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City Council Agenda

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

September 22, 2009
6:00 PM

City Manager: Norton N. Bonaparte, Jr.

Mayor: William W. Bunten

Councilmembers

Karen A. Hiller	**District No. 1**	**Deborah Swank**	**District No. 6**
John Alcala	**District No. 2**	**Robert E. Archer**	**District No. 7**
Sylvia E. Ortiz	**District No. 3**	**Jeff Preisner**	**District No. 8**
Jack Woelfel	**District No. 4**	**Richard Harmon**	**District No. 9**
Larry Wolgast	**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.

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

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

(Agendas are available on Thursday afternoon in the City Clerk's office, 215 SE 7th – Room 166 and on the City's web site at 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. Board Appointment - Topeka Human Relations Commission

ATTACHMENTS

BOARD APPOINTMENT recommending the appointment of Debbie Besenyi to the Topeka Human Relations Commission to fill an unexpired term that would end November 30, 2009. *(Council District No. 4)*

B. MINUTES of the regular meeting of September 15, 2009

C. APPLICATIONS:

D. Resolution - Orlando Rivera - Noise Exception

ATTACHMENTS

A RESOLUTION introduced by Councilmember Jack Woelfel, granting Orlando Rivera an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions. *(Council District No. 4)*

This item was added at the meeting.

(Approval would grant a noise exception for an event on September 26, 2009 from 5:00 p.m. to 11:00 p.m.)

5. PUBLIC HEARINGS:

A. Public Hearing and Ordinance - City of Topeka (V08S/4)

ATTACHMENTS

A PUBLIC HEARING in conjunction with vacation request V08S/4 to vacate a portion of the city street right-of-way intersecting the railroad right-of-way located on NW Howard and NW 7th Streets between NW Lincoln and NW Lane Streets, City of Topeka, Shawnee County, Kansas.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., relating to the vacation of a portion of city street right-of-way intersecting the railroad right-of-way located on NW Howard and NW 7th Streets between NW Lincoln and NW Lane Streets, City of Topeka, Shawnee County, Kansas. Final Reading. *(V08S/4) (Council District No. 2)*

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval would vacate a portion of NW Howard and NW 7th Streets and establish a necessary utility easement.)

B. Public Hearing and Ordinance - 2009 Operating Budget Amendments

ATTACHMENTS

A PUBLIC HEARING for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of 2009 Operating Budget funds.

AN APPROPRIATION ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the adopted operating budget for the City of Topeka, for the year 2009, and appropriating the amounts for the purpose as set forth therein. First and Final Reading.

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval would increase the expenditure limit for the Special Street Fund and the Zoo Improvement Fund. It would also establish an expenditure limit for the new City Half-Cent Sales Tax Street Repair. The Notice of Public Hearing was published in the September 11, 2009 edition of the Topeka Metro Newspaper.)

6. UNFINISHED BUSINESS:

A. Ordinance - Parkland Development Fee (ASR09/1)


ATTACHMENTS

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending Topeka City Code Sections 134-143 and 134-169, subdivision regulations, relating to parkland acquisition and development, as well as, streets, repealing said original sections. Final Reading. *(ASR09/1)*

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval would revise the parkland development fee structure to be more consistent with the Parks and Open Space element of the Comprehensive Plan. This includes establishing the fee based on the greenspace health of an area and requiring that any expenditures occur in the same area it is collected.)

B. Ordinance - Parks and Open Space Plan Amendment No. 1 (CPA09/2)


ATTACHMENTS

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., pertaining to an amendment to the text and map of the Topeka Comprehensive Metropolitan Plan. Final Reading.*(CPA09/02)*

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval would amend the Parks and Open Space Plan element to include parkland fee districts.)

C. Ordinance - Small Wind Energy Systems (AZCR09/5)


ATTACHMENTS

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Comprehensive Zoning Regulations concerning wind energy creating Division 3 of Article 26 in City of Topeka Code Chapter 48. Final Reading.

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval would amend the Zoning Code to allow small wind energy systems for non-residential uses.)

D. Ordinance - Small Wind Energy Systems


ATTACHMENTS

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., concerning conditional use in each zoning district for non-residential small wind energy systems, amending City of Topeka Code Sections 48.2.02, 48-3.02, 48-4.02, 48-5.02, 48-6.02, 48-7.02, 48-8.02, 48-8a.02, 48-9.02, 48-10.02, 48-11.02, 48-12.02, 48-13.02, 48.14.02, 48-15.02, 48-16.02, 48-17.02, 48-18.02, 48-19.02, 48-20.02, 48-22.02, 48-23.02, 48-23a.03, 48-23a.04, 48-23a.05, 48-24a.01, 48-24b.01, 48-24b.02, and 48-24b.03 and specifically repealing said original sections. Final Reading.

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(This is a companion ordinance for small wind energy systems. Approval would allow small wind energy systems for non-residential uses in each of the zoning districts only by approval of a conditional use permit.)

7. NEW BUSINESS:

A. Grant - COPS Hiring Recovery Program


ATTACHMENTS

APPROVAL of a grant from the COPS Hiring Recovery Program through the office of Community-Oriented Policing Services (COPS), an office of the U.S. Department of

Justice.

(Approval would provide grant funding for (7) seven entry-level patrol officers for a period of three years. The total amount of the award for the (3) three year period is $1,120,539. The cost to the city for the 4th year of the COPS grant would be approximately $437,156.)

B. Project Budget and Resoution - Great Overland Station Park Project No. T-301014.00

ATTACHMENTS

A PROJECT BUDGET in the amount of $284,000 and A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., relating to and authorizing Project No. T-301014.00 (HTE 302930) which provides for property acquisition and site preparation for the Great Overland Station Park development more specifically described herein. *(Council District No. 2)*

(Approval would allow for property acquisition and site preparation for development at the Great Overland Station Park located south of NW Curtis Street to the Kansas River between N Kansas Avenue and NW Tyler Street with funding provided by Transient Guest Tax Funds pursuant to Resolution No. 7253.)

C. Resolution - Residency Requirement Exception

ATTACHMENTS

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., concerning a residency requirement exception for a Department Head.

(Approval would grant an exception to the requirement that Mr. Allen Bradshaw reside within the corporate limits of the City of Topeka.)

D. Ordinance - Weekly Expenditures - August 31-September 6, 2009

ATTACHMENTS

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of August 31, 2009, through September 6, 2009, and enumerating said expenditures therein. First and Final Reading.

8. ZONING:

A. Ordinance - California Residential Care (PUD09/2)

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 3860 SE California Avenue from "R-1" Single Family Dwelling District TO "PUD" Planned Unit Development District (M-1 use group, including a Residential Care Facility, Type III). Final Reading. *(PUD09/2) (Council District No. 4)*

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval would allow for senior independent-living facilities affiliated with the residential care facility and three independent-living duplex buildings.)

9. FIRST READINGS:

A. Ordinance - ARTSConnect Arty Party

ATTACHMENTS

AN ORDINANCE introduced by Councilmember Deborah Swank authorizing the sale, consumption and possession of alcoholic liquor as part of the ARTSConnect Arty Party at specified locations and times. First Reading.

(Approval would allow state-licensed vendors to sell alcoholic beverages in a barricaded portion of SW 16th Street during the event.)

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

August 18, 2009

DATE:	**September 22, 2009**		
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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ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

"None scheduled at this time."

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

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ATTACHMENTS:

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STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 4, 2009

DATE:	**September 22, 2009**	
CONTACT PERSON:	**Mayor Bunten**	**DOCUMENT #:**
SECOND PARTY/SUBJECT:	**Topeka Human Relations Commission**	**PROJECT #:**
CATEGORY/SUBCATEGORY	**006 Communication / 003 Requests**	
CIP PROJECT:	**No**	
ACTION OF COUNCIL:		**JOURNAL #:**
		PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of Debbie Besenyi to the Topeka Human Relations Commission to fill an unexpired term that would end November 30, 2009. *(Council District No. 4)*

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

The Mayor is recommending the appointment of Debbie Besenyi to fill an unexpired term that will end November 30, 2009. Ms. Besenyi was nominated by Councilman Woelfel. Her bio is attached for review.

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:

Besenyi

Attachment number 1
Page 1 of 1

Hi, my name is Debbie Besenyi and I am very exciteu about the opportunity to serve as a member of the planning commission. I have never served on any other boards, however I was asked years ago by then Mayor Butch Felker to serve on the Human Relations Board (I believe this was the name), but was unable to do so at that time.

I was born and raised in Topeka, leaving for about 10 years and living in Johnson County, before returning to Topeka about 2 years ago. I have 2 adult children and have 2 amazing grandchildren. I am still an active supporter of my high school- Highland Park, and participate as a judge in their yearly Debate Tournament. I am also an ambassador with the Shawnee County Sheriff's Citizens Academy, having completed this course last spring and am planning on going through the Topeka Police Citizens Academy this fall. I work for the State of Kansas Department of Health and Environment at the Lab located out at Forbes field and also work part-time at Med Assist.

I believe I would be a good candidate for this position as I possess the necessary qualifications to be team member- reliability, versatility, strong verbal skills, and the ability to get along with a diverse group of people. I can also analyze different and unique problems and come to a
workable solution.

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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

August 18, 2009

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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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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 23, 2009

DATE:	**September 22, 2009**	
CONTACT PERSON:	**Councilmember Jack Woelfel**	**DOCUMENT #:**
SECOND PARTY/SUBJECT:	**Orlando Rivera**	**PROJECT #:**
CATEGORY/SUBCATEGORY	**020 Resolutions / 005 Miscellaneous**	
CIP PROJECT:	**No**	
ACTION OF COUNCIL:	**Approve**	**JOURNAL #:**
		PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Jack Woelfel, granting Orlando Rivera an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions. *(Council District No. 4)*

This item was added at the meeting.

(Approval would grant a noise exception for an event on September 26, 2009 from 5:00 p.m. to 11:00 p.m.)

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

Resolution

RESOLUTION NO.

A RESOLUTION introduced by Councilmember Jack Woelfel, granting Orlando Rivera an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions.

WHEREAS, City of Topeka Code Section 54-148 makes it unlawful for any person to make, continue or cause to made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health or safety or others within the limits of the city; and

WHEREAS, City of Topeka Code Section 54-148 authorizes the City Council to grant exceptions to the prohibitions of this code section upon request and a showing that the proposed activity does not offend the spirit of the findings of City of Topeka Code Section 54-146; and

WHEREAS, Orlando Rivera has requested that he be granted an exception to the provisions of City of Topeka Code Section 54-148 for the purposes, dates and times described herein, and

WHEREAS, upon review of the application of Orlando Rivera, the Council of the City of Topeka does hereby find that the requested activity does not offend the spirit of the findings of City of Topeka Code Section 54-146.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka that Orlando Rivera is hereby granted an exception from the provisions of City of Topeka Code Section 54-148 for a live band located at 2344 SE Massachusetts Avenue from 5:00 p.m. to 11:00 p.m. on September 26, 2009.

ADOPTED and APPROVED by the City Council _____.

_____
William W. Bunten, Mayor

_____
Brenda Younger, City Clerk

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 8, 2009

DATE:	**September 22, 2009**		
CONTACT PERSON:	**David Thurbon/Braxton Copley**	**DOCUMENT #:**	**N/A**
SECOND PARTY/SUBJECT:	**City of Topeka**	**PROJECT #:**	**V08S/4**
CATEGORY/SUBCATEGORY	**014 Ordinances – Non-Codified / 006 Vacations**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:	**09/15/09 First Reading**	**JOURNAL #:**	**09**
		PAGE #:	

DOCUMENT DESCRIPTION:

A PUBLIC HEARING in conjunction with vacation request V08S/4 to vacate a portion of the city street right-of-way intersecting the railroad right-of-way located on NW Howard and NW 7th Streets between NW Lincoln and NW Lane Streets, City of Topeka, Shawnee County, Kansas.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., relating to the vacation of a portion of city street right-of-way intersecting the railroad right-of-way located on NW Howard and NW 7th Streets between NW Lincoln and NW Lane Streets, City of Topeka, Shawnee County, Kansas. Final Reading. *(V08S/4) (Council District No. 2)*

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval would vacate a portion of NW Howard and NW 7th Streets and establish a necessary utility easement.)

POLICY ISSUE:

The vacation is for a railroad crossing on the Goodyear Spur. City Council's approval of the vacation of street right-of-way across the Union Pacific Railroad will complete an agreement between the City of Topeka and the UPRR. Approximately 2,367 feet of UPRR track along SW 1st Street from Jackson to Tyler, including the SW 1st Street Crossing will be abandoned with the vacation. The abandonment of this track and the crossing made it possible for the City to design and construct a new Topeka Boulevard bridge.

STAFF RECOMMENDATION:

The Planning and Legal Departments recommend **APPROVAL** of the proposed vacation conditional upon retaining a necessary utility easement.

BACKGROUND:

- This portion of right-of-way was previously approved by the City Council on May 6, 2008. However, 7th Street was not named explicitly in the legal description or public notice. Therefore, this vacation is being resubmitted for approval.
- The Kansas Statutes and Topeka Code Section 130-476(b) requires a public hearing in conjunction with

proposed vacation petitions which have been filed in accordance with a prescribed procedure.

- Traffic counts for NW Howard and NW 7th Streets at the UPRR crossing were 252 vehicles per day, peak hourly volume at 18 vehicles.
- Westar has utilities within the street right-of-way. The ordinance reflects the retention of a utility easement.
- Planning staff sent out notices on July 16, 2009, to property owners within a 200' radius of the proposed vacation. Sandy Howard, property owner, called with concerns about traffic.

BUDGETARY IMPACT:

N/A.

SOURCE OF FUNDING:

N/A.

ATTACHMENTS:

Application

Aerial

Ordinance

Legal Advertisement

Check-Off Page

Vicinity Map

CITY OF 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 3-14-08 Date Advertised

Application No. V085/4 Date of Public Hearing

TO BE COMPLETED BY CITY CLERK'S OFFICE

Filing Fee $ 260.00 Receipt No. 39517, 7036

APPLICATION

City Vacation of Streets, Alleys and Easements

RECEIVED
MAR 14 2008
TOPEKA PLANNING DEPARTMENT

1. Applicant(s): City of Topeka, Engineering Division
2. Applicant's Mailing Address: 620 SE Madison, 2nd floor
   City Topeka State: Ks Zip: 66607
3. Telephone: Area Code: (785) No.: 368-3842
4. Legal description of property requested to be vacated as prepared by the City of Topeka Department of Public Works: Howard Street Right-of-Way at grade crossing with Department of Transportation Crossing No. 604730U - See Attached Sheet
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 ____ Block No. ____
   In ____ Subdivision ____
   Public Right-of-Way on Howard Street

RECEIVED
CITY CLERK
TOPEKA, KANSAS
2008 MAR 13 A 9:29

Metes and Bounds Description, if unplatted: N/A

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: See Attached Sheet

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? N/A - Area of abandoned street right-of-way is within continuous Railroad Right-of-Way

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

12. Will the area proposed for vacation create any unique, adverse or undesirable traffic conditions? No

13. How are adjoining properties used? RR Right-of-Way for Goodyear Industrial Lead Track

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: "R-1" Single Family Dwelling District zoning is adjacent to the R-O-W

Signature of Applicant(s) Bernard L. Corby, P.E.
City of Topeka, Engineering

(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_____

Street Address_____

City_____ State_____ Zip Code_____

Telephone No. (_____)_____ Fax No. (_____)_____



V08S/4 City of Topeka

(Published in the Topeka Metro News _____)

ORDINANCE NO.

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a portion of City's street right-of-way intersecting the railroad right-of-way located on NW Howard and NW 7th Streets between NW Lincoln and NW Lane Streets, City of Topeka, Shawnee County, Kansas. **(V08S/4) (Council District No. 2)**

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

Section 1. That pursuant to the requirements of K.S.A. 12-504 as amended, a petition by the City of Topeka, 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 tract in the fractional Northwest Quarter of Section 19, Township 11 South, Range 16 east of the 6th P.M. in the City of Topeka, Shawnee County, Kansas described as: Beginning at the Southwest corner of Lot 51 on Lincoln Street in White Oak Grove; thence westerly, on an extension of the North line of Howard Street, to an intersection with the West line of the right-of-way of the former Chicago, Kansas and Nebraska Railway Company, recorded as a 100-foot wide strip in Volume 123 at page 325; thence southeasterly, on the West line of said right-of-way, to an intersection with an extension of the South line of 7th Street in Cross Addition; thence easterly, on an extension of the South line of 7th Street, to an intersection with the East line of said right-of-way; thence northwesterly 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 September 15, 2009, the petition is ready for determination by the Governing Body of the City of Topeka, Kansas.

Section 3. That the Governing Body 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 Governing Body 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 tract in the fractional Northwest Quarter of Section 19, Township 11 South, Range 16 east of the 6th P.M. in the City of Topeka, Shawnee County, Kansas described as: Beginning at the Southwest corner of Lot 51 on Lincoln Street in White Oak Grove; thence westerly, on an extension of the North line of Howard Street, to an intersection with the West line of the right-of-way of the former Chicago, Kansas and Nebraska Railway Company, recorded as a 100-foot wide strip in Volume 123 at page 325; thence southeasterly, on the West line of said right-of-way, to an intersection with an extension of the South line of 7th Street in Cross Addition; thence easterly, on an extension of the South line of 7th Street, to an intersection with the East line of said right-of-way; thence northwesterly to the point of beginning.**

Section 5. That the Governing Body of the City of Topeka does hereby find that justice further requires the provision for the retention of 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 a utility easement:

> **A tract in the fractional Northwest Quarter of Section 19, Township 11 South, Range 16 east of the 6th P.M. in the City of Topeka, Shawnee County, Kansas described as: Beginning at the Southwest corner of Lot 51 on Lincoln Street in White Oak Grove; thence westerly, on an extension of the North line of Howard Street, to an intersection with the West line of the right-of-way of the former Chicago, Kansas and Nebraska Railway Company, recorded as a 100-foot wide strip in Volume 123 at page 325; thence southeasterly, on the West line of said right-of-way, to an intersection with an extension of the South line of 7th Street in Cross Addition; thence easterly, on an extension of the South line of 7th Street, to an intersection with the East line of said right-of-way; thence northwesterly to the point of beginning.**

Section 6. This vacation shall not affect any other underlying easements or restrictions whether platted or by instrument.

Section 7. 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 8. 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 Governing Body of the City of Topeka_____, 2009.

_____
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 August 7, 2009 and again on August 14, 2009.

IN THE MATTER OF THE PROPOSED VACATION OF:

Vacation of a portion of City's street right-of-way intersecting the railroad right-of-way located on NW Howard and NW 7th Streets between NW Lincoln and NW Lane Streets, City of Topeka, Shawnee County, Kansas. **(V08S/4) (Council District No. 2)**

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 the City of Topeka, owners of the concerned property, which includes a portion of street right-of-way and praying that the street 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 September 15, 2009, 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.: V08S/4 Location: NW Howard & NW 7th Streets between NW Lincoln & NW Lane Streets

DEPARTMENTS:

- ***Water Division***: __X__ No Objection _____ Objection
  Comments: The vacated right-of-way will need to be retained as a utility easement. There is a 6" water main through the area.

- ***Engineering:*** __X__ No Objection _____ Objection
  Comments: The crossing does not contain storm sewer but there is a sanitary sewer near and parallel with the east side of the railroad right-of-way. The sewer should be covered by a separate license agreement and not be affected by this vacation.

- ***Fire:*** __X__ No Objection _____ Objection

- ***Police:*** __X__ No Objection _____ Objection

- ***Shawnee County Refuse:*** __X__ No Objection _____ Objection

UTILITY COMPANIES:

- ***AT&T:*** __X__ No Objection ____ Objection

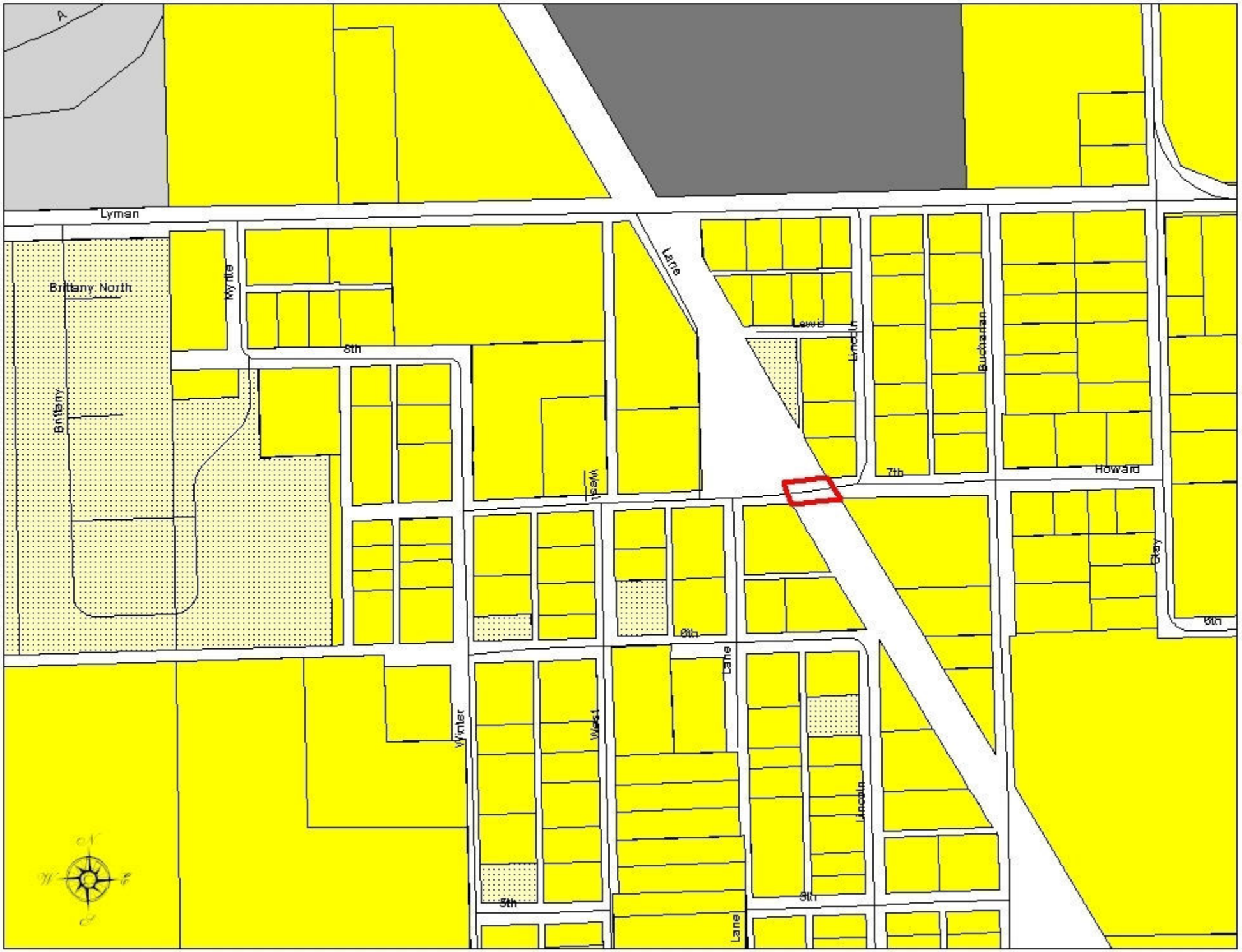
- ***Westar:*** __X__ No Objection _____ Objection
  Comments: Westar has existing overhead electric facilities. An easement needs to be retained for continued operation, maintenance and replacement of electric facilities.

- ***Kansas Gas Service:*** __X__ No Objection _____ Objection

- ***Cox Communications:*** __X__ No Objection _____ Objection

Cindy Johnson, Planner I

August 17, 2009



V08S/4 City of Topeka

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 4, 2009

DATE:	**September 22, 2009**	
CONTACT PERSON:	**Jim Langford**	**DOCUMENT #:**
SECOND PARTY/SUBJECT:		**PROJECT #:**
CATEGORY/SUBCATEGORY	**004 Budgets or Appropriations / 001 Operating Budget - City**	
CIP PROJECT:	**No**	
ACTION OF COUNCIL:		**JOURNAL #:**
		PAGE #:

DOCUMENT DESCRIPTION:

A PUBLIC HEARING for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of 2009 Operating Budget funds.

AN APPROPRIATION ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the adopted operating budget for the City of Topeka, for the year 2009, and appropriating the amounts for the purpose as set forth therein. First and Final Reading.

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval would increase the expenditure limit for the Special Street Fund and the Zoo Improvement Fund. It would also establish an expenditure limit for the new City Half-Cent Sales Tax Street Repair. The Notice of Public Hearing was published in the September 11, 2009 edition of the Topeka Metro Newspaper.)

POLICY ISSUE:

Cities are authorized by K.S.A.79-2929a to amend budgets to spend money not in the original budget. The additional expenditures cannot be financed by additional tax levy. The policy question is whether to increase expenditures from the Special Street Repair Fund and the Zoo Improvement Fund, and to authorize expenditures for the City Half Cent Sales Tax Street Repair Fund.

STAFF RECOMMENDATION:

Amend as proposed.

BACKGROUND:

Special Street Repair Fund. The amendment would increase expenses by $1,600,040 to perform street improvements and purchase equipment. Specifically, equipment purchases of $740,528; contract street maintenance of $780,512; and acquisition of right-of-way totaling $79,000. The additional expenditure will be financed by the unbudgeted motor fuel tax receipts of $1,603,120. These monies were received in April 2009 and represent monies owed from underpayments by the State of Kansas over the past several years.

Zoo Improvement Fund. The amendment would increase the expenditure limit from $2,000 to $8,934 to purchase new

tables and chairs in the Gary Clarke Education Center. The additional expense is financed by unbudgeted fund balance. This small fund was abolished for 2010 by Ordinance 19285, which was approved on July 22, 2009. This action will allow the expenditure of all remaining resources in the fund.

City Half Cent Sales Tax Street Repair Fund. This fund was not budgeted for 2009. The City Council approved Ordinance 19281 on July 14, 2009, authorizing $700,000 for the design of the projects in the 2010 Street Maintenance Program which are to be funded from the Citywide Half Cent Special Purpose Retailers' Sales Tax. It is expected that expenses for the design work will be incurred in 2009. The amendment allows the expenditure of up to $200,000 in 2009. The half-cent sales tax will be collected beginning in October of 2009, and the first distribution of an estimated $1.1 will be received the end of December 2009.

BUDGETARY IMPACT:

Additional expenditures totaling $1,808,974.

SOURCE OF FUNDING:

Special Street Repair Fund: $1,600,040
Zoo Improvement Fund: $6,934
City Half Cent Sales Tax Street Repair Fund: $200,000

ATTACHMENTS:

Notice of Public Hearing

Ordinance

Fund Summaries

Attachment number 1
Page 1 of 1

NOTICE OF BUDGET HEARING AMENDING THE 2009 BUDGET

The governing body of the CITY OF TOPEKA, KANSAS will meet on the 22nd day of September, 2009 at 6:00 pm, at the CITY COUNCIL CHAMBERS at 214 E. Eighth Street, for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds.
Detailed budget information is available at OFFICE OF THE CITY MANAGER, CITY HALL and will be available at this hearing.

BUDGET SUMMARY

The amendments would increase the expenditure limit for the Special Street Repair Fund for street improvements and equipment; the Zoo Improvement Fund for furnishings; and City Half Cent Street Repairt Fund for design of street improvments. The additoinal expenditures would be paid for by previously unbudgeted revenue.

	Adopted Budget 2009			Proposed Amendment 2009
Fund	Actual Tax Rate	Amount of Ad Valorem Tax	Expenditures	Expenditures
Special Street Repair	--	$ -	$ 6,068,995	$ 7,669,035
Zoo Improvement	--	$ -	$ 2,000	$ 8,934
City Half-Cent Sales Tax Street Repair	--	$ -	$ -	$ 200,000

By Order of the governing Body:

Brenda Younger
City Clerk

(Published in the Topeka Metro News_____.)

ORDINANCE NO. _____

AN APPROPRIATION ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., approving and adopting certain amendments to the operating budget for the City of Topeka, for the year 2009, and appropriating the amounts for the purpose as set forth therein.

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

Section 1. *Amendments to the Budget incorporated by reference as a part of this Ordinance.* The amendments to the operating budget for the City of Topeka, Kansas, for the year 2009 as set forth in a ___ page document in the format prescribed by the Director of Accounts and Reports of the Kansas Department of Administration, as required by law, which has been published in a summary format together with a notice of public hearing, is hereby incorporated by reference as a part of this Ordinance with the same force and effect as if it were set forth herein in its entirety.

Section 2. *Amendments to the Budget approved and adopted.* The amendments to the operating budget as described and incorporated by reference in Section 1 above is hereby approved and adopted as amendments to the operating budget for the year 2009.

Section 3. *Funds appropriated by budget.* The amendments to the budget as approved and adopted herein shall constitute and shall be declared to be appropriations for the funds and departments as set forth therein, and the appropriations thus made shall not be used for any other purpose. No money in any fund or fund type shall be used to pay for any indebtedness created in excess of the amount appropriated for such fund or fund type, or for the departments of such fund or fund type as referred to in the operating budget. The appropriations made herein are for the year 2009 and no expenditures shall be incurred as being authorized by such appropriations prior to January 1, 2009 or

subsequent to December 31, 2009.

Section 4. *Budget amendments.* Any further amendment to the operating budget must be approved by the City Council and enacted in accordance with the provisions of K.S.A. § 79-2929a.

Section 5. *As used in this ordinance "fund" is defined as follows*:

Fund. A fiscal and accounting entity with a self balancing set of accounts in which cash and other financial resources, all related liabilities and residual equities, or balances, and changes therein are recorded and segregated to carry on specific activities or attain certain objectives in accordance with special regulations, restrictions, or limitations.

Section 6. *The following fund types are authorized*:

Governmental (or statutory) Fund Type: including General Fund, Special Revenue Funds, Debt Service Funds, and Capital Projects Funds; Proprietary Fund Type: including Enterprise Funds and Internal Service Funds (fixed or flexible); and, Fiduciary Fund Type: including Trust and Agency Funds. This Ordinance applies to all funds as listed on the budget certificate and fund summary adopted and submitted to the county and state.

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

City of Topeka, Kansas Operating Budget for Fiscal Year 2009

Summary of Resources and Appropriations

Resources and Appropriations	2009 Adopted	2009 Amended	Difference
FUND: SPECIAL STREET REPAIR 291			
FUND BALANCE, BEGINNING	$ 801,271	$ 459,815	$ (341,456)
REVENUE:			
Intergovernmental Motor Fuel/State	3,629,870	3,629,870	-
Intergovernmental Motor Fuel/County	2,135,890	3,739,010	1,603,120
Special Assessments	-	-	-
Fees for Services	-	-	-
Highway Maintenance-links	16,404	16,404	-
Sale of Property	110,840	110,840	-
Other	136,356	136,356	-
Transfer from Combined Utilities Fund	200,000	200,000	-
Subtotal Revenue	6,229,360	7,832,480	1,603,120
TOTAL BALANCE AND REVENUE	7,030,631	8,292,295	1,261,664
EXPENDITURES:			
PERSONNEL SERVICES	2,548,447	2,548,447	-
CONTRACTUAL SERVICES	2,150,458	3,750,498	1,600,040
OTHER PAYMENTS AND COSTS	3,000	3,000	-
COMMODITIES	1,158,308	1,158,308	-
CAPITAL OUTLAY	208,782	208,782	-
OTHER FINANCIAL USES	-	-	-
MISCELLANEOUS	-	-	-
TOTAL EXPENDITURES	6,068,995	7,669,035	1,600,040
RESIDUAL EQUITY TRANSFER IN (OUT)			-
FUND BALANCE, ENDING	$ 961,636	$ 623,260	$ (338,376)

City of Topeka, Kansas Operating Budget for Fiscal Year 2009

Summary of Resources and Appropriations

Resources and Appropriations	2009 Adopted	2009 Amended	Difference
FUND: ZOO IMPROVEMENT FUND 267			
FUND BALANCE, BEGINNING	$ -	$ 6,934	$ 6,934
REVENUE:			
Fees for Service	2,000	2,000	-
Other Financing Sources	-	-	-
Subtotal Revenue	2,000	2,000	-
TOTAL BALANCE AND REVENUE	2,000	8,934	6,934
EXPENDITURES:			
PERSONNEL SERVICES			
CONTRACTUAL SERVICES			
OTHER PAYMENTS AND COSTS			
COMMODITIES	2,000	8,934	6,934
CAPITAL OUTLAY			
CONTINGENCY			
TOTAL EXPENDITURES	2,000	8,934	6,934
OPERATING TRANSFERS IN			
OPERATING TRANSFERS OUT			
NET OPERATING TRANSFERS	-	-	-
FUND BALANCE, ENDING	$ -	$ -	$ -

City of Topeka, Kansas Operating Budget for Fiscal Year 2009

Summary of Resources and Appropriations

Resources and Appropriations	2009 Adopted	2009 Amended	2009 Diference
FUND: CITY HALF CENT STREET REPAIR SALES TAX 292			
FUND BALANCE, BEGINNING	$ -	$ -	$ -
REVENUE:			
Sales Tax	-	1,100,000	1,100,000
Other Revenue	-	-	-
Subtotal Revenue	-	1,100,000	1,100,000
TOTAL BALANCE AND REVENUE	-	1,100,000	1,100,000
EXPENDITURES:			
PERSONNEL SERVICES			
CONTRACTUAL SERVICES	-	200,000	200,000
COMMODITIES			
OTHER FINANCIAL USES			
CAPITAL OUTLAY			
TOTAL EXPENDITURES	-	200,000	200,000
RESIDUAL EQUITY TRANSFER OUT to	-	-	-
FUND BALANCE, ENDING	$ -	$ 900,000	$ 900,000

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 8, 2009

DATE:	**September 22, 2009**		
CONTACT PERSON:	**Bill Fiander/David Thurbon**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**Parkland Development Fees**	**PROJECT #:**	**ASR09/1**
CATEGORY/SUBCATEGORY	**013 Ordinances - Codified / 134 Subdivisions**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:	**09/15/09 First Reading**	**JOURNAL #:**	**09**
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending Topeka City Code Sections 134-143 and 134-169, subdivision regulations, relating to parkland acquisition and development, as well as, streets, repealing said original sections. Final Reading. *(ASR09/1)*

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval would revise the parkland development fee structure to be more consistent with the Parks and Open Space element of the Comprehensive Plan. This includes establishing the fee based on the greenspace health of an area and requiring that any expenditures occur in the same area it is collected.)

POLICY ISSUE:

The parkland fee ordinance within the City's Subdivision Regulations is in need of updating in order to strengthen its legal foundation. The proposed changes would provide a defensible nexus between how parkland development fees are collected and where they are spent. The changes would be consistent with the Parks and Open Space Plan element of the Comprehensive Plan.

STAFF RECOMMENDATION:

The Planning Commission recommended this proposal be **APPROVED** by a vote of **7-0-0** at their August 17, 2009 meeting as referenced in their attached minutes. The Planning Department recommended that the ordianance be **APPROVED** as presented.

BACKGROUND:

See attached staff memo to the Planning Commission (dated July 20, 2009)

Governing Body options:

- **Adopt**the Ordiance recommended by the Planning Commission by a simple majority of the Governing Body

membership (6 votes);
- **Override**the Planning Commission's recommendation by a two-thirds majority of the Governing Body membership (7 votes); or,
- **Return**such recommendation to the Planning Commission with a statement specifying the basis for the Governing Body's failure to approve or disapprove.

BUDGETARY IMPACT:

Fees collected will continue to be deposited in the parkland development fund which totals approximately $240,000. No funds have been expended from the parkland fees collected since its inception in 2003. Funds can only be used to purchase new parkland or improve existing parkland in the districts it is collected in.

SOURCE OF FUNDING:

Parkland development fees are paid by the private builder/owner at the time of a building permit for a new house. The current fee is typically $225 for a new single-family house if parkland is not dedicated. The proposed fee in that situation would range from $75-$300 depending on which area of the city the house is built.

ATTACHMENTS:

Staff memo to Planning Commission

PC minutes 7-20-09

Ordinance

Planning Commission Minutes

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

TO: Topeka Planning Commission
FROM: Bill Fiander, Deputy Planning Director
DATE: July 20, 2009
RE: Parkland Development Fees Amendments

Attached are changes to the Subdivision Regulations as well as the Topeka Parks and Open Space Plan (element of the Topeka Comprehensive Plan 2025) concerning parkland development fees in order to strengthen their legal foundation, provide for better implementation and reflect current costs. The major changes include:

Topeka Parks and Open Space Plan (CPA09/2)

Parkland fee districts – The 17 geographic planning areas adopted in the Topeka Parks and Open Space Plan are proposed to be merged into 7 "parkland fee districts" intended solely for the apportionment of parkland fee expenditures. This change helps to better implement the Plan and would be the first amendment to the Plan adopted in 2005.

Subdivision Regulations (ASR09/1)

Increase base fee – A new base fee reflects an average of current land acquisition and improvement costs ($15,000/acre and $25,000/acre respectively). The fee is still designed to cover 60% of cost to develop a typical park.

Link fees to planning areas/districts and health ratings – The amended Topeka Parks and Open Space Plan proposes that those areas with better park health pay less than those with poorer park health. This produces a range of $75-$300 for a new single-family home depending on the parkland fee district it is located. *The fees must be spent in the same planning area/district they were collected.* As currently proposed, only the Southwest parkland fee district would increase ($225 to $300 per single-family unit) while three districts would see a decrease to as low as $75 per single-family unit.

Apply fee to all new homes – Currently, only homes on new lots platted after August, 2003 would be required to pay the fee. This proposal requires that any development that increases the number of housing units would pay the fee.

Credit for dedication and benefit districts – As currently provided for, developers will still receive credit for public or private dedication of open space within a subdivision and have a reduced fee. In addition, any lots included in a benefit district to improve the dedicated parkland will have no fee.

Payment of fee in ETJ – The ordinance would allow payments on new subdivisions with 30+ units outside the City limits to be made in three installments over a two year period if an agreement is entered into with the City prior to the recording of the plat. The fee is still collected at the building permit stage inside the City limits. Currently, City Council approval is needed on a case-by-case basis. This amendment would provide the same opportunity to all developers.

Assessment of street costs to parks – Adopted design policies encourage park locations along collectors with generous street frontage. Under these changes, the City of Topeka Parks and Recreation Department would no longer be mandated to pay for half of the street frontage costs for new parks. The park parcel

may still be part of a subdivision's street benefit district, but the proposed ordinance no longer mandates the terms of the City's participation.

Minutes of the
Topeka Planning Commission
July 20, 2009

A. Roll call

Present: Doug Bassett, Richard Beardmore, Mark Boyd - Chair, Jim Brown, John Federico, Michelle Hoferer - Vice-Chair, Fred Martinez and Lee Williams **(6)**

Absent: Doug Bassett, Howard Blackmon and Fred Martinez **(3)**

Staff Present: David Thurbon-Director, Bill Fiander-Deputy Planning Director, Dean Diediker-Planner II, Annie Driver-Planner I and Loreena Munoz-Office Specialist.

1. **Parkland Development Fees –** Bill Fiander summarized F-1a and b together. Discussion is for both items as well. Voting is separate for each item.

Discussion by members:

Mr. Fiander stated currently there are seventeen districts. Each district should equate to a certain number of parks and open space. He explained how parkland fees are collected. He said having seventeen areas is too much so we are proposing consolidating into seven areas. He said, looking at the map, the greener the more parks/open space in that area. The amendment includes consolidation for the purpose of collecting and spending the parkland fee funds. The fees will be spent in the area they are collected, which is spelled out in the next item. The southwest part of town is the area lacking parkland. The areas in more need of parkland will pay a higher fee than those that aren't.

Mr. Fiander said this change is to increase the fee and reflect current development costs. He said the fee would go up from 225.00 to 300.00 per lot. . He said this also links the collections to be spent in the area they were collected. The greener the area the less the fee. This fee applies to all homes on undeveloped lots, not just subdivisions. Fee is for added population only. A benefit district to pay for a park does not have to pay parkland fees. For those in the 3 mile area the fee has to be paid before recording of the final plat. If there are more than 30 lots involved they can make a payment plan with the city attorney's office. The Parkland fee for parks adjacent to streets with assessment fees would be negotiated with the parks department. He said there is a provision written in that states if any of the fees aren't spent in 5 years, the fees have to be returned to the owner, as long as city council doesn't pass a resolution saying they have a purpose for those funds. We can't hang on to the funds forever. They need to be spent for the purpose they were collected for.

Mark Boyd asked who tracks the funds of spent/unspent? David Thurbon stated Planning and the Finance Department work together to track the funds. Lee Williams asked if the city council decides where to spend the money and on what? Mr. Thurbon replied yes within the district it is collected.

Mr. Boyd said if this is not approved it does not go on to council? Mr. Thurbon replied yes, it has to be approved by you before moving on to council.

Jim Brown asked if the developer pays this fee when the plat is filed? Mr. Thurbon replied it is his choice. He can pay up front or with a building permit, which is what they usually do.

Mr. Brown said the building permit isn't issued until the parkland fee is paid? Mr. Thurbon said that is correct. Mr. Thurbon said the fund needs to be built up so we can get out and purchase property to get park land while property values are low. He said we would like to purchase the land prior to development. He said parks and recreation will do a priority listing of existing that needs to be improved and potential property to be purchased for future parks. Mr. Brown said in a 5 year period they want to build a park? Mr. Thurbon replied yes or maintain/upgrade an existing.

Michelle Hoferer asked what will happen if the county takes over the parks and recreation department? What would happen to the funds? Would they have to administer as specified here? Mr. Thurbon said that is a complicated question. Lawyers would have to figure that out. It will have to be dealt with if it happens. Ms. Hoferer said she is worried if the merger happens that the funds won't be spent in the district they are collected.

Richard Beardmore said in the ordinance page 8, line 166 it states utilities may be needed at the parks, shouldn't water be in there as well? Mr. Thurbon said he doesn't understand why that was left out and this could be added.

Mr. Boyd asked if there is ability to abate the fees? Mr. Fiander replied no. He said the core area is required to pay less. He said in the in the highly developed areas the fees are less but we don't expect we will collect many fees in these areas. Mr. Boyd asked if they could they go to city council to get the fee waived? Mr. Thurbon said the city council doesn't have authority to waive building permit fees but I am not sure with these fees. Mr. Boyd said a person trying to redevelopment in the core will be charged the parkland fee to build a new house. Mr. Fiander said the commission could make a policy choice to say areas that fall above average with parkland don't have to pay the fee. Mr. Fiander said this is the reason we have the refund blurb. Mr. Boyd said the only problem is it will take five years for a refund if the funds aren't put to use. Mr. Fiander stated we should have Braxton Copley in on any changes because he wrote this. Mr. Thurbon said he would need some time to discuss these suggestions with Mr. Copley. Ms. Hoferer suggested approving item a and continue b so Mr. Copley can be consulted with. Mr. Boyd suggested a condition to exempt some from the parkland fee as an incentive for infill or redevelopment being built.

Mr. Federico said it needs to be spelled out to allow the council some flexibility to exempt some infill type development from paying the fee.

Ms. Hoferer said there are parts of town that have some parkland and need infill as well. She said she doesn't want to attach the exemption to a specific area or level. Mr. Boyd said he believes staff and Mr. Copley will come up with correct wording for this.

Mr. Thurbon said the applicant must demonstrate to council incentives are needed to help their development. Mr. Fiander said he remembers Mr. Copley stated it has to be given evenly and fairly to all. Mr. Thurbon said if it is determined illegal by Mr. Braxton we would have to bring it back to you.

a. CPA09/02 an amendment to the Parks and Open Space Plan an element of the Comprehensive Plan 2025 of the City of Topeka, Kansas to establish the location and purpose of parkland fee districts.

Michelle Hoferer moved approval, seconded by John Federico. **APPROVAL. (6-0-0)**

b. ASR09/1 an amendment to the Subdivision Regulations regarding parkland development fees and street assessments for parks.

Michelle Hoferer moved to continue to the August 17, 2009 Planning Commission meeting, seconded by Jim Brown. **CONTINUED to the August 17, 2009 Planning Commission meeting. (6-0-0)**

B. Adjournment @ 8:45

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending Topeka City Code §§ 134-143 and 134-169, subdivision regulations, relating to parkland acquisition and development as well as streets, repealing said original sections.

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

Section 1. That section 134-143, Dedication, reservation and acquisition of public sites and open spaces, of the Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Dedication, reservation and acquisition of public sites and open spaces.

(a) *Definitions.* For the purposes of this chapter, certain terms and words are hereby defined.

(1) *Parkland.* Any dedicated public open space specifically designed for active recreational uses, including linkages to the regional trail system, intended to serve ~~the immediate surrounding~~ one or more neighborhood(s) or the entire community (i.e. a regional park or trail).

(2) *Parkland acquisition cost.* Average sale price for one (1) acre of vacant~~, developable~~ land within the City of Topeka and the city's three (3) mile extraterritorial jurisdiction. For purposes of this chapter, said fee shall be set at ~~seven~~fifteen thousand ~~five hundred~~ dollars ($~~7,500.00~~15,000.00) per acre.

(3) *Parkland improvement cost.* Average cost to improve a neighborhood level park with typical amenities for recreational

uses. For purposes of this chapter, said fee shall be set at twenty-~~two~~five thousand ~~seven hundred fifty~~ dollars (~~$22,750.00~~25,000.00) per acre.

(4) *Parkland development fee.* The combination of parkland acquisition cost and the parkland improvement cost per dwelling unit to support five (5) acres of parkland per one thousand (1,000) people. For the purposes of this chapter, the parkland development fee shall consist of ~~a ratio of twenty-five (25) percent parkland acquisition fee, and seventy-five (75) percent parkland improvement fee~~sixty (60) percent of the actual cost per dwelling unit.

(5) *Dwelling unit.* Any single-family, two (2) family, or multi-family dwelling intended for habitation, including group living facilities.

(6) *Planning Area.* Geographic areas for community-level parks as identified as parkland fee districts in the Park and Open Space element of the Comprehensive Plan. New development outside a designated planning area shall be included in the adjacent or nearest planning area which would best serve that development.

(7) *New Development.* Construction of one (1) or more dwelling units on a lot upon which no dwelling unit previously existed.

(8) *Redevelopment.* Construction of one (1) or more dwelling units on a lot upon which a dwelling unit previously existed and which has the effect of creating a greater number of dwelling units than previously existed.

(9) *Reconstruction.* Rebuilding or replacement of a dwelling unit or units on a lot that previously maintained the same number, type and use of dwelling units which has the effect of creating the same or fewer number of dwelling units than previously existed.

(b) *Purpose.* The purpose of this section is to serve the communities' population growth with neighborhood and regional parkland based on the Comprehensive Plan and national recreation and parks association standard of five (5) acres per one thousand (1,000) persons for a neighborhood park and fifteen (15) acres per thousand (1,000) persons for a regional park.

(c) *Parkland development fee.*

(1) In all instances where property owners or developers seek approval of new development or redevelopment or a final plat or re-plat of land that creates additional residential lots, a parkland development fee shall be required. All fees shall be collected by the development services division of the city public works department concurrent with the application for a building permit, or for subdivisions outside of the city's corporate limits, the fee ~~may~~ shall be paid to the ~~Clerk of the City of Topeka upon recording of the final plat~~planning department prior to the plat being released to the developer. For plats containing more than thirty (30) units, the developer may enter into an agreement with the city which allows for the parkland development fee to be paid in three (3) equal installments. Said agreement shall be a covenant running with the land and shall be recorded with the Shawnee County Register of Deeds. The first installment shall be paid and a copy of the agreement shall be filed of record with the Register of Deeds prior to the plat being released to the developer. The two

remaining installments shall be payable upon the first and second anniversary of the city council approval of the plat.

(2) The parkland development fee shall be assessed based upon the planning area's health classification contained in the Comprehensive Plan in which the dwelling unit(s) will be located according to the following schedule:

~~Single family and two (2) family dwelling units, per unit .....$225.00~~

~~Three (3) to eight (8) family dwelling unit development, per unit.....200.00~~

~~Nine (9) family dwelling unit development and above, per unit.....175.00~~

Planning Area Rating	FEE SCHEDULE (per unit) Single and Two (2) Family Dwelling Unit Development		
	New Development or Redevelopment	New Development or Redevelopment w/ Public Dedication	New Development or Redevelopment w/ Private Dedication
one tree (intensive care)	$ 300	$ 188	$ 225
two trees (at risk)	$ 225	$ 141	$ 169
three trees (out patient)	$ 150	$ 94	$ 113
four trees (healthy)	$ 75	$ 47	$ 56

Planning Area Rating	FEE SCHEDULE (per unit) Three (3) to Eight (8) Family Dwelling Unit Development		
	New Development or Redevelopment	New Development or Redevelopment w/ Public Dedication	New Development or Redevelopment w/ Private Dedication
one tree (intensive care)	$ 267	$ 167	$ 200
two trees (at risk)	$ 200	$ 125	$ 150
three trees (out patient)	$ 134	$ 83	$ 100
four trees (healthy)	$ 67	$ 42	$ 50

Planning Area Rating	FEE SCHEDULE (per unit) Nine (9) Family Dwelling Unit Development and above		
	New Development or Redevelopment	New Development or Redevelopment w/ Public Dedication	New Development or Redevelopment w/ Private Dedication
one tree (intensive care)	$ 234	$ 146	$ 175
two trees (at risk)	$ 175	$ 110	$ 131
three trees (out patient)	$ 117	$ 73	$ 88
four trees (healthy)	$ 58	$ 37	$ 44

(3) All fees shall be deposited in the city's parkland acquisition and development fund by planning area. Fees collected shall be used for the acquisition and improvement of new or undeveloped parkland within the ~~developing areas of the city, planned growth areas, or other areas consistent with the comprehensive plan~~same planning area as which the fee is collected.

(4) (a) Except as described in subsection (c)(4)(b) below, upon application of the property owner, the city shall refund that portion of any parkland development fee which has been on deposit over seven (7) years and which is unexpended and uncommitted. The refund shall be made to the then current owner or owners of lots or units of the development project or projects.

(b) If fees in any parkland development fee account are unexpended or uncommitted for more than five (5) calendar years after deposit, the city council shall make findings by resolution on or before December 31 of the fifth (5^{th}) calendar year after receipt of the fee and annually thereafter until the funds are expended or committed. For so long as the city retains the fees, the resolution shall identify the purpose to which such fees shall be put and to show a roughly proportional and reasonable relationship between the fee and the purpose for which it was collected. If the city council makes such findings, the fees are exempt from the refund requirement.

(d) *Credit for parkland dedications.* Developers may dedicate a portion of their land for public parkland. In such instances where parkland is accepted for dedication, a credit equal to ~~seven~~fifteen thousand ~~five~~

~~hundred~~ dollars (~~$7,500.00~~15,000.00) per acre, or fraction thereof, of dedicated parkland shall be applied against the balance of parkland acquisition costs required under this section for the subdivision. Provided however, ~~S~~such dedication shall not reduce the payment for parkland improvement costs as reflected in the minimum fee schedule listed ~~below:~~above.

~~Single family and two (2) family dwelling units, per unit……$169.00~~

~~Three (3) to eight (8) family dwelling unit development, per unit……150.00~~

~~Nine (9) dwelling unit development and above, per unit……131.00~~

(e) *Credit for parkland improvements in a benefit district.* In addition to dedicating a portion of their land, developers may also petition the city to include the cost of public parkland improvements within a benefit district for the service area. Where such dedication occurs and public parkland is approved for inclusion in a benefit district, a credit equal to one hundred (100) percent of the required parkland improvement and street cost defined under this section shall be applied to the subdivision within the benefit district.

(~~e~~f) *Dedication criteria.* Land proposed for parkland dedication shall be approved by the ~~parks and recreation director~~ planning commission ~~prior to~~upon approval of the ~~preliminary~~final plat. The parks and recreation director and planning director shall determine the suitability of the land for parkland, and determine any improvements required to bring the land into useable condition. Factors to be considered in

evaluating potential parkland sites shall include, but shall not be limited to, the following:

(1) All land proposed for dedication as a park or other recreational site shall contain a minimum of five (5) acres.

(2) Not more than ten (10) percent of the park or open space shall contain storm-water detention/retention facilities, floodplain, or wetland, unless such area is part of a linear trail system, or is accepted by the parks and recreation director.

(3) The park or open space shall not have an average slope greater than ten (10) percent.

(4) Undisturbed natural open space may be accepted for a portion of the dedication requirements at the ratio of four (4) acres of undisturbed natural open space, for each one (1) acre of active parkland dedication.

(5) The parks and recreation director shall have the authority to waive or modify any or all of the above listed criteria.

(6) The park or open space shall be consistent with design policies/standards of the Comprehensive Plan.

(~~f~~g) *Trail dedication*. Where the Topeka-Shawnee County Trails and Greenways Plan identifies a trail planned for an area within a proposed subdivision, the property owner or developer shall be required to dedicate that portion of land for a public trail easement or trail right-of-way. Any such dedication shall receive a credit as specified in subsection (d), credit for parkland dedications, herein.

(~~g~~h) *Other considerations prior to deeding.* The parks and recreation director may require that any dedicated parkland be improved prior to dedication. Factors that may be considered shall include, but shall not be limited to, the following:

(1) To the greatest extent possible, the developer may be required to preserve existing trees or other species of vegetation, or other natural features on the land to be dedicated for a park, trail, or recreational space. Significant trees lost during the construction process may be required to be replaced with suitable species and of suitable site as determined by the parks and recreation director.

(2) Grass, or other quick establishing vegetative ground cover may be required to prevent soil erosion, according to the specifications determined by the parks and recreation director.

(3) The developer may be required to bring utilities to the boundary of the proposed park or open space and shall cap them off at no cost to the city. Utilities may include, but shall not be limited, to gas, storm sewer, sanitary sewer, and electricity. The location where such utilities are to be brought shall be determined by the city engineer and the parks and recreation director.

(~~h~~i) *Dedication process.*

(1) Land to be accepted as a park or trail under this section shall be designated as public park area or trail on the final plat.

(2) Prior to the dedication of parkland, the owner or developer shall provide the city with evidence of title in a form acceptable to the city attorney or a title insurance policy insuring the city's interest in the property. In any dedication of required land, the developer must have good and marketable title to the land, free and clear or any mortgages, liens, encumbrances, or assessments, except easements or minor imperfections of the title acceptable to the city.

(3) The parkland or trail shall be dedicated at the time of approval of the final plat. However, the city shall not accept the parkland or trail until the completion of required improvements and the approval of the parks and recreation director. All parkland reflected on a preliminary plat shall be dedicated to the city no later than the time of approval of a final plat which results in one-half (½) or more of the total area indicated in the preliminary plat.

(~~ii~~j) *Credit for private open space.* Property owners or developers may choose to reserve a portion of a subdivision for use as private open space for the benefit of subdivision residents. In such instances, a credit of twenty-five (25) percent shall be applied against the parkland development fee as required by this chapter. All land proposed for reservation as private open space must be deemed useable and accessible by all residents within the proposed subdivision, as determined by the planning director, and approved by the planning commission.

Section 2. That section 134-169, Streets, of the Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Streets.

(a) Streets shall be graded and improved by construction of curb, gutter and pavement in units of one block or more for streets entirely within the subdivision but may include fractional blocks ending at the subdivision boundaries.

(b) Streets whose centerline is the boundary line of the subdivision and streets whose centerline is the city boundary may be improved to the centerline or city boundary and shall be paid for and provided by the owner of the subdivision in accordance with provisions as set forth above. Such improvements shall conform to the usual requirements for residential street paving.

(c) Major traffic thoroughfare improvements will be furnished by the city when necessary and in the judgment of the council such improvements are vital to the welfare of the city under the following conditions:

(1) If the street is unimproved, a portion comparable in cost to a street improvement in a regulation residential street shall be borne by the owner of the subdivision as set forth above.

(2) If the major traffic thoroughfare is already improved with pavement comparable to the usual residential requirements, the distribution of cost shall be determined by the city as provided by statute.

(d) Streets separating a park from residential or other property shall be improved as provided in subsection (a) and shall be paid for ~~as follows:~~

~~(1) The half of such street adjacent to private property shall be paid for~~ by the subdivider or property owner in accordance with section 134-166.

~~(2) The half of such street which adjoins public park property within the city shall be paid for by the city at large, provided however, the amount to be paid by the city under this subsection shall be determined by three appraisers appointed by the council, and the amount which they find to be the city's one-half shall be conclusive upon the city and the owner of the subdivision.~~

Section 3. Original City of Topeka Code § 134-143 and § 134-169 are hereby specifically 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 Governing Body on _____.

CITY OF TOPEKA, KANSAS

_____
William W. Bunten, Mayor

ATTEST:

_____
Brenda Younger, City Clerk

DRAFT

Minutes of the
Topeka Planning Commission
August 17, 2009

ASR09/1 an amendment to the Subdivision Regulations regarding parkland development fees and street assessments for parks.

Braxton Copley summarized the amendment. He said he does not recommend allowing exceptions to the parkland fees within the subdivision regulations. He said in the building code there is a waiver to permit fees. He said most of this is residential development. The districts have been crafted and weighted in the fee. For the core district that has numerous parklands the fees are lower. The districts that need parkland will have a higher parkland fee. If the fee isn't spent within 10 years then the fee has to be refunded to the developer/owner. This is a fee that will pass through to the district it is originated in to be spent in that district to develop the services it is collected for. The fees were based on the need in the districts. Even in the areas that don't have a need to create new parks, monies could be used to upgrade or purchase additional park equipment. Mr. Copley said the monies can not be spent on maintenance.

Mark Boyd asked if the money could be used to develop trails? Mr. Copley said he believes the money could be used to purchase trail land.

Michelle Hoferer said Crestview Community Center would like to upgrade their pool to make it more like the Shawnee North Aquatics Center. Can the money be used to do that? Mr. Copley replied, yes. Ms. Hoferer asked what would happen if the city and county parks and recreation merged? Would the districts still stand? Mr. Copley said his initial answer is yes. The subdivision regulations will still apply. This money is being paid in and has to be spent as dictated in the subdivision regulations.

Howard Blackmon asked if the developer can still dedicate parkland in lieu of the fee. Bill Fiander replied, yes, they have to dedicate for public use which is a portion of the fee. He said we would also accept dedication for private use, as long as it is accessible to everyone they would receive credit.

Jim Brown said in a new area, the parkland fee could be used for trails. Mr. Fiander replied yes it could be used for trails. If a trail shows up within a subdivision that is part of the Trails Plan, you have to dedicate the land for the trail and the developer would receive credit for that dedication.

MOTION: Ms. Hoferer moved for approval.

Mr. Beardmore said the fees can be used for maintenance? Mr. Copley relied not for operational maintenance but it can be used to acquire additional parkland or to add to existing.

MOTION: Michelle Hoferer moved for approval, seconded by Howard Blackmon. **APPROVAL. (7-0-0)**

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 8, 2009

DATE:	**September 22, 2009**		
CONTACT PERSON:	**Bill Fiander/David Thurbon**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**Parks and Open Space Plan**	**PROJECT #:**	**CPA09/2**
CATEGORY/SUBCATEGORY	**014 Ordinances – Non-Codified / 009 Planning**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:	**09/15/09 First Reading**	**JOURNAL #:**	**09**
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., pertaining to an amendment to the text and map of the Topeka Comprehensive Metropolitan Plan. Final Reading.*(CPA09/02)*

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval would amend the Parks and Open Space Plan element to include parkland fee districts.)

POLICY ISSUE:

The 17 geographic planning areas adopted in the Topeka Parks and Open Space Plan are proposed to be merged into 7 "parkland fee districts" intended solely for the apportionment of parkland fee expenditures. This change enables the parkland fees to be used in a more timely manner since they are required to be invested in the same area they are collected. The fee is collected at the time a new dwelling unit is built. The new districts are also rated in terms of their greenspace health. Those areas that need more park space will pay the full fee while those that have more access to greenspace will pay less.

STAFF RECOMMENDATION:

The Planning Commission recommended this proposal be **APPROVED** by a vote of **6-0-0** at their July 20, 2009 meeting as referenced in their attached minutes. The Planning Department recommended that the plan amendments be **APPROVED** as presented.

BACKGROUND:

See attachments A (text), B (table) and C (map) for description of amendment.

A companion ordinance is also presented for Governing Body consideration that would change the parkland development fee structure in the Subdivision Regulations (ASR09/1) consistent with the Plan amendment. Approval of this ordinance is necessary in order to consider the proposed Subdivision Regulation amendment.

Governing Body options:

- **Adopt** the Ordiance recommended by the Planning Commission by a simple majority of the Governing Body membership (6 votes);
- **Override** the Planning Commission's recommendation by a two-thirds majority of the Governing Body membership (7 votes); or,
- **Return** such recommendation to the Planning Commission with a statement specifying the basis for the Governing Body's failure to approve or disapprove.

BUDGETARY IMPACT:

n/a

SOURCE OF FUNDING:

n/a

ATTACHMENTS:

Parks and Open Space Plan

Ordinance

Exhibit C - map

Exhibit A - text

Exhibit B - table

PC minutes 7-20-09

DRAFT
1-31-05

TOPEKA COMPREHENSIVE PARKS AND OPEN-SPACE PLAN

"The really great cities of the world are remembered for their public realm: their parks, plazas, squares, and pedestrian streets. It isn't about buildings alone—it's the public realm, the public environment, the connective fabric that sets the tone for private investment and creates the environment for human activity and habitation."

Cy Paumier, Principle to LDR International, to the Ninth Annual Urban Land Institute Mayor's Forum in Seattle, Washington, 1999.

Introduction –

Parks and open spaces are becoming increasingly important for people of all generations to exercise, spend time with family and friends, to play, enjoy nature and simply to relax from the stresses of modern day society. Indeed, residents of Topeka today benefit from the planning and forethought of city leaders of more than a century ago as we enjoy a first class system of parks, trails, and other recreational facilities within our community. Topekans today enjoy a wide variety of both active and passive recreational opportunities located in a comprehensive system of City, County, and State parks.

The system of parks and recreational facilities currently available to residents of Topeka has served us well for over a century. However, as growth within and around our community increases, the need for new recreational opportunities also increases. It thus becomes increasingly important to ensure that existing and planned parks and recreational amenities can meet the needs of an expanding population.

Everyone feels the impact of growth. More and more people are forced to share and support limited park space and recreational facilities. Perhaps more importantly, as the physical boundaries of our urban area continue to grow, convenient access to these facilities often becomes unattainable to many segments of our community. Therefore, it is essential that we, as a community, plan for and implement a comprehensive park and open space plan that ensures that our opportunities for leisure and play are not diminished.

This Parks and Open Space Plan is only one element of the greater Topeka Comprehensive Plan. The purpose of this plan is to guide the acquisition, planning and development of parkland in Topeka and its surrounding jurisdiction. A second function of the plan is to ensure the continued eligibility of Topeka to participate in state and federal funding programs for parks and recreation facilities.

