

# TOPEKA PLANNING COMMISSION

## A G E N D A

**Monday, May 16, 2016**  
**6:00 P.M.**

**214 East 8th Street  
City Council Chambers, 2<sup>nd</sup> Floor  
Municipal Building  
Topeka, Kansas 66603**

*Persons addressing the Planning Commission will be limited to four minutes of public address on a particular agenda item. Debate, questions/answer dialogue or discussion between Planning Commission members will not be counted towards the four minute time limitation. The Commission by affirmative vote of at least five members may extend the limitation an additional two minutes. The time limitation does not apply to the applicant's initial presentation.*

Items on this agenda will be forwarded to the City Council for final consideration. The progress of the cases can be tracked at: [http://www.topeka.org/planning/staff\\_assignment/tracker.pdf](http://www.topeka.org/planning/staff_assignment/tracker.pdf)

All information forwarded to the City Council can be accessed via the internet on Thursday prior to the City Council meeting at: <http://public.agenda.topeka.org/meetings.aspx>



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# HEARING PROCEDURES

**Welcome!** Your attendance and participation in tonight's hearing is important and ensures a comprehensive scope of review. Each item appearing on the agenda will be considered by the City of Topeka Planning Commission in the following manner:

1. The Topeka Planning Staff will introduce each agenda item and present the staff report and recommendation. Commission members will then have an opportunity to ask questions of staff.
2. Chairperson will call for a presentation by the applicant followed by questions from the Commission.
3. Chairperson will then call for public comments. Each speaker must come to the podium and state his/her name. At the conclusion of each speaker's comments, the Commission will have the opportunity to ask questions.
4. The applicant will be given an opportunity to respond to the public comments.
5. Chairperson will close the public hearing at which time no further public comments will be received, unless Planning Commission members have specific questions about evidence already presented. Commission members will then discuss the proposal.
6. Chairperson will then call for a motion on the item, which may be cast in the affirmative or negative. Upon a second to the motion, the Chairperson will call for a role call vote. Commission members will vote yes, no or abstain.

Each item appearing on the agenda represents a potential change in the manner in which land may be used or developed. Significant to this process is public comment. Your cooperation and attention to the above noted hearing procedure will ensure an orderly meeting and afford an opportunity for all to participate. Please Be Respectful! Each person's testimony is important regardless of his or her position. ***All questions and comments shall be directed to the Chairperson from the podium and not to the applicant, staff or audience.***

## **Members of the Topeka Planning Commission**

Brian Armstrong  
Kevin Beck  
Rosa Cavazos  
Scott Gales, Chair  
Dennis Haugh  
Carole Jordan  
Wiley Kannarr  
Katrina Ringler  
Patrick Woods, Vice Chair

## **Topeka Planning Staff**

Bill Fiander, AICP, Planning Director  
Carlton O. Scroggins, AICP, Planner III  
Dan Warner, AICP, Planner III  
Mike Hall, AICP, Planner III  
Tim Paris, Planner II  
Dean W. Diediker, Planner II  
Annie Driver, AICP, Planner II  
Susan Hanzlik, AICP, Planner II  
Taylor Ricketts, Planner I  
Kris Wagers, Office Specialist

**AGENDA**  
**Topeka Planning Commission**  
**Monday, May 16, 2016 at 6:00 P.M.**

**A. Roll call**

**B. Approval of minutes – April 18, 2016**

**C. Communications to the Commission**

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

**E. Public Hearings**

1. **NCD16/01 Elmhurst Neighborhood Conservation District (NCD)** requesting to amend the District Zoning Classification from “R-2” Single Family Dwelling District, “HL-R2” Historic Landmark Single Family Dwelling District and “M-1” Multi-Family Dwelling District **TO** “R-2/NCD-2,” “HL-R2/NCD-2,” and “M-1/NCD-2,” adding the Elmhurst Neighborhood Conservation District Overlay to the existing base zoning, for residential properties between SW 10<sup>th</sup> Ave to the north, SW Washburn Ave to the east, SW Huntoon St to the south, and SW Boswell Ave to the west. **(Warner)**
2. **Z16/3 by Topeka Planning Commission** requesting to amend the District Zoning Classification from “RR-1” Residential Reserve District to “R-1” Single Family Dwelling District on 1.5 acres of property located to the north of SW 27th Street, approximately 500’ east of SW Indian Hills Road. **(Driver)**

**F. Adjournment**



CITY OF TOPEKA  
**TOPEKA PLANNING COMMISSION**

MINUTES

Monday, April 18, 2016

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

**Members present:** Scott Gales (Chair), Kevin Beck, Katrina Ringler, Wiley Kannarr, Patrick Woods, Carole Jordan, Rosa Cavazos (9)

**Members Absent:** Brian Armstrong, Dennis Haugh (2)

**Staff Present:** Bill Fiander, Planning Director; Mike Hall, Planner III; Kris Wagers, Office Specialist; Mary Feighny, Legal

**A) Roll Call** – Six members present at roll call for a quorum. Mr. Woods arrived after roll call

**B) Approval of Minutes from March 21, 2016**

**Motion** to approve as typed; moved by Mr. Beck, second by Ms. Ringler. **APPROVED (6-0-0)**

**C) Communications to the Commission –**

Mr. Fiander explained that Agenda Item E2 (Z16/02 by Heartland Management Co. / First Assembly of God) had been withdrawn by the applicant. He further stated that the applicant will likely return in the coming months with a PUD application and more specific requests, at which time the application process will start over and another neighborhood meeting will be held, etc.

Mr. Woods arrived.

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

Mr. Beck explained that he would be abstaining from Agenda Item E3/CU16/04.

Mr. Gales stated that he was contacted earlier this year (January/February) to look at some accessibility issues on CU16/04. He stated that he did visit the site and made a couple observations, but was not under contract and received no pay.

**E) Initiation of re-zoning and review annexation for West Indian Hills Subdivision No. 12.**

**1) CU16/03 by Eric Patterson** requesting a Conditional Use Permit for a Daycare Center Type II on property zoned “R-1 Single Family Dwelling District with a Special Use Permit for “Accessory Storage” on property located at 1833 SW Fillmore. **(Hall)**

Mr. Hall reviewed the application and staff report and stated that staff recommends approval with the conditions given.

Ms. Ringler asked how the parking would be enforced. She inquired whether signs would be put up or if it would be up to the applicant to inform parents.

DRAFT

Mr. Hall explained that it would be the responsibility of the applicant, adding that a Conditional Use Permit can be revoked if conditions are not being kept.

Mr. Gales asked if there was a reason the number of participants was limited to 12. Mr. Hall stated that if they so desired, the applicant could return and make application to allow more participants.

Mr. Beck asked for and received confirmation that at least one of the parking stalls would be ADA compliant.

With no further questions from commissioners, Mr. Gales invited the applicant to come forward to speak, and both Eric and Melissa Patterson came to the podium. Mr. Patterson stated that he and his wife are both excited about the opportunity to provide childcare services on their property, with a goal to make sure there are quality childcare options available in the city. Mrs. Patterson added that she has provided care for 20 years and currently operates at 23<sup>rd</sup> & Wisconsin. She stated that the reason for limiting the request to 12 children has to do with licensing, with required facility upgrades if they were to go above 12 children, and staff to child ratio.

With no questions from commissioners, the applicants took their seats.

Mr. Gales stated that the public hearing was open for those wishing to speak. With nobody coming forward, Mr. Gales stated the public hearing was closed.

**Motion by Mr. Beck to approve the request, with conditions, based on staff recommendations. Mr. Woods seconded. APPROVAL (7-0-0)**

**2) Item E3 on the agenda: CU16/04 by Donald T. Bell** requesting a Conditional Use Permit for Outdoor Recreation Type III (outdoor concert venue) on 1.42 acres of property zoned "C-4" Commercial District and located at 2134 N. Kansas Avenue. **(Hall)**

Mr. Beck left the meeting.

Mr. Hall reviewed the application and staff report, stating that staff recommends approval with the conditions listed.

Mr. Gales called for questions from commissioners, and hearing none, invited the applicant/representative to come forward to speak.

Mr. Mark Boyd of Schmidt, Beck & Boyd, came forward on behalf of the applicants. He thanked City staff for the amount of time and consideration that has dedicated to the project to get it to this point. He added that the site plan will be updated to something more presentable than was provided at this meeting.

Mr. Boyd stated that the applicants are agreeable to most of the staff recommendations, but asked for clarification/discussion on the sound amplification. He stated he understands that the Planning Commission does not have the authority to grant an exception, but would like clarification on who does. Ms. Feighny stated the condition in the CUP is that the owner comply with the COT noise ordinance, and that requirement applies to anyone in Topeka. She added some additional information about the noise ordinance.

Ms. Feighny stated that there is an ordinance requiring the applicant to get a permit to operate after midnight. She stated that the applicant has applied with the City Clerk for such a permit, but the Clerk's office is unable to process the application until/unless the Conditional Use Permit before the Planning Commission is approved.

Mr. Boyd stated that with the clarification provided by Ms. Feighny, the applicants are agreeable to the conditions set forth by Planning Department staff. He added that the applicants have agreements to 272 off-site parking spaces. Mr. Gales suggested that those agreements be provided to staff, and Mr. Hall

pointed out that such submission is one of the conditions (2B). Mr. Gales added that CUP is in no way tied to the actual number of available off-site parking spaces.

Mr. Boyd stated that he had no further information for the Commissioners and stated he would take questions.

Mr. Gales asked for and received confirmation from Mr. Boyd that the owners/applicants are agreeable to the conditions put forth by Planning Staff.

Mr. Gales stated that the public hearing was now open. With nobody coming forward to speak, he declared the public hearing closed.

Mr. Gales called for questions from commissioners, stating that items covered by Mr. Hall seemed specific enough.

With no questions, Mr. Fiander stated that he would like to second Mr. Boyd's response regarding the willingness of City Staff, including Fire, Development Services, Planning, and others, to invest time in getting to this point. He added that the conditions staff has recommended should cover all the issues brought up tonight.

**Motion by Mr. Woods to adjourn was revised by him to a motion to approve the request for the Conditional Use Permit as recommended with staff comments. Second by Ms. Jordan. APPROVED (6-0-1 with Mr. Beck abstaining).**

**F) Adjournment 6:42PM**

## **NCD16/01 Elmhurst Neighborhood Conservation District**

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

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

PLANNING COMMISSION DATE: May 18, 2016

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**APPLICATION INFORMATION**

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

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

APPLICANT / PROPERTY OWNER: Elmhurst Neighborhood Association

APPLICANT REPRESENTATIVE: Marc Galbraith

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

PARCEL SIZE: 40.3 total acres

STAFF PLANNER: Hanzlik/Warner

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**PROJECT AND SITE INFORMATION**

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

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

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

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

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

**ZONING AND CHARACTER OF SURROUNDING PROPERTIES:**

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

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**COMPLIANCE WITH DEVELOPMENT STANDARDS AND POLICIES**

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

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**OTHER FACTORS**

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

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

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

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

**KEY DATES**

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

## **STAFF ANALYSIS**

### **CHARACTER OF NEIGHBORHOOD:**

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

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

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

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

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

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

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

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

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

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

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

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

**CONFORMANCE TO COMPREHENSIVE PLAN:**

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

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

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

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

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

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

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

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

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

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

**COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:**

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

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

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

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**STAFF RECOMMENDATION:**

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

Attachments: Elmhurst Neighborhood Conservation District Document

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

16 Mar 2016 at 6:30 pm

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

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

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

Zoning covers land use. NCD covers design.

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

Design Elements – 18 available, Elmhurst chose 8.

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

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

What's next?

Currently is a Planning Commission Case.

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

The meeting was then opened for questions and comments.

Questions/Comments from attendees:

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

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

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

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

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

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

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

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

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

A: Can go to Board of Zoning Appeal.

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

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

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

A: More concerned with accessory buildings and fencing.

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

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

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

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

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

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

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

A: Enforced by Zoning Inspector.

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

A: Planning will need to research.

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

A: No.

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

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

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

A: No.

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

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

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

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

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

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

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

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

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

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

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

A: Can't speak for City Council.

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

Meeting adjourned.



Neighborhood Conservation Districts

# ELMHURST



## NEIGHBORHOOD CONSERVATION DISTRICT



ELMHURST NEIGHBORHOOD ASSOCIATION

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## MISSION STATEMENT

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

## NEIGHBORHOOD GOALS

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

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

## A BRIEF HISTORY OF THE ELMHURST NEIGHBORHOOD

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Written by the Elmhurst Neighborhood Association

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

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

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

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

## EXAMPLES OF OUR UNIQUE CHARACTERISTICS

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

### Craftsman Bungalow



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

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

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

### California Bungalow



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

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

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

# Neighborhood Conservation District Application

## Chicago Bungalow



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

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

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

## Swiss Bungalow



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

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

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

# Neighborhood Conservation District Application

## English Cottage



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

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

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

## American Foursquare



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

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

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

# Neighborhood Conservation District Application

## Prairie Craftsman



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

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

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

## Cape Cod



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

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

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

# Neighborhood Conservation District Application

## Dutch Colonial Revival



**Period of Significance: 1920 - 1940**

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

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

## English Tudor Cottage



**Period of Significance: 1890 - 1940**

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

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

# Neighborhood Conservation District Application

## Folk Victorian



**Period of Significance: 1870 - 1910**

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

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

## Neo-Classical Revival – 1895 – 1950



**Period of Significance: 1895 - 1950**

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

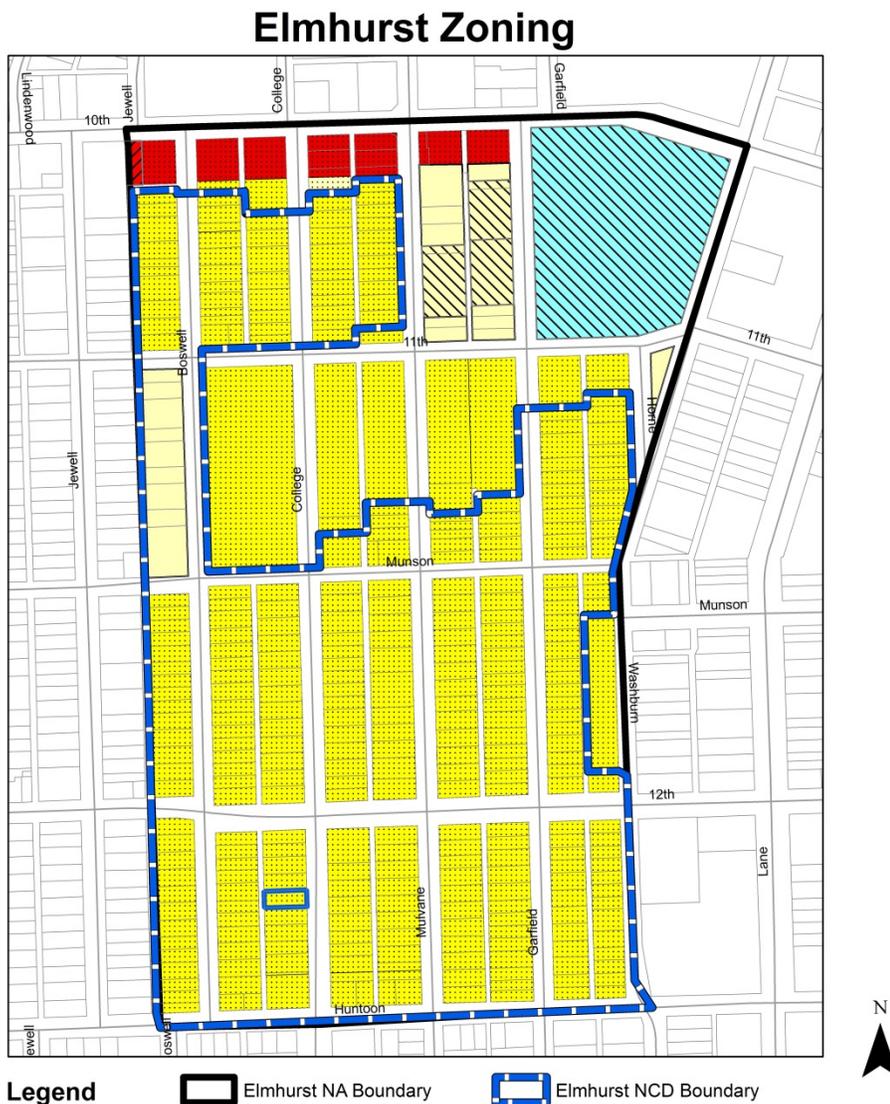
**Architectural Description:** Neo-Classical designs are typically one to two and one-half stories in height, with symmetrical side-gabled or hipped, medium pitched roofs. This style also presents boxed eaves with a moderate overhang, dentil molding, or a frieze band beneath the cornice. Details include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

# Neighborhood Conservation District Application

## MAP AND DESCRIPTION OF BOUNDARIES

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

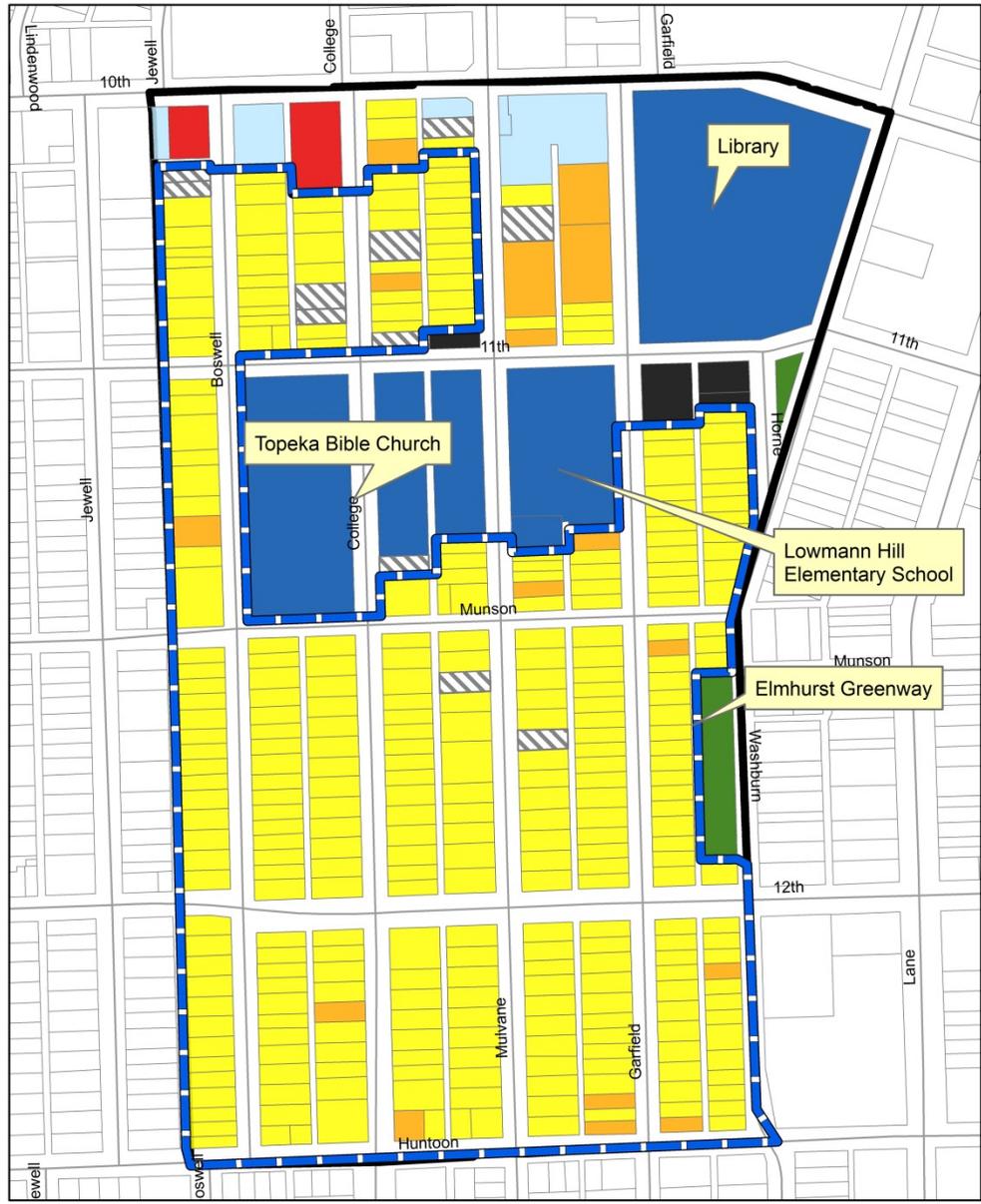
Map 1: Parcels and Zoning



# Neighborhood Conservation District Application

Map 2: Existing Land Use

## Elmhurst Existing Land Use



**Legend**

Elmhurst NA Boundary

Elmhurst NCD Boundary

**LandUse**

Residential - Single Family

Residential - Multi Family

Commercial

Office

Library

Lowmann Hill Elementary

Topeka Bible Church

Parking Lot

Elmhurst Greenway

Vacant

# Neighborhood Conservation District Application

Map 3: Architectural Styles

## Elmhurst Architectural Styles



**Legend**

Elmhurst NA Boundary
  Elmhurst NCD Boundary

**Architecture Style**

- |   |  |   |  |
|---|--|---|--|
| <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #4CAF50; margin-right: 5px;"></span> American Foursquare</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #9C27B0; margin-right: 5px;"></span> Bungalow</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #E53935; margin-right: 5px;"></span> Cape Cod</li> </ul> | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #FFC107; margin-right: 5px;"></span> Colonial Revival</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #2196F3; margin-right: 5px;"></span> Craftsman</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #E91E63; margin-right: 5px;"></span> Dutch Colonial Revival</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #4CAF50; margin-right: 5px;"></span> English Cottage</li> </ul> | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #4CAF50; margin-right: 5px;"></span> Folk Victorian</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #00BCD4; margin-right: 5px;"></span> Neo-Classical Revival</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #8D6E14; margin-right: 5px;"></span> Ranch</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #3F51B5; margin-right: 5px;"></span> Shotgun</li> </ul> | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #C0392B; margin-right: 5px;"></span> Tudor Revival</li> <li><span style="display: inline-block; width: 15px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, #ccc 2px, #ccc 4px); border: 1px solid #ccc; margin-right: 5px;"></span> Vacant</li> </ul> |
|---|--|---|--|

# Neighborhood Conservation District Application

Map 4: Garage Placement Character

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

## Elmhurst Garage Placement



### Legend

 Elmhurst NA Boundary       Elmhurst NCD Boundary

### Garage

 Attached, Side       Detached, Side       None  
 Attached, Rear       Detached, Rear

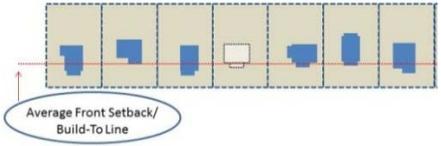


- These design standards shall be applied to residential properties only.
- They shall address both new construction and substantial additions to existing residential properties. Substantial Additions shall mean any project visible from the public street whose square footage equals or exceeds 10% of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

## RESIDENTIAL DESIGN STANDARDS

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

CHARACTERISTICS AND FEATURES	NCD DESIGN STANDARD	CURRENT ZONING CODE REQUIREMENTS* (R2)	ILLUSTRATIVE EXAMPLES APPROPRIATE/INAPPROPRIATE
ACCESSORY BUILDINGS	<ul style="list-style-type: none"> <li>• No metal storage sheds or metal carports visible from the public street shall be permitted.</li> <li>• Garages shall be detached and shall be located to the rear of the primary structure.</li> </ul>	<ul style="list-style-type: none"> <li>• Cumulative footprint of all accessory buildings shall not total more than 90% of the building coverage of the principal structure.</li> <li>• Accessory structure height: No greater than 15' when the principle building is one-story or 20' when the principle building is two-stories or more.</li> <li>• Detached accessory buildings rear yard setback 5'</li> <li>• Detached accessory buildings side yard setback 3'</li> <li>• Accessory structures shall not be located within a required front yard.</li> </ul>	
BUILDING HEIGHT	<ul style="list-style-type: none"> <li>• All new residences shall be between 1 ½ and 2 ½ stories high.</li> </ul>	<ul style="list-style-type: none"> <li>• Primary structure: 42' maximum</li> <li>• Accessory structure: 20' maximum</li> </ul>	

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

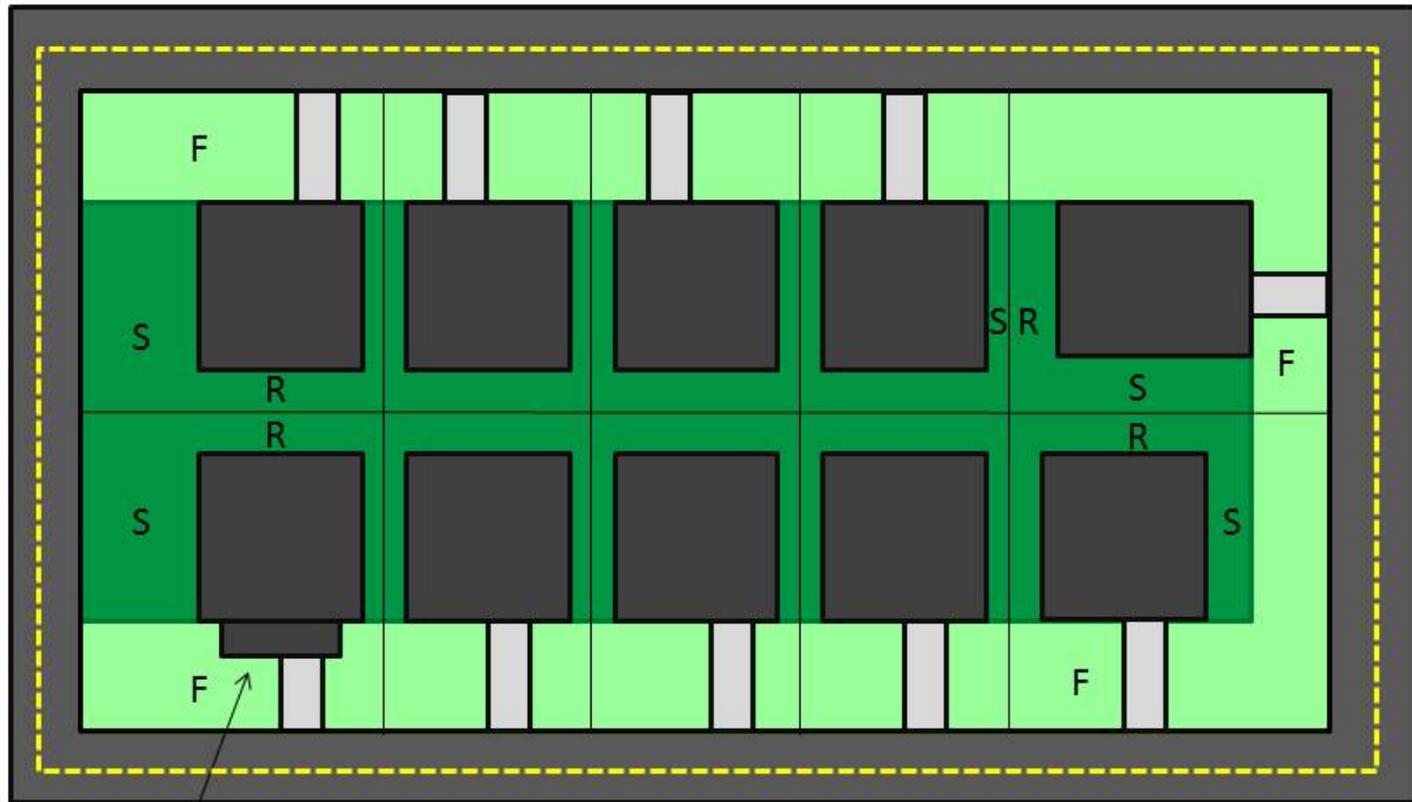
CHARACTERISTICS AND FEATURES	NCD DESIGN STANDARD	CURRENT ZONING REQUIREMENTS* (R2)	CODE	ILLUSTRATIVE EXAMPLES APPROPRIATE/INAPPROPRIATE
LOT COVERAGE	• n/a	• Buildable envelope is subject to setback limits.		
OFF-STREET PARKING REQUIREMENTS	• n/a	• 2 spaces per dwelling unit having more than 950 square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

