

ORDINANCE NO. 8787

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, CORRECTING A CLERICAL ERROR IN ORDINANCE NO. 8474, REPEALING THE SAME, IN ITS ENTIRETY, AND REPLACING IT WITH THIS ORDINANCE, PERTAINING TO THE REZONING OF APPROXIMATELY 7.02 ACRES FROM COUNTY A (AGRICULTURAL) DISTRICT TO CITY RM12-FP (MULTI-DWELLING RESIDENTIAL-FLOODPLAIN OVERLAY) 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 August 24, 2009, the owners of record of the subject property, the legal description of which is set forth in Section 3, *infra*, filed with the Lawrence-Douglas County Metropolitan Planning Office, Rezoning Application, No. Z-8-14-09, seeking to rezone the base district of the subject property, together with an additional 25.67 acres, from County A (Agricultural) to City RM12 (Multi-Dwelling Residential) District;

WHEREAS, on August 24, 2009, the owners of record of the subject property, the legal description of which is set forth in Section 3, *infra*, filed with the Lawrence-Douglas County Metropolitan Planning Office, Rezoning Application, No. Z-8-16-09, seeking to rezone the base district of the subject property from RM12 (Multi-Dwelling Residential) District to RM12-FP (Multi-Dwelling Residential-Floodplain Overlay) District;

WHEREAS, on October 26, 2009, after due and lawful notice was given in accordance with K.S.A. 120757 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 Nos. Z-8-14-09 and Z-8-16-09.

WHEREAS, at the October 26, 2009, 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., Code § 20-1303, and amendments thereto, and voted to recommend to the City Commission that it approve Rezoning Application, Nos. Z-8-14-09 and Z-8-16-09, subject to the following condition:

1. The maximum allowed residential density shall not exceed 6 Dwelling Units per acre;

WHEREAS, at its November 10, 2009, public meeting, the Governing Body considered Rezoning Application, Nos. Z-8-15-09 and Z-8-16-09, and the recommendation of the Lawrence-Douglas County Metropolitan Planning Commission and, after receiving the relevant evidence and entertaining public comment, voted to approve the Rezoning Application, Nos. Z-8-14-09 and Z-8-16-09 subject to the following condition:

1. The maximum allowed residential density shall not exceed 6 Dwelling Units per acre;

WHEREAS, on December 5, 2009, Ordinance No. 8472, rezoning the subject property from County A (Agricultural) City RM12 (Multi-Dwelling Residential) District was published in the *Lawrence Journal-World* newspaper;

WHEREAS, on December 5, 2009, Ordinance No. 8474, rezoning the subject property from RM12 (Multi-Dwelling Residential) District to RM12-FP (Multi-Dwelling Residential-Floodplain Overlay) District was published in the *Lawrence Journal-World* newspaper;

WHEREAS, it was recently discovered that, as the result of change in policy as to the way overlay districts are rezoned, and because it omits the condition established by the Governing Body, Ordinance No. 8474 contains errors; and

WHEREAS, by this ordinance, the Governing Body corrects those errors and accurately sets forth the Governing Body's action in rezoning the subject property from County A (Agricultural) to City RM12-FP (Multi-Dwelling Residential-Floodplain Overlay) 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. Ordinance No. 8474 is, because of errors appearing therein, hereby repealed in its entirety, it being the intent of the Governing Body that this Ordinance supersede Ordinance No. 8474 in its entirety and replace it.

SECTION 3. The base zoning district classification for the following legally described real property, situated in the City of Lawrence, Douglas County, Kansas, to-wit:

