

ORDINANCE NO. 8809

SPECIAL USE PERMIT NO. SUP-12-00100

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, GRANTING A SPECIAL USE PERMIT FOR A MINOR UTILITY (WESTAR ELECTRICAL SUBSTATION) ON CERTAIN REAL PROPERTY, LOCATED ON THE FORMER FARMLAND PROPERTY ON THE WEST SIDE OF O'CONNELL ROAD (EXTENDED), 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 (Westar Electrical Substation) is, upon the grant of a Special Use Permit, a permitted use in districts zoned IM (Medium Industrial);

WHEREAS, the City, as the owner of record of the subject real property, located on O'Connell Road (extended), Lawrence, Douglas County, Kansas, the legal description of which is set forth at Section 2, *infra*, intends to convey the property to Westar Energy to use the subject real property, which is proposed to be zoned IM, for a Minor Utility (Westar Substation);

WHEREAS, the City, as the owner of record of the subject real property has filed a proper application on behalf of Westar Energy for a Special Use Permit, No. SUP-12-00100, to use the subject real property for a Minor Utility (Westar Electrical Substation);

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-12-00100, be approved;

WHEREAS, on September 24, 2012, after giving due and lawful notice, the Lawrence-Douglas County Metropolitan Planning Commission conducted a public hearing on Special Use Permit, No. SUP-12-00100;

WHEREAS, at its September 24, 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 to the City Commission that it grant the application for a Special Use Permit, No. SUP-12-00100, permitting the applicant to use the subject property for a Minor Utility (Westar Electrical Substation); and

WHEREAS, at its October 23, 2012, public meeting, the Governing Body addressed the application for a Special Use Permit, No. SUP-12-00100, 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-12-00100, for the following legally described real property, situated in the City of Lawrence, Douglas County, Kansas, to-wit:

TRACT D, BLOCK A, IN THE FINAL PLAT FOR THE FORMER FARMLAND PROPERTY, A SUBDIVISION IN SECTION 4, TOWNSHIP 13 SOUTH, RANGE 20 EAST AND THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, 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-12-00100, to have the following special permitted use: Minor Utility (Westar Electrical Substation).

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) Review and approval of a landscape screening plan to be provided prior to final inspection of the substation improvements.
- (b) The property is rezoned to the IM District prior to issuance of the SUP.

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-12-00100, 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 February, 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.