

ORDINANCE NO. Z-4225

AN ORDINANCE OF THE CITY OF OVERLAND PARK, KANSAS REVOKING SUP1978-00013 TO ALLOW A TENNIS COURT AND ASSOCIATED PARKING AT THE SOUTHEAST CORNER OF 127TH TERRACE AND BALLENTINE STREET, OVERLAND PARK, KANSAS; REVOKING SUP1984-00063 TO ALLOW A LIGHTED RIDING ARENA AT THE SOUTHEAST CORNER OF 132ND STREET AND ANTIOCH ROAD, OVERLAND PARK, KANSAS; REVOKING SUP1985-00081 TO ALLOW NEW CAR STORAGE AT 7700 METCALF AVENUE, OVERLAND PARK, KANSAS; REVOKING SUP1988-00025 TO ALLOW AN OFFSITE PARKING AREA AT 15225 BROADMOOR STREET, OVERLAND PARK, KANSAS; REVOKING SUP1991-00034 TO ALLOW A ROOSTER ON SITE UNTIL THE ROOSTER PASSED AT 2396 WEST 151ST STREET, OVERLAND PARK, KANSAS; REVOKING SUP2002-00026 TO ALLOW A HOSPITAL USE AT 12101 AND 12201 WEST 110TH STREET, OVERLAND PARK, KANSAS; REVOKING SUP2011-00026 TO ALLOW AN ASSISTED LIVING FACILITY AT 12101 AND 12201 WEST 110TH STREET, OVERLAND PARK, KANSAS; REVOKING SUP1969-00001 TO ALLOW AN EXPANDED PARKING AREA FOR A MCDONALD'S RESTAURANT AT 7721 FLOYD STREET, OVERLAND PARK, KANSAS; AND REVOKING SUP1971-00020, FOR AN EXPANDED PARKING AREA FOR A MCDONALD'S RESTAURANT AT 7723 FLOYD STREET, OVERLAND PARK, KANSAS.

WHEREAS, on July 17, 1978, the Governing Body of the City of Overland Park, Kansas, approved Ordinance No. Z-898, which approved SUP1978-00013, in order to allow a tennis court and associated parking at the southeast corner of 127th Terrace and Ballentine Street, Overland Park, Kansas and legally described as: Block 2, Lots 13 and 14, White Fox Estates Subdivision, Overland Park, Johnson County, Kansas; the property was subsequently developed with two single-family houses; and

WHEREAS, on November 5, 1984, the Governing Body of the City of Overland Park, Kansas approved Ordinance No. Z-1448, which approved SUP1984-00063 in order to allow a lighted riding arena at the southeast corner of 132nd Street and Antioch Road, Overland Park, Kansas, and legally described as:

The South 250 feet of the North 1030.5 feet of the Northwest Quarter of the Southwest Quarter of Section 30, Township 13, Range 25, Johnson County, Kansas, more particularly described as follows: Beginning 780.5 feet south of the Northwest corner of said Northwest Quarter of the Southwest Quarter; thence East parallel to the North line of said Northwest Quarter of the Southwest Quarter, a distance of 1328.27 feet to the East line of said Northwest Quarter of the Southwest Quarter; thence South along said East line, a distance of 250 feet; thence West parallel to said North line, a distance of 1328.18 feet to the West line of said Northwest Quarter of the Southwest Quarter, thence North 250 feet to the point of beginning.

; the property was subsequently developed with multi-family apartments; and

WHEREAS, on December 16, 1985, the Governing Body of the City of Overland Park, Kansas approved Ordinance No. Z-1572, which approved SUP1985-00081, in order to allow new car storage at 7700 Metcalf Avenue, Overland Park, Kansas, and legally described as:

The North 75 feet of Lot 26, Martys Second Addition to the City of Overland Park, Johnson County, Kansas, except that part in the streets, commonly known as 7701 Floyd.