This Plan does not attempt to guide the development of facilities or recreational programs that ultimately occur within our city's parks. Decisions regarding recreational programming should be left to the citizens and users of each park space, in conjunction with the Topeka parks and recreation Department. Rather, this document only provides a guide for the acquisition of parkland that will ultimately make other programming decisions possible.

DRAFT
1-31-05

In the past, the primary responsibility of the Topeka Parks and Recreation Department has been to manage a network of existing park facilities while working within a limited budget. Due to perimeter growth around the City of Topeka, we must consider the need to expand the number of parks and types of services available to handle increasing demands. At the same time, it must be understood by the governing body of Topeka that adequate resources must be allocated to our Parks and Recreation Department in order to continue the level of services that we have come to expect.

The development of parks and recreational facilities should be an integral part of a larger open space framework where the protection of unique environments and natural resources are balanced with recreational enjoyment and interpretation. Therefore, this element of the Comprehensive Plan is closely linked to the Topeka-Shawnee County Regional Trails and Greenways Plan, and will lay the framework for a future comprehensive natural resources conservation plan, as well.

Why Do We Need Parks, and Open Spaces?

Aside from the obvious need for places to walk, play and unwind from daily stresses, there are a myriad other reasons to invest in a comprehensive and integrated system of public parks and open spaces. These open spaces enhance our **quality of life** and the **image** of our community. Regional parks are destination points for residents and visitors to our community. Often, perceptions of our community are based, in large part, on our experiences within our public open spaces. Regional parks, such as Gage Park or Lake Shawnee, can be sources of great pride and are, by themselves, generators of tourism.

Open spaces differ from parks in that they are not intended for active recreational use, but rather as calming vistas along our streets and boulevards. They are the collective space in our city that together, comprises the "public realm." Open spaces can function as landscaped traffic calming devices, such as the Potwin traffic circles, or the median between opposing lanes of traffic. They can be the spaces between buildings on a campus, such as Washburn University, or the V.A. Hospital. Or, they can simply be the right-of-way of a tree-lined residential street.



Victorian Garden and mini-train bridge - Gage Park

But, like parks, open spaces generate valuable **aesthetic and land use benefits**. Topekans have come to expect and rely upon the presence of large and small tracts of undeveloped areas. Many of our primary boulevards and trafficways are scattered with scenic vistas of both public and private open spaces. Often, these open spaces are located in floodways or otherwise unbuildable areas that have been dedicated as public parks or are otherwise left fallow by the property owner. In addition to providing valuable open space within our neighborhoods, the presence of these places offers motorists and passersby with a pleasing environment and experience while journeying through our city.

Parks and open spaces can also be used as **buffers** between incompatible land uses. For example, parks can be extremely valuable around the perimeter of residential districts, where aesthetic concerns are more important than in an adjacent industrial area where the function of the property is a greater concern than appearance.

DRAFT
1-31-05

The ability of parks and open spaces to provide various **environmental benefits** is well documented. Greenspaces filter our air and replenish our groundwater. They reduce erosion, which in turn cleans our rivers and streams providing healthy habitats for plants and animals. Greenspaces reduce air temperatures by providing shade and absorbing heat from the summer sun.

Recent studies have also suggested parks provide various **social benefits**, such as reduced crime and delinquency rates. Parks are prime social gathering places for people of all ages. When these spaces are available, especially to youth, they often provide positive alternatives for spending leisure time, especially during summer months when school is not in session.

Why We Must Plan Ahead –

Cost **-** Parks and open spaces are best provided in advance of, or commensurate with development. Once an area is developed, the provision of open space and parks becomes extremely problematic. The retro-acquisition of developed land, and the associated costs of demolition and relocation makes the feasibility of parks much more costly.

Sprawl - Current development patterns are more land consumptive than of previous decades. Prior to 1950, a population of 1,000 people required approximately 30 acres of land. Today, that same population consumes in excess of 100 acres, and in some areas of Shawnee County, as much as 200 acres. Once this land is developed, its ability to contribute to the public as park or open space land is greatly diminished and the distance between these spaces increases. This pattern results in less land available for public use and benefit.



Autumn in Oakland-Billard Park

Access - Another factor requiring advanced planning for parks and open space is the changing patterns of public mobility. In many areas of Topeka, especially those areas built after 1960, accommodations for pedestrian access are largely missing. Sidewalks can have a huge impact on the ability of residents, particularly children, to walk within a neighborhood to a public park.

The absence of these sidewalks greatly reduces the independence and ability of children to access a nearby neighborhood park. This further reduces the options available to children in how they spend their leisure time, a factor that has a profound impact in the intellectual and physical development of children.

Planned Growth – This Parks and Open Space Plan incorporates the intent of the Topeka Growth Management and Land Use Plan to designate limited areas around the perimeter of the City of Topeka as population growth areas. The Growth Management and Land Use Plan estimates a population growth rate of approximately 1.5 percent over the next 30 years, which will result in a population increase of approximately 95,000 persons in Shawnee County. New parks and open spaces within these designated growth areas must accompany this increase in population.

DRAFT
1-31-05

Coordination – Parks in Topeka and Shawnee County are governed by two separate parks and recreation agencies – The Topeka Parks and Recreation Department, and the Shawnee County Parks and Recreation Department. As growth occurs within the planned growth areas, parks will be dedicated beyond the corporate limits of the City of Topeka, and which will be the responsibility of Shawnee County for maintenance and development. As these areas become developed and annexation occurs, the transfer of maintenance responsibilities from County to City must be seamless so as not to disrupt the services provided by these parks, and so as not to unnecessarily burden either service provider.

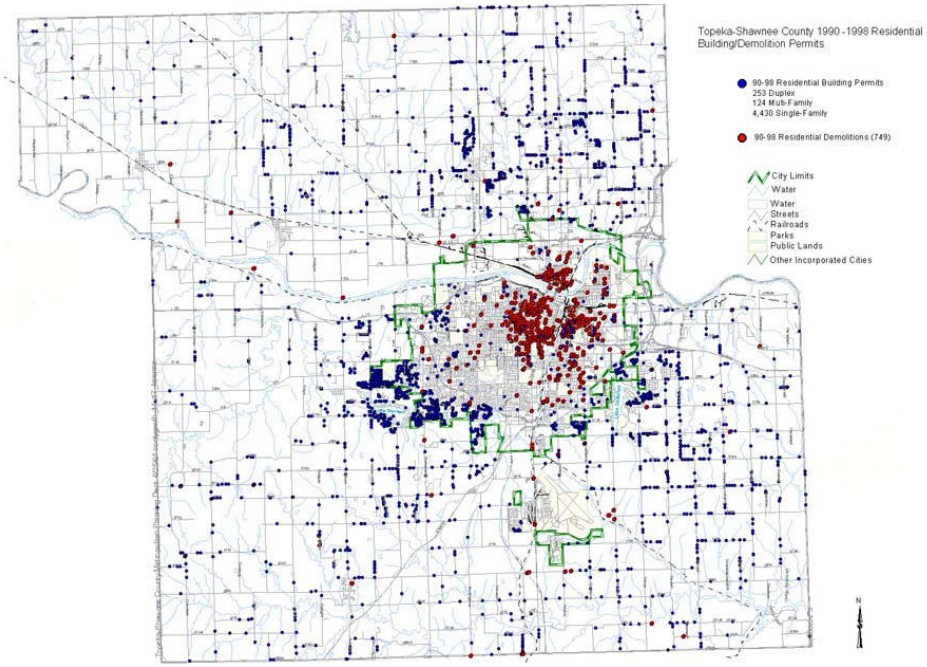
Keeping Pace With Growth –

The vast majority of neighborhood parks and open spaces that we currently enjoy were dedicated to the City of Topeka prior to 1950. Since that time, our community has grown, both in terms of population, and in terms of geographic boundaries.

Recent development trends in Shawnee County have resulted in the decentralization of both population and commerce. As population densities within the City of Topeka continue to decline, the population densities of the urban fringes increases. In most cases, this population expansion has occurred within the unincorporated areas of Shawnee County.

Although the City of Topeka has recently annexed several areas contiguous to the corporate boundaries on the City's north and southeast sides, the dedication of park and open space has not kept pace with demand for these public recreational places. Figure 1 illustrates the pattern of growth within and around the City of Topeka and Shawnee County over the past decade. As can be seen from the illustration, high concentrations of building permits (blue dots) have been issued for new residential construction at the southwestern edge of Topeka near Lake Sherwood. Significant concentrations of new residential building permits have also been issued in areas southeast of Topeka near Lake Shawnee, and also north of US Highway 24. In contrast, the numbers of demolitions (red dots) that have occurred are almost exclusively within central, north and east Topeka.

Figure 1



Under this pattern of growth (inner city demolition and perimeter sprawl), existing parks within the City of Topeka are being used and supported by a declining number of residents. Meanwhile, the lack of dedication of new parks and open spaces in the newer fringe subdivisions has left most residents of these areas without convenient access to neighborhood parks.

Obstacles to Dedication of New Parks – A principle cause for the slow-down in the dedication of new parks results from the method used to finance the construction of new roads within newly platted subdivisions. An ordinance passed by the Topeka City Council in 1981 states that "***The half of such street which adjoins public park property within the city shall be paid for by the city at large,*** *provided, however, the amount to be paid by the city under this subsection shall be determined by three appraisers appointed by the council, and the amount which they find to be the city's one-half shall be conclusive upon the city and the owner of the subdivision.*" (Sec. 134-169. Streets (d)(2)). In essence, this requires the City's participation in road improvement districts when new subdivisions include public park space.

It was the intent of this ordinance for the City at large to accept ½ of the burden of the cost of constructing a public street when adjacent to a dedicated public park. However, city funding to pay for special assessments levied by road improvement districts have been paid directly from the Parks and Recreation Department budget for the past several years. The result has been a decreasing ability by the Parks & Recreation Department to accept the dedications of new parks due to their inability to shoulder the financial burden imposed by the ordinance cited above.

A secondary negative effect of the ordinance has been poor park design. Fees imposed by road improvement districts are based, in part, on the amount of road frontage bordering a lot. In the few instances where public or private park space has been recently dedicated with a plat, developers have attempted to minimize public road frontage in order to reduce the financial obligation imposed upon the City or a homeowners association by the road improvement district. This practice has resulted in the dedication of several parks that are practically hidden from public view, thus greatly reducing the visibility, safety, and usefulness of the park-space.

A second, but no less substantial obstacle to the dedication of new parks is the issue of an unpredictable budget. A portion of the City's overall tax mill levy is dedicated exclusively for parks and recreation. This portion is controlled by the City Council, which can raise or lower this balance during each budget year. The total dedicated mill levy for parks and recreation for 2004 is 6.105 mills. The recommended mill levy for 2005 is a reduction to 5.92 mills, or a loss of approximately $169,275 from the Parks Department budget.

The periodic rise and fall of this dedicated mill levy has made the Parks Department reluctant to accept new park dedications for fear that they will not be able to afford development and maintenance of additional acres to the city's inventory of parks and open spaces. In order to accept, improve, and maintain parks within newly developed areas of the city, and its immediate perimeter, a stable and adequate source of funding is essential.

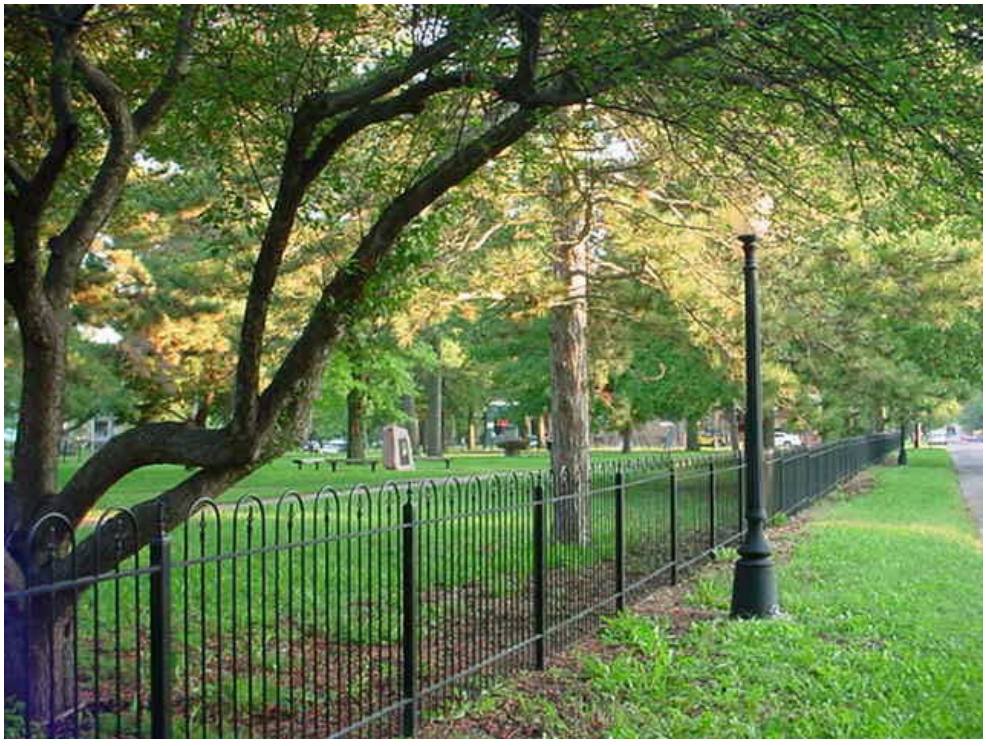
Maintaining and Expanding our Current Parks System –

The attention that this document directs toward expansion of our parks and open space system in newly developed areas should not exclude or supersede the continued viability of our existing parks system. Indeed, most of our urban core and existing urbanized areas are presently underserved in terms of neighborhood and community-level parks. All efforts should be pursued to achieve adopted standards for the provision of parks at all levels, in all areas of our community.

These efforts can be achieved in several ways. Since much of the existing urbanized area is platted and built with neighborhoods, shopping areas, office parks, and other infrastructure, the acquisition of sizeable portions of land for parks (5-10 acres) will, undoubtedly, be difficult. Therefore, alternatives to parks of this size should be considered. In these existing urbanized areas, it should be recognized that smaller parks can successfully fill the needs of their surrounding neighborhoods.

For example, Holiday Park in the Central Topeka planning area is just slightly greater than ¼ acre in size, yet is an ideal neighborhood park for its immediate surrounding area. However, due to its limited size, its capacity to serve the full extent of the neighborhood is also limited. To compensate, additional similar-sized parks of ½ to 3 acres should be considered in other portions of the neighborhood, where, collectively, all such neighborhood parks can meet desired acres-to-population ratios.

It is also possible to expand existing neighborhood parks or open spaces in small increments. Throughout the urbanized area, many parks and open spaces are dedicated where limited street frontage exists or where lots are not desired for housing or commercial development. To aid in the revitalization of these areas and meet the demand of area residents, these parks and open spaces can be expanded by eliminating adjoining deteriorated housing, and beautifying additional street frontages and corridors.



Holiday Park in the summer.

Previous Plans – The City of Topeka has an established history of advocacy for parks. However, the most recent long-range plan adopted exclusively for parks and open spaces was written in 1960. This document, entitled "Master Plan Report: Parks Recreation Areas, and Open Spaces," laid the framework for our current system of neighborhood, community, and regional parks.

Most of the City's current system of Community Centers (Rice, Hillcrest, Crestview, Oakland, Central) were established as recommendations within this report. This plan also established standards for the types and quantities of parks and open spaces that were to be built as our population grew.

While this plan was very successful in suggesting, and ultimately causing our current parks and open space system to be implemented, hindsight has proven that this plan was somewhat optimistic in its predictions for population growth. Estimates for population in Shawnee County, according to this plan, were expected to reach 227,000 by 1980. However, the authors of this report had no way of predicting the closure of Forbes Airbase only a short time after the adoption of this plan.

Subsequent plans for parks and open space have been included within updates to the city and county's Comprehensive Plan. However, no real analysis has been performed in terms of service levels of the existing parks and open space system. Rather, recent plans have continued to suggest parks and open space dedication standards based on population growth and expansion. In most cases, these plans have suggested use of the parks and open space dedication guidelines established by the National Recreation and Parks Association (NRPA) and the National Academy for Park and Recreation Administration (NAPRA).

Although such standards have been included and adopted within previous parks and open space plans and comprehensive plans, no mechanism for implementing these standards has ever been adopted. Because of this, our parks and open space system grew very little during the last half of the 20th Century and has left large urbanized areas of Topeka and Shawnee County without adequate parks service.

In 2001, The City of Topeka and Shawnee County adopted a comprehensive **Topeka-Shawnee County Regional Trails and Greenways Plan.** This plan was adopted as an element of the greater Comprehensive Metropolitan Plan, and is intended to serve as a companion this document. The Regional Trails Plan proposes routes for approximately 188 miles of public trails throughout the City of Topeka and Shawnee County.

This Parks and Open Space Plan strives for the utmost compatibility with the Regional Trails Plan in terms of the location and connection of existing and future parks along designated trail systems. Both documents should be consulted when determining suitable locations for future parks.



A mountain biker tests his metal on the trails at Dornwood Park.

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Major Themes – This document introduces several new ideas, or themes, into the management and maintenance of our parks and open space system. Perhaps most significant of all these themes is the manner in which we consider "***open space***." This plan merges the concept of "open space" with "public realm." As such, it encompasses a wide variety of types of public spaces, such as landscaped traffic calming devices, traffic medians, sidewalks, roadside gardens and gateways, fountains and public art, plazas and squares.

Open spaces can be unimproved fields, or can be a courtyard outside a public building. They can be geared toward passive or active recreational activities. They can be parks, or can be a scenic view shed of a natural or man-made vista.

The consideration of "open spaces" in this manner greatly expands their importance within the overall parks and open space system. Indeed, this document is entitled the **Topeka Parks and Open Space Plan**. As we strive to enhance our quality of life in Topeka, open spaces must be emphasized for their ability to improve the aesthetics and livability of our community.



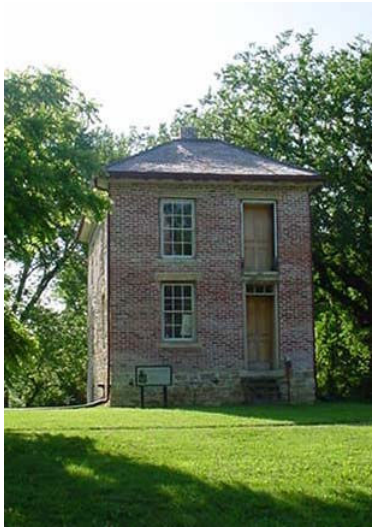
Foot bridge over Shunganunga Creek – Crestview Park

Another major theme of this plan is the concept of ***environmental stewardship***, especially with regard to water. As everyone knows, water falls as rain or emerges from the ground in the form of a natural spring; some soaks into the ground, and some will find its way into our streams and rivers. Water is a very dynamic element, and as such it is not limited solely as an issue for parks and open spaces, but more as an environmental issue that affects the health and livability of the entire community. This plan suggests that we begin to think of water differently – not as a nuisance that we should divert to our streams and rivers as quickly as possible, but to use the water more as a resource to replenish our ground, to nurture our wildlife, and to provide us with recreational opportunities. This plan also suggests that we use parks, open spaces, and the public realm to demonstrate how Best Management Practices can help reduce storm water runoff, resulting in healthier lakes, streams, and rivers.

This plan also espouses ***partnerships***. Partnerships can be multi-faceted, and can combine various interests in working toward similar goals. It is possible, for example, for civic groups and private organizations to utilize parks and open spaces as a means to commemorate a particular person or event. In this way, parks and open spaces combine ***historic preservation*** and ***heritage recognition*** to further both public and private goals.

Schools, cemeteries, and corporate campuses can also be integrated with the surrounding neighborhoods to provide pleasing vistas, trails, and open spaces, not only to local workers and students, but to residents of the surrounding neighborhoods, as well.

Arguably, the most important theme to be introduced by this plan is a ***commitment to implementation*** of the goals,



Historic Ritchie House

strategies, and standards established by this plan. This document does not suggest altering the previously adopted standards for the dedications of parks and open spaces, or changes to their classifications. Rather, this document recommends adopting these recommendations as public policy coupled with the legislative framework to enact these recommendations.

Park and Open Space Acquisition – According to the Growth Management element of the Topeka Comprehensive Plan, Shawnee County is projected to grow at a rate of 1.5 percent per year over the next 30 years. Growth at this rate will mean 95,000 additional residents to Shawnee County, for a total population of 265,000 in the year 2030. As the population of Topeka grows, it will become increasingly important that new park and open space lands be reserved and developed for use by area residents.

In some cases, areas of open space and recreational facilities can be provided by private entities. Such cases can include golf courses, marinas, health clubs, and small neighborhood parks owned and maintained by common ownership associations.

In most cases, however, it is incumbent upon cities, the County, or other government entities to provide for such dedications of park and open space lands. Therefore, it should be recognized that ***the establishment and maintenance of parks and open spaces is an essential function of government at all levels.***

In order to ensure adequate public lands for parks and open space uses, ***acquisition of these properties should occur before the development of residential, commercial, or other land uses***. This can be accomplished in a variety of ways including dedication of land concurrent with the platting process for residential or commercial subdivisions. Alternatively, funds can be dedicated to the City by a developer in lieu of lands. These funds, commonly called **development impact fees**, can then be used to develop parks and open spaces in other areas where they are most needed.

The Importance of Design – Really good parks, those that impart a defining character on a neighborhood and are used and cherished by the families who live around them, all have one thing in common: *great design*! Thoughtful and appropriate design of our neighborhood and community-level parks can have a profound impact in the long-term success on the quality of our neighborhoods.

There are three basic factors that contribute to great design for neighborhood and community level parks. The following section discusses each of these factors in greater detail.

- ***Size –*** Great neighborhood parks reflect the human scale of their surrounding areas. Neighborhood parks must be large enough to accommodate the needs of families who use the park, yet not so large that it overwhelms or dominates the character of the neighborhood. Most neighborhood parks range from 3 to 5 acres. This acreage easily accommodates a variety of uses, yet contains these uses within a focused, concise area.

- ***Accessibility/Visibility –*** Great neighborhood parks must be completely accessible to the surrounding area. Users of a neighborhood park should be able to access the park within an easy five-minute walk, or within ¼ mile from their home, without crossing major thoroughfares or difficult natural barriers. Ideally, neighborhood parks should be surrounded by local residential streets near the center of the neighborhood, with uninhibited access via sidewalks or local trails. Parks should not be designed with limited street frontage, or surrounded with rear yards that force an extended journey through the neighborhood to access that frontage.

It is equally important that parks be designed to achieve the greatest degree of visibility from the surrounding neighborhood. Unfettered access to a park leads to greater visibility from all surrounding properties and streets. Being in a visible and open park increases the users sense of security and enjoyment of the park. An open design, not limited by reduced street frontage or hidden by privacy fences, creates a self-policing environment as neighbors and passersby can easily see within the park.

- ***Location*** **-** Neighborhood parks should be conveniently located for all residents of the neighborhood. Usually, this means the park should be located near the center of the neighborhood, as opposed to its periphery. A prime benefit for those homes fronting a quality neighborhood park is an increase in property value over other homes in the neighborhood. Proper selection of the site should balance protection of the site's natural features with the recreational needs of the parks intended users. For example, baseball or soccer fields should not be located on land with severe slopes. However, such slopes can provide wonderful views of surrounding areas, thus accommodating passive recreational needs of area residents, provided that sloped land, water detention areas, or thick wooded areas, etc. do not comprise a majority of the site.

Case Studies of Neighborhood Park Design – Topeka is blessed with many wonderful examples of neighborhood parks that incorporate these design principles. One of these parks, **Collins Park**, is considered by many to be a quintessential neighborhood park in the City of Topeka. Developed in the early 1920s, the Collins Park neighborhood was a distant suburb to the City of Topeka, yet central to its design was a linear park at its core. The neighborhood itself is 80 acres. Dedicated concurrent with the plat for the Collins Park neighborhood, the park at its center is approximately 4 acres and is no more than a 2-block walk from any residence in the neighborhood. The park enjoys great visibility with all homes facing the park, thus increasing the number of "eyes" on the park and creating a self-policing environment for its users. The park is designed with both passive green-spaces, as well as active recreational areas, including playgrounds, picnic areas, and a basketball court.

The location of the park within the neighborhood was dictated by the areas topography. The selected site is the lowest elevation of the neighborhood, and serves a dual purpose as a natural drainage basin for the neighborhood, although no part of the site actually lies within the 100 year flood-zone.

Collins Parks serves as an anchor to the surrounding neighborhood, providing opportunities for many neighborhood events, such as an annual 4th of July parade, neighborhood picnics, and small carnivals. The interaction between neighbors created by the park has fostered a unique identity for this neighborhood, and has increased the values of surrounding properties over time.



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Topeka also maintains several neighborhood parks that were developed under less than ideal conditions. Similar to the previous example of Collins Park, **Kingsrow Park** was also developed within a suburban neighborhood near the western edge of the City of Topeka. Kingsrow Park is located within the Brookfield neighborhood, a subdivision of 416 acres of residential land. There are approximately 1200 households within this neighborhood, for an approximate population of 2,700 persons. Kingsrow Park, itself, is slightly over 5 acres in size.

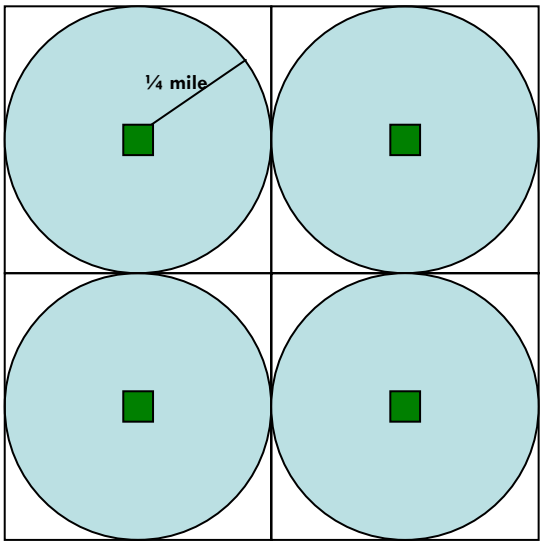
Contrary to Collins Parks discussed earlier, Kingsrow Parks was not dedicated with the original plat for Brookfield Subdivision, but acquired by the City of Topeka after most of the surrounding neighborhood was substantially developed. The difference between park dedication and park acquisition, in this instance, means that the City was forced to "make do" with a left-over parcel of land that was not suitable for development. The resulting park has limited street frontage, and is bordered on three sides by back yards, rather than public street frontage. When parks are designed to abut the rear yards of residential property, this usually forces an extended route for someone to reach the park, even though they may live within a few hundred feet of the park itself. This design also tends to encroach upon the privacy of the families who live adjacent to the park since the public has access to their rear yards. When this becomes problematic, the solution is often to erect privacy fences, which results in decreased surveillance of the park. This decrease in public surveillance, then, can lead to vandalism, illegal dumping, and other behavior within the park itself that reduces its overall appeal and use.



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Model Standards for Neighborhood & Community Parks – This document presents a broad set of nationally recognized standards for park dedications. These standards indicate the density and acreage of parks that are required to serve a given population. This section will detail the standards for the foundation of our parks system, which is the neighborhood park.

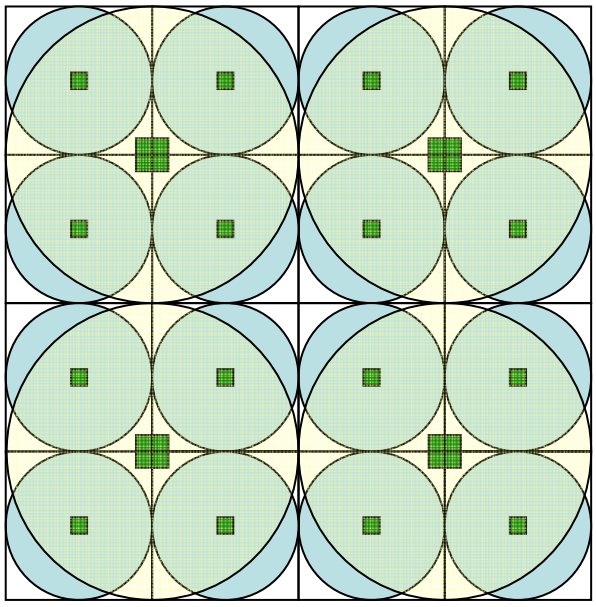
The graphic at right illustrates a generic square-mile section of land (640 acres), divided into quarters, each quarter representing a single neighborhood. At urban densities of 3 dwelling units per acre, each neighborhood, or quarter section of land, would be expected to be populated by roughly 1,000 persons. According to the recommended standard for neighborhood parks, each neighborhood should contain approximately 5 acres of neighborhood park space. In the graphic, this park space is placed near the center of each neighborhood.



Model of Neighborhood Park system.

The circles within each quarter section represent a quarter-mile, or 5-minute walking radius to the neighborhood park. Approximately 78% of the area within each quarter section lies within this quarter-mile radius. Therefore, as development occurs within the City of Topeka and its surrounding areas, roughly **78% of homes should be built no more than ¼ mile, or a 5 minute walk, from a public neighborhood park.**

By combining multiple sections of land, such as illustrated in the example below, this concept can be expanded to incorporate community-level parks. Community parks share the same ratio of acreage to persons served as neighborhood parks (5 acres per 1,000 persons). However, community parks are designed to meet the recreational needs of several neighborhoods. Their purpose differs from neighborhood parks because they offer facilities and services that are not feasible, and perhaps not desirable, at the neighborhood level.


Model of Neighborhood and Community Park system.

In this second illustration, neighborhood parks remain at or near the center of each neighborhood, while larger community level parks are placed at the intersections of 4 separate neighborhoods. In this example, the resulting radius for each community-level park is approximately ½ mile, again encompassing approximately 78% of all land area within each section of land. However, recommended standards for the service area of community parks can vary from ½ mile to as much as 3 miles, depending on other types of parks and recreational facilities, including schools, available within the greater community.

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Vision – To better promote the physical, mental, and emotional well-being of all our citizens and visitors to our community, and in order to enhance to quality of experiences we share as residents of this city, the following vision is established to guide the further development and enhancement of our parks and open spaces system:

- All residents enjoy safe and convenient access within a 5-minute walk to a world-class system of parks, trails and open spaces.
- Sufficient parks and open space areas are provided throughout every neighborhood that meet national standards.
- Topeka's parks and open space system is based on partnerships that ensures the responsible stewardship of all public lands.

Goals – Goals encompass the overall vision and desired outcome of the Parks and Open Space planning effort. By adopting a range of defined goals through this plan, a set of benchmarks is also established to measure our progress toward achieving our overall vision. The Goals offered through this plan describe the kind of system we hope to develop in the future. These goals both implement the overall vision for the provision of parks and open spaces within Topeka, and focus community resources on identified issues and opportunities. These goals are further supported by a framework of strategies and actions to achieve what we, as a community, want in our parks and open space system.

GOAL I. Expand and Maintain the Park System

GOAL II. Establish Partnerships

GOAL III. Preserve Our Local Heritage

GOAL IV. Preserve Scenic Views and Corridors

GOAL V. Reconnect with the Kansas River and other Waterways

GOAL VI. Ensure Responsible Stewardship of Public Lands

The following section details specific strategies and actions to achieve these goals. How each strategy is achieved is then explained in terms of specific actions and programs.

GOAL I. Expand and Maintain the Park System –

The dedication of new parks and open spaces should accompany urban expansion to ensure a geographically equitable distribution of, and convenient access to regional, community, and neighborhood parks. In order to guarantee that future generations have access to quality, safe parks and open spaces, it is imperative that we begin, today, the process of acquiring these lands and reserving them for future use.

It is equally imperative that we strive to fulfill the need for parks and open spaces in those areas of our community that are already urbanized. All areas of our community are presently lacking at some level of park, be it a community park, neighborhood park, or smaller mini-park or open space. The City of Topeka should seek the opportunities to expand our existing park system in existing urbanized areas whenever possible.

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Strategy 1. **Acquire and dedicate *parks* and open spaces commensurate with new development.**

Actions:

1. Conduct a Natural Resources Survey to determine the most appropriate land within the City of Topeka and surrounding areas for the dedication of neighborhood, community and regional parks.
2. Adopt specific standards for the dedication of parks and open spaces commensurate with new development within the 3-mile extraterritorial boundary of the City of Topeka.
3. Require Development Impact Fees to fund the improvement and maintenance of new parks.
4. Explore incentives to encourage the dedication of parks and open spaces.
5. Adopt subdivision regulations that require the dedication of parks and open spaces as specified in the adopted standards for neighborhood, community, and regional parks through the platting process.
6. Eliminate the City's liability for participation in road improvement districts when parks or open spaces are dedicated with a final plat.

Strategy 2. **Encourage the use of Traditional Neighborhood Design concepts in new subdivisions to secure accessible, pedestrian-friendly parks and open spaces.**

Actions:

1. Adopt policies requiring adequate pedestrian access to all newly dedicated parks.
2. Encourage the placement of newly dedicated parks and open spaces adjacent to schools, fire stations, trails, or other public facility to maximize exposure of the park to the general public, and to enhance public surveillance.
3. Establish parkland dedication standards within the subdivision regulations to ensure adequate, safe, and functional park-space dedications within new developments.

Strategy 3. **Expand the existing park system within existing urbanized areas where appropriate.**

Actions:

1. Identify park deficiencies and opportunities within adopted neighborhood and area plans and implement their recommendations.
2. Identify available funding sources to acquire all appropriate and available properties to enhance and maximize the current park system.

GOAL II. **Establish Partnerships** – The establishment of partnerships with other government and non-government agencies can greatly improve the parks and open space system. As people increasingly desire diversity in recreational choices, local governments often find that their resources may not stretch far enough to meet current or future needs. Partnerships between public, private and non-profit organizations can help offset these deficiencies by combining resources.

For example, private trails, such as the Menninger Health and Fitness Trail, could be granted public access, thus expanding the communities trail resources. Advocacy organizations, such as the Rails to Trails Conservancy can lead efforts to acquire and dedicate new parks and trails for public use.

In addition, the City can partner with various civic organizations to "adopt" a Park, trail or stream. Such programs are extremely beneficial to park maintenance in a variety of ways. A sense of "ownership" reduces litter and vandalism and builds an awareness of those actions on our parks system. Volunteer labor can also help defray expenses by increasing the quality and frequency of maintenance given to those adopted facilities.

Specific partnerships should be considered between public and private entities, including Federal, State and local governments, school districts, and community organizations.

Strategy I. **Partner with the public to foster community "ownership" of public parks, trails, and open spaces.**

Actions:

1. Develop cooperative relationships with civic and community organizations to identify deficiencies and needed improvements to our existing inventory of neighborhood parks and open spaces.
2. Expand the Adopt-a-Park program to encourage community "ownership" of parks and open spaces.
3. Establish "Adopt-a-Stream" and "Adopt-a-Trail" programs to encourage civic involvement in the maintenance and restoration of our waterways and trails.
4. Partner with corporations and civic organizations to accomplish project specific improvements, such as bridge replacement projects on trails and construction of new playground equipment.
5. Partner with advocacy groups to encourage the acquisition and maintenance of public lands and natural habitat areas.

Strategy 2. **Maximize the use of private open spaces and recreational facilities within the greater parks and open space "system."**

Actions:

1. Explore public access rights to identified private open spaces for public recreational benefit. Examples may include the Kanza Business & Technology Park, Menninger Campus fitness trail…..
2. Encourage the dedication of private open spaces within new developments.

GOAL III. **Preserve our Local Heritage** – The dedication of parks and open spaces is an ideal mechanism for recognizing and preserving significant aspects of our past. Heritage parks can be as elaborate as the Ward Meade Park, which has developed a theme of 19th Century life in the Midwest, or as simple as a garden that calls attention to a significant person or event in our past.

Topeka has a variety of heritage parks already and stands poised to gain even more in the future. Many of these parks, such as the Kansas State Historical Society and Museum and the Monroe National Historic Monument are not owned

or operated by the City, but by state and federal agencies. However, local agencies can capitalize on these resources to establish local and regional themes that can both educate and be used to generate tourism opportunities.

Strategy 1. Identify and protect our areas cultural and historic resources.

Actions:

1. Conduct a historic and cultural resources survey to identify possible locations for commemorative parks and public spaces.
2. Expand local landmarks eligibility to include identified non-residential properties.
3. Encourage National Register Designation for identified historic properties.
4. Establish design guidelines for recognized historic districts and their surrounding areas to protect the authenticity of these historical and cultural resources.

Strategy 2. Utilize the areas cultural and historic resources to maximize educational and tourism opportunities.

Actions:

1. Initiate a "way finding" sign campaign to direct the public to identified cultural and historic resources.
2. Establish volunteer "Friends" groups to educate the public and offer tours of cultural and historic resources.
3. Capitalize on state and federal resources to establish local and regional themes for cultural and historical education and tourism opportunities.

GOAL IV. Preserve Scenic Views and Corridors – Scenic views and corridors can range from thousands of acres of rural lands to a single small homestead with a front yard of ¼ acre. Scenic views and corridors, or view-sheds, are similar to historic buildings and districts in that they reveal aspects of our community's origins and values. View-sheds can preserve both man-made and natural vistas, ranging from parks and playgrounds, to battlefields, cemeteries, agricultural preserves, or views of the State Capital Building. All these man-made vistas can be preserved by ensuring appropriate development within certain identified areas, particularly along major roadways with prominent views of these resources. Other view-sheds, such as natural, pristine views of the Kansas River or native prairies, should also be protected to remind us of our region's natural history. Preservation of these view-sheds can provide scenic, economic, ecological, social, recreational, and educational opportunities that help us understand ourselves, both as individuals, and as a community. This goal strives to capitalize on our region's natural and man made scenic vistas by ensuring their prominence within the overall parks and open space system.

Strategy 1. Reserve natural and man-made scenic views and corridors for view-shed protection.

Actions:

1. Conduct natural and historical resource surveys to identify possible view-sheds for protection.

2. Discourage the placement of buildings, signs, utilities, towers, or other man-made features within designated scenic or historic view-sheds.
3. Adopt a sign ordinance that prohibits the placement of billboards and other signs within protected view-sheds.
4. As feasible, encourage all utility lines to be buried, both in new developments and in older neighborhoods.
5. Establish appropriate standards for signage for buried utilities and public information signs.

Strategy 2. **Preserve public green-space along public roadways, waterways, and trails.**

Actions:

1. Adopt a Street-Tree Ordinance to re-establish an urban forest within the expanding urbanized area.
2. Adopt a Historic Tree Ordinance to protect large species and historic or significant trees within public rights-of-way and other public properties.
3. Adopt design standards for public works projects that incorporate public green-spaces as prominent design elements.
4. Identify the region's waterways by placing identification markers on bridges and viaducts.
5. Adopt a Stream-Buffers ordinance that restricts development adjacent to streams and waterways.
6. Establish overlay zones with specific design standards and design review procedures within 75' of all public parks, trails and green-ways to protect and enhance the character of these public areas.

GOAL V. **Reconnect with the Kansas River and other Waterways** – Area streams and creeks played a very crucial role in the development of Topeka's earliest parks and open spaces. In most cases, ground that lay within a flood-plain and could not be developed was set aside and reserved for park space. This practice has led to the dedication of dozens of parks in the City of Topeka ranging in size from little more than an acre (Shimer Park), to several hundred acres (Shunga Trail). Recently, however, it has become more economical for developers to fill low-lying areas prone to flooding, redirect the flows of water and make use of land that, earlier, had been considered impractical for development.

Contributing to this practice was the aftermath of the flood of 1951. After this event, many of our natural streams and waterways were channelized. The flood, although devastating in is effects on many areas of Topeka, caused us to regard our streams and waterways more as nuisances than assets. Streams became the means by which water was sent to the Kansas River, and the resulting engineering of our streams sent this water to the river as quickly and efficiently as possible.

Recent findings in storm-water management practices have led us to rethink this policy of over-engineering our streams as nothing more than conduits for storm-water drainage. It is now viewed as possible, and even advantageous, to utilize our streams and waterways more in their natural state, and to naturalize those streams that have already been converted. This new practice utilizes our waterways and wetlands as filters to reduce or eliminate pollutants that enter our streams in the form of storm-water run-off. This practice also allows our ground-water resources to replenish, thus reducing the effects of periodic droughts. The end results of this practice are cleaner streams and rivers, cleaner drinking water, sustainable habitat for wildlife, and useable recreational resources for people.

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Strategy 1. **Increase opportunities for public recreation along the Kansas River and other waterways.**

Actions:

1. Implement the Topeka-Shawnee County Regional Trails Plan, which calls for the construction of trails along the Kansas River, Soldier Creek, Shunganunga Creek, and Deer Creek.
2. Establish additional points of access to the Kansas River for boating and fishing opportunities.
3. Construct a Downtown Riverfront Park to showcase the regions primary natural attributes to both area residents and visitors.
4. Develop a network of lagoons, lakes and ponds at strategic locations along our creeks and streams that serve to provide recreational opportunities for area residents, provide habitat for natural wildlife, and serve as filters to improve the water quality.
5. Establish an "Adopt-a-Stream" program to encourage civic involvement in the maintenance and restoration of our waterways.

Strategy 2. **Improve the environmental quality of all waterways in Topeka for habitat and recreational purposes.**

Actions:

1. Adopt a Stream-Buffers ordinance that limits development adjacent to streams and waterways.
2. Encourage the use of Best Management Practices to control storm-water runoff to reduce pollutants entering our streams and waterways.
3. Continue to support the Shawnee County Conservation District's efforts to educate the public regarding storm-water drainage and pollutant's entering streams and rivers.
4. Develop a network of lagoons, lakes and ponds at strategic locations along our creeks and streams that serve to provide recreational opportunities for area residents, provide habitat for natural wildlife, and serve as filters to improve water quality.

GOAL VI. **Ensure Responsible Stewardship of Public Lands** – Topeka's quality of life is greatly influenced by the region's natural and cultural resources and the scenic settings they create. Outdoor recreation brings people in contact with our natural surroundings, and gives us an opportunity to enjoy our natural environment. Environmental, historical, and cultural features in parks can therefore serve as important educational resources.

Environmental quality is necessary to ensure the quality of outdoor recreation. Damage to our natural resources results in a reduction in our quality of life and in costly solutions to the public. Utilizing our parks and open spaces in a manner that safeguards natural ecosystems systems creates utilitarian benefits, and recreational and aesthetic benefits, as well.

Strategy 1. **Establish a framework for the preservation, enhancement, and restoration of park landscapes and ecological habitats.**

Actions:

1. Conduct a countywide biological survey to identify prime habitats for both fauna and flora.
2. Adopt use specific development standards for public lands and open spaces that protect the character and integrity of public lands while balancing the needs of human and natural habitats.
3. Establish a review process for all public and private development projects in order to protect and enhance historic and natural resources within Topeka.
4. Establish parkland dedication standards within the subdivision regulations to ensure adequate, safe, and functional park-space dedications within new developments.
5. Adopt a stream-buffers ordinance that protects our community's waterways from development and degradation.
6. Zone all publicly owned parks and open spaces to the "OS-1" Open Spaces District, to ensure their continued availability and use as parks and recreational amenities.
7. Adopt urban design standards that encourage street-scaping with all new road improvement, and other public and private infrastructure projects. Such standards should include landscaped medians, traffic calming devices, and street trees.

Strategy 2. Ensure adequate funding to support ongoing acquisition, maintenance, and improvements to our parks, trails, and open space systems.

Actions:

1. Explore alternative funding sources to support capital improvements within parks, trails, and open spaces. Such alternatives may include the establishment of parks districts, development impact fees, corporate or community sponsorship, grants, or private contributions, among others.
2. Initiate a "Quality First" approach to parks and open space management to include initial investment in quality materials, design, preventative maintenance programs, and energy/materials conservation.
3. Explore private maintenance contracts for public parks and open spaces.
4. Explore the possibility of consolidation of the Topeka and Shawnee County Parks and Recreations Departments as a means of cost savings and joint funding.
5. Develop guidelines for the allocation of parkland development fees.

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Priorities for Implementation –

The above-listed section outlines a broad set of goals, actions, and strategies that are designed to collectively implement and achieve the vision for our parks and open spaces as established by this plan. The following section is a subset of these actions and strategies. The priorities are listed in no particular order, but serve to identify and detail the highest priorities as collectively set forth by the City of Topeka through the adoption of this document. Some of these priorities may be readily and quickly achievable, while others may require further planning or study, or greater length of time to fully implement. However, it is intended that progress toward implementing each of these priorities should begin as soon as possible so that momentum established by the passage and adoption of this document is maintained, and community interest remains high.

Priority 1. **Conduct a county-wide biological survey to identify prime habitats for both fauna and flora to identify the most appropriate lands for new park-land dedication.** *(Goal I, Strategy 1, Action 1)*

Who: Topeka Planning Dept.
When: CY 2005
Cost: $50,000 (estimate)

Priority 2. **Establish design standards for new parkland dedications within the subdivision regulations to ensure adequate, safe, and functional park-space within new developments.** *(Goal I, Strategy 2, Action 3)*

Who: Topeka Planning Department
When: CY 2005
Cost: $100,000 (to be completed as a component of the Unified Development Code)

Priority 3. **Adopt new subdivision regulations that require the dedication of parks and open spaces as specified in the adopted standards for neighborhood, community, and regional parks through the platting process in all areas of the City of Topeka and its Urban Services Boundary.** *(Goal I, Strategy 1, Action 5)*

Who: Topeka Planning Department
When: CY 2005
Cost: $100,000 (component of the Unified Development Code)

Priority 4. **Eliminate the City's liability for participation in road improvement districts when parks or open spaces are dedicated with a final plat.** *(Goal I, Strategy 1, Action 6)*

Who: Topeka Planning Department; Topeka City Council
When: Immediately.
Cost: No initial cost; however, removal of the city's liability for road improvement districts will impact the cost of private developments.

Priority 5. **Establish additional points of access to the Kansas River for boating and fishing opportunities.** *(Goal V, Strategy 1, Action 2)*

Who: Topeka Public Works Dept; Topeka Parks & Rec. Depertment; Army Corps of Engineers
When: Initial Planning Phase – 1995; Construction Phase - 1996

Cost: $100,000; State or federal funding possible

Priority 6. **Construct a Downtown Riverfront Park to showcase the regions primary natural attributes to area residents and visitors.** *(Goal V, Strategy 1, Action 3)*

Who: Topeka Planning Dept; Topeka Public Works Dept; Topeka Parks & Rec. Dept; Railroad Days & Great Overland Station Museum; Greater Topeka Chamber of Commerce; Topeka Convention & Visitors Bureau; Army Corps of Engineers
When: Initial Design Phase should start immediately; Construction Phase should begin by CY 2007
Cost: $2,000,000 between private fundraising, and local, state, and federal funding

Priority 7. **Implement the Topeka-Shawnee County Regional Trails Plan, which calls for the construction of trails along the Kansas River, Soldier Creek, Shunganunga Creek, and Deer Creek.** *(Goal V, Strategy 1, Action 1)*

Who: Topeka Parks & Rec. Dept.
When: Ongoing
Cost: $100,000 annual appropriation though CIP

Priority 8. **Adopt urban design standards that encourage street-scaping with all new public and private infrastructure projects. Such standards should include landscaped medians, traffic calming devices, street trees and historic street-tree preservation.** *(Goal IV, Strategy 2, Actions 1, 2, and 3)*

Who: Topeka Planning Dept; Topeka Public Works Dept.
When: Immediately
Cost: $10,000 (estimate)

Priority 9. **Zone all publicly owned parks and open spaces to the "OS-1" Open Spaces District, to ensure their continued availability and use as parks and recreational amenities.** *(Goal VI, Strategy 1, Action 6)*

Who: Topeka Planning Dept; Topeka City Council
When: Immediately
Cost: Negligible

Priority 10: **Develop guidelines for the allocation of parkland development fees.** *(Goal VI, Strategy 2, Action 5)*

Who: Topeka Planning Dept; Topeka Parks & Rec Dept.
When: Immediately
Cost: Negligible

Priority 11: **Add as necessary.**

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Current Levels of Service -

As a part of this parks and open space plan, staff have conducted a comprehensive analysis of current levels of service of parks and open space. To do this, a total of 21 distinct "planning areas" were identified within the City of Topeka and the immediate surrounding area. Those areas located outside the corporate limits of the city of Topeka mirror those areas planned for future population and employment growth as identified within the proposed Future Land Use and Growth Management Plan.

To the greatest extent possible, each planning area was determined based on natural barriers, such as creeks and rivers, and man-made barriers such as major arterials roads and highways. Each area represents a reasonable expectation of "community boundaries" and largely reflects the service areas of existing recreation "Community Centers," such as Shawnee County North Community Center, Rice Park, Garfield Park, and Hillcrest Park.

In addition to identifying individual communities, or planning areas, the analysis of service levels further identified individual neighborhoods. Each neighborhood is based on a reasonable 5-minute walking distance to a neighborhood park. As is plainly visible on the following map, each neighborhood largely follows Section and Quarter-Section lines or other physical boundaries.

To perform the analysis, each park and identified open space within each planning area was assigned a specific classification. A total of eight (8) classifications were determined based on the intended use and function of each park or open space. The classifications are as follows:

1) Regional Park
2) Community Park
3) Special Use Park
4) Conservation Park
5) Neighborhood Park
6) Mini-Park
7) Open Space/Greenway
8) Golf Course

Figure 2 outlines each planning area and neighborhood boundary. Table 1 provides a detailed breakdown of each planning area, its population, and acreage of parks by major category. This table is followed by a detailed description of the levels of service for parks and open space for each planning area.

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Figure 2

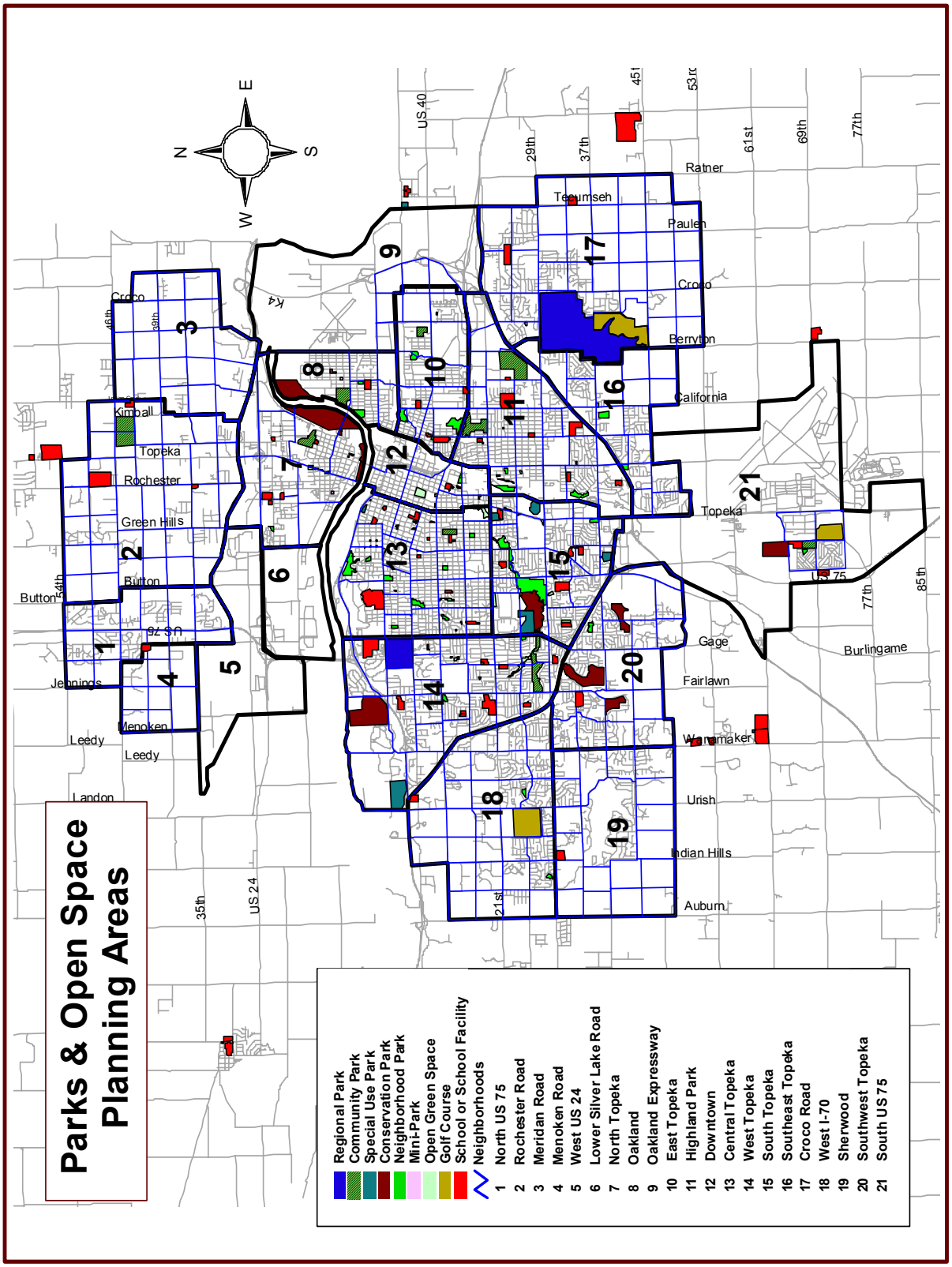


Table 1

Parks & Open Space Summary Table - Acres

	Planning Area	Population	Regional Total Acres	Regional Acres Per 1000	Community Total Acres	Community Acres Per 1000	Special Use Total Acres	Special Use Acres Per 1000	Conservation Total Acres	Conservation Acres Per 1000	Neighborhood Total Acres	Neighborhood Acres Per 1000
1	North US 75	2,240	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	Rochester Road	4,082	0.00	0.00	115.00	28.17	0.00	0.00	0.00	0.00	0.00	0.00
3	Meridan Road	1,578	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	Menoken Road	435	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
*5	West US 24	262	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
*6	Lower Silver Lake Road	216	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	North Topeka	6,237	0.00	0.00	23.70	3.80	0.00	0.00	0.00	0.00	3.20	0.51
8	Oakland	6,243	0.00	0.00	51.30	8.22	0.00	0.00	100.40	16.08	18.70	3.00
*9	Oakland Expressway	360	0.00	0.00	0.00	0.00	8.14	22.61	0.00	0.00	0.00	0.00
10	East Topeka	7,252	0.00	0.00	16.53	2.28	0.00	0.00	0.00	0.00	68.43	9.44
11	Highand Park	14,990	0.00	0.00	137.90	9.20	0.00	0.00	0.00	0.00	24.05	1.60
12	Downtown	2,988	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4.80	1.61
13	Central Topeka	26,926	0.00	0.00	16.30	0.61	5.30	0.20	0.00	0.00	67.60	2.51
14	West Topeka	16,838	160.00	9.50	65.00	3.86	81.43	4.84	176.60	10.49	9.20	0.55
15	South Topeka	15,468	0.00	0.00	0.00	0.00	116.50	7.53	102.66	6.64	131.80	8.52
16	Southeast Topeka	5,563	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	23.10	4.15
17	Croco Road	6,073	766.86	126.27	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
18	West I-70	10,599	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	9.15	0.86
19	Sherwood	5,595	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
20	Southwest Topeka	5,563	0.00	0.00	0.00	0.00	0.00	0.00	190.63	34.27	8.70	1.56
*21	South US-75	6,073	0.00	0.00	64.50	10.62	0.00	0.00	75.03	12.35	2.65	0.44
	Total	**145,581**	**926.86**	**6.37**	**490.23**	**3.37**	**211.37**	**1.45**	**645.32**	**4.43**	**371.38**	**2.55**
	NRPA Recommendation		**2183.72**	***15.00***	***727.91***	***5.00***	*Variable*	*Variable*	*Variable*	*Variable*	***727.91***	***5.00***

	Planning Area	Population	Mini Total Acres	Mini Acres Per 1000	Open Space Total Acres	Open Space Acres Per 1000	Public Golf Course Total Acres	Public Golf Course Acres Per 1000	Total Total Acres	Total Acres Per 1000	Percent Parks
1	North US 75	2,240	0.00	0.00	0.00	0.00	0.00	0.00	-	0.00	0.0%
2	Rochester Road	4,082	0.00	0.00	0.00	0.00	0.00	0.00	115.00	28.17	1.9%
3	Meridan Road	1,578	0.00	0.00	0.00	0.00	0.00	0.00	-	0.00	0.0%
4	Menoken Road	435	0.00	0.00	0.00	0.00	0.00	0.00	-	0.00	0.0%
*5	West US 24	262	0.00	0.00	0.00	0.00	0.00	0.00	-	0.00	0.0%
*6	Lower Silver Lake Road	216	0.00	0.00	0.00	0.00	0.00	0.00	-	0.00	0.0%
7	North Topeka	6,237	0.80	0.13	9.87	1.58	0.00	0.00	37.57	6.02	1.1%
8	Oakland	6,243	1.90	0.30	0.00	0.00	0.00	0.00	172.30	27.60	11.8%
*9	Oakland Expressway	360	0.00	0.00	0.00	0.00	0.00	0.00	8.14	22.61	0.0%
10	East Topeka	7,252	1.80	0.25	0.00	0.00	0.00	0.00	86.76	11.96	3.8%
11	Highand Park	14,990	4.30	0.29	2.97	0.20	0.00	0.00	169.22	11.29	4.2%
12	Downtown	2,988	1.90	0.64	18.35	6.14	0.00	0.00	25.05	8.38	1.8%
13	Central Topeka	26,926	1.35	0.05	19.60	0.73	0.00	0.00	110.15	4.09	2.5%
14	West Topeka	16,838	0.65	0.04	18.90	1.12	0.00	0.00	511.78	30.39	9.7%
15	South Topeka	15,468	0.00	0.00	10.25	0.66	0.00	0.00	361.21	23.35	11.4%
16	Southeast Topeka	5,563	0.00	0.00	0.00	0.00	0.00	0.00	23.10	4.15	0.3%
17	Croco Road	6,073	0.30	0.05	0.00	0.00	244.00	40.18	1,011.16	166.50	20.5%
18	West I-70	10,599	0.00	0.00	0.00	0.00	160.41	15.13	169.56	16.00	4.1%
19	Sherwood	5,595	0.00	0.00	0.00	0.00	0.00	0.00	-	0.00	0.0%
20	Southwest Topeka	5,563	0.00	0.00	0.00	0.00	0.00	0.00	199.33	35.83	7.2%
*21	South US-75	6,073	0.00	0.00	0.00	0.00	76.07	12.53	218.25	35.94	3.0%
	Total	**139,508**	**13.00**	**0.09**	**79.94**	**0.55**	**480.48**	**3.30**	**3,218.58**	**22.11**	**4.2%**
	NRPA Recommendation		**291.16**	***2.00***	*Variable*	*Variable*	*Variable*	*Variable*			

* These planning areas are projected for future employment growth, as opposed to additional residential growth. Therefore, additional park space is not forecast for these areas.

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Planning Area Health Assessment – In order to gauge the overall need for parks and open spaces within the City of Topeka and its surrounding areas must be determined relative to all other areas so that priority areas can be recognized and planned for. This plan borrows a system by which the overall health of specified areas is judged according to a common set of criteria. Once this "health assessment" is completed, then those areas with the greatest need can be easily identified, and policies and remedies can be planned for and budgeted. This health assessment can also be used as a benchmark to track progress toward alleviating those measures of ill-health that have been identified.

This health assessment **DOES NOT** make any judgments regarding the quality of existing parks, and is **NOT** meant to serve as a tool to guide budget expenditures.

For the purposes of this plan, the health assessment has been determined based on a set of four separate categories of information listed below.

Health Categories –

1)  **Four Trees** *(Healthy)* – This category is intended to denote those planning areas that exhibit most or all of the characteristics that make a neighborhood "park friendly." Healthy neighborhoods meet the minimum recommendation of the National Recreation and Parks Administrators (NRPA) for community and neighborhood parks per 1,000 persons; offer a neighborhood or community-level park within ¼ mile of 78% of all homes within the planning area; and have a minimum of 10% of all land within the planning area devoted to parks or open space.

2)  **Three Trees** *(Out-Patient)* – This category is reserved for those planning areas with significant resources in terms of parks and open spaces, but could use some improvement. These planning areas meet between 67% and 99% of NRPA recommendations for community and neighborhood-level parks per 1,000 persons; provide a neighborhood or community-level park within ¼ mile of 52% to 77% of all homes within the planning area; and have between 7% and 9.9% of all land within each planning area devoted to parks and open space.

3)  **Two Trees** *(At Risk)* – At-risk planning areas need improvement in all aspects of the provision of parks and open space. These planning areas meet between 34 and 66% of NRPA recommendations for the provision of neighborhood and community-level parks per 1,000 persons. These planning areas also provide community or neighborhood level park space within a ¼ mile radius to fewer than 51% of all homes. Lastly, these planning areas contain between 4.5% and 6.9% of all land within their boundaries dedicated as parks or open space.

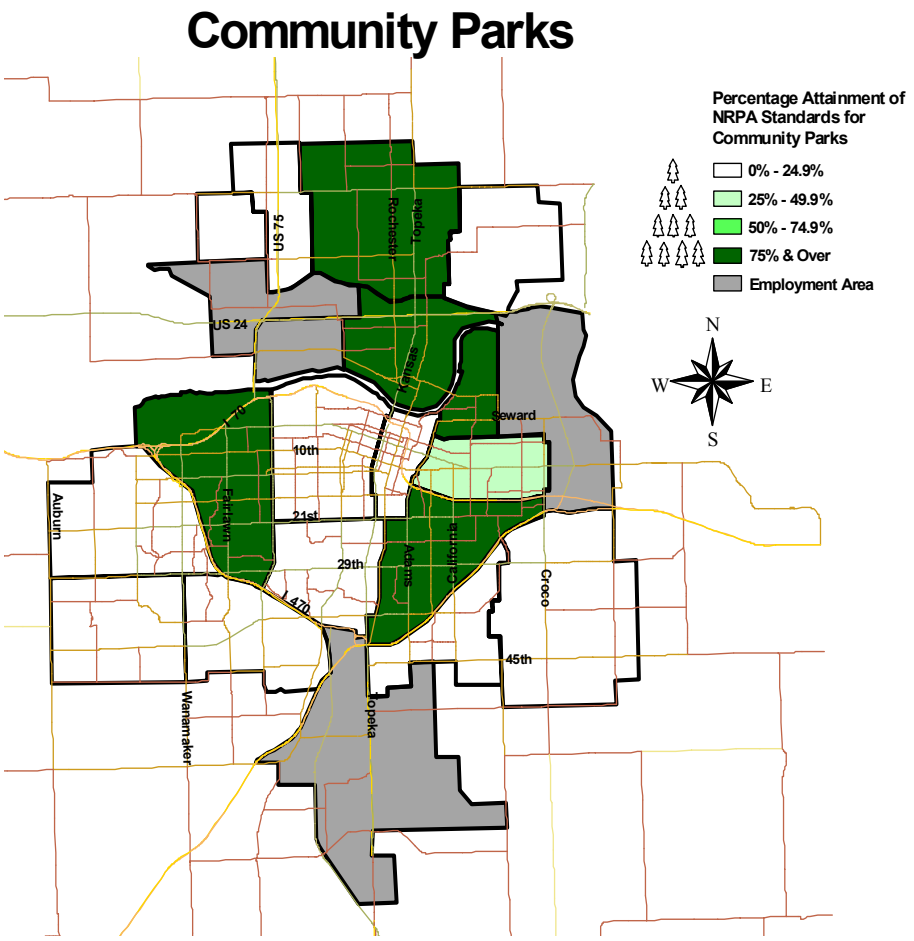
4)  **One Tree** *(Intensive Care)* – This category denotes those planning areas that offer little, if any, resources for public parks and open spaces. These planning areas meet less than 33% of NRPA recommendations for the provision of neighborhood and community-level parks per 1,000 persons. These planning areas also provide community or neighborhood level park space within a ¼ mile radius to fewer than 25% of all homes, and contain less than 4.4% of all land area dedicated as park or open space.

