

TOPEKA PLANNING COMMISSION

A G E N D A

Wednesday, January 21, 2015

6:00 P.M.

**214 East 8th Street
City Council Chambers, 2nd Floor
Municipal Building
Topeka, Kansas 66603**

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. The progress of the cases can be tracked at: http://www.topeka.org/planning/staff_assignment/tracker.pdf

All information forwarded to the City Council can be accessed via the internet on Thursday prior to the City Council meeting at: <http://public.agenda.topeka.org/meetings.aspx>



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

Kevin Beck, Chairman
Dustin Crook
Rosa Cavazos
Scott Gales, Vice Chair
Dennis Haugh
Nicholas Jefferson
Carole Jordan
Mike Lackey
Patrick Woods

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
Dean W. Diediker, Planner II
Annie Driver, AICP, Planner II
Julie Anderson, Planner I
Susan Hanzlik, AICP, Planner I
Kris Wagers, Office Specialist

AGENDA
Topeka Planning Commission
Wednesday, January 21, 2015 at 6:00 P.M.

A. Roll call

B. Election of Officers

C. Approval of minutes – November 17, 2014

D. Communications to the Commission

**E. Declaration of conflict of interest/exparte communications
by members of the commission or staff**

F. Action Items

1. Public Hearing

- i. **Z15/1 by CoreFirst Bank & Trust and River Hill LLC** requesting to amend the District Zoning Classification from “PUD” Planned Unit Development (“C-2” Commercial use group) **ALL TO** “OI-3” Office and Institutional District on properties located at 6202 SW 6th Avenue, all at the northwest intersection of SW 6th Avenue and SW River Hill Drive. **(Driver)**

2. **P14/11 Misty Harbor Estates No. 5** (Final Plat Phase) by F&L Enterprises, Inc. on property located approximately 400 feet north of SW 45th Street and approximately 2,300 feet west of SW Burlingame Road, all being within unincorporated Shawnee County, Kansas. The proposal includes an annexation request by F&L Enterprises, Inc. (A15/1). **(Driver)**

3. **P14/13 Horseshoe Bend Subdivision No. 4** (Final Plat Phase) by RT Builders, LLC on property located approximately 1,000 ft. north of SE 45th Street and 1,600 ft. east of SW Topeka Blvd, all being within the City of Topeka, Shawnee County, Kansas. **(Driver)**

G. Discussion Items

1. LUGMP 2040 Implementation

- i. Subdivision Regulation Amendments
- ii. Utility Regulation Amendments
- iii. 2016-2020 CIP Projects/Processes

H. Adjournment

ZONING REPORT

CITY OF TOPEKA PLANNING DEPARTMENT

CASE NO: Z15/1

By: Core First Bank and Trust/River Hill LLC

PROPOSAL: Zone change from “PUD” Planned Unit Development (“C-2” uses) **ALL TO** “O&I-3” Office and Institutional District

LOCATION: 6202 SW 6th Avenue (Northwest corner of SW 6th Avenue and SW River Hill Drive)

PRESENT USE: Undeveloped (10.16 acres)

PROPOSED USE: A Medical Care Facility, Type II consisting of a two-story, 103 – 106 bed, short term (6-8 week), skilled care rehabilitation facility with a smaller percentage of long term assisted living care apartments on the larger 9.05 acre tract owned by Core First Bank & Trust. The facility will operate with approximately 30 staff on each of the three shifts. The smaller 1.11 acre tract (River Hill LLC) will remain for storm water detention and likely increased in size. This use is consistent with the definition of a Medical Care Facility, Type II.

CHARACTER OF NEIGHBORHOOD: The subject properties are located along a three-lane principal arterial (SW 6th Avenue) within an area that is developing for a mix of office, commercial, and residential uses and located on the outer fringe of the city limits with open space to the west. The neighborhood is on the extreme northernmost end of the Wanamaker Regional Commercial Corridor.

ZONING CLASSIFICATION AND USE OF SURROUNDING PROPERTIES:

	ZONING CLASSIFICATION	PRESENT LAND USE
North:	“R-1” Single-Family Dwelling District	Single family residence
South:	“O&I-3” Office and Institutional District	Offices/medical offices
East:	“PUD” Planned Unit Development (C-2 uses)	Movie theater/restaurant
West:	“RR-1” Residential Reserve District	Undeveloped/single family residence

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: The subject properties have remained vacant and undeveloped since annexed in 2003 and rezoned from “RR-1” Residential Reserve District to “PUD” Planned Unit Development (C-2 uses) as a part of River Hill Subdivision and intended for the development of a lifestyle retail center. The smaller 1.11 acre tract (River Hill LLC) has been used as a storm water detention area for the River Hill commercial development to the east.

SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED: The subject properties may no longer be suitable for uses to which they have been restricted for commercial under the Planned Unit Development due to the length of time they have remained vacant and undeveloped for retail uses. The Project Program of the Master PUD Plan, approved in 2003, intended the future development of this area for the “Shops at River Hill”, specifically being intended for, “*shopping and dining establishments*”. Since the development of this overall concept has not fully materialized and it has been greater than ten years, there may be other uses that would be suitable and compatible on the properties other than those to which the PUD has been restricted.

CONFORMANCE TO COMPREHENSIVE PLAN: The Land Use and Growth Management Plan – 2025 (LUGMP) designates this area for *Commercial/Office* uses. The zone change request for the “O&I-3” Office and Institutional District is in conformance with this designation for *Commercial/Office*. The LUGMP-2025 encourages the development of office zoning districts be used as a transition into residential, such as this instance. An “O&I-3” zoning is consistent with the overall development of this area for offices.

The Land Use and Growth Management Plan – 2040 update designates this area as a *Mixed Use* classification. The LUGMP – 2040 describes this category as, “*Those areas which exhibit the potential for new development or redevelopment of mixed commercial, residential, and/or office uses . . . these areas are characterized where this is a significant display of undeveloped land and vacant land.*” Medical care facilities and assisted living establishments are considered to be Office uses. Medical Care facilities and assisted living establishments within this *Mixed Use* classification would be encouraged by policies in the LUGMP-2040 that promote the mixing of housing, commercial, and jobs in close proximity. Therefore, the request to rezone the subject properties to the “O&I-3” Office and Institutional District is in conformance to the Comprehensive Plan.

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: There would be no detrimental effect upon surrounding properties by removal of the present restrictions for commercial and retail uses based upon the pattern of land uses and zoning for offices and other medical-related uses within the neighborhood. There should be no increase on traffic by the change in zoning from commercial to office uses.

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 rezoning would allow the property to remain for uses as presently zoned for commercial, as allowed on the existing Planned Unit Development plan. The hardship upon the individual landowner is significant as the subject properties have remained undeveloped as zoned for commercial uses for a period greater than ten years. There would be little gain to the public health, safety, and welfare by leaving this property as presently restricted for commercial uses since the north end of SW Wanamaker has not experienced the increased growth potential for new commercial development that was expected at the time of the rezoning in 2003.

AVAILABILITY OF PUBLIC SERVICES: All essential public utilities, services and facilities are presently available within the area or will be extended by the developer prior to site development. The detention pond on the 1.11 acre-tract will be re-sized and increased, as necessary, to accommodate the new development. The developer will need to extend sidewalks along SW 6th and SW River Hill Drive at the time of site development.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:

Minimum Lot Area: **Compliant** – 442, 570sq. ft. (7,500 sq. ft. minimum lot size in “O&I-3”)

Setbacks: New structures will satisfy the minimum building setbacks of the “O&I-3” District.

Platting: **Non- Compliant-** The two separately-owned properties are currently platted all as Lot 1, Block B, River Hill Subdivision. All of Lot 1, Block B, River Hill Subdivision will need to be replatted prior to the issuance of building permits. The 1.11 acre tract (River Hill LLC) is primarily used as a storm water detention area for the commercial development to the east and needs review as a component of the storm water management report at the time of platting. A minor plat has been submitted for Lot 1, Block B and is under review by staff.

CONCERNS OF STAFF AND REVIEWING AGENCIES: This request was submitted to all applicable reviewing agency staff for consideration and comment. All concerns were addressed or will be addressed at the platting and site development stages. A Storm Water Management Report **still needs approval** by the Department of Public Works during the platting stage prior to the issuance of building permits.

ADDITIONAL FACTORS:

1. Citizen Participation Process: The applicant conducted a neighborhood information meeting on Thursday, December 18, 2014 at 5:45 pm (Kansas State Museum of History) and notified all property owners within 500 ft. The applicant’s report to the City and sign-in sheet is attached. There were two nearby property owners present at the meeting.
2. Capitol Area Plaza Authority: N/A
3. Flood Hazard Area: N/A
4. Historic Properties: N/A

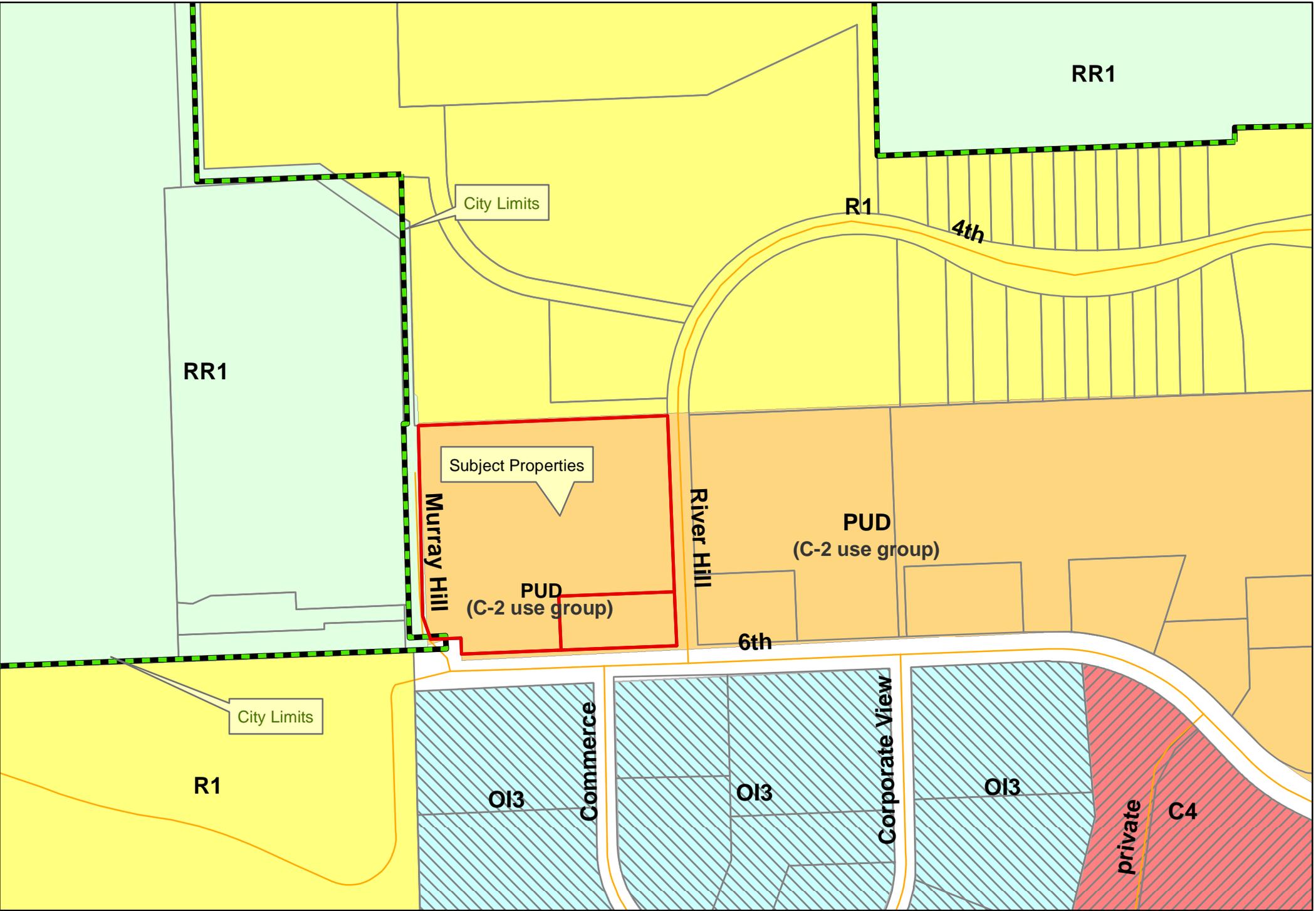
STAFF RECOMMENDATION: Based upon the above findings and analysis, planning staff recommends **APPROVAL** of the zone change.

Prepared by:
Annie Driver, AICP
Planner II



Z15/1 By: Core First Bank and Trust & River Hill LLC





Z15/1 By: Core First Bank and Trust & River Hill LLC



Memorandum

To: Annie Driver

CC:

From: Kevin Holland

K Holland 1/2/15

Date: 01/02/2015

Re: Public Meeting for Rezoning Properties at 6th and River Hill

A public information meeting was held Thursday, December 18, 2014 from 5:45 PM until 7:15 PM at the State Historical Museum for the rezone of the property located at the northwest corner of SW 6th Street and River Hill Drive.

Two neighbors attended the meeting, one that lives along the west boundary of the proposed rezone property and the other a business representative located across 6th Street. Both were interested in the proposed use of the property, traffic generated from the proposed use and existing trees lining the property along the west. We discussed that the property will use River Hill for access, and not any from 6th.

