

ORDINANCE NO. Z-4227

SPECIAL USE PERMIT NO. 2022-00011

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 Northeast Quarter of Section 19, Township 12 South, Range 25 East, in the City of Overland Park, Johnson County, Kansas, described as follows:

Commencing at the Southeast Corner of the Northeast Quarter of said Section 19; thence South 89°57'00" West, along the South line of the Northeast Quarter of said Section 19, a distance of 1,473.00 feet to the Point of Beginning; thence continuing South 89°57'00" West, along the South line of the Northeast Quarter of said Section 19, a distance of 25.00 feet to the East line of a property described in a Kansas Special Warranty Deed recorded October 21, 2003, as Document Number 3736502, in Book 9608 at Page 246, at the Johnson County Register of Deeds office; thence the following four (4) described courses along the Eastern and Northern lines of said property described in Document Number 3736502; (1) thence North 00°00'00" East a distance of 150.00 feet; (2) thence North 89°57'00" East a distance of 15 feet; (3) thence North 00°00'00" East a distance of 60.00 feet; (4) thence South 89°57'00" West a distance of 185.00 feet to a point in the centerline of Conser Street; thence North 00°00'00" East, along the centerline of said Conser Street, a distance of 184.80 feet to the Southwest corner of MILBURN FIELDS LOT A, a recorded subdivision of land; thence North 89°57'00" East, along the South line of said MILBURN FIELDS LOT A subdivision, a distance of 195.00 feet; thence South 00°00'00" East a distance of 394.80 feet to the Point of Beginning. Subject to any part thereof in existing roadway right of way.

also

All that part of the Northeast Quarter (NE 1/4) of Section 19, Township 12, Range 25, now in the City of Overland Park, Johnson County, Kansas, more particularly described as follows: Beginning at a point on the South line of the Northeast Quarter (NE 1/4) of said Section 19 and 1668 feet West of the Southeast (SE) corner thereof, said point being on the centerline of Conser Street, as now located; thence North, along the centerline of said Conser Street, a distance of 210 feet; thence Easterly, along a line parallel to the South line of the Northeast Quarter (NE 1/4) of said Section 19, a distance of 185 feet; thence South,

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along a line parallel to the centerline of said Conser Street, a distance of 60 feet; thence Westerly, along a line parallel to the South line of the Northeast Quarter (NE 1/4) of said Section 19, a distance of 15 feet; thence South, along a line parallel to the centerline of said Conser Street, a distance of 150 feet, to a point on the South line of the Northeast Quarter (NE 1/4) of said Section 19; thence Westerly, along the South line of the Northeast Quarter (NE 1/4) of said Section 19, a distance of 170 feet, to the point of beginning, subject to that portion now dedicated for road purposes.

Section 2. That the real property hereinabove described shall hereafter allow construction of a new Overland Park Fire Station for an indefinite 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 follow and comply with all regulations and standards of the City of Overland Park, unless specifically exempted by the Governing Body.
- b. Development of the site shall be limited to 14,555 square feet.
- c. 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.
- d. At the time of construction plan approval, a photometric plan shall be submitted which meets Planning Commission Resolution 76.
- e. Prior to the issuance of a building permit, the applicant shall submit to the staff of the Planning and Development Services Department evidence of a recorded covenant running with the land establishing a common access easement for the benefit of the

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- abutting property owner to the east. That easement shall extend from Conser Street to the adjoining property to the east. The exact location and extent of the easement and the form and content of the easement document shall be subject to review and approval by the Planning and Development Services Department.
- 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 sidewalk ramps in the public right-of-way adjacent to the property shall be constructed or reconstructed to conform with current public sidewalk ramp requirements, including the installation of truncated domes where applicable.
 - i. Prior to the issuance of a certificate of occupancy, any existing public sidewalk adjacent to this property that does not substantially meet current City standards or is in poor condition shall be reconstructed to current City standards. The limits of the repair shall be approved by the Engineering Services Division prior to the issuance of a building or site development permit. An alternate route for pedestrian traffic shall be maintained in compliance with Section 13.10.070 of the Municipal Code. In no case shall public sidewalks be closed to pedestrian traffic for a period exceeding 30 days without prior approval from the City.
 - j. 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.
 - k. Prior to the issuance of a certificate of compliance for site improvements, the existing drive entrance on Conser Street shall be removed and the right-of-way shall be restored to City standards, including curb, gutter, and sidewalk.
 - l. Prior to, or concurrent with, the submittal of construction plans for a site development or building permit, whichever comes first, a separate set of public improvement plans shall be submitted. The plans shall be approved and the public improvement permit shall be issued by the Engineering Services Division prior to the issuance of a site development or building permit. Prior to the issuance of a certificate of occupancy, the

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public improvements shall be built and accepted for maintenance by the Engineering Services Division.

- m. Parking areas within the public right-of-way (and outside of the standard street width) shall be constructed out of Portland cement concrete following the City's standard detail for residential concrete streets related to material, depth, and compaction. Type B curb shall be used except at ADA parking and aisle locations.

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 11th day of July, 2022.

APPROVED by the Mayor this 11th day of July, 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