



CITY OF  
**TOPEKA**

**A G E N D A**

# **TOPEKA PLANNING COMMISSION**

**MONDAY, OCTOBER 19, 2020  
6:00 P.M.**

Meeting Held Electronically Only via Video Conference  
For information on live viewing,  
contact the Planning & Development Department.

Persons addressing the Planning Commission will be limited to four minutes of public address on a particular agenda item. Debate, questions/answer dialogue or discussion between Planning Commission members will not be counted towards the four minute time limitation. The Commission by affirmative vote of at least five members may extend the limitation an additional two minutes. The time limitation does not apply to the applicant's initial presentation.

Items on this agenda will be forwarded to the City Council for final consideration.

All information forwarded to the City Council can be accessed via the internet on Thursday prior to the City Council meeting at: <https://www.topeka.org/calendar>



ADA Notice: For special accommodations for this event, please contact the Planning Department at 785-368-3728 at least three working days in advance.

# HEARING PROCEDURES

**Welcome!** Your attendance and participation in tonight's hearing is important and ensures a comprehensive scope of review. Each item appearing on the agenda will be considered by the City of Topeka Planning Commission in the following manner:

1. The Topeka Planning Staff will introduce each agenda item and present the staff report and recommendation. Commission members will then have an opportunity to ask questions of staff.
2. Chairperson will call for a presentation by the applicant followed by questions from the Commission.
3. Chairperson will then call for public comments. Each speaker must come to the podium and state his/her name. At the conclusion of each speaker's comments, the Commission will have the opportunity to ask questions.
4. The applicant will be given an opportunity to respond to the public comments.
5. Chairperson will close the public hearing at which time no further public comments will be received, unless Planning Commission members have specific questions about evidence already presented. Commission members will then discuss the proposal.
6. Chairperson will then call for a motion on the item, which may be cast in the affirmative or negative. Upon a second to the motion, the Chairperson will call for a role call vote. Commission members will vote yes, no or abstain.

Each item appearing on the agenda represents a potential change in the manner in which land may be used or developed. Significant to this process is public comment. Your cooperation and attention to the above noted hearing procedure will ensure an orderly meeting and afford an opportunity for all to participate. Please Be Respectful! Each person's testimony is important regardless of his or her position. **All questions and comments shall be directed to the Chairperson from the podium and not to the applicant, staff or audience.**

## Members of the Topeka Planning Commission

Brian Armstrong, 2020 Chairperson  
Ariane Messina  
Corey Dehn  
Marc Fried  
Wiley Kannarr  
Jim Kaup  
Corliss Lawson  
Katrina Ringler  
Matt Werner

## Topeka Planning Staff

Bill Fiander, AICP, Planning Director  
Dan Warner, AICP, Planner III  
Carlton O. Scroggins, AICP, Planner III  
Mike Hall, AICP, Planner III  
Tim Paris, Planner II  
Annie Driver, AICP, Planner II  
Taylor Ricketts, Planner I  
Bryson Risley, Planner I  
Melissa Fahrenbruch, Planner I  
Kris Wagers, Administrative Officer



# CITY OF TOPEKA

## TOPEKA PLANNING COMMISSION

Agenda for Monday, October 19, 2020

**A. Roll call**

**B. Approval of minutes – September 21, 2020**

**C. Declaration of conflict of interest/ex parte communications by members of the commission or staff**

**D. Action Items**

- 1. Public Hearing of PUD20/01 6th & Golden Everage Substation by Everage, Inc.**  
requesting to amend the District Zoning Map from “X-1” Mixed Use District to “PUD” Planned Unit Development District (“X-1” Mixed Use District uses plus allowing a Public Utility Station, Type II with an exception to the 62 ft. height limitation for poles and towers) on a 1.64 acre property located along the south side of SE 6th Avenue lying between SE Golden and SE Highland Avenues. The rezoning allows the remodeling and expansion of the existing electric substation and allows transformers and dead end structures poles to exceed the 62 ft. height limit and allow towers up to a maximum height of 75 ft. **(Driver)**

**E. Presentation/Discussion Items**

- 1. Downtown Master Plan Update** with a focus on Tower and Van Buren Districts. View the presentation slides on the Downtown Master Plan webpage at [www.topeka.org/planning/downtown-master-plan/](http://www.topeka.org/planning/downtown-master-plan/)
- 2. Short Term Rentals –** A Report by Planning Staff regarding draft changes to the zoning code creating new standards for “Short Term Rentals” and results of October information meetings with stakeholders. Short term rentals are regulated as “bed and breakfast home” and “bed and breakfast inn” in the current zoning code.

**F. Communications to the Commission**

**G. Adjournment**

STAFF REPORT – PLANNED UNIT DEVELOPMENT  
TOPEKA PLANNING DEPARTMENT

PLANNING COMMISSION DATE: Monday, October 19, 2020

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**APPLICATION  
INFORMATION**

APPLICATION CASE  
NUMBER/NAME:

PUD20/01 By: Evergy Inc. Electric Substation

REQUESTED ACTION /  
CURRENT ZONING:

Rezoning from "X-1" Mixed Use District to "PUD" Planned Unit Development (X-1 uses plus the additional use of a "Public Utility Facility, Type II") on property located on the south side of SE 6<sup>th</sup> Avenue between SE Highland and SE Golden. The PUD will allow Evergy to re-build and expand the existing substation on to adjacent property at 2647 SE Highland Avenue. The PUD is specifically intended to allow structures to exceed the height limit of 62 ft. up to a maximum height of 75 ft.

PROPERTY OWNER:

re  
Evergy Inc.

APPLICANT REPRESENTATIVE:

Alex Darby, Professional Engineering Consultants

CASE PLANNER:

Annie Driver, Senior Current Planner

PROPERTY ADDRESS:

Two properties between SE Golden and Highland along the south side of SE 6<sup>th</sup> Avenue / PID: 1320402002002000 and 1320402002001000

PARCEL SIZE(S):

2 Acres

PHOTOS:

*View from SE 6<sup>th</sup> Avenue and SE Highland / PID: 1320402002001000*





**RECOMMENDATION:**

**APPROVAL**

**RECOMMENDED MOTION:**

Based on the findings and analysis in the staff report I move to recommend to the Governing Body **APPROVAL** of the rezoning from "X-1" Mixed Use District to "PUD" Planned Unit Development ("X-1" Mixed Use District plus the use of a "Public Utility Facility, Type II).

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**PROJECT AND SITE  
INFORMATION**

**PROPOSED USE / SUMMARY:**

The property owner proposes to re-build and expand the existing electric substation currently located at SE Golden and SE 6<sup>th</sup> on to adjacent property containing an automotive repair shop at 2647 SE 6<sup>th</sup> Avenue. The expansion is necessary to maintain and improve electric service within the area

Specifically, the PUD Master Plan is necessary to grant a variance to TMC18.230.050 (dimensional requirements) which restricts *"poles, towers, television, and radio antenna support systems, and similar apparatus, flag poles, erected for non-commercial purposes"* to a height of 62 ft. Under the PUD, the developer will construct a tower associate with the substation up to, but not to exceed, a height of 75 ft.

**DEVELOPMENT / CASE HISTORY:**

The substation has remained on the western parcel since 1981. Until the property was rezoned, the property was zoned "R-1" Single Family Dwelling District. It is not clear how the substation was constructed under this zoning. This was not a listed use in the zoning code at the time and is presumed to have been exempted. The automotive repair station has remained on the property at 2647 SE 6<sup>th</sup> since 1977. The site was zoned for heavy commercial uses at this time. Both properties were rezoned to "X-1" Mixed Use District in 2002 following the adoption of the East Topeka Neighborhood Plan. In the "X-1" District and in most other zoning districts, a Conditional Use Permit is required for "Public Utility Facilities Type II".

The applicant previously applied for a Conditional Use Permit (CU20/02) and have since withdrawn that application when staff determined a variance to the 62 ft. height limit was required.

**ZONING AND CHARACTER OF SURROUNDING PROPERTIES:**

The properties to the immediate north are neighborhood retail and a church (institutional) and zoned "X-1" Mixed Use District. The property to the immediate west of the existing substation is retail and zoned "X-1" Mixed Use District. The property to the immediate east of the existing automotive repair shop is a single-family residence and zoned "X-1" Mixed Use District. The block to the south of SE 6<sup>th</sup> is single-family residential and zoned "R-1" Single-Family Dwelling District.

**COMPLIANCE WITH DEVELOPMENT STANDARDS AND GUIDELINES**

**BUILDING SETBACKS & FENCES:**

"X-1" Mixed Use District dimensional standards and building height limits apply unless stated otherwise.

