ORDINANCE NO. 18372

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 2135 SW Gage Boulevard in the City of Topeka, Kansas from "M-3" Multiple Family Dwelling District and "O&I-2" Office and Institutional District ALL TO "PUD" Planned Unit Development ("O&I-1" & "C-1" use groups). (PUD04/10) (Council District No. 8)

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:

Tract I

The west 120 feet of the east 135.00 feet of Lot 17, except that part taken by condemnation in District Court case no. 80-CV-713, Fairlea Gardens, a subdivision in the City of Topeka, Shawnee County, Kansas.

Tract II

Lot 18, except the east 15.00 feet, also excepting that part taken by condemnation in District Court case no. 80-CV-713, Fairlea Gardens, a subdivision in the City of Topeka, Shawnee County, Kansas.

Tract III

The east 135.00 feet of Lot 16, except the east 15.00 feet and the south 5.00 feet thereof deeded to the City of Topeka, Fairlea Gardens, a subdivision of the City of Topeka, Shawnee County, Kansas.

And also

The west 55 feet of Lots 16 and 17 in Fairlea Gardens, an addition to the City of Topeka, in Shawnee County, Kansas, except the south 5 feet of the west 55 feet of Lot 16, as set out in Warranty Deed recorded in Book 1660 Page 7.

from "M-3" Multiple Family Dwelling District and "O&I-2" Office and Institutional District ALL TO "PUD" Planned Unit Development ("O&I-1" & "C-1" use groups) subject to:

1. Adopting the original site plan limited to a five-foot high (above natural grade) monument sign at 50 square feet per sign face, a 30" landscape berm along SW Gage Boulevard, a more pronounced one-way ingress lane off of SW Gage, a maximum building height of 35-
feet ("C-1"), and appropriate fencing, landscaping, or lighting/building modifications that meet CPTED principles along the north and east property boundaries at time of site plan review.

Section 2. That the "District Map" (Identification No. 14) 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, Jan. 18, 2005.

James A. McClinton, Mayor

ATTEST:

Iris E. Walker, City Clerk

To Be Codified __________
Not To Be Codified ____ X

APPROVED AS TO FORM & LEGALITY

DEC 8 2004
CITY ATTORNEY'S OFFICE