



City Council Chambers 214 SE 8th
Street, 2nd Floor Topeka KS 66603
<https://www.topeka.org>

Governing Body Agenda

September 19, 2023
6:00 PM

Mayor: Michael A. Padilla

Councilmembers

Karen A. Hiller	District No. 1	Hannah Naeger	District No. 6
Christina Valdivia-Alcala	District No. 2	Neil Dobler	District No. 7
Sylvia E. Ortiz	District No. 3	Spencer Duncan	District No. 8
Tony Emerson	District No. 4	Michelle Hoferer	District No. 9
Brett D. Kell	District No. 5		

Interim City Manager: Richard U. Nienstedt

Addressing the Governing Body: Public comment for the meeting will be available via Zoom or in-person. Individuals must contact the City Clerk's Office at 785-368-3940 or via email at cclerk@topeka.org by no later than 5:00 p.m. on the date of the meeting, after which the City Clerk's Office will provide Zoom link information and protocols prior to the meeting. View the meeting online at <https://www.topeka.org/communications/live-stream/> or at <https://www.facebook.com/cityoftopeka/>.

Written public comment may also be considered to the extent it is personally submitted at the meeting or to the City Clerk's Office located at 215 SE 7th Street, Room 166, Topeka, Kansas, 66603 or via email at cclerk@topeka.org on or before the date of the meeting for attachment to the meeting minutes.

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 by 5:00 p.m. on Thursday in the City Clerk's Office, 215 SE 7th Street, Room 166, Topeka, Kansas, 66603 or on the City's website at <https://www.topeka.org>.

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

1. ROLL CALL:

2. MAYORAL PROCLAMATIONS:

Constitution Week

3. APPOINTMENTS:

A. Board Appointment – Americans with Disabilities Act Advisory Council

ADVISORY COUNCIL REAPPOINTMENT of Kim Dietrich to the City of Topeka Americans with Disabilities Act (ADA) Advisory Council for a term ending September 30, 2025. (Council District No. 7)

B. Board Appointment - Topeka Planning Commission

BOARD APPOINTMENT recommending the appointment of William Naeger to the Topeka Planning Commission for a term ending September 30, 2026. (Council District No. 1)

4. PRESENTATIONS:

- **Topeka Fire Department Medical Response Assessment**
- **Topeka Rescue Mission Update**

5. CONSENT AGENDA:

A. Resolution - First Congregational Church - Noise Exception

RESOLUTION introduced by Councilmember Hannah Naeger, granting First Congregational Church an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions. (Council District No. 6)

(Approval would allow for amplified sound during the hours of 7:00 p.m. and 11:00 p.m., at 1701 SW Collins on October 14, 2023.)

B. Ordinance - Dynamic Core TIF District - Removing Neighborhood Revitalization Program Properties

ORDINANCE introduced by Interim City Manager Richard U. Nienstedt removing certain real property from the Dynamic Core Redevelopment District.

(Approval would remove the listed properties from the Dynamic Core TIF District because the properties have been approved for participation in the neighborhood revitalization rebate program.)

C. Professional Services Contract - Lannan Legal PLLC

APPROVAL of a professional services contract exceeding \$50,000 between the City and Lannan Legal PLLC to provide legal services for transactions related to the development of Hotel Topeka.

(Approval will authorize continuation of the contract.)

D. MINUTES of the regular meeting of September 12, 2023

E. APPLICATIONS:

6. ACTION ITEMS:

A. Ordinance - Utility Bill Real Estate Liens 2023

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

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval would authorize the imposition of charges for delinquent utility accounts on the tax rolls in the amount of \$92,471.51.)

B. Ordinance - Standard Traffic Ordinance 50th Edition Adoption

ORDINANCE introduced by Interim City Manager Richard U. Nienstedt, concerning the 2023 Standard Traffic Ordinance (STO) and local amendments amending Topeka Municipal Code Sections 10.15.010 and 10.15.020.

Voting Requirement: Action requires five (5) votes of the City Council. The Mayor does not vote. The proposed ordinance involves a matter of home rule on which the Mayor has veto authority.

(Approval will adopt the most recent version of the STO.)

C. Ordinance - Uniform Public Offense Code 39th Edition Adoption

ORDINANCE introduced by Interim City Manager Richard U. Nienstedt, concerning the adoption of the 39th Edition of the Uniform Public Offense Code (2023) (UPOC) and local amendments, amending Topeka Municipal Code Section 9.05.080.

Voting Requirement: Action requires five (5) votes of the City Council. The Mayor does not vote. The proposed ordinance involves a matter of home rule on which the Mayor has veto authority.

(Approval will adopt the most current version of the UPOC with current statutory changes.)

D. Resolution - Conditional Use Permit- St. Peters and Paul Orthodox Christian Church (CU23/04)

RESOLUTION introduced by Interim City Manager Richard U. Nienstedt, in accordance with Section 18.60.010 of the Topeka Municipal Code (TMC), approving a Conditional Use Permit on a 29.4 acre parcel, located south of SE 38th Street and west of SE Adams Street, and along the north side of the Kansas Turnpike on property zoned "R-1" Single Family Dwelling District to

allow for a Religious Assembly use with an accessory cemetery not meeting the requirement in the zoning code that access to a religious assembly use be on or within 300 feet of a major traffic thoroughfare. (CU23/04) (Council District No. 5)

Voting Option Requirements: (1) Approve Planning Commission's recommendation, 6 votes are required of the Governing Body (2) Reject or Amend Planning Commission's recommendation, 7 votes are required of the Governing Body; or (3) Remand back to Planning Commission, 6 votes are required of the Governing Body.

(Approval will allow for construction of a new religious assembly sanctuary hall, educational building, fellowship hall, associated off-street parking, and cemetery as a three phased project.)

E. Ordinance - Topeka Prime Sports, LLC (PUD23/05)

ORDINANCE introduced by Interim City Manager Richard U. Nienstedt amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code on property located at 3601 SW 33rd St rezoning from “R-1” Single Family Dwelling District all to “PUD” Planned Unit Development District with R-1 uses and Sports and Recreation Instruction. (PUD 23/05) (Council District No. 5)

Voting Option Requirements: (1) Approve Planning Commission's recommendation, 6 votes are required of the Governing Body (2) Reject or Amend Planning Commission's recommendation, 7 votes are required of the Governing Body; or (3) Remand back to Planning Commission, 6 votes are required of the Governing Body.

(Approval would allow the conversion of a former church facility to a gymnasium for cheer classes.)

F. Ordinance - Clay Sherwood Rentals LLC (V23A/01)

ORDINANCE introduced by Interim City Manager Richard U. Nienstedt relating to the vacation of a 20 foot wide public alley extending east-west and located between properties lying at 410 SW 6th Avenue and 523 SW Harrison Street in the City of Topeka, Shawnee County, Kansas. (V23A/01) (Council District No. 1) (On September 12, 2023, the Public Hearing was conducted and the ordinance was deferred until September 19, 2023.)

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval will vacate a 20 foot wide east-west public alley and retain a public utility easement. The vacation will enable the property owner to extend a security fence from 509 SW Harrison across the alley to 410 SW 6th to enclose his properties.)

7. PUBLIC COMMENT:

Public comment for the meeting will be available via Zoom or in-person. Individuals must contact the City Clerk's Office at 785-368-3940 or via email at cclerk@topeka.org by no later than 5:00 p.m. on the date of the meeting, after which the City Clerk's Office will provide Zoom link information and protocols prior to the meeting. Written public comment may also be considered to the extent it is personally submitted at the meeting or to the City Clerk's Office located at 215 SE 7th Street, Room 166, Topeka, Kansas, 66603 or via email at cclerk@topeka.org on or before the date of the meeting for attachment to the meeting minutes. View the meeting online at <https://www.topeka.org/communications/live-stream/> or at

<https://www.facebook.com/cityoftopeka/>.

8. ANNOUNCEMENTS:

9. 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.)

10. ADJOURNMENT:



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 19, 2023

DATE:	September 19, 2023		
CONTACT PERSON:	Jane Murray, Executive Assistant to the Mayor	DOCUMENT #:	
SECOND PARTY/SUBJECT:		PROJECT #:	
CATEGORY/SUBCATEGORY			
CIP PROJECT:	No		
ACTION OF COUNCIL:		JOURNAL #:	
		PAGE #:	

DOCUMENT DESCRIPTION:

Constitution Week

VOTING REQUIREMENTS:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

Description

Proclamation-Constitution Week

P R O C L A M A T I O N

By the Mayor

WHEREAS, September 17, 2023, marks the two hundred thirty-fourth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebration that will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing each year of a proclamation by the President of the United States of America designating the week of September 17 through 23 as Constitution Week;

NOW, THEREFORE, I, Michael A. Padilla, Mayor of the City of Topeka, Kansas, do hereby proclaim the week of September 17-23, 2023, as,

“CONSTITUTION WEEK”

In the City of Topeka and urge all citizens to reflect on the privilege of being an American with all the rights and responsibilities, which that privilege involves.

IN WITNESS WHEREOF, I, Michael A. Padilla, Mayor of the City of Topeka, Kansas, do hereby affix my official signature and the Official Seal of the City of Topeka, Kansas, on this 19th day of September 2023.

Michael A. Padilla, Mayor



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 19, 2023

DATE: September 19, 2023
CONTACT PERSON: Mayor Michael A. Padilla DOCUMENT #:
SECOND PARTY/SUBJECT: Americans with PROJECT #:
Disabilities Act Advisory
Council
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

ADVISORY COUNCIL REAPPOINTMENT of Kim Dietrich to the City of Topeka Americans with Disabilities Act (ADA) Advisory Council for a term ending September 30, 2025. (Council District No. 7)

VOTING REQUIREMENTS:

At least five (5) votes of the City Council is required. Mayor does not vote.

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:

Councilman Dobler nominates and Mayor Padilla recommends the reappointment of Kim Dietrich to the City of Topeka ADA Advisory Council for a two-year term ending September 30, 2025. This position requires that the appointee be an individual with a disability of one of the major six life functions. Ms. Dietrich meets these requirements.

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.

ATTACHMENTS:

Description

K. Dietrick - Reappointment Application

City of Topeka Boards and Commissions Application

Submitted on	27 July 2023, 10:08AM
Receipt number	181
Related form version	8

Profile

First Name	Kim
Last Name	Dietrich
Email Address	dietrichkim2001@gmail.com
Street Address	3926 SW TWILIGHT DR
Suite or Apt	111
City	Topeka
State	Kansas
Zip	66614
Are you a resident of the City of Topeka?	Yes
What district do you live in?	District 7
Primary Phone	785-506-3357
Alternate Phone	
Employer	Topeka Independent Living Resource Center
Job Title	Independent Living Advocate
Which Board would you like to apply for?	Americans with Disabilities Act Advisory Council
Are you a registered voter?	Yes
Are you currently a full or part-time employee of the City of Topeka?	No
Which department do you work for?	

Are you or any immediate family member related to any city governmental official or employee?	No
Who are you related to and how are you related?	
Are you or have you been a party to any civil litigation involving the City of Topeka?	No
Please explain the litigation and your role in it:	
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?	No
Please explain your delinquent payment situation.	
Please state why you are interested in serving on this board or commission:	To continue to help make the City accessible for people with any disability.

Interests & Experiences

Please describe your education, experience, and expertise including any honors, awards, civic, cultural, charitable or professional organization memberships that relate to the position you are seeking.	I have been an Independent Living Advocate at TILRC for 29 years. I have helped many people with disabilities meet their goals. I also have completed many accessibility surveys of private and public entities.
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.)	n/a
**Please upload a resume or any additional information you believe may be helpful in considering your application.	My resume.doc

Voluntary Self Identification

Ethnicity	Caucasian/Non-Hispanic
Gender	Female

Acknowledgements and Verification

Purpose of Information being submitted.	I Agree
The information I am submitting is true and correct.	I Agree
Your electronic signature	 Uploaded signature image: Kim signature 0613.gif

Notification to applicants for City Board/Commissions

Please be advised that your application and any documents that you attach are public records and, as such, are available to the public, upon request, pursuant to the Kansas Open Records Act.

If you are appointed to the position, your application and resume will be included in the governing body meeting agenda which is posted online.



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 19, 2023

DATE: September 19, 2023
CONTACT PERSON: Mayor Michael A. Padilla DOCUMENT #:
SECOND PARTY/SUBJECT: Board Appointment for the Topeka Planning Commission PROJECT #:
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of William Naeger to the Topeka Planning Commission for a term ending September 30, 2026. (Council District No. 1)

VOTING REQUIREMENTS:

At least five (5) votes of the City Council is required. Mayor does not vote.

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:

Councilwoman Hiller nominates and Mayor Padilla recommends the appointment of William Naeger for a term that will end September 30, 2026. Mr. Naeger meets the residency requirement.

BACKGROUND:

This is a nine member board, created by the City. Council members nominate and the Mayor appoints. The governing ordinance, 18442, specifically states that at least six, but not more than seven shall reside within the corporate boundaries of the city. At least two, but not more than three shall reside outside the city boundaries, but within the city's 3-Mile Extraterritorial Jurisdiction. At least six shall be appointed from the private sector; at

least three 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

W. Naeger - TPC Application

City of Topeka Boards and Commissions Application

Submitted on	9 August 2023, 3:01PM
Receipt number	182
Related form version	8

Profile

First Name	William
Last Name	Naeger
Email Address	williamnaeger@gmail.com
Street Address	304 SW Van Buren Street
Suite or Apt	Apt #11
City	Topeka
State	Kansas
Zip	66603
Are you a resident of the City of Topeka?	Yes
What district do you live in?	District 1
Primary Phone	7852305424
Alternate Phone	
Employer	State of Kansas
Job Title	Cabinet Affairs Coordinator
Which Board would you like to apply for?	Topeka Planning Commission
Are you a registered voter?	Yes
Are you currently a full or part-time employee of the City of Topeka?	No
Which department do you work for?	

Are you or any immediate family member related to any city governmental official or employee?	Yes
Who are you related to and how are you related?	City Council Member for District 6 Hannah Naeger is my sister.
Are you or have you been a party to any civil litigation involving the City of Topeka?	No
Please explain the litigation and your role in it:	
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?	No
Please explain your delinquent payment situation.	
Please state why you are interested in serving on this board or commission:	I have had the opportunity to serve on this commission and my current term is coming to the end. I hope to be renominated for an additional term. I have enjoyed the chance to participate in the work that comes before the Planning Commission and am excited to see the movement on zoning ordinances to make sure that the city keeps up with changing needs particularly in the housing market.

Interests & Experiences

Please describe your education, experience, and expertise including any honors, awards, civic, cultural, charitable or professional organization memberships that relate to the position you are seeking.	I have served on the Planning Commission for about a year already. I have previously served on the city's Human Relations Commission and remain involved in the community through a variety of volunteering and involvement with local boards. I have a law degree from Washburn School of Law and studied politics at Kansas State University.
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.)	N/A
**Please upload a resume or any additional information you believe may be helpful in considering your application.	William Naeger Resume.pdf

Voluntary Self Identification

Ethnicity	Caucasian/Non-Hispanic
Gender	Male

Acknowledgements and Verification

Purpose of Information being submitted.	I Agree
The information I am submitting is true and correct.	I Agree
Your electronic signature	
Alternative electronic signature	William E Naeger

Notification to applicants for City Board/Commissions

Please be advised that your application and any documents that you attach are public records and, as such, are available to the public, upon request, pursuant to the Kansas Open Records Act.

If you are appointed to the position, your application and resume will be included in the governing body meeting agenda which is posted online.



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 19, 2023

DATE: September 19, 2023
CONTACT PERSON: Randy Phillips, Topeka Fire Chief; La Manda Boyles, TRM DOCUMENT #:
SECOND PARTY/SUBJECT: Topeka Fire Department Emergency Medical Response Assessment PROJECT #:
CATEGORY/SUBCATEGORY
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

- Topeka Fire Department Medical Response Assessment
- Topeka Rescue Mission Update

VOTING REQUIREMENTS:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

Description

Topeka Fire Dept. Presentation
Topeka Fire Dept. Cover Memo - R. Phillips (Sept 19, 2023)
Topeka Fire Department Assessment
TRM Presentation
TRM Handouts

PUBLIC POLICY & MANAGEMENT CENTER

Topeka Fire Department Emergency Medical Response Assessment

September 12, 2023



Overview

1. Background
2. Current Structure & Best Practice Alignment
3. Stakeholder Feedback
4. Data Analysis
5. Innovative Community Examples
6. Recommendations

Background

- Contract with Global Medical Response / American Medical Response (AMR) to operate ambulance
- AMR uses 6-8 ambulances/day; twelve-hour shifts
- TFD has long provided supplemental first response service
- TFD implemented paramedic fire companies at busier stations in 2020
- 68% of the 23,762 emergency incidents were for medical emergencies

Current Structure

- TFD staffs 18 fire companies each day

6 truck
companies

12 engine
companies in
12 fire stations

18 respond as
basic life
support units

4 respond as
advanced life
support units

- All TFD firefighters are certified to the EMT-Basic level
- TFD incentives for Paramedic cert: \$4,500
- TFD incentives for EMT-A cert: \$2,250
- Dispatch centers for TFD and AMR are located at Shawnee County Emergency Communications Center (Separate Dispatch)



Best Practices & Alignment

To assess future improvement in emergency medical transport capability, PPMC assessed:

1. Current quantity & deployment of paramedics

2. Ability & timeframe for training additional paramedics

3. Internal EMS leadership & management capacity

4. Capacity for additional ambulances inside fire stations



Best Practices & Alignment (cont.)

1. The current number of paramedics and EMT-A is sufficient to manage the 4 ALS fire companies

2. Additional ALS companies could not be supported by current number of paramedics

3. There are national shortages in paramedic positions; proximity to KC metro area may make training paramedics a poor investment

4. Paramedic training, compensation, and leadership are critical for success

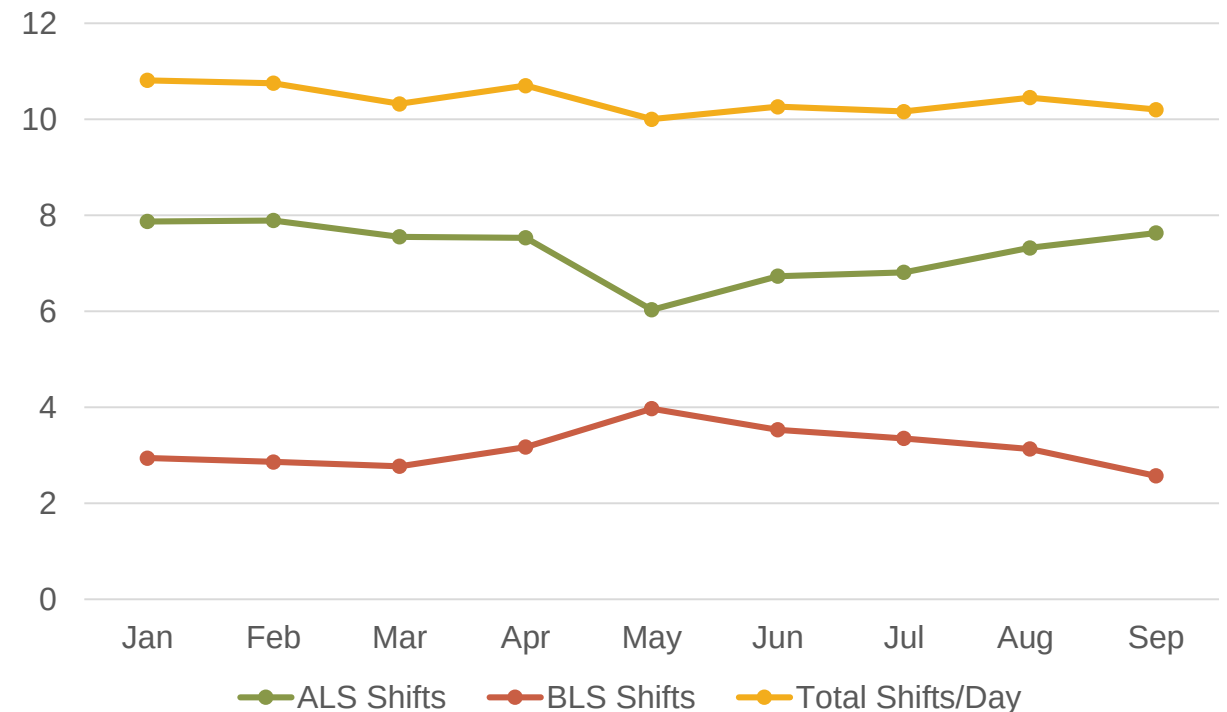
5. Successful organizations must have infrastructure to facilitate transition to support: human, financial, and land

6. Expanding prehospital medical care also requires an expansion of leadership and administration

Data Analysis

- 240-second travel time required by NFPA 1710 for arrival of a unit with BLS capability
 - Gaps exist throughout the community where *existing* resources cannot meet standard
- 480-second travel time required by NFPA 1710 for arrival of a unit with ALS capability
 - TFD has only 4 ALS companies but has an impressive impact
 - A noticeable gap in coverage exists on the north side of Topeka & other small areas

Figure 6 - Average 12-Hour Ambulance Shifts Unit Type, By Month (Jan-Sept 2022)



Data Analysis (cont.)

- AMR vs TFD staffing model
 - AMR: Moves ambulances from various locations around the City based on unit availability. Operates 12-hour shifts
 - TFD: Provides coverage out of its 12 fire stations. Operates consistent, 24-hour coverage
- Information about AMR's ambulance scheduling system is limited
- Topeka/Shawnee County area ambulance scheduling
 - On average, 10 – 11 ambulances scheduled each day for 12-hour shifts
 - Most were ALS units (5 – 9 units)
 - Some were BLS (1 – 6 units)
 - Significant variance in the composition of ambulance staffing

Data Analysis (cont.)

- Ambulance response time in Topeka (Zone 1)
 - Requirements: Arrival of an ambulance at the scene of an emergency within nine minutes, 80 percent of the time
 - Or, within 14 minutes for non-emergency calls
- The percentage of late calls have nearly doubled in the past three years

Table 3 - AMR Performance in Zone 1 (2022-2020)

Attribute	2022	2021	2020
Total Calls	20,147	17,242	16,459
On Time Arrival	17,300	15,587	15,083
Late Arrival	2,847	1,655	1,376
Fines Issued	716	658	418
Percentage Late	14.1%	9.6%	8.4%
Percentage Fined	3.6%	3.8%	2.5%



Stakeholder Feedback

- Communication
- Fire Services
- Training
- Funding
- Attraction & Retention
- Medical Transport

Community Comparisons



Norman,
Oklahoma



Independence,
Missouri



Cedar Rapids,
Iowa



Olathe,
Kansas



Des Moines,
Iowa

Recommendations



ONE

Evaluate placement of advanced life support fire companies, considering frequented posts of AMR ambulances, call patterns, and response times of >480 sec.



TWO

Consider adding ALS fire companies into under-served areas as performance issues are identified (ALS response greater than 480 seconds, 90 percent of the time)

4

THREE

Prioritize four-person staffing of ALS fire companies to allow the company's quick recoil after high-acuity EMS calls

Recommendations



FOUR

Consider establishing EMS supervisor position on each shift and adding EMS staff to provide leadership, training, and system reliability support to EMS program



FIVE

Create communication framework to integrate the AMR and TFD continuum of care, in accordance with franchise agreement; leaders should meet to steer EMS program with defined agenda



SIX

Modify franchise agreement in 2024 to ensure 5+ ALS ambulances are available daily; 80%+ on-duty ambulance resources should be ALS in capability.

Recommendations



SEVEN

Create notification of “Status 0” to the TFD to alert extended response times and prompt dispatch of ALS companies



EIGHT

Establish common language for ALS and BLS ambulances; share estimated times of arrival between AMR and TFD using a CAD-to-CAD interface or similar process



NINE

Review 15% of medical calls receiving an EMD determinant code of “Delta” or “Echo” by an AMR EMD-Q; share results of each occurrence with TFD

Recommendations



TEN

Complete a critical task analysis to tier TFD response to medical calls based on the complexity and task; include input from medical director



ELEVEN

Create or improve incentives for getting EMS training, including EMT-Advanced and EMT-Paramedic certification; ensure competitiveness with area departments used by TFD for contract negotiation



TWELVE

Train 15-25 firefighters annually in a paramedic program (consider online programs); consider training contracts that would require firefighters to continue employment for a certain number of years



WICHITA STATE
UNIVERSITY

PUBLIC POLICY & MANAGEMENT CENTER

Misty Bruckner

misty.bruckner@wichita.edu

(316) 978-6688



September 19, 2023

Mayor and City Council,

Shortly after being named the Fire Chief in March of last year, then Interim City Manager Cochran met with me and stated that he wanted to bring in the Wichita State University Public Policy Management Center to conduct an overview of EMS delivery by TFD and the EMS system within Shawnee County as a whole.

The initial working group consisted of community members selected by Mr. Cochran, two executive board members of IAFF Local 83, a representative from city legal, finance, and human resources, as well as two TFD command staff members including myself. There had only been a few meetings with the WSU staff and the working group when former City Manager Wade took over in that role. At that time, he made the decision to reduce the size of the working group and going forward it consisted of the bargaining unit and management members of TFD along with Mr. Wade.

Over the next number of months TFD staff provided the WSU team with multiple sets of data related to TFD operations, staffing, deployment, and calls for service. They were also provided current copies of the bargaining unit contract, the city franchise agreement with AMR, and the Shawnee County contract with AMR. A member of the WSU team, Rogers, Arkansas Fire Chief Tom Jenkins visited Topeka meeting with myself as well as touring the Shawnee County Emergency Communications Center(dispatch). Additional WSU team members conducted multiple focus groups with TFD personnel across all ranks and shifts with a prepared list of questions related to EMS delivery as well as other topics related to TFD.

As the work progressed, prior to a report being finalized, Mr. Wade left employment with the City. In discussion with WSU team leader, Misty Bruckner, she informed me she had previously worked with Interim City Manager Nienstedt and that they had a good working relationship. I put them in contact with each other so that he could be brought up to speed and a path forward was agreed to. A draft report was shared with the working group for review and discussion. After this occurred, Mr. Nienstedt and I have had discussions related to the contents of the report and to prepare for the presentation of the report to yourselves and the public.

I want to say Misty and her team have been very professional and good to work with. I would not hesitate to recommend working with them again in the future if it was felt the need arose. I also want to state that this report is not an action plan on how to move TFD from its current operational level to one of full ALS transport service. That is not the direction given to the WSU team by City officials.



TOPEKA FIRE
DEPARTMENT

Randy Phillips, Fire Chief
324 SE Jefferson Street
Topeka, KS 66607

Tel: 785-368-4000
Fax: 785-368-4030
www.topeka.org

Despite the changes in the City Manager's position during the course of the work done, I believe this report is beneficial as a picture of where TFD and Shawnee County EMS delivery are currently, as well as provides solid recommendations to move forward with to improve the quality of services provided to the community. I look forward to the opportunity to discuss any thoughts or questions you may have regarding the report as we continue to work to provide the highest level of service possible to our community.

Respectfully,

Randy Phillips
Fire Chief



Topeka Fire Department Emergency Medical Response Assessment

City of Topeka | May 2023

Contents

Executive Summary	4
Background & Recommendations	6
Current Structure & Best Practices Alignment.....	10
Data Analysis	15
Stakeholder Feedback	23
Innovative Community Examples	29
Resources	34

Prepared by



PUBLIC POLICY & MANAGEMENT CENTER

Misty Brucker, Director

Tom Jenkins, Project Associate/Technical Expert

Dulcinea Rakestraw, Applied Research & Collaboration Manager

Isabel Ebersole, Research Assistant

Acknowledgements

The Public Policy and Management Center (PPMC) would like to thank the numerous stakeholders who assisted with input into this report, especially those individuals who participated in interviews and focus groups. The PPMC would especially like to recognize the members of the leadership team for this project.

Randall Phillips, City of Topeka, Fire Chief

Jason Broadbent, Division Chief of Operations

Aaron Freeman, Lieutenant, IAFF Local 83 President

Jared Wilson, Lieutenant, IAFF Local 83 Vice-President

Disclaimer

This study was conducted by the PPMC at Wichita State University. The PPMC is an independent research body unaffiliated with the City of Topeka or the Topeka Fire Department. This report was prepared by the research team and data collected from external sources. PPMC's findings are based on assumption of data accuracy received from internal and external sources. The findings represent the findings, views, opinions and conclusions of the research team alone. The report does not express the official or unofficial policy of Wichita State University.



Executive Summary

The City of Topeka Fire Department provides comprehensive emergency response to the City of Topeka and its over 120,000 citizens using 12 strategically placed fire stations. These fire stations use two primary types of response apparatus, engines, and ladder trucks, to create the City's fire and emergency medical response framework. These fire companies respond in tandem with the local ambulance provider, American Medical Response (AMR), to care for individuals in the City. In addition, AMR provides ambulances service to the rest of Shawnee County.

The Topeka Fire Department (TFD) identified improvement opportunities related to emergency medical care and efficiencies by investigating a new deployment model of the fire department. In recent years the TFD has implemented advanced life support (ALS) fire companies at high call volume fire stations and considered patient transport capability.

The PPMC conducted research, stakeholder engagement, and data analysis in December 2022 through May 2023, to explore the assets, challenges, and opportunities for TFD to expand ALS and/or patient transport. The conclusion from the initial work is that a wide spectrum of investment must be undertaken to further consider and potentially implement emergency medical transport service within the TFD. Culturally, the department's members expressed concern about the consequences of such an

investment, while also acknowledging the appropriateness of the idea. Logistic and leadership components of such an undertaking will offer fundamental changes to the structure and operation of this traditional organization.

Following this study, the PPMC recommends that continued conversations occur, and changes be implemented in the TFD to prepare for future needs in emergency medical service delivery, as outlined in the variety of recommendations provided.



Background & Recommendations

The City of Topeka provides ambulance services through a model commonly encountered in other communities of similar size across the United States, in which the ambulance service is operated by a private third-party provider. Shawnee County, including the City, maintains a contract with Global Medical Response / American Medical Response (AMR) for both physical and human resources to operate the ambulance. In addition to this contract, AMR operates under a franchise agreement for exclusivity with the City.

AMR utilizes between six and eight ambulances each day, working 12-hour shifts, to provide service to the City and County. These ambulances utilize a system status management model to strategically place resources in appropriate locations based on the number of units available. This model creates a regular rotation of units moving throughout the City and County as each shift transitions and as calls are received.

The fire department is an integral part of emergency medical care in the City, with a long-standing practice of providing first response service to supplement the third-party ambulance. This operation has occurred for several decades. Research and initiatives from the TFD during the previous decade helped identify the need for the department to further assist the ambulance provider. In 2020, the fire department successfully

implemented paramedic fire companies at some of their busier fire stations to further supplement emergency medical care in the City.

Emergency medical incidents represent many of the emergencies handled by the Topeka Fire Department. In 2022, 68 percent of the 23,762 emergency incidents received by the department were for medical emergencies. This percentage is reflective of the entire US fire service, which reported that 64 percent of incidents were medical in nature in 2020 (TFRS, June 2022).

Recommendations

Based on the information collected and evaluated during this study, including industry best practice standards, the following recommendations are presented for consideration. Implementation of these recommendations will support TFD as they provide high quality, lifesaving first response services to Topeka.

1. Evaluate the current placement of advanced life support (ALS) fire companies taking into consideration the frequented posts of AMR ambulances, call patterns, and response time performance that exceeds 480 seconds travel time for an ALS resource (NFPA 1710 4.1.2.1).
2. Consider adding additional ALS fire companies into under-served areas of the City as performance issues are identified (ALS response greater than 480 seconds, 90 percent of the time, NFPA 1710 4.1.2.1).
3. Prioritize four-person staffing of ALS fire companies to allow the company's quick recoil after high-acuity EMS calls.
4. Consider establishing an EMS supervisor position on each shift and adding EMS staff positions to provide the leadership, training, and system reliability support to the EMS program.

5. Create a regular and productive communication framework to integrate the continuum of care provided by AMR and TFD, in accordance with Section 6 (B) of the City's franchise agreement. Leaders of these organizations should regularly meet to steer the EMS program with a defined agenda.
6. Modify the franchise agreement in 2024 to ensure a minimum of five ALS ambulances are available each day. Furthermore, at least 80% of on-duty ambulance resources should be ALS in capability.
 - ALS resources should be automatically sent to all first-alarm or greater structure fires in the City.
7. Create a process for automatic notification of "Status 0" to the TFD jointly with AMR and TFD input. Sharing this status will allow awareness of extended response times and prompt the dispatch of ALS companies in the absence of available ambulances.
8. Establish common nomenclature for the identification of ALS and BLS ambulances. Share estimated times of arrival between AMR and TFD using a CAD-to-CAD interface or similar process, so that the information on unit location is easily accessible to field responders.
9. Review 15% of medical calls receiving an EMD determinant code of "Delta" or "Echo" by an AMR EMD-Q. Share the results of each occurrence with TFD.
10. Complete a critical task analysis by TFD to tier its response to medical calls based on the complexity and task. This should be completed with medical director input and comment.
11. The City should create or improve incentives for the attainment of EMS training, including EMT-Advanced and EMT-Paramedic certification. These incentives

should be targeted at ensuring competitiveness with the area departments used by TFD for contract negotiation.

12. The City should begin an aggressive campaign to train approximately 15-25 firefighters each year in a paramedic program. Consideration should be given to online programs, as allowed by the Kansas Board of Emergency Medical Services, due to their compatibility with firefighter schedules. Consideration should be given to training contracts for individual firefighters that would require them to continue employment with the TFD for a certain number of years.

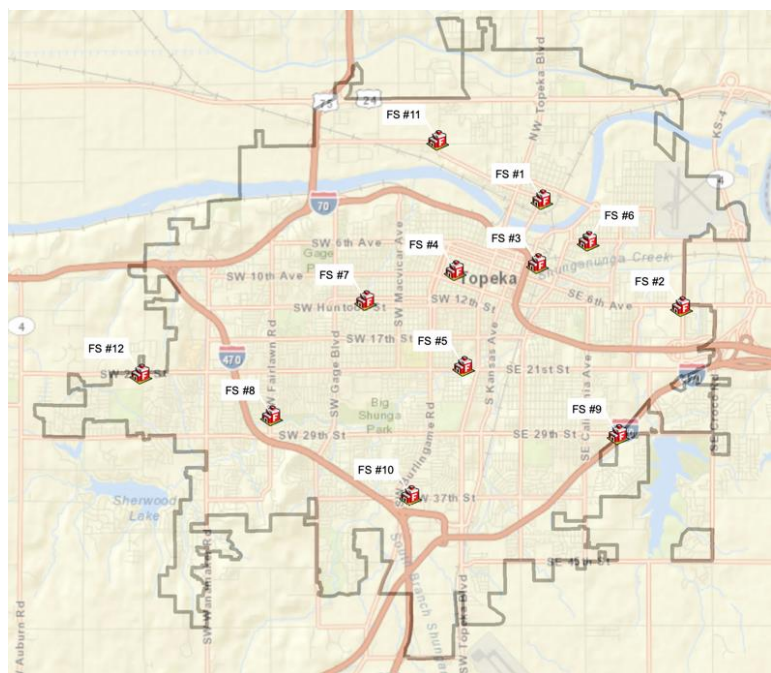


Current Structure & Best Practices Alignment

The Topeka Fire Department serves as a first response agency that supplements prehospital care provided primarily by AMR at the ALS level. This type of system, generally described as a “two-tier” first response system, is a best practice used by most fire departments in the United States. In a 2005 report of EMS Field Experiments, done by a variety of scientists as part of the Firefighter Safety and Deployment Study, it was found that first response resources, when dispatched simultaneously with an ambulance, arrive *prior* to the ambulance approximately 80 percent of the time (p.10).

The TFD staffs 18 fire companies each day. These fire companies include six truck companies and 12 engine companies that are quartered in 12 fire stations spread throughout the City. All 18 can respond to medical emergencies as basic life support (BLS) units. Basic life support, as defined by

Figure 1 - Topeka Fire Station Locations



the NFPA 1710 standard is defined as, “a specific level of prehospital medical care provided by trained responders, focused on rapidly evaluating a patient’s condition; maintain a patient’s airway, breathing, and circulation; controlling external bleeding; preventing shock; and preventing further injury or disability by immobilizing potential spinal or other bone fractures.” Four engine companies, Engines 5, 8, 10, and 12, are designated as advanced life support (ALS) units, in addition to their conventional firefighting duties. NFPA defines ALS care as, “emergency medical treatment beyond basic life support that provides for advanced airway management including intubation, advanced cardiac monitoring, defibrillation, establishment and maintenance of intravenous access, and drug therapy.” These companies may be staffed by either a paramedic or EMT-A provider to meet the threshold required for ALS care.

All TFD firefighters are certified to the EMT-Basic level. This minimum level of certification ensures plentiful numbers of clinicians to maintain the BLS level of service in the City. Paramedic and EMT-A certification is more time consuming and difficult to obtain for members, although financial incentives are provided by the department for members who obtain the certification and licensure. In fiscal year 2024, the EMT-A financial incentive is \$2,250 and the paramedic incentive is \$4,500.

The dispatch centers for both TFD and AMR are located at Shawnee County Emergency Communications Center (SCECC). AMR was relocated to the center a few years ago to improve coordination to medical incidents. This center is the primary answering point for all of Shawnee County, including the City of Topeka. Medical calls are handled by the AMR dispatchers located in the center. When the criticality and location of the call is appropriate for the response of the TFD, an incident is automatically populated on the Tyler Technology Computer Aided Dispatch System (CADS) using an interface between the AMR and TFD systems. During 9-1-1 caller interrogation, the National Academies of Emergency Dispatch ProQA system is utilized. Both TFD and AMR use the same Association of Public Communications Officials (APCO) Standard P25 digital radio system for interoperability.

Best Practices Alignment

Providing emergency medical care through the fire department is common throughout the country, with a 2020 report from the National Fire Protection Association showing that 46 percent of the 29,452 fire departments provide BLS care and another 17 percent provide ALS care. The manner and implementation of providing that care varies greatly depending on the jurisdiction. The TFD incorporates various best practices for a two-tier emergency medical first response, model including:

- BLS response from all fire companies
- Strategically located ALS/EMT-A response from fire companies
- Automatic dispatch coordination in a centralized location
- Radio interoperability between the ambulance provider and fire companies

The aim of this assessment was the potential for future improvement within the fire department to further integrate emergency medical *transport* capability within the agency. To determine the department's readiness for such an endeavor the following fundamental ingredients of such a process were assessed:

1. Current quantity and deployment of paramedics
2. Ability and timeframe for training additional paramedics
3. Internal EMS leadership and management capacity
4. Logistical capacity for additional emergency response resources (ambulances) inside fire stations

The current number of paramedics and EMT-As is sufficient to manage the four ALS fire companies, although anecdotal instances of their ALS capability being unavailable were shared during interviews and discussion. Because of promotions, retirements, and reassignment, maintaining adequate paramedic numbers is imperative to the mission of the TFD. The paramedic program within the TFD was established in 2019-2020, and therefore is still relatively new in design and implementation. Should the department consider additional ALS companies or the implementation of ambulance resources, the current quantity of paramedics would be insufficient.

Under the current deployment scheme, paramedics can be deployed at any rank (Firefighter, Driver/Apparatus Operator, Lieutenant, Captain) to the ALS fire companies. If ambulances were part of the response resources handled by the department, some ranks would likely be unassignable to fill those positions, thereby limiting paramedic deployment even more. As is recommended, the department should deliberately increase its emphasis in paramedic training, compensation, and leadership to attain greater impact in the field of emergency medical care.

Emphasizing paramedic training is not an easy endeavor. The commitment by the department and the individual member seeking the training is significant in terms of cost, time, and system oversight. It takes approximately two years for a paramedic to complete training and be available for use by the department. During that two-year period, that firefighter completing the training will likely commit hundreds of hours to classroom and clinical instruction, likely impacting daily staffing for the department and requiring the use of overtime compensation.

Recent studies by the American Ambulance Association show critical shortages in paramedic positions across the country. Due to Topeka's geographic location near the Kansas City Metropolitan area, training paramedics without proper incentivization could be a poor investment to the City if they are lured by competitive benefits and salaries just a few dozen miles away. Careful surveillance of the job market regarding paramedics should be regularly done to ensure any investment is appropriate and effective.

The City of Topeka, along with the fire department, is rich in tradition and culture. Research on the facilities of the department in the National Register of Historic Places shows three still in use on the list. With 18 fire companies, a few specialty units, and reserve/backup apparatus, the TFD lacks sufficient real estate for its current fleet, much less ambulances. As shown in Table 1, the department currently has 25 fire station apparatus bays that discharge to the front of the facility.

Table 1 - Bay Space in TFD Stations

<i>Station No.</i>	<i>Front Apparatus Bays</i>
1	1
2	2
3	2
4	2
5	4
6	1
7	2
8	2
9	2
10	2
11	3
12	2

Leading and managing an emergency medical program is a complex and arduous process. While many members of the department contribute to the EMS program, the EMS Chief is the single responsible party for all program components. No EMS-focused supervisor is assigned to shift duties and therefore clinical issues that develop after hours or on weekends must be dealt with by other supervisors (Captains, Battalion Chiefs) or wait until normal hours.

It cannot be assumed that the existing supervisory hierarchy would be sufficient for handling the task of EMS supervision and leadership in addition to the multitude of other tasks that come with running a fire department. Progress for prehospital emergency medical care will take investment in the quantity of paramedics, administrative support, and leadership.

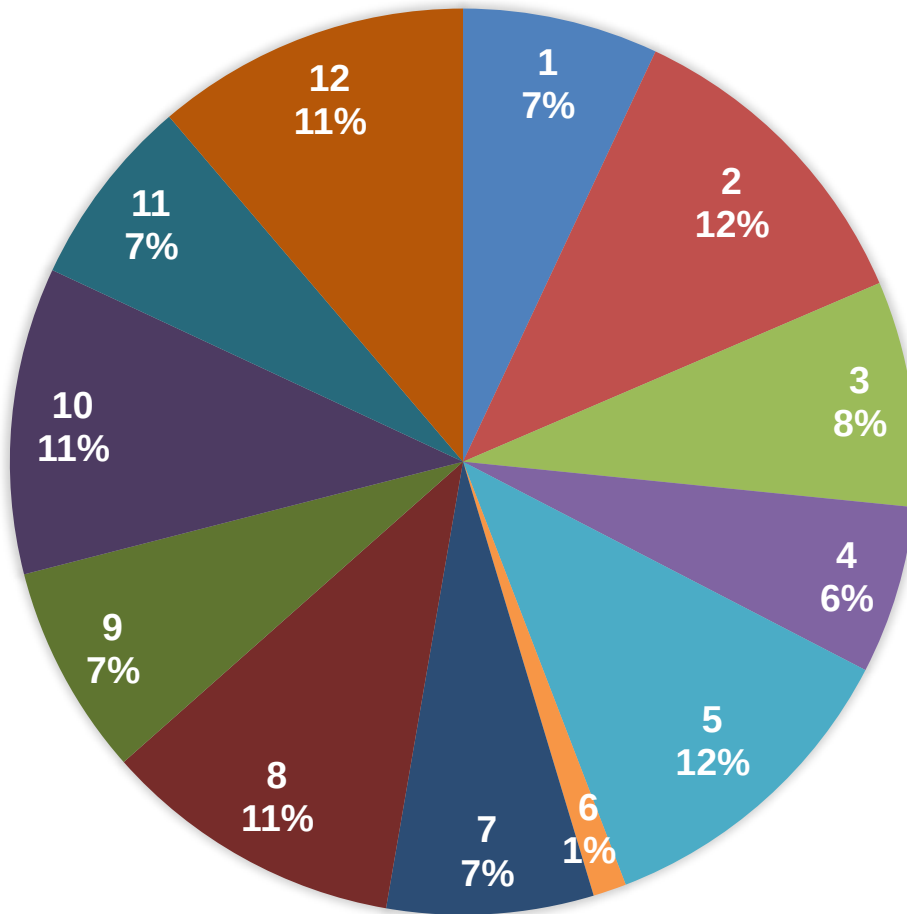


Data Analysis

The TFD responds to a medical emergency about once every 30 minutes throughout the year. These calls are not evenly distributed throughout the day, but instead occur during predictable timeframes of heavy call volume in the late morning to early evening hours. The emergency medical call volume handled by the department in 2022 is 12 percent more than was predicted in a 2016 study by Emergency Services Consulting International. This rate of call volume growth, specifically emergency medical calls, signals that additional resources will likely be necessary to handle continued growth in the future.

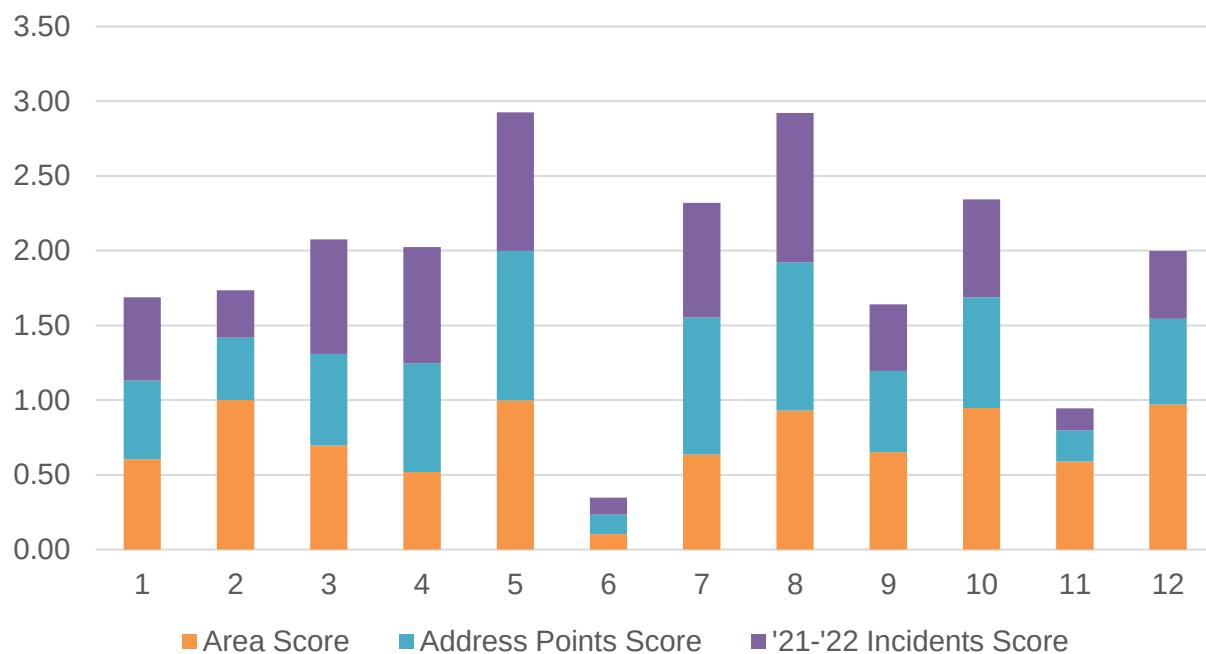
The 12 TFD fire stations are positioned to provide a 240-second travel time performance to 60,623 addresses in the City. Station 5 protects the largest quantity of addresses (8,201) and Station 6 protects the fewest (1,072). The geographic area protected by the various stations is shown in the figure below.

Figure 2 - Percentage of City Area Protected by Each Fire Station (Topeka Fire, 2023)



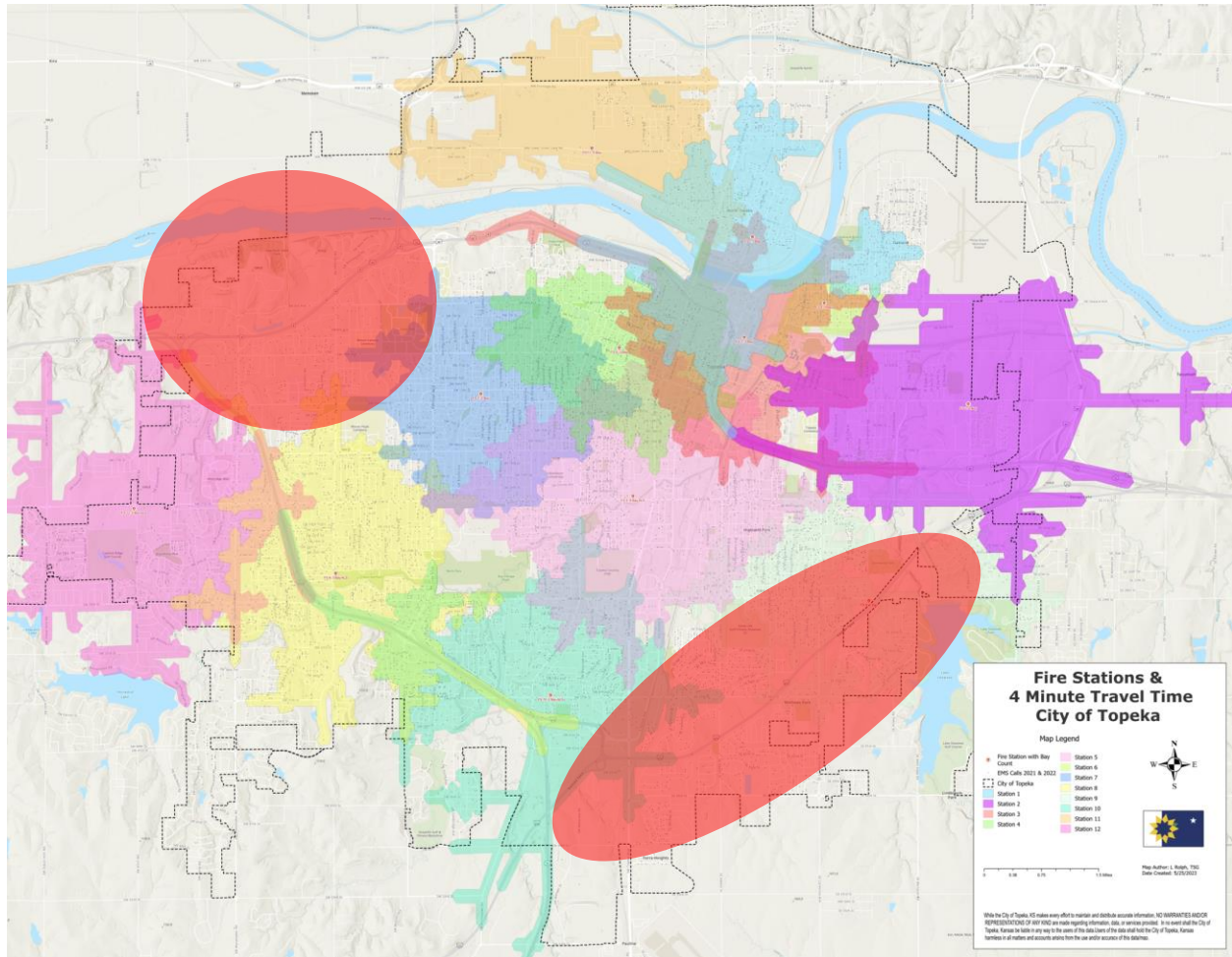
When considering call volume and square miles within the four-minute boundary of each station, along with the quantity of addresses protected, benchmarking can occur to illustrate some comparative risk between the different fire stations. This assessment shows the fire station with the highest risk, using these variables, to be Stations 5, 8, and 10. Figure 5 shows the total results of the risk analysis for all fire stations. Note: the call volume utilized for this analysis is the call volume occurring within the geographic region protected by the station, not necessarily calls handled by the units housed at the station (e.g., A call within Station 7's geographic area that was handled by Engine 5 would count for Station 7 in this figure).

Figure 2 - Fire Station Risk Analysis using geographic area, address points, and incidents for benchmark ranking.