Both of the attendees complained about the existing condition of SW 6th Street. We indicated that they should contact City of Topeka Public Works.

SUBDIVISION REPORT

CITY OF TOPEKA PLANNING DEPARTMENT

Preliminary Plat Phase

Preliminary and Final Plat Phase

Final Plat Phase

NAME: Misty Harbor Estates Subdivision #5 - [P14/11]

OWNER/DEVELOPER: F & L Enterprises

ENGINEER/SURVEYOR: Bartlett & West Engineers

GENERAL LOCATION: On property that lies between SW Gage Blvd and SW Burlingame Road, the centerline of the tract is approximately 870 ft. north of SW 45th Street.

JURISDICTION: Class "B" subdivision that is contiguous to the corporate city limits and within the City's current Municipal Service Area, all being within unincorporated Shawnee County, Kansas. Under the LUGMP-2040 update, the property is located within Tier 2 of the Urban Growth Area, which is that area designated as the next priority for urban growth based upon existing service and infrastructure improvements.

ANNEXATION: Class "B" subdivisions require annexation per the City's Subdivision Regulations, as well as by City Code in order to receive sanitary sewer and water service. Under the LUGMP-2040 update, Tier 2 areas require annexation prior to urban development. The applicant has requested annexation of the subject property (Case #A15/1).

Area	# of Lots	Residential Density	Proposed Land Use	Zoning
15.39 acres	40	2.6 DUs/acre	Single-family dwellings	RR-1

Pending Zoning Case: Upon annexation, the property owner will need to rezone the property to the "R-1" Single Family Dwelling District, which is consistent with an urbanizing area that is located inside the city limits.

Design: The property is irregular in shape measuring approximately 670' X 1030'. The final plat comprises a 40-lot, five-block subdivision with its primary access from SW 45th Street. SW Lakeside Drive, SW 44th Street, SW 43rd Street, and SW Misty Harbor Drive are extended from the boundary of the subdivision to provide access to the residential lots. SW Lakeside Drive terminates at the north boundary of the subdivision and will be extended with the next phase of Misty Harbor Estates.

BACKGROUND: A final plat for the fifth phase of the preliminary plat that was approved August 19, 2002 by the Planning Commission, which allowed for a total of 220 single family residential lots. Pursuant with TMC 18.35.160, a preliminary plat is effective for a period of six months unless an extension is granted by the Planning Commission. If a final plat has not been submitted for approval within this specified period, a preliminary plat must be re-submitted to the planning commission for approval. This final plat (Phase 5) has not altered the original lot configuration, streets, or density that was approved by the Planning Commission with the preliminary plat on August 19, 2002.

SERVICES AND FACILITIES:

1. **WATER SERVICE:** Upon annexation, the development is to be serviced by the City of Topeka public water

supply and distribution system by means of a connection to the existing 8" water mains to be extended to this property at developer expense from SW 43rd Street, SW 44th Street, and SW Lakeside Drive.

2. SEWAGE DISPOSAL: Upon annexation, the development is to be serviced by the City of Topeka public wastewater treatment plant and collection system by means of connection to the 8" sanitary sewer mains to be extended from SW 43rd Street, SW 44th Street, and SW Lakeside Drive with all connections being at developer expense.
3. WASTEWATER PLAN SERVICE AREA: The property is located within the *Primary Urban Service Area* as reflected by the Shawnee County Wastewater Management Plan, which requires service by a sanitary sewer system. The proposal and is in full compliance with said Plan.
4. DRAINAGE CONDITIONS: The Stormwater Management Report as submitted by the consultant to the City of Topeka Department of Public Works has not been approved per memo dated January 5, 2015. Approval and acceptance of the Stormwater Management Report is required by the City of Topeka Department of Public Works prior to City Council consideration of the final plat. The report needs to be updated to address full compliance with stormwater quality design standards under TMC 13.35. A "SME" (stormwater management easement) will need to cover the drainage detention facility and include a plat note addressing the ownership and maintenance of this easement. Access to the pond for maintenance purposes should be provided via an access easement extending from off of SW Lakeside Drive. The 100-year floodplain and floodway encroach into a small portion on the east boundary where the pond is being constructed, which should be covered by a "D.E." (drainage easement).
5. STREET PLAN/ACCESS: Primary access to the subdivision is provided off of SW 45th Street via the extensions of SW 43rd Street, SW 44th Street, SW Misty Harbor Drive, and SW Lakeside Drive that have been extended to this subdivision boundary. SW 45th Street is a two-lane ditch section roadway classified as a minor arterial.
6. FIRE DISTRICT: Upon annexation, City of Topeka Fire Department
7. STREAM BUFFER: N/A
8. SCHOOL DISTRICT: Auburn-Washburn USD 437
9. PARKS/OPEN SPACE: The subdivision is located in Parkland Fee District #6 that requires a parkland fee of \$300 per new single-family lot. Upon annexation, the fee will be collected per single-family residential lot at time of building permit issuance.

WAIVER/VARIANCE TO STANDARDS:

- Pursuant to TMC 18.35.160, the Topeka Planning Commission will need to grant an extension to the six month time limit on its approval of the preliminary plat. Staff is supportive of the Planning Commission granting this extension since the overall street design, lot configuration, and density have not been altered significantly from what was originally approved by the Planning Commission.
- Pursuant with TMC 18.30.040 Design variances, the Topeka Planning Commission needs to grant a variance to the provisions of TMC 18.40.120 regarding the placement of a 16 ft. utility easement along the entire length of the boundary of the subdivision for Block D due to the placement of the drainage detention facility being located to the rear of these lots and all utilities being placed in the right-of-way of SW Lakeside Drive.

CAPITAL IMPROVEMENT PLAN (CIP): There are no projects listed in the City's 2015-2019 Capital Improvement Plan (CIP) for SW 45th Street between SW Gage and SW Burlingame.

CONFORMANCE TO COMPREHENSIVE PLAN: The Topeka Land Use and Growth Management Plan-2025 and Land Use and Growth Management Plan - 2040 update establishes this area for *Urban/Suburban Low Density Residential* land uses. The expected residential density of this proposal is 3 dwelling units per acre, which is in conformance with the LUGMP – 2040 policies that recommend densities up to 6 dwelling units/acre within areas classified *Urban/Suburban Low Density Residential*.

The subject property is located within Tier 2 of the Urban Growth Area in the LUGMP -2040 update. These are areas that are contiguous to the City limits, urban infrastructure and services are available, and development of these areas will allow the City to grow in a compact pattern. A full set of urban services (sanitary sewer, water, Fire, Police, and roads) are available or planned in the near future within Tier 2 areas. Tiers 2 also includes contiguous areas that have been preliminarily or final platted for urban development, but have yet to annex and develop, as is the case with this property.

While SW 45th Street is not yet planned in the City's 2015-19 CIP for future improvement to urban arterial street standards (e.g. 3-5 lanes), Misty Harbor Estates No. 5 represents the fifth phase of the original preliminary plat. Development of this 40-lot subdivision continues building a previously approved neighborhood. Further, the property is contiguous with the City limits on the east and south boundaries, and as future phases of Misty Harbor Estates continue to develop to the north, the development will ultimately link up with the city to the north.

This project represents an infill development that is appropriate to be part of the city. The subdivision's development will allow the city to grow compactly and efficiently. Therefore, the proposal is consistent with the policies and principles of the Land Use and Growth Management Plan.

STAFF ANALYSIS:

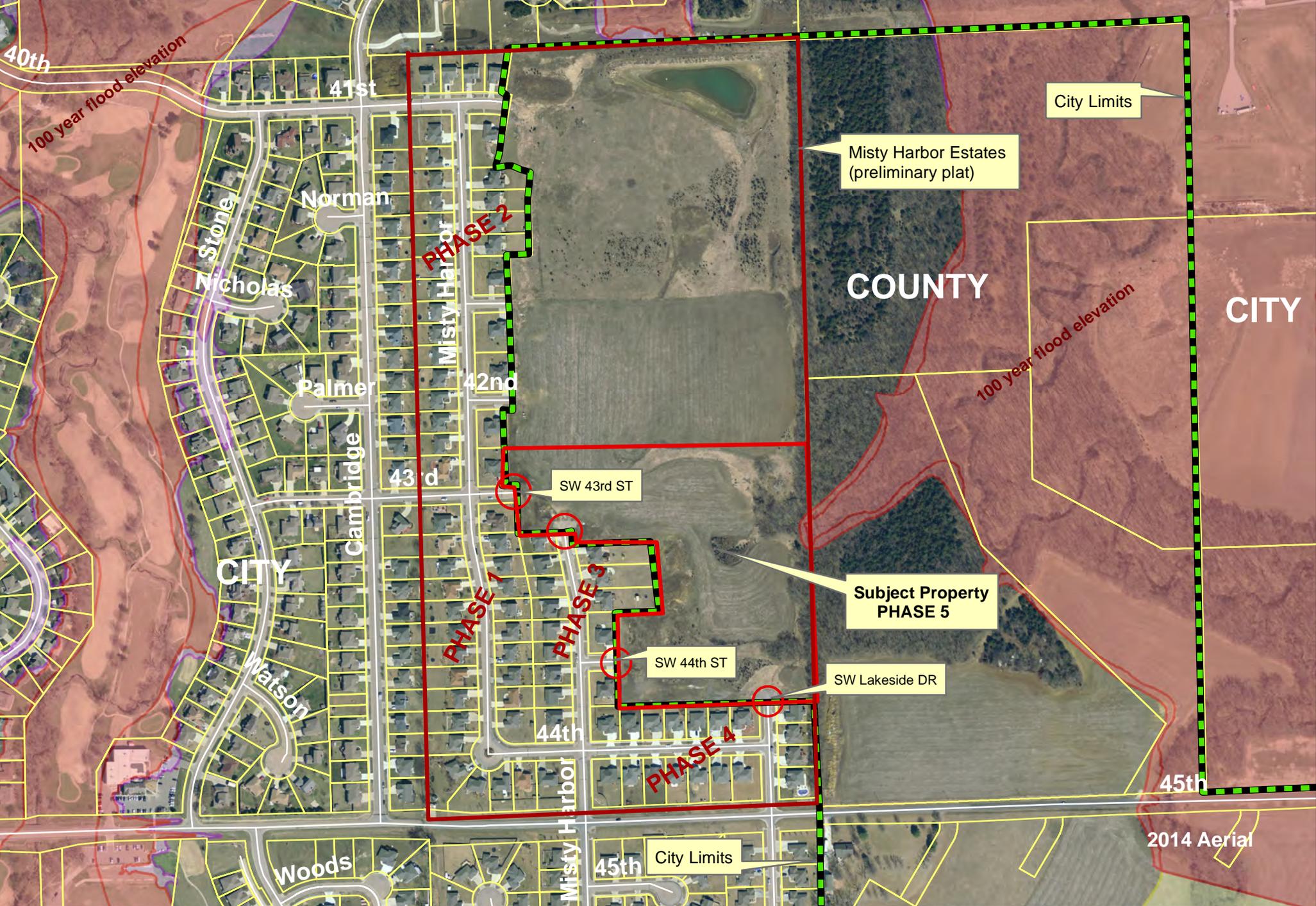
With the exception of the noted design variance, the subdivision conforms to the established standards and provisions of the City Subdivision Regulations relative to design criteria. The subdivision is compatible with adjacent development and will not overburden existing public infrastructure facilities. Based upon the above findings and staff analysis, the Planning Department recommends the final plat phase of Misty Harbor Estates Subdivision #5 be **APPROVED**, subject to the following conditions:

1. Pursuant to TMC 18.35.160, the Topeka Planning Commission granting an extension to the six month time limit on its approval of the preliminary plat.
2. Approval and acceptance of the Stormwater Management Report that demonstrates full compliance with TMC 13.35 Stormwater Management by the City of Topeka Department of Public Works prior to City Council consideration of the plat
3. Adding following note to the plat, *"Pursuant with TMC 18.30.040 Design variances, the Topeka Planning Commission hereby grants a variance to the provisions of TMC 18.40.120 regarding the placement of a 16 ft. utility easement along the entire length of the boundary of the subdivision for Block D due to the location of the drainage detention facility being located to the rear of these lots."*
4. Revise Note #11: *"Green space easements are non-buildable and reserved for trees, shrubs, trails, gazebos, etc. The lots owner(s) shall not fence or build any habitable structures within said easement."*
5. Clarify if the "GSE" Green Space Easement is intended to allow for public access to the lake. If so, where is this public

access to the lake being provided?

6. Designating "SME" Stormwater Management Easement covering the "DDFE", as required by the City Engineer.
7. Clarify where/how access to the "DDFE/SME" is provided for maintenance purposes. Adding plat note that defines the purpose of this access easement.
8. Adding standard "Stormwater Management Easement (SME)" note to the plat regarding the ownership, responsibility and maintenance of the pond: *"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 his/her 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 his/her 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."*
9. Depicting extent of the floodplain/floodway on the plat where it is located at the outer edge of the "DDFE" and depicting this area with a drainage easement (D.E.).
10. Adding Floodplain note: *"According to "FIRM" Map Community Panel Number (insert appropriate number) effective (insert appropriate date) this tract is in flood zone (insert appropriate zone) area of (insert appropriate degree of flooding.)"*
11. Revising Note #10: *"Minimum opening elevations shall be 1 ft. above the adjacent 100-year water surface elevation."*
12. Adding a street name label for "SW Misty Harbor Drive" to the final plat.

Prepared By:
Annie Driver, AICP



P14/11 Misty Harbor Estates Subdivision #5 (final plat phase)



A FINAL PLAT FOR: MISTY HARBOR ESTATES No. 5

A TRACT OF LAND IN THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 12 SOUTH,
RANGE 15 EAST OF THE 6TH P.M., SHAWNEE COUNTY, KANSAS

BOOK : _____ PAGE : _____

DATE : _____

TIME : _____



SCALE: 1" = 50'
ASSUMED NORTH AZIMUTH
BASED ON THE EAST LINE E.
1/2, S.W. 1/4, SEC. 23
T12S R15E

- LEGEND**
- △ = SECTION CORNER
 - = FOUND 5/8" REBAR W/ CLS14 BARTLETT & WEST ID CAP
 - = SET 5/8" REBAR W/ CLS14 BARTLETT & WEST ID CAP CONCRETE
 - = SECTION LINE
 - - - - = RIGHT-OF-WAY
 - ==== = SUBDIVISION LINE
 - ==== = LOT LINE
 - ==== = EASEMENT LINE
 - ==== = RESTRICTED ACCESS
 - ==== = NO INGRESS/NO EGRESS
 - G.S.E. = GREEN SPACE EASEMENT
 - D.D.F.E. = DRAINAGE DETENTION FACILITY EASEMENT
 - U.E. = UTILITY EASEMENT
 - R/W = RIGHT-OF-WAY

- CURVE DATA**
- ① RADIUS = 500.00'
ARC LENGTH = 148.56'
CHORD = AZ.81°27'12"
CHORD LENGTH = 148.01'
DELTA = 17°01'24"
 - ② RADIUS = 500.00'
ARC LENGTH = 128.18'
CHORD = AZ.170°17'09"
CHORD LENGTH = 127.83'
DELTA = 14°41'17"
 - ③ RADIUS = 500.00'
ARC LENGTH = 113.24'
CHORD = AZ.156°27'12"
CHORD LENGTH = 113.00'
DELTA = 12°58'36"
 - ④ RADIUS = 495.61'
ARC LENGTH = 249.50'
CHORD = AZ.164°23'13"
CHORD LENGTH = 246.87'
DELTA = 28°50'38"
 - ⑤ RADIUS = 495.61'
ARC LENGTH = 10.00'
CHORD = AZ.179°23'13"
CHORD LENGTH = 10.00'
DELTA = 1°09'22"
 - ⑥ RADIUS = 325.00'
ARC LENGTH = 57.08'
CHORD = AZ.84°56'00"
CHORD LENGTH = 57.01'
DELTA = 10°04'48"
 - ⑦ RADIUS = 325.00'
ARC LENGTH = 57.08'
CHORD = AZ.84°56'00"
CHORD LENGTH = 57.01'
DELTA = 10°04'48"

BARTLETT & WEST
1800 SW EXECUTIVE DRIVE - TOPEKA, KS 66604
PHONE 781.987.3888 - FAX 781.987.9278
WWW.BARTLETTWEST.COM

A FINAL PLAT FOR:
MISTY HARBOR NO. 5
TOPEKA, SHAWNEE COUNTY, KANSAS

DESIGNED BY:	ACS
DRAWN BY:	RCP
APPROVED BY:	RJB
DESIGN PROJ.:	13507.500
CONST PROJ.:	
SCALE:	AS SHOWN
DATE:	MAY 2014
DRAWING NO.:	
SHEET NO.:	1 of 2

00/00/00 Drawing Name: W:\Projects\13000\13507\13507_500V_Plat.dwg Layout Name: 1 Plotted By: RCP00122 Plotted on: 5/22/2014 3:34:43 PM
Last edit on:

A REVISED PRELIMINARY PLAT FOR: MISTY HARBOR ESTATES

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 6TH P.M., SHAWNEE COUNTY, KANSAS.

CENTER LINE CURVE DATA		
Curve No.	Betta	Radius
1	11727.33'	500.00'
2	11727.33'	500.00'
3	11727.33'	500.00'
4	11727.33'	500.00'
5	11727.33'	500.00'
6	11727.33'	500.00'
7	11727.33'	500.00'
8	11727.33'	500.00'
9	11727.33'	500.00'
10	8959.54'	90.00'

LEGAL DESCRIPTION
AN UNDIVIDED ONE-HALF INTEREST IN THE EAST HALF (E 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 23, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 6TH P.M., COMMONLY KNOWN AS S232 SW 46TH STREET, SHAWNEE COUNTY, KANSAS. (S 89 30789)

- NOTES:**
- EXISTING FIRE HYDRANT LOCATED AT THE INTERSECTION OF SW 45TH STREET & SW STONE AVENUE.
 - GREENSPACE RESERVE EASEMENTS ARE FOR LANDSCAPE FEATURES, GAZEBOS, AND PLAYGROUND EQUIPMENT. THEY WILL BE MAINTAINED BY INDIVIDUAL LOT OWNERS AND HOMEOWNER ASSOCIATIONS. SPECIFIC DETAILS FOR EACH GREENSPACE RESERVE EASEMENT WILL BE DEFINED ON THE FINAL PLAT(S).
 - SEWER SERVICE SHALL BE BY CENTRAL COLLECTION SYSTEM TO CITY OF TOPEKA.
 - WATER SERVICE PROVIDED BY CITY OF TOPEKA.
 - THE PROPOSED SUBDIVISION IS NOT IN A FEMA DESIGNATED FLOOD PLAIN.
 - ALL STREETS ARE 28 FOOT BACK OF CURB TO BACK OF CURB UNLESS OTHERWISE LABELED.
 - TRACTS A, B, & C ARE NONBUILDABLE AND DEDICATED GREENSPACE TO BE MAINTAINED BY HOME OWNERS ASSOCIATION.
 - VARIANCE IS REQUESTED TO EXCEED THE MINIMUM BLOCK LENGTH.

EXISTING SAN MANHOLE FLOWLINE OUT = 550.48

SIP No. 60572-00

AZ 359'57.54' 2642.58'

SIP No. 60572-00

AZ 89'12.16' 1329.77'

ARMORE WALK SUBDIVISION NO. 2

LOT 1 BLOCK 'A' ARMORE WALK SUBD. NO. 3

LOT 1 BLOCK 'B' ARMORE WALK SUBD. NO. 3

LOT 1 BLOCK 'C' ARMORE WALK SUBD. NO. 3

LOT 1 BLOCK 'D' ARMORE WALK SUBD. NO. 3

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LOT 1 BLOCK 'GX' ARMORE WALK SUBD. NO. 3

*Annexation Proposal (A15/1)
Misty Harbor Estates Subdivision No. 5
Fact Sheet*

Site

Address/Location: Located north of SW 44th Terrace and east of SW Misty Harbor Avenue
Owner: F & L Enterprises Inc.
Size: Approximately 15 acres, including street right-of-way
Existing Land Use: Agriculture
Proposed Land Use: single-family residential
Subdivision: *Misty Harbor Estates No. 5*

Planning

Existing Zoning: RR-1 (Residential Reserve)
Current Population: 0 residents
Projected Population: 100 residents
Density: 40 lots, 3 Dwelling Units/Acre
Municipal Service Area (MSA): Yes
Primary Service Area (Sewer Required): Yes
Comprehensive Plan:

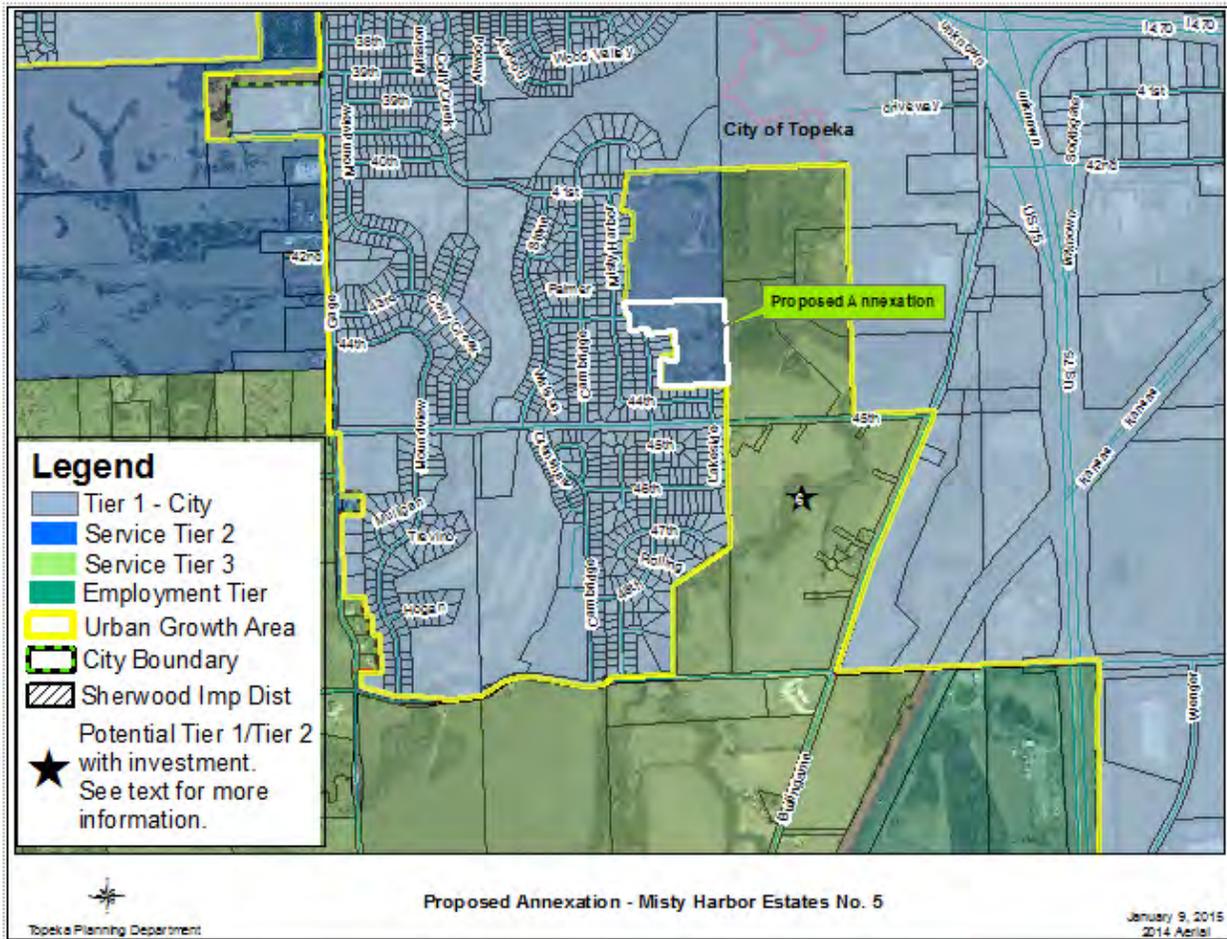
The Topeka Land Use and Growth Management Plan-2025 and Land Use and Growth Management Plan - 2040 update establishes this area for *Urban/Suburban Low Density Residential* land uses. The expected residential density of this proposal is 3 dwelling units per acre, which is in conformance with the LUGMP – 2040 policies that recommend densities up to 6 dwelling units/acre within areas classified *Urban/Suburban Low Density Residential*.

The property lies within Tier 2 of the Urban Growth Area as delineated in the updated LUGMP – 2040. These are areas that are contiguous to the City limits, urban infrastructure and services are available, and development of these areas will allow the City to grow in a compact pattern. The property is classified as Tier 2 because it was previously preliminarily platted in 2002 as an urban subdivision but was not annexed and developed. This 40-lot development represents fifth phase of the continued build-out of the originally approved neighborhood.

The proposal is essentially an infill development and connects to an urbanized single-family housing already being served by the city directly to the east and south of the subject property. As future phases of Misty Harbor Estates continue to develop to the north, the neighborhood will ultimately link up with the city to the north.

Annexing and developing this property is consistent with the policies and principles of the Land Use and Growth Management Plan and allows the city to grow compactly and efficiently.

Annexation Proposal (A15/1)
Misty Harbor Estates Subdivision No. 5
Fact Sheet



Annexation Procedure

Contiguous?: Yes.

Consent?: Yes. Owner provided a written consent.

Requirements: Eligible for annexation under KSA 12-520(7). No required hearings or notices. No service extension plan is required.

Approval Method: COT governing body passes ordinance.

SUBDIVISION REPORT

CITY OF TOPEKA PLANNING DEPARTMENT

Preliminary Plat Phase

Preliminary and Final Plat Phase

Final Plat Phase

NAME: Horseshoe Bend Subdivision #4 - [P14/13]

OWNER/DEVELOPER: R.T. Builders L.L.C.

ENGINEER/SURVEYOR: Bartlett & West Engineers

GENERAL LOCATION: On property lying along the south side of the Kansas Turnpike, the centerline of the tract is approximately 1,500 north of SE 45th Street and 2,000 ft. east of SW Topeka Blvd, all being within the northeast intersection of SW Topeka Blvd and SE 45th Street.

