

City Council Minutes – April 11, 2000

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, April 11, 2000. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Pomeroy, Alcalá, McClinton, Dunn, Duffy, Lee, Hill, and Gardner –8. Mayor Wagnon presided -1. Absent: Councilmember Carkhuff -1.

AFTER THE MEETING was called to order, prayer was offered by Reverend Eugene Shoemaker, Director of the Outreach Program at the Topeka Rescue Mission.

THE PLEDGE OF ALLEGIANCE was recited by those present in the chamber.

Mayor Wagnon stated that Councilmember Carkhuff would be late because he was attending a business meeting.

Councilmember Duffy spoke in opposition of Items 2A, 2B, 2C, and 2D, Final Plats. He questioned staff about the final plats listed as 2B and 2D.

Mayor Wagnon stated that Items 2B, a Final Plat for Drakes Farm Subdivision, and 2D, a Final Plat for Gruber Subdivision, would be removed from the consent agenda and placed directly following Item 6B for further discussion.

THE CONSENT AGENDA was presented as follows:

A FINAL PLAT for Southwest Meadows Subdivision No. 8 on property located at 2844 SW Tutbury Town Court in the City of Topeka, Kansas, was presented.

A FINAL PLAT for Noller East Subdivision on property located on the southeast corner of the intersection of SW 23rd Street and SW Topeka Boulevard, in the City of Topeka, Kansas, was presented.

ORDINANCE NO. 17488 introduced by Mayor Joan Wagnon authorizing initiation of condemnation proceedings to acquire property by eminent domain for City of Topeka Storm Sewer Improvement Project No.

50095, Phase 2, in the area of Southeast 32nd Street and Southeast Illinois Avenue, placed on first reading April 4, 2000, was again presented.

Minutes of the Regular Meetings of March 28 and April 4, 2000, were presented.

CEREAL MALT BEVERAGE APPLICATION bearing the approval of the Chief of Police and City Inspectors was presented from South Gage 66 #29136, 3300 Gage.

Councilmember Dunn moved to approve the consent agenda as amended. The motion seconded by Councilmember Lee carried. Councilmember Duffy voted "no". (7-1-0)

ORDINANCE NO. 17492 introduced by Mayor Joan Wagnon amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located on either side of SE 44th Terrace and SE Minnesota Avenue in the City of Topeka, Kansas, from "PUD" Planned Unit Development District (commercial usage) to "M-1" Two Family Dwelling District, placed on first reading April 4, 2000, was again presented. (Z90/21)

Barry Beagle, Planning Department gave the staff report.

Mayor Wagnon gave an opportunity for anyone present to speak.

Councilmember Duffy asked how this conforms to the comprehensive plan. He asked if the dedication of open space or park land was in conformance with the plan.

Barry Beagle stated that these issues are addressed during the final plat.

Councilmember Carkhuff entered the room.

Linda Jeffrey, City Attorney explained that the conditions and precedent of the Resolution of Intent have been met. She stated that a previous governing body initially heard the petition and approved the Resolution of Intent and the ordinance needs to be adopted to finalize the zoning. She also explained why final plats are required to appear before Council.

John Dugan, Planning Director stated that the comprehensive plan could be used when rezoning is requested.

Councilmember Duffy requested a copy of the petition that was approved in 1990.

Councilmember Dunn moved to adopt the ordinance. The motion was seconded by Councilmember McClinton.

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, McClinton, Dunn, Carkhuff, Duffy, Lee, Hill, and Gardner -9.

ZONING PETITION (Z00/05) by Marlene McGrath requesting to amend the District Zoning Classification from "I-1" Light Industrial District to "R-4" Single Family Dwelling District on property located on the west side of NW Taylor Street, the centerline of which is approximately 155-feet north of NW Morse Street in the City of Topeka, Kansas, was presented.

Barry Beagle gave the staff report. He stated that the petition is consistent with the Historic North Topeka Land Use Plan.

Mayor Wagnon gave an opportunity for anyone present to speak. No one appeared.

Councilmember Pomeroy expressed concerns regarding the placement of mobile homes in the middle of a block. He stated that they need to prevent further encroachment of mobile homes in residential areas.

Mayor Wagnon asked Councilmembers to declare ex parte communications. There were none.

Councilmember Pomeroy moved to approve the zoning petition. The motion seconded by Councilmember Lee carried. Councilmember Dunn voted "no". (8-1-0)

ORDINANCE NO. 17493 introduced by Mayor Joan Wagnon amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located on the west side of NW Taylor Street, approximately 155-feet north of NW Morse Street in the City of Topeka, Kansas, from "I-1" Light Industrial District to "R-4" Single Family Dwelling District, placed on first reading April 4, 2000, was again presented. (Z00/05)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, McClinton, Carkhuff, Duffy, Lee, Hill, and Gardner -8. Noes: Councilmember Dunn -1.

ZONING PETITION (Z00/09) by Dickinson Theatres, Inc. requesting to amend the District Zoning classification from "R-1" Single Family Dwelling District and "I-1" Light Industrial District all to "PUD" Planned Unit Development District (commercial usage) on property located at the northwest corner of US Hwy 24 and NW Rochester Road in the City of Topeka, Kansas, was presented.

Barry Beagle gave the staff report.

Mayor Wagnon gave an opportunity for anyone present to speak. No one appeared.

Councilmember Dunn moved to approve the zoning petition. The motion was seconded by Councilmember Pomeroy.

Councilmember Duffy complimented staff and the developers for including landscaping into the development.

Dave Jackson, Owner of Jackson's Greenhouse appeared in support of the petition.

Mayor Wagnon asked Councilmembers to declare exparte communications.

Councilmembers McClinton, Pomeroy, Dunn, Alcalá, Hill, and Lee stated that they had exparte communication regarding the project.

The motion to approve the petition carried unanimously. (9-0-0)

ORDINANCE NO. 17494 introduced by Mayor Joan Wagnon amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at the northwest corner of US Hwy 24 and NW Rochester Road in the City of Topeka, Kansas, from "R-1" Single-Family Dwelling District and "I-1" Light Industrial District all to "PUD" Planned Unit Development, placed on first reading April 4, 2000, was again presented. (Z00/09)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, McClinton, Dunn, Carkhuff, Duffy, Lee, Hill, and Gardner -9.

ZONING PETITION (Z00/10) by Stormont-Vail Health Care, Inc., requesting to amend the District Zoning Classification from "M-1" Two Family Dwelling District and "R-2" Single Family Dwelling District all to "M-S" Medical Services District on property located between SW 8th and SW 9th Streets and from SW Mulvane and SW Garfield Streets, in the City of Topeka, Kansas, was presented.

ORDINANCE NO. 17495 introduced by Mayor Joan Wagnon amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at the southwest corner of SW 8th Avenue and SW Garfield Street in the City of Topeka, Kansas, from "M-1" Two-Family Dwelling District to "M-S" Medical Services District, placed on first reading April 4, 2000, was again presented. (Z00/10)

ZONING PETITION (Z00/11) by Stormont-Vail Health Care, Inc., requesting to amend the District Zoning Classification from "M-1" Two Family Dwelling District to "M-S" Medical Services District on property located about the northeast corner of the intersection of SW Washburn Avenue and SW 9th Street in the City of Topeka, Kansas, was presented.

ORDINANCE NO. 17496 introduced by Mayor Joan Wagnon amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at 824 SW Washburn Avenue in the City of Topeka, Kansas, from "M-1" Two-Family Dwelling District to "M-S" Medical Services District, placed on first reading April 4, 2000, was again presented. (Z00/11)

ZONING PETITION (Z00/12) by Stormont-Vail Health Care, Inc., requesting to amend the District Zoning Classification from "M-1" Two Family Dwelling District and "O&I-2" Office and Institutional District to "M-S" Medical Services District on property located at the northeast corner of the intersection of SW 10th Street and SW Lane Street, in the City of Topeka, Kansas, was presented.

