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City Council Agenda

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

October 3, 2006
6:00 PM

City Manager: Norton N. Bonaparte, Jr.

Mayor: William W. Bunten

Councilmembers

Lana Kennedy	**District No. 1**	**Clark Duffy**	**District No. 6**
John Alcala	**District No. 2**	**Brett Blackburn**	**District No. 7**
Sylvia E. Ortiz	**District No. 3**	**Jeff Preisner**	**District No. 8**
John Nave	**District No. 4**	**Richard Harmon**	**District No. 9**
Bill Haynes	**District No. 5**		

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

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

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

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

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

INVOCATION:

PLEDGE OF ALLEGIANCE:

1. ROLL CALL:

2. CONSENT AGENDA:

A. **MINUTES of the regular meeting of September 26, 2006**

B. **APPLICATIONS:**

3. UNFINISHED BUSINESS:

A. **Contract Amendment - Rural Water District #8** ATTACHMENTS

A COMMUNICATION authorizing the amendment to the contract between the City of Topeka and Rural Water District No. 8 for the sale of water and specifically authorizing City Manager Norton N. Bonaparte to execute the contract amendment. *(Removed from the Policy and Finance Committee "Without Recommendation" by a vote of 2-0-0 on September 11, 2005 .)*

(*The amendment would permit the District to continue to serve its current customers in the event the City annexes a portion of the land served by the District.*)

B. **Project Budget and Ordinance for Park Improvement Project No. 30127-12** ATTACHMENTS

A PROJECT BUDGET in the amount of $571,200 and AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 30127-12, which provides for the development of plans and specifications to extend the existing Shunga Multipurpose Trail, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. Final Reading.

(The ordinance would allow for the extension of the Shunga Trail from SW Fairlawn Road to SW 29th Street.)

4. NEW BUSINESS:

A. **Ordinance - Weekly Expenditures for September 11-17, 2006** ATTACHMENTS

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of September 11, 2006, through September 17, 2006, and enumerating said expenditures therein. First and Final Reading.

5. PLANNING:

A. **Resolution - Neighborhood Revitalization Plan Public Hearing Date** ATTACHMENTS

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., establishing a date for a public hearing concerning the adoption of a plan pursuant to the Neighborhood Revitalization Act, K.S.A. 12-17, 114 *et seq.*

(Approval would set October 24, 2006 as the public hearing date to reconsider adoption of the City's Neighborhood Revitalization Plan)

B. **Ordinance - City of Topeka (SNC06/1)** ATTACHMENTS

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. relating to the designation of street names, more specifically changing the name of SW Bines Way and SW Elmo Drive in Bines Addition to SE Bines Way and SE Elmo Drive. Final Reading. *(SNC06/1)(Council District No. 9)*

(Approval would correct the directional street prefix that was recorded incorrectly on the plat of Bines Addition.)

C. **Ordinance - Street Lighting Amendments (ASR06/1)** ATTACHMENTS

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. relating to streetlights, amending Topeka City Code Chapter 130, and Sections 134-77, 134-167, and 134-175 and specifically repealing said original Sections. Final Reading. (*The Planning Commission recommeded disapproval by a vote of 2-6-0) (The Public Works and Planning Departments recommend approval of the ordinance)*

(The ordinance requires the developer to provide for street lighting within new subdivisions and codifies procedure for installation of street lights in existing subdivisions)

D. **Ordinance - City of Topeka (PUD06/1)** ATTACHMENTS

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property between SW 13th Street and SW Byron Street and between SW Washburn Avenue and SW Lane Street also including property at the northwest corner of SW 17th Street and SW Washburn Avenue and at the southeast corner of SW 14th Street and SW Lane Street from "M-1"Two-Family Dwelling District, "O&I-2" Office and Institutional District, "C-2" Commercial District and "C-4" Commercial District ALL TO "PUD" Planned Unit Development District ("M-2" Multiple-Family Dwelling District and "C-2" Commercial District use groups). Final Reading.*(PUD06/1) (Council District #6) (The Planning Commission recommended approval by a vote of 6-1-0) (The Planning Department recommends that the request be approved.)*

(Approval would allow for redevelopment of the property for multiple-family and retail uses.)

6. FIRST READINGS:

A. **Ordinance - CFS Partnership and KU Endowment Assoc. (Z06/30)** ATTACHMENTS

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located west of SW Wanamaker Road between SW 30th Terrace and SW 31st Street in the City of Topeka, Kansas from "O&I-2" Office and Institutional District TO "C-1" Commercial District. First Reading. *(Z06/30) (Council District No. 8) (The Planning Commission recommended approval by a vote of 6-0-2) (The Planning Department recommended that the request be disapproved.)*

(Approval would allow the property to be developed for limited commercial uses.)

B. **Ordinance - N. Kansas Ave. Trafficway Imp. Project 14119-00** ATTACHMENTS

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 14119-00, which provides for replacement of an existing traffic signal, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. First Reading *(Council District No. 2)*

(Replacement of an existing traffic signal at North Kansas Avenue and Paramore Street.)

7. MISCELLANEOUS:

-

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

-

9. PUBLIC COMMENT:

-

10. ADJOURNMENT:

-

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 19, 2006

DATE:	**September 19, 2006**		
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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ATTACHMENTS:

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ATTACHMENTS:

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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 15, 2006

DATE:	**September 19, 2006**	
CONTACT PERSON:	**Don Rankin/Mike Teply**	**DOCUMENT #:**
SECOND PARTY/SUBJECT:	**Rural Water District #8**	**PROJECT #:**
CATEGORY/SUBCATEGORY		
CIP PROJECT:	**Yes**	
ACTION OF COUNCIL:		**JOURNAL #:**
		PAGE #:

DOCUMENT DESCRIPTION:

A COMMUNICATION authorizing the amendment to the contract between the City of Topeka and Rural Water District No. 8 for the sale of water and specifically authorizing City Manager Norton N. Bonaparte to execute the contract amendment. *(Removed from the Policy and Finance Committee "Without Recommendation" by a vote of 2-0-0 on September 11, 2005 .)*

(*The amendment would permit the District to continue to serve its current customers in the event the City annexes a portion of the land served by the District.*)

POLICY ISSUE:

State Statutes (K.S.A. 12-527) allow the City to assume water service to customers annexed into the City even if the customer was previously served by a Rural Water District. This contract amendment allows the City's rights to be exercised in a logical manner to the benefit of the City and the District and their customers.

Water rates of customers annexed into the City and served the District will be higher than other inside City water rates but this precedence is established by inside City wastewater customers of the Sherwood Wastewater Treatment Plant.

STAFF RECOMMENDATION:

Staff recommends approval for the following reasons:

- Existing District water system can be kept intact and absorbed into the City's water system in a more logical manner.
- Improvements to the District's water system can be accomplished as needed for customers annexed to ensure inside City fire protection.
- Reduces opposition to annexation.

BACKGROUND:

Annexations within a Rural Water District generally create negative and costly effects upon the District's water distribution system as well as cause the City to make expensive improvements to serve the new customers. In addition, the District may lose a substantial amount of their customer base and revenue without a significant reduction in costs. These negative effects naturally cause the District to oppose annexation by the City. This contract amendment allows the District the exclusive right to serve water within their boundaries for successive ten year periods until the City annexes a majority of their customers. If the City annexes a majority of the District's customers, the City can, at a 10 year period, assume all

water service to customers annexed.

BUDGETARY IMPACT:

This action minimizes budgetary impacts to the water utility for annexation of areas within the District. Payment for District water assets per State Statutes and contract agreements will not have to be paid to the District upon annexation. Capital improvements to connect to the annexed areas will not have to be expended.

SOURCE OF FUNDING:

Water Utility Fund

ATTACHMENTS:

Amendment to Contract

Map

Committee referral sheet

CITY OF TOPEKA CONTRACT NO. _____

AMENDMENT No. 2 TO CONTRACT WITH RURAL WATER
DISTRICT NO. 8 SHAWNEE COUNTY, KANSAS

THIS AMENDMENT to Contract No. 31696 is entered into this ____ day of _____, 2006, by and between the City of Topeka, Kansas, a duly organized Municipal Corporation hereinafter referred to as the "City" and Rural Water District No. 8, Shawnee County, Kansas hereinafter referred to as the "District."

WHEREAS the City of Topeka owns and operates a waterworks and water distribution system which produces an adequate supply of water by means, in part, of a filtration plant, which water has been approved by the Kansas Department of Health and Environment for domestic uses; and

WHEREAS, the District owns, operates, and maintains a water system, consisting of water mains and distribution lines within the District, which District is located outside the corporate limits of the City of Topeka and is shown on Exhibit A attached; and

WHEREAS, the City and the District are parties to the City of Topeka Contract No. 31696, dated February 8, 2002, as amended, which Contract remains in full force and affect. The term of that Contract is until February 8, 2022, subject to renewal or extension by agreement of the parties as provided in that Contract; and

WHEREAS, the parties further anticipate the possibility that the City may annex additional land located within the territory of the District and desire to create an environment which provides some assurance to both the City and the District about the

integrity of water service territories and the reasonable transfer of those service areas to the City if and when it becomes reasonable to do so. This Amendment is intended to address these goals.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS CONTAINED HEREIN, THE PARTIES AGREE AS FOLLOWS:

1. Definitions.

The following words and phrases as used in this Contract shall have the meanings as follows:

"District Territory" shall mean the territory of the District as it existed on January 1, 2005. A map of the District Territory as defined herein is attached as Exhibit A.

"The Contract" shall mean the City of Topeka Contract No. 31696 between the City and the District dated February 8, 2002, as amended.

"Potential Annexed Area" shall mean that area shaded on the attached Exhibit A.

2. Water service to areas within the territory of the District following annexation by the City.

(a) In the event that the City annexes District Territory, the District shall provide water service to the annexed territory. Such service shall be in accordance with the by-laws, rules and regulations and policies of the District. The District has the facilities and capacity to provide water service throughout its territory in its present use. District policies generally require that owners of land pay for any improvements within a new subdivision and to pay for or contribute to certain improvements that may be required

outside of a new subdivision or water line extensions that may be needed to serve a particular property. The City shall grant the District an exclusive right, subject to the limitations contained herein, to provide water service to any area within the territory of the District which is annexed by the City.

(b) Notwithstanding the above, the exclusive right to provide water service in the event of annexation shall not include the portion of Exhibit A, labeled “Rockfire II.” The parties anticipate and agree that if such area is annexed by the City, that the City shall have the right to provide water service to that area, to the exclusion of the District.

(c) No fees will be payable to the City pursuant to any such exclusive right to serve.

3. Exclusive right to serve; termination of exclusive right to serve.

For a period of ten (10) years following the date of this Contract, the District shall have the exclusive right to provide water service within the District Territory, and the City shall not provide or offer to provide water service to any land located within the District Territory, except as otherwise provided in 2.(b), above.

(a) This exclusive right to serve water to land located within the territory of the District may be terminated effective on the tenth anniversary of this Contract for the Potential Annexed Area, if each of the following conditions has been met:

(1) Not less than ninety percent (90%) of all residential water services on land located within the Potential Annexed Area have been annexed by the City

(2) The City has given the District written notice of its intent to exercise its option to terminate the District's exclusive right to provide service within the territory of the District not later than six (6) months prior to the tenth anniversary of this Contract; and

(3) The City has satisfied one or more of those alternatives for protection of the District customers, paragraph 5.(a) through (d), below.

(b) If the City has not met the criteria for termination of the District's exclusive right to provide water service to the territory of the District as set out above, then the District's exclusive right to provide water service within the territory of the District shall be extended for an additional five (5) years, and for successive additional terms of five (5) years each thereafter throughout the term of this Contract until an election has been made and all criteria as provided in paragraph (a) subparagraphs (1)-(3), above are met by the City.

4. No duty to compensate.

Annexation of any portion of the shaded area on Exhibit A while the District retains the exclusive right to serve shall relieve the City from any duty to compensate the District per K.S.A. § 12-527 or Section 9 of the Contract.

5. Protection of District customers.

As assurance to the District that its water customers will not be unduly impacted as a result of a termination of the District's exclusive right to provide water service to the territory of the District, and for the City to be entitled to assume that right to provide water service to the Potential Annexed Area, and the termination of the District's right to provide service to that area, such action by the City shall be conditioned upon satisfying one or more of the following:

(a) The City shall acquire the remainder of the District Territory (that portion not shaded on Exhibit A). The parties acknowledge and agree that such acquisition is governed by K.S.A. (2005 Supp.) § 82a-649 and would require the approval of the governing body of the City, the Board of Directors of the District and the participating members of the District. In the event of acquisition of the District as provided in this subparagraph, no compensation shall be payable by the City to the District for annexation of District Territory pursuant to K.S.A. § 12-527 or paragraph 9 of the Contract.

(b) The City and the District contract for the City to provide operation and maintenance of the District and to provide a supply of water to the District upon terms and conditions agreeable to the City and the District. In

the event of such agreement for the City operation and maintenance of the District, no compensation shall be payable by the City to the District for annexation of District Territory pursuant to K.S.A. § 12-527 or paragraph 9 of the Contract.

(c) The remaining District shall consolidate the portion of the District outside the Potential Annexed Area with another Rural Water District.

(d) Payment to the District by the City for the annexed area of those amounts as provided in paragraph 9 of the Contract, adjusted for changes to the Consumer Price Index, Kansas City Region, between February, 2002 and the date of the City's election.

6. Release of land from the District.

The parties agree that upon effective exercise of the City's option to assume water service to the Potential Annexed Area and expiration or no renewal of any exclusive right to provide water service to that area, that by operation of law and this Contract that portion of the District's territory so annexed by the City will be automatically deleted from the territory of the District.

7. City Improvements to District facilities.

The parties acknowledge that the City may determine it necessary or desirable to improve or enhance District facilities located within annexed areas during the District's exclusive right to serve such areas and any such improvements shall be made at no cost to the District. The parties agree that in such event, the District shall grant the City, its engineers, agents, employees and contractors access to such facilities for the

purpose of evaluation and measurement, inspection, enhancements and/or improvements as reasonably determined necessary or advisable by the City. Plans and specifications for any such enhancements and/or improvements shall be subject to review and approval by the District, and once installed, shall be maintained by the District, at the expense of the District, as an integral part of the District's system. Provided, that title to any such enhancements and/or improvements shall belong to the City.

8. Term.

The term of the Contract as amended, shall be for twenty (20) years from the date of this Amendment.

9. Effect of Amendment.

This Amendment shall supplement the Contract, and shall supersede any terms contained in the Contract that are in conflict herewith. All other terms and conditions of the Contract not amended herein shall remain in full force and effect.

10. Miscellaneous.

The parties hereto agree that this Amendment, by mutual consent of the parties, may be amended by a document of equal formality. The parties further agree to consider any requests by the other party for an amendment and to negotiate the same in good faith. The Contract, as amended, shall bind the successors of the respective parties hereto to the same degree and extent to which the parties are themselves bound. This Contract is executed in duplicate, one (1) copy hereof for the City and one (1) copy hereof for the District.

IN WITNESS WHEREOF, the parties have hereto executed this Contract as of the day and year first above written.

CITY OF TOPEKA, KANSAS

_____
Norton N. Bonaparte, Jr., City Manager

ATTEST:

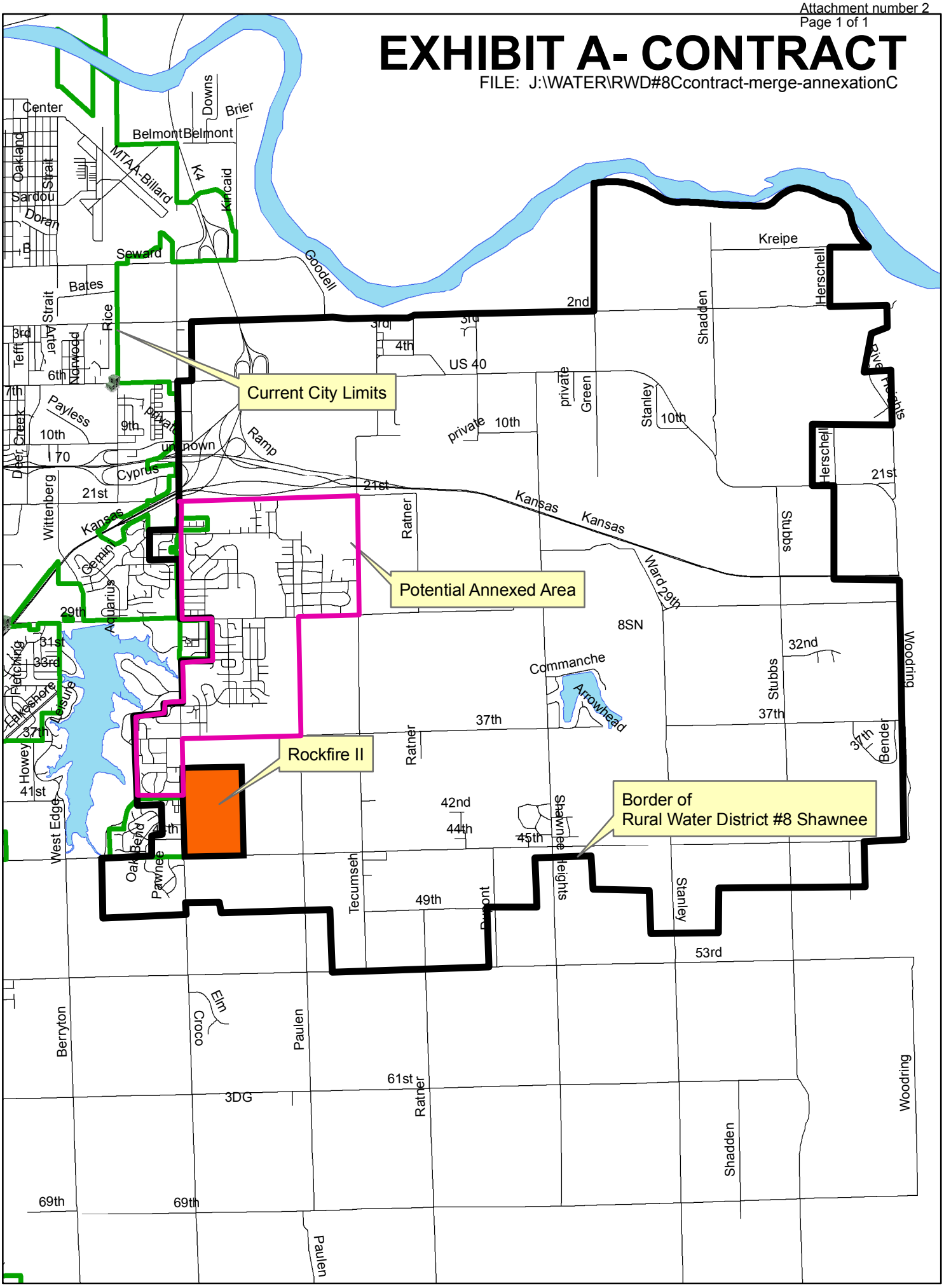
_____
Iris E. Walker, City Clerk

RURAL WATER DISTRICT NO. 8
SHAWNEE COUNTY, KANSAS

_____
David Rutkowski, Chairman

EXHIBIT A- CONTRACT

FILE: J:\WATER\RWD#8Ccontract-merge-annexationC



COMMITTEE REFERRAL SHEET
COMMITTEE REPORT

Name of Committee: Policy and Finance

Title: Contract amendment – Rural Water District # 8

Date referred from Council meeting: August 8, 2006

Date referred from Committee: September 11, 2006

Committee Action: Duffy moved that the item be sent out of Committee with no recommendation to the full Council. Motion passed 2-0 (Harmon absent). Guidance to staff to prepare a new contract with Committee amendments which are to be provided to RWD #8 Board Members for their consideration. Committee Members request that Council remand the issue back to the Policy and Finance Committee for further review.

Comments:

Amendments:

1) Approval of the contract amendment is conditioned upon the unilateral annexation of all contiguous, platted tracts of land located within the "Potential Annexed Area" and which also lie within the area subject to City of Topeka Contract No. 30746 (Sewer District No. 33). Land to be taken in one annexation action.
2) Limit to 200 the maximum number of new hookups in the area outside of the "Potential Annexed Area" as set out in Exhibit A.
3) Contract to include new Section 8 language: District's Opposition to future City Annexation.

Members of Committee: Chair Richard Harmon, Jeff Preisner, Clark Duffy

Agenda Date Requested: On or before 10/3/06

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214 SE 8th Street
Topeka, Kansas 66603

September 15, 2006

DATE:	**September 19, 2006**		
CONTACT PERSON:	**Jeff Hunt**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**Park Improvement Project**	**PROJECT #:**	**30127-12**
CATEGORY/SUBCATEGORY	**013 Ordinances - Codified / 102 Parks and Recreation**		
CIP PROJECT:	**Yes**		
ACTION OF COUNCIL:	**09/26/06 First Reading.**	**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

A PROJECT BUDGET in the amount of $571,200 and AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 30127-12, which provides for the development of plans and specifications to extend the existing Shunga Multipurpose Trail, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. Final Reading.

(The ordinance would allow for the extension of the Shunga Trail from SW Fairlawn Road to SW 29th Street.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Approve Project Budget and Adopt Ordinance as presented.

BACKGROUND:

The project will include the development of plans and specifications to extend the existing Shunga Multipurpose Trail westerly and southerly following Shunga Creek on the north side of the Creek from SW Fairlawn Street to the south side of SE 29th Street. This project includes design and construction of a 10-feet wide concrete sidewalk, a bridge across the creek, slope stabilization, retaining walls, construction inspection, project administration, and right of way acquisition.

BUDGETARY IMPACT:

Project Budget = $571,200.00

SOURCE OF FUNDING:

Funding Source #1- KDOT Grant: $421,200.00

Funding Source #2- City of Topeka
General Obligation Bonds $150,000.00
(Total Debt Service - $263,313)

Item #7

TOTAL: $571,200.00

ATTACHMENTS:

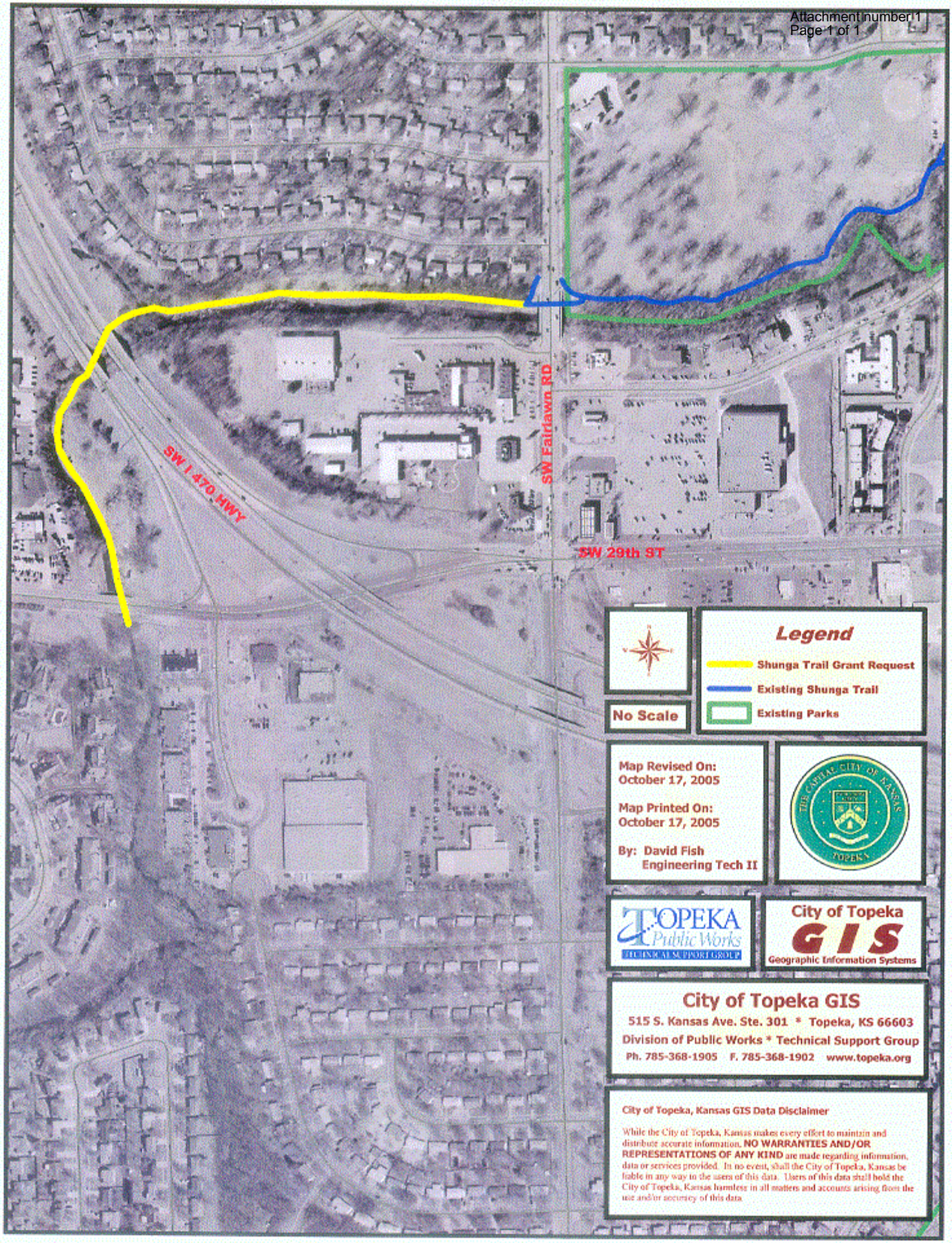
Vicinity Map

Project Budget

Debt Service

Project Ordinance

Shunga Trail Grant Request



PROJECT BUDGET
Project No. 30127 Phase 12

LOCATION

This project is located and starts at the west end of the Shunga Trail at Fairlawn Road and progresses to the west and to south side of SW 29th Street.

DESCRIPTION OF PROJECT:

The project will include the development of plans and specifications to extend the existing Shunga Multipurpose Trail westerly and southerly following Shunga Creek on the north side of the Creek from SW Fairlawn Street to the south side of SW 29th Street. This project includes design and construction of a 10-foot wide concrete sidewalk, bridge across the creek, slope stabilization, retaining walls, construction inspection, project administration, and right of way acquisition.

SOURCE OF FUNDS:

Funding Source No. 1-Kansas Department of Transportation Grant - $421,200.00
Funding Source No. 2- City of Topeka General Obligation Bonds - $150,000.00
Capital Improvement Plan Year 2005 - Trail Extension
Capital Improvement Plan Year 2003 - Trail Extension

COST ESTIMATE:	FUNDING SOURCE 1	FUNDING SOURCE 2	Total
Construction:	$388,000.00	$97,000.00	$485,000.00
Design:	$0.00	$32,500.00	$32,500.00
Engineering Fees:	$24,000.00	$6,000.00	$30,000.00
Administrative Fees:	$0.00	$0.00	$0.00
Right-of Way Acquisition:	$8,752.00	$2,188.00	$10,940.00
Contingency Amount:	$448.00	$112.00	$560.00
Interest	$0.00	$12,200.00	$12,200.00
Total:	**$421,200.00**	**$150,000.00**	**$571,200.00**

PUBLIC HEARING:

PROJECT AUTHORITY:

a. Statutes: _____
b. Ord./Res. No.: _____ Date: _____
c. Improvement District: _____
d. City at Large: _____
e. Method of Assessment: _____

PROJECT ENGINEER: Jeff Hunt

GO Bond Cost of Project

PROJECT: Shunga Creek Multipurpose Trail 30127-12

Interest rate		5.25%
Number of Years		20
Cost of Issuance		2.00%
Temp Note interest		5.000%
Principal (project cost)		$150,000
Plus Temp Note Interest (unless included in Principal)		$7,500
	Subtotal	$157,500
Plus Cost of Issuance		$3,150
	Total	**$160,650**
Annual Debt Service		**$13,166**
Annual Debt Service as Percent of Total		8.2%
Total Debt Service (principal and interest)		$263,313
Difference Project Cost and Total Debt Servivce		$113,313
GO Bonded Indebtedness as of March 2006*		$148,705,000
2005-A Temporary Notes that Finance Future GO Bond projects		$20,487,369
Approved, not Included in GO Bond Issue or Temporary Notes--City Projects		$12,749,372
Approved, not Included in GO Bond Issue or Temporary Notes--Special Assessment Projects		$10,339,580
Total Indebtedness		$192,281,321
Plus Project		$192,441,971

* Breakdown of GO Bonded Indebtedness	
Building, Trafficway & Park Improvements	$108,373,006
Drainage, Street & Sewer Improvements (special assessments)	$12,401,994
KP&F Unfunded Liability	$12,400,000
Heartland Park STAR Bonds	$10,460,000
Heartland Park Development	$5,070,000
Total	$148,705,000

(Published in the Topeka Metro News_____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 30127-12, which provides for the development of plans and specifications to extend the existing Shunga Multipurpose Trail, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka.

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

Section 1. That it is hereby deemed advisable and necessary and is also hereby authorized, pursuant to Section A12-1 of the Code of the City of Topeka, that the following public improvement be made:

A. GENERAL NATURE OF IMPROVEMENT:

The project will include the development of plans and specifications to extend the existing Shunga Multipurpose Trail westerly and southerly following Shunga Creek on the north side of the Creek from SW Fairlawn Street to the south side of SW 29th Street. This project includes design and construction of a 10-foot wide concrete sidewalk, bridge across the Creek, slope stabilization, retaining walls, construction inspection, project administration, and right-of-way acquisition.

B. TOTAL PROJECT BUDGET COST:

$571,200.00

C. SOURCE OF FUNDS:

Kansas Department of Transportation Grant	$421,200.00
General Obligation Bonds and any other lawfully available funds	$150,000.00
Total	$571,200.00

Section 2. This Ordinance shall take effect and be in force from and after its passage, approval, and publication in the official city newspaper.

PASSED and APPROVED by the City Council _____.

_____
William W. Bunten, Mayor

ATTEST:

_____
Iris E. Walker, City Clerk

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www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 19, 2006

DATE:	**September 19, 2006**	
CONTACT PERSON:	**Linda Wood**	**DOCUMENT #:**
SECOND PARTY/SUBJECT:	**Weekly Expenditures Authorization, Week Ended September 17, 2006**	**PROJECT #:**
CATEGORY/SUBCATEGORY	**014 Ordinances – Non-Codified / 005 Miscellaneous**	
CIP PROJECT:	**No**	
ACTION OF COUNCIL:		**JOURNAL #:**
		PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of September 11, 2006, through September 17, 2006, and enumerating said expenditures therein. First and Final Reading.

POLICY ISSUE:

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

STAFF RECOMMENDATION:

Adopt the Ordinance as presented.

BACKGROUND:

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

BUDGETARY IMPACT:

Approves expenditures for the period September 11, 2006, through September 17, 2006, in the amount of $5,379,524.28.

SOURCE OF FUNDING:

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

ATTACHMENTS:

Weekly Expenditure Ordinance, Week Ended September 17, 2006

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte Jr., allowing and approving City expenditures for the period of September 11, 2006, through September 17, 2006, and enumerating said expenditures herein.

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

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

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

Section 3.

Total for 404 vendor checks written in this period	$2,841,064.15
Total vendor checks voided in this period (net)	-0-
Total electronic transfers to vendors in this period	93,262.96
Total net payroll to employees this period	1,333,000.41
Total payroll related electronic transfers this period	1,112,196.76
Total for expenditures in this period	$5,379,524.28

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

PASSED and APPROVED by the City Council _____.

_____
William W. Bunten, Mayor

ATTEST:

_____
Iris E. Walker, City Clerk

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www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 13, 2006

DATE:	**September 19, 2006**	
CONTACT PERSON:	**Bill Fiander/David Thurbon**	**DOCUMENT #:**
SECOND PARTY/SUBJECT:	**City of Topeka/Neighborhood Revitalization Plan**	**PROJECT #:**
CATEGORY/SUBCATEGORY	**020 Resolutions / 005 Miscellaneous**	
CIP PROJECT:	**No**	
ACTION OF COUNCIL:		**JOURNAL #:**
		PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., establishing a date for a public hearing concerning the adoption of a plan pursuant to the Neighborhood Revitalization Act, K.S.A. 12-17, 114 *et seq.*

(Approval would set October 24, 2006 as the public hearing date to reconsider adoption of the City's Neighborhood Revitalization Plan)

POLICY ISSUE:

Adopting a Neighborhood Revitalization Plan encourages investment within "at risk" and "intensive care" neighborhoods .

