



CITY OF  
**TOPEKA**

**A G E N D A**

## **TOPEKA PLANNING COMMISSION**

**MONDAY, SEPTEMBER 21, 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  
Carlton O. Scroggins, AICP, Planner III  
Dan Warner, 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, September 21, 2020**

- A. Roll call**
- B. Approval of minutes – August 17, 2020**
- C. Declaration of conflict of interest/ex parte communications  
by members of the commission or staff**
- D. Action Items**
  - 1. Public Hearings**
    - a. Z20/04 by Stormont-Vail Healthcare, Inc.** requesting to amend the district zoning map on property located at 700 SW Washburn Avenue from M-3 Multiple Family Dwelling District to MS-1 Medical Service District to allow for Cotton O'Neil Cancer Center Pharmacy Addition. **(Fahrenbruch)**
    - b. Z20/03 by A.M. El-Koubysi, Trustee for El-Koubysi Jana Trust,** requesting to amend the district zoning map on property located at 3440 SE 29th Street from R-1 Single Family Dwelling District to M-2 Multiple Family Dwelling District to allow for conversion of the existing single family home to a duplex, as well as conversion of attached garage to use as a single family dwelling. Future development will add three duplexes on the north side of the property upon the extension of SE 28th Terrace. **(Driver)**
  - 2. Other**
    - a. P20/15 Timber Ridge Subdivision #2** (preliminary/final plat phase) is a 6.08 acre tract for ten lots generally located at the southeast intersection of SW 53<sup>rd</sup> Street and SW Timber Ridge Lane, the center of the tract being approximately 1,000 feet south of SW 53<sup>rd</sup> Street along the east side of SW Timber Ridge Lane, all being within the City of Topeka three mile extraterritorial jurisdiction and within unincorporated Shawnee County, Kansas. **(Driver)**
- E. Communications to the Commission**
- F. Adjournment**



CITY OF  
**TOPEKA**

# MINUTES

## TOPEKA PLANNING COMMISSION

**Monday, August 17, 2020, 2020**

**6:00PM – via video conference**

**Members present:** Brian Armstrong (Chair), Marc Fried, Corey Dehn, Wiley Kannarr, Jim Kaup, Katrina Ringler, Matt Werner (7)

**Members Absent:** Corliss Lawson, Ariane Messina (2)

**Staff Present:** Bill Fiander, Planning & Development Director; Mike Hall, Current Planning Manager; Annie Driver, Planner; Kris Wagers, Administrative Officer; Mary Feighny, Legal

**Roll Call** – Chairperson Brian Armstrong called the meeting to order with seven members logged in for a quorum.

### **Approval of Minutes from July 20, 2020**

Motion to approve by Mr. Fried, **second** by Mr. Kaup. **APPROVED** (6-0-1 with Mr. Armstrong abstaining)

### **Declaration of conflict of interest/ex parte communications by members of the commission or staff –**

Mr. Dehn stated he has been working with the applicant on Z20/02 so he would mute as the case is considered and abstain from voting.

### **Action Items**

**Z20/02 by Flywheel Fairlawn, LLC**, requesting to amend the district zoning map on property located at 605 SW Fairlawn Road from C-4 Commercial District to M-3 Multiple Family Dwelling District to allow for use of the existing hotel property as residential apartments.

As the case was called by Mr. Armstrong, Mr. Dehn muted his audio and video feed.

Ms. Driver presented the staff report and staff recommendation of approval.

Greg Schwerdt of Schwerdt Design Group spoke representing the applicant. Mr. Schwerdt stated that the “workforce” housing concept is new and catching on quickly across the country. Flywheel is also looking at four other properties, as well the building behind the one in question, to potentially expand the current project if it is successful. He stated he would stand for questions.

Mr. Kaup asked what landscaping is proposed and Mr. Schwerdt stated they would meet any requirements of the City of Topeka landscaping ordinance. They intend to put up a decorative fence and if they have room, soften the area in the parking lot with more green space. He also noted that there is a large green space between this property and the property behind, which they currently have under contract.

With no additional questions from commissioners, Mr. Armstrong **declared the floor open for public comment.**

Councilperson Michael Lesser spoke in favor of the project, stating that he’s excited to see investment in the area and transformation of the property, especially as it fits into the recently completed housing study. Affordable housing, which has been a Council initiative for the past few years, will be a positive outcome of the project.

draft

David Davis spoke, asking if there had been studies done on the net effect of housing projects such as this one. As a property owner he is concerned about property values. He later asked if there had been a traffic study done.

Mr. Schwerdt explained that the applicant is completing a similar project in Branson, Missouri. He stated it was welcomed by the city. It is a relatively new concept that helps meet a housing need in great demand. Other projects similar to this are in progress in Alabama, Ohio and Michigan and in each instance he believes that enhancements being made and needs being met are preferable to a property being left vacant to deteriorate. Mr. Hall later noted that a vacant building will deteriorate and have a negative impact on the area.

Regarding the question about a traffic study, Ms. Driver explained that the project was reviewed by the City's traffic engineer and no study was required by her. Mr. Hall added that the property is currently zoned C-4, which allows a much higher level of intensity than the requested zoning. Mr. Fiander stated that the proposed use have less traffic than a hotel or other commercial use that would be allowed. Further, is anticipated that a number of the residents will rely on public transportation and there is a TMTA transit route at 6<sup>th</sup> & Fairlawn, adequate sidewalks, pedestrian-ways, and bike routes already in place in the area.

Mr. Armstrong stated that he received comments earlier in the day from a former councilperson who expressed reservations about the project. He is concerned that the project will "hasten the already existing decline" of the 600-700 blocks of Fairlawn. He recognizes that allowing the building to remain empty has its own set of problems, but using it for a low-income residential housing facility isn't the answer.

Mary Lou Weidenbach spoke representing the Gage Park West Neighborhood Watch. Ms. Weidenbach expressed concern about a series of crimes the neighborhood experienced earlier in the year. Neighbors were under the impression they were committed by some men who had broken into the hotel. Neighbors are concerned about who will be running the facility and the qualifications of those applying to live there.

Mr. Schwerdt explained that the property owners have for the past 3 years employed an on-site caretaker and in that time there have been no break-ins or criminal property damage. The owners have, he said, done everything they can to maintain the quality of the property. He added that they cannot do this forever and once the caretaker leaves the property, if un-used, it will deteriorate.

Mr. Schwerdt noted that this is not subsidized housing but rather market-rate apartments and background checks will be run on applicants. One of the Flywheel Fairlawn, LLC partners has a large property management company that manages apartments all over the country. It will be professionally managed with a manager on site, maintenance people, etc.

With nobody else logged in to speak, Mr. Armstrong declared the **public comment period closed**.

Mr. Armstrong asked Ms. Driver to explain the term "workforce housing" and Ms. Driver explained that this is a term introduced in the recently completed housing study. She stated that it is geared toward those with an income range from 60% to 120% of the area's median income. It differs from "affordable housing" which is defined as being for those with an income of less than 60% of the median income. Mr. Fiander noted that in this neighborhood, it would be an income of between \$33,000 & \$66,000/year for a typical 2-person household.

**Motion** by Mr. Kaup to recommend to the Governing Body approval of the reclassification of the property from "C-4" Commercial District to "M-3" Multiple Family Dwelling District; **second** by Mr. Kannarr.

**APPROVED** 6-0-1 with Mr. Dehn abstaining.

Upon recording of the vote, Mr. Dehn un-muted his audio/video feed.

**PUD19/03A Wanamaker West Development PUD by: Cook, NT & Flatt, DW & Strobel, Kenneth E Trust d/b/a CF&S PR, requesting a major amendment to the Master Planned Unit Development Plan**

(C-2 commercial uses and other specified uses limited to Self-Storage Types I & II and Building, Construction, & Mechanical Contractor Office) on the 2.1 acre property located on the south side of SW 30th Terrace at the end of the dead-end street to allow for Indoor Recreation Type II indoor simulated golf facility and accessory Drinking Establishment.

Mr. Armstrong called the case and Ms. Driver presented the staff report and staff recommendation for approval with conditions set for in the staff report.

Mr. Armstrong asked if 30<sup>th</sup> Terrace & Villa West Drive will be connected at some point in the future. Ms. Driver responded yes, that is the plan. The current applicants will be required to complete the road to the end of their property and make improvements to allow for turn-around.

Bryan Falk spoke representing the applicants. He explained that the property has been vacant and is rather difficult to fill based on its lack of frontage on a busy street. The owners intend to open a high-end indoor golf venue to be used year-round.

The applicants, Brandon & Lindsey Best, spoke expressing their excitement over the proposed project.

Mr. Kaup asked what the proposed building size would be and Mr. Falk responded that while that has yet to be finalized, he anticipates it being around 10,500 square feet.

Mr. Kaup asked if there would be outdoor activities. Mr. Falk explained that there will be a small patio in the back (likely less than 1,000 sq ft), but the golfing will all be indoors.

Mr. Armstrong declared the **public comment period open**. With nobody logged in to speak, he declared the **public comment period closed**.

Mr. Armstrong expressed support for the project as a good way to use the property. He anticipates it being well-received by the public.

**Motion** by Mr. Dehn to recommend to the Governing Body approval of the PUD Master Plan along with conditions listed in the staff report; **Second** by Mr. Fried. **APPROVED** 7-0-0

#### **Communications to the Commission**

Mr. Fiander explained that the recently completed housing study was adopted by the Governing Body with the stipulation that staff return to them in approximately 120 days with an action plan to implement the study in 2021. Mr. Fiander and a housing implementation team will be meeting and working on that and will keep the Planning Commission apprised. It was agreed that the commission would like to be kept up to date on the progress.

**With no further agenda items, the meeting was adjourned at 6:45PM**

**Z20/04**

by

Stormont-Vail Healthcare, Inc.

**STAFF REPORT – ZONING CASE**  
**TOPEKA PLANNING DEPARTMENT**

**PLANNING COMMISSION DATE: Monday, September 21, 2020**

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**APPLICATION CASE:** Z20/04 Stormont Vail Healthcare, Inc.

**REQUESTED ACTION:** Zoning change from "M-3" Multiple Family Dwelling District to "MS-1" Medical Service District

**APPLICANT / PROPERTY OWNERS:** Stormont Vail Healthcare Inc / Keith Griffin

**APPLICANT REPRESENTATIVE:** Joshua Bielinski, PE SBB Engineering

**STAFF:** Melissa Fahrenbruch –Current Planner

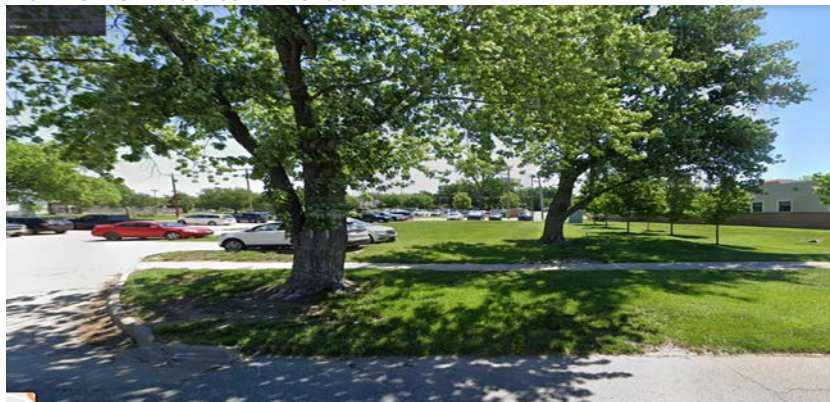
**PROPERTY LOCATION / PARCEL ID:** 700 SW WASHBURN AVE/ PID: 0973601017002000

**PARCEL SIZE:** 0.43 acres

**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 reclassification of the property from "M-3" Multiple Family Dwelling District to "MS-1" Medical Service District.

