

**ORDINANCE NO. 8833  
SPECIAL USE PERMIT NO. SUP-12-00225**

**AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS,  
GRANTING A SPECIAL USE PERMIT FOR A SPORTS AND  
RECREATION CENTER, "ROCK CHALK PARK," ON CERTAIN  
REAL PROPERTY LOCATED GENERALLY IN THE  
NORTHEAST QUADRANT OF THE INTERSECTION OF WEST  
SIXTH STREET/U.S. HIGHWAY 40 AND KANSAS HIGHWAY 10  
(K-10), WITHIN THE CITY OF LAWRENCE, DOUGLAS  
COUNTY, KANSAS.**

**WHEREAS**, pursuant to City of Lawrence, Kan., Code § 20-218(f) (Jan. 1, 2011), as amended, in order to develop land zoned GPI (General Public and Institutional Use), the owner must, in accordance with City of Lawrence, Kan., Code § 20-1307 (Jan. 1, 2011), as amended, submit and receive from the City approval of an Institutional Development Plan;

**WHEREAS**, pursuant to City of Lawrence, Kan., Code § 20-1307(c)(2) (Jan. 1, 2011), as amended, to develop land zoned GPI (General Public and Institutional Use), where the site exceeds ten (10) acres in size, the owner must submit an application for a Special Use Permit, including a Site Plan, which upon approval by the City shall serve as the site's Institutional Development Plan;

**WHEREAS**, Fairway, LC, is the owner of record of certain real property located generally in the northeast quadrant of the intersection of West Sixth Street/U.S. Highway 40 and Kansas Highway 10 (K-10), Lawrence, Douglas County, Kansas ("the subject real property"), the legal description of which is set forth at Section 2, *infra*;

**WHEREAS**, the subject real property exceeds ten (10) acres in size and is currently zoned GPI (General Public and Institutional Use);

**WHEREAS**, Fairway, LC, as the owner of record, proposes to use the subject real property for a sports and recreation center, "Rock Chalk Park," which will include the following uses: Active Recreation; General Entertainment & Spectator Sports; Indoor Participant Sports & Recreation; Outdoor Participant Sports & Recreation; Passive Recreation; Health Care Office, Health Care Clinic; and Accessory Parking.

**WHEREAS**, Fairway, LC, as the owner of record of the subject real property has filed a proper application for a Special Use Permit, No. SUP-12-00225, to use the subject real property for "Rock Chalk Park";

**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-12-00225, 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-12-00225;

**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 to recommend (6-3, with one abstention) to the City Commission that it approve the application for a Special Use Permit, No. SUP-12-00225, permitting the owner/applicant to use the subject property for "Rock Chalk Park"; and

**WHEREAS**, at its January 8, 2013 public meeting, the Governing Body addressed the application for a Special Use Permit, No. SUP-12-00225, 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 and 20-1307(c)(2) (Jan. 1, 2011), as amended, the governing body of the City of Lawrence, Kansas, hereby grants to the owner/applicant Special Use Permit, No. SUP 12-00225, for the following legally described real property, situated in the City of Lawrence, Douglas County, Kansas, to-wit:

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE 6TH PRINCIPAL MERIDIAN IN DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 88° 03' 57" WEST, 2289.78 FEET ALONG THE SOUTH LINE OF SAID QUARTER SECTION TO THE EASTERLY LINE OF A RIGHT-OF-WAY DEEDED TO THE STATE OF KANSAS; THENCE ON A CURVE TO THE LEFT ALONG SAID RIGHT-OF-WAY, HAVING A RADIUS OF 4069.72 FEET, AN ARC LENGTH OF 287.97 FEET, A CHORD BEARING NORTH 12° 32' 44" WEST AND CHORD DISTANCE OF 287.91 FEET; THENCE NORTH 00° 20' 28" EAST ALONG SAID RIGHT-OF-WAY, 74.58 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY ON A MEASURED BEARING OF NORTH 46° 12' 54" EAST AND MEASURED DISTANCE OF 320.03 FEET; THENCE SOUTH 65° 51' 23" EAST, 378.00 FEET; THENCE NORTH 22° 02' 16" EAST 30.33 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 380.00 FEET, AN ARC LENGTH OF 563.28 FEET, A CHORD BEARING NORTH 25° 29' 49" WEST AND CHORD DISTANCE OF 513.11 FEET; THENCE NORTH 16° 58' 06" EAST, 93.80 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 170.00 FEET, AN ARC LENGTH OF 66.69 FEET, A CHORD BEARING NORTH 05° 43' 53" EAST AND A CHORD DISTANCE OF 66.26 FEET; THENCE NORTH 05° 30' 23" WEST, 284.93 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 380.00 FEET, AN ARC LENGTH OF 376.42 FEET, A CHORD BEARING NORTH 22° 52' 20" EAST AND CHORD DISTANCE OF 361.22 FEET; THENCE NORTH 51° 15' 03" EAST, 122.85 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 280.00 FEET, AN ARC LENGTH OF 462.36 FEET, A CHORD BEARING SOUTH 81° 26' 37" EAST AND CHORD DISTANCE OF 411.59 FEET; THENCE SOUTH 34° 08' 16" EAST, 136.57 FEET; THENCE NORTH 36° 50' 52" EAST, 105.91 FEET; THENCE NORTH 05° 32' 15" EAST, 56.74 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 250.00

FEET, AN ARC LENGTH OF 606.37 FEET, A CHORD BEARING NORTH 42° 26' 34" EAST AND CHORD DISTANCE OF 468.29 FEET; THENCE SOUTH 79° 27' 52" EAST, 120.73 FEET; THENCE NORTH 66° 27' 53" EAST, 735.30 FEET TO THE EAST LINE OF SAID QUARTER SECTION; THENCE SOUTH 02° 00' 44" EAST ALONG SAID EAST LINE, 2270.86 FEET TO THE POINT OF BEGINNING. CONTAINING 89.812 ACRES.

permitting the subject real property to have those uses 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-12-00225, to have the following uses: Active Recreation; General Entertainment & Spectator Sports; Indoor Participant Sports & Recreation; Outdoor Participant Sports & Recreation; Passive Recreation; Health Care Office, Health Care Clinic; and Accessory Parking.

**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 plan with the following changes:
  - a. Lots 1 and 2 shall be clearly identified and the boundaries delineated on the plan drawings. On Sheet SUP-3, identify Kansas Athletics Facilities identified as Lot 1 and City Facilities as Lot 2.
  - b. The named access drives, "Rock Chalk Parkway" and "Rock Chalk Lane," labeled as 'access drives'.
  - c. Parking related items:
    - (i) Location of the racks for the 153 bike parking spaces shall be shown per standards in Section 20-913(g).
    - (ii) Uses and parking requirements revised in Parking Summary as noted in staff report; include the 700 overflow parking spaces in the summary.
    - (iii) Dimension parking lot islands to insure compliance with code standards.
    - (iv) Note that parking lot islands will be landscaped with a minimum of 2 of the following materials: trees, shrubs, or ground cover.
    - (v) Provide 2 additional ADA parking spaces for a total of 32 spaces. Four of the 32 spaces shall be van accessible.
    - (vi) Note that the Planning Director approved the number of parking spaces provided on the plan and the use of shared parking based on the results of the parking study.

