ORDINANCE NO. 17542

AN ORDINANCE introduced by Mayor Joan Wagoner amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property within the Historic North Topeka neighborhoods of the City of Topeka, Kansas amending the District Zoning Classification from "I-1" Light Industrial District, "C-4" Commercial District, and "M-2" Multiple Family District ALL TO "X-1" Mixed Use District. (Z00/14)

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

Section 1. That the “District Map” referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, be, and the same is hereby amended, by making the following changes in zoning classification:

Four districts in Kaw Half Breed Reserve Number 4 composed of lots and tracts, all of which are in the City of Topeka, Shawnee County, Kansas, and described as:

District 1: Shorey
Beginning at the Northwest corner of Lot 2 in Gibson Subdivision; thence southerly to the Southwest corner of Lot 1 in Gibson Subdivision; thence southerly to the Northwest corner of Lot 544 on Taylor Street in Armstrong’s Addition; thence southerly to the Southwest corner of Lot 538 on Taylor Street in Armstrong’s Addition; thence easterly, to the Southeast corner of said Lot 538; thence southerly, on the West line of an alley, to an intersection with an extension of the South line of Lot 521 on Polk Street in Armstrong’s Addition; thence easterly, to the Southeast corner of said Lot 521; thence southerly, on the West line of Polk Street, to the Northeast corner of Lot 499 on Polk Street in Armstrong’s Addition; thence westerly to the Northwest corner of said Lot 499; thence southerly, on the East line of an alley, to the Northwest corner of Lot 497 on Polk Street in Lefler’s Addition; thence southerly, on the East line of an alley, to an intersection with an extension of the North line of Lot 496 on Taylor Street, in Lefler’s Addition; thence westerly, on the North line of said Lot 496 and its extension, to the Centerline of the Mainline of the former Chicago, Rock Island and Pacific Railroad; thence southeasterly, on the Centerline of the Mainline of said former railroad, to an intersection with an extension of the North line of St. John Street, formerly Hayes Street; thence easterly to the Southeast corner of Lot 458 on Polk Street in Lefler’s Addition; thence northerly, on the West line of an alley, to an intersection with an extension of the South line of Lot 481 on Tyler Street, formerly Nebraska Street, in Lefler’s Addition; thence easterly, on the South line of said Lot 481 and its extension, to the Southeast corner of Lot 481; thence northerly, on the West line of Tyler Street, to an intersection with an extension of the South line of Lot 25 on Tyler Street,
formerly Nebraska Street, in Rambo’s Addition; thence easterly, on the South line of said Lot 25 and its extension, to the Southeast corner of Lot 25; thence southerly, on the West line of an alley, to the Southeast corner of Lot 22 on Tyler Street, in Rambo’s Addition; thence easterly to the Southeast corner of Lot 1 on Eugene Street, formerly Topeka Avenue, in Rambo’s Addition; thence easterly to the Southwest corner of Lot 1, Block “A” in D and K Subdivision; thence easterly to the Southeast corner of the last said Lot 1; thence northerly to the Northeast corner of the last said Lot 1; thence northerly, to the Northeast corner of a tract recorded in Volume 3065 at page 608; thence westerly on the South line of Paramore Street, formerly Garfield Street, and its extension, to the Northeast corner of Lot 6 on Eugene Street in Rambo’s Addition; thence northerly to the Southeast corner of Lot 7 on Eugene Street in Rambo’s Addition; thence northerly, to the Northeast corner of the South 13 feet of Lot 9 on Eugene Street in Rambo’s Addition; thence westerly, to the Northwest corner of the South 13 feet of Lot 9 on Eugene Street in Rambo’s Addition; thence northerly on the East line of an alley, to an intersection with an extension of the North line of the South 100 feet of Lot 18 on Paramore Street in Rambo’s Addition; thence westerly, to the Northwest corner of the South 100 feet of the East Half of Lot 20 on Paramore Street in Rambo’s Addition; thence northerly, to the Northeast corner of the South 107 feet of the West Half of said Lot 20; thence westerly, to the Northwest corner of the South 107 feet of Lot 21 on Paramore Street in Rambo’s Addition; thence westerly, to the Northeast corner of the South 7 feet of Lot 32 on Tyler Street in Rambo’s Addition; thence westerly, on the North line of the South 7 feet of Lot 32 on Tyler Street in Rambo’s Addition, and its extension, to an intersection with the West line of Tyler Street; thence southerly to the Southeast corner of Lot 497 on Tyler Street in Armstrong’s Addition; thence southerly to the Northeast corner of Lot 495 on Tyler Street in Leffer’s Addition; thence westerly, on the North line of Lot 495, and its extension, to an intersection with an East line of a tract recorded in Volume 2429 at page 503; thence northerly, on the last said East line, to a point which is described as 300.00 feet north of the North line of Paramore Street; thence easterly a distance described as 121.17 feet, to a point which is described as 380.32 feet south of the Centerline of vacated Cleveland Street; thence northerly, on the East line of the tract which is described in Volume 2429 at page 503, to an intersection with an extension of the South line of Lot 2, Block “A” in Warehouse Subdivision No.3; thence easterly to the Southeast corner of the last said Lot 2; thence easterly, on the South line of Lot 3 in Warehouse Subdivision No. 1, and its extension, to an intersection with the West line of Lot 1 in Warehouse Subdivision No. 2; thence southerly, to the Southwest corner of said Lot 1; thence easterly, to the Southeast corner of Lot 1; thence northerly, to the Northeast corner of Lot 4 in Warehouse Subdivision No.2; thence easterly 110 feet on the South line of Lot 2 in Wheatland Subdivision; thence northerly 8 feet on an East line of said Lot 2; thence easterly, to the Southeast corner of said Lot 2; thence easterly, to the Southwest corner of Lot 1 in Wheatland Subdivision; thence easterly, to the Southeast corner of said Lot 1; thence northwesterly, northerly and westerly, on the Northeast boundary of Wheatland Subdivision, to the most easterly corner of Lot 1, Block “A” in Cuevas Subdivision No.2; thence westerly, on the North lines of the last said Lot 1, to the Northwest corner thereof; thence westerly, normal to the Centerline of Tyler Street; thence northerly, on the Centerline of Tyler Street, to an intersection with an extension of the North line of Gibson Subdivision; thence westerly, on the North line of Gibson Subdivision, to the point of beginning; EXCEPT: all public street and alley rights of way. The lots and tracts included in District I are: in Gibson Subdivision: Lots 1, 2 and 3; a tract recorded in Volume 1928 at page 303; in Armstrong’s Addition: Lots 538 through 544 even on Taylor Street; Lots 497 and 499 on Polk Street; those portions of Lots 521 through 543 odd on Polk Street, Lots 498 through 544 even on Polk Street, Lots 517 through 543 odd on Tyler
Street and those vacated streets and alleys which are included in a tract recorded in Volume 2429 at page 503; vacated Cleveland Street from the East line of Taylor Street to the West line of Tyler Street; in Lefler’s Addition: those portions of Lots 484 through 496 even, on Taylor Street, which are east of the Centerline of the Mainline of the former Chicago, Rock Island and Pacific Railroad; those portions of Lots 463 through 483 odd, on Polk Street, which are east of the Centerline of the Mainline of the former Chicago, Rock Island and Pacific Railroad; Lots 485 through 497 odd, on Polk Street; that portion of vacated Polk Street, extending from St. John Street, formerly Hayes Street, to Paramore Street, formerly Garfield Street, which is east of the Centerline of the Mainline of the former Chicago, Rock Island and Pacific Railroad; Lots 458 through 498 even, on Polk Street; Lots 481 through 495 odd, on Tyler Street; a tract recorded in Volume 1562 at page 106; in Cuevas Subdivision No.2: Lot 1, Block “A”; in Cuevas Subdivision: Lot 1, Block “A”; in Wheatland Subdivision: Lots 1 and 2; in Warehouse Subdivision No.2: Lots 1 through 4; in Warehouse Subdivision No. 1: Lots 1, 2 and 3; in Warehouse Subdivision No. 3: Lots 1 and 2 in Block “A”; a tract recorded in Volume 3065 at page 608; in D and K Subdivision: Lot 1, Block “A”; in Rambo’s Addition: Lots 25 through 31 and the South 7 feet of Lot 32, all on Tyler Street; the South 107 feet of Lot 21 and the South 107 feet of the West Half of Lot 20, the South 100 feet of Lots 18 and 19, the South 100 feet of the East Half of Lot 20, Lots 14 through 17, all on Paramore Street, formerly Garfield Street; the South 107 feet of a vacated alley which adjoins the West line of Lot 21 on Paramore Street; Lots 1 through 8, and the South 13 feet of Lot 9, all on Eugene Street, formerly Topeka Avenue.

