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(Published in the Topeka Metro News May 6, 2009)

**ORDINANCE NO. 19247**

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. establishing a Redevelopment District for the Southwest Topeka Boulevard District in Topeka, Kansas, pursuant to K.S.A. 12-1770, *et seq.*, as amended.

WHEREAS, the Council of the City of Topeka, Kansas, did hold a public hearing on the advisability of establishing a Redevelopment District Southwest Topeka Boulevard in Topeka, Kansas, said public hearing was held on October 28, 2008, in the City Council Chambers of City Hall, 214 E. 8<sup>th</sup> Street, at 6:00 p.m., as required by K.S.A. 12-1770, *et seq.*, as amended; and

WHEREAS, said public hearing on October 28, 2008, was adjourned on the October 28, 2008 recessed to 6:00 p.m. on January 27, 2009 for good cause shown; and

WHEREAS, said public hearing was again recessed to 6:00 p.m. on February 24, 2009, for good cause shown; and

WHEREAS, said public hearing was again recessed to 6:00 p.m. on April 28, 2009, for good cause shown; and

WHEREAS, notice of said public hearing was duly provided as required by K.S.A. 12-1772, as amended.

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

Section 1. That the following described development district is advisable and does hereby authorize and order said Redevelopment District to be made established with its findings as follows:

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The legal description of the Redevelopment District is set forth as Exhibit “A,” which is attached hereto and specifically incorporated herein. Additionally, the area contained therein is specifically established as the Southwest Topeka Boulevard Redevelopment District.

Section 2. That the Redevelopment District is within the area designated in the notice of public hearing provided by Resolution No. 8105 as required under K.S.A. 12-1770, et seq., as amended.

Section 3. That the Southwest Topeka Boulevard Redevelopment District is a “blighted area” as defined under K.S.A. 12-1770a, as amended, in that the following factors are present in the District:

- A. A substantial number of deteriorating structures;
- B. Predominance of defective or inadequate street layout;
- C. Unsanitary and unsafe conditions;
- D. Improper Subdivision or Obsolete Platting or Land Uses; and
- E. Conditions which create economic obsolescence.

Section 4. That the presence of the aforementioned factors in the Southwest Topeka Boulevard Redevelopment District substantially impairs or arrests the development and growth of the City of Topeka, constitutes an economic or social liability of the City of Topeka, or is a menace to the public health, safety, morals or welfare in its present condition and use.

Section 5. That because the Southwest Topeka Boulevard Redevelopment District is a “blighted area,” it constitutes an eligible area for redevelopment under K.S.A. 12-1770, et seq., as amended.

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Section 6. That the redevelopment of the Southwest Topeka Boulevard Redevelopment District is necessary to promote the general and economic welfare of the City of Topeka.

Section 7. That the Southwest Topeka Boulevard Redevelopment District Plan is hereby approved and described as follows:

### **South Topeka Proposed TIF District – District Plan**

The *Topeka Land Use and Growth Management Plan – 2025* identifies this area as a sub-regional commercial corridor intended to provide goods and services to East and South Topeka for residents within a few miles proximity. Part of the area continues to serve as regional center for new auto sales in Northeast Kansas. The 2025 Plan indicates there are opportunities for redevelopment within the area, which would improve the area's marketability and attractiveness as a commercial corridor. Appropriate land uses in this corridor include a wide range of retail, highway commercial, office, multi-family residential, and some light industrial located in areas allowed by the various zoning districts contained in the City's zoning code. The area is predominantly zoned for high intensity commercial uses.

This report identifies the sub-area boundaries within the proposed TIF District and outlines some opportunities and issues for redevelopment of the area that continue along existing trends.

#### **I. General Description of Project Area**

The project area is generally bordered by SW 37<sup>th</sup> Street on the north side and then extends south along SW Topeka Blvd. The east side is bordered by the Burlington Northern Santa Fe Railroad. The west side is bordered by SW 38<sup>th</sup> Street, SW 39<sup>th</sup> Street, and the Interstate-470/Kansas Turnpike interchange. The southernmost boundary is approximately 1,200 feet south of the Kansas Turnpike overpass between SW Topeka Blvd and the BNSF railroad.

##### **a. Sub-Area 1**

This area includes property lying on the west side of SW Topeka Blvd between Interstate-470 and the Kansas Turnpike interchanges on the south, north, and east sides and including right-of-way south of I-470.

##### **b. Sub-Area 2**

This area includes property lying on the west side of SW Topeka Blvd bordered by SW 38<sup>th</sup> Street on the north side. SW 39<sup>th</sup> Street and Interstate-470 border the property on the south side.

##### **c. Sub-Area 3**

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This area includes property lying south of SW 37th Street, bordered on the south and east sides by the S. Kansas Avenue extension and bordered on the west side by SW Topeka Blvd.

**d. Sub-Area 4**

This area includes property lying immediately south of the S. Kansas Avenue extension, bordered on the east side by the Burlington Northern Santa Fe Railroad and on the west side by SW Topeka Blvd. The southernmost boundary is approximately 650 feet south of the Kansas Turnpike overpass lying between SW Topeka Blvd and the BNSF railroad.

**e. Sub-Area 5**

This area includes property at the southwest corner of SW 37<sup>th</sup> Street and SW Topeka Blvd, all north of and including SW 38<sup>th</sup> Street. The west boundary line generally lays 1,300' west of SW Topeka Blvd.

**f. Sub-Area 6 (White Lakes Mall)**

This area is bordered on the north by SW Croix, on the east by SW Kansas, on the west by SW Topeka, and on the south by SW 37<sup>th</sup> Street.

**II. Sub-Area 1**

**a. Existing Conditions-** This area was former right-of-way for the Kansas Turnpike and it is still owned by the Turnpike Authority. There are several buildings located on the property, currently used by the Kansas State Troopers. Sewer and water infrastructure already serve the buildings. The property has excellent access and visibility from Interstate-470 and the Kansas Turnpike.

**b. Uses and Zoning-** This area is a good location for retail, including but not limited to, quick service restaurants, truck stop, gas stations, automobile and vehicle dealerships, or other commercial businesses in need of high visibility and access to highways. As former right-of-way, the area is zoned "R-1" Single-Family Dwelling District and would require rezoning to allow for highway commercial uses, as well as any other commercial uses.

**c. Issues related to redevelopment of the area-**

- Zoning and platting
- Utility adjustments
- Right-of-way dedications and vacation
- Combined access on to Topeka and cross access between lots should be addressed.
- Sidewalk and landscape public improvements along Topeka should be addressed as this is at a significant entryway.
- Demolish existing buildings and prepare site for new development (i.e. platting, zoning, vacation)
- KDOT and KTA review of any zoning, platting, or site development.

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### III. Sub-Area 2

- a. **Existing Conditions-** This area was originally comprised of several lots and developed for motel establishments, which have since been demolished. Recently the sub-area was re-platted for a proposed automobile plaza. The plat involved lot consolidation, vacating a segment of SW 39<sup>th</sup> Street, dedicating a new cul-de-sac for SW 39<sup>th</sup>, and relocating utility easements. The remainder of the sub-area is still comprised of four single-family residences, the City water tower, offices, bar, mini-storage units, and a gas station. Two of the residential properties have been rezoned to commercial and will be included in the auto plaza development. Devon Avenue, west of the proposed auto plaza is platted, but never constructed.
- b. **Uses and Zoning-** The auto plaza will cover much of the remaining vacant land within this sub-area, with some opportunity for additional development within this area. Two remaining single-family zoned properties would require rezoning to high intensity commercial. It seems probable that the auto plaza or related commercial will eventually expand into these remaining two residential-zoned properties.
- c. **Issues related to redevelopment of the area-**
- Landscaping and sidewalk public improvements are needed along Topeka.
  - The two residential-zoned properties would involve rezoning to commercial, possibly re-platting, demolition, and utility adjustments if developed for commercial.
  - Devon Avenue may require vacation.

