



A Capital City Government Working For You...

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City Council Agenda

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

November 20, 2007
6:00 PM

City Manager: Norton N. Bonaparte, Jr.

Mayor: William W. Bunten

Councilmembers

Lana Kennedy	District No. 1	Deborah Swank	District No. 6
John Alcala	District No. 2	Brett Blackburn	District No. 7
Sylvia E. Ortiz	District No. 3	Jeff Preisner	District No. 8
Jack Woelfel	District No. 4	Richard Harmon	District No. 9
Bill Haynes	District No. 5		

Addressing the Council: No person shall address the Council during a Council Meeting, unless they have notified the City Clerk by 5:00 P.M. on the day of any Council Meeting of their desire to speak on a specific matter on the published meeting agenda or during the public comment portion of the Council Meeting. This limitation shall not apply to items added during the course of a meeting. The Council does not take action with respect to any subject not on the agenda unless added to the agenda by a two-thirds vote of the Council

Persons addressing the City Council will be limited to four (4) minutes of public address on a particular agenda item. Debate, question/answer dialogue or discussion between Councilmembers will not be counted towards the four (4) minute time limitation. The Chair may extend time with the unanimous consent of the Council or the Council by affirmative vote of five (5) members may extend the four (4) minute limitation.

Persons will be limited to addressing the City Council one (1) time on a particular matter unless otherwise allowed by an affirmative vote of five (5) members of the City Council.

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

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

INVOCATION:

PLEDGE OF ALLEGIANCE:

- 1. **PROCLAMATIONS:**
"None scheduled at this time."
- 2. **PRESENTATIONS:**
"None scheduled at this time."
- 3. **ROLL CALL:**
- 4. **CONSENT AGENDA:**

A. Communication - Civil Service Commission

A COMMUNICATION recommending the re-appointment of Jacqueline Bugg to the Civil Service Commission for a term that would expire on November 30, 2011. *(Council District No. 5)*

B. Communication - Disposal of Surplus Real Property

 [ATTACHMENTS](#)

A COMMUNICATION approving the sale of 14 parcels of City property auctioned on November 15, 2007 and specifically authorizing the City Manager to execute contracts, deeds and any other instruments or documents necessary to convey these properties to the highest bidders.

(On October 2, 2007 the Council approved the disposal of 14 surplus real properties. The tracts will be disposed of by auction.)

C. Communication - Disposal of Surplus Real Property

 [ATTACHMENTS](#)

A COMMUNICATION approving the real estate reports and the method of disposal of four adjoining parcels that have been approved by all City departments for disposal and authorizing the City Manager to execute any and all documents or instruments to close the real estate transaction.

(The tracts of land are located at 1178, 1182, 1184 and 1186 SW Lincoln and will be donated to the Topeka Housing Authority for construction of additional Tennessee Town Plaza apartments.)

D. Communication - Human Relations Commission

A COMMUNICATION recommending the re-appointment of Bill Beachy to the Human Relations Commission for a term that would expire on November 30, 2009. *(Council District No. 6)*

E. Final Plat - DuMoss Subdivision (P07/18)

 [ATTACHMENTS](#)

A FINAL PLAT for the DuMoss Subdivision on property located at 4145 and 4225 NW Green Hills Road outside the City's Municipal Service Area and within the City's extraterritorial three-mile jurisdiction, all being within unincorporated Shawnee County, Kansas. *(P07/18) (Planning Commission recommended approval by a vote of 9-0-0.) (Planning Department recommended approval.)*

(Approval would adjust the lot lines between two lots. No new lots will be created.)

F. MINUTES of the regular meeting of November 13, 2007

G. APPLICATIONS:

5. PUBLIC HEARINGS:

A. Public Hearing and Ordinance - Reser's Fine Foods (V07S/6)

 [ATTACHMENTS](#)

A PUBLIC HEARING relating to vacation request V07S/6 by Reser's Fine Foods to vacate a 50-foot wide strip of public street right-of-way located along the east side of SE Deer Creek Parkway about 600 feet south of SE 6th Avenue, City of Topeka, Shawnee County, Kansas.

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a 50-foot wide strip of public street right-of-way located along the east side of SE Deer Creek Parkway about 600 feet south of SE 6th Avenue, City of Topeka, Shawnee County, Kansas. **Final Reading.** (V07S/6) (Council District No. 3)(The Planning Department recommended approval.)

(Approval would vacate a 50-foot wide strip of public street right-of-way and establish a necessary drainage, stream buffer easement and utility easement.)

6. UNFINISHED BUSINESS:

A. Ordinance - Philip and JoAnn Shideler (A07/8)

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, as amended, on property generally located north of SW 17th Street approximately 797 feet west of SW Arvon Place within unincorporated Shawnee County, Kansas, and contiguous to the City of Topeka corporate limits, and said land being annexed for all City purposes. **Final Reading.** (A07/8) (Council District No. 8)

(The property owner has granted permission to annex a 12.35 acre tract for potential commercial use.)

B. Ordinance - Arbor Valley Subdivision (PUD04/5B)

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the Master PUD Plan of Arbor Valley Subdivision, by changing the maximum allowable dwelling units from 260 dwelling units (M-1a use group) to a maximum 300 dwelling units (202 dwelling units at M-1a use group and 98 dwelling units at M-2 use group) on property located at 6423 SW Huntoon Street in the City of Topeka, Kansas. **Final Reading.** (PUD04/5B) (Council District No. 8) (Planning Commission recommended approval by a vote of 9-0-0.) (Planning Department recommended approval.)

(Approval would increase the density of the existing development by 40 units, to include a 98-unit senior apartment building.)

7. NEW BUSINESS:

A. Ordinance - Weekly Expenditures - October 29 - November 4, 2007

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period October 29, 2007, through November 4, 2007, and enumerating said expenditures therein. **First and Final Reading.**

B. Resolution - Amended 2008-2012 Capital Improvement Program

A RESOLUTION introduced by Councilmember Jack Woelfel, authorizing and adopting the 2008-2012 Capital Improvement Program for the City of Topeka, Kansas and rescinding Resolution No. 8017.

This item was added at the meeting.

C. Resolution - Amended 2008-2009 Capital Improvement Budget

A RESOLUTION introduced by Councilmember Jack Woelfel, adopting the 2008-2009 Capital Improvement Budget for the City of Topeka, Kansas and rescinding Resolution No. 8018.

This item was added at the meeting.

8. ZONING:

A. Ordinance - Clifford N. Cormier Living Trust (Z07/20)

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at 2425 SE California Avenue in the City of Topeka, Kansas from “R-1” Single-Family Dwelling District TO “C-2” Commercial District. **Final Reading.** (Z07/20) (Council District No. 4) (Planning Commission recommended approval by a vote of 8-1-0.) (Planning Department recommended disapproval.)

(Approval would allow development of the property for commercial use.)

B. Ordinance - Hunter Glen L.L.C. (Z07/21)

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at 609 SW MacVicar Avenue in the City of Topeka, Kansas from “R-2” Single-Family Dwelling District TO “C-4” Commercial District. **Final Reading.** (Z07/21) (Council District No. 9) (Planning Commission recommended approval by a vote of 6-3-0.) (Planning Department recommended disapproval.)

(Approval would allow for expansion of the existing gas station at 2501 SW 6th Avenue.)

9. FIRST READINGS:

A. Ordinance - City Financed Developer Projects - Repeal Approval Process

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., repealing City of Topeka Code Section 126-66 through 126-71 concerning approval procedure for City financed developer projects. **First Reading.**

(Currently, the City of Topeka code provision requires developers to provide a financial guarantee for projects in the form of cash, check or other securities. The City of Topeka is repealing this provision and now following K.S.A. 12-6a01, et seq., as may be amended which requires no financial securities by the developers.)

B. Ordinance - Parking Rates - Meters, Garages, and Surface Lots

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Section 142-381 and Section 142-452 concerning parking rates and specifically repealing said original sections. **First Reading.**

(The ongoing maintenance requirements at the parking facilities have escalated to sustain the structures. The three-year tier price increase equates to approximately 10% and keeps rates in line with those offered elsewhere. The last increase for parking meter rates was January 1, 2005. The rates for surface lots have had no increase in the last four years. Parking garage rates have gradually increased annually since January 2005.)

C. Ordinance - Sanitary Sewer Improvement Project No. 40771

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Sanitary Sewer District No. 40771 with piping, manholes, engineering and all other contingencies needed to complete Sanitary Sewer Improvement Project No. 40771, as defined and described in Resolution No. 6671, adopted and approved September 24, 1996. **First Reading.** (Council District No. 3)

(100% of the costs will be paid by the Improvement District. Approval would apportion and levy a special assessment in the area of SE 21st Street and SE Croco Road for the Improvement of Sanitary Sewer District No. 40771 in England Mobile Home Estates Subdivision, First Fix Addition, and Altair Heights Subdivision.)

10. MISCELLANEOUS:

-

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

-

12. PUBLIC COMMENT:

-

13. ADJOURNMENT:

-



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 4, 2007

+ Back Print

DATE: November 20, 2007

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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BACKGROUND:

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SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

"None scheduled at this time."

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

"None scheduled at this time."

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 12, 2007

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DATE: November 20, 2007
CONTACT PERSON: Celeste Benton **DOCUMENT #:**
SECOND PARTY/SUBJECT: Civil Service Commission **PROJECT #:**
CATEGORY/SUBCATEGORY: 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A COMMUNICATION recommending the re-appointment of Jacqueline Bugg to the Civil Service Commission for a term that would expire on November 30, 2011. *(Council District No. 5)*

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

The Mayor is recommending the re-appointment of Jacqueline Bugg, 3721 SE Evans Dr., to the Civil Service Commission to a four year term that will end November 30, 2011. The board does not have an official attendance policy. During her current four year term, Ms. Bugg has missed 11 meetings. Councilwoman Ortiz nominated Ms. Bugg for re-appointment. Ms. Bugg has filed a Statement of Substantial Interest.

BACKGROUND:

Ordinance 18382. The Civil Service Commission has control of exams and the nature of the exams for the Police and Fire Departments and certifies the lists of eligible applicants. The Commission makes an annual report to the City Manager and the City Manager may require special reports from the Civil Service Commission at any time.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

No Attachments Available



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Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 8, 2007

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DATE: November 20, 2007
CONTACT PERSON: Randy L. Speaker DOCUMENT #:
SECOND PARTY/SUBJECT: Successful bidders PROJECT #:
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

A COMMUNICATION approving the sale of 14 parcels of City property auctioned on November 15, 2007 and specifically authorizing the City Manager to execute contracts, deeds and any other instruments or documents necessary to convey these properties to the highest bidders.

(On October 2, 2007 the Council approved the disposal of 14 surplus real properties. The tracts will be disposed of by auction.)

POLICY ISSUE:

Should City Council accept or reject the results of the auction disposing of 14 surplus properties.

STAFF RECOMMENDATION:

Approval of the auction. Authorize the City Manager to execute any and all documents or instruments to close the real estate transaction.

BACKGROUND:

The City staff declared 14 properties to be surplus and by a communication on October 2, 2007 the Council approved disposal of these tracts by auction.

BUDGETARY IMPACT:

The net proceeds of the sale will become City funds.

SOURCE OF FUNDING:

ATTACHMENTS:

[List of Surplus Properties](#)

Surplus City Properties - Auctioned on November 15, 2007

NW 17th & Landon Rd is approximately 122.45 acres of agricultural ground. Zoned RR-1 residential reserve District (county). Property appraised at \$395,000 on June 18, 2007 by Bob Taggart and Associates. Survey is available.

600 SE Wear/601 SE Sherman- Zoned "X-1" Mixed Use District. This parcel fronts SE 6th street and consists of entire parcel from SE Wear to SE Sherman and approximately 114.83' depth. Survey is available.

2101 SE 21st - Zoned "C-4" Commercial District, this parcel is located on the southwest corner of SE 21st & SE California and consists of 22,242 square feet more or less. Survey is available.

2600 SE 6th – Zoned "X-1" Mixed Use District, this parcel is located on the northeast corner of SE 6th & SE Golden and consists of 20,438 square feet more or less. Survey is available.

3416 SW Gage – Zoned "R-1" Single family Dwelling District, this parcel is not developable due to the numerous storm sewer, drainage and KP&L easements. Survey is available.

2101 SW Van Buren – Zoned "C" Two family Dwelling District, this parcel contains approximately 6,928 square feet more or less. Survey is available.

1420 SE Chandler – Zoned "R-2" Single Family Dwelling District, this parcel consists of a wooded lot on a hillside of approximately 5,499 square feet more or less.

945 SE Wear – Zoned "R-1" Single Family Dwelling District.

1036 SE Long – Zoned "R-1" Single family Dwelling District, this parcel is located on the northeast corner of SE Long and SE 11th. Consists of approximately 9,562 square feet more or less.

1004 SE Vine – Zoned "R-2" Single Family Dwelling District, this parcel consists of approximately 11,542 square feet more or less.

2601 NE State – Zoned "R-2" Single Family Dwelling District, this parcel is a large irregular sized lot that adjoins the Shunganunga Creek.

226 NE Woodruff – Zoned "R-2" Single Family Dwelling District, this parcel is irregular sized parcel with 37.5' frontage.

401 SE Chandler – Zoned "R-2" Single Family Dwelling District, this lot is located on the southeast corner of SE Chandler and SE 4th. Consists of approximately 2,480 square feet more or less.

631 SE Chandler - Zoned "R-2" Single family Dwelling District, this lot consists of approximately 3,125 square feet more or less.



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Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 30, 2007

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DATE: November 20, 2007
CONTACT PERSON: Randy L. Speaker **DOCUMENT #:**
SECOND PARTY/SUBJECT: Topeka Housing Authority **PROJECT #:**
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A COMMUNICATION approving the real estate reports and the method of disposal of four adjoining parcels that have been approved by all City departments for disposal and authorizing the City Manager to execute any and all documents or instruments to close the real estate transaction.

(The tracts of land are located at 1178, 1182, 1184 and 1186 SW Lincoln and will be donated to the Topeka Housing Authority for construction of additional Tennessee Town Plaza apartments.)

POLICY ISSUE:

Should city council accept or reject the real estate reports and procedures for disposal.

STAFF RECOMMENDATION:

Approval of the real estate reports and method of disposal as described within "m" of the accompanying real estate reports. Authorize the City Manager to execute any and all documents or instruments to close the real estate transaction.

BACKGROUND:

The city acquired and removed the slums and blight within the Tennessee Town area and continues to redevelop areas utilizing other entities capable of meeting the housing needs of our citizens. This property which sits between complexes owned and operated by THA were not completed as part of the original Tennessee Town Plaza project. However, subject to a funding commitment being provided to THA, this project shall be completed.

BUDGETARY IMPACT:

Other than reduced land maintenance and upkeep costs there will be no impact on the City of Topeka.

SOURCE OF FUNDING:

None. Property originally purchased with CDBG funds for the purpose of providing infill housing similar to the adjoining units within this complex.

ATTACHMENTS:

[Surplus Real Property Reports](#)

[Surplus Property Map](#)

Item #8

HOUSING & NEIGHBORHOOD DEVELOPMENT REAL ESTATE REPORT

- a. **Common Address:** 1178 SW Lincoln St.
- b. **Legal Description:** The South 5 feet of Lot 422 and all of Lots 424 and 426, Lincoln Street, (Block 9) KING'S ADDITION, to the City of Topeka, Shawnee County, Kansas.
- c. **Owner of Record:** City of Topeka, a Municipal Corporation
- d. **Current Zoning:** "R-2" Single Family Dwelling District
- e. **Acquisition Date:** June 15, 2001.
- f. **Reason City Acquired:** Elimination of slums and blight and infill housing project in Tennessee Town. Implementation of the Tennessee Town Neighborhood Plan.
- g. **Previous Owner:** Donald R. Casto and Janice U. Casto, husband and wife
- h. **How City Acquired:** General Warranty Deed
- i. **Current Use:** None
- j. **Expected Future Use:** Affordable housing to low-income tenants in conjunction with the expansion of the Tennessee Town Public Housing Complex.
- k. **Appraised Value:** Vacant Lot valuation: \$3,750.00.
- l. **Additional Information:** This site shall be re-developed as part of the Tennessee Town Neighborhood Plan to provide infill housing and neighborhood re-vitalization activities within this neighborhood.
- m. **Procedure for Disposal:** By transfer to the Topeka Housing Authority by donation, subject to verification of available construction funding.
- n. **Financial Impact:** Redevelopment shall occur without City financial assistance. Reduced land maintenance costs.

HOUSING & NEIGHBORHOOD DEVELOPMENT REAL ESTATE REPORT

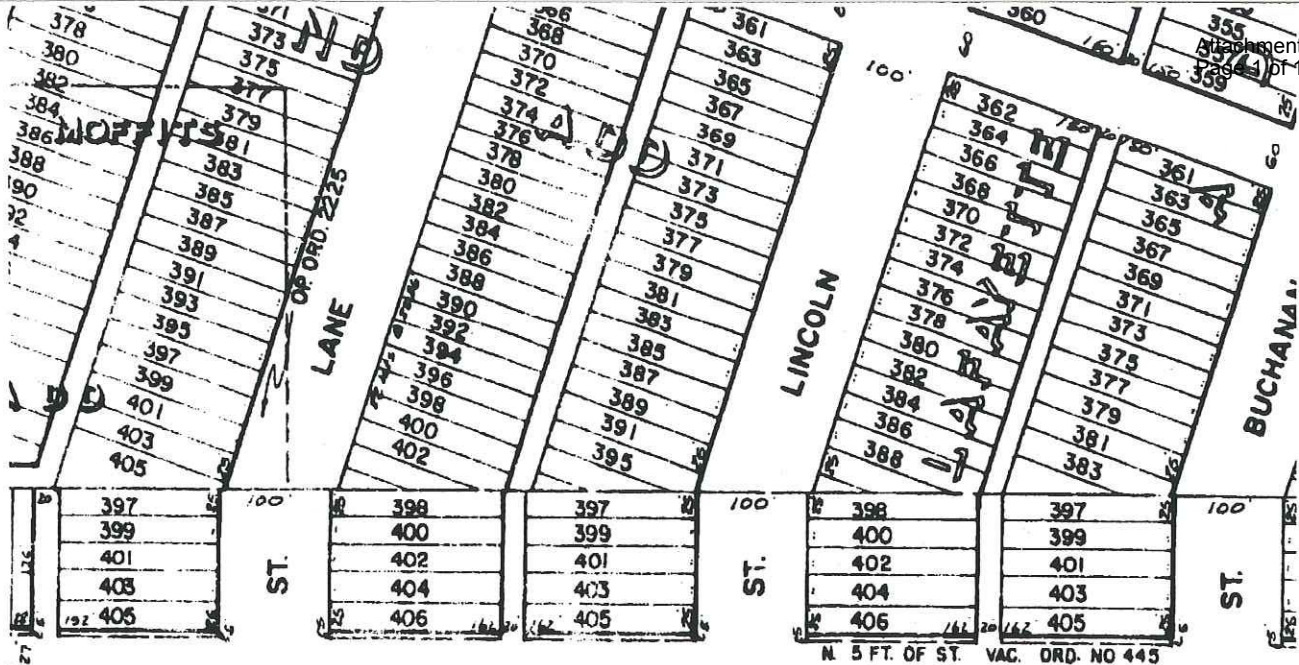
- a. **Common Address:** 1182 SW Lincoln St.
- b. **Legal Description:** Lot 428 Lincoln Street, (Block 9) KING'S ADDITION, to the City of Topeka, Shawnee County, Kansas.
- c. **Owner of Record:** City of Topeka, a Municipal Corporation
- d. **Current Zoning:** "R-2" Single Family Dwelling District
- e. **Acquisition Date:** February 20, 2004.
- f. **Reason City Acquired:** Elimination of slums and blight and infill housing project in Tennessee Town. Implementation of the Tennessee Town Neighborhood Plan.
- g. **Previous Owner:** Dorothy J. Gunn & William Gunn, husband and wife
- h. **How City Acquired:** General Warranty Deed
- i. **Current Use:** None
- j. **Expected Future Use:** Affordable housing to low-income tenants in conjunction with the expansion of the Tennessee Town Public Housing Complex.
- k. **Appraised Value:** Vacant Lot valuation: \$1,250.00.
- l. **Additional Information:** This site shall be re-developed as part of the Tennessee Town Neighborhood Plan to provide infill housing and neighborhood re-vitalization activities within this neighborhood.
- m. **Procedure for Disposal:** By transfer to the Topeka Housing Authority by donation, subject to verification of available construction funding.
- n. **Financial Impact:** Redevelopment shall occur without City financial assistance. Reduced land maintenance costs.

HOUSING & NEIGHBORHOOD DEVELOPMENT REAL ESTATE REPORT

- a. **Common Address:** 1184 SW Lincoln St.
- b. **Legal Description:** Lot 430 Lincoln Street, (Block 9) KING'S ADDITION, to the City of Topeka, Shawnee County, Kansas.
- c. **Owner of Record:** City of Topeka, a Municipal Corporation
- d. **Current Zoning:** "R-2" Single Family Dwelling District
- e. **Acquisition Date:** March 1, 2002
- f. **Reason City Acquired:** Elimination of slums and blight and infill housing project in Tennessee Town. Implementation of the Tennessee Town Neighborhood Plan.
- g. **Previous Owner:** Keith R. & Irene G. Orr, husband and wife
- h. **How City Acquired:** General Warranty Deed
- i. **Current Use:** None
- j. **Expected Future Use:** Affordable housing to low-income tenants in conjunction with the expansion of the Tennessee Town Public Housing Complex.
- k. **Appraised Value:** Vacant Lot valuation: \$1,250.00.
- l. **Additional Information:** This site shall be re-developed as part of the Tennessee Town Neighborhood Plan to provide infill housing and neighborhood re-vitalization activities within this neighborhood.
- m. **Procedure for Disposal:** By transfer to the Topeka Housing Authority by donation, subject to verification of available construction funding.
- n. **Financial Impact:** Redevelopment shall occur without City financial assistance. Reduced land maintenance costs.

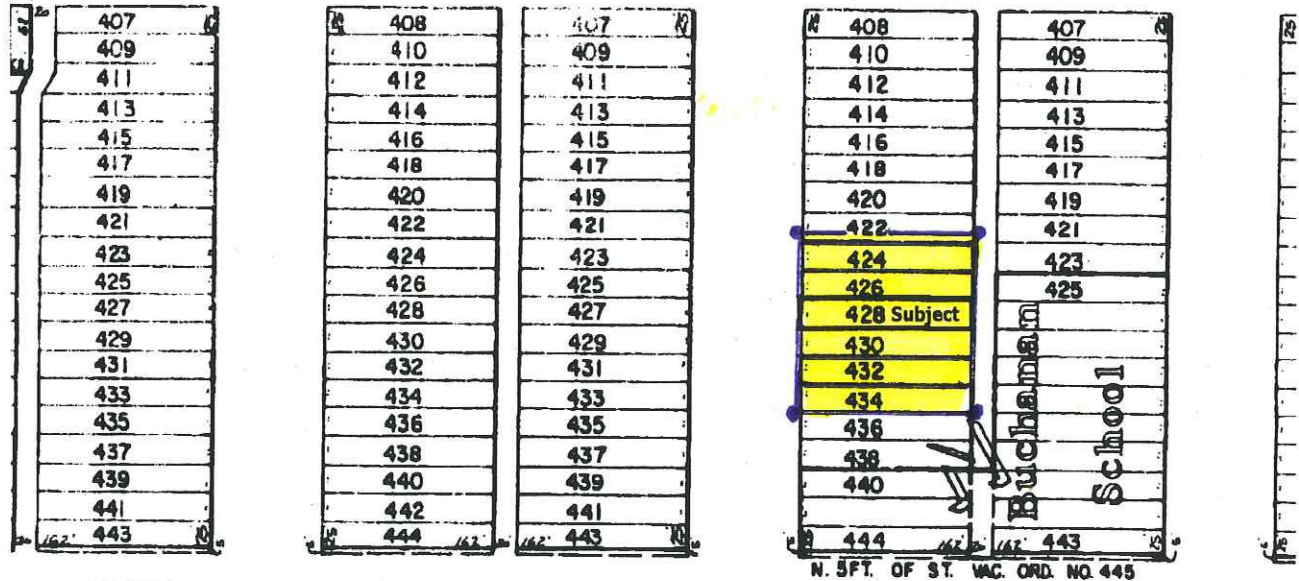
HOUSING & NEIGHBORHOOD DEVELOPMENT REAL ESTATE REPORT

- a. **Common Address:** 1186 SW Lincoln St.
- b. **Legal Description:** Lot 432 and 434 Lincoln Street, (Block 9) KING'S ADDITION, to the City of Topeka, Shawnee County, Kansas.
- c. **Owner of Record:** City of Topeka, a Municipal Corporation
- d. **Current Zoning:** "R-2" Single Family Dwelling District
- e. **Acquisition Date:** July 25, 2003
- f. **Reason City Acquired:** Elimination of slums and blight and infill housing project in Tennessee Town. Implementation of the Tennessee Town Neighborhood Plan.
- g. **Previous Owner:** Washburn Endowment Association
- h. **How City Acquired:** General Warranty Deed
- i. **Current Use:** None
- j. **Expected Future Use:** Affordable housing to low-income tenants in conjunction with the expansion of the Tennessee Town Public Housing Complex.
- k. **Appraised Value:** Vacant Lot valuation: \$2,500.00.
- l. **Additional Information:** This site shall be re-developed as part of the Tennessee Town Neighborhood Plan to provide infill housing and neighborhood re-vitalization activities within this neighborhood.
- m. **Procedure for Disposal:** By transfer to the Topeka Housing Authority by donation, subject to verification of available construction funding.
- n. **Financial Impact:** Redevelopment shall occur without City financial assistance. Reduced land maintenance costs.