The maximum building height in the "X-1" District is 40 feet and there are no buildings proposed. However, TMC18.230.050 (Dimensional Requirements) allows "poles, towers, television, and radio antenna support systems, and similar apparatus, flagpoles, erected for non-commercial purposes" to a height of 62 feet provided the structures meet minimum setbacks. Evergy has proposed dead-end structures up to 75 ft. *The reason for the PUD is to grant a variance to this height limit and allow transformers and dead-end structures up to, but not to exceed, 75 ft.*

TMC18.230.050 requires towers be set back no less than 80 percent of that structure's height from the public right of way and adjacent property lines. Setbacks of poles will be reviewed at the time of Site Plan Review Application although previously reviewed plans indicated compliance with the required setbacks.

The plat denotes a 30' platted setback along SE Golden and SE 6<sup>th</sup> where the existing substation is located and the second plat denotes a 25' platted setbacks along SE 6<sup>th</sup> and Highland where the expansion is proposed. All new equipment shall comply with these platted setbacks.

The 9 ft. tall pre-cast wall is permitted on the site according to TMC18.210.040(d)(2), which indicates fences located in or upon public utility facilities may exceed the base standard of 8 ft. in height with approval by the Planning Director.

**PARKING AND ACCESS:**

Primary access to the site will occur from the driveway on SE Highland, which will be rebuilt to City standards. In the event of an emergency or major maintenance, the driveway from SE 6<sup>th</sup> will be utilized. Both entrances will be kept locked and gated by a 9 ft. tall aluminum gate.

The Topeka Zoning Ordinance does not include a parking quantity standard specifically for electrical substations.. There will be parking on-

site that is sufficient for vehicular access anticipated to occur once per month for routine maintenance. The PUD Master Plan provides for the reconstruction of the curb and addition of a new sidewalk along SE Highland.

**DESIGN STANDARDS:**

TMC18.275 Non-Residential Design Standards do not apply as the site does not contain a building. The applicant will extend the 9 ft. stone wall surrounding the expanded area. A Landscape Plan will be submitted at the time of Site Plan Review Application to include screening of the wall with landscaping.

**LANDSCAPING:**

A Landscape Plan subject to TMC 18.235 will be reviewed and approved by staff at the time of building permit approval. The 9 ft. tall stone wall with decorative aluminum gates will be extended to the east along 6<sup>th</sup>, the south property line, and along Highland. The extension of the stone wall along the south property line is being off-set by 6 ft. to leave a buffer from the adjoining residential property.

**SIGNAGE:**

No signage is proposed. If signage is proposed in the future, all signage shall comply with TMC18.10.

**LIGHTING & SOUND:**

Any exterior lighting shall be no brighter than three foot-candles as measured at the property line and the source of illumination shall not be visible from public right-of-way or adjacent properties per code. Security lighting will be installed that inside and below the height of the stone cast wall. There is no sound or no discernible sound generated by the substation.

**OTHER FACTORS**

**SUBDIVISION PLAT:**

The subject property is currently platted as Lot 1, Block A, KPL Gas Service Subdivision and Lot 1, Block A, Smith Brothers Subdivision.

**UTILITIES:**

City sewer and water service is not necessary. Any existing service lines and meters will be removed or capped at the time of demolition of the existing building.

**FLOOD HAZARDS, STREAM BUFFERS:**

Zone "X" area of minimal flooding

**HISTORIC PROPERTIES:**

None

**NEIGHBORHOOD INFORMATION MEETING:**

The applicant was not required to hold a neighborhood information meeting due to current circumstances of COVID19. The applicant did mail out a neighborhood information notice to property owners within 300 feet and post signage on the property that indicates the date of the hearing. The Planning Department has not received any comments or questions from surrounding property owners by phone or email regarding either opposition or support of the substation expansion.

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## REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

Public Works /Engineering:	No issues identified regarding the rezoning. Traffic Engineering previously approved the driveway locations due to site characteristics and existing conditions. The curb will be reconstructed along Highland along with installation of new sidewalk. Detailed plans to be submitted and approved at Site Plan Review Application.
Water Pollution Control:	No issues identified regarding rezoning.
Fire Department:	No issues identified regarding rezoning.
Development Services:	No issues identified regarding rezoning. Permits will be required. Construction plans will be required for issuance of a building permit and review for compliance.

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## KEY DATES

SUBMITTAL:	August 27, 2020
LEGAL NOTICE PUBLICATION:	September 22, 2020
PROPERTY OWNER NOTICE MAILED:	September 24, 2020

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## STAFF ANALYSIS

As a zoning case Planning staff have reviewed the case relative to the required findings and conclusions in Topeka Municipal Code Section 18.245 (Findings and conclusions reflect the "golden factors" per Donald Golden v. City of Overland Park, 1978 Kansas Supreme Court).

