



City of Topeka City Council Agenda

City Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org

October 20, 2015
6:00 PM

Mayor: Larry E. Wolgast Councilmembers

Karen A. Hiller	District No. 1	Brendan Jensen	District No. 6
Sandra Clear	District No. 2	Elaine Schwartz	District No. 7
Sylvia E. Ortiz	District No. 3	Jeff Coen	District No. 8
Jonathan Schumm	District No. 4	Richard Harmon	District No. 9
Michelle De La Isla	District No. 5		

City Manager: Jim Colson

Addressing the Council: No person shall address the Council during a Council Meeting, unless they have notified the City Clerk at (785)368-3940 by 5:00 P.M. on the day of any Council Meeting of their desire to speak on a specific matter on the published meeting agenda or during the public comment portion of the Council Meeting. This limitation shall not apply to items added during the course of a meeting. The Council does not take action with respect to any subject not on the agenda unless added to the agenda by a two-thirds vote of the Council.

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

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

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

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

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

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

1. MAYORAL PROCLAMATIONS:

"December People Day"
"National Community Planning Month"

2. PRESENTATIONS:

"U.S. Corps of Engineers - Shunga Creek Feasibility Study"

3. ROLL CALL:

4. CONSENT AGENDA:

A. Board Appointment - Topeka Americans with Disabilities Act Advisory Council

BOARD APPOINTMENT recommending the reappointment of Theresa Packard to the City of Topeka ADA Advisory Council for a term ending October 1, 2017. (Council District No. 9)

B. Board Appointment - Topeka Americans with Disabilities Act Advisory Council

BOARD APPOINTMENT recommending the appointment of Andrew Marso to the City of Topeka ADA Advisory Council for a term ending October 1, 2017. (Council District No. 4)

C. Board Appointment - Topeka Americans with Disabilities Act Advisory Council

BOARD APPOINTMENT recommending the reappointment of Don Moses to the City of Topeka ADA Advisory Council for a term ending October 1, 2017. (Council District No. 5)

D. Board Appointment - Topeka Americans with Disabilities Act Advisory Council

BOARD APPOINTMENT recommending the reappointment of Marijo Mastroianni to the City of Topeka ADA Advisory Council for a term ending October 1, 2017.(Council District No. 5)

E. Board Appointment - Topeka Planning Commission

BOARD APPOINTMENT recommending the reappointment of Dennis Haugh to the Topeka Planning Commission for a term ending September 30, 2018. (3-mile Extraterritorial Jurisdiction)

F. Board Appointment - Topeka Planning Commission

BOARD APPOINTMENT recommending the appointment of Brian Armstrong to the Topeka Planning Commission for a term ending September 30, 2018. (3-mile Extraterritorial Jurisdiction)

G. Resolution - Shara Monhollon - Noise Exception

A RESOLUTION introduced by Councilmember Richard Harmon, granting Shara Monhollon an

exception to the provisions of City of Topeka Code Section 9.45.170 concerning noise prohibitions. *(Council District No. 9)*

(City of Topeka Code Section 9.45.150, et seq. authorizes the City Council to grant noise exceptions. Approval would allow for amplified music during the hours of 7:00 p.m. and 11:00 p.m. on October 30, 2015 at 1733 SW Seabrook Avenue.)

H. MINUTES of the regular meeting of October 13, 2015

I. APPLICATIONS:

5. ACTION ITEMS:

A. Public Hearing and Ordinance - Unified School District 501 (V1E/2)

A PUBLIC HEARING and AN ORDINANCE introduced by City Manager Jim Colson, regarding vacation request V15E/2 by Unified School District No. 501 requesting the vacation of a public utility easement and public improvement easement between SW Randolph and SW Medford Avenues and SW 13th and SW 15th Streets, in the City of Topeka, Shawnee County, Kansas, to allow an addition to Randolph Elementary School that will consist of approximately 6,500 square feet of space and house a dual function gymnasium/storm shelter. *(V15A/2) (Council District No. 6)*

(The vacation of the public utility easement and public improvement easement is necessary in order to accommodate an addition to Randolph Elementary School consisting of a dual function gymnasium/storm shelter addition at the southwest end of the existing school building.)

B. Ordinance - Wood Valley Racquet Club Master PUD Plan (PUD04/9B)

AN ORDINANCE introduced by City Manager Jim Colson, amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code by amending the Master Planned Unit Development Plan for Wood Valley Racquet Club (C-2 Commercial uses) to allow expansions to the racquet club building and gymnastics studio and new off-street parking lots on property located at 2909 and 2925 SW 37th Street, City of Topeka, Shawnee County, Kansas. *(PUD04/9B) (Council District No. 7)*

(Approval would allow expansion of the Wood Valley Racquet Club up to 17,800 square feet and the gymnastics club up to 2,000 square feet with all required parking on-site.)

C. Ordinance - Brewster Place Town Homes (Z02/7B)

AN ORDINANCE introduced by City Manager Jim Colson, amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code by amending and expanding the boundary of the Master Planned Unit Development Plan for Brewster Place Townhomes to include an additional 1.5 acres that is currently zoned "R-1" Single-Family Dwelling District. *(Z02/7B) (Council District No. 5)*

(Approval allows Brewster Place to expand along SW Lincoln with a 14 unit, three-story senior housing residential structure and a 2,500 square foot maintenance building.)

D. Ordinance - Ruth Foster and Connie Ross (Z15/6)

AN ORDINANCE introduced by City Manager Jim Colson, amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code by providing for certain changes in zoning on property located along the south side of SW Huntoon Street approximately 2,200 feet east of SW Wanamaker from "R-1" Single Family Dwelling District TO "O&I-2" Office and Institutional District. *(Z15/3) (Council District No. 9)*

(Approval would allow the future development of a 2.4 acre site for office and institutional uses.)

E. Resolution - Southeast Topeka Interchange

A RESOLUTION introduced by City Manager Jim Colson relating to a new Southeast Topeka interchange.

(Approval would authorize the City to partner with the Kansas Turnpike Authority to conduct an Interchange Concept Study to assess the feasibility of constructing a new interchange on the I-470 section of the Kansas Turnpike near SE 29th Street. KTA is requesting the City fund half the cost of the study in an amount not to exceed \$20,000.)

F. Resolution - Allocation of Transient Guest Tax Proceeds - Constitution Hall

A RESOLUTION introduced by Councilmembers Elaine Schwartz, Brendan Jensen and Jeffery Coen sitting as the Transient Guest Tax Committee, allocating transient guest tax funding for a period of 12 years for Constitution Hall.

(Approval would authorize Transient Guest Tax funding for Constitution Hall in the amount of \$355,000 over a period of 12 years commencing in fiscal year 2016 and subject to the conditions in the resolution.)

G. Resolution - Allocation of Transient Guest Tax Proceeds - Downtown Plaza

A RESOLUTION introduced by Councilmembers Elaine Schwartz, Brendan Jensen and Jeffery Coen sitting as the Transient Guest Tax Committee, allocating transient guest tax funding for a period of 12 years for a Downtown Plaza.

(Approval would authorize Transient Guest Tax funding for Downtown Plaza in the amount of \$3,435,000 over a period of 12 years commencing in fiscal year 2016 and subject to the conditions in the resolution.)

H. Resolution - Allocation of Transient Guest Tax Proceeds - Historic Jayhawk Theatre

A RESOLUTION introduced by Councilmembers Elaine Schwartz, Brendan Jensen and Jeffery Coen sitting as the Transient Guest Tax Committee, allocating transient guest tax funding for a period of 12 years for the Historic Jayhawk Theatre.

(Approval would authorize Transient Guest Tax funding for Historic Jayhawk Theatre in the amount of \$680,000 over a period of 12 years commencing in fiscal year 2016 and subject to the conditions in the resolution.)

I. Resolution - Allocation of Transient Guest Tax Proceeds - Evel Knievel Museum

A RESOLUTION introduced by Councilmembers Elaine Schwartz, Brendan Jensen and Jeffery Coen sitting as the Transient Guest Tax Committee, allocating transient guest tax funding for a period of 12 years for the Evel Knievel Museum.

(Approval would authorize Transient Guest Tax funding for Evel Knievel Museum in the amount of \$300,000 over a period of 12 years commencing in fiscal year 2016 and subject to the conditions in the resolution.)

6. ANNOUNCEMENTS:

PRELIMINARY AGENDA

(The City Clerk will provide a brief summary of items on the next scheduled Council meeting agenda. Also during this time, the City Manager and Governing Body Members may offer

comments regarding City business and announce upcoming events.)

7. PUBLIC COMMENT:

8. EXECUTIVE SESSION:

Executive Sessions are closed meetings held in accordance with the provisions of the Kansas Open Meetings Act.

(Executive sessions will be scheduled as needed and may include topics such as personnel matters, considerations of acquisition of property for public purposes, potential or pending litigation in which the city has an interest, employer-employee negotiations and any other matter provided for in K.S.A. 75-4319.)

9. ADJOURNMENT:



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 20, 2015

DATE: October 20, 2015
CONTACT PERSON: Mayor Larry Wolgast **DOCUMENT #:**
SECOND PARTY/SUBJECT: **PROJECT #:**
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: Topeka Americans with **JOURNAL #:**
Disabilities Act Advisory
Council
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the reappointment of Theresa Packard to the City of Topeka ADA Advisory Council for a term ending October 1, 2017. *(Council District No. 9)*

POLICY ISSUE:

The ADA council seeks to enhance the community by the contributions of persons with disabilities; to make a positive difference in their relationship with the community by working toward providing full access to facilities, programs, services and activities.

STAFF RECOMMENDATION:

Councilmember Harmon nominates and Mayor Wolgast recommends the appointment of Theresa Packard to the City of Topeka ADA Advisory Council for a two-year term ending October 1, 2017.

BACKGROUND:

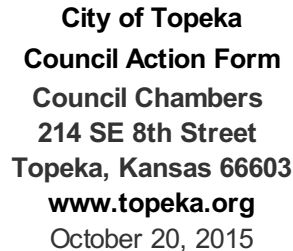
The mission of the Topeka ADA Advisory Council is to support the civil rights of and full integration into Topeka community life for all people with disabilities. The ADA Council will be comprised of 10 members. At least six of the members must be individuals with disabilities, representing the six major life functions as much as possible. Members will serve a two-year term and shall not be eligible to serve more than four consecutive terms pursuant to Topeka Municipal Code Section 2.80.010.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable



Not Applicable.

ATTACHMENTS:

Description

A. Marso Application

A. Marso Resume

Application for Appointment to a Board or Commission

Status: submitted

Profile

You are seeking an appointment to a public board. Your appointment is subject to approval by the Mayor and City Council and is governed by certain city ordinances and in some instances, state statutes. The information provided in this application will be used to determine if you meet the requirements required by city ordinances and other applicable laws. Please note that the information provided on this application will be subject to the Kansas Open Records Act.

Andrew

First Name

Marso

Last Name

andrewmarso@gmail.com

Email Address

2549 SE Tidewater Dr

Street Address

Suite or Apt

Topeka

City

KS

State

66605

Postal Code

Are you a resident of the City of Topeka?☒ Yes ☐ No**District 4**

In which district do you live?

Home: (785) 865-9753

Primary Phone

Home: (

Alternate Phone

Which Boards would you like to apply for?**Americans with Disabilities Act Advisory Council****Kansas Health Institute News
Service**

Employer

Writer

Job Title

Are you a registered voter?☒ Yes ☐ No

Are you currently a full or part-time employee of the City of Topeka?

☐ Yes ☒ No

If yes, please advise in which department you work:

Are you or any immediate family member related to any city governmental official or employee?

☐ Yes ☒ No

If yes, please advise who and how you are related:

Are you or have you been a party to any civil litigation involving the City of Topeka?

☐ Yes ☒ No

If yes, please explain:

Are you delinquent in payment of any taxes, fees, fines or special assessments owed to the State of Kansas, Shawnee County or the City of Topeka?

☐ Yes ☒ No

If yes, please explain:

Interests & Experiences

Please tell us about yourself and why you want to serve.

Please state why you are interested in serving on this board or commission:

I have amputations to all four limbs due to bacterial meningitis in 2004. This leaves me with mobility limitations and dexterity limitations which give me a unique window into what accessibility challenges might exist in Topeka.

Please describe your education, experience and expertise including any honors or awards, civic, cultural, charitable or professional organization memberships that relate to the position you are seeking.

Master's in Journalism from the University of Maryland. Eagle Scout. Volunteer for Catholic Charities and VIDA. Numerous journalism awards.

[ADA Resume.docx](#)

Upload a Resume

Please attach any additional information you believe may be helpful in considering your application.

Voluntary Self Identification

The Mayor and City Council are seeking diversity among appointees. We have provided an optional voluntary self-identification form should you choose to provide that information with your application.

Race and ethnic designations as used by the Equal Employment Opportunity Commission do not denote scientific definitions of anthropological origins. Definitions of the race and ethnicity categories are as follows:

Caucasian/Non-Hispanic

Ethnicity

Male

Gender

Acknowledgements and Verification

Purpose of information being submitted.

I understand that the information I have provided may be used to determine my suitability to perform the duties required by the position I seek.

☒ I Agree

The information I am submitting is true and correct.

By checking this box, I declare under penalty of perjury that I am the person named above, and the information I have provided is true and correct.

☒ I Agree

Electronic Signature

By checking this box, I agree that I am affixing my electronic signature to this application form.

☒ I Agree

Submission instructions: You may either submit this application online via this web form, or print and email your completed form with attachments to cotappointments@topeka.org or mail to Office of the Mayor, City Hall, 215 SE 7th St., Suite 350 Topeka, KS 66603-3914. For questions, call the Mayor's Office 785-368-3895.

Andy Marso is a versatile, award-winning journalist who has been a quadruple amputee since suffering limb damage due to bacterial meningitis in 2004. He is the author of a memoir called *Worth the Pain* about the illness and his recovery. He can be reached at andrewmarso@yahoo.com or 785-865-9753.

WORK EXPERIENCE

Writer, Kansas Health Institute News Service (Aug. 2014-present)

I write about health policy issues for a non-profit news service. Topics include disability issues.

State government reporter, **Topeka Capital-Journal** (Topeka, Kan., Dec. 2011-Aug. 2014)

Covered the Kansas state legislature and various other assignments. Wrote stories, shot and edited pictures and videos, live-tweeted events.

Legal affairs reporter, **The Daily Record** (Baltimore, Aug. 2011-Nov. 2011)

Covered the Baltimore City Circuit Court and the U.S. District Court in Baltimore for a five-day-a-week newspaper and website that specializes in legal and business news.

Sports editorial aide/freelance writer, **The Washington Post** (Washington D.C., Sept. 2010-Aug. 2011)

Updated the Post's AllMetSports.com statistical database, produced web photo galleries and designed sports agate page. As a regular freelance writer, covered prep soccer, wrestling and lacrosse, men's and women's NCAA soccer tournaments and Georgetown women's basketball.

Feature writer, **St. Cloud Times** (St. Cloud, Minn., Aug. 2009-June 2010)

Wrote news and sports features for a daily newspaper. "Sounds of Silence" got the most hits of anything on sctimes.com in 2009. Two articles reprinted in the St. Paul Pioneer Press.

Sportswriter, **The Olathe News/Lenexa Centennial** (Olathe, Kan., Nov. 2006-April 2009)

Covered prep and NAIA sports for a daily (The Olathe News), and a weekly (The Lenexa Centennial) newspaper. Responsible for 10 articles per week. Freelanced for Fresno Bee, Daytona Beach News-Journal, Kansas City Star and had a column reprinted by FOXSports.com.

*Sports/General assignment reporter, **Basehor Sentinel** (Bonner Springs, Kan.) (Sept. 2003-Nov. 2006)*

Developed story ideas. Covered mostly sports, but also filled in on city council and county health board and wrote occasional news features.

EDUCATION

Master's in Journalism, University of Maryland. Courses: Computer-Assisted Reporting with Ira Chinoy (Washington Post), Public Affairs Reporting with Carl Sessions Stepp (USA Today) and Multimedia Reporting with Jamie McIntyre (CNN).

Bachelor's in Journalism (News/Information emphasis), University of Kansas' William Allen White School of Journalism and Mass Communications. Graduated magna cum laude 2004.

REFERENCES

Tomari Quinn, Managing Editor, The Topeka Capital-Journal
(tomari.quinn@cjonline.com)

Rocky Nichols, Executive Director, Disability Rights Center of Kansas
(rocky@drckansas.org)

AWARDS

-2013 Great Plains Journalism Awards: Project/Investigative Reporting

-2012 Burton W. Marvin Kansas News Enterprise Award

– Dean's Honor Roll at University of Kansas with 3.9 GPA (2000-2004).

– National Merit Scholar based on college entrance exam scores (2000).

OTHER INTERESTS

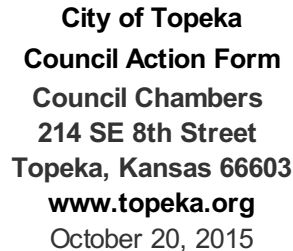
– National Meningitis Association and Meningitis Angels volunteer (Sept. 2005-present)

-- VIDA English conversations volunteer (Feb. 2015-present)

-- Catholic Charities Friendly Visitors volunteer (Jan. 2012-present)

– AmeriCorps: Minnesota Reading Corps Literacy Tutor (July 2009-July 2010).

– Eagle Scout award from Boy Scouts of America (1999).



Not Applicable.

architect; certified planner; registered land surveyor; licensed contractor; developer or other experienced professional working in a field related to planning or land development.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not applicable.



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DATE: October 20, 2015
CONTACT PERSON: Mayor Larry Wolgast DOCUMENT #:
SECOND PARTY/SUBJECT: Topeka Planning PROJECT #:
Commission
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of Brian Armstrong to the Topeka Planning Commission for a term ending September 30, 2018. *(3-mile Extraterritorial Jurisdiction)*

POLICY ISSUE:

As a primary function, the Topeka Planning Commission shall have the responsibility for the adoption and recommendation to the City Council of the Comprehensive Metropolitan Plan to guide the orderly growth and harmonious development of the Topeka metropolitan area. The Comprehensive Metropolitan Plan shall consist of, but not be limited to, the elements described in TMC 18.05.020. The Topeka Planning Commission shall recommend appropriate legislative, administrative or budgetary actions necessary for the governing body to implement the Comprehensive Metropolitan Plan on or before May 1st of each year.

STAFF RECOMMENDATION:

Councilmember Jeffrey Coen nominates and Mayor Wolgast recommends the appointment of Brian Armstrong to the Topeka Planning Commission for a term ending September 30, 2018. This position requires the member be currently licensed or engaged in engineering, architecture, planning, surveying or land development and reside within the city limits. Mr. Armstrong is a civil engineer and meets the residency requirement.

BACKGROUND:

This is a City-created board where the council nominates and the Mayor appoints. If no nominations are received, the Mayor may appoint. Ordinance No. 18442, specifically states that at least 6, but not more than 7 shall reside within the corporate boundaries of the city. At least 2, but not more than 3 shall reside outside the city boundaries, but within the City's 3-mile extraterritorial jurisdiction. At least 6 shall be appointed from the private sector; at least 3 from the private sector shall be currently licensed or engaged or have substantial past experience in the following fields: licensed professional engineer; licensed landscape architect; licensed architect; certified planner; registered land surveyor; licensed contractor; developer or other experienced

professional working in a field related to planning or land development.

BUDGETARY IMPACT:

There is no budgetary impact to the City

SOURCE OF FUNDING:

Not applicable

ATTACHMENTS:

Description

B. Armstrong Resume

B.Armstrong Application

BRIAN ARMSTRONG, PE, PTOE

Brian has been with **BARTLETT & WEST** for 21 years and manages all local aspects of the firm's municipal drainage projects, including everything from various sized storm sewer systems to large basin, river, and channel studies. He is experienced in all aspects of project management of drainage projects, including engineering and planning, hydrologic and hydraulic modeling, development of construction plans, and construction management.



TECHNICAL SPECIALTIES

- Hydrology and Hydraulics
- Stormwater Modeling
- Drainage Improvement Projects
- Road Design
- Roundabout Design
- Traffic Analysis

EDUCATION, REGISTRATION

- M.S., Civil Engineering, University of Kansas, 1997
- B.S., Civil Engineering, Kansas State University, 1993
- Professional Engineer - North Dakota, Kansas, Missouri, Iowa
- Professional Traffic Operations Engineer

Brian has accumulated extensive experience in hydrologic and hydraulic analysis of various sized storm sewer systems and both man-made and natural channels. Those projects included data gathering, modeling, cost estimating, public involvement, funding, and project programming. Each project he works on receives the benefit of his careful attention to detail and thorough knowledge of engineering technology.

COMPREHENSIVE STORMWATER STUDY TOPEKA, KS

This study included a basin by basin analysis of the city's drainage system. The project included collection of data on all major drainage systems creating a database with reports of flooding, modeling of existing and future conditions using an enhanced version of the EPA's SWMM software, developing capital improvements for future drainage projects, design storms for future drainage events, and utilizing historic precipitation information.

STREAMBANK STABILIZATION PROJECTS WATERSHED INSTITUTE, KS

Bartlett & West provided surveying, design review and technician assistance to the Watershed Institute on more than 70 projects between December 2005 and November 2009. These projects were streambank stabilization and erosion control projects at various locations across Kansas.

CITYWIDE MAJOR STREAM FLOOD STUDY TOPEKA, KS

This study included developing hydrologic and hydraulic models of all major channels within the city limits. Flooding limits have been identified using the models. Hydrologic models for the 72 square mile overall basin were developed using EPA's SWMM software. Detail input parameters were calculated and included in the model including: sub-drainage basin delineation based on recent aerial survey, design storms calibrated to local storm events, and infiltration values based on the Green Ampt equation. Hydraulic models were created using the Corps of Engineers' HEC-RAS program.

NORTH TOPEKA ROADWAY AND DRAINAGE IMPROVEMENTS TOPEKA, KS

The original scope for this \$8 million project included the elimination of an 80-year-old storm water pumping station and an egg-shaped brick combined sewer. Bartlett & West developed a more economical solution that included rerouting the sewer and eliminating the need for the pump station. This solution allowed for the incorporation of a downstream wetland area that will be integrated into a city park.

EXPERIENCE

BARTLETT & WEST

TRANSPORTATION INTRO

Brian has accumulated extensive experience in traffic engineering, urban arterial roadway design, rural interstates, multi-lane roundabouts, interchange geometrics, traffic signal design and traffic analysis, construction sequencing, and cost estimating on several projects.

His traffic engineering experience includes traffic impact analysis of both major and smaller developments, corridor analysis, access management and safety analysis, and roundabout modeling and design. These designs included the use of Syncro, Highway Capacity Manual, AASIDRA, and many other traffic engineering software packages.

URISH ROAD: 29TH TO 33RD, 17TH AND URISH ROUNDABOUT

SHAWNEE COUNTY, KS

A roundabout was constructed at 17th and Urish to handle the traffic generated by the 17th Street extension from the Menard's development west to Urish. The 29th to 33rd section of Urish is a 2013 construction project to extend a three-lane urban section down to the previously improved 33rd and Urish intersection.

CROCO ROAD CORRIDOR PROJECTS: 29TH, 29TH TO 21ST, 45TH TO 39TH, SYCAMORE TO 6TH AND 39TH TO 31ST

SHAWNEE COUNTY, KS

Five construction projects to reconstruct a two lane rural roadway to a three-lane and five-lane arterial section with storm sewer and curb and gutter. A roundabout at the 45th and Croco intersection was designed to accommodate both the three-lane section on 45th Street that was constructed with the current project and a future five-lane section along 45th Street.

6TH STREET AND WANAMAKER INTERSECTION

TOPEKA, KS

Managed design of two-lane roundabout at 6th and Wanamaker. Roundabout combined two existing T-intersections, improving safety while adding capacity for future growth. Existing topography and right-of-way constraints led to elliptical design on an incline through the roundabout.

WANAMAKER ROAD CORRIDOR PROJECTS: 37TH TO 41ST, 53RD, 53RD TO 47TH, 47TH TO 41ST AND 61ST

SHAWNEE COUNTY, KS

Five construction projects to reconstruct a two-lane rural roadway to a three-lane and five-lane arterial section with storm sewer and curb and gutter. Access management along the corridor is now possible to control growth. Roundabouts were designed for the four major intersections along the corridor. Safety analysis submitted to the KDOT secured Federal Safety Funding for two of the roundabout intersection projects.

NW 46TH STREET: OAKLEY TO FIELDING

SHAWNEE COUNTY, KS

ARRA funded safety and economic development project that constructed multi-lane roundabouts at NW 46th and Oakley and NW 46th and Fielding. Construction sequencing allowed the roundabouts to be constructed half at a time, while maintaining two-way traffic at all times during construction. Design was accelerated to meet the seven month ARRA funding and KDOT schedule.

63RD AND BLUE RIDGE CUTOFF

RAYTOWN, MO

Designed new traffic signal for intersection of 63rd and Blue Ridge Cutoff. Project included geometric improvements and added significant landscaping, creating a gateway into Raytown.

29TH AND CROCO ROAD

SHAWNEE COUNTY, KS

Designed new traffic signals for intersection of 29th Street and Croco Road. Project included geometric reconstruction to add left turn storage and increase capacity of intersection.

KASOLD DRIVE: BOB BILLINGS TO CLINTON PARKWAY

LAWRENCE, KS

Designed new traffic signals for the intersection of Bob Billings Parkway and Kasold Drive. Several horizontal and vertical profiles were developed to help maximize design speed and minimize project cost.

I-435 AND METCALF/107TH AND METCALF

OVERLAND PARK, KS

Upgraded signals at I-435 and Metcalf to allow for additional left turn lane, added Opticom detectors and video detection. Signalized 107th and Metcalf intersection to alleviate accident problem to handle both the current and future layout.

EXPERIENCE

Application for Appointment to a Board or Commission

Status: submitted

Profile

You are seeking an appointment to a public board. Your appointment is subject to approval by the Mayor and City Council and is governed by certain city ordinances and in some instances, state statutes. The information provided in this application will be used to determine if you meet the requirements required by city ordinances and other applicable laws. Please note that the information provided on this application will be subject to the Kansas Open Records Act.

Brian

First Name

Armstrong

Last Name

brian.armstrong@bartwest.com

Email Address

3915 SW Aylesbury Court

Street Address

Suite or Apt

Topeka

City

KS

State

66610

Postal Code

Are you a resident of the City of Topeka?☐ Yes ☒ No

In which district do you live?

Mobile: (785) 224-6156

Primary Phone

Alternate Phone

Which Boards would you like to apply for?**Topeka Planning Commission****Bartlett & West, Inc.**

Employer

Job Title

Are you a registered voter?☒ Yes ☐ No

Are you currently a full or part-time employee of the City of Topeka?

☐ Yes ☒ No

If yes, please advise in which department you work:

Are you or any immediate family member related to any city governmental official or employee?

☐ Yes ☒ No

If yes, please advise who and how you are related:

Are you or have you been a party to any civil litigation involving the City of Topeka?

☐ Yes ☒ No

If yes, please explain:

Are you delinquent in payment of any taxes, fees, fines or special assessments owed to the State of Kansas, Shawnee County or the City of Topeka?

☐ Yes ☒ No

If yes, please explain:

Interests & Experiences

Please tell us about yourself and why you want to serve.

Please state why you are interested in serving on this board or commission:

For 23 years with Bartlett & West, I've been working with municipal projects in the City of Topeka. Those projects ranged from streets, drainage, traffic, water and sanitary sewer. I've worked on projects in every part of the City and have a great understanding of the infrastructure and process. Recently, I have worked with the City of Topeka - Planning department on large regional transportation projects and traffic studies. I'm very interested and excited at the possibility to serve on the Planning Commission. I would enjoy the opportunity to have an impact on planning and zoning issues throughout the City. In looking for opportunities to serve within the Community, I think this would be something I have a lot of experience and expertise to bring to the commission.

Please describe your education, experience and expertise including any honors or awards, civic, cultural, charitable or professional organization memberships that relate to the position you are seeking.

Education Hutchinson Community College - 1989 Bachelor's degree in Civil Engineering from Kansas State University in 1993. Master's degree in Civil Engineering from the University of Kansas in 1998. Experience Bartlett & West (Employee Owner with Bartlett & West since 1993) Project Manager and Senior Project Manager, prior to Unit Division Manager position. Provides strategic input to unit strategic plan Assists in developing business plan Mentors and developed project team members Scope and fee development and contracting Leads client building and maintenance activities Participates in developing external image of our company Recommends staff resource planning Manages AR, revenue process and reporting Honors, Awards, Memberships National Society of Professional Engineers - Board of Directors - (2014 to present), Executive Committee - (2015 to present) Kansas Society of Professional Engineers - KSPE Award 2015 NSPE Fellow member - 2013 Innovation Engineering Leadership Institute - 2012 (Doug Hall, Eureka Ranch) Kansas Society of Professional Engineers - Engineer of the Year - 2012 Topeka Chamber and Fast Forward 2012 Professional Progress Award from Kansas State University Christ the King - Knights of Columbus ACEC Kansas - Emerging Leaders Program - 2008 Leadership Greater Topeka - 2006

[Armstrong_Brian_Resume.pdf](#)

Upload a Resume

Please attach any additional information you believe may be helpful in considering your application.

Question applies to multiple boards.

List any professional licenses you hold in Kansas and advise if they are current. (We reserve the right to request a copy of your license prior to approval of your appointment.)

Voluntary Self Identification

The Mayor and City Council are seeking diversity among appointees. We have provided an optional voluntary self-identification form should you choose to provide that information with

your application.

Race and ethnic designations as used by the Equal Employment Opportunity Commission do not denote scientific definitions of anthropological origins. Definitions of the race and ethnicity categories are as follows:

Caucasian/Non-Hispanic

Ethnicity

Male

Gender

Acknowledgements and Verification

Purpose of information being submitted.

I understand that the information I have provided may be used to determine my suitability to perform the duties required by the position I seek.

☒ I Agree

The information I am submitting is true and correct.

By checking this box, I declare under penalty of perjury that I am the person named above, and the information I have provided is true and correct.

☒ I Agree

Electronic Signature

By checking this box, I agree that I am affixing my electronic signature to this application form.

☒ I Agree

Submission instructions: You may either submit this application online via this web form, or print and email your completed form with attachments to cotappointments@topeka.org or mail to Office of the Mayor, City Hall, 215 SE 7th St., Suite 350 Topeka, KS 66603-3914. For questions, call the Mayor's Office 785-368-3895.



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 20, 2015

DATE: October 20, 2015
CONTACT PERSON: Richard Harmon **DOCUMENT #:**
SECOND PARTY/SUBJECT: Shara Monhollon **PROJECT #:**
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Richard Harmon, granting Shara Monhollon an exception to the provisions of City of Topeka Code Section 9.45.170 concerning noise prohibitions.
(Council District No. 9)

(City of Topeka Code Section 9.45.150, et seq. authorizes the City Council to grant noise exceptions. Approval would allow for amplified music during the hours of 7:00 p.m. and 11:00 p.m. on October 30, 2015 at 1733 SW Seabrook Avenue.)

POLICY ISSUE:

Shara Monhollon has requested that a noise exception be granted for a Halloween party to take place during specified date and time.

STAFF RECOMMENDATION:

Staff is recommending the Council move to approve the resolution.

BACKGROUND:

Shara Monhollon is requesting the noise exception due to amplified music at the event.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not applicable

ATTACHMENTS:

Description

Resolution

1 RESOLUTION NO.
2

3 A RESOLUTION introduced by Councilmember Richard Harmon, granting Shara
4 Monhollon an exception to the provisions of City of Topeka Code §
5 9.45.170 concerning noise prohibitions.
6

7 WHEREAS, City of Topeka Code § 9.45.170 makes it unlawful for any person to
8 make, continue or cause to be made or continued any loud, unnecessary or unusual
9 noise or any noise which either annoys, disturbs, injures or endangers the comfort,
10 repose, health or safety or others within the limits of the city; and

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

15 WHEREAS, Shara Monhollon has requested that she be granted an exception to
16 the provisions of City of Topeka Code § 9.45.170 for the purposes, dates and times
17 described herein; and

18 WHEREAS, upon review of the application, the Council of the City of Topeka
19 does hereby find that the requested activity does not offend the spirit of the findings of
20 City of Topeka Code § 9.45.150.

21 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka
22 that Shara Monhollon is hereby granted an exception from the provisions of City of
23 Topeka Code § 9.45.170 for amplified outdoor music during a Halloween Party to be
24 located at 1733 SW Seabrook Avenue on October 30, 2015 between the hours of 7:00
25 p.m. and 11:00p.m.
26

27 ADOPTED and APPROVED by the Governing Body _____.

28

29

30

31

CITY OF TOPEKA, KANSAS

32

33

34

Larry E. Wolgast, Mayor

35 ATTEST:

36

37

38 _____
Brenda Younger, City Clerk



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 20, 2015

DATE: October 20, 2015
CONTACT PERSON: Bill Fiander **DOCUMENT #:** V15E/2
SECOND PARTY/SUBJECT: Unified School District #501 (Randolph Elementary) **PROJECT #:** N/A
CATEGORY/SUBCATEGORY 018 Public Hearings / 010 Vacations
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A PUBLIC HEARING and AN ORDINANCE introduced by City Manager Jim Colson, regarding vacation request V15E/2 by Unified School District No. 501 requesting the vacation of a public utility easement and public improvement easement between SW Randolph and SW Medford Avenues and SW 13th and SW 15th Streets, in the City of Topeka, Shawnee County, Kansas, to allow an addition to Randolph Elementary School that will consist of approximately 6,500 square feet of space and house a dual function gymnasium/storm shelter. (V15A/2) (Council District No. 6)

(The vacation of the public utility easement and public improvement easement is necessary in order to accommodate an addition to Randolph Elementary School consisting of a dual function gymnasium/storm shelter addition at the southwest end of the existing school building.)

POLICY ISSUE:

The Governing Body has the following options:

- Adopt the recommendation of the Planning Commission by a majority vote (6) of the Governing Body.
- Override the recommendation of the Planning Commission by a two-thirds majority vote (7) of the Governing Body.
- Return the recommendation to the Planning Commission with a statement expressing reason for the decision by two-thirds majority vote (7) of the Governing Body.

STAFF RECOMMENDATION:

Staff is recommending the Governing Body move to close the public hearing and adopt the ordinance.

BACKGROUND:

Unified School District 501 (USD 501) is requesting to vacate a public utility easement and a public improvement easement to allow for the construction of a 6,500 square foot, dual-function gymnasium and storm shelter at the south west corner of the existing school building. To compensate for the loss of the public improvement easement and turnaround, USD 501 is adding an access drive to the existing parking lot that will allow vehicles to exit and enter the alley via the parking lot.

The Governing Body established the two easements in 1970 with the vacation of a segment of the alley. The public improvement easement was established to provide a turnaround for trucks and other vehicles at the dead end of the alley.

The effects of the proposed building addition and vacation of easements are the loss of 21 of the 34 parking stalls in the existing parking lot and loss of a vehicle turnaround at the end of the alley. The City's off-street parking standards (TMC 18.240.010) stipulate that existing parking not be reduced to a level below what is required for the use of the property. To compensate for the loss of the 21 parking stalls, USD 501 will construct a parking lot north of the addition on the west side of the school and with two new access drives on Randolph Avenue.

The primary site plan for USD 501 indicates 13 of the 34 existing parking stalls would be retained in their current location along the south property line. To compensate for the loss of the public improvement easement and turnaround, USD 501 is adding an access drive to the existing parking lot that will allow vehicles to exit and enter the alley via the parking lot. Access between the north end of the alley and Randolph Avenue is especially important for emergency access and trash collection. The applicant will grant a permanent public ingress-egress easement for the access drive as a condition of the vacation.

A neighborhood information meeting was held September 9, 2015 by the applicant. Notices were sent to property owners in surrounding blocks affected by the vacation and relocation of the parking lot. No concerns regarding the actual easement vacations were noted at the meeting. Comments pertained to construction details such as hours, traffic closures, parking lot materials, fencing, and landscaping. All off-street parking is being accommodated as a result of the proposal.

BUDGETARY IMPACT:

There is no increased budgetary impact to the City. The City will continue to maintain existing easements.

SOURCE OF FUNDING:

Not applicable

ATTACHMENTS:

Description

Ordinance

Summary Report

Aerial map of property

Areas to be vacated

Preliminary Site Plan

Departmental Comments

Legal Ad

Applicant Report to City - Neighborhood Meeting

(Published in the Topeka Metro News _____)

ORDINANCE NO.

AN ORDINANCE introduced by City Manager, Jim Colson, relating to the vacations of public utility and public improvement easements lying between SW Randolph and SW Medford Avenues and north of SW 15th Street, in the City of Topeka, Shawnee County, Kansas (V15E/2) (Council District No. 6)

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

Section 1. That pursuant to the requirements of K.S.A. 12-504 as amended, a petition by Unified School District #501 of Kansas as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described public improvement easement and public utility easement located within the City of Topeka, Shawnee County, Kansas:

The East 30 feet of Lots 84 and 86 on Randolph Avenue, formerly Strong Avenue, in Euclid Park Addition to the City of Topeka, Shawnee County, Kansas.

AND

A utility easement described as :Beginning at the Southwest corner of Lot 87 on Medford Avenue, formerly Washburn Avenue in Euclid Park Addition to the City of Topeka, Shawnee County, Kansas; thence north along the West line of said Lot 87 and Lot 89 thence north on said line extended 10 feet; thence west at right angles 14.1 feet to the East line of fractional Lot 48, extended in Lee Ticehurst Addition to College Park; thence south on said line 60 feet; thence east 14.1 feet to the point of beginning.

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on **October 20, 2015**, the petition is ready for determination by the Governing Body of the City of Topeka, Kansas.

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

- a. Legal notice was given as required by K.S.A. 12-504 as amended.
- b. No private rights will be injured or endangered by such vacation.
- c. The public will suffer no loss or inconvenience by such vacation.

Section 4. That the Governing Body of the City of Topeka does hereby find that justice requires the petition of vacation be granted and does hereby order the vacation of the below described public utility and public improvement easements located within the City of Topeka, Kansas:

The East 30 feet of Lots 84 and 86 on Randolph Avenue, formerly Strong Avenue, in Euclid Park Addition to the City of Topeka, Shawnee County, Kansas.

AND

A utility easement described as :Beginning at the Southwest corner of Lot 87 on Medford Avenue, formerly Washburn Avenue in Euclid Park Addition to the City of Topeka, Shawnee County, Kansas; thence north along the West line of said Lot 87 and Lot 89 thence north on said line extended 10 feet; thence west at right angles 14.1 feet to the East line of fractional Lot 48, extended in Lee Ticehurst Addition to College Park; thence south on said line 60 feet; thence east 14.1 feet to the point of beginning.

Section 5. The City Clerk is hereby directed to certify a copy of this ordinance to the Shawnee County Register of Deeds Office for appropriate recording.

Section 6. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

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

2015.

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified
Not To Be Codified X

CITY OF TOPEKA PLANNING DEPARTMENT

SUMMARY REPORT

Re: V15E/2 By: Unified School District #501 – Randolph Elementary School

V15E/2 is a request initiated by Unified School District #501 for the vacations of a public utility easement and public improvement easement lying between SW Randolph and SW Medford Avenues and north of SW 15th Street. The vacations will enable the construction of a dual-function gym and storm addition to the southwest end of Randolph Elementary at 1400 SW Randolph Avenue. The Governing Body granted the public easements in 1970 at the time a segment of the public alley was vacated. Therefore, action by the Governing Body is required to vacate the public easements.

The public alley is currently a dead-end and has been since that portion of the alley was vacated in 1970. The 6,500 square feet building addition will displace much of the existing parking lot resulting in a loss of 21 of 34 existing parking stalls. USD 501 will replace these 21 stalls with the addition of a parking lot taking access from Randolph Avenue on the west side of the main building. USD 501 will add a second driveway to the existing parking lot that provides an access from the alley to the street. The applicant is required to grant a permanent public ingress-egress easement from the alley to the street that connects to SW Randolph Avenue as a condition of the vacation.

The applicant held a neighborhood information meeting on September 9th located at Randolph Elementary School. The applicant's report to the City is attached. No significant concerns were made at the meeting relating to the vacation request itself. The vacation request has been reviewed by all City department and public utility agencies and there are no objections. According to TMC 12.60.010(b) the vacation has been duly advertised 20 days and two consecutive weeks prior to the public hearing. Planning staff recommends approval of the ordinance and request.



V15E/2 By: Unified School District #501 (Randolph Elementary)



Utility easement & public improvement easement
retained at time alley was vacated

REQUESTED AREA TO BE VACATED

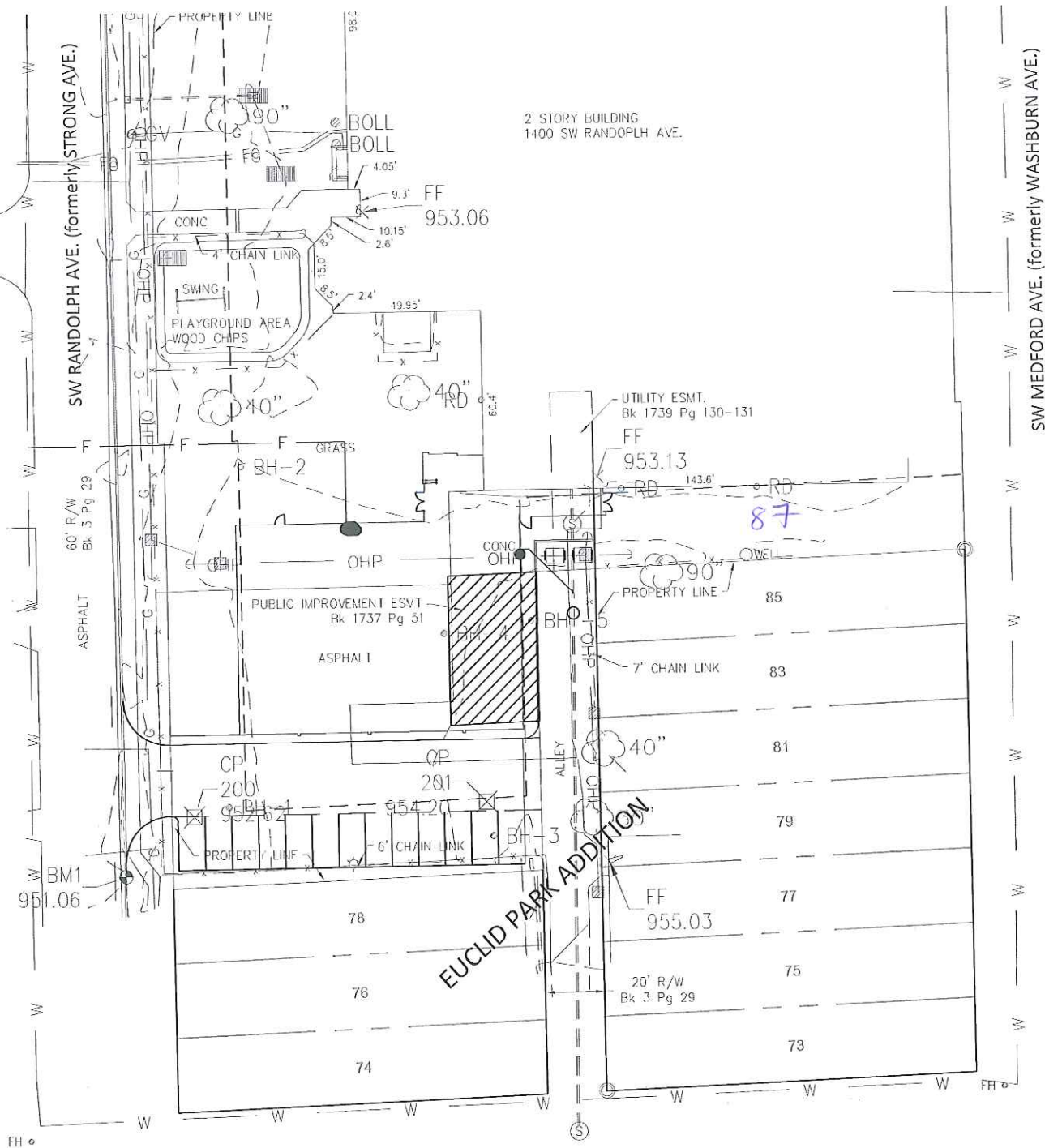


Alley vacated 9/24/1970 by Governing Body



City of Topeka Planning Department

EXHIBIT B



SW 15th St. (formerly WALNUT ST.)