JURISDICTION: Class "A" subdivision- within the City of Topeka

ANNEXATION: N/A

Area	# of Lots	Residential Density	Proposed Land Use	Zoning
9.37 acres	36	3.8 DU/acre	Single-family dwellings	PUD (R-1 use group)* Phase 4
<p>Pending Zoning Case: A minor amendment to the Grand Oaks Master PUD Plan to adjust the phasing plan in order to move ten lots that front on to SE 44th Street (including the Grand Oaks Avenue connection between SE 43rd Terrace and SE 44th Terrace) from Phase 4 (<i>current phase</i>) to the final Phase 5.</p>				
<p>Design: The property is rectangular in shape, measuring approximately 440' X 800', with its longest length running perpendicular to SE 45th Street. The plat establishes a 36-lot, five-block subdivision that is the fourth and next-to-final phase of the 309-lot, single family residential Grand Oaks/Horseshoe Bend subdivision that started developing in 2000. This phase continues the SE 43rd Street and SE 43rd Terrace road connections from off of SE Horseshoe Bend Drive. The PUD plan allowed for the modified width rights-of-way (reduced from the standard 60 ft.) with utility/pedestrian access easements contained in the front yards of adjacent lots.</p>				

BACKGROUND: A final plat for the fourth (next to last) phase of the preliminary plat that was approved July 17, 2000 by the Planning Commission, which allowed for a total of 309 single-family residential lots and a 7-acre public park. A preliminary plat for Phase 2 was re-approved in August 2005 because of an alternative street design for that phase. Pursuant with TMC 18.35.160, a preliminary plat is effective for a period of six months unless an extension is granted by the Planning Commission. If a final plat has not been submitted for approval within this specified period, a preliminary plat must be re-submitted to the planning commission for approval. This final plat (Phase 4) has not altered the original lot configuration or density that was approved with the original preliminary plat on July 17, 2000 for this phase of development.

SERVICES AND FACILITIES:

1. WATER SERVICE: The development is to be serviced by the City of Topeka public water supply and distribution system by means of a connection to the existing 8" water mains to be extended to this property at developer expense from SE Live Oak and SE 43rd Terrace.
2. SEWAGE DISPOSAL: The development is to be serviced by the City of Topeka public wastewater treatment plant and collection system by means of connection to the 8" sanitary sewer mains to be extended from SE 43rd Street and SE 43rd Terrace with all connections being at developer expense.
3. WASTEWATER PLAN SERVICE AREA: The property is located within the Urban Service Area (city limits) which requires service by a sanitary sewer system as reflected by the Shawnee County Wastewater Management Plan. The proposal and is in full compliance with said Plan.
4. STORMWATER CONDITIONS: The Stormwater Management Report as submitted by the consultant to the City of Topeka Department of Public Works has not yet been approved. Approval and acceptance of the Stormwater Management Report is required by the City of Topeka Department of Public Works prior to City Council consideration of the final plat and complying as necessary. This phase drains to a detention pond east of property that was constructed as a part of Phase 2 of the development.
5. STREET PLAN/ACCESS: Primary access to the subdivision is provided from SE 45th Street via SE Horseshoe Bend Drive, SE 43rd Street and SE 43rd Terrace. This final plat extends the existing dead-end streets for both SE 43rd Street and SE 43rd Terrace without providing a second public street access to the subdivision. This requires a design variance to TMC 18.30.040 regarding dead-end lengths in excess of 500 ft. A PUD amendment is being processed concurrently that alters this phasing, which originally required a second public street connection being made through SE Grand Oaks Avenue. As required, a 20 ft. wide temporary emergency vehicle access road needs to be provided connecting Phases 1 and 4 until the street is constructed as a part of Phase 5.
6. FIRE DISTRICT: City of Topeka – The Fire Department requires the Grand Oaks Avenue connection between Phase 1 and Phase 4 be constructed and maintained as a 20 ft. wide temporary access road (with access to the gate provided to the Fire Department) until it is improved as a public street as a part of Phase 5. A plat note will be added accordingly.
7. STREAM BUFFER: N/A
8. SCHOOL DISTRICT: Shawnee Heights U.S.D. 450
9. PARKS/OPEN SPACE: The subdivision is located in Parkland Fee District #7 that typically requires a parkland fee of \$225 per new single-family lot. However, a parkland dedication totaling 7 acres was accepted by the Parks Department as a part of the approval of the preliminary plat in 2000. Due to the parkland dedication, Horseshoe Bend Subdivision #4 requires a parkland fee of \$141 per single-family unit under TMC 18.40.130 to be collected at the time of building permit issuance.

WAIVER/VARIANCE TO STANDARDS:

- Pursuant to TMC 18.35.160, the Topeka Planning Commission will need to grant an extension to the six month time limit on its approval of the preliminary plat. Staff is supportive of the Planning Commission granting this extension since the overall street design, lot configuration, and density have not been altered significantly from what was originally

approved by the Planning Commission.

- Pursuant with TMC 18.30.040 Design variances, the Topeka Planning Commission will need to grant a design variance to the provisions of TMC 18.40.050 regarding dead-end streets in excess of 500 ft. for SE 43rd Terrace and SE 43rd Street until the streets are extended as a part of Phase 5 and the Grand Oaks Avenue connection is constructed as a public street between Phase 1 and Phase 4. Staff is supportive of this variance provided a 20 ft. wide temporary access road for emergency vehicles is constructed and maintained by the developer until this street is constructed to City standard as a part of Phase 5.

CAPITAL IMPROVEMENT PLAN (CIP): SE 45th Street from SW Topeka Blvd was recently widened to five-lanes in 2012 as a part of the County ½-cent sales tax projects.

CONFORMANCE TO COMPREHENSIVE PLAN: The Topeka Land Use and Growth Management Plan-2025 and Land Use and Growth Management Plan - 2040 update establishes this area for *Urban/Suburban Low Density Residential* land uses. The expected residential density is 3.8 dwelling units per acre, which is in conformance with the LUGMP – 2040 policies that recommend densities of up to 6 DUs/acre within areas classified *Urban/Suburban Low Density Residential*.

STAFF ANALYSIS:

With the exception of the noted design variances, the subdivision conforms to the established standards and provisions of the City Subdivision Regulations relative to design criteria. The subdivision is compatible with adjacent development and will not overburden existing public infrastructure facilities.

Removal of the public street connecting Phase 1 and 4 along Grand Oaks Avenue allows an additional 36 lots on two dead-end streets (342 trips per day). A maximum of 200 trips per day on a dead-end street (21 lots) is considered an appropriate national industry standard for public safety and access. However, provided that a 20 ft. temporary access road is properly constructed and maintained to City standard and due to the physical limitations of the site for sewer service, the Planning Department and Fire Department are agreeable to this provision until Phase 5 when the Grand Oaks Avenue public street connection is made.

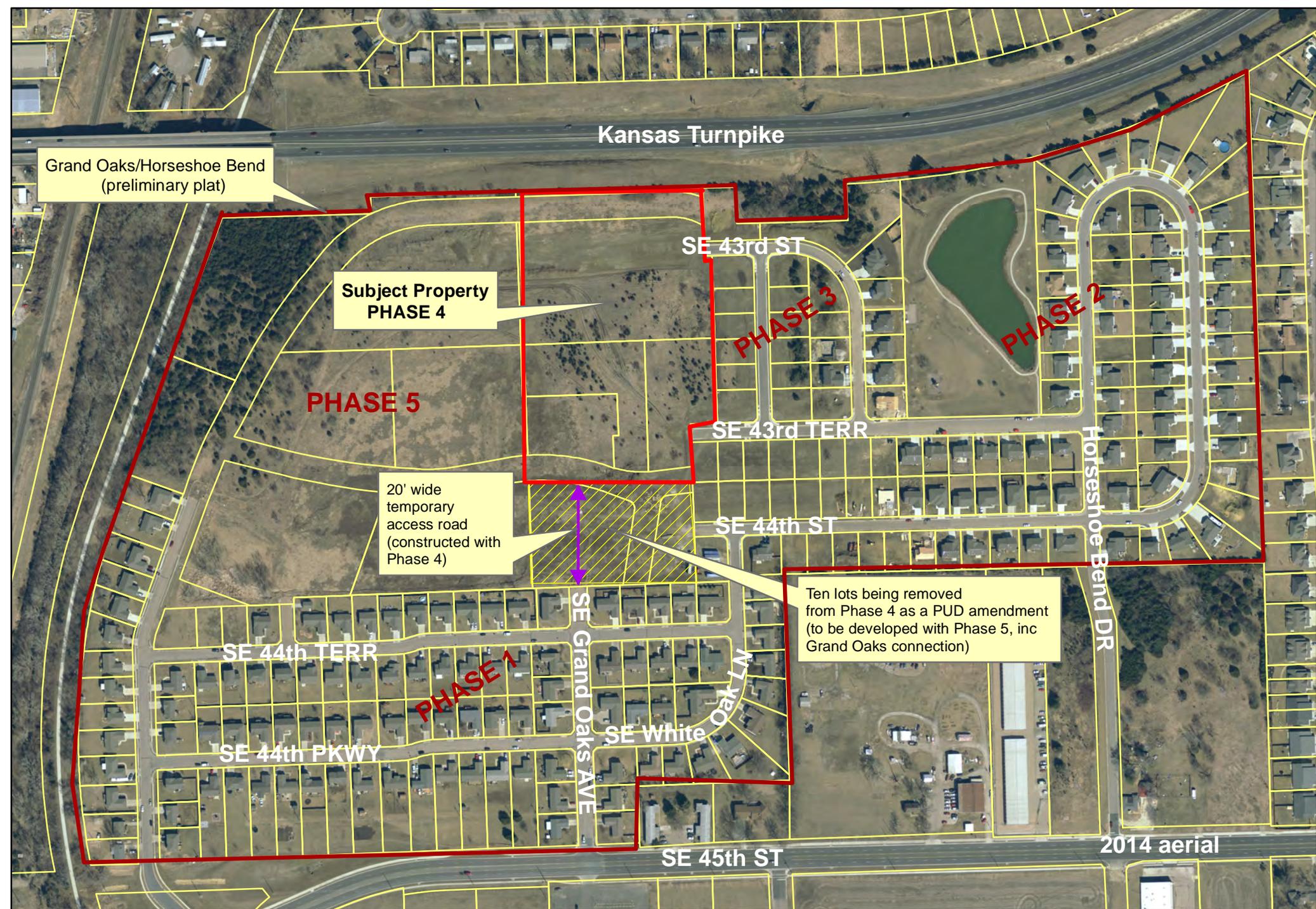
This phasing revision is necessary to accommodate physical characteristics that inhibit the feasibility of these ten lots from draining northeast to the existing sewer pump station. These ten lots will need to be serviced by future sewer mains that naturally drain west towards a gravity interceptor, necessitating their inclusion into the final Phase 5 rather than Phase 4. If a public street is constructed with Phase 4, it would need to be reconstructed during Phase 5 to install utilities and an intersection. This design variance will ultimately result in a more cost-efficient sewer and street plan for the developer to build and the City to maintain while still address public safety needs.

Based upon the above findings and staff analysis, the Planning Department recommends the final plat phase of Horseshoe Bend Subdivision #4 be **APPROVED**, subject to the following conditions:

1. Pursuant to TMC 18.35.160, the Topeka Planning Commission granting an extension to the six month time limit on its approval of the original preliminary plat .
2. Approval and acceptance of the Stormwater Management Report by the City of Topeka Department of Public Works prior to City Council consideration of the final plat.
3. Adding the following note to the plat, "*Pursuant with TMC 18.30.040 Design variances, the Topeka Planning Commission hereby grants a design variance to the provision of TMC 18.40.050(c) regarding dead-end streets in excess of 500 ft. for SE 43rd Street and SE 43rd Terrace until these streets are extended as a part of Phase 5.*"

4. Adding the following note to the plat, *"A temporary Fire and emergency vehicle 20 ft. wide access road shall be constructed and maintained to City of Topeka Fire Department standards from the existing terminus of SE Grand Oaks Avenue within Grand Oaks Subdivision to connect with Grand Oaks Avenue in Horseshoe Bend Subdivision #4 until this access road is constructed as a public street as a part of Phase 5."*
5. Combining Notes #10 and 11 as this is all one note related to "SME".

