

ORDINANCE NO. Z-4167

SPECIAL USE PERMIT NO. 2021-00022

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:

All that part of the southwest quarter of Section 5, Township 13, Range 25, in the City of Overland Park, Johnson County, Kansas, more particularly described as follows; commencing at the southwest corner of the southwest quarter of said section 5, thence North 87°48'41" East along the south line of the southwest quarter of said Section 5, a distance of 100.00 feet to the easterly right of way line of U.S. 69 (Metcalf Avenue), as now established; thence North 02°33'05" West along a line of 100 feet east of and parallel to the west line of the southwest quarter of said Section 5, and along the easterly right of way line of said U.S. Highway 69, a distance of 189.13 feet; thence north 87°52'20" East a distance of 279.38 feet; thence north 02°07'14" West a distance 62.80 feet to the true point of beginning; thence continuing north 02°07'14" West a distance of 20.00 feet; thence north 87°52'46" East a distance of 40.00 feet; thence south 02°07'14" East a distance of 20.00 feet; thence south 87°52'46" West a distance of 40.00 feet to the true point of beginning, containing 0.06 acres more or less.

Section 2. That the real property hereinabove described shall hereafter allow a 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 hereafter enumerated will be a supplementary basis for revocation in addition to those specified in Section 18.370.050, to-wit:

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- 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. 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.

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 4th day of October, 2021.

APPROVED by the Mayor this 4th day of October, 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