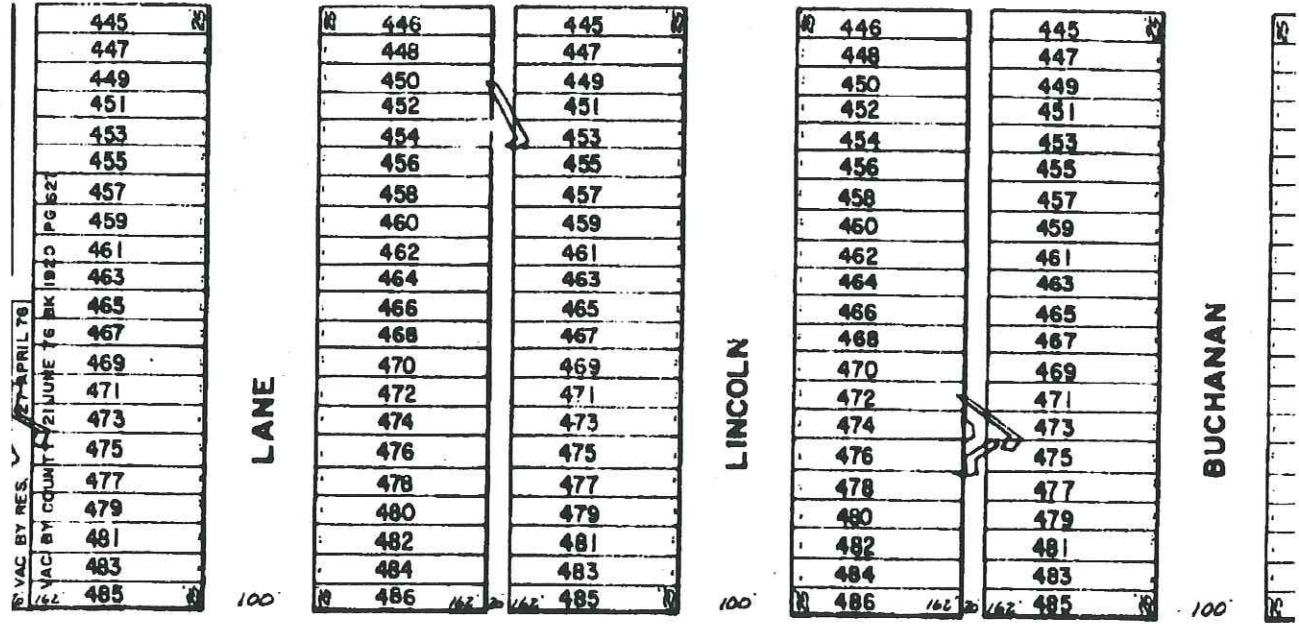


MUNSON

WAS KING ST ORD 6844



12 TH.





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Topeka, Kansas 66603

October 10, 2007

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DATE: November 20, 2007
CONTACT PERSON: Celeste Benton
SECOND PARTY/SUBJECT: Human Relations Commission
CATEGORY/SUBCATEGORY: 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL:
DOCUMENT #:
PROJECT #:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

A COMMUNICATION recommending the re-appointment of Bill Beachy to the Human Relations Commission for a term that would expire on November 30, 2009. (Council District No. 6)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

The Mayor is recommending the re-appointment of Bill Beachy, 1248 SW Buchanan, to the Human Relations Commission for a two year appointment that would expire November 30, 2009. The Commission does have an attendance policy. Mr. Beachy has not missed any meetings. Mr. Beachy was nominated by Councilwoman Swank. Mr. Beachy has submitted a Statement of Substantial Interest to the City Clerk.

BACKGROUND:

Ordinance 18382. The purpose of the Human Relations Commission is to endeavor to eliminate prejudice among various racial, ethnic and other groups in the city and to further goodwill among all people of the city.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

No Attachments Available



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CONTACT PERSON: David Thurbon/Bill Fiander DOCUMENT #: P07/18

SECOND PARTY/SUBJECT: DuMoss Subdivision PROJECT #: N/A

CATEGORY/SUBCATEGORY 017 Plats/002 Final

CIP PROJECT: No

ACTION OF COUNCIL: JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

A FINAL PLAT for the DuMoss Subdivision on property located at 4145 and 4225 NW Green Hills Road outside the City's Municipal Service Area and within the City's extraterritorial three-mile jurisdiction, all being within unincorporated Shawnee County, Kansas. (P07/18) (Planning Commission recommended approval by a vote of 9-0-0.) (Planning Department recommended approval.)

(Approval would adjust the lot lines between two lots. No new lots will be created.)

POLICY ISSUE:

The request is consistent with City of Topeka Subdivision Regulations.

STAFF RECOMMENDATION:

The Planning Commission recommended that the final plat phase of **DuMoss Subdivision** be **APPROVED** by a vote of **9-0-0** at their **October 15, 2007** meeting as referenced in their attached minutes. The Planning Department recommended that this request be **APPROVED** as referenced in the attached staff report.

BACKGROUND:

- See staff report.
- City Council options:
 - **Accept** the plat as presented for recording by the Shawnee County Register of Deeds; or,
 - **Reject** the plat so it would **not** be eligible for recording by the County Register of Deeds.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Staff report](#)

Item #10

[Plat](#)

[PC minutes- Preliminary Plat](#)

[Aerial map](#)

DRAFT

**Minutes of the
Topeka Planning Commission
May 21, 2007**

DuMoss Subdivision (Preliminary Plat Phase)(P07/18) by Donald C. and Sharrell L. Drane on property located at 4225 and 4145 NW Green Hills Road outside the City of Topeka's Municipal Service Area and within the three-mile extraterritorial jurisdiction, all being within unincorporated Shawnee County, Kansas. **(Driver)**

No one spoke in favor or in opposition of the proposal.

Theron Sims moved approval of the entire consent agenda as written by staff, seconded by Ralph Skoog. **APPROVAL, (7-0-0). Subject to conditions in the staff report.**

October 15, 2007
Agenda Item # E-2

SUBDIVISION REPORT

CITY OF TOPEKA PLANNING DEPARTMENT

Preliminary Plat Phase

Preliminary and Final Plat Phase

Final Plat Phase

NAME: DuMoss Subdivision- [P07/18]

OWNER/DEVELOPER: Donald C. & Sharrell L. Drane

ENGINEER/SURVEYOR: ILC of Topeka & Lawrence, LLC

GENERAL LOCATION: 4225 and 4145 NW Green Hills Road

PARCEL ID NUMBER: 0910104001016000 and 0910104001016010

JURISDICTION: Class "C" Subdivision located outside the City's Municipal Service Area and within the City's three-mile extraterritorial jurisdiction, all being within unincorporated Shawnee County

ANNEXATION: Class "C" Subdivisions are not required to consent to annexation per the City's Subdivision Regulations. The property will not receive City water or sanitary sewer services.

Area (acres)	# of Lots	Residential Density	Proposed Land Use	Zoning
16.23	2	N/A	Existing single-family residences	RR-1
Pending Zoning Case: N/A				
Design: The subject plat contains approximately 16.23 acres, measuring 1356' X 465' with its longest length running perpendicular to NW Green Hills Road. The purpose of the plat is to shift the west lot line of Lot 1 further over to the east, thereby creating a 2 acre lot less than three acres, which is not exempt from platting.				

BACKGROUND: The Planning Commission recommended approval of the preliminary plat on May 21, 2007.

SERVICES AND FACILITIES:

1. **WATER SERVICE:** The existing single-family residences are serviced by the Rural Water District No. 4.
2. **SEWAGE DISPOSAL:** The existing single-family residences are serviced by means of individual septic systems and lateral fields and the lot sizes have been approved by the Shawnee County Health Department for the use of septic.
3. **WASTEWATER PLAN SERVICE AREA:** The property is located within the Secondary Urban Service Area as reflected by the Shawnee County Wastewater Management Plan. The proposal appears in full compliance with said Plan.
4. **DRAINAGE CONDITIONS:** The Drainage Report as submitted by the Consultant to the City of Topeka Department of Public Works has been approved per memo dated August 6, 2007. The Drainage Report as submitted by the Consultant to the Shawnee County Department of Public Works has been approved per

October 15, 2007
Agenda Item # E-2

memo dated September 18, 2007. A 50' drainage easement has been dedicated to cover the north-south waterway through the subdivision, as required by the City Engineer.

5. STREET PLAN/ACCESS: The plat dedicates an additional 10' of right-of-way along NW Green Hills Road consistent with its designation as a rural major collector. Each property has an existing access point on to NW Green Hills Road.
6. FIRE DISTRICT: Soldier Township Fire
7. STREAM BUFFER: N/A
8. SCHOOL DISTRICT: 345- Seaman School District
9. PARKS/OPEN SPACE: N/A (Both single-family residences are currently existing.)

WAIVER/VARIANCE TO STANDARDS: N/A

PUBLIC CAPITAL IMPROVEMENTS IN WHICH THE DEVELOPER ANTICIPATES REQUESTING THE GOVERNING BODY TO PARTICIPATE: None anticipated.

CAPITAL IMPROVEMENT PLAN (CIP): The City and County CIPs (2007-2011) do not include any projects planned for this area.

CONFORMANCE TO COMPREHENSIVE PLAN: The property is located within the North Planned Growth Area of the *Land Use and Growth Management Plan 2025* which establishes this area for low density residential at an average of 3 DU's/acre assuming full municipal services are provided.

STAFF ANALYSIS: The overall design conforms to the established standards and provisions of the City Subdivision Regulations relative to design criteria. The subdivision is compatible with adjacent development and will not overburden existing and proposed public infrastructure facilities.

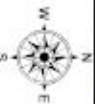
Based upon the above findings and staff analysis, the Planning Department recommends the Final Plat phase of DuMoss Subdivision be **APPROVED**, subject to:

1. Addition of *General Drainage Easement* note.

Prepared by:
Annie Driver, Planner I



P07/18 DuMoss Subdivision



FINAL PLAT
DUMOSS SUBDIVISION

A part of the Southeast Quarter of Section 1, Township 11 South,
Range 15 East of the 6th P.M., Shawnee County, Kansas.

Bk. _____, Pg. _____

Date _____, ____ _M.

LEGAL DESCRIPTION: Tract 1: A tract of land in the Southeast Quarter of Section 1, Township 11 South, Range 15 East of the Sixth Principal Meridian, Shawnee County, Kansas, described as follows: Commencing at the Northeast Corner of said Southeast Quarter; thence South 0 degrees 01 minutes 46 seconds West (assumed bearing) along the East line of said Southeast Quarter, 494.65 feet to the Point of Beginning; thence continuing South 0 degrees 01 minutes 46 seconds West along the East line of said Southeast Quarter, 200.00 feet; thence South 89 degrees 38 minutes 03 seconds West, 653.40 feet; thence North 0 degrees 01 minutes 46 seconds East, 200.00 feet; thence North 89 degrees 38 minutes 03 seconds East, 653.40 feet to the point of beginning.
Tract 2: A tract of land in the Southeast Quarter of Section 1, Township 11 South, Range 15 East of the 6th P.M., in Shawnee County, Kansas, further described as follows: Beginning at a point on the East line of said Quarter, a distance of 694.65 feet South of the Northeast corner of said Quarter; thence South 00°01'46" West along said East line, a distance of 200.07 feet; thence North 89°58'14" West, a distance of 50.00 feet; thence North 00°01'46" East, a distance of 18.00 feet; thence North 89°58'14" West, a distance of 192.00 feet; thence South 00°01'46" West, a distance of 180.00 feet; thence South 89°58'14" East, a distance of 242.00 feet to the East line of said Quarter Section; thence South 00°01'46" West along said East line, a distance of 82.25 feet to a point described as 1140 feet (measured 1139.64 feet) South of the Northeast corner of said Southeast Quarter; thence South 89°32'46" West, a distance of 242.00 feet; thence South 00°01'46" West, a distance of 180.00 feet to the North line of Chandler Subdivision; thence South 89°32'46" West, a distance of 1355.94 feet to a point described as 24 chains West of the East line of said Quarter; thence North 00°00'03" East, a distance of 826.74 feet (described as 12.5 chains), to a point described d as 24 chains West of the East line of said Quarter; thence North 89°38'03" East, a distance of 944.93 feet; thence South 00°01'46" West, a distance of 200.00 feet; thence North 89°38'03" East, a distance of 653.40 feet to the point of beginning, LESS a tract of land in the Southeast Quarter of Section 1, Township 11 South, Range 15 East of the 6th P.M. in Shawnee County, Kansas, described as follows: Beginning on the East line of said Quarter Section at a point 1140 feet described (1139.64 feet measured) South of the Northeast corner of said Quarter Section; thence South 89°32'46 West 242.00 feet; thence South 00°01'46" West 180.00 feet to the North line of Chandler Subdivision; thence South 89°32'46" West 1,355.94 feet to a point described as 24 chains West of the East line of said Quarter Section; thence North 00°00'03" East 362.25 feet; thence North 89°32'46" East 1,356.11 feet to a point 242.00 feet West of the East line of said Quarter Section; thence South 00°01'46" West, 98.21 feet; thence South 89°58'14" East 242.00 feet to the East line of said Quarter Section; thence South 00°01'46" West 82.25 feet along the East line of said Quarter Section to the point of beginning.

DEDICATION: KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS TO THE ABOVE DESCRIBED TRACT OF LAND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, BLOCKS AND PUBLIC WAYS WHICH SHALL BE KNOWN AS DUMOSS SUBDIVISION

NOTICE: IN THE EVENT THERE ARE OTHER OWNERS OR THOSE HOLDING ANY PROPRIETARY INTEREST IN ANY LAND CONTAINED IN THIS SUBDIVISION WHO DO NOT APPEAR AND DULY ACKNOWLEDGE THIS PLAT PRIOR TO THE TIME OF RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS, THE PLAT SHALL BE NULL AND VOID.

EASEMENTS: EASEMENTS ARE HEREBY GRANTED TO THE PUBLIC AS FOLLOWS: "UTILITY EASEMENTS" TO LOCATE, CONSTRUCT AND MAINTAIN OR AUTHORIZE THE LOCATION, CONSTRUCTION, MAINTENANCE AND USE OF CONDUITS FOR ALL AND ANY PURPOSE, WATER, GAS, SEWER MAINS, POLES AND WIRES OR ANY OR ALL OF THEM OVER, UNDER AND ALONG THE STRIPS MARKED "UTILITY EASEMENTS". A TEMPORARY CONSTRUCTION EASEMENT OF 12 FEET ADJACENT TO THE SIDE OF UTILITY EASEMENTS IS DEDICATED FOR THE USE OF THE PUBLIC UTILITIES WHILE CONSTRUCTION IS IN PROGRESS. SAID TEMPORARY CONSTRUCTION EASEMENTS ARE AUTOMATICALLY NULL AND VOID FOLLOWING INITIAL INSTALLATION OF UTILITIES WITHIN SAID UTILITY EASEMENTS AND SHALL NOT REQUIRE ANY ACTION BY THE GOVERNING BODY TO VACATE, REMOVE, OR OTHERWISE ELIMINATE.

NOTE: PROPERTY OWNERS ARE NOT TO PLACE ANY PERMANENT OR SEMI-PERMANENT OBSTRUCTION IN EASEMENTS.

STREETS: THE PUBLIC WAYS (STREETS AND ROADS) NOT HERETOFORE DEDICATED, ARE HEREBY DEDICATED TO THE PUBLIC.

BUILDING LINES: BUILDING OR SETBACK LINES ARE HEREBY ESTABLISHED AS SHOWN ON THE ACCOMPANYING PLAT AND NO BUILDING OR PORTION THEREOF SHALL BE BUILT BETWEEN THIS LINE AND THE STREET RIGHT-OF-WAY LINE.

CERTIFICATE OF APPROVALS: APPROVED BY THE TOPEKA METROPOLITAN PLANNING COMMISSION THIS _____ DAY OF _____, 2007.

CHAIR TOPEKA PLANNING COMMISSION PLANNING DIRECTOR: DAVID F. THURBON

THIS SUBDIVISION HAS BEEN PRESENTED TO THE CITY COUNCIL, CITY OF TOPEKA, KANSAS, ON, THIS _____ DAY OF _____, 2007, FOR ACCEPTANCE OF LAND TO BE DEDICATED FOR PUBLIC PURPOSES. THE CITY COUNCIL HEREBY ACCEPTS THE LAND FOR PUBLIC PURPOSES. BY THE CITY COUNCIL CITY OF TOPEKA, KANSAS

MAYOR: WILLIAM W. BUNTEN CITY CLERK: BRENDA YOUNGER

REVIEWED BY THE SHAWNEE COUNTY SURVEYOR, DATED THIS _____, 2007, in accordance with KSA Chapter 58, Article 20.

RULE A. SEYMOUR, L.S. No. 834, County Surveyor

ENTERED ON THE TRANSFER RECORD OF SHAWNEE COUNTY, KANSAS DATED THIS _____ DAY OF _____, 2007.

COUNTY CLERK: CYNTHIA A. BECK

SURVEYOR'S CERTIFICATE: I HEREBY CERTIFY THE DETAILS OF THIS PLAT TO BE CORRECT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL BOUNDARY CORNERS OF THIS SUBDIVISION OF LAND HAVE BEEN MONUMENTED, THAT IRON PINS WERE SET UNDER MY DIRECT SUPERVISION AS SHOWN ON THE ATTACHED PLAT THIS _____ DAY OF _____, 2007.

DENNIS L. HANDKE L.S. 786

FILED FOR RECORD IN THE OFFICE OF THE SHAWNEE COUNTY REGISTER OF DEEDS, ON THIS _____ DAY OF _____, 2007, AT _____ O'CLOCK.

REGISTER OF DEEDS: MARILYN L. NICHOLS

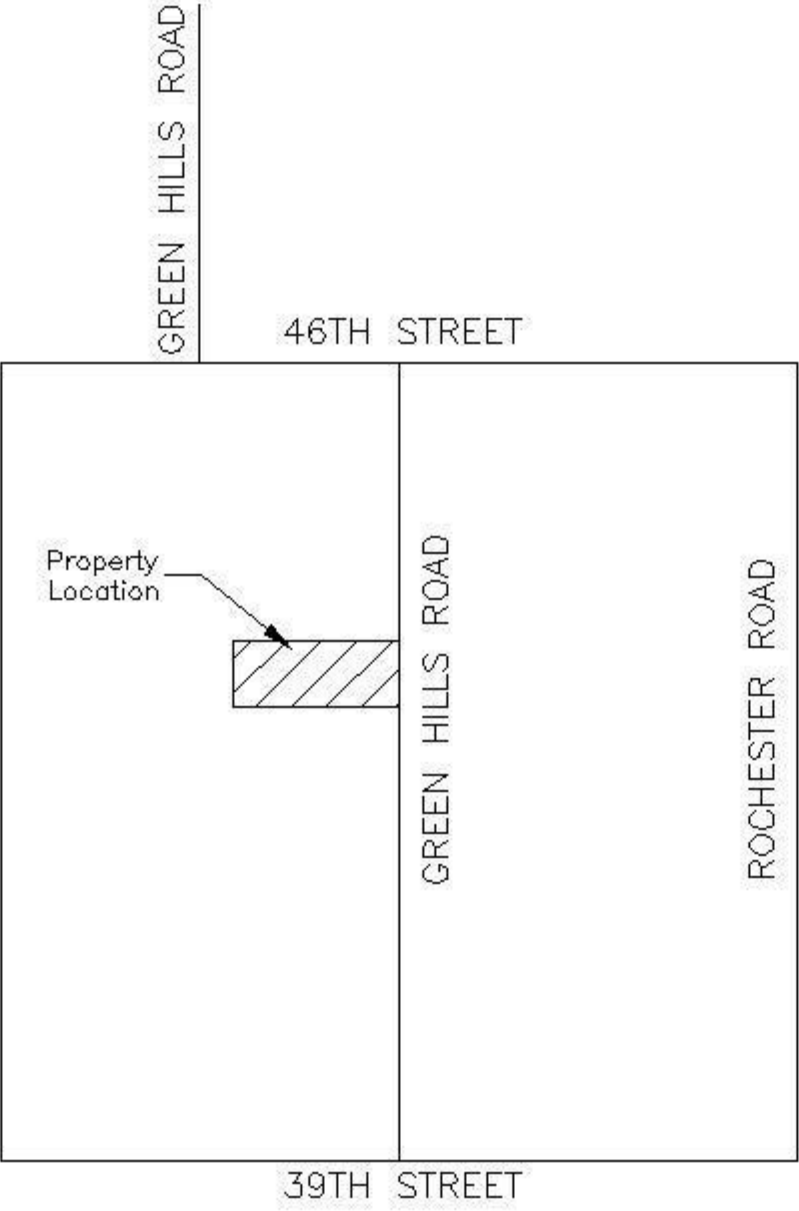
ILC of TOPEKA and LAWRENCE, L.L.C.
635 SE Quincy Street
Topeka, Kansas 66603
Phone (785) 233-9954
Fax (785) 233-0059

DUMOSS SUBDIVISION
FINAL PLAT
ILC Project No. 2007-35
Drawn by: CJW Client Name:
Check by: DLH Donald Drane
Date Drawn: Sept. 17, 2007 Sheet 1 of 1

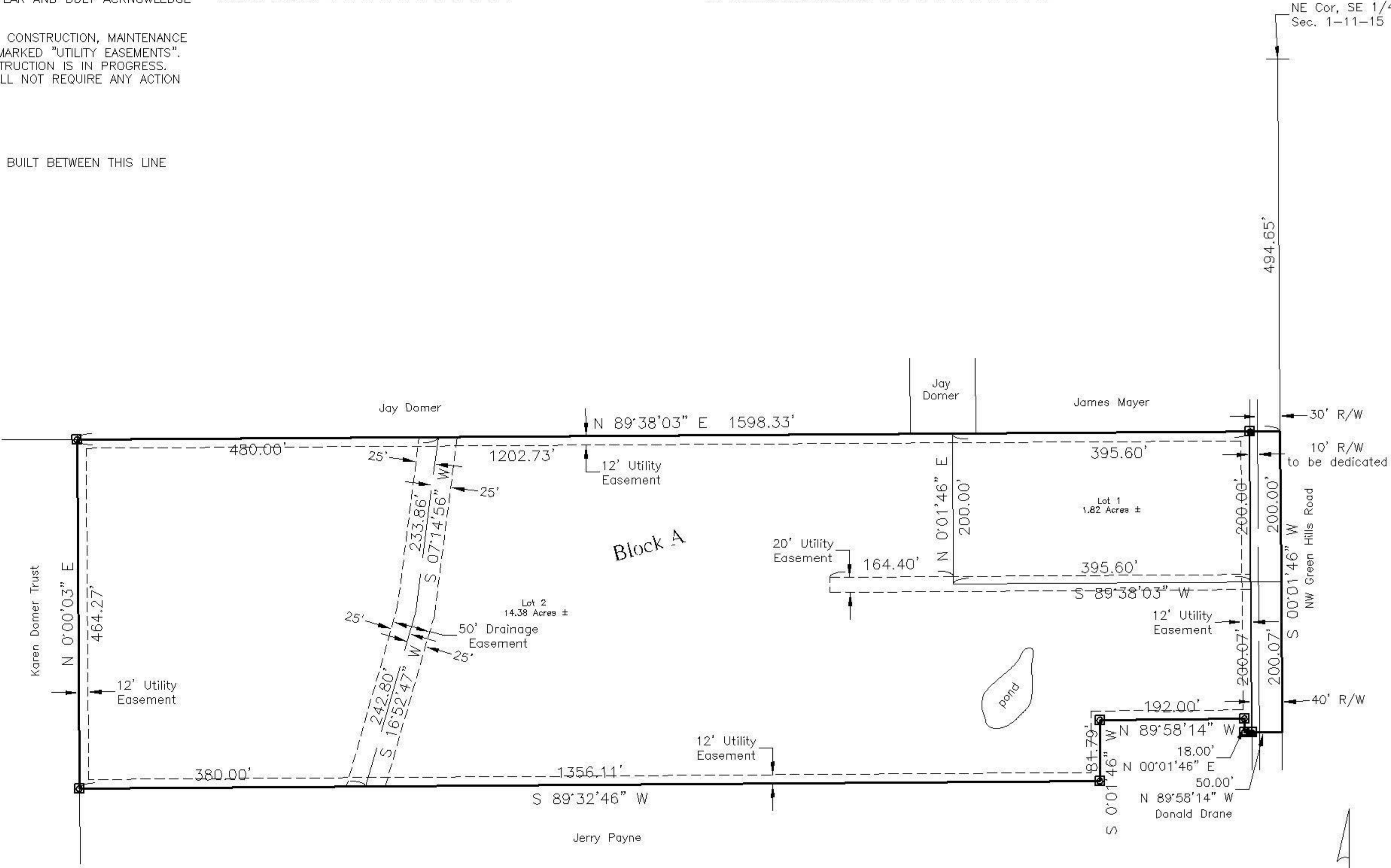
Owner
Donald Drane
4145 NW Green Hills Road
Topeka, Kansas 66618
785-286-0053

Surveyor
Dennis L. Handke
ILC of Topeka & Lawrence, LLC
PO Box 4715
Topeka, KS 66603
785-233-9954

Date drawn September 17, 2007.

