



CITY OF TOPEKA
TOPEKA PLANNING COMMISSION
MINUTES

Monday, October 16, 2017

6:00PM – Municipal Building, 214 SE 8th Street, 2nd floor Council Chambers

Members present: Wiley Kannarr (Chair), Brian Armstrong, Ariane Messina, Dennis Haugh, Rosa Cavazos, Katrina Ringler, Carole Jordan, Matt Werner, Marc Fried (9)

Members Absent:

Staff Present: Bill Fiander, Planning Director; Mike Hall, Planner III; Annie Driver, Planner II; John Neunuebel, Planner II; Kris Wagers, Administrative Officer; Mary Feighny, Legal; Dan Warner, Planner III; Tim Esparza, Planner I

CU17/1 by Doorstep, Inc. requesting an amendment to a Conditional Use Permit (Special Permit #60/2) allowing for "Sales of Orthopedic Appliances" to allow "Retail sales subordinate to and in association with the principal use of the office building" on property located at 1119 SW 10th Avenue and currently zoned "O&I-2" Office and Institutional District.(Driver)

Ms. Driver presented the staff report and staff recommendation for approval of the proposed Conditional Use Permit subject to the five (5) conditions listed in the Staff Report.

Lisa Cain, Executive Director for Doorstep, Inc. came forward to speak for Doorstep. She gave some information about Doorstep, Inc. and their services. She explained that Doorstep's intention is to move the Dovetail Shoppe into the building at 1119 SW 10th. This will allow for all of Doorstep to be under one roof, thus saving money and staff time.

Mr. Kannarr asked Ms. Cain if Doorstep is in agreement with the conditions in the staff report and she stated that yes, they are.

Mr. Kannarr declared the **public hearing open**.

Mr. Ben Swinnen, owner of the LLC that owns the building to the east of Doorstep's building on 10th street, came forward to speak. Mr. Swinnen stated that he does not take issue with the application for amendment but he does feel that the conditions as listed in the staff report are vague. He stated that limiting the use of the building for retail sales to 12% is not in the conditions, nor is limiting sales to 3 days a week. He asks that the conditions be clarified so the impact on the neighborhood is limited. He expressed concern about donations being left outside on the porch. He noted that while condition #5 states that donated items shall be moved indoors within the following day, Doorstep is not staffed on Sundays so he's concerned that they will not move items indoors until Mondays.

Mr. Swinnen concluded by stating that he desires the conditions to be clarified to reflect the promises on one side and expectations on the other. He noted that he believes Doorstep does fabulous work in the community and he has no principal objection to their request.

DRAFT

Michael Bell, President of the Tennessee Town NIA, came forward representing the NIA. He stated that Doorstep is located in the Tennessee Town NIA, and at the July Tennessee Town NIA meeting a vote was taken to support Doorsteps application.

With nobody else coming forward to speak, Chairman Kannarr declared the **public hearing closed**.

Chairman Kannarr asked staff what the protection is in terms of specificity for concerns expressed by Mr. Swinnen. Ms. Driver stated that staff believed naming 12% as the maximum retail sales was more confining than it needs to be. Mr. Fiander pointed out that Doorstep's Statement of Operations is attached to the CUP. This statement includes specificity for hours of operation and square footage for retail. The CUP gives administrative flexibility to approve up to 10% variance in retail square footage.

Mr. Werner asked what relief could be offered in regard to Mr. Swinnen's concern about donated items being allowed to accumulate on Sundays when Doorstep is not staffed. Mr. Fiander stated that condition #5 in the staff report speaks for itself. He stated that if Doorstep does not intend to bring donations in on Sundays, they should say so now as this is the intent of the condition. Following additional discussion, Ms. Feighny pointed out that the burden of making sure the conditions are met rests upon Doorstep, and failing comply could put the CUP in jeopardy. This gives a strong impetus to Doorstep to comply with the conditions listed in the staff report and with their Statement of Operations.

Motion by Mr. Werner to recommend to the Governing Body approval of the amendment to the Conditional Use Permit CU17/11, subject to the conditions; **second by Mr. Fried. APPROVAL** (9-0-0)