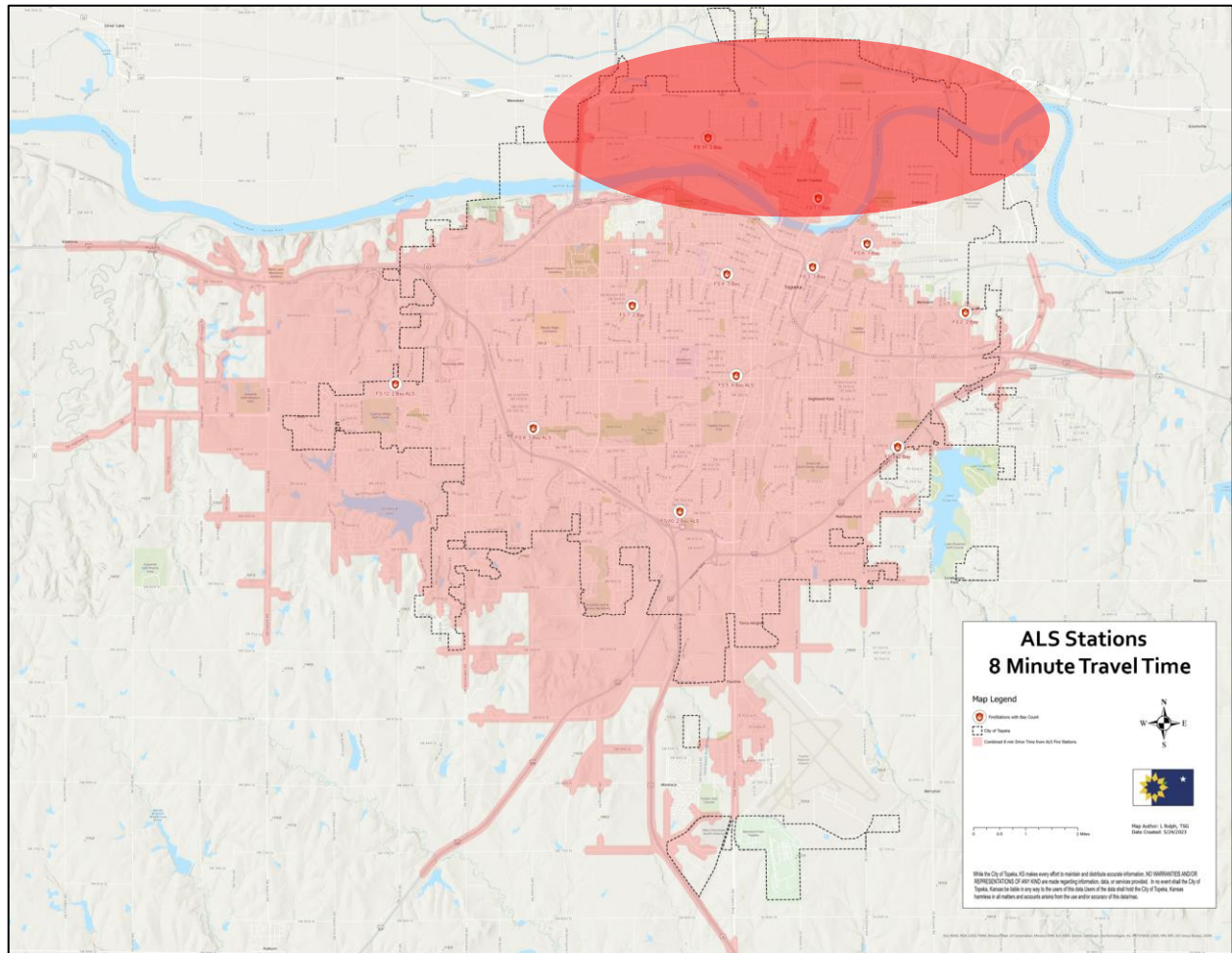
While the distribution of fire stations throughout the community provides an advantage for the TFD in fixed location response, gaps still exist throughout the community where *existing* resources cannot provide a 240-second travel time. A 240-second travel time is required by NFPA 1710 (4.1.2.1) for the arrival of a unit with first responder (BLS) capability. Two large sections of the City, as highlighted with transparent red circles in Figure 6., are noticeable gaps in service delivery. Other smaller areas of the City are also void of this travel time performance, as noted by locations without a shaded color, but within the jurisdictional boundary of Topeka. While overlapping coverage areas exist between some of the stations near downtown, this is also an area of high call volume, thus necessitating this concentration of resources for the frequency of incidents and needed concentration of resources on structural fires. An opportunity exists to construct additional fire station(s) and potentially relocate some of the less effective fire stations in the City. Should efforts to fund capital projects like this gain traction, the TFD should ensure sufficient apparatus bay space is incorporated into the design of the stations to accommodate future EMS needs.

Figure 3 - Four Minute Travel Times from TFD Stations (2023, City of Topeka)



Assessment of the geospatial ALS performance is a more complex process since both AMR and TFD provide these resources. AMR's resources are dynamic; knowing their location and resource availability for the purposes of modeling is difficult. The performance goal for the arrival of ALS resources is a 480-second travel time in accordance with NFPA 1710 (4.1.2.1). While the TFD operates only four ALS companies, their impact to the City is impressive, as demonstrated by Figure 7. A noticeable gap in coverage does exist on the north side of Topeka, along with other small areas of the City.

Figure 4 - TFD ALS Company Eight Minute Travel Time Performance (2023, City of Topeka)

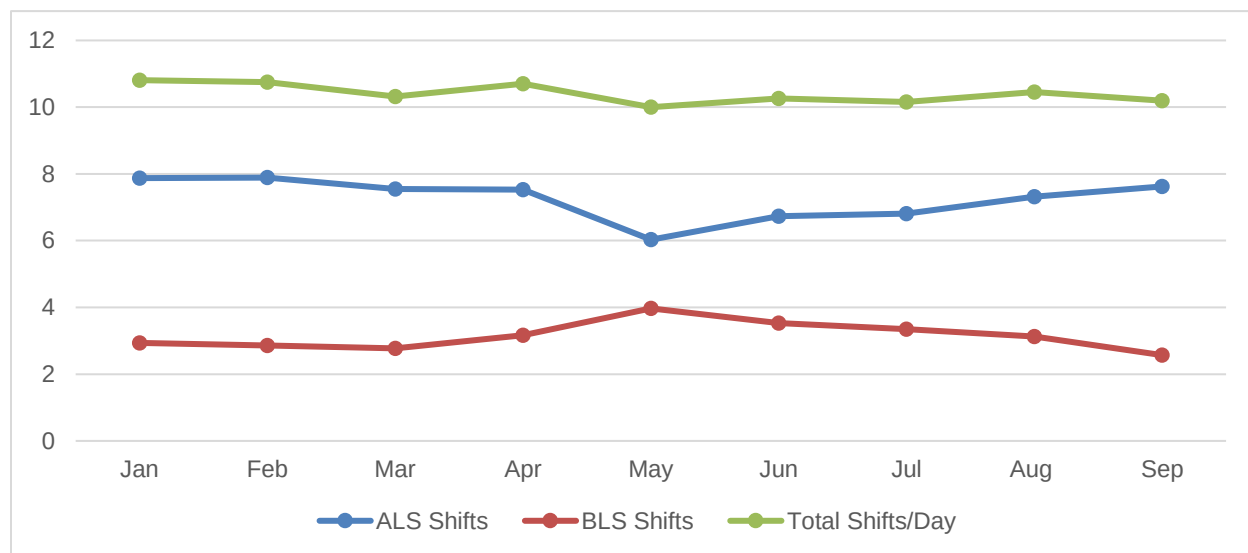


The TFD provides consistent staffing and 24-hour coverage using its 12 fire stations. This deployment model is characteristically different from AMR's system, which moves ambulances from various geographic locations in the City based on unit availability and uses 12-hour shifts. This staffing algorithm allows for a more dynamic deployment model, modifying the number of ambulances during peak periods of call volume.

While information regarding the specifics of the AMR ambulance scheduling system was limited, a nine-month dataset from 2022 was made available for limited analysis to determine various characteristics that impact current service delivery. General concerns from the TFD about the current EMS model included insufficient ambulances and the frequent utilization of BLS units in place of ALS units, creating instances of

incompatibility with the patient encountered or issues with patient handoff from TFD paramedic fire companies.

Figure 5 - Average 12-Hour Ambulance Shifts Unit Type, By Month (Jan-Sept 2022)



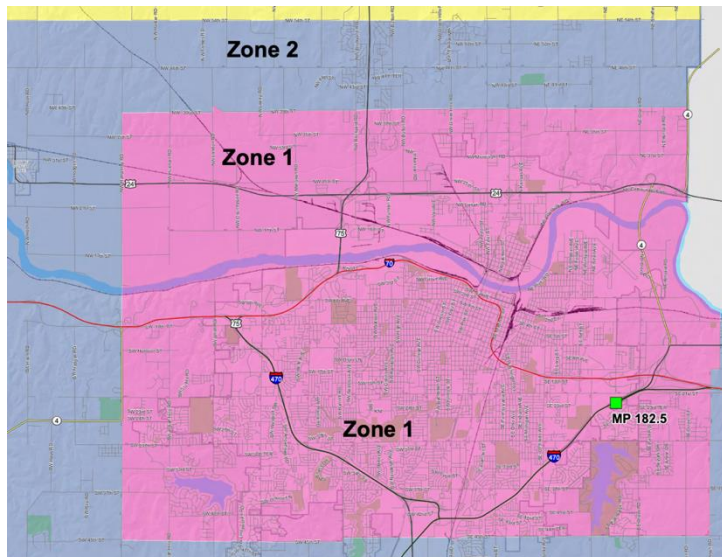
During the months analyzed, as shown in Figure 6, the Topeka/Shawnee County area had between 10 and 11 ambulances scheduled each day for 12-hour shifts. The majority of the ambulances scheduled each day were ALS units, ranging from a maximum of nine units to a low of five units. BLS ambulances ranged from six units to just one each day. There is significant variance in the composition of the daily ambulance staffing. While ALS ambulances were an average of 70 percent of the daily staffing during the entire dataset, it was inconsistent and varied from 90 percent to as low as 43 percent when reviewed daily, as opposed to a monthly average. The ratio of ALS to BLS ambulances and average number of ambulances staffed per hour also reflected significant variation. As shown in Table 2, the months with a lower percentage of ALS ambulances staffed/schedule also experience a decrease in the ALS to BLS ambulance ratio and a lower average number of ambulances scheduled. The fluctuation in ALS availability, increased interaction with BLS ambulances, and fewer total ambulances is a causal factor for the EMS issues facing the TFD.

Table 2 - Topeka / Shawnee County Ambulance Metrics (Jan-Sep 2022)

	Percentage of ALS Ambulances Scheduled Each Day	Ratio of ALS to BLS Ambulances	Average Number of Ambulances Per Hour
Jan	73%	2.68	5.4
Feb	73%	2.76	5.38
Mar	73%	2.73	5.16
Apr	70%	2.38	5.35
May	60%	1.52	5
Jun	66%	1.91	5.13
Jul	67%	2.03	5.08
Aug	70%	2.34	5.23
Sep	75%	2.97	5.1

Ambulance performance, as measured by response time within Topeka and Shawnee County is monitored, as part of the contract, by Shawnee County Emergency Management. The results of AMR's performance are published on the County's website each month. The response areas for AMR include areas of the Kansas Turnpike Authority, along with four other zones throughout Shawnee County. The City of Topeka is primarily in Zone 1, while some portions of the City are in Zone 2. For the purposes of this report, Zone 1 is targeted for analysis and is shown in the figure below.

Figure 6 - Ambulance Zone 1 and Topeka transportation network.



The requirements of response in Zone 1 are for the arrival of an ambulance at the scene of an emergency within nine minutes, 80 percent of the time, or within 14 minutes for non-emergency calls. This time includes the actual elapsed time, measured in minutes and seconds between the call being received by the AMR dispatchers in the SCECC and arrival of the ambulance.

Table 3 - AMR Performance in Zone 1 (2022-2020)

Attribute	2022	2021	2020
Total Calls	20,147	17,242	16,459
On Time Arrival	17,300	15,587	15,083
Late Arrival	2,847	1,655	1,376
Fines Issued	716	658	418
Percentage Late	14.1%	9.6%	8.4%
Percentage Fined	3.6%	3.8%	2.5%

While the contract with AMR has various appropriate exceptions for incidents with long response times, the standard penalty for late arrivals is \$100 for each half percentage point below 80 percent and \$10 per minute over 15 minutes. Each year, this amounts to a relatively small dollar amount of penalty when compared to the percentage of calls in which ambulances were late and the actual cost of adding resources to address the problem. The County should consider alternatives that might generate discussions to create realistic solutions to the increasing percentage of late calls, which have nearly doubled in the past three years.



Stakeholder Feedback

As part of the overall assessment for the Topeka Fire Department, the Public Policy and Management Center (PPMC) at Wichita State University conducted focus groups from March 2-6, 2023 with internal stakeholders. There were nine focus groups directly related to department assessment and medical transport, which were designed to have similar ranks or experience in each session. The following provides a summary of themes from the discussion.

Communication

The vast majority of participants indicated communication from administration had significantly improved under current fire department administration. Transparency, regular communication updates, and responsiveness to questions were common themes from the sessions. Based on concerns shared about historic communication issues, commitment to open dialogue was valued.

Fire Services

Participants were proud of the fulfillment of primary responsibilities of the department related to fire services. Participants believed the department had a good reputation within the profession of aggressive fire suppression, care of life and property, and community relations. The participants indicated resourcefulness, professional commitment, and public service focus were all points of pride for the department. Most

participants believed Topeka Firefighters have pride in the job and actual satisfaction in the work.

Training

Participants indicated there had been a shift under current administration to approve time-off for training and extra resources from the department. There were still training concerns regarding in-house training effectiveness, especially as related to medical emergency services, and overall enough resources to meet the training needs of the organization.

Funding

Participants said funding was the fundamental issue that created challenges for the department. There was acknowledgment there had been recent improvements in some funding areas (facilities), but years of underfunding impacted the department.

Participants said that the lack of support from the governing body and City administration was a concern.

Issues discussed that related to lack of financial resources include:

- Facilities: While there have been recent capital improvements, there is significant neglect in the buildings; ongoing maintenance concerns were cited
- Apparatus Maintenance: Due to a lack of mechanics, maintenance of vehicles and availability of apparatus is an ongoing concern
- Compensation: Participants indicated compensation is a concern, especially as related to the metro market; there is a concern with the change in generational behavior, that newer recruits are more likely to leave the department to go elsewhere for additional pay

Attraction and Retention

Participants recommended dedicated resources, financial and human, for attraction and retention. Participants indicated this as a priority for the ongoing success of the

department. The workforce has changed, and the department needs to address it accordingly. Specific recommendations included:

- Dedicated recruiter
- Improved social media (actual video of the work)
- Recruitment plan
- Retention plan
- Increased training

Medical Transport

The following provides summary of the discussion specific to medical transport:

Current Structure of ALS

Participants were asked about the current ALS structure within the department. Most indicated this is a good idea, but resources hamper the success of implementation. There was also discussion about making this “person” centric, instead of station centric.

Responses were as follows:

- Need equipment and training, which is running thin already
- Need more resources/funding
- So many other priorities of basic functions, should not be a priority
- Spreading thinner
- More human resources
- Should be with “person” not station

Current AMR Response

Participants agreed there is a significant concern with the current emergency medical transport response provided by AMR. The majority of the conversation focused on the fact that AMR is a private provider with a financial incentive as their primary focus. Participants did not believe the County was doing enough to address the issue with services and that care of residents is often sacrificed. Specific issues raised included:

- Lacking overall County response
- AMR is for-profit, community is not the priority
- Not enough responders resulting in long wait times
- Not appropriately staffed resulting in not enough ambulances on the street
- Lack of paramedics and higher skills available
- Some good people at AMR, but also some low-quality service providers

Participants also provided specific examples of concerns, which included:

- Sending the wrong type of ambulance – clarity
- Slow care once on scene
- Inexperienced (examples of fire fighters correcting or being asked to do)
- Keep fire on scene longer than needed, unable to respond to other calls
- Examples of broken hips, seizures, significant medical calls where wait times were well beyond industry standards
- Concern expressed about how performance measures are being calculated
- Situations where firefighters are making recommendations to residents to “drive themselves” instead of waiting for medical transport

Impact of Current Emergency Medical Transport

When asked about the impact of the current state of emergency medical transport in Topeka through AMR, participants were primarily focused on how the low standard of care could result in death, impact to life, and prolonged suffering. Issues were raised about the fire department being held liable for care due to slow response times. In addition, there was concern about the poor quality of care impacting the reputation of the department. There was concern that AMR could decide to leave the community, creating a vacuum of services the community is not ready to address. In addition, the level of services creates perceptions of low morale and high rates of burnout among AMR staff. This constant turnover makes building relationships between the two entities (TFD and AMR) difficult.

Options for Emergency Medical Transport

Most participants indicated the first step was discussion with the County about addressing the performance issues. Holding the County responsible for their obligation was step one. Creating an alternative plan was also discussed, but all indicated additional resources are needed for any successful system.

Specific options discussed included:

- Fully operate both services within TFD
 - Make medical a separate division within fire department
 - Use newer employees for medical transport, gradually phasing out with tenure on department, if desired
- Add some services (ambulances)
- Grandfathering current employees

Concerns with Topeka Fire Department Involvement

There was little support for TFD providing medical transport without significant financial commitment. Participants feared it would take away from fire services. They also indicated that this is the role of the County and the County should be held responsible.

Other issues discussed were:

- Lack of funding: staff, vehicles, facilities
- Negative impact to response to fire
- System operates for the county, not positioned to do that
- No experience in medical billing
- Topeka has a good reputation for fighting fires, which attracts people NOT wanting to do medical transport; this could hurt and take away an advantage
- People would get training in Topeka and then leave to make significantly more in the KC metro

Paramedic Training

Participants were asked if the department provided paramedic training, would they be interested in taking the training. The majority indicated they would not, but there were a few (mostly newer employees) who indicated some interest. Almost all said the current pay incentive is not enough.



Innovative Community Examples

The following are examples of communities with innovative fire-based emergency medical service (EMS) response models. For decades, the International Association of Fire Chiefs (IAFC) has reaffirmed its position supporting fire-based EMS. IAFC says fire-based EMS is “the most efficient and effective” EMS delivery model. “When time is critical and effective pre-hospital care is necessary, the fire service is well positioned strategically, geographically, administratively, financially, and operationally (IAFC).”

Des Moines Fire Department (DMFD) | Iowa

DMFD is the largest fire-based EMS service in the state of Iowa. Each year, the department provides over 25,000 residents with pre-hospital medical care. Currently, there are 200 trained paramedics and 90 trained EMTs working in the department (City of Des Moines, A). A significant majority (70 percent) of calls to DMFD involve an EMS response (City of Des Moines, B).

Since 2022, as a condition of their employment, all DMFD firefighters must be or get certified as a Paramedic. Firefighters receive five percent Paramedic pay with their state certification or a year of service. All are certified in basic life support and advanced cardiac life support and receive regular training on topics like new equipment, procedures, medications, etc. (City of Des Moines, C).

Of their nine engines, four are Paramedic-level. The department has nine front line ambulances and seven reserve ambulances (City of Des Moines, A). “Co-dispatching EMT and Paramedic-staffed fire trucks with ambulances on medical emergencies allows the Department to rapidly provide large amounts of expertise and physical assistance at times of crisis (City of Des Moines, C) .”

Olathe Fire Department (OFD) | Kansas

In 2022, OFD responded to 8,970 EMS calls, compared to 318 fire calls. All applicants to OFD must have a current Kansas or National Registry EMT or Paramedic certification. The department works closely with Johnson County Med-Act to respond to emergency medical calls. The department has nine apparatuses operating at all times, but none are ambulances (Olathe Emergency Services).

In 2016, OFD was recognized by the Congressional Fire Services Institute (CFSI) for their Mobile Integrated Health (MIH) team (CFSI, 2016). The team, comprised of a firefighter, paramedic, and nurse practitioner, provide non-emergency medical services to the community (MIH, A). Three quarters (76 percent) of 911 calls are dispatched for medical reasons. One quarter (24 percent) are considered non-emergency. The MIH team provides and coordinates care like blood pressure checks, general exams, medical advice, etc. The ultimate goal is prevention (MIH, B).



Community Comparisons

The following are examples of departments comparable to Topeka Fire. These departments were chosen because:

- The department and community they serve are similar in size to TFD
- Like TFD, each contracts an outside entity for EMS services

Notably, all comparable departments require all firefighters to be certified EMTs.

Independence Fire Department (IFD) | Missouri

IFD works with AMR to provide quick emergency care by sending first responders to all City requests for EMS. While they do not have a contract, IFD permits AMR to provide primary pre-hospital care to the community. As explained in their *Community Risk Assessment Standard of Cover Analysis Master Plan* (December 2022), there are significant downsides to working with AMR on a permit rather than contract basis. Namely, there are no specific performance standards that AMR must meet and little accountability.

All IFD firefighters must be certified EMTs, but only some are certified Paramedics. All units are equipped for BLS care. Whether IFD can provide ALS care is dependent on how units are staffed. ALS care can only be provided when a Paramedic is on duty.

Due to recertification requirements, IFD and the EMS Instructor Group offer Continuing Education Units and in-person training opportunities. To support EMS administration, IFD has an EMS Advisory Committee that evaluates service delivery & performance data and works to resolve EMS issues with labor & management.

The Medical Director authorizes EMS provided by IFD and AMR. Only IFD has a contract with the Medical Director. The Medical Director oversees all aspects of the EMS response system including:

- Patient care protocols
- Emergency Medical Dispatch process
- Quality Assurance (QA) System, i.e., provider performance
- Quality Improvement (QI) System, i.e., provider training

The City of Independence has a fire protection sales tax of 0.5 percent used to fund building new, moving, and upgrading buildings, and adding units and personnel. The sales tax is projected to raise over six million dollars annually (IDF, 2022).

Norman Fire Department (NFD) | Oklahoma

Like most other fire departments, a large majority of NFD calls are for emergency medical services. NFD works with EMSSTAT, a hospital-based Paramedic department at the Norman Regional Health Center. EMSSTAT medics work the same schedules as the NFD (Norman Regional).

All Norman firefighters are certified EMTs as a condition of hire (NFD, B). NFD has an EMS Division responsible for all aspects of training activities and continuing education (NFD, A). The Medical Director oversees NFD and EMSSTAT. (Norman Regional)

Cedar Rapids Fire Department (CRFD) | Iowa

CRFD provides fire-based EMS to the community. The department works with Area Ambulance Service (AAS), a community-based, nonprofit organization servicing Cedar Rapids and surrounding cities. Representatives from each city sit on AAS's governing Board. Staffed with 65 full- and part-time Paramedics and EMTs, AAS operates 15 ALS ambulances. AAS does not receive any funding from the City and is funded by user fees (AAS).

All CRFD firefighters are required to be certified EMTs. Some (63) are certified Paramedics. All CRFD apparatus' have ALS capabilities (Cedar Rapids).

Resources

AMR. (2016). *Emergency Medical Services Agreement*.

AMR. (2021, December 19). *Contract C207-2016 Amendment – Five Year Extension*.

Area Ambulance Service (AAS). (n.d). *Area at a Glance*. <http://www.area-ambulance.org/area-facts-at-a-glance/>

Cedar Rapids. (n.d.) *Emergency Medical Services*. https://www.cedar-rapids.org/local_government/departments_a_-_f/fire/emergency_medical_services.php

City of Des Moines, A. (n.d.). *Firefighter Recruitment*. https://www.dsm.city/departments/human_resources/fire_department_recruitment.php

City of Des Moines, B. (n.d.). *Medic (Ambulance)*. https://www.dsm.city/business_detail_T6_R263.php

City of Des Moines, C. (n.d.). *Emergency Medical Services*. https://www.dsm.city/departments/fire/emergency_medical_services.php

Congressional Fire Services Institute (CFSI). (2016, April 22). *Two Fire Departments to be Honored for Excellence in Emergency Medical Services*. <https://www.cfsi.org/two-fire-departments-to-be-honored-for-excellence-in-emergency-medical-services-fire-service-based-ems-award-presentation-at-28th-annual-national-fire-and-emergency-services-dinner/>

Emergency Services Consulting International. (2016). *City of Topeka Kansas Fire Department Station Location Update*. <https://s3.amazonaws.com/cot-wp-uploads/wp-content/uploads/fire/FinalPresentation.pdf>

Independence Fire Department (IDF). (2022, December 1). *Community Risk Assessment Standard of Cover Analysis Master Plan*.

International Fire Chiefs Association (IFCA). (n.d.). Position: Fire-based Emergency Medical Services. <https://www.iafc.org/about-iafc/positions/position/iafc-position-fire-based-emergency-medical-services>

Mobile Integrated Healthcare (MIH), A. (n.d.). <https://ims.iocogov.org/docs/crc/News/201807311536.pdf>

Mobile Integrated Healthcare (MIH), B. (n.d.). <https://www.cfsi.org/two-fire-departments-to-be-honored-for-excellence-in-emergency-medical-services-fire-service-based-ems-award-presentation-at-28th-annual-national-fire-and-emergency-services-dinner/>

Moore, Lori, et al. (2010). *Report of EMS Field Experiments*.

https://www.iaff.org/wp-content/uploads/Toolkits/Fire_Fighter_Safety/field_experiments/1050_EMS-NIST-report.pdf

National Fire Protection Association. (2020). *US Fire Department Profile 2020*.

<https://www.nfpa.org/-/media/files/News-and-Research/Fire-statistics-and-reports/Emergency-responders/osfdprofile.pdf>

Norman Fire Department, A (NFD). (n.d.). *Emergency Medical Services*.

<https://www.normanok.gov/public-safety/fire-department/divisions/emergency-medical-services>

Norman Fire Department, B (NFD). (n.d.). *Job Opportunities*.

<https://www.normanok.gov/public-safety/fire-department/job-opportunities>

Norman Regional. (n.d.). *Services: EMSSTAT*.

<https://www.normanregional.com/services/emsstat>

Olathe Emergency Services. (n.d.). *Emergency Services*.

<https://www.olatheks.gov/government/fire/emergency-services>

Topical Fire Report Series (TFRS). (June 2022). *Fire Department Overall Run Profile as Reported to the National Fire Incident Reporting System (2020). Volume 22, Issue 1*. <https://www.usfa.fema.gov/statistics/reports/firefighters-departments/fire-department-run-profile-v22i1.html>

United States Fire Administration. (2020). *Fire Department Overall Run Profile*

<https://www.usfa.fema.gov/statistics/reports/firefighters-departments/fire-department-run-profile-v22i1.html>

Topeka City Council 2023



TRM TOPEKA
MINISTRIES RESCUE MISSION
MINISTRIES



TRM History and Facilities

Main Shelter



Distribution Center



Hope Center



Children's Palace



**Former North Topeka
Baptist Church**



Warehouse



Who We Serve:



Share the Gospel: TRM Operations



Shelter:

Currently averaging over 200 individuals each night.



Feed:

Distribution Center & TRM Kitchen



Educate:

Helping our guests gain skills that will assist them in being successful in our community.



Outreach:

Building relationships weekly with 100's of people living outdoors.

Chronic Homeless Crisis

Aging Homeless

Avg. Annual Cost

General Population

36K per Individual X 200=

\$7.2 MIL



Locally- Point In Time Count

Individuals- 412

Households- 322

Unsheltered- 157



Avg. Annual Cost

60 + Population

175K per Individual X 200=

\$36 MIL

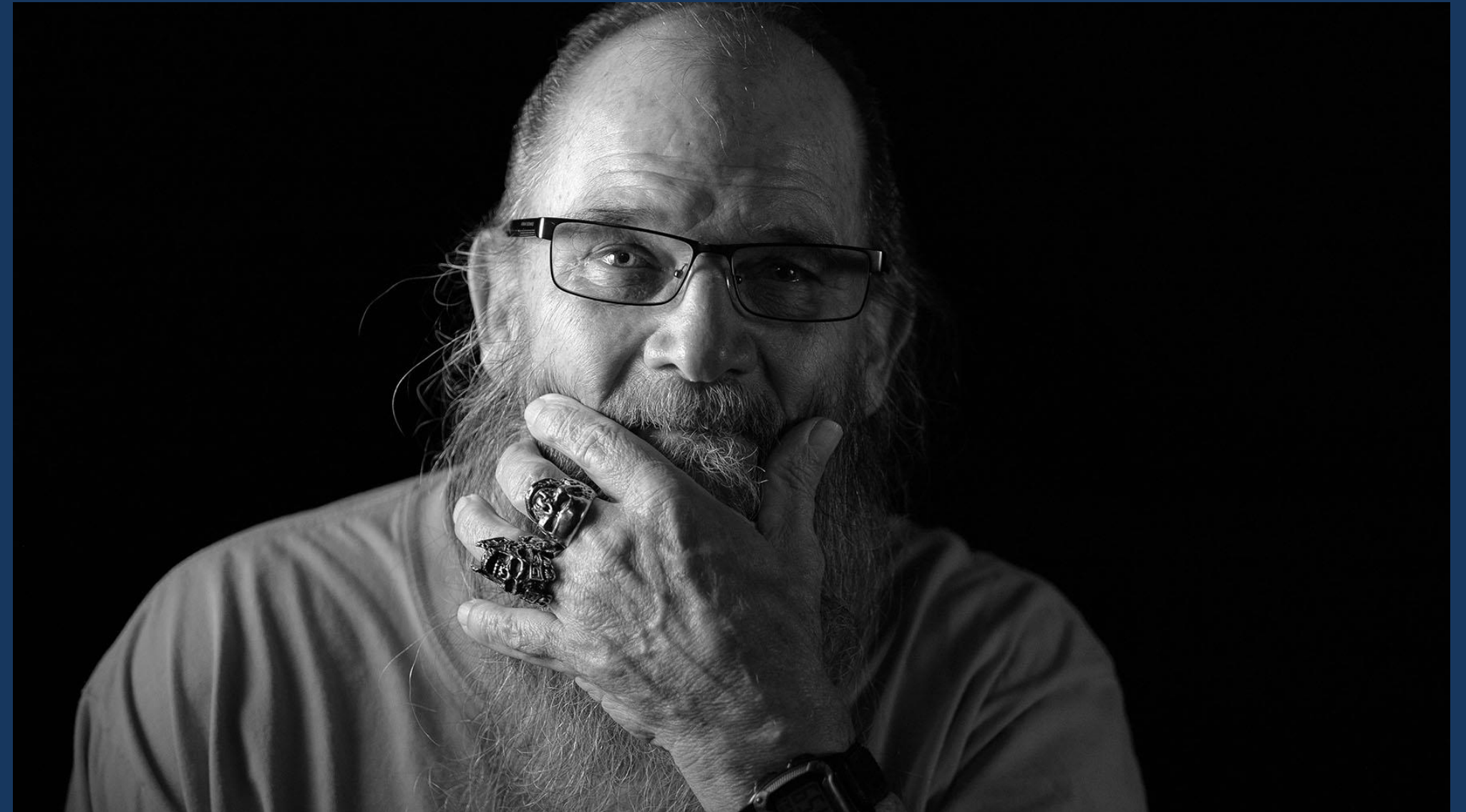


How do We Work Together?

Neighbors

Dignity &
Respect

Never Too
Late



***"We love because he first
loved us." - 1 John 4:19***



OUTREACH



HISTORY/PURPOSE



ENGAGEMENT



TRUSTBUILDING



SURVEYS

MAP (Mobile Access Partnership)



Questions, Concerns, & Misconceptions

"TRM Attracts People
From All Over The United
States Versus Just From
Shawnee County And
Topeka."

Questions, Concerns & Misconceptions



"TRM Permanently
Bans People From Staying
At The Mission."

Questions, Concerns & Misconceptions

HOW MANY PEOPLE CAN
TRM SHELTER?
HOW MANY PEOPLE DOES
TRM CURRENTLY
SHELTER?

Questions, Concerns & Misconceptions



Does TRM Work Alone or
Partner With
Other organizations?

[illegible]



Q & A

But seek the welfare of the city where I have sent you into exile, and pray to the LORD on its behalf, for in its welfare you will find your welfare.

Jeremiah 29:7

Night of Praise

A Fundraiser Benefiting

TRM TOPEKA
MINISTRIES RESCUE MISSION
MINISTRIES

HOSTED BY
FELLOWSHIP BIBLE CHURCH

SUNDAY • SEP 24 • 6:30PM
FBC TOPEKA • 6800 SW 10TH

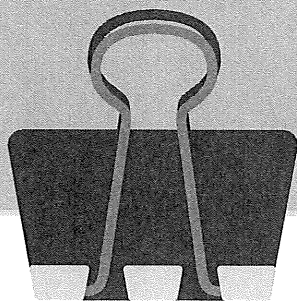
FEATURING MUSIC BY
FELLOWSHIP BIBLE CHURCH • GRACE POINT CHURCH
TOPEKA BIBLE CHURCH • & SPECIAL ARTIST - SJ HAZIM



← TO REGISTER, SCAN HERE.
OR, VISIT: BIT.LY/TRMNIGHTOFPRAISE

FOR MORE INFO AND TO DONATE,
VISIT: TRMONLINE.ORG/NIGHTOFPRAISE

FREE ENTRY, PLEASE CONSIDER BRINGING
A NON-PERISHABLE FOOD ITEM



TRM TOPEKA
MINISTRIES RESCUE MISSION
MINISTRIES

Needs List

ALL CANNED AND SHELF STABLE FOOD

ESPECIALLY THE FOLLOWING:

MAC AND CHEESE

PASTA

HAMBURGER HELPER

CANNED TUNA AND CHICKEN

PEANUT BUTTER

JELLY

RAVIOLI

CANNED FRUIT

OTHER ITEMS:

ALL SIZE ZIPLOC BAGS

HAIR BRUSHES & COMBS

FOOT POWDER

PULL UPS 4T AND 5T

VASELINE

CHAPSTICK

0 TIPS

WOMEN'S UNDERWEAR SIZE SMALL (4- 6)

MEN'S UNDERWEAR SIZES 30- 36

MEN'S JEANS SIZES 30- 36

SLEEPING BAGS

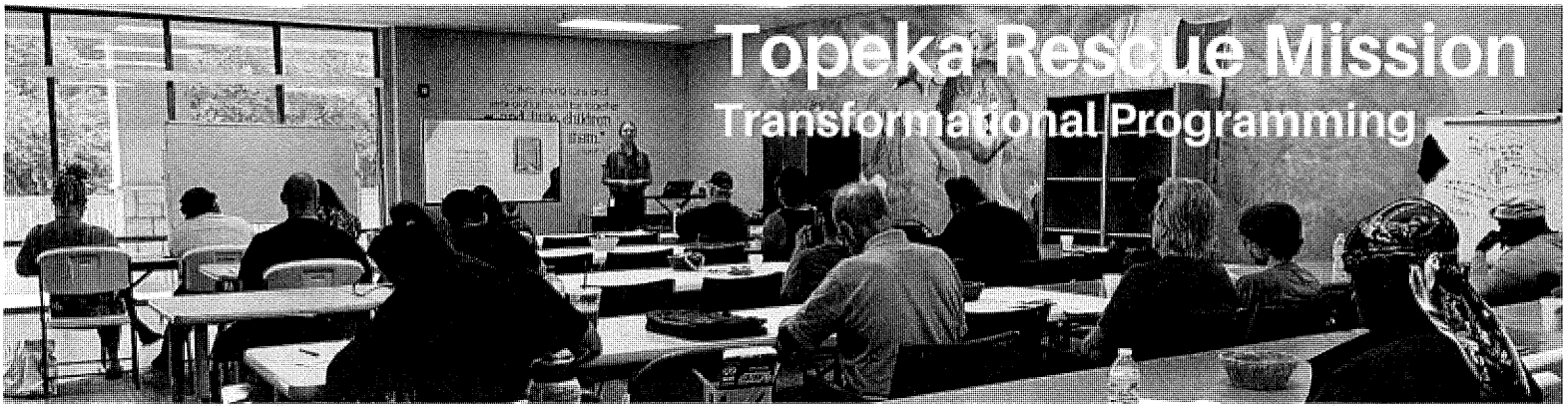
BLANKETS

TRAVEL SIZE DEODORANT, CONDITIONER, LOTION, SOAP & SHAMPOO

HYGIENE SUPPLIES



Scan Me!
For our full needs list &
Donation drop off days & times



Topeka Rescue Mission Transformational Programming

At a glance

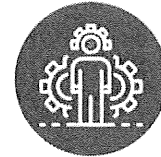
The vision for Transformational Services is to offer a wide range of educational and relational program opportunities for all guests residing at TRM to engage with. These programs currently consist of Career Readiness Education (CaRE), Children's Programming, Life Skills, and Trauma Education.



Career Readiness



Children's
Programming



Life Skills



Trauma
Education

PROGRAMMING OPTIONS

2023 Key metrics



100+

Individual guest participants



200+

Scheduled programming
hours



20+

Focused areas of
education

TRM desires to offer a holistic whole-person approach when serving our guests within every aspect of our care for them, including our programming. We seek to be an organization that looks at the macro needs of those we serve but aim to never lose sight of the micro, looking directly into the eyes of the vulnerable and hearing their needs.

TRM

1 Career Readiness

CaRE Program's mission is to positively change lives by educating, assisting, and mentoring participants to obtain financial sustaining employment. This 8-week program offers instruction, hands on activities, partnerships with employers and other volunteer subject matter experts to empower TRM guests to identify their personal strengths and abilities.

2 Children's Programming

Children's Programming consists of weekly "Champions for Change" classes and annual Summer Kid's Camp. Both programs utilize small group settings with focused intervention strategies to support young people who may have attachment related social, behavioral, emotional and wellbeing needs which could lead into long-term barriers in learning and connection. During groups we focus on the 4 traits of secure attachment which includes giving and receiving care, negotiating needs, and being our autonomous selves.

3 Life Skills

Life Skills Programming coordinates with guest speakers from our community to provide information, tools, and resources to help guests further their personal development, knowledge-base, and goals.

4 Trauma Education

Trauma Education Programming provides an in-depth look at our interpersonal selves and the ways we interact in and through relationships. These classes are designed to teach a broad set of "soft" social and behavioral skills for resiliency and self-regulation as guests strive to better manage their



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 19, 2023

DATE: September 19, 2023
CONTACT PERSON: Councilmember Hannah Naeger DOCUMENT #:
SECOND PARTY/SUBJECT: Louanne Dwyer PROJECT #:
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

RESOLUTION introduced by Councilmember Hannah Naeger, granting First Congregational Church an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions. (*Council District No. 6*)

(Approval would allow for amplified sound during the hours of 7:00 p.m. and 11:00 p.m., at 1701 SW Collins on October 14, 2023.)

VOTING REQUIREMENTS:

At least six (6) votes of the Governing Body is required.

POLICY ISSUE:

City of Topeka Code Section 9.45.170, et seq., authorizes the City Council to grant noise exceptions. Approval grants a noise exception to First Congregational Church for their outdoor movie event on October 14, 2023.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the resolution.

BACKGROUND:

First Congregational Church is requesting the noise exception due to amplified sound 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 Hannah Naeger granting First
4 Congregational Church an exception to the provisions of City of
5 Topeka Code Section 9.45.150, et seq. concerning noise
6 prohibitions.
7

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

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

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

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

24 NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the
25 City of Topeka that First Congregational Church is hereby granted an exception
26 from the provisions of City of Topeka Code Section 9.45.150, et seq. for

27 amplified music and sound at their Movie in the Lot event located at 1701 SW
28 Collins Avenue during the hours of 7:00 a.m. and 11:00 p.m. on October 14,
29 2023.

30
31 ADOPTED and APPROVED by the Governing Body _____.

32
33 CITY OF TOPEKA, KANSAS

34
35
36
37 _____
38 Michael A. Padilla, Mayor

39 ATTEST:

40
41 _____
42 Brenda Younger, City Clerk
43



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 19, 2023

DATE: September 19, 2023
CONTACT PERSON: Amanda Stanley, City Attorney DOCUMENT #:
SECOND PARTY/SUBJECT: Dynamic Core TIF PROJECT #:
Redevelopment District
- Removal of Property
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

ORDINANCE introduced by Interim City Manager Richard U. Nienstedt removing certain real property from the Dynamic Core Redevelopment District.

(Approval would remove the listed properties from the Dynamic Core TIF District because the properties have been approved for participation in the neighborhood revitalization rebate program.)

VOTING REQUIREMENTS:

Action requires at least six (6) votes of the Governing Body.

POLICY ISSUE:

Whether to comply with Ordinance No. 20228's requirement that the Governing Body remove properties from the Dynamic Core TIF District that meet the criteria for a property tax rebate in accordance with the Neighborhood Revitalization Program (NRP)

STAFF RECOMMENDATION:

Staff recommends the Governing Body approve the ordinance as part of the consent agenda.

BACKGROUND:

The ordinance establishing the Dynamic Core (downtown) TIF District requires that the Governing Body remove properties from the TIF if the properties meet the criteria for the NRP. Seven properties meet that criteria. As such, they should be removed from the District.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Ordinance

(Published in the Topeka Metro News on _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Interim City Manager Richard U. Nienstedt removing certain real property from the Dynamic Core Redevelopment District

WHEREAS, Ordinance No. 20228 – which establishes the Dynamic Core Redevelopment District (“District”) – requires the Governing Body to remove properties from the District that meet the criteria for a property tax rebate in accordance with a Neighborhood Revitalization Program (“NRP”); and

WHEREAS, seven properties located in the District have satisfied the requirements for securing an NRP rebate; and

WHEREAS, K.S.A. 12-1771(g) authorizes the Governing Body to remove real property from a redevelopment district.

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

Section 1. The following properties are removed from the District:

528 SE Adams (Topeka T&S LLC)
622 SW Van Buren (622 Van Buren Place LLC)
420 SW 9th St (Narwhal Holdings LLC)
1208 SE Quincy (Sandy Hestand)
228 SW Harrison (Tyler Jaggers)
306 SW Van Buren (Van Buren Street Development LLC)
323 S Kansas (TFMComm, Inc.)

Section 2. The City Clerk is directed to provide a copy of the Ordinance to the County Clerk.

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

PASSED and APPROVED by the Governing Body on _____.

CITY OF TOPEKA, KANSAS

Michael Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 19, 2023

DATE: September 19, 2023
CONTACT PERSON: Amanda Stanley, City Attorney
DOCUMENT #:
SECOND PARTY/SUBJECT: Lannon Legal PLLC
PROJECT #:
CATEGORY/SUBCATEGORY 007 Contracts and Amendments / 005 Professional Services
CIP PROJECT: No
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

APPROVAL of a professional services contract exceeding \$50,000 between the City and Lannan Legal PLLC to provide legal services for transactions related to the development of Hotel Topeka.

(Approval will authorize continuation of the contract.)

VOTING REQUIREMENTS:

Action requires at least six (6) votes of the Governing Body.

POLICY ISSUE:

Whether to authorize continuation of the contract for professional services. Pursuant to TMC 3.30.010, all contracts for professional services exceeding \$50,000 must be approved by the Governing Body.

STAFF RECOMMENDATION:

Staff recommends that the Governing Body approve continuation of the contract.

BACKGROUND:

The City has entered into an agreement with the law firm to provide legal services for transactions related to the development of Hotel Topeka. The City Attorney has been notified the fees and expenses will exceed \$50,000 and is seeking authorization to continue with the contract.

BUDGETARY IMPACT:

The budget impact will exceed \$50,000

SOURCE OF FUNDING:

Account -- 1010909160

ATTACHMENTS:

Description

Lannan Legal Contract

CITY OF TOPEKA CONTRACT NO. _____

CONTRACT FOR PROFESSIONAL SERVICES

THIS CONTRACT entered into on this day, _____, by and between the City of Topeka, Kansas, a municipal corporation organized pursuant to the laws of the State of Kansas, hereinafter referred to as the "City" and Lannan Legal PLLC, hereinafter referred to as the "Consultant."

WHEREAS, the City is desirous of employing the Consultant for the purpose of providing legal services regarding Hotel Topeka; and

WHEREAS, the Consultant is desirous of providing said legal services.

NOW, THEREFORE, IN CONSIDERATION OF THE FOLLOWING MUTUAL COVENANTS THE PARTIES HERETO DO AGREE AS FOLLOWS:

1. The Consultant shall furnish and perform the various professional legal services required as agreed upon with the City Attorney.

2. The Consultant shall submit to the City a monthly written statement itemizing the amount due and owing for services rendered and expenses incurred by the Consultant. In order to protect work product and confidential communications, services will be described in a generalized manner so as not to jeopardize or interfere with the defense of potential litigation.

3. The Consultant shall be paid by the City for the professional services rendered hereunder at the rate of \$450.00 for each hour devoted to the matter by the attorney. The City further agrees to reimburse the Consultant for all necessary and reasonable expenses incurred by the Consultant in the above-named matter. The City shall make a security deposit in the amount of \$5000 will be made in Consultant's client

trust account.

4. The City may terminate this contract at any time for any reason. Consultant may terminate the contract for good cause. Good cause includes breach of this contract, non-payment of fees, conflict of interest, or any other reason permitted by the rules of professional conduct.

5. This contract shall not be modified except by a writing of equal formality signed by the parties hereto. This contract shall not be assigned without the written consent of the parties hereto.

6. This contract shall replace Contract No. 51535.

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

CITY OF TOPEKA, KANSAS

Richard U. Nienstedt, Interim City Manager

ATTEST:

Brenda Younger, City Clerk

CONSULTANT
LANNAN LEGAL PLLC

Robert W. Lannan, Principal



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 19, 2023

DATE: September 19, 2023
CONTACT PERSON: Nicole Malott, Utilities DOCUMENT #:
Deputy Director
SECOND PARTY/SUBJECT: Utility Bill Real Estate PROJECT #:
Liens Ordinance 2023
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 008 Special Assessments
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

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

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval would authorize the imposition of charges for delinquent utility accounts on the tax rolls in the amount of \$92,471.51.)

VOTING REQUIREMENTS:

Action requires at least six (6) votes of the Governing Body.

POLICY ISSUE:

Whether to authorize the imposition of liens on properties that have received utility services but have failed to pay for such services.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

The City of Topeka Utilities Department provides utility services for water, wastewater, stormwater and fire line services to a variety of customers located both inside and outside the city limits. When customer utility bills

become delinquent, our normal delinquency controls are to turn off the water service to the customer until the customer makes full payment on the delinquent amounts. Some customers receive wastewater service and stormwater service from the City but no water service. This greatly reduces our ability to get the customer to pay delinquent amounts since we cannot shut off their water service. Most of these are customers of rural water districts and the rural water district cannot shut off water service for failure of a customer to pay a bill owed to the City. The customers identified in this document are delinquent in payment for services provided by the City. State law permits the City to institute a lien on the property of these customers in order to recover payment for services rendered. This ordinance is passed every September so that the county clerk has sufficient time to add the utility fees to the tax statement that is issued in November.

BUDGETARY IMPACT:

Collection of delinquent utility accounts in the amount of \$92,471.51.

SOURCE OF FUNDING:

Not applicable.

ATTACHMENTS:

Description

Ordinance

Utility Lien Map

Utility Lien Fact Sheet

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

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

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

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

<u>Property ID Number</u>	<u>Property Owner of Record</u>	<u>Service Address</u>	<u>Amount</u>
027 35 0 20 07 001 00 0	TELLES, ROBERT L	5101 NW STERLING CHASE DR	\$179.72
027 35 0 30 03 026 00 0	STRONG, TAMELA	3419 NW 49TH ST	\$195.32
027 35 0 30 03 030 00 0	SHIRLEY, BRENDA J	4844 NW FIELDING RD	\$562.18
027 36 0 10 02 016 00 0	ECKHOFF, JOHN & SONYA	5328 NW GREEN HILLS RD	\$356.07
027 36 0 10 05 013 00 0	LECLAIR, COREY J	5231 NW LINCOLN ST	\$382.76
027 36 0 10 07 002 00 0	KRAMER, GREGORY D	5220 NW LINCOLN ST	\$760.60
027 36 0 10 08 008 00 0	GILL JR, JAMES H & CARYL M	2008 NW 50TH ST	\$860.90
028 34 0 10 03 016 00 0	SHERRER, GARY L	4400 NW MESA CT	\$338.70
028 34 0 10 06 011 00 0	SWARTZMAN, STEPHEN P	5119 NW PUEBLO CT	\$690.20
028 34 0 10 07 013 00 0	MARTINEZ, MICHAEL A	5033 NW 52ND ST	\$705.59
028 34 0 10 08 003 00 0	KAHRE, BRUCE A & OLGA M	5216 NW 52ND ST	\$2,154.80
028 34 0 10 08 005 00 0	FRANCIS, TRACY	5200 NW 52ND ST	\$819.94
028 34 0 10 10 016 00 0	SULLIVAN, BREANN	5320 NW ARROYO DR	\$781.94
028 34 0 20 01 014 00 0	WOOD, TRINA M	5130 NW ARROYO DR	\$5,147.15
028 34 0 20 02 009 00 0	JONES, SARAH	5001 NW PUEBLO CT	\$304.67
028 34 0 20 02 014 00 0	KEE, AMY L	5033 NW PUEBLO CT	\$1,032.56
028 34 0 20 02 019 03 0	MICHALSKI, EMILY SUE	5133 NW ARROYO DR	\$1,762.22
028 34 0 20 03 009 00 0	DAPKIEWICZ, BRIAN E	4500 NW 50TH CT	\$550.14
028 34 0 20 03 010 00 0	STUKE, SHELA A	4507 NW 50TH CT	\$727.02
091 02 0 20 06 005 00 0	ROSS, DARYL	4527 NW GERONIMO TRL	\$841.02
091 02 0 40 02 002 00 0	EHRHARDT, WALTER	3321 NW 43RD ST	\$209.19
091 02 0 40 03 004 00 0	OSASUYI, OLABODE	3435 NW 43RD ST	\$409.95
091 02 0 40 05 002 00 0	TODACK, JEFFREY	3411 NW 42ND TER	\$785.49
091 02 0 40 06 019 00 0	DESCH, JONNA L	4211 NW DONDEE LN	\$202.51

091 02 0 40 07 004 00 0	BAXTER, JOSHUA L & CARRIE	4122 NW WALNUT RD	\$989.35
091 02 0 40 10 003 00 0	NEWELL, AMANDA	4011 NW FIELDING RD	\$627.50
091 02 0 40 11 015 00 0	JOHNSON, BRAD A	3901 NW CHERRY CREEK DR	\$581.13
091 02 0 40 11 020 00 0	YOUNG, TALIA LEA	3943 NW CHERRY CREEK DR	\$502.75
091 02 0 40 12 009 00 0	GARDNER, BENTON J & MANDI M	3432 NW 39TH CT	\$1,145.51
091 11 0 10 03 008 00 0	STADLER, ADAM R	3738 NW CHERRY CREEK DR	\$937.02
091 11 0 10 03 013 00 0	LONG, AMBER F	3708 NW CHERRY CREEK DR	\$1,056.75
091 11 0 10 09 002 00 0	HEYDENREICH, MARIA (WILLIAM)	3417 NW 39TH CT	\$588.79
091 11 0 10 09 008 00 0	GILKISON, NICOLE D	3444 NW 38TH TER	\$1,030.41
091 11 0 40 01 001 32 0	BITNER, BRETTON	3232 NW 34TH ST	\$743.19
091 11 0 40 02 002 00 0	SMITH, THERESA	3433 NW HICKORY RIDGE LN	\$1,103.81
091 11 0 40 03 005 00 0	MEIER, GEORGE	3211 NW 34TH ST	\$1,679.37
092 03 0 10 03 005 00 0	MIKKELSEN, MELISSA A	4520 NW WESTGATE RD	\$490.96
092 03 0 10 07 011 00 0	BURNS, ROBIN L	4431 NW BRICKYARD RD	\$373.36
092 03 0 10 09 004 00 0	BRANDENBURGH III, JAMES	4201 NW MORLEY ST	\$367.13
092 03 0 10 09 006 00 0	NORTH, SUZANNE M	4221 NW MORLEY ST	\$577.71
097 35 0 10 01 002 00 0	A & I LLC	606 SW WAYNE AVE	\$306.76
097 35 0 20 02 001 01 0	WG HEARTHSTONE EAST SH LLC	3415 SW 6TH AVE	\$244.16
097 35 0 20 02 005 00 0	WG HEARTHSTONE EAST SH LLC	3515 SW 6TH AVE	\$231.95
097 36 0 30 05 001 00 0	PATTON, RANDY	2001 SW 10TH AVE	\$348.98
097 36 0 40 15 017 00 0	BROXTERMAN REMODELING	1111 SW BUCHANAN ST	\$655.41
097 36 0 40 15 017 01 4	BROXTERMAN REMODELING	1121 SW BUCHANAN ST	\$398.36
099 32 0 40 01 006 00 0	BC CAPITAL INC	6217 SW 10TH AVE	\$1,244.93
104 20 0 40 04 004 00 0	SONOS	504 NE PARAMORE ST	\$555.83
104 20 0 40 05 005 00 0	TERRY, NAOMI L	503 NE PARAMORE ST	\$750.52
108 33 0 20 12 001 00 0	MCCAULEY, WAYNE H	101 SE SWYGART ST	\$388.78
108 33 0 20 12 002 00 0	MCCAULEY, WAYNE H	104 SE CALIFORNIA AVE	\$440.09
108 33 0 20 12 003 00 0	MCCAULEY, WAYNE H	132 SE CALIFORNIA AVE	\$372.05
108 33 0 30 27 015 00 0	GORRELL, STEVEN	556 SE GOLDEN AVE	\$484.33
109 29 0 20 32 004 00 0	GONZALEZ, RAMIRO	225 NW GORDON ST	\$376.82
109 29 0 20 36 020 00 0	PBA LLC	833 N KANSAS AVE	\$152.32
109 30 0 10 25 014 00 0	DAVIS, ERIC C	915 NW WESTERN AVE	\$986.03
109 30 0 30 01 011 00 0	DUVAL, LINDA	800 SW 1ST ST	\$633.70
109 30 0 40 08 001 01 0	DEGGINGER FOUNDRY INC	436 NW CRANE ST	\$830.72
109 31 0 10 11 008 00 0	KRATOCHVIL, PATRICIA	325 S KANSAS AVE	\$148.84
109 31 0 10 26 002 00 0	KANSAS ST GREGORY APTS LLC	635 SW HARRISON ST	\$213.12
109 31 0 20 23 013 00 0	ROACH, JOHN L	625 SW POLK ST	\$922.92
109 31 0 20 27 004 00 0	HARVEY, STEVE M	708 SW CLAY ST	\$141.85
109 31 0 30 02 005 00 0	RIPPERGER, DWAYNE M	512 SW 8TH AVE	\$702.04
109 31 0 40 16 005 00 0	LA FEMME LEGACIES LLC	914 SE MADISON ST	\$3,379.84
109 32 0 30 12 001 00 0	HERNANDEZ, ROBERTO	912 SE 6TH AVE	\$409.47
109 32 0 40 30 006 00 0	CRUZ ALVARADO, JUAN C	1201 SE 6TH AVE	\$362.45
109 32 0 40 30 007 00 0	CRUZ ALVARADO, JUAN C	612 SE LAKE ST	\$381.54
131 11 0 10 01 010 00 0	CHAPMAN, AMY	4312 SE 23RD TER	\$407.40

131 11 0 10 01 014 00 0	ROTHGEB, ADAM	4340 SE 23RD TER	\$1,119.48
131 11 0 10 08 031 00 0	DODDS, ELIZABETH S	4128 SE 23RD TER	\$146.81
131 11 0 20 03 005 00 0	ZIMMERMAN, MICHELLE R	3830 SE 23RD TER	\$528.14
131 11 0 20 03 009 00 0	VARNON, STEFANI R	3806 SE 23RD TER	\$774.86
131 11 0 20 06 005 00 0	MORALES, ROSY	3713 SE 23RD TER	\$779.36
131 11 0 20 06 011 00 0	CRAWFORD, JASON C	2330 SE ALAMAR RD	\$753.99
131 11 0 20 07 017 00 0	STEELE JR, LARRY E	2343 SE ALAMAR RD	\$538.78
131 11 0 30 02 013 00 0	WURTZ, AARON M	3842 SE HOWARD DR	\$854.55
131 11 0 30 02 016 00 0	PRITCHETT, SALLY	2537 SE CONNIE DR	\$995.52
131 11 0 30 03 004 00 0	BUSENITZ, BROOKE N	2526 SE ALEXANDER DR	\$783.60
131 11 0 30 03 014 00 0	MURRAY, CATRECE	2545 SE PECK RD	\$188.71
131 11 0 30 03 015 00 0	ROMERO, RAUL	2541 SE PECK RD	\$662.88
131 11 0 30 04 002 00 0	ZAJIC, MATTHEW	2514 SE BLAIR DR	\$761.11
131 11 0 30 05 009 00 0	GEIST, CHARLES	3640 SE HOWARD DR	\$473.01
131 11 0 30 10 005 00 0	SASS, JOSEPH D	3723 SE 27TH ST	\$304.81
131 11 0 30 13 005 00 0	NICHOLS, MATTHEW D (ASHLEY)	2835 SE LAKERIDGE CT	\$1,212.28
131 11 0 40 02 041 00 0	TIBBITS, SHANNON B	2621 SE SHAWNEE DR	\$250.00
131 11 0 40 07 003 00 0	WASHINGTON, PERRY	2530 SE BENNETT DR	\$297.31
131 11 0 40 07 007 00 0	ALI, JAN L	2620 SE BENNETT DR	\$786.05
131 11 0 40 10 002 00 0	NAVA, VERONICA	2720 SE SHAWNEE DR	\$574.34
131 11 0 40 13 005 00 0	ROBERTS, GLEN C	4310 SE 29TH ST	\$1,282.18
131 12 0 30 01 014 00 0	WATKINS, MICHAEL P	4713 SE 25TH ST	\$1,110.85
132 04 0 20 06 002 00 0	LEGACY ON 10TH REALCO LLC	2015 SE 10TH AVE	\$559.44
132 04 0 30 08 002 00 0	CENTRAL STATES COMMERCIAL	1020 SE CALIFORNIA AVE	\$637.86
133 05 0 20 04 004 00 0	P & Q ENTERPRISES INC	603 SE 10TH AVE	\$388.12
133 05 0 20 12 010 00 0	STARDUSTERS CRIME PREVENTION	1135 SE WASHINGTON ST	\$353.30
133 06 0 10 21 002 00 4	PENNER SR, JERRY L	418 SE 13TH ST	\$596.60
133 07 0 10 04 001 00 0	VAUGHN MANAGEMENT LLC	123 SE 21ST ST	\$3,680.18
133 07 0 10 05 013 00 0	WHAYNE, CHRISTOPHER	2512 S KANSAS AVE	\$464.25
133 07 0 40 17 006 00 0	DRINKWATER, MICHAEL B	2814 SE MADISON ST	\$560.66
133 08 0 10 02 004 00 0	EMPORIUM HOLDINGS INC	1821 SE 21ST ST	\$1,966.20
133 08 0 30 15 007 00 0	FELLOWSHIP CHRISTIAN BAPT CH	2714 SE KENTUCKY AVE	\$239.21
133 08 0 40 14 013 01 0	CORMIER, JANICE E	2623 SE CALIFORNIA AVE	\$308.49
133 08 0 40 15 017 00 0	RUIZ & SONS PROPERTIES INC	2733 SE CALIFORNIA AVE	\$393.82
133 08 0 40 15 018 00 0	CAIN, CHRISTOPHER L	2727 SE CALIFORNIA AVE	\$169.65
134 19 0 20 02 013 00 0	PENNER SR, JERRY L	3750 SW SOUTH PARK AVE	\$995.57
136 14 0 10 01 023 00 0	COCHRAN, CLARENCE	3201 SE DOWNING DR	\$655.74
136 14 0 10 02 010 00 0	RAMOS JR, HUMBERTO MARIO	2907 SE ARBOR DR	\$1,022.80
136 14 0 10 02 017 00 0	THARP, JEFFREY A	2913 SE STARLITE DR	\$197.46
136 14 0 10 08 011 00 0	BURGHART, JUSTIN P	3118 SE ARBOR DR	\$1,056.69
136 14 0 20 03 010 00 0	HUGHES, TAMMY	3816 SE 30TH PARK	\$1,194.08
136 14 0 20 06 003 00 0	GATEWOOD, RAUL R	3807 SE 30TH PARK	\$738.49
136 14 0 20 07 009 00 0	VINSON, PAMELA D	3919 SE 30TH PARK	\$991.73
136 14 0 20 07 016 00 0	ELBERT, ANGELA	3918 SE 31ST ST	\$700.64

136 14 0 30 03 001 09 0	BRYANT, MICHELLE	3810 SE 33RD TER	\$800.00
136 14 0 30 03 006 00 0	KENNARD, ERIC W	3314 SE MEADOWVIEW DR	\$842.57
136 14 0 30 04 006 00 0	MARTIN, PATRICK E	3408 SE PECK CT	\$926.84
136 14 0 30 05 018 01 0	EKLUND, JEANNINE	3412 SE WALNUT DR	\$471.78
136 14 0 30 07 007 00 0	ROOT, MICHELLE	3530 SE WALNUT DR	\$297.01
136 14 0 30 14 001 01 0	HAWS, AMANDA M	3612 SE PECK RD	\$553.95
136 14 0 40 04 007 00 0	SCHMIDT, KAREN S (DYLAN)	4032 SE 34TH ST	\$938.05
136 14 0 40 06 012 00 0	MCNALLY, MARTIN J	4034 SE 34TH TER	\$209.74
136 14 0 40 07 004 00 0	WILLEY, JENNIFER	3419 SE BURTON ST	\$810.40
141 01 0 10 07 001 00 0	C HILL APARTMENTS LLC	1315 SW LANE ST	\$860.02
141 01 0 10 22 001 00 0	C HILL APARTMENTS LLC	1414 SW 16TH ST	\$1,139.62
141 12 0 10 01 001 00 0	CARLA HOBBS	801 SW 21ST ST	\$505.38
141 12 0 10 05 002 00 0	WRIGHT, CHRISTOPHER J	2201 SW BUCHANAN ST	\$875.41
146 13 0 20 02 012 00 0	DREXLER, SARAH M	1912 SW 29TH TER	\$164.55

Section 2. That the City Clerk shall certify a copy of this Ordinance and deliver
 the same to the County Clerk of Shawnee County, Kansas, who shall place the several
 amounts mentioned in Section 1 of this Ordinance upon the tax rolls of said County to
 be collected as one tax in the same manner as other taxes and assessments are
 collected.

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

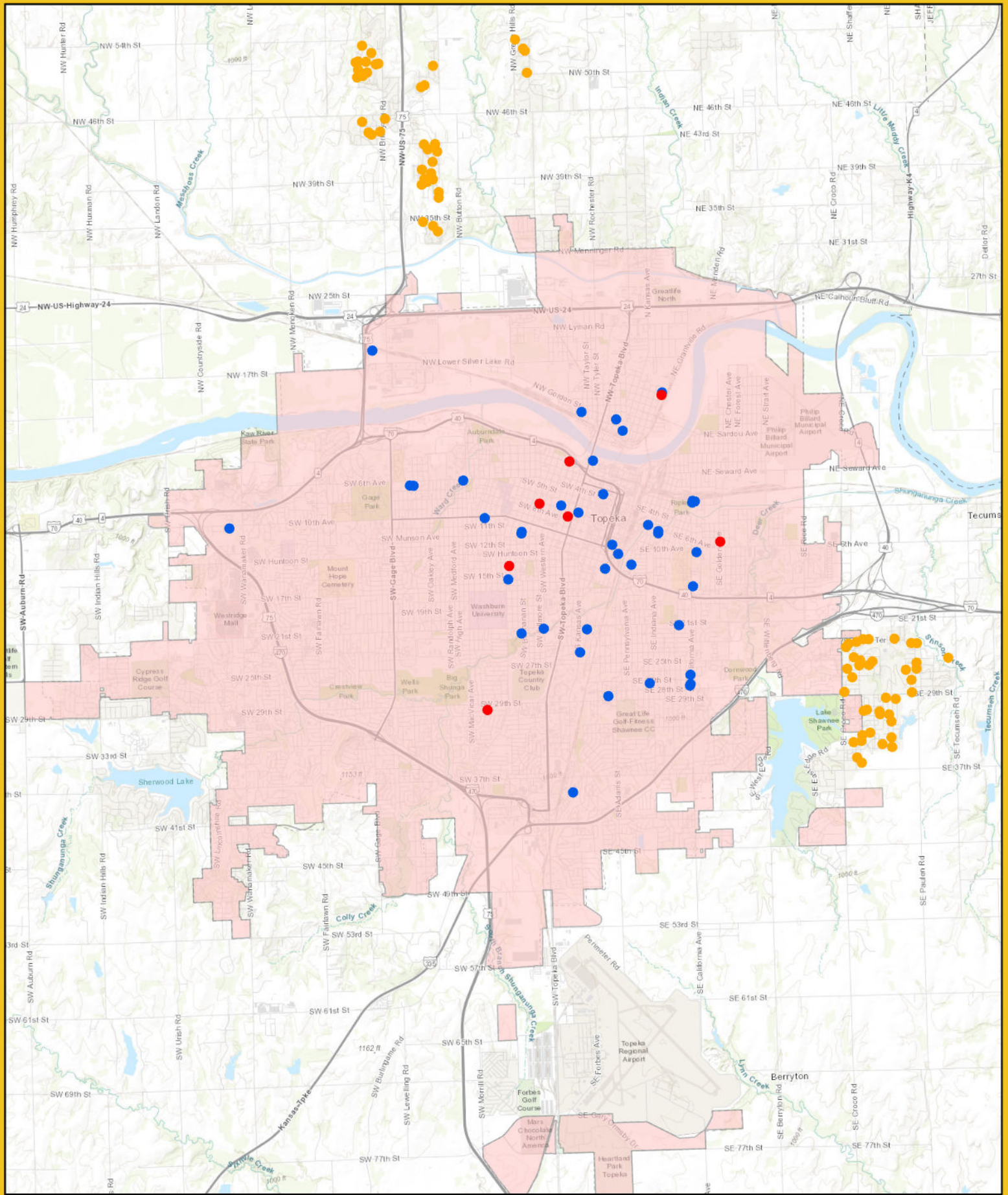
PASSED AND APPROVED by the Governing Body _____.

CITY OF TOPEKA, KANSAS

Michael A. Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk

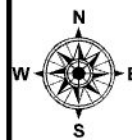


City of Topeka, Kansas GIS Data Disclaimer

While the City of Topeka, Kansas makes every effort to maintain and distribute accurate information, NO WARRANTIES AND/OR REPRESENTATIONS OF ANY KIND are made regarding information, data or services provided. In no event, shall the City of Topeka, KS be liable in any way to the users of this data. Users of this data shall hold the City of Topeka, KS harmless in all matters and accounts arising from the use and/or accuracy of this data. This Agreement is solely for the benefit of the parties hereto, and no third party shall be entitled to claim or enforce any rights hereunder.

Real Estate Liens 2023

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





Sylvia Davis, Director of Utilities
Water Treatment Plant, 3245 NW Water Works Dr.
Topeka, KS 66606

sdavis@topeka.org
Tel: 785-368-4239
www.topeka.org

The City of Topeka Utilities provide utility services for water, wastewater, stormwater and fire line services to a variety of customers located both inside and outside the city limits. When customer utility bills become delinquent, our normal delinquency controls are to turn off the water service to the customer until the customer makes full payment on the delinquent amounts.

However, some customers receive fire line service, wastewater service and/or stormwater service from the City but no water service. This greatly reduces our ability to get the customer to pay delinquent amounts since we cannot shut off their water service. Most of the customers outside the city limits are customers of rural water districts, and the rural water district cannot shut off water service for failure of a customer to pay a bill owed to the City.

When a customer does not have a water service to turn off, the utilities have only two options for collection of past due amounts, turn the amounts over to the City's collection agency or assess a real estate lien. The assessment of real estate liens have proven to be a much more effective means of collecting unpaid utility bills than turning them over to the City's collection agency. The utilities have traditionally only collected about 30% of the amount turned over to the collection agency compared to approximately 98% collected from real estate liens.

At the end of June, past due final notices were sent to 209 utility accounts. Of the 209 accounts, 143 have previously been included in a utility lien ordinance. Utilities staff made phone calls to each of the customers who were receiving a past due final notice for the first time to ensure awareness of the possible real estate lien. Following staff's collection efforts there are now currently 126 accounts (101 repeat) remaining that are being included in the preliminary ordinance. 80 of those accounts are outside city limits and have wastewater (sewer) service provided by the City. There are 46 accounts inside city limits which have delinquent stormwater and/or fireline accounts. All customers are at least 90 days past due in payment of their utility bills.

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

** As is common in years past, payments continue to filter in after the agenda deadline. An updated listing/ordinance will be provided to the council on the evening of 9/19 to ensure that we account for any and all payments received after posting of the notice.



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 19, 2023

DATE: September 19, 2023
CONTACT PERSON: Amanda Stanley, City Attorney DOCUMENT #:
SECOND PARTY/SUBJECT: Adoption of 2023 Standard Traffic Ordinance PROJECT #:
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 142 Traffic and Vehicles
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

ORDINANCE introduced by Interim City Manager Richard U. Nienstedt, concerning the 2023 Standard Traffic Ordinance (STO) and local amendments amending Topeka Municipal Code Sections 10.15.010 and 10.15.020.

Voting Requirement: Action requires five (5) votes of the City Council. The Mayor does not vote. The proposed ordinance involves a matter of home rule on which the Mayor has veto authority.

(Approval will adopt the most recent version of the STO.)

VOTING REQUIREMENTS:

Action requires five (5) votes of the City Council. The Mayor does not vote. The proposed ordinance involves a matter of home rule on which the Mayor has veto authority.

POLICY ISSUE:

Whether to adopt the 2023 STO with most current statutory updates following the 2023 legislative session with recommended local amendments.

STAFF RECOMMENDATION:

Staff recommends the City Council move to adopt the ordinance when considered.

BACKGROUND:

The League of Kansas Municipalities (LKM) prepares and publishes the Standard Traffic Ordinance on an

annual basis in July following the legislative session. This book is a codification of all relevant statutory changes and the City now practices adopting these changes as soon as possible after publication in order to stay consistent with state law. This is also necessary for the Topeka Police Department's Records Division reporting system. The system used for crime statistics to the FBI will not function properly unless the most current versions of the statutes are adopted and used.

BUDGETARY IMPACT:

One (1) Electronic Copy \$100
Hard Copy Books \$9.50 per book.

SOURCE OF FUNDING:

General Fund

ATTACHMENTS:

Description

Ordinance

Cover Memo - K. Trussell (August 10, 2023)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Interim City Manager Richard U. Nienstedt, concerning adoption of the 2023 edition of the Standard Traffic Ordinances, amending § 10.15.010 and § 10.15.020 of the Topeka Municipal Code and repealing original sections.

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

Section 1. That section 10.15.010, Incorporation of Standard Traffic Ordinance, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Incorporation of Standard Traffic Ordinance.

(a) Generally – Copies. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Topeka, Kansas, the Standard Traffic Ordinance for Kansas Cities, 49⁵⁰th Edition (~~2022~~2023), prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections or parts or portions as are hereafter omitted, deleted, modified or changed. One copy of the Standard Traffic Ordinance shall be marked or stamped “Official Copy as Adopted by Ordinance No. 20375____,” with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of the ordinance codified in this chapter and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Standard Traffic Ordinance, as amended, shall also be posted on the City’s website.

(b) Traffic Infractions and Traffic Offenses.

(1) A traffic infraction is a violation of any section of this title or of the Standard

Traffic Ordinance that prohibits or requires the same behavior as that prohibited or required by a statutory provision that is classified as a traffic infraction in K.S.A. 8-2118, and amendments thereto.

(2) All traffic violations which are included within this title and which are not traffic infractions as defined in subsection (b)(1) of this section shall be considered traffic offenses.

Section 2. That section 10.15.020, Amendments, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Amendments.

The ~~49~~50th Edition of the Standard Traffic Ordinance for Kansas Cities, as adopted by reference, shall be amended as follows:

(a) Section 33 of the Standard Traffic Ordinance, relating to maximum speed limits, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.20.060 shall be substituted therefor.

(b) Section 50 of the Standard Traffic Ordinance, relating to right, left and U-turns at intersection – obedience to, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.20.180, 10.20.190, 10.20.210, and 10.20.220 shall be substituted therefor.

(c) Section 67 of the Standard Traffic Ordinance, relating to pedestrians to use right half of crosswalks, is hereby declared to be and is omitted and deleted.

(d) Section 69 of the Standard Traffic Ordinance, relating to pedestrians soliciting rides or business, is hereby declared to be and is omitted and deleted and the provisions set forth in Chapter 10.80 TMC shall be substituted therefor.

52 (e) Section 104 of the Standard Traffic Ordinance, relating to inattentive driving,
53 is hereby declared to be and is omitted and deleted and the provisions set forth at TMC
54 10.20.100 shall be substituted therefor.

55 (f) Section 107 of the Standard Traffic Ordinance, relating to unattended motor
56 vehicles, is hereby declared to be and is omitted and deleted and the provisions set
57 forth at TMC 10.20.125 shall be substituted therefor.

58 (g) Section 116 of the Standard Traffic Ordinance, relating to driving upon
59 sidewalks, is hereby declared to be and is omitted and deleted and the provisions set
60 forth at TMC 10.20.127 shall be substituted therefor.

61 (h) Section 119 of the Standard Traffic Ordinance, relating to parades and
62 processions, is hereby declared to be and is omitted and deleted and the provisions set
63 forth in Chapter 10.50 TMC shall be substituted therefor.

64 (i) Section 131(d) of the Standard Traffic Ordinance, relating to usable bicycle
65 paths, is hereby declared to be and is omitted and deleted.

66 (j) Section 133(c), relating to bicycle pedals, is hereby amended by adding the
67 following exception:

68 Exception: Subsection (c) shall not apply where the design of the pedal
69 does not allow attachment of reflectors.

70 (k) Section 194(b) and (c) of the Standard Traffic Ordinance, relating to driving
71 while license canceled, suspended or revoked, is hereby declared to be and is omitted
72 and deleted.

73 (l) Section 195.1 of the Standard Traffic Ordinance, relating to operation of a
74 motor vehicle when a habitual violator, is hereby declared to be and is omitted and

75 deleted and the provisions set forth at TMC 10.20.230 shall be substituted therefor.

76 (m) Section 198 of the Standard Traffic Ordinance, relating to vehicle license –
77 illegal tag, is hereby declared to be and is omitted and deleted and the provisions set
78 forth at TMC 10.05.060 shall be substituted therefor.

79 (n) Section 204(b) of the Standard Traffic Ordinance, relating to fines doubled in
80 school zones, is hereby declared to be and is omitted and deleted and the provisions
81 set forth at TMC 10.20.170 shall be substituted therefor.

82 Section 3. That original § 10.15.010 and § 10.15.020 of The Code of the City
83 of Topeka, Kansas, are hereby specifically repealed.

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

86 Section 5. This ordinance shall supersede all ordinances, resolutions or rules,
87 or portions thereof, which are in conflict with the provisions of this ordinance.

88 Section 6. Should any section, clause or phrase of this ordinance be declared
89 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
90 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

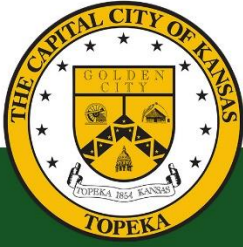
91 PASSED AND APPROVED by the City Council on _____.

92
93 CITY OF TOPEKA, KANSAS

94
95
96
97
98 _____
99 Michael A. Padilla, Mayor

100 ATTEST:

101
102
103 _____
104 Brenda Younger, City Clerk



CITY OF TOPEKA

Legal Department, Prosecution Division
215 SE 7th Street, Room 170
Topeka, KS 66603

Kelly Trussell, Chief of Prosecution
Tel: (785) 368-3910
www.topeka.org

MEMORANDUM

To: Governing Body Members
From: Kelly J. Trussell, Chief of Prosecution
Re: 50th Edition (2023) of the Standard Traffic Ordinance
Date: August 10, 2023

The purpose of this memo is to explain the proposed adoption of the 50th Edition (2023) of the Standard Traffic Ordinance (STO). The STO is a codification of state laws that is published in book format by the League of Kansas Municipalities, which has been published since 1960. The publication is revised annually to remain consistent with the changes in state law, with the 50th Edition (2023) released as the most current version. It is designed to provide a comprehensive traffic code for Kansas cities. It does not take effect in a city until the governing body has passed and published an ordinance incorporating it by reference under the authority of, and by the procedure prescribed by, K.S.A. 12-3009 through 12-3012 and K.S.A. 12-3301 and 12-3301.

It is not necessary to publish the STO in a newspaper if it is properly incorporated by reference. It is only necessary to publish the incorporating ordinance. The incorporating ordinance may delete articles or sections that the governing body considers unnecessary for the city. The incorporating ordinance may also change sections, but where there is a statutory citation at the end of any section, care should be exercised not to change the language in such a manner as to conflict with the language of the statute (K.S.A. 8-2001).

The STO, in large part, parallels the state traffic act. Additional provisions for local regulations, if any, may be included in the incorporating ordinance. Previous ordinances relating to traffic in conflict with provision of this STO and ordinances incorporating earlier editions of the STO should be repealed by the incorporating ordinance.

Currently, the City of Topeka is operating under the 49th Edition (2022) of the STO, as previously adopted by the governing body. At this time, the 50th Edition (2023) of the STO is available. We are recommending adoption of the 50th Edition with certain deletions and/or changes.

The following relevant changes were made in the 50th Edition of the STO:

**CHANGES TO 50th EDITION (2023) OF THE
STANDARD TRAFFIC ORDINANCE**

1. ***Section 163(f). Additional Lighting Equipment.*** HB 2147, Section 6, amends STO 163(f) to allow motor vehicles to be equipped with any type of ground effect lighting, except the lights cannot be any shade of red, flash, or be visible. Previously, motor vehicles could be equipped only with neon ground effect lighting.
2. ***Section 179. Spilling Loads on Highways Prohibited.*** HB 2160 exempts trucks, tractors, and trailers hauling cotton bales from this provision when certain requirements are met. Subsection (a)(2)(iii) was added to STO 179 setting forth the exemption and requirements.
3. ***Section 194. Driving While License Canceled, Suspended or Revoked; Penalty.*** HB 2216 removes the mandatory term of confinement for all offenders driving on a suspended license if the offender's license was suspended because of a failure to pay a fine or failure to appear. The bill also requires a minimum fine of \$100 for a violation. STO 194(a)(1) and (a)(3) were amended to reflect these legislative changes.

We are recommending the passage of the ordinance adopting the 50th Edition with the following deletions and / or changes. These are all carry through changes from previous years.

1. Section 33 of the Standard Traffic Ordinance, relating to maximum speed limits, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.20.060 shall be substituted therefor.
2. Section 50 of the Standard Traffic Ordinance, relating to right, left and U-turns at intersection – obedience to, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.20.180, 10.20.190, 10.20.210, and 10.20.220 shall be substituted therefor.
3. Section 67 of the Standard Traffic Ordinance, relating to pedestrians to use right half of crosswalks, is hereby declared to be and is omitted and deleted.
4. Section 104 of the Standard Traffic Ordinance, relating to inattentive driving, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.20.100 shall be substituted therefor.

5. Section 107 of the Standard Traffic Ordinance, relating to unattended motor vehicles, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.20.125 shall be substituted therefor.
6. Section 116 of the Standard Traffic Ordinance, relating to driving upon sidewalks, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.20.127 shall be substituted therefor.
7. Section 119 of the Standard Traffic Ordinance, relating to parades and processions, is hereby declared to be and is omitted and deleted and the provisions set forth in Chapter 10.50 TMC shall be substituted therefor.
8. Section 131(d) of the Standard Traffic Ordinance, relating to usable bicycle paths, is hereby declared to be and is omitted and deleted.
9. Section 133(c), relating to bicycle pedals, is hereby amended by adding the following exception:

Exception: Subsection (c) shall not apply where the design of the pedal does not allow attachment of reflectors.
10. Section 194(b) and (c) of the Standard Traffic Ordinance, relating to driving while license canceled, suspended or revoked, is hereby declared to be and is omitted and deleted.
11. Section 195.1 of the Standard Traffic Ordinance, relating to operation of a motor vehicle when a habitual violator, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.20.230 shall be substituted therefor.
12. Section 198 of the Standard Traffic Ordinance, relating to vehicle license – illegal tag, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.05.060 shall be substituted therefor.
13. Section 204(b) of the Standard Traffic Ordinance, relating to fines doubled in school zones, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.20.170 shall be substituted therefor.
14. Section 69 of the Standard Traffic Ordinance, relating to pedestrians standing on a highway for the purpose of soliciting employment, business, or contributions, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.80 TMC shall be substituted therefor.



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 19, 2023

DATE: September 19, 2023
CONTACT PERSON: Amanda Stanley, City Attorney DOCUMENT #:
SECOND PARTY/SUBJECT: Adoption of 2023 PROJECT #:
Uniform Public Offense Code
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 054 Criminal Code
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

ORDINANCE introduced by Interim City Manager Richard U. Nienstedt, concerning the adoption of the 39th Edition of the Uniform Public Offense Code (2023) (UPOC) and local amendments, amending Topeka Municipal Code Section 9.05.080.

Voting Requirement: Action requires five (5) votes of the City Council. The Mayor does not vote. The proposed ordinance involves a matter of home rule on which the Mayor has veto authority.

(Approval will adopt the most current version of the UPOC with current statutory changes.)

VOTING REQUIREMENTS:

Action requires five (5) votes of the City Council. The Mayor does not vote. The proposed ordinance involves a matter of home rule on which the Mayor has veto authority.

POLICY ISSUE:

Whether to adopt to adopt the 39th Edition UPOC (2023) which incorporates the most recent statutory changes

STAFF RECOMMENDATION:

Staff recommends the City Council adopt the ordinance when considered.

BACKGROUND:

The League of Kansas Municipalities (LKM) prepares and publishes the Uniform Public Offense Code on an annual basis in July following the legislative session. This book is a codification of all relevant statutory changes

and the City now practices adopting these changes as soon as possible after publication in order to stay consistent with state law. This is also necessary for the Topeka Police Department's Records Division reporting system. The system used for crime statistics to the FBI will not function properly unless the most current versions of the statutes are adopted and used.

BUDGETARY IMPACT:

One (1) Electronic Copy \$100
Hard Copy Books \$9.50 per book.

SOURCE OF FUNDING:

General Fund

ATTACHMENTS:

Description

Ordinance

Cover Memo - K. Trussell (August 10, 2023)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Interim City Manager Richard U. Nienstedt, concerning adoption of the 2023 edition of the Uniform Public Offense Code, amending § 9.05.080 of the Topeka Municipal Code and repealing original section.

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

Section 1. That section 9.05.080, Uniform Public Offense Code, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Uniform Public Offense Code.

(a) Adoption. There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Topeka, Kansas, the Uniform Public Offense Code for Kansas Cities, ~~3839~~³⁹th Edition (~~2022~~2023), prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas (hereinafter referred to as "UPOC"). One copy of said Uniform Public Offense Code shall be marked or stamped "Official Copy as adopted by Ordinance No. ~~20376~~_____", with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of said ordinance and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Uniform Public Offense Ordinance, as amended, shall also be posted on the City's website.

(b) Amendments.

(1) Section 10.6, relating to bows and arrows, is hereby amended by adding the following exception:

Exception: Operation of a bow and arrow is permitted in accordance with the

provisions set forth in TMC 6.05.110.

(2) Section 5.7, relating to selling, giving or furnishing cigarettes or tobacco products to a minor, is hereby deleted and the following language is substituted therefor:

(a) It shall be unlawful for any person to:

(1) Sell, furnish or distribute cigarettes, electronic cigarettes, tobacco products or liquid nicotine to any person under 21 years of age; or

(2) Buy any cigarettes, electronic cigarettes, tobacco products or liquid nicotine for any person under 21 years of age.

(b) It shall be a defense to a prosecution under this section if:

(1) The defendant is a licensed retail dealer, or employee thereof, or a person authorized by law to distribute samples;

(2) The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, tobacco products, or liquid nicotine to the person under 21 years of age with reasonable cause to believe the person was of legal age to purchase or receive cigarettes, electronic cigarettes, tobacco products or liquid nicotine; and

(3) To purchase or receive the cigarettes, electronic cigarettes, tobacco products or liquid nicotine, the person under 21 years of age exhibited to the defendant a driver's license, Kansas non driver's identification card or other official or apparently official document containing a photograph of the person and purporting to establish that the person was of legal age to purchase or receive cigarettes, electronic cigarettes, tobacco products or liquid nicotine.

(4) For purposes of this section the person who violates this section shall be the

individual directly selling, furnishing or distributing the cigarettes, electronic cigarettes, tobacco products or liquid nicotine to any person under 21 years of age or the retail dealer who has actual knowledge of such selling, furnishing or distributing by such individual or both.

(c) It shall be a defense to a prosecution under this subsection if:

(1) The defendant engages in the lawful sale, furnishing or distribution of cigarettes, electronic cigarettes, tobacco products or liquid nicotine by mail; and

(2) The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, tobacco products or liquid nicotine to the person by mail only after the person had provided to the defendant an unsworn declaration, conforming to K.S.A. 53-601 and amendments thereto, that the person was 21 or more years of age.

(d) The words and phrases in Section 5.7 shall have the same meanings as defined in K.S.A. 79-3301, and amendments thereto. "Liquid nicotine" shall mean the active ingredient of the tobacco plant (nicotine) in liquefied form suitable for the induction of nicotine, whether by nasal spray, ingestion, smoking or other means, into the human body. "Sale" shall mean any transfer of title or possession or both, exchange, barter, distribution or gift of cigarettes, electronic cigarettes, tobacco products or liquid nicotine with or without consideration.

(e) Violation of this section shall constitute a Class B violation punishable by a minimum fine of \$200.

(3) Sections 10.24 ("Smoking Prohibited"), 10.25 ("Smoking; Posting Premises"), 10.26 ("Smoking Prohibited; Penalties") are hereby omitted and deleted and the provisions set forth in Chapter 8.20 TMC shall be substituted therefor.

75 (4) Section 11.11 (“Cruelty to Animals”) is hereby omitted and deleted and the
76 provisions set forth in TMC 6.05.100 shall be substituted therefor.

77 Section 2. That original § 9.05.080 of The Code of the City of Topeka, Kansas,
78 is hereby specifically repealed.

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

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

83 Section 5. Should any section, clause or phrase of this ordinance be declared
84 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
85 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

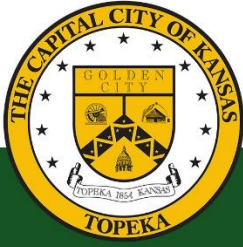
86 PASSED AND APPROVED by the City Council on _____.

87
88 CITY OF TOPEKA, KANSAS

89
90
91
92
93 _____
94 Michael A. Padilla, Mayor

95 ATTEST:

96
97
98 _____
99 Brenda Younger, City Clerk



CITY OF TOPEKA

Legal Department, Prosecution Division
215 SE 7th Street, Room 170
Topeka, KS 66603

Kelly Trussell, Chief of Prosecution
Tel: (785) 368-3910
www.topeka.org

MEMORANDUM

To: Governing Body Members
From: Kelly J. Trussell, Chief of Prosecution
Re: 39th Edition (2023) of the Uniform Public Offense Code
Date: August 10, 2023

The purpose of this memo is to explain the proposed adoption of the 2023 edition of the Uniform Public Offense Code (UPOC). The League of Kansas Municipalities has published the UPOC since 1980 and it is designed to provide a comprehensive public offense code for Kansas cities. It does not take effect in a city until the governing body has passed and published an ordinance incorporating it by reference under the authority of, and by the procedure prescribed by K.S.A. 12-3009 through 12-3012 and K.S.A. 12-3301 and 12-3302. All citations refer to the Kansas Statutes in effect 7/1/2023 unless otherwise noted.

It is not necessary to publish the UPOC in a newspaper if it is properly incorporated by reference. It is only necessary to publish the incorporating ordinance. The incorporating ordinance may delete articles or sections that the governing body considers unnecessary. The incorporating ordinance may also change sections. It is advised that cities changing section with a statutory citation should exercise care to ensure the changes do not conflict with state law.

The UPOC, in large part parallels the state criminal code. Additional provisions for local regulations, if any, may be included in the incorporating ordinance. Previous ordinances relating to public offense in conflict with provisions of the UPOC and ordinances incorporating earlier editions of the UPOC should be repealed by the incorporating ordinance.

Currently, the City of Topeka is operating under the 38th Edition (2022) of the UPOC, as previously adopted by the governing body. At this time, the 39th Edition (2023) of the UPOC is available. We are recommending adoption of the 39th Edition with certain deletions and/or changes.

The following relevant changes were made in the 39th edition of the UPOC:

**CHANGES TO 39th EDITION (2023) OF THE
UNIFORM PUBLIC OFFENSE CODE**

1. ***Section 1.1 Definitions.*** Amended to add definitions for airbag, counterfeit supplemental restraint system component, nonfunctional airbag, and supplemental restraint system that apply to the new offense concerning counterfeit airbags found in HB 2147, Section 2. Additionally, the definition of wildlife was amended, based on changes in HB 2332, Section 23. The League also discovered some definitions that needed to be added or amended. Definitions for hard cider, maliciously, and sexually explicit conduct were added. Definitions for temporary permit and wine were amended. The definitions for health care facility and health care provider moved to Section 6.7., because they apply specifically to criminal trespass and the new offense concerning battery against a health care provider contains a different definition for health care providers.
2. ***Section 3.2.3. Battery Against a Health Care Provider.*** This is a new offense pursuant to SB 174, Section 1, making it a Class A nonperson violation to commit a battery against a healthcare provider while the provider is performing their job duties.
3. ***Section 3.6. Unlawful Restraint.*** The League amended subsection (b) to mirror state law to exempt all law enforcement of the state and any political subdivision of the state from this offense. Previously, the exemption in the Section 3.6(b) applied only to city law enforcement. The League amended the provision based on a request from a League member.
4. ***Section 3.8. Violation of Protection from Abuse Order.*** While reviewing SB 217, which included amendments to statutes concerning protection orders, the League noticed K.S.A. 60-3107 does not contain the word “or” between battery and domestic battery. Therefore, the League deleted the word “or” from Section 3.8(b) to match state law.
5. ***Section 3.13. Stalking.*** SB 217, Section 1, amended the definition of course of conduct to include “utilizing any electronic tracking system or acquiring tracking information to determine the targeted person’s location, movement or travel patterns.” 3.13(e)(G) was amended to reflect that addition and the conduct listed in the previous 3.13(e)(G) was moved with the addition of 3.13(e)(H). The bill also changed the format of the definition for immediate family (3.13(e)(5)); however, the definition did not grammatically change.

6. **Section 5.5. Watercraft; Lifesaving Devices Required.** The League updated this Section to reflect the Kansas Department of Wildlife, Parks and Tourism name change to the Kansas Department of Wildlife and Parks. Also, Section 5.5 was updated to reflect that the offense is a Class C nonperson violation.
7. **Section 10.5. Unlawful Discharge of a Firearm.** The League updated this Section to reflect the Kansas Department of Wildlife, Parks and Tourism name change to the Kansas Department of Wildlife and Parks.
8. **Section 11.3. Commercialization of Wildlife.** The League updated this Section to reflect the Kansas Department of Wildlife, Parks and Tourism name change to the Kansas Department of Wildlife and Parks.
9. **Section 5.6. Purchase or Possession of Cigarettes or Tobacco Products by a Minor.** HB 2269, Section 3, raises the minimum age from 18 to 21 to purchase, attempt to purchase, possess, or attempt to possess cigarettes, electronic cigarettes, or tobacco products. Section 5.6 is amended to reflect the change to the minimum age.
10. **Section 6.7. Criminal Trespass.** This Section was amended with the addition of a subsection (d). This amendment moved the definitions for health care facility and health care provider from the definitions Section to this Section, because those definitions specifically apply to this offense. With the addition of the new offense of battery against a health care provider, the UPOC now contains two different health care provider definitions, respectively.
11. **Section 6.22. Criminal Hunting.** This Section was amended pursuant to HB 2332, Section 19, which clarifies that convictions of this offense are nonperson violations.
12. **Section 6.27. Counterfeit Airbag Violation.** This Section was added as a new offense pursuant to HB 2147, Section 2, making it a Class A nonperson violation to knowingly or intentionally manufacture, import, distribute, sell, offer for sale, install or reinstall a device intended to replace a supplemental restraint system component if the device is counterfeit, nonfunctional, or against the federal safety regulations for the make, model, and year of the motor vehicle.
13. **Section 7.2. Interference with Law Enforcement.** This Section was amended by the addition of subsection (a)(4), pursuant to SB 174, Section 5. The addition of this subsection added language to this offense to include: “Knowingly fleeing from a law enforcement officer, other than fleeing by

operation of a motor vehicle, when the law enforcement has: (A) Reason to stop the person under K.S.A. 22-2402, and amendments thereto; and (B) given the person visual or audible signal to stop.”

14. Section 10.30. Operating an Aircraft Under the Influence. The League updated this provision to provide that this offense is a Class A violation.

We are recommending the passage of the ordinance adopting the 39th Edition with the following deletions and / or changes. These are all carry through changes from previous years.

1. Section 5.7 of the Uniform Public Offense Code, relating to selling, giving, or furnishing cigarettes or tobacco products to a minor, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 9.05.080(b)(2) shall be substituted therefor.
2. Section 10.6 of the Uniform Public Offense Code, relating to bows and arrows, is hereby amended by adding the exception set forth in TMC 6.05.110.
3. Sections 10.24 (Smoking Prohibited), 10.25 (Smoking; Posting Premises) and 10.26 (Smoking Prohibited; Penalties) of the Uniform Public Offense Code, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 8.20 shall be substituted therefor.
4. Section 11.11 of the Uniform Public Offense Code, relating to cruelty to animals, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 6.05.100 shall be substituted therefor.



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 19, 2023

DATE:	September 19, 2023		
CONTACT PERSON:	Dan Warner, AICP, Planning Division Director	DOCUMENT #:	CU23/04
SECOND PARTY/SUBJECT:	St. Peter and Paul Orthodox Christian Church	PROJECT #:	N/A
CATEGORY/SUBCATEGORY	014 Ordinances – Non-Codified / 007 Zoning		
CIP PROJECT:	No		
ACTION OF COUNCIL:	JOURNAL #: PAGE #:		

DOCUMENT DESCRIPTION:

RESOLUTION introduced by Interim City Manager Richard U. Nienstedt, in accordance with Section 18.60.010 of the Topeka Municipal Code (TMC), approving a Conditional Use Permit on a 29.4 acre parcel, located south of SE 38th Street and west of SE Adams Street, and along the north side of the Kansas Turnpike on property zoned “R-1” Single Family Dwelling District to allow for a Religious Assembly use with an accessory cemetery not meeting the requirement in the zoning code that access to a religious assembly use be on or within 300 feet of a major traffic thoroughfare. (CU23/04) (Council District No. 5)

Voting Option Requirements: (1) Approve Planning Commission's recommendation, 6 votes are required of the Governing Body (2) Reject or Amend Planning Commission's recommendation, 7 votes are required of the Governing Body; or (3) Remand back to Planning Commission, 6 votes are required of the Governing Body.

(Approval will allow for construction of a new religious assembly sanctuary hall, educational building, fellowship hall, associated off-street parking, and cemetery as a three phased project.)

VOTING REQUIREMENTS:

The Governing Body has the following voting options:

1. Approve the Planning Commission's recommendation by adopting the ordinance. A minimum of 6 votes are required of the Governing Body.

2. Amend the Planning Commission's recommendation by amending the ordinance. A minimum of 7 votes are required of the Governing Body.
3. Refuse to approve the Planning Commission's recommendation by rejecting the ordinance. A minimum of 7 votes are required of the Governing Body.
4. Remand to the Planning Commission for further consideration, with a statement specifying the basis for the governing body's failure to approve or disapprove. A minimum of 6 votes are required of the Governing Body.

POLICY ISSUE:

Whether to adopt the Planning Commission's recommendation to approve the requested conditional use permit.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the resolution.

BACKGROUND:

CU23/04 allows for a religious assembly use, including associated buildings and off-street parking along with an accessory cemetery, to be developed in three phases. The first phase includes construction of the fellowship hall and 80 parking stalls for the current 85 member capacity parish. Future Phases 2 and 3 (dependent upon funding) accommodate a maximum capacity of 250 members for a new temple, cemetery for parishioner burial services, education hall, and additional off-street parking.

"Religious Assembly" is permitted by right within "R-1" Single Family Dwelling zoning districts. A conditional use permit is required because access to the site is not on or located within 300 feet of a major traffic thoroughfare per the standards for religious assembly. City traffic engineering staff have approved the applicant's Traffic Impact Analysis concluding that the adjacent streets have capacity to safely accommodate the traffic generated by the proposed use.

The applicant conducted a Neighborhood Information Meeting on August 3, 2023 via a Zoom online video conference. Several neighboring property owners expressed concerns at the neighborhood meeting and stated their opposition at the public hearing.

The Planning Commission recommended approval of the conditional use permit by a 7-0 vote upon closing the August 21, 2023 public hearing. Planning staff recommended approval per the attached staff report

BUDGETARY IMPACT:

Approval of the conditional use permit will have no budgetary impact.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Resolution

Presentation

Planning Commission Minutes 8-21-2023

Citizen Comment at August 21, 2023 Planning Commission Meeting No. 1

Citizen Petition for Denial - August 21, 2023 Planning Commission Meeting No. 2

Staff Report

CUP Site Plan Recommended for Approval

Staff Response to Outcome Letter (August 22, 2023)

Aerial Map

Zoning Map

CFS Engineers Response to Traffic Comments (August 11, 2023)

CFS Engineers Revised Traffic Impact Analysis (August 11, 2023)

Future Land Use Map

Elevations Concept

August 3, 2023 Neighborhood Meeting Summary

Joe Ledbetter Public Comment

Henry McClure Public Comment

RESOLUTION _____

CONDITIONAL USE PERMIT

RESOLUTION introduced by Interim City Manager Richard U. Nienstedt, in accordance with Section 18.60.010 of the Topeka Municipal Code (TMC), approving a Conditional Use Permit on a 29.4 acre parcel, on property located south of SE 38th Street and west of SE Adams Street, and along the north side of the Kansas Turnpike zoned “R-1” Single Family Dwelling District to allow for a Religious Assembly use with an accessory and subordinate cemetery that does not satisfy the requirement in the zoning code that access to a religious assembly use be on or within 300 feet of a major traffic thoroughfare. (CU23/04) (Council District #5)

BE IT RESOLVED by the Governing Body of the City of Topeka, Kansas, that the application under the provisions of TMC 18.60.010, approving a Conditional Use Permit to allow the religious assembly use and accessory cemetery on property located south of SE 38th Street and west of SE Adams Street, and along the north side of the Kansas Turnpike greater than 300 ft. from a major traffic thoroughfare, and more specifically legally described as:

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 12 SOUTH, RANGE 16 EAST OF THE 6TH/ P.M, IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE ON AN ASSUMED BEARING OF NORTH 00 DEGREES 11 MINUTES 04 SECONDS WEST ON THE EAST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 667.56 FEET TO THE NORTHWESTERLY RIGHT OF WAY OF THE KANSAS TURNPIKE; THENCE SOUTH 57 DEGREES 31 MINUTES 02 SECONDS WEST ON SAID NORTHWESTERLY RIGHT OF WAY A DISTANCE OF 445.52 FEET TO THE CENTER OF BUTCHER CREEK AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 57 DEGREES 31 MINUTES 02 SECONDS WEST ON SAID NORTHWESTERLY RIGHT OF WAY A DISTANCE OF 794.65 FEET TO THE SOUTH LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 55 MINUTES 00 SECONDS WEST ON SAID SOUTH LINE A DISTANCE OF 264.17 FEET TO A FENCE RUNNING NORTH AS CALLED FOR IN KANSAS WARRANTY DEED RECORDED IN BOOK 4592 AT PAGE 69 IN THE OFFICE OF THE SHAWNEE COUNTY REGISTER OF DEEDS; THENCE NORTH 00 DEGREES 20 MINUTES 33 SECONDS EAST ON SAID FENCE LINE A DISTANCE OF 267.34 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND AS DESCRIBED IN DEED BOOK 1432 AT PAGE 103 IN THE OFFICE OF THE SHAWNEE COUNTY REGISTER OF DEEDS; THENCE NORTH 89 DEGREES 48 MINUTES 18 SECONDS EAST A DISTANCE OF 120.00 FEET; THENCE NORTH 00 DEGREES 20 MINUTES 33 SECONDS EAST A DISTANCE OF 129.00 FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 18 SECONDS WEST A DISTANCE OF 120.00 FEET; THENCE NORTH 00 DEGREES 20 MINUTES 33 SECONDS EAST ON SAID FENCE LINE A DISTANCE OF 974.70 FEET TO A FENCE CORNER; THENCE NORTH 86 DEGREES 39 MINUTES 39 SECONDS EAST A DISTANCE OF 929.12 FEET TO THE CENTER OF BUTCHER CREEK; THENCE SOUTHERLY ON THE CENTER OF SAID CREEK THE FOLLOWING 26 COURSES, SOUTH 49 DEGREES 06 MINUTES 05 SECONDS EAST, 13.97 FEET; THENCE SOUTH 15 DEGREES 05 MINUTES 05 SECONDS EAST, 41.54 FEET; THENCE SOUTH 44 DEGREES 14 MINUTES 13 SECONDS EAST, 42.80 FEET; THENCE SOUTH 35 DEGREES 15 MINUTES 40 SECONDS EAST, 49.47 FEET; THENCE SOUTH 27 DEGREES 41 MINUTES 29 SECONDS EAST, 89.02 FEET; THENCE SOUTH 04 DEGREES 58 MINUTES 11 SECONDS WEST, 131.94 FEET; THENCE SOUTH 21 DEGREES 04 MINUTES 52 SECONDS EAST, 84.16 FEET; THENCE SOUTH 57 DEGREES 32 MINUTES 47 SECONDS EAST, 29.82 FEET; THENCE SOUTH 81 DEGREES 47 MINUTES 18 SECONDS EAST, 62.25 FEET; THENCE SOUTH 86 DEGREES 44 MINUTES 19 SECONDS EAST, 18.65 FEET; THENCE SOUTH 60 DEGREES 39 MINUTES 48 SECONDS EAST, 18.76 FEET; THENCE SOUTH 33 DEGREES 50 MINUTES 06 SECONDS EAST, 48.89 FEET; THENCE SOUTH 15 DEGREES 20 MINUTES 43 SECONDS EAST, 65.79 FEET; THENCE SOUTH 02 DEGREES 05 MINUTES 18 SECONDS EAST, 45.55 FEET; THENCE SOUTH 32 DEGREES 26 MINUTES 06 SECONDS WEST, 35.98 FEET; THENCE SOUTH 62 DEGREES 02 MINUTES 52 SECONDS WEST, 18.92 FEET; THENCE SOUTH 38 DEGREES 35 MINUTES 27 SECONDS WEST, 36.81 FEET; THENCE SOUTH 44 DEGREES 40 MINUTES 48 SECONDS WEST, 87.61 FEET; THENCE SOUTH 46 DEGREES 06 MINUTES 53 SECONDS WEST, 49.80 FEET; THENCE SOUTH 51 DEGREES 02 MINUTES 26 SECONDS WEST, 58.71 FEET; THENCE SOUTH 68 DEGREES 01 MINUTES 01 SECONDS WEST, 38.66 FEET; THENCE SOUTH 60 DEGREES 54 MINUTES 04 SECONDS WEST, 45.30 FEET; THENCE SOUTH 40 DEGREES 37 MINUTES 49 SECONDS

WEST, 15.83 FEET; THENCE SOUTH 25 DEGREES 28 MINUTES 12 SECONDS WEST, 44.37 FEET; THENCE SOUTH 14 DEGREES 24 MINUTES 21 SECONDS EAST, 26.50 FEET TO THE POINT OF BEGINNING. THIS DESCRIPTION PREPARED BY MICHAEL A. ADAMS, P.S. 1126 ON AUGUST 12, 2021, AND CONTAINS 29.44 ACRES OF LAND MORE OR LESS.

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

1. Use and development of the site in accordance with the approved Site Plans and Statement of Operations for the St. Peter and Paul Orthodox Christian Church (CU23/04).

_____, 2023.

Michael Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk



CITY OF
TOPEKA



CU23/04 St. Peter and St. Paul
Orthodox Christian Church
PUD23/05 Topeka Prime Sports

Dan Warner, AICP, Planning Director

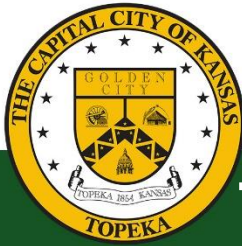


PUD23/05 Topeka Prime Sports, Inc.



PUD23/05 By: Fellowship Bible Church LLC (Topeka Prime Sports)  Target Property





CITY OF
TOPEKA

TOPEKA PLANNING COMMISSION

Monday, August 21, 2023

CASE MINUTES

Members present: Corey Dehn (2023 Chair), Marc Fried, Del-Metrius Herron, Jim Kaup, William Naeger, Donna Rae Pearson, Jim Tobaben, (7)

Members Absent: Matt Werner (1)

Staff Present: Rhiannon Friedman, Planning & Development Director, Dan Warner, Planning Director; Mike Hall, Land Use Planning Manager; Annie Driver, Planner; Zoe Brown Planning Intern; Amanda Tituana-Feijoo, Administrative Officer; Mary Feighny, Legal

Public Hearing of CU23/04 Saints Peter and Paul Orthodox Christian Church, requesting a Conditional Use Permit on a 29.4 acre parcel, located south of SE 38th Street and west of SE Adams Street, and along the north side of the Kansas Turnpike on property entirely zoned "R-1" Single Family Dwelling District to allow for a Religious Assembly use with an accessory cemetery not meeting the requirement in the zoning code that religious assembly uses be on or within 300 ft. of a major traffic thoroughfare (SE Adams).

Staff:

Annie Driver presented the staff report and staff's recommendation of approval.

Questions/Comments from Commissioners:

Commissioner Kaup asked about the retention and treatment of the stormwater, and whether or the not the site plan review will address those concerns. Ms. Driver confirmed that this review was a conceptual site plan review, and those specific questions will come out when they get to the actual site plan review. Mrs. Driver also commented that she was unsure if the applicant was going to plan stormwater for the entire project or break it down into three phases in the site plan review.

Commissioner Naeger referenced the low number of funerals brought up during the staff report. Commissioner Naeger asked how complicated the process is to change something that is designated as a cemetery, if the applicant finds that they are not using the whole cemetery grounds, and wants to use it as something else. Mrs. Driver stated that there are requirements in the conditional use permit regulations as to what constitutes a "major and minor" amendment, and if the applicant is increasing the floor area by more than 10 percent then that could constitute a major amendment.

Commissioner Fried inquired about the school the applicant is wanting to build and whether it is intended for Sunday services or also intended to be used during the weekday. Mrs. Driver confirmed that all classes would be associated with the church.

Owner's Representative: Kevin Holland, Cook Flatt and Strobel Engineers

Mr. Holland confirmed the parish is small, and full build out would hold 250 members in the future. Mr. Holland suggests, for the size of the property, that designating a cemetery and leaving it a cemetery would be beneficial for the church. Mr. Holland also confirms that the building phase is broken down into

three phases due to funding. Although the church would love to get to a size when they can utilize the school building for everyday use, the current plan is to use the school for religious functions and religious schooling. Mr. Holland also mentioned keeping the existing trees as a landscape buffer between church and residents.

Commissioner Kaup asked Mr. Holland if the applicant has reviewed and agreed to the conditions in the staff report. Mr. Holland confirmed that they have.

Commissioner Dehn declared the **public hearing open**.

Henry McClure (address unknown) spoke in favor of building the church and provided backstory on how the transaction was handled between the previous owner (Buddhist Church) and the current church owners. Mr. McClure believes that the cemetery is insignificant of the whole development.

Jerry Lester (3900 SE Quincy St.) states that the new building will be in his back yard, along with some of his neighbors' back yards. Mr. Lester did a small private survey around his neighborhood to get their thoughts on the project, and he provided the results to the commissioners. Mr. Lester is concerned that the project is not within 300 feet of a major thoroughfare, and the streets within the neighborhood are small and narrow. He believes that this presents a safety concern for the neighborhood.

Joseph Ledbetter (address unknown but owns property within designated 300 feet notification) is for the project. Mr. Ledbetter pointed out that the 29 acres in question have not been developed in over 60 years. The cemetery will take up about an acre of land, and will be unseen from the road. Mr. Ledbetter believes that this area in Topeka is over looked, and thinks that a church can be a great neighbor.

Robert Starr (3726 SE Evans Dr.) refers to 25 vacant lots and how they have been overlooked and have weeds growing all over them. Mr. Starr also references the current street conditions in the proposed area for development, and how narrow both 38th Street and Evans Dr are.

Commissioner Kaup interrupts the public comment to make sure the applicant has had a chance to look at the documents provided by Mr. Lester. Commissioner Dehn called Mr. Holland up to take the notebook, and informed the public that typically anything shared is uploaded for transparency reasons.

Brenda Gritten (2239 SE 40th Ter.) lives across from the water tower and the runoff (mentioned by Mr. Holland) will come directly down the hill onto her property. Mrs. Gritten doesn't like the idea of the location of the cemetery because when she goes out on her driveway she will see it. Mrs. Gritten is concerned with the size of the project and damage to the current roadway.

Brandy Lange (3726 SE Evans Dr.) was not notified of the project. Mrs. Lange is concerned with the community at large, and has several questions of the applicant. Mrs. Lange provided the commissioners with her research/questions.