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Assessment Criteria:

1) **Community Parks –** The first measure of health for parks and open spaces is the percentage attainment of NRPA recommendation for community parks. The NRPA recommendation for community-level parks is 5 acres per 1,000 persons. Only four planning areas meet this standard (Rochester Road at 563% of NRPA recommendation, Highland Park at 184%, Oakland at 164%, and South US-75 at 212%). Rochester Road contains the Shawnee County North Community Center, a 115-acre complex offering multiple recreational opportunities. Highland Park boasts nearly 138 acres of community-level parks divided between Hillcrest and Dornwood Parks, while Oakland offers the Oakland-Billard Park at 51.3 acres. Although the South US-75 planning area is regarded by this document as a future employment zone, it none-the-less contains the Montara neighborhood and the Velma K. Paris Community Center at 64.5 acres. All of these planning areas have sizeable community-level parks coupled with relatively small populations, making the ratio of park-space to persons served higher than minimum recommended standards.

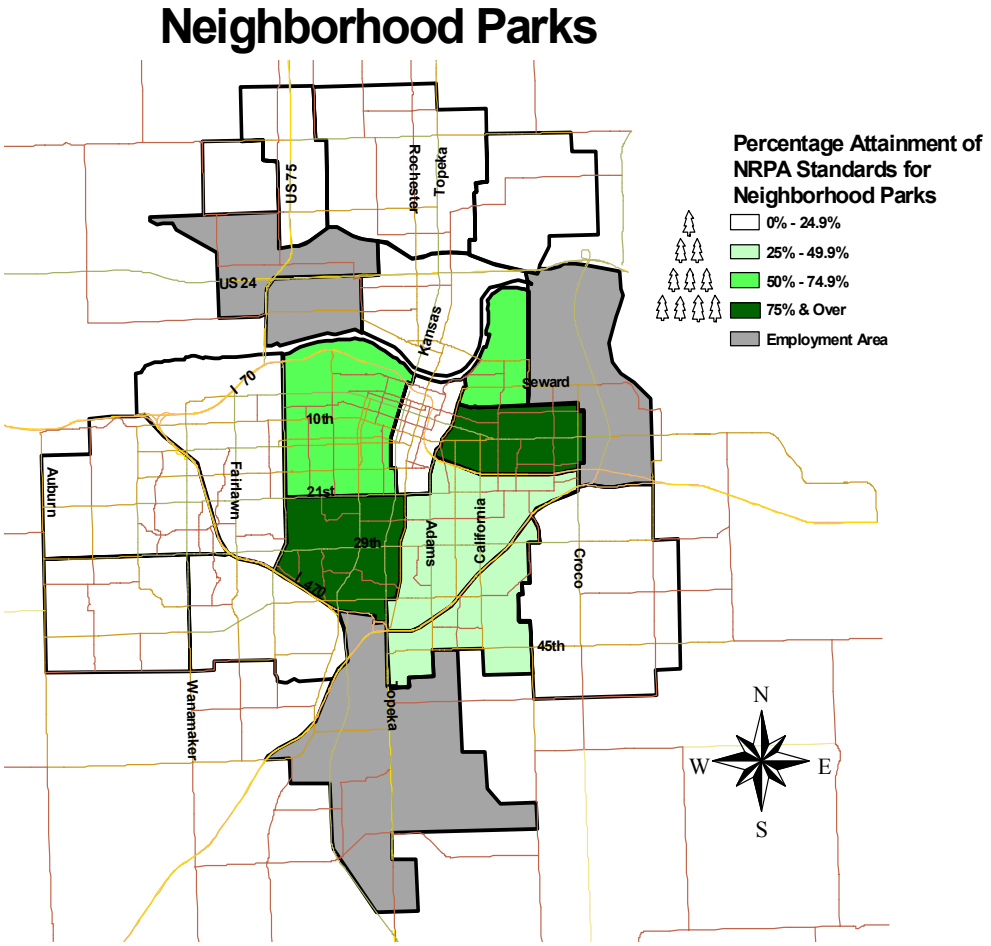
   Three additional planning areas offer some community-level park space, but do not meet minimum NRPA standards. These three are North Topeka (76%), Central Topeka (12%), East Topeka (46%) and West Topeka (77%). Most (14) of the studied planning areas, however, have no community-level parks. Full details for community parks and NRPA standards are listed in the composite rankings table on page 30.



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2) **Neighborhood Parks –** The second measure of health is the percentage attainment of NRPA recommendation for neighborhood parks. Like the preceding criteria, the NRPA recommendation for neighborhood-level parks is 5 acres per 1,000 persons. Only two of the planning areas studied meet this standard. East Topeka contains approximately 52 acres of neighborhood parks for a ratio of 9.44 ac/1,000 persons, or 189% of NRPA recommendations. Most of this park space is contained within either Freedom Valley Park (31.8 ac) or Ripley Park (13 ac). South Topeka offers nearly 132 acres of neighborhood park space, for a total of 8.52 ac/1,000 persons, or 170% of NRPA recommendations. This planning area contains a substantial portion of the Shunganunga Trail system and the series of neighborhood parks that lie along the trail.

There are 11 additional planning areas that offer limited neighborhood park space. A credit of five acres of neighborhood park space has been added to those planning areas with community-level parks in order to recognize the potential neighborhood-park function of community parks to the immediate surrounding neighborhood. Five planning areas, predominately suburban in nature and outside the current Topeka corporate limits, have no neighborhood park space. Full details for neighborhood parks and NRPA standards are listed in the composite rankings table on page 30.

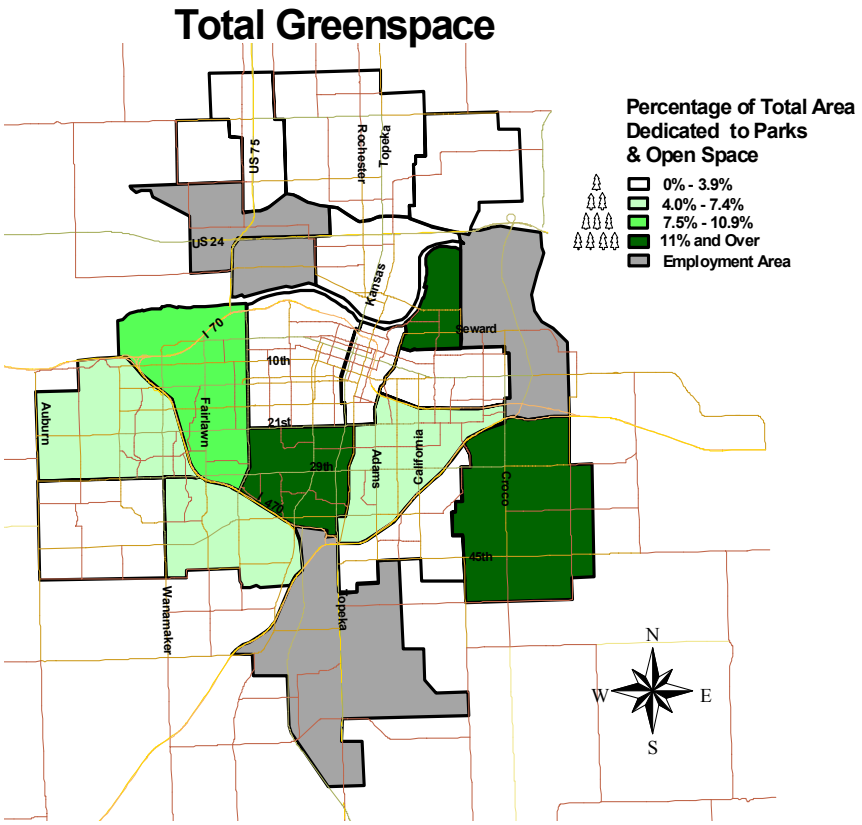


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3) **Percent of Planning Areas Dedicated to Public Greenspace** – Approximately two-thirds (2/3rds) of a quarter-section of land (160 acres) is typically devoted to actual building space. The remaining acreage is reserved for all necessary roads, easements, utilities, and park space. The typical quarter-section of land, developed at urban densities of 3 units per acre contains approximately 1,000 persons, meaning that a minimum of 12 acres should be reserved for park space, including 5-acres for community parks, 5-acres for neighborhood parks, and 2-acres for mini-parks. At a minimum, these types of parks should equate to 7.5% of the entire acreage of the section at large. Where available and appropriate, additional acreage should be reserved for trails, regional and conservation parks, special use parks, and historical or heritage sites. For the purposes of this study, those planning areas with less than 7.5% dedicated parks and open space are deemed either **at-risk** or **intensive care**, while those planning areas meeting this threshold were deemed **out-patient** or **healthy.**

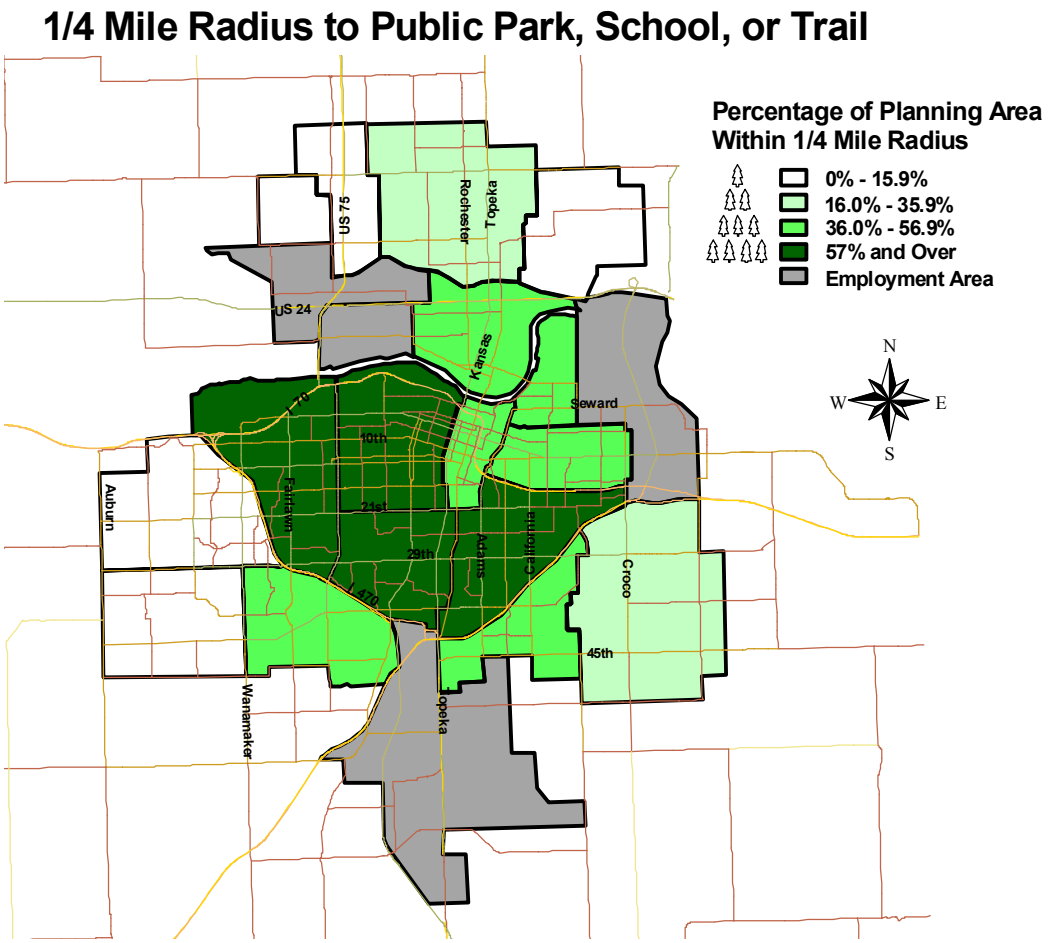
Most planning areas offer at least some park space, but only three meet this 7.5% threshold. The Berryton planning area offers the greatest percentage of total acreage in the form of dedicated park or open space, at 20.5%. This planning area contains Lake Shawnee and the Lake Shawnee Public Golf Course. While the total acreage of these facilities is sizeable, they are the only publicly dedicated parks within this planning area. The second greatest percentage of dedicated park and open space lies in the South Topeka planning area at 11.4%. This area contains an extensive linear park and trail system along the Shunganunga Creek. Thirdly is the West Topeka planning area. Appriximately 9.7% opf the total acreage of this planning area is dedicated in parks and open space. This planning area contains both Gage Park and McClennan State Park adjacent to the Cedar Crest Governor's Mansion. Full details for the percentage of dedicated park space within each planning area are listed in the composite rankings table on page 30.

4) **Percent of planning areas within ¼ mile of parks,**



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trails, playgrounds, or open space - Several of the planning areas in and around the greater Topeka area meet minimum acreage guidelines suggested by the NRPA for the provision of community and neighborhood-level parks. However, acreage alone does not indicate whether or not the park space is accessible or convenient to neighborhood residents. In order for park space to be useable, it must be near-by, preferably within a 5-minute walk of any residence within the planning area. A quarter-mile distance is generally reflective of a 5-minute walk. Planning areas that offer a park, trail, or school within a ¼ mile radius of 57% or more of all homes are deemed **healthy.**



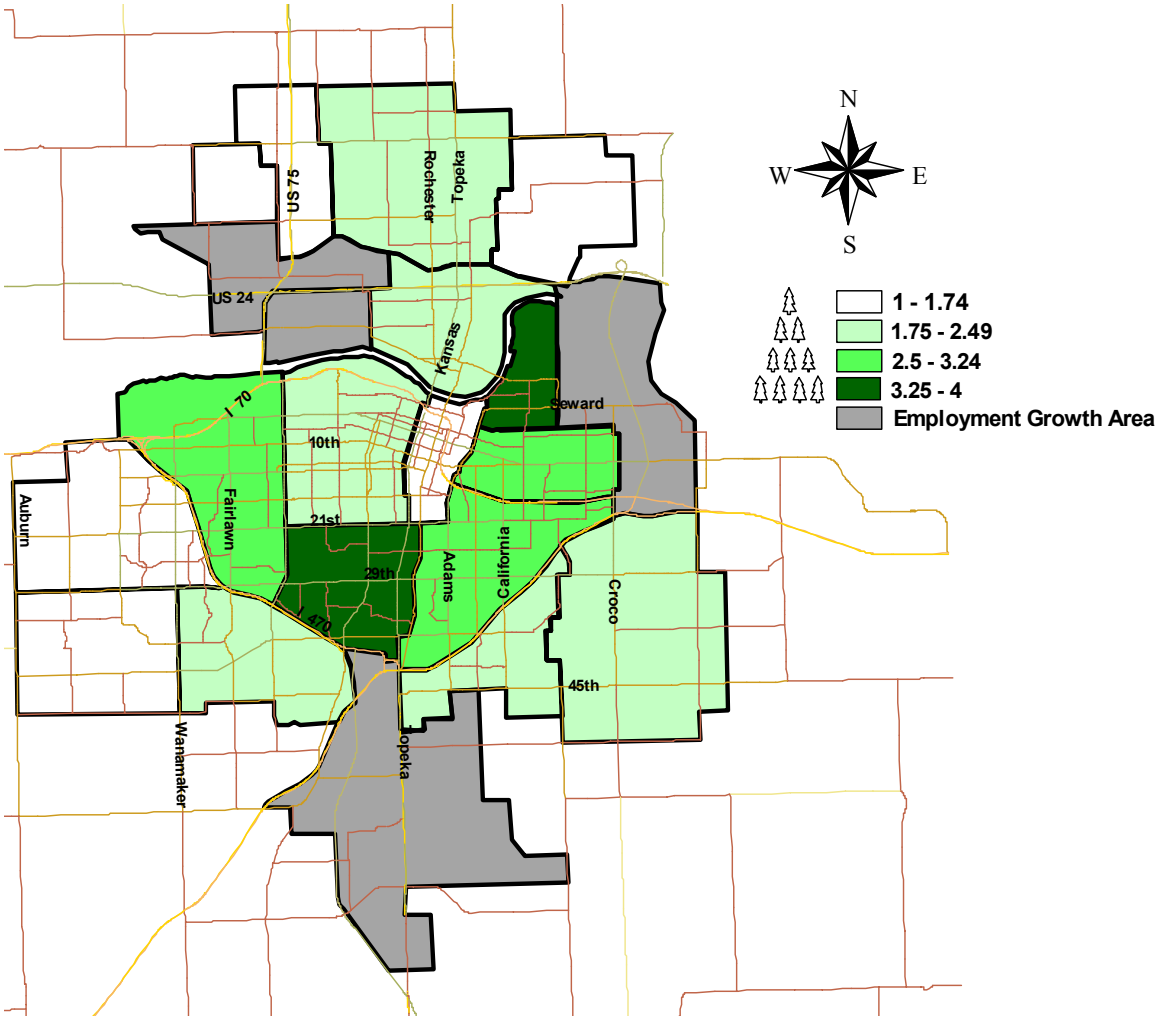
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5) **Composite Health Rating** – The following map depicts a composite rating of each of the planning areas identified and studied in this document. Each of the preceding criteria has been assigned four rating levels with a corresponding point value for each level (1. intensive care; 2. outpatient; 3. at risk; and 4. healthy). The individual ratings for each planning area were then averaged to produce an overall health rating. These ratings are classified as follows:

Healthy (3.25 – 4.0) – optimal condition
Out-patient (2.5 – 3.24) - favorable condition
At Risk (1.75 – 2.49) – emerging negative conditions
Intensive Care (1.0-1.74) – seriously underserved

Only one planning area emerged from this assessment with a "healthy" rating, that being South Topeka. This planning area rated in optimal condition for 3 of the individual assessment criteria, and thus produced an overall rating of 3.75. Not surprisingly, those planning areas around the perimeter of the study area produced overall health assessments with the lowest scores, indicating that community and neighborhood parks are in short supply, are generally not accessible to area residents, and very little of the total acreage of the planning area is dedicated or reserved for parks and open spaces.

Composite Parks & Open Spaces Health Assessment



Composite Health Ratings

	Planning Area	Community Parks - % of NRPA Recom.	Health Rating	N'hood Parks - % of NRPA Recom. *	Health Rating	Percent of Planning Area in Parks & Open Space	Health Rating	Percent w/in 1/4 Mile of Park or School	Health Rating	Comp. Rating
1	North US 75	0.00%	1	0.00%	1	0.00%	1	5.67%	1	1.00
2	Rochester Road	563.45%	4	4.17%	1	1.89%	1	17.39%	2	2.00
3	Meridan Road	0.00%	1	0.00%	1	0.00%	1	2.35%	1	1.00
4	Menoken Road	0.00%	1	0.00%	1	0.00%	1	6.77%	1	1.00
5	West US 24	0.00%	1	0.00%	1	0.00%	1	0.00%	1	1.00
6	Lower Silver Lake Road	0.00%	1	0.00%	1	0.00%	1	0.00%	1	1.00
7	North Topeka	76.00%	4	22.66%	1	1.14%	1	43.67%	3	2.25
8	Oakland	164.34%	4	72.92%	3	11.80%	4	48.90%	3	3.50
9	Oakland Expressway	0.00%	1	0.00%	1	0.00%	1	1.70%	1	1.00
10	East Topeka	45.60%	2	183.58%	4	3.83%	1	56.13%	3	2.50
11	Highand Park	183.99%	4	36.31%	2	4.24%	2	70.08%	4	3.00
12	Downtown	0.00%	1	16.00%	1	1.81%	1	54.09%	3	1.50
13	Central Topeka	12.11%	1	51.86%	3	2.55%	1	83.10%	4	2.25
14	West Topeka	77.21%	4	14.20%	1	9.70%	3	69.90%	4	3.00
15	South Topeka	0.00%	1	155.06%	4	11.36%	4	75.68%	4	3.25
16	Southeast Topeka	0.00%	1	30.80%	2	0.27%	1	45.49%	3	1.75
17	Croco Road	0.00%	1	0.00%	1	20.52%	4	31.16%	2	2.00
18	West I-70	0.00%	1	9.15%	1	4.07%	2	8.67%	1	1.25
19	Sherwood	0.00%	1	0.00%	1	0.00%	1	3.94%	1	1.00
20	Southwest Topeka	0.00%	1	19.33%	1	7.23%	2	41.54%	3	1.75
21	South US-75	212.42%	4	21.86%	1	3.00%	1	11.96%	1	1.75
	Total	42.39%		35.57%		4.15%		32.02%		

Shaded rows indicate future employment areas.

* 5 acres of neighborhood-level park space has bee credited for those areas with a community-level park.

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Planning Area Analyses –

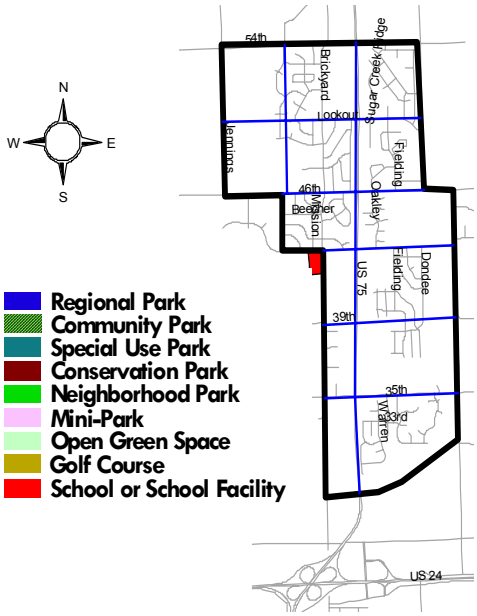
The following section details each planning area identified in Figure 2, and identifies the total acreage and classifications of parks and open space that can be found within each planning area. In this analysis, it is understood that each park can serve more than one purpose, and can be accessed by more than one planning area. For example, Gage Park is classified as a regional park within the West Topeka planning area. Gage Park is equipped with a multitude of services and features that make it a destination for recreation and enjoyment across the Shawnee County area. This park, however, also fulfills a neighborhood function because of its easy walking distance from many neighborhoods within the Central Topeka and West Topeka planning areas. For this reason, 5 acres of neighborhood park space has been added to those planning areas where community or regional parks are also present.

The identification of planning areas and parks classifications should only serve as a guide to help understand the current levels of service provided within various areas of the city and county. It should be anticipated that some degree of overlap in terms of service areas and classifications will occur in this discussion.

It should also be noted that this discussion considers mainly those areas planned for future population growth, as opposed to employment growth. Areas 5, 6, 9, and 21 are anticipated to accommodate the majority of future employment growth in Shawnee County, and as such, will not be centers for added population growth. Given this assumption, this discussion does not propose new community, neighborhood, or mini-park space for these areas, but does recommend the provision of open green-spaces to serve as buffers, and quality-of-life enhancements.

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Planning Area 1: North US Highway 75 –



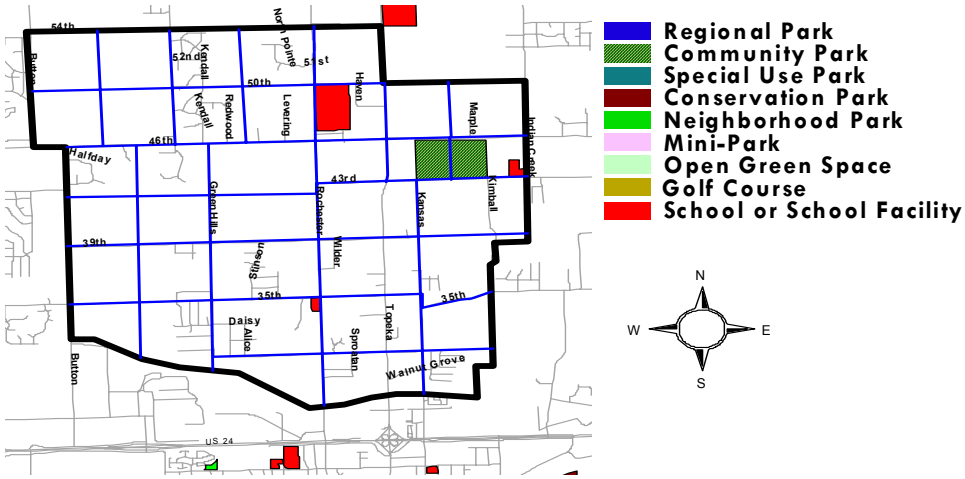
Planning Area 1 lies within Unincorporated Shawnee County, and is generally bounded by N. 54th Street on the north, NW Jennings Road and NW Brickyard Road on the west, NW Button Road on the east, and Soldier Creek on the south. This area is generally urbanized with a population of 2,240 according to the 2000 Census. However, if growth continues at similar densities in the future, the population could be expected to triple within the next 20 to 30 years. Although this area currently lacks any community or neighborhood park, mini-park, or general open space approximately 5.7% of the total land area lies within ¼ mile of an elementary school with a useable playground.

Planning Area: N US 75	Existing Conditions	Existing Surplus/ Deficiency	Projected 2030	Balance Need
Area (Acres)	2,300		-	-
Population	2,240		10,719	8,479
Housing Density (units per acre)	0.63		3.00	-
Neighborhood Parks (Acres)	0	-11	53.60	53.60
Community Parks (Acres)	0	-11	53.60	53.60
Mini-Parks/Open Space (Acres)	0	-4	21.44	21.44

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Planning Area 2: N. Rochester Road – Planning Area 2 also lies within Unincorporated Shawnee County, and is recognized within the draft Future Land Use and Growth Management Plan as a future population growth area. The area is bounded generally by N. 54th Street to the north, Soldier Creek to the South, Button Road on the West, and NE Indian Creek Road on the East. Development of the area is occurring at urban densities, although most of the area remains, as yet, undeveloped. This area contains the Shawnee County North Community Center, which is a 115 acre community park. The park also serves a neighborhood function for those areas immediately surrounding the park. In addition, the park contains several softball diamonds which host league play, thus accommodating a special use purpose. Approximately 10% of the total acreage of the planning area lies within ¼ mile of a park or school.

The population of this area stood at 4,082 according to the 2000 Census. Continued growth at urban densities, however, would raise this population figure to slightly more than 24,000 persons over the next 30 years.

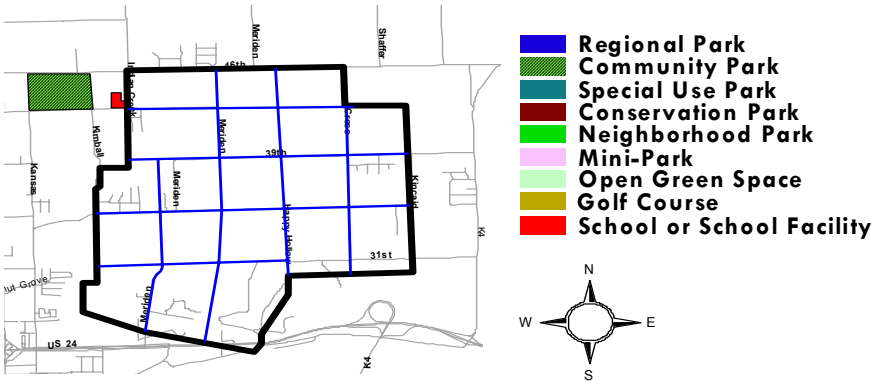


Planning Area: Rochester Road	Existing Conditions	Existing Surplus/ Deficiency	Projected 2030	Balance Need
Area (Acres)	6,103		6,103	-
Population	4,082		28,443	24,361
Housing Density (units per acre)	0.45		3.00	-
Neighborhood Parks (Acres)	0	-20	142.22	142.22
Community Parks (Acres)	115	95	142.22	27.22
Mini-Parks/Open Space (Acres)	0	-8	56.89	56.89

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Planning Area 3: N.E. Meriden Road – Planning Area 3 lies to the northeast of the City of Topeka in Unincorporated Shawnee County. This area is approximately 5.4 square miles in size and is largely undeveloped. The population of this area according to the 2000 Census was 1,578. Expected population growth in this area could reach as high as 4,822 over the next 30 years.

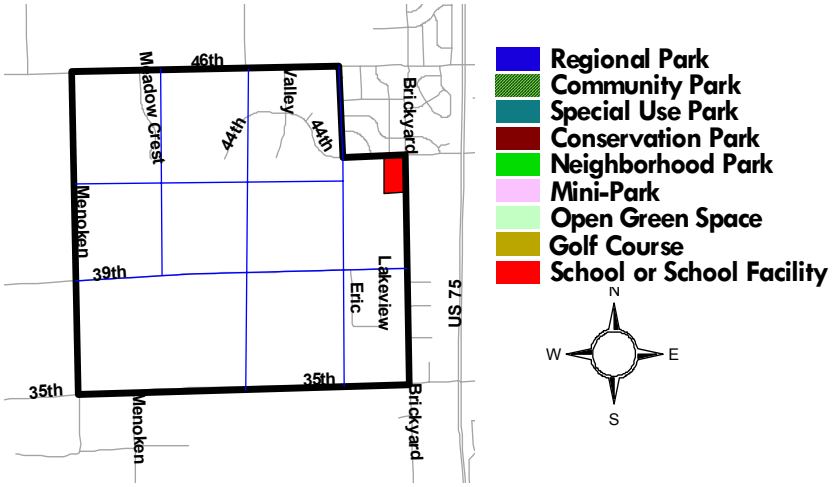
This area is not currently served by any public park or open space, although the Shawnee County North Community Center lies just west of the area boundaries along NW 54th Street. Since this area is not expected to reach high population densities, it is doubtful that this area would require community level park space in the near future. Only 2.4% of the total acreage of this planning area lies within ¼ mile of a park or school.



Planning Area: Meridan Road	Existing Conditions	Existing Surplus/ Deficiency	Projected 2030	Balance Need
Area (Acres)	3,434		-	-
Population	1,578		5,335	3,757
Housing Density (units per acre)	0.30		1.00	-
Neighborhood Parks (Acres)	0	-8	26.67	26.67
Community Parks (Acres)	0	-8	26.67	26.67
Mini-Parks/Open Space (Acres)	0	-3	10.67	10.67

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Planning Area 4: Menoken Road – This Planning Area lies just northwest of the corporate limits of the City of Topeka. The area is bounded by NW 46th Street on the north, NW 35th Street on the south, NW Menoken Road on the west, and NW Brickyard on the east. The area had a population in 2000 of 435 persons, although it is forecast to increase to nearly 8,000 persons over the next 30 years. Although this planning area does not contain any dedicated parks or open space, approximately 6.8% of the total planning area lies within ¼ mile of a school with useable playground.



Planning Area: Menoken Road	Existing Conditions	Existing Surplus/ Deficiency	Projected 2030	Balance Need
Area (Acres)	1,296		-	-
Population	435		6,040	5,605
Housing Density (units per acre)	0.22		3.00	-
Neighborhood Parks (Acres)	0	-2	30.20	30.20
Community Parks (Acres)	0	-2	30.20	30.20
Mini-Parks/Open Space (Acres)	0	-1	12.08	12.08

(Planning Areas 5 and 6 omitted due to their planned nature as employment growth areas vs. residential growth areas.)

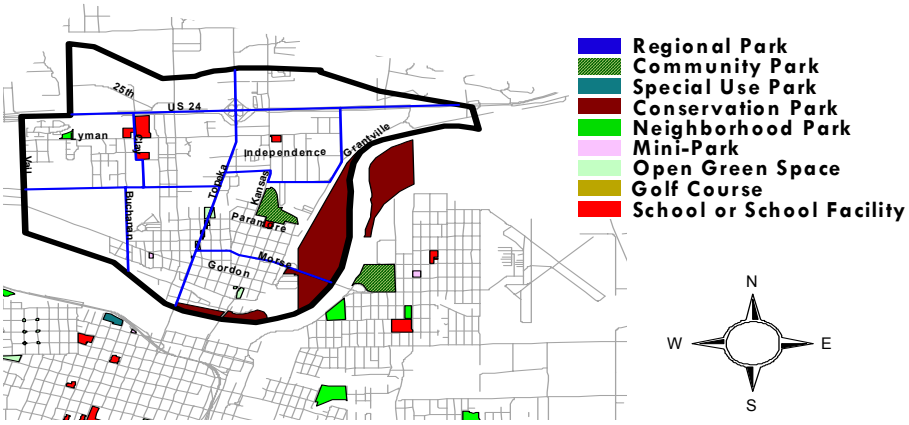
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Planning Area 7: North Topeka – The North Topeka planning area covers a wide variety of residential, commercial, industrial, and mixed use neighborhoods. The area is bounded generally by Soldier Creek on the north, the Kansas River on the south and east, and NW Vail Road on the west. The population of the area was reported at 6,237 according to the 2000 Census. It is estimated that the area could absorb an additional 1,000 new residents over the next two to three decades.

Residents of this planning area are served primarily by Garfield Park, which is a community-level park, consisting of 23.7 acres. This park also doubles as a neighborhood park for those neighborhoods lying east of N. Topeka Boulevard. Meadowood Park is a secondary neighborhood park associated with the Meadowood Mobile Home Park on NW Lyman Road. An additional mini-park (McKinley Park) is located on NW Gordon Street, west of N. Topeka Boulevard.

North Topeka also boasts the Charles Curtis Greenway, named after the Topeka native and US Vice President. The greenway is approximately 10 acres and lies along either side of N. Topeka Boulevard from Gordon Street to the south branch of Soldier Creek. Additional open space (Veteran's Park) lies at the base of the Kansas Avenue Bridge.

As a community-level park, Garfield Park, at 23.7 acres, is nearly adequate to serve the existing population of approximately 6,200 residents within the planning area. However, this area is significantly short of other neighborhood, and mini-park space. Nearly ½ (49.3%) of this planning area lies within ¼ mile of a public park or school.

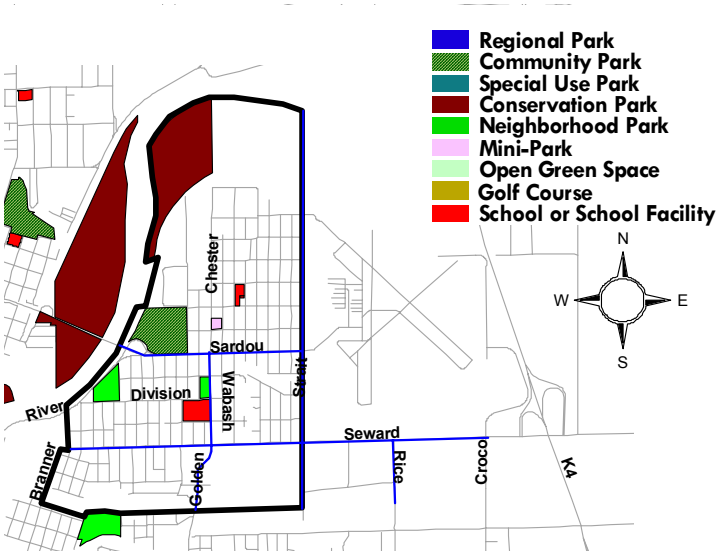


Much attention has been given in recent years to the possibility of creating a river-front park on the north bank of the Kansas River. The city of Topeka currently owns 206 acres of land within the Kansas River levee that could be developed as regional, community, or neighborhood park space. Since this land is currently undeveloped, it is counted as Conservation Park space for the purposes of this plan.

Planning Area: North Topeka	Existing Conditions	Existing Surplus/ Deficiency	Projected 2030	Balance Need
Area (Acres)	3,310		3,310	-
Population	6,237		7,326	1,089
Housing Density (units per acre)	1.28		1.50	0.22
Neighborhood Parks (Acres)	3.2	-28	36.63	33.43
Community Parks (Acres)	23.7	-7	36.63	12.93
Mini-Parks/Open Space (Acres)	10.67	-2	14.65	3.98

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Planning Area 8: Oakland – The Oakland planning area is one of the most geographically isolated areas within the city of Topeka. The area is bounded on three sides (north, east, and west) by the Kansas River, and on the south by the Burlington Northern-Santa Fe railroad yards.



Oakland is served with a 51-acre community-level park, which is more than adequate to serve an estimated population of 6,243. However, neighborhood park space is lacking, with only 3 acres per 1,000 people (18.7 acres total). NRPA standards recommend of 5 acres of neighborhood parks per 1,000 people. Appoximately 28% of the total acreage of this planning area lies within ¼ mile of a park or school. This percentage is substantially greater if Phillip-Billard Airport is excluded from the acreage for this planning area.

Neighborhood parks are fairly evenly distributed geographically, with only the neighborhood lying in the extreme southwest corner of the planning area absent any park space. The other neighborhoods lying to the south of Seward Avenue (delineated by the blue lines in the map at left) are industrial areas with low population densities.

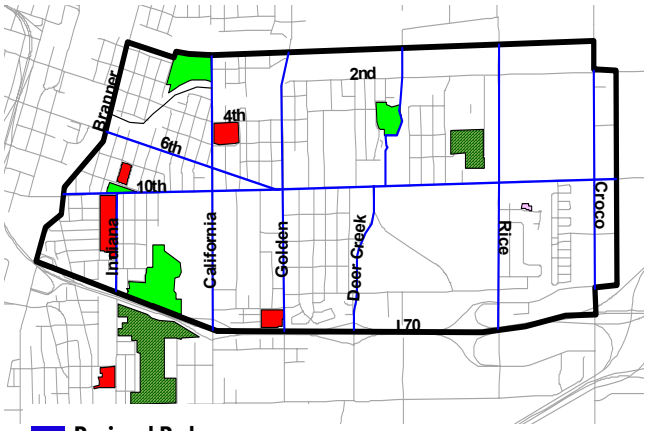
There are approximately 100 acres of additional park space area owned by the City of Topeka, lying along the Kansas River at the north end of the Planning Area, and accessible at the north end of NE Chester Avenue. This area is open to the public for off-road and all-terrain vehicles. It is, is undeveloped and is listed as Conservation Park Space in this plan.

Planning Area: Oakland	**Existing Conditions**	**Existing Surplus/ Deficiency**	**Projected 2030**	**Balance Need**
Area (Acres)	1,460		1,460	-
Population	6,243		6,247	4
Housing Density (units per acre)	2.90		2.90	0.00
Neighborhood Parks (Acres)	18.7	-13	31.2	12.5
Community Parks (Acres)	51.3	20	31.2	-20.1
Mini-Parks/Open Space (Acres)	1.9	-11	12.5	10.6

(Planning Area 9 is omitted due to its planned nature as an employment growth area vs. residential growth area.)

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Planning Area 10: East Topeka – East Topeka is arguably the most isolated area in the City of Topeka. The area is bordered on the west and north by the Shunganunga Creek, on the South by I-70, and on the west by Croco Road. The physical barriers created by the Creek and I-70 greatly limit the access, particularly pedestrian access, into and out of the area. The area also possesses the lowest income levels of any portion of the City, a factor that further limits the mobility of area residents. Because of this limited mobility, particularly among children who are dependent on walking or bicycling for transportation, the provision of parks within the planning area is of heightened importance.



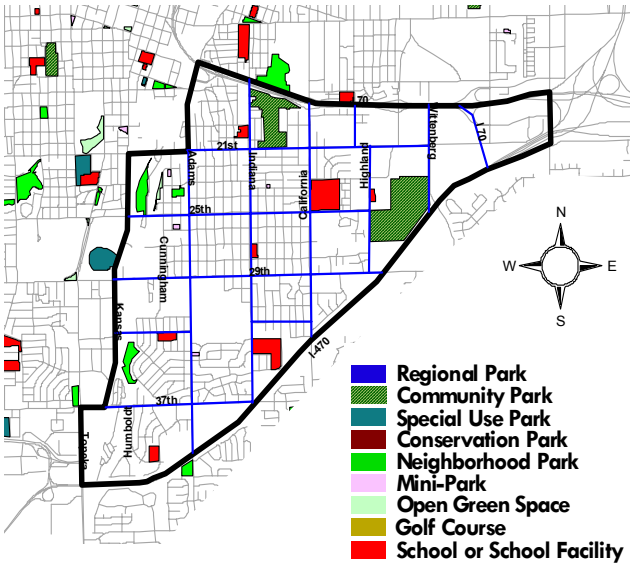
The area boasts two separate Community Centers to serve the area's 7,252 residents. The Abbott Community Center is located adjacent to Samuel C. Jackson Park, a 3.6 acre neighborhood park, located at the convergence of SE 8th and SE 10th Streets. Rice Community Center is located in Rice Park, which is approximately 16 acres and located one block north and west of SE 6th Street and SE Rice Road. For the purposes of this Plan, Rice Park is considered to be a Community-level park. Although Jackson Park also contains a community center, it is difficult to classify this park as true "community" park because of its limited size. Rather, this plan considers it to be a neighborhood-level park with a community recreation center.

There are three additional neighborhood parks in East Topeka (Ripley, Eastboro, and Freedom Valley), each serving individual neighborhoods within the planning area. The Eastgate community, which is at the southeast corner of SE 6th Street and SE Rice Road, is also provided with a 1.8 acre mini-park (Eastgate Park). Slightly more than ½ of this planning area (56.1%) lies within ¼ mile of a public park or school.

Planning Area: East Topeka	**Existing Conditions**	**Existing Surplus/ Deficiency**	**Projected 2030**	**Balance Need**
Area (Acres)	2,269		2,269	-
Population	7,252		8,370	1,118
Housing Density (units per acre)	2.17		2.50	0.33
Neighborhood Parks(Acres)	52.43	16	41.85	(10.58)
Community Parks (Acres)	16	-20	41.85	25.85
Mini-Parks/Open Space (Acres)	1.8	-13	16.74	14.94

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Planning Area 11: Highland Park – The Highland Park planning area is equipped with a wide variety of parks and open space opportunities for area residents. The area is bounded generally by Kansas Avenue on the west, I-470 on the south and east, and I-70 on the north. The population according to the 2000 Census is approximately 14,990.



Total parks and open space acreage in Highland Park amounts to approximately 295 acres, although 126 acres is consumed by the Shawnee Country Club and is not accessible for public use. Minus this acreage, however, there is approximately 169.22 acres of public parks and open space remaining. The vast majority of this space (138 acres) can be found within two principle parks – Hillcrest and Dornwood. Both of these parks are considered to be Community-level parks, although they both additionally serve neighborhood and conservation park functions.

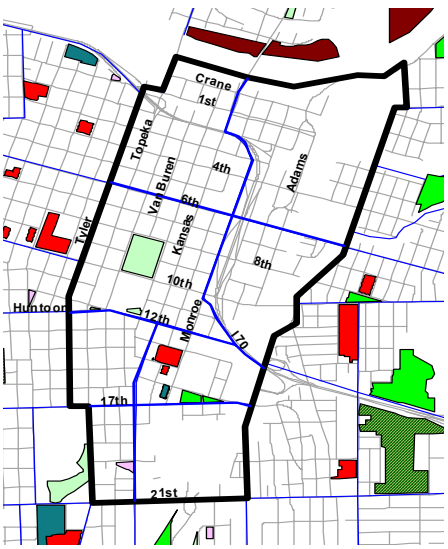
There are three neighborhood parks within the Highland Park planning area that, combined, provide approximately 24 acres of park space (Highland Crest, Lakewood, and Austin Parks). There are also three mini-parks (Jayhawk, Bently, and Adams Parks) which collectively comprise 4.3 acres of neighborhood playground park space.

Planning Area: Highland Park	Existing Conditions	Existing Surplus/ Deficiency	Projected 2030	Balance Need
Area (Acres)	3,997		3,997	-
Population	14,990		16,218	1,228
Housing Density (units per acre)	2.54		2.75	0.21
Neighborhood Parks (Acres)	24	-51	81.09	57.09
Community Parks (Acres)	138	63	81.09	(56.91)
Mini-Parks/Open Space (Acres)	7.27	-23	32.44	25.17

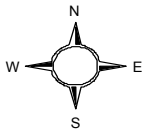
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Planning Area 12: Downtown – This planning area encompasses the central business district (CBD), several residential neighborhoods, and several industrial areas that lie to the north and east of the CBD. Although the permanent resident population of the area is fairly low (2,988), the daytime working population is substantial at over 30,000 people. This is by far the densest population area in the City of Topeka during daytime hours.

Downtown is served by only a few areas of open green-space for the benefit of the permanent and daytime populations. Included in this inventory is the State Capitol Building, which provides 15 acres of passive green-space. There are only a few other alternatives for people to enjoy open space. Sertoma Park (1 acre) is located on the southern edge of the State Judicial Building, while Huntoon Park offers only ¼ acre of green space at the intersection of SW Topeka Blvd., SW 12th Street, and SW Huntoon Street.



Regional Park
Community Park
Special Use Park
Conservation Park
Neighborhood Park
Mini-Park
Open Green Space
Golf Course
School or School Facility



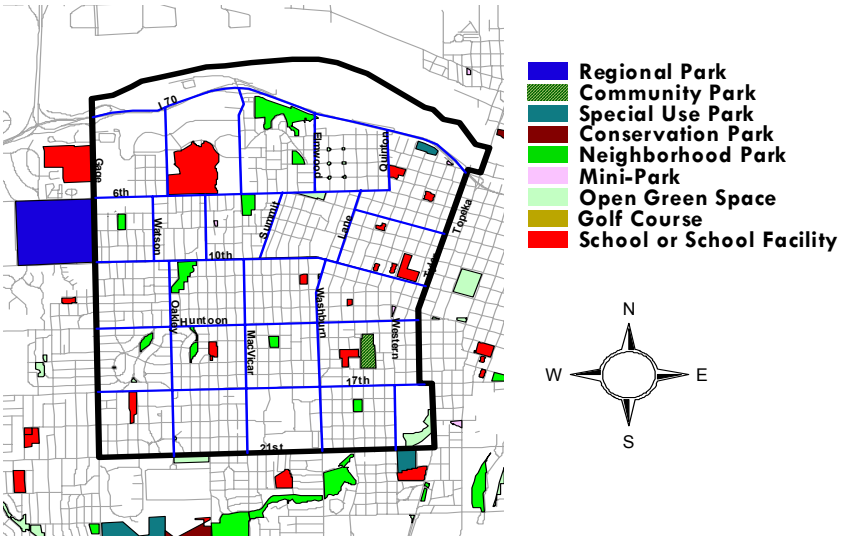
Recently completed is a special use park at the site of the former Monroe Elementary School. This site is owned and operated by the National Parks Service as a National Historic Site, commemorating the Brown V. Board of Education desegregation decision. Lying just to the east of this site is Cushinberry Park (4.8 acres), which is classified as a neighborhood park.

Planning Area: Downtown	**Existing Conditions**	**Existing Surplus/ Deficiency**	**Projected 2030**	**Balance Need**
Area (Acres)	1,382		1,382	-
Population	2,988		4,588	1,600
Housing Density (units per acre)	1.47		2.25	0.78
Neighborhood Parks (Acres)	4.8	-10	22.94	18.14
Community Parks (Acres)	0	-15	22.94	22.94
Mini-Parks/Open Space (Acres)	20.25	14	9.18	(11.07)

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Planning Area 13: Central Topeka – The Central Topeka planning area offers a number of neighborhood and community parks, mini-parks, and green spaces that are unique assets to the area. Collectively, Central Topeka offers a total of 110 acres of all types of parks and open spaces. These parks serve a population of 26,926, which is the densest population of all planning areas considered in this plan.

Central Topeka is served by the 16.3 acre Central Park Community Center. This park functions very well at the neighborhood level, providing playgrounds, open fields and picnic areas, as well as scenic passive recreational areas within easy walking distance of the surrounding neighborhood. If, however, Central Park is considered a community-level park, it would be considered undersized (0.61 acres per 1,000 persons).



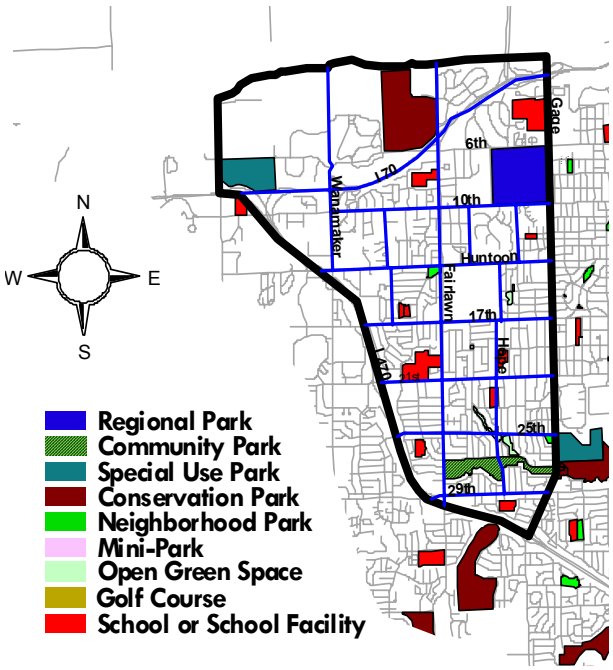
There are several other true neighborhood- level parks scattered throughout Central Topeka that collectively comprise approximately 67.6 acres. A cursory glance at a map of these parks indicates that there is a series of parks that follow, or contribute to Martin Creek. These parks include Westboro, Collins, Washburn, Children's, Willow, Edgewood, and Auburndale parks. This series of parks underscores the importance of water in establishing our parks and open space system. All of these parks are, or at one time were under the 100-year or 500-year flood plains. Since these parks were dedicated in sizes that are meaningful and useable as parks, they greatly enhance the quality of life in the surrounding neighborhoods.

Central Topeka also offers several scenic open-spaces that are unique to this area of Topeka. The Potwin traffic circles are examples of types of open space that greatly contribute to the ambience and character of a neighborhood. The Westboro neighborhood also has similar open spaces that guide and control traffic. Not only do these features serve as calming devices to ensure that traffic proceeds at a reasonable speed through the neighborhood, the mature gardens and trees planted provide an aesthetic enhancement to the experience of driving or walking through these neighborhoods. These open spaces should serve as models for future development.

Planning Area: Central Topeka	**Existing Conditions**	**Existing Surplus/ Deficiency**	**Projected 2030**	**Balance Need**
Area (Acres)	4,322		4,322	-
Population	26,926		27,103	177
Housing Density (units per acre)	4.22		4.25	0.03
Neighborhood Parks (Acres)	67.6	-67	135.51	67.91
Community Parks (Acres)	16.3	-118	135.51	119.21
Mini-Parks/Open Space (Acres)	21	-33	54.21	33.21

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Planning Area 14: West Topeka – West Topeka has one of the highest concentrations of parks and open spaces (428.5 acres) among all planning areas in Topeka and Shawnee County. Combined with a relatively low population (16,838) for an area of this size, residents of West Topeka enjoy a very high ratio of parks per 1,000 persons (25.45/1,000). However, the vast majority of these parks are consumed within a small number of dedicated recreation areas.



Foremost among the parks in West Topeka is Gage Park. Classified as a regional park, Gage Park is 160 acres that once stood a good distance west of the Topeka city limits. Gage Park is a multi-purpose park, offering specialized uses, such as the World Famous Topeka Zoo, active recreational facilities, such as the Blaisdell Family Aquatic Center, and passive recreational areas such the Reinisch Rose Garden.

Crestview Park also lies within the southern portion of this planning area. At 65 acres, Crestview Park is the western starting point for the Shunga Trail system, and again, emphasizes the significance of water and streams in the development of our parks and open space system in Topeka.

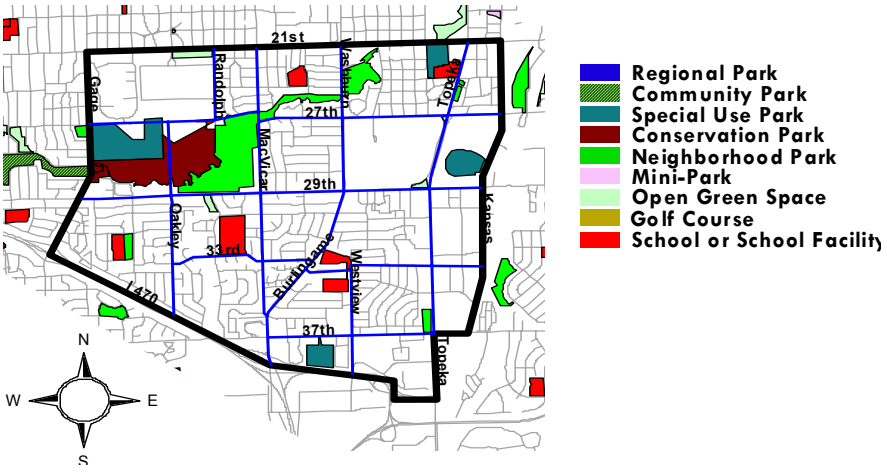
Lying at the northern end of the planning area are two conservation and special use parks. The Kansas History Museum offers several acres of natural areas with trails and outdoor historical exhibits that attracts users from across the region. Further to the east lies Cedar Crest and McClellan State Park, which together make up the Governor's Mansion and surrounding grounds. McClellan State Park offers approximately 175 acres of diverse natural habitat areas, ranging from prairie to wetlands to woodlands. The trail system within this park draws walkers, joggers and mountain bikers from across the region.

Hillsdale and Seabrook Parks are the only true neighborhood-level parks in West Topeka. While these parks are adequate to serve their immediate surrounding neighborhoods, they are not sufficient to serve the entire planning area. In addition to these neighborhood-level parks, West Topeka does have a few mini-parks and open green spaces. Edgewater Park is a tributary to the Shunganunga Creek, and as such has very little useable park space. The park does have a playground, but is classified as open green space for this plan. Ward Parkway is also established along a creek, and offers an open field for useable park space. However, since this park is largely undeveloped, it, too, is classified as general open green space for this plan.

Planning Area: West Topeka	**Existing Conditions**	**Existing Surplus/ Deficiency**	**Projected 2030**	**Balance Need**
Area (Acres)	5,275		5,275	-
Population	16,838		17,512	674
Housing Density (units per acre)	2.16		2.25	0.09
Neighborhood Parks (Acres)	9.2	-75	87.56	78.36
Community Parks (Acres)	65	-19	87.56	22.56
Mini-Parks/Open Space (Acres)	19.55	-14	35.02	15.47

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Planning Area 15: South Topeka – This planning area boasts a very high ratio of park acreage per person. With an area-wide population of 15,468 and a total of 484.45 acres of parks and open space, South Topeka provides a total of 31.32 acres per 1,000 persons. Approximately 123.25 acres of this total, however, is the Topeka Country Club Golf Course, and is not open to the public. Even with the removal of this acreage from the inventory for this area, however, South Topeka still boasts a total of 23.35 acres per 1,000 persons.



South Topeka offers a wide variety of special use and neighborhood-parks, as well as several open green spaces that provide meaningful aesthetic enhancements to major traffic corridors. The Shunganunga Creek is the foundation of the largest park system in the area. Felker Park, is a 62 acre special use park featuring a major softball, soccer and tennis complex. Wells Park and the Frank J. Warren natural areas, both conservation parks, are adjacent to Felker, and offer several woodland, grassland, and wetland habitats. Further to the east is the Big Shunga Park and MacDonald Field, a regional baseball facility. These four parks (Felker, Wells, Warren, and Big Shunga) together offer nearly 300 acres of parkland. Additionally, the Shunganunga Trail system travels through these parks and extends eastward through Crestwood Park, and Shunga Glenn Park. Also included in the inventory is Quinton Heights Hill. Although owned by USD 501, it is a favorite spot for sledding during the winter months, and is widely considered to be a public park area.

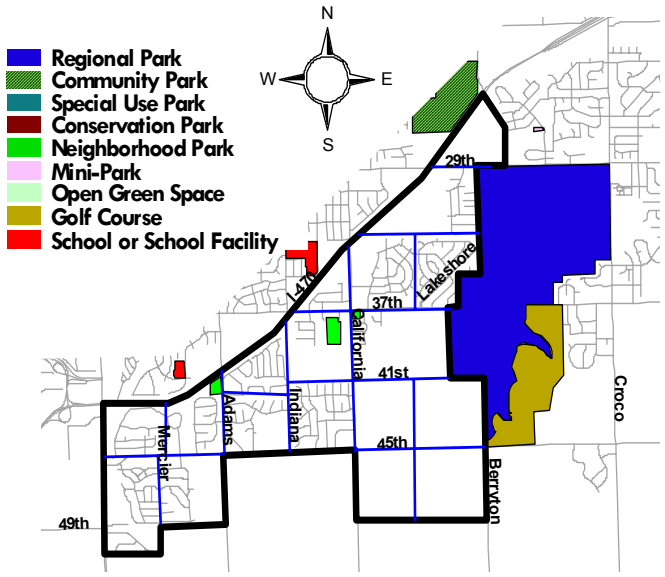
Lacking in South Topeka is a community-level park and community center that offers diverse recreational resources to area residents. Although Felker Park, Reuger Softball Complex, and Major Palm Park are all special use parks that attract users on a community-wide, or even regional basis, their use is singular in nature and does not offer the diversity of programs typical of a true community-level park.

The total acreage for parks in this area is substantial and exceeds the recommendations of the NRPA for park space per 1,000 residents. However, most park space in this area is concentrated, and is not readily accessible to all residents of South Topeka. Greater attention and efforts should be paid toward developing additional neighborhood park space, particularly south of SW 29th Street, and east of SW Oakley.

Planning Area: South Topeka	Existing Conditions	Existing Surplus/ Deficiency	Projected 2030	Balance Need
Area (Acres)	3,185		3,185	-
Population	15,468		16,448	980
Housing Density (units per acre)	3.29		3.50	0.21
Neighborhood Parks (Acres)	131.8	54	82.24	(49.56)
Community Parks (Acres)	0	-77	82.24	82.24
Mini-Parks/Open Space (Acres)	10.25	-21	32.90	22.65

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Planning Area 16: Southeast Topeka – Southeast Topeka offers three neighborhood parks, totaling 23.1 acres. While the total acreage is considered adequate to serve the existing population of 3,803 (6 acres/1,000 persons), this acreage is concentrated into only three parks that are not completely accessible to all area residents. The majority of total park space is occupied by Mathews Park at 14.4 acres. Mathews Parks is located near the intersection of SE 37th and SE California Streets. Although some playground equipment has been placed on the property, it does not possess any street frontage and is therefore largely hidden from public view, making its use and enjoyment problematic.



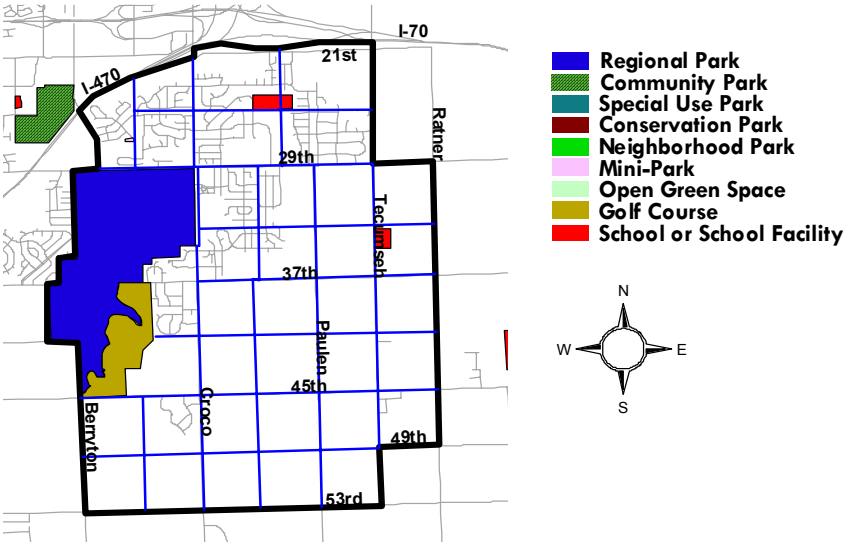
Additionally, the population of this planning area is growing. The existing park space serving this area is not readily accessible to the majority of developed areas or those areas likely to be developed in the near future. New park space will be required as new residential subdivisions are developed.

However, the proximity of Lake Shawnee to this planning area presents a unique opportunity to combine future community recreational facilities with the Berryton planning area adjacent to the east. Other than Lake Shawnee itself, there are no other physical barriers that separate the two planning areas. It is therefore conceivable that the two areas could share a common community park facility, perhaps located at Lake Shawnee.

Planning Area: Southeast Topeka	Existing Conditions	Existing Surplus/ Deficiency	Projected 2030	Balance Need
Area (Acres)	2,760		2,760	-
Population	5,563		8,145	2,582
Housing Density (units per acre)	1.37		2.00	0.63
Neighborhood Parks (Acres)	23.1	-5	40.72	17.62
Community Parks (Acres)	0	-28	40.72	40.72
Mini-Parks/Open Space (Acres)	0	-11	16.29	16.29

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Planning Area 17: Croco Road – The Croco Road Planning Area is bordered generally by I-70 on the north, SE Ratner Road on the east, Berryton Road and the west shore of Lake Shownee on the west, and SE 53rd Street on the south. Located within this planning area is Lake Shawnee, a 766 acre regional park facility. Lake Shawnee offers a wide variety of recreational opportunities for both active and passive activities. Some facilities available within the park include baseball and softball complexes, disc golf, boathouse for rowing, marina, paddle-boating, heated fishing dock, camping, several shelter houses and picnic areas, swimming area, as well as ramps for a variety of water sports such as water-skiing, sailing, and windsurfing.



Adjacent to Lake Shawnee is the Lake Shawnee golf course, a 244 acre 18 hole course that draws players from all of northeast Kansas.

However, lacking from the planning area is a network of smaller neighborhood parks. Only one park exists outside the Lake Shawnee regional park facility, this being two tennis courts located within the Aquarian Acres Subdivision.

Although Lake Shawnee is available to residents of this planning area and all residents of Shawnee County, it is not always accessible for children or those who do not utilize motorized means of transportation. For those neighborhoods east of Lake Shawnee, approximately 133 acres of neighborhood park space will be essential in the coming years.

