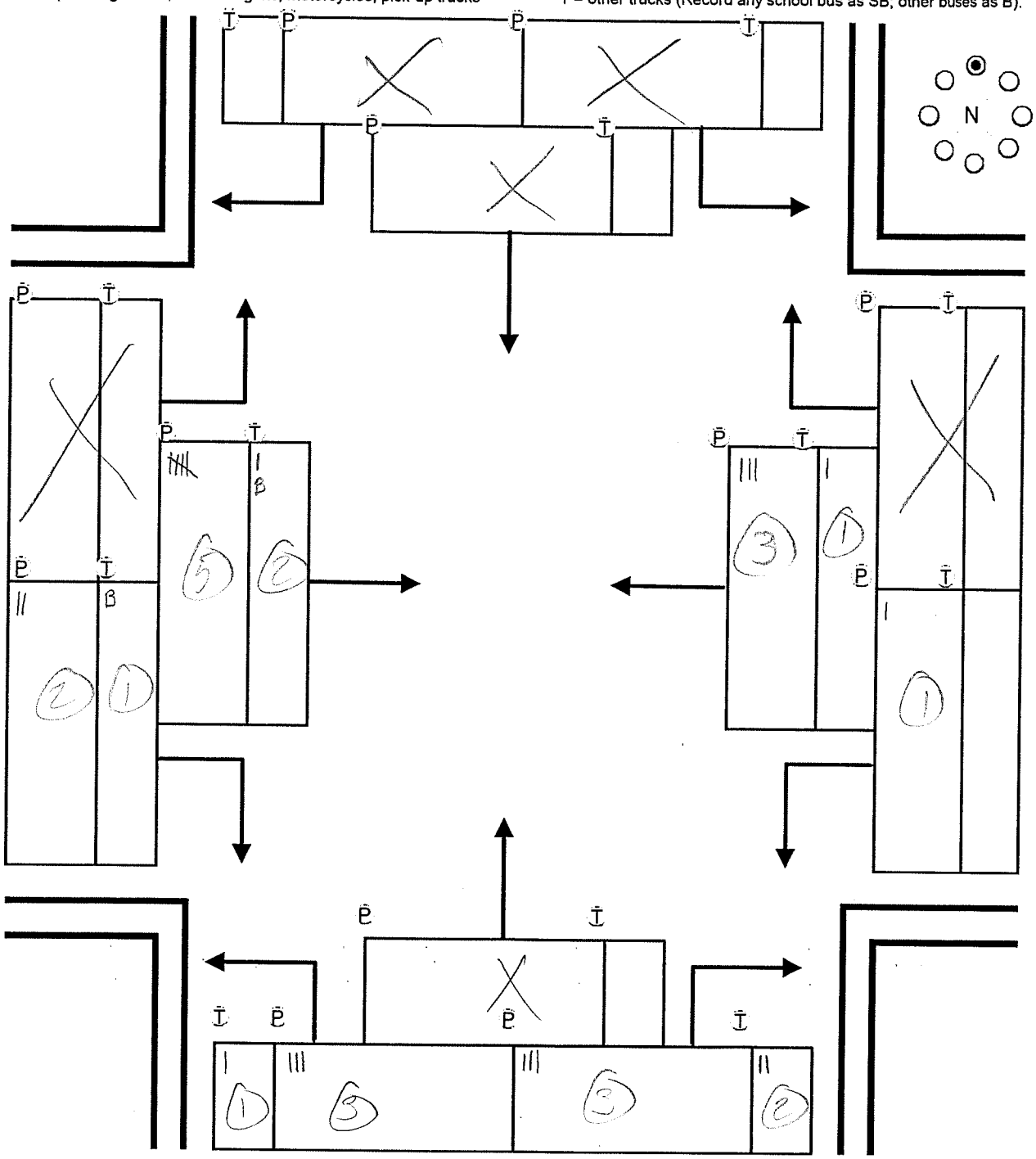
VEHICLE TURNING MOVEMENT COUNTS

Form 750-020-03
TRAFFIC ENGINEERING
10/15

General Information		Site Information	
Analyst/Observer:	Daniel Aurand	Location ID:	
Agency or Company:	SBB Engineering	City:	Topeka
Date Performed:	10/6/20	County:	Shawnee
Time Period From:	8:00am To: 8:15am	N/S Street:	STOVER RD
Weather/Road Condition:	Clear, 57°	E/W Street:	NW 25th St.
Remarks:	BIK		

P = passenger cars, stationwagons, motorcycles, pick-up trucks

T = other trucks (Record any school bus as SB; other buses as B).



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State of Florida Department of Transportation

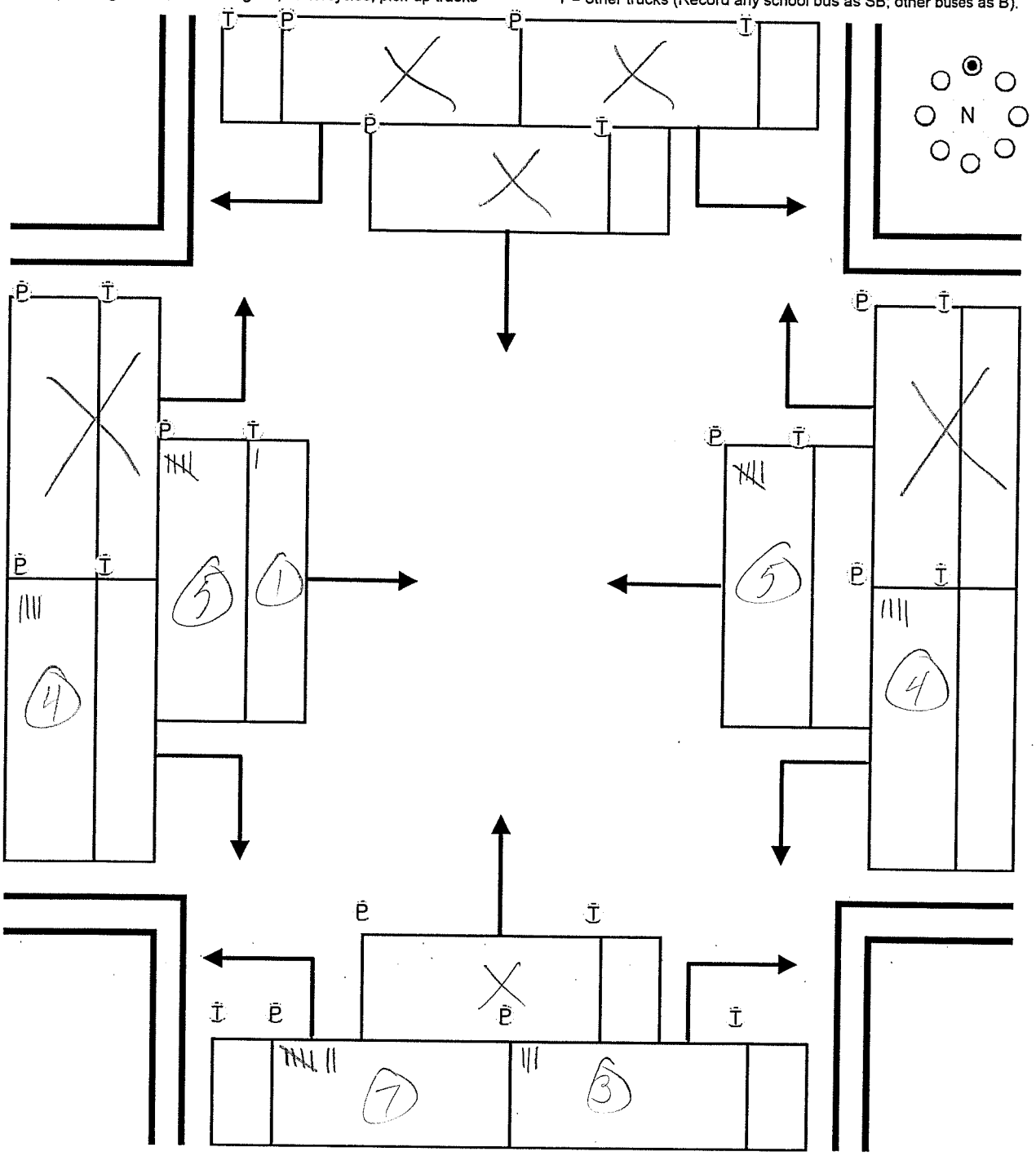
VEHICLE TURNING MOVEMENT COUNTS

Form 750-020-03
TRAFFIC ENGINEERING
10/15

General Information		Site Information	
Analyst/Observer:	Pascal Aussal	Location ID:	
Agency or Company:	SBB Engineering	City:	Topeka
Date Performed:	10/6/20	County:	Shawnee
Time Period From:	8:15am To: 8:30am	N/S Street:	STOVER RD
Weather/Road Condition:	Clear, 57°	E/W Street:	NW 25th St.
Remarks:	BTA		

P = passenger cars, stationwagons, motorcycles, pick-up trucks

T = other trucks (Record any school bus as SB; other buses as B).



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State of Florida Department of Transportation

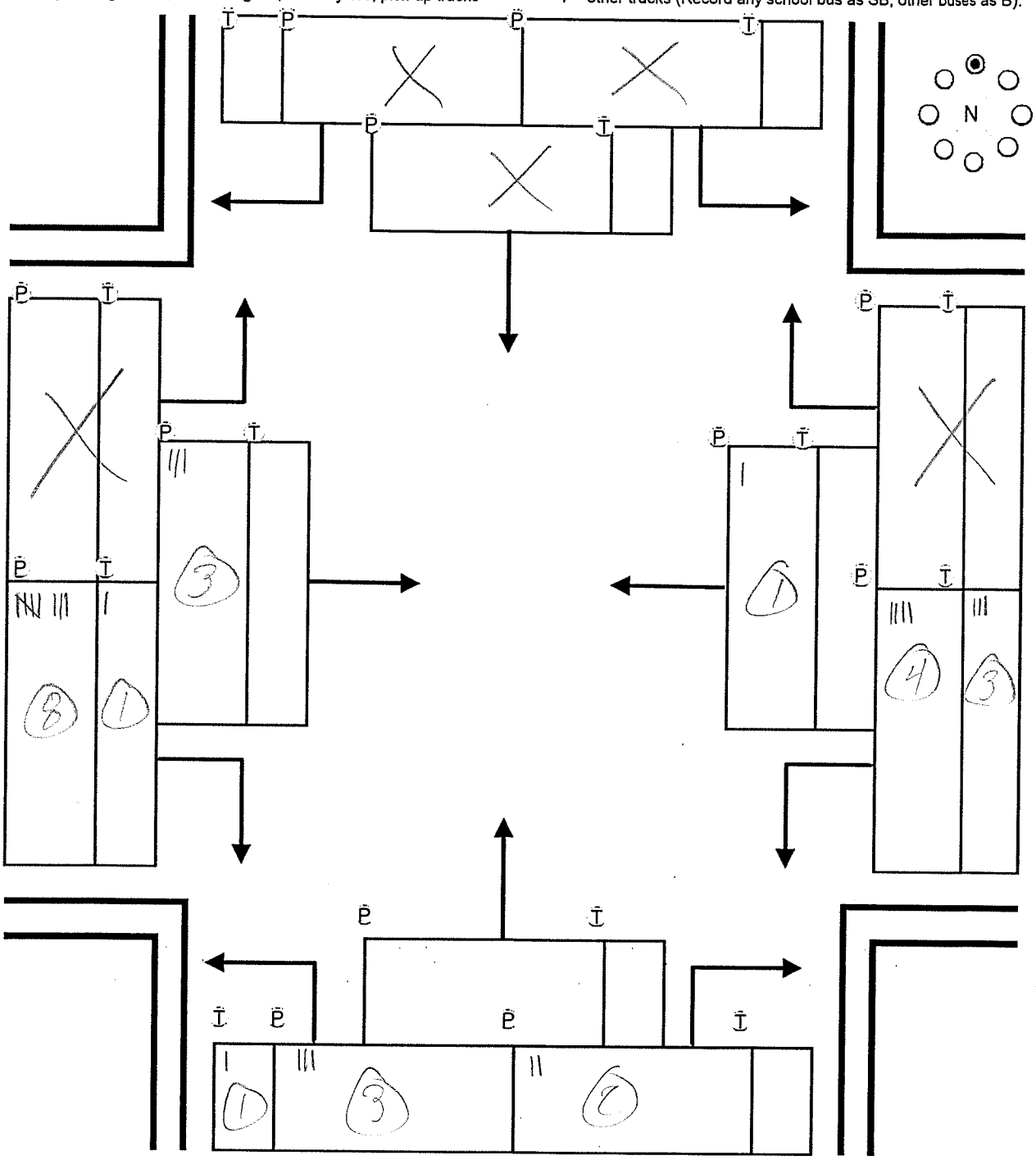
VEHICLE TURNING MOVEMENT COUNTS

Form 750-020-03
TRAFFIC ENGINEERING
10/15

General Information		Site Information	
Analyst/Observer:	Brand Austrul	Location ID:	
Agency or Company:	SBB Engineering	City:	Topeka
Date Performed:	10/6/20	County:	Shawnee
Time Period From:	8:30am To: 8:45am	N/S Street:	STOVER RD
Weather/Road Condition:	Clear, 53°	E/W Street:	NW 25th St.
Remarks:	BTA		

P = passenger cars, stationwagons, motorcycles, pick-up trucks

T = other trucks (Record any school bus as SB; other buses as B).



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State of Florida Department of Transportation

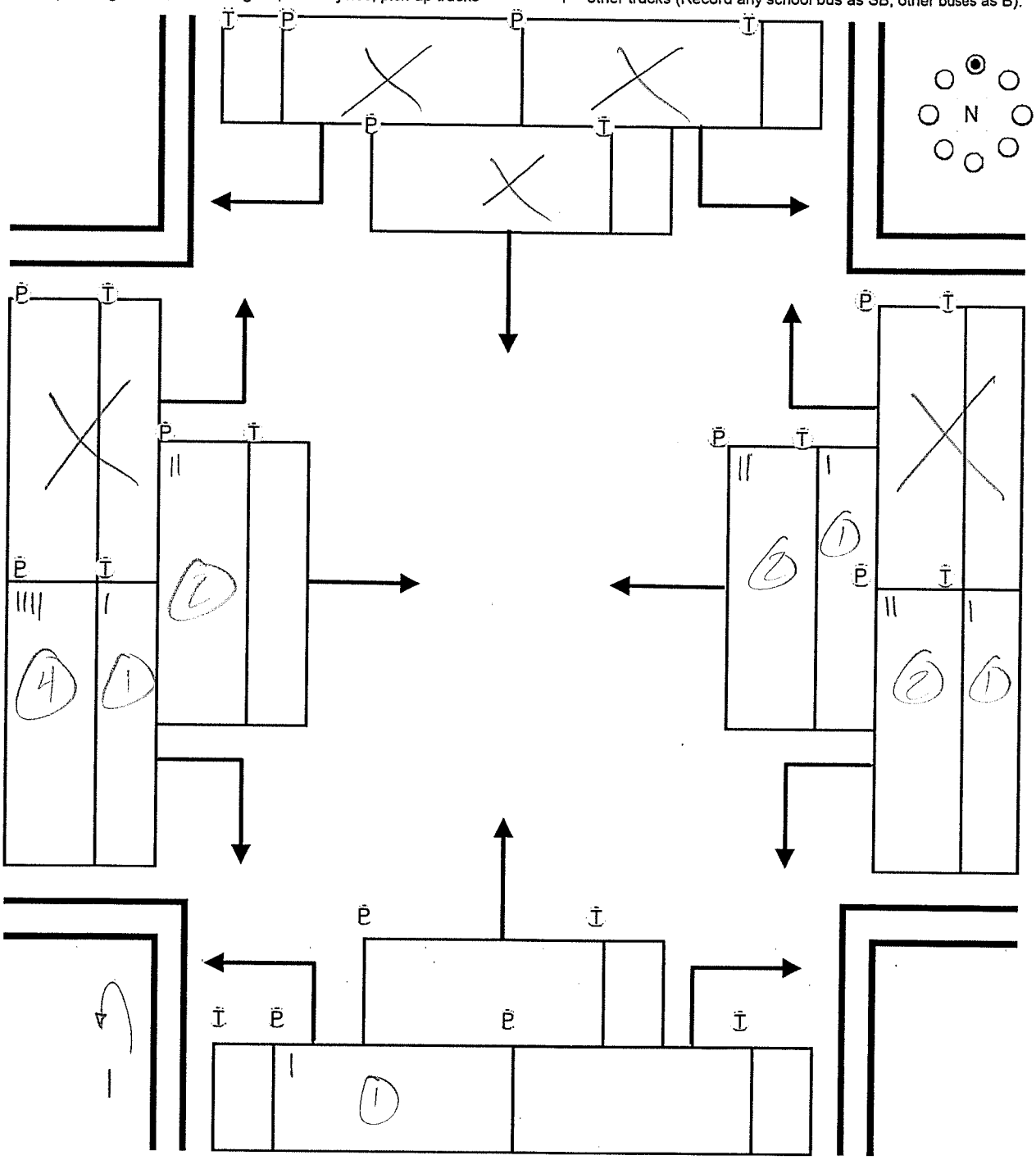
VEHICLE TURNING MOVEMENT COUNTS

Form 750-020-03
TRAFFIC ENGINEERING
10/15

General Information		Site Information	
Analyst/Observer:	Daniel Aurora	Location ID:	
Agency or Company:	SBB Engineering	City:	Topeka
Date Performed:	10/6/20	County:	Shawnee
Time Period From:	8:45am To: 9:00am	N/S Street:	STOVER RD
Weather/Road Condition:	Clear, 55°	E/W Street:	NW 25th St.
Remarks:	BTA		

P = passenger cars, stationwagons, motorcycles, pick-up trucks

T = other trucks (Record any school bus as SB; other buses as B).



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State of Florida Department of Transportation

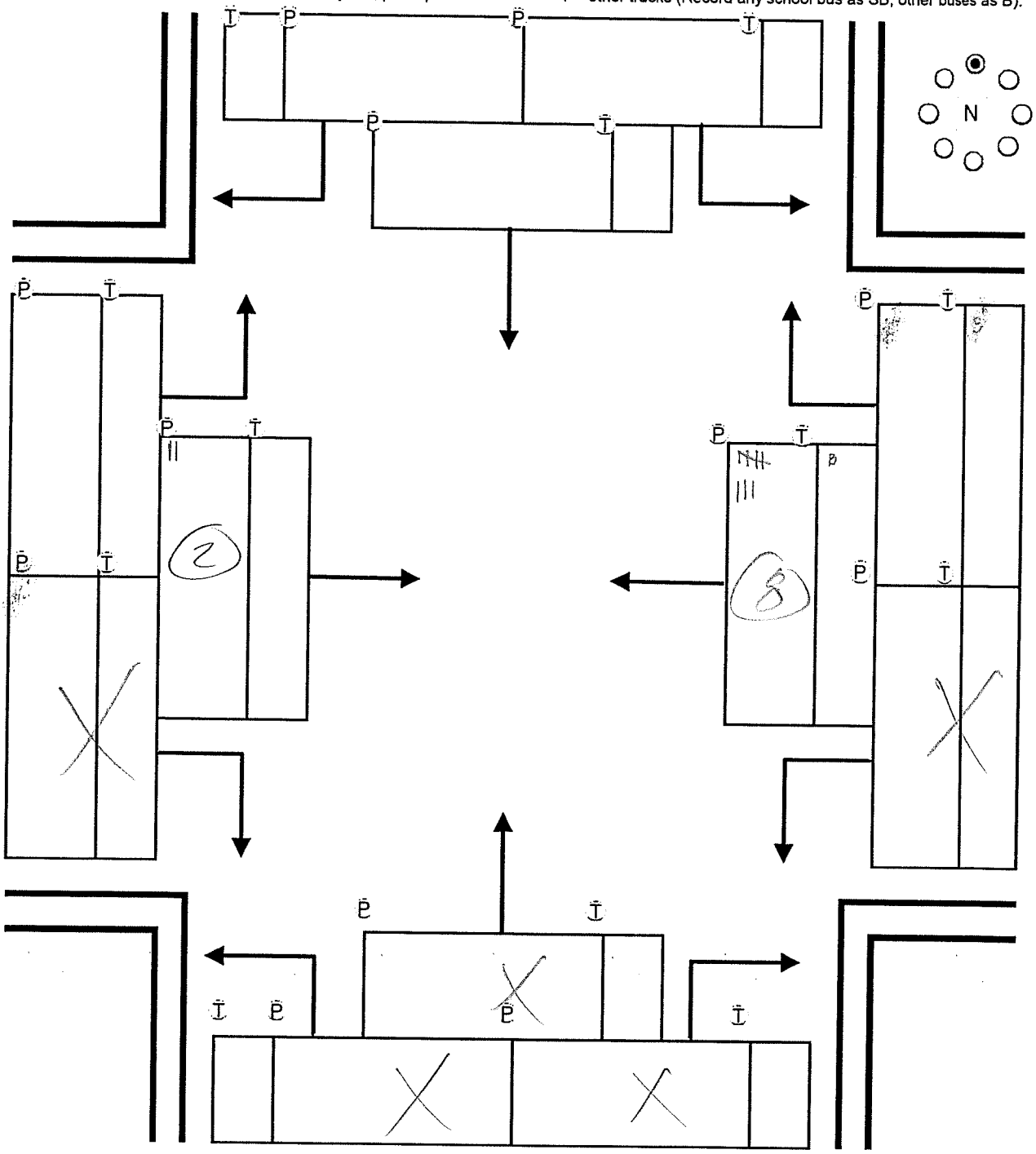
VEHICLE TURNING MOVEMENT COUNTS

Form 750-020-03
TRAFFIC ENGINEERING
10/15

General Information		Site Information	
Analyst/Observer:	Brian Austin	Location ID:	
Agency or Company:	SBB Engineering	City:	Topeka
Date Performed:	10/6/20	County:	Shawnee
Time Period From:	7:00am To: 7:15am	N/S Street:	NW Fund St
Weather/Road Condition:	Clear, 51°	E/W Street:	NW 25th St
Remarks:	BTA		

P = passenger cars, stationwagons, motorcycles, pick-up trucks

T = other trucks (Record any school bus as SB; other buses as B).



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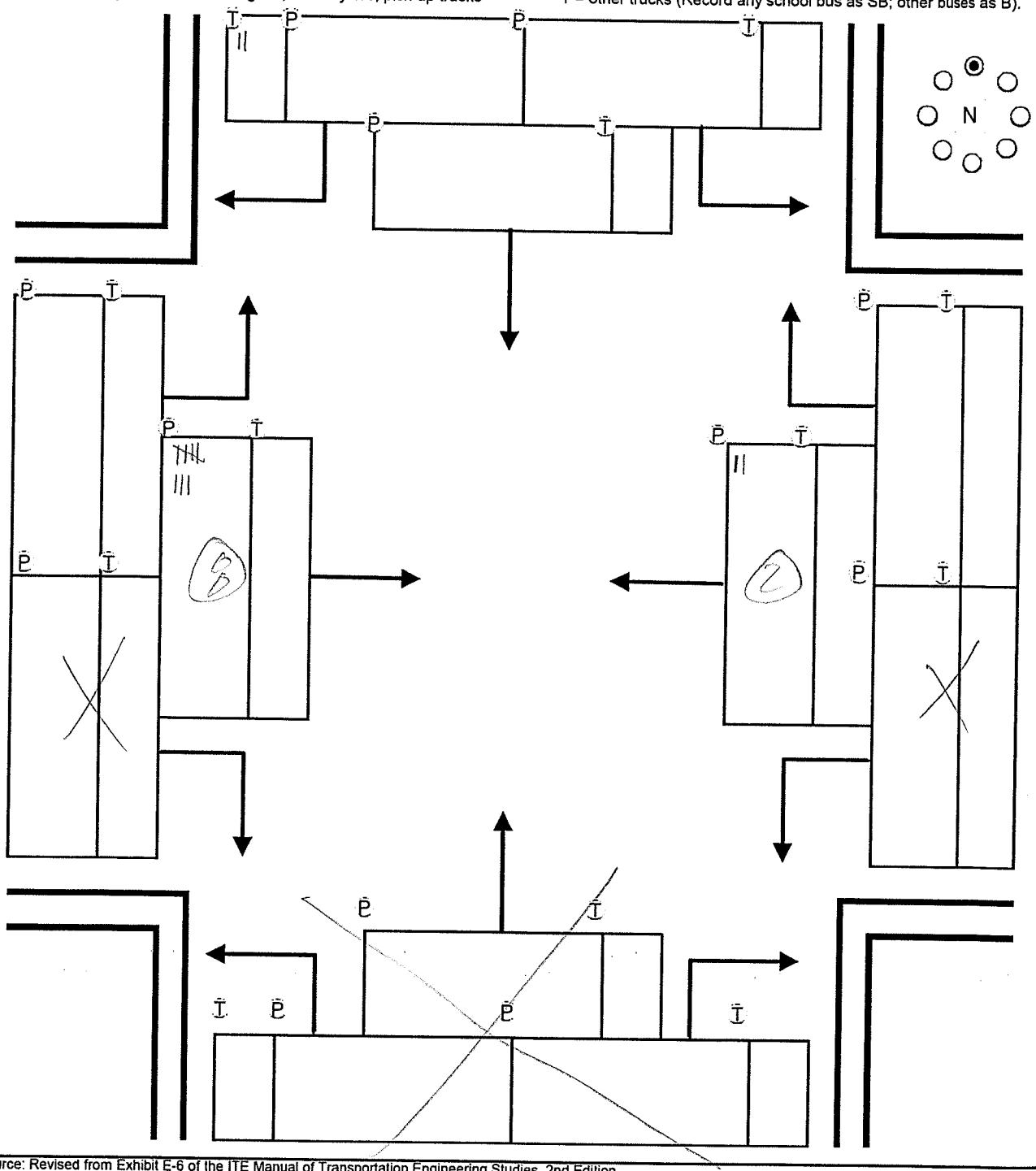
VEHICLE TURNING MOVEMENT COUNTS

Form 750-020-03
TRAFFIC ENGINEERING
10/15

General Information		Site Information	
Analyst/Observer:	Brian Austin	Location ID:	
Agency or Company:	SBB Engineering	City:	Topeka
Date Performed:	10/6/20	County:	Shawnee
Time Period From:	7:15am To: 7:30am	N/S Street:	NW Shaw St
Weather/Road Condition:	clear 51°	E/W Street:	NW 25th St
Remarks:	DTA		

P = passenger cars, stationwagons, motorcycles, pick-up trucks

T = other trucks (Record any school bus as SB; other buses as B).



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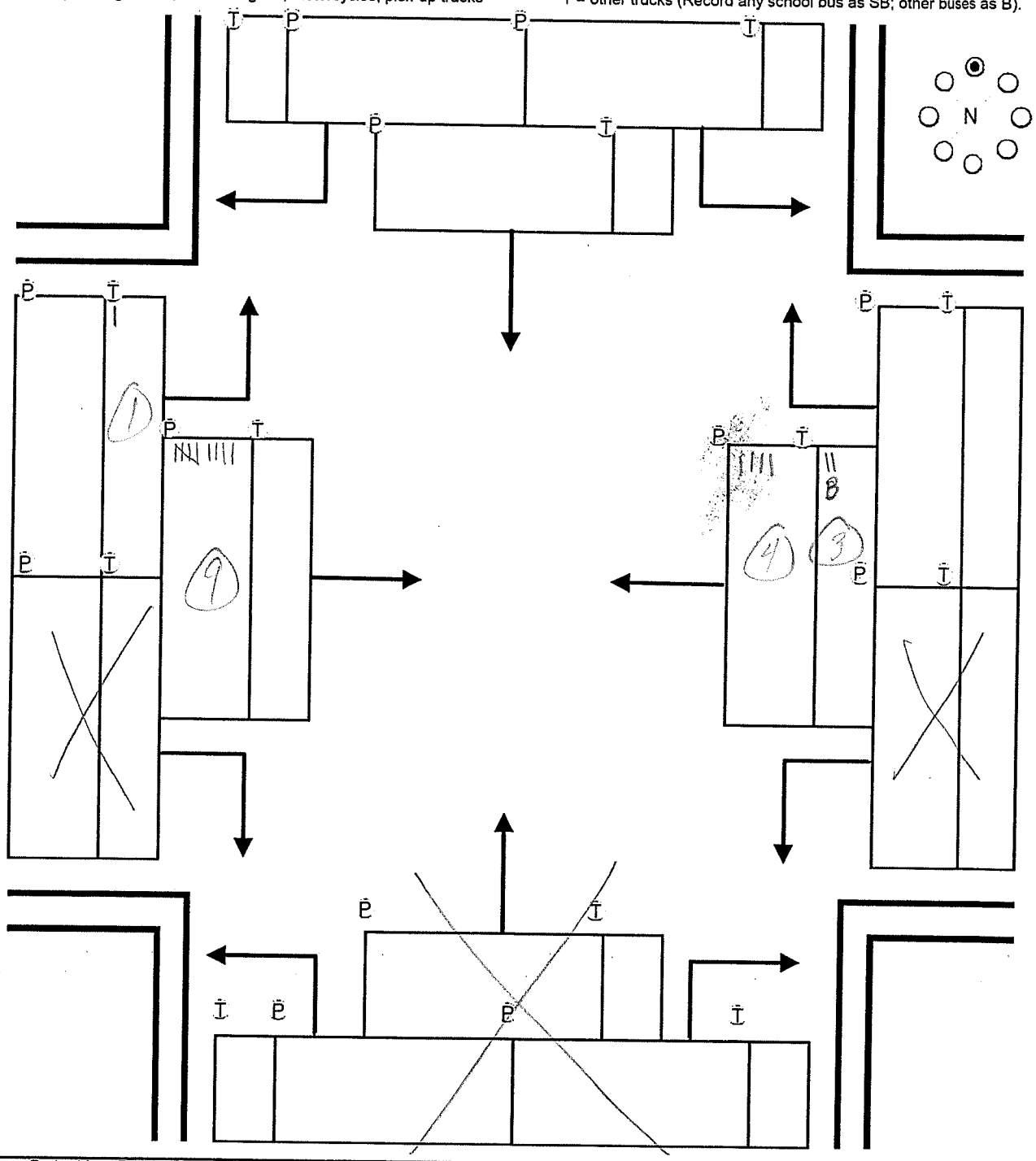
VEHICLE TURNING MOVEMENT COUNTS

Form 750-020-03
TRAFFIC ENGINEERING
10/15

General Information		Site Information	
Analyst/Observer:	Brian Avery	Location ID:	
Agency or Company:	SBB Engineering	City:	Topeka
Date Performed:	10/6/20	County:	Shawnee
Time Period From:	7:30 am To: 7:45am	N/S Street:	NW Shunk St
Weather/Road Condition:	clear 50°	E/W Street:	NW 25th St
Remarks:	OTA		

P = passenger cars, stationwagons, motorcycles, pick-up trucks

T = other trucks (Record any school bus as SB; other buses as B).



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State of Florida Department of Transportation

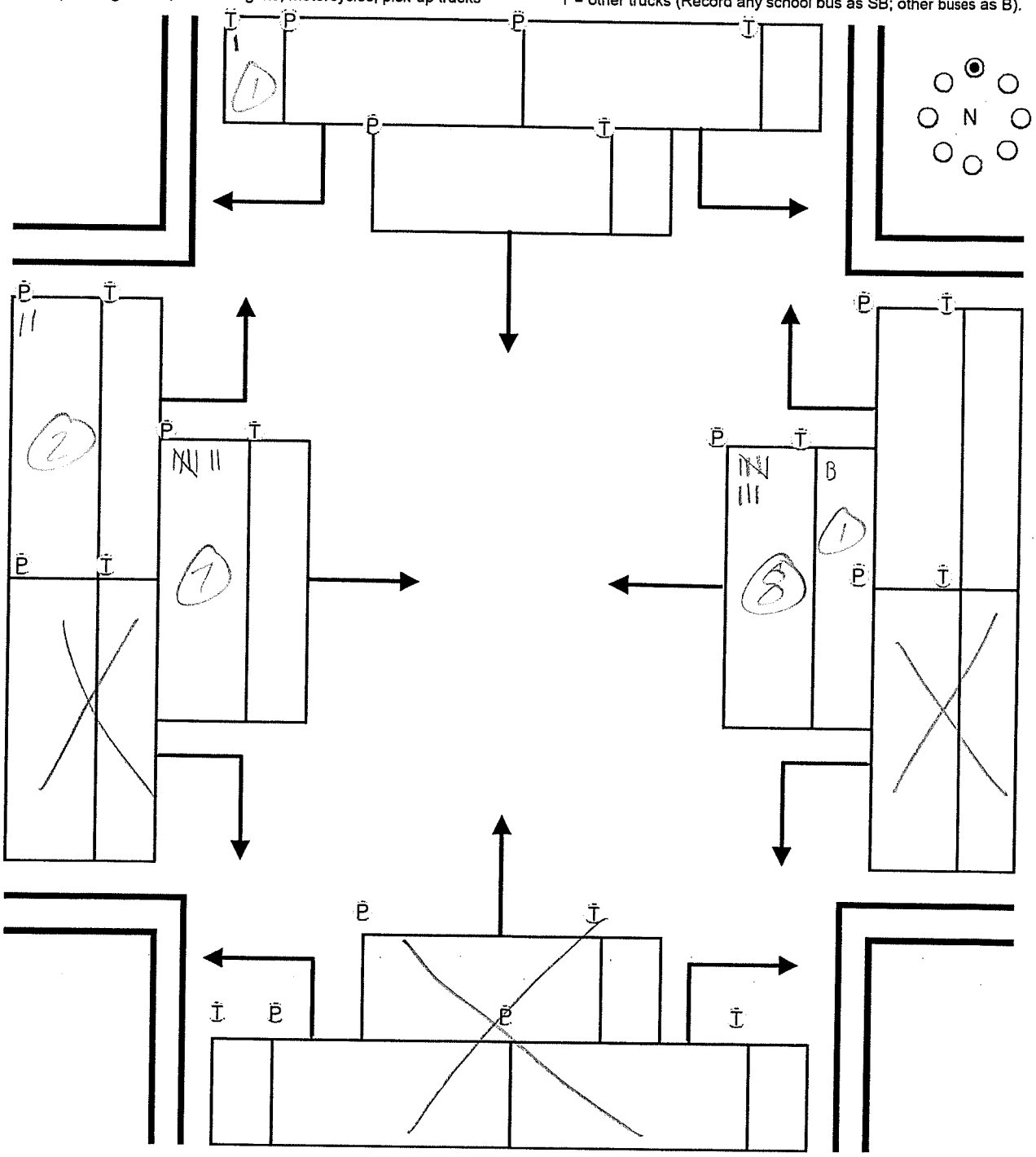
VEHICLE TURNING MOVEMENT COUNTS

Form 750-020-03
TRAFFIC ENGINEERING
10/15

General Information		Site Information	
Analyst/Observer:	Brian Avarion	Location ID:	
Agency or Company:	SBB Engineering	City:	Topeka
Date Performed:	10/6/20	County:	Shawnee
Time Period From:	7:45 am To: 8:00	N/S Street:	NW Fairlawn St
Weather/Road Condition:	clear, 51°	E/W Street:	NW 25th St
Remarks:	BTA		

P = passenger cars, stationwagons, motorcycles, pick-up trucks

T = other trucks (Record any school bus as SB; other buses as B).



