

ORDINANCE NO. 8706

SPECIAL USE PERMIT NO. SUP-11-5-11

**AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS,
GRANTING A SPECIAL USE PERMIT FOR DETACHED
DWELLINGS ON CERTAIN REAL PROPERTY, COMMONLY
KNOWN AS 1900 WEST 31ST STREET, WITHIN THE CITY OF
LAWRENCE, DOUGLAS COUNTY, KANSAS.**

WHEREAS, pursuant to City of Lawrence, Kan., Code § 20-402 (Jan. 1, 2011), as amended, Detached Dwellings are, upon the grant of a Special Use Permit, permitted uses in districts zoned RM12 (Multi-Dwelling Residential Districts);

WHEREAS, the owner of record of the subject real property, commonly known as 1900 West 31st Street, the legal description of which is set forth at Section 2, *infra*, proposes to use the subject real property, which is currently zoned RM12, for Detached Dwellings;

WHEREAS, the owner of record of the subject real property has filed with the City of Lawrence, Kansas, proper application for a Special Use Permit, No. SUP-11-5-11, to use the subject real property for Detached Dwellings;

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-11-5-11, be approved;

WHEREAS, at its January 25, 2011, 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-11-5-11, permitting the applicant to use the subject property for Detached Dwellings; and

WHEREAS, at its February 14, 2012, public meeting, the Governing Body addressed the application for a Special Use Permit, No. SUP-11-5-11, 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 11-5-11, 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 SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 19 EAST OF THE 6TH P.M., IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 12, THENCE N 87°42'29" E, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, 1607.74 FEET; THENCE NORTH 02°17'31" WEST, 50.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF 31ST STREET AS RECORDED IN BOOK 282 PAGE 643 AND THE EAST RIGHT-OF-WAY LINE OF OUSDAHL ROAD AS RECORDED IN BOOK 1078 PAGE 1045 AT THE DOUGLAS COUNTY REGISTER OF DEEDS; THENCE NORTH 02°17'31" WEST, ALONG THE EAST RIGHT-OF-WAY OF SAID OUSDAHL ROAD, 350.00 FEET; THENCE SOUTH 87°42'29" WEST, 40.00 FEET TO THE EAST LINE OF FIRST NATIONAL ADDITION, AN ADDITION TO THE CITY OF LAWRENCE; THENCE NORTH 02°17'31" WEST, 424.94 FEET TO THE NORTHEAST CORNER OF FIRST NATIONAL ADDITION; THENCE SOUTH 87°42'29" WEST, 807.91 FEET ALONG THE NORTH LINE OF SAID FIRST NATIONAL ADDITION, TO THE EAST LINE OF COMMERCE PLAZA ADDITION, AN ADDITION TO THE CITY OF LAWRENCE; THENCE NORTH 01°36'39" WEST, PARALLEL TO THE WEST LINE OF THE SAID SOUTHWEST QUARTER OF SECTION 12 AND ALONG THE EAST LINE OF SAID COMMERCE ADDITION, ALSO THE EAST LINE OF WILLEY'S AUTO ADDITION, AN ADDITION TO THE CITY OF LAWRENCE, 499.41 FEET TO THE SOUTH LINE OF NORWOOD ADDITION, AN ADDITION TO THE CITY OF LAWRENCE; THENCE NORTH 87°50'13" EAST, ALONG THE SOUTH LINE OF SAID NORWOOD ADDITION, THE SOUTH LINE OF MEADOW LEA ESTATES, AN ADDITION TO THE CITY OF LAWRENCE, AND NAISMITH VALLEY NO. 1, ALSO AN ADDITION TO THE CITY OF LAWRENCE, 1913.98 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 12; THENCE SOUTH 01°41'49" EAST ALONG SAID EAST LINE TO THE NORTH RIGHT-OF-WAY LINE OF 31ST STREET, 1270.09 FEET; THENCE SOUTH 87°42'29" WEST, ALONG SAID NORTH RIGHT-OF-WAY, 1058.80 FEET TO THE POINT OF BEGINNING. CONTAINING 41.150 ACRES MORE OR LESS.

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-11-5-11, to have the following special permitted use: Detached Dwellings.

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) Submission and approval of a local floodplain development permit prior to the release of the Special Use Permit for issuance of building permits.
- (b) Prior to the release of Special Use Permit, No. SUP-7-4-11, for the issuance of a building permit, the applicant shall submit to the Lawrence-Douglas County Metropolitan Planning Office, for review and approval, the following additional items and amendments:

- (i) Provision of a revised plan to include pedestrian lighting along interior sidewalks and the multi-use path.
- (ii) Provision of an addressing scheme proposing distinct references for each building.
- (iii) Provision of an exhibit designating minimum elevation of building openings for units adjacent to a drainage easement.
- (iv) Provision of additional detail to assure that fencing proposed for the site does not obstruct the multi-use path.
- (v) Provision of a revised General Note 19 that states: "All trash enclosures shall be constructed per City of Lawrence design specifications and shall be screened from view of adjacent properties and street rights-of-way per City of Lawrence Land Development Code Sec.20-1006(a)
- (vi) Provision of a revised plan per the approval of the City Stormwater Engineer that provides stormwater mitigation per Section 20-901(c).
- (vii) Provision of a revised plan to show and note the minimum number of required accessible parking spaces per City Code.
- (viii) The applicant shall, at its expense and prior to occupancy of any structures, install curbing and signs within city right-of-way at the driveway entrance of the Home Depot site at its intersection with Ousdahl Road, in a manner substantially similar to the example shown on this SUP (site plan shall be modified to show the public improvements). City shall notify owner of the Home Depot site of the planned right-of-way modifications and owner shall have the right to appeal the design to the City Commission.

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 one or more of the special conditions established in Section 4, *supra*, shall be cause for the City to revoke Special Use Permit, No. SUP-11-5-11, 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, 2012.

APPROVED:

Aron E. Cromwell, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Toni R. Wheeler
City Attorney

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.