

**ORDINANCE NO. 8488**

**SPECIAL USE PERMIT NO. 12-11-09**

**AN ORDINANCE PROVIDING FOR A SPECIAL USE PERMIT WITH RESPECT TO CERTAIN PROPERTY WITHIN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS COMMONLY KNOWN AS 645-647 MASSACHUSETTS STREET, LAWRENCE, KANSAS.**

WHEREAS, proper application was made for a Special Use Permit for a Research Service Use for the property located at 645-647 Massachusetts Street, Lawrence, Kansas and which property is currently zoned CD (Downtown Commercial District); and

WHEREAS, pursuant to Chapter 20 of the "Code of the City of Lawrence, 2009 Edition," and amendments thereto, such use is permitted as a special use in the CD (Downtown Commercial District); and

WHEREAS, after due and lawful notice and hearing, the Lawrence-Douglas County Metropolitan Planning Commission on January, 25, 2010, recommended approval of a Special Use Permit for the property described in Section Two of this ordinance all within the City of Lawrence, Douglas County, Kansas.

**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 repeated verbatim.

**SECTION TWO.** Special Use Permit Granted. Pursuant to the regulations set forth in Section 20-1306 of Chapter 20 of the "Code of the City of Lawrence, 2009 Edition," and amendments thereto, permission is hereby granted to use in the manner set forth in Sections Three and Four, the following property commonly known as [insert address] and legally described as follows:

**LEGAL DESCRIPTION:**

South ½ of Lot 15 and all of Lots 17 and 19 on Massachusetts Street in the Original Townsite of the City of Lawrence, Douglas County, Kansas

**SECTION THREE.** That the real property described in Section One shall hereafter allow a Research Service use.

All zoning ordinances or zoning regulations of the City of Lawrence, Kansas affecting the use of the real property described in Section Two which are

inconsistent with this ordinance are hereby made inapplicable to the said property for [insert period of time] said period of time.

**SECTION FOUR.** Conditions, Stipulations and Revocation. The special use permit granted in Sections Two and Three hereinabove in addition to the full compliance with any general provisions contained in Chapter 20 of the "Code of the City of Lawrence, 2009 Edition," and amendments thereto, 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 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) to include the following use restrictions as noted on the face of the site plan:
  - a. No manufacturing or production activities shall be conducted on-site;
  - b. No radioisotopes or other radioactive materials shall be used on-site;
  - c. No known type 1 mutagens or carcinogens shall be used on-site;
  - d. No known toxins or pathogens shall be used on-site; and
  - e. No animal research shall be conducted on-site.
3. Publication of an ordinance per Section 20-1306 (j) to include a statement that this Special Use shall be permitted for a period of 10 years from date of publication of the ordinance.
4. Provision of a note on the face of the site plan that states: "Construction of the 4,840 SF 2<sup>nd</sup> floor addition shall occur within 24 months after the date of publication of the ordinance and shall be subject to Historic Resources Commission review and approval and issuance of building permits. Construction after 24 months from date of publication of the ordinance shall require a request for extension per Section 20-1306 of the Development Code or review and approval of a revised Special Use Permit per Section 20-1306 of the Development Code and approval of the project by the Historic Resources Commission if an extension is not granted."

**SECTION FIVE.** Ordinance No. 8395 is hereby repealed it being the intent of this ordinance to supersede the repealed provisions.

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

Passed by the Governing Body of the City of Lawrence, Kansas this 16th day of February, 2010.

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.