

ORDINANCE NO. Z-4161

SPECIAL USE PERMIT NO. 2021-00014

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:

COMMENCING at the Northeast Corner of Lot 1, HIGHLANDS VILLAGE WEST, FIRST PLAT (Found 1/2" Bar with Cap "Phelps"); thence along the North line of said Lot 1, South 63°13'47" West, a distance of 192.31 feet to the POINT OF BEGINNING; thence continuing along said North line of Lot 1, South 63°13'47" West, a distance of 68.51 feet thence leaving said North line; thence North 26°46'13" West, a distance of 22.47 feet; thence North 23°54'09" West, a distance of 64.50 feet; thence North 64°02'38" East, a distance of 24.97 feet; thence South 51°45'08" East, a distance of 95.46 feet to the POINT OF BEGINNING

Section 2. That the real property hereinabove described shall hereafter allow a renewal of a communications tower for a ten-year period of 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 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" (Building Elevations), which are 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. Provided, subsequent revisions may be made thereto in accordance with the application, notice, and other requirements of O.P.M.C. Title 18. In addition, the development shall

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follow and comply with all regulations and standards of the City of Overland Park unless specifically exempted by the Governing Body.

- b. Within 90 days of City Council approval, the applicant will install a replacement evergreen tree on the west side of the enclosure for the existing dead tree.

Section 4. Take Effect. This ordinance shall take effect and be in force as of the date of its passage, approval and publication as provided by law.

PASSED by the City Council this 13th day of September, 2021.

APPROVED by the Mayor this 13th day of September, 2021.

CITY OF OVERLAND PARK, KANSAS

By: (s) Carl Gerlach
Carl Gerlach
Mayor

(SEAL)

ATTEST:

APPROVED AS TO FORM:

By: (s) Elizabeth Kelley
Elizabeth Kelley
City Clerk

By: (s) Stephen B. Horner
Stephen B. Horner
Senior Assistant City Attorney