Prepared by:
Annie Driver, AICP
Planner II



P14/13 Horseshoe Bend Subdivision #4 (final plat phase)



A FINAL PLAT FOR : HORSESHOE BEND SUBDIVISION No. 4

BOOK : _____
PAGE : _____
DATE : _____
TIME : _____

A REPLAT OF A PORTION OF LOT 3, BLOCK B; A PORTION OF LOTS 1, 2, AND 4-6, BLOCK F; A PORTION OF LOTS 2, 3 AND 4, BLOCK F; A PORTION OF LOT 3, BLOCK G; A PORTION OF THE RIGHTS OF WAY OF S.E. 42ND STREET AND S.E. 43RD STREET; ALL IN HILLTOP SUBDIVISION NO. 2, CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS

LEGAL DESCRIPTION:

A REPLAT OF A PORTION OF LOT 3, BLOCK B; A PORTION OF LOTS 1, 2, AND 4-6, BLOCK F; A PORTION OF LOT 3, BLOCK G; AND A PORTION OF THE RIGHTS OF WAY OF S.E. 42ND STREET AND S.E. 43RD STREET, ALL IN HILLTOP SUBDIVISION NO. 2, ACCORDING TO THE RECORDED PLAT THEREOF, IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF HORSESHOE BEND SUBDIVISION NO. 3, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE ON AN ASSUMED NORTH AZIMUTH OF 178 DEGREES 00 MINUTES 53 SECONDS, 147.47 FEET ALONG THE WEST LINE OF SAID HORSESHOE BEND SUBDIVISION NO. 3; THENCE CONTINUING ON AZIMUTH 178 DEGREES 00 MINUTES 53 SECONDS, 40.00 FEET ALONG THE WEST LINE OF HORSESHOE BEND SUBDIVISION NO. 2; ACCORDING TO THE RECORDED PLAT THEREOF; THENCE ON AZIMUTH 88 DEGREES 00 MINUTES 53 SECONDS, 18.69 FEET ALONG SAID WEST LINE; THENCE ON AZIMUTH 178 DEGREES 00 MINUTES 53 SECONDS, 460.18 FEET ALONG SAID WEST LINE; THENCE ON AZIMUTH 268 DEGREES 00 MINUTES 53 SECONDS, 74.31 FEET ALONG SAID WEST LINE; THENCE ON AZIMUTH 178 DEGREES 00 MINUTES 53 SECONDS, 160.00 FEET ALONG SAID WEST LINE; THENCE ON AZIMUTH 268 DEGREES 00 MINUTES 53 SECONDS, 350.00 FEET; THENCE ON AZIMUTH 358 DEGREES 00 MINUTES 53 SECONDS, 5.00 FEET; THENCE ON AZIMUTH 268 DEGREES 00 MINUTES 53 SECONDS, 90.00 FEET; THENCE ON AZIMUTH 358 DEGREES 00 MINUTES 53 SECONDS, 110.00 FEET; THENCE ON AZIMUTH 268 DEGREES 00 MINUTES 53 SECONDS, 15.00 FEET; THENCE ON AZIMUTH 358 DEGREES 00 MINUTES 53 SECONDS, 545.18 FEET; THENCE ON AZIMUTH 88 DEGREES 00 MINUTES 53 SECONDS, 20.61 FEET; THENCE ON AZIMUTH 358 DEGREES 00 MINUTES 53 SECONDS, 152.05 FEET TO THE NORTH LINE OF SAID HILLTOP SUBDIVISION NO. 2; THENCE ON AZIMUTH 88 DEGREES 33 MINUTES 02 SECONDS, 490.02 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 9.37 ACRES, MORE OR LESS.

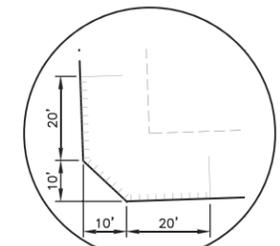
SURVEYOR CERTIFICATE:

I HEREBY CERTIFY THE DETAILS OF THIS PLAT TO BE CORRECT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL BOUNDARY CORNERS OF THIS SUBDIVISION HAVE BEEN MONUMENTED, ACCORDING TO KANSAS STATE STATUTE, THIS 13th DAY OF FEBRUARY, 2014.

ROBERT J. BORSICK, LS #1180
BARTLETT & WEST, INC.

REVIEWED BY THE COUNTY SURVEYOR THIS _____ DAY OF _____, 20____,
IN ACCORDANCE WITH KSA CHAPTER 58, ARTICLE 20.

DEBORAH J. THOMAS - LS # 1461
COUNTY SURVEYOR



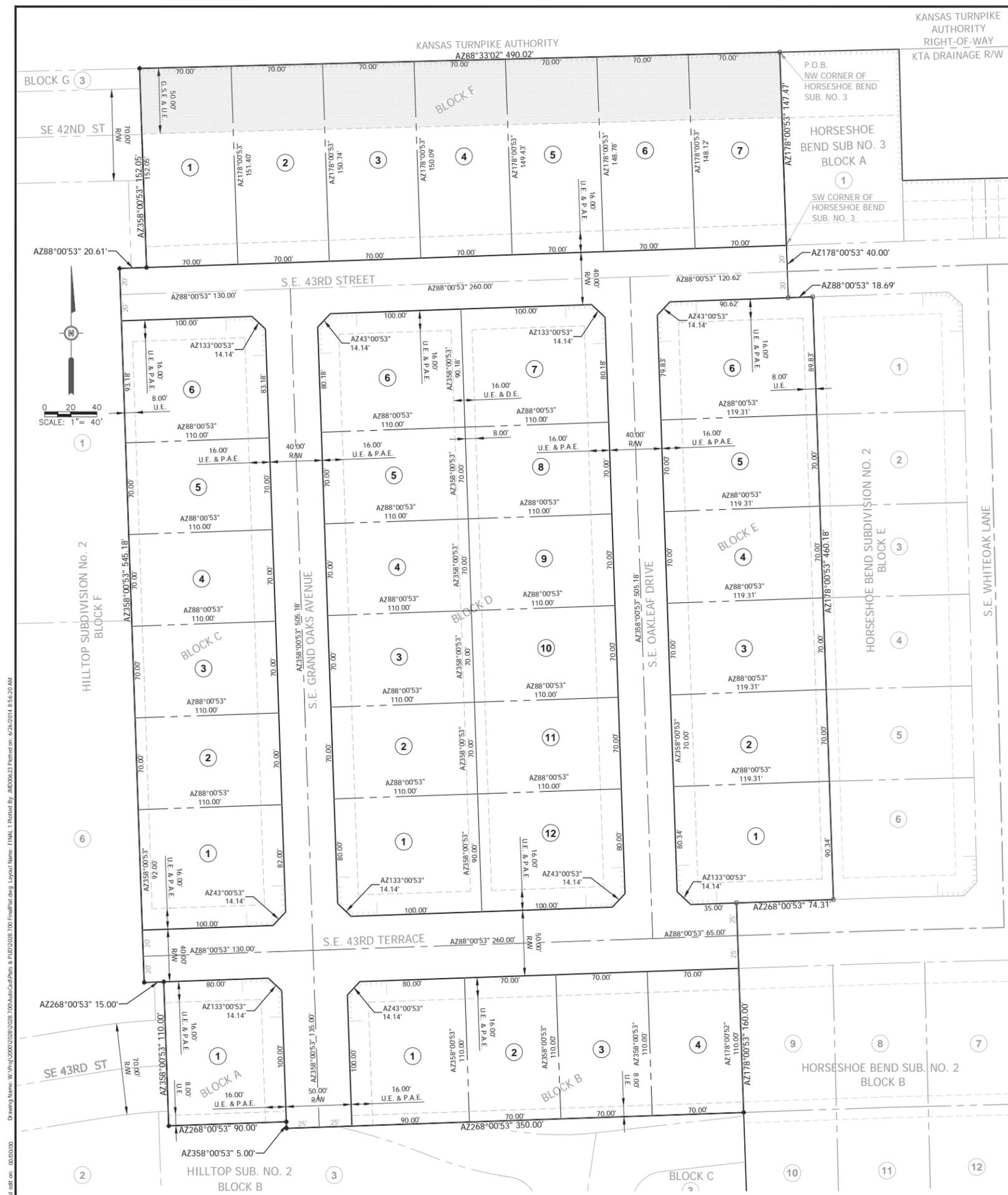
**DETAIL FOR TYPICAL
ACCESS CONTROL
AT CORNER LOTS**

LEGEND

- BOUNDARY LINE
- LOT LINE
- RIGHT-OF-WAY LINE
- CENTER LINE
- EASEMENT LINE
- RESTRICTED ACCESS
- NO INGRESS / NO EGRESS
- GREEN SPACE EASEMENT
- LOT NUMBER
- ACCESS EASEMENT
- DRAINAGE EASEMENT
- FORCE MAIN EASEMENT
- GREEN SPACE EASEMENT
- KANSAS TURNPIKE AUTHORITY
- MEASURED
- PEDESTRIAN ACCESS EASEMENT
- POINT OF BEGINNING
- RECORDED
- RIGHT-OF-WAY
- SQUARE FOOTAGE
- SANITARY SEWER EASEMENT
- UTILITY EASEMENT
-
-

LOT, BLOCK AND AREA

LOT	BLOCK	SQ. FT.	LOT	BLOCK	SQ. FT.
1	A	9,850	8	D	7,700
1	B	9,850	9	D	7,700
2	B	7,700	10	D	7,700
3	B	7,700	11	D	7,700
4	B	7,700	12	D	9,850
1	C	10,070	1	E	10,728
2	C	7,700	2	E	8,352
3	C	7,700	3	E	8,352
4	C	7,700	4	E	8,352
5	C	7,700	5	E	8,352
6	C	10,200	6	E	10,667
1	D	9,850	1	F	10,621
2	D	7,700	2	F	10,575
3	D	7,700	3	F	10,529
4	D	7,700	4	F	10,483
5	D	7,700	5	F	10,437
6	D	9,870	6	F	10,391
7	D	9,870	7	F	10,346



Drawing Name: W:\Projects\2014\20140228\20140228_1700AutoCAD\Plats & PLO\2014_1700 Final.dwg
 Layout Name: FINAL_1
 Plotted By: JMD06/23
 Plotted on: 6/26/2014 8:56:20 AM
 Last edit on: 06/06/14

BARTLETT & WEST

1200 NW EXECUTIVE DR., TOPEKA, KANSAS 66615
 PHONE: 785-272-2525 • FAX: 785-272-5044
 WWW.BARTLETTWEST.COM

**FINAL PLAT
HORSESHOE BEND SUBDIVISION NO. 4**

CITY OF TOPEKA
SHAWNEE COUNTY, KANSAS

DESIGNED BY:	JMD
DRAWN BY:	JMD
APPROVED BY:	SEL
DESIGN PROJ.:	2028.700
CONST. PROJ.:	
SCALE:	AS NOTED
DATE:	JUNE 2014
DRAWING NO.:	P14/
SHEET NO.:	1 of 2

A PRELIMINARY PLAT FOR:

HORSESHOE BEND SUBDIVISION

A REVISED PRELIMINARY PLAT OF GRAND OAKS SUBDIVISION AND A PARTIAL REPLAT OF HILLTOP SUBDIVISION NO. 2

LEGAL DESCRIPTION:

A PORTION OF LOT 4, BLOCK 'C'; A PORTION OF LOT 1 AND LOT 2, BLOCK 'D'; A PORTION OF LOT 3, BLOCK 'F'; ALL OF LOTS 3, 4, 5 AND 6, BLOCK 'D'; ALL OF LOTS 1 AND 2, BLOCK 'E'; A PORTION OF THE RIGHT OF WAY OF 42ND STREET, 43RD STREET AND QUINCY STREET, ALL OF THE RIGHT OF WAY OF QUINCY CIRCLE ALL IN HILLTOP SUBDIVISION NO.2, CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 5, BLOCK 'D' OF SAID SUBDIVISION; THENCE WESTERLY, COINCIDENT WITH THE SOUTHERLY LINE OF LOTS 5 AND 6, BLOCK 'D' AND LOT 4, BLOCK 'C' ON AZ268 DEGREES 31 MINUTES 59 SECONDS, A DISTANCE OF 110.00 FEET; THENCE NORTHWESTERLY, COINCIDENT WITH THE EAST LINE OF SAID SUBDIVISION, ON AZ358 DEGREES 18 MINUTES 47 SECONDS, A DISTANCE OF 110.00 FEET; THENCE NORTHWESTERLY, ON AZ323 DEGREES 59 MINUTES 04 SECONDS, A DISTANCE OF 48.86 FEET; THENCE NORTHERLY, PARALLEL WITH THE EAST LINE OF SAID SUBDIVISION, ON AZ358 DEGREES 18 MINUTES 47 SECONDS, A DISTANCE OF 110.00 FEET; THENCE WESTERLY, PARALLEL WITH THE SOUTH LINE OF SAID SUBDIVISION, ON AZ268 DEGREES 31 MINUTES 59 SECONDS, A DISTANCE OF 70.00 FEET; THENCE NORTHERLY, PARALLEL WITH THE EAST LINE OF SAID SUBDIVISION, ON AZ358 DEGREES 18 MINUTES 47 SECONDS, A DISTANCE OF 110.00 FEET; THENCE NORTHWESTERLY, ON AZ319 DEGREES 44 MINUTES 22 SECONDS, A DISTANCE OF 64.15 FEET; THENCE NORTHERLY, PARALLEL WITH THE EAST LINE OF SAID SUBDIVISION, ON AZ358 DEGREES 18 MINUTES 47 SECONDS, A DISTANCE OF 110.00 FEET; THENCE WESTERLY, COINCIDENT WITH SAID SOUTHERLY LINE OF RIGHT OF WAY, BEING A LINE LYING 150.00 FEET SOUTHERLY OR RIGHT OF THE CENTERLINE OF SAID KANSAS TURNPIKE, (SAID CENTERLINE BEING A 5 DEGREE 400 FOOT SPIRAL CURVE TO THE LEFT) THE CHORD BEARS ON AZ84 DEGREES 04 MINUTES 44 SECONDS, 45.65 FEET; THENCE CONTINUING NORTHEASTERLY, COINCIDENT WITH SAID SOUTHERLY LINE OF RIGHT OF WAY, BEING A CURVE TO THE LEFT, HAVING A RADIUS OF 2441.82 FEET, A CENTRAL ANGLE OF 22 DEGREES 43 MINUTES 42 SECONDS, (WHOSE CHORD BEARS ON AZ72 DEGREES 11 MINUTES 48 SECONDS, 962.29 FEET), AN ARC LENGTH OF 968.63 FEET TO THE NORTHEAST CORNER OF LOT 3, BLOCK 'D' OF SAID SUBDIVISION; THENCE SOUTHERLY, COINCIDENT WITH THE EAST LINE OF SAID SUBDIVISION, ON AZ178 DEGREES 18 MINUTES 47 SECONDS, A DISTANCE OF 1349.58 FEET TO THE POINT OF BEGINNING, CONTAINING 25.32 ACRES, MORE OR LESS.

