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City Council Agenda

**City Council Chambers
214 SE 8th Street
Topeka, Kansas 66603**

December 10, 2013

6:00 PM

Mayor: Larry E. Wolgast

Councilmembers

Karen A. Hiller	District No. 1	Chad Manspeaker	District No. 6
John Campos II	District No. 2	Elaine Schwartz	District No. 7
Sylvia E. Ortiz	District No. 3	Nathan Schmidt	District No. 8
Denise Everhart	District No. 4	Richard Harmon	District No. 9
Michelle De La Isla	District No. 5		

City Manager: Jim Colson

Addressing the Council: No person shall address the Council during a Council Meeting, unless they have notified the City Clerk 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.

Citizens wishing to offer Public Comment may sign up by phoning the City Clerk's office at 368-3940.

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.

☐ Back ☐ Print

INVOCATION:

PLEDGE OF ALLEGIANCE:

1. PROCLAMATIONS:

"None scheduled at this time."

2. PRESENTATIONS:

"Troy Scroggins: YWCA Girls on the Run"

"2013 Project Update (Streets and Infrastructure)"

"2014 Capital Improvement Program and Budget Review"

3. ROLL CALL:

4. CONSENT AGENDA:

A. Board Appointment - Metropolitan Topeka Airport Authority

☐
[ATTACHMENTS](#)

BOARD APPOINTMENT recommending the appointment of Joseph Wrona to the Metropolitan Topeka Airport Authority for a term ending November 30, 2016.
(Council District No. 9)

B. MINUTES of the regular meeting of December 3, 2013

C. APPLICATIONS:

5. PUBLIC HEARINGS:

A. Public Hearing and Appropriation Ordinance - 2013 Budget Amendment

☐
[ATTACHMENTS](#)

A PUBLIC HEARING for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds, amending the 2013 City of Topeka Operating Budget.

AN APPROPRIATION ORDINANCE introduced by City Manager Jim Colson, approving and adopting certain amendments to the operating budget for the City of Topeka for the year 2013, and appropriating the amounts for the purpose as set forth therein. Final Reading.

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval would increase the 2013 Adopted Budget by \$910,000 in additional expenditures to be funded by current revenue or fund balances.)

6. UNFINISHED BUSINESS:

A. Ordinance - 2014 Downtown Business Improvement District Service Fee

☐
[ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Jim Colson, amending City of Topeka Code Section 3.40.030, establishing a service fee levy for 2014 relating

to the Capital City Downtown Business Improvement District and specifically repealing said original section. Final Reading.

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval would authorize the continued imposition of business improvement service fees on businesses located within the Capital City Downtown Business Improvement District. No fee increase has been proposed for 2014.)

B. Ordinance - Special Street Sales Tax/Capital Improvement Fund

☐ [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Jim Colson, designating the Special Street Sales Tax Fund (Fund 292) as a multi-year capital improvement fund pursuant to K.S.A. 12-1,118 and amendments thereto. Final Reading.

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval will designate the half-cent sales tax fund as a multi-year capital improvement fund which will allow the City a broader spectrum of investment opportunities which may generate a better return on the fund proceeds.)

7. NEW BUSINESS:

A. Project Budget and Resolution - Zoo Perimeter Fence Project No. T-301031.01 Phase 2

☐ [ATTACHMENTS](#)

A PROJECT BUDGET in the amount of \$141,179 and **A RESOLUTION** introduced by City Manager Jim Colson, authorizing Improvement Project No. T-301031.01 which provides for Phase 2 of the zoo perimeter fence as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka.

(Approval would authorize completion of construction of a perimeter fence as required by the U.S. Department of Agriculture - Animal and Plant Health Inspection Service.)

B. Applications - Retail Cereal Malt Beverage and Scrap Metal Dealers License

APPROVAL of Retail Cereal Malt Beverage and Scrap Metal Dealers License Applications.

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Retail Cereal Malt Beverage License applications and Scrap Metal Dealer applications must be approved by the governing body prior to issuance of the licenses.)

8. ZONING:

A. Resolution - Dillon House LLC (CU13/5)

☐ [ATTACHMENTS](#)

A RESOLUTION introduced by City Manager Jim Colson, in accordance with Section 18.130.030(c) of the Topeka Municipal Code, approving a Conditional Use Permit to allow for a Reception, Conference, and Assembly Facility and Food Service Facility on property zoned "O&I-2" Office and Institutional District and located at 404 SW 9th Street in the City of Topeka, Kansas. (CU13/5)
(Council District No. 1)

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval would allow the historic Dillon House to be used for publicly and privately arranged receptions, conferences and meetings with food and beverage service.)

B. Ordinance - Topeka Planning Commission (HL07/03A)

☐ [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Jim Colson, removing the "HL" Historic Landmark zoning overlay on property presently zoned "M-1/HL" Two-Family Dwelling District and Historic Landmark, located at 1600 SW Harrison Street in the City of Topeka, Kansas, pursuant to City of Topeka Code Section 18.255. Final Reading. (HL07/03A) (Council District No. 1)

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval would remove historic landmark overlay zoning to the property located at 1600 SW Harrison Street.)

9. FIRST READINGS:

A. Ordinance - David H. Stevens; Robert J. Stevens; and MLW LLC (PUD13/2)



[ATTACHMENTS](#)

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 providing for certain changes in zoning on property located at 1700 SW Buchanan and 1113-1115 SW 17th Street from "'M-1" Two-Family Dwelling District TO "PUD" Planned Unit Development District ("C-1" Commercial uses with residential occupancy, "O&I-2" Office and Institutional District, "M-1" Two-Family Dwelling District on 1700 SW Buchanan and 1113-1115 SW 17th Street and a vehicle surface parking lot as a principal use on 1113-1115 SW 17th Street. First Reading. (PUD13/2) (Council District No. 3)

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval would allow the properties at 1700 SW Buchanan and 1113-1115 SW 17th Street to develop for mixed use development including C-1 commercial uses with residential occupancy, offices, duplexes, or off-street parking.)

B. Ordinance - Shunga Multipurpose Trail Extension Project No. 30127-12



[ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Jim Colson, amending and authorizing the project budget for Improvement Project No. 30127-12, which provides for the design and construction to extend the existing Shunga Multipurpose Trail, as more specifically described herein and repealing City of Topeka Ordinance No. 18721. First Reading. (Council District Nos. 7 and 8)

(Approval would authorize the extension of the Shunga Multipurpose Trail near SW Fairlawn Road and SW 29th Street. The City's portion of the project funding is \$105,000 of General Obligation Bonds, \$970,000 of Kansas Department of Transportation Enhancement Grant funds, and \$225,000 of Shawnee County Parks and Recreation Department funds for a total project budget of \$1,300,000. This project is included in the 2003 and 2005 Capital Improvement Budget.)

C. Ordinance - Laird Noller Ford/ U.S.D. 501 (PUD13/3)



[ATTACHMENTS](#)

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 providing for certain changes in zoning on property located in the southwest quadrant of SW 21st Street and SW Topeka Boulevard from "C-4" Commercial District and "M-1" Two-Family Dwelling District ALL TO "PUD" Planned Unit Development District ("C-4" Commercial and "C-3" Commercial use groups). First Reading. (PUD13/3) (Council District No. 3)

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval would allow expansion of car sales facilities for Laird-Noller Ford vehicle dealership.)

D. Ordinance - Historic North Topeka East Neighborhood Plan (CPA13/2)

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Jim Colson, pertaining to an amendment to the text and map of the Topeka Comprehensive Plan for the Historic North Topeka Neighborhood Plan. First Reading. (CPA13/2)

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval adopts the Historic North Topeka East Neighborhood Plan as an element of the City's Comprehensive Plan and recommends SORT target area improvements.)

10. MISCELLANEOUS:

-

11. PRESENTATIONS BY THE CITY MANAGER, MAYOR AND MEMBERS OF THE COUNCIL:

-

12. PUBLIC COMMENT:

-

13. ADJOURNMENT:

-



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 21, 2013

☐ Back ☐ Print

DATE:	December 10, 2013	
CONTACT PERSON:		DOCUMENT #:
SECOND PARTY/SUBJECT:		PROJECT #:
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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214 SE 8th Street
Topeka, Kansas 66603

October 21, 2013

☐ Back ☐ Print

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ATTACHMENTS:

No Attachments Available



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October 21, 2013

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CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

"None scheduled at this time."

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

"Troy Scroggins: YWCA Girls on the Run"
"2013 Project Update (Streets and Infrastructure)"
"2014 Capital Improvement Program and Budget Review"

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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CIP PROJECT:	No	
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		PAGE #:

DOCUMENT DESCRIPTION:

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STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 18, 2013

☐ Back ☐ Print

DATE: December 10, 2013
CONTACT PERSON: Mayor Larry Wolgast **DOCUMENT #:**
SECOND PARTY/SUBJECT: Metropolitan Topeka **PROJECT #:**
Airport Authority
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of Joseph Wrona to the Metropolitan Topeka Airport Authority for a term ending November 30, 2016. (Council District No. 9)

POLICY ISSUE:

The Metropolitan Topeka Airport Authority has the responsibility for development, improvement, operation and maintenance of public airport facilities in the city of Topeka and Shawnee County.

STAFF RECOMMENDATION:

Mayor Wolgast is recommending the appointment of Joseph Wrona for a three-year term ending November 30, 2016. This would be Mr. Wrona's first term.

BACKGROUND:

This is a five member statutory board created by K.S.A. 27-327, et seq., wherein the Mayor recommends and the Council has final approval. Three members shall be registered voters and city residents who are appointed by the mayor with the approval of the City Council. Two members shall be Shawnee County residents residing out of the Topeka city limits and appointed by the County Commission. All appointees will serve three-year terms and not serve more than three consecutive terms.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not applicable

ATTACHMENTS:

[JWrona_application_MTAA](#)

Item #6



CITY OF TOPEKA

Application for Appointment to a Board or Commission

You are seeking an appointment to a public board. Your appointment is subject to approval by the Mayor and City Council and is governed by certain city ordinances and in some instances, state statutes. The information provided in this application will be used to determine if you meet the requirements required by city ordinances and other applicable laws. Please note that the information provided on this application will be subject to the Kansas Open Records Act.

Please state your name:

Joseph Walter Wrona _____
FIRST MIDDLE LAST SUFFIX

State the name of the board or commission to which you are seeking appointment:

Metropolitan Topeka Airport Authority

Are you a resident of the City of Topeka: ☒ YES ☐ NO

Please provide your HOME ADDRESS: (necessary for residency requirement)

439 SW Westchester Topeka KS 66606
STREET CITY STATE ZIP CODE
n/a 616 585 0802 785 861 1831
HOME PHONE CELL PHONE BUSINESS PHONE
joseph.wrona@effem.com
E-MAIL

Are you a registered voter: ☒ YES ☐ NO

Are you currently a full or part-time employee of the City of Topeka? ☐ YES ☒ NO

If yes, please advise in which department you work.

Are you or any immediate family member related to any city governmental official or employee?

☐ YES ☒ NO If yes, please advise who and how you are related.

If you are employed please provide the name and address of your employer.

Mars Chocolate North America 100 Mars Blvd., Topeka, KS 66619

Are you or have you been a party to any civil litigation involving the City of Topeka? ☐ YES ☒ NO

If yes, please explain:

Are you delinquent in payment of any taxes, fees, fines or special assessments owed to the State of Kansas, Shawnee County or the City of Topeka? ☐ YES ☒ NO If yes, please explain:

Please state why you are interested in serving on this board or commission:

As a new Topekan, I am committed to the continued success of the city in all areas. The airport authority is in a position to support Topeka's growth aspirations.

Please describe your education, experience and expertise including any honors or awards, civic, cultural, charitable or professional organization memberships that relate to the position you are seeking. (You may provide this as an attachment or use the back of this form.)

*BS - DePaul University; MBA - University of Chicago
Kansas Labor Workforce Investment Board Member
Advisory Committee Member, STEM Topeka 501 School District
Topeka Chamber of Commerce Member*

Complete ONLY if you are applying for one of these boards: Building and Fire Appeals; Board of Electrical Appeals, Board of Plumbing Appeals, Board of Mechanical Appeals; Sustainability; Planning Commission

List any professional licenses you hold in Kansas and advise if they are current. (We reserve the right to request a copy of your license prior to approval of your appointment.)

I understand that the information I have provided may be used to determine my suitability to perform the duties required by the position I seek.

By checking this box, I declare under penalty of perjury that I am the person named above, and the information I have provided is true and correct. ☒

Please print your name and then sign below:

Print name: *Joseph W. Wrona*

Signed by: *Joseph W. Wrona* Date: *10-26-13*

Electronic Signature: ☐ You may submit your signature electronically by checking this box.

Submission instructions: Email your completed form with attachments to Vicki Buening at vbuening@topeka.org or mail to Office of the Mayor, City Hall, 215 SE 7th St., Suite 350 Topeka, KS 66603-3914. For questions, call the Mayor's Office 785-368-3895.

The Mayor and City Council are seeking diversity among appointees. We have provided an optional voluntary self-identification form should you choose to provide that information with your application. (See page 3)
Thank you.

VOLUNTARY SELF IDENTIFICATION

Name: Joseph W. Wrona

Race and ethnic designations as used by the Equal Employment Opportunity Commission do not denote scientific definitions of anthropological origins. Definitions of the race and ethnicity categories are as follows:

Put an **X** in the appropriate box.

☐

Hispanic or Latino - A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.

☒

White (Not Hispanic or Latino) - A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

☐

Black or African American (Not Hispanic or Latino) - A person having origins in any of the black racial groups of Africa.

☐

Native Hawaiian or Other Pacific Islander (Not Hispanic or Latino) - A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

☐

Asian (Not Hispanic or Latino) - A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

☐

American Indian or Alaska Native (Not Hispanic or Latino) - A person having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.

☐

Two or More Races (Not Hispanic or Latino) - All persons who identify with more than one of the above six races.



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 25, 2013

☐ Back ☐ Print

DATE:	December 10, 2013	
CONTACT PERSON:		DOCUMENT #:
SECOND PARTY/SUBJECT:		PROJECT #:
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 25, 2013

☐ Back ☐ Print

DATE:	December 10, 2013	
CONTACT PERSON:		DOCUMENT #:
SECOND PARTY/SUBJECT:		PROJECT #:
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 27, 2013

☐ Back ☐ Print

DATE: December 10, 2013
CONTACT PERSON: Pam Simecka **DOCUMENT #:**
SECOND PARTY/SUBJECT: Budget Amendment **PROJECT #:**
Ordinance
CATEGORY/SUBCATEGORY 004 Budgets or Appropriations / 001 Operating Budget - City
CIP PROJECT: No
ACTION OF COUNCIL: First Reading 12-03-13 **JOURNAL #:** 13
PAGE #:

DOCUMENT DESCRIPTION:

A PUBLIC HEARING for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds, amending the 2013 City of Topeka Operating Budget.

AN APPROPRIATION ORDINANCE introduced by City Manager Jim Colson, approving and adopting certain amendments to the operating budget for the City of Topeka for the year 2013, and appropriating the amounts for the purpose as set forth therein. Final Reading.

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval would increase the 2013 Adopted Budget by \$910,000 in additional expenditures to be funded by current revenue or fund balances.)

POLICY ISSUE:

Cities are authorized by K.S.A. 79-2929a to amend budgets to spend money not in the original budget. The additional expenditures cannot be financed by additional tax levy.

The policy question is whether to increase the total expenditures of the 2013 Adopted Budget.

These actions would benefit the city and/or residents:

1. Fees for holiday decorations are taken out of increased BID revenue funds rather than out of the general fund as in previous years.
2. The Employee Separation Benefit Fund is a pro-active action to help fund the expected peak of retirement/layoff costs over the next few years.
3. The KP&F Equalization Fund is projected to have higher than anticipated retirements; therefore, Item #9

increase in budget would help this fund not go over budget.

4. Fees for Community Improvement District were collected via sales tax in the district. This is simply creating a fund to pass the collections on to the developer as agreed upon.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

The Downtown Business Improvement District with a change in their rates this year generated more revenue than originally budgeted; therefore, an additional \$30,000 is being requested. The Downtown Business Improvement District would like to request additional budget authority to allow the BID to pay for the putting up of the Christmas lights downtown instead of taking it from General Fund.

Employee Separation Benefit Fund is the fund that was established as a result of the Council approving the sale of GO Bonds to supplement the payment of final costs for retiring and laid-off employees. This is a new fund. An amendment of \$600,000 in new budget authority is being requested that was not originally budgeted.

KP&F Equalization Fund is the fund established to pay the penalty for police officers and firefighters who retire and their final payout exceeds 15% of their average salary. This fund already has expenditures of \$166,613 and staff feels there will be more retirements that would cause the City to pay this penalty; therefore, an additional \$200,000 is being requested to pay the penalty for expected retirements for the balance of 2013.

Community Improvement District Fund was established as a result of Council approving Holliday Square for this program. The developer has submitted and the City has certified expenditures totaling \$1,612,007.91. The budgeted authority will allow the City to reimburse the Developer their costs through the additional sales tax received from this district. Since the Holliday Square District is new, the City did not budget the expenditures to reimburse the developer for 2013. The request of \$80,000 is to allow the City to pay reimbursements to the Developer during the 2013 from the sales taxes received by the City.

Scheduled Interfund Transfers anticipated by the FY2013 budget. The Council approved an additional one-cent levy of Transient Guest Tax to support the Sunflower Soccer Development. TGT funds collected will be used to pay special assessment bonds issued by the City for the project. The City anticipates collecting \$260,000 in TGT proceeds and are requesting to transfer those funds to the General Bond and Interest Fund to be used to offset the debt service costs for the project. The City will only transfer an amount permitted by the original FY2013 spending authority as outlined in City ordinance.

BUDGETARY IMPACT:

All of these amendments would increase the authorized 2013 budget. The 2013 revenue would be used for the new expenditures or the fund balance would be used.

Downtown Business Improvement District Fund: \$30,000

Employee Separation Fund: \$600,000

KP&F Equalization Fund: \$200,000

Community Improvement District Fund: \$80,000

General Bond and Interest Fund Transfer: \$260,000

SOURCE OF FUNDING:

Downtown Business Improvement District - Additional revenue received in 2013.

Employee Separation Benefit Fund - Additional bonding revenue received in 2013.

KP&F Equalization Fund - Fund balance will be used.

Community Improvement District - New revenue received in 2013.

ATTACHMENTS:

[Public Hearing Notice](#)

[Budget Amendment Summary and Fund Sheets](#)

[Ordinance](#)

NOTICE OF BUDGET HEARING AMENDING THE 2013 BUDGET

The governing body of the CITY OF TOPEKA, KANSAS will meet on the **10th day of December, 2013** at 6:00 pm, at the CITY COUNCIL CHAMBERS at 214 E. Eighth Street, for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds.

Detailed budget information is available at OFFICE OF FINANCE, CITY HALL and will be available at this hearing.

The amendments would increase the expenditure limit for the Downtown Improvement District, Employee Separation Fund, KP&F Equalization Fund, and Community Improvement District. Total increase to 2013 budget expenditure is \$910,000.

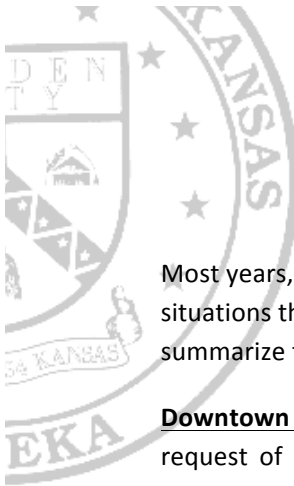
Fund	Adopted Budget 2013			Proposed Amendment 2013
	Actual Tax Rate	Amount of Ad Valorem Tax	Expenditures	Expenditures
Downtown Improvement District (216)			\$ 166,217	\$ 196,217
Employee Separation Fund (284)	--	\$ -	\$ -	\$ 600,000
KP&F Equalization Fund (287)			\$ 200,000	\$ 400,000
Community Improvement District (294)			\$ -	\$ 80,000

By Order of the governing Body:

Brenda Younger

City Clerk





Budget Amendments for 2013 Operating Budget

Most years, the City—like many other communities in Kansas—amends its operating budget to address situations that would potentially push actual expenditures above budgeted authority. The paragraphs below summarize the amendments proposed for the FY13 Adopted Budget.

Downtown Business Improvement District (216) – This is a fund supported solely by fees imposed at the request of businesses in the central business district at the request of those businesses. We request an additional \$30,000 in budget authority funded from the additional revenue generated this year due to changes in fees charged to businesses. This additional expenditure authority would allow the City to use BID funds rather than General funds to pay for the putting up the holiday lights in the downtown area.

Employee Separation Fund (284) – This is a new fund the City established due to the issuance of taxable bonds this fall due to the expected peak of employee separations over the next few years. This fund is to be used to pay the outstanding balance of vacation, sick leave and compensation time at the time of separation. This fund was not established at the time of the 2013 budget approval and so it has no authorized budget for expenditures. The amendment requests \$600,000 in new budget authority, financed from proceeds of the bonds, and to be used as necessary to cover costs of separation in 2013.

KP&F Equalization Fund (287) – This fund is used to pay the penalty assessed by the KP&F system when a member of a certain cohort of police officers or firefighters retire and their final payout of vacation and sick leave results in an increase in pension payments above KP&F's actuarial estimates. So far this year, the City has already paid \$166,613 to KP&F for this penalty. We request additional budget authority of \$200,000 to pay the penalty for expected retirements for the balance of 2013. This increase is funded by moneys on hand (fund balance). The fund was created in 2004 with proceeds of a bond issue.

Community Improvement District (294) – The Council authorized a CID for the Holliday Square Shopping Center. The CID created an additional 1% sales tax on any sales within the district for 20 years. The developer provided the City with invoices of all the improvements made in the district that comply with state law and our agreement for reimbursement. As the sales tax receipts come in, the City uses the sales tax receipts to reimburse the developer until all the certified costs are paid. Since Holliday Square District is new, the City did not budget the expenditures to reimburse the developer for 2013. The request for \$80,000 is to allow the City pay reimbursements to the Developer during 2013 from the sales taxes received by the City.

Finally, we request an amendment to the scheduled interfund transfers anticipated by the FY13 budget. The Council approved an additional one-cent levy of Transient Guest Tax to support the Sunflower Soccer Development. The TGT moneys collected will be used to make payments on special assessment bonds issued by the City to support the project. We anticipate collecting as much as \$260,000 in TGT proceeds for this purpose in FY13 and desire to transfer those moneys to the General Bond and Interest Fund (Fund 301) to be used to offset debt service costs for the project. We will only transfer an amount permitted by the original FY13 spending authority in this fund.

City of Topeka, Kansas Operating Budget for Fiscal Year 2013

Summary of Resources and Appropriations

Resources and Appropriations	2013 Adopted	2013 Amended	Difference
<u>216 DOWNTOWN IMPROVEMENT DISTRICT</u>			
FUND BALANCE, BEGINNING	\$ 32,957	\$ 32,957	
REVENUE:			
SERVICE ASSESSMENT	161,384	196,217	34,833
	-	-	-
Subtotal Revenue	161,384	196,217	34,833
TOTAL BALANCE AND REVENUE	194,341	229,174	34,833
EXPENDITURES:			
CONTRACTUAL SERVICES	166,217	196,217	30,000
TOTAL EXPENDITURES	166,217	196,217	30,000
RESIDUAL EQUITY TRANSFER	-	-	-
FUND BALANCE, ENDING	\$ 28,124	\$ 32,957	

City of Topeka, Kansas Operating Budget for Fiscal Year 2013

Summary of Resources and Appropriations

Resources and Appropriations	2013 Adopted	2013 Amended	Difference
<u>284 EMPLOYEE SEPARATION BENEFIT</u>			
FUND BALANCE, BEGINNING	\$ -	\$ -	
REVENUE:			
BOND PROCEEDS	-	5,058,353	5,058,353
	-	-	-
Subtotal Revenue	-	5,058,353	5,058,353
TOTAL BALANCE AND REVENUE	-	5,058,353	5,058,353
EXPENDITURES:			
PERSONNEL SERVICES	0	600,000	600,000
TOTAL EXPENDITURES	-	600,000	600,000
RESIDUAL EQUITY TRANSFER	-	-	-
FUND BALANCE, ENDING	\$ -	\$ 4,458,353	

City of Topeka, Kansas Operating Budget for Fiscal Year 2013

Summary of Resources and Appropriations

Resources and Appropriations	2013 Adopted	2013 Amended	Difference
<u>287 KP&F Fund</u>			
FUND BALANCE, BEGINNING	\$ 1,250,599	\$ 1,250,599	
REVENUE:			
BOND PROCEEDS	-	-	-
	-	-	-
Subtotal Revenue	-	-	-
TOTAL BALANCE AND REVENUE	1,250,599	1,250,599	-
EXPENDITURES:			
PERSONNEL SERVICES	200,000	400,000	200,000
TOTAL EXPENDITURES	200,000	400,000	200,000
RESIDUAL EQUITY TRANSFER	-	-	-
FUND BALANCE, ENDING	\$ 1,050,599	\$ 850,599	

City of Topeka, Kansas Operating Budget for Fiscal Year 2013

Summary of Resources and Appropriations

Resources and Appropriations	2013 Adopted	2013 Amended	Difference
<u>294 CID</u>			
FUND BALANCE, BEGINNING	\$ -	\$ -	
REVENUE:			
CID SALES TAX	-	80,000	80,000
	-	-	-
Subtotal Revenue	-	80,000	80,000
TOTAL BALANCE AND REVENUE	-	80,000	80,000
EXPENDITURES:			
PERSONNEL SERVICES	0	80,000	80,000
TOTAL EXPENDITURES	-	80,000	80,000
RESIDUAL EQUITY TRANSFER	-	-	-
FUND BALANCE, ENDING	\$ -	\$ -	

City of Topeka

2013

Schedule of Transfers

Expenditure Fund Transferred From:	Receipt Fund Transferred To:	Actual Amount for 2011	Current Amount for 2012	Proposed Amount for 2013	Transfers Authorized by Statute
Transient Guest Tax	Historic Asset Tourism	94,248	114,354	115,000	12-1697
Transient Guest Tax	Capital Project	200,000	200,000	200,000	12-1118
Transient Guest Tax	General	200,000	175,000	200,000	12-1697
NEW: Transient Guest Tax	General Bond & Interest	-	-	260,000	12-1697
	Totals	494,248	489,354	515,000	
	Adjustments			260,000	
	Adjusted Totals	494,248	489,354	775,000	

1 (Published in the Topeka Metro News _____.)

2
3 ORDINANCE NO. _____

4
5 AN APPROPRIATION ORDINANCE introduced by Jim Colson, City Manager, approving
6 and adopting certain amendments to the operating
7 budget for the City of Topeka, for the year 2013, and
8 appropriating the amounts for the purpose as set
9 forth therein.

10
11 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

12
13 Section 1. *Amendments to the Budget incorporated by reference as a part of this*
14 *Ordinance.* The amendments to the operating budget for the City of Topeka, Kansas, for
15 the year 2013 as set forth in a document in the format prescribed by the Director of
16 Accounts and Reports of the Kansas Department of Administration, as required by law,
17 which has been published in a summary format together with a notice of public hearing, is
18 hereby incorporated by reference as a part of this Ordinance with the same force and
19 effect as if it were set forth herein in its entirety.

20 Section 2. *Addition of Authorized Transfer.* The Schedule of Transfers related to
21 the operating budget for the City of Topeka, Kansas, for the year 2013, as amended, is
22 hereby incorporated by reference as a part of this Ordinance with the same force and
23 effect as it if were set forth herein in its entirety. The Governing Body hereby approves and
24 authorizes a transfer from the Transient Guest Tax Fund to the General Bond and Interest
25 Fund of those moneys collected in support of debt service on the Sunflower Soccer facility,
26 subject to the limits of the budget authority previously adopted for the Transient Guest Tax
27 fund for the year 2013.

28 Section 3. *Amendments to the Budget approved and adopted.* The amendments
29 to the operating budget as described and incorporated by reference in Sections 1 and 2

above are hereby approved and adopted as amendments to the operating budget for the year 2013.

Section 4. *Funds appropriated by budget.* The amendments to the budget as approved and adopted herein shall constitute and shall be declared to be appropriations for the funds and departments as set forth therein, and the appropriations thus made shall not be used for any other purpose. No money in any fund or fund type shall be used to pay for any indebtedness created in excess of the amount appropriated for such fund or fund type, or for the departments of such fund or fund type as referred to in the operating budget. The appropriations made herein are for the year 2013 and no expenditures shall be incurred as being authorized by such appropriations prior to January 1, 2013 or subsequent to December 31, 2013.

Section 5. *Budget amendments.* Any further amendment to the operating budget must be approved by the Governing Body and enacted in accordance with the provisions of K.S.A. § 79-2929a.

Section 6. *As used in this ordinance "fund" is defined as follows:*

Fund. A fiscal and accounting entity with a self balancing set of accounts in which cash and other financial resources, all related liabilities and residual equities, or balances, and changes therein are recorded and segregated to carry on specific activities or attain certain objectives in accordance with special regulations, restrictions, or limitations.

Section 7. *The following fund types are authorized:*

Governmental (or statutory) Fund Type: including General Fund, Special Revenue Funds, Debt Service Funds, and Capital Projects Funds; Proprietary Fund Type: including Enterprise Funds and Internal Service Funds (fixed or flexible); and, Fiduciary Fund Type:

53 including Trust and Agency Funds. This Ordinance applies to all funds as listed on the
54 budget certificate and fund summary adopted and submitted to the county and state.

55 Section 8. This Ordinance shall take effect and be in force from and after its
56 passage, approval and publication in the official city newspaper.

57 PASSED and APPROVED by the Governing Body on _____.

58 CITY OF TOPEKA, KANSAS
59
60
61
62

63 _____
Larry E. Wolgast, Mayor

64 ATTEST:
65
66
67
68

69 _____
Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 22, 2013

☐ Back ☐ Print

DATE: December 10, 2013
CONTACT PERSON: Mary Feighny, Deputy City Attorney **DOCUMENT #:**
SECOND PARTY/SUBJECT: Downtown Business Improvement District **PROJECT #:**
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 002 Administration
CIP PROJECT: No
ACTION OF COUNCIL: First Reading 12-03-13 **JOURNAL #:** 13
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Jim Colson, amending City of Topeka Code Section 3.40.030, establishing a service fee levy for 2014 relating to the Capital City Downtown Business Improvement District and specifically repealing said original section. Final Reading.

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval would authorize the continued imposition of business improvement service fees on businesses located within the Capital City Downtown Business Improvement District. No fee increase has been proposed for 2014.)

POLICY ISSUE:

Approval would impose a business improvement service fee used to provide a variety of services to downtown businesses: landscaping and lighting between 4th and 10th Streets on S. Kansas Avenue, maintenance of improvements in City right-of-way in the district, programs to enhance downtown and promote economic development downtown.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

State law authorizes the imposition of service fees on businesses located within a business improvement district created by a City. Topeka has established such a district downtown. The fees are assessed based upon the square footage of the business. Up to 999 square feet, the fee is \$60, over 1000 square feet the rate is .0605 per square foot, with a cap of \$13,000.

Page # 10

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

[Ordinance](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Jim Colson, amending City of Topeka Code § 3.40.030 establishing a service fee levy for 2014 relating to the Capital City Downtown Business Improvement District and specifically repealing said original section.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. That section 3.40.030, Method of raising revenue, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Method of raising revenue.

(a) The method to be used to raise the funds necessary for the district shall be the levy of service fees upon all businesses located within the district, as defined by K.S.A. 12-1782(b), based on the number of square feet of floor area occupied by each business within the district. For the purposes of this chapter, the operation of multifamily residential property and the operation of structured parking facilities shall not be considered to be a business.

(b) The service fees assessed shall be as follows:

Number of square feet	Rate
0 – 999	\$60.00
1,000 plus	\$0.0605 per square foot

However, the maximum service fee per business shall be \$13,000 regardless of the number of square feet.

(c) For the purposes of this chapter, the number of square feet of floor area occupied shall be determined as the total area designated for the exclusive use by the

owner or tenants expressed in square feet and measured from the centerline of joint partitions and from outside wall faces. In the case of leased property, square feet of floor area occupied is considered that area for which tenants pay rent. In no event shall square feet of floor area occupied include public toilets, corridors, stairwells, elevators, mechanical equipment rooms, lobbies, mall areas, or hotel sleeping rooms. Further, in no event shall square feet of floor area occupied include area which is unusable, is not occupied due to applicable city codes, or is not in active use by a tenant. In the case of a building occupied by a single business, the gross floor area may be reduced by subtracting the actual measured square footage of excluded areas as defined in this section or by subtracting 15 percent of the gross floor area, whichever is greater.

(d) Service fees under this section shall be levied for the year ~~2013~~2014 and shall be due and payable in two semiannual installments. Service fees shall be deemed delinquent if not paid within 30 days of the due date provided for the second semiannual installment.

Section 2. That original § 3.40.030, of The Code of the City of Topeka, Kansas, is hereby specifically repealed.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 4. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 5. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

50 PASSED AND APPROVED by the Governing Body on _____.

51
52 CITY OF TOPEKA, KANSAS

53
54
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57 _____
58 Larry E. Wolgast, Mayor

59 ATTEST:

60
61
62 _____
63 Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 22, 2013

☐ Back ☐ Print

DATE: December 10, 2013
CONTACT PERSON: Jeff White, Interim Finance Director
DOCUMENT #:
SECOND PARTY/SUBJECT: **PROJECT #:**
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 002 Administration
CIP PROJECT: No
ACTION OF COUNCIL: First Reading 12-03-13 **JOURNAL #:** 13
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Jim Colson, designating the Special Street Sales Tax Fund (Fund 292) as a multi-year capital improvement fund pursuant to K.S.A. 12-1,118 and amendments thereto. Final Reading.

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval will designate the half-cent sales tax fund as a multi-year capital improvement fund which will allow the City a broader spectrum of investment opportunities which may generate a better return on the fund proceeds.)

POLICY ISSUE:

Approval would designate the special street sales tax fund as a multi-year capital improvement fund allowing the City a wider spectrum of investment possibilities which would generate increased revenue.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

State law authorizes the governing body to establish a capital improvement fund which funds public improvements pursuant to a multi-year capital improvement plan.

The special street sales tax fund holds the proceeds from the half-cent sales tax that is collected to pay for repairs to existing streets, gutters, curbs, and sidewalks. The current unexpected balance exceeds \$13 million. Designating this fund as a multi-year capital improvement fund will give the City the ability to invest in a wider variety of investment options which is expected to double the expected return.

Item #11

BUDGETARY IMPACT:

If approved, the fund would provide for revenue enhancements for the City.

SOURCE OF FUNDING:

Not applicable

ATTACHMENTS:

[Ordinance](#)

1 (Published in the Topeka Metro News _____)
2

3 ORDINANCE NO. _____
4

5 AN ORDINANCE introduced by City Manager, Jim Colson, designating the Special
6 Street Sales Tax Fund (Fund 292) as a multi-year capital
7 improvement fund pursuant to K.S.A. 12-1,118 and amendments
8 thereto.
9

10 WHEREAS, the City maintains a five-year capital improvements plan setting forth
11 the public improvement and infrastructure needs of the City on a prioritized basis,
12 including projects financed with the City's the 2009 citywide half cent sales tax which
13 proceeds are used exclusively for the costs of maintenance and improvements of
14 existing City streets, curbs, sidewalks, alleys, and street lighting; and

15 WHEREAS, the special street sales tax fund (Fund 292) was created to hold the
16 proceeds of such sales tax; and

17 WHEREAS, K.S.A. 12-1,118 authorizes the governing body to establish by
18 ordinance capital improvement fund for the purpose of funding the public improvements
19 and infrastructure needs of the City; and

20 WHEREAS, it will be beneficial to the City for budget management and
21 investment management purposes to designate the special street sales tax fund (Fund
22 292) as a multi-year capital improvement fund.

23 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
24 TOPEKA, KANSAS, that:

25 Section 1. It hereby designates the Special Street Sales Tax Fund (Fund 292)
26 as a multi-year capital improvement fund within the meaning of K.S.A. 12-1,118 and
27 amendments thereto.

its passage and approval.

PASSED AND APPROVED by the Governing Body on _____.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

February 1, 2013

☐ Back ☐ Print

DATE: December 10, 2013

CONTACT PERSON: Brendan Wiley **DOCUMENT #:**

SECOND PARTY/SUBJECT: Fawn Moser/Zoo Security **PROJECT #:** T-301031-01

CATEGORY/SUBCATEGORY 020 Resolutions / 004 Public Improvements

CIP PROJECT: Yes

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

A PROJECT BUDGET in the amount of \$141,179 and **A RESOLUTION** introduced by City Manager Jim Colson, authorizing Improvement Project No. T-301031.01 which provides for Phase 2 of the zoo perimeter fence as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka.

(Approval would authorize completion of construction of a perimeter fence as required by the U.S. Department of Agriculture - Animal and Plant Health Inspection Service.)

POLICY ISSUE:

U.S. Department of Agriculture - Animal and Plant Health Inspection Service - animal care subpart F-section 3.127 (d) states the facility must be enclosed by a perimeter fence of sufficient height; 8 feet for exhibitors that have potentially dangerous animals. Fence must be constructed so that it protects the animals in the facility by restricting animals and unauthorized persons from going through or under it and having contact with the animals in the facility, and so that it can function as a secondary containment system for the animals in the facility.

STAFF RECOMMENDATION:

Staff recommends the Council move to approve the project budget and resolution.

BACKGROUND:

During 2009 and 2010 the condition of the zoo's perimeter fence was cited by regulatory agencies as being non-compliant multiple times. Phase 1, completed in 2011, replaced over half of the zoo's perimeter fence addressing non-compliant areas that could not be repaired or patched.

This project represents Phase 2 of a two-part project consisting of replacing the perimeter fence around the

Item #12

zoo to meet the regulatory standards set by the USDA and AZA.

The fence will consist of a mow strip and 8-foot black vinyl coated fence fabric topped with three strands of barbed wire. Phase 2 fencing will be constructed in the same manner as fencing in Phase 1. The project would address areas on the north, east and west sides of the zoo that were not replaced during Phase 1. At the southwest corner of the zoo, the fence will move approximately 180 feet to the west. Approximately 1,800 feet of this type of fence will be replaced or added. Phase 2 will also replace the aluminum ornamental fencing around the public entry with a more secure steel product and may allow for video surveillance of the entry zone.

The fence is expected to have a working lifespan greater than 30 years; therefore, staff recommends pushing the fence approximately 180 feet to the west at the southwest corner of the zoo to facilitate future needs.

BUDGETARY IMPACT:

The budget impact for construction is \$141,179 paid through General Obligation Bonds. This project will allow for some savings to the Public Works Facilities Division in both labor and parts relating to the current continuous maintenance of the existing fence.

SOURCE OF FUNDING:

General Obligation Bonds

ATTACHMENTS:

[Resolution](#)

[Zoo Map of Perimeter Fence Project](#)

[Project Budget](#)

[Debt Service Sheet](#)

1 RESOLUTION NO. _____

2
3 A RESOLUTION introduced by Jim Colson, City Manager, authorizing
4 Improvement Project No. T-301031.01, which provides for
5 Phase 2 of the zoo perimeter fence as more specifically
6 described herein, all pursuant to Section A12-1 of the Code of
7 the City of Topeka.
8

9 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS, that it
10 finds the following described public improvement to be necessary and in the public interest
11 and does hereby authorize, pursuant to Section A12-1 of the Code of the City of Topeka,
12 Improvement Project No. T-301031.01 with a project budget summarized herein and fully
13 set forth on the attachment hereto:

14 A. GENERAL NATURE OF IMPROVEMENT:
15

16 Phase 2 of a two part project consisting of replacing the perimeter fence
17 around the zoo to meet the regulatory standards set by the USDA and AZA.
18 The fence will consist of a mow strip and 8 foot black vinyl coated fence
19 fabric topped with three strands of barbed wire. Phase 2 fencing will be
20 constructed in the same manner as fencing in Phase 1. This project will
21 address areas on the North, East and West sides of the zoo. At the
22 Southwest corner of the zoo, the fence will move approximately 180 feet to
23 the West. Approximately 1700 feet of this type of fence will be replaced or
24 added. Phase 2 will also replace the aluminum ornamental fencing around
25 the public entry with a more secure steel product and may allow for video
26 surveillance of the entry zone.
27

28 B. ESTIMATED OR PROBABLE COST:
29

30 \$141,179
31

32 C. APPORTIONMENT OF COSTS:
33

34 General Obligation Bonds or any other lawfully available funds
35

36 D. REIMBURSEMENT OF CAPITAL EXPENDITURES
37

38 The City both reasonably expects and intends to finance the costs of said
39 improvements from the proceeds of general obligation bonds of the City.
40 The City does hereby express its official intent to reimburse any such capital
41 expenditures made or obligations incurred by it on or after the date which is

42 60 days before the date of this Resolution from the proceeds of such bonds
43 in the estimated maximum principal amount of \$141,179. The City will issue
44 such bonds for such purposes and make the reimbursements within
45 eighteen (18) months after the date the expenditure to be reimbursed was
46 paid or, if later, eighteen (18) months after the date on which the property
47 resulting from the expenditure was placed in service. Provided, that, in any
48 event, the City must make the reimbursement allocation within three (3)
49 years after the date the expenditure was paid. This Resolution, as the
50 expression of the governing body's official intent regarding the matters
51 described herein, is available for review on the City's website or in the City
52 Clerk's office at City Hall during regular business hours.
53

54 ADOPTED and APPROVED by the City Council _____.

55 CITY OF TOPEKA, KANSAS
56
57
58

59 _____
60 Larry E. Wolgast, Mayor

61 ATTEST
62
63
64

65 _____
66 Brenda Younger, City Clerk

City of Topeka Zoological Park

SW 6th AVE

SW Blaisdell DR

SW Zoo PKWY

SW Reinisch PKWY

SW Munn Memorial DR

SW Gage BLVD

Legend

— Proposed Zoo Fence

— Current Zoo Fence

2/5/2013

PROJECT BUDGET

Project No. T-301031.01

LOCATION:

Topeka Zoo
635 S.W. Gage Blvd.
Perimeter Security Fence

Contact Person: Brendan Wiley

DESCRIPTION OF PROJECT:

Phase 2 of a two part project consisting of replacing the perimeter fence around the zoo to meet the regulatory standards set by the USDA and AZA. The fence will consist of a mow strip and 8 foot black vinyl coated fence fabric topped with three strands of barbed wire. Phase two fencing will be constructed in the same manner as fencing in phase 1. This project will address areas on the North, East and West sides of the zoo. At the Southwest corner of the zoo, the fence will move approximately 180 feet to the West. Approximately 1700 feet of this type of fence will be replaced or added. Phase 2 will also replace the aluminum ornamental fencing around the public entry with a more secure steel product and may allow for video surveillance of the entry zone.

SOURCE OF FUNDS:

General Obligation Bonds

GO Bonds

COST ESTIMATE:

Construction:	110,857
Design:	8,869
Construction Services Fees:	3,326
Administrative Fees:	2,217
Right-of Way Acquisition:	0
Contingency Amount:	8,868
Interim Interest	7,042

Total: 141,179

PUBLIC HEARING:

PROJECT AUTHORITY:

- a. Statutes: _____
- b. Ord./Res. No.: _____
- c. Improvement District: _____
- d. City at Large: _____
- e. Method of Assessment: _____

PROJECT ENGINEER:

Mark Schreiner, P.E.

PROJECT: T-301031.01 Zoo Perimeter Security Fence

Interest rate	3.25%
Number of Years	20

Cost of Issuance	2.00%
Temp Note interest	1.250%

Principal	\$136,735
Plus Temp Note Interest	\$1,709
Plus Cost of Issuance	\$2,735
Total Project Budget	\$141,179

Annual Debt Service	\$9,710
Annual Debt Service as Percent of Total	6.9%

Total Debt Service (principal and interest)	\$194,203
Difference Project Cost and Total Debt Service	\$53,024

GO Bonded Indebtedness as of May 2012	\$161,130,000
Heartland Park STAR Bonds	\$9,855,000
College Hill TIF	\$5,605,000
2011 Temporary Notes that Finance Future GO	\$15,230,000
Approved, not Included in GO Bond Issue or	\$13,773,365
Approved, not Included in GO Bond Issue or	\$9,882,523
Total Indebtedness	<u>\$215,475,888</u>
Plus Project	<u>\$215,617,067</u>

Revision date:	3/13/2013
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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 21, 2013

☐ Back ☐ Print

DATE: December 10, 2013
CONTACT PERSON: Brenda Younger **DOCUMENT #:**
SECOND PARTY/SUBJECT: Applications **PROJECT #:**
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

APPROVAL of Retail Cereal Malt Beverage and Scrap Metal Dealers License Applications.

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Retail Cereal Malt Beverage License applications and Scrap Metal Dealer applications must be approved by the governing body prior to issuance of the licenses.)

POLICY ISSUE:

Approval helps ensure businesses are in compliance with City regulations.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the license application(s) as presented.

BACKGROUND:

Pursuant to K.S.A. 41-2702 as amended, license applications for retail cereal malt beverage must be approved by the governing body prior to issuance of the license.

Pursuant to TMC 5.170.040 and L.2011, Ch. 86, Section 2, Scrap Metal Dealer applications have to be approved by the governing body prior to issuance of registration.

BUDGETARY IMPACT:

Budgetary impact is based on the number of licenses issued.

SOURCE OF FUNDING:

City Clerk's Operating Budget

ATTACHMENTS:

No Attachments Available

Item #13



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 18, 2013

☐ Back ☐ Print

DATE:	December 10, 2013		
CONTACT PERSON:	Bill Fiander/Bill Hoover	DOCUMENT #:	CU13/5
SECOND PARTY/SUBJECT:	Dillon House LLC	PROJECT #:	N/A
CATEGORY/SUBCATEGORY	020 Resolutions / 001 Special Permits		
CIP PROJECT:	No		
ACTION OF COUNCIL:		JOURNAL #:	
		PAGE #:	

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Jim Colson, in accordance with Section 18.130.030(c) of the Topeka Municipal Code, approving a Conditional Use Permit to allow for a Reception, Conference, and Assembly Facility and Food Service Facility on property zoned "O&I-2" Office and Institutional District and located at 404 SW 9th Street in the City of Topeka, Kansas. (CU13/5) (Council District No. 1)

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval would allow the historic Dillon House to be used for publicly and privately arranged receptions, conferences and meetings with food and beverage service.)

POLICY ISSUE:

The Governing Body has the following options to considered:

- (1) Adopt the recommendation of the Planning Commission by a majority vote (6) of the Governing Body.
- (2) Override the recommendation of the Planning Commission by a two-thirds majority vote (7) of the Governing Body.
- (3) Return the recommendation to the Planning Commission with a statement specifying the basis for the Governing Body's decision to approve or disapprove by a majority vote (6) of the Governing Body.

STAFF RECOMMENDATION:

Staff is recommending the Governing Body move to approve the resolution.

Item #14

BACKGROUND:

Approval allows for the re-use and rehabilitation of the historic Dillon House, located at 404 SW 9th Avenue. This proposal is in compliance with the Secretary of the Interior Standards for Historic Preservation for use as an office building, as well as, a reception and conference facility with limited food and beverage services for privately arranged events (i.e. weddings, receptions, conferences, meetings, State events, etc.) generally outside of normal business hours, a public weekend brunch, and smaller public events (i.e. art shows, recitals, poetry readings, etc.) during normal business hours. All assembly, conferences, and receptions, including the weekend brunch, will be contained to the first floor only. Food and beverage services (including alcohol sales and service) for the events and weekend brunch will be pre-arranged by caterer only. The second and third floors will contain the principal use of offices.

The Planning Commission and Topeka Planning Department have recommended approval.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not applicable

ATTACHMENTS:

[Resolution](#)

[Summary Report](#)

[Staff report](#)

[Aerial Map](#)

[Zoning Map](#)

[CUP site plan](#)

[Citizen Participation report](#)

[Citizen Participation presentation](#)

[Citizen Participation sign in](#)

[11-18-13 PC Minutes](#)

RESOLUTION _____**CONDITIONAL USE PERMIT**

A RESOLUTION introduced by Jim Colson, City Manager in accordance with Section 18.130.030(c) of the Topeka Municipal Code (TMC), approving a Conditional Use Permit to allow for a Reception, Conference, and Assembly Facility and Food Service Facility on property zoned "O&I-2" Office and Institutional District and located at 404 SW 9th Street in the City of Topeka, Kansas. (CU13/5) (Council District No. 1)

BE IT RESOLVED by the Council of the City of Topeka, Kansas, that the application under the provisions of TMC 18.130.030(c) approving a Conditional Use Permit to allow for reception, conference, and assembly facility and food service facility in the City of Topeka, Kansas, and legally described as:

Lot 277, EXCEPT the North 32 inches thereof, and all of Lots 279, 281, 283, 285 and 287 on Harrison Street, and the Easterly one-half of the vacated alley adjacent to said Lots, Original Town of City of Topeka, Shawnee County, Kansas, more particularly described as follows: Beginning at the Southeast corner of said Lot 287; thence North 72 degrees 56 minutes 48 seconds West, on the South line of said Lot 287, a distance of 160.57 feet to the center of said vacated alley; thence North 17 degrees 01 minutes 49 seconds East on the center of said vacated alley, a distance of 147.38 feet; thence South 72 degrees 56 minutes 39 seconds East, a distance of 160.66 feet to the East line of said Lot 277; thence South 17 degrees 03 minutes 52 seconds West, on the East line of said Lots 277, 279, 281, 283, 285 and 287, a distance of 147.38 feet to the point of beginning.

be, and the same is hereby approved, subject to:

1. Use and development of the site in accordance with the approved Conditional Use Permit site plan and Operational Statement for Dillon House Rehabilitation.

ADOPTED AND APPROVED by the Governing Body of the City of Topeka,

_____, 2013.

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

CITY OF TOPEKA PLANNING DEPARTMENT

SUMMARY REPORT

Re: CU13/6 By: Dillon House LLC

The proposal is a request for a Conditional Use Permit to establish a Reception, Conference and Assembly Facility and Food Service Facility on property currently zoned "O&I-2" Office and Institutional District and located at 404 SW 9th Avenue.

Approval would allow for the re-use and rehabilitation of the historic Dillon House in compliance with the Secretary of the Interior Standards for Historic Preservation for use as an office building, as well as, a reception and conference facility with limited food and beverage services for privately arranged events (i.e. weddings, receptions, conferences, meetings, State events, etc.) generally outside of normal business hours, a public weekend brunch, and smaller public events (i.e. art shows, recitals, poetry readings, etc.) during normal business hours. All assembly, conferences, and receptions, including the weekend brunch, will be contained to the first floor only. Food and beverage services (including alcohol sales and service) for the events and weekend brunch will be pre-arranged by caterer only. The second and third floors will contain the principal use of offices.

The Planning Commission recommended the proposal be approved by a vote of 7-0-1 at its November 18, 2013 public hearing, as referenced in the attached minutes. The Planning Department recommended the proposal be approved, as referenced in the attached staff report.

As there are no outstanding issues, the Planning Department requests the Governing Body move to approve the resolution.

CONDITIONAL USE PERMIT REPORT

CITY OF TOPEKA PLANNING DEPARTMENT

CASE NO: CU13/5

BY: Dillon House LLC

PROPOSAL: Requesting a Conditional Use Permit to establish a Reception, Conference and Assembly Facility and Food Service Facility that is subordinate and incidental to the Reception, Conference and Assembly Facility on property currently zoned “O&I-2” Office and Institutional District.

LOCATION: 404 SW 9th Avenue, northwest corner of SW Harrison and SW 9th Avenue.

PRESENT USE: Historic Dillon House (Listed on the State and National Registers) that was originally constructed as a single family residence in 1913 and has since been used as both an office and a non-conforming Reception, Conference, and Assembly facility by the State of Kansas. (The current CUP will bring this past use into compliance under current zoning requirements.) The entire three-store building comprises approximately 18,078 gross square feet (12,884 net square feet). The first floor comprises 4,910 gross square feet. The floor area to be used for offices and reception/assembly by the applicant (calculated for parking requirements) is 6,230 sq. ft.

PROPOSED USE: The re-use and rehabilitation of the existing building in compliance with the Secretary of the Interior Standards for Historic Preservation for use as an office building, as well as, a reception and conference facility with limited food and beverage services for privately arranged events (i.e. weddings, receptions, conferences, meetings, State events, etc.) generally outside of normal business hours, a public weekend brunch, and smaller public events (i.e. art shows, recitals, poetry readings, etc.) during normal business hours. The area on the east side of the building that was historically the site of an outdoor pergola until the pergola was removed and the new addition added (i.e. as shown on the attached photos) will be removed and replaced with a glassed addition that is more in keeping with the Secretary of Interior standards. All assembly, conferences, and receptions, including the weekend brunch, will be contained to the first floor only.

Food and beverage services (including alcohol sales and service) for the events and weekend brunch will be pre-arranged by caterer only.

CHARACTER OF NEIGHBORHOOD: The subject property is within an area characterized by State office buildings in the vicinity of the Capitol Building and State Legislature and other institutional uses within the Capital Plaza Area of Downtown Topeka. The State Docking Building is directly south of the subject property. The State Insurance Commission is to the west (i.e. Historic Women’s Club Building). First Presbyterian Church is to the north of the subject property.

November 18, 2013
Agenda Item #

ZONING CLASSIFICATION AND USE OF SURROUNDING PROPERTIES:

ZONING CLASSIFICATION	PRESENT LAND USE
North: “O&I-2” Office and Institutional District	First Presbyterian Church
South: “O&I-2” Office and Institutional District	Docking Office Building
East: “O&I-2” Office and Institutional District	State of Kansas Capitol Building
West: “O&I-2” Office and Institutional District	Kansas Insurance Commission (Women’s Club building also listed on National Register)

GUIDELINES FOR EVALUATION: In considering an application for a conditional use permit, the Planning Commission and Governing Body, according to the zoning code, will give consideration to the following criteria in order to protect the integrity and character of the zoning district in which the proposed use is located; and to minimize adverse effects on surrounding properties and neighborhood, all conditional use permit applications shall be evaluated in accordance with the guidelines established in Chapter 18.215 of the Comprehensive Zoning Regulations of the Topeka Municipal Code.