A TRACT OF LAND CONTAINING 7.017 ACRES, MORE OR LESS, LOCATED IN THE NORTHWEST QUARTER OF SECTION 14 AND NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 13 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN LAWRENCE, DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID QUARTER SECTION 14; THENCE SOUTH 88°12'53" WEST, 50.00 FEET; THENCE SOUTH 01°47'07" EAST, 699.82 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01°47'07" EAST, 31.18 FEET; THENCE NORTH 88°12'53" EAST, 17.00 FEET; THENCE SOUTH 01°47'07" EAST, 330.00 FEET; THENCE SOUTH 88°12'53" WEST, 17.00 FEET; THENCE SOUTH 01°47'07" EAST 177.84 FEET; THENCE NORTH 88°12'53" EAST, 50.00 FEET; THENCE NORTH 88°12'44" EAST, 175.02 FEET; SOUTH 11°06'59" EAST, 85.87 FEET; THENCE NORTH 88°06'55" EAST, 1136.44 FEET; THENCE NORTH 01°49'40" WEST, 42.61 FEET; THENCE SOUTH 32°59'52" WEST, 40.49 FEET; THENCE NORTH 51°42'52" WEST, 38.14 FEET; THENCE NORTH 66°13'33" WEST, 36.71 FEET; THENCE NORTH 76°38'37" WEST, 157.87 FEET; THENCE NORTH 54°23'53" WEST, 80.36 FEET; THENCE NORTH 38°45'17" WEST, 304.13 FEET; THENCE NORTH 28°15'28" WEST, 44.59 FEET; THENCE NORTH 60°20'24" WEST, 95.27 FEET; THENCE NORTH 20°16'10" WEST, 57.74 FEET; THENCE SOUTH 26°53'57" WEST, 78.36 FEET; THENCE SOUTH 57°07'11" WEST, 81.24 FEET; THENCE SOUTH 46°05'39" WEST, 69.01 FEET; THENCE NORTH 76°08'18" WEST, 46.00 FEET; THENCE NORTH 38°43'57" WEST, 53.39 FEET; THENCE NORTH 50°56'08" WEST, 131.05 FEET; THENCE NORTH 78°04'53" WEST, 24.52 FEET; THENCE NORTH 36°14'30" WEST, 48.24

FEET; THENCE SOUTH 78°40'21" WEST, 55.61 FEET; THENCE NORTH 79°26'27" WEST, 66.22 FEET; THENCE NORTH 74°44'25" WEST, 57.55 FEET; THENCE NORTH 82°39'24" WEST, 83.98 FEET; THENCE NORTH 83°12'16" WEST, 29.17 FEET; THENCE NORTH 75°38'49" WEST, 19.67 FEET; THENCE NORTH 33°46'11" WEST, 38.66 FEET; THENCE SOUTH 89°27'29" WEST, 25.02 FEET; THENCE SOUTH 53°34'57" WEST, 28.37 FEET; THENCE SOUTH 88°02'24" WEST, 7.90 FEET; THENCE NORTH 56°38'08" WEST, 5.38 FEET TO THE POINT OF BEGINNING. THE ABOVE CONTAINS 11.377 ACRES, MORE OR LESS.

LESS THE FOLLOWING DESCRIBED TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 14 AND NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 13 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN LAWRENCE, DOUGLAS COUNTY, KANSAS:

COMMENCING AT THE NORTHWEST CORNER OF SAID QUARTER SECTION 14; THENCE SOUTH 88°12'53" WEST, 50.00 FEET; THENCE SOUTH 01°47'07" EAST, 731.00 FEET; THENCE NORTH 88°12'53" EAST, 17.00 FEET; THENCE SOUTH 01°47'07" EAST, 283.67 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88°10'13" EAST, 311.71 FEET; THENCE SOUTH 46°29'05" EAST, 266.04 FEET; THENCE NORTH 88°10'13" EAST, 516.19 FEET; THENCE SOUTH 47°04'17" EAST, 168.92 FEET; THENCE SOUTH 88°06'55" WEST, 913.12 FEET; THENCE NORTH 11°06'59" WEST, 85.87 FEET; THENCE SOUTH 88°12'44" WEST, 175.02 FEET; THENCE SOUTH 88°12'53" WEST, 50.00 FEET; THENCE NORTH 01°47'07" WEST, 177.84 FEET; THENCE NORTH 88°12'53" EAST, 17.00 FEET; THENCE NORTH 01°47'07" WEST, 46.33 FEET TO THE POINT OF BEGINNING. THE ABOVE CONTAINS 4.36 ACRES, MORE OR LESS.

is hereby changed from County A (Agricultural) District to RM12-FP (Multi-Dwelling Residential-Floodplain Overlay) District, as such district is defined in Chapter 20 of the "Code of the City of Lawrence, Kansas, 2011 Edition," and amendments thereto.

SECTION 4. The rezoning granted 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 condition:

- (a) The maximum allowed residential density shall not exceed 6 Dwelling Units per acre.

SECTION 5. 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 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 adoption and publication as provided by law.

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