

ORDINANCE NO. 8493

SPECIAL USE PERMIT NO. SUP-10-10-09

AN ORDINANCE PROVIDING FOR A SPECIAL USE PERMIT WITH RESPECT TO CERTAIN PROPERTY WITHIN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS COMMONLY KNOWN AS 944 KENTUCKY STREET, LAWRENCE, KANSAS.

WHEREAS, proper application was made for a Special Use Permit for a Temporary Shelter for the property located at 944 Kentucky Street, Lawrence, Kansas and which property is currently zoned RMO District (Multi-Dwelling Residential-Office); and

WHEREAS, pursuant to Chapter 20 of the "Code of the City of Lawrence, Kansas 2009 Edition," and amendments thereto, such use is permitted as a special use in the RMO District (Multi-Dwelling Residential-Office); and

WHEREAS, after due and lawful notice and hearing, the Lawrence-Douglas County Metropolitan Planning Commission on January 27, 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 Kansas, 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 944 Kentucky Street, Lawrence, Kansas and legally described as follows:

LEGAL DESCRIPTION:

Lots 90 and 92 on Kentucky Street in the Original Townsite of the City of Lawrence, Douglas County, Kansas

SECTION THREE. That the real property described in Section Two shall hereafter allow a Temporary Shelter 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 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, Kansas, 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. Extension of Special Use Permit request is contingent upon City Commission approval of a Special Use Permit for a new LCS Shelter location.
2. SUP approval granted for period of approximately two years to expire at the earlier of either completion of permanent facility or June 30, 2012.
3. Submittal of a quarterly report to the City Commission regarding the status of fundraising and construction progress for permanent facility.
4. Submittal of an annual report to the Planning Office within the first calendar quarter of each year. The report shall include a listing of law enforcement & emergency response calls, a log of guests who obtain jobs and housing, numbers of guests who utilize the day and nighttime services, and an update on the on-going commitment to communicate with the surrounding neighborhood and to address concerns of neighbors.
5. Revision of the site plan to update notes to state:
 - a. Identification of expiration dates, Historic Resources Commission, Planning Commission and City Commission action dates, as necessary.
 - b. Maximum overnight occupancy (with staff) shall continue to be limited to 57 persons, except for the period between Oct. 1 – April 1 of each year when the maximum occupancy (with staff) may be increased to 82 persons.
 - c. LCS commits to assist in regular litter pickup for nearby properties.
 - d. The noncompliant fence and carport will be removed when the SUP expires or when the Shelter moves to a new location. (Condition of DR-10-118-09)
 - e. If the Shelter does not move at the end of this two year extension, the non-compliant carport and fence will be removed and if an additional extension is granted, a new structure allowing for outside shelter is to be provided. (Condition of DR-10-118-09)

- f. The applicant will submit drawings of a compliant structure(s) to the Historic Resources Commission prior to their installation for approval. (Condition of DR-10-118-09)
6. Execution of a new Site Plan Performance Agreement.
7. Publication of an ordinance per Section 20-1306(j).

SECTION FIVE. Ordinance No.s 8100 and 8449 are hereby repealed.

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 ____ day of March, 2010.

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.