**PHOTOS:** View from SW Washburn Avenue:





View from SW 7<sup>th</sup> Street and SW Washburn Avenue:



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## **PROJECT AND SITE INFORMATION**

### **PROPOSED USE / SUMMARY:**

The proposed zoning change to MS-1 will allow owner Stormont Vail Healthcare Inc. to build an internal-use pharmacy for the Cancer Center connecting it to the Cancer Center by a hallway. Planning staff have reviewed a site plan and other plans for the project. Planning Commission's recommendation on the zoning change is required prior to building permit application. City Council approval of zoning change is required prior to issuance of permits. (SPR 20/15)

### **DEVELOPMENT / CASE HISTORY:**

Z82/28 – The site was rezoned from "C" Two Family Dwelling District to "D & O" Multiple Family and Office in 1982. Z85/31 – Was rezoned from "D & O" classification to "E" Multiple Family dwelling district in 1985. The one residential structure with detached garage was demolished to build a 31 unit apartment building with related 34 parking spaces in 1985. ("E" Multiple Family dwelling district converted to "M-1" in zoning code change.) The apartment building was demolished in 2016.

### **ZONING AND USE OF SURROUNDING PROPERTIES:**

North: "M-1" Two Family Dwelling District/ Single family residence according to Shawnee County.

South: "MS-1" Medical Service District/ Cotton O'Neil Cancer Center

West: "O&I-2" Office and Institutional District/ Kansas Rehabilitation Hospital, a joint venture of Encompass Health and Stormont Vail Health

East: "MS-1" Medical Service District/ Parking Lot for Cancer Center

## DEVELOPMENT STANDARDS AND POLICIES

|   |   |
|---|---|
| PURPOSE, USE STANDARDS:                     | "MS-1" Medical Service District: <i>This district is established to provide for the location and use of a regional medical center together with related medical facilities and supporting ancillary service uses, including residential dwellings. It is not the purpose nor the intention of this zoning district to preclude the similar use of land or buildings as provided herein from other districts as may be permitted by this division.</i>     |
| DIMENSIONAL STANDARDS:                      | Front/Rear building setbacks: 25' – <b>Compliant</b><br><br>Side building setbacks: 5' for a building up to 50' in height and 10' for buildings taller than 50' in height – <b>Compliant</b><br><br>The maximum building coverage allowed is 80% - <b>Compliant</b> (includes new construction as proposed.)<br><br>The maximum density permitted is 15 DUs per acre - <b>N/A</b><br><br>The maximum building height allowed is 160 ft.- <b>Compliant</b> |
| OFF-STREET PARKING:                         | "MS-1" District: Standard for "Professional Offices- Medical...Clinics" of 1 per 300 square feet of floor area applies (TMC 18.240). No additional parking will be required. The site has adequate off-street parking.  |
| OTHER DESIGN GUIDELINES AND CONSIDERATIONS: | TMC 18.235 Landscape Regulations apply. TMC 18.275 Nonresidential Design is exempt and alternative compliance will apply.   |
| SIGNAGE:                                    | Signage will be permitted subject to Title18 Division 2 Sign Code for "MS-1" zoning. Subject to TMC18.10.110 and permits are required for most signs.   |

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## OTHER FACTORS

|                                |  |
|--------------------------------|--|
| SUBDIVISION PLAT:              | Lots 218-220-222-224-226, Corrected Plat of Horne's 2 <sup>nd</sup> Addition.  |
| FLOOD HAZARDS, STREAM BUFFERS: | None   |
| UTILITIES:                     | There is a 6" water main along SW Washburn Ave and a 12" main along SW 7 <sup>th</sup> St is available. A 27" sanitary sewer main is already serving the site.   |
| TRAFFIC/TRANSPORTATION:        | The site has access to public transit and bikeway system via SW 6 <sup>th</sup> Ave and SW 8 <sup>th</sup> Ave. A sidewalk along Washburn Ave and 7 <sup>th</sup> St to provide pedestrian access to medical services. |
| HOUSING:                       | Not applicable   |

HISTORIC PROPERTIES: Not applicable

NEIGHBORHOOD MEETING: Not required.

## **REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES**

PUBLIC WORKS/ENGINEERING: None

FIRE: The Topeka Fire Department may have additional comments or requirements as the project development progresses. The Fire Department inspectors will review plans upon Building Permit submittal.

DEVELOPMENT SERVICES: Development Services will review construction plans upon submittal for the application for the Building Permit.

COX COMMUNITIONS: Cox will need a 2" conduit from inside communications room to outside easement location. This will allow entry into the building for communication service.

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## **KEY DATES**

SUBMITTAL: August 7, 2020

NEIGHBORHOOD INFORMATION MEETING: Not required at discretion of department.

LEGAL NOTICE PUBLICATION: August 31, 2020

PROPERTY OWNER NOTICE: August 28, 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 NEIGHBORHOOD:** The surrounding area is characterized by medical services, office and institutional uses and multifamily housing. The site is located at the intersection of SW Washburn Avenue and SW 7<sup>th</sup> Street (collector and local street respectively). The surrounding medical use buildings are brick and stucco facades, in a generally contemporary style. The adjacent residential buildings are more traditional with front porches and parking mostly along the alleys.

Washburn is a one-way street with south bound traffic. Stormont Vail Hospital & Trauma Center is located southwest along SW Washburn and the University of Kansas Health System St. Francis Campus-Intensive care unit is one block

northwest on SW 6<sup>th</sup> Ave. The site has access to public transit and bikeways on SW 6<sup>th</sup> Avenue and SW 8<sup>th</sup> Avenue. The site has pedestrian access to medical services on the west and north sides by sidewalks. The development allowed will not substantially alter the physical character of the neighborhood.

**THE ZONING AND USE OF PROPERTIES NEARBY:** The property to the west is zoned "O&I-2" Office and Institutional District and contains Kansas Rehabilitation Hospital, a joint venture of Encompass Health and Stormont Vail Health, as well as parking. The proposed internal-use pharmacy building will connect to the property directly south and east, which is zoned "MS-1" Medical Service District and is the Cotton O'Neil Cancer Center with parking. The properties to the north and directly across the street from the subject property are zoned "M-1" Two Family Dwelling District/ and consist of single family homes. The proposed zoning is compatible with the surrounding "MS-1", "O&I-2", and "M-1" zoning and uses.

**LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION:** The subject property has remained zoned for Residential uses in its various forms over the years since platted 1889. The one residential structure with detached garage was demolished to build a 31-unit apartment building with related 34 parking spaces in 1985. The apartment building was demolished and has been vacant with existing parking lot since 2016.

**CONFORMANCE TO COMPREHENSIVE PLAN:** The subject property is located in the Oldtown Neighborhood Plan, an element of the Comprehensive Plan, which was intended to accommodate the properties in the "Medical Services District" established between the west side of Mulvane Avenue and the west side of Washburn Avenue. The area between Washburn and the alley east of Lane is in transition and anticipated to be converting to medical related uses (Pg. 17).

The plan indicates that this "Medical Services District" may not entirely consist of medical related uses. Uses such as multiple family residential, neighborhood commercial, and office are also anticipated to make up the District (Pg. 17). The subject property would be compatible with the "Medical Services District" indicated in the plan, as it suggests expansion of Medical Services use should occur first and foremost within the Boundary of the District... (Pg. 17). For these stated reasons, the proposed use is in conformance with the policies of the Comprehensive Plan and Future Land Use Map.

**THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES OF WHICH IT HAS BEEN RESTRICTED:** The subject property has remained vacant since at least 2016. Under its current M-3 zoning the property is restricted to multiple family residential and a narrow range of limited office and institutional uses. The small size of the property (.43 acre) also limits how the property can be used. The property is not well-suited to its current zoning because it is surrounded by "MS-1" zoning on two-sides within the same parcel.

**THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES:** The change in zoning to MS-1 will allow the owner to provide off-street parking and build the proposed internal-use pharmacy for Cotton O'Neil Cancer Center which has operated at its location for many years without reported problems. Additionally, the use of existing parking or another use permitted under the proposed zoning has required an approved site and landscape plan with property setbacks, buffer yards, and landscaping to protect neighboring owners and residents from the potential negative effects of development.

**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:** Denial of the proposed "MS-1" zoning would impose a hardship upon the individual landowner because it would not allow construction of the pharmacy for the Cancer Center use. *A thriving medical district is an essential ingredient in our regional economy that depends very much on a healthy surrounding neighborhood* (Pg. 17). Alternatively, there is a gain to the public health, safety and welfare by rezoning to allow for the Cancer Center to build the pharmacy.

**AVAILABILITY OF PUBLIC SERVICES:** Utilities are available and serve the property.

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**STAFF RECOMMENDATION:**

**RECOMMENDATION:** Based on the above findings and analysis Planning Staff recommends approval of the zoning reclassification from "M-3" Multiple Family Dwelling District to "MS-1" Medical Service District.

**RECOMMENDED MOTION:** Based on the findings and analysis in the staff report I move to recommend to the Governing Body approval of the reclassification of the property from "M-3" Multiple Family Dwelling District to "MS-1" Medical Service District.

**Exhibits:**  
Aerial map  
Zoning map  
Future land use map



# Z20/04 Stormont Vail Inc.



City of Topeka  
Planning and Development  
Department



Subject Property

# Z20-04 Stormont Vail Inc. Zoning Map



City of Topeka

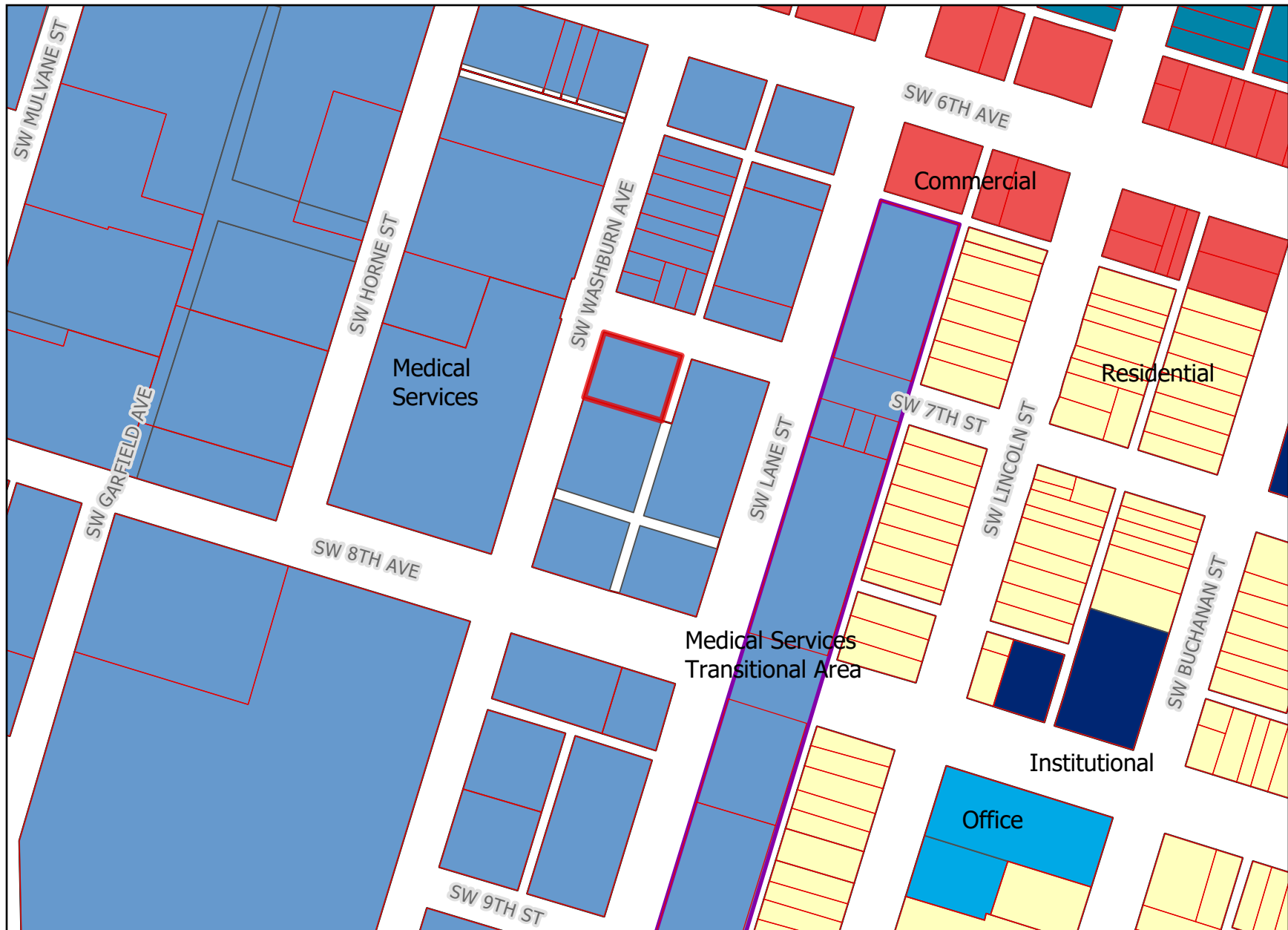


City of Topeka  
Planning and Development  
Department

Legend

 Subject Property

# Z20-04 Stormont Vail Inc.- Oldtown Future Land Use Map



City of Topeka  
Planning and Development  
Department

Subject Property



**Z20/03**

by

A.M. El-Koubysi,

Trustee for El-Koubysi Jana Trust

**STAFF REPORT – ZONING CASE**  
**TOPEKA PLANNING DEPARTMENT**

**PLANNING COMMISSION DATE: Monday, September 21, 2020**

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|                                       |  |
|---------------------------------------|--|
| <b>APPLICATION CASE:</b>              | Z20/03 By: El-Koubysi Jana Trust   |
| <b>REQUESTED ACTION:</b>              | Zoning change from “R-1” Single Family Dwelling District TO “M-2” Multiple Family Dwelling District  |
| <b>APPLICANT / PROPERTY OWNERS:</b>   | Abdulrahman M. El-Koubysi Trustee for El-Koubysi Jana Trust  |
| <b>PROPERTY LOCATION / PARCEL ID:</b> | 3440 SE 29 <sup>th</sup> Street / PID: 1321004001012000  |
| <b>PARCEL SIZE:</b>                   | 3.29 acres   |
| <b>CASE PLANNER:</b>                  | Annie Driver, AICP – Senior Current Planner  |
| <b>STAFF RECOMMENDATION:</b>          | Approval   |
| <b>RECOMMENDED MOTION:</b>            | Based on the findings and analysis in the staff report I move to recommend to the Governing Body approval of the reclassification of the property to “M-2” Multiple Family Dwelling District |

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**PROJECT AND SITE INFORMATION**

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|--|---|
| <b>PROPOSED USE / SUMMARY:</b>                   | The rezoning will allow the owner to develop the property for a total of 9 units. His current plans are to remodel the existing residence on the south portion into a duplex and remodel the existing detached garage into an accessory dwelling. In the future, he will develop the north portion of the property as three lots for duplexes, which will require dedication and construction of SE 28 <sup>th</sup> Terrace.   |
| <b>DEVELOPMENT / CASE HISTORY:</b>               | The parcel is 190’ wide X 756’ deep. The 2,078 sq. ft. single family dwelling has existed on the site since 1967. The site also contains a detached garage and storage shed. The site was annexed into the City in 1980 and has remained zoned for single-family uses since that time. The existing residence was constructed before the property was annexed into the city. The size and configuration of the property are reflective of this being a County rural residential homestead using a septic system for wastewater. |
| <b>ZONING AND USE OF SURROUNDING PROPERTIES:</b> | North: “M-1” Two-Family Dwelling District / Duplexes<br><br>South: “RR-1” Residential Reserve District / Lake Shawnee   |

West: "PUD" Planned Unit Development (Aquarian Center) for O&-2 and C-2 uses / Retail store, dialysis clinic, and bank

East: "R-1" Single Family Dwelling District / Single family dwelling

**PHOTO:**

Existing residence at 3440 SE 29<sup>th</sup> Street:



Looking towards property from north side (SE Taurus Ct):



## **DEVELOPMENT STANDARDS AND POLICIES**

### **PURPOSE, USE STANDARDS:**

*"M-2" Multiple Family Dwelling District: This district is established to provide for the use of attached dwelling units containing three or more dwelling units, designed and intended for individual dwellings, group or community living facilities, congregate living facilities, and including townhouse, condominium or cooperative division of ownership. The location of this district is further intended to provide a transitional use between the districts of lesser and greater intensity.*

*"M-2" zoning: Allows multiple family dwelling buildings, as well as single- two- and three- family dwellings. Other institutional residential uses allowed in "M-2" include: Group Homes, Home Cares, Assisted Living Facilities, Medical Care Facilities (nursing homes), and Religious Assembly.*

**DIMENSIONAL STANDARDS:**Building Setbacks:

- Front: 25 ft.
- Side: 5 ft.
- Rear: 25 ft.
- Building Separation: 6 ft.

Maximum density: The “M-2” zoning allows 15 units per acre maximum. The applicant’s proposal is within the low density realm of a gross density of 3 DUs per acre (including future street), which is acceptable and appropriate given proximity to duplexes and single family.

**OFF-STREET PARKING:**

Two-family dwellings require two stalls per dwelling (including garage)

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**OTHER FACTORS****SUBDIVISION PLAT:**

Not platted. A plat is required when the applicant extends sanitary sewer, which is needed when another dwelling unit is added to the site. At that time, dedication of the right-of-way for the extension of SE 28<sup>th</sup> Terrace is required.

**FLOOD HAZARDS, STREAM  
BUFFERS:**

Not in a flood risk zone

**UTILITIES:**

Sewer: The existing residence has two septic systems serving the residence – one for upstairs and one for downstairs. Connection and extension of sanitary sewer is needed when an additional dwelling unit is added to the property. A building permit is required for this change of use converting the dwelling to a duplex or the garage to a dwelling unit.

Water: There is an existing 16” water main along SE 29<sup>th</sup> and an existing meter serving the subject property. Future development on the north side will likely also require an extension of an 8” main from SE 28<sup>th</sup> Terrace.

Stormwater: Plans for stormwater drainage and water quality treatment will be approved at the time of the of the subdivision plat.

**TRAFFIC:**

There are two driveways on SE 29<sup>th</sup> Street serving the property that will remain until such time as the owner extends SE 28<sup>th</sup> Terrace. At the time, the owner extends SE 28<sup>th</sup> Terrace, all permanent access to dwellings will be taken from SE 28<sup>th</sup> Terrace and any driveways on SE 29<sup>th</sup> will be closed.

**HOUSING:**

The Topeka Housing Market Study identifies the single-family home as the dominant housing type built over the past decade. The study says there is a need to diversify the housing stock to retain and attract residents. Building new missing middle development (i.e. Defined as mid-size housing of 3- 20 units) helps diversity the housing stock.

**HISTORIC PROPERTIES:**

There are not any listed properties or districts within proximity to the site.

**NEIGHBORHOOD MEETING:**

The applicant conducted a neighborhood information meeting on August 20, 2020 at 6:00 pm via a Zoom Video Conference. A resident owning a property on Flora Court, outside the notification radius, attended the meeting. There was difficulty accessing the meeting, but the applicant indicated he had not received anyone else requesting to attend the meeting except the one resident on Flora Ct. This resident expressed concerns about the lack of maintenance of the existing duplexes in the neighborhood. The applicant's meeting summary is attached.

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**REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES****PUBLIC WORKS/ENGINEERING:**

Plans for public sanitary sewer and public water extensions will be submitted to the City Engineer at the time site development. Stormwater drainage will be reviewed when the property is platted to allow for the additional lots.

**FIRE:**

No issues expressed with rezoning. The extension of a SE 28<sup>th</sup> Terrace exceeding 150 ft. dead-end will require a temporary turnaround. Future plans will be reviewed and approved by the Fire Department.

**DEVELOPMENT SERVICES:**

Building Permits are required to convert the single-family dwelling into a duplex and the detached garage into a dwelling.

**KEY DATES****APPLICATION DEADLINE:**

August 7, 2020

**NEIGHBORHOOD INFORMATION  
MEETING:**

August 20, 2020

**LEGAL NOTICE PUBLICATION:**

August 26, 2020

**PROPERTY OWNER NOTICE:**

August 28, 2020

**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 NEIGHBORHOOD:** The subject site is located near the commercial intersection of two arterial streets (SE Croco and SE 29<sup>th</sup> Street). The surrounding area contains a mix of commercial businesses along the north side of SE 29<sup>th</sup> Street, including retail, office, medical and dining establishments and at the southwest intersection of 29<sup>th</sup> and Croco. The surrounding area is characterized by Lake Shawnee and the recreational fields, parks, and trail system near the site along the south side of SE 29<sup>th</sup> Street. Residential uses in the area consist primarily of single family dwellings

and duplexes north of the site that were developed near 2000. There are vacant platted lots, zoned R-1 and M-1, north of the subject site that are not yet developed. The land immediately to the west is platted and zoned for office uses under the PUD. A dental clinic was recently constructed on SE 28<sup>th</sup> Terrace west of the site. SE 28<sup>th</sup> Terrace terminates at the property's west boundary line and it is expected the street will be extended as the subject property and adjacent property develop. The proposed development is anticipated to fit the character of the surrounding neighborhood.

**THE ZONING AND USE OF PROPERTIES NEARBY:** The zoning and land use of the surrounding properties to the north is single- and two- family residential (R-1 and M-1 zoning) and contains duplexes, single-family dwellings, and vacant lots. Adjacent property and nearby properties are zoned "PUD" and intended for commercial uses including a mix of retail, office, and dining establishments. The property immediately east contains three acres and is another rural residential home site that was built near the same time as the dwelling on the subject property. The proposed M-2 zoning is an appropriate transition from office and commercial zoning south and west of the property to the single-family and two-family residential zoning (M-1, R-1, and PUD R-1) north of the subject property.

**LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION:** The subject property has been zoned "R-1" Single Family Dwelling District since the time it was annexed around 1980. Prior to that, it was assigned the appropriate County rural residential single-family zoning classification. The single-family residence on the property was constructed in 1967 and has existed since that time.

**CONFORMANCE TO COMPREHENSIVE PLAN:** The subject property is located in an area on the future land use map of the Land Use and Growth Management Plan that is near a "Mixed Use Node" designation. (i.e. the Node designation on the map is general and not intended to exactly represent all properties contained within the Node.) "Mixed Use Nodes" are designated at or close to arterial street intersections where only two or fewer corners are zoned or developed for commercial uses, such as this intersection of SE 29<sup>th</sup> and Croco. These nodal areas may display characteristics, such as vacant buildings and underdeveloped land, surrounding the node. The plan supports redevelopment or new development of these properties by mixing uses, including residential, with the higher intensity uses being located closer to the arterial intersection corner.

The intersection of SE Croco and SE 29<sup>th</sup> follows these "Mixed Use Nodal" principles. Lake Shawnee (SW corner) and Meadowview Subdivision (NE corner) are residential and that is not planned and expected to change in the future. The opposite corners of the arterial intersection are primarily commercial. This subject property sits at a location where commercial uses to the west front and strip out along SE 29<sup>th</sup> Street, which is not a desirable land use pattern for commercial uses. This area is designated "Strip Commercial" on the Future Land Use Map. New curb cuts on the arterial street are not desirable within these areas shown as "Strip Commercial". Future lots should take access off the interior SE 28<sup>th</sup> Terrace when it is extended. There is lower density residential housing (single-family, two-family dwellings) on the north side of the subject property. The proposed "M-2" zoning on the subject property allows an appropriate development pattern within "Mixed Use Nodes" by providing a transition from the commercial uses nearer the intersection. Therefore, the proposal is in conformance to the Comprehensive Plan.

**THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES OF WHICH IT HAS BEEN RESTRICTED:** The subject property is no longer suitable as zoned "R-1" Single Family Dwelling District. The single-family dwelling zoning pre-dated the property's annexation into the city limits. The house was constructed on the three acre parcel when the property was in the County and served, and continues to be served, with a septic tank and lateral field. At that time, the surrounding property to the west, north, and east were not developed at an urban density. A medium density residential zoning on the parcel is ideally situated for residents to make use of surrounding commercial development and the parks/open space uses in the area upon the extension of SE 28<sup>th</sup> Terrace.

**THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES:** There would appear to be no detrimental effects upon nearby properties by a rezoning to allow "M-2" zoning, which allows a desirable pattern of land use near the intersection of SE 29<sup>th</sup> and Croco. If developed with additional lots, this zoning district enables new residents in the area to take advantage of the commercial and recreational

uses near the site. In reality, the proposed density of this applicant's particular project is roughly 3 DUs/acre and is considered low density and similar to the density of surrounding housing, although the M-2 zoning will allow for higher density development. A nearby homeowner expressed concerns about the lack of maintenance of existing duplex rental units in the neighborhood, which is a common perceived negative effect with the addition of multiple-family to a neighborhood. The "M-1" zoning district does allow duplexes to be split and each unit sold if platted in that manner, although the owner is not required by the zoning to do such.