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State of Florida Department of Transportation

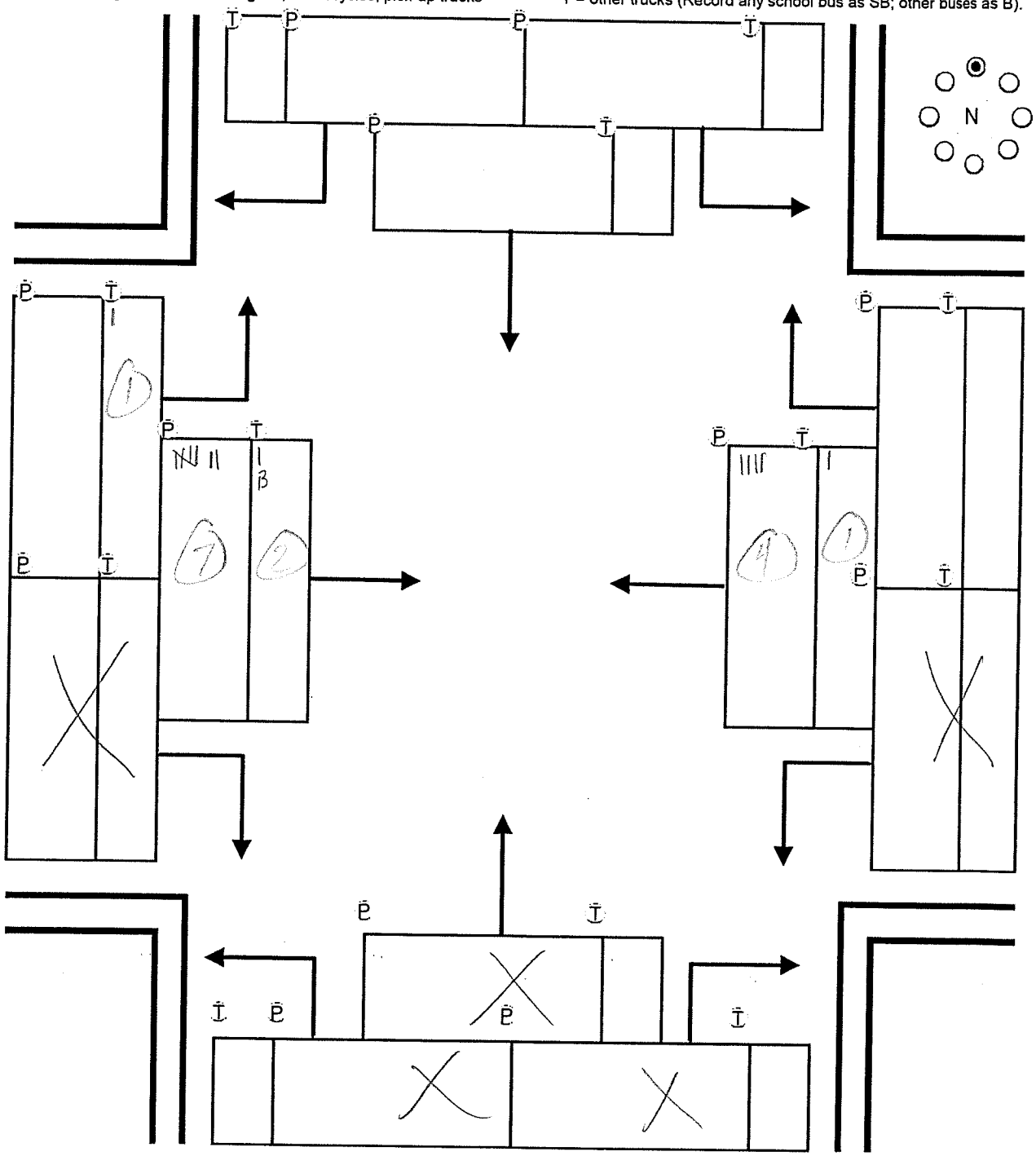
VEHICLE TURNING MOVEMENT COUNTS

Form 750-020-03
TRAFFIC ENGINEERING
10/15

General Information		Site Information	
Analyst/Observer:	Brian Austin	Location ID:	
Agency or Company:	SBB Engineering	City:	Topeka
Date Performed:	10/16/20	County:	Shawnee
Time Period From:	8:00 am To: 8:15 am	N/S Street:	NW Shaw St
Weather/Road Condition:	Clear, 50	E/W Street:	NW 25th St
Remarks:	BTA		

P = passenger cars, stationwagons, motorcycles, pick-up trucks

T = other trucks (Record any school bus as SB; other buses as B).



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State of Florida Department of Transportation

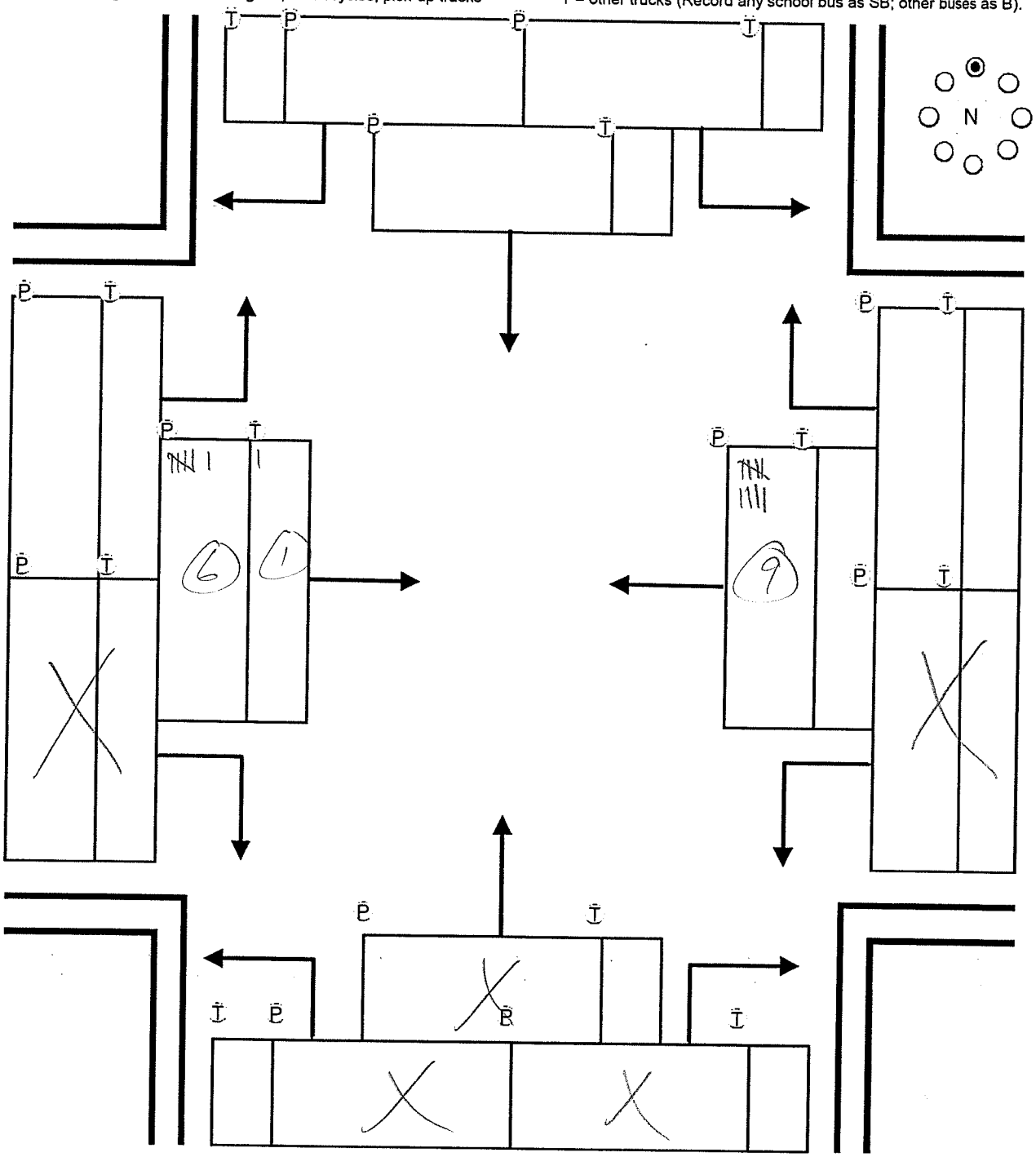
VEHICLE TURNING MOVEMENT COUNTS

Form 750-020-03
TRAFFIC ENGINEERING
10/15

General Information		Site Information	
Analyst/Observer:	Brian Aurand	Location ID:	
Agency or Company:	SBB Engineering	City:	Topeka
Date Performed:	10/6/20	County:	Shawnee
Time Period From:	8:15am To: 8:30am	N/S Street:	NW Shun St
Weather/Road Condition:	Clear, 51°	E/W Street:	NW 25th St
Remarks:	BTA		

P = passenger cars, stationwagons, motorcycles, pick-up trucks

T = other trucks (Record any school bus as SB; other buses as B).



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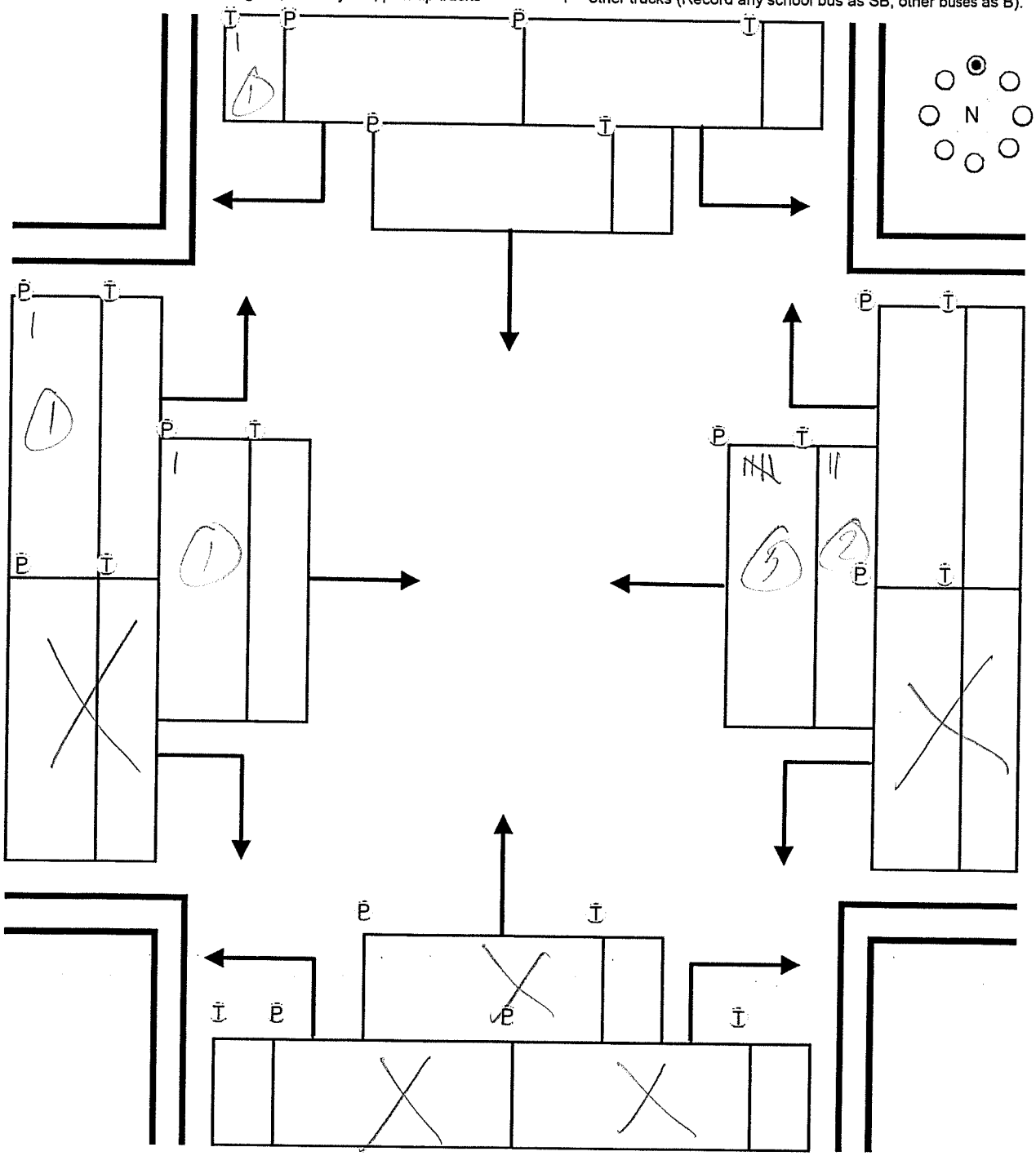
VEHICLE TURNING MOVEMENT COUNTS

Form 750-020-03
TRAFFIC ENGINEERING
10/15

General Information		Site Information	
Analyst/Observer:	Brian Austin	Location ID:	
Agency or Company:	SBB Engineering	City:	Topeka
Date Performed:	10/6/20	County:	Shawnee
Time Period From:	8:30am To: 8:45am	N/S Street:	NW Shun St
Weather/Road Condition:	clear, 53°	E/W Street:	NW 25th St
Remarks:			

P = passenger cars, stationwagons, motorcycles, pick-up trucks

T = other trucks (Record any school bus as SB; other buses as B).



Source: Revised from Exhibit E-6 of the ITE Manual of Transportation Engineering Studies, 2nd Edition

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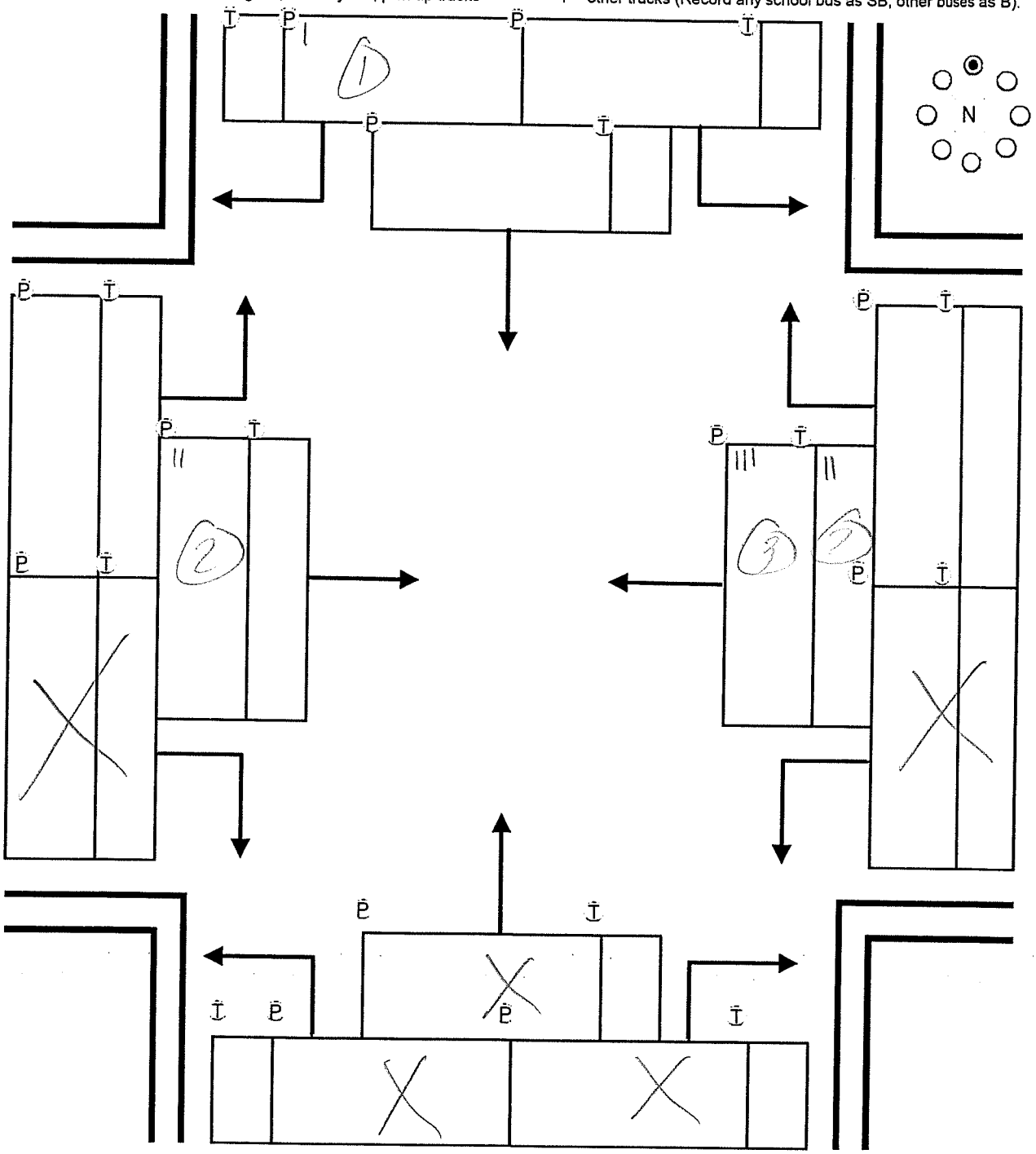
VEHICLE TURNING MOVEMENT COUNTS

Form 750-020-03
TRAFFIC ENGINEERING
10/15

General Information		Site Information	
Analyst/Observer:	Brian Austin	Location ID:	
Agency or Company:	SBB Engineering	City:	Topeka
Date Performed:	10/6/20	County:	Shawnee
Time Period From:	8:45am To: 9:00 am	N/S Street:	NW Shun St
Weather/Road Condition:	Clear, 55°	E/W Street:	NW 25th St
Remarks:	DTA		

P = passenger cars, stationwagons, motorcycles, pick-up trucks

T = other trucks (Record any school bus as SB; other buses as B).



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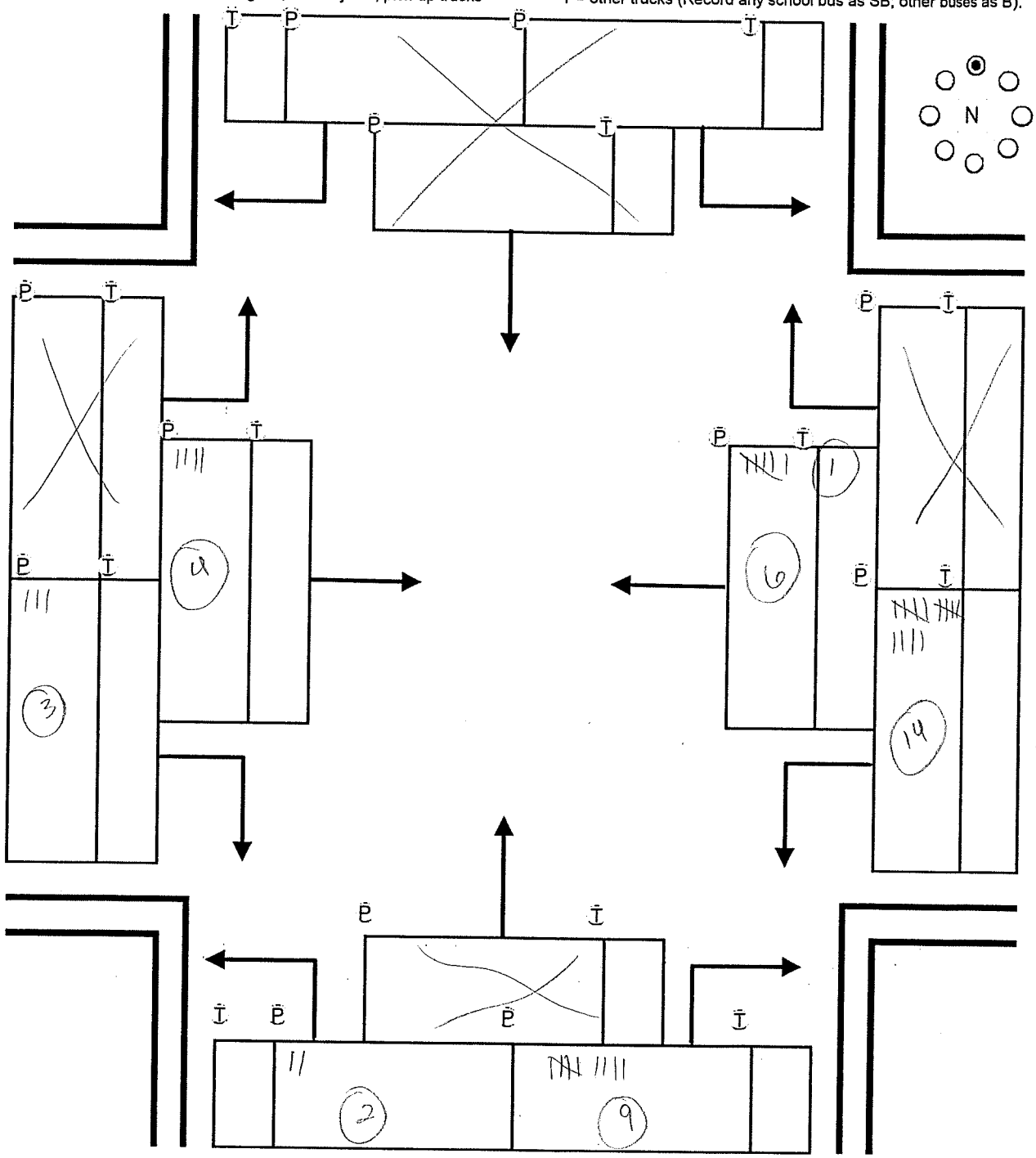
VEHICLE TURNING MOVEMENT COUNTS

Form 750-020-03
TRAFFIC ENGINEERING
10/15

General Information		Site Information	
Analyst/Observer:	Daniel Aguirre LBO	Location ID:	
Agency or Company:	SBB Engineering	City:	Topeka
Date Performed:	10/6/20	County:	Shawnee
Time Period From:	4:00 pm To: 4:15 pm	N/S Street:	STOVER RD
Weather/Road Condition:		E/W Street:	NW 25th St.
Remarks:			

P = passenger cars, stationwagons, motorcycles, pick-up trucks

T = other trucks (Record any school bus as SB; other buses as B).



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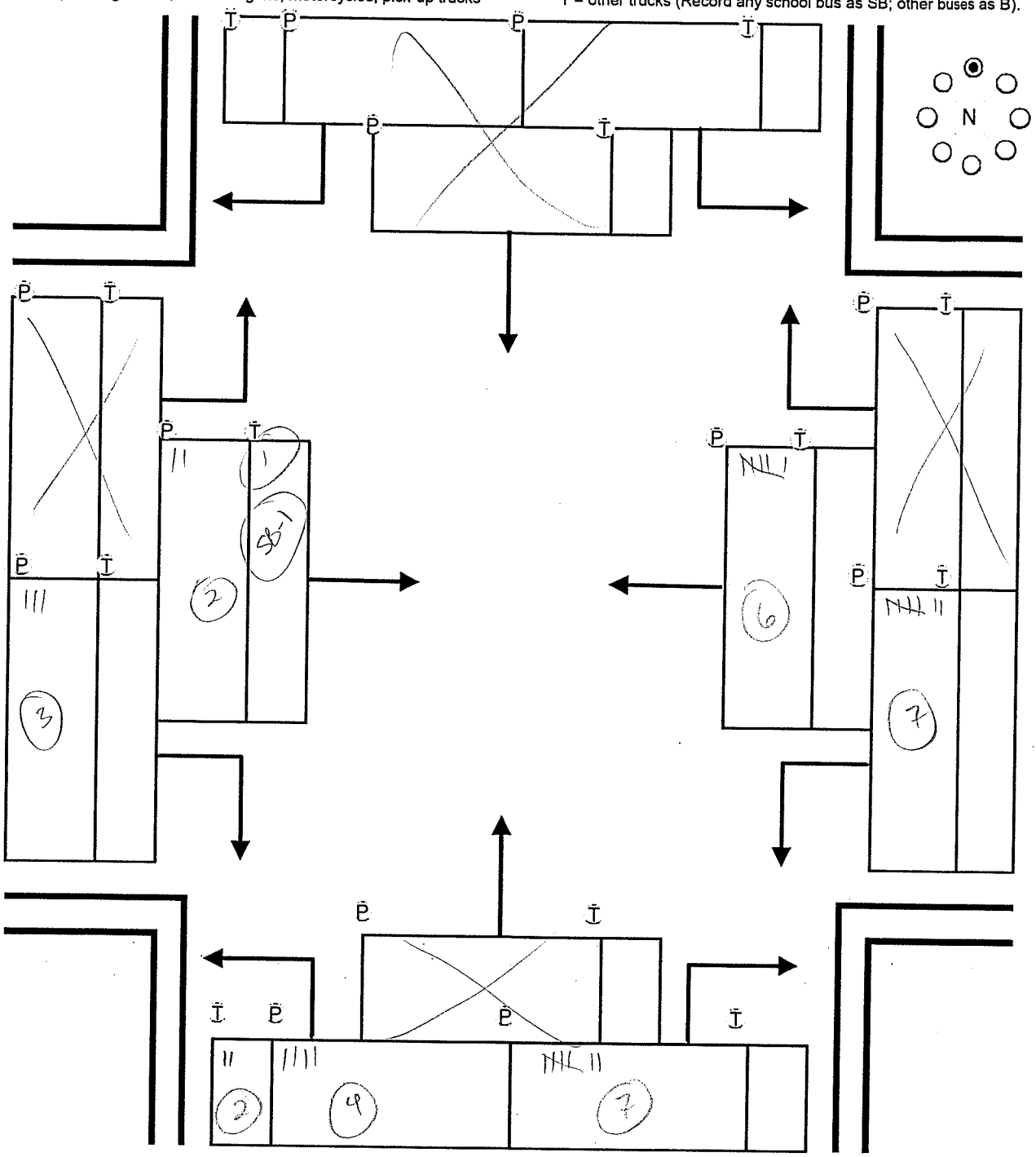
VEHICLE TURNING MOVEMENT COUNTS

Form 750-020-03
TRAFFIC ENGINEERING
10/15

General Information		Site Information	
Analyst/Observer:	Brent Aurand / LBD	Location ID:	
Agency or Company:	SBB Engineering	City:	Topeka
Date Performed:	10/16/20	County:	Shawnee
Time Period From:	4:15pm To: 4:30pm	N/S Street:	STOVER RD
Weather/Road Condition:		E/W Street:	NW 25th St.
Remarks:			

P = passenger cars, stationwagons, motorcycles, pick-up trucks

T = other trucks (Record any school bus as SB; other buses as B).



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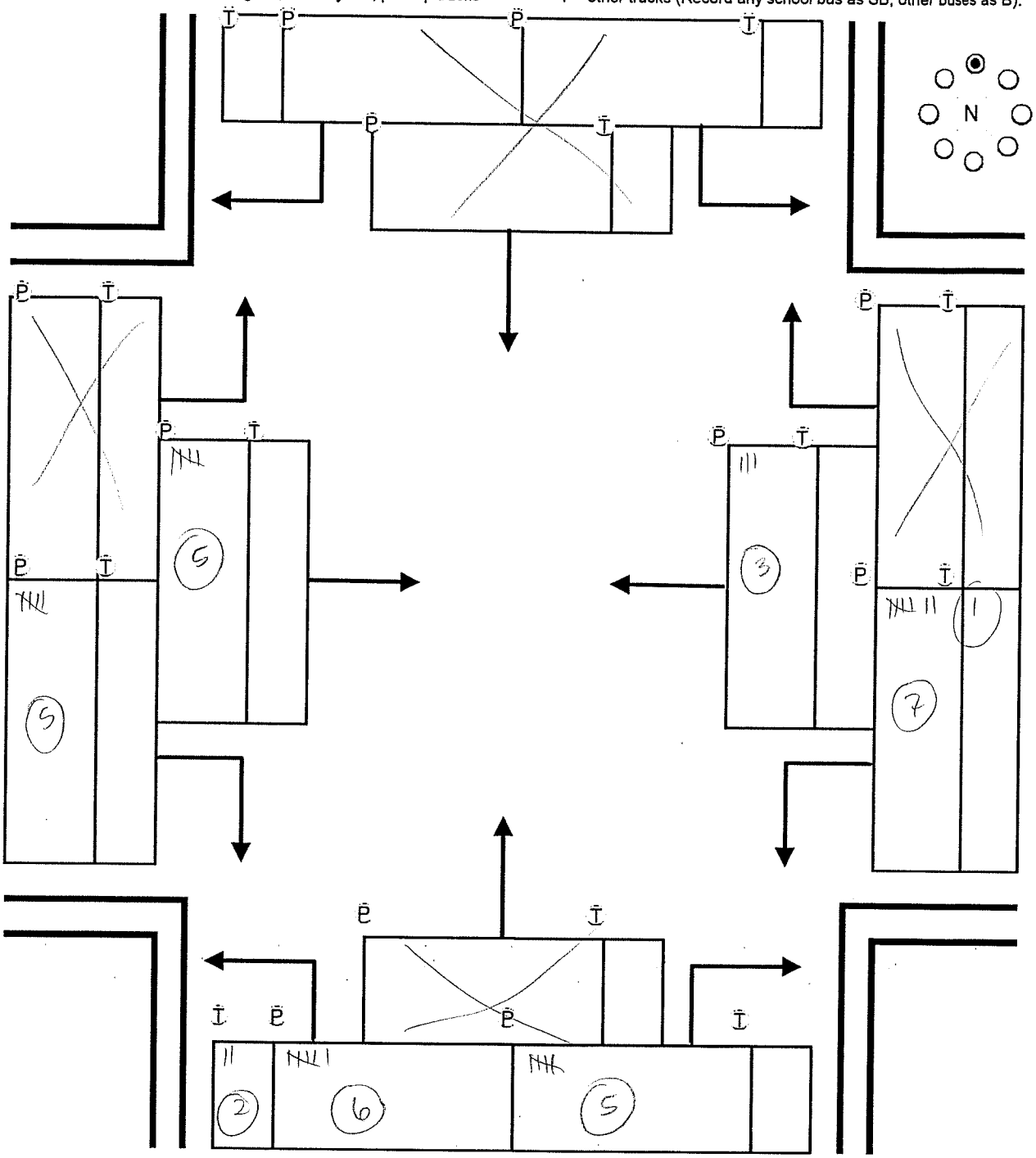
VEHICLE TURNING MOVEMENT COUNTS

Form 750-020-03
TRAFFIC ENGINEERING
10/15

General Information		Site Information	
Analyst/Observer:	Brian Aurand	Location ID:	
Agency or Company:	SBB Engineering	City:	Topeka
Date Performed:	10/10/2020	County:	Shawnee
Time Period From:	4:30 pm To: 4:45pm	N/S Street:	STOVER RD
Weather/Road Condition:		E/W Street:	NW 25th St.
Remarks:			

P = passenger cars, stationwagons, motorcycles, pick-up trucks

T = other trucks (Record any school bus as SB; other buses as B).



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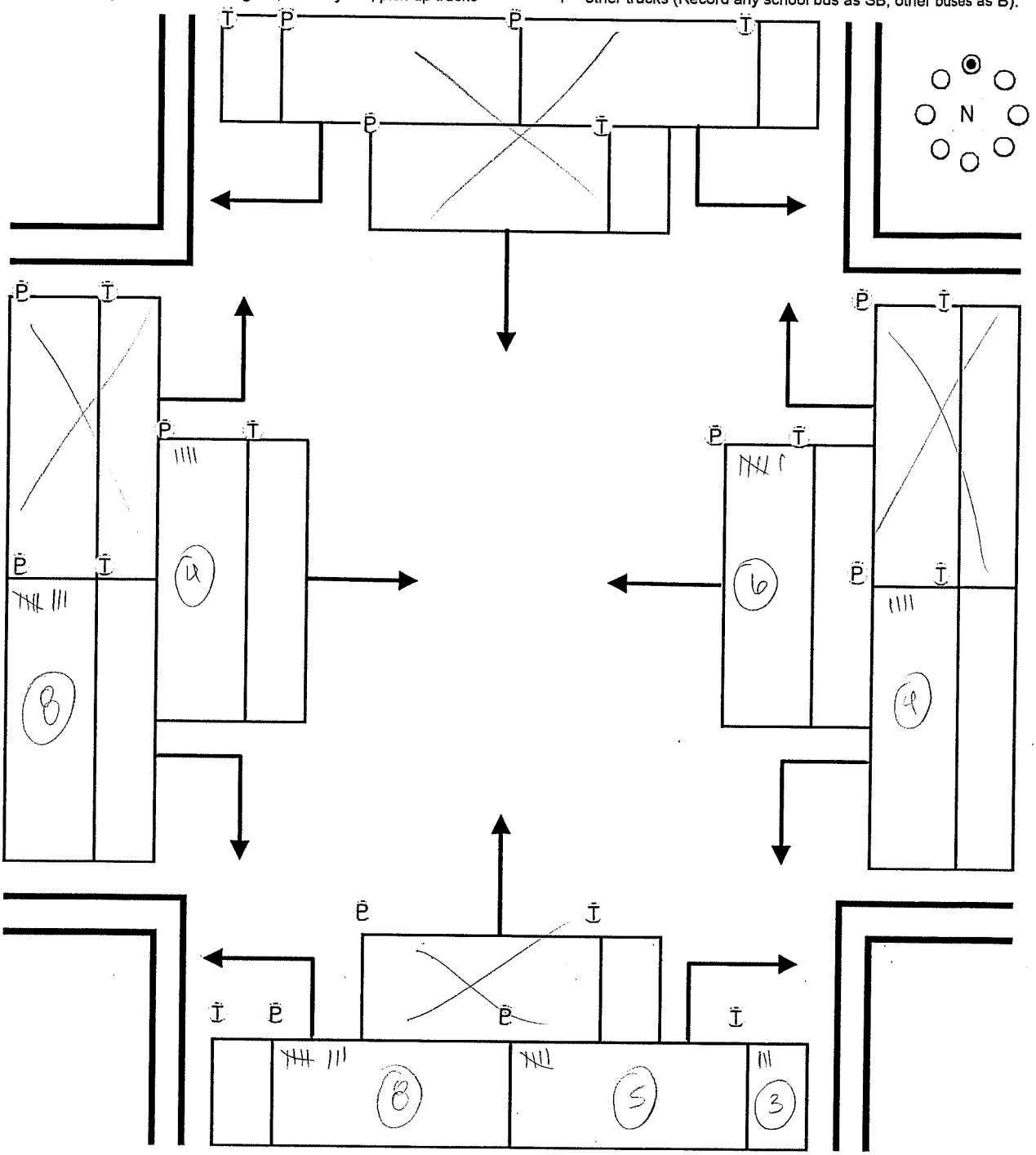
VEHICLE TURNING MOVEMENT COUNTS

Form 750-020-03
TRAFFIC ENGINEERING
10/15

General Information		Site Information	
Analyst/Observer:	Daniel Amorim / LBO	Location ID:	
Agency or Company:	SBB Engineering	City:	Topeka
Date Performed:	10/6/20	County:	Shawnee
Time Period From:	4:45 pm To: 5:00 pm	N/S Street:	STOVER RD
Weather/Road Condition:		E/W Street:	NW 25th St.
Remarks:			

P = passenger cars, stationwagons, motorcycles, pick-up trucks

T = other trucks (Record any school bus as SB; other buses as B).



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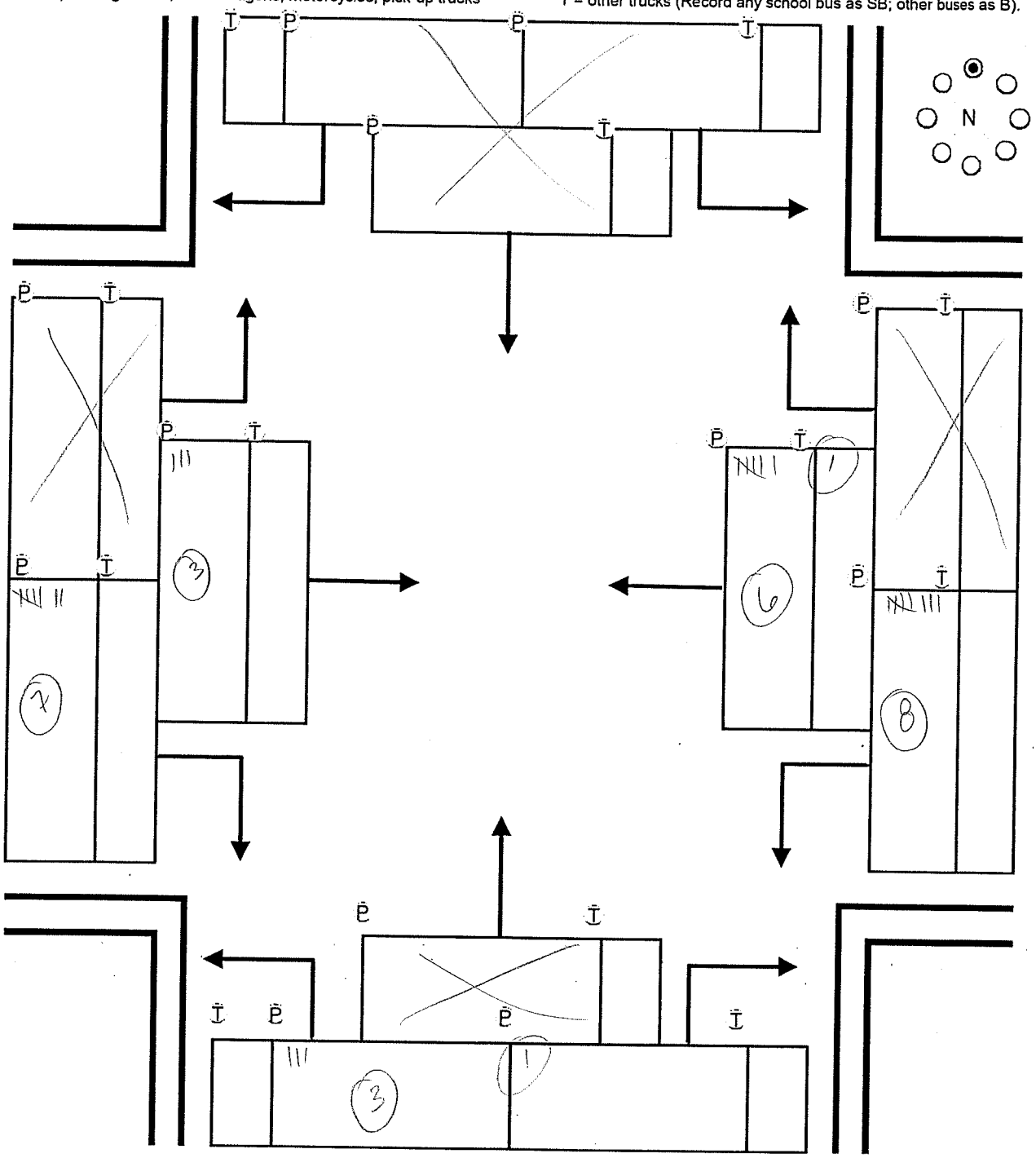
VEHICLE TURNING MOVEMENT COUNTS

Form 750-020-03
TRAFFIC ENGINEERING
10/15

General Information		Site Information	
Analyst/Observer:	Brian Aurand / LBO	Location ID:	
Agency or Company:	SBB Engineering	City:	Topeka
Date Performed:	10/1/20	County:	Shawnee
Time Period From:	5:00 pm To: 5:15pm	N/S Street:	STOVER RD
Weather/Road Condition:		E/W Street:	NW 25th St.
Remarks:			

P = passenger cars, stationwagons, motorcycles, pick-up trucks

T = other trucks (Record any school bus as SB; other buses as B).



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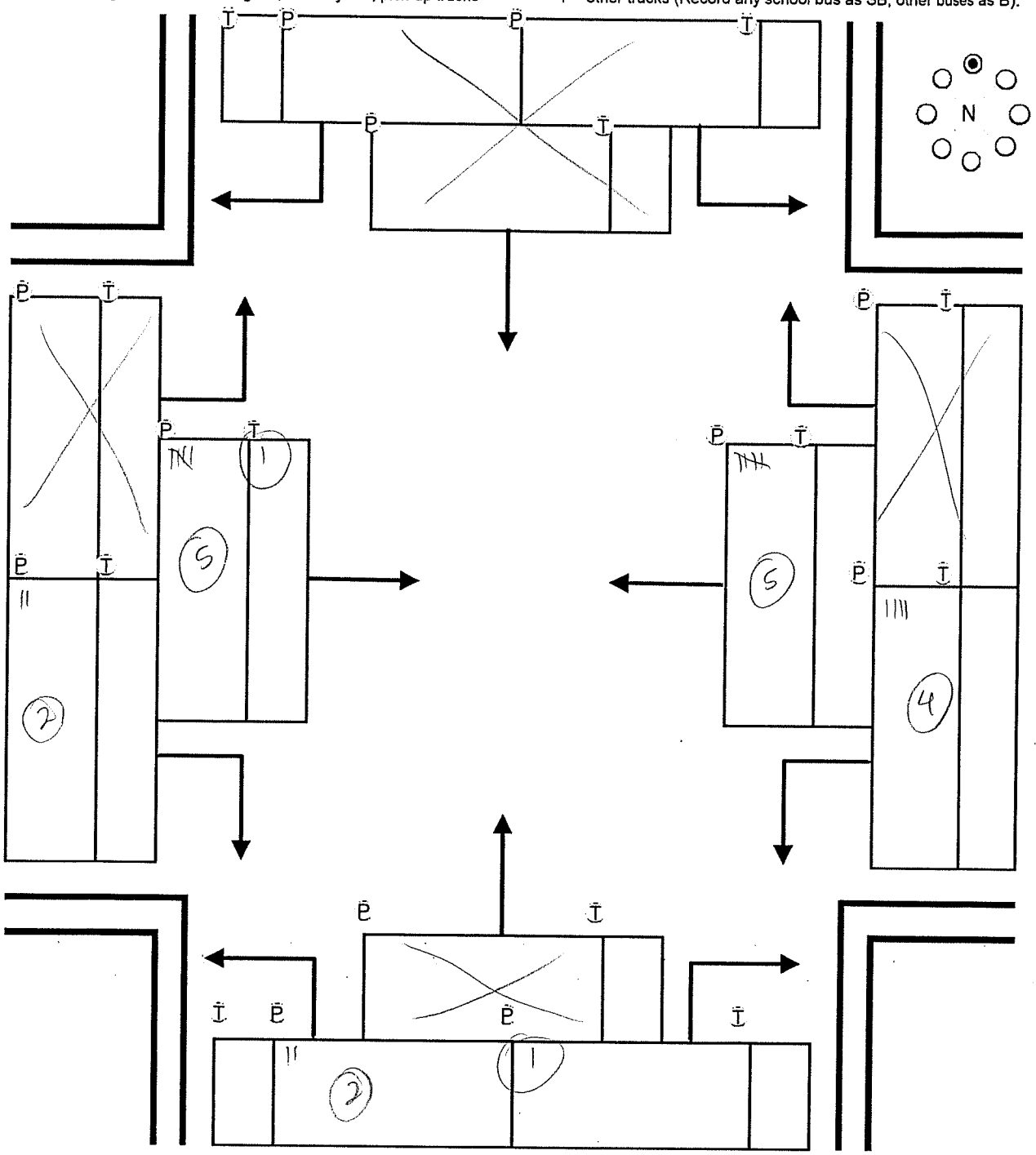
VEHICLE TURNING MOVEMENT COUNTS

Form 750-020-03
TRAFFIC ENGINEERING
10/15

General Information		Site Information	
Analyst/Observer:	Brian Aurand / LBO	Location ID:	
Agency or Company:	SBB Engineering	City:	Topeka
Date Performed:	10/6/2020	County:	Shawnee
Time Period From:	5:15 pm To: 5:30pm	N/S Street:	STOVER RD
Weather/Road Condition:		E/W Street:	NW 25th St.
Remarks:			

P = passenger cars, stationwagons, motorcycles, pick-up trucks

T = other trucks (Record any school bus as SB; other buses as B).



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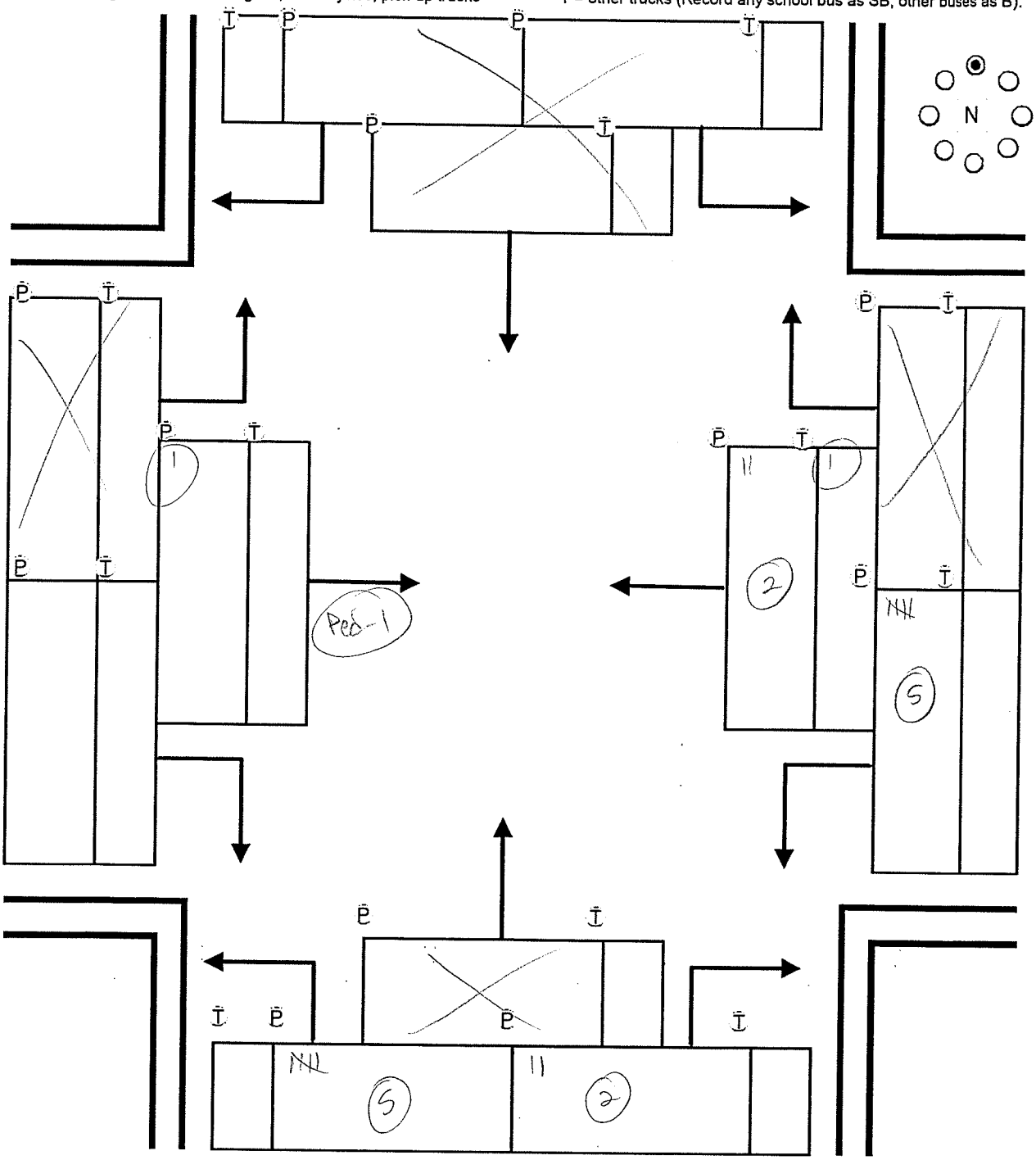
VEHICLE TURNING MOVEMENT COUNTS

Form 750-020-03
TRAFFIC ENGINEERING
10/15

General Information		Site Information	
Analyst/Observer:	Daniel Aurand / LBD	Location ID:	
Agency or Company:	SBB Engineering	City:	Topeka
Date Performed:	10/16/20	County:	Shawnee
Time Period From:	5:30 pm To: 5:45 pm	N/S Street:	STOVER RD
Weather/Road Condition:		E/W Street:	NW 25th St.
Remarks:			

P = passenger cars, stationwagons, motorcycles, pick-up trucks

T = other trucks (Record any school bus as SB; other buses as B).



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State of Florida Department of Transportation

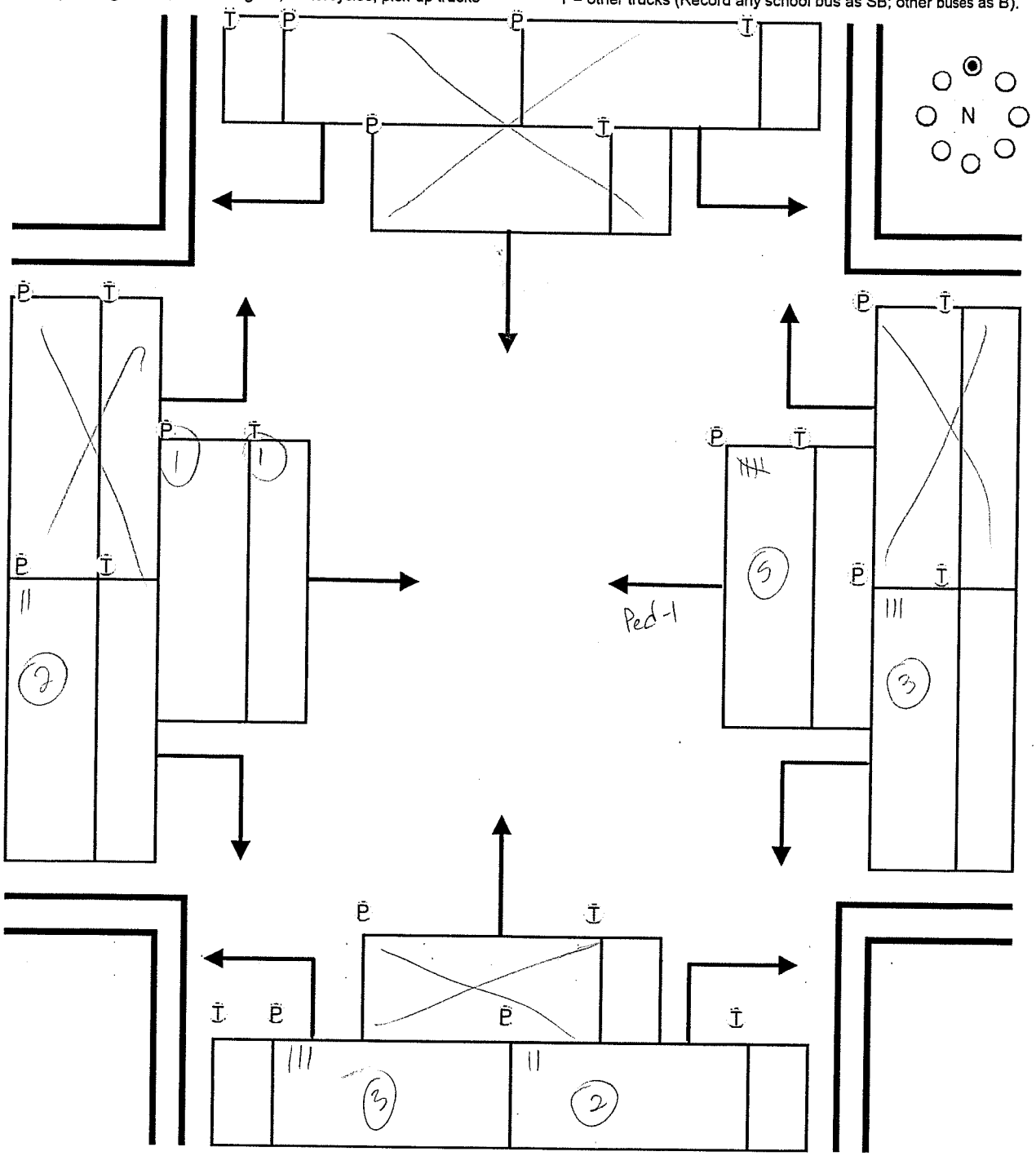
VEHICLE TURNING MOVEMENT COUNTS

Form 750-020-03
TRAFFIC ENGINEERING
10/15

General Information		Site Information	
Analyst/Observer:	Daniel Aurand / LBD	Location ID:	
Agency or Company:	SBB Engineering	City:	Topeka
Date Performed:	10/6/20	County:	Shawnee
Time Period From:	5:45pm To: 6:00pm	N/S Street:	STOVER RD
Weather/Road Condition:		E/W Street:	NW 25th St.
Remarks:			

P = passenger cars, stationwagons, motorcycles, pick-up trucks

T = other trucks (Record any school bus as SB; other buses as B).



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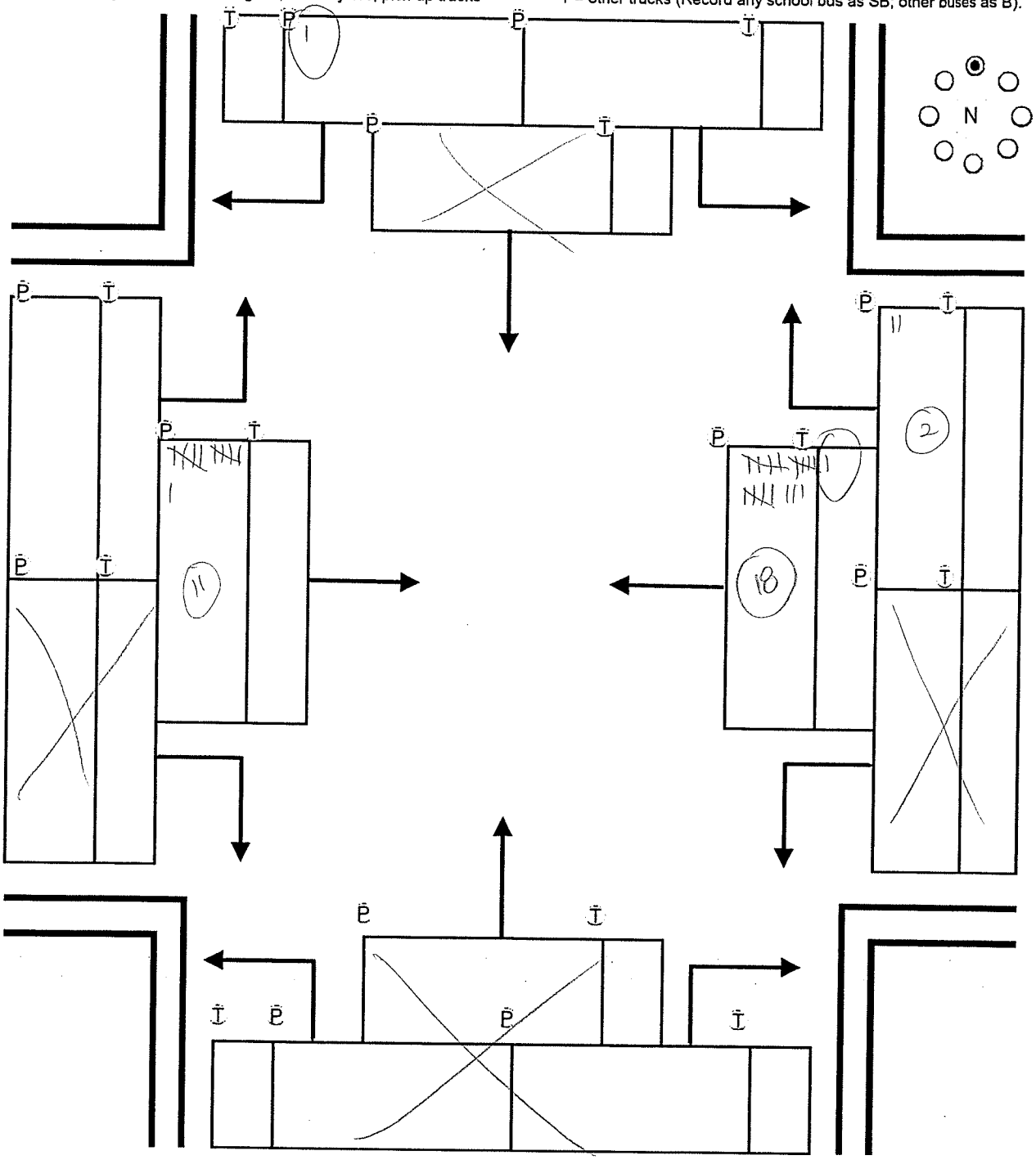
VEHICLE TURNING MOVEMENT COUNTS

Form 750-020-03
TRAFFIC ENGINEERING
10/15

General Information		Site Information	
Analyst/Observer:	Brian Aurand / LBO	Location ID:	
Agency or Company:	SBB Engineering	City:	Topeka
Date Performed:	10/16/2020	County:	Shawnee
Time Period From:	4:00 pm To: 4:15 pm	N/S Street:	NW Shaw St
Weather/Road Condition:		E/W Street:	NW 25th St
Remarks:			

P = passenger cars, stationwagons, motorcycles, pick-up trucks

T = other trucks (Record any school bus as SB; other buses as B).



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VEHICLE TURNING MOVEMENT COUNTS

Form 750-020-03
TRAFFIC ENGINEERING
10/15

General Information		Site Information	
Analyst/Observer:	Brian Austin / LBO	Location ID:	
Agency or Company:	SBB Engineering	City:	Topeka
Date Performed:	10/16/20	County:	Shawnee
Time Period From:	4:15pm To: 4:30pm	N/S Street:	NW Shun St
Weather/Road Condition:		E/W Street:	NW 25th St
Remarks:			

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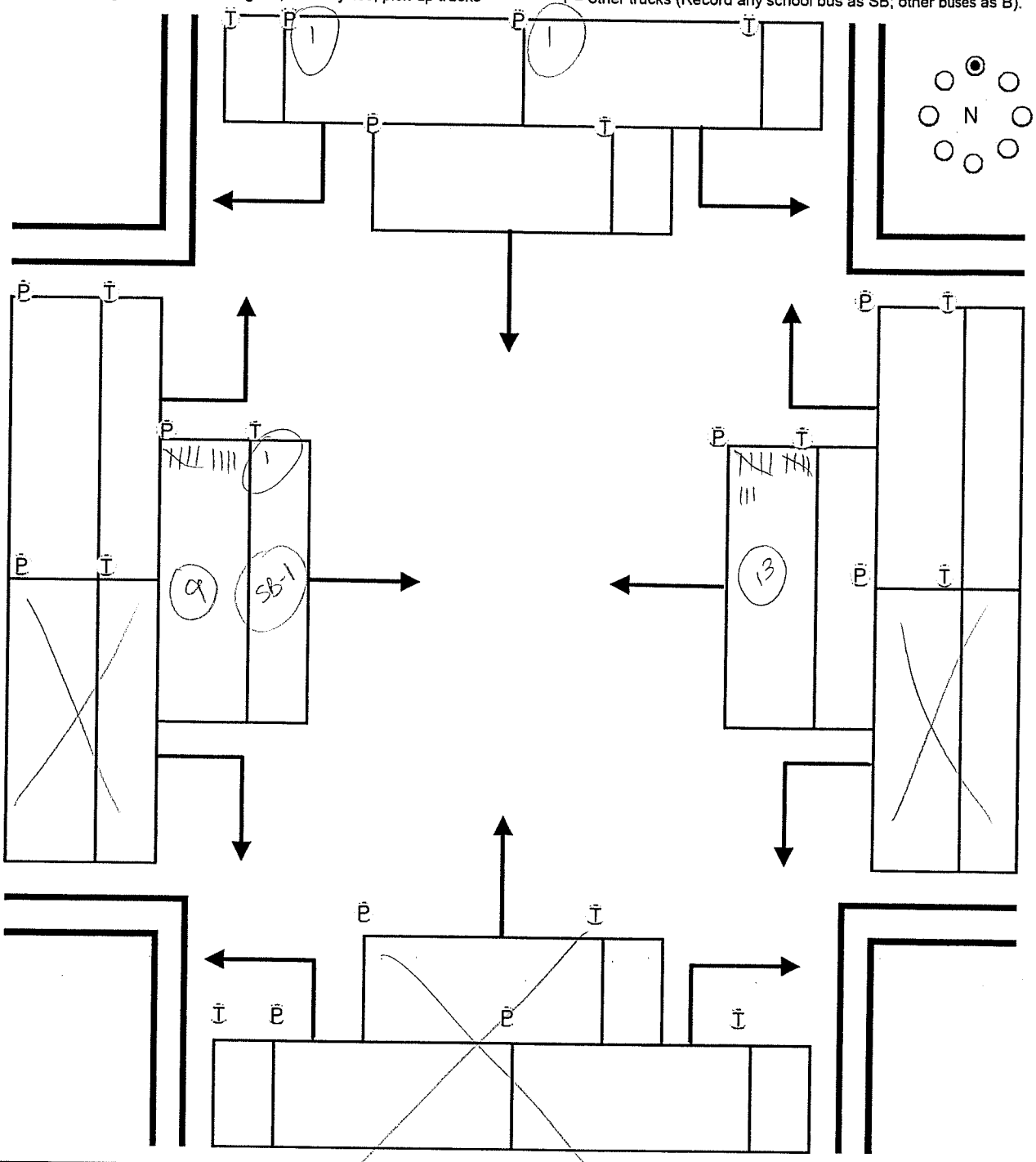

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Form 750-020-03
TRAFFIC ENGINEERING
10/15

General Information		Site Information	
Analyst/Observer:	Brian Averill / LBD	Location ID:	
Agency or Company:	SBB Engineering	City:	Topeka
Date Performed:	10/6/2020	County:	Shawnee
Time Period From:	4:30pm To: 4:45pm	N/S Street:	NW Shun St
Weather/Road Condition:		E/W Street:	NW 25th St
Remarks:			

P = passenger cars, stationwagons, motorcycles, pick-up trucks

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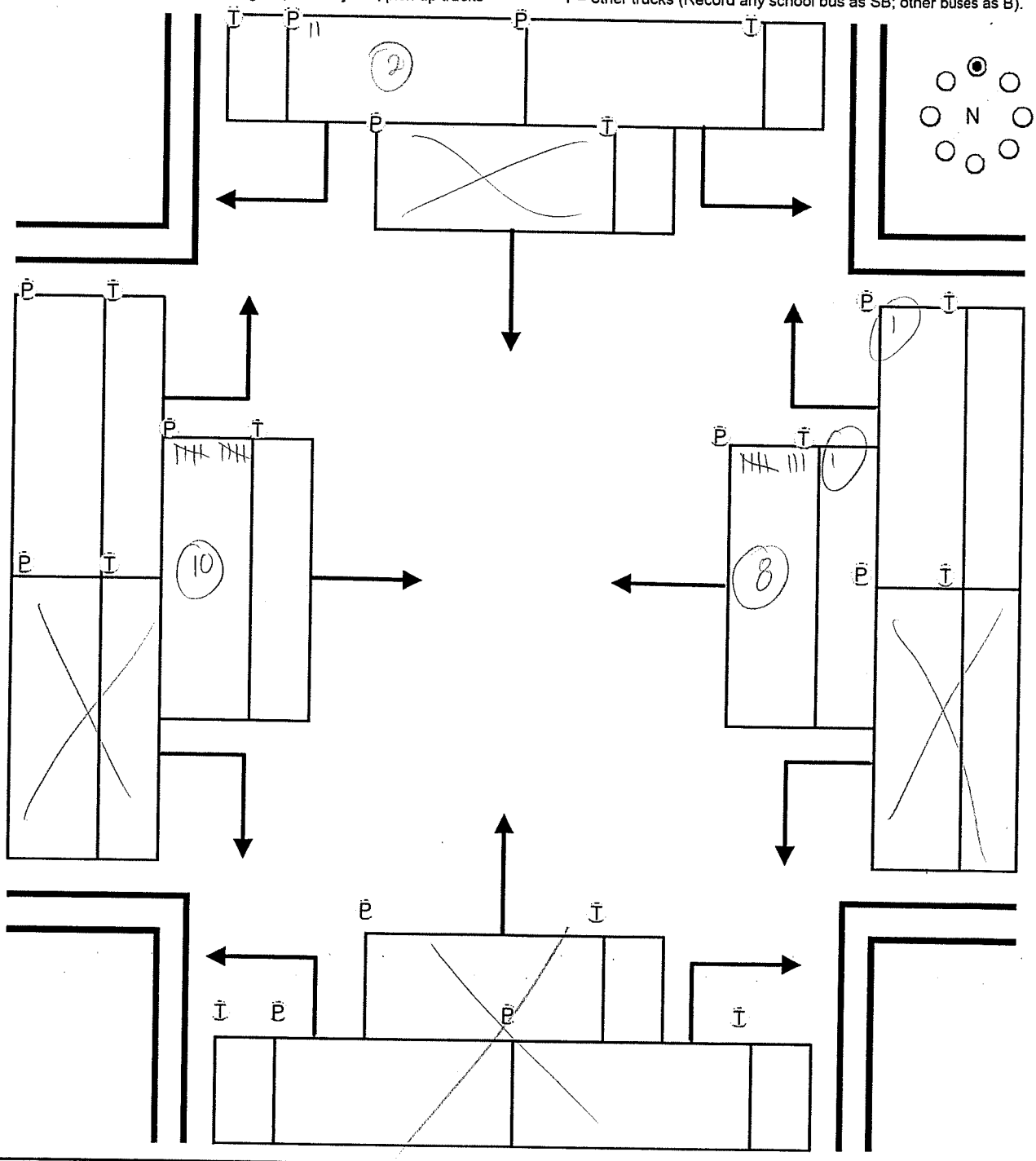

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Form 750-020-03
TRAFFIC ENGINEERING
10/15

General Information		Site Information	
Analyst/Observer:	Brian Aurand / LBO	Location ID:	
Agency or Company:	SBB Engineering	City:	Topeka
Date Performed:	10/6/20	County:	Shawnee
Time Period From:	4:45pm To: 5:00pm	N/S Street:	NW Shaw St
Weather/Road Condition:		E/W Street:	NW 25th St
Remarks:			

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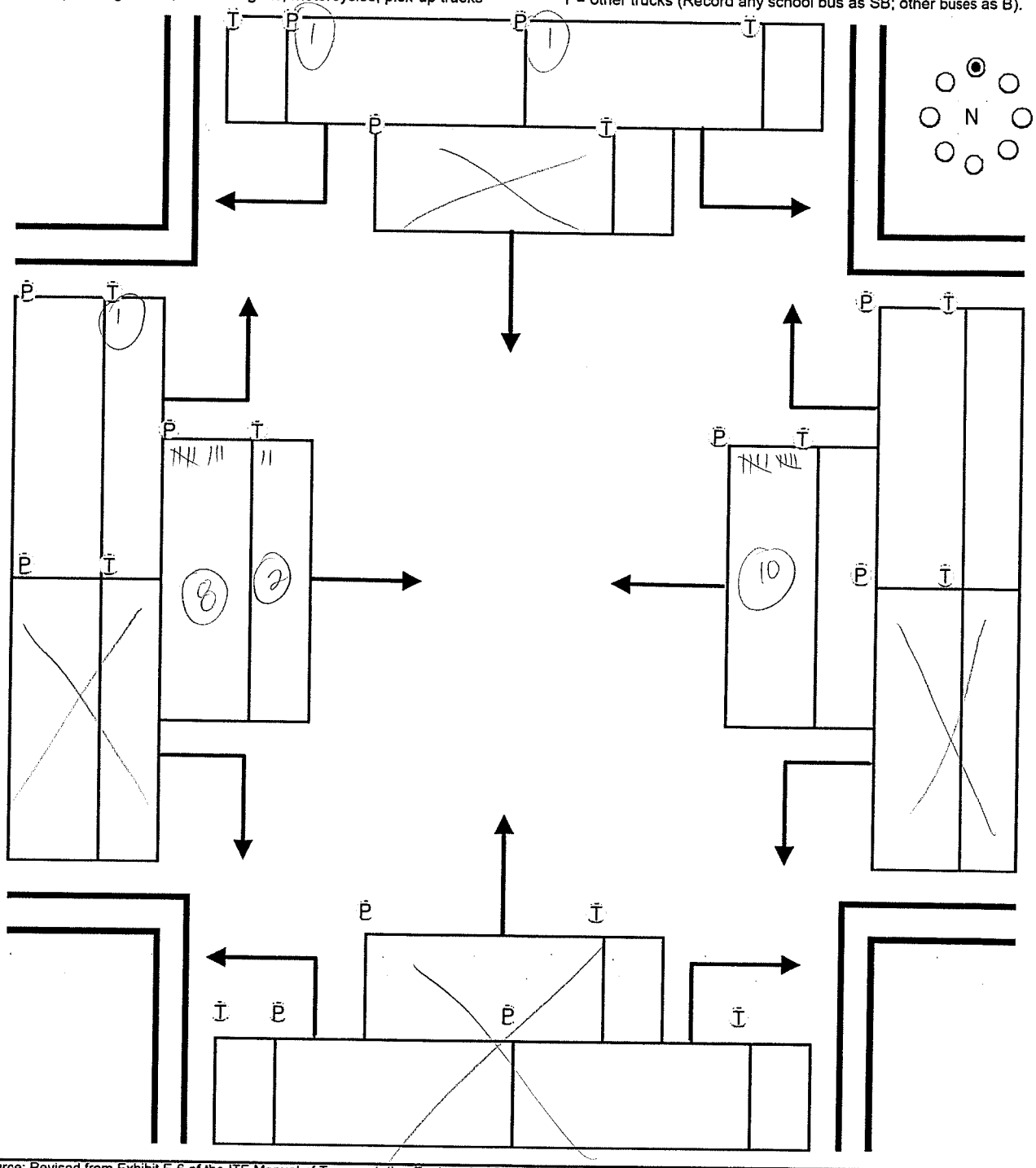

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State of Florida Department of Transportation

VEHICLE TURNING MOVEMENT COUNTS

Form 750-020-03
TRAFFIC ENGINEERING
10/15

General Information		Site Information	
Analyst/Observer:	Brian Austin / LBO	Location ID:	
Agency or Company:	SBB Engineering	City:	Topeka
Date Performed:	10/16/20	County:	Shawnee
Time Period From:	5:00pm To: 5:15pm	N/S Street:	NW Shea St
Weather/Road Condition:		E/W Street:	NW 25th St
Remarks:			

P = passenger cars, stationwagons, motorcycles, pick-up trucks

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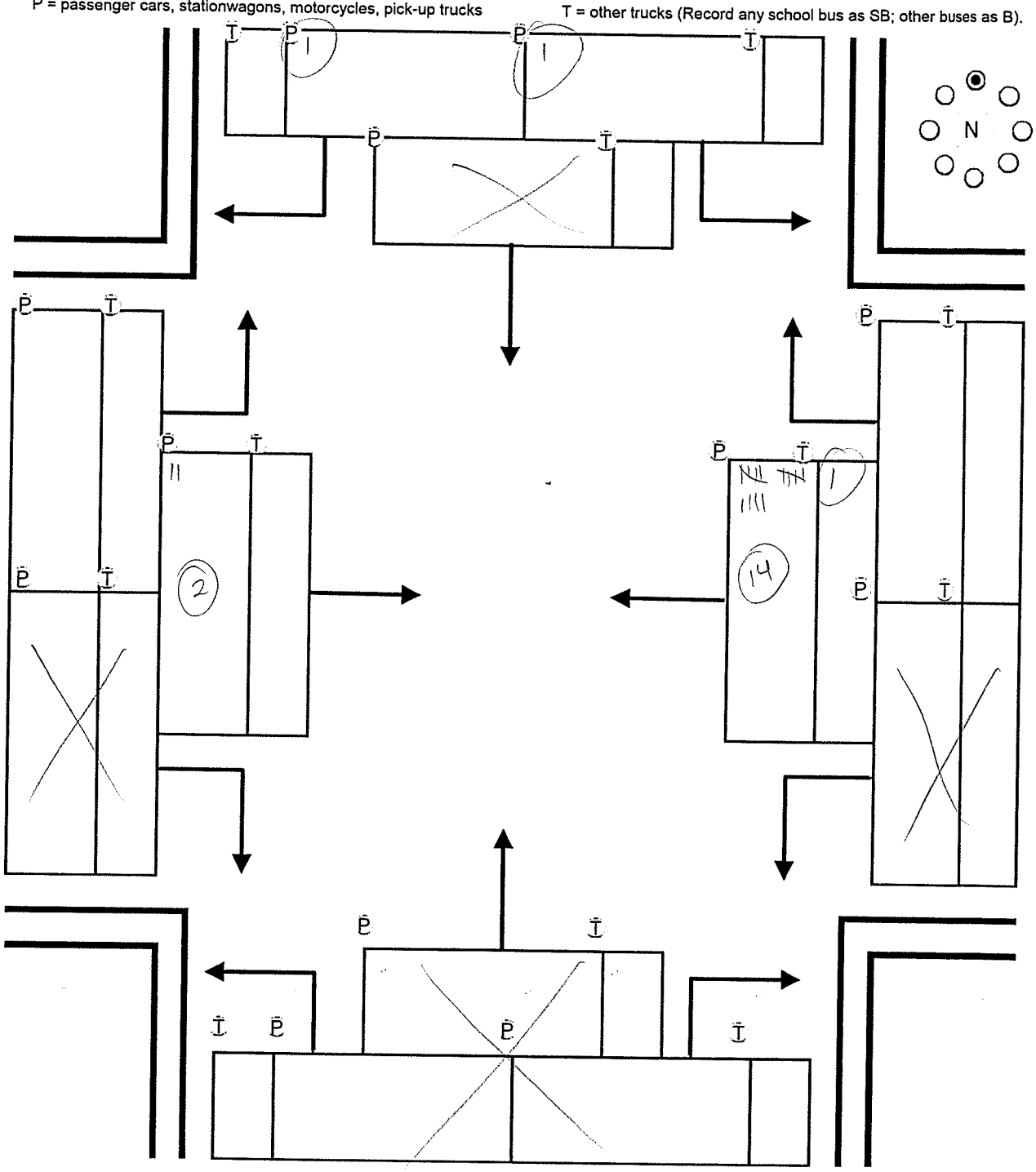

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State of Florida Department of Transportation

VEHICLE TURNING MOVEMENT COUNTS

Form 750-020-03
TRAFFIC ENGINEERING
10/15

General Information		Site Information	
Analyst/Observer:	Brian Austin / LBO	Location ID:	
Agency or Company:	SBB Engineering	City:	Topeka
Date Performed:	10/6/20	County:	Shawnee
Time Period From:	5:15pm To: 5:30pm	N/S Street:	NW Shira St
Weather/Road Condition:		E/W Street:	NW 25th St
Remarks:			

