

ORDINANCE NO. 8870

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, REZONING APPROXIMATELY 41.15 ACRES FROM RM12 (MULTI-DWELLING RESIDENTIAL) DISTRICT TO CR (REGIONAL COMMERCIAL) DISTRICT AND AMENDING THE CITY'S "OFFICIAL ZONING DISTRICT MAP," INCORPORATED BY REFERENCE INTO THE CITY CODE AT CHAPTER 20, ARTICLE 1, SECTION 20-108 OF THE "CODE OF THE CITY OF LAWRENCE, KANSAS, 2011 EDITION," AND AMENDMENTS THERETO.

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

SECTION 1. The base zoning district classification 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 (SW1/4) of Section Twelve (S 12), Township Thirteen South (T13S), Range Nineteen East (R19E) 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 (SW1/4) of Section (S 12); thence North 87°42'29" East, along the South line of said Southwest Quarter (SW1/4), 1607.74 feet; thence North 02°17'31" West, 50 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 said Southwest Quarter (SW1/4) of Section Twelve (S 12) and along the East line of said Commerce Plaza 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 (SW1/4) of said Section Twelve (S 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. (Contains 41.150 acres, more or less.)

is hereby changed from RM12 (Multi-Dwelling Residential) District to CR (Regional Commercial) District, as such district is defined and prescribed in Chapter 20 of the "Code of the City of Lawrence, Kansas, 2011 Edition," and amendments thereto.

SECTION 2. The rezoning granted in Section 1, *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) Development such as, but not limited to, buildings, parking lots, access drives, exterior storage, and like site elements shall be prohibited in the north two hundred feet (200') of the property being rezoned. Development such as designed open space, landscaping, stormwater-related improvements, hiking/biking trails, and like site elements shall be allowed in the north two hundred feet (200') of the property being rezoned.
- (b) The following uses shall be prohibited in this CR (Community Regional) District:
 - (i) Animal Services: Livestock Sales.
 - (ii) Eating and Drinking Establishments: Bar or Lounge.
 - (iii) Vehicle Sales and Service: Truck Stop, Heavy Equipment Repair, Inoperable Vehicles Storage; and
 - (iv) Industrial Facilities: Laundry Service.
- (c) A building permit for Phase I of the Menard's main building, planned for the property being rezoned, shall be obtained from the City no later than midnight, 12:00 a.m., July 1, 2015. Failure to obtain that building permit before the expiration of that deadline shall render this rezoning null and void and the property being rezoned shall, in that case, revert to its former base zoning district classification of RM12 (Multi-Dwelling Residential) District.

SECTION 3. 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 2, *supra*, shall be cause for the City to revoke the rezoning granted by this Ordinance.


SECTION 4. The "Official Zoning District Map," which is adopted and incorporated into the City Code by reference at City of Lawrence, Kan., Code § 20-108 (Jan. 1, 2011), is hereby amended by showing and reflecting thereon the new zoning district classification for the subject property as described in more detail in Section 2, *supra*.

SECTION 5. 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 6. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

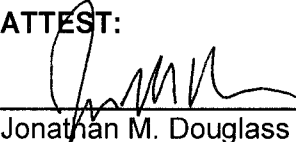
PASSED by the Governing Body of the City of Lawrence, Kansas, this 25th day of June, 2013.

APPROVED:




Michael Dever
Mayor

ATTEST:



Jonathan M. Douglass
City Clerk

APPROVED AS TO FORM AND LEGALITY:



Toni R. Wheeler
City Attorney