

**ORDINANCE NO. 8359**

**AN ORDINANCE REZONING APPROXIMATELY 31.296 ACRES FROM PCD-2(PLANNED COMMERCIAL DEVELOPMENT) DISTRICT TO PCD-[BAUER FARM] DISTRICT; AMENDING THE "OFFICIAL ZONING DISTRICT MAP" INCORPORATED BY REFERENCE IN SECTION 20-108, OF THE "CODE OF THE CITY OF LAWRENCE, KANSAS, 2008 EDITION," AND AMENDMENTS THERETO AND REINCORPORATING THE "OFFICIAL ZONING DISTRICT MAP" IN SECTION 20-108 OF THE "CODE OF THE CITY OF LAWRENCE, KANSAS 2008 EDITION" AS AMENDED**

**WHEREAS**, Rezoning Application Z-06-07-07 requesting rezoning from PCD-2 (Planned Commercial Development) District to PCD-[Bauer Farm] District was filed with the City of Lawrence on June 6, 2007; and

**WHEREAS**, after due and lawful notice was given pursuant to K.S.A. 12-757 and Section 20-1303 of the "Code of The City of Lawrence, Kansas, 2008 Edition" a public hearing was held by the Lawrence-Douglas County Metropolitan Planning Commission on July 23, 2007 to hear a request to rezone approximately 31.296 acres as described in Section Two of this ordinance PCD-2 (Planned Commercial Development) District to PCD-[Bauer Farm] District; and

**WHEREAS**, on July 23, 2007 The Lawrence-Douglas County Metropolitan Planning Commission considered the report and recommendation of the City's professional staff, the testimony provided at the hearing and the review and decision making criteria of section 20-1303 and voted seven (7) to one (1) to recommend approval of the rezoning request; and

**WHEREAS**, the rezoning application and Lawrence-Douglas County Metropolitan Planning Commission recommendation were considered by the Governing Body at the August 28, 2007 meeting.

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:**

**SECTION ONE:** The above stated recitals are by reference incorporated herein, and shall be as effective as if repeated verbatim. The Governing Body hereby adopts the findings of facts as set forth in the staff report as if fully set forth herein.

**SECTION TWO:** That the zoning district classification for the following legally described tract of land situated in the City of Lawrence, Douglas County, Kansas, to-wit:

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID QUARTER SECTION; THENCE NORTH 01°55'21" WEST, ALONG THE WEST LINE OF SAID QUARTER SECTION, 565.42 FEET; THENCE ON A 1000.00 FOOT RADIUS CURVE TO THE LEFT WITH A 313.56 FOOT CHORD BEARING NORTH 10°56'33" WEST, AN ARC DISTANCE OF 314.86 FEET; THENCE NORTH 88°11'38" EAST, 1559.82 FEET; THENCE SOUTH 01°48'22" EAST, 543.00 FEET; THENCE NORTH 88°11'38" EAST, 112.00 FEET; THENCE SOUTH 01°48'22" EAST, 332.00 FEET TO THE SOUTH LINE OF SAID QUARTER SECTION; THENCE SOUTH 88°11'38" WEST, ALONG SAID SOUTH LINE, 1620.88 FEET TO THE POINT OF BEGINNING. CONTAINS 31.296 ACRES, MORE OR LESS.

is hereby changed from PCD-2 (Planned Commercial Development) District to PCD-[Bauer Farm] District as such district is defined and prescribed in Chapter 20 of the "Code of the City of Lawrence, Kansas, 2008 Edition", and amendments thereto.

**SECTION THREE:** The rezoning granted in Section Two of this ordinance is hereby made contingent upon the performance and observance of the following regulations, stipulations, conditions and restrictions:

1. Approval of a Preliminary Development Plan.
2. Filing of a Final Plat at the Register of Deeds Office.
3. No single retail or commercial building shall be larger than 50,000 gross square feet of space.
4. The permitted list of uses shall include:
  - a. Ground floor multiple-family residential uses;
  - b. Licensed Premises; and
  - c. Liquor, wine and beer sales for consumption off the premises.
5. The PCD-[Bauer Farm] District zoning shall permit the following Use Groups and uses allowed in each respective Use Group as provided in Chapter 20, Zoning and Planning, of the Code of the City of Lawrence, 2003 Edition, and amendments thereto
  - a. USE GROUP 4 – MULTIPLE-FAMILY RESIDENTIAL;
  - b. USE GROUP 7 – COMMUNITY FACILITIES – PUBLIC UTILITIES, except the following uses shall be prohibited: Halfway house or service-oriented rehabilitation center or residence; Hospital, general, not including animal; Rehabilitation center for persons with disabilities; and Sewage disposal plant, private;
  - c. USE GROUP 9 – PROFESSIONAL OFFICES;
  - d. USE GROUP 9A – LIMITED SERVICES;
  - e. USE GROUP 11 – INNER NEIGHBORHOOD COMMERCIAL USES;
  - f. USE GROUP 12 – RETAIL STORES – PERSONAL SERVICES, except the following uses shall be prohibited: Automobile service stations; Department store; Food convenience store, including gasoline sales and single bay auto wash; Furrier shop, including the storage of furs; Hat blocking and repair; Pawnshop; Reading room; Surgical and dental supply sales; Similar Uses; and Accessory Uses;
  - g. USE GROUP 13 – AUTOMOTIVE SERVICES; RETAIL SALES; OTHER, except the following uses shall be prohibited: Aircraft sales, rental, service; Ambulance service; Auction room auctioneer; Automobile service station; Baseball park, commercial; Boat and marine sales, rental and repair; Carnival or circus; Carting, crating, express hauling, moving and storage; Eating establishment, providing only drive up service or no seating facilities; Exterminator, pest; Food convenience store, including gasoline sales; Food locker plant, for consumer use; Funeral home, mortuary, or undertaking establishment; Garage or parking for common or public utility vehicles; Glass sales and cutting shop; Hotel; Linen supply, diaper service, uniform supply; Liquids, flammable, underground storage of; Lumber, limited sales; Media Store; Mobile homes, sales and service; Motel; Motorcycle sales, service and rental; Photostatting; Sex Shop; Sexually Oriented Media Store; Taxidermist; Telephone answering service; Theatre, drive-in; Trailer sales and rental; Transit vehicle storage and servicing; Truck rental and sales; Similar Uses; and Accessory Uses; and
  - h. USE GROUP 15 – AMUSEMENT, RECREATIONAL AND CULTURAL FACILITIES, except the following use shall be prohibited: Race Track.
6. There will be no more than 72,000 gross square feet of retail commercial space in the PCD-2 portion of the Planned Unit Development.

**SECTION FOUR:** That the "Official Zoning District Map" incorporated by reference in and by Section 20-108 of the "Code of the City of Lawrence, Kansas, 2008 Edition" is hereby amended and reincorporated by reference by showing and reflecting thereon the new zoning district classification for the aforesaid tract, as set forth in Section Two of this ordinance.

**SECTION FIVE:** Severability. If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

**SECTION SIX:** This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED by the Governing Body of the City of Lawrence, Kansas, the \_\_\_\_\_ day of December, 2008.

APPROVED:

\_\_\_\_\_  
Michael Dever, Mayor

ATTEST:

\_\_\_\_\_  
Frank S. Reeb, City Clerk

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Toni Ramirez Wheeler  
Director of Legal Services

Publish one time and return one Proof of Publication to the City Clerk and one to the Director of Legal Services.