Planning Area: Croco Road	**Existing Conditions**	**Existing Surplus/ Deficiency**	**Projected 2030**	**Balance Need**
Area (Acres)	7,267		7,267	-
Population	6,073		26,806	20,733
Housing Density (units per acre)	0.54		2.50	1.96
Neighborhood Parks (Acres)	1.41	-29	134.03	132.62
Community Parks (Acres)	0	-30	134.03	134.03
Mini-Parks/Open Space (Acres)	0.3	-12	53.61	53.31

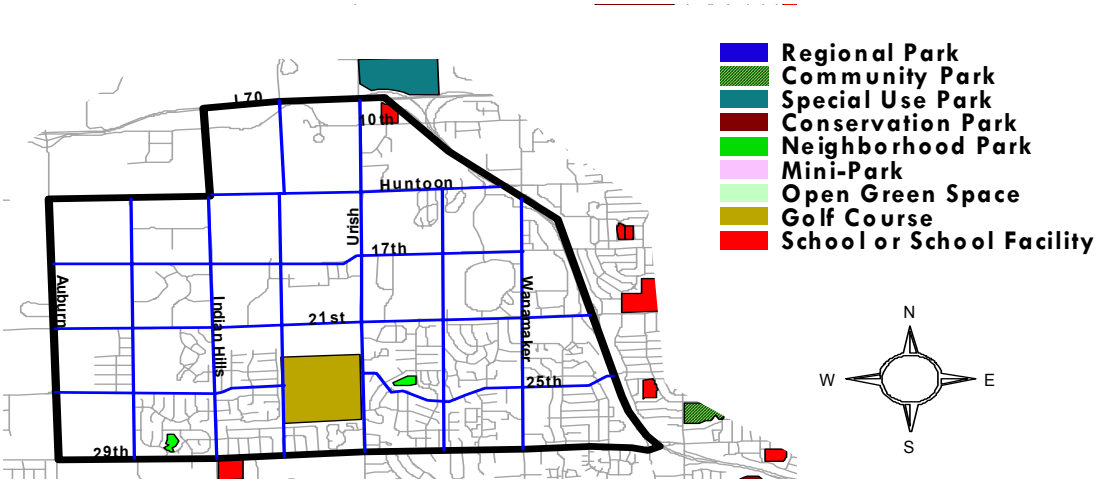
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Planning Area 18: West I-70 – This planning area is one of the most rapidly growing areas of Shawnee County, yet is severely lacking in all types of public park space. The area is bounded generally by I-70 on the north, SW 29th Street on the south, SW Auburn Road on the west, and I-470 on the east.

Only two neighborhood-level parks are provided within the boundaries of this planning area. The population of this planning area now stands at over 10,600 meaning there is a ratio of public park space per 1,000 residents of less than ½ acre. There is also capacity and potential for an additional 10,000 residents within this planning area.

One potential location for a neighborhood or community-level park is the southwest corner of the intersection of SW 21st Street and SW Urish Road. This 93-acre parcel is already owned by the City of Topeka. Located at the northeast corner of this property is a fire station, while the Topeka Public Golf Course lies adjacent to the south.

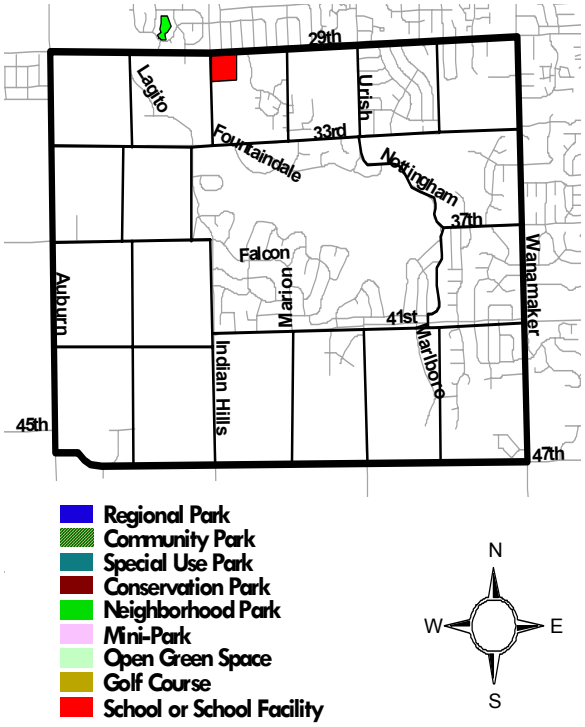
This site offers several unique advantages for the location of a community-level park. It is of adequate size to serve the existing population of the area and offers extremely good visibility and accessibility for the surrounding public. Additionally, the presence of a fire station on the property would provide 24-hour surveillance for the property, thus reducing potential vandalism.



Planning Area: West I-70	Existing Conditions	Existing Surplus/ Deficiency	Projected 2030	Balance Need
Area (Acres)	4,929		4,929	-
Population	10,599		18,182	7,583
Housing Density (units per acre)	1.46		2.50	1.04
Neighborhood Parks (Acres)	9.15	-44	90.91	81.76
Community Parks (Acres)	0	-53	90.91	90.91
Mini-Parks/Open Space (Acres)	0	-21	36.36	36.36

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Planning Area 19: Sherwood – The neighborhoods surrounding Lake Sherwood are entirely without the benefit of public park space. Within this planning area, there is a homeowners association that does provide private recreational space in the form of a swimming beach on Lake Sherwood. However, in terms of open space for a casual game of softball or frisbee, no public space exists within this planning area.



The population of this planning area is approximately 5,600 and is the most rapidly developing area within Shawnee County and is expected to reach a population of 15,000 within the next 10-20 years. Consideration should also be given to the development of a community-level park to provide year-round organized recreational opportunities for area residents.

One location to consider for the placement of either neighborhood or community park space is a series of parcels of land directly below the Lake Sherwood Dam. This is a very scenic area that incorporates the headwaters of the Shunganunga Creek flowing from Lake Sherwood. The largest of these parcels is currently owned by Shawnee County and is used for the Lake Sherwood sewage treatment plant. However, if added to additional adjoining properties, enough acreage exists to develop a park 30-40 acres in size.

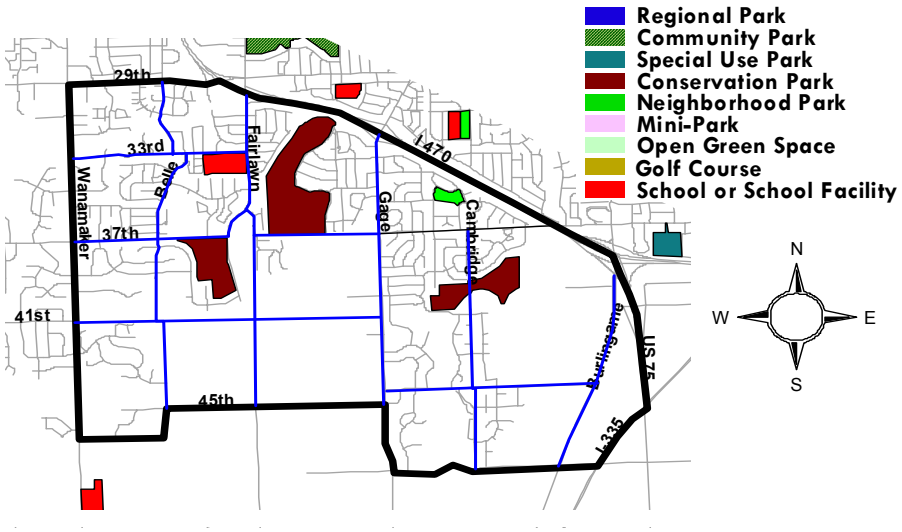
Planning Area: Sherwood	Existing Conditions	Existing Surplus/ Deficiency	Projected 2030	Balance Need
Area (Acres)	4,168		4,168	-
Population	5,595		15,375	9,780
Housing Density (units per acre)	0.86		2.50	1.64
Neighborhood Parks (Acres)	0	-28	76.87	76.87
Community Parks (Acres)	0	-28	76.87	76.87
Mini-Parks/Open Space (Acres)	0	-11	30.75	30.75

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Planning Area 20: Southwest Topeka – Southwest Topeka possesses a variety of parks for area residents. In all, the area boasts 200 acres of total park space, plus approximately 54 acres in the Colley Creek Golf Course. Most public park space is consumed by two separate conservation parks. Burnetts Mound, or Skyline Park, is a 104-acre park that contains the County's highest elevation and offers spectacular views of the entire city.

An additional conservation park is the Welton Grove natural area. The south branch of the Shunganunga Creek flows through this area and offers a wide variety of forest, wetland, and grassland habitats, as well as an extensive trail system for public enjoyment and education. Opportunities to expand this park exist to the south and east of the park, extending to the intersection of SW 44th Street and SW Burlingame Road.

Only one neighborhood park exists within this planning area. Horne Park is an 8.7-acre facility that offers playground and open field space for residents primarily north and east of SW 37th Street and SW Gage Boulevard.



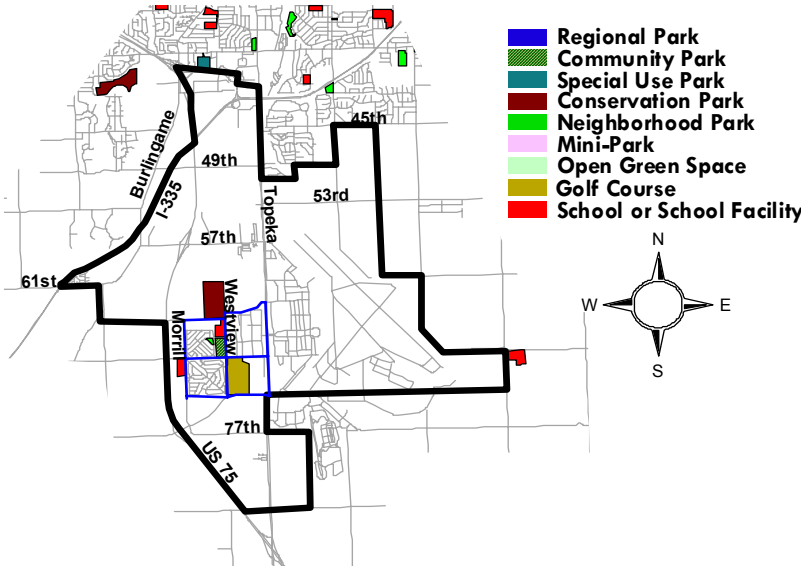
The population of this area is approximately 5,563 according to the 2000 census. An additional 2,700 people could be expected within the next 10-20 years.

Planning Area: Southwest Topeka	Existing Conditions	Existing Surplus/ Deficiency	Projected 2030	Balance Need
Area (Acres)	3,761		3,761	-
Population	5,563		8,324	2,761
Housing Density (units per acre)	1.00		1.50	0.50
Neighborhood Parks (Acres)	5	-23	41.62	36.62
Community Parks (Acres)	0	-28	41.62	41.62
Mini-Parks/Open Space (Acres)	0	-11	16.65	16.65

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Planning Area 21: South US 75 – This planning area is considered a future employment growth area by the Land Use and Growth Management element of the comprehensive plan. The Montara neighborhood with a population of approximately 6,100, lies within this area.

Shawnee County operates the Paris Community Center within this planning area. This park is approximately 64.5 acres in size and offers a variety of field activities such as baseball, softball, football, and soccer. Although this facility is listed as a community-level park by this plan, its acreage could also be considered useable as neighborhood park space as well.



Grant Bradbury Park is another large acreage in the planning area that is owned by the City of Topeka. The park is largely undeveloped and is therefore listed as a conservation park by this plan. No specific plans are underway to improve this area.

The Montara Homeowners Association owns and operates a small neighborhood park within the Montara neighborhood. This park is approximately 2.65 acres in size, and provides useable playground space for the immediate surrounding neighborhoods.

Shawnee County also owns and operates the Forbes Golf Course, a nine-hole course that is approximately 76 acres in size.

Because this area is considered a future employment growth area by the economic development plan as well as the future land use and growth management plan, no additional park space should be required to service the existing population. However, as employment in the area increases, some areas of open space should be considered as buffers between existing residential areas, and other incompatible land uses.

Planning Area: South US 75	**Existing Conditions**	**Existing Surplus/ Deficiency**	**Projected 2030**	**Balance Need**
Area (Acres)	8,548		3,761	(4,787.00)
Population	6,073		6,500	427
Housing Density (units per acre)	0.48		0.50	0.02
Neighborhood Parks (Acres)	2.65	-28	32.50	29.85
Community Parks (Acres)	64.5	34	32.50	(32.00)
Mini-Parks/Open Space (Acres)	0	-12	13.00	13.00

Regional Summary Analysis:

Neighborhood Parks - There is a shortage of all types of park-space across all planning areas identified for this study. With respect to neighborhood park space, approximately 371 acres are presently scattered throughout the areas studied. Combined, however, this total falls approximately 357 acres short of NRPA recommendations. If increases in population during the next 30 years rise to expected levels, an additional 785 acres of neighborhood-level park space will be required.

In general, existing urbanized areas fare better than presently or recently developed suburban areas. Recent trends in park-land dedication have focused on large acreages of park-space, intended for use primarily as community-park or conservation park space. While these types of parks are necessary and beneficial to the public, they are not a substitute for the basic building block of a comprehensive park and open space system, which is the neighborhood park. Neighborhood parks must continue to be dedicated throughout all areas of the city and its immediate surrounding areas to afford all residents easy and unfettered access to public recreational space.

Community Park Space – Topeka's current system of community parks was largely framed by a 1960 report entitled **"Master Plan Report: Parks Recreation Areas, and Open Spaces."** This document identified the future needs for community park space and recommended the creation of a series of parks and community centers scattered throughout the city of Topeka. Hillcrest, Crestview, Rice, Abbott, Garfield, and Central Park Community Centers are all direct results of this planning document.

As a result, Topeka and its surrounding urbanizing areas possess more total acreage in community parks space (490 acres), as opposed to neighborhood park space (367 acres), though this total still falls short compared of NRPA standards. The combined acreage of community-level parks among all planning areas comprises approximately 35% of NRPA recommendations. Furthermore, should populations rise to expected levels over the next 30 years, an additional 666 acres of community park space will be necessary. These parks are primarily needed in the still-developing portions of the county, just outside the Topeka city boundary. However, some additional acreage is also needed to supplement existing parks within this boundary.

Mini-Park/Open Space – As with community and neighborhood park space, mini-parks and open space areas are short of NRPA recommended levels. Currently, among all planning areas, there is a deficiency of 278 acres below NRPA standards. Because of their limited size and specialized purpose within residential neighborhoods, mini-parks should be the most prevalent type of park within the greater parks and open space system. However, there are currently only 13 acres divided among 12 separate mini-parks throughout all identified planning areas. If population increases as expected over the next 30 years, an additional 450 acres of mini-park space will be necessary.

Regional Parks – The Topeka metro area boasts two regional parks totaling just over 925 acres. The vast majority of this space (767 acres) lies within the Lake Shawnee recreational area, owned and managed by the Shawnee County Parks and Recreation Department. The remaining acreage (160) lies within Gage Park, which is owned by the City of Topeka. While these facilities are excellent assets to the greater Topeka area and all of Northeast Kansas, together they are over 1,250 acres short of the NRPA standard of 15 acres per 1,000 persons. Moreover, if population increases as expected over the next 30 years, an additional 2,542 acres of regional park space will be necessary.

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All Areas	Existing Conditions	Existing Surplus/ Deficiency	Projected 2030	Balance Need
Area (Acres)	78,480		3,761	(74,719.00)
Population	145,581		231,279	85,698
Housing Density (units per acre)	1.26		2.00	0.74
Neighborhood Parks/Acres	371.38	-357	1156.40	785.02
Community Parks/Acres	490.23	-238	1156.40	666.17
Mini-Parks/Open Space/Acres	13	-278	462.56	449.56
Regional Parks	926.86	-1,257	3469.19	2,542.33

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New Parks Proposals – Immediate Opportunities

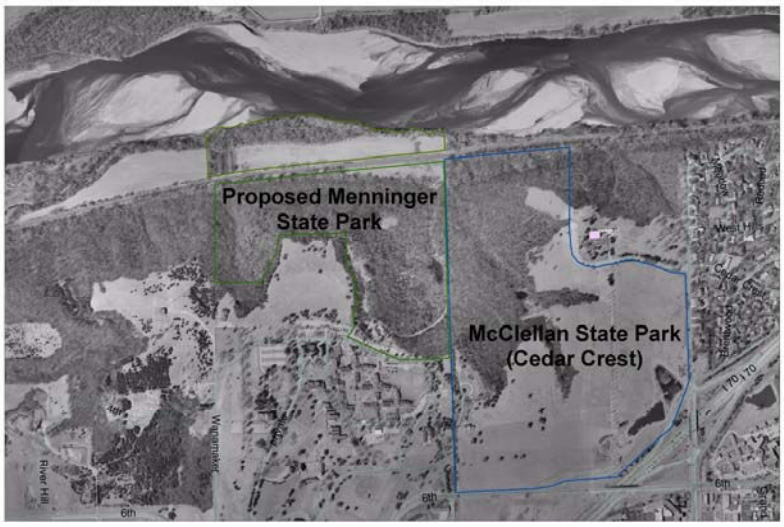
This section of the Parks and Open Space Plan is intended to provide some ideas and direction toward the dedication of new parks and recreation areas. The recommendations listed in this section should not be interpreted as a conclusive list of all possibilities for new parks. This is not a complete, exhaustive list and does not completely reflect the immediate needs for all park space of the surrounding community. Rather, the proposals identified in this section reflect immediate opportunities for new park development, and are based on current, albeit limited, knowledge about the parcels themselves in terms of the geographical and geological characteristics of the properties, their potential for park development, and the peripheral growth and development in the immediate vicinity of these areas.

Further discussion and analysis should occur before action is taken to acquire and dedicate any of the following areas as public park land.

I. **Menninger State Park** – The area considered by this plan for dedication is located north of and adjacent to the former Menninger campus. The area consists of approximately 80 acres and connects to McClellan State Park and Cedar Crest.

The area consists entirely of undeveloped forest lands among rolling hills overlooking the Kansas River. Since the area is undeveloped, it is prime habitat for populations of deer, bobcat, and other woodland mammals.

Proposed Menninger State Park



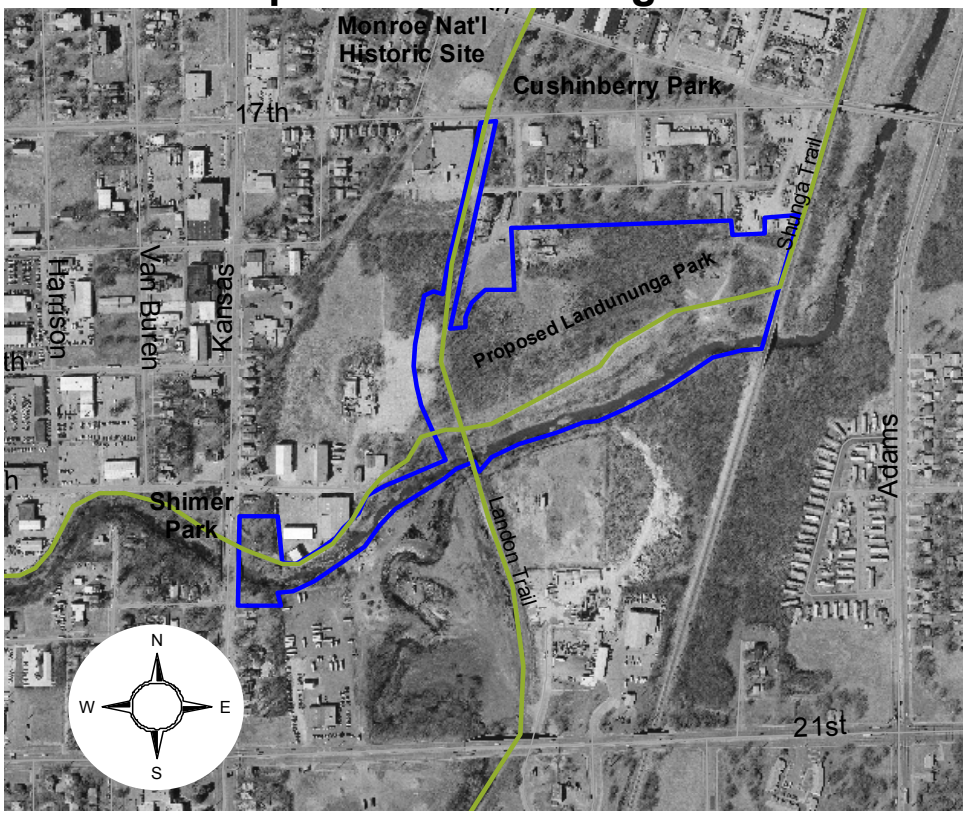
The property has refently been obtained by the Kansas Department if Wildlife and Parks for the purpose of conversion to a state park. Proposed in conjunction with this park is the improvement of an existing road that will provide access to the Kansas River, and the construction of a boat ramp that will enable greater access to the river for fishing and boating. Also proposed is the improvement of several nature trails that currently meander through the property.

Although this park will be owned and operated by the State of Kansas, it will be immediately available to all residents of Topeka, and should be considered as conservation park space for the purposes of this Plan. It is conceiveable that additional properties extending west along the Kansas River may become available that could provide a connection between McClellan State Park and the State Historical Museum.

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II. **Landununga Park** – Cross Roads Park is the name dubbed for that area surrounding the intersection of the Landon, Freedom, and Shunga Trails. The property consists of several parcels totaling approximately 30 acres and extends from roughly SE 18th Street on the north, the Landon Trail on the west, the north bank of the Shunganunga Creek on the south., and the BNSF Railroad lines on the east.

Proposed Landununga Park



While the majority of this site is undeveloped, there are a few former industrial sites that may be eligible for federal brownfields clean-up grants to help restore these parcels to a useable state.

This sites proximity to the Monroe National Historic Monument lends additional value to the concept of a park at this location. Although Cushinberry Park lies directly east of the Monument, its size is limited, and functions more as scenic open space than useable park space.

The intersection of the Landon, Freedom, and Shunga Trails is also a critical junction in the overall trails plan for Topeka and Shawnee County.

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III. **Downtown Riverfront** – The Kansas River offers many significant opportunities for the development of parks and open space on both sides of the river as it winds through downtown Topeka. Studies are currently underway, involving the Army Corps of Engineers and local civic leaders, to create a riverfront park to compliment and continue the efforts of the Great Overland Station Railroad Museum and Veteran's Park. The proposed riverfront park is envisioned to occupy a stretch of land between the Kansas Avenue and Topeka Blvd. bridges, south of NW Curtis Street to the water's edge of the Kansas River. A significant portion of this land is within the Kansas River levee. A number of uses and design proposals are being studied by the Corps of Engineers for feasibility and cost, including breaks in the levee system, to be replaced with floodgates, to allow at-grade access to the water's edge and other park improvements within the levee system. A weir is also being considered that could allow construction of a baseball stadium or other permanent improvements within the current river levee.

Proposed Riverfront Park with Conceptual Baseball Stadium



The idea of utilizing the Kansas River and its banks for recreational purposes has been well documented in previous and current planning documents. Suggestions for utilization of these areas as parks has most recently been proposed within the North Topeka Redevelopment Plan, the Downtown Topeka Revitalization Plan, and the Topeka-Shawnee County Historic Preservation Plan.

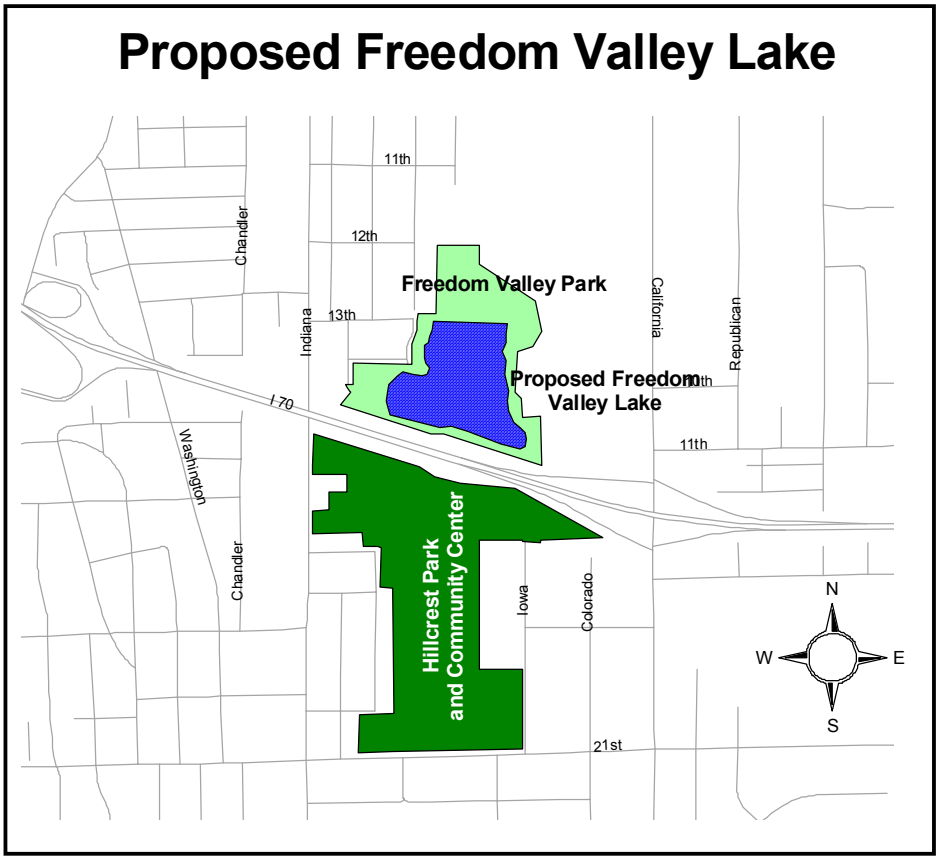
In addition to the area between the Kansas Avenue and Topeka Boulevard bridges, additional park and open space opportunities exist north of the Sardou Bridge on both sides of the river. All of this land is currently owned by the City of Topeka, and could be developed for myriad uses, including nature areas, soccer fields, and other low impact uses that would not be significantly damaged by periodic flooding within the Kansas River levee system.

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IV. **Freedom Valley Lake –** Freedom Valley Park is located just east of SE Indiana Street on the north side of I-70. The Park is approximately 32 acres in size, and is northern half of a large undeveloped open space that is bisected by I-70. Located to the south of I-70 is Hillcrest Park.

Freedom Valley Park is improved with a circuit trail system, a play-ground and several picnic tables and grills. The most prominent feature in the park, however, is a water retention dam at the park's northern end. Because this park is subject to flooding during periods of heavy rains, much of this park is not dependable for useable open and recreational space.

Therefore, the concept of converting the park into a fishing lake is proposed by this plan. Although complete engineering and hydrology studies must be completed, it appears conceivable that the water *retention* dam could be converted to a water *detention* dam to permanently hold water and form a lake. The lake could then be stocked with fish to provide recreational fishing opportunities to area residents.



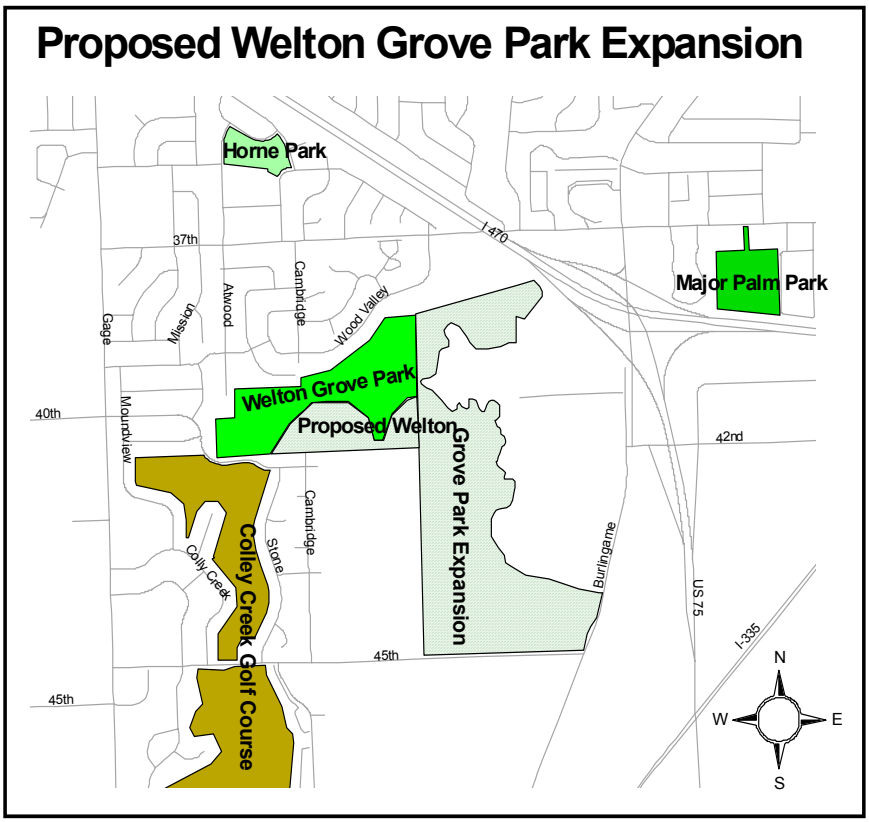
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V. **Welton Grove Park Expansion** – Welton Grove Park is an existing natural area located in southwest Topeka. The park provides a variety of woodland, wetland, and grassland habitats for a variety of wildlife, and is also improved with a primitive trail that meanders through the woods.

The park is almost entirely located within the 100 year flood-plain of the South Branch of the Shunganunga Creek. However, there is substantially more acreage to the south and east of the park that also lies within this flood plain. Much of this acreage has been jeopardized in recent years by excavation and removal of top soil from nearby fields.

Since the entirety of the creek basin lies within the 100 year flood-plain, it is suggested by this plan that Welton grove Park be expanded to include an additional 144 acres lying west of the South Branch of the Shunganunga Creek, south to SW 45th Street. Expansion of the park in this area will protect the watershed from encroaching development and misuse of adjacent lands, as well as assure continued habitat for the areas wildlife populations.

In addition, the Topeka-Shawnee County Regional Trails Plan has planned a trail extension through this area adjacent to the South Branch of the Shunganunga Creek. The proposed park expansion would serve the double purpose of securing the needed right-of-way for this trail.



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VI. **Shawnee County Fairgrounds –** In 1980, faced with the desire to construct an arena and convention center, Shawnee County voters elected to convert the Mid-America Fairgrounds into the Kansas Expocentre. This property is bounded by SW Western Avenue, SW Topeka Boulevard, SW 21st Street and SW 17th Street.

As the Mid-America Fairgrounds, this site hosted the Kansas State Fair, the Shawnee County Fair, several exhibition halls, grandstands with stock-car racing, and livestock facilities. However, Topeka and Shawnee County lacked an arena to host large civic and athletic events. Voters decided to convert the fairgrounds in favor of a multi-purpose arena, exposition center, and conference facility. Arrangements were made, however, to keep a livestock arena on the property.

As events within each facility at the Kansas Expocentre continue to grow, the close proximity of each facility has become problematic. Parking is a primary concern, especially when multiple events on the Expocentre grounds are scheduled. Therefore, it is proposed that a traditional "fairgrounds" type park be developed to accommodate the specific needs of livestock judging and equestrian events. Such a facility could be dedicated anywhere within Shawnee County, but for reasons of convenience and space requirements, the facility would likely be located outside the corporate limits of the City of Topeka.

One possible location for such a facility is the northwest corner of SW 21st Street and SW Hodges Road. This site is 120 acres in size and is currently owned by Shawnee County. This property was previously the site of a sanitary landfill, but has been closed and completely re-claimed to a natural vegetative state. This sites former use as a landfill greatly limits its future use and development. However, limited development of the site, particularly for recreational uses, is possible. The new facility would offer its users substantially more room than currently available on Expocentre grounds. In addition, the site enjoys excellent access from Interstate 70, SW Auburn Road, and K-4 Highway.

VII. **Van Buren Pedestrian Plaza –** An outdoor pedestrian mall along SW Van Buren Street, between SW 6th and SW 8th Streets is proposed for construction in early 2006. The design for the mall will incorporate useable street right-of-way with pedestrian-oriented landscaping and accoutrements along either side of Van Buren Street for the two-block length of the mall. The mall will have the ability to be closed to street traffic for major events and festivals. A small off-street park will also be constructed at the southeast corner of SW 7th and Van Buren Streets to incorporate more permanent passive greenspace to the mall design. This park is tentatively designed to incorporate a decorative fountain and small amphitheatre.

VIII. **Westridge Community Park –** The city of Topeka presently owns an 80-acre parcel of land located at the southwest corner of SW 21st Street and SW Urish Road. This parcel is adjacent to, and directly north of the Topeka Public Golf Course, and is presently unimproved. The property lies within the **West I-70** planning area which is currently lacking in publicly dedicated park space at all levels. At 80 acres, this site is appropriately sized for a community-level park, would provide residents of this planning area a total of 7.5-acres per 1,000 persons, a figure above NRPA recommendations for community-level parks. As a community-level park, the site would enjoy appropriate access along both a major and minor arterial roadway, creating excellent visibility within the park. At the extreme northwest corner of this property is a City of Topeka operated fire station. The presence of this station within the park would provide 24-hour surveillance, further enhancing the safety of park users.

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IX. **Additional Parks –** There will be, of course, a multitude of additional opportunities and needs for the dedication and development of parks in Topeka and Shawnee County during the foreseeable future. In some cases, the consideration of these parks will be driven by the demand of a growing population in a given geographical area. In other cases, the need will be driven by the desire for additional or improved facilities.

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Classification and Standards – The following table establishes a framework for the development and utilization of new and existing parks in Topeka ands Shawnee County. This set of standards is nationally recognized and has been adopted by the National Recreation and Park Association and the National Academy for Park and Recreation Administration, as published in **Park, Recreation, Open Space and Greenway Guidelines**, 1996.

Parks and Open Space Classifications

Classification	General Description	Location Criteria	Size Criteria	Area/1000 Persons
Mini-Park	Used to address limited, isolated, or unique recreational needs.	Less than ¼ mile distance in a residential setting.	Between 2500 sq. ft. and one acre in size.	2 acres
Neighborhood Park	Neighborhood parks remain the basic unit of the park system and serve as the recreational and social focus of the neighborhood. Focus is on informal active and passive recreation.	¼ to ½ mile distance and uninterrupted by major road-ways or other physical barriers.	5 acres is considered minimum size. 5 to 10 acres is optimal.	5 acres
Greenways/ Linear Parks	Greenways serve as connectors between recreational destinations or other points of interest. They are usually designed for both active and passive recreational purposes.	Most often located along streams or major road-ways and usually contain walking or bicycling trails as alternative means of transportation.	Unlimited length, but should be wide enough to safely contain a multi-use trail and buffered green-space.	N/A
Community Parks	Serves broader purposes than neighborhood parks. Focus is on meeting community-based recreational needs, and preserving unique landscapes and open-spaces.	Determined by the quality and suitability of the site. Usually serves two or more neighborhoods and ½ to 1/3 mile distance.	As needed to accommodate desired uses. Usually between 30 and 50 acres.	5 acres
Regional Parks	Regional parks serve a broader purpose than community parks and are used when community and neighborhood parks are not adequate to serve the needs of the community. Focus is on meeting community-based recreational needs, as well as preserving unique landscapes and open spaces.	Determined by the quality and suitability of the site. Usually serves the entire community.	As needed to accommodate desired uses. Usually a minimum of 50 acres, with 75 or more being optimal.	15 acres
Conservation Parks	These are lands set aside for preservation of significant natural resources, remnant landscapes, open-spaces and aesthetic buffering. Focus should be given toward preserving habitat systems.	Resource availability and opportunity.	Variable.	N/A
Special Use Parks	Covers a broad range of parks and recreational facilities oriented toward single-purpose use.	Variable, dependent on specific use.	Variable	N/A
Private Park/ Recreation Facility	Parks and recreation facilities that are privately owned yet contribute to the public park and recreation system.	Variable, dependent on specific use.	Variable	N/A

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Mini-Parks – ***General Description:*** Mini-Parks is the smallest park classification and is used to address limited or isolated recreational needs. Examples include:

- Concentrated or limited populations.
- Isolated development areas.
- Unique recreational opportunities.

In a residential setting, vest-pocket parks serve the same general purpose as mini-parks and tot-lots of the past. They are intended to address unique recreational needs, such as:

- Landscaped public use area in an industrial/commercial area.
- Scenic overlooks.
- A play area adjacent to the downtown shopping district.
- Gateways into specific neighborhoods or special districts.

Although the past classification mini-park was often oriented toward active recreation, the new classification vest-pocket park has a broader application that includes both active and passive uses. Examples of passive uses include picnic areas, arbors, and sitting areas.

Location Criteria: Although demographics and population density play a role in location, the justification for a mini-park lies more in servicing a specific recreational need or taking advantages of a unique opportunity. Given the potential variety of mini-park activities and locations, service area will vary. In a residential setting, however, the service area is usually less that ¼ mile in radius. Accessibility by way of interconnecting trails, sidewalks, or low volume residential streets increases opportunities and therefore is an important consideration.

Size Criteria: Typically, mini-parks are between 2,500 square feet and one (1) acre in size. However, park areas that are less than five (5) acres would technically be considered a mini-park. Anything larger would be considered a neighborhood park.

Site Selection Criteria/Guidelines: Servicing a specific recreational need, ease of access from the surrounding area, and linkages to the community are key concerns when selecting a site.

The site itself should exhibit the physical characteristics appropriate for its intended uses. It should have well-drained and suitable soils. The desirable amount of topographical change and vegetation is dependent upon intended uses. Usually, these sites are fairly level. Vegetation (natural or planted) should be used to enhance its aesthetic qualities rather than impede development. Ideally, it should also be adjacent to other park system components, such as green-ways or trails.

Development Parameters/Recreation Activity Menus: Mini-parks should be developed according to the needs of its intended users. Usually, the intended users of a mini-park are surrounding residents within a neighborhood, or visitors to a specific area or district. Although these parks often include elements similar to neighborhood parks, there are no specific criteria to guide development of facilities within mini-parks. Given their limited size, they are typically not intended for programmed activities.

Parking for mini-parks is not typically required. Site lighting should be limited for safety and security purposes only.

Neighborhood Parks – ***General Description:*** Neighborhood parks remain the basic unit of the park system and serve as the recreational and social focus of the neighborhood. They should be developed for both active and passive recreation activities geared specifically for those living within the service area. Accommodating a wide variety of age and user groups, including children, adults, the elderly, and special populations, is important. Creating a sense of place by bringing together the unique character of the site with that of the neighborhood is vital to successful design.

Location Criteria: A neighborhood park should be centrally located within its service area, which encompasses a ¼ to ½ mile radius uninterrupted by major roadways or other physical barriers. These distances might vary depending on development diversity. The site should be accessible from throughout the service area by way of interconnecting trails, sidewalks, or low-volume residential streets. Ease of access and walking distance are critical factors in locating a neighborhood park. A person's propensity to use a neighborhood park is greatly reduced if they perceive it to be difficult to access or not within a reasonable walking distance.

Size Criteria: Demographic profiles and population density within the park's service area are the primarily determinants of a neighborhood park's size. Generally, five acres is accepted as the minimum size necessary to provide space for a menu of recreational activities. Seven to ten acres is considered optimal.

Site Selection Criteria/Guidelines: Ease of access from the surrounding neighborhood, central location, and linkages to greenways and trails are the key concerns when selecting a site. The site itself should exhibit the physical characteristics appropriate for both active and passive recreational uses. Since one of the primary reasons people go to a park is to experience a pleasant outdoor environment, the site should exhibit some innate aesthetic qualities. "Left-over" parcels of land that are unsuitable for development are generally undesirable for neighborhood parks and should be avoided. Additionally, it is more cost effective to select a site with inherent aesthetic qualities than trying to create them through extensive site development. Given the importance of location, neighborhood parks should be selected before a subdivision is platted and acquired as part of the development process.

The site should have well-drained and suitable soils and level topography. Ideally, it should be connected to other park system components such as natural resource areas, lakes, ponds, and trails. Land within a flood plain should only be considered if the facilities are constructed above the 100-year flood elevation. Although a minimum park size of five acres is recommended, the actual size should be based on the land needed to accommodate desired uses.

Development Parameters/Recreation Menus: Since each neighborhood in the community is unique, neighborhood input should be used to determine the development programs for the park. The guidelines presented here should be used as a framework to guide the program development and ensure consistency with other park system components. They should not be used as an impediment to creative design outcomes.

Development of a neighborhood park should seek to achieve a balance between active and passive-park uses. Active recreational facilities are intended to be used in an informal and unstructured manner. With the exception of limited use as practice fields, neighborhood parks are not intended to be used for programmed activities that result in overuse, noise, parking problems, and congestion.

A menu of potential active recreation facilities includes play structures, court games, "informal" play-field or open-space, tennis courts, volleyball courts, shuffleboard courts, horseshoe area, ice-skating rinks or ponds, and swimming pools. Facilities for passive recreation activities include internal trails, picnic areas, general open space, and "People-watching" areas. As a general rule,

active recreational facilities should consume roughly 50% of the park's acreage. The remaining 50" should be used for passive activities, reserve, ornamentation, and conservation as appropriate. Developing appealing park atmosphere should be considered an important design element.

The site should accommodate should accommodate 7 to 10 parking spaces for those who choose or need to drive to the park. Park lighting should be used for security and safety, with very limited lighting on facilities.

Linear Parks, Trails and Greenways – ***General Description:*** Linear Parks and Greenways serve a number of important functions:

- They tie park components together to form a cohesive park, recreations, and open space system.
- They emphasize harmony with the natural environment.
- They allow for uninterrupted and safe pedestrian movement between parks and throughout the community.
- They provide people with a resource-based outdoor recreational opportunity and experience.
- They can enhance property values.

In many respects, linear parks and conservation areas have much in common. Both preserve natural resources and mediate between larger habitat areas, open-space, and corridors for wildlife. The primary distinction between the two is that linear parks and greenways emphasize use (trails) to a greater extent than conservation areas.

Location Criteria: Land availability and opportunity are the primary factors determining location for linear parks and greenways. "Natural" greenways generally follow suitable natural resource areas such as streams, valleys, or undisturbed forest or grasslands. "Man- made" greenways are corridors that are built as part of development projects or during renovation of old development areas. Man-made greenways include riverfronts, abandoned railroad beds, old industrial sites, safe utility easements, collector parkway rights-of-way, etc. Some boulevards and many parkways can also be considered man-made greenways if they exhibit a park-like quality and provide –off-street trail opportunities. Since greenways are the preferred way to get people from their homes and into parks, adjacency to development areas and parks is important. The location of greenways is integral to the trail system plan and in some cases, they can also be considered light traffic facilities.

Corridor Width Criteria: As with location, resource availability and opportunity are the primary factors determining the width of greenway corridors. Although corridor width can be as little as 25 feet, within a residential area, 50 feet is considered minimum. Widths of 200 or more are considered optimal.

Site Selection Criteria/Guidelines: Resource availability in conjunction with the trail system plan is the primary determinants when it comes to selecting land for greenways. Natural corridors are most desirable, but man-made corridors can also be very appealing if designed properly.

Development Parameters/Recreation Activities Menu: Greenways can be developed for a variety of different modes of recreational travel. Most notably are hiking, walking, jogging, bicycling, and in-line skating. They can also be developed for cross-country skiing and horseback riding. Canoeing/kayaking is another possibility where the greenway includes a navigable creek or stream. In some areas, where topography and space allow, picnic areas and small playgrounds can also be accommodated.

Community Park - ***General Description:*** Community parks are larger in size and serve a broader purpose than neighborhood parks. Their focus is on meeting the recreation needs of several neighborhoods or large sections of the community, as well as preserving unique landscapes and open spaces. They allow for group activities and offer other recreational opportunities not feasible – nor perhaps desirable – at the neighborhood level. As with neighborhood parks, they should be developed for both passive and active recreational activities.

Location Criteria: A community park should serve two or more neighborhoods. Although its service area should be 0.5 to 3.0 miles in radius, the quality of the natural resource base should play a significant role in site selection. The site should be serviced by arterial and collector streets and be easily accessible from throughout the service area by means of interconnecting trails. While community parks should be strategically sited throughout the community, their locations can be significantly impacted by other types of parks. Most notable among these are schools, natural resource areas, and larger regional parks – each of which may provide some of the same recreational opportunities provided in community parks. The level of service these other parks provide should be used, in part, as justification for or against a community park in a specific area.

Size Criteria: Demographic profiles, population density, resource availability, and recreation demand within a service area are the prime determinants of a community par's size. Although an optimal size for a community park is between 20 and 50 acres, its actual size should be based on the land area needed to accommodate desired uses.

Site Selection Criteria/Guidelines: The site's natural character should play a very significant role in site selection, with emphasis on sites that preserve unique landscapes within the community and/or provide recreational opportunities not otherwise available. Ease of access from throughout the service area, geographic centricity, and relationship to other park areas are also key concerns in site selection.

The site should exhibit physical characteristics appropriate for both active and passive recreation use. It should have suitable soils, positive drainage, varying topography, and a variety of vegetation. Where feasible, it should be adjacent to natural resource areas and greenways. These linkages tend to expand the recreational opportunities within the community and enhance one's perception of surrounding open space.

Depending upon their individual character and use, lakes, ponds, and rivers may be associated with either community parks or natural resource areas. Although largely a matter of semantics, Community Parks and Conservation Parks differ in that the former is generally more developed for recreational uses than the latter. Land within a flood plain should only be considered if the facilities are above the 100 year flood elevation. Land below that elevation would typically fall within the Conservation Park classification.

Development Parameters/Recreation Activities Menu: Neighborhood and community input should be a primary focus on the development of community parks. As with a neighborhood park, the guidelines presented here should be used as a framework to guide program development and ensure consistency with other park system components. They should not be used as an impediment to creative and unique design outcomes.

As stated, community parks are typically developed for both active and passive uses. Although active recreation facilities are intended to be used in an informal and unstructured manner, reserved and programmed use is compatible and acceptable. However, community parks are not intended to be used extensively for programmed adult athletic use and tournaments.

A menu of potential active recreation facilities includes large play structures and/or creative play attractions, game courts, informal ball fields, tennis courts, volleyball courts, shuffleboard courts, horseshoe areas, ice skating rinks or ponds, swimming pools or beaches, archery ranges, and disc golf courses. Passive activity facilities include extensive internal trails, individual and group picnic/sitting areas, general open space and unique landscape features, nature trails, and ornamental gardens. Facilities for cultural activities, such as plays and concerts in the park are also appropriate. The distribution of land area between active and passive recreation, reserve, ornamentation, conservation, and cultural areas is determined on a site-by-site basis.

Parking should be provided as necessary to accommodate user access. Park lighting should be used for security, safety, and lighting facilities as appropriate.

Regional Parks – ***General Description:*** Regional parks serve a broader purpose than community and neighborhood parks and are intended to serve the entire community plus the surrounding region. These parks draw visitors from a radius of up to 50 miles and are viewed as recreational destinations. Focus is on meeting recreational needs that, due to volume of users or specific demands on individual facilities, cannot be accommodated through the use of community parks. Additional focus is given to the preservation of unique landscapes and open spaces.

Location Criteria: A Regional Park should serve the entire community plus the surrounding region. Although its service area is considered to be up to 50 miles, the quality of the natural resource base and the ability of the site to adequately support the intended uses should be the primary focus when determining site selection. Because the site is intended to be major regional draw for recreational uses, the site should be accessible from arterial streets or other significant roadways. An easy connection to a major highway system is preferred. The site should also be easily accessible by means of the city's interconnecting trail system.

Size Criteria: Resource availability, geographic centricity, and recreation demand within the service area are primary determinants for a regional park's size. Minimum size considerations for a regional park should be 50 acres. In most cases, however, regional parks will be in excess of 100 acres, with some parks being several hundred acres in size.

Site Selection Criteria/Guidelines: The site's natural character should play the major role in determining specific site selection. Because a regional park will most likely be used for multiple purposes and have a number of facilities developed for various uses, careful consideration should be given to the specific site requirements for each individual use planned within the park.

Ease of access to the park is considered an important factor in determining the location of the park, but does not necessarily need to be geographically centered within the community.

The site should exhibit the physical characteristics appropriate for both active and passive recreation use. Where feasibly, the park should be located adjacent to, or should include natural resource areas and greenways that connect to other components of the park system.

Land within a flood plain should only be considered when facilities are built above the 100-year flood elevation. Land below that elevation would typically fall within the Conservation park classification.

Development Parameters/Recreation Activities Menu: Facilities and activities developed within a regional park should be reflective of the use and demand for these facilities, both within the community, and also the surrounding region. Because a regional park is intended as a "recreation destination" drawing visitors to the community, aesthetic appeal of the park is of heightened importance. As with neighborhood and community parks, the guidelines presented within this plan

should be used as a framework to guide the program development and ensure consistency with other park system components. They should not be used as an impediment to creative and unique design outcomes.

Regional parks are typically developed for both active and passive recreation uses. Active recreation facilities, such as playing fields and game courts, should be built to standards suitable for programmed use and tournament play.

A menu of potential active recreation facilities includes play structures and/or creative play attractions, game courts, informal ball fields for youth play, tennis courts, sand volleyball courts, shuffleboard courts, horseshoe areas, ice-skating rinks or ponds, swimming pools or beaches, archery ranges, golf or disc golf courses, boating facilities, baseball and softball fields, and playing fields for soccer, field hockey, lacrosse, rugby, cricket, polo, or equestrian events.

Passive activity facilities include extensive internal trails (that connect to the community trial system), individual and group picnic sites, general open-space and landscaped features, ornamental and botanical gardens, arboretums, fishing areas, and nature study areas. Facilities for cultural activities, such as amphitheaters for plays and concerts, are also appropriate. The distribution of land between active and passive recreation activities is determined on a site-by-site basis.

Parking should be adequate to accommodate users of all facilities. Park lighting should be used for security and safety, and lighting of facilities as appropriate.

Conservation Parks – ***General Description:*** Conservation Parks are lands set aside for preservation of significant natural resources, remnant landscapes, open-space, and visual/aesthetic buffering. These lands consist of:

- Individual sites exhibiting natural resources.
- Lands that are unsuitable for development but offer natural resource potential. (examples include land with steep slopes and natural vegetation, floodways and ravines, surface water management areas such as man-made lakes and ponds), and utility easements.)
- Protected lands, such as wetlands/lowlands and shorelines along waterways, lakes, and ponds.

Location Criteria: Resource availability and opportunity are the primary factors determining location of conservation parks. However, due to the fragile nature of many of our natural resources, acquisition of these areas should be planned in anticipation of future development threats to these lands.

Size Criteria: As with location, resource availability and opportunity are the primary factors determining size. The practical limit of acreage set aside under this classification lies in resource quality, availability, community development considerations, and acquisition costs. Through an array of creative real estate strategies, many acres can be preserved as community open lands. Often blighted lands such as abandoned waterfront sites, industrial sites, quarries, and abandoned landfills have potential to be converted from community liabilities to community open-space land resources. Reclaimed wetlands and wetland banks fall into this category.

Site Selection Criteria/Guidelines: Resource quality is the primary determinant when selecting a site for a conservation park. Sites that exhibit unique natural resources or remnant landscapes of the region should be of the highest priority. How they can be integrated into the park system is an important challenge and requires creative policy and design. Many of these areas serve as recreation connectors and habitat corridors.

Outlots and undevelopable or protected lands should be selected on the basis of enhancing the character of the community, buffering, and providing linkages with other park components protecting natural ecosystems and processes.

Development Parameters/Recreation Activity Menu: Although conservation areas are resource based rather than user based, they can provide some active and passive recreational opportunities. Active recreational opportunities would include trails for mountain biking, off-road running, and cross-country skiing. Orienteering is also an acceptable active recreational opportunity. Passive recreational uses would include nature trails for viewing and studying. Conservation parks can also function as greenways. Development should be kept to a level that preserves the integrity of the resource.

Special Use Park - ***General Description:*** The Special Use classification covers a broad range of parks and recreation facilities oriented toward single-purpose use. Special uses generally fall into three categories:

- Historic/Cultural/Social Sites - unique local resources offering historical, educational, and cultural opportunities. Examples include historic downtown areas, performing arts centers, arboretums, ornamental gardens, fine-arts facilities and museums, public buildings, and amphitheaters.
- Recreation Facilities – specialized or single-purpose facilities. Examples include community centers, senior centers, community theaters, hockey and basketball arenas, marinas, golf courses, and aquatic parks. Frequently, community buildings are located in neighborhood of community parks.
- Outdoor recreation Facilities – examples include tennis centers, softball complexes and sports stadiums.

Location Criteria: Recreation needs, community interests, the type of facility, and land availability are the primary factors influencing location. Special use facilities should be viewed as strategically located community-wide facilities rather than as serving well-defined neighborhoods or areas. The site should be easily accessibly from arterial or collector streets where feasible. Whenever possible, the site should also be accessible via a community trail system.

Size Criteria: Facility space requirements are the primary determinants of site size. As an example, a golf course may require 150 acres, whereas a community center with parking may fit on 10 or 15 acres.

Site Selection Criteria/Guidelines: Where feasible, a geographically central site is optimal. Given the variety of potential uses, no specific standards are defined for site selection. As with all park types, the site itself should exhibit the physical characteristics appropriate for its use.

Development Parameters/Recreation Activities Menu: Since each special use facility is unique, community input through surveys and focus meetings should be the primary determinant for each program. However, since special use parks may include cultural, historical or archaeological sites, special care must be given to preserve the physical integrity of the resource. In some cases, community demands should defer to the technical expertise of professionals trained in preservation of such unique resources.

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Private Park/Recreation Facility – ***General Description:*** The Private Park/Recreation Facility is a classification that recognizes the contribution of private providers to the community park and recreation system. It also encourages greater cooperation between the private and public sector toward meeting growing park and recreation needs. The characteristics of Private parks an Recreation Facilities are as follows:

- Private Parks such as swimming pools, tennis courts, and club houses are generally within a residential area developed for the exclusive use of residents and are maintained through a neighborhood association or membership dues. They are not, however, a complete substitute for public recreation space.
- Private Recreation Facilities are for-profit enterprises, such as health and fitness clubs, golf courses, water parks, amusement parks, and sports facilities.

In either case, they can be entirely private (i.e. for the exclusive use of residents or members) or a public-private venture (i.e. local residents receive special rates and privileges). In many instances, private facilities can fill certain voids, which the public sector cannot. This frees up limited public resources to meet high priority needs for land and facilities.

The contribution that Private parks and Recreation Facilities make in meeting community park and recreation needs must be determined on a case-by-case basis.

Location Criteria: For the most part, the location of private parks and recreation facilities will be determined by a developer or private enterprise – with the City often negotiating the final location at the time of development. Where planning efforts coincide, attempts should be made to coordinate the needs of the private party with that of the greater community. This allows for the greatest degree of service to the community in the most cost-effective manner. Service areas for private parks depend on the type of use.

Size Criteria: The optimal size of a private park or recreational facility is dependent upon its intended use. The size criteria established for other park classifications should be used as appropriate. Given the inherent variability, there are no established site size standards for private recreation facilities.

Site Selection Criteria/Guidelines: Again, intended use will determine site selection. The criteria established for other park classifications should be used to determine how a private park should function. The key factor is that the site should exhibit the physical characteristics necessary for the intended uses.

Development Parameters/Recreation Menu: For private parks and recreation areas, the criteria established for other park classifications should be used to determine how a site is developed. Establishing clearly defined joint-use agreements between the city and a private party is critical to making a public-private partnership workable. This is particularly important with respect to development fees, user charges, and programming policies.

(Published in the Topeka Metro News_____)

ORDINANCE NO_____.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. pertaining to an amendment to the text and map of the Topeka Comprehensive Metropolitan Plan. (CPA 09/02)

BE IT ORDAINED by the Governing Body of Topeka, Kansas, on this _____day of _____, 2009, as follows:

Section 1. The Comprehensive Metropolitan Plan for the City of Topeka may be adopted by Governing Body upon the recommendation of the Topeka Planning Commission.

Section 2. Section 110-72 of the Topeka City Code lists the elements that may be included in the Comprehensive Metropolitan Plan, and specifies that the Plan may include plans for parks and open spaces in all sub-areas of Topeka.

Section 3. The Governing Body approved Ordinance No. 18408 on March 23, 2005 making the City of Topeka Parks and Open Space Plan an element of the Topeka Comprehensive Metropolitan Plan.

Section 4. Exhibits A, B, and C amend the Topeka Parks and Open Space Plan by establishing parkland fee districts for the purpose of guiding where parkland improvement funds shall be collected and expended to accommodate the future population of the city.

Section 5. The City of Topeka Parks and Open Space Plan of the Comprehensive Metropolitan Plan is hereby amended by the addition of the attached exhibits.

Section 6. 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 Governing Body_____.

_____
Norton N. Bonaparte, Jr. City Manager

ATTEST:

_____
Brenda Younger, City Clerk

APPROVED AS TO FORM AND LEGALITY

DATE _____ BY_____

TO BE CODIFIED _____

NOT TO BE CODIFIED _____

"Exhibit C"

Composite Parks & Open Spaces Health Assessment (Parkland Fee Districts)

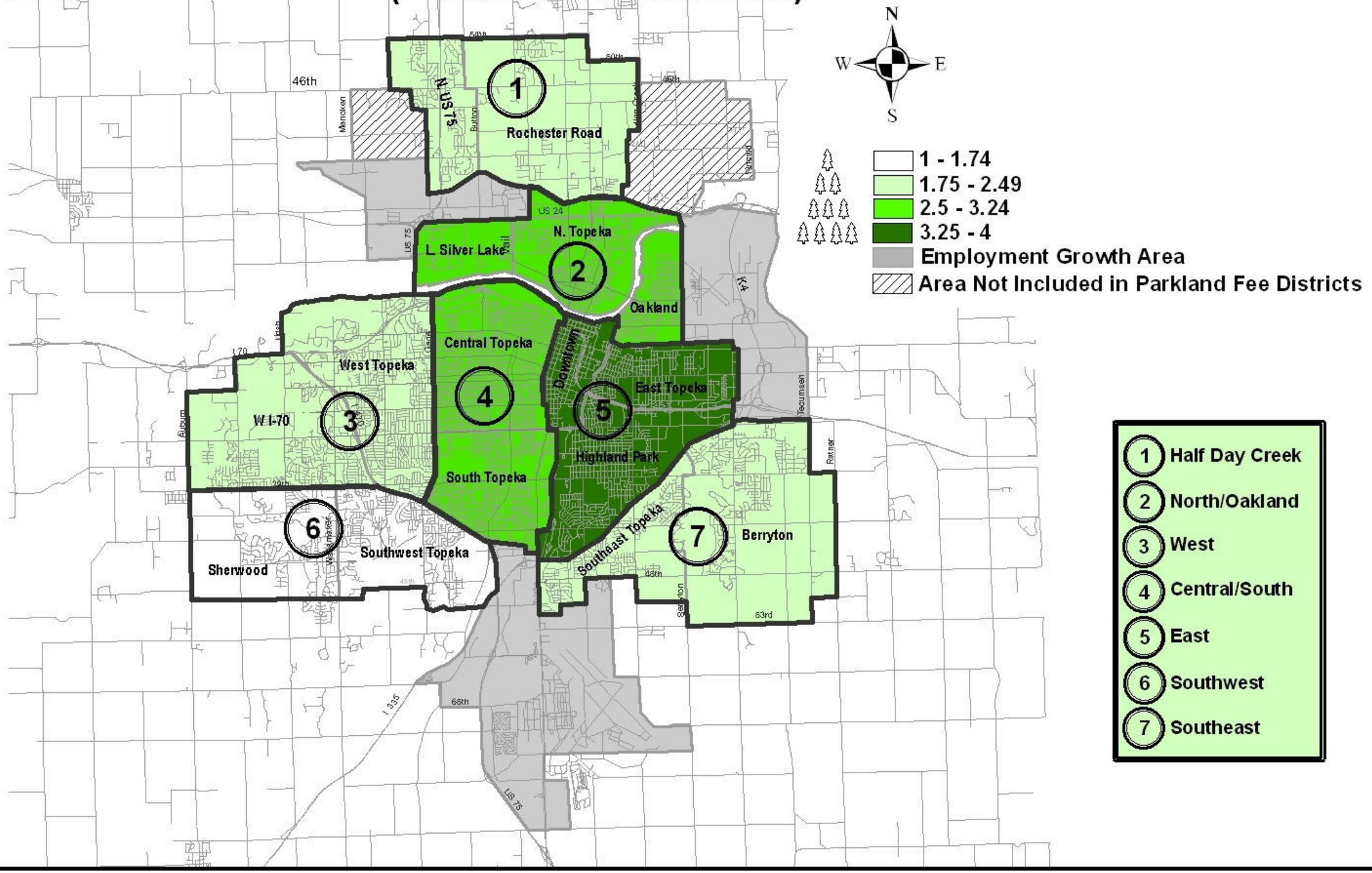


EXHIBIT "A"

Amendment #1 (CPA09/1)

[Note: This is the proposed amendment to the "City of Topeka Parks and Open Space Plan – an element of the Topeka Comprehensive Plan, 2025." It would be inserted as page 66 or the last page of the Plan. The Plan can be found at the Planning Department's web page under Plans.]

Parkland Fee Districts

The City's parkland development fee, established in 2003 (Ordinance #18065), helps to implement the City of Topeka Parks and Open Space Plan by charging a fee when new housing units are built within the city or at the time new subdivisions are approved outside the city limits within the 3-mile ETJ. The fee is used to help acquire and improve future parkland or improve existing parkland that will serve the added population as a result of new housing or subdivisions.

To create a geographic nexus between the fee and providing adequate parkland facilities, **parkland fee districts** are set forth in this plan so that the fees shall be invested in the same district as they are collected. The parkland fee districts were created by consolidating 17 residential "planning areas" already established in the City of Topeka Parks and Open Space Plan into 7 larger planning areas:

1. **Half Day Creek** (North US 75/Rochster Road)
2. **North/Oakland** (North Topeka/Oakland/Lower Silver Lake Road)
3. **West** (West Topeka/West I-70)
4. **Central South** (Central Topeka/South Topeka)
5. **East** (East Topeka/Highland Park/Downtown)
6. **Southwest** (Sherwood/Southwest Topeka)
7. **Southeast** (Southeast Topeka/Berryton)

A parks and open space health assessment was also applied to the 7 new consolidated planning areas in the same manner as it was applied to the 17 smaller planning areas found in the plan. The reason for creating larger "fee" districts was so that the actual acquisition or improvement of parkland could be realized in a more timely manner and thereby, strengthen the nexus between when the fees were collected and when they were used. Since the fee is required to be spent in the same district as it was collected, fewer districts equate to a larger pot of money for each district and therefore a shorter waiting period for putting an improvement project together.

In addition, the health ratings should be used to determine the level of fee charged within the district so that those "greener" areas pay less than those areas that are less "green" (i.e., fewer parkland facilities).

The corresponding table and map illustrate the health ratings of the consolidated parkland fee districts.

Consolidated Parks District Health Ratings

Planning Area	Combined Park Region	Existing Population	Community Parks Total Acres	Community Parks Acres Per 1000	% of NRPA Standards	Rating	Neighborhood Parks Total Acres	Neighborhood Parks Acres Per 1000	% of NRPA Standards	Rating	Total Parks Total Acres	Total Parks Acres Per 1000	% of Total Area	Rating	Planning Area Acres	Acres Within 1/4 Mile	Percent w/in 1/4 mile	Rating
North/Oakland																		
7 North Topeka	1	6,237	23.70	3.80	76.00%	4	8.20	1.13	22.66%	1	37.57	6.02	1.14%	1	3309.75	1445.37	43.67%	3
8 Oakland	1	6,243	51.30	8.22	164.34%	4	23.70	3.65	72.92%	3	172.3	27.60	11.80%	4	1460.00	713.94	48.90%	3
6 Lower Silver Lake R	1	216	0.00	0.00	0.00%	1	0.00	0.00	0.00%	1	0	0	0.00%	1	1424.37	0.00	0.00%	1
Central/South		**12,696**	**75.00**	**5.91**	**118.15%**	**4**	**31.90**	**2.51**	**50.25%**	**3**	**209.9**	**16.53**	**3.39%**	**1**	**6194.12**	**2159.31**	**34.86%**	**2**
13 Central Topeka	2	26,926	16.30	0.61	12.11%	1	72.60	2.59	51.86%	3	111.1	4.12	2.57%	1	4322.49	3591.99	83.10%	4
15 South Topeka	2	15,468	0.00	0.00	0.00%	1	131.80	7.75	155.06%	4	361.2	23.35	11.34%	4	3185.24	2410.59	75.68%	4
East		**42,394**	**16.30**	**0.38**	**7.69%**	**1**	**204.40**	**4.82**	**96.43%**	**4**	**472.3**	**11.14**	**6.29%**	**2**	**7507.73**	**6002.58**	**79.95%**	**4**
10 East Topeka	3	7,252	16.53	2.28	45.60%	2	73.43	9.18	183.58%	4	86.76	11.96	3.82%	1	2268.62	1273.38	56.13%	3
11 Highand Park	3	14,990	137.90	9.20	183.99%	4	29.05	1.82	36.31%	2	169.2	11.29	4.23%	2	3997.14	2801.20	70.08%	4
12 Downtown	3	2,988	0.00	0.00	0.00%	1	4.80	0.80	16.00%	1	25.05	8.38	1.81%	1	1382.36	747.72	54.09%	3
Southwest		**25,230**	**154**	**6.12**	**122.42%**	**4**	**107.28**	**4.25**	**85.04%**	**4**	**281**	**11.14**	**3.67%**	**2**	**7648.12**	**4822.29**	**63.05%**	**4**
19 Sherwood	4	5,595	0.00	0.00	0.00%	1	0.00	0.00	0.00%	1	0	0	0.00%	1	4167.69	164.21	3.94%	1
20 Southwest Topeka	4	5,563	0.00	0.00	0.00%	1	8.70	0.97	19.33%	1	199.3	35.83	5.30%	2	3760.75	1524.61	40.54%	4
Southeast		**11,158**	**-**	**0.00**	**0.00%**	**1**	**8.70**	**0.78**	**15.59%**	**1**	**199.3**	**17.86**	**2.51%**	**1**	**7928.44**	**1688.82**	**21.30%**	**2**
16 Southeast Topeka	5	5,563	0.00	0.00	0.00%	1	28.90	1.93	38.53%	2	28.9	5.20	1.05%	1	2760.83	1255.90	45.49%	3
17 Berryton	5	6,073	0.00	0.00	0.00%	1	0.00	0.00	0.00%	1	1011	166.50	13.91%	4	7266.79	2264.33	31.16%	2
Half Day Creek		**11,636**	**-**	**0.00**	**0.00%**	**1**	**28.90**	**2.48**	**49.67%**	**2**	**1040**	**89.38**	**10.37%**	**3**	**10027.62**	**3520.23**	**35.11%**	**2**
1 North US 75	6	2,240	0.00	0.00	0.00%	1	0.00	0.00	0.00%	1	0	0	0.00%	1	2299.21	130.37	5.67%	1
2 Rochester Road	6	4,082	115.00	28.17	563.45%	4	5.00	0.21	4.17%	1	115	28.17	1.88%	1	6102.88	1061.29	17.39%	2
West		**6,322**	**115.00**	**18.19**	**363.81%**	**4**	**5.00**	**0.79**	**15.82%**	**1**	**115**	**18.19**	**1.37%**	**1**	**8402.09**	**1191.66**	**14.18%**	**1**
14 West Topeka	7	16,838	65.00	3.86	77.21%	4	14.20	0.71	14.20%	1	511.8	30.39	9.70%	3	5275.51	3687.58	69.90%	4
18 West I-70	7	10,599	0.00	0.00	0.00%	1	9.15	0.46	9.15%	1	169.6	16.00	3.44%	1	4929.43	427.38	8.67%	1
		27,437	**65.00**	**2.37**	**47.38%**	**2**	**23.35**	**0.85**	**17.02%**	**1**	**681.3**	**24.83**	**6.68%**	**2**	**10204.94**	**4114.96**	**40.32%**	**3**

	Community Park Rating	N'hood Park Rating	Total Park Rating	1/4 mile Distance Rating	Average Rating	
1 North/Oakland	4	3	1	2	2.50	Out Patient
2 Central	1	4	2	4	2.75	Out Patient
3 East	4	4	2	4	3.50	Healthy
4 Southwest	1	1	1	2	1.25	Intensive Care
5 Southeast	1	2	3	2	2.00	At Risk
6 Half Day Creek	4	1	1	1	1.75	At Risk
7 West	2	1	2	3	2.00	At Risk

Scale:

1 - 1.74	Intensive Care
1.75 - 2.49	At Risk
2.5 - 3.24	Out Patient
3.25 - 4	Healthy

EXHIBIT "B"

Minutes of the
Topeka Planning Commission
July 20, 2009

A. Roll call

Present: Doug Bassett, Richard Beardmore, Mark Boyd - Chair, Jim Brown, John Federico, Michelle Hoferer - Vice-Chair, Fred Martinez and Lee Williams **(6)**

Absent: Doug Bassett, Howard Blackmon and Fred Martinez **(3)**

Staff Present: David Thurbon-Director, Bill Fiander-Deputy Planning Director, Dean Diediker-Planner II, Annie Driver-Planner I and Loreena Munoz-Office Specialist.

1. **Parkland Development Fees –** Bill Fiander summarized F-1a and b together. Discussion is for both items as well. Voting is separate for each item.

Discussion by members:

Mr. Fiander stated currently there are seventeen districts. Each district should equate to a certain number of parks and open space. He explained how parkland fees are collected. He said having seventeen areas is too much so we are proposing consolidating into seven areas. He said, looking at the map, the greener the more parks/open space in that area. The amendment includes consolidation for the purpose of collecting and spending the parkland fee funds. The fees will be spent in the area they are collected, which is spelled out in the next item. The southwest part of town is the area lacking parkland. The areas in more need of parkland will pay a higher fee than those that aren't.

Mr. Fiander said this change is to increase the fee and reflect current development costs. He said the fee would go up from 225.00 to 300.00 per lot. . He said this also links the collections to be spent in the area they were collected. The greener the area the less the fee. This fee applies to all homes on undeveloped lots, not just subdivisions. Fee is for added population only. A benefit district to pay for a park does not have to pay parkland fees. For those in the 3 mile area the fee has to be paid before recording of the final plat. If there are more than 30 lots involved they can make a payment plan with the city attorney's office. The Parkland fee for parks adjacent to streets with assessment fees would be negotiated with the parks department. He said there is a provision written in that states if any of the fees aren't spent in 5 years, the fees have to be returned to the owner, as long as city council doesn't pass a resolution saying they have a purpose for those funds. We can't hang on to the funds forever. They need to be spent for the purpose they were collected for.

Mark Boyd asked who tracks the funds of spent/unspent? David Thurbon stated Planning and the Finance Department work together to track the funds. Lee Williams asked if the city council decides where to spend the money and on what? Mr. Thurbon replied yes within the district it is collected.

Mr. Boyd said if this is not approved it does not go on to council? Mr. Thurbon replied yes, it has to be approved by you before moving on to council.

Jim Brown asked if the developer pays this fee when the plat is filed? Mr. Thurbon replied it is his choice. He can pay up front or with a building permit, which is what they usually do.

Mr. Brown said the building permit isn't issued until the parkland fee is paid? Mr. Thurbon said that is correct. Mr. Thurbon said the fund needs to be built up so we can get out and purchase property to get park land while property values are low. He said we would like to purchase the land prior to development. He said parks and recreation will do a priority listing of existing that needs to be improved and potential property to be purchased for future parks. Mr. Brown said in a 5 year period they want to build a park? Mr. Thurbon replied yes or maintain/upgrade an existing.

Michelle Hoferer asked what will happen if the county takes over the parks and recreation department? What would happen to the funds? Would they have to administer as specified here? Mr. Thurbon said that is a complicated question. Lawyers would have to figure that out. It will have to be dealt with if it happens. Ms. Hoferer said she is worried if the merger happens that the funds won't be spent in the district they are collected.

Richard Beardmore said in the ordinance page 8, line 166 it states utilities may be needed at the parks, shouldn't water be in there as well? Mr. Thurbon said he doesn't understand why that was left out and this could be added.

Mr. Boyd asked if there is ability to abate the fees? Mr. Fiander replied no. He said the core area is required to pay less. He said in the in the highly developed areas the fees are less but we don't expect we will collect many fees in these areas. Mr. Boyd asked if they could they go to city council to get the fee waived? Mr. Thurbon said the city council doesn't have authority to waive building permit fees but I am not sure with these fees. Mr. Boyd said a person trying to redevelopment in the core will be charged the parkland fee to build a new house. Mr. Fiander said the commission could make a policy choice to say areas that fall above average with parkland don't have to pay the fee. Mr. Fiander said this is the reason we have the refund blurb. Mr. Boyd said the only problem is it will take five years for a refund if the funds aren't put to use. Mr. Fiander stated we should have Braxton Copley in on any changes because he wrote this. Mr. Thurbon said he would need some time to discuss these suggestions with Mr. Copley. Ms. Hoferer suggested approving item a and continue b so Mr. Copley can be consulted with. Mr. Boyd suggested a condition to exempt some from the parkland fee as an incentive for infill or redevelopment being built.

Mr. Federico said it needs to be spelled out to allow the council some flexibility to exempt some infill type development from paying the fee.

Ms. Hoferer said there are parts of town that have some parkland and need infill as well. She said she doesn't want to attach the exemption to a specific area or level. Mr. Boyd said he believes staff and Mr. Copley will come up with correct wording for this.

Mr. Thurbon said the applicant must demonstrate to council incentives are needed to help their development. Mr. Fiander said he remembers Mr. Copley stated it has to be given evenly and fairly to all. Mr. Thurbon said if it is determined illegal by Mr. Braxton we would have to bring it back to you.

a. CPA09/02 an amendment to the Parks and Open Space Plan an element of the Comprehensive Plan 2025 of the City of Topeka, Kansas to establish the location and purpose of parkland fee districts.

Michelle Hoferer moved approval, seconded by John Federico. **APPROVAL. (6-0-0)**

b. ASR09/1 an amendment to the Subdivision Regulations regarding parkland development fees and street assessments for parks.

Michelle Hoferer moved to continue to the August 17, 2009 Planning Commission meeting, seconded by Jim Brown. **CONTINUED to the August 17, 2009 Planning Commission meeting. (6-0-0)**

B. Adjournment @ 8:45

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 8, 2009

DATE:	**September 22, 2009**		
CONTACT PERSON:	**David Thurbon**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**Small Wind Energy Systems**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**014 Ordinances – Non-Codified / 007 Zoning**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:	**09/15/09 First Reading**	**JOURNAL #:**	**09**
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Comprehensive Zoning Regulations concerning wind energy creating Division 3 of Article 26 in City of Topeka Code Chapter 48. Final Reading.

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval would amend the Zoning Code to allow small wind energy systems for non-residential uses.)

POLICY ISSUE:

The policy to be decided is whether these wind energy systems are acceptable uses within the city limits.

STAFF RECOMMENDATION:

The Planning Commission and Planning Department recommend **approval** of the attached ordinance which would allow a small wind energy system only for non-residential uses and only through approval by the Planning Commission and City Council of a Conditional Use Permit on a case by case basis.

BACKGROUND:

Due to requests from private individuals and 501 USD interested in the possibility of installing wind energy systems, the Planning Commission/Department began researching this issue several months ago. Attached are the staff report and Planning Commission minutes discussing this issue in more detail. After considering the current state of technology for these systems and the potential impact on neighboring residential properties of wind energy systems, the Planning Commission decided to recommend these systems only be allowed for non-residential uses at this time. Realizing that wind energy technology is changing rapidly reducing the size and noise and other impacts associated with these systems, the Planning Commission requested the Planning Department continue researching this issue to develop a possible future code amendment to allow these systems for urban residential uses.

BUDGETARY IMPACT:

NA

SOURCE OF FUNDING:

NA

ATTACHMENTS:

Planning Commission staff report

Planning Commission minutes 4-27-09

Planning Commission minutes 5-27-09

Planning Commission minutes 6-22-09

Planning Commission minutes 8-17-09

Ordinance

SMALL WIND ENERGY SYSTEMS (AZCR09/5)

Planning Commission – August 17, 2009

Background

The attached ordinance establishes a "small wind energy system" as an allowed use in each of the City's zoning district only through approval of a conditional use permit (CUP). A CUP requires surrounding property owner notification, Planning Commission public hearing and consideration by the City Council. The process for consideration is identical to the zone change process, except that any surrounding land owner protest petition would have no effect of the required vote of the City Council.

The attached ordinance has been advertised for public hearing as an amendment to the City's Zoning Regulations.

Standards

After extensive research, meetings with a local wind energy business, discussions with members of the City's Sustainability Board and several meetings of the Planning Commission, the following standards are contained in the attached ordinance:

(a) Residential Small Wind Energy Systems.

Acreage:	Minimum 3 acres
Setback:	50% of tower height
Max Tower Height:	62 feet
Wattage:	Max 10 kW

(b) Non-Residential Small Wind Energy

Acreage:	No minimum
Setback:	50% of tower height
Max Tower Height:	62 feet
Wattage:	Max 50 kW
or	
Acreage:	No minimum
Setback:	100% of tower height
Max Tower Height:	80 feet
Wattage:	Max 100 kW

(c) Additional Setback Regulations.

1. No wind energy system shall be placed within the required front-yard setback within any zoning district.
2. No tower shall be placed on any property such that any portion of the rotor diameter extends into or over a public right-of-way.

(d) Exceptions to setback requirements. Small wind systems specifically designed to be mounted to a permanent building must comply with all

manufacturer specifications, provided that any portion of a tower above the point at which it is anchored does not exceed the distance to the nearest adjacent property line. All mounting and electrical specifications must be provided to the development services division at the time of application for a building permit to install or erect a wind energy system.

(e) Rotor Diameter. Maximum rotor diameter shall not exceed manufacturer recommendations for wattage and tower specifications.

(f) Towers. All small wind energy systems shall be mounted on mono-pole towers or attached to a permanent building. No lattice or guyed wire towers shall be permitted.

(g) Access.

1. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
2. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.

(h) Electrical wires. All electrical wires associated with a small wind energy systems shall be located underground with the following exceptions:

1. All wires necessary to connect the wind generator to the tower wiring.
2. All wires necessary to connect the tower wiring to the disconnect junction box.
3. All wires necessary to connect the grounding wires.

(i) Color and Finish. The generator and tower shall be painted a non-reflective and non-obtrusive color.

(j) Decibel levels for the system shall not exceed 55 decibels (dBA) measured at any property line, except during short-term events such as utility outages and severe windstorms.

(k) Compliance with all applicable codes. A small wind energy system including tower shall comply with all applicable building codes currently in force in the city.

(l) Utility notification and interconnection. Small wind energy systems that connect to the facilities of an electrical utility company shall be UL Certified and shall comply with all applicable local, state and federal regulations governing such connections. The applicant or property owner must supply the development services division with written consent from the applicable electric utility company to connect to the grid at the time of application for a building permit.

(m) Signage.

1. Brand names shall not be visible from any public right-of-way or place.
2. No advertising shall be placed on the wind generator or tower.

(n) Wind generators or towers shall not be artificially lighted, except as may be required by the Federal Aviation Administration.

Section (j), above, establishes a standard for the maximum decibel level. An alternate, more technical provision which has been suggested for consideration is as follows:

> The predominant sound level from a wind turbine or similar sound-producing device shall not exceed 55 dBA during the day, (7AM to 10PM), and 40 dBA during the night, (10PM to 7AM), in residential areas. Also, pure tones, defined as an octave band, may be no greater than 3dBA over the two adjacent octave bands. Both of these shall be measured at the property line. If this condition exists, then a 5 dBA reduction in the limits above shall occur. Any turbine closer than three times the blade tip height to the property line shall have a sound study completed by a qualified professional and submitted to the City for review.

Recommendation

The issue of whether to amend the Zoning Code to allow small wind energy systems in the City of Topeka is a policy decision to be made by the Planning Commission and City Council. Wind energy technology appears to be changing rapidly, making these systems smaller, less obtrusive and more affordable. Therefore, the Planning Department anticipates an increased demand for these systems for both residential and business use; and, as the technology continues to change, we also anticipate the need for future amendments to any wind energy system regulations that may be adopted. The proposed ordinance requires specific approval, through the conditional use permit process, for any wind energy system. The CUP process allows a finding to be made that a particular site may not be appropriate of a wind energy system; and, also allows conditions to be placed on a particular site in addition to the standards listed above. Therefore, the Planning Department recommends **APPROVAL** of the attached ordinance.

MINUTES OF THE TOPEKA PLANNING COMMISSION POLICY BOARD
Monday, April 27, 2009
620 SE MADISON STREET, HOLLIDAY CONFERENCE ROOM
TOPEKA, KANSAS

Wind Energy Ordinance-discussion

Mark Boyd stated he invited Bill Smalley to this discussion. He has background regarding wind mills.

Tim Paris said he modified the ordinance to reflect the setbacks, maximum tower height, and wattage. Mr. Paris said he had heard many people say they don't want this next to my house. He said he feels this should be an accessory use within our current code. A wind energy system can generate 2.3 kilowatts at a time. At best it will be ½ to a 1/3 replacement of current energy use. It won't totally take over your energy needs. It is a supplement to grid energy. And there is a tax credit for using windmills. A basic type is vertical access. These are less intrusive and efficient than a rotating blade. The aesthetic value is an issue. Mr. Paris said when you have more energy coming in than going out your meter will actually run in reverse and the electric company has to pay you for that. He said they produce about 45-46 decibels, which is about the same noise as a car. He said not everyone will be open to the idea of wind turbines. He said he doesn't think this will work in urbanized areas.

Mr. Paris stated some stipulations that come with wind turbines are:
Have to be built to code.
No signage allowed.
No LED lights for advertising.
Must maintain original paint from manufacturer.
Building permit required.
Must be inspected by City.
Instructions must be available.
Agreement between electric company and customer prior to permit issuance.

David Thurbon, Planning Director, said there have been at least two residences and USD 501 requesting wind generators. He said USD 501 has applied for federal funding from the stimulus package. They want to place a wind generator at one of the schools with the possibility of more in the future. Mr. Thurbon said that Mr. Smalley indicated there will be several business requesting wind generators due to the cost. That is why commercial properties were added to this ordinance.

Doug Bassett said the property owner needs at least 3-5 acres to get any type of efficiency to make the wind turbine work.

Ms. Hoferer asked Mr. Smalley how many lots the residential customer has that are requesting wind turbines. Mr. Smalley said he doesn't go by lots he goes by acres and the customer has to have 3-5 acres.

Mr. Boyd asked what is the procedure to get this to ordinance? Mr. Thurbon said it is an amendment to the zoning code. It would need to be advertised and a public hearing held.
Mr. Boyd suggested taking Mr. Smalley recommendation of taking this to solar power.
They should be permitted in some type of manner. Mr. Paris said there may be a separate ordinance for solar because at least with wind turbines there is the height issue.
Mr. Boyd asked staff if someone were to come in now and apply for a permit for wind

turbines can they get one? Mr. Thurbon said no, the permit will not be issued. He said the county is issuing permits under accessory use.

Mr. Paris said he will revise the ordinance with decreasing the height and increasing the acreage for residential and commercial zoning. Mr. Bassett asked Mr. Paris if he could email the revised ordinance to Commission. Ms. Hoferer also requested pictures of an actual tower so the Commission would have a better idea of what a working turbine looks like.

MINUTES OF THE TOPEKA PLANNING COMMISSION POLICY BOARD
Wednesday, May 27, 2009
620 SE MADISON STREET, HOLLIDAY CONFERENCE ROOM
TOPEKA, KANSAS

Wind Energy Ordinance-discussion

David Thurbon discussed the changes in the agenda packet requested by the Planning Commission at the April 27 Policy meeting and asked Tim Paris to elaborate. Mr. Paris said Bill Smalley had just come back from a conference in Chicago and Mr. Smalley advised him there has been newer technology developed for small wind energy systems. Some being less noise, better fit in residential areas and roof mounting units. Mr. Thurbon asked the Planning Commission if they want to adopt an ordinance primarily for school districts now or wait. He stated the ordinance can be amended later as needed. He said school districts have applied for federal grants and have already received money to install wind energy systems on their property. Mr. Thurbon said school districts are subject to city zoned regulations; this was verified by Braxton Copley, Assistant City Attorney.

Tim Paris, Planner II, said he modified the minimum acreage to 3 and adjusted the height limit to 62'. He said a maximum height of 62' would be required for residential systems and this is the same height of a ham radio tower that is currently allowed. Mr. Paris related that Mr. Smalley said the way the ordinance is written now might preclude some of the new technologies that we weren't previously aware of. Mr. Paris said Mr. Smalley encourages the Planning Commission to wait on the adoption of the ordinance. Mr. Paris said he plans to have a meeting with Mr. Smalley to discuss the new technologies and how they will fit into the wind energy system ordinance. Mr. Paris said he would like to add a distance requirement where a non-residential system is adjacent to a residential property.

Howard Blackmon asked staff why 3 acre minimum requirement for residential small wind energy systems? Mr. Paris said there was some discussion from the last Planning Commission meeting that noise was a big factor. If a property owner had a neighbor with a system they wouldn't have to hear the wind generator. Some people would like to have some distance between the towers and where they live. Mr. Blackmon said so that rules out systems within the city. Mr. Thurbon said smaller lots won't get the wind necessary due to the trees being in the way. Mr. Paris said there are smaller turbines available for smaller lots. Mr. Paris said if the Commission wants to lower the acreage this can be discussed also. He said he needs some direction from the Commission on adopting an ordinance or waiting until he has a meeting to discuss the new technologies with Mr. Smalley. Mr. Blackmon said there needs to be some type of ordinance in place because property owners are starting to install systems on their property. And if there is nothing adopted when property owners install these systems and they are not up to city code then they will be forced to take them down. Mr. Blackmon said that will allow property owners to dispute the zoning code because there in nothing in it clarifying the systems.

David Thurbon said small energy wind systems can be listed as an accessory use in every zoning district. If the property owner meets the standards then it can be done

by right. He said this can be done by a conditional use permit but the code would have to be amended.

Doug Bassett asked staff what they recommend. Mr. Thurbon stated he wasn't comfortable with some of the elements associated with the wind systems such as the size, possible noise and movement. Mr. Bassett said there have only been calls from a few residential people. He said his recommendation would be not to allow the systems within the city limits.

Mr. Thurbon said this is why we didn't administratively approve these accessory uses like the County did to allow systems currently listed as accessory uses. Mr. Thurbon said he is requesting some type of direction from the Commission and City Council to possibly adopt some type of ordinance.

Jim Brown asked staff if it can be set up under a conditional use permit? Mr. Thurbon said that may be the best approach at this time. Mr. Paris said as this is written now it would be considered a provisional use and subject to all conditions.

David Thurbon said a final decision is not needed now; just a consensus from the Planning Commission on a general direction so we can hold a public hearing to get feed back from the public. He will take out the one system per lot requirement because this can be done by a case by case basis. Mr. Thurbon said he will work on amendment to zoning code to allow with a conditional use permit.

DRAFT

MINUTES OF THE TOPEKA PLANNING COMMISSION POLICY BOARD
Wednesday, June 22, 2009
620 SE MADISON STREET, HOLLIDAY CONFERENCE ROOM
TOPEKA, KANSAS

Wind Energy Ordinance

David Thurbon, Planning Director, said with the direction from the Planning Commission they had two suggestions before approving the proposed ordinance. The first suggestion discussed was to bring the ordinance back as a conditional use permit. Mr. Thurbon said this would require specific approval on a case by case basis by the Planning Commission and City Council. He said Instead of allowing these systems by right they would be subject to conditions. Mr. Thurbon said due to the change of technology and the uncertainty of impacts from wind turbines he recommends, in the beginning, to look at each application on a case by case basis. Mr. Thurbon said secondly, staff was to contact Greensburg to find out what is allowed in their city regarding wind turbines. He said Tim Paris, Planner II did make contact with a Greensburg planner and found out they do allow small wind turbines everywhere without developing many standards. Mr. Thurbon said this is not the final decision tonight. The goal is to develop an ordinance the Planning Commission is satisfied with. After that it will be advertised for an official public hearing for a possible code amendment. Mr. Thurbon said once this first stage is completed amendments can be made in the future based on future public hearings. Mr. Thurbon discussed the changes in draft dated 6-16-09 included in agenda packet.

Lee Williams asked why the setback is set at 50% of tower height. Mr. Thurbon answered the 50% is based on a existing regulation for Ham radio towers which are permitted based on our city code with a 62' max tower height restriction. He said that we could increase the setback to 100% of the tower height.

Doug Bassett said it would be easier to loosen the regulations than it would be to restrict them. If you start out allowing wind energy systems in smaller lots then the complaints start coming in for blade noise or if the wind turbines don't work the way they should it would be hard to go back once the systems are already installed. Mr. Bassett said until people start installing wind turbines we really don't know what we are dealing with. He agreed the Commission should look at each conditional use permit on a case by case basis. He said what needs to be done here is give staff a recommendation and guidance on issuing permits for the wind energy systems.

Lee Williams's stated that Bill Smalley said anything smaller than ½ acre to 1 acre is not feasible because there isn't enough room. Richard Beardmore asked staff was there an acreage limit on ham radio towers? Mr. Thurbon said there is no there is not. Richard Beardmore said just think of the number of complaints that would come in for a tower or wind energy systems for the way they look, or the noise, or the danger they impose.

Kellis Bayless, Topeka Sustainability Advisory Board, said one of their first goals as a board was to recommend to the City Council to promote cleaner wind energy. Mr. Bayless said after listening to this meeting so far the conversation everyone is convinced the wind energy systems are large towers that have large propellers on them. Mr. Bayless said the fastest and most increasing residential wind energy turbines are called vertical wind turbines. He said vertical wind turbines don't require 3 acres and they are currently available. This type of wind turbine is the size of a TV antenna and has been available for 3-4 years already. Mr. Bayless agreed with the issues and concerns the Planning Commission has regarding a

giant wind energy tower because there are safety concerns that would require more discussion. Mr. Bayless said his concern was requiring small systems such as the vertical system to a 3 acre minimum because they don't require 3 acres.

David Peterson, Topeka Sustainability Advisory Board, said the advisory board was created a few months ago to generate ideas to make Topeka more eco-friendly while also helping the city cut costs. Mr. Peterson said the technology is changing with wind energy options such as the vertical units designed to go on residences and roof tops.

Stan Myers, Topeka Sustainability Advisory Board, said all concerns with the larger towers are all valid. He said he would like to see the City Of Topeka as a whole study alternative energy options.

Michelle Hoferer asked staff what are the regulations for antennas? Mr. Thurbon answered they are listed as an accessory use. He said TV antennas are allowed as an accessory use, but have a height limit restriction. Mr.Thurbon said Bill Smalley recently came back from a conference and advised Tim Paris that the technology is changing rapidly. There are more roof mounted units available that may work for our city. Mr.Thurbon said to accommodate USD 501 an ordinance needs to be set so the school can proceed as planned with their wind energy system. And as technology changes in the future the ordinance can be amended. Ms. Hoferer asked staff can ordinance be modified at any time before, during, or after public hearing before proceeding to the City Council? Mr.Thurbon answered yes, the ordinance can be modified at any time until the Planning Commission agrees with a written ordinance before proceeding to City Council for their review and approval.

Motion
Motion made by Doug Bassett to change to read setback shall be 100% of tower height. Add additional language regarding decibel levels requirements, seconded by Lee Williams
Approved 5-1-0, Commissioner Blackmon voted no.

DRAFT

Minutes of the
Topeka Planning Commission
August 17, 2009

ACZR09/5 an amendment to the City of Topeka Comprehensive Zoning Regulations concerning **Small Wind Energy Systems** by creating Division 3 of Article XXVI in City of Topeka code Chapter 48 to establish definitions, standards and permit requirements for small wind energy systems and by amending the zoning districts in Articles II through XXIIIa and Article XXIVa and Article XXIVb in City of Topeka code Chapter 48 to allow small wind energy systems in the various zoning districts only by approval of a conditional use permit. David Thurbon summarized the amendment and ordinance.

Discussion by members:

Jim Brown asked if a permit will be required for the foundation of the pole and will it have to be certified by a licensed surveyor/engineer? Mr. Thurbon said most manufacturers have the foundations pre-engineered otherwise they will follow regular permit procedures and requirements.

John Federico said with regards to color, what is the definition of non-obtrusive? Mr. Thurbon replied earth tones, greens/browns or a color that will blend into the surrounding environment. He said in the conditional use process they will have to define what color the unit will be.

Mr. Federico asked if there is a restriction in type of materials used? Additionally what if the tower comes into disrepair and/or abandonment? Mr. Thurbon said that is something that can be spelled out in the conditional use permit. He said language can be added tonight stating any system shall be maintained in good condition and operational repair. Bill Hoover added it could be requested of the property owner to show proof of operation by submitting a billing from the electric company.

Mr. Federico asked if 55 decibels is standard? Mr. Thurbon replied yes, we have found it in several other areas codes. He said 55 decibels compares to regular home noise. He said we have been told this will create less noise than the typical air conditioner. Adjacent properties will not be able to hear it inside their homes. There are many decibel charts on the internet that we can look up right now. Mr. Federico said if I am outside will I be able to hear the neighbors' system? Rich Beardmore added a lawn mower produces 70 decibels. Mr. Thurbon said a car passing by is about 65 decibels.

Howard Blackmon said he opposes the three acre requirement. If that is a requirement they will not be allowed in the city. He said he would agree to an acre. Mr. Blackmon asked what is the difference between the wattage for residential and non residential? Mr. Thurbon replied research shows 10 watts is enough for a residence. Mr. Blackmon asked if a residential customer wants a 50 watt unit, why would we tell them no? Mr. Thurbon replied the higher the watts the more noise it will create and the bigger and more intrusive the system. Mr. Blackmon said he would not like restricting wattage now to avoid having to come back through this whole process to change it.

Mr. Beardmore asked how residential/non-residential is decided, is it by use or zoning? Mr. Thurbon replied by use. Mr. Beardmore stated one of these units on a non-residential site could be next to residential. He asked if this will be the procedure in the county too? Mr. Thurbon replied the county has interpreted its ordinance as allowing these systems under the antenna

and cell tower provisions.

Mr. Federico asked if the maximum height tower is 62 feet? Mr. Thurbon replied, yes.

Bill Fiander stated some decibel comparisons are:

Private jet = 100 decibels
Cars moving in traffic = 87 decibels
Inside house = 54 decibels
AC unit = averages 57 decibels

Proponents:

Frank Meade, property owner, spoke in favor of the wind energy systems. He gave some examples of newly developed technologies and how they have changed over time. He said wind energy systems are no different. He said in the past he had plans for an urban wind generation system. He spoke of light poles with LED lights and wind generators. He said they exist and are available but aren't allowed in this proposed code. He said he has seen wind energy systems on roofs and side mounted units on buildings in Kansas City. None of these fit into the proposed standards. He said the three acre requirement is not feasible. He said smaller units and the light poles I spoke of are not required to connect to the grid.

Evan Wheeler, student at Hope Street Academy, spoke in favor of the proposal. She introduced her classmates who have all worked together and sent in a proposal for a wind energy system to be located on the school grounds. She said we have checked the land. We have collected over 312 signatures from the neighborhood in favor of the system at Hope Street. She said they have studied how this will help the school. She said with this we will create history. She said their goal is to help other schools develop these systems as well. She said their vision includes students teaching others about the wind turbines. This is a green concept that will set a trend other states will follow.

Diane Hamlin, Tutberry Town Road, spoke in favor of the wind energy systems. She said this is a great program they have at Hope Street. She said she is in favor of wind energy to help residents save money. She said she is also excited about the jobs this will bring in. She said she doesn't live on three acres. She said she is interested in the different types that are offered and hope they will be options for everyone.

Brian Hurdle, spoke in favor of the wind energy systems. He said he agrees there should not be a three acre requirement. He said the Packwind brand is designed for residential use. These units work in 3 to 100 mph wind and they have a 4 watt unit. He said the company is very busy and having a hard time keeping up with the demand. He said he helped to introduce net metering energy bills with Joe Patton.

Cary Bacon, Forest Park Retreat Center, spoke in favor of the wind energy systems. She said she thinks there are too many restrictions in the proposal. This technology is changing quickly. He requested the commission to revamp it. She said a 1000 kilowatt until would still be below 55 decibels.

Mark Boyd said the Commission took the approach of being more cautious by using the conditional use permit process. He said we recognize there is a lot of technology out there being developed. This process will be refined as we go through time. We have discussed this issue at several meetings and decided to go the more cautious route. The ordinance can be

amended to accommodate new technology in the future.

Doug Bassett said this proposal will help control the rapid influx and growth of towers. He suggested Mr. Meade come meet with staff and discuss his proposal further. Mr. Bassett said action tonight will allow USD 501 to proceed. He stated this is new to all of us and it will be a learning experience. We don't want the huge 40 ft towers with large blades in neighbor's yards. He said everyone here tonight is for smaller systems.

Chairman Boyd closed the public hearing.

Mr. Boyd said the issues are disrepair/abandonment and the three acre requirement.

Mr. Federico asked if there is a limit on number of units on a three acre tract? Mr. Thurbon said it was decided not to get very specific in the ordinance because it was decided to require a conditional use permit for each site and more detailed conditions can be considered on a case by case basis as appropriate. Mr. Federico said he likes that a conditional use permit would be required. He said his concern is to protect the property rights of business/property owners adjacent to properties with the wind energy systems on them. I just want to be sure someone can enjoy their property without the noise from these units. I am concerned about the neighbors enjoying their property and their property values if their neighbor gets a wind turbine. He said he would also like to limit types of materials used to make the turbines. He said a suggestion could be to allow only on non-residential properties for now.

Mr. Bassett said we have determined a few lots that have the three acres necessary for the turbines. He said this proposal doesn't address the multi-family and churches that are adjacent to a residential area.

Mr. Federico said he doesn't want to slow the progress of Hope Street's hard work by continuing this but is not comfortable voting on this as written. Mr. Boyd said it will be an issue once someone brings in a turbine that is obnoxious, we can't do anything after the fact. He said that is the reason we are being so restrictive with this.

Michelle Hoferer asked if anyone specifically expressed interest other than Hope Street? Mr. Thurbon replied there have been about three homeowners asking questions but have not officially notified us of their intensions. Ms. Hoferer asked how long will it take this item to get to the city council if approved tonight? Mr. Thurbon replied mid to late September, then two to three months for an individual conditional use permit to be approved.

Ms. Hoferer said there is a type of steel that is supposed to rust over time. Not sure if the wind turbine developers have dealt with this before. Ms. Hoferer asked Scott Schwarz what the grant time frame is?

Scott Schwarz, teacher at Hope Street, said we have been awarded the grant but have been waiting for the city to give us permission to put the turbine up. He said we are ready to go after the city approves. He said manufacturer is set and everything has been drawn out. There is an installer in town that could put it up. We are hoping to get it installed for this school year. Mr. Beardmore asked what kilowatt range is? Mr. Schwarz replied 9.5. It is about 45 feet tall and the diameter of the props is about 12 feet. Ms. Hoferer asked if there is a time restriction with the grant? Mr. Schwarz said he will contact the professor at K-State to be sure. He said this program was a three year program through K-State. We got in on the third year. All others that have been awarded the grant have been installed up to this point.

Mr. Beardmore asked if the unit will be connected to the building's electrical system. Mr. Schwarz said it will supplement the electric.

Mr. Blackmon said since this is the only one we have on the table why can't we do something for this particular one and send the other back to committee. Why put everything together right now. Mr. Thurbon said we can not zone by property owner. Mr. Blackmon asked why can't we approve a conditional use permit for them now? Mr. Thurbon said an ordinance that will allow the turbines by conditional use permit has to be passed first.

Bill Smalley, spoke in favor of the wind energy systems. Ms. Hoferer asked about the foundation. Does the manufacturer give you a typical foundation? Mr. Smalley said the soil where the foundation will be placed must be tested. He said at the Hope Street site 4000 lb concrete will be used. He added it has to cure for 28 days. He said a local engineering firm will stamp approval. He said we want to be sure everyone is okay with the units with larger outputs. He said this technology is changing quickly. We now have units that we can bolt to peak of roofs. He said there needs to be some leeway to be able to react quickly to changes in the technology. He said when there are heavy winds the wind noise overrides the noise of the unit. He said roof top units may work in the city.

Mr. Smalley said with regards to the school district, Hummer Sports Park was built without any permits. It is a unified school district and they aren't required to obtain permits. Mr. Thurbon said that is true but, according to the City's Legal Department, they must follow the zoning regulations.

Ms. Hoferer asked Mr. Smalley what color most units are? Mr. Smalley replied most are galvanized steel in light gray that blends in with the skyline. Mr. Federico asked about noise and unsightliness. Mr. Smalley said galvanized looks better than the wooden electrical lines we have now. He said with regards to noise, these are quieter than a lawn mower / leaf blower.

Mr. Boyd asked if there is any extraordinary maintenance needed to keep these in good repair. Mr. Smalley said the owner will want to keep them in good running condition because they will generate money for them. He added the units are connected directly by meter to the grid. If electricity is down the unit will be too. Mr. Boyd asked what happens when the guy that buys my house doesn't want to deal with the turbine? Mr. Smalley said it won't run unless he turns it on. It is another appliance like an air conditioner.

Mr. Federico asked if the units rust? Mr. Smalley replied, no, if you don't want them to. Mr. Federico asked if a home owner lets the unit sit for five years without maintenance what will it look like? He added it is 65 ft tall which is much larger than an air conditioner unit. Mr. Smalley stated the only thing that would rust is the towers but manufactures are galvanizing them to protect against rusting.

Mr. Thurbon said in the current code there is language that states any antenna or tower that is not operated for over 12 months has to be removed within 90 days at the request of the planning director.

Mr. Boyd asked if city council will allow public comment when this item is before them?

Braxton Copley, City Attorney's Office, replied, ye,s additional public comment will be taken at council. They can sign up (by calling the city clerk's office) before 5:00pm the day of the

meeting. Mr. Boyd suggested sending the item on to council and let them determine if the issues are severe enough to bring it back to us.

Mr. Beardmore stated the minimum rotor diameter is not defined. He said he talked to Westar and they haven't determined what the tariff savings will be by running through the meter. Mr. Beardmore asked about charging batteries. Mr. Smalley said everyone can run anything with a low voltage. They should not require a permit of any kind only the large units that will connect to the grid will need a permit. Rich what is average wind speed here in Topeka? Mr. Smalley replied about 8mph but it depends on the location.

Mr. Federico told Mr. Schwarz he would like to know if a delay would jeopardize their grant.

Mr. Boyd said this is a good start. There are people interested in this technology. This is one of those amendments we will have to put into use and revise as needed. We could post-pone a week until Mr. Schwarz gets the answer we need.

Mr. Boyd asked do we have to make a recommendation to council? Mr. Thurbon said this item will not go to council until the commission sends it on. He said you could continue this item.

Mr. Federico said he would like to hold off on the residential portion of this for now.

MOTION: John Federico moved to approve with changes to the ordinance as listed below, seconded by Howard Blackmon. **APPROVAL. (6-1-0) Commissioner Brown voted no.**

Delete (a) from Page 1 under Standards, to allow only non-residential systems;
Change wording on Page 2 under Standards (i) change word non-obtrusive to neutral;
Change on Page 2 under Standards (b) maximum height not to exceed 62 feet;
Adding abandonment language as follows (which is similar to existing language for cell towers:

> Any wind energy system that is not operated for a period of 12 continuous months or which was operated under a conditional use permit which has expired and not renewed shall be considered abandoned, and the owner of such wind energy system shall remove the same within 90 days of a receipt of notice from the planning director notifying the owner of such required abandonment. If such wind energy system is not removed within said 90 days, the city council may cause the removal of such wind energy system at the owner's expense. If there are two or more users of a wind energy system, then this provision shall not become effective until all users have ceased using the system for a period of 12 continuous months.

Mr. Beardmore asked what the setback is for Hamm Radio towers? Mr. Thurbon replied normal building setbacks apply. Mr. Beardmore said he would like to make a friendly amendment to the motion by adding setbacks to be 100% of tower height. The amendment was accepted.

Jim Brown complimented the students at Hope Street for their work on the project. He added he still has concerns with abandonment and noise. The units will be running a lot longer than a lawn mower.

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Comprehensive Zoning Regulations concerning wind energy creating Division 3 of Article XXVI in City of Topeka Code Chapter 48.

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

Section 1. That Article XXVI, Additional Regulations, of Appendix C (Chapter 48), Comprehensive Zoning Regulations, of the Code of the City of Topeka, Kansas, is hereby amended to read as follows:

DIVISION 3. WIND ENERGY

Section 2. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 48-26.31, which said section reads as follows:

Statement of purpose.

The purpose of these regulations is to establish reasonable restrictions for the general placement of small wind energy systems, otherwise known as wind turbines and their related equipment in order to accommodate the growth of personal and commercial electric power generating systems, while protecting against adverse noise, aesthetic and safety impacts and protecting the general public welfare. To balance the technological advances in off-grid energy production while protecting the public health, safety and welfare, these regulations establish minimum standards for construction and placement of facilities to minimize adverse impacts of towers through careful design and placement and to avoid potential damage to adjacent properties.

Section 3. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 48-26.32, which said section reads as follows:

Definitions.

Administrator means the City of Topeka Planning Director or designee.

Non-residential small wind energy system means systems capable of generating not more than 100 kW of electricity, for the sole purpose of providing electrical generating capacity to an institutional, office, commercial or industrial use, and is contained within the same lot of real estate.

Owner shall mean the individual or entity that intends to own and operate the small wind energy system in accordance with this ordinance.

Rotor diameter means the cross sectional dimension of the circle swept by the rotating blades.

Residential small wind energy system means systems capable of generating 10 kW of electricity or less for the purpose of providing electrical generating capacity to a single or multiple-family residence and is contained within the same lot of real estate.

Small wind energy system means a wind energy system that is used to generate electricity for use on the premises and not for commercial wholesale production.

Total height means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

Tower means the structure that supports a wind generator.

Wind energy system means equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane wire, inverter, batteries or other component used in the system.

Wind generator means blades and associated mechanical and electrical conversion components mounted on top of the tower.

Section 4. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 48-26.33, which said section reads as follows:

Standards.

(a) Non-Residential Small Wind Energy

Acreage: No minimum

Setback: 100% of tower height

Max Tower Height: 62 feet

Wattage: Max 50 kW

(b) Additional Setback Regulations.

1. No wind energy system shall be placed within the required front-yard setback within any zoning district.

2. No tower shall be placed on any property such that any portion of the rotor diameter extends into or over a public right-of-way.

(c) Exceptions to setback requirements. Small wind systems specifically designed to be mounted to a permanent building must comply with all manufacturer specifications, provided that any portion of a tower above the point at which it is anchored does not exceed the distance to the nearest adjacent property line. All mounting and electrical specifications must be provided to the development services division at the time of application for a building permit to install or erect a wind energy system.

(d) Rotor Diameter. Maximum rotor diameter shall not exceed manufacturer recommendations for wattage and tower specifications.

(e) Towers. All small wind energy systems shall be mounted on mono-pole towers or attached to a permanent building. No lattice or guyed wire towers shall be permitted.

(f) Access.

1. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

2. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.

(g) Electrical wires. All electrical wires associated with a small wind energy systems shall be located underground with the following exceptions:

1. All wires necessary to connect the wind generator to the tower wiring.

2. All wires necessary to connect the tower wiring to the disconnect junction box.

3. All wires necessary to connect the grounding wires.

(h) Color and Finish. The generator and tower shall be painted a non-reflective and neutral color.

(i) Decibel levels for the system shall not exceed 55 decibels (dBA) measured at any property line, except during short-term events such as utility outages and severe windstorms.

(j) Compliance with all applicable codes. A small wind energy system including tower shall comply with all applicable building codes currently in force in the city.

(k) Utility notification and interconnection. Small wind energy systems that connect to the facilities of an electrical utility company shall be UL Certified and shall comply with all applicable local, state and federal regulations governing such connections. The applicant or property owner must supply the development services division with written consent from the applicable electric utility company to connect to the grid at the time of application for a building permit.

(l) Signage.

1. Brand names shall not be visible from any public right-of-way or place.

2. No advertising shall be placed on the wind generator or tower.

(m) Wind generators or towers shall not be artificially lighted, except as may be required by the Federal Aviation Administration.

(n) Removal of abandoned wind energy systems. Any wind energy system that is not operated for a period of 12 continuous months or which was operated under a conditional use permit which has expired and has not been renewed shall be considered abandoned, and the owner of such wind energy system shall remove the same within 90 days of a receipt of notice from the planning director notifying the owner of such required renewal. If such wind energy system is not removed within said 90 days,

the city council may cause the removal of such wind energy system at the owner's expense. If there are two or more users of a wind energy system, then this provision shall not become effective until all users have ceased using the system for a period of 12 continuous months.

Section 5. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 48-26.34, which said section reads as follows:

Permit requirements.

(a) Building Permit. A building permit shall be required for the installation of any wind energy system.

(b) Documents: The building permit application shall be accompanied by a site plan which includes the following:

1. Property lines and physical dimensions of the property.
2. Location, dimensions and types of existing major structures on the property.
3. Location of the proposed wind system tower.
4. The right-of-way of any public road or alley that is contiguous with the property as well as any platted setback.
5. Any overhead utility lines and location of nearest utility pole.
6. The location(s) at which the electrical and telephone utilities are connected to the principle structure on the property.
7. Wind system specifications, including manufacturer and model, rotor diameter, tower height and tower type.
8. Tower foundation blueprints or drawings.

9. Tower blueprint or drawing.

10. Any easements that may be located on the property.

11. Color of the wind generator and tower.

Section 6. 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

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 8, 2009

DATE:	**September 22, 2009**		
CONTACT PERSON:	**David Thurbon**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**Small Wind Energy Systems**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**013 Ordinances - Codified / 161 Comprehensive Zoning Cases**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:	**09/15/09 First Reading**	**JOURNAL #:**	**09**
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., concerning conditional use in each zoning district for non-residential small wind energy systems, amending City of Topeka Code Sections 48.2.02, 48-3.02, 48-4.02, 48-5.02, 48-6.02, 48-7.02, 48-8.02, 48-8a.02, 48-9.02, 48-10.02, 48-11.02, 48-12.02, 48-13.02, 48.14.02, 48-15.02, 48-16.02, 48-17.02, 48-18.02, 48-19.02, 48-20.02, 48-22.02, 48-23.02, 48-23a.03, 48-23a.04, 48-23a.05, 48-24a.01, 48-24b.01, 48-24b.02, and 48-24b.03 and specifically repealing said original sections. Final Reading.

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(This is a companion ordinance for small wind energy systems. Approval would allow small wind energy systems for non-residential uses in each of the zoning districts only by approval of a conditional use permit.)

POLICY ISSUE:

The policy is whether to allow small wind energy systems within the City limits and under what conditions.

STAFF RECOMMENDATION:

The Planning Commission and Planning Department recommned approval of the attached ordinance, contingent upon the companion ordinance, ACZR09/05 being approved.

BACKGROUND:

A conditional use permit (CUP) requires a public hearing and recommendation by the Planning Commission and approval by the City Council. The companion item, ACZR09/05, establishes the criteria for small wind energy systems. Only non-residential systems would be allowed; although, each of the City's residential zoning districts allows certain non-residential uses, such as schools, parks and churches. If a CUP was approved for a particular site, the wind energy system would have to meet the criteria contained in ACZR09/5 in addition to any other conditions the Planning Commission recommends and the City Council approves for that site.

Item #15

BUDGETARY IMPACT:

NA

SOURCE OF FUNDING:

NA

ATTACHMENTS:

Ordinance

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., concerning conditional use in each zoning district for nonresidential small wind energy systems, amending City of Topeka Code §§ 48.2.02, 48-3.02, 48-4.02, 48-5.02, 48-6.02, 48-7.02, 48-8.02, 48-8a.02, 48-9.02, 48-10.02, 48-11.02, 48-12.02, 48-13.02, 48.14.02, 48-15.02, 48-16.02, 48-17.02, 48-18.02, 48-19.02, 48-20.02, 48-22.02, 48-23.02, 48-23a.03, 48-23a.04, 48-23a.05, 48-24a.01, 48-24b.01, 48-24b.02, and 48-24b.03 and specifically repealing said original sections.

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

Section 1. That section 48-2.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Agricultural use of land for production, storage, processing, and associated activities for environmental and commercial purposes, all as defined by this chapter.

(2) Nurseries, greenhouses, orchards, tree farming, sawmills, and truck farms with road stands; however, any sales of products not raised or produced on the premises shall be clearly subordinate to sales of products raised or produced thereon.

(3) Detached single-family dwelling building for the purpose, use and occupancy of a family as defined herein.

(4) Group home.

(5) Public parks, playgrounds, trails, paths, recreational areas, golf

courses, scenic and historic sites, and associated recreational and leisure facilities, including but not limited to shelters, pools, court games, maintenance structures and associated parking to the above uses.

(6) Private parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, common open space, and associated recreational and leisure facilities, including but not limited to, clubhouses, shelters, pools, court games, parking and maintenance structures, for use by members and guests only, provided such facilities are developed in conjunction with, and intended to serve, a residential community and are located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(7) Subdivision maintenance facilities and/or U.S. Postal Service receptacle pods and shelter, developed in conjunction with, and intended to serve, a residential community and which is located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(8) Public or private elementary and secondary school.

(9) Residential care facility, type I.

(10) Medical care facility, type I.

(b) *Provisional uses:*

(1) Day care facility, type I subject to the requirements of article XXVI.

(2) Religious assembly subject to the requirements of article XXVI.

(3) Golf course; country club subject to the requirements of article XXVI.

(c) *Uses permitted by conditional use permit:* The following uses may be granted a conditional use permit by the governing body provided by article XXV:

(1) Cemetery subject to the requirements of article XXVI.

(2) Public use facility.

(3) Vehicle surface parking lot in association with a principal use.

(4) Television, radio and microwave transmission towers; telecommunication equipment; and accessory facilities other than those provided for elsewhere in this chapter as accessory to a permitted use or exempt as set forth by definition; and subject to the requirements of article XXVI.

(5) Extraction, processing, storage, and sale of raw materials, including ore, minerals, sand, rock, stone, gravel, topsoil, fill dirt, and other materials delivered by quarry, mining, dredging, or stripping operations, subject to the requirements of article XXVI.

(6) Cultural facility.

(7) Airport, heliport and landing strip.

(8) Recreation field, court, track, or range in which the principal use is of an outdoor and unenclosed nature and which may include accessory and support facilities as an incidental and ancillary use. Permitted uses shall include the following activities:

a. Swimming.

b. Tennis.

c. Baseball and softball.

d. Batting cages.

e. Golf driving range.

f. Riding academy.

g. Survival games.

h. Court and field games.

i. Horse, dog, and vehicle racing.

j. Archery ranges.

k. Gun target and practice shooting ranges.

(9) Retail sales of a nature clearly incidental and subordinate to and customary in connection with, a principal use.

(10) Food service facility, in which food and beverage is offered or prepared for safe with or without charge on the premises and clearly incidental and subordinate to a principal use.

(11) Private or public utility structures facilitating the transmission, distribution, and/or collection systems, including substations, distribution stations, pump stations, reservoirs, towers, transmission equipment buildings and similar such uses. Also a corporate office, or branch office together with an operation and maintenance equipment storage facility and other related equipment that is used exclusively by a private or public utility entity.

(12) Community center.

(13) Common open space.

(14) Bed and breakfast home subject to the requirements of article XXVI.

(15) Bed and breakfast inn subject to the requirements of article XXVI.

(16) Reception, conference and assembly facility subject to the requirements of article XXVI.

(17) Demolition landfill subject to the requirements of article XXVI.

(18) Sanitary landfill; or commercial incinerator.

(19) Grain or agricultural storage facility (non-farm site).

(20) Storage and retail safes of fertilizers, chemicals, insecticides, pesticides, and similar products used for the agricultural production of crops and/or livestock.

(21) Game hunting and/or fishing preserve for commercial recreation purposes.

(22) Commercial equine riding academies; training and boarding stable facilities.

(23) Kennel and/or animal hospital (either large or small animal hospital as defined); provided however, that all unenclosed structures containing animals, including exercise pens and buildings which do not prevent the extension of audible noise or odor, shall not be located closer than 750 feet to the boundary of a designated dwelling district nor within 200 feet of a subject conditional use boundary line.

(24) Recreational vehicle short term campgrounds.

(25) Youth campgrounds and facilities to accommodate retreats for scouting, 4-H, and similar types of organizations.

(26) Oil or gas well drilling.

(27) Billboard and panel poster sign.

(28) Manufactured home with conventional siding and roofing materials.

(29) Group residence general, subject to article XXVI.

(30) Group residence limited, subject to article XXVI.

(31) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 2. That section 48-3.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Agricultural use of land for production, storage, processing, and associated activities for environmental and commercial purposes, all as defined by this chapter.

(2) Nurseries, greenhouses, orchards, tree farming, sawmills, and truck farms with road stands; however, any sales of products not raised or produced on the premises shall be clearly subordinate to sales of products raised or produced thereon.

(3) Detached single-family dwelling building, for the purpose, use and occupancy of a family as defined herein. The dimensional requirement applicable to a residential-design manufactured home may be appealable to the metro board of zoning appeals.

(4) Group home.

(5) Public parks, playgrounds, trails, paths, recreational areas, golf courses, scenic and historic sites, and associated recreational and leisure

facilities, including but not limited to shelters, pools, court games, maintenance structures and associated parking to the above uses.

(6) Private parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, common open space, and associated recreational and leisure facilities, including but not limited to, clubhouses, shelters, pools, court games, parking and maintenance structures, for use by members and guests only, provided such facilities are developed in conjunction with, and intended to serve, a residential community and are located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(7) Subdivision maintenance facilities and/or U.S. Postal Service receptacle pods and shelter, developed in conjunction with, and intended to serve, a residential community and which is located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(8) Public or private elementary and secondary school.

(9) Residential care facility, type I.

(10) Medical care facility, type I.

(b) *Provisional uses:*

(1) Day care facility, type I subject to the requirements of article XXVI.

(2) Religious assembly subject to the requirements of article XXVI.

(3) Golf course; country club subject to the requirements of article XXVI.

(c) *Uses permitted by conditional use permit:* The following uses may be

granted a conditional use permit by the governing body provided by article XXV:

(1) Cemetery subject to the requirements of article XXVI.

(2) Public use facility.

(3) Vehicle surface parking lot in association with a principal use.

(4) Television, radio and microwave transmission towers; telecommunication equipment; and accessory facilities other than those provided for elsewhere in this chapter as accessory to a permitted use or exempt as set forth by definition; and subject to the requirements of article XXVI.

(5) Extraction, processing, storage, and sale of raw materials, including ore, minerals, sand, rock, stone, gravel, topsoil, fill dirt, and other materials delivered by quarry, mining, dredging, or stripping operations, subject to the requirements of article XXVI.

(6) Cultural facility.

(7) Private airport, heliport, and landing strip.

(8) Recreation field, court, tract, or range in which the principal use is of an outdoor and unenclosed nature and which may include accessory and support facilities as an incidental and ancillary use. Permitted uses shall include the following activities:

a. Swimming.

b. Tennis.

c. Baseball and softball.

d. Batting cages.

e. Golf driving range.

f. Riding academy.

g. Survival games.

h. Court and field games.

i. Horse, dog, and vehicle racing.

Specifically not permitted under the provisions of this article are:

j. Archery ranges.

k. Gun target and practice shooting ranges.

l. Hunting preserves.

(9) Retail sales of a nature clearly incidental and subordinate to and customary in connection with, a principal use.

(10) Food service facility, in which food and beverage is offered or prepared for sale or for service with or without charge on the premises and clearly incidental and subordinate to a principal use.

(11) Private or public utility structures facilitating the transmission, distribution, and/or collection systems, including substations, distribution stations, pump stations, reservoirs, towers, transmission equipment buildings and similar such uses. Also a corporate office, or branch office together with an operation and maintenance equipment storage facility and other related equipment that is used exclusively by a private or public utility entity.

(12) Community center.

(13) Common open space.

(14) Bed and breakfast home subject to the requirements of article XXVI.

(15) Bed and breakfast inn subject to the requirements of article XXVI.

(16) Reception, conference and assembly facility subject to the requirements of article XXVI.

(17) Demolition landfill subject to the requirements of article XXVI.

(18) Sanitary landfill; or commercial incinerator.

(19) Grain or agricultural storage facility (non-farm site).

(20) Storage and retail sales of fertilizers, chemicals, insecticides, pesticides, and similar products used for the agricultural production of crops and/or livestock.

(21) Game hunting and/or fishing preserve for commercial recreation purposes.

(22) Commercial equine riding academies; training and boarding stable facilities.

(23) Kennel and/or animal hospital (either large or small animal hospital as defined); provided however, that all unenclosed structures containing animals, including exercise pens and buildings which do not prevent the extension of audible noise or odor, shall not be located closer than 750 feet to the boundary of a designated dwelling district nor within 200 feet of a subject conditional use boundary line.

(24) Recreational vehicle short term campgrounds.

(25) Youth campgrounds and facilities to accommodate retreats for scouting, 4-H, and similar types of organizations.

(26) Oil or gas well drilling.

(27) Billboard and panel poster sign.

(28) Group residence general, subject to article XXVI.

(29) Group residence limited, subject to article XXVI.

(30) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 3. That section 48-4.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Detached single-family dwelling buildings, for the purpose, use and occupancy of a family as defined herein. The dimensional requirement applicable to a residential design manufactured home may be appealable to the metro board of zoning appeals.

(2) Group home.

(3) Public parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, and associated recreational and leisure facilities, including but not limited to shelters, pools, court games, parking, and maintenance structures.

(4) Private parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, common open space, and associated recreational and leisure facilities, including but not limited to, clubhouses, shelters, pools, court games, maintenance structures and associated parking to the above uses for members and guests only, provided such facilities are

developed in conjunction with, and intended to serve, a residential community and are located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(5) Subdivision maintenance facilities and/or U.S. Postal Service receptacle pods and shelter, developed in conjunction with, and intended to serve, a residential community and which is located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(6) Public or private elementary and secondary school.

(7) Residential care facility, type I.

(8) Medical care facility, type I.

(b) *Provisional uses:*

(1) Day care facility, type I subject to the requirements of article XXVI.

(2) Religious assembly subject to the requirements of article XXVI.

(3) Golf course; country club subject to the requirements of article XXVI.

(c) *Uses permitted by conditional use permit:* The following uses may be granted a conditional use permit by the governing body provided by article XXV:

(1) Cemetery subject to the requirements of article XXVI.

(2) Public use facility.

(3) Vehicle surface parking lot in association with a principal use.

(4) Communication towers, telecommunication equipment and accessory facilities other than those provided for elsewhere in this chapter as exempt as set forth by definition; and subject to the requirements of article XXVI.

(5) Extraction, processing, storage, and sale of raw materials, including ore, minerals, sand, rock, stone, gravel, topsoil, fill dirt, and other materials delivered by quarry, mining, dredging, or stripping operations, subject to the requirements of article XXVI.

(6) Cultural facility.

(7) Private airport, heliport, and landing strip.

(8) Recreation field, court, track, or range in which the principal use is of an outdoor and unenclosed nature and which may include accessory and support facilities as an incidental and ancillary use. Permitted uses shall include the following activities:

a. Swimming.

b. Tennis.

c. Baseball and softball.

d. Batting cages.

e. Golf driving range.

f. Riding academy.

g. Survival games.

h. Court and field games.

i. Horse, dog, and vehicle racing.

Specifically not permitted under the provisions of this article are:

j. Archery ranges.

k. Gun target and practice shooting ranges.

l. Hunting preserves.

(9) Retail sales of a nature clearly incidental and subordinate to and customary in connection with, a principal use.

(10) Food service facility, in which food and beverage is offered or prepared for sale or for service with or without charge on the premises and clearly incidental and subordinate to a principal use.

(11) Private or public utility structures facilitating the transmission, distribution, and/or collection systems, including substations, distribution stations, pump stations, reservoirs, towers, transmission equipment buildings and similar such uses.

(12) Community center.

(13) Common open space.

(14) Bed and breakfast home subject to the requirements of article XXVI.

(15) Bed and breakfast inn subject to the requirements of article XXVI.

(16) Reception, conference and assembly facility subject to requirements of article XXVI.

(17) Demolition landfill subject to the requirements of article XXVI.

(18) Group residence limited, subject to article XXVI.

(19) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 4. That section 48-5.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Detached single-family dwelling building, for the purpose, use and occupancy of a family as defined herein. The dimensional requirement applicable to a residential-design manufactured home may be appealable to the metro board of zoning appeals.

(2) Group home.

(3) Public parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, and associated recreational and leisure facilities, including but not limited to shelters, pools, court games, maintenance structures and associated parking to the above uses.

(4) Private parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, common open space, and associated recreational and leisure facilities, including but not limited to, clubhouses, shelters, pools, court games, parking, and maintenance structures, for use by members and guests only, provided such facilities are developed in conjunction with, and intended to serve, a residential community and are located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(5) Subdivision maintenance facilities and/or U.S. Postal Service receptacle pods and shelter, developed in conjunction with, and intended to serve, a residential community and which is located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(6) Public or private elementary and secondary school.

(7) Residential care facility, type I.

(8) Medical care facility, type I.

(b) *Provisional uses:*

(1) Day care facility, type I, subject to the requirements of article XXVI.

(2) Religious assembly subject to the requirements of article XXVI.

(3) Golf course subject to the requirements of article XXVI.

(c) *Uses permitted by conditional use permit:* The following uses may be granted a conditional use permit by the governing body provided by article XXV:

(1) Public use facility.

(2) Vehicle surface parking lot in association with a principal use.

(3) Cultural facility.

(4) Community center.

(5) Common open space.

