AN ORDINANCE introduced by City Manager, Neil Dobler 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 2201 and 2211 SW Gage Boulevard in the City of Topeka, Kansas from “R-1” Single Family Dwelling District and “O&I-1” Office and Institutional District ALL TO “PUD” Planned Unit Development District (M-1, M-2, C-1 with the exception of liquor stores, adult movie stores and drive-thru restaurants and O&I-1 use groups). (PUD05/3) (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:

Lots 1 and 2, Block A in Lauterbach Subdivision, more commonly described as 2201 Gage Boulevard City of Topeka, Shawnee County, Kansas.

AND ALSO

Part of Lot 117, (Gage Boulevard), Fairlea Gardens, an addition to the City of Topeka, Shawnee County, Kansas, described as follows: beginning at the northeast corner thereof; thence south 65 feet; thence west 130.40 feet to the westerly lot line thereof; thence northeasterly, along the westerly lot line thereof, 86.53 feet to the northwest corner of said Lot 117; thence east, along the north line thereof, 75 feet to the point of beginning, less a tract conveyed to the City of Topeka by Warranty Deed recorded in book 2090, page 914, and described as follows: beginning at the northeast corner of Lot 117; thence south along the east line of Lot 117, 65 feet; thence west, parallel with and 65 feet south of the north line of Lot 117 to a point 40 feet west of the east line of the northeast ¼ of Section 10, Township 12 south, Range 15 east; thence north, parallel with and 409 feet west of the east line of the northeast ¼ to the north line of Lot 117; thence east to the point of beginning and more commonly known as 2211 SW Gage Boulevard, City of Topeka, Shawnee County, Kansas.

from “R-1” Single Family Dwelling District and “O&I-1” Office and Institutional District ALL TO “PUD” Planned Unit Development District (M-1, M-2, C-1 with the exception of liquor stores, adult movie stores and drive-thru restaurants and O&I-1 use groups) subject to:

1. A variance to the minimum 1-acre lot size requirement for a “PUD”.
2. Use and development of the site in accordance with the recorded Master PUD Plan of Fairlea Gardens No. 2.
3. Revise Project Program table on site plan to only allow “O&I-2” or “M-1” use groups for 2211 SW Gage.
4. Revise Project Program table on site plan to only allow “Accessory Storage” use group for the Storage Building.
5. Reconfigure parking area to allow 2 parking spaces on the south side of the north Gage entrance between the building's façade and the street; and allow parking stalls behind the 2209 SW Gage building.

6. Change Note 3 under Project Information to read: "The PUD use groups may consist of "C-1" Commercial District, "O-I-1" Office and Institutional, "M-2" Multiple Family Dwelling District and "M-1" Two Family Dwelling District, as specified...."

7. Change Note 5 to Note 4(c) under Project Information.

8. A right-out only sign to be placed at the north Gage entrance.

Section 2. That the "District Map" (Identification No. 1-4) 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, May 3, 2005.

ATTEST:

Iris Walker, City Clerk

Mayor William W. Bunten

To Be Codified ______
Not To Be Codified X

APPROVED AS TO FORM & LEGALITY

MAY 09 2005
CITY ATTORNEY'S OFFICE