

ORDINANCE NO. 8716

SPECIAL USE PERMIT NO. SUP-12-6-11

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, GRANTING A SPECIAL USE PERMIT FOR A MINOR UTILITY (PUMP STATION 35) ON CERTAIN REAL PROPERTY, GENERALLY LOCATED EAST OF THE INTERSECTION OF NORTH MICHIGAN STREET AND RIVERRIDGE ROAD, SPECIFICALLY LOCATED IN THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 12 SOUTH, RANGE 19 EAST, OF THE SIXTH PRINCIPAL MERIDIAN, WITHIN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

WHEREAS, pursuant to City of Lawrence, Kan., Code § 20-403 (Jan. 1, 2011), as amended, a Minor Utility (Pump Station 35) is, upon the grant of a Special Use Permit, a permitted use in districts zoned OS (Open Space);

WHEREAS, the City, as the owner of record of the subject real property, located generally east of the intersection of North Michigan Street and River Ridge Road, the legal description of which is set forth at Section 2, *infra*, proposes to use the subject real property, which is currently zoned OS, for a Minor Utility (Pump Station 35);

WHEREAS, the City, as the owner of record of the subject real property has filed a proper application for a Special Use Permit, No. SUP-12-6-11, to use the subject real property for a Minor Utility (Pump Station 35);

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-12-6-11, be approved;

WHEREAS, on February 29, 2012, after giving due and lawful notice, the Lawrence-Douglas County Metropolitan Planning Commission conducted a public hearing on Special Use Permit, No. SUP-12-6-11;

WHEREAS, at its February 29, 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, and voted to recommend to the City Commission that it grant the application for a Special Use Permit, No. SUP-12-6-11, permitting the applicant to use the subject property for a Minor Utility (Pump Station 35); and

WHEREAS, at its March 27, 2012, public meeting, the Governing Body addressed the application for a Special Use Permit, No. SUP-12-6-11, 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 12-6-11, for the following legally described real property, situated in the City of Lawrence, Douglas County, Kansas, to-wit:

LOT 1, BLOCK 1, FINAL PLAT PUMP STATION NO. 35, A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

permitting the subject real property to have that special permitted use 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-12-6-11, to have the following special permitted use: Minor Utility (Pump Station 35).

SECTION 4. The Special Use Permit granted in Section 2, *supra*, and the permitted use 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) Provision of note, on the face of the site plan, stating that the Planning Director approved a waiver from the surfacing requirements of City of Lawrence, Kan., Code § 20-9013(e) (Jan. 1, 2011), as amended, to allow the use of aggregate surfacing material.

SECTION 5. Failure of the applicant, owner, or any successor or assign to abide by the requirements of Chapter 20 of the Code of the City of Lawrence, Kansas, 2011 Edition, as amended, or the special condition established in Section 4, *supra*, shall be cause for the City to revoke Special Use Permit, No. SUP-12-7-11, 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 27th day of March, 2012.

APPROVED:

Aron E. Cromwell
Mayor

ATTEST:

Jonathan M. Douglass
City Clerk

APPROVED AS TO FORM AND LEGALITY:

Toni R. Wheeler
City Attorney

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