South 81.5 feet of the north 156.5 feet of Lot 26, Martys Second Addition, a subdivision in the City of Overland Park, Johnson County, Kansas, commonly known as 7709 Floyd.

The South 75 feet of the north 231.5 feet of Lot 26, Martys Second Addition to the City of Overland Park, a subdivision of Johnson County, commonly known as 7715 Floyd.

; the property was subsequently developed with a McDonald's Restaurant; and

WHEREAS, on June 20, 1988, the Governing Body of the City of Overland Park, Kansas approved Ordinance No. Z-1861, which approved SUP1988-00025, at 15225 Broadmoor Street, Overland Park, Kansas in order to allow an offsite parking area, and legally described as:

All that part of the NW 1/4 of the NW 1/4 of Sec. 8, T. 14, R. 25, in Johnson County, Kansas, described as follows:

Commencing at the SW corner of Lot #1, Block #7, LIGON'S FIRST ADDITION to STANLEY; thence South along the Southerly extension of the West line of said lot #1, a distance of 107.29 feet; thence East at right angles to the last course a distance of 175 feet; thence North a distance of 66.92 feet to the center line of the abandoned K.C.C. & S. Railroad; thence Westerly along said center line on a curve to the left having a radius of 1910 feet for a distance of 36.64 feet to a point due South of the SE corner and on the Southerly extension of the East line of Lot #6, Block #7, of said LIGON'S subdivision; thence West 139.5 feet to the point of begining.

Property herewith described contains approximately .55 acres.

; the property was subsequently developed with an industrial building with associated parking and a duplex.

WHEREAS, on October 14, 1991, the Governing Body of the City of Overland Park, Kansas approved Ordinance No. Z-2120, which approved SUP1991-00034, to allow a rooster on site until the rooster passed at 2396 West 151st Street, Overland Park, Kansas, and legally described as:

Beginning 300 feet West of the SE corner of the SE quarter of Section 3, Township 14, Range 25, Johnson County Kansas. Thence North 163 feet, thence West 100 feet, thence South 163 feet, thence East 100 feet to the point of beginning. Subject to that part taken for 151st and beginning 400 feet West of the SE corner of the SE quarter, thence North 163 feet, thence West 63 feet, thence South 163 feet, thence East 63 feet to the point of beginning.

; approximately over 30 have passed since the granting of this special use permit and the Rooster is assumed to have since passed; and

WHEREAS, on December 16, 2002, the Governing Body of the City of Overland Park, Kansas approved Ordinance No. Z-2956, which approved SUP2002-00026, in order to allow a hospital use at 12101 and 12201 West 110th Street, Overland Park, Kansas, and legally described as:

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.

; subsequently the property was developed with office buildings; and

WHEREAS, on January 9, 2012, the Governing Body of the City of Overland Park, Kansas approved Ordinance No. Z-3513, which approved SUP2011-00026, to allow an assisted living facility at 12101 and 12201 West 110th Street, Overland Park, Kansas, and legally described as:

Lot 9B, according to the Certificate of Survey filed in volume 5081, Page 138 of Lot 9, College Square, Second Plat, a subdivision of land in the City of Overland Park, Johnson County, Kansas and all of Lot 10 of said College Square, Second Plat, being more particularly described as follows:

Commencing at the Southeast corner of the Southeast One-Quarter of Section 10, Township 13 South, Range 24 East; thence North 02 degrees 05 minutes 25 seconds West on the East line of the said Southeast One-Quarter, a distance of 969.95 feet to a point; thence South 87 degrees 56 minutes 39 seconds West, a distance of 709.98 feet to a point; thence South 02 degrees 03 minutes 21 seconds East a distance of 40.00 feet to the Northeast corner of said Lot 10, College Square, Second Plat, said point being the Point of Beginning; thence South 02 degrees 03 minutes 21 seconds East, a distance of 160.00 feet to a point; thence South 42 degrees 55 minutes 20 seconds West, a distance of 311.44 feet to a point; thence South 87 degrees 55 minutes 20 seconds West, a distance of 253.75 feet to a point; thence North 02 degrees 04 minutes 40 seconds West, a distance of 380.27 feet to a point in a curve; thence Easterly on a curve to the right having a radius of 385.00 feet, an initial tangent bearing of North 86 degrees 26 minutes 46 seconds East and an arc length of 10.08 feet to a point; thence North 87 degrees 56 minutes 39 seconds East, a distance of 463.96 feet to the Point of Beginning and containing 3.5815 acres, more or less.

; subsequently the property was developed with office buildings; and

WHEREAS, on April 28, 1969, the Governing Body of the City of Overland Park, Kansas approved Ordinance No. Z-425, which approved SUP1969-00001, to allow for an expanded parking area for a McDonald's Restaurant at 7721 Floyd Street, Overland Park, Kansas, and legally described as: The South 75 feet of Lot 26, Marty's Second Addition, a subdivision in Overland Park, Johnson County, Kansas; subsequently the property was developed with a new car sales lot; and

WHEREAS, on November 15, 1971, the Governing Body of the City of Overland Park, Kansas approved Ordinance No. Z-547, which approved SUP1971-00020, for an expanded parking area for a McDonald's Restaurant at 7723 Floyd Street, Overland Park, Kansas, and legally described as: North 60 feet of Lot 35, Marty's Second Addition, a subdivision in Overland Park, Johnson County, Kansas; subsequently the property was developed with a new car sales lot; and

WHEREAS, pursuant to UDO Section 18.370.050, the Director of Planning and Development Services submitted a report dated April 25, 2022, to the Governing Body recommending that a public hearing be scheduled for the City Council meeting at 7:30 p.m. on June 6, 2022, to consider the revocation of SUP1978-00013, SUP1984-00063, SUP1985-00081, SUP1988-00025, SUP1991-00034, SUP2002-00026, SUP2011-00026, SUP1969-00001, and SUP1971-00020 and providing the reasons therefore; and

WHEREAS, Resolution No. 4812 provided scheduled a public hearing for the City Council meeting on June 6, 2022, to consider the revocation of SUP1978-00013, SUP1984-00063, SUP1985-00081, SUP1988-00025, SUP1991-00034, SUP2002-00026, SUP2011-00026, SUP1969-00001, and SUP1971-00020; and

WHEREAS, a public hearing was held June 6, 2022, in the Council Chambers of Overland Park City Hall to address the question of whether to revoke SUP1978-00013, SUP1984-00063, SUP1985-00081, SUP1988-00025, SUP1991-00034, SUP2002-00026, SUP2011-00026, SUP1969-00001, and SUP1971-00020.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS, AS FOLLOWS:

Section 1. The “WHEREAS” clauses set forth above are hereby incorporated by reference as if fully set forth herein.

Section 2. SUP1978-00013 is hereby revoked.

Section 3. SUP1984-00063 is hereby revoked.

Section 4. SUP1985-00081 is hereby revoked.

Section 5. SUP1988-00025 is hereby revoked.

Section 6. SUP1991-00034 is hereby revoked.

Section 7. SUP2002-00026 is hereby revoked.

Section 8. SUP2011-00026 is hereby revoked.

Section 9. SUP1969-00001 is hereby revoked.

Section 10. SUP1971-00020 is hereby revoked.

Section 11. This Ordinance shall take effect and be in force as of the date of its passage, approval and publication as provided by law.

Remaining Page Intentionally Left Blank.

PASSED by the City Council this 6th day of June, 2022.

APPROVED by the Mayor this 6th day of June, 2022.

CITY OF OVERLAND PARK, KANSAS

(s) Curt Skoog
Curt Skoog, Mayor

(SEAL)

ATTEST:

APPROVED AS TO FORM:

(s) Elizabeth Kelley
Elizabeth Kelley, City Clerk

(s) Trevor Stiles
Trevor Stiles, Sr. Assistant City Attorney