

**ORDINANCE NO. 8445**

**SPECIAL USE PERMIT NO. SUP-5-6-09**

**AN ORDINANCE PERTAINING TO ZONING: AUTHORIZING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY LOCATED IN THE NW ¼ OF S3-T13S-R20E, NORTH OF 3800 GREENWAY CIRCLE, 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:**

A tract of land in the Northwest Quarter of Section 3, Township 13 South, Range 20 East of the 6<sup>th</sup> P.M. Douglas County, Kansas, more particularly described as follows:

Beginning at the West Quarter Corner of said Section 3; thence along the West line of the Northwest Quarter of said Section 3 N. 2° 26' 59" W. (Being an assumed bearing) 426.40 feet to the south right-of-way line of the Atchison Topeka and Santa Fe Railroad; Thence along the South right-of-way line of the said railroad the following 2 courses

- (1) S. 67° 19' 00"E. 634.65 feet; thence
- (2) On a curve to the left with a radius of 1959.86 feet an arc length of 29.63 feet (chord of said curve bears: S. 67° 44' 59" E. 29.63 feet to the Northwest corner of a tract conveyed to Wilma Miller recorded in Book 158 on Page 342 at the Douglas County Register of Deeds; thence along the West line of the said Miller tract S. 8° 43' 29" E. 150.85 feet to a point on the South line of the Northwest quarter of said Section 3 and the North line of East Hills Business Park No. 2; thence along the South line of the Northwest quarter of said Section 3 and the North line of said East Hills Business Park No. 2. S. 88° 03' 31" W. 618.00 feet to the point of beginning, containing 4.005 acres.

**SECTION TWO:** That the real property described in Section One shall hereafter allow a sanitary sewer pump station; a minor utility which serves more than one specific development.

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:

Execution of a Site Plan Performance Agreement

Publication of an ordinance per Section 20-1306(j)

Applicant shall provide a revised site plan with the following changes:

- a. The wooded areas to remain shall be delineated on the plan.
- b. The following note regarding protection measures for the trees shall be added:  
"Protective fencing should be installed along the dripline bordering the pump station area to prevent construction machinery or vehicles from damaging the trees. No trenching or grading is to occur within 10 ft of trees which are designated for protection.

**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 11<sup>th</sup> day of August, 2009.

APPROVED:

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Robert Chestnut, Mayor

ATTEST:

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Jonathan M. Douglass, City Clerk

APPROVED AS TO FORM AND LEGALITY:

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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.