

ORDINANCE NO. 9306

SPECIAL USE PERMIT NO. SUP-16-00361

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, GRANTING A SPECIAL USE PERMIT FOR MANUFACTURING AND PRODUCTION, LIMITED, ON THAT REAL PROPERTY, COMMONLY KNOWN AS 1501 LEARNARD AVENUE, LAWRENCE, DOUGLAS COUNTY, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

SECTION 1. In accordance with City of Lawrence, Kan., Code §§ 20-1306 and 20-1307(c)(2) (Jan. 1, 2015), as amended, the Governing Body of the City of Lawrence, Kansas, hereby grants to the owner/applicant, Special Use Permit, No. SUP-16-00361, for that real property, commonly known as 1501 Learnard Avenue, Lawrence, Douglas County, Kansas, and bearing the following legal description, to-wit:

A TRACT OF LAND IN NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE 6TH PRINCIPAL MERIDIAN IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT 231 FEET EAST FROM THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6; THENCE SOUTH 442 FEET, 2 INCHES; THENCE EAST 146 FEET; THENCE NORTH 125.1 FEET; THENCE EAST 250 FEET; THENCE NORTH 317 FEET; THENCE WEST 396 FEET TO POINT OF BEGINNING, LESS AND EXCEPT ANY PORTION THEREOF LYING IN LOT 1, PENCE ADDITION, AN ADDITION TO THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

permitting that real property to have that special use set forth in Section 2, *infra*, subject to the conditions established in Section 3, *infra*.

SECTION 2. The City hereafter permits the subject real property, as granted in Section 1, *supra*, in accordance with Special Use Permit, No. SUP-16-00361, to have the following special use: Manufacturing and Production, Limited.

SECTION 3. The Special Use Permit granted in Section 1, *supra*, and the permitted special use described 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, 2015 Edition, as amended, is also subject to the following special conditions:

- (a) The owner/applicant shall execute a site plan performance agreement.
- (b) The owner/applicant must, through the Major Subdivision process, plat the property prior to release of SUP plans to Development Services for the processing of any building permits.

- (c) The owner/applicant shall execute an Agreement Not to Protest the Formation of a Benefit District for sidewalk improvements along East 15th Street and Learnard Avenue when connecting sidewalks are available in the area, and deliver said agreement to the Planning Office for recording with the Office of the Register of Deeds for Douglas County, Kansas, prior to release of SUP plans to Development Services for the processing of any building permits.
- (d) The owner/applicant shall work with the Fire Code Official to address comments of the Fire & Medical Department and insure that the project complies with the Fire Code. Plans must be approved by Fire Code Official prior to release of SUP plans to Development Services for the processing of any building permits..
- (e) The owner/applicant shall submit a revised Special Use site plan with the following changes:
 - (i) Parking table revised as shown in Section 1 of the Site Plan portion of this report.
 - (ii) Site Summary Table revised to correct the 'proposed impervious surface' figure.
 - (iii) Show the gravel driveway apron on Learnard Avenue being replaced with concrete.
 - (iv) Show and label the west access point on E 15th Street as being closed and note that the area will be seeded with grass or other vegetation will be established.
 - (v) Include a building elevation.
 - (vi) Include the following notes:
 - (A) *"Existing vegetation along the west, southwest, and east sides of the property shall be retained to serve as a buffer from the adjacent residential uses. If this landscaping is removed or damaged to the point the Planning Director determines it no longer provides an effective buffer, Type 3 bufferyard plantings as required in Section 10-1005 of the Development Code will be planted in these areas by the property owner and street trees will be installed along Learnard Street, per the approval of the city Horticulture Manager."*
 - (B) *"Sidewalks are not required with this project, but an Agreement Not to Protest the Formation of a Benefit District for the future extension of sidewalks along East 15th Street and Learnard Avenue, when sidewalks are extended in these areas, has been*

recorded in the Office of the Register of Deeds for Douglas County, Kansas, in Book _____ at Page _____.

(C) "The owner/applicant shall comply with the standards included in the definition of the Manufacturing and Production, Limited use: no more than 20 employees, exterior storage is prohibited, and the use shall have few or no offensive external effects."

(vii) The location map shall be configured at a larger scale to more clearly show the location of the property.

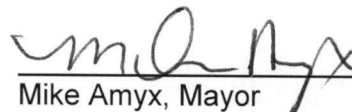
SECTION 4. Failure of the owner/applicant, or any successor or assign, to abide by the requirements of Chapter 20 of the Code of the City of Lawrence, Kansas, 2015 Edition, as amended, or the special conditions established in Section 3, *supra*, shall be cause for the City to revoke Special Use Permit, No. SUP-16-00361, in accordance with City of Lawrence, Kan., Code § 20-1605 (Jan. 1, 2015), as amended.

SECTION 5. If any section, sentence, clause, 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.

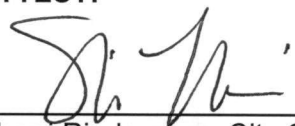
SECTION 6. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED by the Governing Body of the City of Lawrence, Kansas, this 6th day of November, 2016.

APPROVED:


Mike Amyx, Mayor

ATTEST:


Sherri Riedemann, City Clerk

APPROVED AS TO FORM:


Toni R. Wheeler, City Attorney