**CHARACTER OF THE NEIGHBORHOOD:** The neighborhood is characterized by commercial retail uses intermixed with residential and institutional uses along the frontage of SE 6<sup>th</sup> Avenue, including numerous automobile oriented uses and services such as automobile repair and used sales lots. A church is located on the opposite side of SE 6<sup>th</sup>. The neighborhoods north and south sides of the SE 6<sup>th</sup> Street corridor are primarily single-family residential. There are also apartment land uses and multiple-family residential zoning interior to the neighborhood and along the edges of commercial zoned areas.

**ZONING AND USE OF NEARBY PROPERTIES:** The surrounding zoning along 6<sup>th</sup> is "X-1" Mixed Use District and downzoned in 2002 from "C-4" with the East Topeka Neighborhood Plan (2002). The intent of the district is to *facilitate a compatible mixed use activity center within a traditional residential neighborhood and, to a limited extent, in areas envisioned for mixed use development by the comprehensive plan. The district includes a balance of compatible residential, office, civic, and neighborhood commercial retail/service uses of low to*



*moderate intensity that complement and support dense neighborhood residential areas and pedestrian usage with quality urban design* [TMC18.185.020(a)]. The subject property is presently surrounded by numerous automobile oriented uses along 6<sup>th</sup> Street, such as service stations, which do not exemplify the intent of the X-1 District. For these reasons, many automobile oriented uses in "X-1" such as many of the automobile repair and sales lots require Conditional Use Permits and are legal non-conforming uses. The predominant zoning and land uses within the interior sides of SE 6<sup>th</sup> Avenue is single-family residential and has been such since before 2002.

**LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER THE PRESENT CLASSIFICATION:** The substation has remained on the property since at least 1981 and is a legal non-conforming use. The automotive repair has remained on the site since 1974. Prior to 2002, the substation was zoned "R-1" Single Family Dwelling District and the automobile repair was zoned "C-4" Commercial District. The automobile repair is also currently a legal non-conforming use in "X-1".

**SUITABILITY OF USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED:** The subject property at 2647 SE 6<sup>th</sup> is suitable as restricted under "X-1" zoning and could foreseeably develop as presently restricted by the zoning district, but its location directly next to an existing electric substation may limit its attractiveness as a suitable location for many neighborhood retail and office uses permitted in X-1. The automobile repair shop is a non-conforming use and may continue. The viability of other uses allowed under the current "X-1" District zoning has not been analyzed or determined.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The subject property lies within an area designated "*Mixed Use Neighborhood*" in the East Topeka Neighborhood Plan (2002). There is no specific land use category for "public utility structures". However, there are policies of the Comprehensive Plan that recognize the need for public facilities in and near residential areas to sustain existing development and to provide necessary public service infrastructure to the community and neighborhood.

The substation has existed on the site since 1981 and the expansion is necessary to increase electric service reliability in the neighborhood and broader community. Additionally, the expansion allows the removal of a heavy commercial use (i.e. automobile repair shop) along SE 6<sup>th</sup> that is considered a legal-nonconforming use under the current "X-1" Mixed Use zoning. The neighborhood plan does establish policies regarding heavy commercial automobile uses along SE 6<sup>th</sup> under the "Mixed Use Neighborhood" designation. One purpose of this designation was to reduce the number of high intensity commercial uses (i.e. auto sales lots, auto repair, tow lots, etc.) along the frontage SE 6<sup>th</sup> Avenue.

The expansion of the substation will maintain the established setbacks, extends the 9 ft. tall. pre-cast wall, and will add landscaping, including trees, along street frontages for the existing site and expanded area. Approval of the PUD rezoning is deemed to be in conformance to the Comprehensive Plan as it only allows X-1 uses plus the Public Utility Structure Type II, which is needed better serve the neighborhood and community at broad.

**THE EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES:** There should be minimal detrimental effects upon nearby properties as the proposed screening pre-cast wall will be extended along the south property line where adjacent with residential property. The wall is being off-set from the existing wall to provide a landscaped setback between the adjoining property and the expanded substation. The existing substation has been adjacent to the single-family residences for 40 years and has had little or no known negative impacts on the nearby properties. The substation will be made more attractive from the street frontage with the addition of landscaping, by improving the existing gravel access entrance and curb line along Highland, and adding a sidewalk. The additional tower height from the permitted 62 ft. to allow an increase to 75 ft. for one such structure will have a minimal effect on nearby properties. The applicant indicated this variance is only necessary from one type of structure and the other towers/structures will be substantially under the allowed 62 ft. height limit.

**THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE OWNER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER:** There is no apparent gain to the public health, safety and welfare by denial of the application since approval of the application is necessary to maintain and upgrade the electrical system in the neighborhood. Denial of the application would result in a significant hardship on the owner as the expansion is necessary to allow the substation to be upgraded and modernized with new equipment. The existing substation has been located on the property since at least 1981 without any significant impacts on nearby properties. As this substation nears the end of its useful life, it is necessary that it be re-built and expanded to provide adequate electric capacity to the surrounding neighborhoods

**AVAILABILITY OF PUBLIC SERVICES:** All essential public roadways, utilities, and services are currently present and available within the area or will be extended at the expense of the developer.

**COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:** The Evergy Electric Substation PUD Master Plan establishes developments standards and guidelines as indicated.

### **STAFF RECOMMENDATION**

Based upon the above findings and analysis, Planning staff recommend **APPROVAL** of the PUD Master Plan, **subject to:**

1. Use and development of the site in accordance with the **Evergy Electric Substation Master Planned Unit Development Plan** as recorded with the office of the Shawnee County Register of Deeds.
2. Removing Note #1 under General Notes.
3. Deleting text for "Current Use of Subject Property" and " Existing Substation and Auto Repair Facility".
4. Deleting "Proposed use of Subject Property" and text directly below .
5. Under **ZONING** replacing "Existing Zoning X-1 Mixed Use" with "Uses in accordance with X-1 Mixed Use District and public utility facility type II, electric substation as an allowed use"
6. Adding a title directly above the fence graphic: "Fencing for Electric Substation"

**PLANNING COMMISSION MOTION:** Based on the findings and analysis in the staff report I move to recommend to the Governing Body **APPROVAL** of the rezoning from "X-1" Mixed Use District to "PUD" Planned Unit Development ("X-1" Mixed Use District plus the use of a "Public Utility Facility, Type II).


