

ORDINANCE NO. Z-2956

SPECIAL USE PERMIT NO. 2002-26

AN ORDINANCE RELATING TO ZONING: AUTHORIZING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY.

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

SECTION 1. SPECIAL USE PERMIT GRANTED. Pursuant to regulations set forth in the Overland Park Municipal Code, Section 18.370, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property, to-wit:

Legal Description:

PART OF LOT 9 AND ALL OF LOT 10, COLLEGE SQUARE, SECOND PLAT:

DESCRIPTION: All that part of Lot 9 and all of Lot 10, COLLEGE SQUARE, SECOND PLAT, a subdivision of land in the Southeast  $\frac{1}{4}$  of Section 10, Township 13 South, Range 24 East, in the City of Overland Park, Johnson County, Kansas, being more particularly described as follows: Beginning at the Northeast corner of said Lot 10; thence South 87 degrees, 56 minutes, 39 seconds West, along the North line of said Lot 10 and said Lot 9, 463.96 feet to a point of curvature; thence Westerly, continuing along the North line of said Lot 9, on a curve to the left having a radius of 385 feet and tangent to the last described course, 10.07 feet; thence South 02 degrees, 04 minutes, 38 seconds East, 380.27 feet to a point on the South line of said Lot 9; thence North 87 degrees, 55 minutes, 20 seconds East, along the South line of said Lot 9, 253.75 feet to the Southeast corner of said Lot 9; thence North 42 degrees, 55 minutes, 20 seconds East, along the Southerly line of said Lot 10, 311.44 feet to the Southeast corner of said Lot 10; thence North 02 degrees, 03 minutes, 21 seconds West, along the East line of said Lot 10, 160.00 feet to the Point of Beginning.

Containing 156,012 square feet or 3.582 acres, more or less.

SECTION 2. That the real property hereinabove described shall hereafter allow a specialty hospital and surgical center for an indefinite period time.

All Zoning Ordinances or Zoning Regulations of the City of Overland Park, Kansas, affecting the use of the real property hereinbefore described which are inconsistent with this ordinance are hereby made inapplicable to the said property for said period of time.

SECTION 3. CONDITIONS AND STIPULATIONS. The special use permit granted in Sections 1 and 2 hereinabove in addition to full compliance with any general provisions

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contained in Chapter 18.370 of the Overland Park Municipal Code, Unified Development Ordinance, is hereby made contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions, and restrictions, of which the violation of any hereafter enumerated will be a supplementary basis for revocation in addition to those specified in Section 18.370.050, to-wit:

- a. The development shall be in accordance with Exhibit "A" (Site Plan) and Exhibit "B" (elevations), which is filed in the office of the Planning Commission Secretary at City Hall and which are incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Overland Park, unless specifically exempted by the Governing Body.
- b. The development shall be limited to 58,260 square feet.
- c. The number, location and geometrics of all driveways and parking areas are subject to review and approval by the Planning and Development Services Department. The site plan shall be modified to eliminate the dead-end aisle at the northeast corner of the site.
- d. Prior to publication of the rezoning ordinance, the owner and/or developer shall submit either \$33,208 cash or an Irrevocable Letter of Credit meeting the requirements of City policy in effect at the time of payment, for a term of one year. Irrevocable Letters of Credit are not renewable and may be redeemed at any time prior to the end of the one-year term. Said cash or Irrevocable Letter of Credit shall be deposited with the Director of Finance for the City of Overland Park. The funds collected shall be placed in an escrow account set aside for future unspecified transportation planning, design, construction or implementation, and operations in the corridor defined as containing Quivira Road and extending north to 103<sup>rd</sup> Street, east to U.S. 69 Highway, south to 119<sup>th</sup> Street, and west to Pflumm Road. Said work shall be above and beyond that listed in other stipulations to this rezoning.

In lieu of submission of the total amount of payment for unspecified transportation improvements, the owner or developer may submit partial payments, in cash, prior to the issuance of building permits for each phase of development according to the following schedule:

<u>Year of Application for Building Permit</u>	<u>Contribution/ Square-Foot of Gross Floor Area</u>
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2002	.570
2003	.627
2004	.689
2005	.758
2006	.834
2007	.917
2008	1.009
2009	1.110
2010	1.221
2011	1.343

NOTE: Any construction commencing after 2011 will be subject to the same 10 percent per year increase.

- e. Prior to or concurrent with the submission of plans for a building permit, the public storm sewer plans shall be submitted for review and approval.
- f. Prior to issuance of a site development or higher permit, the public storm sewer construction plans must be approved.
- g. Prior to the issuance of any form of Certificate of Occupancy, the developer shall construct the public storm sewer improvements subject to review and approval of the Engineering Services Division of the Planning and Development Services Department.
- h. The existing sanitary sewer easement shall be vacated prior to construction plan approval.

SECTION 4. TAKE EFFECT. This ordinance shall take effect and be in force from and after its publication in the Overland Park Sun, an official City newspaper.

PASSED by the City Council this 2<sup>nd</sup> day of December 2002.

APPROVED by the Mayor this 2<sup>nd</sup> day of December 2002.

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Ed Eilert, Mayor

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ATTEST:

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Marian Cook, City Clerk

APPROVED AS TO FORM:

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J. Bart Budetti, Senior Assistant City Attorney