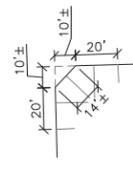
NOTES:

1. WATER SERVICE BY CITY OF TOPEKA.
2. SEWER SERVICE BY CITY OF TOPEKA.
3. THE PROPOSED SUBDIVISION IS NOT IN A FEMA FLOOD PLAIN.
4. CONTOURS AT 4 FOOT INTERVALS.
5. APPROXIMATELY 6 ACRES OF GREEN SPACE.
6. NO BUILDING PERMITS SHALL BE ISSUED UNTIL THE TEMPORARY 20' ASPHALT ROAD CONNECTING S.E. WHITEOAK LANE TO S.E. QUINCY STREET FOR THE RESPONSIBILITY OF PROPERTY OWNER UNIT SUCH TIME AS SAID EMERGENCY ACCESS IS CONSTRUCTED AND DEDICATED AS S.E. 44TH STREET AND S.E. WHITEOAK LANE.
7. NO BUILDING PERMITS SHALL BE ISSUED FOR FUTURE PHASES WEST OF HORSESHOE BEND DRIVE UNTIL S.E. 44th STREET IS CONSTRUCTED TO CITY STANDARDS.
8. NO BUILDING PERMITS SHALL BE ISSUED UNTIL S.E. QUINCY STREET IS CONSTRUCTED FROM S.E. 45th STREET TO S.E. 44th STREET, S.E. QUINCY SHALL BE RENAMED S.E. HORSESHOE BEND DRIVE.
9. ALL UTILITIES SHALL BE PLACED UNDERGROUND PURSUANT TO THE CITY'S RIGHT-OF-WAY MANAGEMENT STANDARDS.
10. DRAINAGE EASEMENTS ARE HEREBY ESTABLISHED AS SHOWN TO PROVIDE FOR THE UNOBSTRUCTED OVERLAND FLOW OF 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 OR EASEMENTS IN THE DRAINAGE EASEMENT (DE) SHOWN BEHIND THE RIGHT-OF-WAY AND MAINTENANCE SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER. THE PRESENT EASEMENTS, 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 DIRECTOR OF THE APPLICABLE DEPARTMENT OF PUBLIC WORKS, 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.
11. GREEN SPACE EASEMENTS ARE NON-BUILDABLE AND RESERVED FOR LANDSCAPING AMENITIES. THE LOT OWNER(S) SHALL NOT FENCE OR BUILD ANY STRUCTURES WITHIN SAID EASEMENTS. MAINTENANCE SHALL BE BY THE LOT OWNER(S).
12. THE TEMPORARY TURNAROUND EASEMENTS (T.T.E.) ARE DEDICATED FOR USE UNTIL SUCH TIME THAT PERMANENT STREET PAVEMENT IS EXTENDED BEYOND ITS LIMITS, AT SUCH TIME THE T.T.E.'S ARE NULL AND VOID.
13. PEDESTRIAN ACCESS EASEMENTS (P.A.E.) ARE RESERVED FOR LANDSCAPING AND PEDESTRIAN WALKWAYS.
14. PEDESTRIAN ACCESS EASEMENTS IN THE EXISTING GRAND OAKS SUBDIVISION ARE TO BE EXTENDED THROUGH THE PROPOSED SUBDIVISION.
15. THE PROPOSED PARK AREA WILL BE DEDICATED TO THE CITY OF TOPEKA WITH THE RECORDING OF THE FINAL PLAT IF THE PROPOSED PARK IS ACCEPTED BY CITY OF TOPEKA.

CURVE DATA

- ① (SPIRAL CURVE)
 R = 2441.82'
 CH. AZ. 84°04'44"
 CH. LENGTH 45.65'
 CH. L. = 962.29'
- ②
 R = 2441.82'
 Δ = 22°43'42"
 L = 968.63'
 CH. AZ. = 72°11'48"
 CH. L. = 962.29'

**TYPICAL RESTRICTED ACCESS DETAIL AT INTERSECTIONS

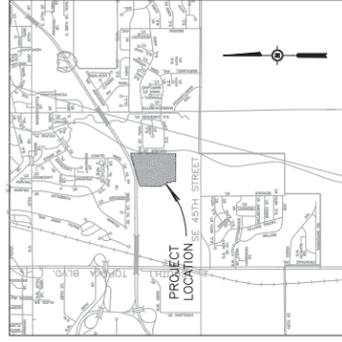


LEGEND

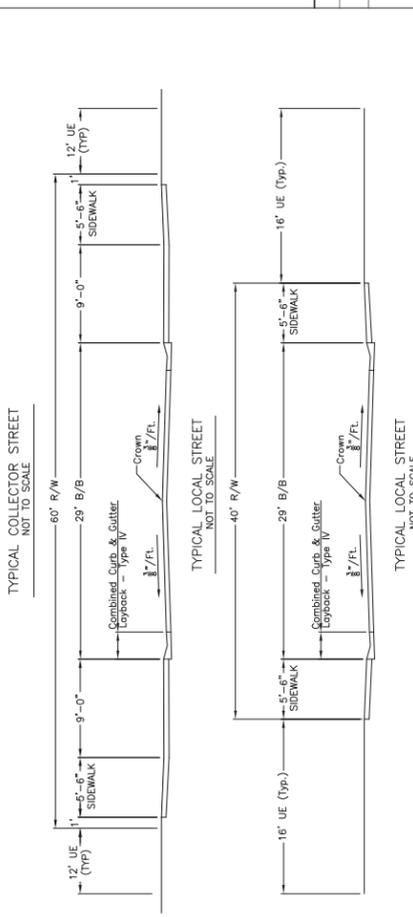
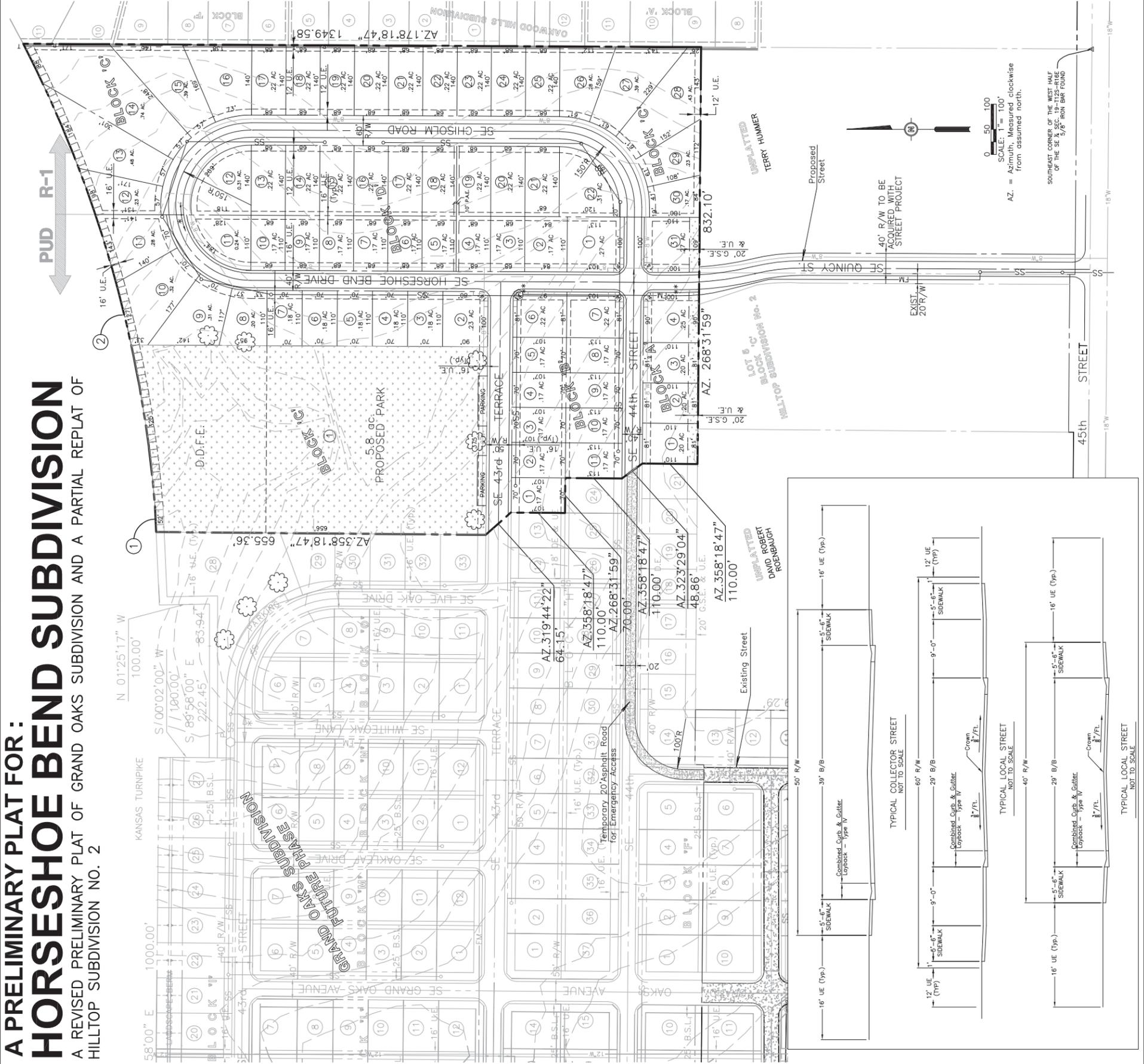
- PROPERTY LINE
- LOT LINE
- RIGHT-OF-WAY LINE
- CENTER LINE
- EASEMENT LINE
- SECTION LINE
- RESTRICTED ACCESS
- NO INGRESS / NO EGRESS
- SANITARY SEWER LINE
- SANITARY SEWER MANHOLE
- UNDERGROUND GAS LINE
- WATER LINE
- ELECTRIC POWER LINE
- FORCE MAIN
- UTILITY EASEMENT
- LOT NUMBER
- DRAINAGE EASEMENT
- GREEN SPACE EASEMENT
- DRAINAGE DETENTION FACILITY EASEMENT
- RIGHT-OF-WAY
- PEDESTRIAN ACCESS EASEMENT
- GREEN SPACE
- PROPOSED PUMP STATION
- STREET NAME CHANGE

OWNERS:
 FIDELITY DEVELOPMENT, INC. and
 HORSESHOE BEND, L.L.C.

DEVELOPER:
 HORSESHOE BEND, L.L.C.



VICINITY MAP
 NOT TO SCALE



BARTLETT & WEST ENGINEERS

1800 SW EXECUTIVE DRIVE - TOPEKA, KS 66619
 PHONE 785.326.2727 FAX 785.326.2728
 WWW.BARTLETTWEST.COM

PRELIMINARY PLAT

HORSESHOE BEND SUBDIVISION

TOPEKA, SHAWNEE COUNTY, KANSAS

DESIGNED BY:	WBV
DRAWN BY:	RKB/SLG
APPROVED BY:	WBV
DESIGN PROJ. NO.:	2028.500
CONST. PROJ. NO.:	2928-600
SCALE:	1" = 100'
DATE:	AUG. 2005
DRAWING NO.:	
SHEET NO.:	1 of 2

1 (Published in the Topeka Metro News _____)
2

3 ORDINANCE NO. _____
4

5 AN ORDINANCE introduced by City Manager Jim Colson, concerning subdivision
6 and minor plat process, amending City of Topeka Code §
7 18.30.010, § 18.30.020, and § 18.35.010 and repealing original
8 sections.
9

10 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:
11

12 Section 1. That section 18.30.010, Definitions, of The Code of the City of
13 Topeka, Kansas, is hereby amended to read as follows:

14 **Definitions.**

15 The following words, terms and phrases, when used in this division, shall have
16 the meanings ascribed to them in this section, except where the context clearly
17 indicates a different meaning:

18 “Alley” means a public thoroughfare which affords only a secondary means of
19 access to abutting property.

20 “Block” means a piece or parcel of land entirely surrounded by public highways,
21 streets, streams, railroad rights-of-way, parks, etc., or a combination thereof.

22 **Collector Streets.**

23 (1) Primary. This class of street serves the internal traffic movement within an
24 area of the city such as a subdivision and connects this area with the arterial system. It
25 is intended to equally serve abutting property while at the same time serving traffic
26 movements for commercial and transit vehicles, and is normally spaced at one-half
27 intervals between the major traffic thoroughfares in the normal gridiron system.

28 (2) Secondary. This class of street serves the internal traffic movement within an
29 area of the city such as a subdivision and connects this area with the primary and

30 arterial system. It is intended to serve abutting property while at the same time serving
31 traffic movements excluding commercial and transit vehicles.

32 “Comprehensive plan” means the plan described in Chapter 18.05.

33 “Cul-de-sac” means a street having one end open to traffic and being
34 permanently terminated by a vehicle turnaround at the closed end.

