



City Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
<https://www.topeka.org>

Governing Body Agenda

October 9, 2018
6:00 PM

Mayor: Michelle De La Isla

Councilmembers

Karen A. Hiller	District No. 1	Brendan Jensen	District No. 6
Sandra Clear	District No. 2	Aaron Mays	District No. 7
Sylvia E. Ortiz	District No. 3	Jeff Coen	District No. 8
Tony Emerson	District No. 4	Michael Lesser	District No. 9
Mike Padilla	District No. 5		

City Manager: Brent Trout

Addressing the Governing Body: No person shall address the Governing Body during a Governing Body Meeting, unless they have notified the City Clerk at (785)368-3940 or by email at cclerk@topeka.org by 5:00 P.M. on the day of any Governing Body Meeting or sign up to speak at the meeting by 6:00 P.M. This limitation shall not apply to items added during the course of a meeting. The Governing Body 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 Governing Body.

Persons addressing the Governing Body will be limited to four (4) consecutive minutes on a particular agenda item. Debate, question/answer dialogue or discussion between Governing Body members will not be counted towards the four (4) minute time limitation. The Chair may extend time with the unanimous consent of the Governing Body or by an affirmative vote of five (5) Governing Body members may extend the four (4) minute limitation. The requirement to notify the City Clerk will not apply towards public hearings required by State and Federal law.

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

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

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

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

1. PRESENTATIONS:

**"Shawnee County Health Status Update"
"Fix Your Streets Webpage"**

2. ROLL CALL:

3. CONSENT AGENDA:

A. Denial of Tort Claim Appeal - Marsha Chaney

DENIAL of a Tort Claim Appeal submitted by Marsha Chaney in the amount of \$1,626.72 for alleged damages to a vehicle from hitting a pothole.

B. MINUTES of the regular meeting of October 2, 2018

C. APPLICATIONS:

4. ACTION ITEMS:

A. Approval - 2019 Special Alcohol Grant Recommendations

APPROVAL of funding recommendations by the Alcohol and Drug Abuse Advisory Council in the amount of \$570,000 for the 2019 Special Alcohol Fund.

Voting Requirement: Majority vote of the Governing Body (6).

(The recommended amount is based on the projected Liquor Tax collected by the State and required to be allocated to alcohol and drug programs.)

B. Resolution - Neighborhood Revitalization Program (2019-2021)

RESOLUTION introduced by City Manager Brent Trout, establishing a date for a public hearing concerning the adoption of a plan pursuant to the Neighborhood Revitalization Act K.S.A. 12-17, 114 et seq.

Voting Requirement: Majority vote of the Governing Body (6).

(Approval would set the public hearing date of October 23, 2018, to consider renewal of the City's Neighborhood Revitalization Plan for years 2019-2021.)

C. Resolution - Initiation of Eminent Domain Proceedings - Soldier Creek Booster Pump Station

RESOLUTION introduced by City Manager Brent Trout authorizing initiation of condemnation proceedings to acquire fee title and a permanent easement for construction of the Soldier Creek Booster Pump Station Project No. T-281091.00

Voting Requirement: Majority vote of the Governing Body (6).

(Approval will authorize the Engineering Department to determine which properties are necessary to acquire for the project).

5. NON-ACTION ITEMS:

A. Discussion - Visual Code Update

DISCUSSION of proposed amendments to the Topeka Zoning Regulations, Title 18 of the Municipal Code regarding changes to non-residential design standards and landscaping and screening standards for new non-residential construction.

(Discuss updated building design and landscaping standards for new non-residential construction.)

B. Update - 2019 Neighborhood Empowerment Grants Update

UPDATE on the 2019 Neighborhood Empowerment Grants.

C. Update - 2019 SORT Target Area

UPDATE on the 2019 - 2021 Stages of Resource Target Area for future federal and city funding.

6. ANNOUNCEMENTS:

7. PUBLIC COMMENT:

8. EXECUTIVE SESSION:

9. ADJOURNMENT:



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DATE:	October 9, 2018	DOCUMENT #:
CONTACT PERSON:		PROJECT #:
SECOND PARTY/SUBJECT:		
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

"Shawnee County Health Status Update"
"Fix Your Streets Webpage"

VOTING REQUIREMENTS:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:



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October 9, 2018

DATE:	October 9, 2018	
CONTACT PERSON:	Nick Jefferson	DOCUMENT #:
SECOND PARTY/SUBJECT:	Marsha Chaney	PROJECT #:
CATEGORY/SUBCATEGORY	011 Lawsuits / 001 State Court	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

DENIAL of a Tort Claim Appeal submitted by Marsha Chaney in the amount of \$1,626.72 for alleged damages to a vehicle from hitting a pothole.

VOTING REQUIREMENTS:

Majority vote of the Governing Body (6).

POLICY ISSUE:

Legal liability for a street defect requires prior notice and failure to repair within a reasonable time of such notice. City had no prior notice of the pothole prior to the incident.

STAFF RECOMMENDATION:

Staff recommends denial of the appeal.

BACKGROUND:

Marsha Chaney appeals the denial of her tort claim for \$1,626.72, for damage related to hitting a pothole near 16th and Buchanan in January, 2018. Records indicate that City crews first became aware of the pothole in that location on March 1, 2018 and finished repairing it that day. The City had no knowledge of the pothole prior to the filing of the claim.

BUDGETARY IMPACT:

\$1,626.72 if approved.

SOURCE OF FUNDING:

Special Liability Fund



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DATE:	October 9, 2018	
CONTACT PERSON:	Sasha Haehn/Nick Hawkins	DOCUMENT #:
SECOND PARTY/SUBJECT:	Special Alcohol Grant Fund	PROJECT #:
CATEGORY/SUBCATEGORY	006 Communication / 005 Other	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

APPROVAL of funding recommendations by the Alcohol and Drug Abuse Advisory Council in the amount of \$570,000 for the 2019 Special Alcohol Fund.

Voting Requirement: Majority vote of the Governing Body (6).

(The recommended amount is based on the projected Liquor Tax collected by the State and required to be allocated to alcohol and drug programs.)

VOTING REQUIREMENTS:

Majority vote of the governing body (6).

POLICY ISSUE:

Whether to approve the recommendations of the Alcohol & Drug Abuse Advisory Council.

STAFF RECOMMENDATION:

Staff recommends the Governing Body approve the 2019 Special Alcohol Fund grant recommendations as provided by the Alcohol and Drug Abuse Advisory Council. The Governing Body previously discussed the item at the October 2, 2018 meeting and heard a presentation from the committee.

BACKGROUND:

The City receives the liquor tax collected by the State of Kansas. State statute requires that one-third of the proceeds be deposited in the City's special alcohol and drug program fund. Those funds can be used only for "the purchase, establishment, maintenance or expansion of services or programs whose principal purpose is alcoholism and drug abuse prevention and education, alcohol and drug detoxification, intervention in alcohol and

drug abuse or treatment of persons who are alcoholics or drug abusers or are in danger of becoming alcoholics or drug abusers."

The review team is recommending the following amounts for 2019:

- Boys & Girls Club (Smart Moves Logan Center) \$8,500
- Boys & Girls Club (Smart Moves Teen Center) \$10,000
- PARS (Prevention Programs) \$171,438
- PARS (Evaluation & Intervention) \$55,243
- Valeo (Social Detox Program) \$282,437
- Third Judicial District (Drug Court Program) \$30,000
- Kansas Children Service League (Successful Connections Drug Endangered Child Program) \$12,382

BUDGETARY IMPACT:

\$570,000 will be expended from the Special Alcohol Program Fund in 2019.

SOURCE OF FUNDING:

Liquor Tax collected by the State and allocated to the City for the purpose of awarding grants to alcohol and drug programs.

ATTACHMENTS:

Description

2019 Special Alcohol Grant Recommendations

**Topeka-Shawnee County Alcohol-Drug Abuse Advisory Council's
2019 Recommendations for
2019 City of Topeka Special Alcohol and Drug Program Grant Requests
Total funds projected: \$570,000**

The Topeka-Shawnee County Alcohol-Drug Abuse Advisory Council recommends the following programs for funding from 2019 City of Topeka Special Alcohol-Drug (liquor-by-the-drink) Program tax funds as authorized in State of Kansas Statute-K.S.A. Chapter 79, Article 41a and K.A.R. Agency 92, Article 42:

"Moneys in the special alcohol and drug programs fund shall be expended only for the purchase, establishment, maintenance or expansion of services or programs whose principle purpose is alcoholism and drug abuse or treatment of persons who are alcoholics or drug abusers or are in danger of becoming alcoholics or drug abusers. In any county in which there has been organized an alcohol and drug advisory committee, the board of county commissioners shall request and obtain, prior to making an expenditures from the special alcohol and drug programs fund, the recommendations of the advisory committee concerning such expenditure."

City of Topeka 2019 Recommendations

The following programs meet the "principal purpose" criteria for funding as stated and also use the Institute of Medicine's core strategies and/or programs and strategies that are represented in the National Registry of Evidence-Based Programs.

Agency	Program	2017 Funded	2018 Funded	2019 Requested	ADAAC Recommendations
Boys & Girls Club	Smart Moves Logan Center	0	5,720	8,500	8,500
Boys & Girls Club	Smart Moves Teen Center	7,798	8,800	10,000	10,000
Ks Big Brother Big Sisters	Community-Based and Site-Based Mentoring	0	0	16,800	0
Mirror Inc.	Outpatient Peer Mentoring	0	0	53,270	0
PARS	Prevention Programs	190,000	171,000	180,000	\$171,438
PARS	Evaluation & Intervention	57,000	51,300	58,000	\$55,243
Third Judicial	Drug Court	28,600	27,450	30,000	\$30,000
KCSL	Drug Endangered Child	14,165	12,300	13,000	\$12,382
Valeo	Social Detox	282,437	258,430	282,437	\$282,437
TOTAL		580,000	535,000	652,007	\$570,000

Program Name: Smart Moves at Boys & Girls Clubs of Topeka's, Logan Unit

The SMART (Skills Mastery and Resistance Training) Moves program is a nationally acclaimed prevention program originally developed in the 1980s with the help of prevention specialists and Boys & Girls Clubs around the country. Newly revised in 2011, the program incorporates the latest information and approaches that Boys & Girls Clubs of America has learned about effective prevention. Participants will be exposed to various activities designed to hone their decision-making and critical-thinking skills, as well as learn how to avoid and/or resist alcohol, tobacco, and other drugs.

Agency	Program	2017 Funded	2018 Funded	2019 Request	ADAAC Recommendation
Boys & Girls Club	Smart Moves at Logan Center	Did not apply	5,720	\$8,500	\$8,500

Program Name: Smart Moves at Boys & Girls Clubs of Topeka's, Teen Center

The SMART (Skills Mastery and Resistance Training) Moves program is a nationally acclaimed prevention program originally developed in the 1980s with the help of prevention specialists and Boys & Girls Clubs around the country. Newly revised in 2011, the program incorporates the latest information and approaches that Boys & Girls Clubs of America has learned about effective prevention. Participants will be exposed to various activities designed to hone their decision-making and critical-thinking skills, as well as learn how to avoid and/or resist alcohol, tobacco, and other drugs.

Agency	Program	2017 Funded	2018 Funded	2019 Request	ADAAC Recommendation
Boys & Girls Club	Smart Moves at Teen Center	\$7,798	\$8,800	\$10,000	\$10,000

Program Name: Kansas Big Brothers Big Sisters serving Shawnee County -Community-Based and Site-Based Mentoring

This program is designed to continue and increase prevention services to youth who are in the highest risk of alcohol and drug abuse, among other trajectories. KSBBBS offers two one-to-one mentoring options within our Secondary and Tertiary programs: Community-Based and Site-Based. Both match options are structured around best practices in mentoring to ensure successful, long term relationships between volunteers and youth and provide flexibility to ensure the needs of each youth are met.

Agency	Program	2017 Funded	2018 Funded	2019 Request	ADAAC Recommendation
KS Big Brothers-Big Sisters	Community and Site Based Mentoring	\$0	\$0	\$16,800	\$0

Program Name: Mirror Topeka Outpatient Peer Mentor Program

The Peer Mentor program is designed to provide assistance to participants in outpatient substance abuse treatment with a variety of early recovery goals and tasks not specifically related to clinical groups or clinical individual counselling sessions. The peer mentors will assist the program staff by working with participants to develop a wide variety of sober living skills that could include but are not limited to: Connecting to the recovery community via community support groups, sponsors, living skills, transportation to clinical groups or community based meetings, establishing quality relationships with person in recovery and new peer groups that are centered around building a drug and alcohol free quality of life.

Agency	Program	2017 Funded	2018 Funded	2019 Requested	ADAAC Recommendations
Mirror Inc.	Outpatient Peer Mentor Program	0	0	53,270	0

Program Name: Prevention and Recovery Services (PARS) Community Prevention Program

The Community Prevention Program at PARS is comprised of a variety of components designed to work together to decrease substance abuse amongst area youth. Services are provided to youth, families and the community at-large using a multi-faceted approach. PARS uses the Institute of Medicine's Behavioral Health Continuum of Care model as a basis for overall program operations, a portion of which is funded by this application. A combination of strategies will contribute to population-level results, yielding a large impact on Topeka/Shawnee County.

Agency	Program	2017 Funded	2018 Funded	2019 Request	ADAAC Recommendation
PARS	Community Prevention Program	\$190,000	\$171,000	\$180,000	\$171,438

Program Name: Prevention and Recovery Services (PARS) Substance Abuse Evaluation & Intervention Program

The Substance Abuse Evaluation & Intervention program complements an array of services offered by PARS that are designed to work together to decrease substance abuse among area youth. Services are provided to youth, families and the community at-large using a multi-faceted approach. PARS provides substance abuse evaluations in English and Spanish for youth and adults. PARS uses the Institute of Medicine's (IOM) Behavioral Health Continuum of Care model as a basis for overall program operations. Most youth who access this service are referred as a result of a violation of school policy concerning alcohol and/or drugs on campus. PARS has a long-standing partnership with all public Shawnee County Schools and a few private schools to provide evaluations free of charge.

Agency	Program	2017 Funded	2018 Funded	2019 Request	ADAAC Recommendation
PARS	Evaluation & Intervention	\$57,000	\$51,300	\$58,000	\$55,243

Program Name: 3rd Judicial District's Drug Court

The Drug Court Program is a "Specialty Court" program that combines problem-solving court sessions, community supervision and treatment into a public health approach towards helping substance-using offenders. Goals: 1) Improve the efficiency of the criminal justice system. 2) Reduce substance abuse and negative effects of co-occurring disorders. 3) Increase law-abiding behavior and reduce recidivism. 4) Promote effective use of community resources and increase pro-social involvement.

Agency	Program	2017 Funded	2018 Funded	2019 Request	ADAAC Recommendation
3 rd Judicial District	Drug Court	\$28,600	\$27,450	\$30,000	\$30,000

Program Name: Kansas Children's Service League's Drug Endangered Children (DEC) Case Management

This program is based on evidence regarding the importance of home visitation and strengths based work with people using substances. KCSL's DEC program includes early identification of substance using parents and intensive (weekly) support to families facing multiple challenges with the goals to: 1) prevent child maltreatment; 2) engage the parent into substance abuse assessment and treatment services; 3) provide recovery support; and 4) increase positive parenting skills and parent-child interactions.

Agency	Program	2017 Funded	2018 Funded	2019 Request	ADAAC Recommendation
Ks Children's Service League	Drug Endangered Child	\$14,165	\$12,300	\$13,000	\$12,382

Program Name: VALEO Recovery Center (VRC) Social Detoxification Program

Social Detox is a safe, non-medical, therapeutic environment for acute withdrawal from substance use. The goals of Social Detox are: 1) to provide timely access for persons in need of Social Detox services; 2) to facilitate successful completion of the detoxification process, which includes reduction of symptoms associated with withdrawal from substance use and completion of a clinical assessment of treatment needs, and 3) to transfer clients to appropriate treatment modalities based on the assessment determination of need for care. The length of stay in Social Detox ranges from 24 hours to six days. Social Detox is a service that is provided 24 hours a day, 7 days a week, including weekends and holidays.

Agency	Program	2017 Funded	2018 Funded	2019 Request	ADAAC Recommendation
VALEO	Social Detox	\$282,437	\$258,430	\$282,437	\$282,437



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October 9, 2018

DATE:	October 9, 2018	
CONTACT PERSON:	Bill Fiander	DOCUMENT #:
SECOND PARTY/SUBJECT:	Neighborhood Revitalization Program (2019-21)	PROJECT #:
CATEGORY/SUBCATEGORY	020 Resolutions / 005 Miscellaneous	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

RESOLUTION introduced by City Manager Brent Trout, establishing a date for a public hearing concerning the adoption of a plan pursuant to the Neighborhood Revitalization Act K.S.A. 12-17, 114 et seq.

Voting Requirement: Majority vote of the Governing Body (6).

(Approval would set the public hearing date of October 23, 2018, to consider renewal of the City's Neighborhood Revitalization Plan for years 2019-2021.)

VOTING REQUIREMENTS:

Majority vote of the Governing Body (6).

POLICY ISSUE:

The current Neighborhood Revitalization Plan (NRP) is set to expire on December 31, 2018. The NRP boundary is based on the recently updated 2017 Neighborhood Health Map. Future NRP renewals should occur every three years in sync with the update of the Health Map.

Other taxing entities that participate in the NRP through an interlocal agreement include Unified School Districts Nos. 345, 450, 437 and 501; the Board of County Commissioners of Shawnee County; Topeka Metro Transit Authority; Metro Topeka Airport Authority; Topeka and Shawnee County Library and Washburn University.

Each of the taxing entities will also have to approve the renewal of the current NRP program and sign a revised interlocal agreement.

Approval of the resolution sets October 23, 2018, as the public hearing to consider the renewal of the NRP to

December 31, 2021.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the resolution.

BACKGROUND:

Topeka's Neighborhood Revitalization Plan began in 1994. The State of Kansas authorized the program through the Neighborhood Revitalization Act. Topeka was the first city in Kansas to adopt a local plan.

All taxing entities participate with an interlocal agreement. Staff met with all potential participation tax entities this summer including: Unified School Districts Nos. 345, 437, 450, and 501; the Board of County Commissioners of Shawnee County; Topeka Metro Transit Authority; Metro Topeka Airport Authority; Topeka and Shawnee County Library and Washburn University. There have been 7 plan renewals (every 3-5 years). The current plan expires on December 31, 2018.

The current program (2013-18) rebates 95% of the new property taxes for the first 1-5 years and 50% for years 6-10. Intensive Care and Historic properties are eligible for a 95% rebate for 10 years. Applicants have 60 days to apply and up to 1 year to show prior intent if they miss the 60 day deadline. The current boundary contains 11.76 square miles (19% of city) . The proposed boundary (2019-21) contains 14.31 sq. miles (23% of the city).

The proposed program expands the boundary to align with the 2017 Health Map's Intensive Care and At Risk areas, provides the 95% rebate for all new single and multiple family housing, removes owner-occupancy requirement for new single family dwelling construction, and extends the rebate to those properties outside the City with frontage on Topeka Blvd lying between 37th and 45th as an attempt to tie together the Intensive Care Hi-Crest Neighborhood to the At risk neighborhood south of 45th.

Program Highlights:

- There has been approximately \$425,000,000 of private investment (1995-2018).
- Total rebates paid is approximately \$43 million (1996-2016).
- Approximately \$133 million has been invested Downtown (1995-2018).
- Approximately \$19,367,573 of new tax generated (2006-2016)
- For every dollar rebated by the program, \$10 are invested.

BUDGETARY IMPACT:

None (setting the public hearing only)

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Resolution

NRP Plan

NRP Summary

NRP Stats

Other Cities - Benchmark Information

(Published in the Topeka Metro News _____)

RESOLUTION NO. _____

A RESOLUTION introduced by City Manager Brent Trout establishing a date for a public hearing concerning the adoption of a Neighborhood Revitalization Plan pursuant to K.S.A. 12-17,114 *et seq.*

WHEREAS, the City of Topeka, Kansas, may pursuant to K.S.A. 12-17,114 *et seq.* adopt a plan to assist in the rehabilitation, conservation or redevelopment of any area within the City of Topeka which meets the conditions provided in said law; and

WHEREAS, the City of Topeka is desirous of exercising the authority provided in K.S.A. 12-17,114 *et seq.* in order to rehabilitate, conserve or redevelop certain designated areas in the City of Topeka; and

WHEREAS, the current Neighborhood Revitalization Plan (NR Plan) expires on December 31, 2018; and

WHEREAS, K.S.A. 12-17,117(c) requires that the Governing Body hold a public hearing before adopting an NR Plan.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body, that the following notice is hereby given:

NOTICE

The Governing Body will consider the adoption of a Neighborhood Revitalization Plan, pursuant to K.S.A. 12-17,114 *et seq.*, at a public hearing at 6:00 p.m. on October 23, 2018 in the City Council Chambers, 214 E 8th Street, Topeka, Kansas.

The proposed Neighborhood Revitalization Plan and a description of the boundaries of the proposed Neighborhood Revitalization Area are available for inspection

during the hours of 8:00 a.m. to 5:00 p.m. in the office of City Clerk, 215 E 7th Street, Room 166, Topeka, Kansas. The Plan is also accessible at:

<https://www.topeka.org/planning/neighborhood-revitalization-plan/neighborhood-revitalization-plan-2019-2021/>

At the conclusion of the hearing, the Governing Body will consider findings necessary for the adoption of the proposed Neighborhood Revitalization Plan and the establishment of the proposed Neighborhood Revitalization Area, all as provided for in K.S.A. 12-17,114 *et seq.*

BE IT RESOLVED that the City Clerk shall cause a copy of this Resolution to be mailed to the following taxing entities within Shawnee County, Kansas:

Unified School Districts Nos. 345 (Seaman), 437 (Auburn-Washburn) 450 (Shawnee Heights), and 501 (Topeka); the Board of County Commissioners of Shawnee County; Topeka Metro Transit Authority; Metro Topeka Airport Authority; Topeka & Shawnee County Library and Washburn University.

BE IT FURTHER RESOLVED that the City Clerk shall cause this Resolution to be published in the official City newspaper at least once a week for two (2) consecutive weeks prior to the hearing.

ADOPTED and APPROVED by the Governing Body

_____.

CITY OF TOPEKA, KANSAS

Michelle De La Isla, Mayor

ATTEST:

Brenda Younger, City Clerk



2019-2021

City of Topeka, Kansas

Effective January 1, 2019
ADOPTED BY THE CITY OF TOPEKA GIVERNING BODY:

October 23, 2018

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Introduction

This Plan is intended to promote the revitalization of the inner urban area hereinafter described as the Neighborhood Revitalization Area (NRA) of the City of Topeka through the rehabilitation, conservation and redevelopment of the area in order to protect the public health, safety welfare of the residents of the City. More specifically, in accordance with KSA 12-17, 118 (d), a tax rebate incentive will be available to property owners for certain improvements that raise the appraised value of residential property 10% and commercial property 20%.

In accordance with KSA 12-17, 114 et. seq., the Governing Body has held a public hearing and considered the existing conditions and alternatives with respect to the described area, the criteria and standards for a tax rebate and the necessity for interlocal cooperation among the other taxing units (City of Topeka, Shawnee County, USD 501 (Topeka), USD 345 (Seaman), USD 450 (Shawnee Heights), USD 437 (Auburn-Washburn Rural), Washburn University, Topeka-Shawnee County Public Library, Topeka Metropolitan Transit Authority (TMTA), Metropolitan Topeka Airport Authority (MTAA). Accordingly, the Governing Body has reviewed, evaluated, and found that the described area meets one or more of the conditions contained in KSA 12-17,115 (c).

1. An area in which there is a predominance of buildings or improvements which by reason of dilapidation, deterioration, obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, the existence of conditions which endanger life or property by fire and other causes or a combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime and which is detrimental to the public health, safety or welfare;
2. An area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, defective or inadequate streets, incompatible land use relationships, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the actual value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or a combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is detrimental to the public health, safety or welfare in its present condition and use; or

3. An area in which there is a predominance of buildings or improvements which by reason of age, history, architecture or significance should be preserved or restored to productive use.

Furthermore, the Governing Body may declare a building outside of a NRA to be a “dilapidated structure” if the structure satisfies the following definition KSA 12-17,115(a): “Dilapidated structure” means a residence or other building which is in deteriorating condition by reason of obsolescence, inadequate provision of ventilation, light, air or structural integrity or is otherwise in a condition detrimental to the health, safety or welfare of its inhabitants or a residence or other building which is in deteriorating condition and because of age, architecture, history or significance is worthy of preservation.

The boundary of the proposed NRA is intended to reflect the City’s most investment-challenged and deteriorated areas as determined by the City’s Neighborhood Health Map. The NRA includes all designated “Intensive Care” and “At Risk” Census block groups based on the most recent update of the health map in 2017. These areas are deemed to qualify under all of the above criteria (KSA 12-17, 115 (c)).

In addition, some parts of the proposed NRA are outside At Risk/Intensive Care designations. Those areas are included because they either: 1) have been historically “At Risk” since 2000, 2) are part of infill subdivisions or redevelopment areas that were dependent upon and approved under the City’s past Neighborhood Revitalization Plans, 3) are part of minor boundary rounding to make the NRA as contiguous and orderly as possible, or 4) otherwise would qualify under the above criteria (KSA 12-17, 115 (c)). Taken as a whole, the proposed NRA meets legislative and statutory intent of KSA 12-17, 115 (c).

Any boundary expansions should be consistent with the above criteria and the State’s Attorney General’s opinion issued in 1996 which determined that the intent of the legislation was aimed at neighborhood stabilization and preventing deterioration in the central section of the city or more specifically, neighborhoods. The opinion concludes that the governing body must make a finding that the area meets one of the conditions listed in KSA 12-17, 115 (c), that rehabilitation of the

area is necessary to protect the welfare of the municipalities' residents, and that the area should not include the entire municipality.

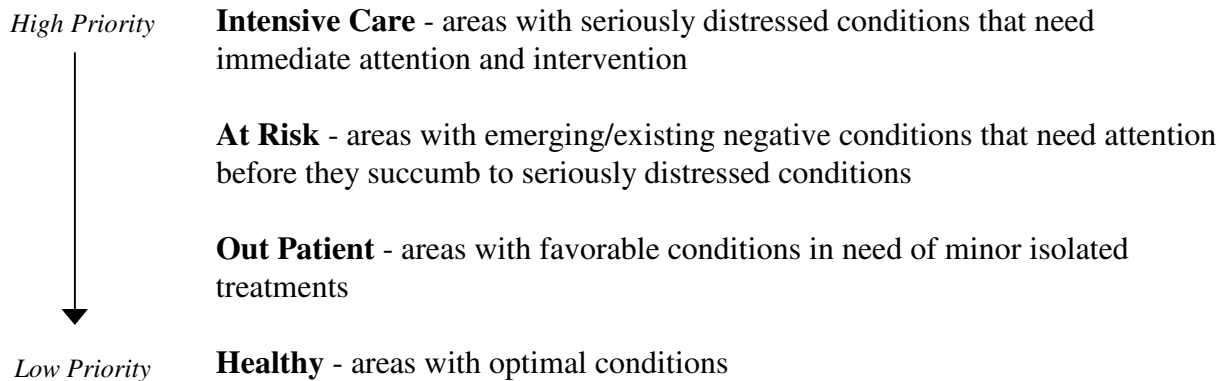
As a matter of policy, the City of Topeka's NRA is also proposed to be limited in scope to the above areas in order to promote a streamlined and administrative "but for" policy. The inherent presumption of this Plan is that necessary private investments would not occur in these areas "but for" the incentives offered under the Plan. Incentives are approved administratively by City of Topeka staff upon application by the property owner without further proof of need for the incentives. In order to enforce this assumption, the Plan puts forth thresholds for application deadlines to ensure the applicant knew about the program prior to construction and that the investment must create an impactful value increase.

Therefore, this Plan finds the proposed areas are most legally justifiable under State law and provides for a streamlined "but for" test to revitalize the City's most deteriorated sections.

PART 1

DESCRIPTION OF NEIGHBORHOOD REVITALIZATION AREA

The Neighborhood Revitalization Area (Map #1) in general follows the boundaries of *Intensive Care* and *At Risk* neighborhoods as identified in the City of Topeka Neighborhood Health Map. This map most recently updated in 2017, establishes four (4) health classifications for neighborhoods (intensive care, at risk, out patient, and healthy) to determine priorities for re-investment and planning assistance. They are described below in order of priority:



The four health classifications were based on five (5) vital signs that measured the relative health of all neighborhood areas in Topeka. This neighborhood health assessment was used to develop a “triage” approach to revitalization. Those areas that had more “life-threatening” or urgent needs as measured by the vital signs should receive higher priority for treatment over those areas with less urgent needs. These higher priority areas (*intensive care/at risk*) are the focus for neighborhood planning efforts and public re-investment. A summary of the vital signs include:

Poverty (2012-2016 American Community Survey 5-Year Estimates, U.S Census) - High concentrations of poverty are one of the most reliable indicators of performance in school, crime rates, family fragmentation, job readiness, housing conditions, etc.

Public Safety (January 2015 – December 2016, Topeka Police Dept.) – Public Safety, as measured by number of Part 1 crimes reported for the last two full years, is a symptom

indicating the local environmental conditions conducive to crime and how well a neighborhood is organized to prevent crime from occurring.

Residential Property Values (June 2017, Shawnee County Appraisers Office) – Property values are in part a reflection of the quality of housing supply and the image of a neighborhood. The median value of a house purchased in Shawnee County was \$122,000 in 2018 (Topeka Association of Realtors).

Single Family Housing Tenure (June 2017 Shawnee County Appraisers Office)

The percentage of homeowners residing in a neighborhood can be an indication of the willingness (or confidence) to invest in the area. The most relevant measure of this is how many single-family dwellings are owner-occupied since these homes were primarily built for individual ownership.

Secured Houses & Unsafe Structures (2017 City of Topeka Code Enforcement Unit) - A secured house is one of the most evident physical displays that will undermine confidence in an area for investment and precipitates a downward spiral for the block and/or neighborhood.

Vital Sign Ranges (2017)

Neighborhood Health Composite (avg. score)	% of Persons Below Poverty Level (score)	Part 1 Crimes per 100 Persons (score)	Average Residential Property Values (score)	% Owner Occupied Housing Units (score)	Number of Secured and Unsafe Structures Per 100 Properties (score)
Healthy (3.3 - 4.0)	2017: 0 - 9% (4)	0 - 12 (4)	2017: \$107,029 and ↑ (4)	70 - 100% (4)	2017: 0 (4)
Out Patient (2.7 - 3.2)	2017: 10 - 18% (3)	13 - 18 (3)	2017: \$69,613 - \$107,028 (3)	50 - 69% (3)	2017: 0.01 - 0.75 (3)
At Risk (1.9 - 2.6)	2017: 19 - 30% (2)	19 - 28 (2)	2017: \$41,364 - \$69,612 (2)	34 - 49% (2)	2017: 0.76 - 1.75 (2)
Intensive Care (1.0 - 1.8)	2017: 31 - 100% (1)	29 + (1)	2017: \$41,363 and ↓ (1)	0 - 33% (1)	2017: 1.75 and ↑ (1)

Area Profile

Health rankings are determined by averaging all vital sign levels for each neighborhood area. *Intensive care* and *at risk* neighborhoods have the lowest vital sign measurements, and hence are the primary focus of the Neighborhood Revitalization (NR) Area. Below is a comparison profile of the NR Area and non-NR Area

Total Primary Neighborhood Revitalization Area (2017)

Health Rating	Part 1 Crimes per 100 persons	% of Persons Below Poverty Level	% Owner Occupied Single Family Housing units	Secured & Unsafe Structures	Average Residential Property Values
Intensive Care	24	46.9%	36.5%	1.81	\$33,076
At Risk	15	33.3%	50.1%	1.11	\$58,131
Out Patient	13	19.2%	53.4%	0.13	\$58,555
Total Primary NR Area	17	33.2%	46.6%	1.02	\$49,921

Total Non Neighborhood Revitalization Area (2017)

Health Rating	Part 1 Crimes per 100 persons	% of Persons Below Poverty Level	% Owner Occupied Single Family Housing units	Secured & Unsafe Structures	Average Residential Property Values
Out Patient	13	17.4%	61.2%	0.35	\$130,680
Healthy	7	7.7%	82.3%	0.06	\$207,611
Total Non NR Area	10	12.6%	71.7%	0.21	\$169,145

General Characteristics (2017)

Area	Square Miles	% of Total	#of Parcels	% Total	Vacant Parcels	% Total
Intensive Care	2.5	4.0%	2,787	5.4%	451	10.4%
At Risk	9.4	15.0%	10,491	20.5%	1,605	37.1%
Out Patient	2.3	3.7%	2,038	4.0%	97	2.2%
Kanza/ USD 501	0.3	0.5%	27	0.05%	4	0.09%
Total NR AREA	14.2	22.7%	15,438	30.1%	2,153	49.8%
Non-NR Area	48.4	77.3%	20,399	39.8%	2,172	50.2%
Total (All Topeka)	62.6	100%	51,275	100%	4,325	100%

General Characteristics

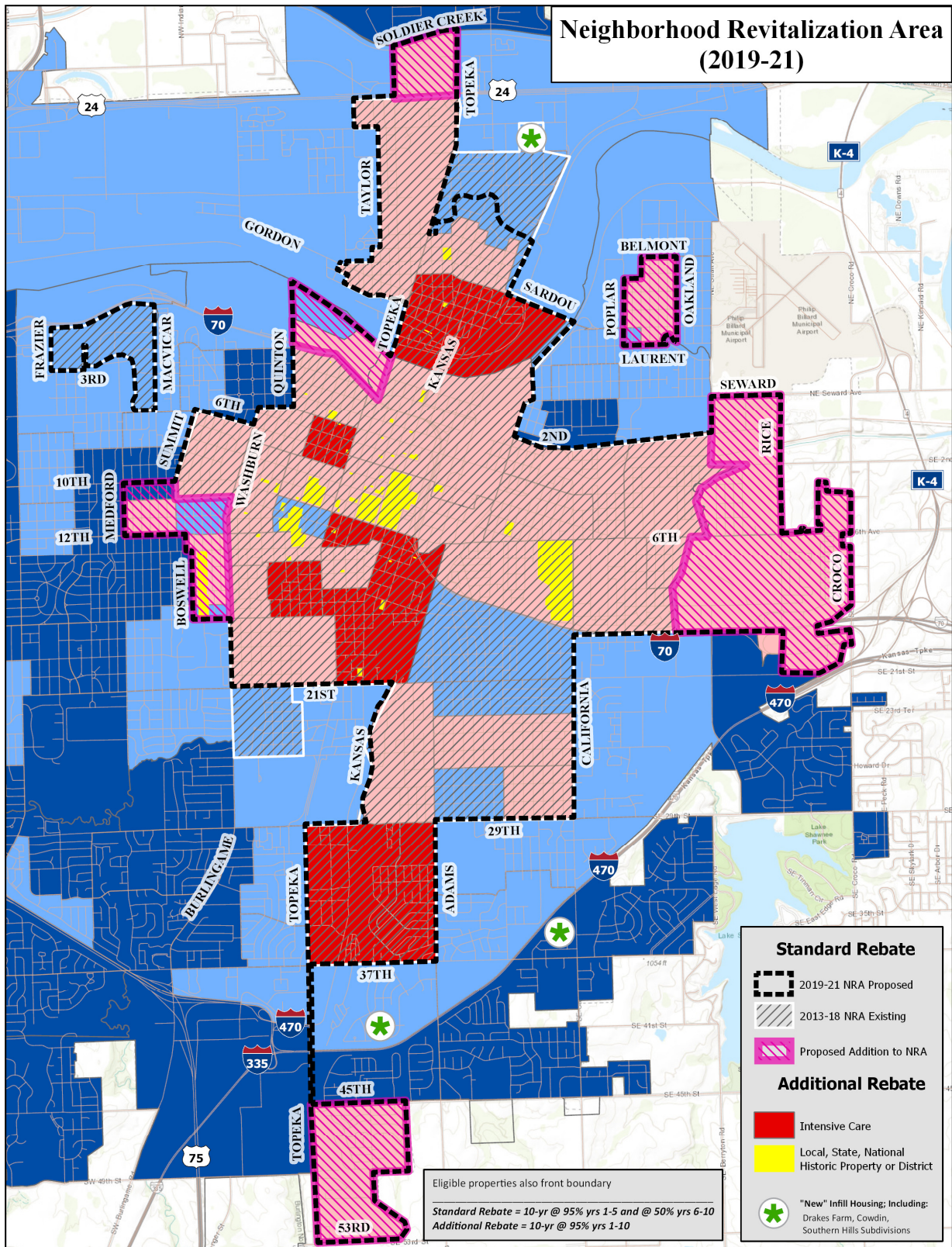
Area	2010 Population	% of Total	Total Housing Units (2013 - 2017 ACS)	% of Total	Real Property Valuation (2018)	% of Total
Intensive Care (Primary)	5,858	4.6%	2,550	3.8%	\$269,201,160	3.2%
At Risk (Primary)	26,770	20.9%	12,201	18.1%	\$1,451,132,000	17.1%
Out Patient (Primary)	5,733	4.5%	2,596	3.8%	\$2,317,832,000	27.4%
Total NR Area	38,361	30.0%	17,347	25.7%	\$1,963,586,880	23.2%
Non NR Area	89,556	70.0%	50,136	74.3%	\$2,471,130,500	29.2%
Total (All Topeka)	127,917	100%	67,483	100%	\$8,472,882,540	100.0%

General Characteristics

Area	2010 Population	% of Total	Total Housing Units (2013 - 2017 ACS)	% of Total	Real Property Valuation (2018)	% of Total
Intensive Care (Primary)	5,858	4.6%	2,550	3.8%	\$269,201,160	3.2%
At Risk (Primary)	26,770	20.9%	12,201	18.1%	\$1,451,132,000	17.1%
Out Patient (Primary)	5,733	4.5%	2,596	3.8%	\$2,317,832,000	27.4%
Total NR Area	38,361	30.0%	17,347	25.7%	\$1,963,586,880	23.2%
Non NR Area	89,556	70.0%	50,136	74.3%	\$2,471,130,500	29.2%
Total (All Topeka)	127,917	100%	67,483	100%	\$8,472,882,540	100.0%

Summary

- The primary NR Area comprises only 23% of the land area of Topeka, but contains approximately 50% of all vacant parcels in the City.
- The poverty rate in the primary NR Area is two and a half times the poverty rate of the non-NR Area.
- Average residential property values are nearly three times greater outside of the NR Area than within its boundaries.
- The homeownership rate is substantially greater outside of the primary NR Area boundary (72% versus 47%).
- 72% of all secured and unsafe structures in the City are located within the NR Area boundary yet only constitute 26% of all housing units in the city



LEGAL DESCRIPTION OF Neighborhood Revitalization Area

PRIMARY AREA

Beginning at the intersection of the Centerline of US Highway 24 with the Centerline of NW Clay Street; thence easterly, on the Centerline of US Highway 24,

to an intersection with the Centerline of NW Rochester Road; thence northerly on the Centerline of NW Rochester Road to an intersection with the Centerline of Soldier Creek; thence easterly on the Centerline of Soldier Creek

to an intersection with the Centerline of NW Topeka Boulevard; thence southerly, on the Centerline of NW Topeka Boulevard to an intersection with the Centerline of NW Independence Avenue; thence easterly on the Centerline of NW Independence Avenue to the Centerline of N Kansas Avenue; thence southerly on the Centerline of N Kansas Avenue to an intersection with the Centerline of NE Independence Avenue east of Kansas Avenue; thence easterly on the Centerline of NE Independence Avenue to an intersection with the Centerline of NE Monroe Street; thence northerly on the Centerline of NE Monroe Street to an intersection with the Centerline of NE Lyman Road; thence easterly on the Centerline of NE Lyman Road to the Northeast corner of Drakes Farm Subdivision; thence southerly on the East line of Drakes Farm Subdivision and its extension to the Centerline of NE Independence Avenue; thence easterly on the Centerline of Independence Avenue to an intersection with the Centerline of NE Meriden Road; thence southerly on the Centerline of NE Meriden Road and its extension to an intersection with the Centerline of the Mainline Track of the Union Pacific Railroad; thence southerly, on the centerline of said mainline track, to an intersection with the Centerline of the West Approach to the Sardou Bridge over the Kansas River; thence east-southeasterly on the centerline of said approach and the Centerline of the Sardou Bridge to an intersection with the Centerline of the Kansas River; thence southwesterly up the Centerline of the Kansas River to an intersection with an extension of the Centerline of NE Chandler Street; thence southerly on the Centerline of NE Chandler Street to an intersection with the Centerline of NE Seward Avenue; thence westerly on the Centerline of NE Seward Avenue to an intersection with the Centerline of NE Branner Street; thence south-southwesterly on the Centerline of Branner Street to an intersection with the Centerline of the Mainline Track of the Burlington Northern – Santa Fe Railway; thence easterly on the centerline of said mainline track to an intersection with the East line of the Northeast Quarter of Section 33, Township 11 South, Range 16 east of the 6th P.M.;

thence northerly on the East line of the Northeast Quarter to an intersection with the Centerline of NE Seward Avenue; thence easterly on the Centerline of NE Seward Avenue to an intersection with the Centerline of NE Rice Road; thence southerly on the Centerline of NE Rice Road and on the Centerline of SE Rice Road to an intersection with the Centerline on SE Sixth Street; thence easterly on the Centerline of SE Sixth Street to the extended West line of Reser's Croco Subdivision No. 2; thence on the boundary of Reser's Croco Subdivision No. 2 the following five courses: northerly, 300.00 feet; westerly, 100.00 feet; northerly, 1642.97 feet; easterly, 300.00 feet; southerly, 399.26 feet. Thence easterly on the North line of Reser's Croco Subdivision No. 2 and its extension to an intersection with the East line of the Southeast Quarter of Section 34, Township 11 South, Range 16 East of the Sixth P.M.; thence southerly to the Northeast corner of Section 3, Township 12 South, Range 16 East of the 6th P.M.; thence westerly on the North line of Section 3, 330.61 feet; thence southerly and parallel to the East line of Section 3, 527.03 feet; thence easterly and parallel to the North line of Section 3, 330.61 feet to an intersection with the East line of Section 3; thence southerly on the East line of Section 3 to the North right of way line of Interstate Highway No. 70; thence southwesterly on the right of way line to the East line of the West Half of the Southeast Quarter of Section 3; thence southerly on said East line to the South right of way line of Interstate Highway No. 70; thence easterly on the right of way line to the East line of the Southeast Quarter of Section 3; thence southerly on the East line of the Southeast Quarter to the Northeast corner of the South Half of the Southeast Quarter of Section 3; thence westerly to the Northeast corner of Lot 3, Altair Heights Subdivision; thence southerly to the Southeast corner of Lot 3, Altair Heights Subdivision; thence westerly to the extended East line of Lot 5, Altair Heights Subdivision; thence southerly on the East line of Altair Heights Subdivision and its extension to an intersection with the Centerline of SE 21st Street; thence southwesterly and westerly on the Centerline of SE 23rd Street to an intersection with the Centerline of SE Rice Road; thence northerly on the Centerline of SE Rice Road

to an intersection with the Centerline of Interstate Highway 70; thence westerly on the Centerline of Interstate Highway 70 to an intersection with the Centerline of SE California Avenue; thence southerly on the Centerline of SE California Avenue to an intersection with the Centerline of SE 29th Street; thence westerly on the Centerline of SE 29th Street to an intersection with the Centerline of SE Adams Street; thence southerly on the Centerline of SE Adams Street to an intersection with the Centerline of SE 37th Street; thence westerly on the Centerline of 37th Street to

an intersection with the extended East line of Southern Hills Subdivision “A”; thence south-southeasterly on the East line of Southern Hills Subdivision “A” to the Southeast corner of Lot 2, Block H, Southern Hills Subdivision “A”; thence westerly on the South line of Southern Hills Subdivision “A” to the Northeast corner of Lot 2, Block G, Southern Hills Subdivision “B”; thence southerly on the East line of Southern Hills Subdivision “B” to the North right of way line of the Kansas Turnpike; thence westerly, northerly and westerly on the North right of way line of the Kansas Turnpike to the Southwest corner of Lot 49, Block A, Southern Hills Subdivision “B”; thence north-northeasterly on the West line of Southern Hills Subdivision “B” and on the West line of Southern Hills Subdivision “A” and its extension to an intersection with the Centerline of SW 37th Street; thence westerly on the Centerline of SW 37th Street to

an intersection with the Centerline of SW Topeka Boulevard; thence northerly on the Centerline of SW Topeka Boulevard to an intersection with the Centerline of SW 29th Street; thence easterly on the Centerline of 29th Street to an intersection with the Centerline of the right of way of the Landon Trail, formerly the right of way of the Missouri Pacific Railway; thence northerly on the Centerline of the right of way of the Landon Trail to an intersection with the Centerline of SE 21st Street; thence westerly, on the Centerline of 21st Street, to the Northeast corner of the Northeast Quarter of Section 12, Township 12 South, Range 15 east of the 6th PM; thence southerly on the East line of said Northeast Quarter to an intersection with the Centerline of SW 27th Street; thence westerly on the Centerline of SW 27th Street to an intersection with the Centerline of SW Washburn Avenue; thence northerly on the Centerline of SW Washburn Avenue to an intersection with the Centerline of

SW 17th Street; thence westerly on the Centerline of SW 17th Street to an intersection with the Centerline of SW Boswell Avenue; thence northerly on the Centerline of SW Boswell Avenue to an intersection with the Centerline of SW Huntoon Street; thence westerly on the Centerline of SW Huntoon Street to an intersection with the Centerline of SW Jewell Avenue; thence northerly on the Centerline of SW Jewell Avenue to an intersection with the Centerline of SW 12th Street; thence Westerly on the Centerline of SW 12th Street to an intersection with the Centerline of SW Medford Avenue; thence northerly on the Centerline of SW Medford Avenue to an intersection with the Centerline of SW 10th Avenue; thence easterly on the Centerline of SW 10th Avenue to an intersection with the Centerline of SW Summit Avenue; thence north-northeasterly on the Centerline of SW Summit Avenue to an intersection with the Centerline of SW Sixth Avenue;

thence easterly and east-southeasterly on the Centerline of SW Sixth Avenue to an intersection with the Centerline of SW Washburn Avenue; thence north-northeasterly on the Centerline of SW Washburn Avenue to an intersection with the Centerline of SW Willow Avenue; thence easterly, on the Centerline of SW Willow Avenue to an intersection with the Centerline of Quinton Avenue; thence northerly on the Centerline of Quinton Avenue to an intersection

with the Centerline of SW 1st Street; thence east-southeasterly on the Centerline of SW 1st Street to the West line of Section 30, Township 11 South, Range 16 East of the 6th P.M.; thence northerly on the West line of Section 30 to an intersection with the Centerline of the Kansas River; thence southeasterly down the Kansas River to

an intersection with the Centerline of SW Topeka Boulevard; thence north-northeasterly on the Centerline of Topeka Boulevard to an intersection with the Centerline of NW Laurent Street; thence west-northwesterly on the Centerline of NW Laurent Street to an intersection with the Centerline of NW Norris Street; thence west-northwesterly on the Centerline of NW Norris Street to an intersection with the Centerline of NW Lane Street; thence north-northeasterly

on the Centerline of NW Lane Street to an intersection with the Centerline of NW Gordon Street; thence east-southeasterly on the Centerline of NW Gordon Street to an intersection with the Centerline of NW Buchanan Street; thence northerly on the Centerline of NW Buchanan Street to an intersection with the Centerline of NW Grant Street; thence easterly, on the Centerline of NW Grant Street to an intersection with the Centerline of NW Western Avenue; thence northerly on the Centerline of NW Western Avenue to an intersection with the Centerline of NW St. John Street; thence easterly on the Centerline of NW St. John Street to an intersection with the Centerline of NW Taylor Street; thence northerly on the Centerline of NW Taylor Street to an intersection with the Centerline of NW Lyman Road; thence westerly on the Centerline of NW Lyman Road to an intersection with the Centerline of NW Clay Street; thence northerly on the Centerline of NW Clay Street to the point of beginning.

(AND IN ADDITION)

KANZA BUSINESS AND TECHNOLOGY PARK (OVERALL PUD BOUNDARY)

A TRACT OF LAND IN THE SOUTHEAST QUARTER, THE EAST HALF OF THE SOUTHWEST QUARTER, LOT 3 OF THE NORTHWEST QUARTER, AND THE NORTHEAST QUARTER, ALL IN SECTION 26, TOWNSHIP 11 SOUTH, RANGE 15 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SHAWNEE COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE ON AN ASSUMED BEARING OF NORTH 00°00'22" EAST, 30.00 FEET, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89°36'04" WEST, 23.50 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°36'04" WEST, 2611.74 FEET TO A POINT ON THE WEST LINE OF SAID SOUTHEAST QUARTER, 30.00 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 00°06'23" WEST, 1118.90 FEET ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 86°16'38" EAST, 130.48 FEET; THENCE NORTH 42°55'39" EAST, 233.28 FEET; THENCE NORTH 01°25'17" WEST, 497.95 FEET; THENCE SOUTH 88°46'41" WEST, 278.01 FEET TO THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00°06'23" EAST, 120.24 FEET ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER TO THE NORTH LINE OF ARLINGTON HEIGHTS SUBDIVISION; THENCE SOUTH 89°54'32" WEST, 1309.28 FEET ALONG THE NORTH LINE OF SAID SUBDIVISION TO THE WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER; THENCE NORTH 00°11'27" EAST, 953.94 FEET ALONG THE WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER; THENCE NORTH 00°18'11" EAST, 663.92 FEET ALONG THE WEST LINE OF SAID LOT 3 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 70; THENCE NORTH 88°53'30" EAST, 883.63 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE ON A CURVE TO THE LEFT, ALONG SAID RIGHT-OF-WAY LINE, A RADIUS OF 1579.22 FEET, AN ARC DISTANCE OF 683.95 FEET, WITH A CHORD WHICH BEARS NORTH 76°29'04" EAST, 678.62 FEET; THENCE NORTH 64°04'38" EAST, 1046.28 FEET, ALONG SAID RIGHT-OF-WAY LINE; THENCE SOUTH 00°08'08" WEST, 213.32 FEET; THENCE SOUTH 78°48'28" EAST, 1483.53 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE SOUTH 00°08'53" EAST, 87.25 FEET ALONG THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 16°33'51" WEST, 156.49 FEET; THENCE SOUTH 00°08'53" EAST, 539.57 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER, 45.00 FEET WEST OF THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 00°00'22" WEST, 35.43 FEET; THENCE SOUTH 89°59'38" EAST, 21.50 FEET; THENCE SOUTH 00°00'22" WEST, 2570.01 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED TRACT CONTAINS 258.943 ACRES, MORE OR LESS.

A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 11 SOUTH, RANGE 15 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SHAWNEE COUNTY KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 26; THENCE ALONG THE SOUTH LINE OF SAID QUARTER ON AN ASSUMED BEARING OF SOUTH 89°35'38" WEST, A DISTANCE OF 825.36 FEET; THENCE ON A BEARING OF NORTH 00°24'22" WEST, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; THENCE PARALLEL WITH THE SOUTH LINE OF SAID QUARTER ON A BEARING OF SOUTH 89°35'38" WEST, A DISTANCE OF 515.96 FEET; THENCE ON A BEARING NORTH 00°25'19" WEST, A DISTANCE OF 2033.61 FEET; THENCE ON A BEARING OF NORTH 44°27'37" EAST, A DISTANCE OF 68.73 FEET; THENCE ON A BEARING OF SOUTH 63°56'06" EAST, A DISTANCE OF 18.56 FEET; THENCE ON A

BEARING OF NORTH 19°56'13" EAST, A DISTANCE OF 44.30 FEET; THENCE ON A BEARING OF NORTH 34°34'08" EAST, A DISTANCE OF 25.22 FEET; THENCE ON A BEARING OF NORTH 72°13'53" EAST, A DISTANCE OF 27.65 FEET; THENCE ON A BEARING OF SOUTH 37°05'32" EAST, A DISTANCE OF 14.75 FEET; THENCE ON A BEARING OF SOUTH 54°25'19" EAST, A DISTANCE OF 16.30 FEET; THENCE ON A BEARING OF SOUTH 80°46'21" EAST, A DISTANCE OF 23.15 FEET; THENCE ON A BEARING OF SOUTH 87°13'11" EAST, A DISTANCE OF 11.70 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 75.00 FEET, A CHORD BEARING OF SOUTH 74°03'00" EAST, AND A CHORD DISTANCE OF 34.18 FEET) A DISTANCE OF 34.48 FEET; THENCE ON A BEARING OF SOUTH 60°52'49" EAST, A DISTANCE OF 42.96 FEET; THENCE ON A BEARING OF SOUTH 53°28'55" EAST, A DISTANCE OF 108.90 FEET; THENCE ON A BEARING OF SOUTH 31°54'18" EAST, A DISTANCE OF 87.45 FEET; THENCE ON A BEARING OF SOUTH 26°44'08" EAST, A DISTANCE OF 158.72 FEET; THENCE ON A BEARING OF SOUTH 28°30'48" EAST, A DISTANCE OF 137.12 FEET; THENCE ON A BEARING OF SOUTH 35°51'47" EAST, A DISTANCE OF 63.86 FEET; THENCE ON A BEARING OF SOUTH 44°53'50" EAST, A DISTANCE OF 71.01 FEET; THENCE ON A BEARING OF SOUTH 00°10'26" EAST, A DISTANCE OF 305.26 FEET; THENCE ON A BEARING OF SOUTH 41°48'53" WEST, A DISTANCE OF 216.94 FEET TO A POINT ON A CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 75.00 FEET, A CHORD BEARING OF SOUTH 19°54'50" EAST, AND A CHORD DISTANCE OF 97.23 FEET) A DISTANCE OF 105.78 FEET; THENCE ON A BEARING OF SOUTH 00°01'58" EAST, A DISTANCE OF 78.63 FEET; THENCE ON A BEARING OF SOUTH 34°02'36" EAST, A DISTANCE OF 118.96 FEET; THENCE ON A BEARING OF SOUTH 00°17'22" WEST, A DISTANCE OF 227.41 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 60.00 FEET, A CHORD BEARING OF SOUTH 45°46'21" WEST, AND A CHORD DISTANCE OF 77.15 FEET) A DISTANCE OF 83.79 FEET; THENCE ON A BEARING OF SOUTH 00°06'58" EAST, A DISTANCE OF 142.97 FEET; THENCE ON A BEARING OF SOUTH 86°22'32" WEST, A DISTANCE OF 30.69 FEET; THENCE ON A BEARING OF SOUTH 01°46'13" EAST, A DISTANCE OF 80.18 FEET; THENCE ON A BEARING OF SOUTH 89°57'22" WEST, A DISTANCE OF 20.82 FEET; THENCE ON A BEARING OF SOUTH 00°15'55" WEST, A DISTANCE OF 130.86 FEET; THENCE ON A BEARING OF SOUTH 89°40'17" EAST, A DISTANCE OF 21.15 FEET; THENCE ON A BEARING OF SOUTH 00°20'17" WEST, A DISTANCE OF 28.30 FEET TO A POINT ON A CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 118.49 FEET, A CHORD BEARING OF SOUTH 21°22'45" EAST, A CHORD DISTANCE OF 60.15 FEET) A DISTANCE OF 60.82 FEET; THENCE ON A BEARING OF SOUTH 32°29'33" EAST, A DISTANCE OF 24.43 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 194.67 FEET, A CHORD BEARING OF SOUTH 12°51'45" EAST, AND A CHORD DISTANCE OF 80.56 FEET) A DISTANCE OF 81.15 FEET; THENCE ON A BEARING OF SOUTH 01°52'31" EAST, A DISTANCE OF 26.20 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 24.081 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS, RESTRICTIONS, AND COVENANTS OF RECORD, IF ANY.

(AND IN ADDITION)

KANZA BUSINESS AND TECHNOLOGY PARK SUBDIVISION. CONTAINS APPROXIMATELY 10.39-ACRES, MORE OR LESS.

EXCEPT

The property commonly known as the 501 Sports Complex and legally described as follows: A tract of land in the Southeast Quarter of Section 26, Township 11 South, Range 15 East of the Sixth Principal Meridian, described as follows: Beginning at a point on the West line, 30.00-feet North of the Southwest Corner of said Quarter Section (said point being on the North right-of-way line of West Sixth Street); thence North 00 degrees, 06 minutes, 40 seconds West, along said West Line, 1,118.79-feet; thence South 86 degrees, 14 minutes, 23 seconds East, 130.46-feet; thence North 42 degrees, 56 minutes, 08 seconds East, 233.28-feet; thence North 01 degrees, 24 minutes, 28 seconds West, 497.95-feet; thence North 88 degrees, 48 minutes, 04 seconds East, 120.98-feet; thence on a 302.50-foot radius curve to the left, with a 170.62-foot chord bearing North 72 degrees, 25 minutes, 13 seconds East, an arc distance of 172.97-feet; thence North 56 degrees, 02 minutes, 21 seconds East, 399.91-feet; thence South 20 degrees, 26 minutes, 15 seconds East 750.52-feet; thence South 00 degrees, 24 minutes, 53 seconds East, 1, 344.97-feet to the

North right-of-way line of West Sixth Street; thence South 89 degrees, 36 minutes, 04 seconds West, along said North right-of-way line, 1,162.82-feet to the Point of Beginning. The above contains 44.001-acres, more or less, all in the City of Topeka, Shawnee County, Kansas.

(AND IN ADDITION)

AREA OF COWDIN SUBDIVISIONS

Commence at the Northeast Corner of the South Half of the Southeast Quarter of Section 17, Township 12 South, Range 16 East of the Sixth Principal Meridian, in the City of Topeka, Shawnee County, Kansas; thence South along the East line of said Southeast Quarter to the Northeast corner of Cowdin Subdivision No. 3 and the Point of Beginning; thence southerly to the Southeast corner of Cowdin Subdivision No. 3; thence westerly to the Southwest corner of Lot 6, Block A, Cowdin Subdivision No. 3; thence southerly to the Northwest corner of Lot 4, Block C, Cowdin Subdivision; thence Easterly to the Northeast corner of Lot 4; thence southerly along the East line of Lot 4 and its extension to the centerline of SE 36th Terrace; thence westerly along the centerline of SE 36th Terrace to the centerline of SE Michigan Avenue; thence southerly along the centerline of SE Michigan Avenue to the centerline of SE 37th Street; thence westerly along the centerline of SE 37th Street to the Southeasterly right of way line of the Kansas Turnpike; thence northeasterly along the Kansas Turnpike right of way line to the North line of the South Half of the Southeast Quarter of Section 17; thence easterly on said North line to the West line of SE Colorado Avenue; thence southerly along the West line of SE Colorado Avenue to the North line of Cowdin Subdivision No. 3; thence easterly on the North line of Cowdin Subdivision No. 3 to the Point of Beginning.

(AND IN ADDITION)

OAKLAND AREA

Begin at the intersection of the centerline of NE Poplar Street with the centerline of NE Laurent Street in the City of Topeka, Shawnee County, Kansas; thence northerly along the centerline of NE Poplar Street to the centerline of NE Grant Street; thence easterly along the centerline of NE Grant Street to the centerline of NE Chester Avenue; thence northerly along the centerline of NE Chester Avenue to the centerline of NE Belmont Avenue; thence easterly on the centerline of NE Belmont Avenue to the centerline of NE Oakland Avenue; thence southerly along the centerline of NE Oakland Avenue to the Northeasterly line of the Doran Avenue lots, in Garden Park Addition; thence northwesterly along the North line of the Doran Avenue lots to a point on the East line of Lot 10 on Doran Avenue, as described in Book 4208, page 873; thence southwestwardly along the West line of the parcel described in Book 4208, page 873 and its extension to the centerline of NE Laurent Street; thence westerly along the centerline of NE Laurent Street to the Point of Beginning.

(AND IN ADDITION)

A tract of land in Section 30, Township 12 South, Range 16 East of the Sixth Principal Meridian, in the City of Topeka, Shawnee County, Kansas, described as follows: Begin at the Southwest corner of Section 30; thence northerly along the West line of Section 30 to the North line of said Section 30; thence easterly along the North line of Section 30 to the extended East line of South Village Subdivision; thence southerly along the East line of South Village Subdivision to the South line of South Village Subdivision; thence westerly along the South line of South Village Subdivision to the East line of Terra Heights Subdivision; thence southerly along the East line of Terra Heights Subdivision to the Southwesterly right of way line of the Missouri Pacific Railroad, as recorded in Book 4251, page 621; thence South 54 degrees 38 minutes 32 seconds East, 1304.94 feet along said right of way line; thence southeasterly and southwestwardly along said right of way line, 1020.98 feet along the arc of a curve to the right, having a radius of 419.28 feet with a chord which bears South 21 degrees 57 minutes 15 seconds West, 786.78 feet; thence South 89 degrees 35 minutes 28 seconds West, 132.83 feet along said right of way line; thence westerly along said right of way line, 249.10 feet along the arc of a curve to the left, having a radius of 613.69 feet with a chord which bears South 77 degrees 55 minutes 31 seconds West, 247.40 feet to the North right of way line of SE 53rd Street; thence South 89 degrees 35 minutes 28 seconds West, 368.63 feet along the North right of way of SE 53rd Street; thence southerly to the South line of Section 30; thence westerly along the South line of Section 30 to the Point of Beginning.

PART 2
APPRAISED VALUATION OF REAL PROPERTY

The appraised valuation of the real estate contained in the Neighborhood Revitalization Area as of June 1, 2018 for each parcel by land and building values is on file in the office of the Shawnee County Appraiser. The 2018 appraised valuation for the 15,464 parcels contained in the area is:

Land	\$277,703,410
<u>Improvements</u>	<u>\$1,685,883,470</u>
Total Appraised Valuation	\$1,963,586,880

PART 3
LISTING OF OWNERS OF RECORD IN AREA

Each owner of record of each parcel of land is listed together with the corresponding address on file in the office of the Shawnee County Appraiser (<http://www.snco.us/ap/>).

PART 4
EXISTING ZONING BOUNDARIES
&
EXISTING/PROPOSED LAND USES

Descriptions of zoning districts, current boundaries, existing land uses, and future land use maps within the Neighborhood Revitalization Area are all found on file in the Topeka Planning Department or at www.topeka.org/planning

PART 5
MAJOR IMPROVEMENTS
PROPOSED FOR NEIGHBORHOOD REVITALIZATION AREA

A list of the proposed major improvements within the Neighborhood Revitalization Area are identified within the adopted neighborhood and area plans of the City's Comprehensive Plan. Copies of those plans are on file with the Topeka Planning Department and on-line at www.topeka.org/planning

- Topeka Land Use and Growth Management Plan (2015)
- Central Highland Park Neighborhood Plan (2010)
- Ward-Meade Neighborhood Plan (2001/2010)
- Chesney Park Neighborhood Plan (1998/2009)
- Central Park Neighborhood Plan (1998/2008)
- Hi-Crest Neighborhood Plan (2015)
- North Topeka West (2016)
- Historic North Topeka East (2013)
- Holliday Park Neighborhood Plan (1998/2008)
- Oakland Neighborhood Plan (2004/2014)
- Hi-Crest Neighborhood Plan (2003)
- Old Town Neighborhood Plan (2003)
- East Topeka Neighborhood Revitalization Plan (2002)
- Downtown Topeka Redevelopment Plan (2001)
- Elmhurst Neighborhood Plan (2001)
- Tennessee Town (2001/2017)
- Washburn-Lane Parkway Plan (2001)
- Quinton Heights Neighborhood Plan (2018)

Proposed housing, infrastructure, and public facility improvements within these plans are intended to guide the City's future resource allocation as targeted within the Neighborhood Revitalization Area. Actual approved resource allocations are found with the City's Capital Improvement Budget and Consolidated Plan.

PART 6
STATEMENT SPECIFYING THE ELIGIBILITY REQUIREMENTS
FOR A TAX REBATE

Residential New Construction/Rehabilitation

All properties with residential improvements legally permitted by applicable zoning regulations and building codes within, or that fronts a public street boundary of the designated Neighborhood Revitalization Area are eligible for the specified tax rebate provided the new appraised valuation is increased by a minimum of 10%.

Commercial New Construction/Rehabilitation

All properties with commercial, office and institutional, and industrial improvements legally permitted by applicable zoning regulations and building codes within, or that fronts a public street boundary of the designated Neighborhood Revitalization Area are eligible for the specified tax rebate provided the new appraised valuation is increased by a minimum of 20%.

PART 7

CRITERIA FOR DETERMINATION OF ELIGIBILITY

- (a) Construction of an improvement must have begun on or after January 1, 2019. Such improvement project shall remain eligible in the event the neighborhood revitalization plan is extended beyond 2021 by a subsequent ordinance. An improvement project constructed pursuant to a building permit and an application for tax rebate filed before January 1, 2019, may be eligible for a rebate under the Neighborhood Revitalization Program created by City Ordinance No. 19771 and extended by Ordinance No. 20086.
- (b) A rebate application must be filed prior to or within sixty (60) days of the issuance of a building permit or initiation of work (if no building permit is required) as determined by the Planning Director. An application determined to be “out-of-time” shall be accepted by the Planning Director if the applicant can demonstrate that prior to commencing the improvements, he or she intended to use the program’s benefits for the specific improvement proposed in the application. Some factors that may be used to determine the intent and prior knowledge of the program include previous written or verbal communication with city staff, contractors, or other interested parties in the project. The fact that the applicant was not made aware of the program by city staff shall not be used as a factor in this determination. An application shall not be accepted “out-of-time” if the building permit was issued to correct a past zoning or building code violation. The applicant must submit all evidence in writing that supports the above criteria to the Planning Department within one (1) year of the issuance of the building permit. The applicant may appeal the Planning Director’s decision to the City Manager who has final authority over the matter.
- (c) The improvements must conform with the Comprehensive Plan, design guidelines within applicable elements of the Comprehensive Plan and Title 18 Comprehensive Zoning Regulations, including adopted Neighborhood Conversation Districts in effect at the time the improvements are made.
- (d) New and existing improvements on the property must conform with all other applicable codes, rules, and regulations in effect at the time the improvements are made, and for the length of the rebate or the rebate may be terminated.
- (e) Any property that is delinquent in any real property tax payment or special assessment shall not be eligible for any rebate or future rebate until such time as all real property taxes and special assessments have been paid. Additionally, taxes on all real property owned by the applicant must be current.
- (f) Commercial or industrial property eligible for tax incentives under any adopted Neighborhood Revitalization Plan and Topeka's existing tax abatement program pursuant

to Article 11, Section 13 of the Kansas Constitution and TMC Chapter 3.55, may receive one exemption/rebate per project from the City as a tax incentive.

- (g) Any property that fronts a public street boundary of the Neighborhood Revitalization Area shall be eligible for the rebate, except those properties that front a public highway.

PART 8
CONTENTS OF APPLICATION FOR TAX REBATE

Part 1 - General Information (Completed by applicant)

- (a) Owner's Name and applicant's name
- (b) Owner's Mailing Address.
- (c) School District No.
- (d) Parcel I.D. No.
- (e) Building Permit No. and copy of permit
- (f) Address of Property.
- (g) Legal Description of Property
- (h) Day Phone Number.
- (i) Proposed Property Use.
- (j) Improvements (Attach itemized list of improvements)
- (k) Estimated Cost of Improvements
- (l) Proof of Historical Register Listing or nomination.
- (m) List of Buildings proposed to be or actually demolished.
- (n) Date of commencement of construction.
- (o) Estimated date of completion of construction.

Part 2 - Status of Construction/Completion

- (a) County Appraiser's Statement of Percentage Test.
- (b) County Clerk's Statement of Tax Status.
- (c) Planning's Statement of Application Conformance for Tax Rebate.

PART 9
APPLICATION PROCEDURE

- (a) The owner/applicant shall obtain an Application for Tax Rebate from Topeka Planning Department, or concurrent with obtaining a building permit application.
- (b) The applicant shall complete and sign the application and file the original with Planning, prior to or within sixty (60) days of issuance of the building permit or as permitted under Part 7(b).
- (c) Planning shall forward the application to the Shawnee County Appraiser's Office for determination of the appraised valuation of the improvements and when necessary for designated historic properties, shall indicate the base tax year in order to determine the property's pre-demolition value for historic resources or landmarks that were demolished to make way for the improvements.
- (d) On or about January 1, the County Appraiser shall conduct an on-site inspection of the construction project, determine the new valuation of the real-estate, complete his portion of the application, and report the new valuation to the Shawnee County Clerk by June 1 of that same year. The tax records on the project shall be revised by the County Clerk's Office.
- (e) Upon determination by the Appraiser's office that the improvements meet the percentage test for rebate and the Clerk's office has determined the status of the taxes on the property, Planning shall certify to the County Clerk the project and application does or does not meet the requirements for a tax rebate and shall notify the applicant.
- (f) Upon the payment of the real estate tax for the subject property for the initial and each succeeding tax year period extending through the specified rebate period, and within a thirty (30) day period following the date of tax distribution by Shawnee County to the other taxing units, a tax rebate in the amount of the tax increment (less any fees as specified in the Interlocal Agreement) shall be made to the applicant.

The tax rebate amount will be based on the appraised property value increment between the application year and the completion year directly attributable to the improvement itself. The actual rebate may vary year to year depending upon the approved mill levy for all participating taxing jurisdictions. The tax rebate shall be made by Audit and Finance, Shawnee County through the Neighborhood Revitalization Fund established in conjunction with the City of Topeka and the other taxing units participating in an Interlocal Agreement.

PART 10
STANDARDS AND CRITERIA FOR APPROVAL

- (a) Project improvements shall be 100% complete within two years of building permit issuance or within two years of beginning construction on the listed improvements.
- (b) The appraised value of residential property must be increased by a minimum of 10%.
- (c) The appraised value of commercial and industrial property must be increased by a minimum of 20%.
- (d) New improvements must conform with all applicable codes, rules, and regulations in effect at the time the improvements are made, including zoning regulations and design guidelines adopted by the Governing Body, for the length of the rebate.
- (e) Any property that is delinquent in any real property tax payment or special assessment shall not be eligible for any rebate or future rebate until such time as all real property taxes and special assessments have been paid. Additionally, taxes on all real property owned by the applicant must be current.

PART 11

STATEMENT SPECIFYING REBATE FORMULA

Program Period:

The Neighborhood Revitalization Fund and tax rebate incentive program shall expire on December 31, 2021.

Rebate Period:

All Eligible Uses	10 years
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Rebate Amount*:

All Eligible Uses Not Specified or In Areas Below	95% (years 1-5) 50% (years 6-10)
“Intensive Care” areas (2017 Neighborhood Health Map)	95%
National/State Register/Properties and Districts and Local Historic Properties/Districts	95%
“New” Infill Housing (Single and Multi-Family); including: Single-family in Cowdin Subd. #3, Southern Hills Subd. A, B, and C, and Drakes Farm Subdivisions	95%

*5 % to remain in Neighborhood Revitalization Fund for administrative costs.

Part 12
OTHER MATTERS

1. The governing body may declare a structure outside of a neighborhood revitalization area eligible if it satisfies the conditions set forth in subsection (a) of KSA 12-17, 115 as a “dilapidated structure” due to its deteriorated conditions and/or is worthy of preservation. In such event, the governing body will proceed pursuant to K.S.A. 12-17,114 et seq.

2. The Special Fund identified in the Neighborhood Revitalization Plan adopted in Ordinance No. 18222 shall only be used to support in-fill housing projects either administered by the City of Topeka, or in partnership with the City of Topeka, within the Neighborhood Revitalization Area. Eligible activities shall include any improvements by Community Development Organizations (CHDOs) associated with infill-housing projects. A maximum match of 30% of Special Fund dollars can be used for the total project cost. All improvements must be consistent with any adopted design guidelines of Neighborhood Plans. The Special Fund shall not be used as substitute funding for current sources or programs.

SHAWNEE COUNTY TAX LEVY SCHEDULE 2017

Tax Levies per \$1,000 Assessed Valuation

	<u>Taxing Jurisdiction (within USD 501 area)</u>	<u>Mill Levy</u>	<u>% of Total Levy</u>
1.	Shawnee County	43.363	30.56%
2.	City of Topeka	32.920	25.22%
3.	USD 501 (Topeka)	50.702	32.04%
4.	Washburn University	3.250	2.05%
5.	Topeka-Shawnee County Public Library	9.787	6.18%
6.	TMTA (Transit)	4.200	2.65%
7.	MTAA (Airport)	<u>2.054</u>	<u>1.30%</u>
	Total	158.276	100%

	<u>Taxing Jurisdiction (within USD 345 area)</u>	<u>Mill Levy</u>	<u>% of Total Levy</u>
1.	Shawnee County	43.363	30.39%
2.	City of Topeka	32.920	25.08%
3.	USD 345 (Seaman)	51.593	32.41%
4.	Washburn University	3.250	2.04%
5.	Topeka-Shawnee County Public Library	9.787	6.15%
6.	TMTA (Transit)	4.200	2.64%
7.	MTAA (Airport)	<u>2.054</u>	<u>1.29%</u>
	Total	159.167	100%

	<u>Taxing Jurisdiction (within USD 450 area)</u>	<u>Mill Levy</u>	<u>% of Total Levy</u>
1.	Shawnee County	43.363	30.39%
2.	City of Topeka	32.920	25.08%
3.	USD 450 (Shawnee Heights)	51.888	36%
4.	Washburn University	3.250	2.04%
5.	Topeka-Shawnee County Public Library	9.787	6.15%
6.	TMTA (Transit)	4.200	2.64%
7.	MTAA (Airport)	<u>2.054</u>	<u>1.29%</u>
	Total	147.462	100%

	<u>Taxing Jurisdiction (within USD 437 area)</u>	<u>Mill Levy</u>	<u>% of Total Levy</u>
1.	Shawnee County	43.363	30.39%
2.	City of Topeka	32.920	25.08%
3.	USD 437 (Auburn Washburn Rural)	51.197	35%
4.	Washburn University	3.250	2.04%
5.	Topeka-Shawnee County Public Library	9.787	6.15%
6.	TMTA (Transit)	4.200	2.64%
7.	MTAA (Airport)	<u>2.054</u>	<u>1.29%</u>
	Total	146.771	100%

Source: Shawnee County Clerk's Office, 2017

ZCITY OF TOPEKA PLANNING DEPARTMENT

SUMMARY REPORT

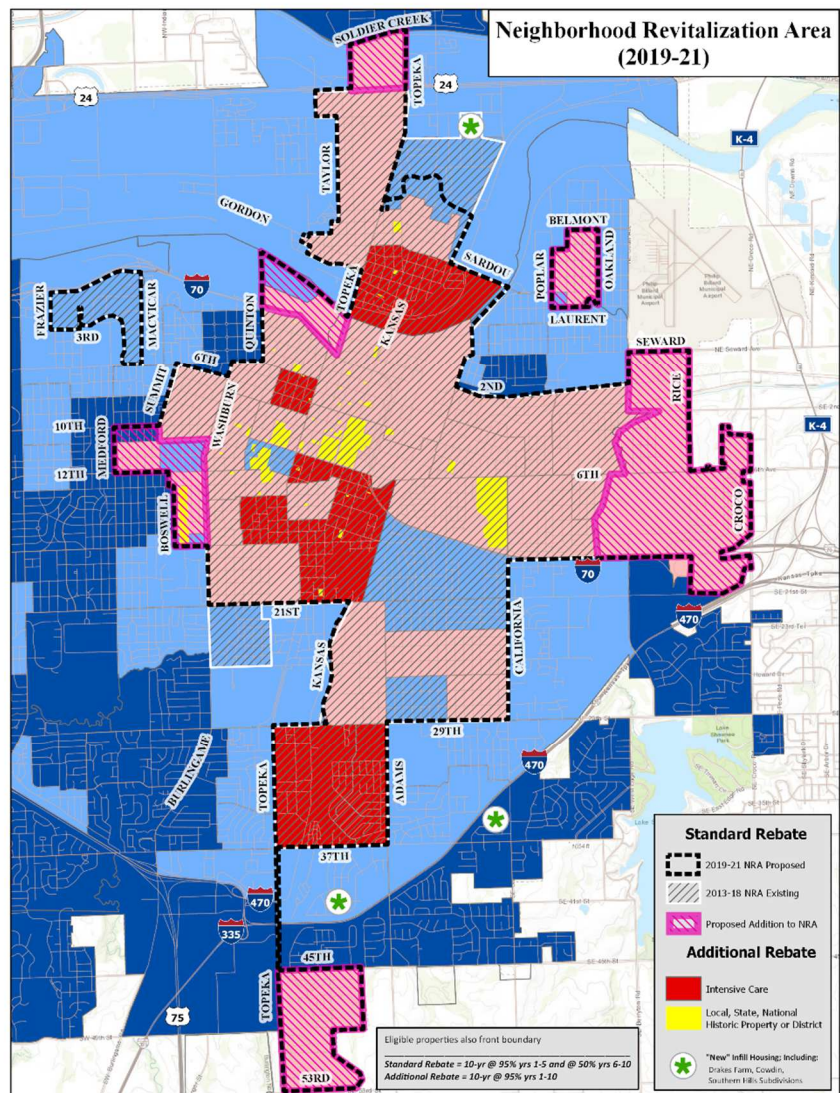
RE: NEIGHBORHOOD REVITALIZATION PLAN

The Neighborhood Revitalization Plan (NRP) is set to expire at the end of 2018 and is being proposed for renewal through December 2021. The NRP was originally adopted in 1995 by the City of Topeka to establish a program that offered tax rebates to owners who make improvements to their properties within certain areas of the city.

The purpose of the program has been to encourage re-investment in the city's older and more distressed neighborhoods which also includes the Downtown. The basic concept is that 50-95% of any additional property taxes created by new improvements would be rebated back to the owner over a 10 year period.

While the plan and program have had variations throughout the years, it has been continuously administered by the City since 1995 resulting in almost \$422 million of new investment. With participating taxing entities rebating \$42 million over that time, the program has leveraged \$9 of private investment for every public dollar rebated.

Since 2003, the eligible area for rebates has been adjusted and, for the most part, align with the "at risk" and "intensive care" neighborhoods of the city as determined by the health map of the Comprehensive Plan's Neighborhood Element. These areas constitute the highest priorities for re-investment. However, other streets have been included so the boundary of the NRP boundary follows major streets and neighborhoods.

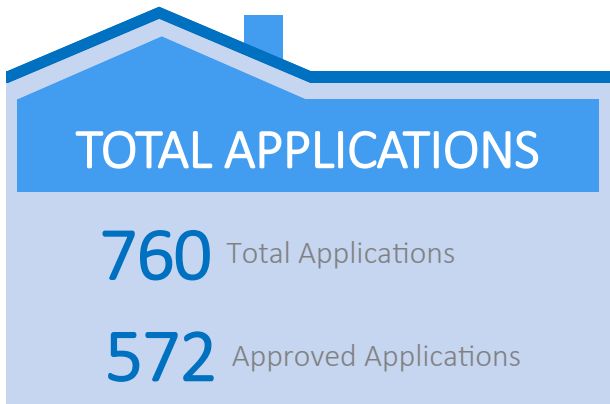


The update of the NRP is now synced with the health map update. The health map was updated earlier this year and will be updated in the same year as the NRP going forward. The main changes of the proposed 2019 plan are:

- Revise and expand the eligible area to reflect any new “At Risk” areas in the City’s 2017 Neighborhood Health Map (the previous 2013-18 boundary aligned with the 2011 Health Map);
- Provide a 95%, 10 year rebate to new infill single family dwellings within Drakes Farm, Southern Hill and Cowdin Subdivisions. These subdivision lie outside the proposed boundary. However, they were initially platted with the intent of using the rebate since at the time the boundary encompassed and included these areas within its previous boundaries.
- Provide a rebate for properties fronting on Topeka Blvd lying between SW 37th and 45th. This linear strip ties together the “Intensive Care” Hi-Crest neighborhood to the “At Risk” neighborhood south of 45th and includes commercial and industrial properties fronting along Topeka Blvd.
- Remove the condition in previous plans requiring “New Single Family Dwellings” to remain owner-occupied throughout the life of the rebate.

Neighborhood Revitalization Program

Term Years 1995-2018



TOTAL INVESTED

425 MILLION DOLLARS

IN BOTH COMMERCIAL AND RESIDENTIAL PROPERTIES

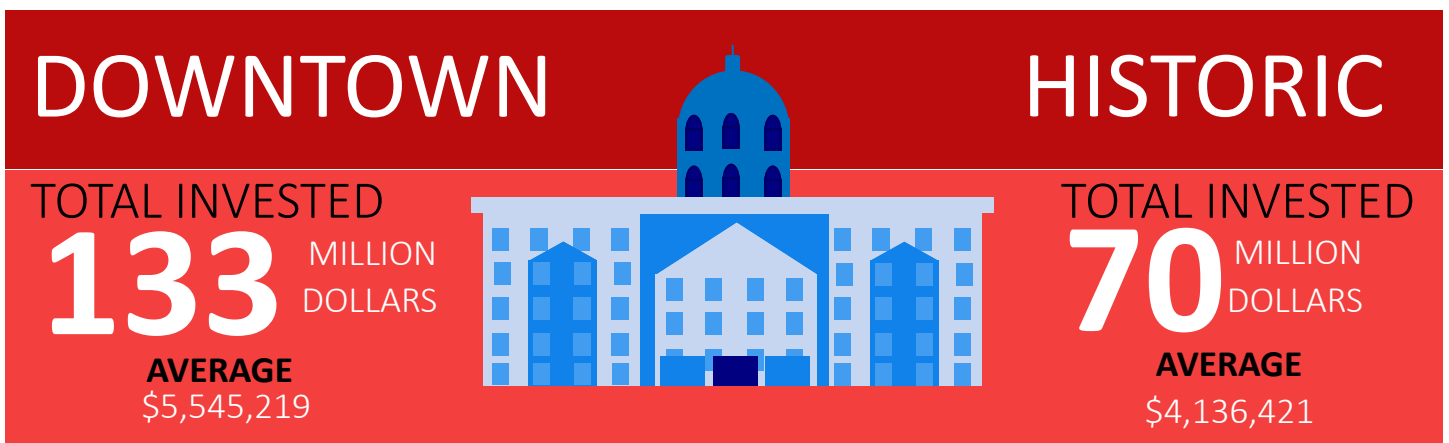
\$326, 201,152
COMMERCIAL

\$101, 286,280
RESIDENTIAL

1995-2016 **TAX REBATE AMOUNT PAID** **\$43,254,626**

\$19,367,573 **NEW TAX GENERATED** 2006-2016

FOR EVERY DOLLAR REBATED
\$10 ARE INVESTED



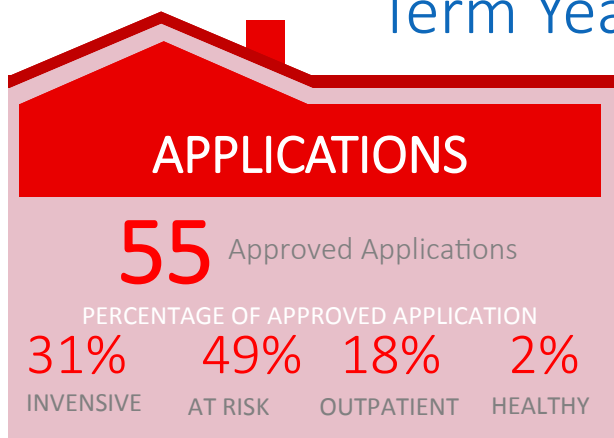
Neighborhood Health 2004-2018

INTENSIVE CARE	\$40,454,990	14%
AT RISK	\$174,158,407	61%
OUTPATIENT	\$47, 530,507	17%
HEALTHY	\$23,558,800	8%



Neighborhood Revitalization Program

Term Years 2013-2018



TOTAL INVESTED

145 MILLION DOLLARS

IN BOTH COMMERCIAL AND RESIDENTIAL PROPERTIES

\$129,906,152

COMMERCIAL

\$15,778,936

RESIDENTIAL

2013-2016 TAX REBATE AMOUNT PAID **\$11,990,552**

\$10,035,271 NEW TAX GENERATED 2013-2016

FOR EVERY DOLLAR REBATED

\$7 ARE INVESTED

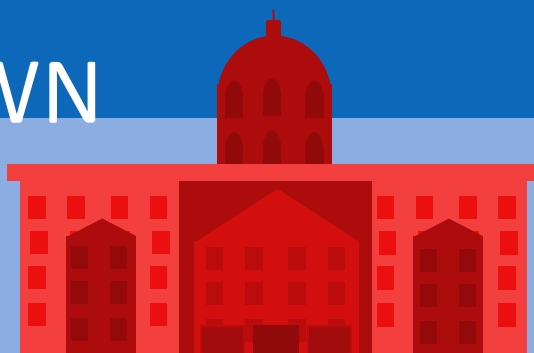
DOWNTOWN

TOTAL INVESTED

60 MILLION DOLLARS

AVERAGE

\$10,066,817



HISTORIC

TOTAL INVESTED

56 MILLION DOLLARS

AVERAGE

\$9,369,206

Neighborhood Health Applications and Investments

2013



\$412,689 \$2,750,800
\$13,848,000 \$0

2015



\$1,699,621 \$9,927,245
\$140,250 \$0

2014



\$2,238,243 \$4,058,700
\$14,050,144 \$5,301,000

2016



\$3,256,491 \$29,942,486
\$493,600 \$0

2017



\$8,062,500, \$39,966,700, \$425,000

2018



\$337,000, \$6,029,734, \$385,000,

Intensive Care
 At Risk
 Out Patient
 Healthy

Neighborhood Revitalization Program Comparisons	Minimum increase		# of Years		% rebate			Approval Criteria	Transferable With New Owner	Admin fee	Time limit to apply		Other notes:
	Residential	Comm/Indy	Residential	Comm/Indy		Downtown	Historic						
TOPEKA	10%	20%	10	10	95% first 5 years and 50% for final five years; "Intensive Care" neighborhoods 95% for full 10 years	same	95% for 10 yrs	Administrative	Yes	5% of rebate	60 days from Building Permit or up to 1 year from Building Permit if showing intent		New construction for Single- Family must be Owner Occupied
Atchison	\$5,000	\$10,000	7 yrs - \$5,000+ residential rehab; 7 yrs - \$5,000+ new residential	10 yrs - \$500,000 + investment; 7 yrs - \$10,000 investment	95% - 20% Graduates down every year of rebate	same			Yes	5% (\$25 min)	Prior to commencement of construction		Application period ends 10/31/2021
Hutchinson	\$7,000 or 5%	\$20,000 or 15%	10	10	95% - 50% (graduates down until yr 6 and then remains at 50% for remaining)	95% - first 5 yrs; 50%- last 5 yrs	100% for 10 yrs	Administrative			Time of application for building permit		
KCK/Area 1		> \$3 million		up to 20 years	75-85%			Commission approval					To be eligible: 1. Retail 2. Environmentally contaminated area 3. State or National Historic Register
KCK/State Ave East Corridor		> \$3 million		up to 20 years	75-85%			Commission approval					
KCK/State Ave West Corridor		> \$3 million		up to 20 years	75-85%			Commission approval					
Leavenworth Rd Corridor		> \$3 million		up to 20 years	75-85%			Commission approval					
Lawrence	Subj to affordable housing requirements				up to 100% on incremental increase in taxes due to improvemetns			Commission approval		\$500			based on approval by Commission per project
Lenexa	min invest of \$5,000 on single/duplex; min invest of \$10,000 on multifamily in	min invest of \$10,000	10 yrs	10 yrs	Max 85% rebate for residential; max 75% rebate for commercial/industrial	same		Administrative		\$25 single/two family; \$100 commercial			
Newton	15% or \$5,000	15% or \$5,000	5	10	Resid Rehab - 100%; New Resid - 50%	100% for 10yrs			Yes	5%			Properties outside area may apply but need to meet stricter requirements
Olathe	min increase of 5% on <u>assessed</u> value for residential	Min increase of 10% on <u>assessed</u> value for commercial	10 yrs	10 yrs	max 90% on residential; max 80% on commercial	same		Administrative			Prior to or with building permit		4 sq. miles (Old Town)
Wichita	No longer has a program; expired 3-4 years ago and not renewed												
Salina	10% or \$10,000	20% or \$20,000	10	10	50-100% first 5 yrs; 25- 50% last 5 yrs depending on improvement	same		Administrative			60 days from Building Permit		



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 9, 2018

DATE: October 9, 2018
CONTACT PERSON: Mary Feighny, Deputy City Attorney; Thomas Allen, Real Estate Agent
DOCUMENT #:
SECOND PARTY/SUBJECT: **PROJECT #:**
CATEGORY/SUBCATEGORY 020 Resolutions / 002 Condemnations
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

RESOLUTION introduced by City Manager Brent Trout authorizing initiation of condemnation proceedings to acquire fee title and a permanent easement for construction of the Soldier Creek Booster Pump Station Project No. T-281091.00

Voting Requirement: Majority vote of the Governing Body (6).

(Approval will authorize the Engineering Department to determine which properties are necessary to acquire for the project).

VOTING REQUIREMENTS:

Majority vote of the governing body (6).

POLICY ISSUE:

Whether to authorize the Engineering department to determine which properties are necessary to be acquired by eminent domain (condemnation) for the Soldier Creek Booster Pump Station.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the resolution.

BACKGROUND:

Acquisition of property by condemnation may be necessary in order to proceed with the Soldier Creek Booster Pump Station project. The Resolution is the first step in the process. The Resolution, required by state law, authorizes the engineering department to determine which parcels need to be acquired for the project. The

second step will occur on October 23, 2018, when staff will request the Governing Body pass an ordinance authorizing the City Attorney to file an eminent domain action in the district court. The petition will be served on the property owner and a hearing date set. At the hearing, the court will appoint three appraisers who will determine the compensation due to the property owner based upon a statutory formula for determining fair market value. The appraisers will view the property, conduct a public hearing, and file their appraisal report with the court. Upon payment of the compensation to the court, the City will acquire the property interests (i.e. easement, fee title). The property owner may appeal the appraisers' valuation through the courts.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Resolution

Aerial Map

1 (Published in the Topeka Metro News _____)

2
3 RESOLUTION NO. _____

4
5 A RESOLUTION introduced by City Manager Brent Trout authorizing initiation of condemnation
6 proceedings to acquire fee title and a permanent easement for construction of
7 the Soldier Creek Booster Pump Station – Project No. T-281091.00
8

9 BE IT RESOLVED by the Governing Body of the City of Topeka, Kansas, pursuant to
10 K.S.A. 26-201 that it is necessary and advisable in the public interest to condemn within the
11 corporate limits of the City of Topeka certain private property interests, including fee title and a
12 permanent easement, for the following public purpose: construction of a new booster pump station
13 and such other public purposes as are authorized by law.

14 Pursuant to the provisions of K.S.A. 26-201, the Engineering Division is hereby authorized
15 and directed to cause a survey to be made by some competent engineer of the private property which
16 is necessary to be appropriated for the improvements, and such other public purposes as are
17 authorized by law, and the City Engineer, or designee, is authorized and directed to file the report of
18 the survey, including a description of the private property and the interest to be acquired by
19 condemnation, in the office of the City Clerk.

20 THIS RESOLUTION shall become effective upon one publication in the official city
21 newspaper.

22 ADOPTED and APPROVED by Governing Body _____.

23 CITY OF TOPEKA, KANSAS
24
25 _____
26

27 Michelle De La Isla, Mayor

28 ATTEST:
29
30 _____
31

Brenda Younger, City Clerk

Drawing Name: W:\Proj\1900001\19395\19395.000\AureCad\UserTemp & Misc\Conceptual\19395.000_vMenden Pump Station Concept.dwg Layout Name: Layout1 Plotted By: LWP00251 Plotted on: 6/1/2017 11:24:36 AM





City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 9, 2018

DATE: October 9, 2018
CONTACT PERSON: Bill Fiander, Planning Director DOCUMENT #:
SECOND PARTY/SUBJECT: Visual Code Update PROJECT #:
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

DISCUSSION of proposed amendments to the Topeka Zoning Regulations, Title 18 of the Municipal Code regarding changes to non-residential design standards and landscaping and screening standards for new non-residential construction.

(Discuss updated building design and landscaping standards for new non-residential construction.)

VOTING REQUIREMENTS:

Discussion only. No action required by the Governing Body.

POLICY ISSUE:

The proposed amendments to the Topeka Zoning Regulations comprise a Visual Code Update encouraged by Momentum 2022, the Land Use and Growth Management Plan 2040, and the Visual Appeal Survey.

- Developed by GO Topeka and its community partners in 2017, Momentum 2022 includes a holistic economic development strategy built around five goals, two of which support the Visual Code Update: *Create Vibrant and Attractive Places* and *Promote a Positive Image*.
- Adopted in March 2015, the Land Use and Growth Management Plan 2040 asserts that the Zoning Code should be updated to include reasonable building and site design standards for new and redeveloped areas which improve the aesthetics of development and design to create attractive focal points.
- In February 2018 staff completed the City's on-line Visual Appeal Survey of building design and signs. The large number of responses received, including written comments, is impressive and emphasizes the importance of building design and signs to Topeka's visual appeal. Although not part of its original intent, the survey also demonstrates the important role of landscaping in the city's visual appeal.

STAFF RECOMMENDATION:

Discussion only. No action being requested at this time.

BACKGROUND:

Non-Residential Design Standards

Topeka currently does not have formal commercial design review other than for historic properties and “D” zoning districts downtown. The non-residential design standards will be applied to commercial, industrial, and institutional projects city-wide. This project is part of a visual codes update that previously converted the C5 zoning district downtown to D-1. The project also includes updates to the landscape and sign codes.

Process - Staff has been applying the design standards informally to submitted commercial projects for the last couple of years. Generally speaking, most projects that are submitted are well designed. An important outcome of the new design standards will be to elevate the design of those projects that are typically not well designed. The project formally kicked-off with a presentation by Mark White to the Planning Commission on November 17, 2017. Mr. White is an attorney with White and Smith Planning and Law Group who specializes in writing design standards and updating sign codes. He has been retained by the Planning Department to assist with the visual code project. The following has occurred since the November 17, 2018, meeting:

- A technical review group of local architects was assembled, including a representative of the Planning Commission (Matt Werner). The group met throughout the winter, spring and early summer to provide guidance and input on the design standards.
- Staff produced an on-line visual assessment survey for building design and signs. The survey was released for a month in January, 2018. 1,062 people took the building design survey. 480 provided written comments. Comments included the importance of building design, and that landscaping was important to the overall design.
- The design standards were presented to a development forum on July 25, 2018. The invitation went out to a large number of development professionals. The forum was well attended and included local design professionals and development consultants.
- Staff presented the design standards to the Planning Commission for discussion on March 19, May 21, and August 20, 2018. The Planning Commission unanimously recommended approval of the design standards at a public hearing on September 17, 2018.

Design Standards Summary - The design standards are organized by building type – Type A, B, and C. Type A buildings have the highest design considerations; Type C has the least design considerations. Building types are based on zoning. Type A buildings are required in light commercial, office and downtown districts. Type B buildings are required in heavier commercial districts. Type C buildings are required in industrial districts.

The major design standards are organized by building materials, architectural details and windows/doors. Street and/or front facing facades have the highest degree of design review. The standards promote 4-sided design so there are also design standards for non-front and non-street facing facades.

The design standards are meant to be prescriptive. However, flexibility is built into the design standards:

- Options are provided to meet building material and architectural detail standards. There is no single prescribed design but a menu of choices that allow design professional creativity.
- Alternate compliance is allowed if the project cannot meet the design standards. Alternatives that can be chosen in lieu of full compliance include options to enhance site landscaping, alter signs on the property, and locate parking to the side or rear of the building.
- Exemptions are possible under limited circumstance.

Landscaping and Screening

The City’s Visual Appeal Survey regarding building design and signs was not intended to seek input regarding landscaping, however, the response clearly indicates landscaping to be important to visual appeal. Images that included well developed landscaping rated as being more visually appealing than those images lacking landscaping. Additionally, many of the written responses expressed the importance of landscaping to visual appeal.

In addition to the Visual Appeal Survey, on July 25, 2018, staff presented the proposed standards to a development forum consisting of local design professionals and development consultants, and on August 20, 2018, presented the standards to the Planning Commission for discussion.

Topeka's current standards require landscaping for new commercial construction, substantial additions to building and parking lots. The proposed changes to the landscaping standards in the zoning code will:

- Increase the overall quantity of required landscaping for new construction in all but industrial districts and mixed use districts X-2 and X-3.
- Establish a minimum standard for landscaping along street frontages.
- Clarify and revise the required landscape setback along street rights-of-way.
- Provide for alternative compliance to the 20 foot landscape setback along street rights-of-way, providing an incentive to more visually appealing development.

Topeka's zoning regulations require screening for tow lots using fencing and/or landscaping where abutting residentially zoned property. The proposed changes require screening along lot lines adjoining street rights-of-way and in yards abutting residential property for tow lots, and storage yards associated with contractor offices.

Staff recommends approval of the ordinances as presented following the Planning Commission's recommendation of approval by a vote of 9-0-0 on September 17, 2018.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Presentation

Ordinance Draft - Non-Residential Design Standards

Memorandum to Planning Commission - Non-Residential Design Standards

Building Design Standards Planning Commission Minutes Non-Residential Standards

Building Design Standards - Non-Residential Buildings

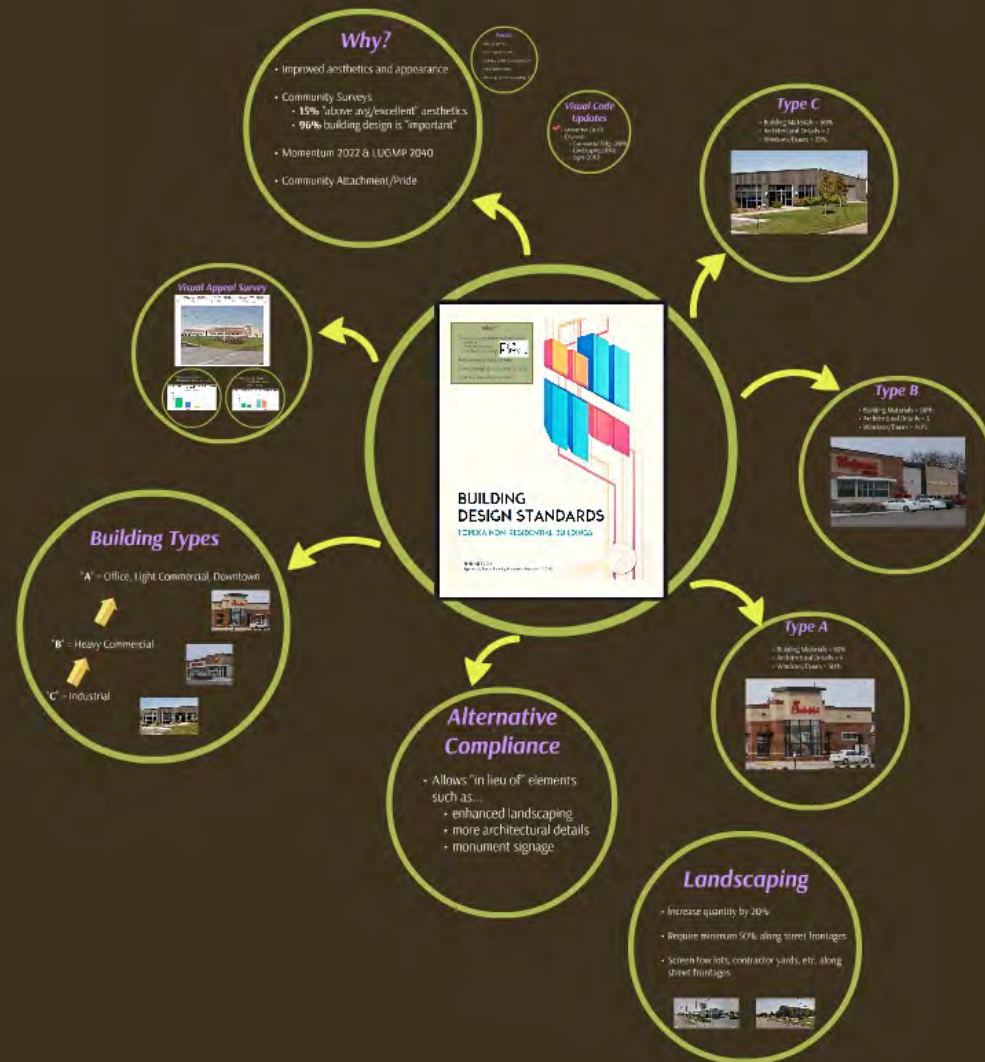
Building Type Examples - Non-Residential Buildings

Ordinance Draft - Landscaping and Screening Standards

Memorandum to Planning Commission - Landscaping and Screening Standards

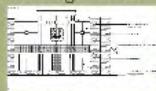
Landscaping and Screening Planning Commission Minutes

Visual Code Updates 1 & 2



What?

- Menu of acceptable **exterior** building features
 - Materials
 - Architectural details
 - Window/door openings
- **New Commercial Buildings city-wide**
- Based on **Zoning** (office, commercial, industrial)
- Minimums - Raises the Floor for some



BUILDING DESIGN STANDARDS

TOPEKA NON-RESIDENTIAL BUILDINGS

SEPTEMBER 2015

Approved by Topeka Planning Commission September 17, 2015



Why?

- Improved aesthetics and appearance
- Community Surveys
 - **15%** "above avg/excellent" aesthetics
 - **96%** building design is "important"
- Momentum 2022 & LUGMP 2040
- Community Attachment/Pride

Process

- Beta tested 2 yrs
- Visual Appeal Survey
- Technical Committee meetings (
- Development Forum
- Planning Commission meetings

Visual Code Updates



- Downtown (2017)
- City-wide
 - Commercial Bldgs (2018)
 - Landscaping (2018)
 - Signs (2019)

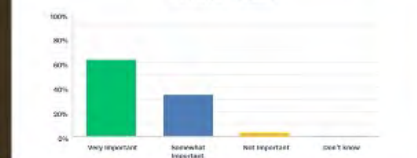
Visual Appeal Survey



- 1,062 took the survey
- 480 provided written comments

Q14 How important is building design to the visual appeal of a community?

Answered: 1,062 Skipped: 0

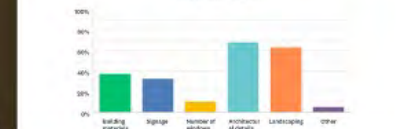


Most important factors:

- Architectural details
- Landscaping

Q13 What factors are most important to the visual appeal of buildings? (Select TWO)

Answered: 1,062 Skipped: 0



Visual Appeal Survey

	VERY UNAPPEALING	SOMEWHAT UNAPPEALING	NEUTRAL	SOMEWHAT APPEALING	VERY APPEALING	TOTAL	WEIGHTED AVERAGE
(no label)	1.98% 21	4.80% 51	12.90% 137	39.17% 416	41.15% 437	1,062	1.00



- 1,062 took the survey
- 480 provided written comments

Q14 How important is building design to the visual appeal of a community?

Answered: 1,062 Skipped: 0

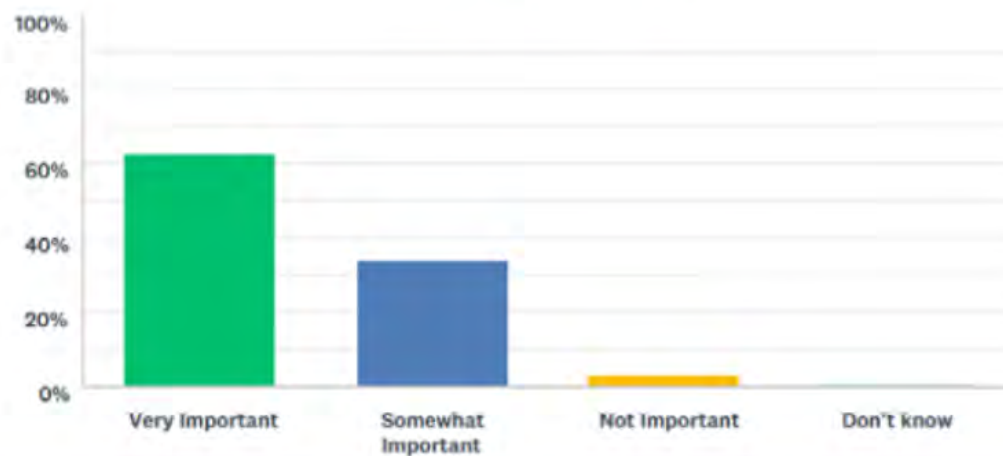
- Most important factors:
- Architectural details
 - Landscaping

Q13 What factors are most important to the visual appeal of buildings?
(Select TWO)

- 1,062 took the survey
- 480 provided written comments

Q14 How important is building design to the visual appeal of a community?

Answered: 1,062 Skipped: 0

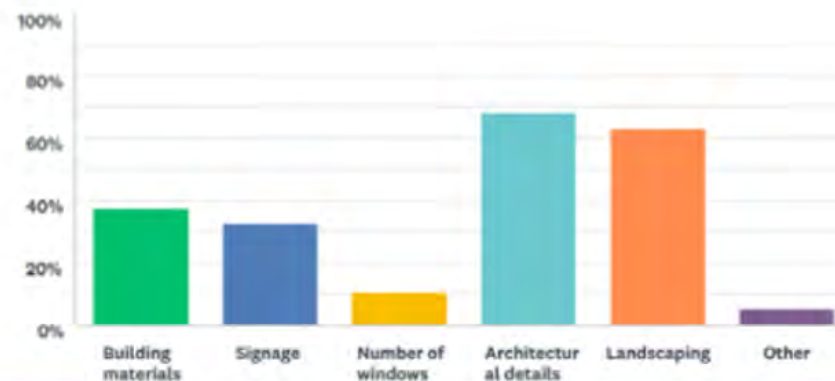


Most important factors:

- Architectural details
- Landscaping

Q13 What factors are most important to the visual appeal of buildings?
(Select TWO)

Answered: 1,062 Skipped: 0



Process

- Beta tested 2 yrs
- Visual Appeal Survey
- Technical Committee meetings (4)
- Development Forum
- Planning Commission meetings (5)

Survey



Most important factors:

- Architectural details
- Landscaping



town



What?

- Menu of acceptable exterior building features
 - Materials
 - Architectural details
 - Windows/door openings
- New Commercial Buildings city-wide
- Based on Zoning (office, commercial, industrial)
- Minutemen - Raises the floor for some



BUILDING DESIGN STANDARDS

TOPEKA NON-RESIDENTIAL BUILDINGS

SEPTEMBER 2015

Approved by Topeka Planning Commission September 12, 2015

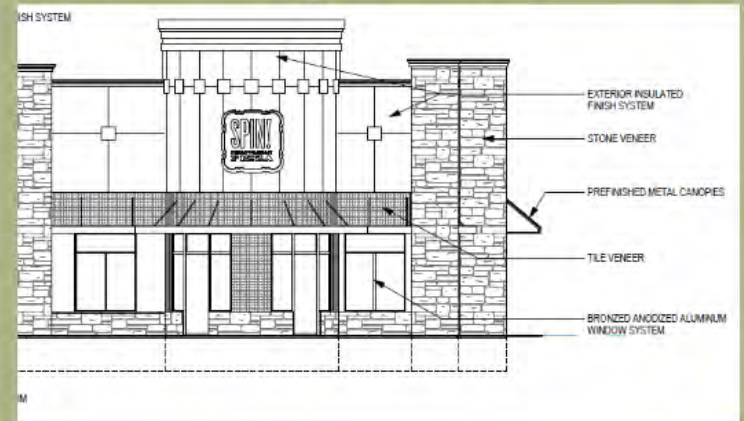
Type A

- Building Materials = 85%
- Architectural Details = 4
- Windows/Doors = 50%



What?

- Menu of acceptable **exterior** building features
 - Materials
 - Architectural details
 - Window/door openings



- **New** Commercial Buildings **city-wide**
- Based on **Zoning** (office, commercial, industrial)
- Minimums - Raises the Floor for some

Building Types

"A" = Office, Light Commercial, Downtown



"B" = Heavy Commercial



"C" = Industrial



Type A

- Building Materials = 85%
- Architectural Details = 4
- Windows/Doors = 50%



Type B

- Building Materials = 60%
- Architectural Details = 3
- Windows/Doors = 40%



Type C

- Building Materials = 60%
- Architectural Details = 2
- Windows/Doors = 25%



Alternative Compliance

- Allows "in lieu of" elements such as...
 - enhanced landscaping
 - more architectural details
 - monument signage

Landscaping

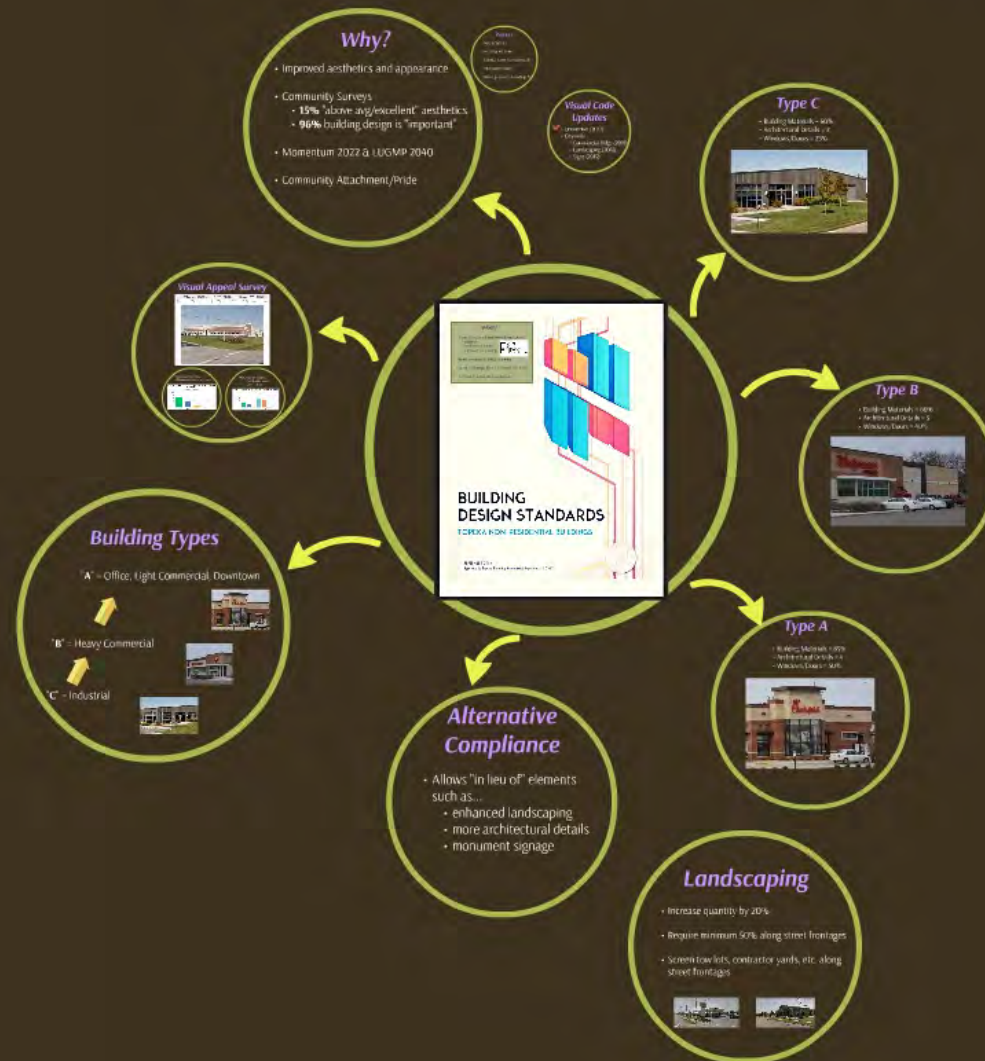
- Increase quantity by 20%
- Require minimum 50% along street frontages
- Screen tow lots, contractor yards, etc. along street frontages







Visual Code Updates 1 & 2



(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Brent Trout City Manager, creating Chapter 18.275 of the Topeka Municipal Code concerning non-residential design standards.

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

Section 1. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 18.275.010, which said section reads as follows:

Purpose; intent.

The non-residential design standards in this chapter are intended to provide a minimum level of acceptable design for non-residential development projects. The design standards establish basic requirements for development of buildings and their architectural components, which are common to all types of commercial development. The design standards are not intended to promote a particular style of architecture or design theme but will enable developers, architects, landowners and the general public to anticipate and plan for building design as a key element of the overall project approval process. The standards accomplish the following objectives:

(a) Ensure design that enhances a sense of place and strengthens the identity of Topeka;

(b) Enhance pedestrian-oriented design;

(c) Relate development to surrounding community;

(d) Support property values in new development/redevelopment;

(e) Encourage higher quality in design and use of materials in new development; and

(f) Balance functional and economic objectives of community residents and

business owners through aesthetic considerations affecting the community at large.

Section 2. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 18.275.020, which said section reads as follows:

Application of design standards.

(a) Except for properties listed on local, state, or national historic registries, non-residential design standards in TMC 18.275.050 apply to the following:

(1) New construction or an alteration to an existing structure which increases or decreases the gross floor area of the structure by more than 50 percent.

(2) Any project requiring a building permit for a remodel of at least 50% of the front and/or street facing facades.

(3) Institutional uses in any zoning district and all developments constructed under the provision of a conditional use permit, in any zoning district.

(4) Any construction within the O&I-1, O&I-2, O&I-3, C-1, C-2, C-3, C-4, M-S, I-1, I-2, X-1, X 2, X-3, D-1, D-2, D-3, U-1, and all planned unit development districts for the above listed use groups.

(5) Accessory buildings that meet the following conditions:

(i) 1000 square feet or larger;

(ii) visible from the street; and

(iii) require a building permit.

(b) Type A building design standards in TMC 18.275.050 apply to O&I-1, O&I-2, O&I-3, C-1, C-2, X-3, D-1, D-2, D-3 and all planned unit development districts for the above listed use groups, and all developments constructed under the provisions of a conditional use permit in any of these districts. Buildings in “D” districts shall also

53 comply with the design guidelines in TMC 18.200.090.

54 (c) Type B building design standards in TMC 18.275.050 apply to C-3, C-4,
55 U-1, M-S, X-1, all planned unit development districts for the above listed use groups,
56 and all developments constructed under the provisions of a conditional use permit in
57 any of these districts. Type B design standards in TMC 18.275.050 shall apply to
58 institutional uses in any zoning district.

59 (d) Type C building design standards in TMC 18.275.050 apply to I-1, I -2, X-
60 2, and all planned unit development districts for the above listed use groups, and all
61 developments constructed under the provisions of a conditional use permit in any of
62 these districts.

63 (e) Non-residential design standards shall apply only to those portions of a
64 building that is undergoing expansion or alteration.

65 Section 3. That The Code of the City of Topeka, Kansas, is hereby amended
66 by adding a section, to be numbered 18.275.030, which said section reads as follows:

67 **Exemptions; alternative compliance.**

68 (a) The following are exempt from TMC 18.275.020:

69 (1) Any construction, building expansion, or remodeling that does not
70 require a building permit.

71 (2) The planning director may exempt building design standards if:

72 (i) the applicant demonstrates that strict application of the design
73 standards results in undue hardship due to one or more of the following
74 factors:

75 (1) the function, size, or use of building renders compliance
76 impractical or economically infeasible; or

77 (2) the building, expansion, or remodel is not visible from the
78 public right-of-way; or

79 (3) the design requirement is inconsistent with the overall
80 context of the area, taking into consideration current conditions and
81 comprehensive planning policies for future development.

82 (ii) The strict application of the design standards would result in
83 peculiar and exceptional practical difficulties to, or exceptional and undue
84 hardship upon, the property owner; provided there is no substantial detriment to
85 the public welfare and the purpose and intent of the standards are not
86 substantially impaired.

87 (b) The planning director may approve an alternate building design under the
88 following circumstances:

89 (1) If the design fails to meet one of the requirements for building
90 materials, architectural details, or windows/doors in TMC 18.275.050, the
91 applicant shall utilize at least one of the elements in subsection (c).

92 (2) If the design fails to meet two of the requirements for building
93 materials, architectural details, or window/doors in TMC 18.275.050, the
94 applicant shall utilize at least two of the elements in subsection (c).

95 (3) If the design fails to meet all three of the requirements in TMC
96 18.275.050, the alternate building design elements in subsection (c) cannot be
97 utilized as an alternative building design.

98 (c) Elements that may be utilized in lieu of compliance with the design
99 standards in subsection (b) include:

100 (1) excess landscaping (at least 25% more points accrued than

required) concentrated along public rights-of-way;

(2) additional parking lot islands (with trees) beyond what is required by the landscaping regulations sufficient to cover at least 25% of the parking area;

(3) landscape screening of blank or under designed walls;

(4) addition of a front or street facing storefront with an entryway, terrace, outdoor patio, or similar feature with architectural materials and scale that are compatible with the building, and a minimum width of 8 feet and minimum height of 10 feet;

(5) addition of integrated planters, landscaping features, or wing wall compatible in design and scale to the building;

(6) parking located to the side or rear of the building, with at least 50% of the lot frontage occupied by building facades with a public entryway;

(7) bringing existing signs on the property into compliance with current sign code standards, or at a minimum removing or replacing an existing pole sign with a monument sign;

(8) a minimum of 20% higher percentage of required windows/doors;
or

(9) additional required architectural details (at least 1 additional detail per insufficiently met design standard).

Section 4. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 18.275.040, which said section reads as follows:

Design considerations.

The applicant shall demonstrate that the design standards in this chapter comply

with the following:

(a) Building elevation design determinations will take into consideration the character of the surrounding architecture and neighborhood and incorporate design elements that further reflect or enhance surrounding community character.

(b) In areas where the existing character is not definitively established or is not consistent with the purposes of the standards in this chapter, the architecture of new development shall conform to the comprehensive plan or any area plans for future projects or redevelopment in the area.

(c) Non-residential buildings shall not have a single, large dominant building mass.

(d) Non-residential development shall comply with the building design standards on all elevations (360 degrees architecture).

(e) The street level shall be designed at a pedestrian scale.

(f) Buildings shall be designed with predominant materials, elements, and design features tailored to the site and its context.

Section 5. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 18.275.050, which said section reads as follows:

Building Design Standards; Type A, B, and C non-residential buildings.

(a) The specific design standards in the table below apply to Type A, B, and C non-residential buildings.

(b) When calculating building material and window/door percentages identified in TMC 18.275.050, the façade width will be multiplied by the average façade roofline height (upper limit of 20') to determine the total square footage of the façade. The window/door area will be deducted from the square foot calculation of the total

149 façade area before determining the percentage of building materials.

150 (c) Garage doors will not count towards the required window/door

151 percentages.

152 (d) The planning director may approve alternative building materials or

153 architectural details not listed in TMC 18.275.050.

<u>Building Design Standards</u>		<u>Building Types</u>		
		<u>A</u>	<u>B</u>	<u>C</u>
<u>Type A & Type B Building Materials</u>	<u>Total square footage of all stories of front and/or street-facing facades shall contain the following <i>minimum</i> percentages of the building materials listed below:</u>	85%	60%	
	* <u>Natural stone</u> - <u>Brick</u> * <u>Cast Stone</u> - <u>Synthetic Stone, such as pre-manufactured fiberglass, cultured stone, or glass fiber reinforced concrete, if it is identical in appearance and of equal or greater durability to natural stone or greater durability to natural stone</u> - <u>Traditional stucco or gypsum concrete/plaster materials with smooth finish</u> * <u>Exterior insulating finishing system (E.I.F.S)</u> - <u>Integrally-colored or glazed concrete masonry units</u> * <u>High quality pre-stressed concrete systems (Pre-cast w/veneer or textured finish)</u> - <u>Glass curtain wall</u> - <u>Architectural metal panels – must be a higher quality material than standard industrial, ribbed pre-engineered metal panels.</u> * <u>Cement Board siding</u> - <u>Solid wood planking and decorative cement fiber panels may be used for accent features</u>			
	<u>The remaining exterior surface area of all stories of front and/or street-facing facades shall be comprised of these materials, or cement fiber panels, or integrally-colored split-faced concrete masonry blocks.</u>			
	<u>Total square footage of all stories of non-front and/or non-street-facing facades may integrate the following <i>maximum</i> percentage of materials into the composition of the materials listed above.</u>	65%	75%	
	* <u>Cement fiber panels</u> - <u>Integrally-colored split-faced concrete masonry block</u>			
<u>Type C Building Materials</u>	<u>Total square footage of all stories of front and/or street-facing facades shall contain the following <i>minimum</i> percentage of the building materials listed below.</u> * <u>Any of the designated materials for Type A and B</u> - <u>Glass block or curtain wall</u> * <u>Integrally-colored split-faced concrete masonry unit</u> - <u>Pre-cast concrete tilt wall with a decorative or textured finish</u> * <u>Industrial, ribbed, pre-engineered metal panels with permanent baked-on enamel finish, or painted to manufacturer's specs</u> <u>The remaining exterior surface area of all stories of front and/or street-facing facades shall be composed of these materials, or those materials listed for use within non-front and non-street-facing facades for Type C</u>			60%

	buildings listed below.	
	<u>Total square footage of all stories of non-front and/or non-street-facing facades on Type C buildings may integrate the following <i>maximum</i> percentage of additional materials into those listed above.</u>	<u>85%</u>
-	* <u>Cement fiber planking (not panels)</u>	
-	* <u>Solid wood planking and decorative cement fiber panels</u>	
-	* <u>Metal with permanent baked-on enamel finish, or painted to manufacturer's specs</u>	

<u>Building Design Standards</u>		<u>Building Types</u>		
		<u>A</u>	<u>B</u>	<u>C</u>
<u>Types of Architectural Details</u>	<u>For the first 50 linear feet (or less) of front and/or street-facing facades, all building types shall be designed with the following minimum number of architectural details. One additional architectural detail shall be required for each additional 25 feet of building front and/or street frontage.</u> * <u>At least 15% more windows/doors than the required minimum percentage</u> * <u>Display or other ornamental windows</u> * <u>Recessed entries</u> * <u>Horizontal or vertical recesses, projections, or off-sets at least 1-foot wide, located an average of every 30 horizontal feet, and with a depth at a minimum of 4"-6"</u> * <u>Modulating facade. Individual tenant spaces in multi-tenant buildings must articulate facades of the individual tenant spaces. Articulated facades help break up the mass of the building and create visual interest.</u> * <u>Variation of roof heights</u> * <u>Porches or balconies</u> * <u>Breezeways</u> * <u>Courtyards</u> * <u>Awnings or canopies (permanent)</u> * <u>Alcoves</u> * <u>Arcade, gallery, veranda, or pergola</u> * <u>Arches</u> * <u>Structurally different building materials (i.e. stone and brick)</u> * <u>Decorative tile work, brick patterns, moldings or other materials integrated into the façade</u> * <u>Ornamental cornice</u> * <u>Varied roof forms. Large uninterrupted expanses of rooftop ridgelines must include architectural details that add articulation and visual interest, such as gable-roofed dormers, hip-roof elements, or other design measures to achieve an equivalent result.</u> * <u>Premium roofing materials such as tile, or standing-seam metal</u> * <u>Tower cap</u> * <u>Tower or raised parapet</u>	<u>4</u>	<u>3</u>	<u>2</u>
<u>Doors & Windows</u>	* <u>The area of all stories' front facades of all building types shall contain the following minimum percentage of window or door openings.</u>	<u>50%</u>	<u>40%</u>	<u>25%</u>

	* <u>The area of all stories' non-front street-facing facades of all building types shall contain the following minimum percentage of window or door openings. For non-front facades, faux windows may be applied when the interior function of the building is not conducive to being seen from the exterior.</u>	<u>30%</u>	<u>20%</u>	<u>15%</u>
<u>Non-Street Facing Walls</u>	<u>Maximum length of non-street or non-front-facing facades without architectural details.</u>	<u>30'</u>	<u>50'</u>	<u>75'</u>
<u>Mechanical Systems</u>	<u>All roof mounted mechanical units (including evaporative coolers, HVAC units, vents, etc.) for all building types shall be located or screened so as not to be visible from the project's property lines that are adjacent to public and private streets, as well as adjacent to residential properties (unless height difference makes screening impractical). The screening methods/materials shall be consistent with and incorporated into the design of the building.</u>			
<u>Location Considerations</u>	<u>Projects located within an industrial context, or not visible from the street, may design to a lesser building type standard than required by zoning, provided that the project complies with the design requirements of the lesser building type and meets the design considerations in TMC 18.275.040.</u>			

Section 6. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 18.275.060, which said section reads as follows:

Appeal.

(a) If the planning director determines that the design plans are not in conformance with the design standards, the planning director shall deny the plans and notify the applicant, in writing, of the design features that do not comply.

(b) The applicant may appeal the planning director's determination to the board of zoning appeals as provided in Chapter 2.45 TMC.

Section 7. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 8. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 9. 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.

PASSED AND APPROVED by the Governing Body on _____.

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CITY OF TOPEKA, KANSAS

ATTEST:

Michelle De La Isla, Mayor

Brenda Younger, City Clerk



CITY OF TOPEKA

Planning Department
620 SE Madison, Unit 11
Topeka, KS 66607

Bill Fiander, AICP, Director
Tel: 785-368-3728
www.topeka.org

MEMORANDUM

To: Topeka Planning Commission
From: Dan Warner, AICP, Comprehensive Planning Manager
Date: September 17, 2018

RE: Visual Code Update I - Non-Residential Design Standards (ACZR18/01)

Background

Topeka currently does not have formal commercial design review other than for historic properties and “D” zoning districts downtown. The non-residential design standards will be applied to commercial, industrial, and institutional projects city-wide. This project is part of a **visual codes update** that previously converted the C5 zoning district downtown to D-1. The project also includes updates to the landscape and sign codes.

Process

Staff has been applying the design standards informally to submitted commercial projects for the last couple of years. Generally speaking, most projects that are submitted are well designed. An important outcome of the new design standards will be to elevate the design of those projects that are typically not well designed.

The project formally kicked-off with a presentation by Mark White to the Planning Commission on November 17, 2017. Mr. White is an attorney with White & Smith Planning and Law Group who specializes in writing design standards and updating sign codes. He has been retained by the Planning Department to assist with the visual code project. The following has occurred since the November 17th meeting:

- A **technical review group** of local architects was assembled, including a representative of the Planning Commission (Matt Werner). The group met throughout the winter, spring and early summer to provide guidance and input on the design standards.
- Staff produced an on-line **visual assessment survey** for building design and signs. The survey was released for a month in January, 2018. 1,062 people took the building design survey. 480 provided written comments. Comments included the importance of building design, and that landscaping was important to the overall design.
- Staff presented the design standards to the **Planning Commission** for discussion on March 19th, May 21st, and August 20th.

- The design standards were presented to a **development forum** on July 25th. The invitation went out to a large number of development professionals. The forum was well attended and included local design professionals and development consultants.

Design Standards Summary

The design standards are organized by building type – **Type A, B, and C**. Type A buildings have the highest design considerations; Type C has the least design considerations. Building types are based on zoning. Type A buildings are required in light commercial, office and downtown districts. Type B buildings are required in heavier commercial districts. Type C buildings are required in industrial districts.

The major design standards are organized by **building materials, architectural details** and **windows/doors**. Street and/or front facing facades have the highest degree of design review. The standards promote 4-sided design so there are also design standards for non-front and non-street facing facades. Screening roof mounted mechanical systems is also included.

The design standards are meant to be prescriptive. However, flexibility is built into the design standards:

- Options are provided to meet building material and architectural detail standards. There is no single prescribed design but a menu of choices that allow design professional creativity.
- Alternate compliance is allowed if the project cannot meet the design standards. Alternatives that can be chosen in lieu of full compliance include options to enhance site landscaping, alter signs on the property, and locate parking to the side or rear of the building.
- Exemptions are possible under limited circumstances.

Staff Recommendation

Staff recommends the Planning Commission:

1. Conduct a public hearing on TMC 18.275 on September 17, 2018.
2. Recommend approval of TMC 18.275 to the Governing Body.



CITY OF TOPEKA PLANNING COMMISSION CASE MINUTES

Monday, September 17, 2018

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

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

Members Absent:

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

Visual Code Update I (ACZR18/01) considering amending the Topeka Municipal Code (TMC) Title 18 (Comprehensive Plan-Signs-Subdivisions-Zoning) as follows:
Creating Chapter 18.275 concerning non-residential design standards

Mr. Fiander explained that this and the next case are scheduled for public hearings where public input could be heard, and then action at this evening's meeting. He added that it is also the commission's prerogative to delay action to a future meeting date.

Mr. Warner presented a PowerPoint presentation and reviewed the proposed non-residential design standards. He noted that the proposal will allow the Planning Director the option to approve alternate materials if appropriate and that, if the applicant and Planning Director could not come to an agreement, the applicant could appeal the decision of the Planning Director to the Board of Zoning Appeals (BZA).

Upon completion of his review, Mr. Warner stated that staff's recommendation is for the Planning Commission to recommend approval of TMC 18.275 to the Governing Body.

With no questions coming from commissioners, Ms. Ringler declared the **Public Hearing open**. Nobody coming forward to speak, Ms. Ringler declared the **Public Hearing closed**.

Mr. Fried stated that staff has presented the proposal a number of times and made changes as requested by the Commission. He believes the design standards will do a good job of helping Topeka look better moving forward.

Mr. Haugh stated he likes the flexibility that has been built into the plan; it will prove helpful to architects.

Mr. Werner stated he agrees with Mr. Fried and added that he sat on the review committee which worked to fine tune the plan. He believes it is at a point where it is ready to move forward toward approval and implementation.

Mr. Kannarr noted that it's obvious a great deal of work has gone into creating the plan and he is unaware of anyone who has stated they have strong objections to it. He noted that nobody came to the public hearing to speak against it.

Motion by Mr. Werner to recommend approval of ACZR18/01 to the Governing Body, **second** by Ms. Lawson. **APPROVAL** (9-0-0)

DRAFT

Visual Code Update II (ACZR18/03) considering amending the Topeka Municipal Code (TMC) Title 18 (Comprehensive Plan-Signs-Subdivisions-Zoning) as follows:

Amendments to the Land Use Matrix in Chapter 18.60 and Specific Use Requirements in Chapter 18.225, including amendments to the use standards for Vehicle Tow Lots, Contractor Offices, and Contractor Yards;

Amendments to the standards in Chapter 18.235, Landscape Requirements, pertaining to the quantity of landscaping, landscaping along street frontages, and landscape setbacks.

Mr. Hall presented a PowerPoint presentation and reviewed the proposed amendments. He noted that at the August Planning Commission, staff presented a proposal to require the landscape setback along street rights of way to be 6'. They have since changed that to 5'.

Upon completion of his presentation, Mr. Armstrong asked for clarification on one of the slides.

Ms. Messina asked if the amendments allow the Planning Director discretion to override any of the requirements. Mr. Hall explained that the proposals allow for quite a bit of discretion on the part of the Planning staff as they work with the applicant(s). If staff and the applicant cannot come to an agreement, the Planning Director could approve an alternative to the requirements.

Mr. Armstrong asked for clarification regarding when the requirements would be triggered. Mr. Hall explained that they take effect when there's a 50% increase in new building or parking lot, but possibly less than 50% when a parking lot is being added and landscaping is needed to screen a parking lot from abutting homes, etc. In regard to tow lots, an increase would trigger the need for compliance on that part of the lot being added.

With no more questions coming from commissioners, Ms. Ringler declared the **Public Hearing open**. Nobody coming forward to speak, Ms. Ringler declared the **Public Hearing closed**.

Ms. Messina inquired in regard to parking lot increases – would the landscaping need to be re-done for the entire property or just for the add-on? Mr. Hall stated that it would depend on the circumstances and where the parking lot/building is located. He stated that unless it proved unreasonable, if someone is redeveloping a site and it's affecting the entire site, staff would work with the applicant to bring the property up to standards. Both the staff and the Planning Director have discretion and attempt to use it in a consistent, thoughtful and limited way.

Mr. Armstrong noted that he believes the amendments will add to the community, making it more appealing. He stated that the Visual Appeal Survey results indicate the public believes landscaping is important.

Ms. Ringler noted that there has been considerable conversation about the proposed amendments, as well as opportunities for people to object to them, and she's heard no strong objections.

Motion by Mr. Kannarr to recommend approval of ACZR18/03 to the Governing Body, **second** by Ms. Messina. **APPROVAL** (9-0-0)



CITY OF TOPEKA PLANNING COMMISSION MINUTES

Monday, August 20, 2018

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

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

Members Absent:

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

Discussion Items

1. Building Design Standards - Review and discuss draft of the non-residential building design standards.

Mr. Warner explained that staff plans to bring the Building Design Standards to the September Planning Meeting for a Public Hearing and possible action by the commission. He reviewed the proposed standards and showed overhead Powerpoint slides with examples of building types, etc.

Discussion included whether the design standards might also be applied to downtown and/or residential buildings. Mr. Warner confirmed that apartment complexes are handled as residential properties and noted that the commercial design guidelines do not transfer well to residential buildings. Mr. Fiander agreed that the particular guidelines currently under consideration for the most part do not lend themselves to residential.

Mr. Werner noted he appreciates the time and effort put into the guidelines and looks forward to implementing them.

2. Screening and Landscape Requirements - Review and discuss proposed screening and landscape requirements.

Mr. Hall presented proposed updates to the requirements and took questions. Discussion included whether adding requirements to landscaping might tend to hide the nicer buildings that the design standards are attempting to bring about. It was explained by staff that the landscaping/screening requirements allow for staff discretion and provide enough leeway to bring about improvements in appearance without hiding building details that are designed to be seen, complementing rather than competing with building design.

Commissioner Armstrong left at 7:25



CITY OF TOPEKA PLANNING COMMISSION MINUTES

Monday, May 21, 2018

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

Members present: Brian Armstrong, Marc Fried, Dennis Haugh, Wiley Kannarr, Corliss Lawson, Ariane Messina, Katrina Ringler, Matt Werner (8)

Members Absent: Carole Jordan (1)

Staff Present: Dan Warner, Planner III, Mike Hall, Planner III; Kris Wagers, Administrative Officer; Mary Feighny, Legal

Discussion Items

Building Design Standards

Mr. Warner presented a PowerPoint presentation for review and discussion of non-residential building design standards updates, reviewing the DRAFT standards provided in the agenda packet. During the presentation there were questions and discussion with and by Commissioners.

Following a question, Mr. Warner explained that the standards are to apply to projects that require building permit.

Mr. Warner confirmed that design standards would be reviewed by Planning staff and as early in the design process as possible so there are no “surprises” late in the project. This is part of the “early site plan review” that is encouraged by Planning staff and has been in practice for awhile now.

In regard to d) on p. 3 of the draft, Mr. Warner explained that this is something the technical committee is still working on. It was agreed that we should research what other cities require.

Mr. Warner reviewed the Non-Residential Design Standards – Building Design Review Examples included in the agenda packet, as well as the Building Design Standards (pp. 5-7).

For windows/doors (___% of the area of the front façade required), Mr. Fried asked if garage doors will count as “doors”. It was agreed that they probably should not count.

There was additional discussion about d) on page 3, with Mr. Kannarr asking if there will be a “look back” provision in case someone breaks a remodel into stages. Mr. Warner stated that we don’t currently do that but it’s something to consider. Mr. Werner added that for remodels, it only pertains if someone is adding on or reducing the size of the building, or changing the façade. If only interior changes are planned, exterior standards will not apply.

APPROVED



CITY OF TOPEKA
TOPEKA PLANNING COMMISSION
M I N U T E S

Monday, March 19, 2018

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

Members present: Brian Armstrong, Corliss Lawson, Marc Fried, Dennis Haugh, Wiley Kannarr, Ariane Messina, Matt Werner (7)

Members Absent: Katrina Ringler, Carole Jordan (2)

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

Presentation and Discussion

Building Design Standards & Sign Code Update –

Mr. Warner and Mr. Hall reviewed the outcome of the Visual Appeal Survey regarding building design standards and signs, reporting that 1,062 responded and 866 written comments were received.

Following were questions and discussion. The key take away from the survey in regard to both building design and signs is that visual appeal is important.

Mr. Warner pointed out with the current adult population of Topeka being 98,000, the survey was taken by approximately 1% of the adult population of Topeka.

Mr. Fiander stated that next steps would include technical committees and perhaps a public work session. It's likely that Building Design Standards and Sign Code update will ultimately be handled separately and may follow different timelines.

APPROVED



CITY OF TOPEKA
TOPEKA PLANNING COMMISSION
M I N U T E S

Monday, November 20, 2017

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

Members present: Wiley Kannarr (Chair), Ariane Messina, Rosa Cavazos, Katrina Ringler, Matt Werner, Marc Fried (6)

Members Absent: Dennis Haugh, Carole Jordan, Brian Armstrong (3)

Staff Present: Mike Hall, Planner III; Kris Wagers, Administrative Officer; Mary Feighny, Legal; Dan Warner, Planner III

Presentation

Building Design Standards & Sign Code Update

Mr. Hall explained that Mr. Mark White of White & Smith, LLC, has been hired as a consultant to assist the City of Topeka Planning Department in revising the sign, zoning and building design regulations as found in Chapter 18 of the Code of the City of Topeka. Mr. Hall explained that two committees have been formed, one each to assist with building design code Update and sign code updates. First meeting will be December 11. Staff is also preparing a Visual Quality Assessment (VQA) that will be taken by the public beginning in early January 2018.

Mr. Hall introduced Mr. Brent Trout, City Manager, and Virginia Baumgartner, both of whom were in the audience.

Mark White gave a presentation with PowerPoint slides and took questions from commissioners. He began by giving some of his work background/experience, then moved on to an overview about sign codes, concluding with a list of things to focus on:

Develop content neutral (physical) sign categories (Detached v attached & temporary)

Address Design

Incorporate modern illumination/digital sign standards

Consider context

Use neutral allocation systems

Creativity through individual/channel letters, discretionary review

Building and site design shapes signs.

APPROVED

Mr. White reviewed building design code elements and considerations, concluding with a summary of general drafting principles:

Establish strong planning policies which allow flexibility

Establish strong legislative findings

Establish reasonable standards

Establish by-right (administrative) options

Be assertive

Be realistic

Establish public outreach

Careful drafting

Use cross-references

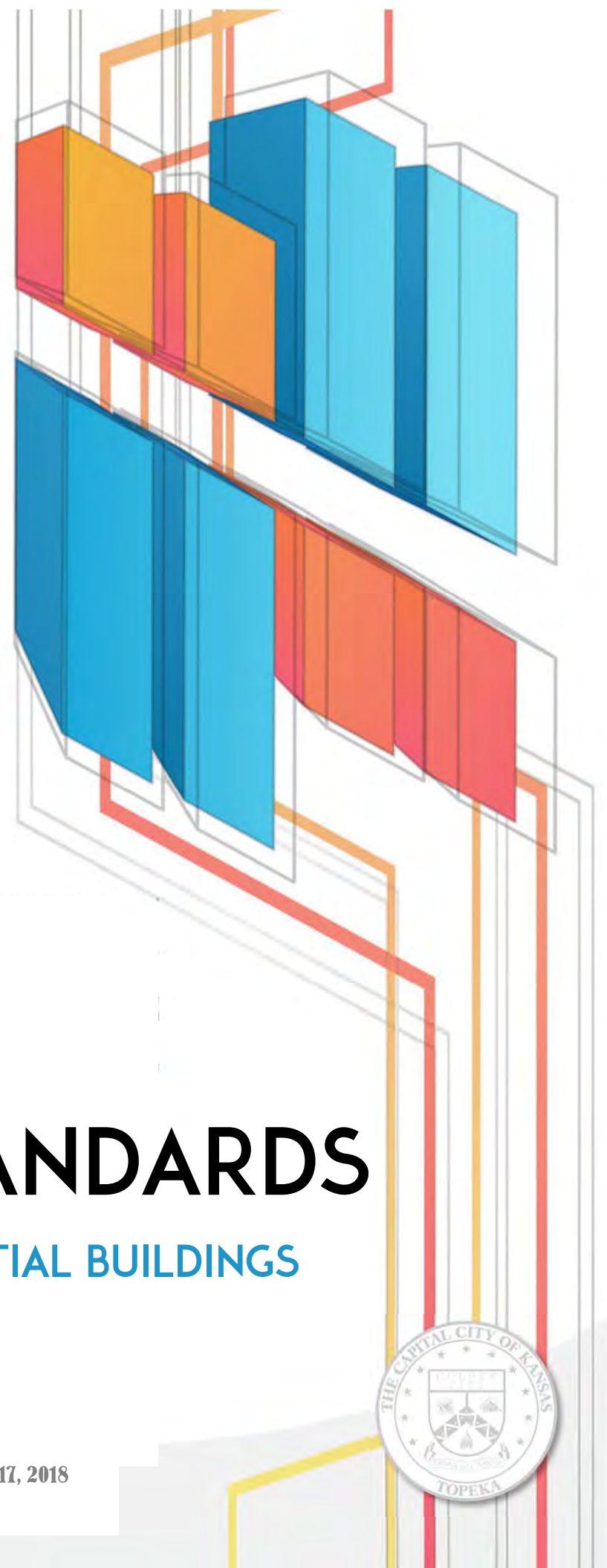
Use graphics to illustrate, not to supplant, textual standards

Questions and discussion included the topic of art/murals and when they are considered signs, along with buildings that are branded by the owner (i.e. KFC). Parking, with minimum regulations was discussed.

Ms. Cavazos asked where Wayfinding signs would fall in the new sign code regulations. Mr. Hall stated that he doesn't believe they would fall into the scope of what would be affected by new sign code regulations because they are located in the Right of Way.

Feedback on VQA

Mr. Hall pointed out that commissioners had been asked to take the VQA survey in draft form to give input on the survey itself. Commissioners offered opinions on what worked and what didn't, making suggestions about changing out some of the photos because they were confusing and perhaps giving different instructions and including information about what staff are expecting to determine with the data collected.

An abstract architectural graphic featuring a series of colorful rectangular blocks in shades of blue, orange, and red, arranged in a staggered, three-dimensional fashion. Thin lines in corresponding colors connect the blocks, suggesting a structural or spatial relationship. The overall composition is dynamic and modern.

BUILDING DESIGN STANDARDS

TOPEKA NON-RESIDENTIAL BUILDINGS

SEPTEMBER 2018

Approved by Topeka Planning Commission September 17, 2018



Topeka Non-Residential Design Standards

Section 1 (18.275.010)

Purpose and Intent

The Non-Residential Design Standards are intended to provide a minimum level of acceptable design for non-residential development projects. The design standards establish basic requirements for development of buildings and their architectural components, which are common to all types of commercial development. The design standards are not intended to promote a particular style of architecture or design theme, but will enable developers, architects, landowners and the general public to anticipate and plan for building design as a key element of the overall project approval process. The standards accomplish the following objectives:

- Ensure design that enhances a sense of place and strengthens the identity of Topeka;
- Enhance pedestrian-oriented design;
- Relate development to surrounding community;
- Support property values in new development/redevelopment;
- Encourage higher quality in design and use of materials in new development; and
- Balance functional and economic objectives of community residents and business owners through aesthetic considerations affecting the community at large.

Section 2 (18.275.020)

Application of design standards

- a) Except for properties listed on local, state, or national historic registries, non-residential design standards in TMC 18.275.050 apply to the following:
 1. New construction or an alteration to an existing structure which increases or decreases the gross floor area of the structure by more than 50 percent.
 2. Any project requiring a building permit for a remodel of at least 50% of the front and/or street facing facades.
 3. Institutional uses in any zoning district and all developments constructed under the provision of a conditional use permit, in any zoning district.
 4. Any construction within the O&I-1, O&I-2, O&I-3, C-1, C-2, C-3, C-4, M-S, I-1, I-2, X-1, X-2, X-3, D-1, D-2, D-3, U-1, and all planned unit development districts for the above listed use groups.
 5. Accessory buildings that meet the following conditions:
 - i. 1000 square feet or larger;
 - ii. visible from the street; and
 - iii. require a building permit.
- b) Type A building design standards in TMC 18.275.050 apply to O&I-1, O&I-2, O&I-3, C-1, C-2, X-3, D-1, D-2, D-3 and all planned unit development districts for the above listed use groups, and all

developments constructed under the provisions of a conditional use permit and any of these districts. Buildings in any “D” district shall also comply with the design in TMC 18.200.090.

- c) Type B building design standards in TMC 18.275.050 apply to C-3, C-4, U-1, M-S, X-1, all planned unit development districts for the above listed use groups, and all developments constructed under the provisions of a conditional use permit in any of these districts. Type B building design standards in TMC 18.275.050 shall apply to institutional uses in any zoning district.
- d) Type C standards in TMC 19.275.050 apply to I-1, I -2, X-2, and all planned unit development districts for the above listed use groups, and all developments constructed under the provisions of a conditional use permit in any of these districts.
- e) Non residential design standards shall only apply to those portions of a building that is undergoing expansion or alteration.

Section 3 (18.275.030)

Exemptions; alternative compliance

- a) The following are exempt from TMC 18.275.020:
 - 1. Any construction, building expansion, or remodeling that does not require a building permit.
 - 2. The planning director may exempt building design standards if:
 - i. The applicant demonstrates that strict application of the design standards results in undue hardship due to one or more of the following factors:
 - 1. the function, size, or use of building renders compliance impractical or economically infeasible, or
 - 2. the building, expansion or remodel is not visible from the public right-of-way, or
 - 3. the design requirement is inconsistent with the overall context of the area, taking into consideration current conditions and comprehensive planning policies for future development.
 - ii. The strict application of the design standards would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner; provided there is no substantial detriment to the public welfare and the purpose and intent of the standards are not substantially impaired.

Alternative Compliance

- b. The planning director may approve and alternate building design under the following circumstances:
 - 1. If the design fails to meet one of the requirements for building materials, architectural details, or windows/doors in TMC 18.275.050, the applicant shall utilize at least one of the elements in subsection (c).

2. If the design fails to meet two of the requirements for building materials, architectural details, or window/doors in TMC 18.275.050, the applicant shall utilize at least two of the elements in subsection (c).
 3. If the design fails to meet all three of the requirements in TMC 18.275.050, the alternate building design elements in subsection (c) cannot be used as an alternative building design.
- c. Elements that may be utilized in lieu of full compliance with the design standards in subsection (b) include:
1. excess landscaping (at least 25% more points accrued than required) concentrated along public rights-of-way;
 2. additional parking lot islands (with trees) beyond what is required by the landscaping regulations sufficient to cover at least 25% of the parking area;
 3. landscape screening of blank or under designed walls;
 4. addition of a front or street facing storefront with an entryway, terrace, outdoor patio, or similar feature with architectural materials and scale that are compatible with the building, and a minimum width of 8 feet and minimum height of 10 feet;
 5. the addition of integrated planters, landscaping features, or wing wall compatible in design and scale to the building;
 6. parking located to the side or rear of the building, with at least 50% of the lot frontage occupied by building facades with a public entryway.
 7. bringing existing signs on the property into compliance with current sign code standards, or at a minimum removing or replacing an existing pole sign with a monument sign;
 8. a minimum of 20% higher percentage of required windows/doors;
 9. additional required architectural details (at least 1 additional detail per insufficiently met design standard).

Section 4 (18.275.040)

Design Considerations

The applicant shall demonstrate that the design standards in this chapter comply with the following:

- a) Building elevation design determinations must consider the character of the surrounding architecture and neighborhood and incorporate design elements that further reflect or enhance surrounding community character.
- b) In areas where the existing character is not definitively established or is not consistent with the purposes of these standards, the architecture of new development shall conform to the City's Comprehensive Plan or any area plans for future projects or redevelopment in the area.
- c) Non-residential buildings shall not have a single, large dominant building mass.
- d) Non-residential development shall comply with the building design standards on all elevations (360 degrees architecture).
- e) The street level shall be designed at a pedestrian scale.

- f) Buildings shall be designed with predominant materials, elements, and design features tailored to the site and its context.

Section 5 (18.275.050)

Building Design Standards – Type A, B, and C non-residential buildings

- a) The specific design standards in the table below apply to Type A, B, and C non-residential buildings.
- b) When calculating building material and window/door percentages identified in TMC 18.275.050, the façade width will be multiplied by the average façade roofline height (upper limit of 20') to determine the total square footage of the façade. The window/door area will be deducted from the square foot calculation of the total façade area before determining the percentage of building materials.
- c) Garage doors do not count towards the required window/door percentages.
- d) The Planning Director may approve other building materials or architectural details not listed in TMC 18.275.050.

Building Design Standards		Building Types		
		A	B	C
Type A & Type B Building Materials	Total square footage of all stories of <u>front and/or street-facing facades</u> shall contain the following <u>minimum</u> percentages of the building materials listed below: * Natural stone * Brick * Cast Stone * Synthetic Stone, such as pre-manufactured fiberglass, cultured stone, or glass fiber reinforced concrete, if it is identical in appearance and of equal or greater durability to natural stone or greater durability to natural stone * Traditional stucco or gypsum concrete/plaster materials with smooth finish * Exterior insulating finishing system (E.I.F.S) * Integrally-colored or glazed concrete masonry units * High quality pre-stressed concrete systems (Pre-cast w/veneer or textured finish) * Glass curtain wall * Architectural metal panels – must be a higher quality material than standard industrial, ribbed, pre-engineered metal panels. * Cement Board siding * Solid wood planking and decorative cement fiber panels may be used for accent features The remaining exterior surface area of all stories of <u>front and/or street-facing facades</u> shall be comprised of these materials, or cement fiber panels, or integrally-colored split-faced concrete masonry blocks.	85%	60%	
	Total square footage of all stories of <u>non-front and/or non-street-facing facades</u> may integrate the following <u>maximum</u> percentage of materials into the composition of the materials listed above. * Cement fiber panels * Integrally-colored split-faced concrete masonry block	65%	75%	
Type C Building Materials	Total square footage of all stories of <u>front and/or street-facing facades</u> shall contain the following <u>minimum</u> percentage of the building materials listed below. * Any of the designated materials for Type A and B * Glass block or curtain wall * Integrally-colored split-faced concrete masonry unit * Pre-cast concrete tilt wall with a decorative or textured finish * Industrial, ribbed, pre-engineered metal panels with permanent baked-on enamel finish, or painted to manufacturer's specs The remaining exterior surface area of all stories of <u>front and/or street-facing facades</u> shall be composed of these materials, or those materials listed for use within non-front and non-street-facing facades for Type C buildings listed below.			60%
	Total square footage of all stories of <u>non-front and/or non-street-facing facades</u> on Type C buildings may integrate the following <u>maximum</u> percentage of additional materials into those listed above. * Cement fiber planking (not panels) * Solid wood planking and decorative cement fiber panels * Metal with permanent baked-on enamel finish, or painted to manufacturer's specs			85%

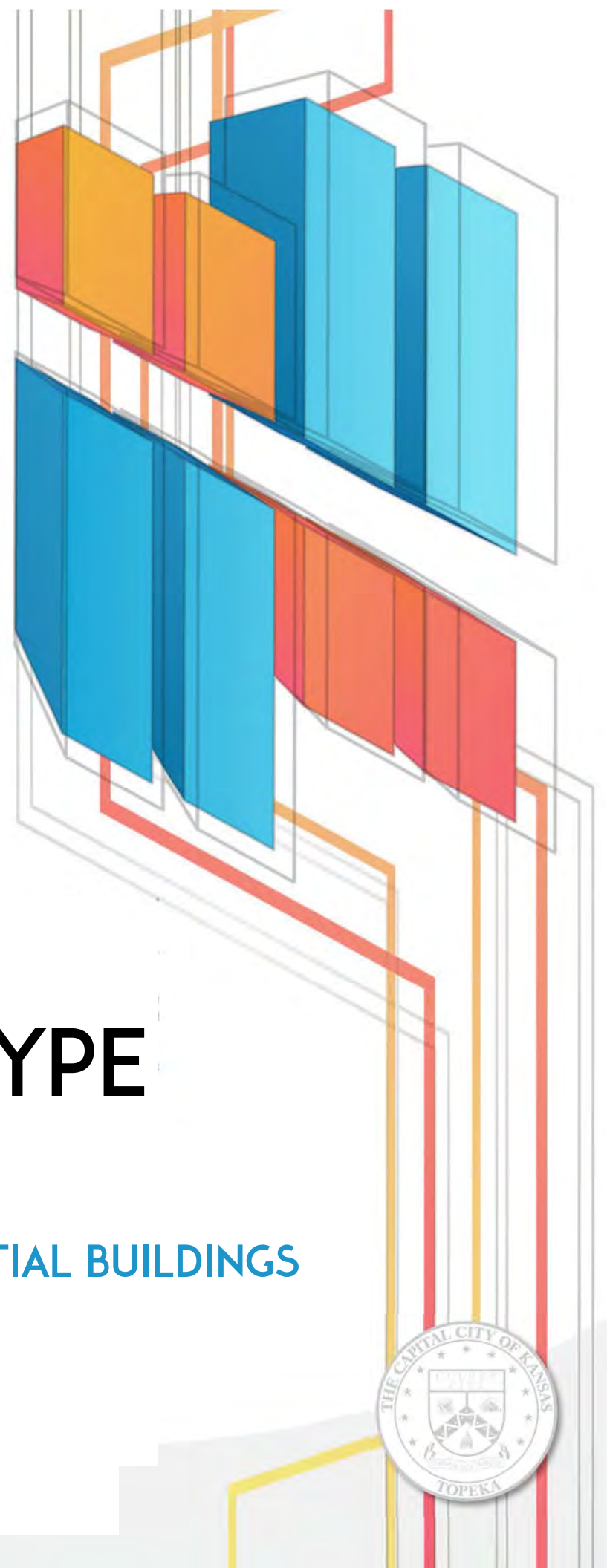
Building Design Standards		Building Types		
		A	B	C
Types of Architectural Details	For the first 50 linear feet (or less) of front and/or street-facing facades, all building types shall be designed with the following minimum number of architectural details. One additional architectural detail shall be required for each additional 25 feet of building street frontage. * At least 15% more windows/doors than the required minimum percentage * Display or other ornamental windows * Recessed entries * Horizontal or vertical recesses, projections, or off-sets at least 1-foot wide, located an average of every 30 horizontal feet, and with a depth at a minimum of 4"-6" * Modulating facade. Individual tenant spaces in multi-tenant buildings must modulate facades of the individual tenant spaces. Modulated facades help break up the mass of the building and create visual interest. * Variation of roof heights * Porches or balconies * Breezeways * Courtyards * Awnings or canopies (permanent) * Alcoves * Arcade, gallery, veranda, or pergola * Arches * Structurally different building materials (i.e. stone and brick) * Decorative tile work, brick patterns, moldings or other materials integrated into the façade * Ornamental cornice * Varied roof forms. Large uninterrupted expanses of rooftop ridgelines must include architectural details that add articulation and visual interest, such as gable-roofed dormers, hip-roof elements, or other design measures to achieve an equivalent result. * Premium roofing materials such as tile, or standing-seam metal * Tower cap * Tower or raised parapet	4	3	2
Doors & Windows	* The area of all stories' front facades of all building types shall contain the following minimum percentage of window or door openings.	50%	40%	25%
	* The area of all stories' non-front street-facing facades of all building types shall contain the following minimum percentage of window or door openings. For non-front facades , faux windows may be applied when the interior function of the building is not conducive to being seen from the exterior.	30%	20%	15%
Non-Street Facing Walls	Maximum length of non-street or non-front-facing facades without architectural details.	30'	50'	75'
Mechanical Systems	All roof mounted mechanical units (including evaporative coolers, HVAC units, vents, etc.) for all building types shall be located or screened so as not to be visible from the project's property lines that are adjacent to public and private streets, as well as adjacent to residential properties (unless height difference makes screening impractical). The screening methods/materials shall be consistent with and incorporated into the design of the building.			

Location Considerations	Projects located within an industrial context, or not visible from the street, may design to a lesser building type standard than required by zoning, provided that the project complies with the design requirements of the lesser building type and meets the design considerations in TMC 18.275.040.
--------------------------------	--

Section 6 (18.275.060)

Appeal

- a. If the planning director determines that the design plans are not in conformance with the design standards, the planning department shall deny the plans and notify the applicant, in writing, of the design features that do not comply.
- b. The applicant may appeal the planning director's determination to the board of zoning appeals as provided in Chapter [2.45](#) TMC.



BUILDING TYPE EXAMPLES

TOPEKA NON-RESIDENTIAL BUILDINGS

DRAFT | AUGUST 2018



Non-Residential Design Standards – Building Type Examples

The following are Building Type A, B, and C examples.

Type A Buildings



Type B Buildings



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Type C Buildings

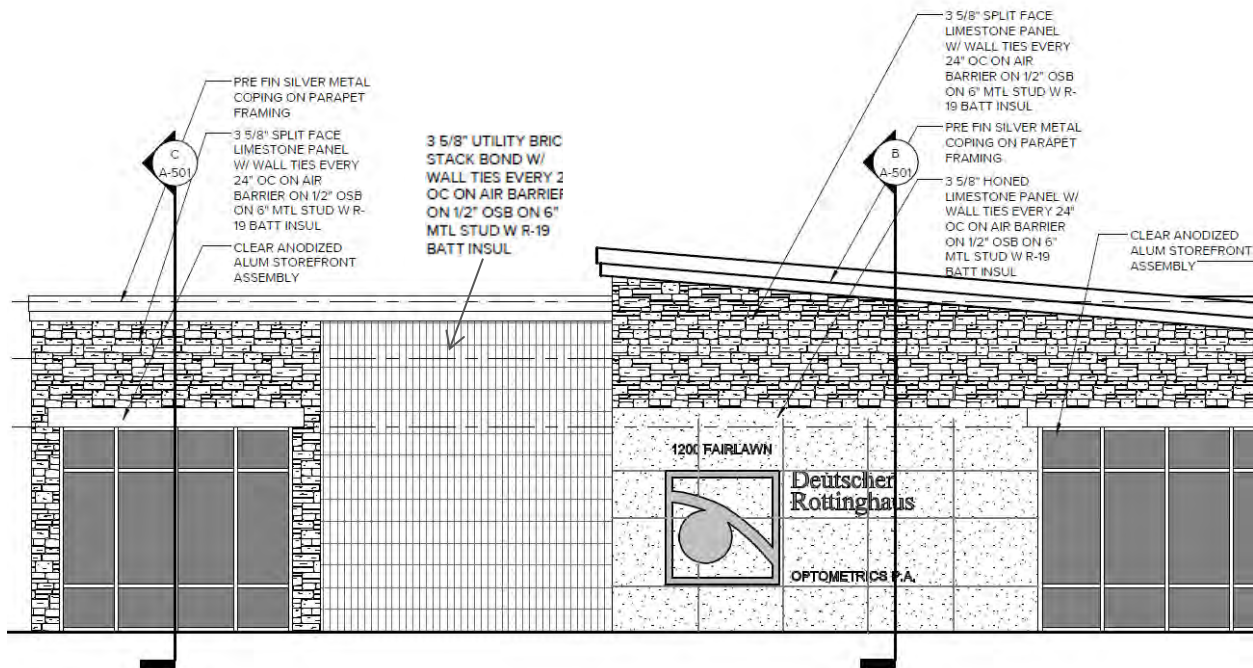


Non-Residential Design Standards – Building Design Review Examples

The following examples detail the key elements (building materials, architectural details, and windows/doors) required for each type of building design review. The examples are meant to depict compliance with the standards for each building type and how to identify the particular elements. The examples do not show all of design standards, nor do they show all of the compliance options available for each standard depicted.

Type A Building

Building Materials (85% stone, brick, etc. on street and/or front required)



Architectural Details (4 architectural details on street and/or front required)



Architectural Details

- Varied roof line
- Cornice
- Modulating facade
- Canopies

DRAFT

Windows/Doors (50% of the area of the front façade required)

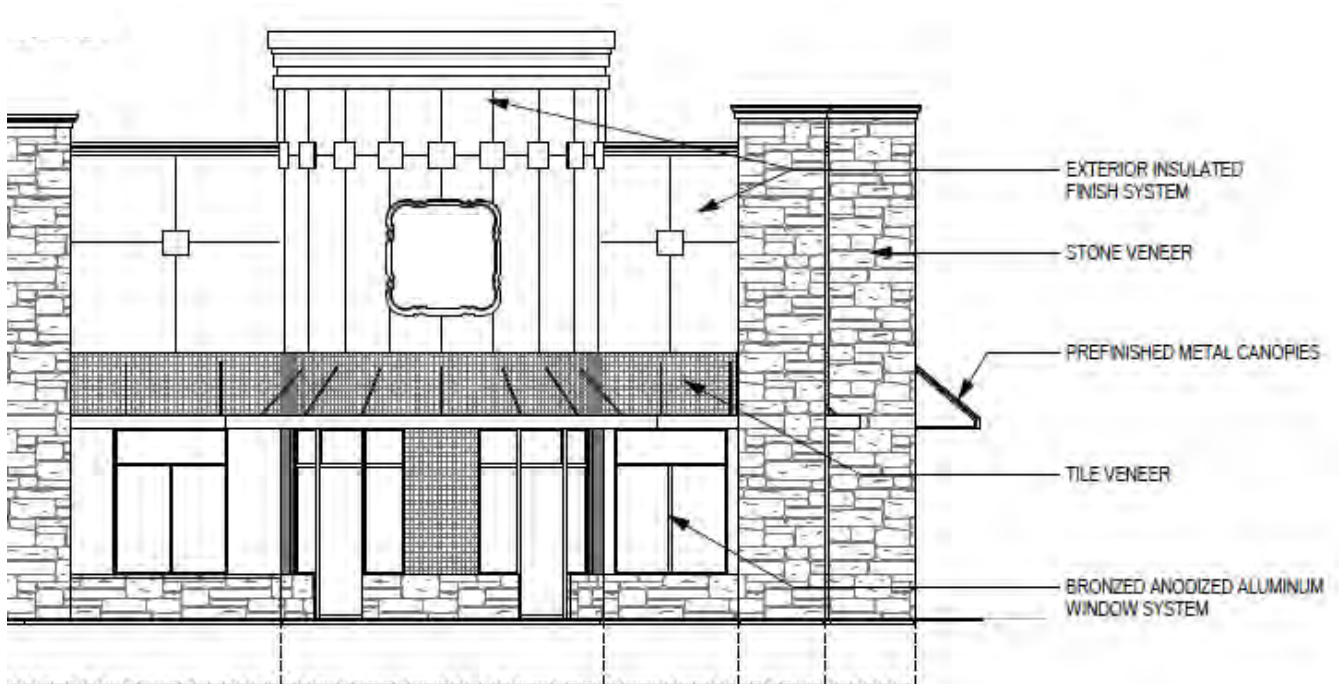


Windows/Doors

- Calculate percentage of window/door area versus front façade area.

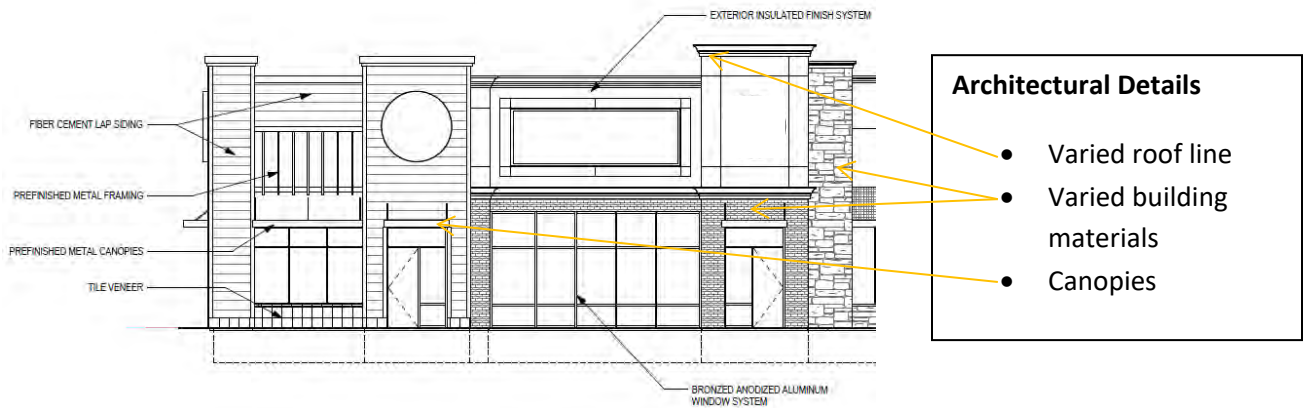
Type B Building

Building Materials (60% stone, brick, etc. on street and/or front required)



DRAFT

Architectural Details (3 architectural details on street and/or front required)



Windows/Doors (40% of the area of the front façade required)



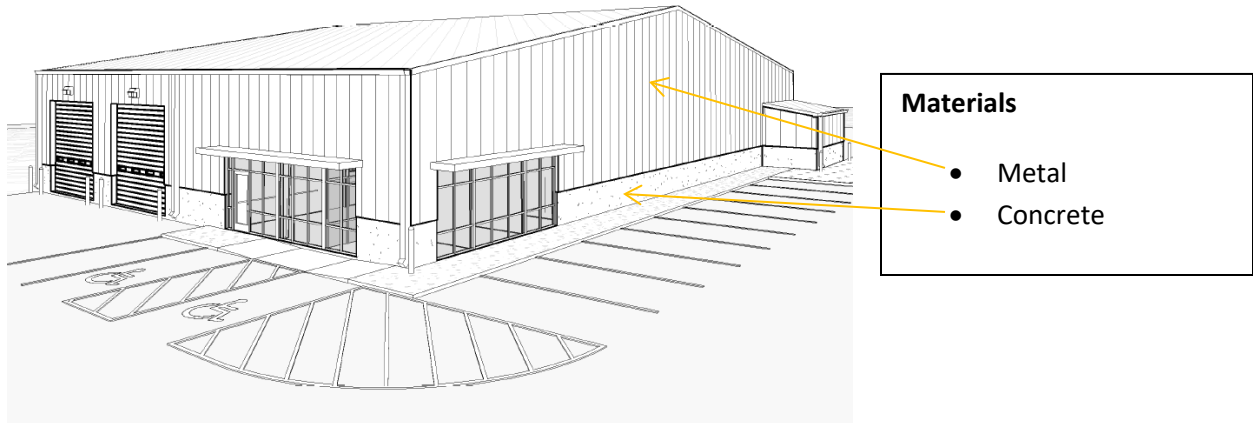
Windows/Doors

- Calculate percentage of window/door area versus front façade area.

