

**ORDINANCE NO. 8759**

**SPECIAL USE PERMIT NO. SUP-4-3-12**

**AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, GRANTING A SPECIAL USE PERMIT FOR A RETAIL/OFFICE BUILDING OFFERING FAST ORDER FOOD, WITH DRIVE-IN, ON CERTAIN REAL PROPERTY, GENERALLY LOCATED AT 650 CONGRESSIONAL DRIVE, WITHIN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.**

**WHEREAS**, pursuant to City of Lawrence, Kan., Code § 20-403 (Jan. 1, 2011), as amended, Fast Order Food, with Drive-In, is, upon the grant of a Special Use Permit, a permitted use in districts zoned CN2 (Neighborhood Commercial);

**WHEREAS**, the owner of record of the subject real property, located at 650 Congressional Drive, Lawrence, Douglas County, Kansas, 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 Retail/Office building offering Fast Order Food, with Drive-In;

**WHEREAS**, the owner of record of the subject real property has filed a proper application for a Special Use Permit, No. SUP-4-3-12, to use the subject real property for Fast Order Food, with Drive-In;

**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-4-3-12, be approved;

**WHEREAS**, on June 25, 2012, after giving due and lawful notice, the Lawrence-Douglas County Metropolitan Planning Commission conducted a public hearing on Special Use Permit, No. SUP-4-3-12;

**WHEREAS**, at its June 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, and voted to recommend to the City Commission that it grant the application for a Special Use Permit, No. SUP-4-3-12, permitting the applicant to use the subject property for an Office/Retail building offering Fast Order Food, with Drive-In; and

**WHEREAS**, at its July 10, 2012, public meeting, the Governing Body addressed the application for a Special Use Permit, No. SUP-4-3-12, 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-4-3-12, for the following legally described real property, situated in the City of Lawrence, Douglas County, Kansas, to-wit:

LOT 2, A FINAL PLAT FOR COLONIAL NORTHWEST NO.3 IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS. THE ABOVE CONTAINS 2.42 ACRES, MORE OR LESS.

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-4-3-12, to have the following special permitted use: Fast Order Food, with Drive-In.

**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) Submission and approval of a photometric plan for the new parking lot.
- (b) Submission and approval of building elevations compliant with the Commercial Design Guidelines.
- (c) Submission and approval of a Downstream Sanitary Sewer Analysis per AP-76, prior to the release of the site plan for issuance of a building permit.
- (d) Provision of a revised site plan to include the following changes:
  - (i) Revision of the legal description to reflect the platted lot less the right of way acquired for the West Sixth Street project; and
  - (ii) Notation of the deed book and page reference of the filed document that amends the cross access for this site to include the vacation of a portion of the existing north access easement.

**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-4-3-12, 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 July, 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.