

(Published in the Topeka Metro News June 6, 2011)

**ORDINANCE NO. 19572**

**AN ORDINANCE** introduced by City Manager Norton N. Bonaparte, Jr. amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code (TMC), by providing for certain changes in zoning on property located east of Kingsrow Road extended between SW 21<sup>st</sup> Street and SW 17<sup>th</sup> Street extended from "RR-1" Residential Reserve District and "M-2" Multiple Family Dwelling District **ALL TO** "PUD" Planned Unit Development District ("M-1a", "O&I-2", "C-2" and "C-4" use groups). **(PUD11/3) (Council District No. 8)**

**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 follow described property:

**A TRACT OF LAND SITUATED IN THE WEST HALF OF THE SOUTHEAST QUARTER AND THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 12 SOUTH RANGE 15 EAST OF THE 6TH PRINCIPAL MERIDIAN. SHAWNEE COUNTY, KANSAS, INCLUDING ALL OF CAPITOL VIEW SUBDIVISION NO. I, A PLATTED SUBDIVISION AS RECORDED IN PLAT BOOK 39 ON PAGE 95 AT THE SHAWNEE COUNTY REGISTER OF DEEDS OFFICE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 5; THENCE SOUTH 89 DEGREES 19 MINUTES 06 SECONDS WEST (ASSUMED BEARING), ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, FOR A DISTANCE OF 664.78 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE EAST HALF OF SAID SOUTHWEST QUARTER; THENCE NORTH 01 DEGREES 55 MINUTES 50 SECONDS EAST, ALONG THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF SAID SOUTHWEST QUARTER, FOR A DISTANCE OF 2669.73 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE EAST HALF OF SAID SOUTHWEST QUARTER; THENCE NORTH 89 DEGREES 08 MINUTES 20 SECONDS EAST, ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, FOR A DISTANCE OF 661.51 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 89 DEGREES 41 MINUTES 13 SECONDS EAST, ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, FOR A DISTANCE OF 660.91 FEET TO THE NORTHEAST CORNER OF SAID CAPITOL VIEW SUBDIVISION NO. I; THENCE SOUTH 01 DEGREES 47 MINUTES 02 SECONDS WEST, ALONG THE EAST LINE OF SAID CAPITOL VIEW SUBDIVISION NO. I, ALSO BEING THE WEST LINE OF WEST RIDGE MALL SUBDIVISION, NO. 5 AS RECORDED IN PLAT BOOK 34 ON PAGE 37 AT THE**

SHAWNEE COUNTY REGISTER OF DEEDS OFFICE, FOR A DISTANCE OF 1333.86 FEET TO THE SOUTHEAST CORNER OF SAID CAPITOL VIEW SUBDIVISION NO. I; THENCE SOUTH 89 DEGREES 31 MINUTES 04 SECONDS WEST, ALONG THE SOUTH LINE OF SAID CAPITOL VIEW SUBDIVISION NO. I, FOR A DISTANCE OF 662.64 FEET TO A POINT ON THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 01 DEGREES 51 MINUTES 42 SECONDS WEST, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER FOR A DISTANCE OF 1335.77 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 60.88 ACRES, MORE OR LESS (INCLUSIVE OF 0.46 ACRES OF EXISTING ROAD RIGHT OF WAY ON SW 21ST STREET). SUBJECT TO ALL EASEMENT, RESTRICTIONS, RESERVATION, COVENANTS AND CONDITIONS, IF ANY, NOW OF RECORD.

**Section 2.** The development of the site is from "RR-1" Residential Reserve District and "M-2" Multiple Family Dwelling District **ALL TO** PUD Planned Unit Development District ("M-1a", "O&I-2", "C-2" and "C-4" use groups). **Subject to:**

- 1. Use and compliance of the site in accordance with the recorded Master Planned Unit Development Plan for Menards.**

**Section 3.** The Master PUD Plan of for Menards 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 the Master PUD Plan and prior to any building and/or land development on the site, a site development plan shall be submitted for review and administrative approval by the Planning Director.

**Section 4.** This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

**Section 5.** This Ordinance Number shall be fixed upon the "District Map".

**Section 6.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**PASSED AND APPROVED** by the Governing Body of the City of Topeka, May 24, 2011.

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William W. Bunten, Mayor

ATTEST:

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Brenda Younger, City Clerk

To Be Codified \_\_\_\_\_

Not To Be Codified   X