

ORDINANCE NO. Z-4222

SPECIAL USE PERMIT NO. 2022-00007

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 SUNSET HILL, a subdivision now in the City of Overland Park, as recorded in book 4 at page 3, Johnson County, Kansas, in the Northwest One-Quarter of Section 35, Township 12 South, Range 24 East, being a portion of Lot 4, SUNSET HILL as described in book 200706 at page 000628, Johnson County, Kansas and being more particularly described as follows:

Commencing at the Southwest corner of said Lot 4, SUNSET HILL; thence along the West line of said Lot 4, North 02 degrees 07 minutes 16 seconds West a distance of 25.00 feet to a point on the North right of way line of West 89th Street as now established, said point being the Point of Beginning; thence continuing North 02 degrees 07 minutes 16 seconds West along the West line of said Lot 4, a distance of 224.79 feet (225.00' calculated from plat) to the Northwest corner of said Lot 4; thence along the North line of said Lot 4, North 87 degrees 40 minutes 40 seconds East a distance of 216.79 feet; thence South 02 degrees 10 minutes 08 seconds East a distance of 224.89 feet (225.00' calculated from plat) to a point on the said North right of way line of West 89th Street; thence along said North right of way line, South 87 degrees 42 minutes 13 seconds West a distance of 216.98 feet to the Point of Beginning.

Section 2. That the real property hereinabove described shall hereafter allow a sports or recreation facility 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. Prior to the issuance of a building permit, the property shall be preliminary and final platted.
- c. Prior to the submittal of a building permit, the Planning Commission shall approve final development plans.
- d. Prior to the issuance of a certificate of occupancy, all rooftop, and ground-mounted mechanical equipment shall be screened from view with an architectural treatment that is compatible with the building architecture.
- e. The applicant agrees to rescind SUP1992-00010 on this portion of the property.
- f. The number, location, and geometrics of all driveways and parking areas are subject to review and approval by the Planning and Development Services Department.
- g. Concurrent with the submittal of construction plans for a site development or building permit, whichever comes first, the developer’s engineer shall provide a Final Stormwater Management Study that addresses any outstanding items from the Preliminary Stormwater Management Study and includes any design changes. The study shall be approved prior to the issuance of a permit.
- h. Prior to the issuance of a certificate of occupancy, all new private sidewalks shall comply with the City’s standard details for private sidewalks and sidewalk ramps, unless waived by the Director of Planning and Development Services (Section 18.130.015). Noncompliant pedestrian routes shall be clearly identified on the plans and comply with the building code.
- i. Prior to the issuance of a certificate of occupancy, a public sidewalk shall be constructed in the standard location along the 89th Street right-of-way.
- j. Prior to the issuance of a site development or building permit, whichever comes first, the owner/developer shall submit a covenant to maintain private parking facilities

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agreement for review and approval by the Engineering Services Division. The covenant to maintain private parking facilities agreement shall be submitted to the Engineering Services Division for recording at the Johnson County Department of Records and Tax Administration with the recording fee paid by the owner/developer.

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 09th day of May, 2022.

APPROVED by the Mayor this 09th day of May, 2022.

CITY OF OVERLAND PARK, KANSAS

By: (s) Curt Skoog
Curt Skoog
Mayor

(SEAL)

ATTEST:

APPROVED AS TO FORM:

By: (s) Elizabeth Kelley
Elizabeth Kelley
City Clerk

By: (s) Trevor L. Stiles
Trevor L. Stiles
Senior Assistant City Attorney