P = passenger cars, stationwagons, motorcycles, pick-up trucks

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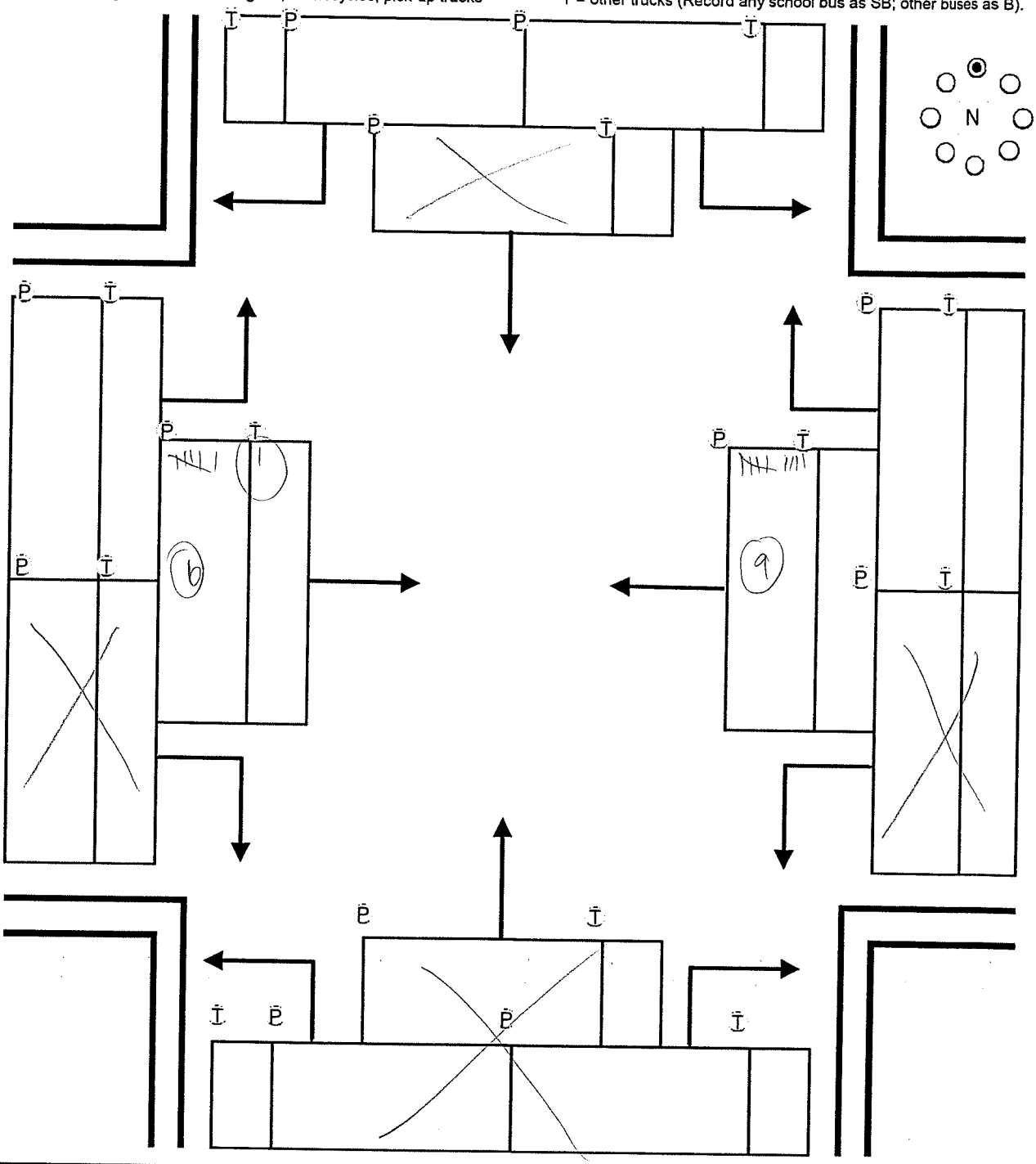

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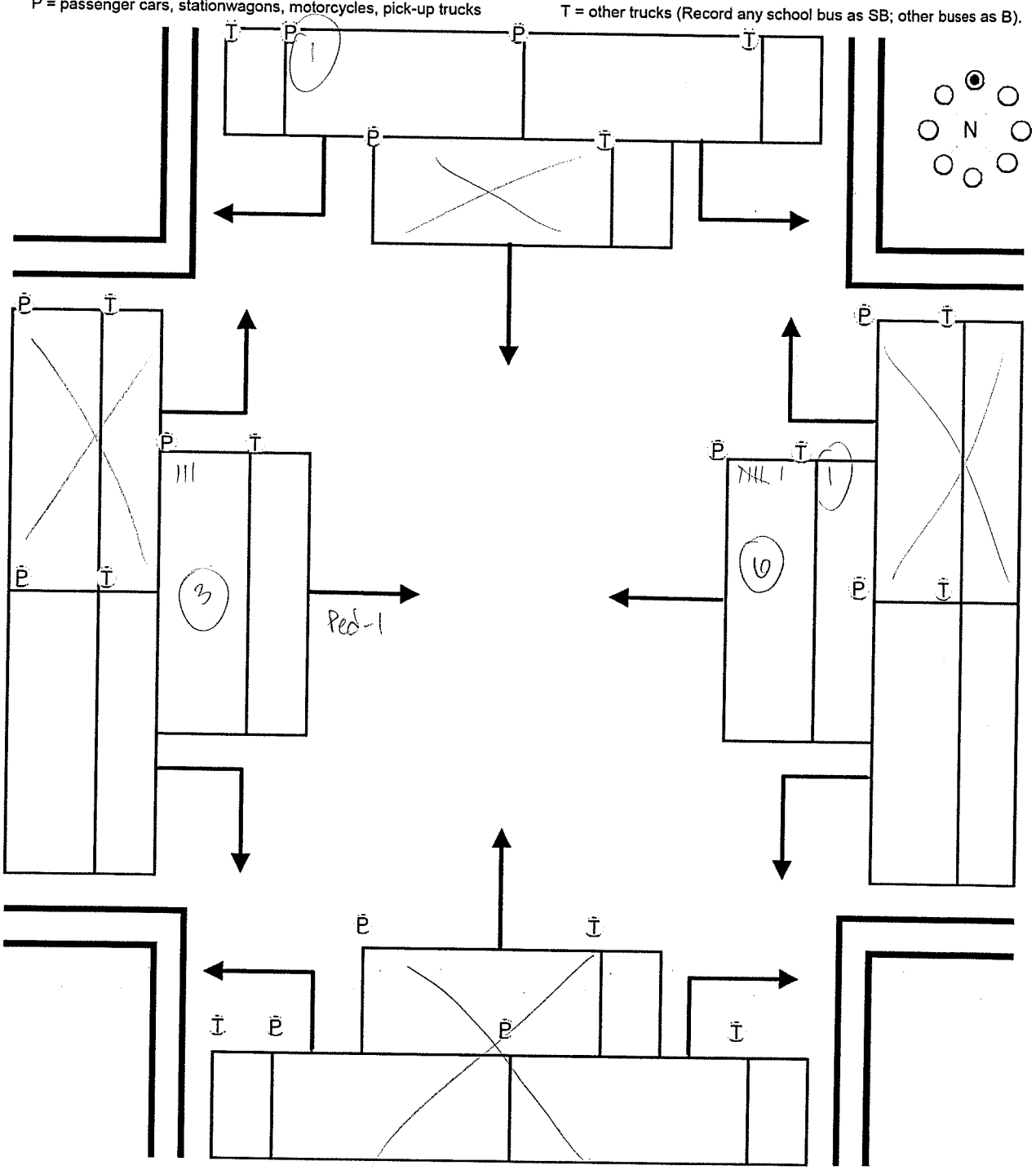
VEHICLE TURNING MOVEMENT COUNTS

Form 750-020-03
TRAFFIC ENGINEERING
10/15

General Information		Site Information	
Analyst/Observer:	Brian Austin / LBO	Location ID:	
Agency or Company:	SBB Engineering	City:	Topeka
Date Performed:	10/6/20	County:	Shawnee
Time Period From:	5:30 pm To: 5:45 pm	N/S Street:	NW Shaw St
Weather/Road Condition:		E/W Street:	NW 25th St
Remarks:			

P = passenger cars, stationwagons, motorcycles, pick-up trucks

T = other trucks (Record any school bus as SB; other buses as B).



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State of Florida Department of Transportation

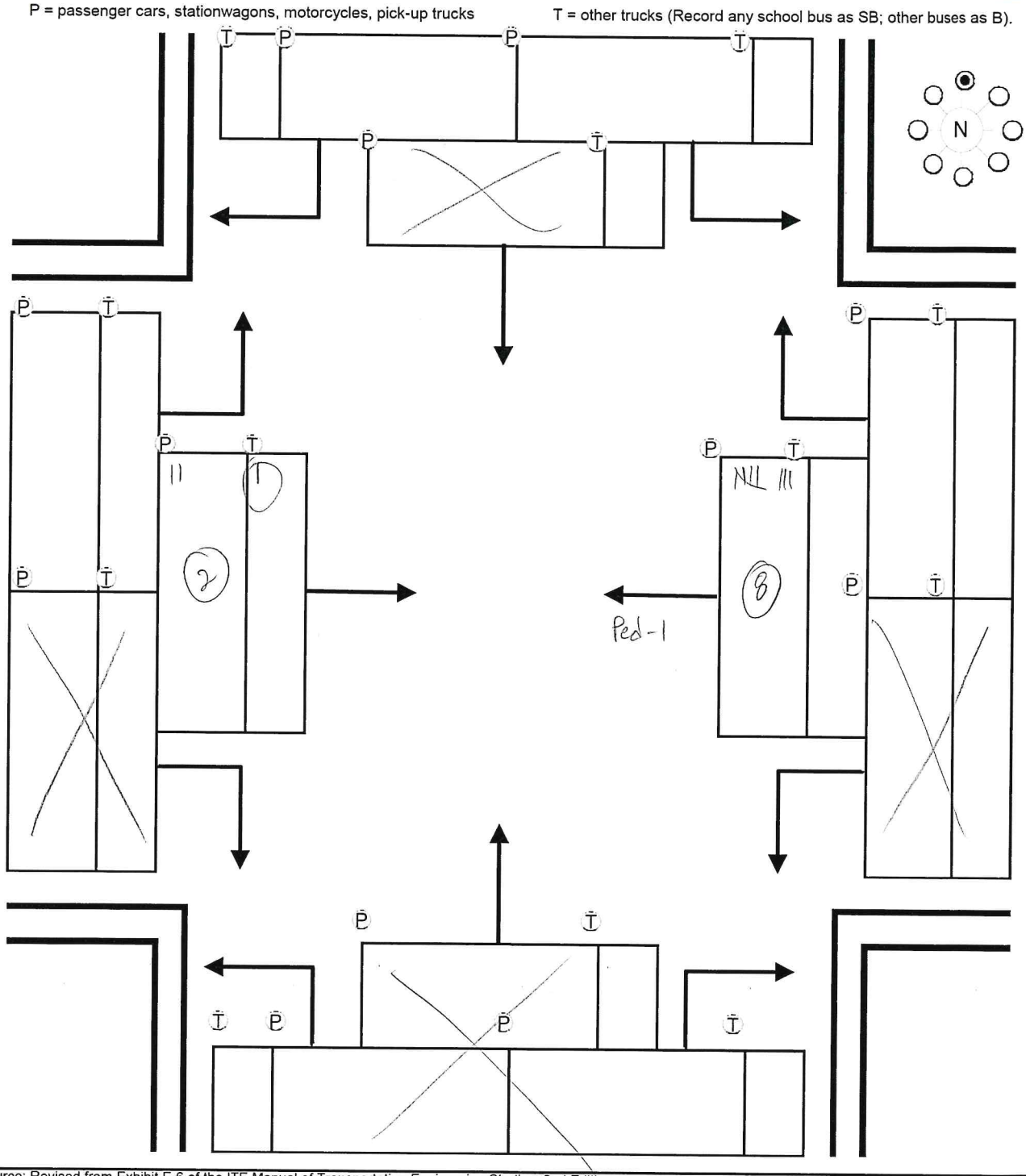
VEHICLE TURNING MOVEMENT COUNTS

Form 750-020-03
TRAFFIC ENGINEERING
10/15

General Information		Site Information	
Analyst/Observer:	Brian Austin / LBO	Location ID:	
Agency or Company:	SBB Engineering	City:	Topeka
Date Performed:	10/6/20	County:	Shawnee
Time Period From:	5:45pm To: 6:00pm	N/S Street:	NW Shaw St
Weather/Road Condition:		E/W Street:	NW 25th St
Remarks:			

P = passenger cars, stationwagons, motorcycles, pick-up trucks

T = other trucks (Record any school bus as SB; other buses as B).



Source: Revised from Exhibit E-6 of the ITE Manual of Transportation Engineering Studies, 2nd Edition

APPENDIX B

Synchro Reports

Intersection	
Int Delay, s/veh	4.2

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	23	20	15	16	24	15
Future Vol, veh/h	23	20	15	16	24	15
Conflicting Peds, #/hr	0	13	13	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	0
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	88	88	88	88	88	88
Heavy Vehicles, %	14	14	14	14	14	14
Mvmt Flow	26	23	17	18	27	17

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	62	0	103	51
Stage 1	-	-	-	-	51	-
Stage 2	-	-	-	-	52	-
Critical Hdwy	-	-	4.24	-	6.54	6.34
Critical Hdwy Stg 1	-	-	-	-	5.54	-
Critical Hdwy Stg 2	-	-	-	-	5.54	-
Follow-up Hdwy	-	-	2.326	-	3.626	3.426
Pot Cap-1 Maneuver	-	-	1468	-	867	984
Stage 1	-	-	-	-	942	-
Stage 2	-	-	-	-	941	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1450	-	846	972
Mov Cap-2 Maneuver	-	-	-	-	846	-
Stage 1	-	-	-	-	931	-
Stage 2	-	-	-	-	930	-

Approach	EB	WB	NB
HCM Control Delay, s	0	3.6	9.2
HCM LOS			A

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBT	EBR	WBL	WBT
Capacity (veh/h)	846	972	-	-	1450	-
HCM Lane V/C Ratio	0.032	0.018	-	-	0.012	-
HCM Control Delay (s)	9.4	8.8	-	-	7.5	0
HCM Lane LOS	A	A	-	-	A	A
HCM 95th %tile Q(veh)	0.1	0.1	-	-	0	-

Intersection	
Int Delay, s/veh	0.6

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	4	32	30	0	0	1
Future Vol, veh/h	4	32	30	0	0	1
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	15	15	15	15	15	15
Mvmt Flow	4	36	33	0	0	1

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	33	0	-	0	77	33
Stage 1	-	-	-	-	33	-
Stage 2	-	-	-	-	44	-
Critical Hdwy	4.25	-	-	-	6.55	6.35
Critical Hdwy Stg 1	-	-	-	-	5.55	-
Critical Hdwy Stg 2	-	-	-	-	5.55	-
Follow-up Hdwy	2.335	-	-	-	3.635	3.435
Pot Cap-1 Maneuver	1499	-	-	-	895	1004
Stage 1	-	-	-	-	957	-
Stage 2	-	-	-	-	946	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1499	-	-	-	892	1004
Mov Cap-2 Maneuver	-	-	-	-	892	-
Stage 1	-	-	-	-	954	-
Stage 2	-	-	-	-	946	-

Approach	EB	WB	SB
HCM Control Delay, s	0.8	0	8.6
HCM LOS			A

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1499	-	-	-	1004
HCM Lane V/C Ratio	0.003	-	-	-	0.001
HCM Control Delay (s)	7.4	0	-	-	8.6
HCM Lane LOS	A	A	-	-	A
HCM 95th %tile Q(veh)	0	-	-	-	0

Intersection	
Int Delay, s/veh	5.1

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	16	19	33	22	24	29
Future Vol, veh/h	16	19	33	22	24	29
Conflicting Peds, #/hr	0	13	13	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	0
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	91	91	91	91	91	91
Heavy Vehicles, %	7	7	7	7	7	7
Mvmt Flow	18	21	36	24	26	32

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	52	0	138	42
Stage 1	-	-	-	-	42	-
Stage 2	-	-	-	-	96	-
Critical Hdwy	-	-	4.17	-	6.47	6.27
Critical Hdwy Stg 1	-	-	-	-	5.47	-
Critical Hdwy Stg 2	-	-	-	-	5.47	-
Follow-up Hdwy	-	-	2.263	-	3.563	3.363
Pot Cap-1 Maneuver	-	-	1522	-	844	1015
Stage 1	-	-	-	-	968	-
Stage 2	-	-	-	-	915	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1503	-	814	1002
Mov Cap-2 Maneuver	-	-	-	-	814	-
Stage 1	-	-	-	-	956	-
Stage 2	-	-	-	-	893	-

Approach	EB	WB	NB
HCM Control Delay, s	0	4.5	9.1
HCM LOS			A

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBT	EBR	WBL	WBT
Capacity (veh/h)	814	1002	-	-	1503	-
HCM Lane V/C Ratio	0.032	0.032	-	-	0.024	-
HCM Control Delay (s)	9.6	8.7	-	-	7.5	0
HCM Lane LOS	A	A	-	-	A	A
HCM 95th %tile Q(veh)	0.1	0.1	-	-	0.1	-

Intersection	
Int Delay, s/veh	0.7

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	1	41	51	3	2	5
Future Vol, veh/h	1	41	51	3	2	5
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	80	80	80	80	80	80
Heavy Vehicles, %	6	6	6	6	6	6
Mvmt Flow	1	51	64	4	3	6

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	68	0	-	0	119	66
Stage 1	-	-	-	-	66	-
Stage 2	-	-	-	-	53	-
Critical Hdwy	4.16	-	-	-	6.46	6.26
Critical Hdwy Stg 1	-	-	-	-	5.46	-
Critical Hdwy Stg 2	-	-	-	-	5.46	-
Follow-up Hdwy	2.254	-	-	-	3.554	3.354
Pot Cap-1 Maneuver	1508	-	-	-	867	987
Stage 1	-	-	-	-	947	-
Stage 2	-	-	-	-	959	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1508	-	-	-	866	987
Mov Cap-2 Maneuver	-	-	-	-	866	-
Stage 1	-	-	-	-	946	-
Stage 2	-	-	-	-	959	-

Approach	EB	WB	SB
HCM Control Delay, s	0.2	0	8.8
HCM LOS			A

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1508	-	-	-	949
HCM Lane V/C Ratio	0.001	-	-	-	0.009
HCM Control Delay (s)	7.4	0	-	-	8.8
HCM Lane LOS	A	A	-	-	A
HCM 95th %tile Q(veh)	0	-	-	-	0

Intersection	
Int Delay, s/veh	4.7

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	28	20	21	18	24	30
Future Vol, veh/h	28	20	21	18	24	30
Conflicting Peds, #/hr	0	13	13	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	0
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	88	88	88	88	88	88
Heavy Vehicles, %	14	14	14	14	14	14
Mvmt Flow	32	23	24	20	27	34

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	68	0	125	57
Stage 1	-	-	-	-	57	-
Stage 2	-	-	-	-	68	-
Critical Hdwy	-	-	4.24	-	6.54	6.34
Critical Hdwy Stg 1	-	-	-	-	5.54	-
Critical Hdwy Stg 2	-	-	-	-	5.54	-
Follow-up Hdwy	-	-	2.326	-	3.626	3.426
Pot Cap-1 Maneuver	-	-	1460	-	842	976
Stage 1	-	-	-	-	936	-
Stage 2	-	-	-	-	925	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1442	-	818	964
Mov Cap-2 Maneuver	-	-	-	-	818	-
Stage 1	-	-	-	-	925	-
Stage 2	-	-	-	-	909	-

Approach	EB	WB	NB
HCM Control Delay, s	0	4.1	9.2
HCM LOS			A

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBT	EBR	WBL	WBT
Capacity (veh/h)	818	964	-	-	1442	-
HCM Lane V/C Ratio	0.033	0.035	-	-	0.017	-
HCM Control Delay (s)	9.6	8.9	-	-	7.5	0
HCM Lane LOS	A	A	-	-	A	A
HCM 95th %tile Q(veh)	0.1	0.1	-	-	0.1	-

Intersection	
Int Delay, s/veh	2.7

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	24	36	30	1	2	9
Future Vol, veh/h	24	36	30	1	2	9
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	15	15	15	15	15	15
Mvmt Flow	27	40	33	1	2	10

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	34	0	-	0	128	34
Stage 1	-	-	-	-	34	-
Stage 2	-	-	-	-	94	-
Critical Hdwy	4.25	-	-	-	6.55	6.35
Critical Hdwy Stg 1	-	-	-	-	5.55	-
Critical Hdwy Stg 2	-	-	-	-	5.55	-
Follow-up Hdwy	2.335	-	-	-	3.635	3.435
Pot Cap-1 Maneuver	1497	-	-	-	836	1003
Stage 1	-	-	-	-	956	-
Stage 2	-	-	-	-	898	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1497	-	-	-	821	1003
Mov Cap-2 Maneuver	-	-	-	-	821	-
Stage 1	-	-	-	-	939	-
Stage 2	-	-	-	-	898	-

Approach	EB	WB	SB
HCM Control Delay, s	3	0	8.8
HCM LOS			A

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1497	-	-	-	964
HCM Lane V/C Ratio	0.018	-	-	-	0.013
HCM Control Delay (s)	7.4	0	-	-	8.8
HCM Lane LOS	A	A	-	-	A
HCM 95th %tile Q(veh)	0.1	-	-	-	0

Intersection	
Int Delay, s/veh	5.2

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	19	19	49	28	24	35
Future Vol, veh/h	19	19	49	28	24	35
Conflicting Peds, #/hr	0	13	13	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	0
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	91	91	91	91	91	91
Heavy Vehicles, %	7	7	7	7	7	7
Mvmt Flow	21	21	54	31	26	38

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	55	0	184	45
Stage 1	-	-	-	-	45	-
Stage 2	-	-	-	-	139	-
Critical Hdwy	-	-	4.17	-	6.47	6.27
Critical Hdwy Stg 1	-	-	-	-	5.47	-
Critical Hdwy Stg 2	-	-	-	-	5.47	-
Follow-up Hdwy	-	-	2.263	-	3.563	3.363
Pot Cap-1 Maneuver	-	-	1519	-	794	1011
Stage 1	-	-	-	-	965	-
Stage 2	-	-	-	-	876	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1500	-	755	998
Mov Cap-2 Maneuver	-	-	-	-	755	-
Stage 1	-	-	-	-	953	-
Stage 2	-	-	-	-	844	-

Approach	EB	WB	NB
HCM Control Delay, s	0	4.8	9.2
HCM LOS			A

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBT	EBR	WBL	WBT
Capacity (veh/h)	755	998	-	-	1500	-
HCM Lane V/C Ratio	0.035	0.039	-	-	0.036	-
HCM Control Delay (s)	9.9	8.8	-	-	7.5	0
HCM Lane LOS	A	A	-	-	A	A
HCM 95th %tile Q(veh)	0.1	0.1	-	-	0.1	-

Intersection	
Int Delay, s/veh	2.5

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	5	45	51	4	9	27
Future Vol, veh/h	5	45	51	4	9	27
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	80	80	80	80	80	80
Heavy Vehicles, %	6	6	6	6	6	6
Mvmt Flow	6	56	64	5	11	34

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	69	0	-	0	135	67
Stage 1	-	-	-	-	67	-
Stage 2	-	-	-	-	68	-
Critical Hdwy	4.16	-	-	-	6.46	6.26
Critical Hdwy Stg 1	-	-	-	-	5.46	-
Critical Hdwy Stg 2	-	-	-	-	5.46	-
Follow-up Hdwy	2.254	-	-	-	3.554	3.354
Pot Cap-1 Maneuver	1507	-	-	-	849	985
Stage 1	-	-	-	-	946	-
Stage 2	-	-	-	-	945	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1507	-	-	-	846	985
Mov Cap-2 Maneuver	-	-	-	-	846	-
Stage 1	-	-	-	-	942	-
Stage 2	-	-	-	-	945	-

Approach	EB	WB	SB
HCM Control Delay, s	0.7	0	9
HCM LOS			A

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1507	-	-	-	946
HCM Lane V/C Ratio	0.004	-	-	-	0.048
HCM Control Delay (s)	7.4	0	-	-	9
HCM Lane LOS	A	A	-	-	A
HCM 95th %tile Q(veh)	0	-	-	-	0.1

Pavement Impact Analysis Report

Pavement Impact Analysis R1
Topeka, Kansas
December 8, 2020
Terracon Project No. 14205070

Prepared for:
Kansas Sand & Concrete, Inc.
Topeka, Kansas

Prepared by:
Terracon Consultants, Inc.
Topeka, Kansas

December 8, 2020

Kansas Sand & Concrete, Inc.
531 N. Tyler
Topeka, Kansas 66601

Attn: Mr. Dan Woodward
P: (785) 215-8630
E: dan.woodward@kansassand.com

Re: Pavement Impact Analysis R1
NW 25th Street and Stina Court
Topeka, Kansas
Terracon Project No. 14205070

Dear Mr. Woodward:

We have completed the Pavement Impact Analysis for the referenced project. This study was performed in general accordance with Terracon Proposal No. P14205070.R1 dated October 20, 2020. This report presents the findings of the subsurface exploration and provides an analysis of the impact the planned concrete batch plant operations will have on the pavements along Stina Court and the adjoining NW 25th Street.

We appreciate the opportunity to be of service to you on this project. If you have any questions concerning this report or if we may be of further service, please contact us.

Sincerely,
Terracon Consultants, Inc.

Michael A. Snapp, P.E.
Staff Geotechnical Engineer
Kansas PE: 27005

Stephen B. Pretsch, P.E.
Principal
Kansas PE: 16602

REPORT TOPICS

Note: This report was originally delivered in a web-based format. **Orange Bold** text in the report indicates a referenced section heading. The PDF version also includes hyperlinks which direct the reader to that section and clicking on the ***GeoReport*** logo will bring you back to this page. For more interactive features, please view your project online at client.terracon.com.

ATTACHMENTS

Note: Refer to each individual Attachment for a listing of contents.

Pavement Impact Analysis

NW 25th Street and Stina Court

Topeka, Kansas

Terracon Project No. 14205070

December 8, 2020

INTRODUCTION

This report presents the results of our pavement impact analysis performed for the proposed industrial development to be located on the east side of Stina Court in Topeka, Kansas. The purpose of these services is to provide information regarding the existing pavement sections and the potential impact the planned concrete batch plant will have on the existing street sections.

Maps showing the site and core locations are shown in the **Site Location and Exploration Plan** section.

SITE CONDITIONS

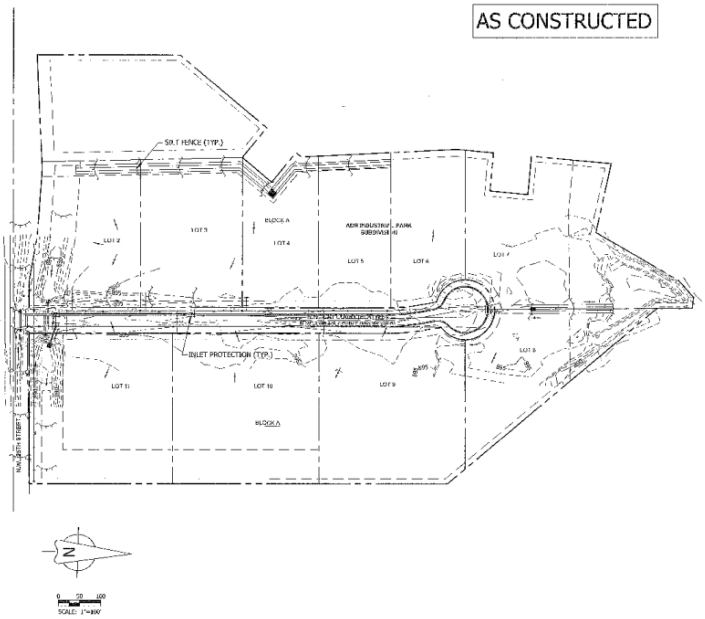
The following description of site conditions is derived from our site visit in association with the field exploration.

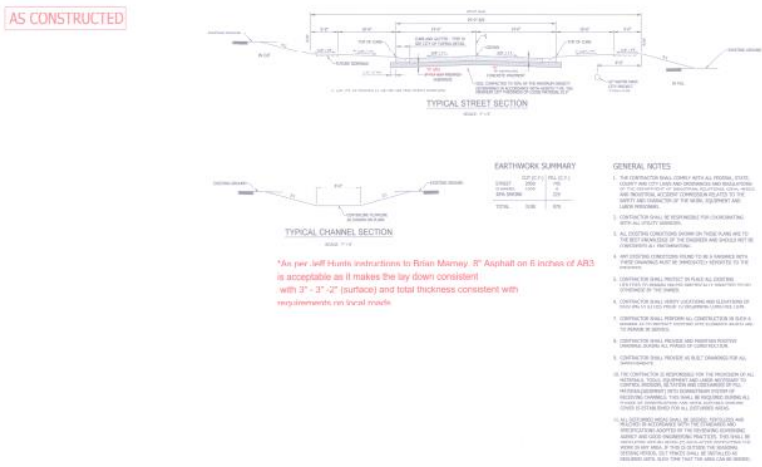
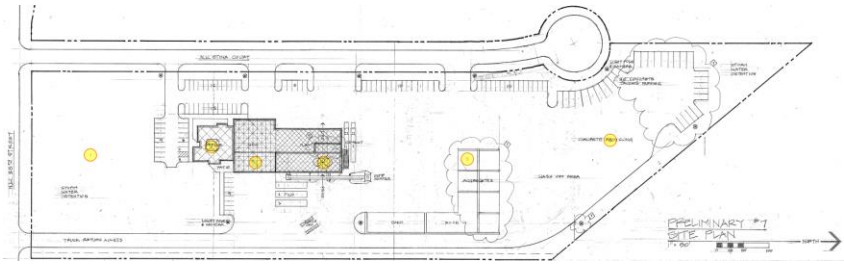
Item	Description
Parcel Information	The project site includes a recently constructed industrial road (Stina Court) located immediately north of NW 25th Street in Topeka, Kansas.
Existing Improvements	The general area of the project consists of a series of industrial lots surrounding Stina Court, with one lot currently developed to the northwest. The remaining areas are open with short grass and bare ground.

We also collected photographs of the pavement core samples and of the existing pavement surface in our **Photography Log**.

PROJECT DESCRIPTION

Our initial understanding of the project was provided in our proposal and was discussed during project planning. A period of collaboration has transpired since the project was initiated, and our final understanding of the project conditions is as follows:

Item	Description
Information Provided	We understand that Stina Court was constructed in late 2017 as part of an industrial development called ADR Industrial Park. We were provided 'as constructed' street improvement plans prepared by TGB Group dated August 2017. The plans indicate the 21.2-acre industrial park was divided into 10 lots that surround Stina Court as depicted below. At the time of this report, Hoyts Trailer Center was the only existing company within the development.
ADR Industrial Park	
Existing Road Sections	**Stina Court:** An edited cross section of the existing pavement section was present within the plans provided and indicated that the pavement section for Stina Court consisted of 8 inches of asphaltic concrete on 6 inches of KDOT AB-3 baserock on a prepared soil subgrade (see below). Notes with the plans indicate the road section was consistent with the City of Topeka's requirements for local roads (see below). The asphalt transitioned to concrete near the intersection with NW 25th Street. Based on the plans, the concrete section was 8 inches thick and reinforced. **NW 25th Street:** We were informed that construction plans and maintenance history were not available for this section of NW 25th Street. As such, we were requested to perform pavement cores both immediately east and west of Stina Court as part of this study. Based on a review of the cores, NW 25th Street appears to be an older concrete section, likely constructed by Shawnee County, that was eventually overlain with asphaltic concrete. The asphalt section ranged from 3½ inches to 5 inches and appeared to be constructed in two lifts based on examination of the core. It is unknown if the asphalt sections were constructed at the same time or as part of an ongoing street improvement process. The underlying concrete section ranged in thickness from 6½ inches to 7 inches. Photographs of the cores are attached to this report.

Item	Description
Stina Court Typical Street Section (As Constructed)	
Planned Development	We understand the project will include the construction of a new concrete batch plant. The new facility will have a main office area with connected shop and enclosed batch plant and material silos. Aggregate storage and a concrete recycling area will be located to the north of the building and storm water detention to the south as shown below. The concrete batch plant will encompass four of the industrial lots on the east side of Stina Court.
Preliminary Site Plan	
Traffic Information Provided	We were provided anticipated traffic counts for the plant's operation as follows: 1) Ready Mix Concrete Trucks (Outgoing) 47 trips per work day at an average total weight of 60 kips. 2) Cement Truck/Trailers (Inbound) 7 trips per work day at an average total weight of 80 kips. 3) Aggregate End-Dumps (Inbound) 32 trips per work day at an average total weight of 80 kips. 4) Automobile (Inbound and Outgoing) 70 trips per work day.

Terracon should be notified if any of the above information is inconsistent with the planned construction, especially the grading limits, as modifications to our recommendations may be necessary. Also, full page details of the plans copied above are provided in the appendix of this report for clarity.

PAVEMENT IMPACT ANALYSIS

The purpose of our analysis was to evaluate the potential impact the traffic generated from the concrete batch plant operation would have on the existing road sections. Since the road section for Stina Court was relatively new with detailed plans available, our analysis focused on a comparison of the traffic loading provided by the batch plant to that of what would be generally anticipated for this type of industrial development without knowledge of the specific development. However, this type of comparison could not be performed for NW 25th Street because construction records and a history of road maintenance procedures was not available for our review. As such, our analysis was limited to a comparison using the AASHTO overlay design using the road condition survey method.

Stina Court Impact

We used the AASHTO design method for asphaltic roads in reverse to determine the amount of Equivalent Single Axle Loads (ESALs) that could be expected on the road before significant maintenance would be anticipated, given the road thickness was originally based on a standard section. In the analysis, we assigned design input parameters based on our experience as follows:

Design Input	Value
Estimated CBR	2
Reliability	85%
Standard Deviation	0.45
Initial Serviceability	4.2
Terminal Serviceability	2.0
Asphalt Layer Coefficients	0.40 AC Surface 0.36 AC Base 0.12 Aggregate Base

A structural number of 3.68 was generated by the analysis, which equates to a pavement section that could experience approximately 600,000 ESALs before major repairs or replacement would be anticipated by design.

Design Life Calculation: SBB Engineering provided anticipated traffic loading for the industrial development for use in our analysis based on an understanding that we were looking for industrial traffic loads without knowledge of future development to establish a base design. We understand SBB used the Institute of Transportation Engineer's (ITE) Trip Generation Handbook and the results of their recent traffic study to develop expected traffic loading. Without development details, we understand SBB established the traffic counts based on the 21.2 acres of total

development. SBB's analysis indicated an undefined industrial development of this size at this location would be expected to generate 742 vehicles per day (vpd) with 14.3% truck traffic (truck traffic percent modeled the AM traffic within their study). Using a truck distribution table developed by the Asphalt Institute, we evaluated how many years it would take this anticipated traffic loading to achieve 600,000 ESALs, which would establish the general design life. As shown on the ESAL Calculator sheet attached to this report, the existing pavement section would be expected to remain in useable condition with normal maintenance (design life) for approximately 18 years based on provided loading.

ESAL Calculations: The next step in our analysis was to calculate the estimated ESALs for the 10.2 acre section of development to be used by Kansas Sand using the same base line approach. SBB Engineers indicated that a 10.2 acre industrial development could generally expect 357 vpd at the same 14.3% truck traffic. As shown on the attached ESAL Calculator sheet, this would equate to an approximate ESAL count of 289,750 over an 18-year design period.

We then developed the ESAL count based on the actual traffic loading provided by Kansas Sand, which is attached. In general, the ESALs expected for an 18-year design life based on the owner's truck counts would be 451,798 for outgoing traffic and 42,078 for inbound traffic (discrepancy based on loaded material trucks entering site directly off of NW 25th Street). In the opinion section below, we considered the higher of the ESAL value for comparison.

Opinion: The analysis does show that the traffic counts provided by Kansas Sand would apply additional loading to the road section when compared to an undefined industrial road design based on acres. The difference in ESAL counts between the generally anticipated traffic loading and the actual loading provided by Kansas Sand would be 162,048. In general, this increase in traffic would reduce the current 18-year design life to approximately 11 to 12 years, which is an approximate 35% to 40% decrease in design life. As previously noted, the end of the design life would be where significant road improvements would be anticipated provided normal maintenance is performed on the road section.

SW 25th Street Impact

As previously noted, construction plans and maintenance records were not available for NW 25th Street for our review and the road section has been in place for some time. Without this information, we were unable to develop an anticipated design life for this road section similar to the analysis performed for Stina Court. Based on a cursory review of the existing pavement condition, a moderate amount of pavement distress was observed within the upper asphalt section including alligator, linear, and edge cracking (see attached photographs). We did not observe evidence of crack sealing at the locations observed. In our opinion, an asphalt overlay would likely be needed to accommodate the traffic of a fully developed industrial park. As such, for comparison purposes, we used the AASHTO design method for overlay design on existing asphaltic concrete on PCC (composite) to evaluate a magnitude impact between an undefined

industrial development and the proposed concrete batch plant loading. To remove other traffic impacts from this analysis, we only considered the anticipated traffic count for a 10.2-acre industrial development (acreage Kansas Sand would occupy) provided by SBB Engineering and the traffic loading provided by Kansas Sand. We considered the following design input factors:

Design Input	Value
AC condition factor (Fac)	0.87
Deteriorated Cracks per mile (Fjc)	0.75
Concrete durability (Fdur)	.87
J Factor	4.2
Subgrade k value	125 pci
Terminal Serviceability	2.5
Reliability	85%
Standard Deviation	0.45
Servicability Loss	2
Asphalt Thickness	4 inches
Concrete Thickness	7 inches

The ESALs calculated for a 10.2 acre undefined industrial development for concrete pavements was 545,521 and the ESALs based on the concrete batch plant was 887,176. It should be noted this design method requires the ESALs be developed based on a rigid concrete pavements, so the counts don't match the asphalt ESAL counts noted within the Stina Court analysis.

Based on the analysis, an asphalt overlay thickness of approximately 2.5 inches was calculated for a standard undefined industrial traffic while an approximate 3.5-inch overlay was calculated based on the traffic loading provided by Kansas Sand. The approximate 40% increase in the overlay thickness similarly models the magnitude impact calculated in the Stina Court analysis. It should be noted this analysis did not factor the entire industrial development nor the traffic from 25th Street that does not enter the industrial park and it is not being provided as a recommendation for an overlay. This analysis is solely being provided for a magnitude comparison of what the added traffic by the concrete batch plant would have on potential future road repairs when compared to an undefined industrial development.

GENERAL COMMENTS

Our analysis and opinions are based upon our understanding of the project, the geotechnical conditions in the area, and the data obtained from our site exploration. Natural variations will occur between exploration point locations or due to the modifying effects of construction or weather. The nature and extent of such variations may not become evident until during or after construction. Terracon should be retained as the Geotechnical Engineer, where noted in this report, to provide

observation and testing services during pertinent construction phases. If variations appear, we can provide further evaluation and supplemental recommendations. If variations are noted in the absence of our observation and testing services on-site, we should be immediately notified so that we can provide evaluation and supplemental recommendations.

Our Scope of Services does not include either specifically or by implication any environmental or biological (e.g., mold, fungi, bacteria) assessment of the site or identification or prevention of pollutants, hazardous materials or conditions. If the owner is concerned about the potential for such contamination or pollution, other studies should be undertaken.

Our services and any correspondence or collaboration through this system are intended for the sole benefit and exclusive use of our client for specific application to the project discussed and are accomplished in accordance with generally accepted geotechnical engineering practices with no third-party beneficiaries intended. Any third-party access to services or correspondence is solely for information purposes to support the services provided by Terracon to our client. Reliance upon the services and any work product is limited to our client, and is not intended for third parties. Any use or reliance of the provided information by third parties is done solely at their own risk. No warranties, either express or implied, are intended or made.

Site characteristics as provided are for design purposes and not to estimate excavation cost. Any use of our report in that regard is done at the sole risk of the excavating cost estimator as there may be variations on the site that are not apparent in the data that could significantly impact excavation cost. Any parties charged with estimating excavation costs should seek their own site characterization for specific purposes to obtain the specific level of detail necessary for costing. Site safety, cost estimating, excavation support, and dewatering requirements/design are the responsibility of others. If changes in the nature, design, or location of the project are planned, our conclusions and recommendations shall not be considered valid unless we review the changes and either verify or modify our conclusions in writing.

ATTACHMENTS

SITE LOCATION AND EXPLORATION PLANS

Contents:

Note: All attachments are one page unless noted above.

SITE LOCATION AND PREVIOUS GEOTECHNICAL DATA

Pavement Impact Analysis R1 ■ Topeka, Kansas
December 8, 2020 ■ Terracon Project No. 14205070

DIAGRAM IS FOR GENERAL LOCATION ONLY, AND IS NOT INTENDED FOR CONSTRUCTION PURPOSES

MAP PROVIDED BY MICROSOFT BING MAPS

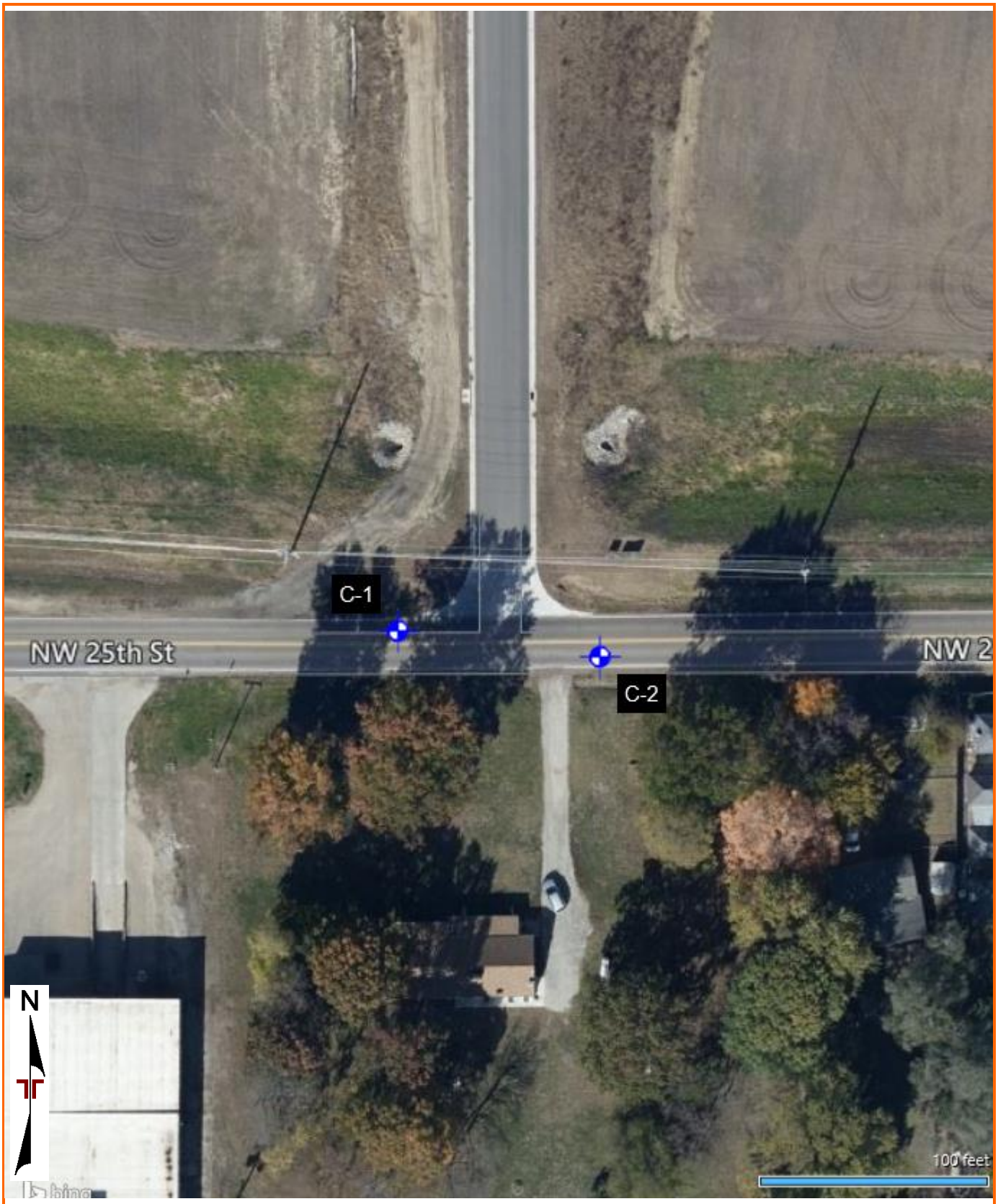


DIAGRAM IS FOR GENERAL LOCATION ONLY, AND IS NOT INTENDED FOR CONSTRUCTION PURPOSES

MAP PROVIDED BY MICROSOFT BING MAPS

EXPLORATION RESULTS

Contents:

Note: All attachments are one page unless noted above.

Photo #1: Core C-1, 5-inches of asphalt over 7-inches of concrete

Photo #2: Core C-2, 3.5-inches of asphalt over 6.5-inches of concrete

Photo #1: Linear and alligator cracking

Photo #2: Linear cracking

Photo #3: Linear, alligator, and edge cracking

Photo #4: Linear and alligator cracking

Photo #5: Linear cracking

SUPPORTING INFORMATION

Contents:

AASHTO 1993 ESAL Calculator for Flexible Pavements

Vehicle Description	Traffic Volume			Analysis Period (years)	Axle Load and Type						Gross Weight (pounds)	Equivalency Factors			ESAL's
	Quantity in the Design Lane	Days per Week	Weeks per Year		Axle 1 (kips)		Axle 2 (kips)		Axle 3 (kips)			Axle 1	Axle 2	Axle 3	
Passenger car	**35**	**5**	**52**	**18**	2	S	2	S			4,000	0.0002	0.0002	0	66
Pick-up truck or van					2	S	4	S			6,000	0.0002	0.002	0	0
Pick-up with trailer					2	S	4	S	8	S	14,000	0.0002	0.002	0.033	0
School bus					6	S	14	S			20,000	0.01	0.35	0	0
TARC bus					8	S	14	S			22,000	0.033	0.35	0	0
Greyhound MC-12 bus					13.4	S	18.4	S	6	S	37,800	0.2999	1.11	0.01	0
Package delivery truck					4	S	14	S			18,000	0.002	0.35	0	0
Beverage delivery truck					6	S	12	S	12	S	30,000	0.01	0.183	0.183	0
Concrete truck (empty)	**47**	**5**	**52**	**18**	12	S	15	R			27,000	0.183	0.008	0	42,012
Concrete truck (full)					20	S	40	R			60,000	1.55	0.473	0	0
Dump truck (full)					20	S	48	R			68,000	1.55	1.014	0	0
Semi-tractor (no trailer)					8	S	2	T			10,000	0.033	0	0	0
Semi-tractor trailer (empty)					8	S	8	T	6	T	22,000	0.033	0.003	0.001	0
Semi-tractor trailer					12	S	34	T	34	T	80,000	0.183	1.08	1.08	0
User Defined					6	S	29	s	20	T	55,000	0.01	7.51	0.117	0
User Defined					8	S	8	T		T	16,000	0.033	0.003	0	0
Vehicle type H10					4	S	16	S			20,000	0.002	0.612	0	0
Vehicle type H15					6	S	24	S			30,000	0.01	3.33	0	0
Vehicle type H20					8	S	32	S			40,000	0.033	11.5	0	0
Vehicle type 3					16	S	34	T			50,000	0.612	1.08	0	0
Vehicle type HS15					6	S	24	S	24	S	54,000	0.01	3.33	3.33	0
Vehicle type HS20					8	S	32	S	32	S	72,000	0.033	11.5	11.5	0
Vehicle type 3S2					10	S	31	T	31	T	72,000	0.085	0.7425	0.7425	0

Terminal Serviceability, r_t	**2.0**
Assumed Structural Number, SN	**4**
Traffic Growth Rate, %/yr	**0**

Summary:	Total AASHTO ESAL's	**42,078**

Project: Pavement Impact Analysis Location: Topeka, KS

Job No.: 14205070 Date: 11/20/2020

Terracon

AASHTO 1993 ESAL Calculator for Flexible Pavements

Vehicle Description	Traffic Volume			Analysis Period (years)	Axle Load and Type						Gross Weight (pounds)	Equivalency Factors			ESAL's
	Quantity in the Design Lane	Days per Week	Weeks per Year		Axle 1 (kips)		Axle 2 (kips)		Axle 3 (kips)			Axle 1	Axle 2	Axle 3	
Passenger car	**35**	**5**	**52**	**18**	2	S	2	S			4,000	0.0002	0.0002	0	66
Pick-up truck or van					2	S	4	S			6,000	0.0002	0.002	0	0
Pick-up with trailer					2	S	4	S	8	S	14,000	0.0002	0.002	0.033	0
School bus					6	S	14	S			20,000	0.01	0.35	0	0
TARC bus					8	S	14	S			22,000	0.033	0.35	0	0
Greyhound MC-12 bus					13.4	S	18.4	S	6	S	37,800	0.2999	1.11	0.01	0
Package delivery truck					4	S	14	S			18,000	0.002	0.35	0	0
Beverage delivery truck					6	S	12	S	12	S	30,000	0.01	0.183	0.183	0
Concrete truck (empty)					12	S	15	R			27,000	0.183	0.008	0	0
Concrete truck (full)	**47**	**5**	**52**	**18**	20	S	40	R			60,000	1.55	0.473	0	444,979
Dump truck (full)					20	S	48	R			68,000	1.55	1.014	0	0
Semi-tractor (no trailer)					8	S	2	T			10,000	0.033	0	0	0
Semi-tractor trailer (empty)	**39**	**5**	**52**	**18**	8	S	8	T	6	T	22,000	0.033	0.003	0.001	6,753
Semi-tractor trailer					12	S	34	T	34	T	80,000	0.183	1.08	1.08	0
User Defined					6	S	29	s	20	T	55,000	0.01	7.51	0.117	0
User Defined					8	S	8	T		T	16,000	0.033	0.003	0	0
Vehicle type H10					4	S	16	S			20,000	0.002	0.612	0	0
Vehicle type H15					6	S	24	S			30,000	0.01	3.33	0	0
Vehicle type H20					8	S	32	S			40,000	0.033	11.5	0	0
Vehicle type 3					16	S	34	T			50,000	0.612	1.08	0	0
Vehicle type HS15					6	S	24	S	24	S	54,000	0.01	3.33	3.33	0
Vehicle type HS20					8	S	32	S	32	S	72,000	0.033	11.5	11.5	0
Vehicle type 3S2					10	S	31	T	31	T	72,000	0.085	0.7425	0.7425	0

Terminal Serviceability, r_t	**2.0**
Assumed Structural Number, SN	**4**
Traffic Growth Rate, %/yr	**0**

Summary:	Total AASHTO ESAL's	**451,798**

Project: Pavement Impact Analysis Location: Topeka, KS

Job No.: 14205070 Date: 11/20/2020

Terracon

AASHTO 1993 ESAL Calculator for Flexible Pavements

Vehicle Description	Traffic Volume			Analysis Period (years)	Axle Load and Type						Gross Weight (pounds)	Equivalency Factors			ESAL's
	Quantity in the Design Lane	Days per Week	Weeks per Year		Axle 1 (kips)		Axle 2 (kips)		Axle 3 (kips)			Axle 1	Axle 2	Axle 3	
Passenger car	**636**	**5**	**52**	**18**	2	S	2	S			4,000	0.0002	0.0002	0	1,191
2 Axle / 4 Tire	**20**	**5**	**52**	**18**	2	S	4	S			6,000	0.0002	0.002	0	206
Pick-up with trailer					2	S	4	S	8	S	14,000	0.0002	0.002	0.033	0
2 Axle / 6 Tire	**6**	**5**	**52**	**18**	6	S	14	S			20,000	0.01	0.35	0	10,109
TARC bus					8	S	14	S			22,000	0.033	0.35	0	0
Greyhound MC-12 bus					13.4	S	18.4	S	6	S	37,800	0.2999	1.11	0.01	0
Package delivery truck					4	S	14	S			18,000	0.002	0.35	0	0
Beverage delivery truck					6	S	12	S	12	S	30,000	0.01	0.183	0.183	0
3 Axle	**1**	**5**	**52**	**18**	20	S	35	T			55,000	1.55	1.23	0	13,010
Concrete truck (full)					20	S	48	R			68,000	1.55	1.014	0	0
4 Axle	**2**	**5**	**52**	**18**	20	S	48	R			68,000	1.55	1.014	0	23,999
Semi-tractor (no trailer)					8	S	2	T			10,000	0.033	0	0	0
Semi-tractor trailer (empty)					8	S	8	T	6	T	22,000	0.033	0.003	0.001	0
Semi-tractor trailer	**22**	**5**	**52**	**18**	12	S	34	T	34	T	80,000	0.183	1.08	1.08	241,235
User Defined					6	S	29	s	20	T	55,000	0.01	7.51	0.117	0
User Defined					8	S	8	T		T	16,000	0.033	0.003	0	0
Vehicle type H10					4	S	16	S			20,000	0.002	0.612	0	0
Vehicle type H15					6	S	24	S			30,000	0.01	3.33	0	0
Vehicle type H20					8	S	32	S			40,000	0.033	11.5	0	0
Vehicle type 3					16	S	34	T			50,000	0.612	1.08	0	0
Vehicle type HS15					6	S	24	S	24	S	54,000	0.01	3.33	3.33	0
Vehicle type HS20					8	S	32	S	32	S	72,000	0.033	11.5	11.5	0
Vehicle type 3S2					10	S	31	T	31	T	72,000	0.085	0.7425	0.7425	0

Terminal Serviceability, r_t	**2.0**
Assumed Structural Number, SN	**4**
Traffic Growth Rate, %/yr	**0**

Summary:	Total AASHTO ESAL's	**289,750**

Project: Pavement Impact Analysis Location: Topeka, KS

Job No.: 14205070 Date: 11/20/2020

Terracon

AASHTO 1993 ESAL Calculator for Flexible Pavements

Vehicle Description	Traffic Volume			Analysis Period (years)	Axle Load and Type						Gross Weight (pounds)	Equivalency Factors			ESAL's
	Quantity in the Design Lane	Days per Week	Weeks per Year		Axle 1 (kips)		Axle 2 (kips)		Axle 3 (kips)			Axle 1	Axle 2	Axle 3	
Passenger car	**636**	**5**	**52**	**18**	2	S	2	S			4,000	0.0002	0.0002	0	1,191
2 Axle / 4 Tire	**41**	**5**	**52**	**18**	2	S	4	S			6,000	0.0002	0.002	0	422
Pick-up with trailer					2	S	4	S	8	S	14,000	0.0002	0.002	0.033	0
2 Axle / 6 Tire	**13**	**5**	**52**	**18**	6	S	14	S			20,000	0.01	0.35	0	21,902
TARC bus					8	S	14	S			22,000	0.033	0.35	0	0
Greyhound MC-12 bus					13.4	S	18.4	S	6	S	37,800	0.2999	1.11	0.01	0
Package delivery truck					4	S	14	S			18,000	0.002	0.35	0	0
Beverage delivery truck					6	S	12	S	12	S	30,000	0.01	0.183	0.183	0
3 Axle	**1**	**5**	**52**	**18**	20	S	35	T			55,000	1.55	1.23	0	13,010
Concrete truck (full)					20	S	48	R			68,000	1.55	1.014	0	0
4 Axle	**5**	**5**	**52**	**18**	20	S	48	R			68,000	1.55	1.014	0	59,998
Semi-tractor (no trailer)					8	S	2	T			10,000	0.033	0	0	0
Semi-tractor trailer (empty)					8	S	8	T	6	T	22,000	0.033	0.003	0.001	0
Semi-tractor trailer	**46**	**5**	**52**	**18**	12	S	34	T	34	T	80,000	0.183	1.08	1.08	504,401
User Defined					6	S	29	s	20	T	55,000	0.01	7.51	0.117	0
User Defined					8	S	8	T		T	16,000	0.033	0.003	0	0
Vehicle type H10					4	S	16	S			20,000	0.002	0.612	0	0
Vehicle type H15					6	S	24	S			30,000	0.01	3.33	0	0
Vehicle type H20					8	S	32	S			40,000	0.033	11.5	0	0
Vehicle type 3					16	S	34	T			50,000	0.612	1.08	0	0
Vehicle type HS15					6	S	24	S	24	S	54,000	0.01	3.33	3.33	0
Vehicle type HS20					8	S	32	S	32	S	72,000	0.033	11.5	11.5	0
Vehicle type 3S2					10	S	31	T	31	T	72,000	0.085	0.7425	0.7425	0

Terminal Serviceability, r_t	**2.0**
Assumed Structural Number, SN	**4**
Traffic Growth Rate, %/yr	**0**

Summary:	Total AASHTO ESAL's	**600,924**

Project: Pavement Impact Analysis Location: Topeka, KS

Job No.: 14205070 Date: 11/20/2020

Terracon

AASHTO 1993 ESAL Calculator for Concrete Pavements

Vehicle Description	Traffic Volume			Analysis Period (years)	Axle Load and Type						Gross Weight (pounds)	Equivalency Factors			ESAL's
	Quantity in the Design Lane	Days per Week	Weeks per Year		Axle 1 (kips)		Axle 2 (kips)		Axle 3 (kips)			Axle 1	Axle 2	Axle 3	
Passenger car	**636**	**5**	**52**	**18**	2	S	2	S			4,000	0.0002	0.0002	0	1,413
2 Axle / 4 Tire	**20**	**5**	**52**	**18**	2	S	4	S			6,000	0.0002	0.002	0	236
Pick-up with trailer					2	S	4	S	8	S	14,000	0.0002	0.002	0.035	0
2 Axle / 6 Tire	**6**	**5**	**52**	**18**	6	S	14	S			20,000	0.011	0.36	0	12,398
TARC bus					8	S	14	S			22,000	0.035	0.36	0	0
Greyhound MC-12 bus					13.4	S	18.4	S	6	S	37,800	0.3087	1.104	0.011	0
Package delivery truck					4	S	14	S			18,000	0.002	0.36	0	0
Beverage delivery truck					6	S	12	S	12	S	30,000	0.011	0.189	0.189	0
3 Axle	**1**	**5**	**52**	**18**	20	S	35	T			55,000	1.52	2.045	0	19,849
Concrete truck (full)					20	S	48	R			68,000	1.52	2.31	0	0
4 Axle	**2**	**5**	**52**	**18**	20	S	48	R			68,000	1.52	2.31	0	42,653
Semi-tractor (no trailer)					8	S	2	T			10,000	0.035	0.0001	0	0
Semi-tractor trailer (empty)					8	S	8	T	6	T	22,000	0.035	0.006	0.002	0
Semi-tractor trailer	**22**	**5**	**52**	**18**	12	S	34	T	34	T	80,000	0.189	1.82	1.82	468,972
User Defined					6	S	29	s	20	T	55,000	0.011	6.715	0.22	0
User Defined					8	S	8	T		T	16,000	0.035	0.006	0	0
Vehicle type H10					4	S	16	S			20,000	0.002	0.623	0	0
Vehicle type H15					6	S	24	S			30,000	0.011	3.1	0	0
Vehicle type H20					8	S	32	S			40,000	0.035	10.1	0	0
Vehicle type 3					16	S	34	T			50,000	0.623	1.82	0	0
Vehicle type HS15					6	S	24	S	24	S	54,000	0.011	3.1	3.1	0
Vehicle type HS20					8	S	32	S	32	S	72,000	0.035	10.1	10.1	0
Vehicle type 3S2					10	S	31	T	31	T	72,000	0.089	1.28	1.28	0

Terminal Serviceability, r_t	**2.5**
Assumed Pavement Thickness, in.	**7**
Traffic Growth Rate, %/yr	**2**

Summary:	Total AASHTO Rigid ESAL's	**545,521**

Project: Pavement Impact Analysis Location: Topeka, KS

Job No.: 14205070 Date: 11/20/2020

Terracon

AASHTO 1993 ESAL Calculator for Concrete Pavements

Vehicle Description	Traffic Volume			Analysis Period (years)	Axle Load and Type						Gross Weight (pounds)	Equivalency Factors			ESAL's
	Quantity in the Design Lane	Days per Week	Weeks per Year		Axle 1 (kips)		Axle 2 (kips)		Axle 3 (kips)			Axle 1	Axle 2	Axle 3	
Passenger car	**35**	**5**	**52**	**18**	2	S	2	S			4,000	0.0002	0.0002	0	86
2 Axle / 4 Tire					2	S	4	S			6,000	0.0002	0.002	0	0
Pick-up with trailer					2	S	4	S	8	S	14,000	0.0002	0.002	0.035	0
2 Axle / 6 Tire					6	S	14	S			20,000	0.011	0.36	0	0
TARC bus					8	S	14	S			22,000	0.035	0.36	0	0
Greyhound MC-12 bus					13.4	S	18.4	S	6	S	37,800	0.3087	1.104	0.011	0
Package delivery truck					4	S	14	S			18,000	0.002	0.36	0	0
Beverage delivery truck					6	S	12	S	12	S	30,000	0.011	0.189	0.189	0
3 Axle					20	S	35	T			55,000	1.52	2.045	0	0
Concrete truck (empty)	**47**	**5**	**52**	**18**	12	S	15	R			27,000	0.189	0.024	0	55,736
4 Axle					20	S	48	R			68,000	1.52	2.31	0	0
Semi-tractor (no trailer)					8	S	2	T			10,000	0.035	0.0001	0	0
Semi-tractor trailer (empty)					8	S	8	T	6	T	22,000	0.035	0.006	0.002	0
Semi-tractor trailer	**39**	**5**	**52**	**18**	12	S	34	T	34	T	80,000	0.189	1.82	1.82	831,354
User Defined					6	S	29	s	20	T	55,000	0.011	6.715	0.22	0
User Defined					8	S	8	T		T	16,000	0.035	0.006	0	0
Vehicle type H10					4	S	16	S			20,000	0.002	0.623	0	0
Vehicle type H15					6	S	24	S			30,000	0.011	3.1	0	0
Vehicle type H20					8	S	32	S			40,000	0.035	10.1	0	0
Vehicle type 3					16	S	34	T			50,000	0.623	1.82	0	0
Vehicle type HS15					6	S	24	S	24	S	54,000	0.011	3.1	3.1	0
Vehicle type HS20					8	S	32	S	32	S	72,000	0.035	10.1	10.1	0
Vehicle type 3S2					10	S	31	T	31	T	72,000	0.089	1.28	1.28	0

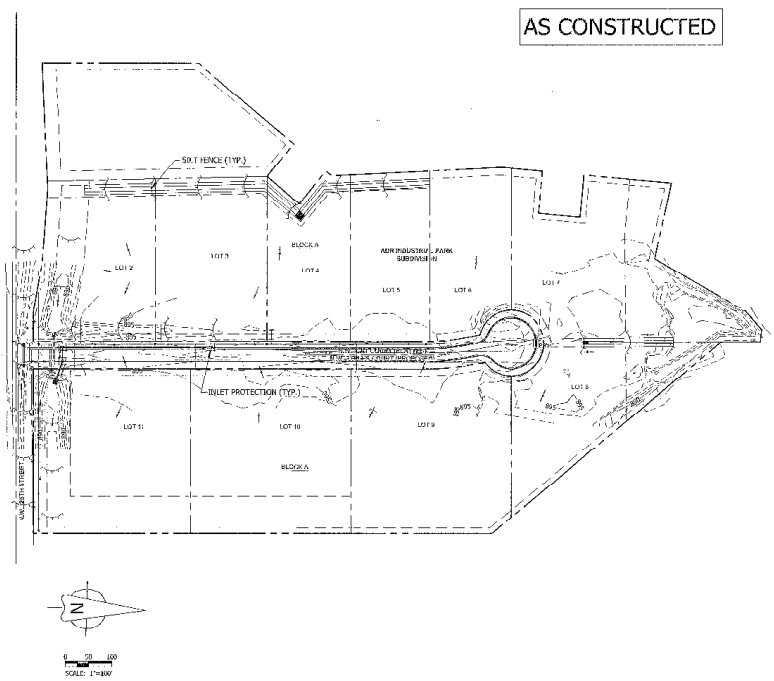
Terminal Serviceability, r_t	**2.5**
Assumed Pavement Thickness, in.	**7**
Traffic Growth Rate, %/yr	**2**

Summary:	Total AASHTO Rigid ESAL's	**887,176**

Project: Pavement Impact Analysis Location: Topeka, KS

Job No.: 14205070 Date: 11/20/2020

Terracon



STORM WATER MANAGEMENT - EROSION AND SEDIMENT CONTROL

GENERAL

This plan outlines storm water management and sediment and erosion control practices to be followed by the Contractor or Developer during all phases of construction of the project. The Contractor or Developer will be responsible to prevent soil or sediment loss from the construction site and cannot leave the site until all permanent erosion control, sediment control and storm water management practices are in place, inspected and have been found to be satisfactory, and until all temporary practices have been properly removed.

STORM WATER MANAGEMENT

This project has been designed to provide positive post-construction control of excess storm water generated on the site through the use of curbs, gutters, piping, storm water basins (when designed) and storm water outlets. During the course of construction, the Contractor or Developer will install and maintain storm water management structures in a manner to maximize the storm water control.

EROSION AND SEDIMENT CONTROL

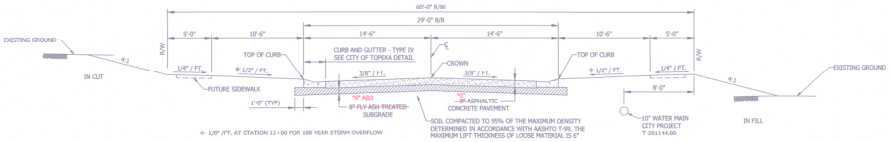
This project is designed to minimize off-site effect of soil erosion and resulting sediment loss through the use of proper construction techniques, including installing both temporary and permanent management practices. All soil disturbing activities performed by the Contractor or Developer will be accomplished in such a manner as to prevent the loss of sediment in storm water and tracking of soil from vehicle traffic from the construction site. To accomplish this, the following specific steps will be taken during construction:

OVERALL PLAN AND CONTRACTOR RESPONSIBILITY

1. Contractor shall provide temporary erosion and pollution control as shown on the drawings and as directed by, the engineer. erosion fence and best management practices shall remain in place until the project is completed and grass is established.
2. The bid item 'Erosion Control/Silt Fence or Haybales includes installation, maintenance, and removal of erosion fence and other best management practices to effectively control sediment and prevent its migration for the duration of the project. This item shall be monitored and any excess sediment shall be removed and erosion fence or other best management practices shall be adjusted as required. Either hay bales or an approved fabric silt fence may be used as 'Erosion Fence'.
3. The Contractor shall keep a written log of when construction activities begin, erosion and sediment controls are installed, inspected and repaired. Copies of log shall be furnished to the Owner.
4. The Owner and Contractor shall monitor erosion and sediment control measures throughout the project. This plan may be updated as construction progresses with approval of Engineer.
5. Temporary erosion and sediment control measures installed as part of this plan shall not be removed following construction until slopes are stabilized to a non erosive state with established grass or as directed by the Engineer.
6. Immediately after mobilization and prior to starting any soil disturbing activities, the Contractor shall install the perimeter erosion and sediment control measures of the perimeter silt fence, gravel construction entrance(s) and temporary sediment basin(s). It is recognized that some site clearing and preparation may be required to properly install such measures.
7. The recommended sequence of construction activities and of the installation and removal of erosion and sediment control measures is as follows: Perimeter control measures (silt fence, temporary sediment basin) including areas draining to a drainage way such as a stream, gravel construction entrance(s), construction of sanitary sewers, storm sewers, straw or hay bale inlet protection and bale ditch checks, final grading, seeding, fertilizing and mulching on all slopes and disturbed areas, home construction and individual site control measures, removal of temporary practices, removal of perimeter controls and site cleanup.
8. Perimeter silt fence, bale ditch checks, construction entrance(s) and temporary sediment basin(s) shall be constructed in accordance with details shown hereon. Install silt fence or bales where represented on plan as ditch checks and slope control, around inlets, along roadways, areas draining to a drainage way such as a stream and other locations as needed to prevent sediment from leaving the site. Actual spacing of silt fence and bales follow installation table. Measures will be kept in place until grass is established.
9. Bale or reinforced silt fence inlet protection at each inlet and bale ditch checks shall be installed after completion of inlets and ditches. Protection shall remain in place at inlets until pavement is constructed and in ditches until permanent grass stand is established. In addition, hay bales or silt fence will be placed along streets, as need, to reduce sediment in the streets.
10. Erosion control perimeter fence, bale protection barriers and temporary sediment basin(s) shall be inspected and maintained by the Contractor not less than weekly and within 24 hours after a rainfall event of 0.5 inches or more. Maintenance shall include but not limited to sediment removal, silt fence and hay bale barrier repair and/or replacement.
11. Construction entrance(s) shall be maintained by the Contractor in a condition that will prevent tracking or flowing of sediment onto public right-of-ways and paved streets. This may include periodic top dressing with additional crushed stone as conditions warrant. Repair of entrance(s), cleaning on a daily basis of right-of-ways and paved streets that have been soiled by construction activities shall be the Contractor's responsibility.
12. If additional ingress and egress to the construction site is required over entrance(s) shown hereon, Contractor shall coordinate with the Engineer the location and construction details of these additional entrances. Usage of non-stabilized entrances will not be permitted.
13. During all soil disturbing activities, the Contractor will take appropriate steps using accepted construction methods to minimize the time of exposure of unprotected soil and other construction materials to rainfall.
14. No ground shall be left open for more than 14 days of non-activity without being mulched and/or seeded.
15. Soil stockpiled for more than 7 days shall have silt fence or bales placed on the downhill slope to trap sediment.
16. Whenever soil, rock, vegetation or other materials are exported for placement in areas off of the construction site covered in this plan, the Contractor is responsible for determining that EPA storm water permitting requirements are met. Prior to the removal of any materials from the site the Contractor will furnish the Engineer with written agreement, signed by such landowner who will receive exported materials, stating that they accept the material and that receiving site is properly permitted, when required.

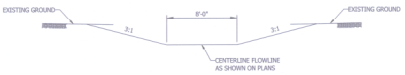
DRAWN BY:	SHAWNEE COUNTY, KANSAS PUBLIC WORKS DEPARTMENT COUNTY ENGINEER 1550 NW BALTIMORE TOPEKA, KS 66618 (785) 233-7702	TOPEKA Public Works ENGINEERING 620 SE MADISON St. • 2nd Floor • TOPEKA, KS 66607 Phone: (785) 368-3842 • Fax: (785) 368-3853	TGBGroup Consulting Engineering – Transportation & Site Development Topeka, Kansas – Spring, Texas Phone: 866-217-7754	EROSION CONTROL PLAN ADR INDUSTRIAL PARK	DATE: AUGUST 2017 SHEET: 3 of 19	
APP'D BY:				DESIGN BY: DAW DRAWN BY: CMH	PROJ.: T-SC1073.00	

AS CONSTRUCTED



TYPICAL STREET SECTION

SCALE: 1" = 5'



TYPICAL CHANNEL SECTION

SCALE: 1" = 5'

*As per Jeff Hunts instructions to Brian Marney, 8" Asphalt on 6 inches of AB3 is acceptable as it makes the lay down consistent with 3" - 3" -2" (surface) and total thickness consistent with requirements on local roads.

EARTHWORK SUMMARY

	CUT (C.Y.)	FILL (C.Y.)
STREET	2050	745
CHANNEL	1050	0
30% SHRINK		225
TOTAL	3100	970

GENERAL NOTES

1. THE CONTRACTOR SHALL COMPLY WITH ALL FEDERAL, STATE, COUNTY AND CITY LAWS AND ORDINANCES AND REGULATIONS OF THE DEPARTMENT OF INDUSTRIAL RELATIONS, OSHA, MPOCS AND INDUSTRIAL ACCIDENT COMMISSION RELATED TO THE SAFETY AND CHARACTER OF THE WORK, EQUIPMENT AND LABOR PERSONNEL.
2. CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING WITH ALL UTILITY AGENCIES.
3. ALL EXISTING CONDITIONS SHOWN ON THESE PLANS ARE TO THE BEST KNOWLEDGE OF THE ENGINEER AND SHOULD NOT BE CONSIDERED ALL ENCOMPASSING.
4. ANY EXISTING CONDITIONS FOUND TO BE A VARIANCE WITH THESE DRAWINGS MUST BE IMMEDIATELY REPORTED TO THE ENGINEER.
5. CONTRACTOR SHALL PROTECT IN PLACE ALL EXISTING UTILITIES TO REMAIN UNLESS SPECIFICALLY DIRECTED TO DO OTHERWISE BY THE OWNER.
6. CONTRACTOR SHALL VERIFY LOCATIONS AND ELEVATIONS OF EXISTING UTILITIES PRIOR TO BEGINNING CONSTRUCTION.
7. CONTRACTOR SHALL PERFORM ALL CONSTRUCTION IN SUCH A MANNER AS TO PROTECT EXISTING SITE ELEMENTS WHICH ARE TO REMAIN IN SERVICE.
8. CONTRACTOR SHALL PROVIDE AND MAINTAIN POSITIVE DRAINAGE DURING ALL PHASES OF CONSTRUCTION.
9. CONTRACTOR SHALL PROVIDE AS BUILT DRAWINGS FOR ALL IMPROVEMENTS.
10. THE CONTRACTOR IS RESPONSIBLE FOR THE PROVISION OF ALL MATERIALS, TOOLS, EQUIPMENT AND LABOR NECESSARY TO CONTROL EROSION, SILTATION AND DISCHARGES OF FILL MATERIAL(SEDIMENT) INTO DOWNSTREAM SYSTEM OF RECEIVING CHANNELS. THIS SHALL BE REQUIRED DURING ALL PHASES OF CONSTRUCTION AND UNTIL SUITABLE GROUND COVER IS ESTABLISHED FOR ALL DISTURBED AREAS.
11. ALL DISTURBED AREAS SHALL BE SEEDED, FERTILIZED AND MULCHED IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS ADOPTED BY THE REVIEWING GOVERNING AGENCY AND GOOD ENGINEERING PRACTICES. THIS SHALL BE COMPLETED WITHIN SEVEN (7) DAYS AFTER COMPLETING THE WORK IN ANY AREA. IF THIS IS OUTSIDE THE SEASONAL SEEDING PERIOD, SILT FENCES SHALL BE INSTALLED AS REQUIRED UNTIL SUCH TIME THAT THE AREA CAN BE SEEDED.

NO.	DATE:	REVISION	BY:	APP'D

DRAWN BY:

APP'D BY:

SHAWNEE COUNTY, KANSAS
PUBLIC WORKS DEPARTMENT
COUNTY ENGINEER
1615 SW BULLONS
TOPEKA, KS 66610
(785) 233-7702

TOPEKA Public Works ENGINEERING
620 SE MADISON St. • 2nd Floor • TOPEKA, KS 66607
Phone: (785) 368-3942 • Fax: (785) 368-3881

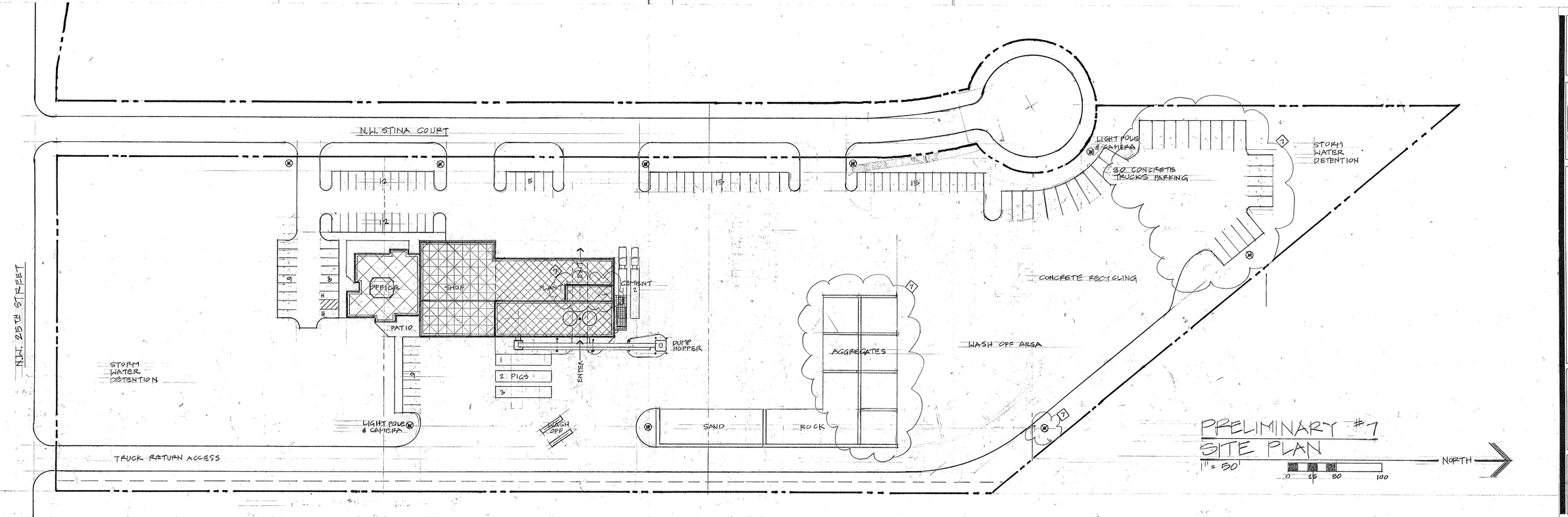
TGBGroup
Consulting Engineering – Transportation & Site Development
Topeka, Kansas – Spring, Texas
Phone: 866-217-7794

TYPICAL SECTION

ADR INDUSTRIAL PARK

DESIGN BY: DAM DRAWN BY: CMH

DATE: AUGUST 2017
SHEET: 4 of 19
PROJ.: T-601073.00



PRELIMINARY #1

SITE PLAN

1" = 50'

0 25 50 100

RLS ARCHITECTS
4011 HOMESTEAD DRIVE
PRAIRIE VILLAGE, KS 66208
913.384.0104
rlsarch@aol.com

PROPOSED PLANT FOR:

KANSAS SAND AND CONCRETE, INC.

TOPEKA, KANSAS

JOB NUMBER:

DATE: 7·10·20

REVISIONS: 7·16·20
8·3·20
7 8·14·20

DRAWN BY: RLS

1

CITY OF TOPEKA

Planning Division
620 SE Madison, Unit 11
Topeka, KS 66607

Dan Warner, AICP, Division Director
Tel: 785-368-3728
www.topeka.org

MEMORANDUM

To: Topeka Planning Commission

From: Mike Hall, AICP; Manager, Current Planning

Date: December 21, 2020

RE: ACZR20/01 Text Amendment for Short Term Rental Regulations

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The proposed ordinance amending the zoning regulations for short term rentals is attached. It includes revisions to the October 19th draft in response to suggestions and concerns from stakeholders. A public hearing has been advertised for December 21, 2020 and staff requests the Planning Commission forward a recommendation of APPROVAL to the Governing Body upon close of the public hearing.

Recommended Motion: I move to recommend APPROVAL of ACZR20/01, an ordinance amending the zoning regulations for short term rentals. (If the Planning Commission wants to make any revisions to the attached ordinance, they must list the revisions in the motion.)

"Short Term Rentals" per Current Zoning Regulations

"Short Term Rentals" is a universally recognized term for transient lodging of the type available on AirBnB, Verbo, and similar on-line platforms. Topeka's current zoning regulations accommodate "short term rentals" in two types: "bed & breakfast homes" and "bed & breakfast inns" as defined by the Topeka zoning ordinance (TMC 18.55.020).

A bed & breakfast home is "a private, owner occupied single family dwelling where no more than four guestrooms are provided for overnight paying guests for not more than seven consecutive nights. The dwelling shall be the primary residence of the owner with no employees permitted, other than permanent residents of the dwelling." The key characteristic of bed & breakfast homes is that the principal use is essentially a single family residence to which the overnight stay of guests is secondary.

A bed & breakfast inn is "a single family structure that provides not more than 10 guestrooms for overnight paying guests." The bed & breakfast inn is more like a hotel as the principal use in that

the owner or long term tenant does not necessarily reside in the building and in which a larger number of guests is allowed.

In single-family residential zoning districts (R-1, R-2), bed and breakfast homes and inns are permitted only by a conditional use permit (CUP) approved by the Governing Body.

Background

The circumstances surrounding short term rentals (STRs) in Topeka arose as a result of complaints received about a concentration of STRs in the Auburndale neighborhood. Auburndale is located north of SW 6th Avenue between SW MacVicar on the west and the Potwin neighborhood on the east.

The Planning & Development Department issued a notice of violation to the owner of a "bed and breakfast inn", requiring a conditional use permit. The owner appealed and, upon holding a public hearing, the Board of Zoning Appeals denied the appeal and upheld the action of the Planning & Development Director. The proceedings of the public hearing revealed there are many bed and breakfast "homes" and "inns" in Topeka and none approved by conditional use permit. A subsequent decision was made to hold off requiring owners of bed and breakfast homes and inns to obtain conditional use permits pending consideration of an amendment to the zoning code to address these uses, while enforcing generally the specific standards for them in section 18.225.010 of the zoning code.

Stakeholder Meetings

Planning staff conducted two stakeholder meetings for proposed STR regulations. The first meeting, for owner/operators of STRs, was held on October 12th. Staff conducted the second meeting on October 14th, and it was mainly for property owners in proximity to STRs. Both meetings were conducted via Zoom.

For the stakeholder meetings staff sent invitations to 20 owners (for a total of 31 known STR properties) and 495 owners of properties located within 200 feet of known STR properties. At the October 19th meeting staff presented the Planning Commission the feedback received from the two stakeholder meetings.

Staff provided a *Report on the State of Short-Term Rentals within the City of Topeka* and a summary describing the current and proposed standards, and the reason for the changes (see attached).

Stakeholder Concerns

Those stakeholders <u>not</u> operating STRs raised questions and expressed concerns. The most common of these are listed below with the response from staff is in italics.

- Is this a proposal to change the zoning of my property or my neighbor's property?

No. Changes to the zoning map are not proposed. The proposed text update to the regulations for "Bed and Breakfast's Home and Inn" is in response to today's internet economy and the proliferation of platforms for transient lodging.

- Why is the City considering a change removing the requirement that a short term rental operator obtain a conditional use permit (CUP) approved by the Governing Body?
  The current code needs to be addressed because it does not reflect what is currently happening – the sharing economy and online platforms. There have been relatively few complaints about short term rentals. Short term rentals can be more effectively and consistently controlled through an administrative permit process than they would be by a discretionary and potentially political CUP process. The proposed process generates a higher level of certainty and consistency for stakeholders.

- Will short-term rentals have an effect on neighboring property values, either negative or positive?
  There is potential for both positive and negative effects. Staff's research indicates that when property owners have the ability to operate a short term rental, the rental income supports investment in the property and the prevention of blight. Owners of short term rentals in Topeka claim they were only able to invest in their residential properties because of their ability to use them as short term rentals. Such an investment tends to have a positive effect on neighboring properties. Short term rentals that are carelessly operated or attract too many guests could have a negative effect on neighboring property values. The proposed regulations are intended to prevent those negative effects and to protect neighboring property expectations.

- Are the transient guests screened? How do you stop parties and drug use in these short-term rentals?
  According to short-term rental owners, their guests have to go through a background check through the short-term rental platform. They are then screened again by the owners before allowed to stay in these homes. Some owners have a minimum age to rent, minimum night stay, no party or events policy, etc. The platforms also have a rating system for the hosts and guests and guests can be banned from the platform for violating rules. In the event the short term rental is an owner-occupied home the owner is on the premises to monitor the guests. Non-Owner occupied short term rentals rely on the use of the screening policies of the rental platform and in some cases a separate property management company.

- After the administrative permit is approved, will the City require the owner/operator to renew or re-apply?
  The earlier draft regulations (presented to the Planning Commission at the October 19th meeting) required an administrative permit, but did not limit their time period. In other words, it did not require the permit holder to renew the permit in the event they wanted to continue operating the short term rental. Staff found that a time limit and renewal requirement were used in other cities where short term rentals were allowed in residential districts. The proposed regulations are revised to limit the validity of the administrative permit to two years and allowing the permit holder to apply for renewal. The revised

regulations also give the department director the authority to "deny an application, revoke, or suspend a permit for failure to comply with [the use standards]."

Recommended Standards

Owners and operators of STRs also asked questions regarding parking, limits on number of guest rooms, and application requirements. The proposed regulations address these and other questions and concerns by:

- providing more practical and effective definitions for short term rentals, including definitions for three types of short term rental (short term rental, types I, II, and III).
- allowing short term rental, types I and II by administrative permit and type III by conditional use permit in single family residential districts (R-1, R-2) and two family residential districts (M-1, M-1A);[i]
- requiring short term rentals to comply with specific use standards, including standards for off-street parking currently not included in the standards for bed and breakfast homes and inns; .
- requiring structures, signage, and the site containing short term rentals to maintain a residential character; and
- including parking standards specific to short term rentals to protect neighboring owners and residents. (revised since the October 19th draft)

The following standards have been added since the October 19th draft in response to stakeholder concerns and staff research of best practices.

- Standards to control noise and late-hour outdoor activities.
- Requirement for trash and recycling receptacles to be of sufficient size and number to accommodate refuse generated by guests.
- A limit on the term of the permit to two years, while giving the permit holder the opportunity to apply for renewal. A provision is included giving the department the authority to "deny an application, revoke, or suspend a permit for failure to comply with [the use standards]."
- The proposed regulations are intended to avoid rendering existing Type III STRs nonconforming uses that have operated with no known negative impacts in multi-family residential districts.

Attachments

1. *Report on the State of Short-Term Rentals within the City of Topeka*
2. Summary of Current Regulations, Proposed Regulations, and Purpose of Proposed Changes
3. Draft Short Term Rentals Ordinance
4. Written Stakeholder Comments

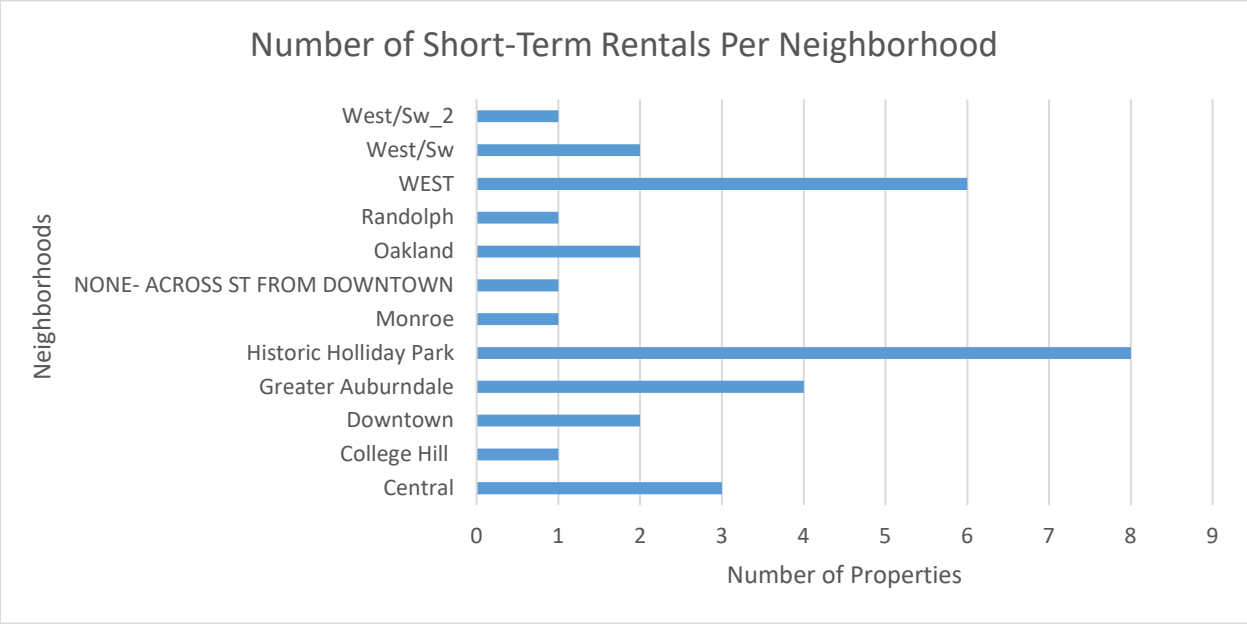
[i] Under current regulations bed and breakfast homes and inns require a conditional use permit in single family and two family residential zoning districts.

City of Topeka
Planning Division
Report on the State of Short-Term Rentals Within the City of Topeka
September 22, 2020

Planning Staff collected information over a period of several days, March 24 - 26, 2020 using the travel dates of November 6 – 13, 2020 for two adults. Platforms searched were: VRBO, FlipKey, HomeAway, and Airbnb with a total of 32 properties found within the city limits.

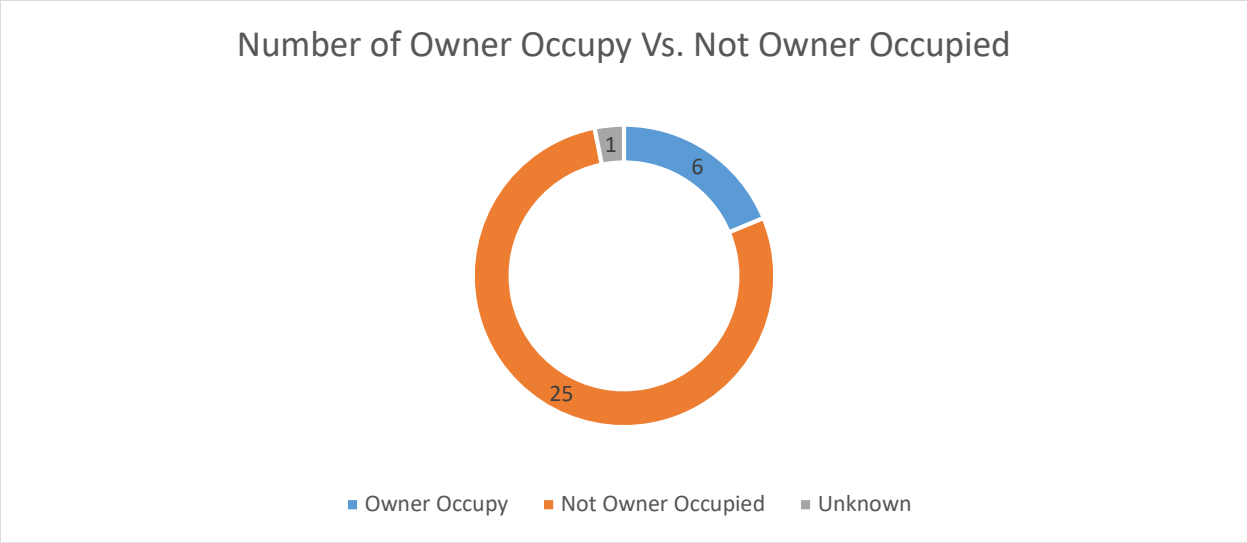
Neighborhoods

Twelve neighborhoods were identified as having at least one property that is listed as a short-term rental. (See chart below.)



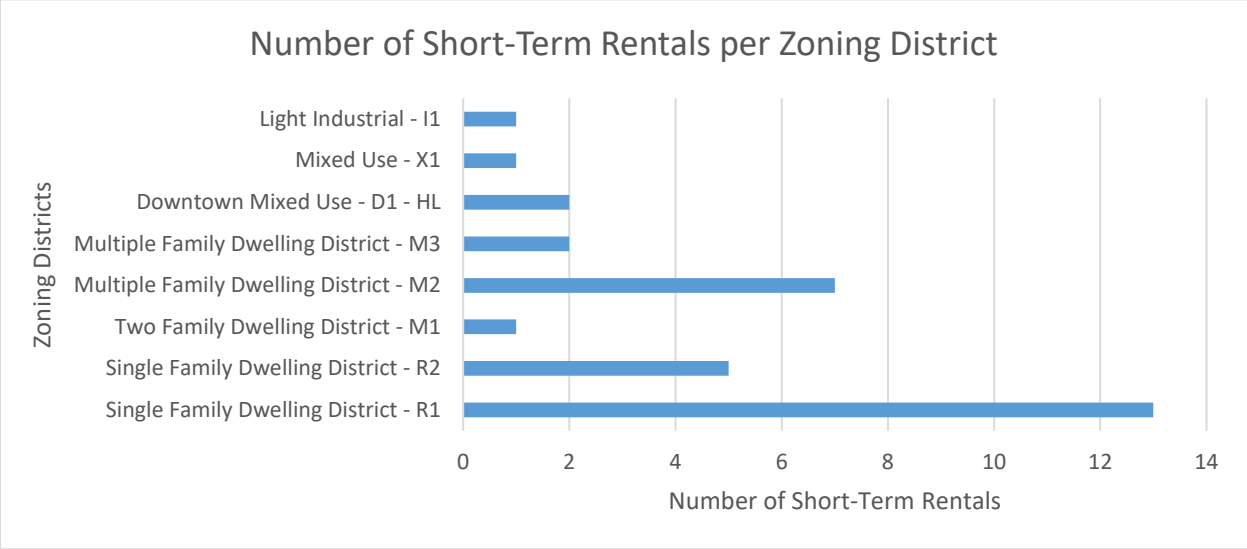
Occupied Status

Of these properties, 25 were found to be not occupied by the owner and six were found to be occupied by the owner. One property has no owner information. (See graph below)



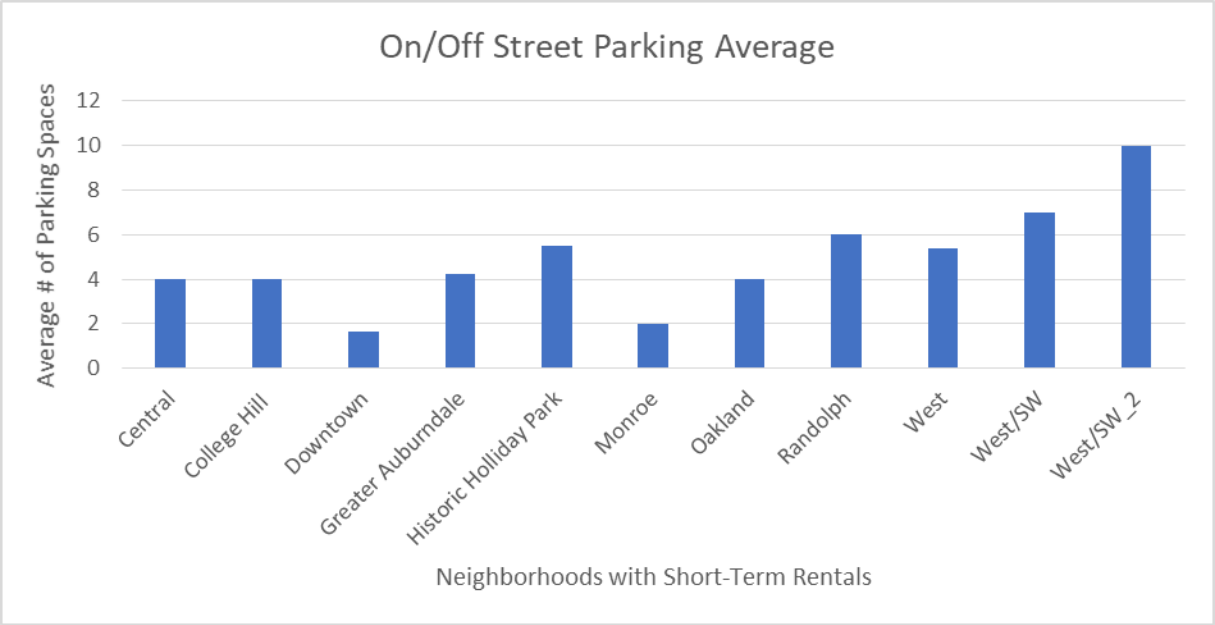
Zoning

Zoning districts for these properties may vary, however, the majority were located in Single Family Dwelling District – R1, followed by Multiple Family Dwelling – M2, and Single Family Dwelling – R2. (See chart below for break down)



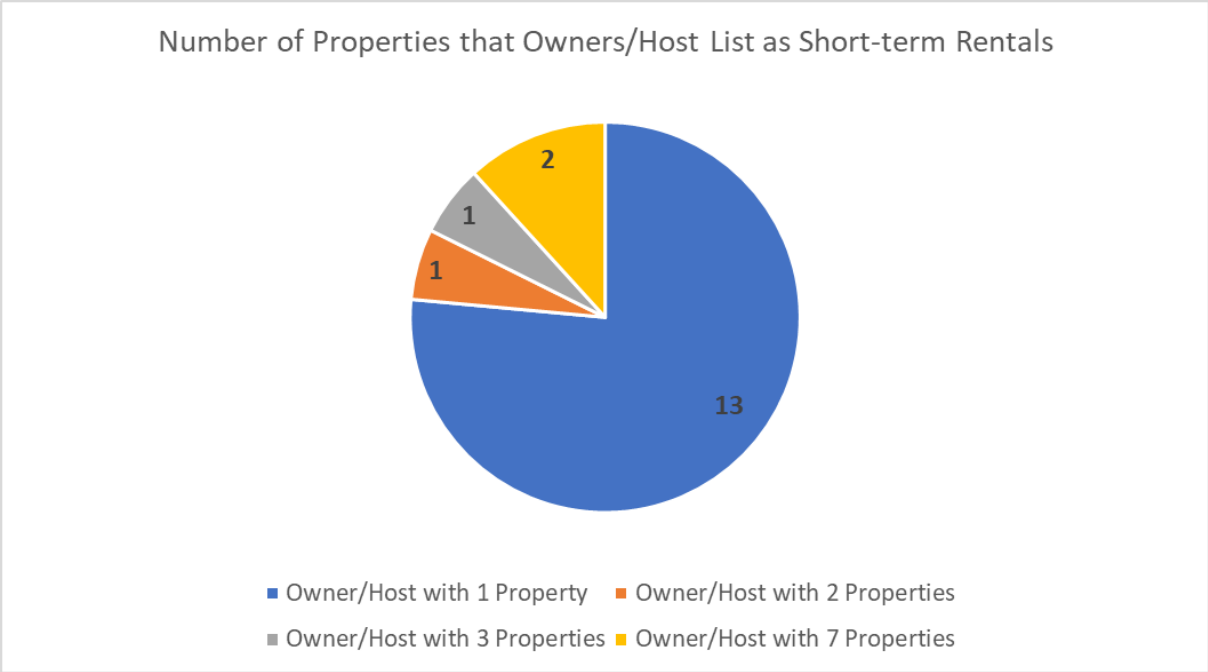
Parking

Parking is a concern for neighbors of short-term rentals, however, staff's research indicates that the majority of the properties have both on and off street parking for at least two cars. Although, there are a few locations where it appears to be no parking. (See chart below)



Listed and/or Owned

Of the 32 properties, there were properties that were listed and/or owned by the same person. Out of these properties four people have listed and/or own two or more properties. (See chart below)



Research on what other Kansas and Missouri cities are doing to regulate short-term rentals is underway and a separate report will be written.

Update to Topeka Zoning Regulations: Short Term Rentals

SUMMARY

Current Zoning Regulations

Much of the transient lodging offered on Air BnB, Verbo, and other online platforms is currently regulated by Topeka's zoning code under the land use categories of "bed and breakfast home" and "bed and breakfast inn." A "bed and breakfast home" is defined as "*a private, owner-occupied single-family dwelling where no more than four guestrooms are provided for overnight paying guests for not more than seven consecutive nights . . . ."* A "bed and breakfast inn" is defined as "*a single-family structure or portion thereof that provides not more than 10 guestrooms for overnight paying guests. Food service may be provided for guests and sometimes in conjunction with social events."*

Under current regulations bed and breakfast homes and inns require a conditional use permit in single-family (R-1, R-2, R-3) and two-family (M-1, M-1a) residential zoning districts. The zoning regulations include other standards specific to bed and breakfast homes and inns. The standards are intended to ensure bed and breakfast homes are compatible with surrounding residential land uses.

Proposed Zoning Regulations

The proposed regulations replace "bed and breakfast home" with two categories of transient lodging: "short term rental, type I, which is owner-occupied, and "short term rental, type II", which is not owner-occupied. "Bed and breakfast inn" is replaced with "short term rental, type III."

It is proposed that the three types of short term rental be defined by length of stay, owner or non-owner occupancy, number of sleeping rooms, allowance for events and related activities. It is also recommended that short term rental types I and II be allowed in single and two-family residential districts but be subject to specific standards and require an administrative permit. Short term rental, type III would require a conditional use permit in single and two-family residential districts, as is the current requirement for bed and breakfast inns.

Why are Changes Proposed?

The City of Topeka regularly updates its zoning regulations to more efficiently and effectively respond to the needs of owners, residents, and other stakeholders. The availability and use of short term rentals has proliferated along with the growth in the sharing economy and internet commerce. The current regulations in Topeka's zoning code lack clarity and do not meet the needs and expectations of stakeholders.

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Brent Trout, concerning zoning ordinances, amending City of Topeka Code § 18.55.020, § 18.55.040, § 18.55.140, § 18.55.150, § 18.55.190, § 18.55.200, § 18.60.010, § 18.225.010 and § 18.240.030 and repealing original sections.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

Section 1. That section 18.55.020, "B" definitions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

"B" definitions.

"Basement" means a story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story where more than one-half of its height is above the average finished grade.

~~"Bed and breakfast home" means a private, owner-occupied single-family dwelling where no more than four guestrooms are provided for overnight paying guests for not more than seven consecutive nights. The dwelling shall be the primary residence of the owner with no employees permitted, other than permanent residents of the dwelling. Food service may be provided for guests~~.

~~"Bed and breakfast inn" means a single-family structure or portion thereof that provides not more than 10 guestrooms for overnight paying guests. Food service may be provided for guests and sometimes in conjunction with social events.~~

"Block" means a piece of land usually bounded on all sides by streets or other transportation routes such as railroad lines, or by physical barriers such as water bodies or public open space, and not traversed by a through street.

“Boarding house” means any dwelling where for compensation and by prearrangement lodging with or without food is provided for three or more persons but not exceeding 20 persons in contradiction to hotels. No personal care is provided.

“Brew pub” means an eating and drinking establishment that includes a micro-brewery as an accessory use. The micro-brewery is limited to 5,000 barrels per year, which is equivalent to 155,000 gallons per year.

“Buildable area” means the space remaining on a zoning lot after the minimum open-space requirements (coverage, yards and setbacks) have been met.

“Building” means any roofed structure for the shelter, support or enclosure of persons, animals, chattels or property of any kind; and when separated by dividing walls without openings, each portion of such building, so separated, shall be deemed a separate building.

“Building code” means the International Building Code, as adopted in Chapter 14.20 TMC.

“Building coverage” means the percent of the lot area covered by the maximum horizontal cross-sections of all buildings on the lot. Portions of buildings below the finished lot grade, such as storm shelters, shall not be included in building coverage.

“Building, detached” means a building having no party wall in common with another building.

Building Line. See “building setback line.”

“Building, principal” means a building in which is conducted the principal use of the lot on which it is situated.

“Building setback line” means the required distance of open space between a building and a lot line.

“Bulk” is the term used to describe the size of buildings or other structures, and their relationships to each other and to open areas and lot lines, and therefore includes: (1) the size of buildings or other structures, (2) the area of the zoning lot upon which a residential building is located, and the number of dwelling units or rooms within such building in relation to the area of the zoning lot, (3) the shape of buildings or other structures, (4) the location of exterior walls of buildings or other structures in relation to lot lines, to other walls of the same building, to legally required windows, or to other buildings or other structures, and (5) all open areas relating to buildings or other structures and their relationship thereto.

“Bulk regulations” means the combination of controls which established the maximum size of a building and its location on the lot. Components of bulk regulations include: size and height of building; location of exterior walls at all levels with respect to lot lines, streets, or other buildings; building coverage; gross floor area of buildings in relation to lot area (floor area ratio); open space (yard) requirements; and amount of lot area provided per dwelling unit.

“Business” or “business use” means employment of one or more persons for the purpose of earning a livelihood, activities of persons to improve their economic conditions and desires, and generally relate to commercial and industrial engagements.

Section 2. That section 18.55.040, “D” definitions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

“D” definitions.

“Day care” means providing various levels of some or all of the following care as well as those services generally so associated, to individuals for less than 24 hours a day:

food and dietetic services; transportation, social, recreational, educational and activity arrangements; watchful and protective oversight; and supervision.

“Day care facility, type I” means a structure inhabited as a dwelling unit or portion thereof, and premises, operated and licensed in accordance with any and all applicable State and local requirements and conducted in the resident’s dwelling unit in which care is provided for profit or not for profit, to children and/or adults on a regular schedule for less than 24 hours a day to a maximum of 12 persons.

“Day care facility, type II” means a structure or portion thereof, and premises, operated and licensed in accordance with any and all applicable State and local requirements, in which care is provided for profit or not for profit, to children and/or adults on a regular schedule for less than 24 hours a day, and which may be operated as a secondary and/or ancillary use to a primary or principal use, such as, but not limited to, a place of worship, community center, library, or private business, and associated with that activity.

Demolition Landfill. See “landfill, demolition.”

“Density” means the number of dwelling units per acre.

“Developer” means the legal or beneficial owner or owners of a lot or of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.

“Development” means the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance and any use or extension of the use of land.

<u>“Director” means the Director of Planning and Development or designee.</u>

“Disability (or handicap)” with respect to a person means:

(1) A physical or mental impairment which substantially limits one or more of such person's major life activities;

(2) A record of having such an impairment; or

(3) Being regarded as having such an impairment.

Such term does not include current, illegal use or addiction to a controlled substance, as defined in Section 102 of the Controlled Substance Act (21 U.S.C. Section 802).

"District" means any section of the jurisdiction for which the regulations governing the use of buildings and premises or the height and area of buildings are uniform.

"District map" means the boundaries of the zoning districts as they presently exist or as they may from time to time be amended as shown upon the district map on file in the office of the Planning Director, which boundaries shall have the same force and effect as though fully set forth or described herein.

"Domestic animal" means small animals that are customarily kept for personal use or enjoyment such as, but not limited to, dogs, cats, tropical birds, rabbits and rodents.

"Dormitory" means a building or part of a building operated by an institution and containing a room or rooms forming one or more habitable units which are used or intended to be used by residents of the institution for living and sleeping, but not for cooking or eating purposes.

"Drinking establishment" means premises which may be open to the general public, where alcoholic liquor by the individual drink is sold.

"Driveway" means a paved surface designed to provide vehicular access to a parking area.

"Dwelling" means a building or portion thereof, used exclusively for residential occupancy, including one-family, two-family and multiple-family dwellings, but not including hotels,

motels, ~~lodging houses,~~ boarding houses, ~~tourist homes, or~~ house trailers and mobile homes.

"Dwelling, accessory" means an independent, detached dwelling unit having the defining characteristics of a dwelling unit but, in addition, being secondary to a primary dwelling located on the same lot of record and containing a maximum of 600 square feet, not including garage.

"Dwelling, attached" means a one-family dwelling attached to two or more one-family dwellings by common vertical walls.

"Dwelling, detached" means a dwelling which is designed to be and is substantially separate from any other structure or structures except accessory buildings.

"Dwelling, multiple-family" means a building or portion thereof used for occupancy by three or more families living independently of each other, and doing their own cooking in the building, including apartments, group houses, and row houses.

"Dwelling, row house or townhouse" means one of a series of three or more attached dwelling units separated from one another by continuous vertical party walls without openings from basement floor to roof.

"Dwelling, single-family" means a building designed and/or used exclusively for residential purposes for one family only and containing not more than one unit, including site-built homes and residential-design manufactured homes, but not including house trailers and mobile homes as defined by this chapter.

"Dwelling, single-family attached" means a one-family dwelling attached to one other one-family dwelling by a common vertical wall that is unpierced and located along its common property line, and each dwelling located on a separate lot.

"Dwelling, single-family detached" means a dwelling which is designed for and occupied by not more than one family and surrounded by open space or yards and which is not attached to any other dwelling by any means.

"Dwelling, two-family (duplex)" means a structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

"Dwelling unit" consists of one or more rooms, including a bathroom and complete kitchen facilities, which are arranged, designed or used as living quarters for one family or household.

Section 3. That section 18.55.140, "N" definitions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

"N" definitions.

"Neighborhood" means the smallest subarea in planning, defined as a residential area whose residents have public facilities and social institutions in common, generally within walking distance of their homes.

"Nonconforming lot" means a lot which was lawful prior to the adoption of or amendment to a zoning ordinance but which fails by reason of such adoption or amendment to conform to the present requirements for lots of its zoning district.

"Nonconforming structure or building" means a structure or building, the size, dimension or location of which was lawful prior to the adoption of or amendment to a zoning ordinance but which fails, by reason of such adoption or amendment, to conform to the present requirements of the zoning district.

"Nonconforming use" means a use or activity which was lawful prior to the adoption or amendment of a zoning ordinance but which fails, by reason of such adoption or amendment, to conform to the present requirements of the zoning district.

"Non-owner Occupied" means any dwelling in which the owner of record does not reside in the dwelling or resides in the dwelling fewer than 182 days per calendar year.

