

(Published in the Topeka Metro News April 18, 2022)

**ORDINANCE NO. 20348**

ORDINANCE introduced by Interim City Manager William E. Cochran 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 2500 SW 17<sup>th</sup> Street *from* “C-2” Commercial District *to* Planned Unit Development (“PUD”) / C-2 Commercial Uses plus a pet nursing hotel with an outdoor area for training and medical support on approximately .3 acre. (PUD 22/01) (Council District No. 6)

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:

Euclid Park Addition, Lots 1, 3, 5 and 7.

subject to:

1. The following conditions and restrictions shall be included in the ordinance adopted for PUD 22/01 TLC Pet Hotel.
  - a. Development and use of the property shall be as restricted by C-2 Commercial zoning except as allowed or restricted by any of the following conditions and restrictions.
  - b. In addition to C-2 uses, use of the inside of the building may include “animal care and services” types I or II as defined by Title 18, Zoning. An outdoor pet area for the training and medical support of pets is also allowed. Animals shall not be boarded or left unattended in the outdoor pet area.
  - c. For use of the building and property as animal care and services type II, owner must maintain effective sound attenuation improvements to the building and operational methods as described below or equivalent construction and operation methods subject to review by the City of Topeka Planning & Development Department.

Operation, Design and Construction Measures to Prevent Noise and Related Impacts:

- i. Dogs are housed in their suites/kennels most of the day and are either older, being medicated, being cuddled and played with or trained which tends to keep them quiet and calm during the day. Several methods are used to keep the dogs happy and anxiety free such as Thunder Jackets, calming spray, calming treats, human cuddle time, games and other things. Additionally, the pets are held to a nighttime routine beginning between 9 and 10pm, including the cessation of activities, lowering the lights, and playing soft music.

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- 43 ii. Design and construction methods are used to absorb some of the noise produced
- 44 inside the building and to keep it from being transmitted outside. These include:
- 45 Acoustical Felt Pawprints on walls: FilzFelt Block, 3mm thick, direct
- 46 adhered to wall.
- 47 Acoustical Panels on ceilings: Armstrong Tectum Ceiling Panels, 1 ½”
- 48 Thick, painted in field to match owner’s colors.
- 49 Direct attached to gypsum ceilings in the existing building above pet pods.
- 50 Suspended in the new addition above pet pods.
- 51 Acoustical Drop Ceiling 2x2’s – Activity 110 & Isolation 112 only
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- 53 d. The outdoor pet area is limited to no more than 550 square feet consistent with the Site
- 54 Plans, Exhibits A and B. The outdoor pet area shall be enclosed by a vinyl fence with a
- 55 minimum height of 6 feet and maximum height of 8 feet, and surrounded by upright
- 56 evergreen shrubs as shown on Exhibit B. Minor variations to the site plan are allowed for
- 57 other aspects the outdoor pet area shown in Exhibit B.
- 58 e. Use of the outdoor area for training, care, and play is restricted to the hours of 7:00 AM to
- 59 8:00 PM. Occasional use of the outdoor area for pets to eliminate their wastes (“to potty”)
- 60 may occur at all hours.
- 61 f. The outdoor pet area and all areas shall at all times be cleaned and kept free of pet waste and,
- 62 as needed, discarded waste is to be kept in a closed receptacle to prevent odors until it is
- 63 removed from the site.
- 64 g. Any addition or modification of the building resulting in an increase in quantity of animals
- 65 served by the facility will require an amendment to the PUD zoning in accordance with the
- 66 provisions for amendments in TMC 18.190.070. Major amendments will be adopted by
- 67 ordinance and may include or refer to a PUD master plan. Minor amendments may require a
- 68 master plan or site plan and will be recorded with the Shawnee County Register of Deeds.
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70 Section 2. This Ordinance shall be recorded with the Shawnee County Register of Deeds in

71 accordance with Section 18.190.060(b) of the Topeka Municipal Code (TMC). Following the recording of

72 this Ordinance and prior to building permit and/or land development on the site, site development plans as

73 required by this Ordinance shall be submitted for review and administrative approval by the Planning

74 Director.

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

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

77 Section 5. This Ordinance shall take effect and be in force from and after its passage, approval

78 and publication in the official city newspaper.

79 PASSED AND APPROVED by the Governing Body, City of Topeka, Kansas, April 12, 2022.

80 CITY OF TOPEKA, KANSAS

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84 Michael A. Padilla, Mayor

84 ATTEST:  
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88 Brenda Younger, City Clerk