

ORDINANCE NO. 8054

AN ORDINANCE PROVIDING FOR THE REZONING OF 4.54 ACRES FROM M-2 (GENERAL INDUSTRIAL) DISTRICT AND M-3 (INTENSIVE INDUSTRIAL) DISTRICT TO CS (COMMERCIAL STRIP) DISTRICT; AMENDING THE ZONING DISTRICT MAP INCORPORATED BY REFERENCE IN SECTION 20-108, OF THE "CODE OF THE CITY OF LAWRENCE, KANSAS, 2006 EDITION," AND AMENDMENTS THERETO.

WHEREAS, after due and lawful notice and hearing, the Lawrence-Douglas County Metropolitan Planning Commission on March 15, 2006, recommended that the zoning classification for the tract of land described in Section II of this ordinance all within the City of Lawrence, Douglas County, Kansas, be changed from M-2 (General Industrial) District and M-3 (Intensive Industrial) District to C-5 (Limited Commercial) District.

WHEREAS, after due and lawful notice the zoning recommendation came on for hearing before the governing body of the City of Lawrence, Douglas County, Kansas on August 8, 2006, and after due consideration and deliberation the recommended zoning change was authorized with the following list of uses excluded from this zoning change:

- Bars [unless 55% of gross receipts are derived from food sales as outlined in 20-509(5)(i)]
- Liquor Store
- Ambulance Service
- Car or Truck Wash
- Auto Repair
- ~~No~~ External drive-through ATM or drive-through window [walk-up ATM's are allowed]
- Furriers
- Pawn Shop
- Mobile Home Sales and Service
- Golf Driving Range
- Pet Store [animal sales]
- Loan Office [short-term cash advance loans]
- Convenience Store with Gasoline Sales; and,

WHEREAS, the Governing Body of the City of Lawrence, Kansas did on April 4, 2006, adopt Ordinance No. 7985, adopting the Development Code of the City of Lawrence, Kansas, (hereinafter "the Development Code") effective July 1, 2006; and

WHEREAS, the Governing Body of the City of Lawrence, Kansas did on April 4, 2006, adopt Ordinance No. 7986, adopting the Official Zoning District Map for the Development Code of the City of Lawrence, Kansas, effective July 1, 2006; and

WHEREAS, pursuant to Section 20-110 (e) of the Development Code, the Official Zoning District Map designations in effect before the effective date of the Development Code convert to New Map Designations set forth in the table in Section 20-110 (e); and

WHEREAS, pursuant to Section 20-110 (e) of the Development Code, the C-5 designation has converted to Commercial Strip District, CS designation.

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

SECTION I. The above stated recitals are by reference incorporated herein, and shall be as effective as if repeated verbatim.

SECTION II. That the zoning district classification for the following described tract of land situated in the City of Lawrence, Douglas County, Kansas, to-wit:

FROM M-2 TO C-5:

ALL OF LOTS 15, 17 AND 19 ON PENNSYLVANIA STREET IN THE ORIGINAL TOWNSITE OF THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS;  
AND,

THE WEST ONE-HALF OF PENNSYLVANIA STREET (80 FEET WIDE RIGHT-OF-WAY) FROM THE EASTERLY PROLONGATION OF THE LINE COMMON TO LOTS 19 AND 21 ON PENNSYLVANIA STREET TO 8<sup>TH</sup> STREET IN THE ORIGINAL TOWNSITE OF THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

CONTAINING A TOTAL OF 23,581 SQUARE FEET OR 0.54 ACRES, MORE OR LESS.

FROM M-3 TO C-5:

THE EAST ONE-HALF OF PENNSYLVANIA STREET (80 FEET WIDE RIGHT-OF-WAY) FROM 9<sup>TH</sup> STREET TO 8<sup>TH</sup> STREET IN THE ORIGINAL TOWNSITE OF THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS;  
AND,

ALL OF LOTS 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, AND 36 ON PENNSYLVANIA STREET IN THE ORIGINAL TOWNSITE OF THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS; AND ALSO,

THE 16 FEET WIDE ALLEY RUNNING NORTH AND SOUTH FROM 9<sup>TH</sup> STREET TO 8<sup>TH</sup> STREET BETWEEN PENNSYLVANIA STREET AND THE NORTHERLY EXTENSION OF DELAWARE STREET IN THE ORIGINAL TOWNSITE OF THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS; AND ALSO,

