

ORDINANCE NO. 8770

SPECIAL USE PERMIT NO. SUP-5-4-12

**AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS,
GRANTING A SPECIAL USE PERMIT FOR A SCRAP AND
SALVAGE USE ON CERTAIN REAL PROPERTY, LOCATED AT
1006 E 11th STREET WITHIN THE CITY OF LAWRENCE,
DOUGLAS COUNTY, KANSAS.**

WHEREAS, pursuant to City of Lawrence, Kan., Code § 20-403 (Jan. 1, 2011), as amended, a Recycling Facilities, Processing Center is a permitted use in districts zoned IG (General Industrial);

WHEREAS, pursuant to City of Lawrence, Kan., Code § 20-403 (Jan. 1, 2011), as amended, a Scrap and Salvage Operation is, upon the grant of a Special Use Permit, a permitted use in districts zoned IG (General Industrial);

WHEREAS, the owner of record of the subject real property, commonly known as 1006 East 11th Street, 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 IG, for a Recycling Facilities, Processing Center and a Scrap and Salvage Operation;

WHEREAS, the owner of record of the subject real property has filed with the City of Lawrence, Kansas, proper application for a Special Use Permit, No. SUP-5-4-12, to use the subject real property for a Scrap and Salvage Operation;

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-5-4-12, be approved;

WHEREAS, on July 23, 2012, after giving due and lawful notice, the Lawrence-Douglas County Metropolitan Planning Commission conducted a public hearing on Special Use Permit, No. SUP-5-4-12;

WHEREAS, at its July 23, 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 unanimously to recommend to the City Commission that it grant the application for a Special Use Permit, No. SUP-5-4-12, permitting the applicant to use the subject property for a Scrap and Salvage Operation; and

WHEREAS, at its August 7, 2012, public meeting, the Governing Body addressed the application for a Special Use Permit, No. SUP-5-4-12, 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 5-4-12, for the following legally described real property, situated in the City of Lawrence, Douglas County, Kansas, to-wit:

LOT 1, BLOCK 1, FINAL PLAT OF CONSOLIDATED LUMBER ADDITION, A
SUBDIVISION 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-5-4-12, to have the following special permitted use: Scrap and Salvage Operation.

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) Execution of a Site Plan Performance Agreement.
- (b) Provision of a photometric plan in accordance with City of Lawrence, Kan., Code § 20-1103 (Jan. 1, 2011), as amended, for review and approval prior to the release of the Site Plan for issuance of a Building Permit.
- (c) Provision of a revised Site Plan showing the location and the deed book and page reference for any easement dedicated to cover any private services line that accesses the public infrastructure and crosses separate parcels of land.
- (d) Provision of a DSSA for the proposed build-out condition of the property per the specifications of the City Utility Department in the form of a fixture count analysis.
- (e) Provision of a Site Plan note including the following language: "No open burning of junked, salvaged, or discarded material shall be permitted."
- (f) The Site Plan shall be revised to show the required amount of 440 square feet of interior landscaping.
- (g) The Site Plan shall note that the owner is responsible for maintaining the property, especially the perimeter fencing, in a litter-free manner.
- (h) The Site Plan shall note that the operation shall comply with all state and local solid and hazardous waste laws and standards, particularly as they relate to the removal and disposal of vehicular fluids.
- (i) The Site Plan shall note a restriction on the hours of operation for the outdoor crushing of vehicles and loading of bulk materials into semi-trucks as follows:

Monday through Friday: 8:00 a.m. to 6:00 p.m.
Saturday: 8:00 a.m. to 4:00 p.m.

Sunday: Prohibited.

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-5-4-12, 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 August, 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.