

ORDINANCE NO. 8832

SPECIAL USE PERMIT NO. SUP-12-00220

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, GRANTING A SPECIAL USE PERMIT FOR A METERING STATION FOR THE CITY OF BALDWIN CITY AND RURAL WATER DISTRICT NO. 4, ON CERTAIN REAL PROPERTY LOCATED AT 4100 O'CONNELL ROAD, WITHIN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

WHEREAS, pursuant to City of Lawrence, Kan., Code § 20-403 (Jan. 1, 2011), as amended, a Minor Utility is, upon the grant of a Special Use Permit, a permitted use in districts zoned GPI-FP (General Public and Institutional Use with Floodplain Management Regulations Overlay);

WHEREAS, the City, as the owner of record of the subject real property, located at 4100 O'Connell Road, 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 GPI-FP, for a Minor Utility (Metering Station for the City of Baldwin City and Rural Water District No. 4);

WHEREAS, the City, as the owner of record of the subject real property has filed a proper application for a Special Use Permit, No. SUP-12-00220, to use the subject real property for a Minor Utility (Metering Station for the City of Baldwin City and Rural Water District No. 4);

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-12-00220, be approved;

WHEREAS, on December 10, 2012, after giving due and lawful notice, the Lawrence-Douglas County Metropolitan Planning Commission conducted a public hearing on Special Use Permit, No. SUP-12-00220;

WHEREAS, at its December 10, 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-12-00220, permitting the applicant to use the subject property for a Minor Utility (Metering Station for the City of Baldwin City and Rural Water District No. 4); and

WHEREAS, at its January 8, 2013 public meeting, the Governing Body addressed the application for a Special Use Permit, No. SUP-12-00220, 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 12-00220, for the following legally described real property, situated in the City of Lawrence, Douglas County, Kansas, to-wit:

