



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

Mr. Kannarr opened the meeting and roll was called– six members present for a quorum.

Approval of Minutes from September 18, 2017

Motion to approve; moved by Ms. Ringler, **second** by Mr. Armstrong. **APPROVED** (6-0-3 with Ms. Jordan, Mr. Fried and Mr. Werner abstaining)

Communications to the Commission

Mr. Fiander welcomed Commissioners Fried and Werner to the Planning Commission.

Declaration of conflict of interest/exparte communications by members of the commission or staff

None reported

Public Hearings

PUD17/03 by Frank Meade requesting to rezone property (936,540 sq. ft.) located on the northeast corner of SE 29th Street & SE Wittenberg Road ALL FROM R-1 Single Family Dwelling District TO PUD Planned Unit Development for self-service storage facility and offices. (Neunuebel)

Mr. Neunuebel presented the staff report and staff recommendation for disapproval of the requested rezoning.

With no questions from Commissioners, the applicant, Mr. Frank Meade came forward. Mr. Meade stated that he is pulling the project. Mary Feighny, Deputy City Attorney for the City of Topeka, asked Mr. Meade if he was officially withdrawing his application for re-zoning and he confirmed that he was.

With the withdrawal of the application, no action was required of the Commission and Chairman Kannarr called the next case.

APPROVED

Z17/04 by David Bussard requesting to amend the District Zoning Classification from " O&I-1" Office and Institutional District to "C-2" Commercial District on a 1.4 acre property located at 2655 SW Wanamaker Road to provide for expanded office building and larger sign. (Neunuebel)

Mr. Neunuebel presented the staff report and staff recommendation for approval of the proposed amendment to the district zoning classification.

Following administrative questions from commissioners, Scott Gales of Architect One came forward representing the applicant. He explained that the current square footage of the building exceeds that allowed by the current zoning and the current sign exceeds the allowable size. He went on to state that the application for re-zoning came about because of the success of the property and the opportunity to add square footage to rent for office space. Mr. Gales stated that the property is better suited for C-2 zoning in part because of the zoning of surrounding properties. He then gave some information about the planned modernization of the current building which will be part of the addition.

With no questions from commissioners, Mr. Kannarr declared the **public hearing open**. None came to speak and Mr. Kannarr declared the **public hearing closed**.

Motion by Ms. Jordan to recommend approval to the Governing Body of the reclassification of the property from O&I-1 Office and Institutional District to C-2 Commercial District; **Second by Mr. Werner. APPROVAL** (9-0-0)

Z17/05 by Franklin E. Webb requesting to amend the District Zoning Classification from "RR-1" Residential Reserve District and "C-2" Commercial District to "R-1" Single Family Dwelling District on a 38 acre property located at the northwest intersection of SW Wanamaker Road and SW 53rd Street. (Driver)

Ms. Driver presented the staff report and staff recommendation for approval of the proposed amendment to district zoning classification.

Following administrative questions from commissioners, Marc Boyd of SBB Engineering came forward representing the applicant. Mr. Boyd stated that he was available for questions. With no questions from commissioners, Chairman Kannarr declared the **public hearing open**. None came to speak and Mr. Kannarr declared the **public hearing closed**.

Motion by Mr. Haugh to recommend to the Governing Body approval of the reclassification of the subject property from RR-1 Residential Reserve District and C-2 Commercial District all to R-1 Single Family Dwelling District; **second by Mr. Armstrong. APPROVAL** (9-0-0)

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.

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)**

CPA17/02 by City of Topeka amending the text and map of the City of Topeka's Comprehensive Plan updating the **Tennessee Town Neighborhood Plan**. The area affected by the amendment is bounded by SW 10th Street to the north, SW Clay Street to the east, SW Huntoon Street to the south, and SW Washburn to the west.

Mr. Fiander pointed out that a draft of the Tennessee Town Neighborhood Plan had been reviewed at the September 2017 Planning Commission meeting. He then noted that two handouts had been provided at this evening's meeting.

Dan Warner introduced Tim Esparza, the planner working with the neighborhood plan.

Mr. Esparza gave information about the background and process of the Tennessee Town Neighborhood Plan draft and the SORT grant they were awarded. This grant allows \$1.4m in infrastructure improvements and \$300k for housing rehabilitation within the Tennessee Town neighborhood. The plan includes recommendations for how these funds will be spent; a detailed guide for resources and project implementation, both funded and unfunded.

Mr. Esparza concluded by stating that staff recommends approval of the Tennessee Town Neighborhood Plan.

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

Michael Bell, President of the Tennessee Town NIA, came forward to speak in support of the plan. He thanked Mr. Esparza and Planning staff for their work on the plan, stating that they encouraged discussion and “thinking big”. He also thanked others in Tennessee Town for their assistance with the plan.

Mr. Bell explained that on 9/26/17 the NIA voted to recommend approval for the updated plan and stated that having reviewed the addendum (handout), he approves of the changes.

Mr. Kannarr thanked Mr. Bell and all of the NIA and community members for their hard work on the plan update.

Ruby Carson of 1031 SW Buchanan came forward to speak in support of the plan. Ms. Carson stated her home is within the targeted area for rehab and it's very much needed. Ms. Carson stated that she was raised in Tennessee Town, moved away from Topeka for a time, then returned and purchased a home in Tennessee Town. She believes it's important to invest in the rehabilitation of the area.

With no others coming forward to speak, declared the **public hearing closed**.

Mr. Armstrong thanked Mr. Bell and all for their work on the plan and expressed support.

Ms. Jordan complimented all for their work on the plan, noting that Tennessee Town is an important part of Topeka's history and is an important corridor between the Topeka & Shawnee County Public Library and Washburn University.

Mr. Fiander reported on some of the improvements that came about from the first Tennessee Town Neighborhood Plan and SORT grant, noting that the first target area was considered seriously distressed. The investment and improvement encouraged additional private investment in the blocks surrounding the target area.

Ms. Jordan made a **motion** to recommend to the Governing Body approval of the Tennessee Town Neighborhood Plan; **second** by Ms. Ringler. **APPROVAL** (9-0-0)

Sign / Building Design Code Project (discussion item)

Mr. Fiander informed the commission that Mark White has been hired as a consultant for the project and gave some background on Mr. White and his expertise. Mr. White will be at the November Planning Commission meeting to give information on sign code legalities and options for building design standards. He will not present on our current sign code but rather on case law as it may impact recommendations that will later come before the Commission.

Mr. Fiander stated that Planning staff is working on a visual quality assessment (survey) for the community to take and explained that Commissioners will likely be asked to take it ahead of time and give feedback.

The code project will include two different technical committees, both of which will include at least one Planning Commissioner. Volunteers should let Planning staff know if they're interested.

Adjourned at 7:23pm