

**ORDINANCE NO. 8705**

**AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, REZONING APPROXIMATELY 41.15 ACRES FROM RS10 (SINGLE-DWELLING RESIDENTIAL) DISTRICT TO RM12 (MULTI-DWELLING RESIDENTIAL) DISTRICT AND AMENDING THE CITY'S "OFFICIAL ZONING DISTRICT MAP," INCORPORATED BY REFERENCE INTO THE CITY CODE AT CHAPTER 20, ARTICLE 1, SECTION 20-108 OF THE "CODE OF THE CITY OF LAWRENCE, KANSAS, 2011 EDITION," AND AMENDMENTS THERETO.**

**WHEREAS**, on November 21, 2011, the owners of record of the subject property, the legal description of which is set forth at Section 2, *infra*, filed with the City of Lawrence, Kansas, Rezoning Application, No. Z-11-28-11, seeking to rezone the base district of the subject property from RS10 (Single-Dwelling Residential) to RM12 (Multi-Dwelling Residential) District;

**WHEREAS**, on January 25, 2012, after due and lawful notice was given in accordance with K.S.A. 12-757 and City of Lawrence, Kan., Code § 20-1303 (Jan. 1, 2011), the Lawrence-Douglas County Metropolitan Planning Commission conducted a public hearing on Rezoning Application, No. Z-11-28-11;

**WHEREAS**, at the January 25, 2012, 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, reviewed the decision-making criteria set forth at City of Lawrence, Kan., § 20-1303 (Jan 1, 2011), and voted (7-0) to recommend to the City Commission that it approve Rezoning Application, No. Z-11-28-11; and

**WHEREAS**, at its February 14, 2012, public meeting, the Governing Body considered Rezoning Application, No. Z-11-28-11, and 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.** The base zoning district classification for the following legally described real property, situated in the City of Lawrence, Douglas County, Kansas, to-wit:

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 19 EAST OF THE 6TH P.M., IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 12, THENCE N 87°42'29" E, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, 1607.74 FEET; THENCE NORTH 02°17'31" WEST, 50.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE NORTH

RIGHT-OF-WAY LINE OF 31ST STREET AS RECORDED IN BOOK 282 PAGE 643 AND THE EAST RIGHT-OF-WAY LINE OF OUSDAHL ROAD AS RECORDED IN BOOK 1078 PAGE 1045 AT THE DOUGLAS COUNTY REGISTER OF DEEDS; THENCE NORTH 02°17'31" WEST, ALONG THE EAST RIGHT-OF-WAY OF SAID OUSDAHL ROAD, 350.00 FEET; THENCE SOUTH 87°42'29" WEST, 40.00 FEET TO THE EAST LINE OF FIRST NATIONAL ADDITION, AN ADDITION TO THE CITY OF LAWRENCE; THENCE NORTH 02°17'31" WEST, 424.94 FEET TO THE NORTHEAST CORNER OF FIRST NATIONAL ADDITION; THENCE SOUTH 87°42'29" WEST, 807.91 FEET ALONG THE NORTH LINE OF SAID FIRST NATIONAL ADDITION, TO THE EAST LINE OF COMMERCE PLAZA ADDITION, AN ADDITION TO THE CITY OF LAWRENCE; THENCE NORTH 01°36'39" WEST, PARALLEL TO THE WEST LINE OF THE SAID SOUTHWEST QUARTER OF SECTION 12 AND ALONG THE EAST LINE OF SAID COMMERCE ADDITION, ALSO THE EAST LINE OF WILLEY'S AUTO ADDITION, AN ADDITION TO THE CITY OF LAWRENCE, 499.41 FEET TO THE SOUTH LINE OF NORWOOD ADDITION, AN ADDITION TO THE CITY OF LAWRENCE; THENCE NORTH 87°50'13" EAST, ALONG THE SOUTH LINE OF SAID NORWOOD ADDITION, THE SOUTH LINE OF MEADOW LEA ESTATES, AN ADDITION TO THE CITY OF LAWRENCE, AND NAISMITH VALLEY NO. 1, ALSO AN ADDITION TO THE CITY OF LAWRENCE, 1913.98 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 12; THENCE SOUTH 01°41'49" EAST ALONG SAID EAST LINE TO THE NORTH RIGHT-OF-WAY LINE OF 31ST STREET, 1270.09 FEET; THENCE SOUTH 87°42'29" WEST, ALONG SAID NORTH RIGHT-OF-WAY, 1058.80 FEET TO THE POINT OF BEGINNING. CONTAINING 41.150 ACRES MORE OR LESS.

is hereby changed from RS10 (Single-Dwelling Residential) to RM12 (Multi-Dwelling Residential) District, as such district is defined and prescribed in Chapter 20 of the "Code of the City of Lawrence, Kansas, 2011 Edition," and amendments thereto.

**SECTION 3.** The "Official Zoning District Map," which is adopted and incorporated into the City Code by reference at City of Lawrence, Kan., Code § 20-108 (Jan. 1, 2011), is hereby amended by showing and reflecting thereon the new zoning district classification for the subject property as described in more detail in Section 2, *supra*.

**SECTION 4.** 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 5:** This ordinance shall be in full force and effect from and after its passage and publication as provided by law and upon approval and recording of the final plat named Aspen Heights Addition for the Aspen Heights development project being processed concurrently with this rezoning request.

**ADOPTED** by the Governing Body of the City of Lawrence, Kansas, this \_\_\_\_ day of February, 2012.

**APPROVED:**

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Aron E. Cromwell, Mayor

**ATTEST:**

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Jonathan M. Douglass, City Clerk

**APPROVED AS TO FORM AND LEGALITY:**

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Toni R. Wheeler, City Attorney

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.