

**ORDINANCE NO. 8773**

**SPECIAL USE PERMIT NO. SUP-5-6-12**

**AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, GRANTING A SPECIAL USE PERMIT FOR A MINOR UTILITY (PUMP STATION 15) ON CERTAIN REAL PROPERTY, LOCATED ON NORTH MICHIGAN STREET, EAST OF PIN OAK DRIVE, 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 (Pump Station 15) is, upon the grant of a Special Use Permit, a permitted use in districts zoned OS (Open Space);

**WHEREAS**, the City, as the owner of record of the subject real property, located on North Michigan Street, east of Pin Oak Drive, 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 OS, for a Minor Utility (Pump Station 15);

**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-5-6-12, to use the subject real property for a Minor Utility (Pump Station 15);

**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-5-6-12, be approved;

**WHEREAS**, on July 23, 2012, after giving due and lawful notice, the Lawrence-Douglas County Metropolitan Planning Commission conducted a public hearing on Special Use Permit, No. SUP-5-6-12;

**WHEREAS**, at its July 23, 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-5-6-12, permitting the applicant to use the subject property for a Minor Utility (Pump Station 15); and

**WHEREAS**, at its August 7, 2012, public meeting, the Governing Body addressed the application for a Special Use Permit, No. SUP-5-6-12, 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 5-6-12, for the following legally described real property, situated in the City of Lawrence, Douglas County, Kansas, to-wit:

LOT 1, BLOCK 1, FINAL PLAT OF PUMP STATION NO. 15, A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 12 SOUTH, RANGE 19 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-5-6-12, to have the following special permitted use: Minor Utility (Pump Station 15).

**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) The applicant shall provide a revised site plan with the following changes:
  - (i) Addition of a note indicating that the Board of Zoning Appeals approved the requested variance, B-5-9-12, to allow a ten foot (10') side yard setback on the north property line contingent upon the valid annexation and rezoning of the subject property;
  - (ii) Provision of dimensions showing the distance from the control panel to the north property line;
  - (iii) Provision of dimensions showing the width and length of the retaining wall and the height of the railing on the retaining wall; and
  - (iv) Correction of the impervious surface in the floodplain.
- (b) Approval of the Special Use Permit, No. SUP-5-6-12, is contingent upon approval of a Floodplain Development Permit. Special use Permit, No. SUP-5-6-12, shall only be released to Development Services for issuance of a building permit only after a Floodplain Development Permit application has been submitted and approved.

**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-5-6-12, 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 August, 2012.

**APPROVED:**

\_\_\_\_\_  
Robert J. Schumm  
Mayor

**ATTEST:**

\_\_\_\_\_  
Jonathan M. Douglass  
City Clerk

**APPROVED AS TO FORM AND LEGALITY:**

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Toni R. Wheeler  
City Attorney

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**NOTICE TO PUBLISHER**

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