

## VI. IMPLEMENTATION

### A. ZONING

#### Neighborhood Downzoning

Development policies of the Metropolitan Comprehensive Plan are legally implemented through the practice of zoning to regulate desirous patterns of land use and intensity. As documented in the profile section of the Plan, Historic North Topeka has been greatly affected by the massive re-zoning action adopted for the area following the 1951 flood in an effort to encourage industrial investment. The zoning districts as adopted have permitted numerous incompatible land use relationships to come about and have failed to protect the residential neighborhood from encroachment of non-residential activities. Homeownership has been discouraged and historic character eroded because of allowed development intensity. Commercial retail employers have also been effectively discouraged from investing in the area due in part to the permissive nature of zoning.

The Land Use Plan has identified “Residential – Low Density” blocks that reflect the strongest concentration of single-family residential uses that should be preserved and protected. The properties within these areas are recommended for “downzoning” from two-family, multiple-family, commercial, and industrial zoning districts to a lower intensity single-family districts (“R-2”, “R-3”) through a City-initiated downzoning process (see [Map #16](#)). In addition, a new zoning district – Mixed-Use (“X”) – should be adopted for special mixed-use and transition areas that help promote neighborhood stability as described below.

#### Mixed-Use District (“X”)

The new Mixed-Use District is intended to encourage a healthy balance of activities ranging from commercial, industrial, residential, and office that can promote stability and/or revitalization of the neighborhood through redevelopment or re-use actions. The District is broken down into three sub-districts - Low Intensity (X-1), Medium Intensity (X-2), and North Crossings (X-3) - based on their level of intensity and specific goals as described in the Land Use Plan (see Section IV). A recommended outline of these three new districts is further outlined in **Appendix A**.

A **site plan review** process should be included as part of the “X” District. A Site Plan review process should be established by ordinance to authorize review of building and site development on individual properties within designated “design districts”. The program should establish criteria for review and adopt design guidelines. Site plan review, at a minimum, shall be conducted by the Planning Director or designee(s) to ensure conformance with the site design objectives of this Plan in a manner to be established that is procedurally less-intensive than a Planning Commission/City Council review process.

### Conservation District Overlay

A *conservation district* emphasizing the preservation of pre-World War II residential building characteristics – size, mass, scale, materials, and setbacks – is recommended to be adopted as an overlay zone with the base single-family zoning district for the geographic area as identified under Housing (Sec. F). All new residential exterior building construction (as defined by being visible from the street) requiring a building permit within the conservation overlay district should be reviewed by the Landmarks Commission for conformance to the residential design guidelines of this Plan or to guidelines that are subsequently adopted for the area. The intent of a conservation district is to promote good design in new construction and educating property owners of appropriate methods to rehabilitate existing housing while at the same time remaining flexible. The guidelines are intended to be just that – specific enough to give guidance, but not too specific as to become infeasible or stifling creativity that benefits the neighborhood’s long-term revitalization objectives. It should be the responsibility of the Landmarks Commission to establish a fair and reasonable review procedure without undermining long-term revitalization objectives.

### Open Space District

A new open space zoning district is recommended to be adopted to identify and protect public, or potential public, park space, greenways, recreational space, environmental preserves, floodways, trails and other designated open space from non-open space or incompatible development.

## B. TAX INCREMENT FINANCING DISTRICT

Tax increment financing (TIF) is a statutory procedure available to cities in Kansas to encourage the redevelopment of certain designated areas. Cities may coordinate with non-governmental developers to undertake redevelopment projects in areas that meet statutory criteria of being in a defined “blighted” or “conservation” area. Financing is available from the proceeds of bonds to be issued by the city. Such bonds are primarily secured by the incremental increase in property valuation, franchise fees, and sales taxes within the redevelopment district. The theory of tax increment financing is that by encouraging redevelopment projects, assessed property values will increase which are in turn captured and put back into the project to pay for public improvements within the project area.

**A TIF district should be established to facilitate the proposed redevelopment and rehabilitation efforts within the North Crossings area.**

Establishment of a TIF district would enable the city to use bond proceeds to fund infrastructure improvements and key property acquisitions/relocations. These up-front costs are crucial to private developers who do not have the funding necessary for these capital

investments. The project generates tax revenue to pay for the infrastructure improvements over the term of the bond – in theory, it pays for itself if the project is successful in the long-term. Proceeds from TIF district bonds could ultimately help fund the following:

- Property acquisition of strategic properties for public use: parking, pedestrian overpass, park/open space, plazas, etc.
- Property acquisition of strategic properties for development in conjunction with a private developer
- Relocation of businesses/residents affected
- Streetscaping (decorative lighting, signage, sidewalks, benches, trees/plantings, etc.)
- Site preparation, demolition
- Infrastructure improvements (roads, drainage, water/sewer, etc.)

The boundaries of the TIF district should initially include everything east of Van Buren Street and north of the Union Pacific rail line in the North Crossings district with potential expansion of the district to the riverfront and west of Van Buren Street in the future. A TIF district should be established in conjunction with selection of a preferred developer(s) for the North Crossings entertainment district or the establishment of a redevelopment authority.

### **C. CAPITAL IMPROVEMENTS**

A series of capital improvements, or physical infrastructure upgrades that typically come at the cost of local government, are necessary to implement portions of this Plan. No special tax assessment districts are recommended to fund any of these improvements except for the creation of a Tax Increment Financing (TIF) district within the North Crossings entertainment district as noted above. Potential major capital improvements of the plan would include:

- Repair, replacement, and redesign of Topeka Boulevard Bridge to include an I-70 interchange and access to the riverfront
- Installation of streetscape improvements for N. Kansas Avenue (800-900 blocks Phase I) and side streets
- Repairs necessary to Kansas River levee system to maintain 100-year flood protection
- Pedestrian overpass linking entertainment district and Great Overland Station
- Covered farmers market facility
- Public plaza north of the Great Overland Station
- Replacement of identified water lines to eradicate “red water” problems
- Installation of curb/gutter/sidewalk improvements in residential areas

- Stormwater drainage improvements
- Development of a Railroad Days festival park south of the Great Overland Station to the waterfront
- Levee trail improvements for recreation
- Public parking lots and pedestrian linkages to N. Kansas Avenue
- Sardou Park recreation/nature trail development
- Sardou Bridge access ramp to Little Russia and closing of Gordon Street rail crossing
- Norris Street extension to Gordon, Curtis Street extension to Gordon, or Kansas Avenue Bridge ramp to Curtis
- Installation of truck calming devices on N. Kansas Avenue and NE Monroe and NE Madison

## D. INCENTIVES

A series of financial incentive programs are recommended to provide a “carrot” for desirous implementation of building rehabilitation standards and new investment as outlined in the Revitalization and Development Strategy section. Those incentive programs would include:

**Conservation Rehab Program** – This new program would provide financial and design assistance to homeowners who are restoring/repairing the exteriors of dwelling units or for affordable new construction infill housing projects within the targeted Conservation Areas that conform to adopted design guidelines of the Plan. The funding could help cover the costs of design guideline-related improvements.

**Storefront Façade Rehab Program** – This new program would provide financial and design assistance to commercial property owners on N. Kansas Avenue who undertake façade restorations in conformance with the adopted design guidelines of the Plan. It is recommended that this program be modeled after similar programs associated with the Kansas Main Street program which also provides in-kind architectural design assistance to business/property owners.

**Loft Housing Program** – This new program would be a companion to the storefront façade program. Its focus would be facilitating repair of existing buildings for above-storefront housing units. This program would expedite development of loft units through the building permit process and potentially offer financial assistance as appropriate to overcome ADA or other building code requirements.