TR OF LAND IN SECTIONS 15,16,17,20,21 & 22-13-20 DESC AS: BEG AT SW COR NW QR SD SEC 21 TH ON AZIMUTH (ASSUMED)358DEG38'13" COINCIDENT WITH W LINE OF S ONE HALF NW QR SD SEC 21 1329.24 FT TO NW COR OF SW QR NW QRTN ON AZIMUTH 268DEG17'25" COINCIDENT WITH S LINE OF N ONE HALF NE QR SD SEC 20 1995.5 FT TO INTERSEC OF SD S LINE & ELYR/W LINE AT&SF RR TH ON AZIMUTH 316DEG18'34" COINCIDENT WITH ELY R/W LINE SD AT&SF RR 740.93 FT TO PT IN CEN WAKARUSA CR,SD PT BEING 1874.56 FT N & 147.45 FT E OF NW COR SW QR SD SEC 20 TH ALONG CENTERLINE SD WAKARUSA CR THE FOLLOWING COURSES:ON AZIMUTH 38DEG46'26" 119.71 FT AZIMUTH 14DEG39'57" 181.49 FT AZIMUTH 352DEG54'27" 140.41 FT AZIMUTH 357DEG02'28" 58.34 FT AZIMUTH 338DEG22'20" 155.59 FT AZIMUTH 299DEG12'58" 239.18 FT AZIMUTH 288DEG09'29" 508.82 FT AZIMUTH 308DEG03'01" 183.22 FT AZIMUTH 344DEG34'12"208.25 FT AZIMUTH 04DEG43'31" 259.13 FT AZIMUTH 25DEG40'26" 571.74 FT AZIMUTH 50DEG36'10" 145.11 FT AZIMUTH 65DEG49'29" 160.36 FT AZIMUTH 115DEG40'26"131.87 FT TO PT ON W LINE OF SE QR SD SEC 17 THAT IS 1350.68 FT S OF NW COR SE QR SD SEC 17 AZIMUTH 115DEG40'26" 45.95 FT AZIMUTH 154DEG24'56" 218.19FT AZIMUTH 117DEG48'49" 144.2 FT AZIMUTH 101DEG10'56" 626.78FT AZIMUTH 95DEG14'18" 250.94 FT AZIMUTH 62DEG16'33" 244.62 FT AZIMUTH 357DEG17'40" 270.8 FT AZIMUTH 27DEG28'10" 55.36 FT AZIMUTH 08DEG51'44" 128.16 FT AZIMUTH 28DEG57'54" 212.15 FT AZIMUTH 79DEG57'31" 171.56 FT AZIMUTH 132DEG50'55" 966.63 FT AZIMUTH 123DEG44'05" 271.22FT AZIMUTH 112DEG10'41" 84.64 FT TO PT ON W LINE OF SW QR SD SEC 16 THAT IS 729.51 FT N OF SW COR OF SW QR SD SEC 16 AZIMUTH 112DEG10'41" 283.72 FT AZIMUTH 93DEG10'08" 256.15 FT AZIMUTH 45DEG43'31" 137.33 FT AZIMUTH 03DEG03'00" 397.35 FT AZIMUTH 24DEG24'21" 101.45 FT AZIMUTH 57DEG47'48" 103.83 FT AZIMUTH 93DEG08'40" 187.24 FT AZIMUTH 104DEG00'21" 125.23 FT AZIMUTH 120DEG08'23" 183.68 FT AZIMUTH 100DEG30'17" 271.34 FT AZIMUTH 89DEG07'24" 146.68 FT AZIMUTH 72DEG36'50" 588.38 FT AZIMUTH 35DEG12'58" 222.9 FT AZIMUTH 20DEG57'08" 295.71 FT AZIMUTH 110DEG06'36" 207.2 FT AZIMUTH 145DEG20'43" 161.75 FTAZIMUTH 168DEG43'17" 348.65 FTAZIMUTH 212DEG39'54" 197.87 FTAZIMUTH 239DEG54'47" 457.95 FTAZIMUTH 143DEG42'27" 324.61 FTAZIMUTH 107DEG16'31" 210.51 FT TO PT ON E LINE SW QR SD SEC 16 THAT IS 410.55 FT N OF SE COR SW QR SD SEC 16 AZIMUTH 107DEG16'31" 33.4 FT AZIMUTH 30DEG13'47" 452.49 FT AZIMUTH 61DEG19'58" 267.27 FT AZIMUTH 130DEG43'23" 586.28 FT AZIMUTH 108DEG57'25" 528.35 FT AZIMUTH 74DEG44'22" 328.99 FT AZIMUTH 109DEG37'56" 692.6 FT AZIMUTH 102DEG11'26" 292.24 FT TO PT THAT IS 2689.35 FT S OF NE COR SE QR SD SEC 16 AZIMUTH 102DEG11'26" 198.78 FT AZIMUTH 118DEG06'16" 391.19 FT TO INTERSEC OF CENTER SD WAKARUSA CR & CENTERLINE COAL CR,SD PT BEING 311.41FT E & 130.43 FT S OF NW COR NW QR SD SEC 22 TH COINCIDENT WITH CENTERLINE SD COAL CR THE FOLLOWING COURSES:AZIMUTH 235D536.88A WHE (ANNEXED TO CITY OF LAWRENCE ORD NO 8181 FILED 10/16/2007 BK 1029/1746)(REPLACES 800861A,862A,880A,894A,904A,905,910,911A & 921)(SEE BK 1029/1746 FOR REMAINDER OF ORD)

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-12-00220, to have the following special permitted use: Minor Utility (Metering Station for the City of Baldwin City and Rural Water District No. 4).

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:

1. Provision of a revised Special Use Permit plan with the following changes:
 - a. The site summary table revised to include only the building and pavement areas as impervious surface.
 - b. If the Board of Zoning Appeals approves the variance from the Floodplain Management Regulations a note indicating the variance and the date of approval should be added. If the variance is not approved, the plan should be revised to remove the fill from the setback.
2. A copy of the recorded access easement shall be provided to the Planning Office prior to the release of the SUP plans for building permits and the book and page number shall be noted on the plan.
3. Approval of the Special Use Permit is contingent upon approval of a Floodplain Development Permit. The SUP will be released to Development Services for a building permit following the approval of a Floodplain Development Permit.

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-12-00220, 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 January, 2013.

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.