**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:** The owner has to extend sanitary sewer, water, dedicate right-of-way, and build a significant segment of street to fully utilize the property. Developing the property under the current R-1 zoning restrictions is likely not economically feasible because of the substantial investment in infrastructure that is required. The added density is necessary to make the project viable for the owner. The proposed rezoning and development is anticipated to have little, if any, negative impacts. Therefore, the public has little or nothing to gain by denial of the proposed zoning change.

**AVAILABILITY OF PUBLIC SERVICES:** Utilities are available and will be extended at the expense of the developer at the time of site development.

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### **STAFF RECOMMENDATION:**

**RECOMMENDATION:** Based on the above findings and analysis Planning Staff recommends approval of the zoning reclassification from "R-1" Single Family Dwelling District to "M-2" Multiple Family Dwelling District.

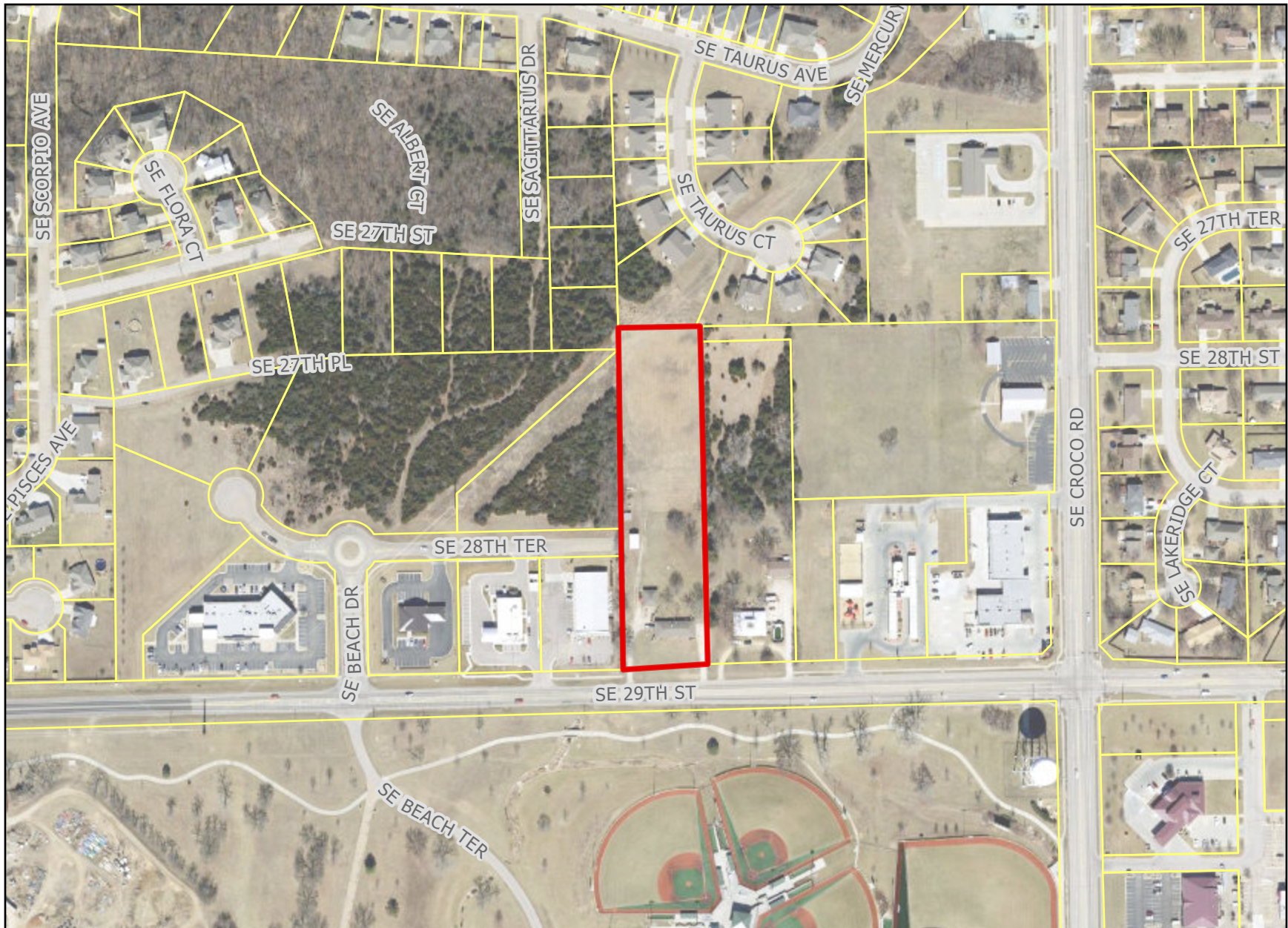
**RECOMMENDED MOTION:** Based on the findings and analysis in the staff report I move to recommend to the Governing Body approval of the reclassification of the property from "R-1" Single Family Dwelling District to "M-2" Multiple Family Dwelling District

**Exhibits:**

Aerial map  
Zoning map  
Future land use map  
Neighborhood Meeting Summary & Attendance



# Z20/03 By: El-Koubysi Jana Trust



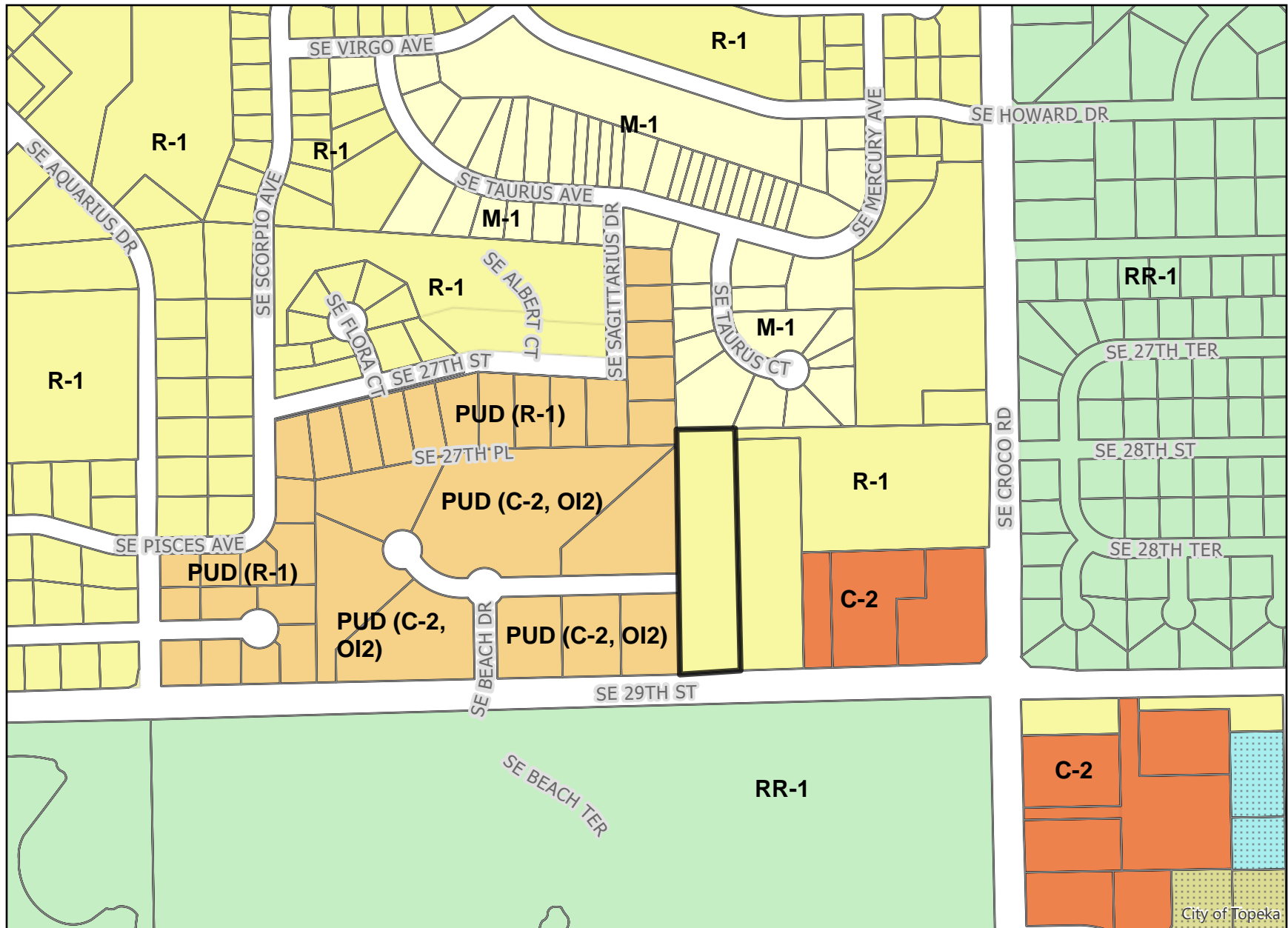
City of Topeka  
Planning and Development  
Department



Subject Property



# Z20/3 By: A.R. El - Koubysi Jana Trust (Zoning Map)



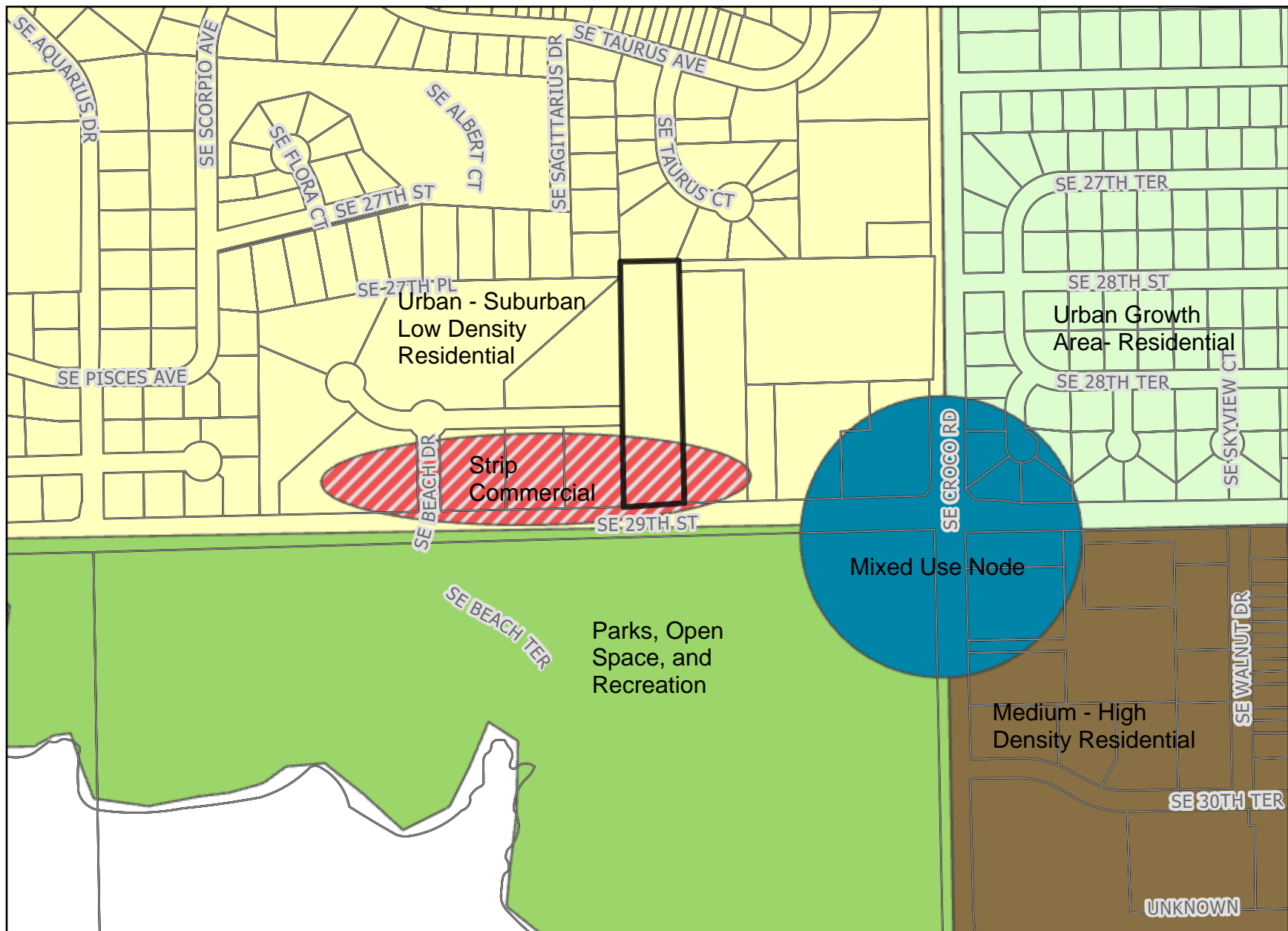
City of Topeka  
Planning and Development  
Department

Legend

Subject Property

City of Topeka

# Z20/3 By: A.R. El - Koubysi Jana Trust (Future Land Use)



City of Topeka  
Planning and Development  
Department

Legend

 Subject Property

A.R. El-Koubysi  
3933 SE 37<sup>th</sup> St  
Topeka, KS 66605

Aug 21, 2020

RE: Neighborhood Information Meeting summary for rezoning application  
at 3440 SE 29th st, Topeka KS 66605 (Z20/03 by A. El-Koubysi, Trustee for El-Kioubysi Jana Trust )

The meeting was held via ZOOM starting at 6pm Aug 20, 2020 and concluded  
at 635pm.