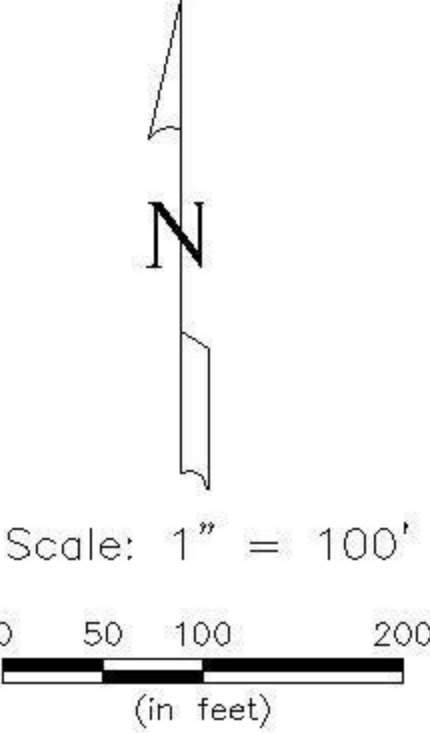


Vicinity Map
NOT TO SCALE



NOTES: This property lies within Zone C(area of minimal flooding) according to the Federal Emergency Management Agency, Flood Insurance Rate Map No. 200331 0065 C with an effective date of June 1, 1982.
Water will be provided by Rural Water district No. 4.
Sewer by Septic Systems.
Zoned RR.
The Shawnee County Health Agency has reviewed and approved the proposed plat for the use of the on-site septic system and lateral field on Lot 1.

Legend
[Symbol] = Set 5/8" x 24" Rebar in Conc. capped Handle LS 786
[Symbol] = Found Rebar & set in Conc.





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www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 4, 2007

 + Back  Print

DATE: November 20, 2007

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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DATE: November 20, 2007

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ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 19, 2007

+ Back Print

DATE: November 20, 2007

CONTACT PERSON: David Thurbon/Bill Fiander **DOCUMENT #:** N/A

SECOND PARTY/SUBJECT: Reser's Fine Foods **PROJECT #:** V07S/6

CATEGORY/SUBCATEGORY: 014 Ordinances – Non-Codified / 006 Vacations

CIP PROJECT: No

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

A PUBLIC HEARING relating to vacation request V07S/6 by Reser's Fine Foods to vacate a 50-foot wide strip of public street right-of-way located along the east side of SE Deer Creek Parkway about 600 feet south of SE 6th Avenue, City of Topeka, Shawnee County, Kansas.

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a 50-foot wide strip of public street right-of-way located along the east side of SE Deer Creek Parkway about 600 feet south of SE 6th Avenue, City of Topeka, Shawnee County, Kansas. Final Reading. (V07S/6) (Council District No. 3)(The Planning Department recommended approval.)

(Approval would vacate a 50-foot wide strip of public street right-of-way and establish a necessary drainage, stream buffer easement and utility easement.)

POLICY ISSUE:

N/A.

STAFF RECOMMENDATION:

The Planning Department recommends **APPROVAL** of the proposed vacation, with the condition that the necessary drainage, stream buffer and utility easements be retained.

BACKGROUND:

- The Kansas Statutes and Topeka Code Section 130-476(b) requires a public hearing in conjunction with street vacation petitions.
- A directional sign for Reesers truck traffic will be constructed within the area requested to be vacated.
- A drainage, stream buffer and utility easement will be retained.
- Approval of the vacation should not be construed to imply support for existing or subsequent land development.

BUDGETARY IMPACT:

N/A.

SOURCE OF FUNDING:

Item #13

N/A.

ATTACHMENTS:

[Vicinity Map](#)

[Application](#)

[Aerial](#)

[Ordinance](#)

[Legal Advertisement](#)

[Check-Off Page](#)

**Vacation
Legal Description**

A Portion of Deer Creek Parkway in the Northeast Quarter of Section 4, Township 12 South, Range 16 east of the 6th P.M., in the City of Topeka, Shawnee Count, Kansas, described as: Commencing at the Southwest corner of Lot 1, Block A in Reser's Subdivision, thence on a plat bearing of North 0°01'40" West on the most westerly line of Lot 1, 82.56 feet to the point of beginning; thence northerly on the West curved line of Lot 1, concave westerly, having a radius measure of 856.00 feet and an arc length of 244.90 feet, the chord of which bears North 25°13'34" East, 244.07 feet; thence North 72°58'13" West, 50.00 feet; thence southerly on a curve concentric with the West curved line of Lot 1, having a radius measure of 806.00 feet and an arc length of 230.60 feet, the chord of which bears South 25°13'34" West, 229.81 feet; thence South 56°34'40" East 50.00 feet to the point of beginning.

TOPEKA PLANNING DEPARTMENT

620 SE Madison Street-3rd Floor
Topeka, Kansas 66607

Office: (785) 368-3728
Fax: (785) 368-2535

PLANNING OFFICE USE ONLY	
Date Submitted <u>10-25-07</u>	Date Advertised
Application No. <u>V07576</u>	Date of Public Hearing
TO BE COMPLETED BY CITY CLERK'S OFFICE	
Filing Fee \$ <u>250.00</u>	Receipt No. <u>10308</u>

APPLICATION

City Vacation of Streets, Alleys and Easements

1. Applicant(s): Reser's Fine Foods
2. Applicant's Mailing Address: 3167 SE 10th St.
City Topeka State: KS Zip: 66607
3. Telephone: Area Code: 785 No.: 233-6431
4. Legal description of property requested to be vacated as prepared by the City of Topeka

Department of Public Works:

5. Check type of vacation: Street ☒ Alley ☐ Easement ☐ Other ☐
6. Legal description of property owned by the applicant which adjoins the street, alley or easement to be vacated:
Lots 089-PP-1311 980300 Block No.
In Subdivision

Metes and Bounds Description, if unplatted:

Appx. 25' East & 25' South of truck entrance to 3215 SE 10th St. off Deer Creek Trafficway.

13. How are adjoining properties used?

Commercial Food Mfg.

14. In your opinion, would the proposed vacation injure or endanger any private rights?

NO

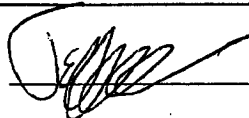
15. In your opinion, would the public suffer any loss or inconvenience should the petition to vacate be approved?

NO

16. In the event this proposed vacation is to vacate street or alley right-of-way, are you aware of the applicability of the district zoning on the subject property? Please briefly explain:

N/A

Signature of Applicant(s)



(Please Attach Any Additional Information)

If the owner(s) of record is to be represented by legal counsel or an authorized agent, please complete the following so that communications pertaining to this application may be forwarded to the appropriate individual.

Name of Representative Jeff Russell- Reser's Fine Foods

Street Address 3139 SE 10th St.

City Topeka

State KS

Zip Code 66607

Telephone No. (785) 233-6431

Fax No. (785) 357-7369

7. Are there other owners of land who own property adjoining the subject street, alley or easement proposed to be vacated who, pursuant to K.S.A. 12-504, would be a property party to the petition to vacate? Yes ☐ No ☒

If yes, please list said owner's name(s) and mailing address.

8. Briefly, describe the proposed development of the subject property and your reasons for vacating the property:

Wayfinding sign for truck traffic at Reser's Deer Creek Potato Processing Facility. Current setbacks & drainage easements do not allow for the placement of a directional sign for truck traffic.

9. Will the area proposed for vacation preclude, restrict, hamper or lessen ingress-egress to other similarly abutting properties?

NO

10. Do you concur with the retention of the subject area as an easement should the reviewing utility or public agency request such to cover existing or proposed utility lines?

NO

11. Will any permanent structures be constructed within the area proposed for vacation?

Yes

12. Will the area proposed for vacation create any unique, adverse or undesirable traffic conditions?

NO



2006 Aerials

V07S/6 Reser's Fine Foods

(Published in the Topeka Metro News _____)

ORDINANCE NO.

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a 50-foot wide strip of public street right-of-way located along the east side of SE Deer Creek Parkway about 600' south of SE 6th Avenue, City of Topeka, Shawnee County, Kansas. **(V07S/6)**
(Council District No. 3)

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

Section 1. That pursuant to the requirements of K.S.A. 12-504 as amended, a petition by Reser's Fine Foods, as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described street right-of-way located within the City of Topeka, Shawnee County, Kansas:

A Portion of Deer Creek Parkway in the Northeast Quarter of Section 4, Township 12 South, Range 16 east of the 6th P.M., in the City of Topeka, Shawnee Count, Kansas, described as: Commencing at the Southwest corner of Lot 1, Block A in Reser's Subdivision, thence on a plat bearing of North 0°01'40" West on the most westerly line of Lot 1, 82.56 feet to the point of beginning; thence northerly on the West curved line of Lot 1, concave westerly, having a radius measure of 856.00 feet and an arc length of 244.90 feet, the chord of which bears North 25°13'34" East, 244.07 feet; thence North 72°58'13" West, 50.00 feet; thence southerly on a curve concentric with the West curved line of Lot 1, having a radius measure of 806.00 feet and an arc length of 230.60 feet, the chord of which bears South 25°13'34" West, 229.81 feet; thence South 56°34'40" East 50.00 feet to the point of beginning.

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on November 20, 2007, the petition is ready for determination by the Council of the City of Topeka, Kansas.

Section 3. That the Council of the City of Topeka, after being duly informed and hearing the evidence presented finds that:

- a. Legal notice was given as required by K.S.A. 12-504 as amended.
- b. No private rights will be injured or endangered by such vacation.

- c. The public will suffer no loss or inconvenience by such vacation.

Section 4. That the Council of the City of Topeka does hereby find that justice requires the petition of vacation be granted and does hereby order the vacation of the below described street right-of-way located within the City of Topeka, Kansas:

A Portion of Deer Creek Parkway in the Northeast Quarter of Section 4, Township 12 South, Range 16 east of the 6th P.M., in the City of Topeka, Shawnee Count, Kansas, described as: Commencing at the Southwest corner of Lot 1, Block A in Reser's Subdivision, thence on a plat bearing of North 0°01'40" West on the most westerly line of Lot 1, 82.56 feet to the point of beginning; thence northerly on the West curved line of Lot 1, concave westerly, having a radius measure of 856.00 feet and an arc length of 244.90 feet, the chord of which bears North 25°13'34" East, 244.07 feet; thence North 72°58'13" West, 50.00 feet; thence southerly on a curve concentric with the West curved line of Lot 1, having a radius measure of 806.00 feet and an arc length of 230.60 feet, the chord of which bears South 25°13'34" West, 229.81 feet; thence South 56°34'40" East 50.00 feet to the point of beginning.

Section 5. That the Council of the City of Topeka does hereby find that justice further requires the provision for the retention of a drainage easement, a stream buffer easement and a utility easement over the described property as set forth in Section 4 and does hereby order the retention of the below described area as easement:

Drainage and stream buffer easement:

A Portion of Deer Creek Parkway in the Northeast Quarter of Section 4, Township 12 South, Range 16 east of the 6th P.M., in the City of Topeka, Shawnee Count, Kansas, described as: Commencing at the Southwest corner of Lot 1, Block A in Reser's Subdivision, thence on a plat bearing of North 0°01'40" West on the most westerly line of Lot 1, 82.56 feet to the point of beginning; thence northerly on the West curved line of Lot 1, concave westerly, having a radius measure of 856.00 feet and an arc length of 223.66 feet, the chord of which bears North 25°56'23" East, 223.03 feet; thence North 71°32'55" West, 50.00 feet; thence southerly on a curve concentric with the West curved line of Lot 1, having a radius measure of 806.00 feet and an arc length of 210.60 feet, the chord of which bears South 25°56'13" West, 210.00 feet; thence South 56°34'40" East 50.00 feet to the point of beginning.

Utility easement:

A Portion of Deer Creek Parkway in the Northeast Quarter of Section 4, Township 12 South, Range 16 east of the 6th P.M., in the City of Topeka, Shawnee Count, Kansas, described as: Commencing at the Southwest corner of Lot 1, Block A in Reser's Subdivision, thence on a plat bearing of North 0°01'40" West on the most westerly line of Lot 1, 82.56 feet to the point of beginning; thence northerly on the West curved line of

Lot 1, concave westerly, having a radius measure of 856.00 feet and an arc length of 244.90 feet, the chord of which bears North 25°13'34" East, 244.07 feet; thence North 72°58'13" West, 50.00 feet; thence southerly on a curve concentric with the West curved line of Lot 1, having a radius measure of 806.00 feet and an arc length of 230.60 feet, the chord of which bears South 25°13'34" West, 229.81 feet; thence South 56°34'40" East 50.00 feet to the point of beginning.

Section 6. The City Clerk is hereby directed to certify a copy of this ordinance to the Shawnee County Register of Deeds Office for appropriate recording.

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

PASSED AND APPROVED by the Council of the City of Topeka _____, 2007.

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified ____
Not To Be Codified X

Please have the attached published in the Topeka Metro News in the Legal Advertising Section on November 2, 2007 and again on November 9, 2007.

IN THE MATTER OF THE PROPOSED VACATION OF:

Vacation of a 50-foot wide strip of public street right-of-way located along the east side of SE Deer Creek Parkway about 600' south of SE 6th Avenue, City of Topeka, Shawnee County, Kansas. **(V07S/6) (Council District No. 3)**

NOTICE OF PUBLIC HEARING

(Pursuant to K.S.A. 12-504 et seq.)

To Whom It May Concern:

Public notice is hereby given that a petition has been filed by Reser's Fine Foods, owners of the concerned property which includes a 50-foot wide strip of public street right-of-way and praying that the right-of-way located on said property be vacated.

The petition will be presented to the Council of the City of Topeka for hearing on November 20, 2007, at 6:00 P.M. or as soon thereafter as the same may be heard in the City Council Chambers, Municipal Building, 2nd Floor, 8th and Monroe Streets, Topeka, Kansas, at which time and place all interested persons may appear and be heard, either for or against granting the prayer of said Petition.

**BY THE GOVERNING BODY,
CITY OF TOPEKA, KANSAS**

STREET/ALLEY/EASEMENT/SUBDIVISION VACATION

Case No.: V07S/6 Location: Along the east side of SE Deer Creek Parkway about 600' S. SE 6th Avenue.

DEPARTMENTS:

- **Water Division:** X No Objection Objection
- **Engineering:** X No Objection Objection
Comments: A drainage and stream buffer easement must be retained over all but the north 20' of the right-of-way to be vacated.

UTILITY COMPANIES:

- **AT&T:** X No Objection Objection
- **Westar:** X No Objection Objection
Comments: Westar has existing street light poles and overhead conductor which are located along both the west & east right-of-way of SE Deer Creek Parkway. Westar will agree to the vacation ***if*** an easement is granted to allow for the continued operation, maintenance & replacement of their electric facilities.
- **Kansas Gas Service:** X No Objection Objection
- **Cox Communications:** X No Objection Objection

Cindy Johnson, Planner I

October 30, 2007



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www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 29, 2007

+ Back Print

DATE: November 20, 2007

CONTACT PERSON: David Thurbon/Bill Fiander **DOCUMENT #:** N/A

SECOND PARTY/SUBJECT: Philip and JoAnn Shideler **PROJECT #:** A07/8

CATEGORY/SUBCATEGORY: 014 Ordinances – Non-Codified / 001 Annexation

CIP PROJECT: No

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, as amended, on property generally located north of SW 17th Street approximately 797 feet west of SW Arvonja Place within unincorporated Shawnee County, Kansas, and contiguous to the City of Topeka corporate limits, and said land being annexed for all City purposes. Final Reading. (A07/8) (Council District No. 8)

(The property owner has granted permission to annex a 12.35 acre tract for potential commercial use.)

POLICY ISSUE:

The proposed annexation is consistent with the City's Comprehensive Plan policy for annexation since the property is contiguous with the City's corporate limits.

STAFF RECOMMENDATION:

In conjunction with all City reviewing departments, staff recommends that this request be **APPROVED**.

BACKGROUND:

- The property is contiguous with the City corporate limits.
- The property owner has granted consent to annexation.
- See department comments.
- City Council options:
 - **ADOPT** the Ordinance taking such land into and making it a part of the City for all City purposes and assigning it to City Council District No. 8; or
 - **DISAPPROVE** the Ordinance and the site would not be annexed into the City of Topeka.

BUDGETARY IMPACT:

Item #14

Upon annexation, the subject property will be made a part of the City for all City purposes. A detailed service plan is not required for "consent" annexations. Department comments are attached.

SOURCE OF FUNDING:

N/A.

ATTACHMENTS:

[Ordinance](#)

[Aerial](#)

[Department Comments](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO.

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, as amended, on property located north of SW 17th Street about 797-feet west of SW Arvon Place and adjacent to the City of Topeka corporate limits, and said land being annexed for all City purposes. (A07/8) (Council District No. 8)

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

Section 1. That the following described land, meeting the conditions for annexation prescribed in K.S.A. 12-520(a)(7), as amended, is hereby annexed and made a part of the City of Topeka, Kansas:

A tract in the Northeast Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., in Shawnee County, Kansas, described as: Beginning at the Southwest corner of the Northeast Quarter of said Section 5; thence on an assumed bearing of North 88°03'39" East on the South line of said Northeast Quarter, 342.81 feet; thence North 01°56'21" West on the West line of Lot 1, Block A in Shideler Plaza Subdivision and the extension of said West line, 796.08 feet; thence North 88°03'39" East, 149.83 feet; thence North 1°56'21" West, 501.23 feet; thence North 63°27'19" West, 117.10 feet; thence North 26°32'23" East, 85.92 feet to a point on the South line of Lot 1, Block A in West Hill Subdivision; thence North 89°40'08" West on the last said South line, 373.75 feet to the Southwest corner of said Lot 1; thence South 00°19'52" West on the West line of said Northeast Quarter, 1444.61 feet to the point of beginning. Contains 12.35 acres, more or less.

Section 2. That all land described in Section 1 of this Ordinance is taken into and made a part of the City for all City purposes and is assigned to City Council District No. 8.

Section 3. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the office city newspaper.

PASSED AND APPROVED by the Council of the City of Topeka _____, 2007.

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified __

Not To Be Codified X



TOPEKA POLICE DEPARTMENT

INTEROFFICE MEMORANDUM

TO: CHIEF R. MILLER
FROM: CAPTAIN M.J. FOX
SUBJECT: ANNEXATION OF 17TH AND ARVONIA PLACE [A07/8]
DATE: 10/18/2007

The area designated as North of SW 17th Street about 797 feet west of SW Arvonla Place is zoned for commercial use. The population for this location would vary depending on what type of business was at the location and hours of operation. The police call load can be calculated once the estimated population at peak time is determined.

The Topeka Police Department would use existing services to answer police calls in this area. It would be assigned to the current patrol zone 2. Zone 2 has a north boundary of the Kansas River and a west boundary of the city limits. There are current businesses located around the proposed annexation so the Topeka Police Department has existing response plans for this.



Ronald Miller



Topeka Fire Department

Office of the Fire Marshal

Voice: (785) 368-4130

Fax: (785) 368-1650

REPORT TO REGIONAL PLANNING STAFF

To: Cindy Johnson, Planning
Date: October 23, 2007
Subject: A07/8 North of SW 17th St. about 797' west of SW Arvonina Place

Recommendation and Comments:

1. The Topeka Fire Department has three fire stations that would provide primary fire protection to this area. They are station #12, which is 1.98 miles away, station #8 which is 3.18 miles away, and station #7 which is 3.12 miles away. The response times for the companies are as follows: E12 and Car 103 have a projected response time of 4 minutes; E8 and A8 have a projected response time of 5 minutes; and E7 has a projected response time of 8 minutes. The responding unit will be based upon response time calculations to the annexed property.
NOTE: Mileage was calculated from the intersection of 17th and Arvonina since no exact address was given.
2. These companies will be able to provide adequate fire protection for this area. Each company is assigned four firefighters per shift and never operates with less than three fire fighters

Report By: Dorian Branch, T.F.D.
Fire Safety Inspector
Fire Prevention Division

**SERVICES AVAILABLE
for
12 Acres North of S.W. 17th Street, approx. 800 feet west of
S.W. Arvonja Place**

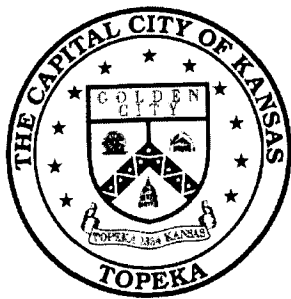
Public Streets

The 12 acre site that is proposed for annexation is not currently served by any public street. This site would be adjacent on its south side to S.W. 17th Street if S.W. 17th Street was extended from its current end just west of S.W. Arvonja Road to Urish Road. The section of S.W. 17th Street between S.W. Arvonja Place and S.W. Urish Road would be classified as a minor arterial. The 2034 Metropolitan Topeka Long Range Transportation Plan does list the improvement of S.W. 17th Street between S.W. Urish Road and S.W. Arvonja Place as a recommended improvement. The project is not currently shown in the City of Topeka's Capital Improvement Program. A funding source or a timeframe for the improvements of S.W. 17th Street have not yet been identified.

Storm Drainage

According to the Federal Emergency Management Agency (FEMA) Flood Boundary and Floodway Map for Shawnee County, Kansas, Panel 100, no portion of the annexation area is within the 100 year floodplain (Zone A). Storm drainage within the proposed annexation area is currently handled by overland flow.

The site is located within the Wanamaker Drainage Basin where there is a basin-wide detention requirement. Detention will be required for any increase in runoff created by new development. The northern portion of the site drains northwesterly and the southern portion drains easterly.



CITY OF TOPEKA

Transportation Operations
927 NW Harrison St.
Topeka, KS 66608
Tel: (785) 368-3913

Traffic Operations Section



Carlos Salazar, Manager
Email: csalazar@topeka.org
Fax: (785) 368-3936
www.topeka.org

MEMORANDUM

TO: Cindy Johnson, Planner I
Planning Department

FROM: Carlos J. Salazar, Manager
Traffic Operations

Cc: Linda Voss, Traffic Engineer
Engineering Division

SUBJECT: [A07/8] North of SW 17th Street approximately 797' west of SW Arvon Place
Consideration for annexation

DATE: October 15, 2007

The Traffic Operations Section has reviewed the submitted proposed annexation plan. Our Section will be able to provide appropriate traffic control signing and street name signs when needed. The developer will need to provide the Traffic Engineer a minimum of 2 weeks advance notice advising that street name signs and other traffic control signing will need to be installed. The developer will be responsible for the placement of signing, stop signs and/or other signs, on private drives and streets that exit onto city streets/roadways. Also, please be advised the current procedure is the City does not provide streetlights but residents may request them through the Traffic Operations Section for installation when funding is available.

Cindy Johnson

From: Amy Davison
Sent: Monday, October 22, 2007 9:33 AM
To: Cindy Johnson
Subject: RE: A07/8

Cindy,

Water Pollution Control Division has reviewed A07/8 and does not have any concerns related to this Planning item.

Thanks.

*Amy Davison
Administrative Officer
City of Topeka Water Pollution Control
785.368.4237
www.topeka.org*

From: Cindy Johnson
Sent: Monday, October 22, 2007 9:22 AM
To: Amy Davison; Shawn Bruns; Greg T Bailey
Subject: A07/8

Have you had a chance to review the above case? I need to finalize this & place it on the City Council's agenda. Engineering needs the annexation completed before Thanksgiving.

Cindy Johnson

From: Don Rankin
Sent: Friday, October 19, 2007 3:35 PM
To: Cindy Johnson
Cc: Ken Bass; Larry Shannon
Subject: Annexation of area North of SW 17th Street about 797 feet west of SW Arvon Place

The water division can serve this area with existing water mains on the 17th Street alignment.

Don Rankin
Water Superintendent
City of Topeka
Public Works/Water Division
Tel: 785-368-3821
Fax: 785-368-3825

Cindy Johnson

From: Terry Bertels
Sent: Thursday, October 04, 2007 11:26 AM
To: Cindy Johnson
Subject: annexation on SW 17th west of Lowe's

Cindy,

Parks and Recreation is ok with this annexation.

Thanks.

Terry

Terry L. Bertels
Interim Director Parks and Recreation
City of Topeka - www.topeka.org
620 SE Madison 1st floor
Topeka, KS 66607
(785)368-2470 (w)
(785)368-3890 fax
tbertels@topeka

"Parks and Recreation of Topeka...Your Recreation Destination!"

10/10/2007



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 29, 2007

+ Back Print

DATE: November 20, 2007

CONTACT PERSON: David Thurbon/Bill Fiander **DOCUMENT #:** PUD04/5B

SECOND PARTY/SUBJECT: Keystone Development Group, Inc. **PROJECT #:** N/A

CATEGORY/SUBCATEGORY: 014 Ordinances – Non-Codified / 007 Zoning

CIP PROJECT: No

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the Master PUD Plan of Arbor Valley Subdivision, by changing the maximum allowable dwelling units from 260 dwelling units (M-1a use group) to a maximum 300 dwelling units (202 dwelling units at M-1a use group and 98 dwelling units at M-2 use group) on property located at 6423 SW Huntoon Street in the City of Topeka, Kansas. Final Reading. (PUD04/5B) (Council District No. 8) (Planning Commission recommended approval by a vote of 9-0-0.) (Planning Department recommended approval.)