Section 4. That section 18.55.150, "O" definitions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

"O" definitions.

"Occupancy, change of" means a discontinuance of an existing use and substitution of a use of a different kind.

"Occupy" means to take or maintain possession of, reside in, or utilize.

"Office" means a building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

"Open space" means ground area and the space above which is unimpeded with any enclosed building. Open space areas may be used for landscaping, water bodies, stormwater management systems, sidewalks, walking trails, courtyards, and passive recreational purposes. Parking lots and storage areas for vehicles, equipment, and material shall not be considered as open space. Open space is the area remaining on a lot or land after subtracting "lot coverage," as defined at TMC 18.55.120.

"Owner" means an individual, firm, association, syndicate, partnership, or corporation holding title to or having sufficient proprietary interest to seek permits for development of land.

"Owner-occupied" means any dwelling in which the owner of record resides for 182 days or more per calendar year.

"Ownership certificate (certificate of ownership)" means a listing of properties within an identified area by legal description and address, together with corresponding ownership of those having proprietary ownership for purposes of notification.

Section 5. That section 18.55.190, "S" definitions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

"S" definitions.

"School" means any building or part thereof which is or was designed, constructed or used for education or instruction in any branch of knowledge, including any reuse for office or administrative functions designed to support school services or programs.

"School, elementary" means any school licensed by the State and which meets the State requirements for elementary education.

"School, private" means any building or group of buildings the use of which meets State requirements for primary, secondary or higher education and which use does not secure the major part of its funding from any governmental agency.

"School, secondary" means any school licensed by the State and which is authorized to award diplomas for secondary education.

"School, vocational" means a secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting the State requirements as a vocational facility.

"Self-storage, type I" means a low intensity indoor facility serving the temporary storage needs for individuals and small businesses. Individual units have indoor access only via hallways and no business activities shall occur on the premises except for the leasing of the units.

“Self-storage, type II” means an indoor and/or outdoor facility to meet the temporary storage needs for individuals and small businesses. Individual units may have their own exterior access; the outdoor storage of recreational vehicles, boats, and motor vehicles is permitted; and no business activities shall occur on the premises except for the leasing of the units.

“Setback” means the minimum required distance between a building and the lot line or street right-of-way line, whichever is applicable.

“Setback line” means that line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed.

“Setback regulations” means the requirements of building laws that a building be set back a certain distance from the street or lot line either on the street level or at a prescribed height.

“Sewage system” means a facility designed for the collection, removal, treatment and disposal of waterborne sewage generated within a given service area.

“Shop” means a use devoted primarily to the sale of a service or a product or products, but the service is performed or the product to be sold is prepared in its finished form on the premises.

“Shopping center” means a group of retail stores, originally planned and developed as a single unit, with immediate adjoining off-street parking facilities.

<u>“Short-term residential rental, type I” means any owner-occupied dwelling which: (1) contains rooms furnished for the purposes of providing lodging to transient guests; (2) is kept, used, maintained, advertised or held out to the public as a place where sleeping</u>

accommodations are available for pay or compensation by transient guests; and (3) has no more than five bedrooms furnished for the accommodation of such guests.

"Short-term residential rental, type II" means any non-owner-occupied dwelling which (1) contains rooms furnished for the purposes of providing lodging to transient guests; (2) is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are available for pay or compensation by transient guests; and (3) has no more than five bedrooms furnished for the accommodation of such guests.

"Short-term residential rental, type III" means any dwelling, which may or may not be owner-occupied, and which (1) contains rooms furnished for the purposes of providing lodging to transient guests; (2) is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are available for pay or compensation by transient guests; and (3) has six or more bedrooms furnished for the accommodation of such guests.

"Site" means a specific location for the placement, erection or construction of a building, facility or establishment.

"Site-built home" means a home on a permanent foundation erected by the process of assembling individual building materials or members on site and subject to adopted construction codes and safety standards.

"Site plan" means a plan to scale, showing accurately and with complete dimensioning the boundaries of a site and the location of all buildings, structures, uses, drives, parking, drainage, landscaping, and other principal site development improvements for a specific parcel of land.

"Small cell wireless facility" or "SCWF" means a wireless facility that meets all of the following qualifications:

(1) *Antenna.* Each antenna is located inside an enclosure of no more than six cubic feet in volume, or in the case of an antenna that has exposed elements, the antenna and all of the antenna's exposed elements could fit within an imaginary enclosure of no more than six cubic feet;

(2) *Equipment.* Primary equipment enclosures that are no larger than 17 cubic feet in volume, or facilities comprised of such higher limits as the Federal Communications Commission has excluded from review pursuant to 54 U.S.C. Section 306108. Associated equipment may be located outside the primary equipment and, if so located, is not to be included in the calculation of equipment volume. Associated equipment includes, but is not limited to, any electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, cut-off switch and vertical cable runs for the connection of power and other services.

(3) *Height.*

(i) Fifty feet in height or less; or

(ii) The structure is no more than 10 percent higher than that of adjacent structures or as prescribed in Federal law.

"Specified anatomical area" means less than completely or opaquely covered human genitals, pubic region, and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

"Specified sexual activities" means human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; and fondling or other erotic touching of human genitals or pubic region.

“Stacking space” means a paved surface which is designed to accommodate a motor vehicle waiting for entry to any drive-through facility or auto-oriented use, which is located in such a way that a parking space or access to a parking space is not obstructed, and which is at least nine feet in width and 19 feet in length. Stacking spaces commence 10 feet behind the middle of the pickup window.

“Standards” means site design regulations such as lot area, height limits, frontage, landscaping, yards, and floor area ratio, as distinguished from use restrictions.

“Storage” means holding or safekeeping goods in a warehouse or other depository to await the happening of some future event or contingency which will call for the removal of the goods.

“Street” means a right-of-way dedicated to the public use, or a private right-of-way serving more than one ownership, which provides principal vehicular and pedestrian access to adjacent properties.

“Street line” means a dividing line between a lot and a street right-of-way.

“Structural alterations” means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

“Structurally altered” means the making of such a substantial change in the construction, identity, and use of the present building.

“Structure” means anything which is built or constructed, an edifice or building of any kind, or any place of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground. It includes buildings, towers, cages for transformer substations,

pergolas, and billboards but excludes poles, fences, retaining walls, air-conditioning units, posts, and other minor incidental improvements.

"Stub street" means a nonpermanent dead-end street that is intended to be extended in conjunction with the subdivision and development of the adjacent unplatted land. Access from the stub street shall be permitted only along the frontage of such street to the lots in the subdivision containing the stub street.

"Subdivision" means division of a lot, tract or parcel of land into two or more parts for the purpose of ownership or building development.

Section 6. That section 18.55.200, "T" definitions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

"T" definitions.

"Tap/tasting room" means an area included on site that is accessory to micro-alcohol production to allow customers to taste samples of products manufactured on site and purchase related items.

"Temporary use" means a use of land, buildings or structures not intended to be of permanent duration.

"Theater" means a structure used for dramatic, operatic, motion pictures, or other performance, for admission to which entrance money is received and no audience participation or meal service allowed.

"Tract" means an area or parcel of land other than a lot described and recorded in the office of the Register of Deeds of Shawnee County as a single parcel of land under individual ownership.

"Traffic impact analysis (TIA)" means a specialized study of the impact a development will have on the surrounding transportation system. It is specifically concerned with the

generation, distribution, and assignment of traffic to and from a proposed development. The purpose of a TIA is to determine what impact that traffic will have on the existing and proposed roadway network, and what impact the existing and projected traffic on the roadway system will have on the proposed development. It will provide a credible basis for estimating roadway and on-site improvement requirements attributable to a particular project, and assess the compatibility of local transportation plans. The specific content of a TIA may vary depending upon the site, prevailing conditions, and safety considerations as expressed by reviewing staff during the preapplication conference, and shall conform to the recommended practice methods of the Institute of Transportation Engineers.

<u>"Transient guest" means a person who occupies a short-term residential rental for a period of less than twenty-eight (28) days.</u>

"Transmission tower" means a structure principally intended to support a source of nonionizing electromagnetic radiation (NIER) and accessory equipment related to telecommunications, other than the following uses which are exempt from this division:

(1) Portable, handheld and vehicular transmissions;

(2) Industrial, scientific and medical equipment operating at frequencies designated for that purpose by the FCC;

(3) A source of nonionizing electromagnetic radiation with an effective radiated power of seven watts or less;

(4) A sole-source emitter with an average output of one kilowatt or less if used for amateur purposes;

(5) Marketed consumer products, such as microwave ovens, citizens band radios, and remote control toys; and

(6) Goods in storage or shipment or on display for sale, provided the goods are not operated, except for occasional testing or demonstration.

"Truck stop" means a facility that provides services to the trucking industry, including but not limited to the following: dispensing of fuel, repair shops for large trucks, automated washes, restaurants, motels, overnight sleeping quarters, parking areas for large trucks, resting areas for trucks and drivers, all as part of a primary use.

Section 7. That section 18.60.010, Use Tables, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use Tables.

A = Allowed
S/C = Allowed but Specific Use Requirements Apply; CUP to vary from specific use requirements
C = Conditional Use Permit Required
P = Prohibited

Land Use	**Zoning District**														
	R-1, R-2, R-3	**R-4**	**M-1**	**M-1a**	**M-2**	**M-3**	**O&I-1**	**O&I-2**	**O&I-3**	**C-1**	**C-2**	**C-3**	**C-4**	**I-1**	**I-2**
~~Bed & Breakfast Home~~	**~~C~~**	**~~P~~**	**~~C~~**	**~~C~~**	**~~A~~**	**~~A~~**	**~~A~~**	**~~A~~**	**~~A~~**	**~~P~~**	**~~P~~**	**~~P~~**	**~~P~~**	**~~P~~**	**~~P~~**
~~Bed & Breakfast Inn~~	**~~C~~**	**~~P~~**	**~~C~~**	**~~C~~**	**~~S/C~~**	**~~S/C~~**	**~~C~~**	**~~C~~**	**~~C~~**	**~~A~~**	**~~A~~**	**~~A~~**	**~~A~~**	**~~A~~**	**~~A~~**
Short-Term Residential Rental, Type I	**S/C**	**P**	**S/C**	**S/C**	**A**	**A**	**S/C**	**S/C**	**S/C**	**S/C**	**S/C**	**S/C**	**S/C**	**S/C**	**S/C**
Short-Term Residential Rental, Type II	**S/C**	**P**	**S/C**	**S/C**	**A**	**A**	**S/C**	**S/C**	**S/C**	**S/C**	**S/C**	**S/C**	**S/C**	**S/C**	**S/C**
Short-Term Residentia	**C**	**P**	**C**	**C**	**A**	**A**	**C**	**C**	**C**	**S/C**	**A**	**A**	**A**	**A**	**A**

l Rental, Type III															

Land Use	**Zoning District**									
	U-1	**MS-1**	**X-1**	**X-2**	**X-3**	**D-1**	**D-2**	**D-3**	**RR-1**	**OS-1**
~~Bed & Breakfast Home~~	**~~P~~**	**~~A~~**	**~~C~~**	**~~C~~**	**~~C~~**	**~~S~~**	**~~C~~**	**~~P~~**	**~~C~~**	**~~P~~**
~~Bed & Breakfast Inn~~	**~~P~~**	**~~C~~**	**~~A~~**	**~~C~~**	**~~A~~**	**~~A~~**	**~~A~~**	**~~C~~**	**~~C~~**	**~~P~~**
Short-Term Residential Rental, Type I	**P**	**S/C**	**S/C**	**S/C**	**S/C**	**A**	**S/C**	**S/C**	**S/C**	**P**
Short-Term Residential Rental, Type II	**P**	**S/C**	**S/C**	**S/C**	**S/C**	**A**	**S/C**	**S/C**	**S/C**	**P**
Short-Term Residential Rental, Type III	**P**	**C**	**S/C**	**A**	**A**	**A**	**A**	**A**	**C**	**P**

Section 8. That section 18.225.010, Special use requirements, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Special use requirements.

The special uses identified in the use matrix table at TMC 18.60.010 are subject to the additional requirements of this chapter. In case of any conflict between the regulations of the district in which the use is allowed and the additional regulations of this

chapter, the most restrictive regulations shall govern:

(a) Automobile or Vehicle Dealership. This use includes the sales, leasing, and service of vehicles and trailers having a gross vehicle weight rating over 12,000 pounds, watercraft, recreational vehicles, heavy construction equipment, and agricultural equipment.

(1) Ancillary towing services and body shops are permitted. Storage of damaged vehicles needing body shop repairs shall only be stored in rear yards or screened from view from public roadways and screened from abutting residentially zoned properties. Automotive wrecking and dismantling for salvage purposes are prohibited. Each disabled vehicle is limited to 30 days of on-site storage.

(2) The inventory of vehicles for sale, lease, or service shall be parked only on paved areas and shall not displace the minimum required number of off-street parking spaces.

(3) A solid, opaque screen, fence or sight-prohibitive landscaping shall be provided along lot lines adjoining residential property at a height of not less than six feet except in front yards where it may be reduced to three feet or replaced with shrubs designed to grow two to three feet in height.

(4) Automobile dealerships shall have frontage on a roadway designated as an arterial roadway by the Shawnee County functional classification of roadways map.

(b) Automobile or Vehicle Car Wash Facility.

(1) All washing facilities shall be within the interior of the structure or beneath a roofed area.

(2) Vacuum, automatic air drying, and similar facilities shall not be located in such a manner that will restrict the orderly ingress to the facility.

(3) The washing facility shall be set back a minimum of 50 feet from any public street.

(4) All accesses, drives and off-street parking spaces shall be in accordance with the parking standards.

(5) The traffic circulation plan for the facility shall be subject to the approval of the Traffic Engineer or authorized designee of the Public Works Department.

(6) A solid, opaque screen, fence or sight-prohibitive landscaping shall be provided along lot lines adjoining residential property at a height of not less than six feet except in front yards where it may be reduced to three feet or replaced with shrubs designed to grow two to three feet in height.

(c) Automobile Sales. Except in the C-4 commercial district, ancillary uses for a body shop and automotive service station Type 3 are prohibited unless a conditional use permit is secured.

(1) Automobile sales, leasing, and service of vehicles are restricted to automobiles, pickup trucks, motorcycles and other vehicles that do not exceed a gross vehicle weight rating of 12,000 pounds in the C-3 district.

(2) The inventory of vehicles for sale, lease, or service shall be parked only on paved areas and shall not displace the minimum required number of off-street parking spaces.

(3) A solid, opaque screen, fence or sight-prohibitive landscaping shall be provided along lot lines adjoining residential property at a height of not less than six feet except in front yards where it may be reduced to three feet or replaced with shrubs designed to grow two to three feet in height.

(d) Automotive Service Station.

(1) Type 1. A facility which dispenses automotive fuels and oil with or without retail sales of incidental merchandise such as packaged beer, nonalcoholic beverages, ice, candy, cigarettes, snacks and convenience packaged foods.

(2) Type 2. A facility which may include those uses defined in Type 1 and specifically includes replacement of automotive parts including but not limited to fan belts, hoses, sparkplugs, tires and tubes, ignition parts, batteries, shock absorbers, and fuses. A Type 2 facility is limited to servicing automobiles, pickups, motorcycles and other vehicles having a gross vehicle weight rating of 12,000 pounds or less. The following automotive services shall be permitted in a Type 2 facility:

(i) Lubrication.

(ii) Tire repair and replacement.

(iii) Brake repair and wheel balancing and alignment.

(iv) Muffler and exhaust system repair and replacement.

(v) Shock absorber and strut replacement.

(vi) Engine adjustment (tune-up).

(vii) Replacement of pumps, cooling systems, generators, alternators, wires, starters, air conditioners, bearings and other similar devices.

(viii) Radio, GPS, rear cameras, and similar electronics installation and repair.

(ix) Glass replacement.

(x) Trailer hitch and wiring installation and repair.

(xi) And other similar repair and replacement services normally deemed to be emergency and convenience services; however, the same shall not include drive train units such as the engine, transmission or drive components.

(3) Type 3. A facility which may include those uses defined in Types 1 and 2, and

specifically includes repair, rebuilding and replacement of drive train units of automobiles, pickup trucks, motorcycles, trailers, and other vehicles.

(4) For Types 1, 2, and 3 a solid, opaque screen, fence or sight-prohibitive landscaping shall be provided along lot lines adjoining residential property at a height of not less than six feet except in front yards where it may be reduced to three feet or replaced with shrubs designed to grow two to three feet in height.

(e) Automobile or Vehicle Tow Lot and Body Shop. This use includes body repair of vehicles and trailers having a gross vehicle weight rating over 12,000 pounds, watercraft, recreational vehicles, heavy construction equipment, and agricultural equipment. Facilities shall meet the following standards:

(1) Storage of damaged vehicles requiring repairs shall only be parked on surfaces meeting City standards in rear yards or screened from view from public roadways.

(2) Vehicle wrecking and dismantling for salvage purposes are prohibited.

(3) Each disabled vehicle is limited to 30 days of on-site storage.

(4) A solid, opaque screen, fence or sight-prohibitive landscaping shall be provided along lot lines adjoining street rights-of-way and residential property at a height of not less than six feet except in front yards where it may be reduced to three feet or replaced with shrubs designed to grow two to three feet in height.

(f) Cemetery.

(1) Areas. Any cemetery established after the effective date of the ordinance codified in this division shall be located on a site containing not less than 20 acres.

(2) Setback. All structures including but not limited to a mausoleum, permanent monument or maintenance building shall be set back not less than 30 feet from any

property line or street right-of-way line and all graves or burial lots shall be set back not less than 30 feet from any property line or street right-of-way line.

(3) A cemetery shall have the principal entrance or entrances on a major traffic thoroughfare designated as a collector or arterial roadway on the Shawnee County functional classification of roadways map, with ingress and egress so designed as to minimize traffic congestion.

(4) All on-site private drive locations and their widths shall be reviewed by the Traffic Engineer or designee of the Department of Public Works in respect to providing efficient vehicular access and traffic flow; and to minimize vehicle conflict with pedestrians. Development of the cemetery shall not commence until approval of the aforementioned drive locations and their widths has been secured.

(g) Community Gardens.

(1) All community gardens shall be allowed only after the owner or applicant has registered the community garden with the Planning Department and has paid a fee of $50.00. The Planning Director shall adopt administrative procedures necessary to govern the registration requirements and ensure compliance with the requirements.

(2) Community gardens shall be the primary use of the lot. The gardens may be divided into plots for cultivation by one or more individuals and/or groups or may be cultivated by individuals and/or groups collectively.

(3) Fences are allowed subject to a fence permit and compliance with TMC 18.210.040. In R and M districts, the minimum front yard setback for the district shall act as the front face of the principal structure.

(4) Sales and operation of mechanical equipment shall occur only between 8:00 a.m. and 8:00 p.m. For Type 1 gardens, sales of produce grown on site are permissible;

provided, that all stands and displays are removed at or before 8:00 p.m.

(5) Cultivation equipment shall not exceed the size of a compact utility tractor and its accessories.

(6) The cultivated area shall have a minimum setback of three feet from all property lines. Crops planted in any minimum front yard setback are limited to those that will grow to a height of four feet or less (e.g., four feet maximum in the front 30 feet).

(7) Dead garden plants shall be removed regularly and no later than November 30th of each year.

(8) Weeds, grass, undergrowth and uncultivated plants shall not exceed a height of 12 inches.

(9) Compost bins shall be set back at least 10 feet from all side and rear property lines and 25 feet from the front property line. Compost bins shall be screened and maintained in such a manner as to not attract insects, vermin, reptiles and other animals. Appropriate best management practices shall be used to minimize odor.

(10) The site shall be designed and maintained so that no water, fertilizers, or pesticides drain onto adjacent property.

(11) The entire site shall be maintained in a manner, including noise and odors, so that it complies with Chapter 8.60 TMC.

(12) Signage is limited to one permanent identification sign per property frontage consisting of up to 10 square feet per sign face and temporary signs are allowed in accordance with TMC 18.10.170.

(13) Orchards and tree farms shall meet the front yard setback for their zoning district and shall be set back at least 15 feet from all other property lines, with the measurements based on the nearest part of the trees' canopies.

(14) Accessory structures for Type I community gardens are limited to the following standards:

(i) Accessory structures may include storage buildings, greenhouses, high tunnels and hoop houses maintained in good condition.

(ii) Maximum height of 12.5 feet.

(iii) Maximum lot coverage for structures shall be calculated based on the cultivated area for the community garden, including pathways. Maximum lot coverage for structures shall be 10 percent or less than 150 square feet, whichever is greater.

(iv) Storage buildings are limited to less than 150 square feet and may only be used for storing garden equipment and materials used on site.

(v) Each structure shall meet the required setbacks from property lines as outlined in TMC 18.60.020. If the area of cultivated land exceeds one acre, a 50-foot setback is required between properties with existing dwelling units and any cultivated area or accessory structures.

(15) Accessory structures for Type II community gardens are limited to the following standards:

(i) In addition to Type I standards, Type II permitted accessory structures include: garden sales stands, other buildings for storage, structures for cold storage and processing of garden products, and buildings for aquaculture, aquaponics, and hydroponics.

(ii) Maximum lot coverage for structures is 30 percent of the site area designated for the community garden (cultivated area and pathways).

(iii) Accessory structures 150 square feet or greater are permitted, subject to required building permits.

(16) If one or more of the requirements cannot be met, a person may apply for a conditional use permit pursuant to Chapter 18.215 TMC.

(h) Day Care Facility, Type I.

(1) An on-site automobile drop-off/pickup area for a minimum of two vehicles shall be provided for a facility which only has street frontage on a major traffic thoroughfare as designated by the transportation plan; and said drop-off/pickup shall be in accordance with any applicable provisions of said plan.

(2) Playground equipment or structures shall not be permitted to be located in a required yard adjacent to a public street.

(i) Day Care Facility, Type II.

(1) An on-site automobile drop-off/pickup area for a minimum of two vehicles shall be provided for a facility which only has street frontage on a roadway that is classified as a collector or arterial roadway on the Shawnee County functional classification of roadways map; and said drop-off/pickup shall be provided in accordance with any applicable provisions of said plan.

(j) Demolition Landfill.

(1) The applicant shall submit documentation showing compliance with all licenses or permits required by the State Department of Health and Environment prior to construction and within 30 days of renewal of any State licenses and permits. The site shall maintain a neat appearance along all public road frontages and along all property boundaries abutting residential zoning districts.

(k) Dwelling Units on Main Floor. Dwelling units located on main floors shall meet the following requirements:

(1) The units must be subordinate in area or location to nonresidential uses on the

main floor; or

(2) The units shall be allowed in structures that were originally built for use as dwelling units, the structure has been used historically for dwelling units, or the dwelling units were converted from hospital, school, or hotel rooms.

(l) Extraction, Processing, Storage and Sale of Raw Materials, Including Ore, Minerals, Sand, Rock, Stone, Gravel, Topsoil, Fill Dirt, and Other Materials Delivered by Quarry, Mining, Dredging, or Stripping Operations. In addition to the standard application components required of an applicant to petition for a conditional use permit, a request for the subject use shall identify the specific raw material and type of operation under consideration and, furthermore, shall include the below-listed additional information, plans and data:

(1) Site Plan. A site plan prepared by a registered civil engineer, drawn to scale on a sheet measuring 24 inches by 36 inches in size and including the following:

(i) Contour intervals: two feet for slopes 30 percent or less; 10 feet for greater slopes when map scale is one inch equals 100 feet.

(ii) Contour intervals: two feet for slopes 20 percent or less; 10 feet for greater slopes when map scale is one inch equals 200 feet.

(iii) Identify name, grade, right-of-way and street width of existing and proposed streets extending through or adjacent to the site.

(iv) Identify width and purpose of easements extending through or adjacent to the site.

(v) Identify natural land features including but not limited to watercourses and drainageways, floodplains, rock outcropping, springs, wooded areas, etc.

(vi) Identify manmade features such as buildings and other structures, dams,

dikes and impoundments of water.

(vii) Identify all of the above-noted adjacent land features within 300 feet of the site. In addition, show all platted subdivision lots and metes and bounds parcels.

(viii) Show location of at least five borings, which show depths to groundwater.

(ix) Provide a cross-section to illustrate physical conditions of the site. Show vertical scale equal to, or in exaggeration of, horizontal scale.

(2) Development Plan. A development plan prepared in the same manner as the site plan and including the following:

(i) North point, scale and date.

(ii) Extent of area to be excavated.

(iii) Location, dimension and intended use of proposed structures.

(iv) Location of all areas on the property subject to inundation or flood hazard, and the location, width, and directions of flow of all watercourses and flood control channels that may be affected by the excavation.

(v) Benchmarks.

(vi) Typical cross-section, at sufficient intervals, showing the extent of overburden, extent of sand and gravel deposits or rock, and the water table.

(vii) Identification of processing and storage areas, the boundaries of which to be shown to scale.

(viii) Proposed fencing, gates, parking areas and signs.

(ix) Sequences of operation showing approximate areas involved shall be shown to scale and serially numbered with a description of each.

(x) Ingress/egress roads including on-site haul roads and proposed surface treatment and means to limit dust.

(xi) A map showing access routes between the property and the nearest arterial road.

(xii) Location of screening berms shall be shown to scale, and notes shall be provided indicating when they will be used as reclamation material. In the same manner overburden storage areas shall be identified and noted.

(xiii) Proposed location of settling basins and process water ponds.

(xiv) Site drainage features shall also be shown and flow direction indicated.

(3) A restriction of use statement, which shall include:

(i) The approximate date of commencement of the excavation and the duration of the operation.

(ii) Proposed hours of operation and days of operation.

(iii) Estimated type and volume of the excavation.

(iv) Method of extracting and processing, including the disposition of overburden or top soils.

(v) Equipment proposed to be used in the operation of the excavation.

(vi) Operating practices proposed to be used to minimize noise, dust, air contaminants, and vibration.

(vii) Methods to prevent erosion and pollution of surface or underground water.

(4) Reclamation Plan. A reclamation plan prepared in the same manner as the site plan and including the following:

(i) A statement of planned reclamation, including methods of accomplishment, phasing, and timing.

(ii) A plan indicating: the final grade of the excavation; any water features included in the reclamation and methods planned to prevent stagnation and pollution; landscaping

or vegetative planting; and areas of cut or fill. This plan, if clearly delineated, may be included with the site plan. For quarry applications, the final grade shall mean the approximate planned final grade.

(iii) A phasing plan, if the excavation of the site is to be accomplished in phases. This plan shall indicate the area and extent of each phase and the approximate timing of each phase.

(iv) The method of disposing of any equipment or structures used in the operation of the excavation upon completion of the excavation.

(v) Show location of any proposed streets within the reclaimed area and their connection to present public streets beyond.

(vi) Show location of any lakes, ponds, or streams proposed within the reclaimed area and their connections to streams or drainageways beyond.

(vii) Show areas where vegetation is to be established, and indicate types of vegetative cover.

(m) Golf Course – Country Club.

(1) A golf course or country club shall be established on a minimum contiguous area of 20 acres and shall consist of a minimum of nine holes.

(2) Vehicular access to a golf course or country club may ingress/egress directly to a local street provided the local street intersects with a roadway that is classified as a collector or arterial roadway on the Shawnee County functional classification of roadways map; and further provided, that said points of ingress/egress are located within 300 feet of the centerline of the aforementioned thoroughfare.

(3) All patron parking lots, clubhouses and recreational facilities, other than those for golf, shall be located a minimum distance of 500 feet from all property boundaries of

the golf course or country club.

(4) All maintenance facilities and employee parking lots shall be located a minimum distance of 200 feet from all property boundaries of the golf course or country club.

(5) If one or more of the requirements cannot be met, a person may apply for a conditional use permit pursuant to Chapter 18.215 TMC.

(n) Indoor Gun Range.

(1) A building for the safe discharge of firearms shall meet the following requirements:

(i) The building shall be designed so that discharged ammunition does not escape the confines of the building.

(ii) Discharge noise does not adversely impact neighboring properties.

(iii) The building shall be located at least 200 feet from any residentially zoned property.

(2) If one or more of the requirements cannot be met, a person may apply for a conditional use permit pursuant to Chapter 18.215 TMC.

(o) Outdoor Storage of Nonmerchandise. When storage is located in a yard that abuts or is located across the street from residentially zoned property it shall be screened from public view by a solid, opaque screen, fence or sight-prohibitive landscaping of not less than six feet in height, except in front yards where it may be reduced to three feet or replaced with shrubs designed to grow two to three feet in height. If storage is adjacent to driveways or intersections, screening may be reduced to comply with sight distance triangles, as outlined in TMC 12.20.020.

(p) Reception, Conference and Assembly Facility.

(1) As an independent principal use within any subdistrict of the residential dwelling and multiple-family dwelling districts, the facility shall be located only within a structure that exists on the date of the adoption of these regulations, except for the RR-1 district; and further, vehicle parking lots shall not be permitted within the established front yard setback.

(2) All applications requesting a conditional use permit shall include and address the following considerations in respect to:

(i) Maximum occupant load at any one time.

(ii) Presentation of a plan of operation which shall include:

(A) Days of the week and hours of operation in which the facility will function.

(B) Any permitted outdoor activities.

(C) Supervision of guests and arrangements for enforcement of any provisions of the conditional use permit.

(iii) Any proposed screening, buffering, or landscape plan.

(iv) On-site vehicle parking and ingress/egress plan.

(v) Address the general applicability of building, life safety, and associated codes and standards to the facility.

(3) All activities of the facility as a conditional use permit shall be by prearranged lease, contract, or agreement and therefore the facility shall not be open to the general public.

(q) Recycling Depot. Recycling depots shall meet the following requirements:

(1) Limited to the collection, storage and processing of metal, glass or plastic food or beverage containers and paper resources as an initial phase of a recycling process.

(2) The recycling process shall be limited to the volume reduction of such

materials by mechanical and hand sorting methods only.

(3) All storage and processing operations in conjunction therewith shall be contained within the principal structure.

(r) Religious Assembly.

(1) Vehicular access to a facility of religious assembly may ingress/egress directly to a local street, provided said local street intersects with a major traffic thoroughfare as designated on the transportation plan; and further provided, that said points of ingress/egress are located within 300 feet of the centerline of the aforementioned thoroughfare.

(2) If one or more of the requirements cannot be met, a person may apply for a conditional use permit pursuant to Chapter 18.215 TMC.

(s) Relocation, Remodeling or Rebuilding of Legal Nonconforming Billboards. No application for a conditional use permit to relocate, remodel, or rebuild an existing legal nonconforming billboard shall be approved unless the Governing Body, upon recommendation by the Planning Commission, shall determine that the proposed billboard is appropriate in the location proposed based upon its consideration of the standards set forth below.

(1) This subsection shall apply only to existing legal nonconforming billboards presently located within the C-4 commercial district. In seeking a conditional use permit, the applicant shall specify the location, size, height and area of the existing billboard proposed to be removed.

(2) The structural members of all billboard materials shall be constructed entirely of noncombustible materials excepting only the sign face, ornamental molding and platform and shall be installed only on single-pole structures.

(3) The proposed relocated sign shall not be larger than the existing billboard proposed to be removed, but not to exceed 750 square feet including extensions; nor shall such relocated sign have more than two sign faces.

(4) No billboard to be relocated shall be erected upon the roof of any building or attached to any building.

(5) No billboard to be relocated shall be set back less than 20 feet from any public right-of-way line.

(6) No billboard to be relocated shall be either less than 1,320 feet from any other such sign on the same street or closer than a 400-foot radius on different streets.

(7) No billboard to be relocated shall be less than 200 feet from any underpass, overpass or bridge structure.

(8) No billboard to be relocated shall be placed within 300 feet of a residential dwelling, which fronts on the same street right-of-way, nor within 500 feet of any religious assembly or public or private elementary or secondary school on the same street.

(9) No billboard shall result in the loss or damage of natural, scenic, or historic features of significant importance; and shall be constructed and operated with minimal interference of the use and development of neighborhood property.

(10) No billboard shall be so designed to include the vertical stacking of billboards on the sign pole. Each billboard shall be comprised of a single sign face oriented in a given direction. This provision does not preclude double-sided billboards where arranged back to back on the sign pole.

(t) Manufactured Home. A manufactured home for the purpose, use and occupancy of a family shall meet the following requirements:

(1) The manufactured home shall have a minimum dimension of 14 body feet in

width for the principal structure.

(2) The manufactured home shall be secured to the ground on a permanent foundation.

(3) The undercarriage of the manufactured home shall be completely screened from view by the foundation or skirting, such skirting to be of material harmonious to the unit structure and installed within 10 days of unit placement.

(4) The manufactured home shall have the towing apparatus, wheels, axles, and transporting lights removed.

(5) The manufactured home shall have an exterior facade of vinyl or wood siding, stone, brick, or other nonmetallic material.

(6) The roof of the manufactured home shall be double pitched and have a nominal vertical rise of three inches for each 12 inches of horizontal run, and shall be covered with material that is residential in appearance, including but not limited to wood, asphalt, composition or fiberglass shingles, but excluding corrugated aluminum, corrugated fiberglass, or corrugated metal roofing material. The roof shall have a minimum eave projection or overhang of 10 inches on at least two sides, which may include a four-inch gutter.

(u) Retail Merchandise Outdoor Display. Items for sale that are displayed outside buildings, exclusive of very large items such as vehicles and construction materials, shall meet the following standards:

(1) The display area shall not exceed 50 percent of the first floor area of the business.

(2) Screening shall be provided between the merchandise being stored and residentially zoned properties when the merchandise is located in a side or rear yard next

to residentially zoned properties. Merchandise shall not be stacked higher than the screening in this area.

(3) The inventory of vehicles and equipment for sale, lease, or service shall not displace the minimum required number of off-street parking spaces.

(4) In D and X districts, retail merchandise outdoor display areas shall occur only during normal business hours. The outdoor display area shall provide adequate pedestrian clearance and shall not obstruct vehicular or pedestrian circulation.

(v) Self-Storage, Type I. An indoor storage facility for individuals and small businesses shall meet the following specific requirements:

(1) Any new building shall have exterior design characteristics similar to retail buildings in the area.

(2) Only one large common dock/garage door opening shall be allowed per building and shall not face any street frontage unless appropriately screened.

(3) All items being stored must be inside of an enclosed building.

(4) No business activity shall be conducted in the individual storage units.

(5) No living quarters are allowed within the individual units but the overall premises may have one dwelling unit for the caretaker.

(6) The storage of hazardous, toxic, or explosive substances is prohibited.

(w) Animal Care and Services, Type I.

(1) Medical treatment or care of large animals such as horses, cattle, sheep, goats, swine, etc., shall not be permitted on the premises.

(2) Medical treatment or care shall be provided only within the confines of an enclosed building or structure.

(3) The building or structure shall be constructed in such a manner as to prevent

audible noise and/or odor from adversely impacting adjoining properties.

(x) Television, Radio, and Microwave Transmission Towers – Telecommunication Equipment – Accessory Facilities. In addition to the standard application components required of an applicant to petition for a conditional use permit, a petition for a conditional use permit for the subject use shall include:

(1) A site plan or plans drawn to scale of one inch equals 30 feet or larger and identifying the site boundary; tower(s); guy wire anchors; existing and proposed structures; vehicular parking and access; existing vegetation to be retained, removed, or replaced; and uses, structures, and land use designations on the site and abutting parcels.

(2) A plan drawn to scale showing any proposed landscaping, including species type, size, spacing, and other features.

(3) The applicant shall provide written communications obtained from the Federal Communications Commission and the Federal Aviation Administration indicating whether the proposed tower complies with applicable regulations administered by that agency or that the tower is exempt from those regulations. If each applicable agency does not provide a requested statement after the applicant makes a timely, good-faith effort to obtain it, the application is complete. The applicant shall send a subsequently received agency statement to the Planning Director.

(4) The applicant shall demonstrate that the tower complies with any applicable provisions of the airport hazard zone regulations if the tower site is located within the hazard zone as established by said regulations.

(y) Vehicle Surface Parking Lot.

(1) The parking lot site shall be of like district zoning classification as that of an

associated principal use or that of a less restrictive district. The parking lot site shall not be separated from the associated principal use by an intervening zoning district of a more restrictive classification.

(2) The parking lot site shall not be separated from an associated principal use by an intervening public street right-of-way classified as a collector or arterial roadway on the Shawnee County functional classification of roadways map.

(3) The nearest point of a parking lot site to the nearest point of the building served by the parking lot shall not be greater than 500 feet.

(4) If one or more of the requirements cannot be met, a person may apply for a conditional use permit pursuant to Chapter 18.215 TMC.