Attendees:

A.R. El-Koubysi, applicant

Ms. Judy Scherff, 2640 SE FLORA CT, Topeka, KS 66605

Ms. Annie Driver, Topeka planning and Development 620 SE Madison/ Unit  
11 Topeka, KS 66607

Ms. Annie Driver started the meeting by providing a brief introduction  
to the process.

A.R. El-Koubysi provided information on location of property and reason  
for requesting the zoning change from R1 to M2.

Ms. Judy Scherff major concern with Duplex buildings in general is that  
they are typically not owner occupied and how some renters can possibly  
cause damage to the property over time. She did not have issue with  
duplexes on this particular property because they were not close to  
where she lives on FLORA CT.

Ms. Annie Driver explained that this application is for rezoning only  
and that during the plat process (which is a separate application)  
specific issues such as building types and other issues are discussed  
before plat process is completed.

The meeting concluded at approximately 635pm.

**P20/15**

Timber Ridge Subdivision #2

# SUBDIVISION REPORT

## CITY OF TOPEKA PLANNING DEPARTMENT

PLANNING COMMISSION DATE:  
Monday, September 21, 2020

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Preliminary Plat Phase

Preliminary and Final Plat Phase

Final Plat Phase

**NAME:** Timber Ridge Subdivision #2 - [P20/15]

**OWNER/DEVELOPER:** Dultmeier – Rollenhagen LLC

**ENGINEER/SURVEYOR:** Bartlett and West (Angela Sharp, P.E.)

**CASE PLANNER:** Annie Driver, AICP, Senior Current Planner

**GENERAL LOCATION:** The center of the tract being approximately 1300' south of SW 53<sup>rd</sup> Street along the east side of SW Timber Ridge Lane, more generally located near the southeast intersection of SW 53<sup>rd</sup> and SW Wanamaker Road.

**PARCEL ID NUMBERS:** 1483300001002140

**JURISDICTION:** Class "C" subdivision within the three-mile extra territorial jurisdiction (ETJ) of the City of Topeka not contiguous to the city limits, but contained inside the City's Urban Growth Area (UGA).

**ANNEXATION:** The proposed plat is located in Tier 3 of the Urban Growth Area. Tier 3 areas are generally not ready for annexation because they lack one or more of the five basic urban services and are not contiguous to the City limits. However, City Code requires annexation prior to receiving sanitary sewer.

An exception is allowed if the City has previously agreed to provide sewer service to the property owner and a consent to annexation is provided. The developer of Timber Ridge entered into an agreement to participate in the cost to extend sanitary sewer when the City/USD 437 adopted an Interlocal Agreement in 2008 to construct the Southwest Interceptor that would serve Washburn Rural High School. This interceptor, built around 2009-2010, enabled Timber Ridge (platted 1990) to develop upon connection to the City's sewer system. This lot was originally platted for a private sewage lagoon that would serve the subdivision; this lagoon system was unnecessary because of the interceptor and was never constructed. A consent to annexation note has been added to the plat.

| Area       | # of Lots                                | Density          | Proposed Land Use         | Zoning                              |
|------------|--|------------------|---------------------------|-------------------------------------|
| 6.08 acres | 10 new lots (0.21 to 0.9 acre lot sizes) | 1.6 DUs per acre | Single Family Residential | "RR-1" Residential Reserve District |

**Pending Zoning Case:** N/A

**Design:** The subject plat is irregular in shape measuring approximately 298' X 412' with its longest measurement running parallel with SW Timber Ridge Lane. The purpose is to replat Lot 9, Block A into 10 lots. The originally created lot was for a sewage treatment lagoon. The plat proposes access to Lots 1-7 from SE 55<sup>th</sup> Street (cul-de-sac). Lots 8-10 have access from SW Timber Ridge Lane. A stream buffer easement is provided on Lot 10 for the Type II stream that crosses this lot. The final plat provides public easements as required for stormwater, sanitary sewer and other public utilities.

**BACKGROUND:** Timber Ridge Subdivision was platted and approved in 1990, but did not start developing until 2012 after construction of the sewer interceptor. A preliminary plat for Timber Ridge Subdivision was approved by the Planning Commission at this time that also included an additional 38 acres of presently undeveloped land to the south and not yet final platted. The preliminary plat is being honored for the additional land to the south as the owner has a vested right to develop this land.

## **SERVICES AND FACILITIES:**

1. **WATER SERVICE:** Rural Water District # 3 by means of connection to an existing 6" water main located along SW Timber Ridge Lane and extension of a 6" water main along SW 55<sup>th</sup> Street.
2. **SEWAGE DISPOSAL:** City of Topeka by means of connection to an existing 8" sanitary sewer main located along SW Timber Ridge Lane and extension of an 8" main along SW 55<sup>th</sup> Street.
3. **WASTEWATER PLAN SERVICE AREA:** The property is located within the Primary Urban Service Area as reflected by the Land Use and Growth Management Plan (2040), which requires connection to sanitary sewer unless a waiver is granted. The proposal is in compliance with said plan.
4. **DRAINAGE CONDITIONS:** The Stormwater Management Report as submitted by the Consultant to the City of Topeka Department of Utilities has been approved per memo dated September 10, 2020. Easements are added to the plat for the stormwater management facility and drainage channel.
5. **STREET PLAN/ACCESS:** The preliminary street plans for the extension of SW Timber Ridge Lane and SW 55<sup>th</sup> Court as submitted by the developer to the Shawnee County Public Works Department have been approved by that department. The street improvement project will be completed upon the developer petitioning the County Commission for approval of a benefit district. The plat proposes to extend SW Timber Ridge Lane to the south boundary and terminate in a temporary turnaround until extended as approved by the original Timber Ridge Subdivision preliminary plat (approved 1990). Sidewalks will be provided along street frontages as lots are developed.
6. **FIRE DISTRICT:** Mission Township Fire expressed no concerns with the plat. Fire hydrants will be provided as needed with water main extensions.
7. **STREAM BUFFER:** The subdivision is impacted by a Type II stream buffer crossing the mid-section and southern portions of the property (Lot 10). The developer has complied with the City of Topeka stream buffer regulations as required by TMC 18.40.150 of the subdivision regulations and has dedicated appropriate Type II stream buffer easements on the plat for the stream and streamside area.
8. **SCHOOL DISTRICT:** USD No. 437 – Auburn- Washburn Rural
9. **PARKS/OPEN SPACE:** The subject property is located within Parkland Fee District #6 – Southwest. A fee of \$300 will be collected for each new unit by Shawnee County at the time of building permit issuance.

**WAIVER/VARIANCE TO STANDARDS:** Pursuant to TMC 18.40.050(c), a variance will need to be granted with the approval of Timber Ridge Subdivision regarding the length of dead-end street exceeding 500 ft. for Timber Ridge Lane from SW 55<sup>th</sup> Street to its dead-end at the south boundary until extended. Planning staff is supportive of this variance as the street was dedicated in this original configuration and the change increases the overall density on the dead-end by only three new lots. The total number of lots taking access from this dead-end is under 10 lots, which is well below the accepted standard (i.e. 20 lots on a dead-end street).

**CAPITAL IMPROVEMENT PLAN (CIP):** There are no County projects in the Shawnee County CIP for SW 53<sup>rd</sup> Street.

**CONFORMANCE TO COMPREHENSIVE PLAN:** The proposed subdivision is located inside Tier 3 of the Urban Growth Area as reflected by the Land Use and Growth Management Plan (LUGMP) - 2040. The plan identifies Tier 3 areas as comprising the bulk of the UGA outside Tier 1. Generally speaking, developing these areas is not cost effective because investment has not been made in all five of the urban services (sewer, water, roads, Police and Fire) and they are not contiguous to the City limits. However, considerations are given to properties where there is already an approved preliminary plat before the adoption of the LUGMP-2040. Timber Ridge Subdivision was platted in 1990. The proposed final plat is a replat of Lot 9, originally intended for community sewage facility that was not built. Lots within Timber Ridge Subdivision did not develop until the City constructed the Southwest Interceptor around 2009-10 that provided sanitary sewer to Washburn Rural High School. In 2008, this developer entered in an Interlocal Agreement with the City/USD 437 to participate in costs for extending that interceptor, which enabled Timber Ridge to develop with a connection to the City's sewer system rather than as originally platted in 1990 with a community lagoon.

The proposed plat subdividing Lot 9 into ten residential lots is in conformance with policies of the Comprehensive Plan given the fact the lot is no longer needed as it was originally dedicated for a community sewage lagoon. The proposal does add new lots to the original plan. However, the overall density of this replat (1.6 DUs/acre) is comparable to the surrounding subdivision's density and lot sizes.

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**STAFF ANALYSIS:** The overall subdivision design conforms to the established standards and provisions of the subdivision regulations relative to design criteria with approval of the noted design variances. Based upon the above findings and staff analysis, the Planning Department recommends the Preliminary and Final Plat phases for Timber Ridge Subdivision #2 be **APPROVED**, **subject to:**

1. Add "SME" label to the final plat as it is missing although it is in the Legend. (Remove any preliminary plat information that may have been left on the final plat inadvertently i.e. inlet/outlet from the SME?)
2. Add "TTE" label to final plat Legend.
3. Add Variance note: *"Pursuant to TMC 18.30.040, with approval of Timber Ridge Subdivision #2 the Topeka Planning Commission grants a design variance to TMC18.40.050(c) regarding the length of dead-end street exceeding 500 ft. for SW Timber Ridge Lane from SW 55<sup>th</sup> Street to its dead-end at the south boundary until extended as part of future development when that property is platted."*

**Exhibits:**

Preliminary Plat (Timber Ridge #2)

Final Plat (Timber Ridge #2)

Aerial Map

Aerial Map – Location Relative to UGA



# A PRELIMINARY PLAT FOR: TIMBER RIDGE SUBDIVISION No. 2

A REPLAT OF LOT 9, BLOCK A, TIMBER RIDGE SUBDIVISION  
SHAWNEE COUNTY, KANSAS

## NOTES:

- WATER SERVICE IS BY THE SHAWNEE CONSOLIDATED RURAL WATER DISTRICT No. 3
- SANITARY SEWER SERVICE SHALL BE BY THE CITY OF TOPEKA.
- THE PROPERTY LINES WITHIN ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN, AS PER FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP (FIRM) No. 20177C0282E WITH AN EFFECTIVE DATE OF SEPTEMBER 29, 2011 AND No. 20177C0284E WITH AN EFFECTIVE DATE OF SEPTEMBER 29, 2011.
- PROPERTY OWNERS SHALL BE ADMONISHED FROM PLACING ANY PERMANENT OR SEMI-PERMANENT OBSTRUCTION IN PERMANENT SEWER OR UTILITY EASEMENTS. THIS INCLUDES, BUT IS NOT LIMITED TO, TREES, SHRUBS, FENCES, RETAINING WALLS, BUILDINGS OR OTHER MISCELLANEOUS OBSTRUCTIONS THAT INTERFERE WITH ACCESS OR EGRESS OF MAINTENANCE VEHICLES OR EQUIPMENT FOR THE OPERATION AND MAINTENANCE OF THE UTILITIES OR PIPE LINES LOCATED IN THE EASEMENT. ANY PERMANENT OR SEMI-PERMANENT OBSTRUCTION LOCATED IN THE PERMANENT SEWER OR UTILITY EASEMENT MAY BE REMOVED BY THE GOVERNING BODY, ITS EMPLOYEES OR AGENTS TO PROVIDE FOR THE PROPER OPERATION AND MAINTENANCE OF THAT UTILITY LINE, WITHOUT COST OF OBLIGATION FOR REPLACEMENT, COST OF REMOVAL, AND/OR REPLACEMENT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.
- THE PUBLIC WAYS (STREET AND ROADS) NOT HERETOFORE DEDICATED, ARE HEREBY DEDICATED TO THE PUBLIC. TEMPORARY TURN-AROUND EASEMENTS ARE HEREBY ESTABLISHED AS SHOWN ON THE ACCOMPANYING PLAT AND SHALL BE AUTOMATICALLY VACATED WHEN STREETS ARE EXTENDED.
- THE MINIMUM OPENING ELEVATION FOR LOT 7, LOT 8, AND LOT 9, BLOCK A SHALL BE 1 FOOT ABOVE THE HIGHEST ADJACENT 100-YR WATER SURFACE ELEVATION.
- STORMWATER MANAGEMENT EASEMENTS (SME) ARE HEREBY ESTABLISHED AS SHOWN OR DESCRIBED TO PROVIDE FOR THE MANAGEMENT OF STORM WATER INCLUDING, BUT NOT LIMITED TO, DETENTION, RETENTION, STORAGE AND TREATMENT OF STORM WATER. PROPERTY OWNERS AND THEIR ASSIGNS AND SUCCESSORS (PROPERTY OWNERS) AGREE TO INSTALL, CONSTRUCT, RECONSTRUCT, REPLACE, ENLARGE, REPAIR, OPERATE AND PROVIDE PERPETUAL MAINTENANCE OF PIPE, FLUME, DITCH, SWALE, VEGETATIVE AREAS OR MECHANICAL DEVICES FOR STORM WATER CONVEYANCE AND/OR TREATMENT, OR ANY IMPROVEMENTS IN THE SME FOR THE DRAINAGE AND/OR TREATMENT OF SAID STORM WATER. NO CHANGE TO THE GRADE, TOPOGRAPHY OR STORM WATER MANAGEMENT STRUCTURES AND IMPROVEMENTS IN THE SME SHALL BE MADE WITHOUT THE PRIOR WRITTEN APPROVAL OF THE APPLICABLE PUBLIC WORKS DIRECTOR OR DESIGNEE. PROPERTY OWNERS SHALL NOT PLACE OR PERMIT ANY PERMANENT, SEMI-PERMANENT OR TEMPORARY OBSTRUCTION IN SAID SME INCLUDING, BUT NOT LIMITED TO, TREES, SHRUBS, VEGETATION, ROCKS, FENCES, RETAINING WALLS, LANDSCAPING, STRUCTURES, BUILDINGS OR OTHER OBSTRUCTIONS THAT INTERFERE WITH OR OBSTRUCT DESIGNED WATER FLOW AND/OR TREATMENT PROCESS IN AN ENGINEERED CHANNEL, CONDUIT, STRUCTURE OR AREA, NOR SHALL PROPERTY OWNERS OBSTRUCT, PREVENT OR OTHERWISE HINDER INGRESS, EGRESS OR OPERATION OF MAINTENANCE VEHICLES, EQUIPMENT AND PERSONNEL. UPON RECEIVING WRITTEN PERMISSION FROM THE APPLICABLE PUBLIC WORKS DIRECTOR OR DESIGNEE, PROPERTY OWNERS MAY CONSTRUCT AT THEIR OWN PERIL OTHER LIMITED IMPROVEMENTS AND/OR LANDSCAPING WITHIN THE SME WHICH DO NOT AND WILL NOT INTERFERE WITH THE FUNCTION OF THE STORM WATER MANAGEMENT SYSTEM. ANY OBSTRUCTIONS OR IMPROVEMENTS IN THE SME, PERMITTED OR NOT PERMITTED, MAY BE REMOVED BY THE APPLICABLE PUBLIC WORKS DEPARTMENT OR ITS CONTRACTOR TO PROVIDE FOR DESIGNED WATER FLOW AND/OR TREATMENT PROCESS OF THE STORM WATER MANAGEMENT SYSTEM. COST OF REMOVAL, DAMAGE AND ANY REPAIR OR REPLACEMENT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER. ALL MAINTENANCE AND REPAIRS WITHIN THE SME SHALL BE THE RIGHT, DUTY AND RESPONSIBILITY OF THE PROPERTY OWNERS OF THE PROPERTY ON WHICH THE SME IS LOCATED. HOWEVER, IF DESIGNED WATER FLOW AND/OR TREATMENT PROCESS ARE IMPEDED BY NEGLECTED MAINTENANCE, SYSTEM FAILURE OR ARE SUBJECT TO OTHER UNUSUAL CIRCUMSTANCES CAUSING A HAZARD OR THREAT TO PUBLIC SAFETY, AS DETERMINED BY THE APPLICABLE PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE, EMERGENCY OR CORRECTIVE MAINTENANCE MAY BE PERFORMED BY THE APPLICABLE PUBLIC WORKS DEPARTMENT OR ITS CONTRACTOR WITH COSTS CHARGED TO SAID PROPERTY OWNERS. UNPAID COSTS SHALL BE ASSESSED TO AND IMPOSED AS A LIEN ON THE LAND. THE APPLICABLE PUBLIC WORKS DEPARTMENT STAFF AND THEIR CONTRACTORS SHALL HAVE THE RIGHT TO ENTER UPON THE SME FOR PURPOSES OF PERIODIC OR SPECIAL INSPECTION AND/OR CORRECTIVE MAINTENANCE.
- STREAM BUFFER EASEMENTS (SBE) ARE HEREBY ESTABLISHED AS SHOWN TO ENHANCE AND PROTECT THE INTEGRITY OF THE STREAM AND PROVIDE FOR THE NATURAL UNOBSTRUCTED OVERLAND FLOW OF SURFACE WATER TO AND IN EXISTING DRAINAGE WAYS. ALL MAINTENANCE PERMITTED WITHIN THE SBE SHALL BE THE RIGHT, DUTY AND RESPONSIBILITY OF THE PROPERTY OWNER(S) OF THE PROPERTY IN WHICH THE EASEMENT IS SO LOCATED, HOWEVER, IF MAINTENANCE IS NEGLECTED OR SUBJECT TO OTHER UNUSUAL CIRCUMSTANCES AND IS DETERMINED TO BE A HAZARD OR THREAT TO PUBLIC SAFETY BY THE UTILITIES DIRECTOR OR DESIGNEE, CORRECTIVE MAINTENANCE MAY BE PERFORMED BY THE CITY WITH COSTS ASSESSED TO AND BORNE UPON SAID PROPERTY OWNER(S). OFFICIALS REPRESENTING THE DEPARTMENT OF UTILITIES SHALL HAVE THE RIGHT TO ENTER UPON THE EASEMENT FOR PURPOSES OF PERIODIC INSPECTION AND/OR CORRECTIVE MAINTENANCE.
- RESTRICTED ACCESS LINE DEFINES PORTION OF SUBDIVISION BOUNDARY IN WHICH THE PUBLIC IS NOT ALLOWED TO CROSS IN ORDER TO GAIN ACCESS TO THE SUBDIVISION OTHER THAN IN AN EMERGENCY SITUATION OF FOR TEMPORARY ACCESS DURING CONSTRUCTION ACTIVITIES. TEMPORARY ACCESS REQUIRES PRIOR APPROVAL FROM THE DIRECTOR OF PUBLIC WORKS.
- ALL UTILITIES SHALL BE PLACED UNDERGROUND PURSUANT TO CITY RIGHT OF WAY MANAGEMENT STANDARDS.

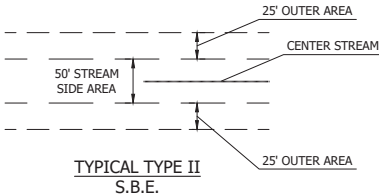
## DESCRIPTION

A REPLAT OF LOT 9, BLOCK A, TIMBER RIDGE SUBDIVISION, AS RECORDED AT THE OFFICE OF THE SHAWNEE COUNTY REGISTER OF DEEDS IN PLAT BOOK 33, PAGES 52, 53, AND 54.

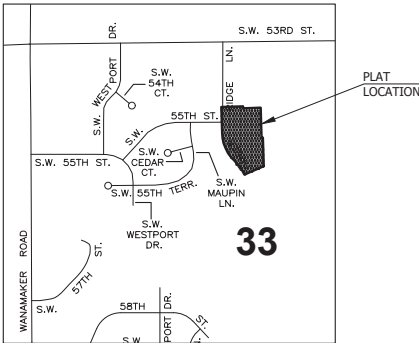
## OWNERS:

DULTMEIER-ROLLENHAGEN LLC  
3812 SW 40TH STREET  
TOPEKA, KS 66610

- |     |                               |
|-----|-------------------------------|
| --- | BOUNDARY LINE                 |
| --- | SECTION LINE                  |
| --- | RIGHT OF WAY LINE             |
| --- | LOT LINE                      |
| --- | EASEMENT LINE                 |
| --- | RESTRICTED ACCESS             |
| --- | UGR UNDERGROUND ELECTRIC LINE |
| --- | W WATER LINE                  |
| --- | STORM SEWER                   |
| --- | SAN SANITARY SEWER            |
| --- | UGT UNDERGROUND TELEPHONE     |



**STREAMSIDE AREA - USES ALLOWED :** NATIVE VEGETATION, FLOOD CONTROL, UTILITY CORRIDORS, FOOT PATHS, ROAD CROSSINGS  
**OUTER AREA - USES ALLOWED :** NATIVE VEGETATION, MANAGED LAWN, FLOOD CONTROL, DETENTION, RETENTION, UTILITY CORRIDORS, STORMWATER BEST MANAGEMENT PRACTICES, RESIDENTIAL YARDS, LANDSCAPE AREAS  
PLEASE REFER TO CHAPTER 17.10 OF THE CITY OF TOPEKA CODE FOR ALL PERTINENT MANAGEMENT GUIDELINES AND PROHIBITED PRACTICES AND ACTIVITIES WITHIN THE STREAM BUFFER AREAS.



## A PRELIMINARY PLAT FOR TIMBER RIDGE SUBDIVISION NO. 2

A REPLAT OF LOT 9, BLOCK A  
TIMBER RIDGE SUBDIVISION  
SHAWNEE COUNTY, KANSAS

|              |           |
|--------------|-----------|
| DESIGNED BY: | ACS       |
| DRAWN BY:    | RCP       |
| APPROVED BY: | SIM       |
| DESIGN PROJ: | 16519.202 |
| CONST PROJ:  |           |
| SCALE:       | AS NOTED  |
| DATE:        | JULY 2020 |
| DRAWING NO:  | P20-15    |
| SHEET NO:    | 1 of 1    |

**Bartlett & West**

1200 SW EXECUTIVE DRIVE - TOPEKA, KS 66616-3860  
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# A FINAL PLAT FOR: TIMBER RIDGE SUBDIVISION No. 2

A REPLAT OF LOT 9, BLOCK A, TIMBER RIDGE SUBDIVISION  
SHAWNEE COUNTY, KANSAS

BOOK : \_\_\_\_\_

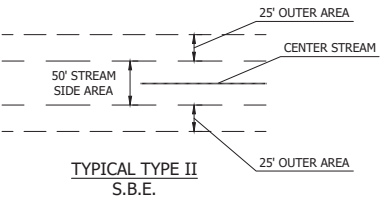
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## NOTES:

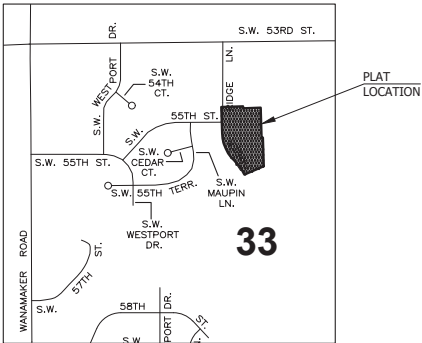
- WATER SERVICE IS BY THE SHAWNEE CONSOLIDATED RURAL WATER DISTRICT No. 3
- SANITARY SEWER SERVICE SHALL BE BY THE CITY OF TOPEKA.
- THE PROPERTY LINES WITHIN ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN, AS PER FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP (FIRM) No. 20177C0282E WITH AN EFFECTIVE DATE OF SEPTEMBER 29, 2011 AND No. 20177C0284E WITH AN EFFECTIVE DATE OF SEPTEMBER 29, 2011.
- PROPERTY OWNERS SHALL BE ADMONISHED FROM PLACING ANY PERMANENT OR SEMI-PERMANENT OBSTRUCTION IN PERMANENT SEWER OR UTILITY EASEMENTS. THIS INCLUDES, BUT IS NOT LIMITED TO, TREES, SHRUBS, FENCES, RETAINING WALLS, BUILDINGS OR OTHER MISCELLANEOUS OBSTRUCTIONS THAT INTERFERE WITH ACCESS OR EGRESS OF MAINTENANCE VEHICLES OR EQUIPMENT FOR THE OPERATION AND MAINTENANCE OF THE UTILITIES OR PIPE LINES LOCATED IN THE EASEMENT. ANY PERMANENT OR SEMI-PERMANENT OBSTRUCTION LOCATED IN THE PERMANENT SEWER OR UTILITY EASEMENT MAY BE REMOVED BY THE GOVERNING BODY, ITS EMPLOYEES OR AGENTS TO PROVIDE FOR THE PROPER OPERATION AND MAINTENANCE OF THAT UTILITY LINE, WITHOUT COST OF OBLIGATION FOR REPLACEMENT, COST OF REMOVAL, AND/OR REPLACEMENT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.
- THE PUBLIC WAYS (STREET AND ROADS) NOT HERETOFORE DEDICATED, ARE HEREBY DEDICATED TO THE PUBLIC. TEMPORARY TURN-AROUND EASEMENTS ARE HEREBY ESTABLISHED AS SHOWN ON THE ACCOMPANYING PLAT AND SHALL BE AUTOMATICALLY VACATED WHEN STREETS ARE EXTENDED.
- THE MINIMUM OPENING ELEVATION FOR LOT 7, LOT 8, AND LOT 9, BLOCK A SHALL BE 1 FOOT ABOVE THE HIGHEST ADJACENT 100-YR WATER SURFACE ELEVATION.
- STORMWATER MANAGEMENT EASEMENTS (SME) ARE HEREBY ESTABLISHED AS SHOWN OR DESCRIBED TO PROVIDE FOR THE MANAGEMENT OF STORM WATER INCLUDING, BUT NOT LIMITED TO, DETENTION, RETENTION, STORAGE AND TREATMENT OF STORM WATER. PROPERTY OWNERS AND THEIR ASSIGNS AND SUCCESSORS (PROPERTY OWNERS) AGREE TO INSTALL, CONSTRUCT, RECONSTRUCT, REPLACE, ENLARGE, REPAIR, OPERATE AND PROVIDE PERPETUAL MAINTENANCE OF PIPE, FLUME, DITCH, SWALE, VEGETATIVE AREAS OR MECHANICAL DEVICES FOR STORM WATER CONVEYANCE AND/OR TREATMENT, OR ANY IMPROVEMENTS IN THE SME FOR THE DRAINAGE AND/OR TREATMENT OF SAID STORM WATER. NO CHANGE TO THE GRADE, TOPOGRAPHY OR STORM WATER MANAGEMENT STRUCTURES AND IMPROVEMENTS IN THE SME SHALL BE MADE WITHOUT THE PRIOR WRITTEN APPROVAL OF THE APPLICABLE PUBLIC WORKS DIRECTOR OR DESIGNEE. PROPERTY OWNERS SHALL NOT PLACE OR PERMIT ANY PERMANENT, SEMI-PERMANENT OR TEMPORARY OBSTRUCTION IN SAID SME INCLUDING, BUT NOT LIMITED TO, TREES, SHRUBS, VEGETATION, ROCKS, FENCES, RETAINING WALLS, LANDSCAPING, STRUCTURES, BUILDINGS OR OTHER OBSTRUCTIONS THAT INTERFERE WITH OR OBSTRUCT DESIGNED WATER FLOW AND/OR TREATMENT PROCESS IN AN ENGINEERED CHANNEL, CONDUIT, STRUCTURE OR AREA, NOR SHALL PROPERTY OWNERS OBSTRUCT, PREVENT OR OTHERWISE HINDER INGRESS, EGRESS OR OPERATION OF MAINTENANCE VEHICLES, EQUIPMENT AND PERSONNEL. UPON RECEIVING WRITTEN PERMISSION FROM THE APPLICABLE PUBLIC WORKS DIRECTOR OR DESIGNEE, PROPERTY OWNERS MAY CONSTRUCT AT THEIR OWN PERIL OTHER LIMITED IMPROVEMENTS AND/OR LANDSCAPING WITHIN THE SME WHICH DO NOT AND WILL NOT INTERFERE WITH THE FUNCTION OF THE STORM WATER MANAGEMENT SYSTEM. ANY OBSTRUCTIONS OR IMPROVEMENTS IN THE SME, PERMITTED OR NOT PERMITTED, MAY BE REMOVED BY THE APPLICABLE PUBLIC WORKS DEPARTMENT OR ITS CONTRACTOR TO PROVIDE FOR DESIGNED WATER FLOW AND/OR TREATMENT PROCESS OF THE STORM WATER MANAGEMENT SYSTEM. COST OF REMOVAL, DAMAGE AND ANY REPAIR OR REPLACEMENT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER. ALL MAINTENANCE AND REPAIRS WITHIN THE SME SHALL BE THE RIGHT, DUTY AND RESPONSIBILITY OF THE PROPERTY OWNERS OF THE PROPERTY ON WHICH THE SME IS LOCATED. HOWEVER, IF DESIGNED WATER FLOW AND/OR TREATMENT PROCESS ARE IMPEDED BY NEGLECTED MAINTENANCE, SYSTEM FAILURE OR ARE SUBJECT TO OTHER UNUSUAL CIRCUMSTANCES CAUSING A HAZARD OR THREAT TO PUBLIC SAFETY, AS DETERMINED BY THE APPLICABLE PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE, EMERGENCY OR CORRECTIVE MAINTENANCE MAY BE PERFORMED BY THE APPLICABLE PUBLIC WORKS DEPARTMENT OR ITS CONTRACTOR WITH COSTS CHARGED TO SAID PROPERTY OWNERS. UNPAID COSTS SHALL BE ASSESSED TO AND IMPOSED AS A LIEN ON THE LAND. THE APPLICABLE PUBLIC WORKS DEPARTMENT STAFF AND THEIR CONTRACTORS SHALL HAVE THE RIGHT TO ENTER UPON THE SME FOR PURPOSES OF PERIODIC OR SPECIAL INSPECTION AND/OR CORRECTIVE MAINTENANCE.
- STREAM BUFFER EASEMENTS (SBE) ARE HEREBY ESTABLISHED AS SHOWN TO ENHANCE AND PROTECT THE INTEGRITY OF THE STREAM AND PROVIDE FOR THE NATURAL UNOBSTRUCTED OVERLAND FLOW OF SURFACE WATER TO AND IN EXISTING DRAINAGE WAYS. ALL MAINTENANCE PERMITTED WITHIN THE SBE SHALL BE THE RIGHT, DUTY AND RESPONSIBILITY OF THE PROPERTY OWNER(S) OF THE PROPERTY IN WHICH THE EASEMENT IS SO LOCATED. HOWEVER, IF MAINTENANCE IS NEGLECTED OR SUBJECT TO OTHER UNUSUAL CIRCUMSTANCES AND IS DETERMINED TO BE A HAZARD OR THREAT TO PUBLIC SAFETY BY THE UTILITIES DIRECTOR OR DESIGNEE, CORRECTIVE MAINTENANCE MAY BE PERFORMED BY THE CITY WITH COSTS ASSESSED TO AND BORNE UPON SAID PROPERTY OWNER(S). OFFICIALS REPRESENTING THE DEPARTMENT OF UTILITIES SHALL HAVE THE RIGHT TO ENTER UPON THE EASEMENT FOR PURPOSES OF PERIODIC INSPECTION AND/OR CORRECTIVE MAINTENANCE.
- STREAM BUFFER EASEMENTS ARE HEREBY ESTABLISHED AS SHOWN TO PROVIDE FOR INFORMAL GREEN SPACE AND THE NATURAL UNOBSTRUCTED OVERLAND FLOW OF SURFACE WATER IN EXISTING DRAINAGE WAYS. PROPERTY OWNER(S) SHALL NOT PLACE PERMANENT OR SEMI-PERMANENT OBSTRUCTIONS IN SAID EASEMENT. ALL MAINTENANCE WITHIN THE STREAM BUFFER EASEMENT (SBE) SHALL BE THE RIGHT, DUTY AND RESPONSIBILITY OF THE PROPERTY OWNER(S) OF THE PROPERTY IN WHICH THE EASEMENT IS SO LOCATED. HOWEVER, IF MAINTENANCE IS NEGLECTED OR SUBJECT TO OTHER UNUSUAL CIRCUMSTANCES AND IS DETERMINED TO BE A HAZARD OR THREAT TO PUBLIC SAFETY BY THE APPLICABLE PUBLIC WORKS DIRECTOR OR DESIGNEE, CORRECTIVE MAINTENANCE MAY BE PERFORMED BY THE GOVERNING JURISDICTION WITH COSTS ASSESSED TO AND BORNE UPON SAID PROPERTY OWNER(S). OFFICIALS REPRESENTING THE APPLICABLE DEPARTMENT OF PUBLIC WORKS OR UTILITIES SHALL HAVE THE RIGHT TO ENTER UPON THE EASEMENT FOR PURPOSES OF PERIODIC INSPECTION AND/OR CORRECTIVE MAINTENANCE.
- RESTRICTED ACCESS LINE DEFINES PORTION OF SUBDIVISION BOUNDARY IN WHICH THE PUBLIC IS NOT ALLOWED TO CROSS IN ORDER TO GAIN ACCESS TO THE SUBDIVISION OTHER THAN IN AN EMERGENCY SITUATION OF FOR TEMPORARY ACCESS DURING CONSTRUCTION ACTIVITIES. TEMPORARY ACCESS REQUIRES PRIOR APPROVAL FROM THE DIRECTOR OF PUBLIC WORKS.
- ALL UTILITIES SHALL BE PLACED UNDERGROUND PURSUANT TO CITY RIGHT OF WAY MANAGEMENT STANDARDS.
- SIDEWALKS ALONG FRONTAGES SHALL BE PROVIDED AT THE TIME OF SITE DEVELOPMENT PURSUANT TO TMC18.45.080.
- DRAINAGE EASEMENTS ARE HEREBY ESTABLISHED AS SHOWN TO PROVIDE FOR THE UNOBSTRUCTED OVERLAND FLOW OR SURFACE WATER AND/OR THE CONSTRUCTION AND MAINTENANCE OF PIPE, FLUME, DITCH OR ANY OR ALL IMPROVEMENT FOR THE DRAINAGE OF SAID WATER, ALL AS MAY BE DETERMINED AND/OR APPROVED BY THE DIRECTOR OF THE APPLICABLE DEPARTMENT OF PUBLIC WORKS. PROPERTY OWNERS SHALL NOT PLACE ANY PERMANENT OR SEMI-PERMANENT OBSTRUCTION IN SAID EASEMENT. ALL MAINTENANCE WITHIN THE GENERAL DRAINAGE EASEMENT (GDE) SHALL BE THE RIGHT, DUTY AND RESPONSIBILITY OF THE PROPERTY OWNER(S) OF THE PROPERTY IN WHICH THE EASEMENT IS SO LOCATED, HOWEVER, IF MAINTENANCE IS NEGLECTED OR SUBJECT TO OTHER UNUSUAL CIRCUMSTANCES AND IS DETERMINED TO BE A HAZARD OR THREAT TO PUBLIC SAFETY BY THE APPLICABLE DIRECTOR OF PUBLIC WORKS OR DESIGNEE, CORRECTIVE MAINTENANCE MAY BE PERFORMED BY THE GOVERNING JURISDICTION WITH COSTS ASSESSED TO AND BORNE UPON, SAID PROPERTY OWNER(S). OFFICIALS REPRESENTING THE APPLICABLE DEPARTMENT OF PUBLIC WORKS SHALL HAVE THE RIGHT TO ENTER UPON THE EASEMENT FOR PURPOSES OF PERIODIC INSPECTION AND/OR CORRECTIVE MAINTENANCE.
- EASEMENTS ARE HEREBY GRANTED TO THE PUBLIC AS FOLLOWS: "UTILITY EASEMENTS" TO ALLOW PUBLIC UTILITY PROVIDERS, CONTRACTORS, AND AUTHORIZED AGENTS TO LOCATE, CONSTRUCT AND MAINTAIN FACILITIES TO PROVIDE UTILITY SERVICE TO THE PUBLIC. ALL PUBLIC UTILITIES SPECIFICALLY INCLUDING BUT NOT LIMITED TO WATER, GAS, SEWER, STORMWATER, AND TELECOMMUNICATIONS MAY PLACE OR LOCATE THEIR FACILITIES OVER, UNDER AND ALONG THE STRIPS MARKED "UTILITY EASEMENTS". A TEMPORARY CONSTRUCTION EASEMENT OF 12-FEET ADJACENT TO THE SIDE OF THE UTILITY EASEMENT IS DEDICATED FOR THE USE OF THE PUBLIC UTILITIES WHILE INITIAL CONSTRUCTION OF THE PUBLIC UTILITY'S FACILITIES ARE IN PROGRESS.
- THE OWNERS OF RECORD OF THE ABOVE DESCRIBED REAL ESTATE DOES HEREBY EVIDENCE ITS COMPLETE AND IRREVOCABLE CONSENT TO ANNEXATION BY THE CITY OF TOPEKA, IN ACCORDANCE WITH THE LAWS OF THE STATE OF KANSAS. THIS CONSENT SHALL RUN WITH THE LAND AND SHALL BE BINDING UPON THE HEIRS, SUCCESSORS AND ASSIGNS OF THE UNDERSIGNED.