(6) Recreation field, court, tract, or range in which the principal use is of an outdoor and unenclosed nature and which may include accessory and support facilities as an incidental and ancillary use. Permitted uses shall include the following activities:

a. Swimming.

b. Tennis.

(7) Retail sales of a nature clearly incidental and subordinate to and customary in connection with, a principal use.

(8) Food service facility in which food and beverage is offered or prepared for sale or for service with or without charge on the premises and

clearly incidental and subordinate to a principal use.

(9) Private or public utility structures facilitating the transmission, distribution, and/or collection systems, including substations, distribution stations, pump stations, reservoirs, towers, transmission equipment, buildings and similar such uses.

(10) Bed and breakfast home subject to the requirements of article XXVI.

(11) Bed and breakfast inn subject to the requirements of article XXVI.

(12) Reception, conference and assembly facility subject to requirements of article XXVI.

(13) Communication towers, telecommunication equipment and accessory facilities other than those provided for elsewhere in this chapter as exempt as set forth by definition; and subject to the requirements of article XXVI.

(14) Group residence limited, subject to article XXVI.

(15) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 5. That section 48-6.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Detached single-family dwelling building, for the purpose, use and occupancy of a family as defined herein. The dimensional requirement applicable to a residential-design manufactured home may be appealable to the metro

board of zoning appeals.

(2) Group home.

(3) Public parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, and associated recreational and leisure facilities, including but not limited to shelters, pools, court games, maintenance structures and associated parking to the above uses.

(4) Private parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, common open space, and associated recreational and leisure facilities, including but not limited to clubhouses, shelters, pools, court games, parking, and maintenance structures, for use by members and guests only, provided such facilities are developed in conjunction with, and intended to serve, a residential community and are located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(5) Subdivision maintenance facilities and/or U.S. Postal Service receptacle pods and shelter, developed in conjunction with, and intended to serve, a residential community and which is located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(6) Public or private elementary and secondary school.

(7) Residential care facility, type I.

(8) Medical care facility, type I.

(b) *Provisional uses:*

(1) Day care facility, type I subject to the requirements of article XXVI.

(2) Religious assembly subject to the requirements of article XXVI.

(3) Golf course subject to the requirements of article XXVI.

(c) *Uses permitted by conditional use permit:* The following uses may be granted a conditional use permit by the governing body provided by article XXV:

(1) Public use facility.

(2) Vehicle surface parking lot in association with a principal use.

(3) Cultural facility.

(4) Recreation facility in which the principal use is of an outdoor and unenclosed nature and which may include accessory and support facilities as an incidental and ancillary use. Permitted uses shall include the following activities:

a. Swimming.

b. Tennis.

(5) Retail sales of a nature clearly incidental and subordinate to and customary in connection with, a principal use.

(6) Food service facility in which food and beverage is offered or prepared for sale or for service with or without charge on the premises and clearly incidental and subordinate to a principal use.

(7) Private or public utility structure facilitating the transmission, distribution, and/or collection systems, including substations, distribution stations, pump stations, reservoirs, towers, transmission equipment buildings and similar such uses.

(8) Community center.

(9) Common open space.

(10) Bed and breakfast home subject to the requirements of article XXVI.

(11) Bed and breakfast inn subject to the requirements of article XXVI.

(12) Reception, conference and assembly facility subject to requirements of article XXVI.

(13) Communication towers, telecommunication equipment and accessory facilities other than those provided for elsewhere in this chapter as exempt as set forth by definition; and subject to the requirements of article XXVI.

(14) Group residence limited, subject to article XXVI.

(15) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 6. That section 48-7.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Detached single-family dwelling district building, residential-design manufactured home, manufactured home, and/or ANSI certified mobile home, for the purpose, use and occupancy of a family as defined herein. The manufactured home shall meet the below-listed development requirement which may be appealable to the metro board of zoning appeals:

a. Have minimum dimensions of 14 body feet in width for the principal structure.

(2) Group home.

(3) Public parks, playgrounds, trails, paths, recreational areas, golf courses, scenic and historic sites, and associated recreational and leisure facilities, including but not limited to shelters, pools, court games, maintenance structures and associated parking to the above uses.

(4) Private parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, common open space, and associated recreational and leisure facilities, including but not limited to clubhouses, shelters, pools, court games, parking and maintenance structures, for use by members and guests only, provided such facilities are developed in conjunction with, and intended to serve, a residential community and are located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(5) Subdivision maintenance facilities and/or U.S. Postal Service receptacle pods and shelter, developed in conjunction with, and intended to serve, a residential community and which is located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(6) Public or private elementary and secondary school.

(7) Residential care facility, type I.

(8) Medical care facility, type I.

(b) *Provisional uses:*

(1) Day care facility, type I subject to the requirements of article XXVI.

(2) Religious assembly subject to the requirements of article XXVI.

(3) Golf course subject to the requirements of article XXVI.

(c) *Uses permitted by conditional use permit:* The following uses may be granted a conditional use permit by the governing body provided by article XXV:

(1) Public use facility.

(2) Vehicle surface parking lot in association with a principal use.

(3) Cultural facility.

(4) Recreation field, court, track, or range in which the principal use is of an outdoor and unenclosed nature and which may include accessory and support facilities as an incidental and ancillary use. Permitted uses shall include the following activities:

a. Swimming.

b. Tennis.

(5) Retail sales of a nature clearly incidental and subordinate to and customary in connection with, a principal use.

(6) Food service facility, in which food and beverage is offered or prepared for sale or for service with or without charge on the premises and clearly incidental and subordinate to a principal use.

(7) Private or public utility structures facilitating the transmission, distribution, and/or collection systems, including substations, distribution stations, pump stations, reservoirs, towers, transmission equipment buildings and similar such uses.

(8) Community center.

(9) Common open space.

(10) Bed and breakfast home subject to the requirements of article

XXVI.

(11) Bed and breakfast inn subject to the requirements of article XXVI.

(12) Reception, conference and assembly facility subject to requirements of article XXVI.

(13) Communication towers, telecommunication equipment and accessory facilities other than those provided for elsewhere in this chapter as exempt as set forth by definition; and subject to the requirements of article XXVI.

(14) Group residence limited, subject to article XXVI.

(15) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 7. That section 48-8.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Detached single-family dwelling building, for the purpose, use and occupancy of a family as defined herein. The dimensional requirement applicable to a residential-design manufactured home may be appealable to the metro board of zoning appeals.

(2) Two-family dwelling building.

(3) Public parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, and associated recreational and leisure facilities, including but not limited to shelters, pools, court games, maintenance structures and associated parking to the above uses.

(4) Private parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, common open space, and associated recreational and leisure facilities, including but not limited to, clubhouses, shelters, pools, court games, parking, and maintenance structures, for use by members and guests only, provided such facilities are developed in conjunction with, and intended to serve, a residential community and are located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(5) Subdivision maintenance facilities and/or U.S. Postal Service receptacle pods and shelter, developed in conjunction with, and intended to serve, a residential community and which is located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(6) Public or private elementary and secondary schools.

(7) Residential care facility, type I.

(8) Medical care facility, type I.

(9) Group home.

(b) *Provisional uses:*

(1) Day care facility, type I, subject to the requirements of article XXVI.

(2) Religious assembly subject to the requirements of article XXVI.

(3) Golf course subject to the requirements of article XXVI.

(4) Management and leasing offices and maintenance facility subject to the requirements of article XXVI.

(c) *Uses permitted by conditional use permit:* The following uses may be

granted a conditional use permit by the governing body provided by article XXV:

(1) Bed and breakfast home subject to the requirements of article XXVI.

(2) Bed and breakfast inn subject to the requirements of article XXVI.

(3) Common open space.

(4) Community center.

(5) Cultural facility.

(6) Food service facility including vending machines, in which food and drink is offered or prepared for sale or for service with or without charge on the premises and clearly incidental and subordinate to a principal use.

(7) Vehicle surface parking lot in association with a principal use.

(8) Private or public utility structures facilitating the transmission, distribution, and/or collection systems, including substations, distribution stations, pump stations, reservoirs, towers, transmission equipment buildings and similar such uses.

(9) Public use facility.

(10) Reception, conference and assembly facility subject to the requirements of article XXVI.

(11) Retail sales of a nature clearly incidental and subordinate to and customary in connection with, a principal use.

(12) Communication towers, telecommunication equipment and accessory facilities other than those provided for elsewhere in this chapter as exempt as set forth by definition; and subject to the requirements of article XXVI.

(13) Recreational field, court, track, or range in which the principal use is of an outdoor and unenclosed nature and which may include accessory and support facilities as an incidental and ancillary use. Permitted uses shall include the following activities:

a. Swimming.

b. Tennis.

(14) Group residence limited, subject to article XXVI.

(15) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 8. That section 48-8a.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Detached single-family dwelling building, for the purpose, use and occupancy of a family as defined herein. The dimensional requirement applicable to a residential-design manufactured home may be appealable to the metro board of zoning appeals.

(2) Two-family dwelling building.

(3) Three-family dwelling building.

(4) Four-family dwelling building.

(5) Public parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, and associated recreational and leisure facilities, including but not limited to shelters, pools, court games, maintenance

structures and associated parking to the above uses.

(6) Private parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, common open space, and associated recreational and leisure facilities, including but not limited to, clubhouses, shelters, pools, court games, parking, and maintenance structures, for use by members and guests only, provided such facilities are developed in conjunction with, and intended to serve, a residential community and are located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(7) Subdivision maintenance facilities and/or U.S. Postal Service receptacle pods and shelter, developed in conjunction with, and intended to serve, a residential community and which is located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(8) Public or private elementary and secondary schools.

(9) Residential care facility, type I.

(10) Medical care facility, type I.

(11) Group home.

(b) *Provisional uses:*

(1) Day care facility, type I, subject to the requirements of article XXVI.

(2) Religious assembly subject to the requirements of article XXVI.

(3) Golf course subject to the requirements of article XXVI.

(c) *Uses permitted by conditional use permit:* The following uses may be granted a conditional use permit by the governing body provided by article XXV:

(1) Bed and breakfast home subject to the requirements of article XXVI.

(2) Bed and breakfast inn subject to the requirements of article XXVI.

(3) Common open space.

(4) Community center.

(5) Cultural facility.

(6) Food service facility including vending machines, in which food and drink is offered or prepared for safe or for service with or without charge on the premises and clearly incidental and subordinate to a principal use.

(7) Vehicle surface parking lot in association with a principal use.

(8) Private or public utility structures facilitating the transmission, distribution, and/or collection systems, including substations, distribution stations, pump stations, reservoirs, towers, transmission equipment buildings and similar such uses.

(9) Public use facility.

(10) Reception, conference and assembly facility subject to the requirements of article XXVI.

(11) Retail sales of a nature clearly incidental and subordinate to and customary in connection with, a principal use.

(12) Communication towers, telecommunication equipment and accessory facilities other than those provided for elsewhere in this chapter as exempt as set forth by definition; and subject to the requirements of article XXVI.

(13) Recreational field, court, track, or range in which the principal use is

of an outdoor and unenclosed nature and which may include accessory and support facilities as an incidental and ancillary use. Permitted uses shall include the following activities:

a. Swimming.

b. Tennis.

(14) Group residence limited, subject to article XXVI.

(15) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 9. That section 48-9.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Detached single-family dwelling building, for the purpose, use and occupancy of a family as defined herein. The dimensional requirement applicable to a residential-design manufactured home may be appealable to the metro board of zoning appeals.

(2) Two-family dwelling building.

(3) Multiple-family dwelling building.

(4) Boarding and lodging house.

(5) Public parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, and associated recreational and leisure facilities, including but not limited to shelters, pools, court games, maintenance structures and associated parking to the above uses.

(6) Private parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, common open space, and associated recreational and leisure facilities, including but not limited to, clubhouses, shelters, pools, court games, parking, and maintenance structures, for use by members and guests only, provided such facilities are developed in conjunction with, and intended to serve, a recreational community and are located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(7) Subdivision maintenance facilities and/or U.S. Postal Service receptacle pods and shelter, developed in conjunction with, and intended to serve, a residential community and which is located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(8) Public or private elementary and secondary schools.

(9) Residential care facility, type II.

(10) Medical care facility, type I.

(11) Group home.

(12) Sorority or fraternity house.

(13) Group residence limited, subject to article XXVI.

(b) *Provisional uses:*

(1) Bed and breakfast home subject to the requirements of article XXVI.

(2) Bed and breakfast inn subject to the requirements of article XXVI.

(3) Day care facility, type I subject to the requirements of article XXVI.

(4) Day care facility, type II subject to the requirements of article XXVI.

(5) Religious assembly subject to the requirements of article XXVI.

(6) Golf course subject to the requirements of article XXVI.

(7) Vehicle surface parking lot in association with a principal use subject to the requirements of article XXVI.

(c) *Uses permitted by conditional use permit:* The following uses may be granted a conditional use permit by the governing body provided by article XXV:

(1) Community center.

(2) Cultural facility.

(3) Food service facility in which food and beverage is offered or prepared for sale or for service with or without charge on the premises and clearly incidental and subordinate to a principal use.

(4) Vehicle surface parking lot in association with a principal use.

(5) Private or public utility structures facilitating the transmission, distribution, and/or collection systems, including substations, distribution stations, pump stations, reservoirs, towers, transmissions equipment buildings and similar such uses.

(6) Public use facility.

(7) Reception, conference and assembly facility subject to the requirements of article XXVI.

(8) Recreation facility in which the principal use is of an outdoor and unenclosed nature and which may include accessory and support facilities as an incidental and ancillary use. Permitted uses shall include the following activities

and similar activities of like intensity:

a. Swimming.

b. Tennis.

(9) Residential care facility, type III.

(10) Medical care facility, type II.

(11) Retail sales of a nature clearly incidental and subordinate to and customary in connection with, a principal use.

(12) Bed and breakfast inn.

(13) Communication towers, telecommunication equipment and accessory facilities other than those provided for elsewhere in this chapter as exempt as set forth by definition; and subject to the requirements of article XXVI.

(14) Common open space.

(15) Correctional placement residence or facility limited, subject to the requirements of article XXVI.

(16) Group residence general, subject to the requirements of article XXVI.

(17) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 10. That section 48-10.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Detached single-family dwelling building, for the purpose, use and

occupancy of a family as defined herein. The dimensional requirement applicable to a residential-design manufactured home may be appealable to the metro board of zoning appeals.

(2) Two-family dwelling building.

(3) Multiple-family dwelling building.

(4) Boarding and lodging house.

(5) Public parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, and associated recreational and leisure facilities, including but not limited to shelters, pools, court games, parking, and maintenance structures.

(6) Private parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, common open space, and associated recreational and leisure facilities, including but not limited to, clubhouses, shelters, pools, court games, parking, and maintenance structures, for use by members and guests only, provided such facilities are developed in conjunction with, and intended to serve, a residential community and are located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(7) Subdivision maintenance facilities and/or U.S. Postal Service receptacle pods and shelter, developed in conjunction with, and intended to serve, a residential community and which is located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(8) Public or private elementary and secondary schools.

(9) Residential care facility, type III.

(10) Medical care facility, type I.

(11) Group home.

(12) Sorority or fraternity house.

(13) Group residence limited, subject to article XXVI.

(b) *Provisional uses:*

(1) Bed and breakfast home subject to the requirements of article XXVI.

(2) Bed and breakfast inn subject to the requirements of article XXVI.

(3) Day care facility, type I, subject to the requirements of article XXVI.

(4) Day care facility, type II, subject to the requirements of article XXVI.

(5) Religious assembly subject to the requirements of article XXVI.

(6) Golf course subject to the requirements of article XXVI.

(7) Vehicle surface parking lot in association with a principal use subject to the requirements of article XXVI.

(c) *Uses permitted by conditional use permit:* The following uses may be granted a conditional use permit by the governing body provided by article XXV:

(1) Apartment hotel.

(2) Bed and breakfast inn.

(3) Community center.

(4) Cultural facility.

(5) Medical care facility, type II.

(6) Food service facility in which food and beverage is offered or

prepared for sale or for service with or without charge on the premises and clearly incidental and subordinate to a principal use.

(7) Vehicle surface parking lot and/or multilevel parking structure as specified by the application in association with a principal use.

(8) Private or public utility structures facilitating the transmission, distribution, and/or collection systems, including substations, distribution stations, pump stations, reservoirs, towers, transmission equipment buildings and similar such uses.

(9) Public use facility.

(10) Reception, conference and assembly facility subject to the requirements of article XXVI.

(11) Recreation facility in which the principal use is of an outdoor and unenclosed nature and which may include accessory and support facilities as an incidental and ancillary use. Permitted uses shall include the following activities and similar activities of like intensity:

a. Swimming.

b. Tennis.

(12) Community living facility, type I.

(13) Retail sales of a nature clearly incidental and subordinate to and customary in connection with, a principal use.

(14) Communication towers, telecommunication equipment and accessory facilities other than those provided for elsewhere in this chapter as exempt as set forth by definition; and subject to the requirements of article XXVI.

(15) Common open space.

(16) Correctional placement residence or facility general, subject to the requirements of article XXVI.

(17) Correctional placement residence or facility limited, subject to the requirements of article XXVI.

(18) Group residence general.

(19) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 11. That section 48-11.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Apartment hotel.

(2) Multiple-family dwelling building.

(3) Boarding and lodging house.

(4) Public parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, and associated recreational and leisure facilities, including but not limited to shelters, pools, court games, maintenance structures and associated parking to the above uses.

(5) Private parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, common open space, and associated recreational and leisure facilities, including but not limited to clubhouses, shelters, pools, court games, parking, and maintenance structures, for use by

members and guests only, provided such facilities are developed in conjunction with, and intended to serve, a residential community and are located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(6) Subdivision maintenance facilities and/or U.S. Postal Service receptacle pods and shelter, developed in conjunction with, and intended to serve, a residential community and which is located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(7) Public or private elementary and secondary schools.

(8) Residential care facility, type III.

(9) Medical care facility, type I.

(10) Accessory uses in conjunction with a multiple-family building containing a minimum of fifty (50) dwelling units or a minimum of fifty (50) permanent residential occupants:

a. Barbershop.

b. Beauty shop.

c. Laundry--dry cleaning pick-up station.

d. Travel-tour agency.

e. Restaurant.

f. Gift shop.

g. Such accessory uses shall comply with the following:

1. Limited to the ground floor.

2. No separate outside entrances.

3. No external advertising of any type.

4.Established for the primary convenience of the occupants therein.

(11) Sorority or fraternity house.

(12) Group residence general, subject to the requirements of article XXVI.

(13) Group residence limited, subject to the requirements of article XXVI.

(b) *Provisional uses:*

(1) Bed and breakfast home subject to the requirements of article XXVI.

(2) Bed and breakfast inn subject to the requirements of article XXVI.

(3) Day care facility, type I, subject to the requirements of article XXVI.

(4) Day care facility, type II, subject to the requirements of article XXVI.

(5) Religious assembly subject to the requirements of article XXVI.

(6) Golf course subject to the requirements of article XXVI.

(7) Vehicle surface parking lot in association with a principal use subject to the requirements of article XXVI.

(c) *Uses permitted by conditional use permit:* The following uses may be granted a conditional use permit by the governing body provided by article XXV:

(1) Bed and breakfast inn.

(2) Community center.

(3) Cultural facility.

(4) Medical care facility, type II.

(5) Food service facility in which food and beverage is offered or prepared for sale or for service with or without charge on the premises and clearly incidental and subordinate to a principal use.

(6) Vehicle surface parking lot and/or multilevel parking structure as specified in the application in association with a principal use.

(7) Private or public utility structures facilitating the transmission, distribution, and/or collection systems, including substations, distribution stations, pump stations, reservoirs, towers, transmission equipment buildings and similar such uses.

(8) Public use facility.

(9) Reception, conference and assembly facility subject to the requirements of article XXVI.

(10) Recreation field, court, track, or range in which the principal use is of an outdoor and unenclosed nature and which may include accessory and support facilities as an incidental and ancillary use. Permitted uses shall include the following activities and similar activities of like intensity:

a. Swimming.

b. Tennis.

(11) Retail sales of a nature clearly incidental and subordinate to and customary in connection with, a principal use.

(12) Community living facility, type I.

(13) Communication towers, telecommunication equipment and accessory facilities other than those provided for elsewhere in this chapter as

exempt as set forth by definition; and subject to the requirements of article XXVI.

(14) Common open space.

(15) Correctional placement residence or facility general, subject to the requirements of article XXVI.

(16) Correctional placement residence or facility limited, subject to the requirements of article XXVI.

(17) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 12. That section 48-12.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Offices for conducting affairs of business, profession, service, industry or government, including financial institutions and human health care clinics which may contain a pharmacy.

(2) Cultural facility.

(3) Radio and television broadcasting studio; recording studio.

(4) Public or private elementary and secondary school.

(5) Public parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, and associated recreational and leisure facilities, including but not limited to shelters, pools, court games, maintenance structures and associated parking to the above uses.

(6) Funeral home or mortuary including the indoor display and sale of

products associated with the ceremonies, burial or cremation of the deceased.

(b) *Provisional uses:*

(1) Religious assembly subject to the requirements of article XXVI.

(2) Dwelling units located above the ground floor.

(3) Day care facility, type II subject to the requirements of article XXVI.

(4) Vehicle surface parking lot in association with a principal use subject to the requirements of article XXVI.

(c) *Uses permitted by conditional use permit:* The following uses may be granted a conditional use permit by the governing body provided by article XXV:

(1) Bed and breakfast inn.

(2) Portrait or artist studio subject to the requirements of article XXVI.

(3) Public use facility.

(4) Small animal hospital or veterinary clinic for small domestic animals subject to the requirements of article XXVI.

(5) Retail sales of a nature clearly incidental and subordinate to and customary in connection with, a principal use.

(6) Food service facility in which food and beverage is offered or prepared for sale or for service with or without charge on the premises and clearly incidental and subordinate to a principal use.

(7) Private or public utility structures facilitating the transmission, distribution, and/or collection systems, including substations, distribution stations, pump stations, reservoirs, towers, transmission equipment buildings and similar such uses.

(8) Community center.

(9) Reception, conference and assembly facility subject to requirements of article XXVI.

(10) Vehicle surface parking lot in association with a principal use.

(11) Medical care facility, type II.

(12) Communication towers, telecommunication equipment and accessory facilities other than those provided for elsewhere in this chapter as exempt as set forth by definition; and subject to the requirements of article XXVI.

(13) Group residence limited, subject to the requirements of article XXVI.

(14) Correctional placement residence or facility limited, subject to the requirements of article XXVI.

(15) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 13. That section 48-13.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Offices for conducting affairs of business, profession, service, industry or government, including financial institutions and human health care clinics which may contain a pharmacy.

(2) Cultural facility.

(3) Funeral home or mortuary including the display and sale of

products associated with the ceremonies, burial or cremation of the deceased.

(4) Radio and television broadcasting studio; recording studio.

(5) Public and private elementary and secondary school.

(6) Public parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, and associated recreational and leisure facilities, including but not limited to shelters, pools, court games, maintenance structures and associated parking to the above uses.

(7) Community living facility, type I.

(8) Business or vocational school; technical college; training academy; dance studio.

(9) Private membership association, club, lodge or fraternal organization and eligible as a class B private club subject to applicable licensing requirements.

(10) Medical care facility, type II.

(11) Crisis center, type I.

(b) *Provisional uses:*

(1) Religious assembly subject to the requirements of article XXVI.

(2) Dwelling unit other than medical care and community living facilities located above the ground floor.

(3) Portrait or artist studio subject to the requirements of article XXVI.

(4) Small animal hospital or veterinary clinic for small domestic animals subject to the requirements of article XXVI.

(5) Day care facility, type II subject to the requirements of article XXVI.

(6) Vehicle surface parking lot in association with a principal use subject to the requirements of article XXVI.

(c) *Uses permitted by conditional use permit:* The following uses may be granted a conditional use permit by the governing body provided by article XXV:

(1) Bed and breakfast inn.

(2) Hospital.

(3) Public use facility.

(4) Crematorium.

(5) Heliport.

(6) Commercial radio, television, broadcasting and/or receiving towers.

(7) Retail sales of a nature clearly incidental and subordinate to and customary in connection with, a principal use.

(8) Food service facility in which food and beverage is offered or prepared for sale or for service with or without charge on the premises and clearly incidental and subordinate to a principal use.

(9) Private or public utility structures facilitating the transmission, distribution, and/or collection systems, including substations, distribution stations, pump stations, reservoirs, towers, transmission equipment buildings and similar such uses.

(10) Community center.

(11) Reception, conference and assembly facility subject to requirements of article XXVI.

(12) Vehicle surface parking lot and/or multilevel parking structure as

specified in the application in association with a principal use.

(13) Community living facility, type II.

(14) Communication towers, telecommunication equipment and accessory facilities other than those provided for elsewhere in this chapter as exempt as set forth by definition; and subject to the requirements of article XXVI.

(15) Correctional placement residence or facility limited, subject to the requirements of article XXVI.

(16) Correctional placement residence or facility general.

(17) Group residence general, subject to the requirements of article XXVI.

(18) Group residence limited, subject to the requirements of article XXVI.

(19) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 14. That section 48-14.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Business or vocational school; technical college; training academy, dance studio.

(2) Community center.

(3) Cultural facility.

(4) Community living facility, type I.

(5) Community living facility, type II.

(6) Funeral home or mortuary including the display and sale of products associated with the ceremonies, burial or cremation of the deceased; and crematorium.

(7) Hospital which may contain a food service facility in which food and beverage is offered or prepared for sale or for service with or without charge on the premises, and retail sales, all of which are clearly incidental and subordinate to and customary in connection with the principal use.

(8) Medical care facility, type II.

(9) Offices for conducting affairs of business, profession, service, industry or government, including financial institutions and human health care clinics which may contain a pharmacy.

(10) Portrait or artist studio.

(11) Printing plant.

(12) Private membership association, club, lodge or fraternal organization and eligible as a class B private club subject to applicable licensing requirement.

(13) Public or private elementary and secondary school.

(14) Public parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, and associated recreational and leisure facilities, including but not limited to shelters, pools, court games, maintenance structures and associated parking to the above uses.

(15) Radio and television broadcasting studio; recording studio.

(16) Reception, conference and assembly facility.

(17) Research laboratory.

(18) Crisis center, type I.

(b) *Provisional uses:*

(1) Day care facility, type II subject to the requirements of article XXVI.

(2) Small animal hospital or veterinary clinic for small domestic animals subject to requirements of article XXVI.

(3) Religious assembly subject to the requirements of article XXVI.

(4) Dwelling units other than medical care and community living facilities, located above the ground floor.

(5) Vehicle surface parking lot in association with a principal use subject to the requirements of article XXVI.

(c) *Uses permitted by conditional use permit:* The following uses may be granted a conditional use permit by the governing body provided by article XXV:

(1) Bed and breakfast inn.

(2) Commercial radio, television, broadcasting and/or receiving towers.

(3) Food service facility in which food and beverage is offered or prepared for sale or for service with or without charge on the premises and clearly incidental and subordinate to a principal use.

(4) Heliport.

(5) Private or public utility structures facilitating the transmission, distribution, and/or collection systems, including substations, distribution stations, pump stations, reservoirs, towers, transmission equipment buildings and similar

such uses.

(6) Public use facility.

(7) Restaurant.

(8) Retail sales of a nature clearly incidental and subordinate to and customary in connection with, a principal use.

(9) Communication towers, telecommunication equipment and accessory facilities other than those provided for elsewhere in this chapter as exempt as set forth by definition; and subject to the requirements of article XXVI.

(10) Vehicle surface parking lot and/or multilevel parking structure as specified by the application.

(11) Correctional placement residence or facility limited, subject to the requirements of article XXVI.

(12) Correctional placement residence or facility general, subject to the requirements of article XXVI.

(13) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 15. That section 48-15.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses when conforming to the provisions of section 48-15.03 relating to limitations and conditions:*

(1) Antique shop.

(2) Bed and breakfast inn.

(3) Book, magazine, tobacco, card and stationery shop.

(4) Candy shop.

(5) Camera and film shop; photography and artist studio; frame shop.

(6) Delicatessen.

(7) Floral shop.

(8) Gift shop.

(9) Grocery, meat, dairy product and bakery sales.

(10) Hardware shop.

(11) Hobby, toy and game shop.

(12) Home decorating shop.

(13) Liquor sales, packaged goods.

(14) Lock and key shop.

(15) Offices for business, professional, and government services.

(16) Patio/garden shop.

(17) Personal and health care services including: beauty, cosmetic and barber shops; self-service laundromats; dry cleaning and laundry receiving stations with processing done elsewhere; tailor and shoe repair shops.

(18) Pharmacy and drugstore.

(19) Pet grooming studios, including accessory product sales only when clearly incidental and subordinate to the care and grooming of pets and further when no more than 20 percent of the total floor area of any establishment shall be used for any product sales and no boarding or kennel facilities may be provided.

(20) Public and private elementary and secondary school.

(21) Religious assembly.

(22) Restaurant with maximum seating capacity of 50 persons.

(23) Sewing, needlework and piece good shop.

(24) Sporting goods shop.

(25) Travel agency.

(26) Variety shop.

(27) Video/audio sales and/or rental.

(28) Wearing apparel and accessory shops, including jewelry and shoe sales.

(b) *Provisional uses:*

(1) Dwellings units other than medical care and community living facilities, located above the ground floor.

(c) *Uses permitted by conditional use permit:* The following uses may be granted a conditional use permit by the governing body provided by article XXV:

(1) Automotive service station, type I, subject to the requirements of article XXVI.

(2) Day care facility, type II subject to the requirements of article XXVI.

(3) Vehicle surface parking lot and/or multilevel parking structure as specified by the application in association with a principal use.

(4) Private or public utility structures facilitating the transmission, distribution, and/or collection systems, including substations, distribution stations, pump stations, reservoirs, towers, transmission equipment buildings and similar

such uses.

(5) Communication towers, telecommunication equipment and accessory facilities other than those provided for elsewhere in this chapter as exempt as set forth by definition; and subject to the requirements of article XXVI.

(6) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 16. That section 48-16.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Permitted uses in the "O&I-3" and "C-1" districts; and store, shop, or facility for the conduct of a retail business or service similar in use and nature to the types of activities provided for in less restricted districts.

(2) Art and school supply stores.

(3) Automobile accessory stores.

(4) Bicycle sales and service.

(5) Blueprinting and photocopying services.

(6) Business machine sales and service.

(7) Catering establishments.

(8) China, ceramic, and glassware stores.

(9) Commercial, indoor recreational facilities which are used primarily for physical exercise, recreation and/or health maintenance including fitness centers, spas, suntanning salons, swimming pools, gymnasiums, game courts,

locker and training rooms.

(10) Community centers.

(11) Crisis center.

(12) Department stores.

(13) Electronic and telecommunications equipment, sales and service.

(14) Furniture, household appliance, and home entertainment stores.

(15) Furrier shops, including the incidental storage and conditioning of finished furs.

(16) Hobby and craft shops.

(17) Hotel, motel and apartment hotel.

(18) Home decorating and interior improvement stores, including paint, wallpaper, carpet, window dressing, fabrics and glass, sales; and further, including upholstering and making of draperies, slipcovers, and other similar articles, when conducted as part of the retail operations and secondary to the principal use.

(19) Leather goods and luggage stores.

(20) Mail order, catalog facility.

(21) Motor bicycle or motor scooter sales and service.

(22) Musical instruments, supplies and equipment store.

(23) Office supply and equipment store.

(24) Orthopedic, medical appliance, and prosthesis stores, optician and the sale of eyeglasses; hearing aid evaluations, fitting and sales.

(25) Pet grooming studios.

(26) Pet shops.

(27) Photo finishing lab.

(28) Post office and postal substations.

(29) Private class "A" and "B" clubs as licensed by the state alcohol beverage control board.

(30) Repair and servicing of any article the sale of which is a permitted use in the district.

(31) Restaurants.

(32) Theater; nonadult.

(33) Grave monument and marker sales/display; provided that there is no engraving, stone cutting, or assembly in conjunction therewith.

(b) *Provisional uses:*

(1) Automobile rental establishments subject to the requirements of article XXVI.

(2) Automobile service stations, type[s] I and II subject to the requirements of article XXVI.

(3) Automotive or vehicle carwash facility subject to the requirements of article XXVI.

(4) Day care facility, type II.

(5) Small animal hospital or veterinary clinic for small domestic animals subject to the requirements of article XXVI.

(6) Dwelling units other than medical care and community living facilities located above the ground floor.

(7) Vehicle surface parking lot in association with a principal use subject to the requirements of article XXVI.

(c) *Uses permitted by conditional use permit:* The following uses may be granted a conditional use permit by the governing body provided by article XXV:

(1) Amusement indoor establishments, including dance, pool, and billiard halls; archery ranges, shooting galleries, pinball, electronic and video games arcade; taverns and similar establishments licensed by the city to sell and dispense cereal malt beverages for drink on premises.

(2) Automotive service station, type III, subject to the requirements of article XXVI.

(3) Commercial recreational facilities which are used primarily for physical exercise, recreation, and/or health maintenance including fitness centers, spas, suntanning salons, skating rinks, swimming pools, gymnasiums, game courts, golf courses, golf driving ranges, pitch and putt, miniature golf courses and similar activities, including locker and training areas.

(4) Public use facility.

(5) Private or public utility structures facilitating the transmission, distribution and/or collection systems, including substations, distribution stations, pump stations, reservoirs, towers, transmission equipment buildings and similar such uses.

(6) Communication towers, telecommunication equipment and accessory facilities other than those provided for elsewhere in this chapter as exempt as set forth by definition; and subject to the requirements of article XXVI.

(7) Vehicle surface parking lot and/or multilevel parking structure as specified by the application, in association with a principal use.

(8) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 17. That section 48-17.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Permitted uses in the "C-2" commercial district; and store, shop, or facility for the conduct of a retail business or service similar in use and nature to the types of uses listed herein and specifically excepting those types of activities provided for in less restricted districts.

(2) Commercial recreational facilities which are used primarily for physical exercise, recreation, and/or health maintenance including fitness centers, spas, suntanning salons, skating rinks, swimming pools, gymnasiums, game courts, golf courses, golf driving ranges, pitch and putt, miniature golf courses and similar activities, including locker and training areas.

(3) Home improvement and building supply centers except as provided elsewhere within this district, all product display, inventory, processing, and servicing shall be within completely enclosed buildings.

(4) Motor vehicle sales area and service facility in conjunction thereto, including the sale or lease of new or used automobiles and light trucks with a gross vehicle weight of twelve thousand (12,000) pounds or less. Not permitted

within this district are sale areas and service facilities relating to recreational vehicles, trucks with a gross vehicle weight greater than twelve thousand (12,000) pounds, agricultural and heavy equipment vehicles, and watercraft.

(5) Billboards and panel posters not exceeding three hundred (300) square feet per single face area and which do not exceed a height of fifty-five (55) feet above grade.

(6) Recreational vehicle short-term campgrounds.

(7) Vehicle surface parking lot and/or multilevel parking structure.

(b) *Provisional uses:*

(1) Automotive service stations, type[s] I and II subject to the requirements of article XXVI.

(2) Automotive or vehicle carwash facility subject to the requirements of article XXVI.

(3) Small animal hospital or veterinary clinic for small domestic animals subject to the requirements of article XXVI.

(4) Dwelling unit other than medical care and community living facilities, located above the ground floor.

(5) Day care facility, type II, subject to the provisions of article XXVI.

(c) *Uses permitted by conditional use permit:* The following uses may be granted a conditional use permit by the governing body provided by article XXV:

(1) Amusement indoor establishments, including dance, pool, and billiard halls; archery ranges, shooting galleries, pinball, electronic and video games arcade; taverns and similar establishments licensed by the city to sell and

dispense cereal malt beverages for drink on premises.

(2) Automotive service station, type III, subject to the requirements of article XXVI.

(3) Public use facility.

(4) Private or public utility structures facilitating the transmission, distribution and/or collection systems, including substations, distribution stations, pump stations, reservoirs, towers, transmission equipment buildings and similar such uses.

(5) Communication towers, telecommunication equipment and accessory facilities other than those provided for elsewhere in this chapter as exempt as set forth by definition; and subject to the requirements of article XXVI.

(6) Correctional placement residence or facility general, subject to the requirements of article XXVI.

(7) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 18. That section 48-18.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Permitted uses in the "C-3" commercial district; and store, shop or facility for the conduct of a retail business or service similar in use and nature to the types of uses listed herein and specifically excepting those types of activities provided for in less restricted districts.

(2) Agricultural machinery and equipment sales area and service facility.

(3) Amusement indoor establishments, including dance, pool, and billiard halls; archery ranges, shooting galleries, pinball, electronic and video games arcade; taverns and similar establishments licensed by the city to sell and dispense cereal malt beverages for drink on premises.

(4) Animal hospitals, either large or small, veterinary clinics and enclosed kennels.

(5) Auction house.

(6) Automotive service station type[s] I, II and III.

(7) Bakery, commercial which may include wholesale distribution facilities.

(8) Boat and boating equipment sales area and service; bait shop.

(9) Building, construction, and mechanical contractor office, showroom, shop and sales area, including plumbing, heating and air conditioning, electrical, mechanical and sheet metal work, provided that on the premises there is no unenclosed storage of material, machinery, vehicles, or equipment; and no storage of any vehicle, machinery, or equipment with a net weight exceeding three (3) tons.

(10) Commercial and industrial products, photography studios, portrait photographing being clearly accessory to the photographing of products.

(11) Commercial laundry, dry cleaning and dyeing facility.

(12) Flea market and swap meet.

(13) Grave monuments and marker sales area, display and engraving.

(14) Home improvement and building supply/material establishments, including sales and display areas, storage and yards. Outdoor display and storage yards shall be paved, hard surface and dust-free.

(15) Lawn/garden centers including the display and sales of landscape materials, lawn and garden equipment, and supplies; and holiday/seasonal ornamentations and decorating sales and service. Outdoor storage and supply yards shall be paved, hard surface and dust-free.

(16) Manufactured housing and accessory structure sales and display area.

(17) Motor vehicle sales area and service facility, including the sale or lease of new or used automobiles, trucks, recreational vehicles, agricultural and heavy equipment.

(18) Newspaper and magazine distribution agencies.

(19) Publishing establishments.

(20) Rental establishments for domestic and general equipment, lease area and display. Outdoor display, storage, loading and parking areas shall be paved; hard surface, and dust free.

(21) Repair, restoration of vehicles, machinery and equipment.

(22) Taxidermists.

(23) Theater; non-adult drive-in.

(24) Vehicle repair, restoration and towing service, not including automotive wrecking or long-term disabled vehicle outdoor storage.

(b) *Provisional uses:*

(1) Dwelling unit other than medical care and community living facilities located above the ground floor.

(2) Theater; adult motion picture, subject to the requirements of article XXVI.

(3) Communication towers, telecommunication equipment and accessory facilities other than those provided for elsewhere in this chapter as exempt as set forth by definition; and subject to the requirements of article XXVI.

(4) Automotive or vehicle car wash facility subject to the requirements of article XXVI.

(5) Day care facility, type II, subject to the provisions of article XXVI.

(c) *Uses permitted by conditional use permit:* The following uses may be granted a conditional use permit provided by article XXV:

(1) Amusement parks, including: permanent carnival, kiddie parks and similar outdoor amusement facilities.

(2) Commercial radio, TV, broadcasting or receiving towers.

(3) Fairgrounds.

(4) Public use facility.

(5) Private or public utility structures facilitating the transmission, distribution, and/or collection systems, including substations, distribution stations, pump stations, reservoirs, towers, transmission equipment buildings and similar such uses.

(6) Race track.

(7) Sports stadiums and arenas.

(8) Relocation, remodeling or rebuilding of legal non-conforming billboards presently located within the "C-4" Commercial District subject to the requirements of article XXVI.

(9) Correctional placement residence or facility general, subject to the requirements of article XXVI.

(10) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 19. That section 19.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Permitted uses in the "C-3" commercial district.

(2) Parking lot and/or multistory garage.

(3) Television, radio and microwave transmission towers; telecommunication equipment; and accessory facilities other than those provided for elsewhere in this chapter as accessory to a permitted use or exempt as set forth by definition.

(4) Auction house.

(5) Commercial and industrial products, photography studios, portrait photography being clearly accessory to the photography of products.

(6) Newspaper and magazine distribution agencies.

(7) Publishing establishments.

(8) Billboards and panel posters not exceeding 300 square feet per single face area and which do not exceed a height of 55 feet above grade.

(9) Commercial laundry, dry cleaning and dyeing facility.

(10) Building, construction, and mechanical contractor office, showroom, shop and sales area, including plumbing, heating and air conditioning, electrical, mechanical and sheet metal work, provided that on the premises there is no unenclosed storage of material, machinery, vehicles, or equipment; and no storage of any vehicle, machinery, or equipment with a net weight exceeding three tons.

(11) Bus terminal or station.

(b) *Provisional uses:*

(1) Automotive service stations, type[s] I and II subject to the requirements of article XXVI.

(2) Automotive or vehicle carwash facility subject to the requirements of article XXVI.

(3) Small animal hospital and veterinary clinic for small domestic animals subject to the requirements of article XXVI.

(4) Dwelling unit other than medical care and community living facilities, located above or below the ground floor.

(5) Restaurants and establishments of the "drive-in" and/or "carry-out" type, except theaters, offering goods or services directly to customers in motor vehicles shall be permitted subject to the requirements of article XXVI.

(6) Communication towers, telecommunication equipment and

accessory facilities other than those provided for elsewhere in this chapter as exempt as set forth by definition; and subject to the requirements of article XXVI.

(7) Day care facility, type II, subject to the provisions of article XXVI.

(8) Dwelling units on any floor where the structure was originally built for use as dwelling units and dwelling units in hospitals and hotels converted for residential occupancy.

(c) *Uses permitted by conditional use permit:* The following uses may be granted a conditional use permit by the governing body provided by article XXV:

(1) Amusement indoor establishments, including dance, pool, and billiard halls; archery ranges, shooting galleries, pinball, electronic and video games arcade; taverns and similar establishments licensed by the city to sell and dispense cereal malt beverages for drink on premises.

(2) Automotive service station, type III, subject to the requirements of article XXVI.

(3) Public use facility.

(4) Private or public utility structures facilitating the transmission, distribution and/or collection systems, including substations, distribution stations, pump stations, reservoirs, towers, transmission equipment buildings and similar such uses.

(5) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 20. That section 48-20.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Permitted uses in the "C-4" commercial district, except residential dwellings. The only residential dwellings permitted in this district are for onsite caretakers or watchmen or correctional placement residence or facility limited or general only shall be permitted.

(2) Bottling works.

(3) Building materials sales and storage.

(4) Construction equipment storage.

(5) Dairy products processing.

(6) Demolition landfill.

(7) Express and shipment facilities.

(8) Laboratories--research and testing.

(9) Manufacturers' supply and wholesale trade establishments.

(10) Manufacture, processing storage and/or warehousing of any product, equipment, or material~~;~~, except any activities involving the following:

a. Acetylene, gas manufacture or storage.

b. Acid; alcohol; ammonia, bleaching powder, chlorine, cement, lime, gypsum, plaster of Paris, disinfectant, dyestuff, glue, fertilizer, size, gelatin, oilcloth, linoleum, oiled rubber goods, paint, oil, shellac, turpentine, varnish, paper, pulp, shoe polish, soap (other than liquid), tallow grease, lard, refining of animal fat, tar distillation, tar roofing, waterproofing products, vinegar and yeast manufacture.

c. Arsenal; high explosives (other than armory).

d. Asphalt; cement or other paving materials manufacture or central mixing plant.

e. Vehicular wrecking or dismantling for salvage purposes.

f. Blast furnace, coke oven, boiler works, forge plant, ore reduction, smelting of tin, copper, zinc or iron ores, iron, steel, brass or copper foundry or fabrication plant.

g. Brick, tile, pottery or terracotta manufacture (other than the manufacture of handcraft products only).

h. Creosote manufacture or treatment.

i. Distillation of bones, coal or wood.

j. Explosives or fireworks manufacture or storage.

k. Fat rendering.

l. Garbage, offal or dead animals reduction or disposal.

m. Junk, iron or rags or paper storage or bailing except as provided elsewhere in these regulations.

n. Petroleum or its products, refining or wholesale storage.

o. Planing mills; rock crusher; rolling mill.

p. Rubber or gutta-percha manufacture or treatment.

q. Stockyard or slaughter of animals or fowls.

r. Stone mill.

s. Tanning, curing or storage of raw hides or skins.

t. Wool pulling or scouring.

u. And in general, those uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas or noise.

(11) Railroad facilities.

(12) Private or public utility structures facilitating the transmission, distribution, and/or collection systems, including substations, distribution stations, pump stations, reservoirs, towers, transmission equipment buildings and similar such uses.

(13) Warehousing, storage, and distribution facilities, including wholesaling.

(14) Welding, tinsmithing and machine shop.

(15) Television, radio, and microwave transmission towers; telecommunication equipment; and accessory facilities other than those provided for elsewhere in this chapter as accessory to a permitted use or exempt as set forth by definition.

(16) Billboards and panel posters not exceeding six hundred seventy-two (672) square feet per single face area. Billboards and panel posters which exceed three hundred (300) square feet shall not exceed a height of thirty-five (35) feet above grade.

(b) *Provisional uses:*

(1) Theater; adult motion picture subject to the requirements of article XXVI.

(2) Recycling depot subject to the requirements of article XXVI.

(3) Communication towers, telecommunication equipment and

accessory facilities other than those provided for elsewhere in this chapter as exempt as set forth by definition; and subject to the requirements of article XXVI.

(c) *Uses permitted by conditional use permit:* The following uses may be granted a conditional use permit by the governing body as provided by article XXV:

(1) Airport and landing field.

(2) Amusement parks, including: permanent carnivals, kiddie parks and similar outdoor amusement facilities.

(3) Commercial radio, TV, broadcasting or receiving towers.

(4) Fairgrounds.

(5) Public use facility.

(6) Racetrack.

(7) Sports stadiums and arenas.

(8) Day care facility, type II, subject to the provisions of article XXVI.

(9) Correctional placement residence or facility general, subject to the requirements of article XXVI.

(10) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 21. That section 48-21.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Permitted uses in the "I-1" light industrial district and any other lawful use not in conflict with any other applicable resolution or ordinance, except

those provisional or conditional uses set forth by this article. Residential dwellings are not permitted in this district except for onsite caretakers or watchman or correctional placement residence or facility limited or general.

(b) *Provisional uses:*

(1) Theater; adult motion picture subject to the requirements of article XXVI.

(2) The following uses are subject to the approval by the governing body with respect to the location and applicable safety provisions and compatibility with adjacent properties, following a report by the applicable fire department and health agency. The governing body may establish reasonable restrictions or conditions upon such use or facility as may be deemed appropriate:

a. Acid manufacture.

b. Cement, lime, gypsum or plaster of Paris manufacture.

c. Distillation of bones.

d. Explosives manufacture or storage.

e. Fat rendering.

f. Fertilizer manufacture.

g. Gas manufacture.

h. Petroleum or its products, refining of.

i. Smelting of tin, copper, zinc or iron ores.

j. Stockyards or slaughter of animals.

k. Wholesale storage of gasoline.

l. Ammonia, bleaching powder or chlorine manufacture.

m. Arsenal; storage of explosives.

n. Central mixing plant for asphalt, cement, mortar, plaster or paving material.

o. Pyroxylin manufacture, use or storage.

p. Pickling works.

q. Dehydrating plants.

r. Soybean processing plants.

s. Junk, iron or rags or paper storage or bailing and including the wrecking or dismantling of vehicles.

(3) Communication towers, telecommunication equipment and accessory facilities other than those provided for elsewhere in this chapter as exempt as set forth by definition; and subject to the requirements of article XXVI.

(c) *Uses permitted by conditional use permit:* The following uses may be granted a conditional use permit by the governing body provided by article XXV:

(1) Extraction, processing, storage, and sale of raw materials, including sand, rock, stone, gravel and other materials derived by quarry operations.

(2) Sanitary landfill and/or refuse processing and disposal.

(3) Correctional placement residence or facility general, subject to the requirements of article XXVI.

(4) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 22. That section 48-22.02, Use regulations, of The Code of the City of

Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:* A building or premises shall be used only for the purposes of a college or university, offering higher education to the public, including the following uses:

(1) Alumni center.

(2) Buildings or land used for athletic or recreational purposes and concessions connected therewith.

(3) Buildings used for educational and administrative purposes.

(4) Buildings used for student or faculty housing.

(5) Religious assembly.

(6) Data processing center.

(7) Day care facility, type II.

(8) Hospital or medical center.

(9) Monument or memorial.

(10) Parking lot and/or parking garage in conjunction with a principal use within the confines of the immediate "U-1" university district boundary.

(11) Physical plant.

(12) Public transportation facility.

(13) Sorority and fraternity housing.

(14) Student union.

(15) U.S. post office facility.

(16) Any other use consistent with the uses specifically set forth in this

section, reasonable and desirable to the usual operation of such educational institutions.

(b) *Uses permitted by conditional use permit:* The following uses may be granted a conditional use permit provided by article XXV:

(1) Television, radio and microwave transmission towers; telecommunication equipment; and accessory facilities other than those provided for elsewhere in this chapter as accessory to a permitted use or exempt as set forth by definition; and subject to the requirements of article XXVI.

(2) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 23. That section 48-23.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted principal uses:*

(1) Human health care related facilities including the following:

a. Health care facility, health service establishment and hospital as defined by this ordinance.

b. Health care education, training and administrative facility.

c. Health care office, clinic, laboratory and treatment facility.

d. Health care testing and research.

e. Indoor facilities which are used primarily for physical exercise and therapy; health maintenance including fitness centers, spas, swimming pools, gymnasiums, game courts, lockers and training rooms.

f. Public health agency.

g. Pharmacy and drug sales.

h. Orthopedic, medical appliance, equipment, prosthesis and supply sales and fitting.

i. Optician and eyeglass sales.

j. Hearing aid evaluation, fitting and sales.

(2) Associated uses to health care facilities as set forth below:

a. Funeral home or mortuary including the display and sale of products associated with the ceremonies, burial or cremation of the deceased; and crematorium.

b. Parking lot and/or parking garage.

c. Public parks, playgrounds, trails, paths, recreational areas, golf courses, scenic and historic sites, and associated recreational and leisure facilities, including but not limited to shelters, pools, court games, maintenance structures and associated parking to the above uses.

d. Public or private elementary and secondary schools.

e. Reception, conference and assembly facility.

f. Religious assembly.

g. Crisis center, type I.

(3) Human habitation and dwelling facilities as set forth below:

a. Detached single-family dwelling building, for the purpose, use and occupancy of a family as defined herein. The dimensional requirement applicable to a residential-design manufactured home may be

appealable to the metro board of zoning appeals.

b. Two-family dwelling building.

c. Multiple-family dwelling building.

d. Boarding and/or lodging house.

e. Residential care facility, type III.

f. Building used for student or faculty housing.

g. Medical care facility, type I.

h. Medical care facility, type II.

i. Apartment hotel.

j. Community living facility, type I.

k. Group home.

l. Bed and breakfast inn.

(4) Group residence general.

(5) Group residence limited.

(b) *Permitted incidental and subordinate uses:*

(1) Heliports, ambulance station, emergency transportation facility and terminal provided such facilities are on-site with and ancillary in nature to a hospital.

(2) Retail sales and/or service of a nature clearly incidental and subordinate to and customary in association with a principal use as provided in the human health care related facilities of the permitted principal uses of this district. Such incidental and subordinate uses shall only be permitted and located within a structure containing a recognized principal use; and may include the

following:

a. Food and beverage preparation and sale.

b. Floral and gift shop.

c. Magazine, card and stationary shop.

d. Beauty and barber shops.

(c) *Provisional uses:*

(1) Day care facility, type II subject to the requirements of article XXVI.

(2) Vehicle surface parking lot in association with a principal use subject to the requirements of article XXVI, Additional Regulations.

(d) *Uses permitted by conditional use permit:* The following uses may be granted a conditional use permit by the governing body provided by article XXV:

(1) Bed and breakfast home subject to the requirements of article XXVI.

(2) Bed and breakfast inn subject to the requirements of article XXVI.

(3) Ambulance station, emergency transportation facility and terminal as a principal use.

(4) Commercial radio, television, broadcasting and/or receiving towers.

(5) Community living facility, type II.

(6) Private or public utility structures facilitating the transmission, distribution and/or collection systems, including substations, distribution stations, pump stations, reservoirs, towers, transmission equipment buildings and similar such uses.

(7) Public use facility.

(8) Television, radio and microwave transmission towers; telecommunication equipment; and accessory facilities other than those provided for elsewhere in this chapter as accessory to a permitted use or exempt as set forth by definition; and subject to the requirements of article XXVI.

(9) Vehicle surface parking lot and/or multilevel parking structure as specified by the application.

(10) Correctional placement residence or facility general, subject to the requirements of article XXVI.

(11) Correctional placement residence or facility limited, subject to the requirements of article XXVI.

(12) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 24. That section 48-23a.03, Use regulations for X-1 mixed use district, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations for X-1 mixed use district.

1. Permitted principal uses.

a. Single and two-family dwellings.

b. Three and four-family dwellings.

c. Dwelling units as primary or accessory use.

d. Residential design manufactured home. e. Group home.

f. Churches, places of worship or assembly.

g. Schools.

h. Community facilities.

i. Parks, recreation, and open space.

j. Residential care facility, type I.

k. Artisan and photography galleries, studios.

l. Automobile service station, type I.

m. Bed and breakfast establishments.

n. Child care centers.

o. Clubs and lodges.

p. Funeral homes.

q. Health clubs.

r. Offices, financial services, medical clinics.

s. Pet shops/small animal clinics.

t. Indoor recreation facilities.

u. Restaurants.

v. Retail establishments.

w. [Reserved.]

x. Service shops--Personal/business.

2. Uses permitted by conditional use permit.

a. Multi-family dwellings, more than four units per building and/or more than 12 units per acre.

b. Boarding and lodging houses.

c. Public use facilities.

d. Residential care facility, type II.

e. Indoor amusement.

f. Automobile service station, type II.

g. Automobile service station, type III.

h. Bars and taverns.

i. Entertainment facilities/theatres (non-adult).

j. Farmer's markets.

k. Parking lots/garages (principal use).

l. Motor vehicle sales.

m. Research and development.

n. Group residence limited, subject to article XXVI.

o. Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 25. That section 48-23a.04, Same--X-2 mixed use district, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Same--X-2 mixed use district.

1. Permitted principal uses.

a. Single and two-family dwellings.

b. Three and four-family dwellings.

c. Dwelling units as primary or accessory use.

d. Residential design manufactured home.

e. Mobile homes (single).

f. Schools.

g. Community facilities.

h. Parks, recreation, and open space.

i. Artisan and photography galleries, studios.

j. Automobile service station, type I.

k. Automobile service station, type II.

l. Child care centers.

m. Clubs and lodges.

n. Funeral homes.

o. Health clubs.

p. Motor vehicle sales (size restrictions).

q. Offices, financial services, medical clinics.

r. Indoor recreation facilities.

s. Restaurants.

t. Retail establishments.

u. Service shops--Personal/business.

v. Assembly without fabrication.

w. Fabrication of products allowed under "I-1" light industrial district.

x. Distribution and processing.

y. Research and development.

z. Warehousing.

2. Uses permitted by conditional use permit. The following uses may be granted a conditional use permit by the governing body as provided by article XXV.

a. Multi-family dwellings, more than four units per building and/or more than 12 units per acre.

b. Group homes.

c. Boarding and lodging houses.

d. Crisis centers.

e. Churches, places of worship or assembly.

f. Conference/convention center.

g. Public use facilities.

h. Residential care facility, type I.

i. Residential care facility, type II.

j. Amusement parks.

k. Automobile service station, type III.

l. Bars and taverns.

m. Bed and breakfast establishments.

n. Farmer's markets.

o. Hotel, motel.

p. Parking lots/garages (principal use).

q. Pet shops/small animal clinics.

r. Unenclosed, outdoor equipment/product storage.

s.Correctional placement residence or facility limited, subject to article XXVI.

t. Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 26. That section 48-23a.05, Same--X-3 mixed use district, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Same--X-3 mixed use district.

1. *Permitted principal uses.*

a. Single and two-family dwellings.

b. Three and four-family dwellings.

c. Multi-family dwellings, more than four units.

d. Dwelling units as primary or accessory use.

e. Residential design manufactured home.

f. Schools.

g. Community facilities.

h. Parks, recreation, and open space.

i. Indoor amusement.

j. Artisan and photography galleries, studios.

k. Automobile service station, type I.

l. Bars and taverns.

m. Bed and breakfast establishments.

n. Child care centers.

o. Clubs and lodges.

p. Entertainment facilities/theatres (non-adult).

q. Farmer's markets.

r. Health clubs.

s. Night clubs.

t. Offices, financial services, medical clinics.

u. Indoor recreation facilities.

v. Restaurants.

w. Retail establishments.

x. Service shops personal/business.

2. *Uses permitted by conditional use permit.*

a. Group homes.

b. Boarding and lodging houses.

c. Churches, places of worship or assembly.

d. Conference/convention center.

e. Public use facilities.

f. Residential care facility, type I.

g. Residential care facility, type II.

h. Amusement parks.

i. Hotel/motel.

j. Parking lots/garages (principle use).

k. Pet shops/small animal clinics.

l. Unenclosed, outdoor equipment/product storage.

m. Research and development.

n. Warehousing.

o. Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 27. That section 48-24a.01, Use regulations for OS-1 open space district, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use Regulations for OS-1 open space district.

1. *Permitted uses.*

a. Agricultural uses.

b. Common open space.

c. Detached single-family dwellings.

d. Drainage or flood prevention facilities.

e. Golf course.

f. Private park.

g. Public park.

h. Trails.

2. *Uses permitted by conditional use permit.*

a. Campgrounds.

b. Cemetery.

c. Commercial equine riding academies.

d. Cultural facility.

e. Fairgrounds.

f. Farmer's markets.

g. Hunting/fishing preserve (outside city limits).

h. Public use facility.

i. Recreational field, court, or track.

j. Utility structure (private or public).

k. Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 28. That section 48-24b.01, Use regulations for D-1 district, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations for D-1 district.

1. *Permitted principal uses.*

a. Permitted uses in the "C-3" commercial district

b. Single- and two-family dwellings

c. Three- and four-family dwellings

d. Multi-family dwellings

e. Group homes

f. Dwelling units as primary or accessory use

g. Residential design manufactured home

h. Amusement indoor establishments, including dance, pool, and billiard halls; archery ranges, shooting galleries, pinball, electronic and video games arcade; taverns and similar establishments licensed by the city to sell and dispense cereal malt beverages for drink on premises

i. Churches, places of worship or assembly

j. Schools

k. Community facilities

l. Conference/convention center

m. Cultural facility

n. Public use facilities

o. Parks, recreation, and open space

p. Amusement parks

q. Camera and film shop; photography and artist studio; frame shop

r. Automobile service station, type I and type II

s. Bed and breakfast establishments

t. Child care centers

u. Clubs and lodges

v. Farmer's markets

w. Funeral homes

x. Health clubs

y. Hotel, motel

z. Theatre, non-adult

aa. Offices for conducting affairs of business, profession, service, industry or government, including financial institutions and human health care clinics which may contain a pharmacy

bb. Orthopedic, medical appliance, and prosthesis stores, optician and the sale of eyeglasses; hearing aid evaluations, fitting and sales

cc. Pet shops/small animal clinics

dd. Commercial recreational facilities which are used primarily for physical exercise, recreation, and/or health maintenance including fitness centers, spas, suntanning salons, skating rinks, swimming pools, gymnasiums, game courts, golf courses, golf driving ranges, pitch and putt, miniature golf courses and similar activities, including locker and training areas

ee. Personal service shops

ff. Parking lot and/or multi-story parking garage

gg. Communication towers or telecommunication equipment attached to a building and which must meet the criteria of article XXVI

hh. Boarding and lodging houses

ii. Crisis centers

jj. Residential care facility, type I

kk. Residential care facility, type II

ll. Child care centers

mm. Parking lots/garages (principle use)

~~3~~2. *Uses permitted by conditional use permit.*

a. Private or public utility structures facilitating the transmission, distribution and/or collection systems, including substations, distributions stations, pump stations, reservoirs, towers, transmission equipment buildings and similar such uses

b. Freestanding communication towers or telecommunication equipment which must meet the criteria of article XXVI

c. Billboards and panel posters not exceeding 300 square foot per single face area and which do not exceed a height of 55 feet above grade

d. Automobile service station, type III

e. Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 29. That section 48-24b.02, Use regulations for D-2 district, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations for D-2 district.

1. *Permitted principal uses.*

a. Single- and two-family dwellings

b. Multi-family dwellings

c. Group homes

d. Residential design manufactured home

e. Churches, places of worship or assembly

f. Schools

g. Personal service shop less than 10,000 square feet

h. Community facilities

i. Public use facilities

j. Parks, recreation, and open space

k. Amusement parks

l. Camera and film shop; photography and artist studio; frame shop

m. Bed and breakfast establishments

n. Retail uses less than ten thousand (10,000) gross square feet

o. Dwelling units as accessory use

2. *Uses permitted by conditional use permit.*

a. Private or public utility structures facilitating the transmission, distribution and/or collection systems, including substations, distributions stations, pump stations, reservoirs, towers, transmission equipment buildings and similar such uses

b. Communication towers or telecommunication equipment which must meet the criteria of article XXVI with the exception that all towers must be attached to an existing building or structure, and may exceed 20 feet in height

c. Boarding and lodging houses

d. Crisis centers

e. Conference/convention center

f. Cultural facility

g. Residential care facility, type I

h. Residential care facility, type II

i. Amusement indoor establishments, including dance, pool, and billiard halls; archery ranges, shooting galleries, pinball, electronic and video games arcade; taverns and similar establishments licensed by the city to sell and dispense cereal malt beverages for drink on premises

j. Child care centers

k. Farmer's markets

l. Funeral homes

m. Health clubs

n. Hotel, motel

o. Offices for conducting affairs of business, profession, service, industry or government, including financial institutions and human health care clinics which may contain a pharmacy

p. Parking lots/garages as a principle use

q. Recreation--Indoor

r. Restaurants

s. Retail establishments greater than 10,000 gross square feet

t. Personal service shop greater than 10,000 gross square feet

u. Automobile service station, type I

v. Clubs and lodges

w. Entertainment facilities/theatres (non-adult)

x. Small animal clinics

y. Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 30. That section 48-24b.03, Use regulations for D-3 district, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations for D-3 district.

