

ORDINANCE NO. 8448

SPECIAL USE PERMIT NO. SUP-5-7-09

AN ORDINANCE PERTAINING TO ZONING: AUTHORIZING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY LOCATED AT 1520-1540 WAKARUSA 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:

Lot 3A, A Lot Split of Lots 1 and 3 Alvamar Northwest No. 3, an Addition in the City of Lawrence, Douglas County, Kansas

SECTION TWO: That the real property described in Section One shall hereafter allow a drive-thru window for an eating and drinking establishment in the CN2 District.

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[s] 20-1306, to wit:

1. Prior to the release of the site plan for issuance of building permits the applicant shall provide a copy of the Westar Encroachment Agreement; and
2. An ordinance per Section 20-1306(j) shall be published by staff.

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 18th day of August, 2009.

APPROVED:

Robert Chestnut, Mayor

ATTEST:

Jonathan M. Douglass, 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.