

(Published in the Topeka Metro News January 22, 2024)

**ORDINANCE NO. 20476**

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 901 SW Topeka Blvd from “O&I-2” Office and Institutional District all to “PUD” *Planned Unit Development District* with O&I-2 uses and restaurant with drive-through service. (PUD 23/08) (Council District No. 1)

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 289, 291, and 293, Original Town Subdivision

FROM “O&I-2” Office and Institutional District TO “PUD” Planned Unit Development with “O&I-2” Office and Institutional District Uses and restaurant with drive-through service.

Subject to:

- a. O&I-2 Office and Institutional District uses are permitted. In addition to O&I-2 uses, a quick service restaurant (QSR) with a drive-through operation is permitted in accordance with the attached Statement of Operations (Exhibit A). The use and dimensional standards applicable to O&I-2 shall apply except as stated in the following conditions.
- b. A QSR with drive-through service is permitted only if the existing building is re-used and adapted for a QSR. Any changes to the exterior architecture of the building shall be minimal so as not to alter the building’s character or form.
- c. Use of the building and site for a QSR shall be shown on the attached Site Landscape Exhibit (Exhibit B). Approval of a site development plan upon application for Site Plan Review is required and may result in changes to site plan in Exhibit B.
- d. A traffic analysis (TIA) by the applicant is required for a QSR and approval of the TIA is required prior to approval of the site development plan.

- e. For the QSR, a minimum of two parking spaces on site shall be reserved for customers, including one accessible parking space in compliance with the Americans with Disabilities Act (ADA). The remaining parking on site may be used by food delivery vehicles and employees. Any need for additional employee parking shall be determined at time of Site Plan Review and may require the owner or operator to reserve off-street parking spaces at another location in close proximity to the property.
- f. The existing free-standing sign may be reused provided there is no increase in the height and size of the sign. All other signs shall comply with standards applicable to O&I-2 zoning.
- g. Exterior lighting will be reviewed at Site Plan Review. For the QSR, the illumination level of lighting may exceed three foot candles at the lot line as needed for security except where it may negatively affect the adjacent hotel or other residential property.

Section 2. 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 January 16, 2024.

(ATTEST)

CITY OF TOPEKA, KANSAS

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Michael Padilla, Mayor

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Brenda Younger, City Clerk

## **Pizza Hut | Topeka Boulevard**

### **Statement of Operations**

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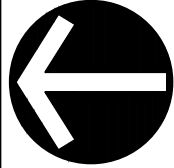
It is the intent of the petitioner to obtain approval for the proposed Planned Unit Development (PUD) ordinance in order to develop the proposed lot for use as a Pizza Hut Restaurant facility, see attachment Exhibit 1: Site Plan.

### **PROJECT DESCRIPTION**

This PUD ordinance, if granted, would result in the development of an existing lot 901 SW Topeka Boulevard with a new Pizza Hut quick-serve restaurant. The location in question is currently zoned O-I2, Office and Institutional District. The underlying district of the proposed PUD ordinance would be the Office and Institutional District (O-I2) to allow for the re-use of the existing building onsite as a restaurant with a drive-thru. The proposed improvements are intended to increase the value of the dormant and underutilized site as well as surrounding properties by proposing a restaurant facility that will adhere to the community's needs.

### **EXPLANATION OF OPERATIONS**

The proposed restaurant will utilize the existing building onsite as a quick-serve restaurant (QSR) with a pick-up window. The restaurant interior will not contain an area for "dine-in" customers. Customers will order ahead of a scheduled time to pick up their food and drink items via phone, mobile order, etc. Customers can then park and walk inside to pick up their order or choose to obtain their order via the proposed drive-thru pick-up window. Customers will also have the option of delivery if the location is within a reasonable distance from the store. The anticipated hours of operation for the proposed QSR initially are 10:30AM – 12:00AM (CDT) Sunday through Thursday and 10:30AM – 1:00AM (CDT) Friday and Saturday.



NORTH

PROPOSED DUMPSTER

ENTRANCE ONLY SIGN

ALLEY TO STRIPED AND MARKED AS RECOMMENDED BY CITY TRAFFIC CONSULTANT. ONE-WAY OR TWO-WAY TRAFFIC IS ACCEPTABLE. ALLEY PAVEMENT IS CURRENTLY AT THE ALLEY RIGHT-OF-WAY LINE, BUT COULD BE EXPANDED AS NEEDED ONTO SUBJECT PARCEL.

MULTIPLE FAMILY DWELLING DISTRICT

ENTRANCE ONLY SIGN

EXISTING PAVEMENT REPLACED AS NEEDED

PROPOSED PIZZA HUT  
±1,700 FT<sup>2</sup>  
F.F.E.=937.86'

HUT LANE

PICK-UP WINDOW

PICK-UP WALK IN, NO DINE IN OPTION

EXISTING SIDEWALK

OFFICE AND INSTITUTIONAL DISTRICT

BICYCLE PARKING

REQUEST TO MAINTAIN EXISTING LEFT/RIGHT OUT MOVEMENT PER APPLICANT TRAFFIC REPORT

EXISTING SIGN POLE TO BE REUSED, SURFACE TO BE REPAVED

EXISTING BUILDING TO REMAIN

SOUTHWEST 9TH STREET

OFFICE AND INSTITUTIONAL DISTRICT

SW TOPEKA BOULEVARD

DOWNTOWN DISTRICT

LEGEND:

- PARKING LOT AND DRIVE PAVEMENT
- EXISTING SIDEWALK PAVEMENT
- TURF AND GRASS LANDSCAPE AREA
- EXISTING MULCH LANDSCAPE AREA
- EXISTING LANDSCAPE GRAVEL AREA

SCALE IN FEET



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FLYNN RESTAURANT GROUP, LLC.

PIZZA HUT

901 SW TOPEKA BLVD.

TOPEKA, KANSAS

SITE LANDSCAPE EXHIBIT

DRAWN BY: KPB

CHECKED BY: MAR

APPROVED BY:

FIGURE NO.:

335-058

PROJECT NO:

1"=20'

E1