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City Council Agenda

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

September 17, 2013

6:00 PM

Mayor: Larry E. Wolgast

Councilmembers

Karen A. Hiller	District No. 1	Chad Manspeaker	District No. 6
John Campos II	District No. 2	Elaine Schwartz	District No. 7
Sylvia E. Ortiz	District No. 3	Nathan Schmidt	District No. 8
Denise Everhart	District No. 4	Richard Harmon	District No. 9
Michelle De La Isla	District No. 5		

City Manager: Jim Colson

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) consecutive 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 accommodations 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

☐ Back ☐ Print

INVOCATION:

PLEDGE OF ALLEGIANCE:

1. PROCLAMATIONS:
"National Preparedness Month"

2. PRESENTATIONS:

3. ROLL CALL:

4. CONSENT AGENDA:

A. Board Appointment - Topeka Metropolitan Transit Authority

☐
[ATTACHMENTS](#)

BOARD APPOINTMENT recommending the re-appointment of Jim Ogle to the Topeka Metropolitan Transit Authority for a term ending September 17, 2017.

B. Board Appointment - Topeka Metropolitan Transit Authority

☐
[ATTACHMENTS](#)

BOARD APPOINTMENT recommending the appointment of Andy Vogel to the Topeka Metropolitan Transit Authority for a term ending September 17, 2017.

C. Resolution - Randy Wheat - Noise Exception

☐
[ATTACHMENTS](#)

A RESOLUTION introduced by Councilmember Sylvia Ortiz, granting Randy Wheat an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions. (Council District No. 3)

(City of Topeka Code Section 9.45.170, et seq., authorizes the Council to grant noise exceptions. Approval would allow amplified music and sound during the hours of 10:00 a.m. and 10:00 p.m. on September 21 and 22, 2013, at 1800 SE 21st Street.)

D. MINUTES of the regular meeting of September 10, 2013

E. APPLICATIONS:

F. Resolution - Church of God of Prophecy - Noise Exception

☐
[ATTACHMENTS](#)

A RESOLUTION introduced by Councilmember Sylvia Ortiz, granting Church of God of Prophecy an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions. (Council District No. 3)

This item was added at the meeting.

(City of Topeka Code Section 9.45.170, et seq., authorizes the Council to grant noise exceptions. Approval would allow for amplified music and sound during the hours of 1:00 p.m. and 6:00 p.m. on September 22, 2013, at 436 SE Fairfax Street.)

5. UNFINISHED BUSINESS:

A. Ordinance - Human Relations Commission

☐
[ATTACHMENTS](#)

AN ORDINANCE introduced by Councilmember Chad Manspeaker, amending City of Topeka Code Section 2.55.040 and specifically repealing said original section, concerning the duties and responsibilities of the Human Relations Commission. Final Reading.

(Approval would amend the duties and responsibilities of the Human Relations Commission as outlined in City Code.)

B. Project Budget, Ordinance and Notice of Intention - Pump Station Rehabilitation Improvement Project No. T-281032.00

☐ [ATTACHMENTS](#)

A PROJECT BUDGET in the amount of \$2,500,000, **AN ORDINANCE** and **A NOTICE OF INTENTION** introduced by City Manager Jim Colson, authorizing Improvement Project No. T-281032.00 for rehabilitation of the Layne pump station at the Water Treatment Plant, approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the use of utility operation funds, authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to issue and sell revenue bonds of said City to make such improvements which constitutes improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101 and 10-1201, et seq., and all amendments thereto, authorizing issuance of general obligation bonds to pay the costs of the project which further constitutes a general improvement to the City's sanitary and/or stormwater and sewage disposal system pursuant to City of Topeka Code Section A12-1, and authorizing the borrowing of funds from the KDHE SRF Loan to pay the cost thereof. Final Reading.

Voting Requirement: Two-thirds vote of the Governing Body, including the Mayor.

(Approval would authorize \$2,500,000 for rehabilitation of the Layne pump station at the Water Treatment Plant. The total debt service (principal and interest) is \$4,077,850.)

C. Ordinance - Real Estate Liens for Delinquent Utility Bills

☐ [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Jim Colson, imposing a real estate lien, pursuant to K.S.A. 12-808c, upon certain lots and pieces of ground in Shawnee County, Kansas, to pay the cost for utility services where such payments to the City have not been made due to neglect, failure or refusal to pay. Final Reading.

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

(Approval would authorize the imposition of charges for delinquent utility accounts on the tax rolls in the amount of \$89,439.86.)

6. NEW BUSINESS:

A. Real Estate Purchase Agreement - 131 SE 29th Street

☐ [ATTACHMENTS](#)

APPROVAL of a Real Estate Purchase Agreement between the City of Topeka and Martha E. Miller for the purchase of property located south of 131 SE 29th Street in the amount of \$3,000 for Drainage Improvement Project T-151016.00, and specifically authorizing Mayor Larry E. Wolgast, to execute the agreement. (Council District No. 5)

(Approval would authorize the purchase of property located south of 131 SE 29th Street for Drainage Improvement Project T-151016.00. The project budget in the amount of \$300,000 was approved on April 26, 2011, and is included in the 2010 and 2011 Capital Improvement Budgets.)

B. Real Estate Purchase Agreement - 131-133 SE 29th Street

☐ [ATTACHMENTS](#)

APPROVAL of a Real Estate Purchase Agreement between the City of Topeka and the James D. Henderson Living Trust, for the purchase of property located at 131-133 SE 29th Street in the amount of \$180,000 for Drainage Improvement Project No. T-151016.00, and specifically authorizing the Mayor Larry E. Wolgast, to execute the agreement. *(Council District No. 5)*

(Approval would authorize the purchase of property located at 131-133 SE 29th Street for Drainage Improvement Project T-151016.00. The project budget in the amount of \$300,000 was approved on April 26, 2011, and is included in the 2010 and 2011 Capital Improvement Budgets.)

C. Applications - Retail Cereal Malt Beverage and Scrap Metal Dealers License

APPROVAL of Retail Cereal Malt Beverage and Scrap Metal Dealers License Applications.

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

(Retail Cereal Malt Beverage License applications and Scrap Metal Dealer applications must be approved by the governing body prior to issuance of the licenses.)

D. Resolution - Special Event Retailers Permit - Lupita's Mexican Restaurant

☐ [ATTACHMENTS](#)

A RESOLUTION introduced by Councilmember Karen Hiller, approving the issuance of a special event retailer's permit for Lupita's Mexican Restaurant for the duration of a special event known as Jazzin' It Up Downtown.

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

(Approval would grant a special event retailer's permit to Lupita's Mexican Restaurant to allow customers to consume cereal malt beverages at the Jazzin' It Up Downtown special event on September 21, 2013.)

7. ZONING:

A. Resolution - Fellowship Bible Church (CU13/3)

☐ [ATTACHMENTS](#)

A RESOLUTION introduced by City Manager Jim Colson, in accordance with Section 18.70.030(c)(3) of the Topeka Municipal Code, approving a Conditional Use Permit to allow for a vehicle surface parking lot on property zoned "R-1" Single-Family Dwelling District and located at the northeast corner of SW 10th Street and SW Urish Road in the City of Topeka, Kansas. *(CU13/3) (Council District No. 9)*

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

(Approval would allow Fellowship Bible Church and Wanamaker Elementary School to use the area for off-site parking.)

8. FIRST READINGS:

A. Ordinance - Reser's Fine Foods (V13RA/1)

☐ [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Jim Colson, relating to the vacation of platted access restriction on the east line of property at 3167 SE 10th Avenue, City of Topeka, Shawnee County, Kansas. First Reading. *(V13RA/1) (Council District No. 3)*

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

(Approval of the vacation would allow a driveway entrance on the east side of the property to eliminate a dead-end parking lot in front of the building at 3167 SE 10th.)

B. Ordinance - Walmart Commercial Center (PUD13/1)

☐ [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Jim Colson, amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on property located between SE 25th Street and SE 27th Street, east of SE California Avenue from “C-2” Commercial District, “C-4” Commercial District, “M-2” Multiple-Family Dwelling District, “R-1” Single-Family Dwelling District, “PUD” Planned Unit Development District (“M-2” use group) ALL TO “PUD” Planned Unit Development District (“C-2” Commercial and “C-4” Commercial use groups). First Reading. (PUD13/1) (Council District No. 4)

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

(Approval would allow for the construction of a 160,000 square foot Walmart Super Center located near SE 25th Street and California Avenue.)

C. Ordinance - Topeka Metropolitan Transit Authority Franchise

☐ [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Jim Colson, relating to Topeka Metropolitan Transit Authority; granting a franchise to operate a bus system within the limits of the City of Topeka, prescribing the terms thereof and relating thereto, pursuant to the provisions of K.S.A. 12-2001 et seq., and specifically repealing Ordinance No. 16640. First Reading.

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

(Approval would extend the franchise agreement for twenty years. The current agreement expires on October 6, 2013.)

9. MISCELLANEOUS:

-

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

-

11. PUBLIC COMMENT:

-

12. ADJOURNMENT:

-



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 22, 2013

☐ Back ☐ Print

DATE:	September 17, 2013	
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 Chambers
214 SE 8th Street
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July 22, 2013

☐ Back ☐ Print

DATE:	September 17, 2013	
CONTACT PERSON:		DOCUMENT #:
SECOND PARTY/SUBJECT:		PROJECT #:
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

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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 22, 2013

☐ Back ☐ Print

DATE:	September 17, 2013	
CONTACT PERSON:		DOCUMENT #:
SECOND PARTY/SUBJECT:		PROJECT #:
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

"National Preparedness Month"

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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August 22, 2013

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CIP PROJECT:	No	
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		PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

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Topeka, Kansas 66603

August 22, 2013

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CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
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		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 3, 2013

☐ Back ☐ Print

DATE:	September 17, 2013	
CONTACT PERSON:	Mayor Larry Wolgast	DOCUMENT #:
SECOND PARTY/SUBJECT:	Appointment Topeka Metropolitan Transit Authority	PROJECT #:
CATEGORY/SUBCATEGORY	006 Communication / 003 Requests	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the re-appointment of Jim Ogle to the Topeka Metropolitan Transit Authority for a term ending September 17, 2017.

POLICY ISSUE:

Board members provide assistance in establishing policy and legislative direction for the agency to maintain and operate public transportation within city limits.

STAFF RECOMMENDATION:

Councilmember Richard Harmon nominates and Mayor Wolgast recommends the re-appointment of Jim Ogle to the Topeka Metropolitan Transit Authority for a term ending September 17, 2017. He was previously appointed February 15, 2011, to fill an unexpired term ending August 11, 2013.

BACKGROUND:

The Topeka Metropolitan Transit Authority Board shall conduct business in accordance with the charter ordinances as adopted and amended, and as stated in the franchise agreement.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not applicable.

ATTACHMENTS:

[Bio](#)

Item #6



Long before he moved to Topeka to become General Manager of WIBW, Jim Ogle had a long-time tie to the television station, even though he had never lived in Kansas.

When he was a small child in the mid 60s, Ogle's grandfather (from Osawatomie) got him a seat as part of the children's chorus at an episode of "WIB The Clown Show." So Ogle came to Topeka in April 2006 to become the General Manager of the first television station he ever visited.

Ogle moved to WIBW after a dozen years as News Director at WKYT in Lexington, KY. Both are owned by Gray Television. It followed jobs for Ogle in Miami; High Point, North Carolina; Reno and Asheville, North Carolina. As News Director, Ogle was a long time member of the board of Radio Television News Directors Association (now RTDNA). He was also chapter president in Kentucky and Miami for the Society of Professional Journalists (SPJ). Ogle received Peabody, DuPont Columbia and Murrow Awards for organizing WTVJ's coverage of Hurricane Andrew in 1992.

In Topeka, WIBW has five times won Kansas Broadcasters "Station of the Year," the Heartland Chapter Emmy Award for Best Newscast and was one of four finalists for the Editor & Publishers Best Website award. WIBW has more viewers than Topeka's other television stations combined. The WIBW web channels for desktop and mobile have the most users in Topeka.

Ogle has been deeply involved in civic life in Topeka and Kansas. He is Chair of Shawnee County Parks and Recreation Advisory Board and its Foundation along with Complete Streets. He is the past Chair for Crime Stoppers, Big Brothers Big Sisters, and he chaired the 2009 United Way campaign and the 2010 and 2013 Key Club efforts for the United Way of Greater Topeka. He is Vice Chair of the Greater Topeka Chamber of Commerce for Leadership and Chair of the board of trustees for the Topeka Civic Theatre and Academy. He is past President of Downtown Topeka, Inc. He is Vice Chair of the Jayhawk Theatre restoration effort, Vice Chair of the Friends of the Topeka Zoo and Vice Chair of the Kansas Association of Broadcasters.

He was awarded the Chamber's Volunteer of the Year for 2010. He was also selected as Kansas Board Member of the year (2010) for all the Big Brother units in the state. The Rotary Club of Topeka honored him as Rotarian of the Year in 2010 and Distinguished Rotarian in 2012. Ogle has chaired the American Heart Association Heart Walk and the KCSL Red Stocking Breakfast and the first ever "Gary Clarke Run For The Wild!" to benefit the Friends of the Topeka Zoo.

He served as a member of the Kansas Commission on Emergency Planning and Response and now serves the statewide boards of Kansas Childrens Service League, Youth Entrepreneurs of Kansas, Junior Achievement, Kansas Big Brothers Big Sisters, the Kansas Association of Broadcasters and the KAB's

Foundation. He is also a member of the board of Metro Topeka Transit.

Ogle was a Fellow with the Kansas Health Foundation and was a member of Leadership Kansas 2010 class.

The Community Resource Council honored WIBW with its first ever Business Excellence Award. The Topeka Chapter of the NAACP also honored WIBW for its community commitment. Ogle received the Communications and Journalism Award from the "Living The Dream" committee.

Ogle serves on a number of other boards including Metro YMCA, the Y's Heritage Club, the Red Cross, Arts Connect, Heartland Healthy Neighborhoods, Friends of the Mulvane, North Topeka Arts District, Savor Kansas and United Way of Greater Topeka. He was a member of the Topeka Public School's Budget Reduction Task Force, the Strategic Planning Committee and a six year member of the District Community Advisory Council. He serves on the district's Foundation Board of Directors. Ogle is also a member of Topeka's Bikeways Plan Public Advisory Steering Committee and Complete Streets Public Advisory Committee. He is on the Steering Committees of the Safest Capital City Coalition, the Capital District Project and Heartland Visioning.

Ogle has a 19-year-old son, Colin, who plays hockey and lives with his mom in Lexington, Kentucky where he attends the University of Kentucky. Ogle is a seven-year billet parent for the Topeka Roadrunners housing three players at his home this season.

Ogle is a member of Trinity Presbyterian Church, the Downtown Topeka Rotary Club and a life member of the NAACP.

August 28, 2013



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 5, 2013

☐ Back ☐ Print

DATE: September 17, 2013
CONTACT PERSON: Mayor Larry Wolgast **DOCUMENT #:**
SECOND PARTY/SUBJECT: Appointment Topeka **PROJECT #:**
Metro Transit
Authority
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of Andy Vogel to the Topeka Metropolitan Transit Authority for a term ending September 17, 2017.

POLICY ISSUE:

Board members provide assistance in establishing policy and legislative direction for the agency to maintain and operate public transportation within city limits.

STAFF RECOMMENDATION:

Councilmember Hiller nominates and Mayor Wolgast recommends the appointment of Andy Vogel to the Topeka Metropolitan Transit Authority for a term ending September 17, 2017.

BACKGROUND:

The Topeka Metropolitan Transit Authority Board shall conduct business in accordance with the charter ordinances as adopted and amended, and as stated in the franchise agreement.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not applicable.

ATTACHMENTS:

[AVogel_background](#)

Item #7

Andy Vogel

Andy.vogel@washburn.edu

EXPERIENCE:

Current:

Coordinator International Student Recruitment and Retention
Office of International Programs
Washburn University
2012-current

Assistant Director Beijing Huijia Private Middle School
Middle School Language Arts Teacher (7th, 8th, 9th- top level students)
-IB High School TOEFL teacher
-Soccer coach
Beijing Huijia(IB) Private School
Add: No. 157 Changhuai Rd, Changping Dist, Beijing, China 102200
Web: www.huijia2000.com
2010-2012

English Instructor
Chuyang Honor's College
Zhejiang Normal University
Jinhua, Zhejiang, P.R. of China
2007-2010

TOEFL Administrator/Summer Coordinator
International Programs
Washburn University
2007-2010

Director and Office Manager of the Washburn University International Office
Zhejiang Normal University, P.R. of China
2008-2010

American Culture Instructor
-Zhejiang Normal University
-Yiwu Industrial and Commercial College
-Hangzhou Education Institute
2009-2010

Medical English Instructor/ IELTS Examiner
Jinhua University
Jinhua, Zhejiang, P.R. of China
2008-2009

His poems and essays can be found in a variety of literary publications including;

-Topeka Capital Journal Newspaper (USA)

<http://cjonline.com/blog/life-china>

-The International Accent (USA)

-ZJNU newspaper

<http://news.zjnu.net.cn/Article/zjsfdxb/No144/fk/200711/3698.html>

Also, see attached.

EDUCATION:

Washburn University

Major: Master Liberal Studies

4.0 GPA

Zhejiang Normal University

Jinhua, Zhejiang, People's Republic of China

2007-2010

Major: Chinese

Courses-Reading, Writing, Spoken and Comprehension Chinese (Mandarin)

Skills/Extra-curricular Activities:

ZJNU International Student's Head Men's Soccer Coach

Drake University

Des Moines, Iowa, 50311 United States

1999-2005

Major: Bachelor of Arts in Sociology, Summer 2005

Skills/Extra-curricular Activities:

President, Morehouse Hall

- Academic, Athletic and Art Scholarships
- Division I Soccer program
- Volunteer Youth Soccer Coach Y.M.C.A. of Des Moines
- 1st place in Student Art Show in print making wood cut
- Honorable Mention in Student Art Show for video/film media

Topeka High School

Topeka, KS 66608

Diploma, 1999

Skills/Extra-curricular Activities:

Sophomore Class President, Vice President Spanish Club, Sojourner Club

Varsity Soccer, Track, Swimming,

All-City Track; KU Relays (Freshman)

All-City, Region, State Soccer Teams - 3 years;

Senior-Captain, Nominated All-American

Professional, trade, business or civic activities and offices held:

-Executive Board member "Topeka Community Cycle Project"

- Executive Board member 'International Center of Topeka'
- Board Member "Diversity Initiate"
- Board Member "AFS"

References:

Dr. Xubin Xu (Vice Director International Office , Zhejiang Normal University)

EMAIL- xxu@zjnu.cn P.R. of China

Dr. Baili Zhang (Director International Programs, Washburn University)

EMAIL- baili.zhang@washburn.edu U.S.A

Dr. Karl R. Schaefer (Arabic Fulbright Scholar, Professor of Technology Systems)

EMAIL- karl.schaefer@drake.edu U.S.A **(Currently in Egypt)**

Mr. Yongchun Li (ZJNU International Officer)

EMAIL- haru@zjnu.cn



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 9, 2013

☐ Back ☐ Print

DATE:	September 17, 2013	
CONTACT PERSON:	Sylvia Ortiz	DOCUMENT #:
SECOND PARTY/SUBJECT:	Randy Wheat	PROJECT #:
CATEGORY/SUBCATEGORY	020 Resolutions / 005 Miscellaneous	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Sylvia Ortiz, granting Randy Wheat an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions. (Council District No. 3)

(City of Topeka Code Section 9.45.170, et seq., authorizes the Council to grant noise exceptions. Approval would allow amplified music and sound during the hours of 10:00 a.m. and 10:00 p.m. on September 21 and 22, 2013, at 1800 SE 21st Street.)

POLICY ISSUE:

Randy Wheat has requested a noise exception be granted for a Fun Day in the Park event to take place during the specified dates and times.

STAFF RECOMMENDATION:

Staff recommends the Council move to approve the resolution.

BACKGROUND:

Randy Wheat is requesting the noise exception due to amplified music and sound at the event.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

[Resolution](#)

Item #8

1 RESOLUTION NO. _____
2

3 A RESOLUTION introduced by Councilmember Sylvia Ortiz, granting Randy
4 Wheat an exception to the provisions of City of Topeka Code
5 Section 9.45.150, et seq. concerning noise prohibitions.
6

7 WHEREAS, City of Topeka Code Section 9.45.150, et seq. makes it
8 unlawful for any person to make, continue or cause to be made or continued any
9 loud, unnecessary or unusual noise or any noise which either annoys, disturbs,
10 injures or endangers the comfort, repose, health or safety or others within the
11 limits of the city; and

12 WHEREAS, City of Topeka Code Section 9.45.170, et seq. authorizes the
13 City Council to grant exceptions to the prohibitions of this code section upon
14 request and a showing that the proposed activity does not offend the spirit of the
15 findings of City of Topeka Code Section 9.45.150, et seq.; and

16 WHEREAS, Randy Wheat has requested that he be granted an exception
17 to the provisions of City of Topeka Code Section 9.45.150, et seq. for the
18 purposes, dates and times described herein, and

19 WHEREAS, upon review of the application of Randy Wheat, the Council of
20 the City of Topeka does hereby find that the requested activity does not offend
21 the spirit of the findings of City of Topeka Code Section 9.45.150, et seq.

22 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
23 Topeka that Randy Wheat is hereby granted an exception from the provisions of
24 City of Topeka Code Section 9.45.150, et seq. for amplified music and sound at a
25 Fun Day in the Park event located at 1800 SE 21st Street during the hours of

10:00 a.m. and 10:00 p.m. on September 21, 2013 and September 22, 2013.

The event will be held in the park at Hillcrest Community Center.

ADOPTED and APPROVED by the City Council _____.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk



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August 22, 2013

☐ Back ☐ Print

DATE:	September 17, 2013	
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 22, 2013

☐ Back ☐ Print

DATE:	September 17, 2013	
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

September 17, 2013

☐ Back ☐ Print

DATE: September 17, 2013
CONTACT PERSON: Sylvia Ortiz **DOCUMENT #:**
SECOND PARTY/SUBJECT: Aracela Gutierrez **PROJECT #:**
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Sylvia Ortiz, granting Church of God of Prophecy an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions. (Council District No. 3)

This item was added at the meeting.

(City of Topeka Code Section 9.45.170, et seq., authorizes the Council to grant noise exceptions. Approval would allow for amplified music and sound during the hours of 1:00 p.m. and 6:00 p.m. on September 22, 2013, at 436 SE Fairfax Street.)

POLICY ISSUE:

Church of God of Prophecy has requested that a noise exception be granted for a Grand Opening celebration to take place during specified date and time.

STAFF RECOMMENDATION:

Staff is recommending approval of the resolution.

BACKGROUND:

Church of God of Prophecy is requesting the noise exception due to amplified music and sound at the event.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

[Resolution](#)

Item #11

1 RESOLUTION NO. _____

2
3 A RESOLUTION introduced by Councilmember Sylvia Ortiz, granting Church of
4 God of Prophecy an exception to the provisions of City of
5 Topeka Code Section 9.45.150, et seq. concerning noise
6 prohibitions.
7

8 WHEREAS, City of Topeka Code Section 9.45.150, et seq. makes it
9 unlawful for any person to make, continue or cause to be made or continued any
10 loud, unnecessary or unusual noise or any noise which either annoys, disturbs,
11 injures or endangers the comfort, repose, health or safety or others within the
12 limits of the city; and

13 WHEREAS, City of Topeka Code Section 9.45.170, et seq. authorizes the
14 City Council to grant exceptions to the prohibitions of this code section upon
15 request and a showing that the proposed activity does not offend the spirit of the
16 findings of City of Topeka Code Section 9.45.150, et seq.; and

17 WHEREAS, Church of God of Prophecy has requested that they be
18 granted an exception to the provisions of City of Topeka Code Section 9.45.150,
19 et seq. for the purposes, dates and times described herein, and

20 WHEREAS, upon review of the application of Church of God of Prophecy,
21 the Council of the City of Topeka does hereby find that the requested activity
22 does not offend the spirit of the findings of City of Topeka Code Section
23 9.45.150, et seq.

24 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
25 Topeka that Church of God of Prophecy is hereby granted an exception from the
26 provisions of City of Topeka Code Section 9.45.150, et seq. for amplified music

and sound at their Grand Opening celebration located at 436 SE Fairfax Street
during the hours of 1:00 p.m. and 6:00 p.m. on September 22, 2013.

ADOPTED and APPROVED by the City Council _____.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 4, 2013

☐ Back ☐ Print

DATE: September 17, 2013
CONTACT PERSON: Chad Manspeaker, Council Member
DOCUMENT #:
SECOND PARTY/SUBJECT: PROJECT #:
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 002 Administration
CIP PROJECT: No
ACTION OF COUNCIL: 9/10/13 First Reading. **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by Councilmember Chad Manspeaker, amending City of Topeka Code Section 2.55.040 and specifically repealing said original section, concerning the duties and responsibilities of the Human Relations Commission. Final Reading.

(Approval would amend the duties and responsibilities of the Human Relations Commission as outlined in City Code.)

POLICY ISSUE:

Approval would allow the Human Relations Commission to support efforts to eliminate prejudice because of sexual orientation or gender identity.

STAFF RECOMMENDATION:

Staff makes no recommendation.

BACKGROUND:

The Human Relations Commission is charged with supporting efforts to eliminate prejudice because of race, religion, creed, color, sex, disability, national origin, age, or ancestry, and promoting goodwill, cooperation and conciliation within the city. This ordinance would add sexual orientation and gender identity to the Commission's efforts.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

[Ordinance](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Councilmember Chad Manspeaker, amending City of Topeka Code § 2.55.040 and specifically repealing said original section, concerning the duties and responsibilities of the Human Relations Commission.

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

Section 1. That section 2.55.040, Duties and responsibilities, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Duties and responsibilities.

The commission will:

(a) Support efforts to eliminate prejudice because of race, religion, creed, color, sex, disability, national origin or ancestry, ~~or age,~~ sexual orientation or gender identity and further goodwill among all people of the city and promote goodwill, cooperation and conciliation within the city;

(b) Promote and facilitate Town Hall meetings and public forums on issues of interest and concern to residents of Topeka;

(c) Participate in outreach activities and public education;

(d) Partner with groups that share similar goals;

(e) By February 1st of each year, prepare and submit an annual report to the city and the city council of the commission's activities, identifying issues and problem areas within the Topeka community and, after reviewing the performance of the commission during the year, propose any modifications to this chapter and Chapters 2.80, 2.135 and 9.20 TMC that would improve the effectiveness of the commission and better fulfill the antidiscrimination policies of the city.

34 Section 4. This ordinance shall supersede all ordinances, resolutions or rules,
35 or portions thereof, which are in conflict with the provisions of this ordinance.

39 PASSED AND APPROVED by the City Council on _____.

Larry E. Wolgast, Mayor

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 4, 2013

☐ Back ☐ Print

DATE:	September 17, 2013		
CONTACT PERSON:	Larry Wilms	DOCUMENT #:	
SECOND PARTY/SUBJECT:	T-281032.00 Layne Pump Station Rehabilitation	PROJECT #:	T-281032.00
CATEGORY/SUBCATEGORY	014 Ordinances – Non-Codified / 004 Public Improvements		
CIP PROJECT:	Yes		
ACTION OF COUNCIL:	9/10/13 First Reading.	JOURNAL #:	
		PAGE #:	

DOCUMENT DESCRIPTION:

A PROJECT BUDGET in the amount of \$2,500,000, AN ORDINANCE and A NOTICE OF INTENTION introduced by City Manager Jim Colson, authorizing Improvement Project No. T-281032.00 for rehabilitation of the Layne pump station at the Water Treatment Plant, approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the use of utility operation funds, authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to issue and sell revenue bonds of said City to make such improvements which constitutes improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101 and 10-1201, et seq., and all amendments thereto, authorizing issuance of general obligation bonds to pay the costs of the project which further constitutes a general improvement to the City's sanitary and/or stormwater and sewage disposal system pursuant to City of Topeka Code Section A12-1, and authorizing the borrowing of funds from the KDHE SRF Loan to pay the cost thereof. Final Reading.

Voting Requirement: Two-thirds vote of the Governing Body, including the Mayor.

(Approval would authorize \$2,500,000 for rehabilitation of the Layne pump station at the Water Treatment Plant. The total debt service (principal and interest) is \$4,077,850.)

POLICY ISSUE:

Authorization of this project and the expenditure of funds would allow for the rehabilitation of the Layne pump station which is the primary pump station that supplies water from the Water Treatment Plant to the city of Topeka pump station.

Item #13

It is critically important that the pumps, flow meters and station valves in this pump station, operate during an

emergency condition, such as a break in one of the major water transmission mains at the Water Treatment Plant that convey water to the city mains.

STAFF RECOMMENDATION:

Staff is requesting that the Governing Body move to approve the project budget, adopt the ordinance and approve the notice of intention.

BACKGROUND:

The Layne pump station was constructed in 1953. This project includes the replacement of non-functioning valves and flow meters, and pump and motor rehabilitation. If the budget permits, two or more of the large pumps will be configured for variable speed operation as an electrical cost saving and operational control advantage.

BUDGETARY IMPACT:

The total project budget is \$2,500,000. The total debt service interest to be paid from utility operating funds is \$1,577,850, for a total debt service of \$4,077,850.

SOURCE OF FUNDING:

Utility operating funds, revenue bonds, general obligation bonds, temporary notes, or Kansas Department of Health and Environment SRF Loan.

ATTACHMENTS:

[Notice of Intent](#)

[Project Fact Sheet](#)

[Project Budget](#)

[Project Debt Service](#)

[Ordinance](#)

1 (Published in the Topeka Metro News _____)
2
3

4 NOTICE OF INTENTION
5

6 NOTICE OF INTENTION of the governing body of the City of Topeka, Kansas, to make
7 improvements under Improvement Project No. T-281032.00
8 which provides for rehabilitation of the Layne pump station at
9 the Water Treatment Plant, and to use utility operation funds,
10 and to issue and sell revenue bonds of said City pursuant to
11 K.S.A. 10-101 and 10-1201, *et seq.*, and all amendments
12 thereto, and/or to issue general obligation bonds pursuant to
13 City of Topeka Code § A12-1, and/or to borrow funds from the
14 Kansas Department of Health and Environment, or any
15 combination thereof, to pay the cost of the project.
16

17 Notice is hereby given that as provided by Ordinance No. _____ of the City of
18 Topeka, Shawnee County, Kansas, (the "City") that the Governing Body of the City intends
19 to make improvements to the City-owned water, water pollution control, and/or stormwater
20 utility system (the "System") under Improvement Project No. T-281032.00 which provides
21 for rehabilitation of the Layne pump station at the Water Treatment Plant. This project will
22 include, but is not limited to, replacement of non-functioning valves, flow meters, pump and
23 motor rehabilitation and related appurtenances for a complete project (the "Project").

24 Notice is further given that as provided by Ordinance No. _____ of the City, the
25 Governing Body of the City intends to issue and sell one or more separate series of
26 revenue bonds of the City pursuant to K.S.A. 10-1201 *et seq.* and all amendments thereto,
27 and/or to issue general obligation bonds pursuant to City of Topeka code § A12-1, and/or
28 to borrow funds from the Kansas Department of Health and Environment State Revolving
29 Loan Fund, or any combination thereof, payable from revenues of the System, in an
30 aggregate principal amount not to exceed two million five hundred thousand dollars
31 (\$2,500,000.00) and to so improve the System and make public improvements to the City

32 by completing the Project.

33 Unless written protests against the proposed Project signed by not less than twenty
34 percent (20%) of the qualified electors of the City are filed with the City Clerk within fifteen
35 (15) days after the publication of this Notice, the Governing Body will proceed in
36 accordance with the intention as set forth above to complete the Project and issue and sell
37 its revenue bonds and/or general obligation bonds and/or borrow funds from the Kansas
38 Department of Health and Environment, payable from revenues of the System as above
39 stated.

40 Done by order and direction of the Governing Body of the City of Topeka, Shawnee
41 County, Kansas, this _____ day of _____, 2013.

42 CITY OF TOPEKA, KANSAS

43
44
45
46 _____
47 Larry E. Wolgast, Mayor

48 ATTEST:

49
50
51
52 _____
53 Brenda Younger, City Clerk



FACT SHEET

T-281032.00

Layne Pump Station

Water Treatment Plant, 3245 NW Waterworks Drive

PROJECT ADMINISTRATION

Don Rankin, Utilities Superintendent

Larry Wilms, Utilities Asset Manager (Interim)

PROJECT SUMMARY

The Layne Pump Station project involves rehabilitating pumps and motors, and replacing the aged and malfunctioning flow meters and inoperable valves in this pump station. This project may include costs for contracted engineering services for project planning, design, and construction administration and oversight, and contracted construction services. It is intended to use cash to fund this project if funds are available; however, project financing costs of bond issuance and costs for interim project financing may be necessary.

BACKGROUND

The Layne pump station was constructed in 1953, and is the primary pump station that supplies water from the Water Treatment Plant to the city of Topeka. It is critically important that these pumps, flow meters and station valves operate during an emergency condition, such as, a break in one of the major water transmission mains, at the Water Treatment Plant, that convey water to the City mains. The valves are essential for the process of isolating transmission mains in order to provide water to the City during an emergency, especially in the event of pumping equipment failure or being out of service for maintenance.