35 “Design” means the location of streets, alignment of streets, grades and widths of
36 streets, alignment and widths of easements and rights-of-way for drainage and sanitary
37 sewers, and the designation of minimum lot area and width.

38 “Easement” means a grant by the property owner to a person or to the public of
39 the right to the use of a strip of land for specific purposes.

40 “Final plat” means a plan or map prepared in accordance with the provisions of
41 this division and those of any other applicable city ordinances, which plat is prepared to
42 be placed on record in the office of the county register of deeds for counties in which the
43 subdivision is located.

44 “Improvements” means any improvement and all street work, utilities, trafficways
45 and drainage facilities that are to be installed, or which the subdivider agrees to install
46 on the land for public or private streets, highways, ways and easements as are
47 necessary for the general use of the lot owners in the subdivision and local
48 neighborhood.

49 “Lot” means a portion of land in a subdivision, or other parcel of land, intended as
50 a unit for the purposes of transfer of ownership or development.

51 “Lot line adjustment” means a relocation of existing lot lines.

52 “Lot split” means a lot that is divided into two lots.

53 “Major plat approval” means a plan or map prepared in accordance with the
54 provisions of this division and those of any other city ordinance which requires the
55 approval of the planning commission and the city council.

56 Major Traffic Thoroughfares.

57 (1) “Primary” means a street or road of great continuity with either a single
58 roadway or a dual roadway which serves or is intended to serve major traffic flow, and is
59 designated in the master plan or is otherwise designated as a limited access highway or
60 freeway, highway, boulevard, parkway or other equivalent term, to identify those streets
61 comprising the basic street system of the city.

62 (2) “Secondary” means a street or road of considerable continuity which serves
63 or is intended to serve principal traffic flow between separated areas or districts and
64 which is the main means of access to the residential street or roadway system.

65 “Marginal access streets” or “frontage roads” means a minor street which is
66 generally parallel to or adjacent to a major traffic thoroughfare highway or railroad right-
67 of-way and provides access to abutting properties.

68 “Master plan” means the comprehensive plan made and adopted by the planning
69 commission for the physical development of the metropolitan area and its environs
70 indicating the general location, character and extent of streets, alleys, sewers, ways,
71 viaducts, bridges, subways, parkways, parks, playgrounds, waterways, waterfronts,
72 boulevards, squares, aviation fields and other public ways, grounds and open spaces,
73 the general location of public buildings and other public property, and the general
74 location and extent of public utilities and terminals; also the removal, location, widening,
75 narrowing, vacating, abandonment, change of use, or extension of any public ways,

76 grounds, open spaces, buildings, property, utilities or terminals, as well as a zoning plan
77 for the control of the height, area, bulk, location, use and intensity of use of buildings
78 and premises.

79 “Minor plat approval” means a plan or map of an area prepared in accordance
80 with the provisions of this division and those of any other ordinance which requires only
81 the joint approval of the planning director and public works director.

82 “Minor street” means a street of limited continuity, which serves or is intended to
83 serve the local needs of a neighborhood.

84 ~~“Municipal service area” is that area established by resolution of the city council~~
85 ~~which is located outside of the corporate boundaries of the city but within the city’s~~
86 ~~three-mile jurisdiction which is suitable for development and growth by the provision of~~
87 ~~municipal services including but not limited to municipal water, stormwater and sanitary~~
88 ~~sewer. Said municipal service area may from time to time be altered by resolution of the~~
89 ~~city council to provide for additional orderly growth; provided, however, that said~~
90 ~~municipal service area shall not extend beyond the city’s three-mile extraterritorial~~
91 ~~jurisdiction.~~

92 “Pedestrian way” means a right-of-way dedicated to public use, which cuts
93 across a block to facilitate pedestrian access to adjacent streets and properties.

94 “Planning commission” means the city of Topeka planning commission.

95 “Preliminary plat” means a map made for the purpose of showing the design of a
96 proposed subdivision and existing conditions in and around it; the map need not be
97 based on an accurate or detailed final survey of the property.

98 "Public water company" means any person who has a written permit from the
99 state to supply water for domestic purposes to the public.

100 "Setback line" or "building line" means a line on a plat generally parallel to the
101 street right-of-way, indicating the limit beyond which buildings or structures may not be
102 erected or altered.

103 "Street" means a right-of-way dedicated to the public use, or a private right-of-
104 way serving more than one owner, which provides principal vehicular and pedestrian
105 access to adjacent properties.

106 "Subdivider" means any person who causes land to be divided into a subdivision,
107 for themselves or for others.

108 "Subdivision" means the division of a parcel of land into two or more lots or
109 parcels for the purpose of transfer of ownership or building development, ~~or, if a new~~
110 ~~street is involved, any division of a parcel of land; provided, the division of land for~~
111 ~~agricultural purposes into lots or parcels each of which is three acres or more and not~~
112 ~~involving a new street or the division of land into parcels or tracts of land containing~~
113 ~~three acres or more with a minimum frontage dimension of 200 feet on a public road or~~
114 ~~way where the use is to be for purposes other than agricultural shall not be deemed a~~
115 subdivision.

116 "Urban growth area" means the area described in the comprehensive plan.

117 Section 2. That section 18.30.020, Scope, of The Code of the City of Topeka,
118 Kansas, is hereby amended to read as follows:

119 **Scope.**

120 (a) The regulations contained in the division shall apply to the following:

121 (1) All plans, pPlats or replats of land laid out in building lots to be
122 made for eachin subdivisions_ or each part thereof lying within the city or within
123 three miles of the nearest point on thecity boundary of the city shall be prepared,
124 presented and recorded as prescribed in this division.

125 (2) The regulations contained in this division shall apply to the
126 sSubdivision of a lot, tract or parcel of land into two or more lots, tracts or other
127 division of land for the purpose of sale or of building development, whether
128 immediate or future, including the resubdivision or replatting of land or lots.

129 (3) Subdivisions which require dedication of new streets.

130 (4) An ordinance requires that property be platted.

131 (b) Notwithstanding subsection (a), platting is not required in any of the
132 following circumstances:

133 (1) Division of land for agricultural purposes into parcels or tracts of
134 land of three acres or more, and not involving anyrequiring the dedication of new
135 streets.

136 (2) or the dDivision of land outside the urban growth area into parcels
137 or tracts of land containing three acres or more with a minimum frontage
138 dimension of 200300 contiguous feet and with a lot width/depth ratio no greater
139 than 1:2, on an existing public road or way where the use is to be for non-
140 agricultural purposes other than agricultural, shall be exempt from the
141 requirements of this division.

142 (3) Division of land within the urban growth area into parcels or tracts
143 of land containing twenty acres or more with a minimum frontage dimension of

144 300 contiguous feet and with a lot width/depth ratio no greater than 1:2, on an
145 existing public road or way where the use is to be for non-agricultural purposes.

146 (4) Existing legal lots of record created in accordance with the
147 subdivision regulations in effect at the time of creation.

148 (c) Lots shall comply with the minimum lot sizes in the zoning code unless the
149 comprehensive plan provides otherwise.

150 Section 3. That section 18.35.010, Administrative minor plat approval process
151 – Lot line adjustments and splits, of The Code of the City of Topeka, Kansas, is hereby
152 amended to read as follows:

153 **Administrative ~~minor plat~~ approval process – Minor plats, Lot line**
154 **adjustments and splits.**

155 (a) Minor Plat Approval. The following plats or replats may be approved
156 administratively upon the joint approval of the planning director and the public works
157 director without submission to or approval by the planning commission or city council;
158 provided, that all of the following criteria are met:

159 (1) Right-of-way for new streets is not proposed or required to serve
160 the lots or tracts in the subdivision;

161 (2) The subdivision includes the total contiguous tract of land owned,
162 or under control of, the applicant;

163 (3) The applicant has complied with any applicable stormwater
164 management requirements;

165 (4) No more than five lots or tracts are added;

166 (5) Dedication of land for public purposes is not required;

167 (6) New lots or tracts front onto or are accessible from an existing
168 street right-of-way which, except for nonbuildable lots or tracts, conforms to city
169 specifications;

170 (7) Extensions of water or sewer mains are not required to serve the
171 additional lots or tracts;

172 (8) Easements for utilities are not vacated, altered, removed or
173 realigned unless the utility consents in writing and the planning director
174 determines that vacation will not adversely impact adjoining property owners or
175 the public health and welfare;

176 (9) The plat is consistent with the comprehensive metropolitan plan;
177 and

178 (10) Real estate taxes and special assessments on the property
179 proposed to be platted or replatted are not delinquent.

180 (b) Lot Line Adjustments. Lot line adjustments may be approved
181 administratively upon the joint approval of the planning director and the public works
182 director; provided all of the following criteria are met:

183 (1) The lots are either platted or are exempt from platting;

184 (2) Each lot meets the minimum lot size standards for the applicable
185 zoning district and all structures meet applicable building height, size, and
186 setback requirements;

187 (3) No additional lots are created; and

188 (4) No easements are added, relocated, or removed.

189 (c) Lot Splits. Lot splits may be approved administratively upon the joint
190 approval of the planning director and the public works director; provided all of the
191 following criteria are met:

192 (1) The lots are either platted or are ~~exempt from platting~~ required to be
193 platted;

194 (2) Each lot meets the minimum lot size standards for the applicable
195 zoning district and all structures meet applicable building height, size, and
196 setback requirements;

197 (3) No easements are added, relocated, or removed;

198 (4) Water and sewer services will not be adversely impacted;

199 (5) Existing and proposed septic systems and wells meet all setback
200 and area requirements;

201 (6) No public infrastructure improvements are necessary to serve the
202 lots; and

203 (7) Lot splits comply with the comprehensive plan; and

204 (8) The lot(s) has not been the subject of a previous split.

205 Section 4. That original § 18.30.010, § 18.30.020, and § 18.35.010 of The
206 Code of the City of Topeka, Kansas, are hereby specifically repealed.

207 Section 5. This ordinance shall take effect and be in force from and after its
208 passage, approval and publication in the official City newspaper.

209 Section 6. This ordinance shall supersede all ordinances, resolutions or rules,
210 or portions thereof, which are in conflict with the provisions of this ordinance.

1 (Published in the Topeka Metro News _____)
2

3 ORDINANCE NO. _____
4

5 AN ORDINANCE introduced by City Manager Jim Colson, concerning water and
6 sewer services outside of the city limits, amending City of Topeka
7 Code § 13.10.120 and § 13.10.220 and repealing original section.
8

9 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:
10

11 Section 1. That section 13.10.120, Water service to owner of real property
12 outside city limits - Requirements, of The Code of the City of Topeka, Kansas, is hereby
13 amended to read as follows:

14 **Water service to owner of real property outside city limits – Requirements.**

15 ~~(a) Annexation.~~

16 ~~(1) New or redeveloped parcels established by preliminary or final plat, lot, split~~
17 ~~or otherwise, after February 15, 2007, and for which the structure has not been~~
18 ~~connected to the city's water system that are contained within the current~~
19 ~~municipal services area established by the city council under TMC [18.30.010](#)~~
20 ~~("MSA") shall require annexation prior to water service being provided. Extension~~
21 ~~of water transmission mains shall conform to sizing, routing and other~~
22 ~~specifications as determined by the city engineer and water superintendent. The~~
23 ~~cost to design and construct the extension of water mains necessary to serve~~
24 ~~these areas may be paid through the city of Topeka water fund depending on~~
25 ~~priority and if sufficient capital improvement funding is available. The developer~~
26 ~~may, depending on the proximity to existing water transmission mains, bear part,~~
27 ~~or all, of the cost of extending city water service to the development. Such~~

28 ~~extension costs would be in addition to the payment of connection fees and the~~
29 ~~cost of the construction of the water infrastructure within the development.~~

30 ~~(2) New or redeveloped parcels established by preliminary or final plat, lot, split~~
31 ~~or otherwise, after February 15, 2007, and for which the structure has not been~~
32 ~~connected to the city's water system outside of the city's corporate boundaries~~
33 ~~that are not contained within the MSA shall require annexation prior to service~~
34 ~~being provided. Extension of water transmission mains shall conform to sizing,~~
35 ~~routing and other specifications as determined by the city engineer and water~~
36 ~~superintendent. The total cost of extending the city's water service shall be borne~~
37 ~~by the developer without any participation by the city. Such extension costs~~
38 ~~would be in addition to the payment of connection fees and the cost of the~~
39 ~~construction of the water infrastructure within the development.~~

40 ~~(b) Platting. Further, before city water service is provided to an owner of real property~~
41 ~~outside city limits, the owner shall plat or cause to be platted the property to be served.~~

42 ~~Exception: An owner of real property outside the city limits may be exempt from the~~
43 ~~platting requirement set forth above, provided the planning director and public works~~
44 ~~director jointly find that all of the following conditions exist:~~

45 ~~(1) Land on which the principal structure is that of an existing detached single-~~
46 ~~family dwelling. That there are no other structures except permitted accessory~~
47 ~~structures, or uses for which water service is to be provided.~~

48 ~~(2) As determined by the city of Topeka public works department, adequate utility~~
49 ~~and drainage easements and/or street rights-of-way presently exist or can be~~

50 ~~secured by separate written instrument and recorded with the Shawnee County~~
51 ~~register of deeds for which the property owner consents.~~

52 ~~(3) There are no existing or anticipated drainage problems related to the site or~~
53 ~~the development.~~

54 ~~(4) Adequate public utilities and services otherwise service the site and the~~
55 ~~proposed development conforms to the dimensional requirements of the zoning~~
56 ~~district.~~

57 ~~(5) The existing or proposed improvement is compliant with the current adopted~~
58 ~~Shawnee County wastewater management plan, or variances as may be granted~~
59 ~~by the applicable governing body as provided by said plan.~~

60 ~~(c) An owner of real property outside the city limits may be exempt from the annexation~~
61 ~~requirement set forth in subsection (a)(1) or (a)(2) of this section if the property owner~~
62 ~~consents to annexation of the real property to be served and at least one of the~~
63 ~~following conditions is satisfied:~~

64 ~~(1) To eliminate an imminent threat to public health and safety as determined~~
65 ~~and/or ordered by the Kansas Department of Health and Environment or a similar~~
66 ~~regulatory agency, or a court of law.~~

67 ~~(2) To promote an economic development project as determined by the city~~
68 ~~council.~~

69 ~~(3) To avoid unnecessary hardship in situations not created by the actions of the~~
70 ~~applicant as determined by the city council.~~

71 ~~(4) The city is obligated to provide water service to the property owner by~~
72 ~~contract or other legally enforceable document.~~

73 ~~(5) The planning commission has, prior to February 15, 2007, approved a~~
74 ~~preliminary or final plat which includes city water service.~~

75 ~~(6) The city has previously provided water service to the same parcel of real~~
76 ~~estate for which service has been requested. The reconnection of service shall~~
77 ~~be limited to the same size of service line as the previous service. Further, the~~
78 ~~reconnection shall be limited to the same number of lines or connections which~~
79 ~~previously existed.~~

80 ~~(7) To allow the city to provide water service to a facility owned and operated by~~
81 ~~a political and taxing subdivision with approval of the city council.~~

82 Real property that is located outside of the city's boundaries may be eligible for
83 water service if the property meets the requirements in subsection (a) and (b).

