ORDINANCE NO. 18261

AN ORDINANCE introduced by Mayor James A. McClinton amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located on the northeast corner of SW 57th Street and US 75 Highway in the City of Topeka, Kansas from “I-1” Light Industrial District TO “PUD” Planned Unit Development District (“I-1” and “C-2” use groups). (PUD04/1) (Council District No. 5)

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

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

A tract of land in the Northwest ¼ of Section 36, Township 12 South, Range 15 East of the 6th P.M., in Shawnee County, Kansas, more particularly described as follows: commencing at the SW corner of said ¼ section; thence on an assumed bearing of north 88 degrees 03 minutes 13 seconds east, 893.54 feet along the south line of said ¼ section; thence north 01 degrees 56 minutes 47 seconds west, 60.00 feet to the intersection of the northerly right of way line of 57th Street and the easterly right of way line of Highway 75, said intersection being the point of beginning; thence continuing north 01 degrees 56 minutes 47 seconds west, 30.00 feet along said easterly right of way; thence south 88 degrees 03 minutes 13 seconds west, 358.12 feet along said easterly right of way line; thence north 07 degrees 53 minutes 08 seconds east, 679.72 feet along said easterly right of way line; thence north 23 degrees 43 minutes 11 seconds east, 509.21 feet along said easterly right of way line; thence north 14 degrees 17 minutes 25 seconds east, 41.95 feet along said easterly right of way line to the westerly easement line of a sanitary sewer easement recorded in Book 2706, Page 44-45, 402-404 in the Shawnee County Register of Deeds; thence south 31 degrees 31 minutes 43 seconds east, 542.03 feet along said easement line; thence south 16 degrees 15 minutes 08 seconds east, 186.09 feet along said easement line; thence south 52 degrees 16 minutes 30 seconds west, 119.63 feet; thence south 28 degrees 27 minutes 36 seconds west, 132.94 feet, thence south 12 degrees 31 minutes 53 seconds east, 183.18 feet; thence south 46 degrees 15 minutes 58 seconds east, 89.63 feet; thence south 24 degrees 41 minutes 37 seconds east, 128.50 feet to the northerly right of way line of 57 Street; thence south 88 degrees 03 minutes 13 seconds west, 285.41 feet along said northerly right of way line to the point of beginning.

from “I-1” Light Industrial District TO “PUD” Planned Unit Development District (“I-1” and “C-2” use groups) subject to:

1. Use and development of the site in accordance with the recorded Master PUD Plan of South Topeka Land Development, L.L.C.
2. Add plan note stating: "Pursuant to Sec. 48-24.05 of the Topeka City Code, the applicant must provide the Planning Department a PUD master plan suitable for recording within 30 days upon approval by the governing body and record it with the Shawnee County Register of Deeds within 45 days of approval by the City Council of Topeka or the planned unit development zone change shall be null and void.

3. The Shawnee County Public Works Department approval of the access onto SW 57th Street and improvements to SW 57th Street west of the point of access.

4. Correction of typographical errors on the plan as necessary.

5. Plan needs to indicate that a 30-foot access easement is to extend from the circle drive to connect with SW Wenger Road by aligning with the existing Target truck driveway.

6. Note #8 under Circulation, Parking, & Traffic Notes: shall be changed to read "...access from Tract "F". Up to 2 points of access from shared private drive shall serve tracts A, B, C, E & F. Combined access to..."

7. On the Plan under the heading Section B Use Group Category need to note that "I-1" shall be limited to use and occupancy as a mini-storage facility unless the TIA is amended. Plan notes should indicate that mini-storage is only for inside storage and that no business activities (garage sales) shall be allowed in conjunction with storage and units are not to be electrified within individual tenant space and units shall not be used for storage of hazardous materials.

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

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

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

PASSED AND APPROVED BY THE Council of the City of Topeka, June 8, 2004.

ATTEST:

Iris E. Walker, City Clerk

To Be Codified X

MAY 26 2004
CITY ATTORNEY'S OFFICE