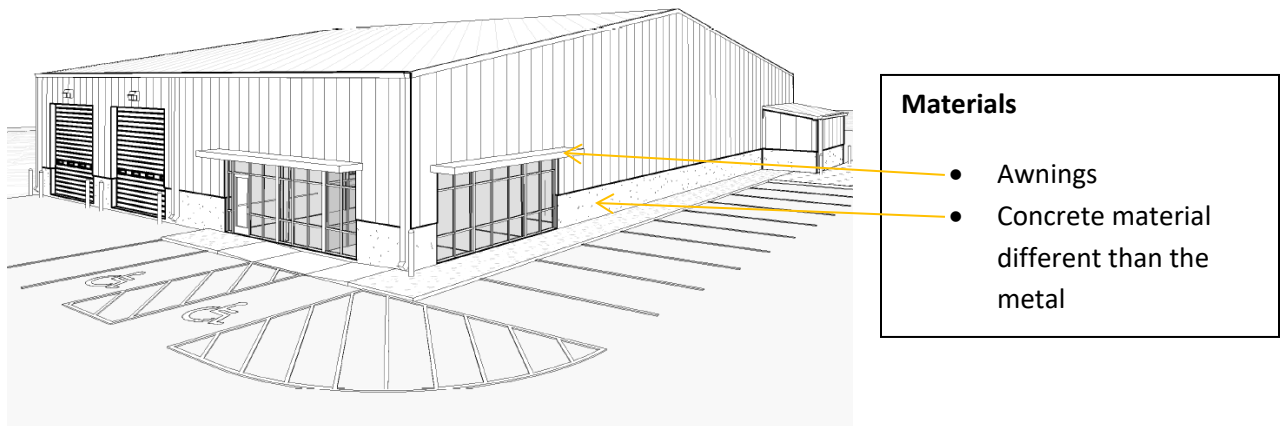
DRAFT

Type C Building

Building Materials (Type A/B, concrete tilt-wall, metal with baked-on enamel finish, etc). on street and/or front required)

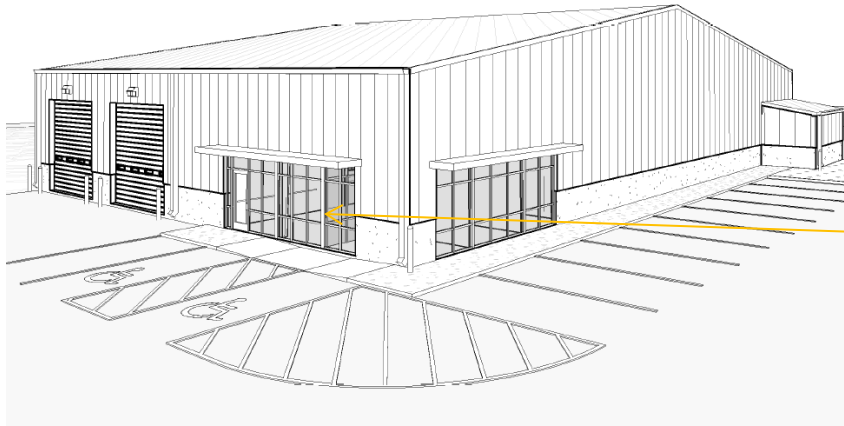


Architectural Details (2 architectural details on street and/or front required)



DRAFT

Windows/Doors (need 25% of the area of the front façade required)



Materials

- Calculate percentage of window/door area versus front façade area.

1 (Published in the Topeka Metro News _____)
2

3 ORDINANCE NO. _____
4

5 AN ORDINANCE introduced by City Manager Brent Trout, concerning special use
6 landscape requirements, amending City of Topeka Code §
7 18.60.010, § 18.225.010, § 18.230.030 and § 18.235.060 and
8 repealing original sections.
9

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

11 Section 1. That section 18.60.010, Use Tables, of The Code of the City of
12 Topeka, Kansas, is hereby amended to read as follows:

Commercial/Office

		Approval Levels ● = Allowed Use S = Allowed per Special Use Requirements under Chapter 18.225 TMC S/C = If unable to meet Special Use Requirements, may apply for CUP C = Conditional Use Permit (CUP) approved by Governing Body																								
# = See Definition in Chapter 18.55 TMC		See Design Standards for X and D Districts																								
Use	Description	R-1/R-2/R-3 Single-Family Dwelling	R-4 Manufactured Homes	M-1 Two-Family Dwelling	M-1a Limited Multiple-Family Dwelling	M-2 Multiple-Family Dwelling	M-3 Multiple-Family Dwelling	O&I-1 Office and Institutional	O&I-2 Office and Institutional	O&I-3 Office and Institutional	C-1 Commercial	C-2 Commercial	C-3 Commercial	C-4 Commercial	I-1 Light Industrial	I-2 Heavy Industrial	U-1 University	MS-1 Medical Service	X-1 Mixed Use	X-2 Mixed Use	X-3 Mixed Use	D-1 Downtown Mixed Use	D-2 Downtown Mixed Use	D-3 Downtown Mixed Use	RR-1 Residential Reserve	OS-1 Open Space
Commercial/Office		Districts																								
Animal Care and Services, Type I#	for common household pets in an enclosed building	-	-	-	-	-	-	S	S	S	-	S	S	●	●	●	-	-	●	C	C	S	C	C	C	-
Animal Care and Services, Type II #	services within an enclosed building	-	-	-	-	-	-	-	-	-	-	-	-	●	●	●	-	-	-	-	-	-	-	-	C	-
Artisan Manufacturing #	refer to Chapter 18.225 TMC	-	-	-	-	-	-	-	-	-	C	C	C	S	●	●	-	-	S	S	S	S	C	S	-	-
Auction House		-	-	-	-	-	-	-	-	-	-	-	-	S	●	●	-	-	-	-	-	-	-	-	-	-
Automobile or Vehicle Carwash #		-	-	-	-	-	-	-	-	-	-	S	S	S	-	-	-	-	-	-	-	-	-	-	-	-
Automotive Rental Establishments		-	-	-	-	-	-	-	-	-	-	S	●	●	●	●	-	-	-	-	-	-	-	-	-	-
Auto Service Station, Type I #	convenience store with gas sales	-	-	-	-	-	-	-	-	-	C	S	S	●	●	●	-	-	●	●	●	S	C	●	-	-
Auto Service Station, Type II #	excludes drive-train work	-	-	-	-	-	-	-	-	-	-	S	S	●	●	●	-	-	C	●	-	S	-	●	-	-
Auto Service Station, Type III #	includes drive-train work	-	-	-	-	-	-	-	-	-	-	C	C	S	●	●	-	-	C	C	-	C	-	C	-	-

Automobile Sales and Service	excludes heavy-duty vehicles and type III auto services	-	-	-	-	-	-	-	-	-	-	-	S	S	●	●	-	-	C	S	-	-	-	-	-	-
Automobile or Vehicle Tow Lot and Body Shop	not including wrecking yards or long-term storage of disabled vehicles	-	-	-	-	-	-	-	-	-	-	-	S	⚡S	⚡S	⚡S	-	-	-	-	-	-	-	-	-	-
Bakery (Commercial)	including wholesale distribution	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	-	-	●	-	-	-	-	-	-
Bank/Financial Institution	does not include drive-in/drive-through	-	-	-	-	-	-	●	●	●	●	●	●	●	●	●	●	-	●	●	●	●	●	●	-	-
Billboard/Panel Poster Sign # (See TMC 18.25.110)	off-premises advertising signs	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	-	-	-	-	C	-	C	C	-
Billboard, Modified Legal Nonconforming Billboards	relocation, remodeling or rebuilding of legal nonconforming billboards	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-
Body Art Service/Tattooing, Body-Piercing	excludes ear-piercing only	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	-	●	●	●	●	●	●	-	-
Brew Pub #	includes a micro-brewery as an accessory use. Micro-brewery limited to 5,000 barrels per year	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	-	●	●	●	●	●	●	-	-
Building, Construction, and Mechanical Contractor Office	showroom, shop and sales including plumbing, heating, air, electrical, etc.	-	-	-	-	-	-	-	-	-	-	-	⚡S	⚡S	⚡S	⚡S	-	-	●	●	●	●	C	●	-	-
Catering		-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	-	●	●	●	●	●	●	-	-
Check Cashing/Pay-Day Loans/Title Loans		-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	-	●	●	●	●	●	-	-
Drinking Establishment #	includes allowing a micro-brewery as an accessory use. Micro-brewery	-	-	-	-	-	-	-	-	-	-	C	C	●	●	●	-	-	C	C	●	●	C	●	-	-
Drive-Through Establishments/Facilities	refer to Chapter 18.225 TMC	-	-	-	-	-	-	S	S	S	S	S	S	S	S	S	-	S	S	S	S	S	S	S	-	-
Funeral Home, Mortuary # without Crematorium	includes the display and sale of related products	-	-	-	-	-	-	●	●	●	-	●	●	●	●	●	-	●	●	●	-	●	C	-	-	-
Funeral Home, Mortuary # with Crematorium	includes the display and sale of related products	-	-	-	-	-	-	-	C	●	-	●	●	●	●	●	-	●	-	-	-	●	-	-	-	-
Grave Monuments and Markers	includes display but not stone engraving or cutting	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	-	-	-	-	-	●	●	●	-	-
Gun Ranges, Indoor		-	-	-	-	-	-	-	-	-	-	-	-	C	S	S	-	-	-	-	-	-	-	-	-	-
Health Services #, Clinic #, Health Care Facility #	may include a pharmacy as part of the facility	-	-	-	-	-	-	-	●	●	-	●	●	●	●	●	-	●	●	●	●	●	C	●	-	-

Printing/Copy Center		-	-	-	-	-	-	-	-	•	-	•	•	•	•	•	•	•	•	•	•	•	•	-	-	-
Radio and TV Broadcasting/Recording Studio		-	-	-	-	-	-	•	•	•	-	•	•	•	•	•	•	-	-	-	-	-	•	-	-	-
Rental Establishment	general equipment and domestic items	-	-	-	-	-	-	-	-	-	-	-	-	•	•	•	-	-	-	-	-	-	-	-	-	-
Restaurant, Family Dining, Carry-Out # (Delicatessen)	limited to 50 seats	-	-	-	-	-	-	-	-	-	•	•	•	•	•	•	•	-	-	•	•	•	•	C	•	-
Restaurant, Drive-In/Drive- Through #	refer to Chapter 18.225 TMC for drive- throughs	-	-	-	-	-	-	-	-	-	-	S	S	S	S	S	-	-	S	S	S	S	S	-	S	-
Retail Merchandise, Outdoor Display	see Chapter 18.225 TMC, retail merchandise outdoor display	-	-	-	-	-	-	-	-	-	-	-	-	S	S	•	-	-	S	S	S	S	S	S	-	-
Retail Sales/Service #	sale and repair of items having a low intensity	-	-	-	-	-	-	-	-	-	•	•	•	•	•	•	-	-	•	•	•	•	•	•	•	-
Gun Sales and Service		-	-	-	-	-	-	-	-	-	-	•	•	•	•	•	-	-	-	•	•	-	-	•	-	-
Theaters #	enclosed structure used for performances for admitted audiences	-	-	-	-	-	-	-	-	-	-	•	•	•	•	•	-	-	C	-	•	•	C	•	-	-
Tobacco Shop	includes tobacco and smoke shop/hookah houses/E-cigarettes	-	-	-	-	-	-	-	-	-	-	•	•	•	•	•	-	•	•	•	•	•	•	•	-	-
Truck Stop #		-	-	-	-	-	-	-	-	-	-	-	-	C	C	•	•	-	-	-	-	-	-	-	-	-

15

16

17

Industrial

	<u>Approval Levels</u> • = Allowed Use S = Allowed per Special Use Requirements under Chapter 18.225 TMC S/C = If unable to meet Special Use Requirements, may apply for CUP C = Conditional Use Permit (CUP) approved by Governing Body
# = See Definition in Chapter 18.55 TMC	See Design Standards for X and D Districts

Use	Description	R-1/R-2/R-3 Single-Family Dwelling	R-4 Manufactured Homes	M-1 Two-Family Dwelling	M-1a Limited Multiple-Family Dwelling	M-2 Multiple-Family Dwelling	M-3 Multiple-Family Dwelling	O&I-1 Office and Institutional	O&I-2 Office and Institutional	O&I-3 Office and Institutional	C-1 Commercial	C-2 Commercial	C-3 Commercial	C-4 Commercial	I-1 Light Industrial	I-2 Heavy Industrial	U-1 University	MS-1 Medical Service	X-1 Mixed Use	X-2 Mixed Use	X-3 Mixed Use	D-1 Downtown Mixed Use	D-2 Downtown Mixed Use	D-3 Downtown Mixed Use	RR-1 Residential Reserve	OS-1 Open Space
Industrial		Districts																								
Airport	including landing strips and heliports	C	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-
Agriculture #	agricultural activity and the production, storage, processing of agricultural products	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	•	•
Agricultural Product Sales and Storage	storage and retail sales of raw food material, fertilizers, pesticides, and similar products for crop/livestock production	-	-	-	-	-	-	-	-	-	-	-	-	-	•	•	-	-	-	-	-	-	-	-	C	-
Automobile Wrecking and/or Salvage Yards #	refer to Chapter 5.135 TMC	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-
Bottling Works		-	-	-	-	-	-	-	-	-	-	-	-	-	•	•	-	-	-	•	-	-	-	-	-	-
Contractor Yards		-	-	-	-	-	-	-	-	-	-	-	-	-	•S	•S	-	-	-	C	C	-	-	-	•	-
Heliport	heliport only	C	-	-	-	-	-	-	C	C	-	-	-	-	-	-	•	-	-	-	-	-	-	-	C	-
Landfill, Demolition #		-	-	-	-	-	-	-	-	-	-	-	-	-	C	S	-	-	-	-	-	-	-	-	C	-
Landfill, Sanitary #		-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	C	-
Laundry, Commercial #; Dry-Cleaning, Dyeing		-	-	-	-	-	-	-	-	-	-	-	-	•	•	•	-	-	-	-	-	-	-	-	-	-
Machinery and Equipment Repair and Restoration		-	-	-	-	-	-	-	-	-	-	-	-	•	•	•	-	-	-	•	-	-	-	-	-	-
Manufacturing/Processing, Type I #	few if any off-site impacts	-	-	-	-	-	-	-	-	-	-	-	-	-	•	•	-	-	-	•	-	-	-	•	-	-
Manufacturing/Processing, Type II #	up to medium off-site impacts	-	-	-	-	-	-	-	-	-	-	-	-	-	•	•	-	-	-	C	-	-	-	C	-	-
Manufacturing/Processing, Type III #	potential for significant off-site impacts	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-

Micro-Alcohol Production #	refer to Chapter 18.225 TMC	-	-	-	-	-	-	-	-	-	-	-	•	•	•	-	-	-	S	S	S	S	S	-	-
Publishing Establishments and Distribution		-	-	-	-	-	-	-	-	-	-	-	•	•	•	-	-	-	-	-	-	-	-	-	-
Raw Material Extraction	extraction, processing, storage, and sale of these materials	C	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	C	-
Recycling Depot	collection, storage, and processing of recyclables	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	-	-	-	-	-	-	-	-
Research Lab #, Testing or Development Laboratory	facility for scientific investigation or engineering and development	-	-	-	-	-	-	-	•	-	•	•	•	•	•	-	-	C	•	C	•	-	-	-	-
Railroad Facilities		-	-	-	-	-	-	-	-	-	-	-	-	•	•	-	-	-	-	-	-	-	-	-	-
Self-Storage, Type I #	indoor storage with indoor access	-	-	-	-	-	-	-	-	-	-	C	S	S	•	•	-	-	C	S	-	-	-	P	-
Self-Storage, Type II (allows boat/RVs) #	indoor and outdoor	-	-	-	-	-	-	-	-	-	-	-	-	•	•	-	-	-	C	-	-	-	-	-	-
Small Wind Energy System	nonresidential use only	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Storage of Nonmerchandise, Outdoor	See Chapter 18.225 TMC, outdoor storage of nonmerchandise	-	-	-	-	-	-	-	-	-	-	-	-	S/C	S/C	-	-	-	C	C	-	-	-	-	-
Tower, Communication #, Transmission Tower #	ground-mounted freestanding structure transmitting or receiving TV, radio, and	C	C	C	C	C	C	C	C	C	C	C	S	S	S	C	C	-	-	-	C	C	C	C	-
Towers, Receiving and Commercial Broadcasting	for radio and television. Refer to Chapter 18.20 TMC	-	-	-	-	-	-	-	C	C	-	-	-	C	C	-	-	C	-	-	-	-	-	-	-
Truck/Freight Terminal		-	-	-	-	-	-	-	-	-	-	-	-	•	•	-	-	-	-	-	-	-	-	-	-
Bus Terminal		-	-	-	-	-	-	-	-	-	-	-	-	•	•	-	-	-	-	•	-	-	-	-	-
Warehouse #, Storage #, Distribution Facilities	structure for storing goods, wares, and merchandise. For accessory cargo	-	-	-	-	-	-	-	-	-	-	-	-	•	•	-	-	-	•	C	-	-	-	-	-
Welding, Tinsmithing and Machine Shop		-	-	-	-	-	-	-	-	-	-	-	-	•	•	-	-	-	•	-	-	-	-	-	-

19
20 Section 2. That section 18.225.010, Special Use Requirements, of The Code
21 of the City of Topeka, Kansas, is hereby amended to read as follows:

22 **Special use requirements.**

23 The special uses identified in the use matrix table at TMC 18.60.010 are subject
24 to the additional requirements of this chapter. In case of any conflict between the
25 regulations of the district in which the use is allowed and the additional regulations of
26 this chapter, the most restrictive regulations shall govern:

27 (a) Automobile or Vehicle Dealership. This use includes the sales, leasing, and
28 service of vehicles and trailers having a gross vehicle weight rating over 12,000 pounds,
29 watercraft, recreational vehicles, heavy construction equipment, and agricultural
30 equipment.

31 (1) Ancillary towing services and body shops are permitted. Storage of damaged
32 vehicles needing body shop repairs shall only be stored in rear yards or screened
33 from view from public roadways and screened from abutting residentially zoned
34 properties. Automotive wrecking and dismantling for salvage purposes are
35 prohibited. Each disabled vehicle is limited to 30 days of on-site storage.

36 (2) The inventory of vehicles for sale, lease, or service shall be parked only on
37 paved areas and shall not displace the minimum required number of off-street
38 parking spaces.

39 (3) A solid, opaque screen, fence or sight prohibitive landscaping shall be
40 provided along lot lines adjoining residential property at a height of not less than
41 six feet except in front yards where it may be reduced to three feet or replaced with
42 shrubs designed to grow two to three feet in height.

(4) Automobile dealerships shall have frontage on a roadway designated as an arterial roadway by the Shawnee County functional classification of roadways map.

(b) Automobile or Vehicle Car Wash Facility.

(1) All washing facilities shall be within the interior of the structure or beneath a roofed area.

(2) Vacuum, automatic air drying, and similar facilities shall not be located in such a manner that will restrict the orderly ingress to the facility.

(3) The washing facility shall be set back a minimum of 50 feet from any public street.

(4) All accesses, drives and off-street parking spaces shall be in accordance with the parking standards.

(5) The traffic circulation plan for the facility shall be subject to the approval of the traffic engineer or authorized designee of the public works department.

(6) A solid, opaque screen, fence or sight prohibitive landscaping shall be provided along lot lines adjoining residential property at a height of not less than six feet except in front yards where it may be reduced to three feet or replaced with shrubs designed to grow two to three feet in height.

(c) Automobile Sales. Except in the C-4 commercial district, ancillary uses for a body shop and automotive service station Type 3 are prohibited unless a conditional use permit is secured.

(1) Automobile sales, leasing, and service of vehicles are restricted to automobiles, pickup trucks, motorcycles and other vehicles that do not exceed a gross vehicle weight rating of 12,000 pounds in the C-3 district.

(2) The inventory of vehicles for sale, lease, or service shall be parked only on paved areas and shall not displace the minimum required number of off-street parking spaces.

(3) A solid, opaque screen, fence or sight prohibitive landscaping shall be provided along lot lines adjoining residential property at a height of not less than six feet except in front yards where it may be reduced to three feet or replaced with shrubs designed to grow two to three feet in height.

(d) Automotive Service Station.

(1) Type 1. A facility which dispenses automotive fuels and oil with or without retail sales of incidental merchandise such as packaged beer, nonalcoholic beverages, ice, candy, cigarettes, snacks and convenience packaged foods.

(2) Type 2. A facility which may include those uses defined in Type 1 and specifically includes replacement of automotive parts including but not limited to fan belts, hoses, sparkplugs, tires and tubes, ignition parts, batteries, shock absorbers, and fuses. A Type 2 facility is limited to servicing automobiles, pickups, motorcycles and other vehicles having a gross vehicle weight rating of 12,000 pounds or less. The following automotive services shall be permitted in a Type 2 facility:

(i) Lubrication.

(ii) Tire repair and replacement.

(iii) Brake repair and wheel balancing and alignment.

(iv) Muffler and exhaust system repair and replacement.

(v) Shock absorber and strut replacement.

(vi) Engine adjustment (tune-up).

(vii) Replacement of pumps, cooling systems, generators, alternators, wires, starters, air conditioners, bearings and other similar devices.

(viii) Radio, GPS, rear cameras, and similar electronics installation and repair.

(ix) Glass replacement.

(x) Trailer hitch and wiring installation and repair.

(xi) And other similar repair and replacement services normally deemed to be emergency and convenience services; however, the same shall not include drive train units such as the engine, transmission or drive components.

(3) Type 3. A facility which may include those uses defined in Types 1 and 2, and specifically includes repair, rebuilding and replacement of drive train units of automobiles, pickup trucks, motorcycles, trailers, and other vehicles.

(4) For Types 1, 2, and 3 a solid, opaque screen, fence or sight prohibitive landscaping shall be provided along lot lines adjoining residential property at a height of not less than six feet except in front yards where it may be reduced to three feet or replaced with shrubs designed to grow two to three feet in height.

(e) Automobile or Vehicle Tow Lot and Body Shop. This use includes body repair of vehicles and trailers having a gross vehicle weight rating over 12,000 pounds, watercraft, recreational vehicles, heavy construction equipment, and agricultural equipment. Facilities shall meet the following standards:

(1) Storage of damaged vehicles ~~needing~~ requiring body shop repairs shall only be parked on ~~paved areas~~ surfaces meeting city standards in rear yards or screened from view from public roadways.

(2) Vehicle wrecking and dismantling for salvage purposes are prohibited.

(3) Each disabled vehicle is limited to 30 days of on-site storage.

(4) For outdoor storage associated with an automobile or vehicle tow lot, Aa solid, opaque screen, fence or sight prohibitive landscaping shall be provided along lot lines adjoining visible street rights-of-way and residential property at a height of not less than six feet ~~except in front yards where it may be reduced to three feet or replaced with shrubs designed to grow two to three feet in height. If storage is adjacent to driveways or intersections, screening may be reduced to~~ comply with site distance triangles, as provided in TMC 12.20.020.

(f) Cemetery.

(1) Areas. Any cemetery established after the effective date of the ordinance codified in this division shall be located on a site containing not less than 20 acres.

(2) Setback. All structures including but not limited to a mausoleum, permanent monuments or maintenance building shall be set back not less than 30 feet from any property line or street right-of-way line and all graves or burial lots shall be set back not less than 30 feet from any property line or street right-of-way line.

(3) A cemetery shall have the principal entrance or entrances on a major traffic thoroughfare designated as a collector or arterial roadway on the Shawnee County functional classification of roadways map, with ingress and egress so designed as to minimize traffic congestion.

(4) All on-site private drive locations and their widths shall be reviewed by the traffic engineer or designee of the applicable department of public works in respect to providing efficient vehicular access and traffic flow; and to minimize vehicle conflict with pedestrians. Development of the cemetery shall not commence until approval of the aforementioned drive locations and their widths have been secured.

(g) Community Gardens.

(1) All community gardens shall be allowed only after the owner or applicant has registered the community garden with the planning department and has paid a fee of \$50.00. The planning director shall adopt administrative procedures necessary to govern the registration requirements and ensure compliance with the requirements.

(2) Community gardens shall be the primary use of the lot. The gardens may be divided into plots for cultivation by one or more individuals and/or groups or may be cultivated by individuals and/or groups collectively.

(3) Fences are allowed subject to a fence permit and compliance with TMC 18.210.040. In R and M districts, the minimum front yard setback for the district shall act as the front face of the principal structure.

(4) Sales and operation of mechanical equipment shall occur only between 8:00 a.m. and 8:00 p.m. For type 1 gardens, sales of produce grown on site are permissible; provided, that all stands and displays are removed on or before 8:00 p.m.

(5) Cultivation equipment shall not exceed the size of a compact utility tractor and its accessories.

(6) The cultivated area shall have a minimum setback of three feet from all property lines. Crops planted in any minimum front yard setback are limited to those that will grow to a height of four feet or less (e.g., four feet maximum in the front 30 feet).

(7) Dead garden plants shall be removed regularly and no later than November 30th of each year.

(8) Weeds, grass, undergrowth and uncultivated plants shall not exceed a height of 12 inches.

(9) Compost bins shall be set back at least 10 feet from all side and rear property lines and 25 feet from the front property line. Compost bins shall be screened and maintained in such a manner as to not attract insects, vermin, reptiles and other animals. Appropriate best management practices shall be used to minimize odor.

(10) The site shall be designed and maintained so that no water, fertilizers, or pesticides drain onto adjacent property.

(11) The entire site shall be maintained in a manner, including noise and odors, so that it complies with Chapter 8.60 TMC.

(12) Signage is limited to one permanent identification sign per property frontage consisting of up to 10 square feet per sign face and temporary signs are allowed in accordance with TMC 18.25.230(a).

(13) Orchards and tree farms shall meet the front yard setback for their zoning district and shall be set back at least 15 feet from all other property lines, with the measurements based on the nearest part of the trees' canopies.

(14) Accessory structures for type I community gardens are limited to the following standards:

(i) Accessory structures may include storage buildings, green houses, high tunnels and hoop houses maintained in good condition.

(ii) Maximum height of 12.5 feet.

(iii) Maximum lot coverage for structures shall be calculated based on the cultivated area for the community garden, including pathways. Maximum lot

coverage for structures shall be 10 percent or less than 150 square feet, whichever is greater.

(iv) Storage buildings are limited to less than 150 square feet and may only be used for storing garden equipment and materials used on site.

(v) Each structure shall meet the required setbacks from property lines as outlined in TMC 18.60.020. If the area of cultivated land exceeds one acre, a 50-foot setback is required between properties with existing dwelling units and any cultivated area or accessory structures.

(15) Accessory structures for type II community gardens are limited to the following standards:

(i) In addition to type I standards, type II permitted accessory structures include: garden sales stands, other buildings for storage, structures for cold storage and processing of garden products, and buildings for aquaculture, aquaponics, and hydroponics.

(ii) Maximum lot coverage for structures is 30 percent of the site area designated for the community garden (cultivated area and pathways).

(iii) Accessory structures 150 square feet or greater are permitted, subject to required building permits.

(16) If one or more of the requirements cannot be met, a person may apply for a conditional use permit pursuant to Chapter 18.215 TMC.

(h) Day Care Facility, Type I.

(1) An on-site automobile drop-off/pickup area for a minimum of two vehicles shall be provided for a facility which only has street frontage on a major traffic

thoroughfare as designated by the transportation plan; and said drop-off/pickup shall be in accordance with any applicable provisions of said plan.

(2) Playground equipment or structures shall not be permitted to be located in a required yard adjacent to a public street.

(i) Day Care Facility, Type II.

(1) An on-site automobile drop-off/pickup area for a minimum of two vehicles shall be provided for a facility which only has street frontage on a roadway that is classified as a collector or arterial roadway on the Shawnee County functional classification of roadways map; and said drop-off/pickup shall be provided in accordance with any applicable provisions of said plan.

(j) Demolition Landfill.

(1) The applicant shall submit documentation showing compliance with all licenses or permits required by the State Department of Health and Environment prior to construction and within 30 days of renewal of any state licenses and permits. The site shall maintain a neat appearance along all public road frontages and along all property boundaries abutting residential zoning districts.

(k) Dwelling Units on Main Floor. Dwelling units located on main floors shall meet the following requirements:

(1) The units must be subordinate in area or location to nonresidential uses on the main floor; or

(2) The units shall be allowed in structures that were originally built for use as dwelling units, the structure has been used historically for dwelling units, or the dwelling units were converted from hospital, school, or hotel rooms.

(l) Extraction, Processing, Storage and Sale of Raw Materials, Including Ore, Minerals, Sand, Rock, Stone, Gravel, Topsoil, Fill Dirt, and Other Materials Delivered by Quarry, Mining, Dredging, or Stripping Operations. In addition to the standard application components required of an applicant to petition for a conditional use permit, a request for the subject use shall identify the specific raw material and type of operation under consideration and furthermore, shall include the below-listed additional information, plans and data:

(1) Site Plan. A site plan prepared by a registered civil engineer, drawn to scale on a sheet measuring 24 inches by 36 inches in size and including the following:

(i) Contour intervals: two feet for slopes 30 percent or less; 10 feet for greater slopes when map scale is one inch equals 100 feet.

(ii) Contour intervals: two feet for slopes 20 percent or less; 10 feet for greater slopes when map scale is one inch equals 200 feet.

(iii) Identify name, grade, right-of-way and street width of existing and proposed streets extending through or adjacent to the site.

(iv) Identify width and purpose of easements extending through or adjacent to the site.

(v) Identify natural land features including but not limited to watercourses and drainage ways, floodplains, rock outcropping, springs, wooded areas, etc.

(vi) Identify manmade features such as buildings and other structures, dams, dikes and impoundments of water.

(vii) Identify all of the above-noted adjacent land features within 300 feet of the site. In addition, show all platted subdivision lots and metes and bounds parcels.

(viii) Show location of at least five borings, which show depths to ground water.

(ix) Provide a cross-section to illustrate physical conditions of the site. Show vertical scale equal to, or in exaggeration of, horizontal scale.

(2) Development Plan. A development plan prepared in the same manner as the site plan and including the following:

(i) North point, scale and date.

(ii) Extent of area to be excavated.

(iii) Location, dimension and intended use of proposed structures.

(iv) Location of all areas on the property subject to inundation or flood hazard, and the location, width, and directions of flow of all watercourses and flood control channels that may be affected by the excavation.

(v) Benchmarks.

(vi) Typical cross-section, at sufficient intervals, showing the extent of overburden, extent of sand and gravel deposits or rock, and the water table.

(vii) Identification of processing and storage areas, the boundaries of which to be shown to scale.

(viii) Proposed fencing, gates, parking areas and signs.

(ix) Sequences of operation showing approximate areas involved shall be shown to scale and serially numbered with a description of each.

(x) Ingress/egress roads including on-site haul roads and proposed surface treatment and means to limit dust.

(xi) A map showing access routes between the property and the nearest arterial road.

(xii) Location of screening berms shall be shown to scale, and notes shall be provided indicating when they will be used as reclamation material. In the same manner overburden storage areas shall be identified and noted.

(xiii) Proposed location of settling basins and process water ponds.

(xiv) Site drainage features shall also be shown and flow direction indicated.

(3) A restriction of use statement, which shall include:

(i) The approximate date of commencement of the excavation and the duration of the operation.

(ii) Proposed hours of operation and days of operation.

(iii) Estimated type and volume of the excavation.

(iv) Method of extracting and processing, including the disposition of overburden or top soils.

(v) Equipment proposed to be used in the operation of the excavation.

(vi) Operating practices proposed to be used to minimize noise, dust, air contaminants, and vibration.

(vii) Methods to prevent erosion and pollution of surface or underground water.

(4) Reclamation Plan. A reclamation plan prepared in the same manner as the site plan and including the following:

(i) A statement of planned reclamation, including methods of accomplishment, phasing, and timing.

(ii) A plan indicating: the final grade of the excavation; any water features included in the reclamation and methods planned to prevent stagnation and pollution; landscaping or vegetative planting; and areas of cut or fill. This plan,

if clearly delineated, may be included with the site plan. For quarry applications, the final grade shall mean the approximate planned final grade.

(iii) A phasing plan, if the excavation of the site is to be accomplished in phases. This plan shall indicate the area and extent of each phase and the approximate timing of each phase.

(iv) The method of disposing of any equipment or structures used in the operation of the excavation upon completion of the excavation.

(v) Show location of any proposed streets within the reclaimed area and their connection to present public streets beyond.

(vi) Show location of any lakes, ponds, or streams proposed within the reclaimed area and their connections to streams or drainageways beyond.

(vii) Show areas where vegetation is to be established, and indicate types of vegetative cover.

(m) Golf Course – Country Club.

(1) A golf course or country club shall be established on a minimum contiguous area of 20 acres and shall consist of a minimum of nine holes.

(2) Vehicular access to a golf course or country club may ingress/egress directly to a local street provided the local street intersects with a roadway that is classified as a collector or arterial roadway on the Shawnee County functional classification of roadways map; and further provided, that said points of ingress/egress are located within 300 feet of the centerline of the aforementioned thoroughfare.

(3) All patron parking lots, clubhouses and recreational facilities other than those for golf, shall be located a minimum distance of 500 feet from all property boundaries of the golf course or country club.

(4) All maintenance facilities and employee parking lots shall be located a minimum distance of 200 feet from all property boundaries of the golf course or country club.

(5) If one or more of the requirements cannot be met, a person may apply for a conditional use permit pursuant to Chapter 18.215 TMC.

(n) Indoor Gun Range.

(1) A building for the safe discharge of firearms shall meet the following requirements:

(i) The building shall be designed so that discharged ammunition does not escape the confines of the building.

(ii) Discharge noise does not adversely impact neighboring properties.

(iii) The building shall be located at least 200 feet from any residentially zoned property.

(2) If one or more of the requirements cannot be met, a person may apply for a conditional use permit pursuant to Chapter 18.215 TMC.

(o) Outdoor Storage of Nonmerchandise. When storage is located in a yard that abuts or is located across the street from residentially zoned property it shall be screened from public view by a solid, opaque screen, fence or sight prohibitive landscaping of not less than six feet in height, except in front yards where it may be reduced to three feet or replaced with shrubs designed to grow two to three feet in height. If storage is adjacent to driveways or intersections, screening may be reduced to comply with site distance triangles, as outlined in TMC 12.20.020.

(p) Reception, Conference and Assembly Facility.

(1) As an independent principal use within any subdistrict of the residential dwelling and multiple-family dwelling districts, the facility shall be located only within a structure that exists on the date of the adoption of these regulations, except for the RR-1 district; and further, vehicle parking lots shall not be permitted within the established front yard setback.

(2) All applications requesting a conditional use permit shall include and address the following considerations in respect to:

(i) Maximum occupant load at any one time.

(ii) Presentation of a plan of operation which shall include:

(A) Days of the week and hours of operation in which the facility will function.

(B) Any permitted outdoor activities.

(C) Supervision of guests and arrangements for enforcement of any provisions of the conditional use permit.

(iii) Any proposed screening, buffering, or landscape plan.

(iv) On-site vehicle parking and ingress/egress plan.

(v) Address the general applicability of building, life safety, and associated codes and standards to the facility.