District II: Topeka/Gordon and Morse

Beginning at the Southwest corner of Lot 1 in Block "A" in Schmidt Subdivision; thence northerly, to the Northwest corner of Lot 1; thence northerly, to the Southwest corner of Lot 368 on Polk Street in Watt’s Subdivision; thence easterly, to the Southeast corner of Lot 368; thence northerly, to the Northeast corner of Lot 384 on Polk Street in Watt’s Subdivision; thence easterly, to the Northeast corner of Lot 383 on Tyler Street, formerly Nebraska Street, in Watt’s Subdivision; thence easterly, to the Northwest corner of Lot 384 on Tyler Street in Wm. Curtis Addition; thence easterly, to the Northeast corner of Lot 384 in Wm. Curtis Addition; thence easterly, on an extension of the North line of said Lot 384, to an intersection with an extension of the West line of Lot 1, Block “A” in Kwik Shop Subdivision; thence south-southwesterly, on the West line of said Lot 1, and its extension, to the Northwest corner of Lot 1; thence easterly, to the Northeast corner of Lot 1; thence southerly, on the East line of Lot 1, and its extension, to an intersection with the North line of Lot 13, in Block (E) in Ellinwood’s Addition; thence east-southeasterly, to the Northeast corner of said Lot 13; thence southerly, to the Southeast corner of Lot 13, in Block (B) in Ellinwood’s Addition; thence west-northwesterly, to the Southeast corner of the West 7½ feet of Lot 3, in Block (B) in Ellinwood’s Addition; thence north-northeasterly, to the Northeast corner of the West 7½ feet of Lot 3, in Block (B) in Ellinwood’s Addition; thence west-northwesterly, on the South line of an alley, and its extension, to an intersection with the East line of Eugene Street, formerly Topeka Avenue; thence southerly, on the platted West line of Eugene Street, to an intersection with the platted North line of Gordon Street, in Wm. Curtis Addition; thence west-northwesterly, on the North line of Gordon Street, to an intersection with the East line of Tyler Street, formerly Nebraska Street, in Wm. Curtis Addition; thence west-northwesterly, to the Southeast corner of Lot 1, Block “A” in Schmidt Subdivision; thence west-northwesterly, on the North line of Gordon Street, to the point of beginning; EXCEPT: all public street and alley rights of way. The lots and tracts included in District II are: in Watt’s Subdivision: Lots 367 through 383 odd, on Tyler Street, formerly Nebraska Street; in Schmidt Subdivision: Lot 1, Block
"A"; in Wm. Curtis Addition: Lots 342 through 384 even, on Tyler Street, formerly Nebraska Street; Lots 339 through 383 odd, on Eugene Street, formerly Topeka Avenue; Lots 380, 382 and 384 on Eugene Street, formerly Topeka Avenue; in Kwik Shop Subdivision: Lot 1, Block "A"; in Ellinwood's Addition: Block (I); Lots 1 through 14 in Block (E); a vacated alley adjoining the North lines of Lots 14, 1 and 2 in Block (E), extending from the East line of Eugene Street, formerly Topeka Avenue, to the West line of Topeka Boulevard; Lots 1 through 14 in Block (C); Lots 4 through 13, and Lot 3 except the West 7 1/2 feet thereof, in Block (B).

District III: Across from Garfield Park
Composed of Lots 1, 2 and 3 in Thurber Subdivision No.2, and Lot 101 and 103 in Thurber Subdivision.

District IV: N. Kansas Avenue
Beginning at the Northwest corner of Lot 100 on Quincy Street, in the former Town of Eugene; thence north-northeasterly, on the East line of Quincy Street, and its extension, to the Southwest corner of Lot 132 on Quincy Street, in Fairchild's Addition; thence north-northeasterly, on the East line of Quincy Street, and its extension, to the Southwest corner of Lot 138 on Quincy Street, in Fairchild's Addition; thence west-northwesterly, to the Southeast corner of Lot 2, Block A in Kaw Valley State Bank Subdivision; thence west-northwesterly, to the Southwest corner of said Lot 2; thence north-northeasterly, to the Northwest corner of Lot 2; thence west-northwesterly, to the Southeast corner of Lot 1, Block 'A' in I.M.P.A. Subdivision; thence north-northeasterly, to the Southeast corner of Tract I recorded in Volume 2641 at page 824; thence north-northeasterly, on the West line of an alley, to the Northeast corner of a tract recorded in Volume 1353 at page 326; thence north-northeasterly, to the Southeast corner of Lot 410 on Kansas Avenue, in Paramore's Subdivision; thence north-northeasterly, on the West line of an alley, to the Northeast corner of Lot 444 on Kansas Avenue, in Paramore's Subdivision; thence west-northwesterly, on the South line of St. John Street, formerly Saywell Street, and its extension, to the Northwest corner of Lot 444 on Kansas Avenue in Paramore's Subdivision; thence west-northwesterly, on the South line of St. John Street, and its extension, to the Southwest corner of Tract 2 recorded in Volume 1827, at page 421; thence south-southwesterly, on the East line of an alley, to the Southwest corner of a tract recorded in Volume 1927, at page 353; thence south-southwesterly, to the Northwest corner of a tract recorded in Volume 2889, at page 735; thence west-northwesterly, to the Northeast corner of a tract recorded in Volume 3073 at page 35; thence south-southwesterly, on the West line of an alley, to the Northeast corner of Lot 1 on Central Avenue, in A B Pool's Addition; thence south-southwesterly, on the West line of an alley, to the Southeast corner of Lot 9 on Central Avenue, in A B Pool's Addition; thence westerly, on the South line of Lot 9, and its extension, to an intersection with the West line of Central Avenue; thence northerly, on the West line of Central Avenue, to the Northeast corner of Lot 14 on Central Avenue, in King and McFarland Addition; thence westerly, on the South line of Morse Street, and its extension, to the Northeast corner of Lot 126 on Jackson Street, in King and McFarland Addition; thence southerly, on the West line of an alley, and its extension, to a point which is 66.6 feet south of the North line of Lot 106 in King and McFarland Addition; thence westerly, parallel with the North line of Lot 106, and its extension, to an intersection with the East line of Jackson Street; thence southerly, on the East line of Jackson Street, and its extension, to an intersection with the North line of Lot 100 on Jackson Street in Eugene; thence east-southeasterly, on the South line of Gordon Street, and its extensions, to the point of beginning; EXCEPT: all public street and alley
rights of way. The lots and tracts included in District IV are: in King and McFarland Addition: Lots 1 through 14 on Central Avenue; Lot 102 on Jackson Street; those parts of Lot 104 and 106 on Jackson Street which are south of a line which is 66.6 feet south of the North line of said Lot 106; in A B Pool's Addition: Lots 10, 11 and 12 on Central Avenue; an un-numbered triangular lot, the North line of which is 16 feet south of the South line of Lot 12 in A B Pool's Addition; in Holzle's Addition: Lots 349 through 393 odd, on Kansas Avenue; in Paramore's Subdivision: Lots 410 through 444 even, on Kansas Avenue; in Dunigan Subdivision: Lot 1, Block "A"; in I.M.P.A. Subdivision: Lot 1, Block 'A'; in Kaw Valley State Bank Subdivision: Lot 1, Block A; in Barratt's Addition: Lots 102 through 122 even, on Kansas Avenue; in Fairchild's Addition: Lots 122 through 136 even, on Kansas Avenue; Lots 125 through 135 odd, on Quincy Street; in J. C. Shimer Subdivision: Lot 1, Block "A"; in R. & K. Subdivision: Lot 1, Block 'A'; a tract recorded in Volume 3182 at page 705; a tract recorded in Volume 3168 at page 787; that part of a tract recorded in Volume 3118 at page 705 which is south of the South line of Fairchild's Addition; Tract I recorded in Volume 2641 at page 824; a tract recorded in Volume 2119 at page 356; Tracts I and II recorded in Volume 3150 at page 819; a tract recorded in Volume 2689 at page 35; a tract recorded in Volume 2447 at page 34; a tract recorded in Volume 2993 at page 873; a tract recorded in Volume 1353 at page 34; a tract recorded in Volume 1592 at page 373; a tract recorded in Volume 2827 at page 423; a tract bounded on the north by a tract recorded in Volume 2827 at page 423, on the south by a tract recorded in Volume 1592 at page 373; on the west by Central Avenue and on the east by Kansas Avenue; a tract recorded in Volume 3182 at page 796; a tract recorded in Volume 2589 at page 858; a tract recorded in Volume 3088 at page 128; Tracts I and II recorded in Volume 2433 at page 402; Tract I recorded in Volume 2266 at page 115; a tract recorded in Volume 3053 at page 771; a tract recorded in Volume 2915 at page 123; a tract recorded in Volume 3036 at page 937; four tracts recorded in Volume 2889 at page 735; a tract recorded in Volume 1927 at page 353; Tracts I and II, Tracts 1, 2 and 3 of Tract III and Tracts 1, 2 and 3 of Tract IV recorded in Volume 3362 at page 872; a tract recorded in Volume 1827 at page 421.

be, and the same is hereby rezoned from "I-1" Light Industrial District, "C-4" Commercial District, and "M-2" Multiple Family District ALL TO "X-1" Mixed Use District.

Section 2. That the "District Map" (Identification No. B-10, B-11, C-10, and C-11) shall reflect the boundaries of this amendment as incorporated by this Ordinance. This Ordinance Number shall be fixed upon the "District Map".

Section 3. The prospective use and development of real property located within the boundaries of the above described district shall be governed by City of Topeka Code Section 48-1.03 as may be amended; provided said real property was in conformity with zoning regulations in existence prior to the adoption of this ordinance.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
Section 5. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.


Joan Wagon, Mayor

ATTEST:

Iris E. Walker, City Clerk

To Be Codified ___

Not To Be Codified X