Rosemary Press (1938 SW Westwood Dr.) is one of the original families that established the Orthodox Church, and when they started the church they were advised that the Medford and Huntoon area was not a good area. Mrs. Press assures the commission that the church is a good neighbor, and wants to encompass the surrounding community. Mrs. Press states that the church and cemetery will not be visible, and the members will take care of the property. Because of the cemetery, the church will stay forever and will not be sold or given away.

Dusty Slocum (3805 SE Quincy) lives directly across the street from where the church is planning to build, and does not have a problem with the facility being built. However, Mrs. Slocum feels that the private cemetery is unneeded. Mrs. Slocum would like to see the church built but with a public access road coming off Adams and a parking lot. She is concerned for the surrounding community with the increase of traffic

Mr. Holland spoke to clarify whether coming off Adams is an option. The property unfortunately does not border Adams and there is a stream buffer and significant water way between Adams and the Eastern part of the property.

Dan Lang (3726 SE Evans Dr.) emphasizes the hill on Evans Street, along with other streets heading towards the property are not passable during the winter because of ice. You want to protect your community, and you want to protect your property as well. Mr. Lang also referenced the narrowness of the surrounding streets within the neighborhood, and feels this location is a danger to both the community and the parishioners.

With no one else coming forward from the public, **Commissioner Dehn declared the public hearing closed.**

Questions/Comments from Commissioners:

Commissioner Kaup asked for clarification on the 300 foot distance and whether the applicant could do everything they are proposing to do by right with the "R1" zoning. Mrs. Driver confirmed that was correct because the applicant doesn't have the direct access or access within 300 feet of the arterial.

Commissioner Kaup alleged the biggest concern for the project is the roads since the property can be developed by right. Mrs. Driver confirmed this statement.

Commissioner Kaup asked if cemeteries are permitted by right in "R1" zoning. Mr. Hall confirmed that cemeteries as a primary use are not permitted; however, this project is an accessory cemetery and the size is limited.

Commissioner Kaup again asked if the biggest concern was the road, and Mr. Hall agreed that it was the primary issue. Commissioner Kaup asked if there were any other concerns, and Mr. Hall said that, as a conditional use permit, everything about the project is addressed using the golden factors and again referenced "permitted by right". Mr. Hall did point out that there are a lot of ways in and out of the area so the traffic will be dispersed, and the streets are designed to accommodate the traffic. Mr. Hall also points out that if this property were developed with single family residential developments, you could get a lot of units (homes) on the land. It is 29 acres. Even after taking out the land that can't be developed easily, which is the stream and flood plain, there is still a lot of capacity for development. As Mr. Hall explained, the special use requirement that states that a religious assembly be within 300 feet of a major thoroughfare could speak to the character and changing nature of the neighborhood apart from the increased traffic volume's effect on traffic operations. When staff evaluated the application, staff did consider the land use's effect on traffic operations. The traffic volume from the proposed church is estimated at 108 trips on its busiest day, so apart from its effect on traffic operations, the traffic will be noticeable. But, when you consider how the land could be used under its current zoning, on balance the proposed use is appropriate for this property. Additionally, this conditionally use permit will be tied to the site plan which requires a substantial setback, and that would not be a requirement if the land was developed as a use by right.

Commissioner Dehn asked with an "R1" on 29 acres, how many single-family houses can be built? Mr. Hall stated after excluding the undevelopable parts, you could probably get three to four house per acre. Mrs. Driver stated that development would account or about 10 trips per day (per dwelling), and most likely traffic engineering would most likely require the public streets to be connected. This would cause more direct traffic through the neighborhood versus this project which will just have dead end cul de sacs.

Commissioner Naeger wanted to clarify that people may have gotten the idea he was concerned with the cemetery, but once something is used as a cemetery there is less flexibility for other uses. Mr. Naeger referenced the comment about the church being a permanent fixture, and he does not have a concern with the flexibility.

Commissioner Dehn asked if it was required in the site plan to retain stormwater going off the site, and whether it would be funneled into the large storm area. Mr. Hall confirmed that is accurate and that at some point there is a threshold of development that requires retention and another one for treatment.

Commissioner Tobaben inquired about the property line setback and if there was anticipation of screening the property. Mrs. Driver confirmed that this would require the city landscaping standards, and it does address what a significant tree is.

Commissioner Fried commented on the traffic and how most of the traffic would be on Sunday mornings,

but this would not be when the other peak traffic would be for people leaving and coming to work and school.

Commissioner Dehn commented on when he looks at the project, he is looking at the church versus what could be there. He would rather have a church take the whole lot rather than 60 single family residences.

With no further questions or comments from commissioners, Commissioner Dehn called for a motion.

Motion by Commissioner Naeger, **second** by Commissioner Kaup: **to recommend approval of the Conditional Use Permit CU23/04 subject to the conditions in the staff report. Approved 7-0**

Topeka Planning Commission Questions - Aug 21 Meeting

Payment for Church

- 1) Who will be paying for the construction of the church buildings?
- 2) Who will be paying for the construction of the parking lot?
- 3) Why no bank loan?
- 4) Fundraising efforts? Greek food festival? Online donations?
- 5) Time frame for construction? Note 3 phases.
 - a) Time of day construction will occur?

Church Member Composition

- 1) Age of members?
 - a) Ability to maintain the church and surrounding area?
 - b) Ability to provide funding?
 - c) Protect children from sex offenders in the area (43 just in zip code 66609)
- 2) Number of church members?
- 3) Do you have a church board?
- 4) Number that drive?
- 5) Cultural make-up? Male vs female members?
- 6) Any have concealed carry permits?
 - a) Church shootings
 - b) Unruly patrons

Maintenance

- 1) Who will be maintaining the church, parking lot, yard, grounds?
- 2) Who will be cleaning the church buildings? What days? How many?
- 3) Who will be cleaning and maintaining the cemetery? How many? How often? Duties within the cemetery?
- 4) Why is that church going to be white? Potential for tagging?

Current Concerns

- 1) Traffic
 - a) Study current after new housing development?
 - b) Study considering the school and status change?

- c) Speed of traffic in the area?
 - d) Will the congregation be notified of the travel route?
 - e) Distance from the bus stop? Closet is 37th street
- 2) Tall grass?
 - a) Attracts: mice, snakes, fleas, rats, bugs, mosquitoes, and crime.
- 3) Consideration of crime in the area? Crime rate is 248.7 per 1,00 residents.
Crime rating for the area is an F.
- 4) Property value affects:
 - a) Crime in the area
 - b) Church and cemetery signage?
 - c) Cultural perception
 - d) Church pays no taxes for the property
 - e) Road maintenance?
- 5) Church belongs to the the Church of Antioch which is based in Damascus, Syria
- 6) Pastor from Southern California. St. Andrew Orthodox Church in Riverside, Ca
 - a) Knowledge of the area where the church will be built? Cultural knowledge of the area? Religious knowledge of the area?

Community Outreach

- 1) Will the church be open to the public?
- 2) Will the public be able to use the church for events? Weddings, funerals, ect.
- 3) Will the public receive notification of construction and time frames?
- 4) Will the walking trails be open to the public?
- 5) Will the public be able to attend your events?
- 6) Talked to any of the neighbors in the area?
- 7) Notified any of the neighbors? How notified?

Church Operations

- 1) What are the operating hours for the church office?
- 2) Who will be present to conduct office work?
- 3) Events held at the church? Hours? Number to be in attendance?
 - a) Sunday services? Hours? Number in attendance for each event?
 - i) Services Details

- ii) **Orthros:** Sunday 9:00am
- iii) **Divine Liturgy:** Sunday 10:00am
- iv) **Vespers:** Saturday 5:45pm
- b) Saturday services? Catechism?
- c) Potlucks?
- d) Festivals?
- e) Men's lunch?
- f) ESL classes?
- g) Coffee hour?
- 4) Cleaning of church and grounds? Number to be present?
- 5) Do you operate a food bank? Is it open to the public?
- 6) How does the church plan to deal with the noise from the nearby Interstate?
- 7) How will the church deal with the noise from planes? Air National Guard at Forbes Field. Metropolitan Airport at Forbes Field.

Church Security

- 1) Lighting? Not sufficient now
 - a) Lighting in the parking lot? How will it affect the neighbors?
- 2) Protection from crime
 - a) Security system? What time of the security system for church and property?
- 3) Address current registered offenders in zip code 66609:
 - a) Drug: 37
 - b) Sex: 43
 - c) Violent: 21
- 4) Vandalism? How will it be addressed? Who will pay?

Cemetery

- 1) Why is there a need for the cemetery? Only 2 deaths since 2019.
- 2) Who will maintain the cemetery?
- 3) Who is responsible for vandalism?
- 4) Will there be any sort of notification of when funerals will be held?

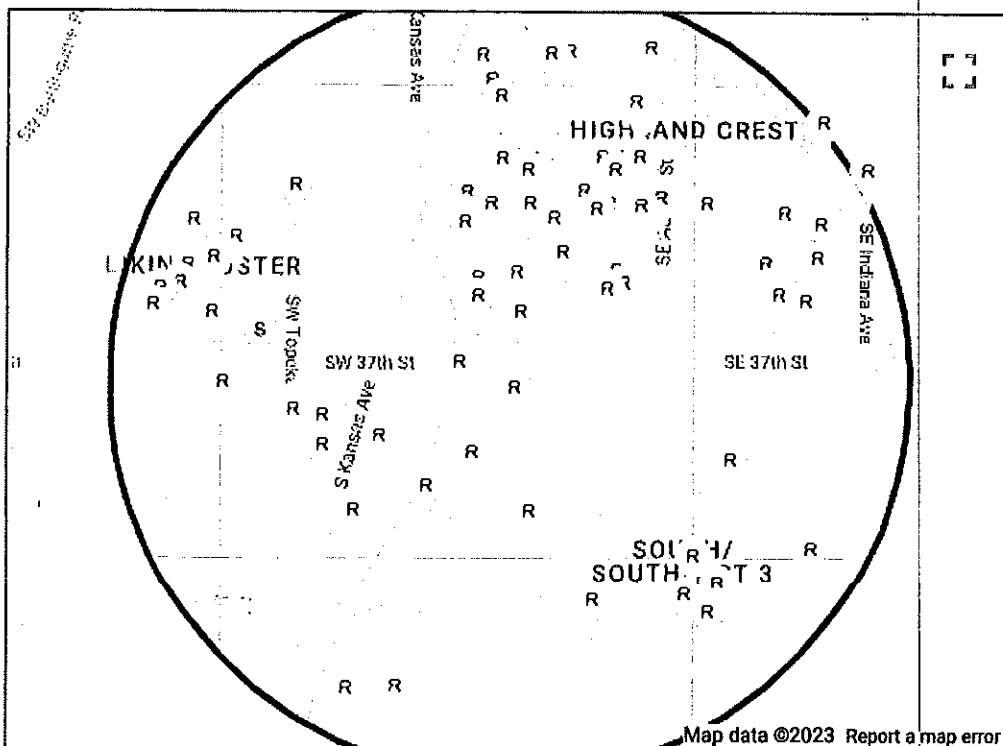
- 5) Who can utilize the cemetery? You say patrons, but what is to keep them from selling their plot to others? What about inheritance of plots? When will plots be sold?
- 6) Type of cemetery plots?
 - a) Cement vaults may be needed due to floodplain?
- 7) Security for the cemetery?
 - a) Cameras?
 - b) Fencing?
- 8) Concerns:
 - a) Theft
 - b) Vandalism
 - c) Grave reuse
 - d) Body snatchers
 - e) Environmental contamination- groundwater pollution, soil pollution
 - f) Release of chemicals and heavy metals due to decomposition
 - g) Deforestation
 - h) Cultural considerations
- 9) Cons of a cemetery:
 - a) Scary
 - b) Pollution or contamination
 - c) Loss of property value : (12.%% lower home values when near a cemetery)
 - d) House on market longer
 - e) Take up land

[Name Search](#)[Geographical Search](#)[Other Search](#)[Community Notifications](#)[FAQs](#)[Resources](#)[Contact Us](#)

Geographical Search Results

Be advised that the geographical search results may not include addresses for all offenders listed in the search of a given area. If a residential or school address is incomplete, it may not be recognized by the mapping feature used on this website. In addition, the information on this website is compiled based, in part, upon information provided by the registered offender. Therefore, the geographical search results are dependent, in part, on the offender providing the address information required by the Kansas Offender Registration Act (KORA).

Map and Legend



Offender Types

- ☐ - Drug Offender 37
- ☐ - Sex Offender 43
- ☐ - Violent Offender 21
- ☐ - Multiple Offender
- ☐ - General Offender

Address Types

- R - Residence
- S - School

Map data ©2023 Report a map error

Offenders

Reporting Compliance (RC) : - compliant, - non-compliant.

Violent, Drug



ADAMS, MICHAEL
JAMES

☐ 3328 SE FREMONT ST
TOPEKA, KS 66605

Sex		<u>BUCHANAN, JASON</u> <u>ALLEN</u>	☐ 3113 SE EMERSON ST TOPEKA, KS 66605
Sex		<u>BUTLER, GERALD</u> <u>WAYNE</u>	☐ 314 SE 35TH TER TOPEKA, KS 66605
Violent		<u>CHANCE, HARRY</u> <u>BRYAN</u>	☐ 3428 SE BRYANT ST TOPEKA, KS 66605
Violent		<u>CHANNEL, LAMARQUES ATEZ</u>	☐ 615 SE 42ND ST TOPEKA, KS 66609
Sex		<u>CLASS, TERRY WAYNE</u>	☐ 3355 SE GIRARD ST TOPEKA, KS 66605
Sex		<u>DARRETT, CHRISTIAN</u> <u>ANTHONY</u>	☐ 3204 SE BRYANT ST TOPEKA, KS 66605
Drug		<u>DELANEY, MICHAEL</u> <u>WILLIAM</u>	☐ 471 SE 33RD TER TOPEKA, KS 66605
Drug		<u>DESILVA, DAVID</u> <u>PERRY</u>	☐ 3620 SW KIRKLAWN AVE TOPEKA, KS 66611
Sex		<u>DIRK, DANIEL RAY</u>	☐ 3620 SE VIRGINIA AVE TOPEKA, KS 66605
Violent		<u>EISENBRANDT, TIMOTHY EDWARD</u>	☐ 1130 SE 35TH TER TOPEKA, KS 66605
Violent		<u>FERNANDEZ, FAUSTINO GIOVANI</u>	☐ 513 SE 33RD TER TOPEKA, KS 66605

Drug

LEDBETTER, BRIAN
KEITH☐ 3345 SE GIRARD ST
TOPEKA, KS 66605

Sex

LEGER, JIMMY
DWAYNE☐ 321 SE 33RD TER
TOPEKA, KS 66605

Violent

LEON-OLIVER,
CHIVON NICOLE☐ 3510 SW CLARE AVE
TOPEKA, KS 66611

Drug

LEWIS, ROBERT
ANTON☐ 1109 SE 36TH TER
TOPEKA, KS 66605

Drug

LYNCH, ROSEANNA
NMN☐ 3533 SE HUMBOLDT ST
TOPEKA, KS 66605

Drug

MAGGARD, MICHAEL
DAVID☐ 517 SE PINECREST DR
TOPEKA, KS 66605

Sex

MARTINEZ, BILLY JOEL☐ 3810 SW TOPEKA BLVD APT
ROOM 414

Sun	Mon	Tue	Wed	Thu	Fri	Sat
30	31	1	2	3	4	5
9am - Orthros and 10am - Divine Liturgy	6:30pm - Choir Practice	Dormition Fast 5:15pm - Paraklesis	5:15pm - Vespers 6:30pm - Potluck, 1st	6pm - Paraklesis at St	5:15pm - Vespers	Forefeast of the 10am - Divine Liturgy at 10am - Festival Prep 5:45pm - 9th Hour & Gt
6	7	8	9	10	11	12
Dormition Fast						
TRANSFIGURATION	Afterfeast of	5:15pm - Vespers for St	Apostle Matthias Herman of Alaska 5:15pm - Paraklesis 6:30pm - Potluck, 2nd		5:15pm - Paraklesis	10am - Festival Prep 5:45pm - 9th Hour & Gt 6:45pm - Baptisms &
9am - Orthros and 10am - Divine Liturgy						
13	14	15	16	17	18	19
Dormition Fast Tikhon of Zadonsk 9am - Orthros and 10am - Divine Liturgy	6pm - Gt Vespers and	DORMITION of the Most 7am - Orthros 8am - Divine Liturgy 6:30pm - Parish Council	St. Joseph the Hesychast 5:15pm - Vespers 6:30pm - History of	12pm - Men's Lunch @		10am - Divine Liturgy at 4:45pm - Catechism 5:45pm - 9th Hour & Gt
20	21	22	23	24	25	26
9am - Orthros and 10am - Divine Liturgy	6pm - Planning 7pm - English Class @ At	6pm - Vespers at St. Mary	5:15pm - Vespers 6:30pm - History of	6pm - Ladies Potluck at 7pm - English Class @ At		4:45pm - Catechism 5:45pm - 9th Hour & Gt
27	28	29	30	31	1	2
9am - Orthros and 10am - Divine Liturgy	5:15pm - Gt Vespers 7pm - English Class @ At	Beholding of John the	5:15pm - Vespers 6:30pm - History of	Hieromartyr Cyprian 5:15pm - Gt Vespers - 7pm - English Class @ At	Symeon the Stylite	5:45pm - 9th Hour & Gt

✳ ANNOUNCEMENTS ✳

- Many years to the newest members of our parish: Reed & Gracie, Jonathan, and Tracy
- ESL Classes will begin Monday August 21. Classes will be Mondays and Thursdays from 7-8 pm. Please talk to Father, if you can help with childcare, so that the Ukrainians parents can attend class.
- Coffee Hour and Prosfora Sign-up sheets Don't forget to sign up for Coffee Hour and Prosfora.
- SS Peter & Paul Food Festival **OCTOBER 14** See information below for how you can help.
- **LOOKING AHEAD ✳**
- **Thursday August 17 NOON** Men's Lunch
- **Monday August 21 (time TBD)** Planning Commission Public Meeting to discuss the plans for our New Property.
- **Thursday August 24 6 PM** Ladies Group Potluck at the Press's. RSVP Shm. Sandra

SS Peter & Paul Food Festival

Saturday October 14

WORK DAYS:

Friday August 18 9:00 AM	Saturday August 19 10:00 AM
Sunday August 20 following Coffee Hour	
Friday August 25 9:00 AM	Saturday August 26 10:00 AM
Friday September 9 9:00 AM	Saturday September 10 10:00 AM
Friday September 16 9:00 AM	Saturday September 17 10:00 AM
Friday September 23 9:00 AM	Saturday September 24 10:00 AM
Friday September 30 9:00 AM	Saturday October 1 10:00 AM
Friday October 6 9:00 AM	Saturday October 7 10:00 AM

Talk it UP!! Tell your friends & family!!

Notice: Sunday services are streamed on our YouTube page. Following services they are edited down to only the homily and do not remain up on the internet. You may appear in the live stream while it is active but the video will not remain on the internet.

Ss. Peter & Paul Orthodox Church

785-217-5457 peterandpaul.net

Rev. Fr. Nikolai Meyers, Pastor Deacon Michael DeHaven

August 13, 2023 Leave-Taking of the Transfiguration

WELCOME TO OUR VISITORS:

Our usual Sunday service is the Divine Liturgy. While all are welcome to attend this service, we ask that you refrain from coming to receive Holy Communion unless you are of the Orthodox Faith and have properly prepared through prayer, fasting and the Sacrament of Confession.

Sunday August 13

9:00 AM Orthros

10:00 AM Divine Liturgy followed by Coffee Hour

Monday August 14

6:00 PM Great Vespers & Lamentations for the Dormition

Tuesday August 15 *The Dormition of the Theotokos*

7:00 AM Festal Orthros

8:00 AM Divine Liturgy followed by festive brunch (Potluck)

Wednesday August 16

5:15 PM Vespers

Fasting potluck on the History of Christianity Class 3

Thursday August 17

Noon Men's Lunch . Location TBD

Saturday August 19

10:00 AM Festival Food Prep

10:00 AM Divine Liturgy at St. Mary Magdalene in Manhattan

4:45 PM Catechism

5:45 PM 9th Hour & Great Vespers

Sunday August 20

9:00 AM Orthros

10:00 AM Divine Liturgy followed by Coffee Hour

Ss. Peter and Paul is a parish of the Antiochian Orthodox Christian Archdiocese of North America, Diocese of Wichita and Mid-America

Various factors contribute to the determination of property values. These factors play a significant role in shaping market perception and demand. Key elements affecting property values include.

1. **Location:** Proximity to amenities like schools, parks, and transportation hubs, as well as **neighborhood safety** and access to healthcare, influence property values.
2. **Stigma and Perception:** Factors such as the presence of cemeteries or correctional facilities can impact property values due to perceived stigma, which varies among individuals.
3. **Aesthetics and Landscaping:** Well-maintained landscaping and attractive curb appeal increase a property's value, while neglect and unsightly **neighboring properties** can detract from it.
4. **Cultural and Religious Considerations:** Properties near places of worship or cultural centers may be more desirable to individuals belonging to specific communities, impacting their value.
5. **Historical Significance:** Properties with historical significance or architectural value often attract buyers who appreciate their unique character, increasing their worth.

Advertisement

6. **Noise and Traffic:** Proximity to noisy areas or high-traffic zones, such as highways or airports, can reduce property values, while quiet locations are often more sought after.
7. **Market Demand and Buyer Preferences:** Factors like supply and demand, economic conditions, and **buyer preferences** for size, layout, and amenities influence property values.

66609 Crime Breakdown

The tables below show which crimes are used to calculate the Crime Grades above. All crime rates are shown as the number of crimes per 1,000 66609 residents in a standard year.

Violent Crime Rates

Assault

3.218

Robbery

1.805

Rape

0.5543

Murder

0.2281

Total Violent Crime

5.805 (D)

Property Crime Rates

Theft

11.83

Vehicle Theft

4.493

Burglary

14.94

Arson

1.983

Total Property Crime

33.26 (D-)

Crime Maps and Rates for Nearby Zip Codes

Compared to surrounding zip codes, the rate of crime in 66609 is higher. The table below shows Crime Grades for zip codes close to 66609.

66605, KS

C

D+

C-

66611, KS

D+

F

D+

66621, KS

B+

B

C

66612, KS

F

F

F

66619, KS

B+

B+

B

66622, KS

D

F

C-

66607, KS

D-

F

Is 66609, KS Safe?

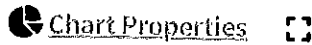
The F grade means the rate of crime is much higher than the average US zip. 66609 is in the 1st percentile for safety, meaning 99% of zip codes are safer and 1% of zip codes are more dangerous. This analysis applies to 66609's proper boundaries only. See the table on nearby places below for nearby zip codes.

The rate of crime in 66609 is 248.7 per 1,000 residents during a standard year. People who live in 66609 generally consider the east part of the zip to be the safest.

Your chance of being a victim of crime in 66609 may be as high as 1 in 1 in the south neighborhoods, or as low as 1 in 51 in the east part of the zip. See the section on interpreting the crime map, however, because comparing rates for crime or any other crime is not as intuitive as it may seem.



**CRIME CLASS: 01/01/2020 -
08/18/2023**



All Other - CRIME TYPE
Homicide / Manslaughter
Robbery - Commercial
Sexual Assault
Driving Under the Influence (DUI)
Robbery - Individual
Burglary - Commercial
Theft
Trespassing
Burglary - Residential
Drugs / Narcotics Violation
Motor Vehicle Theft

**CRIME CLASS TIMELINE - DAY:
01/01/2020 - 08/18/2023**

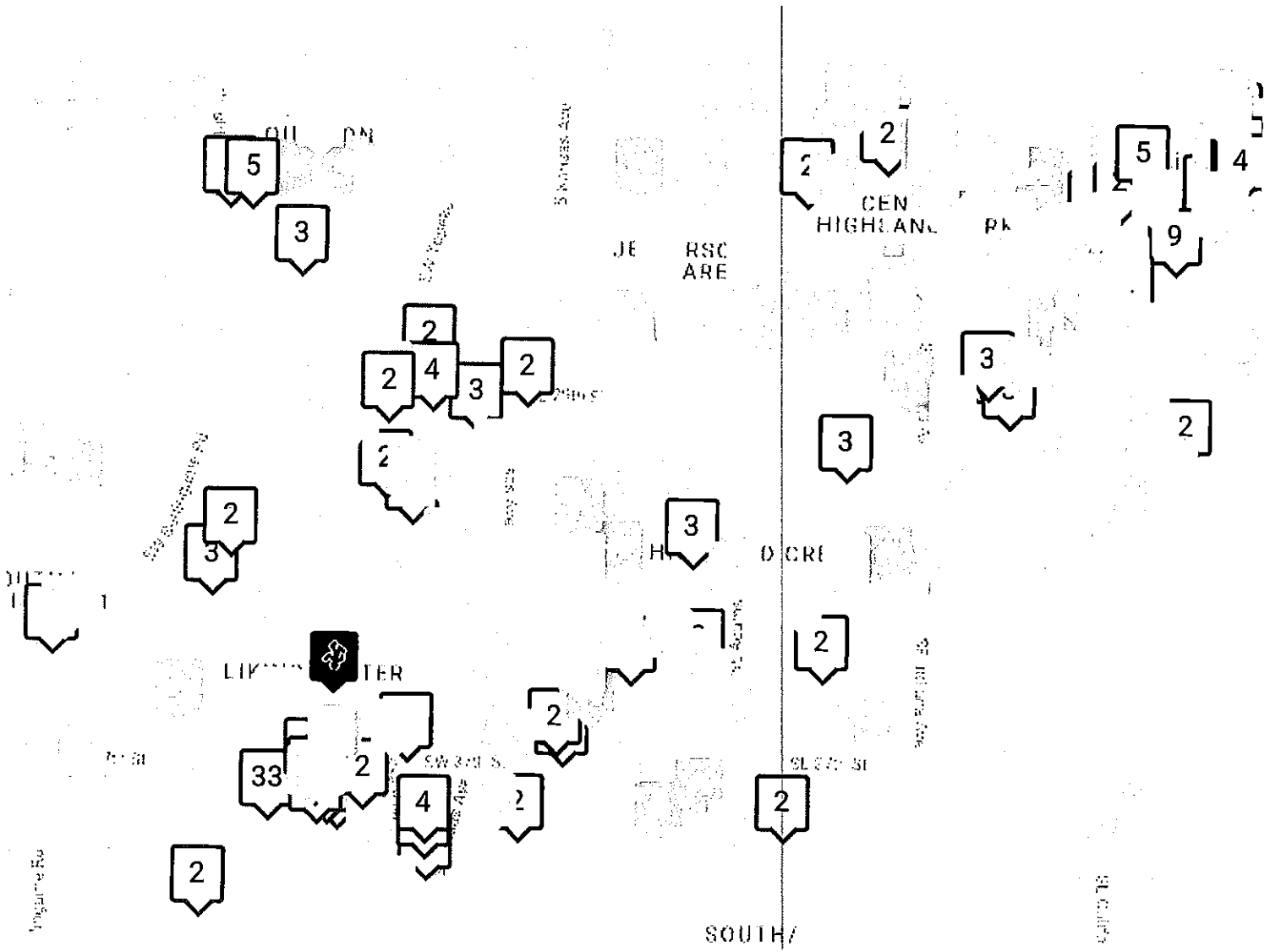


**CRIME BY DAY OF WEEK AND
HOUR: 01/01/2020 -
08/18/2023**





500 Records



012 - Interview with Fr. Nikolai Meyers

June 2, 2020 Length: 35:13

Dn. Sean Reid interview Fr. Nikolai Meyers, pastor of Ss. Peter and Paul Antiochian Orthodox Church in Topeka, Kansas, on the topics of developing healthy rhythms in our homeschool life as well as the appropriate use of technology in the life of the family.

Fr. Nikolai Meyers is a native of Southern California. He holds a Bachelor of Arts in Bible and Cross-Cultural Ministry from Manhattan Christian College, Manhattan KS. He earned his Masters of Divinity from St. Tikhon Orthodox Theological Seminary, in South Cannon, PA. He was ordained Deacon in September of 2007 by His Eminence Metropolitan Joseph of the Antiochian Archdiocese at St. Tikhon Monastery in South Cannon, PA, and to the holy Priesthood in July of 2008 by His Eminence at St. Andrew Orthodox Church in Riverside CA. He served 6 years as Assistant Pastor of St. John Orthodox Church in Memphis TN and concurrently was the priest in charge of St. Paul Orthodox Mission in Tupelo, MS. From October of 2014 to July of 2019 he was the Pastor of St. George Orthodox Church in New Hartford, NY, where he currently was the Spiritual Adviser for Teen SOYO in the Antiochian Orthodox Diocese of Ottawa, Eastern Canada and Up-State New York. He now serves as the Pastor of Sts. Peter and Paul Orthodox Church in Topeka, KS. He is married and has 5 children.

Did you know **tall grass attracts** mice and rats, opossums, mosquitoes, snakes and even crime? Allowing **grass** to grow too **tall** will **attract** mosquitoes seeking out a damp and shady place to hide.

Frank Fowler, Vice President of McNeely Pest Control, says that tall grass can attract pests, ranging from nasty bugs to rodents.

"If you've got a large amount of rodents that can hide in tall grass, you're going to have snakes come because that's where the food is," he explains. Fowler says fleas and ticks can also harbor on grass and be a threat to not just your home, but your pets.

But it's also not just reptiles you should be worried about setting up camp in your yard. "Aside from snakes, tall grass can also provide shelter to other pests, such as rodents, spiders, grasshoppers, etc. These critters are what snakes feed on, meaning they don't have to leave the grassy area to hunt," Jones says.

On top of maintaining a regular mowing schedule, it's also essential to keep other vegetation under control. Experts recommend using a weed whacker to keep perimeter grass under control, as well as making sure to trim bushes, branches, and other foliage that may be creating hiding spots for snakes and their favorite prey.

Introduction

The WHO Nancy Project Office has undertaken a short review of the current state of knowledge regarding the presence, or absence, of soil and groundwater contamination from cemeteries. This was due to an interest to identify more information on their environmental and health impact. There is little published information on whether cemeteries should be regarded as potential sources of pollutants. Few examples of groundwater or surface-water pollution from cemeteries have been found in the scientific literature references in the past. Consequently, this literature review was undertaken by the WHO Nancy Project Office to gather together more information on the subject.

Most existing cemeteries were sited without thinking about potential risks to the local environment or local community. Commonly, they are constructed close to settlements because of religious and culture circumstances. However, religious and sociological reasons for cemetery siting are outside of the scope of this project. This report concentrates on the geological and hydrological properties of burial sites. Often, these have not been investigated.

This review considered first, the mechanisms of decay of the human corpse, and second, the fate of the products of decomposition, both chemically and microorganically in the surrounding strata and groundwaters.

During putrefaction of the human corpse, there is a seepage of decay products into percolating water. This seepage contains bacteria, viruses and organic and inorganic chemical decomposition products. If the cemetery is located in a porous soil type, such as sand or gravel, movement of seepage can be rapid and mix easily with the groundwater beneath the site. This could conceivably be a cause of local epidemics from waterborne diseases where the groundwater is used as a water source. Typical microorganisms known to be responsible for waterborne diseases and present in seepage include micrococcaceae, streptococci, bacillus and enterobacteria.

Another important factor that should be considered before using aquifers beneath cemeteries as water sources, especially shallow aquifers, is the distance from cemeteries to water abstraction points. The quantity of decay products from buried people and wood, fabrics and plastics used in coffins is directly influenced by the age and number of the human corpses decaying in the cemetery at any one time. Ideally, coffins should be made of materials that decompose rapidly and do not release persistent chemical by-products into the environment.

Today, sufficient land area for cemeteries is difficult to find in populated areas, and in the near future areas sufficient space for cemeteries may not be found at all in cities in most parts of the world. For instance, in Australia about 1.34 million adults (>15 years) will die in the next 10 years. If just 40% of these are interred and 75% of them occupy new graves of an average size 1.1 m by 2.4 m; then 106 ha of land will be consumed. These new cemeteries ought to be constructed to bury the expected number of corpses, but land availability is uncertain.

In England, out of 10 000 planning applications between 1989 and 1997, a total of 104 (equal to only 1% of planning applications) were for burial grounds and cemeteries. Given the need for an increase in the number of burial sites in many countries, there is a need to identify more precisely if, or in what way, cemeteries have any harmful impacts on the environment and

Table 1. Important bacteria in a healthy human intestine

Families and genera represented	Prominent species	Other species isolated from the intestine
Pseudomonadaceae		<i>Pseudomonas aeruginosa</i> (pyocyanea)
<i>Pseudomonas</i>		<i>Ps. (Alkaligenes) faecalis</i>
Enterobacteriaceae	<i>Escherichia coli</i>	
<i>Klebsiella</i>		<i>Klebsiella (Aerobacter) pneumoniae</i>
<i>Enterobacter</i>		<i>Enterobacter (Aerobacter) aerogenes</i>
<i>Proteus</i>		<i>Proteus mirabilis</i>
Bacteroidaceae		<i>Bacteroides capillosus</i> . <i>B. oralis</i>
<i>Bacteroides</i>	<i>Bacteroides fragilis</i>	<i>B. clostridiformis</i> . <i>B. putredinis</i>
		<i>B. coagulans</i> . <i>B. ruminicola</i>
<i>Fusobacterium</i>		<i>Fusobacterium mortiferum</i>
		<i>F. necrogenes</i> . <i>F. fusiforme</i>
		<i>F. girans</i>
Neisseriaceae		<i>Neisseria catarrhalis</i>
<i>Neisseria</i>		<i>Veillonella parvula</i>
<i>Veillonella</i>		<i>V. alcalescens</i>
Micrococcaceae		<i>Staphylococcus albus</i>
<i>Staphylococcus</i>		<i>Peptococcus asaccharolyticus</i>
<i>Acidaminococcus</i>		<i>Sarcina centriculi</i>
<i>Sarcina</i>		<i>Acidaminococcus fermentans</i>
<i>Peptococcus</i>		<i>Streptococcus salivarius</i>
Streptococcaceae		
<i>Streptococcus</i>	<i>Streptococcus faecalis</i>	<i>Strep. sanguis</i>
		<i>Strep. viridans</i> (mitior)
		<i>Strep. faecium</i>
Lactobacillaceae		<i>Lactobacillus brevis</i>
<i>Lactobacillus</i>	<i>Lactobacillus acidophilus</i>	<i>L. casei</i>
		<i>L. cateniforme</i> . <i>L. fermentum</i>
		<i>L. leichmanii</i> . <i>L. plantarum</i>
<i>Leptotrichia</i>		<i>Leptotrichia buccalis</i>
<i>Bifidobacterium</i>	<i>Bifidobacterium adolescentis</i>	<i>Bifidobacterium (Actinomyces)</i>
	<i>Bifidobacterium longum</i>	<i>lactobacillus</i> bifidum (bifidus)
		<i>Bif. breve</i> . <i>Bif. cornutum</i>
		<i>Bif. eriksonii</i> . <i>Bif. infantis</i>
<i>Ruminococcus</i>	<i>Ruminococcus bromii</i>	<i>Peptostreptococcus intermedius</i>
<i>Peptostreptococcus</i>		<i>P. productus</i>
Propionibacteriaceae		
<i>Propionibacterium</i>		<i>Propionibacterium</i>
		(<i>Corynebacterium</i>) <i>acnes</i>
		<i>Prop. granulosum</i>
<i>Eubacterium</i>	<i>Eubacterium (Bacteroides)</i>	<i>Eubacterium contortum</i>
	<i>Aerofaciens</i> (biforme)	<i>Eu. cylinderoides</i> . <i>Eu. lentum</i>
		<i>Eu. limpsum</i> . <i>Eu. rectale</i>
		<i>Eu. tortuosum</i> . <i>Eu. ventriosum</i>
Corynebacteriaceae		<i>Corynebacterium</i> (pseudo-
<i>Corynebacterium</i>		diphtheriticum (hojmanni)
		<i>C. xerosis</i> . <i>C. ulcerans</i>
Bacillaceae		<i>Bacillus cereus</i> . <i>B. subtilis</i>
<i>Bacillus</i>		<i>Clostridium cadaveris</i>
		<i>Cl. innocuum</i>
Clostridium	<i>Clostridium perfringens</i>	<i>Cl. malenominatum</i> . <i>Cl. ramosum</i>
	(<i>weichii</i>)	<i>Cl. sordellii</i>
	<i>Clostridium paraputrificum</i>	<i>Cl. certium</i> . <i>Cl. bifermentans</i>
		<i>Cl. sporogenes</i> . <i>Cl. indolis</i>
		<i>Cl. sphenoides</i> . <i>Cl. tetrasporum</i>
		<i>Cl. difficile</i> . <i>Cl. botulinum</i>

Movement of bacteria and viruses through soils

Soils play a major role in the movement of bacteria and viruses. From laboratory work, it has been found that most of the microorganisms, such as polioviruses, are filtered out on or near the soil surface. Most polioviruses are held within the first 5 cm depth below the surface of loamy sandy soil (6).

Whilst soil adsorbs most of the pathogens, adsorption decreases with increasing water velocity. Polioviruses applied to effluents may move considerable distances through sandy soils after rainfall. The adsorption pattern indicates that most viruses are adsorbed near the surface but the remainder may move much greater distances (6), and studies have found that virus adsorption is also affected by the strength of the negative charge on the virus particle. Lance et al (6) have added that viruses with a net negative charge below a certain level were immediately adsorbed, while viruses with a stronger negative charge moved farther away.

Infective viruses have been isolated directly from vegetable crops (8). Therefore, plants could possibly be used to remove some viruses and bacteria from the soil. Also, the movement of bacteria and viruses is restricted physically by the root system of plants. Planting of trees and border plants should be encouraged around cemeteries to help decrease the movement off-site of bacteria and viruses in seepage water and rain water.

Groundwater composition in the vicinity of the cemeteries

During the progress of decomposition within human corpses, the products of decomposition are released. The principal mechanism for the transport of decomposition products is percolating water entering the groundwater. Many of the decomposition products are identical to those present naturally in the environment. In addition, ammonia gas and carbon dioxide are also formed as decay products from human corpses. Another important point is the presence of wood, fabrics and plastics, which come from coffins. Little is known about the composition of their products of degradation.

Studies by Schrap reported high concentrations of bacteria, ammonium and nitrate ions in a contamination plume which rapidly diminished with distance from graves in Germany. On the other hand, van Haaren measured a very saline (2300 $\mu\text{S}/\text{cm}$) plume of chloride, sulfate and bicarbonate ions beneath graves in Holland. No information was given on the soil types in these studies. Also, recent studies by Dent (9) at the Botany Cemetery in Australia provided an opportunity to assess groundwater conditions near recent interments. The results showed a definite increase in electrical conductivity (or salinity) close to recent graves. Elevated chloride, nitrate, nitrite, ammonium, orthophosphate, iron, sodium, potassium and magnesium ions were found beneath the cemetery. In his study, he also found that the groundwater samples down-gradient of the cemetery and at control sites had very similar compositions. The groundwater was found to be suitable for irrigation purposes as specified in Australian water quality criteria. Three cemeteries at Woronora, The Necropolis and Guildford in Australia were also examined for their pollution potential (3). In addition, recent work was conducted on groundwater samples beneath the Cheltenham Cemetery (Australia). The results from these investigations showed no significant presence of pathogens, with the exception of *Pseudomonas aeruginosa*, a pathogenic bacterium, which is responsible for waterborne diseases. The key analyses investigated are given in a combined table (Table 3).

cemeteries. However, *Streptococci*, sulfide-reducing bacteria and *Clostridia* were found in the majority of samples collected by the researchers. No faecal coliforms were found in the samples and the work showed that the presence of *streptococci* and sulfide-reducing bacteria were more indicative when evaluating the quality of groundwater.

Geological properties of the cemeteries

The cemeteries reported on in the published literature and considered in this report have different types of geology. A review of their characteristics may provide an indication of the more suitable soil types to retain and ameliorate the degradation products in seepage from cemeteries. Table 4 lists the geological properties of the soils beneath several cemeteries.

Table 4. Geological properties of the selected cemeteries

Cemetery	Geology
Botany (Sydney/Australia)	Botany Sands
Worona (Sydney/Australia)	Hawkesbury Sandstone(sand clays and minor clayey sands, often lateritised, overlain by a quartz sandstone)
The Necropolis (Melbourne/Australia)	Fyansford Formation Brighton Group (densely unconsolidated silty sands)
Guildford (Perth/Australia)	Bassendean Sand (unconsolidated shallow marine deposits of clayey and silty sands and fine sands)
Areia Branca (Santos/Brazil)	Quaternary sandy, marine sediments with high porosity and permeability
Vila Formosa (Sao Paulo/Brazil)	Tertiary sediments (assumed: porous)
Vila Nova Cachoeirinha (Sao Paulo/Brazil)	Granite alteration where clay-rich layers are predominant

An unsaturated soil layer has been found in past studies to be the most important line of defence against the transport of degradation products into aquifers. It acts as both a filter and an adsorbent. It can also reduce the concentrations of some microorganisms and decomposition compounds that occur during the putrefaction of human corpses. It is postulated that the most useful soil type to maximize retention of degradation products is a clay-sand mix of low porosity, and a small to fine grain texture.

The size of the bacteria, the pore size distribution of the soil and the interaction between the bacteria and the solid phase should be taken into account to select the soil. The pore size distribution of the soil is an important factor for increasing the surface area for adsorption and also for the removal of bacteria. Therefore, a soil should have strong adsorbance characteristics to remove degradation products from seepage water and so minimize the impact of cemeteries on their local groundwater. Also, the size of the pores of the soil affects the efficiency of filtration. Soil-water content is another factor for removing microorganisms. The capacity of a soil to remove organisms increases with a decrease in soil-water content (4). Therefore, measurements need to be made to find the most beneficial soil-water contents when sites for new cemeteries are being considered. Research is needed to determine the optimum values.

An unsaturated zone beneath a cemetery increases the opportunity for attenuation of the seepage during putrefaction of human corpses. The unsaturated zone is where faecal pollutants are degraded to innocuous compounds. Therefore, a maximization of the residence time in the unsaturated zone is a key factor affecting the effective removal of bacteria and viruses (12).

Through the action of infiltrating rainfall, adsorbed pathogenic organisms can escape from the soil particles, mix with the groundwaters beneath the cemeteries and migrate considerable distances. This process is easier in some particular soil textures, such as sand and gravel, because their pore sizes are not small enough to filter and adsorb the microorganisms efficiently. The planting around cemeteries of trees and plants with extensive root systems can also reduce microbial populations. These trees absorb water and seepage to isolate some infective microorganisms from the soil. This also helps to reduce the quantity of the seepage water that mixes with the groundwater.

The thickness of the unsaturated zone in the soil is an important factor in determining the impact of cemeteries on the environment. Most of the biodegradation occurs in this zone and it is the most important line of defence against cemetery-derived pollution polluting underlying aquifers. Therefore, the maximization of the residence time and the thickness of this layer is a desirable factor for the removal and elimination of bacteria and viruses (12).

The age, size and state of decomposition at burial of human corpses, and also the materials used in coffins, are important factors that affect the characteristics of seepage water during putrefaction (3). The impact on groundwaters from the degradation of coffins and burial clothes is not known. Standards should be set for the types of material from which coffins are made to minimize their effects on the environment. Ideally, coffins and human corpses should decay rapidly and the products of decomposition become adsorbed or oxidised quickly. Access of air and moisture can facilitate this situation.

Studies by Schrap reported high concentrations of bacteria, ammonium and nitrate ions in a contamination plume which rapidly diminished with distance from graves in Germany. On the other hand, van Haaren measured a very saline (2300 μ S/cm) plume of chloride, sulfate and bicarbonate ions beneath graves in Holland. The studies by Dent (9) for Botany Cemetery in Australia, where an opportunity was available to assess groundwater conditions near recent interments, showed a definite increase in electrical conductivity (or salinity) close to recent graves, and elevated concentrations of chloride, nitrate, nitrite, ammonium, orthophosphate, iron, sodium, potassium, and magnesium ions beneath the cemetery. The studies found that salinity and chloride concentrations rapidly diminished with distance from graves.

Conceptually, cemeteries can be regarded as special kinds of landfills. Therefore, it is useful to examine the fate of leachate from waste landfills as a potential analogue to seepage from cemeteries. Research carried out by Gray and his group has shown that "the concentration of the highly soluble chloride ions which is extremely high in leachates from domestic refuse directly below a landfill, drops drastically in water samples taken a short distance away and at 100 m to 200 m falls to almost background levels" (15).

In conclusion, aquifer pollution can vary greatly according to the geological strata and cemetery layout and management. Surface drains will intercept most surface runoff water entering a site from outside before any serious contamination takes place. The pollution potential from cemeteries is present, but in a well managed cemetery with suitable soil conditions and drainage arrangements, the risk is probably slight. The draft conditions given below could be used to site and design a future well managed cemetery (1):

1. Human or animal remains must not be buried within 250* metres of any well, borehole or spring from which a potable water supply is drawn.

7. Hendry, M.J. et al. The role of sorption in the transport of *Klebsiella oxytoca* through saturated silica sand. *Groundwater*, 35: 574–584 (1997).
8. O'Brien, R.T. & Newman, J.S. Inactivation of polioviruses and coxsackieviruses in surface water. *Applied and environmental microbiology*, 33: 334–341 (1977)
9. Dent, B.B. *Hydrogeological studies at Botany Cemetery*. Sydney, University of Technology, M.Sc. project report, 1995.
10. Pacheco, A. et al. Cemeteries – a potential risk to groundwater. *Water science and technology*, 24: 97–104 (1991).
11. Knight, M.J. & Dent, B.B. Sustainability of waste and groundwater management. In: *Proceedings of IAH Sustainable Solutions Conference, Melbourne, February 1998*. Kenilworth, International Association of Hydrologists, 1998.
12. Pedley, S. & Guy, H. The public health implications of microbiological contamination of groundwater. *Quarterly journal of engineering geology*, 30: 179–188 (1996).
13. Lewin, K. et al. Management of the environmental impacts of landfilling on the Sherwood Sandstone. *Proceedings of the XXVII IAH Congress on Groundwater in the Urban Environment, Nottingham, 21–27 September 1997*. Rotterdam, A.A. Balkema, 1997, pp. 611–617.
14. Mather, J.D. The attenuation of the organic component of landfill leachate in the unsaturated zone: a review. *Quarterly journal of engineering geology*, 22: 241–246 (1989).
15. Gray, D.A. et al. Review of groundwater pollution from waste disposal sites in England and wastes with provisional guidelines for future site selection. *Quarterly journal of engineering geology*, 7: 181–196 (1974).

the Environment

sandra Garcia

m today, first started to emerge in the 1830s. When they were first created there is little if any regard for how they would affect the environment. On the surface, cemeteries seem completely harmless, but in reality, cemeteries have long-term harmful effects especially on the environment.

1. Seepage Waters

Seepage waters occur when liquid or gas leaks through tiny holes in a container or barrier. This can cause a lot of issues for people. Seepage can cause unstable ground and infrastructure damage. It can also cause environmental damage as seepage may mix with groundwater and become a risk for environmental pollutants.

2. Caskets Don't Decompose Quickly

Old caskets were made completely from wood and decomposed in 5 to 20 years. While that is still a very long time, modern caskets take significantly more time. Lower quality modern caskets take at least 80 years to decompose while higher quality ones take up to 125 years to decompose.

3. Cemeteries Take Up a Lot of Land

While there is no exact amount of land that Cemeteries took up, we can estimate that it is about 140,000 acres of land in the United States alone. These acres of land have extremely few trees if any, and the only other plant there is grass which produces more CO₂ than it takes in. Essentially taking away available land, and contributing to the extreme excess of carbon dioxide in the atmosphere.

4. Deforestation for More Cemeteries

Graves are technically never supposed to be dug up and cemetery companies need to keep finding new land for new graves. The exact number is unknown, but every year land gets cleared just for cemeteries, directly contributing to deforestation.

Pros: Affordable housing

According to research by realtor.com®, the median home price in neighborhoods with a cemetery are about 12% lower than similar homes in other areas without graveyards.

"Most of the cemeteries in our area have a buffer between the cemetery and the house. So as long as you don't look directly out on gravestones from the house, some of our buyers may appreciate a discounted price and enjoy the quiet neighbors," Finn says.

Cons: Scary

Still, cemeteries just plain freak out some people (a few of whom have a full-on phobia, coimetrophobia). Fear of ghosts wandering over to haunt the home and the feeling that it's taboo to live by a cemetery can keep home buyers from considering these properties. And some buyers might not care for a concrete reminder of their mortality just across the street.

"The cemetery could give some people a creepy or uneasy feeling," says Finn.

Cons: Contamination or pollution from cemetery

One concern that may not be as obvious is the risk from toxic chemicals used to embalm bodies. The decomposition of bodies can pass through the soil and into groundwater, and studies have shown that these chemicals may cause environmental contamination and groundwater pollution over time.

the damage that can be caused to human health and the environment is analyzed, as well as the possible alternatives to be applied to minimize these problems and correct environmental management.

Section snippets

Urban cemeteries as cultural heritage and source of contamination

The initial reports investigating the cemeteries as the source of contamination started in the early 2000s. Spongberg and Becks (2000) investigated the soil from a cemetery in northwest Ohio, United States, analyzing these samples for dangerous levels of contamination. A total of 23 soil samples were collected from the cemetery and 14 were collected from the surroundings. The work reported a dramatic increase in the arsenic indicating contamination from the cemetery leachates. Jonker and

Direct contamination of toxic organic contaminants (TOCs)

Various practices in the pharmaceutical industry are responsible for the release of TOCs, which range from autopsy, thanatopraxy/funeral homes, and finally cemeteries and crematoria. These products are released from human corpses, solid waste, bodily fluids, wastewater, airborne particles, and aerosols.

Introduction

The word cemetery derives from the Latin: "coemeterium", which means dormitory, and the first cemeteries date from the period of 10,000 years BC, with the integration of other terms related to cemeteries, such as necropolis, sacred field, sheep, and last address (Neckel et al., 2017). It should be noted that these constructions have a specific character that is influenced by the religious beliefs and worldviews of the populations that create them, and constitute the intersection between natural and cultural heritage (Tryjanowski et al., 2017). The major current problem is the territorial pressure that these constructions are suffering due to population increase/increase in mortality. This cyclic behavior generates an increase in environmental contamination, generating constant pressure on the environment.

Cemeteries can be considered as potential sources of soil and groundwater contamination in burial places where there is no system for collecting and treating necroleachate, effluent rich in organic matter and inorganic elements produced during the decomposition of corpses (Jonker and Olivier, 2012; Oliveira et al., 2013). Depending on the region, the high levels of precipitation and the lack of maintenance increases the spread of the necroleachate (Żychowski, 2012). This effect could be prevented with the right construction conditions, thus diminishing the access of the necroleachate (Netto et al., 2021). The infiltration and flow of contaminants such as necroleachates in soils vary predominantly according to the number of recurrent burials, depth of the water table, hydraulic conductivity, and clay minerals that make up the soil and its cation exchange capacity (Spongberg and Becks, 2000). An important tool for the diagnosis and assessment of organic and inorganic contamination in soils and shallow aquifers is geophysics, through research methods related to the contrast of physical properties in the presence of this type of contaminant (Netto et al., 2021). Nowadays, the design and construction of cemeteries must be reconsidered due to a new problem caused by population growth. This growth is cyclical, with an increase in the birth rate causing a rise in the mortality rate. This cycle generates issues in the architectural design and preservation of cemeteries, resulting in environmental degradation (Egbimhanlu et al., 2020; Neckel et al., 2021). This environmental contamination is greater in public spaces where a high number of graves are concentrated, however, it also exists in private areas, such as cemeteries present within rural properties that pass from generation to generation (Tryjanowski et al., 2017).

The overall process of corpse treatment, from the initial autopsy and embalming to the final disposal in burial sites or cremation, generates several potential contaminants capable of dispersing to the urban and environment (Gwenzi, 2021). The burial sites of stacked coffins or not, are generally placed under the ground (Dent and Knight, 2018). After a period, the decomposing process of the bodies takes place, where biological and chemical reactions are generated. This contamination process leads to the urban environment, harming and attributes risks to the population, especially those who live in areas close to cemeteries (Oliveira et al., 2013). Besides the traditional burials, the corpses are submitted to a combustion process, denominated as cremation. In this process, the corpse is carbonized until the remains

What are 5 examples of vandalism?

Examples of vandalism include salting lawns, cutting trees without permission, egg throwing, breaking windows, arson, spraying paint on others' properties, tagging, placing glue into locks, tire slashing, keying (scratching) paint, ransacking a property. Vandalism includes graffiti, trash dumping, light smashing, removing/bending signage or ornamentation, breaking windows, or other defacing of property. Examples of vandalism listed in the report include the smashing of the sanctuary and the theft of audio-visual equipment. The destruction included broken glass, fixtures ripped from walls, human feces, vulgar/racial graffiti and paint thrown around the building.

The number of attacks against churches during the first three months of 2023 represents a marked increase in the number of incidents that occurred in the first three months of the previous five years. The Family Research Council recorded 15 attacks against churches in the first three months of 2018, 12 in the same period in 2019, 14 in the first quarter of 2021, and 22 in the first four months of 2022. The report documents the damage done in the attacks on churches by organizing them into five categories: vandalism, arson and/or fire, gun-related incidents, bomb threats and an "other" category. It categorized 53 of the attacks on churches as an example of vandalism, 10 as arson and three as gun-related incidents. The report measured three bomb threats and two incidents that fell into the "other" category.

A church was vandalized twice in the last two months for its "Biblical values." Some of the attacks are driven by anti-religious bigotry and political ideology. Some are fueled by a primal desire to destroy.

"These incidents happened after hours," White House Deputy Press Secretary Andrew Bates told *Fox News*. "Such attacks are despicable, endanger lives and have the appalling aim of provoking fear. They are also unlawful."

PROTECTING YOUR CHURCH

Here are some suggestions that can help protect your building, other property and congregation. Again, these are just a start.

Develop a working relationship with local law enforcement. Tell them you want to protect your building and are open to their suggestions. If you ask, police may also step up patrols around your property.

PETITION FOR DENIAL OF A CONDITIONAL USE PERMIT

SAINT PETER AND PAUL ORTHODOX CHRISTIAN CHURCH OWNES 29.4 ACRES OF UNDEVELOPED PROPERTY IDENTIFIED IN THE ATTACHED NEIGHBORHOOD MAP. THIS PROPERTY IS DUAL ZONED WITH COMMERCIAL ZONING OF THE S.E. ADAMS STREET SIDE BETWEEN S.E. 38TH STREET AND THE S.E. INTERSTATE 470 TURNPIKE OVERPASS. ACCESS TO THIS SECTION OF PROPERTY EXIST ALONG THE ABOVE-DESCRIBED FRONTAGE VIA A DIRT DRIVE AND CONCRETE BRIDGE. ACCESS TO THE RESIDENTIAL ZONED SECTION OF THIS PROPERTY IS FROM THE QUINCY STREET SIDE WHERE THE PROPERTY FRONTAGE IS SEVERAL RESIDENTIAL BACKYARDS. THE INTRANCE TO THE PROPERTY ON THIS SIDE IS BY THE WATER TOWER AT S.E. 40TH STREET AND QUINCY STREET. ANOTHER PROPERTY INTRANCE IS LOCATED AT S.E. EVANS DRIVE AND QUINCY STREET AND IS CURRENTLY UNUSED AND PLANNED AS A MAIN INTRANCE TO THE PROPOSED SITE.

SAINT PETER AND PAUL ORTHODOX CHRISTIAN CHURCH HAS REQUESTED THE CITY OF TOPEKA TO ISSUE THEM A CONDITIONAL USE PERMIT TO BUILD A FACILITY AND ALLOW RELIGIOUS ASSEMBLY AND BURIAL OF PEOPLE ON THE RESIDENTIAL SECTION OF THEIR PROPERTY.

USE OF THIS PROPERTY AS PLANNED FOR RELIGIOUS GATHERINGS AND SERVICES AS A CEMETARY WILL NOT ONLY LOWER THE PRICE WE CAN SELL OUR HOMES AND PROPERTY FOR, BUT IT WILL ALSO INCREASE NOISE LEVELS IN AND THRU OUR NEIGHBORHOODS AND WILL ENDANGER OUR FAMILIES, THE ELDERLY AND CHILDREN WITH INCREASED TRAFFIC FLOW ON NARROW NEIGHBORHOOD STREETS WHERE SINGLE LANE RESIDENTIAL TRAFFIC IS THE DAILY NORM. WITH PARKED CARS ON THE STREETS OUR THROUGHS ARE NARROW SINGLE LANES OF TRAFFIC AND CANNOT SUPPORT THE COMMERCIAL ACTIVITY OF A CHURCH AND EDUCATION CENTER THE SIZE OF A FOOTBALL FIELD WITH THE ABILITY TO SUPPORT AT LEAST 100 PASSENGER AUTOMOBILES AND BUSES. COMMERCIAL ACTIVITY BY THE CHURCH WILL PROMOTE HIGHER NOISE LEVELS DUE TO THE INCREASED AUTOMOBILE USAGE ENTERING THE COMPOUND.

THE RESIDENTS THAT LIVE ON EITHER SIDE OF THE PROPOSED ENTRANCE AT EVANS AND S.E. QUINCY STREET HAVE HOUSES SO CLOSE TO THE CURBS THAT ENTRANCE FROM THIS COMMERCIAL ACCESS POINT GREATLY ENDANGERS THOSE FAMILIES AND RAISES THEIR NOISE LEVELS BEYOND THE EXPECTATIONS OF A RESIDENTIAL NEIGHBORHOOD. A GRAVEYARD AND

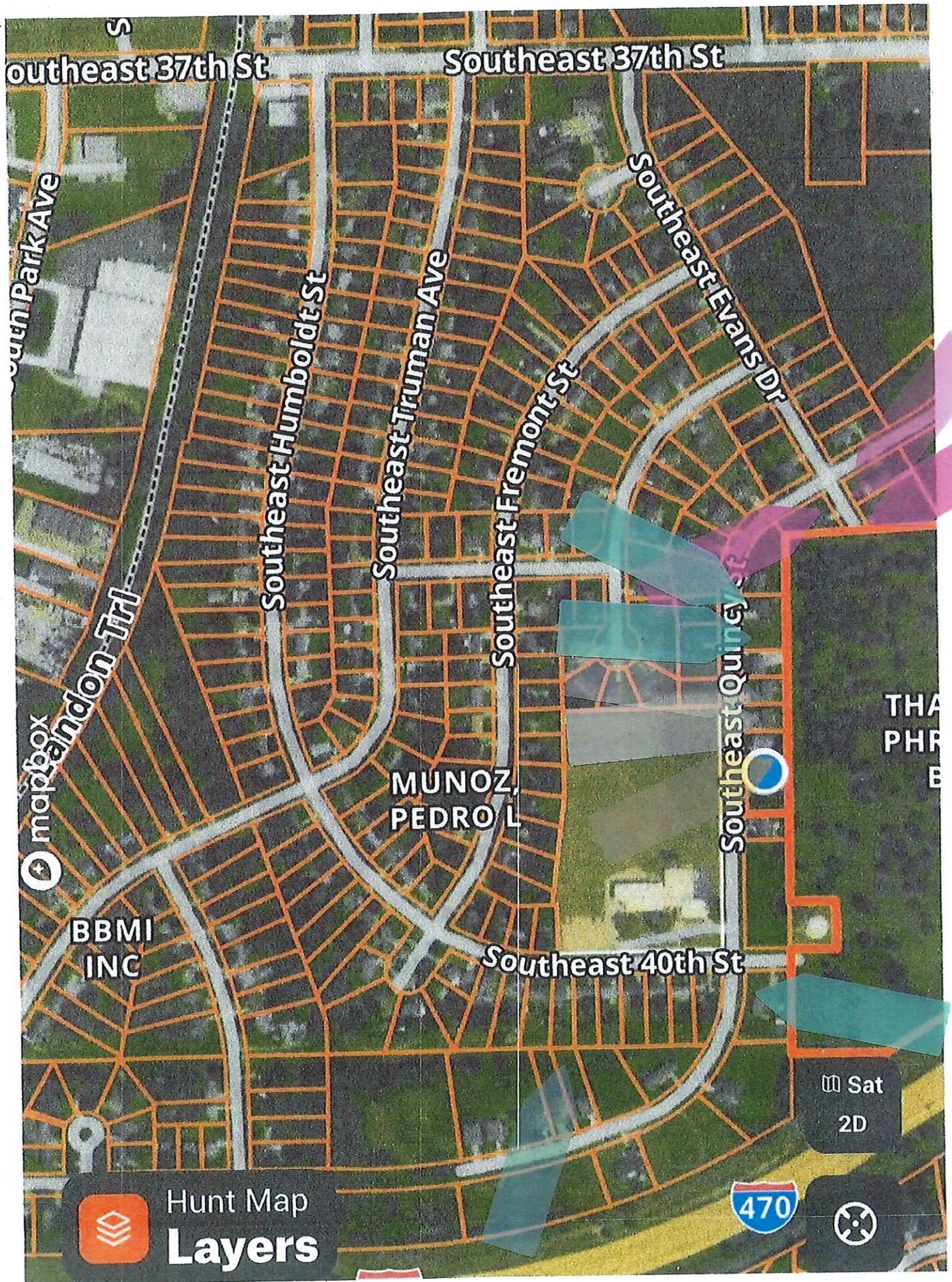
OTHER COMMERCIAL ACTIVITY LOWERS THE QUALITY AND SAFETY OF OUR DAILY LIVES IN THIS NEIGHBORHOOD.

COMMERCIAL ACCESS TO THIS PROPERTY IS FROM THE ADAM'S STREET SIDE.

THIS PROJECT IS PLANNED ADJACENT TO THE FLOOD PLAIN ALONG BUTCHER CREEK AND HAS NO PLANS FOR CONSTRUCTION THAT WOULD PREVENT STORMWATER POLLUTION RUNOFF THAT WILL CAUSE STREAM BANK EROSION, DOWN STREAM FLOODING WITH INCREASED MUDDINESS OF THE RUNOFF THAT CONTAMINATES DOWNSTREAM.

ADDITIONAL, SAINT PETER AND PAUL ORTHODOX CHRISTIAN CHURCH AT THIS TIME, APPEARS TO NOT QUALIFY FOR A CEMETARY USE PERMIT UNDER KANSAS STATUTES ANNOTATED CHAPTER 17 ARTICLE 13.

WITH THIS PROPOSED SITE IN SOME OF OUR BACKYARDS WE WILL BE SUBJECTED TO INDUSTRIAL NIGHT LIGHTING THAT DISTURBS OUR RESIDENTIAL SETTING AND BACKYARD VIEWS. MANY OF US WOULD NOT HAVE PURCHASED HOMES WITH ADJACENT COMMERCIAL ACTIVITIES.



PLEASE ADD YOUR SUPPORT FOR THIS PETITION WITH
YOUR NAME, ADDRESS AND SIGNATURE. DENYING
SAINT PETER AND PAUL ORTHODOX CHRISTIAN CHURCH
A CONDITIONAL USE AND CONSTRUCTION PERMIT
WILL KEEP OUR NEIGHBORHOOD QUIETER AND SAFER.

SIGNITURES

1. Name and address

Elissa Roycroft 3900 SE Quincy St.

Signature Elissa Roycroft

2. Name and address

Ronald + Walanda Haggerty 3830 SE Quincy St

Signature Ronald Haggerty Sr

3. Name and address

Aaron Aguirre 3824 SE Quincy St.

Signature Aaron Aguirre

4. Name and address

Bob & Brenda Gritten

239 SE 40th Terr

Signature Brenda Gritten

Signature Bob Gritten

5. Name and address Mark & Lee Porter

130 SE 40th Terr. 66609

Signature Lee Porter

6. Name and address Mark & Theresa Kunert

3836 SE Quincy St. Topeka KS 66609

Signature Mark Kunert

7. Name and address Dusti & Jose Cerca

3805 SE Quincy St. Topeka, KS 66609

Signature Dusti Cerca

8. Name and address Jordan & Norell Sapata

401 SE 38th St. Topeka, KS 66609

Signature Jordan & Norell

9. Name and address Luis Cazares & Bernadette Q.

3804 SE Evans Dr. Topeka KS 66609

Signature

10. Name and address Jennifer Gibson 3801 SE Evans Dr.
Topeka, KS 66609-1486

Signature Jennifer Gibson

11. Name and address _____

Signature _____

12. Name and address _____

Signature _____

13. Name and address _____

Signature _____

14. Name and address _____

Signature _____

15. Name and address _____

Signature _____

16. Name and address _____

STAFF REPORT – ZONING CASE

TOPEKA PLANNING DEPARTMENT

PLANNING COMMISSION DATE: Monday, August 21, 2023

APPLICATION INFORMATION:

CASE NUMBER / NAME:

CU23/04 – Saints Peter & Paul Orthodox Christian Church

REQUESTED ACTION / CURRENT ZONING:

Conditional Use Permit (CUP) for a Religious Assembly use along with accessory cemetery with access from a local street, with access being more than 300 feet from a major traffic thoroughfare (SE Adams) / “R-1” Single Family Dwelling District.

PROPERTY OWNER:

St. Peter and Paul Orthodox Christian Church

APPLICANT REPRESENTATIVE:

Kevin Holland, Cook Flatt and Strobel Engineers

CASE PLANNER:

Annie Driver, AICP, Planner II

PROPERTY LOCATION / PARCEL ID:

29.44 acres west of SE Quincy Street, south of SE 38th Street, and west of SE Adams Street / Parcel ID: 1341901009049010

STAFF RECOMMENDATION:

APPROVAL subject to conditions in the staff report

RECOMMENDED MOTION:

Based on the findings and analysis in the staff report I move to recommend **APPROVAL** to the Governing Body of Conditional Use Permit CU23/04 subject to the conditions stated in the staff report.

PHOTOS:

View towards the property from the end of SE 40th Street.



View of property towards the west entrance at SE 40th Street.



PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY:

The proposed use requires a Conditional Use Permit in the “R-1” Single Family Dwelling District because the property containing the religious assembly use does not meet the Special Use Requirements (18.225) as follows below.

The Special Use Requirements [18.225.010 (r)] state that in the “R-1” Single Family Dwelling District, the entrance to a place of religious assembly may allow access directly onto a local street, so long as this access entrance is located within 300 feet of a major traffic thoroughfare (i.e. arterial or collector street designation). Per section 18.225.010 (r) a religious assembly use not meeting said requirement may be approved by a Conditional Use Permit. The nearest point of access to the property will be located at the dead-end stub of SE 40th Street located approximately 2,783 ft. from the closest arterial street (SE Adams) intersection. The site may have a future secondary access off SE Evans Drive (local street) upon development of the second or third phases, which is 1,280 ft. from Adams.

Phase 1 includes a fellowship hall for the current 85 member parish, office space, a kitchen, 80 parking stalls, and restrooms with religious services generally being held on Saturday evenings, Sunday mornings, and Wednesday evenings.

Phase 2 will include construction of the church temple with capacity of 250 seats, an educational building for religious education, and a church cemetery used for parishioner burial services only. The cemetery will not be open to the public and the applicant indicated the church has only conducted two funeral services and burials

since 2019. All funeral services and burials are held entirely on-site and there are typically no funeral processions needed through the neighborhood.

Phase 3 will include construction of the future parish hall and additional parking for 50 new stalls.

DEVELOPMENT / CASE HISTORY:

The property has never been developed. On the property's west and north boundary, the land fronting on Quincy and 38th was platted as a subdivision in 1965 with single-family residences built as recently as 2006. A City of Topeka water tower has been located at the southwest corner of the property since at least the 1960s.

ZONING AND CHARACTER OF SURROUNDING PROPERTIES:

The neighborhood is predominantly zoned for single family residential land uses to the west and north of the property. There are properties at the corner of SE 37th and SE Adams Street that are zoned "C-2" Commercial District and "PUD" Planned Unit Development. To the east of SE Adams St, there is a 45 acre property zoned "I-1" Light Industrial and PUD. The "I-1" zoned property contains the Southwest Publishing production and distribution center. The 100 year flood zone and a natural stream channel transects the east side of the property and, therefore, provides a natural buffer between the proposed church site and other uses to the north and east along SE Adams. Linn Education Center (zoned R-1 Single Family Dwelling District) is located at the northwest corner of SE 40th and Quincy, closed in 2011 as an elementary school and reopened as an education center for gifted USD 501 students.

COMPLIANCE WITH DEVELOPMENT STANDARDS AND GUIDELINES

BUILDING HEIGHT, SETBACKS & FENCES:

The CUP site plan denotes a 30 ft. building setback along the west and north boundaries of the property although actual setbacks are much greater as shown on the site plan. The proposed buildings are set back 207 feet from the closest single family residences and vacant lots to the west, and 330 feet from the Kansas Turnpike. The cemetery is located over 250 feet from the closest residential lots.

PARKING AND ACCESS:

The CUP site plan provides a total of 130 new parking spaces for employees and parish members (80 stalls with Phase 1 Fellowship hall and 50 stalls with Phase 3 Parish building). Primary access to the site will be taken from SE 40th Street with a possible future entrance off SE Evans Drive, both to be improved with permanent paved cul-de-sac turnarounds to City standards (45' paved radii and 60' right-of-way). The Off-Street Parking Regulations (Chapter 18.240) require parking at a ratio

of 1 stall per 4 seats in the sanctuary or largest room (63 required). The proposed parking in Phase 1 meets this standard for the use based on future seating capacity of 250. The 130 stalls is more than needed to satisfy the required parking.

LANDSCAPING AND SCREENING:

Landscape Regulations, Chapter 18.235, will apply for each phase with plans to be submitted at the time of site development for each phase. The plans will address exact species and quantities of landscaping proposed at such time. Residential buffer yard Chapter 18.235.060(d) requirements apply along the west and north sides at the time of development. Native vegetation that provides for a continuous visual barrier of at least 20 feet in width is an acceptable buffer. Staff will determine compliance with the Landscape Regulations at the time of site plan review and whether existing vegetation should be retained to serve as a visual screening buffer.

SIGNAGE:

The CUP site plan indicates that any proposed signage will not exceed 40 sq. feet in area nor 5 feet in height. Directional or traffic control signage shall follow standards under TMC18.10.130 for free standing incidental signs, which typically allows a maximum of 6 square feet and 4 feet in height for residential uses.

**LIGHTING & SOUND
GENERATION:**

Any exterior lighting shall be no more than three foot-candles as measured at the property line and the source of illumination shall not be visible from public right-of-way or adjacent properties per code.

**TMC 18.215.030 – GUIDELINES
FOR CUP EVALUATION:**

The CUP chapter identifies key guidelines for the review and approval of CUPs, namely: 1. Land use compatibility (Height and floor area, setbacks, and building coverage) 2. Site Development (Parking and internal circulation, stormwater management, building design) 3. Operating Characteristics (Traffic capacity) 4. Comprehensive Plan.

The CUP site demonstrates, or will demonstrate at the time of site plan review, conformance to these guidelines.

A primary guideline related to approval of the CUP is whether the use will have an adverse effect on the road network caused by external traffic traveling to the site since the property does not meet the zoning standard that access to the church be within 300 ft. of a major traffic thoroughfare. The standard is likely intended to ensure traffic arriving and departing is concentrated on a street that has a capacity to serve the use.

For these reasons, Traffic Engineering required a Traffic Impact Analysis (TIA) from the applicant to assess the need for roadway improvements based on whether there is an adverse impact on the surrounding streets.

COMPREHENSIVE PLAN:

There is not an adopted neighborhood plan within this area. The Land Use and Growth Management Plan – 2040 identifies the property for *Urban Suburban Low Density Residential* uses. Religious Assembly, along with other institutional uses, are generally seen as being compatible with the *Urban Suburban Low Density* land use classification. The purpose of the Conditional Use Permit is to establish restrictions on building size, placement, setbacks, as well as consider other site features (noise, parking, lighting, traffic) that may negatively impact surrounding or adversely affect the roadway network.

OTHER FACTORS

SUBDIVISION PLAT:

The site is not platted as a subdivision and will require a subdivision plat prior to approval of building permits. Provisions for utilities, rights-of-way and stormwater management will be addressed at the time of the plat.

**FLOOD HAZARDS, STREAM
BUFFERS:**

Zone AE 100- year flood zone, panel number 20177C0306E effective 9-29-2011 covers much of the east half of the property. A stream buffer easement pursuant to City Ordinance runs along the east property line and part of the north property line. Buildings, grading, clearing of native vegetation and other activities are restricted within the stream buffer. All of the proposed development is well outside of the stream buffer and 100 year floodplain.

HISTORIC PROPERTIES:

None

**NEIGHBORHOOD
INFORMATION
MEETING:**

The applicant conducted a Neighborhood Information Meeting on Thursday, August 3, 2023 at 5:30 pm via a Zoom Online Meeting. The applicant's meeting summary and attendance list is attached. Concerns expressed by attendees include but are not limited to: Property maintenance and mowing especially – post construction and pre construction, retention of existing landscaping, vandalism and crime in the neighborhood, and the effect of increased traffic that will occur from the development, and the effect of the cemetery on property values.

**REVIEW COMMENTS BY CITY DEPARTMENTS
AND EXTERNAL AGENCIES**

PUBLIC WORKS/ENGINEERING: None identified with the CUP other than specified by Traffic Engineering.

**PUBLIC WORKS/ TRAFFIC
ENGINEERING:**

Traffic Engineering requested the Traffic Impact Analysis (TIA) for the full – build out of the 250 seating capacity future temple in order to evaluate the need for roadway improvements as well as the impact upon the existing roadway network, adjacent to the existing residential neighborhood, to ensure

the proposed development does not adversely impact traffic operation on the adjacent roadways. The applicant submitted a TIA and City of Topeka traffic engineering staff have issued comments, including requested revisions, regarding the TIA. At the time this staff report was being written, the applicant had not made revisions to the TIA.

Based on review of the TIA, the City staff findings are as follows:

The TIA originally submitted by the applicant recommends that a northbound left-turn lane on Adams Street at the intersection with SE 38th Street be considered at a future time for full development.

1. The TIA assumed the highest site-generated traffic scenario of 130 entering trips prior to the event and 130 exiting trips after the event. The site-generated traffic was based on number of parking spaces.
2. ITE peak traffic generation for a church is the Sunday Peak Hour of Generator which results in a total of 128 vehicles (62 enter and 66 exit). This is based on the number of seats in the church and is based on national studies included in the ITE trip generation manual.
3. The peak event traffic for a church typically occurs during the non-peak volume periods for the existing street network. These typically occur during Sunday morning or Saturday evening.
4. TIA assumed all the site-generated traffic will enter the site from Adams Street. Access 1 connects to SE 40th Street so some traffic would come to the site via SE 40th Street. Access 1 will be built to City standards as part of Phase 1 of the development site.

City Traffic Engineering recommends reassignment of the site-generated traffic to include the SE 40th Street entrance, which would be more reflective of the actual distribution for arrivals and departures to the proposed site. With the reduction in the highest trip generation scenario along with the reassignment of the site-generated traffic volumes, it is Traffic Engineering's opinion that a northbound left-turn will not meet the volume threshold to warrant the turn lane on Adams Street.

Traffic Engineering indicates that a more accurate assumption would be to use the appropriate ITE land use category based on the number of future seats in the future temple (250 seats) rather than total number of parking stalls. This assumption would indicate a total of 216 trips (108 arriving/108 departing). Traffic Engineering believes the recommendation for a northbound left turn lane on Adams is based on all site-generated traffic will arrive via 38th and Adams intersection. A more reasonable approach would be to assign the traffic through the neighborhood.

City traffic engineering staff concludes the TIA should be revised to address these assumptions, traffic reassignment, and turn lane analysis and then will result in no turn lanes being warranted on the surrounding roadway network. The TIA thus concludes that the

adjacent streets have sufficient capacity to accommodate the traffic generated by the proposed religious assembly use.

UTILITIES:	None identified with the CUP. Public sanitary sewer and water are available to the site and property with connections being at the expense of the developer. If public extensions are necessary that will be at the expense of the developer.
FIRE:	The Fire Department requires a 20 ft. wide unobstructed driving lane and hard surfaced to support the loads of 75,000 lbs. Future improved access off of Evans may be required with Phase 2 or 3 with 45' radii paved cul-de-sac (60' radii right-of way).
DEVELOPMENT SERVICES:	No issues identified. Permits will be required. A Parking Lot Permit and Fence Permits will be required. A separate Site Plan Review Application, including submittal of the Stormwater Management Plan, is required prior to submittal of any Permits.

KEY DATES

APPLICATION SUBMITTAL:	June 22, 2023
NEIGHBORHOOD INFORMATION MEETING:	August 3, 2023
LEGAL NOTICE PUBLICATION:	July 26, 2023
PROPERTY OWNER NOTICES MAILED:	July 28, 2023

STAFF ANALYSIS

EVALUATION CRITERIA: In considering an application for a Conditional Use Permit, the Planning Commission and Governing Body make findings and conclusions with respect to the following pursuant to Topeka Municipal Code Section 18.245.020 in order to protect the integrity and character of the zoning district in which the proposed use is located and to minimize adverse effects on surrounding properties and neighborhood. In addition, all Conditional Use Permit applications are evaluated in accordance with the standards established in the Section 18.215.030 as related to land use compatibility, site development, operating characteristics, and consistency with the Comprehensive Plan.

- 1. The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies:** The subject property lies within an area designated "*Urban Suburban Low Density* in the Land Use and Growth Management Plan – 2040. Religious Assembly uses are allowed in single family dwelling zoning districts and the base zoning of R-1 is not changing with approval of the CUP. The CUP is only necessary because the site does not meet the standard that the use be located within in 300 ft. of a major thoroughfare, which is necessary to ensure traffic accesses directly on to and departs from a roadway that has the capacity to handle the increase in trips.

Religious Assembly and other institutional uses, such as schools, have traditionally developed within residential neighborhood settings and are considered appropriate within the urban suburban low density residential use

classification provided impacts can be effectively mitigated through site design, building design or building orientation.

2. **The character of the neighborhood including but not limited to: land use, zoning, density, architectural style, building materials, height, structural mass, siting, open space and floor-to area ratio:** The neighborhood is predominantly zoned for single family residential land uses to the west and north of the property. The existing single-family residences around the site are 1 – 1/ 2 stories in height so they are much shorter than the maximum 42' height allowed by the zoning. There are commercial properties at the corner of SE 37th and SE Adams Street zoned "C-2" Commercial District and "PUD" Planned Unit Development, but are separated from the subject site by the flood plain and stream buffer. To the east of SE Adams St, there is a 45 acre property zoned "I-1" Light Industrial and PUD. The "I-1" zoned property contains the Southwest Publishing production and distribution center. The 100 year flood zone and a natural stream crossing transects the east side of the property and, therefore, acts as a substantial buffer between the proposed church site and any other uses to the north or east along SE Adams and also prevents the owner from obtaining access off of SE Adams. Based on the subject site location, site characteristics, and building placement, design, and setbacks, the proposed use is in character with the surrounding neighborhood setting.
3. **The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning and uses:** The zoning of the property will remain for single-family dwellings and will not change as a result of the proposed conditional use permit. The base "R-1" standards will apply to the site and the CUP places stricter requirements on development of the subject property for a church use to ensure a good fit with surrounding properties and the neighborhood. The large 29 acre site allows for a substantial setback for the building and cemetery to provide harmony with surrounding properties and uses.
3. **The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations:** The subject property may still be suitable as restricted under the current zoning of "R-1" Single Family Dwelling District. The "R-1" base zoning classification does not change with approval of the Conditional Use Permit and the "R-1" base zoning will remain in effect. The length of time the property has remained vacant as zoned indicates single family residential development might not be economically viable, and the religious assembly use is also suitable.
4. **The length of time the property has remained vacant as zoned:** The site has historically been vacant and undeveloped. The surrounding subdivision was platted in 1965 and lots bordering the site have not yet developed. The eastern portion of Southern Hills subdivision surrounding the site started developing around 2000 to 2006 based on historic aerial maps. There are still vacant platted lots along the property's west boundary fronting SE Quincy that will border the subject site and may still develop in the future for single family dwellings.
5. **The extent to which the approval of the application would detrimentally affect nearby properties:** Based on the proposed building location, setbacks, and other stipulations there should be no substantial detrimental effect on nearby properties by approval of the CUP as conditioned. The facilities are on a large, 29 acre site and the buildings, parking areas, and cemetery will be set back large distances from adjacent properties.

Car and light truck traffic generated by the proposed religious assembly use will not have an adverse impact on surrounding neighborhood streets. As indicated in the Statement of Operations on the CUP site plan, the heaviest traffic will be generated by religious services and similar activities Saturday evenings, Sunday mornings, and to a lesser extent on Wednesday evenings. The traffic impact analysis (TIA) of those peak events indicates no street improvements to increase capacity are necessary.

Apart from the potential for traffic congestion on neighborhood streets, the traffic and other activity is likely to result in a recognizable change to the neighborhood, especially in comparison to the little or no activity occurring on the currently vacant site. However, the impact of the religious assembly use should be considered in light of

development currently permitted by right. The site is zoned R-1 for single family residential development at an overall density of approximately four residential lots per acre. At that density, there is potential for more than 50 single family homes to be built on the site if only one half of its 29 acre is developed, equating to 500 new vehicle trips per day using the ITE Manual's land use classification for single family houses. (10 vehicles trips per day per dwelling).

6. **The extent to which the proposed use would substantially harm the value of nearby properties:** There is no substantiated harm to the value of nearby properties based on traffic and other effects in the neighborhood that may arise from approval of the Conditional Use Permit for the Religious Assembly use in accordance with its conditions and requirements. The CUP proposes building setbacks and a setback for the cemetery that is greater than 200 feet from any adjoining residential properties to the west and north. Institutional uses, such as schools, parks, and religious assembly facilities are considered assets to residential neighborhoods and have historically developed within traditional single-family neighborhood settings. Typically, developed properties that are properly maintained provide a greater benefit to the surrounding property values than undeveloped properties that are poorly maintained, mismanaged and become tax delinquent.
7. **The extent to which the proposed use would adversely affect the capacity or safety of the portion of the road network influenced by the use, or present parking problems in the vicinity of the property:** The traffic impact analysis (TIA) for the proposed religious assembly use concludes there will be no adverse impact on the safe operation of neighborhood streets. The parking provided (80 stalls in Phase 1 and 50 in Phase 3) is more than adequate to support the proposed use. The site also has available area for future parking and temporary off-street overflow parking, if needed.

The TIA did not evaluate event driven traffic from larger community events that may be held on an annual basis and also intended to bring outside traffic from the community at large. Staff is aware of at least one event per year that has the potential to draw traffic from the larger community and these events were not included in the TIA. Traffic Engineering indicated these types of infrequent events are not part of the normal operation of the facility and thus are not normally assessed in a TIA.

8. **The extent to which the proposed use would create excessive air pollution, water pollution, noise pollution or other environmental harm:** The church is located at the high point of the site and well outside of the stream buffer and 100 year flood plain. The stream buffer setback and Zone AE flood plain create a natural transition for development on the eastern portion of the property. The applicant indicated they plan to maintain these areas as native vegetation with paths and walking trails. The intention of the City's stream buffer ordinance is to maintain a stream side setback around the water way that is needed to maintain water quality and help the City comply with its national water pollutant discharge permit. In addition, the applicant will be required to comply with local Stormwater Management Regulations that require they detain and treat all newly created stormwater runoff attributed to the increase in impervious surface from the pre-developed condition so there is not a negative impact on adjacent properties. The proposed development of religious facilities will not create excessive air, water, or noise pollution or environmental harm, especially in comparison to development permitted by right under the site's current zoning.
9. **The economic impact of the proposed use on the community:** The development of the site for a religious assembly use will have no substantial economic impact on the community since the applicant is only relocating their existing church internally from another site across town in Topeka and the non-profit church will remain off the tax rolls.
10. **The gain, if any, to the public health, safety and welfare due to denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application:** Denial of the CUP will enable the subject property to remain developable for new single family residences, which may still be a desirable use of the property. However, developing the site for single family dwellings as currently zoned may be difficult considering the land has historically remained undeveloped. The cost of constructing a bridge or stream crossing

over the flood plain and stream prevents the church from obtaining reasonable access off of SE Adams, which may have inhibited development of the property. Additionally, at the time of purchase the applicant was not aware they needed to obtain access within 300 ft. of SE Adams. On balance, the hardship created to the current owner of the property by a denial of the conditional use permit is greater than the benefit neighboring property owners will gain by such a denial.

STAFF RECOMMENDATION:

RECOMMENDATION: Based upon the above findings and analysis, Planning Department staff recommends **APPROVAL** subject to the following conditions in the staff report.

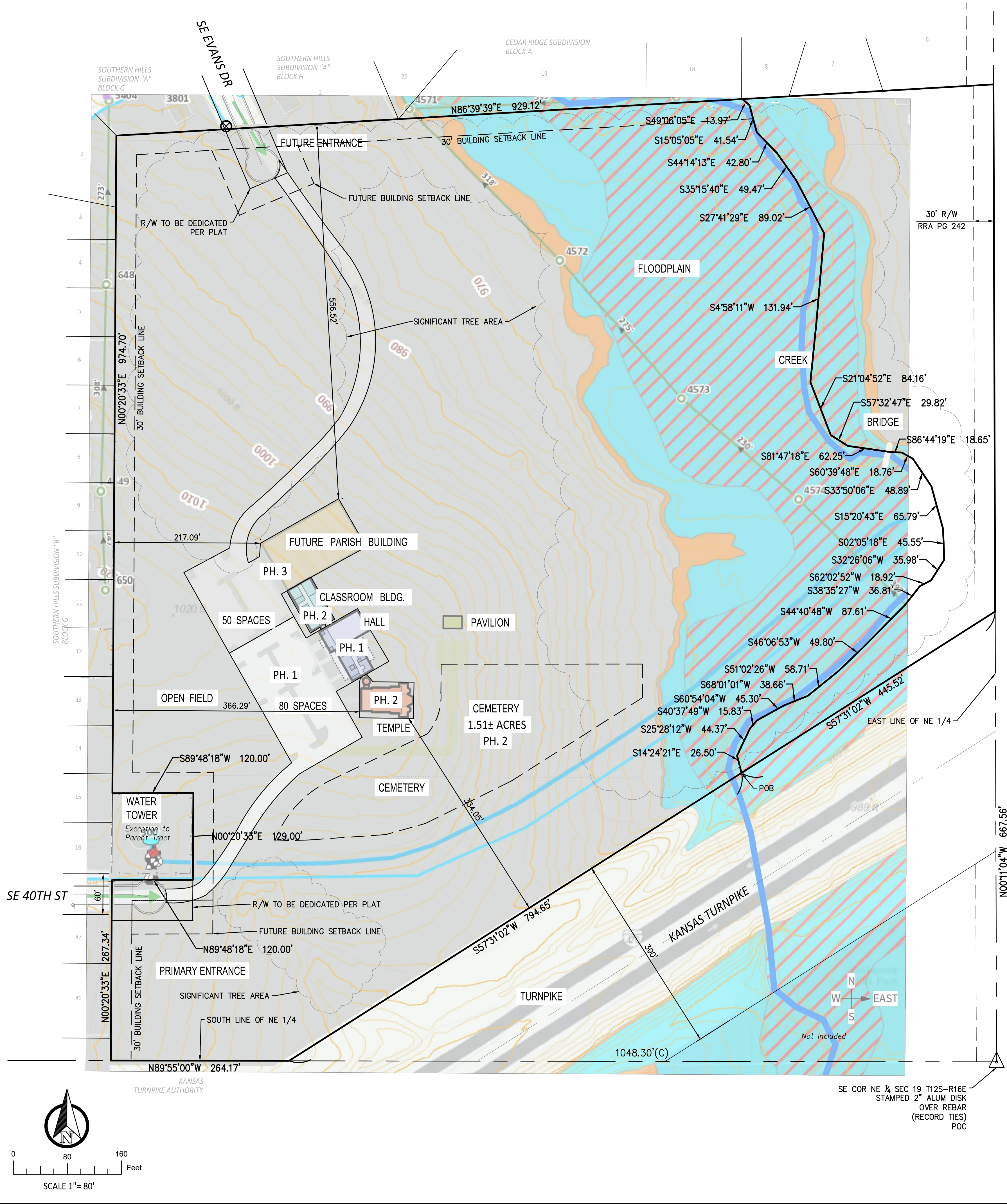
RECOMMENDED MOTION: Based on the findings and analysis in the staff report I move to recommend **APPROVAL** to the Governing Body of the Conditional Use Permit CU23/04, subject to:

1. Use and development of the site in accordance with the approved Site Plans and Statement of Operations for the St. Peter and Paul Orthodox Christian Church (CU23/04).
2. Updating Traffic Impact Analysis as recommended by Traffic Engineering prior to consideration by the Governing Body.
3. Adding Note: *"If additional off-street parking is warranted based on community driven special events, temporary parking may need to be provided and approved by the City of Topeka."*
4. Adding a note stating, *"The proposed building height shall not exceed that permitted under the 'R-1' zoning, unless approved as a variance from the Topeka Board of Zoning Appeals."*
5. Denote an area or "cloud" on the site plan depicting the existing significant tree area [perTMC18.235.070].
6. Add CUP note: *"Existing significant trees along the north and eastern property boundaries, as clouded on the site plan, shall be surveyed subject TMC18.235.070 at the time of site plan review application and potentially retained and maintained by the property owner as a visual screening barrier."*

Attachments:

- CUP Site Plan
- Traffic Impact Analysis
- Traffic Engineering Comments/Revisions
- Aerial Map
- Zoning Map
- Future Land Use Map
- Neighborhood Meeting Summary - Applicant
- Public Comments: Joe Ledbetter and Henry McClure
- Conceptual Elevations for Phase 1- Fellowship Hall

G:\Shared drives\215545\CADD\Plotting Zoning and Legal Survey\215545-CUP.dwg



DESCRIPTION:

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 12 SOUTH, RANGE 16 EAST OF THE 6TH P.M. IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE ON AN ASSUMED BEARING OF NORTH 00 DEGREES 11 MINUTES 04 SECONDS WEST ON THE EAST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 667.56 FEET TO THE NORTHWESTERLY RIGHT OF WAY OF THE KANSAS TURNPIKE; THENCE SOUTH 57 DEGREES 31 MINUTES 02 SECONDS WEST ON SAID NORTHWESTERLY RIGHT OF WAY A DISTANCE OF 445.52 FEET TO THE CENTER OF BUTCHER CREEK AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 57 DEGREES 31 MINUTES 02 SECONDS WEST ON SAID NORTHWESTERLY RIGHT OF WAY A DISTANCE OF 794.65 FEET TO THE SOUTH LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 55 MINUTES 00 SECONDS WEST ON SAID SOUTH LINE A DISTANCE OF 264.17 FEET TO A FENCE RUNNING NORTH AS CALLED FOR IN KANSAS WARRANTY DEED RECORDED IN BOOK 4592 AT PAGE 69 IN THE OFFICE OF THE SHAWNEE COUNTY REGISTER OF DEEDS; THENCE NORTH 00 DEGREES 20 MINUTES 33 SECONDS EAST ON SAID FENCE LINE A DISTANCE OF 267.34 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND AS DESCRIBED IN DEED BOOK 1432 AT PAGE 103 IN THE OFFICE OF THE SHAWNEE COUNTY REGISTER OF DEEDS; THENCE NORTH 89 DEGREES 48 MINUTES 18 SECONDS EAST A DISTANCE OF 120.00 FEET; THENCE NORTH 00 DEGREES 20 MINUTES 33 SECONDS EAST A DISTANCE OF 129.00 FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 18 SECONDS WEST A DISTANCE OF 120.00 FEET; THENCE NORTH 00 DEGREES 20 MINUTES 33 SECONDS EAST ON SAID FENCE LINE A DISTANCE OF 974.70 FEET TO A FENCE CORNER; THENCE NORTH 86 DEGREES 39 MINUTES 39 SECONDS EAST A DISTANCE OF 929.12 FEET TO THE CENTER OF BUTCHER CREEK; THENCE SOUTHERLY ON THE CENTER OF SAID CREEK THE FOLLOWING 26 COURSES, SOUTH 49 DEGREES 06 MINUTES 05 SECONDS EAST, 13.97 FEET; THENCE SOUTH 15 DEGREES 05 MINUTES 05 SECONDS EAST, 41.54 FEET; THENCE SOUTH 44 DEGREES 14 MINUTES 13 SECONDS EAST, 42.80 FEET; THENCE SOUTH 35 DEGREES 15 MINUTES 40 SECONDS EAST, 49.47 FEET; THENCE SOUTH 27 DEGREES 41 MINUTES 29 SECONDS EAST, 89.02 FEET; THENCE SOUTH 04 DEGREES 58 MINUTES 11 SECONDS WEST, 131.94 FEET; THENCE SOUTH 21 DEGREES 04 MINUTES 52 SECONDS EAST, 84.16 FEET; THENCE SOUTH 57 DEGREES 32 MINUTES 47 SECONDS EAST, 29.82 FEET; THENCE SOUTH 81 DEGREES 47 MINUTES 18 SECONDS EAST, 62.25 FEET; THENCE SOUTH 86 DEGREES 44 MINUTES 19 SECONDS EAST, 18.65 FEET; THENCE SOUTH 60 DEGREES 39 MINUTES 48 SECONDS EAST, 18.76 FEET; THENCE SOUTH 33 DEGREES 50 MINUTES 06 SECONDS EAST, 48.89 FEET; THENCE SOUTH 15 DEGREES 20 MINUTES 43 SECONDS EAST, 65.79 FEET; THENCE SOUTH 02 DEGREES 05 MINUTES 18 SECONDS EAST, 45.55 FEET; THENCE SOUTH 32 DEGREES 26 MINUTES 06 SECONDS WEST, 35.98 FEET; THENCE SOUTH 62 DEGREES 02 MINUTES 52 SECONDS WEST, 18.92 FEET; THENCE SOUTH 38 DEGREES 35 MINUTES 27 SECONDS WEST, 36.81 FEET; THENCE SOUTH 44 DEGREES 40 MINUTES 48 SECONDS WEST, 87.61 FEET; THENCE SOUTH 46 DEGREES 06 MINUTES 53 SECONDS WEST, 49.80 FEET; THENCE SOUTH 51 DEGREES 02 MINUTES 26 SECONDS WEST, 58.71 FEET; THENCE SOUTH 68 DEGREES 01 MINUTES 01 SECONDS WEST, 38.66 FEET; THENCE SOUTH 60 DEGREES 54 MINUTES 04 SECONDS WEST, 45.30 FEET; THENCE SOUTH 40 DEGREES 37 MINUTES 49 SECONDS WEST, 15.83 FEET; THENCE SOUTH 25 DEGREES 28 MINUTES 12 SECONDS WEST, 44.37 FEET; THENCE SOUTH 14 DEGREES 24 MINUTES 21 SECONDS EAST, 26.50 FEET TO THE POINT OF BEGINNING. THIS DESCRIPTION PREPARED BY MICHAEL A. ADAMS, P.S. 1126 ON AUGUST 12, 2023, AND CONTAINS 29.44 ACRES OF LAND MORE OR LESS.

CURRENT OWNERS OF PROPERTY:

SAINTS PETER AND PAUL ORTHODOX CHRISTIAN CHURCH INC.

CURRENT ZONING:

R1

CURRENT USE:

UNDEVELOPED

PARCEL SIZE: 29.44 acres

CONDITIONAL USE REQUESTED:

- RELIGIOUS ASSEMBLY
- CEMETERY

PROPOSED IMPROVEMENTS:

PHASE 1: FELLOWSHIP HALL, PARKING LOT, AND PRIMARY ENTRANCE

FELLOWSHIP HALL: 3,820 SQ. FT.
KITCHEN: 3,150 SQ. FT.
OFF-STREET PARKING: 80 SPACES (STANDARD)

PHASE 2: CHURCH TEMPLE, BELL TOWER, EDUCATIONAL BUILDING, AND CEMETERY

CHURCH TEMPLE: 4,520 SQ. FT.
BELL TOWER: 540 SQ. FT.
EDUCATION BUILDING: 4,750 SQ. FT.
HALL BETWEEN EXPANDED HALL AND CLASSROOM BUILDING: 65 SQ. FT.
CEMETERY: 1.51± ACRES

PHASE 3: FUTURE PARISH BUILDING, EXTENDED PARKING LOT, AND FUTURE ENTRANCE

FUTURE PARISH BUILDING: 17,000 SQ. FT.
OFF-STREET PARKING EXTENDED: 50 SPACES (STANDARD)

UTILITIES:

WATER SERVICE: CITY OF TOPEKA - PUBLIC SANITARY SEWER AND WATER
SEWAGE DISPOSAL: CITY OF TOPEKA - PUBLIC SANITARY SEWER AND WATER

FLOOD ZONE:

ACCORDING TO FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 20177C0306E, EFFECTIVE SEPTEMBER 29, 2011, THE SUBJECT PROPERTY LIES PARTIALLY IN THE FLOODWAY AND FLOOD ZONE "AE", AREA OF HIGH RISK. (1% ANNUAL CHANCE FOR FLOOD) WITH THE BALANCE IN FLOOD ZONE "X" AREA OF MINIMAL RISK. (0.2% CHANCE OF ANNUAL FLOOD)

LIGHTING:

LIGHT FIXTURES SHALL BE SHIELDED OR RECESSED WITH CUT-OFF ANGLES TO PREVENT THE CAST OF LIGHTING BEYOND THE PROPERTY. LIGHTING SHALL BE SAFETY LIGHTING ABOVE THE ENTRANCE DOOR. THE LIGHTING SHALL BE LOW INTENSITY LIGHTING, LOW ENERGY LIGHTING TO PROVIDE SAFETY TO THOSE ENTERING AND EXITING THE BUILDING.

SIGNING:

SIGNAGE TO COMPLY WITH TMC 18.10 FOR NON-RESIDENTIAL USES IN R-1 ZONING

FENCING:

TBD

GENERAL NOTES:

- NO BUILDING PERMITS SHALL BE ISSUED UNTIL THE PROPERTY IS PLATTED.
- A SITE PLAN REVIEW APPLICATION SHALL BE REQUIRED PRIOR TO SUBMITTAL OF ANY BUILDING PERMITS. SITE PLANS SHALL ADDRESS LOCATION OF INDIVIDUAL BUILDING FOOTPRINTS, LANDSCAPING, STORMWATER MANAGEMENT, UTILITIES, RELATIONSHIP TO ADJACENT LOTS, AND PEDESTRIAN ACCESS, ETC. DEPENDING ON THE LEVEL OF SCOPE, A SITE PLAN REVIEW APPLICATION MAY BE REQUIRED FOR EACH PHASE OF DEVELOPMENT.
- A LANDSCAPE PLAN SHALL BE SUBMITTED AT THE TIME OF SITE PLAN REVIEW PURSUANT TO TMC 18.235 ADDRESSING REQUIRED POINTS, SPECIES, AND QUANTITIES OF ALL LANDSCAPING, INCLUDING SUBSTANTIALLY ADDRESSING ANY REQUIRED RESIDENTIAL ZONE BUFFERS.
- APPROVAL OF ALL REQUIRED PERMITS FROM CITY OF TOPEKA DEVELOPMENT SERVICES, INCLUDING BUT NOT LIMITED TO BUILDING, FENCE, SIGN, AND PARKING LOT PERMITS, INCLUDING ANY REQUIRED EROSION AND SEDIMENT CONTROL AND DEMOLITION PLANS, SHALL BE REQUIRED PRIOR TO COMMENCEMENT OF OPERATIONS ON THE SITE IN CONJUNCTION WITH THE APPROVED CUP.
- THE CITY OF TOPEKA OFF-STREET PARKING AND SURFACING POLICY APPLIES FOR THE HARD SURFACING OF ALL PRIVATE OFF-STREET PARKING AREA, FIRE LANES, AND ACCESS DRIVES.
- ALL WORK IN THE PUBLIC RIGHT-OF-WAY SHALL BE CONSTRUCTED TO CITY OF TOPEKA STANDARD TECHNICAL SPECIFICATIONS.
- ALL USES SHALL COMPLY WITH THE BASE ZONING OF 'R-1' EXCEPT WHERE STATED OTHERWISE ON THE APPROVED CUP.
- IF ADDITIONAL OFF-STREET PARKING IS WARRANTED BASED ON COMMUNITY DRIVEN SPECIAL EVENTS, TEMPORARY PARKING MAY NEED TO BE PROVIDED AND APPROVED BY THE CITY OF TOPEKA.
- THE PROPOSED BUILDING HEIGHT SHALL NOT EXCEED THAT PERMITTED UNDER THE 'R-1' ZONING, UNLESS APPROVED AS A VARIANCE FROM THE TOPEKA BOARD OF ZONING APPEALS.
- EXISTING SIGNIFICANT TREES ALONG THE NORTH AND EASTERN PROPERTY BOUNDARIES, AS CLOUDED ON THE SITE PLAN, SHALL BE SURVEYED SUBJECT TMC18.235.070 AT THE TIME OF SITE PLAN REVIEW APPLICATION AND POTENTIALLY RETAINED AND MAINTAINED BY THE PROPERTY OWNER AS A VISUAL SCREENING BARRIER.

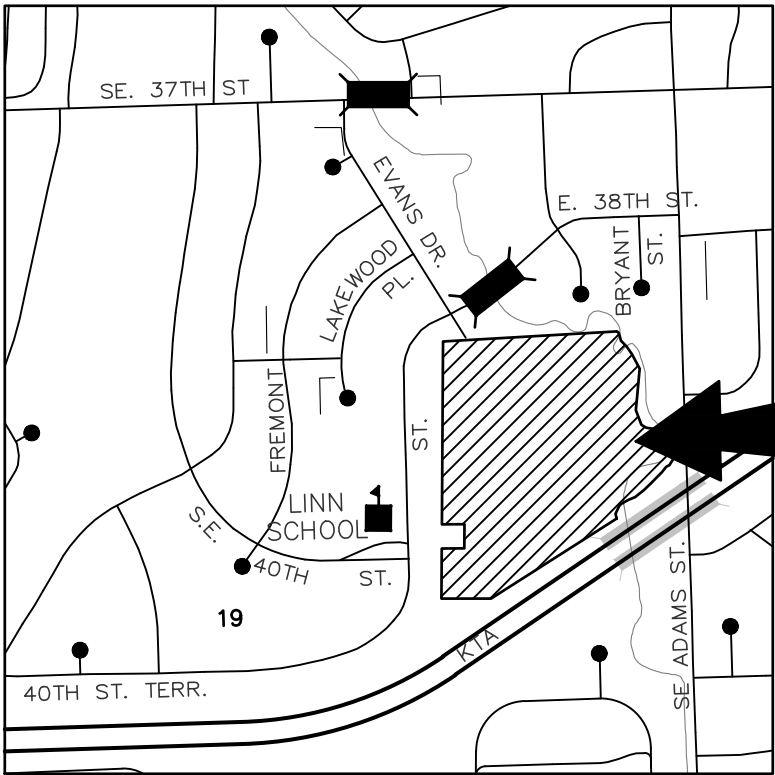
STATEMENT OF OPERATIONS:

A CUP TO ALLOW THE 'RELIGIOUS ASSEMBLY USE ALONG WITH ACCESSORY AND SUBORDINATE CEMETERY USE' THAT DOES NOT HAVE ACCESS WITHIN 300 FEET OF THE MAJOR TRAFFIC THOROUGHFARE OF SE ADAMS.

THE PROPOSED USE OF THE PROPERTY WILL FIRST BE TO CONSTRUCT A FELLOWSHIP HALL ALONG WITH OFFICE SPACE, KITCHEN AND RESTROOMS. THIS WILL BE USED FOR ALL LITURGICAL, SACRAMENTAL, SOCIAL, EVANGELISTIC, EDUCATIONAL, OUTREACH AND FUNDRAISING FUNCTIONS OF SS. PETER AND PAUL ORTHODOX CHURCH. WE WOULD REGULARLY HOLD RELIGIOUS SERVICES ON SATURDAY EVENINGS, SUNDAY MORNINGS AND WEDNESDAY EVENINGS. ONCE THE FELLOWSHIP HALL HAS BEEN PAID FOR THE NEXT PHASE OF CONSTRUCTION WILL BE TO BUILD A CHURCH TEMPLE AND AN EDUCATIONAL BUILDING FOR RELIGIOUS EDUCATION. THE PROPOSED CHURCH TEMPLE WOULD SEAT AROUND 250 PEOPLE. AND HAVE THE GREATEST ATTENDANCE ON SUNDAY MORNINGS. WE WILL ALSO ESTABLISH A CEMETERY ON THE PROPERTY TO BE USED FOR THE INTERMENT OF OUR PARISH MEMBERS AND THEIR FAMILIES. IN THE EASTERN SIDE OF THE PROPERTY, WHICH LIES IN THE FLOOD PLAIN, WE WOULD PLACE A WALKING TRAIL AND DEVELOP THE TREE CANOPY IN PARTS AND DEVELOP AREAS FOR GARDENING. OTHER AREAS OF THE PROPERTY WE WOULD PLANT FRUIT AND NUT TREES AND DECREASE THE NUMBER OF EASTERN RED CEDARS ESPECIALLY IN THE NORTH WEST QUADRANT OF THE PROPERTY.

PREPARED BY:

COOK FLATT & STROBEL ENGINEERS
2930 SW WOODSIDE DR
TOPEKA KS, 66614
785-272-4706



VICINITY MAP
NO SCALE

CONDITIONAL USE
PERMIT

SAINTS PETER AND PAUL ORTHODOX
CHRISTIAN CHURCH INC.



2930 SW Woodside Dr,
Topeka, KS 66614
o: 785-272-4706
f: 785-272-4736

NOTE: Saints Peter and Paul Orthodox Church

CFS PROJECT # 21-5545 DATE: 08/23/2023

PROJECT MANAGER: TH SHEET 1 OF 1



CITY OF TOPEKA

Planning & Development Department
620 SE Madison, Unit 11
Topeka, KS 66607

Rhiannon Friedman, Director
Tel: 785-368-3728
www.topeka.org

August 22, 2023

Kevin Holland
CFS Engineers LLC

In compliance with the Comprehensive Zoning Regulations for the City of Topeka, the City of Topeka Planning Commission held a public hearing on **Monday, August 21, 2023**, pertaining to: **CU23/04 by: St. Peter and Paul Orthodox Christian Church**. At that time, the Commission recommended: **APPROVAL (7-0-0) subject to:**

Upon approval by the Governing Body, one copy of the approved CUP plan shall be submitted within 5 business days of action by the Governing Body.

INFORMATION ONLY

REVISED

7:06 am, Aug 24, 2023

REVISED

7:06 am, Aug 24, 2023

REVISED

7:06 am, Aug 24, 2023

REVISED

7:06 am, Aug 24, 2023

REVISED

7:06 am, Aug 24, 2023

1. Use and development of the site in accordance with the approved Site Plans and Statement of Operations for the St. Peter and Paul Orthodox Christian Church (CU23/04).
2. Updating Traffic Impact Analysis as recommended by Traffic Engineering prior to consideration by the Governing Body.
3. Adding Note: *"If additional off-street parking is warranted based on community driven special events, temporary parking may need to be provided and approved by the City of Topeka."*
4. Adding a note stating, *"The proposed building height shall not exceed that permitted under the 'R-1' zoning, unless approved as a variance from the Topeka Board of Zoning Appeals."*
5. Denote an area or "cloud" on the site plan depicting the existing significant tree area [perTMC18.235.070].
6. Add CUP note: *"Existing significant trees along the north and eastern property boundaries, as clouded on the site plan, shall be surveyed subject TMC18.235.070 at the time of site plan review application and potentially retained and maintained by the property owner as a visual screening barrier."*

The staff report for your case can be accessed via the internet on Thursday prior to the Governing Body meeting at: <https://www.topeka.org/citycouncil/#gsc.tab=0>

Respectfully,

Annie Driver, AICP
Planner II



CU23/04 St. Peters and Paul Orthodox Christian Church

 Subject Property



August 11, 2023

Response to Review Comments
Traffic Impact Study Memorandum
Saints Peter and Paul Orthodox Church
SE 37th & SE Adams Street
Topeka, Kansas 66609
CFS Project Number 215545

Response to Review Comments:

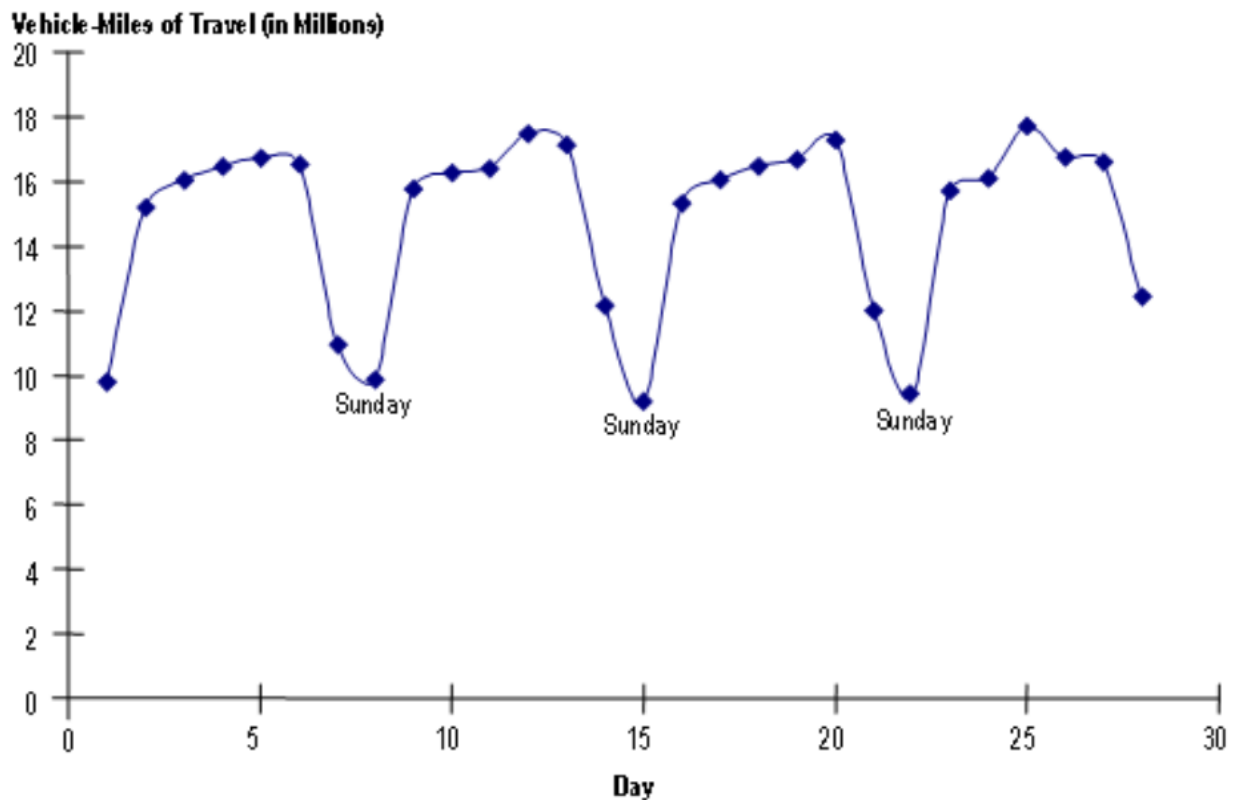
In regards to the August 2, 2023, review comments from Benesch Engineering on the Traffic Impact Study Memorandum for Saints Peter and Paul Orthodox Church at SE 37th & SE Adams Street, CFS Engineers has provided the following responses:

1. Using the appropriate ITE classification for 250 seating capacity assembly use you will only have 108 entering and 108 exiting rather than 130 entering and exiting which is based on the number of parking spaces. - *The event-related trips have been revised from 130 to 108 throughout the entire memorandum based on the 250 seating capacity. The sections of the study on trip generation, traffic distribution, traffic operation and geometric improvements have been revised .*

2. Traffic assignment should include 40th Street entrance. - *The newly generated traffic will have an impact on the surrounding roads, but minimal effects on the entrance. The site plan in the report has been revised to show the 40th Street entrance. Considering that there were approximately 80 single-family residences along SE Humboldt Street/SE 40th Street, and approximately 30 single-family homes along SE Evans Drive and SE Quincy Street, it was projected that two-third of the trips from the west would utilize SE Evans Drive and SE Quincy Street entering access 1.*

3. To accurately evaluate turn lanes warrant, intersection counts should be completed instead of estimating based on ADT. - *Considering that the traffic analysis was based on lower-volume Sunday mornings and Saturday afternoons, CFS used directional percentages based on weekday peak hours (6% - 10%). It seemed reasonable to conclude that if geometric improvements were not warranted during the weekday peak hour, they would be unlikely to be warranted during the lower volume weekend traffic. The following graph from the Federal Highway Administration shown the typical reduction of weekend traffic:*

Figure 2.2 Traffic Levels Vary Substantially over the Course of a Week
Detroit Freeways, 3/11/2001 - 4/7/2001



(Source: https://ops.fhwa.dot.gov/congestion_report/chapter2.htm)

The Federal Highway Administration Website shows Sundays are the low points on the vehicle-miles of travel graph. Weekday travel can be more than 60 percent higher than Sunday travel.

4. Plan shows adding cul-de-sac at each location. - *The cul-de-sacs would be permanent fixtures at the terminations of SE 40th Street and SE Evans Drive, and have been incorporated into the description within the proposed access for development section of the revised traffic impact study memorandum.*

Saints Peter and Paul Orthodox Church
SE 37th & SE Adams Street
Topeka, Kansas 66609
CFS Project Number 215545

Traffic Impact Study Memorandum

August 11, 2023



Prepared by:
Thomas E. Ingram, PE, PTOE
Xiang Yu, EI
Cook, Flatt & Strobel Engineers, P.A.
1421 E. 104th Street, Suite 100
Kansas City, Missouri 64131
816.333.4477

Table of Contents

Introduction and Scope	Page 3
Existing Site Conditions	Page 6
Proposed Access for the Development	Page 9
Existing and Projected Traffic Volume	Page 11
Trip Generation and Design Hour Volume for Proposed Development	Page 12
Trip Distribution and Traffic Assignment for Proposed Development	Page 19
Needs for Pedestrians, Bicyclists and Public Transits Users	Page 21
Traffic Operations, Signalization and Geometric Improvements	Page 23
Summary	Page 25
 <i>Appendix I- Site Layout</i>	

INTRODUCTION AND SCOPE

This Traffic Impact Study Memorandum has been prepared for the proposed Saints Peter and Paul Orthodox Church at SE 38th & SE Adams Street in Topeka, Kansas. The proposed church will be constructed on a vacant property area spanning 29.44 acres, which is currently zoned as R-1, Single Family Dwelling District. The proposed development comprises three phases.

During Phase 1, construction will focus on the establishment of a fellowship hall containing 3,820 square feet, a 3,150 square foot kitchen, an 80-space parking lot, and an entrance. Within the framework of the ongoing plan, a permanent cul-de-sac will be constructed at the current termination point of SE Humboldt Street/SE 40th Street. Simultaneously, a two-lane roadway will be built, linking the cul-de-sac with the off-street parking facility, and serving as the primary entrance driveway.

In Phase 2, the proposed construction consists of a church temple containing 4,520 square feet, a 540 square foot bell tower, an education building covering 4,750 square feet, and a 65 square foot hall between expanded hall and classroom building. Moreover, a cemetery will be constructed, encompassing an approximate area of 1.51 acres.

In Phase 3, planned for the future, enhancements will encompass a parish building covering 17,000 square feet, an extension of parking lots with an additional 50 parking stalls, and the addition of another entrance. In Phase 3 plan, a permanent cul-de-sac will be constructed at the current termination point of SE Evans Drive. At the same time, a two-lane roadway will be built, seamlessly linking the cul-de-sac with the off-street parking facility, serving as another entrance.

The proposed development will be used for all liturgical, sacramental, social, evangelistic, educational, outreach and fundraising functions of Saints Peter and Paul Orthodox Church. The religious services will be regularly held on Saturday evenings, Sunday mornings, and Wednesday evenings. The proposed church would seat around 250 people with the largest attendance projected on Sunday mornings. A public sidewalk connection to the public R/W sidewalk system will be constructed. Bicycle Racks would be installed.

The focus of this traffic study memorandum is to analyze the quantity of new trips generated by the proposed development and their effects on the nearby roadways.



Figure 1. Proposed Site Location
(Source: Google Earth)



Figure 2. Site Detail Plan

EXISTING SITE CONDITIONS

Existing Street Functional Classification and Posted Speed Limit

Figure 3 was taken from the KDOT Urban Roadway Functional Classification Maps. The characteristics of the roadways that surround the proposed site are as follows:

- SW 37th Street - Minor Arterial
 - Posted Speed Limit of 35 mph
 - Two lane with Two-Way Left-Turn Lane
 - Curb and Gutter
- SE Adams Street - Minor Arterial
 - Posted Speed Limit of 40 mph
 - Two lane
- SE 38th Street/SE Quincy Street/ SE 40th Street - Local Road
 - Posted Speed Limit of 30 mph
 - Two lane
 - Curb and Gutter

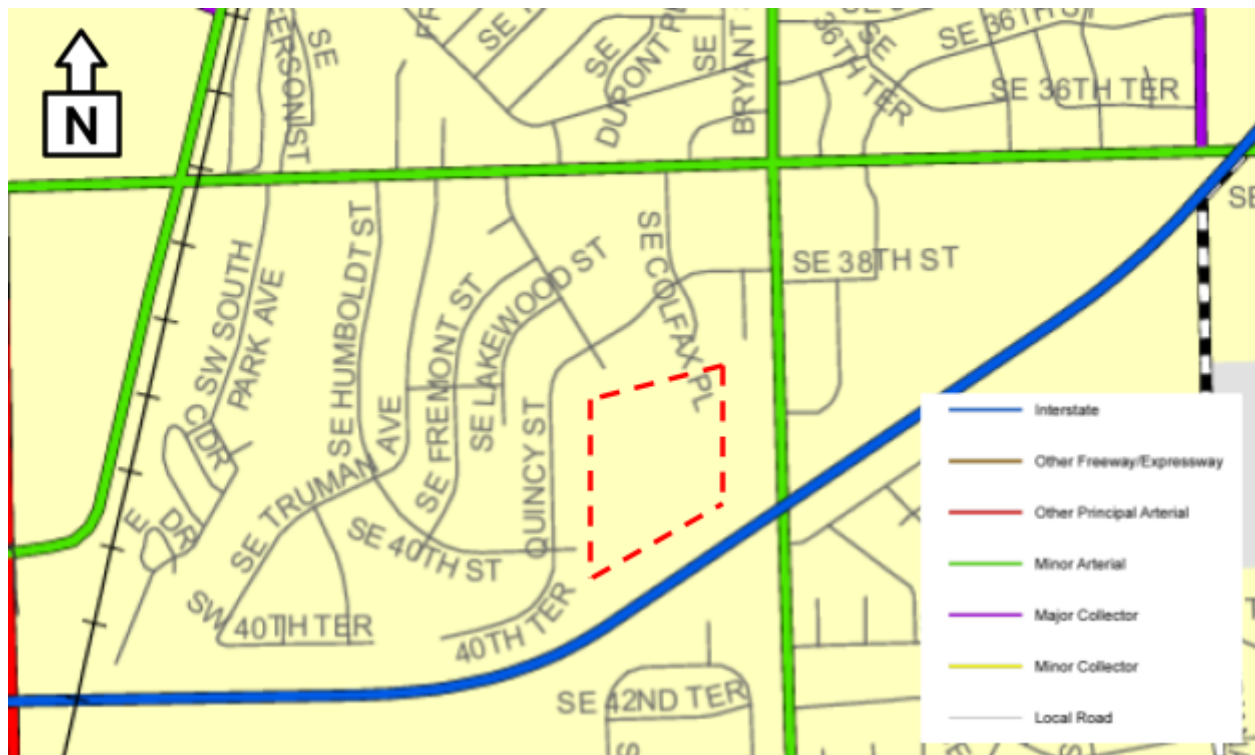


Figure 3. KDOT Urban Roadway Functional Classification Map

(Source: <https://www.ksdot.gov/bureaus/burtransplan/maps/UrbanFunClass.asp>)

Existing Land-Use and Property Information

The proposed church construction would be located on the 29.44 acre site (Parcel ID: 1341901009049010). **Figure 4**, taken from the Shawnee County Appraiser's website, shows the location and detailed information about the development including the property address of SE 38th & SE Adams Street, 29.5 acres, and land use category of 9910-Residential highest and best use. The current zoning code of the site is R-1 (Single Family Dwelling District). **Figure 5** shows the zoning map of the site.



Figure 4. Shawnee County Property Information
(Source: <https://gis.sncoapps.us/propertysearch/index.html>)



Figure 5. Topeka Kansas Zoning Map
(Source: <https://topeka.maps.arcgis.com/apps/webappviewer/index.html?id=b7452fa2680e42f08e41a998831b19eb>)

PROPOSED ACCESS FOR THE DEVELOPMENT

Within the framework of the ongoing plan, a permanent cul-de-sac would be constructed at the current termination point of SE Humboldt Street/SE 40th Street. Simultaneously, a two-lane roadway would be built linking the cul-de-sac with the off-street parking facility, and serving as the primary entrance. In the future, as the parish building and an additional 50 parking stalls are constructed, a permanent cul-de-sac would be built at the existing termination of SE Evans Drive. A two-lane roadway would be constructed to link the cul-de-sac with the off-street parking facility. **Figure 7** shows the location of the access points with an overlay of the site plan.

- Access 1 - Extend of SE Humboldt Street/SE 40th Street
 - 24 feet wide roadway
 - Curb and Gutter
 - Cul-de-sac
- Access 2 - Extend of SE Evans Drive
 - 24 feet wide roadway
 - Curb and Gutter
 - Cul-de-sac

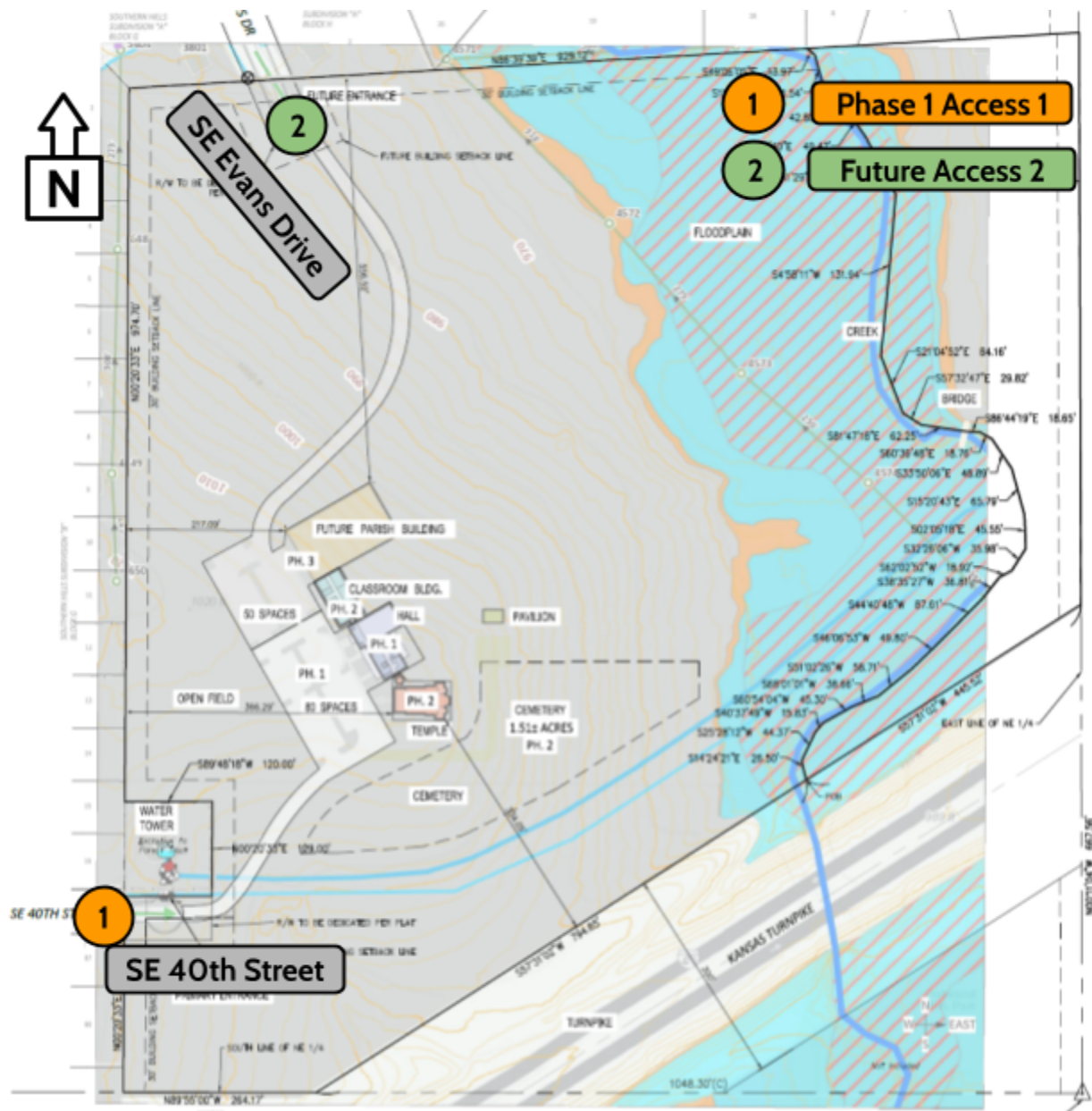


Figure 7. Planned Access Locations to the Site

EXISTING AND PROJECTED TRAFFIC VOLUME

Existing Traffic Volume

Traffic volumes for the surrounding streets were estimated using KDOT's Traffic Volume Map of Topeka, published in March of 2021. Trip distributions to and from the church were based on the 2021 traffic volumes. In **Figure 8**, to the west of the site, the traffic volume is 15,775 vpd on SW 37th Street; to the east of the site, the traffic volume is 4,840 vpd on SW 37th Street; to the north of the site, the traffic volume is 7,645 vpd on SE Adams Street; to the south of the site, the traffic volume is 3,800 vpd on SE Adams Street. Considering that the new generated trips primarily originate from or head to those four directions, the percentages between the existing traffic volumes in each direction can be utilized as the respective directional percentages for the new generated trips. The percentage in each direction is presented in **Table 1**.

Table 1. Traffic Volume Percentage in Each Direction

	West	East	North	South	SUM
Traffic Volume	15,775	4,840	7,645	3,800	32,060
Percentage	49.2%	15.1%	23.8%	11.9%	100%

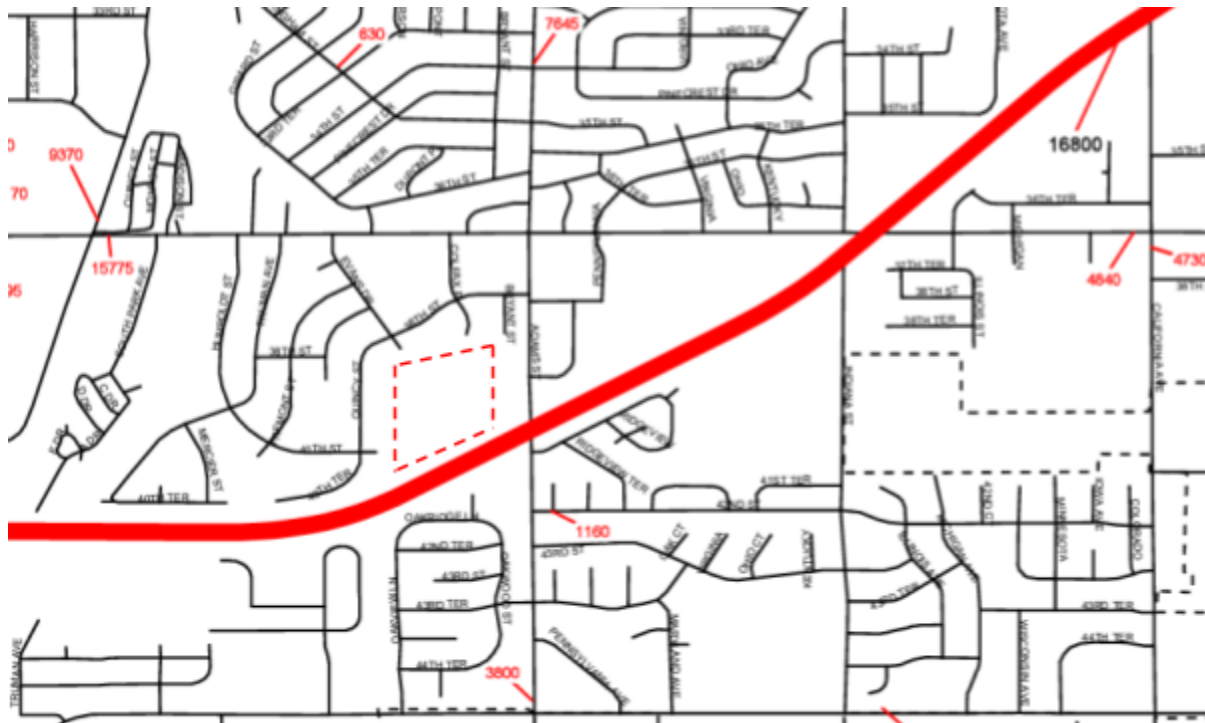


Figure 8. Topeka Existing Traffic Volume Map

(Source: <https://www.ksdot.gov/burtransplan/maps/MapCountCities.asp>)

TRIP GENERATION AND DESIGN HOUR VOLUME FOR PROPOSED DEVELOPMENT

Trip Generation Rates and Design Hourly Volume Data

Trip generation calculations utilized the land-use types categorized by the Institute of Transportation Engineers Trip Generation Guidelines, 11th Edition. The ITE land-use category Church (ITE Code 560) was used to estimate the number of trips generated by the site based on the number of seats. In this memorandum, the PM Peak Hour of Generator On a Weekday was adopted for the trips generated on Wednesday evenings; the Peak Hour of Generator On a Saturday was used for the trips generated on Saturday evenings; the Peak Hour of Generator on a Sunday was used for the trips generated on Sunday mornings.

Church (560)

Vehicle Trip Ends vs: Seats

On a: Weekday,

PM Peak Hour of Generator

Setting/Location: General Urban/Suburban

Number of Studies: 3

Avg. Num. of Seats: 352

Directional Distribution: 60% entering, 40% exiting

Vehicle Trip Generation per Seat

Average Rate	Range of Rates	Standard Deviation
0.16	0.09 - 0.22	0.07

Data Plot and Equation

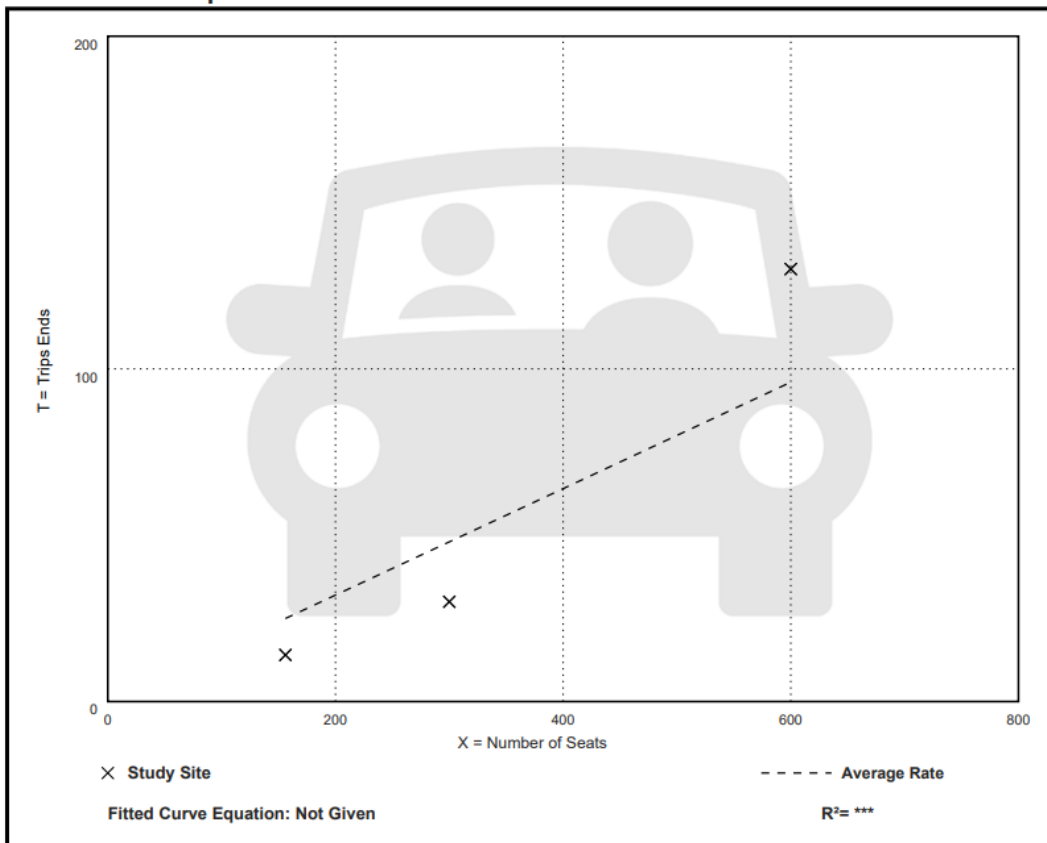


Figure 9. Land Use Category Church (ITE Code 560) Weekday PM Peak Hour of Generator Parameters

(Source: ITE Trip Generation Handbook, 3rd Edition)

Church (560)

Vehicle Trip Ends vs: Seats

On a: Saturday, Peak Hour of Generator

Setting/Location: General Urban/Suburban

Number of Studies: 2

Avg. Num. of Seats: 325

Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Seat

Average Rate	Range of Rates	Standard Deviation
0.47	0.42 - 0.62	***

Data Plot and Equation

Caution – Small Sample Size

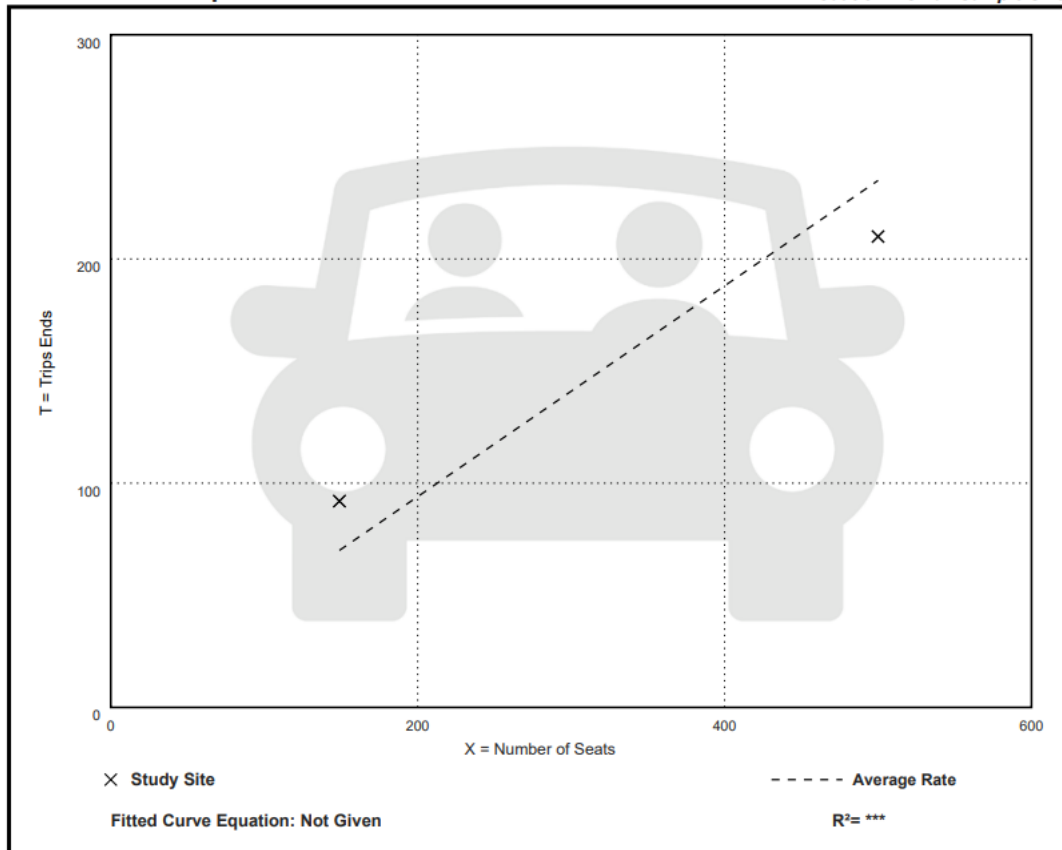


Figure 10. Land Use Category Church (ITE Code 560) Saturday Peak Hour of Generator Parameters

(Source: ITE Trip Generation Handbook, 3rd Edition)

Church (560)

Vehicle Trip Ends vs: Seats

On a: Sunday, Peak Hour of Generator

Setting/Location: General Urban/Suburban

Number of Studies: 14

Avg. Num. of Seats: 840

Directional Distribution: 49% entering, 51% exiting

Vehicle Trip Generation per Seat

Average Rate	Range of Rates	Standard Deviation
0.51	0.21 - 0.89	0.15

Data Plot and Equation

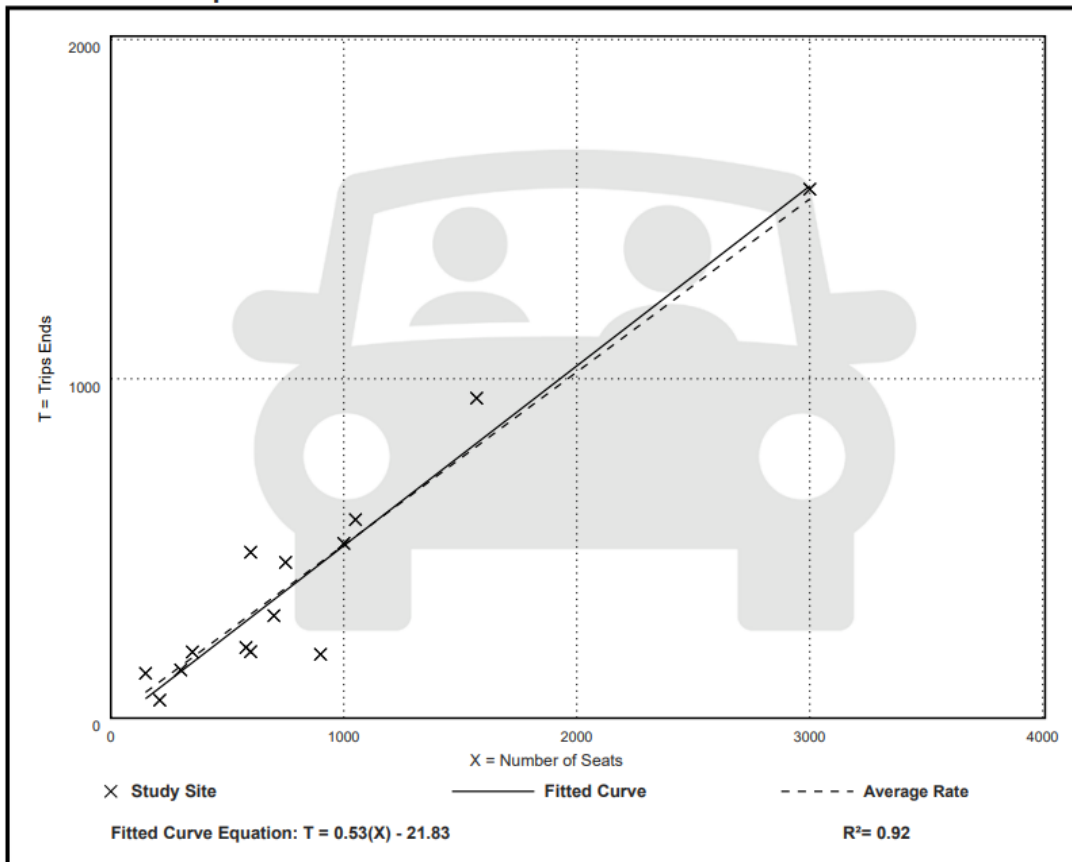


Figure 11. Land Use Category Church (ITE Code 560) Sunday Peak Hour of Generator Parameters

(Source: ITE Trip Generation Handbook, 3rd Edition)

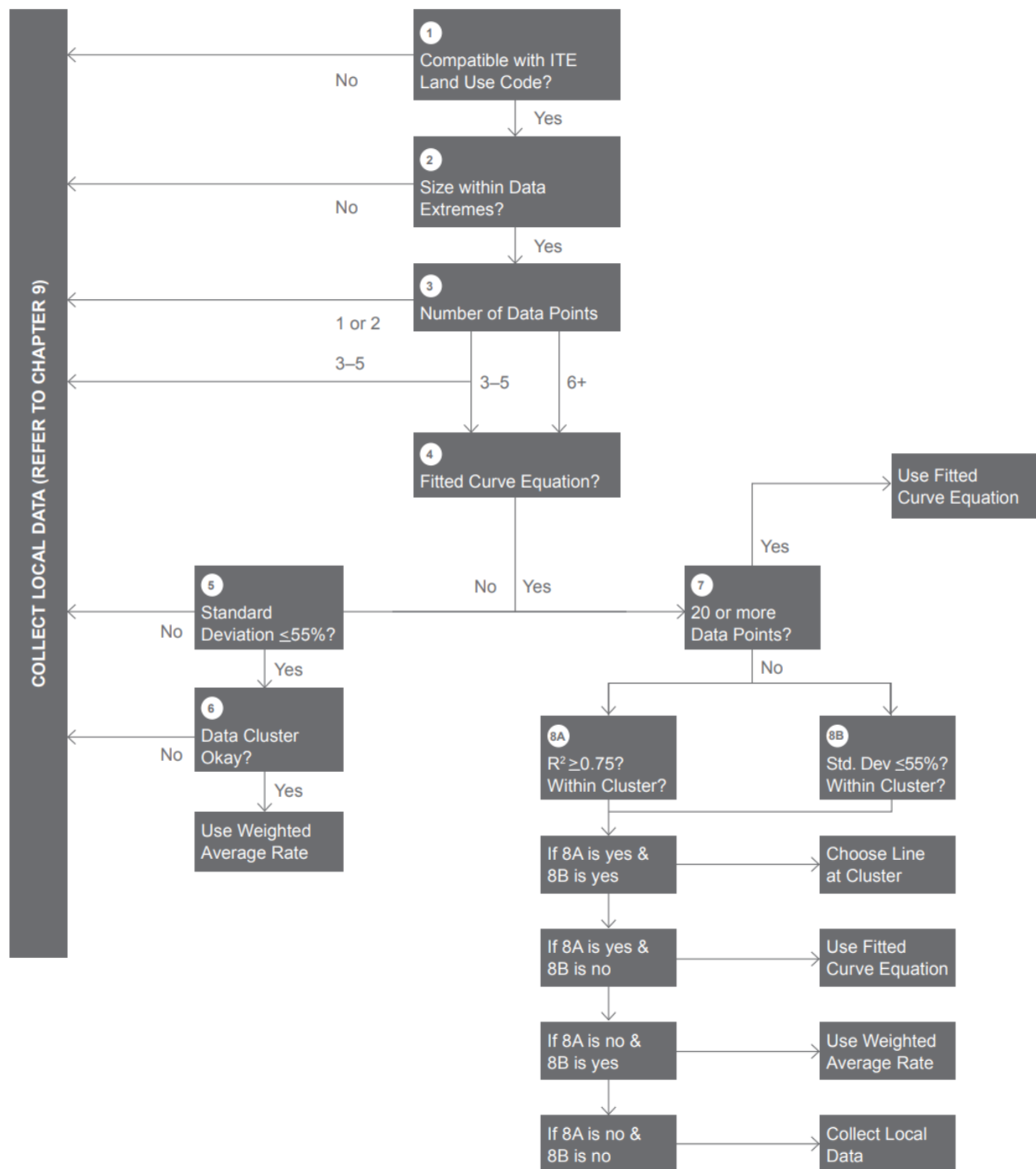


Figure 12. Process for Selecting Average Rate or Equation in Trip Generation Manual
(Source: Figure 4.2 of ITE Trip Generation Handbook, 3rd Edition)

Based on the process of selecting average rate or equation in **Figure 12**, along with the peak hour trips generator parameters for land use code 560 in **Figure 9 to 11**, the procedures for determining new trips generation functions are as follows, and the resulting number of new trips is summarized in **Table 2**.

Estimate trip generation for Land Use Code 560 (Church) on a Wednesday during the PM Peak hour of adjacent street traffic as a function of seats.

Step 2: size of site is within the range of data

Step 3: sufficient number of data points (3)

Step 4: Fitted Curve Equation is not given

Step 5: Standard Deviation is 0.07; Weight Average Rate is 0.16. Thus, Standard Deviation is less than 55% of Weight Average Rate

Step 6: Data cluster is ok

Use Weighted Average Rate is recommended. The weight average rate (0.16) is used for the Wednesday PM peak hour trips generation.

Estimate trip generation for Land Use Code 560 (Church) on a Saturday during the Peak hour of adjacent street traffic as a function of seats.

Step 2: size of site is within the range of data

Step 3: sufficient number of data points (2)

Collecting Local Data is recommended. To simplify this traffic study memorandum, the weight average rate (0.47) is used for the Saturday peak hour trips generation.

Estimate trip generation for Land Use Code 560 (Church) on a Sunday during the Peak hour of adjacent street traffic as a function of seats.

Step 2: size of site is within the range of data

Step 3: sufficient number of data points (14)

Step 4: Fitted Curve Equation is given

Step 7: less than 20 data points (14)

Step 8A: R square is 0.92 which is greater than 0.75

Step 8B: Standard Deviation is 0.15; Weight Average Rate is 0.51. Thus, Standard Deviation is less than 55% of Weight Average Rate

Choose Line at Cluster is recommended. The Fitted Curve Equation is chosen: $T = 0.53(X) - 21.83$. X = Seats

Table 2. ITE Traffic Generation Parameters and Volumes

Description (ITE Code)	Church ITE Code 560	Description (ITE Code)	Church ITE Code 560
Wednesday PM Peak Hour		Units	<i>Seats</i>
PM Peak Hour Total	0.16	Expected Units	250
PM Peak Hour In	60%	Wednesday PM Peak Hour Total	$0.16 \times 250 = 40$
PM Peak Hour Out	30%	Wednesday PM Peak Hour In	$60\% \times 40 = 24$
Saturday Peak Hour		Wednesday PM Peak Hour Out	$40\% \times 40 = 16$
Peak Hour Total	0.47	Saturday Peak Hour Total	$0.47 \times 250 = 118$
Peak Hour In	50%	Saturday Peak Hour In	$50\% \times 118 = 59$
Peak Hour Out	50%	Saturday Peak Hour Out	$50\% \times 118 = 59$
Sunday Peak Hour		Sunday Peak Hour Total	$0.53 \times 250 - 21.83 = 111$
Peak Hour Total	$T = 0.53 (X) - 21.83$	Sunday Peak Hour In	$49\% \times 111 = 54$
Peak Hour In	49%	Sunday Peak Hour Out	$51\% \times 111 = 57$
Peak Hour Out	51%	None	None

Based on the The ITE land-use category Church (ITE Code 560), the total estimated volume of non-event trips generated by the site was 40 vehicles (24 entering, 16 exiting) in the Wednesday PM peak hour after fully construction; the total estimated volume of event trips by the site was 118 vehicles (59 entering, 59 exiting) in the Saturday peak hour after full construction; the total estimated volume of event trips by the site was 111 vehicles (54 entering, 57 exiting) in the Sunday peak hour after full construction.

Considering that the proposed church can accommodate approximately 250 people, with the highest attendance anticipated on Sunday mornings, there would be an estimated total of 108 vehicles commuting to and from the premises. The majority of the 108 event-related trips are anticipated to arrive within a one-hour timeframe preceding the Sunday service and depart within a one-hour window following the conclusion of the Sunday service. As the primary emphasis of this traffic study memorandum was to examine the potential impact of the church's newly generated trips on the traffic of the nearby roadways, the highest 108 event-related trips are utilized for the worst-case scenario analysis.

TRIP DISTRIBUTION AND TRAFFIC ASSIGNMENT FOR PROPOSED DEVELOPMENT

Trip Distribution and Traffic Assignment

The trips generated by the proposed land-use were assigned to directional percentages applied to entry and exit paths of the roadway network. These directional percentages were based on existing travel patterns. Given the presence of around 80 single-family residences along SE Humboldt Street/SE 40th Street, and a lesser count of approximately 30 single-family homes along SE Evans Drive and SE Quincy Street, it was projected that two-third of trips from the west would utilize SE Evans Drive and SE Quincy Street entering access 1.

Based on the existing traffic volume directional percentages in **Table 1** and the new trips generated by the proposed development, **Figure 13** and **14** illustrate the trip routing diagrams for newly generated event-trips.

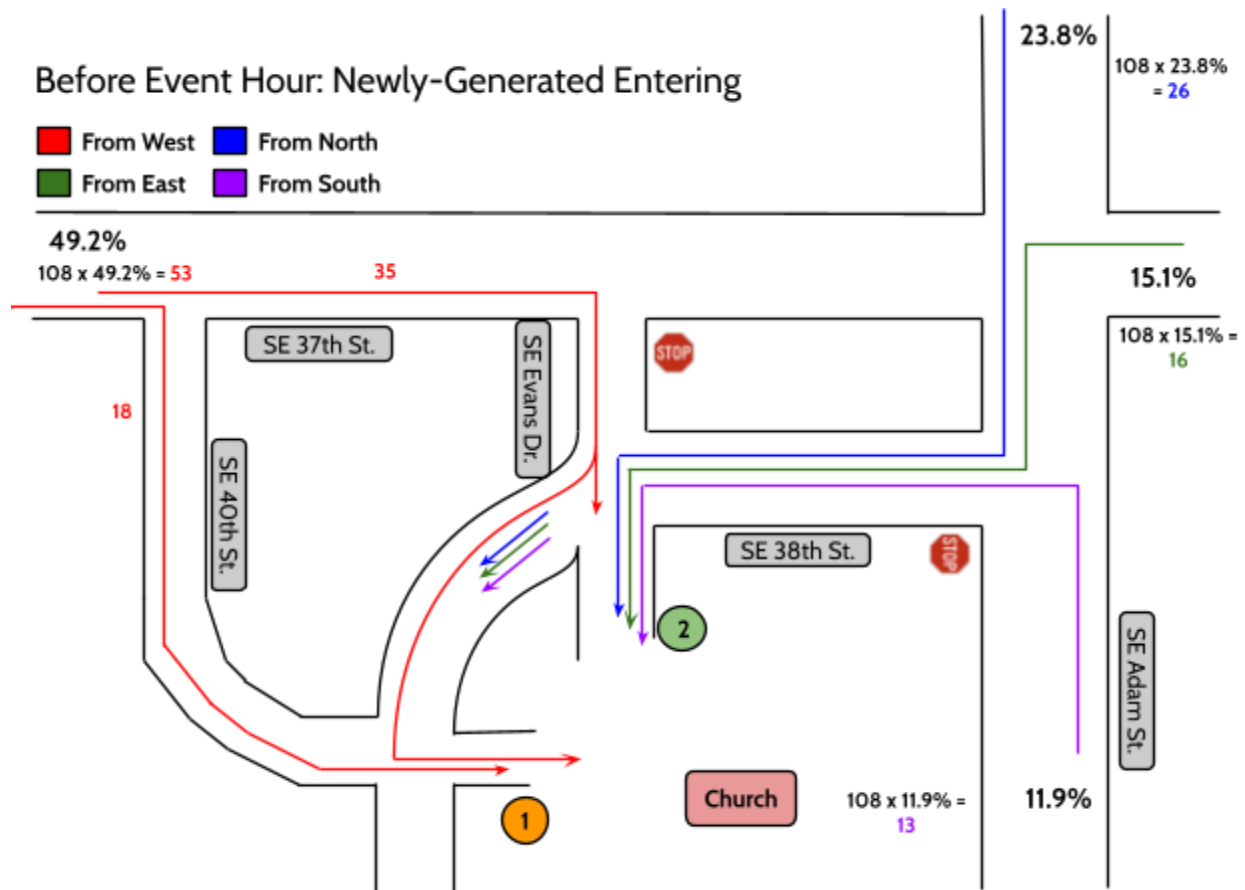


Figure 13. Trip Routing Diagram: Event Peak Hour Traffic Conditions for Newly Generated Entering Trips

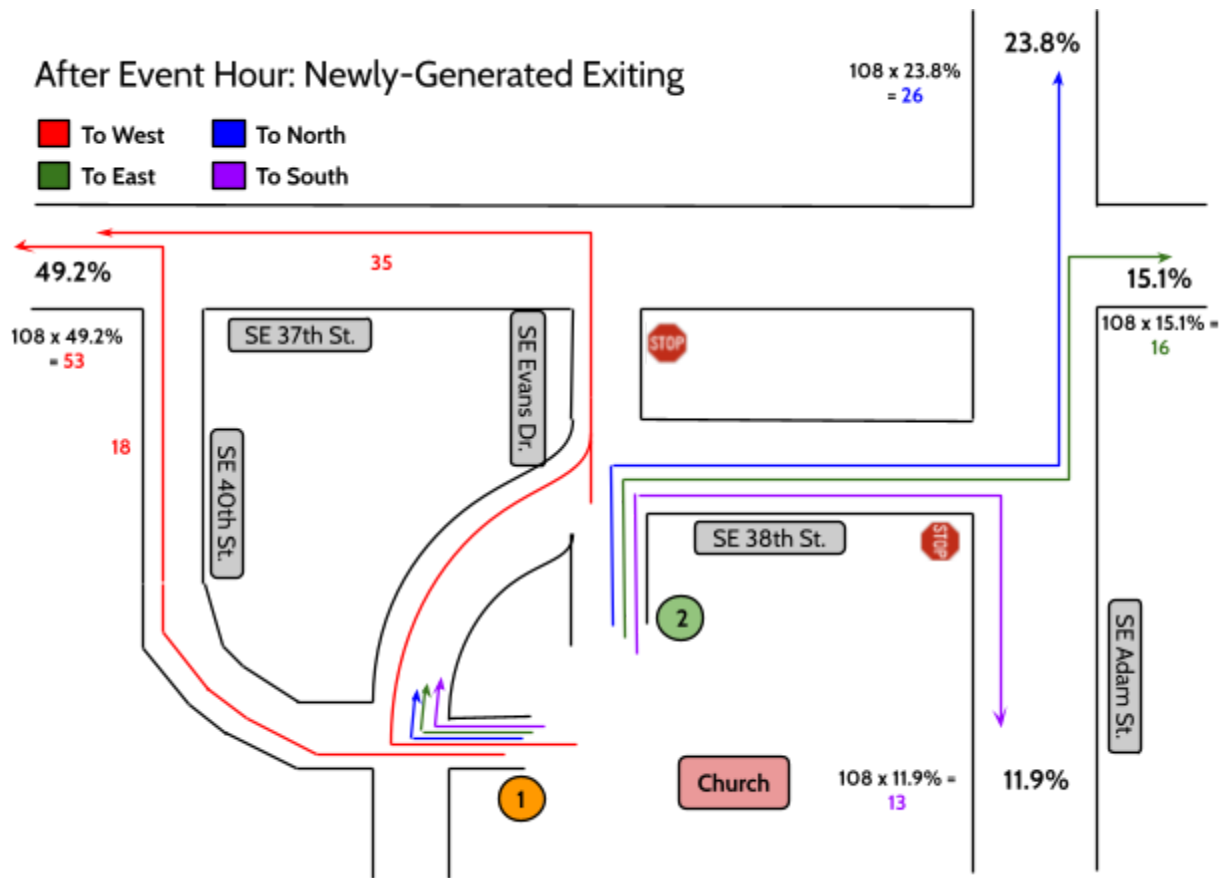


Figure 14. Trip Routing Diagram: Event Peak Hour Traffic Conditions for Newly Generated Exiting Trips

NEEDS FOR PEDESTRIANS, BICYCLISTS AND PUBLIC TRANSIT USERS

Existing Pedestrian Mode Options

There are continuous sidewalks along both sides of SE 40th Street/SE Humboldt Street. Aside from that, the sidewalk facilities along SE Quincy Street, SE Evans Drive, and SE 38th Street were constructed intermittently and not consistently throughout the entire route. In the site construction plan, a public sidewalk connection to the public R/W sidewalk system shall be constructed.

Existing Bicycle Mode Options

There are no existing bikeways directly surrounding the proposed site. The Landon Nature Trail is the nearest bikeway to the site, conveniently accessible from SE 37th Street, approximately 0.7 miles from the proposed site. The bikeway along SE 37th Street is in the planning phase and has been funded for its development. The bikeway along SE Adams Street is also in the planning phase but not funded. **Figure 15** displays the existing and proposed bikeways around the proposed site.



Figure 15. Topeka Bikeways Around the Proposed Site

(Source: <https://www.topeka.org/planning/bikeways/#gsc.tab=0>)

Existing Public Transit Mode Options

According to the Topeka metro map, the #5 bus route has been designated to offer public transit service along SE 37th Street. A total of 14 bus stops have been scheduled along the designated route on SE 37th Street. The two closest bus stops to the proposed site are at SE 37th Street & SE Evans Drive and at SE 37th Street & SE Colfax Place. The distance from both of

those two bus stops to the proposed site is approximately 2,000 ft. **Figure 16** displays the #5 bus route and stops on SE 37th Street.

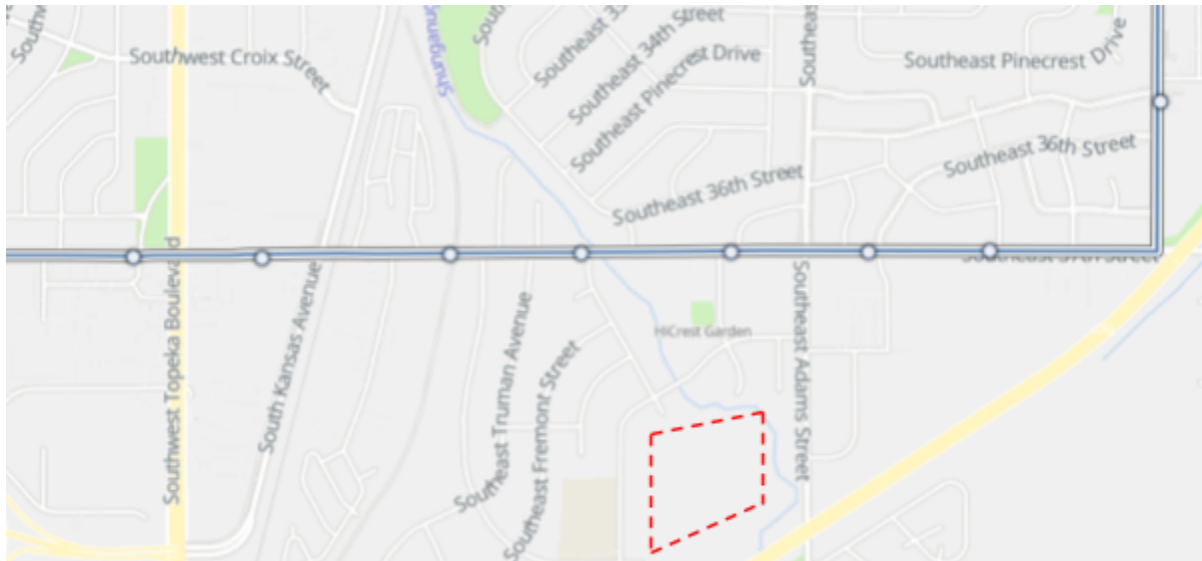


Figure 16. Bus Route Around the Proposed Site

(Source: https://moovitapp.com/index/en/public_transit-line-5-Topeka_KS-1982-775594-249948-0)

TRAFFIC OPERATIONS, SIGNALIZATION AND GEOMETRIC IMPROVEMENT

Stopping Sight Distance

According to the KDOT Access Management Policy 4.3.7.a, “Stopping Sight Distance”, the minimum required Stopping Sight Distance for a design speed of 35 mph is 250 ft for level grade. The minimum required Stopping Sight Distance for a design speed of 40 mph is 305 ft for level grade. At all access locations the grade is level, and the minimum requirements are met.

Intersection Sight Distance

According to the KDOT Access Management Policy 4.3.7.b, “Intersection Sight Distance”, the minimum required intersection sight distance for a design speed of 35 mph is 390 ft for a left-turn on a 2-lane highway and 335 ft for a right-turn. For a design speed of 40 mph, the minimum distance is 445 ft for a left-turn on a 2-lane highway and 385 ft for a right-turn. All existing driveways and intersections are in compliance with the minimum required intersection sight distance.

Right-Turn Lanes and Deceleration Taper Warrant

Right-turn lanes or taper were evaluated for southbound traffic along SE Adams Street with the trips generated by the Church.

From the Topeka existing traffic volume map, it was observed that to the north of SE 37th Street, the traffic volume on SE Adams Street was 7,645 vehicles per day (vpd), while to the south of SE 37th Street, the traffic volume was 3,800 vpd on SE Adams Street. Based on this information, an estimated traffic volume of approximately $(7645 + 3800)/2 = 5722$ vpd was assumed for SE Adams Street around the intersection of SE Adams Street & SE 37th Street. The peak hour traffic volume is generally 6%-10% of average daily traffic. Since the highest capacity event is on Sunday morning and not the weekday peak hour, an estimated 6% of the average daily traffic was used in this study. Consequently, the Sunday event peak hour traffic on SE Adams Street around the intersection of SE Adams Street & SE 37th Street was estimated to be 344 vehicles per hour (172 vehicles per hour for southbound traffic and 172 vehicles per hour for northbound traffic).

From the Topeka existing traffic volume map, it was observed that to the west of SE Adams Street, the traffic volume on SE 37th Street was 15,775 vehicles per day (vpd), while to the east of SE Adams Street, the traffic volume was 4,840 vpd on SE 37th Street. Based on this information, an estimated traffic volume of approximately $(15775 + 4840)/2 = 10308$ vpd was assumed for SE 37th Street around the intersection of SE Adams Street & SE 37th Street. The peak hour traffic volume is generally 6%-10% of average daily traffic. Since the highest capacity event is on Sunday morning not weekday peak hour, an estimated 6% of the average daily traffic was used in this study. Consequently, the peak hour traffic on SE 37th Street around the

intersection of SE Adams Street & SE 37th Street was estimated to be 618 vehicles per hour (309 vehicles per hour for eastbound traffic and 309 vehicles per hour for westbound traffic).

Based on Table 4-25 in KDOT Access Management Policy, for southbound traffic along SE Adams Street turning to SW 38th Street, it was not recommended to have right turn lanes or taper, considering the estimated 42 vehicles turning right before the event hour and the 40 mph speed limit on SE Adams Street.

Based on Table 4-25 in KDOT Access Management Policy, for eastbound traffic along SE 37th Street turning to SE Humboldt Street/SE 40th Street, it was not recommended to have right turn lanes or taper, considering the estimated 18 vehicles turning right before the event hour and the 35 mph speed limit on SW 37th Street.

Based on Table 4-25 in KDOT Access Management Policy, for eastbound traffic along SE 37th Street turning to SE Evans Drive, it was not recommended to have right turn lanes or taper, considering the estimated 35 vehicles turning right before the event hour and the 35 mph speed limit on SW 37th Street.

Left-turn Lane Warrant

The warrant is based on Table 4-27 of the KDOT Access Management Policy. In the table, the percentage of left-turns out of advancing vehicles is compared against the opposing vehicle traffic.

Northbound SE Adams Street Left-Turn Lane Warrant onto SE 38th Street:

The expected number of left-turning vehicles is approximately 13 for 2023 post-construction traffic conditions.

Speed Limit: 40 MPH

Opposing = SBR + SBT = 42 + 172 = 241

Advancing = NBL + NBT = 13 + 172 = 185

Left-Turn Percentage = 13 / 185 = 7%

Based on the traffic volumes, a left-turn lane is not warranted for northbound SE Adams Street at SE 38th Street.

SUMMARY

This traffic impact study memorandum calculated the number of trips generated by the proposed Saints Peter and Paul Orthodox Church at SE Adams Street in Topeka, Kansas. The initial proposed improvements consist of a church and reception hall with a total of 16,875 square feet, accompanied by 80 off-street parking stalls. The extension of SE Humboldt Street/SE 40th Street would directly connect to the parking lots, serving as the primary entrance. In the future, there are plans to construct a parnish building containing a total of 17,000 square feet to the north of the classroom building. An additional 50 off-street parking stalls would be added to accommodate the increased capacity. SE Evans Drive would be extended and directly connected to the parking lots, serving as the second entrance.

Considering that the proposed church could accommodate approximately 250 people, with the highest attendance anticipated on Sunday mornings, there would be a total of approximately 108 vehicles commuting to and from the premises. The majority of the 108 event-related trips were anticipated to arrive within a one-hour timeframe preceding the Sunday services and depart within a one-hour window following the conclusion of the Sunday services. More specifically, an estimated 18 trips from the west would make an eastbound right-turn at the intersection of SE 37th Street & SE Humboldt Street/SE 40th Street to enter the site; additionally, 35 trips from the west would make an eastbound right-turn at the intersection of SE 37th Street & SE Evans Drive to enter the site; furthermore, 13 trips from the south would make a northbound left-turn at the intersection of SE Adams Street & SE 38th Street to enter the site; moreover, 16 trips from the east would make a southbound right-turn at the intersection of SE Adams Street & SE 38th Street to enter the site; and lastly, a total of 26 trips from the north would make a southbound right-turn at the intersection of SE Adams Street & SE 38th Street to enter the site. At the conclusion of church services, the traffic volumes that entered the site would reverse direction to leave the site.

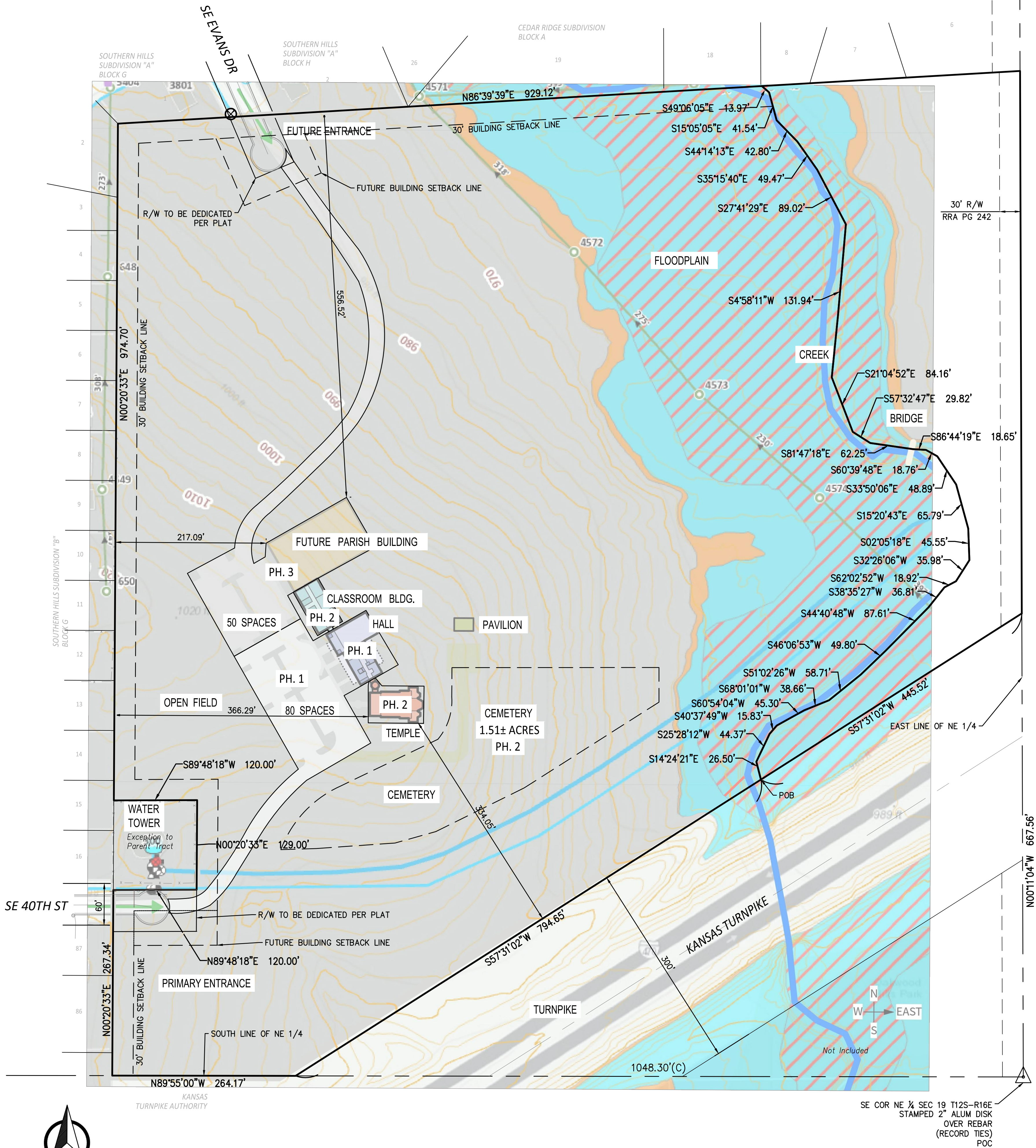
This traffic study memorandum examined the stopping sight distance, intersection sight distance, right-turn lanes and deceleration taper warrant, and left-turn lane warrant at three intersections: SW 37th Street & SE Humboldt Street/SE 40th Street, SW 37th Street & SE Evans Drive, SE Adams Street & SE 38th Street, following KDOT Access Management Policy. No changes to the existing roadway geometry would be required to accommodate the increase in traffic volumes.

Recommendations:

1. The newly constructed sidewalks and street crossings should comply with ADA requirements.
2. The constructions of driveways/cul-de-sacs must adhere to the standards set by the City of Topeka.

Appendix I - Site Layout

G:\Shared drives\215545\CADD\Plotting Zoning and Legal Survey\215545-CUP.dwg



DESCRIPTION:

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 12 SOUTH, RANGE 16 EAST OF THE 6TH P.M, IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE ON AN ASSUMED BEARING OF NORTH 00 DEGREES 11 MINUTES 04 SECONDS WEST ON THE EAST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 667.56 FEET TO THE NORTHWESTERLY RIGHT OF WAY OF THE KANSAS TURNPIKE; THENCE SOUTH 57 DEGREES 31 MINUTES 02 SECONDS WEST ON SAID NORTHWESTERLY RIGHT OF WAY A DISTANCE OF 445.52 FEET TO THE CENTER OF BUTCHER CREEK AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 57 DEGREES 31 MINUTES 02 SECONDS WEST ON SAID NORTHWESTERLY RIGHT OF WAY A DISTANCE OF 794.65 FEET TO THE SOUTH LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 55 MINUTES 00 SECONDS WEST ON SAID SOUTH LINE A DISTANCE OF 264.17 FEET TO A FENCE RUNNING NORTH AS CALLED FOR IN KANSAS WARRANTY DEED RECORDED IN BOOK 4592 AT PAGE 69 IN THE OFFICE OF THE SHAWNEE COUNTY REGISTER OF DEEDS; THENCE NORTH 00 DEGREES 20 MINUTES 33 SECONDS EAST ON SAID FENCE LINE A DISTANCE OF 267.34 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND AS DESCRIBED IN DEED BOOK 1432 AT PAGE 103 IN THE OFFICE OF THE SHAWNEE COUNTY REGISTER OF DEEDS; THENCE NORTH 89 DEGREES 48 MINUTES 18 SECONDS EAST A DISTANCE OF 120.00 FEET; THENCE NORTH 00 DEGREES 20 MINUTES 33 SECONDS EAST A DISTANCE OF 129.00 FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 18 SECONDS WEST A DISTANCE OF 120.00 FEET; THENCE NORTH 00 DEGREES 20 MINUTES 33 SECONDS EAST ON SAID FENCE LINE A DISTANCE OF 974.70 FEET TO A FENCE CORNER; THENCE NORTH 86 DEGREES 39 MINUTES 39 SECONDS EAST A DISTANCE OF 929.12 FEET TO THE CENTER OF BUTCHER CREEK; THENCE SOUTHERLY ON THE CENTER OF SAID CREEK THE FOLLOWING 26 COURSES, SOUTH 49 DEGREES 06 MINUTES 05 SECONDS EAST, 13.97 FEET; THENCE SOUTH 15 DEGREES 05 MINUTES 05 SECONDS EAST, 41.54 FEET; THENCE SOUTH 44 DEGREES 14 MINUTES 13 SECONDS EAST, 42.80 FEET; THENCE SOUTH 35 DEGREES 15 MINUTES 40 SECONDS EAST, 49.47 FEET; THENCE SOUTH 27 DEGREES 41 MINUTES 29 SECONDS EAST, 89.02 FEET; THENCE SOUTH 04 DEGREES 58 MINUTES 11 SECONDS WEST, 131.94 FEET; THENCE SOUTH 21 DEGREES 04 MINUTES 52 SECONDS EAST, 84.16 FEET; THENCE SOUTH 57 DEGREES 32 MINUTES 47 SECONDS EAST, 29.82 FEET; THENCE SOUTH 81 DEGREES 47 MINUTES 18 SECONDS EAST, 62.25 FEET; THENCE SOUTH 86 DEGREES 44 MINUTES 19 SECONDS EAST, 18.65 FEET; THENCE SOUTH 60 DEGREES 39 MINUTES 48 SECONDS EAST, 18.76 FEET; THENCE SOUTH 33 DEGREES 50 MINUTES 06 SECONDS EAST, 48.89 FEET; THENCE SOUTH 15 DEGREES 20 MINUTES 43 SECONDS EAST, 65.79 FEET; THENCE SOUTH 02 DEGREES 05 MINUTES 18 SECONDS EAST, 45.55 FEET; THENCE SOUTH 32 DEGREES 26 MINUTES 06 SECONDS WEST, 35.98 FEET; THENCE SOUTH 62 DEGREES 02 MINUTES 52 SECONDS WEST, 18.92 FEET; THENCE SOUTH 38 DEGREES 35 MINUTES 27 SECONDS WEST, 36.81 FEET; THENCE SOUTH 44 DEGREES 40 MINUTES 48 SECONDS WEST, 87.61 FEET; THENCE SOUTH 46 DEGREES 06 MINUTES 53 SECONDS WEST, 49.80 FEET; THENCE SOUTH 51 DEGREES 02 MINUTES 26 SECONDS WEST, 58.71 FEET; THENCE SOUTH 68 DEGREES 01 MINUTES 01 SECONDS WEST, 38.66 FEET; THENCE SOUTH 60 DEGREES 54 MINUTES 04 SECONDS WEST, 45.30 FEET; THENCE SOUTH 40 DEGREES 37 MINUTES 49 SECONDS WEST, 15.83 FEET; THENCE SOUTH 25 DEGREES 28 MINUTES 12 SECONDS WEST, 44.37 FEET; THENCE SOUTH 14 DEGREES 24 MINUTES 21 SECONDS EAST, 26.50 FEET TO THE POINT OF BEGINNING. THIS DESCRIPTION PREPARED BY MICHAEL A. ADAMS, P.S. 1126 ON AUGUST 12, 2021, AND CONTAINS 29.44 ACRES OF LAND MORE OR LESS.

NOTES:

CURRENT OWNERS OF PROPERTY:

SAINTS PETER AND PAUL ORTHODOX CHRISTIAN CHURCH INC.

CURRENT ZONING:

R1

CURRENT USE:

UNDEVELOPED

PARCEL SIZE:

29.44 acres

CONDITIONAL USE REQUESTED:

1. RELIGIOUS ASSEMBLY
2. CEMETERY

PROPOSED IMPROVEMENTS:

PHASE 1: FELLOWSHIP HALL, PARKING LOT, AND PRIMARY ENTRANCE

FELLOWSHIP HALL: 3,820 SQ. FT.
KITCHEN: 3,150 SQ. FT.
OFF-STREET PARKING: 80 SPACES (STANDARD)

PHASE 2: CHURCH TEMPLE, BELL TOWER, EDUCATIONAL BUILDING, AND CEMETERY

CHURCH TEMPLE: 4,520 SQ. FT.
BELL TOWER: 540 SQ. FT.
EDUCATION BUILDING: 4,750 SQ. FT.
HALL BETWEEN EXPANDED HALL AND CLASSROOM BUILDING: 65 SQ. FT.
CEMETERY: 1.51± ACRES

PHASE 3: FUTURE PARISH BUILDING, EXTENDED PARKING LOT, AND FUTURE ENTRANCE

FUTURE PARISH BUILDING: 17,000 SQ. FT.
OFF-STREET PARKING EXTENDED: 50 SPACES (STANDARD)

UTILITIES:

WATER SERVICE: CITY OF TOPEKA - PUBLIC SANITARY SEWER AND WATER
SEWAGE DISPOSAL: CITY OF TOPEKA - PUBLIC SANITARY SEWER AND WATER

FLOOD ZONE:

ACCORDING TO FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 20177C0306E, EFFECTIVE SEPTEMBER 29, 2011, THE SUBJECT PROPERTY LIES PARTIALLY IN THE FLOODWAY AND FLOOD ZONE "AE", AREA OF HIGH RISK, (1% ANNUAL CHANCE FOR FLOOD) WITH THE BALANCE IN FLOOD ZONE "X" AREA OF MINIMAL RISK. (0.2% CHANCE OF ANNUAL FLOOD)

LIGHTING:

LIGHT FIXTURES SHALL BE SHIELDED OR RECESSED WITH CUT-OFF ANGLES TO PREVENT THE CAST OF LIGHTING BEYOND THE PROPERTY. LIGHTING SHALL BE SAFETY LIGHTING ABOVE THE ENTRANCE DOOR. THE LIGHTING SHALL BE LOW INTENSITY LIGHTING, LOW ENERGY LIGHTING TO PROVIDE SAFETY TO THOSE ENTERING AND EXITING THE BUILDING.

SIGNING:

SIGNAGE TO COMPLY WITH TMC 18.10 FOR NON-RESIDENTIAL USES IN R-1 ZONING

FENCING:

TBD

GENERAL NOTES:

- NO BUILDING PERMITS SHALL BE ISSUED UNTIL THE PROPERTY IS PLATTED.
- A SITE PLAN REVIEW APPLICATION SHALL BE REQUIRED PRIOR TO SUBMITTAL OF ANY BUILDING PERMITS. SITE PLANS SHALL ADDRESS LOCATION OF INDIVIDUAL BUILDING FOOTPRINTS, LANDSCAPING, STORMWATER MANAGEMENT, UTILITIES, RELATIONSHIP TO ADJACENT LOTS, AND PEDESTRIAN ACCESS, ETC. DEPENDING ON THE LEVEL OF SCOPE, A SITE PLAN REVIEW APPLICATION MAY BE REQUIRED FOR EACH PHASE OF DEVELOPMENT.
- A LANDSCAPE PLAN SHALL BE SUBMITTED AT THE TIME OF SITE PLAN REVIEW PURSUANT TO TMC 18.235 ADDRESSING REQUIRED POINTS, SPECIES, AND QUANTITIES OF ALL LANDSCAPING, INCLUDING SUBSTANTIALLY ADDRESSING ANY REQUIRED RESIDENTIAL ZONE BUFFERS.
- APPROVAL OF ALL REQUIRED PERMITS FROM CITY OF TOPEKA DEVELOPMENT SERVICES, INCLUDING BUT NOT LIMITED TO BUILDING, FENCE, SIGN, AND PARKING-LOT PERMITS, INCLUDING ANY REQUIRED EROSION AND SEDIMENT CONTROL AND DEMOLITION PLANS, SHALL BE REQUIRED PRIOR TO COMMENCEMENT OF OPERATIONS ON THE SITE IN CONJUNCTION WITH THE APPROVED CUP.
- THE CITY OF TOPEKA OFF-STREET PARKING AND SURFACING POLICY APPLIES FOR THE HARD SURFACING OF ALL PRIVATE OFF-STREET PARKING AREA, FIRE LANES, AND ACCESS DRIVES.
- ALL WORK IN THE PUBLIC RIGHT-OF-WAY SHALL BE CONSTRUCTED TO CITY OF TOPEKA STANDARD TECHNICAL SPECIFICATIONS.
- ALL USES SHALL COMPLY WITH THE BASE ZONING OF 'R-1' EXCEPT WHERE STATED OTHERWISE ON THE APPROVED CUP.

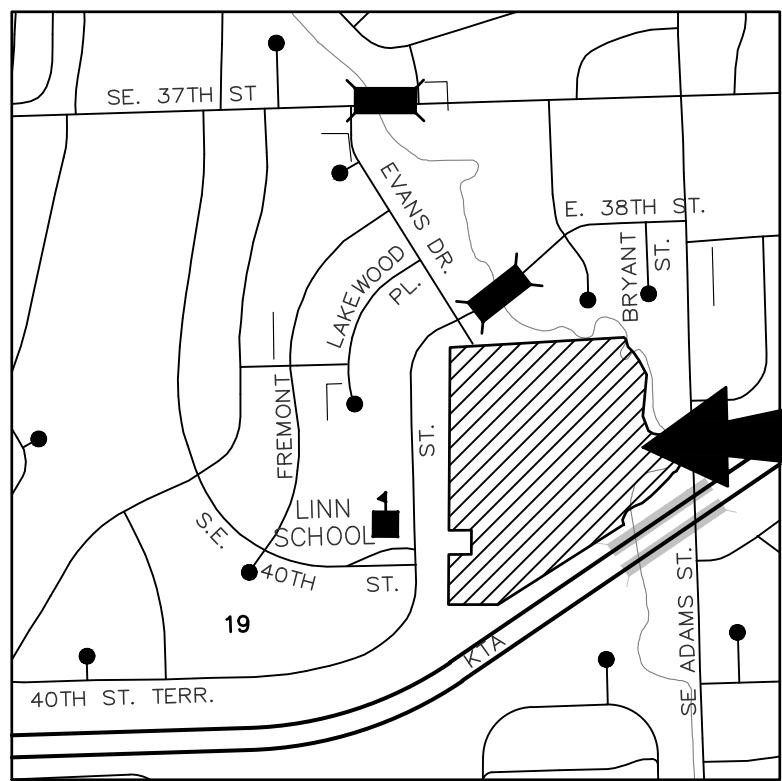
STATEMENT OF OPERATIONS:

A CUP TO ALLOW THE 'RELIGIOUS ASSEMBLY USE ALONG WITH ACCESSORY AND SUBORDINATE CEMETERY USE' THAT DOES NOT HAVE ACCESS WITHIN 300 FEET OF THE MAJOR TRAFFIC THOROUGHFARE OF SE ADAMS.

THE PROPOSED USE OF THE PROPERTY WILL FIRST BE TO CONSTRUCT A FELLOWSHIP HALL ALONG WITH OFFICE SPACE, KITCHEN AND RESTROOMS. THIS WILL BE USED FOR ALL LITURGICAL, SACRAMENTAL, SOCIAL, EVANGELISTIC, EDUCATIONAL, OUTREACH AND FUNDRAISING FUNCTIONS OF SS. PETER AND PAUL ORTHODOX CHURCH. WE WOULD REGULARLY HOLD RELIGIOUS SERVICES ON SATURDAY EVENINGS, SUNDAY MORNINGS AND WEDNESDAY EVENINGS. ONCE THE FELLOWSHIP HALL HAS BEEN PAID FOR THE NEXT PHASE OF CONSTRUCTION WILL BE TO BUILD A CHURCH TEMPLE AND AN EDUCATIONAL BUILDING FOR RELIGIOUS EDUCATION. THE PROPOSED CHURCH TEMPLE WOULD SEAT AROUND 250 PEOPLE. AND HAVE THE GREATEST ATTENDANCE ON SUNDAY MORNINGS. WE WILL ALSO ESTABLISH A CEMETERY ON THE PROPERTY TO BE USED FOR THE INTERMENT OF OUR PARISH MEMBERS AND THEIR FAMILIES. IN THE EASTERN SIDE OF THE PROPERTY, WHICH LIES IN THE FLOOD PLAIN, WE WOULD PLACE A WALKING TRAIL AND DEVELOP THE TREE CANOPY IN PARTS AND DEVELOP AREAS FOR GARDENING. OTHER AREAS OF THE PROPERTY WE WOULD PLANT FRUIT AND NUT TREES AND DECREASE THE NUMBER OF EASTERN RED CEDARS ESPECIALLY IN THE NORTH WEST QUADRANT OF THE PROPERTY.

PREPARED BY:

COOK FLATT & STROBEL ENGINEERS
2930 SW WOODSIDE DR
TOPEKA KS, 66614
785-272-4706



VICINITY MAP
NO SCALE

CONDITIONAL USE PERMIT

SAINTS PETER AND PAUL ORTHODOX
CHRISTIAN CHURCH INC.



2930 SW Woodside Dr,
Topeka, KS 66614
o: 785-272-4706
f: 785-272-4736

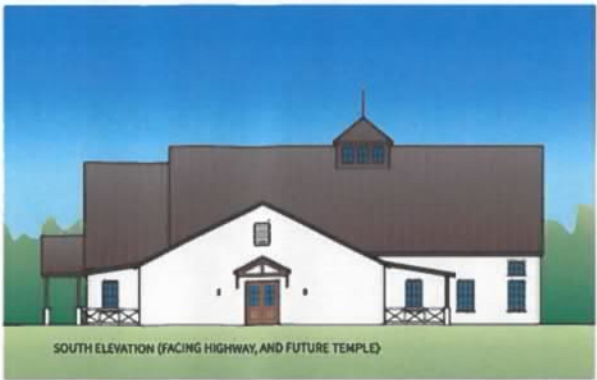
NOTE: Saints Peter and Paul Orthodox Church

CFS PROJECT # 21-5545 DATE: 07/20/2023

PROJECT MANAGER: TH SHEET 1 OF 1



ELEVATIONS: WHITE SIDING



© 2022 Galloway Studio LLC.
Liturgical design for conceptual planning only.
Not for bidding, construction, permit, or regulatory review.

Persons in attendance:

- 1) Travis Haizlip – CFS
- 2) Kevin Holland – CFS
- 3) Father Nikolai Meyers – Saints Peter & Paul Church
- 4) Henry McClure – MCRE, LLC
- 5) Annie Driver – City of Topeka
- 6) Mike Hall – City of Topeka
- 7) Sonja
- 8) J Meyers
- 9) Janet Unrein
- 10) Mike
- 11) Curtis J
- 12) Brandy
- 13) Celeste
- 14) Lee
- 15) Trina Perez
- 16) Joe Ledbetter
- 17) Adam
- 18) Brenda & Bob Gritten
- 19) iPhone
- 20) iPhone

Issues / Clarifications:

- Vandalism / there's no evidence to support that this development will increase vandalism
- Lighting / the lighting from the buildout will be to City of Topeka design standards
- Animals, rodents / there's no evidence to support that this development will increase rodent population
- Crime / there's no evidence to support that this development will increase crime in the neighborhood
- Church members / currently 85; hopefully 100-140 by end of 2023; 240 max
- Phase 1 detail / Ph 1 will consist of the fellowship hall, the parking lot
- Trees to remain / the church has no plans to remove the trees around the fringe of the development.
- Cul-de-sac / the church will take its access drive off a cul-de-sac to be built on SE 40th St and SE Evans Dr. The cul-de-sac(s) will be constructed entirely on church property. Right of way shall be dedicated by plat for the cul-de-sac(s).
- Rezone / There is no plan to rezone the property
- Planning Commission Meeting / the meeting will be held Aug 21 at 6pm. Deadline for letters for & against the development being sent to the city is Aug 11. Preferably Aug 9.

Issues / Clarifications (cont.)

- Traffic / a traffic distribution memo was submitted to the city for review
- Decrease in surrounding property value due to cemetery / no evidence was submitted to support that the development of a cemetery would reduce property values
- Mowing / a border 25' is adequate according to John Schardine, Property Maintenance Director, City of Topeka (785-368-3170)

Annie Driver

From: Joseph Ledbetter <joe@josephledbetter.com>
Sent: Friday, August 4, 2023 9:38 AM
To: Planning Distribution
Subject: St Peter and Paul Church Conditional Use Permit

This message originated from outside your organization



This message could be suspicious

- The sender's email address couldn't be verified.
- You've never replied to this person.

Powered by Mimecast

I have no problem with this and I own land in the area. I would point out they might want to have a smaller cemetery and screen it off with shrubbery or privacy fencing to make other neighbors more accepting of that part of the proposal. The area does need to be developed into more than just vacant land. Joseph Ledbetter

From: Michael G Hall
Sent: Wednesday, August 9, 2023 12:14 PM
To: Annie Driver
Subject: #10 Public Comment #2- Henry McClure
Attachments: [Church Campus Plan.pdf](#); [CU23_04 NIM Summary.pdf](#); [Floor Plan Hall.pdf](#); [Floor Plan Nave.pdf](#); [Overall Site Plan.pdf](#); [Phase 1 Site Layout.pdf](#)

From: Henry McClure [<mailto:mcre13@gmail.com>]
Sent: Tuesday, August 8, 2023 3:59 PM
To: Rhiannon M. Friedman <rmfriedman@topeka.org>; Richard U. Nienstedt <runienstedt@topeka.org>
Cc: Michael G Hall <mghall@topeka.org>; Michael Padilla <mpadilla@topeka.org>; Brett Kell <bkell@topeka.org>; William Naeger <williamnaeger@gmail.com>
Subject: NIM summary

This message originated from outside your organization

Joe Ledbetter is going to tour the church with Father.

I have a deal with a farmer to bale the HAY.

I should be able to send this direct to the planning commissioners

Considering they are the only public hearing, this formant seem wrong.

Subject: Enhancing Transparency and Community Engagement in Planning Commission

I am writing to express my thoughts and concerns regarding the transparency and accessibility of our community's planning commission. It is my belief that an open and inclusive planning process is essential for the well-being of our city and the trust of its residents.

In the spirit of transparency, I would like to advocate for improved access to our planning commissioners. It has come to my attention that there may be a perceived aversion to ex parte communications, which can sometimes hinder open dialogue between the community and decision-makers. While I understand the need to avoid undue influence, I believe that fostering open communication can lead to better-informed decisions that genuinely reflect the needs and desires of the community.

I also wish to address the past practices that seemed to isolate planning commissioners from meaningful interaction with the community. It is my concern that this approach may have limited open discussions and prevent commissioners from truly understanding the diverse perspectives and aspirations of our residents. By fostering a culture of openness, we can collectively ensure that the destiny of our projects is shaped collaboratively.

To promote more effective engagement, I propose a few fundamental changes. At a bare minimum, every planning commissioner should have a dedicated topeka.org email address, facilitating direct communication with concerned community members. Additionally, there seems to be no valid reason for not publishing their phone numbers, which can offer another channel for engagement.

Furthermore, I suggest exploring the possibility of facilitating communication and information sharing before Planning Commission meetings. Our community deserves the opportunity to be well-informed before critical decisions are made, rather than feeling that we are limited to a mere four minutes of discussion. Public comments should not be confined to a rigid schedule but should be welcomed both before and after meetings to ensure a continuous exchange of ideas.

I also believe that forming subcommittees focused on zoning and planning could greatly enhance the quality of decision-making. By allowing more in-depth discussions on complex matters before the main Planning Commission meetings, we can ensure that the best possible solutions are considered.

Finally, I have concerns about the legality of current practices that appear to keep commissioners hidden from the public eye. Transparency is vital to maintaining the trust of the community, and it is my hope that we can work together to ensure all aspects of the planning process align with legal requirements and community expectations.

I appreciate your attention to these matters and your commitment to the well-being of our city. By embracing transparency, accessibility, and community engagement, we can work toward a future where every voice is heard, and our city thrives through collaborative decision-making.

Thank you for your time and consideration. I look forward to a more open and inclusive planning process that truly benefits all residents of Topeka.

Henry McClure
Time Kills Deals
785.235.3353

From: [Travis Haizlip](#)
Sent: Tuesday, August 8, 2023 11:44 AM
To: [Fr. Nikolai Meyers](#); [Henry McClure](#)
Subject: NIM summary

Sending you a summary of the meeting...

Travis Haizlip, P.S.

📍 2930 SW Woodside Drive
Topeka, Kansas 66614
📞 p: 785.272.4706
c: 785.580.7527
✉️ thaizlip@cfse.com
www.cfse.com



Celebrating 60 Years of Service 1961-2021

CONFIDENTIALITY AND PLAN NOTICE:

All information received in electronic format should be verified with the signed and sealed plans for accuracy. This information is to be used at your sole discretion as Cook, Flatt & Strobel Engineers, P.A. will assume no liability for its format or content. The content of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message or their agent, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 19, 2023

DATE: September 19, 2023
CONTACT PERSON: Dan Warner, AICP, Planning Division Director DOCUMENT #:
SECOND PARTY/SUBJECT: Mark Burenheide PROJECT #: PUD 23/05
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 007 Zoning
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

ORDINANCE introduced by Interim City Manager Richard U. Nienstedt amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code on property located at 3601 SW 33rd St rezoning from “R-1” Single Family Dwelling District all to “PUD” Planned Unit Development District with R-1 uses and Sports and Recreation Instruction. (PUD 23/05) (Council District No. 5)

Voting Option Requirements: (1) Approve Planning Commission's recommendation, 6 votes are required of the Governing Body (2) Reject or Amend Planning Commission's recommendation, 7 votes are required of the Governing Body; or (3) Remand back to Planning Commission, 6 votes are required of the Governing Body.

(Approval would allow the conversion of a former church facility to a gymnasium for cheer classes.)

VOTING REQUIREMENTS:

The Governing Body has the following voting options:

1. Approve the Planning Commission's recommendation by adopting the ordinance. A minimum of 6 votes are required of the Governing Body.
2. Amend the Planning Commission's recommendation by amending the ordinance. A minimum of 7 votes are required of the Governing Body.
3. Refuse to approve the Planning Commission's recommendation by rejecting the ordinance. A minimum of 7 votes are required of the Governing Body.
4. Remand to the Planning Commission for further consideration, with a statement specifying the basis for the

governing body's failure to approve or disapprove. A minimum of 6 votes are required of the Governing Body.

POLICY ISSUE:

Whether to adopt the Planning Commission's recommendation to rezone the property.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

PUD23/05 is a request by Topeka Prime Sports, LLC to change the zoning from "R-1" Single Family Dwelling District to "PUD" Planned Unit Development District with R-1 uses and Sports and Recreation Instruction for the conversion of the former church facilities to a gymnasium for cheer classes.

There is no master plan associated with PUD23/05. Conditions and restrictions of the PUD zoning are included in the proposed ordinance.

The recommended PUD zoning is consistent with the Land Use and Growth Management Plan 2040. The zoning will allow for the adaptive reuse of an existing property thus helping to prevent blight.

The applicant conducted a Neighborhood Information meeting on August 2, 2023. Approximately ten neighborhood residents attended. Neighbors were curious about the project, raised questions, and voiced concerns.

The Planning Commission held a public hearing on August 21, 2023 and recommended approval by a vote of 6-0-1. Staff recommends approval per the attached staff report.

BUDGETARY IMPACT:

Approval of the zoning change has no budgetary impact on the City.

SOURCE OF FUNDING:

Not applicable.

ATTACHMENTS:

Description

Ordinance

Presentation

Planning Commission Minutes PUD23/05

Citizen Comment Received Aug 21 2023

Staff Report

Statement of Operations

Aerial Map

Zoning Map

Future Land Use Map

Aug 10, 2023 Neighborhood Information Meeting Summary

ORDINANCE NO. _____

ORDINANCE introduced by interim City Manager Richard U. Nienstedt amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code on property located at 3601 SW 33rd St **from** “R-1” Single Family Dwelling District all **to** “PUD” *Planned Unit Development District* with R-1 uses and Sports and Recreation Instruction. **(PUD 23/05) (Council District No. 5)**

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

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

Lots 1 & 2, Block A, Evangelical Covenant Church Subdivision

FROM “R-1” Single Family Dwelling District TO “PUD” Planned Unit Development with “R-1” Single Family Dwelling District Uses and Sports and Recreation Instruction.

Subject to:

1. R-1 uses are permitted. In addition to R-1 uses, Sport and Recreation Instruction uses as described in the attachment entitled Statement of Operations for Topeka Prime Sports are permitted. Comparable uses consistent with and similar to North American Industry Classification System, 611620 Sports and Recreation Instruction, may be permitted upon a determination by the Planning Director that they are of equal or lesser impact to the neighborhood property owners and residents. Accessory uses not specifically identified in the Statement of Operations are permitted provided they are of a similar or lesser intensity.
2. Activities associated with the Sports and Recreation Instruction use are to occur indoors only.
3. Sports and Recreation Instruction use is allowed in existing facilities and buildings. Construction of new facilities for Sports and Recreation Instruction and related uses is not permitted. Limited building modifications or expansion may be permitted as a minor amendment to the Planned Unit Development in accordance with the amendment procedures in TMC 18.190.070.
4. Substantial changes to the operations may require an amendment to this Planned Unit Development in accordance with the amendment procedures in TMC 18.190.070.
5. The use and dimensional standards applicable to R-1 zoning shall apply except as stated in these conditions.
6. Section 18.235.060(d) of the Topeka Zoning Regulations (*Landscape Requirements, Buffers*) requires a buffer of landscaping, fencing, or a combination of both where a planned unit development, commercial, or institutional use abuts a residential zoning district. Much of the south and west boundary of the property contains fencing and landscaping that meets the general intent of Section 18.235.060. Where existing

fencing and landscaping along the south and west property lines are inadequate, the applicant shall submit a plan to Planning staff for a landscape/fencing buffer meeting the intent of 18.235.060(d). The buffer need not be an opaque screen, but must include trees and be of a density sufficient to mitigate the impact of vehicle headlights at peak departure and arrival times. The plan shall be approved and buffers installed prior to commencement of the Sports and Recreation Instruction use.

7. Any expansion of the parking areas will require permits and application for permits must include a site plan. Additional fencing or landscaping may be required where parking areas are immediately adjacent to neighboring residential property.
8. Existing mature and healthy trees on the property shall be maintained and preserved unless replaced with an equivalency of landscaping based on species, quantity, current size, and size at maturity.

Section 2. This Ordinance 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 this Ordinance and prior to building permit and/or land development on the site, site development plans as required by this Ordinance shall be submitted for review and administrative approval by the Planning Director.

Section 3. This Ordinance Number shall be fixed upon the "District Map".

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. 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, City of Topeka, Kansas on _____, 2023.

ATTEST:

Michael A. Padilla, Mayor

Brenda Younger, City Clerk

To Be Codified _____
Not To Be Codified X

EXHIBIT

STATEMENT OF OPERATIONS

For Topeka Prime Sports, LLC
Planned Unit Development (PUD) Zoning for 3601 SW 33rd Street
Formerly Brookwood Covenant Church

From Mark Burenheide, Applicant Representative, Topeka Prime Sports, LLC.

Topeka Elite Cheer is proposing to convert the former Brookwood Covenant Church located at 3601 SW 33rd St into a gym for indoor sports and recreation instruction, specifically cheerleading classes with accompanying preschool music classes and offices.

Proposed Hours of Operation: Hours of regular operation will be Monday through Thursday 4:30 - 8:30pm and Sunday 12:00pm – 6:00pm. As Topeka Elite Cheer (TEC) gets established, they would look to add daytime preschool classes during the week.

Number of Anticipated Patrons: For the purpose of this Statement of Operations, “family” means 1 or more persons attending an activity coming from the same household. One “family” may include 1 or more persons engaged in an activity and brought to the facility by a parent or guardian. TEC currently has 167 families and offers 30 classes. With the additional space they would be able to add anywhere from 11-20 additional classes that would allow TEC to provide options for more families. Anywhere from 6-12 kids attend recreational classes and 12-30 kids attend per competitive team classes.

Frequency of classes: Most classes take place 1 to 2 times per week during the times listed above. TEC intends to hold 3-6 classes per night.

Events and Activities: TEC hopes to eventually add events that allow for them to provide more options for families without the commitment of weekly classes. Activities and events beyond regular classes may include open gyms or exhibition workshops the same or similar to indoor sports and recreation instruction.

Offices: TEC will have four offices in the building supporting their operations and staff.

Traffic: TEC typically has 50-60 families in for classes each night. Attendance will be limited to no more than 60 families per week night. Approximately 100 families may attend classes over the course of a Sunday. Overall Sunday attendance will never exceed 150 families.

Project Benefits: With TEC locating their gym here, the building will continue to be a vibrant location for family activities like what it provided as a church. Without this change in zoning the building will remain vacant and will begin to deteriorate if it does not attract another buyer. The longer it remains vacant, the more difficult it will be to find a high-quality occupant. TEC will bring families to the neighborhood and will become a stable cornerstone of the community.



CITY OF
TOPEKA



CU23/04 St. Peter and St. Paul
Orthodox Christian Church
PUD23/05 Topeka Prime Sports

Dan Warner, AICP, Planning Director

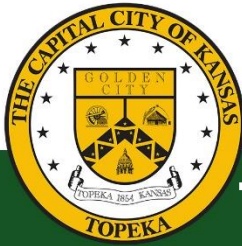


PUD23/05 Topeka Prime Sports, Inc.



PUD23/05 By: Fellowship Bible Church LLC (Topeka Prime Sports)  Target Property





CITY OF
TOPEKA

TOPEKA PLANNING COMMISSION

Monday, August 21, 2023

CASE MINUTES

Members present: Corey Dehn (2023 Chair), Marc Fried, Del-Metrius Herron, Jim Kaup, William Naeger, Donna Rae Pearson, Jim Tobaben, (7)

Members Absent: Matt Werner (1)

Staff Present: Rhiannon Friedman, Planning & Development Director, Dan Warner, Planning Director; Mike Hall, Land Use Planning Manager; Annie Driver, Planner; Zoe Brown Planning Intern; Amanda Tituana-Feijoo, Administrative Officer; Mary Feighny, Legal

Public Hearing of PUD23/05 Topeka Prime Sports LLC, (property owner Fellowship Hi-Crest, Inc.) requesting rezoning of 3601 SW 33rd St from “R-1” Single-Family Dwelling District to “PUD” Planned Unit Development to convert the church into facilities for cheerleading classes or similar sports and recreation instruction.

Staff:

Zoe Brown presented the staff report and staff’s recommendation of approval.

Questions/Comments from Commissioners:

Commissioner Fried asked for clarification on whether a traffic study for this project was going to be done. Mr. Hall confirmed that the traffic engineering staff suggested the applicant do a trip generation memo. Mr. Hall went on to say that the team wanted to keep the project on schedule because they felt like they could do the trip estimations based on the statement of operations; and wasn’t sure if it would require improvements to the local streets.

Commissioner Fried asked for clarification on the class schedule. Mr. Hall said it was his understanding that it would be 40-60 participants for the entire evening.

Commissioner Dehn asked about the building to the north. Ms. Brown informed the commission that it was Bishop Professional Development Center. Commissioner Dehn asked about the general occupancy of the building. Mr. Hall understands that most of the traffic occurs during the day.

Owner’s Representative:

Mark Burenheide, Topeka Prime Sports
Taylor McKaig, Topeka Elite Cheer

Mr. Burenheide informed the commission that the spot has been vacant for over a year, and it contains a gym along with a former sanctuary. The goal is for Topeka Elite Cheer to occupy the facility and use the gym and sanctuary area for competitive cheer training. Mr. Burenheide is looking forward to taking a vacant building and making it useful again.

Commissioner Fried asked for clarification on the classes. Mrs. McKaig informed the group that there are currently 167 families total for both the recreational and competitive teams. The classes are staggered with about 25 families coming in at one time, and everything should be relatively spread out regarding

traffic. The current space Topeka Elite is in is 5,000 square feet, and they would be moving into a space with 16,000 square feet. Mrs. McKaig said they would have the ability to add more classes, and typically half of the families would leave before the next ones arrived.

Commissioner Naeger asked if there were plans to have any of the activities outside? Mrs. McKaig stated no unless they went outside for popsicles. Commissioner Naeger asked for clarification between Fellowship Bible Church LLC, Topeka Prime Sports, and Topeka Elite Cheer. Mr. Burenheide clarified the following: Fellowship Bible is the current owner of the building, and Topeka Prime Sports would be purchasing it from them. Topeka Elite Cheer would then be leasing the property from Topeka Prime Sports.

Commissioner Dehn declared the **public hearing open**. With no one coming forward to speak, **Commissioner Dehn declared the public hearing closed.**

Questions/Comments from Commissioners:
NA

With no questions from commissioners, Mr. Dehn called for a motion.

Motion by Commissioner Kaup **second** by Commissioner Fried: to recommend approval of the Conditional Use Permit subject to the conditions listed in the staff report. **Approved 6-0-1** (Commissioner Herron abstained)

PUD23/05 Topeka Prime Sports

Comment by:

Alma Smith

· Aug 21, 2023 · 9:00am

I'm concerned with the increased traffic that this may generate throughout the neighborhood. We already have an issue with traffic speed and inattentive driving along Twilight Drive. I'm not sure that the current proposed changes to decrease traffic speed down Twilight will be enough with the increased amount of traffic that would be generated by this change. I think having the facility would be a good addition but it seems additional traffic regulations should be required in various areas that feed into this neighborhood.

**STAFF REPORT – PLANNED UNIT DEVELOPMENT
TOPEKA PLANNING AND DEVELOPMENT DEPARTMENT**

PLANNING COMMISSION DATE: Monday, August 21st, 2023

**APPLICATION
INFORMATION**

**APPLICATION CASE
NUMBER/NAME:**

PUD23/05 – Topeka Prime Sports, LLC

**REQUESTED ACTION /
CURRENT ZONING:**

Rezoning from “R-1” Single Family Dwelling District to “PUD” Planned Unit Development with “O&I” Office and Institutional uses for the conversion of the former church facilities to a gymnasium for cheer classes. Planned Unit Development Without a Master Plan: As provided per TMC 18.190.050 (PUD procedures) the requirement for a master plan has been waived because the conditions and restrictions of the PUD can be adequately included in the ordinance reclassifying the property.

PROPERTY OWNER:

Fellowship Hi-Crest, Inc

APPLICANT REPRESENTATIVE:

Mark Burenheide

CASE PLANNER:

Zoe Brown, Planning Intern

PROPERTY ADDRESS:

3601 SW 33rd St – PID: 1461402018002000

PARCEL SIZE(S):

2.63 acres

PHOTOS:



View of Church Buildings from SW 33rd Street



View of Site from SW 33rd Street at NW Corner of the Site

RECOMMENDATION:

APPROVAL subject to conditions

RECOMMENDED MOTION:

Based on the findings and analysis in the staff report I move to recommend to the Governing Body **APPROVAL** of the rezoning from R-1 Single Family Dwelling District all to "PUD" *Planned Unit Development District* with R-1 uses and Sports and Recreation Instruction at 3601 SW 33rd Street, subject to conditions as recommended in the staff report.

**PROJECT AND SITE
INFORMATION**

PROPOSED USE / SUMMARY:

Applicant proposes to convert a former church at 3601 SW 33rd St to a cheer gymnasium with accompanying offices. The Statement of Operations submitted at the request of staff after the initial application indicates the owner and operator (Topeka Elite Cheer) intend to provide pre-school classes as an accessory use and to offer classes for other recreation or activities.

The cheer classes provided by the tenant, Topeka Elite Cheer, are categorized by the Topeka Zoning Regulations, 18.60.010. as "Indoor Recreation Type I", a use permitted under O&I-2 zoning PUD zoning is necessary to restrict the permitted land uses to those that are compatible with the surrounding neighborhood. While some land uses within the O&I-2 classification may be compatible with low density residential surroundings, others are not. Rezoning the property as a PUD provides the applicant the opportunity for a productive use of the property while protecting surrounding land owners and residents from potentially incompatible land uses.

DEVELOPMENT / CASE HISTORY:

The subject property was annexed into the City of Topeka in 1959, and has been under low-density single family residential zoning since the time of annexation.

The principal structure on the property was constructed in 1976. The secondary structure was constructed in 1981. The church has remained vacant since March 2022.

**ZONING AND CHARACTER OF
SURROUNDING PROPERTIES:**

North: "R-1" Single Family Dwelling District – Bishop Professional Development Center owned and operated by Topeka Unified School District 501.

East: "R-1" – Single Family Residences

South: "R-1" – Single Family Residences

West: "R-1" – Single Family Residences

**COMPLIANCE WITH
DEVELOPMENT STANDARDS
AND GUIDELINES**

**USE STANDARDS AND
DIMENSIONAL STANDARDS:**

City of Topeka R-1 use, density, and dimensional standards will apply except as noted in the conditions of this PUD. Land uses permitted via provisions and conditions of the PUD zoning will include sports and recreation instruction.

The proposed use is nonresidential, so the use of a PUD provides a way to allow for this property to operate as suggested without the risk of future development of an incompatible office or institutional land use.

PARKING AND ACCESS:

Off-street parking requirements are determined by land use and not the zoning classification. The parking demand from the proposed land use appears similar to a community center use. Per 18.240.030, the parking required for a community center is 1 space per 300 sf after deducting interior spaces as provided in section 18.240.020. Applying the community center parking standards, the estimated required parking is 48 spaces.

Per the Statement of Operations, there are as many as 60 families each week night of operation and up to 100 families on Sundays. Classes are held sequentially during those periods and thus not all of those families are present at the same time. Parking is also needed for staff (up to 11 staff, although not all 11 staff are likely to be present at the same time). Therefore, considering the scheduling of classes and resulting turnover, the parking demand is not expected to exceed 70-80 at any point in time on week nights. The parking demand on Sundays is expected to be similar.

The site currently has 84 parking stalls, expected to be more than sufficient to satisfy parking demand on nearly all occasions.

DESIGN STANDARDS:

N/A

LANDSCAPING:	Additional landscaping is recommended along the perimeter where the existing landscaping is not sufficient to provide an adequate buffer.
SIGNAGE:	Signage will be required to comply with the Sign Code (TMC18.10) as applied to nonresidential uses in R-1 zoning districts.
LIGHTING & SOUND:	Any exterior lighting installations shall not have a negative impact on traffic safety or the surrounding properties, and there shall be no spillover effects on the adjacent properties.
VARIANCES REQUESTED:	N/A

OTHER FACTORS

SUBDIVISION PLAT:	The subject property was platted in 1976 as Lots 1-2, Block A, Evangelical Covenant Church Subdivision,
UTILITIES:	Public sanitary sewer and water connections are readily available.
FLOOD HAZARDS, STREAM BUFFERS:	None
HISTORIC PROPERTIES:	None
NEIGHBORHOOD PLAN:	N/A

NEIGHBORHOOD INFORMATION MEETING:	The applicant conducted a Neighborhood Information meeting on August 2nd, 2023. Owners of properties within a 300 feet of the property received notice. Notice was also sent to the council member for the district and any registered neighborhoods within one half mile of the site. Approximately 10 residents not associated with the development team or city staff were in attendance. Topics discussed in the meeting include the nature and impacts of the PUD zoning, potential neighborhood partnerships, cost and accessibility of classes, types of classes offered, events, traffic, lighting, maintenance, and hours of operation. Neighbors were curious about the project, raised questions, and voiced concerns.
--	---

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

Public Works /Engineering:	No issues identified regarding traffic or engineering.
Water Pollution Control:	No issues identified regarding rezoning.
Fire Department:	No issues identified regarding rezoning. Fire Department has provided general comments and conditions applicable to site development.
Development Services:	No issues identified regarding rezoning. Permits will be required.

KEY DATES

SUBMITTAL:	July 7, 2023
LEGAL NOTICE PUBLICATION:	July 31, 2023
PROPERTY OWNER NOTICE MAILED:	July 24, 2022

STAFF ANALYSIS

Planning staff have reviewed the zoning application relative to the required findings and conclusions in Topeka Municipal Code Section 18.245 (Findings and conclusions reflect the “golden factors” per Donald Golden v. City of Overland Park, 1978 Kansas Supreme Court) as is required for applications for rezoning.

CHARACTER OF THE NEIGHBORHOOD: The proposed zoning and land use will not have a substantial effect on the character of the neighborhood. The surrounding neighborhood is characterized by detached single family housing to the south, west, and east. The Bishop Professional Development Center is to the north on a large 13 acre site with a large parking lot. The subject property abuts SW 33rd Street on its north, and is approximately 275 feet west of SW Arnold Avenue. On the Shawnee County Functional Classification map 33rd Street is designated a *local street* and Arnold Avenue is classified a *collector*.

The existing church facilities include a chapel, gymnasium, and offices comprise about 16,500 square feet, The buildings and parking lot are on a 2.6 acre site. There is substantial landscaping on the property, including along its perimeter, which will help to mitigate the effects of increased activity from the proposed use. The proposed sports and recreation use is restricted to the indoors of the existing facilities and thus the change in zoning will not substantially change the visible physical characteristics of the property.

ZONING AND USE OF NEARBY PROPERTIES: The proposed zoning of Planned Unit Development (PUD) with R-1 uses and Sports and Recreation Instruction t is compatible with the existing land use and zoning designations of adjacent properties. The subject property is located in a neighborhood dominated by detached, single family homes as well as USD 501’s Professional Development Center to the north. The presence of the

higher intensity land use to the north suggests that a similar land use of lower intensity would be suitable for this site. Conditions attached to this zoning action as well as the City of Topeka development standards will serve to limit the potential for negative impacts to adjacent residential property owners and residents as a result of the change of use.

LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER THE PRESENT CLASSIFICATION: The subject property has been vacant for over a year and has been used for religious assembly since its development in the 1970s. Continued vacancy of the building due to the restrictive nature of the current R-1 zoning is a concern.

SUITABILITY OF USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED: The property may be suitable for residential uses, religious assembly and perhaps other non-residential uses to which it is restricted under the current R-1 zoning. However, the demand for religious facilities has declined substantially in recent years. The current “R-1” zoning restricts how the property can be re-purposed. As a former church, the building is designed for primarily nonresidential uses, while the zoning designation is intended for nearly exclusively residential uses. Unless the site were to stay as a church or be redeveloped into school, it will be difficult to adapt for occupancy without a change in its zoning designation. The need to find a new purpose for religious facilities will require rezoning in many instances.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The proposed rezoning is consistent with the Land Use and Growth Management Plan 2040 (LUGMP). Although the subject property is designated as Urban/Suburban Low Density Residential on the City of Topeka Future Land Use Map, rezoning for a sports and recreation instruction use allows for the adaptive reuse of vacant religious facilities but with conditions and restrictions that will protect the residential character of the surrounding neighborhood. Allowing redevelopment of existing facilities helps to prevent blight and is thus consistent with the overriding principles of the LUGMP.

THE EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: The proposed development is anticipated to generate few, if any, detrimental effects on nearby properties. Given the comparatively intense land use of the Bishop Professional Development Center campus to the immediate north, as well as the long-term nonresidential nature of the subject property, the material effects of the use change are marginal. Furthermore, the proposed conditions restrict use of the property to the services and functions intended to be provided by the applicant while protecting the interest of neighboring property owners. The new use will generate noticeable activity and traffic throughout the week but the conditions of the PUD zoning will limit nearly all of the activity to the daytime and evenings before 8pm.

Additionally, the subject property has been vacant for over a year. This vacancy risks introducing blight to the neighborhood if the site is not redeveloped. Because of that, permitting development will help to protect the long-term interest of the neighborhood by ensuring the existing facilities do not fall into disrepair and disuse.

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: Even with the limiting conditions of the PUD zoning, the proposed sports and recreation instruction use (cheer training) may result in a noticeable increase in activity and traffic. But concerns about the potential for negative impacts must be balanced with the positive effects of having the facilities occupied and maintained. Adaptive reuse of vacant institutional structures is a way to prevent the creation of blight within neighborhoods. Even so, some neighboring owners and residents might prefer the rezoning application be denied. Weighing the possibility of negative impact against the positive impact of the facilities being used under the restrictions imposed, the public has little to gain and the owner has much to lose if the rezoning is denied.

AVAILABILITY OF PUBLIC SERVICES: All essential public roadways, utilities, and services are currently

present and available within the area or will be extended at the expense of the developer.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS: Development under the proposed zoning will be required to comply with R-1 Single Family Dwelling and restrictions imposed by the conditions of the PUD zoning.

STAFF RECOMMENDATION

Based upon the above findings and analysis, Planning staff recommend **APPROVAL** of the proposed zoning, subject to the following conditions, which are to be included in the ordinance adopted by the Governing Body:

1. R-1 uses are permitted. In addition to R-1 uses, Sport and Recreation Instruction uses as described in the attachment entitled Statement of Operations for Topeka Prime Sports are permitted. Comparable uses consistent with and similar to North American Industry Classification System, 611620 Sports and Recreation Instruction, may be permitted upon a determination by the Planning Director that they are of equal or lesser impact to the neighborhood property owners and residents. Accessory uses not specifically identified in the Statement of Operations are permitted provided they are of a similar or lesser intensity.
2. Activities associated with the Sports and Recreation Instruction use are to occur indoors only.
3. Sports and Recreation Instruction use is allowed in existing facilities and buildings. Construction of new facilities for Sports and Recreation Instruction and related uses is not permitted. Limited building modifications or expansion may be permitted as a minor amendment to the Planned Unit Development in accordance with the amendment procedures in TMC 18.190.070.
4. Substantial changes to the operations may require an amendment to this Planned Unit Development in accordance with the amendment procedures in TMC 18.190.070.
5. The use and dimensional standards applicable to R-1 zoning shall apply except as stated in these conditions.
6. Section 18.235.060(d) of the Topeka Zoning Regulations (*Landscape Requirements, Buffers*) requires a buffer of landscaping, fencing, or a combination of both where a planned unit development, commercial, or institutional use abuts a residential zoning district. Much of the south and west boundary of the property contains fencing and landscaping that meets the general intent of Section 18.235.060. Where existing fencing and landscaping along the south and west property lines are inadequate, the applicant shall submit a plan to Planning staff for a landscape/fencing buffer meeting the intent of 18.235.060(d). The buffer need not be an opaque screen, but must include trees and be of a density sufficient to mitigate the impact of vehicle headlights at peak departure and arrival times. The plan shall be approved and buffers installed prior to commencement of the Sports and Recreation Instruction use.
7. Any expansion of the parking areas will require permits and application for permits must include a site plan. Additional fencing or landscaping may be required where parking areas are immediately adjacent to neighboring residential property.
8. Existing mature and healthy trees on the property shall be maintained and preserved unless replaced with an equivalency of landscaping based on species, quantity, current size, and size at maturity.

PLANNING COMMISSION MOTION: Based on the findings and analysis in the staff report I move to recommend to the Governing Body **APPROVAL** of the rezoning from “R-1” Single Family Dwelling District to “PUD” Planned Unit Development *District* with R-1 uses and Sports and Recreation Instruction at 3601 SW 33rd Street, subject to conditions as recommended in the staff report.

ATTACHMENTS:

Aerial View Map

Zoning Map

Future Land Use Map

Statement of Operations

Neighborhood Information Meeting Attendance and Summary

STATEMENT OF OPERATIONS

For Topeka Prime Sports, LLC
Planned Unit Development (PUD) Zoning for 3601 SW 33rd Street
Formerly Brookwood Covenant Church

August 8, 2023

Topeka Elite Cheer is proposing to convert the former Brookwood Covenant Church located at 3601 SW 33rd St into a gym for indoor sports and recreation instruction, specifically cheerleading classes with accompanying preschool music classes and offices.

Proposed Hours of Operation: Hours of regular operation will be Monday through Thursday 4:30 - 8:30pm and Sunday 12:00pm – 6:00pm. As Topeka Elite Cheer (TEC) gets established, they would look to add daytime preschool classes during the week.

Number of Anticipated Patrons: For the purpose of this Statement of Operations, “family” means 1 or more persons attending an activity coming from the same household. One “family” may include 1 or more persons engaged in an activity and brought to the facility by a parent or guardian. TEC currently has 167 families and offers 30 classes. With the additional space they would be able to add anywhere from 11-20 additional classes that would allow TEC to provide options for more families. Anywhere from 6-12 kids attend recreational classes and 12-30 kids attend per competitive team classes.

Frequency of classes: Most classes take place 1 to 2 times per week during the times listed above. TEC intends to hold 3-6 classes per night.

Events and Activities: TEC hopes to eventually add events that allow for them to provide more options for families without the commitment of weekly classes. Activities and events beyond regular classes may include open gyms or exhibition workshops the same or similar to indoor sports and recreation instruction.

Offices: TEC will have four offices in the building supporting their operations and staff.

Traffic: TEC typically has 50-60 families in for classes each night. Attendance will be limited to no more than 60 families per week night. Approximately 100 families may attend classes over the course of a Sunday. Overall Sunday attendance will never exceed 150 families.

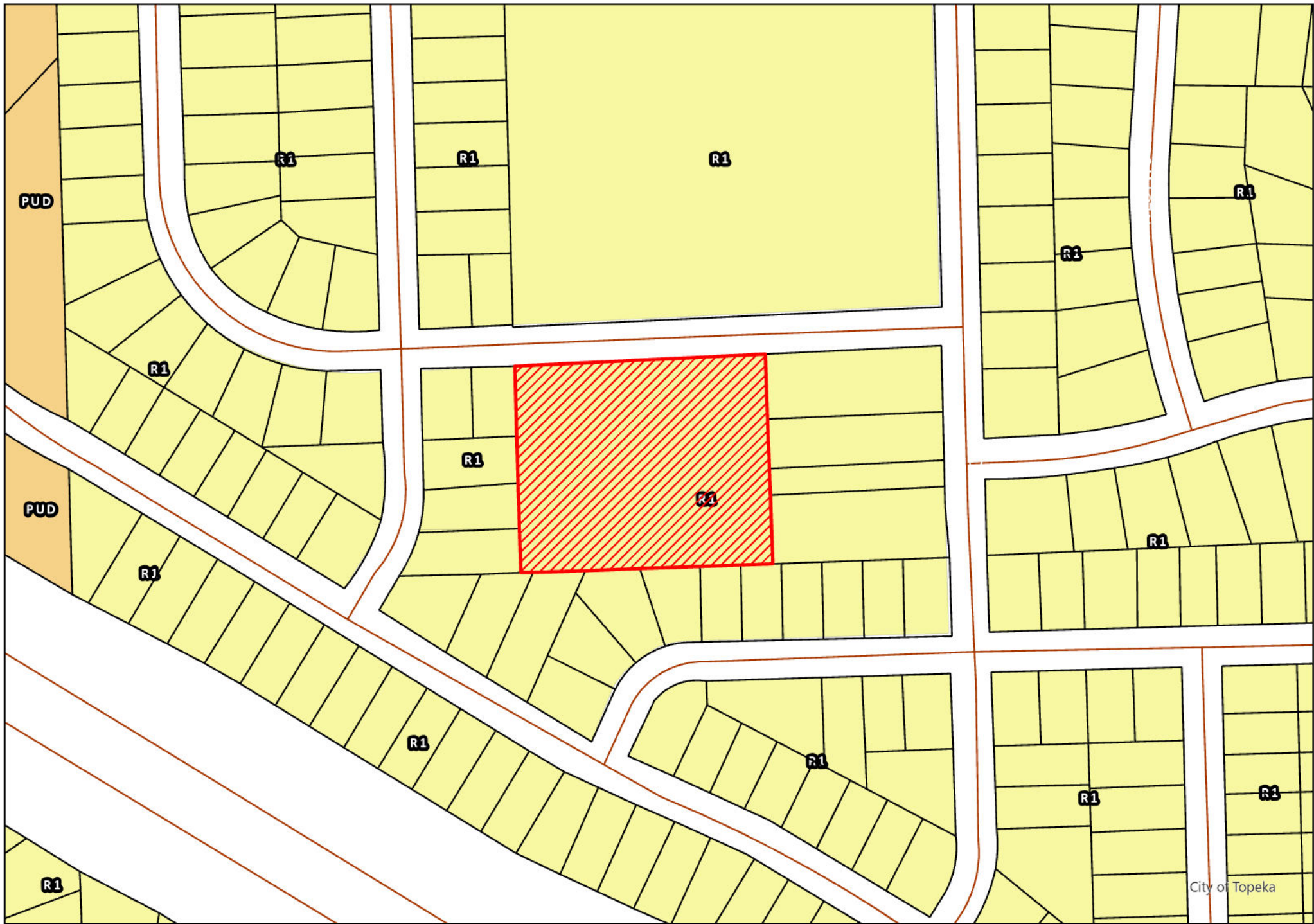
Project Benefits: With TEC locating their gym here, the building will continue to be a vibrant location for family activities like what it provided as a church. Without this change in zoning the building will remain vacant and will begin to deteriorate if it does not attract another buyer. The longer it remains vacant, the more difficult it will be to find a high-quality occupant. TEC will bring families to the neighborhood and will become a stable cornerstone of the community.



PUD23/05 By: Fellowship Bible Church LLC (Topeka Prime Sports)

 Subject Property

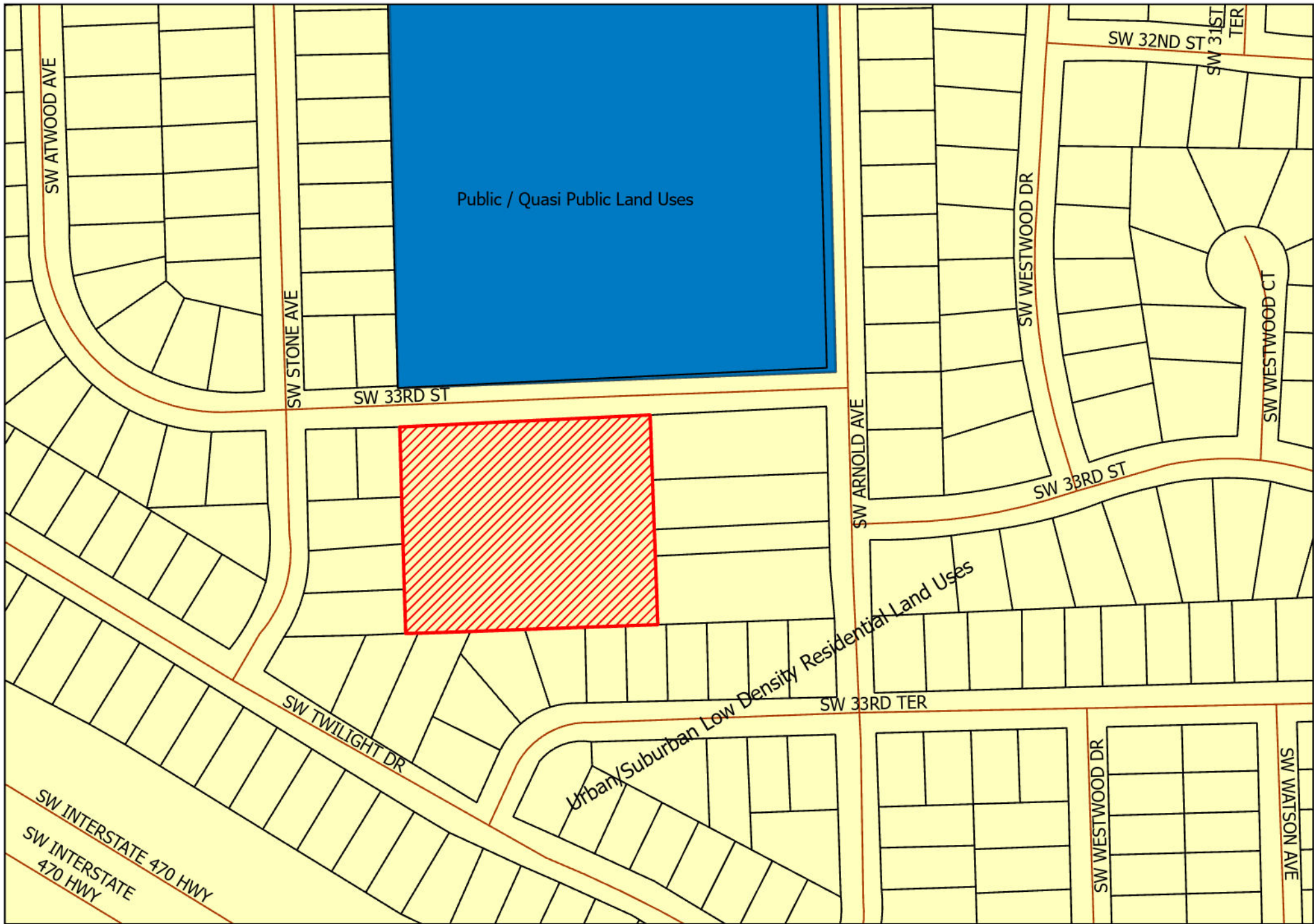




PUD23/05 By: Fellowship Bible Church LLC (Topeka Prime Sports)

 Subject Property





PUD23/05 By: Fellowship Bible Church LLC (Topeka Prime Sports)  Subject Property

FUTURE LAND USE MAP

PUD 23/05 Topeka Prime Sports
Summary of Information Meeting
August 10, 2023

Approximately 10 neighbors attended the Neighborhood Information Meeting held on August 2nd at 5:30 pm at the Brookwood Covenant Church.

The applicant and developer, Mark Burenheide, made a short presentation on other projects he and his wife had undertaken. Most of those projects have centered on Downtown. Mark outlined the general plan for the property to be converted from its use as a church into a gym for cheerleading instruction.

Taylor McKaig, Owner of Topeka Elite Cheer (TEC), provided information on how TEC intends to use the building. TEC proposed to use the facility primarily for cheer classes, and plans to provide additional music classes for children as young as 6 months.

Taylor provided information on TEC's programming and the families utilizing the gym. TEC offers 3-6 classes per night Monday through Thursday and on Sundays. Classes take place from 4 pm to 8 pm during the week and from 12 pm to 6 pm on Sundays. There are approximately 40-60 families attending the gym at one time. On Sundays, there may be as many as 100 families per day.

Currently, TEC is holding practices in a warehouse. They have been looking to move into a larger space where there is air conditioning and heat. Taylor emphasized that there are no gyms exclusively dedicated to cheerleading in the Topeka area, which has led the organization to grow considerably since it began offering classes. Several families drive into Topeka from surrounding cities for the cheer gym.

Questions from the neighbors related to the impact of a rezoning, increases in traffic, and potential partnerships within the community. The neighbors were concerned about what types of land uses a rezoning would permit. Mike Hall explained that conditions would be placed on the property that would limit its use to a cheer facility or other similar issues.

Some residents voiced that they would like to see the building serve the surrounding community and were curious about the cost of classes. Taylor responded that they intend to be active in the community by offering a variety of classes and opportunities for neighborhood children to become involved at the gym.



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 19, 2023

DATE: September 19, 2023
CONTACT PERSON: Dan Warner, AICP, Planning Division Director DOCUMENT #: V23A/01
SECOND PARTY/SUBJECT: Clay Sherwood Rentals LLC PROJECT #:
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 006 Vacations
CIP PROJECT: No
ACTION OF COUNCIL: 09-12-23 Public Hearing JOURNAL #: Conducted and Deferred until 09-19-23.
PAGE #:

DOCUMENT DESCRIPTION:

ORDINANCE introduced by Interim City Manager Richard U. Nienstedt relating to the vacation of a 20 foot wide public alley extending east-west and located between properties lying at 410 SW 6th Avenue and 523 SW Harrison Street in the City of Topeka, Shawnee County, Kansas. (V23A/01) (Council District No. 1) (On September 12, 2023, the Public Hearing was conducted and the ordinance was deferred until September 19, 2023.)

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval will vacate a 20 foot wide east-west public alley and retain a public utility easement. The vacation will enable the property owner to extend a security fence from 509 SW Harrison across the alley to 410 SW 6th to enclose his properties.)

VOTING REQUIREMENTS:

Action requires at least six (6) votes of the Governing Body.

POLICY ISSUE:

Whether to approve vacation of a segment of the public alley, finding that (1) no private rights will be injured; and (2) the public will suffer no loss or inconvenience.

STAFF RECOMMENDATION:

Staff requests the item be deferred until the October 17, 2023 Governing Body meeting to allow sufficient time to revise the request.

BACKGROUND:

The applicant requests vacation a 150 feet of the 20 foot wide public alley between the two properties he owns fronting on SW Harrison and SW 6th Avenue. Vacation of the alley will enable the owner to install a security fence across what is now the alley. The owner will provide a public utility easement to allow access through and across the vacated alley needed by the City of Topeka and Evergy to maintain their public assets.

City and County Departments and Public Utility Agencies have have had the opportunity to review the vacation approved the vacation of the public alley and have no objections provided the public utility easement is provided.

As required by Kansas Statute the public hearing was held on September 12, 2023.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not applicable.

ATTACHMENTS:

Description

Ordinance

Presentation

Survey Exhibit

Aerial

Legal Ad

Application

(Published in the Topeka Metro News _____)

ORDINANCE NO.

ORDINANCE introduced by Interim City Manager Richard U. Nienstedt relating to the vacation of a 20' wide public alley extending east-west and located between properties lying at 410 SW 6th Avenue and 523 SW Harrison Street in the City of Topeka, Shawnee County, Kansas (V23A/01) *(Council District No. 1)*

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 Clay Sherwood Rentals LLC, as property owner, has been filed with the office of the City Clerk, requesting the vacation of the following described public alley located within the City of Topeka, Shawnee County, Kansas:

DESCRIPTION TRACT 1:

A tract of land in the Original Town Plan of Topeka in the City of Topeka, Shawnee County, Kansas. Prepared by John B. Kramer P.S. 1331 on June 8, 2023; more particularly described as follows;

A 20' wide Tract of land being the alleyway lying South of Lot 167 on Southwest Harrison Street and North of Even Lots 14–24 on Southwest Sixth Avenue East, in the Original Town Plan of Topeka.

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on **September 12, 2023**, 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 alley located within the City of Topeka, Kansas:

DESCRIPTION TRACT 1:

A tract of land in the Original Town Plan of Topeka in the City of Topeka, Shawnee County, Kansas. Prepared by John B. Kramer P.S. 1331 on June 8, 2023; more particularly described as follows;

A 20' wide Tract of land being the alleyway lying South of Lot 167 on Southwest Harrison Street and North of Even Lots 14–24 on Southwest Sixth Avenue East, in the Original Town Plan of Topeka.

Section 5. That the Council of the City of Topeka does hereby find that justice further requires the provision for a “public utility easement” to be established over the described property as set forth in Section 4 and does hereby order the retention of the below described area as a “public utility easement”:

DESCRIPTION TRACT 1:

A tract of land in the Original Town Plan of Topeka in the City of Topeka, Shawnee County, Kansas. Prepared by John B. Kramer P.S. 1331 on June 8, 2023; more particularly described as follows;

A 20' wide Tract of land being the alleyway lying South of Lot 167 on Southwest Harrison Street and North of Even Lots 14–24 on Southwest Sixth Avenue East, in the Original Town Plan of Topeka.

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

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

PASSED AND APPROVED by the Governing Body of the City of Topeka _____, 2023

Michael Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified ____
Not To Be Codified X



CITY OF
TOPEKA



V23E/02 Cromwell
V23A/01 Sherwood Rentals
P23/11 Elk Lake Shawnee
Subdivision

Dan Warner, AICP, Planning Director

V23E/02 Michael and Elizabeth Cromwell



V23E/02 By: Mike Cromwell (Harold's Tire)  Requested Easement to be vacated



V23A/01 Clay Sherwood Rentals

3



V23A/01 By: Clay Sherwood Rentals LLC

 V23A/01 - Subject Property



2023R08483

SHAWNEE COUNTY, KANSAS
REGISTER OF DEEDS
REBECCA J. NIOCE
DATE RECORDED:
06/09/2023 02:57:07 PM
88 P63

BOOK **8** PAGE **63**

PLAT OF SURVEY

FOR: Clay Sherwood Rentals, LLC NO. 2309 DATE: June 8, 2023

DESCRIPTION TRACT 1:

A tract of land in the Original Town Plan of Topeka in the City of Topeka, Shawnee County, Kansas. Prepared by John B. Kramer P.S. 1331 on June 8, 2023; more particularly described as follows:

A 20' wide Tract of land being the alleyway lying South of Lot 167 on Southwest Harrison Street and North of Even Lots 14-24 on Southwest Sixth Avenue East, in the Original Town Plan of Topeka.

LEGEND

- 1/2" Rebar Found (Eugene E. McCracken)
- ⊙ 5/8" X 24" Capped Rebar Set (Corp. L.S. #1331)
- ⊠ City of Topeka Engineering Cap
- ⊞ X Cut Found in Concrete
- P Original Town Plan of Topeka
- M Measured
- C Calculated
- J Joe Singer
- E Eugene E. McCracken

REFERENCE SURVEYS

Original Town Plan of Topeka, dated March 30, 1859. Found in Plat Book 2, Page 12 in the Shawnee County Register of Deeds Office.

Survey No. 96 by Joe Singer L.S. #714 dated October 06, 1987. Found in Plat of Original Town Plan of Topeka Subdivision folder in the Shawnee County Surveyors Office.

Plat of Survey 1344, by Eugene E. McCracken dated March 27, 1947. Found in Plat of Original Town Plan of Topeka Subdivision folder in the Shawnee County Surveyors Office.

NOTE:

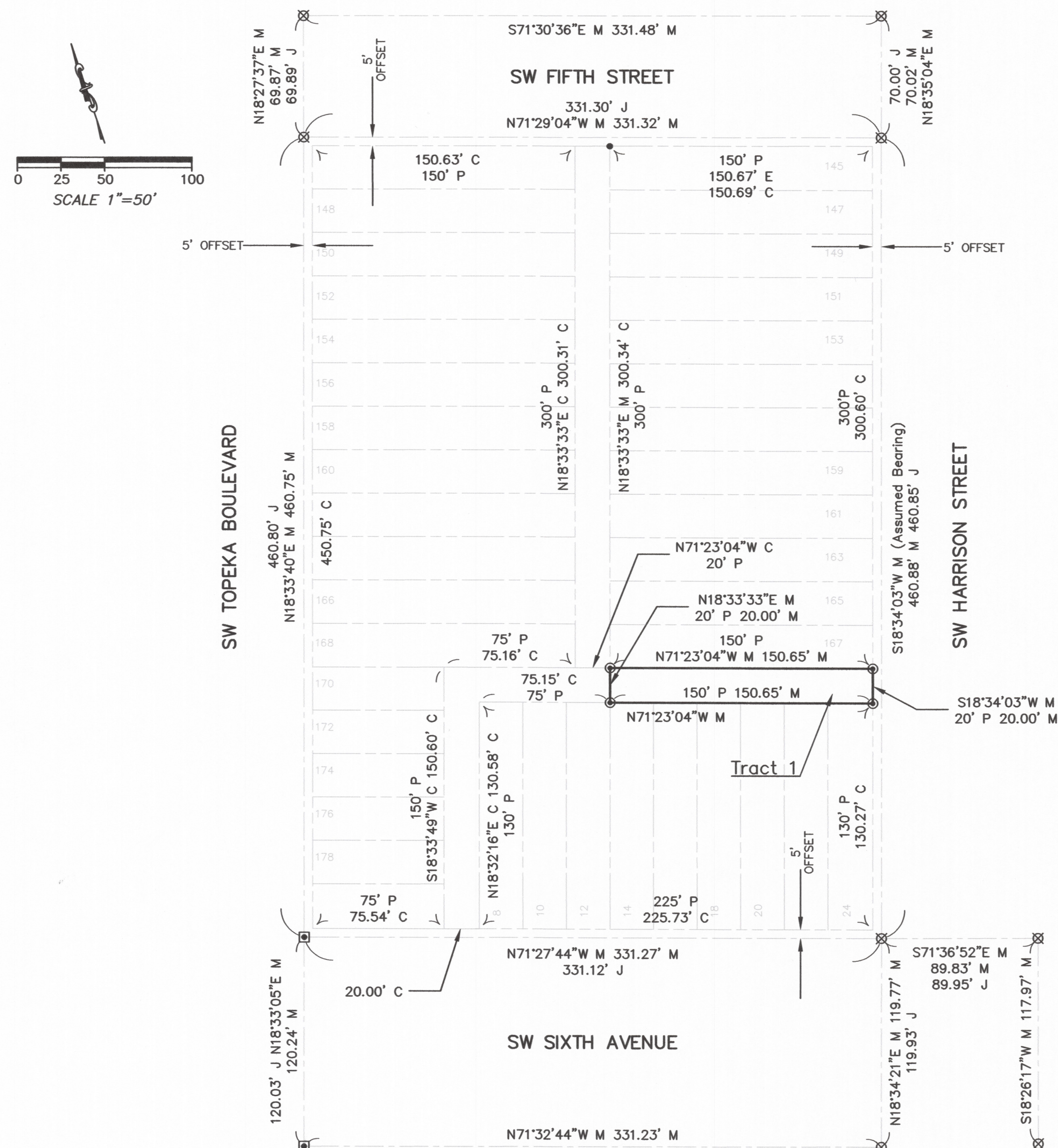
- BEARING SYSTEM IS BASED ON ASSUMED DATA USING THE WEST LINE OF SW HARRISON STREET LOTS 145-167 (S18°34'03"W).
- NO SURFACE FEATURES WERE LOCATED, NO TITLE REPORT WAS FURNISHED, NO BELOW GROUND INVESTIGATIONS OR ENVIRONMENTAL REVIEWS WERE MADE AS PART OF THIS BOUNDARY SURVEY.
- BY AGREEMENT WITH CLIENT NO EASEMENTS OR SETBACKS ARE SHOWN.

CERTIFICATION: THE ABOVE PLAT, TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, AND IN MY PROFESSIONAL OPINION, IS THE TRUE FINDINGS OF A SURVEY MADE UNDER MY DIRECTION AND COMPLETED June 8, 2023.

BY: 
JOHN B. KRAMER, P.S.

Reviewed by the County
Surveyor this 9th day
of June 2023 ONLY for
compliance with KSA
Chapter 68, Article 20
Deborah J. Thompson LS 1461

KRAMER
CONSULTING, LLC
Consulting Design Engineers & Surveyors Providing Professional Service Since 1959
2335 SE Tecumseh Rd., Tecumseh, Kansas 66542 (785) 234-6600
www.KramerLLC.net Contact@KramerLLC.net





V23A/01 By: Clay Sherwood Rentals LLC

 V23A/01 - Subject Property



Please have the attached published in the Topeka Metro News in the Legal Advertising Section on Monday, August 14 and August 21, 2023

IN THE MATTER OF THE PROPOSED VACATION OF:

The vacation of a 20' wide public alley extending east-west and located between properties lying at 410 SW 6th Avenue and 523 SW Harrison Street **(V23A/01) (Council District No. 1)**

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 Clay Sherwood Rentals LLC to vacate a public alley right-of-way on property legally described as follows:

DESCRIPTION TRACT 1:

A tract of land in the Original Town Plan of Topeka in the City of Topeka, Shawnee County, Kansas. Prepared by John B. Kramer P.S. 1331 on June 8, 2023; more particularly described as follows;

A 20' wide Tract of land being the alleyway lying South of Lot 167 on Southwest Harrison Street and North of Even Lots 14–24 on Southwest Sixth Avenue East, in the Original Town Plan of Topeka.

The petition will be presented to the Council of the City of Topeka for hearing **Tuesday, September 12, 2023** 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**

Clay Sherwood Rentals, LLC

422 SW 6th Street
Topeka, Ks 66603
Phone 785-232-7272
Fax 785-232-6628

July 6, 2023

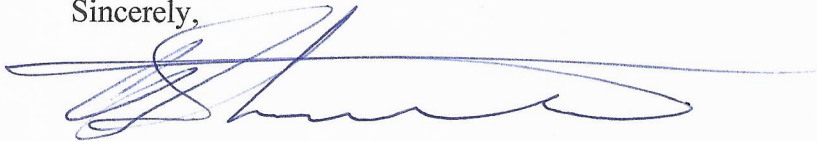
City of Topeka
Planning & Development Dept.
620 SE Madison, Unit 11
Topeka, KS 66607

Dear Sirs,

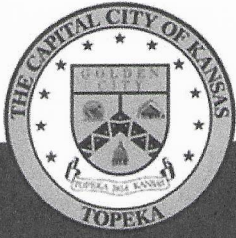
Thank you for your consideration of vacating the Alley that is located between my properties at SW 6th and SW Harrison. On your application form, your question if I was willing to allow public easement for utilities after vacating, I have answered no for the reason that all utilities that are currently in that alley serve only my properties and I will take responsibility for the 8" sewer line and the surfacing of the Alley once this vacation is accepted. With that being said, this will help me with future development of this property.

Again, thank you for this consideration. If you have any questions, I can be contacted directly at 785-231-8373.

Sincerely,



Clayton R. Sherwood
Managing Member
Clay Sherwood Rentals, LLC



CITY OF
TOPEKA

**PLANNING & DEVELOPMENT
DEPARTMENT**

APPLICATION for VACATION

of Streets, Alleys, Easements,
and Other Public Dedications

SUBMIT ALL REQUIRED
DOCUMENTS TO:
planning@topeka.org

APPLICANT INFORMATION

If more than one property owner is contiguous to the proposed vacation, all owners must sign the authorization below OR submit an acknowledgement indicating they do not object to the vacation.

Applicant(s): Clay Sherwood Rentals LLC
Street Address: 422 SW 6TH Ave
City: Topeka State: KS Zip: 66603
Daytime Phone Number: 785-231-8373 Email: Clay@swimsandsweeps.com

PLANNING DEPARTMENT USE ONLY

CASE #: _____

DATE REC'D: _____

FILING FEE PAID: _____

PROPERTY TAXES CURRENT:
Y () N ()

COUNCIL DISTRICT #: _____

REP: _____

AUTHORIZED PROFESSIONAL AGENT (E.G. ENGINEER) OR OWNER REPRESENTATIVE INFORMATION

Name: Clayton Sherwood
Street Address: 422 SW 6TH Ave
City: Topeka State: KS Zip: 66603
Daytime Phone Number: 785-231-8373 Email: clay@swimsandsweeps.com

AUTHORIZATION

I (We) am (are) the owner(s) of record of property adjoining the requested area sought to be vacated and hereby authorize filing of this application. I (We) declare that all information provided with this application is complete and accurate. I (We) acknowledge the instructions and regulations have been reviewed and understood, and authorize any agent or representative listed in this application to represent me (us).

Owner(s) Name: Clayton Ray Sherwood

Owner(s) Signature: [Signature] Date: 7/5/23

Owner(s) Signature: [Signature] Date: 7/5/23

Owner(s) Signature: _____ Date: _____

Owner(s) Signature: _____ Date: _____

**APPLICATION FOR VACATION
streets, alleys, easements, and other public dedications**

REQUESTED ACTION

Attach additional pages if necessary

Type of vacation:

☐ Street ☒ Alley ☐ Easement ☐ Restricted Access ☐ Platted Setback ☐ Other: _____

Describe fully the location of property to be vacated. You must attach a survey, map or diagram of the area sought to be vacation.

The alley is running adjacent to 523 sw Harrison and behind 410 sw 6Th Ave. The vaction would start at the sw property pin of 523 sw Harrison and go east to Harrison street or to the front property line along sw Harrison and the east property line of 410 sw 6 Th Ave

Identify all properties adjoining the proposed vacated area:

Address: 523 sw Harrison PIN: 0891093101025010.000 Owner: Clay Sherwood Rentals LLC
Address: 410 sw 6th Ave PIN: 0891093101025009.000 Owner: Clay Sherwood Rentals LLC
Address: _____ PIN: _____ Owner: _____

Legal description of property adjoining the requested area: (if un-platted, attach metes and bounds description)

Lot(s) 165+ Block _____ Subdivision Original Town
Lot(s) 8+ Block _____ Subdivision Original Town
Lot(s) _____ Block _____ Subdivision _____

Describe the proposed development and reasons for the vacation:

Clay Sherwood Rental also owns the building and lot at 509 Harrison. With the vaction we would be able to fence from the south side of 509 Harrison to the north side of 410 sw 6th ave. this will increase productivity for our renter Swims & Sweeps and add security for both properts. This will relieve the City of having to repair and maintian the alley

Are there other property owners that depend on the vacated area for access or utility service? If yes, please describe.

no

For street and alley vacations, do you agree with designating a public easement (e.g., utility, access, drainage) to cover the area if that is considered appropriate by City departments or public utility agencies?

☐ Yes

☒ No

Please See Attached

PERMANENT STRUCTURES ARE NOT PERMITTED TO ENCROACH WITHIN THE EASEMENT

-----CITY OF TOPEKA PLANNING & DEVELOPMENT DEPARTMENT-----

620 SE MADISON, UNIT 11 | TOPEKA KS 66607 | 785.368.3728 | WWW.TOPEKA.ORG/PLANNING

APPLICATION UPDATED AUGUST 2020

Area to be vacated

2023080483
SHAWNEE COUNTY, KANSAS
REBECCA J. NICK
DATE RECORDED:
09/09/23 07:07 PM
BEE PLS

BOOK 8 PAGE 63
PLAT OF SURVEY

FOR: Clay Sherwood Rentals, LLC NO. 2309 DATE: June 8, 2023

DESCRIPTION TRACT 1:

A tract of land in the Original Town Plan of Topeka in the City of Topeka, Shawnee County, Kansas. Prepared by John B. Kramer P.S. 1331 on June 8, 2023, more particularly described as follows:

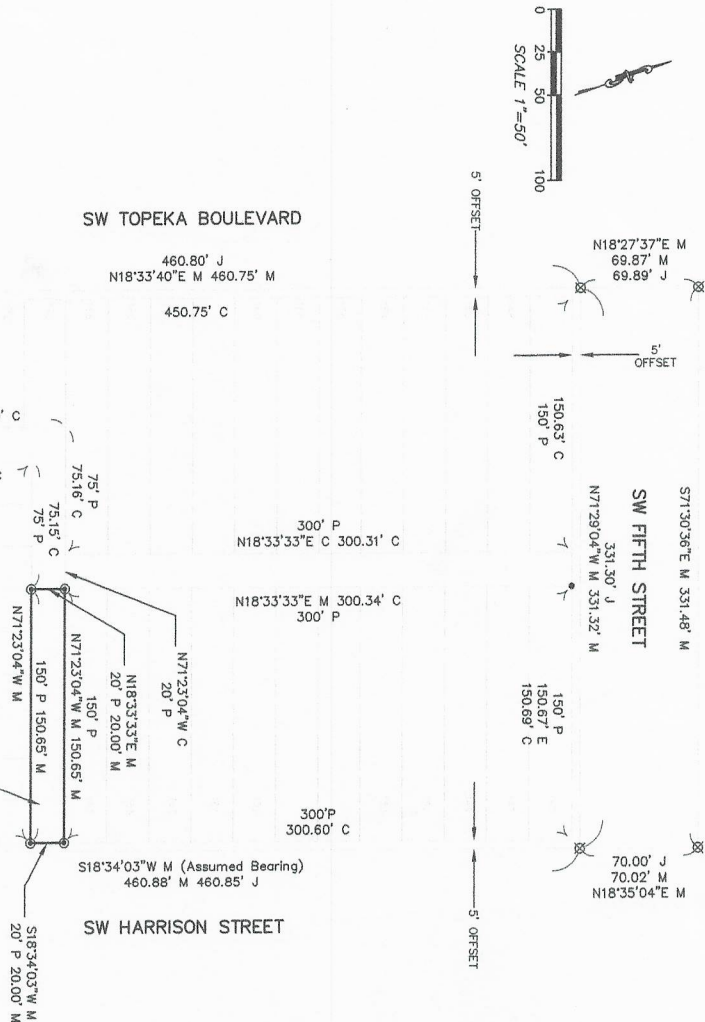
A 20' wide Tract of land being the alleyway lying South of Lot 167 on Southwest Harrison Street and North of Even Lots 14-24 on Southwest Sixth Avenue East, in the Original Town Plan of Topeka.

LEGEND

- 1/2" Rebar Found (Eugene E. McCracken)
- 5/8" x 24" Copied Rebar Set (Corp. L.S. #1331)
- ⊠ City of Topeka Engineering Cop X Cut Found in Concrete
- ⊞ Original Town Plan of Topeka
- M Measured
- C Calculated
- J Joe Singer
- E Eugene E. McCracken

REFERENCE SURVEYS

Original Town Plan of Topeka dated March 30, 1889. Found in Plat Book 2, Page 12 in the Shawnee County Register of Deeds Office.
Survey No. 98 by Joe Singer L.S. #1331 dated October 06, 1989. Found in Plat Book 2, Page 12 in the Shawnee County Register of Deeds Office.
Plot of Survey 1344, by Eugene E. McCracken dated March 27, 1947. Found in Plat Book 2, Page 12 in the Shawnee County Register of Deeds Office.



Tract 1

NOTE:

1. BEARING SYSTEM IS BASED ON ASSUMED DATA USING THE WEST LINE OF SW HARRISON STREET LOTS 145-167 (S1834.03°W).
2. NO SURFACE FEATURES WERE LOCATED. NO TITLE REPORT WAS FURNISHED. NO BELOW GROUND INVESTIGATIONS OR ENVIRONMENTAL REVIEWS WERE MADE AS PART OF THIS BOUNDARY SURVEY.
3. BY AGREEMENT WITH CLIENT NO EASEMENTS OR SETBACKS ARE SHOWN.

CERTIFICATION: THE ABOVE PLAT, TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, AND IN MY PROFESSIONAL OPINION, IS THE TRUE FININGS OF A SURVEY MADE UNDER MY DIRECTION AND COMPLETED June 8, 2023.

BY: JOHN B. KRAMER, P.S.



KRAMER CONSULTING, LLC
2335 SE Richmond Rd., Topeka, Kansas 66642 (781) 234-6000
www.kramerllc.net

Reviewed by the County Engineer for the City of Topeka, Kansas, on 09/09/23 at 07:07 PM. Corrected as shown on 09/09/23 at 07:07 PM.

WORK ORDER

Client: Clayton Sherwood
422 SW 6th Ave.
Topeka, KS 66603-3391

March 16, 2023

Cell: 785-231-8373
Email: N/A

Survey: Survey boundary corners of alleyway to adjoining properties as recorded in Book 4438, Page 175 and Instrument No. 2014R07183 in the Shawnee County Register of Deeds Office.

Degree of Care: Survey work shall be done in accordance with Kansas Minimum Standards for Boundary Surveys, as required by the Kansas Board of Technical Professions, as applicable.

Drawing: Prepare Plat of Survey and record at the Shawnee County Register of Deeds Office.

Fees: The fee for our professional services shall be a lump sum amount of \$4,200.00.

Period of Service: Survey shall be submitted to the Shawnee County Surveyor for review within 60 days from date of signed Work Order is received in our office, weather permitting. Final completion is subject to review time of Shawnee County Surveyor.

Payment: Payment for professional services shall be due upon receipt of invoice.

The undersigned has read and understands the type of services to be provided and fees for services, and hereby authorizes Kramer Consulting, LLC to proceed with surveying services by the Work Order.

By: _____

Clayton Sherwood

Date: _____

3/17/2023

Please return one signed copy of Work Order to:

Kramer Consulting, LLC

2335 SE Tecumseh Rd.

Tecumseh, Kansas 66542

Ph. (785) 234-6600 EXT. 15

SNCAMA Property Record Card

Parcel ID: 089-109-31-0-10-25-010.00-0

Quick Ref: R25585

Tax Year: 2023

Run Date: 10/31/2022 10:45:55 AM

OWNER NAME AND MAILING ADDRESS

CLAY SHERWOOD RENTALS LLC

422 SW 6TH AVE

TOPEKA, KS 66603-3391

PROPERTY SITUS ADDRESS

523 SW HARRISON ST

Topeka, KS 66603

LAND BASED CLASSIFICATION SYSTEM

Function: 3610 Warehouse dist Sfx: 0

Activity: 5210 Vehicular parking, storage, et

Ownership: 1100 Private-fee simple

Site: 5000 Developed site - nonbuilding

GENERAL PROPERTY INFORMATION

Prop Class: C Commercial & Industrial - C

Living Units:

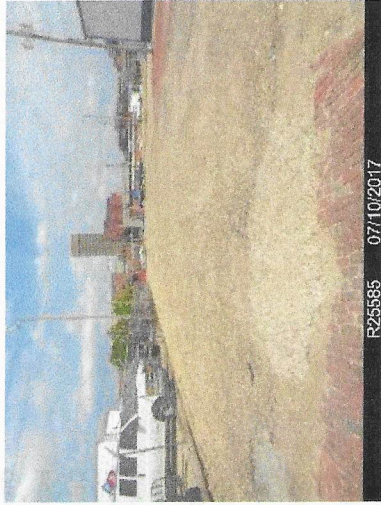
Zoning: I1

Neighborhood: 306.0 306.0 - DOWNTOWN SQL

Economic Adj. Factor:

Map / Routine: / CE-NA

Tax Unit Group: 001-001



R25585 07/10/2017

Image Date: 07/10/2017

PROPERTY FACTORS

Topograbhv: Level - 1

Utilities: All Public - 1

Access: Paved Road - 1

Fronting: Major Strip or CBD - 1

Location: Central Business District - 1

Parking Type: Off Street - 1

Parking Quantitv: Adequate - 2

Parking Proximity: On Site - 3

Parking Covered:

Parking Uncovered: 20

TRACT DESCRIPTION

ORIGINAL TOWN, Lot 165 + , HARRISON ST S
1/2 LOT 165 ALL 167 SECTION 31 TOWNSHIP 11
RANGE 16

MISCELLANEOUS IMPROVEMENT VALUES

Value Reason Code

NEW CONSTRUCTION

Value Reason Code

MARKET LAND INFORMATION

Method	Type	AC/IF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	OVRD	Rsn	Cls	Model	Base Size	Base Val	Inc Val	Dec Val	Value Est
Soft	1-Primarv Site - 1		5,625			5	60			0.00	PT	C	3	10,000.00	10.00	10.00	10.00	0

Total Market Land Value 0

COMMENTS

IMPROVEMENT COST SUMMARY

Not Yet Available

Property on Harrison

SNCAMA Property Record Card

Parcel ID: 089-109-31-0-10-25-010.00-0 Quick Ref: R25585

Tax Year: 2023

Run Date: 10/31/2022 10:45:55 AM

Other Improvement RCN: 25,880
 Eco Adj: 100
 Other Improvement Value: 0

AG LAND SUMMARY

Dry Land Acres: 0.00
 Irrigated Acres: 0.00
 Native Grass Acres: 0.00
 Tame Grass Acres: 0.00
 Total Ag Acres: 0.00
 Total Ag Use Value: 0
 Total Ag Mkt Value: 0

OTHER BUILDING IMPROVEMENTS

No.	Occupancy	MSCls	Rank	Qty	Yr-Blt	Eff Yr	LBCS	Area	Perim	Hgt	Dimensions	Stories	Phys	Func	Econ	OVR%	Rsn	Cls	RCN	%Gd	Value	
1	163-Site Improvements	P	2.00	1	1950			10		8		1.00	3	3			0	Inc		25,880	0	0

OTHER BUILDING IMPROVEMENT COMPONENTS

No.	Code	Units	Pct	Size	Other	Rank	Year
1	8350-Paving, Asphalt with Base	5,625					

Parcel ID: 089-109-31-0-10-25-009.00-0

Quick Ref: R25584

Tax Year: 2023

Run Date: 10/31/2022 10:45:37 AM

OWNER NAME AND MAILING ADDRESS

CLAY SHERWOOD RENTALS LLC

422 SW 6TH AVE
TOPEKA, KS 66603-3391

PROPERTY SITUS ADDRESS

410 SW 6TH AVE
Topeka, KS 66603
400 SW 6TH AVE
ALL PRO SERVICES

LAND BASED CLASSIFICATION SYSTEM

Function: 3610 Warehouse dist **Sfx:** 0
Activity: 3120 Primarily goods storage or ha
Ownership: 1100 Private-fee simple
Site: 6000 Developed site - with building

GENERAL PROPERTY INFORMATION

Prop Class: C Commercial & Industrial - C
Living Units:
Zoning: C5
Neighborhood: 306.0 306.0 - DOWNTOWN SQL
Economic Adj. Factor:
Map / Routing: S08 / CE-CPLUS
Tax Unit Group: 001-001

Image Date: 07/10/2017

PROPERTY FACTORS

Topography: Level - 1
Utilities: All Public - 1
Access: Paved Road - 1, Sidewalk - 6
Frontage: Major Strip or CBD - 1
Location: Central Business District - 1
Parking Type: Off Street - 1
Parking Quantity: Adequate - 2
Parking Proximity: On Site - 3
Parking Covered:
Parking Uncovered:

TRACT DESCRIPTION

ORIGINAL TOWN Lot 8 + SIXTH AVE WEST
LOTS 8-10-12-14-16-18-20-22 & 24 SECTION 31
TOWNSHIP 11 RANGE 16

GenLink: 089-109-31-0-10-25-010.00-0-; Prop-NC: IES10-Sent, IE10-Received, IE12-NA Not Applicable, IES12-Sent; App-Com: INF-1446-2009-Taxpayer did not, INF-2596-2010-

MISCELLANEOUS IMPROVEMENT VALUES

Value Reason Code

NEW CONSTRUCTION

Value

Reason Code

MARKET LAND INFORMATION

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	OVRD	Rsn	Cls	Model	Base Size	Base Val	Inc Val	Dec Val	Value Est
Soft	1-Primary Site - 1					5	60						3	10,000.00	10.00	10.00	10.00	175,500

Total Market Land Value 175,500

2023 APPRAISED VALUE

Cls	Land	Building	Total
C	175,500	174,300	349,800

2022 APPRAISED VALUE

Total	Land	Building	Total
175,500	174,300	174,300	349,800

Not Yet Available

PARCEL COMMENTS

Property on 34th + AVE

BUILDING PERMITS

Number	Amount	Type	Issue Date	Status	% Comp
--------	--------	------	------------	--------	--------

INSPECTION HISTORY

Date	Time	Code	Reason	Appraiser	Contact	Code
06/27/2017	3:25 PM	4	R	TMB	Brian House	5
09/28/2010	11:40 AM	11	S	TMB		
04/14/2010	11:00 AM	6	H	SLL		

Parcel ID: 089-109-31-0-10-25-009.00-0

Quick Ref: R25584

Tax Year: 2023

Run Date: 10/31/2022 10:45:37 AM

GENERAL BUILDING INFORMATION

LBCS Structure Code: 2730-Warehouse structure

Bldg No. & Name: 2 ALL PRO SERVICES

Identical Units: 1 No. of Units:

Unit Type: MS Zip:

MS Mult:

1 2 3 4 5 6 7 8

Units:

BR Type:

Baths:

IMPROVEMENT COST SUMMARY

Building RCN: 875,140 Cost Land: 175,500 Value Method: PRIOR

Mkt Adj: 100 Eco Adj: 360,740 Land Value: 175,500

Building Value: 327,930 Cost Building: 536,240 Building Value: 174,300

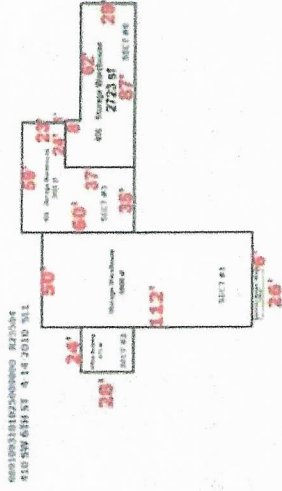
Other Improvement RCN: 100,680 Income Value: 349,900 Final Value: 349,800

Other Improvement Value: 32,810 Market Value: Prior Value:

MRA Value:

BUILDING COMMENTS

Sect-Info: Estimate 40% Sect 1 = Enclosure w/mezz above (refuse measure)



COMMERCIAL BUILDING SECTIONS & BASEMENTS

Sec	Occupancy	MSCls	Rank	Yr	Bit	Eff	Yr	Levels	Stories	Area	Perim	Hgt	Phys	Func	Econ	OVR %	Rsn	Inc Use	Net Area	Cls	RCN	% Gd	Value
1	406-Storage Warehouse	C	2.00	1966	01	01	01	01	1	5,600	275	18	3	3	045S				480,130	38	480,130	38	182,450
2	344-Office Building	D	1.00	1987	01	01	01	01	1	672	76	9	3	3	045S				76,920	32	76,920	32	24,610
3	406-Storage Warehouse	C	1.67	1955	01	01	01	01	1	2,652	128	14	3	3	045S				137,640	38	137,640	38	52,300
4	406-Storage Warehouse	C	1.67	1955	01	01	01	01	1	2,723	193	10	3	3	045S				180,450	38	180,450	38	68,570

OTHER BUILDING IMPROVEMENTS

No.	Occupancy	MSCls	Rank	Qty	Yr Blt	Eff Yr	LBCS	Area	Perim	Hgt	Dimensions	Stories	Phys	Func	Econ	OVR%	Rsn	Cls	RCN	%Gd	Value
1	163-Site Improvements	P	2.00	1	1987			10		8		1	3	3					25,760	33	8,500
2	163-Site Improvements	P	2.00	1	1962			10		8		1	3	3					58,310	33	19,240
3	163-Site Improvements	P	2.00	1	1985			10		8		1	3	3					12,880	33	4,250
4	163-Site Improvements	M	2.00	1	1970			10		8		1	3	3					3,730	22	820

COMMERCIAL BUILDING SECTION COMPONENTS

Sec	Code	Units	Pct	Size	Other	Rank	Year	No.	Code	Units	Pct	Size	Other	Rank	Year
1	606-Space Heater	3,360						1	8350-Paving, Asphalt with Base	5,600		10			
1	612-Warmed and Cooled Air	2,240						2	8355-Paving, Concrete with Base	8,600		10			
1	759-Mezzanines	2,240						3	8350-Paving, Asphalt with Base	2,800		10			
1	812-Concrete Block	156						4	6605064-Outdoor Floodlight, Mercury	1					
1	8065-Canopy, Retail Wood Frame							4	6605071-Outdoor Lighting Pole, Steel	24					
2	612-Warmed and Cooled Air	100													
2	887-Stud -Hardboard Siding	100													
3	606-Space Heater	100													
3	812-Concrete Block	100													

SNCAMA Property Record Card

Parcel ID: 089-109-31-0-10-25-009.00-0

Quick Ref: R25584

Tax Year: 2023

Run Date: 10/31/2022 10:45:37 AM

Sec	Code	Units	Pct	Size	Other	Rank	Year
4	612-Warmed and Cooled Air		100				
4	882-Stud -Brick Veneer		100				



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 19, 2023

DATE: September 19, 2023
CONTACT PERSON: **DOCUMENT #:**
SECOND PARTY/SUBJECT: Public Comment **PROJECT #:**
Protocol
CATEGORY/SUBCATEGORY
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

PUBLIC COMMENT PROTOCOL

VOTING REQUIREMENTS:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

Procedures for Addressing the Governing Body

In accordance with Governing Body Rules, the following protocols for public comment apply:

- Each person shall state his or her name and city of residence in an audible tone for the record.
- All remarks shall be addressed to the Governing Body as a whole -- not to any individual member.
- In order to provide additional time for as many individuals as possible to address the Governing Body, each individual signed up to speak will need to complete his or her comments within four minutes.

The following behavior will not be tolerated from any speaker:

- Uttering fighting words
- Slander
- Speeches invasive of the privacy of individuals (no mention of names) Unreasonably Loud Speech
- Repetitious Speech or Debate
- Speeches so disruptive of proceedings that the legislative process is substantially interrupted

Any speaker who engages in this type of behavior will be warned once by the presiding office (Mayor). If the

behavior continues, the speaker will be ordered to cease his or her behavior. If the speaker persists in interfering with the ability of the Governing Body to carry out its function, he or she will be removed from the City Council Chambers or Zoom meeting room.

Members of the public, Governing Body and staff are expected to treat one another with respect at all times.

Zoom Meeting Protocol

- Make sure your Zoom name, email and/or phone number matches what was submitted to the City Clerk when you signed up for public comment. Any misnamed or unauthorized users will not be admitted to Zoom.
- Please keep your mic muted and your camera off until you are called by the Mayor to give your comment.
- If you are cut off during your comment time due to an internet connection or technical issue, you will need to submit your comments in writing to the City Clerk at atcclerk@topeka.org or 215 SE 7th Street, Room 166, Topeka, KS 66603 for attachment to the minutes.
- If you break any of the public comment rules, you will receive one warning from the Mayor. If you continue any prohibited behavior, you will be removed from the Zoom meeting room and will not be allowed to rejoin.
- Public comment is limited to four minutes. You may receive an extension at the discretion of the Governing Body. The timer will be visible to you in the 'City of Topeka Admin' window on the Zoom app. Call-in users will hear one beep when a minute is remaining and then another beep when time has expired.
- Please do not share the Zoom login information with anyone. Any unauthorized users will not be admitted to the Zoom meeting room.

BUDGETARY IMPACT:

SOURCE OF FUNDING: