

(Published in the Topeka Metro News October 18, 2021)

**ORDINANCE NO. 20321**

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 at 1409 NW Topeka Boulevard *from* “R-2” Single Family Dwelling District *to* Planned Unit Development (“PUD”) / C-1 Commercial Uses plus Food and Beverage Kiosk with Drive-up and Walk-up Window Service on approximately .7 acre. (PUD 21/02) (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 18.50.050 of the Topeka Municipal Code (TMC), be, and the same is hereby amended, by reclassifying the following described property:

Parks Addition, Block D, Lot 10+, beginning NW corner Lot 20 then 160' sly 265'S, W 85'S, N 250', to POB including part Lots 2-20 (even) Sec 20 Township 11 Range 16.

subject to:

1. Development shall comply with standards applicable to C-1 zoning except as noted by any of the following conditions of the Planned Unit Development.
2. In addition to use and development allowed under C-1 standards, a restaurant or beverage store or kiosk with drive-through and walk-in service are permitted but shall not include sales of alcoholic or cereal malt beverages for off-premise consumption.
3. Development / use of the property as a restaurant or beverage store or kiosk with drive-through services shall also include service for walk-up customers either on the interior or exterior of the building. Some accommodation for seating shall be provided either on the interior or exterior of the building.
4. Safe pedestrian access in compliance with the Americans with Disabilities Act (ADA) shall be provided from the public sidewalks on NW Topeka Boulevard, NW St John Street, and NW Harrison Street.
5. For any restaurant or coffee store with drive-through service, the developer/owner shall submit a traffic impact analysis (TIA) subject to review the by City Engineer. Development shall comply with TIA recommendations approved by the City Engineer.

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43 6. Sign standards applicable to C-1 zoning shall apply except:  
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- 45 a. No freestanding signs shall be located within 25 feet of the right-of-way for NW  
46 Harrison Street.  
47 b. Other than incidental signage, no more than two (2) freestanding signs shall be  
48 allowed.  
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50 7. A minimum landscape setback of 15 feet shall be provided along the NW Harrison Street  
51 and St. John Street rights-of-way and the north property line. Landscaping shall be designed  
52 to provide a visually attractive and safe environment for patrons and neighbors. All other  
53 aspects of landscaping shall comply with the Landscape Requirements of TMC 18.235.  
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55 Section 2. This Ordinance shall be recorded with the Shawnee County Register of Deeds in  
56 accordance with Section 18.190.060(b) of the Topeka Municipal Code (TMC). Following the  
57 recording of this Ordinance and prior to building permit and/or land development on the site, site  
58 development plans as required by this Ordinance shall be submitted for review and administrative  
59 approval by the Planning Director.

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

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

62 Section 5. This Ordinance shall take effect and be in force from and after its passage,  
63 approval and publication in the official city newspaper.

64 PASSED AND APPROVED by the Governing Body, City of Topeka, Kansas, October  
65 12, 2021.

66 CITY OF TOPEKA, KANSAS  
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68 ATTEST:  
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Michelle De La Isla, Mayor

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71 Brenda Younger, City Clerk