1. **The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies:** The subject property is located within the *Downtown Core –Government Core* area of the Downtown Topeka Redevelopment Plan. The *Downtown Core* is intended to be re-developed for a mix of uses. The *Capitol District* area of the Downtown Plan is intended for governmental agencies and other office and institutional uses that complement governmental uses in the Capital Plaza Area. A reception, conference, and assembly facility that is intended to support governmental uses and encourage mixed-use activity in Downtown Topeka is in conformance to the plan. The re-use and rehabilitation of a National Register historic property for receptions, conferences, and assemblies with food and beverage service is consistent with both the Downtown Topeka Redevelopment Plan and Historic Preservation Plan, which encourage the adaptive re-use and rehabilitation of historic Downtown structures.
2. **The character of the neighborhood including but not limited to: land use, zoning, density, architectural style, building materials, height, structural mass, sitting, open space and floor-to area ratio:** The subject property is within an area surrounded by State office buildings, directly adjacent to the State of Kansas Capitol Building, and other office and institutional uses (i.e. church). The area is predominately zoned “O&I-2” Office and Institutional uses, which will remain as the principal use of the subject property. The subject property lies adjacent to the historic Women’s Club building (State Insurance Commissioner’s office), also listed on the Register of Historic Properties. In addition to a single-family dwelling, the historic Dillon House was constructed in 1913 for the purpose of entertaining guests attending functions at the Capitol. The rehabilitation of the Dillon House in compliance with the Secretary of Interior Standards for Historic Preservation will be compatible with the surrounding neighborhood, zoning, and land uses. The exterior of the Dillon House will be modified by removing a previous addition that was made to the east side of the building and

replacing that with a new enclosed, glassed-in addition that is more in keeping with the original structure than the previous addition.

3. **The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning and uses:** The area is predominately zoned “O&I-2” Office and Institutional District and surrounded by such uses. The principal use of the property for an office building is not changing and will still predominately be used for office purposes. The subject property is immediately adjacent to the State of Kansas Capitol Building and the proposed subordinate use for a reception, conference, and assembly facility with limited food service would be in harmony with and complement other uses within the Capital Plaza Area of Downtown Topeka.
4. **The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations:** The site’s present classification is consistent with the established pattern of zoning and land use in the area and, therefore, is viewed as suitable for uses to which it has been restricted. However, there may be other uses appropriate to the property that allow for the building to be opened to the public on a limited basis considering the single-family residence was constructed in 1913 with the primary propose of entertaining guests. The proposed use of the property for receptions, conferences, and assemblies and limited public events (i.e. weekend brunch) is in keeping with its historic purpose. Food and beverage service will be limited to special pre-arranged events, except for the weekend brunch. The weekend brunch will be kept subordinate to the use of the reception, conference, and assembly facility by limited hours for the “brunch” (i.e. weekends, mid-day by definition of a “brunch”) and by the fact that pre-arranged catering only is permitted.
5. **The length of time the property has remained vacant as zoned:** The area has remained zoned for office and institutional uses as far back as zoning records indicate. The existing building has been on the property since it was constructed in 1913 as a single-family residence and used for such purposes. Since at least the 1940s, the subject property has been used as an office. The property has also been used as an illegal, non-conforming Reception, Conference, and Assembly facility historically in the past by both First Presbyterian Church and the State of Kansas. The requested CUP would bring this use into compliance with the current zoning code, which requires a reception, conference, and assembly facility to obtain a CUP in the “O&I-2” District.
6. **The extent to which the approval of the application would detrimentally affect nearby properties:** As conditioned by the permit, approval of the application should not have a detrimental effect upon nearby properties.
7. **The extent to which the proposed use would substantially harm the value of nearby properties:** With the implementation of the staff recommendations and conditions, the values of nearby properties should suffer no harmful effects by approval of the application. The values of nearby properties may ultimately be increased by the rehabilitation and re-use of the historic building to the public’s benefit.

8. **The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the use, or present parking problems in the vicinity of the property:** As conditioned by the CUP and as indicated in the applicant's "Operating Statement", the proposed should not adversely affect the capacity of the road network or present parking problems in the vicinity. The proposed use for a reception, conference, and assembly facility should not present parking problems in the area since the property is located in Downtown where a mixed use environment is encouraged and the use will generally serve patrons already attending meetings at the State Capitol and the surrounding offices without the need for parking on-site. There is adequate on-street parking along SW Harrison to handle larger events that have the need for parking.
9. **The extent to which the proposed use would create excessive air pollution, water pollution, noise pollution or other environmental harm:** The proposed use will not cause environmental harm.
10. **The economic impact of the proposed use on the community:** No detrimental economic impact to the community is anticipated. There may be an improved economic benefit to Downtown Topeka by allowing a use that encourages evening and weekend activity in Downtown and also benefits the entire community by allowing the historic building to be rehabilitated and opened to the public on a limited basis.
11. **The gain, if any, to the public health, safety and welfare due to denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application:** There is more of a gain to the public health, safety, and welfare by approving the application as compared to a hardship imposed upon the landowner by denial of the application since denial would allow the historic building to be used for only private offices. The CUP for the reception, conference, and assembly facility allows the re-use of a Downtown historic building and, therefore, provides a benefit to the public health, safety, and welfare for Downtown and the community-at-large.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS: The required off-street parking was calculated for the site based on the areas actually to be used for offices and the reception halls. These areas contain approximately 6,230 sq. ft., as indicated on the CUP site plan. (First floor – Reception and Assembly hall, Second and third floors – Offices, and Basement – Kitchen used for caterer preparations, storage for offices, and an office exercise room). Twenty-two (22) total off-street parking spaces are provided, which is short three (3) spaces according to the zoning code. However, the Planning Director is allowed to grant a 25 percent variance to the off-street parking requirement if unique circumstances exist and sufficient parking exists. Planning staff believes this variance is justified since it is needed to assist in the rehabilitation of a historic property in a Downtown mixed-use environment and because of the nature of the use itself. Most patrons are either already within the vicinity without an automobile or residing in a hotel overnight. There currently is sufficient on-street parking along SW Harrison to accommodate larger events. The applicant is also pursuing a shared parking agreement with First Presbyterian Church, who currently uses their parking lot for child care drop-off in the morning. The CUP indicates by note that events exceeding 100 people will generally be restricted to non-business hours. The applicant is also improving the current parking lot arrangement by increasing the width of the stalls to 9 feet in width (standard) from the current 8 feet 6 inches and providing the required ADA

November 18, 2013
Agenda Item #

accessible spaces. The two current diagonal spaces on the west side of the building will be changed to parallel spaces to provide better access from off the alley. The existing parking lot configuration still enables two-way access into the lot, which is preferable considering the adjacent church's use of the lot for child care drop on weekdays. (i.e. The applicant still plans on providing the two 10 ft. wide parking stalls adjacent to the ADA ramp used by the church.)

Minimum Lot Area: **Compliant** – (7,500 sq. ft. minimum lot area)

Setbacks: **Compliant** – Consistent with the setbacks on the block. Exterior modifications will not be made that will alter the existing setbacks.

Platting: **Compliant**

CONCERNS OF STAFF AND REVIEWING AGENCIES: This request has been submitted to all applicable reviewing agency staff for consideration and comment.

ADDITIONAL FACTORS:

1. Citizen Participation Process: The applicant held a neighborhood information meeting on October 14, 2013 after notifying property owners within 300 ft. and neighborhood organizations within ½ mile (Ward Meade, Historic Holliday Park, Central Park, and Old Town). The applicant's report to the City is attached.
2. Capitol Plaza Area: Yes
3. Flood Hazard Area: N/A
4. Airport Hazard Area: N/A
5. Historic Properties: The subject property is listed on the National and State Registers of Historic Properties and rehabilitation is required to comply with the Secretary of the Interior Standards for Historic Preservation.

STAFF RECOMMENDATION:

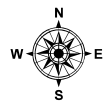
Based upon the above findings and analysis planning staff recommends **APPROVAL** of this proposal, **subject to:**

1. *Use and development of the site in accordance with the approved Conditional Use Permit site plan and operational statement for the Dillon House Rehabilitation.*

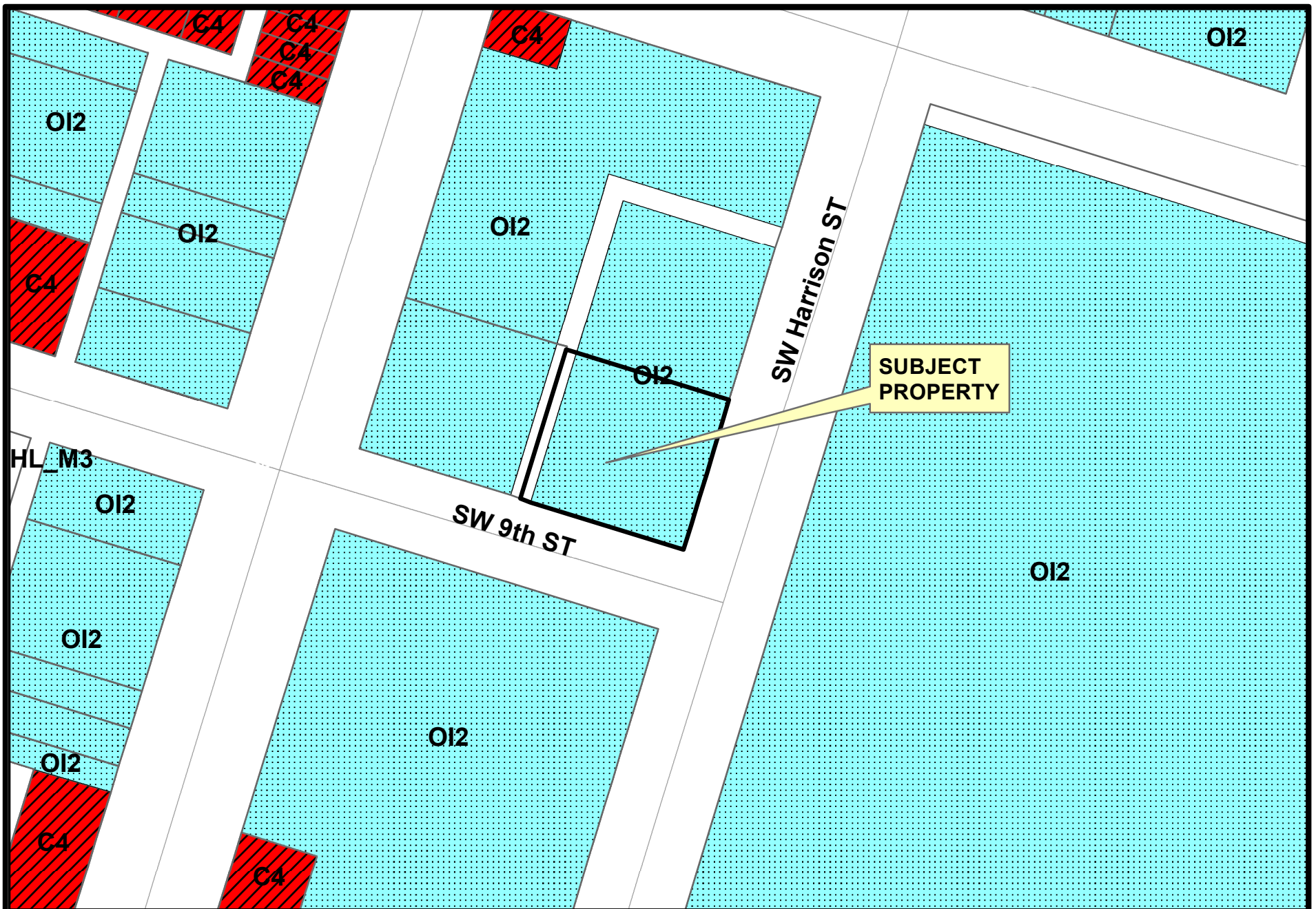
Prepared by:
Annie Driver,
Planner II



CU13/5 By: Dillon House LLC



City of Topeka Planning Department



CU13/5 By: Dillon House LLC



City of Topeka Planning Department

LEGAL DESCRIPTION

LOT 227, EXCEPT THE NORTH 32 INCHES THEREOF, ALL OF LOTS 279, 281, 283, 285, AND 287 ON HARRISON STREET, AND THE EASTERLY ONE-HALF OF THE VACATED ALLEY ADJACENT TO SAID LOTS. ORIGINAL TOWN OF CITY OF TOPEKA, IN SHAWNEE COUNTY, KANSAS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 287; THENCE NORTH 72 DEGREES 56 MINUTES 48 SECONDS WEST, ON THE SOUTH LINE OF SAID LOT 287, A DISTANCE OF 160.57 FEET TO THE CENTER OF SAID VACATED ALLEY; THENCE NORTH 17 DEGREES 01 MINUTES 49 SECONDS EAST, ON THE CENTER OF SAID VACATED ALLEY, A DISTANCE OF 147.38 FEET; THENCE SOUTH 72 DEGREES 56 MINUTES 39 SECONDS EAST, A DISTANCE OF 160.66 FEET TO THE EAST LINE OF SAID LOT 277; THENCE SOUTH 17 DEGREES 03 MINUTES 52 SECONDS WEST, ON THE EAST LINE OF SAID LOTS 277, 279, 281, 283, 285 AND 287, A DISTANCE OF 147.38 TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 23,671 SQUARE FEET, (0.54 ACRES) OF LAND MORE OR LESS.

NOTES:

1. BASIS OF BEARINGS: NAD83 STATE PLANE, KANSAS, NORTH ZONE, GRID, DETERMINED BY GPS OBSERVATION.
2. EASEMENTS AFFECTING THE SUBJECT PROPERTY WERE PROVIDED THROUGH AN OWNERSHIP AND ENCUMBRANCE CERTIFICATE NO. SN033658 PREPARED BY KANSAS SECURED TITLE - SHAWNEE COUNTY.
3. ALL MONUMENTATION SHOWN AS FOUND IS OF UNKNOWN ORIGIN.

OWNER:

DILLON HOUSE, LLC
1200 S. KANSAS AVE.
TOPEKA, KS 66612

ZONING:

CURRENT: O&I-2
OFFICE AND INSTITUTIONAL DISTRICT

PROPOSED: O&I-2

WITH CUP FOR CERTAIN COMMON AREA SPACES FOR RECEPTION, CONVERGENCE, ASSEMBLY AND PROVIDE FOOD AND BEVERAGE SERVICE.

A STATEMENT OF USE

AS OUTLINED IN THE 'SUMMARY OF OPERATIONS,' A CONDITIONAL USE PERMIT FOR 'RECEPTION, CONFERENCE, AND ASSEMBLY FACILITY' AND A 'FOOD SERVICE FACILITY' THAT IS SUBORDINATE TO THE USE OF THE RECEPTION, CONFERENCE, AND ASSEMBLY FACILITY AND ARRANGED BY CATERER ONLY FOR SPECIAL EVENT PURPOSES (RECEPTIONS, WEDDINGS, CONFERENCES, MEETINGS, ETC.). AS A PART OF THE FOOD SERVICE FACILITY, A WEEKEND BRUNCH SHALL BE ALLOWED BY CATERER ARRANGEMENTS AS A SUBORDINATE USE TO THE RECEPTION, CONFERENCE, AND ASSEMBLY FACILITY. ADDITIONALLY, AS PART OF THE FOOD SERVICE FACILITY, FOOD SERVICE SHALL BE ALLOWED AT OCCASIONAL EVENTS SUCH AS MUSIC RECITALS, POETRY READINGS OR ART SHOWS HELD OUTSIDE OF NORMAL BUSINESS HOURS. ALCOHOL SERVICE OR SALE SHALL BE ALLOWED AS A PART OF THE FOOD SERVICE FACILITY BY CATERER ARRANGEMENTS ONLY. EVENTS EXCEEDING 100 PEOPLE SUCH AS LARGE RECEPTIONS WILL GENERALLY ONLY BE HELD OUTSIDE OF NORMAL BUSINESS HOURS.

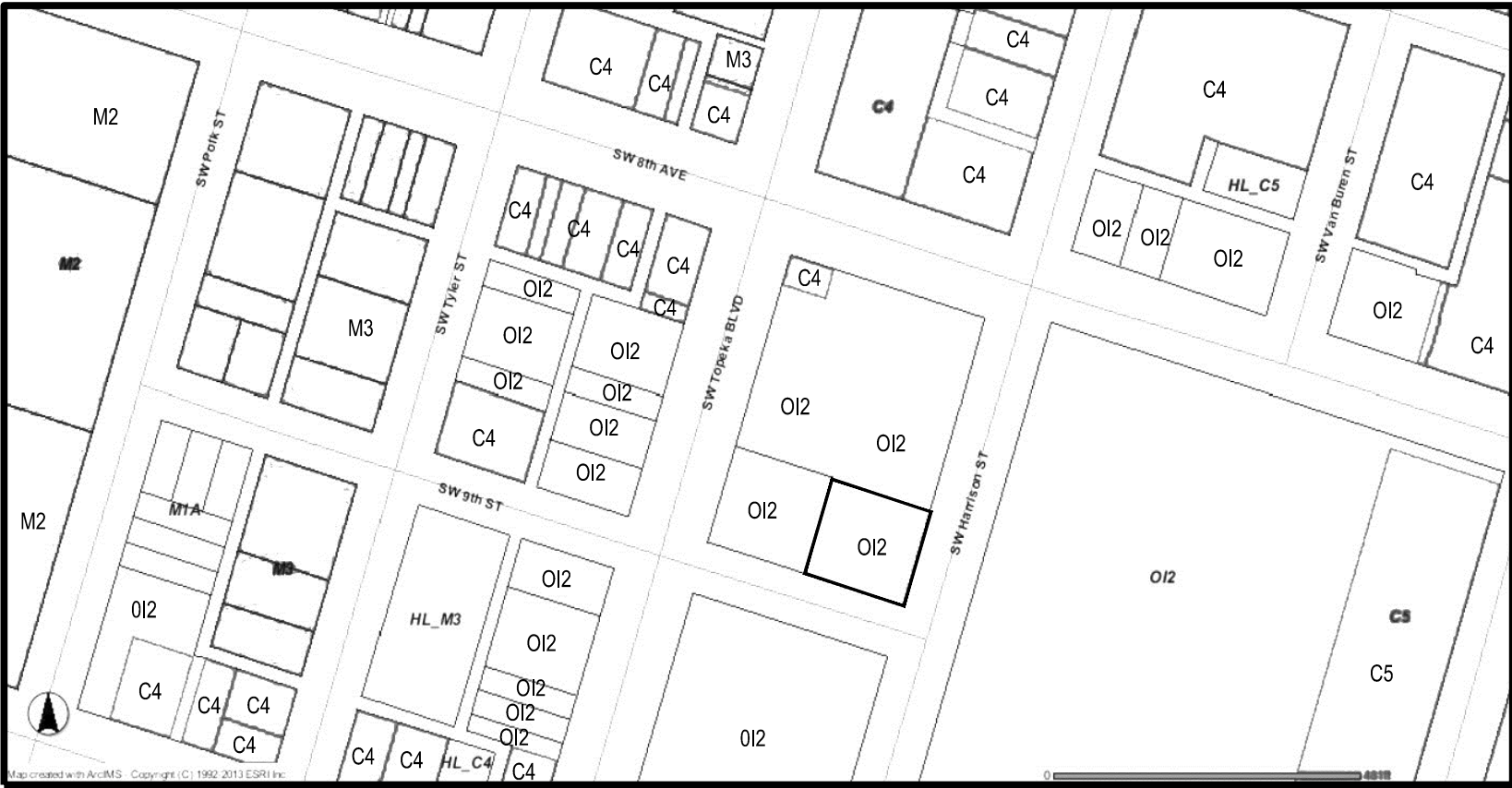
SIGNAGE

ALL EXTERIOR SIGNAGE WILL COMPLY WITH THE REQUIREMENTS OF THE O&I-2 ZONING AND THE SECRETARY OF THE INTERIOR'S STANDARDS.

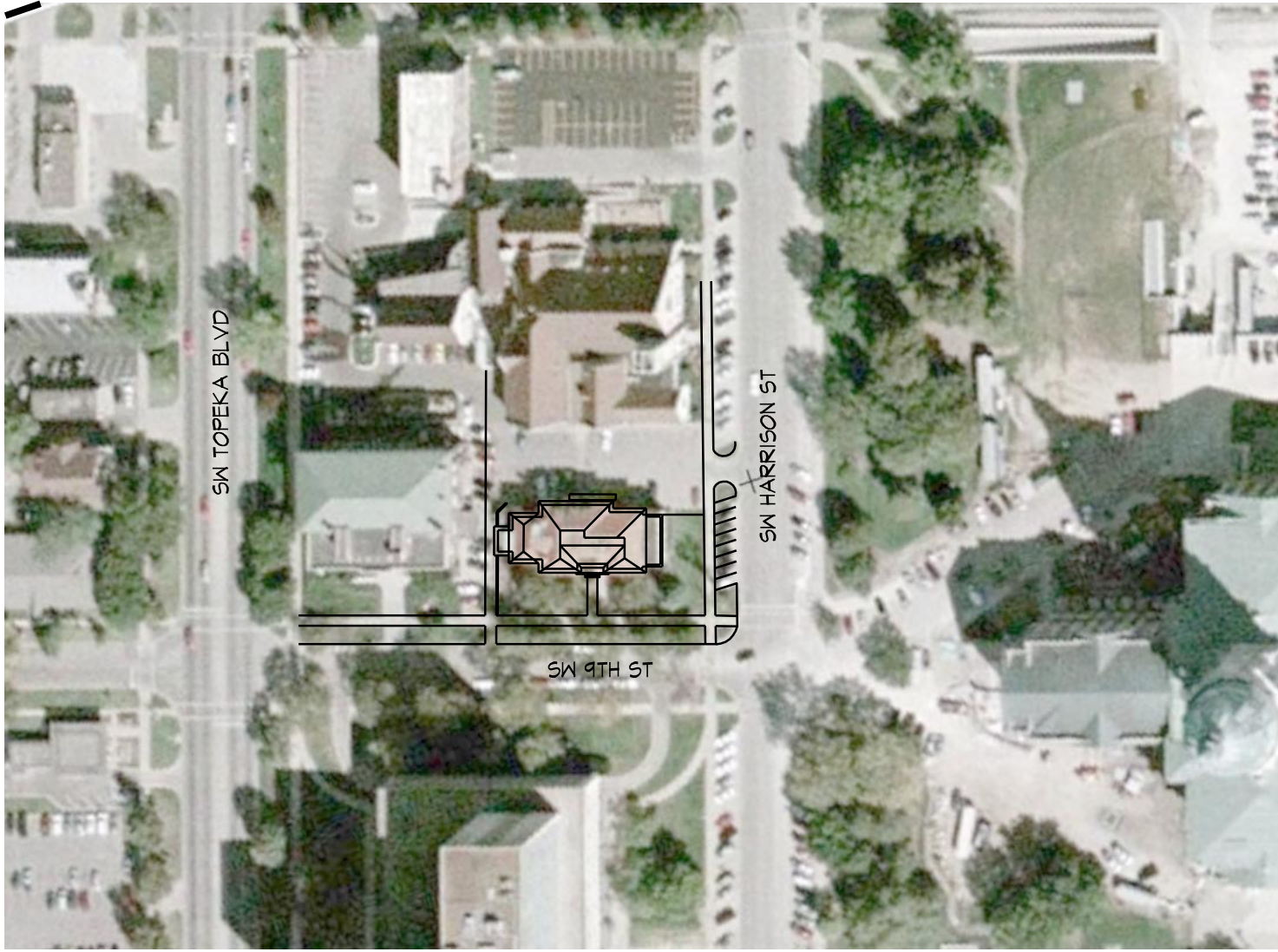
PARKING SPACES BY FLOOR

FLOOR	OCCUPANCY TYPE	FLOOR AREA IN ft²	REQUIRED PARKING	PARKING PROVIDED
1ST FLOOR	ASSEMBLY/RECEPTION HALL	2,464	16	13
2ND FLOOR	OFFICES	2,408	6	6
3RD FLOOR	OFFICES	1,358	3	3
BASEMENT	KITCHEN, STORAGE, OFFICE WORKOUT ROOM		0	0
TOTAL		6,230	25	22

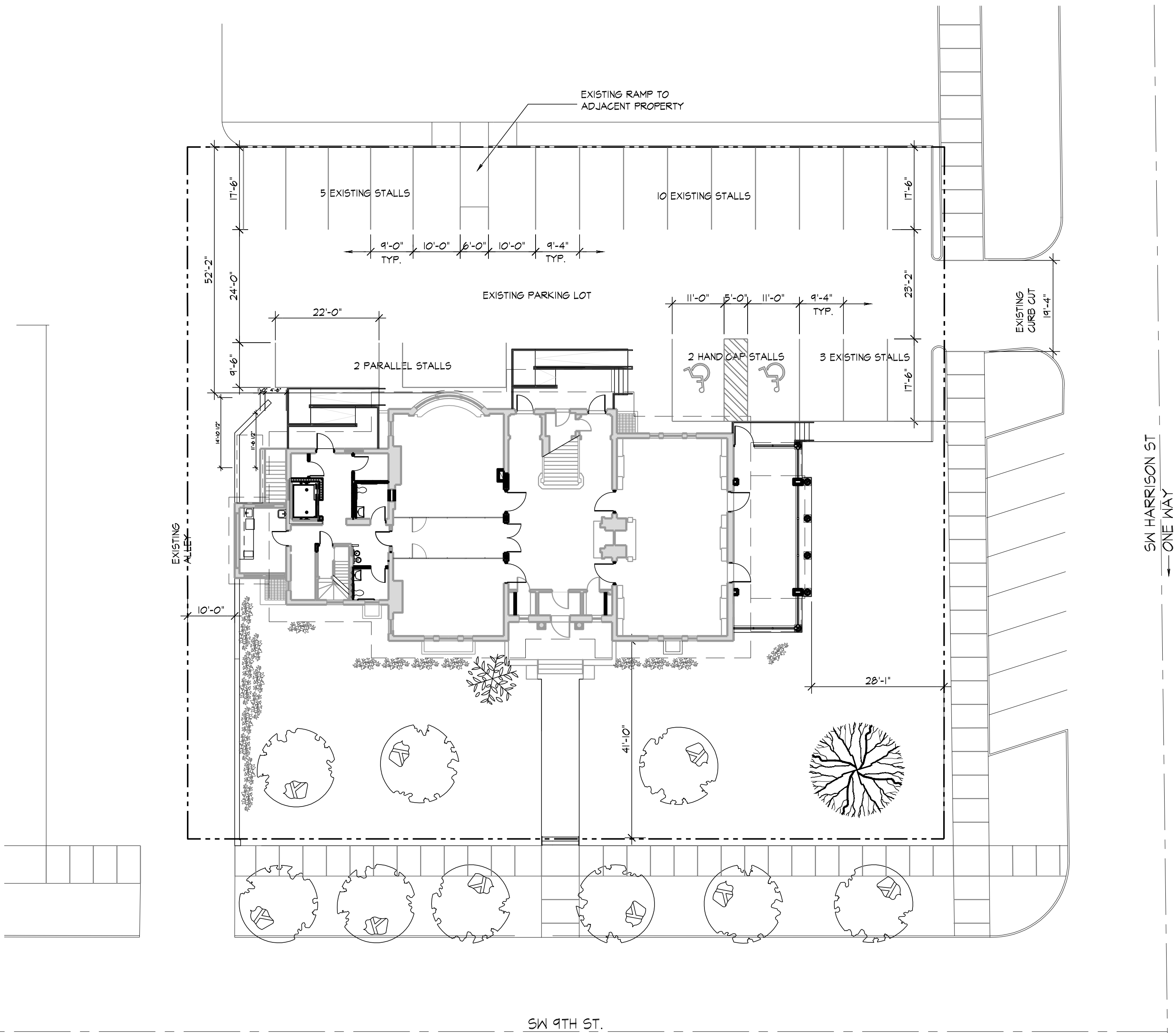
ADJACENT ON-STREET PARKING		# OF SPACES
(DESCRIPTION)		
SW 9TH ST	(BETWEEN SW TOPEKA BLVD. & SW HARRISON)	15
SW HARRISON	(BETWEEN SW 8TH ST. & SW 9TH ST.)	50
SW HARRISON	(BETWEEN SW 9TH ST. AND SW 10TH ST.)	58
TOTAL		123



ZONING MAP



LOCATION MAP



SITE PLAN
1/16" = 1'-0"

A1

HP13.003.00B

October 24, 2013

A Conditional Use Permit for the
Dillon House Rehabilitation

404 SW 9th Street
Topeka, KS 66612

APPROVED BY:

Name: --- Date: ---
Name: --- Date: ---
Name: --- Date: ---



1715 SW Topeka Boulevard
Topeka, Kansas 66612-1410
Office: 785.233.0112
Fax: 785.233.0112
www.treanorarchitects.com

UNLESS A PROFESSIONAL SEAL WITH SIGNATURE AND DATE IS AFFIXED, THIS DOCUMENT IS PRELIMINARY AND IS NOT INTENDED FOR CONSTRUCTION.

REVISIONS

△	Comments: --
	Date: --, --, --
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	Comment: --
	Date: --, --, --

Rel. Date: --, --, --

ARCHITECTURAL
SITE PLAN

CU13/5

Dillon House Rehabilitation

Dillon House, LLC



Citizen Participation Report

Date: Monday, October 14, 2013

Time: 6:00 PM - 7:00 PM

Location: Dillon House, 404 SW 9th Street, Topeka, KS

Attendees: 12 (Reference sign-in sheet: Attachment "A")

- 3 State of Kansas
- 1 Individual (Presbyterian Church Member)
- 1 City of Topeka
- 2 Consultants
- 5 Dillon House LLC/Pioneer Group

Prior to the meeting scrolling images of the historic Dillon House were shown on a projection screen. An assortment of historic photographs as well as photographs showing the current condition of rooms located on the 1st, 2nd, 3rd and basement levels were presented.

Ross Freeman, Dillon House LLC, opened the meeting utilizing a PowerPoint presentation (reference Attachment "B"). Mr. Freeman announced they had purchased the building from the State of Kansas at a public auction and plan to renovate the facility to house the Pioneer Group family of businesses.

Mr. Freeman presented the ownership history of the building beginning with the Hiram Price Dillon, followed by American Home Life Insurance Co., the First Presbyterian Church, and the State of Kansas. He noted the house was designed by the Dillon's for entertaining and all subsequent owners have utilized the house not only for business use, but for classes, meetings, and social gatherings.

Mr. Freeman described Pioneer Group's experience in preserving historic properties across the state and specifically in Topeka and outlined the planned use for the Dillon House property. He noted that after the auction he received numerous requests from residents of Topeka for maintaining public access to the house. Because of this, they are preparing designs that will keep their offices on the upper floors, thereby allowing the first floor to be used for public and private events.

Mr. Freeman stated the Citizen Participation Meeting was a result of requesting approval from the City of Topeka for a Conditional Use Permit in order to continue using the house for assembly and limited food service. Assembly activities include meetings, private gatherings, wedding receptions, dinner parties, musical presentations, legislative committee meetings, and even Sunday brunches.

Vance Kelley with Treanor Architects then described the work involved with converting an historic property into a modern office and assembly building. This included research about how the building was originally designed and built, how it changed over time, and the current physical condition of both the interior and exterior.

Dillon House Rehabilitation

Dillon House, LLC



Mr. Kelley noted the current zoning of O&I-2 allows for the office use being proposed by the Dillon House, LLC. The Conditional Use Permit is only needed to allow the building to continue to be used for the assembly and limited food service aspects of the project described by Mr. Freeman.

Mr. Kelley noted that limited improvements could be made to the usability of the existing parking lot located on the North side of the building without significantly reducing the number of parking spaces. He then presented preliminary plans showing how the building would be renovated.

In addition to the floor plans, Mr. Kelley presented the concept for remodeling the existing East Addition so that it would more closely resemble the historic two-story pergola porch that once existed.

Mr. Freeman provided a brief update of a recent visit from descendants of Hiram Price Dillon. He noted their excitement over the project and of Mr. Freeman's endeavors to restore the family's parlor grand piano and return it to the Dillon House.

Mr. Freeman opened the meeting for public comment.

A question was asked about how many parking spaces the parking lot can hold. Mr. Kelley responded that 25 parking spaces currently exist, however, because of modifications to help improve traffic flow and the addition of two ADA accessible spaces, the preliminary site plan submitted with the zoning application contained 23 parking spaces.

A question was asked to clarify what triggered the public meeting. Mr. Braxton Copley, Pioneer Group, explained the City of Topeka has adopted a process where a request for a Conditional Use Permit (CUP) requires a public meeting where the owners or developers of the project are responsible for sharing information about the CUP. He stated the current O&I-2 zoning allows for the office use by right; however the CUP is necessary in order to continue using a portion of the property for assembly and for limited food service since those are only conditional uses in the O&I-2 zoning districts.

General discussion occurred over the history of the house, the restoration of the piano, and the plans for the rehabilitation. No one voiced concerns with the proposed uses allowed under the Conditional Use Permit.

Hearing no further questions, Mr. Freeman concluded the meeting. He suggested if additional questions or concerns were thought of after the meeting, they can be emailed to either he or Mr. Kelley.

End of Report

Respectfully Submitted:


K. Vance Kelley, AIA - Treanor Architects, P.A.

Dated:

10/23/13

Attachment "B"
Citizen Participation Meeting Presentation

10/14/2013

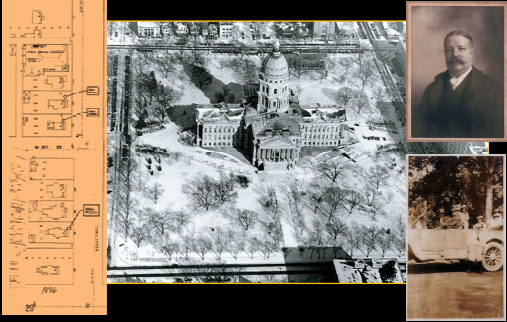
Saving a Topeka Landmark



Non Nobis, sed omnibus: "Not for Us, But for Everyone"

Historic Dillon House

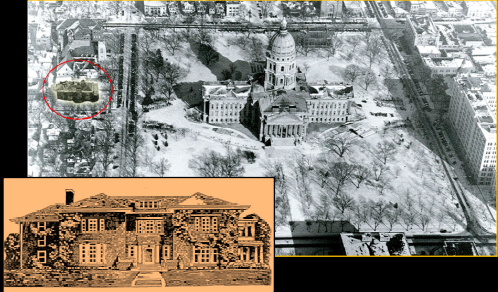
Saving a Topeka Landmark



Non Nobis, sed omnibus: "Not for Us, But for Everyone"

Historic Dillon House

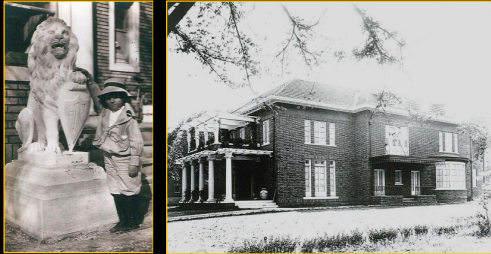
Saving a Topeka Landmark



Non Nobis, sed omnibus: "Not for Us, But for Everyone"

Historic Dillon House

Saving a Topeka Landmark



Non Nobis, sed omnibus: "Not for Us, But for Everyone"

Historic Dillon House

Saving a Topeka Landmark



Non Nobis, sed omnibus: "Not for Us, But for Everyone"

Historic Dillon House

Saving a Topeka Landmark



Non Nobis, sed omnibus: "Not for Us, But for Everyone"

Historic Dillon House

Attachment "B"

Citizen Participation Meeting Presentation

10/14/2013

Saving a Topeka Landmark



Non Nobis, sed omnibus: "Not for Us, But for Everyone"

Historic Dillon House

TREANOR ARCHITECTS, P.A.

Saving a Topeka Landmark



Rehabilitation & Conditional Use Permit

Non Nobis, sed omnibus: "Not for Us, But for Everyone"

Historic Dillon House

TREANOR ARCHITECTS, P.A.

Saving a Topeka Landmark

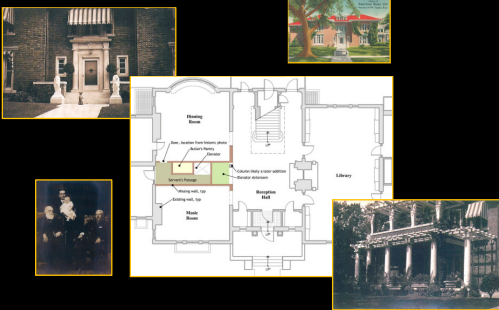


Non Nobis, sed omnibus: "Not for Us, But for Everyone"

Historic Dillon House

TREANOR ARCHITECTS, P.A.

Saving a Topeka Landmark



Non Nobis, sed omnibus: "Not for Us, But for Everyone"

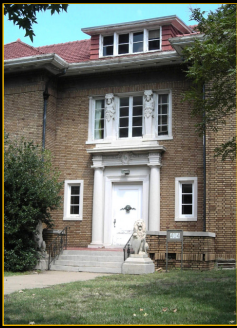
Historic Dillon House

TREANOR ARCHITECTS, P.A.

Exterior Assessment

Condition

- Deteriorated Clay Tile Roof
- Deteriorated Wood Windows
- Sound Brick Masonry Walls
- Sound Foundation
- Sound Roof Structure



Non Nobis, sed omnibus: "Not for Us, But for Everyone"

Historic Dillon House

TREANOR ARCHITECTS, P.A.

Exterior Assessment

Changes Over Time

- Historic East Porch



Existing North Elevation



Historic North Elevation

Non Nobis, sed omnibus: "Not for Us, But for Everyone"

Historic Dillon House

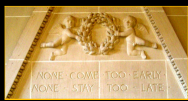
TREANOR ARCHITECTS, P.A.

Attachment "B"

Citizen Participation Meeting Presentation

10/14/2013

Interior Assessment


Condition

- Deteriorated Finishes
- Deteriorated Features
- Outdated M.E.P. Systems
- 2nd Floor Structural Load Capacity
- Intact Character Defining Features

Non Nobis, sed omnibus: "Not for Us, But for Everyone"

TREANOR ARCHITECTS P.A.

Historic Dillon House

Interior Assessment





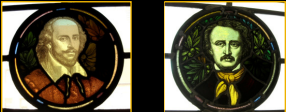
Non Nobis, sed omnibus: "Not for Us, But for Everyone"

TREANOR ARCHITECTS P.A.

Historic Dillon House

Interior Assessment






Non Nobis, sed omnibus: "Not for Us, But for Everyone"

TREANOR ARCHITECTS P.A.

Historic Dillon House

Interior Assessment






Non Nobis, sed omnibus: "Not for Us, But for Everyone"

TREANOR ARCHITECTS P.A.

Historic Dillon House

Interior Assessment



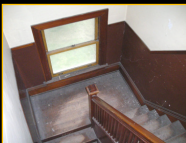



Non Nobis, sed omnibus: "Not for Us, But for Everyone"

TREANOR ARCHITECTS P.A.

Historic Dillon House

Interior Assessment





Non Nobis, sed omnibus: "Not for Us, But for Everyone"

TREANOR ARCHITECTS P.A.

Historic Dillon House

Attachment "B"

Citizen Participation Meeting Presentation

10/14/2013

Use & Occupancy

O & I - 2

- Office Use

Conditional Use Permit

- Assembly
- Catering & Limited Food Service

Continue the Legacy of the Dillon Family

- Entertaining
- Literature & Poetry Readings
- Art and Historical Exhibits
- Scholarly Activities
- Music & Recitals

Authorize the Uses of the Previous Owners

- Assembly & Limited Food Service

Historic Dillon House

TREANOR ARCHITECTS P.A. 

Proposed Plan



Site Plan

Non Nobis, sed omnibus: "Not for Us, But for Everyone"

TREANOR ARCHITECTS P.A. 

Historic Dillon House

Proposed Plan



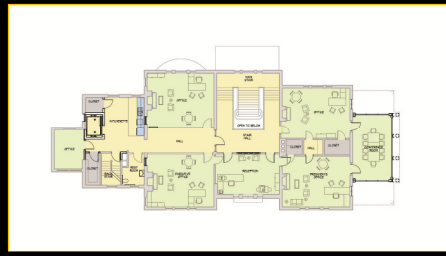
First Floor Plan

Non Nobis, sed omnibus: "Not for Us, But for Everyone"

TREANOR ARCHITECTS P.A. 

Historic Dillon House

Proposed Plan



Second Floor Plan

Non Nobis, sed omnibus: "Not for Us, But for Everyone"

TREANOR ARCHITECTS P.A. 

Historic Dillon House

Proposed Plan



Third Floor Plan

Non Nobis, sed omnibus: "Not for Us, But for Everyone"

TREANOR ARCHITECTS P.A. 

Historic Dillon House

Proposed Plan



Basement Floor Plan

Non Nobis, sed omnibus: "Not for Us, But for Everyone"

TREANOR ARCHITECTS P.A. 

Historic Dillon House

Attachment "B"

Citizen Participation Meeting Presentation

10/14/2013

Exterior Changes



Historic Pergola Porch



Existing Addition



Proposed Remodeling

Non Nobis, sed omnibus: "Not for Us, But for Everyone"

TREANOR ARCHITECTS P.A.

Historic Dillon House

Conclusion & Recommendation



The Dillon House's finishes and mechanical systems are deteriorated, yet its sound structure, history, architectural character and location provide compelling arguments for rehabilitation.

The Dillon House is unique in that it was built in a grand style that was intended for entertaining. A sensitive rehabilitation could make it a welcoming home for the citizens of Topeka.

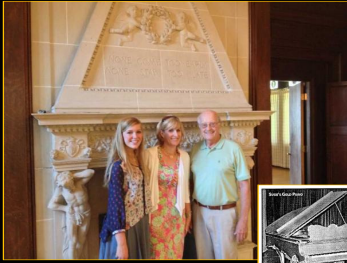


Non Nobis, sed omnibus: "Not for Us, But for Everyone"

TREANOR ARCHITECTS P.A.

Historic Dillon House

Saving a Topeka Landmark




Non Nobis, sed omnibus: "Not for Us, But for Everyone"

TREANOR ARCHITECTS P.A.

Historic Dillon House

Saving a Topeka Landmark





Non Nobis, sed omnibus: "Not for Us, But for Everyone"

TREANOR ARCHITECTS P.A.

Historic Dillon House

Saving a Topeka Landmark



O & I - 2

- Office Use

Conditional Use Permit

- Assembly
- Catering & Limited Food Service

Continue the Legacy of the Dillon Family

- Entertaining
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Authorize the Uses of the Previous Owners

- Assembly & Limited Food Service

Non Nobis, sed omnibus: "Not for Us, But for Everyone"

TREANOR ARCHITECTS P.A.

Historic Dillon House

PROJECT: DILLON House NO. _____
 DESCRIPTION: _____ DATE 10/14/13
 BY: _____ SHEET _____ OF _____

ATTACHMENT "A"
 **TREANOR**
 ARCHITECTS

SIGN IN SHEET

NAME

Tyrone Thomas
 Lili Sims
 Lester Herzog
 Brenda Boatwright
 BRAXTON Copley
 ANNE DRIVER
 Michael Langstaff
 Jean Freeman
 Ross Freeman
 Deborah Edwards
 Debra Rick
 Vance Kelley

CONTACT INFO

238-6841
 296-5909
 296-0471
 785-456-2855
 785 232-1122
 785-360-3728
 785-230-3162
 785 232-6256
 785 232-1122
 785 235-2483
 785-232-1122
 785-235-0012

**Minutes of the
Topeka Planning Commission
Monday, November 18, 2013**

CU13/5 by Dillon House, LLC requesting a Conditional Use Permit to allow for a Reception, Conference, and Assembly Facility and a Food Service Facility in which food and beverage is offered or prepared for sale or for service with or without charge on the premises and clearly incidental and subordinate to a principal use on property currently zoned "O&I - 2" Office and Institutional District and located at 404 SW 9th Street. **(Driver)**

Richard Beardmore left the room.

Discussion by members: Annie Driver summarized the staff report for the case. Ms. Driver explained that the Dillon House is listed as a historic landmark on both the state and national registry. Ms. Driver stated the property has been previously used as an office space and non-conforming reception, conference and assembly facility by the State of Kansas. Ms. Driver stated the requested Conditional Use Permit will bring the previous uses into compliance. Ms. Driver explained that the property has 22 off-street parking spaces, which is three parking spaces less than the zoning code requirements. Ms. Driver stated an administrative variance would be justified. Ms. Driver explained the variance is needed to rehabilitate the historic property in the downtown, mixed-use environment, as well of the proposed use of the property.

Proponents:

Ross Freeman, Pioneer Group, spoke in favor of the proposal. Mr. Freeman provided a testimony of the history of the Dillon House. Mr. Freeman stated that the Dillon Family designed the home to be open and warm for the intent of entertaining. Mr. Freeman explained that the State of Kansas has historically used the building as a venue for hospitality. Mr. Freeman stated the Pioneer Group hopes to keep with the intent of the Dillon family by having guests and extending hospitality for private gatherings in the future. Mr. Freeman explained that he has been contacted since the announcement of the application for requests to reserve the Dillon house for many events in the near future.

Mr. Freeman stated that the Pioneer Group explained the planned use for the building and explained the plan presents an opportunity to preserve a Kansas historic landmark. Mr. Freeman stated that the zoning currently allows for the office usage but will not allow for the private events, thus the reason for the Conditional Use Permit.

Vance Kelly, Treanor Architects, spoke in favor of the proposed. Mr. Kelly

thanked the Planning Staff for their assistance with the application. Mr. Kelly explained the request for the application. Mr. Kelly stated the request is in response to the public's desire to continue to use the first floor for reception events, meetings and social gatherings.

Mr. Kelly explained the applicant worked with the Planning Department to address the existing non-compliant parking lot. Mr. Kelly explained that there were 26 non-compliant parking spaces. Mr. Kelly explained that the new design includes 22 parking spaces that will be compliant with appropriate widths and the addition of two handicap parking spaces. Mr. Kelly stated there are 123 off-street parking spaces available on SW Harrison Street between 8th and 10th Street and 9th Street between Topeka Blvd and Harrison Street. Mr. Kelly explained that the parking spaces are underused during the non-business hours and on the weekends.

Mr. Kelly illustrated the first floor reception area. Mr. Kelly explained the floor plan is flexible and set up for partitioning. Mr. Kelly stated that there would not be more than three different events at a time. Mr. Kelly explained that the rooms can be separated which would allow for all patrons to have access to the elevators that serve as access to the public restrooms and catering kitchen.

Mr. Kelly explained the exterior changes to the Dillon House. Mr. Kelly explained the changes will include removal of the existing, non-historic addition to the east side of the building. Mr. Kelly stated a new addition will be built that is more similar to the historic two-story pergola porch. Mr. Kelly stated the new pergola porch will be enclosed to be used year-round.

Opponents:

No one spoke in opposition of the proposal.

Mike Lackey stated he is very pleased that the Pioneer Group is working to restore the building. Mr. Lackey stated he has attended many functions in the building and it is a great project.

Michelle Cuevas-Stubblefield moved to approve the proposal as written, seconded by Mike Lackey. **APPROVAL. (7-0-1, Richard Beardmore abstained, Dustin Crook was absent.)**



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 26, 2013

☐ Back ☐ Print

DATE:	December 10, 2013		
CONTACT PERSON:	Bill Fiander, AICP/ Tim Paris, Planner II	DOCUMENT #:	
SECOND PARTY/SUBJECT:	Topeka Planning Commission	PROJECT #:	HL07/03A
CATEGORY/SUBCATEGORY	014 Ordinances – Non-Codified / 007 Zoning		
CIP PROJECT:	No		
ACTION OF COUNCIL:	First Reading. 12-03-13	JOURNAL #:	13
PAGE #:			

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Jim Colson, removing the "HL" Historic Landmark zoning overlay on property presently zoned "M-1/HL" Two-Family Dwelling District and Historic Landmark, located at 1600 SW Harrison Street in the City of Topeka, Kansas, pursuant to City of Topeka Code Section 18.255. Final Reading. (HL07/03A) (Council District No. 1)

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval would remove historic landmark overlay zoning to the property located at 1600 SW Harrison Street.)

POLICY ISSUE:

Approval of the request will remove the local Historic Landmark designation assigned to the property. The Governing Body has the following options:

- (1) Adopt the recommendation of the Planning Commission to adopt the ordinance by majority vote (6) of the Governing Body.
- (2) Override the Planning Commission's recommendation by a two-thirds majority vote (7) of the Governing Body.
- (3) Return such recommendation to the Planning Commission with a statement specifying the basis for the Governing Body's decision to approve or disapprove.

Item #15

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

Due to neglect, the property was approved by the Governing Body for demolition through the City of Topeka Code Enforcement Division. The building was destroyed by a fire on October 27, 2013.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

[Ordinance](#)

[Updated Summary Report](#)

[Staff Report](#)

[Aerial Photo](#)

[Draft Planning Commission Minutes](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

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 (TMC), by providing for certain changes in zoning on property located at 1600 SW Harrison Street from "M-1/HL" Two-Family Dwelling District with Historic Landmark overlay **TO** "M-1" Two-Family Dwelling District. **(HL07/03A) (Council District No.1)**

BE IT ORDAINED BY THE COUNCIL 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 follow described property:

Harrison Street, Lots 584, 586, and 598, Orchard Place Addition to the City of Topeka, Shawnee County, Kansas. Commonly known as 1600 SW Harrison Street.

From "M-1/HL" Two-Family Dwelling District with Historic Landmark overlay **TO** "M-1" Two-Family Dwelling District.

Section 2. This Ordinance Number shall be fixed upon the "District Map".

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. 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,
_____, 2013.

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified _____
Not To Be Codified X



CITY OF TOPEKA

PLANNING DEPARTMENT
620 SE Madison Street, Unit 11
Topeka, Kansas 66607-1118
Tel.: (785) 368-3728
Fax: (785) 368-2535

SUMMARY REPORT

UPDATE: At approximately 08:00 a.m. on October 27, 2013, the Topeka Fire Department responded to a reported structure fire at 1600 SW Harrison Ave.. The Fire Department arrived on scene and reported heavy smoke coming from the windows of the structure. Fire crews were unable to make entry into any part of the structure. An immediate second alarm was called dispatching an additional three (3) engine companies, an additional truck company, an additional aerial apparatus, and one (1) additional Battalion Chief. The fire was extinguished later that same morning and contained to the structure of fire origin. A Topeka Fire Department Investigation's Unit responded to this incident to determine the origin (where the fire started) and the cause for the fire. The following is a brief summary;

- Preliminary investigation suggests the fire cause to be ***Incendiary*** (intentionally set by human means); however the motive for setting the fire remains undetermined pending further investigation. This investigation is ongoing.
- The area of origin was determined to be within the first floor, eastern end of the structure.
- The Shawnee County Appraisers Office lists a 2013 property evaluation of \$28,000, however the loss associated with this incident remains undetermined at this time.
- The initial 2nd alarm response to this fire involved seven (7) Engine Companies, four (4) Truck Companies, one (1) Shift Commander, two (2) Battalion Chiefs and an Investigator.
- The Topeka Police Department, AMR, Topeka Public Works, and the Salvation Army also assisted with mitigation of this incident. No Injuries were sustained during this operation.

BACKGROUND: The property located at 1600 SW Harrison Street was recognized as a Local Historic Landmark in 2007 with the application of the "HL" Historic Landmark zoning overlay placed onto the property. This designation was assigned to the property in an effort to assist its owners gain resources necessary to restore and re-occupy the structure. Since that time, however, the property sold to different owners who have allowed the building to fall further into decay. The City of Topeka Code Enforcement Division has cited this structure for numerous safety and nuisance code violations, but has not received any response or acknowledgement of the violation notices from the current owners.

At their meeting on January 14, 2013, at the request of the Code Enforcement Division, the Topeka Landmarks Commission, by a vote of 4-3-0, approved a Certificate of Appropriateness for the building's demolition. The designation of this structure as a local Historic Landmark, however, required consideration and approval of the demolition by the Topeka's Governing Body.

At their meeting on August 13, 2013, Topeka's Governing Body, by a vote of 6-2-0, approved the demolition of the structure. On October 21, 2013, the Topeka Planning Commission, by a vote of 6-0-0, recommended the removal of the "HL" Historic Landmark zoning overlay on the property in order to remove its Local Historic Landmark designation.

October 21, 2013
Agenda Item F-1

HISTORIC LANDMARKS REPORT

TOPEKA PLANNING DEPARTMENT

CASE NO: HL07/3A

by: City of Topeka Planning Commission

PROPOSAL: Requesting to amend the District Zoning Classification by removing the “HL” Historic Landmark Overlay District to property currently zoned “M-1/HL” Two-Family Dwelling District and located at 1600 SW Harrison Street in the City of Topeka, Kansas.

HISTORICAL BACKGROUND: The subject location at the southeast corner of SW 16th Street and SW Harrison Street was originally built as the Walnut Grove Methodist Church in 1903. This structure replaced a nearby church of the same congregation, originally named for the neighborhood which lies east of the Kansas Expocenter (Fair Grounds) and north of the Shunganunga Creek. The original church building, built at the corner of SW 18th Street and SW Harrison Street was abandoned after a flood of the creek in 1903.

The present building was constructed in 1919 to replace the Walnut Grove Methodist Episcopal Church. The building is made of a steel and wood frame, with walls of brick and limestone, and is constructed in the Gothic Revival style of architecture. The structure stood in continuous use until the mid 1990s, when the occupants sold the stained glass windows and abandoned the building. At the time of its recognition as a Local Historic Landmark in 2007, the property was being used as an owner-occupied single-family residence. This owner sold the property in 2008, and it has remained vacant and deteriorating since that time.

In December 2012, the City of Topeka Code Enforcement Unit determined the property to be an unsafe structure, and a public safety hazard, and requested approval for the property’s demolition. The Topeka Landmarks Commission approved the Certificate of Appropriateness for its demolition at its meeting on January 10, 2013. At its meeting on August 13, 2013, the Topeka City Council reviewed the request, and granted its approval for demolition by the City of Topeka Code Enforcement Unit. At its meeting on August 26, 2013, the Topeka Planning Commission, by a vote of 9-0-0, voted to initiate the rezoning request to remove the “HL” Historic Landmark zoning overlay on this property, subsequent with the property’s demolition.

STAFF SUMMARY: The Topeka Planning Commission is requesting that the “HL” Historic Landmark zoning overlay be removed in conjunction with the demolition of this property as an unsafe structure.

STAFF RECOMMENDATION: The Planning Staff Recommends **APPROVAL** of this proposal.

Prepared by: Timothy Paris
Planner II

HL07/03A by City of Topeka Planning Commission



**Minutes of the
Topeka Planning Commission
Monday, October 21, 2013**

HL07/03a by City of Topeka Planning Commission requesting to amend the District Zoning classification from “HL-M-1” Historic Landmark Designation/Multiple Family Dwelling District to “M-1” Multiple Family Dwelling use group on property located at 1600 SW Harrison Street (Paris)

Discussion by members: Bill Fiander summarized the staff report for the case. Mr. Fiander explained that the property has been approved for demolition by the City of Topeka. Mr. Fiander stated the rezoning to remove the “HL” Historic Landmark Designation is a technicality and returns the property to “M-1” Multiple Family Dwelling.

Richard Beardmore asked if the property was being demolished by the City of Topeka and the costs were being adhered to according to through a property tax collection. Mr. Fiander confirmed and stated that due to the property owner being absent or unresponsive, the cost would be placed on the lien for potential recovery during a future sale.

Mr. Beardmore asked if property taxes were in the arrears. Mr. Fiander stated he was not able to confirm that information.

Proponents:

No one spoke in favor of the proposal.

Opponents:

No one spoke in opposition of the proposal.

Dennis Haugh moved to approve the removal of the “HL-M-1” Historic Landmark Designation/Multiple Family Dwelling District, seconded by Richard Beardmore.

APPROVAL. (6-0-0, Michelle Cuevas-Stubblefield, Scott Gales and Mike Lackey were absent.)



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 18, 2013

☐ Back ☐ Print

DATE:	December 10, 2013		
CONTACT PERSON:	Bill Fiander/Bill Hoover	DOCUMENT #:	PUD13/2
SECOND PARTY/SUBJECT:	David H. Stevens; Robert J. Stevens; and MLW LLC	PROJECT #:	
CATEGORY/SUBCATEGORY	014 Ordinances – Non-Codified / 007 Zoning		
CIP PROJECT:	No		
ACTION OF COUNCIL:		JOURNAL #:	
		PAGE #:	

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 providing for certain changes in zoning on property located at 1700 SW Buchanan and 1113-1115 SW 17th Street from "'M-1" Two-Family Dwelling District TO "PUD" Planned Unit Development District ("C-1" Commercial uses with residential occupancy, "O&I-2" Office and Institutional District, "M-1" Two-Family Dwelling District on 1700 SW Buchanan and 1113-1115 SW 17th Street and a vehicle surface parking lot as a principal use on 1113-1115 SW 17th Street. First Reading. (PUD13/2) (Council District No. 3)

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval would allow the properties at 1700 SW Buchanan and 1113-1115 SW 17th Street to develop for mixed use development including C-1 commercial uses with residential occupancy, offices, duplexes, or off-street parking.)

POLICY ISSUE:

As a condition of the Planned Unit Development, the request is in conformance to the Chesney Park Neighborhood Plan by limiting strip commercial characteristics along 17th Street and requiring new construction to be consistent with the plan's design guidelines. The Governing Body has the following options to consider:

- (1) Adopt the recommendation of the Planning Commission by a majority vote (6) of the Governing Body. Item #16
- (2) Override the recommendation of the Planning Commission by a two-thirds majority voted (7) of the

Governing Body.

(3) Return the recommendation to the Planning Commission with a statement specifying the basis for the Governing Body's decision to approve or disapprove by a majority vote (6) of the Governing Body.

STAFF RECOMMENDATION:

Staff is recommending the Governing Body move to adopt the ordinance.

BACKGROUND:

Phase 1 of the proposal located near 1700 SW Buchanan, allows for access off of SW Buchanan only; signage will be limited to an 18 square foot monument and an 18 square foot wall sign. Any commercial use (C-1) must close by 8:00 p.m.

Phase 2 of the proposal located near 1113-1115 SW 17th Street allows for a vehicle surface parking lot and other principal uses. Access from the existing 17th Street driveway will be permitted if developed as residential. If the property is developed as commercial with residential or office uses, the location of the driveway on 17th Street will be determined at the time of site development and approved by the City Engineer. Signage will be limited to an 18 square foot monument sign and an 18 square foot wall sign. Any commercial (C-1) uses must close by 8:00 p.m.

The Planning Commission and the Topeka Planning Department recommends approval.

BUDGETARY IMPACT:

There would be no budgetary impact to the City.

SOURCE OF FUNDING:

Not applicable

ATTACHMENTS:

[Ordinance](#)

[Summary Report](#)

[Staff Report](#)

[PUD plan revised per PC approval](#)

[8-19-13 PC minutes](#)

[9-16-13 PC minutes](#)

[11-18-13 PC Minutes](#)

[Aerial Map](#)

[Zoning Map](#)

[Citizen Participation report](#)

[Design Guidelines along Image Corridors](#)

(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 providing for certain changes in zoning on property located at 1700 SW Buchanan and 1113-1115 SW 17th Street from “M-1” Two-Family Dwelling District TO “PUD” Planned Unit Development District (“C-1” Commercial uses with residential occupancy, “O&I-2” Office and Institutional District, “M-1” Two-Family Dwelling District on 1700 SW Buchanan and 1113-1115 SW 17th Street and a vehicle surface parking lot as a principal use on 1113-1115 SW 17th Street. (PUD13/2) (Council District No. 3)

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. That the “District Map” referred to and made a part of the Zoning Ordinance by Section 18.50.050 of the Topeka Municipal Code (TMC), be and the same is hereby amended, by reclassifying the following described property:

1700 SW BUCHANAN STREET

THE WEST 57 FEET OF LOTS 618, 620, 622 AND 624 AND THE WEST 57 FEET OF THE NORTH HALF OF LOT 626 ON BUCHANAN STREET, FORMERLY LINCOLN STREET, BLOCK 4, MARTIN & DENNIS' SUBDIVISION, AN ADDITION TO THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS. LESS THE FOLLOWING DESCRIBED TRACT: PART OF LOTS 618, 620 AND 622 ON BUCHANAN STREET, FORMERLY LINCOLN STREET, BLOCK 4, MARTIN AND DENNIS' SUBDIVISION IN THE CITY OF TOPEKA, SHAWNEE COUNTY KANSAS, DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHWEST CORNER OF LOT 618; THENCE SOUTH ALONG THE WEST LINE OF LOTS 618, 620 AND 622 TO A POINT 97.51 FEET SOUTH OF THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 6TH P.M.; THENCE NORTHERLY TO A POINT ON THE NORTH LINE, 10.14 FEET EAST OF THE NORTHWEST CORNER OF LOT 618; THENCE WEST TO THE PLACE OF BEGINNING.

1113 SW 17TH STREET

THE EAST 41 FEET OF LOT 618, 620, 622, 624 AND THE EAST 41 FEET OF THE NORTH 1/2 OF LOT 626, ON BUCHANAN STREET FORMERLY LINCOLN STREET, (BLOCK 4), IN MARTIN AND DENNIS SUBDIVISION, IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS.

1115 SW 17TH STREET

THE EAST 48 FEET OF THE WEST 105 FEET OF LOTS 618, 620, 622, AND 624 AND THE EAST 48 FEET OF THE WEST 105 FEET OF THE NORTH 1/2 OF LOT 626, ON BUCHANAN STREET, FORMERLY LINCOLN STREET, (BLOCK 4), IN MARTIN AND DENNIS SUBDIVISION, IN THE CITY OF TOPEKA, SHAWNEE COUNTY,

PUD13/2

KANSAS.

Section 2. The development of the site is from “M-1” Two-Family Dwelling District TO “PUD” Planned Unit Development District (“C-1” Commercial uses with residential occupancy, “O&I-2” Office and Institutional District, “M-1” Two-Family Dwelling District on 1700 SW Buchanan and 1113-1115 SW 17th Street and a vehicle surface parking lot as a principal use on 1113-1115 SW 17th Street.)

Subject to:

1. Use and compliance of the site in accordance with the recorded Master Planned Unit Development Plan for Stevens 17th Street.

Section 3. The Master PUD Plan shall be recorded with the Shawnee County Register of Deeds in accordance with Section 18.190.060(b) of the Topeka Municipal Code (TMC). Following the recording of the Master PUD Plan and prior to any building and/or land development on the site, a site development plan shall be submitted for review and administrative approval by the Planning Director.

Section 4. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

Section 5. This Ordinance Number shall be fixed upon the “District Map”.

Section 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

PASSED AND APPROVED by the Governing Body of the City of Topeka,
_____, 2013.

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

PUD13/2

To Be Codified _____

Not To Be Codified X

CITY OF TOPEKA PLANNING DEPARTMENT

SUMMARY REPORT

Re: PUD13/2 Stevens 17th Street Planned Unit Development Plan

The proposal is a request on properties located at 1700 SW Buchanan and 1113-1115 SW 17th Street to amend the zoning classification from “M-1” Two-Family Dwelling District to “PUD” Planned Unit Development (“C-1” Commercial District uses with a residential occupancy requirement, “O&I-2” Office and Institutional District uses, and “M-1” Two Family Dwelling District uses on all properties, and a vehicle surface parking lot as a principal use on the properties at 1113-1115 SW 17th Street only.)

- **Phase I:** (1700 SW Buchanan) – Allows neighborhood commercial uses (“C-1” District) with a residential occupancy requirement, “O&I-2” Office and Institutional District without a residential occupancy requirement, residential uses only (“M-1” Two Family Dwelling District) or a combination of these uses; Access will be provided off of SW Buchanan only; signage will be limited to an 18 sq. ft. monument and an 18 sq. ft. wall sign. Any “C-1” use must close by 8:00 pm.
- **Phase II:** (1113-1115 SW 17th Street) – Allows neighborhood commercial uses (“C-1” District) with a residential occupancy requirement, “O&I-2” Office and Institutional District without a residential occupancy requirement, residential uses only (“M-1” Two Family Dwelling District) or a combination of these uses. A vehicle surface parking lot as a principal uses will also be allowed. Access from the existing 17th Street driveway will be permitted if developed as residential only. If the property is developed as commercial with residential or office uses, the location of the driveway on to 17th will be determined at the time of site development as approved by the City Engineer. Signage will be limited to an 18 sq. ft. monument sign and an 18 sq. ft. wall sign. Any “C-1” use must close by 8:00 pm.

As conditioned on the Planned Unit Development (PUD), the request is in conformance to the neighborhood plan. The PUD requires any new principal buildings conform to the Chesney Park Neighborhood Plan’s recommendations for “Design Guidelines along Image Corridors”. The Planning Commission recommended the proposal be approved by a vote of 7-0-1 at the November 18, 2013, public hearing. The Planning Department recommended the proposal be approved, as referenced in the attached staff report.

As there are no outstanding issues, the Planning Department requests the Governing Body move to approve the Ordinance and adopt the zone change.

November 18, 2013
Agenda Item # E-1

ZONING REPORT

CITY OF TOPEKA PLANNING DEPARTMENT

CASE NO: PUD13/2
(Stevens 17th Street PUD)

by: David H. Stevens, Robert J. Stevens, & MLW LLC

The request was first heard by the Planning Commission at its August 19, 2013 public hearing and was deferred at the request of the applicant. The public hearing was continued to the Planning Commission's September 16th meeting. The Planning Commission further continued the public hearing to its November 18, 2013 meeting to allow staff to work with the applicants and develop some alternatives to the PUD as originally proposed. The PUD plan, as proposed herein, recommends a new alternative that is agreed upon by planning staff and the applicants. The staff report has been revised accordingly and the zone change request was re-advertised in the Metro News. All property owners within 200 ft. and NIAs within ½ mile were re-sent property owner notices indicating the zone change revisions.

PROPOSAL: Zone change from “M-1” Two-Family Dwelling District **TO** “PUD” Planned Unit Development (“C-1” Commercial District uses with a residential occupancy component, “O&I-2” Office and Institutional District uses, and “M-1” Two Family Dwelling District uses on all properties, and a vehicle surface parking lot as a principal use on the properties at 1113-1115 SW 17th Street only.)

LOCATION: 1700 SW Buchanan and 1113-1115 SW 17th Street



PRESENT USE: A commercial building (1700 SW Buchanan) that was constructed in 1920 and has been renovated and re-used for residential on the inside. The properties at 1113-1115 SW 17th Street are vacant. The total area comprises approximately 0.35 acres. The applicants are currently living in the existing building as a residence with a home occupation permit for online sales for gun sales and service.

PROPOSED USE: The proposed uses are broken down into two phases on the PUD as outlined below:

- **Phase I:** (1700 SW Buchanan) – Would allow commercial uses (“C-1” District) with a residential occupancy requirement, “O&I-2” Office and Institutional District without a residential occupancy requirement, residential uses only (“M-1” Two Family Dwelling District) or a combination of these uses; Access will be provided off of SW Buchanan only; signage will be limited to an 18 sq. ft. monument and an 18 sq. ft. wall sign.

November 18, 2013
Agenda Item # E-1

- **Phase II:** (1113-1115 SW 17th Street) – Would allow commercial uses (“C-1” District) with a residential occupancy requirement, “O&I-2” Office and Institutional District without a residential occupancy requirement, residential uses only (“M-1” Two Family Dwelling District) or a combination of these uses. A vehicle surface parking lot as a principal uses will also be allowed. Access from the existing 17th Street driveway will be permitted if developed as residential only. If the property is developed as commercial with residential or office uses, the location of the driveway on to 17th will be determined at the time of site development as approved by the City Engineer. Signage will be limited to an 18 sq. ft. monument sign and an 18 sq. ft. wall sign.

CHARACTER OF NEIGHBORHOOD: The subject property is located directly to the west of an existing commercial node located at the intersection of SW Clay (local street) and SW 17th Street (minor arterial) in an area comprised of predominately residential uses, except for the American Red Cross office (constructed 1969) one block to the west. The subject properties are considered a transitional area between the higher intensity commercial and lower intensity residential.

ZONING CLASSIFICATION AND USE OF SURROUNDING PROPERTIES:

	ZONING CLASSIFICATION	PRESENT LAND USE
North:	“R-2” Single-Family Dwelling District	Single-family residences
South:	“R-2” Single-Family Dwelling District	Single-family residences
East:	“C-2” Commercial District	Sign company
West:	“M-1” Two-Family Dwelling District	Single-family residences

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: The existing building at 1700 SW Buchanan was constructed in 1920 and has historically been used for various commercial uses, including an automobile service station. The property has been zoned “M-1” Two-Family Dwelling District since at least 1992 with the most recent City-wide comprehensive zoning code update. The existing commercial building was used most recently as a single-family dwelling in 2009. The properties at 1113-1115 SW 17th Street were used as single-family residential until 2012 when these two residences were demolished.

SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED: The subject property is still suitable as presently restricted for residential uses since it was most recently used for residential, is bounded on all but one side by single-family residential properties, and is located along a primarily residential street at a “transition area” between commercial and residential uses. The subject property is along a corridor intended for residential infill development. The zoning code does provide for PUDs to be used in some circumstances on smaller properties (< 1 acre) that transition from non-residential to residential and are located on the edge of neighborhood commercial areas, such as this. These Transition PUDs are intended to allow infill development that is compatible within the adjacent residential neighborhoods by addressing design standards, such as, signage, access, building orientation, landscaping buffers, setbacks, uses, and fencing. These standards are typically applied to Transition

November 18, 2013
Agenda Item # E-1

PUDs because of the nature of the location of the *Transition Area*, typically next to or within a residential setting. As recommended, staff believes the proposed PUD will allow for an appropriate re-use of the existing commercial building for live-work uses and some flexibility for the redevelopment of the vacant properties fronting SW 17th Street that will be consistent with design guidelines as recommended for new development along image corridors in the Chesney Park Neighborhood Plan (Pg. 53).

CONFORMANCE TO COMPREHENSIVE PLAN: The subject property is located within an area identified as *Office/Residential – Transition* in the Chesney Park Neighborhood Plan (2008). The plan recognizes certain areas as *Transition Areas* due to underlying zoning and land uses, presence of vacant land, and blighted structures. These *Transition Areas* are intended to allow for some flexibility of uses and provide for compatible infill development. The neighborhood plan indicates that development within these designated *Transition Areas* should apply appropriate design standards for new development along image corridors (pg. 53). The PUD will comply with these requirements for new principal buildings, as noted on the PUD.

The PUD proposes that the existing building will be intensified, as it is already being adaptively re-used as a residence. Adaptive re-use of the property is significant since this structure directly contributes to the character of the neighborhood. The Chesney Park Plan specifically calls it out as a model of successful adaptive residential re-use. The neighborhood plan indicates this property is an “anchor” for the neighborhood. Its continued re-use will directly contribute to the goal of the plan which is to, “*identify, preserve, and enhance community assets to improve neighborhood identity, foster pride, and encourage investment.*” As recommended by staff, a mixed – use PUD for neighborhood commercial uses with a residential component where the commercial use closes by 8:00 pm will likely be in conformance to the Chesney Park Neighborhood Plan as it aligns with home occupation limits for residential. The PUD would also allow for duplex or office uses in the future for both Phases I and II.

Staff still believes there are some “C-1” Commercial District uses that are not in conformance to that goal of the plan which recommends that, “*New retail be concentrated at existing commercial nodes south of SW 21st and north of SW 17th and strip commercialization be prohibited along the neighborhood edges*”. The “C-1” District may need to be re-calibrated because of the changes in market and neighborhood expectations over the years. Some of the permitted uses that are allowed in “C-1” have tended to become large-scale, community commercial uses serving a broader area than one neighborhood and are no longer intended only for pedestrians and short, local traffic trips. However, the intent of the “Design Standards along Image Corridors” in the neighborhood plan is to prevent the kind of strip commercialization typically found along arterial streets. The requirement that any “C-1” use will have a residential component will also prevent any stand-alone commercial retail centers, which are characteristic in areas of strip commercialization. The PUD will also require a new parking lot within Phase II be landscaped and setback at least 15 ft. from the property line, which is the average building setback along the block.

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: Staff believes as recommended in the PUD, reclassification of the subject property should not have a detrimental effect on nearby properties with the appropriate considerations being addressed in regards to use, signage, hours of operation for commercial uses, landscaping, fencing, setbacks, and building design.

November 18, 2013
Agenda Item # E-1

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:

Denial of the application would restrict the properties for only the residential uses that are allowed in "M-1" and not permit the property to develop for anything other than residential. This may also leave the existing commercial building vacant and unoccupied in the future, unless used for residential only or for residential with a home occupation permit. A building lying vacant for a significant amount of time could potentially cause harm to the neighborhood if it is not maintained. Staff believes with the design standards as indicated in PUD, a live-work use will not harm the public health, safety, and welfare since the PUD will allow the existing building to be used and maintained for both residential uses, limited retail uses with a residential component, or an office building.

AVAILABILITY OF PUBLIC SERVICES: All essential public utilities, services and facilities are presently available to this area.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:

Minimum Lot Area: **Compliant** – 0.35 acres – Transition PUDs are allowed on properties less than 1 acre pursuant with TMC 18.190.040(a)(2) of the PUD regulations.

Setbacks: **Compliant** – Stipulated on PUD plan.

Platting: **Compliant** – Platted as Lots 618, 620, 622, 624, and the north ½ half of Lots 628, Martin and Dennis Subdivision.

CONCERNS OF STAFF AND REVIEWING AGENCIES: This request was submitted to all applicable reviewing agency staff for consideration and comment. If a parking lot is developed with Phase II, the City Engineer will need to review a drainage report addressing storm water quantity at the site development stage prior to the issuance of a parking lot permit. Storm water quality review is not required by the City of Topeka for this site since the site was already 1/3 developed and less than 1 acre.

ADDITIONAL FACTORS:

1. Citizen Participation Process: The applicant conducted a neighborhood information meeting on July 25, 2013 at the Central Park Community Center. All neighborhoods within ½ mile and property owners within 300 ft. were notified of the original neighborhood information meeting (Central Park, Chesney Park, College Hill, Tennessee Town, and Quinton Heights). The NIAs in ½ mile were re-notified of the zone change revisions.
3. Flood Hazard Area: N/A
4. Airport Hazard Area: N/A
5. Historic Properties: N/A

STAFF RECOMMENDATION: Based on the above findings and analysis, planning staff recommends **APPROVAL**, subject to:

1. Use and development of the site in accordance with the **Master Planned Unit Development Plan for Stevens 17th Street.**

November 18, 2013
Agenda Item # E-1

2. Adding note #5 under Utility Notes: *“If Phase II is developed for a vehicle surface parking lot, a stormwater report addressing only drainage quantity shall be submitted for review and approval by the City Engineer prior to the issuance of a parking lot permit.”*
3. Including “. . . or a Vehicle surface parking lot as a principal use” under Anticipated Development Schedule Phase II also.

Prepared By:
Annie Driver, AICP,
Planner II

DATE _____ TIME _____



MY COMMISSION EXPIRES: _____

SBB Proj. No.:	13-079
—	—
Drawn by:	MB
Checked by:	KB
Date:	07/05/2013
Scale:	1"=20'
Drawing No.:	

**Minutes of the
Topeka Planning Commission
Monday, August 19, 2013**

PUD 13/2 Stevens 17th Street Retail Planned Unit Development by David H. Stevens & Robert J. Stevens and MLW, LLC requesting to amend the District Zoning Classification from “M-1” Multiple Family Dwelling District **TO** “PUD” Planned Unit Development (“C-1” Commercial District and “M-1” Multiple Family Dwelling use group) on properties at 1113-1115 SW 17th Street and 1700 SW Buchanan Street. **(Driver)**

Discussion by members: Annie Driver summarized the staff report for the case. Mrs. Driver explained Staff recommends approval.

Richard Beardmore asked what the thought was on #4 to restrict the kind of businesses allowed. Ms. Driver explained it was based on the Home Occupation Permit (HMOC) guidelines, which the applicant currently operates under and uses are in line with the neighborhood plan.

Dennis Haugh asked if the building is in compliance with zoning. Ms. Driver explained it is.

Mr. Beardmore asked if the property was zoned R-1. Ms. Driver confirmed.

Michelle Cuevas-Stubblefield asked if pharmacy and drug stores are excluded but a sporting good/gun shop is permissible. Mr. Gales added the question of what was the process to determine appropriate businesses. Bill Hoover explained pharmacies are drive thru sites and this is not a site that drive-thru would work.

Dustin Crook asked if this is a sporting-goods store that will sell guns or a gun store. Ms. Driver confirmed. Mr. Crook stated the goal of the Chesney Park Neighborhood Plan was to rebuild the neighborhood character and restore confidence in family safety. Mr. Crook explained the recommended land uses within the plan for offices/residential. Mr. Crook asked how turning a model into a gun shop is following that plan.

Bill Fiander explained this is a transition area of the plan. Mr. Fiander stated what the building looks like is what is in the plan but the particular use of the building is not the intent of the plan. Mr. Fiander explained that the gun shop would meet the use of a sporting goods store. Mr. Fiander questioned whether a sporting goods store is not more of a community-wide commercial use instead of neighborhood scale. Mr. Fiander explained a PUD could be tailored to meet the needs of the site and

neighborhood. Mr. Fiander stated that within these conditions, it has merit.

Mr. Crook stated the plan indicates office use, which is low density, and that a gun shop in the middle of a residential neighborhood does not meet that criteria.

Mark Boyd, Schmidt, Beck and Boyd Engineering, appeared, on behalf of the applicant, to answer any questions regarding the proposal.

Mr. Boyd stated this case is important because of the essence of small business. Mr. Boyd stated the building was initially a gas station in the 1920s and has changed a few times over the decades, mostly falling to despair. Mr. Boyd stated the applicant is saving and preserving the building. Mr. Boyd stated the applicant is seeking a very select cliental, not the typical retail sporting goods customers. Mr. Boyd asked the Planning Commission to not focus on the gun shop but that it is a retail sporting-goods shop.

Mr. Boyd stated he was confused why there were uses excluded, yet it was later explained that the uses were being added, not removed. Mr. Boyd stated the case is unique. There are two owners, one to operate the business and the other owns the lot that will be used for parking. Mr. Boyd stated it is better to have an occupant with controlled uses.

Mr. Boyd stated the applicant has agreed to most of the requests but the access to 17th Street. Mr. Boyd stated the applicant has gone to a huge expense of demolishing buildings to make the lots yet is not able to have the access he wants. Mr. Boyd described the area and the need for parking in the area. Mr. Boyd explained it is the owner of the lots who is not in agreement to the staff recommendations but Mr. Stevens is.

Mr. Boyd reminded the Planning Commission that Neighborhood Plans do not always play out the way they are written. Mr. Boyd stated he wasn't sure what could be done to move forward.

Mr. Boyd asked for clarification as to why the 17th Street access is being restricted and how the alley will serve as appropriate access for two way traffic. Mr. Boyd stated in an ideal situation, access to 17th Street should be restricted. Mr. Boyd stated, however, in this instance, the property would be better served to leave it unrestricted.

Mr. Boyd asked the Planning Commission to leave the case in the site plan review phase. Mr. Boyd stated he is unsure of how 17th Street will develop and to restrict plans today would be overly burdensome. Mr. Boyd explained the development of 17th and Washburn and how it may

further develop. Mr. Boyd explained he hoped the Planning Commission understood how important the access is.

Mike Lackey asked the distance of second entrance. Mr. Boyd stated 127 feet from center line of Buchanan and 52 feet from alley.

Mr. Gales asked if the client has agreed to all conditions from Planning Staff with exception of six, seven, eight and nine. Mr. Boyd confirmed. Mr. Boyd stated he is concerned with the wording of "shall" in item number four. Mr. Gales asked for clarification of hours of operation.

Mr. Crook stated there is a concern with headlights in windows, which may be the reason for the hours of operation.

Mr. Klausman asked if retail is allowed or not. Ms. Driver confirmed and stated restaurants limited to 50 people are allowed in C-1 zoning.

Mr. Fiander clarified the list of items explain what could not be allowed in the location.

Mr. Gales asked what establishes the hours of operation. Mr. Fiander explained C-1 does not restrict the hours.

Mr. Klausman asked why there are suggested hour restrictions when there are not in C-1 zoning. Mr. Klausman referred to the 37th and Burlingame re-zoning case and stated it was similar. Mr. Fiander explained this is a transition area and a PUD, which is different.

Mr. Gales asked if the traffic changes later in the day or if it would be that supports that timeframe.

Mr. Fiander stated the proposed PUD standards were in line with Home Occupation Permits, which are limited to certain conditions and hours. Mr. Fiander stated the Home Occupation Guidelines were used to guide the PUD. Mr. Fiander reminded that this is a residential property currently.

Mr. Lackey asked what hours the businesses on corner of NE corner of Clay and 17th Street have. Mr. Fiander stated he was not sure. Mr. Boyd stated there are a few vacant buildings on the other corners that are zoned C-2.

Mr. Crook asked if it was zoned residential when purchased. Mr. Boyd deferred to the property owner.

Dave Stevens, applicant, confirmed. Mr. Stevens explained the property was in an estate and was not zoned appropriately. Mr. Stevens was told

that the attorney handling the estate would have it rezoned appropriately. Mr. Stevens stated it was never done.

Mr. Stevens provided a history of the property, including the improvement.

Mr. Stevens explained the business clientele as law enforcement, elite clients and gun enthusiasts.

Mr. Gales asked if the gun-smithing requires licensing or approvals. Robert Stevens, co-applicant, explained he is a machinist and has been approved for the Federal Firearms license and is a licensed gunsmith. Mr. Stevens explained he is certified and holds a security clearance. Mr. Stevens explained his clients are serious sportsman and law enforcement.

Mr. Gales asked if the business that is proposed is permissible in the sporting goods classification.

Mr. Fiander confirmed and explained that there have been many Home Occupation licenses approved for firearm sales and repair in private homes.

Ms. Cuevas-Stubblefield asked if a private citizen can walk in a purchase a gun. Mr. Stevens stated yes and he would like it. Mr. Stevens added that his business will provide training to those customers who purchase a weapon.

Ms. Cuevas-Stubblefield asked what considerations have been put into place to address safety concerns for the neighborhood.

Mr. Stevens explained his security measures.

Mr. Jefferson asked what inventory would be on hand. Mr. Stevens stated it would be less than 30 weapons. Mr. Stevens explained the equipment is very expensive. Mr. Jefferson asked if would be more special orders than inventory. Mr. Stevens stated that it is his hopes to address specific needs.

Mr. Jefferson asked if there are stats of what the likelihood of break-ins of gun-shops in neighborhood. Mr. Stevens stated he will be by appointment only.

Richard Beardmore asked if the access issue was a deal breaker. Mr. Stevens stated the other property owner has a problem with it because it interferes with the other business.

Mr. Stevens stated the Chesney Park NIA is in favor of the proposed.

Proponents:

No one spoke in favor of the proposal.

Opponents:

Robert Fitzgerald, neighbor of the area, spoke in opposition of the proposal. Mr. Fitzgerald stated he is a member of NIA, stated he was not in attendance of a meeting in which the NIA endorsed support of the proposed.

Mr. Fitzgerald stated he cannot support the change of zoning of returning to commercial. Chesney is a family friendly neighborhood that is in transition. Mr. Fitzgerald doesn't want to define the neighborhood with a gun shop. Mr. Fitzgerald stated that what happens to the property defines the neighborhood.

Mr. Fitzgerald spoke regarding the issues of commercial properties having lights shone in the neighbor's windows. Mr. Fitzgerald stated this is a hardship to the neighborhood yet no hardship to the applicant. It is a self-imposed hardship when the property was purchased as residential and is now being changed to something else.

Mr. Fitzgerald addressed the parking lots. Mr. Fitzgerald stated that there are two residential lots that can meet the master plan of Chesney for infill development. Mr. Fitzgerald stated this is a lost opportunity to building single family homes.

Mr. Fitzgerald stated there should be light commercial zoning with restricted parking. Mr. Fitzgerald requested the Planning Commission deny the request for the zoning change.

Dennis Haugh asked if Mr. Fitzgerald would support parking lots being built instead of the business going in.

Mr. Fitzgerald stated it would be in support of intended use of the land. Mr. Fiander stated if new homes were built on the property, there would be flexibility.

Mr. Crook asked if Mr. Fitzgerald could explain the hardship.

Mr. Fitzgerald stated that because the owners purchased it as a home, it is self-imposed hardship.

Mr. Klausman asked if the applicant had a Home Occupation Permit, what would the difference be.

Mr. Fiander explained someone would have to live on the property; there is no storage, and no retail sales.

Mr. Beardmore asked if it is Mr. Fitzgerald's perception that the store would bring problems to the neighborhood. Mr. Fitzgerald stated it is sending the wrong message to the neighborhood. Mr. Fitzgerald would support a Home Occupation permit, but not the retail.

Mr. Gales asked Mr. Fitzgerald if he would oppose a deli being at the location. Mr. Fitzgerald stated he would oppose based on the information received at the Planning Commission and the challenges faced by the neighborhood under a commercial zoning. Mr. Fitzgerald stated this is an anchor property in a transitional area.

Mr. D. Stevens clarified that he paid \$35,000 for the property and \$45,000 in improvements on the property.

David McDonald, owner of properties in the neighborhood spoke in opposition of the proposed. Mr. McDonald stated the neighborhood is safe and many question that. Mr. McDonald stated he would disclose that the property is a gun shop. Mr. McDonald stated there is interest to move into the community but a business that sells guns will cause concerns in the community. .

Mr. Klausman asked if the community would have benefitted from a coffee shop. Mr. McDonald stated any additional commercial properties are not needed in the Chesney neighborhood.

Mr. R. Stevens commented that he ran his business and never had any problems. When he rented the property out, there was a damaging break-in.

Mr. Crook stated he does not see a benefit to the neighboring properties in allowing this property to become a commercial property nor would it present a hardship to an owner. Mr. Crook stated that he is opposed to supporting the request.

Mr. Lackey stated it is inappropriate to close access to a property when the access granted is another property owner. Mr. Lackey stated he would support granting the access to 17th Street. Mr. Lackey added the alley is not appropriate access.

Mr. Lackey added that nearly forty-five percent of the neighborhood is surrounded by commercial property. Mr. Lackey suggested a low-density zoning.

Mr. Crook stated that he doesn't understand how the zoning change supports the neighborhood plan to revitalize the residential aspect yet would approve a commercial property. Mr. Crook asked if the Planning Commission is abandoning the plan to approve this.

Mr. Fiander stated he did not believe the Plan is being abandoned. Mr. Fiander stated he wrote the Neighborhood Plan and is sensitive to following those plans. Mr. Fiander stated the direction for this property was from light commercial on 17th Street.

Mr. Fiander explained the commercial node is most appropriate at 17th and Clay, which is where it is at. Mr. Fiander stated that there were two residents on 17th Street with one drive. Mr. Fiander stated that now the department is asking for a transition area in keeping with the plan to blend that area with residential purposes. Mr. Fiander stated this is the main reason for recommending against the driveway. Mr. Fiander explained the recommended access along 17th Street is keeping with the established character for 17th Street and used the American Red Cross driveway as an example. At least 30% of the landscaped frontage would be lost if the drive was put in for a parking lot.

Mr. Fiander stated this is difficult for staff but PC should consider that this is a commercial use, not a gun shop. Mr. Fiander added that when considering the driveway, consider if it is appropriate. Mr. Fiander stated this case has presented a challenge when initially brought to the Planning Department.

Nicholas Jefferson stated there was a neighborhood info meeting that two people attended and only two people are here tonight to attest to the case. Mr. Jefferson stated this presents a struggle.

Mr. Lackey stated there is an issue with the two owners of the properties and phase II might be development of houses. If that was the case, wouldn't the drive would be allowed. Mr. Lackey asked if there is an issue with Inverse condemnation.

Mr. Fiander stated there needed to be a drive to access previous house on an interior lot. Mr. Fiander stated ideally there should be cross access between the two properties. Mr. Fiander also stated the alley could be widened.

The PC took a break to allow for the Communications staff to change the recording tape.

Ms. Cuevas-Stubblefield asked if the engineering decisions would change the characteristics.

Mr. Fiander responded there could be allowance or to mandate cross access. Mr. Fiander stated it could have definite effect of the characteristic.

Mr. Gales asked for clarification of the density that is allowed for occupancy or number of units for residents. Mr. Fiander stated the minimum lot size is fairly small. Mr. Gales stated this is not a single family property

Mr. Fiander stated it is single family and two family lots.

Mr. Beardmore asked for clarification of the map in the packet. Mr. Fiander explained it is from the Chesney Neighborhood Plan. Mr. Fiander stated it is for the existing land use, not zoning.

Mr. Gales asked for clarification what a yes vote or no vote means.

Mr. Fiander explained this case would be forwarded to the City Council, regardless of the vote. Ms. Feighny explained that it is yes to approve. Mary Feighny stated it a recommendation of disapproval would be forwarded to City Council. Mr. Fiander explained the voting requirements.

Mr. Gales stated the property owner have not agreed to the conditions set forth by Planning Staff.

Mr. Klausman asked the applicant could get the property owner engaged in conversation regarding the conditions they do not agree with.

Mr. Boyd suggested deferring the proposed to engage the owner and pursue engineering decisions. Mr. Boyd asked to defer the item or continuance at this time.

Ms. Feighny stated the Planning Commission could move to defer for 30 days to afford owners to disc

Mr. Haugh stated he will be absent.

Bret Klausman moves to defer the case until September 16, 2013, seconded by Mike Lackey. **APPROVAL. (8-0-1, Kevin Beck abstained from the vote)**

**Minutes of the
Topeka Planning Commission
Monday, September 16, 2013**

PUD 13/2 Stevens 17th Street Retail Planned Unit Development by David H. Stevens & Robert J. Stevens and MLW, LLC requesting to amend the District Zoning Classification from “M-1” Multiple Family Dwelling District **TO** “PUD” Planned Unit Development (“C-1” Commercial District and “M-1” Multiple Family Dwelling use group) on properties at 1113-1115 SW 17th Street and 1700 SW Buchanan Street. **(Driver)**

Kevin Beck left the room.

Discussion by members: Annie Driver summarized the revised staff report for the case. Mrs. Driver explained Staff recommends approval of a PUD, excluding sporting goods sales, pharmacy/drug stores and retail liquor stores that would be allowed in C-1 “Commercial” use group.

Dustin Crook stated that the applicant submitted the application for rezoning to open a sporting goods store. Mr. Crook asked if the staff recommendations are to approve the application for the commercial uses but exclude for the sporting goods store. Mrs. Driver confirmed. Mr. Crook asked what the purpose of approving the other commercial uses of the PUD. Mrs. Driver explained that the limited commercial uses being recommended by staff for an approval are suitable for the transition area designated in the neighborhood plan. Mrs. Driver added that the area is appropriate for limited commercial uses but only those that are community friendly.

Mr. Crook stated the plan indicates the intent to avoid strip commercialization on 17th Street but with staff recommendations, this property will be commercialized if approved. Mrs. Driver confirmed.

Mike Lackey asked if there were any changes regarding the access of the business. Mrs. Driver stated item number seven has been updated to possibly allow some cross access between the two properties in the future. Mrs. Driver stated that would have to be accomplished during the site review stage.

Mr. Crook asked if the signed petition received from Chesney Park residents was taken into account when making the staff recommendations. Mrs. Driver stated the petition was received on September 16, 2013 and it was not.

Scott Gales stated the Planning Commission had closed the public

hearing regarding this matter during the previous meeting. Mr. Gales asked if there was allowance for response or is anyone allowed to speak during this meeting. Mr. Hoover stated the applicant or his representative should be allowed to respond but the decision lies with the Chairman. Mr. Gales stated he would allow the applicant or applicant's representative to speak regarding the matter.

Mark Boyd, Schmidt, Beck and Boyd Engineering, appeared, on behalf of the applicant, to answer any questions regarding the proposal.

Mr. Boyd explained that thirty days of waiting on the issue has caused the issue to move backwards. Mr. Boyd stated that since the Planning Staff has re-evaluated the proposal and changed the recommendation of the particular use the applicant requested, it has presented challenges for the client. Mr. Boyd stated that in viewing the recommended conditions, there is a need for clarification to the Planning Commission as to what the client is in agreement with.

Mr. Boyd stated that excluding sporting goods stores in condition two is not agreeable. Mr. Boyd stated that the Planning Commission recently approved a rezoning for a retail store that sells firearms within the confines of a school district, so he does not understand the difference. Mr. Boyd stated the applicant is not in agreement with this condition.

Mr. Boyd stated that he is concerned with item number three. Mr. Boyd stated he is concerned with why the issue becomes a major amendment if there are any changes to the exterior of the building. Mr. Boyd stated there is a 5% threshold for increasing square footage in any other PUD submitted, yet this case has zero tolerance. Mr. Boyd stated he, nor the owner, are in agreement with that condition.

Mr. Boyd stated he is not in agreement with recommendations 6-9, which address the access on 17th Street. Mr. Boyd stated that the access to 17th should not be restricted, especially with the separate parcel that has a different owner. Mr. Boyd explained the applicant is in agreement with closing one access. However, Mr. Boyd explained that restricting the other owner's access completely is not agreeable. Mr. Boyd suggested that the condition be changed to allow for one access to be determined during site review plan.

Mr. Boyd stated that staff has referred to the Chesney Park Neighborhood Plan for the decision. Mr. Boyd stated that he was a member of the Planning Commission at the time the plan was adopted. Mr. Boyd stated there was no plan to restrict commercial business on 17th Street when adopting the plan. Mr. Boyd stated that when viewing the future land use map, this parcel is identified as a transitional parcel for a PUD and it does

not indicate what the use should be. Mr. Boyd stated this is a commercial node, and is adjacent to the other commercial nodes. Mr. Boyd stated the denial of this proposal is picking and choosing what are appropriate uses without justification.

Mr. Boyd stated there is no way of knowing how a petition is being presented to the individuals who signed it. Mr. Boyd stated that petitions should be presented through the Planning Department to ensure that those eligible to sign get a thorough understanding of what is happening. Mr. Boyd stated that allowing a petition to stand in the way of a decision by the Commission is unprofessional.

Mr. Lackey asked if there was any further discussion regarding the access on 17th Street. Mr. Boyd stated there really wasn't any additional discussion. Mr. Boyd stated the main discussion focused on the use of the commercial property. Mr. Boyd stated that Mr. Fiander explained the morning after the August hearing was that he was unable to support the proposed. Mr. Boyd stated that when two owners are involved, both should have access and the access point should not be used as leverage.

Mr. Lackey stated he agreed.

Mr. Boyd stated he felt the restriction of access was used as leverage to achieve other things.

Mr. Crook asked if Mr. Boyd is requesting that the Planning Commission not consider the petition.

Mr. Lackey asked if the petition stated why. Mr. Lackey asked what the opposition is in the petition.

Mr. Crook stated that the signed petition is in opposition to strip commercialization. Mr. Crook stated that it is obvious that those who signed the document do not want commercialization along 17th Street.

Mr. Lackey stated that the property is in a transitional area though.

Mr. Crook stated that it does not change the fact that the residents are opposed to the application.

Mr. Lackey stated he questions how the petition was presented to the residents. Mr. Lackey stated there isn't anyone who knows how it was done or checked signatures.

Richard Beardmore stated that he wasn't sure if the signatures were property owners or residents.

Mr. Crook asked Mr. Boyd if the Planning Commission should not consider the petition due to the inability to verify how the signatures were obtained. Mr. Boyd confirmed.

Mr. Beardmore asked if the applicant is requesting to withdraw the application based on the staff recommendations with conditions that are not agreeable.

Mr. Boyd stated he wanted to see what the Planning Commission decides and will re-evaluate if need be. Mr. Boyd stated he is standing firm on the requested PUD. Mr. Boyd stated these issues goes back to negotiations of good faith. Mr. Boyd stated that if the use of this property was truly negotiated, the applicant may have made changes. Mr. Boyd stated there wasn't really any discussion about the access.

Brett Klausman asked why the sporting goods store was specifically excluded or withdrawn from staff recommendations. Mr. Klausman asked if it was due to gun sales or traffic patterns. Mrs. Driver explained that due to traffic patterns, it is not appropriate for the transitional node. Mr. Klausman asked if a hair salon would be appropriate and would have less traffic than sporting goods stores. Mr. Klausman stated that the limitations sounded like it was geared more towards the use than any other reason.

Mr. Gales asked how long have those particular uses been zoned for C-1 use. Mr. Hoover stated approximately thirty years. Mr. Hoover explained not much has changed in the code on commercial land uses in the past ten to fifteen years.

Mr. Crook asked if the applicant purchased the property as a residential property. Mr. Boyd confirmed. Mr. Lackey asked if the property was previously zoned as commercial. Mr. Hoover explained the building was once used as a gas station.

Mrs. Driver stated the property was M-1 since 1992. Mr. Boyd corrected and stated it was changed in 1998.

Mr. Beardmore stated that in his discussion, people refer to this building as a light-commercial property.

Dennis Haugh asked if someone could live in the building and have gun sales. Mrs. Driver stated that through a Home Occupation Permit, this could happen but they would not have retail or walk-in customers, just internet sales. Mrs. Driver added that the owner would have to live at the property also.

Michelle Cuevas-Stubblefield asked if the building was being occupied as a residence.

Robert Stevens, owner, explained he currently resides at 1700 SW Buchanan and operates under a home occupation permit as a gunsmith and conducts online sales of firearms.

Mr. Stevens stated he doesn't understand the decision to change the use of the building to exclude a sporting goods store and feels it is discriminatory. Mr. Stevens asked to be judged on merit and have the same opportunity as others to exist. Mr. Stevens stated he is the only line of defense in illegal gun sales, person-to-person gun sales and gun-show loopholes. Mr. Stevens stated that the Planning Staff changed their recommendation due to their fear and apprehension of a sporting goods store and how it would reflect negatively on the neighborhood.

Mr. Stevens stated that he suggested to putting the logo up, instead of advertising on a sign that says he sells guns and do appointments only to make the proposed work. Mr. Stevens stated when standing on the property, looking around, everything in the vicinity is commercial except one residential property.

Mr. Crook asked if the properties behind the proposed are residential. Mr. Stevens confirmed. Mr. Crook asked if the area is predominately residential. Mr. Stevens agreed.

Mr. Crook stated he is an Iraq war veteran and appreciates firearm sales. However, Mr. Crook stated that he does not agree with gun sales in a predominately residential neighborhood.

Mr. Stevens stated he understood and just wants the opportunity to conduct his business. Mr. Stevens explained the property was not purchased with the intent of using as residential. Mr. Stevens explained that the property was bought through an estate sale and it was assumed to be commercial. Mr. Stevens explained that the property was used as an office and rented to others for that purpose. Mr. Stevens explained he had viewed other properties as prospective locations but once this property became available, he felt it was appropriate. Mr. Stevens stated he received he received 100% support from the NIA and stated that Anne Marshall supported him and was going to be in attendance at the Planning Commission. Mr. Stevens stated that the minutes of the NIA meeting will reflect a unanimous vote to support the business.

Mr. Gales asked how far the proposed is from the pawn shop located at 17th and Washburn. Mr. Stevens stated approximately four blocks. Mr. Stevens testified he was almost assaulted in that area recently during a

walk.

Mr. Klausman asked how firearms fall into sporting goods category or how that is defined. Mr. Klausman asked if one were to advertise by logo, can that fit into another designation. Mr. Hoover explained there is not a specific classification for firearms, so the best description the City of Topeka has is sporting goods. Mr. Hoover explained the designation covers the sale of archery, football helmets or gear for a college team.

Mr. Klausman asked if collectible sporting cards would fit into that category. Mr. Hoover stated the collectibles are not considered sporting goods. Mrs. Driver stated that sporting goods are larger operations, such as Dicks Sporting Goods.

Mr. Klausman asked what is to stop Mr. Stevens from opening the shop as a specialized dealer of a specialized product. Mr. Hoover stated the zoning is the issue. Mr. Hoover the advantage of the PUD rezone allows a zoning district to be custom tailored. Mr. Hoover stated this case starts with a C-1 zoning district. Mr. Hoover stated that it is customary to delete or add uses when doing a PUD rezone.

Mr. Lackey stated the Planning Commission did not do this with the recent approval of the rezoning on 37th and Burlingame when the applicant wanted to put a liquor store at the location proposed. Mr. Hoover explained that case was not a PUD, but a regular rezoning application. Mr. Lackey stated the issues with that case pivoted on the use of the property being for a liquor store. Mr. Lackey stated that if the application was for a Dairy Queen, there probably wouldn't be the same discussion. Mr. Crook stated he would oppose a Dairy Queen at that location due to the traffic and the nuisance to the neighborhood.

Michelle Cuevas-Stubblefield asked how the Dairy Queen and sporting goods store further west on 17th Street compared to the proposed. Mrs. Driver stated the properties Ms. Cuevas-Stubblefield questioned are zoned C-2, Commercial, and have been for a long time.

Mary Feighny suggested to Mr. Gales that anyone else wishing to speak should be allowed since the applicant spoke.

Proponents:

No one spoke in favor of the proposal.

Opponents:

Robert Fitzgerald, resident of the area, spoke in opposition of the proposal. Mr. Fitzgerald stated that he is sympathetic to Mr. Stevens' situation and has visited with him. Mr. Fitzgerald stated he is still in

opposition of the proposed as it exists. Mr. Fitzgerald offered to discuss the petition and how it was presented to the neighborhood. Mr. Fitzgerald explained that he asked the Planning Staff if a petition would be considered and was told it would as long as it was presented by September 16, 2013. Mr. Fitzgerald stated that is when he submitted the petition. Mr. Fitzgerald apologized for not turning it in sooner, if it would have been helpful, but he was following the instruction he received.

Mr. Fitzgerald explained that the Planning Commission should consider the petition as it would be no different than a commissioner speaking to a constituent and taking into considering their thoughts when making a decision. Mr. Fitzgerald stated he is an attorney in the community and he would not state false accusations before the governing body.

Mr. Fitzgerald stated there are over fifty signatures on the petition. Mr. Fitzgerald stated the language in the petition and discussions explained the change regarding three parcels to a commercial zoning. Mr. Fitzgerald explained that he spoke to the neighbors and most were shocked to learn that a gun shop was going in the proposed location. Mr. Fitzgerald stated that he learned in his discussions with neighbors that many are legal owners of weapons and have them in their home but are opposed to a gun shop in the area. Mr. Fitzgerald stated that he explained that parking lots are unlikely to become residential lots again. Mr. Fitzgerald stated that once residential lots are available, there are organizations that are willing to rehabilitate the property and build new homes. Mr. Fitzgerald explained the properties at 1816 and 1820 Fillmore are Habitat for Humanity project homes. Mr. Fitzgerald suggests that properties, such as 1115 and 1117 SW 17th Street could be considered the same as long as they remain residentially zoned. Mr. Fitzgerald stated that once a property is rezoned as commercial, the neighborhood loses the opportunity to have new homes in the area.

Mr. Fitzgerald's time expired. Mr. Crook moved to give Mr. Fitzgerald two more minutes to speak, Mr. Beardmore seconded.

Mr. Fitzgerald continued that the Chesney Park Plan prohibited strip commercialization. Mr. Fitzgerald stated the proposed is strip commercialization. Mr. Fitzgerald stated that changing the property is changing three parcels and will have an affect on the neighborhood.

Mr. Fitzgerald stated the signatures were accompanied with addresses and phone numbers and are easily verifiable. Mr. Fitzgerald express concern with the comment that some of the properties were rentals. Mr. Fitzgerald stated there are residents, not only owners, on the petition and their concern should be weighed in the decision. Mr. Fitzgerald explained he understands the Protest Petition process.

Mr. Klausman asked if Mr. Fitzgerald is a resident of the neighborhood. Mr. Fitzgerald confirmed with his address. Mr. Klausman asked Mr. Fitzgerald how he felt about the applicant operating a gun store from the home currently. Mr. Fitzgerald explained that he understood that Mr. Stevens lives at the property and there isn't anything he can do to oppose that. Mr. Fitzgerald stated he had conversations with individuals that confirmed Mr. Stevens lives there and is there a good portion of the time. Mr. Fitzgerald stated that he understands that if the property was commercial, the property would be vacant after 8:00 p.m. and would be until opening the next day. Mr. Fitzgerald added that the potential that a firearms dealer is not being there at night poses great concern.

Mr. Haugh asked how members of the Neighborhood Association supported the proposed yet there are residents who have signed the petition in opposition. Mr. Haugh asked how many members of the neighborhood are members of the association. Mr. Fitzgerald stated he has attended many of those meetings and as long as someone goes to the meetings they are a member of the association. Mr. Fitzgerald stated he spoke with Anne Marshall and she stated there were ten or fewer members in attendance the night the proposed was presented. Mr. Fitzgerald stated he was told no one in attendance opposed the proposal. Mr. Fitzgerald added that he was not in attendance at the meeting in which the applicant presented this. Mr. Fitzgerald stated that in speaking with Ms. Marshall, she did not recall a vote just that no one spoke in opposition of supporting Mr. Stevens request.

Mr. Lackey asked since the NIA had an opportunity to hear from the applicant, why didn't people attend to hear everything the applicant had to present. Mr. Fitzgerald stated he went out in the community and solicited the feedback. Mr. Fitzgerald stated their concern could be about 1700 SW Buchanan or the nature of the business. Mr. Lackey stated it could be because residents only heard one side of the story. Mr. Fitzgerald stated the point is that there is one side requesting the rezoning and the other is those that oppose the change. Mr. Fitzgerald stated that the clear point is that there is a reason the residents oppose the change. Mr. Lackey stated that there would be more stock in his petition if we knew the residents had heard both sides of the issue.

Ms. Cuevas-Stubblefield asked if both sides were represented at the NIA meeting and when presenting the petition to the neighbors. Mr. Fitzgerald stated his side was not represented at the NIA meeting.

Testimony

Ann Marshall, President of Chesney Park NIA. Ms. Marshall stated

there are 525-550 residences in the neighborhood. Ms. Marshall stated the NIA was approached about the proposed by Mr. Stevens. Ms. Marshall stated she cannot remember specifically how many members were present at the meeting. Ms. Marshall stated Mr. Stevens presented the information and what the use was for the property and was eager to work with the NIA to make his change. Ms. Marshall explained there was no one in opposition at the time so the NIA stated they would support the change. Ms. Marshall stated she wasn't sure that there was vote but rather a consensus that the NIA would support the change of usage for the property. Ms. Marshall stated Mr. Stevens has been very active and the NIA welcomes that.

Dave Stevens, resident of neighborhood and father of applicant. Mr. Stevens stated there were signs in the neighborhood advertising the proposed zoning change. Mr. Stevens explained that he bought the property through an estate sale and bought the property with the intention of using it as an office. Mr. Stevens explained that he rented the property as a residence and had problems with the renter. Mr. Stevens stated that he is pro-business and a life-long Topekan who want opportunities for persons to start a business.

Mr. Klausman asked if it is common to carve out uses for a PUD and if Mr. Hoover could provide an example. Mr. Hoover confirmed and stated there is a case upcoming that will be in the same situation. Mr. Hoover stated it is a home that is zoned O&I but will seek a PUD with one C-2 use. Mr. Hoover stated there will be limits placed on the use the applicant is requesting. Mr. Hoover explained that there were uses that were deleted from the recent Walmart case. Mr. Hoover explained one example was the deletion of an auto-body repair business in C-4 and Mr. Hoover stated it was removed in the Walmart case.

Mr. Gales asked if there is a recommendation from the Planning Staff with some modifications from the staff report from the August hearing. Mr. Gales explained that the applicant's representative stated the applicant is not in agreement with the conditions presented at the current hearing.

Mr. Klausman asked Ms. Feighny what options the Planning Commission has in regard to this matter. Ms. Feighny explained the Planning Commission may approve the PUD subject to (and list the conditions) and then forwarded to the City Council with a recommendation. Ms. Feighny explained the City Council can modify the recommendation also. Ms. Feighny explained that if nothing is approved, the proposed would go to the City Council as a disapproval of the application.

Mr. Lackey asked if the Planning Commission can move to approve the applicant and exclude the items that the applicant does not agree to.

Mr. Klausman stated he is in favor of passing the PUD without the limit of uses. Mr. Klausman stated he is concerned with the access to 17th Street but believe it makes sense to leave it in.

Mr. Gales stated he agrees with Mr. Klausman but is leery about being selective about what C-1 uses they agree to or not. Mr. Gales suggested that the Planning Commission be consistent with the zoning uses and not being selective of the specific uses. Mr. Gales stated that there are more problems when picking and choosing the uses. Mr. Gales stated there is a history of commercial uses and he understands people not wanting a specific use. Mr. Gales explained he appreciates the diligence the Planning Staff has put into the recommendations and suggests the Planning Commission should consider looking forward in the code to review the re-zoning of properties in small districts.

Mr. Crook stated that it is significant to consider the fifty signatures of the petition that do not support the re-zoning of the proposed property. Mr. Crook asked if the commissioners are respecting the wishes of a portion of the neighbors in the area. Mr. Crook asked if the Commissioners are serving the community.

Mr. Gales stated he agrees but the Planning Commission should be considering the zoning of the property, whether commercial or another zoning district. Mr. Gales stated the Commission needs to be careful in picking the uses of the proposed.

Nicholas Jefferson asked if C-1 zoning is approved, what would prevent a larger sporting goods store from building on the three parcels of the proposed in the future. Mr. Gales explained that the property will still be required to go through the design requirements.

Mr. Hoover explained that the proposed two parcels are for vehicle surface parking. Mr. Hoover stated there have been a few petitions in the past dealing with parking resolving issues of not having enough parking. Mr. Hoover stated vehicle surface parking is a transitional use because it is used mostly during the day. Mr. Gales asked if on-street parking is allowed on this road. Mr. Hoover stated on-street parking is permissible on Clay and Buchanan.

Mr. Gales asked if commercially zoned properties have cut-back parking, for example Huntoon and Oakley. Mr. Hoover confirmed. Mr. Gales explained this is an exception due to the nature of the neighborhood.

Mr. Beardmore stated he is disappointed that staff has presented a recommendation that the applicant does not agree with. Mr. Beardmore

stated they are receiving conflicting information regarding the NIA meeting and the petition, regarding how it was presented. Mr. Beardmore stated the area will not be a high traffic area with the proposed use. Mr. Beardmore stated a sandwich shop would have more traffic. Mr. Beardmore stated he feels as though staff's recommendations are picking and choosing the use of the property. Mr. Beardmore stated he felt as though staff has not worked with the applicant enough to come to an agreement. Mr. Beardmore stated it is difficult to decide what to do and maybe there is another option.

Mr. Klausman stated that it is important to keep in mind that the case will be forwarded to City Council. Mr. Klausman stated that moving it forward will allow City Council the opportunity to review the decision.

Mr. Gales stated the Planning Commission should feel obligated to prepare the best recommendation before forwarding to City Council. Mr. Klausman agreed.

Bret Klausman moved to approve the proposed with staff recommendations with the exception of condition number two. The motion failed to receive a second. **Motion failed.**

Mr. Gales asked if a motion is disapproved, what the limitations of the applicant are. Ms. Feighny stated the recommendation to disapprove would be forwarded to City Council. Mr. Gales asked if the applicant is limited to the time when they may reapply. Mr. Hoover stated it is twelve months. Ms. Feighny added that the time limit can be waived by the Planning Commission. Mr. Hoover cited the City Codebook with the limitations.

Ms. Feighny explained a "yes" vote means that the application is disapproved and will invoke a twelve month waiting period for the applicant. Mr. Klausman asked if the neighbor could apply. Ms. Feighny stated the twelve months is for the applicant.

Dustin Crook moved to disapprove the proposed PUD, seconded by Nicholas Jefferson. **The motion to disapprove failed. Commissioners (2-6-1, Kevin Beck abstained from the vote)**

Scott Gales moved to defer the case until November 18, 2013 Planning Commission Meeting, seconded by Dennis Haugh. **APPROVAL. (8-0-1, Kevin Beck abstained from the vote)**

Kevin Beck entered the room.

**Minutes of the
Topeka Planning Commission
Monday, November 18, 2013**

PUD 13/2 Stevens 17th Street Planned Unit Development by David H. Stevens & Robert J. Stevens and MLW, LLC requesting to amend the District Zoning Classification from “M-1” Multiple Family Dwelling District **TO** “PUD” Planned Unit Development (“C-1” Commercial District uses with a residential component, “O&I-2” Office & Institutional District use group, and “M-1” Multiple Family Dwelling District use group) on properties located at 1700 SW Buchanan Street and 1113-1115 SW 17th Street and a vehicle surface parking lot as principal use on the property at 1113-1115 SW 17th Street only. **(Driver) PUBLIC HEARING CONTINUED FROM September 16, 2013.**

Kevin Beck left the room.

Discussion by members: Bill Fiander introduced the staff report and explained what has changed and what is now proposed based on the agreement of the applicant and the Planning Department. Mr. Fiander stated the case was heard in public hearings on August 19th and September 16th, 2013. Mr. Fiander explained the previous staff recommendations were made based on two key issues: research that indicated that gun shops and gunsmith shops are allowed in higher intensity zoning districts and the use and the consistency of use with the neighborhood plan. Mr. Fiander stated the extra time has allowed staff to review and separate the two issues. Separate from this case, Mr. Fiander stated that the Planning Department is preparing to calibrate the zoning districts and the uses allowed. Staff recommendations for this case address consistency with the neighborhood plan.

Annie Driver summarized the staff report for the case.

Proponents:

Mark Boyd, Schmidt Beck and Boyd, Engineering, PA, spoke in favor of the proposal. Mr. Boyd stated there are considerably fewer conditions on the proposed than previously set. Mr. Boyd thanked the Planning Department for thinking outside the box. Mr. Boyd stated that the applicant agrees with the conditions.

Michelle Cuevas-Stubblefield asked for clarification on phase two regarding the requirement of having either an office with residential or just residential. Mr. Boyd confirmed. Ms. Cuevas-Stubblefield asked if the vehicle surface is for vehicle parking only. Mr. Boyd stated if developed as an office, it can stand alone with other design elements with the landscape buffer and access to be addressed at the time of site plan review. Mr. Boyd stated that if the property was to be developed as a “C-1”, the residential component, with live in condition, would be required. Mr. Boyd stated if it is “C-1” or office space

use, the access issue will be reviewed during the site plan review. Mr. Boyd added that if the property is developed as a two-family property, the access is still viable on 17th Street.

Mike Lackey asked if the applicant agrees to prolong addressing the issues. Mr. Boyd confirmed and stated it makes sense to address the issues when determining the design elements. Mr. Boyd stated it is difficult to guess what the future will bring.

Mr. Lackey stated he agreed.

Tom Bennaka, President of Chesney Park Neighborhood Improvement Association, spoke in favor of the proposal. Mr. Bennaka stated there are a lot of vacant lots in the neighborhood and the Neighborhood Improvement Association has worked to revitalize the neighborhood. Mr. Bennaka stated this is a great opportunity and looks forward to Mr. Stevens being a part of the revitalization. Mr. Bennaka added that the applicant has been involved with the Neighborhood Improvement Association.

Ms. Cuevas-Stubblefield asked if the Chesney Park Neighborhood Improvement Association will still support the proposed if the property becomes a surface parking lot. Mr. Bennaka stated the Neighborhood Improvement Association were notified that there was a chance that the property could become a surface parking lot. Mr. Bennaka stated that they are looking forward to getting cars off the streets and having the building occupied. Mr. Bennaka stated he supports any neighborhood revitalization and improvement.

Opponents:

No one spoke in opposition of the proposal.

Dennis Haugh asked if the residential component requires an apartment or dwelling if they run the business. Ms. Driver stated residential occupancy.

Mr. Haugh if the business would close if the renter leaves. Mr. Fiander stated it becomes a reasonable factor of whether it is intentionally vacant or temporarily vacant.

Nicholas Jefferson asked if there could be situation with a store below and a resident on upper level. Mr. Fiander confirmed and stated a resident could be in the rear of the building. Mr. Fiander stated there is a situation similar down the block.

Richard Beardmore moved to approve the proposal as written, seconded by Mike Lackey. **APPROVAL. (7-0-1, Kevin Beck abstained, Dustin Crook was absent.)**
Kevin Beck returned to the room.



**PUD13/2 By: David H. Stevens; Robert J. Stevens;
MLW LLC**



City of Topeka Planning Department



**PUD13/2 By: David H. Stevens; Robert J. Stevens;
MLW LLC**



PUD13/2

Date: July 29, 2013
To: City of Topeka Planning Department
From: Schmidt, Beck, & Boyd Engineering, LLC
Mark A. Boyd
Re: Steven's 17th St. Retail PUD
Neighborhood Meeting Minutes

To whom it may concern:

On July 25 at 6:00 P.M., we held a publicized meeting for the above referenced rezoning case. There were 2 people from the neighborhood that were present during the meeting. An attendance sheet is attached for names and addresses.

We introduced the project and explained why we were asking for a rezoning and specifically a planned unit development. The conditions of the PUD were briefly covered and then opened for questions or comments.

Of the two people present, one has lived in the neighborhood for 63 years. Her primary concern was to ensure that the property would be operated in a safe and legal manner. Both residents were concerned with the high level of crime in the area and did not want to see any more criminal activity brought into the area due to products being retailed, including firearms.

The owner was present to explain the nature of the business and how they wish to operate. They went into detail of the specific target consumer they wish to serve, that being the serious sportsman and law enforcement personnel.

It was further explained that the property was being rezoned for any permitted use within the "C-1" Neighborhood Commercial, as well as those additional uses addressed on the PUD.

Respectfully submitted,

Mark A. Boyd
Schmidt, Beck & Boyd Engineering, LLC

(PUD13/2 – David H. Stevens, Robert J. Stevens, and MLW LLC)

Address

[illegible]

Images 1-3 in the previous page are infill design examples that are appropriate for most areas of the neighborhood. Image 1 is an infill housing unit located in the Tennessee Town neighborhood; notice the side-entry garage. Image 2, also within the Tennessee Town neighborhood, has a traditional housing design and is appropriate within the Chesney Park neighborhood, while a house with a front-entrance garage such as found in Image 3 would be appropriate for a block without alleys. Image 4 is a Cornerstone duplex in the Ward Meade neighborhood that embodies most of the appropriate design features for a low-density neighborhood despite not having a raised foundation.

Images 5 & 6 are of apartment units in the Old Town and Tennessee Town neighborhoods respectively, and each design would be appropriate within Chesney Park. Image 7 is a quad-plex with a very traditional architectural character. Image 8 is another affordable multiple-family apartment structure that would be appropriate within the Chesney Park neighborhood.

Design Guidelines for Image Corridors - These guidelines particularly apply to areas along SW 17th Street and SW Washburn Avenue where higher-intensity residential/office/commercial land uses might possibly front image corridors and back-up to established single-family areas of historic character. These guidelines will not only establish these areas as a transition between high and low-intensity land uses, but they will also prevent "strip" characteristics that are commonly found along arterial streets and areas of suburban development, which would not be appropriate adjacent to areas with traditional neighborhood development.

- All buildings should be residential in appearance, or at least match the characteristics of traditional neighborhood development that is evident in parts of the area (reference the images below for examples).
- Monolithic structures with long, unbroken wall planes, surfaces, and roof planes are discouraged. Pitched roofs are preferred for single buildings. Traditional materials are also encouraged such as stone, brick, and siding spaced similar to nearby homes.
- Multiple story buildings should step-down in height the closer they get to the single-family residential neighborhood and should not be higher than two to three stories (42') at the front or rear setback line.
- Buildings should minimize front setbacks from the street based upon the existing setbacks of other buildings within the block in order to retain a cohesive street edge.
- Buildings should be placed as close to the street edge as possible while still allowing adequate space for sidewalks and pedestrian activity.
- Parking lots should not dominate street frontages and should be placed behind or to the side of the principle structure.



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

April 18, 2013

☐ Back ☐ Print

DATE: December 10, 2013

CONTACT PERSON: Jeff Hunt **DOCUMENT #:**

SECOND PARTY/SUBJECT: Shunga Trail **PROJECT #:** 30127-12
Extension
Project/Fairlawn Ave
to SW 29th Street

CATEGORY/SUBCATEGORY 020 Resolutions / 004 Public Improvements

CIP PROJECT: Yes

ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Jim Colson, amending and authorizing the project budget for Improvement Project No. 30127-12, which provides for the design and construction to extend the existing Shunga Multipurpose Trail, as more specifically described herein and repealing City of Topeka Ordinance No. 18721. **First Reading.** *(Council District Nos. 7 and 8)*

(Approval would authorize the extension of the Shunga Multipurpose Trail near SW Fairlawn Road and SW 29th Street. The City's portion of the project funding is \$105,000 of General Obligation Bonds, \$970,000 of Kansas Department of Transportation Enhancement Grant funds, and \$225,000 of Shawnee County Parks and Recreation Department funds for a total project budget of \$1,300,000. This project is included in the 2003 and 2005 Capital Improvement Budget.)

POLICY ISSUE:

Approval would extend the Shunga Multipurpose Trail and improve safety and accessibility for pedestrians and bicyclists in the area.

STAFF RECOMMENDATION:

Staff recommends the Council move to approve the revised project budget and adopt ordinance.

BACKGROUND:

On October 3, 2006, a project budget in the amount of \$554,700 was approved by City Council to extend the Shunga Multipurpose Trail near SW Fairlawn Road and SW 29th Street to be funded by City General Obligation Bonds (\$143,500) and by a Kansas Department of Transportation Grant (\$421,200). **Page 17**
Due to issues with the design consultant going out of business, the project was not constructed at that time.

The Shawnee County Parks & Recreation Department would like to move forward with the construction of this trail extension and is authorized to contribute \$225,000 towards the project. The Kansas Department of Transportation has also increased their funding to \$970,000. The City's share of costs will decrease to \$105,000 with this Revised Project Budget from the originally approved amount of \$143,500.

BUDGETARY IMPACT:

Total Project Budget Cost: \$1,300,000

SOURCE OF FUNDING:

City of Topeka (General Obligation Bonds)	\$ 105,000
Kansas Department of Transportation (Transportation Enhancement Grant)	\$ 970,000
Shawnee County (Parks and Recreation Department)	\$ 225,000

ATTACHMENTS:

[Ordinance](#)

[Revised Project Budget](#)

[Debt Service](#)

[Fact Sheet](#)

[30127-12 Map](#)

[Ordinance No. 18721](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Jim Colson, amending and authorizing the project budget pursuant to § A12-1 of the Topeka Municipal Code for Improvement Project No. 30127-12 which provides for the design and construction to extend the existing Shunga Multipurpose Trail, as more specifically described herein, and repealing City of Topeka Ordinance No. 18721.

WHEREAS THE COUNCIL OF THE CITY OF TOPEKA passed and approved Ordinance No. 18721 on October 3, 2006, which authorized Improvement Project No. 30127-12 which provided for the extension of the Shunga Multipurpose Trail; and

WHEREAS, Ordinance No. 18721 established a project budget of \$564,700.00 to be funded by general obligation bonds in the amount of \$143,500.00 and \$421,200.00 from a Kansas Department of Transportation Grant; and

WHEREAS, the total project budget has increased and Shawnee County has been added as funding source, so the project budget must be amended to reflect these changes.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS, that it finds the following described public improvement to be necessary and in the public interest and does hereby authorize, pursuant to Section A12-1 of the Topeka Municipal Code, Improvement Project No. 30127-102 with a project budget summarized herein and fully set forth on the attachment hereto.

A. GENERAL NATURE OF IMPROVEMENT:

This project is located on the Shunga Trail from Fairlawn Avenue to SW 29th Street. The project will include the development of plans and specifications to extend the existing Shunga Multipurpose Trail westerly and southerly following Shunga Creek on the north side of the Creek from SW Fairlawn Street to the south side of SW 29th Street. This project includes design and construction of a 10-foot wide concrete sidewalk, bridge across the creek, slope stabilization, retaining walls, construction inspection, project administration, and right of way acquisition.

35
36 B. ESTIMATED OR PROBABLE COST:37
38 \$1,300,000.00
3940 C. APPORTIONMENT OF COSTS:41
42 Kansas Department of Transportation
43 Transportation Enhancement Grant \$970,000.00
4445 Shawnee County Parks and Recreation \$225,000.00
4647 City of Topeka
48 General Obligation Bonds and any other legally available funds \$105,000.00
4950 TOTAL \$1,300,000.00
51

52 BE IT FURTHER ORDAINED that Ordinance No. 18721 is hereby repealed.

53
54 PASSED and APPROVED by the City Council on _____.55
56 CITY OF TOPEKA, KANSAS
5758
59
60
61 _____
62 Larry E. Wolgast, Mayor

63 ATTEST:

64
65
66 _____
67 Brenda Younger, City Clerk

PROJECT BUDGET

Project No. 30127-12

Shunga Trail Extension - Fairlawn Ave. to SW 29th Street

LOCATION:

This project is located and starts at the west end of the Shunga Trail at Fairlawn Road and progresses to the west and to south side of SW 29th Street.

DESCRIPTION OF PROJECT:

The project will include the development of plans and specifications to extend the existing Shunga Multipurpose Trail westerly and southerly following Shunga Creek on the north side of the Creek from SW Fairlawn Street to the south side of SW 29th Street. This project includes design and construction of a 10-foot wide concrete sidewalk, bridge across the creek, slope stabilization, retaining walls, construction inspection, project administration, and right of way acquisition. .

SOURCE OF FUNDS:

Kansas Department of Transportation - Transportation Enhancement Grant

Shawnee County Parks and Recreation

City of Topeka - General Obligation Bonds and any other legally available funds.

<u>COST ESTIMATE:</u>	<u>Kansas Department of Transportation</u>	<u>City of Topeka</u>	<u>Shawnee County Parks and Recreation</u>	<u>Total</u>
Construction:	\$970,000.00	\$24,214.00	\$222,000.00	\$1,216,214.00
Design	\$0.00	\$44,157.00	\$0.00	\$44,157.00
Geotech	\$0.00	\$0.00	\$0.00	\$0.00
Utility Adjustments	\$0.00	\$0.00	\$0.00	\$0.00
Project Service Fees:				
Construction Admin & Inspection	\$0.00	\$2,167.35	\$2,000.00	\$4,167.35
Construction Staking	\$0.00	\$0.00	\$0.00	\$0.00
Administrative Fees:				
Legal Dept. Admin.	\$0.00	\$0.00	\$0.00	\$0.00
Engineering Admin.	\$0.00	\$0.00	\$0.00	\$0.00
Right-of Way Acquisition:	\$0.00	\$30,990.00	\$0.00	\$30,990.00
Contingency Amount	\$0.00	\$166.65	\$1,000.00	\$1,166.65
Temporary Note Interest	\$0.00	\$1,271.00	\$0.00	\$1,271.00
Cost of Issuance	\$0.00	\$2,034.00	\$0.00	\$2,034.00
Total:	\$970,000.00	\$105,000.00	\$225,000.00	\$1,300,000.00

PUBLIC HEARING:

PROJECT AUTHORITY:

a. Statutes: _____
b. Ord./Res. No.: _____
c. Improvement District: _____
d. City at Large: _____
e. Method of Assessment: _____

Date: _____

PROJECT ENGINEER:

Jeff Hunt

U:\Jeff Hunt\30127-12 Project Budget

GO Bond Cost of Project

PROJECT NO: 30127-12 Shunga Trail Extension - Fairlawn Ave to SW 29th St

Interest rate	3.25%
Number of Years	20

Cost of Issuance	2.00%
Temp Note interest	1.250%

Principal	\$101,695
Plus Temp Note Interest	\$1,271
Plus Cost of Issuance	\$2,034
Total Project Budget	\$105,000

Annual Debt Service	\$7,222
Annual Debt Service as Percent of Total	6.9%

Total Debt Service (principal and interest)	\$144,436
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Difference Project Cost and Total Debt Service	\$39,436
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GO Bonded Indebtedness as of May 2012	\$161,130,000
Heartland Park STAR Bonds	\$9,855,000
College Hill TIF	\$5,605,000
2011 Temporary Notes that Finance Future GO Bond projects	\$15,230,000
Approved, not Included in GO Bond Issue or Temporary Notes--City Projects	\$13,773,365
Approved, not Included in GO Bond Issue or Temporary Notes--Special Assessment Projects	\$9,882,523
Total Indebtedness	<u>\$215,475,888</u>
Plus Project	\$215,580,888

Revision date:	10/4/2013
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10/4/2013

FACT SHEET

Shunga Multipurpose Trail Extension – Fairlawn Ave. to SW 29th Street

City Improvement Project No. 30127-12

General Nature of Improvements:

The project will include the development of plans and specifications to extend the existing Shunga Multipurpose Trail westerly and southerly following Shunga Creek on the north side of the Creek from SW Fairlawn Street to the south side of SW 29th Street. This project includes design and construction of a 10-foot wide concrete sidewalk, bridge across the creek, slope stabilization, retaining walls, construction inspection, project administration, and right of way acquisition. .

City Project Administration:

City of Topeka, Jeff Hunt, P.E. (368-3842)

Construction Inspection:

City of Topeka

Construction Staking:

Contractor

Design Engineer:

POE and Associates

Cost:

Project Budget - \$ 1,300,000.00

Financing:

Kansas Department of Transportation – Transportation Enhancement Grant

Shawnee County - Parks and Recreation Department

City of Topeka - The city portion of this project will be paid by the City through the sale of General Obligation Bonds.

CIP Year:

2003 and 2005

Council District:

The project is located in Council District 7 and 8.

Project Schedule:

Construction: Spring/Summer 2014

General Notes:

Once this project is complete, Shawnee County will be responsible for all maintenance activities.

Shunga Trail Extension

SW 27th TER

SW 28th ST

SW Fairlawn RD

SW 28th ST

SW 29th ST

SW 29th ST

SW 1470 HWY

SW McClure RD

Source: Esri, Intellicart, USDA, USGS, AEX, GeoEye, Getmapping, Aerogrid, IGN, IGP, and the GIS User Community

Map created for the Novus Agenda system.

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Date: 4/16/2013
Created by: dlsh

(Published in the Topeka Metro News October 11, 2006)

ORDINANCE NO. 18721

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 30127-12, which provides for the development of plans and specifications to extend the existing Shunga Multipurpose Trail, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. That it is hereby deemed advisable and necessary and is also hereby authorized, pursuant to Section A12-1 of the Code of the City of Topeka, that the following public improvement be made:

A. GENERAL NATURE OF IMPROVEMENT:

The project will include the development of plans and specifications to extend the existing Shunga Multipurpose Trail westerly and southerly following Shunga Creek on the north side of the Creek from SW Fairlawn Street to the south side of SW 29th Street. This project includes design and construction of a 10-foot wide concrete sidewalk, bridge across the Creek, slope stabilization, retaining walls, construction inspection, project administration, and right-of-way acquisition.

B. TOTAL PROJECT BUDGET COST:

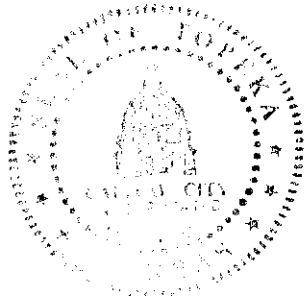
\$564,700.00

C. SOURCE OF FUNDS:

Kansas Department of Transportation Grant	\$421,200.00
General Obligation Bonds and any other lawfully available funds	<u>\$143,500.00</u>
Total	\$564,700.00

Section 2. This Ordinance shall take effect and be in force from and after its passage, approval, and publication in the official city newspaper.

29 PASSED and APPROVED by the City Council October 3, 2006.



35 ATTEST:

William W. Bunten
36 William W. Bunten, Mayor

37
38
39 *Iris E. Walker*
40 Iris E. Walker, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

December 4, 2013

☐ Back ☐ Print

DATE:	December 10, 2013		
CONTACT PERSON:	Bill Fiander/Bill Hoover	DOCUMENT #:	PUD13/3
SECOND PARTY/SUBJECT:	Laird Noller Ford/USD 501	PROJECT #:	NA
CATEGORY/SUBCATEGORY	014 Ordinances – Non-Codified / 007 Zoning		
CIP PROJECT:	No		
ACTION OF COUNCIL:	JOURNAL #:		PAGE #:

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 providing for certain changes in zoning on property located in the southwest quadrant of SW 21st Street and SW Topeka Boulevard from “C-4” Commercial District and “M-1” Two-Family Dwelling District ALL TO “PUD” Planned Unit Development District (“C-4” Commercial and “C-3” Commercial use groups). First Reading. (PUD13/3) (Council District No. 3)

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval would allow expansion of car sales facilities for Laird-Noller Ford vehicle dealership.)

POLICY ISSUE:

The Governing Body has the following options to consider:

- (1) Adopt the recommendation of the Planning Commission by a majority vote (6) of the Governing Body,
- (2) Override the recommendation of the Planning Commission by a two-thirds majority vote (7) of the Governing Body.
- (3) Return the recommendation to the Planning Commission with a statement specifying the basis for the Governing Body's decision to approve or disapprove by a majority vote (6) of the Governing Body.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

Item #18

BACKGROUND:

Laird Noller Ford is also requesting a variance of 10 feet from the front yard setback along SW Topeka Boulevard on the northern parcel so the existing sales and administration building can be remodeled and expanded with the front face of the building expansion having a 15-foot setback in lieu of the standard 25-foot setback.

Any sales of vehicles having a gross vehicle weight rating of 12,000 pounds would be conducted on the northern parcel or the truck sales lot located on the east side of SW Topeka Boulevard, as these are "C-4" Commercial uses. As proposed, the southern parcel would only need "C-3" Commercial uses since only automobiles (or trucks under 12,000 pounds gross vehicle weight rating) would be sold on this parcel.

A neighborhood information meeting (NIM) was held for this petition on October 29, 2013. About 50 neighboring property owners within 500 feet of the site and two NIA's were notified. No property owners attended the meeting; however, representatives for Laird Noller Ford and the City Planner attended.

The Planning Department recommended conditional approval of the PUD. One of the key recommendations was that the southern parcel provide a 6-foot wide residential buffer along its western and southern property lines and a 20-foot wide landscaped area along its eastern property line fronting SW Topeka Boulevard. These are standard requirements in the City's landscape regulations and staff believed they were important so the proposed PUD rezoning could transition down from the more intensive northern parcel to the nearby residential parcels to the south in order to meet transition requirements of the comprehensive plan. The applicant requested that the Planning Commission support reducing or eliminating the 20-foot landscaped area since the balance of the dealership properties had no landscaping along Topeka streets.

The Planning Commission recommended the petition be approved on November 18, 2013.

BUDGETARY IMPACT:

There would be no budgetary impact to the City.

SOURCE OF FUNDING:

Not applicable

ATTACHMENTS:

[Ordinance](#)

[Summary Report](#)

[staff report](#)

[Aerial Photo](#)

[Zoning Map](#)

[Site Plan](#)

[NIM data](#)

[11-18-13 PC Minutes](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

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 (TMC), by providing for certain changes in zoning on property located in the southwest quadrant of SW 21st Street and SW Topeka Boulevard from “C-4” Commercial District and “M-1” Two-Family Dwelling District **ALL TO** “PUD” Planned Unit Development District (“C-4” Commercial and “C-3” Commercial use groups). **(PUD13/3) (Council District No. 3)**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. That the “District Map” referred to and made a part of the Zoning Ordinance by Section 18.50.050 of the Topeka Municipal Code (TMC), be and the same is hereby amended, by reclassifying the following described property:

A TRACT OF LAND BEING ALL OF All of lots 0 through 25 on SW 21st Street, lots 4 through 26 on 22nd Street, lots 10 through 26 on 23rd Street, lots 757 through 809 on SW Topeka Boulevard, including vacated 22nd Street and vacated alleys adjacent to said lots, all in Ladies Addition, less any right of way taken for street purposes.

And,

Beginning at a point on the North line of said Lot 811 in said Ladies Addition, at a point 15.00 feet West of, measured perpendicular to the West line of SW Topeka Boulevard; thence South 13° 05' 43" West, parallel with the West line of said SW Topeka Boulevard a distance of 206.98 feet; thence South 88° 10' 25" West on the South line of said Lot 826 and it's extension a distance of 326.63 feet to the center of Tyler Street; thence North 00° 56' 33" West on the center of said Tyler Street a distance of 200.02 feet; thence North 88° 10' 25" East on the North line of said Lots 811, 812 and there extensions a distance of 376.84 feet to the point of beginning.

All in the Northwest Quarter of Section 7, Township 12 South, Range 16 East of the 6th P.M., in the City of Topeka, Shawnee County, Kansas and

CONTAINING 8.07 ACRES, MORE OR LESS.

Section 2. The development of the site is from “C-4” Commercial District and “M-1” Two-Family Dwelling District **ALL TO** “PUD” Planned Unit Development District (“C-4”

Commercial and “C-3” Commercial use groups).

Subject to:

1. Use and compliance of the site in accordance with the recorded Master Planned Unit Development Plan for Laird Noller PUD.

Section 3. The Master PUD Plan for Laird Noller shall be recorded with the Shawnee County Register of Deeds in accordance with Section 18.190.060(b) of the Topeka Municipal Code (TMC). Following the recording of the Master PUD Plan and prior to any building and/or land development on the site, a site development plan shall be submitted for review and administrative approval by the Planning Director.

Section 4. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

Section 5. This Ordinance Number shall be fixed upon the “District Map”.

Section 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

PASSED AND APPROVED by the Governing Body of the City of Topeka,
_____, 2013.

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified _____

Not To Be Codified X

CITY OF TOPEKA PLANNING DEPARTMENT

SUMMARY REPORT

Re: PUD13/3 by: Laird Noller Ford / United School District #501

This is a request to rezone 8.07 acres in the SW quadrant of SW 21st Street and SW Topeka Boulevard. The site is comprised of two parcels, with the northern parcel being the 6.46 acres where the Laird Noller Ford dealership is located and the vacant southern parcel being 1.61 acres that is owned by USD #501. Laird Noller Ford has the southern parcel under purchase contract and desires to construct an automobile sales lot on it. The southern parcel currently has "M-1" Two Family Zoning and is proposed for PUD Zoning with "C-3" Commercial uses for the automotive sales lot and the northern parcel has "C-4" Commercial Zoning and is proposed for PUD Zoning with "C-4" Commercial uses.

Laird Noller Ford is also requesting a variance of 10 feet from the front yard setback along SW Topeka Boulevard on the northern parcel so the existing sales/administration building can be remodeled and expanded with the front face of the building expansion having a 15-foot setback in lieu of the standard 25-foot setback. Any sales of vehicles having a gross vehicle weight rating of 12,000 pounds would be done on the northern parcel or the truck sales lot located on the east side of SW Topeka Boulevard, as these are "C-4" Commercial uses. As proposed, the southern parcel would only need "C-3" Commercial uses since only automobiles (or trucks under 12,000 pounds gross vehicle weight rating) would be sold on this parcel.

A neighborhood information meeting (NIM) was held for this petition on October 29, 2013. About 50 neighboring property owners within 500 feet of the site and two NIA's were notified but no one showed up besides representatives for Laird Noller Ford and one City Planner.

The Planning Department recommended conditional approval of this PUD, as referenced in the attached staff report. One of staff's key recommendations was that the southern parcel provide a 6-foot wide residential buffer along its western and southern property lines and a 20-foot wide landscaped area along its eastern property line fronting SW Topeka Boulevard. These are standard requirements in the City's landscape regulations and staff believed they were important so the proposed PUD rezoning could transition down from the more intensive northern parcel to the nearby residential parcels to the south in order to meet transition requirements of the comprehensive plan. The applicant requested that the Planning Commission support reducing or eliminating the 20-foot landscaped area since the balance of the dealership properties had no landscaping along Topeka streets. The Planning Commission

recommended the petition be approved with the 20-foot landscaped area by a vote of 5-2-1 at its November 18, 2013 meeting, as referenced in the attached minutes. (Most of the Planning Commission's discussion was whether the 20-foot landscaped area should be reduced or eliminated not whether the PUD should be approved.)

As there are no outstanding issues, the Planning Department requests the Governing Body move to approve this Conditional Use Permit.

November 18, 2013
Agenda Item #E-2

ZONING REPORT

CITY OF TOPEKA PLANNING DEPARTMENT

CASE NO: PUD13/3 Laird Noller PUD

by: Laird Noller Ford and USD 501

PROPOSAL: A request to amend the District Zoning Classification from “C-4” Commercial District and “M-1” Two-Family District all to “PUD” Planned Unit Development District (with a “C-4” Commercial use group on the northern “C-4” Commercial area and a “C-3 Commercial use group on the southern “M-1” Two-Family area.

LOCATION: In the southwest quadrant of SW 21st Street and SW Topeka Boulevard.

PRESENT USE: The subject property is 8.07 acres in size and the existing Ford dealership occupies the northern 6.46 acres (Section “A” on the PUD Master Plan) and a vacant lot, owned by USD 501, is on the southern 1.61 acres (Section “B” on the PUD Master Plan).

PROPOSED USE: The entire site would be used for the Laird Noller Ford dealership with the vacant lot to the south being purchased by Laird Noller Ford for use as an auto sales lot, which is a permitted use in the “C-3” Commercial District. Any sales of vehicles having a gross vehicle weight rating of 12,000 pounds or higher would be done on the northern portion of the site or on the truck sales lot at the SE corner of SW 21st Street and SW Topeka Boulevard, as these are “C-4” permitted uses.

This rezoning is in a PUD format since a planned building remodeling and addition of the existing sales/administration building on Section “A” would expand the building’s new front face further to the east and it would not be able to meet the 25-foot front yard setback along SW Topeka Boulevard. A variance of 10 feet for this has been requested in the PUD Master Plan, so the building could be located a minimum of 15 feet from the SW Topeka Boulevard right-of-way. Otherwise, nothing is really changing zoning-wise on Section “A”, since it is currently zoned “C-4” Commercial District and being proposed for a PUD with “C-4” Commercial District uses.

BACKGROUND/EXISTING CONDITIONS: Section “A” has been zoned for commercial uses for over 50 years. Section “B” has been zoned “M-1” Two-Family Residential as far back as the extent of the City’s zoning records.

CHARACTER OF NEIGHBORHOOD: This site is located in a neighborhood where a variety of uses come together. South of SW 24th Street is basically a single-family neighborhood. However, north of SW 24th Street it is predominantly commercial uses with some institutional and occasional residential uses along SW Topeka Boulevard. Directly east of Section “B” along the east side of SW Topeka Boulevard are four single-family homes and further east are more single-family homes along SW Harrison Street and the west side of SW Van Buren Street.

November 18, 2013
Agenda Item #E-2

ZONING CLASSIFICATION AND USE OF SURROUNDING PROPERTIES:

	ZONING CLASSIFICATION	PRESENT LAND USE
North:	"C-4" Commercial District	Harley Davidson dealership
South:	"M-1" Two-Family Residential District	Pre-school and school administrative facilities
East:	"C-4" Commercial District	Laird Noller Ford truck sales lot
	"PUD" with "C-3" Commercial Uses	Vacant but approved for auto sales lot
	"M-1" Two-Family Residential District	Single-family homes
West:	"M-1" Two-Family Residential District	Vacant USD 501 land with some parking lots

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: Noller Auto Sales has been on most of Section "A" for over 50 years while Section "B" has been vacant and likely used as accessory recreational land for Quinton Heights Elementary School when it had classes for elementary students.

SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED: The site's present classification is still consistent with the established pattern of zoning and land uses in the area. However Section "B" which is really the key element of this rezoning, is not very conducive to single-family or two-family homes since a large auto dealership is to the north, a major arterial roadway to the east, and school administrative facilities with a preschool to the south and southwest. The proposed auto sales lot with landscape buffers along its eastern, southern and western property lines will help transition the existing Ford dealership on Section "A" with the less intensive land uses to the east, south, and west. This new auto sales lot would not allow the sale of vehicles having a gross vehicle weight rating of 12,000 pounds or higher as currently allowed on Section "A".

CONFORMANCE TO COMPREHENSIVE PLAN: Section "A" is designated "Mixed Use Zone" and Section "B" is designated "City Residential" on the Future Land Use Map. In both these zones commercial uses are allowed in nodes where arterial roadways intersect (SW 21st Street and SW Topeka Boulevard). This proposal is considered to be consistent with the Comprehensive Plan provided it can effectively transition down in the level of intensity.

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: The proposed amendment would permit Section "B" to develop consistent with the established larger overall pattern of zoning and land uses in the area but would extend the commercial uses further to the south. Staff believes the proposed changes should not have any significant negative impacts on nearby less intensive properties if:

- Section "B" has landscape residential buffers of 6 feet wide along its southern and western property lines and a general landscaped area of 20 feet wide along its eastern property lines, as required by the City landscape regulations. A 6-foot high fence or hedge is required as part of the two 6-foot wide residential buffers
- No auto service facilities are constructed on Section "B".

November 18, 2013
Agenda Item #E-2

These recommendations will minimize any impacts on single-family homes located directly across SW Topeka Boulevard; office/institutional type uses to the southeast, south and southwest; and single-family homes located about 700 feet to the west.

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: No detrimental results are anticipated if staff's recommendations are implemented since the perimeter landscaping and elimination of the auto service facility on Section "B" should make it reasonably compatible with the lower intensity uses to the east, south and west. Thus, as recommended by staff there would appear to be no particular gain to the public health, safety, and welfare by maintaining the present restrictions.

AVAILABILITY OF PUBLIC SERVICES: All essential public utilities, services and facilities are presently available to this property and will not be overburdened by this proposal.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:

Application: Complete.

Minimum Lot Area: Compliant.

Setbacks: Compliant.

Platting: Section "B" would be replatted prior to purchase by Laird Noller Ford and issuance of any building permits. Currently Section "B" is platted (Ladies Subdivision) but the perimeter lot lines of the area being purchased do not align with the existing lot lines within Ladies Subdivision. Additionally, Laird Noller Ford representatives have indicated they would like to vacate SW 23rd Street, between SW Topeka Boulevard and SW Tyler Street, and SW Tyler Street, between SW 21st Street and SW 23rd Street, and replace it with a private, paved access road with maintenance by the property owners. These proposed changes, if approved, would also be included on the replat.

CONCERNS OF STAFF AND REVIEWING AGENCIES: This request has been submitted to all applicable reviewing agency staff for consideration and comment. The outside reviewing staff had no concerns related to the proposed zoning changes for this project other than those that will be addressed during the replat, site plan, and building permit reviews.

ADDITIONAL FACTORS:

1. Citizen Participation Process: Neighboring residents within 500 feet of the site were notified and the Neighborhood Information Meeting was held at 6:00 PM on October 29, 2013, at 525 SW 21st Street (Laird Noller Ford meeting room). However, no one showed up outside of the applicant's representatives and a City planner.
2. Neighborhood Improvement Association: Not applicable.

November 18, 2013
Agenda Item #E-2

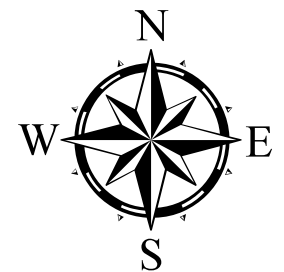
3. Capitol Plaza Area: Not applicable.
4. Flood Hazard Area: Not applicable.
5. Airport Hazard Area: Not applicable.

STAFF RECOMMENDATION:

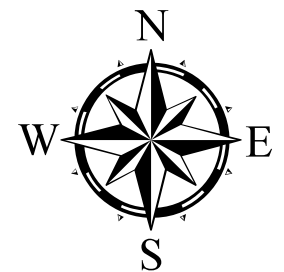
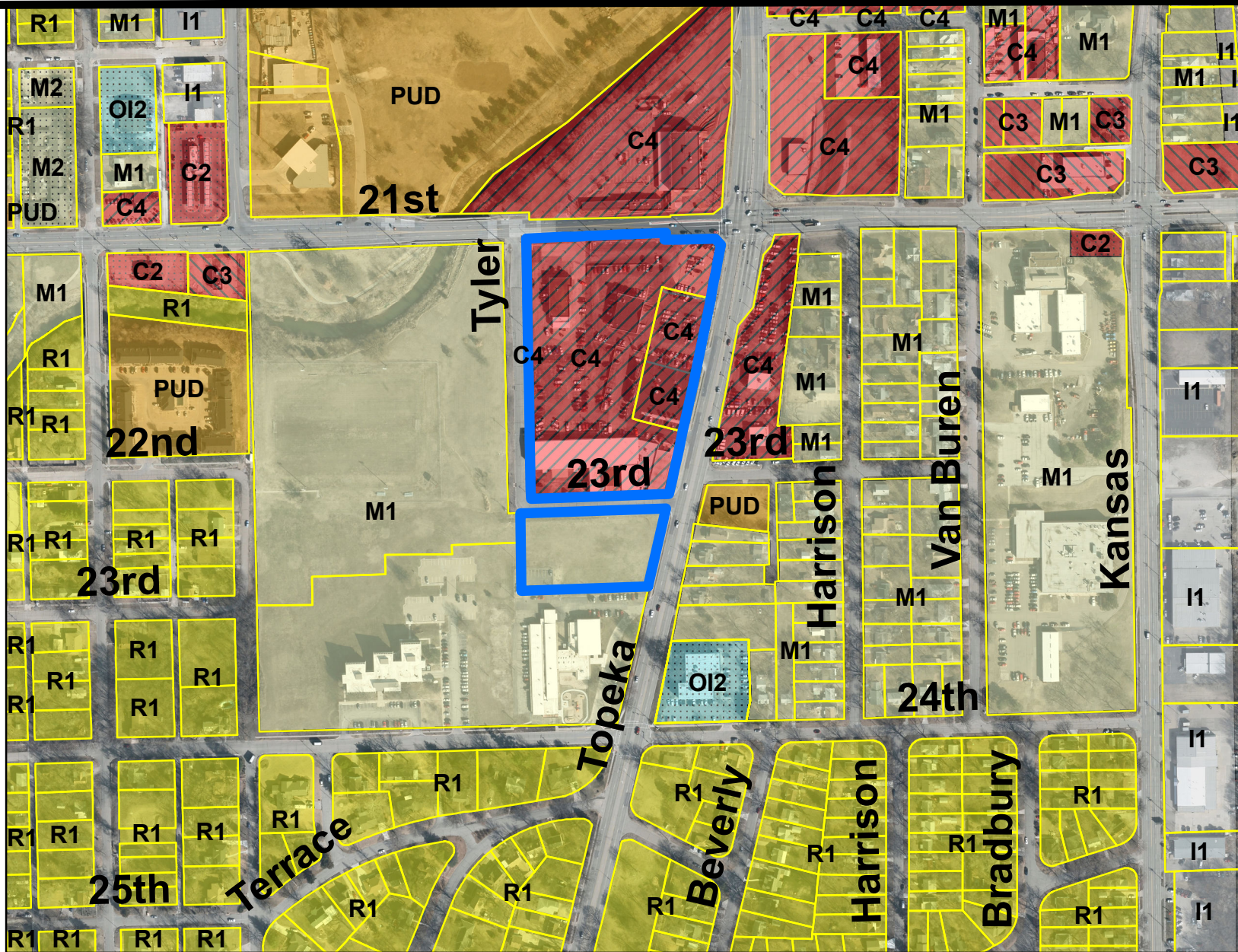
Based upon the above findings and analysis Planning Staff recommends **APPROVAL** of the proposal subject to the following conditions:

1. Use and development of the site in substantial accordance with the recorded PUD Master Plan of the Laird Noller Planned Unit Development.
2. Modify the PUD Master Plan to show a 6-foot wide residential landscaped buffer along the southerly 6 feet of Section “B”, per Section 18.235.060(d)(1) TMC and a 20-foot wide landscaped area along the easterly 20 feet of Section “B”, per Section 18.235.060(d)(2)(ii) TMC.
3. Modify the Project Performance Objectives for Section “A” to clarify that sales and service of trucks over 12,000 pounds gross vehicle weight rating are also permitted.
4. In the Project Performance Objectives for Section “B” remove “service facility” as a proposed use.
5. The auto sales area shall be permitted and paved prior to using Section “B” for the display or storage of motor vehicles.

Prepared by: Bill Hoover, AICP
Planner III



PUD13/3 Laird Noller

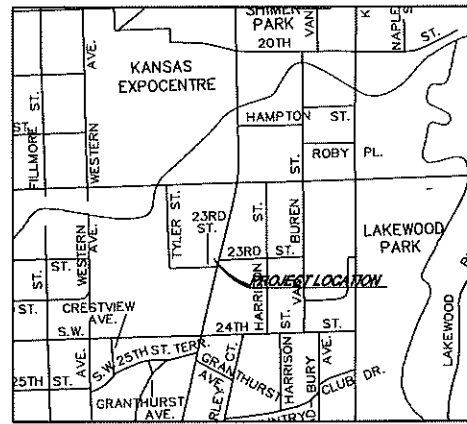


PUD13/3 Laird Noller

LAIRD NOLLER PLANNED UNIT DEVELOPMENT MASTER PLAN

SECTION 7, TOWNSHIP 12 S, RANGE 16 E

BOOK _____ PAGE _____
DATE _____ TIME _____



VICINITY MAP
NO SCALE

PUD DESCRIPTION

All of lots 0 through 25 on SW 21st Street, lots 4 through 26 on 22nd Street, lots 10 through 26 on 23rd Street, lots 757 through 809 on SW Topeka Boulevard, including vacated 22nd Street and vacated alleys adjacent to said lots, all in Ladies Addition, less any right of way taken for street purposes.

And,

Beginning at a point on the North line of said Lot 811 in said Ladies Addition, at a point 15.00 feet West of, measured perpendicular to the West line of SW Topeka Boulevard; thence South 13° 05' 43" West, parallel with the West line of said SW Topeka Boulevard a distance of 206.98 feet; thence South 88° 10' 25" West on the South line of said Lot 826 and its extension a distance of 326.63 feet to the center of Tyler Street; thence North 00° 56' 33" West on the center of said Tyler Street a distance of 200.02 feet; thence North 88° 10' 25" East on the North line of said Lots 811, 812 and there extensions a distance of 376.84 feet to the point of beginning.

All in the Northwest Quarter of Section 7, Township 12 South, Range 16 East of the 6th P.M., in the City of Topeka, Shawnee County, Kansas

PROJECT PERFORMANCE OBJECTIVES:

SECTION A:

The development is intended as a motor vehicle sales and service facility, as outlined in the Permitted Uses of the C-4 Commercial District, including the sales and service of trucks having a gross vehicle weight of 12,000 pounds.

SECTION B:

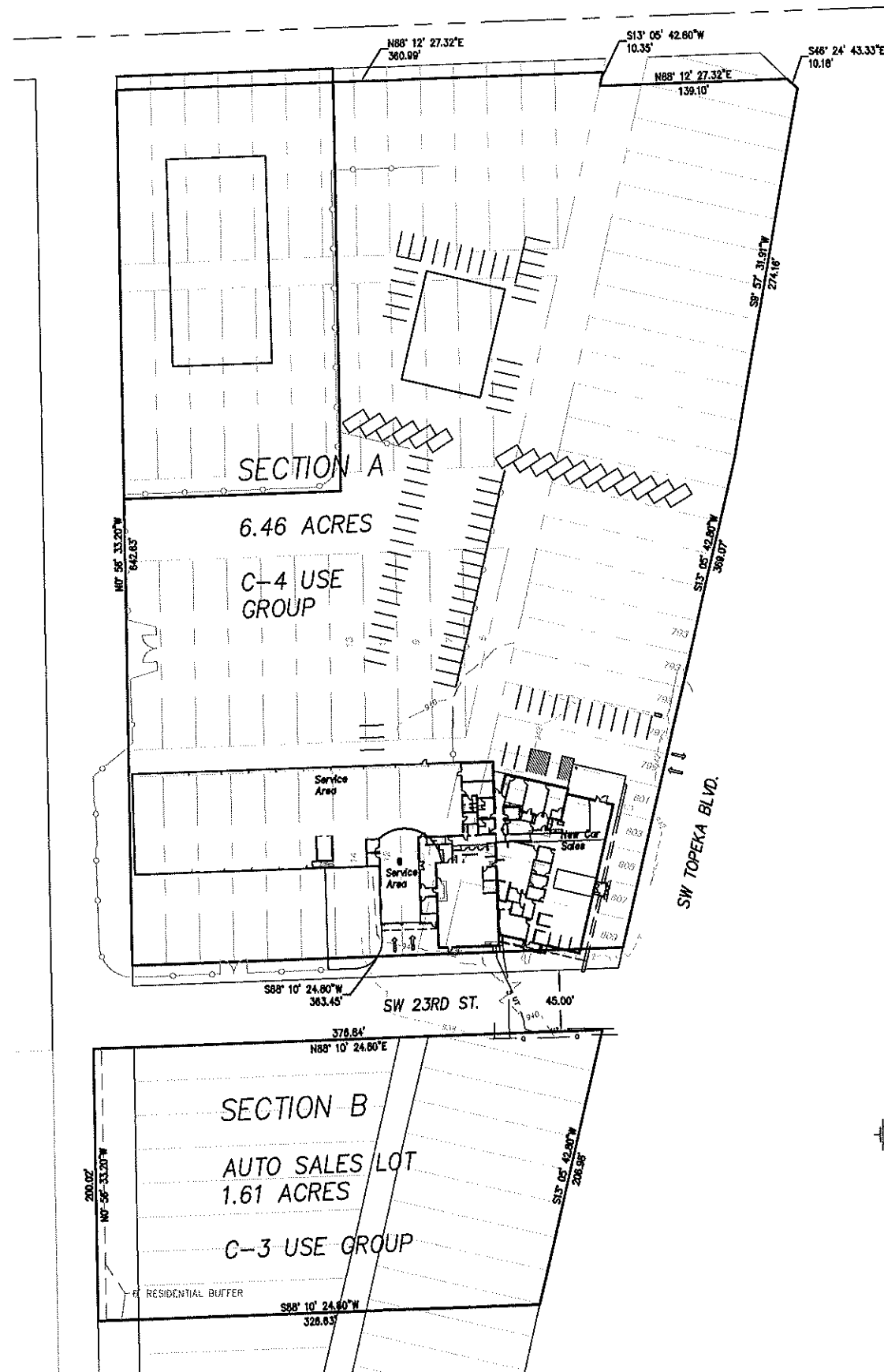
The development is intended as a motor vehicle sales and service facility, as outlined in the Permitted Uses of the C-3 Commercial District, excluding the sales and service of trucks having a gross vehicle weight of over 12,000 pounds.

BUILDING AND STRUCTURAL NOTES:

1. The minimum front set back for the sales and administration building along SW Topeka Boulevard shall be modified to 15 feet.
2. The existing sales and administration building is planned on being remodeled and expanded upon completion of this PUD Rezoning.
4. All dumpster areas shall be screened with a material that complements the principal building's exterior finish.

GENERAL NOTES:

1. Pursuant to Topeka Municipal Code 18.190.060(b), the applicant must record the Master PUD Plan with the Shawnee County Register of Deeds within sixty (60) days upon approval of City Council. Failure by the applicant to record the plan within the prescribed time period or provide the Planning Department fifteen (15) copies of the recorded plan within ninety (90) days of the date of action by City Council shall deem the zoning petition null and void.
2. All applicable use group regulations shall apply, unless stated otherwise.
3. No building permits shall be issued until a PUD Site Development Plan has been reviewed by City staff and approved by the Planning Director to address the following: Building footprint and location, setbacks, landscaping, internal pedestrian walkways, external lighting, drainage and internal circulation, fencing, signage, suggested CPTED measures, building materials and architectural features, etc.
4. Building layouts and traffic circulation areas shown on the PUD Master Plan are for initial conceptual purposes only and will likely be moderately reconfigured during the site plan review process.
5. The property shall be platted prior to any vertical construction on the site. Drainage review shall accompany the Plat.
6. Lighting shall be pointed towards the site interior and limited to three foot-candles at the property lines along public rights-of-way and residential (school) properties.



CERTIFICATION OF MASTER PUD PLAN APPROVAL:

Bill Flander, AICP, Planning Director

Date _____

Be it remembered that on this _____ day of _____ A.D., 2013, before me, the undersigned, a notary public in and for said County and State came Bill Flander, who is personally known to me to be the same person who executed the within instrument of writing, and such person duly acknowledged the execution of the same.

In Witness Whereof, I hereby set my hand and affix my notarial seal the day and year last written above.

Commission Expires: _____

Notary Public

This Planned Unit Development (PUD) Master Plan has been reviewed and approved in accordance with the provisions of Chapter 18.190 of the Comprehensive Zoning Regulations of the City of Topeka, Kansas, and may be amended only as prescribed in TMC 18.190.070 and as set forth on this document or as may subsequently be approved and recorded.

OWNER'S CERTIFICATE: The owner and all successors in title agree to comply with the conditions and restrictions as set forth on the PUD Master Plan.

IN TESTIMONY WHEREOF:

The Owner, Gary Bennett, President, CEO of Laird Noller Dealership has caused these presents to be signed this _____ day of _____, 2013.

Gary Bennett, President
CEO of Laird Noller Dealership

Be it remembered that on this _____ day of _____ A.D., 2013, before me, a notary public in and for said County and State came Gary Bennett, President, CEO of Laird Noller Dealership, Owner of the above described property.

I hereby set my hand and affix my notarial seal the day and year last written above.

Commission Expires: _____

Notary Public

OWNER'S CERTIFICATE: The owner and all successors in title agree to comply with the conditions and restrictions as set forth on the PUD Master Plan.

IN TESTIMONY WHEREOF:

The Owner, Janal Johnson, USD 501 Board of Education President has caused these presents to be signed this _____ day of _____, 2013.

Janal Johnson,
USD 501 Board of Education President

Be it remembered that on this _____ day of _____ A.D., 2013, before me, a notary public in and for said County and State came Janal Johnson, USD 501 Board of Education President, Owner of the above described property.

I hereby set my hand and affix my notarial seal the day and year last written above.

Commission Expires: _____

Notary Public

DATE:
Oct 22, 2013

SCALE IN FEET
50 0 50 100

October 16, 2013

NOTICE OF NEIGHBORHOOD INFORMATION MEETING

Based upon the action requested below, the City of Topeka is requiring the listed developer to hold a neighborhood information meeting prior to the Planning Commission public hearing:

Tuesday, October 29, 2013 at 6:00 PM

525 SW 21st Street – Laird Noller building at SE corner of Tyler and 21st
(see attached map)

You have been identified as an owner of record within (500') of the project boundary or a City-registered neighborhood organization within ½ mile. The public is invited to attend this meeting to find out more details from the developer and have an opportunity to ask questions about their proposed development as described below.

Project Information

Action Requested: Rezoning to “PUD” Planned Unit Development with “C-4” Commercial uses for the existing Ford dealership area and “C-3” Commercial uses for the vacant 1.65-acre tract to the south (Case #PUD13/3)

Name of Owner: Laird Noller for the existing dealership area and USD 501 on the vacant 1.65-acre tract to the south with Laird Noller as the contracted purchaser of it.

Name of Applicant's representative: Kevin Holland, Cook, Flatt, & Strobel Engineers -
kholland@cfse.com

Location of Development: Approximately 8 acres at the southwest intersection of SW Topeka Boulevard and SW 21st Street and north of Quinton Heights Education Center

Existing Zoning: “C-4” Commercial District (existing dealership) and “M-1” Two-Family Dwelling District (vacant 1.65-acre to the south of the existing dealership).

