

**ORDINANCE NO. Z-4156**

**SPECIAL USE PERMIT NO. 2021-00016**

**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:

A tract of land located in Lot 1, Shopping Center – N.E. Corner, 119th and Metcalf, according to the recorded plat thereof, in the SW quarter of Section 17, all in Township 13, Range 25, in Overland Park, Johnson County, Kansas, being more particularly described as follows:

Commencing at the SE corner of said Lot 1; thence North 15 degrees 59 minutes 52 seconds East along the East line of said Lot 1 a distance of 47.86 feet; thence North 74 degrees 00 minutes 08 seconds West leaving said East line a distance of 26.00 feet to the Point of Beginning of the tract of land to be described; thence South 80 degrees 20 minutes 05 seconds West a distance of 49.97 feet; thence North 02 degrees 03 minutes 35 seconds West a distance of 55.21 feet; thence North 87 degrees 46 minutes 25 seconds East a distance of 65.21 feet; thence South 02 degrees 14 minutes 20 seconds East a distance of 11.09 feet; thence South 20 degrees 39 minutes 56 seconds West a distance of 40.67 feet to the Point of Beginning. Contains 3039.3 square feet of 0.070 Acres, more or less.

**Section 2.** That the real property hereinabove described shall hereafter allow the renewal of a communications tower, for a 10-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

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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 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 any missing landscaping as shown on the approved landscape plan.

**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