1"=50'



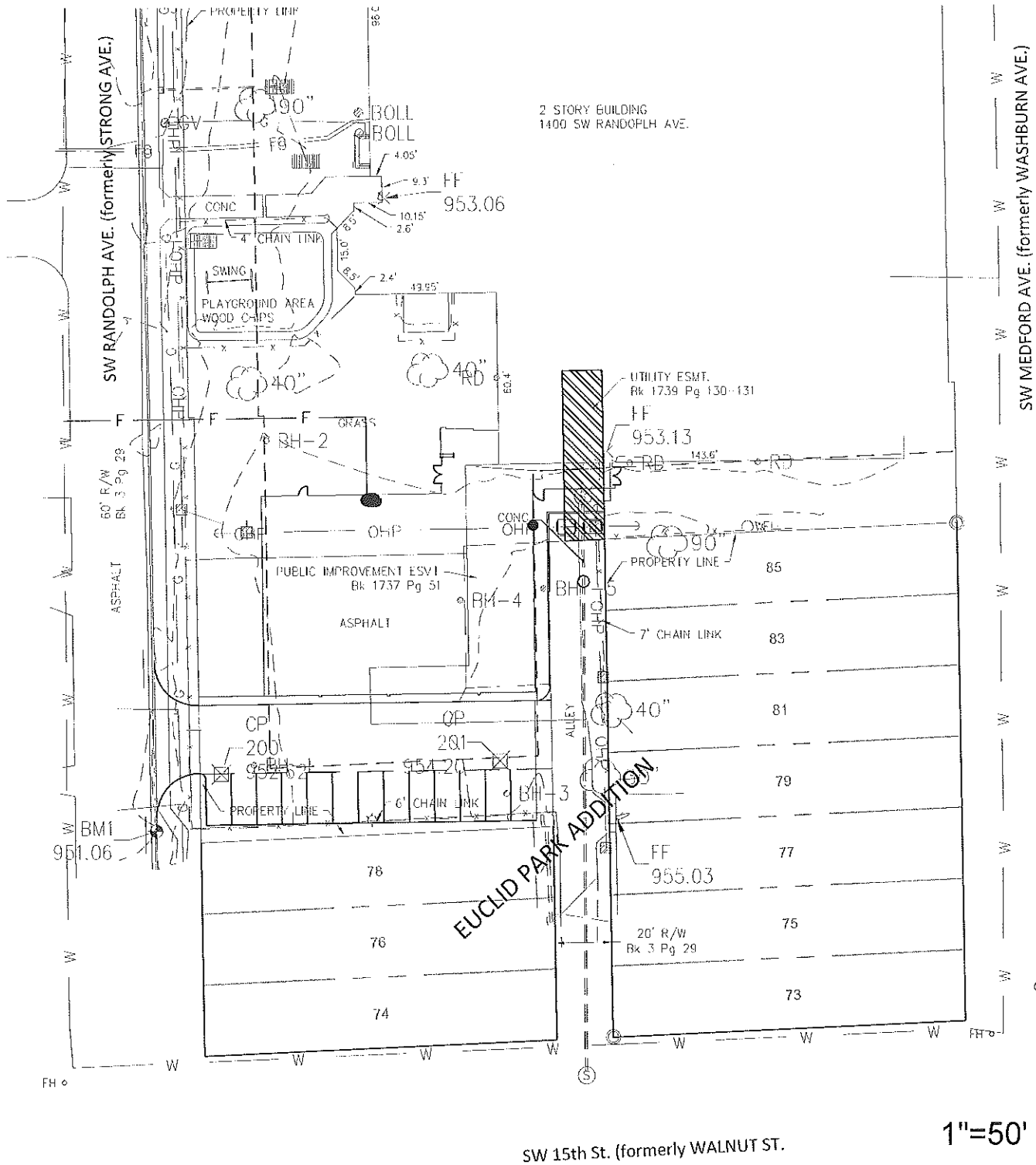
EXISTING PUBLIC IMPROVEMENT EASEMENT
TO BE VACATED
1,495 S.F. (0.034 ACRES)



Cook, Flatt & Strobel
ENGINEERS, P.A.

2121 Moodie Road
Lawrence, Kansas 66046
785.856.9600

EXHIBIT B

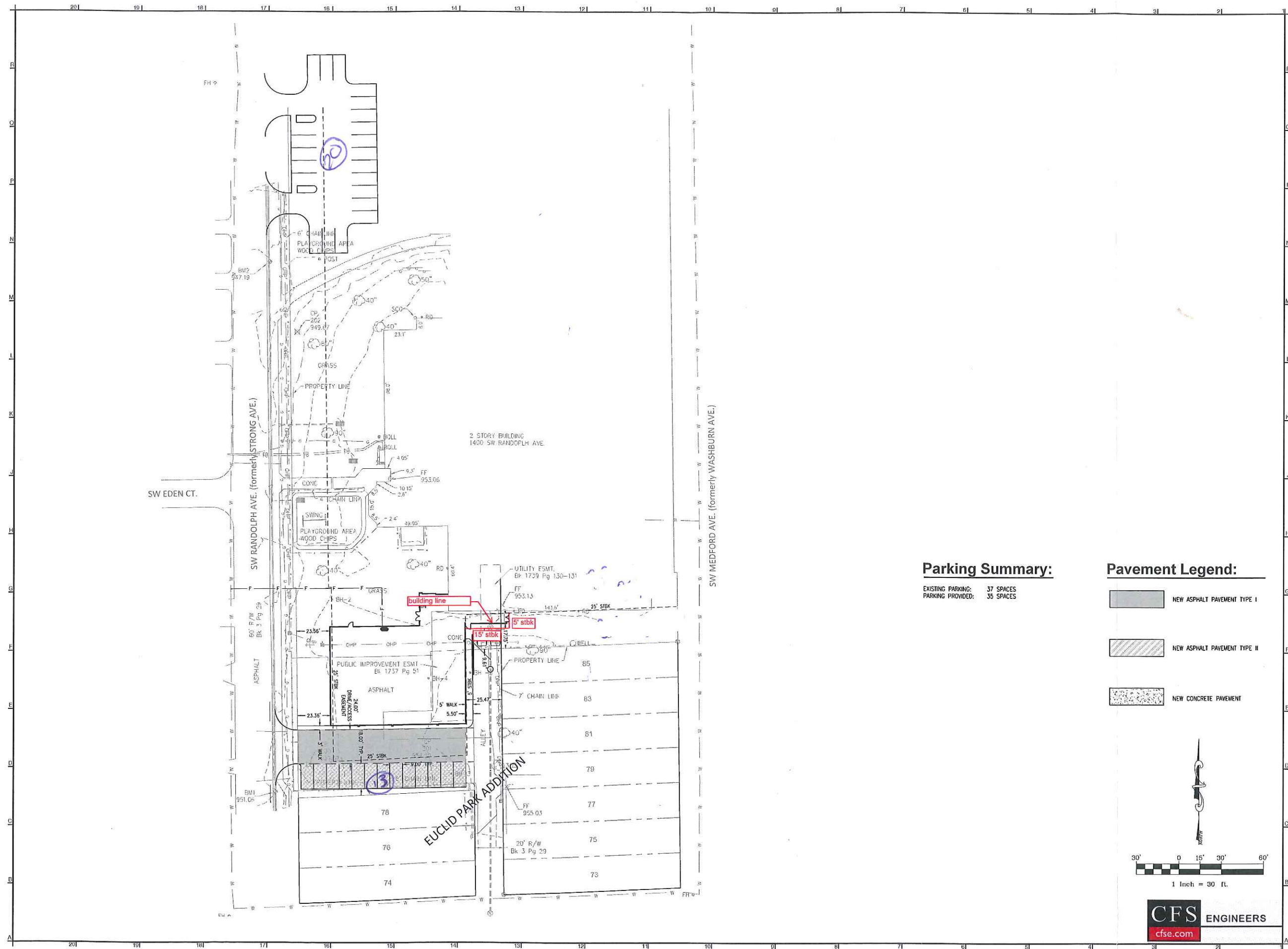


EXISTING UTILITY EASEMENT
TO BE VACATED
839 S.F. (0.019 ACRES)



Cook, Flatt & Strobel
ENGINEERS, P.A.

2121 Moodie Road
Lawrence, Kansas 66046
785.856.9600



Parking Summary:

EXISTING PARKING: 37 SPACES
PARKING PROVIDED: 35 SPACES

Pavement Legend:

- NEW ASPHALT PAVEMENT TYPE I
- NEW ASPHALT PAVEMENT TYPE II
- NEW CONCRETE PAVEMENT

**Randolph Elementary School
Addition and Parking Lot**

1400 SW RANDOLPH AVE. TOPEKA, KANSAS 66604

PN: 214060
DRAWN BY: RW
CHECKED BY: AG

NO.	ISSUE/REVISION	DATE

C101
CONSTRUCTION DOCUMENTS
06/05/2015

TEVIS
ARCHITECTS
www.tevisarchitects.com

LENEXA OFFICE:
8725 ROSEHILL RD STE 400
LENEXA, KS 66215
P: 913.599.3003
F: 913.599.3093

TOPEKA OFFICE:
1250 SW OAKLEY STE 200
TOPEKA, KS 66604
P: 785.234.6564
F: 913.599.3093

MEP ENGINEER
PKMR ENGINEERS
2933 SW WOODSIDE DRIVE
SUITE C
TOPEKA, KS 66614
P: 785.273.2447
F: 785.273.0456

CIVIL ENGINEER
CFS ENGINEERS
2830 SW WOODSIDE DR.
TOPEKA, KS 66614
P: 785.272.4706
F: 785.272.4736

CFS ENGINEERS
cfse.com

DEPARTMENTAL COMMENTS:

Case: V15E/2 By: Unified School District #501 (Randolph Elementary)

Location: Public Improvement Easement and public utility easement lying SW Randolph and SW Medford, to the north of SW 15th Street (part of the vacated alley)

DEPARTMENTS:

- **Water Division:** X No Objection Objection
Comments:
- **Engineering:** X No Objection Objection
Comments: The applicant will need to grant a permanent ingress-egress easement by separate instrument that extends from the new north end of the alley west to connect with SW Randolph at the time of building permit issuance.
- **Parks Department:** X No Objection Objection
Comments:
- **County Refuse:** X No Objection Objection
The applicant will need to grant a permanent ingress-egress easement by separate instrument that extends from the new north end of the alley west to connect with SW Randolph at the time of building permit issuance
- **Fire Department:** X No Objection Objection
The applicant will need to grant a permanent ingress-egress easement by separate instrument that extends from the new north end of the alley west to connect with SW Randolph at the time of building permit issuance
- **Police Department:** X No Objection Objection
Comments: No comments received.

UTILITY COMPANIES:

- **AT&T:** X No Objection Objection
Comments:
- **Westar:** X No Objection Objection
Comments: The Applicant will be responsible for all costs associated with the relocation. Please note that if any relocation of our equipment is necessary, allow 6 – 8 weeks for the design & construction to complete the work.
- **Kansas Gas Service:** X No Objection Objection
Comments: No utilities within alley.
- **Cox Communications:** X No Objection Objection
Comments:

Annie Driver, Planner II
Prepared: September 15, 2015

Please have the attached published in the Topeka Metro News in the Legal Advertising Section on Monday, September 28, 2015 and Monday, October 5, 2015

IN THE MATTER OF THE PROPOSED VACATION OF:

Public utility and public improvement easements lying between SW Randolph and SW Medford Avenues and north of SW 15th Street, in the City of Topeka, Shawnee County, Kansas City of Topeka, Shawnee County, Kansas **(V15E/2) (Council District No. 6)**

NOTICE OF PUBLIC HEARING
(Pursuant to K.S.A. 12-504 et seq.)

To Whom It May Concern:

Public notice is hereby given that a petition has been filed by Unified School District #501 to vacate property legally described as:

The East 30 feet of Lots 84 and 86 on Randolph Avenue, formerly Strong Avenue, in Euclid Park Addition to the City of Topeka, Shawnee County, Kansas.

AND

A utility easement described as :Beginning at the Southwest corner of Lot 87 on Medford Avenue, formerly Washburn Avenue in Euclid Park Addition to the City of Topeka, Shawnee County, Kansas; thence north along the West line of said Lot 87 and Lot 89 thence north on said line extended 10 feet; thence west at right angles 14.1 feet to the East line of fractional Lot 48, extended in Lee Ticehurst Addition to College Park; thence south on said line 60 feet; thence east 14.1 feet to the point of beginning.

The petition will be presented to the Council of the City of Topeka for hearing on **October 20, 2015** at 6:00 P.M. or as soon thereafter as the same may be heard in the City Council Chambers, Municipal Building, 2nd Floor, 8th and Monroe Streets, Topeka, Kansas, at which time and place all interested persons may appear and be heard, either for or against granting the prayer of said Petition.

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

Citizen Participation Report – September 9, 2015

On Wednesday, September 9, 2015, a neighborhood information meeting was held at Randolph Elementary School (1400 SW Randolph Avenue, Topeka, Kansas, 66604-2600) at 6:00 p.m. The purpose of the meeting was to discuss vacating a public utility easement and a public improvement easement lying adjacent to the Southwest end of the school building so that Topeka Public Schools could use this space to build a gymnasium storm shelter which would be added to the existing school on the South side of the building. The existing zoning is for a R-2 single family dwelling district.

Consequently, the addition to Randolph Elementary School will consist of approximately 6,500 square feet of space and house a dual function gymnasium/storm shelter. The addition will be located at the Southwest end of the existing school building where a parking lot is currently located. New off-street parking for approximately 12 vehicles will be constructed at the South end of the new addition with access off Randolph Street and a connection to the existing alley. New off-street parking for approximately 22 vehicles will be constructed at the Northwest corner of the property (with access off Randolph Street) where an existing playground was located. The new building will be constructed with precast concrete panels and have a brick veneer facade. The anticipated completion date will be June 26, 2016.

A total of 12 people attended this meeting. Corey Dehn from Schwerdt Design Group conducted this meeting along with Theodore Demonchaux from Tevis Architects, and Rob Seitz, General Director of Central Services and Facilities Planning for Topeka Public Schools. Karen Williams, Randolph Elementary School Principal also attended this meeting. Mike Hall represented the City of Topeka Planning Department. Sheryl Colcher, Dwayne Kramer, Katy Etzel, Jason Genovese, Nathan Crispin, Nancy Reddy, and Mark Reddy were residents from the neighborhood who attended the meeting to gather information about the project and ask any pertinent questions. A copy of the sign-in sheet along with the meeting notice is attached for your review. None of the attendees from the neighborhood had objections to vacating the public utility easement and public improvement easement in order to accommodate this project.

At the meeting, Corey Dehn gave a brief overview of the project and had a drawing on an easel showing the existing property as well as the proposed new addition. This drawing also included all of the existing parking areas, all of the adjacent streets around the property, and the easements that would be affected. Corey estimated the approximate dimensions of the new addition and explained that the gymnasium would be used as a severe weather shelter.

Nathan Crispin asked for a definition of easement. Corey Dehn explained that easements are created for utilities, right-of-way, etc. Further, Corey explained that the public utility easement and public improvement easement would be on Topeka Public Schools property and the neighbors would not be affected.

Theodore Demonchaux explained that a manhole cover would be added in the alley for access to the storm sewer. There would also be a concrete pad put in for access to dumpsters. Additional curb and gutter would be installed and improved drainage. The alley would remain the same width, and additional green space would be re-gained.

Mike Hall emphasized that there would have to be through access for cars to Randolph Street. There would also have to be adequate access for Fire Department personnel. Theodore Demonchaux explained that cars would be able to circulate without having to turn around.

Nathan Crispin asked when the project would begin. Corey Dehn stated that the plan was to start construction in October. Karen Williams stated that the biggest inconvenience during construction would be parking availability. There would most likely be more parking on the street during construction.

Dowayne Kramer asked about how many spaces would be added in the new parking lots. Theodore Demonchaux explained that there would be approximately 12 spaces in the new parking lot that would be South of the new addition, and approximately 22 spaces in the new parking lot where the old playground was located.

Mark and Nancy Reddy wanted to know how much blacktop area would remain. Theodore Demonchaux stated that approximately 42 ft. of existing blacktop would remain. Mark and Nancy Reddy also wanted to know if the existing fencing would remain in place. Theodore explained that the back fencing would remain, a new parking lot would be added South of the new addition, and new landscaping would be added.

Jason Genovese wanted to know if the new storm shelter would resemble the one being constructed at Whitson Elementary School. Corey Dehn verified that it would be almost identical.

Dewayne Kramer was concerned about the trash disposal trucks tearing up the asphalt. Theodore Demonchaux explained that this situation would be improved with the new construction and a concrete pad would be put in place to alleviate this issue.

Kathy Etzel asked if traffic flow in this area would be affected during the construction of the storm shelter. Mike Hall explained that some traffic would have to be re-routed during construction.

Jason Genovese wanted to know where the crane would be located when the pre-cast panels are being installed. Theodore Demonchaux explained that the crane would most likely be located in the new parking lot on the Northwest corner adjacent to Randolph Street. It would take approximately four to five days to erect the pre-cast panels. Karen Williams wanted to know if all of Randolph Street in the vicinity of this area would be blocked. Theodore said that there would still be access for through traffic. Theodore also explained that the new parking lot would have a fence around it with a gate for vehicle access.

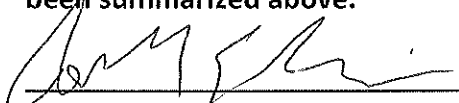
Nancy Reddy wanted to know if there would be access to the school from both the alley and Randolph. Theodore Demonchaux affirmed this and stated that the alley would be wide enough to accommodate two cars (24 feet).

Nathan Crispin wanted to know how tall the storm shelter would be, and whether the construction workers would work abnormal hours. Nathan also wanted to know how the existing gymnasium would be used once the new gymnasium/storm shelter is completed. Theodore Demonchaux stated that the building would be 30 feet and the occupancy would be approximately 700. The construction workers would not be working abnormal hours. The existing gymnasium will still be used for gym classes, lunch, and meetings.

Mark Reddy wanted to know what wind speeds that the new storm shelter could withstand. Theodore Demonchaux stated that the new storm shelter would be rated for 250 mph wind speeds.

Finally, we did not receive any comment letters, petitions, etc. from any of the neighbors who were invited to this meeting

This is to certify that everything discussed at this neighborhood information meeting has been summarized above:



Robert E. Seitz

Date: 9-18-15



Rob Seitz, General Director
Central Services & Facilities Planning
(785) 295-3936
rseitz@topeka.k12.ks.us

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>	<u>EMAIL ADDRESS</u>
Sheryl Colcher	1355 SW Medford	357-1679	sycolcher@hotmail.com
DOLWYWE KRANER	1324 SW MEDFORD	357-1846	
Katy Ebel	1330 SW Medford	224-8614	kstatedan31@hotmail.com
Jason Genovese	1418 SW Eden Ct.	232-9159	genovesejj@gmail.com
Nothor Crispin	2614 SW 15th St	817-1833	nothor_zc@hotmail.com
MIKE HALL (city)	620 SE MADISON	368-3007	mghall@topeka.org
Karen Williams (Principal)	4740 NW 4th Pl.	785-220-3529	kwilliams@TPS501.org
Nancy Reddy	1421 SW Randolph	845-0138	nancyreddy57@yahoo.com
MARK REDDY	1421 SW RANDOLPH	845-0653	m_reddy@sbcglobal.net
Rob Seitz	3831 SW FAIRWAY	478-1745	Rob.Seitz@tps501.org
THEODORE DEMONCHAUX	3320 SW RANDOLPH AVE	234-6664	tedemonchaux@tevisarchitects.com
COREY DEHN	SDG		cld@sdgarch.com



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 20, 2015

DATE: October 20, 2015
CONTACT PERSON: Bill Fiander **DOCUMENT #:** PUD04/9B
SECOND PARTY/SUBJECT: Genenis Health Clubs of PROJECT #:
Topeka/Kent B.
Garlinghouse
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 007 Zoning
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Jim Colson, amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code by amending the Master Planned Unit Development Plan for Wood Valley Racquet Club (C-2 Commercial uses) to allow expansions to the racquet club building and gymnastics studio and new off-street parking lots on property located at 2909 and 2925 SW 37th Street, City of Topeka, Shawnee County, Kansas.
(PUD04/9B) (Council District No. 7)

(Approval would allow expansion of the Wood Valley Racquet Club up to 17,800 square feet and the gymnastics club up to 2,000 square feet with all required parking on-site.)

POLICY ISSUE:

The Governing Body has the following options:

- Adopt the recommendation of the Planning Commission by a majority vote (6) of the Governing Body.
- Override the recommendation of the Planning Commission by a two-thirds majority vote (7) of the Governing Body.
- Return the recommendation to the Planning Commission with a statement expressing reason for the decision by two-thirds majority vote (7) of the Governing Body.

STAFF RECOMMENDATION:

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

BACKGROUND:

This is a request to amend the Master Planned Unit Development Plan for Wood Valley Racquet Club (“C-2”

Commercial uses) on property located at 2909 and 2925 SW 37th Street to allow the following expansions:

- 17,800 sq. ft. expansion to the racquet club to include an indoor 5-lane lap pool, corridor connecting health club to tennis courts, a basketball court and an aerobic studio.
- 2,000 sq. ft. expansion to Cage Gymnastics including relocation of the entrance on the south side of the building.
- A pedestrian bridge connecting the racquet club building to the gymnastics studio.
- An increase of 68 off-street parking stalls. As proposed, the PUD provides a total of 276 off-street parking stalls. Areas for the development of "future" parking lots next to SW Wood Valley Drive, including a new driveway access opening on to Wood Valley Drive.
- The applicant will construct these parking lots when they determine they are necessary based on the needs of their customers.
- The applicant intends to keep the parking lot on Wood Valley Drive for Cage Gymnastics customers, pool use, and Genesis employees. The parking lot on SW 37th Street is intended primarily for gym customers.

This arrangement will help with any potential overflow parking issues along SW Wood Valley Drive. The applicant held a neighborhood meeting on August 5, 2015 located at the Wood Valley Racquet Club. Some of the concerns stated at the meeting included, the loss of open space, insufficient off-street parking and overflow parking along SW Wood Valley Drive.

The key issues of the proposed amended Master Planned Unit Development Plan are the potential impact of the substantial building and parking expansions in the 100-year flood plain, parking encroachment in the stream buffer, and the impact of potential overflow parking along SW Wood Valley Drive, a residential street.

Analysis by City staff and the recommended conditions of approval on the PUD plan address all concerns. Any negative effects of flood plain development will be resolved by the State of Kansas Division of Water Resources to demonstrate "no rise" via issuance of a flood plain fill permit prior to the City's issuance of a permit for excavation and grading.

The City's Water Pollution Control Division approved a variance to allow the encroachment of 13 parking stalls in the stream buffer. The previously approved master plan included parking in the stream buffer and the amended master plan results in no net increase of parking in the buffer.

Staff evaluated the overflow parking concerns and determined the applicant is providing sufficient parking. The applicant has agreed to not object if "no parking" zones are warranted along SW Wood Valley Drive. The proposed master planned unit development plan is consistent with the Land Use and Growth Management Plan-2040. The Planning Commission and the Planning Department recommended approval of the request.

BUDGETARY IMPACT:

All improvements to the property will be made at the expense of the developer.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Ordinance

Summary Report

Staff report

PC minutes

Aerial Map

Zoning Map

PUD Plan (revised per PC)

Applicant Report to City from Neighborhood Meeting

Written comment

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Jim Colson, City Manager amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code by amending the Master Planned Unit Development Plan for Wood Valley Racquet Club (C-2 Commercial uses) to allow expansions to the racquet club building and gymnastics studio and new off-street parking lots on property located at 2909 and 2925 SW 37th Street, City of Topeka, Shawnee County, Kansas. **(PUD04/9B) (Council District No. 7)**

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

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

A part of Lots 1 and 2, Block A, Wood Valley Subdivision and Lot 1, Block A, Wood Valley Subdivision No. 4, City of Topeka, Shawnee County, Kansas being more particularly described as follows: Commencing at the Northwest corner of the Northeast Quarter of Section 23, Township 12 South, Range 15 East of the 6th P.M.; thence S89°24'19"E, 238.40 feet along the North line of said Quarter; thence S00°35'41"W, 50.0 feet for the Point of Beginning, said point being the Northwest corner of Lot 1, Block A, Wood Valley Subdivision No. 4; thence S89°24'19"E, 595.54 feet along the North line of said Lot 1, Block A, Wood Valley Subdivision No. 4 and Lot 1, Block A, Wood Valley Subdivision to the Northeasterly corner of said Lot 1, Block A, Wood Valley Subdivision; thence Southeasterly along the South line of I-470 Highway 107.31 feet more or less to the Easterly line of said Lot 1, Block A, Wood Valley Subdivision; thence Southwesterly along said East line of Lot 1, 75.0 feet more or less; thence continuing South along said East line of said Lot 1, 270.4 feet more or less; thence Southeasterly along the Easterly line of said Lot 1, 75.1 feet more or less; thence South along the East line of said Lot 1, 167.0 feet more or less to the Southeast corner of said Lot 1; thence Westerly along the South line of said Lot 1, 959.84 feet more or less to the Southwest corner of said Lot 1; thence N01°10'01"E, 156.26 feet along the West line of said Lot 1, to a point on the South right-of-way line of SW Wood Valley Drive; thence N73°15'32"E, along the Southerly line of said right-of-way, 47.17 feet; thence continuing along said right-of-way line on a 285.0 foot radius curve left an arc distance of 361.45 feet, said curve having a long chord bearing N36°55'37"E, 337.70 feet; thence N00°35'41"E, along the East right-of-way line of said SW Wood Valley Drive, 335.60 feet to the Point of Beginning.

Section 2. The development of the site amends the Wood Valley Racquet Club Master Planned Unit Development Plan (C-2 Commercial uses) on property located at 2909 and 2925 SW 37th Street.

Subject to:

1. Use and compliance of the site in accordance with the recorded Master Planned Unit Development Plan for Wood Valley Racquet Club- Revision #1.

Section 3. The Master PUD Plan for Wood Valley Racquet Club- Revision #1 shall be recorded with the Shawnee County Register of Deeds in accordance with Section 18.190.060(b) of the Topeka Municipal Code (TMC). Following the recording of the Master PUD Plan and prior to any building and/or land development on the site, site development plans shall be submitted for review and administrative approval by the Planning Director.

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

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

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

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

_____, 2015.

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified _____

Not To Be Codified X

CITY OF TOPEKA PLANNING DEPARTMENT

SUMMARY REPORT

Re: PUD04/9B- Wood Valley Racquet Club Master Planned Unit Development Plan (Revision #1) - By: Genesis Health Clubs of Topeka L.L.C. & Kent B. Garlinghouse

This is a request to amend the Master Planned Unit Development Plan for Wood Valley Racquet Club (“C-2” Commercial uses) on property located at 2909 and 2925 SW 37th Street to allow the following expansions:

- 17,800 sq. ft. expansion to the racquet club to include an indoor 5-lane lap pool, corridor connecting health club to tennis courts, a basketball court, and an aerobic studio.
- 2,000 sq. ft. expansion to Cage Gymnastics including relocation of the entrance on the south side of the building.
- A pedestrian bridge connecting the racquet club building to the gymnastics studio.
- An increase of 68 off-street parking stalls. As proposed, the PUD provides a total of 276 off-street parking stalls.
- Areas for the development of “future” parking lots next to SW Wood Valley Drive, including a new driveway access opening on to Wood Valley Drive. The applicant will construct these parking lots when they determine they are necessary based on the needs of their customers.

The key issues of this proposal are the substantial expansions in the 100-year flood plain, parking encroachment in the stream buffer, and the impact of potential overflow parking along SW Wood Valley Drive (residential street). The conditions of approval on the PUD plan address all concerns. Additionally, flood plain development will be resolved by approval of a flood plain fill permit demonstrating “no rise” from the Division of Water Resources prior to permit issuance by the City’s Development Services Division for excavation. The City’s Water Pollution Control Division approved a variance to allow the encroachment of 13 parking stalls in the stream buffer since there is no net increase of parking in the buffer. Staff evaluated the overflow parking concerns and determined the applicant is providing sufficient parking based on their uses. The applicant has agreed to not object if “no parking” is warranted along SW Wood Valley Drive. The applicant intends to keep the parking lot on Wood Valley Drive for Cage Gymnastics customers, pool use, and Genesis employees. The parking lot on SW 37th Street is intended primarily for gym customers. This arrangement will help with any potential overflow parking issues along SW Wood Valley Drive.

The proposed development is consistent with the Land Use and Growth Management Plan- 2040.

The applicant held a neighborhood meeting on August 5, 2015 located at the Wood Valley Racquet Club. Some of the concerns stated at the meeting included, the loss of open space, insufficient off-street parking, and overflow parking along SW Wood Valley Drive. The Planning Commission recommended the request be approved by a vote of 6-0-1 at its September 21, 2015 public hearing, as stated in the attached minutes. The Planning Department recommended the request be approved, as stated in the attached staff report.

ZONING REPORT

CITY OF TOPEKA PLANNING DEPARTMENT

CASE NO: PUD04/9B Wood Valley Racquet Club

by: Genesis Health Clubs of
Topeka LLC/Kent B. Garlinghouse

PROPOSAL: A major amendment to the *Wood Valley Racquet Club Master Planned Unit Development Plan* to allow building additions to both the racquet club and gymnastics studio; additional tennis courts; and 65 additional off-street parking spaces.

LOCATION: 2909 and 2925 SW 37th Street (11.3 acres). South side of SW 37th Street approximately 2,100 ft. west of SW Burlingame Road

PRESENT USE: Existing racquet club/health club (70,937 sq. ft.) and gymnastics studio (10,352 sq. ft.)

PROPOSED USE: To allow an approximate 7,220 sq. ft. addition to the racquet club (indoor 5-lane lap pool and indoor corridor walkway) that connects the tennis courts and health club; a 2,000 sq. ft. addition to the south side of Cage Gymnastics studio and relocation of the entrance; pedestrian bridge connecting gymnastics studio to the racquet club; 65 additional off-street parking stalls; and an area for the development of future parking.

BACKGROUND: A minor amendment (*Revision #1*) for a basketball court and aerobic studio is under review that is being processed concurrently with this major amendment in order to expedite building permit processing.

CHARACTER OF NEIGHBORHOOD: The subject property is located along SW 37th Street (minor arterial) and west of Interstate 470, adjacent with a single family residential neighborhood to the north, east, and west. The Shunga flood control dam lies along the southern perimeter of the subject property. The Shunga Creek (Type I water way) borders the eastern edge of the property and drains north. The eastern and southern perimeters of the subject property are covered by the floodway (i.e. considered the channel carrying overflow water during a flood event). The 100 year flood plain covers portions of the northern and eastern site. At least one-third of the remaining portions of the site lie within the 500-year flood plain. The area south of the subject property and south of the dam remain undeveloped and are completely covered by the flood way.

ZONING CLASSIFICATION AND USE OF SURROUNDING PROPERTIES:

ZONING CLASSIFICATION	PRESENT LAND USE
North: "R-1" Single Family Dwelling District	Single family dwellings; Interstate – 470
South: "R-1" Single Family Dwelling District	Shunga flood control dam/flood way

East:	“R-1” Single Family Dwelling District	Shunga/floodway
West:	“R-1” Single Family Dwelling District; “M-1” Two Family Dwelling District	Single family dwellings

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: The subject property has remained zoned for commercial recreation since 1965 when a Special Use Permit (pre-1992 form of CUP) was approved for a commercial archery club. Additional Special Use Permits were approved subsequently in 1974, 1975, and 1987 to allow the following uses: A private country club, indoor tennis club, and recreational facility. The base zoning of the property has remained single family residential until it was most recently rezoned in 2004 to the current PUD (C-2 Commercial uses) District that brought the property up – to-date to a present zoning classification for commercial recreation. The property was annexed in 1967.

SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED: The subject property is still suitable for uses to which it has been restricted as it has been used for commercial recreation since 1965. However, even though the nature of the use of the property is commercial and has been used this way since 1965, the use has also expanded, over time, in commercial intensity from its original commercial purposes. There are also significant environmental constraints that make further development of the property difficult because a large portion of the property lies within the 100 - year flood plain. Development of the property is inhibited until the owner obtains the proper approvals that will allow construction and excavation within this flood plain. The following note has been added to the PUD to address construction within the 100-year flood plain: *“No City of Topeka Development Services permits shall be issued for development in the flood plain prior to obtaining an approved current flood plain fill permit from the Kansas Department of Agriculture, Division of Water Resources and a flood plain development permit from the City of Topeka pursuant to TMC 17.30. Minimum opening elevations shall be 1 ft. above the highest adjacent 100 year water surface elevation.”* The property is further constrained by a Type I water way (Shunga) crossing the eastern edge of the property, which limits the property’s development due to a 100 ft. buffer setback measured from either side of the water way edge. The City stream buffer regulations do allow for additional density to be provided elsewhere on the site to compensate for loss of developable land because of the stream buffer setback. Approval of a variance from Water Pollution Control has been obtained for an averaging of the stream buffer to allow the encroachment of 13 parking stalls (or portions thereof) into the northeast segment of the stream buffer, as shown on the attached graphic. The proposed PUD is only relocating 13 parking stalls that are already within the stream buffer to an area further away from the stream channel. Therefore, provided the applicant obtains or has obtained the proper permitting and approvals for development in the flood plain, the property may still be suitable for additional uses since the property is already zoned for commercial.

CONFORMANCE TO COMPREHENSIVE PLAN: The subject property is designated *Parks/Open Space/Recreation* in the Land Use and Growth Management Plan – 2040, which describes this category as being characterized by public and private parks; golf courses; cemeteries; and recreational fields. The areas may also include land not as suitable for development, such as, floodways. All of the uses on the site do not entirely fit within this category, but the property has been zoned for a commercial uses in some manner since 1965. In addition, the PUD plan does try to preserve some open space areas where possible, but one of the primary reasons for the major amendment is to reduce open space that is necessary to accommodate additional off-street parking necessary to serve the expansions. Since the property has been developed for commercial recreational uses under the current PUD, the continued development of the site

for this use overall satisfies Comprehensive Plan policies for development within Tier 1 areas inside the city limits. The proposal conforms to the policies of the Comprehensive Plan.

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: Removal of the present restrictions as indicated on the current PUD would allow for reduction in open space and building expansions partially within the 100 year flood plain, the loss of significant trees along SW 37th Street, and parking encroachment into a stream buffer. A stream buffer is defined as a setback from the water way of a stream channel that is to remain unobstructed from any clearing, grading, construction, or disturbance that is intended to maximize the value of the stream channel itself for surrounding properties. Approval of parking within the stream buffer was granted by Water Pollution Control, to be noted on the PUD.

With any development in the 100-year flood plain, there may always be a potential to affect nearby properties if that development causes a displacement of water that in turn causes the floodway to expand during a flood event, which may potentially affect properties adjacent to the flood way. Therefore, development of property in the 100-year flood plain is contingent upon approval of a current flood plain fill permit by the Division of Water Resources (DWR) prior to any other permits from the City of Topeka being issued for any excavation, grading, parking, or building. This burden is placed upon the applicant to demonstrate in their hydrological study to DWR that their expansions in the flood plain will have a “no-rise” effect on the flood height.

Based upon the established patterns of surrounding land uses for single-family residential, there may also be a detrimental effect upon nearby residential properties if the new parking needs generated by the expansions exceed what the additional parking lots can adequately handle and overflow parking occurs along both sides of Wood Valley Drive, which is a local neighborhood street (29 ft. wide). Parking along both sides of the public street (Wood Valley Drive) may impact access for emergency vehicles if it is an on-going issue and inhibit the ability of emergency vehicles to pass through. However, this perceived overflow parking concern along Wood Valley Drive has not clearly been defined and may be affected by the partial closure of SW 37th Street in front of the racquet club, which contributes to more visitors using Wood Valley Drive. On three separate occasions during site visits, staff was not able to verify that there is an apparent problem with overflow parking along Wood Valley Drive. Staff believes the issue primarily arises when there are specific events that draw a larger attendance. The City Engineer is not aware of a significant issue with overflow parking along Wood Valley Drive. Staff is recommending the property owner agree to not object, if, at the request of property owners along both sides of the street and at the recommendation of the City Traffic Engineer “*No Parking*” signage is warranted along one or both sides of Wood Valley Drive at some point in the future.

Other potential detrimental effects to the nearby property owners could be attributed to the loss of open space along Wood Valley Drive, where the property is adjacent to residential uses. A landscape plan will be submitted prior to the issuance of building permits to address any loss of significant trees, point values, types, quantities, and for landscaping within the required landscape setbacks along Wood Valley Drive that staff is recommending. Staff recommends the applicant provide a 20 ft. landscape setback along Wood Valley Drive and emphasize landscaping within this setback and where it is adjacent with residential properties.

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: There would appear to be no particular loss to the public health, safety, and welfare for the development in the flood plain, provided the

owner obtains approval and permitting from the proper agencies prior any excavating and construction and the applicant demonstrates compliance with these requirements. The hardship imposed upon the individual landowner is apparent due to significant environmental constraints on their property, which in turn limit building expansions that are necessary to accommodate additional capacity on a property that has been zoned for commercial uses since 1965. The harm to the public health, safety, and welfare would occur if overflow parking on Wood Valley Drive inhibits the ability of emergency vehicles to access residential properties. Property owners along both sides of the street would need to agree to “No Parking” signage and request this to the City Traffic Engineer who will evaluate if it is warranted in the future.

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

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:

Minimum Lot Area: PUD requires 1 acre minimum area

Setbacks: 30’ perimeter building setback is maintained that was established by the previous PUD plan.

Platting: The property is platted as Lot 1, Wood Valley Subdivision and Lot 4, Wood Valley Subdivision #4.

Parking Analysis:

The original PUD for Wood Valley Racquet Club (approved 2004) includes a variance to the off-street parking regulations that “*Commercial Recreation Facilities*” provide parking at a ratio of 1 per 150 sq. ft. of floor area to allow a parking ratio based on 1 stall per 324 sq. ft. gross area. The current PUD proposes to provide 273 stalls total, which is an increase of 65 stalls overall plus an area reserved for the development of “*future*” parking. Staff does not know all the facts behind the basis for the PUD’s original variance and recommends parking based upon the following analysis that was established from deducting those areas in the building that do not require parking (*Based on information provided by the applicant*):

	Sq. ft. (GFA)	Parking Standard	Parking Required
Existing uses			
Studio B (Aerobic)	1,700	1 / 150	11
Fitness	11,880	1/150	79
7 single occupant offices		1/office	7
6 racquet ball courts		4/court	24
3 tennis courts		4/court	12
Cage Gymnastics (existing)	10,000	1/150	67
Minor Amendment (Rev #1) – under review			
Basketball court		4/court	4
studio A (Aerobic)	2,300	1/150	15

Major Amendment (Rev #2)– Proposed			
Swimming Pool indoor	5,240	1 / 150	35
Indoor corridor	3,400		N/A
2 tennis courts		4/court	8
Addition to Cage	2,000	1/150	13
Total Gross Floor Area (GSF) –			
Proposed PUD	101,009		
Total Parking Stalls required (Proposed PUD04/9B)			275
		1 stall	
Parking Ratio (Proposed) 273 stalls		per	370
Parking Ratio (Original approved PUD– with variance to 1/150)		1 stall	
		per	324

The recommended parking is justified since the required parking ratio of 1 per 150 would exceed the amount of parking they actually need for this particular type of facility. Based on this analysis, the applicant needs to provide an additional 2 stalls that are not designated in the “future” parking areas. Staff believes the 1 per 150 parking requirement in the zoning code for this use is for “health clubs” facilities where the nature of the principal use is intended to primarily accommodate a single person (or more than one person) per each piece of equipment. This particular facility is intended for racquet ball courts and other courts or facilities that not intended to accommodate the same number of people. Based upon similar facilities they operate in peer Kansas cities, the applicant believes their proposed parking ratio meets or exceeds their expansion needs and has also provided an area for the development of “future” parking if it is determined necessary, but would rather not construct until they find it necessary.

CONCERNS OF STAFF AND REVIEWING AGENCIES: This request was submitted to all applicable reviewing agency staff for consideration and comment.

- The applicant submitted a written request for a variance to the Department of Public Works-Water Pollution Control on **August 28, 2015**, pursuant to variance procedures of *TMC 17.10.070 Stream Buffers*, which **has been approved**. The applicant needs to add the following note to the PUD plan under Variances: *“The City of Topeka Water Pollution Control Division has granted a variance to the stream buffer regulations pursuant to TMC 17.10.080.b.1. The averaged buffer shall be as shown on the attached “Stream Buffer Exhibit”.*
- The Stormwater Management Report **has been approved** by the Department of Public Works. Any required stormwater or storm sewer easements will need to be granted prior to the issuance of any permits from the Development Services Division for development in the flood plain that will include excavating, grading, parking, and building permits (General Note #5).
- A flood plain fill permit for any development or excavation in the 100 year flood plain is required by the Division of Water Resources, Kansas Department of Agriculture demonstrating “no-rise” prior to any permit issuance (PUD – Flood Plain Note #1).

