

RESOLUTION 7264

**CONDITIONAL USE PERMIT**

**A RESOLUTION** introduced by Mayor Harry Felker in accordance with Section 48-25.01 of the Code of the City of Topeka, approving a City of Topeka Conditional Use Permit to establish a cultural facility on property currently zoned "R-1" Single Family Dwelling District and located at 1201 SW Oakley Avenue in the City of Topeka, Kansas. **(CU02/4) (Council District No. 6)**

**BE IT RESOLVED** by the Council of the City of Topeka, Kansas, that the application of Arts Council of Topeka, Inc under the provisions of Section 48-4.02(c)(17) of the Code of the City of Topeka, Kansas, for a Conditional Use Permit to establish a cultural facility on property currently zoned "R-1" Single Family Dwelling District and located at 1201 SW Oakley Avenue in the City of Topeka, Kansas, and legally described as follows:

**A tract of land being in Block "12", Parke Place Addition, being a subdivision in the City of Topeka, Shawnee County, Kansas, described as follows: Beginning at the northeast corner of said Block "12"; thence southerly on an assumed AZ of 180 degrees 20 minutes 16 seconds, coincident with the east line of said Block "12" for a distance of 150.12 feet to a found 3/4" iron bar and the northeast corner of a tract of land deeded to the City of Topeka; thence on an AZ of 270 degrees 00 minutes 00 seconds, coincident with the north line of said tract of land deeded to the City of Topeka for a distance of 140.31 feet to a found chiseled "+" in the concrete at the northeast corner of Gerlach Lot No. 2, a subdivision in the City of Topeka, Shawnee County, Kansas; thence on an AZ of 259 degrees 43 minutes 46 seconds, coincident with the north line of said Gerlach Lot No. 2, for a distance of 24.32 feet; thence on an AZ of 00 degrees 39 minutes 35 seconds, for a distance of 149.65 feet to a point on the north line of said Block "12"; thence on an AZ of 89 degrees 47 minutes 24 seconds, coincident with said north line of Block "12", for a distance of 163.79 feet to the point of beginning. The above tract contains 24,603 square feet, more or less.**

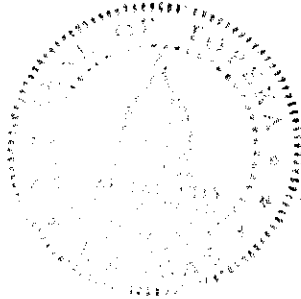
be, and the same is hereby approved, subject to:

- 1. Use and development of the site in accordance with the site development plan dated August 8, 2002.**

2. Compliance with the Arts Council of Topeka Operational Statement.
3. The building itself is to be maintained in its present architectural style.
4. A note shall be added to the site plan stating that:
  - a. The Agency for Toxic Substances and Disease Registry concluded that cleanup reduced contaminants to levels "not of public health concern" and stated that potential future uses of the building, which formerly housed the electrical sub-station for Western Resources located at 1201 SW Oakley Avenue, need not be restricted. The Kansas Department of Health and Environment agreed but preferred that the building not be used for commercial food service. Therefore, no commercial food service is to be permitted.
  - b. Western Resources shall be contacted prior to any future construction as there are energized cables located underground on the site.
5. A monument sign not exceeding four feet in height or six feet in length to be placed at the northeast corner of the property subject to planning staff approval.

ADOPTED AND APPROVED by the Council of the City of Topeka Sept. 10,

2002



Harry Felker  
 Harry Felker, Mayor

ATTEST:

Iris E. Walker  
 Iris E. Walker, City Clerk

