

**ORDINANCE NO. 8539**

**AN ORDINANCE REZONING APPROXIMATELY 2.61 ACRES FROM PCD-2 - [HOME IMPROVEMENT CENTER] WITH USE RESTRICTIONS TO PCD-2 - [HOME IMPROVEMENT CENTER] WITH USE RESTRICTIONS AMENDED TO ALLOW OFFICE USES; 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-03-04-10 requesting rezoning from PCD-2 - [Home Improvement Center] with use restrictions to PCD-2 - [Home Improvements Center] with use restrictions amended to allow office uses, was filed with the City of Lawrence on March 22, 2010; 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 June 21, 2010 to hear a request to rezone approximately 2.61 acres as described in Section Two of this ordinance from PCD-2 - [Home Improvement Center] with use restrictions to PCD-2 - [Home Improvements Center] with use restrictions amended to allow office uses; and

**WHEREAS**, on June 21, 2010 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 (8 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 July 13, 2010 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:

Lot 2, A Final Plat of First National Addition No. 2 a Replat of Lots 1 and 4 First National Addition in the City of Lawrence, Douglas County, Kansas; and, Lot 3, A Final Plat of First National Addition an Addition in the City of Lawrence, Douglas County, Kansas.

is hereby changed from PCD-2 - [Home Improvement Center] with use restrictions (Home Improvement Store, Electronics Store and Restaurant/Retail) to PCD-2 - [Home Improvement Center] with use restrictions limited to those described on the Final Development Plan (Restaurant/Retail/Office).

**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 classification 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 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.