TOTAL PROJECT BUDGET COST

The requested project budget is \$2,500,000 and is currently in the adopted CIP/CIB.

Total Project Budget	\$2,500,000
Annual Debt Service	\$135,928
Annual Debt Service as Percent of Total	5.4%
Total Debt Service (principal and interest)	\$4,077,850
Difference Project Cost and Total Debt Service	\$1,577,850

SOURCE OF FUNDING

Utility operating funds, revenue bonds, general obligation bonds, temporary notes, or Kansas Department of Health and Environment SRF Loan.

COUNCIL DISTRICT

All

DESIGN BY

To be determined by qualification statement submittals.

CONTRACTOR

To be determined by qualification statement submittals and by competitive bids for new equipment.

PROJECT SCHEDULE

Planning, engineering design and bidding – Fall 2013

Project administration and construction – Winter 2013 / Spring 2014



PROJECT BUDGET

T-281032.00

Layne Pump Station

LOCATION:

The Layne pump station is located at the Topeka Water Treatment Plant, 3245 NW Waterworks Drive.

DESCRIPTION OF PROJECT:

The Layne pump station was constructed in 1953 and is the primary pump station that supplies water from the Water Treatment Plant to the entire distribution system. The pump station pumps, motors, piping, flow meters and valves are aged and deteriorated. The pump station flow meters are no longer reliable and some valves are inoperable. This project includes the replacement of non-functioning valves, flow meters, pump and motor rehabilitation. If the budget permits, two or more of the large pumps will be configured for variable speed operation as an electrical cost saving and operational control advantage.

SOURCE OF FUNDS:

Utility operating funds, revenue bonds, general obligation bonds, temporary notes, or Kansas Department of Health and Environment SRF Loan. 2013 CIB - \$2,500,000

COST ESTIMATE:

	<u>City Funds</u>
Construction:	\$2,000,000
Design:	\$112,643
Construction Service Fees:	
<i>Construction Staking (5%)</i>	\$5,000
<i>Construction Inspection (8%)</i>	\$8,000
<i>City of Topeka Admin. (2%)</i>	\$2,000
<i>Geotechnical Report</i>	\$0
Right-of Way Acquisition:	
Property Acquisition	\$0
Contingency Amount:	\$75,000
Temporary Note Interest	\$33,040
COI (2%)	\$44,053
Bond Reserve (10%)	\$220,264
Total:	\$2,500,000

PUBLIC HEARING:

PROJECT AUTHORITY:

- a. Statutes: _____
- b. Capital Budget Year: _____ 2013 _____
- c. Improvement District: _____
- d. City at Large: _____
- e. Method of Assessment: _____

PROJECT ENGINEER:

Larry Wilms



PROJECT DEBT SERVICE

T-281032.00

Layne Pump Station

Interest rate	3.50%
Number of Years	30

Cost of Issuance	2.00%
Bond Reserve	10.00%
Temp Note interest	1.500%

Principal	\$2,202,643
Plus Temp Note Interest	\$33,040
Plus Cost of Issuance	\$44,053
Bond Reserve	<u>\$220,264</u>
Total Project Budget	\$2,500,000

Annual Debt Service	\$135,928
Annual Debt Service as Percent of Total	5.4%

Total Debt Service (principal and interest)	\$4,077,850
Difference Project Cost and Total Debt Service	\$1,577,850

1 (Published in the Topeka Metro News _____)

2
3 ORDINANCE NO. _____

4
5 AN ORDINANCE introduced by City Manager Jim Colson, authorizing Improvement
6 Project No. T-281032.00 for rehabilitation of the Layne pump station
7 at the Water Treatment Plant, approving cost estimates of the
8 proposed improvements, and doing all other things necessary and
9 incidental thereto, and authorizing the use of utility operation funds,
10 authorizing the publication of the Notice of Intention of the governing
11 body of the City of Topeka, Kansas, to issue and sell revenue bonds
12 of said City to make such improvements which constitutes
13 improvements to the municipally owned water, water pollution control,
14 and stormwater utility system of the City of Topeka, Shawnee County,
15 Kansas, pursuant to K.S.A. 10-101 and 10-1201, *et seq.*, and all
16 amendments thereto, authorizing issuance of general obligation
17 bonds to pay the costs of the project which further constitutes a
18 general improvement to the City's sanitary and/or stormwater and
19 sewage disposal system pursuant to City of Topeka Code § A12-1,
20 and authorizing the borrowing of funds from the KDHE SRF Loan to
21 pay the cost thereof.
22

23 WHEREAS, the City is a municipality as defined by K.S.A. 10-101 and 10-1201 *et*
24 *seq.* and all amendments thereto; and

25 WHEREAS, the City is authorized by the laws of the State of Kansas to issue and
26 sell revenue bonds of the City for the improvement of its water, water pollution control, and
27 stormwater utility system (the "System") pursuant to K.S.A. 10-1201 *et seq.* and all
28 amendments thereto; and

29 WHEREAS, it is deemed by the governing body of the City to be necessary and
30 advisable that the City to improve its System by rehabilitating the Layne pump station at
31 the Water Treatment Plant and any related appurtenances needed for a complete project
32 and doing all things necessary and incidental thereto (the "Project") and that the
33 preliminary plans, specifications and cost estimates for the Project heretofore duly
34 prepared and filed in the office of the City Clerk of said City, which estimates show a total

cost of the improvements to be approximately two million five hundred thousand dollars (\$2,500,000) be approved; and

WHEREAS, it is found by the governing body that such Project will not cause a duplication of existing utility service furnished by a private utility; and

WHEREAS, the City of Topeka, Shawnee County, Kansas, is authorized pursuant to City of Topeka Code § A12-1, to issue general obligation bonds for the purposes of paying for improvement, repair or extension to the City's waterworks system and sanitary and stormwater sewage disposal system; and

WHEREAS, the City desires to issue and sell revenue bonds and/or general obligation bonds of the City and/or to borrow funds from the KDHE SRF Loan to fund the cost of the improvements or any combination thereof.

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

Section 1. That the estimates of costs of the Project as contained in the project budget, in the total amount of two million five hundred thousand dollars (\$2,500,000.00) which are set out on the project budget attached hereto and on file in the office of the City Clerk of said City, be and the same are hereby approved.

Section 2. That the general nature of the Project is as follows: replacement of non-functioning valves, flow meters, pump rehabilitation, and motor rehabilitation.

Section 3. That notice be given by the governing body of the City of its intention to complete the Project in accordance with the plans, specifications and cost estimates and use utility operation funds, and/or to sell revenue bonds and/or general obligation bonds of the City and/or to borrow funds from the KDHE SRF Loan in a total amount not exceeding

two million five hundred thousand dollars (\$2,500,000.00) to pay the cost thereof. Such notice shall be signed by the Mayor and attested by the City Clerk and shall be published in the official City newspaper. Such notice shall describe the nature of the proposed improvements and shall state the amount of revenue and/or general obligation bonds proposed to be issued and/or loan funds to be borrowed, or any combination thereof for the payment of the cost of the project and otherwise, the notice shall be in the form as provided by law.

Section 4. That unless written protests against such proposed improvements signed by not less than twenty percent (20%) of the qualified electors of the City are filed with the City Clerk within fifteen (15) days after publication of the notice herein authorized the City both reasonably expects and intends to finance the costs as hereinbefore described from the proceeds of revenue bonds and/or general obligation bonds and/or loan funds or any combination thereof, payable from the rates, fees and charges of the System. The City does hereby express its official intent to reimburse any expenditures made in connection with the Project from System enterprise fund, or obligations incurred by, on or after the date which is sixty (60) days before the effective date of this Ordinance from the proceeds of its revenue bonds as aforesaid in the maximum principal amount previously described in accordance with U.S. Treasury Regulation 1.150-2. This Ordinance, as the expression of the governing body's official intent regarding the matters described herein, will be available, for public inspection in the City Clerk's office at City Hall during regular business hours of the City.

83 CITY OF TOPEKA, KANSAS

88 ATTEST:

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90
91
92
93 Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 4, 2013

☐ Back ☐ Print

DATE: September 17, 2013
CONTACT PERSON: Nicole Malott **DOCUMENT #:**
SECOND PARTY/SUBJECT: Utility Bill Real Estate **PROJECT #:**
Liens
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 008 Special Assessments
CIP PROJECT: No
ACTION OF COUNCIL: 9/10/13 First Reading. **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Jim Colson, imposing a real estate lien, pursuant to K.S.A. 12-808c, upon certain lots and pieces of ground in Shawnee County, Kansas, to pay the cost for utility services where such payments to the City have not been made due to neglect, failure or refusal to pay. Final Reading.

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

(Approval would authorize the imposition of charges for delinquent utility accounts on the tax rolls in the amount of \$89,439.86.)

POLICY ISSUE:

Approval would institute liens against property to collect delinquent utility bills.

STAFF RECOMMENDATION:

Staff recommends the City Council moves to adopt the ordinance.

BACKGROUND:

The City of Topeka Utility provides utility services for water, wastewater, stormwater and fireline services to a variety of customers located both inside and outside the city limits. When customer utility bills become delinquent, our normal delinquency controls are to turn off the water service to the customer until the customer makes full payment on the delinquent amounts. Some customers receive wastewater services and stormwater services for the City but not water service. This greatly reduces our ability to get the customer to pay delinquent amounts since we cannot shut their water service off. Most of these are customers of rural water districts and the rural water district cannot shut off water service for failure of a customer to pay a bill owed to the City. The customers identified in this document are delinquent in payment

for services provided by the City. State law permits the City to institute a lien on the property of these customers in order to recover payment for services rendered.

BUDGETARY IMPACT:

Collection of delinquent utility accounts in the amount of \$89,439.86.

SOURCE OF FUNDING:

Not applicable.

ATTACHMENTS:

[Ordinance](#)

[Map](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Jim Colson, imposing a real estate lien, pursuant to K.S.A. 12-808c, upon certain lots and pieces of ground in Shawnee County, Kansas, to pay the cost for utility services where such payments to the City have not been made due to neglect, failure or refusal to pay.

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

Section 1. That there be and is hereby instituted a real estate lien upon the following described lots and pieces of ground in Shawnee County, Kansas, pursuant to K.S.A. 12-808c:

Property ID Number	Property Owner of Record	Address	Amount
1083302011002000	A T & S F RR Co BNSF	132 NE Woodruff Ave	\$11,919.48
1051604007002000	ATS Mini Storage	2700 NE Grantville Rd	\$1,583.45
1041902019013000	Darla D Barnhart	1935 NW Lincoln St	\$70.72
1041902019004000	Darla D Barnhart	0 NW Lane St	\$70.72
0973604015017014	Broxterman Remodeling	1119 SW Buchanan St	\$459.87
1093203022001000	Capital Iron Works Company	701 SE Adams St	\$1,112.21
1330704017006000	Michael B. Drinkwater	2814 SE Madison St	\$158.07
1083303033002010	Homer Dean Fickel	608 SE Swygart St	\$272.58
1330601019002000	Ronald L Jones	411 SE 13th St	\$2,919.24
1420904010004000	K Douglas Inc	2831 SW Fairlawn Rd	\$1,168.58
1330704008006000	KDL Inc	210 SE 29th St	\$139.50
1330601015018000	KDL Inc	1221 S Kansas Ave	\$352.52
1093101007003000	KDL Inc	225 SW Jackson St	\$373.38
1330704008008000	KDL Inc	250 SE 29th St	\$451.01
1330704008007000	KDL Inc	200 SE 29th St	\$578.34
1093101008002000	KDL Inc	200 SW Jackson St	\$995.12
1093101007001000	KDL Inc.*	213 SW Jackson St	\$1,581.79
1093101007001000	KDL Inc**	213 SW Jackson St	\$188.93
1330704008009000	KDL Inc	240 SE 29th St	\$3,923.43
0951503002004000	KDL Inc.	5111 NW US 24 Hwy	\$710.99
1420904010007010	KDL Inc	5243 SW 28th Ct	\$336.21
1420904010002000	KDL Inc	5265 SW 28th Ct	\$1,887.62
1093102024005000	KDL Inc	612 SW Western Ave	\$110.39

1420904010005000	Lindemuth Inc	2835 SW Fairlawn Rd	\$348.11
1410201034010000	Lindemuth Inc.	2600 SW 17th St	\$141.44
1411201001001000	Lindemuth Inc.	801 SW 21st St	\$252.64
1341803002006000	Lindemuth Inc.	400 SW 33rd St	\$266.00
0973602029014000	Lindemuth Inc.	943 SW Mulvane St	\$294.84
1042003022005000	Lindemuth Inc.	1409 NW Topeka Blvd	\$330.26
1042002008004000	Lindemuth Inc.	1947 NW Topeka Blvd	\$188.93
1420904010006000	Lindemuth Inc.	2833 SW Fairlawn Rd	\$380.24
1341802004006000	Lindemuth Inc.	425 SW 30th St	\$429.59
1341802004017000	Lindemuth Inc.	3230 SW Topeka Blvd	\$1,404.48
1341902002014000	Lindemuth Inc.	3740 SE South Park Ave	\$401.80
1421001002007000	Kent & Vikki Lindemuth	2114 SW Seabrook Ave	\$53.20
1093004010005000	Willard G. Liska Jr.	218 W 1st Ave	\$157.08
1330602028001000	Joshua Mattox	1601 SW Van Buren St	\$70.14
1083303007005010	Midwest Professional Services	301 SE Swygart St	\$298.66
1093204030007000	Jorge M. Munoz	612 SE Lake St	\$228.58
1330803021004000	Juan Ortiz	610 SE 29th St	\$77.00
1330502004004000	P & Q Enterprises Inc.	603 SE 10th Ave	\$233.31
1330802022009000	Juan Ruelas	2429 SE Pennsylvania Ave	\$72.25
1330601021001000	Fred C. Sanders	430 SE 13th St	\$6,270.12
1041703001003000	Patricia H Spiker	133 NW Reo St	\$211.36
1330502012010000	Stardusters Crime Prevention	1135 SE Washington St	\$208.56
1093103006014000	Topeka Bank & Trust	811 SW Topeka Blvd	\$61.33
1093103021016000	Jenny E. Torrence	712 SW 12th St	\$65.75
1093102004006000	W.R. Portee Evangelistic World*	330 SW Western Ave	\$1,158.52
1093102004006000	W.R. Portee Evangelistic World**	330 SW Western Ave	\$102.41
1093203022009000	Zack Taylor Inc	709 SE Adams St	\$86.46
1361403014001030	Lori B. Allen	3636 SE Peck Rd	\$683.59
0910204007004000	Joshua L & Carrie Baxter	4122 NW Walnut Rd	\$345.38
0283402003001000	Allison Bell	5052 NW Pueblo Ct	\$140.28
0920301004016000	Randall D Bilderback	4321 NW Westgate Rd	\$321.52
0283402002012000	Jennifer Burkeen	5019 NW Pueblo Ct	\$231.54
0273601007002000	Kevin W Caughron	5220 NW Lincoln St	\$488.05
0273604001052000	Sara Jean Chinn	1644 NW 49th Ct	\$585.15
1361402012014000	Kenneth J Copeland	3800 SE 33rd St	\$647.99
0910204005017000	Sherryl Coufal	3908 NW Cherry Creek Dr	\$124.91
1351504002003000	Charles Crane	3540 SE 35th St	\$489.05
1311104010002000	Armando Cruz	2720 SE Shawnee Dr	\$928.96
0283402003009000	Brian E Dapkiewicz	4500 NW 50th Ct	\$796.34
1361402007014000	Renaldo Davis	3906 SE 31st St	\$356.55
0273601002016000	John & Sonya Eckhoff	5328 NW Green Hills Rd	\$477.29
1361403005018010	Jeannine Eklund	3412 SE Walnut Dr	\$664.45
1361402012023000	Edwin Eller	3813 SE 32nd Pl	\$153.70

0283401008005000	Tracy Francis	5200 NW 52nd St	\$535.13
1311103013024000	Tim Gaines	2841 SE Peck Rd	\$227.07
1311103005009000	Charles Geist	3640 SE Howard Dr	\$443.76
0273604003002000	Mark Grayson	2014 NW 48th St	\$487.30
0910204004003000	Robert S & Deeann J Grimes Jr	4251 NW Fielding Rd	\$677.52
1361404006015000	Denise M. Hamilton	3419 SE Arbor Ct	\$152.60
1361401006012000	Traci D. Harsch	3225 SE Arbor Dr	\$654.89
1361403005010000	Cole L. Hawkins	3431 SE Walnut Dr	\$308.22
1361404001002000	Michael Heil	4110 SE 34th St	\$529.75
1311102007005000	Pamela G Hill	2342 SE Croco Rd	\$867.58
0273601006008000	Jason R. & Tamara L. Hinton	5207 NW Courtland Dr	\$715.99
1311104008006000	Bill & Pam Hook	4320 SE 26th Ter	\$504.42
1311203009001000	Jessica Reneau Hook	4657 SE 26th Ter	\$385.91
1311101003011110	Joseph J. Hoytal Jr.	4333 SE 24th Pl	\$521.50
0910204006008000	Antonette T. Hubble	4210 NW Union Ct	\$477.46
1361403011001030	Jennifer & John Hudson	3424 SE Buckeye St	\$326.32
0283402003012000	Lewis & Guadalupe Hutfles Sr.	4519 NW 50th Ct	\$891.74
0920301003010000	Kimberly & Jason Jarrett	4521 NW Netherland Dr	\$212.84
1361402003006000	Charles O. Jester	2936 SE Meadowview Dr	\$581.33
1361401001023000	Peter & Tracy Jones	3201 SE Downing Dr	\$641.45
0283401008003000	Bruce A & Olga M Kahre	5216 NW 52nd St	\$768.19
0283402002014000	Amy L Kee	5033 NW Pueblo Ct	\$682.94
1361403003006000	Eric W Kennard	3314 SE Meadowview Dr	\$853.84
1311104010006000	Stanley J. Kmiec	4320 SE 28th St	\$550.84
0911101003013000	Amber F. Long	3708 NW Cherry Creek Dr	\$763.00
1311103002009000	Steve Longstaff	3820 SE Howard Dr	\$295.07
0910204005013000	Michael J & Diane M Malloy	4115 NW Union Dr	\$349.04
1361404007001000	Charles Markt	3927 SE 34th St	\$286.00
0910202007014000	Robert G. & Sandra Matthews	3922 NW Morley St	\$256.47
0910204005018000	Mike & Melissa McCracken	3914 NW Cherry Creek Dr	\$583.45
1361404003010000	Shawna D Mercer	4008 SE 34th St	\$245.10
0920301003005000	Melissa A. Mikkelsen	4520 NW Westgate Rd	\$695.46
1361403006002000	Janet S. Nevels	3501 SE Winston Dr	\$132.00
1311103007017000	Heather & Sean Nunamaker	2643 SE Connie Dr	\$796.58
1361403001003004	Kristin Y. Percell	3906 SE 33rd Ter	\$750.19
0911101002003000	Dustin T Pippin	3832 NW Cherry Creek Dr	\$386.01
1361403014001090	Diana L & Derek Pomeroy	3613 SE Peck Rd	\$731.95
1311103002016000	Sally Pritchett	2537 SE Connie Dr	\$1,152.74
1351504002011000	Debra L. Ramirez	3510 SE 35th St	\$423.25
1361401002010000	Humberto Mario Ramos Jr.	2907 SE Arbor Dr	\$1,246.12
1361401004001000	Dallas Mayrose Ratliff	3019 SE Burton St	\$317.86
0910204008006000	Keith R. Reimer Jr.	4107 NW Fielding Rd	\$277.99
1311101009031000	Ryan & Paula Reynolds	2252 SE Moorefield Ct	\$499.22

1311104013005000	Glen C. Roberts	4310 SE 29th St	\$1,073.46
1311102005022000	Darren Root	2437 SE Alexander Dr	\$220.20
1361403007007000	Michelle Root	3530 SE Walnut Dr	\$954.84
1311104002032000	Marvin Rues	2743 SE Shawnee Dr	\$187.71
1311103010005000	Joseph D Sass	3723 SE 27th St	\$132.48
0283401002023000	Leslie Shoff	5249 NW Brickyard Rd	\$364.29
0283402002019050	Matthew L & Trisha R Slimmer	5145 NW Arroyo Dr	\$834.38
0910202006001000	Loren Snell	4543 NW Geronimo Trl	\$686.15
0273604001021000	Todd Stallbaumer	4636 NW Kendall Dr	\$190.44
1311203001009000	Deborah F Starr	4704 SE 25th St	\$172.30
1311101007004000	Bonnie Stovall	2416 SE Bennett Dr	\$157.81
0273502004030000	Stephanie Tarman	3438 NW 49th Ter	\$395.35
1361401002017000	Jeffrey Tharp	2913 SE Starlite Dr	\$458.63
1311101002010000	Susan Tindall	2248 SE Stinson Dr	\$305.04
1311103004010000	Brenda M Trimble	2527 SE Alexander Dr	\$324.28
0911101004009000	Art R. Turner	3719 NW Cherry Creek Dr	\$622.85
0910204005010000	Delora K. Watson	4101 NW Dondee Ln	\$113.65
1311103012001000	Mike C Wederski	3731 SE 28th St	\$737.69
1311103010014000	Thurman G. Williams Sr.	3600 SE 27th Ter	\$729.21
0920301002013000	Rebecca J Windsor	4541 NW Mission Rd	\$950.65
0910204007011000	David J & Kathy A Wischropp	4206 NW Walnut Rd	\$353.05
1311104007007000	Jan Wise	2620 SE Bennett Dr	\$462.85
1361401007023000	Cheri L Zollicoffe	3025 SE Arbor Dr	\$202.85

* Fire Line Charges

** Stormwater Charges

15

16

Section 2. That the City Clerk shall certify a copy of this Ordinance and deliver

17

the same to the County Clerk of Shawnee County, Kansas, who shall place the several

18

amounts mentioned in Section 1 of this Ordinance upon the tax rolls of said County to

19

be collected as one tax in the same manner as other taxes and assessments are

20

collected.

21

Section 3. This ordinance shall take effect and be in force from and after its

22

passage, approval and publication in the official City newspaper.

23

PASSED AND APPROVED by the Governing Body _____.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

Real Estate Lien 12-808c Properties

Legend

- Commercial
- Residential Inside City Limits
- Residential Outside City Limits

Sources: Esri, DeLorme, NAVTEQ, TomTom, Intermap, iPC, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), and the GIS User Community



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 24, 2013

☐ Back ☐ Print

DATE: September 17, 2013
CONTACT PERSON: Robert Kennedy **DOCUMENT #:**
SECOND PARTY/SUBJECT: Real Estate Purchase Agreement City of Topeka/Martha Miller **PROJECT #:** T-151016.00
CATEGORY/SUBCATEGORY 007 Contracts and Amendments / 018 Other
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

APPROVAL of a Real Estate Purchase Agreement between the City of Topeka and Martha E. Miller for the purchase of property located south of 131 SE 29th Street in the amount of \$3,000 for Drainage Improvement Project T-151016.00, and specifically authorizing Mayor Larry E. Wolgast, to execute the agreement. (Council District No. 5)

(Approval would authorize the purchase of property located south of 131 SE 29th Street for Drainage Improvement Project T-151016.00. The project budget in the amount of \$300,000 was approved on April 26, 2011, and is included in the 2010 and 2011 Capital Improvement Budgets.)

POLICY ISSUE:

Approval would allow the City to remove a failing underground storm sewer system along with the structures on the property located over the storm sewer system.

STAFF RECOMMENDATION:

Staff is recommending the Council move to approve the Real Estate Purchase Agreement.

BACKGROUND:

Topeka Municipal Code Section 3.30.310 vests authority to purchase real property in the City Council with signature of the real estate contract by the Mayor. The existing drainage conveyance system located in the area of 131-133 SE 29th Street consists of large diameter concrete structures and old railroad cars.

BUDGETARY IMPACT:

Approval would authorize the City to purchase the property for \$3,000. The project is included in the 2010 and 2011 Capital Improvement Budgets.

Item #15

SOURCE OF FUNDING:

Utility Operating Funds

Revenue Bonds

General Obligation Bonds

Temporary Notes or Kansas Department of Health and Environment SRF Loan

ATTACHMENTS:

[Real Estate Purchase Agreement - Miller](#)

[Map - Miller Property](#)

City of Topeka Contract No. _____
REAL ESTATE PURCHASE AGREEMENT

THIS REAL ESTATE PURCHASE AGREEMENT ("Agreement") is made and entered into as of the _____ day of July, 2013 by and between Martha E. Miller, Topeka, Kansas ("Seller") and the City of Topeka, a municipal corporation ("Buyer").

Sale of Property. Subject to the terms and conditions herein set forth, Seller agrees to sell and convey to Buyer by good and sufficient general warranty deed, free and clear of encumbrances, and Buyer hereby agrees to purchase, that certain real estate legally described as:

Lot 1, Block A, Highland Crest Industrial Park Subdivision in the City of Topeka, Shawnee County, Kansas.

(the "Real Estate"). The Real Estate does not include any improvements permanently affixed to the premises, or any improvements or personal property located thereon.

Purchase Price. The purchase price for the Real Estate shall be Three Thousand and No/100 Dollars (\$ 3,000) ("Purchase Price").

Time of Purchase. The time for closing of the purchase of the Real Estate shall be within thirty (30) days of the date upon which all of the conditions precedent are satisfied or waived in writing by the party for whose benefit the condition is provided, but not later than August 30, 2013.

Title and Conveyance. Seller agrees to cooperate in furnishing Buyer a title insurance commitment (the "Commitment") to insure the Real Estate in the amount of the Purchase Price, which Commitment shall show marketable title vested in Seller, subject to all rights of way, easements, and restrictions of record. The Commitment shall be delivered to Buyer at least ten (10) days prior to the closing of this transaction for examination by Buyer or Buyer's attorney. In Buyer's opinion, if Seller's title to the Real Estate is not marketable, Buyer shall notify Seller in writing, specifying its objections. Seller shall use its best efforts, within a reasonable time (not to exceed ten (10) days) after receipt of such objections from Buyer in which to correct such title objections and the closing date shall be extended for up to such period of time. In the event the title objections are not corrected by Seller to the satisfaction of Buyer within the aforesaid period of time, Buyer may terminate this Agreement upon written notice to Seller, and proceed to condemnation or elect to close notwithstanding such title objections. As a part of the closing, Seller shall cause the title company to issue and deliver to Buyer a title insurance policy in the amount of the Purchase Price. The cost of the Commitment and title insurance policy shall be paid by Buyer.

Seller's Representations. The Seller hereto respectively covenants, represents, and warrants that Seller owns good and marketable title to the Real Estate; which covenants, representations, and warranties shall be true and accurate as of the date of closing and shall survive the closing and the transfer of the deed of conveyance. The Real Estate, which includes

no buildings and improvements, is sold without any representation or warranty of any nature, other than as to title by Seller, as to the condition at the date of closing.

Taxes and Assessments. All taxes and assessments on the Real Estate due and payable in prior years and a pro-rata share of present taxes, based upon taxes and assessments for 2012, shall be paid by Seller to date of closing.

Closing and Possession. It is understood and agreed between the parties that time is of the essence of this Agreement. The closing for the transaction described herein shall occur on or before the date specified in Paragraph 3 hereof, as such date may be extended as provided herein. The closing shall occur at the offices of Lawyers Title Insurance Company and the closing fee shall be paid by Buyer. Possession shall be delivered to Buyer at closing.

Default. If Buyer fails to close the purchase of the Real Estate, Seller may, at its sole option, either terminate this Agreement or exercise any rights and remedies available to it at law or in equity, including but not limited to, specific performance. If Seller fails to close the purchase of the Real Estate, Buyer may, at its sole option, either terminate this Agreement and/or exercise any rights and remedies available to it, at law or in equity, including but not limited to specific performance.

Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

Construction of Agreement. This Agreement is intended to be interpreted and construed under and by virtue of the laws of the State of Kansas.

IN WITNESS WHEREOF, this Agreement is executed as of the date first above written.

"Seller"

Martha E. Miller



"Buyer"

CITY OF TOPEKA, a municipal corporation

By: _____
Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

Project Number T151016-00



While the City of Topeka, KS makes every effort to maintain and distribute accurate information, NO WARRANTIES AND/OR REPRESENTATIONS OF ANY KIND are made regarding information, data, or services provided. In no event shall the City of Topeka, Kansas be liable in any way to the users of this data. Users of the data shall hold the City of Topeka, Kansas harmless in all matters and accounts arising from the use and/or accuracy of this data/map.

Date: 7/24/2013

Created by: dfish

Map create



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 11, 2013

☐ Back ☐ Print

DATE: September 17, 2013

CONTACT PERSON: Bob Kennedy **DOCUMENT #:**

SECOND PARTY/SUBJECT: Real Estate Purchase Agreement City of Topeka - James Henderson **PROJECT #:** T-151016.00

CATEGORY/SUBCATEGORY 007 Contracts and Amendments / 018 Other

CIP PROJECT: Yes

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

APPROVAL of a Real Estate Purchase Agreement between the City of Topeka and the James D. Henderson Living Trust, for the purchase of property located at 131-133 SE 29th Street in the amount of \$180,000 for Drainage Improvement Project No. T-151016.00, and specifically authorizing the Mayor Larry E. Wolgast, to execute the agreement. (Council District No. 5)

(Approval would authorize the purchase of property located at 131-133 SE 29th Street for Drainage Improvement Project T-151016.00. The project budget in the amount of \$300,000 was approved on April 26, 2011, and is included in the 2010 and 2011 Capital Improvement Budgets.)

POLICY ISSUE:

Approval would allow the City to remove a failing underground storm sewer system along with the structures on the property located over the storm sewer system.

STAFF RECOMMENDATION:

Staff is recommending the Council move to approve the real estate purchase agreement.

BACKGROUND:

Topeka Municipal Code Section 3.30.310 vests authority to purchase real property in the City Council with signature of the real estate contract by the Mayor. The existing drainage conveyance system located on properties 131-133 SE 29th Street consists of large diameter concrete structures and old railroad cars.

BUDGETARY IMPACT:

Item #16

Approval would authorize the City to purchase the property for \$180,000. The project is included in the 2010

and 2011 Capital Improvement Budgets.

SOURCE OF FUNDING:

Utility Operating Funds

Revenue Bonds

General Obligation Bonds

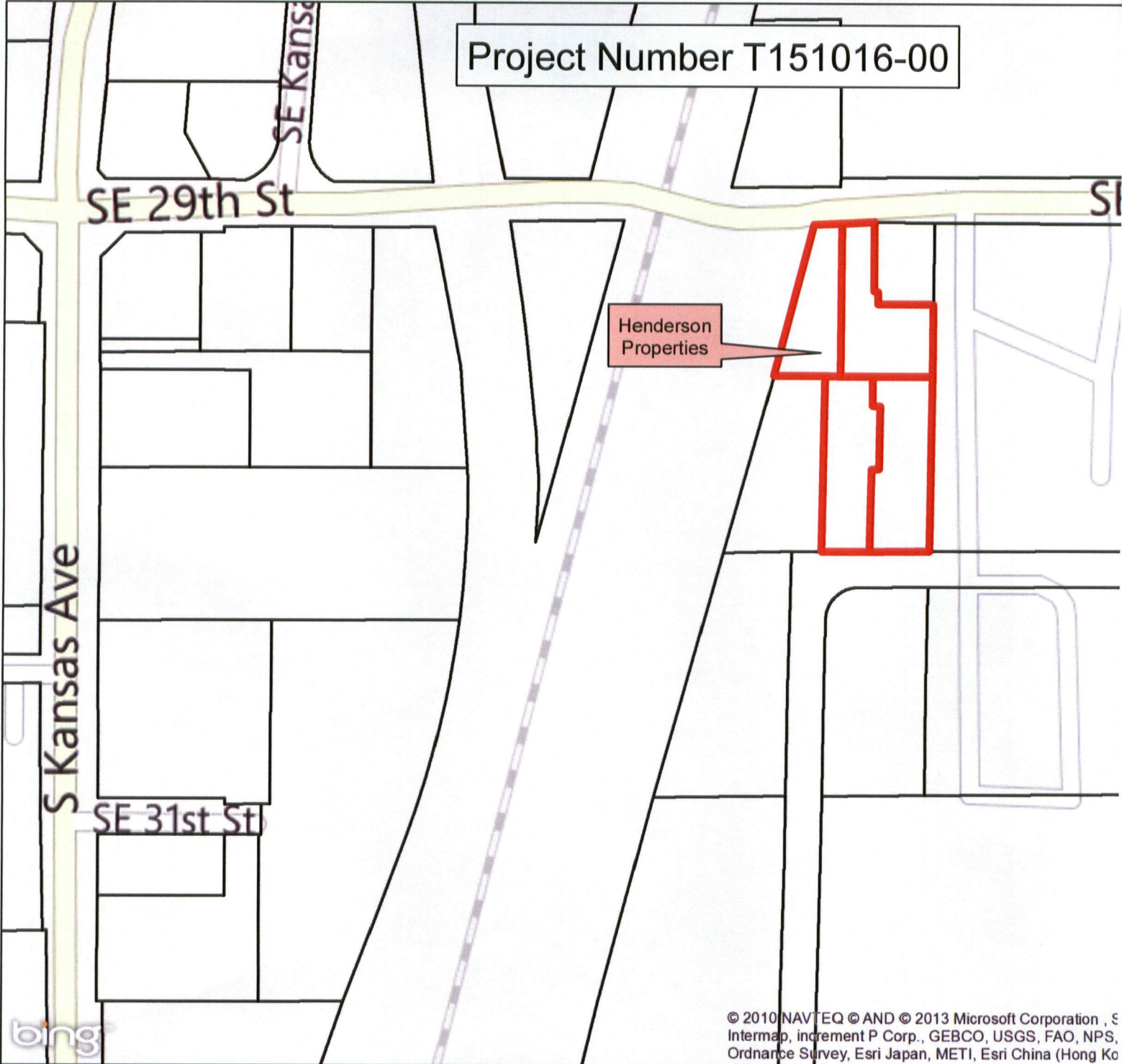
Temporary Notes or Kansas Department of Health and Environment SRF Loan

ATTACHMENTS:

[Map](#)

[Contract](#)

Project Number T151016-00



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Intermap, increment P Corp., GEBCO, USGS, FAO, NPS,
Ordnance Survey, Esri Japan, METI, Esri China (Hong Ko

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REPRESENTATIONS OF ANY KIND are made regarding information, data, or services provided. In no event shall the City of
Topeka, Kansas be liable in any way to the users of this data. Users of the data shall hold the City of Topeka, Kansas
harmless in all matters and accounts arising from the use and/or accuracy of this data/map.

Date: 7/24/2013

Created by: dfish

Ma

City of Topeka Contract No. _____

REAL ESTATE PURCHASE AGREEMENT

THIS REAL ESTATE PURCHASE AGREEMENT ("Agreement") is made and entered into as of the _____ day of August, 2013, by and between James D. Henderson Living Trust, dated June 1, 1989, Topeka, Kansas, hereinafter referred to as "Seller" and the City of Topeka, a municipal corporation, hereinafter referred to as "Buyer."

1. Sale of Property. Contingent upon approval of this Agreement by the City Council and subject to the terms and conditions herein set forth, Seller agrees to sell and convey to Buyer by good and sufficient general warranty deed, free and clear of encumbrances, and Buyer hereby agrees to purchase, that certain real estate legally described as follows and hereinafter referred to as the "Real Estate":

Parcel 1

Lot 2, Highland Crest Commercial Park Subdivision in the City of Topeka, Shawnee County, Kansas.

Parcel 2

Lot 2, Block A, Guild Subdivision, in the City of Topeka, Shawnee County, Kansas, EXCEPT that part of Lot 2, as described as flows: a portion of Lot 2 beginning at the Northeast corner thereof; thence South 00 degrees 42 minutes 00 seconds West, 124.50 feet; thence South 90 degrees 00 minutes 00 seconds West, 5 feet; thence northerly parallel to the West line of Lot 1 to the North lie of Lot 2, thence Northeasterly 5.07 feet; more or less, along the North line of Lot 2, to the point of beginning.

Parcel 3

Lot 4, Block A, Guild Subdivision in the City of Topeka, Shawnee County, Kansas.

Parcel 4

Lot 3, Block A, Guild Subdivision in the City of Topeka, Shawnee County, Kansas.

The Real Estate shall include all attached improvements permanently affixed to the premises, or any improvements thereon, with the following exceptions:

Items of personal property, identified in Attachment A to this Agreement, which shall be retained by Seller and removed from premises within 90 days following closing.

2. Purchase Price. The purchase price for the Real Estate shall be One Hundred Eighty Thousand and No/100 Dollars (\$180,000.00), hereinafter referred to as "Purchase Price."

3. Time of Purchase. The time for closing of the purchase of the Real Estate shall be within thirty (30) days of the date upon which all of the conditions precedent are satisfied or waived in writing by the party for whose benefit the condition is provided, but not later than January 14, 2014.

4. Title and Conveyance. Seller agrees to cooperate in furnishing Buyer a title insurance commitment, hereinafter referred to as the "Commitment" to insure the Real Estate in the amount of the Purchase Price, which the Commitment shall show marketable title vested in Seller, subject to all rights of way, easements, and restrictions of record. The Commitment shall be delivered to Buyer at least ten (10) days prior to the closing of this transaction for examination by Buyer or Buyer's attorney. In Buyer's opinion, if Seller's title to the Real Estate is not marketable, Buyer shall notify Seller in writing, specifying its objections. Seller shall use its best efforts, within a reasonable time (not to exceed ten (10) days) after receipt of such objections from Buyer in which to correct such title objections and the closing date shall be extended for up to such period of time. In the event the title objections are not corrected by Seller to the satisfaction of Buyer within the aforesaid period of time, Buyer may terminate this Agreement upon written notice to Seller, and proceed to condemnation or elect to close notwithstanding such title objections. As a part of the closing, Seller shall cause the title company to issue and deliver to Buyer a title insurance policy in the amount of the Purchase Price. The cost of the Commitment and title insurance policy shall be paid by Buyer.

5. Seller's Representations. The Seller hereto respectively covenants, represents, and warrants that Seller owns good and marketable title to the Real Estate; which covenants, representations, and warranties shall be true and accurate as of the date of closing and shall survive the closing and the transfer of the deed of conveyance.

The Real Estate, including all buildings and improvements, are sold in "as is" condition without any representation or warranty of any nature by Seller as to the condition at the date of closing. Seller shall have no responsibility whatsoever for any damage to or change in condition of the buildings or improvements prior to the date of closing.

Seller shall give notice to all tenants to vacate the Real Estate on or before September 17, 2013, and shall ensure that all tenants have vacated the Real Estate on or before January 5, 2014.

6. Taxes and Assessments. All taxes and assessments on the Real Estate due and payable in prior years and a pro-rata share of present taxes, based upon taxes and assessments for 2012, shall be paid by Seller to date of closing.

7. Closing and Possession. It is understood and agreed between the parties that time is of the essence of this Agreement. The closing for the transaction described herein shall occur on or before the date specified in Paragraph 3 hereof, as such date may be extended as provided herein. The closing shall occur at the offices of Lawyers Title Insurance Company and the closing fee shall be paid by Buyer. Possession shall

be delivered to Buyer at closing. Any personal property left on the Real Estate after the Buyer receives possession shall be considered abandoned, except for the items of personal property identified above and in Attachment A.

8. Default. If Buyer fails to close the purchase of the Real Estate, Seller may, at its sole option, either terminate this Agreement or exercise any rights and remedies available to it at law or in equity, including but not limited to, specific performance. If Seller fails to close the purchase of the Real Estate, Buyer may, at its sole option, either terminate this Agreement and/or exercise any rights and remedies available to it, at law or in equity, including but not limited to specific performance.

9. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

10. Construction of Agreement. This Agreement is intended to be interpreted and construed under and by virtue of the laws of the State of Kansas.

IN WITNESS WHEREOF, this Agreement is executed as of the date first above written.

BUYER

CITY OF TOPEKA, a municipal corporation

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

SELLER

James D. Henderson Living Trust, dated June 1, 1989

Jaime Henderson, Trustee

ATTACHMENT A

- (5) Security Lights from 135 SE 29th Street
- (1) Furnace and all wall air conditioning unites from 131 SE 29th Street
- (2) Hanging furnaces from 133 SE 29th Street, Rear



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 22, 2013

☐ Back ☐ Print

DATE: September 17, 2013
CONTACT PERSON: Brenda Younger **DOCUMENT #:**
SECOND PARTY/SUBJECT: Applications **PROJECT #:**
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

APPROVAL of Retail Cereal Malt Beverage and Scrap Metal Dealers License Applications.

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

(Retail Cereal Malt Beverage License applications and Scrap Metal Dealer applications must be approved by the governing body prior to issuance of the licenses.)

POLICY ISSUE:

Approval helps ensure businesses are in compliance with City regulations.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the license application(s) as presented.

BACKGROUND:

Pursuant to K.S.A. 41-2702 as amended, license applications for retail cereal malt beverage must be approved by the governing body prior to issuance of the license.

Pursuant to TMC 5.170.040 and L.2011, Ch. 86, Section 2, Scrap Metal Dealer applications have to be approved by the governing body prior to issuance of registration.

BUDGETARY IMPACT:

Budgetary impact is based on the number of licenses issued.

SOURCE OF FUNDING:

City Clerk's Operating Budget

ATTACHMENTS:

No Attachments Available

Item #17



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 12, 2013

☐ Back ☐ Print

DATE: September 17, 2013
CONTACT PERSON: Mary Feighny, Deputy City Attorney **DOCUMENT #:**
SECOND PARTY/SUBJECT: **PROJECT #:**
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Karen Hiller, approving the issuance of a special event retailer's permit for Lupita's Mexican Restaurant for the duration of a special event known as Jazzin' It Up Downtown.

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

(Approval would grant a special event retailer's permit to Lupita's Mexican Restaurant to allow customers to consume cereal malt beverages at the Jazzin' It Up Downtown special event on September 21, 2013.)

POLICY ISSUE:

State law and City ordinance allow consumption of cereal malt beverages on public right-of-way only upon approval of a special permit by the governing body.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the resolution.

BACKGROUND:

The Governing Body has already approved the "Jazzin It Up Downtown" event which allows consumption of alcohol. As cereal malt beverage is not considered 'alcohol' under State law, it is necessary to issue a special cereal malt beverage permit so the public can drink cereal malt beverages in the same area where alcohol will be served.

BUDGETARY IMPACT:

none

Item #18

SOURCE OF FUNDING:

n/a

ATTACHMENTS:

[Resolution](#)

1 RESOLUTION NO. _____
2

3 A RESOLUTION introduced by Councilmember Karen Hiller, approving the issuance of
4 a special event retailer's permit for Lupita's Mexican Restaurant for
5 the duration of a special event known as Jazzin' It Up Downtown.
6

7 BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF TOPEKA,
8 KANSAS, that:

9 Section 1. Pursuant to K.S.A. 41-2704(e) and TMC 9.15.020, cereal malt
10 beverages may be consumed on unpermitted premises at a special event approved by the
11 governing body.

12 Section 2. On September 10, 2013, the governing body approved the special
13 event known as "Jazzin' It Up Downtown" to be held on September 21, 2013, between the
14 hours of 2:30 p.m. to 7:00 p.m..

15 Section 3. Having considered the request of Lupita's Mexican Restaurant for a
16 special event retailer's permit to offer for sale cereal malt beverages that may be
17 consumed on unpermitted premises that will be open to the public (i.e. S. Kansas Avenue
18 between SW 7th Street and SW 8th Avenue), the governing body grants the special event
19 retailer's permit to Lupita's Mexican Restaurant, 732 S. Kansas Avenue, for "Jazzin' It Up
20 Downtown" on September 21, 2013, from 2:30 p.m. through 7:00 p.m.

21 Section 4. Event attendees may possess and consume cereal malt beverages
22 within the area in which alcoholic liquor is allowed.

23 Section 6. This Resolution shall take effect and be in force after its approval by
24 the Governing Body.

25 ADOPTED and APPROVED by the Governing Body on _____.

26 CITY OF TOPEKA, KANSAS
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ATTEST:

Larry E. Wolgast, Mayor

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 20, 2013

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DATE:	September 17, 2013		
CONTACT PERSON:	Bill Fiander/Bill Hoover	DOCUMENT #:	CU13/3
SECOND PARTY/SUBJECT:	Fellowship Bible Church	PROJECT #:	
CATEGORY/SUBCATEGORY	020 Resolutions / 001 Special Permits		
CIP PROJECT:	No		
ACTION OF COUNCIL:		JOURNAL #:	
		PAGE #:	

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Jim Colson, in accordance with Section 18.70.030(c)(3) of the Topeka Municipal Code, approving a Conditional Use Permit to allow for a vehicle surface parking lot on property zoned "R-1" Single-Family Dwelling District and located at the northeast corner of SW 10th Street and SW Urish Road in the City of Topeka, Kansas. (CU13/3) (Council District No. 9)

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

(Approval would allow Fellowship Bible Church and Wanamaker Elementary School to use the area for off-site parking.)

POLICY ISSUE:

Governing Body options include:

- (1) Adopt the recommendation of the Planning Commission by a majority vote (six votes) of the Governing Body.
- (2) Reject or amend the recommendation of the Planning Commission by a two-thirds majority vote (seven votes) of the Governing Body.
- (3) Remand the recommendation back to the Planning Commission with a statement specifying the basis for the Governing Body's decision by a majority vote (six votes) of the Governing Body.

STAFF RECOMMENDATION:

Item #19

Staff recommends the Council move to approve the resolution.

BACKGROUND:

This request is for a vehicle surface parking lot in association with a principal use to serve two nearby properties. The two separate parking areas are located on a 11 acre site at the northeast corner of SW 10th Avenue and SW Urish Road. The parking areas will serve both Fellowship Bible Church located at the northwest corner of the intersection and Wanamaker Elementary School located directly east of the site.

The southeastern portion of the site has been used as an overflow paved parking area since 2004 for the Wanamaker Elementary School. The western portion of the site has been used as an unpaved temporary overflow parking area for Fellowship Bible Church since 2008. Fellowship Bible Church is in the initial process of expanding their sanctuary and classrooms. The church is located on a nearly 13-acre parcel; however, development is severely constrained west of the existing church building because the parking area is located near a large stream buffer area and flood zone. The City's Engineering staff has stated that traffic north of SW 10th Avenue is very minimal and supports the church's pedestrian crossing.

A Neighborhood Information Meeting was held for the petition on July 29, 2013. Approximately six people were in attendance and no one voiced opposition to the proposed Conditional Use Permit. Additionally, Planning staff has received three telephone inquiries about this request with no opposition. The Planning Department recommended approval and the Planning Commission recommended the petition be conditionally approved on August 19, 2013.

BUDGETARY IMPACT:

There would be no budgetary impact to the City.

SOURCE OF FUNDING:

Not applicable.

ATTACHMENTS:

[Summary Report](#)

[Staff Report](#)

[CUP Site Plan](#)

[Aerial](#)

[Zoning Map](#)

[Resolution](#)

[NIM Summary Report](#)

[Case Minutes of Planning Commission 8/19/2013](#)

CITY OF TOPEKA PLANNING DEPARTMENT

SUMMARY REPORT

Re: CU13/1 by: Fellowship Bible Church

This request is for a Conditional Use Permit (CUP) in the “R-1” Single-Family Dwelling District for a “vehicle surface parking lot in association with a principal use” to serve two nearby properties. The two separate parking areas are located on an 11.17-acre site at the northeast corner of SW 10th Avenue and SW Urish Road. The parking areas would serve both Fellowship Bible Church located at the northwest corner of this intersection and Wanamaker Elementary School located directly east of the site.

The southeastern portion of this 11.17-acre site has been used as an overflow paved parking area since about 2004, for the Wanamaker Elementary School. The western portion of the site has been used as an unpaved temporary overflow parking area for Fellowship Bible Church since about 2008. Planning Department records indicate a Conditional Use Permit has not yet been approved for these off-premise parking lots.

Fellowship Bible Church is in the initial process of expanding their sanctuary and classrooms. The church is located on a nearly 13-acre parcel but development is severely constrained west of the existing church building and parking area as a large stream buffer area and flood zone area are located there. Hence, this coerces the church to locate much of their parking east of their site across SW Urish Road. The City’s Engineering staff has stated that traffic north of SW 10th Avenue is very minimal and supports the church’s pedestrian crossing.

A Neighborhood Information Meeting (NIM) was held for this petition on July 29, 2013. Approximately one-half dozen persons were in attendance and no one there voiced any opposition to the proposed CUP. Details of this meeting are attached in the NIM Summary. Additionally, Planning staff has received three telephone inquiries about this CUP but no opposition.

The Planning Department recommended approval of this CUP, as referenced in the attached staff report. The Planning Commission recommended the petition be conditionally approved by a vote of 7-0-2 at its August 19, 2013 meeting, as referenced in the attached minutes.

As there are no outstanding issues, the Planning Department requests the Governing Body move to approve this Conditional Use Permit as outlined in the resolution.

August 19, 2013
Agenda Item #E-1

CONDITIONAL USE PERMIT REPORT

TOPEKA PLANNING DEPARTMENT

CASE NO: CU13/3

by: Fellowship Bible Church

PROPOSAL: Fellowship Bible Church is requesting a Conditional Use Permit (CUP) on property zoned “R-1” Single-Family District “for a vehicle surface parking lot in association with a principal use” to serve nearby properties.

LOCATION: The proposed parking areas are located on an 11.17-acre site located at the northeast corner of SW 10th Avenue and SW Urish Road. The parking areas would serve both Fellowship Bible Church located at 6800 SW 10th Avenue, at the northwest corner of this intersection, and Wanamaker Elementary School located directly east of the site at 6630 SW 10th Avenue.

PRESENT USE: The southeastern portion of this site has been used as an overflow paved parking area for the Wanamaker Elementary School that abuts to the east since about 2004. The southwestern portion of the site has been used for a temporary overflow parking area for Fellowship Bible Church since about 2008. (Fellowship Bible Church purchased the property in November 2007.) Planning Department records indicate a Conditional Use Permit has not yet been approved for these off-premise parking lots.

PROPOSED USE: The applicant desires to obtain a Conditional Use Permit “for a vehicle surface parking lot in association with a principal use” to serve nearby properties. If the CUP is approved the applicant will also need to plat the land and obtain approval of a Parking Lot Permit prior to commencing construction for a paved parking lot in the southwest portion of the site.

CHARACTER OF NEIGHBORHOOD: This exurban neighborhood is comprised of a variety of land uses. To the north is the interchange of I-70 and I-470, to the east is the Wanamaker Elementary School, to the southeast are professional offices and an outside commercial sporting activity center, to the south is vacant land for future neighborhood commercial and office uses and then the Red Oaks residential Subdivision, to the southwest vacant agricultural land, and to the west Fellowship Bible Church.

ZONING CLASSIFICATION AND USE OF SURROUNDING PROPERTIES:

	ZONING CLASSIFICATION	PRESENT LAND USE
North:	“R-1” Single-Family District	Interchange of I-70 and I-470
South:	“PUD” District with “C-2” & “O&I-1” uses	Vacant
West:	“R-1” Single-Family District	Church
East:	“R-1” Single-Family District	Elementary school

GUIDELINES FOR EVALUATION: In considering an application for a Conditional Use Permit, the Planning Commission and governing body will give consideration to the following criteria in order to protect the integrity and character of the zoning district in which the proposed use is located; and to

August 19, 2013
Agenda Item #E-1

minimize adverse effects on surrounding properties and the neighborhood, all Conditional Use Permit applications shall be evaluated in accordance with the guidelines established in Section 18.215.030 of the TMC.

1. **The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies:** The Future Land Use Map, which provides general land use guidelines, designates this area as *Mixed-Use* which allows institutional uses. Hence, this CUP is consistent with our Comprehensive Plan.
2. **The character of the neighborhood including but not limited to: land use, zoning, density, architectural style, building materials, height, structural mass, sitting, open space and floor-to area ratio:** This neighborhood has a variety of land uses including: an elementary school, professional offices, an outside commercial sports activity center, a residential subdivision, vacant commercial land, and agricultural land.
3. **The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning and uses:** Most nearby properties are zoned “R-1” Single-Family District or “RR-1” Residential Reserve District except for land to the south that is zoned “PUD” with “C-2” Commercial and “O&I-1” Office and Institutional uses. The proposed use should be very compatible with these nearby properties.
4. **The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations:** This property is suitable for the uses it has been restricted to, but it would also be suitable for the proposed uses.
5. **The length of time the property has remained vacant as zoned:** The property has been unimproved except for the school’s paved parking area in the site’s southeast corner since about 2004 and the church’s temporary parking area in the property’s southwest corner around 2008.
6. **The extent to which the approval of the application would detrimentally affect nearby properties:** The Planning staff does not believe this CUP will have any detrimental impacts on nearby properties.
7. **The extent to which the proposed use would substantially harm the value of nearby properties:** Based on the makeup of this neighborhood, the Planning staff believes the proposed uses would have not have a negative impact on the value of nearby properties.
8. **The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the use, or present parking problems in the vicinity of the property:** This proposal should not have any negative impacts on the road network in close proximity to the site and will improve parking conditions in this neighborhood. The one existing and the one proposed driveway access points meet minimum City spacing requirements. Engineering staff has approved the pedestrian crossing as shown on the site plan and pointed out that traffic on SW Urish Road north of SW 10th Avenue is very minimal.

August 19, 2013
Agenda Item #E-1

9. **The extent to which the proposed use would create excessive air pollution, water pollution, noise pollution or other environmental harm:** The proposed paved parking facility should not create any environmental impacts.
10. **The gain, if any, to the public health, safety and welfare due to denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application:** There is no particular public gain in respect to health, safety and welfare by denying the requested application. The land to the west of the existing Fellowship Bible Church facility is owned by the church but is not very developable as it is located in both a flood zone and stream buffer area.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:

Application: **Complete**

Minimum Lot Area: **Compliant**

Setbacks: **Compliant**

Platting: **Will be compliant upon approval of a Minor Plat which the applicant's engineering firm is getting close to submitting.**

CONCERNS OF STAFF AND REVIEWING AGENCIES: All essential public utilities, services and facilities are presently available to the site and will not be overburdened by this proposal. This request has been submitted to all applicable reviewing agency staff for consideration and comment and no significant concerns have been provided.

ADDITIONAL FACTORS:

1. Citizen Participation Process: A neighborhood information meeting was held for this project on July 29, 2013 at 6:00 PM. No opposition to the project was brought forth at this meeting. A copy of the minutes to this meeting is attached.
2. Neighborhood Association: Not applicable.
3. Capitol Plaza Area: Not applicable.
4. Flood Hazard Area: Not applicable.
5. Airport Hazard Area: Not applicable.
6. Historic Properties: The property is not within any historic zones.

STAFF RECOMMENDATION:

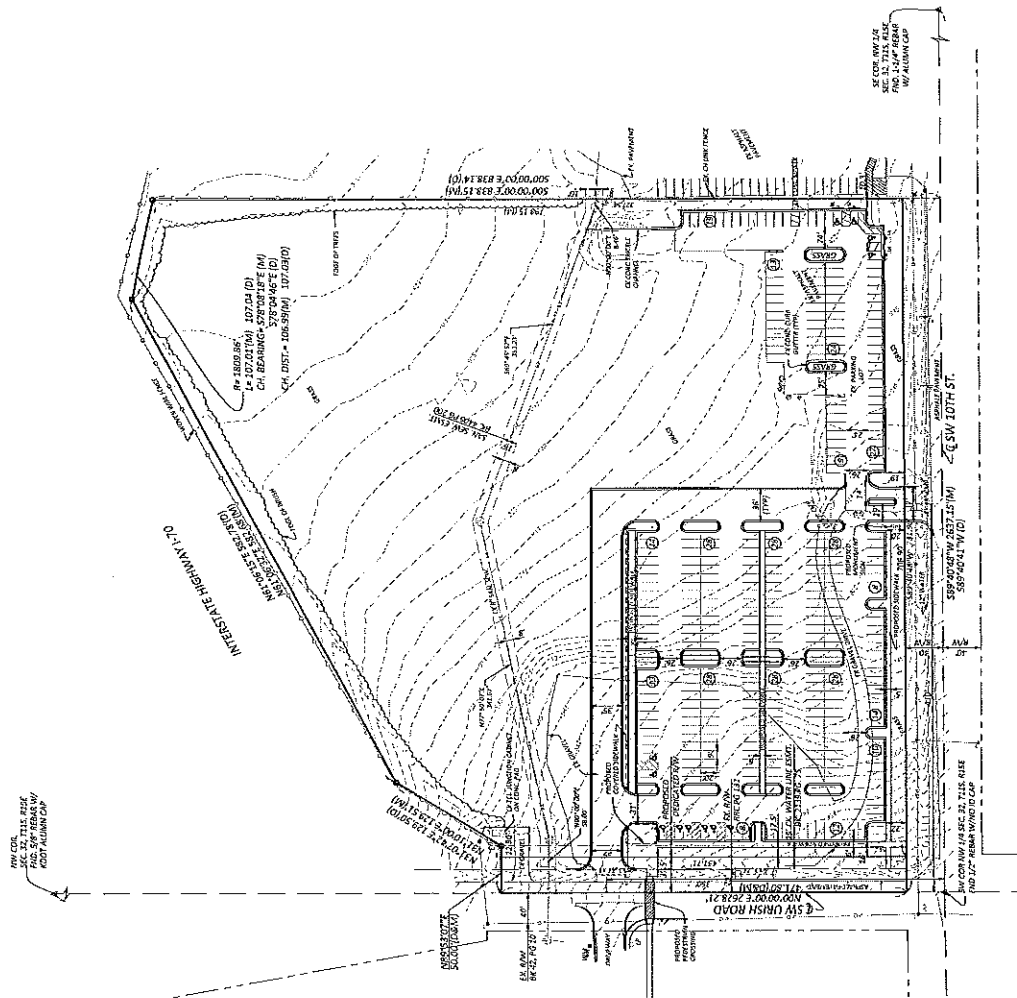
Based upon the above findings and analysis, Planning Staff recommends **APPROVAL** of this proposal subject to the following condition:

1. Use and development of the site as outlined in the resolution adopted for the Fellowship Bible Church Conditional Use Permit.

August 19, 2013
Agenda Item #E-1

2. Prior to construction the property shall be platted and a Parking Lot Permit shall be approved for the parking lot located in the southwest area of the site.

Prepared by: Bill Hoover, AICP
Planner III

[illegible]

LEGAL DESCRIPTION:

[illegible]

PROPERTY OWNERS:

Fellowship Bible Church, Inc.
6800 SW 10th Ave.
Tomball, TX 77375

STATEMENT OF USE:

Conditional Use Permit to allow for an automobile parking lot to be used in conjunction with the primary use located off-site.

PROXY DATA:

Listing: "R-1" Single-Family Dwelling District
Parcel Size: 11.17 Acres
Parking: 22
Existing: Small Serving Volunteer Elementary; 88 Regular Spaces + 4 ADA Accessible = 92 Total Spaces
Proposed: St. Ann's Serving Fellowship Bible Church; 239 Regular Spaces + 5 ADA Accessible = 247 Total Spaces

NOTES:

1. Parking for lighting shall point downward and the source of illumination shall not exceed 3 footcandles at the property lines, including right-of-way lines.
2. A landscape plan it to be provided at site plan review meeting the requirements of TMC 18.235.
3. A parking stall shall be recorded with the Quasne County Register of Deeds prior to issuance of a Parking Lot permit. The parking lot permit shall be suspended until construction.

Attachment number 3 \nPage 1

DATE PREP. NO.:	12-033
Drawn by:	KA
Checked by:	KS
Date:	7/1/2012
Scale:	1"=50'
DRAWING NO.:	Sh. 1 of 1

Sh. 1 of 1

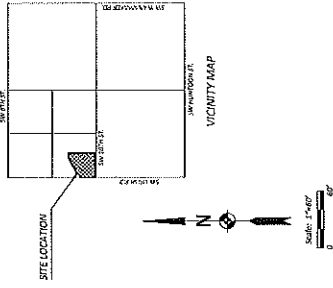
CONDITIONAL USE PERMIT

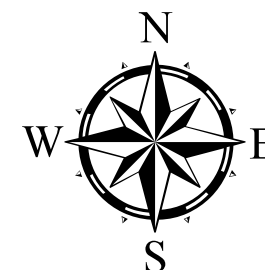
2 BIBLE CHURCH SUBDIVISION
5800 SW 10TH AVE
TOPEKA, KS 66615

Schmidt, Beck & Boyd
Engineering, LLC
1015 SW Ryan Blvd.
Ft. Lauderdale, FL 33304
Tel: (754) 215-0630

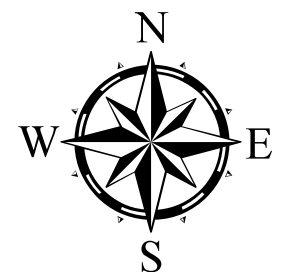
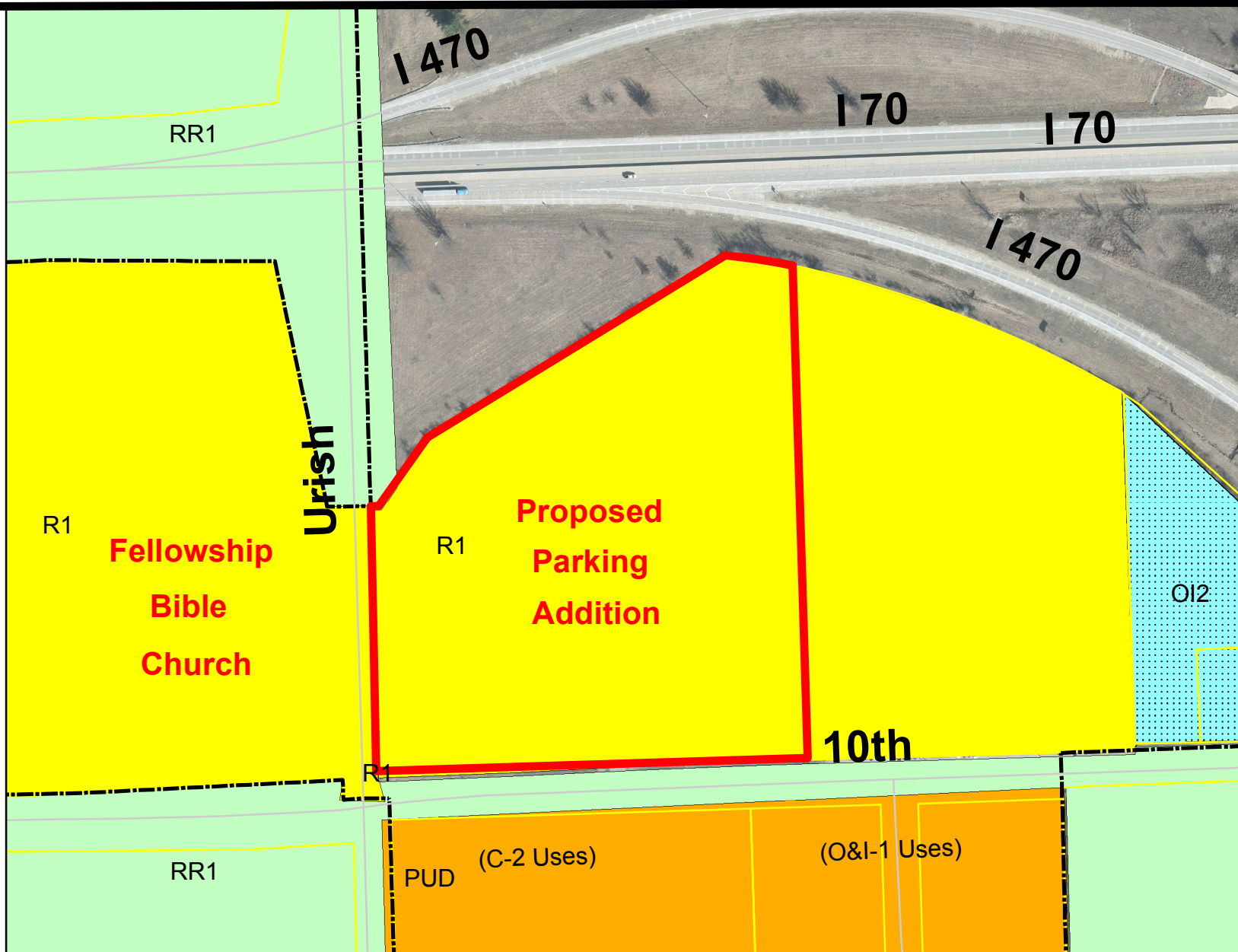


FELLOWSHIP BIBLE CHURCH, INC.
6800 SW 10TH AVE
TOPEKA, KS 66615





CU13/3 Fellowship Bible Church



CU13/3 Fellowship Bible Church

RESOLUTION _____**CONDITIONAL USE PERMIT**

A RESOLUTION introduced by City Manager Jim Colson, in accordance with Section 18.70.030(c)(3) of the Topeka Municipal Code approving a Conditional Use Permit to allow for a vehicle surface parking lot on property zoned "R-1" Single-Family Dwelling District and located at the northeast corner of SW 10th Street and SW Urish Road in the City of Topeka, Kansas. **(CU13/3) (Council District No. 9)**

BE IT RESOLVED by the Council of the City of Topeka, Kansas, that the application under the provisions of TMC 18.70.030(c)(3) approving a Conditional Use Permit to allow for a vehicle surface parking lot on property currently zoned "R-1" Single-Family Dwelling District and located at the northeast corner of SW 10th Street and SW Urish Road in the City of Topeka, Kansas, and legally described as:

A tract of land located in the Southwest Quarter of the Northwest Quarter of Section 32, Township 11 South, Range 15 East of the 6th P.M., Shawnee County, Kansas, more particularly described as follows: Beginning at the Southwest corner of said Quarter Section; thence North on Az. 0 degrees 0 minutes 0 seconds 471.80 feet coincident with the West line of said Quarter Section; thence on Az. 89 degrees 53 minutes 07 seconds 50.00 feet to the South right-of-way line of U.S. Interstate 70; thence on Az. 31 degrees 07 minutes 42 seconds 129.50 feet coincident with the South right-of-way line of said U.S. Interstate 70; thence on Az. 61 degrees 06 minutes 15 seconds 582.78 feet coincident with last said course; thence around a curve to the right 107.04 feet having a radius of 1809.86 feet and a chord Az. of 101 degrees 55 minutes 14 seconds, and chord length of 107.03 feet, coincident with last said course; thence on Az. 180 degrees 0 minutes 0 seconds 838.14 feet to the South line of said Quarter Section; thence on Az. 269 degrees 40 minutes 41 seconds 731.90 feet, coincident with said South line to the point of beginning, LESS road right-of-way and LESS that portion deeded to the City of Topeka as set out in Corporation Quit Claim Deed filed in Book 4133 Page 610.

be, and the same is hereby approved, **subject to:**

- 1. Use and development of the site in accordance with the approved Conditional Use Permit site plan for Fellowship Bible Church.**

ADOPTED AND APPROVED by the Governing Body of the City of Topeka,

_____, 2013.

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

Date: August 1, 2013
To: City of Topeka Planning Department
From: Schmidt, Beck, & Boyd Engineering, LLC
Mark A. Boyd
Re: Fellowship Bible Church Conditional Use Permit
Neighborhood Meeting Minutes

To whom it may concern:

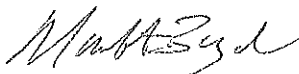
On July 29 at 6:00 P.M., we held a publicized meeting for the above referenced case. There was 1 person that was present during the meeting. An attendance sheet is attached for name and address. Others in attendance were the Bill Hoover with the Topeka Planning Dept, Mike Wilson with Architect One, Mark Boyd with SBB Engineering, Mike Tindell with Coal Creek Const. and two representatives from the church.

We introduced the project and explained why we were asking for a Conditional Use Permit. The conditions of the CUP were briefly covered and then opened for questions or comments.

The one person present owns the land directly south of the CUP across SW 10th Ave.. His primary concern was to ensure that the SW 10th St. access would align with his platted access opening.

The owner was present to address questions or concerns.

Respectfully submitted,



Mark A. Boyd
Schmidt, Beck & Boyd Engineering, LLC

[illegible]

**Minutes of the
Topeka Planning Commission
Monday, August 19, 2013**

CU13/3 by Fellowship Bible Church, Inc. requesting a Conditional Use Permit to allow for a vehicle surface parking lot in association with a principal use on property zoned "R-1" (Single Family Dwelling District) located on the northeast corner of SW 10th Street and SW Urish Road. **(Hoover)**

Due to the Chairman and Vice-Chair abstaining from the vote, Mike Lackey was appointed by the Commission as the Interim-Chair for the case. Kevin Beck and Scott Gales left the room.

Discussion by members: Bill Hoover summarized the staff report for the case. Mr. Hoover explained Staff recommends approval.

Mark Boyd, Schmidt, Beck and Boyd Engineering, Inc. appeared, on behalf of the applicant, to answer any questions regarding the proposal.

Proponents: David Cullip, attendee of Fellowship Bible Church spoke on behalf of the proposal. Mr. Cullip stated that the additional parking was important and well needed. Mr. Cullip recommended allowing the school and community to be able to use the parking lot.

Opponents:

No one spoke in opposition of the proposal.

Brett Klausman moved to approve based on the two conditions recommended by staff, seconded by Michelle Cuevas-Stubblefield.
APPROVAL. (7-0-2, Kevin Beck and Scott Gales abstained from the vote)



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214 SE 8th Street
Topeka, Kansas 66603

August 21, 2013

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DATE:	September 17, 2013		
CONTACT PERSON:	Bill Fiander/Bill Hoover	DOCUMENT #:	V13RA/1
SECOND PARTY/SUBJECT:	Reser's Fine Foods	PROJECT #:	
CATEGORY/SUBCATEGORY	014 Ordinances – Non-Codified / 006 Vacations		
CIP PROJECT:	No		
ACTION OF COUNCIL:		JOURNAL #:	
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Jim Colson, relating to the vacation of platted access restriction on the east line of property at 3167 SE 10th Avenue, City of Topeka, Shawnee County, Kansas. First Reading. (V13RA/1) (Council District No. 3)

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

(Approval of the vacation would allow a driveway entrance on the east side of the property to eliminate a dead-end parking lot in front of the building at 3167 SE 10th.)

POLICY ISSUE:

Approval would allow the property owners to construct a driveway entrance off of SE Wittenberg Road that would eliminate a dead-end parking lot in front of their building.

STAFF RECOMMENDATION:

Staff is recommending the Governing Body move to approve the resolution.

BACKGROUND:

The request was initiated by Reser's Fine Foods to vacate platted access restriction along the entire length of the east property line at 3167 SE 10th Avenue.

Approval of the vacation is consistent with the City of Topeka Subdivision Regulations. In conjunction with all City department and public utilities, the Planning Department is recommending approval of the request.

Pursuant to Topeka Municipal Code Section 12.60.010(b) the vacation has been duly advertised for two consecutive weeks prior to the public hearing.

Item #20

BUDGETARY IMPACT:

There is no bugetary impact to the City.

SOURCE OF FUNDING:

No applicable.

ATTACHMENTS:

[Summary Report](#)

[Ordinance](#)

[Aerial map](#)

[legal ad](#)

[reveiwer list](#)

CITY OF TOPEKA PLANNING DEPARTMENT

SUMMARY REPORT

Re: V13RA/1 BY: RESER'S FINE FOODS

A request initiated by Reser's Fine Foods to vacate platted access restriction along the entire length of the east property line at 3167 SE 10th Avenue. The vacation would allow the property owners to construct a driveway entrance off of SE Wittenberg Road that will eliminate a dead-end parking lot in front of their building.

There is no cost that would be attributed to the City by the approval of the vacation. Approval of the vacation is consistent with the City of Topeka Subdivision Regulations. In conjunction with all City department and public utilities, the Planning Department is recommending approval of the request.

Pursuant with TMC 12.60.010(b) the vacation has been duly advertised 20 days and two consecutive weeks prior to the public hearing.

(Published in the Topeka Metro News _____)

ORDINANCE NO.

AN ORDINANCE introduced by City Manager Jim Colson, relating to the vacation of platted access restriction on the East line of property at 3167 SE 10th Avenue, City of Topeka, Shawnee County, Kansas. **(V13RA/1) (Council District No. 3)**

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 Reser's Fine Foods, as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described platted access restriction located within the City of Topeka, Shawnee County, Kansas:

Access restriction on the East line of Lot 3, Block A, I-70 Industrial Park Subdivision #6 in the City of Topeka, Shawnee County Kansas

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on **September 24, 2013**, 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 platted access restriction located within the City of Topeka, Kansas:

**Access restriction on the East line of Lot 3, Block A, I-70 Industrial Park Subdivision #6 in the
City of Topeka, Shawnee County Kansas**

Section 5. This vacation shall not effect any other underlying easements, or restrictions whether
platted or by instrument.

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

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

PASSED AND APPROVED by the Governing Body of the City of Topeka _____,
2013.

Larry E. Wolgast, Mayor

ATTEST:

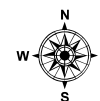
Brenda Younger, City Clerk

To Be Codified

Not To Be Codified X



V13RA/1 By: Reser's Fine Foods



Please have the attached published in the Topeka Metro News in the Legal Advertising Section on September 2, 2013 and September 9, 2013

IN THE MATTER OF THE PROPOSED VACATION OF:

Platted access restriction located along the east property line of 3167 SE 10th Avenue, City of Topeka, Shawnee County, Kansas (V13RA/1)(Council District #3)

NOTICE OF PUBLIC HEARING

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

To Whom It May Concern:

Public notice is hereby given that a petition has been filed by Reser's Fine Foods to vacate access restriction on the East line of Lot 3, Block A, I-70 Industrial Park Subdivision #6 in the City of Topeka, Shawnee County Kansas.

The petition will be presented to the Council of the City of Topeka for hearing **September 24, 2013** 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**

DEPARTMENTAL COMMENTS:

Case: V13RA/1 By: Reser's Fine Foods

Location: 3167 SE 10th Avenue – Platted access restriction along east property line

DEPARTMENTS:

- **Water Division:** X No Objection Objection
Comments:
- **Engineering:** X No Objection Objection
Comments:
- **Parks Department:** X No Objection Objection
Comments:
- **County Refuse:** X No Objection Objection
Comments:
- **Fire Department:** X No Objection Objection
Comments:
- **Police Department:** X No Objection Objection
Comments:

UTILITY COMPANIES:

- **AT&T:** X No Objection Objection
Comments:
- **Westar:** X No Objection Objection
Comments:
- **Kansas Gas Service:** X No Objection Objection
Comments:
- **Cox Communications:** X No Objection Objection
Comments:

Annie Driver, Planner II
Prepared: August 21, 2013



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 20, 2013

☐ Back ☐ Print

DATE:	September 17, 2013		
CONTACT PERSON:	Bill Fiander/Bill Hoover	DOCUMENT #:	PUD13/1
SECOND PARTY/SUBJECT:	Walmart Commercial Center PUD	PROJECT #:	N/A
CATEGORY/SUBCATEGORY	014 Ordinances – Non-Codified / 007 Zoning		
CIP PROJECT:	No		
ACTION OF COUNCIL:	JOURNAL #:		
	PAGE #:		

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Jim Colson, amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on property located between SE 25th Street and SE 27th Street, east of SE California Avenue from “C-2” Commercial District, “C-4” Commercial District, “M-2” Multiple-Family Dwelling District, “R-1” Single-Family Dwelling District, “PUD” Planned Unit Development District (“M-2” use group) ALL TO “PUD” Planned Unit Development District (“C-2” Commercial and “C-4” Commercial use groups). First Reading. (PUD13/1) (Council District No. 4)

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

(Approval would allow for the construction of a 160,000 square foot Walmart Super Center located near SE 25th Street and California Avenue.)

POLICY ISSUE:

Governing Body options include:

- (1) Adopt the recommendation of the Planning Commission by a majority vote (six votes) of the Governing Body.
- (2) Reject or amend the recommendation of the Planning Commission by a two-thirds majority vote (seven votes) of the Governing Body.
- (3) Remand back to the Planning Commission with a statement specifying the basis for the Governing Body's decision by a majority vote (six votes) of the Governing Body.

Item #21

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

As conditioned, the request is consistent with the land use policies and principles of the Comprehensive Plan. Staff believes with the completion of the recommended traffic and bike lane improvements and appropriate residential buffering, the request is in conformance with the Comprehensive Plan. These improvements should assist in mitigating against the negative effects that can arise from “stripping out” arterial streets with commercial uses as noted in the Land Use and Growth Management Plan 2025.

BUDGETARY IMPACT:

The applicant will need assistance from the City if right-of-way or an easement along the west side of California is necessary in order to install the four-way commercial traffic light at Drive A/California.

SOURCE OF FUNDING:

Not applicable.

ATTACHMENTS:

[Summary Report](#)

[Ordinance](#)

[staff report](#)

[Aerial map](#)

[zoning map](#)

[Central Highland Park Future Land Use Map](#)

[PUD Elevations](#)

[PUD Plan - Pg 1](#)

[PUD Plan - Pg 2](#)

[PUD Plan - Landscape](#)

[PUD Plan - Notes](#)

[Neighborhood meeting report from applicant](#)

[Public testimony](#)

[Case Minutes of Planning Commission 8/16/2013](#)

CITY OF TOPEKA PLANNING DEPARTMENT

SUMMARY REPORT

RE: PUD13/1 Wal Mart Commercial Center PUD

The proposal is a request to amend the zoning on property located east of SE California Avenue, lying between SE 25th and SE 27th Streets from “C-2” Commercial District, “C-4” Commercial District, “M-2” Multiple-Family Dwelling District, “R-1” Single-Family Dwelling District, “PUD” Planned Unit Development (“M-2” Multiple-Family Dwelling District use group”) **ALL TO** “PUD” Planned Unit Development (“C-4” and “C-2” Commercial District use groups). Approval of the zone change would allow for a 160,000 sq. ft. Wal Mart Super Center.

The PUD plan as presented to the City Council proposes:

- Six hundred and thirty five (635) automobile parking spaces, an on-site Topeka Metro bus stop on the north side of the building, and bicycle parking at both main building entrances (25 bike rack spaces).
- Two access points on to SE California and SE 25th Street (Drive A and Drive B)
- New synchronized (InSync) traffic signal with pedestrian-activated crossing at Drive A and California
- The traffic signals at SE 29th and 25th Streets will be retrofitted with new InSync systems.
- Bike lanes along both sides of SE 25th Street with bike sharrows near the intersection to accommodate the left-turn lane.
- Left turn lane along SW 25th Street for 150 ft. from the intersection with SE California.
- Center turn lane along SE California from SE 25th Street through SE 27th Street.
- Mid-block pedestrian crosswalk across SE 25th Street with advance warning signage.
- Nine-foot tall berm located on the east side of the building with a row of 6 ft. tall evergreen trees planted across the length of the berm.
- Eight foot tall precast concrete wall along the north property line.
- Six foot tall black chain link fence along the south side of the building and along the length of the east property boundary.
- Sidewalk connection along the south side of SE 25th Street connecting from Drive B to SE Burr
- Storm water detention basin east of the building.

The property is located within an “Outpatient” area and fronts upon an “At Risk” area, as designated by the City’s 2011 Neighborhood Health Map. The subject property is eligible for a ten-year property tax rebate under the Neighborhood Revitalization Program. Comprehensive plan policies encourage development and re-development on infill sites inside the City’s inner urban core areas and within its “Intensive Care”, “At Risk” and “Outpatient” neighborhoods. Staff believes with the completion of the recommended traffic and bike lane improvements and

appropriate residential buffering, the request is in conformance to the Comprehensive Plan. These improvements should assist in mitigating against the negative effects that can arise from “stripping out” arterials with commercial uses as noted in the Comprehensive Plan. SE 25th Street should remain the line of transition between commercial uses to the south and residential to the north along California, except for the *Transition Area* at the northwest corner of SE 25th and SE California Avenue as designated in the Central Highland Park Neighborhood Plan (2010).

A minor plat is under review and will need approval prior to the issuance of any building permits.

The Planning Department recommended approval of the zone change, as referenced in the attached staff report. The Planning Commission recommended the zone change be approved by a vote of 9-0-0 at its August 19, 2013 public hearing, as referenced in the attached minutes. All conditions of approval that are listed in the staff report and approved by the Planning Commission are reflected on the attached PUD plan.

The Planning Department requests the Governing Body move to approve the ordinance and adopt the zone change.

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Jim Colson, amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code (TMC), by providing for certain changes in zoning on property located between SE 25th Street and SE 27th Street, east of SE California Avenue from “C-2” Commercial District, “C-4” Commercial District, “M-2” Multiple-Family Dwelling District, “R-1” Single-Family Dwelling District, “PUD” Planned Unit Development District (“M-2” use group) **ALL TO** “PUD” Planned Unit Development District (“C-2” Commercial and “C-4” Commercial use groups). **(PUD13/1) (Council District No. 4)**

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

Section 1. That the “District Map” referred to and made a part of the Zoning Ordinance by Section 18.50.050 of the Topeka Municipal Code (TMC), be and the same is hereby amended, by reclassifying the following described property:

A TRACT OF LAND BEING ALL OF LOTS 15 THRU 20 IN BLOCK A OF COMMUNITY PLAZA SUBDIVISION, A SUBDIVISION RECORDED IN BOOK 28 PAGE 130 OF THE SHAWNEE COUNTY RECORDS AND PART OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 12 SOUTH, RANGE 16 EAST OF THE 6TH PRINCIPAL MERIDIAN, IN TOPEKA, SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT BEING 200 FEET NORTH AND 50 FEET EAST OF THE SOUTHWEST CORNER OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 9, SAID POINT BEING THE SOUTHWEST CORNER OF SAID LOT 20; THENCE NORTH 00 DEGREES 01 MINUTES 01 SECONDS WEST, A DISTANCE OF 306.51 FEET; THENCE NORTH 89 DEGREES 58 MINUTES 59 SECONDS EAST, A DISTANCE OF 269.88 FEET; THENCE NORTH 00 DEGREES 01 MINUTES 01 SECONDS WEST, A DISTANCE OF 544.10 FEET; THENCE NORTH 88 DEGREES 24 MINUTES 00 SECONDS EAST, A DISTANCE OF 589.92 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 08 SECONDS EAST, A DISTANCE OF 240.10 FEET; THENCE NORTH 88 DEGREES 24 MINUTES 00 SECONDS EAST, A DISTANCE OF 134.81 FEET; THENCE SOUTH 00 DEGREES 04 MINUTES 59 SECONDS EAST, A DISTANCE OF 239.09 FEET; THENCE SOUTH 60 DEGREES 24 MINUTES 32 SECONDS EAST, A DISTANCE OF 292.82 FEET; THENCE ALONG A CURVE TO THE LEFT, WITH A RADIUS OF 270.00 FEET, AN ARC LENGTH OF 47.87 FEET, HAVING A CHORD BEARING OF SOUTH 24 DEGREES 30 MINUTES 43 SECONDS WEST AND A CHORD DISTANCE OF 47.81 FEET; THENCE IN A SOUTHERLY DIRECTION WITH A COMPOUND TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 467.28 FEET, AN ARC LENGTH OF 148.35 FEET, HAVING A CHORD BEARING OF SOUTH 10 DEGREES 20 MINUTES 17 SECONDS WEST AND A CHORD DISTANCE OF 147.73 FEET; THENCE IN A SOUTHERLY DIRECTION WITH A COMPOUND TANGENT CURVE TURNING TO THE LEFT

WITH A RADIUS OF 294.03 FEET, AN ARC LENGTH OF 295.81 FEET, HAVING A CHORD BEARING OF SOUTH 27 DEGREES 34 MINUTES 42 SECONDS EAST AND A CHORD DISTANCE OF 283.49 FEET; THENCE SOUTH 56 DEGREES 23 MINUTES 59 SECONDS EAST, A DISTANCE OF 12.00 FEET; THENCE ALONG A CURVE TO THE LEFT, WITH A RADIUS OF 787.33 FEET, AN ARC LENGTH OF 474.55 FEET, HAVING A CHORD BEARING OF SOUTH 73 DEGREES 40 MINUTES 00 SECONDS EAST AND A CHORD DISTANCE OF 467.39 FEET; THENCE SOUTH 01 DEGREES 20 MINUTES 55 SECONDS EAST, A DISTANCE OF 299.42 FEET; THENCE SOUTH 88 DEGREES 25 MINUTES 07 SECONDS WEST, A DISTANCE OF 1,190.15 FEET; THENCE NORTH 00 DEGREES 05 MINUTES 18 SECONDS WEST, A DISTANCE OF 199.20 FEET; THENCE SOUTH 88 DEGREES 28 MINUTES 52 SECONDS WEST, A DISTANCE OF 609.74 FEET TO THE POINT OF BEGINNING AND

CONTAINING 1,240,374 SQUARE FEET OR 28.48 ACRES, MORE OR LESS.

Section 2. The development of the site is from “C-2” Commercial District, “C-4” Commercial District, “M-2” Multiple-Family Dwelling District, “R-1” Single-Family Dwelling District, “PUD” Planned Unit Development District (“M-2” use group) **ALL TO** “PUD” Planned Unit Development District (“C-2” and “C-4” use groups).

Subject to:

- 1. Use and compliance of the site in accordance with the recorded Master Planned Unit Development Plan for Wal Mart Commercial Center**

Section 3. The Master PUD Plan for Wal Mart Commercial Center shall be recorded with the Shawnee County Register of Deeds in accordance with Section 18.190.060(b) of the Topeka Municipal Code (TMC). Following the recording of the Master PUD Plan and prior to any building and/or land development on the site, a site development plan shall be submitted for review and administrative approval by the Planning Director.

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

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

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

PASSED AND APPROVED by the Governing Body of the City of Topeka,

_____, 2013.

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified _____

Not To Be Codified X

August 19, 2013
Agenda Item # E-2

ZONING REPORT

CITY OF TOPEKA PLANNING DEPARTMENT

CASE NO: PUD13/1

By: William A. & Kathryn D. Reinsch; Darrell E. Simnitt Trust; Richard & Patricia Lake; Elwanda M. Rogers, Trustee of the Elwanda Rogers Revocable Trust and DR-DL Building; Flarice Phillips; and Unified School District #501

PROPOSAL: Zone change from “C-2” Commercial District, “C-4” Commercial District, “M-2” Multiple-Family Dwelling District, “R-1” Single-Family Dwelling District, “PUD” Planned Unit Development (“M-2” Multiple-Family Dwelling District use group”) **ALL TO** “PUD” Planned Unit Development (“C-4” and “C-2” Commercial District use groups).

LOCATION: On property located between SE 25th and SE 27th Streets along the east side of SE California Avenue

PRESENT USE: The property is presently vacant (28.5 acres) except for the 4,591 sq. ft. daycare facility that will be demolished. The property was formerly a drive-in theater.

PROPOSED USE: Approximate 160,000 sq. ft. Wal Mart supercenter (grocery store, department store, seasonal garden center, hardware, etc.) on Lot 1 (27.36 acres) and one out lot (1 acre) fronting SE California Avenue.

The proposed PUD plan is providing:

- 635 automobile parking spaces, an on-site Topeka Metro bus stop on the north side of the building, and bicycle parking at both entrances.
- Two access points on to SE California and SE 25th Street (Drive A and Drive B)
- Traffic signal (InSync) with pedestrian-activated crossing at Drive A and California
- Bike lane or bike sharrows (as necessary) along both sides of SE 25th Street.
- Left turn lane along SW 25th Street for 150 ft. from the intersection with California.
- Nine-foot tall berm located on the east side of the building with a row of 6 ft. tall evergreen trees planted atop the berm and 8 ft. landscape screening barrier along the north side of parking lot.
- Sidewalk connection along SE 25th from Drive B to SE Burr
- Interior sidewalks and pedestrian crossings connecting SE California and SE 25th Street to the building.
- Detention basin on east side of building.

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CHARACTER OF NEIGHBORHOOD: The property is located east of a principal arterial (SE California Avenue) and south of a collector street (SE 25th Street) with a 300 ft. wide leg connecting to SE California and a 120 ft. wide leg connecting to SE 25th Street. The frontages along SE California between SE 25th and SE 29th Streets are developed for commercial uses. The properties to the east and north of the subject property are developed for multiple-family residential. Highland Park High School is located north of SE 25th Street on the north side of the subject property. Dornwood Park lies further east of the subject property at the end of SE 25th Street. SE 25th Street is a residential collector and primarily serves residential neighborhoods and Dornwood Park, as well as, provides an egress for the high school

ZONING CLASSIFICATION AND USE OF SURROUNDING PROPERTIES:

	ZONING CLASSIFICATION	PRESENT LAND USE
North:	“PUD” Planned Unit Development (“M-2” use)	Apartments
South:	“R-1” Single-Family Dwelling District	Vacant
	“PUD” Planned Unit Development (“M-2” use)	Apartments
East:	“PUD” Planned Unit Development (“M-2” use)	Apartments
West:	“C-2” Commercial District	Retail stores
	“PUD” Planned Unit Development (“I-1” use)	Self-storage facility

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT RESTRICTIONS: The interior of the property has remained zoned “R-1” Single-Family Dwelling District since 2004 when it was rezoned from “R-1” Single-Family Dwelling District with a Resolution of Intent (ROI) for “C-4” Commercial District. Prior to 2004, the interior of the property was originally zoned for single-family dwellings since annexed in 1958. (ROIs were a pre-1992 form of conditional zoning, which were approved by City Council and the applicant would subsequently have to meet criteria listed in the approving resolution before using the property as allowed under that district. The ROI on this property for “C-4” uses was eliminated in 2004 when staff recommended the “R-1” District for the subject property.) The “C-4” zoned tract along SE California has remained as zoned for commercial since at least the 1960s. There is one existing building currently being used as a day care facility on this tract that was constructed in 1980 for retail uses and will be demolished. The “M-2” tracts have remained zoned for multiple-family residential since 1969 and have been vacant ever since. The “R-1” tract was used as a drive-in theater at some point historically in the past.

SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED: The subject property may still be suitable as presently restricted for residential uses since this is the character of the area along SE 25th Street to the east and west of SE California Avenue. SE 25th Street has traditionally acted as the line of demarcation between the commercial and residential uses along California. However, there may also be other uses for which the property would be suitable due to the length of time it has been undeveloped for residential uses. The property is located within an “Outpatient” area and fronts upon an “At Risk” area, as designated by the City’s 2011 Neighborhood Health Map. The subject property has frontage on the eastern edge of the City’s Neighborhood Revitalization Area and is eligible for a ten-year property tax rebate. Comprehensive plan policies encourage development and re-development on infill sites inside the City’s inner urban core areas and within its “Intensive Care”, “At Risk” and “Outpatient” neighborhoods.

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This development has the potential to encourage further investment on undeveloped properties within this area. However, considering SE 25th Street has traditionally functioned as a residential collector street for neighborhoods to the east and west and has not served commercial properties, there are significant traffic and street improvements that need to be made before the subject property could be considered suitable for a regional commercial development of this size (160,000 sq. ft.) since the property is located approximately 1,500 ft. north of the arterial intersection at 29th and California. If this applicant makes the necessary traffic and street improvements as recommended by the City of Topeka to both SE California and 25th Streets, the subject property may also be suitable for uses other than residential.

CONFORMANCE TO COMPREHENSIVE PLAN: The Topeka Land Use and Growth Management Plan – 2025 (LUGMP) identifies the area along SE California between SE 29th and SE 25th Streets for *Commercial/Office* uses. However, the future land use map of the LUGMP is more of broad brush approach and does not designate specific land uses for each particular parcel or tract of land, but rather gives general guidelines for making land use and rezoning decisions. The plan's land use principles and policies generally require regional commercial uses to be at arterial intersections and encompass approximately 7 – 15 acres at each corner of the intersection and should not be located within close proximity to residential neighborhoods. Arterial streets are constructed to have the capacity to handle traffic from regional commercial uses of this type, not collector streets. Policies in the plan also recommend against “stripping out” arterial streets with commercial uses because of a number of undesirable results that can occur, such as:

- Lessening the primary purpose of the arterial's ability to move traffic.
- Excessive public cost due to the need for traffic control devices.
- Reducing property values for residential uses adjacent to the strip of commercial zoning as the commercial uses “bleed” into the neighborhood.
- Lowering the value of “prime” retail properties as an excessive amount of commercial properties are established.

The subject property is located approximately 1,500 ft. north of the SE 29th and SE California arterial intersection and accesses off a collector street (SE 25th Street) and is in an area that has already been primarily stripped out with commercial uses fronting along California. SE 25th Street has primarily functioned as a collector street that provides access to residential properties. SE 25th Street was not intended to serve commercial properties and carry heavy truck traffic to these properties. That being said, the intersection of SE 29th and SE California will probably not experience new commercial development on its south and west sides since the neighborhoods to the west of California and south of 29th are already predominately developed, leaving the subject property at a more practical location for the expansion of commercial development.

The PUD plan does provide some buffering with residential properties to the east and south, as well as, makes pedestrian and bicycle connections. However, staff does recommend a couple of additions be included to this buffering. Staff recommends a 6 ft. black or green chain link fence be installed along the south side of the principal building, just to the south of the row of parking stalls and connected with the fence around the detention pond, which should also be 6 ft. tall, black or green chain link. An existing vegetative tree line lies across the south boundary line with an approximate 240 ft. of separation between the property line and developed area, but this will need to be depicted on the plan graphics to ensure it remains as the required residential buffer area for properties to the south. On its east boundary, the PUD requires a 9 ft. tall berm with 6 ft. of evergreen landscaping across the berm to act as a residential buffer

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for the apartments to the east, which staff believes is sufficient buffer for properties to the east. An 8 ft. tall landscaped screening barrier will also be established across the north end of the parking lot that is adjacent with apartments.

Staff believes with the completion of the recommended traffic and bike lane improvements and appropriate residential buffering, the request is **in conformance** to the Comprehensive Plan. These improvements should assist in mitigating against the negative effects that can arise from “stripping out” arterials with commercial uses as noted in the LUGMP. SE 25th Street should remain the line of demarcation between commercial uses to the south and residential to the north along California, except for the *Transition Area* at the northwest corner of SE 25th and SE California Avenue as designated in the Central Highland Park Neighborhood Plan (2010).

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: Removal of the present restrictions would have a detrimental effect upon nearby properties without the necessary street and traffic improvements being made to SE California and SE 25th Street that would enable the subject property to be suitable for a regional commercial development of 160,000 sq. ft.

The traffic and street improvements the City of Topeka requests are listed below:

- Left-turn lane on SE 25th Street for 150 ft. from the intersection with California.
- A center turn lane along SE California from SE 25th Street through at least 50 ft. south of SE 25th Street (exclusive of tapering).
- Three synchronized traffic signals (InSync) at Drive A, SE 25th Street, and SE 29th Street, which are the two traffic signals on either side of Drive A that will be significantly impacted.
- Drive A will be constructed as a four-way commercial traffic light with a pedestrian-activated crossing across California.
- Collaborate with City of Topeka to establish shared access for the two residential properties on the west side of California across from Drive A.
- Bike lanes along SE 25th Street since this is a designated route in the City Bikeways Plan. (The bike lanes may transition to sharrows near the intersection to accommodate the left-turn lane.)
- Mid-block crossing for pedestrians across SE 25th Street with the exact location of the crossing to be determined at the time of site development plan review

The Traffic Impact Study (TIS) indicates the project will generate 9,639 new vehicle trips per day. SE California currently carries 17,932 trips per day. The estimated 9,639 trips per day added would bring California to a total of 27,571 trips per day. This would make this development responsible for nearly 35% of that total. Even though the TIS indicates the streets and intersections will still be at acceptable levels of service, this traffic increase clearly reduces much of the carrying capacity of California for a four-lane road way that the City expended considerable cost widening in the recent past.

The subject property is adjacent with residential properties and zoning districts on three sides and without adequate residential buffering would have a detrimental effect upon these properties. As indicated above, staff believes the PUD plan requires sufficient buffering for these residential properties, but is recommending some additions to the buffering proposed on the plan. Lighting still needs to be addressed on the plan as to type and intensity of lighting in order to ensure parking areas are adequately lit and lighting will not impact adjacent properties.

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THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE OWNER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER: The proposed reclassification would allow the property to develop for commercial uses. There would be a relative gain to the public health, safety, and welfare since the PUD will provide sidewalk, pedestrian, and bicycle connectivity both internal to the site and externally with surrounding neighborhoods and accommodates various modes of transportation. These improvements would add to considerable investments the City has made, or is planning to make in the future, in both widening SE California Avenue to four lanes and providing for infrastructure improvements (sidewalks, curbs, and gutters) within Central Highland Park to the west of the subject property.

AVAILABILITY OF PUBLIC SERVICES: With the exception of street and traffic improvements noted above, the subject property is served with public utilities, services, and facilities. All improvements will be at the cost of the developer. The City will collaborate with the developer to develop shared access for the two residential properties on the west side of SE California that will be needed to accommodate the traffic signal at Drive A. The Storm Water Management Report has been approved by the City of Topeka. The plat will need to reflect the area covering the detention basin as a storm water management easement (SME), as required by the City.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS: A 20 percent reduction is requested with the PUD to the Off-Street Parking Regulation requirement that retail uses provide parking at 1 per 200 sq. ft. of floor area due to provisions being made for other modes of transportation (bus stop, bike lanes, and sidewalks). The plan proposes 635 off-street automobile parking spaces. The applicant will provide bike lanes on SE 25th Street, which is a designated bike route on the City of Topeka Bikeways Plan and bicycle parking at a rate of 4 percent of the required automobile parking spaces (equals 25 bike rack spaces). Bike parking will be located in front of the main entrances of the building with the exact type approved at the time of site plan review. An on-site Topeka Metro bus stop is provided at the north end of the property. The applicant is also making numerous sidewalk and pedestrian connections both internal to the site and with adjacent properties with sidewalks and pedestrian crossings.

Minimum lot area: **Compliant** – 28.5 acres (minimum 1 acre lot size)

Setbacks: **Compliant** – Established on the PUD plan

Platting: **Non-Compliant** – The applicant is submitting a plat for the September Planning Commission meeting. A note has been added to the PUD stating, *"No building permits shall be issued until the property is platted."*

CONCERNS OF STAFF AND REVIEWING AGENCIES: This request was submitted to all applicable reviewing agency staff for consideration and comment, which have been addressed or will be addressed at the time of site plan review and prior to building permit issuance.

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ADDITIONAL FACTORS:

1. Citizen Participation Process: The applicant conducted a neighborhood information meeting on July 24, 2013 at Highland Park High School. The applicant's report to the City is attached. All neighborhoods within ½ mile and property owners within 500 ft. were notified of the zone change. (Central Highland Park, Hi-Crest, Highland Acres, and Rolling Meadows.) All written responses received as of the date of the staff report are attached. All public materials related to the application were posted to the City of Topeka Planning website at <http://www.topeka.org/Planning/Walmart.shtml>
2. Capitol Area Plaza Authority: N/A
3. Flood Hazard Area: N/A
4. Airport Hazard Area: N/A
5. Historic Properties: N/A

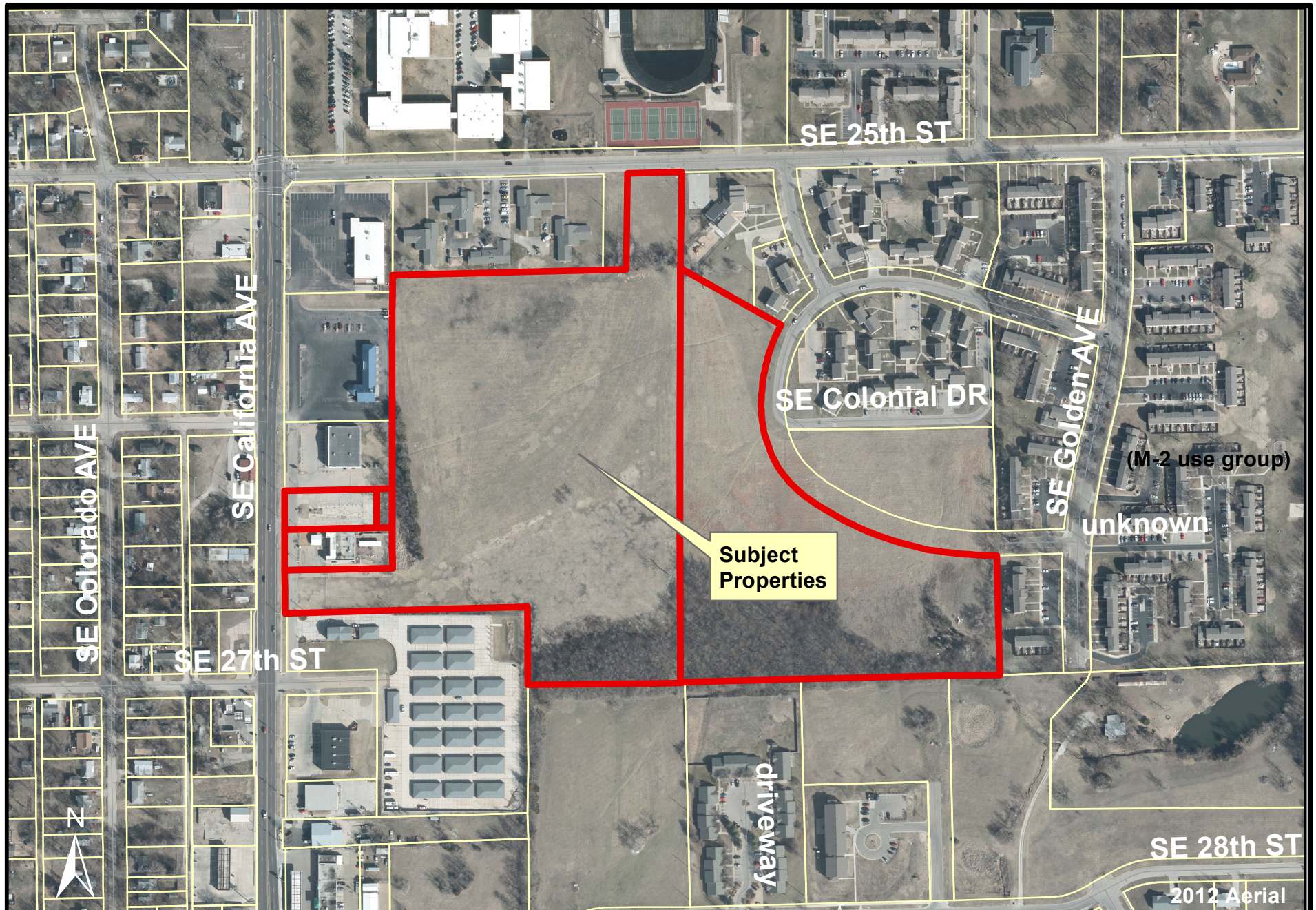
STAFF RECOMMENDATION: Based upon the above findings and analysis, planning staff recommends **APPROVAL** of this proposal, **subject to:**

1. Use and development of the site in accordance with the recorded **Master Planned Unit Development Plan for Wal Mart Commercial Center.**
2. Adding Traffic Improvement Notes to Circulation, Parking, and Traffic Notes on Sheet 4:
 - a. Adding Note stating: *"The traffic improvements stated herein shall be completed prior to the issuance of a Certificate of Occupancy."*
 - i. *A west-bound left turn lane for SE 25th Street where it approaches SE California for 150 ft.*
 - ii. *A continuous two-way center turn lane on SE California from SE 25th through SE 27th so that there is a 50 ft. long northbound left turn lane south of 27th Street (exclusive of the taper).*
 - iii. *Synchronized traffic signals (InSync) at Drive A, SE 25th Street and SE 29th Street.*
 - iv. *5 ft. wide bike lanes on both sides of SE 25th Street from Drive B to SE California with bike sharrows as these lanes near the approach of California to accommodate the left-turn lane.*
 - v. *Construction of Drive A as a four-way commercial traffic light with a pedestrian-activated crossing across California.*
3. Adding note under Circulation, Parking, and Traffic Notes to state: *"Adding a striped mid-block crosswalk, including advance warning signage, across SE 25th Street with the exact location of the crossing to be determined at the site development plan stage or within six months of the store opening after review by the City Engineer and Unified School District #501."*
4. Labeling on Sheet 1 that the "pedestrian crossing" at Drive A across California will be pedestrian-activated.
3. Labeling bike lanes/sharrows along SE 25th Street on Sheet 1.

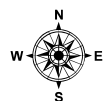
August 19, 2013
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4. Adding Note #4 under Utility Notes to state: *“Parking lot lighting shall be directed way from public streets and residential properties and shall not exceed three foot-candles as measured at the property line. The source of illumination shall be shielded from adjacent properties.”*
5. Indicating the type and intensity of parking lot lighting that is being provided to the above Lighting note under Utility Notes.
6. Adding to Note #1 under Signage Notes to include: *“. . . The base of the pole sign shall be landscaped with shrubs to a height of 30 inches.”*
7. Revising Note #4 under Signage Notes to state: *“Wall signs shall comply with the ‘C-4’ base zoning signage requirements.”*
8. Adding note under Signage Notes: *“No Electronic Message Center signs shall be permitted at the SE 25th Street entrance.”*
9. Adding note under Building and Structure Notes: *“No outdoor storage, sales, or display of products, materials, and merchandise, except within the fenced area shown on the plan and intended for garden center merchandise only.”*
10. Adding note under Building and Structure Notes: *“No parking of semi-truck trailers on the premises, except for those unloading and loading.”*
11. Revising Note #3 under Building and Structure Notes to state: *“The exterior building and sign designs shall demonstrate substantial compliance with the elevations included with the PUD plan and shall be reviewed and approved by the Topeka Planning Director prior to building permit issuance.”*
12. Depicting the existing tree line and width of the tree line on “Sheet 3- Landscaping” since this will act as the southern residential buffer area.
13. Reflecting a 6 ft. tall black chain link fence along the south side of the building just south of the row of parking stalls, connecting with the shown fence around the detention pond, and then extending north along the length of the east property boundary, including along the east side of the 25th Street drive entrance.
14. Indicating that the fence shown on the plan and around the detention pond will be *“6 ft. tall, black chain link.”*

Prepared by:
Annie Driver, AICP
Planner II

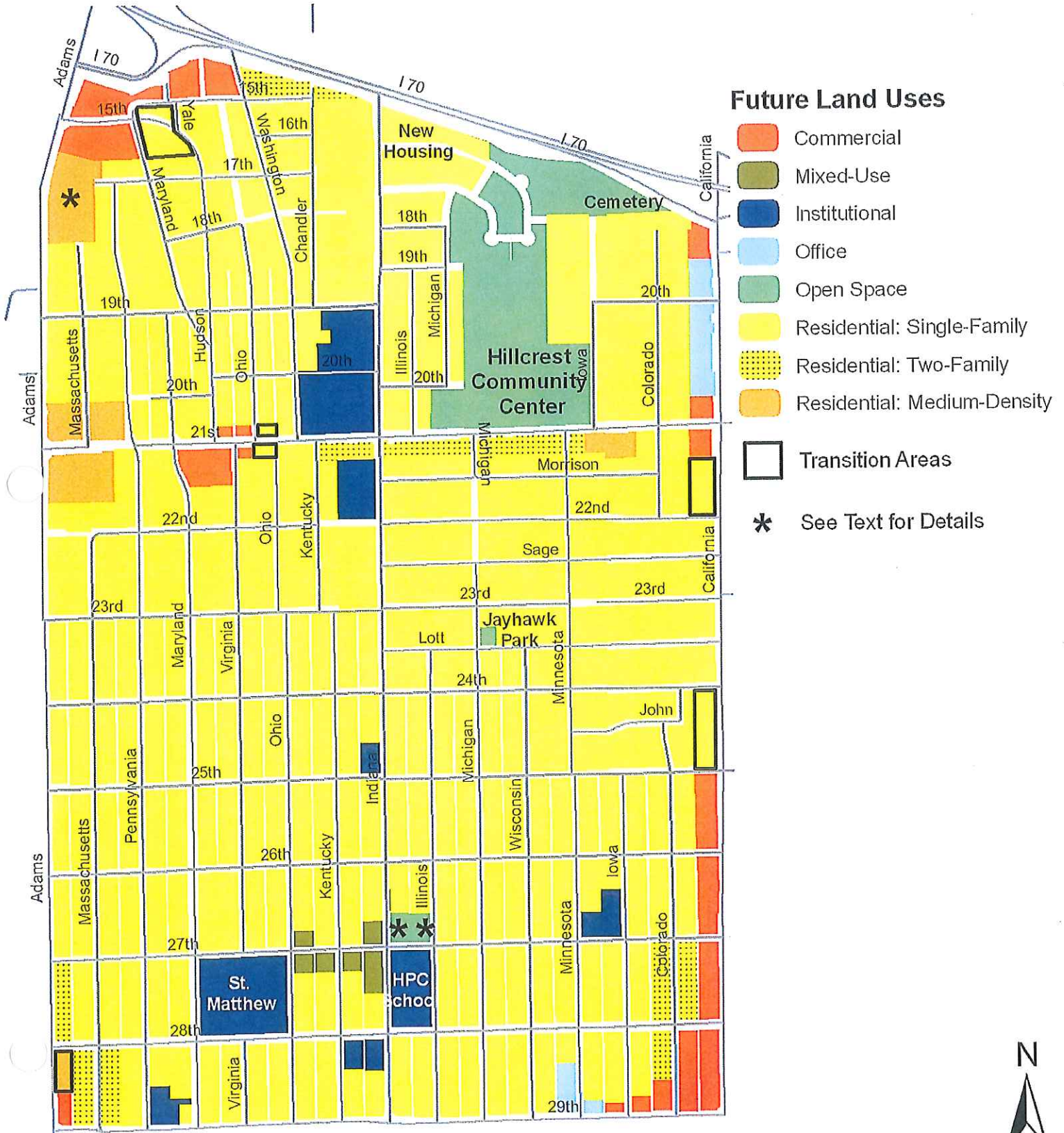


PUD13/1 Wal Mart Commercial Center Planned Unit Development



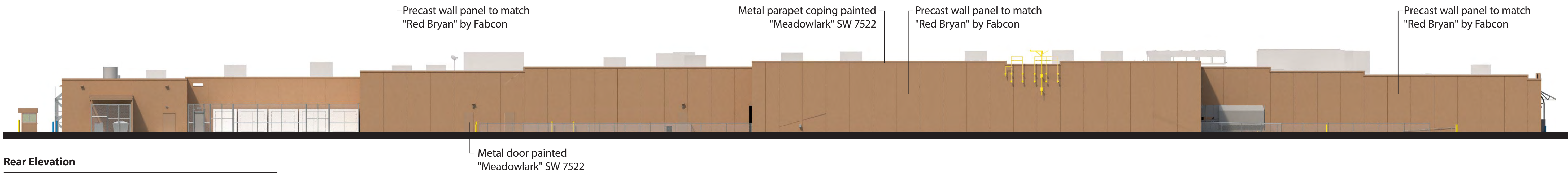
City of Topeka Planning Department

Central Highland Park Future Land Use Map

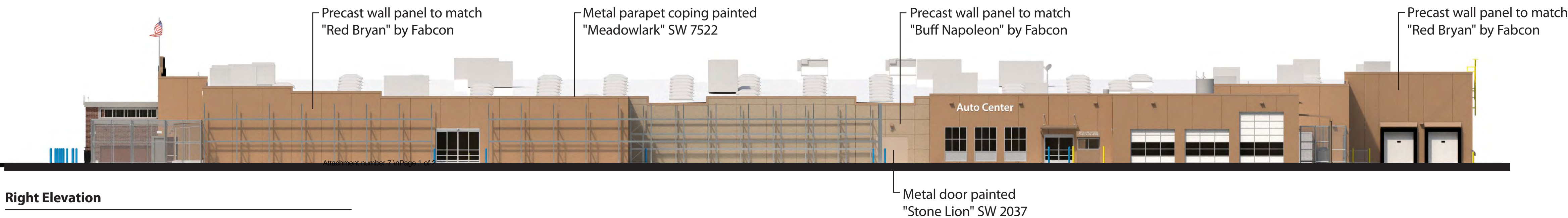




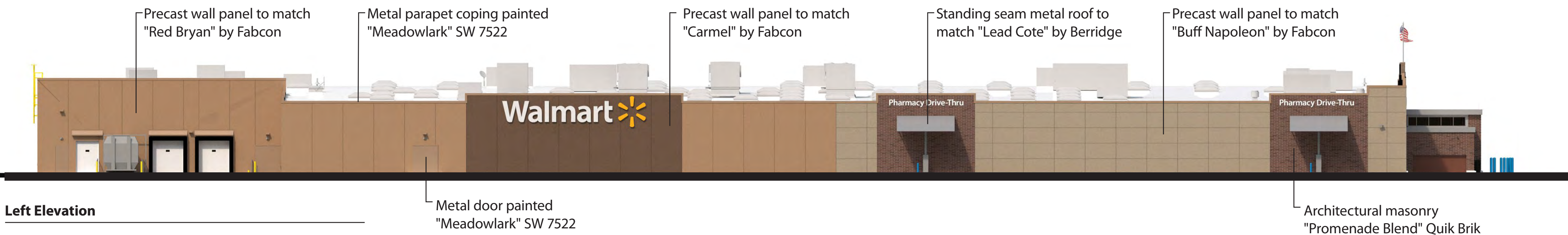
Front Elevation



Rear Elevation



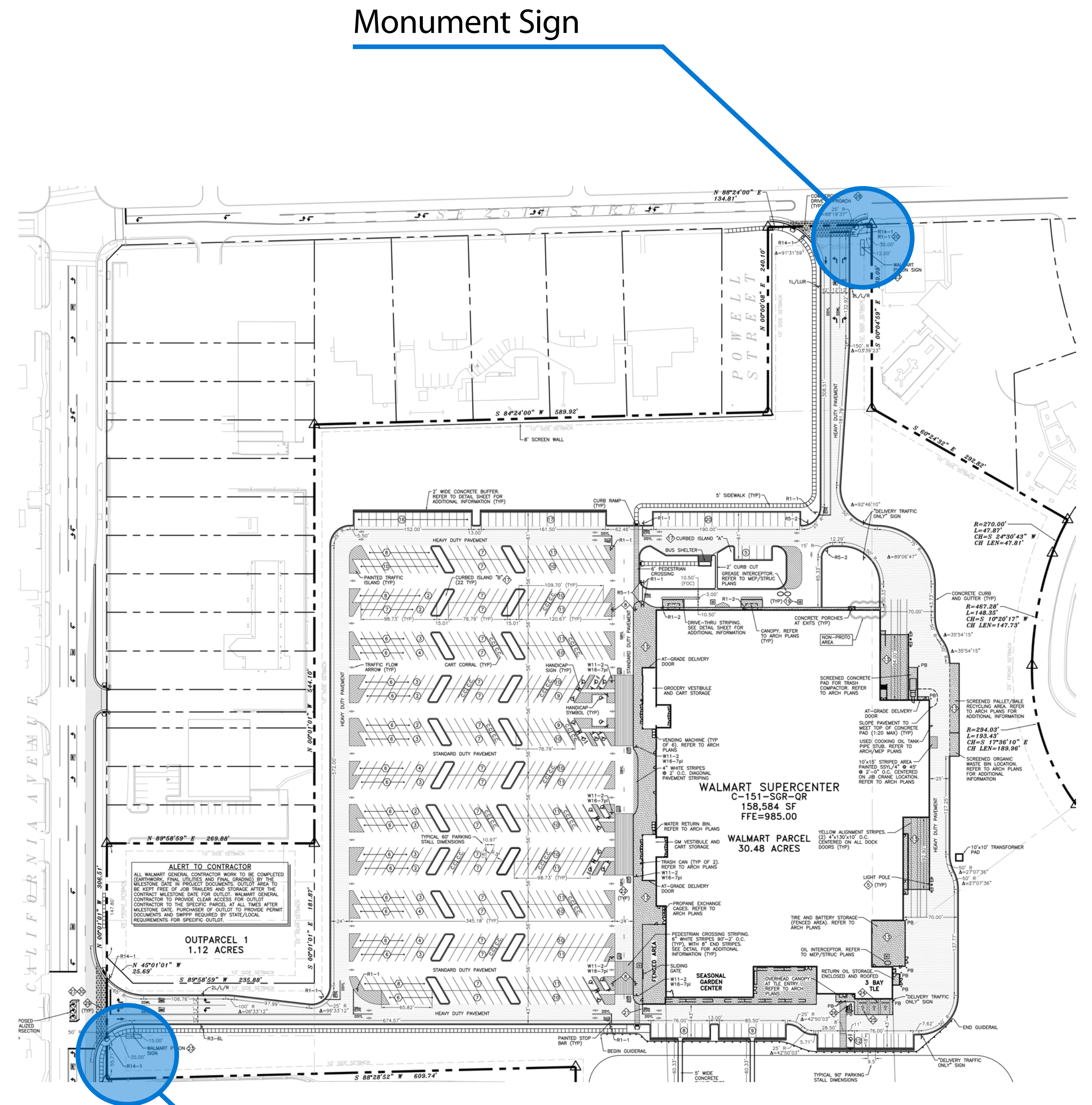
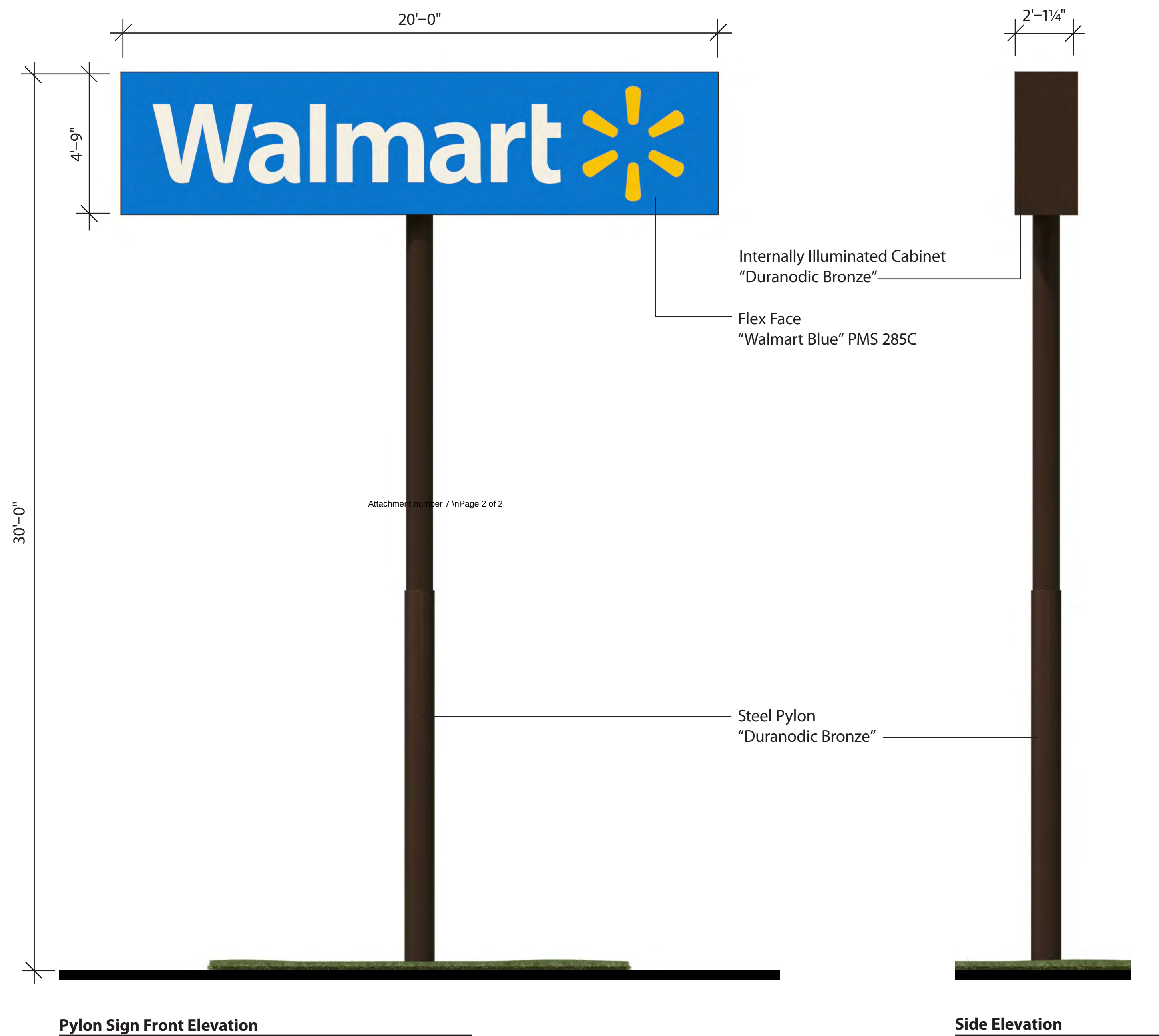
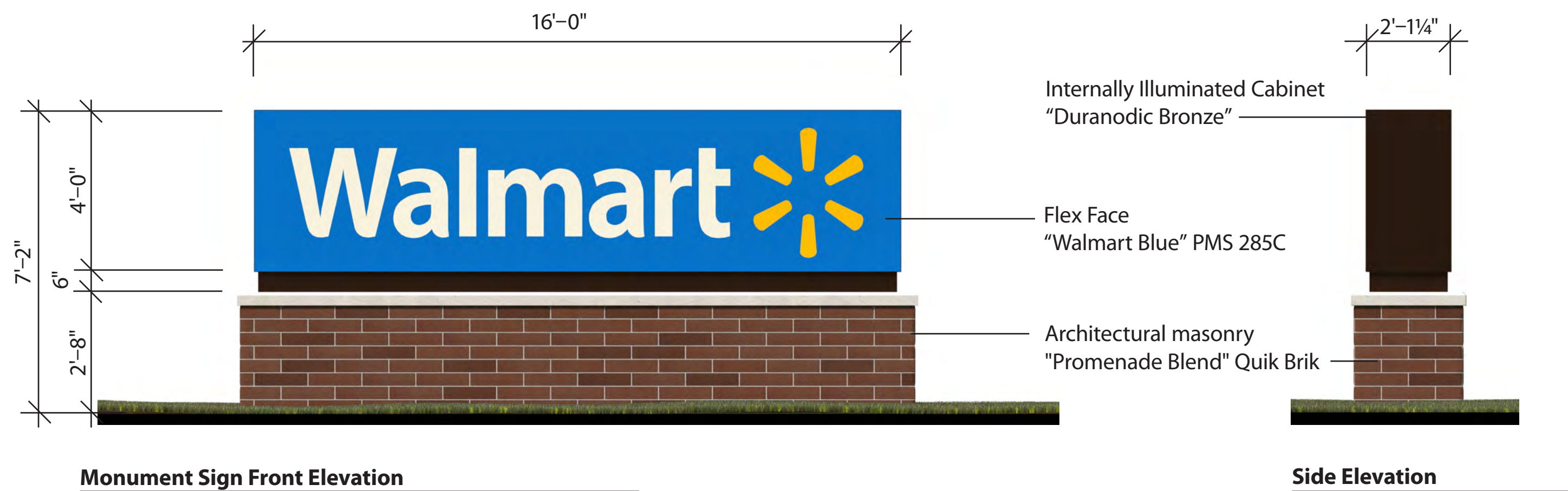
Right Elevation



Left Elevation

Sign	Qty.	Height	Area (S.F.)	Total S.F.
Walmart	2	5'-6"/8'-0"	297.98	595.96
Market & Pharmacy	1	2'-6"	102.74	102.74
Outdoor Living	1	2'-6"	77.17	77.17
Pharmacy Drive-Thru (directional)	1	2'-0"	74.74	74.74
Pharmacy Drive-Thru	1	1'-6"	39.90	39.90
Auto Center (directional)	1	2'-0"	34.50	34.50
Auto Center	1	2'-0"	31.47	31.47
Total Building Signage				956.48





Sign	Qty.	Illumination	Area (S.F.)	Total S.F.
Walmart (Pylon)	1	Internal	95.00	95.00
Walmart (Monument)	1	Internal	64.00	64.00
Total Site Signage				159.00



A MASTER PLANNED UNIT DEVELOPMENT FOR: WALMART COMMERCIAL CENTER

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 12 SOUTH,
RANGE 16 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN TOPEKA, SHAWNEE COUNTY, KANSAS.

BOOK: _____ PAGE: _____

DATE: _____ TIME: _____
RECORDED WITH THE SHAWNEE COUNTY REGISTER OF DEEDS:

REBECCA J. NIOCE--REGISTER OF DEEDS

LEGAL DESCRIPTIONS

COMPOSITE DESCRIPTION FOR TOTAL TRACT:

A TRACT OF LAND BEING ALL OF LOTS 15 THRU 20 IN BLOCK A OF COMMUNITY PLAZA SUBDIVISION, A SUBDIVISION RECORDED IN BOOK 28 PAGE 130 OF THE SHAWNEE COUNTY RECORDS AND PART OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 12 SOUTH, RANGE 16 EAST OF THE 6TH PRINCIPAL MERIDIAN, IN TOPEKA, SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT BEING 200 FEET NORTH AND 50 FEET EAST OF THE SOUTHWEST CORNER OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 9, SAID POINT BEING THE SOUTHWEST CORNER OF SAID LOT 20; THENCE NORTH 00 DEGREES 01 MINUTES 01 SECONDS WEST, A DISTANCE OF 306.51 FEET; THENCE NORTH 89 DEGREES 58 MINUTES 59 SECONDS EAST, A DISTANCE OF 269.88 FEET; THENCE NORTH 00 DEGREES 01 MINUTES 01 SECONDS WEST, A DISTANCE OF 544.10 FEET; THENCE NORTH 88 DEGREES 24 MINUTES 00 SECONDS EAST, A DISTANCE OF 589.92 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 08 SECONDS EAST, A DISTANCE OF 240.10 FEET; THENCE NORTH 88 DEGREES 24 MINUTES 00 SECONDS EAST, A DISTANCE OF 134.81 FEET; THENCE SOUTH 00 DEGREES 04 MINUTES 59 SECONDS EAST, A DISTANCE OF 239.09 FEET; THENCE SOUTH 60 DEGREES 24 MINUTES 32 SECONDS EAST, A DISTANCE OF 292.82 FEET; THENCE ALONG A CURVE TO THE LEFT, WITH A RADIUS OF 270.00 FEET, AN ARC LENGTH OF 47.87 FEET, HAVING A CHORD BEARING OF SOUTH 24 DEGREES 30 MINUTES 43 SECONDS WEST AND A CHORD DISTANCE OF 47.81 FEET; THENCE IN A SOUTHERLY DIRECTION WITH A COMPOUND TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 467.28 FEET, AN ARC LENGTH OF 148.35 FEET, HAVING A CHORD BEARING OF SOUTH 10 DEGREES 20 MINUTES 17 SECONDS WEST AND A CHORD DISTANCE OF 147.73 FEET; THENCE IN A SOUTHERLY DIRECTION WITH A COMPOUND TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 294.03 FEET, AN ARC LENGTH OF 295.81 FEET, HAVING A CHORD BEARING OF SOUTH 27 DEGREES 34 MINUTES 42 SECONDS EAST AND A CHORD DISTANCE OF 283.49 FEET; THENCE SOUTH 56 DEGREES 23 MINUTES 59 SECONDS EAST, A DISTANCE OF 12.00 FEET; THENCE ALONG A CURVE TO THE LEFT, WITH A RADIUS OF 787.33 FEET, AN ARC LENGTH OF 474.55 FEET, HAVING A CHORD BEARING OF SOUTH 73 DEGREES 40 MINUTES 00 SECONDS EAST AND A CHORD DISTANCE OF 467.39 FEET; THENCE SOUTH 01 DEGREES 20 MINUTES 55 SECONDS EAST, A DISTANCE OF 299.42 FEET; THENCE SOUTH 88 DEGREES 25 MINUTES 07 SECONDS WEST, A DISTANCE OF 1,190.15 FEET; THENCE NORTH 00 DEGREES 05 MINUTES 18 SECONDS WEST, A DISTANCE OF 199.20 FEET; THENCE SOUTH 88 DEGREES 28 MINUTES 52 SECONDS WEST, A DISTANCE OF 609.74 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,240,374 SQUARE FEET OR 28.48 ACRES, MORE OR LESS.

LOT 1:

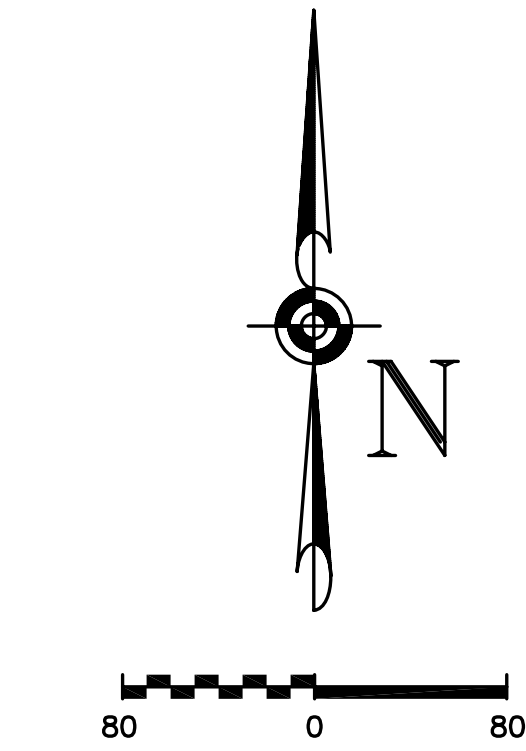
A TRACT OF LAND BEING ALL OF LOTS 15, 16, 17 AND PART OF 18 OF BLOCK A OF COMMUNITY PLAZA SUBDIVISION, A SUBDIVISION RECORDED IN BOOK 28 PAGE 130, LOCATED IN THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 12 SOUTH, RANGE 16 EAST OF THE 6TH PRINCIPAL MERIDIAN, IN TOPEKA, SHAWNEE COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERN CORNER OF LOT 15; THENCE NORTH 89 DEGREES 58 MINUTES 59 SECONDS EAST, A DISTANCE OF 269.88 FEET; THENCE SOUTH 00 DEGREES 01 MINUTES 01 SECONDS EAST A DISTANCE OF 181.87 FEET; THENCE SOUTH 89 DEGREES 58 MINUTES 59 SECONDS WEST A DISTANCE OF 235.81 FEET; THENCE NORTH 45 DEGREES 01 MINUTES 01 SECONDS WEST, A DISTANCE OF 48.18 FEET; THENCE NORTH 00 DEGREES 01 MINUTES 01 SECONDS WEST A DISTANCE OF 147.80 FEET TO THE POINT OF BEGINNING AND CONTAINING 48,502 SQUARE FEET OR 1.11 ACRES, MORE OR LESS.

LOT 2:

A TRACT OF LAND BEING PART OF LOT 19 AND ALL OF LOT 20 IN BLOCK A OF COMMUNITY PLAZA SUBDIVISION, A SUBDIVISION RECORDED IN BOOK 28 PAGE 130 OF THE SHAWNEE COUNTY RECORDS AND PART OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 12 SOUTH, RANGE 16 EAST OF THE 6TH PRINCIPAL MERIDIAN, IN TOPEKA, SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT BEING 200 FEET NORTH AND 50 FEET EAST OF THE SOUTHWEST CORNER OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 9, SAID POINT BEING THE SOUTHWEST CORNER OF SAID LOT 20; THENCE NORTH 00 DEGREES 01 MINUTES 01 SECONDS WEST, A DISTANCE OF 158.71 FEET; THENCE SOUTH 45 DEGREES 01 MINUTES 01 SECONDS EAST, A DISTANCE OF 48.18 FEET; THENCE NORTH 89 DEGREES 58 MINUTES 59 SECONDS EAST, A DISTANCE OF 235.81 FEET; THENCE NORTH 00 DEGREES 01 MINUTES 01 SECONDS WEST, A DISTANCE OF 725.97 FEET; THENCE NORTH 88 DEGREES 24 MINUTES 00 SECONDS EAST, A DISTANCE OF 589.92 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 08 SECONDS EAST, A DISTANCE OF 240.10 FEET; THENCE NORTH 88 DEGREES 24 MINUTES 00 SECONDS EAST, A DISTANCE OF 134.81 FEET; THENCE SOUTH 00 DEGREES 04 MINUTES 59 SECONDS EAST, A DISTANCE OF 239.09 FEET; THENCE SOUTH 60 DEGREES 24 MINUTES 32 SECONDS EAST, A DISTANCE OF 292.82 FEET; THENCE ALONG A CURVE TO THE LEFT, WITH A RADIUS OF 270.00 FEET, AN ARC LENGTH OF 47.87 FEET, HAVING A CHORD BEARING OF SOUTH 24 DEGREES 30 MINUTES 43 SECONDS WEST AND A CHORD DISTANCE OF 47.81 FEET; THENCE IN A SOUTHERLY DIRECTION WITH A COMPOUND TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 467.28 FEET, AN ARC LENGTH OF 148.35 FEET, HAVING A CHORD BEARING OF SOUTH 10 DEGREES 20 MINUTES 17 SECONDS WEST AND A CHORD DISTANCE OF 147.73 FEET; THENCE IN A SOUTHERLY DIRECTION WITH A COMPOUND TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 294.03 FEET, AN ARC LENGTH OF 295.81 FEET, HAVING A CHORD BEARING OF SOUTH 27 DEGREES 34 MINUTES 42 SECONDS EAST AND A CHORD DISTANCE OF 283.49 FEET; THENCE SOUTH 56 DEGREES 23 MINUTES 59 SECONDS EAST, A DISTANCE OF 12.00 FEET; THENCE ALONG A CURVE TO THE LEFT, WITH A RADIUS OF 787.33 FEET, AN ARC LENGTH OF 474.55 FEET, HAVING A CHORD BEARING OF SOUTH 73 DEGREES 40 MINUTES 00 SECONDS EAST AND A CHORD DISTANCE OF 467.39 FEET; THENCE SOUTH 01 DEGREES 20 MINUTES 55 SECONDS EAST, A DISTANCE OF 299.42 FEET; THENCE SOUTH 88 DEGREES 25 MINUTES 07 SECONDS WEST, A DISTANCE OF 1,190.15 FEET; THENCE NORTH 00 DEGREES 05 MINUTES 18 SECONDS WEST, A DISTANCE OF 199.20 FEET; THENCE SOUTH 88 DEGREES 28 MINUTES 52 SECONDS WEST, A DISTANCE OF 609.74 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,191,873 SQUARE FEET OR 27.36 ACRES, MORE OR LESS.



LEGEND

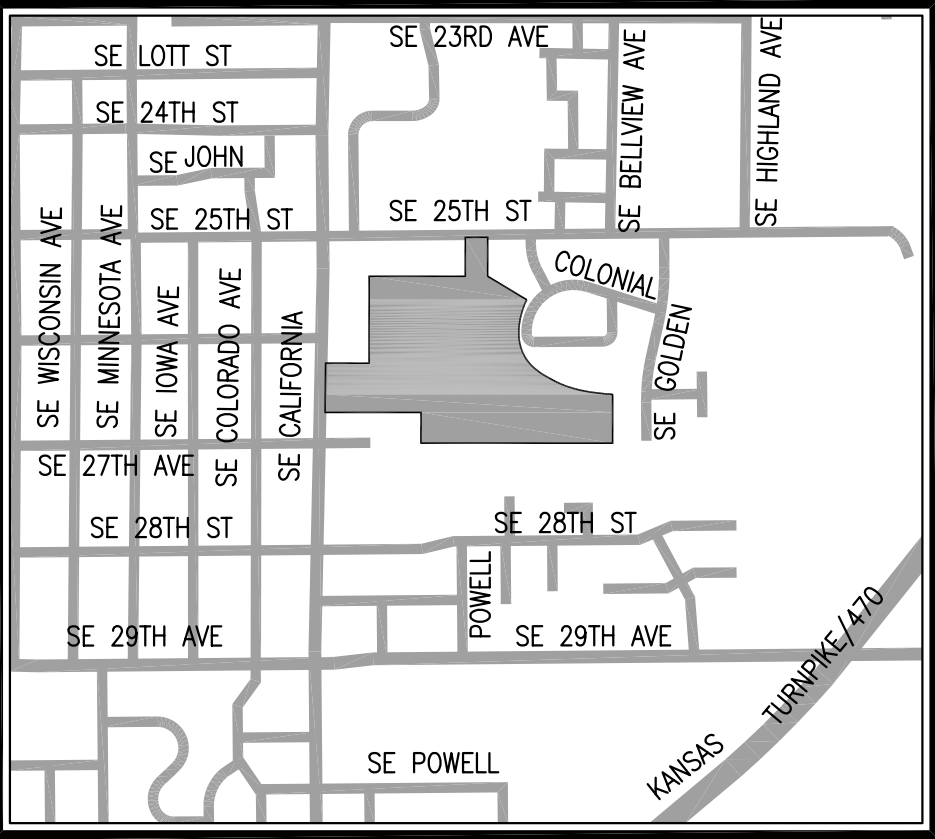
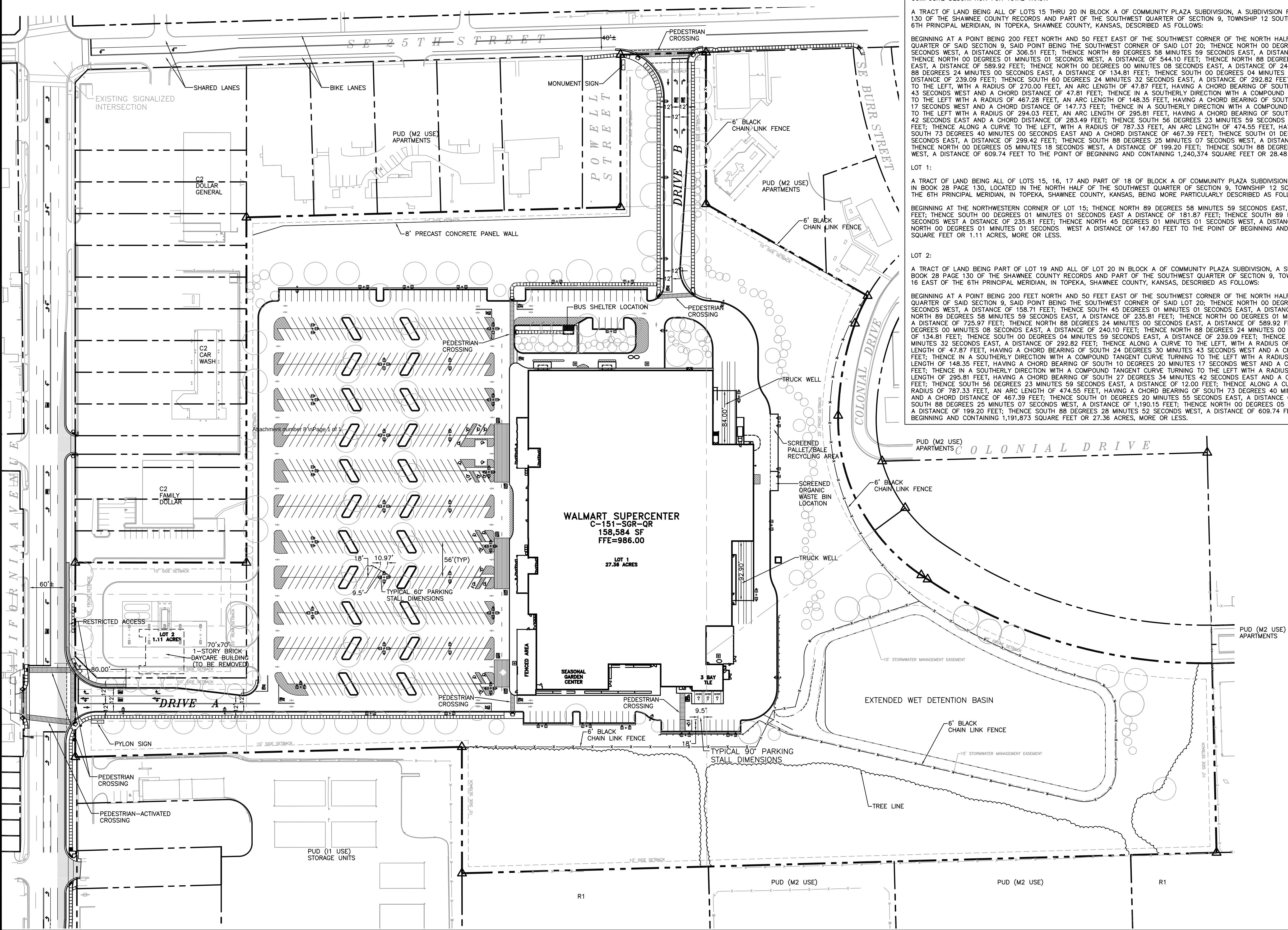
- PROPERTY LINE
- PB PIPE BOLLARD
- ♿ HANDICAP PARKING SYMBOL
- 6" RAISED CONCRETE CURB
- ▨ PAINTED TRAFFIC ISLAND
- ▨ CURBED TRAFFIC ISLAND
- CART CORRAL
- SIGN
- LIGHT POLE
- TRAFFIC FLOW ARROW (IN LOT)
- TRAFFIC FLOW ARROW (IN DRIVE)
- R.O.W. PAVEMENT
- FENCE
- RESTRICTED ACCESS

SITE ANALYSIS TABLE

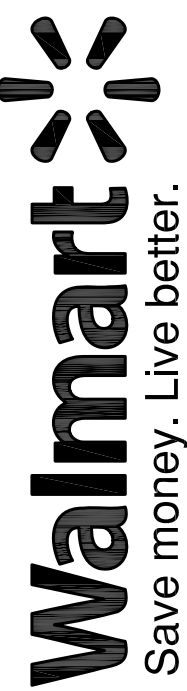
WALMART	158,584 SF
*PARKING (ASSOCIATE AND CUSTOMER)	615 SPACES
ACCESSIBLE	20 SPACES
*TOTAL PARKING	635 SPACES
*RATIO	4.0/1,000 SF
CART CORRALS	14 CORRALS/28 SPACES
*PARKING SPACES OBSTRUCTED BY CART CORRALS ARE NOT INCLUDED IN OVERALL PARKING RATIO	

SITE DATA

LOT 1	27.36 AC
LOT 2	1.11 AC
TOTAL	28.48 AC



VICINITY MAP
NTS



A MASTER PLANNED UNIT DEVELOPMENT
WALMART COMMERCIAL CENTER

SHAWNEE COUNTY, KANSAS

CARLSON
CONSULTING
ENGINEERS, INC.

7068 LEDGESTONE COMMONS
TOPEKA, KANSAS 66606
PH. (901) 384-0404 • FAX (901) 384-0710

DWG: 6392 PUD DRAWINGS
SITE PLAN
DATE: AUGUST 23, 2013
SCALE: 1"=80'
SHEET 1 OF 4
CASE NUMBER: PUD 13/1

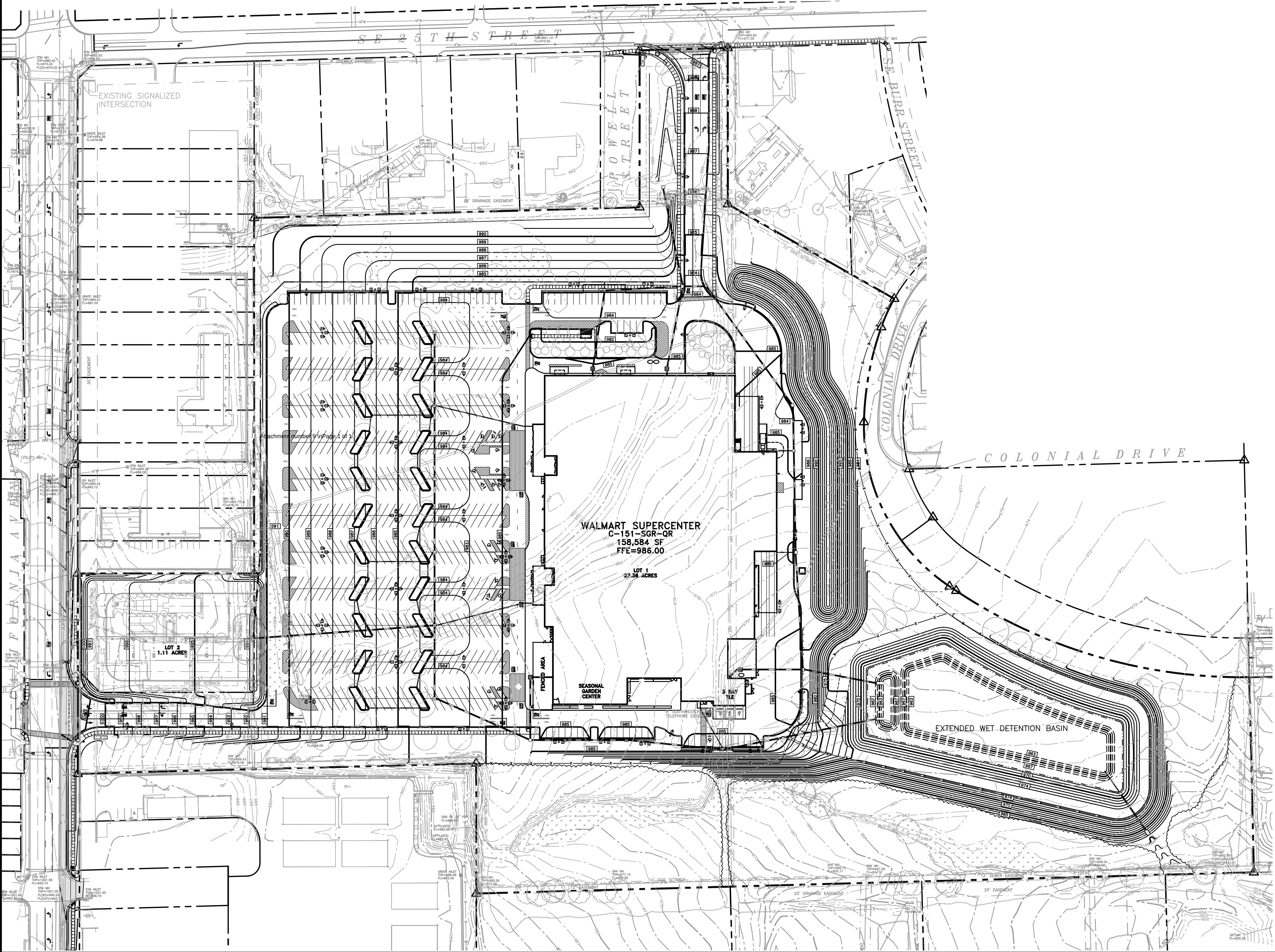
A MASTER PLANNED UNIT DEVELOPMENT FOR: WALMART COMMERCIAL CENTER

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 12 SOUTH,
RANGE 16 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN TOPEKA, SHAWNEE COUNTY, KANSAS.

BOOK: _____ PAGE: _____

DATE: _____ TIME: _____
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REBECCA J. NIOCE—REGISTER OF DEEDS



LEGEND

- PROPERTY LINE
- PB — PIPE BOLLARD
- ♿ — HANDICAP PARKING SYMBOL
- 6" RAISED CONCRETE CURB
- PAINTED TRAFFIC ISLAND
- CURBED TRAFFIC ISLAND
- CART CORRAL
- SIGN
- LIGHT POLE
- TRAFFIC FLOW ARROW (IN LOT)
- TRAFFIC FLOW ARROW (IN DRIVE)
- SIPHONIC MANHOLE
- EXISTING WETLAND



A MASTER PLANNED UNIT DEVELOPMENT
WALMART COMMERCIAL CENTER

CARLSON
CONSULTING
ENGINEERS, INC.

DWG: 6392 PUD DRAWINGS
GRADING PLAN
DATE: AUGUST 23, 2013
SCALE: 1"=80'
SHEET 2 OF 4
CASE NUMBER: PUD 13/1

SHAWNEE COUNTY, KANSAS

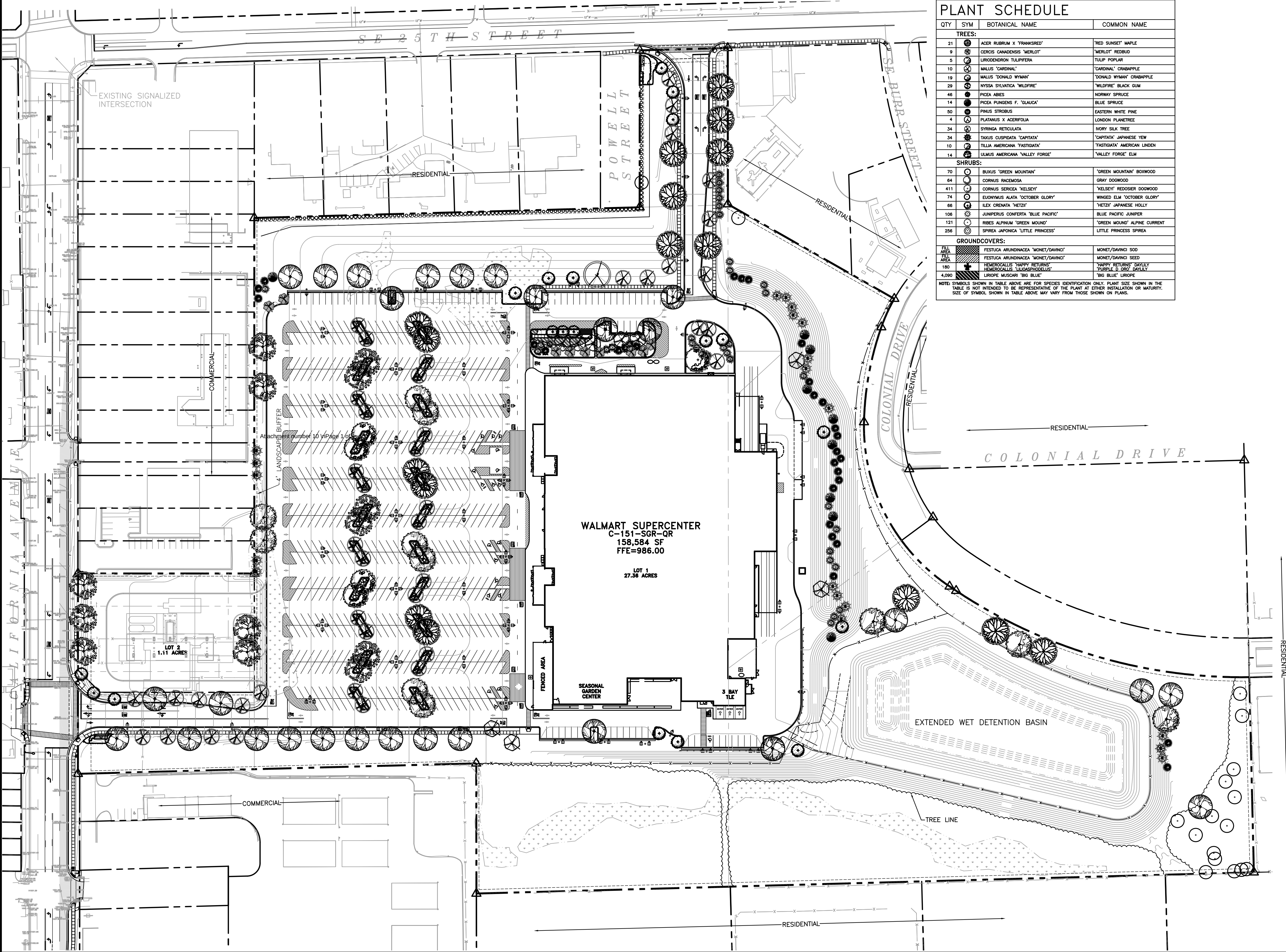
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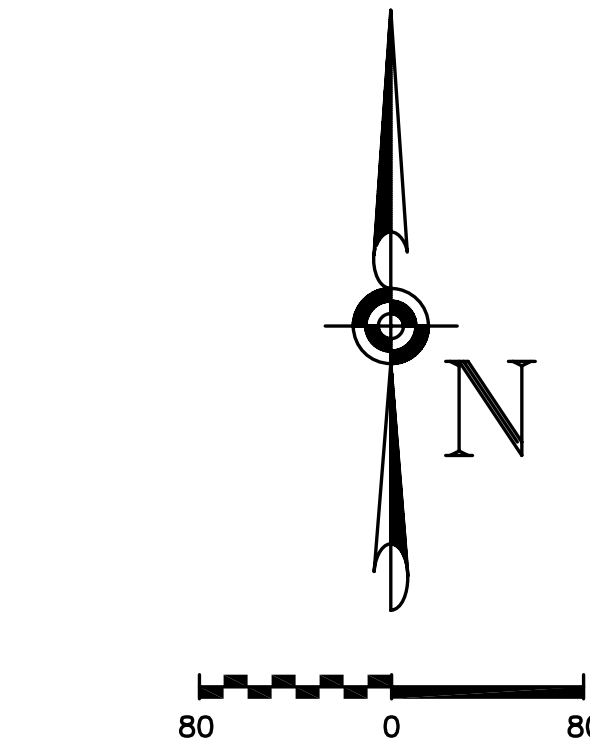
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DATE: _____ TIME: _____
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REBECCA J. NIOCE—REGISTER OF DEEDS



PLANT SCHEDULE			
QTY	SYM	BOTANICAL NAME	COMMON NAME
TREES:			
21	⊙	ACER RUBRUM X 'FRANKSRED'	'RED SUNSET' MAPLE
9	⊙	CERCIS CANADENSIS 'MERLOT'	'MERLOT' REDBUD
5	⊙	LIRIODENDRON TULIPIFERA	TULIP POPLAR
10	⊙	MALLUS 'CARDINAL'	'CARDINAL' CRABAPPLE
19	⊙	MALLUS 'DONALD WYMAN'	'DONALD WYMAN' CRABAPPLE
29	⊙	NYSSA SYLWATICA 'WILDFIRE'	'WILDFIRE' BLACK GUM
46	⊙	PICEA ABIES	NORWAY SPRUCE
14	⊙	PICEA PARSONS F. 'GLAUCA'	BLUE SPRUCE
50	⊙	PRINUS STROBUS	EASTERN WHITE PINE
4	⊙	PLATANUS X ACERIFOLIA	LONDON PLANETREE
34	⊙	SYRINGA RETICULATA	IVORY SILK TREE
34	⊙	TAXUS CUSPIDATA 'CAPitata'	'CAPitata' JAPANESE YEW
10	⊙	TILIA AMERICANA 'TASTIGATA'	'TASTIGATA' AMERICAN LINDEN
14	⊙	ULMUS AMERICANA 'VALLEY FORGE'	'VALLEY FORGE' ELM
SHRUBS:			
70	⊙	BUXUS 'GREEN MOUNTAIN'	'GREEN MOUNTAIN' BOXWOOD
64	⊙	CORNUS PACIFICANA	GRAY DOGWOOD
411	⊙	CORNUS SERICEA 'KELSEY'	'KELSEY' REDOSIER DOGWOOD
74	⊙	ELONIMUS ALATA 'OCTOBER GLORY'	WINGED ELM 'OCTOBER GLORY'
66	⊙	ILEX CRENATA 'HETZU'	'HETZU' JAPANESE HOLLY
108	⊙	JUNIPERUS CONFERTA 'BLUE PACIFIC'	BLUE PACIFIC JUNIPER
121	⊙	RIBES ALPIMUM 'GREEN MOUND'	'GREEN MOUND' ALPINE CURRENT
256	⊙	SPIREA JAPONICA 'LITTLE PRINCESS'	LITTLE PRINCESS SPIREA
GROUNDCOVERS:			
754	⊙	FESTUCA ARUNDINACEA 'MONEY/DWINGO'	MONEY/DWINGO SOO
180	⊙	HEMEROCALLIS 'HAPPY RETURNS'	'HAPPY RETURNS' DAYLILY
4,090	⊙	HEMEROCALLIS 'MURPHY'S DREAM'	'MURPHY'S DREAM' DAYLILY
	⊙	LIROPE MUSEUM 'BIG BLUE'	'BIG BLUE' LIRIOPE
NOTE: SYMBOLS SHOWN IN TABLE ABOVE ARE FOR SPECIES IDENTIFICATION ONLY. PLANT SIZE SHOWN IN THE TABLE IS NOT INTENDED TO BE REPRESENTATIVE OF THE PLANT AT OTHER INSTALLATION OR MATURITY. SIZE OF SYMBOL SHOWN IN TABLE ABOVE MAY VARY FROM THOSE SHOWN ON PLANS.			



- LEGEND
- PROPERTY LINE
 - PB — PIPE BOLLARD
 - ♿ — HANDICAP PARKING SYMBOL
 - 6" RAISED CONCRETE CURB
 - ▨ — PAINTED TRAFFIC ISLAND
 - CURBED TRAFFIC ISLAND
 - C.C.C.C. — CART CORRAL
 - ⊕ — SIGN
 - — LIGHT POLE
 - — TRAFFIC FLOW ARROW (IN LOT)
 - — TRAFFIC FLOW ARROW (IN DRIVE)
 - ⊗ — SIPHONIC MANHOLE
 - — EXISTING WETLAND



A MASTER PLANNED UNIT DEVELOPMENT
WALMART COMMERCIAL CENTER

CARLSON
CONSULTING
ENGINEERS, INC.

DWG: 6392 PUD DRAWINGS
LANDSCAPE PLAN
DATE: AUGUST 23, 2013
SCALE: 1"=80'
SHEET 3 OF 4
CASE NUMBER: PUD 13/1

SHAWNEE COUNTY, KANSAS

A MASTER PLANNED UNIT DEVELOPMENT FOR: WALMART COMMERCIAL CENTER

BOOK: _____ PAGE: _____

PROJECT PERFORMANCE OBJECTIVES:

TO CREATE A REGIONAL COMMERCIAL RETAIL DEVELOPMENT BENEFICIAL TO SURROUNDING NEIGHBORHOODS AND THE CITY OF TOPEKA.

GENERAL NOTES:

1. PURSUANT TO SECTION 18.190.060, THE APPLICANT MUST PROVIDE THE PLANNING DEPARTMENT A MASTER PUD PLAN SUITABLE FOR RECORDING WITHIN 30 DAYS UPON APPROVAL BY GOVERNING BODY, RECORD IT WITH THE SHAWNEE COUNTY REGISTER OF DEEDS WITHIN 60 DAYS UPON APPROVAL BY THE GOVERNING BODY, AND PROVIDE THE PLANNING DEPARTMENT 15 COPIES OF THE RECORDED PLAN WITHIN 90 DAYS UPON APPROVAL BY THE GOVERNING BODY OR PUD SHALL BE NULL AND VOID.
2. NO BUILDING PERMITS SHALL BE ISSUED UNTIL ALL STORMWATER MANAGEMENT REQUIREMENTS SET FORTH IN TMC CHAPTER 13.35 ARE MET INCLUDING: APPROVAL OF STORMWATER MANAGEMENT PLANS AND GRANTING OF ANY NECESSARY STORMWATER MANAGEMENT EASEMENTS (SME).
3. ALL BASE ZONING USE GROUPS SHALL APPLY UNLESS STATED OTHERWISE HEREIN.
4. ALL PUBLIC IMPROVEMENTS SHALL BE MADE TO CITY STANDARDS.
5. NO BUILDING PERMITS SHALL BE ISSUED UNTIL FINAL PUD SITE DEVELOPMENT AND LANDSCAPE PLANS HAVE BEEN REVIEWED BY CITY STAFF AND APPROVED BY THE PLANNING DIRECTOR FOR COMPLIANCE TO SAID MASTER PLANNED UNIT DEVELOPMENT PLAN FOR WAL-MART COMMERCIAL CENTER.
6. NO BUILDING PERMITS SHALL BE ISSUED UNTIL THE PROPERTY IS PLATTED.

VARIANCES:

1. A VARIANCE TO REDUCE THE REQUIRED NUMBER OF OFF-STREET VEHICLE PARKING SPACES AS INDICATED IN TMC 18.240.030(D)(1) "OFF-STREET PARKING REGULATIONS" FROM 1 PER 200 SQ. FT. OF FLOOR AREA BY 20% DUE TO THE PROVISIONS FOR OTHER MODES OF TRANSPORTATION BEING PROVIDED AS STATED HEREIN.

UTILITY NOTES:

1. ALL UTILITIES SHALL BE INSTALLED UNDERGROUND PURSUANT TO THE CITY'S RIGHT-OF-WAY MANAGEMENT STANDARDS.
2. SANITARY SEWER SERVICE SHALL BE BY THE CITY OF TOPEKA.
3. WATER SERVICE SHALL BE BY THE CITY OF TOPEKA.
4. PARKING LOT LIGHTING SHALL BE DIRECTED AWAY FROM PUBLIC STREETS AND RESIDENTIAL PROPERTIES AND SHALL NOT EXCEED THREE FOOT-CANDLES AS MEASURED AT THE PROPERTY LINE. THE SOURCE OF ILLUMINATION SHALL BE SHIELDED FROM ADJACENT PROPERTIES.
5. THE PARKING LOT OF LOT 1 SHALL BE ILLUMINATED BY 42 FOOT TALL LED FIXTURES WITH 140 LED'S PER HEAD.

CIRCULATION, PARKING, AND TRAFFIC NOTES:

1. THE MAIN ENTRANCES OF THE PRINCIPAL BUILDING ON LOT 1 SHALL HAVE BICYCLE PARKING FACILITIES THAT ARE OF A TYPE, LOCATION, AND QUALITY APPROVED BY THE CITY OF TOPEKA PLANNING DIRECTOR AT THE SITE DEVELOPMENT PLAN STAGE AND PROVIDED AT 4% OF THE REQUIRED NUMBER OF AUTOMOBILE PARKING SPACES.
2. A CONCRETE BASE SHALL BE PROVIDED FOR THE INSTALLATION OF AN ON-SITE TOPEKA METRO BUS STOP FACILITY AND LOCATED AT THE NORTH END OF THE BUILDING AS APPROVED AT THE SITE DEVELOPMENT PLAN STAGE BY THE CITY OF TOPEKA PLANNING DIRECTOR AND TOPEKA METROPOLITAN AREA TRANSIT AUTHORITY. THE BUS SHELTER SHALL BE COORDINATED IN DESIGN WITH THE ARCHITECTURAL FEATURES OF THE PRINCIPAL BUILDING BY TOPEKA METRO.
3. ALL DRIVES, LANES, AND PRIVATELY OWNED ACCESS WAYS PROVIDING ACCESSIBILITY TO STRUCTURES, BUILDINGS, AND USES WITHIN THE PLANNED UNIT DEVELOPMENT SHALL BE CONSIDERED AND SERVE AS MUTUAL RIGHTS OF ACCESS FOR OWNERS, TENANTS, INVITED GUESTS, CLIENTS, CUSTOMERS, SUPPORTS AND UTILITY SERVICE PERSONNEL AND EMERGENCY SERVICE PROVIDERS, INCLUDING LAW ENFORCEMENT, FIRE PROTECTION, AND AMBULANCE SERVICES. ALL ACCESS WAYS PROVIDING GENERAL ACCESSIBILITY TO, AND CIRCULATION AMONG, THE USES WITHIN THE PLANNED UNIT DEVELOPMENT SHALL BE MAINTAINED AT ALL TIMES IN A GOOD SERVICEABLE CONDITION WITH THE MAINTENANCE OF SAID ACCESS WAYS BEING THE RESPONSIBILITY OF THE OWNER.
4. ALL TRAFFIC IMPROVEMENTS 4.1 – 4.5 STATED HEREIN SHALL BE FINISHED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY EXCLUDING ANY DELAYS ASSOCIATED WITH GAINING RIGHT-OF-WAY.
 - 4.1. A WEST-BOUND LEFT TURN LANE FOR SE 25TH STREET WHERE IT APPROACHES SE CALIFORNIA FOR 150 FEET.
 - 4.2. A CONTINUOUS TWO-WAY CENTER TURN LANE ON SE CALIFORNIA FROM SE 25TH STREET THROUGH SE 27TH STREET SO THAT THERE IS A 50 FOOT LONG NORTHBOUND LEFT TURN LANE SOUTH OF 27TH STREET (EXCLUSIVE OF THE TAPER).
 - 4.3. SYNCHRONIZED TRAFFIC SIGNALS (INSYNC) AT DRIVE A, SE 25TH STREET, AND SE 29TH STREET.
 - 4.4. 5 FOOT WIDE BIKE LANES ON BOTH SIDES OF SE 25TH STREET FROM DRIVE B TO SE CALIFORNIA AVENUE WITH BIKE SHARROWS AS THESE LANES NEAR THE APPROACH OF CALIFORNIA AVENUE TO ACCOMMODATE THE LEFT-TURN LANE.
 - 4.5. CONSTRUCTION OF DRIVE A AS A FOUR-WAY COMMERCIAL TRAFFIC LIGHT WITH A PEDESTRIAN-ACTIVATED CROSSING ACROSS CALIFORNIA.
5. A STRIPED MID-BLOCK CROSSWALK SHALL BE PROVIDED, INCLUDING ADVANCE WARNING SIGNAGE, ACROSS SE 25TH STREET WITH THE EXACT LOCATION OF THE CROSSING TO BE DETERMINED AT THE SITE DEVELOPMENT PLAN STAGE OR WITHIN ONE MONTH OF THE STORE OPENING AFTER REVIEW BY THE CITY ENGINEER AND UNIFIED SCHOOL DISTRICT #501.

SIGNAGE NOTES:

1. ONE PYLON SIGN SHALL BE ALLOWED ON LOT 1 ALONG CALIFORNIA AVENUE. THE PYLON SIGN ALONG CALIFORNIA AVENUE SHALL NOT EXTEND HIGHER THAN 30' – 0", AND THE SIGN FACE SHALL NOT BE LARGER THAN 5' – 0" IN HEIGHT AND 20' – 0" IN WIDTH WITH A MAXIMUM OF 100 SQUARE FEET OF SIGN FACE PER SIDE. THE BASE OF THE PYLON SIGN SHALL BE LANDSCAPED WITH SHRUBS TO A HEIGHT OF 30 INCHES.
2. ONE MONUMENT SIGN SHALL BE ALLOWED ON LOT 1 ALONG SE 25TH STREET. THE MONUMENT SIGN ALONG SE 25TH STREET SHALL NOT BE LARGER THAN 8' – 0" IN HEIGHT ABOVE AVERAGE NATURAL GRADE AND 16' – 0" IN WIDTH WITH A MAXIMUM OF 64 SQUARE FEET OF SIGN FACE PER SIDE.
3. ONE MONUMENT SIGN SHALL BE ALLOWED FOR LOT 2. THE MONUMENT SIGN SHALL NOT BE LARGER THAN 8' – 0" IN HEIGHT ABOVE AVERAGE NATURAL GRADE AND 12' – 6" IN WIDTH WITH A MAXIMUM OF 60 SQUARE FEET OF SIGN FACE PER SIDE.
4. WALL SIGNS SHALL COMPLY WITH THE "C-4" BASE ZONING SIGNAGE REQUIREMENTS.
5. NO ELECTRONIC MESSAGE CENTER SIGNS SHALL BE PERMITTED AT THE SE 25TH STREET ENTRANCE.

LANDSCAPE NOTES:

1. LANDSCAPE PLANS SHALL BE SUBMITTED WITH THE SITE DEVELOPMENT PLANS AT THE TIME OF BUILDING PERMITS INDICATING SPECIFIC POINT VALUES, TYPE, AND QUANTITIES. SAID PLANS SHALL CONFORM TO THE CITY OF TOPEKA LANDSCAPE REGULATIONS, INCLUDING RESIDENTIAL BUFFER REQUIREMENTS FOR ADJACENT PROPERTIES, AND AS STATED HEREIN.
2. A 9 FT. TALL BERM SHALL EXTEND ALONG THE EAST ELEVATION AND BE PLANTED WITH 6 FT. TALL EVERGREEN PLANTINGS ACROSS THE LENGTH OF THE BERM.

BUILDING AND STRUCTURE NOTES:

1. NO STRUCTURE SHALL BE BUILT WITHIN THE FOLLOWING SETBACKS OF THE PLANNED UNIT DEVELOPMENT BOUNDARY: 25' FROM THE FRONT OR BACK, AND 10' FROM THE SIDE OF ANY LOT.
2. MAXIMUM HEIGHT OF 40'.
3. THE EXTERIOR BUILDING AND SIGN DESIGNS SHALL DEMONSTRATE SUBSTANTIAL COMPLIANCE WITH THE ELEVATIONS INCLUDED WITH THE PUD PLAN AND SHALL BE REVIEWED AND APPROVED BY THE TOPEKA PLANNING DIRECTOR PRIOR TO BUILDING PERMIT ISSUANCE.
4. THE LOCATION OF ALL TRASH ENCLOSURES SHALL BE DETERMINED AT THE SITE DEVELOPMENT PLAN STAGE TO ENSURE TRASH AREAS ARE NOT OVERLY CONCENTRATED, ARE EFFECTIVELY SCREENED FROM PUBLIC AND RESIDENTIAL AREAS, AND PROVIDE ADEQUATE CIRCULATION WITHIN THE OVERALL DEVELOPMENT. ALL SAID RECEPTACLES SHALL HAVE ENCLOSURES THAT SCREEN THE RECEPTACLES FROM VIEW AND ARE CONSTRUCTED OF MATERIALS COMPATIBLE WITH THE ARCHITECTURAL FEATURES OF THE PRINCIPAL BUILDING.
5. THE MAXIMUM BUILDING FOOTPRINT FOR LOT 1 WILL BE 175,000 SQUARE FEET.
6. NO OUTDOOR STORAGE, SALES, OR DISPLAY OF PRODUCTS, MATERIALS, AND MERCHANDISE, EXCEPT WITHIN THE FENCED AREA SHOWN ON THE PLAN AND INTENDED FOR GARDEN CENTER MERCHANDISE ONLY.
7. NO PARKING OF SEMI-TRUCK TRAILERS ON THE PREMISES, EXCEPT FOR THOSE UNLOADING AND LOADING.

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 12 SOUTH, RANGE 16 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN TOPEKA, SHAWNEE COUNTY, KANSAS.

OWNER'S CERTIFICATE:

WAL-MART REAL ESTATE BUSINESS TRUST AGREES TO COMPLY WITH THE CONDITIONS AND RESTRICTIONS AS SET FORTH ON THE MASTER PUD PLAN.

IN TESTIMONY WHEREOF, THE OWNER, WAL-MART REAL ESTATE BUSINESS TRUST TRUSTEE, HAS SIGNED THESE PRESENTS

THIS _____ DAY OF _____, 2013

NAME: _____ TITLE: _____

BE IT REMEMBERED THAT ON THIS _____ DATE OF _____, A.D. 2013, BEFORE ME, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME _____, OWNER OF THE ABOVE DESCRIBED PROPERTY, WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHO EXECUTED THE WITHIN INSTRUMENT OF WRITING, AND SUCH PERSON ONLY ACKNOWLEDGED THE EXECUTION OF THE SAME.

I HEREBY SET MY HAND, AND AFFIX MY NOTARIAL SEAL THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

THIS PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN HAS BEEN REVIEWED AND APPROVED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18.190 OF THE COMPREHENSIVE ZONING REGULATIONS OF THE CITY OF TOPEKA, KANSAS, AND MAY BE AMENDED ONLY AS PRESCRIBED IN TMC 18.190.070 OF SAID ARTICLE AND AS SET FORTH ON THIS DOCUMENT OR AS MAY SUBSEQUENTLY BE APPROVED AND RECORDED.

CERTIFICATION OF MASTER PLANNED UNIT DEVELOPMENT PLAN APPROVAL:

BILL FIANDER, PLANNING DIRECTOR, _____ DATE: _____
SECRETARY, TOPEKA PLANNING COMMISSION

SECRETARY TO PLANNING COMMISSION:

BE IT REMEMBERED THAT ON THIS _____ DATE OF _____, A.D. 2013, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR THE COUNTY AND STATE, CAME BILL FIANDER, 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 TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND, AND AFFIXED MY NOTARIAL SEAL THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

Walmart

Save money. Live better.

REVISIONS
NO. DATE DESCRIPTION

A MASTER PLANNED UNIT DEVELOPMENT
WALMART COMMERCIAL CENTER

SHAWNEE COUNTY, KANSAS

CARLSON
CONSULTING
ENGINEERS, INC.

7068 LEDGESTONE COMMONS
TOPEKA, KANSAS 66606
PH: (901) 384-0404 • FX: (901) 384-0710

DWG: 6392 PUD DRAWINGS
NOTES
DATE: AUGUST 23, 2013
SCALE:
SHEET 4 OF 4
CASE NUMBER: PUD 13/1

Topeka, KS (California)
Neighborhood Meeting 7/24/13

Introduction by the City to explain the process and that the meeting was the developer's meeting for the benefit of the neighbors

Introduction by Ryan Irsik, Walmart public relations:

- The project will bring jobs to community (200-250)
- It will ease burden on customer
- It will offer the customer a better shopping opportunity

Ryan stressed that we have addressed some of the issues we've already heard, i.e., sidewalks/pedestrian access.

Ryan stated that this meeting is to hear some of the concerns we have not yet heard. After this, we will take concerns back, evaluate them and work with City and our team on those items.

- Ryan invited all to come up and review the plans and talk with the development team
 - Folks too concerned about format—the format was changed to a presentation

Casey Wilder, engineer, walked through site plan, and focused on :

- Sidewalks
- Connectivity
- Bus traffic
- Cars

The audience had many questions regarding conflicts between cars and pedestrians, especially given the location of the school.

Bob Schneider- audience member with the HANAI
 HANAI—wants us to be an active member.

Pointed out issues his group had discussed:

- Traffic
- Pedestrian safety
- Litter
- Noise
- Jobs
- Storm run-off
- Construction traffic

Several conflicting ideas about how to deal with the back of the store were discussed:

Perhaps berm/fence

Direct access from 28th (Dillons)

Access for disabled persons across the creek

Townhomes Representative

- Concrete fence on east side to protect from vagrancy
- Conducive to handicap access

Concern

About environmental aspects of project:

LEED standards- project is not being designed to be LEED certified

Casey described how storm water treatment would be handled

Many neighbors had concerns with safety and security:

Walmart's local representative was able to discuss how security is handled within the stores and on the property- and stated that they work with local police to develop security plan

Comment

North Walmart is a very nice store— the neighbors had same concerns during that process, and the project turned out great

Comment

During construction—what are the guarantees there will be no damage to neighboring buildings

Ryan—report to Walmart

Comment

Area is in decline. How many businesses on California will cease to exist?

Ryan—Walmart's business brings more shoppers

Concern

Noise—are police going to be patrolling more (car wash a problem)

Comment

This used to be a nice part of town, but has declined—excited about the development and the change it will bring

Comment/Concern

Employees from the community? Wage question—pay associates more than minimum wage?

Ryan stated that Walmart pays a very competitive wage.

Comment

North store—issues were mitigated:

- Brick wall
- Detention area

People were satisfied and Walmart followed through on commitments

Concern

About trucks on the site

Ryan explained Walmart's no idling policy

Comment

Consideration to deer and other wildlife

Concern

Echo of previous concern regarding keeping employees and customers safe in the store:

- Lighting
- Local District Manager explained how we put together loss mitigation plan w/local law enforcement

Hours of store—24 hours (maybe not—maybe 6-12 midnight)

Ryan explained the construction timeline- that Walmart is shooting Fall 2014 for opening

Concern

Water service for fire protection?

Casey—sufficient

Natural gas? Yes

Sanitary sewer? Yes

Ryan described the size of the proposed store compared to other stores

Comment

Baseball association—traffic to and from ball park

Would Walmart be a sponsor of baseball teams

Walmart public interest-service items

- Ryan explained

Comment

Loitering

- Ryan explained Walmart's policy

Comment

Security patrols

- Ryan and local representatives explained how they work

Concern

Traffic—whether Walmart trucks off of California could be limited

How many trucks a day? 4-6

Ryan and Casey explained how the site will work regarding:

- Below grade truck well screened with a soil berm
- Road condition/truck damage
- Shopping carts
- No semi-truck parking

The meeting ended, with continued general discussion with a few attendees...

What does Walmart do with dark stores?

Is Walmart here for the long haul?

3-D site plan, etc. for next meeting?

Attendance List
Walmart Topeka, KS (California) 7/24/13

<u>Name</u>	<u>Address</u>
Warren Woodruff	620 SE Madison Street
Arlene Shaffer	2522 SE Golden
George Phelps (not related)	805 SE 27 th (mailing)
Jessie Basham	2719 SE Golden
Jane Parlee	2582 SE Golden
Paul and Martha Smith	2125 SE Market
Jo Ann Peavler	3216 SE 6 th
Anita Edwards	2204 SE Swygart Street
Barbara Stevens	2684 SE Golden Ave.
Mary Handley	2201 SE 25 th (Mirror)
Bonnie B. Good	333 Green
Kathryn Reinsch	2630 SE California Ave.
Orville Buckheim	2620 SE Kentucky
Mary M. Aker	2120 SE Colorado
Sherilyn Lee	2507 Moni____
Ethel Davis	2625 Golden
Barbara Davis	2431 SE 21
Mike Rosencutter	3140 SW Grand Ct.
Highland Park Baseball Assn.	Dornwood Park
Beverlee Schneider	2110 SE Swygart (HA-NIA)
Bob Schneider	2110 SE Swygart (HANIA-FOD)
Bob & Jan Asselin	2217 SE Market St. (HA-NIA)

<u>Name</u>	<u>Address</u>
Vicki Yeckm	2502 Colonial Dr.
Mary Akerstrom	1700 SW 26 th Street
Steve Miller	3219 SW Kent St.
Melissa Goodman	2201 SE 25 th
Marjorie Wentek	1808 SE 25 th
Harry & Juanita Turney	2008 SE 21 st Terr.
R.R. Collins & Marlene A. Collins	2535 SE California Ave.
Susan Walden	1328 SE Lott St.
Flora Sue Blalock	3141 SE Colorado
Corinne Grizzard	2725 SE Golden Ave.
Marjory Evans	2424 SE Market
Robert S _____	233 SE Arthur
Kay Andersen	2724 SE Golden
John Knight Foundation	Shawnee Cty. Parks & Rec. &
Rosetta Peak	2520 SE Golden
Ken & Linda Wilson	3611 SE 28 th Terr.
Elizabeth Butler	2016 SE 21 st St.
Dixie Hilliard	2566 SE Golden Ave.
Donna Sturgeon	2634 SE Golden
Carolyn Fisher	2634 SE Golden
Judy Brockhart	2711 SE Golden
Mike Redman	2030 SE Colorado Ave.
Ronald Richey	2332 SE 22 nd Terr.

<u>Name</u>	<u>Address</u>
Navella Richey	2332 SE 22 nd Terr.
David Cullip	2230 SE 28 th , #105
Trey George	2010 SE California Ave.
Dennis & Linda Orton	2601 SE 21 st St.
Don Hoffsonmer	2124 SE 22 nd St.
Carolyn Gilmer	2594 Golden Ave.
Fred Marley	2043 SE 35 th
Bob, Susan & Jennifer Fosberg	4713 SE 61 st , Berryton, KS
Gary Kenney	2437 SE 21 st
Dena Watts	2730 SE Golden Ave.
Amanda Smith	2201 SE 25 th
M. Miller	4200 S. Topeka
Jeff Johnston	2727 California
Sheryl & Gilbert Gonzales	1804 SE Mass.
Kevin Cook	SN Co. Commission
Jennifer Laudermilk	1208 SW Tyler
Jim Parrish	700 SW Jackson
John Alcalá	520 NE Lake
Ken McGill	2201 SE 25 th St.
Anthony Hensley	2226 SE Virginia Ave.
Tonya R. Boykins	2702 SE Colorado Ave.
Bruce Bell Jr.	2702 SE Colorado Ave.
Caris Smucker (sp?)	2433 SE Colonial Dr.

NameAddress

Sarah Cobb

2433 SE Colonial Dr.

Roseanna Haugen

COT HND

Monique Glaude

COT City Mgr.

Gwen Blanchett

2220 SE Swygart

Tracy Spaulding

2666 SE Golden Ave.

Sylvester Rice

804 SE 106th

Phillip Owens

913 SE Sherman

Teresa Patterson

1703 SE Lott

Eric Mitchell/Century Plaza

2200 SE 28th St.

M. Ong

Melissa Hanger Apt., 2230 SE 28th

Sean Parks

2201 SE 25th

Angela Greenough

2201 SE 25th

James & Denise Fasse + 4 children

2706 SE Golden Ave.

ADJ. ANNIE Driver
 Bill Hoover
 Bill Flander

620 SE Madison, 3rd floor

Concerns

David Cullip: Right across the creek is a disabled community and my concern is easy access to Walmart as the current path, as is, is unacceptable.

Too much traffic for an area that has a very high number of young children and a high number of traffic accidents. 25th Street is a residential street not built for this type of traffic.

Useless meeting. Should have had a formal presentation where everyone could hear what everyone said. Useless meeting!!! Waste of time!!!

We need a Living Wage—new hires with no experience start at \$10/hr. and health care for all employees FT & PT.

On the side of property where the TLE and garden center is, the existing residential buffer in my opinion isn't enough. The wooded area only provides a visual and sound barrier when trees have foliage. During the Fall and Winter there isn't a buffer, plus the wooded area doesn't resolve our concern at Century Plaza Apts. of pedestrian traffic. I would feel more at ease with a fence or a landscape berm just like the one at the rear of the property that stops at the detention basin; it really should be carried along the south side as well. With the addition of a Walmart, pedestrian traffic will increase, subjecting our property to criminal activity. Would like if access to Walmart was restricted to its 2 main entrances. If my residents were to leave due to noise and traffic and criminal activity will Walmart subsidize my vacancy loss?

PUD 13/1

Annie Driver

From: Mary Akerstrom <mary.akerstrom@gmail.com>
Sent: Thursday, August 15, 2013 5:42 PM
To: Larry Wolgast; Jim Colson; Chad Manspeaker; Annie Driver; Scott Alisoglu
Subject: WalMart

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Dear City Leaders,

I do know there is not much else to do before WalMart begins their build on California, so I'd like to ask you to consider the planning process, and the long term impact of the construction. The EPA website states that "typical green buildings [use] careful site selection to minimize impacts on the surrounding environment." <http://www.epa.gov/oaintrnt/projects/>

This statement raises the question: Why does WalMart need to demo this natural space, when California Crossings is a stone's throw away and could be revitalized?

I urge you to adopt the Sustainability Advisory Board's goals & recommendations to "position Topeka as a leading Capital city." <http://www.topeka.org/pdfs/EECSPresentation.pdf>

WalMart could easily afford to lead the way in Topeka with a green building and live up to its own sustainability goals. <http://corporate.walmart.com/global-responsibility/environment-sustainability>

The Green Globes Green Building Initiative <http://www.thegbi.org/>

and the Living Building Challenge <http://living-future.org/lbc>

are resources WalMart & the City could use to move both this corporate giant and our small city into a truly sustainable future, not simply one that has been 'green-washed.'

Thanks you for your time & dedication,

Mary Akerstrom
1700 SW 26th St
Topeka, KS 66611
785-234-5465

PUD 13/1

Annie Driver

From: Bob Schneider [REDACTED]
Sent: Tuesday, August 06, 2013 2:03 PM
To: Chris Wickline; Bill Flander; Annie Driver
Cc: Rosie Prall; Dale Cushinberry; Mike Redmon; Ken McGill; Carolyn Fisher
Subject: PUD 13/1 Walmart
Attachments: Support_ltr_06AUG13_Walmart_APPROVED.pdf

Attached you will find a letter of support and concerns for PUD 13/1 Walmart to be considered by the Topeka Planning and Zoning Board on Monday, August 19th.

The contents of this letter was supported by a unanimous vote of the HANIA, at our meeting on August 5th.

Bob Schneider
HANIA Awareness Team
785.232.3007 (H)

PUD 13/1

Page 1 of 5



HIGHLAND ACRES NIA

%2110 SE Swygart St
Topeka, KS 66605
August 6, 2013

RE: PUD 13/1 Walmart

Topeka Planning & Zoning Board
Topeka, KS

Greetings,

Highland Acres NIA (HANIA) excitingly endorses the approval of the Walmart Commercial Center, with the following concerns and possible solutions. HANIA at our meeting on July 1st found 82% of our members felt that the Walmart development would be beneficial to our neighborhood. Nearly 53% of our members felt the development would be EXTREMELY BENEFICIAL. A copy of the recap of the survey is available at Topeka P&Z website.

HANIA had the following 4 major concerns, all of which dealt with safety issues for our neighborhood. Concern 1 & 2 were resolved and we thank City Planning and Walmart for their participation in the resolution even before the July 24th Neighborhood Meeting.

1. CONCERN: There is considerable pedestrian traffic from the multi-family units to the East of proposed WM Drive "B" on SE 25th St. There are many elderly, handicap in motorized wheelchairs and baby strollers used by pedestrians in this area. There is an above normal amount of pedestrian traffic that crosses the proposed 36'+ entrance. The concern is since the traffic study does not require a traffic signal, how can pedestrian safety be best achieved crossing this expansive entrance with three lanes of traffic?

*******THIS CONCERN HAS BEEN RESOLVED*******

2. CONCERN: The HANIA was approved by the City for a Federal Grant for 450' of sidewalk from the SE Corner of SE Burr St. west to existing sidewalk. This approval is awaiting funding from Washington, DC. With the proposed entrance the HANIA will have to reapply next year for the approximate 220' of sidewalk. If that application were approved, the sidewalk would not be installed till 2015. During this time pedestrian traffic would be on a dirt path or street, as currently transverse, to the West side of entrance "B". HANIA considers this an extreme pedestrian safety hazard and unacceptable.

*******THIS CONCERN HAS BEEN RESOLVED*******

Concerns 3 & 4 remain a high priority that HANIA hopes can be resolved and become part of the final PUD specifications.

3. CONCERN: HANIA cannot determine from the site plan, answers to our concern for above average lighting of all areas of the entrances, parking and around the building. Our neighborhood noticed a reduction of crime and increase in the sense of safety when USD 501 installed special lighting at Highland Park High School in 2011. We would like more detail and clarification about security lighting.

DISCUSSION: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED) HAS BEEN A PART OF CRIME PREVENTION OF TPD FOR A NUMBER OF YEARS. CPTED HAS BEEN EXPLAINED IN A PROGRAM TO HANIA MEMBERSHIP AND IS EFFECTIVE FOR BOTH HOMES AND BUSINESSES. WHEN CUSTOMERS AND NEIGHBORS FEEL SAFE IT IS A WIN FOR THE BUSINESS AND THE NEIGHBORHOOD.

IT IS HANIA DESIRE THAT WALMART MEET OR EXCEEDS THE LUMEN SPECIFICATIONS OF HPHS LIGHTING, AROUND THE WALMART BUILDING, PARKING AREA AND BOTH ENTRANCES.

4. CONCERN: HANIA cannot determine from the site plan if there are sufficient barriers to restrict access to areas to the East and South of the Walmart property. Our concern is that pedestrian traffic is not accessible to the property except through the two entrances and not through Eastern and Southern areas of the property. We were encouraged by the restrictive barrier around properties to North but inquire for more details concerning barriers to residential areas to the East and South.

DISCUSSION: WALMART PROPOSES A 9 FOOT BERM WITH TREES AND LANDSCAPING ON THE TOP OF THE BERMS AT THE BACK OF THEIR BUILDING. HANIA HIGHLY ENDORSES THE BERM AND LANDSCAPING AS PROPOSED. THE BERM DOES OFFER A NOISE BARRIER AND AESTHETICALLY ENHANCES THE VIEW FOR RESIDENTS LIVING EAST OF THE STORE. UNFORTUNATELY, IT WILL DO LITTLE TO IMPEDE ILLICIT PEDESTRIAN TRAFFIC TO AND FROM THE NEIGHBORHOODS TO THE EAST AND SOUTH.

AFTER CONSIDERABLE DISCUSSION AT THE AUGUST 5TH HANIA MEETING, AND UPON A UNANIMOUS VOTE OF THE MEMBERS PRESENT, HANIA HIGHLY RECOMMENDS THE FOLLOWING TO DETER ILLICIT PEDESTRIAN TRAFFIC THRU THE NEIGHBORHOODS TO THE EAST AND SOUTH OF THE WALMART COMMERCIAL COMPLEX.

HANIA RESPECTFULLY REQUESTS A WROUGHT IRON FENCE, AT LEAST EIGHT (8) FEET HIGH, AROUND THE ENTIRE PERIMETER OF THE WALMART EAST AND SOUTH PROPERTY LINES. STARTING FROM THE POINT AT THE 25TH ST ENTRANCE WHERE PROPERTY LINE TURNS SOUTHEAST NEAR THE DEER CREEK COMMUNITY CENTER, PROCEEDING ALONG THE PROPERTY LINE TO THE MOST EASTERN PROPERTY LINE, THEN SOUTH TO THE SOUTH PROPERTY LINE, THEN WEST UNTIL IT INTERSECTS WITH THE WROUGHT IRON FENCE OF THE EXISTING STORAGE LOT FACILITY.

Page 3 of 5

ATTACHMENTS:

The following (2) written attachments are from adjoining property owner:

1. Attachment (1) is from Dr. Beryl New, Principal, Highland Park High School

From: [BERYL NEW](#)

To: [Bob Schneider](#)

On Aug 6, 2013, at 8:05 AM, "BERYL NEW" <bnew@topeka.k12.ks.us> wrote:

To Whom It May Concern:

The administrative leadership of Highland Park High School is in full support of the construction of the Walmart at 27th and California Avenue. We believe that this store will provide families on the east side of Topeka with excellent shopping options. We will be active in communicating to our high school students the importance of entering and exiting the facility and the adjacent grounds safely and appropriately. Students will be instructed to use the sidewalks, cross the street at the crosswalks, and use the pedestrian lights when directed to do so. This information will be reviewed at the beginning of the school year and throughout the year as opportunities arise. Our school resource officers will also be available throughout the day to monitor appropriate visits to the store, such as at lunchtime for those students who have open lunch privileges.

The HANIA voted unanimously to request an 8' wrought iron fence around the entire east and south Walmart property line and keep berms and landscaping proposed. Highland Park staff support the plan to install the 8' wrought iron fence and to maintain an open view of the area for neighborhood security and beautification reasons. It was really great to see the different interests of the neighborhood discuss and agree. We are excited to join in this partnership to support the Walmart store.

> --submitted by Dr. Beryl New, Principal of Highland Park High School

Page 4 of 5

2. Attachment (2) is from Eric Mitchell, Property Manager, Century Plaza Apartments

From: Century Plaza

To: Bob Schneider

Hi Bob,

Just wanted to take a moment and express our concerns of the Wal Mart that is to be built in the future off of 25th Street. Our property is located on SE 28th Street the north end of our property will be close to the south end of Wal Mart's property. Our concerns are pedestrian traffic and noise, Century Plaza Apartments is a quiet senior community all of our residents are 62 years of age or older and/or disabled. We already get some pedestrian traffic from people going to/from Dillons with the addition of a Wal Mart that will significantly increase quite a bit with this increase in traffic it could possibly subject our residents and property to criminal activity which is a serious concern. A portion of the north end of our property is fenced in however there are two vacant lots of land on either side of us and no barrier to prevent people from neighboring homes and surrounding communities from cutting through to get to their destination. We want our residents to have comfort and security in their home and would feel more at ease if there was a barrier preventing people from trekking through the two adjacent vacant fields leaving them only access to Wal Mart through their main entrances.

Thank you,

Eric Mitchell

Property Manager

Century Plaza Apartments

2200 SE 28th St

Topeka, KS 66605

CONCLUSION:

Again, HANIA ENTHUSIASTICALLY SUPPORTS THE APPROVAL of the PUD 13/1, but asks the P&Z Board to carefully consider the additions herein to the PUD specifications and thus increase the safety of our neighborhood.

HANIA is thankful that Walmart sees the economic opportunity that exists in the underserved eastside of Topeka. Our membership survey showed that 93% want Walmart to become an ACTIVE member of the HANIA. We observed, in our limited time, working with the Walmart Corporate staff that they truly desire to be a good neighbor. HANIA looks forward to working in partnership with Walmart and exemplifying the HANIA motto "Together We Can Do It".

This communication was unanimously approved by HANIA membership at our August 5th meeting.

Respectfully,

s/s

Beverlee Schneider, President
Highland Acres NIA

pud13/1

Recap of HA-NIA Wal-Mart Development Questionnaire

7/1/2013

Bob Schneider, HA-NIA Awareness Team

Overview

1. On July 1, 2013 at the Highland Acres NIA meeting the group discussed their feelings and concerns over the Wal-Mart proposed development on SE California. After the discussion attendees were asked to fill out and return the questionnaire. *(Page 6)* Only 4 of the 30 returned questionnaires did not have the name of the responder.
 2. This is a recap of the results of the 30 questionnaires returned at the end of the meeting. Nearly 95% of the attendees completed the questionnaire.
 3. 100% of the questionnaires returned lived or had business interest within the HA-NIA geographical boundaries. Only 1 was not a registered member of the HA-NIA.
 4. On Question 2, the results are listed as the fraction of the 30 returns and the percentage.
 5. On Question 3, the moderator did not do an adequate job of explaining how to list the individual priorities. Only 16 of the participants answered the questions in a priority from 1 – 7 manner. 14 respondents had multiple same number answers similar to the scale question responses asked in Question 2. Therefore the results are only shown for the 16 correctly completed questionnaires.
- The results were given a raw score by adding the number of priority given to each of the 7 questions. Those raw numbers are shown. The rank was determined by the lowest numbered raw score, which would be the highest priority.
6. In Comments and Concerns 16 of the 30 questionnaires had comments in that area. Every comment has been included in this report.
 7. This report DOES NOT have any scientific significance, but is a report of the questionnaires returned at the HA-NIA July meeting. As a personal observation the report does reflect the group's feelings and concerns at that meeting.
 8. Page 6 of this report is a blank copy of the questionnaire.

Respectfully submitted

Bob Schneider
HA-NIA Awareness Team

Highland Acres NIA Wal-Mart Questionnaire July 1, 2013 **RECAP**

UNIVERSE OF 30 FILLED OUT QUESTIONNAIRES

1. Do you live or have a business interest within the *geographical boundaries* of the Highland Acres NIA?

YES **30/30** NO **0/30** If yes, are you a member of the HANIA? YES **29/30** NO **1/30**

2. On a scale from 1 to 5 (*1 being LEAST Agree, 5 being MOST Agree*) please circle your agreement with the following statements.

(A) Wal-Mart development is beneficial for the neighborhood.

(1) **2/30 - 6.6 %** (2) **3/30 - 10%** (3) **6/30 - 20%** (4) **2/30 - 6.6%** (5) **17/30 - 56.6%**

(B) Wal-Mart should become an active member of HANIA.

(1) **2/30 - 6.6%** (2) **0/30 - 0%** (3) **3/30 - 10%** (4) **3/30 - 10%** (5) **22/30 - 73.3%**

3. Please list the following areas of concern in priority from **1 to 7** (*1 being highest, 7 being least priority*)

RANK RAW

#1 (43) Traffic congestion (43)

#2 (44) Pedestrian safety (44)

#4 (63) Noise pollution (63)

#3 (60) Litter pollution (60)

#6 (75) Storm water runoff (75)

#7 (93) Construction inconvenience (93)

#5 (66) Neighborhood job opportunities (66)

**MANY ATTENDEES DID NOT UNDERSTAND
ONLY 16 OF 30 WERE FILLED OUT CORRECTLY
SEE OVERVIEW OF THIS REPORT**

Please list any other comments or concerns you have on the proposed Wal-Mart development below.

SEE ADDITIONAL PAGE FOR COMPILATION OF COMMENTS & CONCERNS

Following Information not required:

Name: _____ Address: _____
(Please Print) (Please Print)

COMMENTS AND CONCERNS

16 of 30 questionnaires had the following comments, every comment is listed.

"I think it will be good for the neighborhood"

"School children walking safety"

"Job opportunities"

"Neighborhood development"

"Scholarships for school"

"Business development"

"Good lighting for entire area"

"Need buffer around the area"

"Plenty of lighting to secure safety of others that are walking to Wal-Mart from their neighborhood."

"Blind spots behind the building that kids use as hangout spots."

"Procedure for carts being returned or picked up once people are through shopping and head back home."

"Parking lot safety...lighting...security patrol"

"Will they have gas?"

"I would like to see a partnership with HPHS/USD501 teaching marketing/business aspects."

"Concern for increase crime – which happens with any additional business."

"Sidewalk to SE Burr St. with handicap access."

"Sidewalks to store with bike lock up area."

"Shopping Cart control"

"No 24/7 truck loading/unloading"

"Work with HPHS on getting student jobs"

"Partnership with HPHS student groups on litter control"

"Will it be a 24hour operation...will WalMart be responsible for any damage that is done to streets and surrounding building during construction"

"Very concerned about appropriate barriers (Walls) with neighbors to prevent unauthorized pedestrian access across apartment lots and business/landowners."

"Sidewalk on 25th street/lighting/carts"

Page 5 of 6

"Truck traffic – noisy/stinky"...carts- keep on property...trash-keep clean-dumpster stench"

"Security – don't want OUR security threatened"... "fencing – don't want to see or hear or smell the store"... "25th St entrance- NO!- too small of a street, too much pedestrian traffic"

"Cart- keep carts on their property – do like Dillon's and restrict their removal from lot."

"Semi's – traffic- restrict to California Ave. Noise and pollution"

"Security"... "I oppose 25th Street access"...Fencing-need concrete fencing with bushes/trees between residential properties...Also provide security to Wal-Mart in that thieves can't run into residential areas"... "lights from parking lot invading residential homes – by shining into homes...kids skipping school and loitering in and around Wal-Mart."

"pollution from the stores trucks and trash, killing off animals over in the trails in Dornwood and the water runoff getting polluted...Topeka does not need 4 Wal-Marts!!!!"...Teenage crossing 25th people will not stop and we will more accidents."

Following Information not required:

AUD 13/1

Annie Driver

From: Carolyn Fisher [REDACTED]
Sent: Monday, August 05, 2013 3:20 PM
To: Chris Wickline
Cc: bobschneider43@yahoo.com; Annie Driver; Annie Driver; bflander@topeka.org
Subject: PUD13-1 WALMART

To Whom it May Concern;

I represent the Colonial Park Townhomes as President of the Board of Directors and would like to express our concerns regarding the Walmart development. Our property is located along 25th Street, Golden Ave and Colonial Drive.

We are very concerned about the area that is directly behind some of our buildings, which are east of where the detention pond will be located. Walmart did not have any additional berm or fencing along this portion of land and will only have our existing fence and tree line. We would like to preserve the trees but also like to have some additional noise protection and feel the addition of a berm would help, preferably between the pond and our property. The residents of those buildings are also concerned about any possible flooding of their basements should we experience a wet season.

Fencing and berms - We feel that in addition to the planned berms there should also be a fence along the east and south property lines. The berms will help to provide a noise barrier while the fencing will help to reduce illicit pedestrian traffic. There has been some talk of placing the fencing along the top of the berms, our concern there is that the berms do not align the entire property line and will not serve the intended purpose unless they include the entire property line.

Traffic concerns - 25th street is a very busy street with foot traffic and school traffic. Walmart has made it clear that they intend to have trucks entering and exiting the store from 25th street, there were many individuals at the community meeting that were concerned due to the number of students on foot and autos picking up and dropping off of students. Also, during the tennis and football season there are numerous cars parking along 25th street during practice, meets and football games. There is also concern as to whether the truck traffic will be traveling along Highland Ave, currently the road is not wide enough nor in a condition that will tolerate the heavy vehicles. With the homes on the east side of the road in the 2100 and 2200 block many times there are vehicles parking in the street as well. We would prefer that truck traffic be limited to the California entrance and California Ave.

Property value - while there are both pros and cons to having a Walmart close, our board of directors is also worried about our ability to market our property to potential new members. Colonial Park Townhomes is a cooperative housing complex where members buy into our cooperative, we are not the typical "rental" property. We have enjoyed a quiet existence here with quality members and don't want to see either of those things diminished in any way.

Carolyn Fisher
Colonial Park Townhomes
President, Board of Directors

AUD 13/1

Annie Driver

From: BERYL NEW <~~bnew@topeka.k12.ks.us~~>
Sent: Wednesday, July 31, 2013 8:14 AM
To: Annie Driver
Subject: Statement Re: New Walmart

Good morning! Attached is a statement Bob Schneider asked me to forward to you. Please let me know if you need anything additional.

The administrative leadership of Highland Park High School is in full support of the construction of the Walmart at 27th and California Avenue. We believe that this store will provide families on the east side of Topeka with excellent shopping options. We will be active in communicating to our high school students the importance of entering and exiting the facility and the adjacent grounds safely and appropriately. Students will be instructed to use the sidewalks, cross the street at the crosswalks, and use the pedestrian lights when directed to do so. This information will be reviewed at the beginning of the school year and throughout the year as opportunities arise. Our school resource officers will also be available throughout the day to monitor appropriate visits to the store, such as at lunchtime for those students who have open lunch privileges. For these reasons, we would wholeheartedly endorse the fence on the berms to prevent students from climbing over the berm as a shortcut and damaging the vegetation that will be planted to enhance the effectiveness and the aesthetics of the berm. We are excited to join in this partnership to support the Walmart store.

> --submitted by Dr. Beryl New, Principal of Highland Park High School

PUD 13 / 1

Annie Driver

From: Bob <[REDACTED]@yahoo.com>
Sent: Monday, July 22, 2013 4:25 PM
To: Annie Driver
Subject: Fwd: Concerns of Walmart

FYI

Century Plaza concerns to HANIA.
 Thought you might want it for your records.

I advised that management talk to you directly on options they and adjacent properties might desire.

bob

Sent from my iPad

Begin forwarded message:

From: Century Plaza <[REDACTED]@dalmarkgroup.com>
Date: July 22, 2013, 3:09:23 PM CDT
To: "[REDACTED]@yahoo.com" <[REDACTED]@yahoo.com>
Subject: Concerns of Walmart

Hi Bob,

Just wanted to take a moment and express our concerns of the Wal Mart that is to be built in the future off of 25th Street. Our property is located on SE 28th Street the north end of our property will be close to the south end of Wal Mart's property. Our concerns are pedestrian traffic and noise, Century Plaza Apartments is a quiet senior community all of our residents are 62 years of age or older and/or disabled. We already get some pedestrian traffic from people going to/from Dillons with the addition of a Wal Mart that will significantly increase quite a bit with this increase in traffic it could possibly subject our residents and property to criminal activity which is a serious concern. A portion of the north end of our property is fenced in however there are two vacant lots of land on either side of us and no barrier to prevent people from neighboring homes and surrounding communities from cutting through to get to their destination. We want our residents to have comfort and security in their home and would feel more at ease if there was a barrier preventing people from trekking through the two adjacent vacant fields leaving them only access to Wal Mart through their main entrances.

Thank you,

Eric Mitchell
 Property Manager
 Century Plaza Apartments
 2200 SE 28th St
 Topeka, KS 66605
 (785) [REDACTED] Office
 (785) [REDACTED] Fax
 (785) [REDACTED] Cell

Annie Driver

From: Suzie Gilbert
Sent: Monday, July 22, 2013 1:53 PM
To: Bill Fiander; Bill Hoover; Annie Driver
Subject: FW: New Walmart Store at 2630 SE California St, Topeka KS

FYI – but you already know this!

From: Kevin Boughton [mailto:Kevin.Boughton@kansasfirstnews.com]
Sent: Monday, July 22, 2013 1:50 PM
To: Suzie Gilbert
Subject: Fwd: New Walmart Store at 2630 SE California St, Topeka KS

Sent from my iPhone

Begin forwarded message:

From: Rachel Wall <Rachel.Wall@wal-mart.com>
Date: July 19, 2013, 4:05:17 PM CDT
To: "kboughton@kansasfirstnews.com" <kboughton@kansasfirstnews.com>
Subject: New Walmart Store at 2630 SE California St, Topeka KS

Hey Kevin,

I got your inquiry and checked in with our team. Here is a statement attributable to me or Walmart as needed:

We appreciate the feedback on the planned store and look forward to being a good neighbor for years to come. We will submit plans soon that address anticipated pedestrian traffic and help achieve pedestrian safety.

Proposed changes will include

- a striped pedestrian crosswalk protected by a stop sign for exiting vehicles,
- sidewalks down the east and west sides of the 25th street entrance
- as well as a sidewalk along the south side of 25th Street from the 25th Street entrance to SE Burr Street.

Please let me know if any questions.

Thanks!

Rachel Wall Sr. Manager of Communications
 Public Affairs & Government Relations
 Cell: 213.280.5019
rachel.wall@wal-mart.com

Media Relations Hotline: 1.800.331.0085
news.walmart.com/reporter

PUD 13/1

Annie Driver

From: Bob <bobschneider43@yahoo.com>
Sent: Monday, July 22, 2013 1:08 PM
To: Annie Driver
Cc: ~~centuryplaza@dalmargroup.com~~
Subject: Concern of Century Plaza/Walmart

Annie,

I am on the Board of Century Plaza, 2200 SE 28th, a Section 8, 62+ age community, consisting of 41 single level apartment units. The property is within HANIA geographic boundaries though the management is not a registered member of HANIA.

The management has notified me that they have strong concerns about pedestrian traffic, some even criminal, using access or egress through their and adjoining vacant properties to WalMart's south side.

Century Plaza has built a wooden privacy fence to protect their rear property line, and a very small area of their East and West property line. In the past there have been concerns that transient persons who lived in the nearby woods and pass between the dwelling units would enter some of the units. Fortunately that has not been the reality.

With the proposed addition of Walmart their concerns have intensified, believing that more people will find the trek through adjacent vacant fields much easier. Thus intensifying the fear of their residents and possible increase of criminal activity.

HANIA has been on record, supporting pedestrian traffic only through the main entrances and especially supporting barriers to the East. We are now asking for consideration for attention to South areas as expressed by Century Plaza.

Thank you,
Bob Schneider
HANIA Awareness Team

Sent from my iPad

PUD/B/1

Annie Driver

From: Elizabeth Beutler <#2016@chcglobal.net>
Sent: Saturday, July 20, 2013 9:04 AM
To: Annie Driver
Subject: Wal-mart # 4 questions

Follow Up Flag: Follow Up
Due By: Saturday, July 20, 2013 10:03 AM
Flag Status: Flagged

I am a member of HA-NIA--

Yes, we would like to have more business in Highland Park. 25th & California is still not East Topeka--It is Highland Park (originally a village) .

Question #1--Do we need 4 Wal-Mart's in Topeka??

answer--I am not a Wal-Mart Shopper--this business will be within 5 blocks of my house--same side of the street--I have lived here 50 years.

Look at Wal-Mart on 37th--it is very separate from the neighborhood and is among businesses of its category

Maybe the people on 37th would not agreed with me.

Question #2--will I shop at Wal-Mart on California--probably not

Question # 3---I really need some convincing about being so close to HPHS (Highland Park High School) city bus'es let students out at 24th and California--there is quit a bit of foot traffic at certain times of the day--I assume Wal-Mart hopes the traffic will increase all day long.

What I would like--smaller shops such as Shimer's who have been here forever.

Why is California Crossing almost empty??

Will Shawnee Heights population use this Wal-Mart??

probably not--

see again traffic configuration.

I speak only for myself

Elizabeth Beutler

PUD13/1

Annie Driver

From: Lin and Linda [REDACTED]
Sent: Thursday, July 11, 2013 7:54 AM
To: Annie Driver
Subject: Highland Park Improvement

My husband and I have lived in Highland Park for almost 40 years and it is about time we are getting some economic development in our area. We think it is fantastic that there will be a Walmart here. I do know that a lot of people in this area would rather drive to Lawrence instead of driving on Wanamaker to do their shopping or going out to eat. The city has ignored Highland Park long enough. If the city would make the 2 buildings at I-70 and California clean up and not look like slum buildings we may get more people to come off of the interstate. Then if they would make the people clean up the houses on 25th and California clean them up we could improve our neighborhood 1000%. Thank you for finally getting some improvements here.

Linden and Linda Simmonds

[REDACTED]
[REDACTED]

PUD 13/1

Annie Driver

From: Bill Hoover
Sent: Monday, July 15, 2013 8:15 AM
To: Annie Driver; Bill Fiander; JR Willhite (JRWillhite@carlsonconsulting.net)
Subject: FW: WalMart Site Plan Considerations

FYI.

Bill Hoover

-----Original Message-----

From: Bob [mailto:bobschneider43@yahoo.com]
 Sent: Sunday, July 14, 2013 3:30 PM
 To: Bill Hoover
 Cc: Rachelle Biondo
 Subject: WalMart Site Plan Considerations

After looking at the site plan a number of Highland Acres NIA members expressed the following concerns. The reasons for the concerns will be given in in each area and hopefully these concerns can be answered at the Neighborhood Meeting if not before.

1. CONCERN: There is considerable pedestrian traffic from the multi-family units to the East of proposed WM Drive "B" on SE 25th St. There are many elderly, handicap in motorized wheelchairs and baby strollers used by pedestrians in this area. There is an above normal amount of pedestrian traffic that crosses the proposed 36' entrance. The concern is since the traffic study does not require a traffic signal how can pedestrian safety be best achieved crossing this expansive entrance with three lanes of traffic?
2. CONCERN: The HANIA was approved by the City for a Federal Grant for 450' of sidewalk from the SE Corner of SE Burr St. west to existing sidewalk. This approval is awaiting funding from Washington, DC. With the proposed entrance the HANIA will have to reapply next year for the approximate 220' of sidewalk. If that application were approved, the sidewalk would not be installed till 2015. During this time pedestrian traffic would be on a dirt path or street, as currently transversed, to the West side of entrance "B". HANIA considers this an extreme pedestrian safety hazard and unacceptable.
3. CONCERN: HANIA cannot determine from the site plan, answers to our concern for above average lighting of all areas of the entrances, parking and around the building. Our neighborhood noticed a reduction of crime and increase in the sense of safety when USD 501 installed special lighting at Highland Park High School in 2011. We would like more detail and clarification about security lighting.
4. CONCERN: HANIA cannot determine from the site plan if there are sufficient barriers to restrict access to areas to the East of the Walmart property. Our concern is that pedestrian traffic is not accessible to the property except through the two entrances and not through eastern areas of the property. We were encouraged by the restrictive barrier around properties to North but inquire for more details concerning barriers to residential areas to the East.

HANIA is proud to work in partnership with businesses in our neighborhood. Reference to the HANIA Questionnaire Recap of July 1, 2013 shows overwhelming support for the proposed Walmart Commercial Center. Hopefully we can work together to address these concerns of Highland Acres NIA.

**Minutes of the
Topeka Planning Commission
Monday, August 19, 2013**

PUD 13/1 Walmart Commercial Center Planned Unit Development by William A. & Kathryn D. Reinsch; Darrel E. Simnitt Trust; Richard & Patricia Lake; Elwanda M. Rogers, Trustee of the Elwanda M. Rogers Revocable Trust and DR-DL Building; Flarice Phillips; and Unified School District #501 requesting to amend the District Zoning Classification from “C-2” Commercial District “C-4” Commercial District, “M-2” Multiple Family Dwelling District, “R-1” Single Family Residential Dwelling District, and “PUD” Planned Unit Development (“M-2” use group) **ALL TO** “PUD” Planned Unit Development (“C-4” and “C-2” Commercial use groups) on property located along the east side of California Avenue, all lying between 25th Street and 27th Street. **(Driver)**

Discussion by members: Annie Driver summarized the staff report for the case. Mrs. Driver explained that Staff recommends approval.

Dennis Haugh asked for clarification of the landscaping screen on the North side of the store. Ms. Driver stated it will be an eight-foot, screened wall with landscaping between it and the parking. Ms Driver added there will be trees along the north parking lot also.

Richard Beardmore asked if there was a seven foot difference in elevation. Ms. Driver confirmed.

Bret Klausman asked if the applicant is in agreement with all recommendations. Ms. Driver confirmed.

Mike Lackey asked if the City Engineering Department had any questions about the truck traffic on 25th Street. Ms. Driver stated Walmart is extending the turn lane on 25th Street but there were no additional comments from Engineering.

Mr. Lackey asked how many trucks would be expected per day. Ryan Irsik, Senior Manager for Walmart, stated approximately four to six large Walmart trucks per day should be expected, which includes slammer bread and beverage type trucks. Mr. Irsik added there are approximately 20-25 trucks per day total.

Nicholas Jefferson asked if 25th Street would be the most direct route to the store. Mr. Irsik answered either street could be depending on the incoming route of the truck but access to the store is available on both sides of the store.

Kevin Beck asked if there were any improvements to 25th. Ms. Driver answered the only changes would only be re-striping. Mr. Beck stated he was concerned with the ability of the street to take on the traffic. Mr. Beck stated he was also concerned the radius measures do not meet the requirements for heavy truck traffic.

Mr. Jefferson asked about the spacing of the trees on the berm. Ms. Driver explained there will be an impervious barrier and spacing would be tight. Ms. Driver stated the types of trees would be further reviewed during the site plan review.

Ryan Irsik, Senior Manager of Walmart Public Affairs, appeared, on behalf of the applicant, to answer any questions regarding the proposal. Mr. Irsik stated that Walmart will bring 200-300 jobs to the community. Mr. Irsik stated that the applicant has agreed with all stipulations requested by City Staff and addressed the concerns of the citizens. Mr. Irsik stated there have been many changes to the initial application to meet the needs of the community, to include pedestrian, traffic and safety concerns.

Mr. Lackey asked for specific information regarding 25th Street being able to handle the heavy truck traffic.

Casey Wilder, Civil Engineer of the project explained the details of the routed traffic for truck traffic on 25th Street, which is a 40-foot wide road. Mr. Wilder stated he has not received any comments from the City Engineer but would be happy to address any additional concerns.

Mr. Lackey stated he is concerned with an older road that is 7 inches thick and the ability to handle the heavy truck traffic.

Mr. Jefferson asked what the pavement thickness would be for the California Avenue entrance. Mr. Wilder stated it would be the thicker heavy duty with 5-7 inches. Mr. Jefferson asked if this would be at the loading docks. Mr. Wilder confirmed and added the entrances also.

Michelle Cuevas-Stubblefield asked if Mr. Wilder anticipated more traffic from 25th or California. Mr. Wilder stated it would most likely be split however if the delivery was for general retail, they would come off California. Mr. Wilder concluded that if the delivery was for grocery merchandise, the delivery would most likely be from 25th Street.

Mr. Beardmore asked if Walmart had plans for lot two of the proposal. Mr. Wilder stated there are no plans at this time. Mr. Wilder stated it is for future development.

Mr. Jefferson asked if the detention size would meet the needs. Mr. Wilder confirmed.

Mr. Beck stated he had reviewed the area of 25th and California and has concerns of trucks navigating around other cars on the roadway. Mr. Beck stated a 25 foot radius is small and may be difficult for drivers. Mr. Beck stated this may need further consideration from the Traffic Engineer.

Dennis Haugh asked for a description of light shielding in the proposed project and how the lighting will assist with security. Mr. Wilder stated the proposal will provide 42- foot tall on LED poles. Mr. Wilder stated the light meets North American Lighting for security standards. Mr. Wilder explained that this lighting will minimizes hot spots in the parking lot and LED parking field. Mr. Wilder stated the LED lights provide a lot of control over lighting fields.

Mr. Lackey asked how semi-truck parking overnight would be regulated and enforced. Mr. Wilder stated it would be constantly monitored and addressed.

Mr. Beardmore stated a light pole position is right over some trees. Mr. Wilder stated the landscaping plan is still being addressed and changed.

Mr. Beck stated these are preliminary plans and they are not final plans.

Bill Hoover stated the Zoning Inspector would enforce the semi-truck parking requirements.

Mr. Lackey stated that Walmart is tolerant of people to stay in the parking lot with campers. Mr. Lackey asked if this location will allow campers overnight.

Mr. Irsik explained that Walmart does not have an official policy and is at the discretion of the store manager. Mr. Irsik stated he would work with Code Compliance and local law enforcement to ensure all laws are followed. Mr. Irsik added that Walmart has a strict policy regarding the amount of trucks allowed to go to Walmart per day. Mr. Irsik stated Walmart is concerned with neighbors.

Mr. Beck stated there is a concern with truck parking overnight from other businesses, not just Walmart.

Mr. Jefferson asked about the retention basin. Mr. Jefferson asked if the lower four feet will be dry most of the time. Mr. Wilder stated it will be a wet basin. Mr. Wilder explained the retention plan. Mr. Jefferson asked how many acre feet that would store. Mr. Wilder stated he did not have

the information available during the meeting.

Mr. Haugh asked why Walmart chose wet storage. Mr. Wilder stated this allows for dealing with heavy pollutants and allows the appropriate fall out time provides high quality water. Mr. Beck asked if the water could go stagnate. Mr. Wilder stated the water coming into the area will be well served through the small cheval in the pond. Mr. Beck asked if there would be aquatic plants. Mr. Wilder confirmed.

Mr. Haugh asked if entrance off 25th Street would address the pedestrian traffic, taking into account of safety of pedestrians and how do they control visibility for pedestrians. Mr. Wilder stated the vegetation was away from the pedestrian area to ensure those issues are addressed. Mr. Wilder added the sidewalks are illuminated for safety.

Mr. Beck asked about a maintenance plan for the trees. Mr. Wilder stated there will be ongoing maintenance planned on-site.

Mr. Beck asked about the center turn-lane agreement regarding 27th Street and south, with the street tapering. Mr. Beck stated it makes sense to widen and keep the center turn-lane consistent down the road. Mr. Wilder explained the traffic report only indicated a turn lane at California was recommended. Mr. Wilder added that Walmart worked with the City of Topeka Staff to go beyond that study and provide additional traffic safety. Mr. Wilder stated the scope went above budget, especially to accommodate going further than planned with widening and adding the In-sync system for three traffic lights.

Mr. Beck asked if the traffic signals being coordinated would be coordinated at 24th street when the students are entering and exiting Highland Park High School, especially at the end of the school day. Mr. Wilder explained Walmart were would sync with the traffic signals at 25th Street and SE 29th Street. Mr. Beck stated he is concerned there will be a syncing issue with the students and a back-up at 24th Street into 25th Street.

Mr. Hoover explained that staff has studied the area and analyzed the student release time. Mr. Hoover stated the Walmart peak-hours start at 4:00 pm. Mr. Hoover stated the school traffic has, by observation, disseminated by that time.

Mr. Beck asked if City staff was in agreement or not concerned. Mr. Hoover confirmed.

Proponents:

Beverly Schneider, President of Highland Acres NIA, spoke in favor of

the proposal. Ms. Schneider stated homeowners, renters and citizens are aware of the challenges a new business will bring. The majority of concerns were about safety. Ms. Schneider stated the concerns were all addressed quickly by the Walmart staff and City Planning Staff. Walmart has worked above the call of duty and Ms. Schneider thanked Walmart for the opportunity to serve an under-served area. Ms. Schneider stated that the association's motto is "Together We Can Do It". Ms. Schneider, on behalf of Highland Acres NIA, asked the Planning Commission for approval.

Larry Cushinberry, resident of the area, spoke in favor of the proposed in regards to the heavy truck traffic along SE 25th Street. Mr. Cushinberry stated the trucks have handled the turns very well. Mr. Cushinberry attested to the Topeka Metro busses being able to handle the turns at California Ave & SE 25th Street.

Mr. Cushinberry stated he believes the area can handle the additional truck traffic. Mr. Cushinberry addressed the traffic for students and parents. Mr. Cushinberry stated he cannot imagine the traffic being an issue.

Mr. Beck asked if there are other vehicles in the intersection when the buses made the turns he has witnessed. Mr. Cushinberry stated there has been other traffic when the busses were there.

Robert Cushinberry, resident of the area, spoke in favor of the proposed. Mr. Cushinberry repeated the heavy truck issues and stated it happens at Dillons on 29th and California. Mr. Cushinberry explained the similarity to the heavy truck traffic on 28th Street.

Mr. Cushinberry spoke about the lighting. Mr. Cushinberry stated the lighting at Highland Park High School is very bright and he believes the lighting at Walmart would be similar.

Mr. Cushinberry stated they need the store in the area for more competition because the prices at the other stores are too high. Mr. Cushinberry asked the Planning Commission to approve the proposal.

Bill Fiander stated there is a Topeka Metro bus shelter on 25th and California and the shelter will be moved to avoid the bus backing up traffic. Mr. Fiander stated the bus shelter will be moved into the Walmart parking lot. Ms. Driver added the route will not change.

Doug Glenn, resident of the area, spoke in favor of the proposed. Mr. Glen asked for approval of the zoning change. Mr. Glen has been a resident of the community most of his life and stated we have a company

willing to invest millions of dollars in an addition to this community. Mr. Glen spoke of a number of advantages of the addition and how accommodating Walmart has been in their plans.

Dustin Dick, Associate Principal of HPHS, spoke on behalf of the project. Mr. Dick stated Highland Park High School sees this as an excellent opportunity for the students and families of the school. Mr. Dick stated they support the proposal.

Mr. Haugh asked if there are any concerns of students going over during lunch. Mr. Dick stated there are no concerns due to the open lunch policy and there have never been any concerns. Mr. Dick stated there are numerous students who frequent the businesses in the area and he does not foresee any problems.

Anthony Hensley, State Senator of Kansas and resident of Highland Park, spoke in favor of the proposal. Senator Hensley stated he is excited to see retail return to the area. Senator Hensley explained that Walmart has informed the community of grant program opportunities for programs such as Dornwood baseball. Senator Hensley stated there are opportunities for scholarships for the community in the minimum amount of \$25,000.

Kellis Bayless, resident of Topeka, spoke in favor of the proposal. Mr. Bayless stated he is a former member of the Topeka Sustainability Board. Mr. Bayless stated that one of the main strategies of sustainability is to boost environmentally friendly design in commercial construction. Mr. Bayless stated the retention plan for storm-water runoff is good. Mr. Bayless state he supports the proposed because the area is under-served for retail. Mr. Bayless stated he consulted the Walmart website and they are environmentally friendly.

Scott Gales asked if Mr. Bayless had any conversations with Walmart? Mr. Bayless stated he had not.

Marlene Garland, resident of the area, spoke in favor of the proposed. Ms. Garland stated she moved from Ottawa. Ms. Garland asked if this location was the only location that Walmart has looked at? Ms. Garland asked how the lighting will affect the townhomes behind the proposed.

Mr. Irsik stated this is a multimillion dollar investment. Mr. Irsik stated there were many locations considered and this location was deemed the best location for an addition to Topeka. Mr. Irsik stated Walmart looked at the availability of the location, who will be best served and what facilities are currently in the area. Mr. Irsik stated the location is more convenient for residents.

Mr. Gales asked if the concern was more about access or lighting. Ms. Garland stated she was concerned with the lighting. Ms. Garland stated she chose that home due to the quietness of the location.

(Kevin Beck reminded Ms. Garland to address the Planning Commission).

Mr. Beardmore explained there is a requirement for the lighting to be shielded or pointing downwards.

Kathy Lopez, resident of the area, spoke in favor of the proposed. Ms. Lopez asked about the access road on California and what the time line was for construction. Ms. Lopez asked about the ability to get in and out for other businesses.

Mr. Wilder explained the access would be extended to the Walmart property. Mr. Wilder explained there will be access to all businesses during construction. Mr. Wilder stated the construction project could be around one year which includes road improvements and building the store.

Mr. Lackey commended Walmart for the willingness to work with the community and the accommodations Walmart have made for the project.

Mr. Beardmore stated the citizen participation has been good for this project and has been done with transparency for the community. Mr. Beardmore stated that all concerns and questions have been addressed by either Walmart or City Planning Department Staff.

Mr. Haugh stated there has been a lot of concern regarding safety in the area and whether Walmart will maintain safety. Mr. Haugh stated that if store and safety concerns are maintained then this will be good.

Mr. Beck asked how accessibility is being addressed. Mr. Wilder explained all ADA requirements are being complied with.

Mr. Gales asked for clarification of primary pedestrian access. Mr. Wilder stated there has been extensive work with the city to address those issues.

Ken McGill, business owner in the area, spoke in favor of the proposed. Mr. McGill stated he is very impressed with Walmart accommodating their requests and concerns. Mr. McGill stated all concerns were addressed and he appreciated that. Mr. McGill offered his support of the proposed.

Mr. Beck stated the relocation of the Topeka Metro would be to the Walmart parking lot

Kathryn Reinsch, owner of business in the area, spoke in favor of the proposal. Ms. Reinsch stated that the families that use her facility are going to benefit from the addition of the Walmart. Ms. Reinsch stated the growth in the area is much-needed. Ms. Reinsch attested that the lower income families that will be walking to get their shopping needs have had their concerns addressed by Walmart.

Testimonies:

David Cullip, resident of the area testified regarding the proposed. Mr. Cullip stated there is gang activity in the area and he wants to know what Walmart is going to do about security at night. (Mr. Cullip was reminded to address the Commission, not the applicant). Mr. Cullip stated he represents the disabled community members. Mr. Cullip stated he wanted to address the accessibility issues from 28th Street due to the roads being undeveloped. Mr. Cullip requested a low-impact, beautiful alternative route to be added to access the Walmart location from the south. Mr. Cullip stated 28th Street needed to be developed for safety reasons.

Mr. Beck asked how Mr. Cullip's requests related to the proposed. Mr. Cullip stated 28th Street is undeveloped, needs lighting, due to natural shadows. Mr. Cullip stated he does not want to be on California Avenue after dark due to almost being robbed at McDonalds during the daylight.

Mr. Beck asked Mr. Cullip how these issues were related to the case. Mr. Cullip stated accessibility, safety and development. Mr. Cullip stated the whole area should be developed at once. Mr. Cullip stated there are many local artists and writers that are unused talent. Mr. Cullip stated he would like to have a cultural center to discuss ideas.

Mr. Beck reminded Mr. Cullip to focus his comments on Walmart case and not on the cultural ideas. Mr. Cullip responded that it is all interrelated because it is an improvement. Mr. Cullip stated the area has been abandoned and forgotten due to White Lakes. Mr. Cullip stated he would like to work with the City to bring projects in to improve Topeka. Mr. Cullip stated he is currently working with Shawnee County Parks on projects near his home.

Mr. Beck offered for Mr. Cullip to address Walmart and not his personal agenda.

Mr. Cullip stated it is not his agenda but it should be Topeka's agenda.

Opponents:

Mary Ackerstrom, spoke in opposition of the proposal. Ms. Ackerstrom spoke in regards to, LEED, Leadership of Energy Efficiency and Environmental Design. Ms. Ackerstrom stated Walmart has taken steps with the LED lighting and using fly ash in the concrete. However, Ms. Ackerstrom requested the Planning Department and Walmart to set a higher standard. Ms. Ackerstrom stated Walmart can afford to operate more efficiently.

Ms. Ackerstrom asked why Walmart should demolish a perfect-green space instead of building at California Crossing where there are vacant buildings already established. Ms. Ackerstrom stated real sustainability is not just shutting off the truck motors at the loading dock but eliminating plastic bags. Ms. Ackerstrom addressed water conservation and suggested Walmart capturing rainwater through a living roof.

Ms. Ackerstrom stated that it is not that she doesn't want Highland Park to improve, but there should be "good" economic development. Ms. Ackerstrom explained her concern about wastewater. Ms. Ackerstrom stated that she sent Ms. Driver the links for Green-building guides.

Ms. Ackerstrom stated she challenges Walmart to embrace a sustainable future.

Mr. Beardmore asked if Ms. Ackerstrom had any conversations with Walmart? Ms. Ackerstrom stated she had not but received the information from their website.

Mr. Beck asked the applicants for a response. Mr. Wilder stated there are many things that Walmart is doing such as the LED lighting and how it is controlled. Mr. Wilder explained there are buffers such as the location of the retention pond that was changed to save trees. Mr. Wilder spoke about the wet retention pond, bike racks, public bus stop on site, pedestrian access, and reduced parking area which all address the sustainability initiative.

Mr. Lackey added that Walmart has agreed to the In-sync system for the traffic signals with reduces motorists fuel usage.

Mr. Gales asked if Walmart has explored, globally, building design initiatives for sustainability. Mr. Irsik stated sustainability is one of Walmart's core principles. Mr. Irsik explained that it has been reviewed worldwide and to tackle specific issues or opportunities. Mr. Irsik stated what works in one area may not work in another, such as solar panels. Irsik stated Walmart works closely with cities in order to meet the needs of the community.

Mr. Beardmore asked if high efficiency lighting is used in the stores. Mr. Irsik confirmed.

Mr. Beardmore asked if there is an extensive automation for heating and cooling. Mr. Irsik confirmed.

Bret Klausman moved to approve revised staff recommendations, seconded by Mike Lackey. **APPROVAL. (9-0-0)**



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 6, 2013

☐ Back ☐ Print

DATE: September 17, 2013
CONTACT PERSON: Chad Sublet, City Attorney DOCUMENT #:
SECOND PARTY/SUBJECT: PROJECT #:
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 160 Franchises
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Jim Colson, relating to Topeka Metropolitan Transit Authority; granting a franchise to operate a bus system within the limits of the City of Topeka, prescribing the terms thereof and relating thereto, pursuant to the provisions of K.S.A. 12-2001 et seq., and specifically repealing Ordinance No. 16640. First Reading.

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

(Approval would extend the franchise agreement for twenty years. The current agreement expires on October 6, 2013.)

POLICY ISSUE:

Approval grants the Topeka Metropolitan Transit Authority (TMTA) the authority to maintain and operate a bus transportation system within the city limits for a period of twenty (20) years.

STAFF RECOMMENDATION:

Staff is recommending the Governing Body move to adopt the ordinance.

BACKGROUND:

K.S.A. 12-2001 authorizes cities to permit entities to use city streets by way of a franchise agreement that is codified in an ordinance.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not applicable.

ATTACHMENTS:

[Ordinance](#)

Item #22

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Jim Colson, relating to the Topeka Metropolitan Transit Authority; granting a franchise to operate a bus system within the limits of the City of Topeka, prescribing the terms thereof and relating thereto, pursuant to the provisions of K.S.A. 12-2001 et seq., and specifically repealing Ordinance No.16640.

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

Section 1. **Franchise grant.**

In consideration of the benefits to be derived by the City of Topeka, Kansas, a municipal corporation, and its inhabitants from the maintenance and operation of a bus transportation system in the City of Topeka, there is hereby granted to the Topeka Metropolitan Transit Authority, hereinafter referred to as "Authority," its successors and assigns, the authority for a period of twenty (20) years from the effective date of this ordinance, to maintain and operate a bus transportation system conveying passengers for hire within the limits of said City as the same now exists; and for said purpose there is hereby further granted to said Authority, permission to operate its buses upon, over and along the streets, avenues, alleys, bridges and other public ways of said City.

Section 2. **Bus routes; filed with city clerk.**

The Authority shall operate its buses initially over routes as shown on a map provided to the City Clerk and, as changes are made in said routes, the Authority shall provide notice to the City Clerk of route changes and a map showing the route changes.

Section 3. **Rates; file with city clerk.**

The rates charged customers for transportation furnished by the Authority shall be in accordance with the schedule of rates filed with the City Clerk within ten (10) days

31 after the effective date of this ordinance. Authority shall provide to the City Clerk notice
32 of any changes to the rate schedule within ten (10) days of such change.

33 Section 4. **Hold harmless.**

34 Authority, its successors and assigns, shall save and hold the City of Topeka
35 harmless for all liability, damages, costs and expenses of every kind for the payment of
36 which said City may become liable to any person, firm, company, or corporation by
37 reason of the rights and privileges herein granted and, if any action either at law or in
38 equity, be brought against the City for damages or for any cost to the City for any fault
39 or negligence of the Authority, its servants, agents or employees, in the operation of its
40 transportation system, Authority, its successors and assigns, shall pay all costs,
41 damages and expenses for which said City may be held liable.

42 Section 5. **Acceptance.**

43 Within thirty (30) days from and after the passage and approval of this ordinance,
44 said Authority shall file with the City Clerk its unconditional written acceptance of this
45 ordinance.

46 Section 6. **Termination.**

47 Notwithstanding Section 1, City may terminate this franchise at any time by
48 repeal of this ordinance.

49 Section 7. **Repeal.**

50 That City of Topeka Ordinance No. 16640 is hereby specifically repealed.

51

This ordinance shall take effect and be in force on October 7, 2013 after its passage, approval and publication in the official City newspaper.

CITY OF TOPEKA, KANSAS

ATTEST:

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 22, 2013

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DATE: September 17, 2013
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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STAFF RECOMMENDATION:

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BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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