

(Published in the Topeka Metro News May 24, 2021)

**ORDINANCE NO. 20298**

ORDINANCE introduced by City Manager Brent Trout amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code on property located approximately 150' west of the intersection of SE 45<sup>th</sup> Street and SE California Avenue, on south side of 45<sup>th</sup> Street *from* Planned Unit Development "PUD" (C-4 Commercial Uses) *to* "PUD/M-1" Two-family Residential uses on approximately 5.5 acres and "C-2" Commercial uses on approximately 1.8 acres. (PUD 21/01) (Council District No. 4)

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 18.50.050 of the Topeka Municipal Code (TMC), be, and the same is hereby amended, by reclassifying the following described property:

THAT PORTION OF LOT 1 IN BLOCK "A", MARLATTE CENTER SUBDIVISION, A SUBDIVISION RECORDED IN THE REGISTER OF DEEDS OFFICE IN PLAT BOOK 26 PAGE 145 IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS, BEING DESCRIBED BY JASON R. LOADER, PS 1462 ON FEBRUARY 1, 2021 AS FOLLOWS:

ALL BEARINGS HEREIN ARE BASED ON AN ASSUMED BEARING OF N 88°22'41" E ON THE NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 16 EAST. COMMENCING AT THE POINT OF BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1, BLOCK "A"; THENCE ON THE NORTH LINE OF SAID LOT 1, N 88°22'41" E 399.56 FEET TO THE NORTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN INSTRUMENT NO. 2020R13778 AND DEED BOOK 466 PAGE 181 IN THE SHAWNEE COUNTY REGISTER OF DEEDS OFFICE; THENCE ON THE WEST LINE OF SAID PARCEL, S 01°42'41" E 251.04 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE ON THE SOUTH LINE OF SAID PARCEL, N 88°22'07" E 218.06 FEET TO THE EAST LINE OF SAID LOT 1; THENCE ON SAID EAST LINE, S 01°42'41" E 369.43 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE ON THE SOUTH LINE OF SAID LOT 1, S 88°21'13" W 617.22 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE ON THE WEST LINE OF SAID LOT 1, N 01°44'57" W 620.70 FEET TO THE POINT OF BEGINNING. CONTAINS 7.54 ACRES, MORE OR LESS.

subject to:

1. Use and development of the site in accordance with the Planned Unit Development (PUD) Master Plan for Windward Estates.

Section 2. The PUD Master Plan for Windward Estates shall be recorded with the Shawnee County Register of Deeds in accordance with Section 18.190.060(b) of the Topeka Municipal Code (TMC). Following the recording of the PUD Master Plan and prior to building permit and/or land development on the site, site development plans as required by the PUD Master Plan shall be submitted for review and administrative approval by the Planning Director.

Section 3. This Ordinance Number shall be fixed upon the “District Map”.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. 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 Governing Body, City of Topeka, May 18, 2021

CITY OF TOPEKA, KANSAS

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Michelle De La Isla, Mayor

ATTEST:

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Brenda Younger, City Clerk