Comprehensive Plan Designation: *Mixed Use Area and Urban Suburban Low Density Residential*

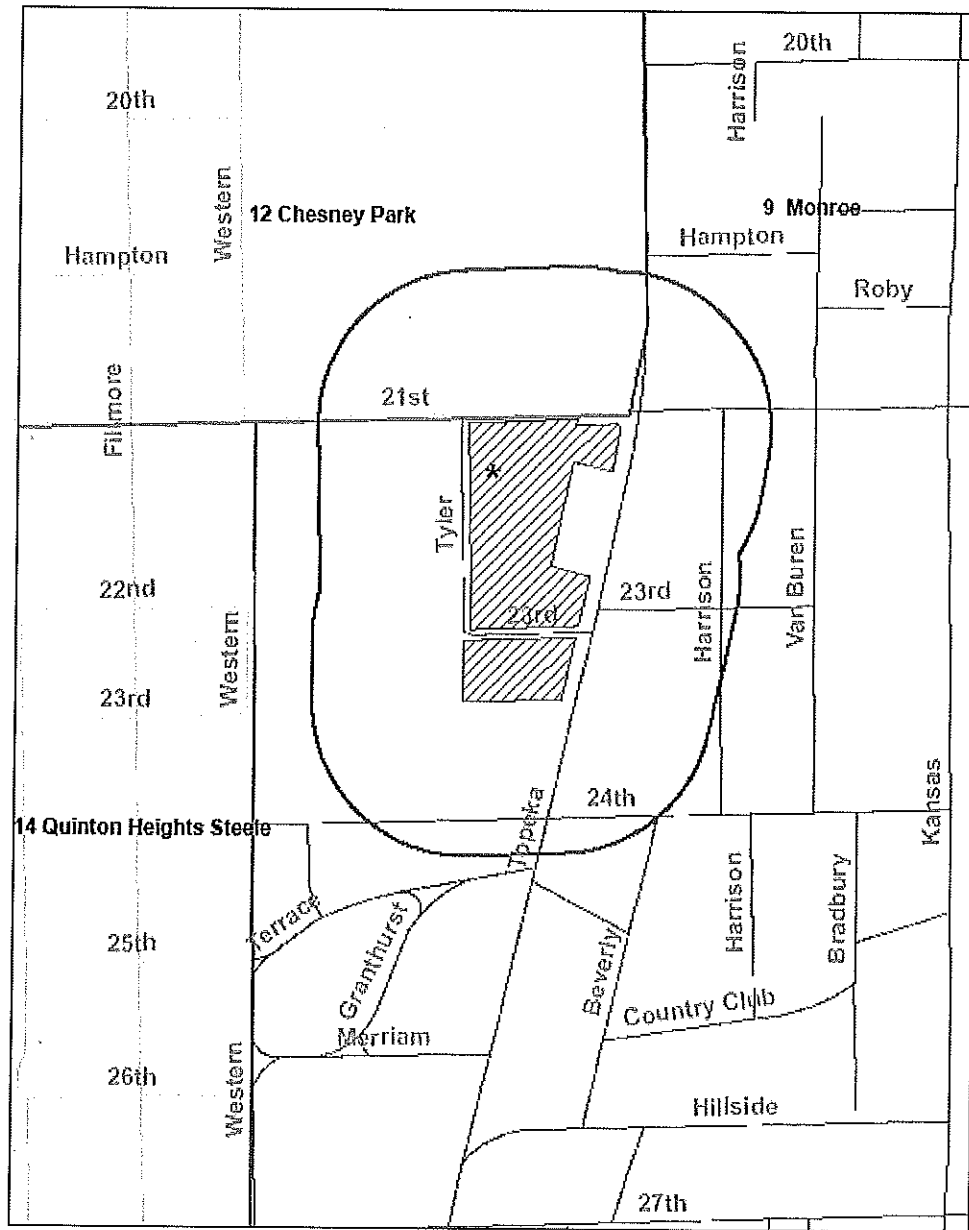
Scope of Project: Continue to use the developed property as an auto dealership and use the vacant 1.65-acre tract to the south as an auto sales lot.

Council District: District #3 – Sylvia Ortiz

Planning Commission Public Hearing: November 18th at 6:00 pm (City Council Chambers)
Tentative

If unable to attend, questions may be submitted prior to the meeting to be included in the developer's report to the City. Questions or comments should be sent to:

City of Topeka Planning Department
ATTN: Bill Hoover, Planner III
620 SE Madison, 3rd Floor Unit 11, Topeka, KS 66607
(785)368-3728 or bhoover@topeka.org



*** = Meeting Location:**
525 SW 21st Street
(Laird Noller Building at
SE corner of Tyler and 21st)

City of Topeka
 Planning Department



PUD13/3 LAIRD NOLLER PUD

NEIGHBORHOOD INFORMATION MEETING - SUMMARY

Notice of this meeting was sent out to two NIA's, one City Council Member, and 50 neighboring property owners within 500 feet of the proposed PUD boundaries.

It was held at 6:00 PM on Tuesday, October 29, 2013, at 525 SW 21st Street in a meeting room at the Laird Noller Ford facility. At 6:25 PM the meeting was adjourned as no one attended besides representatives for Laird Noller Ford and one City Planner.

**Minutes of the
Topeka Planning Commission
Monday, November 18, 2013**

PUD 13/3 by Laird Noller Ford and USD 501 requesting to amend the District Zoning Classification from “C-4” Commercial District and “M-1” Two-Family Dwelling District all to PUD with “C-4” Commercial District uses on the existing auto dealership land and “C-3” Commercial District uses on the vacant property to the south, all located in the southwest quadrant of SW Topeka Boulevard and SW 21st Street. **(Hoover)**

Richard Beardmore remained out of the room.

Discussion by members: Bill Hoover summarized the staff report for the case. Mr. Hoover stated that the applicant held a Neighborhood Information Meeting on October 29th but none of the invited neighbors, within 500 feet of the property, attended.

Dennis Haugh asked if there were lighting restrictions in Section B. Mr. Hoover stated the lighting brightness is limited to three foot candles and must be shielded. Mr. Hoover stated the requirement would cover all four property lines.

Mr. Lackey asked for clarification of what is on the east property line. Mr. Hoover stated there is a 20- foot landscaped area required along the right of way of a property being platted. Mr. Hoover explained the property would require a plat prior to development. Mr. Lackey asked how high the landscaping would be. Mr. Hoover explained it is open but requires to be 20 foot wide and landscaping is to be emphasized between the building and the right of way. Mr. Lackey stated he could not understand blocking the view of the parking lot from Topeka Boulevard with landscaping. Mr. Hoover explained that the landscaping plan would be reviewed during the site plan review which includes review of appropriateness of the height of the landscaping.

Kevin Beck stated the 20 foot is often used to block the headlights but does not see that being an issue with this case.

Nicholas Jefferson asked why there was a restriction on the trucks in Section B. Mr. Hoover explained that campers and larger trucks are allowable in “C-4” use but not in “C-3”. Mr. Hoover explained that Section B will act as a transition area between the school property and residential uses to the south and the “C-4” uses to the North. Mr. Hoover explained the “C-3” is less intensive.

Mr. Lackey asked if the larger trucks could be sold on the existing lot on the southeast corner of 21st and Topeka Boulevard. Mr. Hoover confirmed. Scott Gales asked if there is a record of built structures on the Section B property. Mr. Hoover stated there is no record of buildings or zoning other than "M-1".

Proponents:

Kevin Holland, Cook, Flatt & Strobel Engineers, spoke in favor of the proposal. Mr. Holland stated Gary Bennett, President of Laird Noller Ford, was available in the audience for questions. Mr. Holland explained that the expansion is to use the empty lot that was vacated by the Quinton Heights Elementary School. Mr. Holland stated the client is cautious with the vegetation issue and the applicant wants to ensure the automobiles are visible and would appreciate a waiver of the 20 foot landscaped area, if given.

Mr. Beck asked if the client is opposed with the 20 foot green space buffer behind the curb. Mr. Holland stated the applicant is not but the buffer does not blend with the other property. Mr. Holland stated the property, and the property across Topeka Boulevard, are paved up to the back of the curb without the green space. Mr. Holland stated the applicant would take the option of paving up to the back of the curb, if given the opportunity.

Michelle Cuevas-Stubblefield asked if there is a concern with landscaping for the buffer on south side of building. Mr. Holland stated there isn't.

Mr. Jefferson asked if the lot would be drained to the west. Mr. Holland stated there is existing storm sewer on Topeka Boulevard. Mr. Holland stated it depended on the detention needs of the lot. Mr. Holland explained that if the lot is a full-surface lot, an underground detention system may be required.

Mr. Beck asked if the applicant has reviewed all of the five stipulations and agree to them. Mr. Holland stated the applicant reviewed them and accepts.

Opponents:

No one spoke in opposition of the proposal.

Mr. Haugh stated he would recommend maintaining the green-space in front of the lot to the east. Mr. Beck stated that Mr. Holland attested that the properties surrounding the proposed are paved from the back of the curb. Mr. Haugh stated that due to the property being a transition area, a low growing, plant materials would be appropriate.

Mr. Beck asked if the 20 foot green space was necessary. Mr. Haugh stated it could vary.

Mr. Lackey stated he didn't see a reason to not allow paving all of the property.

Bill Fiander stated the requirement of the 20 foot setback is a code requirement. Mr. Fiander stated that historically it only applies to newly-platted plans. Mr. Fiander stated the Planning Department work with the applicants to meet the requirements. Mr. Fiander continued that where a new lot that has not been built, and transitions into residential, the 20 foot green space is expected. A waiver on the green space more appropriately comes with redevelopment projects. Mr. Fiander stated that if the applicant cannot meet the requirement, the staff works with the applicant to reach a solution.

Mr. Lackey stated there was a circular drive on the east side of the Quinton Heights property. Mr. Lackey asked how much green space the school had. Mr. Fiander stated it was a lot but was unsure of the specific amount. Mr. Lackey stated the required 20 feet of green space is excessive.

Mike Lackey proposed approval of the proposed with the exception of 20 foot green space requirement, and allow staff and applicant to negotiate a more reasonable number. Nicholas Jefferson seconded. **DISAPPROVED (3-4-1, Kevin Beck, Michelle Cuevas-Stubblefield, Scott Gales and Dennis Haugh voted "no", Richard Beardmore abstained, Dustin Crook was absent.)**

Kevin Beck stated he voted against the motion because he felt the 20 feet was excessive but he felt the acceptable distance need to be determined what is acceptable.

Mr. Haugh stated if measured from the back of the curb, not the property line. Mr. Fiander clarified it is 20 feet from the property line to the parking area.

Mr. Beck asked Mr. Holland what is an acceptable amount of green space to the owner. Mr. Holland stated 20 feet if measured from the back of the curb.

Mr. Fiander asked if there is a sidewalk. Mr. Holland stated there is not. Mr. Fiander stated a sidewalk would be required. Mr. Holland asked for a six foot buffer from curb if it required a sidewalk, which would address the landscape issue. Mr. Fiander explained he is unable to negotiate those terms as that is a matter for Development Services. Mr. Fiander stated the sidewalk is required by City Engineering standards.

Mike Lackey asked what the sidewalk would connect to since there is no sidewalk in existence to the south of the property.

Mr. Holland stated there is a sidewalk on the property currently. Mr. Holland stated assuming the property line is one foot from the sidewalk; this would cause the cars to be set back significantly from the sidewalk. Mr. Holland asked if a six foot setback off sidewalk would be agreeable for the front landscaped area.

Mr. Beck stated it is something to consider.

Scott Gales moved to approve the proposal as recommended by staff, seconded by Dennis Haugh. **APPROVAL. (5-2-1, Kevin Beck and Mike Lackey voted “no”, Richard Beardmore abstained, Dustin Crook was absent.)**
Richard Beardmore returned to the room.



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www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 25, 2013

☐ Back ☐ Print

DATE:	December 10, 2013	
CONTACT PERSON:	Susan Hanzlik/Bill Fiander	DOCUMENT #:
SECOND PARTY/SUBJECT:	PROJECT #:	
CATEGORY/SUBCATEGORY	014 Ordinances – Non-Codified / 009 Planning	
CIP PROJECT:	No	
ACTION OF COUNCIL:	JOURNAL #:	PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Jim Colson, pertaining to an amendment to the text and map of the Topeka Comprehensive Plan for the Historic North Topeka Neighborhood Plan. First Reading. (CPA13/2)

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval adopts the Historic North Topeka East Neighborhood Plan as an element of the City's Comprehensive Plan and recommends SORT target area improvements.)

POLICY ISSUE:

This amendment is designed to update the Neighborhood Element of the Topeka Comprehensive Plan by including the Historic North Topeka East Neighborhood Plan. The Governing Body has the following options to consider:

- (1) Adopt the recommendation of the Planning Commission by a majority vote (6) of the Governing Body.
- (2) Reject or amend the Planning Commission's recommendation by a two-thirds majority vote (7) of the Governing Body.
- (3) Return such recommendation to the Planning Commission by majority vote (6) of the Governing body with a statement specifying the basis of the decision to approve or deny the request.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

Item #19

BACKGROUND:

Historic North Topeka East was selected to receive Stages of Resource Targeting (SORT) funds for infrastructure and housing improvements in selected target areas. Prior to determining the projects, the neighborhood plan is updated to identify both the target areas and necessary improvements. Neighborhood residents participated in community meetings and focus group meetings to update this neighborhood-specific plan.

The proposed plan considers existing conditions, vision and goals, future land use recommendations, revitalization themes and implementation strategies.

Key chapters in the Plan include the following:

Neighborhood Profile: Historic North Topeka East was originally included in the 1999 North Topeka Revitalization Plan but much has changed since then. Over 75% of the housing stock is sound or has intermediate deficiencies, 47% of the homes are owner-occupied, and there has been a dramatic decrease in the number of Part 1 crimes (murder, aggravated assault, theft, etc.). The population has declined and the average household income has failed to increase at the same rate as the rest of Topeka.

Vision and Goals: The vision and goals of Historic North Topeka East seek a balance between residential, commercial, entertainment, and cultural facilities. Improving the area for residents, promoting the NOTO, the Riverfront, and the Great Overland Station, and creating a memorable sense of place in Historic North Topeka East are all main themes.

Future Land Use Plan: Nearly all of Historic North Topeka East's future land use will remain the same as is currently zoned. Three changes have been listed to reflect what each of these three parcels is currently being used for. A neighborhood commercial node (C-2) is recommended for the corner of NW St. John and N. Topeka Blvd.

Revitalization Strategy: Two SORT Target Areas are designated for housing and infrastructure improvements. The primary target area is bordered by NW Gordon, NW Morse, NW Harrison and NW Central. The secondary target area is along NW Jackson, NW Van Buren, NW Grant, and NW St. John. Neighborhood-wide strategies include improving traffic circulation, promoting North Crossings, improving the character and image, identifying community building strategies, utilizing parks and open space, and other recommendations.

Implementation: Key action priorities were ranked by the community at the final community meeting. A pedestrian crossing at the Union Pacific Railroad/N. Kansas Ave crossing, wayfinding signs, and rehabbing historic homes were the highest ranked priorities. Infrastructure projects are listed for each of the five potential target areas, although it is realized that funding will be completely expended in the primary and secondary target areas.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not applicable

ATTACHMENTS:

[Summary Report](#)

[Kickoff Meeting Survey Results](#)

[Planning Commission Minutes 10.21](#)

[11-18-13 PC Minutes](#)

[Ordinance](#)

[Historic North Topeka East Neighborhood Plan](#)

CITY OF TOPEKA PLANNING DEPARTMENT

SUMMARY REPORT

Re: CPA13/2 – Historic North Topeka East Neighborhood Plan

Planning Process

Historic North Topeka East was awarded a Stages of Resource Targeting (SORT) grant in 2013 to improve infrastructure and housing in designated target areas. Prior to determining infrastructure needs and target areas, the neighborhood plan needed to be updated. A total of 10 neighborhood meetings, NIA meeting updates, and steering committee meetings were held during the Historic North Topeka East planning process.

The Plan

The plan includes six chapters and four appendices. Each chapter is summarized below.

Chapter 1 – Introduction

This chapter establishes the purpose of the Historic North Topeka East Plan and describes the process used. It discusses accomplishments since the 1999 North Topeka Revitalization Plan was completed, including: the NOTO Arts District, the Great Overland Station Museum, land acquired for the Riverfront Park, the Topeka Rescue Mission expansion

Chapter 2 – Neighborhood Profile

The background information for the Plan is contained in this chapter: setting and character, existing conditions, socioeconomic trends, and a needs and opportunities profile summary. Some main points include:

1. Over 75% of the housing stock is sound or has intermediate deficiencies.
2. 47% of the homes are owner-occupied; 49% are rentals; 4% are vacant
3. There has been a dramatic decrease in the number of Part 1 crimes (murder, aggravated assault, theft, etc.)
4. The population has declined
5. Average household income has failed to increase at the same rate as the rest of Topeka.



Chapter 3 – Vision and Goals

This chapter looks to define what the Historic North Topeka East community wants to accomplish over the next 10 years by defining their vision and the goals to achieve it. The goals within the Plan are:

1. Establish a predictable pattern of land use that preserves the viability of residential neighborhoods, accommodates services for residents, and promotes a destination-oriented mixed-use center and riverfront.
2. Develop an urban entertainment, dining, retail, cultural, and living district that utilizes assets of N. Kansas Avenue business district, Great Overland Station, riverfront, and historic buildings.
3. Provide a safer, greater, and more efficient means of access to, from, and within Historic North Topeka that will connect a diverse mix of land users.
4. Increase density of population and quality of housing options, both market-rate and affordable, that stabilizes the housing market.
5. Communicate a notable image and unique experience of place by building off of physical and cultural heritage.
6. Upgrade and maintain public facilities to ensure confidence in the future of Historic North Topeka.

Chapter 4 – Future Land Use Plan

Nearly all of Historic North Topeka East's future land use will remain the same as is currently zoned. Three changes have been listed to reflect what each of these three parcels is currently being used for. A neighborhood commercial node (C-2) is recommended for the corner of NW. St John and N. Topeka Blvd.

Chapter 5 – Revitalization Strategy

Two SORT Target Areas are designated for housing and infrastructure improvements. The primary target area is bordered by NW Gordon, NW Morse, NW Harrison and NW Central. The secondary target area is along NW Jackson, NW Van Buren, NW Grant, and NW St. John. Neighborhood-wide strategies include improving traffic circulation, promoting North Crossings, improving the character and image, identifying community building strategies, utilizing parks and open space, and other recommendations.

Chapter 6 – Implementation

Key action priorities were ranked by the community at the final community meeting. A pedestrian crossing at the Union Pacific Railroad/N. Kansas Ave crossing, wayfinding signs, and rehabbing historic homes were the highest ranked priorities. Infrastructure projects are listed for each of the five potential target areas, although it is realized that funding will be completely expended in the primary and secondary target areas. Potential target area projects include:

Additional Considerations

The plan contains recommendations on projects in all five potential target areas, in addition to four projects outside of the target areas. Projects in the target area include:

1. Repaving streets and sidewalks
2. Paving alleys
3. Housing rehabilitation

Projects outside of the target areas but still playing a large part in the improvement and advancement of Historic North Topeka East are:

1. Bike/pedestrian bridge at Union Pacific Railroad and N. Kansas Ave
2. North Crossings Master Plan
3. Wayfinding Signage
4. Riverfront Park

Recommendation

The Topeka Planning Commission met to hold the Public Hearing on the Historic North Topeka East Neighborhood Plan on November 25th. The Planning Commission voted unanimously to recommend **APPROVAL** of the Historic North Topeka East Neighborhood Plan as an element of the City's overall Comprehensive Plan to the Governing Body.

Staff recommends **APPROVAL** of the Historic North Topeka East Neighborhood Plan.

HISTORIC NORTH TOPEKA EAST MEETING SURVEY

At the Historic North Topeka East Kickoff Meeting, participants were asked to complete two surveys regarding the 1999 Historic North Topeka Revitalization Plan—one grading the Plan’s Vision Statement and one prioritizing the Plan’s Goals. The results from both surveys show a wide range of how different people view the same neighborhood. While there were some general trends, it is clear that there are 33 different opinions about how Historic North Topeka East has progressed in the last 14 years. The results from the surveys are listed below and a copy of the surveys is attached at the end of this document for reference.

THE RESULTS:

VISION STATEMENT

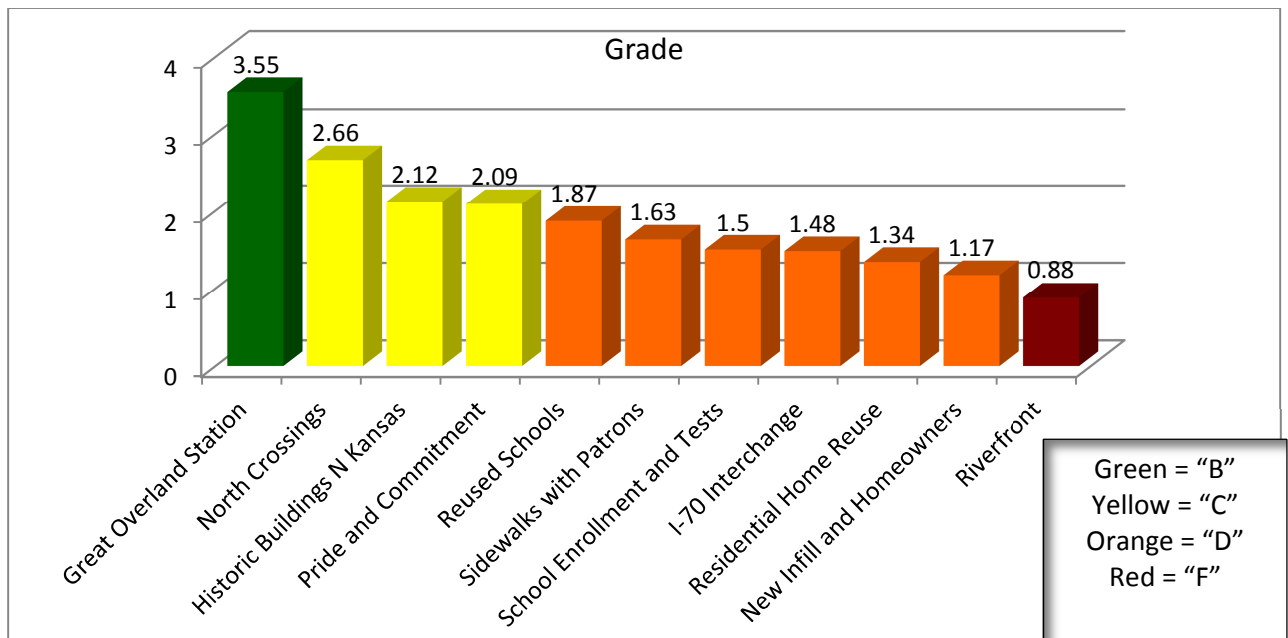
The Vision Statement from the 1999 Plan was broken down into 11 statements and participants were asked to grade each statement on a scale from “A” to “F” or mark the statement as “Done!” A grade of an “A” was the highest grade and an “F” was a failing grade.

Grade	Statements
A	None
B	Great Overland Station
C	North Crossings; Historic Buildings on N. Kansas; Pride and Commitment
D	Reused Schools; Sidewalks with Patrons; School Enrollment and Tests; I-70 Interchange; Residential Home Reuse; New Infill and Homeowners
F	Riverfront

The results were tallied and are shown below in Figure 1. The Great Overland Station was the highest score and earned the only “B.” This may not seem like a high grade, but in comparison, there was only one “F” in the class as well—development of the Riverfront park area. This shows that in general, participants recognized some progress has been made in the other nine statements, as they were graded with “C’s” and “D’s.”

HISTORIC NORTH TOPEKA EAST MEETING SURVEY

Figure 1: Vision Statement Report Card Grades



RECIPE FOR SUCCESS

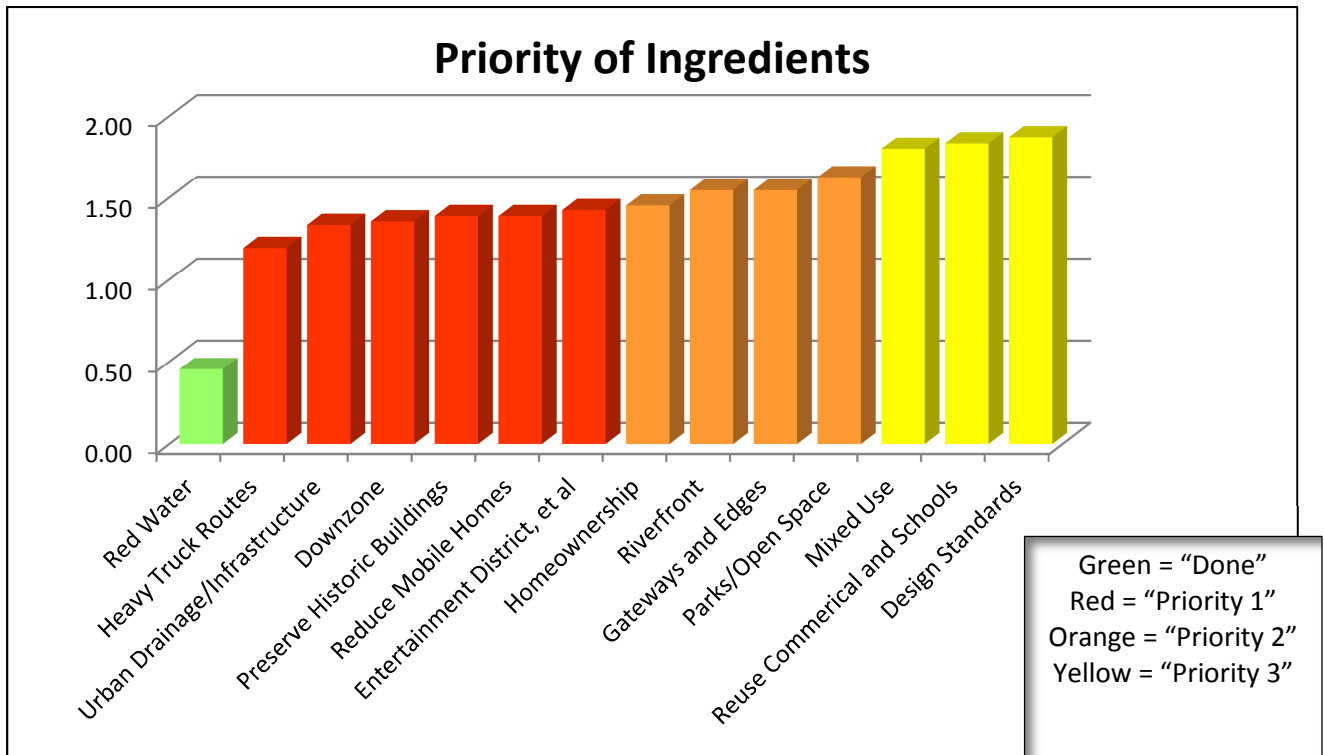
The Recipe for Success was based on the Goals and Objectives section of the 1999 Plan. Key themes or elements were pulled from this section and listed as the "Ingredients for Success." Participants were then asked to rank these ingredients according to the Priority they felt should be given. Priority 1 was the highest priority level and Priority 3 was the lowest. There was also the option of marking the ingredient as "Already Done!"

Priority	Ingredients
Done!	Red Water
1	Heavy Truck Routes; Urban Drainage/Infrastructure; Downzone; Preserve Historic Buildings; Reduce Mobile Homes; Entertainment District, et al
2	Homeownership; Riverfront; Gateways and Edges; Parks/Open Space
3	Mixed Use; Reuse Commercial and Schools; Design Standards

HISTORIC NORTH TOPEKA EAST MEETING SURVEY

One interesting theme that came out of this activity regarded ingredients that have already been completed. Ingredients such as Heavy Truck Routes, Downzoning, and Mixed Use were implemented based on the 1999 Plan. However, the majority of participants did not rank these as “Done.” This could mean that they want to see continued progress in these areas or that they do not want to lose the gains made.

Figure 2: Recipe for Success Priorities



HISTORIC NORTH TOPEKA EAST MEETING SURVEY

In addition to the 14 listed ingredients, participants were also asked for suggestions on what the list was missing and to write in their own ideas. Not everyone assigned a priority to the additional suggestions so their averages are not weighted the same as the main 14 ingredients. However, they show good examples of new goals that could be established through this planning process.

Suggestion	Number of Votes	Average
Upscale/Unique Restaurants	1	1.00
Schmidt Lumber Building and Grounds	1	1.00
Police the Streets	1	1.00
North Topeka Dog Park	1	1.00
More Small, Local Businesses to Meet the Needs of Residents	1	1.00
Pedestrian Connections and Safety/Sidewalks in Little Russia	14	1.14
Assist Homeowners in Housing Maintenance	2	1.50
Children's Parks	20	1.70
Housing Incentives/Encourage Former Residents to Move Back	17	1.76
Help Elderly Homeowners Maintain Properties	1	2.00
RV Park on the Riverfront	5	2.20

HISTORIC NORTH TOPEKA EAST VISION STATEMENT REPORT CARD



For the 1999 Historic North Topeka Revitalization Plan, the community developed this vision statement describing what they hoped to see in 2015. Has there been progress? What has been accomplished? Rate each statement below.

	Pass		Fail			Done!
	A	B	C	D	F	
In 2015, a vibrant Historic North Topeka is envisioned with a strong North Crossings mixed-use entertainment district,	☐	☐	☐	☐	☐	☐
a successful Great Overland Station Railroad Museum,	☐	☐	☐	☐	☐	☐
and rediscovered riverfront for the public's enjoyment.	☐	☐	☐	☐	☐	☐
Most of the historic building fronts along N. Kansas Avenue have been restored to their original grandeur,	☐	☐	☐	☐	☐	☐
the sidewalks are full of patrons during the evening,	☐	☐	☐	☐	☐	☐
and former residential homes have been adaptively re-used for businesses.	☐	☐	☐	☐	☐	☐
Nearby residential areas seem fresh with new in-fill housing and homeowners,	☐	☐	☐	☐	☐	☐
and former residents have returned to in-town living to retire in the renovated Curtis and Grant school buildings/grounds or raise their families.	☐	☐	☐	☐	☐	☐
School enrollment and test scores are steady after reaching their all-time peak several years ago.	☐	☐	☐	☐	☐	☐
The I-70 interchange has put Historic North Topeka on the "map" giving its residents, businesses, and visitors direct access and identity.	☐	☐	☐	☐	☐	☐
No longer is the area's image viewed with skepticism and doubt – nobody knocks Historic North Topeka anymore because knocking it would be a knock against yourself. Renewed pride and commitment to the area shows in every Topekan.	☐	☐	☐	☐	☐	☐

HISTORIC NORTH TOPEKA EAST RECIPE FOR SUCCESS



The 1999 Historic North Topeka Revitalization Plan identified many ingredients for a successful Historic North Topeka. Below are 14 key ingredients. What no longer needs to be listed? What other ingredients need to be added? Rate these ingredients to create a recipe for a blue ribbon winning neighborhood!

Ingredients	Priority (choose one)			
	1	2	3	Already
a. Downzone to protect single-family areas	☐	☐	☐	☐
b. Allow mixed use development for living and working together	☐	☐	☐	☐
c. Take advantage of the Riverfront for quality-designed park space	☐	☐	☐	☐
d. Improve parks, open space, greenways and trails linked to the regional trail system	☐	☐	☐	☐
e. Establish heavy truck routes away from the entertainment district	☐	☐	☐	☐
f. Preserve historic buildings and restore building facades	☐	☐	☐	☐
g. Adaptively reuse commercial and school buildings as apartments	☐	☐	☐	☐
h. Establish an entertainment district, the Riverfront, and the Great Overland Station as regional destinations	☐	☐	☐	☐
i. Enact design standards for infill housing that compliments historic architecture	☐	☐	☐	☐
j. Increase homeownership	☐	☐	☐	☐
k. Ensure proper urban drainage and street infrastructure	☐	☐	☐	☐
l. Establish gateways, edges and streetscapes that reflect a positive first image	☐	☐	☐	☐
m. Eliminate "red water"	☐	☐	☐	☐
n. Reduce the number of mobile homes and replace with site-built housing	☐	☐	☐	☐
o.	☐	☐	☐	☐
p.	☐	☐	☐	☐

**HISTORIC NORTH TOPEKA EAST
RECIPE FOR SUCCESS**



q.	☐	☐	☐	☐
r.	☐	☐	☐	☐
s.	☐	☐	☐	☐

**Minutes of the
Topeka Planning Commission
Monday, October 21, 2013**

CPA 13/2 by the City of Topeka to amend the text and map of the City of Topeka's Comprehensive Plan updating the Neighborhood Element for Historic North Topeka East. The area affected by the amendment is roughly bound by Old Soldier Creek and Garfield Park to the north, the Kansas River to the south and to the east, and North Topeka Blvd to the west. **(Hanzlik).**

Bill Fiander introduced Susan Hanzlik, Planner I, to the Topeka Planning Commission. Mr. Fiander explained the presentation is an introductory work session.

Susan Hanzlik explained that the work on the Comprehensive Plan began with a neighborhood kick off meeting in August, 2013. Ms. Hanzlik explained all neighbors were invited to participate in the process. Ms. Hanzlik presented the Historic North Topeka East Comprehensive Plan.

Richard Beardmore asked what the timeframe was for major crimes identified in the plan. Ms. Hanzlik stated it was for the year of 2012.

Mr. Fiander explained the target area was designated by the City Council for investment, which is done every three years. Mr. Fiander explained this is the reason the neighborhood plan was selected to be updated.

Mr. Fiander explained that the plan implementation section was not reviewed, with cost estimates, as that is to be determined with the meetings. Mr. Fiander stated that information will be sent in the near future.

Dennis Haugh asked how the city enforces or implements the designs adopted in a plan. Mr. Fiander explained through incentives. Mr. Fiander stated that tax rebates require the design guidelines are met. Mr. Fiander explained an additional tool is through Neighborhood Conservation Districts, which are zoning overlays. Mr. Fiander stated the policy in the plan is intended to be enforced through the rebate and potential Neighborhood Conservation District applications or historic district overlays. Mr. Fiander added that the Planning Department works with the Housing and Neighborhood Development Department to meet the guidelines when using city funds and programs.

Mr. Beardmore asked who participated in the meetings and steering committee. Ms. Hanzlik explained there were various home and business owners who participated and over thirty people attended at the first meeting and thirteen at the last meeting. Ms. Hanzlik explained there were notices

sent to all property owners for each meeting.

Mr. Fiander explained that the neighborhood lacked a Neighborhood Improvement Association and struggled to organize ten years ago. Mr. Fiander stated there is new organization, new businesses and people are getting involved and interested. Mr. Fiander stated the plan update may assist with the investments made in the NOTO district and hope that residents will take ownership and organize.

**Minutes of the
Topeka Planning Commission
Monday, November 18, 2013**

CPA 13/1 by City of Topeka to amend the City of Topeka's Comprehensive Plan updating the Historic Preservation Plan. **(Paris) PUBLIC HEARING CONTINUED FROM September 24, 2013.**

Discussion by members: Bill Fiander introduced the case. Mr. Fiander explained the Topeka Planning Commission heard the case, jointly with the Topeka Landmarks Commission, at a public hearing on September 23, 2013. Mr. Fiander stated there have been 15 public meetings, 22 personal meetings with stakeholders and over 300 contacts from the meetings. Mr. Fiander stated the public hearing was televised from the Holliday Conference room and viewable on the City of Topeka website. Mr. Fiander stated the Topeka Landmarks Commission reviewed the document in October during two meetings and provided recommendations to the Planning Commission.

Mr. Fiander stated that the plan has a large number of recommendations and have been prioritized in the executive summary, chapter one. Mr. Fiander explained the traditional goals and objectives in chapter two. Mr. Fiander stated chapter three contains the approach to preservation.

Mr. Fiander stated the Historic Preservation is the Landmarks Commissions work program for the next one to five years. Mr. Fiander explained that the State of Kansas has repealed the state environs law in July, 2013. Mr. Fiander stated that reviewing environs was a major role for the Topeka Landmarks Commission. Mr. Fiander stated the Topeka Landmarks Commissions role will change with the plan.

Mr. Fiander stated that chapter four of the plan covers heritage tourism and making historic preservation a part of the economic development program. Mr. Fiander stated this could attract visitors and inspire residents. Mr. Fiander stated the stakeholders emphasized the desire of knowing the story of Topeka and the assets.

Mr. Fiander stated chapter five identifies special places and where surveys have been accomplished or should be done.

Tim Paris summarized the staff report for the case. Mr. Paris stated the Topeka Landmarks Commission voted to recommend approval of the plan (7-0-0). Mr. Paris stated there are three recommended changes from the Topeka Landmarks Commission to the proposed plan.

Mr. Paris stated the first suggested change is to chapter one, goal five, to add the City Council, the City Manager, and the Mayor as entities that affect the

operational capacity and programing for preservation activities. Mr. Paris stated there is currently no reference to policymakers and the Topeka Landmarks Commission felt it was appropriate to list them.

Mr. Paris stated the second change is to chapter 3, recommendation 3.31 to include the addition of the Topeka/Shawnee County Public Library as a leading organization involved in presenting Topeka to residents and visitors that have overlapping missions, interests and capabilities.

Mr. Paris stated the third recommendation is to chapter 5, page 5-5 to include the addition of Westwood Place Addition as a post WWII neighborhood that should be considered for survey. Mr. Paris explained the idea was conveyed to the Topeka Landmarks Commission and they supported it. Mr. Paris clarified this is the neighborhood north of 21st, across from Kansas Neurological Institute. Mr. Paris stated the neighborhood represents a period of development in Topeka's history.

Mr. Paris stated pictures have been added to the Historic Preservation Plan that were not previously included in the draft.

Richard Beardmore asked if the Topeka Landmarks Commission works with GoTopeka, JEDO, or the Chamber of Commerce to make income producing venues as part of the Topeka Historic Landscape. Mr. Paris stated historically they have not but it is a recommendation of the Historic Preservation Plan to extend the relationship between those entities.

Scott Gales stated he attend events during the planning process and was very impressed.

Kevin Beck asked if the proposed changes are moving forward or something the Planning Commission should consider. Mr. Fiander stated the Planning Commission could include the three recommendations in the motion. Mr. Fiander added the intention was to include them.

Mr. Beardmore asked about the Westwood neighborhood was WWI or WWII. Mr. Paris explained there is some pre-WWII but significantly post-WWII. Mr. Beardmore stated the memo stated WWI. Mr. Paris stated it was an error on his behalf.

Mike Lackey asked if the Kenwood area bungalows are post WWII . Mr. Paris stated the Kenwood is not post WWII, but identified as an area that should be surveyed. Mr. Lackey added that the neighborhood was featured as an example of post-WWII architecture.

Proponents:

No one spoke in favor of the proposal.

Opponents:

No one spoke in opposition of the proposal.

Scott Gales moved to approve the proposal as written, seconded by Dennis Haugh.
APPROVAL. (8-0-0, Dustin Crook was absent.)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Jim Colson, City Manager, pertaining to an amendment to the text and map of the Topeka Comprehensive Plan for the Historic North Topeka Neighborhood Plan. (CPA 13/2)

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. The Comprehensive Plan for the City of Topeka may be adopted by the Governing Body upon the recommendation of the Topeka Planning Commission.

Section 2. Section 18.05.020 of the Topeka Municipal Code lists the elements that may be included in the Comprehensive Metropolitan Plan, and specifies that the Plan may include neighborhood plans for all geographic sub-areas of Topeka.

Section 3. The Historic North Topeka East Neighborhood Plan, a copy of which is attached hereto as Attachment A and incorporated by reference as if fully set forth herein, provides long-range guidance for the future growth and development of the area generally bounded by Old Soldier Creek and Garfield Park to the north, the Kansas River to the south and the east, and North Topeka Blvd to the west. The Neighborhood Plan sets forth a ten (10) year vision with goals and strategies relating to land use, commercial and image corridors, housing, parks, infrastructure, public safety, and community organization in a comprehensive manner that recognizes the desire to increase the livability of the Historic North Topeka East Neighborhood.

Section 4. The Topeka Comprehensive Metropolitan Plan is hereby amended by the addition of the Historic North Topeka East Neighborhood Plan as a separate Plan Element.

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,

_____, 2013.

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified

Not To Be Codified

X

HISTORIC NORTH TOPEKA EAST

Topeka, Kansas



Neighborhood Plan

An Element of the
Topeka Comprehensive Plan
 A Cooperative Effort By:
 The Historic North Topeka East
 Neighborhood Improvement Association
 &
 Topeka Planning Department



ADOPTED:
 Topeka Planning Commission, _____
 Topeka Governing Body, _____

ACKNOWLEDGEMENTS

Historic North Topeka East Neighborhood Improvement Association

Debbie Dunkin, President

Katrina Bayless, Vice-President
Joe Hodgson, Treasurer/Secretary

City of Topeka Mayor

Larry Wolgast

Topeka City Council

John Campos	Michelle De La Isla	Denise Everhart
Richard Harmon	Karen Hiller	Chad Manspeaker
Sylvia Ortiz	Nathan Schmidt	Elaine Schwartz

Topeka Planning Commission

Kevin Beck, Chairman

Richard Beardmore	Dustin Crook
Michelle Cuevas-Stubblefield	Scott Gales, Vice-Chairman
Dennis Haugh	Nicholas Jefferson
Carole Jordan	Mike Lackey

Topeka Planning Department

Bill Fiander, AICP, Director
Dan Warner, AICP, Comprehensive Planning Manager
Susan Hanzlik, CNU-A, Planner I (Project Manager)

TABLE OF CONTENTS

I.	INTRODUCTION.....	4
	PURPOSE.....	1
	PROCESS.....	2
II.	NEIGHBORHOOD PROFILE.....	4
	SETTING AND CHARACTER.....	4
	EXISTING CONDITIONS*	6
	SOCIOECONOMIC TRENDS	9
	PROFILE SUMMARY: NEEDS AND OPPORTUNITIES.....	9
III.	VISION AND GOALS	12
	VISION 2025.....	12
	GOALS & GUIDING PRINCIPLES	12
IV.	FUTURE LAND USE PLAN.....	15
	LAND USE PLAN CATEGORIES.....	15
V.	REVITALIZATION STRATEGY	19
	THEMES.....	19
	TARGET AREA STRATEGIES.....	20
	NEIGHBORHOOD-WIDE STRATEGIES.....	30
	CIRCULATION PLAN	30
	NORTH CROSSINGS	32
	CHARACTER AND IMAGE.....	39
	HOUSING	52
	COMMUNITY BUILDING AND INITIATIVES.....	54
	PARKS.....	55
	OTHER RECOMMENDATIONS.....	58
VI.	IMPLEMENTATION	59
	KEY ACTION PRIORITIES.....	59
	TARGET AREAS	60
	REZONING	63
VII.	APPENDIX A: TABLES AND CHARTS.....	67
VIII.	APPENDIX B: MAPS	71
IX.	APPENDIX C: MEETING SURVEY	79
X.	APPENDIX D: HOUSING & INFRASTRUCTURE SURVEYS.....	82

MAPS

Map 1: Land Use	71
Map 2: Zoning	72
Map 3: Housing Conditions - Historic North Topeka East	73
Map 4: Home Ownership - Historic North Topeka East	74
Map 5: Code Violations - Historic North Topeka East.....	75
Map 6: Major Crimes - Historic North Topeka East	76
Map 7: Infrastructure - Historic North Topeka East.....	77
Map 8: Development Activity 1999-2013 - Historic North Topeka East	78
Map 9: Future Land Use Map	16
Map 10: Pre-1915 Residences	81
Map 11: Target Area Evaluation	23
Map 12: Target Area Concept Map	24
Map 13: Circulation Plan	31
Map 14: Urban Design Framework	40
Map 15: Parks, Utility Infrastructure, and Public Facilities.....	56
Map 16: Proposed Zoning Map	64
Map 17: Primary Target Area.....	65
Map 18: Brick Street, Sidewalk, and Alley Condition Map	66

ILLUSTRATIONS

Illustration 1: Traditional Storefront	44
Illustration 2: Commercial Building Design Guidelines (831 N. Kansas Ave.)	47
Illustration 3: Commercial Building Design Guidelines (816 N. Kansas Ave)	48
Illustration 4: Major Gateway.....	49
Illustration 5: Housing Infill Design Guidelines.....	52
Illustration 6: Sardou Recreation/Nature Park	57

TABLES

Table 1: Land Use.....	67
Table 2: Housing Density.....	67
Table 3: Housing Conditions	68
Table 4: Home Ownership	68
Table 5: Median Residential Property Values	68
Table 6: Quincy Elementary School	68
Table 7: Population and Race.....	69
Table 8: Age.....	69
Table 9: Households	70

I. INTRODUCTION

Background

In the fall of 1996, the North Topeka on the Move Association (NOTOMA) completed the Strategic Action Plan to Revitalize North Topeka. Following this, in 1998 NOTOMA and the City of Topeka partnered on a more comprehensive, resulting in the “Historic North Topeka Revitalization Plan,” adopted by City Council in August, 1999.

1999 Plan Accomplishments

Historic North Topeka is now a booming area of the city and has gone through a major transition since 1999.

The business district, now known as the NOTO Arts District, has grown to 29 shops including restaurants, art galleries, art studios, antique and curiosity shops. Today, as many as 2,300 people attend the First Friday monthly Art Walks. The streetscape and facades along North Kansas Avenue has been improved through programs with the City.

The Great Overland Station Museum, opened in 2004 as a railroad heritage museum, is now also the home to the Kansas Hall of Fame, the historic railroad park, the All Veterans Memorial and Corridor of Flags, and the Annual Railroad Days Festival, an event which attracts over 4,000 visitors to the Station.

Just to the south of the Station, the Shawnee County Parks and Recreation Department has acquired property along the north bank of the Kansas River and intends to establish a Riverfront Park, complete with trails and other recreational activities. The City of Topeka has devoted funds through its Transient Guest Tax to specifically help fund this project.

The Topeka Rescue Mission is expanding its services and doubling its capacity; very shortly the Mission will have space for over 1,000 daily visitors.

Other improvements have been made throughout the neighborhood as well. Business owners have improved the landscaping around their properties, enhancing the aesthetic appeal of the area. Traffic circulation has been improved with the Curtis Flyoff, Sardou Flyoff, and Sardou Bridge improvements. The Garfield Park pool completed major renovations in 2011 and the Neighborhood Improvement Association has been awarded grants that have gone for additional park improvements. And, Curtis Junior High has been placed on the National Register of Historic Places and has been renovated for low- to moderate-income senior housing.

PURPOSE

In 2012, the Historic North Topeka East Neighborhood Improvement Association (NIA) applied to the City of Topeka for Stages of Resources Targeting (**SORT**) funding. In early 2013, the Topeka City Council approved the Historic North Topeka East (**HNTE**) Neighborhood to be one of two designated neighborhoods to receive planning assistance in 2013 and implementation funding in the following two years.

Whereas the previous plan covered the entire North Topeka area, this plan update focuses on the southern area of Historic North Topeka East—from N. Topeka Boulevard east to the Kansas River, and from Garfield Park south to the Kansas River.

The purpose of the Historic North Topeka East Plan Update is to provide long-range guidance and feasible alternatives to the City, its agencies, residents, and private/public interests for the future revitalization of HNTE. It establishes a 10-15 year vision with appropriate strategies and implementation measures for land use, housing, urban design, parks, commercial districts, infrastructure, and circulation. This Plan provides the policy basis from which to identify appropriate zoning, capital improvements, and programs to implement it.

Relation to Other Plans

The Plan is a comprehensive community-based approach to neighborhood planning that constitutes an amendment to the Metropolitan Comprehensive Plan and is regularly monitored, reviewed, and updated as needed. It is intended to balance neighborhood needs with city-wide objectives and be consistent with goals of existing and future elements of the Comprehensive Plan including Downtown, Transportation, Economic Development, and Trails Elements.

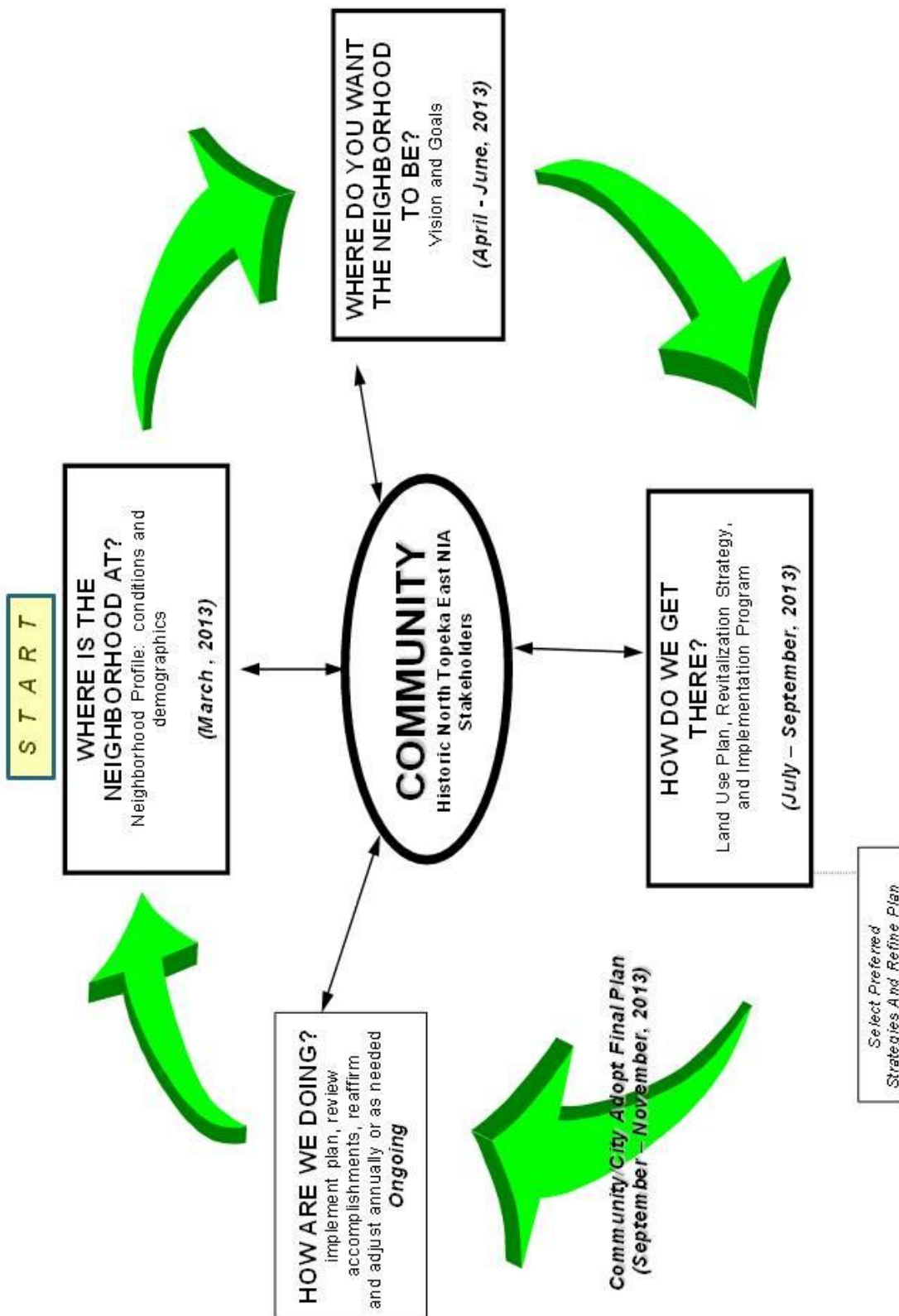
PROCESS

This document has been prepared in collaboration with the Historic North Topeka East NIA, with input from residents, and other stakeholders in the neighborhood as well. Beginning in the spring of 2013, planning staff conducted a property-by-property land use and housing survey of the neighborhood and collected pertinent demographic data. This “state-of-the-neighborhood” information was shared and presented during the kickoff meeting on April 10. The steering committee, comprised of neighborhood volunteers, met five times over the summer and looked in-depth at issues such as goals and guiding principles, land use and zoning, circulation and parks, NOTO and the Riverfront, and selected SORT Target Areas. Updates on the planning process were also given at the May and July NIA meetings. A compass meeting was then held on August 14 to make sure the plan and the steering committee’s recommendations were on the right course.

A summary of the final plan was presented to the community and the Planning Commission at a confirmation/wrap-up meeting held on October 16, 2013 at the Garfield Community Center. A public hearing was held before the Planning Commission on October 28, 2013.

All property owners in the Historic North Topeka East planning area were specifically notified of public meetings twice during the planning process. Attendees of the first public meeting were notified a third time, for the Compass Meeting. Other owners in the potential rezoning areas were notified by mail a third time. A total of 10 meetings in the neighborhood were held with citizens and Planning staff to develop the plan.

Historic North Topeka East Neighborhood Plan



II. NEIGHBORHOOD PROFILE

SETTING AND CHARACTER

Location

Historic North Topeka East is located along the north bank of the Kansas River, approximately one mile from the Capitol in downtown Topeka. The planning area is bound by the Kansas River to the east and south, the old Soldier Creek channel to the north and NE Topeka Boulevard to the west. The planning area comprises approximately 742 acres.

The community is intersected by one major north-south thoroughfare —N. Kansas Avenue — and bordered by another—N. Topeka Boulevard. These connect to the downtown south of the Kansas River by way of two bridges at N. Topeka Boulevard and NE Quincy Street. The community is surrounded by residential land uses to the north and west, with commercial uses and green space dominating the street front along N. Topeka Boulevard.

History

Historic North Topeka can be referred to as a crossroads in the settling of the West. In 1849, three brothers named Joseph, Achan and Louis Pappan moved to what is now North Topeka and began a ferry service across the Kansas River for Oregon Trail travelers. Pappan's Landing rested somewhere in the vicinity between Topeka Boulevard and Harrison Street and was also utilized as a segment by John Brown's followers on the Underground Railroad. The first African-American churches in Topeka were established just north of the river.



Originally called “Eugene” by its founders William Curtis (grandfather of Charles Curtis, Vice President of The United States during the Hoover Administration) and Louis Laurent, the town was laid out on the north side of the Kansas River in 1865, near the landing of the Pappan's Ferry. The first passenger train in Topeka rolled through North Topeka in 1866 when there were only a handful of houses and a few stores. Shortly thereafter in 1867, the area was annexed into the City of Topeka. Once the railroad arrived,

the community began to grow with the construction of a flourmill, hotels, saloons, banks, homes and schools. In 1869, after several previous floating bridges were swept down the river, a permanent structure was built connecting North Kansas Avenue to South Kansas Avenue. After that North Topeka was booming with development, including the construction of the Union Pacific Passenger Depot and Place Hotel built at the southwest corner of Kansas Avenue and Railroad Street in 1872. The following was printed in the North Topeka Times describing North Topeka before the turn of the century:

“A more live and energetic class of businessmen cannot be found in the whole state of Kansas. Broad streets, tastily built houses and a busy thoroughfare present indisputable evidences of present activity and future growth of this ‘city over the river.’”

The community is made up of more than 35 different subdivisions, beginning with Eugene’s Addition in 1867. Lots sizes range from 25’ x 130’ to 25’ x 175’ with the exception of Eugene’s Addition which is typified by 75’ wide lots. The streets in Historic North Topeka typically lie within 60’ wide rights-of-way, except Topeka Boulevard and Kansas Avenue, which are 100’ and 80’, respectively.

The history of the community is filled with frequent floods, the most notable occurring in 1903 and 1951. After the floods of 1903 and again in 1908, a dike system was built to protect North Topeka from future floods and restore confidence in the community. However, in 1951 a major flood once again inundated the community, causing tremendous damage. Many homes were razed or left uninhabitable following the flood and were often replaced by mobile homes as a low-cost alternative to traditional site-built homes. Concurrently, suburban development trends were also accelerating migration from inner city neighborhoods to outlying areas. In an effort to encourage redevelopment, much of the area was



“up-zoned” from its base zoning of single-family and two-family districts, to zoning districts that allowed multiple-family dwellings and highly intensive commercial and industrial uses. The Army Corps of Engineers built a new levee system in the mid-50s to protect the area from flooding and reassure property owners. A decline in population was soon followed by a decline in neighborhood business activity years later when the Kansas Avenue Bridge was rebuilt in the mid-60s and relocated to Quincy Street thus bypassing the traditional business district on Kansas Avenue. Many historic buildings from the turn of the century still exist in Historic North Topeka, although most are in need of rehabilitation.

The Kansas Avenue business district has morphed from supporting construction businesses and bars in the early 2000’s, to the home of the NOTO Arts District today. The 1927-edition of the Union Pacific Depot, moved to the west side of Kansas Avenue in line with the Capital building, has been revitalized as the Great Overland Station Museum. Three structures within the planning area are listed on the National Register of Historic Places: the Great Overland Station, the North Topeka Baptist Church, and Curtis Junior High School. In addition, the Segar Place at 1132 NW Harrison Street is listed as a Topeka Local Landmark.

In 2000, the Historic North Topeka East area was rezoned to reflect the Future Land Use Map of the 1999 Plan. This created a mixed-use district of varying intensities primarily south of Gordon and along Kansas Avenue. Industrial uses—other than those currently grandfathered in—are now

limited to the area south of the railroad tracks and east of the Quincy Bridge. The remaining neighborhood areas are now classified as Low-Density Residential.

EXISTING CONDITIONS*

*** All tables and maps are found in Appendix A and B**

Health

The Neighborhood Element of the Comprehensive Plan establishes a neighborhood health rating system for all the neighborhoods in Topeka. This uses five categories—Poverty Level, Public Safety, Residential Property Values, Single Family Homeownership, and Boarded Houses—to assign a health rating to each Census Tract Block Group. The HNTE planning area falls in two block groups. The block group for the southern half of the planning area covers the area from Morse Street to the Kansas River and was rated an “Intensive Care” neighborhood in 2011, one of only four such areas in the city. The northern half contains parts of two block groups, both which were rated as “At Risk.”

Land Use

The HNTE Planning Area contains 741.8 acres, with 180.8 of those acres being public right-of-way (Table 1). The neighborhood is mostly residential, accounting for 65% of the parcels and 39.3% of the total land area. Most of the residential is single-family; however, the next highest residential land use are homes that have been converted to apartments. Open Space/Recreational land comprises the highest percent of total land area with 53.2%. This is due to the large vacant tracts that border the Kansas River on the east side of the planning area, providing open space and a natural buffer. One interesting example of the accomplishments of the 1999 Plan is shown in the Commercial-Mixed Use category. This category increased 400% since 1999, from 3 parcels to 12 in 2013.

Map 1 shows the existing land uses within HNTE. Commercial and Mixed Use development is predominantly located along North Kansas Avenue, consistent with the future land use plan developed in the 1999 Plan. Industrial uses are mainly located between of Laurent Street and the Kansas River. A major land use change has occurred in the northwest area of the neighborhood with the old Curtis Junior High being converted to senior and affordable housing units. Residential uses fill most of the remaining neighborhood. Previous zoning allowances are still seen throughout the neighborhood in the form of mobile home sites and courts. Circling the neighborhood is an open space and greenway—Garfield Park, old Soldier Creek, and the Kansas River levee.

Zoning

After the 1951 flood in North Topeka, Historic North Topeka East was “up zoned” for industrial and multi-family uses in an attempt to prompt redevelopment. However, a rush of new high intensity land uses did not develop. One of the goals of the 1999 Plan was to “down zone” to bring back neighborhood uses. In 2000, the neighborhood was rezoned based on the future land use map in the 1999 Plan. Now, HNTE is predominantly residential throughout the north half and predominantly mixed use in the southern half. There is still some industrial zoning located along the railroad tracks in the southern portion of the planning area. This and all of the current zoning areas are shown in Map 2 with a breakdown of land uses described in Table 1.

Housing Density

The overall housing density in Historic North Topeka East is fairly high at 6.2 dwelling units per acre for residential purposes. However, due to the open space along the Kansas River and the industrial uses south of Laurent, the overall density drops to 1.7 for all land (Table 2).

Housing Conditions

Residential structures were evaluated on their structural condition by Planning staff in March 2013. This was done through a rubric that ranked minor, intermediate, and major deficiencies based on the severity of the problem and the results are shown in Table 3. Over 75% of the residential structures were Sound or had Intermediate Deficiencies. The other 24.9% showed more severe deficiencies, indicative of deteriorating conditions. These individual results were aggregated by block to show overall trends throughout the neighborhood, shown in Map 3.

Tenure

Historic North Topeka East continues to have a high percentage of renter-occupied housing, as it did when the 1999 Plan was completed. However, in 1999, the entire North Topeka planning area had 59% of all units occupied by renters. Today, 49% of all residential units are renter-occupied, compared to 47% being owner-occupied. Vacant units—for sale, abandoned, or boarded—account for the remaining units as shown in Table 4. This data was aggregated by block to show homeownership trends throughout HNTE (Map 4).

Environment/Public Safety

The City of Topeka's Codes Enforcement Unit provided data on nuisance and housing codes violations in the Historic North Topeka East neighborhood during 2012 (Map 5). These cases include issues such as inoperable vehicles, accumulations of junk and debris on a property, or structural concerns. While there are high violation areas throughout HNTE, the Northwest area of the neighborhood shows a higher instance of violations than the others.

Public safety was measured by the number of Part 1 crimes per block (Map 6). These include crimes such as murder, aggravated assault, rape, theft, burglary, and robbery. In 1999, there were blocks that had up to 11-41 crimes per block. However, there was a large shift in these types of indicator crimes throughout HNTE. During 2012, the highest occurrence of these major crimes were just 6-10 crimes per block, and both of the blocks with this higher value were areas with a higher-than-average concentration of people—the Pioneer Curtis Homes redevelopment and the commercial blocks at Fairchild and Kansas Avenue.

Infrastructure

The original town site of North Topeka was laid out in 1865; much of the area retains the historic feeling from its early history and can use this as an advantage. However, historic infrastructure rarely attracts nostalgic feelings and this, too, is still present in Historic North Topeka East. Blocks near the main thoroughfares have been renovated with repaving, sidewalks, curb and gutter, and storm drain improvements. Blocks in the interior sections of HNTE have not been as fortunate. Many streets lack sidewalks or the sidewalks are in significant disrepair, forcing people to walk in the streets. Streets in the northeast corner of the planning area are as narrow as 15' and rely on ditch drainage to move storm water.

Map 7 illustrates the infrastructure of HNTE, showing both the completeness and the condition. The central blocks around Kansas and Quincy show the best infrastructure in the planning area. All four "corners" show the need for major repairs or replacement.

Development Activity

Much of the development in Historic North Topeka East occurred during the early days of the community with the 1950's showing the last major period of new construction. This was due, in part, to the Flood of 1951. According to the Shawnee County Appraiser's website, 705 properties list the year the building was built. Of these, only 26 (4%) have improvements built after 1960.

HNTE has not seen much development activity since the 1999 Plan was completed (Map 8). There have been many more demolition permits issued since 2000 than new residential construction. One new site built home has been added, through the Infill Housing Program, using both HOME and Neighborhood Stabilization Program funding. In addition to this new site built home, one manufactured home has been added as well.

While single family home construction has been lagging, there has been a substantial investment in affordable housing and senior housing with the completion of the Pioneer Curtis Junior High facility. This renovated historic junior high school and grounds added 59 affordable residential units. It dramatically improved the blocks and brought new households back to the neighborhood.

Property Values

According to information provided by the Shawnee County Appraiser's Office, the median value of single-family homes in HNTE was a little over \$31,000. Multi-Family converted homes were valued slightly higher, at \$33,000. Mobile home sites and courts are valued at the cost of the land, with the mobile home not counting as an improvement, and so were significantly lower than site built homes at \$2,900. Multi-family housing averaged the highest property values, \$332,870, due in part to the high property value of the Pioneer Curtis Junior High project. Additional information can be found in Table 5.

Circulation

A diverse street network provides pedestrian and vehicular circulation in Historic North Topeka East. It is intersected by one principal arterial street (Topeka Boulevard), three minor arterial streets (Quincy, Kansas and Morse) and two collector streets (Tyler and Gordon). The Topeka Boulevard, Kansas Avenue and Sardou Avenue bridges provide access to areas south and east of the Kansas River. HNTE is served by one bus route with three stops located in the planning area.

One major circulation issue raised during the 1999 Plan concerned the railroad tracks that separate the Great Overland Station, Topeka Rescue Mission, and the Riverfront from the rest of HNTE. This line has 75-85 trains per day, frequently stopping traffic and pedestrians. Over the years, there have been several pedestrian fatalities here, with two occurring in 2013 alone.

Two additional circulation issues were raised in the 1999 Plan and have since been addressed—posting “No Trucks” signs around the NOTO area on North Kansas Ave. and improving access to HNTE and Little Russia through the Northeast Curtis and Sardou Fly Offs.



Public Facilities

Historic North Topeka East has six public facilities and areas: Garfield Park and Community Center, Quincy Elementary School, Veterans Park, Fire Station No. 1, and the Charles Curtis Greenway.

The Garfield Community Center provides the main community facility for indoor and outdoor recreation and has park facilities including outdoor grills, playground, picnic areas, a shelter house, and a swimming pool. The swimming pool received significant improvements completed in 2011, featuring a renovated bath house, an open flume slide, a tot slide, a mushroom waterfall, shade structures, spray features, floatable water features, and a diving well.

Quincy Elementary School is located just south of Garfield Park at the north of the planning area. This school serves just over 250 students with data in Table 6 showing the economic indicators of this student population. Quincy Elementary has the fourth highest rate of economically disadvantaged students of all of the schools in USD 501. The state of Kansas averages 48.8% of students that are economically disadvantaged; 93.8% of Quincy students fall in this category. Reading and math scores also fall below the averages for the state and USD 501.

SOCIOECONOMIC TRENDS

***Refer to Appendix A for Socio-Economic Tables (Table 7-Table 9)**

The Historic North Topeka East planning area is located in Census Tract 8 and includes all of Block Groups 3 and 4, and a small part of Block Groups 1 and 2. The socioeconomic data was extrapolated from the 1990, 2000 and 2010 United States Censuses, with tables located in Appendix A. The neighborhood lost 829 people between 1990 and 2010, losing 16% between 1990 and 2000 and 21% between 2000 and 2010. HNTE saw a steady loss of population along all ethnicities. The overall number of total households decreased 33% during this 20 year period, with the most dramatic loss occurring between 2000 and 2010. The total number of female-headed households with children under the age of 18 decreased between 1990 and 2000 by 11% but increased nearly 300% between 2000 and 2010.

The population of nearly all age groups in HNTE declined, with the exception of adults aged 45-54 which continuously increased between 1990 and 2010. Between 1990 and 2000, all age categories decreased except for adults 35-44 and 45-54. From 2000 to 2010, children 10-14 years and 15-19 increased, in addition to adults 45-54. This may show a trend of families with children moving back into the neighborhood.

Economically, the average household income (**AHI**) in HNTE has increased to \$24,300 but is still lagging behind Topeka's AHI. The AHI for HNTE actually increased at a higher rate than Topeka's between 1990 and 2000 but fell even further behind from 2000 to 2010. This could be due in part to the Great Recession and the Housing Crisis in 2007 impacting this community more so than the rest of the Capital City. Regardless, this community is more economically disadvantaged now than it was in 1990.

PROFILE SUMMARY: NEEDS AND OPPORTUNITIES

Historic North Topeka East, once a thriving residential community capable of supporting its own business district, has lost its original character to the effects of several devastating floods and urban-to-suburban migration patterns. The result is a community with vast potential, but in dire

need of re-investment. Many positive changes have occurred since the 1999 Plan, but there is still much more that needs to be addressed. The preceding sections have identified the following opportunities and needs, which are summarized below.

Strengths/Opportunities

- The traditional small town design found in HNTE, if restored to its original character, could be an attractive alternative to suburban living with shopping and entertainment within walking distance from residential areas and the close proximity to downtown.
- The area has retained its original low-density residential character despite being zoned for multiple-family and highly intensive nonresidential uses for the better part of 50 years.
- The area has retained many of its historic residential and commercial buildings, although many are in need of rehabilitation. North Kansas Avenue is the only intact traditional commercial district in Topeka.
- NOTO has become an economic development engine, adding businesses along N. Kansas Avenue and assisting the development of the artistic community. The First Friday art event draws 1,500 visitors to Historic North Topeka on the first Friday of every month.
- The Great Overland Station museum represents a destination anchor for the Kansas Avenue business district.
- The substantial investment going into the renovation of the Great Overland Station could attract people and new investment to the community's historic commercial district on N. Kansas Avenue.
- The large number of vacant lots presents an opportunity for new in-fill housing development.
- Residential blocks in the community boast relatively low crime on average.
- The riverfront offers significant development potential and an opportunity to redefine Topeka's and North Topeka's regional image.

Needs/Constraints

- The low density of population in HNTE, which is due in large part to a preponderance of vacant parcels and non-residential land uses, presents a constraint to developing a critical mass of population that can thrive as a traditional urban community and be better able to support commercial services.
- 25% of all residential structures exhibited major deficiencies.
- 47% of the housing units are owner occupied.
- Mobile homes and vacant lots, which together account for 7% of the parcels in HNTE, are scattered throughout traditional residential neighborhoods with a median property value more than 10 times less than the surrounding homes.
- Three building permits were issued in Historic North Topeka East from 1999 – 2013 in contrast to the 45 demolition permits issued.
- The population in HNTE decreased by 34% from 1990 – 2010.
- 94% of students at Quincy Elementary are economically disadvantaged.
- Declining population, homeownership, and concentration of low income households are a combination signaling potentially devastating economic, educational, and social divestiture in the community.
- Perception that the area is prone to flooding.

Historic North Topeka East is one of the oldest and most diverse areas in Topeka. The area is rich in history and still exhibits many characteristics of its original traditional small town design.

However, the effects of several devastating floods forever altered its original character. Today the areas' hidden qualities remain largely undiscovered, with numerous vacant lots, dilapidated building conditions, and a declining population more dependent on other areas of Topeka for basic services. The residential areas have suffered from the blighting influences of industrial uses and heavy truck and railroad traffic. These factors have eroded any homeowner confidence in the community. With the recent renovation efforts on the Great Overland Station and the activity in NOTO, much attention is once again focused on the area. It is this renewed interest in conjunction with a new neighborhood vision that, if capitalized on, will help to revitalize the historic business district, riverfront area, and surrounding residential areas and to redefine Historic North Topeka East's image as a viable mixed-use community of choice.

III. VISION AND GOALS

VISION 2025

In 2025, a vibrant Historic North Topeka is envisioned with a strong NOTO arts district, a successful Great Overland Station Museum, and a rediscovered riverfront open for community gatherings and recreation. Most of the historic building fronts along N. Kansas Avenue have been restored to their original grandeur, the sidewalks are full of patrons during the evening, and former residential homes have been adaptively re-used for businesses. Nearby residential areas seem fresh with new in-fill housing and homeowners, and former residents have returned to in-town living to retire in the renovated Curtis and Grant school buildings/grounds or raise their families. School enrollment and test scores are steady after reaching their all-time peak several years ago. The just completed I-70 viaduct through Downtown has put Historic North Topeka on the “map,” giving its residents, businesses, and visitors direct Interstate access and identity. No longer is the area’s image viewed with skepticism and doubt – nobody knocks Historic North Topeka anymore because knocking it would be a knock against yourself. Renewed pride and commitment to the area shows in every Topekan.

GOALS & GUIDING PRINCIPLES

The Historic North Topeka Stakeholders Committee identified six primary ingredients to achieving this vision: land use, circulation, Great Overland Station District, housing, community character and design, and infrastructure. These “mini-visions” have been articulated into goal statements for each topic and are supported by “guiding principles”, or instructions, on achieving the goals.

LAND USE

Goal

Establish a predictable pattern of land use that preserves the viability of residential neighborhoods, accommodates services for residents, and promotes a destination-oriented mixed-use center and riverfront.

Guiding Principles

- Identify single-family residential preserves and protect them from encroachment of incompatible land uses.
- Concentrate commercial activity within neighborhood friendly nodes and limit “strip” development not compatible with traditional neighborhood design.
- Condense industrial districts and lessen negative impacts industrial-type uses have upon stable residential, commercial, or “image” areas.
- Allow for the re-imagination of the area surrounding NOTO and the Great Overland Station.
- Develop a system of quality-designed open space that links a variety of uses and users and takes advantage of the riverfront.
- Encourage mobile home development as part of planned unit developments and outside of traditional neighborhood settings.

NOTO/RIVERFRONT

Goal

Develop an urban entertainment, dining, retail, cultural, and living district that utilizes assets of N. Kansas Avenue business district, Great Overland Station, riverfront, and historic buildings.

Guiding Principles

- Encourage a mixed-use urban environment that promotes “in-town” living while limiting creation or expansion of industrial uses.
- Restore historic building fronts and retain integrity of block frontage on N. Kansas.
- Maintain public streetscape improvements that complement the area’s character and entice investment.
- Develop a destination riverfront area that compliments the historic nature of Historic North Topeka.
- Promote a “walkable” setting and pedestrian-oriented development.
- Improve pedestrian connections from N. Kansas Avenue to the Great Overland Station
- Recruit destination-oriented uses and plan for expansion of district beyond N. Kansas Avenue
- Enhance and maintain the NOTO Board to oversee NOTO business promotion.
- Encourage and support a diversity of cultural, recreational, and commercial attractions for young and old, residents and visitors alike.

CIRCULATION

Goal

Provide a safer, greater, and more efficient means of access to, from, and within Historic North Topeka that will connect a diverse mix of land users.

Guiding Principles

- Eliminate heavy truck traffic from the NOTO area and establish alternate heavy truck routes without unreasonably impacting residential areas
- Improve routing of non-local traffic into Historic North Topeka and the NOTO/Riverfront area.
- Develop a recreational trail system that is linked to a regional trail system.
- Improve pedestrian connections and safety.
- Establish bikeway connections to other areas of the City to enable alternate means of transportation.
- Promote destinations to non-residents through wayfinding signage.

HOUSING

Goal

Increase density of population and quality of housing options, both market-rate and affordable, that stabilizes the housing market.

Guiding Principles

- Establish design standards for new in-fill housing and rehabilitation that compliments the historic architectural elements of the neighborhood and maintains affordability.
- Upgrade housing and neighborhood conditions to retain and attract more homeowners.
- Target larger strategic blocks for in-fill housing compatible with the neighborhood and concentrate rehabilitation improvements around them.
- Establish neighborhood networks to help homeowners, especially the elderly, maintain their property
- Promote adaptive reuse of commercial buildings for loft apartments.

CHARACTER

Goal

Communicate a notable image and unique experience of place by building off of physical and cultural heritage.

Guiding Principles

- Ensure that new development is compatible in scale, materials, and character with surrounding buildings.
- Maintain urban form and traditional neighborhood design principles.
- Establish gateways, edges, and streetscapes that reflect a positive first image and compliments the area's historic character.
- Protect and promote historically significant structures, district, views, and places.
- Provide an appropriate setting to "tell the story" of the area's prominence in local history.

PUBLIC FACILITIES

Goal

Upgrade and maintain public facilities to ensure confidence in the future of Historic North Topeka.

Guiding Principles

- Maintain 100-year minimum flood protection from the Kansas River and its tributaries.
- Ensure that proper drainage systems and urban infrastructure is in place.
- Develop and maintain a parks system appropriate to meet the needs of the population in Historic North Topeka

IV. FUTURE LAND USE PLAN

The Historic North Topeka East Future Land Use Plan (see Map 9) graphically illustrates a conceptual guide for future development of the neighborhood that embodies the vision and goals presented in Section III. The map illustrates preferred land use concepts and is explained more fully in the descriptions below. The following land uses, zoning districts, and housing densities are the “maximum recommended” and do not preclude lower-intensity land uses, zoning districts, or housing density levels.

LAND USE PLAN CATEGORIES

Residential – Low Density (Traditional): This category comprises blocks where the highest concentrations of cohesive single-family uses exist without a significant mixing of two/multiple-family or non-residential uses. The “traditional” designation refers to a primarily single-family district consisting of traditional neighborhood design elements, such as higher densities, frame or “stick-built” houses with porches, historic architectural styles, street and alley systems, narrower lot frontages, and a pedestrian friendly environment in proximity to schools, shopping, parks, etc. that predominated neighborhood development prior to World War II. These areas were originally developed as part of a traditional single-family neighborhood and have realistic potential to sustain this as the predominate character. Non-traditional elements such as “ranch-style” lot layouts and mobile homes/parks are not conducive to retaining the integrity of the area’s desired character and should be prohibited. New single-family in-fill development may use attached or “townhouse” design units to achieve a higher density within the Focus Area.

Primary Uses: Single-family dwellings (detached, attached)
 Zoning Districts: R-2 (Single Family)
 Density/Intensity: 5-7 dwelling units/acre

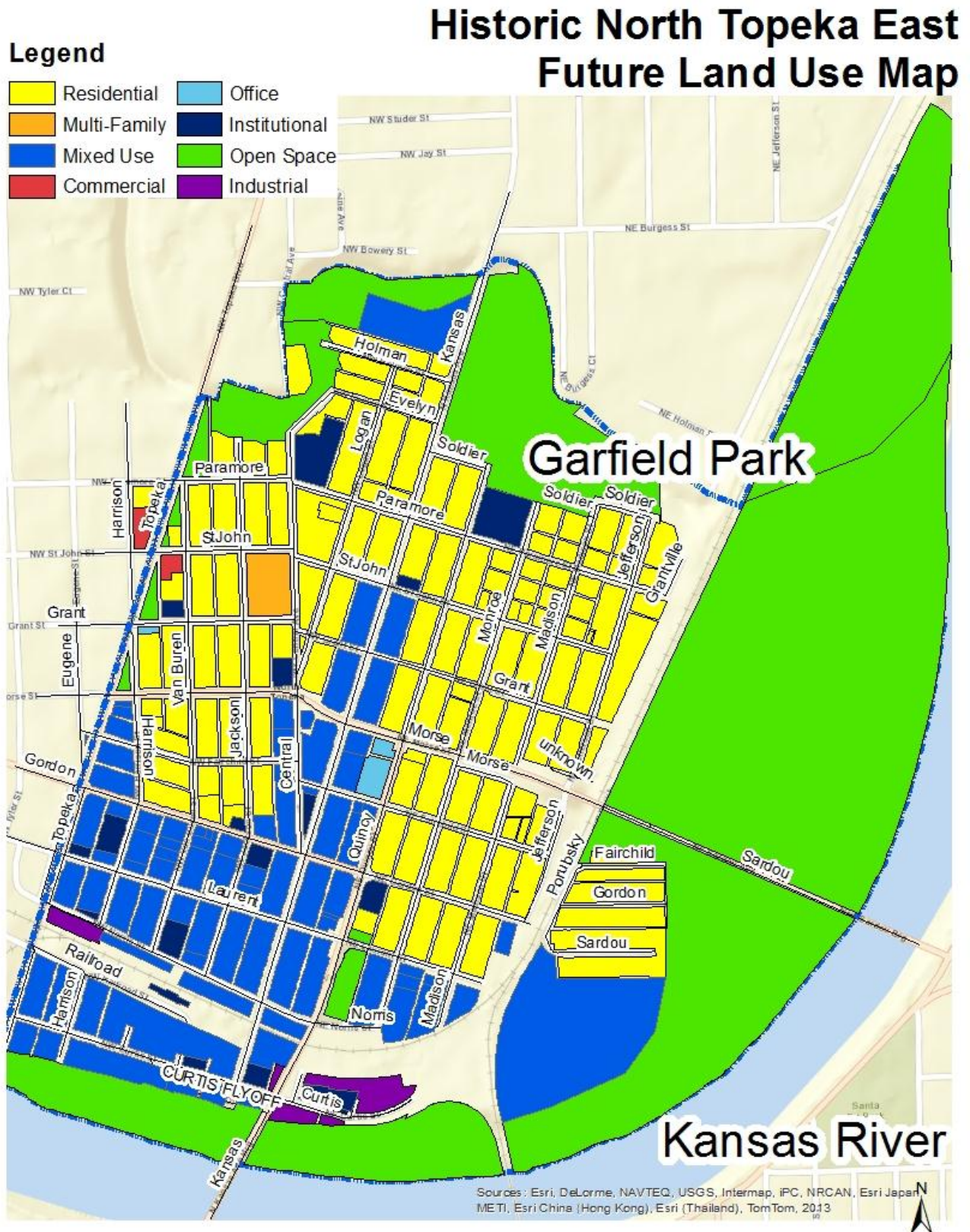
Residential – High Density: This category is applied to exclusively to the redesigned Pioneer Curtis Junior High School. Although this is an interior block, this adaptive reuse preserved a historic building. Any future high density residential developments should occur in the X3 Mixed Use-NOTO district, which allows a higher number of units/acre.

Primary Uses: Multi-family dwellings (5+ units)
 Zoning Districts: Planned Unit Development
 Density/Intensity: 18 dwelling units/acre (net)

Office: This category applies to those offices located throughout North Topeka. Offices looking to locate in North Topeka should be encouraged to use sites along major thoroughfares or in existing Mixed Use areas. Additional expansion of office uses into the residential portion of the neighborhood is discouraged.

Primary Uses: Office
 Zoning Districts: O&I-1, (Office and Institutional)
 Density/Intensity: Low

Map 9: Future Land Use Map



Commercial – Low Intensity: This category allows for limited commercial facilities to serve as convenient services to a residential neighborhood or a limited geographic area of the community. Shops in this district should be useful to the majority of the neighborhood residents, should be economically supportable by the nearby population, and should not draw community-wide patronage. Site and design standards should be high along image corridors.

Primary Uses: Neighborhood Commercial

Zoning Districts: C1

Density/Intensity: Low

Mixed Use – Low Intensity: This district facilitates a compatible mixed use activity center within a traditional residential neighborhood. The district includes a balance of compatible residential, office, civic, and neighborhood commercial retail/service uses of low to moderate intensity that complement and support dense neighborhood residential areas and pedestrian usage with quality urban design.

Primary Uses: Mixed

Zoning Districts: X1; no higher than C-2

Performance Standards: Yes

Density/Intensity: 5-7 units/acre, low

Mixed Use – Medium Intensity: This district facilitates a mixed use area that transitions from a higher intensity industrial use area to lower intensity neighborhood-scale residential areas and includes a balance of compatible residential, office, commercial service, and light industrial uses.

Primary Uses: Mixed

Zoning Districts: X2

Performance Standards: Yes

Density/Intensity: 5-7 units/acre, low

Mixed Use – NOTO: This district facilitates a destination-oriented mixed use district in the area known as the North Crossings area of North Topeka that serves as the northern cultural anchor of downtown. The objectives of the district include:

- Improving the area as a 24-hour destination for positive urban cultural, entertainment, community, and residential experiences that highlight the historic origins of Topeka's waterway and railways;
 - Redeveloping vacant and under-utilized properties through encouraging appropriately scaled in-fill development;
 - Encouraging retention and attraction of businesses, workplaces and residences through adaptive reuse and rehabilitation of existing buildings;
 - Improving the quality of urban design in the area and on individual parcels;
- Primary Uses: Mixed – commercial retail/service and residential, public facilities



Zoning Districts: X3
 Performance Standards: Yes
 Density/Intensity: 8-20 units/acre, medium-high

Industrial: The purpose of this designation is to concentrate industrial-type uses into districts as far removed from viable residential areas as possible. These areas are more conducive to industrial development due to their proximity to the Union Pacific rail lines, existing heavy-industrial uses, and access to routes that bypass residential neighborhoods.

Primary Uses: light, heavy industrial
 Zoning Districts: I-1 (Light Industrial), I-2 (Heavy Industrial)
 Density/Intensity: High

Institutional: This designation applies to a range of land uses that support the neighborhood population's needs. These uses include churches, schools, cultural destinations, and shelters. Quincy Elementary School, The Great Overland Station, and the Topeka Rescue Mission fall into this category.

Primary Uses: institutional
 Zoning Districts: as applicable to surrounding area
 Density/Intensity: Low

Open Space: This category designates several existing green space uses – Garfield Park, Charles Curtis Greenway and Family Cemetery, McKinley Park – as well as several potential new green space uses to accommodate passive and recreational activities as well as community centers and public space. This designation is applied to hard-to-develop, underutilized, or vacant “spaces” needed to preserve focal points, gateways, view sheds, natural drainage systems, trail development, nature preserves and buffering requirements.

Primary Uses: park, open space, trails, floodways
 Zoning Districts: R-2 (Single-Family), OS-1
 Density/Intensity: Very Low



V.REVITALIZATION STRATEGY

THEMES

1. Destination Known: Linkages within a Metropolitan Hub

Historic North Topeka and its environs are reminiscent of a “small town” atmosphere. Of course this is what Mr. Laurent and Mr. Curtis may have had in mind when they laid out the charming town of Eugene. The area was planned and has functioned to be somewhat independent at times from the rest of the Topeka. For revitalization efforts to succeed, Historic North Topeka needs to be viewed more as a destination than as an extension or northern anchor of downtown and therefore, the region as a whole. However, it should not be viewed solely as a destination to visit—it should also be a destination where people want to live.

2. Synergy: Mix, Mass, and Mesh

Successful revitalization of an area occurs where the total becomes greater than the sum of its parts. For example, somebody fixing-up their house stimulates others to fix up their house and pretty soon the entire block is fixed up and everybody on the block receives a greater return on their investment. This so-called synergy is a dynamic of well-planned and targeted investments into a defined area.

By definition, no singular project—such the Great Overland Station or NOTO —can be a true catalyst for an area’s revitalization unless there are two or more elements it is in contact with. In a downtown or mixed-use district, an essential mix of ingredients (employees, residents, customers, tourists, etc.) in sufficient amounts/densities (critical mass) need to be in contact (the mesh) with one another to enable true synergistic effects to take place (Urban Land Institute, 1998). With the NOTO arts district and Great Overland Station laying the foundation for the area’s synergy, it must come in contact more with 1) each other, 2) a transformed riverfront and 3) a revived residential neighborhood to be true catalysts in the area’s revitalization.

3. Standards: Take Pride in Assets

Historic North Topeka conveys an identity that is embodied in its very name. Without promoting, preserving, or taking pride in the historic assets and characteristics that make this area unique, revitalization efforts are sure to fail. It has been noted that there is nothing wrong with Historic North Topeka that can’t be fixed with what is right about Historic North Topeka. Actions that detract from the integrity of its historic character or “small town” appeal will only serve to make revitalization of the area much more difficult. New development should complement, not detract, from existing styles. In addition, new investment will be most encouraged in the long term when standards are in place to retain the area’s unique character.

4. Brownfields to Greenfields: A Rediscovered Waterfront

The nearly 300+ acres between the levee and the railroad tracks is largely comprised of open industrial uses or underutilized open space. An opportunity to return the riverfront to the public for their enjoyment and recreation exists that could provide another point of entry for Topekans and non-Topekans to rediscover their heritage and what makes this community so special. The riverfront is the scene of many historic events and sits at the door front to the city skyline. Re-discovering the waterfront and making it user-friendly to the public will only further a re-defined image for North Topeka and Topeka as a whole.

5. It All Ties Back to the Neighborhood

The first four themes listed in this section can be viewed separately as goals to obtain in and of themselves. However, the blending of this and the application of each to the surrounding community creates a vibrant and lively neighborhood. For example, combining an exciting destination with community pride and a historic focal point and weaving that into the residential fabric of the neighborhood creates a memorable place where people want to live, work, and play. The combination of these five themes plus the integration of the neighborhood and the impetus of the SORT Grant will energize both the community and complete these four supporting themes.



TARGET AREA STRATEGIES

Target Concept and Principles

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

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

Strength/Potential – These areas are the relatively strongest blocks of a neighborhood that exhibit staying power and/or recent investment. These are also underachieving areas that have the potential to become strengths or anchors given an appropriate stimulus.

Weakness – In general, weaknesses are areas that have the highest concentrations of negative conditions such as low homeownership, vacant/boarded houses, poverty, substandard infrastructure, and high crime. The more concentrated these are, the greater social problems occur and the more entrenched they become. Diluting their concentration gives surrounding areas a greater chance to revitalize on their own.

Spatial relationships play a dynamic role in the overall concept. Spread too thin, anchors or areas of strength will fail to influence beyond their natural reach leaving poorly performing areas little hope of turning around on their own. Conversely, much like a shopping mall where the stores between two anchors will benefit from greater pedestrian traffic, weaker blocks isolated between two closely placed areas of strength will be prone to more investment because they are “attaching” themselves to something more stable and desirable. In a similar fashion, a neighborhood can only be re-woven back together if the new threads (i.e., investment) are attached to something worth attaching itself to for the long-term. If you try to attach new threads to a frayed piece of fabric, you will ultimately and more quickly fail in its purpose to mend.

If the new investment is “public dollars”, the most effective and fair use of such an investment in a neighborhood is to **maximize the impact and transformation of the neighborhood**. Spreading out dollars throughout a neighborhood dilutes its effectiveness and impact. Combining the same amount of dollars for infrastructure and housing investments into a targeted 3-5 block area will give that area a much better chance to transform itself and become a another strength upon which to build. The more areas of strength or fewer areas of weakness for a neighborhood, the better it will be. The keys to this concept are that the targeted area will have an even greater chance to succeed if it can:

- attach itself to an anchor and/or area of strength (protect assets)
- address a significant need or weakness (transform)
- provide a benefit to the greatest number of people possible (can include image)
- leverage private investment to the greatest extent possible (sustainable)

All of those factors should go into selecting the priorities for which “target area” is first, second, third, etc. And if done correctly, the targeted public investment will lead to its highest and best purpose – to re-establish market forces and stabilize property values. Simply put, this means that if you put money into your house you will get that money out at the time of sale. The matrix below rates each proposed target area with the general targeting principles. Ratings are High (3), Medium (2), and Low (1).

	West Central	Pioneer Curtis Jr. High	East Central	Northeast	Little Russia
Attach to Strengths and Protect Assets	High	High	Medium	Medium	Low
Significant Need/Weakness	High (At Risk)	Medium	High (At Risk)	Medium	High (At Risk)
# of People Benefit	High	High	High	Low	Medium
Leverage and Sustainable	High	Medium	Low	High	Low
Total	12	10	9	8	7

Proposed Target Areas

During the planning process, the residents and participants realized that all of the HNTE planning area needed help. From infrastructure upgrades to housing improvements, every street had some need that could be met with the SORT funds. However, as they all realized, there was only a finite amount of funding allocated to their neighborhood. It was necessary to step back and look objectively at the entire neighborhood to see which blocks were most in need and had the most potential. Six rating factors were used to evaluate each block to see which area was most in need:

- Housing Conditions
- Home Ownership (Tenure)
- Code Violations
- Major Part 1 Crimes
- Infrastructure
- Pre-1915 Residential Structures (Appendix C, Map 10)

These rating factors were each mapped at the beginning of the planning process with the results averaged per block, and the maps were overlaid to see which blocks consistently scored low (Map 11). This allowed a pattern to emerge for areas that were in need but, based on their proximity to Anchor Areas and Strength/Potential Areas, had the highest potential for responding to public investment (Map 12).

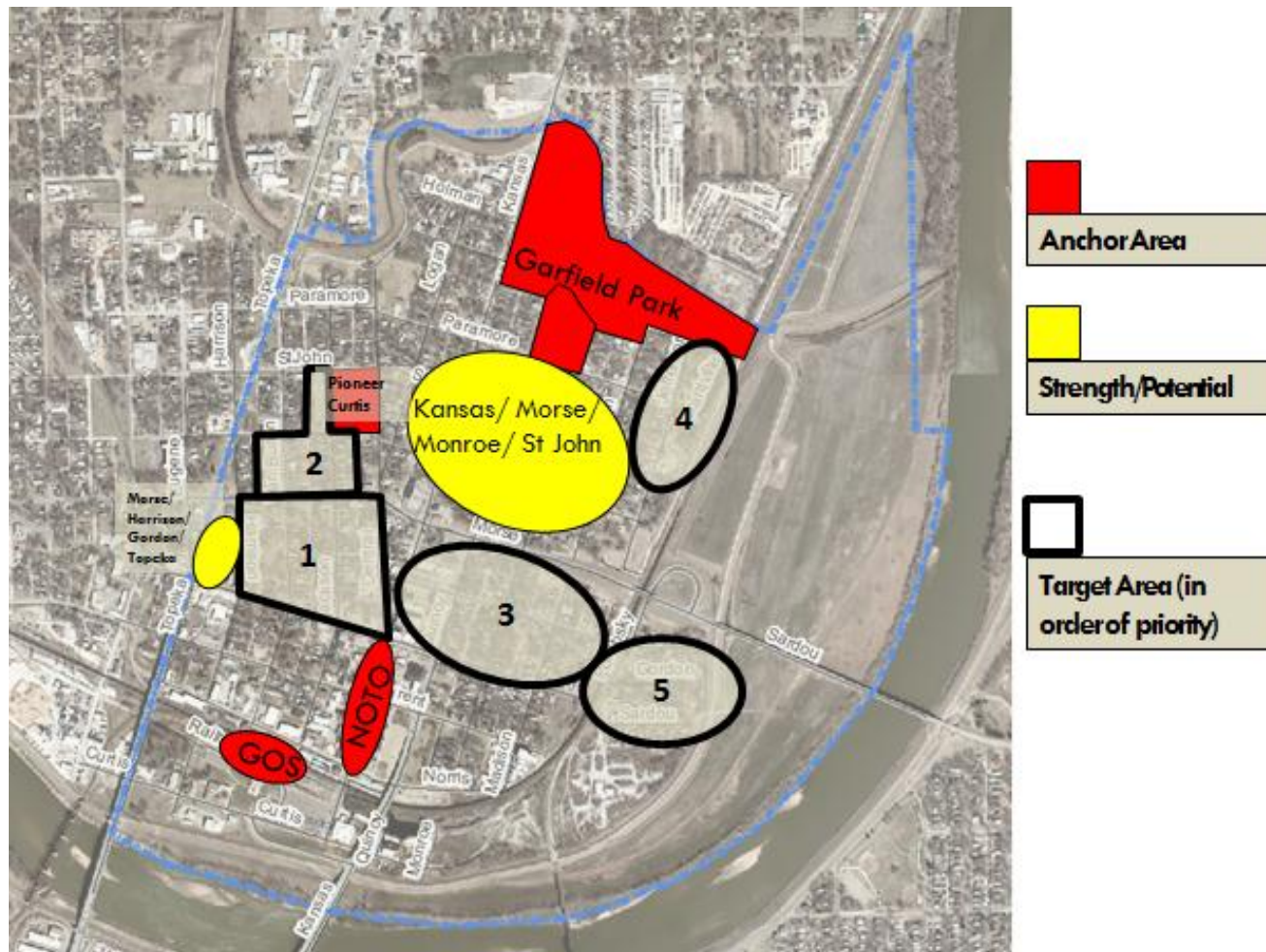
Based on the Target Area Map, the highest priority target area should be the West Central Target Area (**WCTA**). This area is positioned near the blossoming NOTO district and benefits from being on two main east-west thoroughfares. In addition, it is between two relatively stable areas of the community—the Kansas/Morse/Monroe/St. John blocks and the Morse/Harrison/Gordon/Topeka blocks. By focusing SORT improvements in WCTA, the projects will be visible to both residents and visitors to NOTO. This can go a long way in changing the misconceptions about North Topeka and increase the desirability of the entire neighborhood. In addition, there are a relatively high number of homeowners in this area so the influx of public monies will stimulate private investments into additional properties extending beyond the target area.

The secondary target area should be the Pioneer Curtis Junior High Target Area. This area, too, scored high in the needs assessment and will benefit from the stability provided by the Pioneer Curtis Junior High Anchor Area. Although this area lacks the proximity and drive by traffic associated with NOTO, Morse will provide good visibility to enhancements and improvements to this area.

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

Detailed descriptions below describe the proposed Target Areas based on their recommended order of priority. The most significant needs within each Target Area should be adequately addressed before moving on to the next area.

Map 12: Target Area Concept Map



1) West Central Target Area

Pro: Central location; high visibility; old residences; already seeing some benefits from NOTO development

Con: Just a few blocks have immediate needs; the adjacent blocks are low-moderate need

2) Pioneer Curtis Jr. High Target Area

Pro: Already seeing redevelopment; moderate home ownership

Con: Not many old residences

3) East Central Target Area

Pro: Moderate-high need

Con: Moderate exposure; low homeownership; not as much immediate need

4) Little Russia

Pro: High need

Con: Low visibility/localized area; low homeownership; low impact

5) Northeast Target Area

Pro: High need

Con: Limited exposure; low homeownership

1. West Central Target Area

Location

This area lies along NW Gordon, a major thoroughfare leading to NOTO and is a highly visible target area. It is bordered by NW Gordon, NW Morse, NW Harrison, and NW Central. Building conditions for these blocks showed intermediate deterioration but tended to have a moderate amount of homeownership. Improvements here will be apparent both to the residents, neighboring streets, and visitors to the area. A main thought behind applying the SORT funding to a neighborhood is to stimulate private dollars being invested. By locating the primary target area here, it will have a high impact on the surrounding neighborhood through perception and visibility.



Infrastructure

This section of Historic North Topeka East is in need of street, sidewalk, and alley repairs. There are brick streets along NW Jackson St in the 1000 and 1100 blocks that have been patched with asphalt that need to be repaired and returned to good condition. Additionally, there are brick sidewalks along NW Jackson, NW Central, NW Van Buren, NW Harrison, and NW Fairchild that are in need of repair (see Map 18). Curbs along NW Jackson are made of stone but need repair in some sections. Stone curbs should be preserved wherever it is in good conditions. Where stone curbing is required because of deterioration, concrete curbing should be used per City Engineering standards to mirror the existing stone curbing. This plan recommends retaining and protecting the integrity of the existing brick and stone infrastructure in the streets and sidewalks of this Target Area.

The alleys in this target area are graded gravel and are filled with potholes. All alleys here should be concreted to improve circulation, drainage, and image. However, prior to alley reconstruction, the sewer lines in the alleys should be evaluated to determine needed repairs or maintenance.

Housing

Housing improvement strategies should include a combination of:

- Interior and exterior rehabilitation of many existing owner-occupied homes;
 - Exterior rehab of some renter-occupied homes;
 - Conversion of some renter-occupied homes into owner-occupied homes;
 - Demolition of selected vacant, sub-standard homes in combination with the major rehabilitation of adjacent owner-occupied homes or with infill development of owner-occupied homes.
- ✓ This area is bordered by the NOTO Anchor and relatively stable blocks to the west.
 - ✓ The Kickoff Meeting survey showed that the residents of HNTE value the historic structures in their community. There are also a substantial number of intact houses from pre-1920, brick sidewalks, and a brick street, all adding to the historic feel of this target area.



- ✓ Many of the streets in this area are in need of resurfacing and the sidewalks are either non-existent or in need of repair.

Street Improvements/Sidewalks

- NW Central (1000-1100)
- NW Jackson (1000 block)
- NW Harrison (1100 block)
- NW Van Buren (1000 block)

Sidewalks

- NW Fairchild (200-400 blocks)
- NW Van Buren (1000-1100 blocks)
- NW Harrison (1000 block)
- NW Jackson (1100 block)

2. Pioneer Curtis Junior High Target Area

Location This area lies to the north of Morse and is adjacent to the Pioneer Curtis Junior High Anchor Area. It includes the 1200 and 1300 blocks of NW Jackson St, the 1200 block of NW Van Buren St, the 200-400 blocks of NW Grant St, and the 300 block of NW St. John St. This development has significantly improved the old Curtis Junior High block—improvements now need to be made to the streets and housing surrounding Curtis so as to tie it in to the fabric of the neighborhood. Applying SORT funding here will support the private investments made thus far and encourage owners to improve the surrounding properties as well.



Infrastructure

This section of Historic North Topeka East is in need of street, sidewalk, and alley repairs. There are brick streets along NW Jackson St in the 1200 and 1300 blocks that have been patched with asphalt that need to be repaired and returned to good condition. Additionally, there are brick sidewalks along NW Jackson, NW Central, and NW Van Buren that are in need of repair. This plan recommends retaining and protecting the integrity of the existing brick and stone infrastructure in the streets and sidewalks of this Target Area.

The alleys in this target area are graded gravel and are filled with potholes. All alleys here should be concreted to improve circulation, drainage, and image. However, prior to alley reconstruction, the sewer lines in the alleys should be evaluated to determine needed repairs or maintenance.

Housing

Housing improvement strategies should include a combination of:

- Interior and exterior rehabilitation of many existing owner-occupied homes;
- Exterior rehab of some renter-occupied homes;
- Conversion of some renter-occupied homes into owner-occupied homes;
- Demolition of selected vacant, sub-standard homes in combination with the major rehabilitation of adjacent owner-occupied homes or with infill development of owner-occupied homes.

- ✓ Pioneer Curtis Junior High has been renovated; by improving the blocks close to it, it would be possible to build off its' success and to keep the improvements blossoming outward.
- ✓ Some blocks in this area have relatively high owner-occupied housing.
- ✓ This is located on a major street way and would be used by people accessing Pioneer Curtis Junior High—that amount of visibility of improvements here would help in changing the perception and associations with Historic North Topeka East.

Sidewalks

- NW Van Buren (1200 block)
- NW Grant (200-400 blocks)
- NW Jackson (1200-1300 blocks, brick)



3. East Central Target Area

Location

This target area encompasses the blocks north of Gordon, east of Quincy, and south of Morse. There is not as much visibility here than in the first two target areas, as Morse is the only major thoroughfare. Though this is proximal to NOTO and the stabilizing Kansas/Morse/Monroe/St. John blocks to the north, the area does not have its own factor to draw people and attention to projects occurring within. Projects in this target area should be completed after significant progress has been made in the primary and secondary target areas.

Infrastructure

This section of Historic North Topeka East is in need of street, sidewalk, and alley repairs. The 1100 block of NE Jefferson lacks sidewalks, curbs and gutters. Prior to any road reconstruction, the utility infrastructure underneath the road should be evaluated and replaced if necessary. Additionally, there are brick sidewalks along NE Monroe, NE Gordon, and NE Fairchild that are in need of repair. This plan recommends retaining and protecting the integrity of the existing brick infrastructure in the sidewalks of this Target Area only if they fall within the environs of a designated state or national historic property, a Historic District, or a Local Landmark.

The alleys in this target area are graded gravel and are filled with potholes. All alleys here should be concreted to improve circulation, drainage, and image. However, prior to alley reconstruction, the sewer lines in the alleys should be evaluated to determine needed repairs or maintenance.

Housing

Housing improvement strategies should include a combination of:

- Interior and exterior rehabilitation of many existing owner-occupied homes;
- Exterior rehab of some renter-occupied homes;
- Conversion of some renter-occupied homes into owner-occupied homes;
- Demolition of selected vacant, sub-standard homes in combination with the major rehabilitation of adjacent owner-occupied homes or with infill development of owner-occupied homes.

- ✓ These are single family residential blocks but many of the houses show major deterioration and dilapidation.
- ✓ The blocks to the south of the target area have shifted to primarily industrial use.
- ✓ Home ownership is still very low in this area (~18-45%) but has actually improved since 1999.

Street Improvements

- NE Jefferson (1100 blocks)

Sidewalks

- NE Gordon (100-400 blocks)
- NE Fairchild (200-400 blocks)
- NE Madison (1000-1100 blocks)
- NE Monroe (1000-1100 blocks)

4. Little Russia

Location

Little Russia had been isolated from the rest of the HNTE community, with access only by crossing the railroad tracks, until the flyoff was constructed from the Sardou Bridge in 2001. The streets are narrow and Sardou Street dead-ends without a turnaround. Because of the isolated nature of this section of HNTE, combined with the lower visibility and a lower potential impact, it is recommended that improvements to this area begin after the majority of improvements are made in the previous target areas.

Infrastructure

This section of Historic North Topeka East is in need of street, sidewalk, and alley repairs. The 500 block of Fairchild lacks sidewalks, curbs and gutters, and needs repairs on antiquated utilities underneath the road. Prior to any road reconstruction, the old utility piping should be replaced.

The alleys in this target area are graded gravel and are filled with potholes. All alleys here should be concreted to improve circulation, drainage, and image. However, prior to alley reconstruction, the sewer lines in the alleys should be evaluated to determine needed repairs or maintenance.

Housing

Housing improvement strategies should include a combination of:

- Interior and exterior rehabilitation of many existing owner-occupied homes;
- Exterior rehab of some renter-occupied homes;
- Conversion of some renter-occupied homes into owner-occupied homes;
- Demolition of selected vacant, sub-standard homes in combination with the major rehabilitation of adjacent owner-occupied homes or with infill development of owner-occupied homes.

Street Improvements

- NE Fairchild (500 block)

Sidewalks

- NE Gordon (500 block)



5. Northeast Target Area

Location

This target area is encompassed by NE Madison St, NE Grant St, NE Jefferson St, and NE Paramore St. It lacks significant sections of infrastructure, such as sidewalks, standard street widths, and curbs and gutters. It is also located near three strong areas: Garfield Park, Quincy Elementary School, and the Kansas/Morse/Monroe/St. John blocks. However, it is also extremely isolated and removed from major roads. This significantly limits the impact and promotion of projects located in this area. Therefore, major improvements to this area should be considered after completion in the previous target areas.

Infrastructure

This section of Historic North Topeka East is in need of street, sidewalk, and alley repairs. The 1300 through 1500 blocks of NE Jefferson lacks sidewalks, curbs and gutters. Prior to any road reconstruction, the utility infrastructure underneath the road should be evaluated and replaced if necessary.

The alleys in this target area are graded gravel and are filled with potholes. All alleys here should be concreted to improve circulation, drainage, and image. However, prior to alley reconstruction, the sewer lines in the alleys should be evaluated to determine needed repairs or maintenance.

Housing

Housing improvement strategies should include a combination of:

- Interior and exterior rehabilitation of many existing owner-occupied homes;
- Exterior rehab of some renter-occupied homes;
- Conversion of some renter-occupied homes into owner-occupied homes;
- Demolition of selected vacant, sub-standard homes in combination with the major rehabilitation of adjacent owner-occupied homes or with infill development of owner-occupied homes.

Street Improvements

- NE Jefferson (1300-1500 blocks)
- NE St. John (400 block)
- NE Grant (400 block)

Sidewalks

- NE Madison (1300-1500 blocks)
- NE Paramore (400-500 blocks)

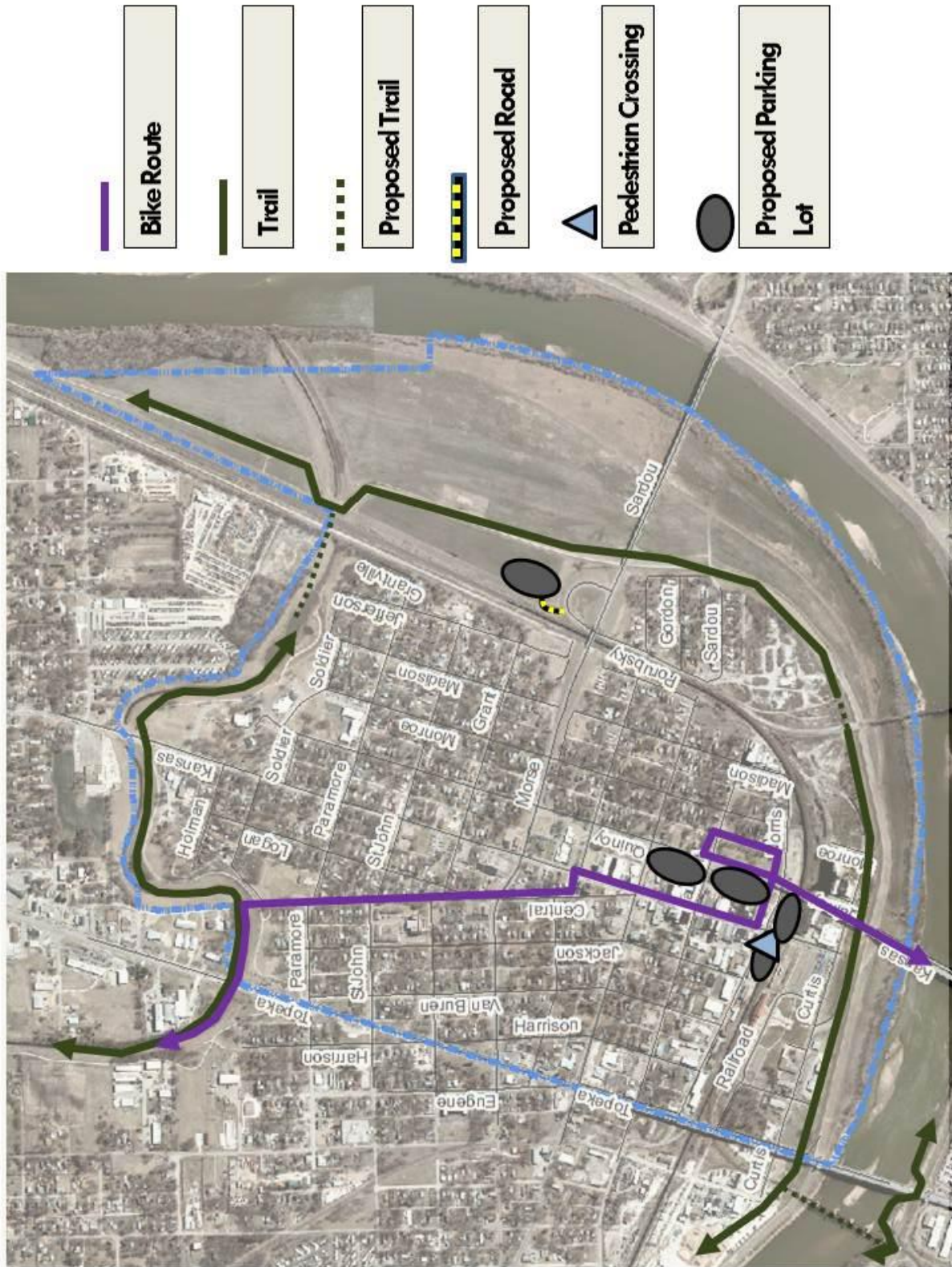
NEIGHBORHOOD-WIDE STRATEGIES

CIRCULATION PLAN

The Plan's goals and guiding principles translate into the following major recommendations for circulation as illustrated on Map 13:

- Specially designed wayfinding signage is needed to help draw attention to the Great Overland Station and NOTO and should be placed at key points directing traffic to and from Gordon Street, N. Kansas Avenue, and the Curtis Flyoff.
- Heavy truck traffic should be minimized in the NOTO/Riverfront area. This traffic has largely diminished due to the decreasing industrial activity in this area. Large trucks that still do come to this area make use of the Curtis Flyoff to avoid traveling through the NOTO area. No heavy truck traffic should be allowed in the 800-900 blocks of N. Kansas Avenue.
- Additional parking should be added to support the growth of the NOTO, Great Overland Station, and Riverfront areas. The existing parking capacity in the N. Kansas Avenue area is comprised of roughly 150 on-street spaces on N. Kansas Avenue and side streets and a 225 space parking lot (if redesigned) at the foot of the Kansas Avenue bridge. Other lots could be added on N. Kansas Avenue or on Norris Street.
- Bikeways and bike paths need to link Historic North Topeka East to the bike and trail network throughout Topeka. The Topeka Bikeways Master Plan shows a route traveling through North Topeka that will be implemented with the Phase 1 funding, awarded in 2013. This route will mostly consist of “sharrows” – on-street pavement markings indicating that the travel lane is a shared lane between cars and bicycles.
- If the railroad abandons the current railroad bridge west of the Topeka Boulevard Bridge, Shawnee County should acquire the bridge as part of the trail network.
- Pedestrian linkages throughout the community need to be developed. Some places in need of improvement are:
 - across the railroad tracks at Norris and Kansas
 - along the levee of the Kansas River
 - connecting Old Solider Creek Trail to the Levee Trail
 - along paths connecting parking lots behind storefronts to the interior of N. Kansas Ave.

