

(Published in the Topeka Metro News September 25, 2023)

ORDINANCE NO. 20458

ORDINANCE introduced by interim City Manager Richard U. Nienstedt 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 3601 SW 33rd Street from “R-1” Single Family Dwelling District all to “PUD” Planned Unit Development District with R-1 uses and Sports and Recreation Instruction. *(PUD 23/05) (Council District No. 5)*

BE IT ORDAINED BY THE GOVERNING BODY 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 1 & 2, Block A, Evangelical Covenant Church Subdivision

FROM “R-1” Single Family Dwelling District TO “PUD” Planned Unit Development with “R-1” Single Family Dwelling District Uses and Sports and Recreation Instruction.

Subject to:

1. R-1 uses are permitted. In addition to R-1 uses, Sport and Recreation Instruction uses as described in the attachment entitled Statement of Operations for Topeka Prime Sports are permitted. Comparable uses consistent with and similar to North American Industry Classification System, 611620 Sports and Recreation Instruction, may be permitted upon a determination by the Planning Director that they are of equal or lesser impact to the neighborhood property owners and residents. Accessory uses not specifically identified in the Statement of Operations are permitted provided they are of a similar or lesser intensity.
2. Activities associated with the Sports and Recreation Instruction use are to occur indoors only.
3. Sports and Recreation Instruction use is allowed in existing facilities and buildings. Construction of new facilities for Sports and Recreation Instruction and related uses is not permitted. Limited building modifications or expansion may be permitted as a minor amendment to the Planned Unit Development in accordance with the amendment procedures in TMC 18.190.070.

4. Substantial changes to the operations may require an amendment to this Planned Unit Development in accordance with the amendment procedures in TMC 18.190.070.
5. The use and dimensional standards applicable to R-1 zoning shall apply except as stated in these conditions.
6. Section 18.235.060(d) of the Topeka Zoning Regulations (*Landscape Requirements, Buffers*) requires a buffer of landscaping, fencing, or a combination of both where a planned unit development, commercial, or institutional use abuts a residential zoning district. Much of the south and west boundary of the property contains fencing and landscaping that meets the general intent of Section 18.235.060. Where existing fencing and landscaping along the south and west property lines are inadequate, the applicant shall submit a plan to Planning staff for a landscape/fencing buffer meeting the intent of 18.235.060(d). The buffer need not be an opaque screen, but must include trees and be of a density sufficient to mitigate the impact of vehicle headlights at peak departure and arrival times. The plan shall be approved and buffers installed prior to commencement of the Sports and Recreation Instruction use.
7. Any expansion of the parking areas will require permits and application for permits must include a site plan. Additional fencing or landscaping may be required where parking areas are immediately adjacent to neighboring residential property.
8. Existing mature and healthy trees on the property shall be maintained and preserved unless replaced with an equivalency of landscaping based on species, quantity, current size, and size at maturity.

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 on

September 19, 2023.

Michael A. Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk

EXHIBIT
STATEMENT OF OPERATIONS
For Topeka Prime Sports, LLC

Planned Unit Development (PUD) Zoning for 3601 SW 33rd Street
Formerly Brookwood Covenant Church

From Mark Burenheide, Applicant Representative, Topeka Prime Sports, LLC.

Topeka Elite Cheer is proposing to convert the former Brookwood Covenant Church located at 3601 SW 33rd St into a gym for indoor sports and recreation instruction, specifically cheerleading classes with accompanying preschool music classes and offices.

Proposed Hours of Operation: Hours of regular operation will be Monday through Thursday 4:30 - 8:30pm and Sunday 12:00pm – 6:00pm. As Topeka Elite Cheer (TEC) gets established, they would look to add daytime preschool classes during the week.

Number of Anticipated Patrons: For the purpose of this Statement of Operations, “family” means 1 or more persons attending an activity coming from the same household. One “family” may include 1 or more persons engaged in an activity and brought to the facility by a parent or guardian. TEC currently has 167 families and offers 30 classes. With the additional space they would be able to add anywhere from 11-20 additional classes that would allow TEC to provide options for more families. Anywhere from 6-12 kids attend recreational classes and 12-30 kids attend per competitive team classes.

Frequency of classes: Most classes take place 1 to 2 times per week during the times listed above. TEC intends to hold 3-6 classes per night.

Events and Activities: TEC hopes to eventually add events that allow for them to provide more options for families without the commitment of weekly classes. Activities and events beyond regular classes may include open gyms or exhibition workshops the same or similar to indoor sports and recreation instruction.

Offices: TEC will have four offices in the building supporting their operations and staff.

Traffic: TEC typically has 50-60 families in for classes each night. Attendance will be limited to no more than 60 families per week night. Approximately 100 families may attend classes over the course of a Sunday. Overall Sunday attendance will never exceed 150 families.

Project Benefits: With TEC locating their gym here, the building will continue to be a vibrant location for family activities like what it provided as a church. Without this change in zoning the building will remain vacant and will begin to deteriorate if it does not attract another buyer. The longer it remains vacant, the more difficult it will be to find a high-quality occupant. TEC will bring families to the neighborhood and will become a stable cornerstone of the community.