

RESOLUTION NO. 9473

CONDITIONAL USE PERMIT

RESOLUTION introduced by Interim City Manager Richard U. Nienstedt, in accordance with Section 18.60.010 of the Topeka Municipal Code (TMC), approving a Conditional Use Permit on a 29.4 acre parcel, on property located south of SE 38th Street and west of SE Adams Street, and along the north side of the Kansas Turnpike zoned “R-1” Single Family Dwelling District to allow for a Religious Assembly use with an accessory and subordinate cemetery that does not satisfy the requirement in the zoning code that access to a religious assembly use be on or within 300 feet of a major traffic thoroughfare. (CU23/04) (Council District #5)

BE IT RESOLVED by the Governing Body of the City of Topeka, Kansas, that the application under the provisions of TMC 18.60.010, approving a Conditional Use Permit to allow the religious assembly use and accessory cemetery on property located south of SE 38th Street and west of SE Adams Street, and along the north side of the Kansas Turnpike greater than 300 ft. from a major traffic thoroughfare, and more specifically legally described as:

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 12 SOUTH, RANGE 16 EAST OF THE 6TH/ P.M, IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE ON AN ASSUMED BEARING OF NORTH 00 DEGREES 11 MINUTES 04 SECONDS WEST ON THE EAST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 667.56 FEET TO THE NORTHWESTERLY RIGHT OF WAY OF THE KANSAS TURNPIKE; THENCE SOUTH 57 DEGREES 31 MINUTES 02 SECONDS WEST ON SAID NORTHWESTERLY RIGHT OF WAY A DISTANCE OF 445.52 FEET TO THE CENTER OF BUTCHER CREEK AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 57 DEGREES 31 MINUTES 02 SECONDS WEST ON SAID NORTHWESTERLY RIGHT OF WAY A DISTANCE OF 794.65 FEET TO THE SOUTH LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 55 MINUTES 00 SECONDS WEST ON SAID SOUTH LINE A DISTANCE OF 264.17 FEET TO A FENCE RUNNING NORTH AS CALLED FOR IN KANSAS WARRANTY DEED RECORDED IN BOOK 4592 AT PAGE 69 IN THE OFFICE OF THE SHAWNEE COUNTY REGISTER OF DEEDS; THENCE NORTH 00 DEGREES 20 MINUTES 33 SECONDS EAST ON SAID FENCE LINE A DISTANCE OF 267.34 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND AS DESCRIBED IN DEED BOOK 1432 AT PAGE 103 IN THE OFFICE OF THE SHAWNEE COUNTY REGISTER OF DEEDS; THENCE NORTH 89 DEGREES 48 MINUTES 18 SECONDS EAST A DISTANCE OF 120.00 FEET; THENCE NORTH 00 DEGREES 20 MINUTES 33 SECONDS EAST A DISTANCE OF 129.00 FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 18 SECONDS WEST A DISTANCE OF 120.00 FEET; THENCE NORTH 00 DEGREES 20 MINUTES 33 SECONDS EAST ON SAID FENCE LINE A DISTANCE OF 974.70 FEET TO A FENCE CORNER; THENCE NORTH 86 DEGREES 39 MINUTES 39 SECONDS EAST A DISTANCE OF 929.12 FEET TO THE CENTER OF BUTCHER CREEK; THENCE SOUTHERLY ON THE CENTER OF SAID CREEK THE FOLLOWING 26 COURSES, SOUTH 49 DEGREES 06 MINUTES 05 SECONDS EAST, 13.97 FEET; THENCE SOUTH 15 DEGREES 05 MINUTES 05 SECONDS EAST, 41.54 FEET; THENCE SOUTH 44 DEGREES 14 MINUTES 13 SECONDS EAST, 42.80 FEET; THENCE SOUTH 35 DEGREES 15 MINUTES 40 SECONDS EAST, 49.47 FEET; THENCE SOUTH 27 DEGREES 41 MINUTES 29 SECONDS EAST, 89.02 FEET; THENCE SOUTH 04 DEGREES 58 MINUTES 11 SECONDS WEST, 131.94 FEET; THENCE SOUTH 21 DEGREES 04 MINUTES 52 SECONDS EAST, 84.16 FEET; THENCE SOUTH 57 DEGREES 32 MINUTES 47 SECONDS EAST, 29.82 FEET; THENCE SOUTH 81 DEGREES 47 MINUTES 18 SECONDS EAST, 62.25 FEET; THENCE SOUTH 86 DEGREES 44 MINUTES 19

SECONDS EAST, 18.65 FEET; THENCE SOUTH 60 DEGREES 39 MINUTES 48 SECONDS EAST, 18.76 FEET; THENCE SOUTH 33 DEGREES 50 MINUTES 06 SECONDS EAST, 48.89 FEET; THENCE SOUTH 15 DEGREES 20 MINUTES 43 SECONDS EAST, 65.79 FEET; THENCE SOUTH 02 DEGREES 05 MINUTES 18 SECONDS EAST, 45.55 FEET; THENCE SOUTH 32 DEGREES 26 MINUTES 06 SECONDS WEST, 35.98 FEET; THENCE SOUTH 62 DEGREES 02 MINUTES 52 SECONDS WEST, 18.92 FEET; THENCE SOUTH 38 DEGREES 35 MINUTES 27 SECONDS WEST, 36.81 FEET; THENCE SOUTH 44 DEGREES 40 MINUTES 48 SECONDS WEST, 87.61 FEET; THENCE SOUTH 46 DEGREES 06 MINUTES 53 SECONDS WEST, 49.80 FEET; THENCE SOUTH 51 DEGREES 02 MINUTES 26 SECONDS WEST, 58.71 FEET; THENCE SOUTH 68 DEGREES 01 MINUTES 01 SECONDS WEST, 38.66 FEET; THENCE SOUTH 60 DEGREES 54 MINUTES 04 SECONDS WEST, 45.30 FEET; THENCE SOUTH 40 DEGREES 37 MINUTES 49 SECONDS WEST, 15.83 FEET; THENCE SOUTH 25 DEGREES 28 MINUTES 12 SECONDS WEST, 44.37 FEET; THENCE SOUTH 14 DEGREES 24 MINUTES 21 SECONDS EAST, 26.50 FEET TO THE POINT OF BEGINNING. THIS DESCRIPTION PREPARED BY MICHAEL A. ADAMS, P.S. 1126 ON AUGUST 12, 2021, AND CONTAINS 29.44 ACRES OF LAND MORE OR LESS.

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

1. Use and development of the site in accordance with the approved Site Plans and Statement of Operations for the St. Peter and Paul Orthodox Christian Church (CU23/04).

ADOPTED AND APPROVED by the Governing Body of the City of Topeka, September 19, 2023

Michael Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk