

ORDINANCE NO. 529

SPECIAL USE PERMIT NO. SUP-3-4-10

AN ORDINANCE PROVIDING FOR A SPECIAL USE PERMIT WITH RESPECT TO CERTAIN PROPERTY WITHIN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS LOCATED ON THE NORTH SIDE OF THE KANSAS RIVER, JUST EAST OF THE KANSAS RIVER BRIDGE, COMMONLY KNOWN AS 250 NORTH POWERHOUSE ROAD.

WHEREAS, proper application was made for a Special Use Permit for the construction of a hydroelectric plant, a Utility and Service, Major use, on the property on the north side of the Kansas River, east of the Kansas River bridge, commonly known as 250 North Powerhouse Road 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 May 24, 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 on the north side of the Kansas River, east of the Kansas River bridge, commonly known as 250 North Powerhouse Road, Lawrence, Kansas and legally described as follows:

All of Lots 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 90, 92, 94, 96 and 98, and all that part of Lots 95, 97, 99, 101, 103, 105, 107, 100, 102, 104, 106, and 108, all lying in Block 13, North Lawrence, and all that part of the Southwest Quarter of Section 30, Township 12 South, Range 20 East, all lying in Douglas County, Kansas, described as follows:

COMMENCING at the Northeast corner of Lot 117, Block 13, North Lawrence; thence South 88 degrees 14 minutes 39 seconds West along the North line of said Block 13 a distance of 299.04 feet to the Northeast corner of Lot 30 of said Block 13, the POINT OF BEGINNING; thence South 1 degree 46 minutes 12 seconds East along the East line of Lots 30, 28, and 26 of said Block 13 a distance of 76.37 feet to a point; thence North 88 degrees 14 minutes 09 seconds East a distance of 71.14 feet to a point; thence North 88 degrees 15 minutes 35 seconds East a distance of 103.31 feet to a point on the East line of Lot 107 of said Block 13; thence South 1 degree 45 minutes 55 seconds East along the East line of Lots 107 and 108 of said Block 13 a distance of 142.34 feet to a point; thence North 36 degrees 05 minutes 29 seconds West a distance of 44.20 feet to a point on the East line of Lot 106 of said Block 13; thence South 86 degrees 38 minutes 35 seconds West a distance of 50.06 feet to a point on the East line of Lot 102 of said Block 13; thence South 65 degrees 27 minutes 19 seconds West a distance of 54.01 feet to a point on the East line of Lot 98 of said Block 13; thence South 1 degree 49 minutes 13 seconds East along the East line of said Lot 98 and its Southerly prolongation a distance of 182.85 feet to a point; thence South 66 degrees 10 minutes 57 seconds West a distance of 112.39 feet to a point; thence North 74 degrees 37 minutes 47 seconds West a distance of 207.08 feet to a point; thence in a Northwesterly direction along a curve to the right, having a radius of 950.00 feet, through a central angle of 20 degrees 33 minutes 42 seconds, an arc distance of 340.93 feet to a point; thence North 35 degrees 55 minutes 55 seconds East a distance of 119.28 feet to a point; thence North 64 degrees 43 minutes 46 seconds East a distance of 141.50 feet to a point; thence South 39 degrees 55 minutes 36 seconds East a distance of 54.22 feet to a point; thence South 69 degrees 27 minutes 11 seconds East a distance of 69.95 feet to a point; thence South 77 degrees 39 minutes 24 seconds East a distance of 56.65 feet to a point; thence North 70 degrees 43 minutes 18 seconds East a distance of 57.73 feet to the Southwest corner of Lot 22 of said Block 13; thence North 2 degrees 13 minutes 09 seconds West along the West line of Lots 22, 24, 26, 28 and 30 of said Block 13 a distance of 127.29 feet to the Northwest corner of said Lot 30; thence North 88 degrees 14 minutes 39 seconds East along the North line of said Lot 30 a distance of 143.30 feet to the POINT OF BEGINNING and containing 173,788 Square Feet or 3.990 Acres, more or less.

SECTION THREE. That the real property described in Section Two shall hereafter allow for the construction of a hydroelectric plant, a Utility and Service, Major 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 Ordinance 8529 per Section 20-1306(j).
2. Approval of a Floodplain Development Permit, including submission of a no-rise certificate and HEC-RAS or equivalent hydraulic model as requested by the Stormwater Engineer, prior to release of Special Use Permit for building permits.
3. Approval of a lease agreement with the City of Lawrence for the use of city-owned property.
4. Submission of a photometric plan showing the location, size and wattage of fixtures.
5. Applicant shall provide a revised site plan with the following changes:
 - a. Correctly show the location of the access road on the southernmost edge of the levee under the Kansas River bridge.
 - b. Move the stand pipe on the south wall as close as possible to the stair door.
 - c. Show location of fire hydrant that meets 2006 IFC C105.1.
 - d. Show location of Fire Department Connection (FDC) on west wall of building next to main door.
 - e. Revision of the surface summary to add square footage amounts for building and pavement.
 - f. Add material notation for canoe portages and fishing deck.
 - g. Add the following notes:
Proposed Use: "Utility and Service, Major"
 - h. 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 July, 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.