- A flood plain development permit is required by the City Development Services Division. Minimum opening elevations shall be established 1 ft. above the highest adjacent 100-year water surface elevation.
- The new access opening along SW Wood Valley Drive satisfies City street design criteria for location and spacing and **has been approved** by the City Traffic Engineer. Access openings along SW 37th Street are existing.
- The Development Services Division has indicated concerns that the proposed additions to the existing non-conforming building (under International Building Code standards) will not meet code requirements to allow the sizes that are proposed. The PUD plan has addressed this by adding the following note: “. . . All building additions shall be subject to the applicable building, fire, and life safety codes.” The PUD plan should clarify the graphics are “*CONCEPTUAL*” in nature to leave room for flexibility regarding the exact building sizes. Further site development plans will be reviewed and approved prior to the issuance of building permits (General Note #4) for each individual building and parking lot expansion.
- A landscape plan will be reviewed and approved by the Planning Department at the site development stage (Landscape Note #1).

ADDITIONAL FACTORS:

1. Citizen Participation Process: The applicant conducted a neighborhood information meeting on August 5, 2015 at 6:00 pm located at the Wood Valley Racquet Club, 2909 SW 37th Street. The applicant's report to the City is attached.
2. Capitol Area Plaza Authority: N/A
3. Flood Hazard Area: The subject property is partially located within the 100-year flood plain Zones A and Zone AE. The southern and eastern perimeters of the property are located with the floodway. The PUD Flood Plain Note erroneously states the property is all contained within Zone X.
4. Airport Hazard Area: N/A
5. Historic Properties: There are no National Register properties within 500 ft. .

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

1. Use and development of the site in accordance with the **Master Planned Unit Development Plan for Wood Valley Racquet Club**.
2. The applicant adding the following note to the PUD plan under Variances: “*The City of Topeka Water Pollution Control Division has granted a variance to the stream buffer regulations pursuant to TMC 17.10.080.b.1. The averaged buffer shall be as shown on the attached ‘Stream Buffer Exhibit’*”.
3. Adding the attached graphic showing the “averaged stream buffer” to the PUD plan.
4. Providing an additional 2 parking stalls that are not designated “*future*” based on staff's analysis.

5. Revising Flood Plain Note #1 on the PUD as the property **is not** located only within **Zone X** *“an area determined to be outside the 0.2% annual chance flood plain”* Portions of the property are within Zone A, AE and Floodway Zones AE. Revise the segment of the sentence to state, *“ . . . Minimum opening elevations shall be 1 ft. above the highest adjacent 100-year water surface elevation.”*
6. Revising Utility Note #4: *“Lighting shall be directed away from public streets and residential properties and not exceed three-foot candles as measured at the property line. The source of illumination shall not be visible from adjacent properties and public rights-of-way.”*
7. Adding “CONCEPTUAL” to “Proposed Addition” labels on the PUD plan graphic.
8. Adding the following to Certification of Master PUD Plan note: *“A major amendment to allow for the construction of a maximum _____ sq. ft. expansions to the Cage Gymnastics and Wood Valley racquet club buildings, two tennis courts, and off street parking as proposed on the plan. Any future revisions to the Master PUD Plan decreasing open space or increasing floor areas shall be accomplished only by major amendment.”*
9. Adding the following note under Circulation, Parking, and Traffic: *“The property owner agrees to not object to ‘No parking’ signage along one or both sides of SW Wood Valley Drive if it is recommended by the City Traffic Engineer in the future.”*
10. Revising Landscape Note #1 to state: *“Landscaping, including ‘Large’ trees, shall be concentrated along SW Wood Valley Drive, where adjacent with residential properties, and surrounding tennis courts. A 20 ft. landscape setback shall be provided along SW Wood Valley Drive. A landscape plan shall be submitted including point values, types, quantities as determined by the City Landscape Regulations. . .”*

Prepared by:
Annie Driver, AICP
Planner II

**Minutes of the
Topeka Planning Commission
Monday, September 21, 2015**

1. PUD04/9B Wood Valley Racquet Club Planned Unit Development by Genesis Health Clubs of Topeka, LLC & Kent B. Garlinghouse requesting to amend the master plan for an existing Planned Unit Development ("C-2" Commercial use group) on 11.3 acres in order to construct additions to the racquet club building and the Cage Gymnastics building, and new associated off-street parking at 2909 SW 37th Street and 2925 SW 37th Street. **(Driver)**

Ms. Annie Driver reviewed the staff report/information provided to the Commissioners, stating that staff recommends approval, subject to conditions within the staff report and based upon the applicant demonstrating compliance with the PUD during site development phase.

Mr. Gales invited questions from Commissioners. Hearing none, he invited the owner/representative to come forward to speak.

Mr. Martin Hanney (architect, 1726 S Hillside, Wichita, Kansas) came forward. He stated that they are looking to update the building, re-arranging the interior functions of the building, and expanding the program to meet more of what Genesis Health Clubs represents. Important to them is consolidating the entrances to the building as it is expensive to staff both entrances.

Mr. Hanney stated that Wood Valley's solution to the parking that they're now short would be to move the bicycle parking, allowing them to capture three additional spaces.

Mr. Hanney stated that the owner plans to implement the project in phases, the first being to renovate interior/consolidate two locker rooms. Subsequent phases will add a gymnasium and renovate tennis courts. Final phase will be an indoor lap pool.

Mr. Lackey asked where they were at in the permits process. Mr. Mark Boyd of Schmidt, Beck & Boyd came forward and stated that permits have been discussed with DWR for flood plain fill; DWR seemingly has no issues with the proposals; the permit application is in the review process. He added that they've been through the Shunga Drainage District and they've signed off on the proposed improvements.

Mr. Gales stated that the Public Hearing was open. With nobody coming forward, the Public Hearing was closed.

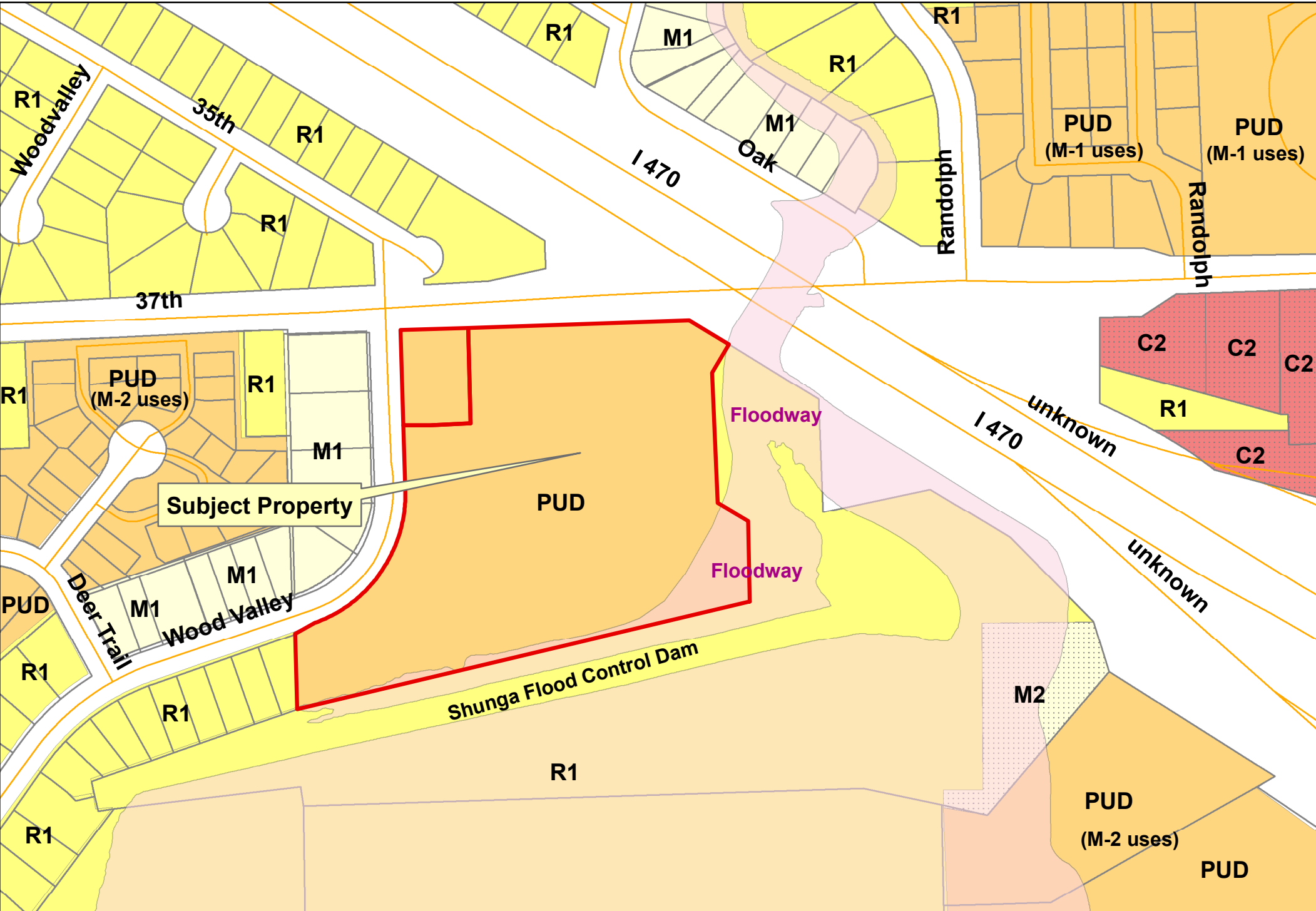
With no additional questions or comments, Mr. Lackey moved to approve the request subject to staff recommendations. Second by Ms. Jordan. **APPROVAL 6-0-1** with Mr. Beck abstaining.

Upon completion of the vote, Mr. Beck returned to the room.



**PUD04/9B By: Genesis Health Clubs of Topeka
& Kent B. Garlinghouse (Wood Valley Racquet Club PUD)**

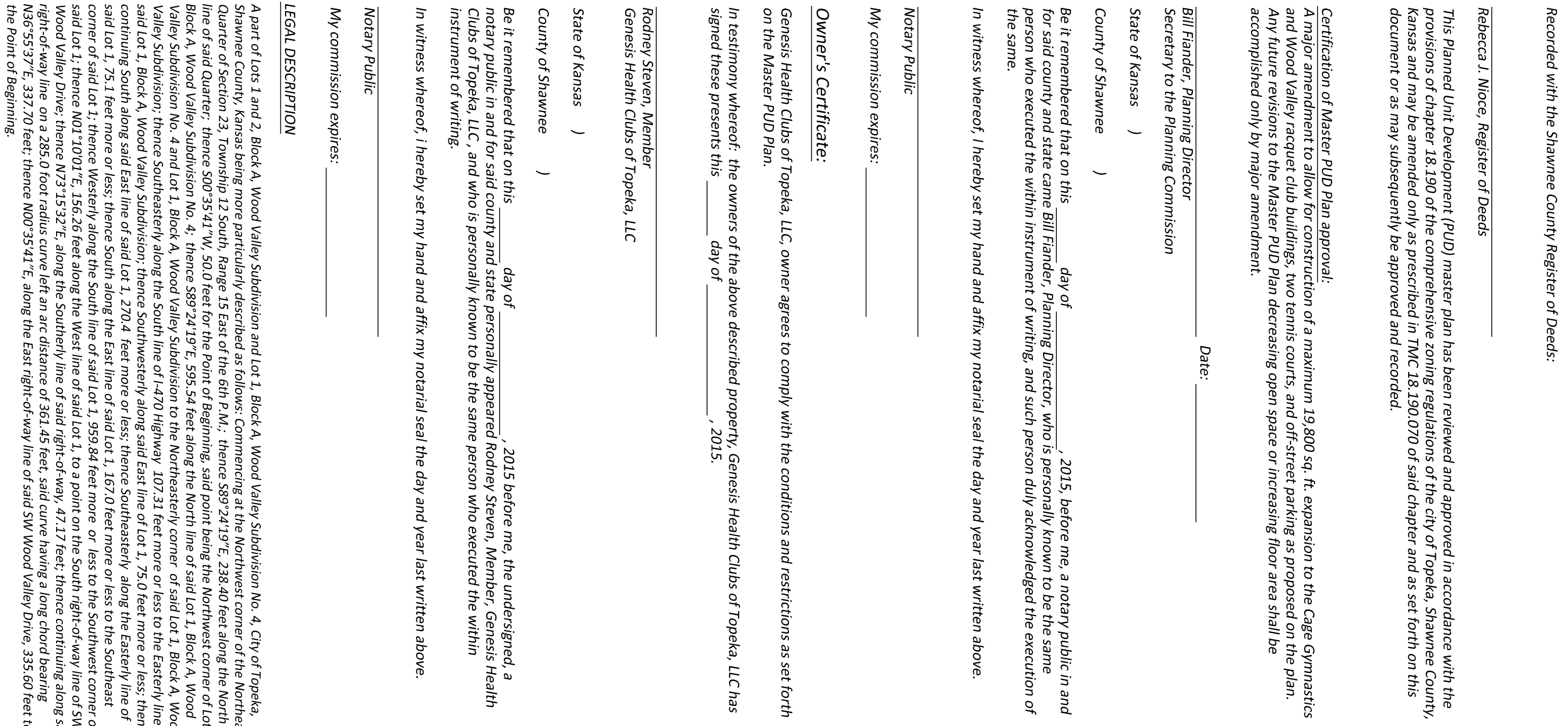




**PUD04/9B By: Genesis Health Clubs of Topeka
& Kent B. Garlinghouse (Wood Valley Racquet Club PUD)**



BOOK _____ PAGE _____
DATE _____ TIME _____



Prepared for:

**GENESIS HEALTH CLUBS
OF TOPEKA, LLC
6100 E. CENTRAL AVE.
WICHITA, KS 67208**



2909 SW 37TH ST.
TOPEKA, KANSAS

Drawing No.:
Sh 1 of 1

PROJECT PERFORMANCE OBJECTIVES:

POSSIBLE, WHILE REASONABLY ACCOMMODATING THE NEEDS OF THE PATRONS OF THE FACILITY AND THE SURROUNDING NEIGHBORHOOD.

ALL REQUIRED IMPROVEMENTS SHALL BE COMPLETED TO CITY OF TOPEKA STANDARDS PRIOR TO A CERTIFICATE OF OCCUPANCY BEING ISSUED.

PHASE I: CONSTRUCT ADDITIONS TO EXISTING RACQUET CLUB BUILDING AND INSTALL ASSOCIATED PARKING.
PHASE II: CONSTRUCT ADDITION TO EXISTING GYMNASTICS BUILDING AND FOOT BRIDGE TO MAIN BUILDING.

BUILDING AND STRUCTURE NOTES:

1. NO BUILDING WITHIN DEVELOPMENT SHALL EXCEED 60' IN HEIGHT.
2. BUILDING SET-BACK LINES ALONG PERIMETER BOUNDARY SHALL BE 30' - TYPICAL.

APPROVAL BY THE CITY ENGINEER AND RECORDING WITH THE SHAWNEE COUNTY REGISTER OF DEEDS.

1. PURSUANT TO TMC 18.190 ORDINANCE, THE APPLICANT MUST RECORD THE MASTER AND PLAN WITH THE SHAMME COUNTY REGISTER OF DEEDS WITHIN 60 DAYS UPON APPROVAL BY CITY COUNCIL. FAILURE BY THE APPLICANT TO RECORD THE PLAN WITHIN THE PREScribed PERIOD OR TO PROVIDE THE PLANNING DEPARTMENT WITH RENTAL UNIT LOCUS OF THE RECORDED PLAN OR TO PROVIDE THE PLANNING DEPARTMENT WITH AN ACTION BY CITY COUNCIL THAT WILL DEEM THE ZONING PETITION NULL AND VOID.
2. ALL APPLICABLE DEVELOPMENT AND USE GROUPS SHALL APPLY UNLESS STATED OTHERWISE HEREIN.
3. ALL APPLICABLE LOCATIONS TO BE APPROVED BY THE CITY OF JOSEPH ARE THE DEPARTMENT AREA PART OF THE IMPROVEMENT PLANS PRIOR TO THE START OF CONSTRUCTION.
4. IMPROVEMENTS AT DEEDS AND PARKING LOTS EXCEEDING 150 FEET SHALL BE PROVIDED WITH RENTAL UNIT LOCUS OF THE RECORDED PLAN.
5. NO SUBDIVISION PERMITS SHALL BE ISSUED UNLESS THE SITE DEVELOPMENT PLANS SUBJECT TO TMC 18.200 HAVE BEEN REVIEWED AND APPROVED BY THE PLANNING DIRECTOR.

GENERAL NOTES:

1. PURSUANT TO TMC 18.190.060(b), THE APPLICANT MUST RECORD THE MASTER PUD PLAN WITH THE CLAYTON COUNTY DEPARTMENT OF REVENUE WITHIN 90 DAYS UPON APPROVAL.

CIRCULATION, PARKING AND TRAFFIC NOTES:

1. OFF-STREET PARKING SHALL BE PROVIDED IN ACCORDANCE WITH TMC 18.240.020 UNLESS OTHERWISE SPECIFIED.
2. DRIVEWAY ACCESS POINTS SHALL BE ALLOWED FROM EACH SIDE OF THE STREET AND SW WOOD VALLEY DRIVE SHALL BE CONSISTENT WITH CITY DESIGN CRITERIA FOR LOCATION AND SPACING WITH THE EXACT LOCATIONS TO BE APPROVED BY THE CITY ENGINEER AT THE TIME OF SITE DEVELOPMENT.
3. ALL PRIVATELY OWNED ACCESS WAS PROVIDING ACCESSIBILITY TO ADJACENT STRUCTURES, BUILDINGS, AND UTILITIES WITHIN THE PLANNED UNIT DEVELOPMENT SHALL BE CONSIDERED AND SERVE AS MUTUAL RIGHTS OF ACCESS FOR OWNERS, TENANTS, INVITEE GUESTS, CLIENTS, CUSTOMERS, SUPPORTS AND UTILITY SERVICE PERSONNEL, AND EMERGENCY SERVICE PROVIDERS, INCLUDING LAW ENFORCEMENT, FIRE PROTECTION, AND AMBULANCE SERVICES. ALL ACCESS WAS PROVIDING GENERAL ACCESSIBILITY SHALL BE CIRCULATION AMONG THE USES WITHIN THE PLANNED UNIT DEVELOPMENT SHALL BE PROVIDED.
4. THE PROPERTY OWNER AGREES TO THE RESPONSIBILITY OF THE OWNERS TO MAINTAIN OR SAID ACCESSWAYS DURING THE RESPONSIBILITY OF THE OWNERS. NO PARKING - STORAGE ALONG ONE BOTH SIDES OF SW WOOD VALLEY DRIVE IF IT IS RECOMMENDED BY THE CITY TRAFFIC ENGINEER IN THE FUTURE.

UTILITY NOTES:

1. ALL UTILITIES SHALL BE UNDERGROUND PURSUANT TO THE CITY'S RIGHT-OF-WAY MANAGEMENT STANDARDS.
2. SANITARY SEWER SERVICE IS PROVIDED BY THE CITY OF TOPEKA.
3. WATER SERVICE IS PROVIDED BY THE CITY OF TOPEKA.
4. LIGHTING SHALL BE DIRECTED AWAY FROM PUBLIC STREETS AND RESIDENTIAL PROPERTIES AND NOT EXCEED THREE FOOT CANDLES AS MEASURED AT THE PROPERTY LINE. THE SOURCE OF ILLUMINATION SHALL BE NOT VISIBLE FROM ADJACENT PROPERTIES AND PUBLIC RIGHTS-OF-WAY.

LANDSCAPING NOTES:

1. LANDSCAPING INCLUDING "LARGE" TREES, SHALL BE CONCENTRATED ALONG WOOD VALLEY DRIVE, WHERE ADJACENT WITH RESIDENTIAL PROPERTIES, AND SURROUNDING TOWN SQUARE. A 20' FOOT BUFFER SHALL BE MAINTAINED FROM THE ADJACENT RESIDENTIAL PROPERTIES. THE LANDSCAPING SHALL BE SUBMITTED INCLUDING PLANT, TREE, SPECIES, QUANTITIES AS DETERMINED BY THE CITY LANDSCAPE DESIGNER. TREES SHALL BE PLANTED IN ACCORDANCE WITH THE CITY LANDSCAPE REGULATIONS TMC 18.423 AND AS STATED THEREIN. TREES SHALL BE APPROVED BY THE PLANNING DIRECTOR AT THE TIME OF SITE DEVELOPMENT FOR ANY NEW IMPROVEMENTS, INCLUDING TMC 18.435, 070 REGARDING ADDITIONAL PLANTS FOR THE REMOVAL OF EXISTING SIGNIFICANT TREES.
2. CARE AND MAINTENANCE: THE CARE, MAINTENANCE, AND OWNERSHIP OF COMMON OPEN SPACE, PARKING AREAS, AND LANDSCAPING SHALL BE THE RESPONSIBILITY OF THE OWNER OF TITLE. ALL LANDSCAPING SHALL BE THE RESPONSIBILITY OF THE OWNER OF TITLE. ALL LANDSCAPING SHALL BE INSTALLED PURSUANT TO PHASING SCHEDULE AND PROPERLY MAINTAINED. A PORTION OF THE LANDSCAPING MATERIALS, IDEAS, IT SHALL BE REPLACED BY THE NEXT PLANNING SEASON.

FLOODPLAIN NOTES:

- [illegible]

PROJECT DATA

**PROPOSED ZONING: PUD C-2 COMMERCIAL USE GROUP L
EXCLUSIVELY TO A COMMERCIAL RECREATIONAL FACILITY.**

TOTAL STRUCTURES: 2

101AL BUILDING AREA (LAUNCHING). 81,285 S.F.

PROPOSED BUILDING ADDITIONS AREA: 19,800 S.F.

PARCEL SIZE: 11.3 Acres

EXISTING PARKING: 208 SPACES

PROPOSED PARKING: 276 SPACES

PROPOSED BIKE PARKING: 18 SPACES

DATE:

JULY 2, 2015

PUD 04/9B



GENESIS – WOOD VALLEY

2909 SW 37th Street

Neighborhood Meeting Report

Case#:PUD04/9B Wood Valley Racquet Club Planned Unit Development Plan

September 2, 2015

On August 5, 2015 a Neighborhood Meeting was held at the Genesis Wood Valley Racquet Club located at 2909 SW 37th Street. Presenters at the meeting were Mark Boyd with Schmidt, Beck & Boyd (civil engineer for the project) and Martin Hanney with Hanney & Associates Architects (architect for the project).

Representing the City of Topeka, Planning Department were Michael Hall and Annie Driver.

Attending the meeting were seven citizens that composed a combination of interested neighbors and club members that wanted to see what was in the plans for the building.

The presentation discussed the site conditions and the changes planned for the building. It was noted that this site has several challenges with drainage and development. The building changes will be implemented in phases. Phase 1 – is renovation and updates to the interior; Phase 2 – construction of a new entrance on the North and a gym/studio addition to the West. Phase 3 – adds the new parking in the NE corner to support the new entrance. It was noted that the parking is coming in as soon as possible, but it is dependent on the PUD process. Phase 3 removes an existing two-story wood frame structure, and replacing it with non-combustible construction. This work visually opens up the club and removes a number of ADA barriers. Phase 4 of the project will add an indoor pool to the club. Included in the plans is the addition of two more outdoor tennis courts and modifications to the existing Cage Gymnastics school to relocate the entrance on the South.

Generally, the information was well received, followed by several positive comments that club needs the updates.

One gentleman ask why we had the Neighborhood meeting, and it was explained that it was part of the PUD process – giving the neighbors a chance to see what was being planned and to give the developers a chance to address neighbors concerns. He had a couple of questions about the storm water along 37th and the street development.

HANNEY & ASSOCIATES ARCHITECTS

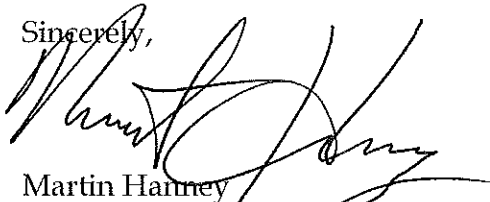
1726 S. HILLSIDE ▪ WICHITA, KANSAS 67211 ▪ (316) 683-8965 ▪ FAX (316) 684-1441 ▪ Email HArchitect @ AOL.com
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The concerns expressed by a couple of the neighbors focused on the overflow parking that lands up on Wood Valley Drive. Martin Hanney commented that Genesis wants to address and resolve that issue with this project. The owner of Genesis is planning to move the main entrance to the North away from Wood Valley Drive and locate as much parking as possible in the NE corner of the site as possible. The parking on the West, next to Wood Valley Drive is slated to be for the Gymnastics Club and for the Genesis employees. During the summer months there will be some parking for club members that just come to use the pool.

As the meeting wrapped up it was noted that this project would be formally presented at the upcoming Planning Meeting, giving the community another chance to review and comment on the project. The planners encouraged the community members to contact them if they had further questions or concerns.

Sincerely,



Martin Hanney
Hanney & Associates Architects

HANNEY & ASSOCIATES ARCHITECTS

1726 S. HILLSIDE ▪ WICHITA, KANSAS 67211 ▪ (316) 683-8965 ▪ FAX (316) 684-1441 ▪ Email HArchitect @ AOL.com
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Neighborhood Information Meeting Sign in Sheet

Case #: PUD04/9B Wood Valley Racquet Club Planned Unit Development Plan



1415 SW Topeka Blvd, Topeka, KS 66612
P: 785-215-8630 F: 785-215-8634

Name	Address	Phone (if desired)	E-mail (if desired)
Jean Glotzsch	3716 SW Brooklawn Cir		
Richard Sackrider	3010 SW 35th Terr	267-4769	
Annie Driver	620 SE Madison	308-3010 City Planning	
Shirley Heinzel	3728 Brooklawn Cir	267-9646	
Kathy Figg	3727 Brooklawn Dr.		
Ann Look	3752 SW Deer Trail Dr.		
Mike Hall	620 SE Madison	308-3007 City Planning	
Cheryl Heefe	3018 SW 35th Terr.	250-0224	
David W. Taylor	3763 SW Woodvalley Dr.	266-1996	

SBB Engineering, LLC
www.sbbeng.com
mark.boyd@sbbeng.com kevin.beck@sbbeng.com rick.schmidt@sbbeng.com

PUD04/9B - Wood Valley Rac Club

Annie Driver

From: k coulter <coulterklee@yahoo.com>
Sent: Monday, September 21, 2015 3:48 AM
To: Annie Driver
Subject: RE: PUD Proposal | PUD04/9A by Wood Valley Racquet Club Inc

Follow Up Flag: Follow Up
Due By: Monday, September 21, 2015 5:34 AM
Flag Status: Flagged

Annie, Being a former Vice-Chair for 3 years on the Wichita/Sedgwick County planning commission the staff report raises some flags. Flood plain, landscape/buffer, and they mention questions about street and emergency access, and impact to the neighborhood with parking. I hope that the commission members and elected officials read this document thoroughly. Then I drive by and it appears they are starting building with cement forms, cement prep, and plumbing. We had contractors in Wichita that tried to bypass the planning process also. In regards to your question about frequency of problems, it has been consistent and not related to an event. However, since the closing of 37th street to the East, it appears that their membership has dropped some and the traffic problems are better for now. But I expect that once the street is opened back up that the traffic problem will return. And of course the summer months are better, but when the winter comes and people are not as likely to exercise outdoors the club gets busy and the parking and concerns return.
Thanks, Dr. C.

On Mon, Sep 14, 2015 10:49 AM PDT Annie Driver wrote:

>Attached is the staff report for this item that will be heard by the Planning Commission Sept 21st.
>
>Thanks,
>Annie
>
>From: Annie Driver
>Sent: Thursday, September 10, 2015 4:15 PM
>To: k coulter (coulterklee@yahoo.com)
>Cc: Michael Hall
>Subject: RE: PUD Proposal | PUD04/9A by Wood Valley Racquet Club Inc
>
>Dr. Coulter,
>
>I wanted to respond to a few of your concerns mentioned below. I will ensure your letter is also received by the Planning Commission. I would also be happy to send you a copy of the Planning Department staff report recommendation that is mailed to the Planning Commission today. I will send this to you this on Monday.
>
>

> Could you clarify how frequently and at specific times you observed that parking was an issue along Wood Valley? I was out there on three occasions and did not see that it was an issue. Staff believes this is likely occurring when they hold special events, but would like to hear more from you on the issue.

>

> The proposed plan does include a second access point on to Wood Valley. The City Engineer has standards for the separation between driveways depending on the classification of a street. Wood Valley is a local residential street and a second driveway on the street does meet these standards.

>

> There will not be cross driveway access between the two parking lots, but they will be connected by a pedestrian bridge.

>

> I spoke to the Fire Dept and they have not experienced any issues (as of yet) with not being able to access residences on Wood Valley in emergency situations. If there were a problem, they would likely pursue "no parking" signs with the City Traffic Engineer.

>

> I also spoke to the City Traffic Engineer who indicated that there is a process for the neighborhood to pursue no parking signs along a public street, but this needs agreement of all owners along both sides of the street. The Traffic Engineer indicated they would also like to wait on this until SW 37th is completed to see if that is a contributor.

>

> Staff reviewed the parking requirement based on information provided from the applicant and then compared this to the City's off-street parking regulations (TMC18.240) for each use and planned uses within the facility. Staff is recommending they provide 275 stalls at the time of the expansions and also designate areas for the development of future parking on their plan (i.e. this would not be constructed until a time the additional parking is needed).

>

> If you have questions about membership numbers in the club, I would suggest contacting Martin Hanney (Hanney & Associates - 316-683-8965) who is the architect on the project.

>

>Please, let me know if you have any further questions prior to the Planning Commission hearing on Sept 21st .

>

>Thank you,

>

>Annie Driver, AICP

>Planner II

>Planning Department

>City of Topeka

>785.368.3010

>

>From: k coulter [mailto:coulterklee@yahoo.com]

>Sent: Sunday, September 06, 2015 5:21 PM

>To: Annie Driver

>Subject: PUD Proposal | PUD04/9A by Wood Valley Racquet Club Inc

>

>

>Annie Driver, AICP

>Planner II

>785-368-3010

Annie Driver

From: k coulter <coulterklee@yahoo.com>
Sent: Sunday, September 06, 2015 5:21 PM
To: Annie Driver
Subject: PUD Proposal | PUD04/9A by Wood Valley Racquet Club Inc

Follow Up Flag: Follow Up
Due By: Sunday, September 06, 2015 5:32 PM
Flag Status: Flagged

Annie Driver, AICP

Planner II

785-368-3010

adriver@topeka.org

PUD Proposal | PUD04/9A by Wood Valley Racquet Club Inc

Annie:

Thank you for providing your email address. I would really like to attend the upcoming planning commission public hearing regarding Wood Valley Racquet Club's proposed development, PUD04/9A. Unfortunately I am an evening shift manager at the hospital and as many evenings go it is often impossible for me to get away. I do have some concerns which I hope have already been addressed or that are planning to be addressed.

My wife and I have lived on Brook Lawn Court ten years and with each passing year we have grown more and more concerned about the impact Wood Valley Racquet Club has had on our neighborhood. As a health care provider my main concern is efficient access for emergency vehicles/services to our area. For years efficient access has been compromised by the inadequate and ineffective parking provided patrons of the Club. Instead of using the club's parking lot patrons are parking on both sides of Wood Valley Drive making it almost impossible for even one vehicle to traverse the street, especially at or after 5 p.m. My portion of the neighborhood is comprised of 26 homeowners who are elderly – many in their eighties. Just down the street from our neighborhood is a homeowner who provides swimming lessons from her own backyard pool. These 2 issues could easily require emergency services and every second counts especially when it comes to drownings, strokes and heart attacks.

Another issue is club parking lot exits for patrons. I usually go to work around 2 p.m. and my route takes me along Wood Valley Drive to 37th Street. At that time of day I have no trouble getting to 37th Street. The same cannot be said later in the day. Despite the fact that she has to go far out of her way, my wife refuses to leave our neighborhood via that route if she needs to leave later in the day. Club patrons often do not afford right of way when exiting the club's parking lot and if my wife had not been a defensive driver she would've suffered accidents.

What is the Club's current membership and what will their projected membership be once additions are completed? How many parking spaces do they currently maintain and how many do they expect to maintain once additions are completed? Are there going to be enough parking spaces for peak hours of operation? Will there be collateral access between all parking lots at the club, which would allow for most of the egress to happen onto 37th Street? Will exits be provided that will reduce the potential for patrons to ignore right of way to those driving on Wood Valley Drive? Who will be responsible for possible lack of efficient emergency service delays if Club parking compromises access to our neighborhood?

I cannot support the Wood Valley Racquet Club's proposed development unless the issues related to the parking and exits are addressed in order to reduce the impact on our neighborhood. We homeowners have been very tolerant and lucky. Thank you for taking the time to listen to my concerns and answer my questions.

Respectfully,

Dr. Kerry Coulter



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 20, 2015

DATE: October 20, 2015
CONTACT PERSON: Bill Fiander DOCUMENT #: Z02/7B
SECOND PARTY/SUBJECT: The Congregational PROJECT #:
Home dba Brewster
Place, A Not for Profit
Corporation
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 007 Zoning
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Jim Colson, amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code by amending and expanding the boundary of the Master Planned Unit Development Plan for Brewster Place Townhomes to include an additional 1.5 acres that is currently zoned “R-1” Single-Family Dwelling District.(Z02/7B)(Council District No. 5)

(Approval allows Brewster Place to expand along SW Lincoln with a 14 unit, three-story senior housing residential structure and a 2,500 square foot maintenance building.)

POLICY ISSUE:

The Governing Body has the following options:

- Adopt the recommendation of the Planning Commission by a majority vote (6) of the Governing Body.
- Override the recommendation of the Planning Commission by a two-thirds majority vote (7) of the Governing Body.
- Return the recommendation to the Planning Commission by a two-thirds majority vote with a statement explaining the decision of the Governing Body.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

The key issues regarding the proposed amendment and expansion of the master planned unit development plan

are compatibility with the single family neighborhood to the west and consistency with design recommendations of the Land Use and Growth Management Plan – 2040 (LUGMP).

The proposed PUD master plan incorporates building design requirements for the proposed senior housing as well as the maintenance building, 4 ft. high decorative fencing, a sidewalk and landscaping setbacks along the frontage of Lincoln will provide connectivity and compatibility between the new medium density residential and existing single-family residential land uses.

The LUGMP encourages the use of Medium Density Residential for infill development where there is already adequate infrastructure. Existing infrastructure is in place to support the proposed development. The overall residential density of the PUD is 7.6 units per acres, which is considered Medium Density Residential, and thus the density of the proposed PUD conforms to the LUGMP. The Topeka Planning Commission recommended and the Topeka Planning Department recommended approval.

The request is to amend and expand the boundary of the Master Planned Unit Development Plan for Brewster Place Town Homes on property located along the east side of SW Lincoln Street, lying between SW 29th and SW 31st Street and add an additional 1.5 acres into the current PUD boundary (1.4 acres) to include property, north and south, that is currently zoned “R-1” Single-Family Dwelling District.

Approval of the PUD amendment will allow Brewster Place to expand further along SW Lincoln with a 14 unit, three story senior housing residential structure (14,200 sq. ft. building footprint) and a 2,500 sq. ft. maintenance building. The new housing will be located on the north side of the existing 4 duplexes built in 2002. The maintenance building will be located to the south of the duplexes.

BUDGETARY IMPACT:

All future improvements on site will be at the expense of the developer including a sidewalk along the east side of SW Lincoln Street the length of their proposed development. Staff recommended in the forthcoming City of Topeka/Metropolitan Planning Organization's Pedestrian Master Plan that this sidewalk be linked with SW 29th and a dead-end sidewalk along SW 31st Street for a total approximate cost of \$10,000 out of the City's infill sidewalk program.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Ordinance

Summary Report

PC minutes

Boundary Map

Staff report

Aerial map

Zoning Map

Applicant Report to City from Neighborhood Meeting

PUD Plan (revised per PC)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Jim Colson, City Manager amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code (TMC), by amending and expanding the boundary of the Master Planned Unit Development Plan for Brewster Place Townhomes to include an additional 1.5 acres that is currently zoned “R-1” Single-Family Dwelling District. **(Z02/7B)(Council District #5)**

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

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

LOTS 32-35, TOWN & COUNTRY SUBDIVISION NO. 1; LOT 1, BLOCK A, BREWSTER PLACE SUBDIVISION NO. 4; LOTS 15 & 16, REPLAT OF BELLE HAVEN SUBDIVISION; AND THE VACATED PORTION OF SW 29TH TERRACE, ALL IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS, CONTAINING 2.92 ACRES OF LAND, MORE OR LESS.

Section 2. The development of the site amends and expands the boundary of the Master Planned Unit Development Plan for Brewster Place Town Homes to include an additional 1.5 acres that is currently zoned “R-1” Single-Family Dwelling District.

Subject to:

- 1. Use and compliance of the site in accordance with the recorded Master Planned Unit Development Plan for Brewster Place Town Homes- Revision #2.**

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

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

approval and publication in the official city newspaper.

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

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

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

_____, 2015.

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified _____

Not To Be Codified X

CITY OF TOPEKA PLANNING DEPARTMENT

SUMMARY REPORT

Re: PUD04/9B- Brewster Place Town Homes Master Planned Unit Development Plan (Revision #2) – The Congregational Home dba Brewster Place, A Not for Profit Corporation

This is a request to amend and expand the boundary of the Master Planned Unit Development Plan for Brewster Place Town Homes on property located along the east side of SW Lincoln Street, lying between SW 29th and SW 31st Street. This revision would add an additional 1.5 acres into the current PUD boundary (1.4 acres) to include property, north and south, that is currently zoned “R-1” Single-Family Dwelling District.

Approval allows Brewster Place to expand further along SW Lincoln with a 14 unit, three story senior housing residential structure (14,200 sq. ft. building footprint) and a 2,500 sq. ft. maintenance building. The new housing will be located on the north side of the existing duplexes. The maintenance building will be located to the south of the duplexes.

The key issues of this proposal are compatibility with the single family neighborhood to the west and consistency with design recommendations of the Land Use and Growth Management Plan – 2040. The PUD plan incorporates building design requirements for both the senior housing and maintenance building, 4 ft. tall decorative fencing, a sidewalk, and landscaping setbacks along the frontage of Lincoln that will provide compatibility and connectivity between the new medium density residential and existing single-family residential uses. The plan encourages the use of *Medium Density Residential* for infill development where there is already adequate infrastructure, such as this instance. The overall residential density of the PUD is 7.6 units per acres, which is considered *Medium Density Residential*.

The request is consistent with the Land Use and Growth Management Plan – 2040.

The Planning Department recommended the request be approved, as stated in the attached staff report. The Planning Commission recommended the request be approved by a vote of 6-0-1 at its September 21, 2015 public hearing, as stated in the attached minutes.

**Minutes of the
Topeka Planning Commission
Monday, September 21, 2015**

Z02/7B Brewster Place Planned Unit Development by The Congregational Home dba Brewster Place, A Kansas Not for Profit Corporation, David Beck, President & CEO requesting to amend the master plan and expand the boundary of the existing Planned Unit Development (“M-2” Multiple Family Dwelling District use group) to include an additional 1.5 acres of property currently zoned “R-1” Single Family Dwelling District, located along the east side of SW Lincoln Street between SW 29th Street and SW 31st Street.

(Driver)

Ms. Annie Driver reviewed the staff report/information provided to the Commissioners, stating that staff recommends approval, subject to conditions within the staff report and based upon the applicant demonstrating compliance with the PUD plan during site plan review.

Ms. Angela Sharp of Bartlett & West Engineers came forward representing the applicants. She stated that Ms. Angela Dailey, COO for Brewster Place, was also in attendance and available for questions.

Ms. Sharp stated that Brewster Place is recognized as one of the premier elder-care facilities in our community and added that at the Neighborhood Information Meeting, neighbors expressed support.

Mr. Lackey asked regarding the timeline for completion. Ms. Sharp stated that the maintenance building would be the first project and would hopefully be designed and underway yet this year. The villas would have a longer timeline as they are still deciding on the best configuration.

Mr. Haugh asked for clarification as to whether the existing site is greenspace. Ms. Sharp stated that one spot is unoccupied and there are two existing single-family residences that will be raised. There will be no increase in impervious area for stormwater calculations, but there is a requirement for stormwater quality treatment that will be done at the siteplan phase. She added that there is currently some localized flooding on Lincoln, and they will review that during siteplan phase.

Mr. Jefferson opened the Public Meeting. With nobody coming forward, the Public Hearing was closed.

With no additional questions, Mr. Lackey moved to approve the request subject to staff recommendations. Second by Mr. Beck. **APPROVAL 6-0-1** with Mr. Gales abstaining.

Upon completion of the vote, Mr. Gales returned to the room as resumed his responsibilities as Chair.



**Z02/7B By: Congregational Home dba Brewster Place
(Brewster Place Townhomes PUD)**



ZONING REPORT

CITY OF TOPEKA PLANNING DEPARTMENT

CASE NO: Z02/7B (Brewster Place Town Homes – Revision #2)

**By: The Congregational Home
dba Brewster Place, A Kansas
Not for Profit Corporation**

PROPOSAL: A major amendment to the *Brewster Place Townhomes Master Planned Unit Development Plan* to expand the boundary of the existing PUD (M-2 use group) contained on 1.4 acres to include an additional 1.5 acres, north and south of the current PUD that is currently zoned “R-1” Single Family Dwelling District.

LOCATION: On property located along the east side of SW Lincoln Street, lying between SW 29th Street and SW 31st Street (2.9 acres total)

PRESENT USE: Four single family dwellings (1.5 acres) on the “R-1” zoned properties; four duplex buildings (1.5 acres) – Current Brewster Place Town Homes PUD (5.3 dwelling units per acre)

PROPOSED USE: To allow for the expansion of a maximum 14 unit, three-story multiple-family dwelling residential structure for senior housing (14,200 sq. ft. total building foot print) located on property to the north of the existing duplexes, as well as, a maintenance building (maximum 2,500 sq. ft. foot print) located to the south of the existing duplexes (7.6 units per acre total).

CHARACTER OF NEIGHBORHOOD: The character of the neighborhood is predominantly single-family residential with the exception of the Brewster Place complex, which has co-existed with the neighborhood since 1966 when the main building was constructed. The subject property lies to the south of the Topeka Country Club and near a major community commercial intersection of SW Topeka Blvd and SW 29th Street.

ZONING CLASSIFICATIONS AND USE OF SURROUNDING PROPERTIES:

	ZONING CLASSIFICATION	PRESENT LAND USE
North	“R-1” Single Family Dwelling District	Topeka Country Club Single Family Dwellings
South:	“R-1” Single Family Dwelling District	Single Family Dwellings
East:	“PUD” Planned Unit Development (M-2 use) “R-1” Single Family Dwelling District	Brewster Place (Z66/88- “M-2” use)
West:	“R-1” Single Family Dwelling District	Single Family Dwellings

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATIONS: The subject property has been used for

single family dwellings since 1966 when the neighborhood was originally platted as Town & Country Subdivision. The area was annexed in approximately 1954. The existing Brewster Place Town Homes were approved and constructed in 2002, which allowed Brewster Place to expand further west along SW Lincoln Street.

SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED: The property being included in the PUD is still suitable as presently restricted for single family dwellings since this is the current land use and has functioned well since 1966. Ideally, similar zoning districts and land uses should front each other. This front-to-front relationship between like zoning and land uses typically provides for better functioning and well-designed neighborhoods. A transition between two different land uses and zoning districts should typically occur at the rear property lines separating the two properties. However, in this particular instance, the approval and rezoning for the original Brewster Place Town Homes PUD in 2002 and removal of the single family residences that were historically located on those properties established Lincoln Street as the acceptable line of demarcation between the multiple-family residential zoning and single family residential zoning. That being said, as it develops, any new senior multiple-family residential uses along SW Lincoln Street should still respect the character of the single family neighborhood to the west it transitions into with regards to building design elements, setbacks, landscaping, and architecture.

CONFORMANCE TO COMPREHENSIVE PLAN: The subject property lies within an area designated *Medium/High Density Residential* on the Topeka Future Land Use Map - 2040. The Land Use and Growth Management Plan – 2040 indicates *Medium/High Density Residential* uses are appropriate on the edges of commercial corridors and adjacent to commercial centers. The plan encourages the use of medium density residential for infill development where there is already adequate infrastructure. The plan also encourages infill and redevelopment within Topeka (*Tier 1 of the Urban Growth Area*) to take advantage of existing urban infrastructure and services and that promotes a range of uses that fit within the overall character of the area.

Medium/High Density Residential may be used as a transition between higher densities and lower densities. The overall density of the Brewster Place Town Homes PUD is within a range of 7.6 units/acre, which falls within the *Medium Density Residential* category. *Medium Density Residential* land uses may range acceptably from 7 – 15 units per acre. New medium development residential development should maintain the quality of the single-family residential neighborhood by incorporating similar design features, similar setbacks, connectivity, and provide for some interaction between the new development and existing development.

While the new senior housing will be of similar character to the existing development to the east (Brewster Place), it does not satisfy the “R-1” front yard setbacks or height limits that are similar to the character of the single family neighborhood to the west. The new multiple-family residence will consist of a three story building (50’ height maximum) with a 20 ft. front building setback along Lincoln. The building height limit of the single-family residential to the west is 42 feet, while the minimum front yard setback requirement is 30 feet.

Building design quality and landscape screening should be carefully considered during the site development plan review stage to achieve the desired results of the Comprehensive Plan and parameters established by the PUD plan for transitions. The PUD plan does incorporate building design requirements (i.e. windows, porches, decorative fencing) along the frontage of Lincoln and landscaping setbacks to provide for better compatibility with the single family neighborhood. A 4 foot high decorative wrought iron fence will provide

visibility to the multiple-family residence from SW Lincoln Street. Further, the applicant will provide a sidewalk along the east side of Lincoln Street and the City will extend this sidewalk to connect with SW 29th and SW 31st in the future. The new sidewalk will improve connections for the neighborhood as a whole and serve to better integrate Brewster Place with the surrounding neighborhood.

If designed effectively to achieve these guidelines that are established on the PUD plan, the subject request will be in conformance to the Comprehensive Plan.

EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY: There may be detrimental effects upon nearby properties by the lessening of restrictions that would result from expanding the PUD boundary and rezoning “R-1” property to allow the expansion of senior housing. The expanded PUD proposes a 20’ front yard building setback, which is less than the 30’ required front setback in “R-1” zoning. The PUD proposes a 50’ height limit, which is greater than the 42’ height limit in “R-1” and the 35’ height limit of the original PUD. To further address this concern, staff recommends landscaping and canopy trees be provided within the 10’ landscape setback along SW Lincoln.

The original PUD plan already provides a 25 - 20 ft. setback for the existing duplexes along Lincoln without demonstrating a detrimental effect on nearby properties. The proposed maintenance building provides for at least a 30 ft. setback that will be consistent with the “R-1” zoning requirements. All screening, fencing and landscaping along street frontages and residential buffer yards will be addressed as a part of the landscape plans to be submitted at the site development plan stage.

The potential negative effects of the PUD are off-set through a combination of building design requirements, landscape screening, and fencing. A decorative, wrought iron, 4 ft. tall fence is provided within all required front yards that will provide visibility from the street and better integration with the neighborhood. The PUD addresses the quality of design and screening for the adjoining single-family residential uses through landscape requirements. Staff recommends the following note on the PUD that specifically addresses building design in an attempt to achieve compatibility with the neighborhood: *“Building designs of the multi-family villa shall be compatible with the existing duplexes along SW Lincoln Street, including making provisions for windows, porches, balconies, and other active spaces that demonstrate visibility from the street. Driveway access to any attached garages shall be from the internal private street. The appearance of any blank walls on both the maintenance building and villa along Lincoln shall be mitigated by architectural features, landscaping, windows, and openings.”*

RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE LANDOWNER’S PROPERTY AS COMPARED TO HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER: The proposed reclassification will not have a detrimental effect upon the public health, safety, and welfare. The greater Brewster Place senior complex has demonstrated its ability to co-exist with and respect the character of the single-family residential neighborhood since 1966. The owner will construct a sidewalk along the balance of their property at the time of site development with the City using infill sidewalk funding to provide the necessary connections to SW 29th Street (major transit route) and SW 31st Street (dead-end sidewalk location) as a component of the City of Topeka/Metropolitan Area Transportation Organization’s Pedestrian Plan. Brewster Place is a retirement community, near a major transit route, and located in an area lacking sufficient sidewalk connectivity. A sidewalk in this location is a significant public improvement in itself since the neighborhood has lacked adequate connectivity to the City’s sidewalk network. A sidewalk along SW Lincoln will further serve to integrate Brewster Place with the rest of the neighborhood, which is an

improvement to the public health, safety, and welfare. For the above mentioned reasons, the proposed PUD will have little or no impact upon surrounding properties.

AVAILABILITY OF PUBLIC SERVICES: All essential public utilities, services and facilities are available to the area or will be extended at developer expense, including construction of a sidewalk along the east side of SW Lincoln for the balance of the subject PUD area at the time of site development of the multi-family villa building.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS: TMC 18.45.080 subdivision regulations states, as indicated, *“where the boundary of a subdivision is an existing street or a proposed street, sidewalks shall then be installed on the nearest adjacent side or sides”*. The property owner will comply as indicated by note on the PUD. Parking is provided at two spaces per unit with one space exterior to the structure.

Minimum Lot Area: **Compliant** – (minimum 1 acre)

Setbacks: 20’ proposed along SW Lincoln; 10’ from interior property lines

Platting: The subject property containing the current Brewster Place Townhomes is platted as Brewster Place Subdivision #4. A subdivision plat has been submitted to include the expanded area into this plat (Brewster Place Subdivision #7).

CONCERNS OF STAFF AND REVIEWING AGENCIES: This request was submitted to all applicable reviewing agency staff for consideration and comment. Any further concerns will be addressed during the site development plan review stage. A Stormwater Management Report **has been approved** by the City of Topeka Public Works Department as a component of the minor plat.

ADDITIONAL FACTORS:

1. Citizen Participation Process: The applicant conducted a neighborhood meeting on August 26, 2015 at 6:00 pm at the Brewster Place main complex and notified all property owners of record within 300 ft. of the proposed rezoning subject area. The applicant’s report to the City is attached.
3. Flood Hazard Area: N/A
4. Airport Hazard Area: N/A
5. Historic Properties: N/A

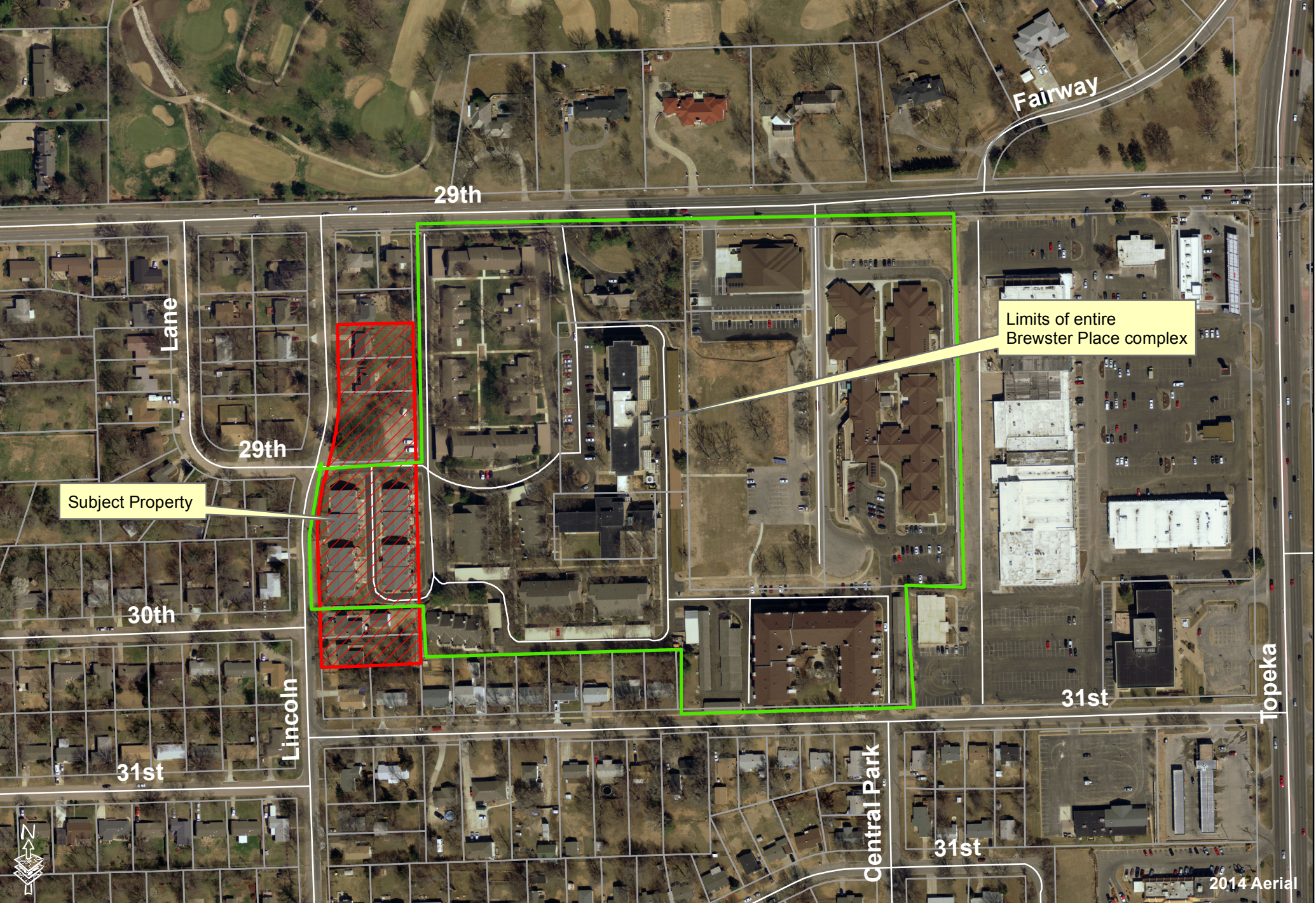
STAFF RECOMMENDATION: Based upon the above findings and analysis, the planning staff recommends **APPROVAL** of this proposal, subject to the following conditions:

1. *Use and development of the property in accordance with the Master Planned Unit Development Plan for Brewster Place Townhomes-Revision #2.*
2. Remove Note #3 as it is duplicative of Note #4.
3. Revise Note #4 to state: *“Building designs of the multi-family villa shall be compatible with the existing duplexes along SW Lincoln Street, including making provisions for windows, porches, balconies, and other active spaces that demonstrate visibility from the street. Driveway access to any attached garages shall be from the internal private street. The appearance of any blank walls on*

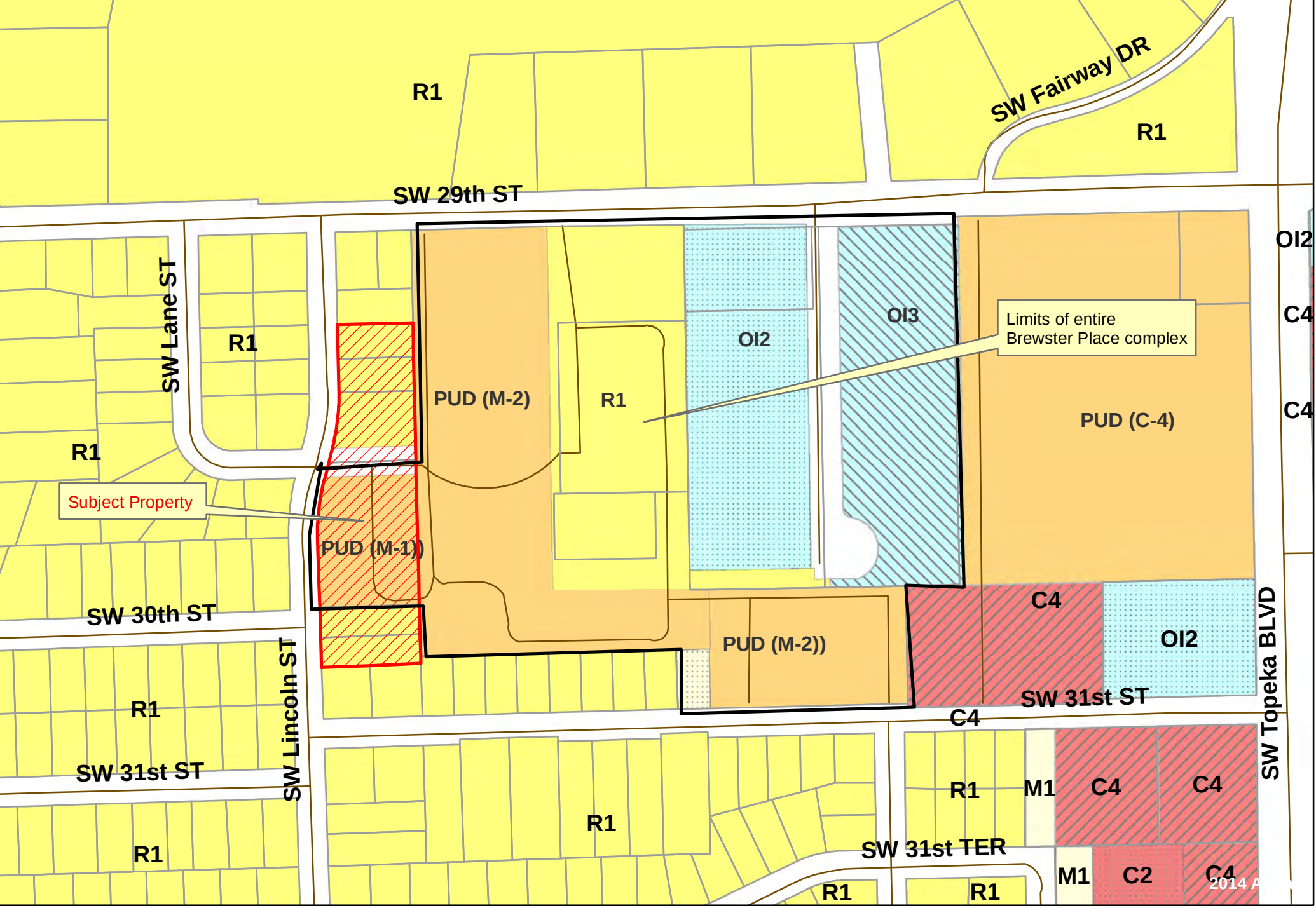
both the maintenance building and villa along Lincoln shall be mitigated by architectural features, landscaping, windows, and openings.”

4. Add a Vicinity Map to the lower right corner of the first sheet of the PUD.
5. Revising Landscape Note #1 to include at the end: “. . . Landscaping, including ‘Large’ trees, shall be emphasized within the 10’ landscape setback along SW Lincoln Street.”

Prepared by:
Annie Driver, AICP
Planner II



**Z02/7B By: Congregational Home dba Brewster Place
(Brewster Place Townhomes PUD)**



Z02/7B By: Congregational Home dba Brewster Place (Brewster Place Townhomes PUD)



Memorandum

Date: August 26, 2015

To: Annie Driver, Topeka Planning Department

From: Angela Sharp

Re: Brewster Place Townhomes PUD Major Amendment (Z02/7B) – Neighborhood Meeting Minutes

Please note the attached sign in sheet for those in attendance. A short PowerPoint presentation was given by Angela Dailey, Vice President, Chief Operating Officer, to open the meeting. The presentation included information relative to the proposed plans for the Villa and maintenance building that are proposed. Angela Sharp followed with an overview of the zoning and permitting process required by the City of Topeka. Annie Driver added additional comments relative to PUD components for treatment of building facades, screening and other items that might be of concern to adjacent property owners. Jeff Pohl lives to the west of the planned location for the maintenance building and he asked questions about the exterior treatment of the building and the general appearance of this area. It was indicated that the exterior would match the finishes of the other adjacent buildings on the Brewster Place campus and that landscaping would be provided between the building and Lincoln Street that would provide a residential look from the street. Katrenia Luthi commented that when they were considering the purchase of the rental home they own adjacent to Mr. Pohl's property that they looked favorably on the Brewster Place campus as a direct neighbor due to the very attractive landscaping and maintenance of the grounds. She also indicated that she appreciates the lighting and security guard presence on the campus. Questions were posed by a number of neighbors concerning the timing of the overall process and construction of the planned buildings. It was indicated that the maintenance building could actually start construction before the end of 2015, but that due to the financing and design process for the Villa, it would probably not start construction until sometime in late 2016. Art Brennan and Richard Oldham asked about how the storm drainage would be handled and whether it has been taken into consideration that there is localized flooding along Lincoln Street in large storm events. It was explained that there is a drainage report reviewed by the Engineering Division as a part of the platting and zoning process and that there is a second more detailed review during the building permitting process. It was also explained that due to the existing homes and driveways that will be demolished to facilitate the new construction, it is not anticipated that there will be an increase in the quantity of the storm water runoff due to the development. It was also explained that with the City's storm water quality regulations the storm water will be treated to remove silt and other solids prior to the storm water leaving the site. Other neighbors clarified that the flooding events usually were caused by large rains and because the curb inlets were often clogged with leaves from the numerous old growth trees in the area. They expressed concern about the City maintenance of the inlets and also about the condition of the pavement in their general neighborhood with many large cracks and potholes. It was suggested that they contact the Engineering division with specific concerns so that they can be addressed. The meeting ended with a consensus by the neighbors attending that they appreciated the information provided and they enjoy having Brewster Place as a neighbor. A few of the neighbors asked who they should contact if they were interested in the possibility of selling their property to Brewster Place and they were told to contact Matt Burns. Mr. Burns distributed his business card to interested parties.

Project Brewster Place P.N. # _____

Title Neighborhood meeting

By ACS Date 8.26.15 Checked _____ Date _____

Scale _____ Sheet _____ of _____

Name	Address	Phone	Email
JUDY Beckmon	2909 S.W. Lincoln	785-432-2339	
David Beckmon	"	"	"
DARLENE JACKSON	2921 SW Lincoln	785-266-3287	
SANDRA BRENNAN	1301 SW 29th	785-267-0117	
Art Brennan	1301 SW 29 th	SAME as above	
Richard & Denise Oldham	2910 S.W. Lincoln	785-267-4428	
Francoise Recol	1241 SW 31 st Street	785-266-3701	
David Clark	1244 SW 31 st Street	785 8175701	
Russell + Katrenia Luthi	10010 K16 Hwy Holton KS 66436	785-364-6289 785-224-9797	
Jeff + Amber Pohl	3021 SW Lincoln St Topeka KS 66611	785-221-1219 785-438-0422	

David Beck, CEO

Angela Dailey, VP, CAO

Matt Burns, Director of Environmental Services

Gary Alexander, Brewster Foundation Board member

Annal Driver > COT planning
Mike Hall

Brewster
Place

A PUD MAJOR AMENDMENT NO. 2 FOR: BREWSTER PLACE TOWNHOMES

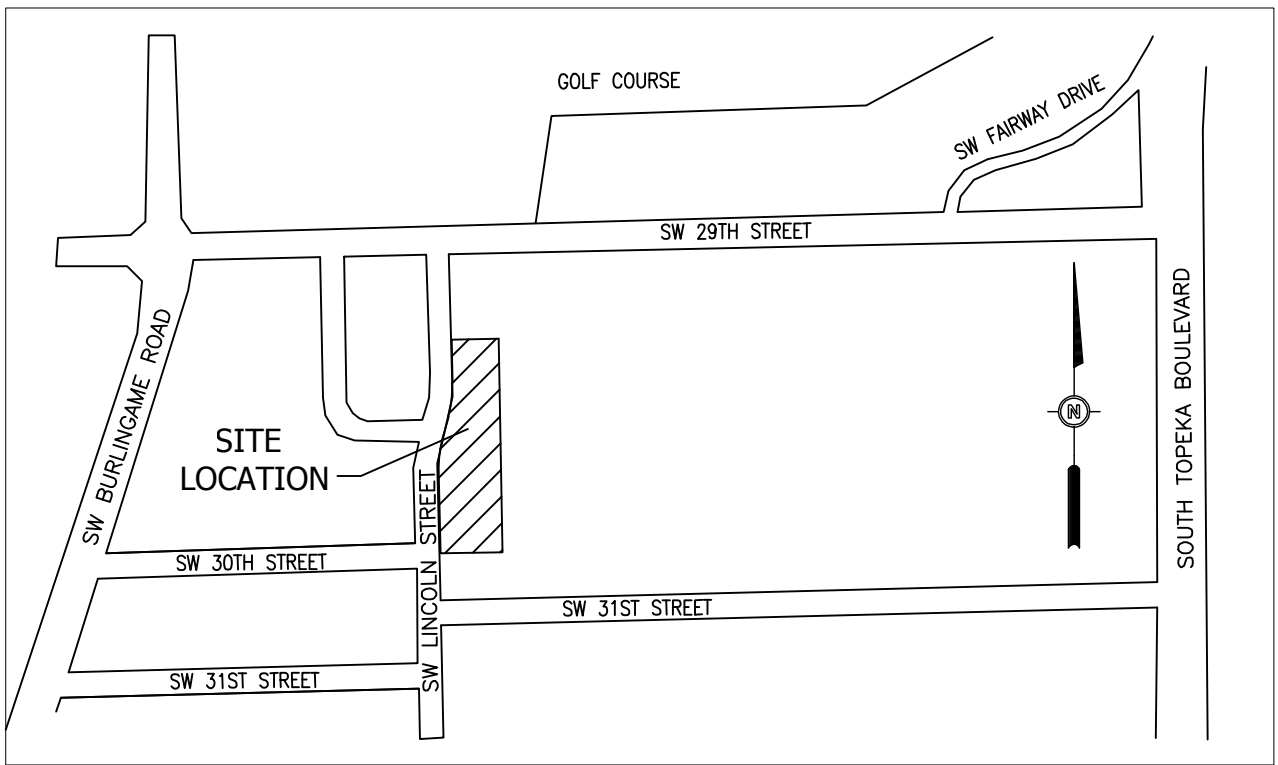
A REPLAT OF LOTS 32-35, TOWN & COUNTRY SUB. NO. 1; LOT 1, BLOCK A, BREWSTER PLACE SUB. NO. 4, LOTS 15 & 16, REPLAT OF BELLE HAVEN SUB, AND THE VACATED PORTION OF SW 29TH TERR, ALL IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS.

BOOK : 41 BOOK :
PAGE : 11 PAGE :
DATE : 5/ 10 / 05 DATE :
TIME : 9:30 A.M. TIME :

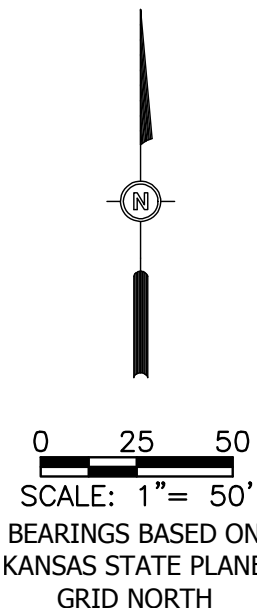
DESCRIPTION:

LOTS 32-35, TOWN & COUNTRY SUB. NO. 1; LOT 1, BLOCK A, BREWSTER PLACE SUB. NO. 4, LOTS 15 & 16, REPLAT OF BELLE HAVEN SUB, AND THE VACATED PORTION OF SW 29TH TERR, ALL IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS.

CONTAINS 2.92 ACRES OF LAND, MORE OR LESS.

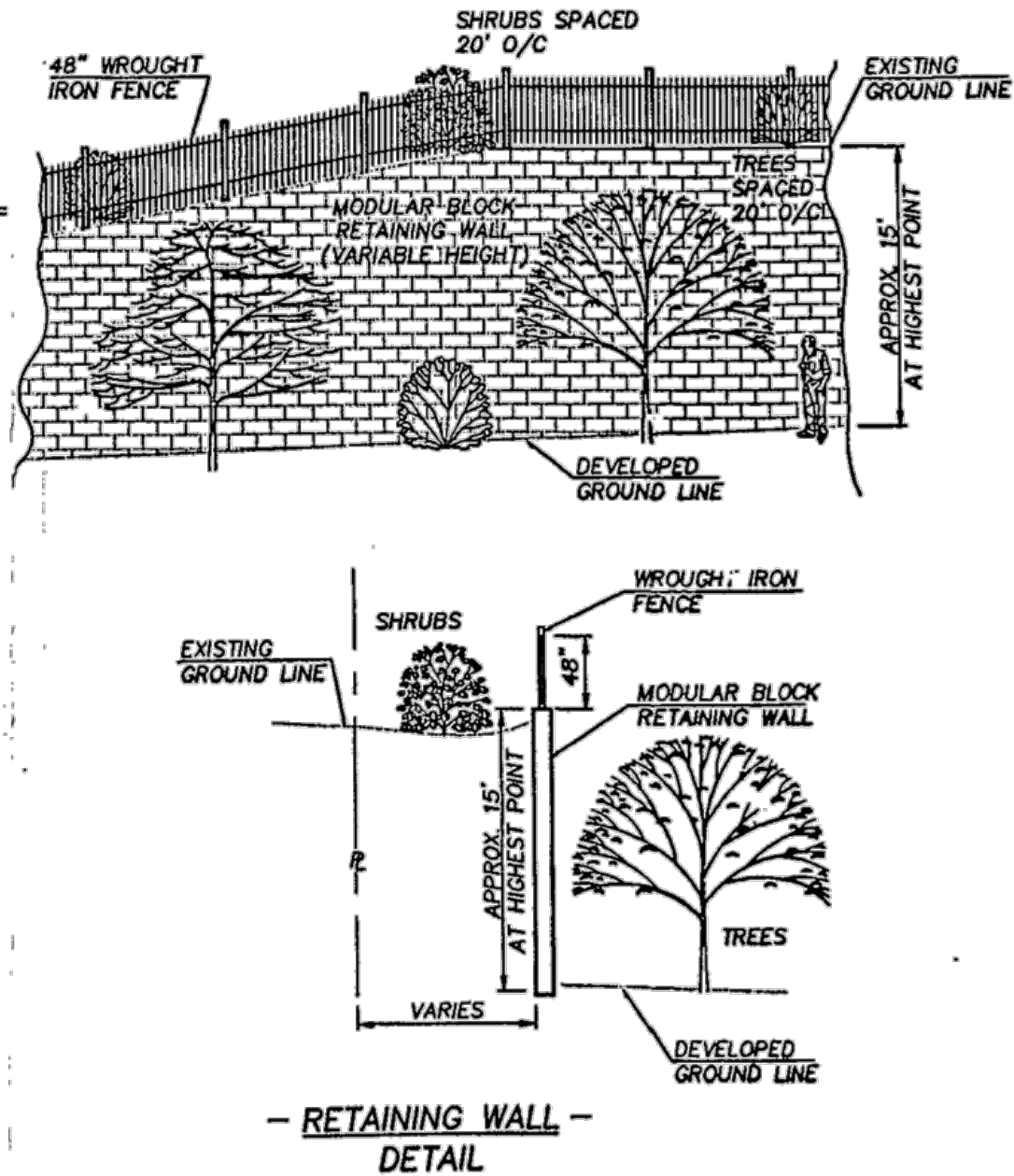
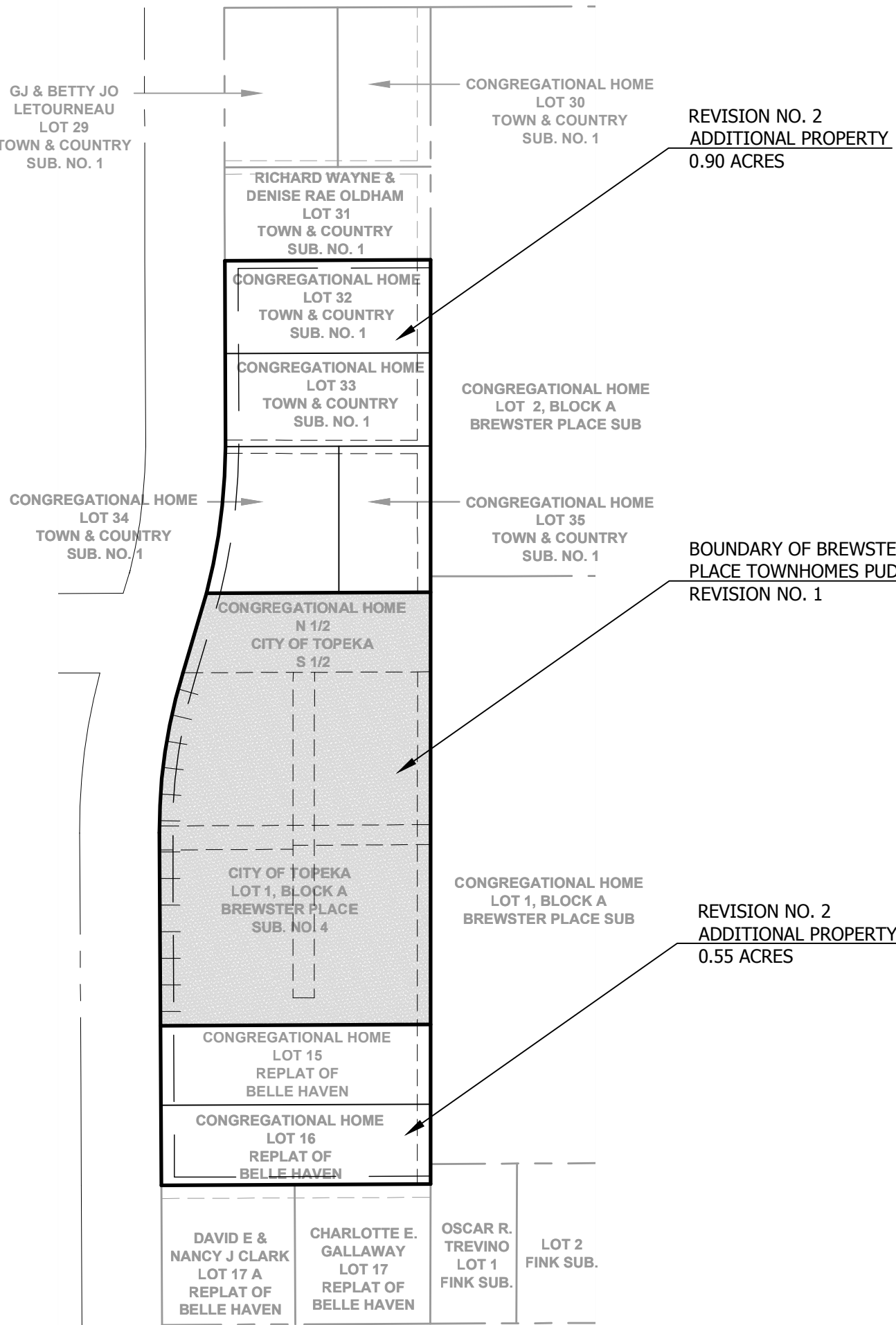
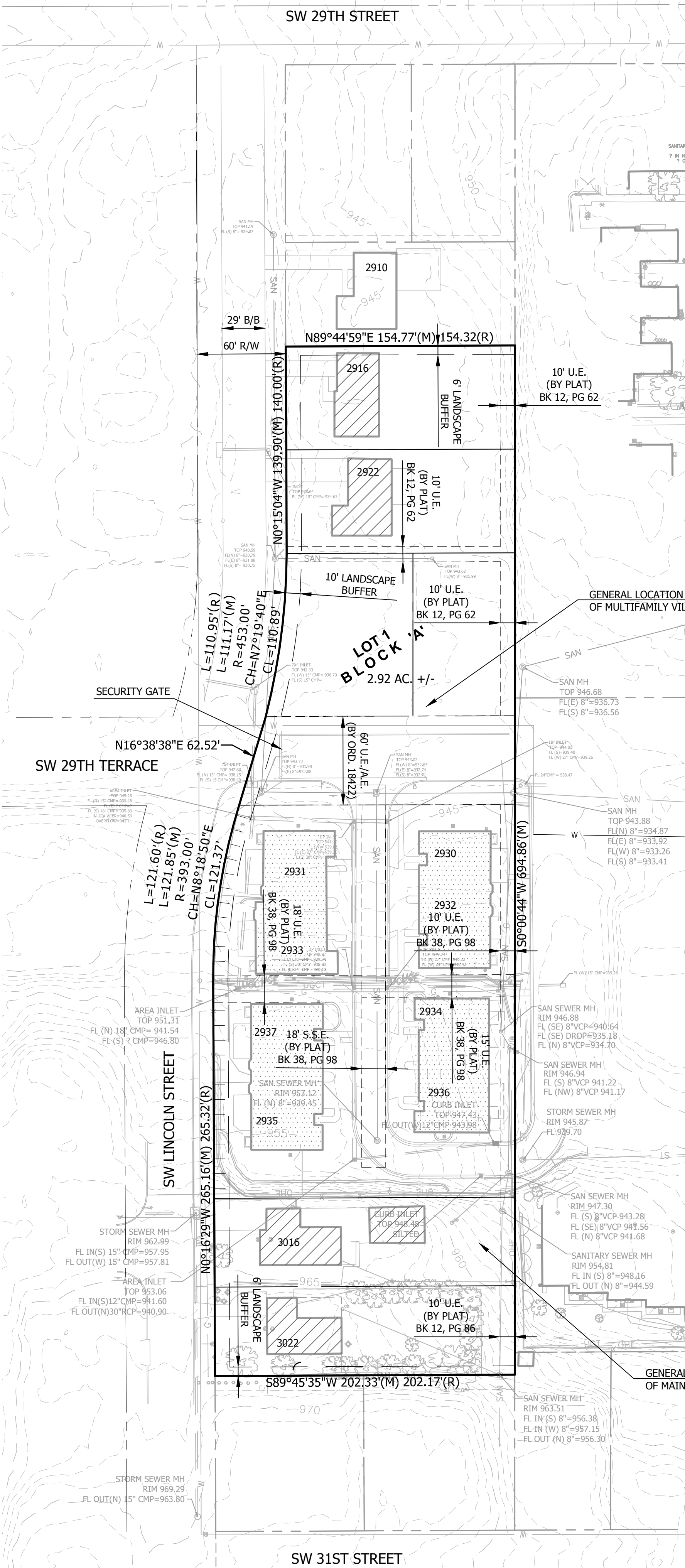


VICINITY MAP
NOT TO SCALE



SCALE: 1"= 50'
BEARINGS BASED ON
KANSAS STATE PLANE
GRID NORTH

- EXISTING DUPLEX UNITS
@ 1,800 S.F. +/- EACH DUPLEX
- BUILDINGS TO BE DEMOLISHED



A PLANNED UNIT DEVELOPMENT FOR BREWSTER PLACE SUBDIVISION NO. 7

A REPLAT OF LOTS 32-35 TOWN & COUNTRY SUB. NO. 1; LOT 1, BLOCK A,
BREWSTER PLACE SUB. NO. 4; LOTS 15&16, REPLAT OF BELLE HAVEN SUB;
& THE VACATED PORTION OF SW 29TH TER, IN THE CITY OF TOPEKA, KANSAS

SURVEY BY:	-
DRAWN BY:	JMD
APPROVED BY:	ACS
DESIGN PROJ:	16520.400
CONST PROJ:	-
SCALE:	AS NOTED
DATE:	JUNE 2015
DRAWING NO:	1
SHEET NO:	1 of 2

202/7B

Drawing Name: W:\proj\160001\6520\303\AurcCanPlan_SchPlan\16520_400_PUD.dwg Layout Name: 02 Plotted By: JMD0623 Plotted on: 9/28/2015 11:00:30 AM
Last edit on: 09/09/09

A PUD MAJOR AMENDMENT NO. 2 FOR: BREWSTER PLACE TOWNHOMES

A REPLAT OF LOTS 32-35, TOWN & COUNTRY SUB. NO. 1; LOT 1, BLOCK A, BREWSTER PLACE SUB. NO. 4, LOTS 15 & 16, REPLAT OF BELLE HAVEN SUB, AND THE VACATED PORTION OF SW 29TH TERR, ALL IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS.

PROJECT PERFORMANCE OBJECTIVES:

BREWSTER PLACE IS A PLANNED COMMUNITY FOR RETIRED RESIDENTS, DESIGNED IN NEIGHBORHOOD INCREMENTS, WHICH PROVIDES FACILITIES AND SUPPORT SERVICES TO ALLOW THE RETIRED MEMBERS OF SOCIETY TO RESIDE IN A CONVENIENT AND ENJOYABLE ENVIRONMENT, WHILE MAINTAINING AN INDEPENDENT LIVING STATUS. VARIOUS LEVELS OF MEDICAL AND HEALTH CARE FACILITIES ARE AVAILABLE TO PROVIDE A CONTINUUM OF CARE FOR ALL RESIDENTS.

GENERAL NOTES :

- PROPERTY LIES WITHIN ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN, AS PER FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAPS (FIRM) NOS. 20177C0214 WITH AN EFFECTIVE DATE OF SEPTEMBER 29, 2011.
- PURSUANT TO TMC 18.190.060, THE APPLICANT MUST RECORD THE MASTER PUD PLAN WITH THE SHAWNEE COUNTY REGISTER OF DEEDS WITHIN 60 DAYS UPON APPROVAL OF THE GOVERNING BODY. FAILURE BY THE APPLICANT TO RECORD THE PLAN WITHIN THE PRESCRIBED TIME PERIOD OR PROVIDE THE PLANNING DEPARTMENT FIFTEEN (15) COPIES OF THE RECORDED PLAN WITHIN NINETY (90) DAYS OF THE DATE OF ACTION BY THE GOVERNING BODY SHALL DEEM THE ZONING PETITION NULL AND VOID.
- ALL PUBLIC IMPROVEMENTS SHALL BE MADE TO CITY STANDARDS.
- NO BUILDING PERMITS SHALL BE ISSUED UNTIL SITE DEVELOPMENT PLAN HAS BEEN REVIEWED BY CITY OF TOPEKA STAFF AND APPROVED BY THE PLANNING DIRECTOR. THE SITE DEVELOPMENT PLAN SHALL ADDRESS BUILDING SITE LOCATIONS AND FOOTPRINT, BUILDING ELEVATIONS, SETBACKS, LANDSCAPING, INTERNAL CIRCULATION AND ACCESS, SIDEWALKS, HYDRANTS, DRIVEWAYS, STORMWATER, EXTERNAL LIGHTING, FENCING, SIGNAGE, RELATIONSHIP TO ADJACENT LOTS, ETC.
- ALL APPLICABLE BASE USE GROUP REGULATIONS APPLY UNLESS STATED OTHERWISE.
- NO BUILDING PERMITS SHALL BE ISSUED UNTIL ALL STORMWATER MANAGEMENT REQUIREMENTS SET FORTH IN TOPEKA MUNICIPAL CODE (TMC) CHAPTER 13.35 ARE MET INCLUDING: APPROVAL OF STORMWATER MANAGEMENT PLAN AND GRANTING OF ANY NECESSARY STORMWATER MANAGEMENT EASEMENTS.
- A SIDEWALK SHALL BE PROVIDED ALONG THE EAST SIDE OF THE SW LINCOLN STREET RIGHT-OF-WAY EXTENDING THE LENGTH OF THE SUBJECT PUD AT THE SITE DEVELOPMENT STAGE OF THE MULTI-FAMILY VILLA BUILDING.

UTILITY NOTES :

- ALL UTILITIES SHALL BE INSTALLED UNDERGROUND PURSUANT TO THE CITY'S RIGHT-OF-WAY MANAGEMENT STANDARDS.
- SANITARY SEWER SERVICE SHALL BE BY THE CITY OF TOPEKA.
- WATER SERVICE SHALL BE BY CITY OF TOPEKA.
- THE LOCATION, HEIGHT, TYPE OF FIXTURE AND INTENSITY OF SITE LIGHTING SHALL BE DETERMINED AT THE SITE DEVELOPMENT PLAN STAGE BUT SHALL NOT EXCEED 3 FOOT-CANDLES AT THE PROPERTY LINE. ALL SITE LIGHTING SHALL BE DIRECTED AWAY FROM ADJACENT PROPERTIES AND THE SOURCE OF THE ILLUMINATION SHALL NOT BE VISIBLE FROM ADJACENT PROPERTIES.

CIRCULATION, PARKING AND TRAFFIC NOTES :

- TWO PARKING STALLS SHALL BE PROVIDED FOR EACH DWELLING UNIT WITH AT LEAST ONE OF THE TWO BEING EXTERIOR TO THE STRUCTURE.
- ALL DRIVES, LANES AND PRIVATELY OWNED ACCESSWAYS PROVIDING ACCESSIBILITY TO INDIVIDUAL STRUCTURES, BUILDINGS, AND USES WITHIN THE PLANNED UNIT DEVELOPMENT SHALL BE CONSIDERED AND SERVE AS MUTUAL RIGHTS OF ACCESS FOR OWNERS, TENANTS, INVITED GUESTS, CLIENTS, CUSTOMERS, SUPPORT AND UTILITY SERVICE PERSONNEL AND EMERGENCY SERVICE PROVIDERS, INCLUDING LAW ENFORCEMENT, FIRE PROTECTION AND AMBULANCE SERVICES. ALL ACCESSWAYS PROVIDING GENERAL ACCESSIBILITY TO, AND CIRCULATION AMONG THE BUILDINGS AND USES WITHIN THE PLANNED UNIT DEVELOPMENT SHALL BE MAINTAINED AT ALL TIMES IN GOOD SERVICEABLE CONDITION WITH THE MAINTENANCE OF SAID ACCESSWAYS BEING THE RESPONSIBILITY OF THE OWNER UPON WHOSE PROPERTY THEY LIE.
- ALL PRIVATE STREETS OR ACCESS WAYS SHALL BE A MINIMUM OF 20 FEET WIDE AND MAINTAINED TO CITY STANDARD WITH SIGNAGE POSTED INDICATING "NO PARKING ALONG BOTH SIDES OF THE STREET; ALL CITY OF TOPEKA ORDINANCES SHALL BE ENFORCED ON THIS PROPERTY."
- ALL FIRE HYDRANT LOCATIONS AND REQUIRED TURNAROUNDS SHALL BE APPROVED BY THE CITY OF TOPEKA FIRE DEPARTMENT AS PART OF THE IMPROVEMENT PLANS PRIOR TO THE START OF CONSTRUCTION.
- SECURITY GATES SHALL REMAIN OPEN DURING DAYLIGHT HOURS. ACCESS SHALL BE PROVIDED TO THE GATE FOR EMERGENCY VEHICLES WHEN IT IS KEPT LOCKED.

