

RESOLUTION NO. 9507

CONDITIONAL USE PERMIT

A 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 to allow for the operation of a short term residential rental, type II on property zoned “R-2” Single-Family Dwelling District and located at 116 SW The Drive, in the City of Topeka, Shawnee County, Kansas. **(CU24/01) (Council District # 1)**

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 for the operation of a short-term residential rental, type II currently zoned as “R-2” Single-Family Dwelling District and located on property at 116 SW The Drive, in the City of Topeka, Kansas and legally described as

Tract 1: All of Lot Number twenty-five (25) on The Drive in Garlinghouse Replat of Edgewood Addition to the City of Topeka, according to the Recorded Plat thereof, Shawnee County, Kansas, ALSO Beginning at the extended Northeast corner of Lot Number 25 in Edgewood Addition; thence Easterly to the alley line intersecting same at an angle of 82 degrees and 18 minutes; thence South 28.9 feet; thence Westerly to the extended Southeast corner of said Lot Number 25; thence Northerly to place of beginning, according to the recorded Replat of Edgewood Court in Edgewood Addition to the City of Topeka, Shawnee County, Kansas.

Tract 2: The South 2 1/2 feet of Lot 24 on The Drive in Garlinghouse Replat of Edgewood Addition to the City of Topeka, Shawnee County, Kansas.

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

1. Use and development of the site in accordance with the approved Conditional Use Permit (CU24/01) and Statement of Operations from applicant dated February 8, 2024 or as revised by these conditions.
2. In the event of substantial changes in operations, the applicant shall submit a revised Statement of Operations to the Planning Department to allow staff to ascertain compliance with the Conditional Use Permit.
3. The Conditional Use Permit for the short term residential rental, type II shall expire after a period of 24 months from the date of its approval by the Topeka Governing Body. If, upon a written request made by the owner within six months prior to or after the date of the expiration of the conditional use permit, and after finding that the short term rental has and will continue to comply with all special use requirements for a short term residential rental type II with exception of standard (aa)(1)(ix) regarding its distance from any other short term rental type II, the Planning Director may approve one extension of the conditional use permit not to exceed an additional 24 months.

ADOPTED AND APPROVED by the Governing Body of the City of Topeka, March 19, 2024.

Michael A. Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk