

**ORDINANCE NO. 8674**

**SPECIAL USE PERMIT NO. SUP-7-4-11**

**AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS,  
GRANTING A SPECIAL USE PERMIT FOR GAS AND FUEL  
SALES AND A CAR WASH TO CERTAIN REAL PROPERTY,  
WITHIN THE CITY OF LAWRENCE, DOUGLAS COUNTY,  
KANSAS.**

**WHEREAS**, pursuant to City of Lawrence, Kan., Code § 20-403 (Jan. 1, 2011), as amended, a Personal Convenience Store is a permitted use in districts zoned CN2 (Neighborhood Commercial Center Districts);

**WHEREAS**, pursuant to City of Lawrence, Kan., Code § 20-403 (Jan. 1, 2011), as amended, Gas and Fuel Sales and Car Washes are, upon the grant of a Special Use Permit, permitted uses in districts zoned CN2 (Neighborhood Commercial Center Districts);

**WHEREAS**, the owner of record of the subject real property, the legal description of which is set forth at Section 2, *infra*, proposes to use the subject real property, which is currently zoned CN2, for a Personal Convenience Store, Gas and Fuel Sales, and a Car Wash

**WHEREAS**, the owner of record of the subject real property has filed with the City of Lawrence, Kansas, proper application for a Special Use Permit, No. SUP-7-4-11, to use the subject real property for Gas and Fuel Sales and a Car Wash;

**WHEREAS**, the Lawrence-Douglas County Metropolitan Planning Staff reviewed that application in light of all relevant factors and prepared a report recommending that the application for a Special Use Permit, No. SUP-7-4-11, be approved;

**WHEREAS**, at its September 26, 2011, public hearing, the Lawrence-Douglas County Metropolitan Planning Commission considered the report and recommendation of City staff, weighed the evidence adduced at the public hearing, and voted to recommend to the City Commission that it grant the Special Use Permit, No. SUP-7-4-11, allowing the applicant to use the subject property for Gas and Fuel Sales and a Car Wash; and

**WHEREAS**, at its October 18, 2011, public meeting, the Governing Body addressed the application for a Special Use Permit, No. SUP-7-4-11, received comments from the public, and considered the recommendation of the Lawrence-Douglas County Metropolitan Planning Commission.

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:**

**SECTION 1.** The above-stated recitals are incorporated herein by reference and shall be as effective as if repeated verbatim.

**SECTION 2.** In accordance with City of Lawrence, Kan., Code § 20-1306 (Jan. 1, 2011), as amended, the governing body of the City of Lawrence, Kansas, hereby grants to the applicant Special Use Permit, No. SUP 7-4-11, for the following legally described real property, situated in the City of Lawrence, Douglas County, Kansas, to-wit:

*Lot 1, Block 1, Inverness Park Plaza Addition No. 5*

permitting the subject real property to have those special permitted uses set forth in Section 3, *infra*, subject to the conditions established in Section 4, *infra*.

**SECTION 3.** The City hereafter permits the subject real property, as granted in Section 2, *supra*, in accordance with Special Use Permit, No. SUP-7-4-11, to have the following special permitted uses: Gas and Fuel Sales and a Car Wash.

**SECTION 4.** The Special Use Permit granted in Section 2, *supra*, and the permitted uses set forth in Section 3, *supra*, in addition to being subject to the general conditions established in Chapter 20 of the Code of the City of Lawrence, Kansas, 2011 Edition, as amended, is also subject to the following special conditions:

- (a) Prior to the release of Special Use Permit, No. SUP-7-4-11, for the issuance of a building permit, the applicant shall submit the following documents to the Lawrence-Douglas County Metropolitan Planning Office for review and approval:
  - (1) A Photometric Plan in accordance with City of Lawrence, Kan., Code § 20-1103 (Jan. 1, 2011), as amended; and
  - (2) Building elevations that comply with Commercial Design Guidelines.
- (b) Prior to the release of Special Use Permit, No. SUP-7-4-11, for the issuance of a building permit, the applicant shall submit to the Lawrence-Douglas County Metropolitan Planning Office, for review and approval, a revised drawing that shows full access to the subject property and includes the proposed lane widening on Crossgate Drive, consistent with the applicant's presentation at the September 26, 2011, public hearing before the Lawrence-Douglas County Metropolitan Planning Commission.
- (c) Prior to the release of Special Use Permit, No. SUP-7-4-11, for the issuance of a building permit, the applicant shall submit to the Lawrence-Douglas County Metropolitan Planning Office, for review and approval, a revised site plan that includes the following additions or amendments:
  - (1) A note that sites the Deed Book and Page numbers for all documents recorded with the Douglas County, Kansas, Register of Deeds that address and govern the maintenance of the shared access drive between Lot 1 and Lot 2 of Park Plaza Addition No. 1;
  - (2) A note that provides: *"Any undeveloped areas shall be planted with shrubs or ground cover per City of Lawrence, Kan., Code § 20-1006(b) (Jan. 1, 2011), as amended"*;
  - (3) A note that provides: *"Lot 1 and Lot 2, as shown on the site plan, are owned by the same corporation. Owner has agreed, as condition of approval of the site plan, to plant street trees for Lot 1 and Lot 2 upon initial development of Lot 1. The Owner has also agreed to complete the perimeter sidewalk along West 24th Place on Lot 1 and Lot 2 at the time said sidewalk is constructed in connection with the development of Lot 1"*;

- (4) A revised General Note 8 that includes the following statement: *“Prior to the issuance of a building permit for Lot 2, the Owner of Lot 2 shall submit a photometric plan to the Lawrence-Douglas County Metropolitan Planning Office for review and approval in accordance with City of Lawrence, Kan., Code § 20-1103 (Jan. 1, 2011), as amended”*;
  - (5) A note that provides: *“The City Engineer has approved reduced access spacing from the signalized intersection of Crossgate Drive and Clinton Parkway and has approved reduced access spacing from the non-signalized intersection of Crossgate Drive and West 24th Place”*;
  - (6) A note that provides: *“Prior to the issuance of a building permit for Lot 2, the Owner of Lot 2 shall submit to the Lawrence-Douglas County Metropolitan Planning Office, for review and approval, a revised site plan showing a separate trash dumpster on Lot 2 or referencing an agreement with the Owner of Lot 1 that provides for shared use of the trash dumpster on Lot 1”*; and
  - (7) A note that provides: *“Prior to the release of the site plan for issuance of a building permit, the City and the Applicant shall enter into a written agreement that delegates responsibility for correction of traffic safety issues that may arise on Crossgate Drive as the result of developing the subject property, including the circumstances under which the Applicant shall be responsible for the cost of future traffic improvements and the incremental steps of implementation.”*
- (d) Prior to the release of Special Use Permit, No. SUP-7-4-11, for the issuance of a building permit, the applicant shall submit to the City Stormwater Engineer, for review and approval, a revised drawing with the following additions and amendments:
- (1) The drawing must verify that the floodway and floodplain limits shown on the Site Plan conform to those of the August 5, 2010, FIRM. The drawing must also show, on its face, the Water Surface Elevation of the Base Flood as determined by the Flood Insurance Study;
  - (2) A revised General Note 14 that corrects the date to *“August 5, 2010”*;
  - (3) The drawing must show, and the Site Plan must provide for, a four-foot (4') wide concrete flume with flared end along the driveway access to West 24th Place, per the City Stormwater Engineer's approval.

**SECTION 5.** Failure of applicant, owner, or any success or assign, to abide by the requirements of Chapter 20 of the Code of the City of Lawrence, Kansas, 2011 Edition, as amended, one or more of the special conditions established in Section 4, *supra*, shall be cause of the City to revoke Special Use Permit, No. SUP-7-4-11, in accordance with City of Lawrence, Kan., Code § 20-1605 (Jan. 1, 2011), as amended

**SECTION 6.** 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 7:** This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

**ADOPTED** by the Governing Body of the City of Lawrence, Kansas, this \_\_\_\_ day of October, 2011.

**APPROVED:**

\_\_\_\_\_  
Aron E. Cromwell, Mayor

**ATTEST:**

\_\_\_\_\_  
Jonathan M. Douglass, City Clerk

**APPROVED AS TO FORM AND LEGALITY:**

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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.