

ORDINANCE NO. 8394

SPECIAL USE PERMIT NO. SUP-02-02-09

AN ORDINANCE PERTAINING TO ZONING: AUTHORIZING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY LOCATED AT 1023 HIGHLAND DRIVE, LAWRENCE, KANSAS.

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

SECTION ONE: Special Use Permit Granted: Pursuant to the regulations set forth in the Code of the City of Lawrence, Section 20-1306 permission is hereby granted to use in the manner set forth in Sections Two and Three, the following described property:

PROPERTY DESCRIPTION:

THE NORTH 10 FEET OF LOT 13 AND THE SOUTH 45 FEET OF LOT 14, BLOCK 2, FINAL PLAT OF HILLCREST ADDITION TO THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

SECTION TWO: That the real property described in Section One shall hereafter allow a Day Care Center for a maximum of 12 children at a given time.

All zoning ordinances or zoning regulations of the City of Lawrence, Kansas affecting the use of the real property described in Section One which are inconsistent with this ordinance are hereby made inapplicable to the said property for said period of time.

SECTION THREE: The special use permit granted in Sections One and Two of this ordinance in addition to the full compliance with any general provisions contained in the Development Code of the City of Lawrence, is hereby made contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions, and restrictions, of which the violation of any hereafter enumerated will be a supplementary basis for the revocation of the special use permit in addition to those specified in Section 20-1306 , to wit:

1. Execution of a Site Plan Performance Agreement.
2. Publication of an ordinance per Section 20-1306(j).
3. Applicant shall provide a revised site plan to show the following changes:
 - a. Show and note that fence shall comply with section 20-507 for a minimum 4' fence of the outdoor play area.
 - b. Show and note approved parking:
 - i. either expanded driveway pavement per staff approval or
 - ii. execution of a shared parking agreement with the school or
 - iii. note approval of a variance for reduced parking granted by the Board of Zoning Appeals.
 - c. Add a note that states that a maximum of 12 children are allowed at a given time.
 - d. Add a note that a change in provider shall require re-approval by the City Commission.

SECTION FOUR: 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 FIVE: This ordinance shall take affect and be in force from and after its passage and publication as provided by law.

Passed by the Governing Body this _____ day of May, 2009.

APPROVED:

Robert Chestnut, 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.