(Approval would increase the density of the existing development by 40 units, to include a 98-unit senior apartment building.)

POLICY ISSUE:

Request is consistent with the land use policies and principles of the Comprehensive Plan.

STAFF RECOMMENDATION:

The Planning Commission recommended this proposal be **APPROVED** by a vote of **9-0-0** at their **October 15, 2007** meeting as referenced in their attached minutes. The Planning Department recommended that this request be **APPROVED** as referenced in the attached staff report.

BACKGROUND:

- The City Council approved this proposal for a major amendment to the Master PUD Plan for Arbor Valley on June 12, 2007 by a vote of 9-0-0. However, the applicant failed to record the Master PUD Plan with the County Register of Deeds within 45 days upon approval by the governing body as required by Sect. 48-24.05 of the Comprehensive Zoning Regulations. Therefore, the amendment was deemed null and void and the applicant is seeking City Council re-approval of the Master PUD Plan.
- See staff report.
- City Council options:
 - **Adopt** the recommendation of the Planning Commission by Ordinance;
 - **Override** the Planning Commission's recommendation by a two-thirds (6 votes) majority of City Council membership; or,
 - **Return** such recommendation to the Planning Commission with a statement specifying the basis for the City

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[staff report](#)

[zoning map](#)

[aerial map](#)

[PUD plan- Pg. 1](#)

[PUD plan- Pg. 1](#)

[zoning application](#)

[ordinance](#)

October 15, 2007
Agenda Item # F-1

ZONING REPORT

CITY OF TOPEKA PLANNING DEPARTMENT

CASE NO: PUD04/5B Arbor Valley

by: **Keystone Development Group, Inc.**

The Topeka Planning Commission heard this proposal on May 21, 2007. At that time the Planning Commission recommended approval of an amendment to the Master PUD Plan for Arbor Valley to increase the maximum allowable dwelling units from 260 (M-1a use) to 300 dwelling units (204 units at M-1a and 96 units at M-2). The vote was 7-0-0.

The Topeka City Council approved the proposal on June 12, 2007. The PUD Master Plan was never recorded with the Register of Deeds. Section 48-24.05 of the Comprehensive Zoning Regulations states: "The master plan as approved by the governing body with all conditions, revisions, and restrictions as set forth or imposed by said action of the governing body shall be recorded within 45 days of the action date of the governing body with the Register of Deeds. Failure by the applicant to provide the Planning Department the approved plan shall deem the petition as null and void." This note was also on the approved Master PUD Plan.

*This action **changes** the proposal as submitted to the Planning Commission on May 21, 2007 and to the City Council on June 12, 2007 by adding a fire lane around the rear of the proposed apartments, as required by the City of Topeka Fire Department. The addition of the fire lane shifts the parking spaces further south and slightly alters the number of units from 204 units at M-1a and 96 units at M-2 **TO** 202 units at M-1a and 98 units at M-2. The applicant is seeking reaffirmation of the Planning Commission and City Council re-approval because the Master PUD Plan was not recorded with the Register of Deeds in the time required.*

PROPOSAL: A request to amend the **Master Planned Unit Development Plan for Arbor Valley** by changing the maximum allowable dwelling units from 260 dwelling units (M-1a use) **TO** a maximum of 300 dwelling units (204 dwelling units at M-1a use and 96 dwelling units at M-2 use).

LOCATION: 6423 SW Huntoon Street

PARCEL ID NUMBER: 1430502001001010 and 1430502001001000

PRESENT USE: The entire property comprises approximately 37.3 acres. The present PUD allows for 260-dwelling units of duplex and triplex senior residences. 48 of these dwelling units have been partially constructed as part of Phase I of the project.

PROPOSED USE: The proposed major amendment would affect approximately 3.3 acres and would allow 96 senior apartment units to be constructed (two connected buildings) and remove 56 dwelling units from the proposed duplexes and triplexes. The total density of the affected area would increase from 17.0

October 15, 2007
Agenda Item # F-1

units/acre to 29.1 units/acre. The entire PUD area density would increase from 7.0 units/acre to 8.0 units/acre.

CHARACTER OF NEIGHBORHOOD: The property is located along a principle arterial (SW Huntoon) and on the western edge of the Wanamaker/I-470 commercial corridor in an area currently comprised of offices and medium- to high-density residential uses. The Summit Woods Apartment complex (high-density residential) lies to the east of the property. The remainder of the land to the west is vacant and undeveloped. The Matrot Castle, currently being used as an office, lies to the north of the property, as well as vacant land platted and zoned for single-family residential.

ZONING CLASSIFICATION AND USE OF SURROUNDING PROPERTIES:

	ZONING CLASSIFICATION	PRESENT LAND USE
North:	“O&I-1” Office and Institutional District “R-3” Single-Family Dwelling District	Matrot Castle & future office Future single-family residential
South:	“RR-1” Residential Reserve District	Vacant/undeveloped
East:	“PUD” Planned Units Development (M-2 use)	Summit Woods Apartments
West:	“RR-1” Residential Reserve District	Vacant/undeveloped

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: The property has remained zoned “PUD” Planned Unit Development (M-1a use) since 2004 to allow for the existing development of senior duplexes and triplexes. Currently, 48 dwelling units are only partially constructed and remain unoccupied.

SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED: The property is still suitable as presently restricted for limited multi-family elderly uses. The limited multi-family elderly use will provide a transitional area from the higher density apartments to the east and future lower density residential to the west. The upzoning of part of the property to M-2 uses should not adversely change the use and character of this development as the proposed apartments are adjacent to Summit Woods and are still planned for multi-family elderly uses. The density of the development is only being increased by 40 additional dwelling units as 56 will be removed to allow room for the apartments.

CONFORMANCE TO COMPREHENSIVE PLAN: The *Land Use and Growth Management Plan – 2025* has identified this area for Mixed-Use Development. The mixed-use district encompasses neighborhood settings of higher intensity to encourage compatible residential and/or community uses. The property to the east has developed as a high density multi-family development. The proposed change to this development is compatible with the property to the east and would still allow for a transition to future lower density development to the west.

October 15, 2007
Agenda Item # F-1

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: The subject proposal should have no detrimental effect on nearby properties, as the property will still be used in a manner consistent with the surrounding area.

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 proposed reclassification would still allow the property to develop consistent with the surrounding area for multi-family uses and as a transition for future lower density development to the west. There should be no significant loss to the public health, safety and welfare by reclassification of the property to allow for the senior apartments. The hardship imposed upon the individual landowner may be inability to acquire the financing to complete the project. If the project is left partially constructed with unoccupied units this could potentially leave the area open to blight and possibly affect the property values of the surrounding area.

AVAILABILITY OF PUBLIC SERVICES: All essential public utilities, services and facilities will be extended to this location at developer expense at the time of its development and should not be overburdened by this proposal. SW Huntoon is currently a two-lane street and not scheduled for capital improvements in the near future. Existing traffic counts for this location shows 7,120 vehicle trips/day. However, the proposed amendment only increases the maximum number of allowable dwelling units by 40 units, which are still planned for multi-family elderly uses. The total estimated increase in traffic from the proposed changes would be 120 trips per day and would not significantly affect existing and proposed traffic on Huntoon.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:

Minimum Lot Area: N/A

Setbacks: A variance for the 25' perimeter setback was approved with the original PUD proposal.

Platting: Platted as Lot 1, Block A, Arbor Valley Subdivision. The lot will require replatting prior to the creation of any separately-owned tracts of land. A PUD note has been added stating, "All separately-owned tracts of land shall be platted prior to the issuance of any further building permits."

CONCERNS OF STAFF AND REVIEWING AGENCIES: This request was submitted to all applicable reviewing agency staff for consideration and comment. All issues or concerns that were expressed by reviewing staff relative to code compliance or provisions of public service have been resolved or will be resolved at the building permit stage.

ADDITIONAL FACTORS:

1. Neighborhood Improvement Association: N/A
2. Capitol Area Plaza Authority: N/A

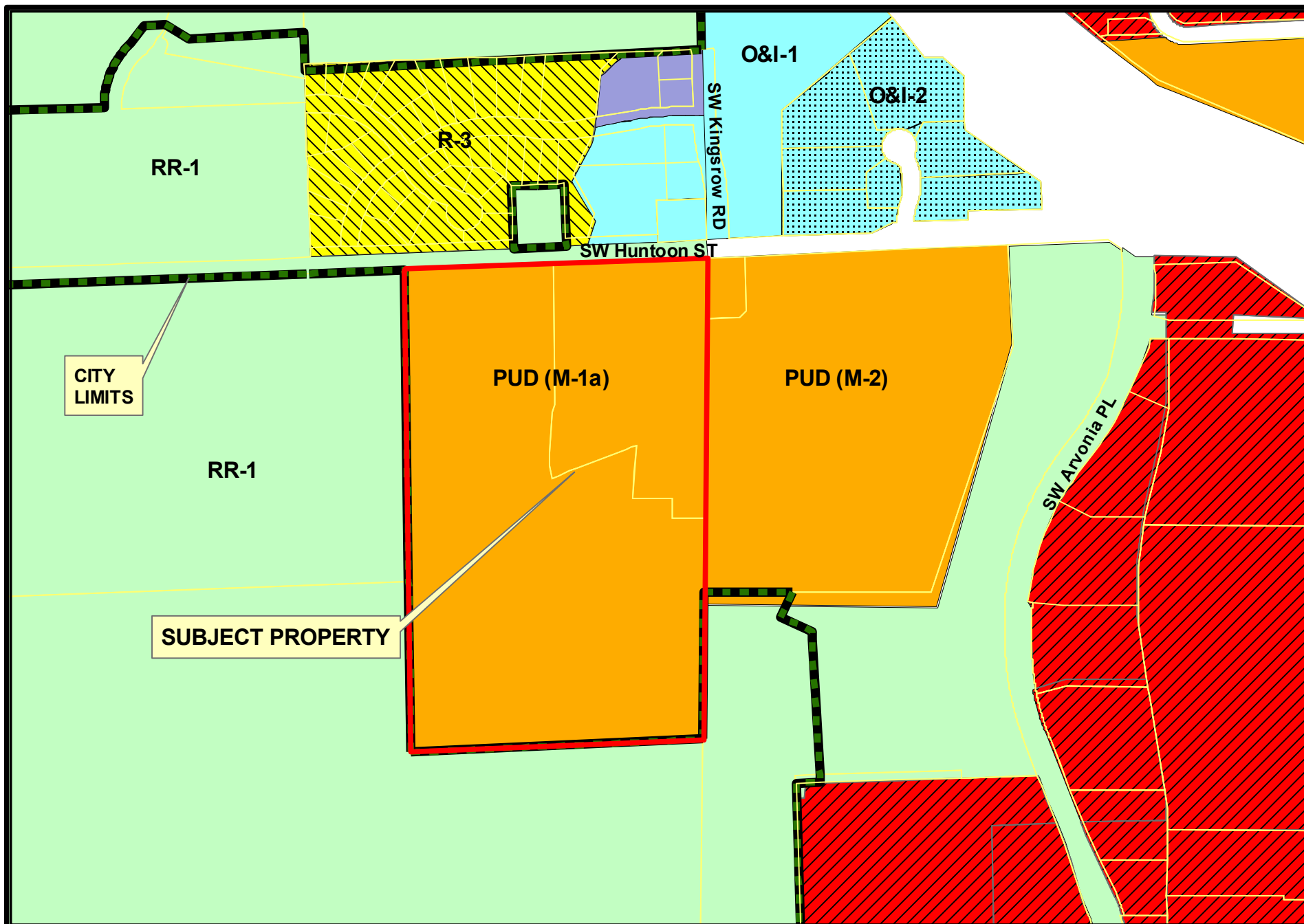
October 15, 2007
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3. Flood Hazard Area: N/A
4. Airport Hazard Area: N/A
5. Historic Properties: The Matrot Castle, listed on the State Register, lies within the 500' environs of the subject property.

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

1. Use and development of the site in accordance with the recorded Master Planned Unit Development Plan for Arbor Valley Subdivision.

Prepared by:
Annie Driver, Planner I



PUD04/5B By: Keystone Development Group, Inc.



PUD04/5B By: Keystone Development Group, Inc.

City of Topeka Planning Department



Application Form Re-Zoning or Conditional Use Permit

City of Topeka Planning Department
620 SE Madison, 3rd Floor
Topeka, KS 66607
Phone 785-368-3728 Fax 785-368-2535

Applicant Information

Property Owner(s): Keystone Development Group, Inc.

Arbor Valley One, L.L.C.

Street Address: 6423 SW Huntoon

City: Topeka State: KS Zip: 66615 E-mail: _____

Business phone: _____ Home phone: _____ Fax: _____

Authorized Owner Representative (if any): _____

Street Address: _____

City: _____ State: _____ Zip: _____ E-mail: _____

Business phone: _____ Home phone: _____ Fax: _____

Authorized Professional Agent (Engineer, Architect, Attorney, etc.) – if different from above

Bartlett & West Engineers, Inc. - John G. Ladson

Street Address: 1200 SW Executive Drive

City: Topeka State: KS Zip: 66615 E-mail: john.ladson@bartwest.com

Business phone: 785-272-2252 Home phone: _____ Fax: 785-273-8735

Authorization

I (we) am (are) the owner(s) of record for the subject property and hereby authorize filing of this application and posting of signage on the property by the City of Topeka for the requested zoning change. I (we) declare that all required materials are submitted along with this application and that the information submitted is complete and accurate. I (we) hereby acknowledge that all appropriate procedures, policies and regulations have been reviewed and understood, including authorization of any agent as listed in this application.

Owner 1 Name: Keystone Development Group, Inc. by George Hopper, President

Owner 1 Signature: [Signature] PRESIDENT

Date: 04/06/07

Owner 2: Arbor Valley One, L.L.C. by George Hopper, Vice President

Owner 2 Signature: [Signature] VICE PRESIDENT

Date: 04/06/07

Requested Action and Site Information

Address of Property to be Re-Zoned (or if vacant, describe general location): 6423 SW Huntoon

Legal Description of Property: lot(s) 1 block A subdivision Arbor Valley Subdivision
(if unplatted, attach metes and bounds description)

Total Area (acres/square feet): 36.42 acres

Type of Application:

1. Re-zoning from: M-1a to: M-2 in a portion of the property

2. Conditional Use Permit proposed use: _____

Existing Use (# of dwelling units, square feet, etc.): ²⁶⁰48 dwelling units MAX. PROPOSED
(48 DU'S BUILT)

How long has the existing use been on the property? 48 units - 1 year approx.

Proposed Use (# of dwelling units, square feet, etc.): 300 dwelling units proposed MAX.

Was a Pre-Application Meeting or Zoning Inquiry completed with Staff? Yes If Yes, when? Phone conversation w/Bill Fiander

FOR OFFICE USE ONLY

Date submitted: 4/6/07
Application no.: PUD04/5B
Filing fee: 700⁰⁰ Receipt no.: 11554
Quarter section map no.: _____

Date notice sent: 4/27/07
Date advertised: 4/27/07
Date of hearing: 5/21/07
Council district: #8

CHECK YES OR NO

Capital Plaza Area: Yes _____ No X

Within Historic Site Environs: Yes X No _____

If Yes, what is it?: Market Castle

100 yr Floodplain: Yes _____ No X

National/State Historic Register: Yes _____ No X

Local Historic Resource: Yes _____ No X

Airport Hazard Area: Yes _____ No X

Neighborhood Association: Yes _____ No X

Name of N.I.A./N.A.: _____

Applicant Justification

For re-zoning applications:

This section is intended to provide you with the opportunity to present information in support of your request. It is important to bear in mind that the presumption of validity rests with the present zoning and use of the property. It is the burden of the applicant to demonstrate that the proposed change in zoning classification or proposed conditional use permit is appropriate.

Please attach additional sheets if necessary.

1. Why is the land not suitable for the uses to which the property is currently zoned?

It is decided to construct apartments on a portion of the property. A zoning change would be required to change from M-1a to M-2 in a portion of the property.

2. What effect would the proposed zone change have on the character of the neighborhood and surrounding properties?

Similar zoning is located directly adjacent to the property on the East, the character of the neighborhood would still all be senior housing.

3. How does this request relate to any adopted neighborhood/land use plans by the City?

Complies with neighborhood plan.

Infrastructure Availability

Please consult the Engineering Division of Topeka Public Works Department for information below (368-3842)

1. Water

- a. Location and size of water main serving site:

New 12" watermain along SW Huntoon

- b. Does the current system have adequate capacity? If not, are improvements anticipated?

Yes

- c. If other than City of Topeka, identify water district provider: _____

2. Sanitary Sewer

- a. Location and size of sewer main serving site:

New 10" sewer main on west side of pond. 8" sewer main on east side of pond.

- b. Does the current system have adequate capacity? If not, are improvements anticipated?

Yes

- c. If other than City of Topeka, identify sewer district provider: _____

3. Storm Drainage

- a. How will storm water run-off be handled on site?

On-site detention pond

- b. Does the current storm sewer system have adequate capacity for proposed use?

Yes

4. Traffic Circulation

- a. Does the site have public street frontage access? What is the pavement width of any adjoining public streets?

Yes, 24 foot plus 12' deceleration lane

- b. What are the site's existing or proposed access points?

Two access points off of SW Huntoon. One Proposed access to the south when the property is developed.

- c. Will any street improvements or traffic control improvements be required?

No further improvements at this time.

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the Master PUD Plan of Arbor Valley Subdivision, by changing the maximum allowable dwelling units from 260 dwelling units (M-1a use group) to a maximum 300 dwelling units (202 dwelling units at M-1a use group and 98 dwelling units at M-2 use group) on property located at 6423 SW Huntoon Street in the City of Topeka, Kansas. **(PUD04/5B) (Council District No. 8)**

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

Section 1. That the Master PUD Plan of Arbor Valley Subdivision, is hereby amended in accordance with Section 48-24.06(b) of the Comprehensive Zoning Regulations by changing the maximum allowable dwelling units from 260 dwelling units (M-1a use group) to 300 dwelling units (202 dwelling units at M-1a use group and 98 dwelling units at M-2 use group) on property located at 6423 SW Huntoon Street and described as follows:

Lot 1, Block A, Arbor Valley Subdivision in the City of Topeka, Shawnee County, Kansas.

Section 2. That the development of the site which will increase the maximum allowable dwelling units from 260 dwelling units (M-1a use group) to 300 dwelling units (202 dwelling units at M-1a use group and 98 dwelling units at M-2 use group) on property located at 6423 SW Huntoon Street **subject to:**

- 1. Use and compliance of the site in accordance with the recorded Master Planned Unit Development Plan of Arbor Valley Subdivision PUD.**

Section 3. That the amended Master PUD Plan of Arbor Valley Subdivision shall be filed of record with the Shawnee County Register of Deeds. Following the recording of the Master PUD Plan and in accordance with Topeka Code Section 48-24.04, prior to any building and/or land development on the site, a site development plan shall be submitted for review and administrative approval by the Planning Director.

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

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

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

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

PASSED AND APPROVED by the Council of the City of Topeka, _____, 2007.

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified _____
Not To Be Codified X



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 7, 2007

+ Back Print

DATE: November 20, 2007
CONTACT PERSON: Jim Langford/kej **DOCUMENT #:**
SECOND PARTY/SUBJECT: Weekly Expenditures **PROJECT #:**
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period October 29, 2007, through November 4, 2007, and enumerating said expenditures therein. First and Final Reading.

POLICY ISSUE:

Approve and allow weekly payments of valid operating expenditures, pursuant to Resolution No. 7607.

STAFF RECOMMENDATION:

Adopt as presented.

BACKGROUND:

Pursuant to Resolution No. 7607, adopted on April 12, 2005, which provides authorization to pay for certain expenditures prior to approval by the Council in an expenditure ordinance, the expenditures being authorized by this ordinance have been previously paid, in accordance with established procedures and policies for such payments.

BUDGETARY IMPACT:

Approves expenditures for the period October 29, 2007, through November 4, 2007, in the amount of \$1,000,329.48.

SOURCE OF FUNDING:

Appropriated funds and fees-for-service revenues of various City departments.

ATTACHMENTS:

[Weekly Expenditures for Week Ending November 4, 2007](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte Jr., allowing and approving City expenditures for the period of October 29, 2007, through November 4, 2007, and enumerating said expenditures herein.

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

Section 1. All expenditures made or authorized to be made by issuance of checks or electronic transfers as enumerated herein, are in accordance with City of Topeka Resolution No. 7607.

Section 2. The claims and expenditures listed in Exhibit A, which is on file in the City Council Office and the City Clerk's Office and incorporated herein by said reference, are hereby allowed and approved for payment.

<u>Section 3.</u>	Total for 131 vendor checks written in this period	\$207,557.98
	Total vendor checks voided in this period (net)	(0.00)
	Total electronic transfers to vendors in this period	792,771.50
	Total net payroll to employees this period	00.00
	Total payroll related electronic transfers this period	<u>00.00</u>
	Total for expenditures in this period	<u>\$1,000,329.48</u>

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

PASSED and APPROVED by the City Council _____.

ATTEST:

William W. Bunten, Mayor

Brenda Younger, City Clerk



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www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 21, 2007

 [+ Back](#)  [Print](#)

DATE: November 20, 2007

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Jack Woelfel, authorizing and adopting the 2008-2012 Capital Improvement Program for the City of Topeka, Kansas and rescinding Resolution No. 8017.

This item was added at the meeting.

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 21, 2007

 [+ Back](#)  [Print](#)

DATE: November 20, 2007

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Jack Woelfel, adopting the 2008-2009 Capital Improvement Budget for the City of Topeka, Kansas and rescinding Resolution No. 8018.

This item was added at the meeting.

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 29, 2007

+ Back Print

DATE: November 20, 2007

CONTACT PERSON: David Thurbon/Bill Fiander **DOCUMENT #:** Z07/20

SECOND PARTY/SUBJECT: Clifford N. Cormier Living Trust **PROJECT #:** N/A

CATEGORY/SUBCATEGORY: 014 Ordinances – Non-Codified / 007 Zoning

CIP PROJECT: No

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at 2425 SE California Avenue in the City of Topeka, Kansas from “R-1” Single-Family Dwelling District TO “C-2” Commercial District. **Final Reading.** (Z07/20) (Council District No. 4) (Planning Commission recommended approval by a vote of 8-1-0.) (Planning Department recommended disapproval.)

(Approval would allow development of the property for commercial use.)

POLICY ISSUE:

The proposal is consistent with Comprehensive Plan policies that support limited development at the intersection of an arterial and collector. However, the Plan discourages the stripping out of arterials with commercial uses. Currently, SE 25th is a natural transition between commercial and residential. Rezoning the entire property to “C-2” Commercial would set a precedent to continue a commercial strip pattern unabated north of SE 25th Street. Without establishing a point of transition as encouraged by the Comprehensive Plan, the corridor will ultimately have a pattern of development north of SE 25th Street that negatively impacts arterial traffic movements, adjacent residential properties, and Highland Park High School.

STAFF RECOMMENDATION:

The Planning Commission recommended this request be **APPROVED** by a vote of **8-1-0** at their **October 15, 2007** meeting as referenced in their attached minutes. The Planning Department recommended that this request be **DISAPPROVED** and recommended the applicant reapply for a “PUD” Planned Unit Development in order to limit the intensity of commercial uses and to provide a transitional zone for the adjacent single-family residential and institutional uses.

BACKGROUND:

- See staff report
- City Council options:
 - **Adopt** the recommendation of the Planning Commission by Ordinance;
 - **Override** the Planning Commission's recommendation by a two-thirds (6 votes) majority of City Council membership; or,
 - **Return** such recommendation to the Planning Commission with a statement specifying the basis for the City

Item #19

Council's failure to approve or disapprove.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Ordinance](#)

[zoning map](#)

[aerial map](#)

[application](#)

[USD 501 letter](#)

[staff report](#)

[Protest Petitions](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at the northwest corner of SE 25th Street and SE California Avenue from "R-1" Single-Family Dwelling District **TO** "C-2" Commercial District. **(Z07/20) (Council District No. 4)**

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

Section 1. That the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, be, and the same is hereby amended, by classifying the following described property:

Part of the north 4¾ acres of the south 10 acres of the east 55 acres of the NE ¼ of Section 8, Township 12 south, Range 16 east of the 6th P.M., described as follows: Beginning at the SE corner of the above described tract; thence west 197 feet; thence north 112.5 feet; thence east 197 feet to the east line of the ¼ Section thence south 112.5 feet to the place of beginning, Shawnee County, Kansas. (Also known as 2423 SE California Avenue.)

AND

Beginning at the SE corner of the South 5.25 acres of the east 55 acres of the NE ¼ of Section 8, Township 12 south, Range 16 east of the 6th P.M., in Shawnee County Kansas; thence west 196 feet parallel with the 1/4 Section line; thence north 75 feet and parallel with the ¼ Section Line; thence east 196 feet; thence south along the Section Line 75 feet, to the point of beginning, except that part taken in Condemnation Case No. 111228 (Also known as 2435 SE California Avenue.)

AND

Part of the south 5¼ acres of the east 55 acres of the north ¼ of Section 8, Township 12 south, Range 16 east of the 6th P.M., described as follows: Commencing at the NE corner of the south 5 ¼ acres of the east 55 acres of the NE ¼ of Section 8, Township 12 south, Range 16 east of the 6th P.M. thence south 180 feet; thence west 196 feet; thence north 180 feet; thence east 196 feet to the place of beginning, Shawnee County, Kansas. (Also known as 2425 and 2433 SE California Avenue.)

from "R-1" Single-Family Dwelling District **TO** "C-2" Commercial District.

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

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

Section 4. This Ordinance shall take effect and be in force from and after its passage, approval

and publication in the official city newspaper.

PASSED AND APPROVED by the Council of the City of Topeka, _____, 2007.

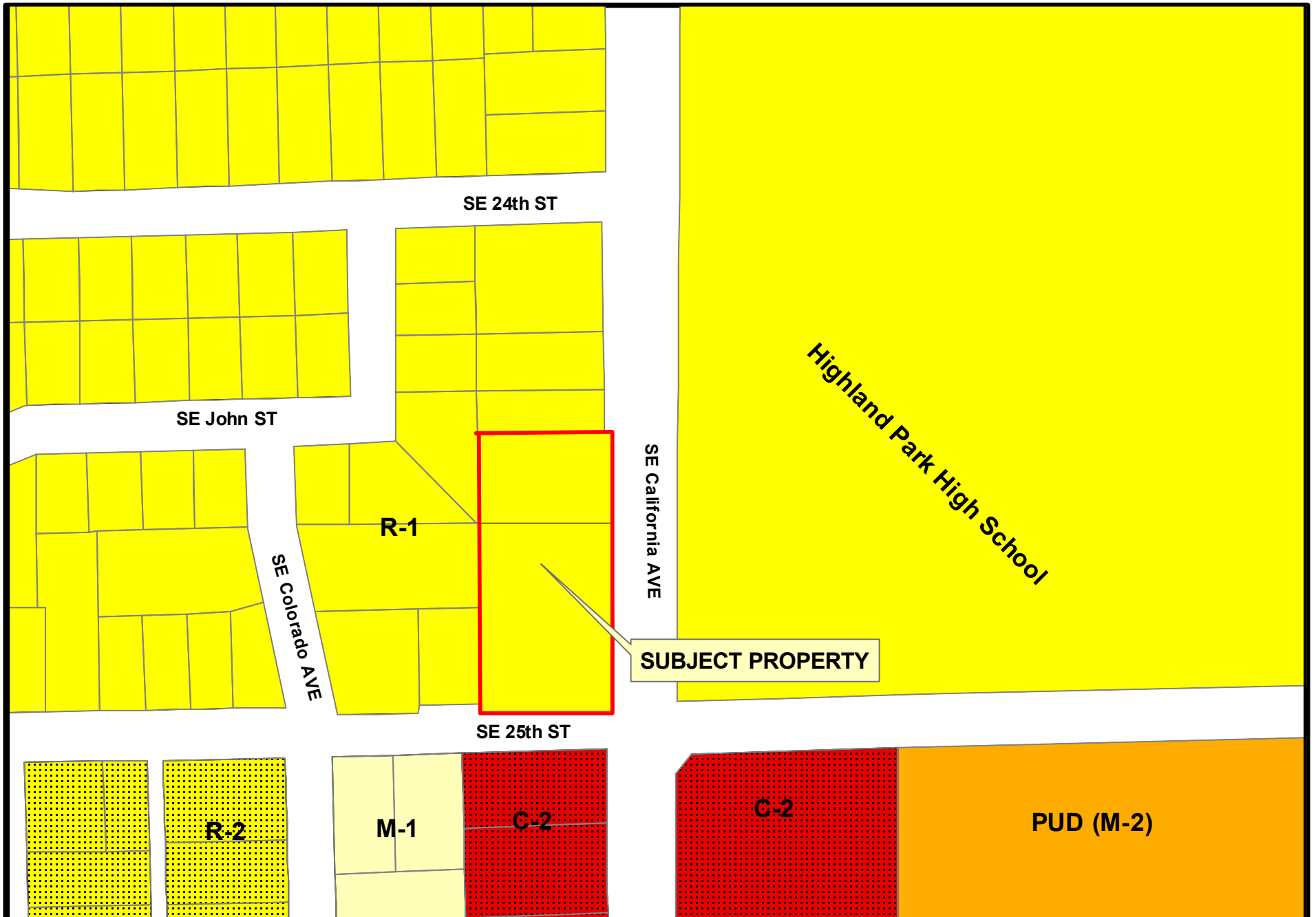
William W. Bunten, Mayor

ATTEST:

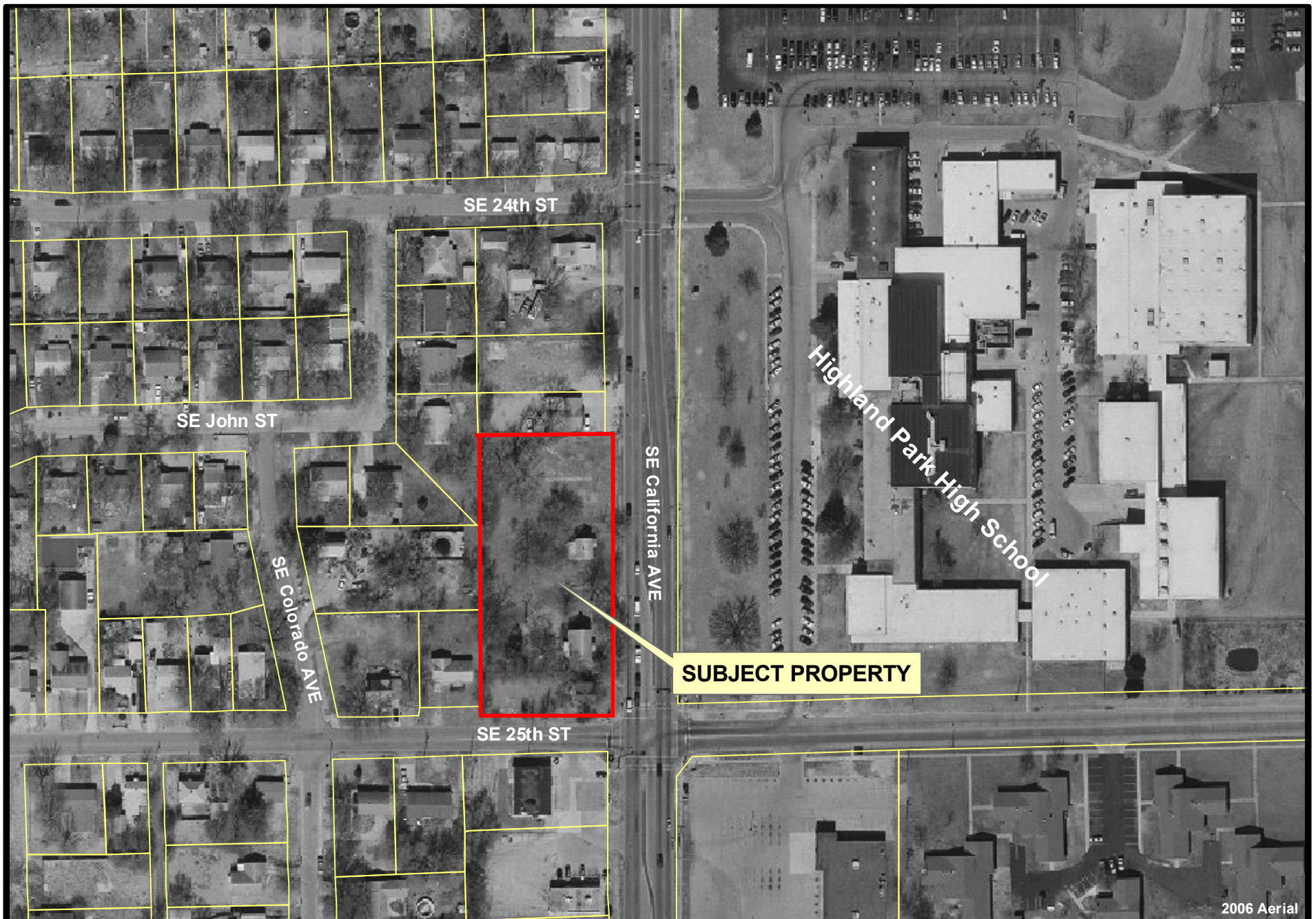
Brenda Younger, City Clerk

To Be Codified _____

Not To Be Codified X



Z07/20 by: Clifford N. Cormier Living Trust



Z07/20 by: Clifford N. Cormier Living Trust



Application Form Re-Zoning or Conditional Use Permit

City of Topeka Planning Department
620 SE Madison, 3rd Floor
Topeka, KS 66607
Phone 785-368-3728 Fax 785-368-2535

RECEIVED

JUL 26 2007

TOPEKA PLANNING
DEPARTMENT

Applicant Information

Property Owner(s): Clifford N. Cormier Living Trust

Street Address: 2307 SE Libra

City: Topeka State: KS Zip: 66605 E-mail: _____

Business phone: 785-266-7511 Home phone: 785-267-5361 Fax: _____

Authorized Owner Representative (if any): _____

Street Address: _____

City: _____ State: _____ Zip: _____ E-mail: _____

Business phone: _____ Home phone: _____ Fax: _____

Authorized Professional Agent (Engineer, Architect, Attorney, etc.) – if different from above

Street Address: _____

City: _____ State: _____ Zip: _____ E-mail: _____

Business phone: _____ Home phone: _____ Fax: _____

Authorization

I (we) am (are) the owner(s) of record for the subject property and hereby authorize filing of this application and posting of signage on the property by the City of Topeka for the requested zoning change. I (we) declare that all required materials are submitted along with this application and that the information submitted is complete and accurate. I (we) hereby acknowledge that all appropriate procedures, policies and regulations have been reviewed and understood, including authorization of any agent as listed in this application.

Owner 1 Name: CLIFFORD N CORMIER LIVING TRUST

Owner 1 Signature: Clifford N Cormier Date: July 26, 07

Owner 2: _____

Owner 2 Signature: _____ Date: _____

Requested Action and Site Information

Address of Property to be Re-Zoned (or if vacant, describe general location): _____

2425 SE California Avenue ID# 089-133-08-0-10-22014.00-0 13308010220130008m

Legal Description of Property: lot(s) 4 1/2 block 2400 subdivision NOT PLATTED
(if unplatted, attach metes and bounds description)

Total Area (acres/square feet): 1.31 AC

Type of Application:
1. Re-zoning from: R-1 to: C-2

2. Conditional Use Permit proposed use: _____

Existing Use (# of dwelling units, square feet, etc.): Vacant

How long has the existing use been on the property? N/A

Proposed Use (# of dwelling units, square feet, etc.): N/A

Was a Pre-Application Meeting or Zoning Inquiry completed with Staff? Yes If Yes, when? 7/18/07

FOR OFFICE USE ONLY

Date submitted: 8/29/07	Date notice sent: 9/21/07
Application no.: 207/20	Date advertised: 9/21/07
Filing fee: 650 ⁰⁰ Receipt no.: 11619	Date of hearing: 10/15/07
Quarter section map no.: _____	Council district: #4

CHECK YES OR NO

Capital Plaza Area: Yes _____ No ☒	Within Historic Site Environs: Yes _____ No ☒
	If Yes, what is it?: _____
100 yr Floodplain: Yes _____ No ☒	National/State Historic Register: Yes _____ No ☒
Airport Hazard Area: Yes _____ No ☒	Local Historic Resource: Yes _____ No ☒
	Neighborhood Association: Yes ☒ No _____
	Name of N.I.A./N.A.: Central Highland Park NIA

Applicant Justification

For re-zoning applications:

This section is intended to provide you with the opportunity to present information in support of your request. It is important to bear in mind that the presumption of validity rests with the present zoning and use of the property. It is the burden of the applicant to demonstrate that the proposed change in zoning classification or proposed conditional use permit is appropriate.

Please attach additional sheets if necessary.

1. Why is the land not suitable for the uses to which the property is currently zoned?

VACANT

2. What effect would the proposed zone change have on the character of the neighborhood and surrounding properties?

NONE

3. How does this request relate to any adopted neighborhood/land use plans by the City?

UNKNOWN

Infrastructure Availability

Please consult the Engineering Division of Topeka Public Works Department for information below (368-3842)

1. Water

- a. Location and size of water main serving site:
- b. Does the current system have adequate capacity? If not, are improvements anticipated?
- c. If other than City of Topeka, identify water district provider: _____

2. Sanitary Sewer

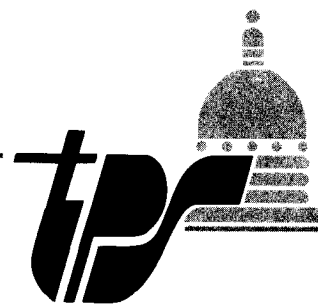
- a. Location and size of sewer main serving site:
- b. Does the current system have adequate capacity? If not, are improvements anticipated?
- c. If other than City of Topeka, identify sewer district provider: _____

3. Storm Drainage

- a. How will storm water run-off be handled on site?
- b. Does the current storm sewer system have adequate capacity for proposed use?

4. Traffic Circulation

- a. Does the site have public street frontage access? What is the pavement width of any adjoining public streets?
- b. What are the site's existing or proposed access points?
- c. Will any street improvements or traffic control improvements be required?



October 3, 2007

Mr. David F. Thurbon, Director
Planning Department
City of Topeka
620 SE Madison Street, 3rd Floor
Topeka, KS 66607-1118

Re: Case #Z07/20

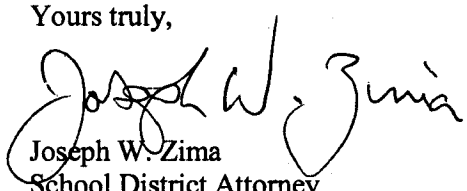
Dear Mr. Thurbon:

I am writing to you on behalf of the Board of Education of the Topeka Public Schools, USD 501. We have received notice of the zoning change proposed in the above-referenced case for the Northwest corner of 25th and California, which is within 200 feet of our Highland Park High School. We object to the proposal and suggest that the land in question should remain zoned as residential property.

The corner in question has historically been a residential area and we believe that changing the zoning to C-2 would negatively impact the environs of our neighborhood school. Commercial activities can be a distraction to high school aged students and can heighten traffic congestion at the intersection. We note with some concern that no specific commercial use has been proposed. We assume that no liquor store will ever be allowed on the property due to the provisions of K.S.A. 41-710. However, we can imagine other commercial ventures allowed by C-2 zoning that would be very inappropriate within 200 feet of a high school.

We have historically favored development and zoning changes in the City that are consistent with the nature of the neighborhood. We appreciate the opportunity to provide input into the zoning process and we respectfully request that our interests in this matter be given due consideration.

Yours truly,


Joseph W. Zima
School District Attorney

JWZ:msg

cc: Board of Education
Dr. Sandlin
Mr. Litfin
Ms. Fish

Mr. Cushinberry
Mr. Wilson
Mr. Albert

October 15, 2007
Agenda Item # G-1

ZONING REPORT

CITY OF TOPEKA PLANNING DEPARTMENT

CASE NO: Z07/20

by: Clifford N. Cormier Living Trust

PROPOSAL: Zone change from “R-1” Single-Family Dwelling District TO “C-2” Commercial District

LOCATION: 2425 SE California Avenue, northwest corner of SE 25th and California.

PARCEL ID NUMBER: 1330801022013000

BACKGROUND: Prior to 2004, the northernmost approximately 113’ of the subject property was zoned “R-1” Single Family Dwelling District with a Resolution of Intent for “C-2” Commercial District (Z71/19). The C-2 District was never activated for the property. Under Topeka City Council Resolution #7421, this ROI was one of the remaining ROIs referred to the Topeka Planning Department for study, public hearing, and recommendation. In 2004, the City initiated a rezoning of this property to remove the ROI for the “C-2” Commercial District.

In accordance with Section 48-33.01(e), written notices for the proposed amendment were mailed out on December 23, 2003 and again on February 20, 2004. The Planning Department recommended the “R-1” District for the property, as the entire area surrounding the site was zoned for single family residential uses. The “R-1” District was recommended to reflect the surrounding properties and mid-block commercial development not being appropriate for the area. The Planning Commission heard the rezoning on January 21, 2004, in which they recommended approval for the “R-1” District by a vote of 6-3-1. The City Council failed to approve or disapprove the proposal on February 17, 2004 by a vote of 4-5-0 and therefore, the proposal was remanded back to the Planning Commission. The Planning Commission heard the proposal again on March 15, 2004 and reaffirmed their approval for “R-1” by a vote of 5-2-1. The attached minutes from the March 15th public hearing include discussion by members regarding their approval of the “R-1” District for the property. In summary, the Commission considered any rezoning for the property should be brought back in conjunction with the remainder of the property to the south once the property owner developed a plan for the entire property. *(See attached Planning Commission minutes from 1-21-2004 and 3-15-2004)* The City Council approved the rezoning to “R-1” on April 13, 2004 by a vote of 8-1-0.

This current rezoning request (Z07/20) includes both this portion of the property along with the remainder of the property to the south.

PRESENT USE: The entire property comprises approximately 1.31 acres. The northernmost approximately 113’ of the property (.43 acres) has been vacant since 1971. Prior to 1971, it was used for a drive-thru restaurant and was a non-conforming use. Three unoccupied houses, built in approximately 1930, are currently located on the southernmost portion of the property.

PROPOSED USE: Unspecified commercial use (future)

October 15, 2007
Agenda Item # G-1

CHARACTER OF NEIGHBORHOOD: The surrounding area to the north, west, and east is single family residential in character. A church lies to the north and Highland Park High School lies to the east of the subject property. Both these uses are compatible uses in the single family district. The subject property is located at the intersection of a principle arterial (SE California) and a collector (SE 25th). A strip commercial land use pattern has developed along California south of 25th Street and north of 21st Street. The segment of California between 25th and 21st has remained primarily residential and is the established transitional area between the commercial uses to the south and residential.

ZONING CLASSIFICATION AND USE OF SURROUNDING PROPERTIES:

	ZONING CLASSIFICATION	PRESENT LAND USE
North:	“R-1” Single Family Dwelling District	Church
South:	“C-2” Commercial District	Retail
East:	“R-1” Single Family Dwelling District	Highland Park High School
West:	“R-1” Single Family Dwelling District	Single family residential

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: The northernmost 113’ of the property was zoned “R-1” until 1971 when a request was made to rezone the property to “C-2” in order to establish a food production preparation service. The City Council approved the Resolution of Intent for “C-2”, but the ROI was never activated. Prior to 1971, the property had been used as a non-conforming use for a drive-thru restaurant. Since 1971, the property has remained vacant. The remainder of the property has been zoned “R-1” since annexed in approximately 1959. The three existing houses were built in 1930 and are presently unoccupied.

SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED: The property may no longer be ideal for its uses as presently restricted for single-family residential. The existing houses were built in approximately 1930 with minimal improvements made to the structures. With the property’s location on a principle arterial (SE California) and collector (SE 25th), single-family residential may no longer be the most viable option for the property. At this location, California receives approximately 19,335 ADT. During peak hours, the SE 25th/California intersection received approximately 2,922 trips total. However, as the subject property is located at the established transition between commercial to the south and residential to the north, a non-residential use at this location should be limited appropriately so as to not allow the strip commercial development land use pattern to continue along California.

+Traffic count for SE California was taken from the Kansas Department of Transportation 2004ADT counts
*Peak hour count taken by City of Topeka Traffic Engineering on September 19, 2007

CONFORMANCE TO COMPREHENSIVE PLAN: The Topeka Land Use and Growth Management Plan – 2025 indicates this area is planned for *Urban/Suburban Low Density Residential*. SE 25th Street is

October 15, 2007
Agenda Item # G-1

the established zone of transition between commercial to the south and residential to the north. However, the Plan establishes general guide for future development of the City and does not indicate specific land uses for each individual parcel. The Comprehensive Plan indicates that office, medium density residential, or some limited commercial (< 1 acre) may also be appropriate at arterial and collector intersections. However, the Plan discourages the stripping out of arterial streets with commercial uses, which lead to undesirable consequences. Rather the Comprehensive Plan encourages commercial zoning be located at the intersection with gradual stepping down of zoning through office or multiple-family uses to serve as transitions into adjacent residential neighborhoods. Some of the consequences of strip commercial development outlined in the Plan are:

- A degradation of the primary purpose of the arterial's ability to move traffic as the number of access points are increased along the arterial;
- A reduction of residential property values adjacent to the strip of commercial development, which can 'bleed' into the neighborhood and result in a destabilizing effect on a large portion of the neighborhood;
- A lowering of commercial shopping center values as an excessive amount of commercial real estate is placed on the market;
- An excessive amount of 'secondary' retail establishments being located in prime retail locations as the market becomes over saturated with commercial land.

SE California, south of 25th Street, is already stripped out with commercial uses, which has resulted in some of these consequences. The Comprehensive Plan does indicate office, multiple-family, or limited commercial (<1 acre in size) within a neighborhood setting may be located along arterial and collector streets and on the periphery of the neighborhood. Therefore, a non-residential use on this property could be consistent with the Comprehensive Plan, provided it does not encourage further commercial stripping along California north of SE 25th Street and still maintains a lower intensity buffer.

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

Removal of the present restrictions may have a detrimental effect on adjacent properties. SE 25th is the established transition between commercial to the south and residential to the north. Any commercial use on the property would break this established transition and may open up California to further strip commercial development, thereby, potentially creating conflict for adjacent properties and increasing traffic along California by allowing for further access points on to the arterial. In 2007, the Topeka Planning Department performed a Commercial Corridor Study to compare strip and node commercial areas within the city. The west side of California from 29th to 25th was one of the strip study areas. Some of the findings from this study showed that of the 12 units along the west side of California that are zoned commercial, 4 are currently utilized for office or lower intensity uses (33%); the average property for units zoned commercial is \$6.40/sq. ft., which was lower than the other study areas; and the average property value of residential units surrounding the strip area is \$42,000, which was less than the other study areas. These findings show that this segment of California is currently experiencing some of the undesirable consequences of strip commercial development, as outlined in the Comprehensive Plan. From these results, one may potentially ask the question whether further commercial development is appropriate along California at this location and, if so, how much more? Considering that the property is located at the intersection of a collector and arterial and single-family residential may no longer be viable at this location, staff would be supportive of some limited commercial uses that would still allow for an adequate land use transition from commercial to residential. However, a straight "C-2" District classification for the entire property would allow it to develop for the complete array of "C-2" uses, some of which are too intense directly adjacent to single-family residences or that are not appropriate uses next to a church and high school, such as retail liquor sales and bars. A "PUD" District on the property could further limit commercial uses to those that would be more compatible with

October 15, 2007
Agenda Item # G-1

adjacent properties, such as prohibiting retail alcohol sales adjacent to a school and church, consistent with State law (KSA 41-210) and allow for a step down of intensity further north so as not to exacerbate commercial strip impacts along SE California.

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:

Denial of the proposal would allow the property to remain for uses as presently zoned for single-family residential, which may no longer be ideal at this location. The gain to the public health, safety and welfare would be to retain the established transition between commercial and residential at 25th Street and not allow the residential neighborhood to the north and west be further compromised from the undesirable consequences of commercial strip development being extended north along California. However, the existing residences have remained on the property since approximately 1930 with minimal improvements made to the structures, which will only lead to their decline in appearance and property value. The unoccupied and vacant residences will only detract from the character of the surrounding area and neighborhood and new single-family residence may no longer be viable at this location along the intersection of an arterial and collector.

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

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:

Minimum Lot Area: **Compliant- 57, 063 sq. ft.** The minimum lot area in the C-2 District is 10,000 sq. ft.

Setbacks: Any new structures would meet required setbacks.

Platting: **Non-compliant-** The property will have to be platted prior to building permits being issued.

CONCERNS OF STAFF AND REVIEWING AGENCIES: This request was submitted to all applicable reviewing agency staff for consideration and comment. All issues or concerns that were expressed by reviewing staff relative to code compliance or provisions of public service have been resolved or will be addressed at the building permit stage and at the time the property is platted. Topeka Public Schools (USD 501) expressed concern about this property owner moving his existing liquor store from another property to the subject property. The "C-2" District does permit the operation of liquor stores and bars. However, Chapter 10 of City Code prohibits alcohol and cereal malt beverage establishments that allow on-premise consumption within 300' of a school or religious institution (i.e. bars). Chapter 10 does not apply to retail liquor stores. State law prohibits the sale of alcohol and cereal malt beverages within 200' of a school or religious institution (KSA 41-710), which does apply to liquor stores and thus, would apply to this property.

ADDITIONAL FACTORS:

1. Neighborhood Improvement Association: The Central Highland Park NIA was notified of the proposed rezoning on September 6, 2007 and has expressed no comment regarding the rezoning.

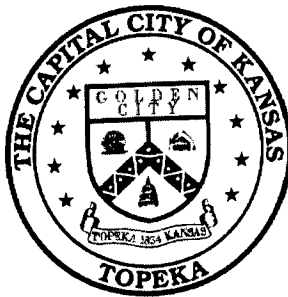
October 15, 2007
Agenda Item # G-1

2. Capitol Area Plaza Authority: N/A
3. Flood Hazard Area: N/A
4. Airport Hazard Area: N/A
5. Historic Properties: There are no National Register properties within 500 ft.

STAFF RECOMMENDATION: Based upon the above findings and analysis, the planning staff recommends **DISAPPROVAL** of the “C-2” Commercial District. Alternatively, the planning staff would recommend the Planning Commission consider the following option:

- Recommending the applicant re-apply for a “PUD” Planned Unit Development District classification for property that further limit commercial uses and give additional consideration to buffering, landscaping, access points, site and building design due to the property’s location at an transitional area and adjacent to single-family residential, a church, and a school. The PUD would include a note stating, “The prohibition of the sales, service, or consumption of alcoholic beverages and cereal malt beverages except in a restaurant as defined by state law (KSA 41-2601)” to provide additional assurance of compliance with City Code and State law.

Prepared by:
Annie Driver, Planner I



CITY OF TOPEKA

PLANNING DEPARTMENT
David Thurbon, Director
620 SE Madison Street, 3rd Floor
Topeka, Kansas 66607-1118
Tel.: (785) 368-3728

Fax: (785) 368-2535
www.topeka.org

MEMORANDUM

DATE: October 31, 2007

TO: Honorable Mayor William W. Bunten and Members of the Topeka City Council
Norton N. Bonaparte, Jr., City Manager/CEO

FR: Annie Driver, Planner I

RE: Z07/20 by: Clifford N. Cormier Living Trust

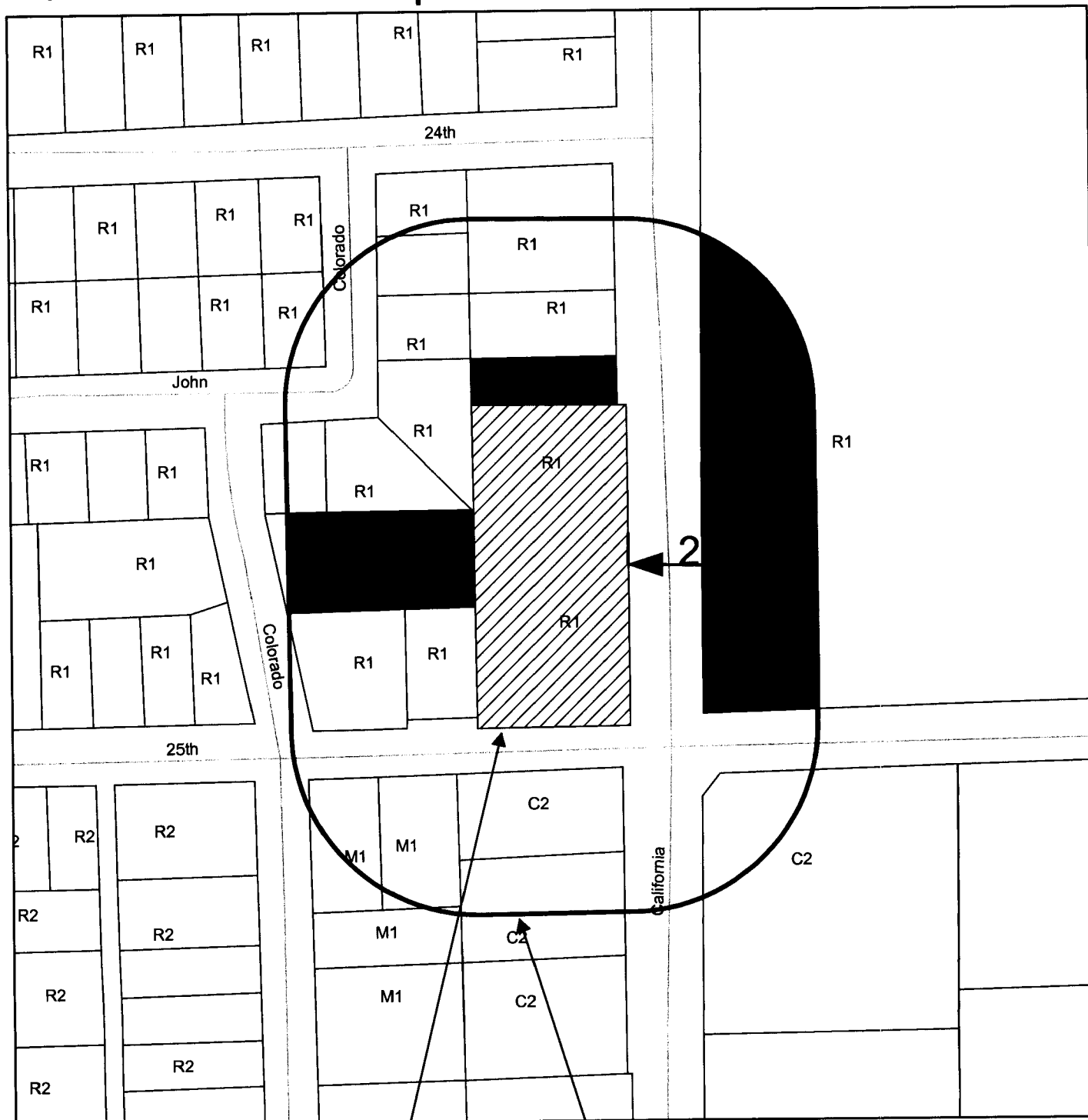
Please be advised that the protest petitions were filed by the October 29, 2007 deadline regarding the above mentioned zoning proposal. The extent of the protests constitutes **37.05%** of the required notification area. Pursuant with K.S.A. 12-757(f)(1), the zoning proposal cannot be passed, since the extent of the protest exceeds 20%, except by at least a three-fourths vote (7 of 9) of all members of the City Council. Further, since matters shall only be considered when **all** Council members are present. Accordingly, the City Council may:

1. **Adopt** the recommendation of the Planning Commission by Ordinance, subject to a three-fourths vote;
2. **Return** such recommendation back to the Planning Commission for further consideration. If the case is remanded back to the Planning Commission, it will still require a three-fourths vote of the City Council to approve the rezoning.

Enclosed is a copy of the protest area map, protest area computations and protest petitions.

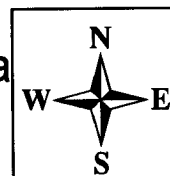
Enclosures

Z07/20 Protest Map



Requested Area

Notification Area



Legend

-  Z07_20 (Subject Property)
-  Protesting Owners

LEGAL PROTEST COMPUTATIONS

TOTAL AREA 386702.525

LESS REQUEST AREA 57005.296

LESS R/W AREA 101197.450

NET AREA 228499.779

PROTEST AREA 84667.508

$$\frac{\text{PROTEST AREA}}{\text{NET AREA}} = \underline{37.05\%}$$

ZONING AMENDMENT PROTEST PETITION
CITY OF TOPEKA, KANSAS

SECTION I

The undersigned property owner(s) protest the proposed change in district zoning classification on property described in Topeka Planning Commission Case Number (see agenda) 207/20 requesting a zoning classification change
FROM R-1 District
TO C-2 District
and located at/about 25th & California in the City of Topeka, Kansas.

SECTION II—Protestor(s)

NAME(s)

ADDRESS & LEGAL DESCRIPTION
OF PROTESTER'S PROPERTY

Signature

Joseph W. Zima
Typed or Printed Name

Board of Education

Signature

Typed or Printed Name

Highland Park High School
2424 SE California
Topeka, KS 66605-1797
Parcel ID#:
1320902010002000

ACKNOWLEDGEMENT

STATE OF KANSAS)

COUNTY OF SHAWNEE) ss

Be it remembered that on this 26th day of October, 2007, before me a Notary Public in and for said County and State, came Joseph W. Zima
Clerk of The Board of Education of The Topeka Public Schools
to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.

Notary Public State of Kansas
Karen Irvin
My Appt Exp 12/18/2010

Notary Public

My Commission Expires 12/18/2010

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.

SEP 28 2001

0134397

KANSAS QUITCLAIM DEED

On this 6th day of Sept

, 2001,

Topeka Board of Education, now known as
Unified School District No. 501, Shawnee County, Kansas

("Grantor(s)") QUITCLAIM(S) to

Unified School District No. 501, Shawnee County, Kansas

("Grantee(s)") all of the following described real estate in Shawnee County, Kansas:

Avondale East: Block 10, Lots 1 through 14, Block 7, Lots 1 through 14, and Block 6, Lots 1 through 14, Golf View Terrace

Highland Park Elementary: The South 13 feet of Lot 160, Lot 162 and part of Lot 164 in Sunnyside Addition to Highland Park and part of Lot 160, all of Lots 162, 164, 166, 168, 170, 172, 174 and 175 through 192 in Highland Park Addition, City of Topeka, Shawnee County, Kansas AND Lots 193 through 240 and adjacent vacated alley, being all of block lying between 27th and 28th Streets and between Illinois Street and Indiana Street

Highland Park High School: The West 1322.1 feet of the South 1/2 of the Northwest Quarter of Section 9, Township 12, Range 16, Shawnee County, Kansas, less Road Right of Way

Kaw Area Technical: Block A, Lot 2, Area Vocational Technical Subdivision #2 AND Lot 1, Block A, Less the East 370 feet of the North 750 feet of said Lot, all in Area Vocational Technical Subdivision #2

Quinton Heights/Administrative Center: Beginning 42 feet South and 30 feet East of the Northwest Corner of the Northwest Quarter of Section 7, Township 12, Range 16 East of the 6th P.M., thence East 655 feet; thence South 700 feet; thence East 30 feet; thence South 75 feet; thence West 180 feet; thence South 25 feet; thence West 180 feet; thence South 50 feet; thence West 180 feet; thence South 75 feet; thence West 140 feet; thence North 915 feet; thence East along the south line of 21st Street to the point of beginning

Randolph Elementary: Randolph was Strong, Lots 80 through 90, even numbers, in Euclid Park Addition to the City of Topeka, Shawnee County, Kansas

Shaner Elementary: Part of Lots 4 and 5 of Higginbotham & Mulvane's 2nd Subdivision and Part of Lot 10 of Burlingame Acres DAF beginning at the Northeast Corner of Lot 10; thence South 745 feet; thence West 750 feet; thence North 427 feet; thence East 740 feet; thence North 315 feet; thence East 10 feet to the point of beginning.

Topeka Education Center: Beginning at the Southwest corner of James Street and 19th Street; thence South 601 feet; thence West 255 feet; thence South 161 feet; thence West 255 feet; thence North 667 feet; thence East 510 feet to the point of beginning.

Whitson Elementary: Beginning 30 feet South of the Northeast Corner of Lot 45 in Crescent Lawn Addition; thence South 309 feet; thence West 120 feet; thence South 349.09 feet; thence West 128 feet; thence North 650 feet; thence East 248 feet to the point of beginning.

for the sum of One Dollar and Other Good and Valuable Consideration

SUBJECT TO: Easements and Restrictions of Record

Topeka Board of Education, now known as
Unified School District No. 501, Shawnee County, Kansas

By

Printed Name: Tim S. Clothier

Attest

Clerk, Board of Education

Approved as to Legality
and Form: Date: 2-14-01
Joseph W. Zima
Notary Public for Kansas

VOL 3550 PAGE 177

ZONING AMENDMENT PROTEST PETITION
CITY OF TOPEKA, KANSAS

SECTION I

The undersigned property owner(s) protest the proposed change in district zoning classification on property described in Topeka Planning Commission Case Number (see agenda) 207/10 requesting a zoning classification change
FROM R-1 District
TO C-2 District
and located at/about 9475 SE California Ave. in the City of Topeka, Kansas.

SECTION II—Protestor(s)

NAME(s)

Thomas W. Powell
Signature

Thomas W. Powell
Typed or Printed Name

Signature

Typed or Printed Name

ADDRESS & LEGAL DESCRIPTION
OF PROTESTER'S PROPERTY

2430 SE Colorado
Topeka, KS
66605

Legal Attached

RECEIVED
CITY CLERK
2007 OCT 26 P 3:27
TOPEKA, KANSAS

ACKNOWLEDGEMENT

STATE OF KANSAS)

COUNTY OF SHAWNEE)

ss

Be it remembered that on this 13th day of OCT, 2007, before me a Notary Public in and for said County and State, came

Thomas W. Powell

to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

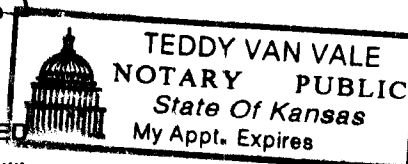
In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.

Teddy Van Vale
Notary Public

My Commission Expires 5-11-09

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.



AP1M010- REAL ESTATE ASSESSMENT ADMIN. DISPLAY SCREEN ---> BY PROP NUM
MM SS S QQ BB PPP PP O TMMMMMAASSPTTBBBPPP
ID: 133 08 0 10 22 008 00 0 OLD CODE: 42304 OLD ID: A I121508130028007
FUNC CODE:
OWNER: POWELL SNOWDA KAY & THOMAS W
OWNER ADDR: 02430 SE COLORADO AVE TOPEKA KS 66605 1636
PUC OWNER:
PROP ADDR: 2430 SE COLORADO AVE DEED BOOK: 2634 PAGE: 349
APT#: TOPEKA 66605 1636 SCH DIST: 501 TRANSFER#: 38037
TAXPAYER: ZONING: R1 CHECK ZONING:
02430 SE COLORADO AVE DOC DATE: 01/18/1991
TOPEKA KS 66605 1636 REC DATE: 01/18/1991
LOAN CO: 57 LOAN NO: 30740998 AFDVT BOOK: 0 AFDVT PAGE: 0
LOAN CO EXACT: STATE CODE: M64
SUBDIV: MCLAUGHLIN'S SUB CODE: 4359
SEC: 8 TSHP: 12 RGE: 16 BLK: LOT: 1 QTR SEC: NE CTRACT: 13 HP
CC: AMT: 0 DATE: 0 NRT: COV: 0
MUN SERV: N DEEDED ACRE: 0.00 CALC ACRE: 0.00
COLO AVE LOT 1 MCLAUGHLINS SUB

THIS RECORD HAS A NARRATIVE..... PF5 TO VIEW

PF10=HELP

**ZONING AMENDMENT PROTEST PETITION
CITY OF TOPEKA, KANSAS**

SECTION I

The undersigned property owner(s) protest the proposed change in district zoning classification on property described in Topeka Planning Commission Case Number (see agenda) 207/20 requesting a zoning classification change
FROM R-1 District
TO C-2 District
and located at/about 2425 SE California Ave in the City of Topeka, Kansas.

SECTION II—Protestor(s)

NAME(s)

ADDRESS & LEGAL DESCRIPTION
OF PROTESTER'S PROPERTY

Snowda Powell
Signature

Snowda Powell
Typed or Printed Name

Signature

Typed or Printed Name

2430 SE Colorado
T.K. 66605
Legal Attached

RECEIVED
CITY CLERK
2007 OCT 26 P 3:27
TOPEKA, KANSAS

ACKNOWLEDGEMENT

STATE OF KANSAS)

COUNTY OF SHAWNEE) ss

Be it remembered that on this 23rd day of OCT, 2007, before me a Notary Public in and for said County and State, came

Snowda Powell

to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.

Notary Public

My Commission Expires

5-11-09



ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.

AP1M010 REAL ESTATE ASSESSMENT ADMIN. DISPLAY SCREEN ---> BY PROP NUM
MMM SS S QQ BB PPP PP O TMMMAASSTTTBBBPPP
ID: 133 08 0 10 22 008 00 0 OLD CODE: 42304 OLD ID: A I121508130028007
FUNC CODE:
OWNER: POWELL SNOWDA KAY & THOMAS W
OWNER ADDR: 02430 SE COLORADO AVE TOPEKA KS 66605 1636
PUC OWNER:
PROP ADDR: 2430 SE COLORADO AVE DEED BOOK: 2634 PAGE: 349
APT#: TOPEKA 66605 1636 SCH DIST: 501 TRANSFER#: 38037
TAXPAYER: ZONING: R1 CHECK ZONING:
02430 SE COLORADO AVE DOC DATE: 01/18/1991
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LOAN CO: 57 LOAN NO: 30740998 AFDVT BOOK: 0 AFDVT PAGE: 0
LOAN CO EXACT: STATE CODE: M64
SUBDIV: MCLAUGHLIN'S SUB CODE: 4359
SEC: 8 TSHP: 12 RGE: 16 BLK: LOT: 1 QTR SEC: NE CTRACT: 13 HP
CC: AMT: 0 DATE: 0 NRT: COV: 0
MUN SERV: N DEEDED ACRE: 0.00 CALC ACRE: 0.00
COLO AVE LOT 1 MCLAUGHLINS SUB

THIS RECORD HAS A NARRATIVE..... PF5 TO VIEW

PF10=HELP

ZONING AMENDMENT PROTEST PETITION
CITY OF TOPEKA, KANSAS

SECTION I

The undersigned property owner(s) protest the proposed change in district zoning classification on property described in Topeka Planning Commission Case Number (see agenda) 207/10 requesting a zoning classification change
FROM R-1 District
TO C-2 District
and located at/about 9425 SE California Ave in the City of Topeka, Kansas.

SECTION II—Protestor(s)

NAME(s)

Signature

Typed or Printed Name

Signature

Typed or Printed Name

ADDRESS & LEGAL DESCRIPTION
OF PROTESTER'S PROPERTY

CHRISTIAN LORD
MINISTRIES
2421 SE California ST
Legal Attached

RECEIVED
CITY CLERK
2007 OCT 26 P 3:27
TOPEKA, KANSAS

ACKNOWLEDGEMENT

STATE OF KANSAS)

COUNTY OF SHAWNEE) ss

Be it remembered that on this 9th day of OCT, 2007, before me a Notary Public in and for said County and State, came

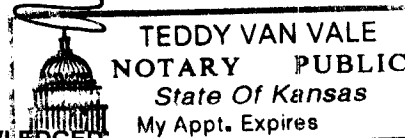
Michael J Coffman

to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.

Notary Public

My Commission Expires 5-11-09



ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.

AP1M010 REAL ESTATE ASSESSMENT ADMIN. DISPLAY SCREEN ---> BY PROP NUM
MMM SS S QQ BB PPP PP O TMMMAASSTTTBBBPPP
ID: 133 08 0 10 22 015 00 0 OLD CODE: 42176 OLD ID: A I121508130028014

FUNC CODE:

OWNER: CHRISTIAN LORD MINISTRIES INC

OWNER ADDR: 02421 SE CALIFORNIA AVE

PUC OWNER:

PROP ADDR: 2421 SE CALIFORNIA

APT#: TOPEKA 66605 1759

TAXPAYER:

02421 SE CALIFORNIA AVE

TOPEKA KS 66605 1759

LOAN CO: 0 LOAN NO:

LOAN CO EXACT:

TOPEKA

KS 66605 1759

UNIT: 001 LEVY: 144.554 TWP:

AVE DEED BOOK: 4228 PAGE: 236

SCH DIST: 501 TRANSFER#: 171398

ZONING: R1 CHECK ZONING:

DOC DATE: 07/11/2005

REC DATE: 07/11/2005

AFDVT BOOK: 0 AFDVT PAGE: 0

STATE CODE: CA2

SUBDIV: COLORADO ACRES SUB # 3 CODE: 1221

LOT: 6 QTR SEC: NE CTRACT: 13 HP

SEC: 8 TSHP: 12 RGE: 16 BLK: CC: AMT: 0 DATE: 0 NRT: COV: 0

MUN SERV: N DEEDED ACRE: 0.00 CALC ACRE: 0.00

CALIF AVE LOT 6 COLO AC SUB 3 ANNEX

THIS PARCEL HAS A NARRATIVE...PF5 AND SPECIALS...PF6

PF10=HELP



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 29, 2007

+ Back Print

DATE: November 20, 2007

CONTACT PERSON: David Thurbon/Bill Fiander **DOCUMENT #:** Z07/21

SECOND PARTY/SUBJECT: Hunter Glen L.L.C. **PROJECT #:** N/A

CATEGORY/SUBCATEGORY: 014 Ordinances – Non-Codified / 007 Zoning

CIP PROJECT: No

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at 609 SW MacVicar Avenue in the City of Topeka, Kansas from “R-2” Single-Family Dwelling District TO “C-4” Commercial District. **Final Reading.** (Z07/21) (Council District No. 9) (Planning Commission recommended approval by a vote of 6-3-0.) (Planning Department recommended disapproval.)

(Approval would allow for expansion of the existing gas station at 2501 SW 6th Avenue.)

POLICY ISSUE:

Expansion of further commercial would still be consistent with the nodal principles of the Comprehensive Plan. However, the *Topeka Land Use and Growth Management Plan- 2025* encourages the gradual stepping down of zoning as transitions into single-family blocks. The C-4 Commercial District permits heavy commercial uses that are generally not appropriate in a neighborhood commercial or residential setting. As a compromise, planning staff recommended the C-2 Commercial District for the entire development site which would allow the gas station expansion, but limit more intensive future uses in a neighborhood setting.

STAFF RECOMMENDATION:

The Planning Commission recommended this request be **APPROVED** by a vote of **6-3-0** at their **October 15, 2007** meeting as referenced in their attached minutes. The Planning Department recommended that this request be **DISAPPROVED** and instead recommended the applicant combine the subject property with their existing property to the north (2501 SW 6th) and reapply for the “C-2” Commercial District on both of these properties.

BACKGROUND:

- See staff report.
- City Council options:
 - **Adopt** the recommendation of the Planning Commission by Ordinance;
 - **Override** the Planning Commission's recommendation by a two-thirds majority (6 votes) of City Council membership; or,
 - **Return** such recommendation to the Planning Commission with a statement specifying the basis for City Council's failure to approve or disapprove.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Ordinance](#)

[staff report](#)

[zoning map](#)

[aerial map](#)

[application](#)

[written testimony](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at 609 SW MacVicar from "R-2" Single-Family Dwelling District **TO** "C-4" Commercial District. **(Z07/21) (Council District No. 9)**

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

Section 1. That the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, be, and the same is hereby amended, by classifying the following described property:

Lots 5 and 6, Parkview Estate, on MacVicar Avenue, formerly Washburn Avenue, Pinehurst Addition to the City of Topeka, Shawnee County, Kansas.

from "R-2" Single-Family Dwelling District **TO** "C-4" Commercial District.

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

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

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

PASSED AND APPROVED by the Council of the City of Topeka, _____, 2007.

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified _____

Not To Be Codified X

October 15, 2007
Agenda Item # G-2

ZONING REPORT

CITY OF TOPEKA PLANNING DEPARTMENT

CASE NO: **Z07/21**

by: **Hunter Glen L.L.C.**

PROPOSAL: Zone change from “R-2” Single-Family Dwelling District **TO** “C-4” Commercial District

LOCATION: 609 SW MacVicar Avenue

PARCEL ID NUMBER: 097350100101400

PRESENT USE: One existing single-family dwelling (814 sq.ft.), built in approximately 1944, and located on a 5,550 sq. ft. parcel

PROPOSED USE: Expansion of the property owner’s existing gas station currently located on property to the north (2501 SW 6th Avenue).



Existing residence located at 609 SW MacVicar

BACKGROUND: At the pre-application meeting, the applicant was given the option to include both the subject property and their other property to the north and rezone both properties to the “C-2” Commercial District, which is allows an automobile service station, type II.

CHARACTER OF NEIGHBORHOOD: The surrounding area to the south is entirely single-family residential. The property is opposite a City park. Neighborhood commercial uses have developed, or are currently developing, north of the subject property along SW 6th Avenue.

ZONING CLASSIFICATION AND USE OF SURROUNDING PROPERTIES:

	ZONING CLASSIFICATION	PRESENT LAND USE
North:	“C-4” Commercial District	Gas station
South:	“R-2” Single-Family Dwelling District	Single family residence
East:	“C-4” Commercial District “R-2” Single-Family Dwelling District	Children’s Park (public)
West:	“C-4” Commercial District	Retail

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: The subject property has remained zoned

October 15, 2007
Agenda Item # G-2

for single-family since annexed by the City in approximately 1948. This existing single-family residence has remained on the property since built in 1944.

SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED: The property is still suitable for its present use as single-family residential. The single-family residence on the property was still used as a residence until fairly recent. The existing point of transition between commercial and residential has been located just north of this property since approximately 1968 when the gas station was constructed. This point of transition is not ideal, but the gas station has been limited in scope.

CONFORMANCE TO COMPREHENSIVE PLAN: The Topeka Land Use and Growth Management Plan – 2025 indicates this area is planned for *Urban/Suburban Low Density Residential*. However, the southern alignment of SW 6th between MacVicar and Wayne has been zoned for commercial land uses since 1938 and has developed accordingly. The 2025 Plan encourages regional commercial zoning be located at arterial intersections with gradual stepping down of zoning through office or multiple-family to serve as transitions into adjacent single-family residential neighborhoods. Expansion of further commercial along MacVicar may alter the present zone of transition into a stable block of single-family uses, but would be consistent with the Comprehensive Plan's nodal principles.

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: Removal of the present restrictions may have a detrimental effect on the single-family residential neighborhood to the south by altering the present stable zone of transition. The subject property is still suitable for single-family residential. The properties along SW 6th have remained zoned for commercial uses since 1938. However, the existing commercial uses located on SW 6th do not require the "C-4" District zoning and could be permitted in a more restrictive commercial zoning district. Commercial uses within the "PUD" (approved in 2000) located north of the site are limited to those within the "C-2" District. Staff would no longer support the approval of the "C-4" zoning district in direct proximity to an existing single-family neighborhood because this district allows for heavy commercial uses that are potentially conflicting. However, nearby properties may also be detrimentally affected by the presence of an abandoned gas station on the vicinity of the neighborhood if the existing gas station is forced to close because it cannot expand and the property is left vacant. The presence of an abandoned gas station could potentially harm the health and viability of the single-family neighborhood. Therefore, staff would be supportive of the property owner combining the subject property with their other property and rezoning both their properties to the "C-2" District, which still permits gas stations. This would allow the gas station, when expansion occurs, to better meet landscape, parking and access management requirements and put a limit on more intensive "C-4" uses from developing within direct proximity to the single-family neighborhood.

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: Denial of the proposal would allow the property to remain for uses as presently zoned for single-family, which is still suitable at this location. The gain to the public health, safety and welfare would be to leave the existing side lot line transition between commercial and residential alone and not allow commercial uses to further encroach into the single-family neighborhood. However, the hardship imposed upon the landowner from denial of the proposed rezoning would be the affect it would have on their existing business if not permitted to

October 15, 2007
Agenda Item # G-2

expand, which could potentially force the existing business to close and leave a vacant gas station at the intersection of an arterial and collector.

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

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS: If the gas station does not expand and the single-family residence remains on the property under commercial zoning, it will be a non-conforming use.

Minimum Lot Area: **Non-compliant- 5,500 sq. ft.** The minimum lot area in the C-4 District is 10,000 sq. ft. In order for this property to be a conforming lot in any commercial district it must be utilized as one zoning lot with the adjacent property to the north.

Setbacks: Expansion of the existing gas station would need to meet setbacks of the C-4 District.

Platting: **Compliant-** Lots 5 and 6, Parkview Addition Subdivision. However, it may be necessary to merge all the lots associated with the gas station in order to avoid piecemeal development.

CONCERNS OF STAFF AND REVIEWING AGENCIES: This request was submitted to all applicable reviewing agency staff for consideration and comment. Most issues or concerns that were expressed by reviewing staff relative to code compliance or provisions of public service have been resolved or will be addressed at the building permit stage. The most restrictive zoning district an Automobile Service Station, Type I is permitted in is the "C-2" District. The proposed use does not require the "C-4" District. However, in order for the property to meet minimum lot area requirements and to be utilized as one zoning lot with the property at 2501 SW 6th both these properties must have the same zoning classification. At 10,454 sq. ft., the property at 2501 SW 6th barely meets minimum lot area requirements for a "C" District zoning, which does not allow it to function well as a commercial use. If these properties were combined, the gas station would now have 16,000 sq. ft. and, when expanded, could better meet access management, parking, and landscape requirements. Presently, the gas station has four access points- two on SW MacVicar and two on SW 6th, which do not comply with access management criteria. If utilized as one zoning lot when re-developed, access on to SW MacVicar could be moved further south for safety and operational reasons and the access point on to SW 6th closest to the intersection could potentially be closed. The residential landscape buffer requirement will also apply at the site plan stage when the gas station expands pursuant to Section 38-48.05(D) of the City landscape regulations.

ADDITIONAL FACTORS:

1. Neighborhood Improvement Association: N/A
2. Capitol Area Plaza Authority: N/A
3. Flood Hazard Area: N/A
4. Airport Hazard Area: N/A

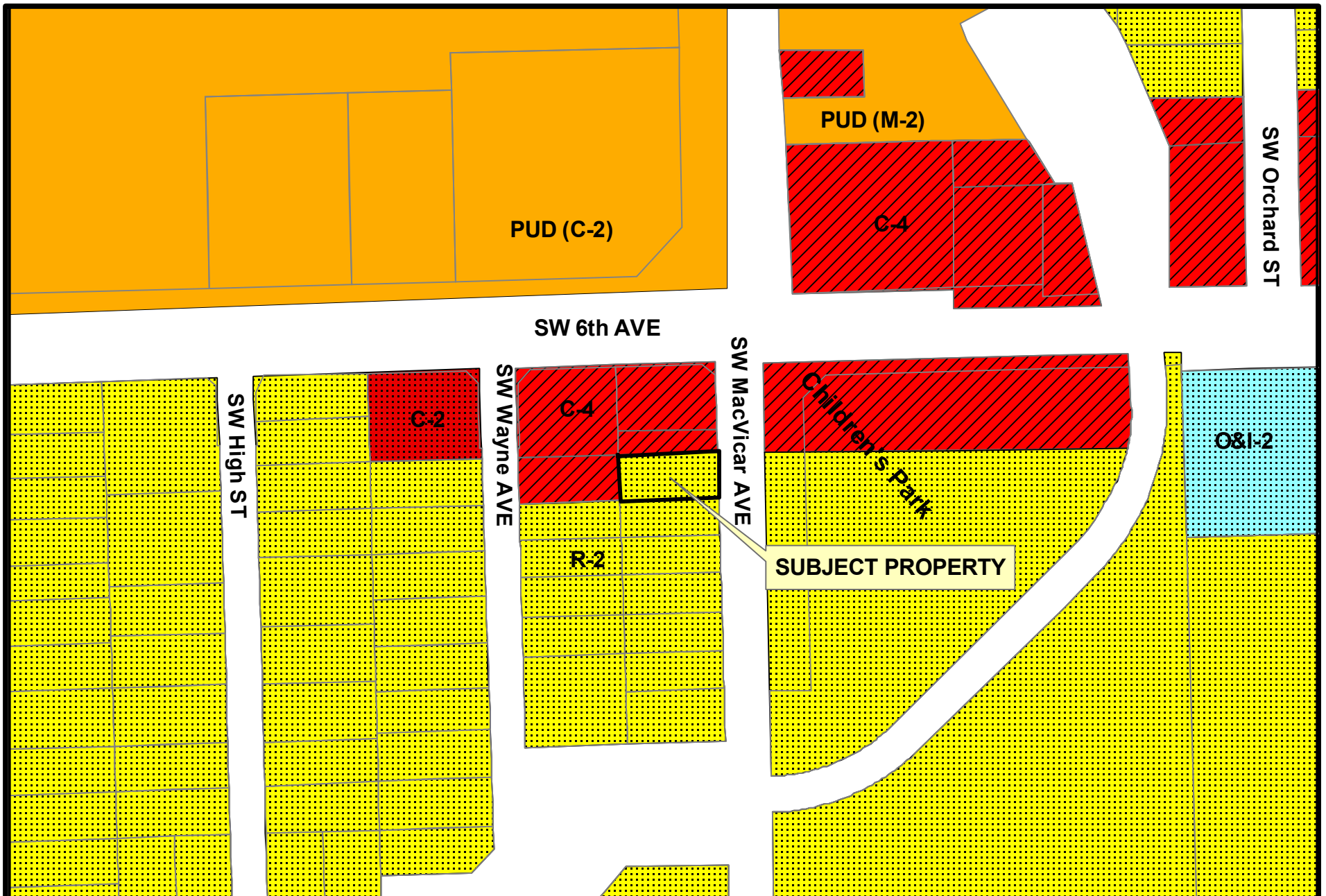
October 15, 2007
Agenda Item # G-2

5. Historic Properties: There are no National Register properties within 500 ft.

STAFF RECOMMENDATION: Based upon the above findings and analysis, the planning staff recommends **DISAPPROVAL** of the “C-4” District for this property. Alternatively, planning staff recommends:

1. The applicant combine this property with their adjoining property to the north (2501 SW 6th) and re-apply for the “C-2” District on both of these properties. Simply recommending “C-2” on the subject property will require BZA variance approval to the minimum lot size and access through a more restrictive zoning to a less restrictive zoning.

Prepared by:
Annie Driver, Planner I



Z07/21 by: Hunter Glen L.L.C.



Z07/21 by: Hunter Glen L.L.C.

RECEIVED

AUG 23 2007

TOPEKA PLANNING
DEPARTMENT

Application Form Re-Zoning or Conditional Use Permit

City of Topeka Planning Department
620 SE Madison, 3rd Floor
Topeka, KS 66607
Phone 785-368-3728 Fax 785-368-2535

Applicant Information

Property Owner(s): Hunter Glen, LLC

Street Address: 609 SW MacVicar

City: Topeka State: KS Zip: 66606 E-mail: _____

Business phone: _____ Home phone: _____ Fax: _____

Authorized Owner Representative (if any): Marvin G. Spees, Managing Member

Street Address: 911 SE Adams

City: Topeka State: KS Zip: 66601 E-mail: _____

Business phone: _____ Home phone: _____ Fax: _____

Authorized Professional Agent (Engineer, Architect, Attorney, etc.) - if different from above

Vernon L. Jarboe

Street Address: 534 S. Kansas Avenue, Suite 1000

City: Topeka State: KS Zip: 66603 E-mail: _____

Business phone: 785-357-6311 Home phone: _____ Fax: 785-357-0152

Authorization

I (we) am (are) the owner(s) of record for the subject property and hereby authorize filing of this application and posting of signage on the property by the City of Topeka for the requested zoning change. I (we) declare that all required materials are submitted along with this application and that the information submitted is complete and accurate. I (we) hereby acknowledge that all appropriate procedures, policies and regulations have been reviewed and understood, including authorization of any agent as listed in this application.

Owner 1 Name: Hunter Glen, LLC.

Owner 1 Signature: [Signature] Date: 8.20.07

Owner 2: _____

Owner 2 Signature: _____ Date: _____

Requested Action and Site Information

Address of Property to be Re-Zoned (or if vacant, describe general location): 609 SW MacVicar

Parkview
Legal Description of Property: lot(s) 5 & 6 block Estate subdivision Pinehurst Addition to the
(if unplatted, attach metes and bounds description) City of Topeka

Total Area (acres/square feet): 5,550

Type of Application:

1. Re-zoning from: R-2 Single Family to: C4 - Commercial

2. Conditional Use Permit proposed use: _____

Existing Use (# of dwelling units, square feet, etc.): Residential - 1 home

How long has the existing use been on the property? 63 yrs. approximately

Proposed Use (# of dwelling units, square feet, etc.): Expansion of convenience store from
property located at 2501 SW 6th Ave.

Was a Pre-Application Meeting or Zoning Inquiry completed with Staff? Yes If Yes, when? 5-21-07

FOR OFFICE USE ONLY

Date submitted: 8/23/07

Date notice sent: 9/21/07

Application no.: 207/21

Date advertised: 9/21/07

Filing fee: 650 Receipt no.: 11620

Date of hearing: 10/15/07

Quarter section map no.: _____

Council district: _____

CHECK YES OR NO

Capital Plaza Area: Yes _____ No _____

Within Historic Site Environs: Yes _____ No _____

If Yes, what is it?: _____

100 yr Floodplain: Yes _____ No _____

National/State Historic Register: Yes _____ No _____

Airport Hazard Area: Yes _____ No _____

Local Historic Resource: Yes _____ No _____

Neighborhood Association: Yes _____ No ☒

Name of N.I.A./N.A.: _____

Applicant Justification

For re-zoning applications:

This section is intended to provide you with the opportunity to present information in support of your request. It is important to bear in mind that the presumption of validity rests with the present zoning and use of the property. It is the burden of the applicant to demonstrate that the proposed change in zoning classification or proposed conditional use permit is appropriate.

Please attach additional sheets if necessary.

1. Why is the land not suitable for the uses to which the property is currently zoned?

The land is zoned residential and the proposed use is commercial.

2. What effect would the proposed zone change have on the character of the neighborhood and surrounding properties?

None.

3. How does this request relate to any adopted neighborhood/land use plans by the City?

A neighborhood/land use plan does not exist for this area.

Infrastructure Availability

Please consult the Engineering Division of Topeka Public Works Department for information below (368-3842)

1. Water

- a. Location and size of water main serving site: Location is unknown. There is a 6 inch water line.
- b. Does the current system have adequate capacity? If not, are improvements anticipated?
The current system has adequate capacity.
- c. If other than City of Topeka, identify water district provider: NA

2. Sanitary Sewer

- a. Location and size of sewer main serving site:
The sanitary line is located behind the residence of 609 SW MacVicar. The sanitary line is 12 inches.
- b. Does the current system have adequate capacity? If not, are improvements anticipated?
The current system has adequate capacity.
- c. If other than City of Topeka, identify sewer district provider: NA

3. Storm Drainage

- a. How will storm water run-off be handled on site? The run-off drains into the creek and then the river.
- b. Does the current storm sewer system have adequate capacity for proposed use? Yes.

4. Traffic Circulation

- a. Does the site have public street frontage access? What is the pavement width of any adjoining public streets?
The site has public street frontage access. The street width is 40-50 feet wide; the right-of-way is 95 feet wide.
- b. What are the site's existing or proposed access points? Unknown. Current access is off of Sixth Street
- c. Will any street improvements or traffic control improvements be required? No.

Sean B. Rork
P.O. BOX 364
Topeka KS 66601-0364

Wednesday, September 26, 2007

Planning Department
David Thurbon, Director
620 SE Madison ST, 3rd Floor
Topeka KS 66607-1118

On Saturday, September 22, 2007 I wrote a letter to the editor about my concerns Of the proposed zoning change to 609 MacVicar Avenue.

A few weeks back I was out mowing my lawn and I saw my neighbor at 609 loading a pickup with personal belongings. I asked if he was going away on a trip. He told me that he was moving. The house had been sold and it was going to be moved. Moved? I asked. He said yes. He could not or would not tell me why.

My neighbors to the south had recently moved out and the out of town owners were once again blocking our shared drive with construction trucks and equipment. They told me that they were fixing up the rental to be sold.

A few days after this I see a sign in 609's front yard and call the number on it. It was the Topeka Planning Department and they informed me that the gas station was planning to expand closer to me. I asked them if they knew about the safety of a gas station next door to a residence? They did not know. I then asked them am I supposed to blow up with the station if it catches on fire? I was informed that as far as they knew no gas storage tanks would be added just retail space. I asked about the separation between my house and the station. They told me that the gas station had an obligation for erecting a wall and for landscaping. I asked about the crime element and potential of bodily harm to me while in my house. I got no answer.

I bought this house a little over a year ago while trying to better myself and seeking help through federal disability. I have been looking for permanent work and trying to get help from the state of Kansas who refuses to help. I am being forced to deplete the small amount my dad left me to pay bills and seek the kindness of others for food and other sustenance.

The state claims to want to help while with the other hand they take everything needed to create and sustain self-sufficiency. Case in point would be what I have heard from disability connections about the state being fined through its cut budget from the federal government for its disability record. Having the state on your side concerning disability issues is like inviting a cannibal to dinner.

I am not nor have I ever asked for a hand out from anyone. I have asked for help. I have asked for direction. I have asked for advise. At each turn I have been blocked, judged, looked down upon, misinterpreted, overlooked, misdiagnosed, dismissed and chided. How is this moving things forward? How is the gas station moving closer to my house going to save them from being swallowed up by future competition or not trample my rights of privacy and safety?

The local governmental bodies' are abysmal in actuality regarding these concerns. the old courthouse had its problems as I supposed the Capital has had but the Capital building still stands while the courthouse has been replaced by a newer but not necessarily better building. Who will speak for those of us that can't be heard over rhetoric and partisan politics? Certainly not the state of Kansas.

A handwritten signature in cursive script, appearing to read "Sean".

Sean.



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 26, 2007

+ Back Print

DATE: November 20, 2007
CONTACT PERSON: Mike Teply
SECOND PARTY/SUBJECT: Repeal Approval Process for City Financed Developer Projects
CATEGORY/SUBCATEGORY: 013 Ordinances - Codified / 001 General Provisions
CIP PROJECT: No
ACTION OF COUNCIL:
DOCUMENT #:
PROJECT #:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., repealing City of Topeka Code Section 126-66 through 126-71 concerning approval procedure for City financed developer projects. First Reading.

(Currently, the City of Topeka code provision requires developers to provide a financial guarantee for projects in the form of cash, check or other securities. The City of Topeka is repealing this provision and now following K.S.A. 12-6a01, et seq., as may be amended which requires no financial securities by the developers.)

POLICY ISSUE:

Repealing City of Topeka Code § 126-66 through 126-71 concerning approval procedure for City financed developer projects.

STAFF RECOMMENDATION:

Approve and Adopt

BACKGROUND:

Currently the City of Topeka code provision requires developers to provide a financial guarantee for projects in the form of cash, check or other securities. The City of Topeka is repealing this provision and now following K.S.A. 12-6a01, et seq as may be amended which requires no financial securities by the developers.

BUDGETARY IMPACT:

None for this action

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Ordinance](#)

Item #21

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., repealing City of Topeka Code § 126-66 through 126-71 concerning approval procedure for City financed developer projects.

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

Section 1. That City of Topeka Code § 126-66, request for project petition, is hereby specifically repealed.

~~Request for project petition.~~

~~Before any developer lets a contract or orders any work, all or part of which is to be financed by bonds of the city in accordance with K.S.A. 12-6a01, et seq., such developer shall submit a written request for a project petition to the department of public works. The written request shall indicate the general nature of the proposed improvement, the approximate cost, proposed method of assessment and proposed apportionment of cost, if any, between the proposed improvement district and the city at large. The written request shall also include a statement, under oath, that the developer has no financial interest in any property with delinquent special assessments anywhere within the city. If the director of public works approves the request, then the developer shall instruct his engineers to prepare cost estimates which, when prepared, shall be submitted to the head of the engineering division of the department of public works.~~

Section 2. That City of Topeka Code § 126-67, formal petition: contents, is hereby specifically repealed.

~~Formal petition; contents.~~

~~Upon receipt of the cost estimate under section 126-66 the engineering division~~

shall prepare a formal petition setting forth the following:

- (1) The general nature of the proposed improvement;
- (2) The estimated or probable cost;
- (3) The extent of the proposed improvement district to be assessed;
- (4) The proposed method of assessment;
- (5) The proposed apportionment of cost, if any, between the improvement district and the city at large;
- (6) A request that such improvement be made without notice and hearing;
- and
- (7) A statement that the developer shall notify in writing each and every purchaser of property regarding special assessments which may be assessed to pay for the improvement.

The bottom of each page of the petition shall specify that names may not be withdrawn from the petition by the signer thereof after the city council commences consideration of the petition or later than seven days after such filing, whichever occurs first. The formal petition shall then be mailed to the developer for obtaining signatures.

Section 3. That City of Topeka Code § 126-68, approval of project, is hereby specifically repealed.

Approval of project.

(a) After the petition has been signed, the developer shall return it to the engineering division of the department of public works for review. If the engineering division finds the petition sufficient, the petition shall be forwarded together with written indicia of the developer's financial commitment to the city council. The financial

52 ~~commitment shall be either funding (cash, cashier's check or escrow account) equal to~~
53 ~~20 percent of the estimated cost of the project or a financial guarantee (irrevocable~~
54 ~~letter of credit, corporate completion bond) equal to 35 percent of the estimated cost of~~
55 ~~the project. The required cash funds shall be provided to the city treasurer's office and~~
56 ~~financial guarantee will be provided to the city clerk's office prior to the setting of a bid~~
57 ~~date. The city treasurer's office and the city clerk's office will notify the engineering~~
58 ~~division of receipt of the financial commitment. The city council shall not be required to~~
59 ~~hold a public hearing on the petition. If no funds are available for financing the project,~~
60 ~~then the city council may find the project not advisable. If the city council approves the~~
61 ~~petition, the developer will be notified to have his engineer prepare plans and~~
62 ~~specifications for approval by the engineering division. The city will then let the project~~
63 ~~for bids, hire a contractor, and inspect the project. The developer's engineer shall be~~
64 ~~required to stake the project.~~

65 ~~(b) Cash funding will be used to reduce the amount of project costs covered~~
66 ~~by special assessment bond financing. The financial guarantee will be applied annually~~
67 ~~to satisfy the principal and interest costs of bonded public improvements in the event~~
68 ~~any special assessments are not paid when due. The financial guarantee will be~~
69 ~~released, upon the written request of the developer, when principal buildings on at least~~
70 ~~35 percent of the properties (by lot) within the benefit district have received final~~
71 ~~inspection or when the appraised value of improvements located upon the property~~
72 ~~within the improvement district is equal to seven times the amount of special~~
73 ~~assessments, whichever occurs sooner. The developer shall be responsible for~~
74 ~~providing written evidence that the applicable condition has been met prior to release of~~

75 ~~the financial guarantee.~~

76 Section 4. That City of Topeka Code § 126-69, assessment of completed
77 project: hearing, is hereby specifically repealed.

78 **~~Assessment of completed project; hearing.~~**

79 ~~After the project is completed, the engineering division of the department of~~
80 ~~public works will prepare assessments as soon as the city's finance department~~
81 ~~presents final cost data and a hearing will be held on the assessment.~~

82 Section 5. That City of Topeka Code § 126-70, financing of public
83 improvements by special assessments without financial commitment; conditions, is
84 hereby specifically repealed.

85 **~~Financing of public improvements by special assessments without~~**
86 **~~financial commitment; conditions.~~**

87 ~~Public improvements financed by special assessments may be authorized by the~~
88 ~~city council without a financial commitment when deemed to be in the public interest~~
89 ~~and when one or more of the following conditions exist:~~

90 ~~(1) — Improvements are ordered by resolution of the city council.~~

91 ~~(2) — The majority of the property (either by square foot or lot) in the benefit~~
92 ~~district is in public ownership.~~

93 ~~(3) — The benefit district is in multiple ownership and majority of the land (either~~
94 ~~by square foot or lot) therein is developed with principal buildings.~~

95 Section 6. That City of Topeka Code § 126-71, Interest installments; interest
96 rates, is hereby specifically repealed.

97 **~~Interest installments; interest rates.~~**

PASSED AND APPROVED by the City Council _____

William W. Bunten, Mayor

Brenda Younger, City Clerk



A Capital City Government Working For You...

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 2, 2007

+ Back Print

DATE: November 20, 2007

CONTACT PERSON: Mike McGee **DOCUMENT #:**

SECOND PARTY/SUBJECT: Ordinance - Parking Rates **PROJECT #:**
- Meters, Garages, Surface
Lots

CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 142 Traffic and Vehicles

CIP PROJECT: No

ACTION OF COUNCIL: Approve and Adopt **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Section 142-381 and Section 142-452 concerning parking rates and specifically repealing said original sections. **First Reading.**

(The ongoing maintenance requirements at the parking facilities have escalated to sustain the structures. The three-year tier price increase equates to approximately 10% and keeps rates in line with those offered elsewhere. The last increase for parking meter rates was January 1, 2005. The rates for surface lots have had no increase in the last four years. Parking garage rates have gradually increased annually since January 2005.)

POLICY ISSUE:

City of Topeka Code Section 142-381 and Section 142-452 concerning parking rates for on-street parking meters, parking garages, and surface parking lots is being amended.

STAFF RECOMMENDATION:

Approve

BACKGROUND:

The ongoing maintenance requirements at the parking facilities have escalated to sustain the structures. The three (3) year tier price increase equates to approximately 10% and keeps our rates in line with those offered elsewhere. The last increase for parking meter rates was January 1, 2005. The rates for surface lots have had no increase in the last four (4) years. Parking garage rates have gradually increased annually since January 2005.

BUDGETARY IMPACT:

Estimated Annual Revenue Increase
Parking Meters - \$27,900
Parking Lots and Garages
2008 - \$64,164.00
2009 - \$40,176.00
2010 - \$38,724.00

SOURCE OF FUNDING:

Revenue to Parking Fund: 601

ATTACHMENTS:

[Ordinance](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code § 142-381 and § 142-452 concerning parking rates and specifically repealing said original sections.

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

Section 1. That City of Topeka Code § 142-381, parking meter rates, is hereby amended to read as follows:

Parking meter rates.

The coins required to be deposited in a parking meter shall entitle the vehicle owner or depositor to the following parking time in accordance with the legend as stated on the parking meter and as established by the governing body. The following rates for each coin lawfully deposited in a parking meter are hereby established:

~~The rate for all parking meters shall be:~~

~~TABLE INSET:~~

	Effective 1-1-2001	Effective 1-1-2005
Time duration up to and including 4 hours	\$0.65/hour	\$0.70/hour
Time duration in excess of 4 hours	0.40/hour	0.45/hour

<u>Parking Meters</u>	<u>Effective 1/1/2008</u>	<u>Effective 1/1/2009</u>	<u>Effective 1/1/2010</u>
<u>Hourly Rate</u>	<u>\$0.80</u>	<u>\$0.90</u>	<u>\$1.00</u>
<u>10-hour Meters</u>	<u>\$0.50</u>	<u>\$0.50</u>	<u>\$0.50</u>
<u>10-hour Meter Hang Tags/Monthly</u>	<u>\$44.00</u>	<u>\$44.00</u>	<u>\$44.00</u>
<u>Value Pass Cards</u>	<u>\$35.00</u>	<u>\$35.00</u>	<u>\$35.00</u>

Section 2. That City of Topeka Code § 142-452, rates of operation generally,
is hereby amended to read as follows:

Rates of operation generally.