- (vii) Addition of recording information for shared parking agreement and maintenance agreement.
  - (viii) Provide a landscape table listing the interior landscaping for each parking lot per standards in Section 20-1003.
  - (ix) Add the required shrubs to the interior parking lot landscaping plans.
- d. The bufferyard lengths shall be noted on the plan and a bufferyard landscaping table provided. Bufferyard landscaping, trees and shrubs, shall be noted in the table per standards in Section 20-1005.
- e. Addition of a note on the plan that existing vegetation, where indicated on the plan, can serve as the bufferyard landscaping, but that bufferyard landscaping as required in Section 20-1005 would be provided in the event that the existing vegetation is removed during construction or damaged to the point the City Horticulture Manager determines that it needs to be replaced. New trees may be planted within the southern bufferyard to create a new tree row per the City Forestry Manager's specifications.
- f. Show the sight triangles at all intersections.
- g. Utility easements shall be revised as necessary for City Utilities Department and Westar approval.
- h. Show graphically the stands of trees that will be protected.
- i. Show graphically the location, within the City's Facilities, of the proposed Health Care Office, Health Care Clinic use.
- j. Addition of the following notes:
  - (i) *"Uses and facilities noted as 'future' are approved conceptually as shown on this SUP; however, the addition of the use will require submittal and approval of a revised SUP application through the SUP process, including a public hearing before the Planning Commission and approval by the City Commission."*
  - (ii) *"Trail locations shown on the SUP are approximate. Specific locations and surfacing will be approved by the City Commission."*
  - (iii) *"Alcohol sales and consumption are permitted on the premises with appropriate liquor licensing."*
  - (iv) *"The Planning Director administratively waived the requirement for a Type 1 Bufferyard for the west and north lot lines."*

- (v) *"The Planning Director waived the perimeter parking lot requirement for a wall or berm and approved the perimeter landscaping as shown on the plan."*
- (vi) *"The use of the recreation center building, soccer field, softball field, and track stadium shall be unrestricted for sports and athletic event related activities. Sports and athletic event related activities include, but are not limited to, the following, whether at the intercollegiate or other level:*
  - (A) *Softball, soccer, and track and field competitions, practices, and events;*
  - (B) *Parks and Recreation programmed events and athletic programs such as, but not limited to:*
    - (1) *Basketball, volleyball, gymnastics, community recreation programs, etc. contained within the building,*
    - (2) *Tennis play and tournaments at the tennis courts,*
    - (3) *3-on-3 basketball tournaments in the parking lot, etc.*
  - (C) *Recreational level sports – Ultimate Frisbee, flag football, etc., on the KA fields;*
  - (D) *Exhibition games and tournaments such as, but not limited to:*
    - (1) *Kansas Relays,*
    - (2) *Football/softball/soccer games and tournaments,*
    - (3) *Special Olympics,*
    - (4) *Cross Country meets,*
  - (E) *Marching band performances and practices."*
- (vii) *"Non-sport and non-athletic related events, located within the facilities or in the parking lots, shall require approval through the city's Special Event Permit process. Non-sport and non-athletic related activities include, but are not limited to:*
  - (A) *Music concerts,*
  - (B) *Festivals,*
  - (C) *Fairs,*

- (D) *BBQ cook-offs,*
  - (E) *Farmers' markets,*
  - (F) *Racing and vehicle exhibitions: BMX and Motocross racing, truck and tractor pulls, etc."*
  - (viii) *"Tennis court lights shall be shut off no later than 10:30 PM Sunday through Thursday and no later than 11:00 PM on Friday and Saturday nights. Stadium and other outdoor recreation lights shall be shut off no later than 11:30 PM throughout the week."*
  - (ix) *"The detention pond/drainage easement will be privately-owned and maintained. The developer is responsible for establishing ownership and maintenance of same via individual owner maintenance. No fences or structures other than necessary retaining walls and/or guardrails will be allowed within the drainage easements."*
  - (x) *"All curb inlets will be constructed per City storm sewer standard details."*
  - (xi) *"Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities boxes and meters, shall be fully screened from view of adjacent properties and from street rights-of-way (as measured 6 ft above ground level). Screening shall be in the form of landscape plantings or an architectural treatment compatible with the architecture of the principal building."*
2. A photometric plan for all exterior lighting shall be provided for review and approval by the City Commission prior to the release of the SUP plans for building permits.
  3. A shared parking agreement between the owner of Lot 1 and Lot 2 shall be executed prior to the issuance of building permits for any structure.
  4. A maintenance agreement between the owner of Lot 1 and Lot 2 shall be executed prior to the issuance of building permits for any structure.
  5. Provision of a revised drainage plan per the City Stormwater Engineer's approval.

**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-12-00225, 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.