SIGNAGE NOTES :

- SIGNS SHALL BE CONSTRUCTED OF PERMANENT MATERIAL AND SHALL BE CONSISTENT WITH THE GENERAL ARCHITECTURAL DESIGN OF THE BUILDINGS.
- THE PLANNED UNIT DEVELOPMENT AS A WHOLE SHALL BE PERMITTED INFORMATIONAL AND DIRECTIONAL SIGNS DESIGNATING PARKING, OFF-STREET LOADING, ENTRANCES, EXITS, AND SIMILAR INFORMATION. SAID SIGNS SHALL NOT EXCEED TWO (2) SQUARE FEET PER SIGN FACE.
- NO PORTABLE OR TEMPORARY SIGNS ARE PERMITTED OTHER THAN REAL ESTATE SIGNS RELATING TO THE LEASE OR SALE OF THE PROPERTY.
- SIGNS FOR RESIDENTIAL USES WITHIN USE SHALL COMPLY WITH THE REQUIREMENTS IN THE BASE ZONING AS ALLOWED FOR IN THE M-2 DISTRICT. SIGNAGE SHALL ONLY BE LIT FROM THE GROUND OR OTHERWISE INDIRECTLY.

LANDSCAPING NOTES :

- LANDSCAPE PLANS SHALL BE SUBMITTED FOR REVIEW WITH THE SITE DEVELOPMENT PLAN FOR EACH SITE AND SHALL CONFORM TO THE CITY LANDSCAPE ORDINANCE AS WELL AS THE FOLLOWING LANDSCAPE NOTES. RESIDENTIAL BUFFERS PURSUANT TO TMC 18.235.060(d) SHALL BE PROVIDED ALONG THE NORTH AND SOUTH PROPERTY LINES. FENCING SHALL BE NO HIGHER THAN 4 FT. IN HEIGHT IN FRONT OF THE FRONT FACE OF RESIDENCES ON THE ADJOINING PROPERTIES. A 10 FT. LANDSCAPE BUFFER SETBACK SHALL BE PROVIDED ALONG SW LINCOLN STREET. LANDSCAPING, INCLUDING 'LARGE' TREES, SHALL BE EMPHASIZED WITHIN THE 10' LANDSCAPE SETBACK ALONG SW LINCOLN STREET.
- NOT LESS THAN TEN PERCENT (10%) OF THE TOTAL SITE AREA SHALL BE LANDSCAPED, INCLUDING DECIDUOUS AND EVERGREEN TREES, GRASS, GROUND COVER AND SHRUBBERY. NOT LESS THAN FOUR PERCENT (4%) OF ALL PARKING LOTS SHALL BE PROVIDED WITH LANDSCAPED ISLANDS.
- THE CARE, MAINTENANCE, AND OWNERSHIP OF COMMON OPEN SPACE, PARKING AREAS, UTILITIES, PRIVATE STREETS, ACCESS WAYS, STORMWATER MANAGEMENT EASEMENTS, FENCING, AND LANDSCAPING SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER. ALL LANDSCAPING SHALL BE INSTALLED PURSUANT TO PHASING SCHEDULE AND PROPERLY MAINTAINED. IF ANY PORTION OF THE LANDSCAPED MATERIAL DIES, IT SHALL BE REPLACED BY THE NEXT PLANTING SEASON.

BUILDING AND STRUCTURE NOTES:

- NO STRUCTURE SHALL BE BUILT WITHIN 20 FEET OF THE PUBLIC STREET RIGHT OF WAY. PERIMETER SIDE AND REAR YARD SETBACKS SHALL BE 10 FEET. THE MAINTENANCE BUILDING SHALL BE SETBACK AT LEAST 30 FT. FROM SW LINCOLN STREET WITH A LANDSCAPED FRONT YARD SIMILAR TO THAT OF A SINGLE FAMILY RESIDENCE.
- THE MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS ON THE SAME LOT SHALL BE 10 FEET.
- BUILDING DESIGN OF THE MULTI-FAMILY VILLA SHALL BE COMPATIBLE WITH THE EXISTING DUPLEXES ALONG SW LINCOLN STREET, INCLUDING MAKING PROVISIONS FOR WINDOWS, PORCHES, BALCONIES, AND OTHER ACTIVE SPACES THAT DEMONSTRATE VISIBILITY FROM THE STREET. DRIVEWAY ACCESS TO ANY ATTACHED GARAGES SHALL BE FROM THE INTERNAL PRIVATE STREET. THE APPEARANCE OF BLANK WALLS ON BOTH THE MAINTENANCE BUILDING AND VILLA SHALL BE MITIGATED BY ARCHITECTURAL FEATURES, LANDSCAPING, AND OPENINGS, WITH WINDOWS INCLUDED ON THE VILLAS AND OPTIONAL ON THE MAINTENANCE BUILDING.

PROJECT PROGRAM:

BREWSTER PLACE SUBDIVISION NO. 7:

LOTS 32-35, TOWN & COUNTRY SUB. NO. 1; LOT 1, BLOCK A, BREWSTER PLACE SUB. NO. 4, LOTS 15 & 16, REPLAT OF BELLE HAVEN SUB, AND THE VACATED PORTION OF SW 29TH TERR, ALL IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS.

CONTAINS 2.92 ACRES OF LAND, MORE OR LESS.

BASE ZONING USE GROUP:

M-2 USE GROUP: MULTIPLE FAMILY DWELLINGS DISTRICT.

BUILDING SETBACKS: 20 FEET ALONG SW LINCOLN STREET; 10 FEET BALANCE OF THE BOUNDARY

PARKING: TWO PARKING SPACES PER UNIT

FENCING: A 4 FT. BLACK WROUGHT IRON FENCE SHALL BE PROVIDED ALONG SW LINCOLN STREET, AS WELL AS, WITHIN ALL REQUIRED FRONT YARDS. ADDITIONAL FENCING ALONG THE SOUTH AND NORTH PROPERTY LINES SHALL COMPLY WITH RESIDENTIAL BUFFER REQUIREMENTS TO BE REVIEWED AT THE SITE DEVELOPMENT PLAN REVIEW STAGE.

STORAGE: ANY OUTDOOR STORAGE OF LANDSCAPING MATERIALS OR MAINTENANCE MATERIALS OR EQUIPMENT SHALL BE ADJACENT TO A BUILDING AND SHALL BE APPROPRIATELY SCREENED.

MAXIMUM BUILDING HEIGHT: 50 FEET

BUILDING DENSITY: 8 UNITS WITHIN 4 DUPLEX BUILDINGS (EXISTING); MULTI-FAMILY VILLA WITH A MAXIMUM OF 14 UNITS (PROPOSED) AND 14,200 MAXIMUM FOOTPRINT; AND ONE, MAXIMUM 2,500 SQ. FT. FOOTPRINT MAINTENANCE BUILDING (PROPOSED); 1,000 SQ. FT. GARAGE STRUCTURE (EXISTING)

PHASING:
MAINTENANCE BUILDING 2015-2016
VILLA 2016-2017

CERTIFICATION OF MASTER PLANNED UNIT DEVELOPMENT PLAN :

THE OWNER(S) AGREE TO COMPLY WITH THE CONDITIONS AND RESTRICTIONS AS SET FORTH ON THE MASTER PUD PLAN.

IN TESTIMONY WHEREOF, THE OWNER, THE CONGREGATIONAL HOME DBA BREWSTER PLACE, A KANSAS NOT FOR PROFIT CORPORATION, BY PRESIDENT AND CEO, DAVID BECK, HAS CAUSED THESE PRESENTS TO BE SIGNED THIS ____ DAY OF _____, 20__.

DAVID BECK, PRESIDENT AND CEO
THE CONGREGATIONAL HOME DBA BREWSTER PLACE, A KANSAS NOT FOR PROFIT CORPORATION

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 BECK, PRESIDENT AND CEO OF THE CONGREGATIONAL HOME DBA BREWSTER PLACE, A KANSAS NOT FOR PROFIT CORPORATION, WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE WITHIN INSTRUMENT OF WRITING, AND SUCH PERSON(S) 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.

RECORDED WITH THE SHAWNEE COUNTY REGISTER OF DEEDS :

REBECCA J. NOICE, REGISTER OF DEEDS

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

CERTIFICATION OF MASTER PLANNED UNIT DEVELOPMENT PLAN APPROVAL :

A MAJOR AMENDMENT TO EXPAND THE BOUNDARY OF THE BREWSTER PLACE TOWNHOMES PUD (Z02 /7A) FROM 1.47 ACRES TO 2.92 ACRES BY THE ADDITION OF PARCELS TO THE NORTH AND SOUTH OF THE ORIGINAL PARCEL, ALL WITH FRONTAGE ON SW LINCOLN STREET TO FACILITATE DEVELOPMENT OF A MAXIMUM 12 UNIT VILLA AND MAINTENANCE BUILDING.

BILL FIANDER, AICP, PLANNING DIRECTOR,
SECRETARY, 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 BILL FIANDER, WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHO EXECUTED THE WITHIN INSTRUMENT OF WRITING, AND SUCH PERSON DULY ACKNOWLEDGED THE EXECUTION OF THE SAME.

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

NOTARY PUBLIC

MY COMMISSION EXPIRES

BARTLETT & West
1200 SW EXECUTIVE DRIVE - TOPEKA, KS 66615-3860
PHONE 785.273.2323 • FAX 785.273.8755
WWW.BARTLETTWEST.COM

**A PUD MAJOR AMENDMENT NO. 2
BREWSTER PLACE TOWNHOMES**

A REPLAT OF LOTS 32-35 TOWN & COUNTRY SUB. NO. 1; LOT 1, BLOCK A,
BREWSTER PLACE SUB. NO. 4; LOTS 15&16 REPLAT OF BELLE HAVEN SUB.;
& THE VACATED PORTION OF SW 29TH TER, IN THE CITY OF TOPEKA, KANSAS

SURVEY BY:	-
DRAWN BY:	JMD
APPROVED BY:	ACS
DESIGN PROJ:	16520-400
CONST PROJ:	-
SCALE:	AS NOTED
DATE:	JUNE 2015
DRAWING NO:	2
SHEET NO:	2 of 2

Z02/7B

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City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 20, 2015

DATE: October 20, 2015
CONTACT PERSON: Bill Fiander DOCUMENT #: Z15/6
SECOND PARTY/SUBJECT: Ruth Foster and Connie PROJECT #: Ross
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 007 Zoning
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Jim Colson, amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code by providing for certain changes in zoning on property located along the south side of SW Huntoon Street approximately 2,200 feet east of SW Wanamaker from "R-1" Single Family Dwelling District TO "O&I-2" Office and Institutional District. (Z15/3) (Council District No. 9)

(Approval would allow the future development of a 2.4 acre site for office and institutional uses.)

POLICY ISSUE:

The Governing Body has the following options:

- Adopt the recommendation of the Planning Commission by a majority vote (6) of the Governing Body.
- Override the recommendation of the Planning Commission by a two-thirds majority vote (7) of the Governing Body
- Return the recommendation to the Planning Commission by a two-thirds majority vote (7) with a statement explaining its decision.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the Ordinance.

BACKGROUND:

The request is to amend the district zoning classification from "R-1" Single Family Dwelling District to "O&I-2" Office and Institutional District for a 2.4 acre site along SW Huntoon. There is no specific development proposed at this time. The principal issue of the rezone application is the compatibility of the proposed zoning with neighboring land uses and zoning.

The property is located along a five-lane minor arterial midst a mix of single family residential, multiple family residential, and office uses. The property abuts existing O&I-2 zoning on its west side. The size and shape of the property render it difficult to develop under its current R-1 zoning.

The proposed O&I-2 zoning has fewer restrictions on use than the current zoning but provides greater scrutiny over design. The Land Use and Growth Management Plan – 2040 (LUGMP) designates this area for Medium/High Density Residential uses. O&I-2 zoning is consistent with the LUGMP because it provides an appropriate transition from the intense commercial uses on the Wanamaker corridor.

BUDGETARY IMPACT:

All future improvements to the site will be at the expense of the developer. No budgetary impact to the City is anticipated.

SOURCE OF FUNDING:

None Applicable

ATTACHMENTS:

Description

Ordinance

Aerial Map

Zoning Map

Summary Report

Staff report

Applicant Report to City from Neighborhood Meeting

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Jim Colson, City Manager amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code (TMC), by providing for certain changes in zoning on property located along the south side of SW Huntoon Street approximately 2,200 ft. east of SW Wanamaker from "R-1" Single Family Dwelling District **TO** "O&I-2" Office and Institutional District. **(Z15/6) (Council District No. 9)**

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

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

A tract of land in the Northwest Quarter of Section 4, Township 12 South, Range 15 East of the 6th P.M., City of Topeka, Shawnee County, Kansas, more particularly described as follows:

Commencing at the Northeast corner of said Northwest Quarter; thence on an assumed bearing of South 87 degrees 38 minutes 57 seconds West on the North line of said Northwest Quarter a distance of 494.86 feet (measured), 494.83 feet (described); thence South 00 degrees 08 minutes 56 seconds West a distance of 40.04 feet to the point of beginning; thence North 87 degrees 38 minutes 57 seconds East a distance of 164.83 feet; thence South 00 degrees 08 minutes 56 seconds West a distance of 620.39 feet; thence South 87degrees 38 minutes 57 seconds West a distance of 164.83 feet; thence North 00 degrees 08 minutes 56 seconds East a distance of 620.39 feet to the point of beginning.

from "R-1" Single Family Dwelling District **TO** "O&I-2" Office and Institutional 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 Governing Body of the City of Topeka,

_____, 2015.

ATTEST:

Brenda Younger, City Clerk

Larry E. Wolgast, Mayor

To Be Codified _____
Not To Be Codified _____

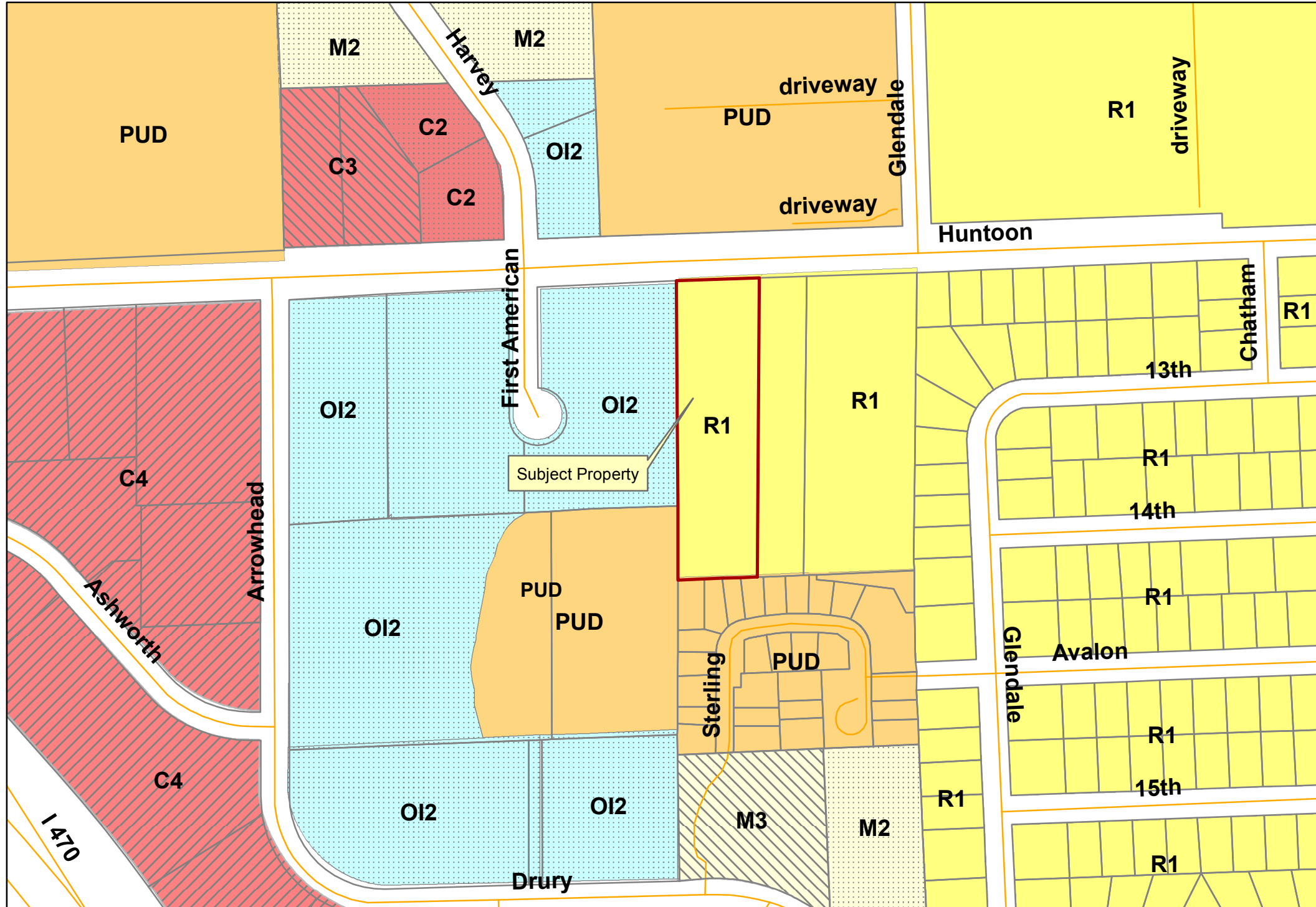
 X



Z15/06 By: Ruth Foster & Connie Ross



Topeka Planning Department



Z15/06 By: Ruth Foster & Connie Ross



Topeka Planning Department

CITY OF TOPEKA PLANNING DEPARTMENT

SUMMARY REPORT

Re: Z15/6 – By: Connie Ross and Ruth Foster Rezoning

The request is a proposal to amend the district zoning classification from “R-1” Single Family Dwelling District TO “O&I-2” Office and Institutional District. The subject property is located along the south side of SW Huntoon Street, approximately 2,200 ft. east of SW Wanamaker Road (5800 Block of Huntoon).

The intention of the owners is to market the property for office development or other development permitted in the “O&I-2” zoning district. There is no specific development proposed at this time. Any future development of the site will require Planning Department approval of a subdivision plat and site development plan with issues of landscaping, access and stormwater management addressed at that time.

The Land Use and Growth Management Plan – 2040 (LUGMP) designates this area for *Medium/High Density Residential* uses. The zoning change request for the “O&I-2” Office and Institutional District does not perfectly conform to the Future Land Use Map. However, the proposed zoning change is consistent with the LUGMP. The property and lands around it are a transition from the regional and community commercial uses on the Wanamaker corridor from the west to the low density residential uses to the east. As stated in the LUGMP (page 46), *"offices usually make suitable transitional uses between commercial centers and residential neighborhoods Office districts may be adjacent with neighborhoods where expansions of further commercial uses are not encouraged."* According to the LUGMP the subject property could develop as medium to high density residential or as office and be appropriate as a transition from commercial to residential.

The applicant’s report to the City from their neighborhood meeting is attached. Staff observed attendees did not have significant concerns with the change in zoning, but were interested in the design and construction of future development on the site. The Planning Commission recommended the proposal be approved at its September 21, 2015 public hearing by a vote of 7-0-0, as referenced in the attached minutes. The Planning Department recommended the proposal be approved as referenced in the attached staff report. As there are no outstanding issues, the Planning Department requests the Governing Body move to adopt the Ordinance and approve the zone change.

ZONING REPORT

CITY OF TOPEKA PLANNING DEPARTMENT

CASE NO: Z15/6

By: Ruth Foster & Connie Ross

PROPOSAL: Zone change from “R-1” Single Family Dwelling District TO “O&I-2” Office and Institutional District

LOCATION: South side of SW Huntoon Street approximately 2,200 ft. east of SW Wanamaker (5800 block of SW Huntoon)

PRESENT USE: Undeveloped and vacant (2.4 acres)

PROPOSED USE: Owner intends to market the property for office development or other development permitted in the O&I-2 zoning district. No specific development is proposed at this time.

CHARACTER OF NEIGHBORHOOD: The property is located along a five-lane minor arterial (SW Huntoon) within an area containing a mix of office, multiple family residential, vacant, and single family residential uses. There is a church located two lots to the east. The property is located between one quarter and one half mile from Wanamaker Road.

ZONING CLASSIFICATION AND USE OF SURROUNDING PROPERTIES:

	ZONING CLASSIFICATION	PRESENT LAND USE
North:	“PUD” Planned Unit Development (M-2 uses)	Multiple Family Residential
South:	“PUD” Planned Unit Development (M-1 uses)	Attached Single Family Residential
East:	“R-1” Single Family Dwelling District	One Single Family Residence on Large Lot
West:	“O&I2 Office & Institutional District “PUD” Planned Unit Development	Vacant Platted Lot Detention Basin for Office Development

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: The property has remained vacant since 1942 or earlier (oldest aerial photo readily available). The property was annexed to the City in the 1980s.

SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED: The subject property might be difficult to develop and not commercially viable for single family residential use in the short term. With a street frontage of roughly 172’ and depth of roughly 625’, the tract is too narrow to develop as a typical full block with conventional residential lots fronting on each side of a

public street. The property abutting on its east is under different ownership and, therefore, the ability to incorporate the adjacent property to make for a more viable residential subdivision is not certain.

CONFORMANCE TO COMPREHENSIVE PLAN: The *Land Use and Growth Management Plan – 2040 (LUGMP) Future Land Use Map* designates this area for *Medium/High Density Residential* uses. The zoning change request for the “O&I-2” Office and Institutional District does not perfectly conform to the *Future Land Use Map*. However, the proposed zoning change is consistent with the LUGMP. The property and lands around it are a transition from the regional and community commercial uses on the Wanamaker corridor from the west to the low density residential uses to the east. As stated in the LUGMP (page 46), *offices usually make suitable transitional uses between commercial centers and residential neighborhoods Office districts may be adjacent with neighborhoods where expansions of further commercial uses are not encouraged.* According to the LUGMP the subject property could develop as medium to high density residential or as office and be appropriate as a transition from commercial to residential.

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: Removal of restrictions as a result of the change in zoning will have little or no detrimental effect on nearby properties. The proposed O&I-2 zoning has fewer restrictions on use than the current zoning while providing greater scrutiny over design. Section 18.60.010 (Land Use Matrix) includes a complete list of the uses prohibited, conditional, and permitted in the R-1 and O&I-2 zoning districts. Some of the significant uses prohibited under the current R-1 zoning but permitted in the O&I-2 zone include:

- *Community Living Facility Type I*¹
- *Medical Care Facility Type II*²
- *Recreation, Indoor Type I (Indoor pools, fitness clubs, skating rinks, gyms, dancing, etc.)*
- *Bank/Financial Institution*
- *Medical and Other Professional Office*
- *Funeral Home or Mortuary without Crematorium*
- *Health Services, Clinic, Health Care Facility*

Assisted Living Facilities and *Funeral Homes* require a conditional use permit under the current R-1 zoning but are permitted in the O&I-2 zoning district.

Required minimum building setbacks in R-1 zoning districts are 30’- front, 7’ – side, and 30’ – rear. Required minimum building setbacks in O&I-2 zoning districts are 25’, 7’, and 25’, respectively. Pursuant to TMC 18.235 landscaping is required for new construction or substantial redevelopment in O&I-2 zoning districts. Landscaping regulations do not apply to new development or redevelopment in R-1 zoning districts.

City of Topeka standards for parking, landscaping, setbacks, and managing storm water are anticipated to be sufficient to mitigate any negative impact of the lesser restrictions. Primary access to the site will most likely be from Huntoon, a minor arterial, and thus there will be little or no impact to local streets serving adjacent residentially zoned properties.

THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE AFFECTED PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER:

As stated above, there is minimal risk of detrimental impact to neighboring property owners due to the circumstances of the site, its location, and City of Topeka standards for parking, landscaping, setbacks, and managing storm water.

AVAILABILITY OF PUBLIC SERVICES: All essential public utilities, services and facilities are presently available within the area or will be extended by the developer prior to site development. The City water main is located in Huntoon Street, and a sanitary sewer main is in Huntoon and crosses the site. Huntoon Street is a five-lane street classified as a minor arterial. As constructed, it has an estimated capacity of 22,000 vehicles per day. The most recent traffic count at or near this location is approximately 14,000 vehicles per day. The signalized intersection of SW Huntoon Street and SW Wanamaker Road about a mile to the west is currently over capacity. An entrance to the subject tract of land would need to be at least 300 feet from both SW First American Place and SW Glendale Road.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:

Minimum Lot Area: 7,500 sq. ft. required in O&I-2; site is 105,720 square feet (2.427 acres)

Minimum Lot Width: 50 feet required in O&I-2; site is 172 feet wide.

Setbacks: New structures will be required to comply with the minimum building setbacks for the O&I-2 District which are 25 feet – front, 7 feet - side, and 25 feet - rear.

Maximum Building Coverage: New structures will be required to meet the maximum coverage ratio of 50%, which is 52,860 square feet for the property.

Platting: The property is not platted. An approved subdivision plat is required prior to issuance of a building permit. Issues of vehicular access and storm water management and treatment will be addressed at time of platting.

CONCERNS OF STAFF AND REVIEWING AGENCIES: This request was submitted to all applicable reviewing agency staff for consideration and comment. No concerns have been expressed. Any future issues will be addressed at the platting and site development stages.

ADDITIONAL FACTORS:

1. Citizen Participation Process: The applicant conducted a neighborhood information meeting on Thursday, August 20, 2015 at 5:30 PM at the Washburn Institute of Technology very near the subject property. Other than staff and applicant, the six attendees are residents of Sterling Estates immediately south of the subject property. The attendees asked questions about future landscaping along the south side of the property and storm water drainage. The meeting lasted until 6:45 PM. It is staff's observation that the attendees did not have significant concerns about the change in zoning but are interested in the design and construction of future development on the site.

2. The property slopes downward generally in a southwesterly direction with a total vertical drop of approximately 12 feet. The northeast corner is the highest elevation on the site. The front half of the property is the flattest and most easily developed.
3. A sanitary sewer main runs in an east-west direction through the center of the site and is thus a constraint on where a building or buildings may be sited.

STAFF RECOMMENDATION: Based upon the above findings and analysis, planning staff recommends **APPROVAL** of the zone change.

Attachments & Exhibits: Zoning Map
Aerial Photo Map
Report of Neighborhood Information Meeting

Prepared by:
Michael Hall, AICP
Planner III, Current Planning Manager

¹ A residential facility other than a hospital for short term residential care and supportive programs for improving living skills relative to chemical dependency, behavioral modification, domestic abuse, mental illness, economic recovery, job training, etc. (TMC 18.55.030 “C” Definitions)

² Dwelling for the personal nursing care and treatment for more than 3 persons.

Memorandum

To: Annie Driver

CC: Mike Hall

From: Kevin Holland

Date: September 1, 2015

Re: Public Meeting for Rezoning Property just west of 5817 SW Huntoon

A public information meeting was held Thursday, August 20, 2015 from 5:30 PM until 6:45 PM at the Washburn Institute of Technology for the rezoning of the property located adjacent to the west of 5817 SW Huntoon. The property is being rezoned from R-1 to O&I-2.

Several attendees, all from the adjacent neighborhood to the south, were interested in what type of development zoning O&I-2 would allow. Additional comments included a question as to the natural tree buffer located on the southern boundary of the property being rezoned. Drainage was also a concern because of the pond located southwest of the property.

Public Meeting 8/20/15

RE-ZONE

NAME	ADDRESS	CONTACT INFO	E-Mail
Kenneth M. Wilke	5815 SW Sterling Ln	272 4771	kenwilke@cox.net
Paul Wilke	" "	"	
Sue Marley	5805 SW Sterling	273-2767	marley66614@aol.com
MaryAnn Leslie	5827 SW Sterling Ln	350.2213	marleslie@sbcglobal.net
Rogene Moody	5825 SW Sterling Ln	272-5168	ROROMOODY@HOTMAIL.COM
Robert Paukman	5816 SW Sterling Lane	266-2399	rocky47@sbcglobal.net
Annie Driver	City Planning	308-3728	
Mike Hall	"	"	

104,544

160 x 650

Neighborhood Information Meeting Sign in Sheet

Case #: Z15/6 By: Foster, Ruth and Ross, Connie

Washburn Tech, 8/20/15 at 5:30 pm

[illegible]



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 20, 2015

DATE: October 20, 2015
CONTACT PERSON: Doug Whitacre, Public Works Director
DOCUMENT #:
SECOND PARTY/SUBJECT: I-470 Interchange SE California and 29th Street
PROJECT #:
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Jim Colson relating to a new Southeast Topeka interchange.

(Approval would authorize the City to partner with the Kansas Turnpike Authority to conduct an Interchange Concept Study to assess the feasibility of constructing a new interchange on the I-470 section of the Kansas Turnpike near SE 29th Street. KTA is requesting the City fund half the cost of the study in an amount not to exceed \$20,000.)

POLICY ISSUE:

Approval would allow a preliminary Interchange Concept Study to assess the feasibility of constructing and operating a new Southeast Topeka Interchange with I-470 near SE 29th Street.

STAFF RECOMMENDATION:

It was the consensus of the Governing Body to support Option 2 near SE 29th street as presented by KTA to conduct a I-470 Interchange Concept Study.

BACKGROUND:

The Metropolitan Topeka Planning Organization (MTPO) presented the idea of a new interchange as one of the top priorities for funding during the KDOT/KTA statewide local consult sessions last year. The Public Works Department has followed up working with the Kansas Turnpike Authority (KTA) to construct an additional interchange on the southeast side of the city that would provide access to the turnpike. The KTA would like to partner with the City on a preliminary engineering Interchange Concept Study so they can add the interchange to their 10-year long-term needs plan which they are finalizing over the next several months. This study would

equate to a 10% total design and determine the feasibility and cost estimates for one interchange option. The study is expected to take 60-90 days. The City held two public forums September 28, 2015, and October 1, 2015, for additional feedback from the community.

BUDGETARY IMPACT:

KTA is requesting that the City agree to fund half of the cost of the study in the amount not to exceed \$20,000. The total cost of the study is approximately \$40,000.

SOURCE OF FUNDING:

General Fund (Public Works - Engineering)

ATTACHMENTS:

Description

Resolution

KTA Presentation - Option 2

1 RESOLUTION NO. _____
2

3 A RESOLUTION introduced by City Manager Jim Colson relating to a new Southeast
4 Topeka interchange.
5

6 WHEREAS, in order to improve transportation access and economic
7 development, the City has been exploring a new Southeast Topeka interchange in
8 conjunction with the Kansas Turnpike Authority (KTA); and

9 WHEREAS, the KTA has retained an engineering firm to prepare a proposal for
10 engineering services to develop and evaluate a concept for adding a new interchange
11 on the I-470 section of the Kansas Turnpike in Southeast of Topeka; and

12 WHEREAS, this Interchange Concept Study will assess the feasibility of
13 constructing a new interchange on the I-470 section of the Kansas Turnpike near S.E.
14 29th Street; and

15 WHEREAS, the KTA is requesting that the City fund half the cost of the
16 Interchange Concept Study in an amount not to exceed \$20,000.

17 NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
18 CITY OF TOPEKA THAT:

19 1. The governing body supports assisting the KTA with an Interchange
20 Concept Study that will explore the feasibility of constructing an interchange on the I-
21 470 section of the Kansas Turnpike located near S.E. 29th Street.

22 2. The governing body approves expending an amount not to exceed
23 \$20,000 to fund a portion of the costs associated with the Interchange Concept Study.
24

25 ADOPTED and APPROVED by the Governing Body on _____.

26

27

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CITY OF TOPEKA

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Larry E. Wolgast, Mayor

35

36 ATTEST:

37

38

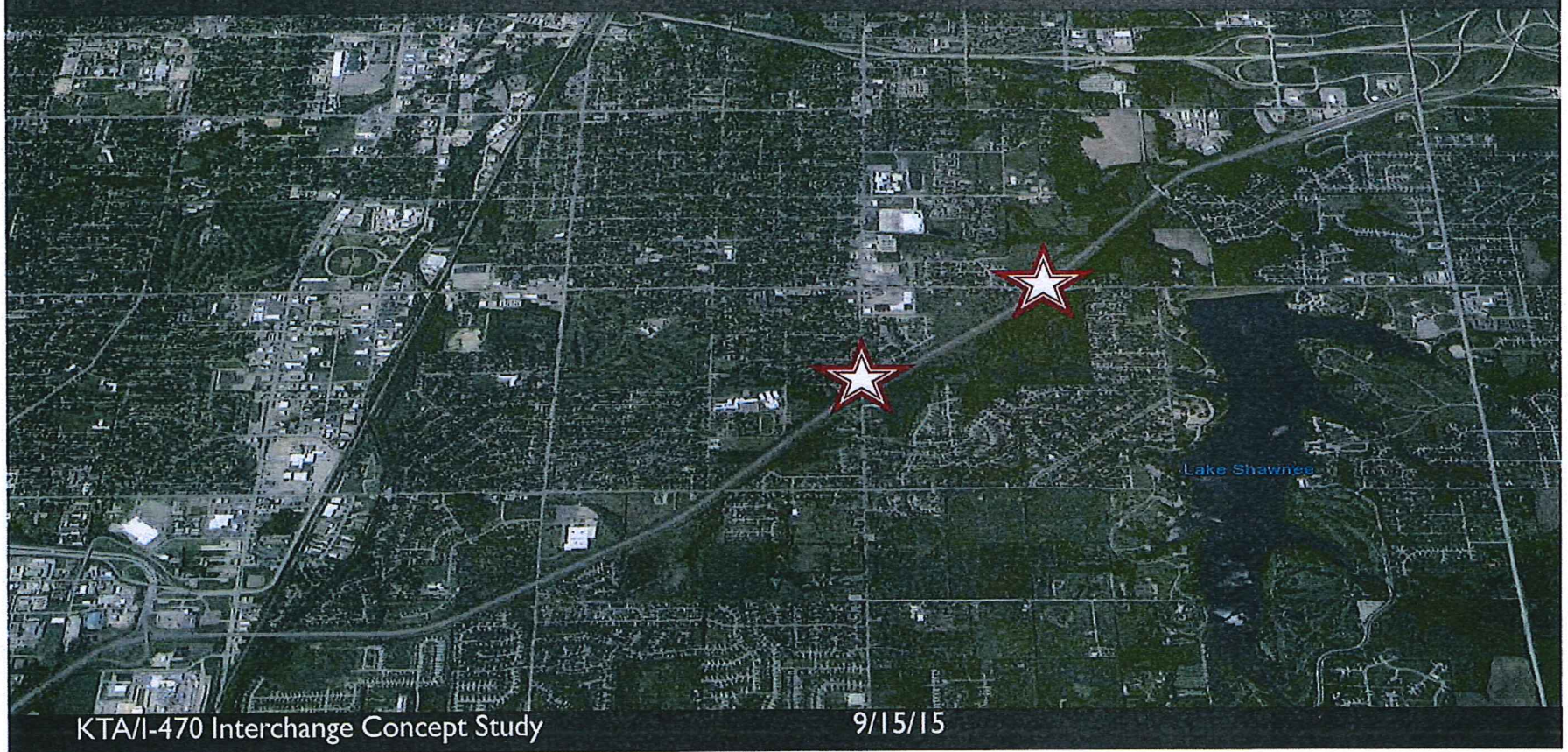
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40

41

Brenda Younger, City Clerk

KTA/I-470 Interchange Concept Study



KTA/I-470 Interchange Concept Study

9/15/15

Option 2: SE 29th “Offset” Diamond



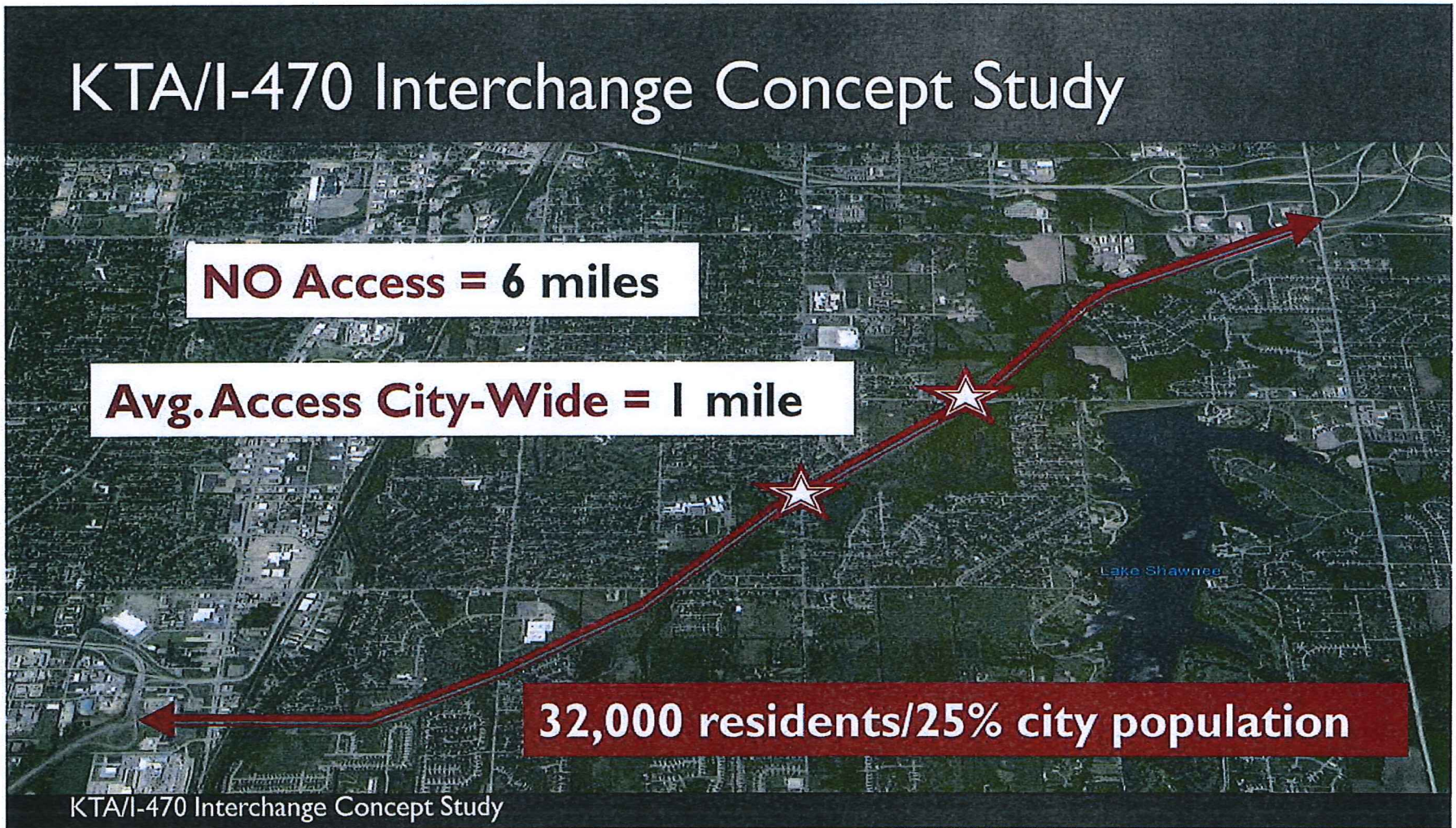
KTA/I-470 Interchange Concept Study

NO Access = 6 miles

Avg. Access City-Wide = 1 mile

32,000 residents/25% city population

KTA/I-470 Interchange Concept Study



WHY?

- **Economic Development/Growth**
- **LUGMP Priority – Tier I Investment**
- **Connects City**
- **Equity/Environmental Justice**



Background

- **One of two MTPO priorities at Local Consult (2014)**
- **Added placeholder to City's approved 2016-2020 Capital Improvement Plan (CIP) - \$500k for design in 2020**
- **City requested inclusion in KTA's 10-year long term needs plan**
- **KTA supportive**
 - **developed 4 feasible design options; choose one to engineer**
 - **asked City to split costs of 10% design study (\$20k)**



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 20, 2015

DATE: October 20, 2015
CONTACT PERSON: Councilmember Elaine Schwartz
DOCUMENT #:
SECOND PARTY/SUBJECT: Constitution Hall
PROJECT #:
CATEGORY/SUBCATEGORY: 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: 9/01/15 Deferred one week. 9/08/15 Defer until 10/13/15.
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmembers Elaine Schwartz, Brendan Jensen and Jeffery Coen sitting as the Transient Guest Tax Committee, allocating transient guest tax funding for a period of 12 years for Constitution Hall.

(Approval would authorize Transient Guest Tax funding for Constitution Hall in the amount of \$355,000 over a period of 12 years commencing in fiscal year 2016 and subject to the conditions in the resolution.)

POLICY ISSUE:

Charter Ordinance No. 116 was adopted by the Governing Body on September 1, 2015, and will become effective on November 14, 2015, extending the 1% Transient Guest Tax for 12 years commencing in fiscal year 2016.

STAFF RECOMMENDATION:

Staff makes no recommendation.

BACKGROUND:

The Transient Guest Tax is imposed on individuals staying in hotels and motels. The funds can be spent on tourism-related activities and to promote the general welfare of the city including attracting industry. The Transient Guest Tax Committee recommends continuing the 1% Transient Guest Tax that will expire on December 31, 2015, for an additional 12 years to fund Constitution Hall.

BUDGETARY IMPACT:

The City will be required to approve an annual budget for the Transient Guest Tax funds; however, this is a

dedicate revenue stream that will not impact City operation funding.

SOURCE OF FUNDING:

Transient Guest Tax Fund

ATTACHMENTS:

Description

Resolution

TGT Committee Report

Executive Summary

Constitution Hall Application

Charter Ordinance No. 116

TGT Resolution - Council Meeting 090815

1 RESOLUTION NO. _____

2
3 A RESOLUTION introduced by Councilmembers Elaine Schwartz, Brendan Jensen
4 and Jeffery Coen sitting as the Transient Guest Tax Committee,
5 allocating transient guest tax funding for a period of 12 years for
6 Constitution Hall.
7

8 WHEREAS, transient guest taxes (TGT) may be imposed on individuals who
9 occupy hotel and motel rooms for short durations; and

10 WHEREAS, the funds generated by such taxes may be used for convention and
11 tourism activities and to promote the general welfare of the city, including the attraction
12 of industry; and

13 WHEREAS, the City currently imposes a 7% TGT; and

14 WHEREAS, on August 20, 2002, the governing body, in Resolution No. 7253,
15 allocated 1% of the TGT for a period of 13 years to the development of the Great
16 Overland Station, including Riverfront Park, and the historic preservation fund; and

17 WHEREAS, that funding will expire on December 31, 2015; and

18 WHEREAS, the TGT Committee is desirous of extending the 1% for an additional
19 12 years to provide a funding source for certain projects that the Committee believes
20 will enhance tourism by putting more 'heads on beds' and delivering a quantifiable
21 return on the City's investment; and

22 WHEREAS, the TGT Committee developed a process to consider applications
23 for funding which were reviewed by a review board comprised of staff and tourism
24 industry representatives; and

25 WHEREAS, on August 19, 2015, the TGT Committee adopted the review board's
26 recommendations to allocate approximately \$4.7 million dollars over a period of 12
27 consecutive years to fund certain projects, including Constitution Hall.
28

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

Section 1. The City shall allocate \$355,000.00 over a period of 12 years to
provide funding for Constitution Hall subject to the terms and conditions contained in
this Resolution and a subsequently executed development agreement.

Such funds will be allocated annually in an amount determined by the City's chief
financial officer or designee. The commitments will begin in fiscal year 2016 and
continue until December 31, 2027 or until the maximum expenditure amount of
\$355,000.00 is met, whichever event is earlier.

Section 2. The City's funding commitment will be conditioned upon the
occurrence of the following:

(a) Enactment of a charter ordinance extending the current 1% TGT (which
expires on December 31, 2015) for an additional 12 years commencing in fiscal year
2016 and ending on December 31, 2027.

(b) Approval of a development agreement between the governing body and
the appropriate legal entity responsible for the project. Such agreement will contain
provisions addressing the use of TGT funds, including but not necessarily limited to:

(1) A project development budget identifying all funding sources and
the manner in which TGT funds will be spent.

(2) An operating plan for the project identifying various performance
metrics.

(3) A project timeline identifying established deadlines for various
milestones.

(4) A project design document.

(5) The anticipated economic impact of the project.

(6) An outline of the various responsibilities related to reporting, inspections, audits, indemnification, insurance, and fund repayment in certain specified circumstances.

The development agreement will also acknowledge that grant funding may be reduced to correspond to lower than expected TGT revenues.

(c) The development agreement will be submitted to the governing body for its consideration and approval within 180 days from the date of this Resolution; unless an extension is granted by the governing body.

(d) If the entity contracting on behalf of Constitution Hall is a not-for-profit entity, it will comply with the requirements of K.S.A. 45-240 and amendments thereto regarding recordkeeping requirements for not-for-profit entities that receive public funds.

(e) The entity contracting on behalf of Constitution Hall shall not owe any debt due to the City, including, but not limited to property taxes and special assessments and shall be in good standing with the Kansas Secretary of State.

Section 3. All financial commitments referenced in this Resolution shall be subject to the Budget and Cash Basis laws and any other applicable ordinances or statutes.

ADOPTED and APPROVED by the Governing Body on _____.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

COMMITTEE REFERRAL SHEET

COMMITTEE REPORT

Name of Committee: Transient Guest Tax (TGT)

Title: Allocations for the additional 1% TGT funds.

Date referred from Council meeting: n/a

Date referred from Committee: August 19, 2015

Committee Action: The Committee recommends to the full Council approval of the allocations for the additional 1% TGT funds totaling \$4,770,000 .

Applicant	Funding Request	Review Board Recommendation
Downtown Plaza	\$ 5,000,000	\$ 3,435,000
Evel Knievel Museum	\$ 500,000	\$ 300,000
Constitution Hall	\$ 935,000	\$ 355,000
Jayhawk Theatre	\$ 2,500,000	\$ 680,000
Planning Historic Grants (\$20k/year)	\$ 240,000	\$ -
Visit Topeka Research	\$ 100,000	\$ -
Visit Topeka Web	\$ 50,000	\$ -
Wayfinding Signs	\$ 325,000	\$ -
Chesney Park Mural	\$ 40,000	\$ -
Combat Air Museum	\$ 5,000	\$ -
Friends of the Zoo	\$ 2,480,000	\$ -
Great Overland Station	\$ 550,000	\$ -
Riverfront Park	\$ 2,300,000	\$ -
Topeka Horseshoe	\$ 200,000	\$ -
Total	\$ 15,225,000	\$ 4,770,000

Comments: Extension of the additional 1% TGT fund, beginning January 1, 2016.

Members of Committee: Chair Elaine Schwartz, Jeff Coen and Brendan Jensen

Agenda Date Requested: September 1, 2015

Transient Guest Tax Extension



Summary of Resolution Changes

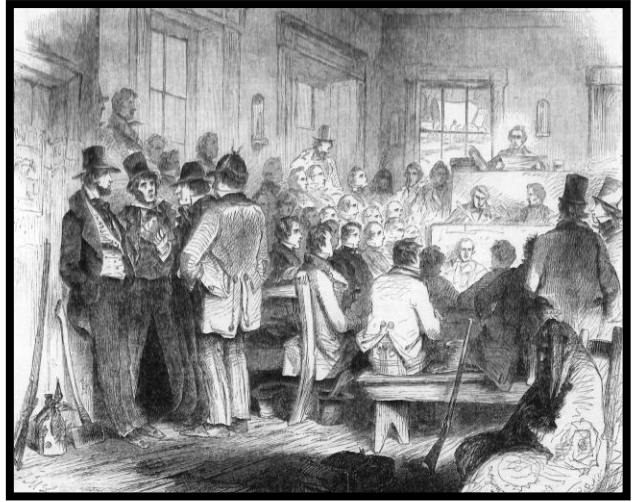
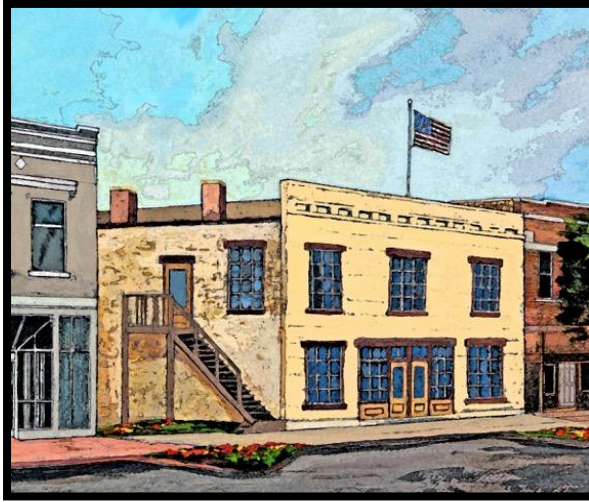
Changes to the Transient Guest Tax resolution have been made based upon comments and feedback that was collected at the last governing body meeting. In addition to the changes in the resolution, a detailed development agreement will be developed for each individual entity, outlining the deliverables of each project. The resolution provides the backbone for what will also be included in the development agreement. Specific requirements were placed in Section 4 in order to ensure proper development of the plaza project under the guidance of the TGT committee. In order to provide proper oversight of funds and ensure the integrity of limited resources, the revised resolution includes the following additions:

Section 3:

- A) *Funding shall be expended only for capital improvements.*
 - Funding is not intended for operating purposes.
- B) *Submission and approval of a project budget included in a development agreement approved by the TGT Committee and executed by the City Manager. The budget shall identify all funding sources, and, specifically identify how TGT funds will be spent.*
- C) *Each recipient shall use the TGT funds only for the project identified in this Resolution and for those items identified in the project budget. Any changes to the scope of the project shall be approved by the TGT Committee. In order to ensure that TGT funds are used only for the project approved in this Resolution, each recipient shall provide quarterly reports to the TGT Committee. The reports shall identify expenditures of TGT funds, an invoice report identifying expenditures and payees as well as progress toward completion of the project. The TGT Committee or designee may audit financial documents relative to a project at any time and request reimbursement for expenditures determined to be improper, unauthorized or unsubstantiated. The TGT Committee or designee shall have sole authority in this regard and shall base the decision upon reports submitted or in the alternative, absence of documents to substantiate expenditures.*
- D) *Each recipient, whether a for--profit or non-profit entity, shall comply with the requirements of K.S.A. 45-240 and amendments thereto regarding recordkeeping requirements for not-for-profit entities that receive public funds.*
 - Entities that receive public funds in aggregate of \$350 or more are required to document such revenues and expenditures.
- E) *The TGT Committee may require an independent audit of a recipient by an auditing firm approved by the Committee. The recipient shall be responsible for all costs. TGT funds cannot be expended for any audit.*
- F) *Recipient shall not owe any debt due to the City, including, but not limited to property taxes and special assessments. Each recipient shall be in good standing with the Kansas Secretary of State.*

Section 4: Downtown Plaza

- A) *An appropriate recipient of the funds is approved by the TGT Committee. At a minimum, such recipient shall be a governmental entity or a non-profit entity that is exempt from paying federal income taxes.*
- B) *A proposal, design drawings, and a project timeline are submitted and approved by the TGT Committee.*



*Left, the historic façade when recreated on Topeka's principal historic landmark.
Right, the Topeka Constitutional Convention in session, 1855.*

Opening Constitution Hall

Important Anchor for Topeka Heritage Tourism

August 15, 2015 Request for Transient Guest Tax Funding

Executive Summary

Constitution Hall is like no other historic building anywhere in America. Here in the 1850s were principal events of the important American era, the nation's "Prelude to Civil War."

For today and tomorrow, those historic events have brought a rare and beneficial distinction by the National Register of Historic Places, that of National Level importance.¹ By continuing to restore Constitution Hall, this valuable tourism advantage will be fully promoted.

Heritage tourism is travel that includes the "experience" of *authentic* sites in a *unique* story of place. Topeka—in particular the 400 block of S. Kansas Avenue—is the *authentic* home of two *unique* freedom actions that are also *nationally important* among valiant battles for Freedom in the United States.

The very name Constitution Hall attests to its importance. From the 19th century town of Topeka this landmark hosted Topeka's accomplishments under the *Topeka Constitution* and Free State Legislature. Nearly a century later, a second nationally important Topeka initiative culminated in arguably the most important U.S. Supreme Court case ever decided. This was the 20th century's *Brown v. Board of Education of Topeka*, of which Federal case trial occurred across the street from Constitution Hall in the Old Federal Building. These two compelling stories fully promoted together, and with other Topeka attractions, will drive visitors to stay here longer to see, learn and experience this unique historic setting.

However, another wonderful benefit exists. Convention and tourism planners strive to locate seminars, gatherings, conferences and summits in cities that provide cultural opportunities for families of attendees and when it comes to nationally important historic sites, Topeka has no real match in this part of our Country. When completed Constitution Hall will be an ideal setting for convention receptions and

¹ Keeper of the National Register of Historic Places listing statement, National Park Service.

frontier-style dinners catered by the host hotel. Events and tours held here in Topeka's storehouse of the Underground Railroad route northward into Canada will be among the most memorable a visitor can have. Inside this historic hall, colorful Free State leaders James Lane and railroad builder Cyrus K. Holiday stood up for freedom, both social and economic. This exceptional opportunity will make Topeka a particularly captivating city for regional and national planners of conventions and sporting events.

The National Park Service invested in Topeka for the National Historic Site at the Monroe School. Topeka has invested some funds in stabilization of Constitution Hall. There is no other funding than proposed transient guest tax funding to complete its structural stabilization, provide a secure building facade and install basic visitor amenities. While Constitution Hall continues irregularly open to the public, its power to increase economic development and sales tax collection through Topeka tourism is untapped.

Friends of the Free State Capitol Inc. requests \$935,000 in Transient Guest Tax funding. Matching funds of \$235,000 will be raised privately as matching funds in this phase of the project costing a total \$1,170,000. An additional \$200,000 will be privately raised to complete the surrounding park and exhibits designed to serve overnight visitors.

Topeka's Intersection of Freedoms on S. Kansas Avenue



Left, 2015 view of building showing its conglomeration of decayed facades



"Freedom's Crossroads" pocket park at Constitution Hall by Downtown Rotary

The Constitution Hall project received significant community boosting when the Topeka Downtown Rotary Club and Brown v. Board of Education National History Site joined with Friends of the Free State Capitol Inc. for a new pocket park in the site's open green space. This commemorates Rotary's first 100 years in Topeka. About 100 Rotarians gave an average of nearly \$300 for what has been called "Freedom's Crossroads at Topeka's Intersection of Freedom." The park is across the street from the Old Federal Building, site of the Brown v. Board of Education of Topeka trial. Outdoor signage will help tell the Freedom story of both sites and encourage visitors to explore Topeka's historical sites. A Wi-Fi accessible "hot-spot" and video board will stream messages that encourage touring of all Topeka heritage sites.

This major commitment by Rotarians was made with the belief that its visitors will be treated to a fully-functioning capital city landmark, not the yet unfinished project at such a critical junction of the refurbished downtown, vibrant NOTO and future riverfront recreational area.

Tourism and Economic Benefits

Constitution Hall, centrally located in the city's historic core, is the capital city's historical anchor connecting the restored Kansas Statehouse, commercial district, Kansas riverfront, North Topeka arts district, future Oregon Trail park project and the Great Overland Station. Constitution Hall is the only downtown building surviving from the route of the Oregon Trail² (and likely in all of Topeka.)

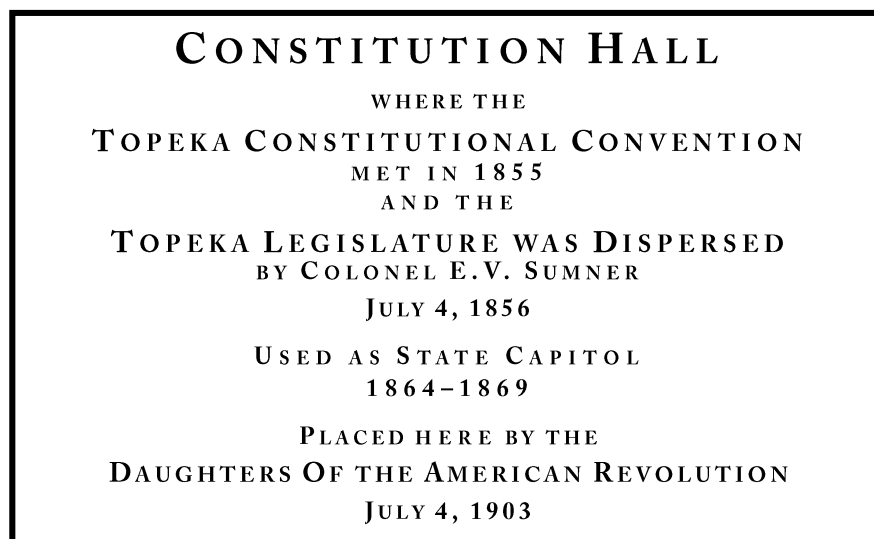
A primary economic feature of Constitution Hall is attraction of Civil War related heritage tourism, of which studies show this form of tourism is consistently popular.³ A leading national study shows:⁴

- Unique historic sites result in longer stays by out-of-town conventioners and travelers.
- These sites bring more money spent locally than by other focuses in travel,
- Help make private investment in commercial property viable, and
- Increase local sales tax collections and help attract new residents.

Historic Heart of S. Kansas Avenue a Pre-Civil War Battleground

The 1854 Kansas Nebraska Act provided settlers the vote on their state's slavery status. In March 1855, free state men laid the foundation for what became Constitution Hall when just days earlier, pro slavery forces had plundered their federal voting rights. Kansas had become a prize of contention by the abolitionist North and proslavery South. Both sides understood that future Kansas leaders would—one way or the other—tip the long-standing balance of Congressional power and spread slavery across the West.

On July 4, 1856, soldiers from Forts Riley and Leavenworth marched on Topeka under proclamations by President Franklin Pierce. Colonel Edwin V. Sumner's 400 troops thundered down Kansas Avenue on horseback. The long fuses of cannons alight and aimed at Constitution Hall, Sumner stood before the Free State legislature to announce it the "most painful duty of my life" to disperse them. Surrounding in front were 500 free state settlers prepared for a battle. A horrified Eastern press looked on as military forces took up arms against American citizens exercising their Constitutional Rights to Freedom of Assembly and Freedom of Speech. Had calm not prevailed, the Civil War could have started on Kansas Avenue in 1856 and not as it did five years later at Fort Sumter.



² Downtown Topeka Historic Resources Survey by the City of Topeka. Rosin Preservation, Kansas City, MO.

³ National Trust for Historic Preservation: <http://www.preservationnation.org/information-center/economics-of-revitalization/heritage-tourism/>.

⁴ Harbinger Group for the Civil War Trust. Washington D. C. . "Blue Green and Gray." Economic & Tourism Benefits of Battlefield Preservation. March 2012

Why Constitution Hall in Topeka Tourism?

This principal historic site will substantially assist in the attraction of conventions and special events, and result in attendees staying longer in Topeka. “Civil War sites are Tourism magnets.”⁵

- Civil War site visitors stay in town longer and are repeat visitors,
- Form a U.S. market of **more than 72.2 million** eager affluent adult travelers,
- Civil War related tourism brings stays twice as long and thus expenditures double the average.

Constitution Hall will help generate increases in sales and surrounding property tax revenue:⁶

- At 20 Civil War sites, each visitor’s expenses brought in an average \$2.92 to local governments.
- Civil War sites spur investment and the boosting of property values and
- These heritage site visitors flock to anniversary and special events.

Subject-specific research finds that cultural and heritage tourists are:

- More frequent travelers, making 5.01 leisure trips vs 3.98 for non-cultural/heritage travelers,
- More frequent business and international travelers,
- Prefer that their leisure travel be “educational” and travel farther for experiences they seek.

New Visitors

Constitution Hall compares in scale and primary significance with the First Missouri State Capitol, which was also a Territorial Capitol. This building in St. Charles, once blighted and near demolition, attracts 80,000 day visitors and an additional 60,000 for special events annually.

Those who take Kansas Statehouse tours total 60,000 annually, not including self-guided tours believed to twice-exceed this sum.⁷ Annual downtown events attract 100,000 area residents. High School and Little League sports events attract many out-of-town visitors to Topeka.

The Freedoms Frontier National Heritage Area provides heritage tourism support for 41 counties in Kansas and Missouri, including Topeka and Shawnee County. Many travelers focus on tourism of active and historic capitols nationwide. Brown v Board of Education National Historic Site hosts about 30,000 visitors annually. Based on support for heritage tourism and the capital city location, convenient access for hundreds of thousands of Kansas Scenic Byways travelers on Interstates 70 and 35, and wide interest in Civil War heritage sites while attending conventions and events:

- Constitution Hall may draw upon a motivated segment of 250,000 passing travelers annually.⁸
- Initially, 10 percent of this projection may add one overnight stay in Topeka or stop overnight to tour Topeka’s two nationally important historic sites along with the Kansas Statehouse.
- By availability of area parking, motor coach access, amenities and volunteer staffing by local partnership including the Oregon Trail project, a restored Constitution Hall could readily accommodate up to 100,000 visitors annually (initially, attendance would compare with area attractions while new visitors add overnight stays in response to new marketing.)

However, of the 60,000 recorded annual Kansas Statehouse visitors, an estimated 40 percent or nearly 25,000 are believed to be out-of-town adult travelers who would specifically extend their Topeka stay by one night to also see the Free State Territorial Capitol and Brown v Board of Education anchor sites. From other considerable sources cited, an estimated additional 10, 000 new visitors would add an overnight stay for the same purpose. This potential 35,000 more overnight visitors⁹ would add – applying the standard of .7 room nights per person– 24,500 new room nights.

⁵ Ibid.. Note: Based on site questionnaires and data reflecting subject sites in Missouri and other states

⁶ The Cultural & Heritage Traveler Study. Laura Mandala, Mandala Research. Washington, D.C.

⁷ Telephone discussion with Mike Bell, director of sales, Visit Topeka Inc.

⁸ This theoretical “reach” may in fact be higher by twice, however; the applicant is not versed in travel analysis.

⁹ To reach this potential, a Topeka heritage tourism marketing program will be necessary.

Local Return on Investment

Increase in room nights and transient guest tax income:

Topeka room nights in 2014 totaled 551, 216, which provided TGT income of \$2,890,486, or an average of \$5.24 TGT per room night.¹⁰

- Discussed above is how the fully opened Constitution Hall will add new and extended visits for an initial total of 24,500 room nights annually. These additional room nights would thus provide nearly **\$128,500 per year in new local transient guest tax income annually.**

Increase in Sales Tax Income:

State collection of applicable 2014 sales taxes totaled \$146 million in Topeka.¹¹ Per capita, this sum in balance of trade is a very positive factor of 1.32, which is indicative of the high draw of Topeka among those making out-of-town trips to purchase goods and services in Kansas.¹² A break-out of data sufficient to estimate a tourism related increase is unavailable.

However, an applicable guide is the sum of our local sales tax, or typically 2.65%.¹³ An estimated average daily expenditure by tourists is \$140.

- It is reasonable and conservative to estimate that that Constitution Hall will extend and bring new stays of convention visitors by 35,000 annually, not including day trippers numbering 20,000, for a total 55,000 visitors annually when the building is restored and heritage tourism marketing is created. Added local sales tax revenue, based on a daily total average expenditure of \$100—more than a third less than the average per-person costs of dining, shopping, entertainment, sales tax on lodging and other travel costs incurred locally, would provide nearly **\$145,750 in new local sales tax annually.**

Summary of Potential Return on Investment in Fully Opening Constitution Hall:

Note: A margin of error cast 25 percent downward is included in each sum (from above) and the total sum.

New Transient Guest Tax Income	\$96,500 annually
New General Sales Tax Income	<u>\$109,250</u> annually
Total Projected Return of Income	\$205,750 annually

Area Organizations in Support

- Leading organizations support fully opening this anchor historic site for heritage tourism. Among these are Topeka Heartland Visioning, the Kansas Historical Society, Downtown Topeka Inc., Brown v. Board of Education National Historic Site, Freedoms Frontier National Heritage Area and many other local individuals and groups.

Before



After



Left, near total collapse in 1999 and after initial Transient Guest Tax funding, in 2011

¹⁰ Data provided by VisitTopekaInc.

¹¹ Kansas Department of Revenue, Office of Policy and Research. December 2014.

¹² Ibid.

¹³ This and related sales tax data provided by the City of Topeka. Nikki Lee, Administrative Services.

Project Budget

Current (2013-2014) transient guest tax funding of \$236,000 and private match funding is committed for urgent repair of original second floor and roof framing. The requested 2016-2028 funding will allow other urgently needed work.

Competitive federal historic site funding is long discontinued by the Congress. The State of Kansas' typically one-time award fund has been utilized. Limited local transient guest tax funds, intended in 2002 for Constitution Hall and several specific projects, have instead been more widely expended. Continuing thorough investigation into approach reveals no other applicable funding sources.

Funding herein requested will substantially open Constitution Hall as a Topeka attraction sustained independently by sufficient site income and local partnership cross-management (see page 7.)

Dedicated transient guest tax funding is critical to attract and assure private donors. Options for state or federal management are dim. Jennie Chinn, Executive director of the Kansas Historical Society, states;¹⁴

In the past, the Kansas Historical Society has provided an \$1,800 grant to assist in the nomination of the Free State Capitol to the National Register of Historic Places and a \$35,000 grant to fund an essential Historic Structure Report, the project's 154 page intensive research document. Historic events at Constitution Hall in Topeka are significant in both state and U.S. history. . . . The Kansas Historical Society has no pass-through funds for restoration of Constitution Hall. The Historical Society receives only a small amount of money to cover the cost of preserving its own state-owned properties across the state, so there is no money available to take on outside projects. For this reason we hope the City of Topeka will be able continue its support for Constitution Hall.

Constitution Hall must be restored under the *Secretary of the Interior's Standards and Guidelines for Restoration*. While this ensures authenticity necessary to visitor experiences and protection of National Register properties, restoration costs are greater than for most construction. The project budget follows an opinion of probable costs by Slemmons Associates Architects, consultation with area contractors and preservation guidelines review.

Budget Summary

Transient guest tax funding request	\$935,000
Private restoration match	\$235,000
Privately funded exhibits and landscape	<u>\$200,000</u>
Unrequested Completion Budget	\$1, 370,000

Requested Project Budget

BASEMENT

Fire suppression, utility lines, lighting	\$45,000
Front and rear foundation repairs	<u>95,000</u>
Subtotal:	140,000

FIRST FLOOR

Joist repair and lighting ADA qualified toilets, major flooring/wall repair	110,000
	<u>85,000</u>
Subtotal:	195,000

SECOND FLOOR & ROOF

ADA qualified toilets, major flooring/wall repair, metal roofing w/guttering	85,000
	<u>90,000</u>
Subtotal:	175,000

¹⁴ Ms. Chinn noted that after project completion, limited site management partnership might be possible should the Kansas governor and state legislature approve.

PROVISION OF BUILDING FAÇADE

Brick removal, stone on masonry backing, seven large windows and two front doors, foundation and roof connections	355,000
BASIC HEATING, VENTILATION, COOLING	80,000
FIRE EGRESS	
One ADA qualified elevator and stair on the west side in accessory structure	<u>225,000</u>
Total Private / Public Funds	\$1,170,000

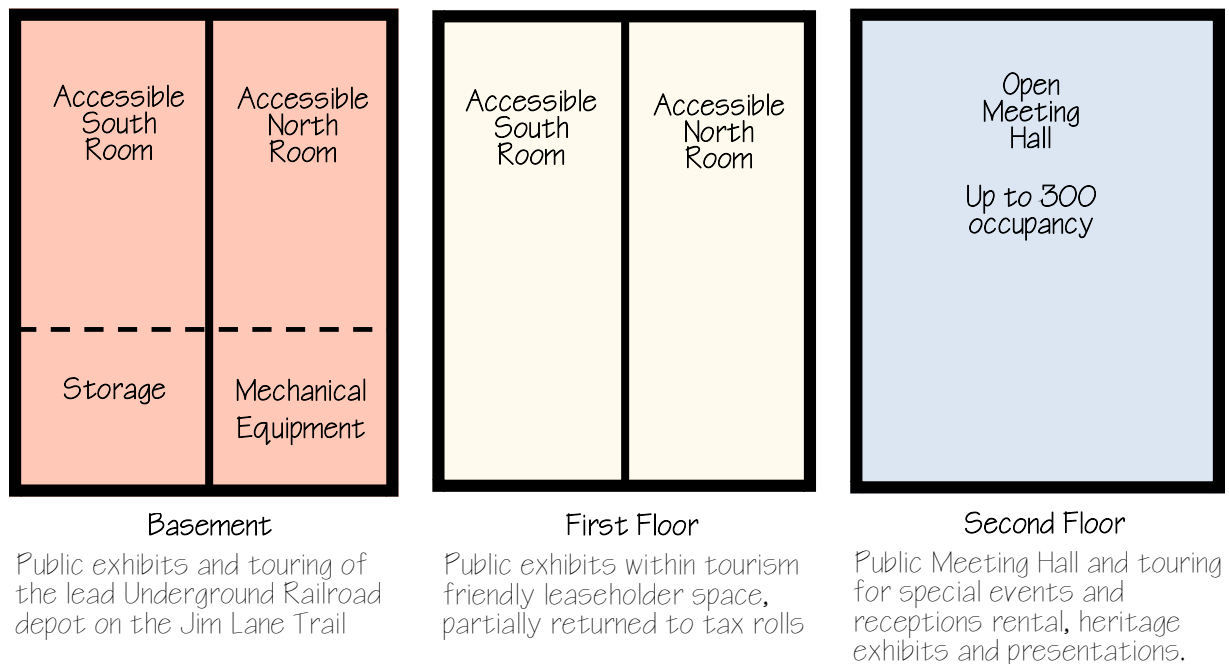
Project Timeline and Sustainability

Site restoration will be complete in 24-30 months after bond proceeds become available. Future guest bookings will be accepted accordingly. Funding will commend a larger community board in project oversight and volunteer tour leaders. Additional tour scripts are now in progress.

Constitution Hall is independently sustainable. Building leasehold income, from partial retail or office rental of first floor space, is in today's market valued at \$24,000 per annum. (This floor area would likely return to city tax rolls. Federal tax credits may be applicable by tenants.) Special events rental income is valued at \$50,000 based on 100 paid events annually, averaging \$500 per event. Visitor tour fees of \$2.00 per adult, based on initial total visitors and free admittance to children, would add at least \$50,000. Total income is thus at least \$124,000, which sum will afford a strong maintenance fund and contribution to a salaried staff shared locally.

Floor Plan for Tourism Use

Diagrams below display tourism site usage. This program compares with the authentic original use of the building in the 1855-1860 period of National Register of Historic Places significance.



www.OldKansasCapitol.org and www.facebook.com/FriendsoftheFreeStateCapitol

Tours by appointment: tour@oldkansascapitol.org

END OF DOCUMENT

1 (Published in the Topeka Metro News September 7, 2015 and September 14, 2015.)

2
3 **CHARTER ORDINANCE NO. 116**

4 A CHARTER ORDINANCE introduced by Councilmembers Schwartz, Jensen, and
5 Coen sitting as the Transient Guest Tax Committee,
6 amending Section A15-17 of the Topeka Municipal Code
7 concerning the transient guest tax levy.
8

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

10 Section 1. That section A15-17, Levied – Amount, of the Code of the City of
11 Topeka, Kansas, is hereby amended to read as follows:

12 **Levied – Amount.**

13 a. Beginning with the effective date of this Charter Ordinance as provided in
14 section 3 herein, and continuing through December 31, ~~2045~~2027, a transient guest tax
15 of seven percent shall be levied in the City of Topeka, Kansas, upon the gross rental
16 receipts derived from or paid by transient guests for lodging or sleeping
17 accommodations, exclusive of charges for incidental services or facilities, in any hotel,
18 motel, or tourist court.

19 b. Effective January 1, ~~2046~~2028, and continuing through December 31, 2032, a
20 transient guest tax of six percent shall be levied in the City of Topeka, Kansas, upon the
21 gross rental receipts derived from or paid by transient guests for lodging or sleeping
22 accommodations, exclusive of charges for incidental services or facilities, in any hotel,
23 motel, or tourist court.

24 c. Effective January 1, 2033, a transient guest tax of five percent shall be levied
25 in the City of Topeka, Kansas, upon the gross rental receipts derived from or paid by
26 transient guests for lodging or sleeping accommodations, exclusive of charges for
27 incidental services or facilities, in any hotel, motel, or tourist court.

Section 2. This Ordinance shall be published once each week for two (2) consecutive weeks in the official City newspaper.

Section 3. This Charter Ordinance shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and a referendum held on this Charter Ordinance as provided in Article 12, Section 5, Subdivision (c)(3), of the Kansas Constitution, in which case this Charter Ordinance shall become effective if approved by a majority of the electors voting therein.

Section 4. Upon the effective date of this Charter Ordinance, this Charter Ordinance shall be recorded by the City Clerk in a book maintained for such purposes with a statement of the manner of adoption and a certified copy shall be filed with the Secretary of State of the State of Kansas.

Section 5. That Charter Ordinance No. 108, as codified in Topeka City Code § A15-17 is hereby specifically repealed.

PASSED AND APPROVED by the Governing Body on September 1, 2015.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast
Larry E. Wolgast, Mayor

ATTEST:



Brenda Younger
Brenda Younger, City Clerk

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Brenda Younger, City Clerk

1 RESOLUTION NO. _____
2

3 A RESOLUTION introduced by Councilmembers Elaine Schwartz, Brendan Jensen and
4 Jeffrey Coen sitting as the Transient Guest Tax Committee, allocating
5 transient guest tax funding for a period of 12 years to certain
6 designated projects.
7

8 WHEREAS, transient guest taxes (TGT) may be imposed on individuals who occupy
9 hotel and motel rooms for short durations; and

10 WHEREAS, the funds generated by such taxes may be used for convention and
11 tourism activities and to promote the general welfare of the city, including the attraction of
12 industry; and

13 WHEREAS, the City currently imposes a 7% TGT; and

14 WHEREAS, on August 20, 2002, the governing body, in Resolution No. 7253,
15 allocated 1% of the TGT for a period of 13 years to the development of the Great Overland
16 Station, including Riverfront Park, and the historic preservation fund; and

17 WHEREAS, that funding will expire on December 31, 2015; and

18 WHEREAS, the TGT Committee is desirous of extending the 1% for an additional
19 12 years to provide a funding source for certain projects that the Committee believes will
20 enhance tourism by putting more 'heads on beds' and delivering a quantifiable return on
21 the City's investment; and

22 WHEREAS, the TGT Committee developed a process to consider applications for
23 funding which were reviewed by a review board comprised of staff and tourism industry
24 representatives; and

25 WHEREAS, on August 19, 2015, the TGT Committee adopted the review board's
26 recommendations to allocate approximately \$4.7 million dollars over a period of 12
27 consecutive years to fund four projects.

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

Section 1. The City shall allocate 1% of TGT funds annually over a period of 12
years to provide funding for the following projects with the following maximum expenditure
amounts:

Name of Project	Maximum Expenditure Amount
Downtown Plaza	\$3,435,000
Evel Knievel Museum	\$300,000
Constitution Hall	\$355,000
Jayhawk Theatre	\$680,000

Such funds will be allocated on a pro rata basis, as determined by the City's chief financial
officer or designee. The commitments will begin in fiscal year 2016 and continue until
December 31, 2027 or until the maximum expenditure amount is met, whichever event is
earlier.

Section 2. The City's funding commitment shall be conditioned upon the
occurrence of the following:

(a) Enactment of a charter ordinance extending the current 1% TGT (which
expires on December 31, 2015) for an additional 12 years commencing in fiscal year 2016
and ending on December 31, 2027.

(b) Execution of an agreement with the appropriate funding recipient. Such
agreement will contain provisions addressing use of the funds, project budgets, project
timelines, reporting/inspection/audit responsibilities, indemnification, insurance, and fund
repayment under certain circumstances. The agreement will also acknowledge that grant
funding may be reduced to correspond to lower than expected TGT revenues.

Section 3. Funding shall also be contingent upon the following:

(a) Funding shall be expended only for capital improvements.

(b) Submission and approval of a project budget included in a development agreement approved by the TGT Committee and executed by the City Manager. The budget shall identify all funding sources, and, specifically identify how TGT funds will be spent.

(c) Each recipient shall use the TGT funds only for the project identified in this Resolution and for those items identified in the project budget. Any changes to the scope of the project shall be approved by the TGT Committee. In order to ensure that TGT funds are used only for the project approved in this Resolution, each recipient shall provide quarterly reports to the TGT Committee. The reports shall identify expenditures of TGT funds, an invoice report identifying expenditures and payees as well as progress toward completion of the project. The TGT Committee or designee may audit financial documents relative to a project at any time and request reimbursement for expenditures determined to be improper, unauthorized or unsubstantiated. The TGT Committee or designee shall have sole authority in this regard and shall base the decision upon reports submitted or in the alternative, absence of documents to substantiate expenditures.

(d) Each recipient, whether a for--profit or non-profit entity, shall comply with the requirements of K.S.A. 45-240 and amendments thereto regarding recordkeeping requirements for not-for-profit entities that receive public funds.

(e) The TGT Committee may require an independent audit of a recipient by an auditing firm approved by the Committee. The recipient shall be responsible for all costs. TGT funds cannot be expended for any audit.

(f) Recipient shall not owe any debt due to the City, including, but not limited to

property taxes and special assessments. Each recipient shall be in good standing with the Kansas Secretary of State.

Section 4. In addition to compliance with Section 3, no funding shall be provided for the Downtown Plaza project until the following occurs:

(a) An appropriate recipient of the funds is approved by the TGT Committee. At a minimum, such recipient shall be a governmental entity or a non-profit entity that is exempt from paying federal income taxes.

(b) A proposal, design drawings, and a project timeline are submitted and approved by the TGT Committee.

Section 5. All financial commitments referenced in this Resolution shall be subject to the Budget and Cash Basis laws and any other applicable ordinances or statutes.

ADOPTED and APPROVED by the Governing Body on _____.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 20, 2015

DATE: October 20, 2015
CONTACT PERSON: Councilmember Elaine Schwartz
DOCUMENT #:
SECOND PARTY/SUBJECT: PROJECT #:
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: 9/01/15 Deferred one week. 9/08/15 Defer until 10/13/15. **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmembers Elaine Schwartz, Brendan Jensen and Jeffery Coen sitting as the Transient Guest Tax Committee, allocating transient guest tax funding for a period of 12 years for a Downtown Plaza.

(Approval would authorize Transient Guest Tax funding for Downtown Plaza in the amount of \$3,435,000 over a period of 12 years commencing in fiscal year 2016 and subject to the conditions in the resolution.)

POLICY ISSUE:

Charter Ordinance No. 116 was adopted by the Governing Body on September 1, 2015, and will become effective on November 14, 2015, extending the 1% Transient Guest Tax for 12 years commencing in fiscal year 2016.

STAFF RECOMMENDATION:

Staff makes no recommendation.

BACKGROUND:

The Transient Guest Tax is imposed on individuals staying in hotels and motels. The funds can be spent on tourism-related activities and to promote the general welfare of the city including attracting industry. The Transient Guest Tax Committee recommends continuing the 1% Transient Guest Tax that will expire on December 31, 2015, for an additional 12 years to fund a Downtown Plaza.

BUDGETARY IMPACT:

The City will be required to approve an annual budget for the Transient Guest Tax funds; however, this is a

dedicate revenue stream that will not impact City operation funding.

SOURCE OF FUNDING:

Transient Guest Tax Fund

ATTACHMENTS:

Description

Resolution

TGT Committee Report

Executive Summary

Downtown Plaza Cover Letter

Downtown Plaza Application

Charter Ordinance No. 116

TGT Resolution - Council Meeting 090815

1 RESOLUTION NO. _____
2

3 A RESOLUTION introduced by Councilmembers Elaine Schwartz, Brendan Jensen
4 and Jeffry Coen sitting as the Transient Guest Tax Committee,
5 allocating transient guest tax funding for a period of 12 years for a
6 Downtown Plaza.
7

8 WHEREAS, transient guest taxes (TGT) may be imposed on individuals who
9 occupy hotel and motel rooms for short durations; and

10 WHEREAS, the funds generated by such taxes may be used for convention and
11 tourism activities and to promote the general welfare of the city, including the attraction
12 of industry; and

13 WHEREAS, the City currently imposes a 7% TGT; and

14 WHEREAS, on August 20, 2002, the governing body, in Resolution No. 7253,
15 allocated 1% of the TGT for a period of 13 years to the development of the Great
16 Overland Station, including Riverfront Park, and the historic preservation fund; and

17 WHEREAS, that funding will expire on December 31, 2015; and

18 WHEREAS, the TGT Committee is desirous of extending the 1% for an additional
19 12 years to provide a funding source for certain projects that the Committee believes
20 will enhance tourism by putting more 'heads on beds' and delivering a quantifiable
21 return on the City's investment; and

22 WHEREAS, the TGT Committee developed a process to consider applications
23 for funding which were reviewed by a review board comprised of staff and tourism
24 industry representatives; and

25 WHEREAS, on August 19, 2015, the TGT Committee adopted the review board's
26 recommendations to allocate approximately \$4.7 million dollars over a period of 12
27 consecutive years to fund certain projects, including a Downtown Plaza.
28

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

Section 1. The City shall allocate \$3,435,000 over a period of 12 years to
provide funding for a Downtown Plaza subject to the terms and conditions contained in
this Resolution and a subsequently executed development agreement.

Such funds will be allocated annually in an amount determined by the City's chief
financial officer or designee. The commitments will begin in fiscal year 2016 and
continue until December 31, 2027 or until the maximum expenditure amount of
\$3,435,000 is met, whichever event is earlier.

Section 2. The City's funding commitment will be conditioned upon the
occurrence of the following:

(a) Enactment of a charter ordinance extending the current 1% TGT (which
expires on December 31, 2015) for an additional 12 years commencing in fiscal year
2016 and ending on December 31, 2027.

(b) Approval of a development agreement between the governing body and
the appropriate legal entity responsible for the project. Such agreement will contain
provisions addressing the use of TGT funds, including but not necessarily limited to:

(1) A project development budget identifying all funding sources and
the manner in which TGT funds will be spent.

(2) An operating plan for the project identifying various performance
metrics.

(3) A project timeline identifying established deadlines for various
milestones.

(4) A project design document.

(5) The anticipated economic impact of the project.

(6) An outline of the various responsibilities related to reporting, inspections, audits, indemnification, insurance, and fund repayment in certain specified circumstances.

The development agreement will also acknowledge that grant funding may be reduced to correspond to lower than expected TGT revenues.

(c) The development agreement will be submitted to the governing body for its consideration and approval within 180 days from the date of this Resolution; unless an extension is granted by the governing body.

(d) If the entity contracting on behalf of the Downtown Plaza is a not-for-profit entity, it will comply with the requirements of K.S.A. 45-240 and amendments thereto regarding recordkeeping requirements for not-for-profit entities that receive public funds.

(e) The entity contracting on behalf of the Downtown Plaza shall not owe any debt due to the City, including, but not limited to property taxes and special assessments and shall be in good standing with the Kansas Secretary of State.

Section 3. All financial commitments referenced in this Resolution shall be subject to the Budget and Cash Basis laws and any other applicable ordinances or statutes.

ADOPTED and APPROVED by the Governing Body on _____

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

COMMITTEE REFERRAL SHEET

COMMITTEE REPORT

Name of Committee: Transient Guest Tax (TGT)

Title: Allocations for the additional 1% TGT funds.

Date referred from Council meeting: n/a

Date referred from Committee: August 19, 2015

Committee Action: The Committee recommends to the full Council approval of the allocations for the additional 1% TGT funds totaling \$4,770,000 .

Applicant	Funding Request	Review Board Recommendation
Downtown Plaza	\$ 5,000,000	\$ 3,435,000
Evel Knievel Museum	\$ 500,000	\$ 300,000
Constitution Hall	\$ 935,000	\$ 355,000
Jayhawk Theatre	\$ 2,500,000	\$ 680,000
Planning Historic Grants (\$20k/year)	\$ 240,000	\$ -
Visit Topeka Research	\$ 100,000	\$ -
Visit Topeka Web	\$ 50,000	\$ -
Wayfinding Signs	\$ 325,000	\$ -
Chesney Park Mural	\$ 40,000	\$ -
Combat Air Museum	\$ 5,000	\$ -
Friends of the Zoo	\$ 2,480,000	\$ -
Great Overland Station	\$ 550,000	\$ -
Riverfront Park	\$ 2,300,000	\$ -
Topeka Horseshoe	\$ 200,000	\$ -
Total	\$ 15,225,000	\$ 4,770,000

Comments: Extension of the additional 1% TGT fund, beginning January 1, 2016.

