



Cyrus K. Holliday Building, 1st Floor  
Conference Room 620 SE Madison Street  
Topeka, KS 66603  
<https://www.topeka.org>

## Governing Body Agenda

July 9, 2024  
6:00 PM

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Mayor: Michael A. Padilla

### Councilmembers

|                           |                |                    |                |
|---------------------------|----------------|--------------------|----------------|
| Karen A. Hiller           | District No. 1 | Marcus D.L. Miller | 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 |
| David Banks               | District No. 4 | Michelle Hoferer   | District No. 9 |
| Brett D. Kell             | District No. 5 |                    |                |

City Manager: Dr. Robert M. Perez

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](mailto: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 012B, Topeka, Kansas, 66603 or via email at [cclerk@topeka.org](mailto:cclerk@topeka.org) on or before the date of the meeting for attachment to the meeting minutes.

If you need any accommodations for the meeting, please contact the City ADA Coordinator at 785-368-4470. Kansas Relay Service at 800-766-3777. Please provide a 48 Hour Notice if possible. Assistive listening devices are available for use in the community forum.

Agendas are available by 5:00 p.m. on Thursday in the City Clerk's Office, 215 SE 7th Street, Room 012B, Topeka, Kansas, 66603 or on the City's website at <https://www.topeka.org>.

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**CALL TO ORDER:**

**INVOCATION:**

**PLEDGE OF ALLEGIANCE:**

**1. ROLL CALL:**

**2. PRESENTATIONS:**

- **U.S. Department of Transportation Raise Grant**

**3. CONSENT AGENDA:**

**A. Resolution - Designating Depositories**

**RESOLUTION** introduced by City Manager Dr. Robert M. Perez, naming banks and savings institutions that are designated as depositories for all City of Topeka accounts and authorizing signatories and rescinding City of Topeka Resolution No. 9524.

*(Approval would name banks and savings institutions designated to be depositories which can accept deposits from any and all accounts of the City.)*

**B. Resolution - Kansas Municipal Investment Pool**

**RESOLUTION** introduced by City Manager Dr. Robert M. Perez, authorizing the City of Topeka's participation in the Kansas Municipal Investment Pool and authorizing signatories and rescinding City of Topeka Resolution No. 9490.

*(Approval would approve the City of Topeka's participation in the investment pool and authorizing signatories.)*

**C. MINUTES of the regular meeting of July 2, 2024**

**D. APPLICATIONS:**

**4. ACTION ITEMS:**

**A. Resolution - Kansas Children's Discovery Center - Revision No. 1 (CU09/04A)**

**RESOLUTION** introduced by City Manager Dr. Robert M. Perez, in accordance with Section 18.60.010 of the Topeka Municipal Code (TMC), approving a Conditional Use Permit to allow for the expansion of a "Cultural Facility" on property located at 4400 SW 10th Avenue (Kansas Children's Discovery Center) and zoned "R-1" Single Family Dwelling District, all being within the City of Topeka, Shawnee County KS (CU09/4A) (Council District No. 9)

**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 a 16,120 sf expansion to the existing Kansas Children's Discovery Center and 75 new parking stalls.)*

**B. Ordinance - HME Annexation - NW 25th Street and NW Button Road (A24/02)**

**ORDINANCE** introduced by City Manager Dr. Robert M. Perez, annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520(7), located approximately 380 feet to the west of the intersection of NW 25th Street and NW Button Road on the north side within unincorporated Shawnee County, Kansas and adjacent to the City of Topeka corporate limits, and said land being annexed for all City purposes. (A24/02) (Council District No. 2)

**Voting Requirement:** At least six (6) votes of the Governing Body is required.

*(Annexation of 38.7-acre tract to accommodate the development of a steel manufacturing facility. The tract will be assigned to Council District No. 2)*

**C. Resolution - City of Topeka Revenue Neutral Rate (RNR) - 2025 Proposed Budget**

**RESOLUTION** introduced by City Manager Dr. Robert M. Perez, notifying the County Clerk of: (1) a proposed intent to exceed the revenue neutral rate for the City of Topeka's 2025 budget; (2) the proposed tax rate; and (3) the date, time and location of the public hearing to consider adopting a budget that exceeds the revenue neutral rate.

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

*(Approval would notify the County Clerk that the City is considering adopting a 2025 budget that exceeds the revenue neutral rate.)*

**D. Ordinance - Relating to Property Taxes submitted by Initiative and Referendum**

**ORDINANCE** submitted pursuant to the Initiative and Referendum Statutes.

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

*(A decision to forward to the Shawnee County Election Commissioner for election would require six (6) affirmative votes of the Governing Body.)*

**5. NON-ACTION ITEMS:**

**A. Discussion - Creating Topeka Municipal Code Chapter 14.65 - Trees in Mobile Home Parks**

**DISCUSSION** regarding an ordinance introduced by Deputy Mayor Christina Valdivia-Alcala concerning trees in mobile home parks.

*(The proposed ordinance would require an owner of a mobile home park to remove any dangerous tree or to prune it so it is no longer a danger to persons or property in the vicinity of the tree.)*

**B. Discussion - Kansas Gas Service, a Division of ONE Gas, Inc., Franchise Renewal**

**DISCUSSION** regarding renewal of franchise for Kansas Gas Service, a Division of ONE Gas, Inc.

*(The ordinance sets the franchise fee and provides the terms and conditions for the use of public rights-of-way.)*

**6. 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](mailto: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 012B, Topeka, Kansas, 66603 or via email at [cclerk@topeka.org](mailto: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/>.

**7. ANNOUNCEMENTS:**

**8. EXECUTIVE SESSION:**

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

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

**9. ADJOURNMENT:**





City of Topeka  
Council Action Form  
Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603  
[www.topeka.org](http://www.topeka.org)  
July 9, 2024

---

**DATE:** July 9, 2024  
**CONTACT PERSON:** Alleigh Weems, City Management Analyst  
**SECOND PARTY/SUBJECT:** U.S. Department of Transportation Raise Grant  
**CATEGORY/SUBCATEGORY**  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:**  
**DOCUMENT #:**  
**PROJECT #:**  
**JOURNAL #:**  
**PAGE #:**

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**DOCUMENT DESCRIPTION:**

- U.S. Department of Transportation Raise Grant

**VOTING REQUIREMENTS:**

**POLICY ISSUE:**

**STAFF RECOMMENDATION:**

**BACKGROUND:**

**BUDGETARY IMPACT:**

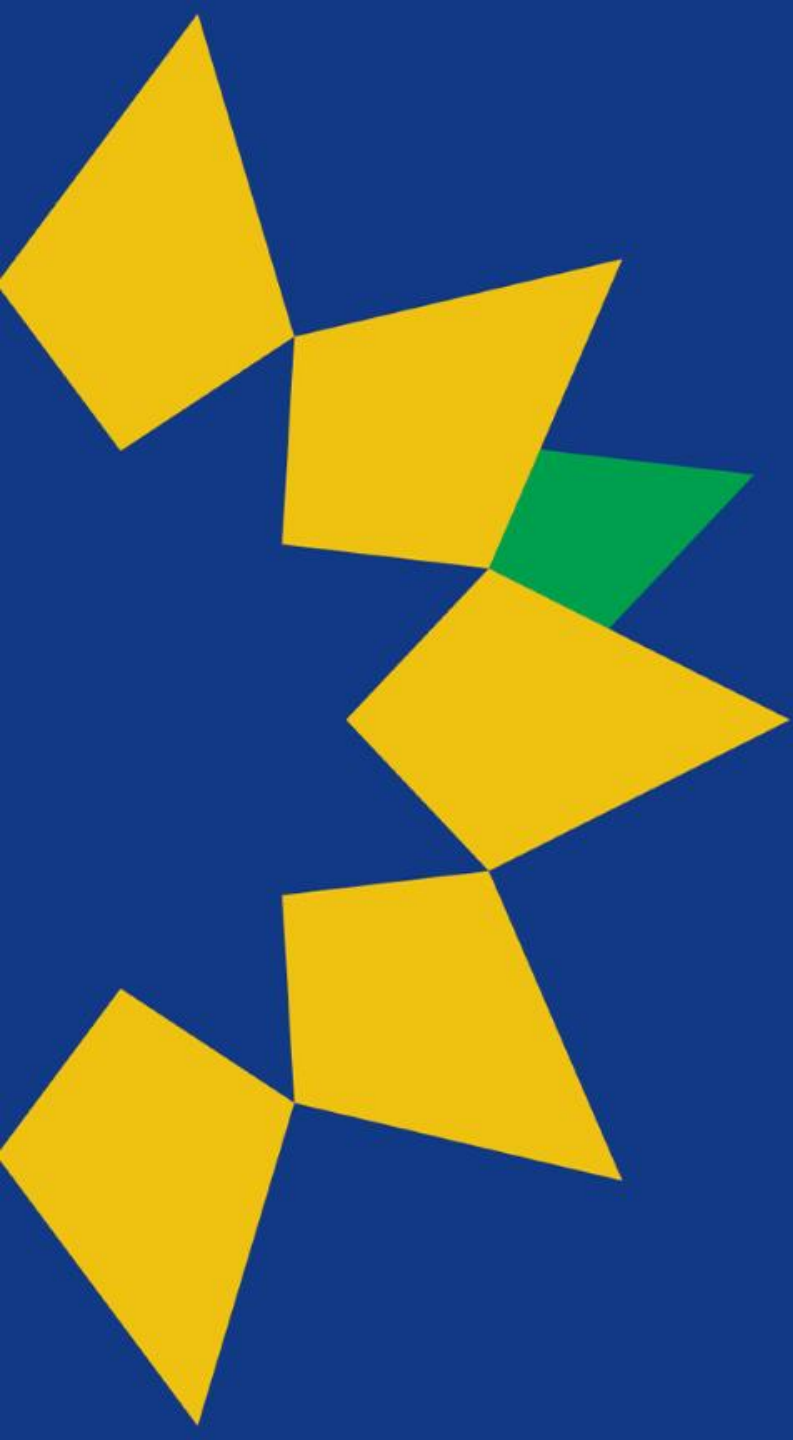
**SOURCE OF FUNDING:**

**ATTACHMENTS:**

**Description**

2024 RAISE Grant Award Presentation

City of Topeka Press Release USDOT Raise Grant - June 26, 2024



CITY OF  
**TOPEKA**



# FY24 USDOT RAISE Grant Award

Alleigh Weems, Public Works

- Rebuilding American Infrastructure with Sustainability and Equity (RAISE)
  - Previously called TIGER and BUILD
- Surface transportation projects with significant local impact
- No fiscal impact to the City – projects located in Areas of Persistent Poverty and Historically Disadvantaged census tracts

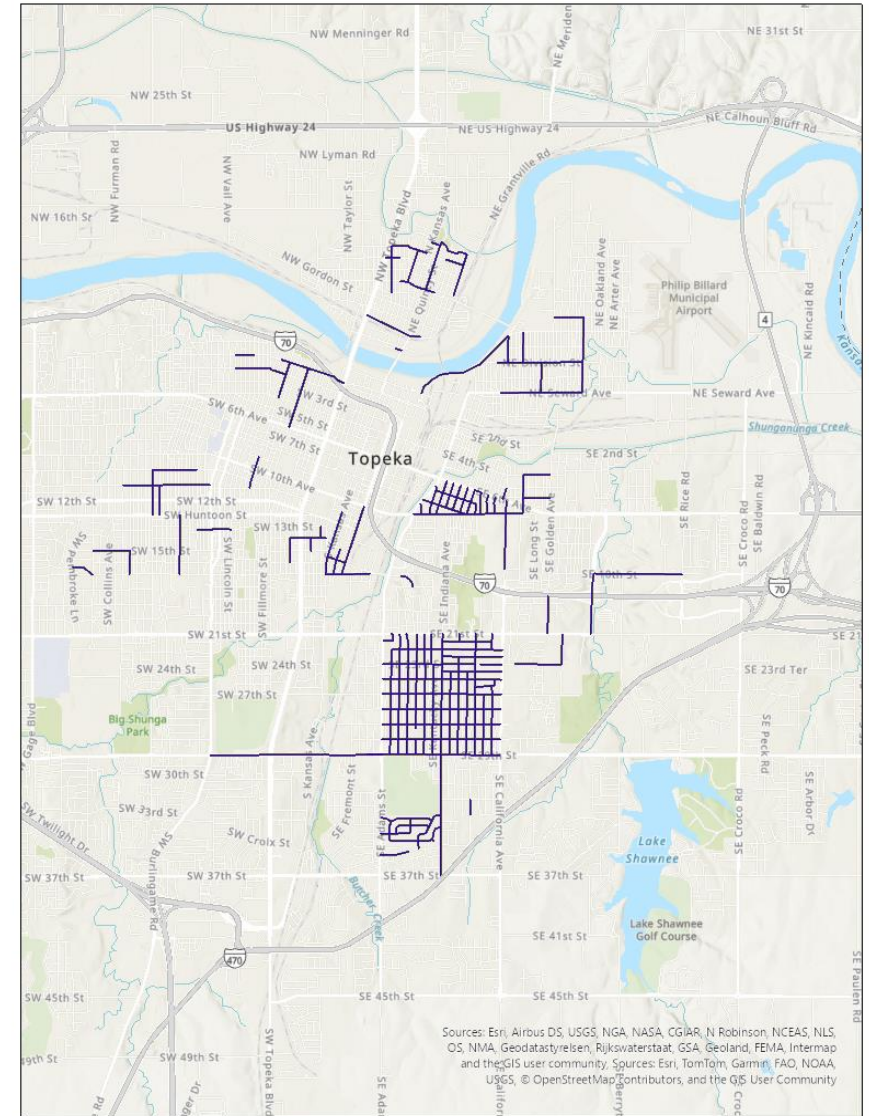


|                      |                     |
|----------------------|---------------------|
| USDOT Award          | \$25,000,000        |
| Local Cost-Share     | Not Applicable      |
| <b>Total Funding</b> | <b>\$25,000,000</b> |



# Project Overview

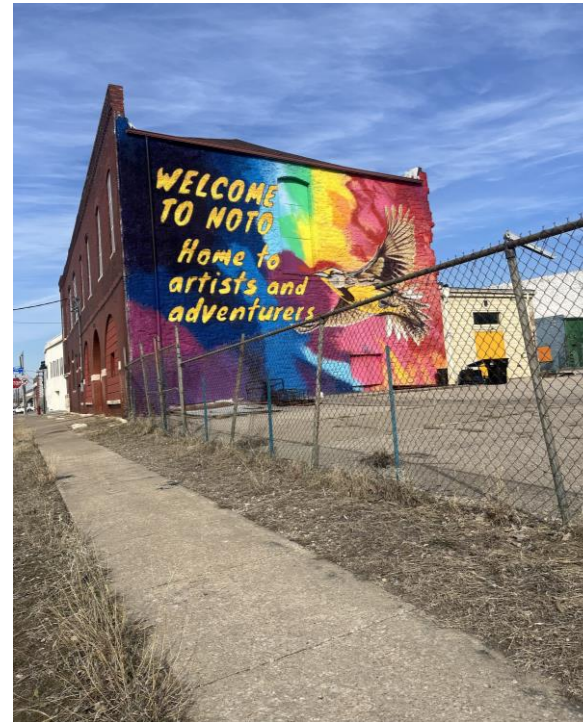
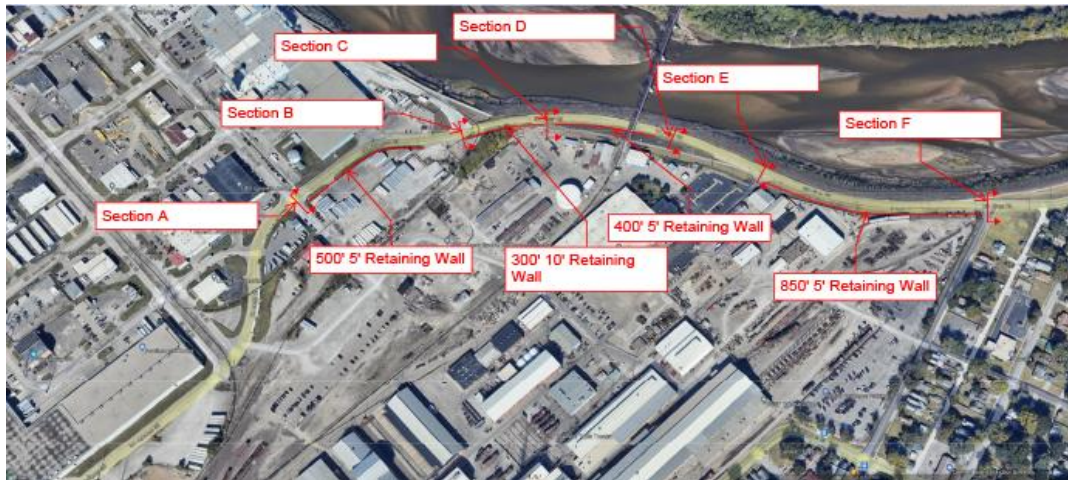
- **"Pathways for Progress"**
- All segments located in Historically Disadvantaged and/or Areas of Persistent Poverty (US Census)
- Nearly 50 miles of infrastructure
- Obligation Deadline: Sept. 2028
  - Expenditure Deadline: Sept. 2033





# Key Projects

- NE River Rd: NE Crane St to NE Emmett St
- SE California Ave: 10<sup>th</sup> St to 10<sup>th</sup> Ave
- Central Highland Park
- NE Norris St



# Noteworthy Statistics

- Largest competitive grant award the City has ever received
- Top award of all Kansas recipients in FY24 funding round
- Received full funding requested/maximum allowable amount
- Almost \$13 billion requested in FY24
  - Only \$1.8 billion available
- 1,048 eligible applications received
- Only 148 awarded (14%)





# Support Spotlight

- Shawnee County Commission
- Greater Topeka Partnership
- Topeka Independent Living Resource Center
- Topeka Citizen Advisory Council
- Complete Streets Advisory Committee
- ADA Advisory Council
- Topeka Sustainability Advisory Board
- Topeka Bikeways
- Topeka Community Cycle Project
- Topeka Public Schools
- Stormont Vail Health
- Safe Kids Shawnee County
- Office of Senator Roger Marshall
- Office of Senator Jerry Moran
- LiveWell Shawnee County
- Fellowship Hi-Crest and Hi-Crest NIA
- Historic Old Town NIA
- Shawnee County Health Department
- Kansas Department of Transportation



**Public Health**  
Prevent. Promote. Protect.  
Shawnee County Health Department



**LIVEWELL**  
SHAWNEE COUNTY



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# Questions?







# CITY OF TOPEKA

City Communications  
City Hall, 215 SE 7<sup>th</sup> Street  
Topeka, KS 66603

Tel: 785-368-0991  
[www.topeka.org](http://www.topeka.org)

## For Immediate Release

Contact for further information: Dan Garrett, Director of Communications,  
[citycommunications@topeka.org](mailto:citycommunications@topeka.org)

June 26, 2024

## City of Topeka Receives \$25 Million Grant for Sidewalk Projects

TOPEKA, Kan. – The U.S. Department of Transportation (USDOT) announced the City of Topeka will receive a Raise Grant of \$25 million to serve disadvantaged census tracts.

The project will cover 50 miles to construct new or improved sidewalks that will transform the River Road and other locations. The City of Topeka’s project is just one of 148 that were selected by the Biden-Harris Administration for the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) discretionary grant program. This project will help ensure pedestrians will have safe and equitable access to daily destinations and local bus routes.

“This grant in the amount of \$25 Million will allow us to do some transformative projects for the City of Topeka.” said Public Works Director Braxton Copley.

### Key Transformative Projects:

- **NE River Rd: NE Crane to NE Emmett Shared-Use Path**, which will provide safe access between the Oakland neighborhood and Downtown Topeka.
- **SE California Ave: 10<sup>th</sup> St to 10<sup>th</sup> Ave**, which will provide a much safer pedestrian connection between NE Topeka to SE Topeka, as well as access to Topeka Cemetery and transit stops.
- Areas of North Topeka, such as **NE Norris St** (near Topeka Rescue Mission Distribution Center, ICI Manufacturing, and Topeka North Outreach Food Bank).
- The **Central Highland Park** neighborhood from SE Adams St to SE California Ave, and from SE 21<sup>st</sup> St to SE 29<sup>th</sup> St.

To learn more about the Department of Transportation’s announcement, please visit:  
[RAISE 2024 Fact Sheets \(transportation.gov\)](https://www.transportation.gov/RAISE2024)



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**214 SE 8th Street**  
**Topeka, Kansas 66603**  
**www.topeka.org**  
July 9, 2024

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**DATE:** July 9, 2024  
**CONTACT PERSON:** Ben Hart - Interim Chief Financial Officer  
**DOCUMENT #:**  
**SECOND PARTY/SUBJECT:** Bank Depositories and Signature Requirements  
**PROJECT #:**  
**CATEGORY/SUBCATEGORY:** 020 Resolutions / 005 Miscellaneous  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:**  
**JOURNAL #:**  
**PAGE #:**

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**DOCUMENT DESCRIPTION:**

**RESOLUTION** introduced by City Manager Dr. Robert M. Perez, naming banks and savings institutions that are designated as depositories for all City of Topeka accounts and authorizing signatories and rescinding City of Topeka Resolution No. 9524.

*(Approval would name banks and savings institutions designated to be depositories which can accept deposits from any and all accounts of the City.)*

**VOTING REQUIREMENTS:**

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

**POLICY ISSUE:**

Approval would name certain banks and savings institutions as designated depositories for all City of Topeka accounts and authorizing signatories.

**STAFF RECOMMENDATION:**

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

**BACKGROUND:**

Approval is necessary to allow staff members to complete daily duties. The following named banks and savings institutions are designated to be depositories which we can accept deposits from any and all accounts of the City.

**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 City Manager Robert M. Perez naming banks and  
4 savings institutions that are designated as depositories for all City of  
5 Topeka accounts and authorizing signatories and rescinding City of  
6 Topeka Resolution No. 9524.

7  
8 BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF TOPEKA,  
9 KANSAS that the following named banks and savings institutions are hereby designated to  
10 be depositories which can accept deposits from any and all accounts of the City:

|                               |                        |
|-------------------------------|------------------------|
| Alliance Bank                 | Intrust Bank           |
| Bank of America Merrill Lynch | Kaw Valley Bank        |
| Capitol Federal Savings       | Landmark National Bank |
| Central National Bank         | Lyndon State Bank      |
| Community Bank                | Silver Lake Bank       |
| CoreFirst Bank & Trust        | Sunflower Bank         |
| Denison State Bank            | UMB Bank               |
| Equity Bank                   | US Bank                |
| Fidelity State Bank           | Vision Bank            |
| Heritage Bank                 |                        |

11 BE IT FURTHER RESOLVED that the above-named banks and savings institutions  
12 may accept all checks, drafts, bills of exchange, or other orders for the payment of money  
13 when drawn on or addressed to any of the banks and savings institutions, if the *facsimile*  
14 signatures of both the following persons are imprinted thereon:

15 City Manager: Robert M. Perez, Ph.D.

16 City Clerk: Brenda Younger

17 BE IT FURTHER RESOLVED that any of the above-named banks and savings  
18 institutions may accept *manually* drafted checks, drafts, bills of exchange, or other orders  
19 for payment of money, when drawn on any of the banks and savings institutions, with the  
20 proper dual signatures. The dual signatures will come from the persons listed below and  
21 *require at least one signature* being the City Clerk.

23 Title: City Manager Name: Robert M. Perez, Ph.D.  
24 Title: City Clerk Name: Brenda Younger  
25 Title: Accountant III Name: Krystle Williams  
26 Title: Accountant II Name: Amanda Meyer

27 BE IT FURTHER RESOLVED that checks, drafts or other instruments for payment of  
28 money drawn to the order of the City of Topeka shall, when properly endorsed, be  
29 accepted by the banks and savings institutions for deposit only to the credit of the City of  
30 Topeka.

31 BE IT FURTHER RESOLVED that Resolution No. 9524 is rescinded and that the  
32 foregoing powers and authority outlined herein are to be continued until written notice or  
33 revocation has been given to the banks and savings institutions by the City of Topeka.

34 This Resolution shall become effective after it is adopted and approved by the  
35 Governing Body.

36 ADOPTED and APPROVED by the Governing Body on \_\_\_\_\_.

37 CITY OF TOPEKA, KANSAS  
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42 \_\_\_\_\_  
Michael A. Padilla, Mayor

43 ATTEST:

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47 \_\_\_\_\_  
48 Brenda Younger, City Clerk



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July 9, 2024

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**DATE:** July 9, 2024  
**CONTACT PERSON:** Ben Hart - Interim Chief Financial Officer  
**DOCUMENT #:**  
**SECOND PARTY/SUBJECT:** Kansas Municipal Investment Pool  
**PROJECT #:**  
**CATEGORY/SUBCATEGORY:** 020 Resolutions / 005 Miscellaneous  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:**  
**JOURNAL #:**  
**PAGE #:**

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**DOCUMENT DESCRIPTION:**

**RESOLUTION** introduced by City Manager Dr. Robert M. Perez, authorizing the City of Topeka's participation in the Kansas Municipal Investment Pool and authorizing signatories and rescinding City of Topeka Resolution No. 9490.

*(Approval would approve the City of Topeka's participation in the investment pool and authorizing signatories.)*

**VOTING REQUIREMENTS:**

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

**POLICY ISSUE:**

Whether to approve the City of Topeka's participation in the investment pool and authorizing signatories on the account.

**STAFF RECOMMENDATION:**

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

**BACKGROUND:**

Approval is necessary to allow staff members to complete daily duties.

**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 City Manager Robert M. Perez concerning the City of  
4 Topeka's participation in the State of Kansas Municipal Investment Pool  
5 and rescinding City of Topeka Resolution No. 9525.  
6

7 WHEREAS, the City of Topeka is a municipality, as defined in K.S.A. 12-1675a,  
8 hereinafter referred to as "Participant," and from time to time has funds on hand in excess  
9 of current needs; and

10 WHEREAS, it is in the best interests of Participant and its inhabitants to invest funds  
11 in investments that yield a favorable rate of return while providing the necessary liquidity  
12 and protection of the principal; and

13 WHEREAS, the Pooled Money Investment Board, hereinafter referred to as "PMIB,"  
14 operates the Municipal Investment Pool, hereinafter referred to as "MIP," a public funds  
15 investment pool, pursuant to K.S.A. 12-1677a, and amendments thereto; and

16 WHEREAS, the MIP is a permitted investment of the City under K.S.A. 12-1675.

17 NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY:

18 1. That Participant approves the establishment of an account in its name in the  
19 MIP for the purpose of transmitting funds for investment, subject to the MIP Participation  
20 Policy adopted by the PMIB, and Participant acknowledges it has received a current copy  
21 of such Participation Policy. Participant's taxpayer identification number assigned by the  
22 Internal Revenue Service is 48-6028701.

23 2. That the following individuals are officers or employees of Participant and are  
24 each hereby authorized to transfer funds for investment in the MIP, to withdraw funds from  
25 time to time, to issue letters of instruction, and to take all other actions deemed necessary  
26 or appropriate for the investment of funds upon submission of dual signatures. The dual



27 signatures will come from the persons listed below and requires at least one signature by  
28 the City Clerk:

29 Title: City Manager Name: Robert M. Perez, Ph.D.

30 Title: City Clerk Name: Brenda Younger

31 Title: Accountant III Name: Krystle Williams

32 Title: Accountant II Name: Amanda Meyer

33 3. That notices required by the PMIB's Municipal Investment Pool Participant  
34 Policy shall be provided to:

35 Finance Department  
36 215 SE 7th, Room 358  
37 Topeka, Kansas 66603  
38 785-368-2544  
39 785-368-3975 (fax)  
40

41 4. That this Resolution and its authorization shall continue in full force and effect  
42 until amended or revoked by the Participant and until the PMIB receives a copy of any such  
43 amendment or revocation, the PMIB is entitled to rely on same.

44 BE IT FURTHER RESOLVED that the City of Topeka Resolution No. 9525 is hereby  
45 rescinded.

46 ADOPTED and APPROVED by the Governing Body on \_\_\_\_\_.

47 CITY OF TOPEKA, KANSAS

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\_\_\_\_\_  
Michael A. Padilla, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Younger, City Clerk



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**DATE:** July 9, 2024  
**CONTACT PERSON:** Dan Warner, AICP, Planning Division Director  
**DOCUMENT #:** CU09/4A  
**SECOND PARTY/SUBJECT:** Kansas Children's Discovery Center/SDGroup  
**PROJECT #:** n/a  
**CATEGORY/SUBCATEGORY:** 020 Resolutions / 001 Special Permits  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:**  
**JOURNAL #:**  
**PAGE #:**

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**DOCUMENT DESCRIPTION:**

**RESOLUTION** introduced by City Manager Dr. Robert M. Perez, in accordance with Section 18.60.010 of the Topeka Municipal Code (TMC), approving a Conditional Use Permit to allow for the expansion of a "Cultural Facility" on property located at 4400 SW 10th Avenue (Kansas Children's Discovery Center) and zoned "R-1" Single Family Dwelling District, all being within the City of Topeka, Shawnee County KS (CU09/4A) (Council District No. 9)

**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 a 16,120 sf expansion to the existing Kansas Children's Discovery Center and 75 new parking stalls.)*

**VOTING REQUIREMENTS:**

The Governing Body has the following voting options:

1. Approve Planning Commission's recommendation, 6 votes are required of the Governing Body; or
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.

**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:**

CU09/4A is a request by the Kansas Children's Discovery Center to amend the existing Conditional Use Permit (CUP) approved in 2009. The amended CUP will allow for a 16,120 square foot addition to the existing facility for new exhibit halls and classrooms.

The applicant conducted a Neighborhood Information Meeting on May 22, 2024. The applicant, consultants, City Councilwoman Michelle Hoferer, and City planning staff attended the meeting. There was one citizen in attendance who and expressed no concerns with the proposal.

The Planning Commission held a public hearing and voted to APPROVE the Conditional Use Permit at its June 17, 2024 public meeting by a vote of 7-0-0. The City of Topeka Planning Department recommended APPROVAL as stated in the staff report.

**BUDGETARY IMPACT:**

Approval of the Conditional Use Permit has no budgetary impact to the City.

**SOURCE OF FUNDING:**

Not Applicable

**ATTACHMENTS:**

**Description**

Resolution

Presentation

Staff Report

Aerial Map

Zoning Map

Future Land Use Map

CUP Site Plan Recommended

Landscape Plan

CUP Statement of Operations

Master Sign Plan

Neighborhood Meeting attendance sheet

Revised Traffic Impact Analysis 6-19-2024

Planning Commission Minutes of June 17, 2023

**RESOLUTION** \_\_\_\_\_

**CONDITIONAL USE PERMIT**

**RESOLUTION** introduced by City Manager Dr. Robert M. Perez in accordance with Section 18.60.010 of the Topeka Municipal Code (TMC), approving a Conditional Use Permit to allow for the expansion of a “Cultural Facility” on property located at 4400 SW 10<sup>th</sup> Avenue (Kansas Children’s Discovery Center) and zoned “R-1” Single Family Dwelling District, all being within the City of Topeka, Shawnee County KS (CU09/4A) (Council District #9)

**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 for the expansion of a “Cultural Facility” on property located at 4400 SW 10<sup>th</sup> Avenue and zoned “R-1” Single Family Dwelling District, more specifically legally described as follows:

A TRACT OF LAND IN LOTS K AND J, WESTLAKE, ACCORDING TO THE RECORDED PLAT THEREOF, IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS:  
BEGIN AT THE SOUTHWEST CORNER OF SAID LOT K; THENCE ON AN ASSUMED NORTH AZIMUTH OF 395 BEGIN 38 MINUTES 17 SECONDS, 587.25 FEET ALONG THE WEST LINE OF SAID LOT K AND J; THENCE ON AZIMUTH 89 DEGREE 52 MINUTE 47 SECONDS, 679.69 FEET; THENCE ON AZIMUTH 180 DEGREES 37 MINUTES 08 SECONDS, 579.81 FEET TO THE SOUTH LINE OF SAIDE LOT K; THENCE ON AZIMUTH 269 DEGREES 13 MINUTES 36 SECONDS, 516.99 FEET ALONG SAID SOUTH LINE; THENCE ON AZIMUTH 269 DEGREES 16 MINUTES 52 SECONDS, 152.79 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGIINNING. THE ABOVE DESCRIBED TRACT ONTAINS 9.04 ACRES, 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 CU09/4A Kansas Children’s Discovery Center – Amendment #1.

**ADOPTED AND APPROVED** by the Governing Body of the City of Topeka, July 9, 2024.

\_\_\_\_\_  
Michael Padilla, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Younger, City Clerk



CITY OF  
**TOPEKA**



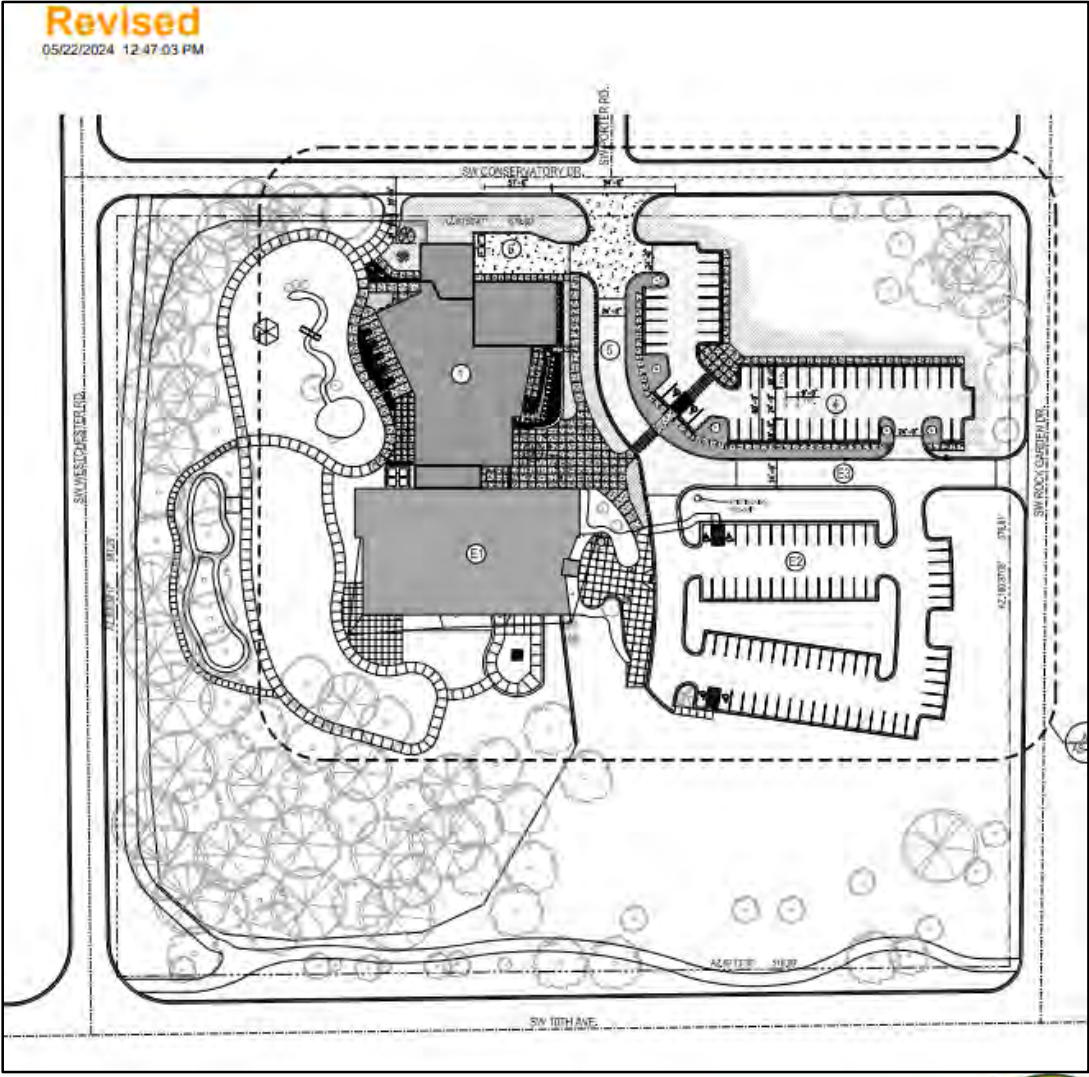
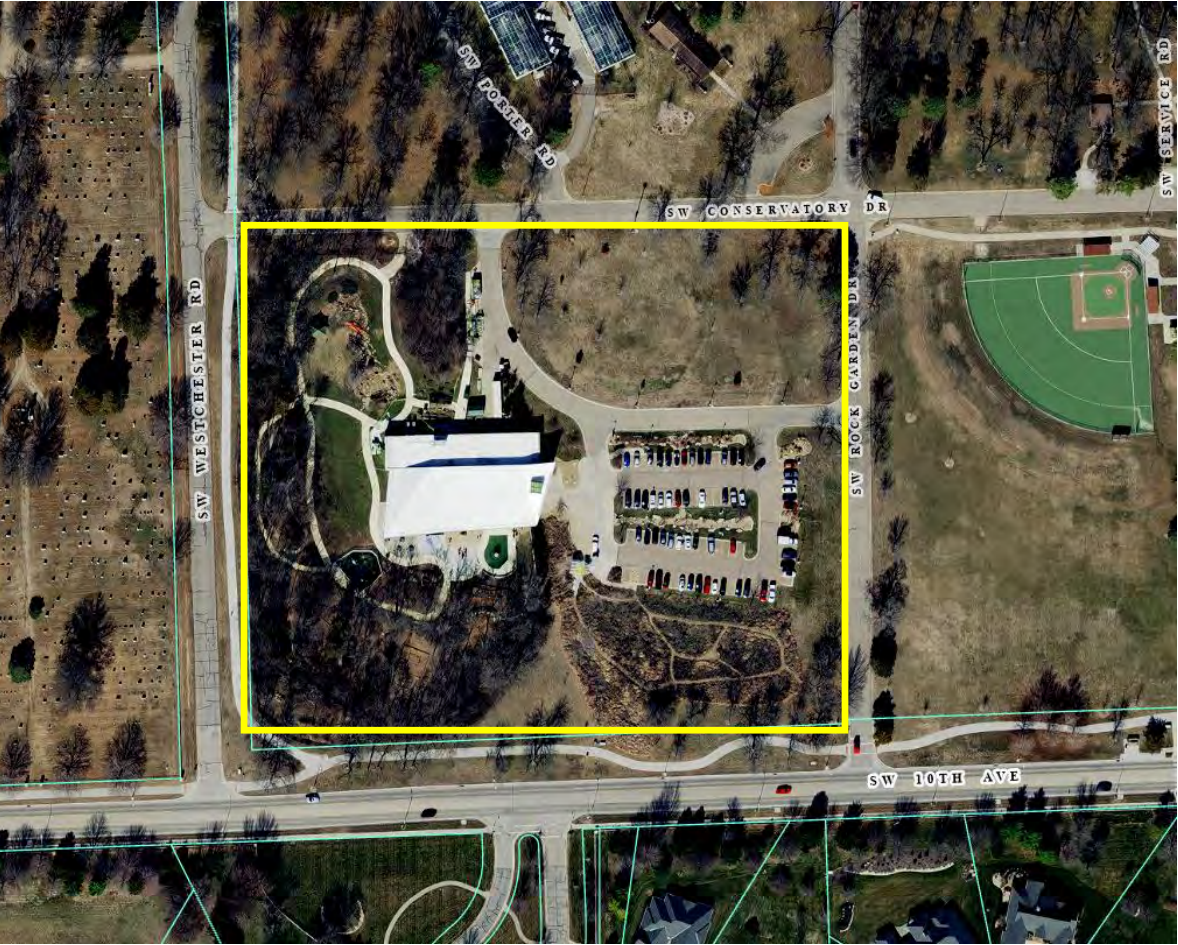
**CU09/4A Kansas Children's  
Discovery Center**

A24/02 JJH Properties

Dan Warner, AICP, Planning Director



# CU09/04A/01 Kansas Children's Discovery Center







**STAFF REPORT – ZONING CASE  
TOPEKA PLANNING DEPARTMENT**

**PLANNING COMMISSION DATE: Monday, June 17, 2024**

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**APPLICATION INFORMATION:**

**CASE NUMBER / NAME:** CU09/04A – Kansas Children’s Discovery Center – Revision #1

**REQUESTED ACTION / CURRENT ZONING:** Requesting an amendment to the existing Conditional Use Permit for a “Cultural Facility” on property zoned “R-1” Single Family Dwelling District to allow for an expansion.

**PROPERTY OWNER:** Board of Shawnee County Commissioners

**APPLICANT REPRESENTATIVE:** Andrew Weichen, SDG Architects

**CASE PLANNER:** Ann-Marie Driver, AICP, Planner II

**PROPERTY LOCATION / PARCEL ID:** 4400 SW 10<sup>th</sup> Avenue

**STAFF RECOMMENDATION:** **APPROVAL** subject to conditions in the staff report

**RECOMMENDED MOTION:** Based on the findings and analysis indicated in the staff report I move to recommend **APPROVAL** to the Governing Body of Conditional Use Permit **CU9/04A**, subject to the conditions stated in the staff report, the statement of operations, site and landscape plan, and other related plans.

**PHOTOS:**



**PROJECT AND SITE INFORMATION**

**PROPOSED USE / SUMMARY:** A new 16,120 sf exhibit hall and classroom space addition attached to the north end of the existing museum that includes traveling exhibition hall, administrative offices, new restrooms, and additional summer day care classroom space.



**DEVELOPMENT / CASE HISTORY:**

A CUP (CU09/04) was approved in 2009 to allow a “cultural facility” known as the Kansas Children’s Discovery Center, considered an educational discovery museum intended to facilitate hands-on, “learning by doing” activities with an emphasis on math, science and arts in an immersive environment. The facility included a 15,900 sq. ft. building, surrounding parking for 74 vehicles, and outdoor trails, outdoor play areas, and native vegetative play areas.

**ZONING AND CHARACTER OF SURROUNDING PROPERTIES:**

The neighborhood lies within and adjacent to the 160 plus acre Gage Park, which is home to significant Topeka landmarks, such as: The Carousel, the Rose Garden, Blaisdell Pool, and the Topeka Zoo. The subject site is located east of Mount Calvary Cemetery and north, across SW 10<sup>th</sup> Street from McFarland Farms Subdivision, which includes estate residences. The surrounding area is entirely zoned “R-1” Single Family Dwelling District for single – family residential usage, open space, and public uses.

**COMPLIANCE WITH DEVELOPMENT STANDARDS AND GUIDELINES**

**BUILDING HEIGHT, SETBACKS AND FENCES:**

**Compliant** – Building setbacks are measured from the exterior property boundaries of Gage Park. The Kansas Children’s Discovery Center holds a long – term lease of their land from Shawnee County.

**PARKING AND ACCESS:**

**Compliant** – The amount of off-street parking is from Topeka Municipal Code section 18.240 for “Cultural Facilities” at a ratio of 1 stall per 300 sf of net floor area with 106 stalls proposed (Existing + New) and 126 stalls being required.

**LANDSCAPING AND SCREENING:**

**Compliant** - A Landscape Plan pursuant to TMC18.235 was submitted and is acceptable as the proposed plan emphasizes street trees along the frontages of the site and within parking lot islands. A stamped landscape plan denoting full point values will be provided at the time of Building Permit issuance.

**SIGNAGE:**

Planning staff have approved the attached signage program establishing the approved signs that may be placed on the subject property. Approval of sign permits will be required.

**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, storm water management, building design) 3. Operating Characteristics (Traffic capacity) 4. Comprehensive Plan.

The CUP plan demonstrates satisfactory conformance with these guidelines. The comments from City Traffic Engineering indicate the applicant will need to address discrepancies in the land use codes that were used in the peak hour trip generation to ensure the project will not have a negative impact on public infrastructure and roadways. The Traffic Impact Analysis is still under review by City Traffic Engineering and approval is required prior to issuance of any building permits.

## **OTHER FACTORS**

|  |   |
|--|---|
| <b>SUBDIVISION PLAT:</b>                 | The site is already platted as Lots J and K, West Lake Subdivision.   |
| <b>FLOOD HAZARDS, STREAM BUFFERS:</b>    | The property lies within Panel 20177C0215E, Area of Minimal Flooding.   |
| <b>HISTORIC PROPERTIES:</b>              | None  |
| <b>NEIGHBORHOOD INFORMATION MEETING:</b> | The applicant conducted a Neighborhood Information Meeting on Wednesday, May 22, 2024 at 5:30 pm was conducted on-site at the Kansas Children's Discovery Center. The applicant, as well as, consultants SDG and CF&S, were in attendance at the meeting. The only City staff members present were planners Anne-Marie Driver and Mike Hall. No issues were expressed in opposition to the proposed expansion. One person other than the applicant and City representatives attended the meeting and he did not express any objections. |

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

|   |  |
|---|--|
| <b>PUBLIC WORKS/ENGINEERING:</b>          | A Stormwater Management Plan addressing water quality and quantity has been submitted by the applicant's consultant and is still under review by the City of Topeka Stormwater Engineer. Detention and treatment of storm water runoff generated by the new impervious surface on the property is required. Approval is required prior to Building Permit issuance.  |
| <b>PUBLIC WORKS/ TRAFFIC ENGINEERING:</b> | <p>Traffic Engineering requested a Level 1 Traffic Impact Analysis be included as part of the submittal, which is basically a trip generation estimate for the new land uses and building areas.</p> <p>Based on review of the TIA, Traffic Engineering findings are as follows:</p> <p>The site is expected to generate an additional 189 trips in the AM peak hour and 191 trips in the PM peak hour. The TIA is recommending a Level 3 Traffic Impact Analysis because peak hour trips exceed the threshold of 100 vehicle trips per day and therefore, may potentially impact adjacent</p> |

roadways. Engineering recommends a higher level study that will further address the higher level of demand from the proposed uses on public infrastructure. Recommendations of City Traffic Engineering are attached. and approval of the amended TIA is a conditional of approval of the Conditional Use Permit.

- 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, these improvements will be made 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.
- DEVELOPMENT SERVICES:** There is a note on the CUP site plan stating all required permits, including: Building, Site Construction, Parking Lot, Fence, etc.

### **KEY DATES**

- APPLICATION SUBMITTAL:** April 19, 2024
- NEIGHBORHOOD INFORMATION MEETING:** May 22, 2024
- LEGAL NOTICE PUBLICATION:** May 22, 2024
- PROPERTY OWNER NOTICES MAILED:** May 24, 2024

### **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 and the golden criteria 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 the 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 for “Parks and Open Space” land uses in the Land Use and Growth Management Plan – 2040. The facility is considered an educational “learning- by- doing” center and has become a contributing asset to Gage Park, which includes the Topeka Zoo. The conditional use permit (CUP) does not affect the underlying zoning of the property and the expansion allows the Discovery Center to provide better services to the community and even attract new patrons to visit Topeka and its surrounding areas. As conditioned and recommended by staff, the amendment to the CUP will be in conformance with the “Parks and Open Space” designation in the Land Use and Growth Management Plan – 2040. The expansion continues to encourage the goals and objectives of the Discovery Center to promote child development and education across the entire spectrum of learning.

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 surrounding neighborhood is a mix of private residential lots and public uses and includes the Gage Park complex, Topeka Zoo, Blaisdell Pool, Rose Garden, athletic fields, the Mount Calvary Cemetery to the west and detached single family homes within McFarland Farm Subdivision located south of SW 10<sup>th</sup> Avenue. The character of the area is not changing with approval of the amendment to the CUP and the expansion continues to complement uses within Gage Park. The building's architectural style is not out of character with the existing building and surrounding uses within Gage Park, the Topeka Zoo, and Mt. Calvary Cemetery. Hence, approval of the CUP will not alter the character of the existing neighborhood.
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 and uses of surrounding nearby property is "R-1" Single Family Dwelling District uses and comprises a mix of private residential and public uses. The surrounding area has been developed for the cemetery and Gage Park for the last 100 years. The zoning is not changing and the proposed use will remain similar to the surrounding land uses contained within the Gage Park.
4. **The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations:** The subject property is still suitable as restricted under the current zoning of "R-1" Single Family Dwelling District and is consistent with the existing park and open spaces uses. The "R-1" zoning classification does not change with approval of the Conditional Use Permit and the "R-1" Single Family zoning will remain in effect.
5. **The length of time the property has remained vacant as zoned:** The existing Discovery Center was constructed in 2010 after the CUP was approved in 2009. The building has not been vacant in that timeframe.
6. **The extent to which the approval of the application would detrimentally affect nearby properties:** There will not be a detrimental effect upon nearby properties by approval of the application. The expansion is compatible with the existing building and new off-street parking is being provided to accommodate the additional visitors. The hours of operations will remain 9:00 am to 5:00 pm, Tuesday – Saturday (closed Sundays and Mondays). These hours are similar to other uses within Gage Park, including Blaisdell Pool and the Topeka Zoo. After the expansion, the Kansas Children's Discovery Center will continue to complement other public uses located within Gage Park.
7. **The extent to which the proposed use would substantially harm the value of nearby properties:** The proposed use will not harm the value of nearby properties as it enhances the surrounding uses and properties within Gage Park. Furthermore, the additional substantial investment being made to the building should have a positive effect on surrounding properties and, therefore, benefit the neighborhood by encouraging further investment.
8. **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:** Staff anticipates there will be no adverse impact upon the road network by approval of the expansion. Additional off-street parking for 126 stalls will be provided to accommodate the proposed new 16,000 sq. ft. addition. A Traffic Impact Analysis has been submitted and will be approved by the City of Topeka Traffic Engineer prior to issuance of any permits to ensure there is not a negative impact on the public roadway system. Access to the Discovery Center continues to be off of two private streets, one connecting to Westchester Road and the other to SW 10<sup>th</sup> Avenue. SW 10<sup>th</sup> Avenue is a three-lane arterial street.
9. **The extent to which the proposed use would create excessive air pollution, water pollution, noise pollution or other environmental harm:** The proposed development is not anticipated to create excessive harm to air, water, noise pollution provided all state and local regulations are addressed as part of the development plan approval. A storm water management plan will be approved by the City of Topeka Storm Water Engineer prior to building permit issuance. Detention and water quality treatment of storm water runoff will be required at such time to ensure the project does not have a negative impact upon adjacent properties.

10. **The economic impact of the proposed use on the community:** Currently, the Kansas Children’s Discovery Center has a positive economic impact upon the community. The expansion will enable the facility to have an even greater impact by allowing the facility to attract new and more traveling exhibits, which will bring new visitors to Topeka. In turn, these new visitors will patronize surrounding businesses creating an economic multiplier effect upon the community.
11. **The gain, if any, to the public health, safety and welfare due to denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application:** There is no gain to the public health, safety and welfare by denial of the application. If approved, there will be a benefit to the public health, safety, and welfare as the Discovery Center improves Gage Park as a public asset for Topeka and surrounding areas. Alternatively, the hardship imposed upon the individual landowner by denial of the application is the loss of any investments already made by the property owner. Allowing the Discovery Center to expand in response to demand is of benefit to Topeka and the surrounding market area.

### **STAFF RECOMMENDATION:**

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

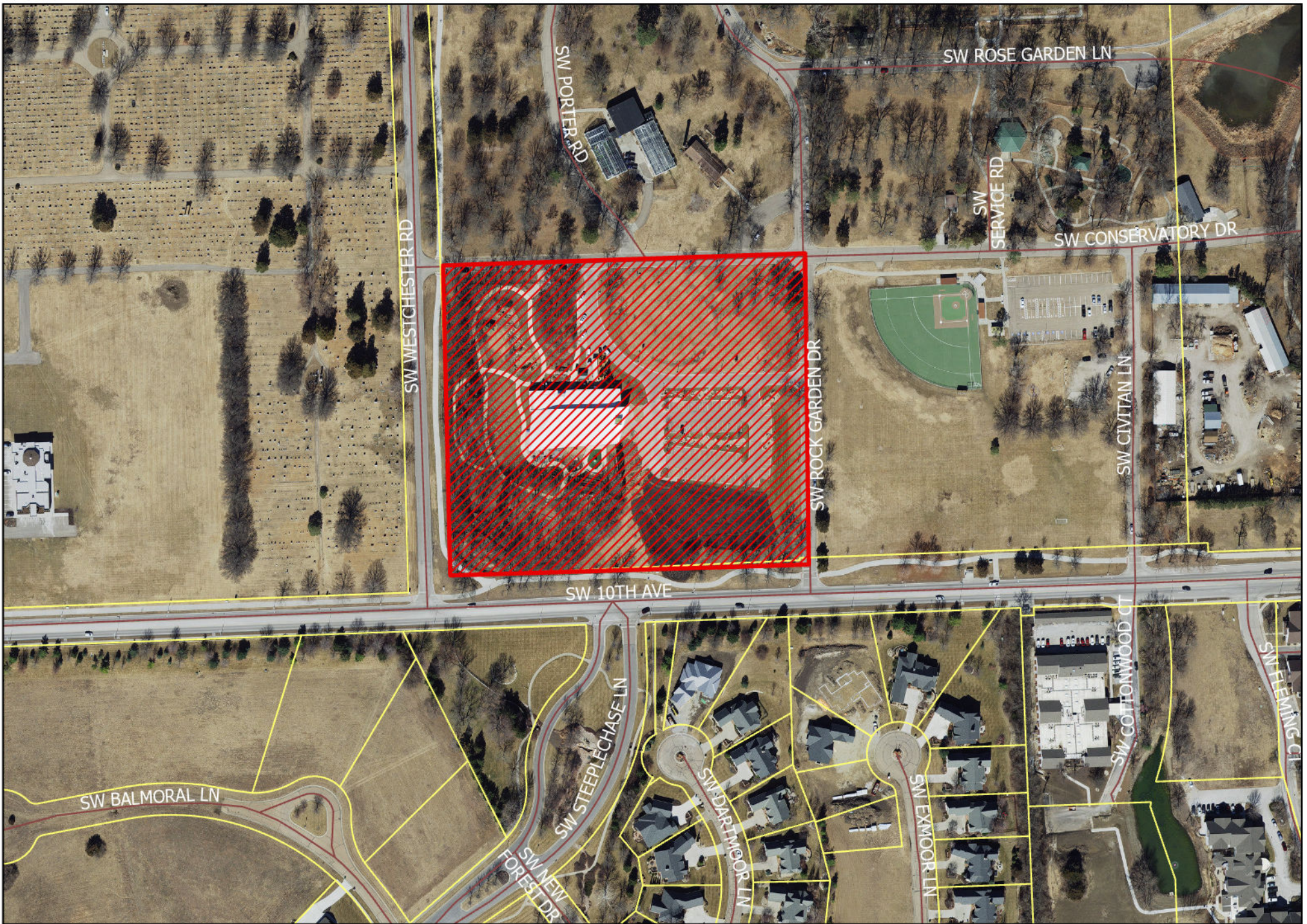
**RECOMMENDED MOTION:** Based on the findings and analysis in the staff report I move to recommend **APPROVAL** to the Governing Body of the Conditional Use Permit CU09/04A – Revision #1 subject to:

1. Use and development of the site in accordance with the approved Site Plan, Landscape Plan, other related plans, and Statement of Operations for the Kansas Children’s Discovery Center – Amendment #1.
2. Revise Statement of Operations to include within the first sentence: “...allow for expansion of a cultural center and include a day care business as accessory to the facility. . .”
3. Specify hours of operation for the museum as well as day care center.
4. Comply with the recommendations of the City Traffic Engineer for a more detailed TIA prior to issuance of Building Permits.
5. Revising Statement of Operations to add hours of day care and eliminate any spelling errors.

### **Attachments:**

- CUP Site Plan
- CUP Landscape Plan
- Approved Sign Program
- Traffic Impact Analysis
- Traffic Engineering Comments
- Aerial Map
- Zoning Map
- Future Land Use Map
- Neighborhood Meeting Attendance Sheet

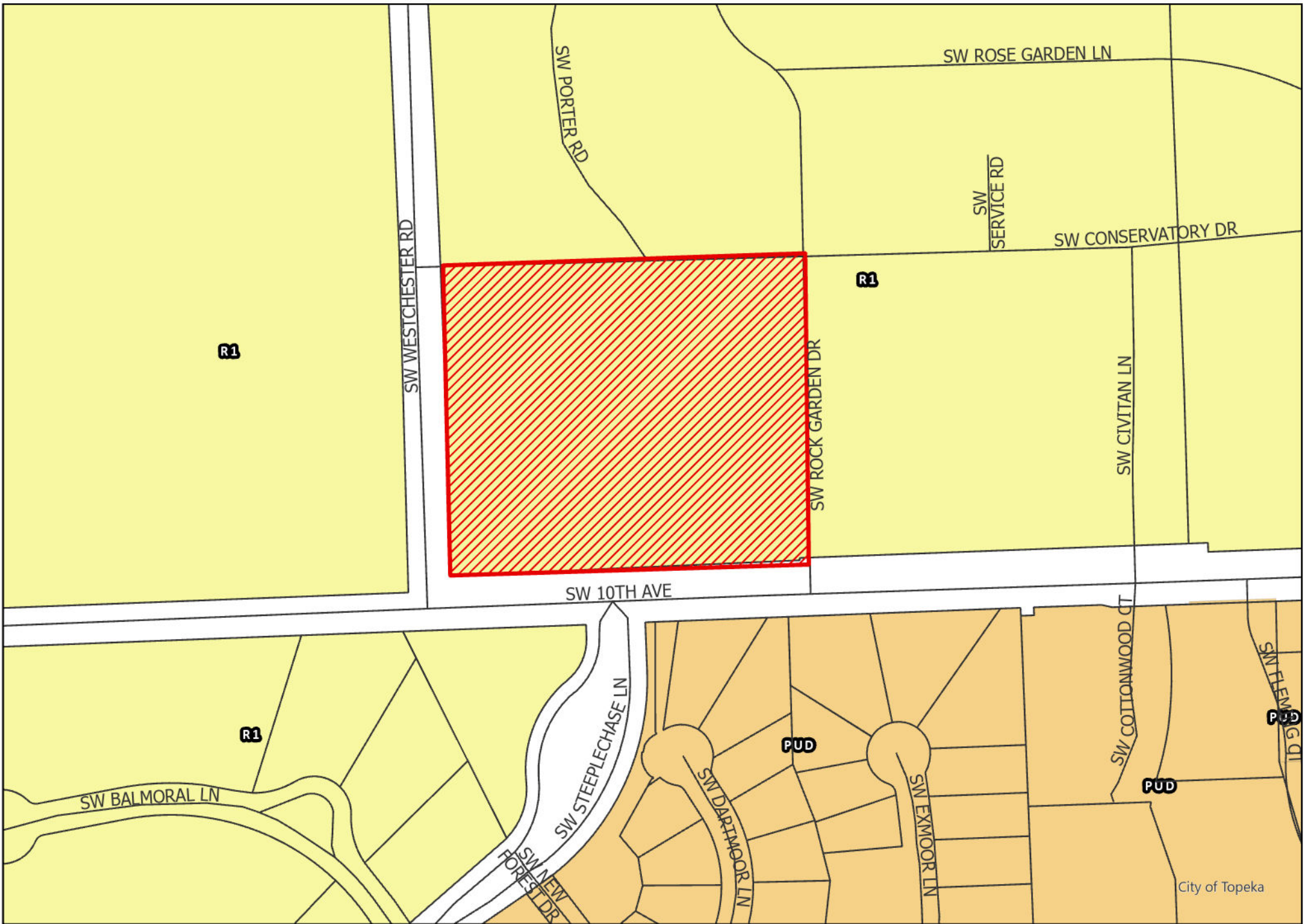




**CU09/04 A - Kansas Children's Discovery Center- Revision #1**







# CU09/04 A - Kansas Children's Discovery Center- Revision #1



**Future Land Use**

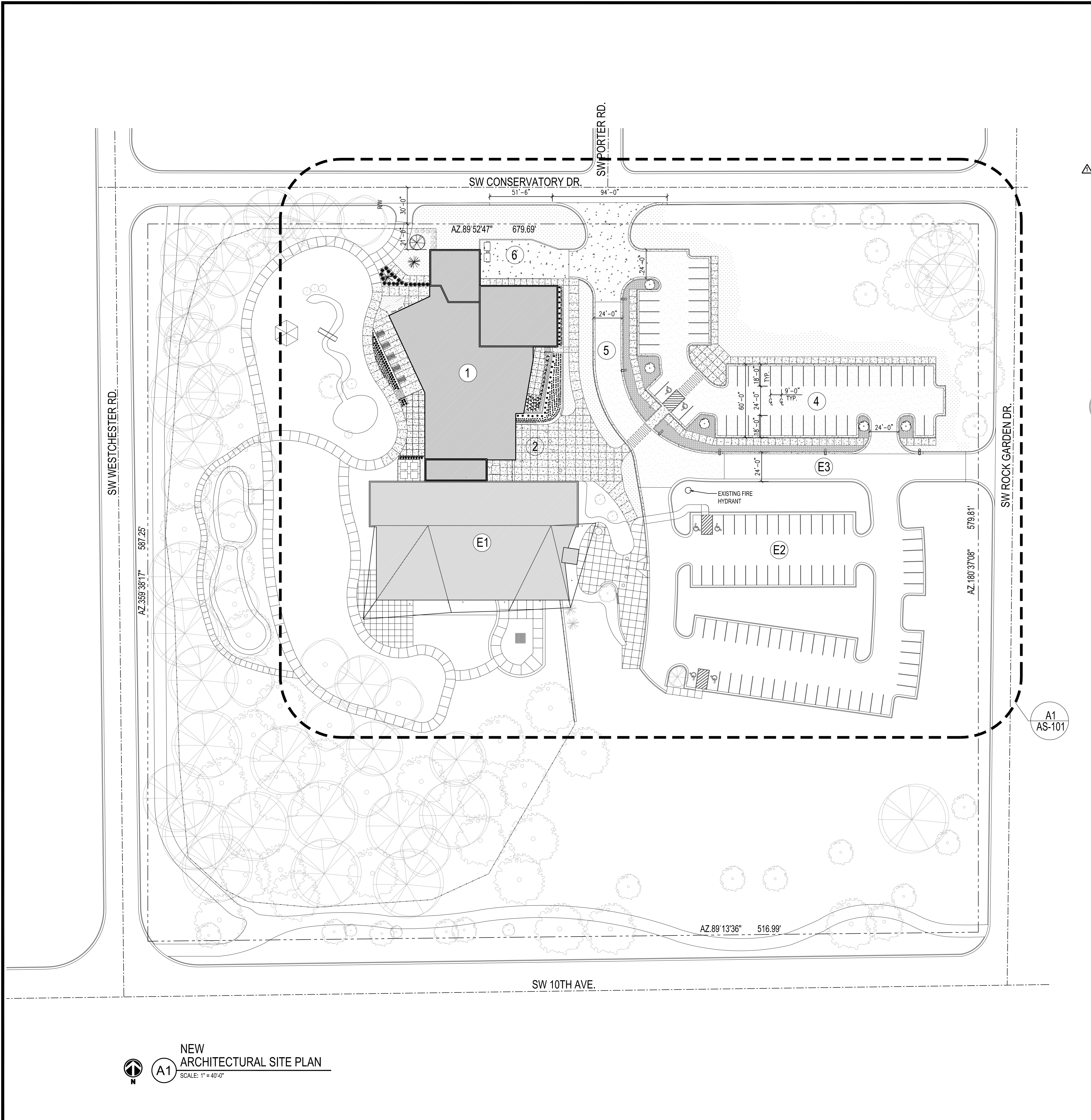
- Proposed\_Parks\_Open\_Space\_Recreation
- Proposed\_Public\_Quasi\_Public
- Urban\_Suburban\_Low\_Density\_Residential



**CU09/04 A - Kansas Children's Discovery Center- Revision #1**  
Future Land Use Map







**NEW ARCHITECTURAL SITE PLAN**  
 A1 SCALE: 1" = 40'-0"

**A CONDITIONAL USE PERMIT FOR THE KANSAS CHILDREN'S DISCOVER - REVISION #1**  
**PROJECT DATA**

**LEGAL DESCRIPTION**  
 A TRACT OF LAND IN LOTS K AND J, WESTLAKE, ACCORDING TO THE RECORDED PLAT THEREOF, IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHWEST CORNER OF SAID LOT K; THENCE ON AN ASSUMED NORTH AZIMUTH OF 395 DEGREES 38 MINUTES 17 SECONDS, 887.25 FEET ALONG THE WEST LINE OF SAID LOT K AND J; THENCE ON AZIMUTH 89 DEGREE 52 MINUTE 47 SECONDS, 679.69 FEET; THENCE ON AZIMUTH 180 DEGREES 37 MINUTES 08 SECONDS, 579.81 FEET TO THE SOUTH LINE OF SAID LOT K; THENCE ON AZIMUTH 269 DEGREES 13 MINUTES 36 SECONDS, 516.99 FEET ALONG SAID SOUTH LINE; THENCE ON AZIMUTH 269 DEGREES 16 MINUTES 52 SECONDS, 152.79 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED TRACT CONTAINS 9.04 ACRES, MORE OR LESS.

**PARCEL SIZE**  
 9.04 ACRES

**EXISTING ZONING**  
 R-1 SINGLE FAMILY DWELLING DISTRICT.

**STATEMENT OF USE**  
 A MAJOR AMENDMENT TO A CONDITIONAL USE PERMIT FOR THE EXPANSION OF A CHILDREN'S MUSEUM, TO BE USED AS MUSEUM/EXHIBIT SPACE AND PROVIDE CHILD DAY CARE SERVICE WHEN SCHOOL IS NOT IN SESSION.

THE CHILDREN'S MUSEUM KNOWN AS THE KANSAS CHILDREN'S DISCOVERY CENTER (KCDC), WHICH IS LOCATED IN GAGE PARK WITHIN THE WEST LAKE SUBDIVISION, AND IS ZONED AND WILL REMAIN ZONED R-1.

WITH KCDC'S CURRENT BUILDING REGULARLY AT CAPACITY, THIS MAJOR AMENDMENT TO A CONDITIONAL USE PERMIT PROPOSES THE CONSTRUCT OF A NEW 16,120 SQ.FT. EXPANSION TO AN EXISTING 15,900 SQ.FT. CHILDREN'S MUSEUM, RELOCATION OF THE EXISTING DRIVE FROM SW CONSERVATION DRIVE, NEW LOADING DOCK, AND 52 NEW/ADDITIONAL PARKING STALLS.

THE PROPOSED EXPANSION PRESENTS AN OPPORTUNITY TO ELEVATE EDUCATIONAL OFFERINGS AND VISITOR EXPERIENCES AT KCDC. BY DOUBLING THE CURRENT SIZE OF THE FACILITY AND INTEGRATING INNOVATIVE DESIGN ELEMENTS, THIS PROJECT WILL CREATE FURTHER IMMERSIVE LEARNING ENVIRONMENTS THAT WILL ENGAGE VISITORS OF ALL AGES. THE PROPOSED EXPANSION WILL ALSO PROVIDE FOR ENHANCED CAPABILITIES TO ACCOMMODATE LARGER AND MORE COMPLEX TRAVELING EXHIBITS THEREBY ESTABLISHING MORE OPPORTUNITIES FOR COMMUNITY PARTICIPATION. FROM ENHANCED STEAM LEARNING EXPERIENCES TO THE ESTABLISHMENT OF DEDICATED LEARNING LAB CLASSROOMS, THE EXPANSION DEMONSTRATES A COMMUNITY COMMITMENT TO FOSTERING CURIOSITY AND LIFELONG LEARNING.

KCDC ANTICIPATES AN ADDITIONAL 30,000 VISITORS ANNUALLY ACROSS THE ENTIRE FACILITY ONCE THE NEW SPACE IS FULLY OPERATIONAL, POTENTIALLY INCREASING ANNUAL ATTENDANCE FROM 120,000 IN 2023 TO 150,000. WITH AN ESTIMATED 7,000-10,000 FIELD TRIP STUDENTS ANNUALLY, WITH THE MAJORITY ARRIVING BY BUS, FIELD TRIPS ARE MOST COMMON DURING THE SPRING. DAILY ATTENDANCE FLUCTUATES DEPENDING ON FACTORS LIKE WEATHER, SCHOOL SCHEDULES, AND COMMUNITY EVENTS, WITH SATURDAYS HAVING THE LARGEST ATTENDANCE.

WHEN SCHOOL IS NOT IN SESSION, THE PROPOSED CLASSROOMS COULD BE UTILIZED AS CHILD DAY CARE SERVICE AND ACCOMMODATE UP TO 90 CHILDREN. THIS PROGRAM IS DESIGNED TO PROVIDE A SAFE AND ENGAGING ENVIRONMENT FOR CHILDREN DURING VARIOUS SCHOOL BREAKS.

IN ADDITION, KCDC IS WORKING TO SUPPORT FAMILIES OF NATIONAL GUARD MEMBERS, TO OFFER CHILD DAY CARE SERVICE ONE WEEKEND PER MONTH CATERING TO A MAXIMUM 30 CHILDREN WHOSE PARENTS ARE SERVING IN THE NATIONAL GUARD AND WOULD TAKE PLACE IN ONE OF THE THREE CLASSROOMS.

CHILDREN'S MUSEUM HOURS OF OPERATION ARE 9:00AM-5:00PM TUESDAY, WEDNESDAY, FRIDAY, AND SATURDAY; 12:00PM-6:00PM SUNDAYS; AND 9:00AM-8:00PM ON THURSDAYS, WITH THE THIRD THURSDAY OF EACH MONTH BEING A FREE NIGHT ATTRACTING THE PEAK EVENING ATTENDANCE. WHILE NONE ARE CURRENTLY PLANNED, WITH THE ADDED SPACE, THERE'S THE POTENTIAL TO CONSIDER ADDITIONAL PLAYTIME HOURS AS WE CONTINUE TO ASSESS HOW BEST TO UTILIZE THE ADDED SPACE TO POTENTIALLY MEET THE CHANGING NEEDS OF THE COMMUNITY.

CHILD DAY CARE SERVICE HOURS OF OPERATION ARE 7:30AM-5:30PM MONDAY - FRIDAY DURING TIMES WHEN SCHOOL IS NOT IN SESSION AND 7:30AM-5:30PM ONE WEEKEND PER MONTH.

**OWNER**  
 BOARD OF COUNTY COMMISSIONERS SHAWNEE COUNTY, KS  
 707 SE QUINCY ST.  
 TOPEKA, KANSAS 66603

**GENERAL NOTES**

- THE EXISTING ZONING IS R-1. THE PROPOSED ZONING REMAINS R-1 WITH A MAJOR AMENDMENT TO THE CONDITIONAL USE PERMIT. ALL USES SHALL COMPLY WITH THE BASE ZONING OF R-1 EXCEPT WHERE STATED OTHERWISE ON THE APPROVED CUP.
  - 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.
  - TOTAL PARKING SPACES REQUIRED BASED ON A 32,020 SQUARE FOOT CULTURAL CENTER PER CITY OF TOPEKA MUNICIPAL CODE 18.240.030 REQUIRED NUMBER OF OFF-STREET PARKING SPACES AT A RATIO OF 1 SPACE PER 300 SQUARE FEET IS 107 SPACES, WITH A MINIMUM OF BICYCLE PARKING AT 5% OF VEHICULAR SPACES. THE TOTAL NUMBER OF PARKING SPACES PROPOSED IS 126 WITH 7 BICYCLE SPACES.
- PARKING CALCULATION**  
 EXISTING PARKING COUNT = 74 PARKING STALLS  
 NEW PARKING COUNT = 52 PARKING STALLS  
 TOTAL PARKING COUNT = 126 PARKING STALLS  
 BICYCLE REQUIREMENT = 7 BICYCLE SPACES
- ALL WORK IN THE PUBLIC RIGHT-OF-WAY SHALL BE CONSTRUCTED TO THE CITY OF TOPEKA STANDARD TECHNICAL SPECIFICATIONS
  - NO BUILDING PERMITS SHALL BE ISSUED UNTIL THE TRAFFIC IMPACT ANALYSIS IS APPROVED BY THE CITY TRAFFIC ENGINEER PRIOR TO OR AT THE TIME OF SITE PLAN REVIEW APPLICATION.
  - NO BUILDING PERMIT(S) SHALL BE ISSUED UNTIL ALL STORMWATER MANAGEMENT REQUIREMENTS SET FORTH IN THE TOPEKA MUNICIPAL CODE (TMC) ARE MET, INCLUDING APPROVAL OF STORMWATER MANAGEMENT PLAN, GRANTING OF ANY NECESSARY STORMWATER MANAGEMENT, DRAINAGE OR STREAM BUFFER EASEMENTS, AND CONSTRUCTION AND INSPECTION OF ALL STORMWATER MANAGEMENT FACILITIES CONTAINED IN THE APPROVED STORMWATER MANAGEMENT PLAN FOR EACH PHASE AS APPLICABLE.

**SIGNAGE**  
 1. THE SITE SIGNAGE PROGRAM WILL BE SUBMITTED AND APPROVED AT A LATER DATE, AND WILL RESPOND TO THE CURRENT CITY OF TOPEKA SIGNAGE ORDINANCE PER CITY OF TOPEKA MUNICIPAL CODE 18.10 FOR NON-RESIDENTIAL USES IN R-1 ZONING UNLESS OTHERWISE STATED.

**LEGEND**

- |   |  |
|---|--|
| ① NEW 16,120 SQ.FT. EXHIBIT AND CLASSROOM ADDITION. | ⓔ1 EXISTING 15,900 SQ.FT. KANSAS CHILDREN'S DISCOVER CENTER. |
| ② NEW SECONDARY BUILDING ENTRANCE.                  | ⓔ2 EXISTING 74 PARKING STALLS.                               |
| ③ NEW DRIVE.  | ⓔ3 EXISTING ASPHALT DRIVE.                                   |
| ④ NEW 52 PARKING STALLS                             |  |
| ⑤ NEW LOADING DOCK.                                 |  |

Other: After Approval by Governing Body, provide one owner - signed copy to the Planning Division



**NEW EXHIBIT AND CLASSROOM ADDITION**  
**Kansas Children's Discover Center**  
 4400 SW 10TH AVE, TOPEKA, KS. 66604



SUBMISSION DATES  
 PROGRESS PRINT ONLY  
 05/21/2024  
 AMENDMENT #1

SHEET TITLE  
 ARCHITECTURAL  
 SITE PLAN

PROJECT NUMBER  
 230020

SHEET NUMBER  
 AS-001



**PLANT SCHEDULE**

| KEY                                 | QTY. | BOTANICAL NAME                             | COMMON NAME                      | SIZE          | SPACING  |
|-------------------------------------|------|--|----------------------------------|---------------|----------|
| <b>DECIDUOUS / ORNAMENTAL TREES</b> |      |  |                                  |               |          |
| SM                                  | 5    | Acer Saccharum                             | Sugar Maple                      | 2" cal. b & b | per plan |
| WO                                  | 6    | Quercus alba                               | White Oak                        | 2" cal. b & b | per plan |
| RM                                  | 10   | Acer rubrum                                | Red Maple                        | 2" cal. b & b | per plan |
| TU                                  | 6    | Liriodendron tulipifera                    | Tulip Tree                       | 2" cal. b & b | per plan |
| RO                                  | 0    | Quercus rubra                              | Red Oak                          | 2" cal. b & b | per plan |
| DW                                  | 3    | Cornus florida                             | White Dogwood                    | 2" cal. b & b | per plan |
| FP                                  | 5    | Cercis canadensis 'Forest Pansy'           | Forest Pansy Redbud              | 2" cal. b & b | per plan |
| RB                                  | 3    | Cercis canadensis                          | Eastern Redbud                   | 2" cal. b & b | per plan |
| <b>EVERGREEN TREES</b>              |      |  |                                  |               |          |
| WP                                  | 0    | Juniperus chinensis 'Spartan'              | Spartan Juniper                  | 2" cal. b & b | per plan |
| BS                                  | 8    | Picea pungens                              | Blue Spruce                      | 2" cal. b & b | per plan |
| <b>SHRUBS / GRASSES</b>             |      |  |                                  |               |          |
| SG                                  | 29   | Juniperus x pfitzeriana 'Sea Green'        | Sea Green Juniper                | 3 gal.        | per plan |
| MG                                  | 20   | Miscanthus sinensis                        | Malden Grass                     | 3 gal.        | per plan |
| KF                                  | 50   | Calamagrostis x acutiflora 'Karl Foerster' | Karl Foerster Feather Reed Grass | 1 gal.        | per plan |

**LANDSCAPE CALCULATIONS:**

The following is a summary of landscape requirements per Chapter 18.235 of the City Code. The total development area is 87,555 SF. Total new surface parking stalls provided is 56 Stalls. Using Template 1, Provided by the Landscape Code, the following is the required points needed:

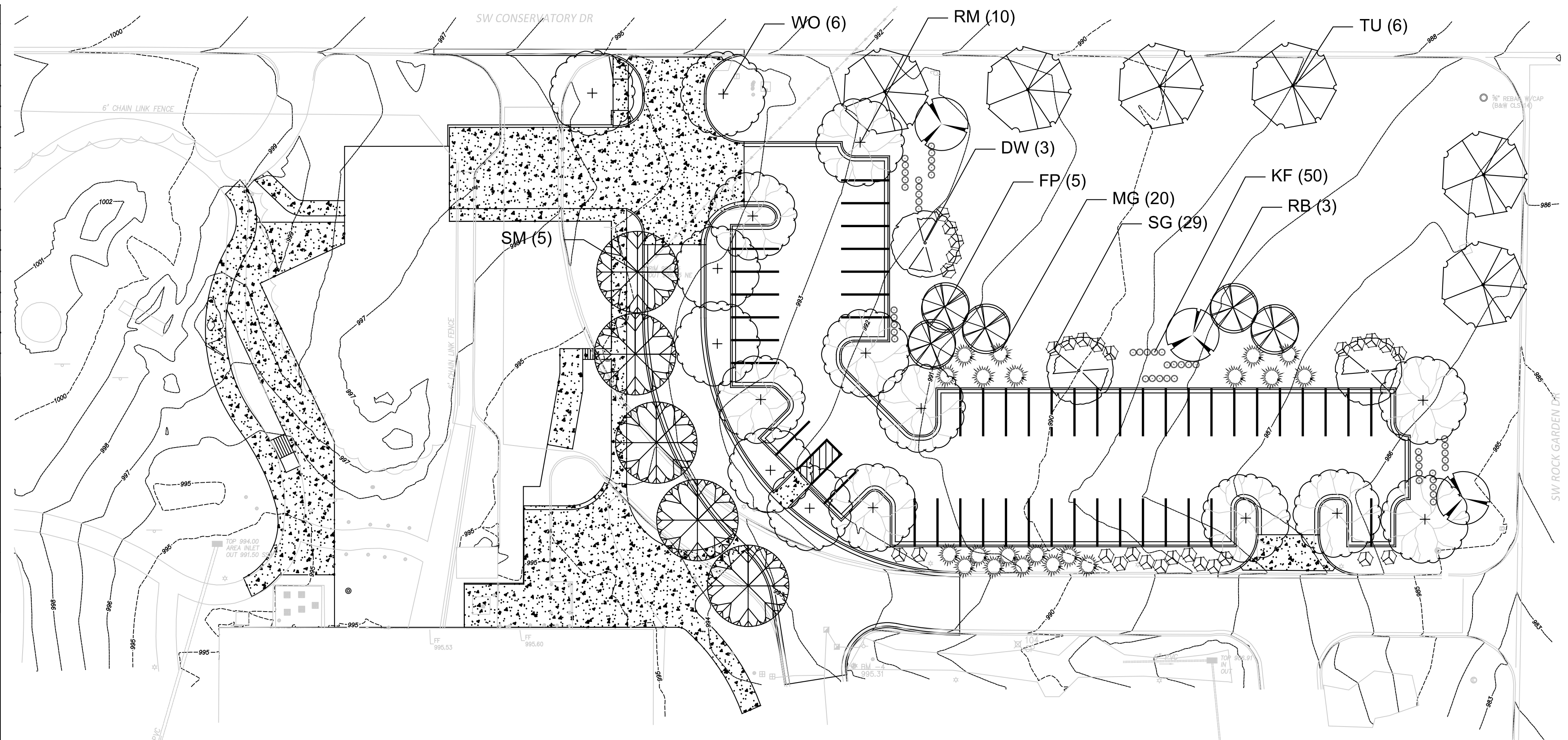
| Category  | Points     |
|---|------------|
| Base Points   | 40         |
| Greater than 10,000 S.F.                                    | 311        |
| Parking lot points required: (1.5 points per parking space) | 84         |
| Less credit for stormwater best management practices        | -9         |
| Less irrigation credits claimed:                            | -33        |
| <b>Total Points Required:</b>                               | <b>402</b> |
| <b>Total Points Obtained:</b>                               | <b>460</b> |

**LANDSCAPE PROVIDED:**

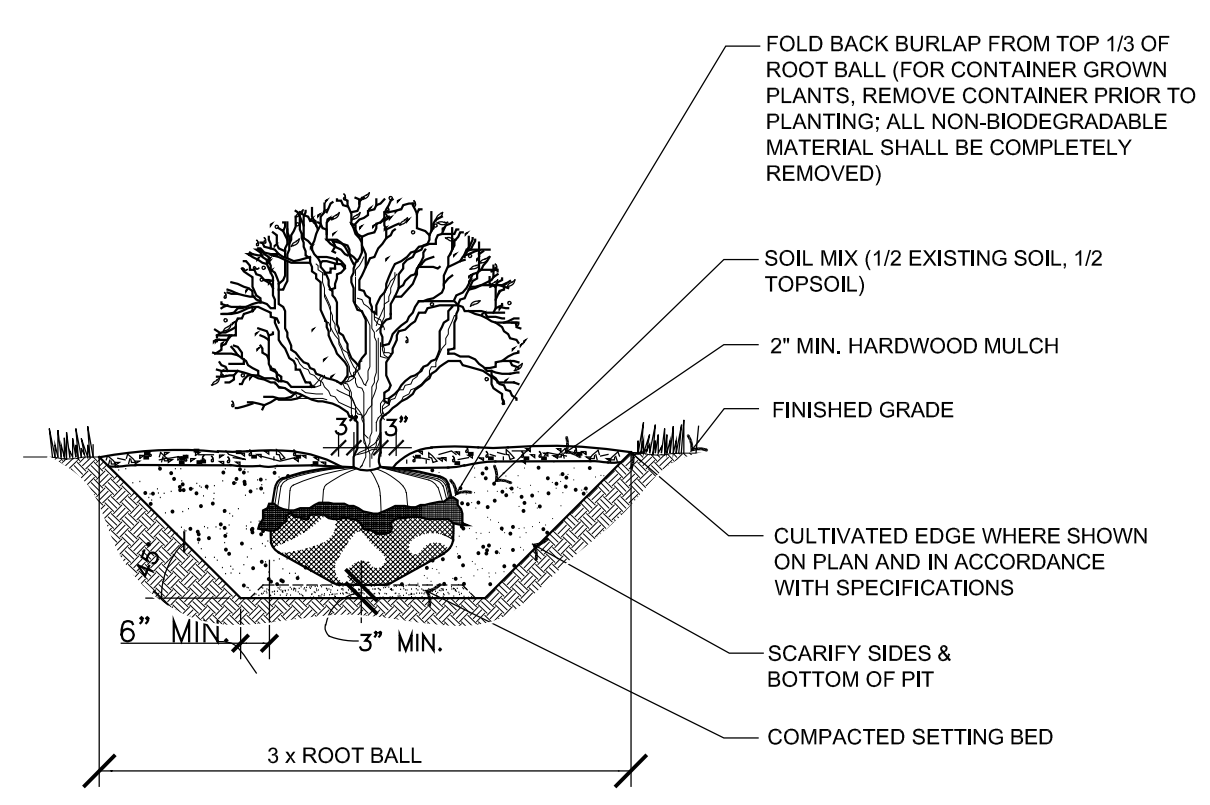
| Type                          | Quantity   | Size       | Points Total |
|-------------------------------|------------|------------|--------------|
| Large Tree (11)               | 27         | 2" Cal.    | 297          |
| Medium Tree (8)               | 3          | 1.5" Cal.  | 24           |
| Undersized Tree (5)           | 5          | 1.5" Cal.  | 40           |
| Coniferous Tree (8)           | 0          | 4'-5' Tall | 0            |
| Shrub (1)                     | 29         | 2-Gal      | 29           |
| Perennials                    | 0          | 1-Gal      | 0            |
| Landscape Berm (.25 per lf)   | 0          | 30"        | 0            |
| Ornamental Grass (1)          | 70         | 2-Gal      | 70           |
| <b>Total Points Provided:</b> | <b>460</b> |            |              |

**LANDSCAPE NOTES:**

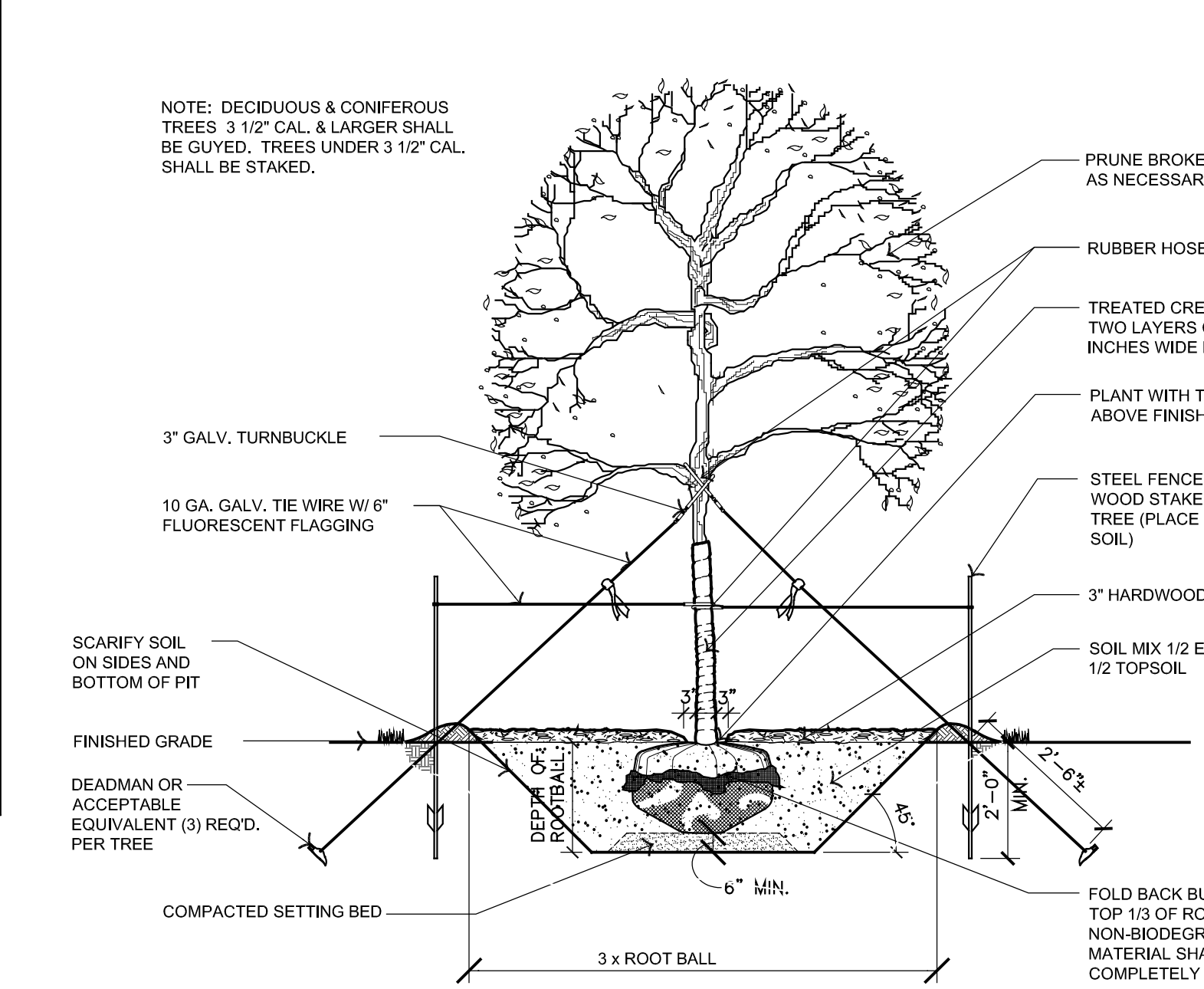
- LANDSCAPE NOTES SHALL APPLY TO ALL LANDSCAPE DRAWINGS.
- LOCATION OF ALL UTILITIES ARE APPROXIMATE. THE CONTRACTOR SHALL FIELD VERIFY LOCATIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION OPERATIONS.
- LIMITS OF CONSTRUCTION ARE THE PROPERTY LINES, UNLESS OTHERWISE NOTED ON THE PLANS. EXCEPT WHERE ACCESS BEYOND IS REQUIRED FOR CONSTRUCTION RELATED TO UTILITY INSTALLATION AND EQUIPMENT ACCESS TO THE SITE.
- REFER TO CIVIL DRAWINGS FOR ALL GRADING AND BERMING, EROSION CONTROL, STORM DRAINAGE, UTILITIES AND SITE LAYOUT.
- THE CONTRACTOR SHALL ARRANGE AND CONDUCT A PRE-CONSTRUCTION MEETING ON-SITE WITH LANDSCAPE ARCHITECT PRIOR TO ALL WORK.
- PLANT QUANTITIES ARE FOR INFORMATION ONLY. DRAWING SHALL PREVAIL IF CONFLICT OCCURS. CONTRACTOR IS RESPONSIBLE FOR CALCULATING OWN QUANTITIES AND BID ACCORDINGLY.
- THE CONTRACTOR IS TO NOTIFY LANDSCAPE ARCHITECT AFTER STAKING IS COMPLETED AND BEFORE PLANT PITS ARE EXCAVATED.
- THE CONTRACTOR SHALL PLACE SHREDDED HARDWOOD BARK MULCH AROUND ALL TREES TO A DEPTH OF 3" AND IN ALL PLANTING BEDS TO A DEPTH OF 2". WALNUT PRODUCTS ARE PROHIBITED.
- TREE LOCATIONS IN AREAS ADJACENT TO DRIVES, WALKS, WALLS AND LIGHT FIXTURES MAY BE FIELD ADJUSTED AS APPROVED BY THE LANDSCAPE ARCHITECT.
- KIND, SIZE AND QUALITY OF PLANT MATERIAL SHALL CONFORM TO AMERICAN STANDARD FOR NURSERY STOCK, ANSI-260-2004, OR MOST RECENT EDITION.
- THE CONTRACTOR SHALL REPORT SUBSURFACE SOIL OR DRAINAGE PROBLEMS TO THE LANDSCAPE ARCHITECT.
- THE PLAN IS SUBJECT TO CHANGES BASED ON PLANT SIZE AND MATERIAL AVAILABILITY. ALL CHANGES OR SUBSTITUTIONS MUST BE APPROVED BY THE CITY OF TOPEKA, KS AND THE LANDSCAPE ARCHITECT.
- PLANTING OF TREES, SHRUBS, SODDED AND SEEDED TURFGRASS SHALL BE COMMENCED DURING EITHER THE SPRING (APRIL 15-JUNE 15) OR FALL (SEPTEMBER 1-NOVEMBER 15) PLANTING SEASON AND WITH WATER AVAILABLE FOR IRRIGATION PURPOSES.
- STEEL EDGING TO BE USED ON ALL LANDSCAPE BEDS ABUTTING SODDED AREAS.
- LANDSCAPE CONTRACTOR IS TO BE RESPONSIBLE FOR WATERING ALL PLANT MATERIALS UNTIL THE TIME THE PERMANENT IRRIGATION SYSTEM IS FULLY FUNCTIONAL AND ACCEPTANCE OF THE PROJECT HAS TAKEN PLACE. ANY MATERIAL WHICH DIES, DEFOOLIATES (PRIOR TO ACCEPTANCE OF THE WORK) WILL BE PROMPTLY REMOVED AND REPLACE.
- THE CONTRACTOR SHALL SHOW PROOF OF PROCUREMENT, SOURCES, QUANTITIES AND VARIETIES FOR ALL SHRUBS, PERENNIALS, ORNAMENTAL GRASSES AND ANNUALS WITHIN 21 DAYS FOLLOWING THE AWARD OF THE CONTRACT.
- ALL TREES SHALL BE CALLIPERED AND UNDERSIZED TREES SHALL BE REJECTED. ALL PLANT MATERIAL SHALL BE NURSERY GROWN, SOUND, HEALTHY, VIGOROUS AND FREE FROM INSECTS, DISEASE AND INJURIES, WITH HABIT OF GROWTH THAT IS NORMAL FOR THE SPECIES. SIZES SHALL BE EQUAL TO OR EXCEEDING SIZES INDICATED ON THE PLANT LIST. THE CONTRACTOR SHALL SUPPLY PLANTS IN QUANTITY AS SHOWN ON THE DRAWINGS.
- STAKE OR PLACE ALL PLANTS IN FIELD AS INDICATED ON THE DRAWINGS OR AS DIRECTED BY THE LANDSCAPE ARCHITECT FOR APPROVAL BY THE OWNER PRIOR TO PLANTING.
- ALL DISTURBED AREAS, INCLUDING RIGHTS OF WAY, NOT OTHERWISE COVERED BY BUILDING, PAVEMENT AND LANDSCAPE BEDS SHALL BE SODDED WITH TURF TYPE TALL FESCUE AND IRRIGATED UNLESS OTHERWISE INDICATED BY THE OWNER.
- ALL EXTERIOR GROUND OR BUILDING MOUNTED EQUIPMENT, INCLUDING BUT NOT LIMITED TO MECHANICAL EQUIPMENT AND UTILITY METER BANKS SHALL BE SCREENED FROM PUBLIC VIEW WITH EVERGREEN LANDSCAPING THAT IS 6" TALLER THAN THE EQUIPMENT BEING SCREENED AT THE TIME OF PLANTING.
- PREPARE PLANTING BEDS BY INCORPORATING AN APPROVED COMPOSTED ORGANIC SOIL INTO EXISTING SOIL FOR ALL SHRUB, PERENNIAL AND ANNUAL PLANTING BEDS AT A MINIMUM DEPTH OF 6". THOROUGHLY MIX ORGANIC MATERIAL INTO THE EXISTING SOIL BY ROTOTILLING OR OTHER APPROVED METHOD TO A MINIMUM DEPTH OF 12".
- APPLY A COMMERCIAL ROOT STIMULATOR (APPROVED BY LANDSCAPE ARCHITECT PRIOR TO USE) TO ALL SHRUBS AND GROUND COVERS AT RATES RECOMMENDED BY MANUFACTURER DURING FIRST PLANT WATERING FOLLOWING INSTALLATION.
- ALL LANDSCAPE AREAS SHALL BE IRRIGATED WITH A HIGH EFFICIENCY AUTOMATIC IRRIGATION SYSTEM ACHIEVING 100% EVEN COVERAGE OF ALL LANDSCAPE AREAS. IRRIGATION SYSTEM SHALL BE DESIGN-BUILD TO MEET ALL CITY REQUIREMENTS.
- TREE PROTECTION FENCING SHALL BE INSTALLED AND APPROVED BY THE CITY FORESTER PRIOR TO ANY LAND DISTURBANCE. TREE PROTECTION FENCING SHALL REMAIN IN PLACE UNTIL ALL CONSTRUCTION IS COMPLETE ON THE PROJECT. NO PARKING OF VEHICLES, MATERIAL STORAGE, WASHOUTS OR GRADING ARE ALLOWED WITHIN THE FENCING. IF THE FENCING MUST BE REMOVED OR RELOCATED, THE CITY FORESTER SHALL BE CONTACTED FOR PRIOR APPROVAL.
- A CERTIFIED ARBORIST SHALL PRUNE ALL EXISTING TREES TO REMAIN. TREES CONFLICTING WITH BUILDING OR OVERLAPPING LANDSCAPE BEDS SHALL BE PRUNED UP TO ALLOW FOR 12' OF CLEARANCE UNDER CANOPY.
- ALL LAWN AREAS SHALL RECEIVE A MINIMUM OF 6-INCH DEPTH TOPSOIL COMPACTED TO 85% MAXIMUM DENSITY AT OPTIMUM MOISTURE CONTENT.
- THE ENTIRE SURFACE TO BE SODDED SHALL BE REASONABLY SMOOTH AND FREE FROM STONES, ROOTS, OR OTHER DEBRIS.
- SOD SHALL BE MACHINE STRIPPED AT A UNIFORM SOIL THICKNESS OF APPROXIMATELY ONE INCH (PLUS OR MINUS 1/4 INCH). THE MEASUREMENT FOR THICKNESS SHALL EXCLUDE TOP GROWTH AND THATCH, AND SHALL BE DETERMINED AT THE TIME OF CUTTING IN THE FIELD. PRECAUTIONS SHALL BE TAKEN TO PREVENT DRYING AND HEATING. SOD DAMAGED BY HEAT AND DRY CONDITIONS, SOD CUT MORE THAN 18 HOURS BEFORE BEING INCORPORATED INTO THE WORK SHALL NOT BE USED.
- HANDLING OF SOD SHALL BE DONE IN A MANNER THAT WILL PREVENT TEARING, BREAKING, DRYING AND OTHER DAMAGE. PROTECT EXPOSED ROOTS FROM DEHYDRATION. DO NOT DELIVER MORE SOD THAN CAN BE LAID WITHIN 24 HOURS.
- MOISTEN PREPARED SURFACE IMMEDIATELY PRIOR TO LAYING SOD. WATER THOROUGHLY AND ALLOW SURFACE TO DRY BEFORE INSTALLING SOD. FERTILIZE, HARROW OR RAKE FERTILIZER INTO TOP 1-1/2-INCHES OF TOPSOIL AT A UNIFORM RATE OF ONE POUND OF NITROGEN PER 100 SF.
- SOD SHALL BE CAREFULLY PLACED IN THE DIRECTION PARALLEL WITH THE SLOPE OF THE AREA TO BE SODDED. SOD STRIPS SHALL BE BUTTED TOGETHER BUT NOT OVERLAPPED WITH THE SEAMS STAGGERED ON EACH ROW.
- FERTILIZER SHALL BE 10-10-5 COMMERCIAL FERTILIZER OF THE GRADE, TYPE AND FORM SPECIFIED AND SHALL COMPLY WITH THE RULES OF THE STATE OF KANSAS DEPARTMENT OF AGRICULTURE. FERTILIZER SHALL BE IDENTIFIED ACCORDING TO THE PERCENT N, P, K, IN THAT ORDER.
- SATURATE SOD WITH FINE WATER SPRAY WITHIN TWO HOURS OF PLANTING. DURING FIRST WEEK AFTER PLANTING, WATER DAILY OR MORE FREQUENTLY AS NECESSARY TO MAINTAIN MOIST SOIL TO A MINIMUM DEPTH OF FOUR INCHES BELOW SOD.
- CONTRACTOR SHALL PROVIDE FULL MAINTENANCE FOR SODDED TURF GRASS FOR A PERIOD OF 30 DAYS AFTER THE DATE OF FINAL ACCEPTANCE. AT THE END OF THE MAINTENANCE PERIOD, A HEALTHY, WELL-ROOTED, EVEN-COLORED, VIABLE TURF MUST BE ESTABLISHED. THE TURF GRASS SHALL BE FREE OF WEEDS, OPEN JOINTS, BARE AREAS AND SURFACE IRREGULARITIES.
- IN THE EVENT OF WORK IN OR ON THE JCW SANITARY MAIN, INCLUDING RIGHTS-OF-WAY AREAS, ANY TREES OR PLANTINGS PLACED WITHIN THE SEWER EASEMENT MAY BE REMOVED WITHOUT REPLACEMENT OR COMPENSATION THERE-OF AND SHALL BE REPLACED BY THE PROPERTY OWNER AS REQUIRED BY THE CITY.
- LANDSCAPE ADJACENT TO THE FIRE DEPARTMENT CONNECTION AND FIRE HYDRANT SHALL ALLOW FOR UNOBSTRUCTED VISIBILITY AND ACCESS, WITH NO SHRUBS OR TREES WITH IN A 3' RADIUS OF THE FIRE DEPARTMENT CONNECTION OR FIRE HYDRANT.



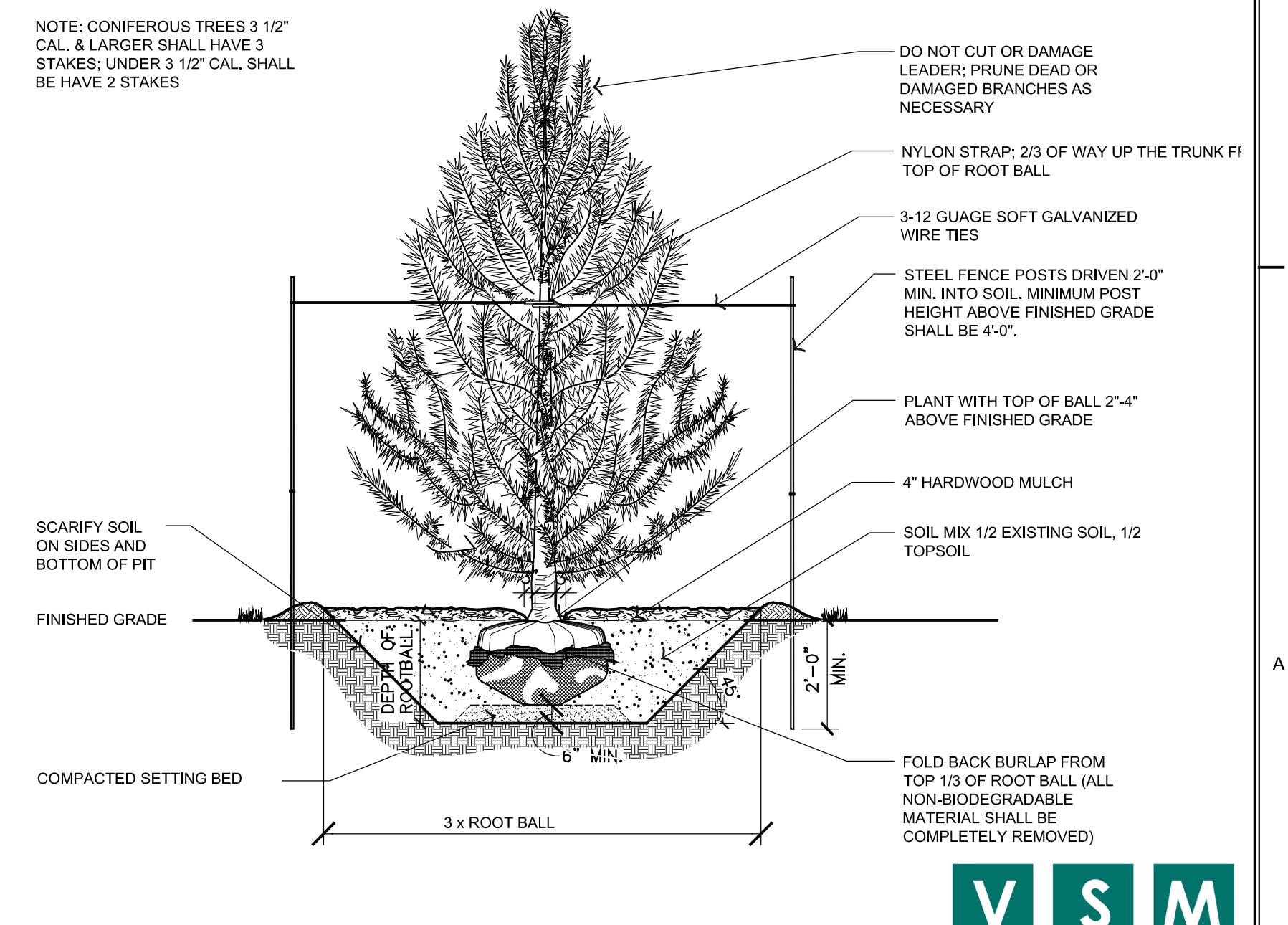
**1 Landscape Plan**  
scale: 1" = 30'-0"



**2 Shrub Detail**  
scale: 1/4" = 1'-0"



**3 Deciduous Tree Detail**  
scale: 1/4" = 1'-0"



**4 Evergreen Tree Detail**  
scale: 1/4" = 1'-0"



LOCATION: K:\ync\Veridigris Studio  
PLOT DATE: Discov Center L11.dwg  
PLOTTED BY: KEVIN VOIGT



**STATEMENT OF OPERATIONS****Kansas Children's Discovery Center – Exhibit Hall & Classroom Addition**

A Major Amendment to a Conditional Use Permit for the expansion of a children's museum, to be used as museum/exhibit space and provide child day care service when school is not in session.

The children's museum known as the Kansas Children's Discovery Center (KCDC), which is located in Gage Park within the West Lake Subdivision, and is zoned and will remain zoned R-1.

With KCDC's current building regularly at capacity, this Major Amendment to a Conditional Use Permit proposes the construct of a new 16,120 sq.ft. expansion to an existing 15,900 sq.ft. children's museum, relocation of the existing drive from SW Conservation Drive, new loading dock, and 52 new/additional parking stalls.

The proposed expansion presents an opportunity to elevate educational offerings and visitor experiences at KCDC. By doubling the current size of the facility and integrating innovative design elements, this project will create further immersive learning environments that will engage visitors of all ages. The proposed expansion will also provide for enhanced capabilities to accommodate larger and more complex traveling exhibits thereby establishing more opportunities for community participation. From enhanced STEAM learning experiences to the establishment of dedicated learning lab classrooms, the expansion demonstrates a community commitment to fostering curiosity and lifelong learning.

KCDC anticipates an additional 30,000 visitors annually across the entire facility once the new space is fully operational, potentially increasing annual attendance from 120,000 in 2023 to 150,000, with an estimated 7,000-10,000 field trip students annually, with the majority arriving by bus. Field trips are most common during the spring. Daily attendance fluctuates depending on factors like weather, school schedules, and community events, with Saturdays having the largest attendance.

When school is not in session, the proposed classrooms could be utilized as child day care service and accommodate up to 90 children. This program is designed to provide a safe and engaging environment for children during various school breaks.

In addition, KCDC is working to support families of National Guard members, to offer child day care service one weekend per month catering to a maximum 30 children whose parents are serving in the National Guard and would take place in one of the three classrooms.

Children's museum hours of operation are 9:00am-5:00pm Tuesday, Wednesday, Friday, and Saturday; 12:00pm-5:00pm Sundays; and 9:00am-8:00pm on Thursdays, with the third Thursday of each month being a free night attracting the peak evening attendance. While none are currently planned, with the added space, there's the potential to consider additional playtime hours as we continue to assess how best to utilize the added space to potentially meet the changing needs of the community.

Child day care service hours of operation are 7:30am-5:30pm Monday – Friday during times when school is not in session and 7:30am-5:30pm one weekend per month.

The zoning of the site is R-1. See Section 18.10.130 for sign standards. Standards for non-residential uses in R-1 zoning apply.  
 Sign code: <https://topeka.municipal.codes/TMC/18.10>

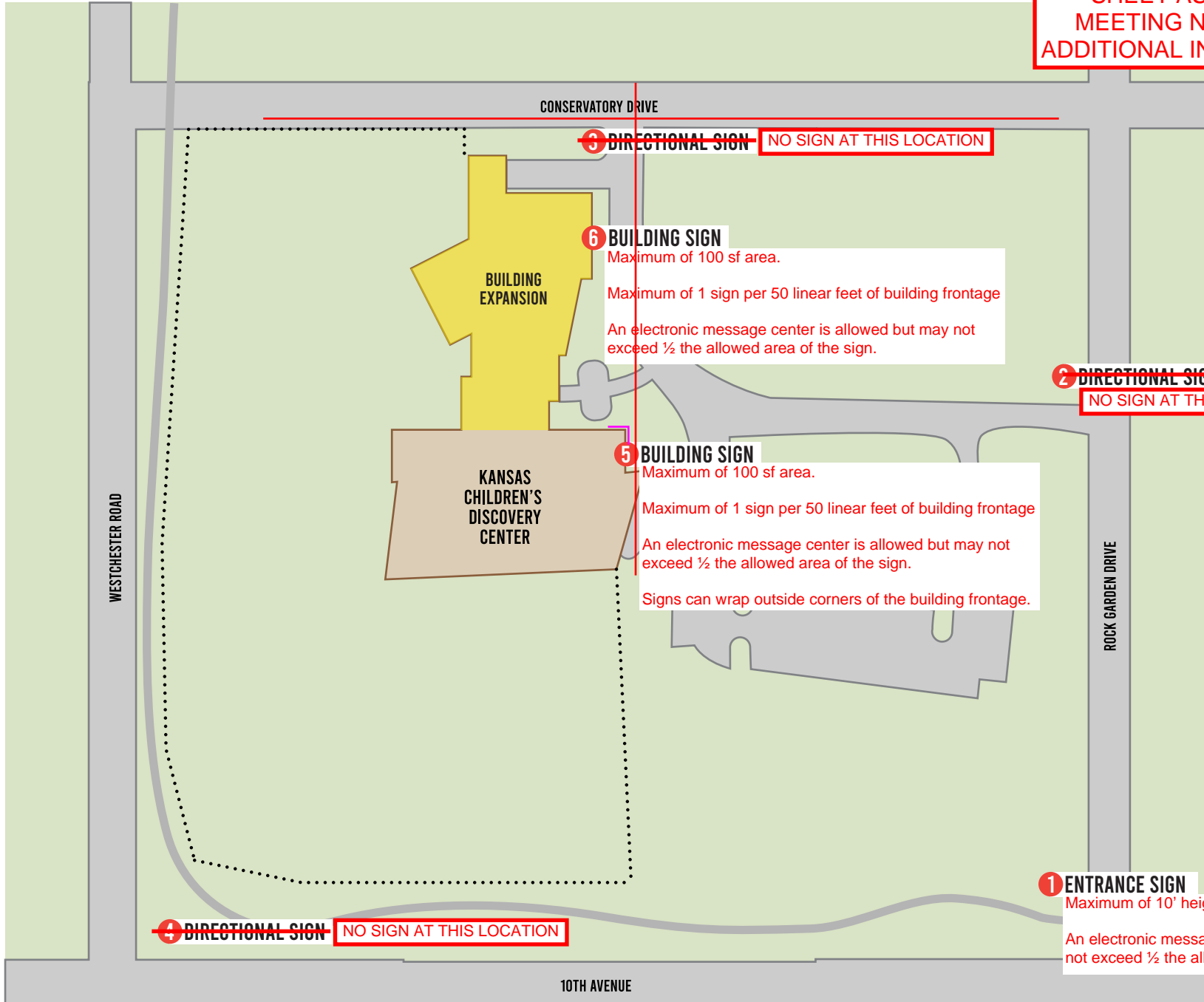
In addition to the requirements in the chart below, be advised that signs are not allowed in the street right-of-way. I estimate the edge of right of way along 10th Ave to be 45 feet behind the curb at edge of roadway, and 30 feet behind the edge of roadway along Westchester Road. All free-standing signs must meet sight distance restrictions (meaning may not be located in the sight distance triangle)

Sign area to be calculated as area of text and logo only.

| Proposed Sign               | Sign Type  | Allowed / Max height and size  | Other Requirements   | Permit Required   |
|-----------------------------|--|--|--|---|
| #1 Entrance Sign            | Free-standing Monument Sign (primary sign)   | Allowed / <b>maximum of 10' height and 50 sf area.</b><br><br>An electronic message center is allowed but may not exceed ½ the allowed area of the sign.   | Do not locate in street right of way.<br><br>5' setback behind property line at right of way.  | Yes.  |
| #2 and #3 Directional Signs | Free-standing incidental sign (incidental sign)  | Allowed / not allowed as a primary free-standing sign. Not on a public street but along an internal private drive and thus <b>max height is 8 feet and max area is 32 sf.</b>  | Set sign back so it is not in the sight distance triangle  | Permit required if illuminated; permit is not required if non-illuminated.  |
| #4 Directional Sign         | A free-standing monument sign is permitted as a "primary sign" if along Westchester Rd.<br><br>Alternatively, a freestanding incidental sign may be used but is very limited | Allowed as a primary sign: Same as Sign #1<br><br>Or ---<br><br>Allowed as a free-standing incidental sign: <b>Limited to a max of 4 feet in height and 6 sf in area.</b>  | As a primary sign: Same as Sign #1<br><br>Free-standing incidental sign: Must be located outside of right-of-way and behind property line.   | As a primary sign: Same as Sign #1<br><br>Free-standing incidental sign: Permit required if illuminated; permit is not required if non-illuminated. |
| #5 and #6 Building Signs    | Wall signs   | These appear to meet the sign code, but more information will be needed to determine compliance.<br><br>Applicable standards: <b>A maximum of 1 sign per 50 linear feet of building frontage</b> (building frontage: width of building wall measured horizontally); overall <b>wall signage shall not exceed 1.5 sf per linear foot of building frontage with no single sign exceeding 100 sf.</b><br><br>An electronic message center is allowed but may not exceed ½ the allowed area of the sign. | Signs can wrap outside corners of the building frontage.<br><br><u>#5:</u><br><ul style="list-style-type: none"> <li>• East Frontage: 100 sf</li> <li>• North Frontage: 75 sf</li> </ul> <u>#6:</u><br><ul style="list-style-type: none"> <li>• East Frontage: 100 sf</li> <li>• North Frontage: 100 sf</li> </ul> | Permits required.   |

# Proposed

REFERENCE ATTACHED SHEET AS-001 FOR MEETING NOTES AND ADDITIONAL INFORMATION.



**3 DIRECTIONAL SIGN** NO SIGN AT THIS LOCATION

**6 BUILDING SIGN**  
Maximum of 100 sf area.  
Maximum of 1 sign per 50 linear feet of building frontage  
An electronic message center is allowed but may not exceed 1/2 the allowed area of the sign.

**2 DIRECTIONAL SIGN** NO SIGN AT THIS LOCATION

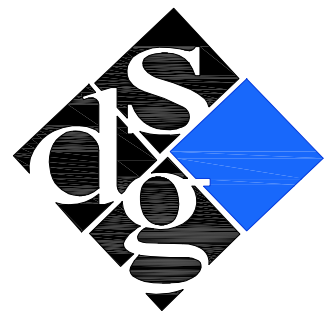
**5 BUILDING SIGN**  
Maximum of 100 sf area.  
Maximum of 1 sign per 50 linear feet of building frontage  
An electronic message center is allowed but may not exceed 1/2 the allowed area of the sign.  
Signs can wrap outside corners of the building frontage.

**4 DIRECTIONAL SIGN** NO SIGN AT THIS LOCATION

**1 ENTRANCE SIGN**  
Maximum of 10' height and 50 sf area.  
An electronic message center is allowed but may not exceed 1/2 the allowed area of the sign.

10TH AVENUE





**schwerdt design group**  
 architecture | interiors | planning  
 2221 SW Wagonwheel Rd. Suite 303  
 Topeka, Kansas 66614-4275  
 phone: 785-727-7240  
 fax: 785-727-7274  
 3523 North May Avenue Suite 411  
 Oklahoma City, OK 73112-3861  
 phone: 405-842-1180  
 fax: 405-842-1244

NEW EXHIBIT AND CLASSROOM ADDITION  
**Kansas Children's Discovery Center**  
 4400 SW 10TH AVE, TOPEKA, KS. 66604



SUBMISSION DATES  
 PROGRESS PRINT ONLY  
 03/14/2024

SHEET TITLE  
 ARCHITECTURAL  
 SITE PLAN

PROJECT NUMBER  
 230020

SHEET NUMBER  
 AS-001

**PROJECT DATA**

**LEGAL DESCRIPTION**  
 A TRACT OF LAND IN LOTS K AND J, WESTLAKE, ACCORDING TO THE RECORDED PLAT THEREOF, IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS:  
 BEGIN AT THE SOUTHWEST CORNER OF SAID LOT K; THENCE ON AN ASSUMED NORTH AZIMUTH OF 395 DEGREES 38 MINUTES 17 SECONDS, 587.25 FEET ALONG THE WEST LINE OF SAID LOT K AND J; THENCE ON AZIMUTH 89 DEGREES 52 MINUTE 47 SECONDS, 679.69 FEET; THENCE ON AZIMUTH 180 DEGREES 37 MINUTES 08 SECONDS, 579.81 FEET TO THE SOUTH LINE OF SAID LOT K; THENCE ON AZIMUTH 269 DEGREES 13 MINUTES 36 SECONDS, 516.99 FEET ALONG SAID SOUTH LINE; THENCE ON AZIMUTH 269 DEGREES 16 MINUTES 52 SECONDS, 152.79 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.  
 THE ABOVE DESCRIBED TRACT CONTAINS 9.04 ACRES, MORE OR LESS.

**PARCEL SIZE**  
 9.04 ACRES

**EXISTING ZONING**  
 R-1 SINGLE FAMILY DWELLING DISTRICT.

**STATEMENT OF USE**  
 A MAJOR AMENDMENT TO A CONDITIONAL USE PERMIT FOR THE EXPANSION OF A CULTURAL CENTER, KNOWN AS THE KANSAS CHILDRENS DISCOVERY CENTER (KCDC), WHICH IS LOCATED IN GAGE PARK WITHIN THE WEST LAKE SUBDIVISION, AND IS ZONED AND WILL REMAIN ZONED R-1.

WITH KCDC'S CURRENT BUILDING REGULARLY AT CAPACITY, THIS MAJOR AMENDMENT TO A CONDITIONAL USE PERMIT PROPOSES THE CONSTRUCT OF A NEW 16,120 SQ.FT. EXPANSION TO AN EXISTING 15,900 SQ.FT. CULTURAL CENTER, RELOCATION OF THE EXISTING DRIVE FROM SW CONSERVATION DRIVE, NEW LOADING DOCK, AND 52 NEW/ADDITIONAL PARKING STALLS.

THE PROPOSED EXPANSION PRESENTS AN OPPORTUNITY TO ELEVATE EDUCATIONAL OFFERINGS AND VISITOR EXPERIENCES AT KCDC. BY DOUBLING THE CURRENT SIZE OF THE FACILITY AND INTEGRATING INNOVATIVE DESIGN ELEMENTS, THIS PROJECT WILL CREATE FURTHER IMMERSIVE LEARNING ENVIRONMENTS THAT WILL ENGAGE VISITORS OF ALL AGES. THE PROPOSED EXPANSION WILL ALSO PROVIDE FOR ENHANCED CAPABILITIES TO ACCOMMODATE LARGER AND MORE COMPLEX TRAVELING EXHIBITS THEREBY ESTABLISHING MORE OPPORTUNITIES FOR COMMUNITY PARTICIPATION. FROM ENHANCED STEAM LEARNING EXPERIENCES TO THE ESTABLISHMENT OF DEDICATED LEARNING LAB CLASSROOMS, THE EXPANSION DEMONSTRATES A COMMUNITY COMMITMENT TO FOSTERING CURIOSITY AND LIFELONG LEARNING.

KCDC ANTICIPATES AN ADDITIONAL 30,000 VISITORS ANNUALLY ACROSS THE ENTIRE FACILITY ONCE THE NEW SPACE IS FULLY OPERATIONAL, POTENTIALLY INCREASING ANNUAL ATTENDANCE FROM 120,000 IN 2023 TO 150,000, WITH AN ESTIMATED 7,000-10,000 FIELD TRIP STUDENTS ANNUALLY. WITH THE MAJORITY ARRIVING BY BUS, FIELD TRIPS ARE MOST COMMON DURING THE SPRING. DAILY ATTENDANCE FLUCTUATES DEPENDING ON FACTORS LIKE WEATHER, SCHOOL SCHEDULES, AND COMMUNITY EVENTS, WITH SATURDAYS HAVING THE LARGEST ATTENDANCE.

ON NON-SCHOOL DAYS, THE PROPOSED CLASSROOMS COULD ACCOMMODATE UP TO 90 CHILDREN, WHO WILL BE DROPPED OFF BY THEIR CAREGIVERS IN PRIVATE VEHICLES. KCDC IS ALSO CONSIDERING OFFERING CHILDCARE SERVICES ONE WEEKEND PER MONTH IN ONE OF THE CLASSROOMS, CATERING TO A MAXIMUM OF 30 CHILDREN.

HOURS OF OPERATION ARE 9:00AM-5:00PM TUESDAY, WEDNESDAY, FRIDAY, AND SATURDAY; 12:00PM-5:00PM SUNDAYS; AND 9:00AM-8:00PM ON THURSDAYS, WITH THE THIRD THURSDAY OF EACH MONTH BEING A FREE NIGHT ATTRACTING THE PEAK EVENING ATTENDANCE. WHILE NONE ARE CURRENTLY PLANNED, WITH THE ADDED SPACE, THERE'S THE POTENTIAL TO CONSIDER ADDITIONAL PLAYTIME HOURS AS WE CONTINUE TO ASSESS HOW BEST TO UTILIZE THE ADDED SPACE TO POTENTIALLY MEET THE CHANGING NEEDS OF THE COMMUNITY.

**OWNER**  
 BOARD OF COUNTY COMMISSIONERS SHAWNEE COUNTY, KS  
 707 SE QUINCY ST.  
 TOPEKA, KANSAS 66603

**GENERAL NOTES**

- THE EXISTING ZONING IS R-1. THE PROPOSED ZONING REMAINS R-1 WITH A MAJOR AMENDMENT TO THE CONDITIONAL USE PERMIT.
- TOTAL PARKING SPACES REQUIRED BASED ON A 32,020 SQUARE FOOT CULTURAL CENTER PER CITY OF TOPEKA MUNICIPAL CODE 18.240.030 REQUIRED NUMBER OF OFF-STREET PARKING SPACES AT A RATIO OF 1 SPACE PER 300 SQUARE FEET IS 107 SPACES. THE TOTAL NUMBER OF PARKING SPACES PROPOSED IS 126.

**PARKING CALCULATION**

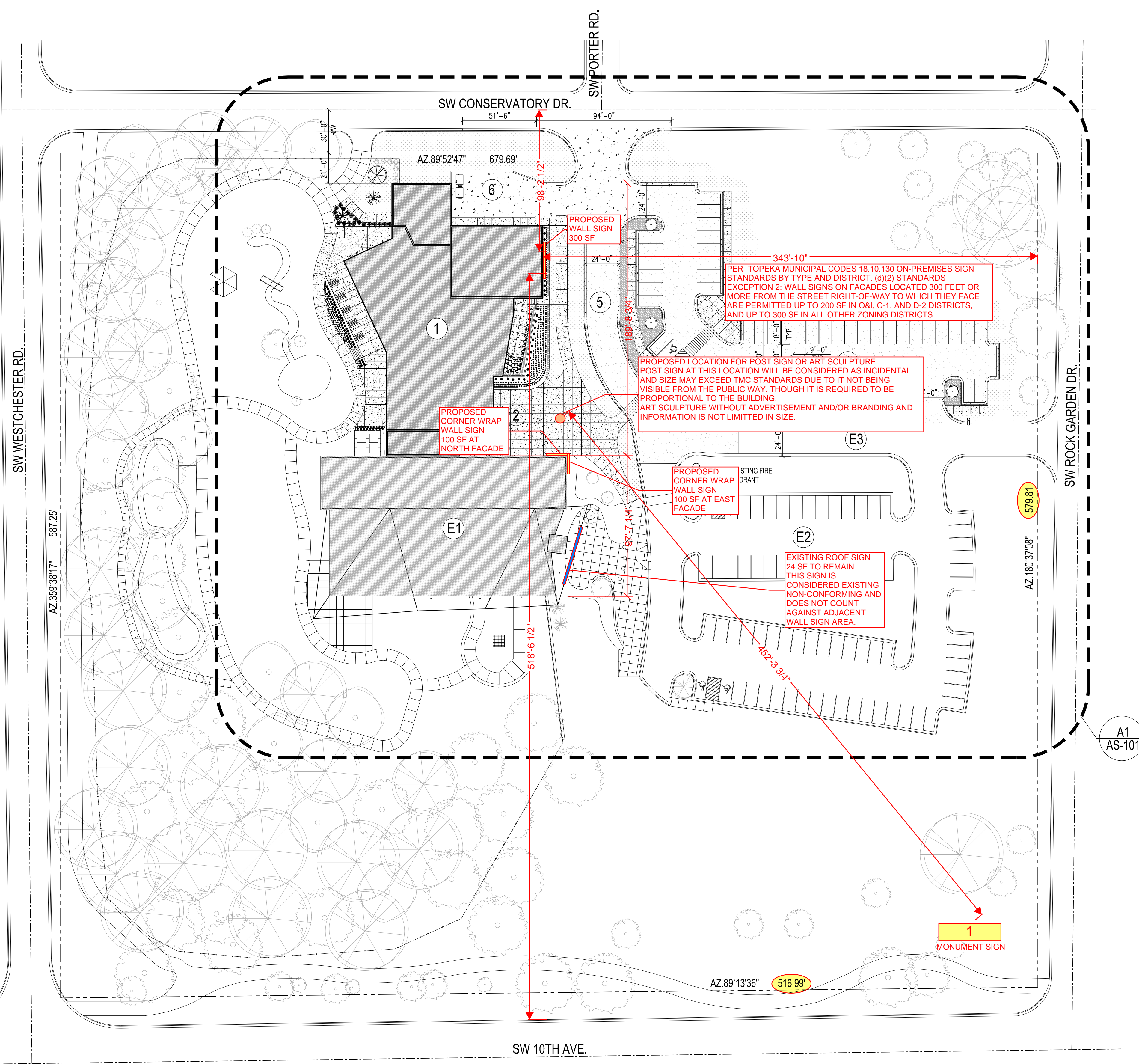
|                        |   |                    |
|------------------------|---|--------------------|
| EXISTING PARKING COUNT | = | 74 PARKING STALLS  |
| NEW PARKING COUNT      | = | 52 PARKING STALLS  |
| TOTAL PARKING COUNT    | = | 126 PARKING STALLS |

**SIGNAGE**

- THE SITE SIGNAGE PROGRAM WILL BE SUBMITTED AND APPROVED AT A LATER DATE, AND WILL RESPOND TO THE CURRENT CITY OF TOPEKA SIGNAGE ORDINANCE PER CITY OF TOPEKA MUNICIPAL CODE 18.10.130 ON-PREMISES SIGN STANDARDS BY TYPE AND DISTRICT.

**LEGEND**

- |   |   |    |   |
|---|---|----|---|
| 1 | NEW 16,120 SQ.FT. EXHIBIT AND CLASSROOM ADDITION. | E1 | EXISTING 15,900 SQ.FT. KANSAS CHILDRENS DISCOVERY CENTER. |
| 2 | NEW SECONDARY BUILDING ENTRANCE.                  | E2 | EXISTING 74 PARKING STALLS.                               |
| 3 | NEW DRIVE.  | E3 | EXISTING ASPHALT DRIVE.                                   |
| 4 | NEW 52 PARKING STALLS                             |    |   |
| 5 | NEW LOADING DOCK.                                 |    |   |



**NEW ARCHITECTURAL SITE PLAN**  
 A1  
 SCALE: 1" = 40'-0"





EXISTING ROOF SIGN  
24 SF TO REMAIN.  
THIS SIGN IS  
CONSIDERED EXISTING  
NON-CONFORMING AND  
DOES NOT COUNT  
AGAINST ADJACENT  
WALL SIGN AREA.

PROPOSED  
CORNER WRAP  
WALL SIGN  
100 SF AT EAST  
FACADE

PROPOSED  
CORNER WRAP  
WALL SIGN  
100 SF AT  
NORTH FACADE

PROPOSED  
WALL SIGN  
300 SF

PER TOPEKA MUNICIPAL CODES 18.10.130 ON-PREMISES SIGN  
STANDARDS BY TYPE AND DISTRICT. (d)(2) STANDARDS  
EXCEPTION 2: WALL SIGNS ON FACADES LOCATED 300 FEET OR  
MORE FROM THE STREET RIGHT-OF-WAY TO WHICH THEY FACE  
ARE PERMITTED UP TO 200 SF IN O&I, C-1, AND D-2 DISTRICTS,  
AND UP TO 300 SF IN ALL OTHER ZONING DISTRICTS.





EXISTING ROOF SIGN  
24 SF TO REMAIN.  
THIS SIGN IS  
CONSIDERED EXISTING  
NON-CONFORMING AND  
DOES NOT COUNT  
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PROPOSED  
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PROPOSED  
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WALL SIGN  
100 SF AT  
NORTH FACADE

PROPOSED  
WALL SIGN  
300 SF

PER TOPEKA MUNICIPAL CODES 18.10.130 ON-PREMISES SIGN  
STANDARDS BY TYPE AND DISTRICT. (d)(2) STANDARDS  
EXCEPTION 2: WALL SIGNS ON FACADES LOCATED 300 FEET OR  
MORE FROM THE STREET RIGHT-OF-WAY TO WHICH THEY FACE  
ARE PERMITTED UP TO 200 SF IN O&I, C-1, AND D-2 DISTRICTS,  
AND UP TO 300 SF IN ALL OTHER ZONING DISTRICTS.

PROPOSED LOCATION FOR POST SIGN OR ART SCULPTURE.  
POST SIGN AT THIS LOCATION WILL BE CONSIDERED AS INCIDENTAL  
AND SIZE MAY EXCEED TMC STANDARDS DUE TO IT NOT BEING  
VISIBLE FROM THE PUBLIC WAY. THOUGH IT IS REQUIRED TO BE  
PROPORTIONAL TO THE BUILDING.  
ART SCULPTURE WITHOUT ADVERTISEMENT AND/OR BRANDING AND  
INFORMATION IS NOT LIMITED IN SIZE.





— OTHER

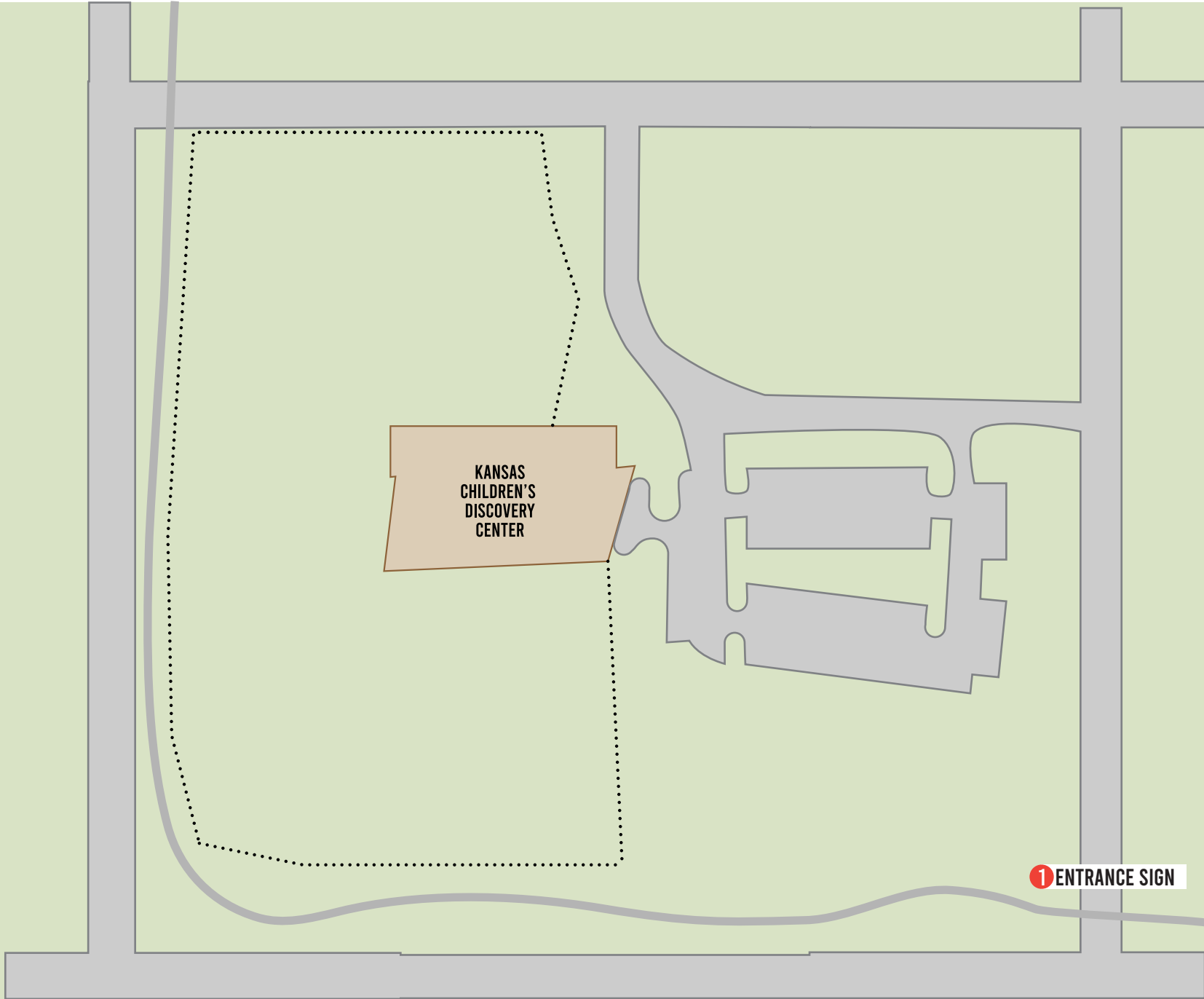
## Symphony Park

Design by

**Davies Associates, Inc.**

PROPOSED EXAMPLE POST SIGN OR ART SCULPTURE FOR REFERENCE ONLY.  
POST SIGN AT THIS LOCATION WILL BE CONSIDERED AS INCIDENTAL AND SIZE MAY EXCEED TMC STANDARDS DUE TO IT NOT BEING VISIBLE FROM THE PUBLIC WAY. THOUGH IT IS REQUIRED TO BE PROPORTIONAL TO THE BUILDING.  
ART SCULPTURE WITHOUT ADVERTISEMENT AND/OR BRANDING AND INFORMATION IS NOT LIMITED IN SIZE.

# Current



# 1 Entrance 10th Ave. Sign

## Current



## Proposed Examples



## 2,3 4, Directional Signs

### Current



Rock Garden Drive



Westchester & 10th Ave.



Conservatory Drive

### Proposed Examples





## 5, 6 Building Signs





# Competitive Regional Museums







*Cook, Flatt & Strobel Engineers, P.A.*

# **Traffic Impact Study - Level 1/ Kansas Children’s Discovery Center Building Expansion**

**Date:** June 19, 2024

**Prepared by:** CFS Engineers, P.A.

**CFS Project Number:** 24-5106

## **Table of Contents**

|  |   |
|--|---|
| 1. Location Description.....                                   | 2 |
| 2. Land Use - Existing and Proposed.....                       | 3 |
| 3. Vehicle Trip Generation Rates and Design Hourly Volume..... | 4 |
| 4. Summary and Recommendation.....                             | 5 |

## **List of Figures**

Figure 1. Site Location Map

Figure 2. Proposed Site Plan

## **List of Tables**

Table 1. ITE Traffic Generation Parameters and Calculation Details



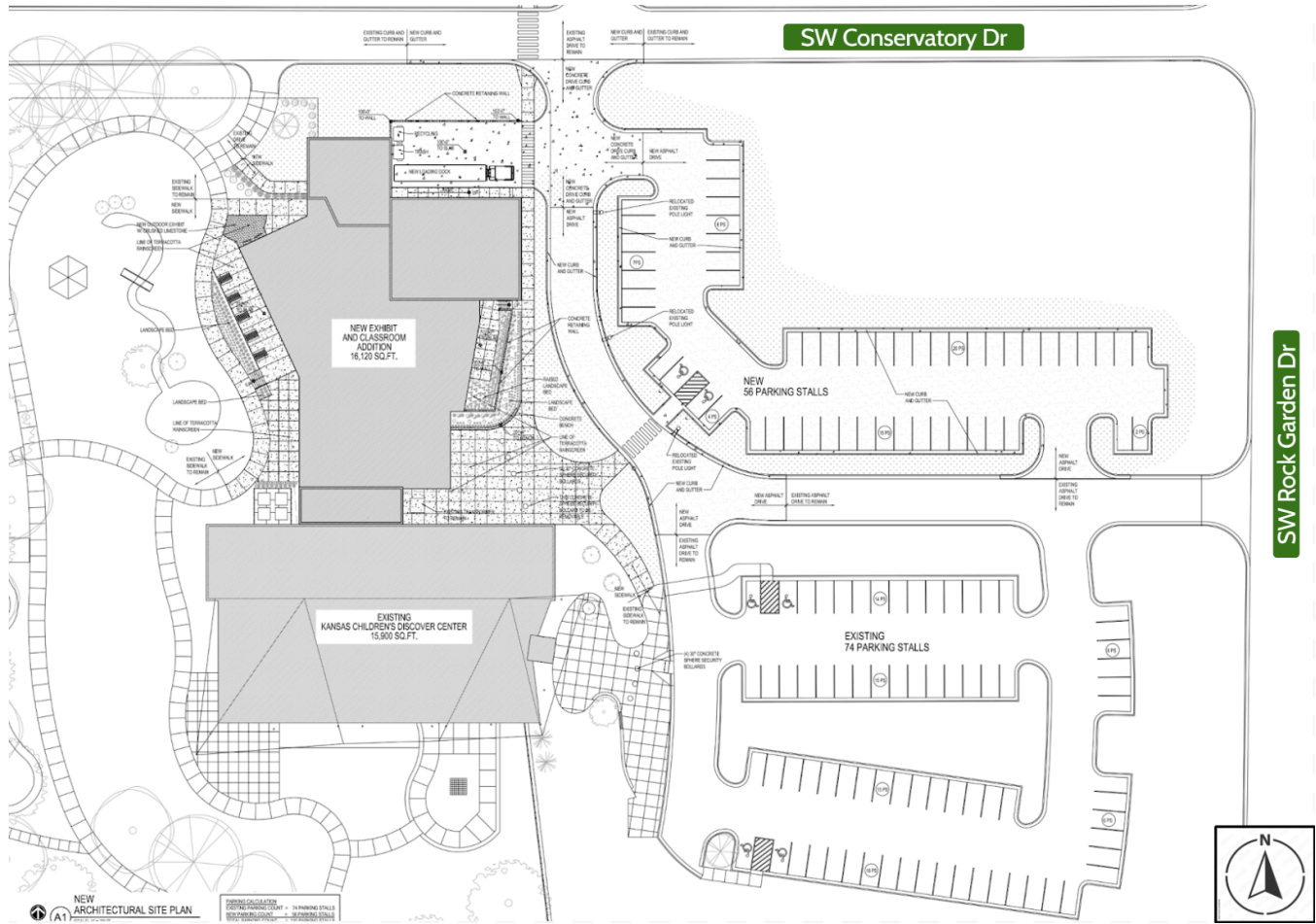
## 1. Location Description

This Level 1 Traffic Impact Study is for the proposed expansion of the Kansas Children's Discovery Center at 4400 SW 10th Avenue in Topeka, Kansas. The project is located at the southwest corner of Gage Park and at the northwest corner of the intersection of SW 10th Avenue & Gage Park Fitness Loop Trail. The center features an existing parking lot capable of accommodating a total of 74 parking stalls, including 4 handicapped parking spaces. A driveway, linking SW Rock Garden Dr and SW Conservatory Dr, serves as the primary access route to the center.

According to the latest site plan, the current 15,900 square feet building of the Kansas Children's Discovery Center is projected to undergo expansion by an additional 16,120 square feet to the north. This expansion includes a designated 2,700 square feet to be utilized as a neighborhood center. Correspondingly, in accompaniment to the expansion, a new parking lot will be constructed. It will contain 56 parking stalls, including 2 designated handicapped parking spaces, to effectively accommodate additional vehicles. **Figure 1** shows the site location and **Figure 2** displays the proposed site plan improvements.



**Figure 1.** Site Location Map



**Figure 2. Proposed Site Plan**

**2. Land Use - Existing and Proposed**

The project is located at the southwest corner of Gage Park, identified under the land use category of 5232-Zoo/Animal Park, with a tax parcel ID of 0983401001001010. To the east of the site, across SW Rock Garden Dr, there is a baseball court along with its corresponding parking lot. To the south of the site, across SW 10th Avenue, there is a residential area with the land use category of 1101-Single Family Residence (Detached) and land use classification of 9910-Residential Highest and Best Use. To the west of the site, across the Gage Park Fitness Loop Trail, lies a cemetery classified as 6720-Cemetery/Cremation Services. To the north of the site, across SW Conservatory Dr, is the Gage Park Greenhouse (source: <https://gis.sncoapps.us/propertysearch/index.html>). The land use category of the proposed site remains consistent with the current classifications of the surrounding areas.



### 3. Vehicle Trip Generation Rates and Design Hourly Volume

The trip generation calculations were conducted using the land use types classified according to the Institute of Transportation Engineers Trip Generation Guidelines, 11<sup>th</sup> Edition. However, the present 11th Edition does not include a land use category specific for the Children’s Discovery Center. Since a Children’s Discovery Center is typically a type of interactive museum or learning center designated specifically for children, the Saturday peak hour is considered for each land use. In this study, the land use category of “Museum” (ITE Code 580) is used to represent the Children’s Discovery Center. For the proposed neighborhood center, the land use category of “Variety Store” (ITE Code 814) is adopted.

The estimated number of trips generated by the site were calculated based on the square footage of the proposed buildings. **Table 1** shows the parameters for new trips generation and the corresponding generated trips.

**Table 1.** ITE Traffic Generation Parameters and Calculation Details

| Description                     | Museum<br>(ITE Code 580) | Museum<br>(ITE Code 580) | Variety Store<br>(ITE Code 814) | Variety Store<br>(ITE Code 814) |
|---------------------------------|--------------------------|--------------------------|---------------------------------|---------------------------------|
| <i>Units</i>                    | <i>13,420 sq ft</i>      | <i>13,420 sq ft</i>      | <i>2,700 sq ft</i>              | <i>2,700 sq ft</i>              |
| Weekday AM Peak Hour Parameters |                          |                          |                                 |                                 |
| AM Peak Total                   | 0.35                     | $0.35 * 13.42 = 5$       | 4.51                            | $4.51 * 2.7 = 12$               |
| AM Peak In                      | 40%                      | $5 * 40\% = 2$           | 50%                             | $12 * 50\% = 6$                 |
| AM Peak Out                     | 60%                      | $5 * 60\% = 3$           | 50%                             | $12 * 50\% = 6$                 |
| Weekday PM Peak Hour Parameters |                          |                          |                                 |                                 |
| PM Peak Total                   | -                        | -                        | 7.42                            | $7.42 * 2.7 = 20$               |
| PM Peak In                      | -                        | -                        | 50%                             | $20 * 50\% = 10$                |
| PM Peak Out                     | -                        | -                        | 50%                             | $20 * 50\% = 10$                |
| Saturday Peak Hour Parameters   |                          |                          |                                 |                                 |
| Sat. Peak Total                 | 0.66                     | $0.66 * 13.42 = 9$       | 3.86                            | $3.86 * 2.7 = 10$               |
| Sat. Peak In                    | 71%                      | $9 * 71\% = 6$           | 48%                             | $10 * 48\% = 5$                 |
| Sat. Peak Out                   | 29%                      | $9 * 29\% = 3$           | 52%                             | $10 * 52\% = 5$                 |



#### **4. Summary and Recommendation**

This Level 1 Traffic Impact Study estimated the number of new trips that would be generated by the proposed expansion of the Kansas Children’s Discovery Center. In this study, the ITE land use category “Museum” (ITE Code 580) and “Variety Store” (ITE Code 814) were used to represent the new development. Referring to **Table 1**, the anticipated vehicle trips generation for the new building was approximately 17 vehicle trips (8 in and 9 out) during the weekday AM peak hour, 20 vehicle trips (10 in and 10 out) during the weekday PM peak hour, and 19 vehicle trips (11 in and 8 out) during the Saturday peak hour.

According to the City of Topeka Traffic Impact Study Guidelines, the newly generated vehicle trips are equal to or less than 20 vehicles per hour (vph) during the AM peak hour, PM peak hour, and Saturday peak hour. This meets the criteria for a Level 1 Traffic Impact Study as outlined in the guidelines.



CITY OF  
**TOPEKA**

# TOPEKA PLANNING COMMISSION

**Monday, June 17, 2024**

## **CASE MINUTES**

**Members present:** Corey Dehn, Jennifer Hannon, Del-Metrius Herron (arrived after roll call), Jim Kaup, William Naeger, Katy Nelson, and Donna Rae Pearson (7)

**Members Absent:** Willie Brooks and Jim Tobaben (2)

**Staff Present:** Rhiannon Friedman, Planning & Development Director; Michael Hall, Land Use Manager; Ann Marie Driver, Planner; Bryson Risley, Planner; Amanda Tituana-Feijoo, Administrative Officer; Matthew Mullen, Legal

**CUP09/04 Kansas Children's Discovery Center** requesting an amendment to the existing Conditional Use Permit for a "Cultural Facility" on property zoned "R-1" Single Family Dwelling District to allow for an expansion.

Staff:

Ann Marie Driver presented the staff report and staff's recommendations of approval.

Questions/Comments from Commissioners:

NA

Owner Representative:

Kevin Holland, CFS Engineers

Mr. Holland stated that the traffic report (within the staff report) is being revised, as traffic engineers originally used 180 peak hour vehicles. The traffic report will move forward looking at a museum land use code, which is about 20-30 additional vehicles during peak hours.

Ms. Pearson **opened the hearing up for public comment**. With no one coming forward, **the public hearing was closed**.

Discussion by Commissioners:

NA

**Motion** by Commissioner Kaup, **second** by Commissioner Nelson to move approval subject to conditions.

**Approved 6-0-1**



**City of Topeka**  
**Council Action Form**  
**Council Chambers**  
**214 SE 8th Street**  
**Topeka, Kansas 66603**  
**www.topeka.org**  
July 9, 2024

---

**DATE:** July 9, 2024  
**CONTACT PERSON:** Dan Warner, AICP, Planning Division Director  
**DOCUMENT #:**  
**SECOND PARTY/SUBJECT:** JJH Properties, LLC  
**PROJECT #:** A24/02  
**CATEGORY/SUBCATEGORY:** 014 Ordinances – Non-Codified / 001 Annexation  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:**  
**JOURNAL #:**  
**PAGE #:**

---

**DOCUMENT DESCRIPTION:**

**ORDINANCE** introduced by City Manager Dr. Robert M. Perez, annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520(7), located approximately 380 feet to the west of the intersection of NW 25th Street and NW Button Road on the north side within unincorporated Shawnee County, Kansas and adjacent to the City of Topeka corporate limits, and said land being annexed for all City purposes. (A24/02) (Council District No. 2)

**Voting Requirement:** At least six (6) votes of the Governing Body is required.

*(Annexation of 38.7-acre tract to accommodate the development of a steel manufacturing facility. The tract will be assigned to Council District No. 2)*

**VOTING REQUIREMENTS:**

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

**POLICY ISSUE:**

Whether to approve the annexation of 38.7 acres located on the north side of NW 25th Street and approximately 380 feet to the west of the NW Button Road.

**STAFF RECOMMENDATION:**

Staff recommends the Governing Body move to adopt the ordinance.

**BACKGROUND:**

JJH Properties, LLC has requested annexation of 38.7 acres located on the north side of NW 25th Street

approximately 380 feet to the west of NW Button Road. The owner will construct a steel manufacturing facility.

#### Land Use and Growth Management Plan 2040

The property lies within the Employment Tier of the Urban Growth Area and the primary service area. The Employment Tier is intended for employment related uses which are primarily industrial in nature. These areas do not need to be developed in a compact manner due to

- a higher return on investment,
- lower call volume for emergency services, and
- separation between industrial uses and residential neighborhoods.

The subject property is contiguous to the City and services will be extended for private use by the developer. City water is available along NW 25th Street, and sanitary sewer will require a 680-foot private extension from the south.

The proposed use of a steel manufacturing site is consistent with the Employment Tier designation in the Land Use and Growth Management Plan.

#### Street Network

NW 25th Street is a two-lane collector. The south half of the road was annexed previously (A20-02 Six Zero North) and the north portion will be annexed by this ordinance. This segment of NW 25th Street will incur an additional operation and maintenance cost of \$12,000 annually.

The Topeka Planning Commission reviewed the annexation proposal at their meeting on June 17, 2024 and found the annexation to be consistent with the City's Land Use and Growth Management Plan.

While state law does not require that annexation be reviewed by the Planning Commission the City's adopted Comprehensive Land Use and Growth Management Plan 2040 requires that the Planning Commission make a determination that annexations of 10 acres or more are consistent with the plan.

#### **BUDGETARY IMPACT:**

##### Services

There are no additional costs to serve the proposed annexation for Fire, Police, and Forestry.

-

##### Streets

Due to the north half of NW 25th Street being annexed there will be an annual operation and maintenance cost of \$12,000.

##### Water

Due to no new public assets being proposed, the project is expected to generate an annualized revenue of \$14,256.

##### Sewer

Due to no new public assets being proposed, the project is expected to generate an annualized revenue of \$20,242.

##### Stormwater

Due to no new public assets being proposed, the project is expected to generate an annualized revenue of \$17,308.

-

#### **SOURCE OF FUNDING:**

Not applicable

#### **ATTACHMENTS:**

##### **Description**

Ordinance



Presentation  
A24/02 Aerial Map  
Memo to Planning Commission (June 17, 2024)  
Annexation Fact Sheet  
Planning Commission Minutes of June 17, 2023

(Published in the Topeka Metro News \_\_\_\_\_)

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE** introduced by City Manager Dr. Robert Perez annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, located approximately 380 feet to the west of the intersection of NW Button Road and NW 25<sup>th</sup> Street on the north side, within unincorporated Shawnee County, Kansas and adjacent to the City of Topeka corporate limits, and said land being annexed for all City purposes. **(A24/2) (Council District No. 2)**

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

**Section 1.** That the following described land, meeting the conditions for annexation prescribed in K.S.A. 12-520(a)(7), is hereby annexed and made a part of the City of Topeka, Kansas:

A tract of land in the northeast quarter, section 14, township 11 south, range 15 east of the 6<sup>th</sup>/P.M., in Shawnee County, Kansas, more particularly described by Chris M. Humphrey, LS-1557, on December 29 2023, as follows: commencing at the southeast corner of the northeast quarter of section 14, township 11 south range 15 east; thence south 88 degrees 18 minutes 12 seconds west, along the south line of said northeast quarter, a distance of 397.74 feet to the point of beginning, which point is the southwest corner of the east 24 acres of said northeast quarter; thence continuing south 88 degrees 18 minutes 12 seconds west, along the south line of said northeast quarter, a distance of 422.27 feet, thence north 1 degree 28 minutes 11 seconds west a distance of 209.98 feet; thence south 88 degrees 18 minutes 12 seconds west a distance of 273.78 feet; thence south 1 degree 28 minutes 11 seconds east a distance of 209.98 feet; then south 88 degrees 18 minutes 12 seconds west, along the south line of said northeast quarter, a distance of 231.17 feet; thence north 1 degree 26 minutes 07 seconds west, along the west line of the east half of said northeast quarter, a distance of 1,893.34 feet; thence along the center line of the abandoned channel of Soldier Creek shown on pat of survey NO. 68689, dated January 27, 1969, by William D. Gregg, County Surveyor, for the following four courses:

Thence south 80 degrees 05 minutes 47 seconds east a distance of 10.74 feet;  
Thence south 88 degrees 19 minutes 17seconds east a distance of 427.97 feet;  
Thence north 61 degrees 00 minutes 53 seconds east a distance of 284.64 feet;  
Thence north 81 degrees 04 minutes 30 seconds east a distance of 228.19 feet;  
Thence south 1 degree 44 minutes 20 seconds east, along the west line of the east 24 acres of said northeast quarter, a distance of 2,025.18 feet to the point of beginning. Containing 39.45 acres (gross) 38.89 acres (less right-of-way)

**Section 2.** That all land described in Section 1 of this Ordinance is taken into and made a part of the City for all City purposes and is assigned to City Council District No. 2.

**Section 3.** This Ordinance shall take effect and be in force from and after its passage,

approval and publication in the official city newspaper.

**Section 4.** Upon passage and publication, the City Clerk shall file a certified copy of this Ordinance with the County Clerk, the Register of Deeds, and the Shawnee County Election Commissioner.

**PASSED AND APPROVED** by the Governing Body of the City of Topeka,  
\_\_\_\_\_, 2024.

\_\_\_\_\_  
Michael A. Padilla, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Younger, City Clerk

To Be Codified \_\_\_\_\_  
Not To Be Codified   X



CITY OF  
**TOPEKA**



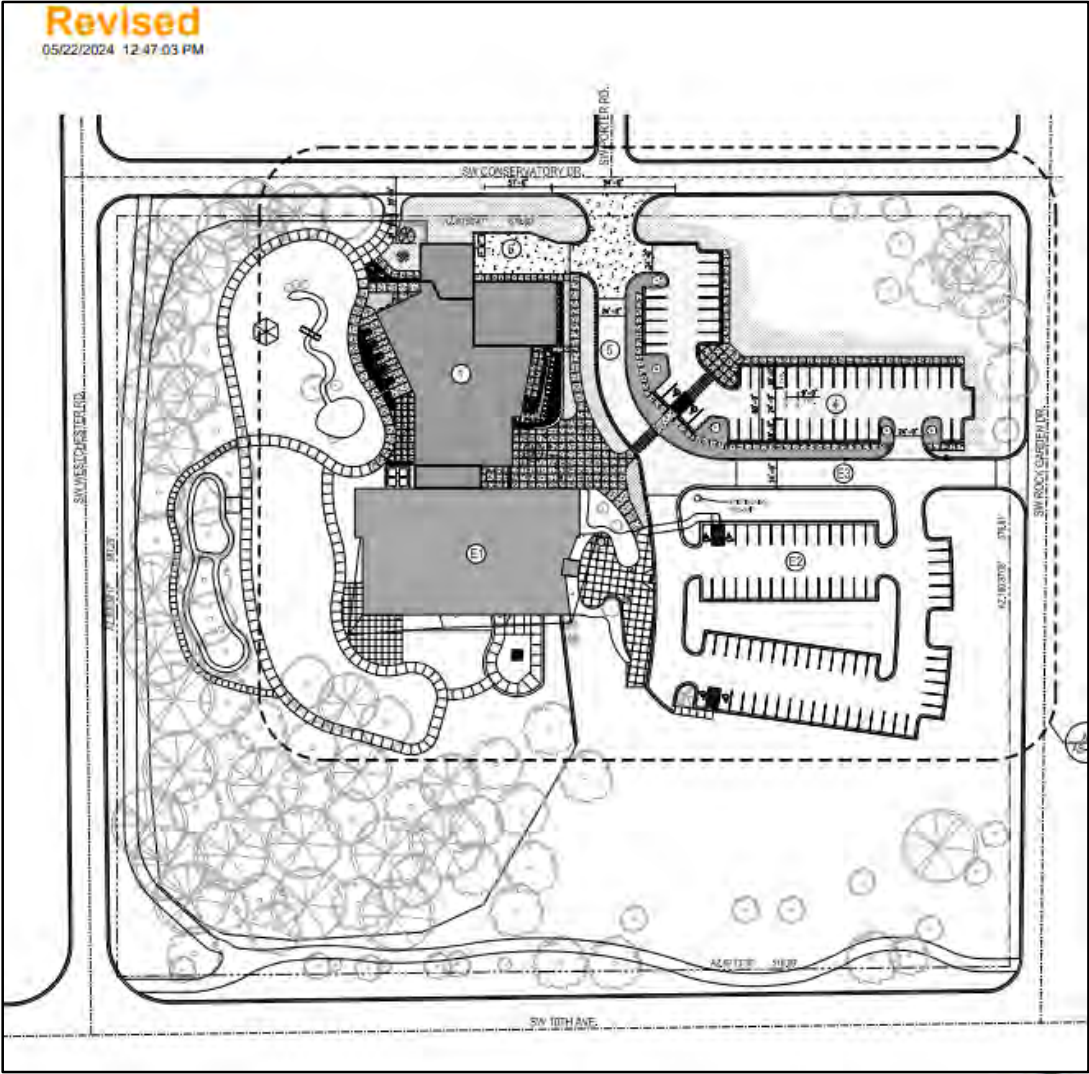
**CU09/4A Kansas Children's  
Discovery Center**

A24/02 JJH Properties

Dan Warner, AICP, Planning Director



# CU09/04A/01 Kansas Children's Discovery Center











- Subject Property
- Tier 1 City
- Service Tier 2
- Service Tier 3
- Urban Growth Area
- Employment Tier
- City Boundary







# CITY OF TOPEKA

Planning Division  
620 SE Madison, Unit 11  
Topeka, KS 66607

Dan Warner, AICP, Planning Division Director  
Tel: 785-368-3728  
[www.topeka.org](http://www.topeka.org)

## MEMORANDUM

**To:** Topeka Planning Commission

**From:** Dan Warner, AICP; Planning Division Director

**Date:** June 17, 2024

**RE:** A24/02 – Annexation request by JJH Properties, LLC for the 38.7-acre property located approximately 380' to the west of the intersection of NW 25<sup>th</sup> Street and NW Button Road on the north side.

### Proposal

JJH Properties, LLC has consented to annexation of 38.7-acres located approximately 380 feet to the west of the intersection of NW 25<sup>th</sup> Street and NW Button Road on the north side of NW 25<sup>th</sup> Street (see Map 1). The owner will construct a roughly 120,000 square foot building for steel manufacturing associated with their other properties to the east (see Map 2).

The proposed use requires connection to City of Topeka water and sanitary sewer. However, a sanitary sewer will be privately extended to an existing main 680 feet to the south. Annexation of this property is appropriate as the proposed development is served by city water and sewer and is an intensification of the current land uses to the east.

### Background

Unilateral annexations of this type, one in which the property owner has consented to the annexation and the property is contiguous to the City, requires City of Topeka Governing Body approval. However, the Land Use and Growth Management Plan 2040 (LUGMP) established a policy that the Planning Commission review annexations greater than 10 acres for consistency with growth management principles of the LUGMP.

### LUGMP Review

The property lies within the Employment Tier of the Urban Growth Area (see Map 1) and the primary service area. The Employment Tier is intended for employment related uses which are primarily industrial in nature. These areas do not need to be developed in a compact manner due to: higher return on investment, lower call volume for emergency services, and separation between industrial uses and neighborhoods. Generally speaking, the City of Topeka should ensure adequate services are available, and land is contiguous to City limits, prior to annexation.

Four of the five required services are available to the site as it abuts the City boundary and the Six Zero North subdivision. Water is currently available along NW 25<sup>th</sup> Street and an additional private water line will be extended to serve the other properties under HME's ownership. Sanitary sewer service is currently unavailable to the site and is located roughly 680 feet to the south of the site. The developer will pay to extend a private force main and connect to City services. The development will take access from the collector NW 25<sup>th</sup> Street, which is currently annexed to the centerline of the road. City of Topeka Fire Department and Police Department indicated no additional costs associated with the proposed annexation.

The subject property is designated as Urban Growth Area (industrial) and Employment Tier by the Topeka Future Land Use Map (see Map 3). The proposed use aligns with the Future Land Use identified in the Land Use and Growth Management Plan 2040.

### Street Network

Future access to the parking lot will come from NW 25<sup>th</sup> Street a two-lane collector.

### Recommendation

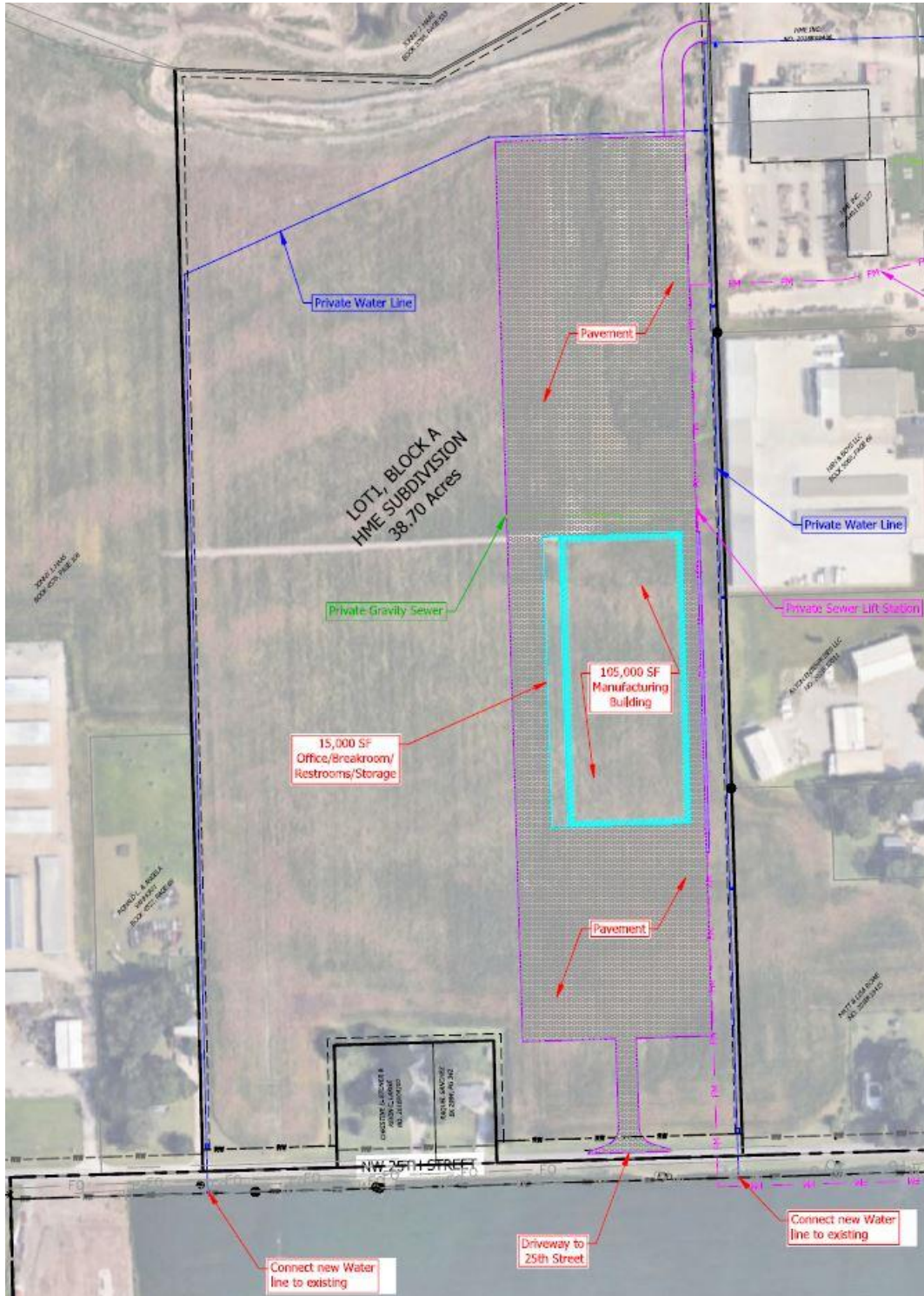
Annexing the subject property is consistent with the Comprehensive Plan.

### Map 1 – Property Location Relative to the UGA



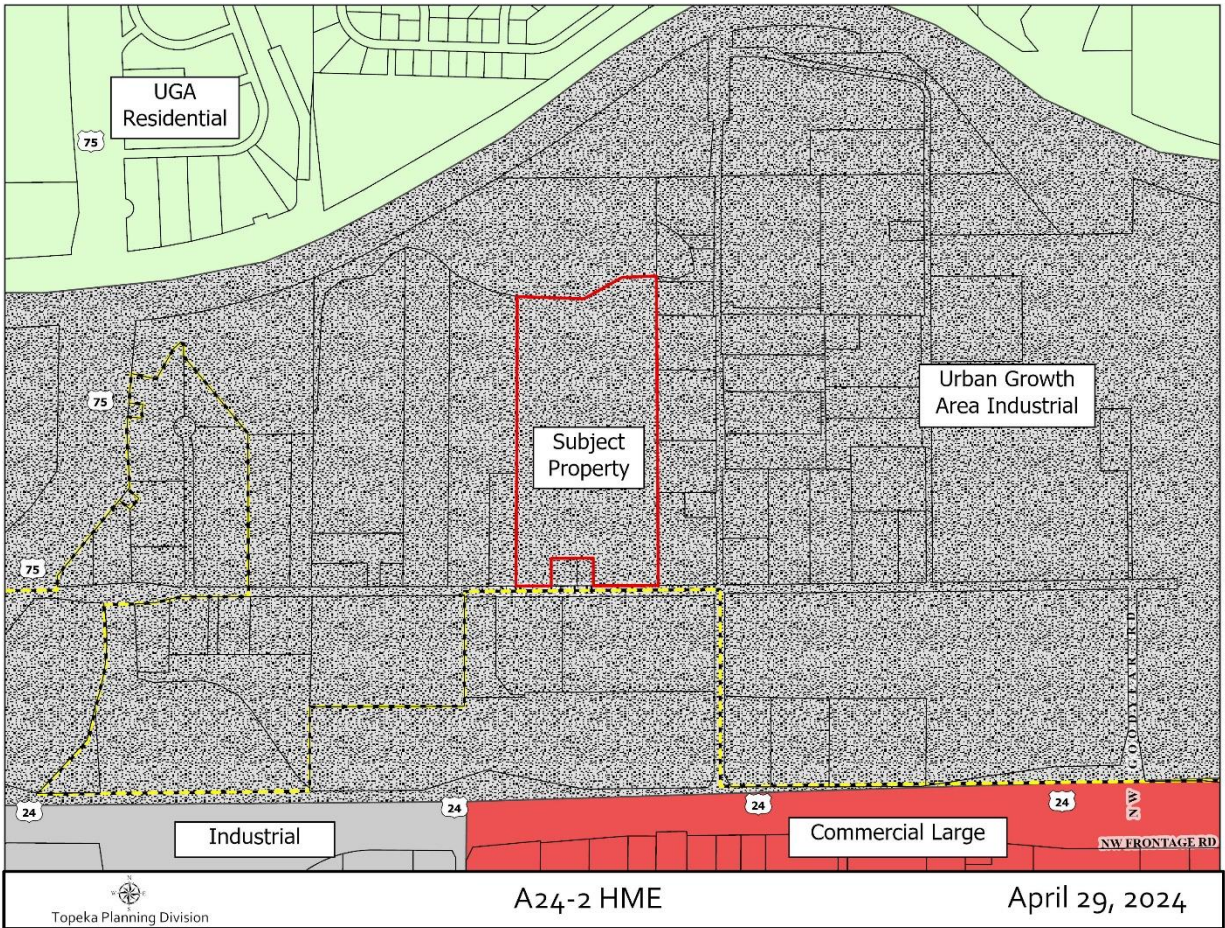


# Map 2 – Preliminary concept from PUD





### Map 3 – Future Land Use



**Attachments:**  
HME Annexation Fact Sheet

*Annexation Proposal*

Property located approximately 380' to the west of the intersection of NW 25<sup>th</sup> Street and NW Button Road on the north side

*Fact Sheet & Department Comments*

**Site**

**Address/Location:** NW 25<sup>th</sup> Street; located approximately 380' to the west of the intersection of NW 25<sup>th</sup> Street and NW Button Road.

**Owner:** JJH Properties LLC

**Size:** Approximately 38.7 acres

**Existing Land Use:** Farming / ranch land (no improvements)

**Proposed Land Use:** Manufacturing

**Subdivision:** Haas Subdivision (Pending Approval)

**Planning**

**Existing Zoning:** I-2

**Proposed Zoning:** I-2

**Current Population:** 0 residents

**Projected Population:** 0 residents

**Density:** N/A

**Comprehensive Plan:** Urban Growth Area – Employment Tier

**Primary Service Area (Sewer Required):** Sewer service is available by an eight-inch collector line roughly 680 feet south of the property. The developer proposes to build a private force main to serve multiple HME properties.

**Urban Growth Area Map**



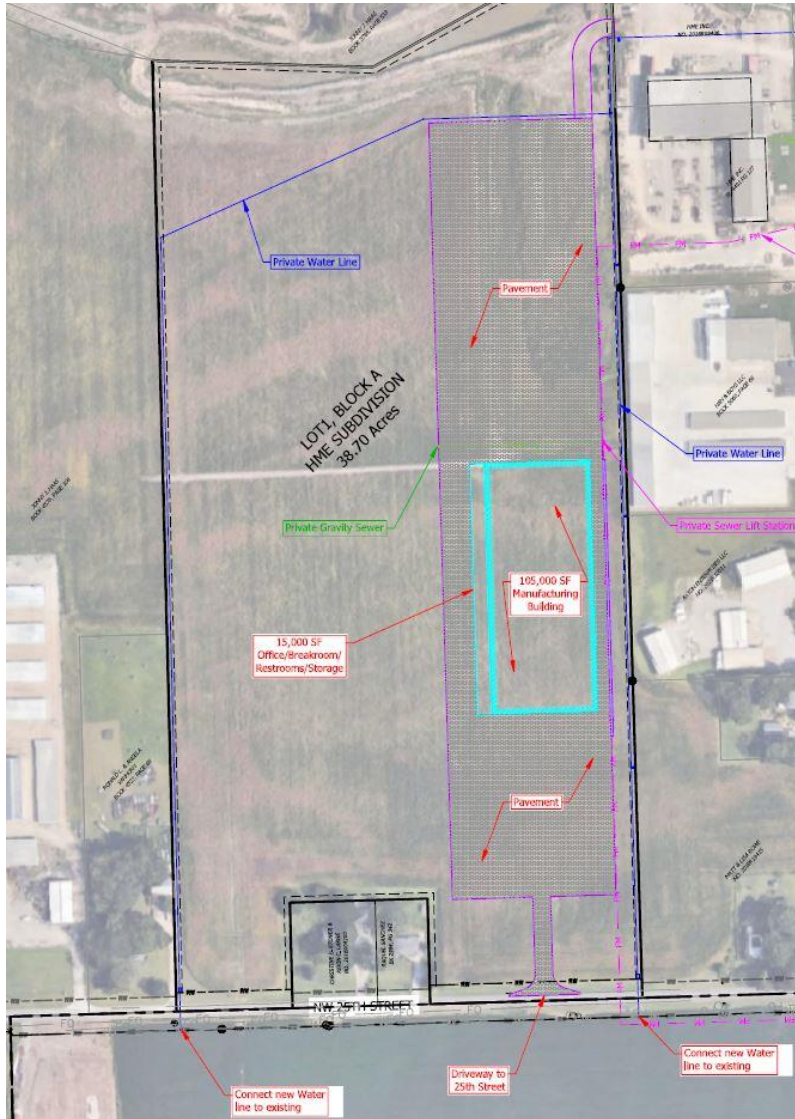


*Annexation Proposal*

Property located approximately 380' to the west of the intersection of NW 25<sup>th</sup> Street and NW Button Road on the north side

*Fact Sheet & Department Comments*

**Preliminary concept for future development**



---

**Annexation Procedure**

---

**Contiguous?:** Yes

**Consent?:** Yes. Owner provided a written consent.

**Requirements:** Eligible for annexation under KSA 12-520(7). No required hearings or notices. No service extension plan is required.

**Approval Method:** COT governing body passes ordinance.

*Annexation Proposal*

Property located approximately 380' to the west of the intersection of NW 25<sup>th</sup> Street and NW Button Road on the north side

*Fact Sheet & Department Comments*

**Revenue/Expenses Estimates**

**Property tax revenue** to the City of Topeka in 2024 would be approximately **\$299** before any development takes place. **Future annual property tax revenue** to the City of Topeka upon build-out is estimated to be around \$46,663 based upon the square footage and tax rates from the existing steel manufacturing developments. Current property tax revenue to Soldier Township was **\$148** in 2023, but would be projected to be \$23,132 upon build out.

There is no existing **utility revenue**. **Future annual COT Stormwater revenue** to the City of Topeka upon development of the property is estimated to be approximately **\$17,308**. Upon build out of the property and connections to **City water revenue is expected to be \$14,256** and **City sewer revenue is expected to be \$20,242**.

There are no additional costs to serve the proposed annexation for Fire, Police, and Forestry.

**Streets** will incur additional operations or maintenance cost of \$12,000. The annexation will bring in the remaining half of NW 25<sup>th</sup> Street.

**Stormwater** will have no additional annualized operations and maintenance costs due to no new public assets being proposed.

**Water** will have no additional annualized infrastructure operational and replacement costs due to no new public assets being proposed.

**Sanitary sewer** will have no additional annualized infrastructure operational and replacement costs due to no new public assets being proposed.

**Utility and Service Providers**

|                        | <b>Current</b>              | <b>Proposed</b>               |
|------------------------|-----------------------------|-------------------------------|
| <b>Water</b>           | Private well water          | COT Connection / Private Line |
| <b>Wastewater</b>      | N/A                         | COT Connection / Private Line |
| <b>Fire</b>            | Soldier Township            | COT                           |
| <b>Police</b>          | Shawnee County              | COT                           |
| <b>Streets – Local</b> | Shawnee County Public Works | COT                           |
| <b>Parks</b>           | Shawnee County              | Shawnee County                |
| <b>Governing Body</b>  | Shawnee County (#1)         | COT (#2)                      |

**Utilities**

The subject property is proposed for a steel manufacturing facility. This use will not require the extension of water. A sanitary line is available 680' to the south of the property. A private force main will be built at the developer's expense and privately maintained.

**Streets**

The proposed development will utilize the existing NW 25<sup>th</sup> Street (collector) for access. Private drives will be utilized for interior circulation and privately owned by JH Properties, meaning the only impact to budget will be related to the maintenance and repair of NW 25<sup>th</sup> Street.

*Annexation Proposal*

Property located approximately 380' to the west of the intersection of NW 25<sup>th</sup> Street and NW Button Road on the north side

*Fact Sheet & Department Comments*

**Metro Bus Service**

Fixed-route service is not currently offered to this area. The nearest bus route is 1.5 miles away and expansion to this location is unlikely.

---

**Ability to Provide Adequate Public Services**

**FIRE**

---

- 1) **What is the estimated cost (operational and capital) to your Department/Division to provide adequate service to the proposed annexation?**

*No additional*

- 2) **Can the estimated cost of service be carried out under your current or anticipated future budget? If not, what would it take to do so?**

*Yes*

- 3) **Describe any other issues that would affect your ability to provide adequate service to the annexation area, or impact service levels to existing residents/businesses of the city.**

*No additional impacts are anticipated*

---

**Ability to Provide Adequate Public Services**

**FORESTRY**

---

- 1) **What is the estimated cost (operational and capital) to your Department/Division to provide adequate service to the proposed annexation?**

*None at this time, no trees in the right-of-way.*

- 2) **Can the estimated cost of service be carried out under your current or anticipated future budget? If not, what would it take to do so?**

*Yes*

- 3) **Describe any other issues that would affect your ability to provide adequate service to the annexation area, or impact service levels to existing residents/businesses of the city.**

*Single small annexations can be taken care of by forestry with no major impacts to operating budget. However, the cumulative effects of multiple annexations will ultimately not be sustainable.*

---

**Ability to Provide Adequate Public Services**

**POLICE**

---

- 1) **What is the estimated cost (operational and capital) to your Department/Division to provide adequate service to the proposed annexation?**

*Based on the proposed annexed area, and stated purpose of proposed construction (manufacturing building), no additional resource expenditure outlay from the Police Department is projected. Adequate service could be accommodated without addition.*



*Annexation Proposal*

Property located approximately 380' to the west of the intersection of NW 25<sup>th</sup> Street and NW Button Road on the north side

*Fact Sheet & Department Comments*

- 2) Can the estimated cost of service be carried out under your current or anticipated future budget? If not, what would it take to do so?**

*The Police Department resources currently adjacent to the proposed annexed area are capable of providing adequate police service coverage for the proposed development.*

- 3) Describe any other issues that would affect your ability to provide adequate service to the annexation area, or impact service levels to existing residents/businesses of the city.**

*There are no identified issues that would negatively impact the ability to provide adequate police service to the annexation area nor any negative impact to police service levels to the existing businesses within the city.*

---

**Ability to Provide Adequate Public Services**

**STREETS**

---

- 1) What is the estimated cost/benefit of providing adequate service to the proposed annexation (in current year \$'s):**

*\$12,000 per year*

- 2) Can the estimated cost of service be carried out under your current or anticipated future budget? If not, what would it take to do so?**

*Not at current funding levels. Will need to explore in future increase funding for street maintenance and pavement management programs.*

- 3) Describe any other issues that would affect your ability to provide adequate service to the annexation area, or impact service levels to existing residents/businesses of the city.**

*N/A*

---

**Ability to Provide Adequate Public Services**

**STORMWATER**

---

- 1) What is the estimated cost/benefit of providing adequate service to the proposed annexation (in 2023 \$'s):**

- a. Estimate annualized operations/maintenance cost over the lifecycle of the assets**

*No new public assets proposed.*

- b. Estimate annualized replacement cost of the asset This is based on 100-year replacement cycle.**

*No new public assets proposed.*

- c. Estimate annualized revenue (over the lifecycle of the assets).**

*\$17,308*

- 2) Can the estimated cost of service be carried out under your current or anticipated future budget? If not, what would it take to do so?**

*Yes*

*Annexation Proposal*

Property located approximately 380' to the west of the intersection of NW 25<sup>th</sup> Street and NW Button Road on the north side

*Fact Sheet & Department Comments*

- 3) Describe any other issues that would affect your ability to provide adequate service to the annexation area, or impact service levels to existing residents/businesses of the city.**  
*No other issues known at this time.*

---

**Ability to Provide Adequate Public Services**  
**WASTEWATER**

---

- 1) What is the estimated cost/benefit of providing adequate service to the proposed annexation (in 2023 \$'s):**
- a. **Estimate annualized operations/maintenance cost over the lifecycle of the assets**  
*No new public assets proposed.*
  - b. **Estimate annualized replacement cost of the asset This is based on 100-year replacement cycle.**  
*No new public assets proposed.*
  - c. **Estimate annualized revenue (over the lifecycle of the assets).**  
*\$20,242*

- 2) Can the estimated cost of service be carried out under your current or anticipated future budget? If not, what would it take to do so?**  
*Yes*

- 3) Describe any other issues that would affect your ability to provide adequate service to the annexation area, or impact service levels to existing residents/businesses of the city.**  
*No other issues known at this time.*

---

**Ability to Provide Adequate Public Services**  
**WATER**

---

- 1) What is the estimated cost/benefit of providing adequate service to the proposed annexation (in 2023 \$'s):**
- a. **Estimate annualized operations/maintenance cost over the lifecycle of the assets**  
*No new public assets proposed.*
  - b. **Estimate annualized replacement cost of the asset This is based on 100-year replacement cycle.**  
*No new public assets proposed.*
  - c. **Estimate annualized revenue (over the lifecycle of the assets).**  
*\$14,256*

- 2) Can the estimated cost of service be carried out under your current or anticipated future budget? If not, what would it take to do so?**  
*Yes*

- 3) Describe any other issues that would affect your ability to provide adequate service to the annexation area, or impact service levels to existing residents/businesses of the city.**  
*No other issues known at this time.*

*Annexation Proposal*

Property located approximately 380' to the west of the intersection of NW 25<sup>th</sup> Street and NW Button Road on the north side  
*Fact Sheet & Department Comments*

---

**Ability to Provide Adequate Public Services  
Topeka Metro Bus Service**

---

- 1) Do you currently provide service to this subdivision/immediate area?**  
*No, we do not provide service to this area.*
  
- 2) If not, can you provide service?**  
*At this time, we are not expanding service. This area is 1.5 miles away from existing service and has a very limited potential for productive service.*
  
- 3) What is the estimated cost of providing service to this subdivision?**  
*\$300,000 if we had the resources and staffing to support it.*



CITY OF  
**TOPEKA**

## TOPEKA PLANNING COMMISSION

Monday, June 17, 2024

### CASE MINUTES

**Members present:** Corey Dehn, Jennifer Hannon, Del-Metrius Herron (arrived after roll call), Jim Kaup, William Naeger, Katy Nelson, and Donna Rae Pearson (7)

**Members Absent:** Willie Brooks and Jim Tobaben (2)

**Staff Present:** Rhiannon Friedman, Planning & Development Director; Michael Hall, Land Use Manager; Ann Marie Driver, Planner; Bryson Risley, Planner; Amanda Tituana-Feijoo, Administrative Officer; Matthew Mullen, Legal

**A24/02, Annexation of JJH Properties, LLC**, requesting annexation of approximately 38.7 acres located approximately 380 feet to the west of the intersection of NW 25<sup>th</sup> Street and NW Button Road on the north side.

Staff:

Bryson Risley presented the staff report and staff's recommendations of approval.

Questions/Comments by Commissioners:

Mr. Naeger asked for clarification on what was to be decided tonight, the annexation or the land use. Mr. Risley stated that this to decide if the finding is consistent or not consistent with the land use and growth management plan.

Mr. Kaup asked if there is a rezoning application in the works, and Mr. Risley stated there is not.

Mr. Kaup asked about the township that is mentioned in the staff report, and stated that it could be misinterpreted. Mr. Risley stated that the intent is for when they go forward to the governing body, they have a number they can tie to what the city is taking from that township regarding revenue. Mr. Kaup suggested using verbiage that states "the township would get that but only if the build out occurred as proposed and there was no annexation."

Ms. Pearson **opened the hearing up for public comment**. With no one coming forward, **the public hearing was closed**.

Discussion by Commissioners:

NA

**Motion** by Commissioner Kaup, **second** by Commissioner Dehn to approve the annexation of the property as it is consistent with the comprehensive plan. **Approved 7-0**

**Public Comment:**

NA





neutral rate' (RNR) for purposes of adopting the 2025 budget. If the Governing Body chooses to consider exceeding this RNR, state law requires compliance with certain procedures, including notifying the County Clerk, holding a public hearing and passing a resolution should the body decide to adopt a 2025 budget that exceeds the RNR. The first procedural step is to notify the County Clerk of the Governing Body's intent, identify a proposed tax rate, and indicate the date, time and location of the public hearing. Passing this Resolution does not mean that the Governing Body is obligated to adopt a budget that exceeds the RNR.

**BUDGETARY IMPACT:**

Notification to the County Clerk which has no budget implications.

**SOURCE OF FUNDING:**

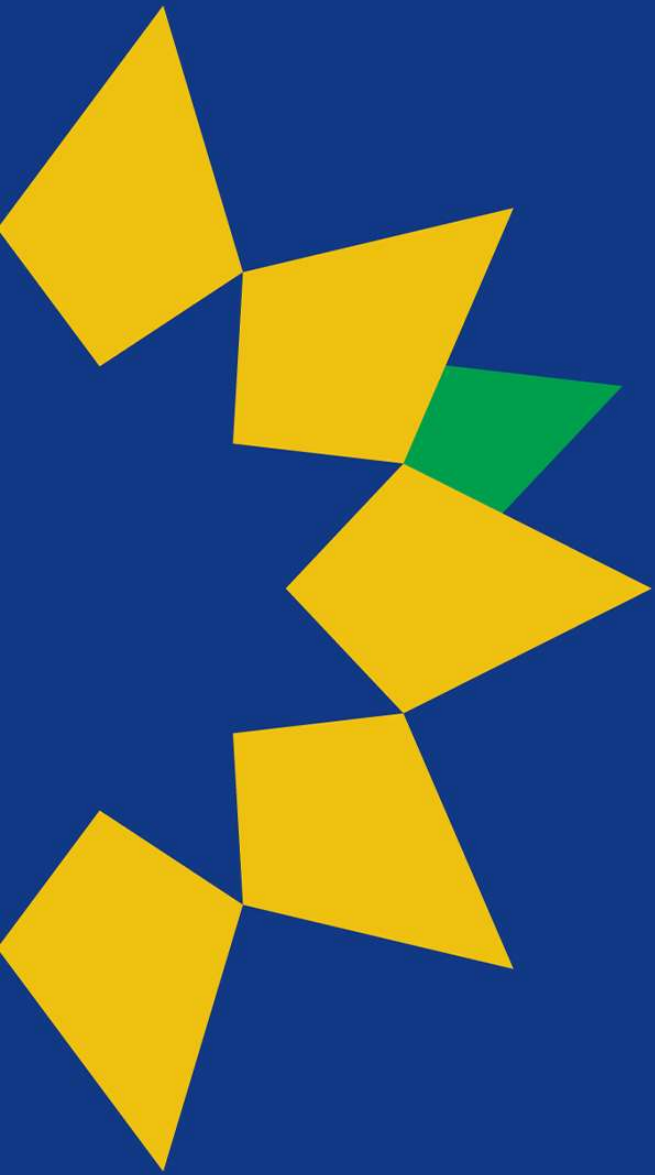
Not Applicable

**ATTACHMENTS:**

**Description**

Presentation

City Resolution



CITY OF  
**TOPEKA**



# Mill Levy and Revenue Neutral Rate Information

Josh McAnarney – Budget Manager

# General Information

- Property Tax in FY 2023 accounted for 30% of General Fund Revenue funding 30% of general services. **1 mill (2025) = \$1,438,997**
- SNCO provides the total assessed property valuations (4.59% Increase) and the revenue neutral rate (RNR)
- RNR is the tax rate that would generate the same property tax revenue as what was collected the previous year
- Council votes whether to possibly exceed the RNR, sets maximum mill levy rate, and the public hearing date





# Property Tax Collection from Mill Levy

| Categories             | General Fund | Debt Service Fund | Special Liability Fund | Totals              |
|------------------------|--------------|-------------------|------------------------|---------------------|
| Current Mill Rate      | 25.554       | 10.717            | .681                   | <b>36.952</b>       |
| Percentage             | 69.16%       | 29.00%            | 1.84%                  | <b>100%</b>         |
| RNR (35.341)           | \$34,453,901 | \$15,421,729      | \$979,957              | <b>\$50,855,587</b> |
| Current Mill (36.952)  | \$36,772,125 | \$15,421,729      | \$979,957              | <b>\$53,173,811</b> |
| Maximum Mill (40.952)* | \$42,528,112 | \$15,421,729      | \$979,957              | <b>\$58,929,798</b> |

- Value of 1 mill is **\$1,438,997**
- Exceeding the RNR rate in favor of the current mill rate means the city would collect an additional **\$2,318,224** from property taxes
- The maximum mill rate would generate \$8.1m above the RNR and \$5.8m over the current mill rate
- **\*The maximum mill rate proposed does NOT mean it will be increased to that rate**



# Cost to Property Owners

| Various Mill Rates             | \$150,000 Appraised Property | \$200,000 Appraised Property | \$250,000 Appraised Property | \$300,000 Appraised Property |
|--------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|
| RNR Rate @ 35.341              | \$609.63                     | \$812.84                     | \$1,016.05                   | \$1,219.26                   |
| Current COT Mill Rate @ 36.952 | \$637.42                     | \$849.90                     | \$1,062.37                   | \$1,274.84                   |
| Maximum Mill Rate @ 40.952*    | \$706.42                     | \$941.90                     | \$1,177.37                   | \$1,412.84                   |
| Variance of +/- 1 Mill         | \$17.25                      | \$23.00                      | \$28.75                      | \$34.50                      |

**\*The maximum mill rate proposed does NOT mean it will be increased to that rate**



# Petition & RNR Impact

- Timing of Public Vote/Budget deadlines would make it impossible to increase mill levy rate:
  - This would essentially set property tax revenue for 10 years: \$50,855,587
  - Leaving the city much more reliant on volatile revenue sources
- Stagnant revenue would require a reduction in general fund services that funds police, fire and public works. Those three departments account for 80% of general fund expenses.
- Requiring a public vote, to exceed RNR would widen the gap in 2025 by \$2.3M in revenue for 2025





1 RESOLUTION NO. \_\_\_\_\_

2  
3 A RESOLUTION introduced by City Manager Dr. Robert M. Perez notifying the County  
4 Clerk of: (1) a proposed intent to exceed the revenue neutral rate for  
5 the City of Topeka; (2) the proposed tax rate; and (3) the date, time  
6 and location of the public hearing to consider adopting a budget that  
7 exceeds the revenue neutral rate.  
8

9 WHEREAS, K.S.A. 79-2988 prohibits a taxing subdivision from levying a tax rate in  
10 excess of the revenue neutral rate (“RNR”) determined by the County Clerk unless certain  
11 procedures are followed; and

12 WHEREAS, K.S.A. 79-2988 requires the County Clerk, by June 15, 2024, to notify  
13 the City of the City’s RNR; and

14 WHEREAS, on July 2, 2024, the Governing Body met to discuss the RNR and  
15 whether to consider notifying the County Clerk of the City’s propose intent to adopt a 2025  
16 budget that exceeds the RNR of 35.341; and

17 WHEREAS, K.S.A. 79-2988 requires the Governing Body to notify the County Clerk  
18 on or before July 20, 2024.

19 NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE  
20 CITY OF TOPEKA, KANSAS that this Resolution shall constitute notice to the County Clerk  
21 of the Governing Body’s proposed intent to adopt a resolution exceeding the City’s RNR.

22 BE IT FURTHER RESOLVED THAT:

- 23 1. The Governing Body adopts a proposed tax rate of 40.952 mills.  
24 2. The public hearing to entertain public comment regarding possible adoption of a  
25 2025 budget that exceeds the RNR of 35.341 shall take place on September 10, 2024, at 6  
26 p.m. in the City Council Chamber, 620 SE Madison Street, Topeka, Kansas.  
27 3. The City Clerk is directed to provide a certified copy of this Resolution to the  
28 County Clerk on or before July 20, 2024.

29 4. This resolution shall take effect and be in force immediately upon its adoption.

30 ADOPTED and APPROVED by the Governing Body on \_\_\_\_\_.

31 CITY OF TOPEKA, KANSAS

32

33

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36

\_\_\_\_\_  
Michael A. Padilla, Mayor

37 ATTEST:

38

39

40

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42

\_\_\_\_\_  
Brenda Younger, City Clerk



**City of Topeka**  
**Council Action Form**  
**Council Chambers**  
**214 SE 8th Street**  
**Topeka, Kansas 66603**  
**www.topeka.org**  
July 9, 2024

---

**DATE:** July 9, 2024  
**CONTACT PERSON:** Brenda Younger, City Clerk  
**DOCUMENT #:**  
**SECOND PARTY/SUBJECT:** Initiative and Referendum Relating to Property Taxes  
**PROJECT #:**  
**CATEGORY/SUBCATEGORY**  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:**  
**JOURNAL #:**  
**PAGE #:**

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**DOCUMENT DESCRIPTION:**

**ORDINANCE** submitted pursuant to the Initiative and Referendum Statutes.

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

*(A decision to forward to the Shawnee County Election Commissioner for election would require six (6) affirmative votes of the Governing Body.)*

**VOTING REQUIREMENTS:**

Passage of the home rule ordinance requires 5 votes of the Council and is subject to a veto by the Mayor; however, the statute specifically removes the Mayor's right to veto and uses the term Governing Body when discussing passage. As such, action on this home rule ordinance requires 6 votes of the Governing Body.

**POLICY ISSUE:**

Should the Governing Body take action on the ordinance submitted by initiative and referendum

**STAFF RECOMMENDATION:**

The City Attorney will provide a recommendation to City Council at the July 9, 2024, meeting.

**BACKGROUND:**

On February 22, 2024 Earl McIntosh submitted the enclosed petition to the Office of the County Counselor pursuant to KSA 25-3601 which requires the Office to provide a written advisory opinion as the legality of the form of the question. Only the form of the question is evaluated not whether the petition is a valid use of the



Initiative and Referendum statutes see KSA 12-3013 et seq.. On or around February 27, 2024 the County Counselor's Office issued the written advisory opinion that the form of the question appeared to meet the statutory requirements.

Following collection of the necessary signatures (25% of the electors who voted at the last preceding regular city election) and verification of the signatures by the Election Commission, the Ordinance was submitted to the City Clerk on 7/8/24.

Once the election commissioner confirms the signatures and it is submitted to the City Clerk, the governing body has 3 options: (1) pass the ordinance without alteration within 20 days after the city clerk attaches a certificate to the petition; (2) call a special election - unless a regular city election is scheduled within 90 days – and submit the proposed ordinance to City electors; or (3) if the ordinance is constitutionally deficit or of a subject matter not validly allowed under statute, the Governing Body can choose to take no action on the ordinance. See KSA 12-3013(a)

**BUDGETARY IMPACT:**

There is no budgetary impact to consider the ordinance.

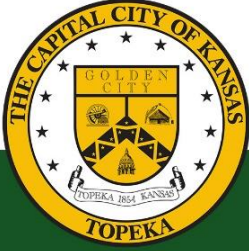
**SOURCE OF FUNDING:**

Not Applicable.

**ATTACHMENTS:**

**Description**

Cover Memo, Certification and Ordinance Language July 8, 2024



# CITY OF TOPEKA

Brenda Younger, City Clerk M.M.C.  
City Hall, 215 SE 7<sup>th</sup> St., Room 166  
Topeka, KS 66603

[byounger@topeka.org](mailto:byounger@topeka.org)  
Tel: 785-368-3940  
[www.topeka.org](http://www.topeka.org)

DATE: July 8, 2024  
TO: Governing Body Members  
FROM: Brenda Younger, City Clerk

On July 8, 2024, the City of Topeka City Clerk's Office received the attached Certification from the Shawnee County Election Commissioner regarding valid signatures on the petition for "A New City of Topeka, Kansas Ordinance Relating to Property Taxes." Also attached to this memo, are pages 1 and 2 of the petition. Page 2 states the language being proposed for a new City of Topeka, Kansas, Ordinance relating to Property Taxes.

The complete petition is over 600 pages and is available for review in the City Clerk's Office located at 215 SE 7<sup>th</sup> Street, Room 012B, Topeka, Kansas.

Thank you.



# Shawnee County COMMISSIONER OF ELECTIONS

Andrew Howell, Election Commissioner  
Jake Fisher, Assistant Election Commissioner

3420 SW Van Buren Street, Topeka, KS 66611  
Phone (785) 251-5900 ElectionOffice@snco.us

## CERTIFICATION

STATE OF KANSAS }  
COUNTY OF SHAWNEE } ss.

'24 JUL 8 AM 11:42  
REC'D TOPEKA CITY CLERK

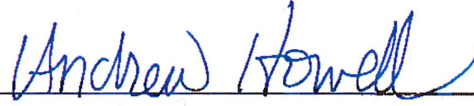
I, ANDREW HOWELL, COMMISSIONER OF ELECTIONS for Shawnee County, Kansas, do hereby certify that the petition for "A New City of Topeka, KS Ordinance Relating to Property Taxes" has been checked in the Shawnee County Election Commissioner's Office.

The petition was submitted to the Shawnee County Election Commissioner for verification on the 24<sup>th</sup> day of June, 2024.

According to our records, 4,445 of the signatures on this petition appear to be valid signatures of qualified voters in the City of Topeka.

WITNESS MY HAND AND OFFICIAL SEAL this 5<sup>th</sup> day of July 2024.



  
\_\_\_\_\_  
Andrew Howell  
Commissioner of Elections

1

# Affidavit of petition circulator

**RECEIVED**  
JUN 24 2024  
SHAWNEE COUNTY  
ELECTION OFFICE

STATE OF KANSAS

COUNTY OF Shawnee } ss.

I, Julee C. Adams  
Print Name

(check one):

I am the circulator of this petition. I am qualified to circulate this petition and I personally witnessed the signing of the petition by each person whose name appears thereon.

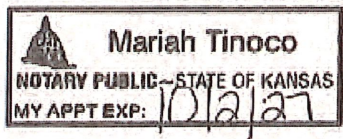
I am the candidate

Julee C. Adams  
Signature

1115 S.W. Red Oaks PL  
Circulator's residence address

Subscribed and sworn to before me this 18<sup>th</sup> day of June, 20 24.

(SEAL)



[Signature]  
Person authorized to administer oaths

My appointment expires 10/2, 20 27.

Kansas law states that a petition circulator is a person who is a U.S. citizen, at least 18 years of age, and has not been convicted of a felony, or if convicted of a felony has been pardoned or restored to such person's civil rights.



**RECEIVED** A PETITION FOR A NEW CITY OF TOPEKA, KS ORDINANCE RELATING TO PROPERTY TAXES

Pursuant to K.S.A. 12-3013 - We the undersigned qualified and registered voters in the City of Topeka, KS are in favor of the following ordinance.

JUN 24 2024

Shall the following be adopted?

**COPY**

SHAWNEE COUNTY  
ELECTION OFFICE

Be it ordained by the governing body of the City of Topeka

**Property Tax Ordinance, Section 1: Revenue Neutral Rate Limitation** a. The City of Topeka hereby establishes that the annual increase in revenue from property taxes on private, commercial and agriculture properties shall not exceed the revenue neutral rate without obtaining public consent through a vote. b. The revenue neutral rate is defined as the rate that generates revenue equal to the previous year's revenue. **Section 2: Public Vote Requirement** a. Any proposed increase in property taxes above the revenue neutral rate shall require approval through a public vote held during a scheduled election. b. The City Council shall present the proposed increase amount in terms of aggregate and percentage to the public with transparent information detailing the reasons and impact of the proposed tax hike. **Section 3: Public Vote Outcome** a. In the event the public vote does not authorize an increase beyond the revenue neutral rate, the City of Topeka is obligated to reduce the mill levy to maintain revenues at the revenue neutral level. **Section 4: Compliance and Implementation** a. The City Council, the Office of Finance, and other relevant departments shall ensure compliance with this ordinance. b. The implementation of any tax increase or reduction in mill levy, as determined by public vote or revenue neutral rate, shall be enforced in the subsequent fiscal year. **Section 5: Severability** a. Should any provision of this ordinance be deemed invalid or unenforceable, it shall not affect the validity or enforceability of the remaining provisions. **Section 6: Effective Date** a. This ordinance shall take effect upon approval by the City Council and in accordance with the laws governing such enactments.

|   | Name of Signer (Print) | Signature of Signer         | Street Name and Number                         | City-Zip Code | Date    |
|---|------------------------|-----------------------------|--|---------------|---------|
| ✓ | LINDA THADISON         | <i>Linda Thadison</i>       | 5303 SW 2nd<br>Park Topeka 66614               | 66614         | 4-23-24 |
| ✓ | Margaret Schrock       | <i>Margaret Schrock</i>     | 1133 SE 35th Terr<br>Topeka KS 66605           | 66605         | 4/23/24 |
| ✓ | Keith Schrock          | <i>Keith Schrock</i>        | 1133 SE 35th Terr<br>Topeka, KS 66605          | 66605         | 4-23-24 |
| ✓ | Lou Ellen Counselman   | <i>Lou Ellen Counselman</i> | 2456 SW Kinross Cir<br>Topeka, KS 66614        | 66614         | 4-23-24 |
| ✓ | Janice Hockett         | <i>Janice J. Hockett</i>    | 3748 SW Stutley Rd<br>Topeka, KS               | 66610         | 4-30-24 |
| ✓ | Tamika Sellers         | <i>Tamika Sellers</i>       | 1124 SE 34th St.<br>2000 SE Echo ridge Cir     | 66607         | 5/7/24  |
| ✓ | Jeff Wright            | <i>Jeff Wright</i>          | 922 SW Wayne Ave<br>Topeka KS <del>66606</del> | 66606         | 5/18/24 |
| ✓ | Arnita Wright          | <i>Arnita Wright</i>        | 922 SW Wayne Ave<br>Topeka KS                  | 66606         | 5/18/24 |
| ✓ | Beth Ediger            | <i>Beth Ediger</i>          | 1119 SW Red Oaks Pl<br>Topeka                  | 66615         | 5-21-24 |
| ✓ | MAK EASER              | <i>Mak Easer</i>            | 1195W Red Oaks Pl<br>Topeka                    | 66615         | 5-21-24 |

Page # 1

Petition Gather: Name Julee Adams Signature Julee C. Adams

(10) Signatures





**City of Topeka**  
**Council Action Form**  
**Council Chambers**  
**214 SE 8th Street**  
**Topeka, Kansas 66603**  
**www.topeka.org**  
July 9, 2024

---

**DATE:** July 9, 2024  
**CONTACT PERSON:** Deputy Mayor Christina Valdivia-Alcala **DOCUMENT #:**  
Valdivia-Alcala  
**SECOND PARTY/SUBJECT:** Trees in Mobile Home **PROJECT #:**  
Parks Creating TMC  
14.65  
**CATEGORY/SUBCATEGORY** 006 Communication / 005 Other  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:** **JOURNAL #:**  
**PAGE #:**

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**DOCUMENT DESCRIPTION:**

**DISCUSSION** regarding an ordinance introduced by Deputy Mayor Christina Valdivia-Alcala concerning trees in mobile home parks.

*(The proposed ordinance would require an owner of a mobile home park to remove any dangerous tree or to prune it so it is no longer a danger to persons or property in the vicinity of the tree.)*

**VOTING REQUIREMENTS:**

Discussion only. Action requires at least 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:**

Should the City require an owner of a mobile home park to remove any dangerous tree or to prune it so it is no longer a danger to persons or property in the vicinity of the tree.

**STAFF RECOMMENDATION:**

Staff recommends the Governing Body move to approve the ordinance when considered.

**BACKGROUND:**

The ordinance was requested by Deputy Mayor Valdivia-Alcala at the request of a constituent.

**BUDGETARY IMPACT:**

Budgetary impact is not known. Abatement costs would be assessed as alien against the property.

**SOURCE OF FUNDING:**

Not applicable.

**ATTACHMENTS:**

**Description**

Ordinance

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE introduced by Deputy Mayor Christina Valdivia-Alcala concerning trees in mobile home parks, creating a new subarticle in Chapter 14.65 of the Topeka Municipal Code.

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

Section 1. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 14.65.410, which said section reads as follows:

**Definitions.**

“Code official” means the Chief of Police or designee assigned to enforce the International Property Maintenance Code adopted in TMC 8.60.010.

“Dangerous tree” means any tree which the Code official determines is in such a condition and is located in such a place as to constitute a danger to persons or property in the vicinity of the tree.

“Owner” means the owner of a mobile home park as defined in TMC 14.65.010.

“Tree” means a tall woody perennial plant, typically having a single stem or trunk and bearing lateral branches.

Section 2. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 14.65.420, which said section reads as follows:

**Tree Nuisance.**

(a) A tree within a mobile home park which has become dangerous to persons or property in the vicinity of the tree shall be deemed a public nuisance.

(b) An owner shall remove any dangerous tree or prune the tree so that there is no longer a danger to persons or property in the vicinity of the tree.

Section 3. That the Code of the City of Topeka, Kansas, is hereby amended



27 by adding a section, to be numbered 14.65.430, which said section reads as follows:

28 **Failure to Remove or Prune; Abatement; Fees.**

29 (a) A person who fails to comply with a notice of violation served in  
30 accordance with TMC 14.65.440 shall be guilty of a misdemeanor and, if convicted, may  
31 be punished in accordance with TMC 1.10.070. Abatement of a violation by the Code  
32 official shall not be a defense or excuse to a violation. The pendency of an  
33 administrative hearing pursuant to TMC 14.65.460 shall not be a defense to a violation  
34 or prevent prosecution and adjudication in municipal court.

35 (b) There shall be an administrative penalty of \$100.00 imposed on the owner  
36 for each violation of subsection (a) that remains uncorrected after the time period stated  
37 in the notice of violation has elapsed.

38 (c) Abatement. Upon the expiration of the compliance period stated in the  
39 notice of violation, the Code official shall inspect the property. The Code official may  
40 grant an extension of time if the owner demonstrates that due diligence is being  
41 exercised in abating the violation. If the owner has failed to comply within the  
42 compliance period or has failed to timely request an appeal hearing, the Code official  
43 may abate the violation and assess the costs against the owner. If the payment of costs  
44 is not made within 30 days from the date of the notice of costs, the City may levy a  
45 special assessment against the property. The City Clerk, at the time of certifying other  
46 City taxes, shall certify the costs and the County Clerk shall extend the same on the tax  
47 roll of the county against the property. Additionally, the City may collect the costs in the  
48 manner provided by K.S.A. 12-1,115, as amended, by bringing an action in the district  
49 court.

50           (d) Fees. The costs incurred by the City for abatement, including an  
51 administrative cost in the amount of \$140.00, shall be paid by the owner.

52           Section 4. That the Code of the City of Topeka, Kansas, is hereby amended  
53 by adding a section, to be numbered 14.65.440, which said section reads as follows:

54           **Notice of Violation.**

55           The notice of violation shall include the following:

56           (a) Identification of the mobile home park.

57           (b) A statement that identifies the tree(s) in question and location in the park.

58           (c) A statement that the owner must remove the tree or prune the tree by the  
59 date designated in the notice.

60           (d) A statement advising that the owner may request an appeal hearing  
61 before an administrative hearing officer. The request shall be submitted to the Code  
62 official on or before the date designated in the notice. The scope of the appeal shall be  
63 limited to (i) whether the provisions of Chapter 14.65 apply; (ii) whether the Code official  
64 has correctly interpreted Chapter 14.65; and/or (iii) whether the requirements of TMC  
65 14.65.420 can be adequately satisfied by other means.

66           (e) A statement that if the violation(s) is not corrected or a hearing requested,  
67 the City may impose administrative penalties, abate the violation and assess the costs  
68 against the owner.

69           (f) A statement advising that failure to timely comply with the notice may  
70 result in prosecution in municipal court regardless whether an administrative hearing is  
71 pending.

72           Section 5. That the Code of the City of Topeka, Kansas, is hereby amended

73 by adding a section, to be numbered 14.65.450, which said section reads as follows:

74 **Method of Service.**

75 (a) Method of Service. Notice shall be served in one of the following manners:

76 (1) Personal service; residence service. Delivering the notice to the  
77 owner or leaving the notice at the owner's dwelling or usual place of abode with  
78 someone of suitable age and discretion who resides there.

79 (2) Personal service; residence service unsuccessful. If personal or  
80 residence service cannot be made, service may be effected by: (i) leaving a copy  
81 of the notice at the owner's dwelling or usual place of abode; and (ii) mailing to  
82 the owner by first-class mail a notice that the copy has been left at the dwelling or  
83 usual place of abode.

84 (3) Personal service; legal entity. If the owner is a legal entity, service  
85 may be effected as follows:

86 (i) serving the notice on an officer, manager, partner or a  
87 resident, managing or general agent;

88 (ii) leaving a copy of the notice at any business office with the  
89 person having charge of the office; or

90 (iii) serving the notice on any agent authorized by appointment  
91 or by law to receive service of process.

92 (4) Certified mail, return receipt requested, to the last known address  
93 of the owner as reflected in the records of the County Appraiser.

94 (5) Delivery failure. If the owner or the owner's agent has failed to  
95 accept delivery of notice or otherwise failed to effectuate receipt of notice during

96 the preceding twenty-four month period, notice may be provided by other  
97 methods, including but not limited to door hangers, conspicuously posting notice  
98 on the property, personal notification, telephone communication, electronic  
99 communication, or first-class mail.

100 (6) In addition to the methods identified in this section, but not in lieu  
101 of, the Code official may provide notice by other methods, including, but not  
102 limited to, door hangers, conspicuously posting notice on the property, personal  
103 notification, telephone or electronic communication, or first-class mail.

104 (b) Proof of Service. Proof of service of the notice shall be certified at the time  
105 of service by a written declaration under penalty of perjury executed by the person  
106 effecting service, declaring the time, date and manner in which service was made.

107 Section 6. That the Code of the City of Topeka, Kansas, is hereby amended  
108 by adding a section, to be numbered 14.65.460, which said section reads as follows:

109 **Administrative Appeal Hearing; Appeal to District Court.**

110 (a) An owner shall have the right to appeal the notice of violation to an  
111 administrative hearing officer provided that a written application is submitted to the  
112 Code official on or before the date designated in the notice.

113 (b) An application for an appeal hearing shall be based on a claim that (i) the  
114 provisions of Chapter 14.65 do not apply; (ii) the Code official has incorrectly interpreted  
115 Chapter 14.65; and/or (iii) the requirements of TMC 14.65.420 can be adequately  
116 satisfied by other means. The intent of the appeal process is not to waive or set aside a  
117 requirement; it is to provide a means of reviewing a Code Official's decision on an  
118 interpretation or application of Chapter 14.65 or reviewing a Code Official's decision



119 whether the requirements of TMC 14.65.420 can be adequately satisfied by other  
120 means.

121 (c) Written notice of the hearing date and time shall be provided to the person  
122 requesting the hearing within 10 calendar days of the hearing request.

123 (d) The administrative hearing officer shall affirm, modify or reverse the  
124 decision of the Code official upon a determination that: (i) the notice of violation was  
125 served in accordance with TMC 14.65.450; (ii) the provisions of Chapter 14.65 apply;  
126 (iii) the Code official has correctly interpreted Chapter 14.65 and/or (iv) the requirements  
127 of TMC 14.65.420 can or cannot be adequately satisfied by other means. The hearing  
128 officer may order abatement of the violation, impose an administrative penalty, and  
129 assess the abatement costs against the owner.

130 (e) The administrative hearing officer may administer oaths and affirmations,  
131 examine witnesses and receive evidence. The hearing officer may grant continuances  
132 where the officer finds that there is practical difficulty or undue hardship and that such  
133 extension is consonant with the general purpose to secure compliance with TMC  
134 14.65.420.

135 (f) Pursuant to K.S.A. 60-2101 and amendments thereto, any person  
136 aggrieved by a determination issued by the administrative hearing officer may appeal to  
137 the district court by doing all of the following:

138 (1) Submit a written notice of appeal to the City Clerk within 30 days of  
139 the determination. The notice shall include: (i) the person's name, mailing  
140 address, email address and telephone number; (ii) the date of the order; and (iii)  
141 case number. The City Clerk shall memorialize the date of receipt of the notice

142 by file-stamp or another method and return a copy to the person.

143 (2) Submit a written request to the City Clerk for one copy of all  
144 pertinent records relative to the proceeding including but not limited to any  
145 recording or transcript of the proceedings. The request shall be submitted to the  
146 City Clerk within 10 days of the date of receipt of the notice of appeal.  
147 Prepayment of all copying and other fees set forth in TMC 2.10.120 shall be  
148 required prior to production of the records.

149 (3) File with the Clerk of the Shawnee County District Court the  
150 pertinent records prepared by the City Clerk within 60 days from the date of  
151 receipt of the notice of appeal.

152 (4) Failure to file the records with the Clerk of the Shawnee County  
153 District Court within the 60 day period may result in the appeal being dismissed  
154 by the district court.

155 (5) Unless the person requests from the district court a stay of the  
156 hearing officer's order within 70 days from the date of receipt of the notice of  
157 appeal, the City may proceed with enforcement.

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

160 Section 8. This ordinance shall supersede all ordinances, resolutions or rules,  
161 or portions thereof, which are in conflict with the provisions of this ordinance.

162 Section 9. Should any section, clause or phrase of this ordinance be declared  
163 invalid by a court of competent jurisdiction, the same shall not affect the validity of this  
164 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

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PASSED AND APPROVED by the City Council on \_\_\_\_\_.

CITY OF TOPEKA, KANSAS

\_\_\_\_\_  
Michael A. Padilla, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Younger, City Clerk





**ATTACHMENTS:**

**Description**

Ordinance

**ORDINANCE NO.** \_\_\_\_\_

AN ORDINANCE, granting to Kansas Gas Service, a Division of ONE Gas, Inc., and its successors and assigns, a natural gas franchise, prescribing the terms thereof and relating thereto, providing definitions of terms, prescribing a franchise fee, providing terms and conditions for the use of public rights-of-way, requiring advance notice of work and duty to repair, providing for indemnification and a hold harmless agreement, providing for rules and regulations, prescribing insurance requirements, reserving certain rights, providing for revocation and termination, providing for an acceptance of the terms of the franchise, providing for a reopener, providing for notice of annexations, prescribing relevant governing law, providing for transfer and assignment of the franchise, providing for points of contact and notifications, providing for an agreement to renegotiate, and repealing all ordinances or parts of ordinances inconsistent with or in conflict with the terms hereof.

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

**SECTION 1. DEFINITIONS.**

For purposes of this Franchise Ordinance the following words and phrases shall have the meanings given herein. When not inconsistent within the context, words used in the present tense include the future tense and words in the single number include the plural number. The word “shall” is always mandatory, and not merely directory.

“**City**” shall mean the City of Topeka, Kansas, and, where appropriate by the context, each of its departments, divisions and component units, including public trusts or authorities of which the City is a beneficiary.

“**Company**” shall mean Kansas Gas Service, a division of ONE Gas, Inc.

“**Consumer**” shall mean any Entity located within the municipal corporate limits of the City and serviced by the Company through any use of the Public Ways.

“**Distribution**” or “**Distributed**” shall mean all sales, distribution, or transportation of natural gas to any Sales Consumer or Transportation Consumer for use within the City by the Company or by others through the Distribution Facilities of Company in a Public Way.

“**Distribution System**” or “**Distribution Facilities**” shall mean a pipeline or system of pipelines, including without limitation, mains, pipes, boxes, reducing and regulating stations, laterals, conduits and services extensions, together with all necessary appurtenances thereto, or any part thereof located within any Public Way, for the purpose of Distribution or supplying natural gas for light, heat, power and all other purposes.

**“Effective Date”** shall mean the date the Company files its written acceptance with the City following the final passage and approval of this Franchise Ordinance by the City, as set forth in Section 10 of this Franchise Ordinance.

**“Entity”** shall mean any individual person, governmental entity, business, corporation, partnership, firm, limited liability corporation, limited liability partnership, unincorporated association, joint venture, trust, and any form of business enterprise not specifically listed herein.

**“Facility” or “Facilities”** refers to the Company’s Distribution System or Distribution Facilities.

**“Franchise”** shall mean the grant of authority, set forth in Section 2 of this Franchise Ordinance, by the City to the Company for the Distribution of natural gas to the inhabitants of the City and to operate a Distribution System or Distribution Facilities.

**“Franchise Fee”** shall refer to the charges as prescribed in Section 3 of this Franchise Ordinance.

**“Franchise Ordinance”** shall mean this Ordinance granting a natural gas Franchise to the Company.

**“Gross Receipts”** shall mean any and all compensation and other consideration derived directly by the Company from any Distribution of natural gas to Consumers within the City. Such term shall not include revenue from certain miscellaneous charges and accounts, including but not limited to: connection fees, disconnection and reconnection fees, temporary service charges, delayed or late payment charges, collection fees, bad debts, customer project contributions, meter test fees, revenues received by Company from Consumers as Franchise Fee reimbursement, and returned check charges. Additionally, Gross Receipts shall not include credit extended pursuant to the Cold Weather Rule (or substitute rule) of the Kansas Corporation Commission for natural gas sold within the corporate limits of the City, nor Volumetric Rate Fees collected by Company and remitted to City in accordance with Section 3 of this Franchise Ordinance.

**“MCF”** shall mean a measurement of natural gas equal to one thousand cubic feet. It is assumed for purposes of this Franchise Ordinance that one MCF equals one million British Thermal Units.

**“Public Improvements”** means any public facilities, buildings, or capital improvements, including, without limitation, streets, alleys, sidewalks, sewer, water, drainage, right-of-way improvements, and other Public Projects.

**“Public Project”** means any project planned or undertaken and financed by the City or any governmental entity for construction, reconstruction, maintenance, or repair of public facilities or improvements, or any other purpose of a public nature paid for with public funds.

**“Public Way” or “Public Ways”** shall mean the area on, below or above the present and future public streets, avenues, alleys, bridges, boulevards, roads, highways, parks, parking places,

and other public areas, and general utility easements, dedicated to or acquired by the City. The term does not include easements obtained by private entities providing utilities services or private easements in platted subdivisions or tracts.

**“Sales Consumer”** shall mean, without limitation, any Entity that purchases natural gas within the corporate City limits from Company for delivery to such Consumer within the City through the Company’s Distribution System or Distribution Facilities.

**“Settlement Prices”** shall mean the settlement prices for natural gas futures contracts traded on the New York Mercantile Exchange (NYMEX) on the fifteenth day of each month as published in nationally recognized publications such as the CME Group (CME) or S&P Global Platts (Platts) on the following business day (or the next day in which a Settlement Price is published).

**“Transport Gas”** shall mean all natural gas transported by Company pursuant to a Kansas Corporation Commission approved transportation tariff, arrangement, or by other agreement, but not sold by the Company, through Company’s Distribution Facilities to any Transportation Consumer.

**“Transportation Consumer”** shall mean without limitation, any Entity that transports Transport Gas pursuant to a Kansas Corporation Commission approved transportation tariff, arrangement, or by other agreement, within the City’s municipal corporate limits through Company’s Distribution Facilities for consumption within the City’s corporate limits.

**“Volumetric Rate”** is the rate applicable to each Mcf of Transport Gas distributed to Transportation Consumers. The Volumetric Rate shall be based on a twelve month average of Settlement Prices as calculated from July through June. Initially, the Settlement Price shall mean \$0.2345 per MCF for Transport Gas distributed to Transportation Consumers within the City as represented in “Attachment A,” which is incorporated herein and attached hereto. There shall be an annual recalculation of the Volumetric Rate which shall be effective each January 1. The recalculation shall be based on Settlement Prices for the previous twelve-month period. The average Settlement Prices for each of the twelve months shall be summed and divided by twelve and multiplied by five percent (5 %) to obtain the Volumetric Rate to be effective January 1 of the next succeeding year. The Company shall calculate the Volumetric Rates in accordance with the procedures set out herein and then filed with the City Clerk by July 31 of each year for those rates to be effective on January 1 of the following year.

## **SECTION 2. GRANT OF NON-EXCLUSIVE FRANCHISE.**

A. In consideration of the benefits to be derived by the City and its inhabitants, there is hereby granted to the Company (said Company operating a Distribution System in the State of Kansas), a non-exclusive Franchise for a period of twenty (20) years from the Effective Date, to construct, maintain, extend and operate its Distribution Facilities along, across, upon or under any Public Way; for the purpose of selling and distributing natural gas for all purposes to the City, and its inhabitants, and through said City and beyond the limits thereof; to obtain said natural gas,



and/or comparable blends of combustible gasses, from any source available; and to do all things necessary or proper to carry on said business.

B. The grant of this Franchise by the City shall not convey title, equitable or legal, in a Public Way and shall give only the right to occupy the Public Way for the purposes and for the period stated in this Franchise Ordinance. This Franchise Ordinance does not:

- (1) Grant the right to use facilities or any other property, natural gas-related or otherwise, owned or controlled by the City or a third party without the consent of such party;
- (2) Grant the authority to construct, maintain or operate any Facility or related appurtenance on property owned by the City outside of a Public Way;
- (3) Excuse the Company from obtaining appropriate access or attachment agreements before locating its Facilities on property owned or controlled by the City (other than a Public Way) or a third party; or
- (4) Unless explicitly set forth herein, excuse the Company from obtaining and being responsible for any necessary permit, license, certification, grant, registration, or any other authorization required by any appropriate governmental entity, including, but not limited to, the City or the Kansas Corporation Commission.

### **SECTION 3. FRANCHISE FEE.**

A. As further consideration for the granting of this Franchise, and in lieu of city occupation, license or permit fees, or revenue taxes, except as expressly provided herein, the Company shall pay to the City during the term of this Franchise, a Franchise Fee of: (i) five percent (5%) of the actual Gross Cash Receipts collected by the Company from the Distribution of natural gas to all Sales Consumers within the corporate limits of the City; and (ii) a sum equal to the Volumetric Rate multiplied by the number of MCF of Transport Gas for the distribution of Transport Gas for Transportation Consumers, all such payments to be made monthly for the preceding monthly period.

B. The Company's obligation for payments of the Franchise Fee shall commence with the first cycle of the monthly billing cycle following the Effective Date of this Franchise Ordinance. Prior to that date, payments shall continue to be calculated and be paid in the manner previously provided in Ordinance No. 18295, and amendments thereto.

C. In the event a Consumer of Company does not pay a monthly bill from Company in full, Company shall prorate its payments of remissions to the City for sums due on that particular bill so that the amount actually paid by the Consumer to Company on the bill is distributed to Company and to the City for sums due on the bill in proportion to the percentage of the total bill actually paid by the Consumer. In the event Company actually collects any outstanding amounts due on a past due, unpaid, or partially paid monthly customer bill, the Company shall pay City its proportionate share of sums due to the City on such bill.

D. Upon written request by the City (but no more than once per quarter), the Company shall submit to the City a certified statement showing the manner in which the Franchise Fee was calculated. The City shall have the right to examine within the corporate limits of the City and during regular business hours, upon reasonable advance written notice to the Company, all books, papers and records kept by the Company in the ordinary course of business and pertaining to its business carried on by it in or through the City, necessary to verify the correctness of the Franchise Fee paid by Company.

E. No acceptance by the City of any Franchise Fee shall be construed as an accord that the amount paid is in fact the correct amount, nor shall acceptance of any Franchise Fee payment be construed as a release of any claim of the City. Any dispute concerning the amount due under this Section shall be resolved in the manner set forth in K.S.A. 12-2001, and amendments thereto.

F. The Franchise Fee required herein shall be in lieu of all taxes, charges, assessments, licenses, fees and impositions otherwise applicable that are or may be imposed by the City under K.S.A. 12-2001, K.S.A. 17-1902, and amendments thereto. From and after the date hereof, the permit fees required of the Company by any ordinance (presently in effect or hereafter adopted) for a permit to excavate in, or adjacent to, any Public Way shall be deemed a part of the compensation paid pursuant to this Franchise Ordinance and shall not be separately assessed or collected by the City; in no event, however, shall this provision be interpreted to waive the requirement of notice to the City and the procedural requirements of such ordinance. The Franchise Fee is compensation for use of the Public Way.

#### **SECTION 4. USE OF PUBLIC RIGHT-OF-WAY.**

A. Except as provided herein or as regulated by state or federal law, the use of any Public Way under this Franchise by the Company shall be subject to all laws, statutes, regulations and/or city policies (including, but not limited to those relating to the construction and use of the Public Way or other public property) now or hereafter adopted or promulgated. Unless specifically provided herein, the Company shall be subject to all rules, regulations and policies now or hereafter adopted or promulgated by the City relating to permits, sidewalk and pavement cuts, utility location, construction coordination, and other requirements on the use of a Public Way; provided however, that nothing contained herein shall constitute a waiver of or be construed as waiving the right of the Company to oppose, challenge, or seek judicial review of, in such manner as is now or may hereafter be provided by law, any such rules, regulation, or policy proposed, adopted, or promulgated by the City and, further provided other than the items enumerated in this Section 4 herein, that such rules, regulations or policies shall not require the payment of additional fees or additional costs for the use of a Public Way.

B. All mains, services, and pipe which shall be laid or installed under this Franchise shall be so located and laid as not to obstruct or interfere with any water pipes, drains, sewers, or other structures already installed. The Company shall provide, prior to commencing work, information to the City concerning work to be performed in the streets, avenues, bridges, parking areas, and public places of the City, as the City may from time to time require for purposes of record keeping. The City may require that the information be provided on its standard permit form, but without requiring approval, consent, or fees. In the event of an emergency, the Company shall have the right to commence work without having first provided such information or form(s).

C. The Company's use of any Public Way shall always be subject and subordinate to the City's use of the Public Way for any public purpose. The City may exercise its home rule powers in its administration and regulation related to the management of the Public Way; provided that any such exercise must be competitively neutral and may not be unreasonable or discriminatory, nor in conflict with state or federal law.

D. The City reserves the right to lay or permit to be laid cables, electric conduits, water, sewer, gas or other pipelines, and to do or permit to be done any underground work deemed necessary and proper by the City, along, across, over, or under any Public Way. In permitting such work to be done, the City shall not be liable to the Company for any damage to the Company's Facilities unless the City or its agents or contractors are negligent in causing said damage.

E. Whenever by reason of establishing a grade or changing in the grade of any street, or the location or manner of construction of any Public Way, the City deems it necessary to alter, change, adapt, or conform any portion of the Company's Facilities located in the Public Way, the City shall provide reasonable notice and such alterations or changes shall be made within a reasonable time by the Company, as requested in writing by the City, without claim for reimbursement or compensation for damages against the City; provided, however, that this provision is not intended to require the Company to alter, change, adapt, or conform any portion of its Facilities without reimbursement or compensation where the right to locate the same, whether by private right-of-way grant, utility easement, or otherwise, was acquired prior to the designation of the location as a Public Way.

F. If the City shall require the Company to adapt or conform its Facilities or in any way to alter, relocate, or change its property to enable any other person, firm, corporation, or Entity (whether public or private), other than the City, to use the Public Way, the Company shall be reimbursed by the person, firm, corporation, or Entity desiring or occasioning such change for any and all loss, cost, or expense occasioned thereby. "Person," "Firm," "Corporation," and "Entity" as used in this paragraph shall not include regular departments of the City, or any trust or authority formed by or for the benefit of the City for public utility purposes, but shall include any other agency or authority of the City, whether acting in a governmental or non-governmental capacity, including, but not limited to, any urban renewal authority, or any other agency or authority, which as a part of its program clears whole tracts of land within the municipal corporate limits and relocates citizens for the purpose of urban development or similar aims.

G. The Company and the City shall participate in the Kansas One-Call utility location program. The Company shall cooperate promptly and fully with the City and take all reasonable measures necessary to provide accurate and complete information regarding the location of its Facilities located within a Public Way when requested by the City. Such location and identification shall be promptly communicated in writing to the City without cost to the City, its employees, agents or authorized contractors. The Company shall designate and maintain an agent familiar with the Facilities, who is responsible for providing timely information needed by the City for the design and replacement of Facilities in a Public Way during, and for the design of Public Improvements.

H. The Company shall be subject to the following fees and costs in connection with its use and occupancy of any Public Way: (i) in the event that the repairs or replacements set forth under Section 5 below, have not been timely completed by Company, the City may charge an

excavation fee for each street or pavement cut to recover the costs associated with construction and repair activity; (ii) inspection fees to recover all reasonable costs associated with City inspection of the work of the Company in the Public Way when the Facilities are of such a scope and magnitude so as to require the City to incur such inspection costs by an outside party; and (iii) the repair and restoration costs associated with repairing and restoring the Public Way because of damage caused by the Company, its assigns, contractors, and/or subcontractors in the Public Way.

## **SECTION 5. NOTICE OF WORK AND DUTY TO REPAIR.**

A. Prior to commencing any activities related to the construction, maintenance, or extension of its Facilities along, across, upon or under the Public Way, the Company shall submit to the City written plans detailing all such activities in the manner required by the City by Ordinance. In the event of an emergency, Company shall have the right to commence work without providing such plans, provided such plans are submitted within five business days of commencement of the work. The Company's Facilities shall be so constructed and maintained as not to obstruct or hinder the usual travel or public safety on such Public Ways or unreasonably obstruct the legal use by other utilities.

B. Prior to beginning work, the Company will inspect existing pavement within and/or adjacent to the work area and will report any existing damage or concerns. All earth, materials, sidewalks, paving, crossings, utilities, Public Improvements, or improvements of any kind located within the Public Way that are damaged, displaced, or removed by the Company shall be fully repaired or replaced to their prior condition or to existing municipal standards as are then in existence, and in a manner satisfactory to the duly authorized representative of the City, after completing such activity as is permitted under this Franchise Ordinance and without cost to the City. Notwithstanding, nothing in this Franchise shall require the Company to repair or replace any materials, trees, flowers, shrubs, landscaping or structures that interfere with the Company's access to any of its Facilities located in general utility easements, dedicated to or acquired by the City.

## **SECTION 6. INDEMNITY AND HOLD HARMLESS.**

The Company, its successors and assigns, in the construction, maintenance, and operation of its Facilities, shall use all reasonable and proper precaution to avoid damage or injury to persons and property, and shall indemnify, defend, hold, and save the City harmless from any and all claims, damage, judgements, and reasonable expense, including attorney fees, caused by the negligence of the Company, its successors and assigns, or their agents or servants. The Company or the City shall promptly advise the other in writing of any known claim or demand against the Company or the City related to or arising out of the Company's activities in any Public Way.

## **SECTION 7. RULES AND REGULATIONS.**

The Company shall have the right to make and enforce such reasonable rules and regulations as it may deem necessary for the extension of its Facilities, the sale of its gas, and the prudent conduct of its business, provided that such rules and regulations shall neither be in conflict with the laws of the State of Kansas, with the orders, rules, or regulations of the Kansas



Corporation Commission or other regulatory authority having jurisdiction, nor with the ordinances and regulations of the City insofar as they are consistent with the jurisdiction of the Kansas Corporation Commission or such other regulatory authority.

## **SECTION 8. REVOCATION AND TERMINATION.**

In case of failure on the part of the Company to comply with any of the provisions of this Franchise Ordinance, or if the Company should do or cause to be done any act or thing prohibited by or in violation of the terms of this Franchise Ordinance, the Company may be subject to forfeiture of all rights, privileges, and Franchise granted herein, and all such rights, privileges, and franchise hereunder be deemed ceased, terminated, null, and void, and this Franchise Ordinance shall be deemed revoked or terminated, provided that said revocation or termination shall not take effect until the City has completed the following procedures: Before the City proceeds to revoke and terminate this Ordinance, it shall first serve a written notice upon Company, setting forth in detail the neglect or failure complained of, and the Company shall have sixty (60) days thereafter in which to comply with the conditions and requirements of this Franchise Ordinance. If at the end of such sixty (60) day period the City determines that the neglect or failure complained of has not been cured, the City shall take action to revoke and terminate this Franchise Ordinance by an affirmative vote of the governing body present at a public meeting and voting, setting out the grounds upon which this Franchise Ordinance is to be revoked and terminated; provided, to afford the Company due process, the Company shall first be provided reasonable notice of the date, time, and location of the governing body's consideration and shall have the right to address the governing body regarding such matter; and further provided, if the nature of the default is such that it cannot be reasonably cured within the above said sixty (60) day period, and the governing body believes the Company has in good faith timely commenced its cure and is diligently pursuing the completion of the same, the Company may, in the City's sole discretion, be given a reasonable additional period of time to complete its cure. Nothing herein shall prevent either party from invoking any other remedy that may otherwise exist at law. Upon any determination by the governing body to revoke and terminate this Franchise Ordinance, the Company shall have thirty (30) days to appeal such decision to the District Court where the City is located or in the District Court of Johnson County, Kansas. This Franchise Ordinance shall be deemed revoked and terminated at the end of this thirty (30) day period, unless the Company has instituted such an appeal. If the Company does timely institute such an appeal, such revocation and termination shall remain pending and subject to the court's final judgment. Provided, however, that the failure of the Company to comply with any of the provisions of this Franchise Ordinance or the doing or causing to be done by the Company of anything prohibited by or in violation of the terms of this Franchise Ordinance shall not be a ground for the revocation or termination thereof when such act or omission on the part of the Company is due to any cause or delay beyond the control of the Company or to bona fide legal proceedings.

## **SECTION 9. RESERVATION OF RIGHTS.**

A. In granting its consent hereunder, the City does not in any manner waive its regulatory or other rights and powers under and by virtue of the laws of the State of Kansas as the same may be amended, applicable Federal laws or regulations as the same may be amended, its

home rule powers under the Constitution of the State of Kansas, nor any of its rights and powers under or by virtue of present or future ordinances of the City.

B. In adopting and passing this Ordinance, neither the City's nor the Company's present or future legal rights, positions, claims, assertions or arguments before any administrative agency or court of law are in any way prejudiced or waived. By the City's adopting and passing this Franchise Ordinance and the Company's acceptance hereof as provided in Section 10, neither the City nor the Company waive any rights, but instead expressly reserve any and all rights, remedies, and arguments the City or the Company may have at law or equity, without limitation, to argue, assert, and/or take any position as to the legality or appropriateness of any present or future laws, non-franchise ordinances and/or rulings.

#### **SECTION 10. ACCEPTANCE OF TERMS.**

A. This Franchise Ordinance shall take effect and be in force from and after its passage, approval by the City, acceptance by the Company, and publication in the official City newspaper. The Company shall have sixty (60) days after the final passage and approval of this Franchise Ordinance to file with the City Clerk its written acceptance of the provisions, terms, and conditions of this Franchise Ordinance and when so accepted, this Franchise Ordinance and acceptance shall constitute a contract between the City and the Company and such contract shall be deemed effective on the date Company files its acceptance with the City.

B. This Franchise Ordinance, when accepted as provided above, (i) shall constitute the entire agreement between the City and the Company relating to this Franchise, and the same shall supersede and cancel any prior understandings, agreements, or representations regarding the subject matter hereof, or involved in negotiations pertaining thereto, whether oral or written, (ii) shall be binding upon the parties, including their successors and assigns, and (iii) shall not be amended or further obligations imposed without mutual consent of the parties hereto.

#### **SECTION 11. REOPENER PROVISION.**

A. Upon written request of either the City or the Company, this Franchise may be reviewed once after five (5) years from the effective date of this Franchise Ordinance, and once every (5) five years thereafter, to review the Franchise Fee set forth in Section 3 above. Said request must be served upon the other party at least 120 days prior to the end of each period set forth above, and shall state specifically the amendment(s) to the Franchise Fee desired. The City and the Company shall negotiate in good faith in an effort to agree upon a mutually satisfactory amendment of the Franchise.

B. Upon written request of the Company, the Franchise shall be reopened and renegotiated at any time upon a change in federal, state, or local law, regulation, or order which materially affects any rights or obligations of the Company, including, but not limited to, the scope of the grant to the Company or the compensation to be paid to the City.

C. The Franchise Fee percentage rate set forth in Section 3 shall in no event exceed the percentage rate hereafter approved to calculate any fee paid to the City by any Entity for use

of the Public Ways, if such fee is based in any way on the amount of revenues or gross receipts from the sale, transportation and/or distribution of natural gas or electric energy (excluding any municipally-owned electric utility) by such other Entity to customers within the City. If at any time after the Effective Date of this Franchise Ordinance, the fee or rate required to be paid by another Entity selling, transporting, and/or distributing natural gas or electric energy (excluding any municipally-owned electric utility) is less than the Franchise Fee percentage rate set forth in Section 3, then this Franchise shall become automatically subject to reopen upon notice by the Company for purposes of negotiation of a new lower Franchise Fee percentage rate.

## **SECTION 12. NOTICE OF ANNEXATION.**

The City shall promptly notify the Company in writing (to include a map) of areas newly annexed into or deannexed from the corporate limits of the City, and the Company shall update its records for the purpose of payment of Franchise Fees as soon as reasonably practicable after receiving such notice. Notwithstanding anything to the contrary in this Franchise Ordinance, the Franchise Fees provided for in Section 3 shall not become effective within any area annexed by the City until the beginning of the monthly billing cycle which begins no more than sixty (60) days after the date that the City provides the Company with a certified copy of the annexation ordinance, proof of publication as required by law and a map of the City detailing the annexed area.

## **SECTION 13. RELEVANT LAW.**

This Franchise Ordinance is granted pursuant to the provisions of K.S.A. 12-2001 and amendments thereto. Any and all ordinances or parts of ordinances in conflict with the terms hereof are hereby repealed or considered as having no effect as of the first cycle of the monthly billing cycle as referenced in Section 3 of this Franchise Ordinance.

## **SECTION 14. TRANSFER AND ASSIGNMENT.**

Company shall not have the right to assign, sell, lease, or otherwise transfer in any manner whatsoever to any third party not affiliated with Company the rights and privileges granted under this Franchise Ordinance except as hereinafter provided. Any assignment, sale, lease, or other transfer by the Company of the Franchise granted herein to any third party not affiliated with Company shall be ineffective and void unless:

- (1) The proposed assignment, sale, lease, or transfer shall be in writing:
- (2) The prospective assignee, buyer, lessee, or other transferee shall agree in writing to accept and become responsible for full performance of all conditions, covenants, obligations, and liabilities contained in this Franchise Ordinance; and

(3) Such writing shall be submitted to the City Clerk of the City.

**SECTION 15. POINT OF CONTACT AND NOTICES.**

The Company shall at all times maintain with the City a local point of contact who shall be available at all times to act on behalf of Company in the event of an emergency. Company shall provide the City with said local contact’s name, address, telephone number, fax number, and e-mail address. Emergency notice by either party to the other may be made by telephone to the City’s designee as listed below. All other notices between the parties shall be in writing and shall be made by personal delivery, depositing such notice in the U.S. Mail, Certified Mail (return receipt requested), or via the email addresses provided below. Any notice served by U.S. Mail or Certified Mail (return receipt requested) shall be deemed delivered upon actual receipt unless otherwise provided. Other than emergencies, notices to the parties shall be to the following:

**The City:**

The City of Topeka  
Brenda Younger, City Clerk  
215 SE 7<sup>th</sup> Street, Room 166  
Topeka, Kansas 66603  
Phone: 785-368-3940  
Fax: 785-368-3943  
Email: [cclerk@topeka.org](mailto:cclerk@topeka.org)

**Company:**

Kansas Gas Service, a Div. of ONE Gas, Inc.  
Attn: Legal Department  
7421 W. 129<sup>th</sup> Street  
Overland Park, KS 66213-2713  
Phone: (913) 319-8619  
Fax: N/A  
Email: [kgsfranchises@onegas.com](mailto:kgsfranchises@onegas.com)

**Emergency Contact Information:**

|  |  |
|--|--|
| Emergency Designee: Consolidated Emergency Communications Center (CECC)                | Natural Gas Emergency No: 888-492-4950   |
| Emergency Contact No.: 911   |  |
| Emergency Email: N/A   | Contact Email:   |
| Secondary Contact Email:<br><a href="mailto:bcopley@topeka.org">bcopley@topeka.org</a> | <a href="mailto:KGSDispatchOverlandPark@onegas.com">KGSDispatchOverlandPark@onegas.com</a> |

(or to replacement addresses that may be later designated in writing).



**SECTION 16. AGREEMENT TO RENEGOTIATE.**

Should the Kansas Corporation Commission take any action with respect to this Franchise Ordinance and any amendment thereto which precludes Company from recovering from its customers any costs or fees provided for hereunder, the parties hereto shall renegotiate this Franchise Ordinance in accordance with or to conform to the Commission's ruling.

PASSED, ADOPTED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

CITY OF TOPEKA, KANSAS

\_\_\_\_\_  
Michael A. Padilla, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Younger, City Clerk

| Volumetric Rate Calculation Form   |                |                |                |                |                |                |                |                |                |                |                |                |  |
|--|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|--|
| For the Transportation of Natural Gas in Pipelines Located in the City                         |                |                |                |                |                |                |                |                |                |                |                |                |  |
| Based on the NYMEX settlement prices for the dates shown, published the following business day |                |                |                |                |                |                |                |                |                |                |                |                |  |
| Source: Wall Street Journal, or DTN, or Gas Daily  |                |                |                |                |                |                |                |                |                |                |                |                |  |
| Year   | 1              | 2              | 3              | 4              | 5              | 6              | 7              | 8              | 9              | 10             | 11             | 12             |  |
| Month-Day  | 2022<br>Jul-15 | 2022<br>Aug-15 | 2022<br>Sep-15 | 2022<br>Oct-17 | 2022<br>Nov-15 | 2022<br>Dec-15 | 2023<br>Jan-17 | 2023<br>Feb-15 | 2023<br>Mar-15 | 2023<br>Apr-17 | 2023<br>May-15 | 2023<br>Jun-15 |  |
| Aug - 2022   | 7.016          |                |                |                |                |                |                |                |                |                |                |                |  |
| Sep - 2022   | 6.926          | 8.728          |                |                |                |                |                |                |                |                |                |                |  |
| Oct - 2022   | 6.917          | 8.712          | 8.324          |                |                |                |                |                |                |                |                |                |  |
| Nov - 2022   | 6.997          | 8.788          | 8.372          | 5.999          |                |                |                |                |                |                |                |                |  |
| Dec - 2022   | 7.096          | 8.903          | 8.522          | 6.479          | 6.034          |                |                |                |                |                |                |                |  |
| Jan - 2023   | 7.184          | 8.963          | 8.620          | 6.714          | 6.395          | 6.970          |                |                |                |                |                |                |  |
| Feb - 2023   | 6.881          | 8.497          | 8.319          | 6.508          | 6.143          | 6.589          | 3.586          |                |                |                |                |                |  |
| Mar - 2023   | 5.961          | 7.108          | 7.280          | 5.913          | 5.457          | 5.820          | 3.253          | 2.471          |                |                |                |                |  |
| Apr - 2023   | 4.825          | 5.394          | 5.791          | 5.014          | 4.765          | 5.279          | 3.218          | 2.555          | 2.439          |                |                |                |  |
| May - 2023   | 4.697          | 5.220          | 5.648          | 4.948          | 4.750          | 5.244          | 3.283          | 2.709          | 2.546          | 2.275          |                |                |  |
| Jun - 2023   | 4.748          | 5.268          | 5.698          | 5.023          | 4.833          | 5.339          | 3.421          | 2.896          | 2.759          | 2.444          | 2.375          |                |  |
| Jul - 2023   | 4.800          | 5.318          | 5.751          | 5.103          | 4.924          | 5.428          | 3.551          | 3.067          | 2.958          | 2.652          | 2.542          | 2.533          |  |
| Aug - 2023   |                | 5.329          | 5.762          | 5.115          | 4.933          | 5.414          | 3.584          | 3.114          | 2.997          | 2.717          | 2.624          | 2.609          |  |
| Sep - 2023   |                |                | 5.743          | 5.084          | 4.870          | 5.337          | 3.528          | 3.080          | 2.964          | 2.688          | 2.620          | 2.606          |  |
| Oct - 2023   |                |                |                | 5.158          | 4.918          | 5.389          | 3.597          | 3.152          | 3.043          | 2.778          | 2.721          | 2.719          |  |
| Nov - 2023   |                |                |                |                | 5.229          | 5.590          | 3.995          | 3.568          | 3.370          | 3.167          | 3.157          | 3.131          |  |
| Dec - 2023   |                |                |                |                |                | 5.921          | 4.423          | 3.933          | 3.764          | 3.619          | 3.654          | 3.569          |  |
| Jan - 2024   |                |                |                |                |                |                | 4.670          | 4.162          | 3.957          | 3.862          | 3.922          | 3.822          |  |
| Feb - 2024   |                |                |                |                |                |                |                | 4.033          | 3.841          | 3.765          | 3.843          | 3.746          |  |
| Mar - 2024   |                |                |                |                |                |                |                |                | 3.514          | 3.447          | 3.511          | 3.477          |  |
| Apr - 2024   |                |                |                |                |                |                |                |                |                | 3.155          | 3.148          | 3.157          |  |
| May - 2024   |                |                |                |                |                |                |                |                |                |                | 3.129          | 3.139          |  |
| Jun - 2024   |                |                |                |                |                |                |                |                |                |                |                | 3.238          |  |
| Avg Settlement Price   | 6.171          | 7.186          | 6.986          | 5.588          | 5.271          | 5.693          | 3.676          | 3.228          | 3.179          | 3.047          | 3.104          | 3.146          |  |
| July 2022 through June 2023 settlement price average   |                |                |                |                |                |                | 4.690          |                |                |                |                |                |  |
| X Bundled Franchise Fee Rate   |                |                |                |                |                |                | 5.0%           |                |                |                |                |                |  |
| =Volumetric Rate/MCF for 2023  |                |                |                |                |                |                | 0.2345         |                |                |                |                |                |  |

Note: If the 15th of the month falls on a weekend or holiday, then use the settlement price on next business day.



**City of Topeka**  
**Council Action Form**  
**Council Chambers**  
**214 SE 8th Street**  
**Topeka, Kansas 66603**  
**www.topeka.org**  
July 9, 2024

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**DATE:** July 9, 2024  
**CONTACT PERSON:** **DOCUMENT #:**  
**SECOND PARTY/SUBJECT:** Public Comment **PROJECT #:**  
Protocol  
**CATEGORY/SUBCATEGORY**  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:** **JOURNAL #:**  
**PAGE #:**

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**DOCUMENT DESCRIPTION:**

**PUBLIC COMMENT PROTOCOL**

**VOTING REQUIREMENTS:**

**POLICY ISSUE:**

**STAFF RECOMMENDATION:**

**BACKGROUND:**

**Governing Body Rule 5.5**

(c) **Public Comment on a specific agenda item:** Comments from members of the public concerning a specific agenda item will be heard at the time the item is considered. Persons will be limited to addressing the governing body one (1) time on a particular matter unless otherwise allowed by a vote of six (6) or more members of the governing body.

(d) **General public comment:** Requests by members of the public to speak during the public comment portion of a regular governing body meeting will be placed on the agenda on a "first-come, first-served" basis. The request should state the name of the individual(s) desiring to be heard. Each such individual shall be limited to addressing the governing body one (1) time and his or her comments shall be limited to topics directly relevant to business of the governing body; provided however, that comments pertaining to personnel and litigation matters shall not be allowed.

**Procedures for Addressing the Governing Body**

In accordance with Governing Body Rules 5.6 and 5.7, 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](mailto:atcclerk@topeka.org) 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:**