ORDINANCE NO. 18314

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 east side of NW Rochester Road, the centerline of which is approximately 810-feet north of U.S. Highway 24 in the City of Topeka, Kansas from "R-1" Single Family Dwelling District and "C-4" Commercial District ALL TO "PUD" Planned Unit Development District. (PUD04/3) (Council District No. 2)

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:

Part of the SE ¼ of Section 18, Township 11 South, Range 16 East of the 6th P.M. in the City of Topeka, Shawnee County, Kansas, described as follows: Commencing at the northeast corner of the SE ¼ of Section 18; thence south 01 degrees 19 minutes 56 seconds east with the east line of the north ½ of the SE ¼ of said Section 18, a distance of 456.74 feet to the point of beginning; thence continuing south 01 degrees 19 minutes 56 seconds east with the east line of the north ½ of the SE ¼ of said Section 18, a distance of 469.73 feet; thence south 87 degrees 55 minutes 30 seconds west, parallel to the south line of the north ½ of the SE ¼ of said Section 18, a distance of 175.84 feet; thence south 01 degrees 19 minutes 56 seconds east, parallel to the east line of the north ½ of the SE ¼ of said Section 18, a distance of 349.19 feet to a point on the north right-of-way of U.S. Highway 24; thence south 87 degrees 55 minutes 30 seconds west, parallel to the south line of the north ½ of the SE ¼ of said Section 18, and, with the north right-of-way of U.S. Highway 24, a distance of 65.00 feet; thence north 01 degrees 19 minutes 56 seconds west, parallel to the east line of the north ½ of the SE ¼ of Section 18, a distance of 175.00 feet; thence south 87 degrees 55 minutes 30 seconds west, parallel to the south line of the north ½ of the SE ¼ of said Section 18, a distance of 110.00 feet; thence north 01 degrees 19 minutes 56 seconds west, parallel to the east line of the north ½ of the SE ¼ of said Section 18, a distance of 99.19 feet; thence south 87 degrees 55 minutes 30 seconds west, parallel with the south line of the north ½ of the SE ¼ of said Section 18, a distance of 184.40 feet; thence south 01 degrees 19 minutes 56 seconds east, parallel with the east line of the north ½ of the SE ¼ of said Section 18, a distance of 274.19 feet to a point on the north right-of-way of U.S. Highway 24; thence south 87 degrees 55 minutes 30 seconds west, parallel to the south line of the north ½ of the SE ¼ of said Section 18, and, with the north right-of-way line of U.S. Highway 24, a distance of 198.80 feet; thence north 01 degrees 19 minutes 56 seconds west, parallel with the east line of the north ½ of the SE ¼ of said Section 18, a distance of 274.19 feet;
thence south 87 degrees 55 minutes 30 seconds west, parallel with the south line of the north ½ of the SE ¼ of said Section 18, a distance of 20.00 feet; thence north 01 degrees 19 minutes 56 seconds west, parallel with the east line of the north ½ of the SE ¼ of said Section 18, a distance of 8.91 feet; thence north 87 degrees 03 minutes 23 seconds west, a distance of 32.92 feet; thence north 81 degrees 37 minutes 27 seconds west, a distance of 105.56 feet; thence north 87 degrees 34 minutes 20 seconds west, a distance of 55.69 feet; thence south 88 degrees 43 minutes 44 seconds west, a distance of 32.10 feet to a point of curvature; thence on a curve to the left having a radius of 55.00 feet, a central angle of 56 degrees 20 minutes 40 seconds, an arc distance of 54.09 feet; thence south 01 degrees 16 minutes 16 seconds east, a distance of 11.89 feet; thence south 87 degrees 55 minutes 30 seconds west, a distance of 10.00 feet to a point on the east right-of-way of NW Rochester Road; thence north 01 degrees 16 minutes 16 seconds west, with the east right-of-way of NW Rochester Road, a distance of 1,008.60 feet to a point on the north line of the SE ¼ of said Section 18; thence north 88 degrees 19 minutes 10 seconds east, with the north line of the SE ¼ of said Section 18, a distance of 674.51 feet; thence south 39 degrees 37 minutes 01 seconds east, a distance of 579.09 feet to the point of beginning. The above-described tract contains 1,020,250.51 square feet or 23.422 acres, more or less.

from “R-1” Single Family Dwelling District and “C-4” Commercial District ALL TO “PUD” Planned Unit Development District, SUBJECT TO:

1. Add a note to the Master PUD Plan of Russell Addition that states: “No building permits will be issued until the road improvements to NW Rochester Road and U.S. Highway 24 have been approved by the City Engineer and are under contract and a certificate of occupancy will not be granted until all road improvements are completed and approved by the City Engineer.”

2. If a building permit is not granted by March 18, 2007, the PUD shall comply with a new traffic impact analysis.

3. Show restricted access along south property line except where access points exist on plan.

4. Access immediately north of the designated employee parking lot should be restricted with a shaded landscaped median. A pedestrian walkway should be provided from the designated employee's parking lot to the Wal-Mart Supercenter.

5. Use and development of the site in accordance with the Master PUD Plan of Russell Addition.

6. Variance approval by the Water Pollution Control Division of the Public Works Department.

7. All landscaping shall be approved as part of the PUD Master Plan. Red Oaks and Japanese Pagoda Trees should be substituted with Urbanite Ash Trees.

8. Add a note to the Master PUD Plan of Russell Addition that states: “No outdoor storage.”

9. Signage shall be restricted to one monument sign along Rochester Road and one pylon sign with a maximum height of 30-feet along U.S. Highway 24.

10. Provide east/west access to Lardner Monuments, which will allow connection to 25th Street.
11. A 16-foot wide sewer easement extending to the east along the south perimeter road through Lots 1 and 2 is required.

Section 2. That the "District Map" (Identification No. AA-10&BB-10) 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, September 7, 2004.

James A. McClinton, Mayor

ATTEST:

Iris E. Walker, City Clerk

To Be Codified X
Not To Be Codified