

(Published in the Topeka Metro News December 18, 2023)

ORDINANCE NO. 20470

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 2900 SE Kentucky Avenue *from* “O&I-2” Office and Institutional District all *to* “PUD” *Planned Unit Development District* with O&I-2 uses and Automobile Sales. **(PUD 23/07) (Council District No. 4)**

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:

North 111 Feet of Lot 28, Shawnee Highlands Subdivision

FROM “O&I-2” Office and Institutional District TO “PUD” Planned Unit Development with “O&I-2” Office and Institutional District Uses and Automobile Sales.

Subject to:

- (1) O&I-2 uses are permitted. In addition to O&I-2 uses, the sale of cars and light trucks is permitted. The use and dimensional standards applicable to O&I-2 zoning shall apply except as stated in these conditions.
- (2) The sale of cars and light trucks, hereafter referred to as “auto sales”, is permitted in accordance with the attached Statement of Operations in Exhibit A and with the following conditions.
- (3) Automobile sales and leasing of vehicles is restricted to automobiles, pickup trucks, motorcycles and other vehicles that will not exceed a gross vehicle weight rating of 12,000 pounds.

At any single time, no more than five cars or light trucks for sale may be parked or displayed on the site. Cars or light trucks parked or displayed must be operable and have current registration with the Kansas Department of Motor Vehicles. All other parking of vehicles on the property is for customers and employees of business conducted on the site.

- (4) Auto repair, whether as a separate use or a use accessory to auto sales, is not permitted on site.
- (5) Use of feather signs and balloons as defined by the Topeka sign regulations (section 18.10.170) is not permitted. Streamers and other similar attention-getting devices are not permitted.
- (7) Any fencing of the site requires a fence permit. Any fencing north of the building shall be the same or of a similar material, quality, and design as the black aluminum fencing shown in the attached Exhibit B.
- (8) The inventory of vehicles for sale, lease, or service shall be parked only on paved areas and shall not displace the minimum required number of off-street parking spaces.
- (9) Any substantial change to the auto sales use as described in the Statement of Operations or any of the

conditions herein may require an amendment to this Planned Unit Development in accordance with the amendment procedures in TMC 18.190.070.

PASSED AND APPROVED by the Governing Body, City of Topeka, Kansas on December 12, 2023.

ATTEST:

Michael A. Padilla, Mayor

Brenda Younger, City Clerk

Exhibit A

DreamMakers LLC

2900 SE Kentucky Ave Topeka KS, 66605

STATEMENT OF OPERATIONS

The written statement of operations is written up based on the need to expand the business operations at DreamMakers (2900 SE Kentucky Ave Topeka KS, 66605). The listed business wants to operate as a small used car dealership. The dealership at the above-listed address will only have on site a total of five vehicles that will be sold to the public. The owner has obtained the proper Sales Tax ID and Clearance.

The site will operate physically as a small used car dealership utilizing 5 parking spots in the parking lot for the inventory of vehicles that will be sold. The other parking stalls will be used for my personal vehicle to get to and from the office and for vehicles that our patrons drive to view our cars that are for sale. There are seven parking stalls to accommodate my vehicle and those of anyone viewing the vehicles. The office located inside at 2900 SE Kentucky Ave Topeka KS, 66605 will be used to conduct any paperwork needed to process the vehicles sale.

Our hours of operations will be 9:00AM- 5:00PM CST Monday through Saturday. I have included a copy of our zoning information that I obtained from the Shawnee County Appraisers website. Along with included documents is a screenshot of the parking lot listing where the vehicles will be parked and where my personal vehicle and those of our patrons will be parked.

In the screenshot provided there also lists where our property line is. The location of the fence will be where the property line is. I have included the type of fencing that will be used with specifications about that fence. The square footage of the proposed fencing is 460 sq ft.