

ORDINANCE NO. 8742

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, REZONING APPROXIMATELY 145 ACRES FROM A (AGRICULTURAL), AND B-1 (NEIGHBORHOOD BUSINESS) DISTRICTS, TO CC600 (COMMUNITY COMMERCIAL) 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 19, 2012, the owners of record of the subject property, the legal description of which is set forth in Section 2, *infra*, submitted to the Lawrence-Douglas County Planning Office the following applications related to the subject property: Rezoning Application, No. Z-3-2-12, seeking to rezone approximately 80 acres from A (Agricultural) District to CC400 (Community Commercial) District; Rezoning Application, No., Z-3-3-12, seeking to rezone approximately 45 acres from A (Agricultural) District to IL (Limited Industrial) District; and Rezoning Application, No. Z-3-4-12, seeking to rezone approximately 15 acres from A (Agricultural) and B-1 (Neighborhood Business) Districts to the CN2 (Neighborhood Commercial Center) District;

WHEREAS, it was subsequently determined that the requested zoning districts did not permit certain desired uses of the subject property and, accordingly, the owners of record of the subject property withdrew Rezoning Applications, Nos. Z-3-2-12, Z-3-3-12, and Z-3-4-12;

WHEREAS, on April 4, 2012, after the owners of record of the subject property consented to the proposed CC600 (Community Commercial) District classification, the City filed with the Lawrence-Douglas County Planning Office, Rezoning Application, No. Z-4-5-12, seeking to rezone the subject property from A (Agricultural) and B-1 (Neighborhood Business) Districts to CC600 (Community Commercial) District;

WHEREAS, on May 21, 2012, after due and lawful notice was given in accordance with K.S.A. 12-757 and City of Lawrence, Kan., Code § 20-1303 (Jan. 1, 2011), and amendments thereto, the Lawrence-Douglas County Metropolitan Planning Commission conducted a public hearing on Rezoning Application, No. Z-4-5-12;

WHEREAS, at the 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, reviewed the decision-making criteria set forth at City of Lawrence, Kan., § 20-1303 (Jan. 1, 2011), and amendments thereto, and voted to recommend to the City Commission that it approve Rezoning Application, No. Z-4-5-12, subject to certain conditions; and

WHEREAS, at its August 28, 2012, public meeting, the Governing Body considered Rezoning Application, No. Z-4-5-12, and 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. 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 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE 6TH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 01° 54' 03" WEST, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 01° 54' 03" WEST, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2,607.54 FEET TO THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 87° 28' 05" EAST, ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2,496.34 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SOUTH LAWRENCE TRAFFICWAY , SAID POINT BEING 154.55 FEET FROM THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 23° 45' 02" EAST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 109.79 FEET; THENCE, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 3,559.77 FEET, A DELTA ANGLE OF 07° 22' 06", AND A LONG CHORD BEARING SOUTH 06° 23' 24" EAST, A DISTANCE OF 457.47 FEET; THENCE SOUTH 02° 42' 21" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 708.78 FEET; THENCE SOUTH 09° 58' 29" WEST, ALONG SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 410.00 FEET; THENCE SOUTH 27° 50' 40" WEST, ALONG SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 881.14 FEET; THENCE SOUTH 67° 57' 57" WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 441.59 FEET; THENCE SOUTH 87° 34' 30" WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 325.01 FEET; THENCE SOUTH 75° 14' 06" WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 163.78 FEET TO A POINT ON THE NORTHERN RIGHT-OF-WAY OF U.S. HIGHWAY 40, SAID POINT BEING 40.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 87° 34' 28" WEST, ALONG SAID RIGHT-OF-WAY AND PARALLEL TO THE SOUTH LINE OF SAID QUARTER SECTION, A DISTANCE OF 1,162.06 FEET TO THE POINT OF BEGINNING. CONTAINS 145.037 ACRES, MORE OF LESS

is hereby changed from A (Agricultural) and B-1 (Neighborhood Business) Districts to CC600 (Community Commercial) District, as such district is defined in Chapter 20 of the "Code of the City of Lawrence, Kansas, 2011 Edition," and amendments thereto.

SECTION 3. The rezoning 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 condition:

The permitted uses of the subject property are restricted to those listed below:

Residential	Offices
Multi-Dwelling Structure (mixed use, 50% non-residential)	Administrative and Professional
Non-Ground Floor Structure (mixed use, 50% non-residential)	Financial, Insurance and Real Estate
Work-Live Unit (mixed use, 50% non-residential)	Other
Community Facilities	Parking
College/University	Accessory
Cultural Center/Library	Retail Sales and Services
Day Care Center	Business Support
Lodge, Fraternal and Civic Assembly	Food and Beverage
Postal and Parcel Service	Personal Convenience
Public Safety	Personal Improvement
Social Service Agency	Retail Sales, General (65,000 sq ft limit)
Utility Minor (P or SUP)	Transient Accommodations
Utility Major (SUP)	Hotel Motel, Extended Stay
Medical Facilities	Vehicle Sales & Service
Health Care Office/Clinic	Cleaning (car wash)
Outpatient Care Facility	Gas and Fuel Sales
Recreational Facilities	Industrial Facilities
Active Recreation	Manufacturing and Production Ltd (SUP)
Entertainment and Spectator Sports (General and Limited)	Manufacturing and Production Tech
Participant Sports and Recreation (Indoor and Outdoor)	Research Service
Passive Recreation	Wholesale Storage and Distribution
Nature Preserve / Undeveloped	Light
Private Recreation	Agriculture
Religious Assembly	Crop Agriculture
Religious Institution (Community or Neighborhood)	Communications Facilities
Eating and Drinking Establishments	Amateur and Receive Only (accessory)
Accessory Bar	Communications Service Establishment
Bar or Lounge	Telecommunication Antennae (accessory)
Brewpub	Telecommunication Tower (SUP)
Fast Order Food	Satellite Dish (accessory)
Fast Order Food with Drive-In	Recycling
Private Dining Establishments	Large Collection
Quality Restaurant	Small Collection

SECTION 4. 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 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 adoption 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.