CHARACTERISTICS AND FEATURES	NCD DESIGN STANDARD	CURRENT ZONING REQUIREMENTS* (R2)	CODE	ILLUSTRATIVE EXAMPLES APPROPRIATE/INAPPROPRIATE
DRIVEWAYS, CURB CUTS, ALLEYS, AND SIDEWALKS	• n/a	• n/a		
TREE PRESERVATION	• n/a	• n/a		
PRIVATE AND PUBLIC UTILITY STRUCTURES	• n/a	• Satellite receiving devices, shall not be located in the front yard or the required side yards.		
PUBLIC ART	• n/a	• n/a		

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

## Appendix A: Elmhurst NCD Fencing Requirements\*

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



Unenclosed Front Porch

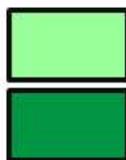
F = Front

R = Rear

S = Side

R – S = Reverse Corner Lot

R – R = Normal Lot



Chain link or Wire Fencing Not Allowed

Chain link or Wire Fencing Allowed

*\*For illustrative purposes only.*

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

## Elmhurst Neighborhood Association

NCD Public Meeting, March 16, 2016

### Sign In Sheet

<b>Name</b>	<b>Address</b>	<b>Phone</b>	<b>Email</b>
Janet Cathcart	1234 SW Mulvane	357-7785	<a href="mailto:janetcathcart35@hotmail.com">janetcathcart35@hotmail.com</a>
Greg & Linda Overfors	1160 SW College Ave	233-1949	<a href="mailto:finn21@cox.net">finn21@cox.net</a>
LJ Polly	1216 SW College	213-2134	<a href="mailto:vigndhem@aol.net">vigndhem@aol.net</a>
Don & Cathy Cathey	1191 SW College	234-6011	<a href="mailto:dcathey1@cox.net">dcathey1@cox.net</a>
Sherry Tyree	1200 SW College	234-8583	<a href="mailto:SRTYREE@cox.net">SRTYREE@cox.net</a>
Jan Petet	1204 Garfield	357-6811	<a href="mailto:janpetet@gmail.com">janpetet@gmail.com</a>
Lisa Kimmel	1183 SW Mulvane	233-3176	<a href="mailto:ramyacht@hotmail.com">ramyacht@hotmail.com</a>
Joe Ybarra	1220 SW Garfield	250-6085	
“ “	1224 SW Garfield	“	
Jim Woods	1195 SW Mulvane	234-4484	<a href="mailto:jwoods3463@swglobal.net">jwoods3463@swglobal.net</a>
Marc Galbraith	1230 SW College	383-7164	<a href="mailto:galbraim7@gmail.com">galbraim7@gmail.com</a>
Lonnie Nesvarba	1156 SW Boswell	380-6573	<a href="mailto:lnesvarba@gmail.com">lnesvarba@gmail.com</a>
Denise Petet	1204 SW Garfield		<a href="mailto:skydvr119cy@yahoo.com">skydvr119cy@yahoo.com</a>
Mark J Gibbs	1816 SW 11 <sup>th</sup>	234-6110	<a href="mailto:mark1958abc@yahoo.lcom">mark1958abc@yahoo.lcom</a>
Connie Beckett	1220 SW Garfield	250-0756	<a href="mailto:constance652@hughes.net">constance652@hughes.net</a>
“ “	1224 SW Garfield	“	“

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

16 Mar 2016 at 6:30 pm

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

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

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

Zoning covers land use. NCD covers design.

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

Design Elements – 18 available, Elmhurst chose 8.

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

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

What's next?

Currently is a Planning Commission Case.

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

The meeting was then opened for questions and comments.

Questions/Comments from attendees:

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

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

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

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

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

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

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

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

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

A: Can go to Board of Zoning Appeal.

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

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

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

A: More concerned with accessory buildings and fencing.

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

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

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

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

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

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

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

A: Enforced by Zoning Inspector.

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

A: Planning will need to research.

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

A: No.

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

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

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

A: No.

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

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

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

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

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

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

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

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

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

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

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

A: Can't speak for City Council.

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

Meeting adjourned.

## **Z16/3 by Topeka Planning Commission**

requesting to amend the District Zoning Classification from “RR-1” Residential Reserve District to “R-1” Single Family Dwelling District on 1.5 acres of property located to the north of SW 27th Street, approximately 500’ east of SW Indian Hills Road. (Driver)

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

**PLANNING COMMISSION DATE: Monday, May 16, 2016**  
**Agenda Item # E-2**

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**APPLICATION INFORMATION**

**APPLICATION CASE NO:** Z16/3 – Topeka Planning Commission (*West Indian Hills Subdivision #12*)

**REQUESTED ACTION / CURRENT ZONING:** Zoning change from “RR-1” Residential Reserve District **TO** “R-1” Single Family Dwelling District

**APPLICANT:** Topeka Planning Commission

**PROPERTY LOCATION / PARCEL ID:** A 1.5 acre property lying along the north side of SW 27<sup>th</sup> Street, approximately 500 ft. east of SW Indian Hills Road/ PID: 1430703001003010

**PARCEL SIZE:** 1.5 acres

**STAFF PLANNER:** Annie Driver, AICP, Planner II

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**PROJECT AND SITE INFORMATION**

**PROPOSED USE / SUMMARY:** Four single-family residential lots (2.6 dwelling units per acre)

**DEVELOPMENT / CASE HISTORY:** The property is currently undeveloped and has been platted for four single family lots in 2015 as West Indian Hills #12.

