



## City of Topeka City Council Agenda

City Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603  
[www.topeka.org](http://www.topeka.org)

July 5, 2016

6:00 PM

**Mayor: Larry E. Wolgast**

### Councilmembers

|                            |                       |                        |                       |
|----------------------------|-----------------------|------------------------|-----------------------|
| <b>Karen A. Hiller</b>     | <b>District No. 1</b> | <b>Brendan Jensen</b>  | <b>District No. 6</b> |
| <b>Sandra Clear</b>        | <b>District No. 2</b> | <b>Elaine Schwartz</b> | <b>District No. 7</b> |
| <b>Sylvia E. Ortiz</b>     | <b>District No. 3</b> | <b>Jeff Coen</b>       | <b>District No. 8</b> |
| <b>Tony Emerson</b>        | <b>District No. 4</b> | <b>Richard Harmon</b>  | <b>District No. 9</b> |
| <b>Michelle De La Isla</b> | <b>District No. 5</b> |                        |                       |

**City Manager: Jim Colson**

**Addressing the Council: No person shall address the Council during a Council Meeting, unless they have notified the City Clerk at (785)368-3940 by 5:00 P.M. on the day of any Council Meeting of their desire to speak on a specific matter on the published meeting agenda or during the public comment portion of the Council Meeting. This limitation shall not apply to items added during the course of a meeting. The Council does not take action with respect to any subject not on the agenda unless added to the agenda by a two-thirds vote of the Council.**

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

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

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

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

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

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**CALL TO ORDER:**

**INVOCATION:**

**PLEDGE OF ALLEGIANCE:**

**1. MAYORAL PROCLAMATIONS:**

"None scheduled at this time."

**2. PRESENTATIONS:**

**AMERICORPS SERVICE RECOGNITION CEREMONY**

**3. ROLL CALL:**

**4. CONSENT AGENDA:**

**A. Board Appointment - Board of Mechanical Examiners**

**BOARD APPOINTMENT** recommending the reappointment of Charles Smelter to the Board of Mechanical Examiners for a term ending July 1, 2018. *(Council District No. 7)*

**B. MINUTES** of the regular meeting of June 21, 2016

**C. APPLICATIONS:**

**5. ACTION ITEMS:**

**A. Ordinance - Elmhurst Neighborhood Conservation District (NCD16/1)**

**AN ORDINANCE** introduced by City Manager Jim Colson, amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by amending the District Zoning classification from "R-2" Single Family Dwelling District, "HL-R2" Historic Landmark Single Family Dwelling District and "M-1" Multi-Family Dwelling District TO "R-2/NCD-2", "HL-R2/NCD-2," and "M-1/NCD-2" adding the Elmhurst Neighborhood Conservation District Overlay to the existing base zoning for residential properties between SW 10th Avenue to the north, SW Washburn Avenue to the east, SW Huntoon Street to the south and SW Boswell Avenue to the west. *(NCD 16/1)*  
*(Council District No. 6)*

*(Approval implements design standards for new construction in the Elmhurst neighborhood through a zoning overlay district.)*

**6. ANNOUNCEMENTS:**

**PRELIMINARY AGENDA**

*(The City Clerk will provide a brief summary of items on the next scheduled Council meeting agenda. Also during this time, the City Manager and Governing Body Members may offer comments regarding City business and announce upcoming events.)*

**7. PUBLIC COMMENT:**

**8. EXECUTIVE SESSION:**

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

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

**9. ADJOURNMENT:**



City of Topeka  
Council Action Form  
Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603  
www.topeka.org  
July 5, 2016

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DATE: July 5, 2016  
CONTACT PERSON: Mayor Larry Wolgast DOCUMENT #:  
SECOND PARTY/SUBJECT: Board of Mechanical Examiners PROJECT #:  
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests  
CIP PROJECT: No  
ACTION OF COUNCIL: JOURNAL #:  
PAGE #:

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**DOCUMENT DESCRIPTION:**

**BOARD APPOINTMENT** recommending the reappointment of Charles Smelter to the Board of Mechanical Examiners for a term ending July 1, 2018. *(Council District No. 7)*

**POLICY ISSUE:**

The Board of Mechanical Examiners reviews applications and approves the issuance of licenses in accordance with City Code. The board is empowered to hear and determine interpretations of applicable codes and to permit exceptions, variances or waivers.

**STAFF RECOMMENDATION:**

Councilmember Schwartz nominates and Mayor Wolgast recommends the reappointment of Charles Smelter to the Board of Mechanical Examiners for a two-year term that would end July 1, 2018. The position requires the member hold a mechanical master license and live within the city. Mr. Smelter meets these requirements.

**BACKGROUND:**

This is a City-created board where the City Council nominates and the Mayor appoints. The board shall be comprised of five members; two masters licensed in the particular trade, one engineer or equivalent practicing in the particular trade, and two persons who shall be a licensed journeyman, licensed master, or an engineer practicing in the particular trade. Members shall be appointed by the mayor and serve two-year terms.

**BUDGETARY IMPACT:**

There is no budgetary impact to the City.

**SOURCE OF FUNDING:**

Not Applicable.





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July 5, 2016

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**DATE:** July 5, 2016  
**CONTACT PERSON:** Bill Fiander **DOCUMENT #:**  
**SECOND PARTY/SUBJECT:** Elmhurst Neighborhood Conservation District **PROJECT #:** NCD16/1  
**CATEGORY/SUBCATEGORY:** 014 Ordinances – Non-Codified / 007 Zoning  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:** **JOURNAL #:**  
**PAGE #:**

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**DOCUMENT DESCRIPTION:**

**AN ORDINANCE** introduced by City Manager Jim Colson, amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by amending the District Zoning classification from “R-2” Single Family Dwelling District, “HL-R2” Historic Landmark Single Family Dwelling District and “M-1” Multi-Family Dwelling District TO “R-2/NCD-2”, “HL-R2/NCD-2,” and “M-1/NCD-2” adding the Elmhurst Neighborhood Conservation District Overlay to the existing base zoning for residential properties between SW 10th Avenue to the north, SW Washburn Avenue to the east, SW Huntoon Street to the south and SW Boswell Avenue to the west. (NCD 16/1) (Council District No. 6)

*(Approval implements design standards for new construction in the Elmhurst neighborhood through a zoning overlay district.)*

**POLICY ISSUE:**

The amendment is the second application of Topeka Municipal Code Section 18.270, Neighborhood Conservation Districts adopted in May 2013. This would create an overlay zoning district specific to the Elmhurst neighborhood. The Governing Body has the following options to consider:

1. Approve the Planning Commission’s recommendation. A minimum of 6 votes is required.
2. Amend the Planning Commission’s recommendation. A minimum of 7 votes is required.
3. Refuse to approve the Planning Commission’s recommendation. A minimum of 7 votes is required.
4. Remand to the Planning Commission for further consideration, with a statement specifying the basis for the governing body’s failure to approve or disapprove. A minimum of 6 votes is required.

5. Defer the item to a specific date. A minimum of 6 votes is required.

**STAFF RECOMMENDATION:**

The Topeka Planning Commission recommended APPROVAL of the ordinance at its May 16, 2016 public hearing by a vote of 5-0-1 as referenced in the attached minutes. The Planning Department recommended APPROVAL of the proposed Neighborhood Conservation District as reference in the attached staff report.

**BACKGROUND:**

A Neighborhood Conservation District (NCD) is a neighborhood-initiated set of design standards to preserve historic character. This proposal adds the "Elmhurst Neighborhood Conservation District Overlay" to the existing base zoning for residential properties between SW 10<sup>th</sup> Ave to the north, SW Washburn Ave to the east, SW Huntoon St to the south, and SW Boswell Ave to the west. This will be the second NCD in Topeka after the Westboro NCD was adopted in February, 2014.

The Elmhurst Neighborhood Association (NA) contacted staff in early 2014 wanting to create an NCD zoning overlay for their neighborhood to provide a level of protection from incompatible development. Staff assisted in the drafting of their preliminary NCD and attended all of the public meetings held on this case. Many of the suggested changes that the residents made at the public meetings were incorporated into final draft NCD document approved by the Elmhurst NA Board to be presented to the Planning Commission. Some of the changes made to the document after the public meetings include:

- Concern about the proposed restriction on new curb cuts—this standard was removed
  - Concern about the accessory building standard that did not allow for metal sheds if they were visible from the alley or street—this standard was rewritten to only consider visibility from the street, not the alley
  - Concern about the proposed standard regarding window sizes—this standard was removed
- Some examples of the standards included in the final NCD draft are:
- No metal storage sheds or carports visible from the public street shall be permitted
  - Each new residence or substantial addition shall be constructed consistent with one of the architectural styles currently identified on its block
  - Chain link and other wire fences shall not be allowed in front of the front face of the residence

In addition to the Elmhurst NA's regularly held meetings, there were 4 public meetings held - 2 before the Planning Commission initiated this zoning case and 2 after they initiated. City staff mailed notices to all registered property owners within this district for all 4 public meetings.

**BUDGETARY IMPACT:**

Not applicable.

**SOURCE OF FUNDING:**

Not applicable.

**ATTACHMENTS:**

**Description**

- Elmhurst NCD Ordinance and Document
- Elmhurst Summary Report
- Elmhurst Locational Map
- Elmhurst Staff Report
- Elmhurst Initiation Letter
- 7.28.15 Public Meeting Minutes
- 8.10.15 Public Meeting Minutes
- 3.16.16 Neighborhood Information Meeting Minutes
- 2.15.16 Planning Commission Initiation Minutes
- 5.16.16 Planning Commission Public Hearing Minutes

(Published in the Topeka Metro News \_\_\_\_\_)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE** introduced by Jim Colson, City Manager amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code (TMC), by amending the district zoning classification to add a neighborhood conservation district zoning overlay pursuant to Section 18.270.020 TMC.

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

**Section 1.** That the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code (TMC), be and the same is hereby amended, by reclassifying the following property from "R-2" Single Family Dwelling District, "HL-R2" Historic Landmark Single Family Dwelling District and "M-1" Multi-Family Dwelling District **TO** "R-2/NCD-2" Single Family Dwelling/Elmhurst Conservation District, "HL-R2/NCD-2," Historic Landmark Single Family Dwelling/ Elmhurst Conservation District and "M-1/NCD-2," Multi-Family Dwelling/ Elmhurst Conservation District:

The district boundaries are identified and depicted in the "Map and Description of Boundaries" that is attached to this ordinance and incorporated by reference.

**Section 2.** Pursuant to TMC 18.270.020, the individual purposes and design standards for the District are attached herein and incorporated by reference.

**Section 3.** This Ordinance Number shall be fixed upon the "District Map".

**Section 4.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 5.** This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

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

\_\_\_\_\_, 2016.

\_\_\_\_\_  
Larry E. Wolgast, Mayor

ATTEST:

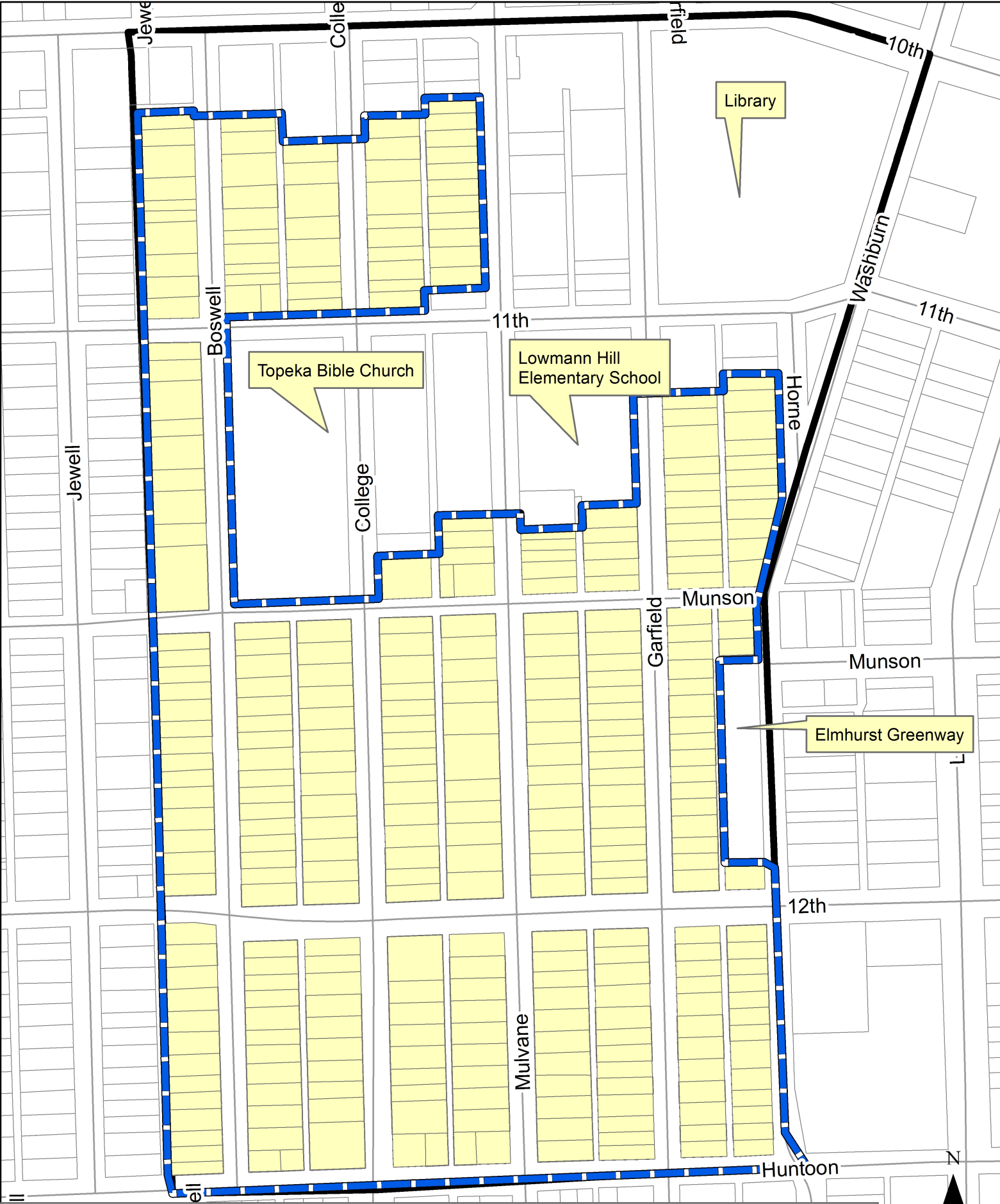
\_\_\_\_\_  
Brenda Younger, City Clerk

To Be Codified

Not To Be Codified

\_\_\_\_\_  
X

# Elmhurst Neighborhood Conservation District



### Legend

 Elmhurst NA Boundary

 Elmhurst NCD Boundary







Neighborhood Conservation Districts

# ELMHURST



## NEIGHBORHOOD CONSERVATION DISTRICT



ELMHURST NEIGHBORHOOD ASSOCIATION





# ELMHURST NEIGHBORHOOD ASSOCIATION

## ELMHURST NEIGHBORHOOD ASSOCIATION

### 2015 BOARD MEMBERS

|                  |                         |
|------------------|-------------------------|
| MARC GALBRAITH   | PRESIDENT               |
| L J POLLY        | VICE PRESIDENT          |
| BEBO LOWERY-BORN | TREASURER               |
| MARGE AHRENS     | SECRETARY               |
| JIM WOODS        | HISTORIAN               |
| KIM RIBELIN      | SAFETY CHAIR            |
| L J POLLY        | NEIGHBORHOOD APPEARANCE |
| SHERRY TYREE     | NEWSLETTER EDITOR       |
| JANET CATHCART   | SPECIAL EVENTS          |
| SHERRY TYREE     | DATABASE ADMINISTRATOR  |



## MISSION STATEMENT

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Elmhurst should be a visibly safe, clean, stable, nurturing and economically viable neighborhood that strives to achieve a deep-rooted sense of community which encompasses and celebrates the diversity and creativity of all. ELMHURST: A PLACE WHERE PEOPLE WANT TO LIVE!

## NEIGHBORHOOD GOALS

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- To ensure that Elmhurst is inviting to all residents
  - To ensure that Elmhurst is a viable option for home buyers
  - To protect the established historic character of the neighborhood
  - To ensure new development complements the traditional feel of the existing neighborhood
  - To encourage home maintenance
  - To encourage crime prevention
  - To develop a walkable neighborhood
  - To support neighborhood schools and the highest quality of education
-



## WHY OUR NEIGHBORHOOD SHOULD BE A NEIGHBORHOOD CONSERVATION DISTRICT

The Elmhurst neighborhood was established in 1909 and features a variety of housing styles including the American Foursquare, several variations on the Bungalow, the American Craftsman, as well as others. While the Craftsman Style can be traced to the British Arts and Crafts movement, the American version included its own distinct adaptations and emphasized originality, simplicity, local materials and honest woodwork. Captured within these late 19<sup>th</sup> and early 20<sup>th</sup> century homes, and particularly so with regard to the Craftsman Bungalow, was a desire to ennoble the modest home for a rapidly expanding U.S. middle class. Similarly, the American Foursquare was purposively boxy to maximize floor space and to capture, to best advantage, the typically small urban tract on which they were built. These are classically American styles and they are all well represented within the boundaries of Elmhurst. Of further local interest is the fact that a handful of Elmhurst homes were built from Bungalow style home plans featured in locally produced catalogs by the Garlinghouse Company.

## A BRIEF HISTORY OF THE ELMHURST NEIGHBORHOOD

The 1880's were boom years for the U.S. and for Topeka. The city saw phenomenal growth downtown with many new office buildings and many large, mansion like homes along Topeka Blvd and suburbs spreading out from the city center. In the year 1909, the value of building permits issued in Topeka was \$1.6M, greater by half a million dollars than permits issued in 1907, which had been a record year.

Seeing opportunities, two young Topeka businessmen, L.F. Garlinghouse and Napoleon B. Burge, jumped into real-estate promoting Westside subdivisions.

On January 29, 1909, the Daily Capital announced Elmhurst as Topeka's newest addition. Quoted sources indicate the developer intended Elmhurst to be beautiful. Accounts also note each home would be located on a block of ground 50 feet wide, 125 feet long and 35 feet back from the front of the lot. Most properties in Elmhurst continue to exhibit this urban residential style.

Advertisements for the Elmhurst development proclaimed that all homes would be located close to Lowman Hill School and that elm trees were to be planted throughout the addition. Elmhurst would be served by two street car lines and was to be the first development in which all homes would be served by a new gas main and high pressure water main. The streets would be paved and, in another first for Topeka, all homes would be fronted by new cement sidewalks. Local advertisements listed universal telephone service, nearby churches, proximity to Washburn University, terraced lots, fine homes and fine people as other reasons to live in Elmhurst.

'Choice lots' in Elmhurst were to be sold for \$325 and other lots for \$200. The June 10, 1911 Topeka Capital Journal listed a newly constructed Elmhurst bungalow, at 1172 Mulvane, for sale at \$3,300.

Elmhurst thrived through the first decades of early 20<sup>th</sup> century. Many prominent citizens built homes in Elmhurst including J.W. Crane, Judge James McClure and Dr. Alvin Harrison. While Elmhurst was closely located to downtown and served by street car lines, the neighborhood was also served by the commercial development, Elmhurst Plaza, fashioned after the J.C. Nichols Country Club Plaza of Kansas City, and built by the Dibbles Company in an old English style. The development was likely welcomed by Elmhurst residents as they could easily walk to the nearby shops which included a grocery store, drug store, interior decorators, dry cleaners, shoe store and more.

Elmhurst was off to a great start, but it must be acknowledged that not all was good and high minded in Elmhurst as its history is regrettably marred by the fact that ads for the new development clearly indicated only white people would be allowed to buy or lease in the neighborhood. This is sad history, to be sure, but it is also history that will, we trust, never be repeated. In fact, Elmhurst is now a social and economically diverse neighborhood and hopefully will continue to evolve in that fashion.

Architecturally, Elmhurst is homogeneous. Its houses reflect middle class tastes from the second decade of the 20<sup>th</sup> century. The neighborhood, stylistically, consists of larger 2 ½ story houses. Whether the front gable, side gable, hip roof (the American Foursquare type) or 1 ½-story version, all are classified by the authoritative *Field Guide to American House* as the Prairie or Craftsman style. Most of the residences date from the late 'teens or early 1920s and are in the popular bungalow design or the unique Topeka Airplane Bungalow type. Here and there other styles, notably Tudor and Dutch Colonial, can be identified.

The neighborhood blends the different architectural styles well, whether a block of Foursquares or Airplane Bungalows. At least ten residences appeared in catalogues of Topeka's L.F. Garlinghouse Co., either built from a catalogue design or they were the inspiration for one.

After WWII, pressure mounted from different groups, including the local Chamber of Commerce, to expand the conversion of older homes into multi-unit complexes. While neighborhoods such as Holliday Park and Bethany Square felt the full brunt of this change, Elmhurst was, for a while, able to retain its single family zoning designation. Unfortunately, by 1956, the neighborhood was up-zoned. This made it possible to divide single family style homes north of Munson and on Garfield, Washburn, and some parts of Huntoon.

In 1965, Lowman Hill Methodist Church left Elmhurst and the Methodist Home for the Aged, left the neighborhood in 2003. Both large institutional locations were eventually purchased and refurbished by Topeka Bible Church.

A huge blow in the 60s and 70s was the loss of the elm trees for which the neighborhood was named. These trees had dominated the landscape and provided a lush green canopy arching over the streets. Dutch elm disease took virtually all of the Elmhurst elms.

Elmhurst couldn't very well change with modern fashions and trends in residential architecture and modern living. In the 1980's and 90's, it did see a shift in attitudes, at least among some, as

older homes began to be viewed as classic, charming and historic. Newcomers to Elmhurst sought solutions to present conditions and civic leaders realized the necessity for strong city cores.

During the 1980s, older Topeka neighborhoods, where 51% of the population earned under the median income level, formed Neighborhood Improvement Associations (NIAs). The new districts were eligible for HUD based grants for neighborhood upgrades, as well as home owner tax rebates for house improvements. Elmhurst did not fit the NIA guidelines and formed a Neighborhood Association (NA).

By the end of the 1990's Elmhurst had experienced considerable change. In 1996 Elmhurst requested down zoning from the Topeka-Shawnee County Planning Commission, a process designed to halt and ultimately reverse the decades-old encroachment in older areas of single-family to multi-family home conversions. The down zoning work led to a cooperative study and planning effort between the Elmhurst Neighborhood Association and the city's Planning Department. The final product of that cooperative effort was the creation and approval of "2001 Elmhurst Neighborhood Plan." That plan, as employed by the Elmhurst NA, has served as an ongoing guide for neighborhood stabilization and revitalization.

The following paragraph is excerpted from the "2001 Elmhurst Neighborhood Plan":

*"The Elmhurst neighborhood is comprised of two ratings - at risk for the area north of 11<sup>th</sup> Street and outpatient for the area south of 11<sup>th</sup> Street. Both areas are considered stable and would fall into "average" to "low" priority, respectively. However, Elmhurst shares Washburn Avenue along its eastern edge with Tennessee Town, an intensive care and "high" priority neighborhood. The eastern edge of Elmhurst would be considered a high priority for resource allocation since it would help to anchor Tennessee Town's high priority area and prevent further spread of blight westward."*

The Plan notes that 50 residences within the neighborhood exhibited major deficiencies. Some of those deficiencies have been corrected, but informal surveys subsequent to the publication of the Plan have indicated that deficiencies continue to be a problem and are one of the neighborhood's most significant challenges. Elmhurst actively encouraged Topeka to confront some of the priority concerns along Washburn Avenue. That effort resulted in dilapidated housing being removed along the west side of the second 1100 block of Washburn and it was replaced with green space.

To develop community pride and as a means of revitalization, the Elmhurst NA engaged in a host of activities. These include: organized neighborhood and home clean-ups, sponsored crime watches, fund raising, a regularly published newsletter, a periodic Christmas open house, home owner renovation assistance, contributions to help neighbors to replace damaged sidewalks and tree planting. In addition, the NA supports central Topeka's Turn-Around Team, the Lowman Hill School, the Washburn-Lane Parkway corridor project and revitalization of the College Hill commercial district.

In 2009 residents celebrated the Elmhurst centennial with a block party and an open house tour in November. The past 100 years saw countless alterations to homes and landscapes in

Elmhurst. Similarly, the socio-economic make-up of neighborhood residents has also continued to change. Elmhurst is best described as a richly mixed and diverse urban neighborhood.

Elmhurst has survived the fads and fashions of the times and remains a classic example of early 20<sup>th</sup> Century America. Today more and more people appreciate the unique qualities of Elmhurst and that fact in conjunction with solid, beautiful, century-old homes helps assure the future of Elmhurst.

Written by the Elmhurst Neighborhood Association

**(Much thanks to the Shawnee County Historical Society for its “Lively Elmhurst; the Classic Topeka Neighborhood” Bulletin No. 84)**

## HOW AN NCD DESIGNATION AND OUR DESIGN GUIDELINES WILL IMPROVE OUR NEIGHBORHOOD

Since its inception the Elmhurst neighborhood has seen a great deal of change. Among the most significant of those was the post-World War II movement to the suburbs. That development was accompanied by a change in zoning which allowed homes, originally designed for single family residency, to be divided into two or more living quarters. Fortunately, the appeal of older homes and neighborhoods began to change again in the late 1980s and Elmhurst saw a resurgence of new owners with an interest in stabilization and restoration. Elmhurst is now a diverse neighborhood with a wide spectrum of demographics. Some of the divided homes have reverted back to single family, the neighborhood has benefitted from new infill construction and residents are also working together to rebuild infrastructure.

While much restoration still needs to be done, the original architecture and design of Elmhurst homes remains largely intact. Among Elmhurst residents there is a shared desire to preserve the quality and craftsmanship of neighborhood homes for current and future occupants. Elmhurst residents believe the protection offered by the NCD designation is key. The Elmhurst Neighborhood Association also believes that the designed standards within its NCD application will not only help with preservation, but will also encourage new development.



## EXAMPLES OF OUR UNIQUE CHARACTERISTICS

Originally platted in 1909, the homes within the Elmhurst Neighborhood have been built in a variety of distinct and representative architectural styles, using equally distinct materials, and craftsmanship. The following are a collective sample of the styles of home built within the Elmhurst Neighborhood through the last 106 years.

### Craftsman Bungalow



**Time Period of Significance: 1905 - 1930**

**Neighborhood Significance:** This architectural style is common within the greater Elmhurst, Norton, and Bartholomew Additions. Its Craftsman distinctions were representative of residential construction styles within the period of the neighborhood's initial development.

**Architectural Description:** Craftsman Bungalows can be constructed with a variety of external siding, most commonly either wood, stone, or stucco. This style features a low-pitched roof, with wide eaves with triangular brackets, exposed roof rafters, and a porch with thick square or round columns. Porches may also have stone porch supports, and an exterior chimney made with stone, or brick. The interior of a Craftsman Bungalow has an open floor plans, with few hallways, numerous windows, some being decorative with stained or leaded glass. Craftsman Bungalows may also feature beamed ceilings in the larger interior rooms.

### California Bungalow



**Time Period of Significance: 1905 - 1930**

**Neighborhood Significance:** California Bungalows are unique to the original Elmhurst Addition. Their numbers are few, but they are representative of the scale, massing, materials, and craftsmanship typically used during the time period of development of the majority of the Elmhurst Neighborhood.

**Architectural Description:** California Bungalows are typically 1 to 1 ½ stories in height, with a low sloping roof supported by sturdy beams. This style features spacious front porches, with exposed brackets and other Craftsman details. Their orientation is typically narrow frontage, with greater depth extending toward the rear of the property.

# Neighborhood Conservation District Application

## Chicago Bungalow



**Time Period of Significance: 1905 - 1930**

**Neighborhood Significance:** Though there are few examples of Chicago Bungalows within the Elmhurst Neighborhood, this style is still representative of the architectural styles constructed across the nation during the early decades of the 20<sup>th</sup> Century. As exhibited within Elmhurst, this style typically required a greater initial investment, and was reflective of the occupant's values for quality materials, design, and presence within the community.

**Architectural Description:** Chicago Bungalows are usually built with a brick exterior, with a full basement, extending the full length and width of the house. Typical of many bungalow styles, the Chicago Bungalow features a narrow frontage, low hipped roof, with large gabled dormer facing the street. This home also features a spacious porch, which is often enclosed for additional living space.

## Swiss Bungalow



**Time Period of Significance: 1905 - 1930**

**Neighborhood Significance:** Swiss bungalows are relatively rare within the Elmhurst Neighborhood, but do represent a significant architectural style for residential construction during the early 20<sup>th</sup> Century across the country. This time period is consistent with the development of Elmhurst, and much of Central Topeka.

**Architectural Description:** Swiss bungalows are typified by a broad front-facing roofline, often featuring a curved truss or gable above the front door. This style may be constructed with decorative half-timbering, similar to Tudor Revival, with other elements such as scalloped verge boards, and exposed interior rafters.

# Neighborhood Conservation District Application

## English Cottage



**Time Period of Significance: 1890 - 1940**

**Neighborhood Significance:** The English Cottage actually predates the time-period of development of the Elmhurst Neighborhood, and was constructed within its current boundaries within the Bartholomew Addition, which lies adjacent to and north of the Elmhurst Addition.

**Architectural Description:** English Cottages are typically 1 to 2 stories in height, with an asymmetrical floor plan and exterior facade. This style is also cross-gabled, with a medium to steeply pitched roof, sometimes with clipped gables. The exterior features arrangements of tall, narrow multi-light windows, often casements with leaded or diamond paned decorative features. Over scaled chimneys with decorative brick or stone work and chimney pots are also typical elements of this style. Doors may be half-round or arched with decorative hardware. Siding is commonly stucco, shingle, lapped panels. Decorative half-timbering is often seen.

## American Foursquare



**Time Period of Significance: 1895 - 1930**

**Neighborhood Significance:** American Foursquare homes are perhaps the most common form of residential architecture within the Elmhurst Neighborhood. Within the original Elmhurst Addition, this style establishes the predominate character of each block.

**Architectural Description:** This style of architecture is typified by a simple box shape, usually two-and-a-half stories high, with a four-room floor plan on each floor. The roof is low-hipped, with deep overhanging eaves, and often features a large central dormer. American Foursquare homes also feature a full-width porch with wide stairs. The exterior façade may be of brick, stone, stucco, or wood siding.



# Neighborhood Conservation District Application

## Prairie Craftsman



**Time Period of Significance: 1890 - 1940**

**Neighborhood Significance:** Prairie Craftsman is a rare architectural style within the Elmhurst Neighborhood, but was constructed by a limited number of prominent local businessmen to showcase their stature and wealth within an early 20<sup>th</sup> Century suburban development.

**Architectural Description:** Prairie Craftsman architecture is predominately characterized by a low-pitched roof with wide overhanging eaves, accentuated by long, uninterrupted horizontal lines. The presence of a central chimney is also common, as is a broad, open interior floor plan. Clerestory windows, or a high wall with a band of narrow windows along the very top, are also an important design element to this style of architecture. Materials used for Prairie Craftsman structures are most commonly brick, stucco, or a mixture of both within the same structure.

## Cape Cod



**Time Period of Significance: 1880 - 1960**

**Neighborhood Significance:** Cape Cod signifies the end of development of single-family homes within the Elmhurst Neighborhood. Few examples of this style of architecture exist within the Elmhurst Neighborhood boundaries, and represent the last period of infill development during the post WWI era.

**Architectural Description:** Cape Code homes are small and very efficient, built with a steep pitched roof with side gables, a narrow roof overhang, are typically limited to 1 or 1½ stories in height, and are typically sided in wood, shingle, or stucco. Cape Cod homes are also generally rectangular shape. The front door is typically placed at the center or, in some cases, at the side of the front façade. Use of this style during the middle of 1950s and 1960s added the feature of one, or two dormers to the upper floor, to allow for more functional upper living space.

# Neighborhood Conservation District Application

## Dutch Colonial Revival



**Period of Significance: 1920 - 1940**

**Neighborhood Significance:** There are several examples of Dutch Colonial Revival within the Elmhurst Neighborhood, each representing a popular style of architecture within the early part of the 20<sup>th</sup> Century.

**Architectural Description:** Dutch Colonial Revival homes are usually 1 ½ to 2 stories in height, with a distinguished shed, hipped, or gambrel roof, sometimes seen with flared eaves. Siding may be wood clapboard, shingle, brick, or stone. Its façade may be symmetrical, but it's common to see side entries and balanced asymmetry, often offset with a gable-end chimney. A porch may be present under the overhanging eaves, occasionally running the full width of the house. The entry may have a decorative hood with brackets or portico with classically-styled columns supporting the porch. Windows are multi-light such as six-over-one, six-over-six, or eight-over-eight.

## English Tudor Cottage



**Period of Significance: 1890 - 1940**

**Neighborhood Significance:** During the time period of the development of the Elmhurst neighborhood, English Tudor was a common style of home, and was constructed within several of Topeka's earliest subdivisions. Most remaining examples of this style are currently present within Elmhurst on Garfield Street.

**Architectural Description:** English Tudor features combinations of half-timbered accents on its facades, casement windows, steep gables, prominent chimneys, often with decorative chimney pots, Tudor arched doorways, and is constructed of a combination of materials, consisting of brick, stone, wood, and stucco.

# Neighborhood Conservation District Application

## Folk Victorian



**Period of Significance: 1870 - 1910**

**Neighborhood Significance:** Smaller Folk Victorian homes are prevalent within the Elmhurst Neighborhood. Most of these homes were constructed within the Bartholomew Addition, north of SW Munson Street. A few larger Folk Victorian homes were also built within the Elmhurst Addition.

**Architectural Description:** Folk Victorian is a generic, vernacular Victorian style. Builders of these homes typically added spindles or Gothic windows to simple square and L-shaped buildings. Creative carpenters with the newly-invented jigsaw created detailed trim, but such details were usually added to a no-nonsense farmhouse. Folk Victorian architecture generally utilized wood siding in its construction, with detailed brackets under the eaves. Detailed spindlework was added to porches. This style also contains a low-pitched roof with a front and side gables.

## Neo-Classical Revival – 1895 – 1950



**Period of Significance: 1895 - 1950**

**Neighborhood Significance:** Neo-Classical Revival is not a common architectural theme within the Elmhurst Neighborhood. The lone home exemplifying this style, however, is a grand expression of its originating history, reflecting the *classical* ideals of order and symmetry.

**Architectural Description:** Neo-Classical designs are typically one to two and one-half stories in height, with symmetrical side-gabled or hipped, medium pitched roofs. This style also presents boxed eaves with a moderate overhang, dentil molding, or a frieze band beneath the cornice. Details include decorative surrounds on doorways including pediments, sidelights, transoms. Windows were built using double hung sashes, with multiple panes of glass on the upper sash, with a single pane below. Windows also exemplified a wide variety of different configurations including paired, triple, bayed or arched. Perhaps most prominently, Neo-Classical Architecture features large balustrades or columns on the porch, often rising to the second floor of the structure.

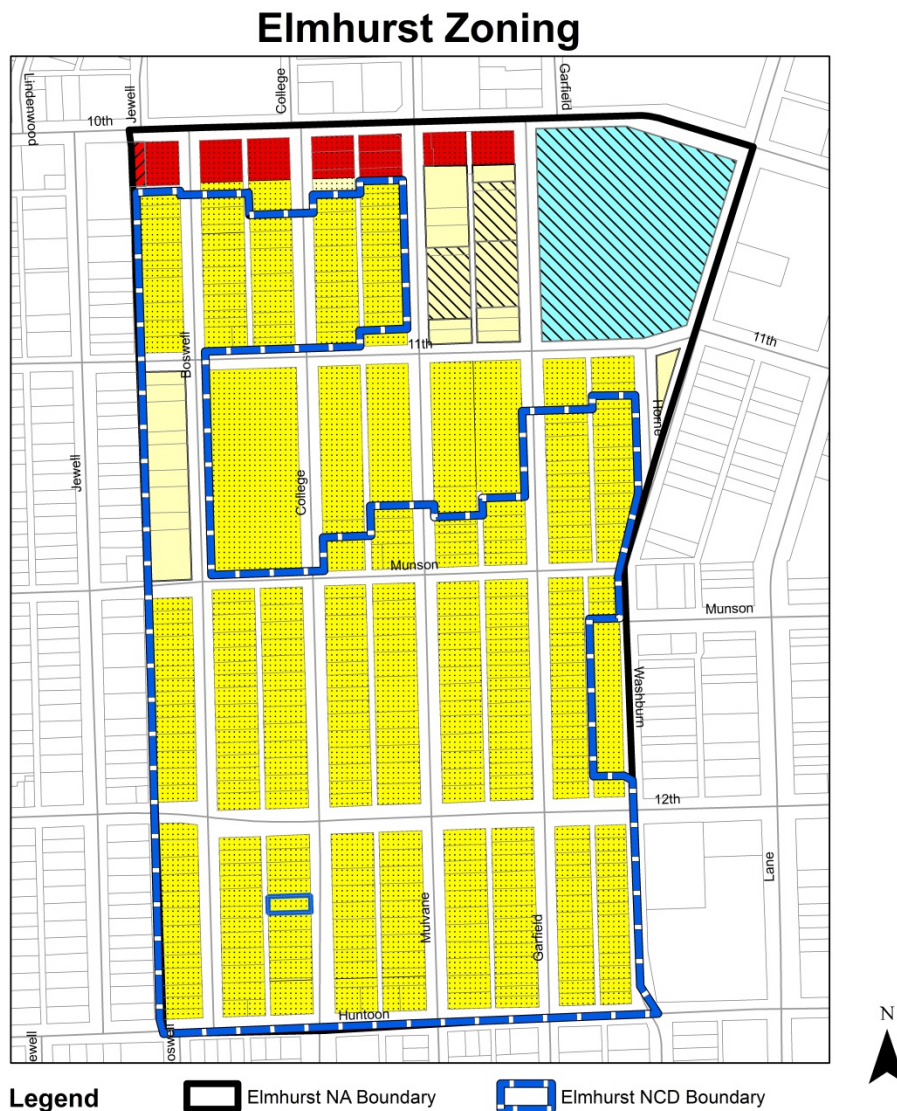


# Neighborhood Conservation District Application

## MAP AND DESCRIPTION OF BOUNDARIES

The Elmhurst Neighborhood Conservation District encompasses all properties within the area bounded on the North by Southwest 10th Street, on the East by Southwest Washburn Avenue, on the South by Southwest Huntoon Street and on the West by the alley between SW Jewell and SW Boswell. However, it does exclude institutional properties presently found within these boundaries.

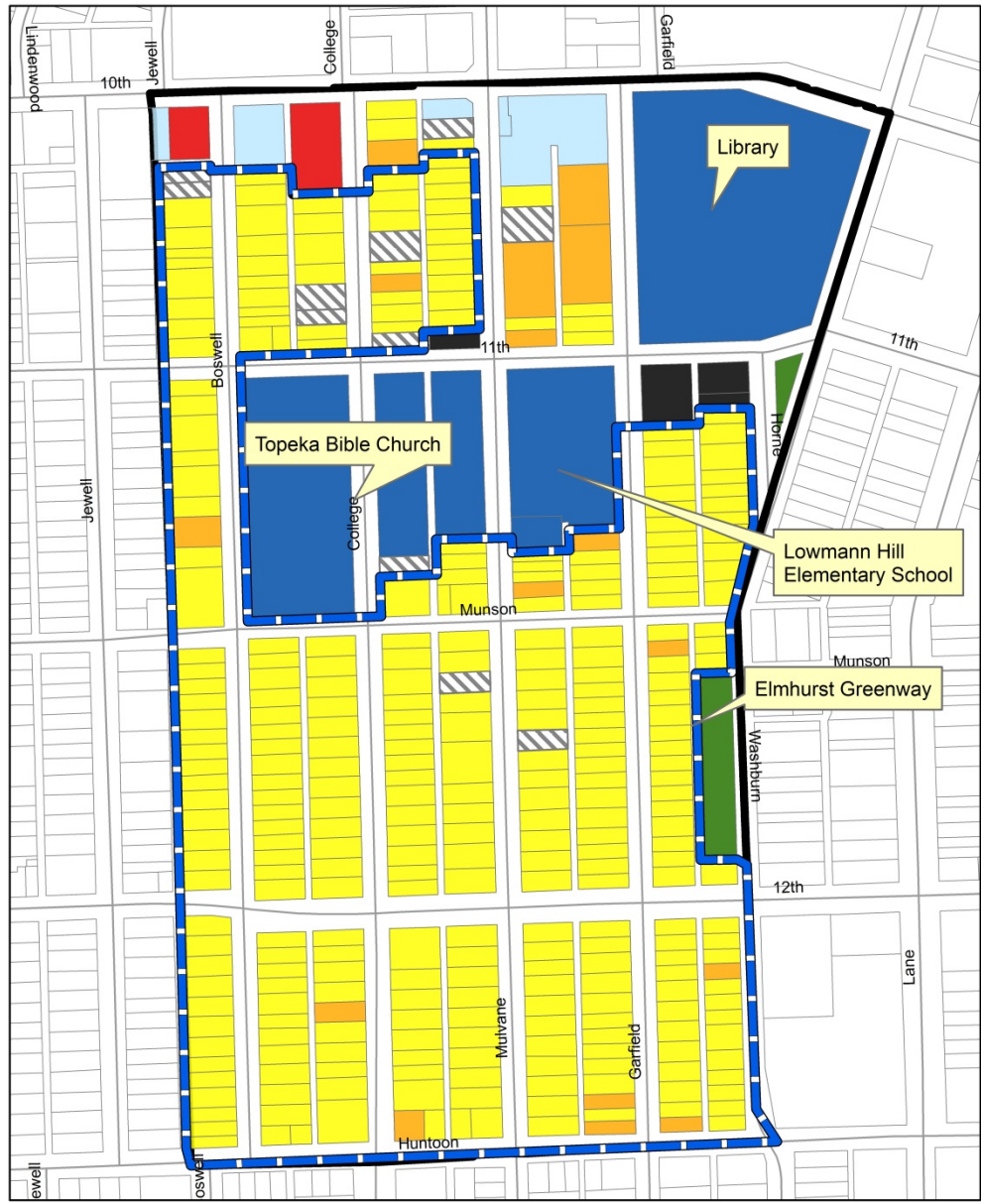
Map 1: Parcels and Zoning



# Neighborhood Conservation District Application

Map 2: Existing Land Use

## Elmhurst Existing Land Use



**Legend**

Elmhurst NA Boundary

Elmhurst NCD Boundary

**LandUse**

Residential - Single Family

Residential - Multi Family

Commercial

Office

Library

Lowmann Hill Elementary

Topeka Bible Church

Parking Lot

Elmhurst Greenway

Vacant



# Neighborhood Conservation District Application

Map 3: Architectural Styles

## Elmhurst Architectural Styles



**Legend**

Elmhurst NA Boundary

Elmhurst NCD Boundary

**Architecture Style**

American Foursquare

Bungalow

Cape Cod

Colonial Revival

Craftsman

Dutch Colonial Revival

English Cottage

Folk Victorian

Neo-Classical Revival

Ranch

Shotgun

Tudor Revival

Vacant



# Neighborhood Conservation District Application


Map 4: Garage Placement Character

Garage Placement Character refers to where the garage is located in relation to the primary structure. The majority of garages in Elmhurst are detached and located behind the rear face of the house.

## Elmhurst Garage Placement



### Legend

 Elmhurst NA Boundary

 Elmhurst NCD Boundary

### Garage

 Attached, Side

 Detached, Side

 None

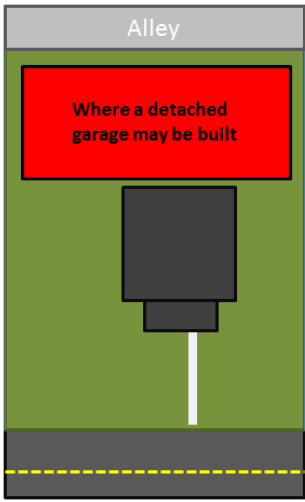
 Attached, Rear

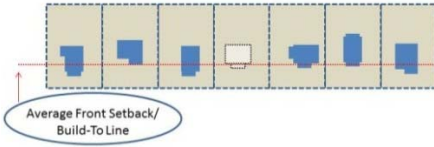
 Detached, Rear

- These design standards shall be applied to residential properties only.
- They shall address both new construction and substantial additions to existing residential properties. Substantial Additions shall mean any project visible from the public street whose square footage equals or exceeds 10% of the primary structure's square footage.
- These design standards do not apply to demolitions; however, they do apply to new construction on the site.
- All lawfully existing structures and improvements made non-conforming by the City of Topeka's adoption of this document shall be considered legal non-conforming (grandfathered).



## RESIDENTIAL DESIGN STANDARDS

| CHARACTERISTICS AND FEATURES | THE SCOPE OF THE RESIDENTIAL DESIGN STANDARDS                                                                   | CURRENT ZONING CODE REQUIREMENTS *                                                                                                                                                          |
|------------------------------|-----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PRIMARY BUILDINGS            | <ul style="list-style-type: none"> <li>• The design shall reflect the character of the neighborhood.</li> </ul> | <ul style="list-style-type: none"> <li>• Primary permitted use is single family residential. However, other uses may be allowed with Provisional Use or Conditional Use permits.</li> </ul> |

| CHARACTERISTICS AND FEATURES | NCD DESIGN STANDARD                                                                                                                                                                                                                             | CURRENT ZONING CODE REQUIREMENTS* (R2)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | ILLUSTRATIVE EXAMPLES APPROPRIATE/INAPPROPRIATE                                                                                                                                                                                                                                                                                                                        |
|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ACCESSORY BUILDINGS          | <ul style="list-style-type: none"> <li>• No metal storage sheds or metal carports visible from the public street shall be permitted.</li> <li>• Garages shall be detached and shall be located to the rear of the primary structure.</li> </ul> | <ul style="list-style-type: none"> <li>• Cumulative footprint of all accessory buildings shall not total more than 90% of the building coverage of the principal structure.</li> <li>• Accessory structure height: No greater than 15' when the principle building is one-story or 20' when the principle building is two-stories or more.</li> <li>• Detached accessory buildings rear yard setback 5'</li> <li>• Detached accessory buildings side yard setback 3'</li> <li>• Accessory structures shall not be located within a required front yard.</li> </ul> |  <p>The diagram shows a cross-section of a property with an alleyway on the left. A red box is placed in the rear yard area, labeled 'Where a detached garage may be built'. A grey structure is shown in the front yard, and a dashed line indicates the front yard boundary.</p> |
| BUILDING HEIGHT              | <ul style="list-style-type: none"> <li>• All new residences shall be between 1 ½ and 2 ½ stories high.</li> </ul>                                                                                                                               | <ul style="list-style-type: none"> <li>• Primary structure: 42' maximum</li> <li>• Accessory structure: 20' maximum</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                        |

| CHARACTERISTICS AND FEATURES             | NCD DESIGN STANDARD                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | CURRENT ZONING REQUIREMENTS* (R2) CODE                                                                                                                                                                                                        | ILLUSTRATIVE EXAMPLES APPROPRIATE/INAPPROPRIATE                                       |
|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| BUILDING SIZE/MASSING                    | <ul style="list-style-type: none"> <li>New residences shall be of a similar size to the other houses on the block. The Floor-to-Area Ratio of a new residence shall fall between the smallest and the largest Floor-to-Area Ratio on the block, <math>\pm 10\%</math>.</li> </ul>                                                                                                                                                                                                                                                                                          | <ul style="list-style-type: none"> <li>n/a</li> </ul>                                                                                                                                                                                         |                                                                                       |
| BUILDING ARCHITECTURAL STYLE AND DETAILS | <ul style="list-style-type: none"> <li>Each new residence shall be constructed consistent with one of the architectural styles currently identified on its block, as shown in the "Architectural Styles" map.</li> </ul> <p>Key features include (in no particular order) pitched roof, front porch, proportional front windows, architectural details, raised foundation, and comparable materials.</p> <ul style="list-style-type: none"> <li>Substantial additions shall incorporate and shall be consistent with the architecture of the primary structure.</li> </ul> | <ul style="list-style-type: none"> <li>n/a</li> </ul>                                                                                                                                                                                         |                                                                                       |
| BUILDING SETBACKS                        | <ul style="list-style-type: none"> <li>New residences shall be built to the front setback line that is <math>\pm 10\%</math> of the average front setback on the block.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                         | <ul style="list-style-type: none"> <li>Front yard setback: 25'</li> <li>Side yard setback: 5'</li> <li>Rear yard setback: 25'</li> <li>Unenclosed porch, deck or stoop may encroach not more than 10' into the front or rear yard.</li> </ul> |  |
| BUILDING ORIENTATION AND SITE PLANNING   | <ul style="list-style-type: none"> <li>New residences shall face the street.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <ul style="list-style-type: none"> <li>n/a</li> </ul>                                                                                                                                                                                         |                                                                                       |
| LOT SIZE                                 | <ul style="list-style-type: none"> <li>n/a</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <ul style="list-style-type: none"> <li>Minimum 5,000 square feet</li> </ul>                                                                                                                                                                   |                                                                                       |



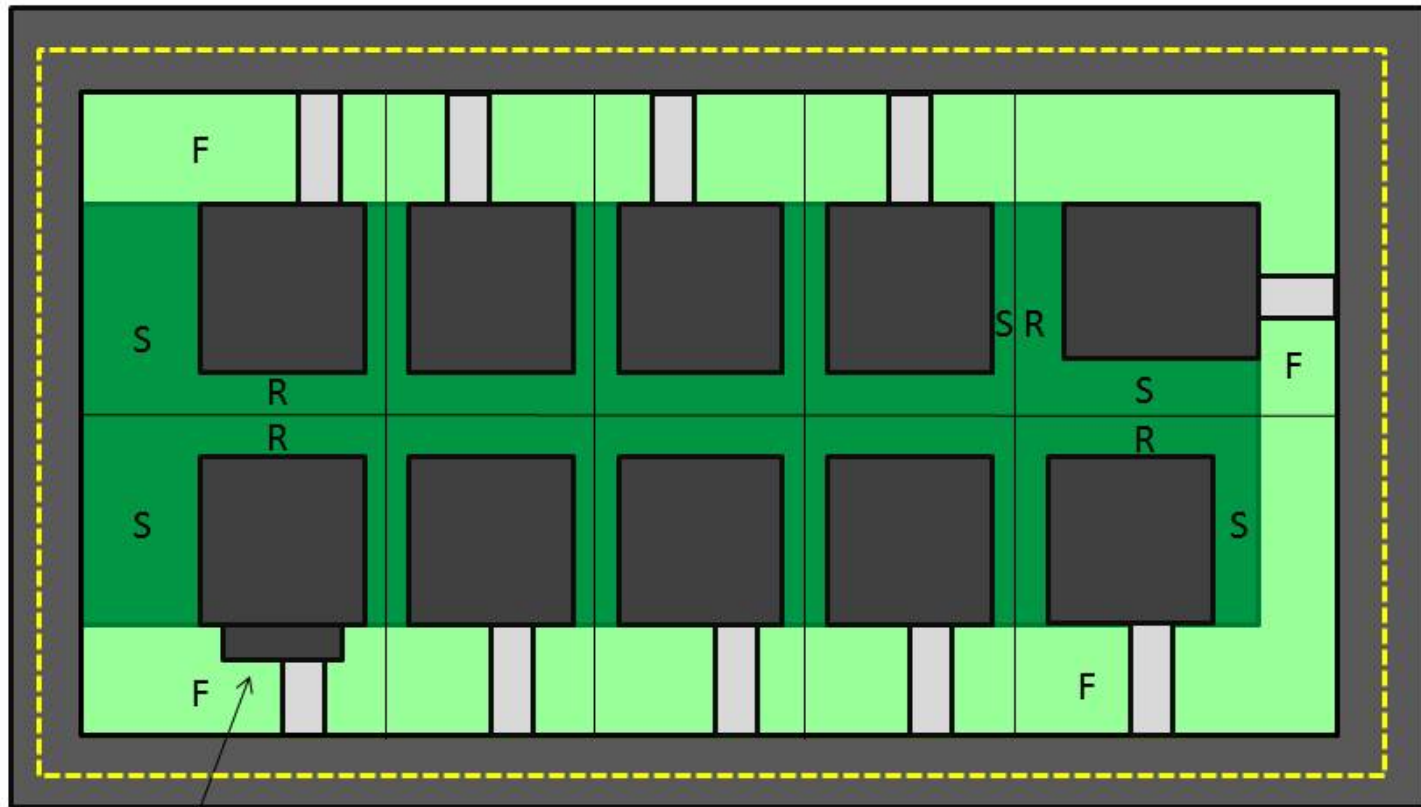
| CHARACTERISTICS AND FEATURES              | NCD DESIGN STANDARD                                                                                                                                                                             | CURRENT ZONING REQUIREMENTS* (R2)                                                                                                                                                                                                                                               | CODE | ILLUSTRATIVE EXAMPLES APPROPRIATE/INAPPROPRIATE                                                                                                                               |
|-------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| LOT COVERAGE                              | <ul style="list-style-type: none"> <li>n/a</li> </ul>                                                                                                                                           | <ul style="list-style-type: none"> <li>Buildable envelope is subject to setback limits.</li> </ul>                                                                                                                                                                              |      |                                                                                                                                                                               |
| OFF-STREET PARKING REQUIREMENTS           | <ul style="list-style-type: none"> <li>n/a</li> </ul>                                                                                                                                           | <ul style="list-style-type: none"> <li>2 spaces per dwelling unit having more than 950 square feet of floor area.</li> </ul>                                                                                                                                                    |      |                                                                                                                                                                               |
| ROOF LINE AND PITCH                       | <ul style="list-style-type: none"> <li>n/a</li> </ul>                                                                                                                                           | <ul style="list-style-type: none"> <li>n/a</li> </ul>                                                                                                                                                                                                                           |      |                                                                                                                                                                               |
| PAVING, IMPERVIOUS, OR HARDSCAPE COVERAGE | <ul style="list-style-type: none"> <li>n/a</li> </ul>                                                                                                                                           | <ul style="list-style-type: none"> <li>n/a</li> </ul>                                                                                                                                                                                                                           |      |                                                                                                                                                                               |
| WINDOW OPENINGS                           | <ul style="list-style-type: none"> <li>n/a</li> </ul>                                                                                                                                           | <ul style="list-style-type: none"> <li>n/a</li> </ul>                                                                                                                                                                                                                           |      |                                                                                                                                                                               |
| FENCES AND WALLS                          | <ul style="list-style-type: none"> <li>Chain link and other wire fences shall not be allowed in front of the front face of the residence. See Appendix A for illustration.</li> <li></li> </ul> | <ul style="list-style-type: none"> <li>Shall be less than 8' in height</li> <li>Shall not extend into public right-of-way or closer than 1' to a public sidewalk.</li> <li>Fences in front of the front face of the primary structure shall not exceed 4' in height.</li> </ul> |      | <br> |

| CHARACTERISTICS AND FEATURES                | NCD DESIGN STANDARD                                   | CURRENT ZONING REQUIREMENTS* (R2)                                                                                                                 | CODE | ILLUSTRATIVE EXAMPLES APPROPRIATE/INAPPROPRIATE |
|---------------------------------------------|-------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|------|-------------------------------------------------|
| DRIVEWAYS, CURB CUTS, ALLEYS, AND SIDEWALKS | <ul style="list-style-type: none"> <li>n/a</li> </ul> | <ul style="list-style-type: none"> <li>n/a</li> </ul>                                                                                             |      |                                                 |
| TREE PRESERVATION                           | <ul style="list-style-type: none"> <li>n/a</li> </ul> | <ul style="list-style-type: none"> <li>n/a</li> </ul>                                                                                             |      |                                                 |
| PRIVATE AND PUBLIC UTILITY STRUCTURES       | <ul style="list-style-type: none"> <li>n/a</li> </ul> | <ul style="list-style-type: none"> <li>Satellite receiving devices, shall not be located in the front yard or the required side yards.</li> </ul> |      |                                                 |
| PUBLIC ART                                  | <ul style="list-style-type: none"> <li>n/a</li> </ul> | <ul style="list-style-type: none"> <li>n/a</li> </ul>                                                                                             |      |                                                 |

\* These are generalized code requirements from the Topeka Municipal Code. These regulations are in addition to any NCD standards which take precedence and are more restrictive. For specific zoning regulations, please see Chapter 18 of the Topeka Municipal Code or contact the Topeka Planning Department.

## Appendix A: Elmhurst NCD Fencing Requirements\*

The NCD does not allow for chain link or other wire fences in the light green shaded area.



Unenclosed Front Porch

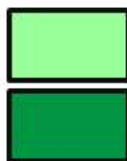
F = Front

R = Rear

S = Side

R - S = Reverse Corner Lot

R - R = Normal Lot



Chain link or Wire Fencing Not Allowed

Chain link or Wire Fencing Allowed

*\*For illustrative purposes only.*

*Please contact the Planning Department for help on your specific property and question.*

# CITY OF TOPEKA PLANNING DEPARTMENT

## SUMMARY REPORT

**Re: NCD16/1 – Elmhurst Neighborhood Conservation District**

**Proposal:** - A Neighborhood Conservation District (NCD) is a neighborhood-initiated set of design standards to preserve historic character. This proposal adds the “Elmhurst Neighborhood Conservation District Overlay” to the existing base zoning for residential properties between SW 10<sup>th</sup> Ave to the north, SW Washburn Ave to the east, SW Huntoon St to the south, and SW Boswell Ave to the west. This will be the second NCD in Topeka after the Westboro NCD was adopted in February, 2014.

### **The Elmhurst NCD**

The Elmhurst Neighborhood Association (NA) contacted staff in early 2014 wanting to create an NCD zoning overlay for their neighborhood to provide a level of protection from incompatible development. Staff assisted in the drafting of their preliminary NCD and attended all of the public meetings held on this case. Many of the suggested changes that the residents made at the public meetings were incorporated into final draft NCD document approved by the Elmhurst NA Board to be presented to the Planning Commission. Some of the changes made to the document after the public meetings include:

- Concern about the proposed restriction on new curb cuts—this standard was removed
- Concern about the accessory building standard that did not allow for metal sheds if they were visible from the alley or street—this standard was rewritten to only consider visibility from the street, not the alley
- Concern about the proposed standard regarding window sizes—this standard was removed

Some examples of the standards included in the final NCD draft are:

- No metal storage sheds or carports visible from the public street shall be permitted
- Each new residence or substantial addition shall be constructed consistent with one of the architectural styles currently identified on its block
- Chain link and other wire fences shall not be allowed in front of the front face of the residence

### **Process**

In addition to the Elmhurst NA’s regularly held meetings, there were two public meetings held before the Planning Commission initiated this zoning case, a Neighborhood Information Meeting, and a Public Hearing held by the Planning Commission. City staff mailed notices to all registered property owners within this district for all four of these public comment meetings.

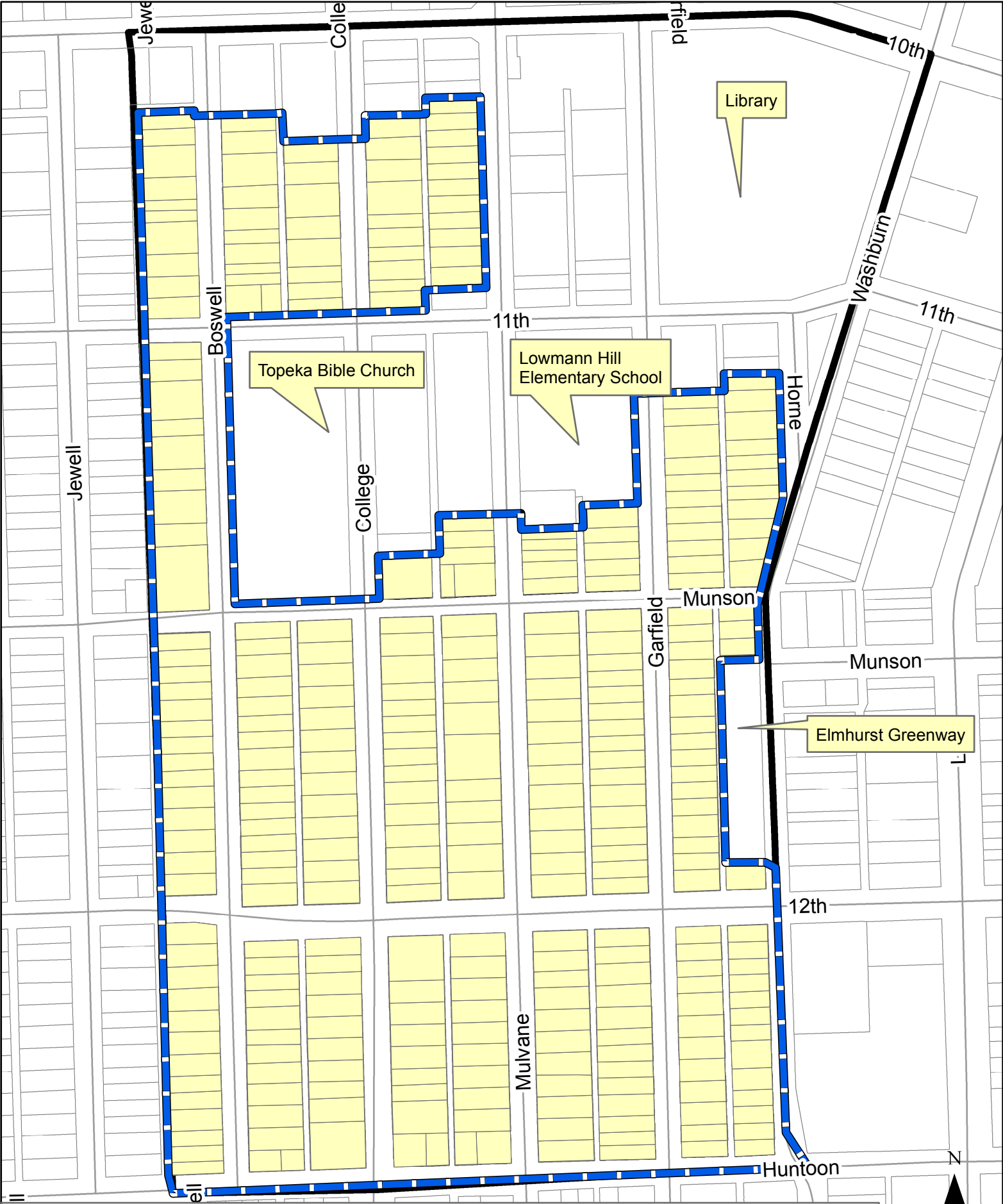
### **Recommendation**

The Topeka Planning Commission met to hold the Public Hearing on the Elmhurst Neighborhood Conservation District on May 17<sup>th</sup>, 2016. The Planning Commission voted unanimously to recommend **APPROVAL** of the Elmhurst Neighborhood Conservation District

Staff recommends **APPROVAL** of the Elmhurst Neighborhood Conservation District.



# Elmhurst Neighborhood Conservation District



**Legend**

 Elmhurst NA Boundary

 Elmhurst NCD Boundary

**STAFF REPORT – ZONING CASE  
TOPEKA PLANNING DEPARTMENT**

**PLANNING COMMISSION DATE: May 18, 2016**

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**APPLICATION INFORMATION**

**APPLICATION CASE NO:** NCD 16/1 – Elmhurst Neighborhood Conservation District

**REQUESTED ACTION / CURRENT ZONING:** Apply an overlay zoning district over properties as described in the attached map within the Elmhurst Neighborhood.

**APPLICANT / PROPERTY OWNER:** Elmhurst Neighborhood Association

**APPLICANT REPRESENTATIVE:** Marc Galbraith

**PROPERTY LOCATION / PARCEL ID:** 320 properties within the Elmhurst Neighborhood

**PARCEL SIZE:** 40.3 total acres

**STAFF PLANNER:** Hanzlik/Warner

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**PROJECT AND SITE INFORMATION**

**PROPOSED USE / SUMMARY:** Amend the District Zoning Classification by the addition of a Neighborhood Conservation District Zoning overlay for the Elmhurst neighborhood for properties roughly bounded by SW 10<sup>th</sup> St to the north, the alley between SW Boswell Ave. and SW Jewell Ave. to the west, SW Huntoon Ave. to the south, and SW Washburn Ave to the east, excluding the commercial properties along SW 10<sup>th</sup> St, the Library, the Topeka Bible Church campus, Lowman Hill Elementary School, the Elmhurst Green Park, and the 1000 block located between SW Mulvane Ave. and SW Garfield Ave, all located in the City of Topeka, Kansas

**DEVELOPMENT / CASE HISTORY:** In May of 2013, the Topeka City Council passed Ordinance #19815 enabling Neighborhood Conservation Districts (**NCDs**.) This ordinance set out the requirements for the application, content, and process for interested parties to request an NCD for their area. The Westboro Homeowners Association became the first adopted NCD in Topeka, with their zoning overlay district approved by the Governing Body in January of 2014. Shortly after that, the Elmhurst Neighborhood Association requested assistance in writing their NCD application before submitting it to the Planning Commission for initiation.

Staff met with the Elmhurst NA NCD committee members several times before meeting with the Elmhurst neighborhood. The Board brought forward their ideas for design guidelines and staff worked

through the concepts to make sure the proposed design guidelines accurately represented Elmhurst and the requirements of the enabling ordinance. Staff was present at two neighborhood meetings to answer any technical questions regarding the design guidelines. The Elmhurst NA made it clear to the residents that the Elmhurst NCD process was initiated on the request of the HOA.

On February 15<sup>th</sup>, 2016, the Topeka Planning Commission approved a motion to initiate the Elmhurst NCD and send it to the Planning Department for further study, recommendation, and public hearing in accordance with the provisions of City of Topeka Code Sec. 18.245.020.

**ZONING AND CHARACTER OF SURROUNDING PROPERTIES:**

To the north of the Elmhurst neighborhood is the Medical District and Topeka Shawnee County Public Library. To the east, south, and west, the neighborhood is surrounded by other low-density single family residential developments. SW 10<sup>th</sup> Avenue serves as a commercial corridor to the north and the old Dillon's grocery store provides the opportunity for a commercial node to the southeast.

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**COMPLIANCE WITH DEVELOPMENT STANDARDS AND POLICIES**

|                                                           |                 |
|-----------------------------------------------------------|-----------------|
| <b>BUILDING SETBACKS AND OTHER DIMENSIONAL STANDARDS:</b> | Not applicable. |
| <b>OFF-STREET PARKING:</b>                                | Not applicable. |
| <b>LANDSCAPING:</b>                                       | Not applicable. |
| <b>OTHER DESIGN GUIDELINES AND CONSIDERATIONS:</b>        | Not applicable. |
| <b>TRANSPORTATION/MTPO PLANS:</b>                         | Not applicable. |

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**OTHER FACTORS**

|                                       |                                                                                                                                               |
|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| <b>SUBDIVISION PLAT:</b>              | Existing lots of record as parts of the following subdivisions: Stilson & Bartholomew, Brooks Addition, John Norton's Addition, and Elmhurst. |
| <b>FLOOD HAZARDS, STREAM BUFFERS:</b> | Not applicable.                                                                                                                               |
| <b>UTILITIES:</b>                     | Not applicable as no new development is proposed.                                                                                             |

|                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>TRANSPORTATION/TRAFFIC:</b>           | Not applicable as no new development is proposed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>HISTORIC PROPERTIES:</b>              | 121 SW College Avenue is listed as a Local Landmark on the City of Topeka's Local Landmark registry.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>NEIGHBORHOOD INFORMATION MEETING:</b> | The Neighborhood Information Meeting was held on March 16, 2016 at the Topeka & Shawnee County Public Library. Sixteen residents and Neighborhood Association members were in attendance. Planning staff assisted in presenting the details of the NCD standards. Questions raised included how this will affect new construction, how permits will be processed if the NCD is approved, "grandfathering" of existing structures and permits, enforcement of the NCD standards, impact on property taxes, the district boundary, and the overall goals that the Neighborhood Association is looking to achieve by the adoption of this document. |

**REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES**

|                                  |                 |
|----------------------------------|-----------------|
| <b>PUBLIC WORKS/ENGINEERING:</b> | Not applicable. |
| <b>WATER POLLUTION CONTROL:</b>  | Not applicable. |
| <b>FIRE:</b>                     | Not applicable. |
| <b>DEVELOPMENT SERVICES:</b>     | Not applicable. |
| <b>Other:</b>                    | Not applicable. |

**KEY DATES**

|                                          |                  |
|------------------------------------------|------------------|
| <b>SUBMITTAL:</b>                        | December 1, 2015 |
| <b>PLANNING COMMISSION INITIATION:</b>   | January 25, 2016 |
| <b>NEIGHBORHOOD INFORMATION MEETING:</b> | March 16, 2016   |
| <b>LEGAL NOTICE PUBLICATION:</b>         | April 25, 2016   |
| <b>PROPERTY OWNER NOTICE MAILED:</b>     | April 22, 2016   |

## **STAFF ANALYSIS**

### **CHARACTER OF NEIGHBORHOOD:**

*Location and Setting:* The Elmhurst neighborhood is located in the central portion of the City of Topeka, approximately 1 mile from the Capitol building and the Central Business District. The Elmhurst neighborhood itself is bounded by SW 10<sup>th</sup> Ave to the north, SW Washburn Ave to the east, SW Huntoon St to the south, and SW Boswell Ave to the west. The area proposed for NCD designation encompasses much of the same area, with the exclusion of commercial properties along SW 10<sup>th</sup> Ave, parking lots, and institutional uses in the exterior of the neighborhood (The Topeka & Shawnee County Public Library, Topeka Bible Church and Lowman Hill Elementary.) The neighborhood itself encompasses a total area of about 58 acres, the majority of which is used for single-family purposes (92.8% of the properties included in the NCD).

Nearby attractions and institutions include the Topeka & Shawnee County Public Library, Topeka Bible Church and Lowman Hill Elementary and the Medical District is located just to the north of Elmhurst.

*History & Character:* Elmhurst was advertised in the Daily Capital as Topeka's newest housing addition, with proximity to Lowman Hill School being promoted as a key amenity. Elm trees would line the streets, there would be two street car lines, and it would be the first development where all the homes would be served by a new gas main and a new water main.

Homes were advertised as all having a standard lot size of 50' x 125' with 35' setbacks. Houses include various styles of Bungalows, American Foursquare, English Cottage, Prairie Craftsman, Cape Cod, Dutch Colonial Revival, English Tudor Cottage, Folk Victorian, and Neo-Classical Revival. In its NCD application Neighborhood describes the housing as "homogenous," reflecting middle class tastes from the 1910's. It also notes that the neighborhood blends the various styles well and that it has seen a change in attitudes of people who were looking for "classic, charming, and historic" housing, like that which can be found in Elmhurst.

Though originally designed for single family housing, Elmhurst was "up-zoned" by 1956 to a multi-family designation. This allowed for the conversion of existing, older homes into multi-unit complexes. The Elmhurst Neighborhood Association was formed in the 1980's and in 1996 they requested that the Topeka-Shawnee County Planning Commission down-zone the neighborhood back to single-family residential. Not only did this effort result in the ultimate downzoning of the neighborhood, it also produced the 2001 Elmhurst Neighborhood Plan.

*Existing Conditions:* According to the 2014 Neighborhood Health Map, the Elmhurst neighborhood falls into two health categories—"Out Patient" south of SW 11<sup>th</sup> St and "At Risk" to the north of this street. "Out Patient" blocks tend to have more positive instances of the categories measured in the Health Maps: low instance of poverty, low crimes, high average residential property values, high percentage of owner-occupied homes, and a low number of boarded up houses. One thing to note is that the "At Risk" block group includes commercial areas, the Library, and extends north beyond the Elmhurst boundary. These blocks, too, contribute to the overall "At Risk" rating for this block group, not just the four blocks that are within the Elmhurst boundary. In all, a total of 320 properties with a total size of 40.3 acres are being considered for the NCD overlay in this proposal. Of these, 314 are currently being used for a residential use; 6 are vacant.

In the Elmhurst NCD, the overwhelming majority of parcels are currently being used as single-family residences. Of 320 parcels, 8 are vacant. The rest are all low-density residential housing. Lot sizes range from 0.05 to 0.42 acres and home values range from \$7,000 to \$173,000.

### **SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED:**

The Elmhurst neighborhood was originally platted as a low-density, residential neighborhood in 1909. It maintained this overall character of single-family homes over the last 107 years, despite spending a couple of decades being up-zoned to allow for multi-family housing. This neighborhood is surrounded by residential uses on three sides, with the fourth

side containing a mix of commercial, institutional and medical district uses. Some neighborhood institutional uses, such as the Topeka Bible Church and Lowman Hill Elementary school, are located in the interior of the neighborhood itself.

**LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION:**

The residential zoning of Elmhurst has not changed since it was originally platted in 1909, although multi-family use was permitted and even encouraged for a while. The subject properties are predominantly single-family in character and have remained as such since the original development of the neighborhood.

**CONFORMANCE TO COMPREHENSIVE PLAN:**

The Planning Commission recently recommended approval of the Historic Preservation Plan. In this, numerous strategies and policies are identified for protecting Topeka's greatest asset—its neighborhoods. In fact, *Special Places Recommendation 5.3* calls for using neighborhood conservation districts as a means for neighborhoods to guide change in a manner that supports and enhances neighborhood character, (pg 5-4).

The Neighborhood Element of the *Topeka Comprehensive Plan* identifies 5 “vital signs” that indicate the overall “health” of a neighborhood and then continues the “patient” metaphor throughout the document. Many of the goals and policies listed here highlight the importance of supporting the healthy neighborhoods, such as Elmhurst. For example, Policy 2.2 states that “...revitalization strategies should augment protection strategies for *At Risk* neighborhoods,” (pg 27). Action steps in this document that support the NCD concept include: 1) support for “traditional neighborhood design” principles; and, 2) develop, adopt, and enforce appropriate design guidelines for neighborhoods or image areas;

The proposed NCD supports both the preservation of the historic assets of Elmhurst and publicly recognizes this historic neighborhood as a source of community pride.

**THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES:**

The NCD is a zoning overlay district. The base zoning districts—R-2, HL-R2, or M-2 depending on the particular parcel—will remain in place with the adoption of the NCD. As such, present restrictions are not being removed; rather, more restrictive regulations are being added. Therefore, there are no detrimental effects of removing the present restrictions.

**THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE OWNER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER:**

The integrity of the neighborhood's single-family residential character has been largely preserved since its original platting in 1909. The historic nature of the neighborhood is a feature respected and enjoyed by current property owners who spoke at the public meetings describing the history of their home in Elmhurst. As the Neighborhood's application describes, they have seen more interest in people wanting to move to Elmhurst because of the historic nature. Adoption of the Elmhurst NCD would provide property owners additional stability and confidence in the neighborhood when making investments to improve their properties.

These design guidelines describe current characteristics predominant in the neighborhood that should be preserved (e.g. setbacks, architectural styles). Some of the design guidelines look at what elements may detract from the neighborhood should they become widespread, and regulates against them (e.g. chain link fences). The design guidelines only apply to new construction or substantial additions of existing structures (projects visible from the public street whose square footage equals or exceeds 10% of the primary structure's square footage.)

The increased stability and assurance provided to homeowners by the Elmhurst NCD are a gain to the community's health, safety, and welfare. This will ensure that new development and significant property investment is compatible with the current character of the neighborhood. Any hardship placed on individual landowners by the restrictions of the design guidelines is balanced by the protection and preservation of Elmhurst's character and property values to the benefit of all property owners.

**AVAILABILITY OF PUBLIC SERVICES:** Not applicable as no new development is being proposed.

**COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:**

The Neighborhood Conservation District ordinance is part of the Zoning Code. The proposed Elmhurst NCD fulfills all of the requirements set forth in the ordinance, from the contents of the application to the design guidelines to conformance with the Comprehensive Plan. Additionally, as Elmhurst is a platted subdivision, this proposal is compliant with the City's subdivision regulations.

Of the 8 design guideline categories selected to be included in the Elmhurst NCD, 5 are currently addressed in the "R-2," "HL-R2," or "M-1" District zoning. These include: Primary Buildings; Accessory Buildings; Building Height; Building Setbacks; and Fences and Walls. Any construction that falls within these five categories would be subject to both the base zoning and "NCD-2" regulations. The remaining 3 design guideline categories are not currently addressed in the base zoning regulations, but are compliant with the NCD zoning regulations.

All lawfully existing structures and improvements made non-conforming by the adoption of the Elmhurst NCD would be able to continue pursuant to Sec. 18.50.040 and Sec. 18.230.020 of the Zoning Regulations. New construction or substantial additions created after the adoption of the NCD would need to conform to either "R-2/NCD-2," "HL-R2/NCD-2," or "M-1/NCD-2" zoning regulations, depending on the base zoning of the particular parcel.

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**STAFF RECOMMENDATION:**

Based upon the above findings and analysis Planning Staff recommends APPROVAL of this proposal.

**Attachments: Elmhurst Neighborhood Conservation District Document**

December 2, 2015

Bill Fiander  
Topeka Planning Department, Director  
620 SE Madison  
Topeka, KS 66607

Dear Mr. Fiander,

I am writing on behalf of the Elmhurst Neighborhood Association to request that the Topeka Planning Commission initiate the process which we hope will lead to the creation of a neighborhood conservation district for the Elmhurst neighborhood.

For more than two years now, the Elmhurst Neighborhood Association has carefully considers the merits of an NCD as it might apply to the Elmhurst neighborhood. We have concluded that the design standards included in our NCD plan will significantly strengthen our efforts to preserve the historic character of our neighborhood.

On November 17, 2015 the neighborhood association board voted unanimously to approve the NCD plan which we recently sent to Susan Hanzlik as part of our application packet.

We greatly appreciate the professional help provided by Susan and other members of your staff.

Sincerely,



Marc Galbraith  
Elmhurst Neighborhood Association, President  
1230 College  
Topeka, KS 66604



## Elmhurst Neighborhood Conservation District Meeting – July 28, 2015

Marc Galbraith, NA President, welcomed attendees and expressed two main points of the plan

- Only concerns new construction & substantial additions
- There is no cost/tax involved

Elmhurst is a historic neighborhood with high quality craftsmanship worth preserving. Marc would like to see new construction in Elmhurst

Susan Hanslik, City Planning Dept. Plan is a city approved option and is neighborhood driven. Existing structures will be grandfathered in. Susan explained process, and proposed design standards.

### **During Susan's presentation:**

John Lyle (1161 Mulvane) – questions regarding window size and shape not being altered, keeping the consistency, installing stain glass windows

Cathy Cathey (1191 College) – Built an upper deck. Currently they just access it through a window. Eventually they would like to put in a door. Will they be allowed to?

John Lyle (1161 Mulvane) – Will there be an appeals process? He has concerns with hard fast rules.

Susan – Yes, an appeal process to the board of zoning appeals

Don Cathey (1191 College) – no new curb cuts, concerned with curbside parking, the neighborhood is no longer functional for today's families with multiple cars.

L.J. Polly – Expressed to the group that the board is looking for the soft spots in the plan – nothing is final and that they are looking for revisions.

Don Cathey (1191 College) – also concerned with window restrictions

Lonnie Nesvarba (1156 Boswell) – What about handicap needs?

Beatrice Wilkerson (1221 SW Mulvane) – Questions about type of windows allowed

John Lyle (1161 Mulvane) – Concerned with curb cuts. He would like to expand a drive to a two car. Asked the board to consider this.

Phil Johnson spoke about the neighborhood's next meeting on August 10<sup>th</sup>. He thanked all for attending and expressed his support to the board in moving forward with a plan.

### **Open for Questions/Comments**

Rachel Moeller (1235 Boswell) – attending to learn about the proposal

Deb Southerland (1227 College) – thankful to the board and thinks it is wonderful

Don & Cathy Cathey (1191 College) – Concerned that it will work like we hope it to. Doesn't like being told what we can do with our properties. Made the point that to build a new home in Elmhurst of quality would be too costly. Average new build/replace cost approx \$180k. Who would do that?

Marc G. – The plan is to help protect against less costly/poor quality structures being erected in Elmhurst

Don Cathey – Mentioned habitat homes at 12<sup>th</sup> & Lane

L.J. – It will be a block by block issue with new homes being similar in size as those nearby

Don Cathey – questioned size and mass of structures

Susan - +/- 10% The neighborhood has varied lot sizes

Marc – mentioned habitat homes again to readdress Don Cathey's question

Susan – new construction homes have to be 1 of the 20 architectural styles listed

Cathy Cathey (1191 College) - suggests curb cut guidelines be block by block as some have many driveways

Don Cathey – suggests addressing the style of window rather than the size. The large windows in our homes are hard to find and can't be purchased at Lowes. Windows should be proportional.

Lloyd & Alice Huyett (1170 College) – Asked what the min. size lot to build is. If a tornado destroyed their home, would they be able to rebuild as they have a small lot.

Bill with the city - Yes, you could rebuild. Original lots were 25 x 100. There is now a 50 foot minimum, but this is only for new subdivisions.

Lloyd Huyett – mentioned Phil Johnson and the board act as if they feel threatened.

Phil – said yes, because he and the board are scared of what could be constructed in our neighborhood if a plan isn't put in place.

Kim – has seen other neighborhoods experience troubles and Elmhurst is trying to prevent that

Lonnie Nesvarba (1156 Boswell) – Asked if someone could be exempt.

Susan – No, no spot zoning

Lonnie – Wants to put up a metal shed but plan says no. He doesn't want to have to go to the board for all things. If someone is against something, what should they do?

Several in the group said – speak up

Kim – Asked that specifics be given to the board. The board wants to meet the majority of the neighbor's concerns

Cathy Cathey (1191 College) – Will there be a vote?

L.J. – The board makes the decision

Susan? – Official protests can be made to planning and zoning

Marc – We are here tonight to hear your concerns

L.J. – clarified no metal carports not all carports

Phil – decision will be what's best for the entire neighborhood

John Lyle (1161 Mulvane) – Agrees with many of the items on the plan. Big on preserving homes. Offers to share his time and be part of the solution. His concerns are: 1) New homes shall be similar in size +/- 10% of other homes, but what about additions? 2) Window size – suggests allowing an appeal process. 3) Curb cuts – he would like to see more cars off the streets.

Cathy Cathey (1191 College) – Wants a driveway someday, costly to maintain these 100 year old homes. Can only do a little at a time. Please don't make it impossible for folks to maintain their properties.

Don Cathey – City development. What brings people to Elmhurst? Don't be too strict or narrow with the plan

Mark Finley (address ?)– Asked what curb cuts were.

Huyett (1170 College) – About curb appeal. What about having restrictions for fronts of homes only?

Marge Ahrens – Asked about carports and sheds

Susan – the plan is written as no metal sheds, no metal carports. Visible from street and alleys.

Marc – plan covers all windows, not just those on the front of the house

Beatrice Wilkerson (1221 Mulvane) – Elmhurst neighbors are a special breed. It's hard to attract folks to our neighborhood because it takes a special person to appreciate what we have and maintain it. These homes are hard to maintain. Her home has 31 windows! Received applause.

Kim – The plan says Front Façade to match architectural style

Phil – The plan has two separate bullets – this may be an error needing correction

Alice Huyett ( 1170 College) – More comments about windows. Too expensive to custom order.

Marc – mentioned the window restrictions probably needs to be reworded

L.J. – Anyone who comments tonight will be heard

Lonnie Nesvarba (1156 Boswell) – The plan has to pass City Council right?

Susan – The timeframe is up to the board. It will be approved 1<sup>st</sup> with the planning commission, then to city council

Don Cathey (1191 College) – Questioned garage location to the rear.

Susan – must be set back from the house. Door direction was not addressed by the board.

Lonnie Nesvarba (1156 Boswell) – When will the final draft be made?

Susan – whenever the planning commission approves.

L.J. – mentioned that information will be mailed to property owners not renters

Marc – appreciates all who participated tonight. The board meets regularly every 2<sup>nd</sup> Wednesday of the month.

National night out - August 8<sup>th</sup>, 6-8 pm

Next meeting – August 10th

## Elmhurst Neighborhood Conservation District Meeting Notes 8/10/15

Phil Johnson (1156 Mulvane) asked about illegal improvements – those who built something on their property without a permit.

Susan Hanslik mentioned you need a permit for buildings greater than 150 sq. feet.

Marc G. mentioned that nobody was going to be out looking for structures built illegally.

Owen Fall (1181 College) asked if window design was considered new construction. Susan answered Yes, if it requires a permit. *That may not have been the exact question, Sandy*

Jim Woods (1195 Mulvane) commented he was amazed at how much the neighborhood hasn't changed and he would like to keep it that way.

Steve Good (1167 Mulvane) shared that he had contacted Cromwell Solar about installing solar panels on his home. Solar panels would definitely change the architectural details of the house and they would be visible from the public right-of-way. He asked if the restrictions would prevent him from having this done.

Marc G. said the board would consider this as it was not addressed in the plan.

Steve also commented again on the points John Lyle brought up in our last meeting regarding windows.

Lloyd Hewitt (1170 College) The plan prevents us from doing a lot of things and that would hurt him. Stated changes need to be made to fit today's world. In general, he is not in favor of the plan.

Marge Ahrens (1238 Mulvane) The plan is about preventing the potential eye sores. They saw what happened in Westboro which upset many neighbors. For example: 1) One neighbor filled their entire yard with rock. 2) Another neighbor built a large Morton style carport and parked a huge RV in the drive. Westboro neighbors thought these eye sores would lower their property values.

Steve Good (1176 Mulvane) Mentioned a neighbor had redone the siding of their house with a foam stucco and it looks great.

Marc G. said materials were not addressed in the plan

Jim Woods (1195 Mulvane) Jim has looked for examples of home since our last meeting. He showed the group a photo of a house that completely covered up a second story window.

Windows have a large part in the character of a house.

Owen Fall (1181 College) Suggested curb cut restrictions be regulated by blocks not the neighborhood as a whole.

Susan Hanslik stated it can be done by block as many items in the plan are already by blocks

Owen Fall (1181 College) Shared his opinion that the board should focus on other things like code compliance rather than restrictions.

Marc G. explained that the board has been working a lot with code compliance issues

Judy Fall (1181 College) Shared that they plan to remodel their kitchen someday. Their kitchen is in the front of the house and they will want to change the size of the windows to accommodate kitchen cabinets.

Don Cathey (1191 College) Asked to define setbacks.

Dan Warner explained they are from the edge of the right-of-way (your side of the sidewalk) Accessory structures have different setback regulations. R1 & R2 zoning difference – R2 is a smaller lot (5,000 sq. feet)

Bebo Lowery (1172 College) Not in favor of more regulations, however is concerned with what some folks will do and says a plan should be in place.

Elaine Sherrick (1216 College) Concerns will be addressed by the board and we will be in a good place to move forward with a plan most will agree on.

Don Cathey (1191 College) Topeka Bible Church did a great job blending old with the new on their addition.

## Public Meeting on the Elmhurst Neighborhood Association's Neighborhood Conservation District (NCD) Plan.

16 Mar 2016 at 6:30 pm

Meeting opened by Marc Galbraith, Elmhurst Neighborhood Association president. Marc gave a brief overview of Topeka's implementation of the neighborhood conservation district concept. Marc also said that two years ago the Elmhurst Neighborhood Association began a process leading up to an NCD plan. The Elmhurst Neighborhood Association held 2 neighborhood meetings gathering comments and suggestions from owners. Much of what was suggested by Elmhurst residents was incorporated into the plan. The completed plan was voted on by ENA board and presented to Planning Commission. This meeting is an official public meeting of the Elmhurst NCD plan to the property owners as called for by the ordinance and the Topeka Planning Commission.

Susan Hanzlik, Topeka Planning Department, provided an overview of the Elmhurst NCD. Susan explained that all existing zoning laws remain in place. NCD design guidelines act as an overlay and help ensure new construction reflects neighborhood character.

Applies to new construction or substantial additions visible from the public street

Zoning covers land use. NCD covers design.

Susan showed inventory of architectural styles and location of garages. Eight architectural styles identified in Elmhurst.

Design Elements – 18 available, Elmhurst chose 8.

NCD applies only to residential, not commercial or demolitions. All existing structures are grandfathered.

Susan covered each of the 8 elements, describing key elements and guidance that will be used by Planning.

What's next?

Currently is a Planning Commission Case.

There will be a public hearing @ Planning Commission. If approved by Planning, it will go to City Council for final approval.

The meeting was then opened for questions and comments.

Questions/Comments from attendees:

1. Q: (Lonnie Nesuarba) I am completely against more rules. What happens if tornado destroys Elmhurst?

A: New construction would have to be rebuilt consistent with NCD but not identical to what was lost.

2. Q: (Lonnie Nesuarba) Can I donate my home to a care facility?

A: NCD does not apply to "who" lives in home.

3. Q: (Mark J. Gibbs) I want to build a two car garaged and the NCD apparently would not allow that. Is that correct?

A: If the garage is located in back of the house it would be allowed, but it would have to be evaluated based on design.

4. Q: (Mark J. Gibbs) Is there another level of bureaucracy that will go around saying this doesn't fit the NCD?

A: No, the permit process is the same and ultimately the decision rests with the city.

5. Q: (Mark J. Gibbs) How can I get around the NCD ruling?

A: Can go to Board of Zoning Appeal.

6. Q: If passed, is there more oversight on existing property?

A: No. NCD only applies to new or substantial additions.

6. Q: (Mark J. Gibbs) What were issues with Westborough NCD?

A: More concerned with accessory buildings and fencing.

7. Q: (Joe Ybarra) Is there a specific date for grandfathering?

A: Anything in process (has a building permit) when Elmhurst NCD ordinance is published.

8. Q: (Don Cathey) What is process for building permit? How does the city know the new building permit is for a property in Elmhurst?

A: Building Services passes permit request to interested departments. If NCD is in place, permit request will be routed to Planning for review.

9. Q: (Mark J. Gibbs) Does a building need to be completed or just started to be grandfathered in?

A: As long as a building permit has been issued, it is okay.

10. Q: (Jim Woods) Who polices violation?

A: Enforced by Zoning Inspector.

11. Q: (Jan Pette) If existing grandfathered fence gets destroyed, can it be replaced?

A: Planning will need to research.

12. Q: (Jim Woods) Any other neighborhoods researching establishing a NCD?

A: No.

13. Q: (Lonnie Nesuarba) What are rules for public comment at Planning hearing?

A: Limit to 4 min. Can bring others to the meeting.

14. Q: (Joe Ybarra) Any impact on taxes?

A: No.

15. Q: (Don Cathey) Has there been consideration of a buffer around the NCD? In other words, if your house is no longer there and if other blocks have smaller houses can you use that design in a block full of bigger houses.

A: Probably not as the NCD is written so that new construction would have to look something like one of the other properties on the same block.

16. Q: (LJ Polly) What is considered a "block"?

A: The facing block – alley to alley. Not street to street.



17. Q: (Joe Yabarra) Is there an angle to “visible from the street”?

A: It is probably a judgment call but will not be measuring inch for inch or at a certain angle.

18. Q: (Lonnie Nesuarba) Why is ENA doing this?

A: Want to protect and preserve historic character of neighborhood.

19. Q: (Don Cathey) If natural disaster, what are back out options?

A: NCD could be rezoned out of the NCD, if that is preferred and appropriate.

20. Q: (Lonnie Nesuarba) How does City Council feel about this?

A: Can't speak for City Council.

Property owners were reminded that they will get another notice of the Planning Commission public hearing but will not receive notice of the City Council meeting should the NCD be approved by Planning. If you want to speak at the City Council, you would have to monitor the City Council agenda and sign up if you want to speak.

Meeting adjourned.

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- 1) Elmhurst Neighborhood Conservation District (NCD)** Elmhurst N.A. is requesting the initiation of a Neighborhood Conservation District Zoning overlay for the properties roughly bounded by SW 10<sup>th</sup> St to the north, the alley between SW Boswell Ave. and SW Jewell Ave. to the west, SW Huntoon Ave. to the south, and SW Washburn Ave to the east, excluding the commercial properties along SW 10<sup>th</sup> St, the Library, the Topeka Bible Church campus, Lowman Hill Elementary School, the Elmhurst Greenway Park, and the 1000 block located between SW Mulvane Ave. and SW Garfield Ave. **(Hanzlik)**

Ms. Hanzlik reviewed the Elmhurst NCD, explaining that Elmhurst is the second neighborhood to seek this zoning overlay. Westboro was the first neighborhood to do so. She stated that the zoning overlay standards are administered and enforced by the Topeka Planning Department, with the design guidelines within the document reflecting the existing character of the neighborhood. The guidelines are written by neighborhood representatives and approved by the relevant Neighborhood Association, thus they reflect the concerns of the neighborhood property owners.

Upon Ms. Hanzlik's review of the proposal, Mr. Gales called for questions from Planning Commissioners.

Mr. Haugh asked about the wording of the fence portion of the regulations. Mr. Fiander stated that the verbiage will be reviewed to assure clarity.

Mr. Gales inquired regarding document's dealing with the styles of homes that are allowed to be built in the district and what someone's options might be if they wanted to build a different style of home. Mr. Fiander stated that additional detail may need to be added. Ms. Hanzlik stated that she had worked closely with neighborhood property owners to design the guidelines, and it was quite important to them that the neighborhood maintain the historic period goal.

Mark Galbraith of 1230 College, president of the Elmhurst Neighborhood Association (NA), came forward to speak as representative for the NA. He stated that the NA is grateful to City Council for making the NCD option available to Elmhurst and other older, historic neighborhoods in Topeka because they feel there is value in the historic character of some of our older neighborhoods. The NCD gives neighborhoods a tool to help preserve that historic character.

Mr. Galbraith relayed some of the history of the neighborhood, stating it was developed in 1909 (the first year houses were made available) and though they're a fairly small neighborhood of around 400 homes, there is a wide variety of architectural styles. He stated there are a number of vacant properties and the neighborhood is somewhat concerned about the style of homes that might be built that could negatively impact the historic character of the neighborhood.

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Mr. Galbraith shared that the NA has been working on the NCD plan for approximately two years. They got a lot of public input from the two neighborhood meetings required for NCD status, and they believe they were able to incorporate almost all the recommendations that came out of the meetings, making it a much better plan because of the process.

Ms. Ringler asked if there were any major items that came out of the neighborhood meetings that the neighborhood was unable to come to a compromise on. Mr. Galbraith stated he couldn't think of anything. He said there was a lot of discussion about metal accessory buildings. The plan originally called for none, but the compromise was that they would be allowed if they couldn't be seen from the street.

Mr. Gales thanked Mr. Galbraith for the work that the Neighborhood has done on the plan.

Mr. Fiander stated that staff would appreciate any comments the Commissioners may offer, as staff will work on clarifications or revisions the Commission feels necessary.

Mr. Haugh asked who would be responsible for the review and compliance with the NCD guidelines. Mr. Fiander stated it would be the responsibility of Planning Staff, and the BZA would be the ultimate arbiter of any disagreements.

Ms. Jordan stated it's exciting to her that the neighborhood is willing to go to these lengths to initiate this to protect their neighborhood. She added that she feels neighborhoods are the strength of our city and it fits well with the new land use planning.

Mr. Gales asked why there was nothing in the NCD plan addressing sidewalks or driveways.

Ms. Hanzlik explained that the neighborhood was content with the current standards and didn't feel they needed to be more restrictive.

Motion by Mr. Woods to initiate the application for the Elmhurst NCD. Second by Ms. Ringler. Mr. Fiander pointed out that a vote for the initiation does not mean commissioners are in favor of the NCD. Mr. Gales encouraged the NA to remain sensitive to what options there might be for design and not be too explicit in the statement of design. **APPROVAL (9-0-0)**

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**NCD16/01 Elmhurst Neighborhood Conservation District (NCD)** requesting to amend the District Zoning Classification from “R-2” Single Family Dwelling District, “HL-R2” Historic Landmark Single Family Dwelling District and “M-1” Multi-Family Dwelling District **TO** “R-2/NCD-2,” “HL-R2/NCD-2,” and “M-1/NCD-2,” adding the Elmhurst Neighborhood Conservation District Overlay to the existing base zoning, for residential properties between SW 10<sup>th</sup> Ave to the north, SW Washburn Ave to the east, SW Huntoon St to the south, and SW Boswell Ave to the west. **(Warner)**

Mr. Warner informed the Commission that Ms. Hanzlik would be presenting the item, which was initiated at the March, 2016 Planning Commission Meeting.

Ms. Hanzlik reviewed the item, pointing out that there had been some minor changes since the Commissioners had last seen it. She concluded by stating that staff recommends approval.

Mr. Gales called for questions, and Mr. Haugh asked if metal storage sheds would be banned as metal garages/carports are. Ms. Hanzlik stated that they would be banned unless they were not visible from the public street. They would be permitted if located in back of the house and screened by a fence or other screening materials.

Mr. Haugh asked if the same applied to plastic storage sheds, and Ms. Hanzlik stated that the neighborhood had not brought these up as a concern.

Mr. Gales asked for confirmation that front yard fences in place at the time of the plan’s approval would be “grandfathered” in and allowed to remain. He received confirmation of this, and also confirmation that, while ordinary maintenance/upkeep of the fences would be allowed, material modification/location changes would be subject to the new regulations.

Mr. Mark Galbraith, 1230 College Avenue, president of Elmhurst Neighborhood Association (NA), came forward representing the Neighborhood Association. He thanked the Planning Commission for allowing them to be here and began with a brief history of the neighborhood, which celebrated its 100<sup>th</sup> anniversary about 6 years ago. Items that made the neighborhood distinct in its early days included cement sidewalks throughout, streetcar lines serving the homes, new gas mains and high pressure water, universal telephone service throughout the neighborhood, and its proximity to Washburn University.

Mr. Galbraith stated that Mr. Burge, the founder of the neighborhood, brought many distinguishing factors from the Arts & Crafts movement in Great Britain, including the common themes of originality, simplicity, use of local materials, and craftsmanship throughout the building process.

Mr. Galbraith spoke to his belief that the City did a good thing in allowing for Neighborhood Conservation Districts, stating that it shows that the City recognizes there is value in the historic character of many of Topeka’s older neighborhoods.

Mr. Galbraith briefly reviewed the process the Elmhurst NA has gone through in developing their proposed NCD plan, stating that they’ve had a great deal of neighborhood involvement. He feels the NA has been very responsive to concerns that have been expressed throughout the process, and stated he believes the NA has incorporated most all of the recommendations received into the plan in its present state.

Mr. Galbraith stated that he would be happy to answer questions, and Mr. Kannarr asked him if he could think of any suggestions from neighborhood residents that were not adopted into the plan. Mr. Galbraith stated that the only one he could think of was one from a neighbor who suggested they not go forward with the plan at all. He looked to Ms. Hanzlik, who also stated that the only one that stood out to her was the one to hold off pursuing the NCD.

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Topeka Planning Commission**

**Monday, May 16, 2016**

Mr. Gales declared the **public hearing open** and invited people to come forward to speak.

Mr. Lonnie Nessler, 1156 Boswell, came forward to speak against the plan. He stated concerns about adding rules, about not being able to put up a fence in his front yard, and not being able to put up a metal storage shed because they're cheaper than wood sheds. He added that he has been to all the Neighborhood Meetings and has been consistently unsupportive of Elmhurst being an NCD.

Mr. Gales asked Ms. Hanzlik for clarification regarding metal sheds, and Ms. Hanzlik stated that they are allowed as long as they are placed in back of the house and not visible from the street.

Mr. Phil Johnson, 1156 SW Mulvane, came forward to speak in support of the plan. He stated that the Elmhurst neighborhood has done an amazing job throughout the process and has listened to and taken into account all opinions.

Mr. Mark Gibbs, 1816 SW 11<sup>th</sup>, came forward to speak against the plan, stating that he believes there are enough ordinances in place without adding the NCD rules. He specifically has concerns that he wouldn't be able to build a garage that he's been considering.

Ms. Ringler had to leave due to a scheduling conflict, but before going she stated that she is in support of approving the NCD.

With nobody else coming forward to speak, Mr. Gales declared the **public hearing closed**.

Mr. Armstrong asked for clarification about rules regarding garages. Mr. Warner stated that the NCD does not address how the garage can be accessed (from the street vs. from the alley), only that it must be placed behind the house.

Mr. Gales asked how much leeway one might have regarding design of a new home. Mr. Warner confirmed that it must include some design elements that are prevalent in the neighborhood.

**Motion to approve the NCD by Ms. Jordan, second by Mr. Armstrong. APPROVED (5-0-1 with Mr. Beck abstaining)**