### IV. Sub-Area 3

- a. **Existing Conditions-** This sub-area contains several older motels fronting Topeka Blvd, which are falling into disrepair. Other uses that have developed along Topeka and 37<sup>th</sup> include a gas station, banks, retail, office, and truck trailer parking. One residence still exists along Topeka, which was constructed in 1945. There are several landlocked parcels because Kansas Avenue was never constructed. The area consists of small lots stripped along Topeka Blvd., which may function better as commercial properties if combined with adjoining lots to allow for better access and site layout. Topeka Blvd. is void of landscaping. The businesses along 37<sup>th</sup> Street have developed with a grass landscape buffer area between the parking lot and street.

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b. **Uses and Zoning-** The area is zoned primarily for high intensity commercial, which will accommodate retail and highway commercial uses. An existing PUD encompasses an older motel site and will need to be rezoned for further commercial uses. New uses and buildings within this area will include, but not be limited to, retail, restaurants, offices or other generally conforming uses acceptable to zoning ordinances available at the time of development. The older motels stripped along SW Topeka should be demolished. New motels, hotels and other highway commercial uses would be desirable at this location since it is within proximity to both the Kansas Turnpike and South U.S. 75 highway.

c. **Issues related to redevelopment of the area-**

- Re-platting to combine landlocked or undersized parcels and create more functional commercial lots.
- Extension of S. Kansas
- Rezoning of older Planned Unit Development originally developed for motel sites.
- Access controls on to Topeka should be re-considered with any lot consolidation or reconfiguration.
- Cross access should be addressed between properties with re-platting.
- Right-of-way dedication and vacation may be needed.
- Access points on to Kansas should be addressed.
- Landscaping and sidewalk public improvements should be addressed along Topeka and Kansas.
- Provide incentives to current business owners to put investments into their buildings and landscape amenities on their properties.
- Possible utility relocation/adjustments
- Incentives to renovate existing motels or demolish existing structures.
- Demolition of older buildings that are past renovating.

V. **Sub-Area 4**

a. **Existing Conditions-** This area contains a mix of used automobile dealers, other automobile related uses, and an electric utility that may have developed without site or landscape plan review. The turnpike crosses over the area, which may be a challenge to development. The area consists of narrow and shallow lots that constrict development. The lots may function better for commercial if combined with adjoining lots to allow for better access and site layout. Just outside of this boundary, the landscaping and sidewalk at the 45<sup>th</sup> and Topeka Blvd Kwik Shop are examples of improvements that could be done by existing businesses within the entire project area.

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**b. Uses and Zoning-**The area is most suited for light industrial or highway commercial uses due to its location across from Frito Lay and at the I-470/Kansas Turnpike interchange. Planned uses include, but are not limited to, automobile related services, mini-storage, equipment or construction storage, contractor yards, and similar uses. Based upon surrounding land uses and zoning, a light industrial zoning district would also be appropriate for this sub-area. The sub-area is currently split between light industrial and high intensity commercial zonings.

**c. Issues related to redevelopment of the area-**

- Re-platting to combine undersized parcels and create more functional commercial lots.
- Possible rezoning of the south half of the sub-area from C-4 to I-1, or its equivalent light industrial zoning classification.
- Current access on to Topeka should be re-considered with lot consolidation or reconfiguration.
- Cross access should be addressed between properties with re-platting.
- Right-of-way dedication may be needed
- Landscaping and sidewalk public improvements should be addressed along Topeka.
- Provide incentives to current property owners to put investments into their property/buildings.
- Possible utility relocation/adjustments
- Possible building demolition

**VI. Sub-Area 5**

○ **Existing Conditions-** This sub-area is nearly built out with an auto plaza, multi-family dwelling complex, retail centers, auto repair, and Sonic Drive-In. Only one parcel remains vacant. However, the existing retail centers appear to contain sub-prime commercial and other “filler” uses (i.e. liquor store, express tax service, and quick cash place). The area is almost void of any landscaping, with the exceptions of Sonic and the apartment complex. The Sonic has constructed a new sidewalk along Topeka Blvd along with a landscaped area fronting the street, which could be an example of public improvements. The apartment complex appears in sound condition and has nicely landscaped grounds.

○ **Uses and Zoning-** Prospects for this area are new retail and office uses, as well as to providing incentives to existing businesses to make improvements to their property/buildings or demolish these older strip malls and prepare the site for new development. Other retail and commercial developments are also appropriate.

○ **Issues related to redevelopment of the area-**

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- Provide incentives to current property owners to put investments into their property/buildings.
- Landscape and sidewalk public improvements along Topeka and 37<sup>th</sup>
- Provide incentives to encourage new businesses to locate in existing vacant buildings/retail centers and renovate those buildings.
- Possible building demolition, re-platting, and utility adjustments
- Possible right-of-way dedication, vacation, and lot reconfiguration

## VII. Sub-Area 6

- a. **Existing Conditions-** The sub-area includes White Lakes Mall. The property is currently split between C-4 and I-1 zoning. Current uses inside the mall include employment agencies, Department of Motor Vehicles annex, hair styling school, Dispatch church, various offices, extremely limited retail (jewelry store, walk-up snack bar, book store), and many vacant store fronts. The property has five outbuildings, which include Walgreen's, Taco John's, Burger King, retail strip center, bank. A restaurant, Las Fuentes, is attached to the south side of the mall structure. The mall has decent transit access, being on two bus routes, which run from approximately 6:00 am to 7:00 pm. The mall is nearly void of any restaurants within the enclosed structure. Landscaping amenities on the mall grounds are non-existent. A few trees are scattered sporadically throughout the parking lot. The mall has tried to re-invent itself as an office environment, but few physical changes have occurred on the grounds itself. The area still contains a typical enclosed shopping mall surrounded by a massive parking lot. Another feature of the mall is that it has become a gathering and walking destination for senior citizens.
- b. **Uses and Zoning-** Redevelopment of the mall site as an office park, such as, continued promotion of the mall for office uses, call centers, educational institutions, community college annexes, etc. Encourage limited commercial uses geared specifically toward the mall's primary function as an office park, such as, lunch restaurants, coffee shops, doctor's offices, accountant's offices, walk-up medical clinic, wellness center or gym geared toward senior citizens, dollar or variety store, small pharmacy, news stand, or other generally conforming uses. The City would work with a developer on structuring a PUD to accommodate the mix of office and limited commercial uses, as well as, to provide clear guidelines for developers for redevelopment opportunities for the mall.
- c. **Issues related to redevelopment of the area-**
  - Create more of an "office campus" environment rather than "offices within a vacant shopping mall" environment by reconfiguring the parking areas and structures.



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- Break up the massive expanse of parking and provide more landscaped amenities and public space. (Ex: Provide trees and landscaped areas, benches, tables, pedestrian walkways, outdoor eating area for office employees.) This should occur particularly on the front side along Topeka.
- Provide well-lit and attractive lighting in parking areas.
- Reconfigure parking areas, so as to break up the massive parking expanse.
- Landscape and sidewalk public improvements along Topeka, Croix, and Kansas.
- Renovate the inside of the mall for office spaces rather than retail. Combine smaller vacant store fronts with adjoining ones so future office tenants will have more space. Prepare spaces so tenants can move right in rather than having to make renovations themselves. Some of the current vacant store fronts may be too small for office uses and would better for office if combined with adjoining store fronts.
- Facelift to outside and inside of mall (i.e. painting, remodeling, updating, taking out walls, etc.)
- Possible rezoning, platting, and vacation of utility easements and relocation of utilities
- Demolish some of the building to create outdoor space and to break up the main structure.