~~(z) *Bed and Breakfast Home.*~~

~~(1) *Specific Requirements.* Requests to establish a bed and breakfast home shall conform to all of the following requirements:~~

~~(i) The bed and breakfast shall operate as an ancillary use to the principal use of the residence as a single-family dwelling.~~

~~(ii) The bed and breakfast shall be located in an existing single-family dwelling and no new structure shall be built expressly for a bed and breakfast establishment.~~

~~(iii) The bed and breakfast shall be operated within the single-family dwelling and not in any accessory structure.~~

~~(iv) The primary entrance to all guestrooms shall be from within the dwelling. A guestroom can retain an original secondary exterior entrance opening onto a porch or balcony.~~

~~(v) The exterior of the dwelling and premises shall outwardly remain and appear to be a single-family dwelling giving no appearance of a business use.~~

~~(vi) Individual guestrooms shall not contain cooking facilities.~~

~~(vii) The bed and breakfast shall not be used for weddings, receptions, parties, business meetings, or similar such activities.~~

~~(viii) One nonilluminated nameplate sign, attached flat on the face of the principal dwelling, shall be permitted, not to exceed nine square feet. The nameplate shall be styled and detailed architecturally with the principal building and shall be limited to the name of the bed and breakfast or owner or both.~~

~~(ix) Retail sales of a nature clearly incidental and subordinate to the primary use of the premises as a bed and breakfast establishment shall be permitted subject to the following requirements:~~

~~(A) The merchandise offered for sale shall be confined to the dwelling and not located within a garage or accessory structure, whether attached or detached.~~

~~(B) Merchandise offered for sale shall be restricted to that produced on site; souvenir items bearing the name and/or logo of the establishment; and those items customarily provided for the convenience of resident guests.~~

~~(C) There shall be no advertising, display or other indication of merchandise offered for sale on the premises.~~

~~(D) No commercial telephone listing, newspaper, radio or television service shall be used to advertise the sale of merchandise.~~

~~(E) The total area devoted to the display or merchandise shall not exceed five percent of the gross floor area of the dwelling, excluding an attached garage.~~

~~(aa) *Bed and Breakfast Inn.*~~

~~(1) *Specific Requirements.* Requests to establish a bed and breakfast inn shall conform to all of the following requirements:~~

~~(i) The bed and breakfast shall be located in an existing single-family dwelling and no new structure shall be built expressly for a bed and breakfast establishment.~~

~~(ii) The bed and breakfast shall be operated within the single-family dwelling and not in any accessory structure.~~

~~(iii) The primary entrance to all guestrooms shall be from within the dwelling. A guestroom can retain an original secondary exterior entrance opening onto a porch or balcony.~~

~~(iv) The exterior of the dwelling and premises shall outwardly remain and appear to be a single-family dwelling giving no appearance of a business use.~~

~~(v) Individual guestrooms shall not contain cooking facilities.~~

~~(vi) One nonilluminated nameplate sign, attached flat on the face of the principal dwelling, shall be permitted, not to exceed nine square feet. The nameplate shall be styled and detailed architecturally with the principal building and shall be limited to the name of the bed and breakfast or owner or both.~~

~~(vii) Retail sales of a nature clearly incidental and subordinate to the primary use of the premises as a bed and breakfast establishment shall be permitted subject to the following requirements:~~

~~(A) The merchandise offered for sale shall be confined to the dwelling and not located within a garage or accessory structure, whether attached or detached.~~

~~(B) Merchandise offered for sale shall be restricted to that produced on site; souvenir items bearing the name and/or logo of the establishment; and those items customarily provided for the convenience of resident guests.~~

~~(C) There shall be no advertising, display or other indication of merchandise offered for sale on the premises.~~

~~(D) No commercial telephone listing, newspaper, radio or television service shall be used to advertise the sale of merchandise.~~

~~(E) The total area devoted to the display or merchandise shall not exceed five percent of the gross floor area of the dwelling, excluding an attached garage.~~

~~(F) In the RR-1 district, a bed and breakfast inn shall not be established on less than a three-acre parcel. In all other districts where permitted, a bed and breakfast inn shall be established on a parcel having a minimum size equivalent to 500 square feet per guestroom plus the minimum lot area of the district, for a single-family dwelling, in which located.~~

~~(G) Social events such as weddings, receptions, parties, business engagements or similar activities may be accommodated in conjunction with a bed and breakfast inn, subject to the following requirements:~~

~~1. The scheduling and conduct of social events shall be incidental and subordinate to the principal use of the premises as a bed and breakfast inn.~~

~~2. All scheduled events shall be by prearranged contract or agreement. Such events shall not be open to the general public.~~

~~3. No amplified sound or music, noise or glare shall be allowed outside the inn nor be perceptible from beyond the property line.~~

~~4. Social events shall be restricted to between the hours of 9:00 a.m. and 11:00 p.m.~~

~~5. Submission of a plan of operation which shall include:~~

~~a. Types of social events anticipated to be scheduled at the inn including the types of services to be offered in conjunction with a social event and the anticipated maximum number of guests to be accommodated.~~

~~b. Days of the week and hours of operation for which social events would be scheduled.~~

~~c. Any permitted outdoor activities and the location on the premises that may be used for such activities.~~

~~d. Supervision of guests and arrangements for enforcement of any provisions of the conditional use permit, when applicable.~~

~~e. Any proposed screening, buffering, or landscaping to mitigate potential negative effects.~~

~~f. Arrangements for parking. Specify the added number and location of guest parking in conjunction with social events. Additional on-site parking shall not interfere with accessing guest parking spaces nor conflict with internal traffic circulation.~~

~~(2) If one or more of the requirements cannot be met, a person may apply for a conditional use permit pursuant to Chapter 18.215 TMC.~~

(z) Short-Term Residential Rental, Type I.

(1) *Specific Requirements.* Each short-term residential rental, type I shall meet all of the following requirements unless waived as part of the conditional use permit process:

(i) The short-term residential rental, type I shall be located in an existing dwelling and no new structure shall be built expressly for a short-term residential rental.

(ii) The primary entrance to all rooms accessible to guests shall be within the dwelling. An original secondary exterior entrance opening onto a porch or balcony or from a basement unit is allowed.

(iii) The exterior of the dwelling and premises shall outwardly remain and appear to be a dwelling giving no appearance of a business use.

(iv) Individual guestrooms shall not contain cooking facilities.

(v) The short-term residential rental, type I shall not be used for weddings, receptions, large parties or gatherings, business meetings, or similar activities.

(vi) Signage shall comply with the sign regulations applicable to residential uses.

(vii) Only retail sales of a nature clearly incidental and subordinate to the primary use of the premises as a short-term residential rental establishment shall be permitted.

(viii) When contained within a single-family or two-family dwelling, the short-term residential rental, type I, shall contain a minimum of one off-street parking space for the primary resident and one off-street parking space for every two bedrooms for guests or fraction thereof. The Director may allow up to three on-street parking spaces to substitute for required off-street parking if the property contains frontage of 22 feet or more, exclusive of driveway approaches and sidewalk ramps. A minimum of 22 feet of frontage on a public street is required for each on-street parking space.

(ix) Parking of commercial vehicles by transient guests is not permitted.

(x) In non-residential zoning districts, the dwelling containing the short-term residential rental shall conform to the use standards of TMC 18.60.010 or be a legal non-conforming use.

(xi) The trash and recycling receptacles shall be of sufficient size and number to accommodate all refuse generated by the owner-occupant and the guests.

(xii) Outdoor activities producing noise with the potential to disturb adjacent residents including but not limited to loud speaking, sound-producing devices,

musical instruments, or loudspeakers as described in TMC 9.45 are prohibited between the hours of 11:00 p.m. and 7:00 a.m.

(2) Administrative permit. Upon receipt of an application and payment of permit fee to be determined by the Director, the Director will determine whether the application meets the requirements in subsection (z). Upon approval, the Director will issue the permit and notify owners of all parcels adjacent to the subject property of the issuance of the permit. The administrative permit shall be valid for two years and may be renewed upon a finding of compliance with the requirements and payment of a fee to be determined by the Director. The Director may deny an application, revoke, or suspend a permit for failure to comply with subsection (z). The applicant or permit holder may appeal the Director's determination to the Board of Zoning Appeals. An administrative permit is not required if a conditional use permit is granted.

(3) Conditional use permit. In the event that a person cannot meet the requirements of subsection (z), such person may apply for a conditional use permit pursuant to Chapter 18.215 TMC.

(aa) Short-Term Residential Rental, Type II.

(1) *Specific Requirements.* Each short-term residential rental, type II shall meet all of the following requirements unless waived as part of the conditional use permit process:

(i) The short-term residential rental, type II shall be located in an existing dwelling and no new structure shall be built expressly for a short-term residential rental.

(ii) The primary entrance to all rooms accessible to guests shall be within the dwelling. An original secondary exterior entrance opening onto a porch or balcony or from a basement unit is allowed.

(iii) The exterior of the dwelling and premises shall outwardly remain and appear to be a dwelling giving no appearance of a business use.

(iv) Individual guestrooms shall not contain cooking facilities.

(v) The short-term residential rental, type II shall not be used for weddings, receptions, large parties or gatherings, business meetings, or similar activities.

(vi) Signage shall comply with the sign regulations applicable to residential uses.

(vii) Only retail sales of a nature clearly incidental and subordinate to the primary use of the premises as a short-term residential rental shall be permitted.

(viii) When contained within a single-family or two-family dwelling, the short-term residential rental, type II shall comply with the off-street parking standards applicable to a single-family dwelling. The Director may allow up to two on-street parking spaces to substitute for required off-street parking if the property contains frontage of 22 feet or more exclusive of driveway approaches and sidewalk ramps. A minimum of 22 feet of frontage on a public street is required for each on-street parking space.

(ix) Parking of commercial vehicles by transient guests is not permitted.

(x) Any short-term residential rental, type II in an R, M-1, or M-1A district established after March 1, 2021 shall be no closer than 500 feet from another short-term residential rental, type II or short-term residential rental, type III in an R, M-1, or M-1A district.

(xi) In non-residential zoning districts, the dwelling containing the short-term residential rental shall conform to the use standards of TMC 18.60.010 or be a legal non-conforming use.

(xii) The trash and recycling receptacles shall be of sufficient size and number to accommodate all refuse generated by the guests.

(xiii) Outdoor activities producing noise with the potential to disturb adjacent residents including but not limited to loud speaking, sound-producing devices, musical instruments, or loudspeakers as described in TMC 9.45 are prohibited between the hours of 11:00 p.m. and 7:00 a.m.

(2) Administrative permit. Upon receipt of an application and payment of permit fee to be determined by the Director, the Director will determine whether the application meets the requirements in subsection (aa). Upon approval, the Director will issue the permit and notify owners of all parcels adjacent to the subject property of the issuance of the permit. The administrative permit shall be valid for two years and may be renewed upon a finding of compliance with the requirements and payment of a fee to be determined by the Director. The Director may deny an application, revoke, or suspend a permit for failure to comply with subsection (aa). The applicant or permit holder may appeal the Director's determination to the Board of Zoning Appeals. An administrative permit is not required if a conditional use permit is granted.

(2) Conditional use permit. In the event that a person cannot meet the requirements of subsection (aa), such person may apply for a conditional use permit pursuant to Chapter 18.215 TMC.

(bb) Short-Term Residential Rental, Type III.

(1) *Specific Requirements.* A conditional use permit is required for each short-term residential rental, type III, in the zoning districts designated in TMC 18.60.010. In those districts where a conditional use permit is required or where specific use requirements are imposed, the following standards shall apply unless waived as part of the conditional use process:

(i) The short-term residential rental, type III shall be located in an existing dwelling and no new structure shall be built expressly for a short-term residential rental.

(ii) The short-term residential rental, type III shall be operated within the single-family dwelling and not in any accessory structure.

(iii) The primary entrance to all rooms accessible to guests shall be within the dwelling. An original secondary exterior entrance opening onto a porch or balcony or from a basement unit is allowed.

(iii) The exterior of the dwelling and premises shall outwardly remain and appear to be a dwelling giving no appearance of a business use.

(v) Individual guestrooms shall not contain cooking facilities.

(vi) Signage shall be regulated by the sign regulations except as allowed or restricted by conditional use permit.

(vii) Only retail sales of a nature clearly incidental and subordinate to the primary use of the premises as a short-term residential rental shall be permitted.

(viii) When contained within a single-family or two-family dwelling, the short-term residential rental, type III shall contain a minimum of one off-street parking space for the primary resident and one off-street parking space for every two

bedrooms for guests or fraction thereof. The Director may allow up to three on-street parking spaces to substitute for required off-street parking if the property contains frontage of 22 feet or more exclusive of driveway approaches and sidewalk ramps. A minimum of 22 feet of frontage on a public street is required for each on-street parking space.

(ix) Parking of commercial vehicles by transient guests is not permitted.

(x) The trash and recycling receptacles shall be of sufficient size and number to accommodate all refuse generated by the guests.

(xi) Outdoor activities producing noise with the potential to disturb adjacent residents including but not limited to loud speaking, sound-producing devices, musical instruments, or loudspeakers as described in TMC 9.45 are prohibited between the hours of 11:00 p.m. and 7:00 a.m.

(xii) Social events such as weddings, receptions, parties, business engagements or similar activities may be accommodated in conjunction with a short-term residential rental, type III, subject to the following requirements:

1. The scheduling and conduct of social events shall be incidental and subordinate to the principal use of the premises.

2. All scheduled events shall be by prearranged contract or agreement. Such events shall not be open to the general public.

4. Social events shall be restricted to between the hours of 9:00 a.m. and 11:00 p.m.

5. Parking for Social Events. Off-street parking for event guests shall meet the same number requirements as required by TMC 18.240.030 for religious assembly or cultural facilities.

(2) Conditional use permit. In the event that a person cannot meet the requirements of subsection (bb), such person may apply for a conditional use permit pursuant to Chapter 18.215 TMC.

(~~bb~~cc) Management/Leasing Office and Maintenance Facility.

(1) A facility for leasing, managing and/or maintaining a residential community shall meet the following requirements:

(i) The proposed facility shall be located within the boundaries of and operate exclusively in association with a legally described residential community consisting of rental housing units. Activity not associated with the management of the residential community or that serves the residents of the community shall not be permitted within the facility.

(ii) The proposed facility shall be comparable in design, construction, materials, siding and roofing to the rental units located within the residential community.

(iii) All materials, equipment and supplies shall be maintained within the facility or within a detached accessory structure that is comparable in size and design to other detached accessory structures located within the residential community.

(iv) A building sign is limited to one wall-mounted identification sign not exceeding six square feet.

(2) If one or more of the requirements cannot be met, a person may apply for a conditional use permit pursuant to Chapter 18.215 TMC.

(~~cc~~dd) Automobile Rental Establishments.

(1) Automobiles, pickup trucks, motorcycles and other vehicles shall not exceed a gross vehicle weight rating of 12,000 pounds in the C-2 district.

(2) No automobile sales and/or long-term leasing of vehicles exceeding six

months shall be permitted.

(3) No on-site vehicle maintenance or mechanical service shall be permitted except to clean and prepare a vehicle for rental.

(4) No gasoline service shall be provided on site.

(5) No exterior storage or display of products, materials, supplies or equipment shall be permitted except for the rental vehicles.

(6) The inventory of rental vehicles shall be parked only on paved areas and shall not displace the required number of off-street parking spaces to be provided.

(7) A solid, opaque screen, fence or sight-prohibitive landscaping shall be provided along lot lines adjoining residential property at a height of not less than six feet except in front yards where it may be reduced to three feet or replaced with shrubs designed to grow two to three feet in height.

(~~dd~~ee) Group Residence, General – Group Residence, Limited – Correctional Placement Residence or Facility, General – Correctional Placement Residence or Facility, Limited – Home Care, Type II. In considering an application for a conditional use permit for a correctional placement residence or facility, general; a correctional placement residence or facility, limited; home care, type II; a group residence, general; or a group residence, limited, the Planning Commission and Governing Body will give consideration to the following criteria:

(1) The conformance of the proposed use to the comprehensive plan and other adopted planning policies.

(2) The character of the neighborhood including but not limited to: land use, zoning, density (residential), architectural style, building materials, height, structural mass, siting, open space and floor-to-area ratio (commercial and industrial).

(3) The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning and uses.

(4) The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.

(5) The length of time the property has remained vacant as zoned.

(6) The extent to which approval of the application would detrimentally affect nearby properties.

(7) The extent to which the proposed use would substantially harm the value of nearby properties.

(8) The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the use, or present parking problems in the vicinity of the property.

(9) The extent to which the proposed use would create excessive air pollution, water pollution, noise pollution or other environmental harm.

(10) The economic impact of the proposed use on the community.

(11) The gain, if any, to the public health, safety and welfare due to denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.

(~~ee~~ff) Mobile Retail Vendors. Mobile retail vendors are allowed in zoning districts where retail sales are permitted per TMC 18.60.010 or where allowed by ordinance.

(~~ff~~gg) Micro-Alcohol Production in X-2 and X-3 and D Districts.

(1) Micro-breweries are limited to 5,000 barrels per year.

(2) Tap rooms and tasting rooms are permitted as an accessory use and shall be located near the streetfront side of the building.

(3) Any portion of the building that fronts a public street shall have a storefront facade and include windows and door openings along the street frontage.

(4) The area of the building used for manufacturing, processing, brewing, fermenting, distilling, or storage shall be above or below the ground floor or located to the rear of the building or otherwise subordinate in area and extent.

(~~gg~~hh) Artisan Manufacturing.

(1) The area used for production and assembly shall be limited to no more than 80 percent of the gross floor area of the principal structure and shall not exceed a total of 6,000 square feet.

(2) All activities and equipment associated with all aspects of artisan manufacturing shall be confined to the interior of structures located on the property.

(3) In C-1, X-3, D-1 and D-2 districts, artisan manufacturing occurring on the ground level within a designated district classification must retain the front portion of the ground level to serve as a storefront entrance to a showroom, retail space, office use, or permitted residential use, consistent with the general character of the adjacent properties.

(4) The production process shall not produce offensive chemical odors, dust, vibration, noise, or other offensive external impacts that are detectable beyond the boundaries of the subject property.

(5) Retail sales of the product produced on site are allowed. On-site retail sales of other nonrelated products are permitted.

(~~hh~~ii) Drive-Up/Drive-Through Facilities.

(1) In D and X districts, the drive-up window, menu boards and all lanes needed for vehicle stacking shall be located to the rear or side of the principal building.

(2) In D and X districts, the drive-up window facility shall be secondary and

subordinate in size to the principal uses of the structure in which the drive-up facility is located.

(3) All lanes used for ingress, stacking, service, and egress shall be integrated safely and effectively with circulation and parking facilities.

(4) Ingress and egress shall be designed to minimize potential conflicts with vehicular, pedestrian, and bicycle traffic.

(5) The location and design of the drive-up facility shall minimize blank walls on street-facing exteriors of the building and disruption of existing or potential retail and other active ground floor uses.

(6) Approval of a traffic impact analysis by the City Traffic Engineer may be required.

(7) The principal use of the building is allowed in the zoning district.

(~~ii~~j) Building, Construction, and Mechanical Contractor Office – Contractor Yards. Outdoor storage associated with a contractor office or contractor yard, when located along a lot line adjoining a visible public street or in a yard that abuts residentially zoned property, shall be screened from public view by a solid, opaque screen, fence or sight-prohibitive landscaping of not less than six feet in height. If storage is adjacent to driveways or intersections, screening may be reduced to comply with sight distance triangles, as provided in TMC 12.20.020.

(~~jj~~k) Small Cell Wireless Facilities (SCWFs).

(1) Application. An applicant for placement of an SCWF shall submit site plans, elevation drawings and structural calculations prepared by a professional engineer licensed by the State of Kansas. The drawings must depict transmission equipment, power source, electrical service pedestal and any associated access or utility easements

and setbacks.

(2) Right-of-Way. If placement is sited in public right-of-way, the applicant will execute a license agreement with the City.

(3) Compliance with Aesthetic Requirements. The proposed SCWF shall comply with the City of Topeka/Shawnee County Small Cell Wireless Facilities General Design and Aesthetic Requirements posted on the City's website.

Section 9. That section 18.240.030, Required number of off-street parking spaces, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Required number of off-street parking spaces.

In all districts, except the C-5 district, there shall be provided prior to the occupation of a building or commencement of a principal use a minimum number of off-street parking and stacking spaces as set forth herein except as otherwise provided for in TMC 18.240.040(b).

Principal Use	Number of Spaces
(a) Residential uses.	
(1) Single- and two-family dwellings.	1 per dwelling unit having not more than 950 square feet of floor area
	2 per dwelling unit having more than 950 square feet of floor area
(2) Multiple-family dwelling and apartment hotels.	2 per dwelling unit for first 20 units, and 1.5 per dwelling unit after the first 20 units for dwelling units not more than 800 square feet of floor area
	2 per dwelling unit having more than 800 square feet of floor area
(3) Multiple-family dwelling, elderly housing.	1 per every 2 dwelling units
(4) Multiple-family dwelling, high-rise.	1.5 per dwelling unit for first 20 dwelling units and 1 per dwelling unit thereafter
~~(5) Bed and breakfast inn.~~ (5) Short-term residential rental, type I, II, and III	~~1 per sleeping room~~ Per parking standards in section 18.225.010
(6) Hotels and motels.	1 per sleeping room plus additional space for restaurant, convention centers and other facilities as may be open to public
(7) Congregate living and dormitory type dwellings.	1 per sleeping room
(8) Fraternity/sorority house.	1 per 300 square feet of floor area
(9) Developmentally disabled group home.	1 per each 2 sleeping rooms
(b) Community facilities and institutional uses.	
(1) Public and private educational facilities.	
(i) Elementary and secondary.	2.5 per classroom
(ii) Senior high.	10 per classroom
(2) Religious assembly.	1 per every 4 seats in auditorium or largest room
(3) Cultural facility.	1 per 300 square feet of floor area
(4) Community center.	1 per 300 square feet of floor area

(5) Reception, conference and assembly facility.	1 per 150 square feet of floor area or 1/3 of the occupant load, whichever is less
(6) Day care center, type II.	1 per every 10 persons the facility is licensed to serve, but not less than 5 spaces. To provide for the safe and convenient loading and unloading of persons as well as minimize traffic congestion, a paved unobstructed pickup space with adequate stacking area (as determined by the City or County Building Official) shall be provided at the building entrance or stacking space to accommodate 5 vehicles
(7) Residential care facility, types II and III.	1 per every 3 roomers, but not less than 2 spaces
(8) Medical care facility, type II.	1 per every 3 beds
(9) Community living facility, type I.	1 per every 2 roomers
(10) Community living facility, type II.	1 per every staff member determined by the maximum number of staff present at any one time, but not less than 5 spaces
(11) Crisis center, type I.	1 per 300 square feet of floor area
(12) Crisis center, type II.	1 per 200 square feet of floor area
(13) Hospital or medical center.	1.75 per hospital bed
(14) Private membership association, club, lodge or fraternal organization.	1 per 300 square feet of floor area
(15) Business or vocational school, technical college.	1 per 200 square feet of floor area
(16) College or university.	1 per 2.63 students enrolled
(c) Professional offices.	
(1) Medical and related offices and clinics, chiropractic, dental, optometrist, osteopath, pediatrician, etc.	1 per 300 square feet of floor area
(2) Professional and governmental offices: accounting, architectural, engineering, governmental, insurance sales, law, real estate, sales and brokerage, etc.	1 per 400 square feet of floor area
(3) Financial institution.	1 per 200 square feet of floor area, plus 3 stacking spaces for each external teller or customer service window

(4) Veterinarian.	1 per 400 square feet of floor area
(d) Commercial uses.	
(1) Business and retail establishments (other than listed).	1 per 200 square feet of floor area
(2) Restaurants:	
(i) Family dining type, where all food consumed within an enclosed structure.	1 per 150 square feet of floor area or 1/3 the occupant load, whichever is less
(ii) Carry-out and delivery only, where no food consumed on the premises.	1 per each employee based upon maximum shift, plus 5 stacking spaces per drive-in window. Such stacking spaces shall not be designed to impede pedestrian or vehicular circulation on the site or on any abutting street
(iii) Drive-in type, where food may be consumed on the premises, outside a completely enclosed building, or served directly to customers in parked vehicles.	1 per 35 square feet of floor area, plus 5 stacking spaces per drive-in window. Such stacking spaces shall not be designed to impede pedestrian or vehicular circulation on the site or on any abutting street
(iv) Fast food, an establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off premises.	1 per 85 square feet of floor area or 1/3 the occupant load, whichever is less, plus 5 stacking spaces per drive-in window. Such stacking spaces shall not be designed to impede pedestrian or vehicular circulation on the site or on any abutting street
(3) Automotive service station, types I and II.	1 per 4 gas pumps, but not fewer than 4 spaces. In no instance shall a required parking space or its maneuvering area conflict with vehicles being fueled or awaiting fuel
(4) Funeral home or mortuary.	1 per every 3 seats in the main seating area
(5) Theater, adult/nonadult.	1 per each 2.5 seats
(6) Automotive or vehicle car wash.	1 per each 2 washing stalls plus 2 stacking spaces per washing stall
(7) Shopping centers.	4.55 per 1,000 square feet of gross floor area
(e) Recreation, entertainment and amusement.	

(1) Commercial recreational facility (unless otherwise listed).	1 per 150 square feet of floor area
(2) Courts, racquetball, handball, squash and tennis (when operated as an independent use).	4 per each court, or 1 per 3 spectator seats, whichever is greater
(3) Amusement indoor establishments.	1 per 100 square feet of floor area
(4) Bowling alley.	5 per alley, plus additional space for any other associated use (e.g., bar, restaurant, etc.) open to the public
(5) Amusement park.	1 per 200 square feet of floor area plus 1 per 200 square feet of land area used for outdoor recreational areas
(6) Auditorium, fairgrounds, stadiums and grandstands.	1 per every 4 seats
(7) Athletic field.	15 spaces for every diamond; 20 spaces for every soccer or athletic field, or 1 space for every 4 seats, whichever is greater
(8) Golf courses.	4 per each green, plus additional space for any other associated uses (e.g., tavern, restaurant, etc.) open to the public
(9) Golf driving range.	1.5 per every tee, if provided, or 1.5 per each 20 feet of range width along the tees
(10) Miniature golf course.	2 per hole
(11) Outdoor range, archery, rifle, trap or skeet.	2 per target area or 1 per 5 seats, whichever is greater
(f) Industrial uses.	
(1) Industrial establishments (other than listed).	1 per 1,000 square feet of floor area
(2) Research and testing laboratory.	1 per 600 square feet of floor area
(3) Warehousing.	1 per 1,000 square feet of floor area to a maximum of 5 spaces for establishments up to 25,000 square feet of floor area. For warehouses over 25,000 square feet, 5 spaces plus 1 for each additional 5,000 square feet above 25,000 square feet of floor area

(4) Manufacturing or establishments engaged in production, processing, packing and crating, cleaning, servicing, or repair of materials, goods or products.	1 per 600 square feet of floor area up to 25,000 square feet of floor area; and 1 per 1,000 square feet of floor area above 25,000 square feet of floor area
(g) Other uses. For uses not listed, parking spaces shall be provided on the same basis as required for the most similar listed use as determined by the appropriate City or County Building Official.	

Section 10. That original § 18.55.020, § 18.55.040, § 18.55.140, § 18.55.150, § 18.55.190, § 18.55.200, § 18.60.010, § 18.225.010 and § 18.240.030 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 11. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 12. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 13. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the Governing Body on _____.

CITY OF TOPEKA, KANSAS

_____
Michelle De La Isla, Mayor

ATTEST:

_____
Brenda Younger, City Clerk

From: JOHN STRAHAN
Sent: Friday, October 2, 2020 6:13 PM
To: Melissa J. Fahrenbruch
<mfahrenbruch@topeka.org>; mghall@topeka.0rg
Subject: Planning Meeting.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I demand and request a background of what is happening here. What are the names, addresses, and telephone numbers including but not limited to corporate or institutional names of the parties and the property locations that are requesting these zoning requests. .

We protest. We live in a single family neighborhood . Looters Sneaking around to have rental homes or bed and breakfasts is against everything for which we have single family zoning.

These folks want to steal my property rights by zoning modification. I have lived here 35 years they are thieves plotting to lower property values by rip and steal moves.

Finally, after a reasonable time to get information from the Planning staff I also request to be put on the agenda at any meeting to discuss these obscene actions. Let them plunder somewhere else.

John W. Strahan

2507 S. W.Westport Dr.

Topeka, Kansas

FROM THE DESK OF

Brandie Holloway

October 14, 2020

Brandie Holloway
536 SW Westchester Rd.
Topeka, KS 66606

To whom it may concern,

First thank you for taking the time to read my letter. I am addressing the issue of short-term rentals (STR) in Topeka, KS. We first considered getting into the business of STR when our youngest son was diagnosed with autism. My husband and I's entire life had been working on the road 40 weeks of the year showing and training horses. For anyone familiar with autism the first thing a parent is told is to have consistency for your child's home environment and to get them into Applied Behavioral Analysis (ABA) 5 days a week. These two things can change the course of his entire life and decide whether he would need such things as group living later on in life. The earlier this is done, the more beneficial for the child. So we changed our job course and immediately researched and started hosting STR homes. How wonderful! This allowed us to remain in Topeka with family, work in Topeka, and get our child the care and stability that is so important to a child with autism.

My husband and I both have had a passion for fixing up homes our entire life. He has a good knowledge of home repair and remodeling and I enjoy the design element and hospitality element of STR. So in 2017 we opened our first STR, one room in our own home and one entire house. Since then we keep an eye out for homes that are in need of major repair. One thing different about us than a regular "house flipper" is we are applying the "broken window" affect to neighborhoods in Topeka.

Instead of buying homes in the best areas and streets in town. We look for older homes and/or homes with special charm or character. Homes that have special about them. We take our time remodeling them, paying great attention to quality and detail that goes along with the period and type of home. This is important because these are homes that if we were not rehabbing would go back to what they were, vacant drug houses, causing increased theft in the area, making it a neighborhood your average person doesn't want to live in.

Topeka is not Lawrence where there is an affordable housing shortage. Topeka has a "quality neighborhood" shortage East of Gage and many amazing houses are going down to disrepair in the midst. We are working to make our homes in these areas special and hopefully inspiring for others in the neighborhood to follow suit. Topeka is also different than Lawrence in that people coming to Topeka don't generally come here to party. I would say 95% of our guests come for work, such as traveling nurses, workers remodeling a business, Kansas legislatures, and family adopting a baby, attending a wedding, or a funeral.

To ensure we don't have guests coming for a reason that may cause any concern, we have these rules and procedures in order:

- Guest ID
- Min. Age of 25
- Must not be from Topeka. If they are, they must have valid reason for booking, such as they are getting their floors redone.
- Minimum of two night stay on weekends to prevent parties
- Outdoor surveillance system.
- No more than number of ppl booked on reservation after 10:00 PM
- No parties or events
- Parking only in garage, driveway or directly in front of house.
- Must have at least 3 prior bookings with positive reviews to instant book.
- No pet policy in most homes.

- Airbnb background checks their guests
- Our homes have at least a 2 car driveway and garage.

Other key points to consider are:

Revenue generated by short-term rentals is reinvested in local communities. Whereas hotel profits may go directly back to headquarters, hosts keep money in the area. In the case of Airbnb, hosts retain approximately 87% of the booking price.

Larry and I would be forced to work in another city or state upon our son Boston's diagnosis with autism. Myself born and raised in Topeka, Larry and I both have a desire to improve neighborhoods here in Topeka. STR has allowed us to give Boston the proper care and run a Topeka based business whereas before 90% of our income was out of state.

Also, we want to and do pay taxes. This is additional tax money, I believe the city of Topeka needs and wants.

These are our numbers for 2019 that paid Shawnee county and Kansas taxes of 16.15% on every stay:
Airbnb - $272,417.22
HomeAway - $63,083.79
Accommodations Tax -(Shawnee) 1.15
General Sales & Use Tax (Kansas) 6.5
General Sales and Use Tax (Shawnee) 7
General Sales and Use Tax 1.5%

Please consider how much revenue has been earned over the last couple of years for Shawnee county due to STR homes.

I am curious as to any data kept of police reports to STR properties or crime reported due to STR guests in Topeka, and how this compares to the general Topeka population. Over the years with over 2,000 reservations we have no knowledge of any of our guests

doing anything to involve police during their time in one of our homes.

Another upside to short-term renters is if a short-term renter is a problem, they are gone in a few days, whereas a long-term renter who is a problem is a year long headache. Most STR guests are very considerate as they are rated on their stay in the home as well as the hosts. Another plus of STR, being they take much better care of your home than your typical “yearly” renter.

Short-term rentals are a national trend. I don’t believe we want to create a situation where we are not a progressive community.

For the sake of our family business and ability to care for our son, I kindly ask for you to consider these points before any decisions are made.

Sincerely yours,

Brandie Holloway

From: suzy loy
Sent: Thursday, October 15, 2020 10:16 AM
To: Melissa J. Fahrenbruch <mfahrenbruch@topeka.org>
Subject: AIRBNB TYPE 1 - OWER OCCUPIED - SUSAN LOY 215 SW ELMWOOD AVENUE

Melissa:

Thank you for your time today. As I mentioned on the phone, I have been operating my Airbnb (owner occupied Type I) business for 2 1/2 years and am very interested in the proposed changes to the zoning regulations for short term rentals. I believe the Planning Division has made some important clarifications that will benefit all. I hope you will include this email request in your proposal to the Topeka Zoning Commission and/or the Topeka City Council as you deem appropriate.

I have raised two children in this beautiful old home. When they were old enough, they got places of their own, leaving three bedrooms and one large bath upstairs pretty much unused. I learned about Airbnb through my own travels and a friend educated me about owner occupied listings. The first thing I told this friend is "who would want to stay here"? Little did I know. I started renting in June of 2018 and have met the most wonderful people from all over the world running my Airbnb. It has restored my faith in humanity and has helped me earn extra money doing something I love…hosting people in my home. I have gone to great lengths and expense to provide my guests with a very clean, comfortable, upscale, and safe place to stay, whether traveling I-70, medical professionals working at the hospitals, families with ill family members needing a close place to hospitals, or other business professionals who come to Topeka with their jobs. All have been courteous and a pleasure to know. Contrary to what some people believe, Airbnb does a pretty good job of screening guests and I am able to adjust my settings on my listings to screen further to meet my personal needs. I am free to refuse any guest that I would not feel comfortable hosting in my home. Over 500 people have stayed in my home and not one has made me feel unsafe and none have been unruly or loud.

I live in a 2 story home in the Auburndale neighborhood at 215 SW Elmwood Avenue built in 1913. Guests frequently comment on the character of my home and this neighborhood. It gives travelers a positive experience with Topeka. My home does not have a driveway or parking in the back off the alley as some homes in the neighborhood do. The frontage of my

home is 37.5 foot. The current proposed zoning regulations for Type 1 short-term rentals reads:

> *"(viii) When contained within a single family or two family dwelling, the short term residential rental shall contain a minimum of one off-street parking space for the primary resident and one off-street parking space for transient guests. The Planning & Development Director may allow up to two on-street parking spaces to substitute for required off-street parking if the property contains frontage of* ***40 feet*** *or more exclusive of driveway approaches."*

Since my home was grandfathered in to allow for no driveway, I respectfully request the wording on the current proposed zoning regulations for Type 1 short-term rentals be changed from the **"40 feet"** requirement to **"37 feet"**. This simple 3 foot change would allow me to continue my Airbnb business without undue burden or expense. My backyard is completely fenced and has a retaining wall that would be problematic to add off-street parking to my property off the alley. If I added a driveway to the front, that would be expensive and I would also have to remove a very large elm tree. These front yards are already very small. The addition of a driveway would dramatically take away from the curb appeal I have worked hard to maintain.

I looked up the average length of a car and found it to be 14.7 foot. Two car lengths would then be 29.4 foot. Providing for space between the cars, 37 feet would still work, in my opinion. Elmwood is a pretty wide street so parking on both sides of the street does not impede neighbors from navigating their own parking. In my Airbnb listings, I currently instruct my guests to park across the street from my home. There are no driveways on the entire block on that side of the street and only two houses reside on the entire block. Those two houses have driveways to the backs of their homes. Parking has not been an issue in our neighborhood since I started instructing all guests to park on that side of the street so my neighbors to my south and north can have their favorite on street parking spaces in front of their homes. If any guest parks in front of the neighbors' homes, I now ask my guests to move their car.

If any governing body or stakeholder would like to come tour my home and talk to me, I would happily invite you to see what Airbnb is and how I run my business. If you come, Airbnb has new safety requirements due to the COVID19 virus, which requires the wearing of masks and social distancing. I also have a hand sanitizing machine at the entryway that all guests are required to use upon entry.

Thank you for your consideration.

Suzy Loy
215 SW Elmwood Avenue
Topeka, KS 66606