The following rates are hereby established and fixed for the use of the city's
offstreet parking garages, parking lots, and such others as might be added in the future:

(1)a. Garage Fees shall be:

TABLE-INSET:

	Effective 1/1/2005—	Effective 1/1/2006—	Effective 1/1/2007—
Rooftop rate at Uptowner	\$40.50	\$43.00	\$45.00
Rooftop rate at Coronado	\$41.50	\$44.00	\$47.00
Monthly rate at Coronado and Townsite	\$58.00	\$60.50	\$63.50
Monthly rate at Centre City, Park-N- Shop, Uptowner, and 512 Jackson	\$57.00	\$59.50	\$61.50
Contract rate (where applicable)	\$39.90	\$41.65	\$43.05
Special dead storage monthly rate (where applicable)		\$27.50	
Hourly rate (where available)	\$0.70		
Promotional rate			
Premium rate			

<u>Garage Rates</u>	<u>Effective</u> <u>1/1/2008</u>	<u>Effective</u> <u>1/1/2009</u>	<u>Effective</u> <u>1/1/2010</u>
<u>Hourly Rate</u>	<u>\$0.80</u>	<u>\$0.90</u>	<u>\$1.00</u>
<u>Monthly Rate at All City Owned Garages</u>	<u>\$64.50</u>	<u>\$66.00</u>	<u>\$67.75</u>
<u>Townsite Night Rate</u>	<u>\$31.00</u>	<u>\$31.75</u>	<u>\$32.50</u>
<u>Coronado Roof Rate</u>	<u>\$35.00</u>	<u>\$35.00</u>	<u>\$35.00</u>
<u>Coronado Vehicle Storage Rate</u>	<u>\$27.50</u>	<u>\$27.50</u>	<u>\$27.50</u>
<u>Ninth Street Contract Rate</u>	<u>\$45.51</u>	<u>\$46.20</u>	<u>\$47.43</u>
<u>Ninth Street Vehicle Storage Rate</u>	<u>\$27.50</u>	<u>\$27.50</u>	<u>\$27.50</u>
<u>Centre City Reserved Rate</u>	<u>\$72.00</u>	<u>\$73.75</u>	<u>\$75.50</u>
<u>Centre City Alley Rate</u>	<u>\$72.00</u>	<u>\$73.75</u>	<u>\$75.50</u>

(1)b. Parking Lot Fees shall be:

Lot Rates	<u>Effective 1/1/2008</u>	<u>Effective 1/1/2009</u>	<u>Effective 1/1/2010</u>
<u>5th & Jackson Lot</u>	<u>\$45.00</u>	<u>\$45.00</u>	<u>\$45.00</u>
<u>Water Tower Lot</u>	<u>\$18.00</u>	<u>\$18.00</u>	<u>\$18.00</u>
<u>900 Monroe Lot</u>	<u>\$30.00</u>	<u>\$30.00</u>	<u>\$30.00</u>

(2) *Promotional rates.* The transportation operations superintendent shall have the authority to implement promotional discounted rates for a finite period of time to encourage parking in under utilized parking facilities. Promotional rates will be applied in accordance with written public works department policy.

(3) *Premium rates.* The transportation operations superintendent shall have the authority to apply premium rates to certain offstreet parking spaces in recognition of special privileges, such as assigned spaces, where such practices impact the city's ability to generate revenue on those parking spaces. Premium rates will be applied in accordance with written public works department policy.

Section 2. That Original City of Topeka Code § 142-381 and § 142-452 are hereby specifically repealed.

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

PASSED AND APPROVED by the City Council _____.

CITY OF TOPEKA, KANSAS

William W. Buntin, Mayor

ATTEST:

Brenda Younger, City Clerk



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www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 19, 2007

+ Back Print

DATE: November 20, 2007

CONTACT PERSON: Shawn Bruns **DOCUMENT #:**

SECOND PARTY/SUBJECT: Sanitary Sewer Improvement **PROJECT #:** 40771

CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 008 Special Assessments

CIP PROJECT: No

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Sanitary Sewer District No. 40771 with piping, manholes, engineering and all other contingencies needed to complete Sanitary Sewer Improvement Project No. 40771, as defined and described in Resolution No. 6671, adopted and approved September 24, 1996. First Reading. (Council District No. 3)

(100% of the costs will be paid by the Improvement District. Approval would apportion and levy a special assessment in the area of SE 21st Street and SE Croco Road for the Improvement of Sanitary Sewer District No. 40771 in England Mobile Home Estates Subdivision, First Fix Addition, and Altair Heights Subdivision.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Approve the Ordinance for Special Assessments as presented.

BACKGROUND:

The project provides sanitary sewer service to the following described area with piping, manholes, engineering and all other contingencies needed for a complete project:

Begin at the southwest corner of Tenth Street and S.E. Croco Road, this point also being the northeast corner of Lot 1 in Block B of England Mobile Home Estates Subdivision; thence southerly on the west right of way line of S.E. Croco Road to the southeast corner of Lot 2, Altair Heights Subdivision; thence westerly on the south line of Lots 2 and 3 in said subdivision to the southwest corner of Lot 3; thence southerly to the northeast corner of Lot 5 in said subdivision; thence southerly 527.42 feet, following the east line of Lots 5, 6, 7, and 8 in Altair Heights Subdivision; thence continuing southwesterly on the easterly line of Lots 8, 9, and 10 for a distance of 203.21 feet; thence southwesterly 158.80 feet to the southwest corner of Lot 10, Altair Heights Subdivision; thence northwesterly 10 feet to the southeasterly corner of Lot 2, Block A of Altair Heights Subdivision No. 2; thence westerly to the southwest corner of Lot 1, Block A, Altair Heights Subdivision No. 2; thence southerly 10 feet to the southeast corner of Lot 13, Altair Heights Subdivision, Item #23; thence westerly to the southwest corner of Lot 14 in said subdivision, also being the northeast corner of 21st Street and Cedarwood Drive; thence westerly across Cedarwood Drive to the southeast corner of Lot 15, Altair Heights Subdivision; thence westerly to

the southwest corner of said Lot 15, this point also being the southeast corner of Lot 1, Block A of Fix First Addition; thence westerly on the south line of said Lot 1 and Lot 1, Block A, Fix Second Addition to the east right of way line of Rice Road; thence northerly on said right of way line to the south line of Lot 1, Block A, Topeka Turnpike Industrial Subdivision; thence easterly on the south line of said Lot 1 to a point 435.11' east of the west line of the southeast quarter of Section 3, Township 12 south, Range 16 east of the Sixth P.M.; thence northerly parallel with and 435.11 feet easterly of the west line of said southeast quarter to the north line of Lot 1, Block A, Topeka Turnpike Industrial Subdivision; thence westerly on the north line of said Lot 1 for a distance of 138.78 feet; thence northerly to the south right of way line of East Tenth Street at a point 296.33 feet easterly of the west line of the southeast quarter of Section 3, Township 12 south, Range 16 east of the Sixth P.M.; thence easterly on the south right of way line of East Tenth Street to the west right of way line of S.E. Croco Road and the point of beginning.

Subsequent to the authorization of the project, improvements at the East Topeka Interchange resulted in right-of-way being dedicated within the improvement district area. The City will pay assessment costs for the area that is now public right-of-way. The property owners will pay the assessment costs for the area in the improvement district outside of the public right-of-way.

BUDGETARY IMPACT:

Final Project Cost: \$220,703.60

City of Topeka: \$ 55,517.24

Improvement District: \$165,186.36

On a square foot of area for all lots, parcels or tracts which are included in the improvement district and which are not part of the public rights-of-way.

SOURCE OF FUNDING:

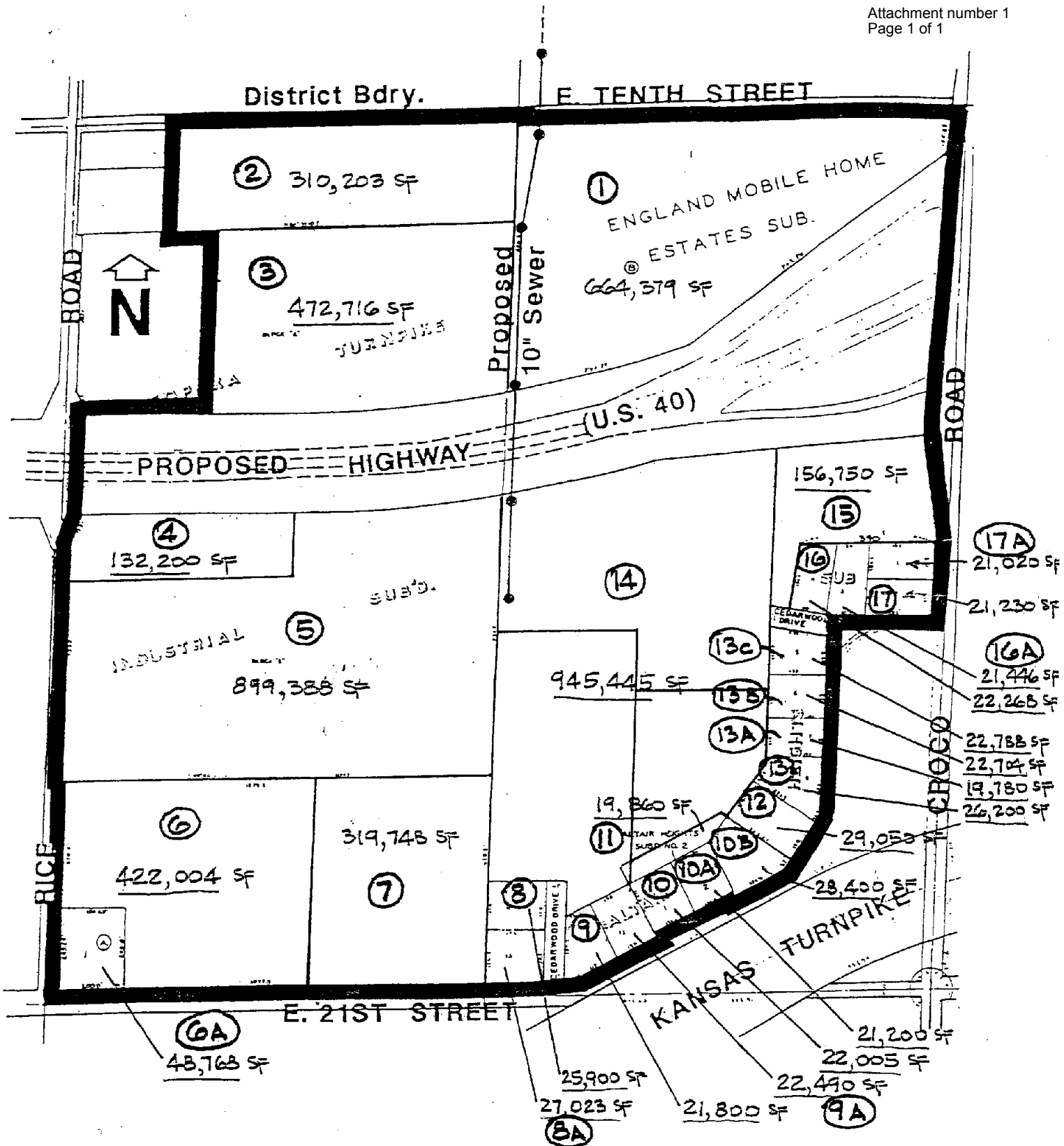
City of Topeka and the Improvement District

ATTACHMENTS:

[Vicinity Map](#)

[Ordinance](#)

[Public Hearing Notice](#)



MAIN SANITARY SEWER DISTRICT NO. 40771

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of sanitary sewer district No. 40771 with piping, manholes, engineering and all other contingencies needed to complete Sanitary Sewer Improvement Project No. 40771, as defined and described in Resolution No. 6671, adopted and approved September 24, 1996.

WHEREAS, the Council of the City of Topeka did on September 24, 1996, approve Resolution No. 6671 which authorized Sanitary Sewer Project No. 40771; and

WHEREAS, the project as authorized had an estimated project budget of \$229,000.00 which was to be assessed on a square footage basis on all property contained within the boundaries of the improvement district; and

WHEREAS, subsequent to the authorization of the improvement, the East Topeka Interchange Project was commenced which resulted in the construction of public roads within the improvement district to provide access to the I-70 and K-4 public roadways; and

WHEREAS, it would be unfair to burden the owners of land in the benefit district by assessing the cost of the improvement on a square footage basis for all property within the improvement district when certain portions of that property is being used for public roads and highways, providing little or no beneficial use to the property owner; and

WHEREAS, K.S.A. 12-6a10 specifically gives the City Council the ability to amend proposed assessments as to any parcels; and

WHEREAS, the City Council finds that it would not be fair and equitable to assess the total project cost on a square footage basis for those portions of improvement district that are now public rights-of-way; and

WHEREAS, K.S.A. 12-6a07 specifically authorizes the City to pay such portion of the cost of an improvement that the City Council may determine, not to exceed ninety-five percent (95%) of the total cost thereof; and

WHEREAS, the Council of the City of Topeka desires to pay for the portion of the cost of Sanitary Sewer Project No. 40771 which would be assessed on a square footage basis for land in the improvement district that is being used for public right-of-way and the property owners will be assessed the rest and remainder of the project costs based on square footage basis of land included in the improvement district which is not being used for public rights-of-way.

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

Section 1. For the purpose of paying the cost of piping, manholes, engineering and all other contingencies needed to complete the project, the same being Sanitary Sewer Improvement Project No. 40771, in the City of Topeka, Shawnee County, Kansas, there is hereby levied and assessed a special assessment on all lots and pieces of ground liable therefore. Said assessments are computed as follows:

A. GENERAL NATURE OF IMPROVEMENT:

To provide sanitary sewer service to the following described area with piping, manholes, engineering and all other contingencies needed for a complete project.

B. IMPROVEMENT DISTRICT:

Begin at the southwest corner of Tenth Street and S.E. Croco Road, this point also being the northeast corner of Lot 1 in Block B of England Mobile Home Estates Subdivision; thence southerly on the west right of way line of S.E. Croco Road to the southeast corner of Lot 2, Altair Heights Subdivision; thence westerly on the south line of Lots 2 and 3 in said subdivision to the southwest corner of Lot 3; thence southerly to the northeast corner of Lot 5 in said subdivision; thence southerly 527.42 feet, following the east line of Lots 5, 6, 7, and 8 in Altair Heights Subdivision;

thence continuing southwesterly on the easterly line of Lots 8, 9, and 10 for a distance of 203.21 feet; thence southwesterly 158.80 feet to the southwest corner of Lot 10, Altair Heights Subdivision; thence northwesterly 10 feet to the southeasterly corner of Lot 2, Block A of Altair Heights Subdivision No. 2; thence westerly to the southwest corner of Lot 1, Block A, Altair Heights Subdivision No. 2; thence southerly 10 feet to the southeast corner of Lot 13, Altair Heights Subdivision; thence westerly to the southwest corner of Lot 14 in said subdivision, also being the northeast corner of 21st Street and Cedarwood Drive; thence westerly across Cedarwood Drive to the southeast corner of Lot 15, Altair Heights Subdivision; thence westerly to the southwest corner of said Lot 15, this point also being the southeast corner of Lot 1, Block A of Fix First Addition; thence westerly on the south line of said Lot 1 and Lot 1, Block A, Fix Second Addition to the east right of way line of Rice Road; thence northerly on said right of way line to the south line of Lot 1, Block A, Topeka Turnpike Industrial Subdivision; thence easterly on the south line of said Lot 1 to a point 435.11' east of the west line of the southeast quarter of Section 3, Township 12 south, Range 16 east of the Sixth P.M.; thence northerly parallel with and 435.11 feet easterly of the west line of said southeast quarter to the north line of Lot 1, Block A, Topeka Turnpike Industrial Subdivision; thence westerly on the north line of said Lot 1 for a distance of 138.78 feet; thence northerly to the south right of way line of East Tenth Street at a point 296.33 feet easterly of the west line of the southeast quarter of Section 3, Township 12 south, Range 16 east of the Sixth P.M.; thence easterly on the south right of way line of East Tenth Street to the west right of way line of S.E. Croco Road and the point of beginning.

C. METHOD OF ASSESSMENT:

On a square foot of area for all lots, parcels or tracts which are included in the improvement district and which are not part of the public rights-of-way.

D. TOTAL COST & APPORTIONMENT OF COSTS:

City of Topeka	\$55,517.24
Improvement district	\$165,186.36

FINAL PROJECT COST = \$220,703.60

Section 2. The several amounts are apportioned, levied and assessed against

each of said lots and pieces of ground according to the benefits to be derived by reason of the aforesaid improvements (except the interest hereinafter mentioned) which are as follows:

108 SANITARY SEWER IMPROVEMENT PROJECT NO. 40771

109
110
111
112
113Parcel
Identification
NumberDescriptionAssessmentENGLAND MOBILE HOME ESTATES
SUBDIVISION
BLOCK B

1320304001001000	Lot 1, Less R/W for Hwy.	\$17,106.10
1320304001002000	N. 330' of NW QUARTER of the SE QUARTER, Less the west 296.33' of said parcel.	\$8,502.48

TOPEKA TURNPIKE INDUSTRIAL
SUBDIVISION
BLOCK A

1320304001003000	Beginning at NE Corner of Lot 1, thence southerly 316', scaled; thence westerly 900.36'; thence northerly 116', scaled; thence easterly 419', scaled; thence North 201.06'; thence easterly 494.07' to the point of beginning.	\$9,557.53
1320304001003020	Beginning 894.29' West and 75.56' South of the NE Corner of Lot 1; thence southerly 260.31'; thence easterly 339.5'; thence northeasterly 27.96'; thence North 150.42'; thence northwesterly 59.06'; thence westerly 308.35' to the point of beginning.	\$2,801.15

TOPEKA TURNPIKE INDUSTRIAL
SUBDIVISION
BLOCK B

1320304002004000	Part of Block B, Lot 1 described as follows: Begin at Northwest Corner of Lot 1; thence East 590.42'; thence South 198.20'; thence West 566', scaled; thence North 190.42' to the point of beginning.	\$5,141.46
1320304002003000	Lot 1, Less beginning at Northwest Corner of East 590.2'; thence northeasterly 44.11'; thence South 198.2'; thence West 665'; thence North 130.42'; Thence northeasterly 74.55' to the point of beginning, less R/W.	\$22,390.59

FIRST FIX ADDITION
BLOCK A

1320304002005000	Lot 1, Less the East 515'.	\$16,607.44
1320304002005000	Lot 1	\$1,327.14
1320304002006000	The East 515' of Lot 1, Block A, First Fix Addition, Less R/W.	\$13,029.72

ALTAIR HEIGHTS SUBDIVISION NO. 3
BLOCK A

1320304002002000	Part of Lot 1, Block A, Beginning at the Southwest Corner of Lot 1; thence North 802.56'; thence easterly 369.47'; thence South 247.2'; thence Southwest 344.33'; Thence Southeast 272.09'; thence westerly 202.94'; thence West 194.71' to the point of beginning.	\$11,429.91
1320304002011010	Lot 2, Block A	\$6,898.72
1320304002011010	Part of Lot 10, Block A of Altair Heights Subdivision No. 2; Beginning at easterly Corner of Lot 10; thence Southwest 37'; thence Southwest 60.9'; thence Northwest 215.53'; thence Southeast 225.58' to point of beginning.	\$460.47

UNPLATTED PARCELS IN EAST HALF OF
SOUTHEAST QUARTER OF SECTION 3-12-16

1320304002002010	Begin 1061.88' North of the Southwest of the East half of said Southeast Quarter; thence North 362.95'; thence easterly 835.80'; thence South 395.62'; thence West 207.04'; thence southwesterly 536.34'; thence West 89.44' to point of beginning, less R/W.	\$33,130.65
1320304002011000	Begin at Northwest Corner of said Lot 2; thence East 341.73'; thence North 135.04'; thence West 67.92'; thence westerly 280.14'; thence South 60.03' to point of beginning.	\$1,462.03

ALTAIR HEIGHTS SUBDIVISION NO. 5
BLOCK A

1320304002009000	Lot 1	\$2,272.09
1320304002009000	Lot 2	\$905.30

ALTAIR HEIGHTS SUBDIVISION

1320304002012000	Lot 5, Less beginning at the Northeast Corner of Lot 5; thence South 37.89'; thence West 172'; thence North 63.56'; thence East 173.88' to point of beginning.	\$569.36
1320304002012000	Lot 6	\$925.19
1320304002012000	Lot 7	\$806.03
1320304002012000	Lot 8	\$1,067.65
1320304002014000	Lot 1	\$683.05
1320304002014000	Lot 2	\$286.43
1320304002001000	Beginning 10' East of the Northeast Corner of Lot 1, Altair Heights Subdivision; thence West 410', more or less; thence southerly 194.47'; thence westerly 60.63'; thence North 470', more or less; thence easterly 430', more or less; thence southerly 330', more or less to point of beginning, less Hwy R/W.	\$6,571.34
1320304002001000	Lot 3, Less R/W.	\$600.57
1320304002001000	Lot 4, Less R/W.	\$653.96

114
115 Section 3. Such assessments with accrued interest are hereby levied concurrent
116 with general property taxes and shall be payable in twenty (20) equal annual installments;
117 the first installment to be payable at the time of the first payment of the general property
118 taxes, following the publication of this ordinance.

119 Section 4. All assessments shall bear interest in an amount not to exceed the
120 legal rate established by law.

121 Section 5. The owner of any property so assessed may at any time prior to 30
122 days from the date of publication of this ordinance, pay the whole of the assessment
123 against any lot or parcel with interest accrued to the date of payment, to the City Treasurer.

124

Section 6. Assessments not paid prior to the date provided in Section 5 hereof, shall be certified, together with interest accrued, or to accrue, by the City Clerk to the County Clerk, and collected in the same manner as other taxes.

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

PASSED and APPROVED by the City Council_____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

(Published in The Topeka Metro News November 16, 2007)

NOTICE OF PUBLIC HEARING

SANITARY SEWER DISTRICT NO. 40771

Notice is hereby given that there will be a special meeting of the City Council of the City of Topeka, Shawnee County, Kansas, held on November 27, 2007, at 6:00 P.M., in the Council Chamber 214 E. 8th, for the purpose of hearing any and all complaints that may be made as to the validity and fairness of the assessments on file in the office of the Clerk, on all lots, parcels and pieces of ground liable for the cost of improvement, same being Sanitary Sewer District No. 40771, authorized by Resolution No. 6671, adopted and approved September 24, 1996.

GENERAL NATURE OF IMPROVEMENT:

To provide sanitary sewer service to the following described area with piping, manholes, engineering, and all other contingencies required for a complete project.

IMPROVEMENT DISTRICT:

Begin at the southwest corner of Tenth Street and S.E. Croco Road, this point also being the northeast corner of Lot 1 in Block B of England Mobile Home Estates Subdivision; thence southerly on the west right of way line of S.E. Croco Road to the southeast corner of Lot 2, Altair Heights Subdivision; thence westerly on the south line of Lots 2 and 3 in said subdivision to the southwest corner of Lot 3; thence southerly to the northeast corner of Lot 5 in said subdivision; thence southerly 527.42 feet, following the east line of Lots 5, 6, 7, and 8 in Altair Heights Subdivision; thence continuing southwesterly on the easterly line of Lots 8, 9, and 10 for a distance of 203.21 feet; thence southwesterly 158.80 feet to the southwest corner of Lot 10, Altair Heights Subdivision; thence northwesterly 10 feet to the southeasterly corner of Lot 2, Block A of Altair Heights Subdivision No. 2, thence westerly to the southwest corner of Lot 1, Block A, Altair Heights Subdivision No. 2; thence southerly 10 feet to the southeast corner of Lot 13, Altair Heights Subdivision; thence westerly to the southwest corner of Lot 14 in said subdivision, also being the northeast corner of 21st Street and Cedarwood Drive; thence westerly across Cedarwood Drive to the southeast corner of Lot 15, Altair Heights Subdivision; thence westerly to the southwest corner of said Lot 15, this point also being the southeast corner of Lot 1, Block A of Fix First Addition; thence westerly on the south line of said Lot 1 and Lot 1, Block A, Fix Second Addition to the east right of way line of Rice Road; thence northerly on said right of way line to the south line of Lot 1, Block A, Topeka Turnpike industrial Subdivision; thence easterly on the south line of said Lot 1 to a point 435.11' east of the west line of the southeast quarter of Section 3, Township 12

south, Range 16 east of the Sixth P.M.; thence northerly parallel with and 435.11 feet easterly of the west line of said southeast quarter to the north line of Lot 1, Block A, Topeka Turnpike Industrial Subdivision; thence westerly on the north line of said Lot 1 for a distance of 138.78 feet; thence northerly to the south right of way line of East Tenth Street at a point 296.33 feet easterly of the west line of the southeast quarter of Section 3, Township 12 south, Range 16 east of the Sixth P.M.; thence easterly on the south right of way line of East Tenth Street to the west right of way line of S.E. Croco Road and the point of beginning.

METHOD OF ASSESSMENT:

On a square foot area basis for all lots, parcels or tracts which are included in the improvement district.

TOTAL COST & APPORTIONMENT OF COSTS:

Total Cost of Project = \$220,703.60

Total Square Foot of Project = 5,416,046

Total Cost of Road Right of Way = \$55,517.24

Total Square Foot of Road Right of Way = 1,362,388

Total Cost Assessed to District = \$165,186.36

Total Square Foot of Assessed District = 4,053,658

Square foot cost = \$0.04075

Paid 100% by Improvement District

All of above described territory being situated in the City of Topeka, Shawnee County, Kansas.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City for Topeka to be affixed on November 9, 2007

Brenda Younger, City Clerk



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 4, 2007

 + Back  Print

DATE: November 20, 2007

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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