

ORDINANCE NO. 8474

AN ORDINANCE REZONING APPROXIMATELY 11.38 ACRES TO THE FLOODPLAIN MANAGEMENT REGULATIONS OVERLAY DISTRICT (FP); REZONING FROM RM12 (MULTI-DWELLING RESIDENTIAL) DISTRICT TO THE RM12-FP; REZONING FROM OS (OPEN SPACE) DISTRICT TO THE OS-FP DISTRICT; AND AMENDING THE OFFICIAL ZONING DISTRICT MAP INCORPORATED BY REFERENCE IN CHAPTER 20, ARTICLE 1, SECTION 20-108, OF THE "CODE OF THE CITY OF LAWRENCE, KANSAS, 2009 EDITION," AND AMENDMENTS THERETO.

WHEREAS, Rezoning Application Z-8-16-09 requesting rezoning from RM-12 and OS to the RM12-FP and OS-FP Districts was filed with the City of Lawrence on August 24, 2009; 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, 2009 Edition" a public hearing was held by the Lawrence-Douglas County Metropolitan Planning Commission on October 26, 2009 to hear a request to rezone approximately 11.38 acres as described in Section Two of this ordinance to the Floodplain Management Regulations Overlay District (FP). Within the approximate 11.38 acres the property zoned RM12 (Multi-Dwelling Residential) will be rezoned to the RM-12 FP District and the property zoned OS (Open Space) District will be rezoned to the OS-FP (Floodplain Overlay) District; and

WHEREAS, on October 26, 2009 The Lawrence-Douglas County Metropolitan Planning Commission considered the report and recommendation of the City's professional staff, the evidence and testimony provided at the hearing and the review and decision making criteria of section 20-1303 and voted (9 to 0) 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 November 10, 2009, 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.

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 LOCATED IN THE NORTHWEST QUARTER OF SECTION 14 AND NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 13 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN DOUGLAS COUNTY, KANSAS, NOW DESCRIBED AS FOLLOWS:

FLOODPLAIN OVERLAY DISTRICT

COMMENCING AT THE NORTHWEST CORNER OF SAID QUARTER SECTION 14; THENCE SOUTH 88°12'53" WEST, 50.00 FEET; THENCE SOUTH 01°47'07" EAST, 699.82 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01°47'07" EAST, 31.18 FEET; THENCE NORTH 88°12'53" EAST, 17.00 FEET; THENCE SOUTH 01°47'07" EAST, 330.00 FEET; THENCE SOUTH 88°12'53" WEST, 17.00 FEET; THENCE SOUTH 01°47'07" EAST 177.84 FEET; THENCE NORTH 88°12'53" EAST, 50.00 FEET; THENCE NORTH 88°12'44" EAST, 175.02 FEET; SOUTH 11°06'59" EAST, 85.87 FEET; THENCE NORTH 88°06'55" EAST, 1136.44 FEET; THENCE NORTH 01°49'40" WEST, 42.61 FEET; THENCE SOUTH 32°59'52" WEST, 40.49 FEET; THENCE NORTH 51°42'52" WEST, 38.14 FEET; THENCE NORTH 66°13'33" WEST, 36.71 FEET; THENCE NORTH 76°38'37" WEST, 157.87 FEET; THENCE

NORTH 54°23'53" WEST, 80.36 FEET; THENCE NORTH 38°45'17" WEST, 304.13 FEET; THENCE NORTH 28°15'28" WEST, 44.59 FEET; THENCE NORTH 60°20'24" WEST, 95.27 FEET; THENCE NORTH 20°16'10" WEST, 57.74 FEET; THENCE SOUTH 26°53'57" WEST, 78.36 FEET; THENCE SOUTH 57°07'11" WEST, 81.24 FEET; THENCE SOUTH 46°05'39" WEST, 69.01 FEET; THENCE NORTH 76°08'18" WEST, 46.00 FEET; THENCE NORTH 38°43'57" WEST, 53.39 FEET; THENCE NORTH 50°56'08" WEST, 131.05 FEET; THENCE NORTH 78°04'53" WEST, 24.52 FEET; THENCE NORTH 36°14'30" WEST, 48.24 FEET; THENCE SOUTH 78°40'21" WEST, 55.61 FEET; THENCE NORTH 79°26'27" WEST, 66.22 FEET; THENCE NORTH 74°44'25" WEST, 57.55 FEET; THENCE NORTH 82°39'24" WEST, 83.98 FEET; THENCE NORTH 83°12'16" WEST, 29.17 FEET; THENCE NORTH 75°38'49" WEST, 19.67 FEET; THENCE NORTH 33°46'11" WEST, 38.66 FEET; THENCE SOUTH 89°27'29" WEST, 25.02 FEET; THENCE SOUTH 53°34'57" WEST, 28.37 FEET; THENCE SOUTH 88°02'24" WEST, 7.90 FEET; THENCE NORTH 56°38'08" WEST, 5.38 FEET TO THE POINT OF BEGINNING. THE ABOVE CONTAINS 11.377ACRES, MORE OR LESS.

is hereby changed to the Floodplain Management Regulations Overlay District (FP) with that portion of the property within the Floodplain Management Regulations Overlay District zoned RM12 (Multi-Dwelling Residential) District changed to RM12-FP and that portion of the property zoned OS (Open Space) District changed to OS-FP as such districts are defined and prescribed in Chapter 20 of the "Code of the City of Lawrence, Kansas, 2009 Edition," and amendments thereto.

SECTION THREE: That the Official Zoning District Map incorporated by reference in and by Chapter 20, Article 1, Section 20-108 of the "Code of the City of Lawrence, Kansas, 2009 Edition" is hereby amended by showing and reflecting thereon the new zoning district classifications for the aforesaid tract, as set forth in Section Two of this ordinance.

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 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, 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.