Map 13: Circulation Plan



SAFE ROUTES TO SCHOOLS

The Shawnee County Health Agency applied for a Safe Routes to Schools planning grant in 2013. This grant would look at a two-mile radius around Quincy Elementary School which would cover much of the Historic North Topeka East planning area. Several factors weighed into identifying this school as their project area: a high percent of economically disadvantaged students; a high student obesity rate; and Quincy being a low performing school, which is now a USD 501 “School of Interest.” In addition, collaboration between Quincy Elementary and the NOTO Arts District has led to students going to NOTO for art programs, which also supports the need for the Safe Routes planning grant.

This planning grant would be the first step in plans for advancing safety in this area. From this, the goal is to create a master plan for the area and then to apply for funds for infrastructure improvements. These would include crosswalks, signage, and sidewalks.

In 2011, the City of Topeka Planning Department completed a study looking at the impacts on neighborhoods if USD 501 closed elementary schools. This study looked at a range of factors to rank the importance of a local school to a neighborhood.

- Median property values adjacent to the school compared to the neighborhood
- Homeownership adjacent to the school compared to the neighborhood
- Percent of students in the school area attending other schools
- Neighborhood Health ranking
- School building re-use potential

Out of all the elementary schools, Quincy Elementary School would have the greatest negative impact upon its neighborhood if closed.

NORTH CROSSINGS

The mixed-used North Crossings district combines the NOTO Arts District, Great Overland Station site, riverfront, and historic blocks south of Gordon Street between Topeka Boulevard and Quincy Street into a unified theme district based on the area’s prominence in Topeka/national history. These historic “crossings” – Pappan’s Ferry established in 1849 led to Topeka’s founding and eventually helped African-Americans escape into freedom on the Underground Railroad, the crossing of the first train through Topeka in 1865, and the crossing of western settlers along the Oregon Trail – all took place within this geographic setting. Today, it is envisioned that this area can become a new crossings for Topekans and visitors alike to learn about this historic setting while having fun doing it. It provides an identity to be celebrated by invigorating it with a new future while still rooted in its past prominence.

Accommodations should be made for new investment to further invigorate the district if blended appropriately. Four new development ventures are initially envisioned for the entertainment district to facilitate its growth: (1) continue supporting and expanding the NOTO Arts District (2) continue developing the Great Overland Station Museum, (3) a Riverfront Park and (4) a Pedestrian Overpass

NOTO

Any place left primarily to tourists ceases to be a real place and eventually loses its appeal even to tourists

Roberta Brandes Gratz, *The Living City*

Most mid-sized to large cities are reviving obsolete warehouse and commercial districts into “old town” mixed-use restaurant/bar, entertainment, shopping, and living areas. Whether it is Kansas City’s River Quay, Oklahoma City’s Bricktown, or Lincoln’s Haymarket, these areas all try to recreate urban marketplaces festive for tourists and locals alike. They all are intimate places steeped in history that were cut-off from the city’s central business district, but whose buildings remained intact representing opportunities to re-adapt them into new ways of enjoying our urban spaces. Once an attraction is established and commercial uses follow, a residential component is phased in making them true urban marketplaces with 24-hour activity. Topeka’s traditional downtown provides for some opportunity for this, but lacks an intimate setting or “district” that is walkable and cohesive. A district has not yet evolved in Topeka that could attract and retain younger adults that would compare to Lawrence’s downtown, Manhattan’s Aggieville, or Kansas City’s Westport.

In 1999, Topeka’s most adaptable area for such a mixed-use entertainment district was centered on and around the historic 800-900 blocks of N. Kansas Avenue. Since then, this district has been transformed into the NOTO Arts District. Over 200,000 square feet of ground floor space exists within these two blocks of attached buildings with uses including artist studios and galleries, antique shops, restaurants, fine jewelry, plumbing, and window repair. The district was once the hub of community of life in North Topeka—particularly prior to the 1951 flood—where residents came to shop and do business, forming a vibrant north end of Topeka’s Kansas Avenue corridor. Now, it is reaching out to the rest of the Capitol City and beyond as an artistic destination and shopping experience. Since its inception in 2008, NOTO has seen 29 new businesses move into the historic blocks of N. Kansas Avenue, with more being added as spaces are renovated. The historic atmosphere of the area lends itself to pedestrian traffic through the continuous storefronts, the wide sidewalks inviting passersby, the variety of shops, and the inviting streetscape.

The key to the success of any mixed-used district is in its diversity. To truly be sustainable for the long-term, the arts district must position itself to have supportive and complimentary uses expanding the reasons to be there and length of the stay without compromising the original charm and character inherent to what attracted people there in the first place. Below are strategies to continue improving on the advances made in NOTO.

- Restore and maintain historic quality and pedestrian-orientation to buildings/streetscapes. An urban entertainment district works best where people are attracted because the place is “real”. That means keeping building forms, styles, and infrastructure true to their original feel and building off of the peculiarities of the area (see Design Guidelines and Illustration #1). In addition, dwellings that have been identified as homes of past railroad engineers, etc. could be saved and threaded into museum exhibits for the Great Overland Station.
- Seek out “destination” uses such as restaurants, micro-breweries, live entertainment, galleries, or recreational venues that will attract non-residents. Entrepreneurs need to be encouraged to locate businesses here that can be new attractions as well.
- Improve comfort-level. Safety is a major concern for most people not familiar with the area. An atmosphere of safety could be created by improving streetscapes, lighting,

storefronts, and visible security that can improve people's comfort-level. Security patrols or "ambassadors" could be utilized. The best assurance for safety remains in attracting a critical mass of users.

- Encourage adaptive re-use of buildings for residential and artist purposes. N. Kansas Avenue commercial buildings should be encouraged to re-use second/third story space for loft apartments. Likewise, historic non-commercial structures, particularly the residences in the 800 block of Jackson Street, should be preserved if not for housing then workspace, bed and breakfast, or other viable use. Likewise, old advertising signs on buildings could be re-painted. Artist space is almost non-existent in Topeka and the buildings could be pursued for living, work, and gallery space.
- Minimize heavy truck circulation (see Circulation Plan)
- Create a central gathering or civic space
- Provide for physical expansion in the future
- Maintain and encourage non-entertainment employment activity (e.g., smaller industrial businesses) to maintain daytime activity and potential retail customer base.
- Ensure that merchants/businesses do not monopolize convenient on-street parking spaces on N. Kansas Avenue. As success of new businesses grow in the area, parking will become premium. There are currently 150 on-street spaces in the 800-900 blocks of N. Kansas and on cross streets within a ½ block. This number will likely be slightly reduced when streetscape improvements are made. While parking lots are planned for, these on-street spaces will be the first to be filled and should be reserved for customers only with no curb cuts allowed.

GREAT OVERLAND STATION MUSEUM

Railroad Heritage, Inc. led the efforts to preserve and restore Topeka's historic Union Pacific Railroad station with \$3.4 million in federal ISTEA grants combined to \$2.6 million of matching private funds.

Permanent exhibits at the Great Overland Station chronicle the history of Topeka, the four railroads that served Topeka, Fred Harvey and the Harvey House Empire, and the history of the site (e.g. the native Kanza, the Oregon Trail and Charles Curtis). The Fink Exhibit Gallery displays touring and special exhibits that change 3-4 times per year. Hands-on activities for children are found in "Choo-Choo Junction" where kids climb onto the Big Red Caboose, dress in period clothing or create fluorescent art at the Flo-Graphix booth. Children also love the two locomotive simulators and the huge model train display. Trained docents lead tours and freight trains rumbling by add to the visitor experience. The Railroad Park at the Great Overland Station is currently under development (2013) outside the east end of the GOS. The Railroad Park, consisting of the historic Santa Fe depot from Welda, KS and four historic train cars, will extend to North Kansas Avenue, thus providing a more direct physical link for visitors and patrons to travel between the GOS to the NOTO Arts District.



In addition to its function as a museum, the Great Overland Station is the site of dozens of weddings, receptions, prom parties, corporate celebrations and meetings throughout the year. The elegant Grand Waiting Room and historic Dining Room provide unique backdrops for community gatherings inside, while the All Veterans Memorial and Corridor of Fifty Flags create a memorable scene for special outdoor events. The annual Topeka Railroad Festival is held at the Station each year in August, and patriotic events commemorate Memorial Day and Veterans Day.

Although, the building itself is physically separated from the entertainment district by two rail lines, it is a destination attraction that can act as an entertainment anchor for the district if better linked both visually and physically. Visitors from all 50 states and more than 40 foreign countries have found their way to the Great Overland Station—however, visitorship needs to increase. With the development of the Railroad Park at the Great Overland Station, new and returning visitors are projected to increase. Continued growth of the NOTO Arts District can have a positive impact on visitorship at the Great Overland Station as more people are drawn to the area, and museum visitors can create demand for services on N. Kansas Avenue. The synergy of retail and restaurant business in NOTO combined with a museum that offers exhibits and children's activities has great potential that can ultimately lead to increased success for the entire area. The area south of the Station is more appropriately linked to future efforts to redevelop the riverfront (see Riverfront).

THE RIVERFRONT

The area generally south of the Great Overland Station between the Kansas Avenue and Topeka Boulevard bridges comprises the Kansas riverfront on the north bank. In this area on the north side of Curtis Street, the Topeka Rescue Mission operates its Family and Children building on the northwest corner of N. Kansas Avenue and Curtis Streets and operates its main facility on the northeast side of that intersection. The Union Pacific Railroad retains ownership of the area where its control tower is situated, the old Gamble Robinson building, as well as the right-of-way for its tracks. On the south side of the tracks, this extends on as far as the fence between the UP tracks and the Great Overland Station. Of the remaining properties in this area, five are each individually owned. Railroad Heritage, Inc. controls the remainder of the property north of Curtis Street.

On the south side of Curtis Street, a fly-off from the Kansas Avenue Bridge down to Curtis Street was built by the City of Topeka in 2006 to provide vehicular and pedestrian access to the bridge. The remaining land on the south side of Curtis Street has been acquired by Shawnee County Parks and Recreation for development as the Riverfront Park.

Design plans for the Riverfront Park envision an Oregon Trail theme with a gradually-rising walkway to the top of the levee, broad trail along the top of the levee with “Prairie Schooner” features for seating and outdoor interpretive exhibits, a water feature and an amphitheater. Funding for the riverfront park has been provided by a dedicated ½ cent transient guest tax which has thus far been used to develop the design plan for the park and to acquire the property. This funding source will sunset in 2015 unless renewed. It is not expected to provide enough funding by that time to fully implement all the features of the riverfront park, but a start can be made. This landscaped urban green space would provide an ideal setting for family and community events spilling out from the Great Overland Station to the north as well as an ideal picnic or recreation area for NOTO patrons.

Vehicular access – Vehicular access to the area has been improved through the construction of the Curtis Flyoff. Direct access to NOTO is limited and occurs only at N. Kansas Avenue; users of this crossing are subject to frequent delays caused by the two active rail lines located between the Great Overland Station and NOTO. Another access route exists from Tyler Street and Curtis Avenue—however, this, too has an at-grade rail crossing on the same lines as the N. Kansas Avenue crossing.

Topeka Rescue Mission – Another 2.8 acres are owned by the Topeka Rescue Mission to operate the city’s major homeless programs for men women, and children. Their main facility houses 100-110 men per night. It’s sister facility across N. Kansas Avenue, the Hope Center, has beds for 150 women and children, with many more staying on cots throughout the facility. The Mission recently purchased the Bailey Building on the east side of the Kansas Avenue bridge—when this facility is renovated, it will hold up to 120 people per night, house a new kitchen facility, a clinic, and adult education classes.

The Great Overland Station Museum, beautiful skyline and Capitol views looking back across the Kansas River, and its frontage on the waterfront, all make this an ideal location to plan for future “greenfield” development.



It is proposed that a major urban park be established south of the Great Overland Station to the waterfront. It could be a logical extension for festivals and events held in conjunction with the Great Overland Station's programming (e.g., Railroad Days). As circulation in this district is improved, the riverfront park would be an ideal green space setting for city and regional events to take place and to make the river a new destination for Downtown. Access to an improved levee-walk with lighting, benches, etc., outdoor skating rinks, an amphitheater for outdoor music and stage productions, and sites commemorating historical events is also envisioned.

The Riverfront Park concept has been a project years in the making. At the Historic North Topeka East Kickoff Planning Meeting, this was the only item listed in the 1999 Plan that received an "F" grade (Appendix C). However, the City has been working over the last several years to implement this part of the 1999 North Topeka Plan. Dedicated City Transient Guest Tax dollars have been used to acquire many of the properties needed to make this into a feature destination. When this tax expires in 2014, in addition to properties already acquired, there will be approximately \$500,000 reserved for this park.

Unfortunately, due to the consolidation of the City and Shawnee County Parks and Recreation Department, buildings on the Riverfront Park project site are now in use. The Shawnee County Parks Department is unable to vacate these buildings until new facilities are constructed. This, combined with the budget cuts in the 2014 County budget, makes the future timeline for the completion of Riverfront Park uncertain.

Extension of the bed tax or other possible funding alternatives (e.g. sales tax) needs to be seriously considered to "finish" the City's first Riverfront Park.

BIKE AND PEDESTRIAN OVERPASS

In order for the N. Kansas Avenue entertainment district to be positively impacted by the Great Overland Station Museum and vice a versa, an overpass spanning the railroad tracks along Kansas Avenue is recommended to facilitate an unimpeded flow of bike and pedestrian traffic (see Map 13 for location).

This overpass would serve a two-fold purpose: 1) safe access between the entertainment district and riverfront district, and 2) a view platform. The safe access of pedestrians, persons with disabilities, and bicyclists who want to cross the tracks would be ensured with a ramp and pathway crossing the tracks. Station Museum patrons could park north of the tracks off of Norris without having to worry about getting stuck waiting for a train to clear. Likewise, those that do cross over the bridge would be treated to an ideal viewing experience from a secure platform where they could not only see the trains go by, but also feel them as they rumble underneath them. This sensory experience can be another part of the overall attraction to the Great Overland Station. This structure should be high enough for train clearance (25'), be architecturally compatible to the Station, and designed for natural surveillance to eliminate any hiding spots and to ensure a safe, welcoming atmosphere. Elevator access is not preferred due to the increased construction and maintenance costs, and capacity limitations, but should at least be explored during the design phase.

Two options are present regarding the exact siting of the structure—adjacent to the street, or in the right-of-way resulting in closing this portion of N. Kansas Avenue to vehicular traffic. With either option, sufficient ground would be needed to ensure the access ramps are ADA compliant.

Currently, the intersection of N. Kansas Ave and the Union Pacific railroad tracks is an at-grade crossing with flashing lights and automatic gates. This is an active rail line, with 80 trains estimated per day. Traffic is frequently stopped at this location as trains cross and the train whistles echo throughout North Crossings and the Historic North Topeka East neighborhood (current Federal Railroad Administration regulations require four horn blasts prior to a train entering a public at-grade crossing.) There have been two pedestrian fatalities at this intersection in 2013, in addition to fatalities in years past. Limited parking in the district—combined with the close proximity of attractions in the district and an increasing number of visitors—will require greater connectivity between NOTO and the Great Overland Station/Riverfront area.

It is the recommendation of this plan that the City should partner with the Union Pacific and stakeholders in North Crossings to implement improvements to the N. Kansas Avenue at-grade crossing while promoting a walkable and bike-friendly district uniquely tailored to meet the needs of the users. This may include safety studies and their implementation, funding for a bike/pedestrian bridge or linkages, increased parking in proximity to bike/ped linkages, and integrating art/architecture into any bridge structure. Design options for a bridge, regardless of its location, must include stakeholder and community input so that the structure is a destination itself because of its design, a point of pride with the community, and blends well within the historic character of the area. Below is an example of the Freight House pedestrian bridge in Kansas City that exemplifies these qualities.



NORTH CROSSINGS MASTER PLAN

Even just looking at the last decade, much has changed in the North Crossings area. The area has transformed from industrial uses to a shopping and cultural destination. The key stakeholders in the North Crossings—NOTO, the Great Overland Station, the City of Topeka, Shawnee County Parks and Recreation, the Topeka Rescue Mission, and the Riverfront Authority—all have plans of expanding their operations in the near future. Additionally, the Riverfront Park is poised to become a reality and the Riverfront Authority has hired a consultant to, among other things,

encourage high quality public and private development along the River. All of these activities are bringing more visitors and more development pressure to the North Crossings area. The coordination of these activities and appropriate support facilities are essential to the continuing success of this location. This Plan recommends the creation of a more detailed North Crossings Master Plan to describe the future of this area, including the following goals:

- Traffic and pedestrian circulation patterns
- Ensure the safety and the perception of safety through design elements (CPTED, lighting, etc.)
- Utilize wayfinding signage to capitalize and enhance the synergy of NOTO, the Great Overland Station, and the Riverfront
- Expand the area's capacity by installing new surface parking lots with sensitive design elements (landscaping, buffering, attractive lighting)
- In addition to function and form, include artistic or historic elements in infrastructure
- Expand and enhance the current park and green space facilities
- Collaborate with the Union Pacific Railroad on the repurposing of industrial properties under their ownership to uses that enhance the district
- Improve secondary routes into the district, including the Laurent-Quincy-Norris loop designated as a bike route on the Topeka Bikeways Master Plan

CHARACTER AND IMAGE

The kind of culture that can maintain reasonable human commitments takes centuries to create but only a few generations to destroy.

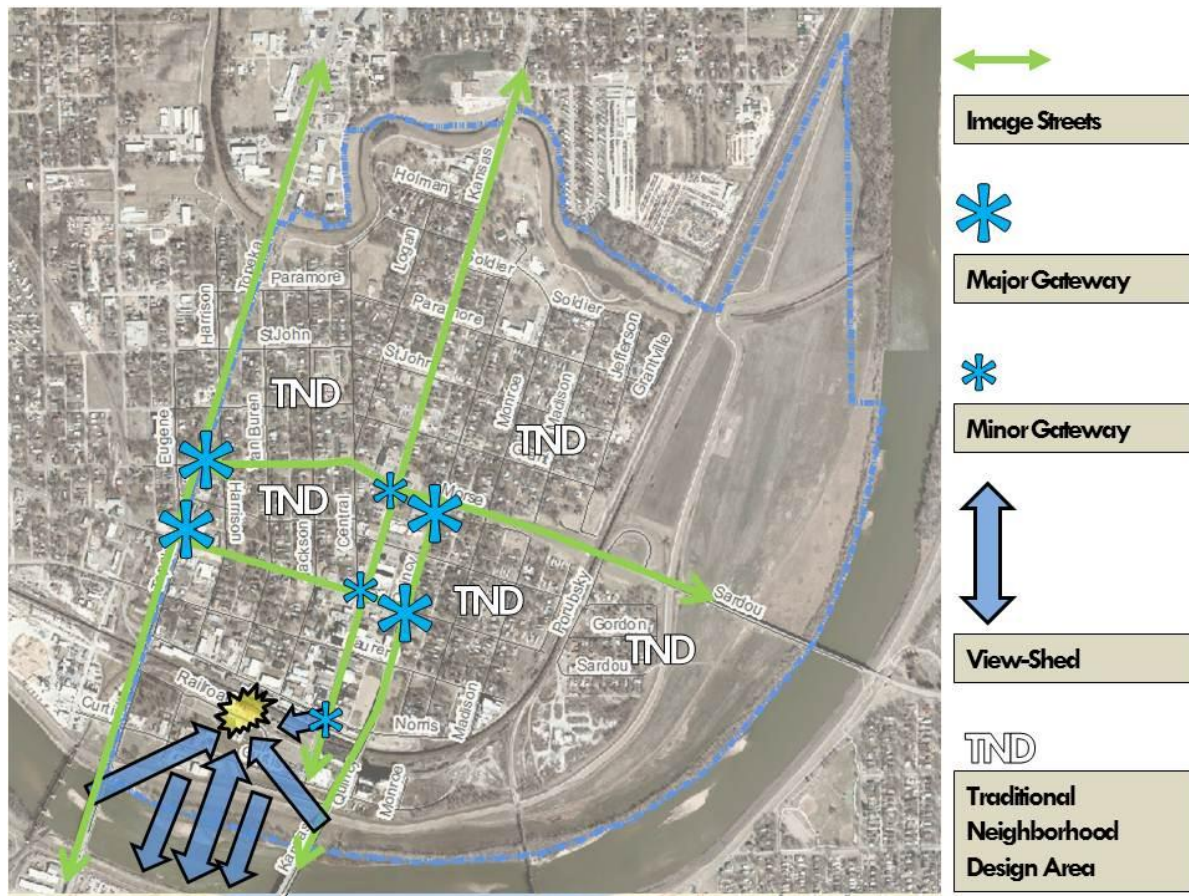
James Q. Wilson, *The Moral Sense*

The enormous appeal and potential of Historic North Topeka East lies within preserving and restoring the period building styles and intimate street settings of traditional neighborhoods that predated post-World War II development. This generation of North Topeka has become stewards to this legacy and finds itself faced with the question of "how?" Surveys show that much of this legacy has been lost already to deterioration and neglect. With many of the buildings evoking turn-of-the-century attributes, ways to protect the area from further loss of character need to be pursued. Value, in both property and community, is lost when these elements are not maintained. Education is essential to recapturing these neglected treasures, as well as maintaining existing and creating new treasures. Good design does not have to cost any more than less sensitive design. Understanding what constitutes appropriate design for the area will empower the community to pass this legacy on to the next generation.

URBAN DESIGN FRAMEWORK

Why do some places affect us so mysteriously and forcefully while others don't? The urban design framework describes an "anatomy" of place and how spatial elements can be enhanced to function together for successful revitalization (Map 14). It describes elements of our everyday environments that can alter the quality and perception of an area. Urban design "clues" for the Planning Area are broken down into traditional neighborhood design, districts, edges, views, landmarks, streetscapes, and paths.

Map 14: Urban Design Framework



1. Traditional Neighborhood Design

Traditional Neighborhood Design (**TND**) elements are reminiscent of small towns or villages that capture a real sense of community. Historic North Topeka East is blessed with many of these same elements of a traditional neighborhood since it was originally laid out as a small town itself. Identifying, promoting, and expressing these elements are a major factor in reviving this “new” image and returning market stability to property values. Some of the more relevant components to TND include the following:

- Size and density – A complete, walkable neighborhood unit is best accommodated in an area of 40-160 acres at an average density of 5+ units per acre. This provides for a critical mass of people in close proximity to daily services and activities.
- Internal balance of housing, jobs, and services – Traditional neighborhoods were developed around a full range of daily activities. They provided places for people to live, work, and play.
- Identifiable neighborhood center – A civic focus and informal gathering place for residents/users of the area fosters community socializing, celebrations, and identity.
- Streets for both people and cars – Neighborhood streets are public places meant to comfortably accommodate all forms of transportation, including pedestrians and bicyclists.

- Human-scaled building types – Small lot platting, variety of building articulations fronting the street at eye-level, and front porches that promote social interaction are types of “human-scaled” elements that generate a cohesive urban pattern.

2. Districts

Districts are classified as smaller sub-areas of a Planning Area or neighborhood that represent a cohesive grouping of like uses and character that may have physically or mentally-defined boundaries. Crossing over district boundaries should be noticeable and are typically marked by changes in land use. Districts for the Neighborhood include Residential, Mixed Use, NOTO, and the Riverfront.

3. Edges

Edges refer to a neighborhood’s appearance at its boundaries or exterior. These are the most visibly-prominent areas of the neighborhood because they typically border heavily traveled streets and convey a continual impression of a neighborhood. Edges can be broken down into gateways and image streets/areas:

- Gateways – Gateways are a district’s “front door” into the community. They greet one’s entry into a district and give the first impression of an area. They can be designed at pedestrian or vehicle-scales and can include prominent buildings as well as landscape, signage, or focal point treatments. Major gateways are the key entry points into Historic North Topeka which occur at Quincy/Laurent, Quincy/Morse, Topeka/Gordon, and Topeka/Paramore. Secondary gateways occur at Kansas/Morse, Kansas/Gordon, Quincy/Laurent, and Topeka/Morse.
- Image Streets/Areas – Since streets are public spaces, the more frequently used streets act as further image identifiers of a place. The same can be said for non-street public spaces as well. In Historic North Topeka, key image streets include Topeka Boulevard, N. Kansas Avenue, Quincy Street, Gordon Street, and Morse Street. In addition, areas that will be more frequently used or draw more attention of people include the area around the Great Overland Station, the riverfront (particularly as seen from the bridges), and the Garfield Park/Quincy Elementary School area.

4. Views/Landmarks

Views of visually arresting landscapes, be it a single structure, group of buildings, or natural formations, can be a transforming experience that prompts a highly positive connection to a certain place. Historic North Topeka offers several prized view-sheds that, if protected and capitalized upon, can open up new “windows” to previously obscured landmarks offering completely new experiences of place. These view-sheds include:

- View to Capitol dome – Van Buren Street looking south of Gordon; Great Overland Station looking south
- View to Great Overland Station (see picture) – Alley between Van Buren and Jackson looking south of Gordon; Norris Street/Kansas Avenue looking west; Topeka Boulevard and Kansas Avenue bridges looking northeast and northwest, respectively; Curtis Street looking north between Jackson and Van Buren
- View to Kansas River – Topeka Boulevard and Kansas Avenue bridges looking northeast and northwest, respectively; top of levee looking south, east, and west; elevated view looking south of Great Overland Station

- View to Downtown skyline – Most north-south streets looking south between Topeka Boulevard and Kansas Avenue; top of the levee

5. Streetscapes

The area between the building walls and the street can be defined as the streetscape. With buildings traditionally parallel to the street, a streetscape is the building fronts and the street together. The character or quality of a streetscape is dependent upon the quality of the street, the buildings that front it, and the combined effect of the two. (Sec. F – Design Guidelines)

Urban Design Recommendations:

Traditional Neighborhood Design (TND) elements can be translated into performance measurements that will benchmark how well the neighborhood is doing in reestablishing itself as a traditional neighborhood:

- The number of dwelling units needs to increase by 100 units. While the Pioneer Curtis Junior High project added 59 units, and two new homes have gone into HNTE, there were 47 demolition permits issued since 1999.
- Allow people to live, work and play in the same proximity. Mixed Use zoning has been applied to 15.8% of the land in the planning area and allows for this to develop.
- Develop a community-gathering place in conjunction with the Great Overland Station and NOTO
- Establish building design guidelines for residential and commercial in-fill development (see Design Guidelines under V, Character and Image)

Other key urban design strategies that will take advantage of Historic North Topeka East's inherent qualities include:

- Focus revised "historic" neighborhood signage and landscape elements at major gateways and reflect higher quality development at all gateway points complimenting historic character of area.
- As a priority, focus major rehabilitation efforts and new in-fill development along image streets/areas while removing blighting influences.
- Encourage the "greening" of current brownfields that define Historic North Topeka edges, images

6. Paths - (see Section V, Circulation Plan)

HISTORIC PRESERVATION

Historic North Topeka East has been a community since 1865 and historic architecture can be seen throughout its streets. Many of the houses were constructed prior to 1915 (Map 10) and the 800 and 900 blocks of N Kansas Ave. were included in the 2012 Downtown Topeka Historic Resources Survey. With the increased opportunities associated with Historic Tourism as well as HNTE's historic resources in the Great Overland Station and NOTO, several opportunities exist to preserve this neighborhood's historic charm.

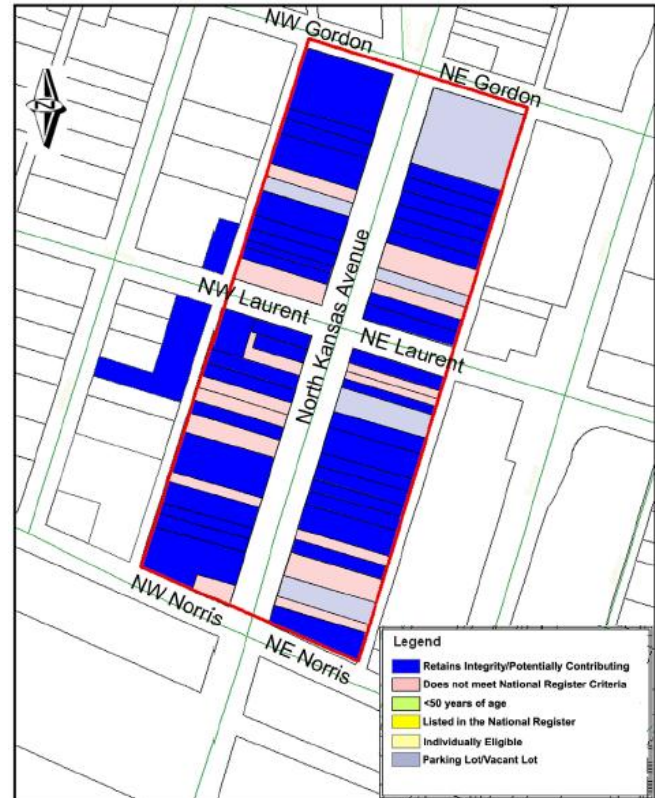
2012 Downtown Topeka Historic Resources Survey

A survey was recently completed through the Planning Department in 2012 by Rosin Preservation LLC (with funding from the State Historic Preservation Office) of properties along North and South Kansas Ave that comprise the historic commercial corridor. This was done to create a comprehensive inventory to identify buildings that should be preserved and historic districts that could be established. The survey identified 40 properties along N. Kansas Ave that either retained their historic integrity or were potentially contributing to the historic environment. The 800-900 blocks of N. Kansas Avenue, the heart of the NOTO arts district, was found to have

sufficient integrity to warrant a state/national historic district. Any successfully listed properties or districts would qualify for financial incentives such as state and federal historic tax credits. Further consideration of a district should be pursued in collaboration with the property owners as this is the most significantly intact grouping of historic commercial buildings remaining in Topeka.

Neighborhood Conservation District

The Neighborhood Conservation District (**NCD**) is a zoning overlay district that could be thought of as “Historic District-Lite.” While it still looks at protecting the properties within it, it mainly focuses on preventing incompatible new construction or development. It can be tailored to the specific needs and can focus on preserving particular aspects of the neighborhood. As this is tailored to the neighborhood’s desires, it could be specified for new construction or extended to substantial additions to existing buildings as well. This can be specified for selected blocks that retain historic attributes or character or to larger areas as well. There is an extensive amount of latitude and flexibility with this preservation tool that could greatly benefit the Historic North Topeka East planning area.



DESIGN GUIDELINES

COMMERCIAL AND MIXED USE:

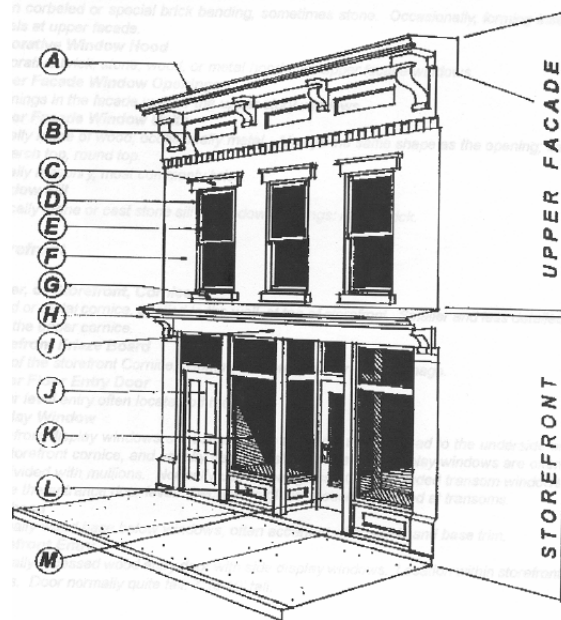
Commercial and mixed-use buildings of historic character and sufficient integrity are primarily found in the 800, 900, and 1000 blocks of N. Kansas Avenue. The Great Overland Station, listed on the National Register, should also be looked at as a model for new and renovated commercial/mixed-use buildings. These and other commercial buildings within the planning area that have potential for local or national listing should adhere to basic guidelines below for rehabilitation as demonstrated by Illustration 2, and Illustration 3.

1. Street Facades and Rehabilitation

- Original facades, including windows and openings, should be retained.
- Encourage removal of applied siding treatments, metal fasciae and canopies wherever possible.
- Repair damage from siding treatments and rejuvenate upper facades hidden by treatments. Siding treatments often tend to preserve the façade in good condition. If architectural elements (e.g., upper and lower cornices) have been removed or damaged, reconstruct/restore original elements.
- Maintain or reconstruct large storefront windows. Original storefront windows usually begin at 18”-24” above the ground and extend to the underside of the second floor.

- NEVER paint unpainted brick or sandblast brick to remove paint. If painted, colors should visually relate to building elements and neighboring facades (i.e., earth-tones). Placement of colors should be based on the existing hierarchy of detail: base and major/minor trim colors. Base color is the upper wall surface and storefront piers.

Illustration 1: Traditional Storefront



- A. Upper Cornice
- B. Brick Decoration
- C. Window Hood
- D. Window Openings
- E. Window Units
Always the same shape as window openings.
- F. Masonry Wall
- G. Window Sill
- H. Storefront Cornice
- I. Storefront Frieze Board
Common location for sign
- J. Upper Floor Entry Door
- K. Display Window
Normally clear glass separated from window transom w/ mullions. Extends to underside of 2nd floor.
- L. Bulkhead
Normally wood based below windows, accented w/ panels and base trim.
- M. Storefront Entry
Typically recessed door with side display windows.

- New windows should fit the size and shape of their original openings. Mirrored or smoked-glass windows should not be used since they are not original materials and detract from the district's character.
- Maintain original decorative stone details, window hoods, cornice brackets and woodwork whenever possible.
- Awnings or canopies should be of traditional design, preferably cloth, and not unusually large or awkward in shape. Avoid excessive signage on awnings, back-lit awnings, and round awnings.
- Keep the size of signs modest and locate them at the storefront cornice line; they may overhang the public right-of-way if they do not obscure architectural details or dominate the building. Avoid plastic materials on the exterior of signs since this is not a traditional material. A well designed and maintained building is as much of an advertisement for a business as the sign itself.
- Avoid permanent fences visible from street frontages or public areas that are chain-link or wire. Barbed wire should not be permitted in a non-industrial district.

2. New Construction

- All building designs should be compatible with the major elements of historic architecture along the N. Kansas Avenue mixed-use district and the Great Overland Station: red brick buildings with limestone or grey concrete trim are desirable.

- Buildings should be set back from the street uniformly to present a continuous façade line along the street, except that minor recesses, projections for entries, and similar elements may be acceptable.
- Human scale elements along the street front should be included within the building's design.
- The desired height of buildings should not exceed forty (40) feet.
- The street grid system and views of the Union Pacific Depot and Capital need to be preserved.
- Parking lots should have CPTED ("crime prevention through environmental design")-approved design elements, interior landscaping, and be located behind buildings in the interior of blocks, or side yards to the maximum extent feasible.
- Mechanical or electrical equipment should be hidden or screened from street level view.
- Design guidelines for commercial and mixed-use structures should at a minimum be applied to the NOTO District with consideration given to "expansion" or "riverfront" areas for new construction.

3. Streetscapes

Streetscape guidelines would apply to N. Kansas Avenue (500-1000), gateways and other "image" streets identified under the Urban Design Framework. Some major recommendations for the 800-900 blocks of N. Kansas Avenue include:

- Pedestrian Bump-outs – Located at intersections and mid-block crossing to shorten pedestrian crossing distances, slow traffic, and visually deter heavy truck traffic. These bump-outs should include space for raised landscaped planters that are slightly setback from the curb at intersections and mid-block crossing.
- Overhead Gateway Signage – Located at Gordon and Norris for gateway affect and to deter heavy truck traffic.
- Sidewalks – The possibility exists for the 10' wide sidewalks to be extended up to 18' to provide for outdoor display, dining, planter, and/or street furniture space. New sidewalk concrete should be laid with brick paver trim and brick paver treatments at intersections, crosswalks, and any extensions of the sidewalk.
- Shade Trees – Shade tree plantings should be spaced from intersection to intersection judiciously so that storefronts are not obscured to any great extent, but that a pleasant walking environment is provided; at a minimum, intersections and mid-block crossings should have multiple plantings.
- Lighting – Existing street lights are spaced at a 100' interval. Since the fluted poles retain a desired character, they should remain to provide vehicular light. Pedestrian lighting that is historically compatible could either be spaced mid-point between the street lights or attached to the street lights with an arm bracket overhanging the sidewalk. In addition, metal placards or signs could be placed on light poles at pedestrian level scale with the district name on them. Interchangeable canvas banners could be placed higher up on the street light poles announcing different events.
- Street Furniture – Benches and trash receptacles should be historically compatible to building architecture and placed at appropriate intervals along the sidewalk. They should also be of a durable construction to minimize vandalism.

CPTED Guidelines

Safe Streets and the Police Department can help the neighborhood determine which property configurations discourage criminal activity. These methods, known as CPTED (Crime Prevention Through Environmental Design) follow four basic principles: access control, surveillance, territorial reinforcement, and maintenance.

Access control:

- This involves designing streets, sidewalks, building entrances, and neighborhood gateways to clearly indicate transitions from the public environment to semi-private and private areas.

Surveillance:

- A design principle that maximizes the visibility of people, parking areas, vehicles, and site activities. Strategies involve the strategic placement of windows, doors, walkways, parking lots, and vehicular routes.

Territorial reinforcement:

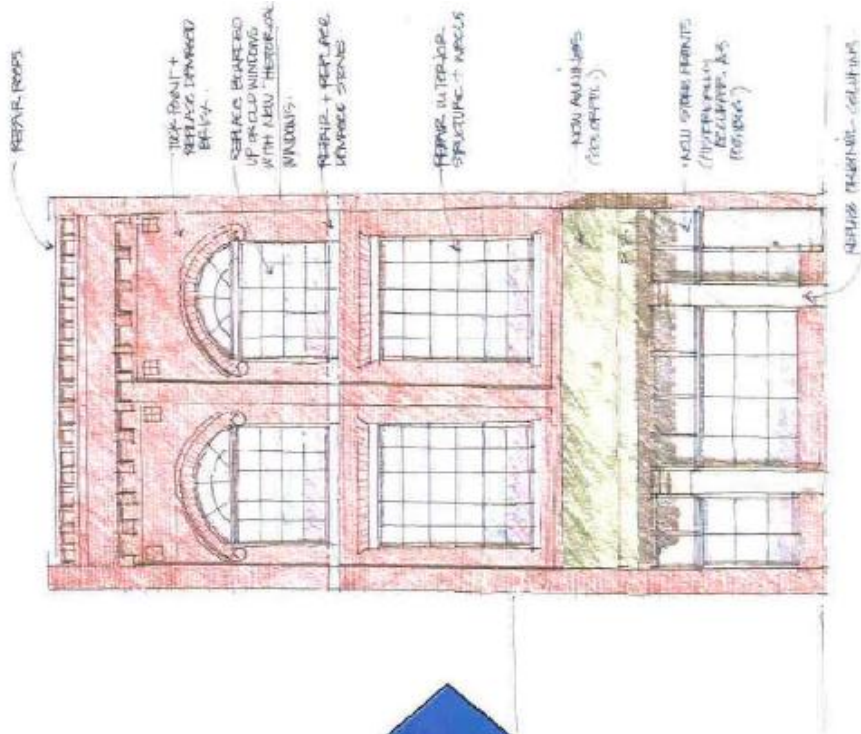
- Sidewalks, landscaping, and porches help distinguish between public and private areas. This helps users display signs of “ownership” that send “hands off” messages to would-be offenders.

Maintenance:

- This addresses management and maintenance of space. Proper upkeep (mowing grass, trimming trees and landscaping, picking up trash, repairing broken windows and light fixtures, and painting over graffiti)
- Helps signal that a location or facility is well cared for and therefore would be inhospitable to a criminal
- It also signals that an owner, manager, or neighbor is watching out for the property and could spot illegal behavior.

www.ncpc.org

Illustration 2: Commercial Building Design Guidelines (831 N. Kansas Ave.)



AFTER



BEFORE

Illustration 3: Commercial Building Design Guidelines (816 N. Kansas Ave)

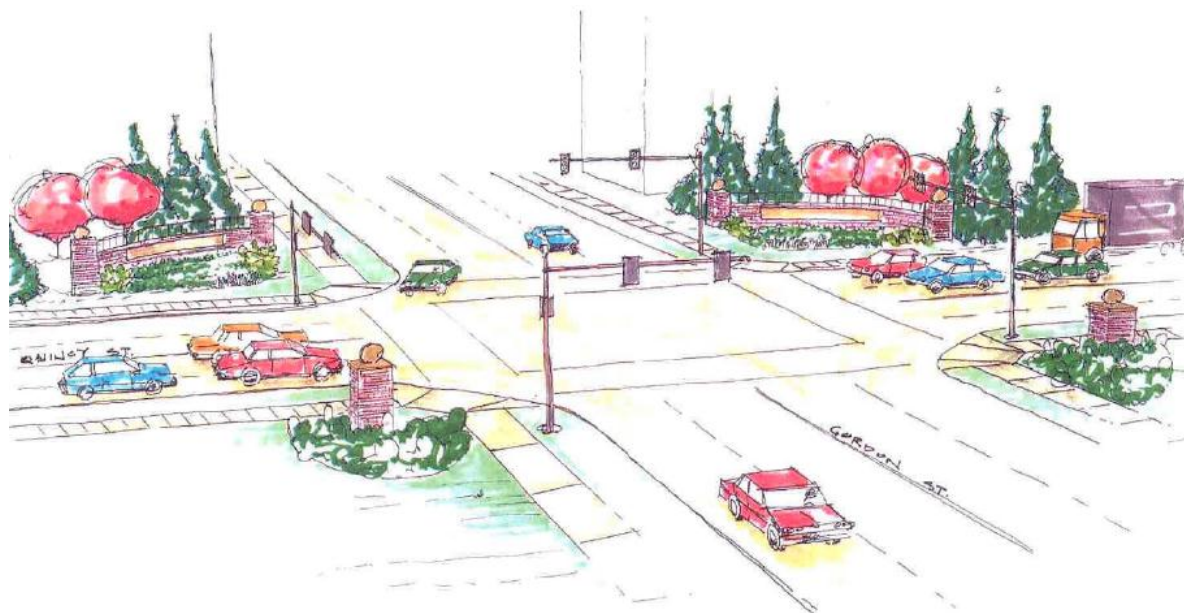
BEFORE



AFTER



Illustration 4: Major Gateway



RESIDENTIAL

Historic North Topeka East exhibits many residential architectural styles prevalent at the turn of the century and pre-1930 era. The design of houses was dictated by the narrow lots, resulting densities, and materials available. The key to understanding and applying design guidelines lies in assessing the existing inventory and establishing key design standards that will fit within a traditional neighborhood.

Here are three examples of traditional architectural styles found throughout the neighborhood:

Folk Victorian (1870-1910)

- Gable-front-and-wing subtype without Victorian detailing
- Cross gable roofing with steep pitch
- Can be 1 or 2 stories
- Wooden posts atop brick piers supporting porch that is length of wing
- Bay window with 1-over-1 double hung sash
- Common in Southern states
- Gable-fronts are prominent in Little Russia



Craftsman (1905-1930)

- Bungalow with low-pitched front-gable roof
- Decorative brackets support overhanging eaves; roof rafters usually exposed
- One-and-a-half story
- Full or partial width porch supported by wood post sitting atop brick piers extending to ground
- Wood clad with horizontal shingles
- Center entry and rear garage



Queen Anne (1890-1910)

- Very late variant of Queen Anne style
- Two-story gable façade with cross-gable roof
- Horizontal wood clapboards with fish-scale shingling
- Pediment marking entry over full length porch
- Wood posts atop painted brick piers extending to ground
- Balustrade provides railing for porch

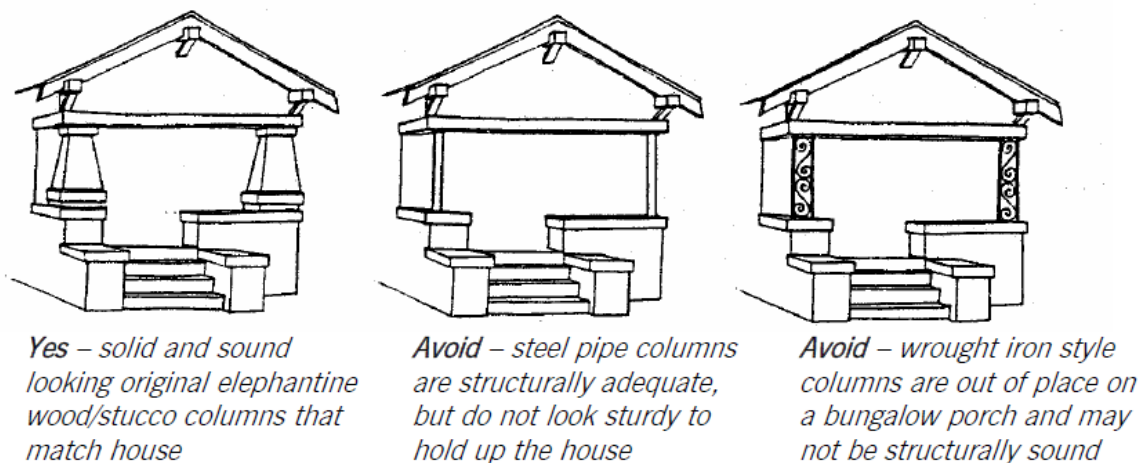


Various other styles throughout the neighborhood include Gothic Revival, Dutch Colonial Revival, Italianate, Homestead, and other minimal traditional styles. Together, these provide context for guiding renovations of existing traditional-style homes and construction of new in-fill dwellings. Several basic design elements should be followed in order to maintain a neighborhood's character:

1. Massing and Form

Massing generally refers to how a given amount of space is reflected in a building's design. For example, the space could be a rectangular box with no porch and a flat roof, OR two smaller boxes of uneven height and a full length covered front porch with front-gable roof. The form would determine how the building is positioned on the lot. This is typically dictated by lot design and setbacks from property lines. In order to retain the area's character, several guidelines should be followed in Historic North Topeka related to massing and form:

- The height, width, and general proportions of a building should generally conform to other buildings in the neighborhood. That would include a building frontage narrower than its depth with a visible main front from street, elevation of floor above ground, and a proportional front porch.
- The ratio of wall surface to openings should be consistent with traditional buildings in the neighborhood. This includes width and height of window and door openings. Enclosure or re-positioning of original window placements should be avoided. Size and proportion of window space to façade should be kept consistent with neighborhood
- Buildings should be of vertical or non-directional appearance so that horizontal lines are minimized. Flat wall surfaces, particularly frontages, should be avoided.
- The slope, massing, and configuration of the original roof should be maintained. Roof pitch should be kept within range of predominate building style. Low gable, domed, A-frame, and shed-vaulted roof shape are not preferred.
- Additions to traditional dwellings should be complimentary and subservient to the main structure.
- Front doors should be accentuated and painted/stained.
- Garages should be built in the rear yard behind the residence or to the side in proportion to the main structure. Attached/detached garages should be consistent with the character of the block and meet CPTED principles (see page 46)
- Historic details – balconies, covered porches, decorative shingles, bracketed eaves, columns, balustrades, arches, turrets, etc. – should be in proportion with the building and considered on contemporary designs only where appropriate.

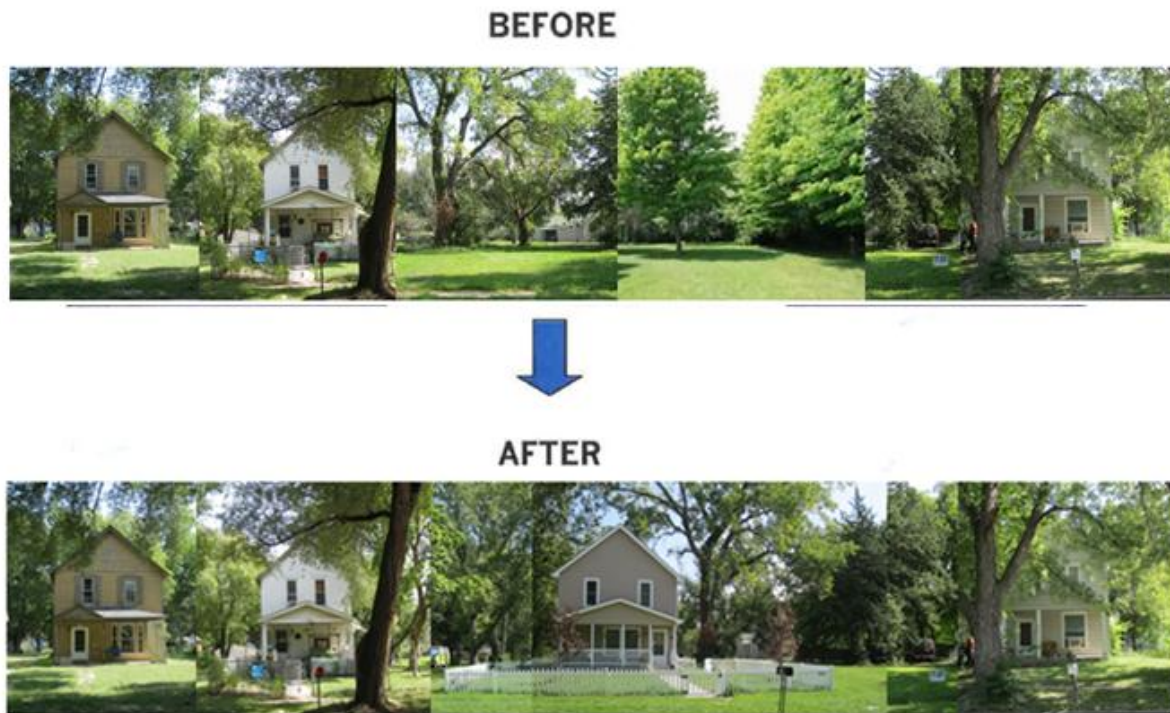


2. Materials

- The use of natural materials or those that take on the appearances of nature materials are strongly advised. The front and side facades are the most visible sides and should be protected. Appropriate facade materials – brick, wood siding, stucco, and cut stone (if original) – should be used.
- Wood siding, trim, and detailing should be painted, stained, or otherwise protected if intact and restored if deteriorated or missing whenever possible.
- Avoid metal or plastic window frames. Dark tinted, smoked, or reflective glass should not be used since they are not original and diminishes the district's character.
- Roof materials should consist of wood shingles, composition shingles, slate, clay, or other similar materials deemed appropriate. Roll roofing, built up tar and gravel, or plastic roofing materials are typically not appropriate unless a roof is not visible from public areas.
- Exceptions to these guidelines may be deemed appropriate if a new house is manufactured off-site, but meets the massing and form guidelines above.
- Attached single-family housing, or townhouse design, may be appropriate if within an acceptable area according to the land use plan or adjacent to image or arterial streets. Mid-block attached housing should be discouraged.

Design guidelines for residential structures should at a minimum, be applied to identified blocks with sufficient historical integrity (e.g., primarily >50 yrs. old) within the Target Area. If desired by the community, the area may be expanded to adjacent residential blocks of the Planning Area. An example of what infill housing would look like following these guidelines is depicted in Illustration 5.

Illustration 5: Housing Infill Design Guidelines



HOUSING

A neighborhood is in many ways defined by its housing. The housing portion of this revitalization strategy is designed to change the perception of the Historic North Topeka housing market to residents and non-residents alike by improving the supply of existing housing and creating a greater demand for market-rate housing.

Housing Rehabilitation – Community perception of the housing market affects the confidence of local residents in investing in the neighborhood. When a market is perceived to be in a declining state or when property values/rents cannot adequately support new investment, maintenance of properties is deferred and disinvestment begins. Activities therefore should be geared towards improving the existing housing stock in the community. With 43.8% of the residential properties in the community exhibiting either major or intermediate deficiencies (see Table 3) the need for a more targeted rehabilitation program is apparent. The following strategies could help achieve this objective:

- Identify strategic blocks to concentrate rehabilitation efforts: Map 12, the Target Area Concept Map illustrates the location of blocks that present new housing opportunities through the SORT program. These blocks and the blocks surrounding them should be targeted for more concentrated rehabilitation efforts within the community. This should be coordinated with the in-fill housing activities discussed below and in the implementation section.

In the aftermath of the 1951 flood, the demand for housing in Historic North Topeka East was declining and disinvestment in the housing stock began. In an effort to encourage redevelopment in the area, many traditional residential blocks were rezoned to multiple-family and industrial zoning districts, which permitted the use of mobile homes. As older, dilapidated houses were razed, they were often replaced with mobile homes as a low-cost alternative to the larger site-built homes in the community. This practice resulted in an incompatible land use arrangement and further discouraged homeowner investment of the existing frame houses. With the adoption of the Comprehensive Zoning Regulations in 1992, mobile homes were no longer permitted in the zoning districts found in HNTE. However they continue to exist in the neighborhood as legal non-conforming uses. No new mobile home sites should be approved.

There are programs available to help qualified individuals purchase, repair, or rehab their homes. The following programs are administered with federal funds through the Housing and Neighborhood Development (HND) of the City of Topeka on an income-eligible basis for low/moderate income households.

- **Housing Rehabilitation** - This HND program is intended for both low-income owner and renter-occupied properties in need of interior and exterior repairs within selected target areas. Additional funding is geared towards owner-occupied units. Funds may also be provided to assist with lead-paint controls and weatherproofing. The assistance, however, may be available to properties that have documented historic significance and are in need of exterior repairs.
- **Emergency Repairs** - Emergency home repair assistance (primarily repairs that are of an immediate health or safety nature) can be provided for low income owner- occupants throughout the neighborhood. This assistance is intended for higher cost, major emergency repairs. Minor maintenance and repairs remain the primary responsibility of the homeowner.
- **Accessibility Modifications** - This assistance is available to income-qualified persons with disabilities throughout the City, whether they are owner-occupants or tenants. This assistance is intended to provide access into and out of the home. The priority is to build exterior ramps, widen doorways, and provide thresholds.
- **KDOC Affordable Housing** - Project is a cooperative venture with the Kansas Department of Corrections, in which KDOC provides women inmates, tools and equipment to form two (2) crews for the rehabilitation of affordable housing units and Low-Mod Income Area infrastructure sidewalk improvements.
- **TOTO-II** - Assistance is provided as a 2nd mortgage, deferred loan subsidizing the purchase and rehab costs of a home for families at or below 80% of median income. While the program is available Citywide, it is structured to encourage home purchases in at-risk and intensive care areas. Homeownership and debt counseling assistance are provided by **Housing and Credit Counseling Inc.** Lending institutions participate by managing the maintenance escrow.
- **Neighborhood Revitalization Program** - The City offers a 10-year 95% property tax rebate for improvements that increase the value of the property by more than 10%. The rebate period can be extended up to 15 years for historic landmark properties.