On March 21, 2016, the Topeka Planning Commission initiated the rezoning of West Indian Hills Subdivision #12 from “RR-1” to “R-1” pending its annexation into the City. The City Council approved the annexation of the subject property on May 3, 2016. The proposed zoning is more restrictive and will provide greater protection for the existing and future single-family residential development.

**ZONING AND CHARACTER OF SURROUNDING PROPERTIES:** The area to the north and east is zoned “R-1” Single-Family Dwelling District, within the City Limits, and developed as single-family residential. The property lying south remains zoned “RR-1” and is in the County, but is developed at an urban single-family density. The properties west of SW Indian Hills Road are all zoned “R-1” and are located inside the City Limits.

**BACKGROUND:** The purpose of the “RR-1” zoning district is, *“to provide for a transitional area between urbanized development and rural-agricultural areas. ‘RR-1’ zoning is intended to allow for the gradual development of urban uses while providing for the coexistence of agricultural farmland based upon the availability of municipal*

services.” In essence, this land is “reserved” for future urbanization. Once platted and annexed, these subdivisions in theory lose their transitional status as designated under “RR-1” zoning and should reflect a more appropriate urban zoning classification.

By converting “RR-1” single-family subdivisions to “R-1”, it prohibits the types of agricultural/farming uses allowed by right that are no longer compatible with the expectations of a single-family development.

## **DEVELOPMENT STANDARDS AND POLICIES**

### **USE AND DIMENSIONAL STANDARDS OF PROPOSED ZONING COMPARED TO EXISTING ZONING:**

Uses permitted by-right in “RR-1” and not permitted in “R-1”:

- *Agriculture- Refers to land devoted to the production of plants, animals, fish, or horticultural products, including but not limited to: forages, grains and feed crops; dairy animals and dairy products; poultry and poultry products; beef, cattle, sheep, swine and horses; aquaculture; trees and forest products; fruits, nuts and berries; vegetables; or nursery, floral, ornamental and greenhouse products. (TMC 18.55 Definitions)*

Uses allowed through Conditional Use Permit in “RR-1” and not permitted in “R-1”:

- *Recreational Vehicle Short Term Campgrounds*
- *Animal Care and Services Type II (including outdoor kenneling and veterinary care of horses, cattle, sheep, goats, and swine)*
- *Billboards*
- *Oil/Gas Drilling*
- *Construction & Demolition Landfills*
- *Sanitary Landfills*

Dimensional Standards:

<b>“RR-1” compared “R-1” Dimensional Standards</b>	<b>RR-1</b>	<b>R-1</b>
Minimum lot area	20 acres	6,500 sq. ft.
Maximum building coverage	10%	45%
Minimum lot width	300'	60'
Maximum density	None	None

## **OTHER FACTORS**

<b>SUBDIVISION PLAT:</b>	Lots 1-4, Block A, West Indian Hills Subdivision #12
<b>FLOOD HAZARDS, STREAM BUFFERS:</b>	Not Applicable
<b>UTILITIES:</b>	Water: The applicant will connect to an existing 8" main along SW 27 <sup>th</sup> Street at the expense of the owner.  Sanitary sewer: The applicant will extend the gravity sewer located north of the property from SW Rother Road at the expense of the owner.
<b>TRANSPORTATION/TRAFFIC:</b>	The lots have direct access off of SW 27 <sup>th</sup> Street (local street classification).
<b>HISTORIC PROPERTIES</b>	Not applicable
<b>NEIGHBORHOOD INFORMATION MEETING:</b>	A neighborhood information meeting was conducted by Planning staff during the March 21 <sup>st</sup> Planning Commission meeting after notifying all owners within 300 ft.  No property owners who were notified spoke at this meeting.
<b>PUBLIC COMMENT:</b>	None received

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

<b>PUBLIC WORKS/ENGINEERING:</b>	None
<b>WATER POLLUTION CONTROL:</b>	None
<b>FIRE:</b>	None
<b>DEVELOPMENT SERVICES:</b>	None

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## **KEY DATES**

<b>SUBMITTAL:</b>	March 21, 2016 (Rezoning initiated)
<b>NEIGHBORHOOD INFORMATION MEETING:</b>	March 21, 2016
<b>LEGAL NOTICE PUBLICATION:</b>	April 20, 2016

## **STAFF ANALYSIS**

**CHARACTER OF NEIGHBORHOOD:** The neighborhoods surrounding the subject property have been developed for single-family dwellings at an urbanized density of 3 dwelling units per acre or greater.

**LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION:** The subject property has remained vacant since split off from its parent parcel to its immediate west that contains one single-family residence. The property was subdivided in 2015 as West Indian Hills Subdivision #12 to allow for the development of four single family residential lots.

**SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED:** The subject property is currently zoned "RR-1" Residential Reserve District, which allows uses no longer compatible with surrounding development inside the city limits. As it is currently zoned, there are some uses permitted, such as, farming/agricultural land uses that are not reflective of the property's current urban status. Other such uses are allowed by Conditional Use Permit (e.g. outdoor kennels and veterinary care of cattle, horses, and swine; billboards; sanitary and demolition landfills; oil/gas drilling; storage of fertilizers and pesticides), which may commonly be seen as nuisances in urban single-family residential neighborhoods. Therefore, the subject property is no longer seen as suitable for uses to which it has been restricted.

**CONFORMANCE TO COMPREHENSIVE PLAN:** The property lies within Tier 2 of the *Urban Growth Area*. These areas are contiguous to the City Limits where urban infrastructure and services are readily available. Development of the subject property is considered infill development since the project connects with urban single-family housing to its north and east. The proposed single-family development on this property allows the City to expand in a compact and affordable manner.

The subject property is designated *Urban/Suburban Low Density Residential* on the Future Land Use Map - 2040. This category is characterized by "*a cohesive display of single- or two-family development up to a maximum of six dwelling units per acre*". The subject property, as well as the properties north, west, and east are zoned "R-1" Single-Family Dwelling District and developed as single-family residential lots. The purpose of the "R-1" district states that it "*is intended that the character and use of this district be for housing and living purposes free from the encroachment of incompatible uses*". Rezoning the property to the "R-1" Single-Family Dwelling District makes the subdivision compatible with the other urbanized, single-family subdivisions in the City that are contiguous to the site and prohibits the development of potentially incompatible uses.

Therefore, the rezoning proposal is in conformance with the Comprehensive Plan.

**THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES:** There will not be a detrimental effect upon adjacent properties by rezoning to "R-1" Single-Family Dwelling District since this will give the property a zoning classification that is consistent with its location within an urbanizing area and inside the city limits. As fringe areas around southwest Topeka grow and are annexed, this area will only continue to become more urban in character, making the "RR-1" Residential Reserve District no longer appropriate since these properties are inside the city limits.

**THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE OWNER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER:** There is no hardship or reduced property value to the landowners since the zoning will be consistent

with the zoning and/or land uses of surrounding properties. Additionally, the property has been subdivided to allow for the construction of four, single family houses consistent with the R-1 zoning district. As no detrimental effects are anticipated by the rezoning, there appears to be no particular gain to the public health, safety, and welfare by maintaining the present restrictions for the "RR-1" District. The "RR-1" District may allow incompatible uses with a developing, urbanized single-family neighborhood.

**AVAILABILITY OF PUBLIC SERVICES:** All essential public utilities, services and facilities are presently available to this area or will be extended at developer expense.

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### **STAFF RECOMMENDATION:**

Based upon the above findings and analysis Planning Department staff recommends **APPROVAL** of the proposed zoning change.

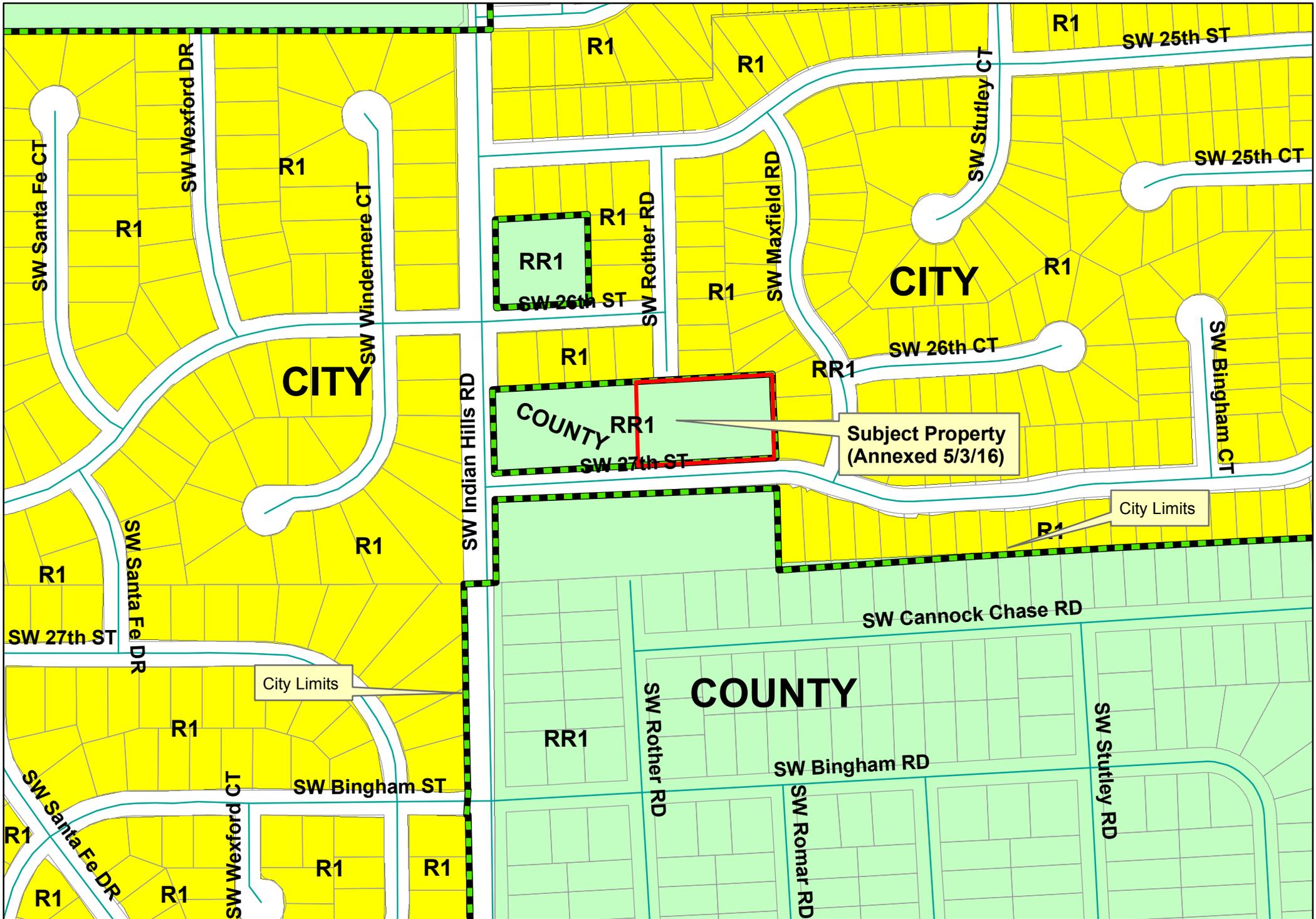
### **ATTACHMENTS:**

1. Aerial Map
2. Zoning Map



**Z16/3 By: Topeka Planning Commission  
(West Indian Hills #12)**





**Z16/3 By: Topeka Planning Commission  
(West Indian Hills #12)**

