

(Published in the Topeka Metro News September 30, 2013)

ORDINANCE NO. 19854

AN ORDINANCE introduced by City Manager Jim Colson, 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 between SE 25th Street and SE 27th Street, east of SE California Avenue from “C-2” Commercial District, “C-4” Commercial District, “M-2” Multiple-Family Dwelling District, “R-1” Single-Family Dwelling District, “PUD” Planned Unit Development District (“M-2” use group) **ALL TO** “PUD” Planned Unit Development District (“C-2” Commercial and “C-4” Commercial use groups). **(PUD13/1) (Council District No. 4)**

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 Ordinance by Section 18.50.050 of the Topeka Municipal Code (TMC), be and the same is hereby amended, by reclassifying the following described property:

A TRACT OF LAND BEING ALL OF LOTS 15 THRU 20 IN BLOCK A OF COMMUNITY PLAZA SUBDIVISION, A SUBDIVISION RECORDED IN BOOK 28 PAGE 130 OF THE SHAWNEE COUNTY RECORDS AND PART OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 12 SOUTH, RANGE 16 EAST OF THE 6TH PRINCIPAL MERIDIAN, IN TOPEKA, SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT BEING 200 FEET NORTH AND 50 FEET EAST OF THE SOUTHWEST CORNER OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 9, SAID POINT BEING THE SOUTHWEST CORNER OF SAID LOT 20; THENCE NORTH 00 DEGREES 01 MINUTES 01 SECONDS WEST, A DISTANCE OF 306.51 FEET; THENCE NORTH 89 DEGREES 58 MINUTES 59 SECONDS EAST, A DISTANCE OF 269.88 FEET; THENCE NORTH 00 DEGREES 01 MINUTES 01 SECONDS WEST, A DISTANCE OF 544.10 FEET; THENCE NORTH 88 DEGREES 24 MINUTES 00 SECONDS EAST, A DISTANCE OF 589.92 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 08 SECONDS EAST, A DISTANCE OF 240.10 FEET; THENCE NORTH 88 DEGREES 24 MINUTES 00 SECONDS EAST, A DISTANCE OF 134.81 FEET; THENCE SOUTH 00 DEGREES 04 MINUTES 59 SECONDS EAST, A DISTANCE OF 239.09 FEET; THENCE SOUTH 60 DEGREES 24 MINUTES 32 SECONDS EAST, A DISTANCE OF 292.82 FEET; THENCE ALONG A CURVE TO THE LEFT, WITH A RADIUS OF 270.00 FEET, AN ARC LENGTH OF 47.87 FEET, HAVING A CHORD BEARING OF SOUTH 24 DEGREES 30 MINUTES 43 SECONDS WEST AND A CHORD DISTANCE OF 47.81 FEET; THENCE IN A SOUTHERLY DIRECTION WITH A COMPOUND TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 467.28 FEET, AN ARC LENGTH OF 148.35 FEET, HAVING A CHORD BEARING

OF SOUTH 10 DEGREES 20 MINUTES 17 SECONDS WEST AND A CHORD DISTANCE OF 147.73 FEET; THENCE IN A SOUTHERLY DIRECTION WITH A COMPOUND TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 294.03 FEET, AN ARC LENGTH OF 295.81 FEET, HAVING A CHORD BEARING OF SOUTH 27 DEGREES 34 MINUTES 42 SECONDS EAST AND A CHORD DISTANCE OF 283.49 FEET; THENCE SOUTH 56 DEGREES 23 MINUTES 59 SECONDS EAST, A DISTANCE OF 12.00 FEET; THENCE ALONG A CURVE TO THE LEFT, WITH A RADIUS OF 787.33 FEET, AN ARC LENGTH OF 474.55 FEET, HAVING A CHORD BEARING OF SOUTH 73 DEGREES 40 MINUTES 00 SECONDS EAST AND A CHORD DISTANCE OF 467.39 FEET; THENCE SOUTH 01 DEGREES 20 MINUTES 55 SECONDS EAST, A DISTANCE OF 299.42 FEET; THENCE SOUTH 88 DEGREES 25 MINUTES 07 SECONDS WEST, A DISTANCE OF 1,190.15 FEET; THENCE NORTH 00 DEGREES 05 MINUTES 18 SECONDS WEST, A DISTANCE OF 199.20 FEET; THENCE SOUTH 88 DEGREES 28 MINUTES 52 SECONDS WEST, A DISTANCE OF 609.74 FEET TO THE POINT OF BEGINNING AND

CONTAINING 1,240,374 SQUARE FEET OR 28.48 ACRES, MORE OR LESS.

Section 2. The development of the site is from “C-2” Commercial District, “C-4” Commercial District, “M-2” Multiple-Family Dwelling District, “R-1” Single-Family Dwelling District, “PUD” Planned Unit Development District (“M-2” use group) **ALL TO** “PUD” Planned Unit Development District (“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 Wal Mart Commercial Center**

Section 3. The Master PUD Plan for Wal Mart Commercial Center 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,
September 24, 2013.

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified _____

Not To Be Codified X