**Neighborhood Revitalization Program** – This existing program offers property tax rebates up to 95% on the post-renovation or construction value of residential buildings that increase the property value by 5% or more. Single-family dwellings, new or existing,

that are owner-occupied within the Planning Area are eligible for this credit. No renter-occupied dwelling or multi-family dwellings are currently eligible. Commercial and industrial properties located within the Plan's Focus Area generally south of Morse Street are eligible for the rebate if they increase the property value by 15% or more. *It is recommended that this program be extended to multi-family dwellings and loft apartment rehabilitation projects within the North Crossings area and should be tied to adopted design guidelines.* Note: Under current program guidelines, the NRP incentive cannot be utilized in a TIF district.

**Neighborhood Revitalization Strategy Area (NRSA)** – It is recommended that the City submit an application to the U.S. Department of Housing and Urban Development (HUD) for inclusion of the Planning Area as an NRSA. This designation by HUD would allow the City to expend Community Development Block Grant (CDBG) with fewer restrictions in support of the Plan while also promoting mixed-income housing development. The public service cap for CDBG funds would also be eliminated allowing additional investment in this area for social or youth programs.

**Historic Preservation Income Tax Credit Program (Federal)** – This existing program applies to structures within an approved or eligible National Register Historic District or that are designated or eligible for listing on the National Register. This is a federal income tax credit up to 20% of the renovation costs needed to rehab the building.

**Historic Homeownership Rehabilitation Tax Credit (pending Federal)** – If this program is approved by Congress, it would make owner-occupied residential structures that are on local registers eligible for an income tax credit up to 20% of renovation costs (\$40,000 credit max). The credit could be transferred to a first-time homeowner who lives in a home for 5 years as a primary residence or could be transferred to a mortgage lender to buy down their interest rate. This underscores the importance of implementing Topeka's local preservation program to take advantage of this potential program.

## E. ORGANIZATION

A local community-based organization is recommended to help implement housing and commercial development improvements for Historic North Topeka. It is envisioned that this organization would oversee creation of new incentive programs for the Focus Area, represent community interests in overseeing implementation of the plan, and become an active partner in the redevelopment process representing the community. For example, a landbanking program could be established to acquire property that can be marketed to private/non-profit housing developers for in-fill housing development. Likewise, they could maintain key buildings preventing them from falling into disrepair and marketing them to private buyers or new businesses. It is not the recommendation of this Plan to necessarily

create a new entity for this purpose, but rather to use an existing or combination of existing organizations to take responsibility for further implementation of the recommendations of the Plan. Currently, NOTOMA would be the most appropriate group to organize these efforts.

There is a particular need to **form a group or sub-group that does nothing but focus on N. Kansas Avenue** issues. Any commercial district, be it neighborhood or regional serving, must have a merchants or property owner association that can be advocates for their own cause. Outside investors will also look favorably upon the district if they know in advance there is a group working on their behalf. The North Topeka Business Alliance would be a logical entity to form a sub-group to begin the implementation of the Plan for N. Kansas Avenue including marketing, recruitment, streetscape improvements, and new incentive programs. This group should form a working relationship with Downtown Topeka, Inc. (DTI) so that the North Crossings area can be looked upon as the northern anchor of downtown. As a member of the Downtown Development Association, training is also available on a quarterly basis involving retailing, marketing, organization, and design issues.

**A business improvement district (BID) for N. Kansas Avenue is not recommended at this time.** Based on similar experiences in other “Main Street” communities, creation of such a district to help finance a variety of public improvement projects and services has tended to divert a district of its focus and stifle initial momentum. However, a BID should be kept as an option to help finance a special project that would benefit everybody such as the streetscape improvements. If property owners support such an idea, it could be used as a match with city-wide CIP funding or other grants and be “sunset” after 1-2 years depending on the amount needed.

## F. PHASING

**Action Steps** – Adopt plan, downzoning/rezoning, organization of landbanking trust

**Initial Phase** – N. Kansas Avenue facades and streetscapes, Great Overland Station, and in-fill housing in Focus Area

**Secondary Phase** – Riverfront development, entertainment district expansion

(See Implementation Agenda Summary)