

ORDINANCE NO. 8724

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, REZONING APPROXIMATELY 7.171 ACRES FROM A (AGRICULTURAL) DISTRICT TO RMO (MULTI-DWELLING RESIDENTIAL-OFFICE) 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 March 1, 2006, 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-03-06-06, seeking to rezone the base district of the subject property from A (Agricultural) District to RO-1A (Residence-Office) District;

WHEREAS, on April 17, 2006, after due and lawful notice was given in accordance with K.S.A. 12-757 and City of Lawrence, Kan., Code § 20-1303, and amendments thereto, the Lawrence-Douglas County Metropolitan Planning Commission conducted a public hearing on Rezoning Application, No. Z-03-06-06;

WHEREAS, at the April 17, 2006, 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, and amendments thereto, and voted to recommend to the City Commission that it approve Rezoning Application, No. Z-03-06-06;

WHEREAS, although the application for rezoning described a slightly different tract of land, based on changes that were made to the preliminary plat, its recommendation for rezoning incorporated that area of land, the legal description of which is set forth at Section 2, *infra*;

WHEREAS, at its May 9, 2006, public meeting, the Governing Body considered Rezoning Application, No. Z-03-06-06, and the recommendation of the Lawrence-Douglas County Metropolitan Planning Commission and, after receiving the relevant evidence and hearing public comment, voted to approve the proposed rezoning subject to the recording of a final plat;

WHEREAS, with the adoption of the "Land Development Code," codified as amended as Chapter 20 of Code of the City of Lawrence, Kansas, effective July 1, 2006, the RO-1A (Residence-Office) District was converted to the RMO (Multi-Dwelling Residential-Office) District;

WHEREAS, subsequent to that time, a portion of the tract was rezoned from RMO to CC400 (Community Commercial) District, reducing the size of the tract rezoned to RMO to be that 7.171 acres, more or less, the legal description of which is set forth at Section 2, *infra*;

WHEREAS, because it is no longer the policy of the City of Lawrence, Kansas, to condition rezoning upon the recording of a final plat, the Governing Body hereby withdraws that condition from its approval of Rezoning Application, No. Z-03-06-06; and

WHEREAS, this ordinance now accurately reflects the actual land, encompassing 7.171 acres, more or less, that was rezoned from A (Agricultural) District to what is now RMO (Multi-Dwelling Residential-Office) District.

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:

TWO TRACTS LOCATED IN SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE 6TH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

TRACT 1: COMMENCING AT THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 88° 04' 26" WEST, ALONG THE SOUTH LINE OF SAID QUARTER SECTION, 1105.15 FEET; THENCE NORTH 01° 55' 34" WEST TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF U.S. 40 / WEST SIXTH STREET, 146.32 FEET TO THE POINT OF BEGINNING; THENCE NORTH 86°31'32" WEST, ALONG SAID RIGHT-OF-WAY, 64.37 FEET; THENCE SOUTH 87° 49' 32" WEST, ALONG SAID RIGHT-OF-WAY, 550.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF SOUTH LAWRENCE TRAFFICWAY; THENCE NORTH 14° 23' 48" WEST, ALONG SAID RIGHT-OF-WAY, 247.07 FEET; THENCE ALONG A 250.00 CURVE TO THE LEFT WITH A 49.69 FOOT CHORD BEARING SOUTH 85° 50' 36" EAST, AN ARC DISTANCE OF 49.77 FEET; THENCE NORTH 88° 27' 13" EAST, 618.02 FEET; THENCE SOUTH 01° 55' 48" EAST, 235.56 FEET TO POINT OF BEGINNING. CONTAINS 3.427 ACRES, MORE OR LESS.

TRACT 2: COMMENCING AT THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE NORTH 01° 59' 06" WEST ALONG THE EAST LINE OF SAID QUARTER SECTION, 1040.18 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 88° 05' 04" WEST, 370.02 FEET; THENCE NORTH 1°59'09" WEST, 440.72 FEET; THENCE NORTH 88°03'27" EAST TO A POINT ON THE EAST SECTION LINE OF SAID QUARTER SECTION, 370.02 FEET; THENCE SOUTH 1°59'06" EAST, ALONG THE EAST LINE OF SAID QUARTER SECTION, 440.89 FEET TO POINT OF BEGINNING. CONTAINS 3.744 ACRES, MORE OR LESS.

is hereby changed from A (Agricultural) District to RMO (Multi-Dwelling Residential-Office) 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.

ADOPTED by the Governing Body of the City of Lawrence, Kansas, this ____ day of May, 2012.

APPROVED:

Robert J. Schumm
Mayor

ATTEST:

Jonathan M. Douglass
City Clerk

APPROVED AS TO FORM AND LEGALITY:

Toni R. Wheeler
City Attorney

NOTICE TO PUBLISHER

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