ORDINANCE NO. 17497 introduced by Mayor Joan Wagnon amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing

for certain changes in zoning on property located at 926 SW Lane Street and 1313 SW 10th Street in the City of Topeka, Kansas, from "M-1" Two-Family Dwelling District and "O&I-2" Office and Institutional District to "M-S" Medical Services District, placed on first reading April 4, 2000, was again presented. (Z00/12)

Barry Beagle gave the staff report and explained the three petitions.

Councilmember Pomeroy expressed concerns regarding the medical service district abutting some Victorian homes in the area. He stated that he would not want those homes demolished.

Mayor Wagnon gave an opportunity for anyone present to speak. No one appeared.

Mayor Wagnon asked Councilmembers to declare exparte communications. There were none.

Councilmember Dunn moved to approve all three petitions and adopt the ordinances. The motion seconded by Councilmember Pomeroy carried unanimously. (9-0-0)

The ordinances were adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, McClinton, Dunn, Carkhuff, Duffy, Lee, Hill, and Gardner -9.

ZONING PETITION (Z00/13) by the City of Topeka requesting to amend the district zoning classification from "I-2" Heavy Industrial District, "I-1" Light Industrial District, "C-4" Commercial District, "C-2" Commercial District, "M-2" Multiple Family Dwelling District, and "M-1" Two Family Dwelling District all to "R-2" Single Family Dwelling District on property located within the neighborhood areas known as Historic North Topeka in the City of Topeka, Kansas, was presented.

Bill Fiander, Planning Department gave the staff report. He stated that the rezoning is intended to implement the adopted land use policies of the Comprehensive Plan's Historic North Topeka Revitalization Plan for identified "residential, low density" areas. He stated that a protest petition was filed but did not meet the requirement for a legal protest. He stated that less than 1% of legal property owners protested. He explained that a legal protest requires at least 20% of signatures from property owners within the legal protest area.

Mayor Wagnon gave an opportunity for anyone present to speak.

Several people appeared in support of the petition and commented that the North Topeka NIA and NOTOMA are trying to work together on the project to help improve North Topeka, the zoning reclassification will help locate more people in North Topeka and will enhance property values by creating an opportunity for infill houses and area businesses will prosper as well.

Harold Brandenburg, Monroe NIA appeared in opposition to the project. He stated that he represents approximately twenty people who also oppose the rezoning. He stated that the request was never explained to people who live in the area.

Councilmember Pomeroy moved to approve the zoning petition. The motion was seconded by Councilmember Carkhuff.

Councilmember Alcalá stated that he followed the NOTOMA Plan and attended NIA meetings since January of 1999. He stated that he spoke to people who live in the area and some did not understand the rezoning proposal. Neighbors were not opposed, but wanted it left alone because they did not understand it. He suggested delaying the petition so that some door to door contact could be made to people living in the area. He stated that he would oppose the project until the people living in the area understood the project.

Councilmember McClinton asked Bill Fiander how people affected by the project feel.

Bill Fiander stated that he received many phone calls. He stated that initially neighbors did not understand the project but after the proposal was explained to them, they did not oppose it.

Councilmember Pomeroy commented about the 42% that is non-conforming. He stated that staff has been working on the plan since December of 1998 and gave an overview of the discussions that have taken place with the plan.

Councilmember Dunn stated that she would abstain because she owns property in the area.

Councilmember Lee stated that she received many calls from people who work with NOTOMA. She stated that they have been working very hard to move forward with the project, and she supports the petition.

The motion to approve the petition carried. Councilmember Alcalá voted "no". Councilmember Dunn "abstained". (7-2-0)

ORDINANCE NO. 17498 introduced by Mayor Joan Wagnon amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property within the Historic North Topeka neighborhoods of the City of Topeka, Kansas, requesting to amend the District Zoning Classification from "I-2" Heavy Industrial District, "I-1" Light Industrial District, "C-4" Commercial District, "C-2" Commercial District, "M-2" Multiple Family District, and "M-1" Two Family District all to "R-2" Single Family District, placed on first reading April 4, 2000, was again presented. (Z00/13)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, McClinton, Carkhuff, Duffy, Lee, Hill, and Gardner -7. Noes: Councilmember Alcalá -1. Abstained: Councilmember Dunn -1.

RESOLUTION NO. 7056 introduced by Mayor Joan Wagnon 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 vehicle surface parking lot on property currently zoned "O&I-2" Office and Institutional District and located on the west side of SW Topeka Boulevard, the centerline of which is approximately 140-feet south of SW 9th Street in the City of Topeka, Kansas, was presented. (CU00/3)

Barry Beagle gave the staff report. He noted that it falls within the Capitol Area Plaza Authority and would require subsequent approval from them.

Mayor Wagnon gave an opportunity for anyone present to speak. No one appeared.

Councilmember McClinton moved to approve the resolution. The motion seconded by Councilmember Gardner carried unanimously. (9-0-0)

RESOLUTION NO. 7057 introduced by Mayor Joan Wagnon 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 race track on

property currently zoned "C-4" Commercial District and located at the southwest corner of SW 19th Street Terrace and SW Westport Drive in the City of Topeka, Kansas, was presented. (CU00/04)

Barry Beagle gave the staff report.

Mayor Wagnon gave an opportunity for anyone present to speak.

Councilmember Alcalá asked if neighbors were aware of this proposal.

Barry Beagle stated that they were and explained that the properties are located across I-470 to the east.

Angela Sharp, Professional Engineering Consultants appeared to address questions. She explained that the noise level is similar to what traffic in residential areas would be, so the highway traffic noise would be greater than that of the go-carts.

Councilmember Duffy asked why the applicant needs a variance for a maintenance shed.

Angela Sharp stated that they reduced the size, so they no longer need the variance.

Councilmember Duffy expressed concern that there was no landscaping included.

Angela Sharp stated that they were including an ornamental wrought iron fence around the parameters and there would be landscaping on the golf course.

Doug Wright, Myriad Development stated that Westport Ventures is the applicant. He stated that they would do what is required with landscaping. The area is industrial and there is very little landscaping. He explained that they wanted to make an attractive family fun center, but the racetrack would not have landscaping.

Councilmember Lee expressed concern that 2:00 a.m. was too late for young people to be out.

Councilmember Pomeroy noted that the center is not age specific.

Councilmember Alcalá requested that this item be referred to the Economic Development Committee to review the hours of operation and to ensure people living in the area are aware of the proposal.

Councilmembers Gardner and Hill spoke in favor of the resolution.

Councilmember Alcalá moved to refer the resolution to the Economic Development Committee and bring it back in two weeks. The motion was seconded by Councilmember Lee.

Doug Wright stated that there would be no P.A. system, and they have taken extra measures to address the noise concerns. He stated that they have publicized the racetrack and there was no protest received.

Mayor Wagnon asked Councilmembers to declare exparte communications. There were none.

Councilmember Pomeroy made a substitute motion to approve the resolution. The motion was seconded by Councilmember Gardner.

Councilmember Alcalá stated that he opposed the motion because he felt the request should be referred to Committee for review.

The substitute motion carried. Councilmembers Alcalá, Dunn and Lee voted "no". (6-3-0)

A CHARTER ORDINANCE introduced by Mayor Joan Wagnon exempting the City of Topeka, Kansas, from the provisions of K.S.A. 12-1695 and K.S.A. 12-16, 101 relating to the establishment of a Convention and Tourism Committee in accordance with transient guest tax provisions, placed on first reading March 14, 2000, was again presented.

Linda Jeffrey explained the Charter Ordinance. She stated that six votes are required for it to be approved and if approved, it would become effective sixty-one days after publication if no protests are filed.

Councilmember Dunn asked the difference between the State language and the City's ordinance.

Linda Jeffrey explained the difference in the language. She stated that they have not been abiding by the City's ordinance.

Councilmember Gardner stated that eight members have been serving in a non-legal capacity. He asked why Council is no longer required to approve appointments to the board.

Wayne Benett, Director of the Convention and Visitor's Bureau (CVB) explained Article 2, Section 5 of their by-laws. He stated that some members left the area and therefore had to leave the board. He stated that the board appoints interim members until their replacements are approved by Council.

Councilmember Gardner stated that he opposed to the ordinance. He stated that he is not comfortable with the organization because they are not following their by-laws and are chartering out of the State statutes.

Councilmember Alcalá stated that he was concerned because the City allocates \$650,000 and the board appointments are important to the community. He stated that there is no balance of business people from large and small geographic areas, which creates very little diversity.

Wayne Benett stated that he would take Council's comments and suggestions back to the board.

Linda Jeffrey stated that the primary concern is whether Council is interested in chartering out of the State Statute. She explained that the CVB's Articles of Incorporation limits the board's makeup.

Councilmember Pomeroy stated that he supports the ordinance. He expressed concerns regarding having both an Advisory Board and a Board of Directors. He stated that the roles of each board could get confusing.

The ordinance was not adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, McClinton, Carkhuff, Duffy and Lee -5. Noes: Councilmembers Alcalá, Dunn, Hill and Gardner -4.

A grant application and planning document for \$3,225,000 of FY2000 Consolidated Plan federal grant funds for Council's approval, was presented.

A RESOLUTION introduced by Mayor Joan Wagon, authorizing execution of a grant agreement between the City of Topeka and the Department of Housing and Urban Development, was presented.

John Johnston, Director of Housing and Neighborhood Development presented the Consolidated Plan highlights, which included: the Link to the Comprehensive Plan; the Link to the City's Annual Operating Budget & Capital Planning Process; Resource Targeting; Outcomes; Joint Recommendation; and the Planning Process.

Councilmember Gardner asked about the \$500,000 allocated to the Watertower project.

John Arnold, Chief Administrative Officer stated that the Redevelopment Plan would be discussed next week. He stated that \$500,000 would be used the first year for infrastructure. He stated that in November of 1999 they discussed using \$500,000 per year.

Councilmember Gardner stated that the circumstances with the Watertower project have changed and he is not sure they need to plan for that expenditure.

Mayor Wagnon stated that HUD is providing consultants to provide guidelines for the use of CDBG funds. She stated that it is not an appropriation, it is the plan and if the Watertower Plan is not approved, the funds will not be appropriated. She stated that a revised redevelopment plan would be presented next week for consideration.

Betty Phillips, President of the Community Development Advisory Council (CDAC) appeared and presented the funding recommendations of the CDAC regarding the Consolidated Plan for 2000. She distributed a handout and gave a brief overview.

Councilmember Carkhuff moved to extend the meeting until the end of Item 6C. The motion seconded by Councilmember Gardner failed. Councilmembers Alcala, Dunn, Duffy, Hill and Gardner voted "no". (4-5-0)

Councilmember Pomeroy moved to extend the meeting until the end of the agenda. The motion seconded by Councilmember Dunn carried. Councilmembers Alcala, McClinton, Hill and Gardner voted "no". (5-4-0)

Councilmember McClinton moved to approve the application and adopt the resolution. The motion was seconded by Councilmember Carkhuff.

Councilmember Alcala moved to amend the plan by removing \$30,000 from the contingency unprogrammed funds and transferring it to the Tool Lending Library. The motion seconded by Councilmember Gardner carried. Councilmembers Pomeroy, Carkhuff, Duffy and Lee voted "no". (5-4-0)

Councilmember Dunn moved to amend the plan by removing \$85,000 from the Child and Adolescent Center and transferring it to the Youth Program for Jobs. The motion seconded by Councilmember Alcalá carried. Councilmembers Carkhuff and Duffy voted "no". (7-2-0)

Councilmember Gardner moved to amend the plan by removing \$36,000 from the Rehabilitation Program and putting it in a specific line item for the brick street repair program. The motion seconded by Councilmember Pomeroy carried. Councilmembers Dunn, Carkhuff, Duffy and Lee voted "no". (5-4-0)

Councilmember Alcalá moved to amend the plan by removing \$40,000 from the unprogrammed funds and transferring it to the Rice Community Center. The motion seconded by Councilmember Dunn failed. Councilmembers Pomeroy, McClinton, Carkhuff, Duffy and Lee voted "no". (4-5-0)

Councilmember Alcalá moved to amend the plan by removing \$30,000 from the unprogrammed funds and transferring it to the Rice Community Center. The motion seconded by Councilmember Dunn failed. Councilmembers McClinton, Carkhuff, Duffy, Lee and Gardner voted "no". (4-5-0)

Councilmember Gardner moved to reconsider the previous vote. The motion seconded by Councilmember Dunn carried. Councilmembers McClinton, Carkhuff and Duffy voted "no". (6-3-0)

The previous motion carried. Councilmembers McClinton, Carkhuff and Duffy voted "no". (6-3-0)

John Johnston noted that there is a public service cap requirement of \$375,000 and they are \$110,000 over the cap.

Councilmember Dunn requested the total amount of money given to the Topeka City Homes and the total number of units they have. She also asked if they could check to see if funds could be given to the Meals on Wheels Program.

Councilmember Gardner asked the criteria for selecting lots for demolition.

John Johnston stated that it is strictly for infill housing. He stated that fifteen were cleared for development and five were cleared because of the poor condition of the houses.

Councilmember Gardner stated that the purpose of the demolition fund is to track the total demolition costs. He asked if the funds allocated for infill housing could be put in the demolition fund.

Councilmember McClinton called the question.

Councilmember Gardner challenged the call.

The call for the vote on the question failed. Councilmembers Alcalá, Dunn, Hill and Gardner voted "no". (5-4-0)

Mayor Wagnon stated that they would work with Finance, Audit and Administration to place the funds allocated for infill housing into the Demolition fund in the next plan.

Councilmember Gardner moved to amend the plan by removing the \$500,000 for the Watertower project and putting it in unprogrammed funds. The motion was seconded by Councilmember Dunn.

Councilmember McClinton called the question.

Councilmember Dunn challenged the call.

The call for the vote on the question failed. Councilmembers Alcalá, Dunn, Hill and Gardner voted "no". (5-4-0)

The motion to amend failed. Councilmembers Pomeroy, McClinton, Carkhuff, Duffy and Lee voted "no". (4-5-0)

Councilmember McClinton called the question to approve the application as amended and adopt the resolution.

Councilmember Gardner challenged the call.

The call for the vote on the question failed. Councilmembers Alcalá, Dunn, Hill and Gardner voted "no". (5-4-0)

Councilmember Gardner moved to amend the plan by removing \$100,000 from the Watertower project and allocating it to the Child Adolescent Center. The motion was seconded by Councilmember Carkhuff.

Councilmember McClinton left the meeting.

Councilmember Carkhuff withdrew his second. He noted that Councilmember McClinton left the meeting. He stated that he represents nine NIA's and he should be present when the vote is taken.

Councilmember Dunn moved to adjourn the meeting. The motion seconded by Councilmember Gardner failed. Councilmembers Pomeroy, Carkhuff, Duffy and Hill voted "no". (4-4-0)

Councilmember Hill moved to adjourn the meeting. The motion seconded by Councilmember Dunn carried. Councilmembers Pomeroy, Carkhuff and Duffy voted "no". (5-3-0)

The meeting was adjourned.

Iris Walker
City Clerk

Special Session

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, April 11, 2000. The Councilmembers of the City of Topeka met in special session at 7:00 P.M., with the following Councilmembers present: Ayes: Pomeroy, Alcala, McClinton, Dunn, Duffy, Lee, Hill, and Gardner –8. Mayor Wagnon presided -1. Absent: Councilmember Carkhuff -1.

NOTICE OF PUBLIC HEARING

Notice is hereby given that there will be a special meeting of the Councilmembers of the City of Topeka, Shawnee County, Kansas held on Tuesday, April 11, 2000, at 7:00 P.M., in the Council Chamber, 214 East 8th Street in conjunction with vacation petition V00A/02 by Joan R. Knoll Trust to vacate the alley between the south property line of Buchanan Street and North of 6th Avenue, West in the City of Topeka, Kansas.

Barry Beagle gave the staff report. He explained the request to vacate the alley and the zoning reclassification change.

Mayor Wagnon gave an opportunity for anyone present to speak. No one appeared.

Mayor Wagnon asked Councilmembers to declare exparte communications. There were none.

Councilmember Dunn moved to close the public hearing. The motion seconded by Councilmember Pomeroy carried unanimously. (8-0-0)

ORDINANCE NO. 17489 introduced by Mayor Joan Wagnon relating to the vacation of the alley between the South property line of Buchanan Street, Lot 168 and North of 6th Avenue, West, Lots 158, 160, 162, 166, and 168 (Horne's Addition), City of Topeka, placed on first reading April 4, 2000, was again presented. (V00A/02)

ZONING PETITION (Z00/08) by Joan R. Knoll Trust requesting to amend the District Zoning Classification from "M-2" Multiple Family Dwelling District and "C-4" Commercial District all to "PUD" Planned Unit Development (commercial usage) on property located at the northeast corner of SW 6th Avenue and SW Buchanan Street in the City of Topeka, Kansas, was presented.

ORDINANCE NO. 17490 introduced by Mayor Joan Wagnon amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at the northeast corner of SW 6th Avenue and SW Buchanan Street in the City of Topeka, Kansas, from "M-2" Multiple Family Dwelling District and "C-4" Commercial District all to "PUD" Planned Unit Development District, placed on first reading April 4, 2000, was again presented. (Z00/08)

Councilmember Lee moved to approve the petition and adopt both ordinances. The motion seconded by Councilmember Dunn carried unanimously. (8-0-0)

Both ordinances were adopted on roll call vote as follows: Ayes: Pomeroy, Alcalá, McClinton, Dunn, Duffy, Lee, Hill, and Gardner –8. Absent: Councilmember Carkhuff -1.

Iris Walker
City Clerk

Special Session

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, April 11, 2000. The Councilmembers of the City of Topeka met in special session at 7:00 P.M., with the following Councilmembers present: Ayes: Pomeroy, Alcala, McClinton, Dunn, Duffy, Lee, Hill, and Gardner –8. Mayor Wagnon presided -1. Absent: Councilmember Carkhuff -1.

NOTICE OF PUBLIC HEARING

Notice is hereby given that there will be a special meeting of the Councilmembers of the City of Topeka, Shawnee County, Kansas held on Tuesday, April 11, 2000, at 7:00 P.M., in the Council Chamber, 214 East 8th Street in conjunction with vacation request V00S/3 by Sharon Kress to vacate 5-feet of public right-of-way located adjacent to 3915 SW 19th Street in the City of Topeka, Kansas.

Barry Beagle gave the staff report.

Mayor Wagnon gave an opportunity for anyone present to speak. No one appeared.

Mayor Wagnon asked Councilmembers to declare exparte communications. There were none.

Councilmember Lee moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Hill carried unanimously. (8-0-0)

ORDINANCE NO. 17491 introduced by Mayor Joan Wagnon relating to the vacation of a 5-foot wide public right-of-way as dedicated by Seabrook's Subdivision, on property located at 3915 SW 19th Street, City of Topeka, Kansas, placed on first reading April 4, 2000, was again presented. (V00S/3)

The ordinance was adopted on roll call vote as follows: Ayes: Pomeroy, Alcala, McClinton, Dunn, Duffy, Lee, Hill, and Gardner –8. Absent: Councilmember Carkhuff -1.

Iris Walker
City Clerk