1. *Permitted principal uses.*

a. Single- and two-family dwellings

b. Three- and four-family dwellings

c. Multi-family dwellings

d. Reserved.

e. Group homes

f. Dwelling units as an accessory use

g. Parks, recreation, and open space

h. Amusement indoor establishments, including dance, pool, and billiard halls; archery ranges, shooting galleries, pinball, electronic and video games arcade; taverns and similar establishments licensed by the city to sell and dispense cereal malt beverages for drink on premises

i. Amusement parks

j. Camera and film shop; photography and artist studio; frame shop

k. Automobile service station, type II

l. Cultural facility

m. Entertainment facilities/theatres

n. Offices for conducting affairs of business, profession, service, industry or government, including financial institutions and human health care clinics which may contain a pharmacy

o. Manufacture, processing storage and/or warehousing of any product, equipment, or material; except any activities involving the following:

1. Acetylene, gas manufacture or storage

2. Acid; alcohol; ammonia, bleaching powder, chlorine, cement, lime, gypsum, plaster of paris, disinfectant, dyestuff, glue, fertilizer, size, gelatin, oilcloth, linoleum, oiled rubber goods, paint, oil, shellac, turpentine, varnish, paper, pulp, shoe polish, soap (other than liquid), tallow grease, lard, refining of animal fat, tar distillation, tar roofing, waterproofing products, vinegar and yeast manufacture

3. Arsenal; high explosives (other than armory)

4. Asphalt; cement or other paving materials manufacture or central mixing plant

5. Vehicular wrecking or dismantling for salvage purposes

6. Blast furnace, coke oven, boiler works, forge plant, ore reduction, smelting of tin, copper, zinc or iron ores, iron, steel, brass or copper foundry or fabrication plant

7. Brick, tile, pottery or terracotta manufacture (other than the manufacture of handcraft products only)

8. Creosote manufacture or treatment

9. Distillation of bones, coal or wood

10. Explosives or fireworks manufacture or storage

11. Fat rendering

12. Garbage, offal or dead animals reduction or disposal

13. Junk, iron or rags or paper storage or bailing except as provided elsewhere in these regulations

14. Petroleum or its products, refining or wholesale storage.

15. Planing mills; rock crusher; rolling mill

16. Rubber or gutta-percha manufacture or treatment

17. Stockyard or slaughter of animals or fowls

18. Stone mill

19. Tanning, curing or storage of raw hides or skins

20. Wool pulling or scouring

21. And in general, those uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas or noise

o. Recreation--Indoor

p. Restaurants

q. Retail establishments less than 30,000 gross square feet

r. Theatre--Non-adult

s. Churches, places of worship or assembly

t. Schools

u. Automobile service station, type I

2. *Uses permitted by conditional use permit.*

a. Private or public utility structures facilitating the transmission, distribution and/or collection systems, including substations, distributions stations, pump stations, reservoirs, towers, transmission equipment buildings and similar such uses

b. Communication towers or telecommunication equipment which must meet the criteria of article XXVI with the exception that all towers must be attached to an existing building or structure, and may exceed 20 feet in height

c. Billboards and panel posters not exceeding 300 square feet per single face area and which do not exceed a height of 55 feet above grade

d. Community facilities

e. Conference/convention center

f. Public use facilities

g. Automobile service station, type III

h. Bed and breakfast establishments

i. Child care centers

j. Clubs and lodges

k. Farmer's markets

l. Health clubs

m. Hotel, motel

n. Parking lots/garages principle use

o. Pet shops/small animal clinics

p. Retail establishments less than 30,000 square feet

q. Personal service facility

r. Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 31. That sections 48.2.02, 48-3.02, 48-4.02, 48-5.02, 48-6.02, 48-7.02, 48-8.02, 48-8a.02, 48-9.02, 48-10.02, 48-11.02, 48-12.02, 48-13.02, 48.14.02, 48-15.02, 48-16.02, 48-17.02, 48-18.02, 48-19.02, 48-20.02, 48-22.02, 48-23.02, 48-23a.03, 48-23a.04, 48-23a.05, 48-24a.01, 48-24b.01, 48-24b.02, and 48-24b.03 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 32. 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

A Capital City Government Working For You…

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 28, 2009

DATE:	**September 22, 2009**	
CONTACT PERSON:	**Chief Ron Miller**	**DOCUMENT #:**
SECOND PARTY/SUBJECT:	**US Dept of Justice COPS Grant**	**PROJECT #:**
CATEGORY/SUBCATEGORY	**010 Grants / 006 Other**	
CIP PROJECT:	**No**	
ACTION OF COUNCIL:		**JOURNAL #:**
		PAGE #:

DOCUMENT DESCRIPTION:

APPROVAL of a grant from the COPS Hiring Recovery Program through the office of Community-Oriented Policing Services (COPS), an office of the U.S. Department of Justice.

(Approval would provide grant funding for (7) seven entry-level patrol officers for a period of three years. The total amount of the award for the (3) three year period is $1,120,539. The cost to the city for the 4th year of the COPS grant would be approximately $437,156.)

POLICY ISSUE:

This grant will increase the table of organization (Sworn Officers) for police from (293) to (300). The terms of acceptance for the award require the City of Topeka to agree to fund the (7) new officers for at least (1) additional year after the federal funding is expended. Should the City of Topeka experience unforseen fiscal problems, the city may request that the terms of the award be modified.

STAFF RECOMMENDATION:

BACKGROUND:

Effective date of the award was July 1, 2009. The City of Topeka has 90 days from July 28,2009 to accept the award. The Police Department intends to use the funds to hire additional officers for use as community officers. Acceptance of this award will provide 12 community officers and every zone within the city will have a community officer.

BUDGETARY IMPACT:

Funding of officer positions after grant expires.

SOURCE OF FUNDING:

COPS Hiring Recovery Program Grant

ATTACHMENTS:

Contract

U. S. Department of Justice
Community Oriented Policing Services

Grants Administration Division
COPS Hiring Recovery Program

Treasury Account Symbol (TAS) 15-09/10-0412

Grant #: 2009RKWX0362
ORI #: KS08901
Applicant Organization's Legal Name: Topeka, City of
OJP Vendor #: 486028701
DUNS#: 108604976

Law Enforcement Executive: Chief Ronald L. Miller
Address: 320 South Kansas Avenue
Suite 100
City, State, Zip Code: Topeka, KS 66603
Telephone: (785) 368-9437
Fax: (785) 368-9458

Government Executive: City Manager Norton N. Bonaparte
Address: 215 S.E. 7th Street
Room #352
City, State, Zip Code: Topeka, KS 66603
Telephone: (785) 368-3895
Fax: (785) 368-3850

Award Start Date: 7/1/2009 Award End Date: 6/30/2012

Full Time Officers Funded:	7
New Hires:	7
Rehires - Pre-Application Layoffs:	0
Rehires - Post-Application Layoffs:	0
Award Amount:	**$ 1,120,539.00**

JUL 7 2009

David Buchanan
Acting Director

Date

APPROVED AS TO FORM & LEGALITY
AUG 18 2009
CITY ATTORNEY'S OFFICE

By signing this Award Document, the grantee agrees to abide by all 16 Grant Terms and Conditions on the reverse side of this document and the attached pages:

Ronald L. Miller

Signature of Law Enforcement Official with the Authority to Accept this Grant Award

Ronald L. Miller, Chief of Police

Typed Name and Title of Law Enforcement Official

8-13-09

Date

Signature of Government Official with the Authority to Accept this Grant Award

Norton N. Bonaparte, Jr., City Manager

Typed Name and Title of Government Official

Date

False statements or claims made in connection with COPS grants may result in fines, imprisonment, debarment from participating in federal grants or contracts, and/or any remedy available by law to the Federal Government.

Award ID: 90795

U. S. Department of Justice
Office of Community Oriented Policing Services
COPS Hiring Recovery Program Grant Terms and Conditions

By signing the Award Document to accept this COPS Hiring Recovery Program (CHRP) grant, the grantee agrees to abide by the following grant terms and conditions:

1. The grantee agrees to comply with the terms and conditions in this COPS Hiring Recovery Program Grant Owner's Manual; COPS statute (42 U.S.C. §. 3796dd, et seq.); 28 C.F.R. Part 66 or 28 C.F.R. Part 70 as applicable (governing administrative requirements for grants and cooperative agreements); 2 C.F.R. Part 225 (OMB Circular A-87), 2 C.F.R. Part 220 (OMB Circular A-21), 2 C.F.R. Part 230 (OMB Circular A-122) and 48 C.F.R. Part 31.000 et seq. (FAR 31.2) as applicable (governing cost principles); OMB Circular A-133 (governing audits); American Recovery and Reinvestment Act (Recovery Act) of 2009, P.L.111-5; representations made in the COPS Hiring Recovery Program grant application; and all other applicable program requirements, laws, orders, regulations, or circulars.

2. The grantee agrees to comply with the Assurances and Certifications forms that were submitted as part of its COPS Hiring Recovery Program application.

3. The funding under this project is for the payment of approved full-time entry-level sworn officer salaries and fringe benefits over three years (for a total of 36 months of funding) for new or rehired additional, career law enforcement officer positions, hired on or after the award start date. The Financial Clearance Memorandum included in your award packet specifies the costs that the grantee is allowed to fund with your CHRP award. It will also describe any costs which have been disallowed after review of your proposed budget. The grantee may not use CHRP funds for anything not identified as allowable in the Financial Clearance Memorandum.

4. CHRP grant funds may not be used to replace state or local funds (or, for tribal grantees, Bureau of Indian Affairs funds) that would, in the absence of federal aid, be made available for hiring and/or rehiring full-time career law enforcement officer positions.

5. At the time of grant application, the grantee committed to retaining all CHRP officer positions awarded with state and/or local funds for a minimum of 12 months at the conclusion of 36 months of federal funding for each position, over and above the number of locally-funded positions that would have existed in the absence of the grant. You cannot satisfy the retention requirement by using CHRP positions to fill vacancies from attrition.

6. The grantee may request an extension of the grant award period to receive additional time to implement the grant program. Such extensions *do not* provide additional funding. Only those grantees that can provide a reasonable justification for delays will be granted no-cost extensions. Reasonable justifications may include delays in hiring COPS-funded positions, officer turnover, or other circumstances that interrupt the 36-month grant funding period. An extension allows the grantee to compensate for such delays by providing additional time to complete the full 36 months of funding for each position awarded. *Extension requests must be received prior to the end date of the award, as extension requests received after an award has expired will be approved only under very limited circumstances.*

7. During the CHRP grant award period, it may become necessary for an agency to modify its CHRP grant award due to changes in an agency's fiscal or law enforcement situation. For instance, modification requests should be submitted to the COPS Office when an agency determines that it will need to shift officer positions awarded in one hiring category into a different hiring category or reduce the total number of positions awarded. Grant modifications under CHRP are evaluated on a case-by-case basis. All modification requests must be approved, in writing, by the COPS Office prior to their implementation. In addition, please be aware that the COPS Office will not approve any modification request that results in an increase of federal funds.

8. The COPS Office may conduct monitoring or sponsor national evaluations of the COPS Hiring Recovery Program. The grantee agrees to cooperate with the monitors and evaluators.

9. To assist the COPS Office in the monitoring of your award, the grantee agrees to submit quarterly programmatic progress reports and quarterly financial reports in addition to any reports required by the Recovery Act. The grantee also agrees to submit all requested reports in a timely manner.

10. The COPS Office performs various functions to ensure compliance with all grant requirements, to assess the implementation of community policing in awarded jurisdictions, and to provide technical assistance to grantees. Grant monitoring activities are routine during the grant period and may occur up to three years following the official closure of the grant award. These functions, and others, often require the production of grant-related documentation and other materials. As a COPS CHRP grantee, you agree to cooperate with any such requests for information.

11. The grantee agrees to comply with the federal regulations pertaining to the development and implementation of an Equal Employment Opportunity Plan (28 C.F.R. Part 42 subpart E). For assistance, grantees should consult the Office of Justice Programs, Office for Civil Rights website at www.ojp.usdoj.gov/about/ocr/eeop.htm.

12. The grantee agrees to complete and keep on file, as appropriate, a Bureau of Citizenship and Immigration Services Employment Eligibility Verification Form (I-9). This form is to be used by recipients of federal funds to verify that persons are eligible to work in the United States.

13. All newly hired, additional officers (or an equal number of redeployed veteran officers) funded under CHRP must engage in community policing activities. Community policing activities to be initiated or enhanced by the grantee were identified and described in your CHRP grant application, with reference to each of the following elements of community policing: a) community

partnerships and support; b) related governmental and community initiatives that complement the grantee's proposed use of CHRP funding; and c) how the grantee will use the funds to reorient its mission or enhance its commitment to community policing.

14. Grantees that provide law enforcement services to another jurisdiction through a contract must ensure that officers funded under this CHRP grant do not service the other jurisdiction, but will only be involved in activities or perform services that exclusively benefit the grantee's own jurisdiction. Grantees cannot use CHRP funds to pay for a contract to receive law enforcement services from another agency.

15. False statements or claims made in connection with COPS grants may result in fines, imprisonment, or debarment from participating in federal grants or contracts, and/or any other remedy available by law.

16. The grantee understands that the COPS Hiring Recovery Program is funded through the American Recovery and Reinvestment Act (Recovery Act) of 2009 and agrees to comply with the extensive accountability and transparency requirements on the use of Recovery Act funds:

(A) Recovery Act Transactions Listed in Schedule of Expenditures of Federal Awards and Recipient Responsibilities for Informing Subrecipients

(1) To maximize the transparency and accountability of funds authorized under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (Recovery Act) as required by Congress and in accordance with 28 C.F.R. 70 "Uniform Administrative Requirements for Grants and Agreements for Institutions of Higher Education, Hospitals and Other Non-Profit Organizations" and 28 C.F.R. 66 "Uniform Administrative Requirements for Grants and Agreements for State and Local Governments," the recipient agrees to maintain records that identify adequately the source and application of Recovery Act funds.

(2) For a recipient covered by the Single Audit Act Amendments of 1996 and OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," the recipient agrees to separately identify the expenditures for federal awards under the Recovery Act on the Schedule of Expenditures of Federal Awards (SEFA) and the Data Collection Form (SF-SAC) required by OMB Circular A-133. This shall be accomplished by identifying expenditures for federal awards made under the Recovery Act separately on the SEFA, and as separate rows under Item 9 of Part III on the SF-SAC by CFDA number, and inclusion of the prefix "ARRA-" in identifying the name of the federal program on the SEFA and as the first characters in Item 9d of Part III on the SF-SAC.

(3) The recipient agrees to separately identify to each sub-recipient (if any) and document at the time of sub-award and at the time of disbursement of funds, the federal award number, CFDA number, and amount of Recovery Act funds. When a recipient awards Recovery Act funds for an existing program, the information furnished to sub-recipients shall distinguish the sub-awards of incremental Recovery Act funds from regular sub-awards under the existing program.

(4) The recipient agrees to require their sub-recipients (if any) to include on their SEFA information to specifically identify Recovery Act funding similar to the requirements for the recipient SEFA described above. This information is needed to allow the recipient to properly monitor sub-recipient expenditure of Recovery Act funds as well as oversight by the Department of Justice, Office of the Inspector General and Government Accountability Office.

(B) Recipient Reports and Central Contractor Registration

(1) The recipient agrees to complete projects or activities which are funded under the Recovery Act and to report on use of Recovery Act funds provided through this award. Information from these reports will be made available to the public.

(2) The reports are due no later than ten calendar days after each calendar quarter in which the recipient receives the assistance award funded in whole or in part by the Recovery Act.

(3) The recipient and their first-tier recipients (if any) must maintain current registrations in the Central Contractor Registration (www.ccr.gov) at all times during which they have active federal awards funded with Recovery Act funds. A Dun and Bradstreet Data Universal Numbering System (DUNS) Number (www.dnb.com) is one of the requirements for registration in the Central Contractor Registration.

(4) The recipient shall report the information described in section 1512(c) of the Recovery Act using the reporting instructions and data elements that will be provided online at www.FederalReporting.gov and ensure that any information that is pre-filled is corrected or updated as needed.

(C) Data Elements of Recipient Reports

In accordance with section 1512(c) of the Recovery Act, the recipient agrees that not later than 10 days after the end of each calendar quarter, each recipient that received Recovery Act funds from a federal agency shall submit a report to that agency that contains —

(1) the total amount of recovery funds received from that agency;

(2) the amount of recovery funds received that were expended or obligated to projects or activities; and

(3) a detailed list of all projects or activities for which recovery funds were expended or obligated, including —

(a) the name of the project or activity;
(b) a description of the project or activity;

(c) an evaluation of the completion status of the project or activity;
(d) an estimate of the number of jobs created and the number of jobs retained by the project or activity; and
(e) for infrastructure investments made by state and local governments, the purpose, total cost, and rationale of the agency for funding the infrastructure investment with funds made available under this Act, and name of the person to contact at the agency if there are concerns with the infrastructure investment.

(4) Detailed information on subcontracts or subgrants (if any) awarded by the recipient to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282), allowing aggregate reporting on awards below $25,000 or to individuals, as prescribed by the Director of the Office of Management and Budget.

These reports are in addition to other financial and programmatic reports required by the COPS Office.

(D) Access to Records and Interviews

The recipient agrees that the Department of Justice (DOJ) and its representatives (including COPS and the Office of the Inspector General (OIG)) and the Government Accountability Office (GAO) shall have access to and the right to examine all records (including, but not limited to, books, papers, and documents) related to this Recovery Act award. The recipient also agrees that DOJ and the GAO are authorized to interview any officer or employee of the recipient regarding transactions related to this Recovery Act award.

(E) Reporting Potential Fraud, Waste, and Abuse, and Similar Misconduct

The recipient agrees to promptly refer to the Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, contractor, sub-grantee, subcontractor, or other person has submitted a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving Recovery Act funds. The OIG may be contacted at OIG.hotline@usdoj.gov, www.usdoj.gov/oig/FOIA/hotline.htm, and 800.869.4499.

(F) Protecting State and Local Government and Contractor Whistleblowers

The recipient agrees that the Recovery Act provides certain protections against reprisals for employees of non-federal employers (state and local governments or private contractors) who disclose information to federal officials reasonably believed to be evidence of gross management, gross waste, substantial and specific danger to public health or safety, abuse of authority, or violations of law related to contracts or grants using Recovery Act funds.

(G) Separate Tracking and Reporting of Recovery Act Funds and Outcomes

The recipient agrees to maintain accounting systems and records that adequately track, account for, and report on all funds from this Recovery Act award (including officers hired, salaries and fringe benefits paid, and the number of jobs created and jobs preserved) separately from all other funds (including other COPS and federal grants awarded for the same or similar purposes).

(H) Additional Requirements and Guidance

The recipient agrees to comply with any modifications or additional requirements that may be imposed by law and future COPS (including government-wide) guidance and clarifications of Recovery Act requirements.

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 18, 2009

DATE:	**September 22, 2009**		
CONTACT PERSON:	**Jennifer D Harrell/Terry Bertels**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**Great Overland Station Park**	**PROJECT #:**	**T-301014-00 HTE 302930**
CATEGORY/SUBCATEGORY	**020 Resolutions / 004 Public Improvements**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

A PROJECT BUDGET in the amount of $284,000 and A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., relating to and authorizing Project No. T-301014.00 (HTE 302930) which provides for property acquisition and site preparation for the Great Overland Station Park development more specifically described herein. *(Council District No. 2)*

(Approval would allow for property acquisition and site preparation for development at the Great Overland Station Park located south of NW Curtis Street to the Kansas River between N Kansas Avenue and NW Tyler Street with funding provided by Transient Guest Tax Funds pursuant to Resolution No. 7253.)

POLICY ISSUE:

City Council in August of 2002 adopted Resolution No. 7253 increasing Transient Guest Tax from 5% - 6% through 2015 for expressed purposes including the development of a Riverfront Park.

STAFF RECOMMENDATION:

Approve the Project Budget and Resolution as presented.

BACKGROUND:

This project will provide property acquisition and site preparation for the Great Overland Station Park development, located south of NW Curtis Street to the Kansas River between N Kansas Avenue and NW Tyler Street. This project will include structure demolition and clearing; property acquisition; site preparation; environmental and geotechnical studies; alley, road and easement vacation; removal of curb, gutter and road surface and other appurtenances as needed to complete the project.

Resolution No. 7253 provides for the development of a riverfront park to be developed by the City of Topeka Parks and Recreation Department with total expenditures from the Transient Guest Tax not to exceed $1,325,000.00.

BUDGETARY IMPACT:

Project Budget: $284,000.00

SOURCE OF FUNDING:

Transient Guest Tax Funds - Funds were approved on August 20, 2002 Resolution No. 7253

Monies approved in 2002 are held in a project account.
Funds are not budgeted out of current year.

ATTACHMENTS:

Project Budget

Fact Sheet

Vicinity Map

Resolution No. 7253

Resolution

PROJECT BUDGET
Project No. T-301014.00 HTE #302930
Great Overland Station Park

LOCATION:

South of NW Curtis St. to the Kansas River between N Kansas Ave and NW Tyler St.

DESCRIPTION OF PROJECT:

This project will provide property acquisition and site preparation for the Great Overland Station Park development, located south of NW Curtis Street to the Kansas River between N Kansas Avenue and NW Tyler Street. This project will include structure demolition and clearing; property acquisition; site preparation; environmental and geotechnical studies; alley, road and easement vacation; removal of curb, gutter and road surface and other appurtenances as needed to complete the project

SOURCE OF FUNDS:

Transient Guest Tax Funds

COST ESTIMATE:	**Transient Guest Tax**	**Funding Source**	**Total**
Construction:	$100,000.00	$0.00	$100,000.00
Design:	$0.00	$0.00	$0.00
Construction Service Fees:			
Construction Inspection:	$0.00	$0.00	$0.00
Construction Staking:	$14,200.00	$0.00	$14,200.00
Administrative Fees:			
Legal Dept. Admin.	$8,520.00	$0.00	$8,520.00
Engineering Admin.	$5,680.00	$0.00	$5,680.00
Right-of-Way	$127,200.00	$0.00	$127,200.00
Contingency Amount:	$28,400.00	$0.00	$28,400.00
Temp. Notes & Cost of Issuance:	$0.00	$0.00	$0.00
Total:	**$284,000.00**	**$0.00**	**$284,000.00**

Apportionment of Costs: _____

Method of Assessment: _____

PROJECT ENGINEER: _____

FACT SHEET

Great Overland Station Park T-301014.00 HTE #302930

General Nature of Improvements: This project will provide property acquisition and site preparation for the Great Overland Station Park development, located south of NW Curtis Street to the Kansas River between N Kansas Avenue and NW Tyler Street. This project will include structure demolition and clearing; property acquisition; site preparation; environmental and geotechnical studies; alley, road and easement vacation; removal of curb, gutter and road surface and other appurtenances as needed to complete the project.

City Project Engineer: Jennifer Harrell, P.E. (368-3842)

Construction Inspection: City of Topeka (Inspector not yet assigned to project)

Construction Staking: N/A

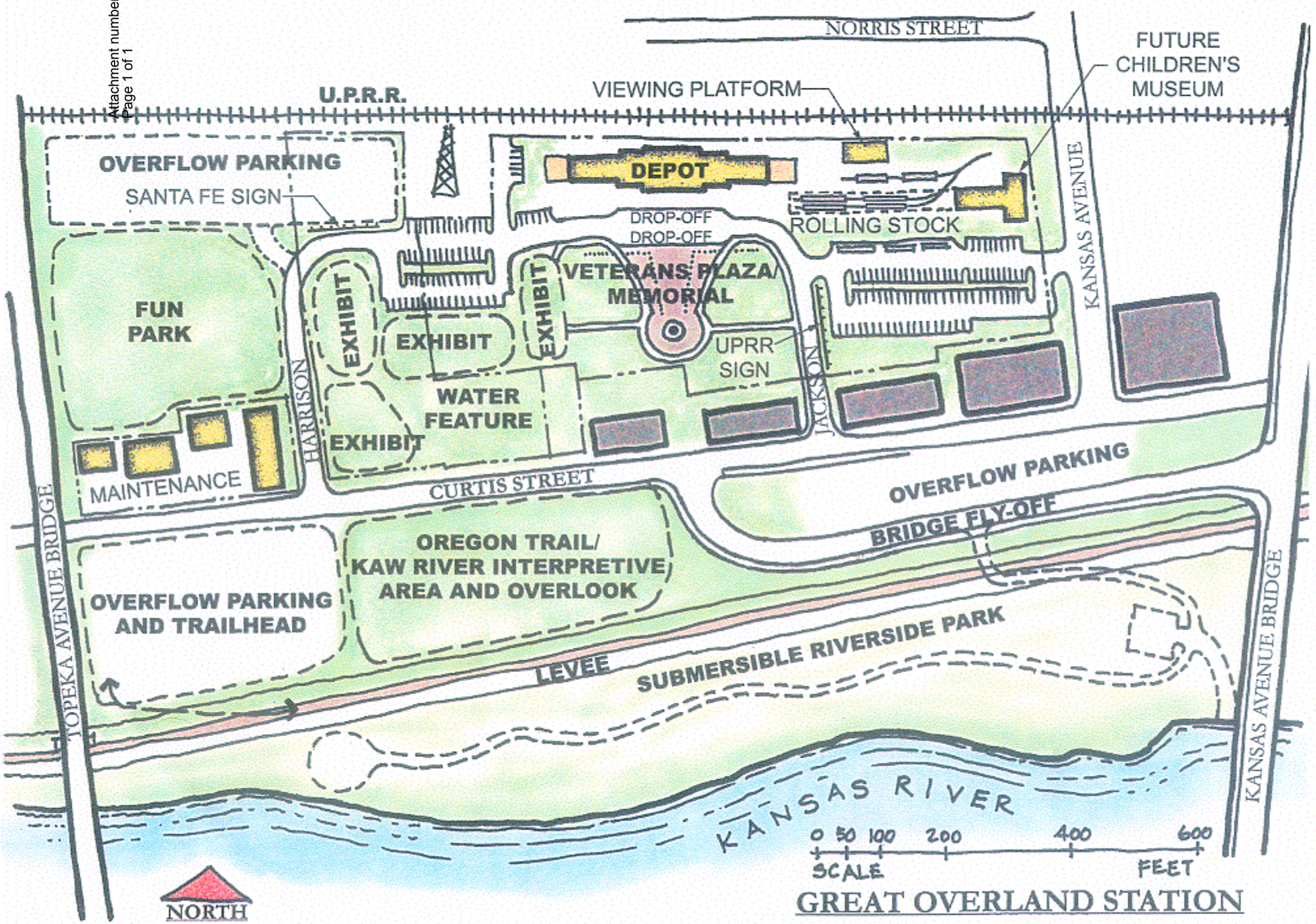
Design Engineer: Not been determined

Cost: Project Budget - $284,000

Financing: Transient Guest Tax Funds - Funds were approved on August 20, 2002 Resolution #7253. Monies approved in 2002 are held in a project account. Funds are not budgeted out of current year.

Project Schedule: Project tasks will take place in 2009 and 2010

Remarks:



GREAT OVERLAND STATION

As Amended by the Economic Development Committee
August 16, 2002

RESOLUTION NO. 7253

A RESOLUTION introduced by Councilmember John Alcala requesting designation of $200,000 per year for approximately thirteen (13) consecutive years beginning FY2003 from the Transient Guest Tax fund to restore the Great Overland Station.

WHEREAS, the Great Overland Station is listed on the Register of Historic Kansas Places and has been determined eligible for listing on the National Historic Register. The Station has been approved by the Topeka Landmark Commission; and

WHEREAS, the Station stands as a symbol of an extraordinary era in America's history, a period of great industrial and cultural expansion which mirrors the optimism and hope of the American people. It served as the hub for transportation and industry, and community life centered around this Station; and

WHEREAS, once transformed into the Great Overland Station, the once-proud building will become the symbol of a new era of vitality and vision in our community, serving as a catalyst to economic development and to efforts to create a riverfront park on the Kansas River. The historic site contains stories of our early history, stories of the Kaw Indians, French-Canadian traders, Oregon Trail pioneers, Underground Railroad freedom seekers, rowdy frontier characters and hometown hero Charles Curtis. During the war years, the Station was a significant stopping point for thousands of soldiers and it served as a centerpiece for the entire Topeka community. Connecting that history with railroad heritage represented at the Station will provide Topekans and visitors with a knowledge and appreciation of deep and colorful roots of our community and validate

the contributions of the many individuals from all ethnic and social backgrounds who came together to create and grow our community and State; and

WHEREAS, the restoration of the historic building, the preservation of Topeka's railroad heritage and the development of the historic site reaching to the Kansas River are extremely important to Topeka and to Kansas.

WHEREAS, the City of Topeka Transient Guest Tax funds are to be allocated to support programs, which promote the City of Topeka and attract visitors to the community thereby stimulating revenue flow and creating increased sales tax revenue; and

WHEREAS, The Great Overland Station requires an additional $2.5 million to restore the Station to its former glory and to develop a river front park. Said restoration costs would include acquisition of the land; demolition or relocation of some existing buildings; cleaning and clearing the land for development; providing matching monies to the TEA-21 grant Phase II; supporting costs for professional design services and administration; construction of a Veteran's Memorial; providing access roads, pedestrian pathways, parking, lighting, signage, landscaping, and development interpretive exhibits; and

WHEREAS, the City of Topeka is supportive of the efforts to restore the Great Overland Station so that the building can be transformed into an important transportation, tourist, visitor, educational and community gathering center, and will serve as an example of how a community can come together to provide education, knowledge, innovation and economic development for generations to come.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka that the City of Topeka ~~provide the Great Overland Station $250,000 per year for 10 (ten) consecutive years from Transient Guest Tax funds beginning FY2003 for restoration of the Station so that it can be transformed into an important transportation, tourist, visitor, educational and community gathering center.~~ shall do the following:

1. Appropriate $200,000 per year for the Great Overland Station project. This commitment shall begin in Fiscal Year 2003 and continue until the City of Topeka has expended a total of $2,500,000 on the project, or through Fiscal Year 2015, whichever occurs first. The project shall include the following components:

   a. Acquisition of land for park purposes

   b. Demolition or relocation of some existing buildings

   c. Cleaning and clearing the land for development

   d. Providing matching monies to the TEA-21 grant Phase II

   e. Supporting costs for professional design services and project administration

   f. Construction of a Veteran's Memorial

   g. Providing, at a minimum, access roads, pedestrian pathways, parking, lighting, signage, landscaping, pedestrian trailhead and a river recreation access trailhead.

   h. Development of hands-on exhibits that provide, at a minimum, interpretative displays of the Kaw Indians, French-Canadian traders, Oregon Trail pioneers, Underground Railroad freedom-seekers, rowdy frontier characters and Charles Curtis.

Items d), e), f) and h) shall be developed by Railroad Heritage, Inc. pursuant to a contract with the City of Topeka in an amount not to exceed $1,175,000. Items a), b), c) and g) shall be part of a river front park to be developed by the City of Topeka Parks and Recreation Department, with the total expenditures from the Transient Guest Tax not to exceed $1,325,000. The City of Topeka may, by separate agreement, contract with Railroad Heritage, Inc. to provide these items, in order to more efficiently develop the project and/or to assist in leveraging other funding sources.

2. To meet its obligation to Railroad Heritage, Inc., as described in paragraph 1, above, the City of Topeka will provide an annual commitment of $94,000 to the Railroad Heritage, Inc. The total commitment to the Railroad Heritage, Inc. shall not exceed $1,175,000.

3. The funding commitment to the Railroad Heritage, Inc. shall be subject to the negotiation and execution of an agreement between the Railroad Heritage, Inc. and the City of Topeka which shall, at a minimum, provide the following:

a. That the funds committed by the City of Topeka represent the entirety of the City's commitment to the Railroad Heritage, Inc., i.e. that no more funds will be requested or committed.

b. Funds appropriated to the Railroad Heritage, Inc. shall be expended for construction and development of Phase II of the project, which shall include, at a minimum, those items identified in paragraph one, above.

4. The funds identified in paragraph 1 above, and not committed by agreement to Railroad Heritage, Inc. shall be expended by the City of Topeka on other

components of the project, up to the project limitation of $2,500,000, as described in paragraph one, above.

5. All financial commitments referenced in this Resolution shall be subject to the State of Kansas Budget and Cash Basis laws, and all Governing Body approvals as required by State law or City ordinance.

BE IT FURTHER RESOLVED, that in order to fund the Great Overland Station project and other projects that enhance the rich historical heritage of the City of Topeka, the Council of the City of Topeka resolves to:

1. Consider the adoption of a Charter Ordinance that would increase the current Transient Guest Tax from its current rate of 5% to a rate of 6%, to be effective on January 1, 2003 (or the first day of the month following its approval, whichever is later). The Charter Ordinance shall include a provision that discontinues the 1% increase on December 31 of the thirteenth year following the approval.

2. Deposit funds collected from the increase in the Transient Guest Tax in excess of the $200,000 per year committed to the Great Overland Station project in the Historic Preservation Fund. This fund will be expended for projects and activities that enhance the rich historical heritage of Topeka, as authorized by City Code Section 2-331.

ADOPTED and APPROVED by the City Council AUG 2 0 2002.

Harry Felker, Mayor

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 8/16/02 BY

RESOLUTION NO. _____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., relating to and authorizing Project No. T-301014.00 (HTE # 302930) which provides for the property acquisition and site preparation for the Great Overland Station Park development more specifically described herein.

BE IT RESOLVED by the Council of the City of Topeka, Kansas, that it finds the following described public improvement to be necessary and in the public interest and does hereby authorize Project No. T-301014.00 (HTE # 302930) with a project budget summarized herein and is fully set forth on the attachment hereto:

A. GENERAL NATURE OF IMPROVEMENT:

This project will provide property acquisition and site preparation for the Great Overland Station Park development, located south of NW Curtis Street to the Kansas River between N Kansas Avenue and NW Tyler Street. This project will include structure demolition and clearing; property acquisition; site preparation; environmental and geotechnical studies; alley, road and easement vacation; removal of curb, gutter and road surface and other appurtenances as needed to complete the project.

B. TOTAL PROJECT BUDGET COST:

$284,000.00

C. SOURCE OF FUNDS:

Transient Guest Tax funds.

ADOPTED and APPROVED by the City Council _____.

CITY OF TOPEKA, KANSAS

_____
William W. Bunten, Mayor

ATTEST:

_____
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

September 8, 2009

DATE:	**September 22, 2009**	
CONTACT PERSON:	**Norton N. Bonaparte, Jr.**	**DOCUMENT #:**
SECOND PARTY/SUBJECT:	**Allen Bradshaw**	**PROJECT #:**
CATEGORY/SUBCATEGORY	**020 Resolutions / 005 Miscellaneous**	
CIP PROJECT:	**No**	
ACTION OF COUNCIL:		**JOURNAL #:**
		PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., concerning a residency requirement exception for a Department Head.

(Approval would grant an exception to the requirement that Mr. Allen Bradshaw reside within the corporate limits of the City of Topeka.)

POLICY ISSUE:

Whether or not to grant the exception.

STAFF RECOMMENDATION:

Approve resolution.

BACKGROUND:

Mr. Bradshaw has been an employee for 30+ years and as such has been allowed to reside in Shawnee County and not the corporate limits of the City of Topeka. He does not wish to sell his home and move at this time.

BUDGETARY IMPACT:

None.

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

Resolution

RESOLUTION NO. _____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., concerning residency requirement exception for Department Heads.

WHEREAS, Article II, Section 5B of the City's personnel code requires that all department heads reside within the boundaries of the City of Topeka, "unless specifically approved by the City Council"; and

WHEREAS, City employees who are not department heads need only reside within the boundaries of Shawnee County; and

WHEREAS, Allen Bradshaw was promoted to a department head position on September 5, 2009; and

WHEREAS, prior to that promotion Mr. Bradshaw had been a City of Topeka employee within the Fire Department for twenty-nine (29) years and was in compliance with the City's residency requirements for non-department head positions.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS, that Allen Bradshaw is specifically granted an exception to the requirement that he reside within the corporate limits of the City of Topeka and that he be permitted to reside within the boundaries of Shawnee County, Kansas. Provided however, the residency exception granted herein shall cease to apply if Allen Bradshaw moves from his current residence in which event he shall be required to establish residency within the corporate limits of the City of Topeka.

ADOPTED and APPROVED by the City Council _____.

CITY OF TOPEKA, KANSAS

_____
William W. Bunten, Mayor

ATTEST:

_____
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

September 8, 2009

DATE:	**September 22, 2009**	
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 of August 31, 2009, through September 6, 2009, 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 August 31, 2009 through September 6, 2009, in the amount of $523,320.75.

SOURCE OF FUNDING:

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

ATTACHMENTS:

Ordinance

Expenditures

(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 August 31, 2009, through September 6, 2009, 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.

Section 3.

Total for 207 vendor checks written in this period	$121,869.13
Total vendor checks voided in this period (net)	(000.00)
Total electronic transfers to vendors in this period	401,451.62
Total net payroll to employees this period	000.00
Total payroll related electronic transfers this period	000.00
Total for expenditures in this period	$523,320.75

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 _____.

_____
William W. Bunten, Mayor

ATTEST:

_____
Brenda Younger, City Clerk

PREPARED 09/07/2009, 21:18:35
PROGRAM: GM350LSPCL
City of Topeka

A/P CHECKS BY PERIOD AND YEAR

FROM 08/31/2009 TO 09/06/2009

BANK CODE *ALL*

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #		TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
09/04/2009	665493	AAA ALLIED GROUP INC	1115210				847.00
614-0435-510.99-99		08/25/2009	AUTO & TRUCK MAINT. ITEMS	257432	555086	08/2009	38.50
101-1820-520.29-00		08/15/2009	MISCELLANEOUS SERVICES	256993	555081	08/2009	38.50
101-1820-520.29-00		08/16/2009	MISCELLANEOUS SERVICES	257392	555081	08/2009	38.50
101-1820-520.29-00		08/16/2009	MISCELLANEOUS SERVICES	257393	555081	08/2009	38.50
101-1820-520.29-00		08/17/2009	MISCELLANEOUS SERVICES	256838	555081	08/2009	38.50
101-1820-520.29-00		08/18/2009	MISCELLANEOUS SERVICES	257079	555081	08/2009	38.50
101-1820-520.29-00		08/18/2009	MISCELLANEOUS SERVICES	257230	555081	08/2009	38.50
101-1820-520.29-00		08/19/2009	MISCELLANEOUS SERVICES	256840	555081	08/2009	38.50
101-1820-520.29-00		08/19/2009	MISCELLANEOUS SERVICES	256997	555081	08/2009	38.50
101-1820-520.29-00		08/19/2009	MISCELLANEOUS SERVICES	257038	555081	08/2009	38.50
101-1820-520.29-00		08/19/2009	MISCELLANEOUS SERVICES	257080	555081	08/2009	38.50
101-1820-520.29-00		08/19/2009	MISCELLANEOUS SERVICES	257081	555081	08/2009	38.50
101-1820-520.29-00		08/20/2009	MISCELLANEOUS SERVICES	257469	555081	08/2009	38.50
101-1820-520.29-00		08/20/2009	MISCELLANEOUS SERVICES	257322	555081	08/2009	38.50
101-1820-520.29-00		08/21/2009	MISCELLANEOUS SERVICES	257425	555081	08/2009	38.50
101-1820-520.29-00		08/21/2009	MISCELLANEOUS SERVICES	257042	555081	08/2009	38.50
101-1820-520.29-00		08/22/2009	MISCELLANEOUS SERVICES	257323	555081	08/2009	38.50
101-1820-520.29-00		08/22/2009	MISCELLANEOUS SERVICES	257324	555081	08/2009	38.50
101-1820-520.29-00		08/22/2009	MISCELLANEOUS SERVICES	257325	555081	08/2009	38.50
101-1820-520.29-00		08/19/2009	MISCELLANEOUS SERVICES	257326	555081	08/2009	38.50
614-0435-510.99-99		08/27/2009	MISCELLANEOUS SERVICES	257654	555081	08/2009	38.50
			AUTO & TRUCK MAINT. ITEMS	257275	555086	09/2009	38.50
09/04/2009	665492	AAA ALLIED GROUP INC	1115210				.00
614-0435-510.99-99		08/27/2009	AUTO & TRUCK MAINT. ITEMS	257275	555086	09/2009	.00
09/04/2009	665491	AAA ALLIED GROUP INC	1115210				.00
614-0435-510.99-99		08/27/2009	AUTO & TRUCK MAINT. ITEMS	257275	555086	09/2009	.00
09/04/2009	665490	AAA ALLIED GROUP INC	1115210				.00
614-0435-510.99-99		08/27/2009	AUTO & TRUCK MAINT. ITEMS	257275	555086	09/2009	.00
09/04/2009	665613	PATCH, ADAM M	2004812				195.00
265-4163-540.22-03		08/31/2009	PAY PERIOD ENDING 8/16/09	08 16 09		08/2009	195.00
09/04/2009	665630	STUMBAUGH, AGNES L	7702690				68.81
101-0930-510.22-54		08/27/2009	2008 REFUND	STUMBAUGH AGNES		08/2009	68.81
09/04/2009	665530	COOPER, AMBER M	7702681				62.75
101-0930-510.22-54		08/27/2009	2008 REFUND	COOPER AMBER M		08/2009	62.75
09/04/2009	665545	EDWARDS, AMELIA C	7700400				57.67
101-0930-510.22-54		08/27/2009	2008 REFUND	EDWARDS AMELIA		08/2009	57.67
09/04/2009	665587	LOWE, ANNETTA L	7700706				66.21
101-0930-510.22-54		08/27/2009	2008 REFUND	LOWE ANNETTA L		08/2009	66.21
09/04/2009	665617	PFEIFER, ARMELLA	7700114				108.86
101-0930-510.22-54		08/27/2009	2008 REFUND	PFEIFER ARMELLA		08/2009	108.86

RECEIVED
CITY CLERK
2009 SEP -8 A 10:43
TOPEKA, KANSAS

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR		TRN AMOUNT
09/04/2009	665509	AT&T LONG DISTANCE	1311285				1,013.09
101-0460-510.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		.74
101-0310-510.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		5.57
101-3051-510.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		9.28
101-0460-510.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		1.11
740-6229-560.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		3.34
740-6289-560.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		4.08
740-6289-560.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		.37
101-0460-510.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		2.60
101-0460-510.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		1.11
101-0212-510.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		2.60
613-0710-510.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		541.12
101-0110-510.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		1.49
101-0220-510.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		2.60
101-3051-510.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		6.31
101-3041-510.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		10.62
101-1820-520.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		9.28
101-2010-520.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		7.43
101-2030-520.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		12.92
614-0435-510.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		5.94
101-0930-510.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		3.45
101-0826-510.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		2.97
101-0210-510.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		.37
101-0210-510.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		3.71
101-0510-510.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		4.05
101-0520-510.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		2.26
101-0620-510.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		7.05
101-6030-510.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		4.08
101-1820-520.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		138.50
613-0710-510.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		3.71
101-3070-510.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		4.46
101-3011-510.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		6.31
101-0430-510.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		6.31
101-0310-510.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		2.97
291-3131-530.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		4.08
101-3110-520.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		4.46
101-3105-520.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		.74
265-4001-540.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		3.74
265-4002-540.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		1.21
265-4022-540.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		.74
265-4032-540.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		2.50
265-4033-540.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		1.45
268-4041-540.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		14.51
265-4101-540.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		1.11
265-4122-540.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		1.71
265-4123-540.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		.74
101-0626-510.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		.37
265-4128-540.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		2.23
265-4133-540.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009		1.11

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
265-4134-540.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	.41	
265-4135-540.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	.74	
265-4136-540.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	.74	
265-4137-540.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	1.11	
265-4138-540.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	1.11	
265-4139-540.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	.74	
265-4141-540.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	1.26	
265-4144-540.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	.37	
265-4161-540.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	2.71	
265-4163-540.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	.37	
265-4166-540.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	.51	
265-4171-540.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	4.03	
265-4181-540.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	.74	
265-4191-540.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	4.83	
265-4195-540.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	2.75	
265-4231-540.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	.37	
265-4260-540.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	8.50	
101-3070-510.20-30	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	31.72	
101-3070-510.20-30	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	48.54	
601-7206-571.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	.37	
601-7203-571.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	1.11	
601-7100-571.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	2.23	
601-7204-571.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	1.11	
601-7202-571.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	.37	
601-7205-571.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	.74	
621-1510-570.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	8.90	
621-3410-571.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	3.34	
621-3610-571.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	3.90	
621-3802-571.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	5.95	
623-2711-570.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	.74	
686-1550-570.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	5.94	
686-2180-571.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	2.97	
686-2185-572.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	4.09	
265-4140-540.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	.37	
09/04/2009 665508	AT&T LONG DISTANCE	1311285					.00
265-4140-540.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	.00	
09/04/2009 665507	AT&T LONG DISTANCE	1311285					.00
265-4140-540.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	.00	
09/04/2009 665506	AT&T LONG DISTANCE	1311285					.00
265-4140-540.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	.00	
09/04/2009 665505	AT&T LONG DISTANCE	1311285					.00
265-4140-540.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	.00	
09/04/2009 665504	AT&T LONG DISTANCE	1311285					.00
265-4140-540.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	.00	
09/04/2009 665503	AT&T LONG DISTANCE	1311285					.00
265-4140-540.21-02	08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	.00	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #		TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
09/04/2009	665502	AT&T LONG DISTANCE	1311285				.00
265-4140-540.21-02		08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	.00
09/04/2009	665501	AT&T LONG DISTANCE	1311285				.00
265-4140-540.21-02		08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	.00
09/04/2009	665500	AT&T LONG DISTANCE	1311285				.00
265-4140-540.21-02		08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	.00
09/04/2009	665499	AT&T LONG DISTANCE	1311285				.00
265-4140-540.21-02		08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	.00
09/04/2009	665498	AT&T LONG DISTANCE	1311285				.00
265-4140-540.21-02		08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	.00
09/04/2009	665497	AT&T LONG DISTANCE	1311285				.00
265-4140-540.21-02		08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	.00
09/04/2009	665496	AT&T LONG DISTANCE	1311285				.00
265-4140-540.21-02		08/03/2009	AT&T LONG DISTANCE	801980401 AUG09		08/2009	.00
09/04/2009	665558	HALE, AUGUSTINE M	7701802				212.05
101-0930-510.22-54		08/27/2009	2008 REFUND	HALE AUGUSTINE		08/2009	212.05
09/01/2009	665405	BENTWOOD PLACE APARTMENTS	5228210				445.00
904-6330-561.47-15		09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	445.00
09/04/2009	665553	GEER, BERNADINE	7702683				98.70
101-0930-510.22-54		08/27/2009	2008 REFUND	GEER BERNADINE		08/2009	98.70
09/04/2009	665550	FRAKER, BETTY M	7700770				114.37
101-0930-510.22-54		08/27/2009	2008 REFUND	FRAKER BETTY M		08/2009	114.37
09/04/2009	665638	WINKENWADER, BLAKE	2005412				120.00
265-4163-540.22-03		08/31/2009	PAY PERIOD ENDING 8/16/09	08 16 09		08/2009	120.00
09/04/2009	665514	BOETTCHER SUPPLY INC	1307320				4,460.40
623-2716-570.48-10		07/20/2009	LAWN EQUIPMENT	543084	557209	08/2009	4,460.40
09/04/2009	665612	PARDUE-WHITE, BONITA L	7701930				54.18
101-0930-510.22-54		08/27/2009	2008 REFUND	PARDUE-WHITE BO		08/2009	54.18
09/04/2009	665515	BOWEN'S CARDS & GIFTS	88				32.93
621-0000-221.10-10		09/01/2009	OVERPAYMENT REFUND	BOWENS CARDS &		09/2009	32.93
09/01/2009	665406	BREAKTHROUGH HOUSE INC	5008154				179.00
904-6330-561.47-15		09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	179.00
09/01/2009	665417	CULLISS, BRIAN	5002846				338.00
904-6330-561.47-15		09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	338.00

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR		TRN AMOUNT
09/01/2009	665423	GATES, BRIAN	5005062				361.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		361.00
09/04/2009	665578	KENNEDY, BRIAN	2002266				255.00
265-4163-540.22-03	08/31/2009	PAY PERIOD ENDING 8/16/09	08 16 09		08/2009		255.00
09/04/2009	665517	BRIGGS DODGE	1301041				95.76
614-0435-510.99-99	08/25/2009	AUTO & TRUCK MAINT. ITEMS	63769	555097	08/2009		95.76
09/01/2009	665407	BRITTANY PLACE	5001735				498.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		498.00
09/01/2009	665409	BROOKWOOD TERRACE APARTMENTS	5003229				3,369.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		283.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		410.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		410.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		445.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		410.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		153.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		304.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		410.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		283.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		261.00
09/01/2009	665408	BROOKWOOD TERRACE APARTMENTS	5003229				.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		.00
09/04/2009	665519	BURNS BURNS WALSH & WALSH PA	9004887				724.41
501-0000-227.72-00	08/31/2009	GOGIAN CASE #09L004684	GOGIAN BRANDON		08/2009		276.95
501-0000-227.72-00	08/31/2009	ORDONEZ CASE #2009LM72	ORDONEZ MICHAEL		08/2009		447.46
09/04/2009	665520	BUTLER & ASSOCIATES PA	9003706				1,612.33
501-0000-227.72-00	08/31/2009	VEGA CASE #08L021130	VEGA DANIEL		08/2009		699.75
501-0000-227.72-00	08/31/2009	STUDEBAKER CASE 09L006044	STUDEBAKER JEFF		08/2009		912.58
09/04/2009	665521	CACY KLUMPP	44				22.50
265-0000-444.26-06	08/19/2009	CREATIVE PLAY	KLUMPP CACY		08/2009		22.50
09/04/2009	665522	CALEB BURLEW	44				125.00
265-0000-444.23-03	08/24/2009	OUT OF PARK HOME RUN TRNY	BURLEW CALEB		08/2009		125.00
09/04/2009	665586	LOBB, CAREY	2002444				180.00
265-4163-540.22-03	08/31/2009	PAY PERIOD ENDING 8/16/09	08 16 09		08/2009		180.00
09/04/2009	665627	SMITH, CARL E	2003306				117.00
265-4163-540.22-03	08/31/2009	PAY PERIOD ENDING 8/16/09	08 16 09		08/2009		117.00
09/04/2009	665579	KNEPPER-VASQUEZ, CATARINA M	7702199				65.91
101-0930-510.22-54	08/27/2009	2008 REFUND	KNEPPER-VASQUEZ		08/2009		65.91

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR		TRN AMOUNT
09/04/2009	665523	CATHERINE LUNA	44				50.00
265-0000-227.40-00	08/18/2009	SHELTER HOUSE DEPOSIT	LUNA CATHERINE		08/2009		50.00
09/04/2009	665524	CATHOLIC SINGLE FELLOWSHIP	44				50.00
265-0000-227.40-00	08/18/2009	SHELTER HOUSE DEPOSIT	CATHOLIC SINGLE		08/2009		50.00
09/04/2009	665495	ARMSTRONG, CHARLES	2004133				221.00
265-4163-540.22-03	08/31/2009	PAY PERIOD ENDING 8/16/09	08 16 09		08/2009		221.00
09/04/2009	665606	MURPHY, CHRISTOPHER BRIAN	7702678				62.83
101-0930-510.22-54	08/27/2009	2008 REFUND	MURPHY CHRISTOP		08/2009		62.83
09/04/2009	665525	CHURCH OF THE LIVING GOD	44				50.00
265-0000-227.40-00	08/19/2009	SHELTER DEPOSIT	CHURCH OF THE L		08/2009		50.00
09/04/2009	665602	MOCK, CLYDE	2306566				34.00
265-4163-540.22-03	08/31/2009	PAY PERIOD ENDING 8/16/09	08 16 09		08/2009		34.00
09/04/2009	665527	COHEN MCNEILE & PAPPAS PC	9004601				169.94
501-0000-227.72-00	08/31/2009	THOMPSON CASE# 06L015721	THOMPSON JR WIL		08/2009		169.94
09/01/2009	665411	COLONY ONE	5001884				341.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		341.00
09/04/2009	665528	CONNIE RAMAGE	44				30.00
265-0000-472.03-00	08/19/2009	CHILDREN'S PARTY HOUSE	RAMAGE CONNIE		08/2009		30.00
09/04/2009	665529	CONRAD FIRE EQUIPMENT INC	1032742				681.82
614-0435-510.99-99	08/10/2009	AUTO & TRUCK MAINT. ITEMS	460767	555102	08/2009		606.64
614-0435-510.99-99	08/17/2009	AUTO & TRUCK MAINT. ITEMS	460864	555102	08/2009		75.18
09/04/2009	665534	COREFIRST BANK & TRUST	1310466				5,388.08
101-1810-520.22-00	08/20/2009	KSSOC REGISTRATION-FOP	F36126	F36126	08/2009		40.00
101-1820-520.40-07	08/20/2009	LAPTOP COMPUTER-R MILLER	F36126	F36126	08/2009		373.99
101-1850-520.55-00	08/20/2009	FLIGHT MAPS-PILOT TRNG	F36126	F36126	08/2009		18.10
561-1081-520.23-05	08/20/2009	AIRFARE-YOUSE	F36126	F36126	08/2009		239.90
760-1171-520.23-02	08/20/2009	PARKING,CAR,FUEL-KLUMPP &	F36126	F36126	08/2009		492.87
760-1171-520.23-02	08/20/2009	BAGS-KLUMPP/PANTOS	F36126	F36126	08/2009		30.00
760-1171-520.23-12	08/20/2009	HOTEL-KLUMPP	F36126	F36126	08/2009		465.92
760-1172-520.23-12	08/20/2009	HOTEL-PANTOS	F36126	F36126	08/2009		465.92
101-1820-520.23-00	08/20/2009	FUEL-WYWADIS	F36126	F36126	08/2009		77.56
101-1820-520.23-00	08/20/2009	PARKING-HERMAN	F36126	F36126	08/2009		11.00
101-1820-520.23-00	08/20/2009	FUEL/HOTEL-PURNEY	F36126	F36126	08/2009		346.31
101-1820-520.23-00	08/20/2009	ROOM/FUEL-KSMITH	F36126	F36126	08/2009		186.00
101-1820-520.23-00	08/20/2009	HOTEL/FUEL/PRKG-LADD &	F36126	F36126	08/2009		1,109.26
101-1820-520.23-00	08/20/2009	BAG/HOTEL/CAR/PRKG-THOMAS	F36126	F36126	08/2009		1,494.80
101-1820-520.23-00	08/20/2009	FUEL/KISNER	F36126	F36126	08/2009		36.45
09/04/2009	665533	COREFIRST BANK & TRUST	1310466				.00
101-1820-520.23-00	08/20/2009	FUEL/KISNER	F36126	F36126	08/2009		.00

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09/04/2009	665532	COREFIRST BANK & TRUST	1310466				.00
101-1820-520.23-00	08/20/2009	FUEL/KISNER	F36126	F36126	08/2009		.00
09/01/2009	665413	CORNERSTONE OF TOPEKA INC	5008807				3,743.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		475.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		206.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		390.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		550.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		271.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		272.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		455.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		365.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		450.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		238.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		71.00
09/01/2009	665412	CORNERSTONE OF TOPEKA INC	5008807				.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		.00
09/01/2009	665414	CORONADO APARTMENTS LLC	5004960				485.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		485.00
09/01/2009	665416	CUEVAS, EMILIO	5103083				41.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		41.00
09/04/2009	665537	CUSTOM TRUCK SALES LLC	1001224				17.94
614-0435-510.99-99	08/24/2009	AUTO & TRUCK MAINT. ITEMS	KC292360102	555106	08/2009		17.94
09/01/2009	665467	RODENBAUGH, DANIEL	5001703				220.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		220.00
09/01/2009	665479	VANHOUSE, DANIEL W	5004523				1,184.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		634.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		550.00
09/01/2009	665418	DCAL LLC	5005340				288.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		288.00
09/04/2009	665634	VINCENT, DEBORAH ANN	7702091				59.19
101-0930-510.22-54	08/27/2009	2008 REFUND	VINCENT DEBORAH		08/2009		59.19
09/04/2009	665494	ANDERSON, DELORES E	7700148				94.99
101-0930-510.22-54	08/27/2009	2008 REFUND	ANDERSON DELORE		08/2009		94.99
09/04/2009	665562	HART, DENISE	7702662				41.54
101-0930-510.22-54	08/27/2009	2008 REFUND	HART DENISE		08/2009		41.54
09/01/2009	665477	STAFFORD, DENNIS D	5001328				575.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		575.00

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ACCOUNT #		TRN DATE					
09/04/2009	665540	DENNIS PULVER	88				21.30
621-0000-221.10-10		09/02/2009	OVERPAYMENT REFUND	PULVER DENNIS		09/2009	21.30
09/04/2009	665541	DIANA RETANA	44				50.00
265-0000-227.40-00		08/18/2009	SHELTER HOUSE DEPOSIT	RETANA DIANA		08/2009	50.00
09/04/2009	665510	AUSTIN, DOLORES E	7702679				90.15
101-0930-510.22-54		08/27/2009	2008 REFUND	AUSTIN DOLORES		08/2009	90.15
09/01/2009	665469	SCHMIDT, DON	5003113				650.00
904-6330-561.47-15		09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	650.00
09/01/2009	665419	DONALD, JOSEPH	5302647				356.00
904-6330-561.47-15		09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	356.00
09/01/2009	665425	HANRAHAN, DONALD	5800330				1,030.00
904-6330-561.47-15		09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	600.00
904-6330-561.47-15		09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	430.00
09/04/2009	665583	LAWVER, DONITA F	7702686				90.14
101-0930-510.22-54		08/27/2009	2008 REFUND	LAWVER DONITA F		08/2009	90.14
09/01/2009	665420	DURST RENTALS LLC	5009460				230.00
904-6330-561.47-15		09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	230.00
09/04/2009	665544	E LOU PROBASCO-BJORGAARD	9006615				141.49
501-0000-227.72-00		08/31/2009	KELLOUGH CASE# 06L018580	KELLOUGH HEATHE		08/2009	141.49
09/04/2009	665531	COPELAND, EDITH N	7702404				114.85
101-0930-510.22-54		08/27/2009	2008 REFUND	COPELAND EDITH		08/2009	114.85
09/04/2009	665593	LUTTERMAN, ERIC	2001214				297.50
265-4163-540.22-03		08/31/2009	PAY PERIOD ENDING 8/16/09	08 16 09		08/2009	297.50
09/04/2009	665595	MARTELL, ERIC	2003018				238.00
265-4163-540.22-03		08/31/2009	PAY PERIOD ENDING 8/16/09	08 16 09		08/2009	238.00
09/04/2009	665603	MONTGOMERY, ERMA J	7700559				97.85
101-0930-510.22-54		08/27/2009	2008 REFUND	MONTGOMERY ERMA		08/2009	97.85
09/04/2009	665628	SMITH, ERNEST E	2009266				850.00
265-4163-540.22-03		08/31/2009	PAY PERIOD ENDING 8/16/09	08 16 09		08/2009	850.00
09/01/2009	665421	ESTATE OF RAYMOND L MUCH	5002028				586.00
904-6330-561.47-15		09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	586.00
09/01/2009	665453	MARINER, FAAMANUIAGA T	5005935				618.00
904-6330-561.47-15		09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	618.00
09/04/2009	665548	FACTORY MOTOR PARTS COMPANY IN	1001346				465.94
614-0435-510.99-99		08/26/2009	AUTO & TRUCK MAINT. ITEMS	8 432586	555113	08/2009	12.30

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614-0435-510.99-99	08/26/2009		AUTO & TRUCK MAINT. ITEMS	8 432624	555113	08/2009	12.73
614-0435-510.99-98	08/26/2009		AUTO & TRUCK MAINT. ITEMS	8 432591	555201	08/2009	285.83
614-0435-510.99-99	08/20/2009		AUTO & TRUCK MAINT. ITEMS	8 432132	555113	08/2009	10.00-
614-0435-510.99-99	08/31/2009		AUTO & TRUCK MAINT. ITEMS	8 433034	555113	09/2009	65.66
614-0435-510.99-99	08/31/2009		AUTO & TRUCK MAINT. ITEMS	8 433047	555113	09/2009	76.91
614-0435-510.99-98	08/31/2009		AUTO & TRUCK MAINT. ITEMS	8 433035	555201	09/2009	22.51
09/04/2009 665547	FACTORY MOTOR PARTS COMPANY IN	1001346					.00
614-0435-510.99-98	08/31/2009		AUTO & TRUCK MAINT. ITEMS	8 433035	555201	09/2009	.00
09/01/2009 665422	FAIRWAY APARTMENTS	5002934					424.00
904-6330-561.47-15	09/01/2009		SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	120.00
904-6330-561.47-15	09/01/2009		SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	304.00
09/04/2009 665549	FEDERAL HOME LOAN BANK OF TOPE	44					50.00
265-0000-227.40-00	08/24/2009		SHELTER HOUSE DEPOSIT	FEDERAL HOME LO		08/2009	50.00
09/04/2009 665552	CONFIDENTIAL-HIPAA REG	13					107.00
530-0000-227.00-00	08/24/2009		MUNI COURT OVERPMT (BOND)	HIPPA REG		08/2009	107.00
09/04/2009 665554	GERALD CHRISTENSEN	44					50.00
265-0000-227.40-00	08/18/2009		SHELTER HOUSE DEPOSIT	CHRISTENSEN GER		08/2009	50.00
09/01/2009 665455	MURPHY, GERALD R	5005635					570.00
904-6330-561.47-15	09/01/2009		SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	570.00
09/04/2009 665555	GLORIA FEBLES	44					50.00
265-0000-227.40-00	08/24/2009		SHELTER HOUSE DEPOSIT	FEBLES GLORIA		08/2009	50.00
09/01/2009 665424	GPACT RESIDENTIAL LLC	5001286					382.00
904-6330-561.47-15	09/01/2009		SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	382.00
09/04/2009 665542	DITCH, GREG	2103747					170.00
265-4163-540.22-03	08/31/2009		PAY PERIOD ENDING 8/16/09	08 16 09		08/2009	170.00
09/04/2009 665609	NILGES, GREGORY R	2005448					30.00
265-4163-540.22-03	08/31/2009		PAY PERIOD ENDING 8/16/09	08 16 09		08/2009	30.00
09/04/2009 665584	LEWIS, GREGORY W	7701992					36.32
101-0930-510.22-54	08/27/2009		2008 REFUND	LEWIS GREGORY W		08/2009	36.32
09/04/2009 665556	GUDELIA ROBLES	44					50.00
265-0000-227.40-00	08/18/2009		SHELTER HOUSE DEPOSIT	ROBLES GUDELIA		08/2009	50.00
09/01/2009 665466	RIOS, GWEN L	5002345					482.00
904-6330-561.47-15	09/01/2009		SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	482.00
09/04/2009 665557	H KENT HOLLINS	9003615					318.98
501-0000-227.72-00	08/31/2009		CHRISTIAN CASE# 06L003301	CHRISTIAN STEVE		08/2009	318.98
09/04/2009 665546	EZELL, HARRY	2005241					195.00
265-4163-540.22-03	08/31/2009		PAY PERIOD ENDING 8/16/09	08 16 09		08/2009	195.00