#### **ATTACHMENTS:**

Aerial Map  
Zoning Map  
Future Land Use Map  
PUD Master Plan

# PUD20/01 By: Evergy Inc.



City of Topeka  
Planning and Development  
Department

 PUD20-01 Evergy

# PUD20/01 By: Everage Inc (Zoning Map)



City of Topeka

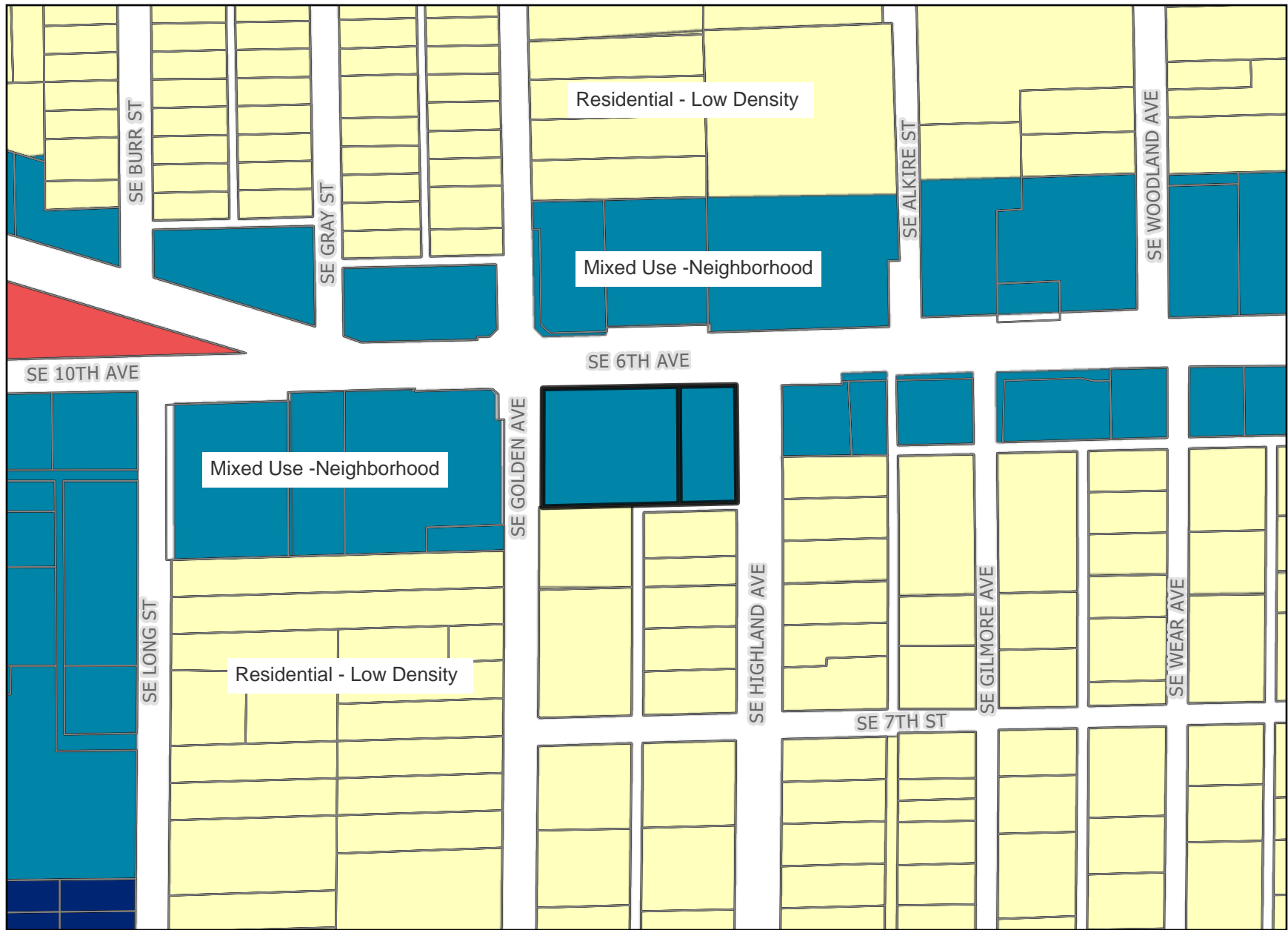


City of Topeka  
 Planning and Development  
 Department

Legend

 Subject Property

# PUD20/01 By: Evergy Inc (Future Land Use - East Topeka)



City of Topeka  
Planning and Development  
Department

Legend

 Subject Property

**PROJECT PERFORMANCE OBJECTIVES:**

1. THE INTENT OF THIS PROJECT IS TO ALLOW FOR THE UPGRADE OF A SUBSTATION FOR EVERGY TO BETTER SERVE THE AREA.

**GENERAL NOTES:**

- BUILDING PERMIT...
- THE BASE ZONING OF X-1 SHALL APPLY UNLESS NOTED OTHERWISE HEREIN.
- NO BUILDING PERMITS SHALL BE ISSUED UNTIL A SITE PLAN REVIEW APPLICATION, SUBJECT TO TMC 18.190.060(C) HAVE BEEN REVIEWED AND APPROVED BY THE PLANNING DIRECTOR AND OTHER CITY AGENCIES PRIOR TO SUBMITTAL FOR BUILDING PERMITS. THESE SITE PLANS SHALL ADDRESS INDIVIDUAL BUILDING SITE LOCATIONS, OFF-STREET PARKING AND INTERNAL CIRCULATION, FIRE HYDRANTS, LANDSCAPING, FENCING, PEDESTRIAN CONNECTIVITY, EXTERNAL LIGHTING, SIGNAGE, BUILDING ELEVATIONS, OPTED, UTILITIES, STORM WATER, RELATIONSHIP TO ADJACENT LOTS, ETC.
- NO BUILDING PERMITS SHALL BE ISSUED UNTIL THE PROPERTY IS PLATTED.
- NO BUILDING PERMITS SHALL BE ISSUED UNTIL STORMWATER MANAGEMENT PLANS AND REQUIREMENTS ARE MET AND APPROVED, INCLUDING GRANTING OF ANY NECESSARY STORMWATER MANAGEMENT EASEMENTS.

**VARIANCES:**

- PURSUANT TO TMC 18.190.060 THE TOPEKA PLANNING COMMISSION GRANTS A VARIANCE TO SECTION 18.230.050 EXCEPTIONS TO HEIGHT LIMITATIONS TO ALLOW THE MAXIMUM HEIGHT OF TRANSFORMER TOWERS AND DEAD-END STRUCTURES TO EXCEED A HEIGHT OF 62 FEET BUT NO TALLER THAN 75 FEET.

**SIGNAGE NOTES:**

- SIGNS SHALL BE APPROVED BY SEPARATE SIGN PERMIT APPLICATION.
- TMC 18, DIVISION 2 SIGNS SHALL GOVERN ALL OTHER SIGNS UNLESS SPECIFICALLY STATED HEREIN.