STAFF RECOMMENDATION:

Adopt the Resolution and set the public hearing date for October 24, 2006.

BACKGROUND:

- City Council adopted a 3-year extension of the Neighborhood Revitalization Plan on June 13, 2006 which expires at the end of this year.
- The Plan and separate inter-local agreements were sent to all participating taxing entities to adopt the plan.
- Prior to their formal consideration, a legal oversight was discovered pertaining to the "11th year" rebate which was determined by County and City legal staff to be inconsistent with the intention of the program under State law.
- A correction will need to be made in the Plan which allows for a portion of the "11th year" rebate to be returned to the taxpayer instead of splitting the refund entirely between the taxing entities and a special fund for infrastructure reinvestment in the NRP area.

BUDGETARY IMPACT:

None (setting the public hearing only)

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

Resolution for Public Hearing Date

Neighborhood Revitalization Plan (amended)

Map

Summary Table of Changes

Tax Rebates by Entity

(Published in the Topeka Metro News_____)

RESOLUTION NO._____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr. establishing a date for a public hearing concerning the adoption of a plan pursuant to the Neighborhood Revitalization Act, K.S.A. 12-17,114 *et seq*.

WHEREAS, the City of Topeka, Kansas, may pursuant to K.S.A. 12-17,114 *et seq.* adopt a plan to assist in the rehabilitation, conservation or redevelopment of any area within the City of Topeka which meets the conditions provided in said law; and

WHEREAS, the City of Topeka is desirous of exercising the authority provided in K.S.A. 12-17,114 *et seq.* in order to rehabilitate, conserve or redevelop certain designated areas in the City of Topeka.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Topeka, Kansas, in accordance with K.S.A. 12-17,114 *et seq.* the following notice is hereby given:

NOTICE

The City Council will consider the adoption of a Neighborhood Revitalization Plan, pursuant to K.S.A. 12-17,114 *et seq.*, at a public hearing at 6:00 p.m., on October 24, 2006, in the City Council Chambers, 214 E 8th Street, Topeka, Kansas.

The proposed Neighborhood Revitalization Plan and a description of the boundaries of the proposed Neighborhood Revitalization Area are available for inspection during the hours of 8:00 a.m. to 5:00 p.m. in the office of City Clerk, 215 E 7th Street, Room 166, Topeka, Kansas.

At the conclusion of the hearing, the Council of the City of Topeka will consider findings necessary for the adoption of the proposed Neighborhood Revitalization Plan and

the establishment of the proposed Neighborhood Revitalization Area, all as provided for in K.S.A. 12-17,114 *et seq.*

BE IT RESOLVED that the City Clerk shall cause a copy of this Resolution to be delivered to the other taxing entities within Shawnee County, Kansas.

BE IT FURTHER RESOLVED that the City Clerk shall cause this Resolution to be published in the official City newspaper at least once a week for two (2) consecutive weeks prior to the hearing.

ADOPTED and APPROVED by City Council _____.

CITY OF TOPEKA, KANSAS

_____
William W. Bunten, Mayor

ATTEST:

_____
Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY

DATE_____BY_____

Exhibit "A"

Septemeber 06 DRAFT

Neighborhood Revitalization Plan

Topeka, Kansas

January 1, 2007

Adopted by Topeka City Council:
_____, 2006

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Purpose

This Plan is intended to promote the revitalization of the inner urban area hereinfter described as the "Neighborhood Revitalization Area" of the City of Topeka through the rehabilitation, conservation and redevelopment of the area in order to protect the public health, safety welfare of the residents of the City. More specifically, in accordance with KSA 12-17, 118 (d), a tax rebate incentive will be available to property owners for certain improvements that raise the appraised value of residential property 10% and commercial property 20%.

In accordance KSA (2000 Supp.) 12-17, 114 et. seq., the City Council has held a public hearing and considered the existing conditions and alternatives with respect to the described area, the criteria and standards for a tax rebate and the necessity for interlocal cooperation among the other taxing units. Accordingly, the Council has reviewed, evaluated, and found that the described area meets one or more of the conditions contained in KSA (2000 Supp) 12-17,115 (c).

PART 1
DESCRIPTION OF NEIGHBORHOOD REVITALIZATION AREA

The Neighborhood Revitalization Area (Map #1) follows the boundaries of *Intensive Care* and *At Risk* neighborhoods as identified in the Neighborhood Element of the Comprehensive Plan. This element, originally approved in 2000, establishes four (4) health classifications for neighborhoods (intensive care, at risk, out patient, and healthy) to determine priorities for re-investment and planning assistance. They are described below in order of priority:

High Priority



Low Priority

Intensive Care - areas with seriously distressed conditions that need immediate attention and intervention

At Risk - areas with emerging/existing negative conditions that need attention before they succumb to seriously distressed conditions

Out Patient - areas with favorable conditions in need of minor isolated treatments

Healthy - areas with optimal conditions

The four health classifications were based on five (5) vital signs that measured the relative health of all neighborhood areas in Topeka. This neighborhood health assessment was used to develop a "triage" approach to revitalization. Those areas that had more "life-threatening" or urgent needs as measured by the vital signs should receive higher priority for treatment over those areas with less urgent needs. These higher priority areas (*intensive care/at risk*) are the focus for neighborhood planning efforts and public re-investment. A summary of the vital signs include:

Poverty (2000 U.S Census) - High concentrations of poverty are one of the most reliable indicators of performance in school, crime rates, family fragmentation, job readiness, housing conditions, etc.

Public Safety (2001-2002, Topeka Police Dept.) – Public Safety, as measured by number of Part I crimes reported for the last three years, is a symptom indicating the local environmental conditions conducive to crime and how well a neighborhood is organized to prevent crime from occurring.

Residential Property Values (2002, Shawnee County Appraisers Office) – Property values are in part a reflection of the quality of housing supply and the image of a neighborhood. The median value of a house purchased in Shawnee County was $79,000 in 1998.

Single Family Housing Tenure (2002 Shawnee County Appraisers Office)
The percentage of homeowners residing in a neighborhood can be an indication of the willingness (or confidence) to invest in the area. The most relevant measure of this is how many single-family dwellings are owner-occupied since these homes were built for individual ownership.

Boarded Houses (2001-2002, City of Topeka Code Compliance) - A boarded-up house is one of the most, if not most, evident physical displays that will undermine confidence in an area for investment and precipitates a downward spiral for the block and/or neighborhood.

Vital Sign Ranges

Neighborhood Condition Level	Number of Part 1 Crimes	% of Persons Below Poverty Level	% Owner Occupied Housing Units	Number of Boarded Houses	Average Residential Property Levels
Worst ↓ Best	High	25-100	0-33	6-12	$14,700 - $31,400
	Above Average	15-24	34-49	3-5	$31,401 - $53,400
	Below Average	8-14	50-69	1-2	$53,401 - $82,100
	Low	0-7	70-100	0	$82,101 - $234,622

Area Profile

Health rankings are determined by averaging all vital sign levels for each neighborhood area. *Intensive care* and *at risk* neighborhoods have the lowest vital sign measurements, and hence are being targeted as the Neighborhood Revitalization (NR) Area. Below is a comparsion profile of the NR Area and non-NR Area:

Total Primary Neighborhood Revitalization Area

Neighborhood Health Rating	Number of Part 1 Crimes	% of Persons Below Poverty Level	% Owner Occupied Housing Units	Number of Boarded Houses *(by Census Block Group)*	Average Residential Property Levels
Intensive Care	High	30%	40%	5	$22,122
At Risk	Above Average	25%	53%	2	$32,738
Total Primary NR Area	High	26%	49%	3	$29,313

Total Non-Neighborhood Revitalization Area

Neighborhood Health Rating	Number of Part 1 Crimes	% of Persons Below Poverty Level	% Owner Occupied Housing Units	Number of Boarded Houses *(by Census Block Group)*	Average Residential Property Levels
Out Patient	Above Average	12%	70%	1	$65,277
Healthy	Below Average	5%	85%	0	$101,791
Total Non-NR Area	Below Average	7%	81%	0	$90,698

The following tables compare other general characteristics of the Primary Neighborhood Revitalization Area, Non-Neighborhood Revitalization Area, and areas added by amendment since 2004.

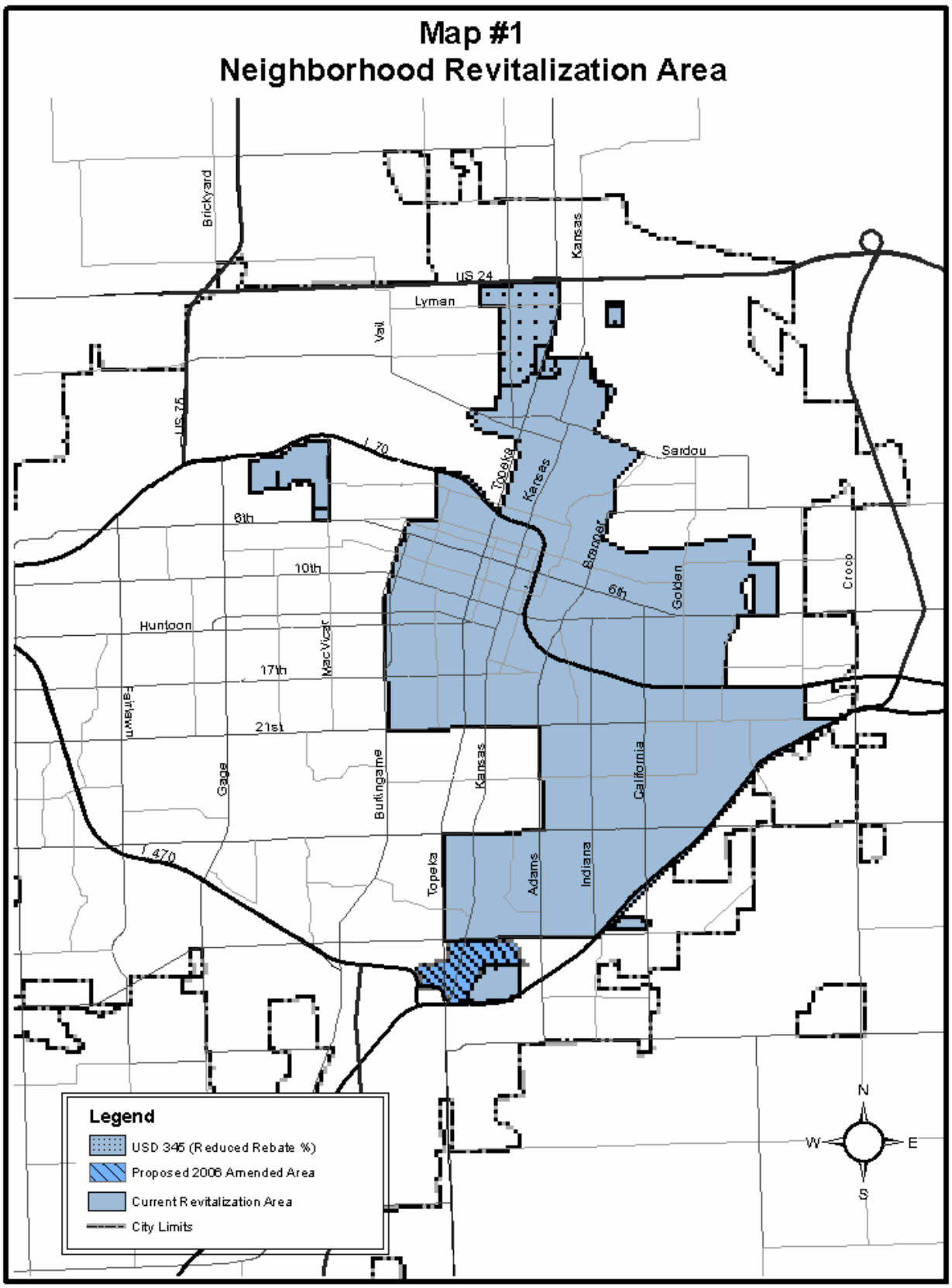
General Characteristics (2006)

Area	Square Miles	# of Parcels	Estimated Population	Total Housing Units	Real Property Valuation	Vacant Parcels
NR Area (Primary)	8.9*	14,262	32,867 (2000 Census)	15,303 (2000 Census)	$1,376,319,699	1,572
Non-NR Area	41.2*	34,841	89,510 (2000 Census)	41,715 (2000 Census)	$5,361,769,123	1,458

* Excludes street rights-of-way and water bodies.

General Characteristics of Amended Areas (2006)

Area	Health Rating	Square Miles	# of Parcels	Estimated Population	Total Housing Units	Real Property Valuation	Vacant Parcels
Kanza Business Park	Healthy	0.29	8	0	0	$177,207,710	4
Belmont Addition	Out-Patient	0.10	190	398	168	$6,660,590	19
Southern Hills Sub “B” & “C”	Healthy	0.11	218	419	179	$15,350895	38
Cowdin Sub	Healthy	0.04	35	47	20	$2,230,260	15
Drakes Farm Sub	Healthy	0.03	19	38	16	$2,028,120	3
S. Topeka Blvd./ Southern Hills Sub “A” (proposed)	Out-paitent/ Healthy	0.36	426	728	307	$42,645,895	51
Total Amended Areas		**0.93**	**896**	**1630**	**690**	**$246,123,470**	**130**



Topeka Planning Department
2006

Legal Description of
Neighborhood Revitalization Area

Primary Area

Beginning at the intersection of the Centerline of US Highway 24 with the Centerline of NW Clay Street; thence easterly, on the Centerline of US Highway 24, to an intersection with the Centerline of NW Topeka Boulevard; thence southerly, on the Centerline of NW Topeka Boulevard, to an intersection with the Centerline of Old Soldier Creek; thence easterly and southerly, down the Centerline of Old Soldier Creek, to an intersection with the Centerline of the Mainline Track of the Union Pacific Railroad; thence southerly, on the centerline of said mainline track, to an intersection with the Centerline of the West Approach to the Sardou Bridge over the Kansas River; thence east-southeasterly, on the centerline of said approach and the Centerline of the Sardou Bridge, to an intersection with the Centerline of the Kansas River; thence southwesterly, up the Centerline of the Kansas River, to an intersection with an extension of the Centerline of NE Chandler Street; thence southerly, on the Centerline of NE Chandler Street, to an intersection with the Centerline of NE Seward Avenue; thence westerly, on the Centerline of NE Seward Avenue, to an intersection with the Centerline of NE Branner Street; thence south-southwesterly, on the Centerline of Branner Street, to an intersection with the Centerline of the Mainline Track of the Burlington Northern – Santa Fe Railway; thence easterly, on the centerline of said mainline track, to an intersection with the East line of the Northeast Quarter of Section 33, Township 11 South, Range 16 east of the 6th P.M.; thence southerly, on said East line, to the Southeast corner of said Northeast Quarter; thence easterly, on the North line of the Southwest Quarter of Section 34, Township 11 South, Range 16 east of the 6th P.M., to an intersection with the Centerline of Deer Creek; thence southwesterly and southerly, up the Centerline of Deer Creek, to an intersection with the Centerline of SE 6th Avenue; thence westerly, on the Centerline of SE 6th Avenue, to an intersection with the Centerline of SE Deer Creek Parkway; thence southerly, on the Centerline of SE Deer Creek Parkway, to an intersection with the Centerline of Interstate Highway 70; thence easterly, on the Centerline of Interstate Highway 70, to an intersection with the East line of the Southwest Quarter of Section 3, Township 12 South, Range 16 east of the 6th P.M.; thence southerly, on said East line, to the Southeast corner of said Southwest Quarter; thence easterly, on the North line of the Northeast Quarter of Section 10, Township 12 South, Range 16 east of the 6th P.M., to the Northeast corner of the West Half of said Northeast Quarter; thence on an assumed bearing of South 00°48'00" West, on the East line of the West Half of said Northeast Quarter, 158.83 feet, to the North line of the Kansas Turnpike Right of Way, thence South 63°15'40" West, on said right of way line, 790.86 feet; thence South 69°36'00" West, continuing on said right of way line, 452.77 feet; thence North 70°46'40" West, continuing on said right of way line , 337.69 feet, to the Easterly Right of Way line of Service Road "L" of the Kansas Turnpike Authority; thence southwesterly, to the intersection of the Westerly Right of Way line of said Service Road "L" with the Northerly Right of Way line of the Kansas Turnpike; thence southwesterly, on the Northerly Right of Way line of the Kansas Turnpike, to an intersection with the Centerline of SE 37th Street; thence westerly, on the Centerline of 37th Street, to an intersection with the Centerline of SW Topeka Boulevard; thence northerly, on the Centerline of SW Topeka Boulevard, to an intersection with the Centerline of SW 29th Street; thence easterly, on the Centerline of 29th Street, to an intersection with the Centerline of SE Adams Street; thence northerly, on the Centerline of SE Adams Street, to an intersection with the Centerline of SE 21st Street; thence westerly, on the Centerline of 21st Street, to an intersection with the Centerline of Washburn Avenue; thence northerly, and north-northeasterly, on the Centerline of Washburn Avenue, to an intersection with the Centerline of SW Willow Avenue; thence easterly, on the Centerline of SW Willow Avenue, to an intersection with the Centerline of Quinton Avenue; thence northerly, on the Centerline of Quinton Avenue, and its extension, to an intersection with the Centerline of Interstate Highway 70; thence southeasterly, on the Centerline of Interstate Highway 70, to an intersection with the Centerline of SW Topeka Boulevard; thence north-northeasterly, on the Centerline of Topeka Boulevard, to an intersection with the Centerline of NW Laurent Street; thence west-northwesterly, on the Centerline of NW Laurent Street, to an intersection with the Centerline of NW Norris Street; thence west-northwesterly, on the Centerline of NW Norris Street, to an intersection with the Centerline of NW Lane Street; thence north-northeasterly, on the Centerline of NW Lane Street, to an intersection with the Centerline of NW Gordon Street; thence east-southeasterly, on the Centerline of NW Gordon Street, to an intersection with the Centerline of NW Buchanan Street; thence northerly, on the

Centerline of NW Buchanan Street, to an intersection with the Centerline of NW Grant Street; thence easterly, on the Centerline of NW Grant Street, to an intersection with the Centerline of NW Western Avenue; thence northerly, on the Centerline of NW Western Avenue, to an intersection with the Centerline of NW St. John Street; thence easterly, on the Centerline of NW St. John Street, to an intersection with the Centerline of NW Taylor Street; thence northerly, on the Centerline of NW Taylor Street, to an intersection with the Centerline of NW Lyman Road; thence westerly, on the Centerline of NW Lyman Road, to an intersection with the Centerline of NW Clay Street; thence northerly, on the Centerline of NW Clay Street, to the point of beginning. Contains 12.77 square miles.

SOUTHERN HILLS
Southern Hills Subdivision "A", Southern Hills Subdivision "B", and Southern Hills Subdivision "C". Contains approximately 110.8 acres.

SOUTH TOPEKA BLVD. AREA
A tract in the Northwest and Southwest Quarters of Section 19, Township 12 South, Range 16 east of the 6th P.M., in the City of Topeka, Shawnee County, Kansas, described as: Beginning at the intersection of the West line of said Southwest Quarter with the Centerline of the Kansas Turnpike; thence easterly on the Centerline of the Kansas Turnpike to an intersection with the East right of way line of the former Missouri Pacific Railroad; thence northeasterly on the East right of way line of the Missouri Pacific Railroad, to the Southwest corner of Lot 49, Block A in Southern Hills Subdivision "B"; thence continuing northeasterly on the East right of way line of the former Missouri Pacific Railroad, to the Northwest corner of Lot 1, Block "A" in Southern Hills Subdivision "A"; thence continuing northeasterly on the East right of way line of the former Missouri Pacific Railroad, to an intersection with the North line of said Northwest Quarter; thence westerly on the North line of said Northwest Quarter, to the Northwest corner thereof; thence southerly on the West line of said Northwest Quarter, to the Southwest corner thereof; thence southerly on the West line of said Southwest Quarter to the point of beginning.

And

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 6TH P.M., IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE COINCIDENT WITH THE EAST LINE OF SAID NORTHEAST QUARTER ON AZ. 180 DEGREES 06 MINUTES 31 SECONDS, A DISTANCE OF 1066.54 FEET; THENCE PERPENDICULAR TO SAID EAST LINE ON AZ. 270 DEGREES 06 MINUTES 31 SECONDS, A DISTANCE OF 69.15 FEET TO THE POINT OF BEGINNING; THENCE ON AZ. 269 DEGREES 55 MINUTES 30 SECONDS, A DISTANCE OF 1059.61 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE COINCIDENT WITH SAID CURVE HAVING A RADIUS OF 279.39, AN ARC LENGTH OF 247.74 FEET, A DELTA ANGLE OF 50 DEGREES 48 MINUTES 22 SECONDS, A CHORD AZ. OF 239 DEGREES 52 MINUTES 25 SECONDS AND A CHORD LENGTH OF 239.70 FEET; THENCE ON AZ. 217 DEGREES 13 MINUTES 59 SECONDS, A DISTANCE OF 308.30 FEET; THENCE ON AZ. 126 DEGREES 47 MINUTES 21 SECONDS, A DISTANCE OF 145.49 FEET; THENCE ON AZ. 137 DEGREES 22 MINUTES 46 SECONDS, A DISTANCE OF 608.22 FEET; THENCE ON AZ. 179 DEGREES 47 MINUTES 25 SECONDS, A DISTANCE OF 70.60 FEET; THENCE ON AZ. 127 DEGREES 08 MINUTES 59 SECONDS, A DISTANCE OF 283.83 FEET; THENCE ON AZ. 89 DEGREES 52 MINUTES 32 SECONDS, A DISTANCE OF 82.08 FEET; THENCE ON AZ. 78 DEGREES 57 MINUTES 30 SECONDS, A DISTANCE OF 397.63 FEET; THENCE ON AZ. 45 DEGREES 16 MINUTES 23 SECONDS, A DISTANCE OF 182.65 FEET; THENCE ON AZ. 89 DEGREES 48 MINUTES 52 SECONDS, A DISTANCE OF 97.03 FEET; THENCE ON AZ. 359 DEGREES 58 MINUTES 07 SECONDS, A DISTANCE OF 938.68 FEET TO THE POINT OF BEGINNING. CONTAINING 28.89 ACRES, MORE OR LESS.

BELMONT ADDITION
Beginning at the Southwest corner of Lot 574 on Sixth Avenue, in Belmont Addition to the City of Topeka, Shawnee County, Kansas: thence northerly, on the West line of Belmont Addition, to the Northwest corner of Lot 447 on Rogers Street; thence easterly, on the North line of Lot 447 and on the North line of East Third Street, formerly House Street, to the Southwest corner of Lot 181 on Fairfax Street in Belmont Addition; thence northerly, on a West line of Belmont Addition, to an intersection with the Centerline of Deer Creek; thence northeasterly, down the Centerline of Deer Creek, to an intersection with the North line of the Southwest Quarter of Section 34, Township 11 South, Range 16 east of the 6th P.M.; thence easterly, on the North line of said Southwest Quarter, to the Northeast corner of Belmont Addition; thence southerly, on the East line of Belmont Addition, to the Southeast corner of Lot 658 on sixth Avenue; thence westerly, on the platted North line of Sixth Avenue, to the point of beginning. Contains 0.10 square mile, more or less.

(AND IN ADDITION)

COWDIN SUBDIVISION NO. 3 PRELIMINARY PLAT AREA
Commencing at the Northeast Corner of the South ½ of the Southeast ¼ of Section 17, Township 12 South, Range 16 East of the 6th P.M., in the City of Topeka, Shawnee County, Kansas; thence South along the East line of said SE ¼ a distance of 299.87 feet to the point of beginning; thence continuing South along said East line, a distance of 210.00 feet; thence S 89° 49’ W a distance of 215.0 feet; thence S 00° 13’ E a distance of 150.00 feet to a point on the North line of Cowdin Subdivision; thence S 90° 00’ W along the North line of said Subdivision 1402.1 feet to the NW corner of Lot 9, Block A, Cowdin Subdivision, said point also being on the easterly right-of-way of the Kansas Turnpike; thence N 41° 19’ E along the easterly right-of-way of the Kansas Turnpike, a distance of 880.0 feet; thence N 89° 54’ E a distance of 630.0 feet to a point on the West right-of-way of SE Colorado Avenue, said point also being a common center with Parnell Subdivision; thence S 00° 13’ E along said right-of-way a distance of 300.0 feet to the SW corner of Noble Subdivision; thence N 89° 54’ E along the South line of said Subdivision and said South line extended a distance of 400.0 feet to the point of beginning containing 16.62 acres more or less.

DRAKES FARM SUBDIVISION AREA
Drakes Farm Subdivision. Contains approximately 21.01 acres.

KANZA BUSINESS AND TECHNOLOGY PARK (OVERALL PUD BOUNDARY)

A TRACT OF LAND IN THE SOUTHEAST QUARTER, THE EAST HALF OF THE SOUTHWEST QUARTER, LOT 3 OF THE NORTHWEST QUARTER, AND THE NORTHEAST QUARTER, ALL IN SECTION 26, TOWNSHIP 11 SOUTH, RANGE 15 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SHAWNEE COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE ON AN ASSUMED BEARING OF NORTH 00°00'22" EAST, 30.00 FEET, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89°36'04" WEST, 23.50 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°36'04" WEST, 2611.74 FEET TO A POINT ON THE WEST LINE OF SAID SOUTHEAST QUARTER, 30.00 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 00°06'23" WEST, 1118.90 FEET ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 86°16'38" EAST, 130.48 FEET; THENCE NORTH 42°55'39" EAST, 233.28 FEET; THENCE NORTH 01°25'17" WEST, 497.95 FEET; THENCE SOUTH 88°46'41" WEST, 278.01 FEET TO THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00°06'23" EAST, 120.24 FEET ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER TO THE NORTH LINE OF ARLINGTON HEIGHTS SUBDIVISION; THENCE SOUTH 89°54'32" WEST, 1309.28 FEET ALONG THE NORTH LINE OF SAID SUBDIVISION TO THE WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER; THENCE NORTH 00°11'27" EAST, 953.94 FEET ALONG THE WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER; THENCE NORTH 00°18'11" EAST, 663.92 FEET ALONG THE WEST LINE OF SAID LOT 3 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 70; THENCE NORTH 88°53'30" EAST, 883.63 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE ON A CURVE TO THE LEFT, ALONG SAID RIGHT-

OF-WAY LINE, A RADIUS OF 1579.22 FEET, AN ARC DISTANCE OF 683.95 FEET, WITH A CHORD WHICH BEARS NORTH 76°29'04" EAST, 678.62 FEET; THENCE NORTH 64°04'38" EAST, 1046.28 FEET, ALONG SAID RIGHT-OF-WAY LINE; THENCE SOUTH 00°08'08" WEST, 213.32 FEET; THENCE SOUTH 78°48'28" EAST, 1483.53 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE SOUTH 00°08'53" EAST, 87.25 FEET ALONG THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 16°33'51" WEST, 156.49 FEET; THENCE SOUTH 00°08'53" EAST, 539.57 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER, 45.00 FEET WEST OF THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 00°00'22" WEST, 35.43 FEET; THENCE SOUTH 89°59'38" EAST, 21.50 FEET; THENCE SOUTH 00°00'22" WEST, 2570.01 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED TRACT CONTAINS 258.943 ACRES, MORE OR LESS.

A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 11 SOUTH, RANGE 15 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SHAWNEE COUNTY KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 26; THENCE ALONG THE SOUTH LINE OF SAID QUARTER ON AN ASSUMED BEARING OF SOUTH 89°35'38" WEST, A DISTANCE OF 825.36 FEET; THENCE ON A BEARING OF NORTH 00°24'22" WEST, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; THENCE PARALLEL WITH THE SOUTH LINE OF SAID QUARTER ON A BEARING OF SOUTH 89°35'38" WEST, A DISTANCE OF 515.96 FEET; THENCE ON A BEARING NORTH 00°25'19" WEST, A DISTANCE OF 2033.61 FEET; THENCE ON A BEARING OF NORTH 44°27'37" EAST, A DISTANCE OF 68.73 FEET; THENCE ON A BEARING OF SOUTH 63°56'06" EAST, A DISTANCE OF 18.56 FEET; THENCE ON A BEARING OF NORTH 19°56'13" EAST, A DISTANCE OF 44.30 FEET; THENCE ON A BEARING OF NORTH 34°34'08" EAST, A DISTANCE OF 25.22 FEET; THENCE ON A BEARING OF NORTH 72°13'53" EAST, A DISTANCE OF 27.65 FEET; THENCE ON A BEARING OF SOUTH 37°05'32" EAST, A DISTANCE OF 14.75 FEET; THENCE ON A BEARING OF SOUTH 54°25'19" EAST, A DISTANCE OF 16.30 FEET; THENCE ON A BEARING OF SOUTH 80°46'21" EAST, A DISTANCE OF 23.15 FEET; THENCE ON A BEARING OF SOUTH 87°13'11" EAST, A DISTANCE OF 11.70 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 75.00 FEET, A CHORD BEARING OF SOUTH 74°03'00" EAST, AND A CHORD DISTANCE OF 34.18 FEET) A DISTANCE OF 34.48 FEET; THENCE ON A BEARING OF SOUTH 60°52'49" EAST, A DISTANCE OF 42.96 FEET; THENCE ON A BEARING OF SOUTH 53°28'55" EAST, A DISTANCE OF 108.90 FEET; THENCE ON A BEARING OF SOUTH 31°54'18" EAST, A DISTANCE OF 87.45 FEET; THENCE ON A BEARING OF SOUTH 26°44'08" EAST, A DISTANCE OF 158.72 FEET; THENCE ON A BEARING OF SOUTH 28°30'48" EAST, A DISTANCE OF 137.12 FEET; THENCE ON A BEARING OF SOUTH 35°51'47" EAST, A DISTANCE OF 63.86 FEET; THENCE ON A BEARING OF SOUTH 44°53'50" EAST, A DISTANCE OF 71.01 FEET; THENCE ON A BEARING OF SOUTH 00°10'26" EAST, A DISTANCE OF 305.26 FEET; THENCE ON A BEARING OF SOUTH 41°48'53" WEST, A DISTANCE OF 216.94 FEET TO A POINT ON A CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 75.00 FEET, A CHORD BEARING OF SOUTH 19°54'50" EAST, AND A CHORD DISTANCE OF 97.23 FEET) A DISTANCE OF 105.78 FEET; THENCE ON A BEARING OF SOUTH 00°01'58" EAST, A DISTANCE OF 78.63 FEET; THENCE ON A BEARING OF SOUTH 34°02'36" EAST, A DISTANCE OF 118.96 FEET; THENCE ON A BEARING OF SOUTH 00°17'22" WEST, A DISTANCE OF 227.41 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 60.00 FEET, A CHORD BEARING OF SOUTH 45°46'21" WEST, AND A CHORD DISTANCE OF 77.15 FEET) A DISTANCE OF 83.79 FEET; THENCE ON A BEARING OF SOUTH 00°06'58" EAST, A DISTANCE OF 142.97 FEET; THENCE ON A BEARING OF SOUTH 86°22'32" WEST, A DISTANCE OF 30.69 FEET; THENCE ON A BEARING OF SOUTH 01°46'13" EAST, A DISTANCE OF 80.18 FEET; THENCE ON A BEARING OF SOUTH 89°57'22" WEST, A DISTANCE OF 20.82 FEET; THENCE ON A BEARING OF SOUTH 00°15'55" WEST, A DISTANCE OF 130.86 FEET; THENCE ON A BEARING OF SOUTH 89°40'17" EAST, A DISTANCE OF 21.15 FEET; THENCE ON A BEARING OF SOUTH 00°20'17" WEST, A DISTANCE OF 28.30 FEET TO A POINT ON A CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 118.49 FEET, A CHORD BEARING OF SOUTH 21°22'45" EAST, A CHORD

DISTANCE OF 60.15 FEET) A DISTANCE OF 60.82 FEET; THENCE ON A BEARING OF SOUTH 32°29'33" EAST, A DISTANCE OF 24.43 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT(SAID CURVE HAVING A RADIUS OF 194.67 FEET, A CHORD BEARING OF SOUTH 12°51'45" EAST, AND A CHORD DISTANCE OF 80.56 FEET) A DISTANCE OF 81.15 FEET; THENCE ON A BEARING OF SOUTH 01°52'31" EAST, A DISTANCE OF 26.20 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 24.081 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS, RESTRICTIONS, AND COVENANTS OF RECORD, IF ANY.

(AND IN ADDITION)
KANZA BUSINESS AND TECHNOLOGY PARK SUBDIVISION. CONTAINS APPROXIMATELY 10.39-ACRES, MORE OR LESS.

EXCEPT
The property commonly known as the 501 Sports Complex and legally described as follows: A tract of land in the Southeast Quarter of Section 26, Township 11 South, Range 15 East of the Sixth Principal Meridian, described as follows: Beginning at a point on the West line, 30.00-feet North of the Southwest Corner of said Quarter Section (said point being on the North right-of-way line of West Sixth Street); thence North 00 degrees, 06 minutes, 40 seconds West, along said West Line, 1,118.79-feet; thence South 86 degrees, 14 minutes, 23 seconds East, 130.46-feet; thence North 42 degrees, 56 minutes, 08 seconds East, 233.28-feet; thence North 01 degrees, 24 minutes, 28 seconds West, 497.95-feet; thence North 88 degrees, 48 minutes, 04 seconds East, 120.98-feet; thence on a 302.50-foot radius curve to the left, with a 170.62-foot chord bearing North 72 degrees, 25 minutes, 13 seconds East, an arc distance of 172.97-feet; thence North 56 degrees, 02 minutes, 21 seconds East, 399.91-feet; thence South 20 degrees, 26 minutes, 15 seconds East 750.52-feet; thence South 00 degrees, 24 minutes, 53 seconds East, 1, 344.97-feet to the North right-of-way line of West Sixth Street; thence South 89 degrees, 36 minutes, 04 seconds West, along said North right-of-way line, 1,162.82-feet to the Point of Beginning. The above contains 44.001-acres, more or less, all in the City of Topeka, Shawnee County, Kansas.

PART 2

APPRAISED VALUATION OF REAL PROPERTY

The appraised valuation of the real estate contained in the Neighborhood Revitalization Area as of May 1, 2006 for each parcel by land and building values is on file in the Topeka Planning Department. The 2006 appraised valuation for the 14,943 parcels contained in the area is:

	Existing	Proposed
Land	$211,349,980	$7,109,690
Improvements	$1,104,773,358	$20,671,600
Total Appraised Valuation	$1,316,123,338	$27,781,290

PART 3

LISTING OF OWNERS OF RECORD IN AREA

Each owner of record of each parcel of land is listed together with the corresponding address on file in the Topeka Planning Department.

PART 4

EXISTING ZONING BOUNDARIES & EXISTING/PROPOSED LAND USES

Descriptions of zoning districts, current boundaries, existing land uses, and future land use maps within the Neighborhood Revitalization Area are all found on file in the Topeka Planning Department.

PART 5

MAJOR IMPROVEMENTS

PROPOSED FOR NEIGHBORHOOD REVITALIZATION AREA

A list of the proposed major improvements within the Neighborhood Revitalization Area are identified within the City Council-adopted neighborhood and area plans of the Comprehensive Plan. Copies of those plans are on file with the Topeka Planning Department and to date include:

- Chesney Park Neighborhood Land Use Plan (1998)
- Holliday Park Neighborhood Land Use Plan (1998)
- Historic North Topeka Revitalization Plan (1999)
- Elmhurst Neighborhood Plan (2001)
- Tennessee Town (2001)
- Downtown Topeka Redevelopment Plan (2001)
- Ward-Meade Neighborhood Plan (2001)
- Wasburn-Lane Parkway Plan (2001)
- East Topeka Neighborhood Revitalization Plan (2002)
- Old Town Neighborhood Plan (2003)
- Hi-Crest Neighborhood Plan (2003)

Proposed housing, infrastructure, and public facility improvements within these plans are intended to guide the City's future resource allocation as targeted within the Neighborhood Revitalization Area. Actual approved resource allocations are are found with the City's Capital Improvement Budget and Consolidated Plan.

PART 6

STATEMENT SPECIFYING THE ELIGIBILITY REQUIREMENTS FOR A TAX REBATE

Residential New Construction/Rehabilitation

All residential improvements legally permitted by applicable zoning regulations and building codes within the Neighborhood Revitalization Area are eligible for the specified tax rebate provided the new appraised valuation is increased by a minimum of 10%. Improvement projects that are **not** eligible without City Council approval include:

- New construction renter-occupied single-family dwellings.
- Conversion of single-family dwellings to two (2) or more dwelling units.

Commercial New Construction/Rehabilitation

Commercial, office and institutional, and industrial projects legally permitted by applicable zoning regulations and building codes within the Neighborhood Revitalization Area are eligible for the specified tax rebate provided the new appraised valuation is increased by a minimum of 20%.

PART 7

CRITERIA FOR DETERMINATION OF ELIGIBILITY

(a) Construction of an improvement must have begun on or after January 1, 2007 the date of designation of the neighborhood revitalization area by the City. An improvement project constructed pursuant to a building permit and an application for tax rebate filed before January 1, 2007, may be eligible for a rebate under the Neighborhood Revitalization Program created by City ordinance No. 18222.

(b) A rebate application must be filed within sixty (60) days of the issuance of a building permit (if required) or initiation of work on the eligible improvement.

(c) The improvements must conform with the Comprehensive Plan, including design guidelines within applicable Neighborhood Plans, and Zoning Regulations in effect at the time the improvements are made.

(d) New and existing improvements on property must conform with all other applicable codes, rules, and regulations in effect at the time the improvements are made, and for the length of the rebate or the rebate may be terminated.

(e) Any property that is delinquent in any real property tax payment or special assessment shall not be eligible for any rebate or future rebate until such time as all real property taxes and special assessments have been paid. Additionally, taxes on all real property owned by the applicant must be current.

(f) Commercial or industrial property eligible for tax incentives under any adopted Neighborhood Revitalization Plan and Topeka's existing tax abatement program pursuant to Article 11, Section 13 of the Kansas Constitution and Topeka Ordinance 17270, may receive one exemption/rebate per project from the City as a tax incentive.

(g) Any property that fronts a public street boundary of the Neighborhood Revitalization Area shall be eligible for the rebate, exept those properties that front a public highway.

(h) Projects completed or eligible to be approved after two (2) years from the issuance of a building permit or initiation of eligible work items shall not be eligibile for a tax rebate.

PART 8

CONTENTS OF APPLICATION FOR TAX REBATE

Part 1 - General Information

(a) Owner's Name
(b) Owner's Mailing Address.
(c) School District No.
(d) Parcel I.D. No.
(e) Building Permit No.
(f) Address of Property.
(g) Legal Description of Property
(h) Day Phone Number.
(i) Proposed Property Use.
(j) Improvements
(k) Estimated Cost of Improvements.
(l) Proof of Historical Register Listing.
(m) List of Buildings proposed to be or actually demolished.
(n) Date of commencement of construction.
(o) Estimated date of completion of construction.

Part 2 - Status of Construction/Completion

(a) County Appraiser's Statement of Percentage Test.
(b) County Clerk's Statement of Tax Status.
(c) Planning's Statement of Application Conformance for Tax Rebate.

PART 9

APPLICATION PROCEDURE

(a) The applicant shall obtain an Application for Tax Rebate from Topeka Planning Department (Planning) or the City's Development Services Office concurrent with obtaining a building permit application.

(b) The applicant shall complete and sign PART 1 of the application and file the original with Metropolitan Planning, within sixty (60) days of issuance of the building permit.

(c) Metropolitan Planning shall forward the application to the Shawnee County Appraiser's Office for determination of the appraised valuation of the improvements and when necessary, shall indicate the base tax year in order to determine the property's pre-demolition value for historic resources or landmarks that were demolished to make way for the improvements.

(d) On or about January 1, the County Appraiser shall conduct an on-site inspection of the construction project, determine the new valuation of the real-estate, complete his portion of the application, and report the new valuation to the Shawnee County Clerk by June 1 of that same year. The tax records on the project shall be revised by the County Clerk's Office.

(e) Upon determination by the Appraiser's office that the improvements meet the percentage test for rebate and the Clerk's office has determined the status of the taxes on the property, Metropolitan Planning shall certify to the County Clerk the project and application does or does not meet the requirements for a tax rebate and shall notify the applicant.

(f) Upon the payment of the real estate tax for the subject property for the initial and each succeeding tax year period extending through the specified rebate period, and within a thirty (30) day period following the date of tax distribution by Shawnee County to the other taxing units, a tax rebate in the amount of the tax increment (less any fees as specified in the Interlocal Agreement) shall be made to the applicant.

The tax rebate amount will be based on the appraised property value increment between the application year and the completion year directly attributal to the improvement itself. The actual rebate may vary year to year depending upon the approved mill levy for all participating taxing jurisdictions. The tax rebate shall be made by Audit and Finance, Shawnee County through the Neighborhood Revitalization Fund established in conjunction with the City of Topeka and the other taxing units participating in an Interlocal Agreement.

PART 10

STANDARDS AND CRITERIA FOR APPROVAL

(a) Project improvements shall be 100% complete.

(b) The appraised value of residential property must be increased by a minimum of 10%.

(c) The appraised value of commercial and industrial property must be increased by a minimum of 20%.

(d) New improvements must conform with all applicable codes, rules, and regulations in effect at the time the improvements are made, including design guidelines of the Comprehensive Plan, for the length of the rebate.

(e) Any property that is delinquent in any real property tax payment or special assessment shall not be eligible for any rebate or future rebate until such time as all real property taxes and special assessments have been paid. Additionally, taxes on all real property owned by the applicant must be current.

PART 11

STATEMENT SPECIFYING REBATE FORMULA

Program Period:

The Neighborhood Revitalization Fund and tax rebate incentive program shall expire on December 31, 2009.

Rebate Period:

All Eligible Uses	10 years
Properties on National/State Register, or properties designated as Historic Landmarks by the City of Topeka	15 years

Rebate Amount:

All Eligible Uses	80 % *
Properties on National/State Register, or properties designated as Historic Landmarks by the City of Topeka	100%

*20% to remain in Neighborhood Revitalization Fund for administrative costs (5%) and infrastructure, housing, or redevelopment improvements that implement approved Neighborhood Plans, or other plans approved by the governing bodies within the Neighborhood Revitalization Area (15%).

Part 12

OTHER MATTERS

1. A comprehensive marketing effort shall be initiated to introduce and reinforce this program to the general public. Potential actions include, but are not limited to:
    - Notice of the program included in pre-development applications by Planning, Housing and Neighborhood Development, and Development Services.
    - Informational packet distributed annually to realtors, builders, financial institutions, and neighborhood groups.
    - Recurring advertisements on Government Access Cable Channel.

1. The governing body may declare a structure outside of a neighborhood revitalization area eligible if it satisfies the conditions set forth in subsection (a) of KSA 12-17, 115 as a "dilapidated structure" due to its deteriorated conditions and/or is worthy of preservation (see KSA statute in appendix). As a matter of course, the governing body shall forward said declaration to the participating taxing entities for their approval as well.

2. Create a Special Fund for infrastructure, housing, and redevelopment improvements to implement approved Neighborhood Plans or other improvement plans approved by the governing bodies within the Neighborhood Revitaization Area. State law provides the flexibility for cities to enact and enforce additional laws and regulations that are not in conflict with the provisions of the Neighborhood Revitalization Act (KSA 12-114).

   A committee consisting of a representative from each participating taxing entity shall make specific project recommendations to the City Council consistent with the intent of the Special Fund. The City Council shall make final decisions in the appropriation of

such fund for neighborhood improvement projects occuring within the City. The Special Fund shall not be used as a substitute funding source for existing programs or projects.

3. The tax rebate period for properties/projects approved for 10-year rebates beginning in the tax years 199~~6~~9, ~~1997~~2000, and ~~1998~~2001 shall be extended an extra year whereas ~~50~~45% of the amount equal to the tax rebate will be distributed to all taxing entities, ~~and~~ 50% set-aside for the Special Fund as described in Part 12 of this Plan, and 5% to the property owner.

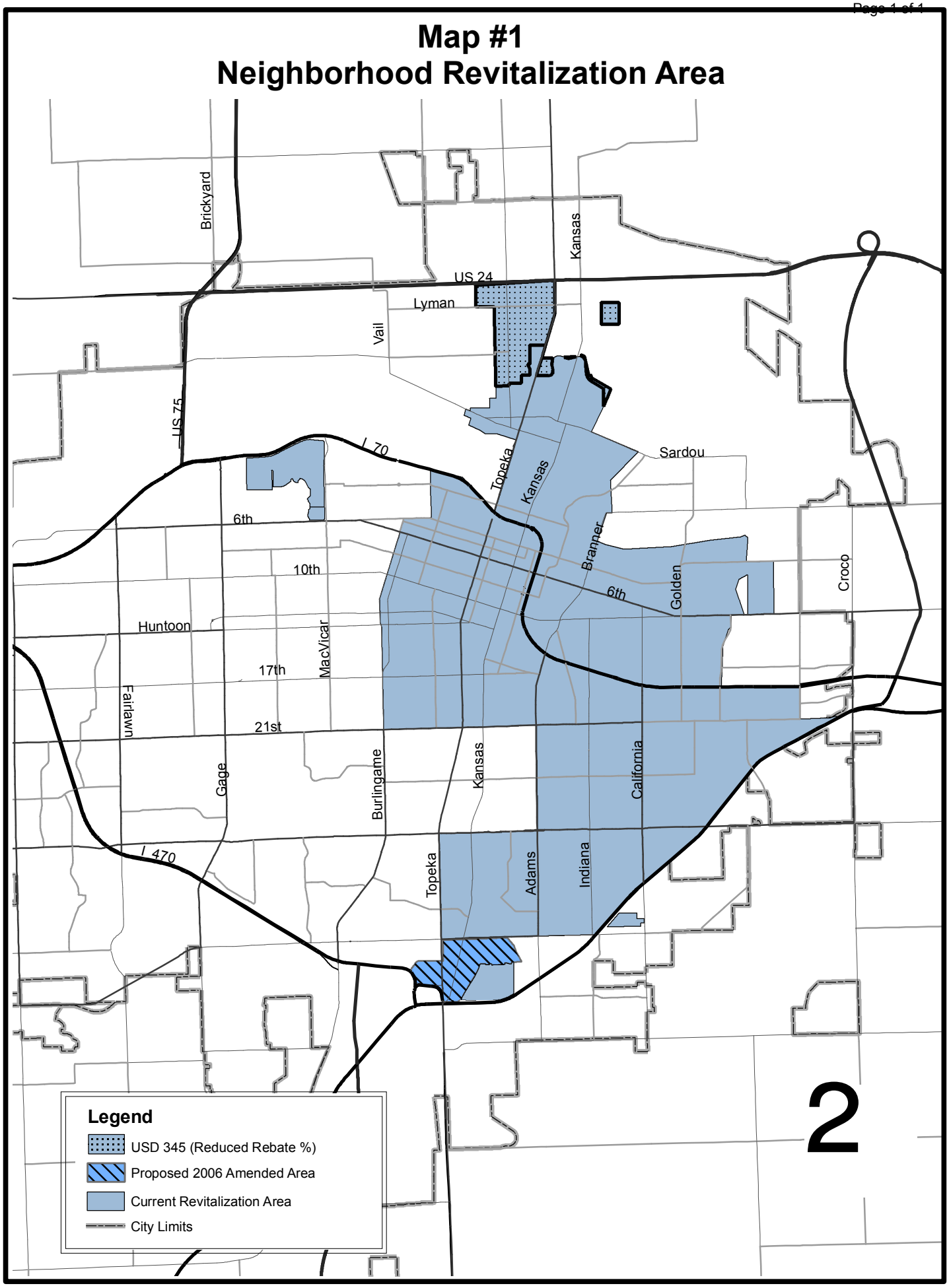
SHAWNEE COUNTY TAX LEVY SCHEDULE 2006

Tax Levies Per $1,000 Assessed Valuation

Taxing Jurisdictions (within USD 501 area)	**Mill Levy**	**% of Total Levy**
1. Shawnee County	41.850	29.4
2. City of Topeka	30.653	21.6
3. U.S.D. 501 (Topeka)	53.295	37.5
4. Washburn University	3.313	2.3
5. Topeka-Shawnee County Public Library	9.370	6.6
6. MTTA (Transit Authority)	2.712	1.9
7. MTAA (Airport Authroity)	1.036	0.7
TOTAL	142.229	100 %

Taxing Jurisdictions (within USD 345 area)	**Mill Levy**	**% of Total Levy**
1. Shawnee County	41.850	30.3
2. City of Topeka	30.653	22.2
3. U.S.D. 345 (Seaman)	49.147	35.6
4. Washburn University	3.313	2.4
5. Topeka-Shawnee County Public Library	9.370	6.8
6. MTTA (Transit Authority)	2.712	2.0
7. MTAA (Airport Authroity)	1.036	0.8
TOTAL	138.081	100 %

Map #1
Neighborhood Revitalization Area



Topeka Planning Department
2006

Neighborhood Revitalization Program

2004 Program vs. 2007 Program (proposed)

Issue	2004 NRP (as amended)	2007 NRP
Neighborhood Revitalization Area	13.4 square miles	Additional 0.21 sq. miles (South Topeka Blvd and Southern Hills)
Eligibility	All uses as permitted by zoning.	Allows appeal to City Council for ineligible projects (e.g., single-family renter-occupied new construction)
Boundary	Properties that front the boundary are eligible.	Properties that front the boundary along a *public highway* are not eligible
Investment Threshold	Residential improvements must increase appraised value 10%; commercial improvements 20%.	No change
Appeals to Application Deadline	No appeal beyond 60-day deadline.	No change
Design	Projects must conform to design guidelines in neighborhoods with adopted Neighborhood Plans.	No change
Rebate Rate - Standard	80% rebate/10 years 5% administration 15% re-invested back into target area (Special Fund)	No change
Rebate Rate - Historical	100%/15 years	No change
Special Project Fund	Adds "11th" year to expiring projects and sets aside 50% of rebate into special fund for neighborhood infrastructure in NRA. Estimated to be $400,000 in fund by 2008. Remaining 50% goes to taxing entities.	Reduces taxing entity percentage to 45% and returns 5% to taxpayer

Topeka Planning Department
9/27/2006

Neighborhood Revitalization Program Tax Rebate Impact 1996-2004

Source: Shawnee County Clerk

Year	County	City	501	MTAA	Metro Transit	Washburn	Library	Tax Rebate	Admin Fees 5%	Taxpayer Rebate
1996	$23,346.74	$22,955.16	$35,183.96	$1,083.67	$2,203.00	$11,205.39	$4,060.91	$100,038.83	$5,001.94	$95,036.89
1997	$118,597.73	$103,913.71	$182,659.86	$5,203.98	$8,277.89	$56,908.93	$21,007.23	$496,569.33	$24,828.47	$471,740.86
1998	$194,102.86	$166,335.62	$262,579.23	$8,786.57	$13,712.93	$96,200.61	$36,800.66	$778,518.48	$38,925.92	$739,592.56
1999	$396,514.95	$340,498.94	$540,418.20	$19,004.09	$26,481.47	$35,490.73	$92,160.21	$1,450,568.59	$72,528.43	$1,378,040.16
2000	$461,094.30	$417,549.85	$572,480.64	$20,650.61	$30,866.95	$42,442.06	$125,621.31	$1,670,705.72	$83,535.29	$1,587,170.43
2001	$564,903.51	$451,552.62	$659,000.61	$18,300.36	$32,161.31	$46,091.85	$128,339.09	$1,900,349.35	$95,017.47	$1,805,331.88
2002	$588,756.07	$478,835.86	$618,697.20	$17,720.21	$33,778.24	$47,899.48	$141,949.56	$1,927,636.62	$96,381.83	$1,831,254.79
2003	$686,796.80	$530,124.22	$663,527.22	$17,344.24	$37,672.26	$52,782.66	$167,841.83	$2,156,089.23	$107,804.46	$2,048,284.77
2004	$717,133.68	$551,868.03	$827,620.45	$18,145.15	$50,823.45	$56,445.89	$172,881.51	$2,394,918.16	$119,745.91	$2,275,172.25
Totals	**$2,347,316.16**	**$1,981,641.76**	**$2,871,019.70**	**$126,238.88**	**$235,977.50**	**$445,467.60**	**$890,662.31**	**$12,875,394.31**	**$643,769.72**	**$12,231,624.59**

Tax Entity	Rebate Impact
County	$2,347,316.16
City	$1,981,641.76
501	$2,871,019.70
MTAA	$126,238.88
Metro Transit	$235,977.50
Washburn	$445,467.60
Library	$890,662.31
Total Taxpayer Rebate*	$12,231,624.59

**Minus 5% administrative fee*

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www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 19, 2006

DATE:	**September 19, 2006**		
CONTACT PERSON:	**Bill Fiander/David Thurbon**	**DOCUMENT #:**	**N/A**
SECOND PARTY/SUBJECT:	**Gaylene Epke**	**PROJECT #:**	**SNC06/1**
CATEGORY/SUBCATEGORY	**013 Ordinances - Codified / 130 Streets, Sidewalks, Public Places, and Other**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:	**09/26/06 First Reading.**	**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. relating to the designation of street names, more specifically changing the name of SW Bines Way and SW Elmo Drive in Bines Addition to SE Bines Way and SE Elmo Drive. Final Reading. *(SNC06/1)(Council District No. 9)*

(Approval would correct the directional street prefix that was recorded incorrectly on the plat of Bines Addition.)

POLICY ISSUE:

Consistency with street naming procedures.

STAFF RECOMMENDATION:

Approval of the ordinance.

BACKGROUND:

Approval would correct the directional street prefix on Bines Addition recorded September 28, 2005.

BUDGETARY IMPACT:

No additional signs will be created. Signs were originally created with the SE designation, but were replaced with the SW designation as shown on the plat of Bines Addition.

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

Ordinance - City of Topeka (SNC06/1) Street Name Change

map

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr. relating to the designation of street names, more specifically changing the name of SW Bines Way and SW Elmo Drive to SE Bines Way and SE Elmo Drive both located in Bines Addition. **(SNC06/1) (Council District No. 9)**

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

Section 1. The official name of SW Bines Way and SW Elmo Drive, streets within the City of Topeka, Kansas are hereby changed to SE Bines Way and SE Elmo Drive. Provided, that this ordinance shall not be construed to alter the dimensions of said street nor the set-back requirements provided in other ordinances of the City of Topeka.

Section 2. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED AND APPROVED by the Council of the City of Topeka, _____, 2006.

_____
William W. Bunten, Mayor

ATTEST:

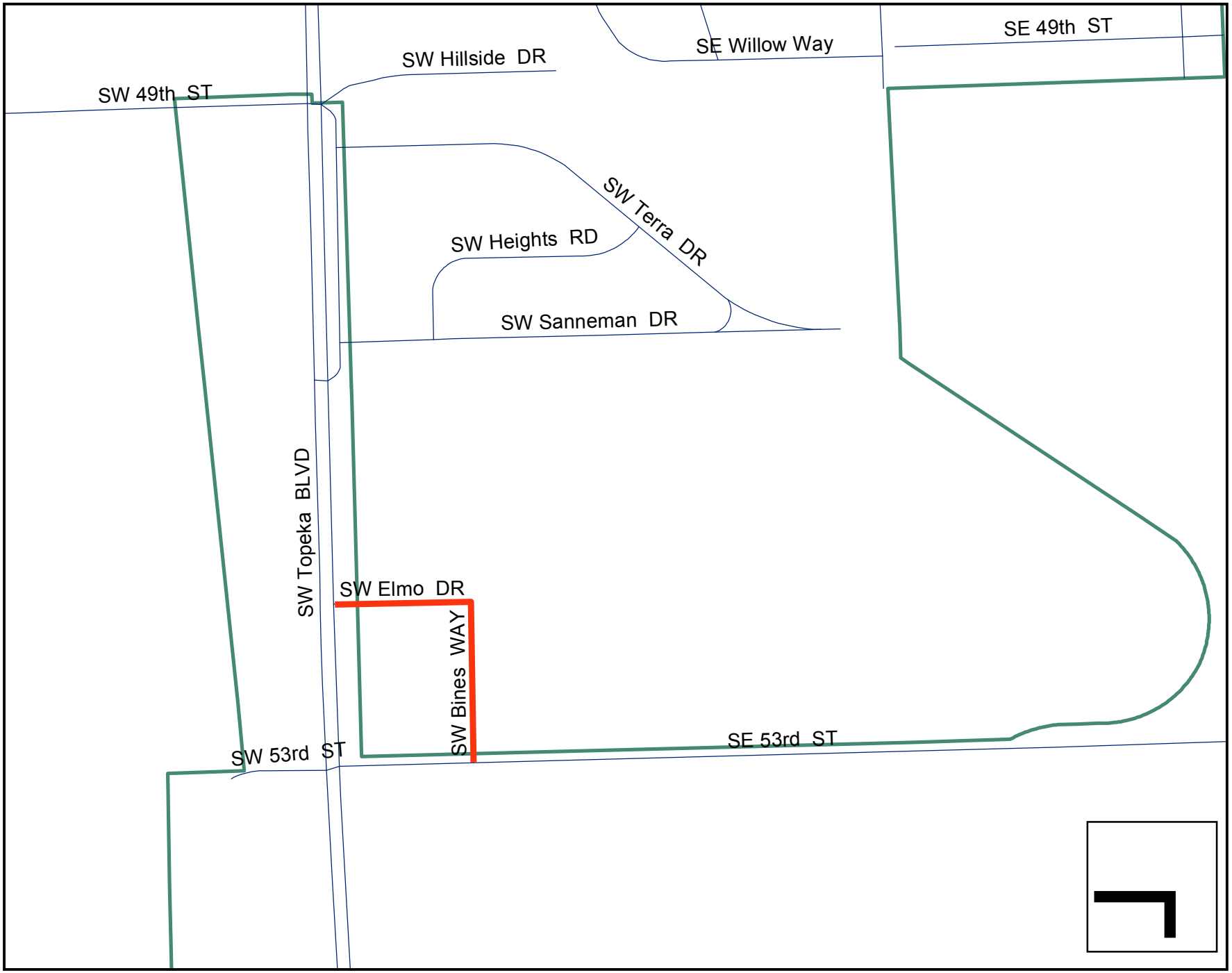
_____
Iris E. Walker, City Clerk

To Be Codified _____

Not To Be Codified __X__

Proposed Street Name Changes

SW Bines Way and SW Elmo Drive TO SE Bines Way and SE Elmo Drive



A Capital City Serving You…

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 19, 2006

DATE:	**September 19, 2006**	
CONTACT PERSON:	**Mike McGee/David Thurbon**	**DOCUMENT #:**
SECOND PARTY/SUBJECT:	**Street Lights**	**PROJECT #:**
CATEGORY/SUBCATEGORY	**013 Ordinances - Codified / 134 Subdivisions**	
CIP PROJECT:	**No**	
ACTION OF COUNCIL:	**09/26/06 First Reading.**	**JOURNAL #:**
		PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. relating to streetlights, amending Topeka City Code Chapter 130, and Sections 134-77, 134-167, and 134-175 and specifically repealing said original Sections. Final Reading. (*The Planning Commission recommeded disapproval by a vote of 2-6-0) (The Public Works and Planning Departments recommend approval of the ordinance)*

(The ordinance requires the developer to provide for street lighting within new subdivisions and codifies procedure for installation of street lights in existing subdivisions)

POLICY ISSUE:

By requiring the subdivider to install street lights prior to housing construction, the City can improve upon safety/security in neighborhoods, reduce its overall utility costs, and make property owners aware of pole locations prior to home purchases.

STAFF RECOMMENDATION:

The Planning Commission recommended **DISAPPROVAL** (2-6-0) of the ordinance as referenced in their attached minutes of August 21, 2006. Their primary concerns included the lack of a variance procedure in the proposal and the cost impact it may have on the developer. The Public Works and Planning Departments recommend **APPROVAL** of the ordinance.

Council Options:
1. Adopt, Reject, or Modify the Ordinance
2. Return to the Planning Commission to address options for a variance procedure and/or gain a better understanding of the cost impact on development.

BACKGROUND:

- The ordinance amends Chapter 130 of the City Code by codifying the current administrative procedure for street light installation in existing subdivisions including having 75% participation of the homeowners.
- The ordinance also amends the Subdivision Regulations (Chapter 134) to require street lights in all new subdivisions.
- This item was originally referred to the Policy and Finance Committee by City Council on December 13, 2005. The Policy and Finance Committee recommended approval (2-0-0) of the ordinance on January 12, 2006.
- Subsequently, City Council referred the item to the Planning Commission for public hearing and recommendation on February 7, 2006 as required by state law for any amendments to the Subdivision Regulations.

- The Planning Commission continued a public hearing originally held on March 27, 2006 until better cost information and utility corridor committee input could be provided. The Planning Commission considered the item again on August 21, 2006.

BUDGETARY IMPACT:

Adoption of this ordinance will reduce the City's cost to install street lights. However, annual electric usage and maintenance cost will be borne by the City of Topeka.

SOURCE OF FUNDING:

Initial cost of street lights will be the subdivider's responsibility. Usage and maintenance costs will be funded through the Transportation Operations Section operating budget.

ATTACHMENTS:

Planning Commission minutes (4/26/06)

Planning Commission minutes (8/21/06)

Karl Capps e-mail (8/24/06)

Street Light Pole and Fixture detail

Ordinance

MINUTES OF THE TOPEKA PLANNING COMMISSION
WEDNESDAY, APRIL 26, 2006 @ 5:30 PM
620 SE MADISON STREET
HOLLIDAY WEST CONFERENCE ROOM, HOLLIDAY BUILDING
TOPEKA, KANSAS

Amendment to the Subdivision Regulations requiring street lights lighting for new development. (ASR06/1)

Theron Sims left the meeting at 6:10. David Thurbon explained the ordinance to the Commission and introduced Mike Pfender of the City's Public Works department. Mr. Pfender introduced Carlos Salazar and Jack Fultz and offered to answer any of the Commission's questions. Fred Sanders asked if lights would be placed on every street corner. Mr. Pfender said not necessarily, but a lot of the placement would be traffic oriented. Mr. Sanders then asked if the lights would all be a certain distance apart. Jack Fultz responded that the lights are typically 200' apart, but care is taken to place them on lot lines in order to avoid a placement displeasing to the property owner. Mr. Sanders asked if a neighborhood would have to apply for a variance if its residents wanted softer lighting than the standard. Mr. Pfender said that there is a provision in the ordinance which allows the developer to opt out of providing lighting if a homeowners' association will install and maintain lighting of its own choosing. Mr. Sanders asked if the lights could be placed behind the sidewalk, rather than between the sidewalk and the curb. Mr. Pfender advised that such placement would be on private property and the City could not maintain it. Braxton Copley added that the developer would have to increase the amount of right-of-way it was willing to dedicate. Mr. Sanders inquired as to the cost of the ordinance to the developer. Mr. Fultz said that the cost would be approximately $1000 to $1500 per lot. Chairman Boyd asked if that was pure construction cost or if engineering was included in the figure. Mr. Fultz said it did not include engineering. Mr. Sanders noted that many of the street lights around town were blocked out by trees. Mr. Pfender said that this ordinance would help this issue, as the lights would be in place before trees are planted—thus making it easier to plan tree placement to maximize illumination. Discussion followed on the type and look of the proposed lights. Bill Fiander asked Mr. Copley to verify the inclusion of the opt-out clause. Mr. Copley said it had been so long since he had written the ordinance that he could not remember without seeing it. Mr. Thurbon said he did not think the clause was a part of the current version of the ordinance but advised that, if the Commission felt the opt-out clause was important, it could recommend adoption of the ordinance with that provision being added. Terry Simnitt expressed concern over comments he had heard from developers indicating that they did not want to work with such a system. Mr. Pfender said if they can find a homeowners' association to relieve them of the burden of the lighting, they're welcome, but the subdivision would be without traffic related lighting at its intersections. Mr. Thurbon asked if a provision could be added whereby the homeowner could request that a shade be added to the rear of the light. Carlos Salazar said yes. Mr. Simnitt noted that the Developers' Review Committee had planned to put together a task force to meet with the city and Westar regarding the concept of having the utilities out at the front of the lots and asked Mr. Thurbon if he'd heard any news. Mr. Thurbon responded that there was still discussion regarding the issue but he had not heard anything in the last few weeks. Chairman Boyd observed that the ordinance requires a great deal of information from the developer at the preliminary plat stage that normally isn't required until much later. He also expressed reluctance to recommend approval of the ordinance without a figure for the true cost to the developer and the City. Ralph Skoog noted the uncertainty regarding the final placement of the utilities and suggested continuing the issue until the utility coordination committee had settled on a location. Discussion followed on how long that might take. Ralph Skoog moved with Terry Simnitt seconding to continue the issue until such time as the Utility Coordination Committee develops a policy regarding utility placement—not longer than three (3) months. Mr. Thurbon advised that he felt the coordination issue was irrelevant to the ordinance. Discussion followed. Chairman called for a vote on Mr. Skoog's motion. **The motion passed 7-0-0.**

DRAFT

Minutes of the
Of the
Topeka Planning Commission
August 21, 2006

ASR06/1 an amendment to the Subdivision Regulations requiring street lights for new developments. **(Thurbon)** Bill Fiander summarized the status of this.

Discussion by members:

Ralph Skoog we were hoping that some committees would look at this before we made a decision. He asked if that has been done? Mr. Fiander said the committee is through Public Works. Mike McGee will speak to that. Terry Simnitt said the meeting had to do with moving utilities from the front to the rear yard. Howard Blackmon said he thought there would be a report or recommendation from a committee. Mr. Skoog said we asked staff to bring this back to us in three months and that is what they did. Mr. Simnitt said the item should be tabled until we get a report. Mr. Skoog said we should hear from Mr. McGee the status of this proposal.

Proponents:

Mike McGee said 3 ½ to 4 years ago we reviewed our street light cost. We rent the lights from Westar. We checked into buying them back from Westar but that many streetlights at this time it was cost prohibited. That is why we are asking for street light installation with new developments. It is very difficult to retro fit a neighborhood with streetlights. Westar's problem is where a connection is. The other problem is people don't want the poles in their yards. This ordinance takes that problem away. The light is there before the houses are built. He said to outline the cost he will use the Rockfire Development as an example. He said there are 239 lots and the cost for 69 light poles would be $267,000. That would be about $1150 per lot that would be paid by the developer or whoever buys the lots. That includes all supplies and labor. The Right of Way Coordination has a sub committee reviewing right-of-way corridor lighting. There is a report going out for review next week to the development community for right of way lighting since the city now requires underground utilities. He said it is difficult placing all utilities in the front yard easement. It is a very tight area. These changes will be incorporated into the engineering standards. We will be asking Planning for more time to review plats because of this change. This will assign an area to each utility for placement of their lines. Westar won't install the lights they will just set the meter. The developer will hire out the installation of the lights.

Mr. Skoog asked what kind of standards are we talking about? Mr. McGee said there was a review of neighboring communities and we decided to go with the 14-foot tall polished aluminum pole. Almost the same as what is in Chesnea Park. We are following Overland Park standards and we hope to adopt these standards. Howard Blackmon said this lighting requirement is for new subdivisions only. Mr. McGee said yes. Mr. Blackmon asked what about existing subdivisions? Mr. McGee said they would follow standards in place now. He said they can petition to get streetlights and the neighbors have to agree. Westar will evaluate the area and if the neighborhood consents to the petition then it is put in the budget. Theron Sims asked how many streetlights the city owns right now? Mr. McGee said the lights in the downtown corridor and Washburn Lane lighting. Mr. Blackmon asked how the city came to own the Washburn Lane lights? Mr. McGee said because Westar doesn't install or maintain decorative lighting. Mr. McGee said there are some neighborhoods that own, install and maintain streetlights. Mr. Sims asked what Mr. McGee thought about the city owning the lights and how many are there? Mr. McGee said he wasn't sure of the count. He said an approximation would be 8700. He said if the city was to buy them back we would have to pay for the materials and the interest left that Westar is paying for the investment. It was deemed not feasible. We felt prior we could afford to pay for them but with the interest, it was excessively high. Mr. Boyd asked what the total amount was to install one pole? Mr. McGee said it has not yet been determined how many poles, lamps, etc. each staff member would install or change. Mr. Simnitt said this ordinance is amending several city codes. Mr. Boyd said the location of all utilities is shown on the preliminary plat. Would the street lighting need to be place on the preliminary plat as well? Mr. Fiander said there are two attachments to preliminary plats. They are the drainage report and street plans. He said the proposal is to show the lights on the street plans. He said he is not sure what the ordinance would say about connections. Mr. McGee said a separate connection for the lights needs to be shown. Mr. Sanders asked if the developers have been talked to about this? Mr. McGee said yes. He said he hasn't heard any pros or cons from the developers. He said Public Works and all utility companies are in favor of this. There were consultants on the committee and everyone was in favor of it being submitted during preliminary plat phase. It is a flexible plan due to conditions in the area. Mr. Sanders asked if the street light ordinance isn't approved the utility lines will still be put in as stated before? Mr. McGee replied yes. He added the right of way lighting would also be put in. Mr. Boyd asked what about older areas? He said the process of rewriting the development code is underway and he would like to see narrower streets implemented into the code. How will this fit into established neighborhoods? He said with the sidewalks and utilities it is getting difficult to make everything fit. Mr. McGee said the established neighborhoods wouldn't be touched unless there is a major redevelopment in the area. We will continue providing streetlights in neighborhoods that are already established with the policies in place.

There are too many trees in established neighborhoods for placement as stated in the new ordinance. Mr. Boyd asked how do we know this will work in suburbs? Why not just worry about major streets and let the neighborhoods worry about their own lighting. Mr. McGee said there are people out there that want the lights. Mr. Boyd said he would be interested to see who petitions. Mr. McGee said the inner city is pretty well lit. Mr. Boyd said it seems like we keep adding more requirements to plats and it costs the developer more. He said he doesn't like there is no variance from the ordinance for the developer. Mr. McGee said that is a policy issue. He added if we end up with multiple types of lighting it gets to be more expensive.

Craig Arnold, Westar Energy, spoke in favor of the proposal. He said a standard street light is usually on a 35-foot pole to get the full lighting affect. Howard Blackmon said maybe a lower light could be placed in older neighborhoods, under the trees. Westar doesn't have an opinion either way on the light poles. There has been opposition in areas because they don't want the poles in their yard. If a new development wants to put lights in, we aren't against that. Mr. Boyd asked with these standards would there be overlapping of lights? Mr. Arnold said at intersections you see overlapping but not in the neighborhoods. Mr. Sanders asked what area are the petitions for streetlights coming from? Have they come from new developments? Mr. Arnold said NW 35th & Green Hills Road and Prairie Trace Subdivision on SE 30th & Peck Road. Mr. Sanders asked if there was much discussion on other lighting? Mr. Arnold said they just requested the standard streetlights. Mr. Sanders said currently they don't have that choice if they request it. Mr. Arnold replied no, but if a developer put them in, he would have more options. He said the developers don't care they just want consistency regarding the street light requirements. Mr. Arnold said concerning the utility corridor, we have had to move to front of the lots to avoid drainage/power conflict. With the corridor, it would eliminate this problem. In the Rockfire development, it was stipulated where utilities went and it worked out very well. Mr. Skoog asked if Westar puts conduit in the concrete? Mr. Arnold replied yes 2-inch conduit. He added it is easier to be replaced if necessary. He said a transformer is 3feet by 3 feet and there is one for every two lots. He said Westar is trying to create standard to minimize the number transformers. Mr. Simnitt asked if this is the same procedure as Wichita? Mr. Arnold said he believed so. Mr. Boyd asked what process this ordinance would take. David Thurbon replied this is an amendment to the subdivision regulations. Your recommendation tonight will be sent to the Council and then a public hearing will be held at the City Council meeting. Mr. Simnitt asked how did the streetlights ordinance and the underground utility corridor put all in one? Mr. Skoog said most items on the ordinance were existing they are just updating it. Mr. Simnitt asked if $42.00 per hour is correct for review of plats as stated in the ordinance? Mr. Thurbon said that is Development Services fees. Mr. Blackmon asked what constitutes a petition in an older neighborhood? Mr. McGee said it could be one block or more. Mr. Sanders asked if the $42 review fee was a new fee? Mr. Thurbon said the fee was already in the ordinance there just more clarifying language. Mr. Skoog said we are trying to develop a city. Many areas of the city use to be fringe but are now an old part of the city. I don't think the fringe is going to be what it is today forever, eventually fringe will be well inside the city. Mr. Boyd asked if there was such an outcry for this why aren't the developers requesting the lights from the city now? There is no flexibility in this ordinance. Not all subdivisions need streetlights. Mr. Blackmon said he didn't realize this ordinance makes the streetlights mandatory? Mr. Sanders asked if one of the developers came forward to speak about this? Mr. McGee replied the Rockfire developer chose to come forward in favor but others really didn't mind either way. No opting out makes it an even playing field and requires any new subdivision to have streetlights. Mr. McGee said this should be thought of as a standard like water and sewer. Mr. Blackmon said Rockfire developers want this and wants to make it a requirement of all. Mr. McGee replied no they were just one group that said they were okay with it as long as it would be required of all. There hasn't been an outpour for or against. Mr. McGee said this is written with no option out they have to put in the streetlights. Mr. Sims said it is an injustice to the developers to make this mandatory. Lighting isn't necessary for every subdivision. He said he would be okay with the ordinance if it was not a mandatory requirement. He said he would like to see an option out.

Motion:
Ralph Skoog moved to approve the ordinance as written by staff.

Mr. Thurbon said there is a provision in the subdivision code regarding design variances. Mr. Thurbon said the Planning Commission could grant design variances.

No one spoke in opposition to the proposal.

Restated Motion:
Ralph Skoog moved to approve the ordinance as written by staff, seconded by Kimberly Scott. **DISAPPROVAL. (2-6-0) Commissioners Blackmon, Boyd, Hoferer, Sanders, Simnitt, and Sims voted no.**

Mr. Boyd asked where this item goes if it fails to be approved? Mr. Thurbon said it would go to the City Council with no recommendation.

Mr. Sims said he's not opposed if there were exclusions available. Maybe we should table this and discuss it next week.

Mr. Boyd said he is concerned with cost. We don't have a set cost. This is not a complete package yet. He said he also doesn't like that is mandatory. Not all subdivisions need lighting. Mr. Boyd said he would like to see this come back to us in some form. Mr. Skoog said if we don't approve this Westar will keep putting up the streetlights.

Mr. Sims said maybe some of these questions could be answered when we have the correct cost analysis.

Ms. Scott asked what wasn't understood in April when this item was first before the Planning Commission? Mr. Boyd replied we want to know what the end total cost for the developer will be. Mr. Skoog said we had a developer show the estimated cost and had a presentation showing the plan. When reviewing the budget they noticed how much streetlights cost the city so an alternative was looked for. That is how we got to this ordinance. The main problem was the cost.

Mr. Boyd asked Mr. Thurbon to give the Council some guidance as to what the Planning Commission concerns are. Mr. Thurbon said he would type a memo with bullet points stating the concerns. He said he would state as an option that the Council could remand this item back to them for further study.

Commissioner Skoog excused himself from the meeting.

From: David Thurbon
Sent: Monday, August 28, 2006 8:25 AM
To: Bill Fiander
Subject: FW: Street Lighting

From: Braxton Copley
Sent: Friday, August 25, 2006 6:51 PM
To: Mike McGee; 'Karl Capps'
Cc: Michael Pfender; Carlos Salazar; David Thurbon
Subject: RE: Street Lighting

Covenants are not regulations adopted by the city and cannot be enforced by the city. The city's ability to regulate nuisances and housing code violations stems from the police powers which permit us to regulate conduct which poses a threat to health and safety. Typically covenants ie House color, fence location, minimum finished square footage etc exceed what the city's police power will permit us to enforce. C

Even if, for example, a covenant prohibited lawns from exceeding 12" in height, the city could not enforce that covenant, we would cite the property owner under our nuisance-vegetation ordinance and then take the appropriate abatement action if the violation were not remedied within the time set forth in the notice.

Bbc

From: Mike McGee
Sent: Thursday, August 24, 2006 12:25 PM
To: 'Karl Capps'
Cc: Braxton Copley; Michael Pfender; Carlos Salazar; David Thurbon
Subject: RE: Street Lighting

Hi Karl - thanks for the feedback. This may give us some options for consideration. At the Planning Commission meeting last Monday evening there seemed to be some consensus that developers should have a way to option out versus being required. That seemed to be the main sticking point, thus the 2-6 vote against. Convenants might be a method but currently the city does not enforce convenants and I'm not sure we can (Braxton ?). Posting a bond might be a method. I am copying our legal staff for their thoughts as well. We'll compare notes and get back to you soonest. Thanks again.

Michael E. McGee
Deputy Director
Topeka Public Works Dept.
(785) 368-3801
Fax (785) 368-3806
mmcgee@topeka.org

-----Original Message-----
From: Karl Capps [mailto:kcapps@sunflower.com]
Sent: Thursday, August 24, 2006 9:04 AM
To: Mike McGee
Subject: Street Lighting

Hi Mike,

I see that street lighting is coming up again and I wanted a chance to weigh in with you personally. I do feel it is important to have lighting in all subdivisions and that developers should have options when they do so. My biggest two concerns are that housing costs will continue to escalate even higher if costs are not addressed and that we have considerable crowding in the front utility corridors.

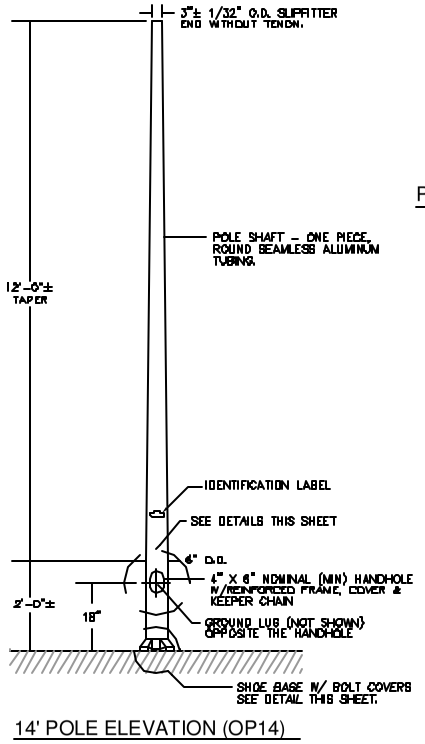
My solution to both concerns continues to be that we allow the developer to create covenants that would require a pole light (location specified) and or coach lights that would have sufficient candlepower and dusk to dawn switching. This solution would be of no cost to the city (maintenance or electric bills). The cost would be simply a part of the lighting package for the home. If a developer is not willing to create covenants then he should be required to install the entire infrastructure up front and/or post a bond assuring he will do so.

I appreciate your consideration.

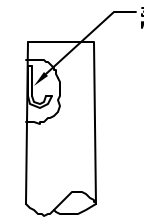
Regards,

Karl Capps
2007 Hogan Dr
Lawrence, KS 66047

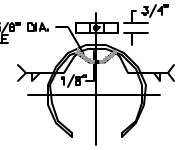
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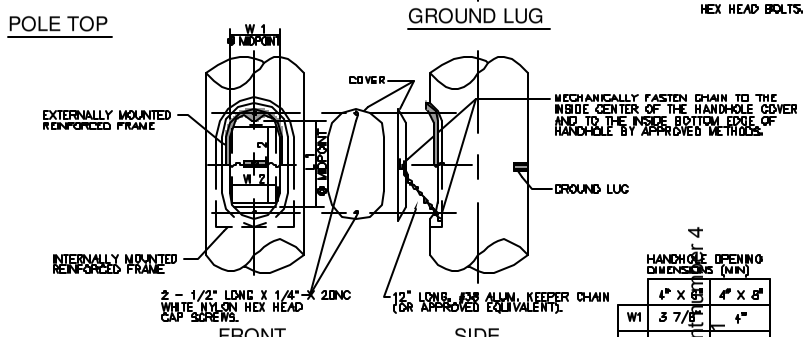
14' POLE ELEVATION (OP14)



POLE TOP



GROUND LUG



FRONT SIDE

HANDHOLE OPENING DIMENSIONS (MIN)		
	4" X 6"	4" X 8"
W1	3 7/8"	4"
L1	5 1/2"	7 1/4"
W2	3"	3 7/16"
L2	3 15/32"	3 3/32"

NOTES: 1) THE DIMENSIONS FOR THE HANDHOLE OPENING SHALL BE CLEAR OF ANY INTERFERENCE FROM THE HANDHOLE REINFORCING FRAME. THESE DIMENSIONS REPRESENT MINIMUM VALUES.

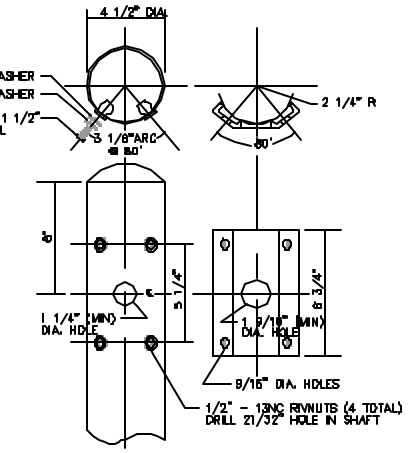
2) THE HANDHOLE OPENING SHALL BE SMOOTH AND FREE OF BURRS.

3) THE HANDHOLE COVER SHALL BE UNIFORM AND FIT TIGHTLY WITH NO GAPS AND SECURED WITH NYLON HEX HEAD SCREWS.

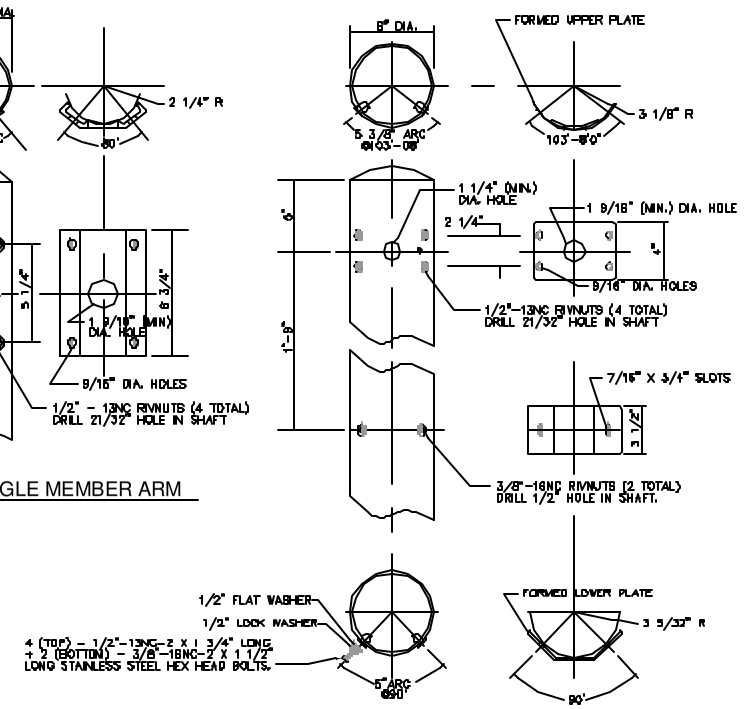
4) HANDHOLE FOR POLES LOCATED ON BRIDGES SHALL BE ON SAME SIDE AS LUMINAIRE ARM.

5) ALTERNATE APPROVED HINGED HANDHOLE COVER MAY BE USED ON 30' AND 40' POLES ONLY.

HANDHOLE

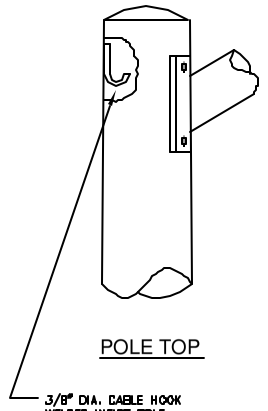


TYPE A - SINGLE MEMBER ARM

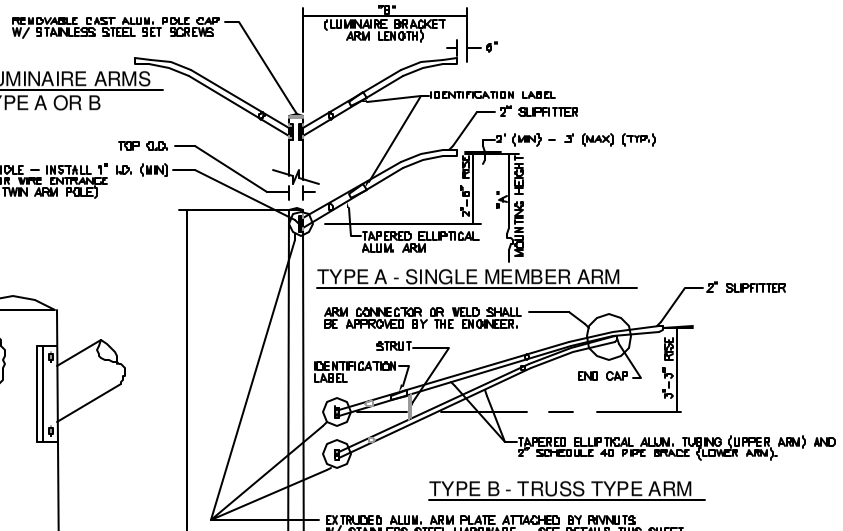


TYPE B - TRUSS ARM

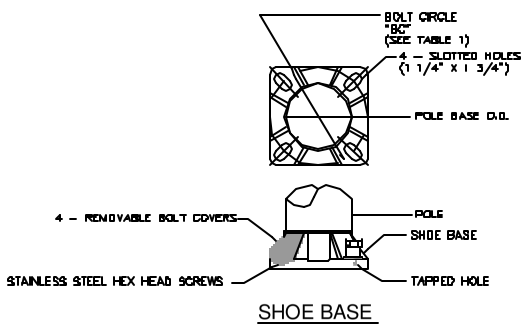
TWIN LUMINAIRE ARMS
TYPE A OR B



POLE TOP



30' & 40' POLE ELEVATION
(SEE TABLE 1 FOR DESIGNATIONS & DIMENSIONS)



SHOE BASE

TABLE 1 - LUMINAIRE ARM, POLE, SHOE BASE & ANCHOR BOLT DATA

OP DESIGNATION	MOUNTING HEIGHT(A)	LUMINAIRE ARM(S) LUMINAIRE 1 LENGTH (B)	LUMINAIRE 1 TYPE	LUMINAIRE 2 LENGTH (B)	LUMINAIRE 2 TYPE	POLE SHAFT BASE O.D.	POLE SHAFT TOP O.D.	POLE SHAFT MIN. WALL THICKNESS	POLE SHAFT SHAFT LENGTHS(C)	SHOE BASE BOLT CIRCLE (BC)	ANCHOR BOLT FOR CONCRETE FOUNDATION DIAMETER	ANCHOR BOLT FOR CONCRETE FOUNDATION LENGTH	ANCHOR BOLT FOR CONCRETE FOUNDATION HOOK	SCREW-IN ANCHOR FOUNDATION TYPE
OP14	14	NA	NA	NA	NA	8"	3"	0.188"	14'	9.0"	0.75" 10NC	20"	3"	R
OP301	30	6, 8	A	NA	NA	7"	4.6"	0.188"	27'-6"	11"	1.0" 8NC	36"	4"	T1
OP302	30	12	B	NA	NA	8"	5"	0.188"	26'-5"	11"	1.0" 8NC	36"	4"	T1
OP303	30	8	A	8	A	8"	4.6"	0.188"	27'-6"	11"	1.0" 8NC	36"	4"	T1
OP401	40	6, 8	A	NA	NA	8"	4.6"	0.219"	37'-6"	11.5"	1.0" 8NC	36"	4"	F1
OP402	40	10,12,15	B	NA	NA	8"	5"	0.219"	36'-5"	11.5"	1.0" 8NC	36"	4"	F1
OP403	40	8,12,15	B	8,12,15	B	10"	5"	0.219"	36'-6"	14.0"	1.0" 8NC	48"	4"	F2

NOTES: 1) THE INTENT OF THESE MATERIAL RESTRICTIONS IS TO PROVIDE INTERCHANGEABILITY OF BOTH TYPES OF LUMINAIRE ARMS FOR MOUNTING ON EITHER THE 30' OR 40' POLE.

2) LUMINAIRE ARMS – 6' & 8' ARMS SHALL BE SINGLE MEMBER (TYPE A) UNLESS OTHERWISE NOTED ON THE PLANS. 10, 12 & 15' ARMS SHALL BE TRUSS-TYPE (TYPE B).

3) TABLE 1 REPRESENTS POLE SHAFT DIMENSIONS FOR A 30' AND 40' POLE TO BE INSTALLED WITH BREAKAWAY DEVICES. THE POLE SHAFT LENGTH SHALL BE DIMENSIONED ACCORDINGLY BUT THE TOP & BOTTOM POLE DIAMETERS, BOLT CIRCLE, MOUNTING HEIGHT, AND LUMINAIRE ARM DESIGN AND RISE SHOWN IN TABLE 1 AND NOTED IN THE POLE ELEVATION DETAIL SHALL BE MAINTAINED (SEE NOTE 2). THE HANDHOLE SHALL BE LOCATED 24" ABOVE THE TOP OF THE SHOE BASE PLATE.

4) ANCHOR BOLTS/THREADED STUDS SHALL PROJECT ABOVE THE FOUNDATION AS PER MANUFACTURER'S RECOMMENDED PRACTICES – 2.5" TO 3". THE LEVELING DEVICES (I.E. WASHERS) SHALL BE INSTALLED BETWEEN THE STEEL SHIM PLATE, PROVIDED AS PER THE MANUFACTURER'S RECOMMENDED PRACTICES, AND THE TOP OF THE POLE FOUNDATION.

5) POLE OP403 SHALL BE PRE-DRILLED FOR THE MOUNTING OF TWIN LUMINAIRE ARMS WHETHER OR NOT TWIN ARMS ARE NOTED ON THE PLANS TO BE INSTALLED. IF THE SECOND LUMINAIRE ARM IS NOT TO BE INSTALLED, THE EXTRA HOLES SHALL BE 'PLUGGED'.

MATERIAL DATA

Component	Aluminum Alloy Designation	Specification
SHOE BASE	356–T6, CAST	ASTM B26 OR B108
FRANGIBLE BASES	356–T6	ASTM B108
BREAKAWAY COUPLINGS	6061–T6, EXTRUDED	1985 AASHTO
SKIRT (BREAKAWAY COUPLING ASSEMBLY)	3003–H14, SHEET	ASTM B209
BOLT COVERS	356 OR 360, CAST	ASTM B26 OR B108
POLE SHAFT	6063–T6, EXTRUDED	ASTM B221 OR B241
GROUND LUG	6061–T6 OR 6063–T6	ASTM B221
REINFORCED HANDHOLE FRAME	356–T6 OR 6061–T6	ASTM B26 OR B208 OR B221
HANDHOLE COVER	6063–T6	ASTM B209 OR B221 OR B241
LUMINAIRE ARM – TUBING	6063–T6	ASTM B221 OR B241
– PIPE*	6063–T6	ASTM B429
LUMINAIRE ARM PLATE	6061–T6 OR 6063–T6	ASTM B221
LUMINAIRE ARM STRUT* & ARM CONNECTOR*	6061–T6 OR 6063–T6	ASTM B221 OR B241 OR B429
POLE CAP	356, CAST	ASTM B26 OR B108
ANCHOR BOLTS	NA	ASTM A–576 STEEL, GALVANIZED PER ASTM A–153

*TRUSS-TYPE LUMINAIRE ARMS (TYPE B) ONLY.

NOTES: 1) POLE SHAFT SHALL HAVE A SATIN GROUND FINISH.

2) ALL HARDWARE (BOLTS, NUTS, WASHERS BUT NOT INCLUDING ANCHOR BOLTS) NOT OTHERWISE SPECIFICALLY DESIGNATED IN THE SPECIFICATIONS OR DETAILS SHALL BE ALUMINUM OR 300–SERIES PASSIVATED STAINLESS STEEL.

3) ANCHOR BOLTS – GALV. STEEL ANCHOR BOLTS WITH 50,000 PSI MINIMUM YIELD. TOP 10" MIN. GALVANIZED; INC. ONE NUT EACH AND TWO FLAT WASHERS GALVANIZED TO ASTM A–153 STANDARDS (4 BOLTS, 4 NUTS, & 8 WASHERS TO BE PROVIDED WITH EACH POLE). ANCHOR BOLTS SHALL BE USED WITH CONCRETE FOUNDATIONS. THREADED STUD (SEE POLE FOUNDATION DETAIL SHEET) SHALL BE USED WITH TYPE T AND F SCREW–IN FOUNDATION ANCHOR WHEN USING BREAKAWAY COUPLINGS. HEX HEAD BOLT (SEE POLE FOUNDATION DETAIL SHEET) SHALL BE USED WITH TYPE R SCREW–IN FOUNDATION ANCHOR OR T AND F TYPE FOUNDATIONS WHEN USING FRANGIBLE BREAKAWAY BASE.

4) ALL WELDING IS TO BE DONE WITH 4043 WELD WIRE. ALL ARMS AND SHAFTS SHALL HAVE A MECHANICAL STRENGTH OF NOT LESS THAN T6 TEMPER.

GENERAL NOTES:

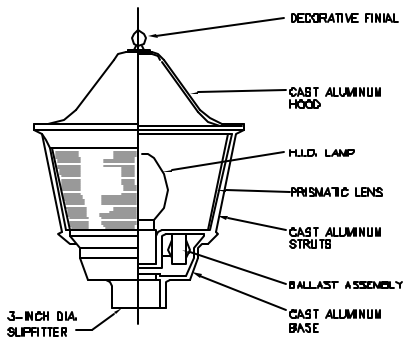
1) ALL POLES, ARMS, AND MISCELLANEOUS EQUIPMENT SHALL CONFORM TO THESE DETAILS AND AS SPECIFIED IN THE LATEST EDITION OF THE OVERLAND PARK STREETLIGHTING SPECIFICATION. THE POLES AND ARMS SHALL BE DIMENSIONED TO ENABLE INTERCHANGEABILITY.

2) THE ALUMINUM LIGHTING STANDARD INCLUDING ANCHORAGE WITH LUMINAIRE PROPERLY INSTALLED SHALL BE IN ACCORDANCE WITH THE 1985 (OR LATEST EDITION) AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS (AASHTO) FOR 80 MPH WIND AND A LUMINAIRE SIZE OF 1.3 SQ. FT. MIN. EFFECTIVE PROJECTED AREA WEIGHING 35 LBS. MIN.

3) MINOR ADJUSTMENTS IN THE LOCATION OF STREET LIGHT POLES SHOULD BE MADE IN THE FIELD DURING CONSTRUCTION IN ORDER TO MAINTAIN 4'–0" CLEARANCE FROM THE CENTERLINE OF ANY FIRE HYDRANT TO THE FACE OF POLE.

4) ALL POLES AND ARMS SHALL BE CLEARLY IDENTIFIED BY THE MANUFACTURER NAME, ABBREVIATION OR SYMBOL ENGRAVED ON THE SHAFT, BASEPLATE, HANDHOLE OR OTHER MEANS SUCH AS TO BE READILY VISIBLE AFTER INSTALLATION.

5) ALL 14' POLES SHALL BE INSTALLED WITH THE HANDHOLE ORIENTED 180 DEGREES FROM THE DIRECTION VEHICLES APPROACH.



150, 250 & 400 WATT HPS (MULTITAP BALLAST)
COBRA HEAD CUTOFF STYLE LUMINAIRE

100 & 150 WATT HPS
POST TOP LUMINAIRE

ALL INFORMATION APPEARING ON THIS SHEET IS INTENDED ONLY FOR USE ON THIS PROJECT AND SHALL NOT BE DUPLICATED, DISCLOSED, OR OTHERWISE USED WITHOUT THE WRITTEN CONSENT OF THE CITY OF OVERLAND PARK, KANSAS

CITY OF OVERLAND PARK
DEPARTMENT OF PUBLIC WORKS

STREETLIGHTING INSTALLATION
PROJECT NAME

POLE AND LUMINAIRE DETAILS

DESIGNED: BLW		LAST REVISED: 12/10/04
DETAILED: LSM/VJG		SCALE: 1"= N.T.S horz. 1"= N.T.S. vert.
CHECKED: RAL		SHEET: — of —
APPROVED: BCS		

Attachment 4
Page 11 of 11

K:\DETAILS_SPECS\STR_DRAWINGS\TWITTA\LUM\TWLUM01.DWG 12/10/2004 10:30:00 AM

(Published in the Topeka Metro News_____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., relating to streetlights, amending Topeka City Code Chapter 130, and §§ 134-77, 134-167 and 134-175 and specifically repealing said original sections.

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

Section 1. That City of Topeka Code Chapter 130, Streets, sidewalks, and other public places, is hereby amended by the addition of the following article:

Article XIV. Street Lights Existing Subdivisions.

Section 2. That City of Topeka Code Chapter 130, Article XIV, Street Lights Existing Subdivisions, is hearby amended by the addition of the following language:

Streetlights.

(a) If a petition is submitted to the department of public works asking that streetlights be installed in an existing subdivision or portion thereof, then the department of public works shall proceed with the streetlight installation in that subdivision or portion thereof subject to the following requirements:

1. Petitions for street lighting for a subdivision must bear the signatures of at least seventy-five percent (75%) of the homeowners of the subdivision and such homeowners must obligate themselves to pay for all the costs of the streetlight installation.

2. Petitions for infill street lighting for portions of a subdivision shall contain the signatures of at least seventy-five percent (75%) of the homeowners located within the effective lighting pattern of the requested infill street lighting. The

homeowners in the petition area must, as part of the petition, obligate themselves to pay for all the costs of the infill street lighting installation.

(b) All street lighting shall conform to City standards and specifications. Street lighting formally accepted by the City shall become the property of and maintenance responsibility of the City. The City reserves the sole right to accept for maintenance any street lighting and to activate or deactivate any accepted street lighting.

Section 3. That City of Topeka Code § 134-77, Contents, is hereby amended to read as follows:

Contents.

The contents of the preliminary plat shall include the following:

(1) Vicinity map showing geographical location of the proposed subdivision.

(2) The proposed name of the subdivision (the name shall not duplicate or closely resemble the name or names of any existing subdivision).

(3) The location of the boundary lines in relation to the quarter section corner.

(4) The names and addresses of the developer, surveyor, landscape architect or architect who prepared the plat.

(5) The scale of the plat shall be one inch equals two hundred (200) feet or larger.

(6) Date of preparation and north point.

(7) Location, width and name of platted street or other public ways, railroads and utility rights-of-way, parks and other public open spaces and permanent buildings within or adjacent to the proposed subdivision.

(8) All existing sewers, water mains, gas mains, culverts or other underground installations within the proposed subdivision or immediately adjacent thereto, showing pipe size, grades and location.

(9) Names of adjacent subdivisions, and owners of adjacent parcels of unsubdivided land.

(10) Topography with contour intervals of not more than five (5) feet (referred to USGS datum), also location of watercourses, bridges, wooded areas, lakes, ravines, approximate acreage and such other features as may be pertinent to the subdivision.

(11) The location and width of proposed streets, roadways, highways, pedestrian ways and easements.

(12) The location and character of all proposed utility lines, included sewers (storm and sanitary), water, gas, telephone and power lines. Where new public streets or rights-of way are proposed, a preliminary street plan ~~which~~ shall have cross section and profile data of the existing conditions and of the proposed improvements. Further, the preliminary street plan shall state all other information required for street lighting as specified in the City's technical specifications maintained by the City engineer. The preliminary street plan shall be reviewed by the City or County engineer for compliance with the uniform standards. The reviewing engineer shall submit a statement to the secretary of the planning commission prior to the public hearing, indicating that the preliminary street plan meets with uniform standards or setting forth the provisions necessary to meet the uniform standards. If a sewage treatment plant or other type of individual or community sewage disposal system is to be installed or constructed to serve all or certain portions of the proposed subdivision, the general plan for such community

type sewage treatment or disposal system shall be shown and so identified on the proposed plat.

(13) Layout, numbers and approximate dimensions of all lots, and the number or letter of each block.

(14) Location and size of proposed parks, playgrounds, churches or school sites, or other special uses of land to be considered for dedication to public use or reservation by deed of covenant for the use of all property owners in the subdivision and the conditions of such dedication or reservation.

(15) Building setback lines with dimensions.

(16) Indication of any lots for which uses other than residential are proposed by the subdivider.

(17) A statement, on the plat, as to how lots will be sewered.

Section 4. That City of Topeka Code § 134-99, Contents, is hearby amended to read as follows:

Contents.

The final plat shall show and contain the following information:

(1) Name of subdivision (not to duplicate or closely resemble the name of any existing subdivision).

(2) Location of section, township, range, county and state, including the descriptive boundaries of the subdivision based on an accurate traverse, giving angular and linear dimensions which must mathematically close; the allowable area of closure on any portion of the plat shall be one (1) foot in five thousand (5,000).

(3) The locations of monuments shall be shown and described on the final plat; locations of such monuments shall be shown in reference to existing official monuments or nearest established street lines, including the true angles and distances to such reference points or monuments.

(4) The location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii or area of all curves, and with all other information necessary to reproduce the plat on the ground; dimensions shall be shown from all angle points and points of curve to lot lines.

(5) The location, size, lumination and any other required specifications for a street lighting system.

(6) Lots shall be clearly designated by number or letter; the area of each lot shall be indicated in terms of square footage either in tabular form or within the lot boundaries on the plat.

(7) Blocks shall be lettered clearly in the center of the block.

(8) The exact location, width and name of all streets to be dedicated.

(9) Location and width of all easements to be dedicated.

(10) Boundary lines and description of the boundary lines of any area, other than streets and alleys, which are to be dedicated or reserved for public use.

(11) Name and address of the developer and the surveyor or engineer making the plat.

(12) Scale of plat (scale to be shown graphically and in feet per inch), date and north point.

(13) Formal dedication for all easements.

(14) Formal dedication of all streets, alleys and all other public areas not previously dedicated.

(15) The names and signatures of the owners of the property, duly acknowledged and notarized, shall appear on the original and copies submitted.

Section 5. That City of Topeka Code § 134-167, Procedure for developer project, is hereby amended to read as follows:

Procedure for developer project.

The following procedure shall be followed when the public improvements are proposed to be completed as a developer project:

(1) All proposed street, street lighting, sanitary sewer, storm sewer and sidewalk improvements to be installed by a subdivider or developer must first be approved by the City engineer. A plan review fee of forty-two dollars ($42.00) per hour shall be charged. Payment by the developer or subdivider of all plan review fees incurred shall be a condition precedent to the acceptance of the improvements.

(2) The City engineer shall inspect all work done by the subdivider or developer and shall approve or reject as appropriate. A final inspection shall be requested in writing by the developer or subdivider when the work is completed. The City engineer's approval and payment by the developer or subdivider of all inspection fees incurred shall be a condition precedent to the acceptance of the improvements.

(3) Upon approval of such work and payment of all fees, the City engineer shall accept the improvement for maintenance by the City.

(4) The subdivider of developer shall furnish a surety bond conditioned that they shall maintain and make all necessary repairs to the improvements constructed by them,

at their own expense, for a period of one (1) year after the date of acceptance of the improvements, where repairs are necessary by reason of defective workmanship, imperfection in material used, or improper, imperfect or defective preparation of the ground upon which the improvement shall be laid. The surety shall be for the benefit of the public and in an amount equal to ten percent of the total improvement cost, but in no case shall the amount be less than Five Thousand Dollars ($5,000.00).

(5) Unless and until such acceptance is made as provided for in this article, the City accepts no responsibility for any improvements.

Section 6. That City of Topeka Code § 134-175, Streetlights, is hereby amended to read as follows:

Streetlights~~s~~ing required.

~~(a) Any subdivider, developer or other property owner who plans to restrict a subdivision's electrical services to underground wiring shall be required to pay any costs of streetlight installation which are above the standard costs for streetlight installations. Standard streetlight costs shall be construed to mean the costs of installing a streetlight in the subject subdivision if overhead wiring were available.~~

~~(b) Any subdivider, developer or other property owner shall be required to post a satisfactory bond or cash deposit securing to and insuring the City that such subdivider, developer or other property owner will pay the costs of streetlight installations which are above the costs of standard streetlight installations.~~

~~(c) If a petition is submitted to the department of public works asking that streetlights be installed in an existing subdivision containing underground electrical wiring, then the department of public works shall proceed with the streetlight installation in that~~

~~subdivision; provided, however, that any such petition must bear the signatures of at least 75% of the homeowners of the subdivision, and such homeowners must obligate themselves to pay for the costs of the streetlight installation which are above the standard costs for streetlight installation.~~

(a) The subdivider shall provide adequate street lighting for each street contained within the subdivision. Plans and specifications for such installation shall be submitted to and approved by the City before issuance of building permits. All street lighting design and installation costs shall be paid for by the owner of the subdivision. All street lighting design and installation shall conform to the City standards and specifications. Street lighting not conforming to City standards and specifications shall not be accepted by the City.

(b) Street lighting formally accepted by the City shall become the property of and maintenance responsibility of the City. The City reserves the sole right to accept for maintenance and to activate or deactivate accepted street lights.

(c) Street lighting not conforming to City standards and specifications shall not be accepted for maintenance by the City. If the developer or property owner installs street lighting which does not conform with the City specifications, the developer or property owner, subsequent property owners or home owner's association shall be solely responsible for the maintenance, repair and supply of electrical energy to the street lighting.

Section 7. That original Topeka City Code Chapter 130, and §§ 134-77, 134-167, and 134-175 are hereby specifically repealed.

Section 8. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

PASSED and APPROVED by the City Council_____.

_____
William W. Bunten, Mayor

ATTEST:

_____
Iris E. Walker, City Clerk

A Capital City Serving You…

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 21, 2006

DATE:	**September 19, 2006**		
CONTACT PERSON:	**David Thurbon/Bill Fiander**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**City of Topeka**	**PROJECT #:**	**PUD06/1**
CATEGORY/SUBCATEGORY	**014 Ordinances – Non-Codified / 007 Zoning**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:	**09/26/06 First Reading.**	**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property between SW 13th Street and SW Byron Street and between SW Washburn Avenue and SW Lane Street also including property at the northwest corner of SW 17th Street and SW Washburn Avenue and at the southeast corner of SW 14th Street and SW Lane Street from "M-1"Two-Family Dwelling District, "O&I-2" Office and Institutional District, "C-2" Commercial District and "C-4" Commercial District ALL TO "PUD" Planned Unit Development District ("M-2" Multiple-Family Dwelling District and "C-2" Commercial District use groups). Final Reading.*(PUD06/1) (Council District #6) (The Planning Commission recommended approval by a vote of 6-1-0) (The Planning Department recommends that the request be approved.)***

(Approval would allow for redevelopment of the property for multiple-family and retail uses.)

POLICY ISSUE:

Request is consistent with the Washburn Lane Parkway Plan and the Holliday Park Neighborhood Land Use Plan elements of the Comprehensive Plan.

STAFF RECOMMENDATION:

The Planning Commission recommended this proposal be **APPROVED** by a vote of **6-1-0** as referenced in their attached minutes of January 18, 2006. The Planning Department recommended that this request be **APPROVED** as referenced in the attached staff report.

BACKGROUND:

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

BUDGETARY IMPACT:

Previously addressed in TIF approvals

SOURCE OF FUNDING:

Previously addressed in TIF approvals

ATTACHMENTS:

Ordinance

Staff Report

Aerial

Application p1

Application p2

Application p3

Application p4

Minutes

PUD Plan pg1

PUD Plan pg2

PUD Plan pg3

PUD Plan pg4

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located between SW 13th Street and SW Byron Street and between SW Washburn Avenue and SW Lane Street also to include property at the NW corner of SW 17th Street and SW Washburn Avenue and the SE corner of SW 14th Street and SW Lane Street in the City of Topeka, Kansas from "M-1" Two Family Dwelling District, "C-2" Commercial District, "C-4" Commercial District and "O&I-2" Office and Institutional District **TO** "PUD" Planned Unit Development District ("M-2" and "C-2" use groups). **(PUD06/1) (Council District No. 1 and 6)**

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

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

LOT 1 BLOCK A

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 6TH P.M., INCLUDING LOTS 1,2,3,4,5,6, OF HARRISON PLACE SUBDIVISION, IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE ON AZIMUTH (WORLD GEODETIC SYSTEM 1984) 0 DEGREES 24 MINUTES 41 SECONDS, COINCIDENT WITH THE WEST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1135.22 FEET; THENCE ON AZIMUTH 90 DEGREES 24 MINUTES 41 SECONDS A DISTANCE OF 30.00 FEET TO THE INTERSECTION OF THE EAST LINE OF WASHBURN AVENUE AND THE NORTH LINE OF 15TH STREET, AND THE POINT OF BEGINNING; THENCE ON AZIMUTH 0 DEGREES 24 MINUTES 41 SECONDS, COINCIDENT WITH SAID EAST LINE, A DISTANCE OF 815.62 FEET TO THE SOUTH LINE OF 13TH STREET; THENCE ON AZIMUTH 89 DEGREES 47 MINUTES 22 SECONDS, COINCIDENT WITH SAID SOUTH LINE, A DISTANCE OF 276.19 FEET TO THE WEST LINE OF LANE STREET; THENCE ON AZIMUTH 180 DEGREES 20 MINUTES 48 SECONDS, COINCIDENT WITH SAID WEST LINE, A DISTANCE OF 816.50 FEET TO THE NORTH LINE OF 15TH STREET; THENCE ON AZIMUTH 269 DEGREES 58 MINUTES 30 SECONDS, COINCIDENT WITH SAID NORTH LINE, A DISTANCE OF 277.10 FEET TO THE POINT OF BEGINNING.
SAID TRACT CONTAINING 5.18 ACRES MORE OR LESS.

LOT 1 BLOCK B

LOTS 570,572,574,576,578,580,582, IN THROOPS SECOND ADDITION, CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS

LOT 1 BLOCK C

LOTS 598,600,602,604,606,608,610,612,614 IN CHAMBERLAIN'S SUBDIVISION, AND LOTS 597,599,601,603,605,607,609,611,613,615, AND FRACTIONAL LOTS 617,619,621, IN BATTEY AND JANSEN'S SUBDIVISION AND FRACTIONAL LOT 8 IN RURAL HOMES SUBDIVISION, ALL IN THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 6TH P.M. IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE ON AZIMUTH

0 DEGREES 24 MINUTES 41 SECONDS (WORLD GEODETIC SYSTEM 1984), COINCIDENT WITH THE WEST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1055.29 FEET; THENCE ON AZIMUTH 90 DEGREES 24 MINUTES 41 SECONDS, A DISTANCE OF 40.00 FEET TO THE NORTHWEST CORNER OF LOT 598 IN CHAMBERLAIN'S SUBDIVISION AND THE POINT OF BEGINNING; THENCE ON AZIMUTH 89 DEGREES 58 MINUTES 30 SECONDS, COINCIDENT WITH THE SOUTH LINE OF 15TH STREET, A DISTANCE OF 267.19 FEET (266.87 PLAT) TO THE NORTHEAST CORNER OF LOT 597 IN BATTEY AND JANSEN'S SUBDIVISION AND THE WEST LINE OF LANE STREET; THENCE ON AZIMUTH 180 DEGREES 20 MINUTES 48 SECONDS COINCIDENT WITH SAID WEST LINE, A DISTANCE OF 259.51 FEET TO A POINT 12.5 FEET NORTH OF THE SOUTHEAST CORNER OF LOT 617 IN BATTEY AND JANSEN'S SUBDIVISION; THENCE ON AZIMUTH 212 DEGREES 50 MINUTES 37 SECONDS, COINCIDENT WITH SAID WEST LINE, A DISTANCE OF 14.89 FEET TO A POINT ON THE NORTH LINE AND 8 FEET WEST OF THE NORTHEAST CORNER OF LOT 619 IN BATTEY AND JANSEN'S SUBDIVISION; THENCE ON AZIMUTH 204 DEGREES 32 MINUTES 07 SECONDS, COINCIDENT WITH SAID WEST LINE A DISTANCE OF 29.05 FEET TO THE NORTH LINE OF 16TH STREET; THENCE ON AZIMUTH 264 DEGREES 40 MINUTES 20 SECONDS, COINCIDENT WITH SAID NORTH LINE A DISTANCE OF 248.87 FEET TO THE EAST LINE OF WASHBURN AVENUE; THENCE ON AZIMUTH 0 DEGREES 24 MINUTES 41 SECONDS, COINCIDENT WITH SAID EAST LINE A DISTANCE OF 321.44 FEET TO THE POINT OF BEGINNING. CONTAINING 1.89 ACRES MORE OF LESS.

LOT 1 BLOCK D

TRACT I

LOT 9 (FRACTIONAL) IN RURAL HOMES ADDITION TO THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT WHICH IS 72 FEET NORTH OF THE SOUTHWEST CORNER THEREOF; THENCE NORTH ALONG THE WEST LINE OF LOT 9 TO THE SOUTH LINE 0F 16TH STREET; THENCE NORTHEASTERLY ALONG THE SOUTH LINE OF 16TH STREET, 119.28 FEET, MORE OF LESS, TO THE NORTHEAST CORNER OF LOT 9; THENCE SOUTH ALONG THE EAST LINE OF LOT 9, TO A POINT 167 FEET NORTH OF THE SOUTHEAST CORNER OF LOT 9, AS FORMERLY PLATTED; THENCE SOUTHWESTERLY ALONG THE WESTERLY LINE OF PROPERTY CONVEYED TO THE CITY OF TOPEKA FOR STREET, TO A POINT 72 FEET NORTH OF THE SOUTH LINE OF LOT 9 AS FORMERLY PLATTED; THENCE WEST TO THE POINT OF BEGINNING, IN SHAWNEE COUNTY, KANSAS, ALSO THE NORTH AND SOUTH ALLEY LYING EAST OF AND ADJACENT TO SAID TRACT, NOW VACATED.

TRACT II

A PART OF LOT 10 ON 16TH STREET, IN RURAL HOMES ADDITION TO THE CITY OF TOPEKA, SHAWNEE COUTNY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT 108.75 FEET WEST AND 175.6 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 10, SAID POINT ALSO BEING ON THE EAST LINE OF A NORTH AND SOUTH ALLEY; THENCE NORTH ALONG THE EAST LINE OF SAID NORTH AND SOUTH ALLEY TO THE SOUTH LINE OF 16TH STREET; THENCE EAST ALONG THE SOUTH LINE OF 16TH STREET, TO A POINT 30.5 FEET WEST OF THE EAST LINE OF SAID LOT 10; THENCE SOUTHWESTERLY TO A POINT 37.5 FEET WEST AND 271.6 FEET NORTH OF THE SOUTHEAST CORNER OF LOT 10; THENCE CONTINUING SOUTHWESTERLY TO A POINT 75 FEET WEST AND 213.6 FEET NORTH OF THE SOUTHEAST CORNER OF LOT 10; THENCE CONTINUING SOUTHWESTERLY TO THE POINT OF BEGINNING; ALSO THE NORTH AND SOUTH ALLEY LYING WEST OF AND ADJACENT TO THE ABOVE TRACT, NOW VACATED, BEING ALL OF SAID LOT 10, LYING NORTH AND WEST OF LANE STREET EXTENSION, SHAWNEE COUNTY, KANSAS.
TAX ROLL SHOWS PROPERTY ADDRESS AS: 1600 SW WASHBURN AVENUE, TOPEKA, KANSAS 66604

LOT 1 BLOCK E

LOT 2, BLOCK A, WASHBURN NORTH SUBDIVISION, AND ALSO A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 6TH P.M., IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS:
BEGINNING 40 FEET NORTH AND 40 FEET WEST OF THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE WEST 107 FEET; THENCE NORTH 150 FEET; THENCE WEST 50 FEET; THENCE NORTH 37.5 FEET; THENCE EAST 7 FEET; THENCE NORTH 37.5 FEET; THENCE EAST 150 FEET;

THENCE SOUTH 225 FEET TO THE POINT OF BEGINNING.
TAX ROLL SHOWS PROPERTY ADDRESS AS: 1510 SW 17TH STREET, TOPEKA, KANSAS 66604.

from "M-1" Two Family Dwelling District, "C-2" Commercial District, "C-4" Commercial District and "O&I-2" Office and Institutional District **TO** "PUD" Planned Unit Development District ("M-2" and "C-2" use groups). **subject to:**

1. **Use and development of the site in accordance with the recorded Master PUD Plan of College Hill Redevelopment Subdivision.**

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

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

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

PASSED AND APPROVED by the Council of the City of Topeka, _____, 2006.

_____
Mayor William W. Bunten

ATTEST:

_____
Iris E. Walker, City Clerk

To Be Codified _____

Not To Be Codified ___X___

January 18, 2005
Agenda Item #I-5

ZONING REPORT

CITY OF TOPEKA PLANNING DEPARTMENT

CASE NO: PUD06/1 College Hill Redevelopment Subdivision **by: City of Topeka**

PROPOSAL: Zone change from "M-1"Two-Family Dwelling District, "O&I-2" Office and Institutional District, "C-2" Commercial District and "C-4" Commercial District, **ALL TO** "PUD" Planned Unit Development District (residential and commercial use groups). The zoning change was initiated by the Topeka City Council on December 20, 2005 (Resolution No. 7727) at the request of the Washburn Lane Parkway Renovations, L.L.C.

LOCATION: On property between SW 13th Street and SW Byron Street and between SW Washburn Avenue and SW Lane Street also including property at the NW corner of SW 17th Street and SW Washburn Avenue and at the SE corner of SW 14th Street and SW Lane Street.

PARCEL ID NUMBERS:

1410101007001000	1410101020002000	1410101007017000	1410101022009000
1410101007028000	1410101007013000	1410101007019000	1410101022012000
1410101007006000	1410101020003000	1410101007018000	1410101022011000
1410101007027000	1410101007023000	1410101022006000	1410101023001000
1410101007026000	1410101007014000	1410101022001000	1410102025019000
1410101007008000	1410101020004000	1410101022002000	1410101022004000
1410101007009000	1410101007022000	1410101022003000	1410101007007004
1410101007025000	1410101007015000	1410101022007000	1410101007011000
1410101007024000	1410101007016000	1410101022013000	
1410101007012000	1410101007020000	1410101022008000	

PRESENT USE: Mixture of "M-1", "C-2", and "C-4" use groups.

PROPOSED USE: "PUD" Planned Unit Development District to provide for a mixed use redevelopment project including retail, commercial and multi-family residential components. The project encompasses nine acres and is to compose 196 apartment units and 26 townhomes in addition to providing approximately 24,000 square feet of commercial retail space. All existing commercial structures and dwelling units are to be demolished. The objective of the redevelopment is to stimulate and create a prosperous economic and residential environment within a currently distressed area. This is to be supported though the City Council's consideration of creating a tax increment finance (TIF) district, which is supported by the Holliday Park Neighborhood Plan and Washburn Lane Parkway Plan elements of the Comprehensive Plan as a revitalization effort for the area.

CHARACTER OF NEIGHBORHOOD: The property is surrounded by a mixture of single-family and multiple-family residential and commercial retail uses within an "at-risk" neighborhood, as identified in the Neighborhood Element of the Comprehensive Plan. The Washburn University Campus is located south of the subject site and contributes much to the character and flavor of the area. The University's expanding enrollment has generated a greater need for off campus housing which the development will help satisfy. The commercial character of the area will be augmented and revitalized by the commercial retail element of the proposed plan.

ZONING CLASSIFICATION AND USE OF SURROUNDING PROPERTIES:

Please refer to attached Land Use Map.

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: The area proposed for redevelopment has maintained its current zoning classifications since being impacted by the 1966 tornado.

SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED: The Neighborhood Plan elements of the Comprehensive Plan establish this area for commercial/residential mixed use. The site's present classification is consistent with the established pattern of zoning and land use in the area. The properties generally appear suitable under the current zoning, but are not collectively viable in their present state to be suitable for a major renovation effort without a planned unit development.

CONFORMANCE TO COMPREHENSIVE PLAN: The applicant's proposal will be furthering the objectives and policies of the adopted neighborhood plans by helping to stimulate and create a prosperous economic environment within a currently distressed area. The Neighborhood Plans establish this area for commercial and residential planned development land use. The proposal is therefore viewed as being consistent with the plan.

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: The proposed reclassification would permit the subject property to develop consistent with the Comprehensive Plan's future land use designation for the area. Most of the subject property is bounded by arterial roads mitigating any physical impact it may have on adjacent properties. As the project will replace buildings (some of which are experiencing deterioration) with a cohesive new-urbanist set of buildings, the expected economic impact should also be positive. Some detrimental effect upon removal of the present restrictions may be experienced if traffic and pedestrian circulation issues are not addressed.

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 accommodate the redevelopment of this property for a mixture of residential and commercial retail uses that will replace a distressed area with a new development that offers to stimulate and create a prosperous economic environment thereby furthering the objectives and policies of the adopted

neighborhood plans for the area. Detrimental effects to the public welfare will result if the area is allowed to continue to deteriorate. Much of this area has been in decline since it was impacted by the tornado of 1966. Therefore, there would appear to be no particular gain to the public health, safety, and welfare by maintaining the present restrictions.

AVAILABILITY OF PUBLIC SERVICES: All essential public utilities, services and facilities are presently available to this area although some enhancement of these existing facilities will be necessary. The applicant is requesting that the governing body create a tax increment finance (TIF) district to enable the developer the ability to assemble and finance this redevelopment project. The City has also approved $1.5 million of general obligation funds in the 2006-2010 CIP for infrastructure improvements in support of this project.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:

Application: **Incomplete** – Taxes are delinquent on seven parcels; format of PUD needs revisions and additional information is needed.

Minimum Lot Area: **Compliant**.

Setbacks: **Non-Compliant** – Planning Commission will need to grant the following variances:

- Variance to Section 48-24.02(b)(2)(a) reducing the perimeter setback.

Platting: **Compliant** – The Planning Commission approved the applicants preliminary plat of [P05/43] College Hill Redevelopment Subdivision, on December 28, 2005, which plats the subject property into a five block 5-lot subdivision intended for a mixture of commercial and residential uses.

CONCERNS OF STAFF AND REVIEWING AGENCIES: This request has been submitted to all applicable reviewing agency staff for consideration and comment. Issues or concerns expressed by reviewing staff relative to code compliance or the provisions of public services are expressed under Staff recommendations.

ADDITIONAL FACTORS:

1. Neighborhood Improvement Association: Holliday Park NIA / College Hill NA.
2. Capitol Plaza Area: Not Applicable.
3. Flood Hazard Area: Not Applicable.
4. Airport Hazard Area: Not Applicable.
5. Historic Properties: Not Applicable.

STAFF RECOMMENDATION:

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

Submission of a revised PUD Plan which conforms to standard PUD format and addresses the following prior to being submitted for City Council consideration. – Alternative, the Planning Commission may choose to continue the case for one month.

General Notes:

1. "Conceptual Layout" note should be placed under the General Note heading and should read: *"A conceptual layout of the streets, sidewalks, building elevations, buildable areas, parking and points of access regarding the planned unit development are depicted. A final layout which is in substantial conformance with the depicted concept shall be submitted for approval at the time of site plan review stage."*

2. Add note under "General Notes" stating: *"All improvements shall be made to City standards."*

3. Correct misspellings.

4. Remove reference to current zoning from plan.

Variances:

5. If variances are needed, a heading for variances needs to be provided and the following note added to the plan: *"Pursuant to Section 48-27.07 of the "PUD" District Regulations the City of Topeka Planning Commission hereby grants the following variance(s): "*

   Variance to reduce the perimeter setback requirement of Section 48-24.02(b)(2)(a) from 30' feet to a specific distance.

Utility Notes:

6. Add note under "Utility Note" stating: *"All utilities shall be placed underground pursuant to the City's right-of-way management standards."*

Circulation, Parking, & Traffic Notes:

7. Indicate parking ratios for each of the blocks. Establish amount of parking required relative to commercial and residential needs pursuant to Section 48-30.02.

8. Indicate the number of access points each block is to have and the general location of the access points (i.e. Lot 1, Block "C" is to have two points of access on SW 15th Street, etc.) Indicate that with the exception of approved points of access all remaining street frontage is to be restricted. Existing and proposed access spacing on SW Lane Street, SW Washburn Avenue, and SW 17th Street do not meet current spacing requirements for arterial streets as required by *Chapter 5 Street Design and Access Management* of the city's Transportation Plan. Access to Lot 1, Block "A" should be taken from SW 15th Street and SW 13th Street. If access from SW Washburn Avenue and SW Lane Street is deemed essential it should be limited to a single point on each street that is

offset. This will discourage traffic through the development and will reduce the number of access points on what are heavily traveled arterial streets. Proposed access to Lot 1, Block "E" from SW 17th Street should be removed.

Add plan note stating: *"Specific location of access openings to be approved by Public Works Director at time of site plan approval."*

9. Show 4' sidewalks on both sides of all streets located one foot inside the right-of-way line or a blanket pedestrian easement should be added where sidewalks are located on private property. Sidewalk is missing in Block "A" along SW Lane Street.

10. A pedestrian trail is indicated in the City's *Trails and Greenways Plan* along the entire frontage length of SW Washburn Avenue to provide for the Washburn-Lane Parkway Trail. A trail easement needs to be indicated along the entire frontage length of SW Washburn Avenue to provide for the Washburn-Lane Parkway Trail.

11. A system of pedestrian pathways must connect each block and any mid-block crossings approved by City Traffic Engineer.

12. Block "B" garages do not support 2 parking spaces as required. Interior clearance width of garages must be 18' minimum or driveway depth should be at least 18'. A 6' minimum separation between garages is required if they are detached.

13. Remove cutback parking from the plat for SW Lane Street, SW Washburn Avenue and SW 17th Street. Add plan note: *"Cutback parking is to be determined at the time of site plan review to be approved by the Public Works Director."*

14. The proposed subdivision does not meet arterial street right-of-way requirements for its frontages on SW 17th Street, SW Washburn Avenue and SW Lane Street. Additional right-of-way may need to be dedicated along these frontages, as determined by the City Engineer prior to final plat approval by the Planning Commission.

15. Need to indicate how loading/unloading will be handled for retail uses.

Signage Notes:

16. What type of signage is being proposed? Sign program should be specified.

Landscaping Notes:

17. Add Landscaping note to read as follows: *"This development shall conform to the City of Topeka Landscape Regulations. Landscaping for all residential structures, residential/retail structures and the clubhouse shall also comply with the City of Topeka Landscape Regulations. Required landscaping may be located within the public right-of-way with approval of the Planning Director and Public*

Works Director. A landscape plan shall be approved at time of building permit. Season permitting, all landscaping shall be installed prior to occupancy of structures."

18. Landscape planters appear to be shown in the right-of-way along Lot 1, Block "D" on SW Lane Street. Please show planter detail if above ground or indicate what these are.

Building and Structural Notes:

19. Under Building and Structure Notes: Need to indicate that the maximum building height within the development is to be 50'.

20. Need to indicate that the minimum distance between non-attached structures shall be 10' for primary structures and 6' for accessory structures.

21. Remove any buildings from R-O-W (Block "E", Block "C").

22. All commercial buildings are to have front-facing material finishes on all sides.

23. Submit architectural elevations (front facades) for typical apartments, townhouses, retail/loft, and retail/apartment buildings as part of the PUD (sheet 4).

24. Need to indicate location of trash containers since they may conflict with parking spaces.

25. Note number 2 of Building and Structural Notes shall be changed to read: *"Orientation and layout of buildings shall give equal weight to both pedestrian and vehicular traffic patterns and needs* by… (explain)."

26. Need to provide an addressing schedule for buildings.

Project Information: (Recommend expanding table to include the following)

27. Need to better define appropriate zoning use groups and limitations within those use group categories.

    - "C-2", "X-1" (Block "C", "D", and "E")?
    - "M-2" (Block "A" and "B")?
    - Need to indicate the uses that are being proposed for each block and any uses that are excluded.

28. Indicate the number of housing units contained in <u>each</u> block, lot size, density, and the total square footage of all units and the average square footage per unit (this is necessary to calculate parking requirements).

29. Indicate the number of retail units contained in <u>each</u> block and the total square footage of all units (this is necessary to calculate parking requirements). In blocks having a mixed use indicate that retail is to be located on the ground floor and residential above.

30. Clarify project information – Lot 1, Block "D" lists retail but indicates apartments on the graphic.

31. Add plan note: *"All applicable use group regulations, apply and shall govern unless stated otherwise."*

Other Comments:

32. Avoid areas of overlapping information where possible. If this is not possible, differing line weights should be used as these areas on the plan are difficult to read.

33. Correct delinquent tax situation.

Prepared by: Dean W. Diediker
Planner II

BOOK : ____ PAGE : ____ DATE : ____ TIME : ____

A MASTER PLANNED UNIT DEVELOPMENT FOR :

COLLEGE HILL REDEVELOPMENT SUBDIVISION

A TRACT OF LAND IN THE NORTH HALF OF SECTION 1, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 6TH P.M., INCLUDING A RESUBDIVISION OF LOTS 1,2,3,4,5,6, OF HARRISON PLACE SUBDIVISION, LOTS 570,572,574,576,578,580,582, IN THROOPS SECOND ADDITION, LOTS 598,600,602,604,606,608,610,612,614 IN CHAMBERLAIN'S SUBDIVISION, LOTS 597,599,601,603,605,607,609,611,613,615, AND FRACTIONAL LOTS 617,619,621, IN BATTEY AND JANSEN'S SUBDIVISION, FRACTIONAL LOT 8 AND FRACTIONAL LOT 9 IN RURAL HOMES ADDITION, A PART OF LOT 10 ON 16TH STREET, IN RURAL HOMES ADDITION AND LOT 2, BLOCK A, WASHBURN NORTH SUBDIVISION,

PROJECT PERFORMANCE OBJECTIVES :

THE PURPOSE OF APPLYING FOR A MASTER PLANNED UNIT DEVELOPMENT (P.U.D.) ZONING DESIGNATION IS TO ALLOW THE FLEXIBLE DESIGN STANDARDS NECESSARY TO CREATE A UNIQUE REVITALIZATION PROJECT FOR THE COLLEGE HILL NEIGHBORHOOD. THE PLANNED REVITALIZATION PROJECT WILL BE A MIXED-USE NEW URBANIST DEVELOPMENT FEATURING COMMERCIAL, RETAIL AND RESIDENTIAL IMPROVEMENTS. THE DESIGN INTENT IS TO REINVIGORATE THE TRADITIONAL COLLEGE HILL NEIGHBORHOOD, EMPHASIZE THE HISTORIC LINK TO WASHBURN UNIVERSITY AND BRING ECONOMIC OPPORTUNITY TO A DISTRESSED AREA OF THE CITY OF TOPEKA.

GENERAL NOTES :

1. PURSUANT TO SECTION 48-24.05 OF THE TOPEKA PLANNING CODE, THE APPLICANT MUST PROVIDE THE PLANNING DEPARTMENT A PUD MASTER PLAN SUITABLE FOR RECORDING WITHIN 30 DAYS UPON APPROVAL BY THE GOVERNING BODY AND RECORD IT WITH THE SHAWNEE COUNTY REGISTER OF DEEDS WITHIN 45 DAYS OF APPROVAL BY THE CITY COUNCIL OF TOPEKA OR PLANNED UNIT DEVELOPMENT ZONE CHANGE SHALL BE NULL AND VOID.
2. A CONCEPTUAL LAYOUT OF THE STREETS, SIDEWALKS, BUILDING ELEVATIONS, BUILDABLE AREAS, PARKING AND POINTS OF ACCESS REGARDING THE PLANNED UNIT DEVELOPMENT ARE DEPICTED. A FINAL LAYOUT WHICH IS IN SUBSTANTIAL CONFORMANCE WITH THE DEPICTED CONCEPT SHALL BE SUBMITTED FOR APPROVAL AT THE TIME OF SITE PLAN REVIEW STAGE.
3. ALL IMPROVEMENTS SHALL BE MADE TO CITY STANDARDS.

VARIANCES :

1. PURSUANT TO SECTION 48-27.07 OF THE "PUD" DISTRICT REGULATIONS THE CITY OF TOPEKA PLANNING COMMISSION HEREBY GRANTS THE FOLLOWING VARIANCE:

   VARIANCE TO REDUCE PERIMETER SETBACK REQUIREMENT OF SECTION 48-24.02(b)(2)(a) FROM 30' FEET TO 0' FEET.

UTILITY NOTES :

1. SANITARY SEWER SERVICE SHALL BE BY THE CITY OF TOPEKA. CERTAIN SANITARY SEWER/LATERALS WILL NEED TO BE RELOCATED OR ABANDONED. THE SANITARY SEWER SITUATION WOULD NEED TO BE COORDINATED WITH BOTH THE CITY OF TOPEKA ENGINEERING DIVISION AND THE WATER POLLUTION CONTROL DIVISION.
2. WATER SERVICE SHALL BE BY THE CITY OF TOPEKA. IN ORDER TO PROVIDE ADEQUATE FIRE PROTECTION AND SERVICE FOR THIS TYPE OF DEVELOPMENT, LARGER MAINS MAY NEED TO BE EXTENDED.
3. ALL UTILITIES SHALL BE PLACED UNDERGROUND PURSUANT TO THE CITY'S RIGHT-OF-WAY MANAGEMENT STANDARDS.
4. COMPLY WITH THE WATER DEPARTMENT ON ALL WATER MAINS AND FIRE HYDRANTS. FIRE DEPARTMENT MUST APPROVE THE HYDRANT LOCATION.
5. ALL FIRE HYDRANTS (NEW AND/OR RELOCATED) ARE TO APPROVED AS PART OF THE PUBLIC IMPROVEMENT PLANS FOR COLLEGE HILL REDEVELOPMENT SUBDIVISION PRIOR TO ANY CONSTRUCTION BEING STARTED.

CIRCULATION, PARKING, & TRAFFIC NOTES :

1. THE PROPOSED COLLEGE HILL REDEVELOPMENT PROJECT WILL INCLUDE A MIX OF USES TYPICAL TO TRADITIONAL URBAN NEIGHBORHOODS-COMMERCIAL, RETAIL AND RESIDENTIAL. THE GOAL IS TO CREATE A UNIQUE DESIGN ENVIRONMENT THAT IS SENSITIVE TO PEDESTRIAN NEEDS, VEHICLE TRAFFIC FLOW, PARKING CRITERIA AND AESTHETIC CONCERNS. THE SITE DESIGN SEEKS TO REDUCE THE NEGATIVE VISUAL IMPACT OF LARGE PARKING LOTS BY INCORPORATING ANGLED PARKING SPACES ALONG THE PUBLIC STREETS, AS IS TYPICALLY FOUND IN TRADITIONAL URBAN NEIGHBORHOODS AND "MAIN STREET" SETTINGS. IN ADDITION TO REDUCING THE NEGATIVE VISUAL IMPACT OF LARGE SCALE PARKING LOTS, THE ANGLED PARKING SPACES WILL SERVE AS A TRAFFIC CALMING MEASURE AND ENCOURAGE SLOWER TRAFFIC SPEEDS. GIVEN THE EXISTING RESIDENTIAL CHARACTER OF THE SURROUNDING NEIGHBORHOODS AND THE PROPOSED RESIDENTIAL COMPONENT OF THE COLLEGE HILL PROJECT, THIS IS AN IMPORTANT ELEMENT OF THE OVERALL CIRCULATION PATTERN FOR THE AREA.
2. SPECIFIC LOCATION OF ACCESS OPENINGS TO BE APPROVED BY PUBLIC WORKS DIRECTOR AT THE TIME OF SITE PLAN APPROVAL.
3. CUTBACK PARKING IS TO BE DETERMINED AT THE TIME OF SITE PLAN REVIEW TO BE APPROVED BY PUBLIC WORKS DIRECTOR.
4. A SYSTEM OF PEDESTRIAN SIDEWALKS SHALL CONNECT EACH BLOCK AND STREET CROSSINGS TO BE APPROVED AT THE TIME OF SITE PLAN REVIEW.
5. LOADING AND UNLOADING ACTIVITIES FOR PROPOSED RETAIL USES IN THE COLLEGE HILL REDEVELOPMENT PROJECT SHALL PRIMARILY BE PROVIDED BY DELIVERY VAN SIZED VEHICLES THAT SHALL MAKE USE OF EXISTING PARKING SPACES OR THAT SHALL MAKE SHORT TERM STOPS ON PRIVATE PARKING LOTS OR MINOR SIDE STREETS AS TYPICALLY OCCURS IN DEVELOPED URBAN ENVIRONMENTS AND TRADITIONAL DOWNTOWN OR RETAIL NEIGHBORHOOD DISTRICTS.

PARKING STALL RATIOS

Block	RESIDENTIAL		RETAIL		AS PROVIDED	
	Units (per block)	Required Spaces	SF of Units (per block)	Required Spaces	TOTAL REQUIRED	TOTAL PROVIDED
A (lot1)	133	2 per dwelling	-	-	266	331
B (lot1)	8	2 per dwelling	-	-	16	*20
C (lot1)	44	2 per dwelling	10,347	1 per 200 SF	140	141
D (lot1)	15	2 per dwelling	9,461	1 per 200 SF	78	51
E (lot1)	16	2 per dwelling	4119	1 per 200 SF	53	61

*Note: 8 Units with detatched 2 car garages + 4 street parking spaces

ACCESS POINTS

Block	Number (per block)	Description
A (lot1)	5	2 on SW Washburn Avenue
		2 on SW Lane Street
		1 on SW 15th Street
B (lot1)	N/A	No interior parking lot
C (lot1)	2	1 on SW Lane Street
		1 on SW 15th Street
D (lot1)	N/A	No interior parking lot
E (lot1)	2	1 on SW Washburn Avenue
		1 on SW 17th Street

SIGNAGE NOTES :

1. RETAIL SIGNAGE IN THE COLLEGE HILL REDEVELOPMENT PROJECT SHALL BE EITHER WALL SIGNS OR HANGING SIGNS AS TYPICALLY OCCUR IN TRADITIONAL DOWNTOWN OR RETAIL NEIGHBORHOOD STOREFRONTS (SEE RETAIL ELEVATION ON SHEET 4 FOR ILLUSTRATION). ALL PROJECT SIGNAGE ASSOCIATED WITH THE COLLEGE HILL REDEVELOPMENT PROJECT SHALL BE SUBMITTED WITH ARCHITECTURAL BUILDING PLANS AND APPROVED AT THE TIME OF SITE PLAN REVIEW.

LANDSCAPING NOTES :

1. THIS DEVELOPMENT SHALL CONFORM TO THE CITY OF TOPEKA LANDSCAPING REGULATIONS. LANDSCAPING FOR ALL RESIDENTIAL STRUCTURES, RESIDENTIAL/RETAIL STRUCTURES AND THE CLUBHOUSE SHALL ALSO COMPLY WITH THE CITY OF TOPEKA LANDSCAPE REGULATIONS. REQUIRED LANDSCAPING MAY BE LOCATED WITHIN THE PUBLIC RIGHT-OF-WAY WITH APPROVAL OF THE PLANNING DIRECTOR AND PUBLIC WORKS DIRECTOR. A LANDSCAPE PLAN SHALL BE APPROVED AT THE TIME OF THE BUILDING PERMIT. SEASON PERMITTING, ALL LANDSCAPING SHALL BE INSTALLED PRIOR TO OCCUPANCY OF STRUCTURES.

BUILDING AND STRUCTURE NOTES :

1. ARCHITECTURAL ELEMENTS, BUILDING MATERIALS AND STRUCTURE LAYOUT SHALL BE CONSISTENT WITH THE STANDARD PRINCIPLES OF NEW URBANISM AND NEO-TRADITIONAL NEIGHBORHOOD DESIGN.
2. ORIENTATION AND LAYOUT OF BUILDINGS SHALL GIVE EQUAL WEIGHT TO BOTH PEDESTRIANS AND VEHICULAR TRAFFIC PATTERNS AND NEEDS BY PLACING STRUCTURES IN A TRADITIONAL URBAN GRID PATTERN THAT ENCOURAGES PEDESTRIAN TRAFFIC FROM ADJACENT NEIGHBORHOODS THROUGH THE STRATEGIC PLACEMENT OF SIDEWALKS, AND DISPERSED PARKING AREAS THAT REDUCES THE NEGATIVE VISUAL IMPACT OF LARGE PARKING LOTS. VEHICULAR TRAFFIC PATTERNS SHALL BE REGULATED THROUGH THE USE OF TRAFFIC CALMING MEASURES (ANGLED PARKING ON PUBLIC STREETS) AND IMPROVED GEOMETRIC DESIGN OF EXISTING STREETS AND TURNING ISLANDS. SEE NOTE. NO. 1 UNDER CIRCULATION, PARKING, & TRAFFIC NOTES FOR ADDITIONAL EXPLANATION.
3. THE MAXIMUM BUILDING HEIGHT WITHIN THE DEVELOPMENT IS TO BE 50'.
4. THE MINIMUM DISTANCE BETWEEN STRUCTURES SHALL BE 10' FOR PRIMARY STRUCTURES AND 6' FOR ACCESSORY STRUCTURES.
5. ALL COMMERCIAL BUILDINGS ARE TO HAVE FRONT-FACING MATERIAL FINISHES ON ALL SIDES.
6. AN ADDRESSING SCHEDULE SHALL BE PROVIDED TO THE PLANNING DEPARTMENT FOLLOWING THE APPROVAL OF THE PUD BY THE CITY COUNCIL OF TOPEKA AND PRIOR TO RECORDING AT THE SHAWNEE COUNTY REGISTER OF DEEDS.

PROJECT INFORMATION:

LAND DENSITY TABLE

Block	RESIDENTIAL					RETAIL	
	Units (per block)	Lot Size (acres)	Density (units/acre)	Total SF (per block)	Ave. SF (per unit)	Units (per block)	Total SF (per block)
A (lot1)	133	5.18	25.7	142,669	1073	-	-
B (lot1)	8	0.52	15.4	11,628	1454	-	-
C (lot1)	44	1.89	23.2	42,724	971	1	10,347
D (lot1)	15	0.58	25.9	15,487	1033	1	9,461
E (lot1)	16	0.81	19.7	14,463	904	1	4,119

NOTE: ALL APPLICABLE USE GROUP REGULATIONS, APPLY AND SHALL GOVERN UNLESS STATED OTHERWISE.

PROJECT PHASING:

1. THERE ARE NO PLANS TO PHASE CONSTRUCTION OF THE PROPOSED COLLEGE HILL REDEVELOPMENT SUBDIVISION IMPROVEMENTS.

OWNER'S CERTIFICATE :

WASHBURN UNIVERSITY, BY WANDA B. HILL, VICE PRESIDENT FOR ADMINISTRATION AND TREASURER, AGREES TO COMPLY WITH THE CONDITIONS AND RESTRICTIONS AS SET FORTH ON THE MASTER PUD PLAN.

IN TESTIMONY WHEREOF, THE OWNER, WASHBURN UNIVERSITY, BY WANDA B. HILL, VICE PRESIDENT FOR ADMINISTRATION AND TREASURER, HAS CAUSED THESE PRESENTS TO BE SIGNED THIS

_____ DAY OF_____,

20_____.

_____

WANDA B. HILL, VICE PRESIDENT FOR ADMINISTRATION AND TREASURER, WASHBURN UNIVERSITY

STATE OF KANSAS, COUNTY OF SHAWNEE, SS:

BE IT REMEMBERED THAT ON THIS_____ DAY OF_____, 20_____, BEFORE ME A NOTARY PUBLIC, IN AND FOR THE COUNTY AND STATE AFORESAID, CAME WANDA B. HILL, VICE PRESIDENT FOR ADMINISTRATION AND TREASURER OF WASHBURN UNIVERSITY, 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 SEAL THE DAY AND YEAR LAST WRITTEN ABOVE.

_____ _____

NOTARY PUBLIC MY COMMISSION EXPIRES

RECORDED WITH THE SHAWNEE COUNTY REGISTER OF DEEDS :

_____

MARILYN NICHOLS, REGISTER OF DEEDS

THIS PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN HAS BEEN REVIEWED AND APPROVED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 24 OF THE COMPREHENSIVE ZONING REGULATIONS OF THE CITY OF TOPEKA, KANSAS, AND MAY BE AMENDED ONLY AS PRESCRIBED IN SECTION 48-24.06 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 :

_____

DAVID F. THURBON, PLANNING DIRECTOR, TOPEKA PLANNING COMMISSION

STATE OF KANSAS, COUNTY OF SHAWNEE, SS :

BE IT REMEMBERED THAT ON THIS ____ DAY OF _____ 20___, BEFORE ME A NOTARY PUBLIC, IN AND FOR THE COUNTY AND STATE AFORESAID, CAME DAVID F. THURBON, WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHO EXECUTED THE WITHIN INSTRUMENT OF WRITING, AND SUCH PERSON DULY ACKNOWLEDGED THE EXECUTION OF THE SAME.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND, AND AFFIXED MY SEAL THE DAY AND YEAR LAST WRITTEN ABOVE.

_____ _____

NOTARY PUBLIC MY COMMISSION EXPIRES

OWNER'S CERTIFICATE :

WASHBURN LANE PARKWAY RENOVATIONS, L.L.C., BY WILLIAM R. NEWSOME, MANAGING PARTNER AND JERRY MORGAN AND JEAN MORGAN, AGREE TO COMPLY WITH THE CONDITIONS AND RESTRICTIONS AS SET FORTH ON THE MASTER PUD PLAN.

IN TESTIMONY WHEREOF :

THE OWNER(S) OF THE ABOVE DESCRIBED PROPERTY, WASHBURN LANE PARKWAY RENOVATIONS, L.L.C., HAVE BY WILLIAM R. NEWSOME, MANAGING PARTNER, HAVE SIGNED THESE PRESENTS
THIS _____ DAY OF _____, 20____.

_____

WILLIAM R. NEWSOME, MANAGING PARTNER, WASHBURN LANE PARKWAY, L.L.C.

BE IT REMEMBERED THAT ON THIS _____ DATE OF

_____, 20____. BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE CAME WILLIAM R. NEWSOME, MANAGING PARTNER, WASHBURN LANE PARKWAY RENOVATIONS, L.L.C., OF THE ABOVE DESCRIBED PROPERTY.

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

_____ _____

NOTARY PUBLIC MY COMMISSION EXPIRES

IN TESTIMONY WHEREOF, THE OWNERS, JERRY MORGAN AND JEAN MORGAN, HAVE CAUSED THESE PRESENTS TO BE SIGNED THIS

_____ DAY OF _____, 20____.

_____ _____

JERRY MORGAN JEAN MORGAN

STATE OF KANSAS, COUNTY OF SHAWNEE, SS:

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____,

20____, BEFORE ME A NOTARY PUBLIC, IN AND FOR THE COUNTY AND STATE AFORESAID, CAME JERRY MORGAN AND JEAN MORGAN, WHO ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHO EXECUTED THE WITHIN INSTRUMENT OF WRITING, AND SUCH PERSONS DULY ACKNOWLEDGED THE EXECUTION OF THE SAME.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND, AND AFFIXED MY SEAL THE DAY AND YEAR LAST WRITTEN ABOVE.

_____ _____

NOTARY PUBLIC MY COMMISSION EXPIRES

#		
1	12-15-05	REVISED PER COMMENTS FROM PLANNING STAFF
2	6-22-06	REVISED PER COMMENTS PER TOPEKA PLANNING STAFF

BARTLETT & WEST ENGINEERS
620 VERMONT STREET - LAWRENCE, KS 66044-2952
PHONE: 785.843.1575 FAX: 785.843.4661
WWW.BARTWEST.COM

MASTER PLANNED UNIT DEVELOPMENT
COLLEGE HILL REDEVELOPMENT SUBDIVISION
TOPEKA, SHAWNEE COUNTY, KANSAS

DESIGNED BY:	SFM
DRAWN BY:	JRW
APPROVED BY:	SFM
DESIGN PROJ:	14853.002
CONST PROJ:	14853.002
SCALE:	–
DATE:	December 2005
DRAWING NO:	PUD06/1
SHEET NO:	3 of 4

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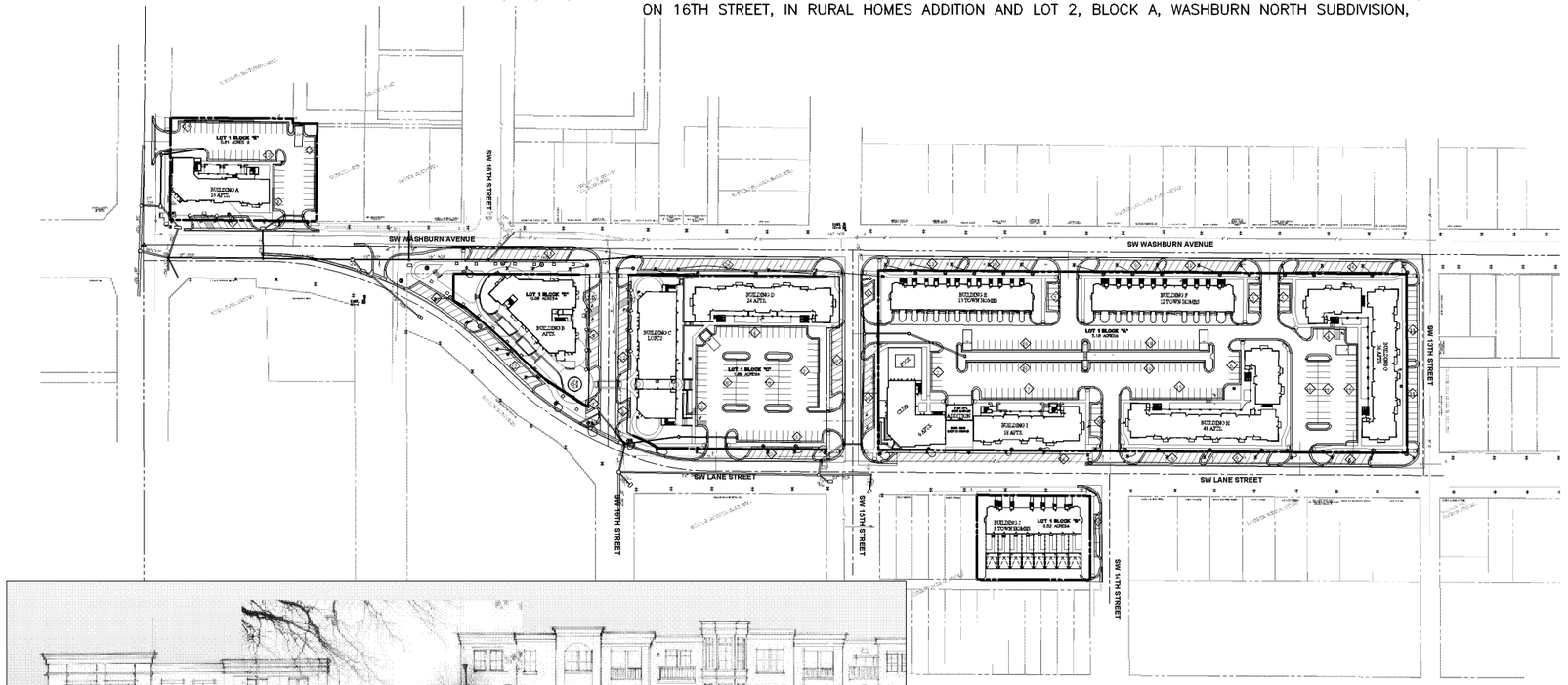
Last edit on: Oct 04, 2005 by: DJS00181 Drawing name: F:\14000\14853\14853.002\AutoCad\Civil\Plots\14853-002 V01 PUD 01 8-22-06.dwg Layout name: 3 Plotted by: JRW00381 Plotted on: Sep 18, 2006 - 2:26pm

BOOK : ____ PAGE : ____ DATE : ____ TIME : ____

A MASTER PLANNED UNIT DEVELOPMENT FOR :

COLLEGE HILL REDEVELOPMENT SUBDIVISION

A TRACT OF LAND IN THE NORTH HALF OF SECTION 1, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 6TH P.M., INCLUDING A RESUBDIVISION OF LOTS 1,2,3,4,5,6, OF HARRISON PLACE SUBDIVISION, LOTS 570,572,574,576,578,580,582, IN THROOPS SECOND ADDITION, LOTS 598,600,602,604,606,608,610,612,614 IN CHAMBERLAIN'S SUBDIVISION, LOTS 597,599,601,603,605,607,609,611,613,615, AND FRACTIONAL LOTS 617,619,621, IN BATTEY AND JANSEN'S SUBDIVISION, FRACTIONAL LOT 8 AND FRACTIONAL LOT 9 IN RURAL HOMES ADDITION, A PART OF LOT 10 ON 16TH STREET, IN RURAL HOMES ADDITION AND LOT 2, BLOCK A, WASHBURN NORTH SUBDIVISION,





RETAIL ELEVATION



RESIDENTIAL ELEVATION

0 100 200
SCALE: 1"= 100'

College Hill
Southwind Capital

Program Analysis
05/09/06

Building Summary	Units	Beds	Housing ASF	Retail ASF	*GSF
A - Mixed Use	16	27	14,463	4,119	23,476
B - Mixed Use	15	32	15,487	9,461	31,179
C - Mixed Use	20	26	17,608	10,347	37,009
D - Multifamily	24	60	25,116	0	32,103
E - Townhome	13	26	17,116	0	26,141
F - Townhome	12	24	17,276	0	26,602
G - Multifamily	36	81	36,057	0	46,566
H - Multifamily	48	108	48,076	0	62,088
I - Mixed Use	24	54	24,144	0	39,926
J - Townhome	8	16	11,628	0	15,156
Total	216	454	226,971	23,927	340,248

* GSF includes SF assigned to structure, exterior circulation (walkways & stairs), private balconies, & garages

ZONING USE GROUPS (PROPOSED BUILDINGS)

BLOCK	ZONING USE GROUP
'A'	"M-2" MULTI-FAMILY
'B'	"M-2" MULTI-FAMILY
'C'	"M-2" MULTI-FAMILY & "C-2" COMMERCIAL
'D'	"C-2" COMMERCIAL
'E'	"C-2" COMMERCIAL

EXISTING BUILDING SUMMARY AND ZONING USE GROUPS

ADDRESS	USE	ZONING	SQUARE FOOTAGE
1415 S.W. LANE STREET	RETAIL-JERRY'S BIKE SHOP	C- 2/PUD	1,684 S.F.±
NEW ADDITION TO JERRY'S BIKE SHOP	WORKSHOP AND STORAGE FOR JERRY'S BIKE SHOP	C-2/PUD	964 S.F.±

#	DATE	DESCRIPTION
1	12-15-05	REVISED PER COMMENTS PER TOPEKA PLANNING STAFF
2	8-22-06	REVISED PER COMMENTS PER TOPEKA PLANNING STAFF

BARTLETT & WEST ENGINEERS
630 VERMONT STREET · LAWRENCE, KS 66044-2952
PHONE 785.749.4474 · FAX 785.749.4461
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MASTER PLANNED UNIT DEVELOPMENT

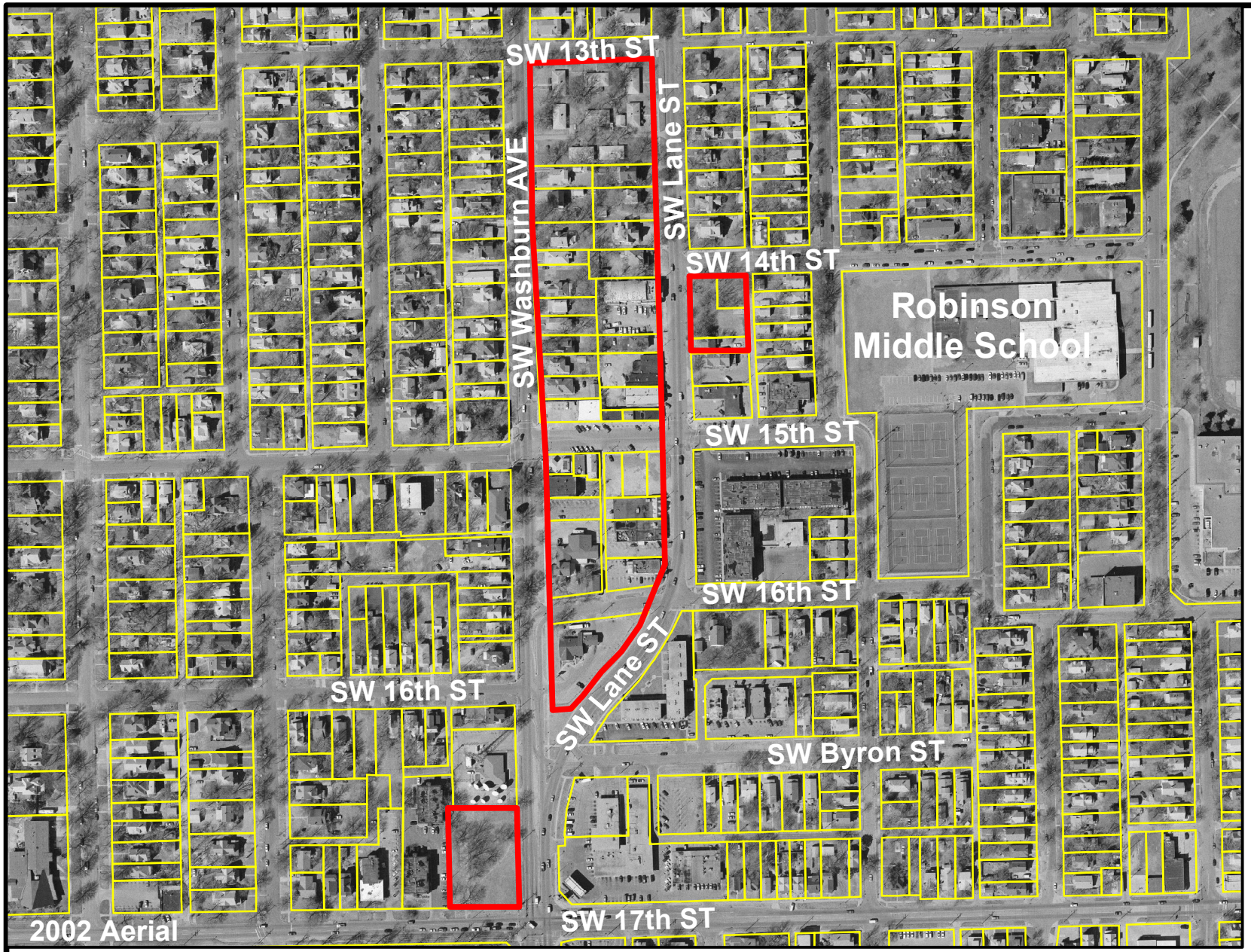
COLLEGE HILL REDEVELOPMENT SUBDIVISION

TOPEKA, SHAWNEE COUNTY, KANSAS

DESIGNED BY:	SFM
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PUD06/1 by Washburn Lane Parkway Renovations, LLC

Application Form
Re-Zoning or Conditional Use Permit

City of Topeka Planning Department
515 South Kansas Avenue, Suite 404
Topeka, KS 66603-3241
Phone 785-368-3728 Fax 785-368-2535

Applicant Information

Property Owner(s): Washburn Lane Parkway Renovation, LLC

Street Address: 601 N Iowa Street (P.O. Box 1797) bnewsome@southwindcapital.com

City: Lawrence State: KS Zip: 66044 E-mail:

Business phone: 785-331-4644 Home phone: Fax: 785-331-4611

Authorized Owner Representative (if any): Bartlett & West Engineers, Inc. / Stan Meyers

Street Address: 628 Vermont Street

City: Lawrence State: KS Zip: 66044 E-mail: stan.meyers@bartwest.com

Business phone: 785-749-9452 Home phone: Fax: 785-749-5961

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

Street Address:

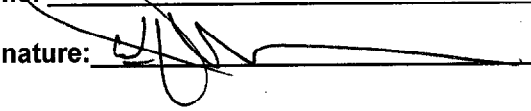
City: State: Zip: E-mail:

Business phone: Home phone: Fax:

Authorization

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

Owner 1 Name: William R. Newsome

Owner 1 Signature:  **Date:** 11/22/05

Owner 2:

Owner 2 Signature: **Date:**

Requested Action and Site Information

Address of Property to be Re-Zoned (or if vacant, describe general location): 1300 block through 1600 block between SW Washburn Avenue and SW Lane Street

Legal Description of Property: *lot(s)*_____ *block*_____ *subdivsion* see attached
(if unplatted, attach metes and bounds description)

Total Area (acres/square feet): 9 acres, more or less

Type of Application:

1. *Re-zoning from:* M-1, C-2, C-4 *to:* PUD
2. *Conditional Use Permit proposed use:* _____

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

How long has the existing use been on the property? _____

Proposed Use (# of dwelling units, square feet, etc.): mixed-use redevelopment project including retail, commercial, and multi-family residential components

Was a Pre-Application Meeting or Zoning Inquiry completed with Staff? Yes **If Yes, when?** 11/2/05

FOR OFFICE USE ONLY

Date submitted: 12/2/05
Application no.: PUD06/1
Filing fee: 1400.00 **Receipt no.:** 11235
Quarter section map no.: _____

Date notice sent: 12/23/05
Date advertised: 12/23/05
Date of hearing: 1/18/06
Council district: #1 and 6

CHECK YES OR NO

Capital Plaza Area: Yes____ No ✓

100 yr Floodplain: Yes____ No ✓

Airport Hazard Area: Yes____ No ✓

Within Historic Site Environs: Yes____ No ✓
If Yes, what is it?: _____

National/State Historic Register: Yes____ No ✓

Local Historic Resource: Yes____ No ✓

Neighborhood Association: Yes ✓ No____

Name of N.I.A./N.A.: Holiday Park / College Hill

Applicant Justification

For re-zoning applications:

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

Please attach additional sheets if necessary.

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

   The land is suitable to the uses for which it is currently zoned. However, the Planned Unit Development (P.U.D.) zoning designation will allow for flexible design of a more urban-based development project. The redevelopment of the College Hill area will include mixed-use commercial, retail, and residential in a new urbanist layout and will become a focal point of this traditional neighborhood.

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

   The zoning change has no affect; it is simply bringing everything under one PUD. The redevelopment will clean up the area and could make property surrounding the TIF area more valuable.
   (also see above)

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

   Conforms

Infrastructure Availability

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

1. Water

a. Location and size of water main serving site:

located throughout property - see plat

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

yes

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

2. Sanitary Sewer

a. Location and size of sewer main serving site:

located throughout property - see plat

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

yes

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

3. Storm Drainage

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

with existing storm water system and upgraded as needed

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

yes

4. Traffic Circulation

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

yes - see plat

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

see plat

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

yes

Minutes of the
Of the
Topeka Planning Commission
January 18, 2006

PUD06/1 by the City of Topeka requesting to amend the District Zoning Classification from "M-1" Two Family Dwelling District, "C-2" Commercial District, "C-4" Commercial District and O&I-2" Office and Institutional District **TO** "PUD" Planned Unit Development District on properties located between SW 13th Street and SW Byron Street and between SW Washburn Avenue and SW Lane Street also to include property at the NW corner of SW 17th Street and SW Washburn Avenue and the SE corner of SW 14th Street and SW Lane Street. **(Diediker)** Dean W. Diediker summarized the staff report.

Discussion by members:
Fred Sanders asked what the status of the TIF District for this project was? Mr. Thurbon said the TIF has to be reconsidered by City Council.

Proponents:
Stan Meyers, Bartlett & West Engineers, spoke in favor of the proposal. He said there is no formal presentation the project team is available for questions. Ralph Skoog asked if Mr. Meyers agreed with staff conditions in the staff report? Mr. Meyer said details are still being worked out but no conflicts exist. Mr. Sanders asked if this PUD has anything to do with the road realignment? Mr. Diediker said that was taken care of on the preliminary plat.

Opponents:
David Morgan, 1415 thru 1419 Lane, spoke in opposition to the proposal. He said he is okay with the rezoning of their property but not his. He said he wants to keep his current zoning. Mark Boyd asked what the current zoning is? Mr. Morgan replied C-4. Mr. Boyd asked what the zoning would be in this proposal? Mr. Morgan replied residential.

Jerry Morgan, 1411 thru 1419 Lane, spoke in opposition to the proposal. He said he wants to keep the current zoning. Mr. Sanders asked what would happen to Mr. Morgan's property if this proposal goes through? Mr. Thurbon said the business could continue as a legal non conforming use. Mr. Skoog asked if the building is sold would the next owner be able to continue the current use? Mr. Thurbon replied yes as long as the use was within the C-4 use group. Mr. Skoog asked how all of this can be done without the Morgan's approval. Mr. Thurbon stated the City Council has the ability to initiate a zone change. Ping Enriquez asked what would happen if the Morgan's property was taken out of the proposal? Mr. Thurbon said the proposal would have to be redrawn. Mr. Boyd asked if there is a way to make sure the zoning change isn't initiated until the TIF issues are taken care of. Mr. Thurbon said you can't place that type of stipulation on this for approval. Mr. Boyd said we need to look at the proposed use of this site. We aren't the final determination. Mr. Diediker said there was a single variance request for perimeter to zero setback. Mr. Skoog said the townhouses will butt up the sidewalk like they should be. Mr. Boyd said there are many items that aren't traditional to design but nothing to hold up progress. Terry Simnitt asked if this is approved, what position are the Morgan's in? Mr. Thurbon replied a legal non conforming use. Any C-4 use could occur on that property. They can't expand with out Board of Zoning Appeals approval. Mr. Simnitt asked what would happen if the project didn't go as a PUD, what will happen? Mr. Thurbon replied if the project didn't go the Commission or City Council could initiate to re-zone back. Mr. Simnitt said there is no guarantee. Mr. Boyd said the Commission could initiate a zone change back. Mr. Sanders asked if the whole area would be rezoned or just the Morgan's property? Mr. Thurbon replied the whole area. Mr. Simnitt said they may not get their zoning back? Mr. Thurbon said more than likely they would because it follows the Comprehensive Plan. Mr. Skoog said this isn't up to us for final decision.

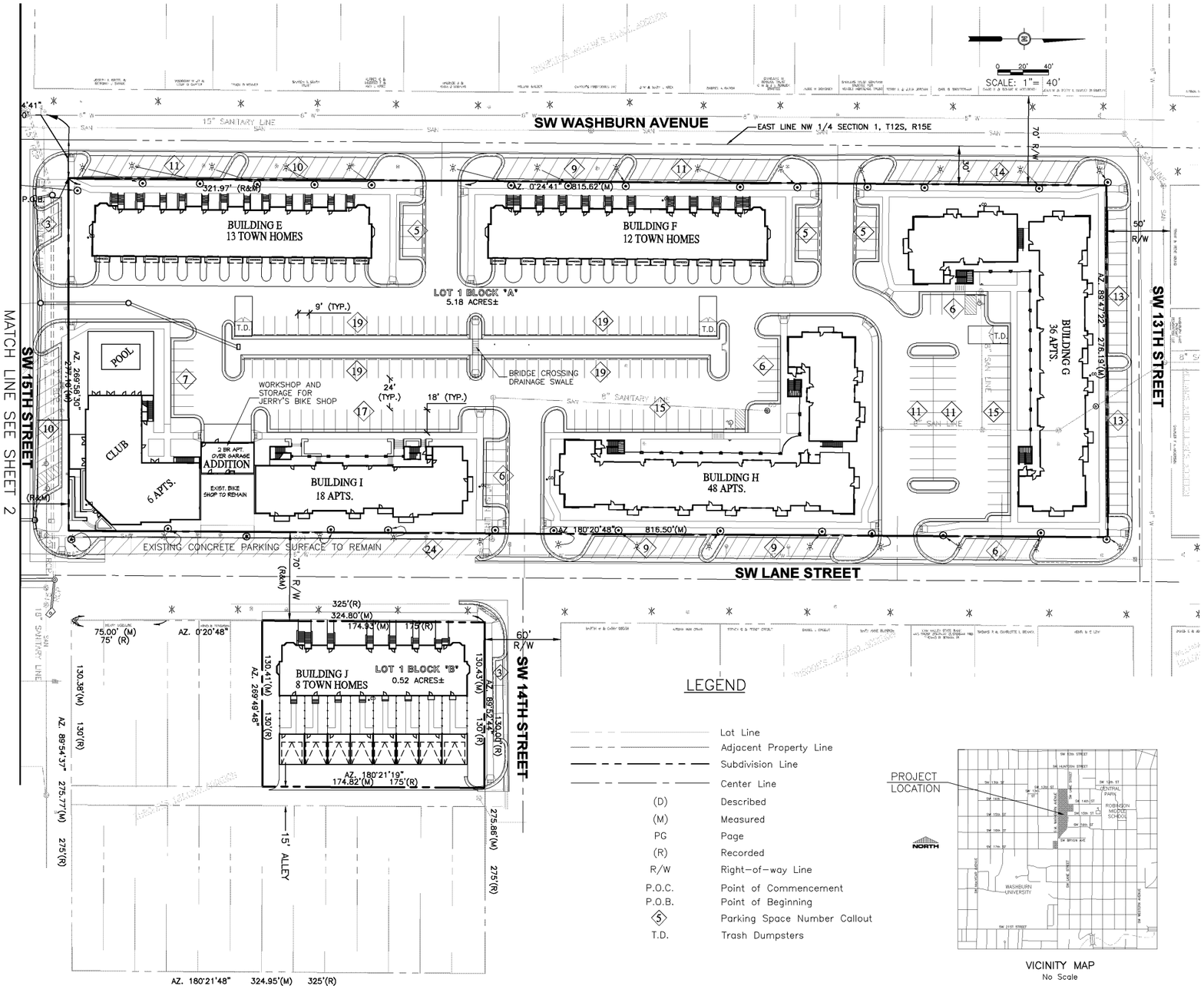
Ralph Skoog moved approval including conditions in the staff report, seconded by Ping Enriquez. **APPROVAL. (6-1-0)** Commissioner Simnitt voted no.

BOOK : ____ PAGE : ____ DATE : ____ TIME : ____

A MASTER PLANNED UNIT DEVELOPMENT FOR :

COLLEGE HILL REDEVELOPMENT SUBDIVISION

A TRACT OF LAND IN THE NORTH HALF OF SECTION 1, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 6TH P.M., INCLUDING A RESUBDIVISION OF LOTS 1,2,3,4,5,6, OF HARRISON PLACE SUBDIVISION, LOTS 570,572,574,576,578,580,582, IN THROOPS SECOND ADDITION, LOTS 598,600,602,604,606,608,610,612,614 IN CHAMBERLAIN'S SUBDIVISION, LOTS 597,599,601,603,605,607,609,611,613,615, AND FRACTIONAL LOTS 617,619,621, IN BATTEY AND JANSEN'S SUBDIVISION, FRACTIONAL LOT 8 AND FRACTIONAL LOT 9 IN RURAL HOMES ADDITION, A PART OF LOT 10 ON 16TH STREET, IN RURAL HOMES ADDITION AND LOT 2, BLOCK A, WASHBURN NORTH SUBDIVISION,



MATCH LINE SEE SHEET 2

LEGEND

	Lot Line
	Adjacent Property Line
	Subdivision Line
	Center Line
(D)	Described
(M)	Measured
PG	Page
(R)	Recorded
R/W	Right-of-way Line
P.O.C.	Point of Commencement
P.O.B.	Point of Beginning
◇5	Parking Space Number Callout
T.D.	Trash Dumpsters

VICINITY MAP
No Scale

LEGAL DESCRIPTION :

PROPOSED COLLEGE HILL REDEVELOPMENT SUBDIVISION

PROPOSED LOT 1 BLOCK A

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 6TH P.M., INCLUDING LOTS 1,2,3,4,5,6, OF HARRISON PLACE SUBDIVISION, IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE ON AZIMUTH (WORLD GEODETIC SYSTEM 1984) 0 DEGREES 24 MINUTES 41 SECONDS, COINCIDENT WITH THE WEST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1135.22 FEET; THENCE ON AZIMUTH 90 DEGREES 24 MINUTES 41 SECONDS A DISTANCE OF 30.00 FEET TO THE INTERSECTION OF THE EAST LINE OF WASHBURN AVENUE AND THE NORTH LINE OF 15TH STREET, AND THE POINT OF BEGINNING; THENCE ON AZIMUTH 0 DEGREES 24 MINUTES 41 SECONDS, COINCIDENT WITH SAID EAST LINE, A DISTANCE OF 815.62 FEET TO THE SOUTH LINE OF 13TH STREET; THENCE ON AZIMUTH 89 DEGREES 47 MINUTES 22 SECONDS, COINCIDENT WITH SAID SOUTH LINE, A DISTANCE OF 276.19 FEET TO THE WEST LINE OF LANE STREET; THENCE ON AZIMUTH 180 DEGREES 20 MINUTES 48 SECONDS, COINCIDENT WITH SAID WEST LINE, A DISTANCE OF 816.50 FEET TO THE NORTH LINE OF 15TH STREET; THENCE ON AZIMUTH 269 DEGREES 58 MINUTES 30 SECONDS, COINCIDENT WITH SAID NORTH LINE, A DISTANCE OF 277.10 FEET TO THE POINT OF BEGINNING.
SAID TRACT CONTAINING 5.18 ACRES MORE OR LESS.

PROPOSED LOT 1 BLOCK B

LOTS 570,572,574,576,578,580,582, IN THROOPS SECOND ADDITION, CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS

PROPOSED LOT 1 BLOCK C

LOTS 598,600,602,604,606,608,610,612,614 IN CHAMBERLAIN'S SUBDIVISION, AND LOTS 597,599,601,603,605,607,609,611,613,615, AND FRACTIONAL LOTS 617,619,621, IN BATTEY AND JANSEN'S SUBDIVISION AND FRACTIONAL LOT 8 IN RURAL HOMES SUBDIVISION, ALL IN THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 6TH P.M. IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE ON AZIMUTH 0 DEGREES 24 MINUTES 41 SECONDS (WORLD GEODETIC SYSTEM 1984), COINCIDENT WITH THE WEST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1055.29 FEET; THENCE ON AZIMUTH 90 DEGREES 24 MINUTES 41 SECONDS, A DISTANCE OF 40.00 FEET TO THE NORTHWEST CORNER OF LOT 598 IN CHAMBERLAIN'S SUBDIVISION AND THE POINT OF BEGINNING; THENCE ON AZIMUTH 89 DEGREES 58 MINUTES 30 SECONDS, COINCIDENT WITH THE SOUTH LINE OF 15TH STREET, A DISTANCE OF 267.19 FEET (266.87 PLAT) TO THE NORTHEAST CORNER OF LOT 597 IN BATTEY AND JANSEN'S SUBDIVISION AND THE WEST LINE OF LANE STREET; THENCE ON AZIMUTH 180 DEGREES 20 MINUTES 48 SECONDS COINCIDENT WITH SAID WEST LINE, A DISTANCE OF 259.51 FEET TO A POINT 12.5 FEET NORTH OF THE SOUTHEAST CORNER OF LOT 617 IN BATTEY AND JANSEN'S SUBDIVISION; THENCE ON AZIMUTH 212 DEGREES 50 MINUTES 37 SECONDS, COINCIDENT WITH SAID WEST LINE, A DISTANCE OF 14.89 FEET TO A POINT ON THE NORTH LINE AND 8 FEET WEST OF THE NORTHEAST CORNER OF LOT 619 IN BATTEY AND JANSEN'S SUBDIVISION; THENCE ON AZIMUTH 204 DEGREES 32 MINUTES 07 SECONDS, COINCIDENT WITH SAID WEST LINE A DISTANCE OF 29.05 FEET TO THE NORTH LINE OF 16TH STREET; THENCE ON AZIMUTH 264 DEGREES 40 MINUTES 20 SECONDS, COINCIDENT WITH SAID NORTH LINE A DISTANCE OF 248.87 FEET TO THE EAST LINE OF WASHBURN AVENUE; THENCE ON AZIMUTH 0 DEGREES 24 MINUTES 41 SECONDS, COINCIDENT WITH SAID EAST LINE A DISTANCE OF 321.44 FEET TO THE POINT OF BEGINNING.
CONTAINING 1.89 ACRES MORE OF LESS.

PROPOSED LOT 1 BLOCK D

TRACT I

LOT 9 (FRACTIONAL) IN RURAL HOMES ADDITION TO THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT WHICH IS 72 FEET NORTH OF THE SOUTHWEST CORNER THEREOF; THENCE NORTH ALONG THE WEST LINE OF LOT 9 TO THE SOUTH LINE OF 16TH STREET; THENCE NORTHEASTERLY ALONG THE SOUTH LINE OF 16TH STREET, 119.28 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF LOT 9; THENCE SOUTH ALONG THE EAST LINE OF LOT 9, TO A POINT 167 FEET NORTH OF THE SOUTHEAST CORNER OF LOT 9, AS FORMERLY PLATTED; THENCE SOUTHWESTERLY ALONG THE WESTERLY LINE OF PROPERTY CONVEYED TO THE CITY OF TOPEKA FOR STREET, TO A POINT 72 FEET NORTH OF THE SOUTH LINE OF LOT 9 AS FORMERLY PLATTED; THENCE WEST TO THE POINT OF BEGINNING, IN SHAWNEE COUNTY, KANSAS, ALSO THE NORTH AND SOUTH ALLEY LYING EAST OF AND ADJACENT TO SAID TRACT, NOW VACATED.

TRACT II

A PART OF LOT 10 ON 16TH STREET, IN RURAL HOMES ADDITION TO THE CITY OF TOPEKA, SHAWNEE COUTNY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT 108.75 FEET WEST AND 175.6 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 10, SAID POINT ALSO BEING ON THE EAST LINE OF A NORTH AND SOUTH ALLEY; THENCE NORTH ALONG THE EAST LINE OF SAID NORTH AND SOUTH ALLEY TO THE SOUTH LINE OF 16TH STREET; THENCE EAST ALONG THE SOUTH LINE OF 16TH STREET, TO A POINT 30.5 FEET WEST OF THE EAST LINE OF SAID LOT 10; THENCE SOUTHWESTERLY TO A POINT 37.5 FEET WEST AND 271.6 FEET NORTH OF THE SOUTHEAST CORNER OF LOT 10; THENCE CONTINUING SOUTHWESTERLY TO A POINT 75 FEET WEST AND 213.6 FEET NORTH OF THE SOUTHEAST CORNER OF LOT 10; THENCE CONTINUING SOUTHWESTERLY TO THE POINT OF BEGINNING; ALSO THE NORTH AND SOUTH ALLEY LYING WEST OF AND ADJACENT TO THE ABOVE TRACT, NOW VACATED, BEING ALL OF SAID LOT 10, LYING NORTH AND WEST OF LANE STREET EXTENSION, SHAWNEE COUNTY, KANSAS.

PROPOSED LOT 1 BLOCK E

LOT 2, BLOCK A, WASHBURN NORTH SUBDIVISION, AND ALSO A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 6TH P.M., IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS:
BEGINNING 40 FEET NORTH AND 40 FEET WEST OF THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE WEST 107 FEET; THENCE NORTH 150 FEET; THENCE WEST 50 FEET; THENCE NORTH 37.5 FEET; THENCE EAST 7 FEET; THENCE NORTH 37.5 FEET; THENCE EAST 150 FEET; THENCE SOUTH 225 FEET TO THE POINT OF BEGINNING.

#		
1	12-16-05	REVISED PER COMMENTS PER TOPEKA PLANNING STAFF
2	8-22-06	REVISED PER COMMENTS PER TOPEKA PLANNING STAFF

BARTLETT & WEST ENGINEERS
620 VERMONT STREET · LAWRENCE, KS 66044-2882
PHONE 785.843.1575 · FAX 785.843.4182
WWW.BARTWEST.COM

MASTER PLANNED UNIT DEVELOPMENT

COLLEGE HILL REDEVELOPMENT SUBDIVISION

TOPEKA, SHAWNEE COUNTY, KANSAS

DESIGNED BY:	SFM
DRAWN BY:	JRW
APPROVED BY:	SFM
DESIGN PROJ:	14853.002
CONST PROJ:	14853.002
SCALE:	Shown
DATE:	December 2005
DRAWING NO:	PUD06/1
SHEET NO:	1 of 4

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Last edit on: Oct 04, 2005 by: DJS00181 Drawing name: F:\14000\14853\14853.002\AutoCad\Civil\Plats\14853-002 V01 PUD 01 8-22-06.dwg Layout name: 1 Plotted by: JRW00381 Plotted on: Sep 18, 2006 - 2:45pm

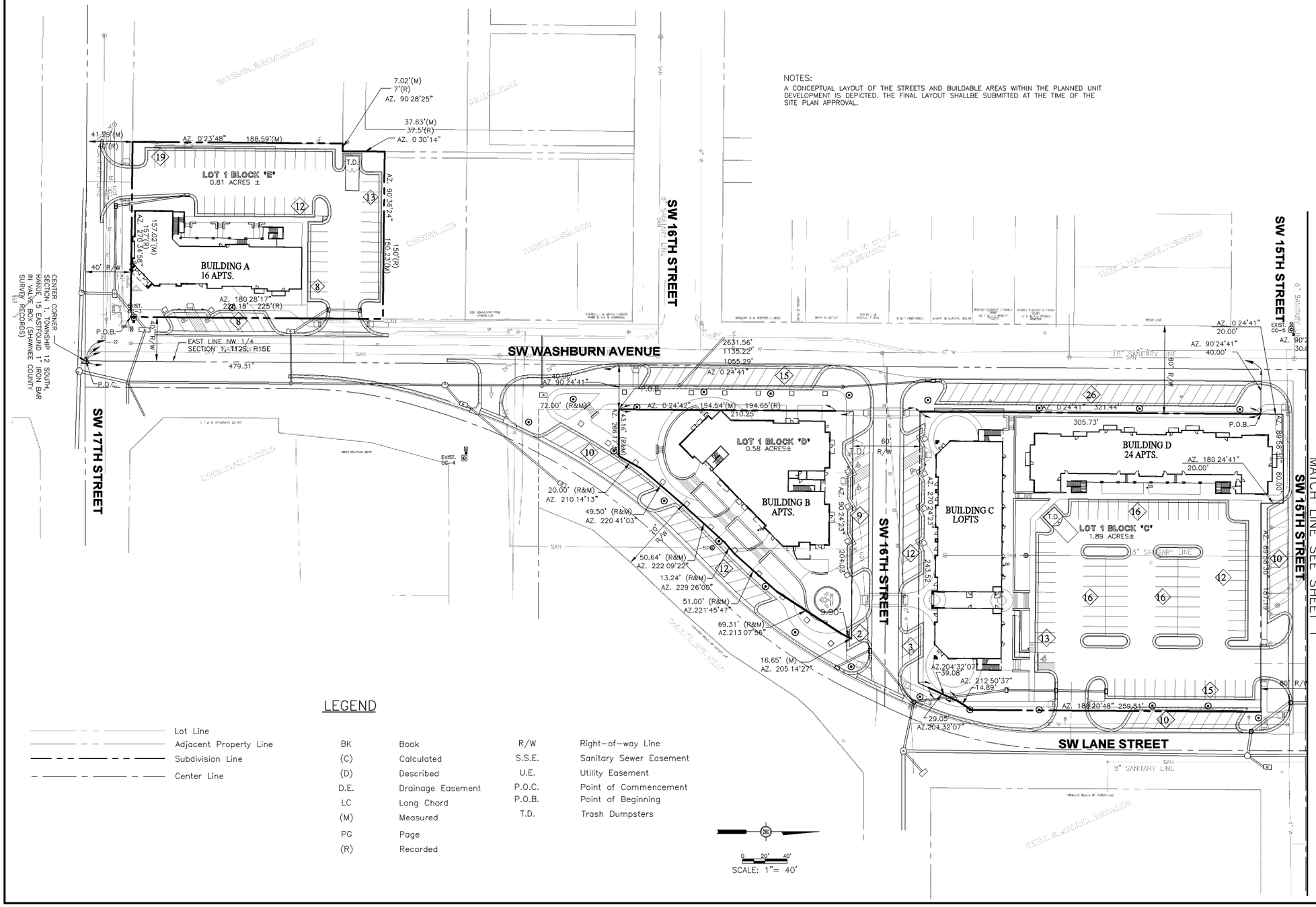
A MASTER PLANNED UNIT DEVELOPMENT FOR :

COLLEGE HILL REDEVELOPMENT SUBDIVISION

BOOK : ____ PAGE : ____ DATE : ____ TIME : ____

A TRACT OF LAND IN THE NORTH HALF OF SECTION 1, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 6TH P.M., INCLUDING A RESUBDIVISION OF LOTS 1,2,3,4,5,6, OF HARRISON PLACE SUBDIVISION, LOTS 570,572,574,576,578,580,582, IN THROOPS SECOND ADDITION, LOTS 598,600,602,604,606,608,610,612,614 IN CHAMBERLAIN'S SUBDIVISION, LOTS 597,599,601,603,605,607,609,611,613,615, AND FRACTIONAL LOTS 617,619,621, IN BATTEY AND JANSEN'S SUBDIVISION, FRACTIONAL LOT 8 AND FRACTIONAL LOT 9 IN RURAL HOMES ADDITION, A PART OF LOT 10 ON 16TH STREET, IN RURAL HOMES ADDITION AND LOT 2, BLOCK A, WASHBURN NORTH SUBDIVISION,

NOTES:
A CONCEPTUAL LAYOUT OF THE STREETS AND BUILDABLE AREAS WITHIN THE PLANNED UNIT DEVELOPMENT IS DEPICTED. THE FINAL LAYOUT SHALLBE SUBMITTED AT THE TIME OF THE SITE PLAN APPROVAL.



LEGEND

Lot Line					
Adjacent Property Line	BK	Book	R/W	Right-of-way Line
Subdivision Line	(C)	Calculated	S.S.E.	Sanitary Sewer Easement
Center Line	(D)	Described	U.E.	Utility Easement
	D.E.	Drainage Easement	P.O.C.	Point of Commencement
	LC	Long Chord	P.O.B.	Point of Beginning
	(M)	Measured	T.D.	Trash Dumpsters
	PG	Page		
	(R)	Recorded		

#	DATE	DESCRIPTION
1	12-15-05	REVISED PER COMMENTS PER TOPEKA PLANNING STAFF
2	8-22-06	REVISED PER COMMENTS PER TOPEKA PLANNING STAFF

BARTLETT & WEST
ENGINEERS
620 VERMONT STREET · LAWRENCE, KS 66044-2952
PHONE 785.749-4474 · FAX 785.749-0393
WWW.BARTWEST.COM

MASTER PLANNED UNIT DEVELOPMENT

COLLEGE HILL REDEVELOPMENT SUBDIVISION

TOPEKA, SHAWNEE COUNTY, KANSAS

DESIGNED BY:	SFM
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DESIGN PROJ:	14853.002
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SCALE:	Shown
DATE:	December 2005
DRAWING NO:	PUD06/1
SHEET NO:	2 of 4

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Last edit on: Oct 04, 2005 by: DJS00181 Drawing name: F:\14000\14853\14853.002\AutoCad\Civil\Plots\14853-002 V01 PUD 01 8-22-06.dwg Layout name: 2 Plotted by: JRW00381 Plotted on: Sep 18, 2006 - 2:26pm

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 19, 2006

DATE:	**September 19, 2006**		
CONTACT PERSON:	**Bill Fiander**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**CFS Partnership and KU Endowment Association**	**PROJECT #:**	**Z06/30**
CATEGORY/SUBCATEGORY	**014 Ordinances – Non-Codified / 007 Zoning**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located west of SW Wanamaker Road between SW 30th Terrace and SW 31st Street in the City of Topeka, Kansas from "O&I-2" Office and Institutional District TO "C-1" Commercial District. First Reading. *(Z06/30) (Council District No. 8) (The Planning Commission recommended approval by a vote of 6-0-2) (The Planning Department recommended that the request be disapproved.)*

(Approval would allow the property to be developed for limited commercial uses.)

POLICY ISSUE:

The applicant's original request for "C-2" Commercial District is **inconsistent** with the land use principles of the Comprehensive Plan which dictate a transitional area should be maintained between uses of varied intensity and avoiding future strip commercial characteristics.

STAFF RECOMMENDATION:

The Planning Commission recommended this proposal be **APPROVED** by a vote of **6-0-2** at their September 18, 2006 meeting. The Planning Department recommended that this request be **DISAPPROVED.**

BACKGROUND:

- The applicant originally sought a "C-2" designation for the subject property. The Planning Commission upon deliberation approved the less intense "C-1" classification.
- City Council options:
  - **Adopt** the recommendation of the Planning Commission by Ordinance;
  - **Override** the Planning Commission's recommendation by a two-thirds majority (6 votes) of the City Council membership; or,
  - **Return** such recommendation to the Planning Commission with a statement specifying the basis for the City Council's failure to approve or disapprove

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

Ordinance

Vicinity Map

Staff Report

Constituents Letters (9 pages)

Constituents Letters (9 pages)

Constituents Letters (9 pages)

Constituents Letters (9 pages)

Constituents Letters (9 pages)

Constituents Letters (9 pages)

Constituents Letters (9 pages)

Constituents Letters (9 pages)

Constituents Letters (9 pages)

Aerial

Application p1

Application p2

Application p3

Application p4

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located west of SW Wanamaker Road between SW 30th Terrace and SW 31st Street in the City of Topeka, Kansas from "O&I-2" Office and Institutional District **TO** "C-1" Commercial District. **(Z06/30) (Council District No. 8)**

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

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

Lots 1, 2, 3 & 4, Block B, Wanamaker West Subdivision No. 2, City of Topeka, Shawnee County, Kansas.

from "O&I-2" Office and Institutional District **TO** "C-1" Commercial District.

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

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

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

PASSED AND APPROVED by the Council of the City of Topeka, _____, 2006.

_____
William W. Bunten, Mayor

ATTEST:

_____
Iris E. Walker, City Clerk

To Be Codified _____

Not To Be Codified ___X___

September 18, 2006
Agenda Item #G-3

ZONING REPORT

CITY OF TOPEKA PLANNING DEPARTMENT

CASE NO: Z06/30 **by: CF&S Partnership and KU Endowment Association**

PROPOSAL: Zone change from "O&I-2" Office and Institutional District, **TO** "C-2" Commercial District.

LOCATION: On property located west of SW Wanamaker Road between SW 30th Terrace and SW 31st Street.

PARCEL ID NUMBER: 1441701001009000.

PRESENT USE: Vacant undeveloped 135,549 square foot tract.

PROPOSED USE: Retail.

CHARACTER OF NEIGHBORHOOD: The neighborhood is made up of predominately residential uses south of SW 30th Terrace and commercial uses north of SW 30th Terrace. The subject property is located on the advancing fringe of the corporate limits in southwest Topeka. This area is characterized by a combination of undeveloped agricultural land south of the subject site with residential to the west and east. As currently zoned the property serves as a transitional land use between these districts of lesser and greater intensity; and serves to restrict the intensity of use to a low to moderate range and to encourage a compatible design with the adjacent uses and developments.

ZONING CLASSIFICATION AND USE OF SURROUNDING PROPERTIES:

	ZONING CLASSIFICATION	PRESENT LAND USE
North:	"C-4" Commercial District	New Hy-Vee and Morgan Stanley Building
South:	"RR-1" Residential Reserve District	Residential/Agricultural land (outside city limits)

East:	"R-1" Single-Family Dwelling District	Residential
West:	"O&I-2" Office and Institutional District	Undeveloped

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: The property has remained vacant and unimproved since its platting in October 1997.

SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED: The site's present classification is consistent with the established pattern of zoning and land use in the area and is intended to provide a transitional use along the advancing fringe of the corporate limits in southwest Topeka between the existing commercial zoning concentrated at the intersection of SW 29th Street and SW Wanamaker Road and the developing residential neighborhoods to the west and upon annexation those areas to the south.

CONFORMANCE TO COMPREHENSIVE PLAN: The *Comprehensive Plan* designates this area as *Commercial/Office* land use. Accepted planning principles dictate that established patterns of land use must be recognized as a basic factor which strongly influences rezoning decision. The current classification of "O&I-2" Office and Institutional was established for this location in 1997 when the property was rezoned from its original zoning designation of multiple-family that was established in the early 1970's as part of a comprehensive reclassification of the southwest quadrant of SW 29th Street and SW Wanamaker Road for multi-family residential, office and commercial uses. The zoning pattern extending south and west of the SW 29th Street and SW Wanamaker Road intersection reflects a transitional land use pattern with commercial zoning concentrated at the intersection and stepping down through multiple-family residential and office usage as a land use buffer to developing and anticipated residential neighborhoods to the south and west. This practice is well supported by the neighborhood design guidelines in the *Comprehensive Plan*; (see attached model neighborhood schematic) that states retail should be located at arterial street intersections.

The subject property is located at the boundary of these two distinct land use areas as well as being on the advancing fringe of the corporate limits. Although it is the intent of the Comprehensive Plan that the Plan is to be interpreted with flexibility at the boundary of different land use areas to allow for reasonable transitions in land uses, adoption of the proposal will not only replace an existing transitional zoning district, but also have the effect of extending this transition further south along a major arterial (SW Wanamaker Road) in the future. Such an action may disrupt or threaten the integrity of established residential neighborhoods to the south and promote further commercial strip development along one of the city's major arterials which the Comprehensive Plan discourages.

The proposal is found by staff to be **inconsistent** with the established goals and objectives of the Comprehensive Plan and accepted planning principles.

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: The removal of present restrictions would permit the subject property to develop for commercial use which is found to be **inconsistent** with accepted planning principles which dictate a transitional area between uses of such varied intensity as commercial and residential. Currently SW 30th Terrace is the line of demarcation within the area that serves as the

accepted point of transition. To allow this to be breached would potentially open an area running some 1,300' to the south for commercial expansion before reaching an area with exiting residential development. Such a practice only exacerbates further strip development along SW Wanamaker Road. Therefore, it can be expected that removal of the present restrictions based upon the surrounding land use would have a detrimental effect upon the area.

THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE OWNER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER: The sites present classification was established in 1997 when the property was rezoned from its original zoning designation of multiple-family that was established in the early 1970's as part of a comprehensive reclassification of the southwest quadrant of SW 29th Street and SW Wanamaker Road for multi-family residential, office and commercial uses. The limits of office and commercial uses were established at that time in order to concentrate the more intense uses around the arterial intersection of SW 29th Street and SW Wanamaker Road which is precisely what the neighborhood design guidelines in the *Comprehensive Plan* state (see attached model neighborhood schematic). Therefore, the proposed reclassification of the subject property is viewed as being **inconsistent** with the transitional character expected by the surrounding properties. Such an action is viewed as having a detrimental effect on those surrounding properties and therefore, it would appear to be in the best interest to the public health, safety and welfare in requiring continuation of the present restrictions.

AVAILABILITY OF PUBLIC SERVICES: All essential public utilities, services and facilities are presently available to this area and will not be overburdened by this proposal. SW 30th Terrace is currently being constructed for a new Hy-Vee Supermarket to the north. SW Wanamaker from SW 29th Street to SW 33rd Street is proposed to be improved to major arterial standards as part of the City's CIP in 2008.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:

Application: **Complete**.

Minimum Lot Area: **Compliant**.

Setbacks: **Compliant**.

Platting: **Compliant** – The final plat of the Wanamaker West Subdivision No. 2 was recorded on October 20, 1997.

CONCERNS OF STAFF AND REVIEWING AGENCIES: This request has been submitted to all applicable reviewing agency staff for consideration and comment. No significant issues or concerns were expressed by reviewing staff relative to code compliance or the provisions of public services except for the question of zoning suitability as expressed in this staff report.

ADDITIONAL FACTORS:

1. Neighborhood Improvement Association: Not Applicable.
2. Capitol Plaza Area: Not Applicable.
3. Flood Hazard Area: Not Applicable.
4. Airport Hazard Area: Not Applicable.
5. Historic Properties: Not Applicable.

STAFF RECOMMENDATION:

Based upon the above findings and analysis Planning Staff recommends **DISAPPROVAL** of this proposal.

Prepared by: Dean W. Diediker
Planner II

Name	Address	Phone
Carol & Richard Jacobs	5954 SW 30 Ter	272-9461
[illegible]	5974 SW 30TH TERR	272-6897
Helen Hipp	5970 S W 30th Terrace	272-3117
Linda L. Gilliland	5979 SW 30th Terrace	221-8060
Effie Bowen	5982 S.W. 30th terrace	272-4865
Donald P. Smiley	5978 SW 30th Terrace	2720154
Mabel Hyden	5983 SW 30th	272-3617
Donald A. Oster	5971 SW 30th	273-2253
Velma Theis	5964 S.W. 30th Ter.	-66614
Janet L. Robinson	5951 SW. 30th Ter.	066614
Donna J Bond	5966 S.W. 30th Ter.	66614
Emory Bond	5966 S.W 30th Ter.	66614
Burkley M. Carter	5962 SW 30 TERR	66614
Thorene Carter	5962 SW 30 TERR	66614
C.W. Hackathorn	5955 SW 30th Terr	66614 - 272-0547
Mary Lou Hackathorn	5955 SW 30th Ter.	66614 272-0547
James F. Casto Jr	5956 SW 30th Ter	66614 272-3258
Betty Casto	5958 SW 30th Ter	66614 272-5258
Norma O. Ewing	5941 SW 30th Ter	66614 272-248
James F Theis	5667 SW 30th Ter	66614 273-5248

RECEIVED
SEP 11 2006
TOPEKA PLANNING
DEPARTMENT

Shadywood West Homeowners' Association
Topeka, Kansas
September 17th, 2006

RECEIVED
SEP 18 2006
TOPEKA PLANNING DEPARTMENT

George Webb
President, SWWHA
6024 SW 37th Street
Topeka, KS 66614

Planning Commission
City of Topeka

On behalf of the 132 families of the Shadywood West Homeowners' Association and the duly elected board thereof, I wish to express the Association's objection to a proposed zoning change on the property south of 29th Street and west of Wanamaker road. It is my understanding that this is zoning amendment Z06/30 and it would change classification from Office and Institutional District (O&I-2) to C2 Commercial.

There are several reasons for our objection. The most salient is the need to preserve the current buffer along Wanamaker as the area transitions from considerable commercial property north of 29th to what is obviously a well developed and well maintained residential area as one proceeds south. The present arrangement provides for reasonable transition zoning, but this proposed change would begin the clear erosion of that transitory plan. Moreover, there is little guarantee – and some would suggest there is a likelihood – that were this rezoning to pass, the county-controlled property immediately to the south of that (some or all of the McDowell Farm) would in turn be rezoned as commercial property. Were that to happen, buffering with a transition zone would cease altogether. Certainly the Commission is aware that many families on both sides of Wanamaker have invested considerable sums in their properties with the expectation that the City of Topeka would preserve the zoning arrangement and thus the value and attractiveness of their homes. Residents consider a commercial rezoning as an abrogation, and it is time to put a stop to commercial development encroachment into a fine neighborhood.

Second, the long-range plan for further development of Wanamaker Road south of 29th and north of the 34th Terrace does not appear to have any prospect of road expansion that would handle increased traffic consequent to a commercial operation. At a minimum, turning lanes would be required to support traffic flow.

Third, there is a descending hill as one proceeds south from 29th (and before encountering the creek a few hundred meters further). This hill does not create a major traffic hazard under the current arrangement, but were this property and any other property west of Wanamaker to be rezoned as commercial, one might reasonably expect the hill and creek to present safety hazards due to transient traffic encountering low visibility from the elevation change. It would only be a

matter of time, were transient traffic to be greatly increased, that another traffic light would be necessary.

Fourth, residents close to this area report a consistent problem with drainage in the low ground at the bottom of the hill. Bad enough already, a commercial enterprise with concomitant concrete and asphalt would further diminish the present soil absorption in the area. Increased water runoff into the low area south of 29th could quite possibly render some properties on the north end of Shadywood untenable. Certainly it would place new demands on the city or the county, and as we have already seen on 37th Street, finger-pointing between the city and county in the boundary areas sometimes means that residential property owners are the losers.

Thank you for your consideration of the views of the Shadywood West homeowners. Because we have not seen any actual plans for this rezoning concept, we are only able to address this with hypothetical and generic consequences. However, even the hypothetical consequences raise very real concerns to the good people who live in Shadywood West and also to the families east of Wanamaker, all of whom purchased their homes with the expectation that there would be no commercial encroachment in their areas.

Respectfully,

George S. Webb
President
Shadywood West Homeowners' Association

CF: Brett Blackburn, Topeka City Council

Application Form
Re-Zoning or Conditional Use Permit

City of Topeka Planning Department

Topeka, KS 6660
Phone 785-368-3728 Fax 785-368-2535

Applicant Information

Property Owner(s): CF&S Partnership & KU Endowment Association

Street Address: 2930 Woodside Drive

City: Topeka State: KS Zip: 66614 E-mail:

Business phone: 785-272-4706 Home phone: 913-829-3341 Fax:

Authorized Owner Representative (if any): Doug Flatt

Street Address: 2930 Woodside Drive

City: Topeka State: KS Zip: 66614 E-mail:

Business phone: 785-272-4706 Home phone: 913-829-3341 Fax:

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

Cook, Flatt & Strobel Engineers, P.A., Mel Chapman

Street Address: 2930 Woodside Drive

City: Topeka State: KS Zip: 66614 E-mail: mchapman@cfse.com

Business phone: 785-272-4706 Home phone: Fax: 785-272-4736

Authorization

Owner 1 Name: Doug Flatt - C.F.&S. Partnership

Owner 1 Signature: Date: 7/6/06

Owner 2: Daryl Beene - KU Endowment Association

Owner 2 Signature: Date: July 31, 2006

Requested Action and Site Information

Address of Property to be Re-Zoned (or if vacant, describe general location): Property south of SW 30th St. Terrace, west of Wanamaker approximately 770 feet

Legal Description of Property: *lot(s)* 1-4 *block* B *subdivsion* Wanamaker West Subdivision No. 2
(if unplatted, attach metes and bounds description)

Total Area (acres/square feet): 135,549 Square Feet

Type of Application:

1. *Re-zoning from:* 0 & 1-2 *to:* C-2 Commercial
2. *Conditional Use Permit proposed use:* _____

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

How long has the existing use been on the property? 50 years

Proposed Use (# of dwelling units, square feet, etc.): Neighborhood Commercial Use

Was a Pre-Application Meeting or Zoning Inquiry completed with Staff? yes **If Yes, when?** 8/1/06

FOR OFFICE USE ONLY

Date submitted: 8-4-06
Application no.: Z06/30
Filing fee: 650 **Receipt no.:** 11389
Quarter section map no.: _____

Date notice sent: 8-25-2006
Date advertised: 8-25-2006
Date of hearing: 9-18-2006
Council district: 8

CHECK YES OR NO

Capital Plaza Area: Yes ____ No ✓

100 yr Floodplain: Yes ____ No ✓

Airport Hazard Area: Yes ____ No ✓

Within Historic Site Environs: Yes ____ No ✓
If Yes, what is it?: _____

National/State Historic Register: Yes ____ No ✓

Local Historic Resource: Yes ____ No ✓

Neighborhood Association: Yes ____ No ✓

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

Infrastructure Availability

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

1. **Water**
   a. Location and size of water main serving site:

   There is an existing City of Topeka 12" water line on the west side of SW Wanamaker Road.

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

   Yes, no improvements are anticipated.

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

2. **Sanitary Sewer**
   a. Location and size of sewer main serving site:

   There is an existing City of Topeka 8" sanitary sewer on the west side of Wanamaker Road.

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

   Yes, there is adequate capacity. An 8" lateral extension will serve the site at time of improvement.

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

3. **Storm Drainage**
   a. How will storm water run-off be handled on site?

   Storm water will be detained and discharged off-site in accordance with the approved Drainage Report for Wanamaker West Subdivision No. 2.

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

   Yes.

4. **Traffic Circulation**
   a. Does the site have public street frontage access? What is the pavement width of any adjoining public streets?

   There is frontage along SW 30th Terrace which has been approved for construction. SW 30th Terrace has a 60' R/W and will have a pavement width of 29 feet.

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

   Site's access points will be from SW 30th Terrace. Access to main commercial area will be provided by a 29 foot street west of Hy-Vee proposed facility.

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

   As stated above, SW 30th Terrace has been approved for construction and shall be completed this fall.

Applicant Justification

For re-zoning applications:

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

Please attach additional sheets if necessary.

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

   Property immediately north of requested rezoning is being developed for use as major grocery outlet. Planning of this facility utilizes SW 30th Terrace for supply traffic with service area immediately north of SW 30th Terrace. This level of truck traffic with normal clutter in the loading and unloading area is not compatible to office development across the street.

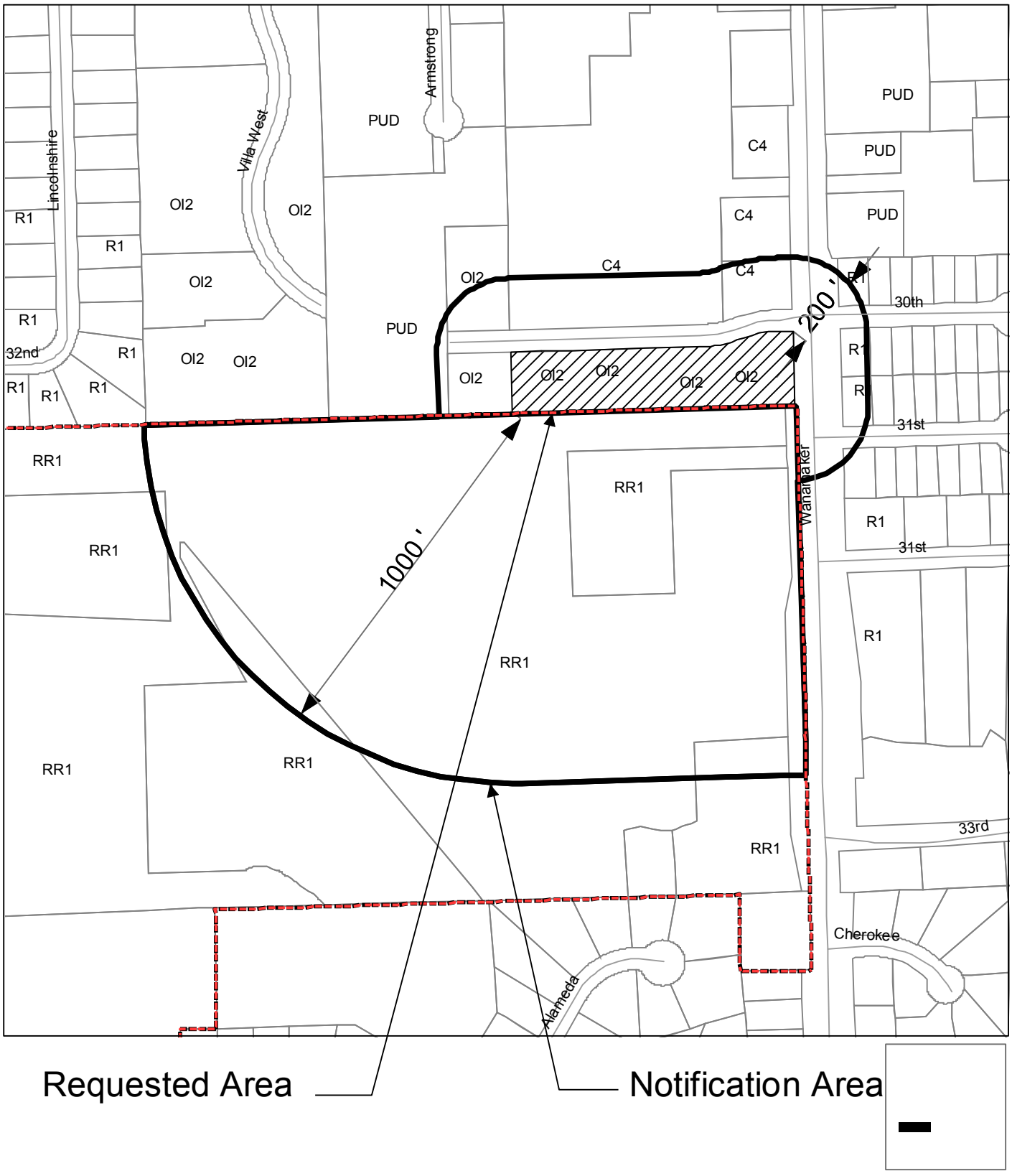
2. **What effect would the proposed zone change have on the character of the neighborhood and surrounding properties?**

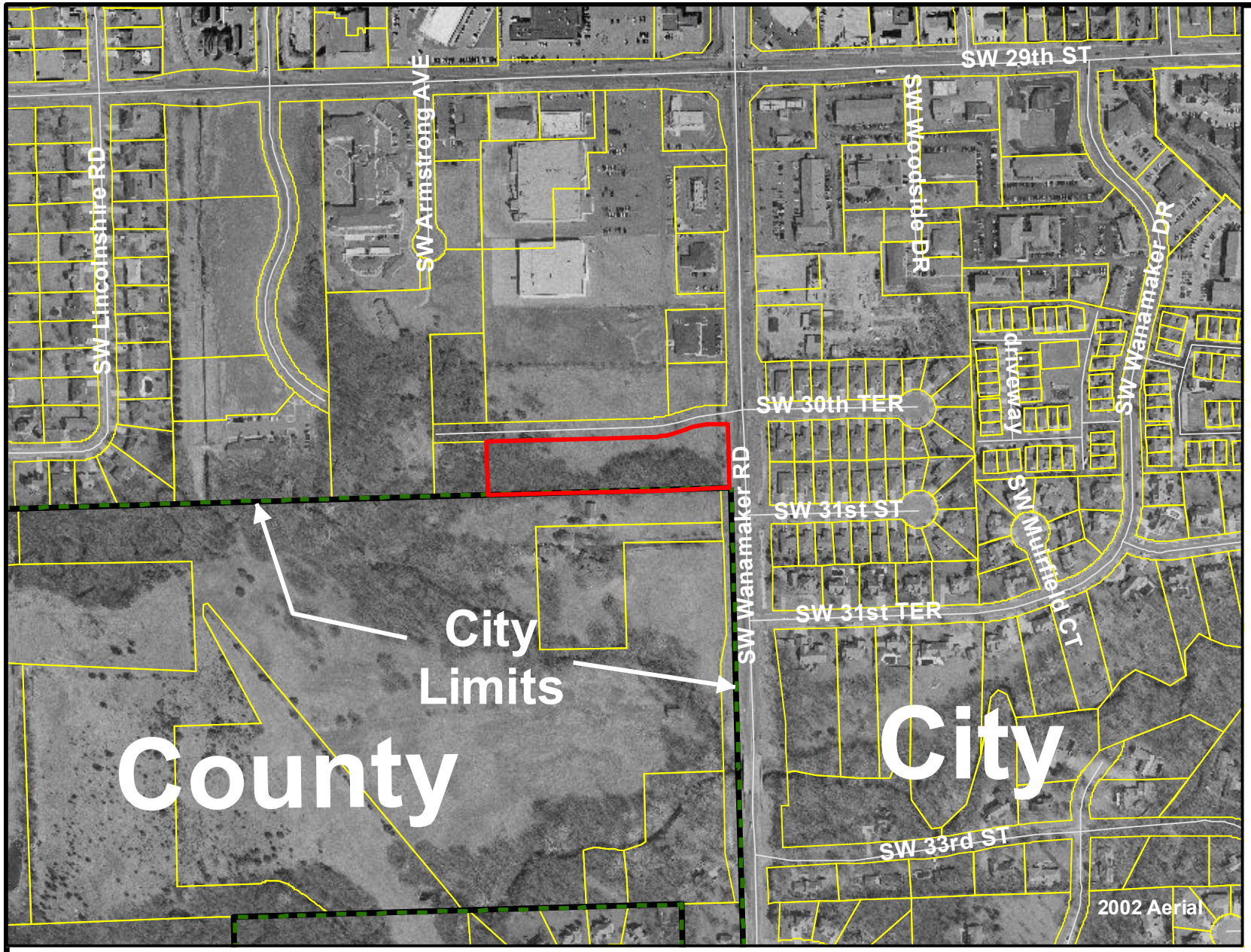
   Property to the north is identified above - Lot 5 of referenced subdivision and Lot 6, Block "A" Wanamaker West Subdivision No. 2 would remain with O & 1-2 zoning providing buffer to the West. Property to the south has been advised of this potential rezoning and they do not have objection. Wanamaker Road provides natural buffer to the East.

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

   The referenced property is part of a 35 acre development purchased in 1969 which was zoned and platted shortly after purchase. The Master Plan of commercial zoning at that time was followed. As development of 29th & Wanamaker intersection took place the commercial limits in the other three quadrants was expanded which is in keeping with policy of maintaining commercial use at major intersections. This minor addition of commercial in the southwest quadrant is keeping with this policy.

Z06/30 By CF & S & KU Endowment Assoc.





Z06/30 by CF&S and KU Endowment Assoc.

September 5, 2006

RECEIVED
SEP 0 8 2006
TOPEKA PLANNING
DEPARTMENT

Commissioners
Topeka Planning Commission
620 S.E. Madison Street
Topeka, Kansas 66607

Dear Commission Members:

My residence is at 5970 S.W. 30th Terrace, part of Chestnut Hill Homeowner Association.

I am writing you in opposition of the rezoning on the west side of S.W. Wanamaker Road at S.W. 30th Terrace. The request under consideration would change the zoning to a Commercial Class, C-2, permitting any broad number of business types to be constructed. I urge you to consider keeping the current office zoning, as it currently is, in force.

I ask that you consider the likelihood that commercial development of this plat will attract businesses with a high patron volume to capitalize on the Wanamaker Road thoroughfare. This would likely include restaurants (with their noise and odors) or entertainment businesses (with significantly increased traffic and noise).

Commercial development, as opposed to office, is very likely to further depreciate the value of my private residential property. I ask for your consideration and protection in this matter.

Sincerely,

Helen Figgs

Helen Figgs

RECEIVED
SEP 05 2006
TOPEKA PLANNING
DEPARTMENT

Topeka Planning Department
620 S.E. Madison Street
Third Floor
Topeka, Kansas 66607

Gentlemen:

Permit me to register my opposition to rezoning request #0630 for property on the West side of SW Wanamaker Road at SW 30th Street Terrace.

My request that the zoning remain as Office/Institutional is to preserve the value of my residence, value that has recently been reduced by the opening of restaurant adjoining on the north. (My home has been marketed since April by a large Topeka Real Estate Agency without one offer and the primary complaints buyers have registered with agents reportedly has been the Brick Oven restaurant and the SW Wanamaker Road traffic. The property has been priced well under the county assessed value.)

I also have concern for the safety of myself and of many of our aging residents driving to and from our cul-de-sac. Wanamaker Road carries a heavy load today and when it is opened farther south that load will increase. Development of the plot under this request would, I believe, be safer as office rather then commercial.

I am told that 30th Street Terrace street is to be extended across SW Wanamaker Road at some time. The crossing is partway on a rather steep hill that is already somewhat hazardous especially when having to slow or stop to turn left off Wanamaker. I respect that traffic is a primary concern of others but I trust that safety is of importance to the commission as is the devaluation of residential property such as mine.

I ask that you please respect my concerns as you consider and must decide this rezoning request.

Most sincerely,

Ronald P. Smiley

Ronald P. Smiley
5978 SW 30th Terrace
Topeka, Kansas 66614-4040

September 1,2006

5966 SW 30th Terrace
Topeka, Kansas 66614-4040
September 1, 2006

Topeka Planning commission
c/o Topeka Planning Department
620 SE Madison, third Floor
Topeka, Kansas 66607

Dear Sirs:

Note that we own residential property and reside on SW 30th Street Terrace, east of SW Wanamaker Road, in an area called Chestnut Hills. We are writing to ask that you oppose the request before the commission to rezone property under case # 0630 from office/institutional to commercial, C-2.

It is our concern that commercial class development, as opposed to office development, would intentionally increase traffic with its associated hazards. Our cul-de-sac is designed for and occupied by adults, and some of us are aged. Our entry to 30th Street Terrace is on a hill and speeding on Wanamaker is common. We request that our safety be seriously considered as you deliberate the rezoning request.

Also, commercial development of the area will increase the existing noise level, making our property less livable, enjoyable, and desirable. The rezoning to permit commercial development (the specific type of business has not been publicized) will devalue our personal residential property with no likely avenue for redress. Please help save us by minimizing the increased traffic and noise hazards, and from the financial loss we will experience from rezoning of the plot for commercial development.

Respectfully,
Emery Bond Jr
Donna J. Bond
Emery and Donna Bond.

RECEIVED
SEP 06 2006
TOPEKA PLANNING DEPARTMENT

TOPEKA, SEPT. 7, 2006

TOPEKA PLANNING DEPT.
620 SE MADISON ST. 3RD FLOOR
TOPEKA, KANSAS 66607

DEAR SIRS:

I UNDERSTAND THERE IS A REQUEST FOR A ZONING CHANGE OF PROPERTY ON THE WEST SIDE OF WANAMAKER ROAD AT 30TH ~~STREET TERRACE~~.

THE REZONING REQUEST IS ~~FOR~~ COMMERICAL CLASS C-2, ~~FROM OFFICE/~~ INSTITUTIONAL. WE ~~FEEL~~ THIS CHANGE WILL DEVALUE OUR PROPERTY.

PLEASE CONSIDER OUR REQUEST TO VOTE NO FOR THIS CHANGE.

Berkley M. Carter
Theresa M. Carter
5962 SW 30 ~~TERR~~
TOPEKA, KS 66614

RECEIVED
SEP 11 2006
TOPEKA PLANNING DEPARTMENT

September 7, 2006

Rebecca Stauffer
3418 Alameda Dr.
Topeka, Ks 66614

Dear Planning Commission:

I am writing to notify the Planning Commission of my opposition to the proposed zoning change for the property on the west side of Wanamaker at approximately 30th Terrace (case# Z06-30). The lack of planning to control the commercial sprawl on Wanamaker needs to stop.

I live a block west of Wanamaker on 34th Terrace and the traffic continues to increase and become more difficult with the continued expansion of the commercial corridor. The property on 29th and Wanamaker previously occupied by Bauersfields has been vacant for some time prior to the start of building. I don't believe there is a "need" for more commercial property.

Please notify me of the outcome of the meeting on September 18. Unfortunately I have a conflict and will be unable to attend. I am a long time resident of the Topeka community and would like to think my opinion will be considered with equal weight of the developer

Sincerely,

Rebecca K. Stauffer

Rebecca K. Stauffer

cc: Councilman Brent Blackburn

RECEIVED
SEP 12 2006
TOPEKA PLANNING DEPARTMENT

RECEIVED
SEP 11 2006
TOPEKA PLANNING
DEPARTMENT

5954 SW 30th Terrace
Topeka, KS 66614
September 8, 2006

Topeka Planning Department
620 SE Madison Street, Third Floor
Topeka, KS 66607

Greetings:

The undersigned are concerned residents of Chestnut Hills #2, located at SW 30th Terrace to the East of SW Wanamaker Road. This letter is to express our concerns and objections to the rezoning request of the West side of Wanamaker Road at SW 30th Terrace.

We understand that the proposed zoning request is to change the 200-foot frontage on SW Wanamaker Road and 1000 foot depth from Office/Institutional to Commercial Class C-2. The types of businesses included in the C-2 class include apartments, hotels/motels, recreational establishments, theaters and restaurants. Our objections are:

1. Commercial development will undoubtedly lead to considerably increased traffic than would office or residential development. This intersection is already heavily trafficked and traffic will undoubtedly increase anyway with the development of Hy-Vee to the North. This intersection is already dangerous as there is no turning lane into SW 30th Terrace, and no sidewalks on this section of SW Wanamaker.

2. The East side of SW Wanamaker is strictly residential South from SW 30th Terrace. In keeping with that, we feel that the West side should continue to be zoned Office/Institutional.

3. The buildings just to the North of the proposed area are already developed with a low-rise bank building and office building.

We feel that the best use of the proposed area is to keep the zoning Office/Institutional. A change to C-2 zoning will dangerously impact traffic and ingress/egress to our homes. For the reasons stated above, we request that the zoning for the proposed area not be changed to C-2 Commercial.

Thank you for your consideration to our request.

A Capital City Serving You…

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 18, 2006

DATE:	**September 19, 2006**		
CONTACT PERSON:	**Linda Voss**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**Traffic Signal Replacement**	**PROJECT #:**	**14119-00**
CATEGORY/SUBCATEGORY	**004 Budgets or Appropriations / 004 Project Budget - Capital Project**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:	**Approve the Project Budget and Adopt the Ordinance**	**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 14119-00, which provides for replacement of an existing traffic signal, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. First Reading *(Council District No. 2)*

(Replacement of an existing traffic signal at North Kansas Avenue and Paramore Street.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Approve the Project Budget and Adopt the Ordinance

BACKGROUND:

This project consists of the design and construction services for the replacement of an existing traffic signal at North Kansas Avenue and Paramore Street.

BUDGETARY IMPACT:

Project Budget $157,500.00

SOURCE OF FUNDING:

CIP 2006 - General Obligation Bonds

ATTACHMENTS:

Project Budget

Debt Service

Vicinity Map

Ordinance

PROJECT BUDGET
Project No. 14119-00
Traffic Signal Replacement Project

LOCATION:

North Kansas at Paramore

DESCRIPTION OF PROJECT:

Replace existing traffic signal

SOURCE OF FUNDS:

CIP 2006 - General Obligation Bonds

COST ESTIMATE:	**City of Topeka**	**Other**	**Total**
Construction:	$120,000.00	$0.00	$120,000.00
Design:	$8,400.00	$0.00	$8,400.00
Construction Service Fees:			
Construction Inspection	$8,400.00	$0.00	$8,400.00
Construction Staking	$2,400.00	$0.00	$2,400.00
Administrative Fees:			
Legal Dept. Admin.	$0.00	$0.00	$0.00
Engineering Admin.	$2,400.00	$0.00	$2,400.00
Right-of Way Acquisition:	$4,800.00	$0.00	$4,800.00
Contingency Amount:	$3,600.00	$0.00	$3,600.00
Temporary Notes:	$7,500.00	$0.00	$7,500.00
Total:	**$157,500.00**	**$0.00**	**$157,500.00**

PUBLIC HEARING:

PROJECT AUTHORITY:

a. Statutes: _____
b. Ord./Res. No.: _____ Date: _____
c. Improvement District: _____
d. City at Large: _____
e. Method of Assessment: _____

PROJECT ENGINEER: Linda Voss

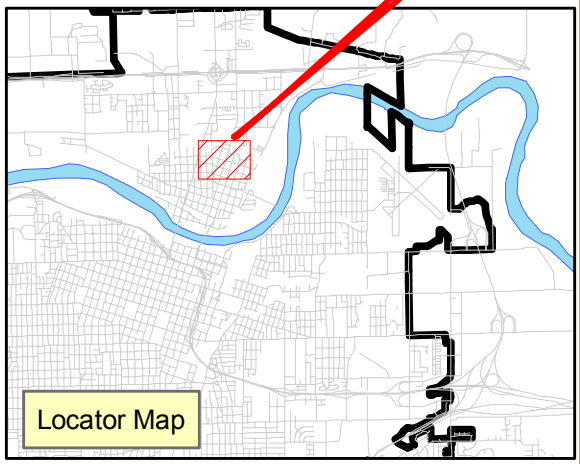
GO Bond Cost of Project

PROJECT: 14119-00

Interest rate		5.25%
Number of Years		20
Cost of Issuance		2.00%
Temp Note interest		5.000%
Principal (project cost)		$150,000
Plus Temp Note Interest (unless included in Principal)		$7,500
	Subtotal	$157,500
Plus Cost of Issuance		$0
	Total	**$157,500**
Annual Debt Service		**$12,907**
Annual Debt Service as Percent of Total		8.2%
Total Debt Service (principal and interest)		$258,150
Difference Project Cost and Total Debt Servivce		$108,150
GO Bonded Indebtedness as of March 2006*		$148,705,000
2005-A Temporary Notes that Finance Future GO Bond projects		$20,487,369
Approved, not Included in GO Bond Issue or Temporary Notes--City Projects		$12,749,372
Approved, not Included in GO Bond Issue or Temporary Notes--Special Assessment Projects		$10,339,580
Total Indebtedness		$192,281,321
Plus Project		$192,438,821

* Breakdown of GO Bonded Indebtedness	
Building, Trafficway & Park Improvements	$108,373,006
Drainage, Street & Sewer Improvements (special assessments)	$12,401,994
KP&F Unfunded Liability	$12,400,000
Heartland Park STAR Bonds	$10,460,000
Heartland Park Development	$5,070,000
Total	$148,705,000

NE Paramore & N Kansas Ave Signal Replacement Proj. #14119





TOPEKA Public Works
TECHNICAL SUPPORT GROUP

G I S
Geographic Information Systems

City of Topeka GIS
Division of Public Works • Technical Support Group
620 SE Madison St • Topeka, KS 66607
Ph. 785-368-1905 F. 785-368-1902
www.topeka.org

(Published in the Topeka Metro News_____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 14119-00, which provides for replacement of an existing traffic signal, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka.

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

Section 1. That it is hereby deemed advisable and necessary and is also hereby authorized, pursuant to Section A12-1 of the Code of the City of Topeka that the following public improvements be made:

A. GENERAL NATURE OF IMPROVEMENT:

This project consists of the design and construction services for the replacement of an existing traffic signal at North Kansas Avenue and Paramore Street.

B. TOTAL PROJECT BUDGET COST:

$157,500.00

C. SOURCE OF FUNDS:

General obligation bonds and any other lawfully available funds.

Section 2. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the City Council_____.

CITY OF TOPEKA, KANSAS

_____

ATTEST: William W. Bunten, Mayor

_____

Iris E. Walker, City Clerk

A Capital City Serving You…

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 19, 2006

DATE:	**September 19, 2006**		
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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214 SE 8th Street
Topeka, Kansas 66603

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214 SE 8th Street
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SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available