Members of Committee: Chair Elaine Schwartz, Jeff Coen and Brendan Jensen

Agenda Date Requested: September 1, 2015

Transient Guest Tax Extension



Summary of Resolution Changes

Changes to the Transient Guest Tax resolution have been made based upon comments and feedback that was collected at the last governing body meeting. In addition to the changes in the resolution, a detailed development agreement will be developed for each individual entity, outlining the deliverables of each project. The resolution provides the backbone for what will also be included in the development agreement. Specific requirements were placed in Section 4 in order to ensure proper development of the plaza project under the guidance of the TGT committee. In order to provide proper oversight of funds and ensure the integrity of limited resources, the revised resolution includes the following additions:

Section 3:

- A) *Funding shall be expended only for capital improvements.*
 - Funding is not intended for operating purposes.
- B) *Submission and approval of a project budget included in a development agreement approved by the TGT Committee and executed by the City Manager. The budget shall identify all funding sources, and, specifically identify how TGT funds will be spent.*
- C) *Each recipient shall use the TGT funds only for the project identified in this Resolution and for those items identified in the project budget. Any changes to the scope of the project shall be approved by the TGT Committee. In order to ensure that TGT funds are used only for the project approved in this Resolution, each recipient shall provide quarterly reports to the TGT Committee. The reports shall identify expenditures of TGT funds, an invoice report identifying expenditures and payees as well as progress toward completion of the project. The TGT Committee or designee may audit financial documents relative to a project at any time and request reimbursement for expenditures determined to be improper, unauthorized or unsubstantiated. The TGT Committee or designee shall have sole authority in this regard and shall base the decision upon reports submitted or in the alternative, absence of documents to substantiate expenditures.*
- D) *Each recipient, whether a for--profit or non-profit entity, shall comply with the requirements of K.S.A. 45-240 and amendments thereto regarding recordkeeping requirements for not-for-profit entities that receive public funds.*
 - Entities that receive public funds in aggregate of \$350 or more are required to document such revenues and expenditures.
- E) *The TGT Committee may require an independent audit of a recipient by an auditing firm approved by the Committee. The recipient shall be responsible for all costs. TGT funds cannot be expended for any audit.*
- F) *Recipient shall not owe any debt due to the City, including, but not limited to property taxes and special assessments. Each recipient shall be in good standing with the Kansas Secretary of State.*

Section 4: Downtown Plaza

- A) *An appropriate recipient of the funds is approved by the TGT Committee. At a minimum, such recipient shall be a governmental entity or a non-profit entity that is exempt from paying federal income taxes.*
- B) *A proposal, design drawings, and a project timeline are submitted and approved by the TGT Committee.*



To the Transient Guest Tax Committee,

On behalf of the Topeka Lodging Association (TLA), I submit this application for use of transient guest tax funds to select a site, design, build and eventually program a downtown public plaza/park.

The TLA counts as its members nearly all of the hotels and motels that collect the transient guest tax in Topeka. The taxes' fundamental purpose is to improve our economy by attracting additional conventions, conferences and tourists to Topeka.

We know there are many different and worthy projects proposed to receive tax money. All deserve community support.

But the TLA urges you to make your primary goal to fund projects that can demonstrate they can have a specific impact on increasing both the average daily rate (ADR) and the occupancy in our hotels and motels.

The TLA believes a downtown public plaza/park, as described in this application, provides the project most likely to achieve that goal of providing the greatest increases in both the ADR and occupancy rates in Topeka.

By funding this downtown public plaza/park, we believe this application shows the significant increases in both ADR and occupancy this project will bring. That will allow the transient guest tax receipts to increase dramatically to provide funding for other projects.

The TLA made this downtown public plaza/park the only project we have endorsed. We urge you to approve this application and fund this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Rodger Fry".

Rodger Fry
President
Topeka Lodging Association

APPLICATION FOR TRANSIENT GUEST TAX FUNDS

August 14, 2015

Respectfully submitted to the City of Topeka Transient Guest Tax Committee

1. Describe the Project:

Acquisition, design, construction and programming a year-round public plaza/park in the Topeka downtown area.

The Topeka Lodging Association (TLA) believes a public plaza/park in downtown Topeka addresses several important needs.

- It gives the TLA and Visit Topeka (VTI) an important tool to increase convention bookings.
- It gives Downtown Topeka, Incorporated (DTI) and VTI an important tool to lure tourism spending.
- It combats "leakage" of local dollars now spent in other nearby communities.
- It gives Shawnee County Parks and Recreation a downtown special event venue and other amenities that young professionals want in their community.
- It gives DTI an additional asset to develop downtown Topeka.

Background: It has become increasingly difficult for our convention hotel properties as well as VTI to book meeting and convention business to Topeka. Competing cities have a much more active evening and weekend schedule of entertainment to give convention attendees something to do after the meetings each day.

In an effort to better define how to market Topeka, VTI hired Roger Brooks International to recommend a strategy for Topeka, based on success in other communities, that would allow Topeka to increase convention bookings, lure daily tourism spending, combat the leakage of local dollars to other communities and improve property values in downtown Topeka.. Roger Brooks International has done this work for some 200 communities.

The solution Mr. Brooks offered to remedy these problems is the design, construction and programming of at least 250 nights per year of a year-round public plaza/park in downtown Topeka. This year-round plaza would become the hub of activities in the downtown area. It solves the problem of not having a central place for activities and at the same time provides an incentive for additional growth downtown.

This project would be a collaboration between the city of Topeka and Shawnee County. We would use these guest tax receipts to build the year-round plaza/park. Shawnee County Parks and Recreation would operate the facility in partnership with other downtown entities such as DTI and VTI.

2. What is the total budget for the project:

\$5,000,000 to \$5,250,000 capital investment to build the year-round plaza/park coming from the transient guest tax. \$300,000 annually operationally to run and program the plaza/park.

3. What are funding sources other than TGT dollars for this project:

The Shawnee County Parks and Recreation Foundation will underwrite the Site Selection and Analysis Process in the amount of \$19,000 and Shawnee County will operate the plaza/park.

4. How much TGT funding is requested:

100% of the capital cost to build the year-round plaza/park.

5. What will the TGT funds be used for:

Acquisition of land, architectural drawings, actual construction and any other expense related to the development of the year-round plaza/park.

6. What are the economic development and tourism benefits to the City:

The benefits to the City of Topeka with this project are numerous. As Roger Brooks has stated in his summary presentation, "There is, flat out, nothing the city (or downtown) can do for less money that will have a stronger, faster and better return on investment."

Development of the plaza is a means to an end:

- It will increase convention bookings.
- It will increase tourism.
- It will slow the leakage of locally money spent elsewhere.
- It will increase property values and the retail sales tax base.
- It will provide a downtown special event venue and other amenities that young professionals want in their community.
- It will build community pride.

Plazas are an investment, not an expense.

7. What is the projected return on investment for the City (direct and indirect):

Roger Brooks surveyed more than 100 public plaza/park projects throughout the United States. The results:

- Commercial occupancy level for the properties within two blocks of the plaza park went from an average of 30% to 100%. EVERY project had 100% commercial occupancy. No vacancies.
- Property values increased 20% to 60%.
- Travel spending by visitors increased 70%.
- Spending by local residents in the zone around the plaza/park increased by 18%-25%.

Brooks reports the number one activity of visitors is shopping, dining and entertainment in a pedestrian-friendly environment. 80% of the non-lodging spending takes place there. Visitors look to go where locals hang out. The year-round public plaza/park programmed at least 250 days per year gives locals a reason to gather between 4p-9pm. The visitors go to where the locals go.

8. What is the timeline for the project:

The TLA believes the year-round plaza/park can be completed within 24 to 36 months of funding its construction.

9. How many visitors will come to your project:

Roger Brooks projects, based on his survey of 100 public plaza/parks, that Topeka should see 300,000 or more visitors to a fully programmed, year-round plaza/park. See the attached artist's renderings of one design for a proposed plaza.

10. How will your project create overnight stays at hotels:

Most large national conventions and conferences rotate between cities such as Las Vegas, San Antonio, New Orleans and Miami because these cities have something to entertain attendees after the meetings complete each day.

While we don't compete for that scale of conventions and conferences, the rule is the same for Topeka: to successfully attract conferences and conventions, visitors must have a consistent place to hang out, shop and eat after the meetings end each day.

Further, by giving those convention and conference goers a popular location with the year-round plaza/park, they are more likely to book additional nights both before and after the convention or conference.

Brooks projects that Topeka should see convention/conference sales TRIPLE by building and programming the year-round public plaza/park. In 2014, Topeka's three largest convention hotels did \$9.6 million in convention/conference business. With the plaza/park, we can see that number approach \$30,000,000 in convention/conference bookings. That will generate \$2,000,000 in additional transient guest tax revenues for the city that can be applied to tourism and conference development and other tourism-related projects in the community.

11. Is there additional information and/or materials, including pictures, other details etc., that would be helpful to the committee:

Roger Brooks recorded a two-part video presentation about the value of year-round public plazas/parks for communities. The presentation lays out the justification for a year-round public plaza/park, how communities have taken advantage of the benefits of a year-round public plaza/park and the key characteristics that should be part of any year-round public plaza/park review.

Here are the links for those two recordings:

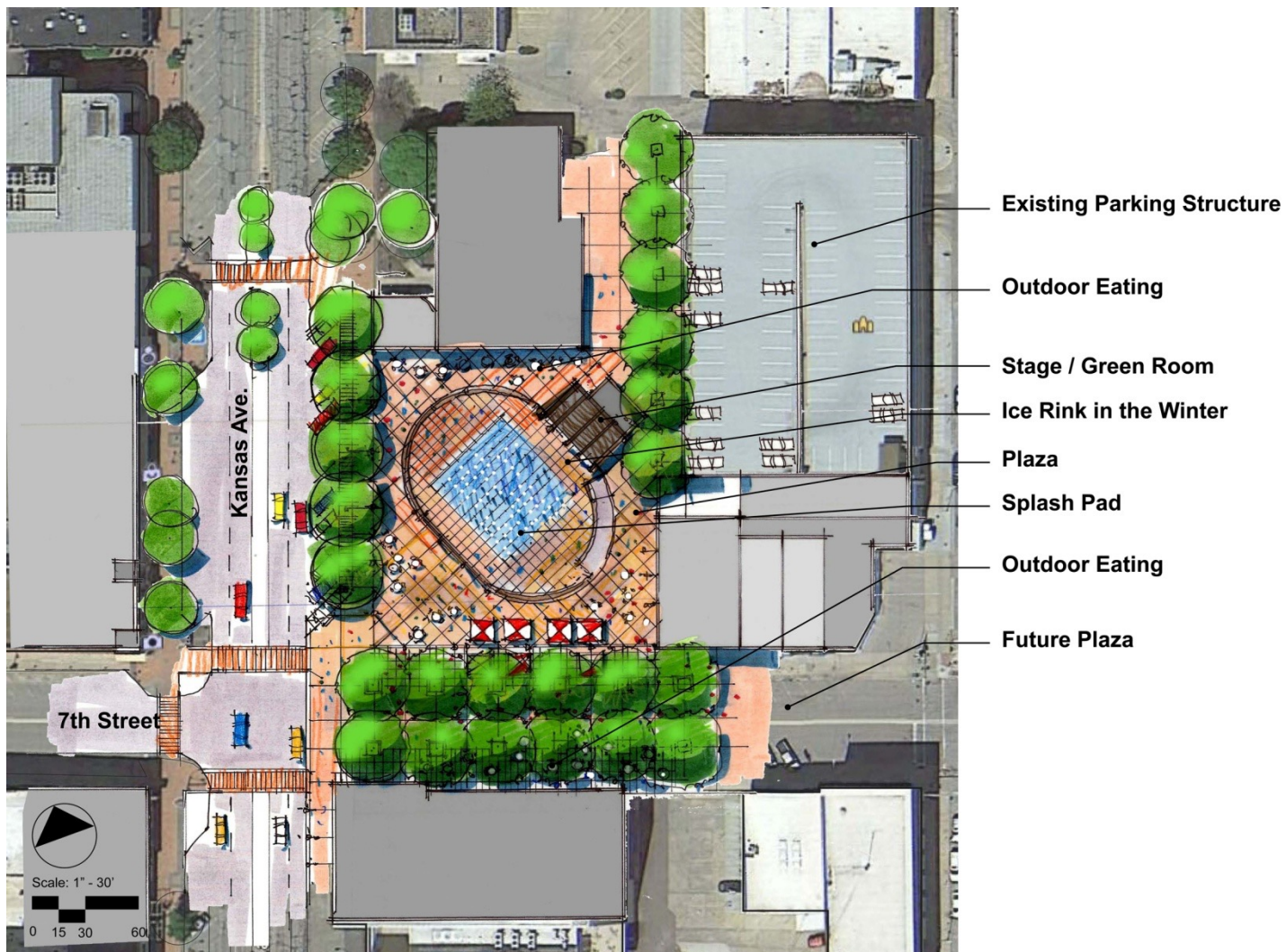
Part One:

https://player.vimeo.com/external/105100708.hd.mp4?s=af15dc25fe46229a76e89fff0a31900b&profile_id=113

Part Two:

https://player.vimeo.com/external/105143230.hd.mp4?s=7dccf8edd20bd10b7b15afc92c0f265d&profile_id=113

See the attached artist's renderings of one design for a proposed plaza.



Topeka
Conceptual Plaza Design

8-19-2014



1 (Published in the Topeka Metro News September 7, 2015 and September 14, 2015.)

2
3 **CHARTER ORDINANCE NO. 116**

4 A CHARTER ORDINANCE introduced by Councilmembers Schwartz, Jensen, and
5 Coen sitting as the Transient Guest Tax Committee,
6 amending Section A15-17 of the Topeka Municipal Code
7 concerning the transient guest tax levy.
8

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

10 Section 1. That section A15-17, Levied – Amount, of the Code of the City of
11 Topeka, Kansas, is hereby amended to read as follows:

12 **Levied – Amount.**

13 a. Beginning with the effective date of this Charter Ordinance as provided in
14 section 3 herein, and continuing through December 31, ~~2045~~2027, a transient guest tax
15 of seven percent shall be levied in the City of Topeka, Kansas, upon the gross rental
16 receipts derived from or paid by transient guests for lodging or sleeping
17 accommodations, exclusive of charges for incidental services or facilities, in any hotel,
18 motel, or tourist court.

19 b. Effective January 1, ~~2046~~2028, and continuing through December 31, 2032, a
20 transient guest tax of six percent shall be levied in the City of Topeka, Kansas, upon the
21 gross rental receipts derived from or paid by transient guests for lodging or sleeping
22 accommodations, exclusive of charges for incidental services or facilities, in any hotel,
23 motel, or tourist court.

24 c. Effective January 1, 2033, a transient guest tax of five percent shall be levied
25 in the City of Topeka, Kansas, upon the gross rental receipts derived from or paid by
26 transient guests for lodging or sleeping accommodations, exclusive of charges for
27 incidental services or facilities, in any hotel, motel, or tourist court.

Section 2. This Ordinance shall be published once each week for two (2) consecutive weeks in the official City newspaper.

Section 3. This Charter Ordinance shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and a referendum held on this Charter Ordinance as provided in Article 12, Section 5, Subdivision (c)(3), of the Kansas Constitution, in which case this Charter Ordinance shall become effective if approved by a majority of the electors voting therein.

Section 4. Upon the effective date of this Charter Ordinance, this Charter Ordinance shall be recorded by the City Clerk in a book maintained for such purposes with a statement of the manner of adoption and a certified copy shall be filed with the Secretary of State of the State of Kansas.

Section 5. That Charter Ordinance No. 108, as codified in Topeka City Code § A15-17 is hereby specifically repealed.

PASSED AND APPROVED by the Governing Body on September 1, 2015.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast
Larry E. Wolgast, Mayor

ATTEST:



Brenda Younger
Brenda Younger, City Clerk

STATEMENT OF MANNER OF ADOPTION OF FOREGOING

The foregoing Charter Ordinance No. 116 was passed on the 1st day of September, 2015, as shown by the minutes, Book 2015 Page _____, by a vote of 8 for and 2 against, being not less than two-thirds (2/3) of the members-elect of the governing body, published in the Topeka Metro News, the official city newspaper, on the 7th day of September, 2015, and on the 14th day of September, 2015, being once each week for two (2) consecutive weeks, and there being no petition demanding a referendum filed with the City Clerk within sixty (60) days after the final publication, said Charter Ordinance took effect on the 14th day of November, 2015.

Brenda Younger, City Clerk

CERTIFICATE

CITY OF TOPEKA)
COUNTY OF SHAWNEE) ss:
STATE OF KANSAS)

I, Brenda Younger, City Clerk of the City of Topeka, County of Shawnee, State of Kansas, do hereby certify that the above and foregoing, consisting of 3 typewritten pages, including the page upon which this Certificate is written, is a full true and correct copy of Charter Ordinance No. 116 of the said City of Topeka, that all acts and things required by Article 12, Section 5 of the Constitution of the State of Kansas were done and performed in the manner and within the time prescribed and that said Ordinance became effective on the 14th day of November, 2015.

Brenda Younger, City Clerk

1 RESOLUTION NO. _____
2

3 A RESOLUTION introduced by Councilmembers Elaine Schwartz, Brendan Jensen and
4 Jeffrey Coen sitting as the Transient Guest Tax Committee, allocating
5 transient guest tax funding for a period of 12 years to certain
6 designated projects.
7

8 WHEREAS, transient guest taxes (TGT) may be imposed on individuals who occupy
9 hotel and motel rooms for short durations; and

10 WHEREAS, the funds generated by such taxes may be used for convention and
11 tourism activities and to promote the general welfare of the city, including the attraction of
12 industry; and

13 WHEREAS, the City currently imposes a 7% TGT; and

14 WHEREAS, on August 20, 2002, the governing body, in Resolution No. 7253,
15 allocated 1% of the TGT for a period of 13 years to the development of the Great Overland
16 Station, including Riverfront Park, and the historic preservation fund; and

17 WHEREAS, that funding will expire on December 31, 2015; and

18 WHEREAS, the TGT Committee is desirous of extending the 1% for an additional
19 12 years to provide a funding source for certain projects that the Committee believes will
20 enhance tourism by putting more 'heads on beds' and delivering a quantifiable return on
21 the City's investment; and

22 WHEREAS, the TGT Committee developed a process to consider applications for
23 funding which were reviewed by a review board comprised of staff and tourism industry
24 representatives; and

25 WHEREAS, on August 19, 2015, the TGT Committee adopted the review board's
26 recommendations to allocate approximately \$4.7 million dollars over a period of 12
27 consecutive years to fund four projects.

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

Section 1. The City shall allocate 1% of TGT funds annually over a period of 12 years to provide funding for the following projects with the following maximum expenditure amounts:

Name of Project	Maximum Expenditure Amount
Downtown Plaza	\$3,435,000
Evel Knievel Museum	\$300,000
Constitution Hall	\$355,000
Jayhawk Theatre	\$680,000

Such funds will be allocated on a pro rata basis, as determined by the City's chief financial officer or designee. The commitments will begin in fiscal year 2016 and continue until December 31, 2027 or until the maximum expenditure amount is met, whichever event is earlier.

Section 2. The City's funding commitment shall be conditioned upon the occurrence of the following:

(a) Enactment of a charter ordinance extending the current 1% TGT (which expires on December 31, 2015) for an additional 12 years commencing in fiscal year 2016 and ending on December 31, 2027.

(b) Execution of an agreement with the appropriate funding recipient. Such agreement will contain provisions addressing use of the funds, project budgets, project timelines, reporting/inspection/audit responsibilities, indemnification, insurance, and fund repayment under certain circumstances. The agreement will also acknowledge that grant funding may be reduced to correspond to lower than expected TGT revenues.

Section 3. Funding shall also be contingent upon the following:

(a) Funding shall be expended only for capital improvements.

(b) Submission and approval of a project budget included in a development agreement approved by the TGT Committee and executed by the City Manager. The budget shall identify all funding sources, and, specifically identify how TGT funds will be spent.

(c) Each recipient shall use the TGT funds only for the project identified in this Resolution and for those items identified in the project budget. Any changes to the scope of the project shall be approved by the TGT Committee. In order to ensure that TGT funds are used only for the project approved in this Resolution, each recipient shall provide quarterly reports to the TGT Committee. The reports shall identify expenditures of TGT funds, an invoice report identifying expenditures and payees as well as progress toward completion of the project. The TGT Committee or designee may audit financial documents relative to a project at any time and request reimbursement for expenditures determined to be improper, unauthorized or unsubstantiated. The TGT Committee or designee shall have sole authority in this regard and shall base the decision upon reports submitted or in the alternative, absence of documents to substantiate expenditures.

(d) Each recipient, whether a for--profit or non-profit entity, shall comply with the requirements of K.S.A. 45-240 and amendments thereto regarding recordkeeping requirements for not-for-profit entities that receive public funds.

(e) The TGT Committee may require an independent audit of a recipient by an auditing firm approved by the Committee. The recipient shall be responsible for all costs. TGT funds cannot be expended for any audit.

(f) Recipient shall not owe any debt due to the City, including, but not limited to

property taxes and special assessments. Each recipient shall be in good standing with the Kansas Secretary of State.

Section 4. In addition to compliance with Section 3, no funding shall be provided for the Downtown Plaza project until the following occurs:

(a) An appropriate recipient of the funds is approved by the TGT Committee. At a minimum, such recipient shall be a governmental entity or a non-profit entity that is exempt from paying federal income taxes.

(b) A proposal, design drawings, and a project timeline are submitted and approved by the TGT Committee.

Section 5. All financial commitments referenced in this Resolution shall be subject to the Budget and Cash Basis laws and any other applicable ordinances or statutes.

ADOPTED and APPROVED by the Governing Body on _____.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 20, 2015

DATE: October 20, 2015
CONTACT PERSON: Councilmember Elaine Schwartz
DOCUMENT #:
SECOND PARTY/SUBJECT: **PROJECT #:**
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: 9/01/15 Deferred one **JOURNAL #:**
week. 9/08/15 Defer until
10/13/15.
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmembers Elaine Schwartz, Brendan Jensen and Jeffery Coen sitting as the Transient Guest Tax Committee, allocating transient guest tax funding for a period of 12 years for the Historic Jayhawk Theatre.

(Approval would authorize Transient Guest Tax funding for Historic Jayhawk Theatre in the amount of \$680,000 over a period of 12 years commencing in fiscal year 2016 and subject to the conditions in the resolution.)

POLICY ISSUE:

Charter Ordinance No. 116 was adopted by the Governing Body on September 1, 2015, and will become effective on November 14, 2015, extending the 1% Transient Guest Tax for 12 years commencing in fiscal year 2016.

STAFF RECOMMENDATION:

Staff makes no recommendation.

BACKGROUND:

The Transient Guest Tax is imposed on individuals staying in hotels and motels. The funds can be spent on tourism-related activities and to promote the general welfare of the city including attracting industry. The Transient Guest Tax Committee recommends continuing the 1% Transient Guest Tax that will expire on December 31, 2015, for an additional 12 years to fund the Jayhawk Theatre.

BUDGETARY IMPACT:

The City will be required to approve an annual budget for the Transient Guest Tax funds; however, this is a dedicate revenue stream that will not impact City operation funding.

SOURCE OF FUNDING:

Transient Guest Tax Fund

ATTACHMENTS:

Description

Resolution

TGT Committee Report

Executive Summary

Jayhawk Theatre Application

Charter Ordinance No. 116

1 RESOLUTION NO. _____

2
3 A RESOLUTION introduced by Councilmembers Elaine Schwartz, Brendan Jensen
4 and Jeffry Coen sitting as the Transient Guest Tax Committee,
5 allocating transient guest tax funding for a period of 12 years for the
6 Historic Jayhawk Theatre.
7

8 WHEREAS, transient guest taxes (TGT) may be imposed on individuals who
9 occupy hotel and motel rooms for short durations; and

10 WHEREAS, the funds generated by such taxes may be used for convention and
11 tourism activities and to promote the general welfare of the city, including the attraction
12 of industry; and

13 WHEREAS, the City currently imposes a 7% TGT; and

14 WHEREAS, on August 20, 2002, the governing body, in Resolution No. 7253,
15 allocated 1% of the TGT for a period of 13 years to the development of the Great
16 Overland Station, including Riverfront Park, and the historic preservation fund; and

17 WHEREAS, that funding will expire on December 31, 2015; and

18 WHEREAS, the TGT Committee is desirous of extending the 1% for an additional
19 12 years to provide a funding source for certain projects that the Committee believes
20 will enhance tourism by putting more 'heads on beds' and delivering a quantifiable
21 return on the City's investment; and

22 WHEREAS, the TGT Committee developed a process to consider applications
23 for funding which were reviewed by a review board comprised of staff and tourism
24 industry representatives; and

25 WHEREAS, on August 19, 2015, the TGT Committee adopted the review board's
26 recommendations to allocate approximately \$4.7 million dollars over a period of 12
27 consecutive years to fund certain projects, including the Historic Jayhawk Theatre.
28

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

Section 1. The City shall allocate \$680,000.00 over a period of 12 years to
provide funding for the Jayhawk Theatre subject to the terms and conditions contained
in this Resolution and a subsequently executed development agreement.

Such funds will be allocated annually in an amount determined by the City's chief
financial officer or designee. The commitments will begin in fiscal year 2016 and
continue until December 31, 2027 or until the maximum expenditure amount of
\$680,000.00 is met, whichever event is earlier.

Section 2. The City's funding commitment will be conditioned upon the
occurrence of the following:

(a) Enactment of a charter ordinance extending the current 1% TGT (which
expires on December 31, 2015) for an additional 12 years commencing in fiscal year
2016 and ending on December 31, 2027.

(b) Approval of a development agreement between the governing body and
the appropriate legal entity responsible for the project. Such agreement will contain
provisions addressing the use of TGT funds, including but not necessarily limited to:

(1) A project development budget identifying all funding sources and
the manner in which TGT funds will be spent.

(2) An operating plan for the project identifying various performance
metrics.

(3) A project timeline identifying established deadlines for various
milestones.

(4) A project design document.

(5) The anticipated economic impact of the project.

(6) An outline of the various responsibilities related to reporting, inspections, audits, indemnification, insurance, and fund repayment in certain specified circumstances.

The development agreement will also acknowledge that grant funding may be reduced to correspond to lower than expected TGT revenues.

(c) The development agreement will be submitted to the governing body for its consideration and approval within 180 days from the date of this Resolution; unless an extension is granted by the governing body.

(d) If the entity contracting on behalf of the Jayhawk Theatre is a not-for-profit entity, it will comply with the requirements of K.S.A. 45-240 and amendments thereto regarding recordkeeping requirements for not-for-profit entities that receive public funds.

(e) The entity contracting on behalf of the Jayhawk Theatre shall not owe any debt due to the City, including, but not limited to property taxes and special assessments and shall be in good standing with the Kansas Secretary of State.

Section 3. All financial commitments referenced in this Resolution shall be subject to the Budget and Cash Basis laws and any other applicable ordinances or statutes.

ADOPTED and APPROVED by the Governing Body on _____.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

COMMITTEE REFERRAL SHEET

COMMITTEE REPORT

Name of Committee: Transient Guest Tax (TGT)

Title: Allocations for the additional 1% TGT funds.

Date referred from Council meeting: n/a

Date referred from Committee: August 19, 2015

Committee Action: The Committee recommends to the full Council approval of the allocations for the additional 1% TGT funds totaling \$4,770,000 .

Applicant	Funding Request	Review Board Recommendation
Downtown Plaza	\$ 5,000,000	\$ 3,435,000
Evel Knievel Museum	\$ 500,000	\$ 300,000
Constitution Hall	\$ 935,000	\$ 355,000
Jayhawk Theatre	\$ 2,500,000	\$ 680,000
Planning Historic Grants (\$20k/year)	\$ 240,000	\$ -
Visit Topeka Research	\$ 100,000	\$ -
Visit Topeka Web	\$ 50,000	\$ -
Wayfinding Signs	\$ 325,000	\$ -
Chesney Park Mural	\$ 40,000	\$ -
Combat Air Museum	\$ 5,000	\$ -
Friends of the Zoo	\$ 2,480,000	\$ -
Great Overland Station	\$ 550,000	\$ -
Riverfront Park	\$ 2,300,000	\$ -
Topeka Horseshoe	\$ 200,000	\$ -
Total	\$ 15,225,000	\$ 4,770,000

Comments: Extension of the additional 1% TGT fund, beginning January 1, 2016.

Members of Committee: Chair Elaine Schwartz, Jeff Coen and Brendan Jensen

Agenda Date Requested: September 1, 2015

Transient Guest Tax Extension



Summary of Resolution Changes

Changes to the Transient Guest Tax resolution have been made based upon comments and feedback that was collected at the last governing body meeting. In addition to the changes in the resolution, a detailed development agreement will be developed for each individual entity, outlining the deliverables of each project. The resolution provides the backbone for what will also be included in the development agreement. Specific requirements were placed in Section 4 in order to ensure proper development of the plaza project under the guidance of the TGT committee. In order to provide proper oversight of funds and ensure the integrity of limited resources, the revised resolution includes the following additions:

Section 3:

- A) *Funding shall be expended only for capital improvements.*
 - Funding is not intended for operating purposes.
- B) *Submission and approval of a project budget included in a development agreement approved by the TGT Committee and executed by the City Manager. The budget shall identify all funding sources, and, specifically identify how TGT funds will be spent.*
- C) *Each recipient shall use the TGT funds only for the project identified in this Resolution and for those items identified in the project budget. Any changes to the scope of the project shall be approved by the TGT Committee. In order to ensure that TGT funds are used only for the project approved in this Resolution, each recipient shall provide quarterly reports to the TGT Committee. The reports shall identify expenditures of TGT funds, an invoice report identifying expenditures and payees as well as progress toward completion of the project. The TGT Committee or designee may audit financial documents relative to a project at any time and request reimbursement for expenditures determined to be improper, unauthorized or unsubstantiated. The TGT Committee or designee shall have sole authority in this regard and shall base the decision upon reports submitted or in the alternative, absence of documents to substantiate expenditures.*
- D) *Each recipient, whether a for--profit or non-profit entity, shall comply with the requirements of K.S.A. 45-240 and amendments thereto regarding recordkeeping requirements for not-for-profit entities that receive public funds.*
 - Entities that receive public funds in aggregate of \$350 or more are required to document such revenues and expenditures.
- E) *The TGT Committee may require an independent audit of a recipient by an auditing firm approved by the Committee. The recipient shall be responsible for all costs. TGT funds cannot be expended for any audit.*
- F) *Recipient shall not owe any debt due to the City, including, but not limited to property taxes and special assessments. Each recipient shall be in good standing with the Kansas Secretary of State.*

Section 4: Downtown Plaza

- A) *An appropriate recipient of the funds is approved by the TGT Committee. At a minimum, such recipient shall be a governmental entity or a non-profit entity that is exempt from paying federal income taxes.*
- B) *A proposal, design drawings, and a project timeline are submitted and approved by the TGT Committee.*



**Historic Jayhawk Theatre
Transient Guest Tax Request
8/15/15**

EXECUTIVE SUMMARY - The Historic Jayhawk Theatre requests \$2.5 million to begin restoration of the theatre into a 1st class live event and film venue. We will use these funds to leverage \$1.5 million in private donations. These dollars, combined with more than \$3 million in historic tax credits will allow us to break ground in 2016 and to be operational in 2017.

HISTORICAL LANDMARK - The Jayhawk is 89 years old and is on the National Register of Historic Places. For years, the historic Jayhawk Theatre, 720 S Kansas Ave., served as a popular movie house and entertainment venue that helped launch the career of burlesque performer Gypsy Rose Lee, fueled the popularity of Bob Hope and other vaudeville veterans and featured uniformed ushers and usherettes strolling the aisles. With plaster sunflowers and Jayhawks lining the arch and the Goddess of Agriculture gazing over the audience, the state-of-the-art theater built in 1926 was Topeka's premier destination. However, when White Lakes Mall opened in 1976 and newer theaters brought competition, the Jayhawk Theatre's entertainment era ended.

TOURISM DRAW - The Jayhawk will offer tourists a truly unique experience. The diverse programming of live music, dance, film, and special event programming means our guests can come to expect something new and enriching during every visit. Best of all? The Jayhawk will be the spark downtown needs to generate a real nightlife with retail and dining options nearby. We will attract over 60,000 visitors a year, mostly to after hours events. Our strategic plan includes marketing throughout the state to ensure top of mind awareness. This means people visiting Topeka for business or pleasure can plan to catch a movie or live show and perhaps even extend their stay.

PARTNERSHIP - We as a community have a unique opportunity to turn downtown Topeka into a thriving entertainment, housing and retail district. But we must get it right. We must make bold decisions and continue on our path to make downtown a success. The City has invested over \$5 million into the Kansas Avenue renovation. Private partners have raised nearly \$3 million for accoutrements. The planned outdoor plaza, Constitution Hall, Riverfront Park, and other attractions will need to be developed expertly and in a coordinated fashion. It is CRITICAL to remember that the Jayhawk Theatre can and should be the focal point of all of this progress. If we don't get the Jayhawk project going first, there will be less incentive for businesses to move downtown, and even less incentive for them to remain open after 5pm. Now is the time to help sustain the Jayhawk's momentum.

TGT DOLLARS HELP THE JAYHAWK THEATRE - The Transient Guest Tax program is the perfect fit for the Jayhawk Theatre in our goal to preserve the proud heritage of Topeka and attract visitors. In 2011, the City of Topeka awarded the the Jayhawk \$43,000 from the Heritage Tourism Grant program for 2, 5-Ton air conditioners and temporary electrical work to help us improve lighting and preserve the venue. And last spring, the Transient Guest Tax Committee awarded us \$100,000 for a Marquee to be installed on the 7th st. entrance to the Jayhawk Walk. The Marquee plans are currently being developed by the architect. We will receive an additional \$5,000 in TGT funds for marketing purposes once we secure a match for that grant. All of these funds are prime examples of the City doing its part to step up and help out. We hope the committee sees fit to continue that support.

CITY OF TOPEKA APPLICANT QUESTIONS

1) Describe the project.

The Jayhawk Theatre “project” consists of the main Theatre space, a 900 seat venue, and a 2,700 sq ft area adjacent to the theatre for use as a gathering space, ticket counter, coat check, administrative offices, bathrooms, etc.

2) What is the total budget for the project?

The total budget is \$8.2 million. Additionally, we are planning to develop an endowment of \$300,000 to be used for long term improvements and repairs.

3) What are funding sources other than TGT dollars for this project?

We will receive more than \$3 million in Historic state and federal tax credits. We intend to raise \$2 million through private donations, grants and other gifts.

4) How much TGT funding is requested?

We are requesting \$2.5 million in TGT funds

5) What will the TGT funds be used for?

90% of these funds will go directly to construction and restoration. We will use a portion of the remainder to enlist an experienced professional Executive Director to manage the construction phase, operations and marketing planning. These remaining TGT funds are also intended to hire professional historic tax credit and fundraising consultants to maximize those complex and critical areas.

6) What are the economic development and tourism benefits to the City?

Clearly, an enhanced downtown will be a value add for Topeka drawing 60,000 visitors a year. We are adjacent to the Capitol. We will be the focal point for downtown. Employers will be able to do a better job recruiting, and the City should be more attractive to potential new businesses and home buyers who might otherwise invest elsewhere. Event planners can include the Jayhawk as yet another entertainment amenity for the attendees of conferences and events. Another important benefit is that Topeka will see the Jayhawk as a source of community pride, similar to other cities in Kansas with operating downtown historic theaters.

7) What is the projected return on investment for the City (direct and indirect)?

We project the city will experience a direct impact of at least \$1.5 million/year once the theatre is operational. This does NOT include tax revenues generated by theatre attendees dining and shopping elsewhere before and after events. We anticipate ticket and concession sales of \$300,000 and total income of around \$450,000/year in the first year, and \$800,000/year by year 3. Our estimate would be that sales tax collections would be in the \$30,000 to \$40,000 range.

8) What is the timeline for the project?

If we are awarded these TGT dollars, we are confident that the fundraising goals can be reached in the next 12 months, and that we can break ground on the restoration in 2016 and be open in late 2017. If we are denied this opportunity, the timeline would be extended by at least two years.

9) How many visitors will come to your project?

Conservatively, we anticipate 56,000 people will attend events in the first year of operation based on 65% capacity and 70 events per year in our 900 seat venue. However, we intend to program much more extensively than that and it is feasible that we may program over 200 events and even at only 50% capacity, that would attract 90,000 visitors.

10) How will your project create overnight stays at hotels?

Our statewide marketing strategy for high quality live events and conferences should attract many people here from outside a 60 mile radius. We estimate 25% of our attendees will be from outside the market. If we sell out our 900 seats, that would mean 200 would be from out of town. It is impossible to estimate, but this should result in overnight stays for many of those guests. Additionally, performers and tech crews will also be staying in local hotels for one or two nights per event.

11) Is there additional information and/or materials, including pictures, other details, etc., that would be helpful to the committee?

In summary, we understand you have some difficult decisions to make as you allocate the TGT funds. The support of the Jayhawk is crucial at this point in time. We currently have the best team of board members imaginable with DIRECT historic restoration and tax credit experience. Two own buildings on the National Historic Register. Our board has depth and experience in fundraising, financial stewardship, architecture, entertainment, business and connections with the right people to get the job done. We have built the most credible team possible during the last few years and we are attracting more people who see the value of the project. We are a purely volunteer board, and we believe in this project and we are confident you will choose to support our goals and vote to fully fund our \$2.5 million request.

Attached is our construction budget and 3 letters of support.

Thank you.

08/11/2015

To whom it may concern,

This letter is in support of the Jayhawk Theatre's request for funding from the Transient Guest Tax Committee. As a businessman, my company has invested over a million dollars in the Historic Old Town area of Topeka, part of Topeka's central core. For any city to be dynamic and growing, a number of factors need to be present. A strong, vibrant Downtown and residential core of the city are two of those factors.

As a former Landmarks Commissioner, former President of the Topeka High School Historical Society, former President of the Shawnee County Historical Society, and former President of the Jayhawk State Theatre of Kansas Board, I have spent thousands of hours and dollars working to preserve Topeka's historic fabric. I applaud the City of Topeka for moving forward with Historic Designations for several areas of the Downtown. It is not just about preserving historic buildings. It is much more complex than that. Supporting these projects is a form of economic development that will pay dividends to the city in the future. Heritage tourism has the potential to generate a significant economic benefit to our city.

Once the Downtown revitalization is complete, then we need to have consistent reasons for people to come Downtown to enjoy the new atmosphere. That is where the Jayhawk Theatre is a key component. With up to 900 seats, the Jayhawk is a medium-sized venue that does not compete with TPAC, the Expocentre, TCT, or any other venue. It is truly unique. Almost all cities that have successfully revitalized their Downtowns and core areas have a restored historic theater. The programming for the Jayhawk will be events that currently are not happening in Topeka, programming that will compliment, not compete with, other Topeka cultural venues. As an example, the Stiefel Theatre in Salina, Ks. has been restored and has extremely dynamic and aggressive programming that bring tourists from over 100 miles away (myself included). Check out their website to review their programming. Emporia, McPherson, Wichita, and numerous other cities in Kansas have done this. Topeka's Downtown needs the Jayhawk Theatre to be open for business as a vital anchor for events and programming. It is a perfect fit for all of the other exciting things that are taking place Downtown.

I urge your committee to support the application of the Jayhawk Theatre for financial support from Transient Guest Tax funds. Every dollar invested in venues like the Jayhawk will return additional dollars to our committee from enhanced tourism. The quality of life issues are important to companies considering relocating to Topeka, and also important to companies considering expanding. It is a whole package that brings new companies and workers to Topeka, and keep them here. These quality of life issues are an important part of the equation, and a vibrant and open Jayhawk Theatre would become a crown jewel for our community.

Thanks for listening!! Doug Jones, VP of JQ Historic Properties

A handwritten signature in dark ink, appearing to read 'Doug Jones', is located at the bottom right of the page. The signature is fluid and cursive, with a long, sweeping underline that extends towards the bottom right corner.

August 13, 2015

Transient Guest Tax Committee,

It is my privilege to be able to submit a letter of support to your committee for the Jayhawk Theatre. As a former City Council member from 2001-2005, I was part of the original group that proposed the use of the transient guest tax for purposes of Heritage Tourism. It was because of this funding source that we were able to provide the matching funds necessary for The Great Overland Station to leverage federal grants to completely renovation of their magnificent building. The Great Overland Station is a success story for how the Heritage Tourism is to be used.

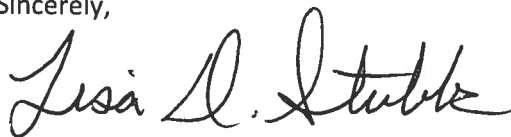
I believe that the Jayhawk Theatre can be another one of these magnificent success stories. Like The Great Overland Station was to a N. Kansas Ave. revitalization (the prospering NOTO Art District), the Jayhawk Theatre has an opportunity to provide this same type of energy to the S. Kansas Ave. and surrounding area revitalization efforts. The time to act is now- the newly renovated Capitol currently brings thousands of people to Topeka's downtown area but we need to give these heritage tourists a reason to stay downtown after the Capitol is closed. Millions of dollars are going into S. Kansas Ave. (6th to 10th St.) infrastructure and private donations are funding other amenities like 8 pocket parks, architectural crosswalks, fountains, statues of notable Kansans, landscaping and much more.

As a private owner of a downtown building (that is a contributing building to the newly designated Commercial Historic District) and its renovation, plus personally living in this building, I know that it is imperative for Topeka to create a dynamic core that includes a thriving business and entertainment district. Without this, the downtown will not be able to become an economic success for our community. The Jayhawk Theatre will be an important part of accomplishing that goal. The Jayhawk Theatre will provide additional choices for entertainment that will compliment the Topeka Performing Arts Center. It will provide a medium-sized venue for live performances, concerts, movies, company events, weddings and much more. The history of The Jayhawk Theatre is equally impressive and worth remembering.

Finally, as a member of the Management Committee for Heartland Visioning, it is important to note that the Jayhawk Theatre is considered an anchor project within the dynamic core. Having a dynamic core was identified by our community as a major Visioning priority. Mayor Wolgast chairs the Dynamic Core committee.

For these reasons, I hope you can support the Jayhawk Theatre with the Transient Guest Tax funds.

Sincerely,

A handwritten signature in black ink, reading "Lisa D. Stubbs". The signature is fluid and cursive, with the first name "Lisa" being the most prominent.