**STREAMSIDE AREA - USES ALLOWED :** NATIVE VEGETATION, FLOOD CONTROL, UTILITY CORRIDORS, FOOT PATHS, ROAD CROSSINGS

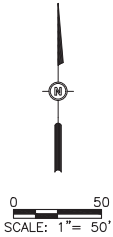
**OUTER AREA - USES ALLOWED :** NATIVE VEGETATION, MANAGED LAWN, FLOOD CONTROL, DETENTION, RETENTION, UTILITY CORRIDORS, STORMWATER BEST MANAGEMENT PRACTICES, RESIDENTIAL YARDS, LANDSCAPE AREAS

PLEASE REFER TO CHAPTER 17.10 OF THE CITY OF TOPEKA CODE FOR ALL PERTINENT MANAGEMENT GUIDELINES AND PROHIBITED PRACTICES AND ACTIVITIES WITHIN THE STREAM BUFFER AREAS.



## LEGEND

- SET 5/8"x24" REBAR
  - FOUND 1/2"x24" REBAR PE #4326
  - (M) MEASURED BEARING & DISTANCE
  - (R) RECORD BEARING & DISTANCE
  - (P) PLAT - FINAL PLAT TIMBER RIDGE BOOK 33, PAGE 50
- D.E. DRAINAGE EASEMENT  
U.E. UTILITY EASEMENT  
W.E. WATERLINE EASEMENT  
S.M.E. STORMWATER MANAGEMENT EASEMENT  
S.B.E. STREAM BUFFER EASEMENT  
R/W RIGHT OF WAY  
S.S.E. SANITARY SEWER EASEMENT  
P.O.B. POINT OF BEGINNING  
P.O.C. POINT OF COMMENCEMENT  
OASE OUTER AREA STREAM EASEMENT  
SSE STREAM SIDE EASEMENT



**Bartlett & West**

**A PRELIMINARY PLAT FOR  
TIMBER RIDGE SUBDIVISION NO. 2**

DESIGNED BY: ACS  
DRAWN BY: RCP  
APPROVED BY: SIM  
DESIGN PROJ: 16519.202  
CONST PROJ:  
SCALE: AS NOTED  
DATE: JULY 2020  
DRAWING NO:  
**P20-15**  
SHEET NO: 1 of 2

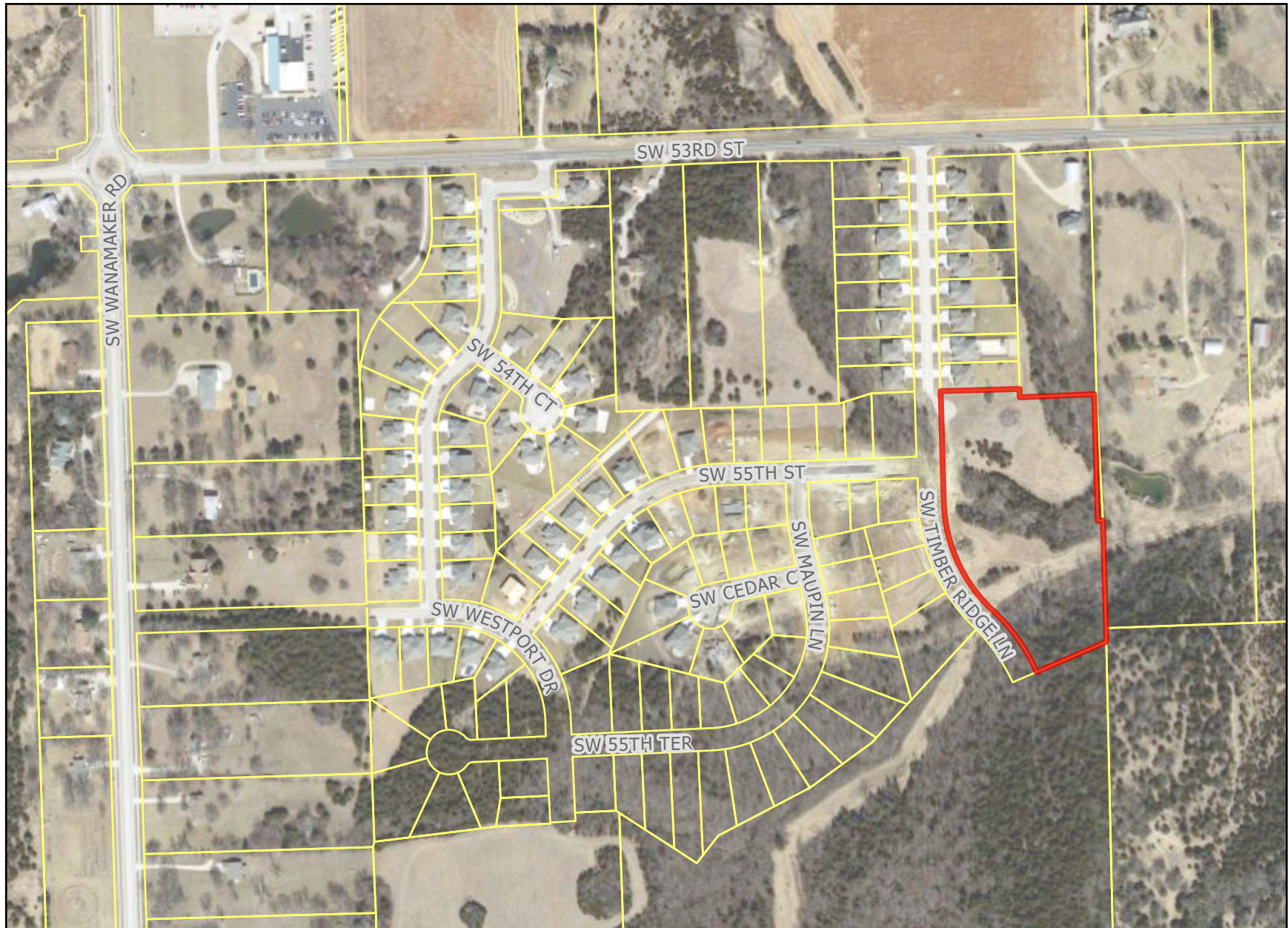
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TIMBER RIDGE SUBDIVISION  
SHAWNEE COUNTY, KANSAS





# P20/15 Timber Ridge Subdivision #2

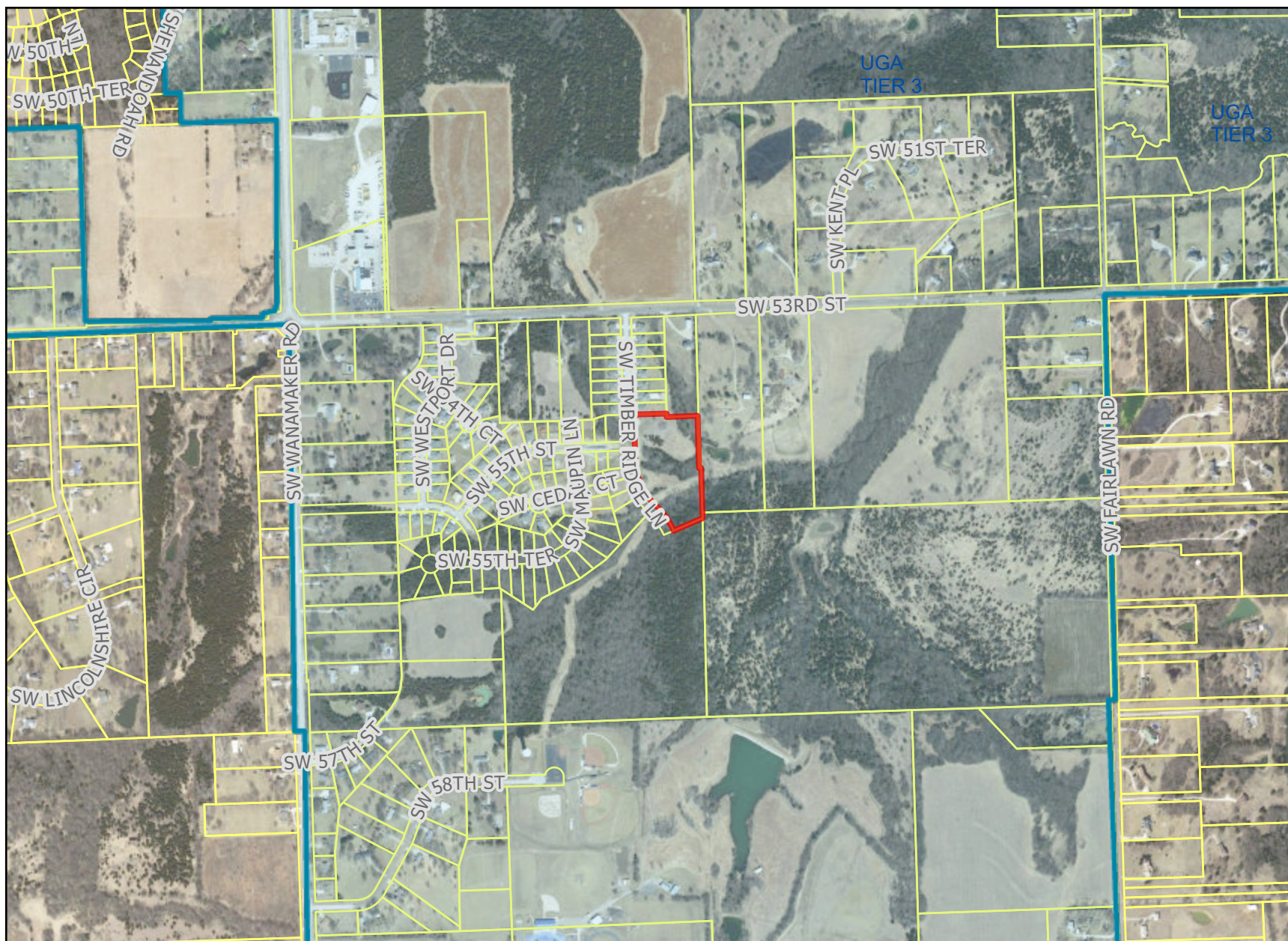


City of Topeka  
Planning and Development  
Department

 Subject Property (Timber Ridge Subdivision #2)



# P20/15 Timber Ridge Subdivision #2



City of Topeka  
Planning and Development  
Department

Subject Property (Timber Ridge Subdivision #2)

ServiceAreasAndAnnexConsent



Urban Growth Area