

(Published in the Topeka Metro News October 20, 2014)

ORDINANCE NO. 19923

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, by providing for certain changes in zoning on property located at 3900, 3904, 3908, 4000 and 4004 SW 29th Street; 2809, 2813, 2817 and 2821 SW Gage Boulevard; and 4025, 4021, 4017 and 4013 SW 28th Terrace from "R-1" Single Family Dwelling District TO "PUD" Planned Unit Development District ("C-2" Commercial District) (**PUD14/3**) (Council District No. 8)

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:

THAT PORTION OF LOTS 5 THRU 8, LOTS 14 THRU 22, BLOCK C AND A PORTION OF 28TH STREET TERRACE RIGHT-OF-WAY, WESTVIEW HEIGHTS ESTATE IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS, RECORDED IN DEED BOOK 12-A, PAGE 151 AND RE-RECORDED IN BOOK 12-A, PAGE 198 AND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 12 SOUTH AND RANGE 15 EAST, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 13 IN SAID WESTVIEW HEIGHTS ESTATE; THENCE ALONG AN ASSUMED BEARING OF S 18°56'38" W, ALONG THE WEST RIGHT-OF-WAY LINE OF GAGE BOULEVARD, A DISTANCE OF 158.00 FEET; THENCE S 22°33'56" W, CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 79.16 FEET; THENCE S 18°56'38" W, CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 79.00 FEET; THENCE S 24°34'02" W, CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 81.64 FEET; THENCE S 53°27'35" W, CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 38.43 FEET TO THE NORTH RIGHT-OF-WAY LINE OF 29TH STREET; THENCE N 89°46'48" W, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 357.34 FEET TO THE SOUTHWEST CORNER OF LOT 22 OF SAID WESTVIEW HEIGHTS ESTATE; THENCE N 00°13'12" E, ALONG THE WEST LINE OF SAID LOT 22, A DISTANCE OF 134.30 FEET TO THE NORTHWEST CORNER OF SAID LOT 22; THENCE S 89°46'48" E, ALONG THE NORTH LINE OF SAID LOT 22 AND THE SOUTH LINE OF LOT 4 AND ITS CONTINUATION, A DISTANCE OF 74.73 FEET; THENCE N 00°13'12" E A DISTANCE OF 139.60 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT; THENCE EASTERLY, NORTHEASTERLY, AND NORTHERLY, ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 328.00 FEET, AN ARC LENGTH OF 229.20 FEET, A CHORD BEARING OF N 59°03'34" E, AND A

CHORD DISTANCE OF 224.57 FEET TO THE SOUTHWEST CORNER OF LOT 9 OF SAID WESTVIEW HEIGHTS ESTATE; THENCE S 71°03'22" E, ALONG THE SOUTH LINE OF SAID LOT 9, A DISTANCE OF 125.65 FEET TO THE SOUTHEAST CORNER OF SAID LOT 9; THENCE N 18°56'38" E, ALONG THE EAST LINE OF SAID LOT 9 AND ITS CONTINUATION, A DISTANCE OF 88.50 FEET TO THE SOUTHWEST CORNER OF LOT 13 OF SAID WESTVIEW HEIGHTS ESTATE; THENCE S 71°03'22" E, ALONG THE SOUTH LINE OF SAID LOT 13, A DISTANCE OF 120.01 FEET TO THE POINT OF BEGINNING. CONTAINS 3.32 ACRES, MORE OR LESS.

Section 2. The development of the site is from “R-1” Single Family Dwelling District ALL TO “PUD” Planned Unit Development District (“C-2” Commercial District)

Subject to:

1. Use and compliance of the site in accordance with the recorded Master Planned Unit Development Plan for 29th and Gage Retail.

Section 3. The Master PUD Plan for 29th and Gage Retail 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, site development plans 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, October 14,

2014.

ATTEST:

Brenda Younger, City Clerk

Larry E. Wolgast, Mayor

To Be Codified _____

Not To Be Codified X