**VIII. Phasing of Development-** Timing of development will be developer driven. Public infrastructure improvements within each sub-area will depend upon specific project proposals submitted by individual developers. Anticipated public improvements include, but are not limited to, street construction; intersection adjustments; access controls, such as traffic signaling and construction of medians; public parking; utility (sewer and water) adjustments and extensions; land acquisition; and drainage improvements.

Section 8. That the Clerk is hereby directed to forthwith after the effective date of

this Ordinance to provide a copy of this Ordinance by certified mail, return receipt requested, to the Board of Commissioners of Shawnee County, Kansas and Board of Education of Unified School District 501.

Section 9. This Ordinance shall take effect and be in force from and after its

passage, approval and publication in the official City newspaper.

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352 PASSED and APPROVED by the Governing Body April 28, 2009.

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CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

360 ATTEST:

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Brenda Younger, City Clerk

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## EXHIBIT A

A district in the Southeast Quarter of Section 13 and in the Northeast and Southeast Quarters of Section 24, all in Township 12 South, Range 15 east of the 6<sup>th</sup> PM, and in the Southwest Quarter of Section 18 and in the Northwest and Southwest Quarters of Section 19, said Sections 18 and 19 being in Township 12 South, Range 16 east of the 6<sup>th</sup> PM, all in the City of Topeka, Shawnee County, Kansas, the boundary of which is described as: Beginning at the intersection of the West line of the Southwest Quarter of said Section 18 with a westerly extension of the North line of Croix Street; thence easterly on the North line of Croix Street and its extensions to an intersection with a line which is 70 feet normally and westerly distant from the Centerline of the right of way of the Burlington Northern and Santa Fe Railway; thence south-southwesterly parallel with the Centerline of said right of way to an intersection with the South line of said Southwest Quarter; thence westerly on the last said South line to an intersection with a line which is 75 feet normally and westerly distant from the Centerline of said right of way; thence south-southwesterly on the West line of the right of way of the Burlington Northern and Santa Fe Railway to an intersection with the East line of South Topeka Boulevard; thence westerly, normally to and from the East line of the Southeast Quarter of said Section 24 to an intersection with the West line of Topeka Boulevard; thence northerly on the West line of Topeka Boulevard and its extension to the Northeast corner of Block A of Seymour Subdivision; thence westerly on the North line of said Block A and its extension to an intersection with the West line of the East Half of the Southeast Quarter of said Section 24; thence northerly on the West line of said East Half to an intersection with the South line of the Northeast Quarter of said Section 24; thence northerly on the West line of the East Half of said Northeast Quarter to an intersection with the Southwest line of Lot 1, Block "B" in Dickinson Subdivision "C"; thence northwesterly on the Southwest line of Dickinson Subdivision "C" to the South corner of Lot 1, Block "A" in the last said subdivision; thence northeasterly on the Northwest tangent line of S.W. 38<sup>th</sup> Street and its extension to an intersection with the South line of Lot 12, Block 'A' in White Lakes Plaza Subdivision; thence westerly to the Southwest corner of said Lot 12; thence northerly on the West line of White Lakes Plaza Subdivision to the Northwest corner of Lot 16 in Block 'A' of the last said subdivision; thence northerly normally to and from the South line of the Southeast Quarter of said Section 13, to an intersection with a line which is 50 feet north of the South line of said Southeast Quarter; thence easterly on the North line of 37<sup>th</sup> Street to the Southeast corner of Tract "D" in Likins Foster Addition thence northerly on the West line of Topeka Boulevard and its extension to an intersection with an easterly prolongation of the North tangent line of Croix Street, also being an extension of the South line of Lot 1 in Bellaire Subdivision No. 2; thence easterly normal to the East line of the Southeast Quarter of said Section 13; thence southerly to the point of beginning.