Improvements must be consistent with the adopted design guidelines for the neighborhood. The City's Planning Department administers the program.

COMMUNITY BUILDING AND INITIATIVES

Community building and initiatives are essential to revitalizing a neighborhood. Residents have the innate knowledge of what needs to be fixed in their neighborhood—these grassroots programs allow this knowledge to become organized so that action can be taken to address problems. By seeing the change they can accomplish within their own community, residents can become empowered and strong in knowing that they can shape the future of their neighborhood. Some principles of community building include:

- Build on community strengths
- Support families and children
- Foster broad community participation
- Forge partnerships through collaboration

Collaboration is essential. For programs to succeed and for the residents of Historic North Topeka East to become fully engaged, there needs to be collaboration and cooperation between all the stakeholders. Many groups have interest in improving the community and have the skills to achieve this. Below are a few community building concepts, though the list is by no means exhaustive.

NEIGHBORS-HELPING-NEIGHBORS

The “broken window” theory states that the presence of even the slightest traces of neglected property, such as broken windows, can cause a ripple effect in which other adjacent property owners lose confidence in the neighborhood or where criminals begin to prey upon areas that “don’t care.”

This could be addressed through volunteer neighbors-helping-neighbors programs, where the community comes together to help the elderly, disadvantaged, or those otherwise unable to maintain their property on their own. Organizing a group and neighborhood contact to coordinate a program such as this would help address minor code violations and other maintenance issues that bring down the appearance of the neighborhood. This idea was brought forward by the community during the first public meeting and was voted as an issue that the community wants to address.

COMMUNITY GARDENS

One way of addressing vacant properties and rebuilding community spirit is to reuse vacant properties as community gardens. Community gardens can be developed within city park space or as a temporary use for the property when larger park projects are being phased in. Not only do community gardens provide a social aspect for the neighborhood but they also provide access to healthy food and healthy choices. They also increase the number of neighbors keeping an eye on their neighborhood and watching out for each other. Neighboring cities have created programs that lease community garden space to non-profit groups who donate produce to local food pantries. Whether a formal process such as this is explored, or just a neighborhood hobby project that allows neighbors and youth to come together, a community garden concept should be explored as a viable option for reducing the number of vacant lots and increasing the number of eyes on the community.

FARMERS MARKET

Another avenue for community building in Historic North Topeka East would be to explore a farmers market on a trial basis in order to acclimate both vendors and customers to the North Crossings environment. This could be established at minimal cost with no dislocation of existing businesses on public properties within Historic North Topeka East and have good access from Topeka Boulevard or Kansas Avenue south of the river. An exciting potential exists to develop an extensive market site south of the tracks which would be highly visible from the two bridges.

PARKS

Existing	Size (ac.)	Type	Recommendations
1. Garfield Park	23.7	Community- active and passive	Connect Solider Creek Trail to Levee Trail. Maintain and upgrade as premier community park in North Topeka.
2. Charles Curtis Greenway	5.8	Linear - passive	Acquire properties as opportunities arise and complete greenway as buffer on heavily traveled image corridor
3. Veterans Park East	2.0	Special use – passive and active	Could be offered in land swap for business relocation for future park space. Save NE corner of Quincy/Laurent for gateway effect.
4. Veterans Park West	0.4	Special use – passive	Redesign to provide parking and potential Farmers Market space. Veterans Park can be consolidated with WW I-II monuments in a more prominent and worthy setting.
5. Levee Trail	1.7 miles (0.4 miles between bridges)	Linear recreational –	An urban trail has been established on top of the Kansas River levee. Future improvements to the trail between the Kansas and Topeka Blvd Bridges could include lighting, benches, and turnouts to support higher usage for strolling, viewing, and gathering. It is part of Topeka's regional trail system.

Proposed	Size (ac.)	Type	Recommendation
6. Neighborhood Park - Primary Target Area	1-3	Neighborhood Park – passive	Would provide recreational opportunities in a local park where neighborhood families could walk to without having to cross major arterial streets.
7. Riverfront Park south of Great Overland Station	14-20	Regional	Brownfield to greenfield project that would establish regional gathering place for events related to Great Overland Station. Could include levee trail, historic landmarks, and outdoor facilities for music, ice skating, etc. Would require industrial business relocation and improved vehicular and pedestrian access.
8. Sardou Recreation/ Nature Trail Park	98.0	Special Use/ Open Space	Replace farming use to support kite flying, model airplane, and/or athletic field use. Explore use of creek inlet for canoe launch area. Preserve natural vegetation and habitat area along river.
9. Kansas River Open Space	84.0	Open Space – passive	Grow back to natural state of vegetation and habitat; add possible nature trail.

Map 15: Parks and Public Facilities

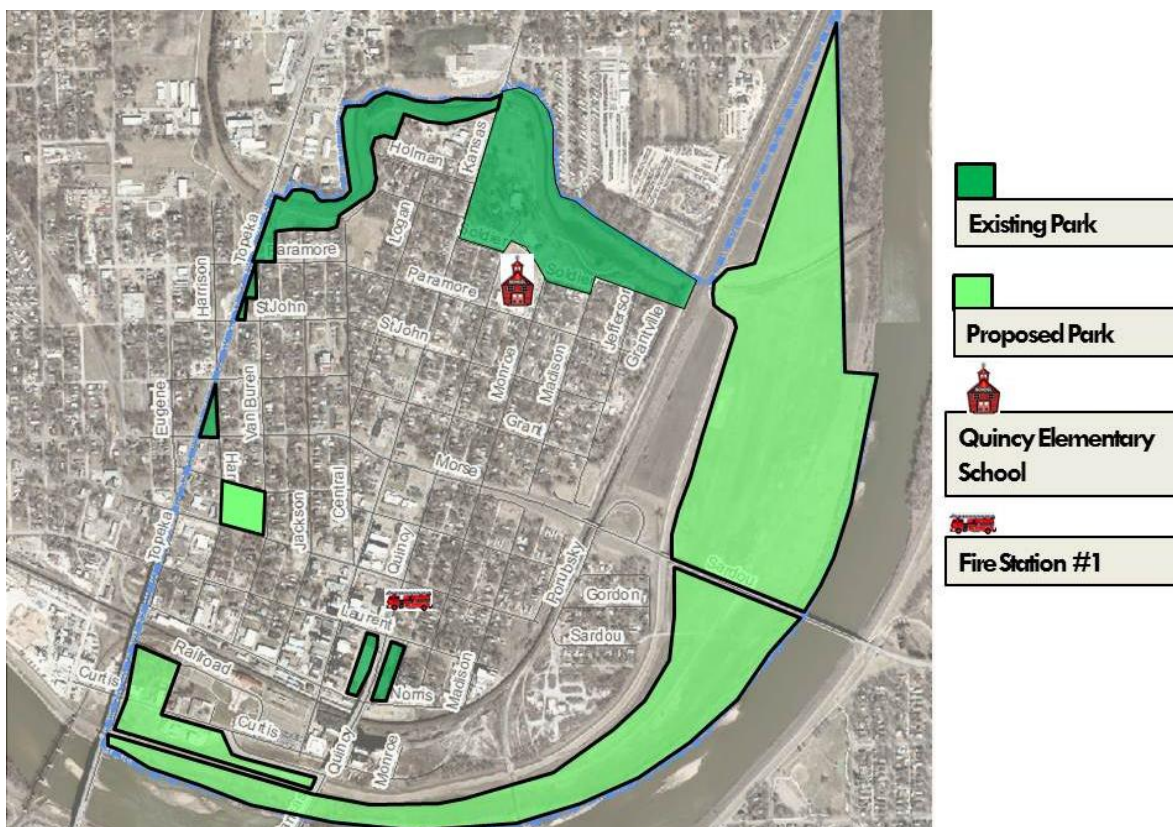
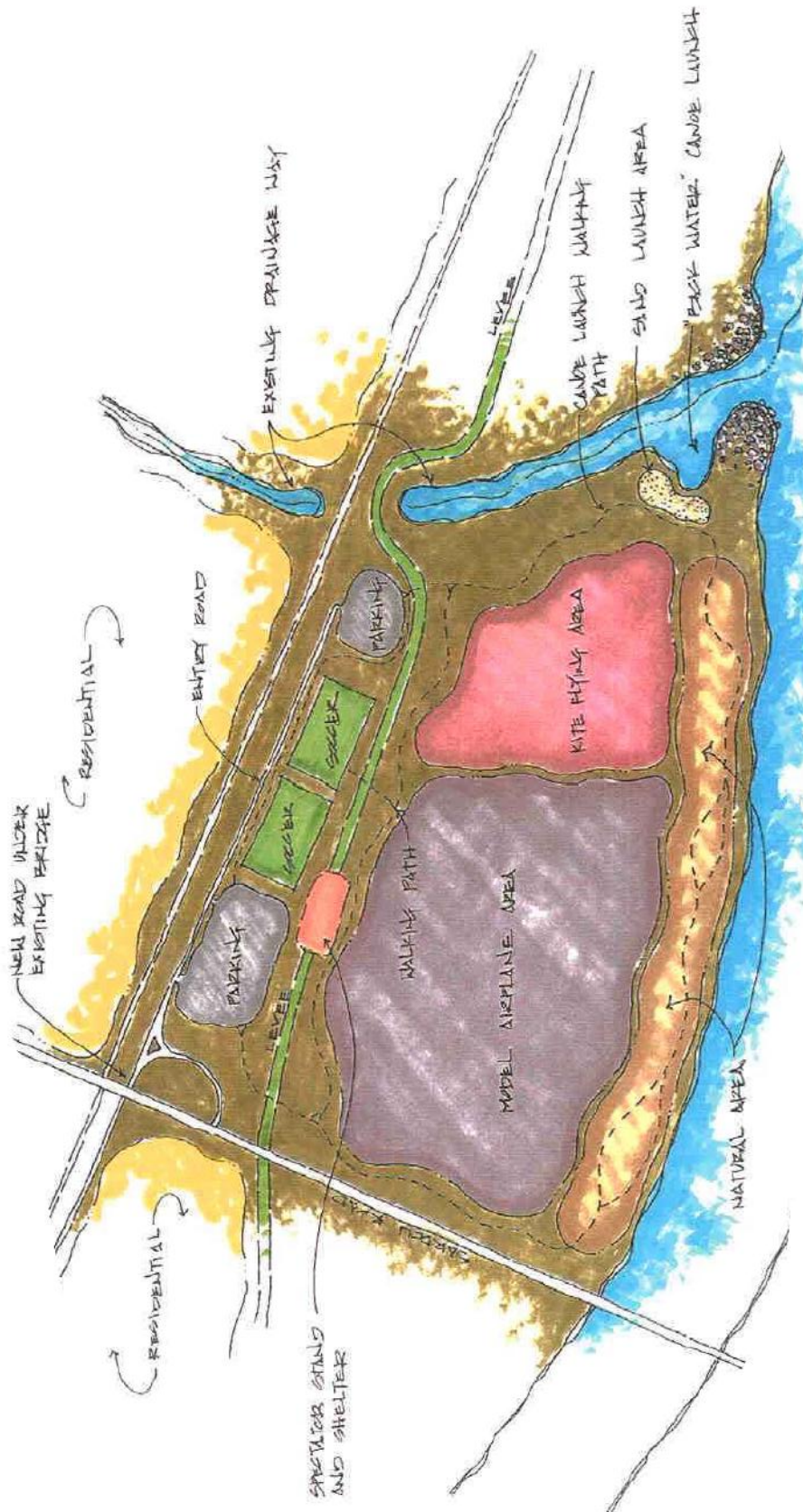


Illustration 6: Sardou Recreation/Nature Park



OTHER RECOMMENDATIONS

- **Sidewalks, Curb, and Gutter** – All blocks within the planning area should be completed for sidewalks and curb/gutter work. Some areas of the neighborhood are devoid of these basic urban infrastructure services and have no way to revitalize the housing development on those blocks without these basic services. Some blocks border on slum conditions and are impassible for pedestrians because of the lack of curbs/gutters.
- **Brick Street and Sidewalk Policy** – In 2011, the City of Topeka adopted a “Brick Street, Alley, and Sidewalk Policy” to identify and preserve brick features within the city. It requires that anyone who disturbs an existing exposed brick street repairs it with like materials and patterns. NW Jackson St is identified within this policy as a brick street designated for preservation. Brick sidewalks that require repair in areas longer than 15’ can be replaced with concrete unless preservation is recommended in Neighborhood Plan.

This Plan recommends that brick streets and stone curbs be preserved and maintained throughout the Historic North Topeka East neighborhood. Brick streets that have been patched with asphalt should have the patches redone with brick. Brick sidewalks falling within the environs of a designated state or national historic property, a Historic District, or a Local Landmark should remain and be repaired with brick.

- **Storm Sewer Improvements** – The Fairchild Pump Station in Little Russia was built in 1927 but is currently offline. It was identified to be abandoned by the Army Corp of Engineers’ Kansas River Levee study. Any improvements needed will be designed and implemented by the Army Corps of Engineers.
- **Kansas River Levee** – The Army Corps of Engineers completed a 3-year Feasibility Study that looked at the need to provide a minimum of 100-year flood protection for all the Topeka levee units. The project is moving forward to the design phase. The North Topeka Unit protects the Planning Area from River flooding and needs upgrading to provide a high level of flood protection.
- **Central Avenue Cul-de-sac** – This empty cul-de-sac provides an opportunity to tie the vibrancy of NOTO into the neighborhood setting. The opportunities for reimagining the interior aesthetics of the cul-de-sac are profound. Civic art created by NOTO artists could rise prominently from the center of this traffic feature, welcoming travelers both to NOTO and to the Historic North Topeka East neighborhood. Landscaping could further accentuate this feature. This is also a prominent crossing for the Bikeways Master Plan that traverses through Historic North Topeka East, adding even more to the multitude of viewers who would see this display.

VI. IMPLEMENTATION

“Be not afraid of growing slowly, be afraid only of standing still.”

-Chinese Proverb

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

KEY ACTION PRIORITIES

The meetings with the Steering Committee brought up ideas for implementing specific strategies and actions in this Plan. The community was surveyed at the final meeting to determine their priorities for action. The actions below are organized based on the rankings received at that meeting and are not necessarily inclusive of all potential actions, but a checklist of some of the more significant actions that should be taken.

1. Do These First

- Union Pacific Railroad/N. Kansas Ave. Pedestrian Crossing
- Wayfinding signs
- Rehab historic housing

2. Do These Next

- Pave/repair alleys
- Repair/construct new sidewalks with a preference for stamped concrete
- Start/complete the Riverfront Park
- Incorporate NOTO art into the neighborhood along main roads

3. Do These After the Above Has Been Completed or Stalled Out

- Reconstruct/repair streets
- Brick street repair
- Infill housing
- Neighborhood park in the west central neighborhood (N. Topeka Blvd and Morse)
- Community garden

TARGET AREAS

The tables below show the cost and timing of infrastructure improvements for the proposed target areas and other infrastructure recommendations of the plan. By combining several major actions within a concentrated area of a neighborhood, a greater cumulative impact can be realized than if they were dispersed throughout the larger planning area. In this manner, it is intended that multiple target areas can be worked on in various stages of completion. Once the first area is “finished”, the majority of the public investment can then be shifted to the second area, then the third, etc.

Important Note: The priorities and costs estimates for infrastructure and housing rehabilitation projects in the neighborhood are provided for *informational purposes only* and should not be relied upon for future costs or as actual bids for future projects. Increases in material costs, overhead and labor can change greatly in a short period of time. Funding is subject to availability as provided by federal grants and the governing body, and allocations change annually. The housing costs in the following tables represent subsidies from City Consolidated Plan funding (CDBG/HOME) and are intended to leverage private dollars. Costs for infrastructure and parks reflect City of Topeka capital costs from sources typically found within the City’s Capital Improvement Program (CIP), unless otherwise indicated. Cost assumptions are detailed at the bottom of this section.

West Central Target Area

Total Street Reconstruction	Cost	Source	1-3 Years	3-5 Years	5+ Years
NW Central (1000-1100)	\$312,525	GO Bonds, ½ Cent Sales Tax			
NW Van Buren (1000 block)	\$311,744	GO Bonds, ½ Cent Sales Tax			
NW Jackson (1000 block)	\$228,412	GO Bonds, ½ Cent Sales Tax			
Mill and Overlay					
NW Harrison (1100 block)	\$42,140	GO Bonds, ½ Cent Sales Tax			
Sidewalks					
NW Fairchild (200-400 blocks)					
Concrete	\$83,065	GO Bonds			
NW Van Buren (1000 block)					
Concrete	\$12,934	GO Bonds			
NW Jackson (1100 block)					
Concrete	\$4,301	GO Bonds			
NW Van Buren (1100 block)					
Concrete	\$25,186	GO Bonds			
NW Harrison (1000 block)					
Concrete	\$29,798	GO Bonds			
Alleys					
Van Buren/Jackson (2 blocks)	\$160,000	GO Bonds			
Jackson/Central (2 blocks)	\$160,000	GO Bonds			
Morse/Harrison	\$80,000	GO Bonds			
Morse/Central	\$80,000	GO Bonds			
Neighborhood Park					
Morse and Harrison	\$200,000	CDBG, GO Bonds			
Housing Rehabilitation					
Primary and Secondary Areas	\$509,000	CDBG, HOME			
TOTAL	\$2,239,105				

Pioneer Curtis Jr. High Target Area

Sidewalks	Cost	Source	1-3 Years	3-5 Years	5+ Years
NW Van Buren (1200 block)					
Concrete	\$37,752	GO Bonds			
NW Jackson (1200-1300)					
Concrete	\$32,593	GO Bonds			
NW Grant (200-400 blocks)					
Concrete	\$75,933	GO Bonds			
Alleys					
Van Buren/Jackson (2 blocks)	\$160,000	GO Bonds			
Jackson/Central	\$80,000	GO Bonds			
Housing Rehabilitation					
Primary and Secondary Areas	\$509,000	CDBG, HOME			
TOTAL	\$895,278				

East Central Target Area

Total Street Reconstruction	Cost	Source	1-3 Years	3-5 Years	5+ Years
NE Jefferson (1100 block)	\$239,324	GO Bonds			
Sidewalks					
NE Fairchild (200-400 blocks)					
Concrete	\$75,673	GO Bonds			
NE Gordon (100-400 blocks)					
Concrete	\$145,851	GO Bonds			
NE Madison (1000-1100 blocks)					
Concrete	\$27,603	GO Bonds			
NE Monroe (1000-1100 blocks)					
Concrete	\$68,776	GO Bonds			
Alleys					

Quincy/Monroe (2 Blocks)	\$160,000	GO Bonds			
Monroe/Madison	\$160,000	GO Bonds			
Madison/Jefferson	\$160,000	GO Bonds			
Housing Rehabilitation					
Primary and Secondary Areas	\$509,000	CDBG, HOME			
TOTAL	\$1,546,227				

Northeast Target Area

Total Street Reconstruction	Cost	Source	1-3 Years	3-5 Years	5+ Years
NE Jefferson (1300-1500 blocks)					
1300 Block	\$162,298	GO Bonds, ½ Cent Sales Tax			
1400-1500 Blocks	\$621,085	GO Bonds			
NE St. John (400 block)	\$144,952	GO Bonds			
NE Grant (400 block)	\$188,941	GO Bonds			
Sidewalks					
NE Madison (1300-1500 blocks)					
Concrete	\$96,000	GO Bonds			
NE Paramore (400-500 blocks)					
Concrete	\$55,453	GO Bonds			
Alleys					
Madison/Jefferson (3 blocks)	\$240,000	CDBG, GO Bonds			
Housing Rehabilitation					
Primary and Secondary Areas	\$509,000	CDBG, HOME			
TOTAL	\$2,017,729				

Little Russia

Total Street Reconstruction	Cost	Source	1-3 Years	3-5 Years	5+ Years
NE Fairchild (500 block)	\$421,500	GO Bonds			
Sidewalks					
NE Gordon (500 block)					
Concrete	\$11,878	GO Bonds			
Alleys					
Fairchild/Gordon	\$80,000	GO Bonds			
Gordon/Sardou	\$80,000	GO Bonds			
Housing Rehabilitation					
Primary and Secondary Areas	\$509,000	CDBG, HOME			
TOTAL	\$1,102,378				

Projects Outside of Target Areas

Project	Cost	Source	1-3 Years	3-5 Years	5+ Years
Bike/Pedestrian Bridge at N. Kansas Ave and RR	\$2,500,000	UPRR, KDOT, CIP			
North Crossings Master Plan	\$30,000	MTPO			
Wayfinding Signage	\$20,000	Transient Guest Tax, CDBG			
Riverfront Park	\$2,000,000	Transient Guest Tax, ½ Cent Sales Tax			
TOTAL	\$4,550,000				

Assumptions (costs are approximate)

- Alleys (not including sewer costs) = \$80,000/block
- Sidewalks (concrete) = \$32 per linear foot; one side of the street
- Sidewalks (brick) = \$90 per linear foot; one side of the street

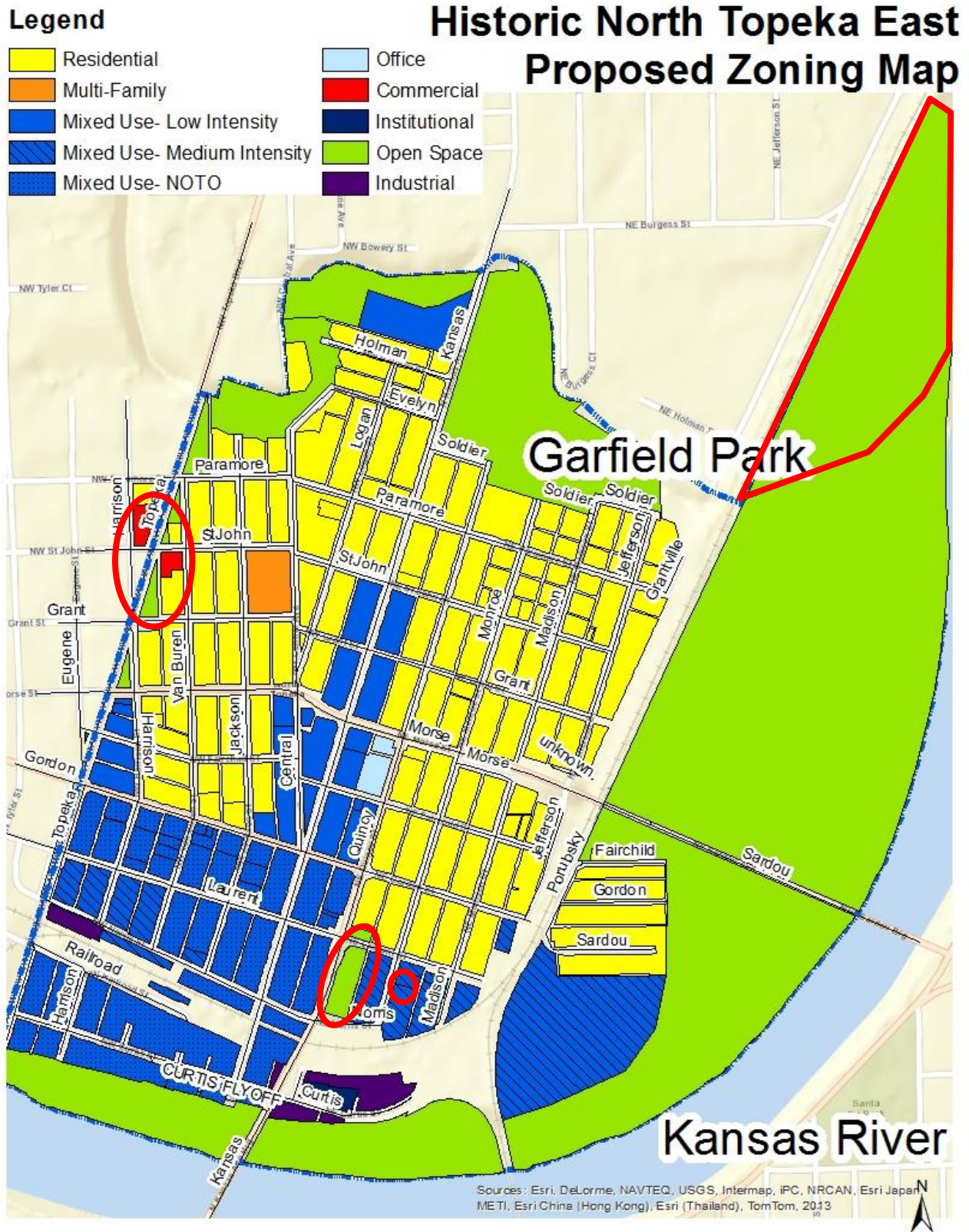
REZONING

There are a few areas within Historic North Topeka East where the current zoning is inconsistent with the Future Land Use Plan. For example, East Veteran's Park is currently zoned X2 but is used as Open Space. The same is true for the open space north of Old Soldier Creek between the railroad tracks and the River—it is zoned I-2 but is used as Open Space.

A neighborhood commercial node is appropriate at the intersection of N. Topeka Blvd and NW St. John. To accomplish this, the vacant parcels on the southeast and northwest sides of this intersection should be rezoned to C-1 Commercial, as supported by the Planning Objectives in the Comprehensive Plan and recommended in the Historic North Topeka East Future Land Use Plan. A rezoning should be initiated by the Planning Commission to reflect as such (See Map 18 for the Proposed Zoning Map).

Veterans Park East, at Quincy and Monroe, and the parcel east of the railroad tracks and north of Old Soldier Creek should be rezoned as Open Space to reflect their current use. The greenway along N. Topeka Blvd should be extended southward. Finally, all of the parcels in the Mixed Use district south of Gordon and east of Quincy should be Mixed Use- Medium Intensity. The lone R-4 parcel should be rezoned to this classification.

Map 16: Proposed Zoning Map

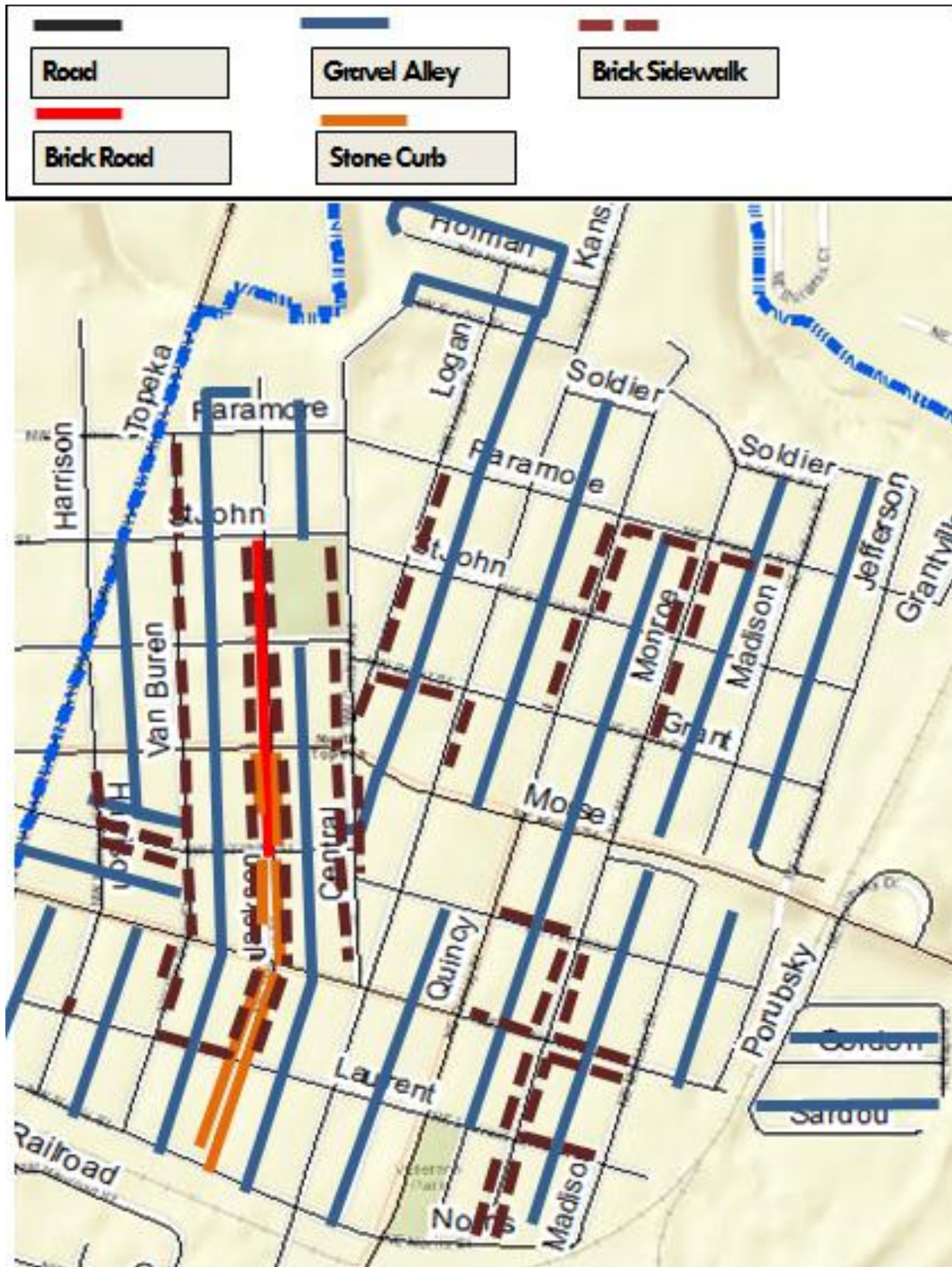


Map 17: Primary Target Area



* Based on a rating of "deteriorated" during the building survey

Map 18: Brick Street, Sidewalk, and Alley Condition Map



VII. APPENDIX A: TABLES AND CHARTS

Table 1: Land Use – Historic North Topeka East

Land Use	Parcels	% Total	Acres	% Total Area
Commercial	82	7.5%	25.8	4.6%
Commercial - Mixed Use	12	1.1%	2.8	0.5%
Industrial	42	3.8%	24.1	4.3%
Institutional	16	1.5%	12.9	2.3%
Mobile Home Court	15	1.4%	5.0	0.9%
Mobile Home Site	24	2.2%	4.5	0.8%
Office	5	0.5%	3.9	0.7%
Open Space/Recreational	12	1.1%	298.5	53.2%
Residential - Single-Family	674	61.4%	129.6	23.1%
Residential - Multi-Family	5	0.5%	4.5	0.8%
Residential - Two-Family	2	0.2%	0.6	0.1%
Residential - Multi-Family (c)	31	2.8%	6.7	1.2%
Parking/Utilities	7	0.6%	3.4	0.6%
Vacant	170	15.5%	38.1	6.8%
Total	1,097	100.0%	560.4	100.0%
Subtotal				560.4
Public Right of Way				180.8
Total Area				741.8

Table 2: Housing Density - Historic North Topeka East

Housing	# Units	% Total	Total Acres	Units/Acre
Single-Family	674	71.55%	129.6	5.2
Multi-Family	118	12.53%	4.5	26.2
Two-Family	4	0.42%	0.6	6.7
Multi-Family (c)	83	8.81%	6.7	12.4
Mobile Home Court	39	4.14%	5	7.8
Mobile Home Site	24	2.55%	4.5	5.3
Net Density (Residential)	942	100.00%	150.9	6.2
Net Density (All)	942		560.4	1.7
Gross Density (w/ ROW)	942		741.8	1.3

Table 3: Housing Conditions - Historic North Topeka East

Housing Conditions (properties)		Total—752
Sound	422	56.19%
Intermediate Deficiencies	143	18.91%
Deteriorating	187	24.90%

Table 4: Home Ownership - Historic North Topeka East

Housing Ownership		Total—752
Owner-Occupied Units	353	46.94%
Renter-Occupied Units	365	48.54%
Vacant Units	34	4.52%

Table 5: Median Residential Property Values - Historic North Topeka East

Median Appraised Property Values (2013)

Single-Family	\$31,695
Multi-Family	\$332,870
Two-Family	\$47,195
Multi-Family (c)	\$33,149
Mobile Home Court	\$13,600
Mobile Home Site	\$2,970

Table 6: Quincy Elementary School

Category	State of Kansas			District 501			Quincy School		
	State 2003	State 2012	Change	District 2003	District 2012	Change	Quincy 2003	Quincy 2012	Change
Economically Disadvantaged Students	37.5%	48.8%	11.3%	58.8%	76.5%	17.7%	85.1%	93.8%	8.7%
Attendance	94.8%	95.2%	0.4%	92.3%	95.1%	2.8%	93.2%	95.2%	2.0%
ELL Students	5.1%	10.3%	5.2%	2.7%	8.2%	5.5%	22.0%	36.3%	14.3%
Reading-- % @ Prof and Above	65.7%	87.7%	22.0%	65.7%	70.1%	4.4%	50.0%	58.1%	8.1%
Math-- % @ Prof and Above	53.9%	86.1%	32.2%	53.9%	70.6%	16.7%	65.6%	68.6%	3.0%

Table 7: Population and Race - Historic North Topeka East

	2010	2000	% Change 2000-2010	1990	% Change 1990-2000
Population	1595	2028	-21%	2424	-16%
Gender					
Female	744	1026	-28%	1247	-18%
Male	851	1002	-15%	1177	-15%
Race					
White	1209	1802	-33%	2140	-16%
Black	97	52	87%	114	-54%
Other	116	79	46%	170	-53%
Hispanic Origin	337	146	131%	179	88%
Non-Hispanic Origin	1258	1882	-33%	2245	-44%
Employed	897	1370	-35%	576.73	138%
Unemployed	698	624	12%	1847	-66%

Table 8: Age - Historic North Topeka East

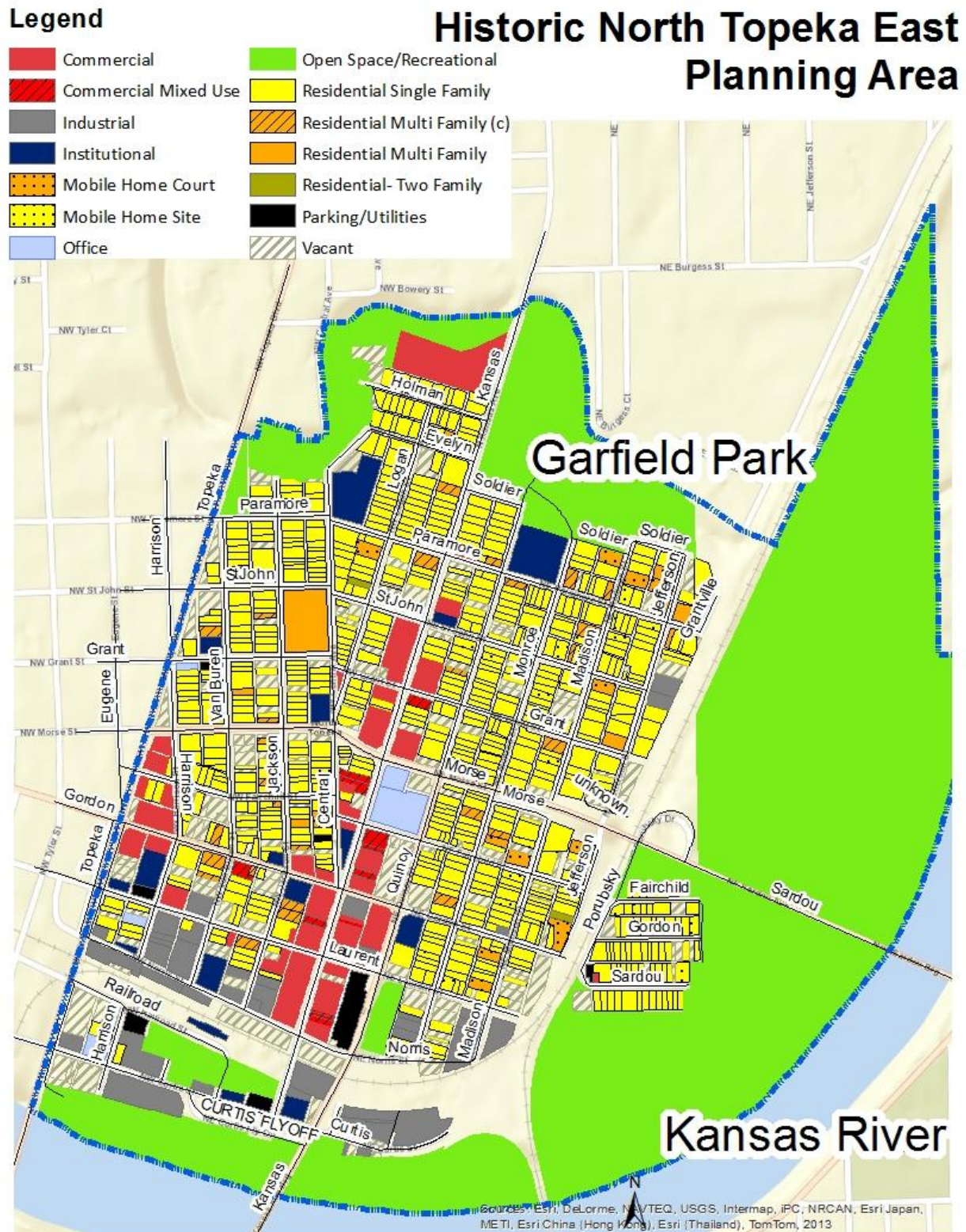
Age	2010	2000	% Change 2000-2010	1990	% Change 1990-2000
Under 5 years	60	147	-58.8%	217	-32.6%
5 to 9 years	86	133	-34.8%	177	-25.1%
10 to 14 years	133	99	34.1%	115	-13.6%
15 to 19 years	130	118	10.5%	161	-27.0%
20 to 24 years	134	142	-5.7%	163	-13.1%
25 to 34 years	176	274	-35.9%	347	-21.0%
35 to 44 years	129	342	-62.3%	327	4.5%
45 to 54 years	294	266	10.3%	245	8.6%
55 to 59 years	88	98	-9.8%	99	-0.6%
60 and Over	365	410	-11.0%	573	-28.3%
Total Persons	1595	2028		2424	

Table 9: Households - Historic North Topeka East

	2010	2000	%Change 2000-2010	1990	% Change 1990-2000
Households	646	868	-25.58%	971	-10.59%
Families	394	478	-17.56%	614	-22.09%
Female-Headed (no husband)	142	105	35.68%	191	-45.20%
w/child <18	202	51	294.87%	106	-51.88%
	2010	2000	%Change 2000-2010	1990	% Change 1990-2000
Topeka Avg. Household Median Income	\$40,342	\$35,928	12.29%	\$26,774	34.19%
HNTE Avg. Household Median Income	\$24,396	\$25,286	-4.51%	\$18,023	41.74%
HNTE's %MHI	60.5%	70.4%		67.3%	
Housing Units	900	972	-7.36%	1084	-10.33%

VIII. APPENDIX B: MAPS

Map 1: Land Use

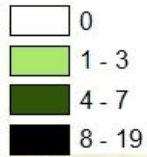


Map 5: Code Violations - Historic North Topeka East

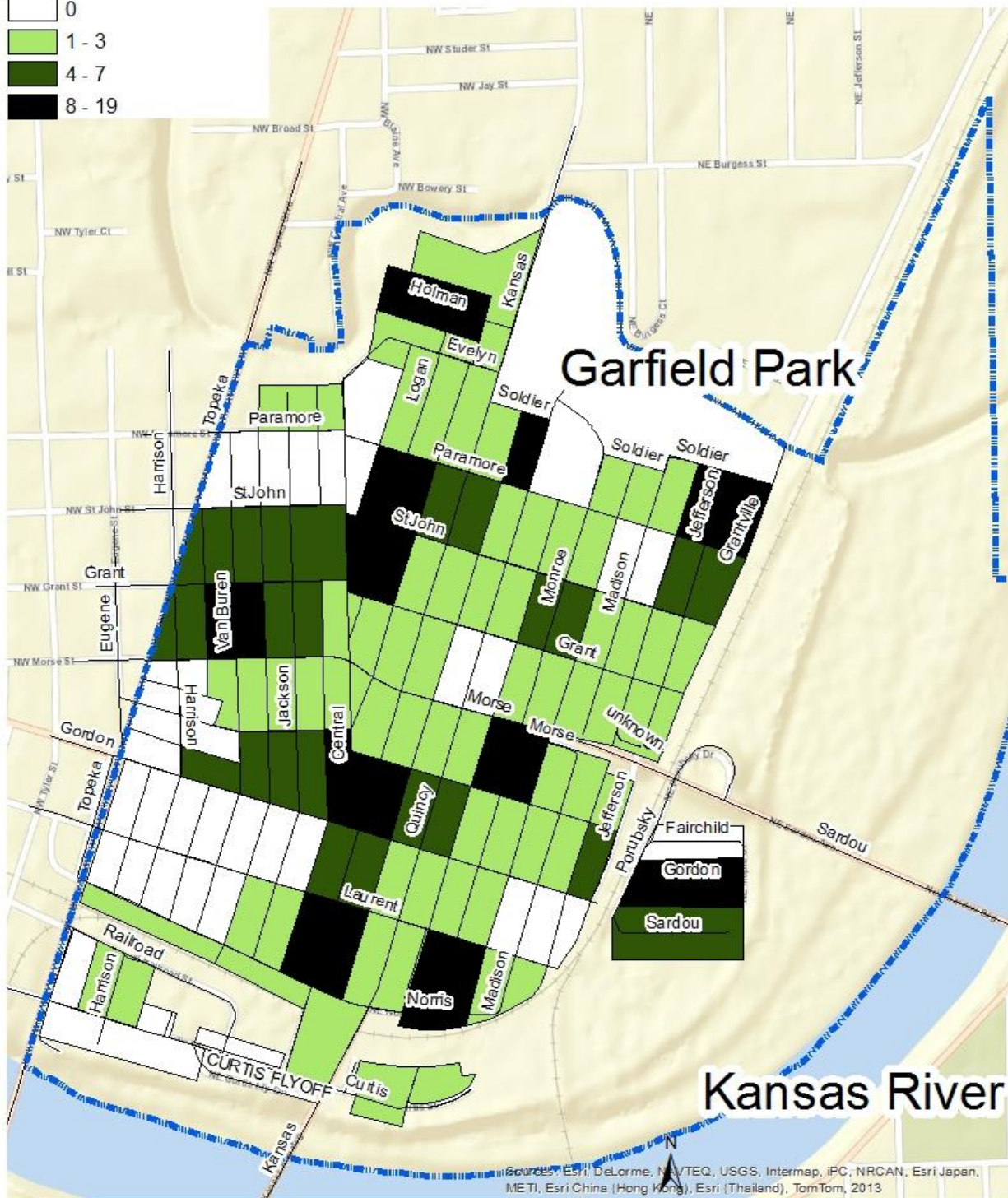
Legend

Code Violations

Number of Code Violations



Historic North Topeka East Planning Area

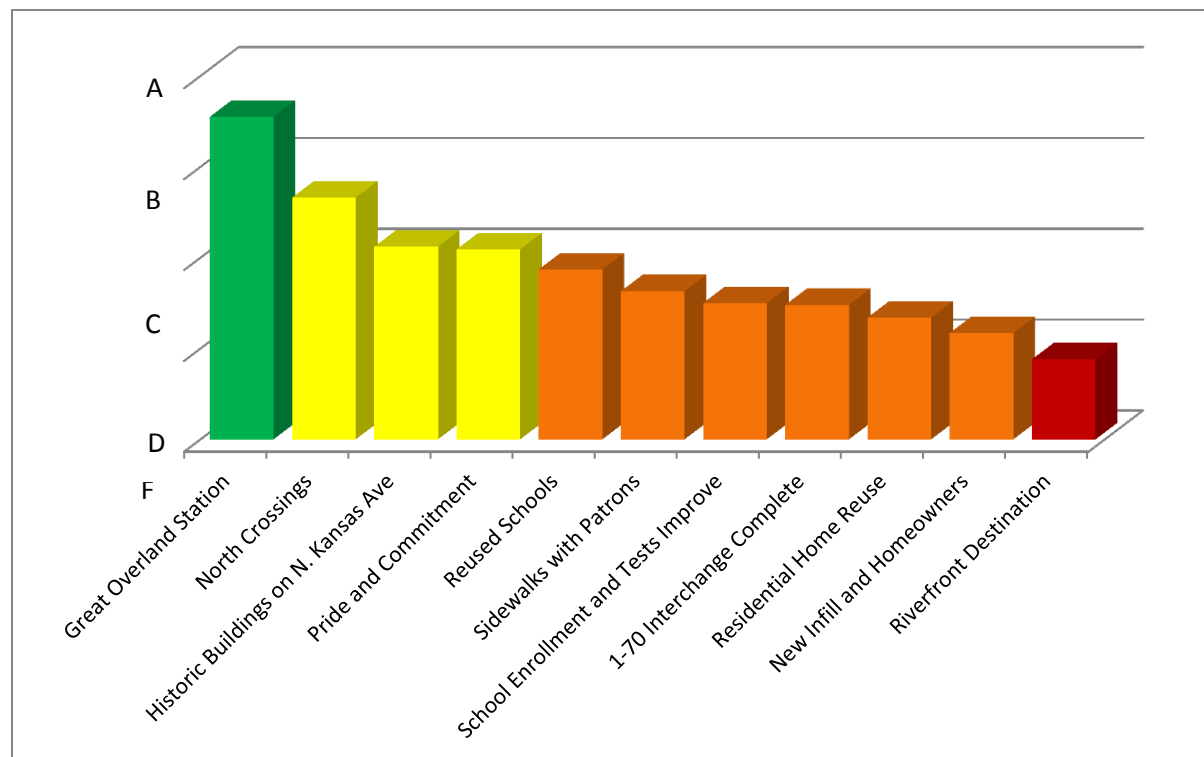


IX. APPENDIX C: MEETING SURVEY

At the Historic North Topeka East Kickoff Meeting, participants were asked to complete two surveys regarding the 1999 Historic North Topeka Revitalization Plan—one grading the Plan’s Vision Statement and one prioritizing the Plan’s Goals. We received 33 surveys and the results show a wide range of how different people view the same neighborhood.

The Vision Statement from the 1999 Plan was broken down into 11 statements and participants were asked to grade each statement on a scale from “A” to “F” or mark the statement as “Done!” A grade of an “A” was the highest grade and an “F” was a failing grade. The results were tallied and are shown on the next page. The Great Overland Station was the highest score and earned the only “B.” This may not seem like a high grade, but in comparison, there was only one “F” in the class as well—development of the Riverfront park area. This shows that in general, participants recognized some progress has been made in the other nine statements, as they were graded with “C’s” and “D’s.”

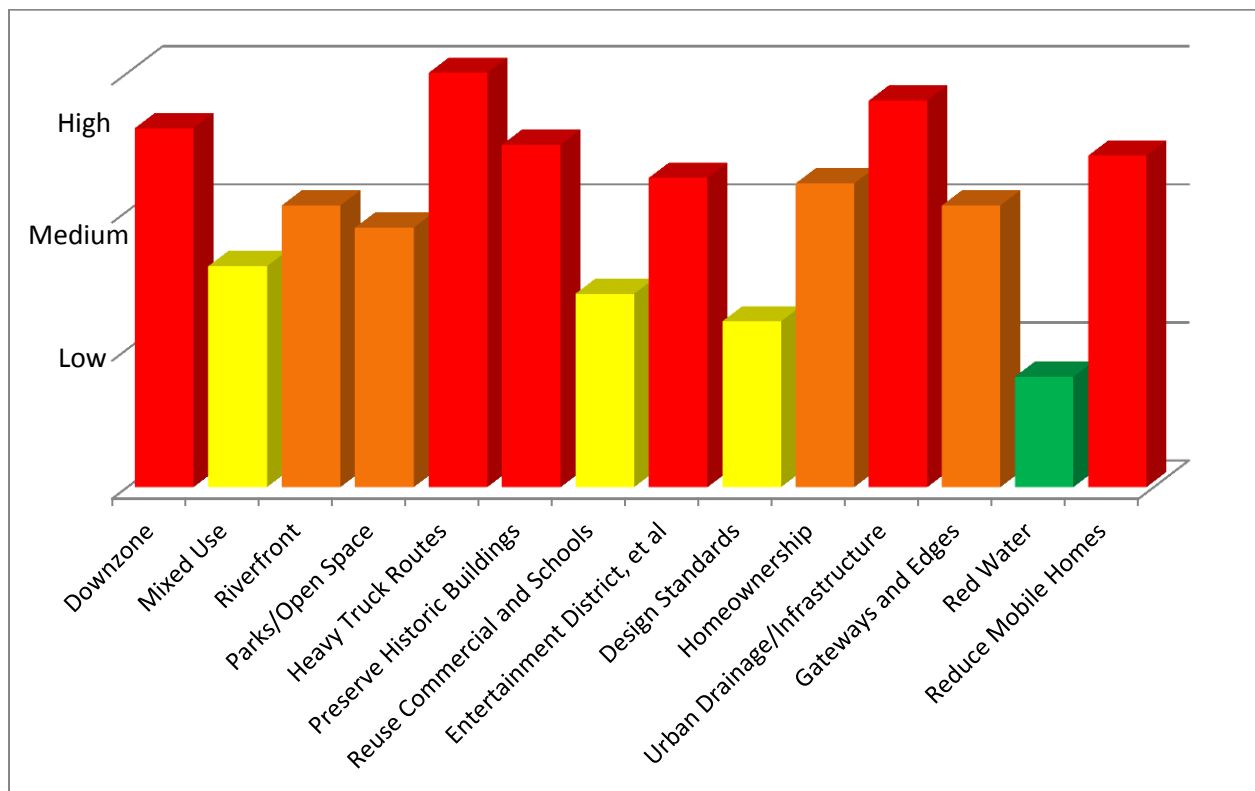
Grade	Statements
A	None
B	Great Overland Station
C	North Crossings; Historic Buildings on N. Kansas; Pride and Commitment
D	Reused Schools; Sidewalks with Patrons; School Enrollment and Tests; I-70 Interchange; Residential Home Reuse; New Infill and Homeowners
F	Riverfront



The “Recipe for Success” was based on the Goals and Objectives section of the 1999 Plan. Key themes or elements were pulled from this section and listed as the “Ingredients for Success.” Participants were then asked to rank these ingredients according to the Priority they felt should be given. Priority 1 was the highest priority level and Priority 3 was the lowest. There was also the option of marking the ingredient as “Already Done!”

Priority	Ingredients
Done!	Red Water
High	Heavy Truck Routes; Urban Drainage/Infrastructure; Downzone; Preserve Historic Buildings; Reduce Mobile Homes; Entertainment District, et al
Medium	Homeownership; Riverfront; Gateways and Edges; Parks/Open Space
Low	Mixed Use; Reuse Commercial and Schools; Design Standards

One interesting theme that came out of this activity regarded ingredients that have already been completed. Ingredients such as Heavy Truck Routes, Downzoning, and Mixed Use were implemented based on the 1999 Plan. However, the majority of participants did not rank these as “Done.” This could mean that they want to see continued progress in these areas or that they do not want to lose the gains made.



X. APPENDIX D: HOUSING & INFRASTRUCTURE SURVEYS

Criteria Used to Evaluate Housing Structural Defects

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

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

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

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

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

- Holes, open cracks, rotted or missing material in foundations, walls, roofing, porches, columns, etc.
- Sagging or leaning of any portion of house indicating insufficient load bearing capacity: foundation, walls, porches, chimneys.
- Defective conditions caused by storms, fires, floods or land settlements.
- Inadequate or poor quality material used in permanent construction.
- Inadequate conversion for use involved.
- Major deteriorated or dilapidated out building or garage.
- Evidence of a lack of, or inadequate indoor plumbing such as no roof vents.

<u>Category</u>	<u>Definition</u>
<u>Buildings/Properties</u>	
<i>Minor Deficiencies (Sound)</i>	No major defects and no more than 1 intermediate defect and less than 4 minor defects. (3 points)
<i>Intermediate Deficiencies</i>	No major defects with 2 or more intermediate defects; no major defects with 1 intermediate defect and 4 or more minor defects. (2 points)
<i>Major Deficiencies</i>	1 to 4 (5+ is dilapidated) major defects in combination with intermediate or minor defects. (1 point)
<u>Blocks</u>	
<i>Sound</i>	Average 3.0 – 2.5 points per block
<i>Minor Deterioration</i>	Average 2.49 – 2.0 points per block
<i>Intermediate Deterioration</i>	Average 1.99 – 1.5 points per block
<i>Significant Deterioration</i>	Average less than 1.5 points per block

Infrastructure Rating System

Criteria used for Evaluation:

Sidewalks:

- 3= No defects in sidewalk
- 2= Minor defects- partially overgrown with weeds and grass or broken, cracked (< 25% disrepair/substandard)
- 1= Intermediate defects- Completely missing segments within that block area, broken and cracked segments, completely overgrown with weeds and grass (> 25% disrepair)
- 0= Major defects- No sidewalks

Curbs and Gutters

- 3= No defects in curbs and gutters
- 2= Minor defects- Covered up by weeds (< 25 % disrepair/substandard); not draining (standing debris)
- 1= Intermediate defects- Broken, cracked, missing segments of curbing (> 25 % disrepair)
- 0= Major defects- None existent; drainage ditches

Streets:

- 3= No defects- concrete or asphalt, even, draining
- 2= Minor defects- uneven concrete/asphalt and/or significant pot holes, cracks, broken pavement (<25% disrepair/substandard)
- 1= Intermediate defects- uneven concrete/asphalt and/or significant pot holes, cracks, broken pavement (> 25% disrepair/substandard)
- 0= Major- gravel or dirt; road incomplete or dead-ends; street one-lane and does not allow cars to pass; or any combination of these.

Alleys:

- 3= No defects- gravel or concrete/asphalt, even, draining
- 2= Minor defects- gravel and uneven concrete; alleys not platted (i.e. less cost to improve)
- 1= Intermediate- dirt and even; draining
- 0= Major- Dirt and uneven; or not draining; platted alleys, but never built

Block Averages

- No defects- 2.25 - 3
- Minor repairs/maintenance issues- 1.5 – 2.25
- Intermediate repairs- 0.75 – 1.5
- Major repairs/total construction or replacement- < 0.75



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		PAGE #:

DOCUMENT DESCRIPTION:

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STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

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		PAGE #:

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BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available