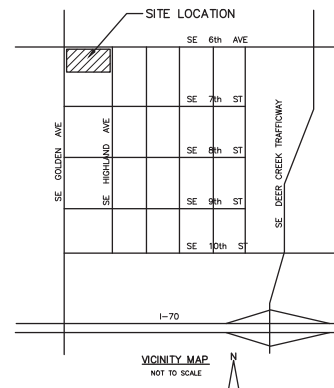
**LANDSCAPE/FENCE NOTES:**

- A LANDSCAPE PLAN DEMONSTRATING COMPLIANCE WITH TMC 18.235 AND SPECIFICALLY INDICATING TYPE, SPECIES, AN QUANTITY SHALL BE SUBMITTED FOR REVIEW AND APPROVAL AT THE TIME OF SITE PLAN REVIEW APPLICATION, THE LANDSCAPE PLAN SHALL ADDRESS LANDSCAPING FOR BOTH THE EXISTING AND NEW SUBSTATION AND PROVIDE A 6 FOOT RESIDENTIAL BUFFER ALONG THE SOUTH PROPERTY LINE FOR THE EXPANDED AREA.
- THE CARE, MAINTENANCE, AND OWNERSHIP OF COMMON OPEN SPACE, PARKING AREAS, UTILITIES, PRIVATE STREETS, ACCESS WAYS, STORMWATER MANAGEMENT EASEMENTS, FENCING, AND LANDSCAPING SHALL BE THE RESPONSIBILITY OF THE OWNERS, ALL LANDSCAPING SHALL BE INSTALLED PURSUANT TO PHASING SCHEDULE AND PROPERLY MAINTAINED, IF ANY PORTION OF THE LANDSCAPED MATERIAL DIES, IT SHALL BE REPLACED BY THE NEXT PLANTING SEASON.

# A MASTER PLANNED UNIT DEVELOPMENT PLAN

for  
EVERGY ELECTRIC SUBSTATION  
SE 6th & GOLDEN

NW 1/4 , SEC.4, T12S, R16E  
OF THE 6th PM IN  
SHAWNEE COUNTY, KS



**UTILITY NOTES:**

- LIGHTING SHALL BE SHIELDED AND RECESSED WITH OUR OFF ANGLES TO PREVENT THE CAST OF LIGHTING BEYOND THE PROPERTY AND NOT EXCEED THREE FOOT-CANDLES AS MEASURED AT THE PROPERTY LINE.

**CIRCULATION, PARKING, & TRAFFIC NOTES:**

- ALL DRIVES AND SIDEWALKS WILL EITHER REMAIN OR ARE PROPOSED AS SHOWN ON THE PLAN HEREIN. ALL DRIVE ACCESS POINTS SHALL COMPLY WITH SIGHT TRIANGLE STANDARDS OF THE CITY OF TOPEKA.
- NO PEDESTRIAN ACCESS IS PROPOSED TO THE SITE, ONLY PUBLIC ACCESS ALONG THE PUBLIC RIGHT-OF-WAY.
- ALL DRIVES, LANES, AND PRIVATELY OWNED ACCESS WAYS PROVIDING ACCESSIBILITY TO STRUCTURES, BUILDINGS, AND USES WITHIN THE PLANNED UNIT DEVELOPMENT SHALL BE CONSIDERED AND SERVE AS MUTUAL RIGHTS OF ACCESS FOR OWNERS, TENANTS, INVITED GUESTS, CLIENTS, CUSTOMERS, SUPPORTS AND UTILITY SERVICE PERSONNEL AND EMERGENCY SERVICE PROVIDERS, INCLUDING LAW ENFORCEMENT, FIRE PROTECTION, AND AMBULANCES SERVICES. ALL ACCESS WAYS PROVIDING GENERAL ACCESSIBILITY TO, AND CIRCULATION AMONG, THE USES WITHIN THE PLANNED UNIT DEVELOPMENT SHALL BE MAINTAINED AT ALL TIMES IN GOOD SERVICEABLE CONDITION WITH THE MAINTENANCE OF SAID ACCESS WAYS BEING THE RESPONSIBILITY OF THE OWNER(S).
- THE LOCATION, NUMBER, AND SPACING OF ALL ACCESS OPENINGS SHALL BE REVIEWED AND APPROVED BY THE CITY TRAFFIC ENGINEER AT THE TIME OF SITE PLAN REVIEW APPLICATION FOR CONSISTENCY TO CITY STREET DESIGN SPECIFICATIONS.

