

ORDINANCE NO. 8499

SPECIAL USE PERMIT NO. SUP-1-2-10

AN ORDINANCE PROVIDING FOR A SPECIAL USE PERMIT WITH RESPECT TO CERTAIN PROPERTY WITHIN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS LOCATED IN THE SE ¼ OF S10-T13S-R19E, SOUTHEAST OF W 27TH STREET AND CROSSGATE DRIVE.

WHEREAS, proper application was made for a Special Use Permit for a wet weather detention expansion for Pump Station 09, a minor utility on the property located in the SE ¼ of S10-T13S-R19E, southeast of W 27th Street and Crossgate Drive, Lawrence Kansas and which property is currently zoned OS (Open Space) District; 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 OS (Open Space) District; and

WHEREAS, after due and lawful notice and hearing, the Lawrence-Douglas County Metropolitan Planning Commission on March 22, 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 generally located in the SE ¼ of S10-T13S-R19E ,southeast of W 27th Street and Crossgate Drive, Lawrence, Kansas and legally described as follows:

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 13 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN IN DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SOUTHEAST QUARTER ON AN ASSUMED BEARING OF NORTH 88 DEGREES 27 MINUTES 39 SECONDS EAST, COINCIDENT WITH THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SOUTHEAST

QUARTER, 641.92 FEET TO THE POINT OF BEGINNING; THENCE NORTH 04 DEGREES 26 MINUTES 39 SECONDS WEST, 226.57 FEET; THENCE NORTH 24 DEGREES 16 MINUTES 07 SECONDS EAST, 355.85 FEET; THENCE NORTH 87 DEGREES 28 MINUTES 12 SECONDS EAST, 546.16 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 01 DEGREE 33 MINUTES 27 SECONDS EAST, COINCIDENT WITH THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SOUTHEAST QUARTER, 556.08 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 88 DEGREES 27 MINUTES 39 SECONDS WEST, COINCIDENT WITH THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SOUTHEAST QUARTER, 689.70 FEET TO THE POINT OF BEGINNING. CONTAINING 8.26 ACRES MORE OR LESS.

SECTION THREE. That the real property described in Section Two shall hereafter allow a minor utility use for an indefinite period of time.

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. Publication of an ordinance per Section 20-1306(j).
2. Approval of a Floodplain Development Permit required prior to release of Special Use Permit for building permits.
3. Approval and recordation of a Final Plat required prior to release of Special Use Permit for building permit.
4. Applicant shall provide a revised site plan with the following changes:
 - a. Label the 30 ft easement along the east side of the property which provides access to the facility as a 'municipal access and utility easement'.
 - b. Note dimensions of holding tank—diameter.
 - c. Note the Base Flood Elevation on the plan.
 - d. Note the type and maximum wattage of the new lighting.
 - e. Label the width of the access drive.
 - f. Add the following notes:

- Current zoning PUD
Proposed zoning OS;
Current Use: Pump station and wet weather detention;
Proposed Use: Additional wet weather detention for pump station
- g. Add City of Lawrence as property owner:
City of Lawrence, KS
PO Box 708
Lawrence, Kansas 66044
785.832.3000

SECTION FIVE. 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 April, 2010.

APPROVED:

Mike Amyx, 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.