

ORDINANCE NO. 20332

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 3245 SW Topeka Boulevard *from* C-4 Commercial all to Planned Unit Development (PUD) with C-4 Commercial uses and warehouse or storage uses as defined by chapter 18.55 of the Topeka Zoning Code on 12.7 acres. (PUD 21/03) (Council District No. 5)

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:

Lots 3 and 4, Arlan’s Subdivision; Lot 1 of Nellie M. Mays Subdivision; and Lot 1, Block A, Perkins Subdivision. **subject to:**

1. C4 uses allowed; I-1 uses limited to warehouse or storage as defined by Topeka zoning code excluding the storage of explosives, fireworks, and combustible and flammable liquids and gases as defined by the International Fire Code as adopted by the City of Topeka. Storage of fueled equipment is allowed in accordance with the exceptions in the adopted International Fire Code All storage and related uses are subject to applicable building and fire codes.
2. Outdoor storage and long term parking of medium and heavy duty trucks (classes 4-9) as a primary use is not permitted.
3. Except as noted in these conditions, land use and development is subject to the standards for C-4 Commercial zoning.
4. Use of the existing building, formerly Gordmans Department Store, as a warehouse or storage is allowed. The cumulative total of building additions up to 32,000 square feet for warehouse or storage is allowed. Warehouse and storage uses are not allowed in detached primary buildings.

- 33 5. Heavy duty trucks, including class 7 trucks and higher, are prohibited from accessing or leaving the
34 site using SW Fillmore Street north and west of the property. The Planning & Development Director
35 may require appropriate traffic signage restricting truck access onto SW Fillmore in the event of non-
36 compliance with this condition.
- 37 6. For any use other than uses allowed under C-4 standards, a landscape plan shall be provided and
38 approved prior to any of the following events or activities:
- 39 a. Building addition for warehouse/storage
- 40 b. The addition of overhead loading doors or docks on the north or east sides of the building.
41 The addition of overhead loading doors or docks on the west side of the building is not
42 allowed.
- 43 c. The addition of 8 or more loading doors or docks to the south side of the building
- 44 d. Landscaping shall include trees at a minimum density of 1 medium or large tree for every 60
45 feet of frontage, other than driveways, along SW Fillmore Street, SW 32nd Terrace, and SW
46 Topeka Blvd, and installation of a 5 foot landscape setback between the street right-of-way and
47 parking/drive surface along SW 32nd Terrace. The addition of fencing or landscaping along
48 the south side of the property where it abuts residential zoning or land use will be required if
49 necessary to meet the residential buffer requirements in TMC 18.235.
- 50 7. Additional fencing is allowed along the south and west property lines and north of the former
51 Gordmans building. No other additional fencing is permitted except by an amendment to these
52 Planned Unit Development conditions in accordance with TMC 18.190.070.
- 53 8. The pole sign at SW 32nd Terrace and Topeka Boulevard meets the definition of a nonconforming
54 abandoned sign and shall be removed no later than by July 31, 2022 in accordance with section
55 18.10.100 of the Sign Code.
- 56 9. The existing freestanding sign shall remain for the time being with the understanding that it does not

conform to the current sign code. It's also understood that a reface or alteration of this sign is limited and said reface of a nonconforming sign for a project receiving a property tax rebate or other economic incentive will be allowed only if the sign is made to conform to current standards.

10. Any additional freestanding signs will be allowed only with an approved Master Sign Plan meeting the regulations for Master Sign Plans in TMC 18.10.140 or as an amendment to these Planning Unit Development conditions in accordance with TMC 18.190.070

11. Vehicular access from SW Clare Avenue is not permitted.

12. Amendments to these Planned Unit Development conditions may be considered in accordance with TMC 18.190.070. Major amendments will be adopted by ordinance and may include or refer to a PUD master plan. Minor amendments may require a master plan or site plan and will be recorded with the Shawnee County Register of Deeds.

Section 2. This Ordinance 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 this Ordinance and prior to building permit and/or land development on the site, site development plans as required by this Ordinance 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, Kansas, December 14, 2021.

Michelle De La Isla, Mayor

ATTEST:

Brenda Younger, City Clerk