

ORDINANCE NO. 8743

SPECIAL USE PERMIT NO. SUP-2-1-12

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, GRANTING A SPECIAL USE PERMIT FOR AN EXTENDED CARE MEDICAL FACILITY ON CERTAIN REAL PROPERTY, GENERALLY LOCATED ON THE WEST SIDE OF RESEARCH PARK DRIVE, SPECIFICALLY LOCATED IN THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 13 SOUTH, RANGE 19 EAST, WITHIN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

WHEREAS, pursuant to City of Lawrence, Kan., Code § 20-403 (Jan. 1, 2011), as amended, an Extended Care Medical Facility is, upon the grant of a Special Use Permit, a permitted use in districts zoned IBP (Industrial/Business Park);

WHEREAS, the owner of record of the subject real property, located generally on the west side of Research Drive, the legal description of which is set forth at Section 2, *infra*, proposes to use the subject real property, which is currently zoned IBP, for an Extended Care Medical Facility;

WHEREAS, the owner of record of the subject real property has filed a proper application for a Special Use Permit, No. SUP-2-1-12, to use the subject real property for an Extended Care Medical Facility;

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-2-1-12, be approved;

WHEREAS, on May 21, 2012, after giving due and lawful notice, the Lawrence-Douglas County Metropolitan Planning Commission conducted a public hearing on Special Use Permit, No. SUP-2-1-12;

WHEREAS, at its May 21, 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-2-1-12, permitting the applicant to use the subject property for an Extended Care Medical Facility; and

WHEREAS, at its June 5, 2012, public meeting, the Governing Body addressed the application for a Special Use Permit, No. SUP-2-1-12, 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-2-1-12, for the following legally described real property, situated in the City of Lawrence, Douglas County, Kansas, to-wit:

THE SOUTH 165 FEET OF A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 13 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, NOW DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTH LINE OF SAID QUARTER SECTION, SAID POINT BEING 1079.91 FEET WEST OF THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 00°44'28" EAST, 631.04 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE WEST RIGHT OF WAY LINE OF RESEARCH PARK DRIVE; THENCE CONTINUING SOUTH 00°44'28" EAST ALONG SAID WEST RIGHT OF WAY LINE, 879.00 FEET; THENCE SOUTH 88°20'02" WEST, 321.74 FEET TO THE NORTHEAST CORNER OF LOT B OF A LOT SPLIT OF LOTS 5, 6 AND 7, BLOCK 1, FOXFIRE ADDITION NO. 4, A SUBDIVISION IN THE CITY OF LAWRENCE; THENCE NORTH 01°38'21" WEST, 878.88 FEET TO THE NORTHEAST CORNER OF LOT 6, BLOCK 1, FOXFIRE ADDITION, A SUBDIVISION IN THE CITY OF LAWRENCE; THENCE NORTH 88°20'02" EAST, 335.51 FEET TO THE POINT OF BEGINNING.

THE ABOVE CONTAINS 1.223 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-2-1-12, to have the following special permitted use: Extended Care Medical Facility.

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) Prior to the release of the site plan for the issuance of a building permit, the owner/applicant shall:
 - (i) Submit, obtain approval, and record a final plat; and
 - (ii) Submit and obtain approval of a public improvement plan.
- (b) Prior to occupancy, the owner/applicant shall install all public improvements according to the approved public improvement plan.
- (c) The owner/applicant shall revise the site plan to note the particular phase number on each side of the various phase lines.
- (d) The owner/applicant shall provide a revised Special Use Permit drawing that includes a Landscape note that the owner is responsible for the

health and success of natural vegetation used for buffering. Loss or removal of existing vegetation shall result in the owner being required to provide a bufferyard planting compliant with the Land Development Code.

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-2-1-12, 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 June, 2012.

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.