84 (a) Annexation. The property to be served is annexed into the city unless the
85 property owner consents to annexation and one of the following applies:

86 (1) There is an imminent threat to public health and safety as
87 determined by the Kansas Department of Health and Environment or a similar
88 regulatory agency, or a court of law. However, this exemption does not apply to
89 property located between the original location of the public infrastructure and the
90 property to be served.

91 (2) Connection to public infrastructure will promote an industrial
92 development project within the employment tier of the urban growth area or
93 outside the urban growth area as defined within the comprehensive plan.

94 (3) The parcels were created before February 15, 2007, in accordance
95 with both the subdivision regulations and zoning in effect at the time of their

96 creation, and water infrastructure, not including transmission lines, is adjacent to
97 the property to be served.

98 (4) The city is obligated to provide water service to the property owner
99 by virtue of the following: (i) a contract; (ii) approval of a final plat prior to
100 February 15, 2007 which includes water service; or (iii) an approved plat meeting
101 the comprehensive plan's urban growth area design standards.

102 (5) The city has previously provided water service to the same parcel
103 of real estate for which service has been requested. The reconnection of service
104 shall be limited to the same size of service line as the previous service. Further,
105 the reconnection shall be limited to the same number of lines or connections
106 which previously existed.

107 (6) Service is requested by a facility owned and operated by a political
108 and taxing subdivision.

109 (b) Platting. The property to be served is platted consistent with the design
110 standards and development policies contained in the adopted elements of the
111 comprehensive plan unless all of the following conditions exist:

112 (1) A detached single-family dwelling is located on the property and
113 there are no other structures except permitted accessory structures.

114 (2) Adequate utility and drainage easements and/or street rights-of-
115 way exist, as determined by the director of public works or designee, or such
116 easements are provided by the property owner.

117 (3) There are no existing or anticipated drainage problems related to
118 the site or the development.

119 (4) Adequate public utilities service the property.

120 (5) Existing or proposed improvements comply with all applicable
121 zoning and development code requirements.

122 Section 2. That section 13.10.220, Annexation and funding of sewer service
123 and extensions, of The Code of the City of Topeka, Kansas, is hereby amended to read
124 as follows:

125 ~~Annexation and funding of sewer service and extensions~~Sewer service to
126 owner of real property outside city limits – Requirements.

127 ~~(a) It is the desire of the city of Topeka to conform to the community goals statement~~
128 ~~adopted as part of the 1986 Shawnee County wastewater management plan, as~~
129 ~~amended. Specifically the statements include:~~

130 ~~(1) Direct new growth to developable areas served by existing public facilities.~~

131 ~~(2) Use the community's provision of public facilities as a method of guiding~~
132 ~~growth.~~

133 ~~(3) Identify environmentally sensitive areas and guide development away from~~
134 ~~areas of greatest adverse environmental impact.~~

135 ~~(4) Identify and strive to preserve prime agricultural land for production of food and~~
136 ~~fiber.~~

137 ~~(5) Encourage residential development near existing essential services, facilities,~~
138 ~~and centers of employment.~~

139 ~~(b) The Shawnee County wastewater management plan designates service areas into~~
140 ~~four categories. These include: urban, primary urban, secondary urban, and rural-~~
141 ~~agriculture. Urban areas are those which are currently within the city of Topeka limits.~~

142 ~~Primary urban are those areas which are anticipated to become urbanized by 2005.~~

143 ~~Secondary urban are those areas which are expected to become urbanized by 2025.~~

144 ~~Rural agriculture areas include the remainder of Shawnee County. It is the city of~~

145 ~~Topeka's intent to serve urban and primary urban service areas, and in some cases, to~~

146 ~~serve secondary urban service areas. In order to provide new services to expected~~

147 ~~growth areas, water pollution control will identify annual capital improvement~~

148 ~~expenditures as well as revenue from connection fees to facilitate the orderly expansion~~

149 ~~of the city of Topeka and its wastewater utility.~~

150 ~~(c) Funding and annexation in the service areas will be subject to the following~~

151 ~~requirements:~~

152 ~~(1) New or redeveloped parcels established by preliminary or final plat, lot split or~~

153 ~~otherwise after November 1, 2005, or parcels upon which a residential or~~

154 ~~commercial structure was located prior to November 1, 2005, and which structure~~

155 ~~has not previously been connected to the city sewer system that are adjacent to~~

156 ~~the existing city limits requiring sewer service shall require annexation prior to~~

157 ~~service being provided.~~

158 ~~(2) New or redeveloped parcels established by preliminary or final plat, lot split or~~

159 ~~otherwise after November 1, 2005, or parcels upon which a residential or~~

160 ~~commercial structure was located prior to November 1, 2005, and which structure~~

161 ~~has not previously been connected to the city sewer system that are contained~~

162 ~~within the primary service area as defined in the Shawnee County wastewater~~

163 ~~management plan, as amended, and also contained in the current municipal~~

164 ~~service area as defined in TMC Title [18](#), Division 3, shall require annexation,~~

165 ~~except as provided in subsection (c)(6) of this section, prior to service being~~
166 ~~provided. A portion of the cost to design and construct the major interceptors~~
167 ~~necessary to serve these areas may be paid through the city of Topeka water~~
168 ~~pollution control fund if sufficient service extension funding is available and if the~~
169 ~~extension is consistent with the Topeka utilities extension growth policy maintained~~
170 ~~by the public works department.~~

171 ~~(3) New or redeveloped parcels established by preliminary or final plat, lot split or~~
172 ~~otherwise after November 1, 2005, or parcels upon which a residential or~~
173 ~~commercial structure was located prior to November 1, 2005, and which structure~~
174 ~~has not previously been connected to the city sewer system that are contained~~
175 ~~within the current municipal service area as defined in TMC Title [18](#), Division 3,~~
176 ~~shall require annexation, except as provided in subsection (c)(6) of this section,~~
177 ~~prior to service being provided. A portion of the cost to design and construct the~~
178 ~~major interceptors necessary to serve these areas may be paid through the city of~~
179 ~~Topeka water pollution control fund if sufficient service extension funding is~~
180 ~~available and if the extension is consistent with the Topeka utilities extension~~
181 ~~growth policy maintained by the public works department.~~

182 ~~(4) New or redeveloped parcels established by preliminary or final plat, lot split or~~
183 ~~otherwise after November 1, 2005, or parcels upon which a residential or~~
184 ~~commercial structure was located prior to November 1, 2005, and which structure~~
185 ~~has not previously been connected to the city sewer system that are contained~~
186 ~~within the primary service area as amended and not in the current municipal~~
187 ~~service area as defined in TMC Title [18](#), Division 3, shall require consent to~~

188 ~~annexation prior to service being provided. Major interceptors necessary to serve~~
189 ~~proposed development in this area shall conform to approved sizing and routing as~~
190 ~~determined by the city engineer. The total cost of extending city sewer service,~~
191 ~~including interceptors and service lines, shall be borne by the developer without~~
192 ~~any participation by the city of Topeka.~~

193 ~~(5) New or redeveloped parcels established by preliminary or final plat, lot split or~~
194 ~~otherwise after November 1, 2005, or parcels upon which a residential or~~
195 ~~commercial structure was located prior to November 1, 2005, and which structure~~
196 ~~has not previously been connected to the city sewer system that are contained~~
197 ~~within the secondary urban service area as amended shall require consent to~~
198 ~~annexation prior to service being provided. Major interceptors necessary to serve~~
199 ~~proposed development in this area shall conform to approved sizing and routing as~~
200 ~~determined by the city engineer. The total cost of extending city sewer service,~~
201 ~~including interceptors and service lines, shall be borne by the developer without~~
202 ~~any participation by the city of Topeka.~~

203 ~~(6) An owner of real property outside the city limits may be exempt from the~~
204 ~~annexation requirement set forth in subsection (c)(2) or (c)(3) of this section if the~~
205 ~~property owner consents to annexation of the real property to be served and at~~
206 ~~least one of the following conditions are satisfied:~~

207 ~~(i) To eliminate an imminent threat to public health and safety as determined~~
208 ~~and/or ordered by the Kansas Department of Health and Environment or a~~
209 ~~similar regulatory agency, or a court of law.~~

210 ~~(ii) To promote an economic development project as determined by the city~~
211 ~~council.~~

212 ~~(iii) To avoid unnecessary hardship in situations not created by the actions of~~
213 ~~the applicant as determined by the city council.~~

214 ~~(iv) The city is obligated to provide sanitary sewer service to the property~~
215 ~~owner by contract or other legally enforceable document.~~

216 ~~(7) The city council shall be notified of the approval of a sewer connection requiring~~
217 ~~only a consent to annexation under the exceptions set forth in subsections (c)(6)(i)~~
218 ~~through (iv) of this section.~~

219 Real property that is located outside of the city's boundaries may be eligible for
220 sewer service if the property meets the requirements in subsection (a) and (b).

221 (a) Annexation. The property to be served is annexed into the city unless the
222 property owner consents to annexation and one of the following applies:

223 (1) There is an imminent threat to public health and safety as
224 determined by the Kansas Department of Health and Environment or a similar
225 regulatory agency, or a court of law. However, this exemption does not apply to
226 property located between the original location of the public infrastructure and the
227 property to be served.

228 (2) Connection to public infrastructure will promote an industrial
229 development project within the employment tier of the urban growth area or
230 outside the urban growth area as defined within the comprehensive plan.

231 (3) The parcels were created before February 15, 2007, in accordance
232 with both the subdivision regulations and zoning in effect at the time of their

233 creation, and sewer infrastructure, not including transmission lines, is adjacent to
234 the property to be served.

235 (4) The city is obligated to provide sewer service to the property owner
236 by virtue of the following: (i) a contract; (ii) approval of a final plat prior to
237 February 15, 2007 which includes sewer service; or (iii) an approved plat meeting
238 the comprehensive plan's urban growth area design standards.

239 (5) The city has previously provided sewer service to the same parcel
240 of real estate for which service has been requested. The reconnection of service
241 shall be limited to the same size of service line as the previous service. Further,
242 the reconnection shall be limited to the same number of lines or connections
243 which previously existed.

244 (6) Service is requested by a facility owned and operated by a political
245 and taxing subdivision.

246 (b) Platting. The property to be served is platted consistent with the design
247 standards and development policies contained in the adopted elements of the
248 comprehensive plan unless all of the following conditions exist:

249 (1) A detached single-family dwelling is located on the property and
250 there are no other structures except permitted accessory structures.

251 (2) Adequate utility and drainage easements and/or street rights-of-
252 way exist, as determined by the director of public works or designee, or such
253 easements are provided by the property owner.

254 (3) There are no existing or anticipated drainage problems related to
255 the site or the development.

256 (4) Adequate public utilities service the property.

257 (5) Existing or proposed improvements comply with all applicable
258 zoning and development code requirements.

259 Section 3. That original § 13.10.120 and § 13.10.220 of The Code of the City
260 of Topeka, Kansas, are hereby specifically repealed.

261 Section 4. This ordinance shall take effect and be in force from and after its
262 passage, approval and publication in the official City newspaper.

263 Section 5. This ordinance shall supersede all ordinances, resolutions or rules,
264 or portions thereof, which are in conflict with the provisions of this ordinance.

265 Section 6. Should any section, clause or phrase of this ordinance be declared
266 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
267 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

268 PASSED AND APPROVED by the City Council on _____.

269 CITY OF TOPEKA, KANSAS

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271
272
273
274
275 _____
Larry E. Wolgast, Mayor

276 ATTEST:
277
278
279
280 _____
281 Brenda Younger, City Clerk