

(Published in the Topeka Metro News September 12, 2016)

ORDINANCE NO. 20022

AN ORDINANCE introduced by City Manager Jim Colson amending the “District Map” referred to and made a part of the Zoning Ordinances by TMC 18.50.050 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at 1025 SW Western Avenue in the city of Topeka, Kansas from “R-2” Single Family Dwelling District TO “PUD” Planned Unit Development District (“R-2” Single Family Dwelling use group plus a “Correctional Placement Residence” only as indicated in the statement of operations stated herein). (PUD16/3) (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 Code of the City of Topeka, be, and the same is hereby amended, by reclassifying the following described property:

The South half of Lot 345 and all of Lot 347, and the North 6 1/4 feet of Lot 349, Western Avenue, Young's Addition to the City of Topeka, Shawnee County, Kansas.

from “R-2” Single Family Dwelling District ALL TO “PUD” Planned Unit Development District (“R-2” use group plus a Correctional Placement Residence only as indicated in the statement of operations), subject to:

1. The requirement for a master PUD plan is waived pursuant to TMC 18.190.050(a).
2. Use and development of the site according to the “Statement of Operations” submitted by the operator with their application (Exhibit A) keeping as a single family residence. Any change to this “Statement of Operations” shall require major amendment approval by the Planning Commission and City Council.

STATEMENT OF OPERATIONS
1025 SW WESTERN AVENUE

The following Statement of Operations is being provided in support of the Rezoning Applications and PUD Amendments filed by Operator (see case PUD 16/3), regarding the above described property. The proposed use of both of the property is to provide a highly structured, programmatic group living home for men or women who are transitioning out of homelessness, incarceration or other difficult or destructive life situations and see them successfully integrated back into society and their communities. The house at the above described location will be used as

and considered the residence of the men or women it serves and functions as single-family dwelling..

The house will be operated similar in nature to a traditional group home with the exception that it will be a structured environment with the focus on training the residents in all aspects of pursuing life skills, education, job training, and therapy and is monitored by a governing organization overseeing operations of the residence. All residents will be expected to obtain employment and participate in all programs as detailed in the governing organization's operations plan.

The maximum number of residents for the Western Avenue property will be 7 residents and 1 staff resident.

The Operator will provide all transportation needs for the residents including transportation to and from work, meetings with parole officers, attendance at their respective church meetings and rehabilitation meetings. The Western Avenue property has been in operation for approximately 18 months.

The Western Avenue property is a 2 story structure with a fully equipped kitchen and 3 bedrooms located on the second floor. The main floor of this residence consists of 2 bedrooms being utilized by the staff residents and an office and common living area. No renovations to this home are anticipated unless required as a result of this application. No interior walls will be added to create additional rooms. We are currently awaiting further instructions on the installation of any fire detection devices and/or sprinklers as may be required by City code.

The property has adequate off-street parking in the rear of each property for the staff residents (a minimum of 2 parking spaces) and there should be no impact on parking in the neighborhood or the neighborhood traffic patterns.

The Operator works closely with both the Kansas Department of Corrections and the Kansas Parole Department. The Operator does not supervise its residents on behalf of either of the two aforementioned agencies, other than the supervision which is part of the voluntary rules and policies of each house to which the residents agree to abide in order to reside in the house. The goal of this program is to be an asset in the neighborhoods where their homes are located; to improve each neighborhood in appearance, community growth, and safety; and to successfully launch its residents back into their respective communities equipped with the societal, life skills to be successful in all they do.

3. Use of the site is limited to "Correctional Placement Residence, Limited" as indicated in the Statement of Operations and the base "R-2" Single Family Dwelling District use group. The base zoning of "R-2" Single-Family Dwelling District shall apply unless otherwise stated herein.
4. "No signage advertising the nature of the use shall be permitted".
5. "A minimum of two (2) driveway parking spaces shall be provided off the alley for staff."
6. "No major physical interior or exterior building modifications shall be made to the existing residential structure affecting the ability to use the residence as single-family dwelling (i.e. addition of interior walls, bedrooms, bathrooms). A maximum of five bedrooms are allowed.

84 Planning staff shall approve any future permits submitted to Development Services prior to
85 approval.”

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87 7. “Compliance with all applicable City codes for buildings, construction and life safety as
88 required by Development Services and the Fire Marshal. A conditional Certificate of
89 Occupancy shall be obtained from Development Services no later than six months from the
90 date of publication of the Ordinance.

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92 8. “The owner shall allow the City to make periodic inspections for compliance with these
93 conditions of approval. In the event the use is not compliant with the conditions of approval,
94 the use changes, or the use ceases, the Planning Commission shall initiate and make
95 recommendation on a zone change pursuant to TMC18.245.”
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97 Section 2. This Ordinance Number shall be fixed upon the “District Map”.

98 Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

99 Section 4. This Ordinance shall take effect and be in force from and after its passage,

100 approval and publication in the official city newspaper.

101 PASSED AND APPROVED by the Governing Body of the City of Topeka, September 6,

102 2016.

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105 ATTEST:

Larry E. Wolgast, Mayor

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108 Brenda Younger, City Clerk