

ORDINANCE NO. 8632

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, GRANTING A SPECIAL USE PERMIT, SUP-2-1-11, WITH RESPECT TO CERTAIN REAL PROPERTY WITHIN THE CITY OF LAWRENCE, KANSAS, COMMONLY KNOWN AS 940 E. 28th STREET.

WHEREAS proper application was made for a Special Use Permit for certain real property, located within the City of Lawrence, Douglas County, Kansas, commonly known as 940 E. 28th Street, and which real property is presently zoned IG, to use said property for Active Recreation;

WHEREAS pursuant to Chapter 20 of the "Code of the City of Lawrence, Kansas 2011 Edition," as amended, Active Recreation is a permitted special use of real property zoned IG;

WHEREAS after due and lawful notice was given and a public hearing was held, the Lawrence-Douglas County Metropolitan Planning Commission, on April 25, 2011, recommended to the Lawrence City Commission approval of the application for a Special Use Permit for that real property commonly known as 940 E. 28th Street, Lawrence, Douglas County, Kansas, to use said property for Active Recreation; and

WHEREAS after due and lawful notice was given and a public hearing was held, the Lawrence City Commission, on April 26, 2011, accepted the recommendation of the Lawrence-Douglas County Metropolitan Planning Commission and unanimously approved the application for a Special Use Permit for that real property commonly known as 940 E. 28th Street, Lawrence, Douglas County, Kansas, to use said property for Active Recreation.

BE IT ORDAINED BY THE CITY OF LAWRENCE, KANSAS:

SECTION ONE. Recitals. The above-stated recitals are incorporated herein by reference and shall be as effective as if repeated verbatim.

SECTION TWO. Special Use Permit Granted; Legal Description. Pursuant to the regulations set forth in Section 20-1306 of the "Code of the City of Lawrence, Kansas, 2011 Edition," as amended, and subject to the conditions established at Section Four of this Ordinance, a Special Use Permit, SUP-2-1-11, is hereby granted to use, in the manner described in Sections Three and Four of this Ordinance, the following real property, commonly known as 940 E. 28th Street, Lawrence, Douglas County, Kansas, and described legally as follows:

Lot B of Replat of Lot 14, of Lawrence Industrial Park, an Addition to the City of Lawrence, as shown by the recorded plat thereof, in Douglas County, Kansas.

SECTION THREE. Effect of Special Use Permit; Term. That the real property, commonly known as 940 E. 28th Street, Lawrence, Douglas County, Kansas, and described legally in Section Two of this Ordinance, shall hereafter be permitted to be used for Active Recreation. All zoning ordinances or zoning regulations of the City of Lawrence, Kansas, affecting the use of the real property, commonly known as 940 E. 28th Street, Lawrence, Douglas County, Kansas, and described legally in Section Two of this Ordinance, which are inconsistent with this Ordinance are hereby made inapplicable to said real property for a period of three years, commencing on the Effective Date of this Ordinance.

SECTION FOUR. Conditions, Stipulations, and Revocation. The Special Use Permit, granted in Section Two and described in more detail in Section Three of this Ordinance, in addition to compliance with the general provisions established in Chapter 20 of the “Code of the City of Lawrence, 2011 Edition,” as amended, is hereby made contingent upon the performance of the following additional and supplementary conditions, stipulations, regulations, and restrictions. Any violation of the following conditions, stipulations, regulations, and restrictions, as hereinafter listed, will be a basis for the revocation of the Special Use Permit in addition to other remedies that may be available under Section 20-1306 of the “Code of the City of Lawrence, Kansas, 2011 Edition,” as amended. The conditions, stipulations, regulations, and restrictions, are as follows:

- (a) Installation of landscape plantings per the approved Landscape Plan, prior to release of the Special Use Permit for the proposed Active Recreation use or issuance of an Occupancy Permit for the proposed Active Recreation facility;
- (b) Approval and publication of a text amendment, TA-2-2-11, “An Amendment to Chapter 20, Article 4, Section 20-403, to Allow Active Recreation as a Special Use in IG (General Industrial) Districts.”
- (c) Provision of a revised Site Plan showing the following changes and notes:
 - (1) Provision of a Landscape Plan, per section 20-1001 of the “Code of the City of Lawrence, Kansas, 2011 Edition,” as amended, to include a total of six (6) street trees along Haskell Avenue and five (5) street trees along E. 28th Street.
 - (2) Provision of a note on the face of the Site Plan that states that all required landscaping shall be installed prior to release of the Special Use Permit for the proposed Active Recreation use or issuance of an Occupancy Permit for the proposed Active Recreation facility.
 - (3) Provision of a note on the face of the Site Plan that states that any changes to exterior site lighting shall require submission and approval of a photometric plan in accordance with Section 20-1003 of the “Code of the City of Lawrence, Kansas, 2011 Edition,” as amended.
 - (4) Provision of a note on the face of the Site Plan setting forth the Effective Date of this Ordinance, and that the Special Use Permit is valid for a term of three years, commencing on the Effective Date of this Ordinance. The Site Plan shall further note that any renewal of the Special Use Permit will require application to the City of Lawrence, Kansas, and that renewal will be subject to the same procedures, standards, and conditions as the original application.
- (d) Execution of a new Site Plan Performance Agreement.

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

APPROVED:

Aron E. Cromwell, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Toni R. Wheeler
Director of the Legal Department

Publish one time and return one Proof of Publication to the City Clerk and one to the Director of the Legal Department.