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09/01/2009	665427	HD GERLACH REALTY	5003329				2,180.00
904-6330-561.47-15	09/01/2009		SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	238.00
904-6330-561.47-15	09/01/2009		SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	136.00
904-6330-561.47-15	09/01/2009		SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	294.00
904-6330-561.47-15	09/01/2009		SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	153.00
904-6330-561.47-15	09/01/2009		SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	119.00
904-6330-561.47-15	09/01/2009		SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	219.00
904-6330-561.47-15	09/01/2009		SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	176.00
904-6330-561.47-15	09/01/2009		SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	395.00
904-6330-561.47-15	09/01/2009		SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	450.00
09/01/2009	665426	HD GERLACH REALTY	5003329				.00
904-6330-561.47-15	09/01/2009		SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	.00
09/04/2009	665563	HELPING HANDS HUMANE SOCIETY I	1081529				34,915.11
101-1820-520.22-00	09/01/2009		SEPTEMBER 2009	555848 9	555848	09/2009	23,049.62
101-1820-520.22-00	06/30/2009		HOLD ANIMALS-JUNE 2009	555848 18	555848	08/2009	11,865.49
09/04/2009	665644	WRIGHT, HERVEY	2002044				340.00
265-4163-540.22-03	08/31/2009		PAY PERIOD ENDING 8/16/09	08 16 09		08/2009	340.00
09/01/2009	665428	HILLSDALE APARTMENTS LLC	5001619				461.00
904-6330-561.47-15	09/01/2009		SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	461.00
09/01/2009	665429	J & V PROPERTIES LLC	5003020				765.00
904-6330-561.47-15	09/01/2009		SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	765.00
09/04/2009	665565	CONFIDENTIAL-HIPAA REG	13				40.00
530-0000-227.00-00	08/18/2009		MUNI COURT OVERPMT (BOND)	HIPPA REG		08/2009	40.00
09/04/2009	665560	HARPHAM, JAMES W	7702685				59.54
101-0930-510.22-54	08/27/2009		2008 REFUND	HARPHAM JAMES W		08/2009	59.54
09/04/2009	665626	SCHULZ, JASON A	2006034				273.00
265-4163-540.22-03	08/31/2009		PAY PERIOD ENDING 8/16/09	08 16 09		08/2009	273.00
09/01/2009	665461	POORE, JAY	5007846				625.00
904-6330-561.47-15	09/01/2009		SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	625.00
09/04/2009	665577	KEEHN, JENNIFER S	1007164				141.49
501-0000-227.72-00	08/31/2009		KELLOUGH CASE# 09SC000061	KELLOUGH HEATHE		08/2009	141.49
09/04/2009	665566	JOHN HOFFER CHRYSLER PLYMOUTH	1082425				3,000.00
614-0435-510.99-99	08/17/2009		EQUIPMENT MAINT & REPAIR	65915	557486	08/2009	750.00
614-0435-510.99-99	08/17/2009		EQUIPMENT MAINT & REPAIR	65918	557487	08/2009	750.00
614-0435-510.99-99	08/31/2009		EQUIPMENT MAINT & REPAIR	66118	557488	09/2009	750.00
614-0435-510.99-99	08/31/2009		EQUIPMENT MAINT & REPAIR	66119	557489	09/2009	750.00
09/04/2009	665567	JOSE CERVANTES	44				50.00
265-0000-227.40-00	08/18/2009		SHELTER HOUSE DEPOSIT	CERVANTES JOSE		08/2009	50.00

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09/04/2009	665568	CONFIDENTIAL-HIPAA REG 13					1,504.00
530-0000-227.00-00	08/18/2009		MUNI COURT OVERPMT (BOND)	HIPPA REG		08/2009	1,504.00
09/04/2009	665569	CONFIDENTIAL-HIPAA REG 13					125.00
560-0000-452.08-00	08/25/2009		AIS SCHOOL OVERPAYMENT	HIPPA REG		08/2009	125.00
09/04/2009	665629	STANLEY, JULI A 7700654					74.45
101-0930-510.22-54	08/27/2009		2008 REFUND	STANLEY JULI A		08/2009	74.45
09/04/2009	665574	KANSAS AUTOMOTIVE INC 1110174					573.02
614-0435-510.99-99	08/26/2009		AUTO & TRUCK MAINT. ITEMS	2222559	555141	08/2009	43.65
614-0435-510.99-99	08/26/2009		AUTO & TRUCK MAINT. ITEMS	2222641	555141	08/2009	6.93
614-0435-510.99-99	08/26/2009		AUTO & TRUCK MAINT. ITEMS	2222745	555141	08/2009	5.14
614-0435-510.99-99	08/27/2009		AUTO & TRUCK MAINT. ITEMS	2223104	555141	08/2009	1.24
614-0435-510.99-99	08/27/2009		AUTO & TRUCK MAINT. ITEMS	2223117	555141	08/2009	1.10
614-0435-510.99-99	08/27/2009		AUTO & TRUCK MAINT. ITEMS	2222796	555141	08/2009	.74
614-0435-510.99-99	08/27/2009		AUTO & TRUCK MAINT. ITEMS	2222948	555141	08/2009	24.99
614-0435-510.99-99	08/27/2009		AUTO & TRUCK MAINT. ITEMS	2223100	555141	08/2009	9.81
614-0435-510.99-98	08/21/2009		AUTO & TRUCK MAINT. ITEMS	2221464	555214	08/2009	28.57
614-0435-510.99-98	08/25/2009		AUTO & TRUCK MAINT. ITEMS	2222098	555214	08/2009	224.94
614-0435-510.99-98	08/25/2009		AUTO & TRUCK MAINT. ITEMS	2222203	555214	08/2009	2.80
614-0435-510.99-98	08/27/2009		AUTO & TRUCK MAINT. ITEMS	2222853	555214	08/2009	28.57
614-0435-510.41-01	08/28/2009		TOOLS, HAND (NOT CLASSED)	2223172	555253	08/2009	3.40
614-0435-510.99-99	08/26/2009		AUTO & TRUCK MAINT. ITEMS	2222685	555141	09/2009	66.06
614-0435-510.99-99	08/27/2009		AUTO & TRUCK MAINT. ITEMS	2222869	555141	09/2009	23.00
614-0435-510.99-99	08/27/2009		AUTO & TRUCK MAINT. ITEMS	2222882	555141	09/2009	35.86
614-0435-510.99-99	08/27/2009		AUTO & TRUCK MAINT. ITEMS	2223012	555141	09/2009	4.95
614-0435-510.99-99	08/28/2009		AUTO & TRUCK MAINT. ITEMS	2223398	555141	09/2009	28.02
614-0435-510.99-99	08/28/2009		AUTO & TRUCK MAINT. ITEMS	2223400	555141	09/2009	9.81-
614-0435-510.99-99	08/31/2009		AUTO & TRUCK MAINT. ITEMS	2223838	555141	09/2009	23.67
614-0435-510.99-98	08/28/2009		AUTO & TRUCK MAINT. ITEMS	2223391	555214	09/2009	2.83
614-0435-510.99-98	08/31/2009		AUTO & TRUCK MAINT. ITEMS	2223720	555214	09/2009	16.56
09/04/2009	665573	KANSAS AUTOMOTIVE INC 1110174					.00
614-0435-510.99-98	08/31/2009		AUTO & TRUCK MAINT. ITEMS	2223720	555214	09/2009	.00
09/04/2009	665572	KANSAS AUTOMOTIVE INC 1110174					.00
614-0435-510.99-98	08/31/2009		AUTO & TRUCK MAINT. ITEMS	2223720	555214	09/2009	.00
09/04/2009	665571	KANSAS AUTOMOTIVE INC 1110174					.00
614-0435-510.99-98	08/31/2009		AUTO & TRUCK MAINT. ITEMS	2223720	555214	09/2009	.00
09/01/2009	665447	CONFIDENTIAL-HIPAA REG 6666000					32.00
904-6330-561.47-15	09/01/2009		SHELTER & CARE	SHELTER & CARE		09/2009	32.00
09/01/2009	665446	CONFIDENTIAL-HIPAA REG 6666000					82.00
904-6330-561.47-15	09/01/2009		SHELTER & CARE	SHELTER & CARE		09/2009	82.00
09/01/2009	665445	CONFIDENTIAL-HIPAA REG 6666000					45.00
904-6330-561.47-15	09/01/2009		SHELTER & CARE	SHELTER & CARE		09/2009	45.00

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09/01/2009	665444	CONFIDENTIAL-HIPAA REG	6666000				82.00
904-6330-561.47-15	09/01/2009	SHELTER & CARE		SHELTER & CARE		09/2009	82.00
09/01/2009	665443	CONFIDENTIAL-HIPAA REG	6666000				39.00
904-6330-561.47-15	09/01/2009	SHELTER & CARE		SHELTER & CARE		09/2009	39.00
09/01/2009	665442	CONFIDENTIAL-HIPAA REG	6666000				57.00
904-6330-561.47-15	09/01/2009	SHELTER & CARE		SHELTER & CARE		09/2009	57.00
09/01/2009	665441	CONFIDENTIAL-HIPAA REG	6666000				108.00
904-6330-561.47-15	09/01/2009	SHELTER & CARE		SHELTER & CARE		09/2009	108.00
09/01/2009	665440	CONFIDENTIAL-HIPAA REG	6666000				53.00
904-6330-561.47-15	09/01/2009	SHELTER & CARE		SHELTER & CARE		09/2009	53.00
09/01/2009	665439	CONFIDENTIAL-HIPAA REG	6666000				82.00
904-6330-561.47-15	09/01/2009	SHELTER & CARE		SHELTER & CARE		09/2009	82.00
09/01/2009	665438	CONFIDENTIAL-HIPAA REG	6666000				55.00
904-6330-561.47-15	09/01/2009	SHELTER & CARE		SHELTER & CARE		09/2009	55.00
09/01/2009	665437	CONFIDENTIAL-HIPAA REG	6666000				118.00
904-6330-561.47-15	09/01/2009	SHELTER & CARE		SHELTER & CARE		09/2009	118.00
09/01/2009	665436	CONFIDENTIAL-HIPAA REG	6666000				68.00
904-6330-561.47-15	09/01/2009	SHELTER & CARE		SHELTER & CARE		09/2009	68.00
09/01/2009	665435	CONFIDENTIAL-HIPAA REG	6666000				59.00
904-6330-561.47-15	09/01/2009	SHELTER & CARE		SHELTER & CARE		09/2009	59.00
09/01/2009	665434	CONFIDENTIAL-HIPAA REG	6666000				35.00
904-6330-561.47-15	09/01/2009	SHELTER & CARE		SHELTER & CARE		09/2009	35.00
09/01/2009	665433	CONFIDENTIAL-HIPAA REG	6666000				45.00
904-6330-561.47-15	09/01/2009	SHELTER & CARE		SHELTER & CARE		09/2009	45.00
09/01/2009	665432	CONFIDENTIAL-HIPAA REG	6666000				40.00
904-6330-561.47-15	09/01/2009	SHELTER & CARE		SHELTER & CARE		09/2009	40.00
09/01/2009	665431	CONFIDENTIAL-HIPAA REG	6666000				35.00
904-6330-561.47-15	09/01/2009	SHELTER & CARE		SHELTER & CARE		09/2009	35.00
09/04/2009	665575	KAREN PETERSON	44				18.00
265-0000-444.26-06	08/19/2009	CREATIVE PLAY		PETERSON KAREN		08/2009	18.00
09/04/2009	665611	PANGLE, KATHY L	7702687				102.77
101-0930-510.22-54	08/27/2009	2008 REFUND		PANGLE KATHY L		08/2009	102.77
09/04/2009	665576	KATHY VALDIVIA	44				50.00
265-0000-227.40-00	08/18/2009	SHELTER HOUSE DEPOSIT		VALDIVIA KATHY		08/2009	50.00

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ACCOUNT #		TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
09/04/2009	665633	UMBEHR, KEEN A	9001234				141.48
501-0000-227.72-00		08/31/2009	KELLOUGH CASE# 09L000522	KELLOUGH HEATHE		08/2009	141.48
09/01/2009	665454	MCGINLEY, KELSEY	5008952				322.00
904-6330-561.47-15		09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	322.00
09/04/2009	665631	THEIS, KENNY	2107924				68.00
265-4163-540.22-03		08/31/2009	PAY PERIOD ENDING 8/16/09	08 16 09		08/2009	68.00
09/01/2009	665448	KEY ASSOCIATES	5304601				425.00
904-6330-561.47-15		09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	425.00
09/04/2009	665585	LEWIS, KYLE N	2005879				195.00
265-4163-540.22-03		08/31/2009	PAY PERIOD ENDING 8/16/09	08 16 09		08/2009	195.00
09/04/2009	665580	LAIRD NOLLER FORD INC	1141109				237.28
614-0435-510.99-99		08/18/2009	AUTO & TRUCK MAINT. ITEMS	8023404	555147	08/2009	173.60
614-0435-510.99-99		08/14/2009	AUTO & TRUCK MAINT. ITEMS	1046593	555147	09/2009	24.80
614-0435-510.99-98		08/31/2009	AUTO & TRUCK MAINT. ITEMS	1047366	555216	09/2009	38.88
09/04/2009	665582	LARSON & BLUMREICH CHARTERED	9005601				400.00
640-0320-510.22-42		08/19/2009	MISCELLANEOUS SERVICES	555419 5	555419	08/2009	400.00
09/04/2009	665588	LOWER, LILLIE B	7700194				54.68
101-0930-510.22-54		08/27/2009	2008 REFUND	LOWER LILLIE B		08/2009	54.68
09/04/2009	665564	JACKSON, LOIS J	7700159				59.64
101-0930-510.22-54		08/27/2009	2008 REFUND	JACKSON LOIS J		08/2009	59.64
09/01/2009	665458	PETERSEN, LONNIE	5800234				1,142.00
904-6330-561.47-15		09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	376.00
904-6330-561.47-15		09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	337.00
904-6330-561.47-15		09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	429.00
09/04/2009	665512	BECK, LOREN	2004017				170.00
265-4163-540.22-03		08/31/2009	PAY PERIOD ENDING 8/16/09	08 16 09		08/2009	170.00
09/04/2009	665538	DAVIS, LORI A	7702689				138.53
101-0930-510.22-54		08/27/2009	2008 REFUND	DAVIS LORI A		08/2009	138.53
09/01/2009	665410	CLINTSMAN-THOMS, LOU ANN	5002820				474.00
904-6330-561.47-15		09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	474.00
09/04/2009	665589	LUCAS VILLARREAL	44				50.00
265-0000-227.40-00		08/18/2009	SHELTER HOUSE DEPOSIT	VILLARREAL LUCA		08/2009	50.00
09/04/2009	665590	LUCIA MERAZ	44				50.00
265-0000-227.40-00		08/18/2009	SHELTER HOUSE DEPOSIT	MERAZ LUCIA		08/2009	50.00
09/04/2009	665516	BOZA, LYNN M	7702159				51.86
101-0930-510.22-54		08/27/2009	2008 REFUND	BOZA LYNN M		08/2009	51.86

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09/01/2009	665452	MACVICAR 21 APARTMENTS 5001566				785.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	390.00
904 6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	395.00
09/01/2009	665450	LENTZ, MARILYN 5004324				386.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	386.00
09/01/2009	665456	OGDEN, MARTIN 5001334				276.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	276.00
09/04/2009	665596	MARTIN PRINGLE OLIVER WALLACE 9001008				567.47
501-0000-227.72-00	08/31/2009	WORKMAN CASE 40 08C001385	WORKMAN STEPHAN		08/2009	567.47
09/04/2009	665511	BARTEE, MARY I 7700288				78.38
101-0930-510.22-54	08/27/2009	2008 REFUND	BARTEE MARY I		08/2009	78.38
09/04/2009	665597	MARY LOVETT 44				30.00
265-0000-444.26-05	08/18/2009	KANSAS SENIOR OLYMPICS	LOVETT MARY		08/2009	30.00
09/04/2009	665598	MATTHEW STONE 44				65.00
265-0000-444.23-03	08/24/2009	GO THE DISTANCE FALL S/BA	STONE MATTHEW		08/2009	65.00
09/04/2009	665639	WINKENWADER, MATTHEW 2007404				117.00
265-4163-540.22-03	08/31/2009	PAY PERIOD ENDING 8/16/09	08 16 09		08/2009	117.00
09/04/2009	665641	WOBUS, MELANIE 2003000				64.00
265-4165-540.22-03	09/03/2009	PAY PERIOD ENDING 2/11/06	02 11 06		08/2009	64.00
09/04/2009	665599	MICAH SLUSSER 44				125.00
265-0000-444.23-03	08/24/2009	GO THE DISTANCE FALL S/BA	SLUSSER MICAH		08/2009	125.00
09/01/2009	665451	LUELLEN, MICHAEL DEAN 5001432				323.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	323.00
09/04/2009	665615	PERRY, MICHAEL 2006929				289.00
265-4163-540.22-03	08/31/2009	PAY PERIOD ENDING 8/16/09	08 16 09		08/2009	289.00
09/04/2009	665600	MICHAEL SWARTZ 44				10.00
265-0000-444.26-05	08/17/2009	KANSAS SENIOR OLYMPICS	SWARTZ MICHAEL		08/2009	10.00
09/04/2009	665620	RHOADS, MILDRED J 7700135				58.62
101-0930-510.22-54	08/27/2009	2008 REFUND	RHOADS MILDRED		08/2009	58.62
09/04/2009	665601	MIROSLAVA BARRON 44				50.00
265-0000-227.40-00	08/18/2009	SHELTER HOUSE DEPOSIT	BARRON MIROSLAV		08/2009	50.00
09/01/2009	665430	KANATZAR, MITCHELL K 5003470				307.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	307.00
09/04/2009	665605	MULTIPLE SCLEROSIS SOCIETY 44				50.00
265-0000-227.40-00	08/17/2009	SHELTER HOUSE DEPOSIT	MULTIPLE SCLERO		08/2009	50.00

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09/04/2009	665607	MYA GREEN	44				50.00
265-0000-227.40-00	08/24/2009	SHELTER HOUSE DEPOSIT	GREEN MYA		08/2009		50.00
09/04/2009	665592	LUNA, NARCISO	2004199				255.00
265-4163-540.22-03	08/31/2009	PAY PERIOD ENDING 8/16/09	08 16 09		08/2009		255.00
09/04/2009	665591	LUI MD, NASON	1307749				450.00
640-0320-510.22-26	08/13/2009	MISCELLANEOUS SERVICES	555414 5	555414	08/2009		450.00
09/04/2009	665608	NEIGHBORS CONSTRUCTION	88				730.85
621-0000-221.10-10	09/01/2009	OVERPAYMENT REFUND	NEIGHBORS CONST		09/2009		730.85
09/04/2009	665618	QUARLES II, NORMAN W	2002747				105.00
265-4163-540.22-03	08/31/2009	PAY PERIOD ENDING 8/16/09	08 16 09		08/2009		105.00
09/04/2009	665610	O REILLY AUTO PARTS	1307849				475.58
614-0435-510.99-99	08/26/2009	AUTO & TRUCK MAINT. ITEMS	0152 475872	555159	08/2009		226.58
614-0435-510.99-99	08/27/2009	AUTO & TRUCK MAINT. ITEMS	0152 476042	555159	08/2009		40.02
614-0435-510.99-99	08/11/2009	AUTO & TRUCK MAINT. ITEMS	0152 472139	555159	09/2009		7.82
614-0435-510.99-99	08/27/2009	AUTO & TRUCK MAINT. ITEMS	0152 476264	555159	09/2009		201.16
09/01/2009	665457	PARKLANE PROPERTIES LLC	5001042				450.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		450.00
09/04/2009	665621	ROBBINS, PATRICIA A	7700269				70.85
101-0930-510.22-54	08/27/2009	2008 REFUND	ROBBINS PATRICI		08/2009		70.85
09/01/2009	665463	RASMUSSEN, PAUL	5003201				670.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		233.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		437.00
09/04/2009	665642	WOBUS, PAUL	2101819				289.00
265-4163-540.22-03	08/31/2009	PAY PERIOD ENDING 8/16/09	08 16 09		08/2009		289.00
09/04/2009	665616	PETER GALLEGO	44				50.00
265-0000-227.40-00	08/24/2009	SHELTER HOUSE DEPOSIT	GALLEGO PETER		08/2009		50.00
09/04/2009	665535	CORTEZ, PHILIP M	7702068				87.37
101-0930-510.22-54	08/27/2009	2008 REFUND	CORTEZ PHILIP M		08/2009		87.37
09/04/2009	665526	CLOUSE, PHILLIP J	2278596				68.00
265-4163-540.22-03	08/31/2009	PAY PERIOD ENDING 8/16/09	08 16 09		08/2009		68.00
09/04/2009	665594	MADRID, PHILLIP X	7702230				48.83
101-0930-510.22-54	08/27/2009	2008 REFUND	MADRID PHILLIP		08/2009		48.83
09/01/2009	665459	PIONEER CURTIS HOMES	5003008				528.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		299.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		229.00

CHECK DATE	CHECK NUMBER	VENDOR NAME / VENDOR #					CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR		TRN AMOUNT
09/01/2009	665460	PIONEER OLDE TOWN APARTMENTS	5007705				1,069.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		259.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		369.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		269.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		172.00
09/04/2009	665570	JUSTICE, RACHEL L	7702355				108.58
101-0930-510.22-54	08/27/2009	2008 REFUND	JUSTICE RACHEL		08/2009		108.58
09/01/2009	665462	RAK INVESTMENTS LLC	5000795				2,048.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		525.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		503.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		510.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		510.00
09/04/2009	665551	GAINES, RAYMOND	7702674				46.63
101-0930-510.22-54	08/27/2009	2008 REFUND	GAINES RAYMOND		08/2009		46.63
09/04/2009	665559	HALL, REBECCA K	7702684				81.10
101-0930-510.22-54	08/27/2009	2008 REFUND	HALL REBECCA K		08/2009		81.10
09/04/2009	665604	MOORE, REGINALD	2001932				221.00
265-4163-540.22-03	08/31/2009	PAY PERIOD ENDING 8/16/09	08 16 09		08/2009		221.00
09/01/2009	665464	RENTAL MANAGEMENT SOLUTIONS LL	5002094				871.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		114.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		512.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		245.00
09/01/2009	665489	WOLFE, RICHARD	5114621				300.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		300.00
09/01/2009	665465	RIDGEWOOD ESTATES	5004100				1,266.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		638.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		628.00
09/04/2009	665513	BEST, RITA J	7700242				95.52
101-0930-510.22-54	08/27/2009	2008 REFUND	BEST RITA J		08/2009		95.52
09/04/2009	665539	DEAN, ROBERT	2003132				279.50
265-4163-540.22-03	08/31/2009	PAY PERIOD ENDING 8/16/09	08 16 09		08/2009		279.50
09/01/2009	665449	KNOETTGEN, ROBERT R	5001418				408.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		408.00
09/04/2009	665543	DITCH, ROCKY W	2115228				96.00
265-4163-540.22-03	08/31/2009	PAY PERIOD ENDING 8/16/09	08 16 09		08/2009		96.00
09/04/2009	665637	WHYE, ROLAND A	2037600				119.00
265-4163-540.22-03	08/31/2009	PAY PERIOD ENDING 8/16/09	08 16 09		08/2009		119.00

CHECK DATE	CHECK NUMBER	VENDOR NAME / VENDOR #					CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR		TRN AMOUNT
09/04/2009	665622	RONALD SHELEY	44				50.00
265-0000-227.40-00	08/24/2009	SHELTER HOUSE DEPOSIT	SHELEY RONALD		08/2009		50.00
09/04/2009	665623	CONFIDENTIAL-HIPAA REG	13				29.00
530-0000-227.00-00	08/19/2009	MUNI COURT OVERPMT (BOND)	HIPPA REG		08/2009		29.00
09/04/2009	665536	COX, RUTH I	7701967				99.07
101-0930-510.22-54	08/27/2009	2008 REFUND	COX RUTH I		08/2009		99.07
09/04/2009	665624	CONFIDENTIAL-HIPAA REG	13				30.00
101-0000-227.84-00	08/17/2009	MUNI COURT OVERPAYMENT	HIPPA REG		08/2009		30.00
09/04/2009	665619	REED, SANDRA L	7702688				91.13
101-0930-510.22-54	08/27/2009	2008 REFUND	REED SANDRA L		08/2009		91.13
09/01/2009	665468	SANTE FE PLACE APARTMENTS	5006005				806.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		460.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		170.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		176.00
09/04/2009	665625	SCHMIDT BUILDERS SUPPLY INC	1102265				463.48
501-0000-227.72-00	08/31/2009	MOSS CASE# 08SC000335	MOSS JAMIE L		08/2009		463.48
09/04/2009	665640	WINKENWADER, SHANE	2007408				120.00
265-4163-540.22-03	08/31/2009	PAY PERIOD ENDING 8/16/09	08 16 09		08/2009		120.00
09/01/2009	665470	SIGLOW PROPERTY MANAGEMENT LLC	5008433				355.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		355.00
09/01/2009	665472	SOMERSET MANAGEMENT COMPANY LL	5001944				3,779.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		517.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		405.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		425.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		425.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		425.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		206.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		515.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		159.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		61.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		136.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		505.00
09/01/2009	665471	SOMERSET MANAGEMENT COMPANY LL	5001944				.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		.00
09/01/2009	665473	SOUTHBROOK APARTMENTS	5103137				237.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		237.00
09/01/2009	665474	SOUTHBROOK II	5005012				448.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		448.00

CHECK DATE	CHECK NUMBER	VENDOR NAME / VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
09/01/2009	665476	ST GREGORY LLC	5005820			2,728.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	229.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	279.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	376.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	425.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	266.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	236.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	308.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	233.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	376.00
09/01/2009	665475	ST GREGORY LLC	5005820			.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	.00
09/04/2009	665518	BROWNE JR, THOMAS P	2500321			340.00
265-4163-540.22-03	08/31/2009	PAY PERIOD ENDING 8/16/09	08 16 09		08/2009	340.00
09/01/2009	665404	BENAKA, THOMAS R	5800376			599.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	599.00
09/01/2009	665478	TOPEKA RENTALS LLC	5004908			740.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	325.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	415.00
09/04/2009	665632	TRAVIS SLOVER	44			65.00
265-0000-444.23-03	08/24/2009	GO THE DISTANCE FALL S/BA	SLOVER TRAVIS		08/2009	65.00
09/04/2009	665614	PENNINGTON, VERONICA M	7700052			84.18
101-0930-510.22-54	08/27/2009	2008 REFUND	PENNINGTON VERO		08/2009	84.18
09/04/2009	665581	LARA, VIRGINIA M	7700724			33.69
101-0930-510.22-54	08/27/2009	2008 REFUND	LARA VIRGINIA M		08/2009	33.69
09/04/2009	665561	HARRIS, WARREN S	2120509			187.00
265-4163-540.22-03	08/31/2009	PAY PERIOD ENDING 8/16/09	08 16 09		08/2009	187.00
09/04/2009	665635	WASHBURN RURAL HIGH SCHOOL	44			50.00
265-0000-227.40-00	08/18/2009	SHELTER HOUSE DEPOSIT	WASHBURN RURAL		08/2009	50.00
09/01/2009	665480	WCW ENTERPRISES INC	5006322			277.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009	277.00
09/04/2009	665636	WEST SIDE BAPTIST CHURCH	44			50.00
265-0000-227.40-00	08/24/2009	SHELTER HOUSE DEPOSIT	WEST SIDE BAPTI		08/2009	50.00
09/01/2009	665488	CONFIDENTIAL-HIPAA REG	6666001			2,739.00
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	45.00
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	68.00
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	48.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	11.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	27.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	57.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	56.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	60.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	89.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	42.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	165.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	58.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	2.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	34.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	18.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	91.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	43.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	37.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	35.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	54.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	108.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	56.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	51.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	44.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	68.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	83.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	27.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	13.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	33.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	27.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	50.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	260.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	82.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	1.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	58.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	76.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	79.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	38.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	150.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	50.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	44.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	50.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	94.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	55.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	42.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	60.00	
09/01/2009 665487	CONFIDENTIAL-HIPAA REG	6666001				.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	.00	
09/01/2009 665486	CONFIDENTIAL-HIPAA REG	6666001				.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	.00	
09/01/2009 665485	CONFIDENTIAL-HIPAA REG	6666001				.00	
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009	.00	

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09/01/2009	665484	CONFIDENTIAL-HIPAA REG	6666001				.00
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009		.00
09/01/2009	665483	CONFIDENTIAL-HIPAA REG	6666001				.00
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009		.00
09/01/2009	665482	CONFIDENTIAL-HIPAA REG	6666001				.00
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009		.00
09/01/2009	665481	CONFIDENTIAL-HIPAA REG	6666001				.00
904-6330-561.47-15	09/01/2009	SHELTER & CARE	SHELTER & CARE		09/2009		.00
09/01/2009	665415	COX, WILLIAM	5003447				750.00
904-6330-561.47-15	09/01/2009	SHELTER + CARE LANDLORDS	SHELTER & CARE		09/2009		750.00
09/04/2009	665643	WOOD VALLEY RACQUET CLUB & FIT	1300367				2,916.67
265-4166-540.22-10	09/07/2009	SEPTEMBER 2009 SERVICES	555525 9	555525	09/2009		2,916.67

NUMBER OF CHECKS- 207 DATE RANGE TOTAL * 121,869.13 *

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 8, 2009

DATE:	**September 22, 2009**		
CONTACT PERSON:	**David Thurbon**	**DOCUMENT #:**	**PUD09/2**
SECOND PARTY/SUBJECT:	**California Residential Care**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**014 Ordinances – Non-Codified / 007 Zoning**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:	**09/15/09 First Reading**	**JOURNAL #:**	**09**
		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 3860 SE California Avenue from "R-1" Single Family Dwelling District TO "PUD" Planned Unit Development District (M-1 use group, including a Residential Care Facility, Type III). Final Reading. *(PUD09/2) (Council District No. 4)*

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval would allow for senior independent-living facilities affiliated with the residential care facility and three independent-living duplex buildings.)

POLICY ISSUE:

The proposal is consistent with the land use policies and principles of the Topeka Land Use and Growth Management Plan - 2025.

STAFF RECOMMENDATION:

The Planning Commission recommended this request be **APPROVED** by a vote of **7-0-0** at their August 17, 2009 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
- Governing Body options:
- **Adopt** the recommendation of the Planning Commission by a simple majority of the Governing Body membership (6 votes);
- **Override** the Planning Commission's recommendation by a two-thirds majority of Governing Body membership (7 votes);
- **Return** such recommendation to the Planning Commission with a statement specifying the basis for the Governing Body's failure to approve or disapprove.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

Ordinance

staff report

zoning map

aerial map

rezoning application

PUD Plan

Planning Commission Minutes

(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 3860 SE California Avenue from "R-1 Single Family Dwelling District **TO** "PUD" Planned Unit Development District (M-1 use group, including a Residential Care Facility, Type III). **(PUD09/2) (Council District No. 4)**

BE IT ORDAINED BY THE GOVERNING BODY 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 reclassifying the following described property:

Lot 10, Block C, St. Philips Episcopal Church Subdivision.

from "R-1 Single Family Dwelling District **TO** "PUD" Planned Unit Development District (M-1 use group, including a Residential Care Facility, Type III). **Subject to:**

1. **Use and compliance of the site in accordance with the recorded Master Planned Unit Development Plan for California Residential Care.**

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 Governing Body of the City of Topeka, _____, 2009.

_____
William W. Bunten, Mayor

ATTEST:

_____
Brenda Younger, City Clerk

To Be Codified _____
Not To Be Codified ___X___

August 17, 2009
Agenda Item # F-1

ZONING REPORT

CITY OF TOPEKA PLANNING DEPARTMENT

CASE NO: PUD09/2 **by: California Residential**

PROPOSAL: Zone change from "R-1" Single-Family Dwelling District **TO** "PUD" Planned Unit Development (M-1 use group, including a Residential Care Facility, Type III).

LOCATION: 3860 SE California Avenue

PRESENT USE: Vacant church building on 2 acre lot.

PROPOSED USE: Use of the existing 5,412 sq. ft. church building with a possible 5,630 sq. ft. future expansion for a Residential Care Facility, Type III. Three 2,500 sq. ft. duplex buildings with attached one-car garages (6 dwelling units) for senior independent-living affiliated with the residential care facility.

CHARACTER OF NEIGHBORHOOD: The area is predominated by single-family residential development and is located on the southeastern edge of the city limits. The property is located along a minor arterial (SE California) and bordered on the south side by vacant, undeveloped land and a rural homestead.

ZONING CLASSIFICATION AND USE OF SURROUNDING PROPERTIES:

	ZONING CLASSIFICATION	PRESENT LAND USE
North:	"R-1" Single-Family Dwelling District	Vacant (platted for single-family lots)
South:	"R-1" Single-Family Dwelling District	Single-family residence
East:	"R-1" Single-Family Dwelling District	Vacant (platted for single-family lots)
West:	"R-1" Single-Family Dwelling District	Single-family residences

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: The subject property has remained zoned for single family residential since annexed into the City in 1958 and has been platted as one lot since 1981. The existing church structure was built in 1984 and has been vacant for approximately two years.

SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED: The property may still be suitable for another church. However, the building has been vacant for at least two years and other uses would also be appropriate instead of letting the existing building decline in

appearance and value. The building is starting to fall into disrepair and the longer it remains vacant, the less feasible it is for it to be used by another organization or entity. In the long run, a building that is used and maintained is ultimately better for the neighborhood than an empty building left to decline.

CONFORMANCE TO COMPREHENSIVE PLAN: The Topeka Land Use and Growth Management Plan – 2025 establishes this area for *Urban/Suburban Low Density Residential* land uses. However, SE California is classified as a minor arterial and the plan allows for a limited amount of medium density development along arterials on the perimeters of single-family neighborhoods. Planning principles suggest that communities should provide adequate housing facilities for all age groups in a population. This present proposal will provide housing for the growing elderly age group, enabling them to downsize from their single-family homes to duplexes (w/ limited medical care), and eventually into an environment with more substantial nursing care as they age.

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: Reclassification of the property allowing for a residential care facility, type III and three independent-living duplex buildings (6 dwelling units) should not have a detrimental effect on nearby properties. The residential care facility would be a less intensive use than a church in terms of on-site parking demands and traffic impacts on adjoining properties, as most of the residents will not have personal vehicles. Senior citizens residing within the independent-living units who do have personal vehicles will make fewer traffic trips than in conventional development and, therefore, will have less of an impact on existing traffic patterns then that of the previous church. The development also provides a 40' wide drainage easement, which will provide a transition for any single-family that is developed in the future to the north and east.

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: As no detrimental effects are anticipated, there should be no significant impact to the public health, safety, and welfare. As the building is currently vacant and unused, it provides no real benefit to the neighborhood and will ultimately harm the neighborhood the longer length of time it sits vacant and does not receive proper maintenance. The hardship upon the landowner is that the existing structure was built as a church and there are a limited uses for it outside of another church without rezoning.

AVAILABILITY OF PUBLIC SERVICES: All essential public utilities, services and facilities are presently available to this area. The property owner has agreed to participate in an irrevocable waiver to a fair and equitable participation in a street benefit district for the improvement of SE 39th Street when future development to the east requires the need for this street. The subject proposal will not require the need for this street to be improved. However, SE 39th Street would be necessary in order for development to the east to occur.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS: The proposal meets parking requirements by providing a total of 38 spaces for the residential care facility and 12 spaces (2 per unit) for the duplexes. The residential care facility requires 11 spaces for 32 maximum residents (1 space per 3 roomers), and therefore, the facility will still exceed required parking even if the 15 spaces along SE California are eliminated for a sidewalk in the future.

Minimum Lot Area: **Compliant** – 2 acres (1 acre required)

Setbacks: **Compliant –** The plat establishes 30' setbacks along SE California and SE 39th and the proposal is in compliance to this setback.

Platting: **Compliant** – The property is platted as Lot 10, Block C, St. Phillips Church Subdivision.

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
5. Historic Properties: N/A

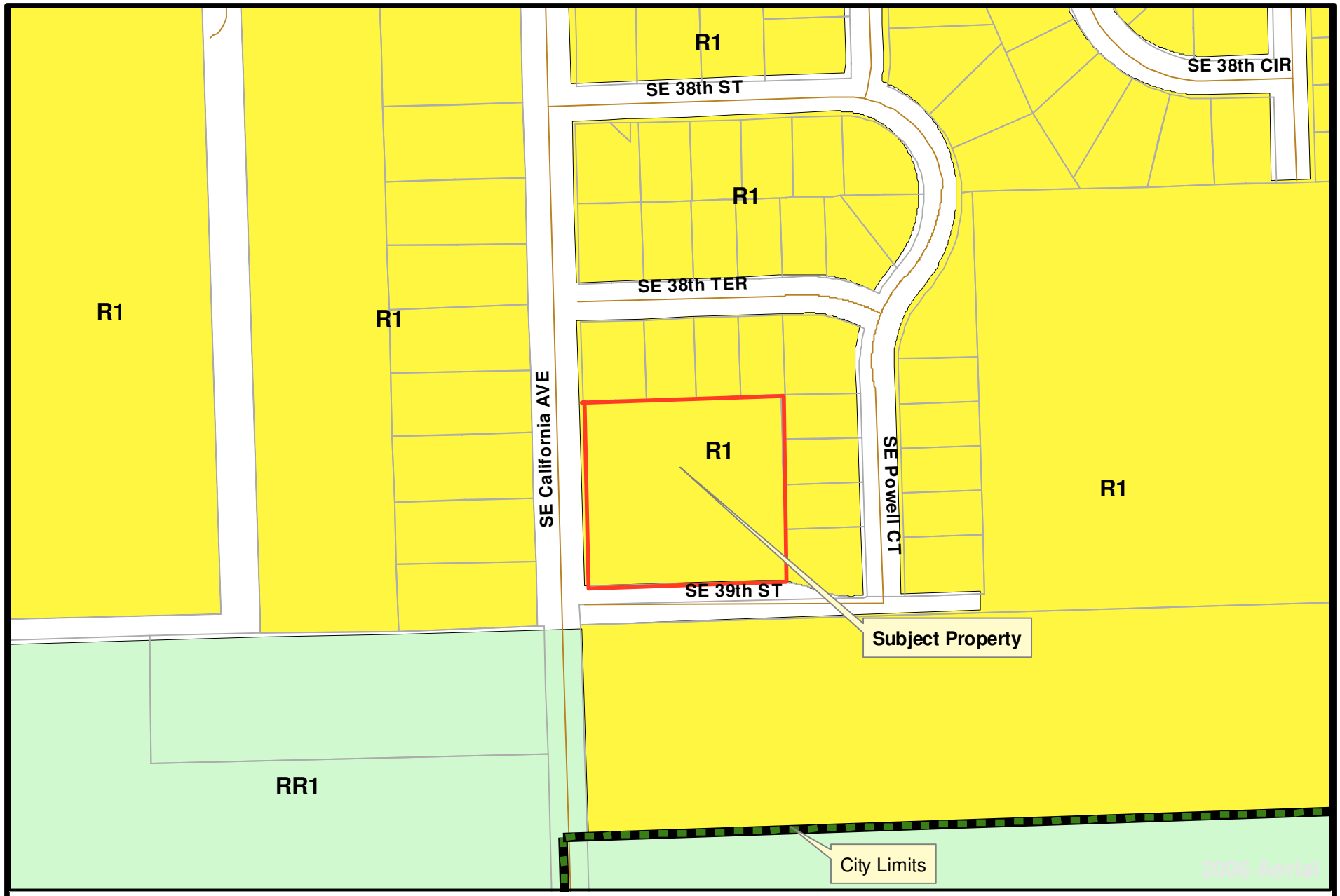
STAFF RECOMMENDATION: Planning staff recommends **APPROVAL** of this proposal based upon the above findings and analysis, subject to:

1. Use and development of the site in accordance with the Master Planned Unit Development Plan for California Residential.

2. Removing parcel ID numbers and conventional numeric addresses from adjoining lots- these are unnecessary to the PUD.

3. Revising required parking spaces under Project Data from 6 to 11 spaces for the residential care facility.

Prepared by:
Annie Driver, Planner I



PUD09/2 by: California Residential

City of Topeka Planning Department



PUD09/2 by: California Residential

City of Topeka Planning Department

Zoning Application Form

(including PUDs and CUPs)

City of Topeka Planning Department
620 SE Madison, 3rd Floor (Unit #11)
Topeka, KS 66607-1118
Phone 785-368-3728 Fax 785-368-2535
www.topeka.org/planning

Applicant Information

Property Owner(s): St. Phillips Episcopal Church

Street Address: 3860 S.E. California Ave

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

Work phone: _____ Home phone: _____ Fax: _____

Authorized Owner Representative (if any): _____

Michael T. Wilson, AIA, Architect One, P.A.

Street Address: 3500 S.W. Fairlawn Rd. #100

City: Topeka State: KS Zip: 66614 E-mail: mtw@architectonepa.com

Work phone: 271-7010 Home phone: _____ Fax: 271-7020

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

Ref above

Street Address: _____

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

Work 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 any agent listed in this application to represent the owner(s). I (we) allow posting of signage on the property by the City of Topeka for the requested zoning change. I (we) declare that all submitted information is complete and accurate. I (we) hereby acknowledge that all zoning application procedures have been reviewed and understood as part of this submittal.

Owner 1 Name: Diocese of Kansas

Owner 1 Signature: _____ **Date:** 6-24-09

Owner 2 Name: _____

Owner 2 Signature: _____ **Date:** _____

Requested Action and Site Information

Address or Location of Property to be Re-Zoned: 3860 S.E. California Ave.

Legal Description of Property*: *lot(s)* 10 *block* C *subdivsion* St. Phillips Church Sub.

lot(s) _____ *block* _____ *subdivsion* _____

**if unplatted, attach metes and bounds description*

Total Area (acres/square feet): 2.09 acres +/-

Type of Application:

1. *Re-zoning from:* R-1 *to:* _____
2. *Planned Unit Development (PUD) zoning use group(s):* M-2
3. *Conditional Use Permit (CUP) proposed use:* _____

Existing Use(s) on the property: Vacant Church

How long has the existing use been active on the property? 2 years

Proposed Use(s), if known (please describe to ensure conformity to the proposed zoning):

Residential Care Facility Type III with future duplex development

Was a Pre-Application Meeting or Zoning Inquiry completed with Staff? Yes **If Yes, when?** 6/22/2009

[redacted]

Date submitted: 7/2/09

Application no.: PUD09

Filing fee: 1054.50 **Receipt no.:** _____

Date notice sent: 7/24/09

Date advertised: 7/24/09

Date of hearing: 8/17/09

Council district: #4

NIA/NA: none

Items Missing? Yes___No___**List any incomplete items:**

Applicant Justification

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 or proposed conditional use is appropriate. Please attach additional sheets if necessary.

1. **How is the land more suitable for the uses allowed under your proposed zoning vs. the uses allowed under the current zoning?**

   Proposed use is for low density residential use within a residential area.

   Plan is for a Residential Care facility with 14-16 residents with future option for small expansion and detached duplexes.

   Existing church building has been unoccupied for a minimum of two years and is falling into disrepair.

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

   The residential care facility would not change the character at all. Residents will not be driving and staff will be no more than four at most times.

   Future duplexes will be small two bedroom units and will be for seniors who will need limited assistance provided by the main facility but which will have greater mobility.

   Both uses would be appropriate uses in this area.

3. **If known, how does the proposed zoning conform to the City's Comprehensive Plan?**

   While the comprehensive plan for this area is not known, California is a primary arterial and limited higher zoning use than single family residential is appropriate.

Real Property Tax Status

As part of the official application for a zoning amendment, the Zoning Regulations of the City of Topeka require:

"Proof that all real property taxes are paid to date and are current for the subject property. In the event real property taxes including any special assessments are delinquent, the application shall not be scheduled for public hearing until such time all taxes are paid or satisfactory escrow arrangements for the payment of such taxes or special assessment have been made and presented to the City Attorney's Office for approval."

There are two ways to provide proof with this application:

1. Submit a copy of the property's tax status found on-line at the Shawnee County Appraiser's web-site (http://www.co.shawnee.ks.us/Ap/). Click on "residential search" or "commercial search", input the address, and follow the links to the property's tax information. Print off the Shawnee County Treasurer's page indicating the amount of any unpaid property tax.

OR

2. Complete the information below at the Shawnee County Register of Deeds and the Shawnee County Treasurer for verification of real property tax/special assessment status. Both offices must sign the form below for it to be complete. The Register of Deeds and Treasurer of Shawnee County, Kansas, are located in the Shawnee County Courthouse, 200 S.E. 7th Street, Topeka, Kansas, Rooms 108 and 101, respectively

Applicant

Property Address: 3860 S.E. California Ave.

Owner of Record Name(s): _____

_____

Legal Description: Lot 10, Block C, St. Phillips Church Subdivision

_____

_____

Shawnee County Register of Deeds

Property Identification Number (PIN): _____

X _____ _____
Shawnee County Register of Deeds Date

Shawnee County Treasurer

As of this date, I hereby certify that the real property tax liabilities and special assessments applicable to the property described and identified above, to be of the following status:

Paid in Full_____ Current_____ Delinquent_____ In Dispute_____ Exempt_____

X _____ _____
Shawnee County Treasurer Date

Exempt property
KM 7/8/09

Infrastructure Availability (optional)

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:

City water is available along California.

b. Does the current system have adequate capacity?

To the best of the applicants knowledge

2. Sanitary Sewer

a. Location and size of sewer main serving site:

California Ave.

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

To the best of the applicants knowledge

3. Storm Drainage

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

Any additional storm water run-off will be retained above grade on site prior to being dispensed into the existing drainage easement along the north property line.

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

Yes.

4. Traffic Circulation

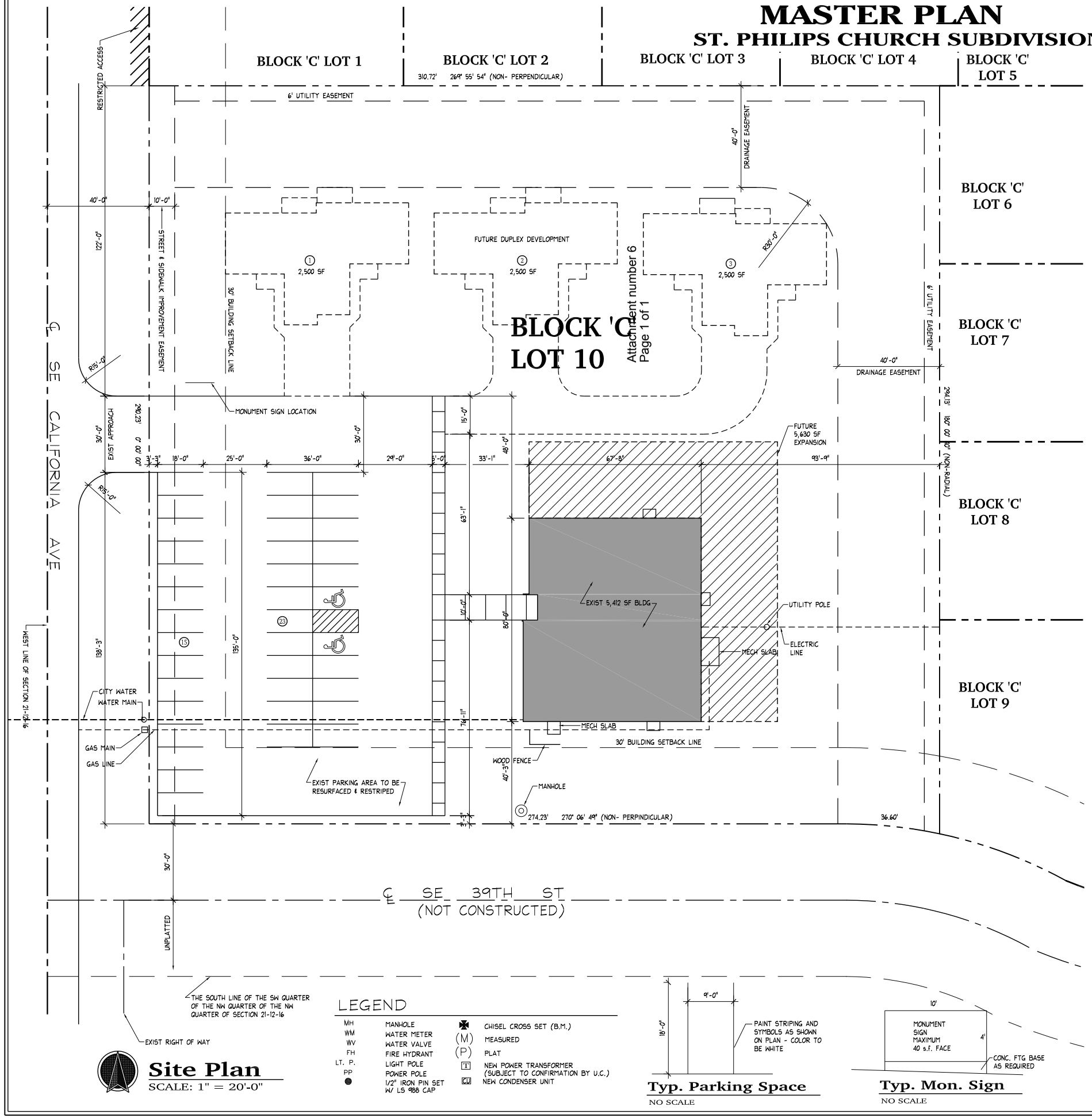
a. What are the site's existing and proposed access points?

Current access point is to California Ave.
No new access points are proposed.

b. Are any street or traffic control improvements proposed?

No

CALIFORNIA RESIDENTIAL CARE
PLANNED UNIT DEVELOPMENT
MASTER PLAN
ST. PHILIPS CHURCH SUBDIVISION



Attachment number 6
Page 1 of 1

Site Plan
SCALE: 1" = 20'-0"

LEGEND

MH	MANHOLE	✠	CHISEL CROSS SET (B.M.)
WM	WATER METER	(M)	MEASURED
WV	WATER VALVE	(P)	PLAT
FH	FIRE HYDRANT	T	NEW POWER TRANSFORMER (SUBJECT TO CONFIRMATION BY U.C.)
LT. P.	LIGHT POLE	AC	NEW CONDENSER UNIT
PP	POWER POLE		
●	1/2" IRON PIN SET W/ LS 988 CAP		

Typ. Parking Space
NO SCALE

Typ. Mon. Sign
NO SCALE

BOOK _____ PAGE _____ DATE _____ TIME _____

RECORDED WITH THE SHAWNEE COUNTY REGISTER OF DEEDS

_____
Marilyn L. Nichols, Register of Deeds

Performance Objective
Provide new Residential Care Facility, Type III with affiliated independent-living duplexes.

General Notes
1. The Planned Unit Development (PUD) Master Plan has been reviewed and approved in accordance with the provisions of Article 24 of the Comprehensive Zoning Regulations of the City of Topeka and Shawnee County, Kansas, and may be amended only as prescribed in Section 48-24.05 of said Article and as set forth on the document or as may be subsequently approved and recorded.
2. Pursuant to sec 48-24.05, the applicant must record the Master PUD plan with the Shawnee county register of deeds within 60 days upon approval of City Council. Failure by the applicant to record the plan within the prescribed time period or provide the Planning Department fifteen (15) copies of the recorded plan within ninety (90) days of the date of action by the City Council shall deem the zoning petition null & void.
3. No building permits for the building expansion or duplex development shall be issued until such time as a site development plan for the entire site has been reviewed and approved by the Planning Director to address the following: building footprint and location, landscaping, building setbacks, circulation, lighting, drainage, fencing, parking, and internal drives.

Utility Notes
1. All drives, streets, parking areas, approaches and walks to be to be to city of Topeka standards.
2. All sanitary sewer and water main installations, extensions, or relocations as required by the city of Topeka Public Works Dept. will be paid for by the developer.
3. All utilities shall be placed underground pursuant to the City's right-of-way management standards

Circulation, Parking, & Traffic Notes
1. Handicapped parking spaces shall meet minimum ADA criteria with a minimum of four handicapped spaces per 100 parking spaces.
2. Access ways providing accessibility to individual structures, and uses within the subdivision shall be considered and serve as mutual rights of access for owners, tenants, invited guests, clients, customers, support and utility services personnel, and emergency service providers, including law enforcement, fire protection and ambulance services. No gates, structures, or other barriers shall be constructed across said access ways which may impede, or restrict the above rights of access. Maintenance of the access ways shall be the responsibility of the property owner(s).
3. The property owner(s) agree(s) to an irrevocable waiver of objection to a fair and equitable participation in a street benefit district for the improvement of SE 39th Street when future development in the area dictates.
4. Two (2) future points of access shall be permitted along SE 39th Street

Owners Certification
St. Philips Episcopal Church agrees to comply with the conditions and restrictions as set forth on the Master PUD Plan.

In testimony thereof:
The Owner of the above described property, St. Philips Episcopal Church have signed these presents this_____day of _____, 2009.

_____

_____

Be it remembered that on this _____ day of _____ A.D. 2009, before me, a notary public in for said County and State came _____, Owner of the above described property. In Witness thereof: I hereby set my hand and affix my notarial seal the day and year last written above.

_____
Notary Public

My Commission expires: _____

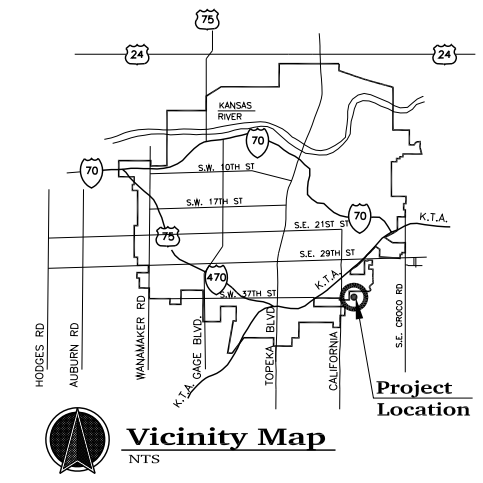
Certification of Master PUD Approval
Notarized certification of Master PUD plan approval by the Secretary of the Planning Commission as follows:

_____ _____
David Thurbon , Planning Director Date
Secretary to Planning Commission

Be it remembered that on this _____ date of _____ A.D. 2009, before me, the undersigned, a notary public in and for said county and state came David Thurbon, who is personally known to me to be the same person who executed the within instrument of writing, and such person duly acknowledged the execution of the same. In Witness Whereof, I hereby set my hand and affix my notarial seal the day and year last written above.

_____
Notary Public

My Commission expires:_____



Vicinity Map
NTS

PLANNED UNIT DEVELOPMENT
MASTER PLAN
CALIFORNIA RESIDENTIAL CARE
A Residential Development

Owners
St. Philips Episcopal Church

Project Information
Legal Description:

LOT 10, BLOCK C, ST. PHILIPS EPISCOPAL CHURCH SUBDIVISION

Landscaping Notes
A landscape plan shall be submitted and approved at the site development stage in accordance with the city of Topeka landscape regulations.

Zoning
PUD Planned Unit Development
W/ M-1 Use Group Category and a Residential Care Facility, Type III are permitted

Total Site Area	90,227 SF more or less
Total Duplexes	3 - 2 Bedroom Duplexes @ 1,250 G.S.F.
	6 Total Units

Project Data
Residential care facility for 16 persons w/ possible future expansion of 16 additional persons.

Exist Res. Care Building	5,412 SF
Future Res. Care Addition	5,630 SF
Total Res. Care Facility	11,042 SF
Future Duplexes	7,500 SF
Total Max Project Development	18,542 SF
Parking Spaces Required:	2 ea per Duplex = 12 1 space per 3 roomers=11
Parking Spaces Provided:	50 spaces

Bldg & Struct. Notes
1. No building within development shall exceed 25' in height.
2. The minimum distance between two buildings is 10'-0."
3. Garages must be a minimum of 10x20 ft per unit and setback at least 20 ft from the street line unless otherwise allowed for in the pud master plan.

Storm Drainage Notes
1. Underground and/or above surface storm water retention system to be designed to City of Topeka standards where indicated on the planned unit development master plan and be submitted for final approval at time of building permit application.
2. All storm water runoff to be directed to the city storm sewer system as approved by the City Engineer at the time of site development.
3. Drainage easements are hereby established as shown to provide for the unobstructed overland flow of surface water and/or the construction and maintenance of pipe, flume, ditch or any or all improvements for the drainage of said water, all as may be determined and/or approved by the director of the applicable department of public works. property owners shall not place any permanent or semi-permanent obstruction in said easement (GDE) shall be the right, duty and responsibility of the property owner(s) of the property in which the easement is so located, however, if maintenance is neglected or subject to other unusual circumstances and is determined to be a hazard or threat to public works, corrective maintenance may be performed by the governing jurisdiction with costs assessed to and borne upon, said property owener(s), officials representing the applicable department of public works shall have the right to enter upon the easement for purposes of periodic inspection and/or corrective maintenance.

Care & Maintenance
All common open space, parking areas, drive, drainage easement, sidewalks, utilities, etc. will be managed and maintained by the PROPERTY OWNER.

Amendments
The terms and provisions of the plan shall extend to and be binding upon the heir, executors, administrators, trustees and assignees of the owner. Should more than one entity hold title, then all such affected owners of all such title as determined by the Planning Director shall be required to execute any such amendment.

Plans prepared for:
St. Philips Episcopal Church
Diocese of Kansas

0 10' 20' 40'
SCALE: 1" = 20'-0"

ZONING CASE PUD 09/2
DATE: JULY 23, 2009

Plans prepared by:

ARCHITECT Inc P.A.
3500 SW. FAIRLAWN RD. #100 PHONE: 785 / 271-7010
TOPEKA, KANSAS 66614 FAX: 785 / 271-7020
WWW.ARCHITECTINCPA.COM

DRAFT

Minutes of the Topeka Planning Commission August 17, 2009

PUD09/2 California Residential Care PUD by St. Phillips Episcopal Church requesting to amend the District Zoning Classification from "R-1" Single Family Dwelling District **TO** "PUD" Planned Unit Development District (M-1 use group, including a Residential Care Facility, Type III) on property located at 3860 SE California Avenue. **(Driver)** Annie Driver summarized the staff report.

Proponents:

John Coleman, owner of the property, spoke in favor of the proposal. He said he has run many long term care facilities. He said this is about 5,500 square feet. He added there are limited services to this part of town. He said the property has great frontage. He said there could be 14 to 16 residents in the current building. He said in the proposal tonight we have also asked to be able to extend the existing building, but this will not happen in the near future. He said each unit will have living/bedroom and bathroom and a common dining area. We will be bringing in jobs. He said traffic counts will be about 36 vehicles per day. Not all residents have visitors everyday. We had a call from a lady for placement of her mother from the hospital. Her only option was to take her mom to Lawrence because there weren't enough beds available in Topeka. He said this will put this property on the tax rolls and we will be a good neighbor. We are good watch out for the neighborhood since we are 24/7. I think it is a good proposal for the area.

John Federico asked if Mr. Coleman operated any other facilities in Topeka. Mr. Coleman replied, yes, Topeka Care, which is a step up from assisted living. Mr. Federico asked if this facility is private pay? Mr. Coleman replied primarily we are private pay but we will take others as well. Mr. Coleman added this is a service that people want, I think we could locate anywhere in Topeka and be full. Mr. Federico asked if there is a staff/patient ratio? Mr. Coleman replied we are governed by the Department of Aging and we have to be able to move people in case of emergency so we have to evaluate on a need basis.

Jim Brown asked what will be built first? Mr. Coleman said the church will be converted first. He said the duplexes will be built in a few years if there is a need. He said the maximum capacity in the church building will be 16 which equates to 180 to 190 square feet per resident.

Mark Boyd said this will be a 24 hour facility, is there a time restrictions for those coming in from outside? Mr. Coleman replied we don't have a firm guideline but tell family to respect the other residents. He said late night visits seem to only occur when someone is dying.

Mr. Federico asked is any special requirements for parking/access? Mr. Coleman replied our population is late assisted living to nursing home so not many drive.

No one spoke in opposition to the proposal.

Exparte communications - none

Howard Blackmon moved approval, seconded by Jim Brown. **APPROVAL. (7-0-0)**

A Capital City Government Working For You…

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 10, 2009

DATE:	**September 22, 2009**	
CONTACT PERSON:	**Eric Smith, Asst. City Attorney**	**DOCUMENT #:**
SECOND PARTY/SUBJECT:	**ARTSConnect**	**PROJECT #:**
CATEGORY/SUBCATEGORY	**014 Ordinances – Non-Codified / 005 Miscellaneous**	
CIP PROJECT:	**No**	
ACTION OF COUNCIL:		**JOURNAL #:**
		PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by Councilmember Deborah Swank authorizing the sale, consumption and possession of alcoholic liquor as part of the ARTSConnect Arty Party at specified locations and times. First Reading.

(Approval would allow state-licensed vendors to sell alcoholic beverages in a barricaded portion of SW 16th Street during the event.)

POLICY ISSUE:

Whether or not to authorize the removal of a portion of 16th Street from the City right-of-way to facilitate the sale, possession and consumption of alcoholic liquor.

STAFF RECOMMENDATION:

BACKGROUND:

The ordinance will remove a portion of SW 16th Street between Washburn and Lane from the City right-of-way to facilitate the sale, possession and consumption of alcoholic liquor in the barricaded portion of the street from 7:00 pm to 11:00 pm on October 17, 2009.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

Ordinance

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Councilmember Deborah Swank authorizing the sale, consumption and possession of alcoholic liquor as part of the ARTSConnect Arty Party at specified locations and times.

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

Section 1. a) Authorization is given to barricade a portion of SW 16th Street between SW Washburn Avenue and SW Lane Street on October 17, 2009, between the hours of 7:00 p.m. and 11:00 p.m. Attendance to the celebration is open to the public between these hours. Licensed retailers may sell non-alcoholic commodities or food between the hours of 7:00 p.m. and 11:00 p.m. on October 17, 2009.

b) The barricaded portion of the SW 16th Street between SW Washburn Avenue and SW Lane Street shall be temporarily removed from the City's right-of-way and the provisions of K.S.A. 41-719. Vendors holding the appropriate license from the State of Kansas to sell alcoholic liquor may in accordance with all applicable state laws and municipal ordinances sell alcoholic liquor in the specific area designated by the division of Alcohol Beverage Control within the barricaded portion of SW 16th Street between SW Washburn Avenue and SW Lane Street between the hours of 7:00 p.m. and 11:00 p.m. on October 17, 2009.

c) Event attendees may buy, possess and consume alcoholic beverages in the specific area designated by the division of Alcohol Beverage Control within the barricaded portion of SW 16th Street between SW Washburn Avenue and SW Lane Street between the hours of 7:00 p.m. and 11:00 p.m. on October 17, 2009.

Section 2. This Ordinance shall be null and void on October 18, 2009.

Section 3. 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 _____.

CITY OF TOPEKA, KANSAS

_____
William W. Bunten, Mayor

ATTEST:

_____
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

August 18, 2009

DATE:	**September 22, 2009**		
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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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 18, 2009

DATE:	**September 22, 2009**		
CONTACT PERSON:		**DOCUMENT #:**	
SECOND PARTY/SUBJECT:		**PROJECT #:**	
CATEGORY/SUBCATEGORY			
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
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