ORDINANCE NO. 18321

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 at 2909 and 2925 SW 37th Street in the City of Topeka, Kansas from "R-1" Single Family Dwelling District with Special Permit for a recreational facility ALL TO "PUD" Planned Unit Development ("C-2" use group, limited exclusively to commercial recreational facility). (PUD04/9) (Council District No. 7)

BE IT ORDEIGNED 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 part of Lots 1 and 2, Block A, Wood Valley Subdivision and Lot 1, Block A, Wood Valley Subdivision No. 4, City of Topeka Shawnee county, Kansas, being more particularly described as follows: Commencing at the NW corner of the NE ¼ of Section 23, Township 12 South, Range 15 East of the 6th P.M.; thence south 89 degrees 24 minutes 19 seconds east, 238.40 feet along the north line of said ¼; thence south 00 degrees 35 minutes 41 seconds west, 50.0 feet for the Point of Beginning, said point being the NW corner of Lot 1, Block A, Wood Valley Subdivision No. 4; thence south 89 degrees 24 minutes 19 seconds east, 595.54 feet along the north line of said Lot 1, Block A, Wood Valley Subdivision No. 4 and Lot 1, Block A, Wood Valley Subdivision to the northeasterly corner of said Lot 1, Block A, Wood Valley Subdivision; thence southeasterly along the south line of I-470 Highway 107.31 feet more or less to the easterly line of said Lot 1, Block A, Wood Valley Subdivision; thence southerly along said east line of Lot 1, 75.0 feet more or less; thence continuing south along said east line of said Lot 1, 270.4 feet more or less; thence southeasterly along the easterly line of said Lot 1, 75.1 feet more or less; thence south along the east line of said Lot 1, 167.0 feet more or less to the SE corner of said Lot 1; thence westerly along the south line of said Lot 1, 959.84 feet more or less to the SW corner of said Lot 1; thence north 01 degrees 10 minutes 01 seconds east, 156.26 feet along the west line of said Lot 1, to a point on the south right-of-way line of SW Wood Valley Drive; thence north 73 degrees 15 minutes 32 seconds east, along the southerly line of said right-of-way, 47.17 feet; thence continuing along said right-of-way line on a 285.00 foot radius curve left an arc distance of 361.45 feet, said curve having a long chord bearing north 36 degrees 55 minutes 37 seconds east, 337.7 feet; thence north 00 degrees 35 minutes 41 seconds east, along the east right-of-way line of said SW Wood Valley Drive, 335.60 feet to the Point of Beginning.

from "R-1" Single Family Dwelling District with Special Permit for a recreational facility ALL TO "PUD" Planned Unit Development ("C-2" use group, limited exclusively to commercial recreational facility), SUBJECT TO:

1. Use and development of the site in accordance with the recorded Master PUD Plan for Wood Valley Racquet Club, Inc. as approved by the Planning Commission.
2. A note on the Master PUD Plan indicating that all proposed parking must be provided in conjunction with the proposed building addition, in accordance with the approved site plan. Any future parking, or previously approved parking is not required in conjunction with the new building addition.

3. A note on the Master PUD Plan stating the following:
   - "The Shunganunga Creek is classified as a Type I stream in conjunction with the City's stream buffer regulations. All development proposed as a part of this site plan is exempt from compliance with these stream buffer regulations. Any future amendment to the site plan shall comply with these regulations, if applicable."

4. A note on the Master PUD Plan stating the following:
   - "Performance Objective: To provide a commercial recreational facility within a naturalized setting, preserving as many of the existing trees and natural features on the site as possible, while reasonably accommodating the needs of the patrons of the facility and the surrounding neighborhood."

5. Removal of existing sign(s) from city right-of-way. Ground signs shall be limited to one monument type sign along 37th Street with no more than 50 square feet per sign face and 5 feet in height. Attached permanent signs shall be limited to wall-type signs of 100 square feet per building. No freestanding temporary or portable signs permitted.

6. 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.

Section 2. That the "District Map" (Identification No. M-6) 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, October 12, 2004.

James A. McClinton, Mayor

ATTEST:

Iris E. Walker, City Clerk

To Be Codified

Not To Be Codified

APPROVED AS TO FORM & LEGALITY
SEP 24 2004
CITY ATTORNEY'S OFFICE