Lisa D. Stubbs

August 11, 2015

Transient Guest Tax Committee:

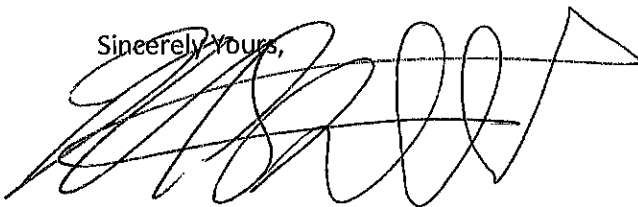
I am writing in support of the Jayhawk Theatre and its effort to utilize Transient Guest Tax Funds for the renovation of the Theatre. A renovated and operating Jayhawk Theatre is essential to continue the renovation and excitement Downtown.

While I am the Treasurer for the Jayhawk Theatre, I also own 10 residential lofts downtown. The residents of these lofts are largely young professionals. Many of the loft residents moved to Topeka from other cities. They love the cosmopolitan feel of the city. Many of these residents have told me that had they not found the lofts, they would have lived in Lawrence or Kansas City because of those cities commitment to Downtown. We lose too many people that work in Topeka to Lawrence because of the flavor of its downtown. Places that people love to live are also places that people love to visit.

We are turning the corner in Topeka when it comes to having a lively Downtown. In order to keep that momentum growing, we have to establish a core of entertainment and eating establishments Downtown. The Jayhawk provides that medium size venue that will attract movie-goers and other audiences for entertainment that cannot be found anywhere else in Topeka. In turn, other entertainment venues and eating establishments will flourish as people attend movies and other shows. These businesses will attract not only residents but visitors who will in turn stay in hotels as part of their visit to the Capital City.

I believe this renaissance in Downtown will continue. A group of investors and myself have purchased the former Assumption Grade School at 735 S. Jackson. We will be turning the building into 21 residential lofts. The project is called Jackson Street Lofts. Young professionals want to live downtown and celebrate the urban lifestyle. Please support the Jayhawk Theatre in your Transient Guest Funds discussions and help Topeka attract residents and visitors alike.

Sincerely Yours,

A handwritten signature in black ink, appearing to read 'Mark L. Burenheide', with a large, stylized flourish extending to the right.

Mark L. Burenheide



SLEMMONS
ASSOCIATES
architects, p.a.

Historic Jayhawk Theatre Restoration

Updated Opinion of Costs

Project No. 950811
04.07.15

A. Phase 1:

1. Jackson Street Marquee:

a. Demolition	\$5,000
b. Structural Supports	20,000
c. Electrical Rough-Ins	15,000
d. Marquee	75,000
e. Wiring	5,000
f. Software	15,000
g. Sub-Total	\$135,000
h. Contingency (10%)	13,500
i. A/E Fees (10%)	13,500
j. Total	\$162,000

2. 7th Street Marquee:

a. Demolition	\$5,000
b. Structural Supports	20,000
c. Electrical Rough-Ins	15,000
d. Marquee	75,000
e. Wiring	5,000
f. Software	15,000
g. Sub-Total	\$135,000
h. Contingency (10%)	13,500
i. A/E Fees (10%)	13,500
j. Total	\$162,000

3. Kandybrook Restoration:

a. Demolition	\$10,000
b. Plaster Repair	25,000
c. Electrical	30,000
d. HVAC	80,000
e. Sprinkler System	50,000
f. Lighting	30,000
g. Cabinetry/Equipment	40,000
h. Plumbing	30,000
i. Finishes	75,000
j. Doors/Frames/Hardware	30,000
k. Temporary Partitions	10,000
l. Stair Restoration	40,000
m. Sub-Total	\$450,000
n. Contingency (10%)	45,000
o. A/E Fees (10%)	45,000
p. Total	\$540,000

4. Recap Phase 1:

a. Jackson Street Marquee	\$162,000
b. 7th Street Marquee	162,000
c. Kandybrook Restoration	\$450,000
d. Total	\$674,000

Page 1

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4. Mezzanine/Promenade:

a. Demolition	\$15,000
b. Plaster Repair	45,000
c. Electrical	25,000
d. HVAC	80,000
e. Sprinkler	50,000
f. Lighting	30,000
g. Concessions:	
1) Cabinetry	20,000
2) Equipment	10,000
h. Finishes/Partitions	50,000
i. Toilets/Accessories/Plumbing, etc.	100,000
j. Furnishings	25,000
k. Sub-Total	\$450,000
l. Contingency (10%)	45,000
m. A/E Fees (10%)	45,000
n. Total	\$540,000

5. Balcony:

a. Demolition	\$20,000
b. Floor Prep/Finish	30,000
c. Electrical	20,000
d. HVAC	40,000
e. Lighting	30,000
f. Doors/Frames/Hardware	5,000
g. Fire Stair (Exterior)	40,000
h. Railings Restoration and Upgrades	30,000
i. Seating	150,000
j. Special Systems	5,000
k. Sub-Total	\$370,000
l. Contingency (10%)	37,000
m. A/E Fees (10%)	37,000
n. Total	\$444,000

6. Recap Phase 2:

a. Theatre/Main House	\$2,328,000
b. Lobby/Toilets	1,110,000
c. Jayhawk Walk	228,000
d. Mezzanine/Promenade	540,000
e. Balcony	444,000
f. Total Phase 2	\$4,650,000

Page 3

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B. Phase 2:

1. Theatre/Main House:

a. Demolition/Scaffolding	\$100,000
b. Structural Repairs	25,000
c. Electrical Rough-In	200,000
d. HVAC	300,000
e. Sprinkler	100,000
f. Lighting	100,000
g. Plaster Repairs	250,000
h. Painting	150,000
i. Floor Prep/Finish	120,000
j. Exit Stairs	25,000
k. Doors/Frames/Hardware	25,000
l. Seating (House Floor)	200,000
m. Platforms	25,000
n. Project Room/Sound Alcove	30,000
o. Special Systems	25,000
p. Curtains/Track	110,000
q. Jayhawk Walk Stair Lift	40,000
r. Kiosk Restoration	25,000
s. Roof	80,000
t. Sub-Total	\$1,940,000
u. Contingency (10%)	194,000
v. A/E Fees (10%)	194,000
w. Total	\$2,328,000

2. Lobby/Toilets:

a. Demolition	\$35,000
b. Electrical Rough-In	50,000
c. HVAC	150,000
d. Sprinkler Modifications	30,000
e. Lighting	50,000
f. Finishes/Partitions	250,000
g. Façade Upgrade	50,000
h. Doors/Frames/Hardware	40,000
i. Plumbing	75,000
j. Special Systems	50,000
k. Sidewalk Modifications	25,000
l. Cabinetry/Millwork	50,000
m. Backstage Stair/Lift	40,000
n. Sub-Total	\$825,000
o. Contingency (10%)	82,500
p. A/E Fees (10%)	82,500
q. Total	\$1,110,000

3. Jayhawk Walk:

a. Demolition	\$5,000
b. Electrical Rough-In	15,000
c. HVAC	30,000
d. Sprinkler Upgrade	30,000
e. Lighting	40,000
f. Restoration of Finishes	20,000
g. Restoration of Display Cabinets	30,000
h. Special Systems	20,000
i. Sub-Total	\$190,000
j. Contingency (10%)	19,000
k. A/E Fees (10%)	19,000
l. Total	\$228,000

Page 2

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C. Phase 3:

1. Basement:

a. Demolition	\$20,000
b. Partitions	10,000
c. Lighting	20,000
d. Electrical	30,000
e. HVAC	25,000
f. Finishes	20,000
g. Doors/Frames/Hardware	10,000
h. Sub-Total	\$135,000
i. Contingency (10%)	13,500
j. A/E Fees (10%)	13,500
k. Total	\$162,000

2. Stage:

a. Demolition	\$35,000
b. New Stage Floor	80,000
c. New Fly Loft/Grid	150,000
d. Ventilation	80,000
e. Stage Equipment	100,000
f. Sound System	110,000
g. Lighting Panel	110,000
h. Lighting	50,000
i. Sprinkler	50,000
j. Doors/Frames/Hardware	5,000
k. Sub-Total	\$775,000
l. Contingency (10%)	77,500
m. A/E Fees (10%)	77,500
n. Total	\$924,000

3. Backstage/Green Room/Storage/Etc.:

a. Demolition	\$30,000
b. Structure/Stairs/Lift	60,000
c. Flooring	30,000
d. Finishes	100,000
e. Electrical	30,000
f. HVAC	100,000
g. Sprinkler	30,000
h. Lighting	25,000
i. Toilets/Plumbing/Accessories	100,000
j. Cabinetry	25,000
k. Doors/Frames/Hardware	20,000
l. Sub-Total	\$550,000
m. Contingency (10%)	55,000
n. A/E Fees (10%)	55,000
o. Total	\$660,000

4. Recap Phase 3:

a. Basement	\$162,000
b. Stage	924,000
c. Backstage/Green Room/Shop/Set Storage/Etc.	660,000
d. Total Phase 3	\$1,746,000

Page 4

SLEMMONS ASSOCIATES architects, p.a.

D. Phase 4:

1. Banquet/Meeting Hall/Set Shop/Etc.:

a. Demolition	\$30,000
b. Structure	30,000
c. Flooring	20,000
d. Stairs	20,000
e. Partitions	30,000
f. Finishes	100,000
g. Electrical	50,000
h. HVAC	150,000
i. Lighting	35,000
j. Sprinkler	45,000
k. Doors/Frames/Hardware	40,000
l. Toilets/Accessories	75,000
m. Façade Restoration	50,000
n. Loading Dock Upgrade	30,000
o. Kitchen Equipment	35,000
p. Cabinetry/Millwork	30,000
q. Furnishings	20,000
r. Sub-Total	\$790,000
s. Contingency (10%)	79,000
t. A/E Fees (10%)	79,000
u. Total	\$948,000

E. RECAP:

1. Phase 1	\$864,000
2. Phase 2	4,650,000
3. Phase 3	1,746,000
4. Phase 4	948,000
5. TOTAL	\$8,208,000

1 (Published in the Topeka Metro News September 7, 2015 and September 14, 2015.)

2
3 **CHARTER ORDINANCE NO. 116**

4 A CHARTER ORDINANCE introduced by Councilmembers Schwartz, Jensen, and
5 Coen sitting as the Transient Guest Tax Committee,
6 amending Section A15-17 of the Topeka Municipal Code
7 concerning the transient guest tax levy.
8

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

10 Section 1. That section A15-17, Levied – Amount, of the Code of the City of
11 Topeka, Kansas, is hereby amended to read as follows:

12 **Levied – Amount.**

13 a. Beginning with the effective date of this Charter Ordinance as provided in
14 section 3 herein, and continuing through December 31, ~~2045~~2027, a transient guest tax
15 of seven percent shall be levied in the City of Topeka, Kansas, upon the gross rental
16 receipts derived from or paid by transient guests for lodging or sleeping
17 accommodations, exclusive of charges for incidental services or facilities, in any hotel,
18 motel, or tourist court.

19 b. Effective January 1, ~~2046~~2028, and continuing through December 31, 2032, a
20 transient guest tax of six percent shall be levied in the City of Topeka, Kansas, upon the
21 gross rental receipts derived from or paid by transient guests for lodging or sleeping
22 accommodations, exclusive of charges for incidental services or facilities, in any hotel,
23 motel, or tourist court.

24 c. Effective January 1, 2033, a transient guest tax of five percent shall be levied
25 in the City of Topeka, Kansas, upon the gross rental receipts derived from or paid by
26 transient guests for lodging or sleeping accommodations, exclusive of charges for
27 incidental services or facilities, in any hotel, motel, or tourist court.

Section 2. This Ordinance shall be published once each week for two (2) consecutive weeks in the official City newspaper.

Section 3. This Charter Ordinance shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and a referendum held on this Charter Ordinance as provided in Article 12, Section 5, Subdivision (c)(3), of the Kansas Constitution, in which case this Charter Ordinance shall become effective if approved by a majority of the electors voting therein.

Section 4. Upon the effective date of this Charter Ordinance, this Charter Ordinance shall be recorded by the City Clerk in a book maintained for such purposes with a statement of the manner of adoption and a certified copy shall be filed with the Secretary of State of the State of Kansas.

Section 5. That Charter Ordinance No. 108, as codified in Topeka City Code § A15-17 is hereby specifically repealed.

PASSED AND APPROVED by the Governing Body on September 1, 2015.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast
Larry E. Wolgast, Mayor

ATTEST:



Brenda Younger
Brenda Younger, City Clerk

STATEMENT OF MANNER OF ADOPTION OF FOREGOING

The foregoing Charter Ordinance No. 116 was passed on the 1st day of September, 2015, as shown by the minutes, Book 2015 Page _____, by a vote of 8 for and 2 against, being not less than two-thirds (2/3) of the members-elect of the governing body, published in the Topeka Metro News, the official city newspaper, on the 7th day of September, 2015, and on the 14th day of September, 2015, being once each week for two (2) consecutive weeks, and there being no petition demanding a referendum filed with the City Clerk within sixty (60) days after the final publication, said Charter Ordinance took effect on the 14th day of November, 2015.

Brenda Younger, City Clerk

CERTIFICATE

CITY OF TOPEKA)
COUNTY OF SHAWNEE) ss:
STATE OF KANSAS)

I, Brenda Younger, City Clerk of the City of Topeka, County of Shawnee, State of Kansas, do hereby certify that the above and foregoing, consisting of 3 typewritten pages, including the page upon which this Certificate is written, is a full true and correct copy of Charter Ordinance No. 116 of the said City of Topeka, that all acts and things required by Article 12, Section 5 of the Constitution of the State of Kansas were done and performed in the manner and within the time prescribed and that said Ordinance became effective on the 14th day of November, 2015.

Brenda Younger, City Clerk



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 20, 2015

DATE: October 20, 2015
CONTACT PERSON: Councilmember Elaine Schwartz
DOCUMENT #:
SECOND PARTY/SUBJECT: PROJECT #:
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: 9/01/15 Deferred one week. 9/08/15 Defer until 10/13/15. **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmembers Elaine Schwartz, Brendan Jensen and Jeffery Coen sitting as the Transient Guest Tax Committee, allocating transient guest tax funding for a period of 12 years for the Evel Knievel Museum.

(Approval would authorize Transient Guest Tax funding for Evel Knievel Museum in the amount of \$300,000 over a period of 12 years commencing in fiscal year 2016 and subject to the conditions in the resolution.)

POLICY ISSUE:

Charter Ordinance No. 116 was adopted by the Governing Body on September 1, 2015, and will become effective on November 14, 2015, extending the 1% Transient Guest Tax for 12 years commencing in fiscal year 2016.

STAFF RECOMMENDATION:

Staff makes no recommendation.

BACKGROUND:

The Transient Guest Tax is imposed on individuals staying in hotels and motels. The funds can be spent on tourism-related activities and to promote the general welfare of the city including attracting industry. The Transient Guest Tax Committee recommends continuing the 1% Transient Guest Tax that will expire on December 31, 2015, for the Evel Knievel Museum.

BUDGETARY IMPACT:

The City will be required to approve an annual budget for the Transient Guest Tax funds; however, this is a

dedicate revenue stream that will not impact City operation funding.

SOURCE OF FUNDING:

Transient Guest Tax Fund

ATTACHMENTS:

Description

Resolution

TGT Committee Report

Executive Summary

Evel Knievel Museum Application

Charter Ordinance No. 116

TGT Resolution - Council Meeting 090815

1 RESOLUTION NO. _____

2
3 A RESOLUTION introduced by Councilmembers Elaine Schwartz, Brendan Jensen
4 and Jeffry Coen sitting as the Transient Guest Tax Committee,
5 allocating transient guest tax funding for a period of 12 years for the
6 Evel Knievel Museum.
7

8 WHEREAS, transient guest taxes (TGT) may be imposed on individuals who
9 occupy hotel and motel rooms for short durations; and

10 WHEREAS, the funds generated by such taxes may be used for convention and
11 tourism activities and to promote the general welfare of the city, including the attraction
12 of industry; and

13 WHEREAS, the City currently imposes a 7% TGT; and

14 WHEREAS, on August 20, 2002, the governing body, in Resolution No. 7253,
15 allocated 1% of the TGT for a period of 13 years to the development of the Great
16 Overland Station, including Riverfront Park, and the historic preservation fund; and

17 WHEREAS, that funding will expire on December 31, 2015; and

18 WHEREAS, the TGT Committee is desirous of extending the 1% for an additional
19 12 years to provide a funding source for certain projects that the Committee believes
20 will enhance tourism by putting more 'heads on beds' and delivering a quantifiable
21 return on the City's investment; and

22 WHEREAS, the TGT Committee developed a process to consider applications
23 for funding which were reviewed by a review board comprised of staff and tourism
24 industry representatives; and

25 WHEREAS, on August 19, 2015, the TGT Committee adopted the review board's
26 recommendations to allocate approximately \$4.7 million dollars over a period of 12
27 consecutive years to fund certain projects, including the Evel Knievel Museum.
28

29 NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
30 CITY OF TOPEKA, KANSAS, that:

31 Section 1. The City shall allocate \$300,000.00 over a period of 12 years to
32 provide funding for the Evel Knievel Museum subject to the terms and conditions
33 contained in this Resolution and a subsequently executed development agreement.

34 Such funds will be allocated annually in an amount determined by the City's chief
35 financial officer or designee. The commitments will begin in fiscal year 2016 and
36 continue until December 31, 2027 or until the maximum expenditure amount of
37 \$300,000.00 is met, whichever event is earlier.

38 Section 2. The City's funding commitment will be conditioned upon the
39 occurrence of the following:

40 (a) Enactment of a charter ordinance extending the current 1% TGT (which
41 expires on December 31, 2015) for an additional 12 years commencing in fiscal year
42 2016 and ending on December 31, 2027.

43 (b) Approval of a development agreement between the governing body and
44 the appropriate legal entity responsible for the project. Such agreement will contain
45 provisions addressing the use of TGT funds, including but not necessarily limited to:

46 (1) A project development budget identifying all funding sources and
47 the manner in which TGT funds will be spent.

48 (2) An operating plan for the project identifying various performance
49 metrics.

50 (3) A project timeline identifying established deadlines for various
51 milestones.

52 (4) A project design document.

53 (5) The anticipated economic impact of the project.

(6) An outline of the various responsibilities related to reporting, inspections, audits, indemnification, insurance, and fund repayment in certain specified circumstances.

The development agreement will also acknowledge that grant funding may be reduced to correspond to lower than expected TGT revenues.

(c) The development agreement will be submitted to the governing body for its consideration and approval within 180 days from the date of this Resolution; unless an extension is granted by the governing body.

(d) If the entity contracting on behalf of the Evel Knievel Museum is a not-for-profit entity, it will comply with the requirements of K.S.A. 45-240 and amendments thereto regarding recordkeeping requirements for not-for-profit entities that receive public funds.

(e) The entity contracting on behalf of the Evel Knievel Museum shall not owe any debt due to the City, including, but not limited to property taxes and special assessments and shall be in good standing with the Kansas Secretary of State.

Section 3. All financial commitments referenced in this Resolution shall be subject to the Budget and Cash Basis laws and any other applicable ordinances or statutes.

ADOPTED and APPROVED by the Governing Body on _____

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

COMMITTEE REFERRAL SHEET

COMMITTEE REPORT

Name of Committee: Transient Guest Tax (TGT)

Title: Allocations for the additional 1% TGT funds.

Date referred from Council meeting: n/a

Date referred from Committee: August 19, 2015

Committee Action: The Committee recommends to the full Council approval of the allocations for the additional 1% TGT funds totaling \$4,770,000 .

Applicant	Funding Request	Review Board Recommendation
Downtown Plaza	\$ 5,000,000	\$ 3,435,000
Evel Knievel Museum	\$ 500,000	\$ 300,000
Constitution Hall	\$ 935,000	\$ 355,000
Jayhawk Theatre	\$ 2,500,000	\$ 680,000
Planning Historic Grants (\$20k/year)	\$ 240,000	\$ -
Visit Topeka Research	\$ 100,000	\$ -
Visit Topeka Web	\$ 50,000	\$ -
Wayfinding Signs	\$ 325,000	\$ -
Chesney Park Mural	\$ 40,000	\$ -
Combat Air Museum	\$ 5,000	\$ -
Friends of the Zoo	\$ 2,480,000	\$ -
Great Overland Station	\$ 550,000	\$ -
Riverfront Park	\$ 2,300,000	\$ -
Topeka Horseshoe	\$ 200,000	\$ -
Total	\$ 15,225,000	\$ 4,770,000

Comments: Extension of the additional 1% TGT fund, beginning January 1, 2016.

Members of Committee: Chair Elaine Schwartz, Jeff Coen and Brendan Jensen

Agenda Date Requested: September 1, 2015

Transient Guest Tax Extension



Summary of Resolution Changes

Changes to the Transient Guest Tax resolution have been made based upon comments and feedback that was collected at the last governing body meeting. In addition to the changes in the resolution, a detailed development agreement will be developed for each individual entity, outlining the deliverables of each project. The resolution provides the backbone for what will also be included in the development agreement. Specific requirements were placed in Section 4 in order to ensure proper development of the plaza project under the guidance of the TGT committee. In order to provide proper oversight of funds and ensure the integrity of limited resources, the revised resolution includes the following additions:

Section 3:

- A) *Funding shall be expended only for capital improvements.*
 - Funding is not intended for operating purposes.
- B) *Submission and approval of a project budget included in a development agreement approved by the TGT Committee and executed by the City Manager. The budget shall identify all funding sources, and, specifically identify how TGT funds will be spent.*
- C) *Each recipient shall use the TGT funds only for the project identified in this Resolution and for those items identified in the project budget. Any changes to the scope of the project shall be approved by the TGT Committee. In order to ensure that TGT funds are used only for the project approved in this Resolution, each recipient shall provide quarterly reports to the TGT Committee. The reports shall identify expenditures of TGT funds, an invoice report identifying expenditures and payees as well as progress toward completion of the project. The TGT Committee or designee may audit financial documents relative to a project at any time and request reimbursement for expenditures determined to be improper, unauthorized or unsubstantiated. The TGT Committee or designee shall have sole authority in this regard and shall base the decision upon reports submitted or in the alternative, absence of documents to substantiate expenditures.*
- D) *Each recipient, whether a for--profit or non-profit entity, shall comply with the requirements of K.S.A. 45-240 and amendments thereto regarding recordkeeping requirements for not-for-profit entities that receive public funds.*
 - Entities that receive public funds in aggregate of \$350 or more are required to document such revenues and expenditures.
- E) *The TGT Committee may require an independent audit of a recipient by an auditing firm approved by the Committee. The recipient shall be responsible for all costs. TGT funds cannot be expended for any audit.*
- F) *Recipient shall not owe any debt due to the City, including, but not limited to property taxes and special assessments. Each recipient shall be in good standing with the Kansas Secretary of State.*

Section 4: Downtown Plaza

- A) *An appropriate recipient of the funds is approved by the TGT Committee. At a minimum, such recipient shall be a governmental entity or a non-profit entity that is exempt from paying federal income taxes.*
- B) *A proposal, design drawings, and a project timeline are submitted and approved by the TGT Committee.*



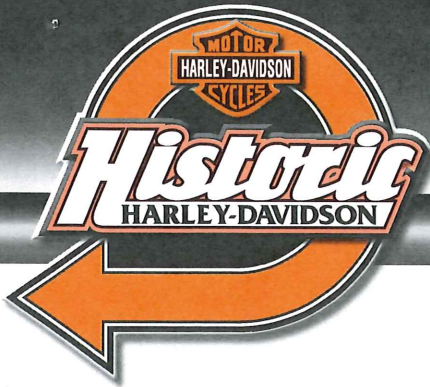
The

Evel Knievel

MUSEUM

AT HISTORIC HARLEY-DAVIDSON





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Project

The Evel Knievel Museum will be constructed as an addition to the Historic Harley-Davidson building at 21st and Topeka Boulevard. The addition will be two stories for a total of 16,000 square feet. The museum will occupy both levels in addition to an expanded showroom on the upper floor for bike sales.

Agreements have been accomplished with the Knievel family to utilize "Evel Knievel" for the naming and marketing of the attraction. The Knievels have also approved rights for the destination to be called "The Evel Knievel Museum". This is an exclusive advantage. With the amount of items we have in possession, there will not be the possibility of another museum like this.

This provides Topeka to have an attraction like this exclusive to our city. Evel Knievel was one of the most famous celebrities of the 70's. The museum will be a national as well as an international tourism draw.

Budget

The total budget for the project is estimated, with acquisition costs, design fees, building construction, museum displays and fixtures to be \$3.5 million.

Funding Sources

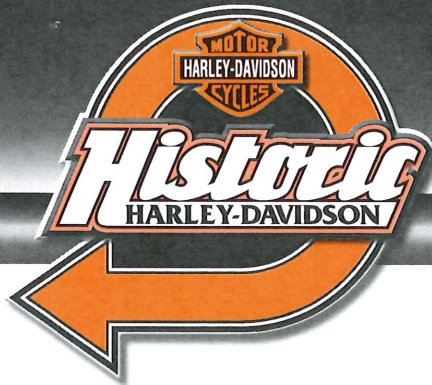
The project will be funded by Historic Harley-Davidson along with a construction loan from Fidelity State Bank of Topeka.

TGT Funding Request

We are requesting \$500,000 from the Transient Guest Tax fund.

TGT Fund Usage

Our plan is to utilize the TGT funds to assist with design fees, construction, and displays specific to the museum only. We will not allocate any of these dollars to the construction of the main building or any other part of the project that does not relate to the museum. Our estimates show that \$500,000 will be a fraction of the costs to complete the museum specific part of the project. The funds will be used to enhance the presentation for a higher quality finished product. Our goal, with these funds, is to elevate the production of an attraction for the city that we as a community can be proud of and "brag" about to the rest of the country. The \$500,000 will be the difference in making this a nice display of Evel's items or a high revving attraction that creates an extraordinary experience. Our goal is to leave visitors with an unforgettable memory of Topeka. Something they will encourage friends, family and broadcast on social media as a destination everyone should see and experience.



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Economic/ Tourism Benefits to the City

Visit Topeka has estimated direct spending generated by this attraction to be \$3,000,000 to \$5,000,000 not including overnight stays or spending on related events the museum can attract. The announcement of the project has already created interest from groups for holding rallies and festivals centered around the museum and the dealership.

Examples: Kansas State HOG Rally has inquired about returning as soon as the museum opens, Evel Knievel Festivals similar to the one held in Butte, MT each year that attracts tens of thousands of people (see pictures from 2015 Evel Knievel Days). The potential also exists to attract vintage motorcycle rallies, car shows, and even the possibility of trucking industry trade shows with our newly created Mack Truck relationship using the Evel Knievel rig and museum as the centerpiece. These will all generate multiple overnight stays in Topeka.

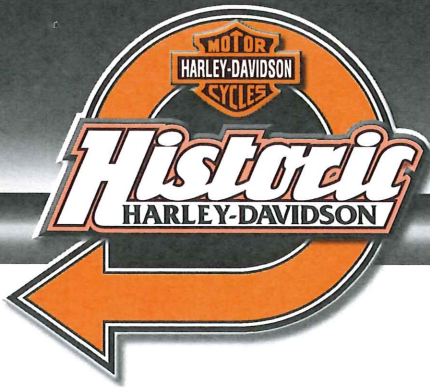
The direct tourism benefits cannot be overstated. This is an opportunity for the highway traveler to have a “reason to pull off the highway” and stop in our city. It will also be a destination for family vacation plans throughout the country. We haven’t had an opportunity such as this in our community for many years, if ever.

It needs to be pointed out that this attraction is not just “pull off the highway”, but it will involve driving into the heart of our city at 21st and Topeka Blvd. The Evel Knievel museum will provide a captured out of town audience of tourists providing us the opportunity to promote other Topeka attractions while they are here. This will increase the odds of an overnight stay along with additional meals or shopping. Our responsibility at the Evel Knievel Museum will be to act as a concierge for the rest of the city. We accept this responsibility. This is what we plan to do.

Projected City Return

As stated we would never request funding or a partnership from anyone unless a return is guaranteed. This is the case for the city and the community with regard to our project. Visit Topeka projects an economic impact on Topeka anywhere from \$6-\$9 million.

The potential for rallies, festivals and conventions is where returns to the city could explode. Early on we have had discussions with the Expocentre and the Capital Plaza with regard to conventions. We asked if incorporating a night at the museum for conventions being held at their facility would help their ability to sell our city to out of town groups looking to meet here. Their answer - “absolutely yes”. We plan to have several rallies and promotional events held at our store on a yearly basis. The Expocentre has already been presented with an exciting nationwide tour event usually only reserved for large markets. Topeka is now being considered for this simply because of the Evel



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Kniewel Museum being here next year. Visit Topeka estimates an additional 1000 group room nights a year generated by incremental events derived from the museum. This number does not include the room stays generated from the daily transient visitors.

This attraction will fund itself through incremental overnight hotel stays generated from the transient guest tax.

Project Timeline

We plan to begin construction as soon as possible. Building plans are complete and have been submitted to the City for final permits. Our goal is to have the doors to the museum open mid-2016 if not sooner.

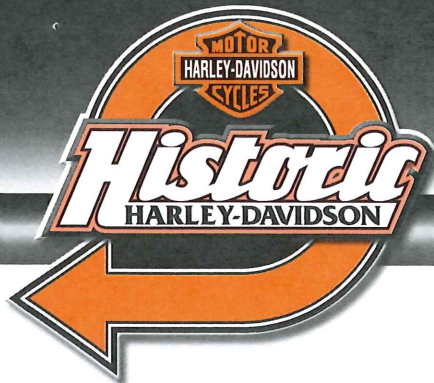
Visitor Projections

A great deal of research has been done on visitor projections. We have polled other "like" museums around the country and local museums in our state. With conservative estimates the museum is projected to have 100,000 visitors a year. The bonus for our attraction is the fact that Evel Kniewel is not just a national celebrity but an international celebrity that draws intrigue from all parts of the world. There will be thousands upon thousands of people that design a vacation around a stop in Topeka. This attraction is not a one weekend a year event or a seasonal destination. We will be open 7 days a week and will be drawing tourist all year long.

Overnight Stays

The Historic Harley-Davidson/Evel Kniewel Museum will be and already is a destination. Our dealership is a place that many motorcyclists put on their map as a stop because of our unique attractions such as the restaurant, our current museum along with our historic dealership and building. With the addition of the Evel Kniewel Museum, the number of motorcyclists that seek us out is going to sky rocket. Motorcyclists that are touring are unique to other tourists. When they stop, they always get gas. Always. They are much more likely to make a longer stop and get a meal when you are riding a motorcycle. Overnight stays are much more likely with motorcyclists because the distances traveled per day are less. Our goal will be to keep them in the museum and dealership for two hours or more, have them eat one or two meals in town increasing the chances of overnight hotel stays. The same applies for travelers that will visit us through other modes of transportation. We feel the museum may even provide more of a reason for air travel to return to Topeka.

We plan to provide a small discount to each museum visitor if they will fill out a short survey. These questions will be provide insight on where our visitors are from, what they did while here and if they stayed or are planning to stay the night. We plan to share all of our results to the City. We want to be held accountable in an objective way providing



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reports for what our attraction is contributing to the community. We're confident the investment in this project will return in a very positive way for the city and we plan to provide the evidence.

Conclusion

The Evel Knievel Museum is an opportunity. It's something that doesn't come along everyday for our city or any city for that matter. There are many communities that would love to have this attraction. Several have spoken up since we made our announcement and the news of the museum went national.

It's our job to make the most of it. We at Historic Harley-Davidson are committed to do our part. We are willing to take the risk and invest in this project. To maximize the experience for our visitors and position our community to see the greatest return to our city, this \$500,000 from the Transient Guest Tax in additional funding is vital.

Mike Patterson

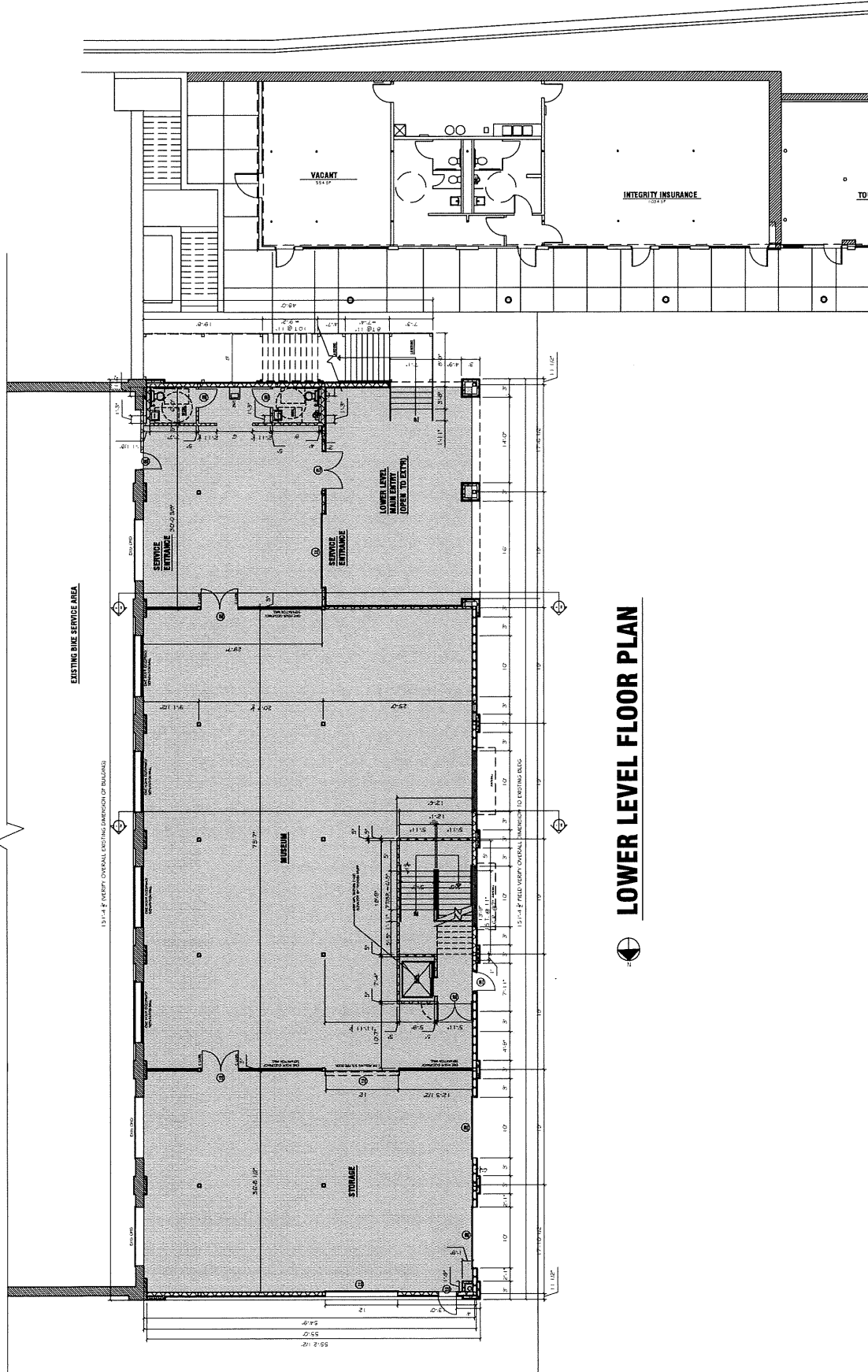
Historic Harley-Davidson of Topeka

Since 1949

Store: 785-234-6174

Cell: 785-925-2792





LOWER LEVEL FLOOR PLAN

SHOWROOM AND MUSEUM ADDITION

*HISTORIC HARLEY
DAVIDSON OF
TOPEKA*



2047 SW TOPEKA BLVD.
TOPEKA, KANSAS



2533 SW WOODSIDE DR., SUITE 200
TOPEKA, KANSAS 66614
785.272.4400
785.271.0944 F





1 (Published in the Topeka Metro News September 7, 2015 and September 14, 2015.)

2
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4 A CHARTER ORDINANCE introduced by Councilmembers Schwartz, Jensen, and
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6 amending Section A15-17 of the Topeka Municipal Code
7 concerning the transient guest tax levy.
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9 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

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17 accommodations, exclusive of charges for incidental services or facilities, in any hotel,
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19 b. Effective January 1, ~~2046~~2028, and continuing through December 31, 2032, a
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23 motel, or tourist court.

24 c. Effective January 1, 2033, a transient guest tax of five percent shall be levied
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27 incidental services or facilities, in any hotel, motel, or tourist court.

Section 2. This Ordinance shall be published once each week for two (2) consecutive weeks in the official City newspaper.

Section 3. This Charter Ordinance shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and a referendum held on this Charter Ordinance as provided in Article 12, Section 5, Subdivision (c)(3), of the Kansas Constitution, in which case this Charter Ordinance shall become effective if approved by a majority of the electors voting therein.

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Section 5. That Charter Ordinance No. 108, as codified in Topeka City Code § A15-17 is hereby specifically repealed.

PASSED AND APPROVED by the Governing Body on September 1, 2015.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast
Larry E. Wolgast, Mayor

ATTEST:



Brenda Younger
Brenda Younger, City Clerk

STATEMENT OF MANNER OF ADOPTION OF FOREGOING

The foregoing Charter Ordinance No. 116 was passed on the 1st day of September, 2015, as shown by the minutes, Book 2015 Page _____, by a vote of 8 for and 2 against, being not less than two-thirds (2/3) of the members-elect of the governing body, published in the Topeka Metro News, the official city newspaper, on the 7th day of September, 2015, and on the 14th day of September, 2015, being once each week for two (2) consecutive weeks, and there being no petition demanding a referendum filed with the City Clerk within sixty (60) days after the final publication, said Charter Ordinance took effect on the 14th day of November, 2015.

Brenda Younger, City Clerk

CERTIFICATE

CITY OF TOPEKA)
COUNTY OF SHAWNEE) ss:
STATE OF KANSAS)

I, Brenda Younger, City Clerk of the City of Topeka, County of Shawnee, State of Kansas, do hereby certify that the above and foregoing, consisting of 3 typewritten pages, including the page upon which this Certificate is written, is a full true and correct copy of Charter Ordinance No. 116 of the said City of Topeka, that all acts and things required by Article 12, Section 5 of the Constitution of the State of Kansas were done and performed in the manner and within the time prescribed and that said Ordinance became effective on the 14th day of November, 2015.

Brenda Younger, City Clerk

1 RESOLUTION NO. _____
2

3 A RESOLUTION introduced by Councilmembers Elaine Schwartz, Brendan Jensen and
4 Jeffrey Coen sitting as the Transient Guest Tax Committee, allocating
5 transient guest tax funding for a period of 12 years to certain
6 designated projects.
7

8 WHEREAS, transient guest taxes (TGT) may be imposed on individuals who occupy
9 hotel and motel rooms for short durations; and

10 WHEREAS, the funds generated by such taxes may be used for convention and
11 tourism activities and to promote the general welfare of the city, including the attraction of
12 industry; and

13 WHEREAS, the City currently imposes a 7% TGT; and

14 WHEREAS, on August 20, 2002, the governing body, in Resolution No. 7253,
15 allocated 1% of the TGT for a period of 13 years to the development of the Great Overland
16 Station, including Riverfront Park, and the historic preservation fund; and

17 WHEREAS, that funding will expire on December 31, 2015; and

18 WHEREAS, the TGT Committee is desirous of extending the 1% for an additional
19 12 years to provide a funding source for certain projects that the Committee believes will
20 enhance tourism by putting more 'heads on beds' and delivering a quantifiable return on
21 the City's investment; and

22 WHEREAS, the TGT Committee developed a process to consider applications for
23 funding which were reviewed by a review board comprised of staff and tourism industry
24 representatives; and

25 WHEREAS, on August 19, 2015, the TGT Committee adopted the review board's
26 recommendations to allocate approximately \$4.7 million dollars over a period of 12
27 consecutive years to fund four projects.

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

Section 1. The City shall allocate 1% of TGT funds annually over a period of 12 years to provide funding for the following projects with the following maximum expenditure amounts:

Name of Project	Maximum Expenditure Amount
Downtown Plaza	\$3,435,000
Evel Knievel Museum	\$300,000
Constitution Hall	\$355,000
Jayhawk Theatre	\$680,000

Such funds will be allocated on a pro rata basis, as determined by the City's chief financial officer or designee. The commitments will begin in fiscal year 2016 and continue until December 31, 2027 or until the maximum expenditure amount is met, whichever event is earlier.

Section 2. The City's funding commitment shall be conditioned upon the occurrence of the following:

(a) Enactment of a charter ordinance extending the current 1% TGT (which expires on December 31, 2015) for an additional 12 years commencing in fiscal year 2016 and ending on December 31, 2027.

(b) Execution of an agreement with the appropriate funding recipient. Such agreement will contain provisions addressing use of the funds, project budgets, project timelines, reporting/inspection/audit responsibilities, indemnification, insurance, and fund repayment under certain circumstances. The agreement will also acknowledge that grant funding may be reduced to correspond to lower than expected TGT revenues.

Section 3. Funding shall also be contingent upon the following:

(a) Funding shall be expended only for capital improvements.

(b) Submission and approval of a project budget included in a development agreement approved by the TGT Committee and executed by the City Manager. The budget shall identify all funding sources, and, specifically identify how TGT funds will be spent.

(c) Each recipient shall use the TGT funds only for the project identified in this Resolution and for those items identified in the project budget. Any changes to the scope of the project shall be approved by the TGT Committee. In order to ensure that TGT funds are used only for the project approved in this Resolution, each recipient shall provide quarterly reports to the TGT Committee. The reports shall identify expenditures of TGT funds, an invoice report identifying expenditures and payees as well as progress toward completion of the project. The TGT Committee or designee may audit financial documents relative to a project at any time and request reimbursement for expenditures determined to be improper, unauthorized or unsubstantiated. The TGT Committee or designee shall have sole authority in this regard and shall base the decision upon reports submitted or in the alternative, absence of documents to substantiate expenditures.

(d) Each recipient, whether a for--profit or non-profit entity, shall comply with the requirements of K.S.A. 45-240 and amendments thereto regarding recordkeeping requirements for not-for-profit entities that receive public funds.

(e) The TGT Committee may require an independent audit of a recipient by an auditing firm approved by the Committee. The recipient shall be responsible for all costs. TGT funds cannot be expended for any audit.

(f) Recipient shall not owe any debt due to the City, including, but not limited to

property taxes and special assessments. Each recipient shall be in good standing with the Kansas Secretary of State.

Section 4. In addition to compliance with Section 3, no funding shall be provided for the Downtown Plaza project until the following occurs:

(a) An appropriate recipient of the funds is approved by the TGT Committee. At a minimum, such recipient shall be a governmental entity or a non-profit entity that is exempt from paying federal income taxes.

(b) A proposal, design drawings, and a project timeline are submitted and approved by the TGT Committee.

Section 5. All financial commitments referenced in this Resolution shall be subject to the Budget and Cash Basis laws and any other applicable ordinances or statutes.

ADOPTED and APPROVED by the Governing Body on _____.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk