

Staff Report – Conditional Use Permit Topeka Planning Department

PLANNING COMMISSION DATE: Monday, October 16, 2017

APPLICATION INFORMATION

APPLICATION CASE
NUMBER/NAME:

CU17/1 By: Doorstep Inc.

REQUESTED ACTION /
CURRENT ZONING:

An amendment to a Conditional Use Permit (Case #SP60/2- Special Use Permit for Orthopedic Appliance Sales) to allow “retail sales only that is subordinate and in association with the principal use of the office building” on property presently zoned “O&I-2” Office and Institutional District.

APPLICANT / PROPERTY
OWNER:

Doorstep, Inc.

APPLICANT
REPRESENTATIVE:

Lisa Cain, Doorstep, Inc.

PROPERTY ADDRESS &
PARCEL ID:

1119 SW 10th Avenue (SW 10th/Buchanan)

PHOTO:



PARCEL SIZE:

0.31 acres

STAFF PLANNER:

Annie Driver, AICP, Planner II

RECOMMENDATION:

APPROVAL subject to conditions in the staff report

RECOMMENDED MOTION:

I move to recommend **APPROVAL** to the Governing Body the amendment to the Conditional Use Permit CU17/1 and thereby replacing SP60/2 by: Petro Surgical based upon the findings and analysis listed below in the staff report and subject to the conditions.

PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY:

Doorstep currently operates a thrift retail store (Dove Tail Shoppe) located at 1196 SW Washburn. This amendment allows Doorstep to re-locate the Dove Tail Shoppe into a 1,768 sq. ft. portion of their building at 1119 SW 10th Avenue. This change will allow Doorstep to combine all their services and the thrift store into a single location, which is more efficient for staff and volunteers.

Staff determined the Special Use Permit on the property that was approved in 1960 (specifically allowing only for sales of Orthopedic Appliances) could be amended to allow for other retail uses as long as the retail is subordinate in nature to the use of the principal building as an office. Special Use Permits do not expire, but remain with the land. These SUPs converted to CUPs in 1992 with the comprehensive zoning update that changed the zoning districts.

Doorstep currently provides services and assistance to people living in poverty or experiencing crisis. Types of services Doorstep offers at the subject property include: food and clothing bank, rent and utility assistance, prescription and dental vouchers, transportation assistance.

DEVELOPMENT / CASE HISTORY:

1960 – The City granted a Special Use Permit (SUP) to allow a Orthopedic office and clinic, including the retail sales of orthopedic appliances (SP60/2 By: Petro Surgical). The orthopedic clinic remained in the building until at least 1988.

1965 – Rezoned from “C” Two Family Dwelling District to “E” Multiple Family Dwelling District (Z65/61). “E” zoning converted to “O&I-2” in 1992 with a comprehensive zoning code amendment that changed the zoning districts. Doorstep purchased the building in 1993 and began using this building as their offices.

ZONING AND CHARACTER OF SURROUNDING AREA:

In the vicinity of the property, the frontage along SW 10th Avenue is comprised of office & institutional uses and multiple-family and single-family dwellings. Additionally, the area is characterized by large single –family residences that have been converted and re-used for offices or multi-family residential uses, as well as large institutional uses (i.e. churches, schools).

North: “O&I-2” – Church and offices; Office building

West: “O&I-2” - Church

East: “O&I-2” – Apartment building

South: “R-2” Single Family Dwelling District with SUP for Parking Lot- Surface Parking in association with building at 1119 SW 10th Avenue.

COMPLIANCE WITH DEVELOPMENT STANDARDS AND GUIDELINES

BUILDING SETBACKS:

There are no changes proposed to the exterior of the building.

OFF-STREET PARKING:

Another Special Use Permit (SP60/30) was approved in 1960 to allow the property south of the alley located at 1012 SW Buchanan and zoned "R-2" Single – Family Dwelling District to be used as a parking lot in association with the office building on the subject property.

The owner is required to add four additional parking stalls in this parking lot to account for changing the use of a 1,768 sq. ft. portion of their building from office to retail. They have sufficient space in the lot to provide these four additional stalls by relocating the trash dumpster. A parking lot striping plan should be provided to the Planning Department with the building permit application.

The nine cutback parking stalls along SW Buchanan that are in front of the building were added around 1966 and are considered public parking. This parking may not be reserved for the sole use of any particular property owner, but may be used by this owner as long as the parking is available.

LANDSCAPING:

There are no exterior changes proposed that will require landscaping.

SIGNAGE:

"O&I-2" zoning allows wall signs not exceeding 40 sq. ft. per sign face and monument signs not exceeding 50 sq. ft. and 5 ft. in height

The applicant has one existing ground sign and a wall sign on the south building face. They propose wall signs on the north and west facades.

OPERATING CHARACTERISTICS:

Retail sales: Thursday, Friday, and Saturday from 10 am to 4 pm. The CUP allows the applicant to potentially extend retail sales hours up to five days per week until 7:00 pm, but this is not yet their intention.

Office hours: Monday – Friday from 8:00 am to 3:00 pm

Operate the Dove Tail Shoppe (thrift store) in a 1,768 sq. ft. space on the main floor of the building which amounts to approximately 12% of the total floor area of the building.

PUBLIC FACILITIES

TRANSPORTATION:

The property is located along SW 10th Avenue (minor arterial) and SW Buchanan Street (local street).

The property is located along Topeka Metro bus route #10 that runs on SW 10th Avenue.

UTILITIES:

The property is connected to City sanitary sewer and water. Utilities are not affected by this revision.

OTHER FACTORS

SUBDIVISION PLAT:

Lots 161, 163, 165, and 167, Young's Addition

FLOOD HAZARDS, STREAM BUFFERS:

N/A

HISTORIC PROPERTIES:

N/A

NEIGHBORHOOD INFORMATION MEETING:

The applicant conducted a neighborhood meeting on Monday, September 25, 2017 at 5:30 pm at the Doorstep office, 1119 SW 10th. There were two attendees at the meeting. Key concerns expressed were related to the operating characteristics and exterior lighting. Attendees also raised questions about the future re-use of the existing Dove Tail Shoppe. The applicant's report to the City is attached.

The Tennessee Town NIA has expressed support for the rezoning request as indicated in the attached letter.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

Public Works /Engineering:

No issues.

Water Pollution Control:

No issues.

Fire Department:

No issues.

Development Services:

No issues. A building permit is required for a change of occupancy. A plan showing re-striping of the parking lot will be submitted at that time.

KEY DATES

SUBMITTAL:	September 1, 2017
NEIGHBORHOOD INFORMATION MEETING:	September 25, 2017
LEGAL NOTICE PUBLICATION:	September 20, 2017
PROPERTY OWNER NOTICE MAILED:	September 22, 2017

STAFF ANALYSIS

EVALUATION CRITERIA: In considering an application for a Conditional Use Permit, the Planning Commission and Governing Body will review the request following standards in Topeka Municipal Code Section 18.245(4)(ix) 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 for land use compatibility, site development, operating characteristics, and consistency with the Comprehensive Plan.

- The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies:** The subject property lies within an area designated “*Professional Services/Residential*” in the Tennessee Town Neighborhood Plan (adopted 2001). This designation comprises the primary image corridor of SW 10th Avenue. The mixing of uses is allowed within this designation that includes neighborhood commercial, office, institutional, and residential. Adaptive re-use of existing residential buildings is encouraged rather than promoting new strip commercial development. The proposed amendment to the Conditional Use Permit is in conformance to this designation since it allows re-use of the existing building for limited commercial use rather than rezoning the entire property under a straight commercial zoning district, which would be more likely to encourage the future stripping out of commercial uses along SW 10th Avenue. The amendment is also in conformance to the DRAFT Tennessee Town Neighborhood Plan, which does not change this future land use designation from the 2001 plan.
- The character of the neighborhood including but not limited to: land use, zoning, density, architectural style, building materials, height, structural mass, sitting, open space and floor-to area ratio:** SW 10th Avenue is classified as a minor arterial street. The neighborhood fronting along SW 10th Avenue is characterized by the conversions of single-family dwellings to office or multiple – family residential re-uses. Large institutional uses, such as First Church of the Nazarene, Mater Dei Catholic Church and school, Lutheran church headquarters and office, USD 501 parking lots, and Topeka High School front along SW 10th Avenue. The interior of the neighborhood (Tennessee Town) is developed primarily as a single-family neighborhood on smaller lots. The land use pattern of this neighborhood consists of residences with front doors and porches facing the street and driveways located from the rear off the alley.
- 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 proposed retail use is in harmony with the zoning and land uses of nearby properties. The zoning and uses of properties nearby is characterized by “O&I-2”, “M-3” and “R-2” zoning. Offices are located directly north of SW10th Avenue from the subject property. An apartment conversion (zoned “O&I-2”) is adjacent with this property on its east side. The parking lot for the subject office use is located on “R-2” zoned property directly to the south. The nature and intensity of the retail use is limited by the Conditional Use Permit and, therefore, will be inconspicuous.

4. **The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations:** The zoning is not changing from “O&I-2” Office and Institutional District. A Conditional Use Permit approved for the property in 1960 already allows for retail sales strictly limited to orthopedic supplies. The CUP amendment merely broadens the owner’s ability for retail, but still allows retail only as incidental, accessory and subordinate to the office building.
5. **The length of time the property has remained vacant as zoned:** The existing building has remained on the property since 1960 when it was zoned and used as medical clinic that included retail sales until the late 1980s. Doorstep began using the building as an office in 1993 and has used the building for this purpose since that time.
6. **The extent to which the approval of the application would detrimentally affect nearby properties:** Approval should have limited detrimental effects on nearby properties as there are no changes proposed to the exterior of the buildings. Doorstep is converting an interior 1,768 sq. ft. portion of the office for retail. Consolidating operations will improve efficiency for how Doorstep collects and manages its donated items to keep donations and unwanted items from piling up outside the building. The CUP limits the hours of operations for retail sales in such a manner to have minor impacts on adjacent properties and neighborhood. The retail allowed by the CUP is clearly incidental and subordinate to the office use since it will only comprise 12% of the entire building area. The applicant has added exterior lighting to the building and alley to address concerns from the neighborhood. Signage is limited to that which is allowed under the current “O&I-2” zoning district.
7. **The extent to which the proposed use would substantially harm the value of nearby properties:** Approval of the request will have very limited or no significant impact on the value of surrounding properties as there are no changes proposed to the exterior of the building. All improvements to the building are interior. The CUP amendment should not harm the value of nearby properties since it places a limit on how much of the building may be used for retail. If the retail use is expanded, a rezoning would likely be required under a commercial zoning district or PUD zoning.
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:** The amendment has no significant impact on the road network. The site has an off-street parking lot south of the alley that was approved under a Special Use Permit in 1960. This satisfies the building’s off-street parking requirements for an office use. The applicant will re-stripe this parking lot to add four stalls based on the increased parking requirement that staff determined was necessary in order to change the use of the 1,768 sq. ft. area from office to retail. The subject property also has nine cutback parking stalls along Buchanan that may be used as long as they are available. If SW Buchanan is widened or improved in the future, the City may remove these stalls if necessary.
9. **The extent to which the proposed use would create excessive air pollution, water pollution, noise pollution or other environmental harm:** There is none anticipated since there is no increase in building area or paving being added to the parking lot. All changes are interior.
10. **The economic impact of the proposed use on the community:** The revision to the CUP allows Doorstep to more efficiently provide needed services to the neighborhood and community, which in turn has a positive impact on the City.
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 hardship imposed upon the individual landowner by denial of the application is the subject property currently holds a permit allowing retail sales, but is so narrow in scope it is not suitable to fit needs of this owner or future owners

and thereby significantly restricts the adaptive re-use of the building. Amending the Conditional Use Permit allows Doorstep to more efficiently and effectively serve the community, which is a gain to the public, health, safety, and welfare.

RECOMMENDATION

The project demonstrates compliance with standards for evaluation as provided for in TMC 18.215.030 Conditional Use Permits for Land Use Compatibility, Site Development, Operating Characteristics, and consistency with the Comprehensive Plan.

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

1. Use and development of the site in accordance with the approved Resolution and compliance with the Operational Statement submitted with the application for Doorstep, Inc.
2. "Retail sales shall remain subordinate, incidental and associated with the principal use of an office."
3. "Case file #CU17/1 by: Doorstep, Inc. amends and replaces the Special Use Permit for #SU60/2 By: Petro Surgical."
4. "Submittal of a parking lot striping plan to the Planning Department for approval at the time of the building permit application."
5. "Items that are donated and dropped off overnight shall be moved indoors within the following day and not allowed to accumulate outside."

PLANNING COMMISSION MOTION: I move to recommend **APPROVAL** to the Governing Body the amendment to the Conditional Use Permit CU17/1I based upon the findings and analysis listed in the staff report and subject to the conditions.

ATTACHMENTS:

Statement of Operations
Aerial Map
Zoning Map
Future Land Use Map
NIM report and Sign-In sheet
NIA letter