

**ORDINANCE NO. 8745**

**SPECIAL USE PERMIT NO. SUP-3-2-12**

**AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, GRANTING A SPECIAL USE PERMIT TO BISHOP SEABURY ACADEMY, A SPECIALLY PERMITTED USE, TO EXPAND THE SCHOOL PARKING LOT AND TO CONSTRUCT AN ADDITION TO THE SCHOOL'S MAIN CAMPUS BUILDING, ON CERTAIN REAL PROPERTY, COMMONLY KNOWN AS 4120 CLINTON PARKWAY, LAWRENCE, DOUGLAS COUNTY, KANSAS.**

**WHEREAS**, pursuant to City of Lawrence, Kan., Code § 20-402 (Jan. 1, 2011), as amended, a School is, upon the grant of a Special Use Permit, a permitted use in districts zoned RM12 (Multi-Dwelling Residential);

**WHEREAS**, the owner of record of the subject real property, commonly known as 4120 Clinton Parkway, Lawrence, Douglas County, Kansas, the legal description of which is set forth at Section 2, *infra*, which is currently zoned RM12, and which has a Special Use Permit to use the property as Bishop Seabury Academy, a School, wishes to expand the School parking lot and to construct an addition to the School's main campus building;

**WHEREAS**, the owner of record of the subject real property has filed a proper application for a Special Use Permit, No. SUP-3-2-12, to expand the School's parking lot and to construct an addition to the School's main campus building;

**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-3-2-12, be approved;

**WHEREAS**, on May 21, 2012, after giving due and lawful notice, the Lawrence-Douglas County Metropolitan Planning Commission conducted a public hearing on Special Use Permit, No. SUP-3-2-12;

**WHEREAS**, at its May 21, 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-3-2-12, permitting the applicant to expand the School's parking lot and to construct an addition to the School's main campus building; and

**WHEREAS**, at its June 5, 2012, public meeting, the Governing Body addressed the application for a Special Use Permit, No. SUP-2-1-12, 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-3-2-12, for the following legally described real property, situated in the City of Lawrence, Douglas County, Kansas, to-wit:

Lot 1, Block one, a Replat of Racquet Club Subdivision and a portion of the Alvarado Golf Course, in the City of Lawrence, Douglas County, Kansas,

permitting the subject real property, which has a Special Permit to be used as a School, to expand the School's parking lot and to construct an addition to the School's main campus building, subject to the conditions established in Section 3, *infra*.

**SECTION 3.** The Special Use Permit granted in Section 2, *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 the Special Use Permit for the issuance of a building permit related to the construction of the addition to the School's main campus building, the owner/applicant shall apply for and obtain approval of a local floodplain development permit.
- (b) Prior to the release of the Special Use Permit for the issuance of a building permit related to the expansion of the School's parking lot, the owner/applicant shall submit and obtain approval of a photometric plan for the proposed parking lot.
- (c) Prior to the release of the Special Use Permit for the issuance of a building permit related to the expansion of the School's parking lot, the owner/applicant shall execute a License Agreement with the City, governing the use of a portion of the Clinton Parkway frontage road for a portion of the School's proposed parking lot expansion.

**SECTION 4.** 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-3-2-12, in accordance with City of Lawrence, Kan., Code § 20-1605 (Jan. 1, 2011), as amended.

**SECTION 5.** 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 6:** 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 June, 2012.

**APPROVED:**

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Robert J. Schumm  
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

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**NOTICE TO PUBLISHER**

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