**PROJECT INFORMATION:**

- X-1 MIXED USE DISTRICT PLUS THE ADDITIONAL USE OF A PUBLIC UTILITY STRUCTURE, TYPE II (ELECTRIC SUBSTATION).

**OWNER:**

EVERGY, INC.  
818 S KANSAS AVE  
TOPEKA, KS 66612

**ENGINEER:**

ALEXANDER M. DARBY, PE-20332  
PROFESSIONAL ENGINEERING CONSULTANTS, P.A.  
400 S KANSAS AVE, #200  
TOPEKA, KS 66603  
(785) 233-4300

**PROPERTY DESCRIPTION:**

LOT 1, BLOCK A, K.P. & L. SUBDIVISION, AND LOT 1, BLOCK A, SMITH BROTHERS SUBDIVISION, IN THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 12 SOUTH, RANGE 16 EAST, OF THE 6TH PRINCIPAL MERIDIAN IN SHAWNEE COUNTY, KANSAS.

**BENCHMARKS:**

- BM A: SQUARE CUT ON STORM DRAIN INLET AT THE SOUTHEAST CORNER OF 6TH AND GOLDEN. EL.=923.92
- BM B: SQUARE CUT ON STORM DRAIN INLET EAST CURB LINE OF HIGHLAND STREET SOUTH OF 6TH STREET, EL.=930.75

**CURRENT USE OF PROPERTY:**

EXISTING SUBSTATION AND AUTO REPAIR FACILITY.

**PROPOSED USE OF PROPERTY:**

PUBLIC UTILITY: PUBLIC UTILITY FACILITIES TYPE II, SUBSTATION (EXISTING SUBSTATION TO BE EXPANDED TO THE EAST).

**ZONING:**

EXISTING ZONING: X1 MIXED USE

BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
DATE \_\_\_\_\_ TIME \_\_\_\_\_

RECORDED WITH THE SHAWNEE COUNTY REGISTER OF DEEDS

REBECCA J. NIOCE, REGISTER OF DEEDS

**CERTIFICATION OF PUD MASTER PLAN APPROVAL**

THIS PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN HAS BEEN REVIEWED AND APPROVED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18.190 OF THE COMPREHENSIVE ZONING REGULATIONS OF THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS AND MAY BE AMENDED ONLY AS PRESCRIBED IN TMC 18.190.070 OF AND AS SET FORTH ON THIS DOCUMENT OR AS MAY SUBSEQUENTLY BE APPROVED AND RECORDED.

BILL FIANDER, PLANNING & DEVELOPMENT DIRECTOR  
SECRETARY TO THE PLANNING COMMISSION

BE IT REMEMBERED THAT ON THIS \_\_\_\_\_ DATE OF \_\_\_\_\_, A.D. 2020 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE CAME BILL FIANDER, WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHO EXECUTED THE WITHIN INSTRUMENT OF OF WRITING, AND SUCH PERSON DULY ACKNOWLEDGED THE EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HEREBY SET MY HAND AND AFFIX MY NOTARIAL SEAL THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

**OWNER'S CERTIFICATE:** EVERGY, INC. AGREES TO COMPLY WITH THE CONDITIONS AND RESTRICTIONS AS SET FORTH ON THE MASTER PUD PLAN.

IN WITNESS WHEREOF:

THE OWNER OF THE DESCRIBED PROPERTY, EVERGY, INC. HAVE SIGNED THESE PRESENTS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

CHRISTOPHER MEYER, SR. ENGINEER

BE IT REMEMBERED THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2020 BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE CAME \_\_\_\_\_, OWNER OF THE ABOVE DESCRIBED PROPERTY.

I HEREBY SET MY HAND AND AFFIX MY NOTARIAL SEAL THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

PURSUANT TO TMC 18.190, THE APPLICANT MUST RECORD THE MASTER PUD PLAN WITH THE SHAWNEE COUNTY REGISTER OF DEEDS WITHIN SIXTY (60) DAYS UPON APPROVAL OF THE GOVERNING BODY. FAILURE BY THE APPLICANT TO RECORD THE PLAN WITHIN THE PRESCRIBED TIME PERIOD AND PROVIDE THE PLANNING DEPARTMENT WITH THE REQUIRED NUMBER OF COPIES OF THE RECORDED PLAN WITHIN NINETY (90) DAYS OF THE DATE OF ACTION BY THE GOVERNING BODY SHALL RENDER THE ZONING PETITION NULL AND VOID.