(3) All activities of the facility as a conditional use permit shall be by prearranged lease, contract, or agreement and therefore the facility shall not be open to the general public.

(q) Recycling Depot. Recycling depots shall meet the following requirements:

(1) Limited to the collection, storage and processing of metal, glass or plastic food or beverage containers and paper resources as an initial phase of a recycling process.

(2) The recycling process shall be limited to the volume reduction of such materials by mechanical and hand sorting methods only.

(3) All storage and processing operations in conjunction therewith shall be contained within the principal structure.

(r) Religious Assembly.

(1) Vehicular access to a facility of religious assembly may ingress/egress directly to a local street, provided said local street intersects with a major traffic thoroughfare as designated on the transportation plan; and further provided, that said points of ingress/egress are located within 300 feet of the centerline of the aforementioned thoroughfare.

(2) If one or more of the requirements cannot be met, a person may apply for a conditional use permit pursuant to Chapter 18.215 TMC.

(s) Relocation, Remodeling or Rebuilding of Legal Nonconforming Billboards.

No application for a conditional use permit to relocate, remodel, or rebuild an existing legal nonconforming billboard shall be approved unless the governing body, upon recommendation by the planning commission, shall determine that the proposed billboard is appropriate in the location proposed based upon its consideration of the standards set forth below.

(1) This subsection shall apply only to existing legal nonconforming billboards presently located within the C-4 commercial district. In seeking a conditional use

395 permit, the applicant shall specify the location, size, height and area of the existing
396 billboard proposed to be removed.

397 (2) The structural members of all billboard materials shall be constructed entirely
398 of noncombustible materials excepting only the sign face, ornamental molding and
399 platform and shall be installed only on single-pole structures.

400 (3) The proposed relocated sign shall not be larger than the existing billboard
401 proposed to be removed, but not to exceed 750 square feet including extensions;
402 nor shall such relocated sign have more than two sign faces.

403 (4) No billboard to be relocated shall be erected upon the roof of any building or
404 attached to any building.

405 (5) No billboard to be relocated shall be set back less than 20 feet from any
406 public right-of-way line.

407 (6) No billboard to be relocated shall be less than either 1,320 feet from any other
408 such sign on the same street or closer than a 400-foot radius on different streets.

409 (7) No billboard to be relocated shall be less than 200 feet from any underpass,
410 overpass or bridge structure.

411 (8) No billboard to be relocated shall be placed within 300 feet of a residential
412 dwelling, which fronts on the same street right-of-way, nor within 500 feet of any
413 religious assembly or public or private elementary or secondary school on the
414 same street.

415 (9) No billboard shall result in the loss or damage of natural, scenic, or historic
416 features of significant importance; and shall be constructed and operated with
417 minimal interference of the use and development of neighborhood property.

(10) No billboard shall be so designed to include the vertical stacking of billboards on the sign pole. Each billboard shall be comprised of a single sign face oriented in a given direction. This provision does not preclude double-sided billboards where arranged back to back on the sign pole.

(t) Manufactured Home. A manufactured home for the purpose, use and occupancy of a family shall meet the following requirements:

(1) The manufactured home shall have a minimum dimension of 14 body feet in width for the principal structure.

(2) The manufactured home shall be secured to the ground on a permanent foundation.

(3) The undercarriage of the manufactured home shall be completely screened from view by the foundation or skirting, such skirting to be of material harmonious to the unit structure and installed within 10 days of unit placement.

(4) The manufactured home shall have the towing apparatus, wheels, axles, and transporting lights removed.

(5) The manufactured home shall have an exterior facade of vinyl or wood siding, stone, brick, or other nonmetallic material.

(6) The roof of the manufactured home shall be double pitched and have a nominal vertical rise of three inches for each 12 inches of horizontal run, and shall be covered with material that is residential in appearance, including but not limited to wood, asphalt, composition or fiberglass shingles, but excluding corrugated aluminum, corrugated fiberglass, or corrugated metal roofing material. The roof shall have a minimum eave projection or overhang of 10 inches on at least two sides, which may include a four-inch gutter.

(u) Retail Merchandise Outdoor Display. Items for sale that are displayed outside buildings, exclusive of very large items such as vehicles and construction materials, shall meet the following standards:

(1) The display area shall not exceed 50 percent of the first floor area of the business.

(2) Screening shall be provided between the merchandise being stored and residentially zoned properties when the merchandise is located in a side or rear yard next to residentially zoned properties. Merchandise shall not be stacked higher than the screening in this area.

(3) The inventory of vehicles and equipment for sale, lease, or service shall not displace the minimum required number of off-street parking spaces.

(4) In D and X districts, retail merchandise outdoor display areas shall occur only during normal business hours. The outdoor display area shall provide adequate pedestrian clearance and shall not obstruct vehicular or pedestrian circulation.

(v) Self-Storage, Type I. An indoor storage facility for individuals and small businesses shall meet the following specific requirements:

(1) Any new building shall have exterior design characteristics similar to retail buildings in the area.

(2) Only one large common dock/garage door opening shall be allowed per building and shall not face any street frontage unless appropriately screened.

(3) All items being stored must be inside of an enclosed building.

(4) No business activity shall be conducted in the individual storage units.

(5) No living quarters are allowed within the individual units but the overall premises may have one dwelling unit for the caretaker.

(6) The storage of hazardous, toxic, or explosive substances is prohibited.

(w) Animal Care and Services, Type I.

(1) Medical treatment or care of large animals such as horses, cattle, sheep, goats, swine, etc., shall not be permitted on the premises.

(2) Medical treatment or care shall be provided only within the confines of an enclosed building or structure.

(3) The building or structure shall be constructed in such a manner as to prevent audible noise and/or odor from adversely impacting adjoining properties.

(x) Television, Radio, and Microwave Transmission Towers – Telecommunication Equipment – Accessory Facilities. In addition to the standard application components required of an applicant to petition for a conditional use permit, a petition for a conditional use permit for the subject use shall include:

(1) A site plan or plans drawn to scale of one inch equals 30 feet or larger and identifying the site boundary; tower(s); guy wire anchors; existing and proposed structures; vehicular parking and access; existing vegetation to be retained, removed, or replaced; and uses, structures, and land use designations on the site and abutting parcels.

(2) A plan drawn to scale showing any proposed landscaping, including species type, size, spacing, and other features.

(3) The applicant shall provide written communications obtained from the Federal Communications Commission and the Federal Aviation Administration indicating whether the proposed tower complies with applicable regulations administered by that agency or that the tower is exempt from those regulations. If each applicable agency does not provide a requested statement after the applicant makes a timely,

good-faith effort to obtain it, the application is complete. The applicant shall send a subsequently received agency statement to the planning director.

(4) The applicant shall demonstrate that the tower complies with any applicable provisions of the airport hazard zone regulations if the tower site is located within the hazard zone as established by said regulations.

(y) Vehicle Surface Parking Lot.

(1) The parking lot site shall be of like district zoning classification as that of an associated principal use or that of a less restrictive district. The parking lot site shall not be separated from the associated principal use by an intervening zoning district of a more restrictive classification.

(2) The parking lot site shall not be separated from an associated principal use by an intervening public street right-of-way classified as a collector or arterial roadway on the Shawnee County functional classification of roadways map.

(3) The nearest point of a parking lot site to the nearest point of the building served by the parking lot shall not be greater than 500 feet.

(4) If one or more of the requirements cannot be met, a person may apply for a conditional use permit pursuant to Chapter 18.215 TMC.

(z) Bed and Breakfast Home.

(1) Specific Requirements. Requests to establish a bed and breakfast home shall conform to all of the following requirements:

(i) The bed and breakfast shall operate as an ancillary use to the principal use of the residence as a single-family dwelling.

(ii) The bed and breakfast shall be located in an existing single-family dwelling and no new structure shall be built expressly for a bed and breakfast establishment.

(iii) The bed and breakfast shall be operated within the single-family dwelling and not in any accessory structure.

(iv) The primary entrance to all guestrooms shall be from within the dwelling. A guestroom can retain an original secondary exterior entrance opening onto a porch or balcony.

(v) The exterior of the dwelling and premises shall outwardly remain and appear to be a single-family dwelling giving no appearance of a business use.

(vi) Individual guestrooms shall not contain cooking facilities.

(vii) The bed and breakfast shall not be used for weddings, receptions, parties, business meetings, or similar such activities.

(viii) One nonilluminated nameplate sign, attached flat on the face of the principal dwelling, shall be permitted not to exceed nine square feet. The nameplate shall be styled and detailed architecturally with the principal building and shall be limited to the name of the bed and breakfast or owner or both.

(ix) Retail sales of a nature clearly incidental and subordinate to the primary use of the premises as a bed and breakfast establishment shall be permitted subject to the following requirements:

(A) The merchandise offered for sale shall be confined to the dwelling and not located within a garage or accessory structure, whether attached or detached.

(B) Merchandise offered for sale shall be restricted to that produced on site; souvenir items bearing the name and/or logo of the establishment; and those items customarily provided for the convenience of resident guests.

(C) There shall be no advertising, display or other indication of merchandise offered for sale on the premises.

(D) No commercial telephone listing, newspaper, radio or television service shall be used to advertise the sale of merchandise.

(E) The total area devoted to the display or merchandise shall not exceed five percent of the gross floor area of the dwelling, excluding an attached garage.

(aa) Bed and Breakfast Inn.

(1) Specific Requirements. Requests to establish a bed and breakfast inn shall conform to all of the following requirements:

(i) The bed and breakfast shall be located in an existing single-family dwelling and no new structure shall be built expressly for a bed and breakfast establishment.

(ii) The bed and breakfast shall be operated within the single-family dwelling and not in any accessory structure.

(iii) The primary entrance to all guestrooms shall be from within the dwelling. A guestroom can retain an original secondary exterior entrance opening onto a porch or balcony.

(iv) The exterior of the dwelling and premises shall outwardly remain and appear to be a single-family dwelling giving no appearance of a business use.

(v) Individual guestrooms shall not contain cooking facilities.

(vi) One nonilluminated nameplate sign, attached flat on the face of the principal dwelling, shall be permitted not to exceed nine square feet. The nameplate shall be styled and detailed architecturally with the principal building and shall be limited to the name of the bed and breakfast or owner or both.

(vii) Retail sales of a nature clearly incidental and subordinate to the primary use of the premises as a bed and breakfast establishment shall be permitted subject to the following requirements:

(A) The merchandise offered for sale shall be confined to the dwelling and not located within a garage or accessory structure, whether attached or detached.

(B) Merchandise offered for sale shall be restricted to that produced on site; souvenir items bearing the name and/or logo of the establishment; and those items customarily provided for the convenience of resident guests.

(C) There shall be no advertising, display or other indication of merchandise offered for sale on the premises.

(D) No commercial telephone listing, newspaper, radio or television service shall be used to advertise the sale of merchandise.

(E) The total area devoted to the display or merchandise shall not exceed five percent of the gross floor area of the dwelling, excluding an attached garage.

(F) In the RR-1 district, a bed and breakfast inn shall not be established on less than a three-acre parcel. In all other districts where permitted, a bed and breakfast inn shall be established on a parcel having a minimum size equivalent to 500 square feet per guestroom plus the minimum lot area of the district, for a single-family dwelling, in which located.

(G) Social events such as weddings, receptions, parties, business engagements or similar activities may be accommodated in conjunction with a bed and breakfast inn, subject to the following requirements:

a. The scheduling and conduct of social events shall be incidental and subordinate to the principal use of the premises as a bed and breakfast inn.

b. All scheduled events shall be by prearranged contract or agreement. Such event shall not be open to the general public.

c. No amplified sound or music, noise or glare shall be allowed outside the inn nor be perceptible from beyond the property line.

d. Social events shall be restricted to between the hours of 9:00 a.m. and 11:00 p.m.

e. Submission of a plan of operation which shall include:

1. Types of social events anticipated to be scheduled at the inn including the types of services to be offered in conjunction with a social event and the anticipated maximum number of guests to be accommodated.

2. Days of the week and hours of operation for which social events would be scheduled.

3. Any permitted outdoor activities and the location on the premises that may be used for such activities.

4. Supervision of guests and arrangements for enforcement of any provisions of the conditional use permit, when applicable.

5. Any proposed screening, buffering, or landscaping to mitigate potential negative effects.

6. Arrangements for parking. Specify the added number and location of guest parking in conjunction with social events. Additional on-site parking shall not interfere with accessing guest parking spaces nor conflict with internal traffic circulation.

(2) If one or more of the requirements cannot be met, a person may apply for a conditional use permit pursuant to Chapter 18.215 TMC.

(bb) Management/Leasing Office and Maintenance Facility.

(1) A facility for leasing, managing and/or maintaining a residential community shall meet the following requirements:

(i) The proposed facility shall be located within the boundaries of and operate exclusively in association with a legally described residential community consisting of rental housing units. Activity not associated with the management of the residential community or that serves the residents of the community shall not be permitted within the facility.

(ii) The proposed facility shall be comparable in design, construction, materials, siding and roofing to the rental units located within the residential community.

(iii) All materials, equipment and supplies shall be maintained within the facility or within a detached accessory structure that is comparable in size and design to other detached accessory structures located within the residential community.

(iv) A building sign is limited to one wall-mounted identification sign not exceeding six square feet.

(2) If one or more of the requirements cannot be met, a person may apply for a conditional use permit pursuant to Chapter 18.215 TMC.

(cc) Automobile Rental Establishments.

(1) Automobiles, pickup trucks, motorcycles and other vehicles shall not exceed a gross vehicle weight rating of 12,000 pounds in the C-2 district.

(2) No automobile sales and/or long-term leasing of vehicles exceeding six months shall be permitted.

(3) No on-site vehicle maintenance or mechanical service shall be permitted except to clean and prepare a vehicle for rental.

(4) No gasoline service shall be provided on site.

(5) No exterior storage or display of products, materials, supplies or equipment shall be permitted except for the rental vehicles.

(6) The inventory of rental vehicles shall be parked only on paved areas and shall not displace the required number of off-street parking spaces to be provided.

(7) A solid, opaque screen, fence or sight prohibitive landscaping shall be provided along lot lines adjoining residential property at a height of not less than six feet except in front yards where it may be reduced to three feet or replaced with shrubs designed to grow two to three feet in height.

(dd) Group Residence, General – Group Residence, Limited – Correctional Placement Residence or Facility, General – Correctional Placement Residence or Facility, Limited – Home Care, Type II. In considering an application for a conditional use permit for a correctional placement residence or facility, general; a correctional placement residence or facility, limited; home care, type II; a group residence, general; or a group residence, limited, the planning commission and governing body will give consideration to the following criteria:

(1) The conformance of the proposed use to the comprehensive plan and other adopted planning policies.

(2) The character of the neighborhood including but not limited to: land use, zoning, density (residential), architectural style, building materials, height, structural mass, siting, open space and floor-to-area ratio (commercial and industrial).

(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.

(4) The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.

(5) The length of time the property has remained vacant as zoned.

(6) The extent to which approval of the application would detrimentally affect nearby properties.

(7) The extent to which the proposed use would substantially harm the value of nearby properties.

(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.

(9) The extent to which the proposed use would create excessive air pollution, water pollution, noise pollution or other environmental harm.

(10) The economic impact of the proposed use on the community.

(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.

(ee) Mobile Retail Vendors. Mobile retail vendors are allowed in zoning districts where retail sales are permitted per TMC 18.60.010 or where allowed by ordinance.

(ff) Micro-Alcohol Production in X-2 and X-3 and D Districts.

(1) Micro-breweries are limited to 5,000 barrels per year.

(2) Tap rooms and tasting rooms are permitted as an accessory use and shall be located near the street front side of the building.

(3) Any portion of the building that fronts a public street shall have a store front facade and include windows and door openings along the street frontage.

(4) The area of the building used for manufacturing, processing, brewing, fermenting, distilling, or storage shall be above or below the ground floor or located to the rear of the building or otherwise subordinate in area and extent.

(gg) Artisan Manufacturing.

(1) The area used for production and assembly shall be limited to no more than 80 percent of the gross floor area of the principal structure and shall not exceed a total of 6,000 square feet.

(2) All activities and equipment associated with all aspects of artisan manufacturing shall be confined to the interior of structures located on the property.

(3) In C-1, X-3, D-1 and D-2 districts artisan manufacturing occurring on the ground level within a designated district classification must retain the front portion of the ground level to serve as a storefront entrance to a showroom, retail space, office use, or permitted residential use, consistent with the general character of the adjacent properties.

(4) The production process shall not produce offensive chemical odors, dust, vibration, noise, or other offensive external impacts that are detectable beyond the boundaries of the subject property.

(5) Retail sales of the product produced on site are allowed. On-site retail sales of other non-related products are permitted.

(hh) Drive-Up/Drive-Through Facilities.

(1) In D and X districts, the drive-up window, menu boards and all lanes needed for vehicle stacking shall be located to the rear or side of the principal building.

(2) In D and X districts, the drive-up window facility shall be secondary and subordinate in size to the principal uses of the structure in which the drive-up facility is located.

(3) All lanes used for ingress, stacking, service, and egress shall be integrated safely and effectively with circulation and parking facilities.

(4) Ingress and egress shall be designed to minimize potential conflicts with vehicular, pedestrian, and bicycle traffic.

(5) The location and design of the drive-up facility shall minimize blank walls on street-facing exteriors of the building and disruption of existing or potential retail and other active ground floor uses.

(6) Approval of a traffic impact analysis by the city traffic engineer may be required.

(7) The principal use of the building is allowed in the zoning district.

(ii) Building, Construction, and Mechanical Contractor Office; Contractor Yards. Outdoor storage associated with a contractor office or contractor yard, when located along a lot line adjoining a visible public street or in a yard that abuts residentially zoned property, shall be screened from public view by a solid, opaque screen, fence or sight prohibitive landscaping of not less than six feet in height. If storage is adjacent to driveways or intersections, screening may be reduced to comply with site distance triangles, as provided in TMC 12.20.020.

Section 3. That section 18.230.030, General yard requirements, of the Code of the City of Topeka, Kansas, is hereby amended to read as follows:

General yard requirements.

(a) Location of Required Yards. The required yard space for any building, structure or use shall be contained on the same zoning lot as the building, structure or use and such required yard space shall be entirely upon land in a district in which the principal use is permitted.

(b) Yard Requirements for Open Land. If a zoning lot is, or will be, occupied by a permitted use without buildings or structures, then the minimum yards that would otherwise be required for said zoning lot shall be provided and maintained unless some other provision of this division requires or permits a different minimum yard. The

minimum yards shall not be required on zoning lots used for gardening purposes without structures except for community gardens as described in TMC 18.225.010, or on zoning lots used for public recreational areas.

(c) Restrictions on Allocation and Disposition of Required Yards or Space.

(1) No part of a lot, yard, off-street parking space, open space or other space provided in connection with any building, structure or use in order to comply with this division shall, by reason of change of ownership or otherwise, be included as part of the minimum lot area, yard, off-street parking space, open space or other space required for any other building, structure or use, except as specifically provided herein.

(2) All of the lot area, yards, off-street parking, open space or other space provided in connection with any building, structure or use in order to comply with this division shall be located on the same zoning lot as such building, structure or use.

(3) No part of a lot, yard, off-street parking, open space or other space provided in connection with any building, structure or use (including, but not limited to, any building, structure or use existing on the effective date of the ordinance codified in this division) shall be subsequently reduced below, or further reduced if already less than, the minimum requirements of this division for the equivalent new construction.

(d) Computing Rear Yard. In computing the required minimum depth of a rear yard for any principal building, principal structure or principal use where such yard abuts on an alley, one-half of the alley right-of-way width may be included as part of the required minimum rear yard.

(e) Yards for Corner and Double Frontage Lots. Front yard requirements included in the district regulations within which the zoning lot is located shall apply on both frontages. A double frontage lot shall have two front yards, two side yards, and no rear

yard. A corner lot shall have two front yards, one side yard, and one rear yard. The corner lot's rear yard shall be opposite the front yard, which is the yard having the least street frontage, unless the applicant desires otherwise or doing so would create a reversed corner lot. The planning director may approve the creation of an alternative layout when doing so would result in a better development pattern based on existing and anticipated future development. A property owner may appeal the decision of the planning director by filing an appeal to the planning commission within 10 days of receiving written notification of the decision. Such appeal shall be made in writing to the planning director and shall be considered by the planning commission at its next regularly scheduled meeting.

(f) Front Yard Building Setbacks on Existing Lots of Record. An individual lot of record may be developed with revised minimum front yard setback requirements, as determined by the planning director, subject to the following requirements:

(1) The proposed development of said property does not conflict with or, alternatively, promotes the policies and objectives as stated in the adopted comprehensive metropolitan plan or an adopted neighborhood plan;

(2) The proposed development is intended to complement the existing character and architecture of the surrounding properties in the neighborhood; or the proposed development complies with any adopted design guidelines or standards of the city;

(3) The proposed development will be consistent with the established building front yard setbacks so as to reflect and align with existing setbacks of buildings on the block face or, alternatively, will comply with any adopted design guidelines or standards of the city. Where variable building setbacks exist ~~with respect to these properties,~~ an average of the building setbacks may be applied.

(g) Platted Building and Setback Lines. If a recorded plat imposes a building or setback line for a lot which is greater than the minimum front yard of the district in which located, then notwithstanding any other provisions of this division, the minimum setback shall be the setback as imposed by the plat.

(h) Where a lot in the O&I, C, I or MS district abuts an R district, a yard at least equal to the abutting yard required in the R district shall be provided along the R district boundary line.

(i) An owner of an existing improved property who desires to undertake further improvements to the property, but which property does not comply with the yard requirements, shall not be required to file a variance with the board of zoning appeals for such further improvement, provided the following conditions are met:

(1) The additional improvement will not result in any less yard than that observed by the existing structure; and

(2) The original structure was in compliance with regulations existing at the time the original structure was built, or a variance was previously granted which allowed for the deviation from the dimensional requirements; and

(3) Applicable designated yard requirements with which the existing improvements are in conformance shall continue to be observed and conformed to, unless an official variance is granted by the board of zoning appeals

Section 4. That section 18.225.060, Landscape requirements, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Landscape requirements.

(a) Performance Objectives. All required landscape plans shall emphasize plantings along visible street frontages and required buffer yards, ~~as specified by this~~

~~chapter to the greatest extent possible~~ including mitigation or screening of parking lots adjacent to public streets. Unless constrained by existing conditions, sites with a single street frontage shall apply 50 percent or more of the total required landscape points to landscape setbacks along street frontages. The minimum percentage of the total required landscape points along street frontages shall increase by 10 percentage points for each additional street frontage. Berms may be used with or in place of shrubs for screening where appropriate.

(b) Planting Requirements/Point System. The developer may use any a combination of plantings to obtain the necessary number of points required for the developed area. Different developed areas will lend themselves to different types of plantings. This chapter encourages creativity and diversity in landscaping. In no case shall a mono-culture of plantings be allowed. A variation of plantings, at least three different species, is required.

Each landscape plan must equal or exceed a minimum number of base points in order to obtain approval. The number of points required depends on the size of the developed area (see Table 1). In order to obtain points, the plantings must be placed on the developed property and not on the public right-of-way, without the approval of the planning director in consultation with the public works department.

Table 1. Number of Points Required for the Site

Square Footage of the Developed Area	Number of Points Required for sites classified I-1, I-2, X-2, and X-3	<u>Number of Points Required for sites classified C-1, C-2, C-3, C-4, U-1, X-1, O&I-1, O&I-2, O&I-3, M-S, and for multiple-family residential development, churches, schools, and other institutional uses in any zoning district</u>
0 – 10,000	33 (+1.5 per parking space)	<u>40 (+1.5 per parking space)</u>

Table 1. Number of Points Required for the Site

Square Footage of the Developed Area	Number of Points Required for sites classified I-1, I-2, X-2, and X-3	<u>Number of Points Required for sites classified C-1, C-2, C-3, C-4, U-1, X-1, O&I-1, O&I-2, O&I-3, M-S, and for multiple-family residential development, churches, schools, and other institutional uses in any zoning district</u>
Greater than 10,000	33 points plus one point for each additional 300 square feet of developed area (+1.5 per parking space)	<u>40 points plus 1.2 points for each additional 300 square feet of developed area (+1.5 per parking space)</u>

837 Except for industrial uses in I and X-2 districts, All designated outdoor storage,
838 loading, or display areas, including, but not limited to, car lots, lumber yards,
839 warehouses, home improvement centers, and loading docks, will require an additional
840 one point per 600 square feet.

Table 2. Point Values for Various Plantings

Type of Plant Material	Minimum Size	Point Value
Large tree	2.0 inches – 2.5 inches caliper	11 per tree
Medium tree	1.25 inches – 1.5 inches caliper	8 per tree
Understory tree	Single trunk: 1.25 inches – 1.5 inches caliper	5 per tree
	Multiple trunk: 6 feet – 8 feet in height	5 per tree
Coniferous tree	4 feet – 5 feet initial height at planting	8 per tree
Shrub	2 gallon (established) minimum	1 per shrub
Ornamental grasses	2 gallon (established) minimum	1 per plant
Groundcover	Per square foot of landscaped area. Sufficient quantity of plants to cover the entire landscape area within 3 growing seasons.	0-25 10 per square foot

Table 2. Point Values for Various Plantings

Type of Plant Material	Minimum Size	Point Value
Landscape berm	30 inches minimum height with a sufficient quantity of trees, shrubs or plants to equal 1 point per 10 square feet.	0.50 0.25 per 3 lineal feet
Turf berm	30 inches minimum height. 3-foot minimum length, not to exceed 10% of total point requirements.	0.25 per 3 lineal feet

(c) Parking Lot Requirements. All street-level parking lots shall be landscaped in accordance with the following requirements:

(1) In addition to the number of base points required, one and one-half additional points are required for each parking space proposed. These additional points may be achieved by planting parking lot trees and/or parking lot shrubs. For example, a 10,000-square-foot developed area with 10 parking spaces requires 33 base points plus one and one-half points per parking space. The total point requirement for this developed area is 48 (33 base points plus 15 parking lot points).

(2) On parking lots with less than 24 parking spaces, parking lot trees/shrubs may be spaced around the perimeter of the lot as desired to provide a uniform and attractive design.

(3) On lots with more than 24 parking spaces, landscaping shall be provided on parking lot islands and/or parking lot peninsulas within the confines of the developed parking lot at a ratio of one landscaped island or peninsula per 24 parking spaces. These plantings shall be located to minimize and break the expanse of asphalt and concrete. Each parking lot island or peninsula shall be

equivalent in size to one parking space. Parking lot islands shall contain shade-producing trees where possible.

(d) Buffers and Buffer Zones. A developed area may be required to buffer certain portions of the development as provided for herein. If a developed area is required to buffer, the more stringent buffer requirements contained herein shall apply. Accumulation of minimum required landscaping points shall not reduce the requirements for any landscaped buffer as specified herein.

(1) Residential Zone Buffer. On any commercial, industrial, institutional, PUD, conditional use permit, or multifamily development (three or more units), adjacent to a residential zoning district, a landscaped buffer along the property line(s) of the developing property is required. The buffer shall run the entire length of the abutting lot line(s). The type of buffer may consist of any combination of the following:

(i) A solid opaque fence not less than six feet in height, and a six-foot-wide buffer of landscaped plantings located on the outside of the fence, not to exceed six-foot spacing between plants.

(ii) A landscaped buffer no less than six feet in width, planted with a series of evergreen plantings which will grow to at least six feet in height and spaced in a manner to provide an impervious visual barrier, not to exceed six-foot spacing between plants.

(iii) A landscaped berm at least 30 inches in height continuing the entire length of the abutting property line. A landscape credit for a landscaped berm may be claimed (per Table 1) in order to meet the screening requirements for the developing property. Such berm must be

882 planted with trees, shrubs and/or plants in order to satisfy buffer
883 requirements. A berm planted exclusively in turf grass is not considered by
884 itself sufficient to satisfy buffer requirements as required by this chapter.

885 (iv) Natural, undisturbed forest at least 20 feet in width that provides
886 a nearly impervious visual barrier due to the dense nature of the plants
887 and/or trees. If this option is chosen, the planning director shall determine
888 whether the barrier is satisfactory through a site inspection prior to plan
889 approval. Protective measures shall be provided during construction to
890 ensure the area is protected from damage due to construction.

891 (2) Parking Lot Buffer. All parking ~~lots~~areas and associated driveways
892 shall be buffered with landscaping and set back as follows:

893 (i) An area not less than four feet in width shall be located between
894 a parking lot and an adjacent property line of a nonresidential zoning
895 district. For sites classified I-1, I-2, X-2, or X-3, S~~such~~ buffering shall not
896 be required where an equivalent buffer exists on the adjoining property.

897 (ii) A landscaped setback not less than 20 feet shall be located
898 between all parking lots and any public street right-of-way. ~~Landscaped~~
899 ~~setbacks shall only be required for lots platted after the adoption of this~~
900 ~~chapter on or after June 11, 2002, except when surface parking is placed~~
901 ~~to the side or rear of the building in which case the width of the parking~~
902 ~~area, as measured by a line parallel with the street right-of-way, is no~~
903 ~~more than one-half of the frontage on the street right-of-way and the~~
904 ~~development meets the front yard building setbacks in TMC 18.230.030.~~
905 A landscape setback of not less than 5 feet shall be required from public

906 street right-of-way for all lots.

907 (e) Landscape for Industrial Uses. For industrial uses in I and X-2 districts,
908 unimproved areas and outdoor storage areas will not be applied toward the generation
909 of required points provided the purpose and performance objectives of this chapter,
910 including the creation of landscape buffers and proper screening of parking and storage
911 areas, are met.

912 Section 5. That original § 18.60.010, § 18.225.010, § 18.230.030 and §
913 18.235.060 of The Code of the City of Topeka, Kansas, are hereby specifically
914 repealed.

915 Section 6. This ordinance shall take effect and be in force from and after its
916 passage, approval and publication in the official City newspaper.

917 Section 7. This ordinance shall supersede all ordinances, resolutions or rules,
918 or portions thereof, which are in conflict with the provisions of this ordinance.

919 Section 8. Should any section, clause or phrase of this ordinance be declared
920 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
921 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

922 PASSED AND APPROVED by the Governing Body on _____.

923 CITY OF TOPEKA, KANSAS

924 _____
925 Michelle De La Isla, Mayor

926 ATTEST:

927 _____
928 Brenda Younger, City Clerk



CITY OF TOPEKA

Planning Department
620 SE Madison, Unit 11
Topeka, KS 66607

Bill Flander, AICP, Director
Tel: 785-368-3728
www.topeka.org

MEMORANDUM

To: Topeka Planning Commission
From: Mike Hall, AICP, Comprehensive Planning Manager
Date: September 17, 2018

RE: Visual Code Update II – Landscaping and Screening Standards (ACZR18/03)

Background and Process

In February 2018 staff completed the City's **Visual Appeal Survey** regarding building design and signs. The survey asked participants to rate the visual appeal of a series of images of buildings and signs. The level of response to the survey is impressive: 1,062 people took the building design survey and 480 of these respondents provided written comments; 964 people took the sign survey and 386 of these respondents provided written comments.

Although the survey did not seek input regarding landscaping, the responses clearly indicate landscaping to be important to visual appeal. Images that included well developed landscaping rated as being more visually appealing than those images lacking landscaping. Additionally, many of the written responses expressed the importance of landscaping to visual appeal.

In addition to the Visual Appeal Survey:

- Staff presented the proposed landscaping and screening standards to a **development forum** on July 25th. The invitation went out to a large number of development professionals. The forum was well attended and included local design professionals and development consultants.
- Staff presented the proposed landscaping and screening standards to the **Planning Commission** for discussion on August 20th. One or more commissioners asked whether the additional requirements might tend to hide the nicer buildings that the building design standards (proposed by a separate amendment) are attempting to bring about. The proposed amendment addresses that concern and allows staff discretion to ensure that landscaping complements rather than competes with attractively designed buildings.
- Staff have thoroughly analyzed the effectiveness of the proposed standards by testing them on several past projects.

Summary of Proposed Changes to the Landscaping and Screening Standards

- **Increase the overall quantity of required landscaping for new development.** The required quantity of landscaping is based on a point-based system. The higher the point total, as determined by the size of the development site and other factors, the greater the quantity of landscaping required. With the exception of development in I-1, I-2, X-2, and X-3 zoning districts, it is proposed that the points generated, and the resulting required quantity of landscaping, be increased by up to 20 percent. [TMC 18.235.060(b)]
- **Establish a minimum standard for landscaping along street frontages.** The current landscape regulations require landscape plans to “emphasize plantings along visible street frontages . . . to the greatest extent possible.” To more effectively accomplish the objectives of the landscape regulations it is proposed that a minimum of 50 percent of the total required landscaping be applied to the street frontage for sites fronting on one street, a minimum of 60 percent of the total for sites fronting on two streets, and a minimum of 70 percent of the total for sites fronting on three streets. [TMC 18.235.060(a)]
- **Clarify and revise the required landscape setback along street rights-of-way.** The current landscape regulations require a 4 foot landscape setback for parking areas along street rights-of-way for lots platted prior to the adoption of the landscape ordinance (June 11, 2002). It is proposed that the landscape setback for lots platted prior to June 11, 2002 be increased to 5 feet to provide sufficient permeable surface to support landscaping. [TMC 18.235.060(d)(2)]
- **Provide for alternative compliance to the 20 foot landscape setback along street rights-of-way.** Current landscape regulations require a minimum 20 foot landscape setback for parking areas along street rights-of-way for lots platted on or after June 11, 2002. To encourage more visually appealing development, it is proposed that the regulations be amended to allow reduced building and landscape setbacks for site plans that meet particular design conditions, including the siting of off-street parking to the side and rear of buildings. [TMC 18.235.060(d)(2) and TMC 18.230.030(f)]
- **Require screening of automobile tow lots and contractor yards.** In zoning districts where tow lots, contractor offices and yards are permitted (C-4, I-1, I-2, D-1, and D-3) it is proposed that screening with fencing and/or landscaping be required along lot lines adjoining street rights-of-way and in yards abutting residentially zoned property. [TMC 18.60.010 and TMC 18.225.010(e) and (ii)]

The attached proposed amendments to the zoning regulations are submitted for your consideration. Staff presented the proposed standards to the Planning Commission for discussion at the August 20 meeting, and a public hearing has been advertised for September 17, 2018. Staff requests the Planning Commission forward a recommendation of APPROVAL to the Governing Body upon close of the public hearing.

Attachments:

- Draft ordinance with the above described amendments



CITY OF TOPEKA PLANNING COMMISSION CASE MINUTES

Monday, September 17, 2018

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

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

Members Absent:

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

Visual Code Update I (ACZR18/01) considering amending the Topeka Municipal Code (TMC) Title 18 (Comprehensive Plan-Signs-Subdivisions-Zoning) as follows:
Creating Chapter 18.275 concerning non-residential design standards

Mr. Fiander explained that this and the next case are scheduled for public hearings where public input could be heard, and then action at this evening's meeting. He added that it is also the commission's prerogative to delay action to a future meeting date.

Mr. Warner presented a PowerPoint presentation and reviewed the proposed non-residential design standards. He noted that the proposal will allow the Planning Director the option to approve alternate materials if appropriate and that, if the applicant and Planning Director could not come to an agreement, the applicant could appeal the decision of the Planning Director to the Board of Zoning Appeals (BZA).

Upon completion of his review, Mr. Warner stated that staff's recommendation is for the Planning Commission to recommend approval of TMC 18.275 to the Governing Body.

With no questions coming from commissioners, Ms. Ringler declared the **Public Hearing open**. Nobody coming forward to speak, Ms. Ringler declared the **Public Hearing closed**.

Mr. Fried stated that staff has presented the proposal a number of times and made changes as requested by the Commission. He believes the design standards will do a good job of helping Topeka look better moving forward.

Mr. Haugh stated he likes the flexibility that has been built into the plan; it will prove helpful to architects.

Mr. Werner stated he agrees with Mr. Fried and added that he sat on the review committee which worked to fine tune the plan. He believes it is at a point where it is ready to move forward toward approval and implementation.

Mr. Kannarr noted that it's obvious a great deal of work has gone into creating the plan and he is unaware of anyone who has stated they have strong objections to it. He noted that nobody came to the public hearing to speak against it.

Motion by Mr. Werner to recommend approval of ACZR18/01 to the Governing Body, **second** by Ms. Lawson. **APPROVAL** (9-0-0)

DRAFT

Visual Code Update II (ACZR18/03) considering amending the Topeka Municipal Code (TMC) Title 18 (Comprehensive Plan-Signs-Subdivisions-Zoning) as follows:

Amendments to the Land Use Matrix in Chapter 18.60 and Specific Use Requirements in Chapter 18.225, including amendments to the use standards for Vehicle Tow Lots, Contractor Offices, and Contractor Yards;

Amendments to the standards in Chapter 18.235, Landscape Requirements, pertaining to the quantity of landscaping, landscaping along street frontages, and landscape setbacks.

Mr. Hall presented a PowerPoint presentation and reviewed the proposed amendments. He noted that at the August Planning Commission, staff presented a proposal to require the landscape setback along street rights of way to be 6'. They have since changed that to 5'.

Upon completion of his presentation, Mr. Armstrong asked for clarification on one of the slides.

Ms. Messina asked if the amendments allow the Planning Director discretion to override any of the requirements. Mr. Hall explained that the proposals allow for quite a bit of discretion on the part of the Planning staff as they work with the applicant(s). If staff and the applicant cannot come to an agreement, the Planning Director could approve an alternative to the requirements.

Mr. Armstrong asked for clarification regarding when the requirements would be triggered. Mr. Hall explained that they take effect when there's a 50% increase in new building or parking lot, but possibly less than 50% when a parking lot is being added and landscaping is needed to screen a parking lot from abutting homes, etc. In regard to tow lots, an increase would trigger the need for compliance on that part of the lot being added.

With no more questions coming from commissioners, Ms. Ringler declared the **Public Hearing open**. Nobody coming forward to speak, Ms. Ringler declared the **Public Hearing closed**.

Ms. Messina inquired in regard to parking lot increases – would the landscaping need to be re-done for the entire property or just for the add-on? Mr. Hall stated that it would depend on the circumstances and where the parking lot/building is located. He stated that unless it proved unreasonable, if someone is redeveloping a site and it's affecting the entire site, staff would work with the applicant to bring the property up to standards. Both the staff and the Planning Director have discretion and attempt to use it in a consistent, thoughtful and limited way.

Mr. Armstrong noted that he believes the amendments will add to the community, making it more appealing. He stated that the Visual Appeal Survey results indicate the public believes landscaping is important.

Ms. Ringler noted that there has been considerable conversation about the proposed amendments, as well as opportunities for people to object to them, and she's heard no strong objections.

Motion by Mr. Kannarr to recommend approval of ACZR18/03 to the Governing Body, **second** by Ms. Messina. **APPROVAL** (9-0-0)



CITY OF TOPEKA PLANNING COMMISSION MINUTES

Monday, August 20, 2018

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

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

Members Absent:

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

Discussion Items

1. Building Design Standards - Review and discuss draft of the non-residential building design standards.

Mr. Warner explained that staff plans to bring the Building Design Standards to the September Planning Meeting for a Public Hearing and possible action by the commission. He reviewed the proposed standards and showed overhead Powerpoint slides with examples of building types, etc.

Discussion included whether the design standards might also be applied to downtown and/or residential buildings. Mr. Warner confirmed that apartment complexes are handled as residential properties and noted that the commercial design guidelines do not transfer well to residential buildings. Mr. Fiander agreed that the particular guidelines currently under consideration for the most part do not lend themselves to residential.

Mr. Werner noted he appreciates the time and effort put into the guidelines and looks forward to implementing them.

2. Screening and Landscape Requirements - Review and discuss proposed screening and landscape requirements.

Mr. Hall presented proposed updates to the requirements and took questions. Discussion included whether adding requirements to landscaping might tend to hide the nicer buildings that the design standards are attempting to bring about. It was explained by staff that the landscaping/screening requirements allow for staff discretion and provide enough leeway to bring about improvements in appearance without hiding building details that are designed to be seen, complementing rather than competing with building design.

Commissioner Armstrong left at 7:25



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 9, 2018

DATE:	October 9, 2018	
CONTACT PERSON:	Sasha Haehn, Neighborhood Relations Director	DOCUMENT #:
SECOND PARTY/SUBJECT:	2019 Empowerment Grant Recommendations Update	PROJECT #:
CATEGORY/SUBCATEGORY	006 Communication / 005 Other	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

UPDATE on the 2019 Neighborhood Empowerment Grants.

VOTING REQUIREMENTS:

No action required by the Governing Body.

POLICY ISSUE:

Neighborhood Empowerment Grant funds are used to support a variety of neighborhood designed public facility projects primarily in low/moderate income neighborhoods.

STAFF RECOMMENDATION:

Update only. No action required by the Governing Body.

BACKGROUND:

The budget of \$137,890 in Community Development Block Grant (CDBG) funds in 2019 will be allocated for projects in designated Neighborhood Improvement Association neighborhoods:

- \$42,350 Highland Crest sidewalk installation & replacement
- \$2,600 Historic North Topeka East FIXIT Bike support station
- \$50,000 North Topeka West NW Taylor St. curb & gutter project

BUDGETARY IMPACT:

Allocation of up to \$137,890 in Community Development Block Grant funds to three projects in Highland Crest,

Historic North Topeka East and North Topeka West Neighborhood Improvement Associations in 2019.

SOURCE OF FUNDING:

2019 Community Development Block Grant (CDBG) funding, contingent upon final federal appropriations. These funds were reserved for the Empowerment Grant Program as part of the 2019 Consolidated Annual Action Plan.

ATTACHMENTS:

Description

2019 Empowerment Executive Summary

2019 Empowerment Application Scores

2019 Empowerment Grant Recommendation Project Location Map



2019 EMPOWERMENT GRANT
COMMUNITY DEVELOPMENT BLOCK GRANT
PROGRAM

REVIEW COMMITTEE FUNDING RECOMMENDATIONS
AUGUST 24, 2018

Department of Neighborhood Relations
620 SE Madison, 1st Floor
Topeka, Kansas 66607
www.topeka.org

2019 Empowerment Grant Overview

The Empowerment Grant Program is funded through the federal Community Development Block Grant (CDBG) Program. These funds are used to support a variety of neighborhood based public projects. Projects must be located within predominately low/moderate income neighborhoods. Neighborhood Improvement Associations (NIA) who are designated as 2017 Stages of Resource Targeting areas are not eligible for this program until 2020.

Program priorities include citizen involvement and inclusiveness, efficiency and effectiveness, and neighborhood empowerment. Grants may be awarded up to \$50,000.

Eligible applicants are invited to submit funding application(s) in early spring. A review committee, described below, reviews and scores the applications for funding recommendations to the Governing Body. Due to this program being funded with federal Community Development Block Grant funds, each project application must undergo a review for compliance to the National Environmental Policy Act “NEPA” and its related laws. The list of recommended projects is then presented to the Governing Body for final approval of funding.

2019 Empowerment Grant Review Process

The Review Team was configured to include persons with knowledge of infrastructure needs for neighborhoods and public projects. Further consideration was given to assure racial and ethnic diversity, and the utilization of persons who did not constitute any conflict of interest. The committee members were provided with copies of all submitted applications and taken on a Project Site Tour before meeting to provide recommendations. The committee members followed the application form titled “City of Topeka 2019 Empowerment Grant Application Scoring Criteria” (attached).

Each member scored the proposals and then all of their scores were averaged.

2019 Empowerment Grant Review Committee

Neighborhood Organization Representatives		City/County Staff	
Angel Romero	United Way of Greater Topeka	Angela Horn	Utilities Department
Craig Barnes	Shawnee County Health Department	Richard Faulkner	Planning – Development Services
Fred Willer	Highland Park High School	Tim Esparza	Planning – Neighborhood Planning
Janice Watkins	Topeka Habitat for Humanity		
Lindsay Freeman	Advisors Excel		
Neighborhood Relations staff (non-voting members)			
LaToya Burnett-Martinez			

2019 Empowerment Grant Review Committee Executive Summary

Overall the review committee was disappointed with the lack of neighborhood support provided for all project applications received. The applications appeared to be “rushed” and it does not seem as if the applicants used all or in some cases any of the resources made available to them as noted online in the Grant workshop materials.

<u>Organization / Neighborhood</u>	<u>Project / Summary</u>	<u>Applicant Average Score</u>	<u>Committee Comments</u>
Hi-Crest	Replacement of sidewalk on SE Irvingham Street from Girard to 34th Street.	72.63	Obvious need and great stakeholder support for the project. Provide recommended funding amount provided by City Engineer.
Historic North Topeka East	FIXIT Bike support station provided by BikeWalkKC to be located at 1201 NW Central Ave.	71.25	Great project for youth in the neighborhood. Need to know how the NIA will market this to residents.
North Topeka West	Replacement of curb and gutter on NW Taylor Street from St. John to Grant Street.	70.50	Obvious that this project is needed, but this is a complicated project and will need additional funding to entirely complete.
Ward Meade	Installation of Topeka Metro Bike Racks at various locations in the neighborhood.	54.38	Used 2018 application instead of 2019 application. Lacked neighborhood support and project scope documentation. Uncertain about overall strategy for adding additional bike racks in the community and how it will add additional value to the neighborhood. What are the strategic locations? Overall need more description.
North Topeka West	Wayfinding sign for McKinley Park at 508 NW Gordon Street.	49.75	In the priority of applications, this was less of a need. No description/support provided for why the sign was needed or how it would impact the neighborhood.

2019 Empowerment Grant Schedule

Date	Activity
February 26, 2018	Applications are available at DNR and on City of Topeka Website
March 14 & March 17, 2018	Application Workshops
July 20, 2018	Applications due, 5pm at DNR
August 3, 2018	Review Committee provided copies of applications and visits project sites
August 24, 2018	Review Committee meets to finalize funding recommendations
October 9, 2018	City Council receives Review Committee recommendations
January 2019	Contracts become effective, subject to appropriations. Funding cycle begins in January 2019.

City of Topeka
2019 Empowerment Grant Application
Scoring Criteria

I. PROPOSED PROJECT	
Neighborhood Improvement Association _____	
Project Title _____	
Funding Requested \$ 	
Project Impact Area:	
☐ Infrastructure	☐ Community Engagement
☐ Accessibility	☐ Beautification

Reviewer: _____

II. Project Need / Problem (20 points possible)

1. Does the issue/challenge involve: <table style="width: 100%; text-align: center;"> <tr> <td style="width: 25%;">0</td> <td style="width: 25%;">6</td> <td style="width: 25%;">8</td> <td style="width: 25%;"></td> </tr> <tr> <td>No answer provided / does not meet criteria</td> <td>Community Engagement</td> <td>Infrastructure, Accessibility or Neighborhood Beautification</td> <td></td> </tr> </table>	0	6	8		No answer provided / does not meet criteria	Community Engagement	Infrastructure, Accessibility or Neighborhood Beautification		Score
0	6	8							
No answer provided / does not meet criteria	Community Engagement	Infrastructure, Accessibility or Neighborhood Beautification							

2. Does the project solve the issue or challenge? <table style="width: 100%; text-align: center;"> <tr> <td style="width: 25%;">0</td> <td style="width: 25%;">2</td> <td style="width: 25%;">6</td> <td style="width: 25%;">8</td> </tr> <tr> <td>No answer provided / Not a solution</td> <td>Partially solves problem</td> <td>Solves the problem</td> <td>Solves the problem and adds additional value to the neighborhood</td> </tr> </table>	0	2	6	8	No answer provided / Not a solution	Partially solves problem	Solves the problem	Solves the problem and adds additional value to the neighborhood	Score
0	2	6	8						
No answer provided / Not a solution	Partially solves problem	Solves the problem	Solves the problem and adds additional value to the neighborhood						

3. Is this a new project for the organization? <table style="width: 100%; text-align: center;"> <tr> <td style="width: 25%;">0</td> <td style="width: 25%;">1</td> <td style="width: 25%;">2</td> <td style="width: 25%;">4</td> </tr> <tr> <td>No answer provided / Not a new project</td> <td>New project for the neighborhood</td> <td>New project for the neighborhood and idea involved neighborhood participation</td> <td>New project for the neighborhood, involved neighborhood participation, and improves neighborhood quality of life</td> </tr> </table>	0	1	2	4	No answer provided / Not a new project	New project for the neighborhood	New project for the neighborhood and idea involved neighborhood participation	New project for the neighborhood, involved neighborhood participation, and improves neighborhood quality of life	Score
0	1	2	4						
No answer provided / Not a new project	New project for the neighborhood	New project for the neighborhood and idea involved neighborhood participation	New project for the neighborhood, involved neighborhood participation, and improves neighborhood quality of life						

**Section II. Total
Score**

III. Project Impact (20 points possible)

4. Neighborhood Health Rating

0 Healthy	2 Out-Patient	4 At-Risk	6 Intensive Care
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Score

5. Does the neighborhood have a Neighborhood Plan?

0 No answer/No neighborhood Plan or improvement goals	2 No Neighborhood Plan, but has neighborhood improvement goals	4 Yes and project links to neighborhood plan or neighborhood improvement goals	6 Yes and project links to neighborhood plan and neighborhood improvement goals
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Score

6. What does success look like and is it measurable?

0 No answer/little to no impact/benefit	4 Some improvement but no measurable impact	6 Project will improve part of the neighborhood and has measurable impact	8 Project will greatly improve neighborhood and has measurable impact for entire neighborhood
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Score

**Section III. Total
Score**

IV. Neighborhood Support / Experience (50 points possible)

7. Has the neighborhood ever been a designated SORT Area or had an Empowerment Grant?

0	6	8	10
Yes, within the last three years.	Yes, within the last 3- 5 years.	Yes, within the last 5-10 years.	No, or it has been longer than 10 years.

Score

8. How did the organization choose this project?

0	10	15	20
No answer/NIA officers only	Acquiring at least 25% or 50 signatures of support from impacted area	Acquiring at least 25% or 50 signatures and engaging at least one stakeholder entity (organization or institution)	Acquiring at least 25% or 50 signatures and engaging multiple community groups, organizations, and a diverse group of neighbors

Score

9. The proposed project will mobilize residents around:

0	10	15	20
No answer/does not meet criteria	Neighborhood cleanliness and beautification	Neighborhood cleanliness, beautification, and safety	Neighborhood cleanliness, beautification, safety, and fostering connections between neighbors and/or local organizations

Score

Section IV. Total Score

V. Project Cost Effectiveness / Budget Adequacy (10 points possible)

10. Project cost proposal

0	2	6	10
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Score

No answer/does not
meet criteria

provides itemized cost
breakdown

provides itemized cost
breakdown, quotes,
estimates, or other
documents to support
cost

provides itemized cost
breakdown, quotes,
estimates, or other
documents to support
cost, additional funding
sources, in-kind
services, or donations

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**Section V. Total
Score**

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**TOTAL APPLICATION SCORE (Points out
of 100 possible)**

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Reviewer Signature

Review Date

EMPOWERMENT GRANT APPLICANTS

YEAR 2018

Department of Neighborhood Relations

Community Engagement Division

Neighborhood	Project	Summary	Application Avg. Score	Requested	Recommended	Available Funds	Total of NIA Households	LMI
2019 Empowerment Grant Funds						\$137,890.00		
Hi-Crest	Sidewalk Installation & Replacement	Replacement of sidewalk on SE Irvingham Street from Girard to 34th Street.	72.63	\$ 35,000.00	\$ 42,350.00	\$42,940.00	2064	72%
Historic North Topeka East	Public Neighborhood Bike Repair Station	FIXIT Bike support station provided by BikeWalkKC to be located at 1201 NW Central Ave.	71.25	\$ 2,600.00	\$ 2,600.00	\$135,290.00	1226	66%
North Topeka West	NW Taylor Street	Replacemet of curb and gutter on NW Taylor Street from St. John to Grant Street.	70.50	\$ 61,450.00	\$ 50,000.00	\$85,290.00	942	55%
Ward Meade	Bike Station and Bike Racks	Installation of Topeka Metro Bike Racks at various locations in the neighborhood.	54.38	\$ 33,000.00	\$ -	\$135,290.00	958	60%
North Topeka West	McKinley Park Street Sign	Wayfinding sign for McKinley Park at 508 NW Gordon Street.	49.75	\$ 250.00	\$ -	\$135,290.00	942	55%
TOTALS				\$ 132,300.00	\$ 94,950.00	\$42,940.00		

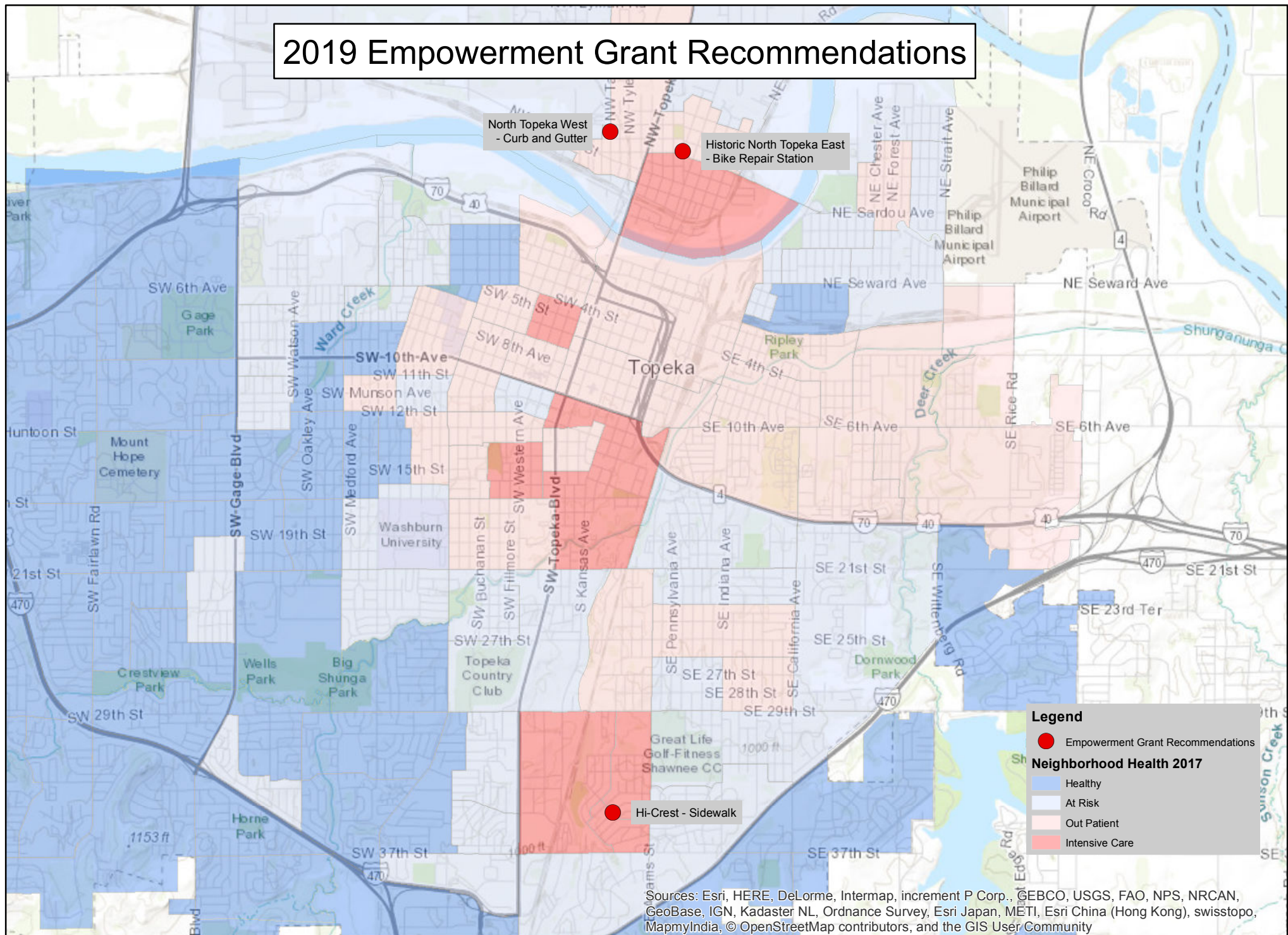
SUMMARY

Total Applications: 5
 Total Applications Funded: 3
 Funds Requested: \$132,300.00
 Recommended Funding: \$94,950.00

9/18/2018

Prepared by LBM

2019 Empowerment Grant Recommendations



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Created by: dfish
Date: 8/31/2018

Map created for the Novus Agenda System.



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 9, 2018

DATE:	October 9, 2018	
CONTACT PERSON:	Sasha Haehn, Neighborhood Relations Director	DOCUMENT #:
SECOND PARTY/SUBJECT:	2019 SORT Target Area Update	PROJECT #:
CATEGORY/SUBCATEGORY	006 Communication / 005 Other	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

UPDATE on the 2019 - 2021 Stages of Resource Target Area for future federal and city funding.

VOTING REQUIREMENTS:

No action required by the Governing Body.

POLICY ISSUE:

The intent of resource target areas is to improve the health of neighborhoods.

STAFF RECOMMENDATION:

No action required by the Governing Body.

BACKGROUND:

The Department of Neighborhood Relations in coordination with the Public Works and Planning Departments conducted an exhaustive review of the processes related to the Stages of Resource Targeting program beginning in the fall of 2017. This effort was undertaken to better align the project across departments and ensure effective and efficient implementation. As a result of the effort, the departments agreed that in order to better align this program with the Capital Improvement Project and Budget process, it was necessary to transition from the selection of two neighborhoods every other year to the selection of one neighborhood each year. This new process was shared with the NIAs and was implemented during the 2019 application process.

The Department of Neighborhood Relations (DNR) notified the 21 NIAs of the opportunity to apply to be a SORT Target Neighborhood in February 2018. On February 24th and 28th 2018, DNR conducted a SORT application workshop with NIAs interested in applying for the 2019 program to review the application and

selection process. NIAs submitted their applications to DNR on August 3rd, 2018. The Citizens Advisory Council (CAC) selected Central Park NIA for recommendation to the Governing Body as the target area neighborhood on September 5th, 2018. This selection process is based on applications being scored and scores averaged in order to ensure it is an objective process.

The Planning Department will work with the NIA in 2019 to develop and/or update their neighborhood plan, identify their primary and secondary target areas and identify potential infrastructure projects. Capital Improvement projects and housing rehabilitation projects will be implemented from 2020 - 2021 contingent upon funding approval.

BUDGETARY IMPACT:

There is no direct budgetary impact in 2019; however, the City of Topeka Planning Department staff will assist with the neighborhood planning in 2019 and funds will be included in the 2020 and 2021 CIB/CIP process for infrastructure improvements in the neighborhood. Housing rehabilitation funding will be included in the proposed 2020 and 2021 Consolidated Annual Action plans.

SOURCE OF FUNDING:

Not Applicable in 2019. Capital Improvement Budget in 2020 and 2021, as well as CDBG funds administered through Neighborhood Relations/Housing Services in 2020 and 2021 will be impacted by this program. Up to \$1.7 million will be proposed for capital improvements in the target area from 2020 - 2021 during the 2019 CIP/CIB process. In addition \$330,000 in CDBG funds will be dedicated to housing rehabilitation in the target areas in the 2020 and 2021 Consolidated Annual Action Plan.

ATTACHMENTS:

Description

SORT Stages

2019 Proposed SORT Target Area

2019 Proposed Target Area Executive Summary

3 Stages of Resource Targeting S.O.R.T.

Stage I – Planning (Year 1)

- Neighborhood Planning
 - Create a Neighborhood Plan OR Refine existing Plan
 - Identification of needs and potential resources
- Establishment of Target Areas
 - Primary & Secondary
 - Infrastructure projects

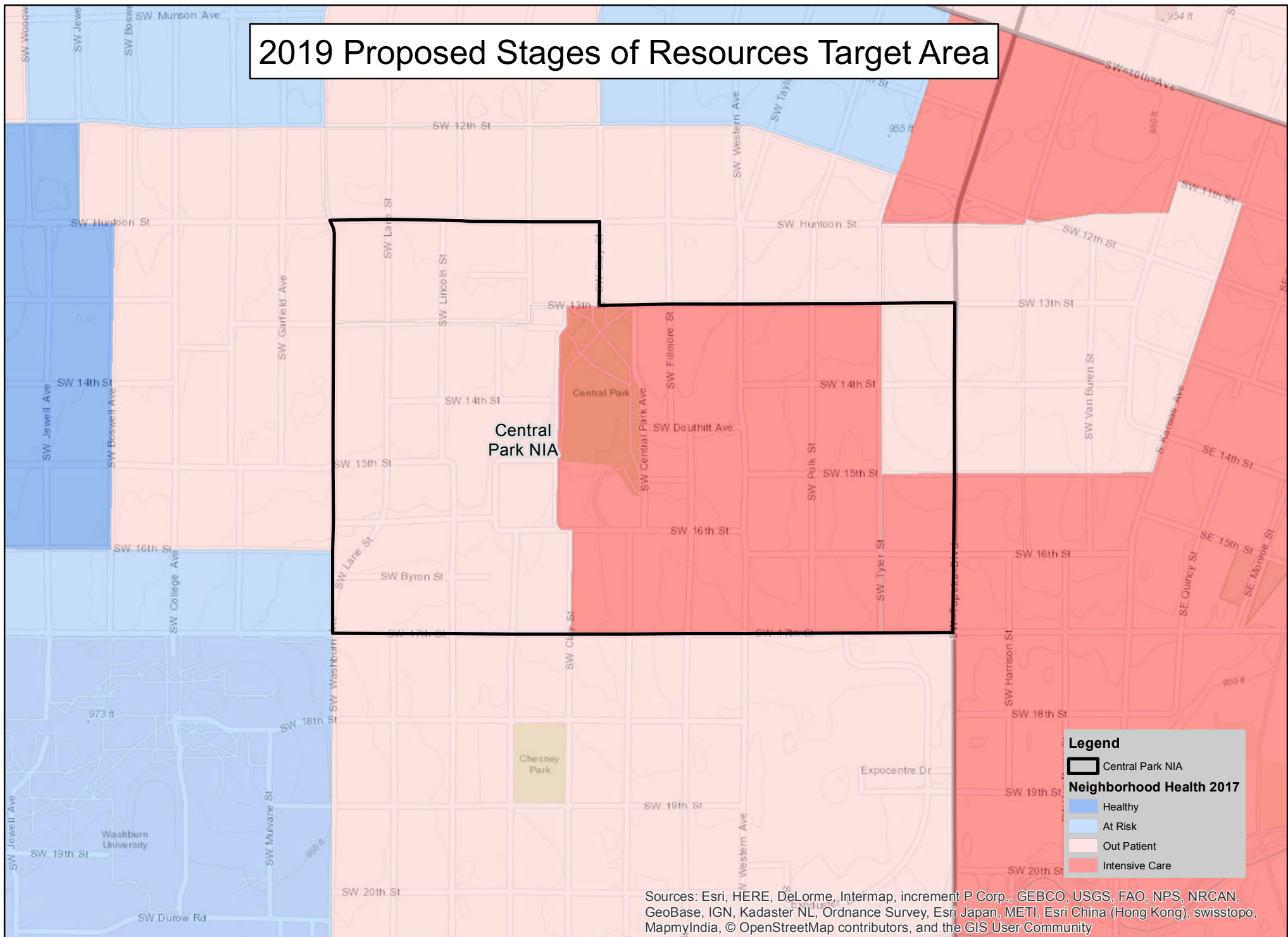
Stage II – Design (Year 2)

- Existing housing repair begins
 - Homeowner/Rental/Exterior Rehabilitation
 - Voluntary demolition
- Design of Infrastructure Improvements begins
 - Streets, alleys, curb and gutter, sidewalks and accessibility improvements, utility improvements, and other quality of life improvements

Stage III – Implementation & Investment (Year 3+)

- Implementation and Investment
 - Completion of housing rehabilitation activities
 - Public infrastructure improvements begin
 - Infill development, & property maintenance initiatives
- Beyond SORT
 - Public/private partnerships
 - Homeownership opportunities (TOTO)
 - Empowerment Grant

2019 Proposed Stages of Resources Target Area



Legend

Central Park NIA

Neighborhood Health 2017

- Healthy
- At Risk
- Out Patient
- Intensive Care

Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



2019 STAGES OF RESOURCES TARGETING (SORT) PROGRAM

CITIZEN ADVISORY COUNCIL RECOMMENDATIONS SEPTEMBER 5, 2018

Department of Neighborhood Relations
620 SE Madison, 1st Floor
Topeka, Kansas 66607
www.topeka.org

2019 Stages of Resources Targeting (SORT) Overview

Beginning in 2004, the City of Topeka instituted a new concept for the investment of housing and community funds called Stages of Resource Targeting (SORT). SORT is a neighborhood improvement program designed to increase the quality of life through public infrastructure and affordable housing planning and investment in “Intensive Care” or “At Risk” neighborhoods of Topeka.

Eligible Neighborhood Improvement Associations are invited to submit application(s) on behalf of their neighborhoods in February of each year. Authorized members of the Citizen Advisory Council, described below, review and score the applications for SORT recommendation to the Governing Body in the fall of the application year.

Once selected, the designated neighborhood is guided through a 3-5 year process of planning, design, and investment and implementation in which, the City provides resources to develop a comprehensive Neighborhood Plan that outlines the current conditions of the neighborhood and identifies neighborhood-specific goals for future infrastructure, housing, and other quality of life improvements. After neighborhood priorities have been identified, the City implements these projects through investment of City funds and Federal Department of Housing and Urban Development funding.

2019 Stages of Resources Targeting (SORT) Review Process

The Citizen’s Advisory Council (CAC) consists of one member elected by each certified NIA and three at large members elected by the Mayor. The City of Topeka Ordinance No. 18329 requires the CAC to provide recommendations to the Department of Neighborhood Relations on community needs as they relate to the allocation of city, state, federal, and trust funds for the preparation of the Department of Neighborhood Relations Consolidated Action Plan.

The CAC members authorized to review and score the SORT applications include only those members from neighborhoods that are not applying for the SORT designation and only one member from each neighborhood may score an application. Authorized CAC members were provided with copies of all submitted applications. Of those members authorized to score the applications, eleven (11) members submitted their recommendations to the Department of Neighborhood Relations. The CAC members followed the application form titled “City of Topeka 2019 Stages of Resource Targeting (S.O.R.T.) Program Scoring Criteria” (attached). Each member scored the applications and then all of their scores were totaled. Scores were announced at the CAC meeting on September 5, 2018.

2019 Stages of Resources Targeting (SORT) Schedule

Activity	Timeline
Applications made available at DNR and on City of Topeka Website	February 26, 2018
Application Workshops	February 24 & 28 2018
Applications submitted by NIAs	August 3, 2018
Applications scored by Citizen's Advisory Council	September 5, 2018
Recommended neighborhood is proposed to City of Topeka Governing Body	October 9, 2018
Neighborhood Decision-making and Preparation of Proposal a. Development of Neighborhood SORT Stakeholder's Committee (must include representation from residents, other community groups (associations), institutions (established non-profits, public institutions, and private institutions), and local businesses in the selected neighborhood. b. Discussion of alternative projects c. Consensus process d. Draft proposal e. Neighborhood Plan Review f. Final written proposal g. Presentation to City of Topeka Planning Commission and Governing Body	2019
Project Design & Implementation, Housing Rehabilitation Request & Assessments	2020
Project Implementation & Construction, Housing Rehabilitation	2021+