ALL OF LOTS 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, AND 23 ON DELAWARE STREET IN THE ORIGINAL TOWNSITE OF THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS;  
AND ALSO,

A PARCEL OF LAND IN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, KANSAS DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1 ON DELAWARE STREET; THENCE EAST 75 FEET; THENCE SOUTH 200 FEET; THENCE WEST 75 FEET; THENCE NORTH 200 FEET TO THE PLACE OF BEGINNING;  
AND ALSO,

A PARCEL OF LAND IN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, KANSAS DESCRIBED AS FOLLOWS: BEGINNING 117 FEET EAST OF THE NORTHWEST

CORNER OF SAID LOT 9 ON DELAWARE STREET IN THE ORIGINAL TOWNSITE OF THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS; THENCE SOUTH 50 FEET; THENCE WEST 75 FEET; THENCE NORTH 50 FEET; THENCE EAST 75 FEET TO THE PLACE OF BEGINNING;  
AND ALSO,

A PARCEL OF LAND IN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, KANSAS DESCRIBED AS FOLLOWS: BEGINNING 117 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT 17 ON DELAWARE STREET IN THE ORIGINAL TOWNSITE OF THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS; THENCE SOUTH 200 FEET; THENCE WEST 76 FEET; THENCE NORTH ALONG THE EAST LINE OF LOTS 23, 21, 19, AND 17 ON DELAWARE STREET, TO THE NORTH LINE OF SAID LOT 17; THENCE EAST TO THE POINT OF BEGINNING;  
AND ALSO,

A PARCEL OF LAND IN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, KANSAS DESCRIBED AS FOLLOWS: BEGINNING 117 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT 11 ON DELAWARE STREET IN THE ORIGINAL TOWNSITE OF THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS; THENCE SOUTH 150 FEET; THENCE WEST 75 TO THE SOUTHEAST CORNER OF SAID LOT 15; THENCE NORTH 150 FEET; THENCE EAST 75 FEET TO THE PLACE OF BEGINNING.

THE ABOVE DESCRIBED CONTAINING A TOTAL OF 4.00 ACRES, MORE OR LESS.

is hereby changed from that of M-2 (General Industrial) District and M-3 (Intensive Industrial) District to CS (Commercial Strip) District as such district is defined and prescribed in the Development Code of the City of Lawrence, Kansas, effective July 1, 2006, and amendments thereto, subject to use restrictions and additional restrictions of rezoning. The Restrictions and additional conditions of rezoning are set forth in this ordinance. The uses not permitted in this District include:

- Bars [unless 55% of gross receipts are derived from food sales as outlined in 20-509(5)(i)]
- Liquor Store
- Ambulance Service
- Car or Truck Wash
- Auto Repair
- ~~No~~ External drive-through ATM or drive-through window [walk-up ATM's are allowed]
- Furriers
- Pawn Shop
- Mobile Home Sales and Service
- Golf Driving Range
- Pet Store [animal sales]
- Loan Office [short-term cash advance loans]
- Convenience Store with Gasoline Sales; and,

The additional condition of rezoning for the property being rezoned from M-2 to C-5: Prior to the issuance of a building permit the property owner and City shall enter in to an agreement

whereby the property owner agrees to provide a portion of the dwelling units to be used for affordable housing as part of a continuing land trust.

SECTION III. That the Zoning District Map incorporated by reference in and by Section 20-108 of the "Code of the City of Lawrence, Kansas, 2006 Edition" is hereby amended by showing and reflecting thereon the new zoning district classification for the aforesaid tract, as set forth in Section II of this ordinance.

SECTION IV. 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, the 19 day of Dec, 2006.

APPROVED:



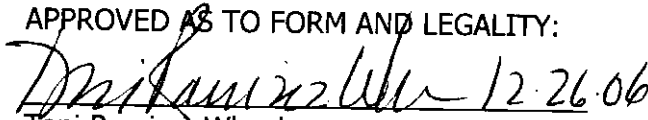
MIKE AMYX, Mayor

ATTEST:



Frank S. Reeb, City Clerk

APPROVED AS TO FORM AND LEGALITY:



Toni Ramirez Wheeler  
Interim Director of Legal Services

Date

LEGAL DESCRIPTION VERIFIED:



David R. Guntert, Planner

Date