

**ORDINANCE NO. Z-4306**

**SPECIAL USE PERMIT NO. 2023-00019**

**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 Section 18, Township 12, Range 25, and all that part of Tract A, MILBURN WEST AMENDED PLAT, a subdivision of land, and all that part of Lots 18, 19, and 22, and the Vacated right-of-way lying adjacent thereto, ELEANORA HEIGHTS, a subdivision of land, and all that part of a strip of land 60 feet wide formerly known as the right-of-way of the Missouri and Kansas Electric Railway lying within the SE1/4 of said Section 18, and all in the City of Overland Park, Johnson County, Kansas, more particularly described as follows:

Beginning at the Center corner of said Section 18; thence N 2° 15' 40" W, along the West line of the SW1/4 of the NE1/4 of said Section 18, a distance of 22.00 feet; thence N 87° 53' 12" E, along a line 22 feet North of and parallel with the South line of the SW1/4 of the NE1/4 of said Section 18, a distance of 1331.61 feet, to a point on the East line thereof; thence S 2° 19' 16" E, along the East line of the SW1/4 of the NE1/4 of said Section 18, a distance of 22.00 feet, to the Southeast corner thereof; thence N 87° 53' 12" E, along the North line of the SE1/4 of said Section 18, a distance of 24.37 feet, to a point on the West right-of-way line of Santa Fe Trail Boulevard, as now established; thence S 5° 22' 46" E, along the West right-of-way line of said Santa Fe Trail Boulevard, a distance of 67.06 feet, to a point of curvature; thence Southerly, along the West right-of-way line of said Santa Fe Trail Boulevard, said line being a curve to the right having a radius of 2,840.00 feet, an arc distance of 167.54 feet, to a point of tangency; thence S 1° 59' 58" E, along the West right-of-way line of said Santa Fe Trail Boulevard, a distance of 880.02 feet, to a point of curvature; thence Southeasterly, along the West right-of-way line of said Santa Fe Trail Boulevard, said line being a curve to the left having a radius of 1,500.06 feet, an arc distance of 657.23 feet, to a point of tangency; thence S 27° 06' 10" E, along the West right-of-way line of said Santa Fe Trail Boulevard, a distance of 26.69 feet, to a point of curvature; thence Southeasterly and Southerly, along the West right-of-way line of said Santa Fe Trail Boulevard, said line being a curve to the right having a radius of 1565.03 feet, an arc distance of 631.06 feet, to a point of compound curvature; thence Southerly, along the West right-of-way line of said Santa Fe Trail Boulevard, said line being a curve

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to the right having a radius of 2,198.90 feet and an initial tangent bearing S 3° 59' 58" E, an arc distance of 95.33 feet, to a point of tangency; thence S 1° 30' 56" E, along the West right-of-way line of said Santa Fe Trail Boulevard, a distance of 137.75 feet; thence S 43° 22' 05" W, along the West right-of-way line of said Santa Fe Trail Boulevard, a distance of 14.17 feet, to a point on the North right-of-way line of W. 71st Street, as now established; thence S 87° 59' 43" W, along the North right-of-way line of said W. 71st Street, a distance of 1647.12 feet, to a point on the East line of the SW1/4 of said Section 18; thence S 87° 52' 28" W, along the North right-of-way line of said W. 71st Street, a distance of 669.49 feet, to a point on the East line of the West 665.00 feet of the East Half of the SW1/4 of said Section 18; thence N 2° 08' 39" W, along the East line of the West 665.00 feet of the East Half of the SW1/4 of said Section 18, a distance of 1000.00 feet; thence N 79° 24' 55" W, a distance of 681.75 feet, to a point on the West line of the East Half of the SW1/4 of said Section 18; thence N 2° 08' 39" W, along the West line of the East Half of the SW1/4 of said Section 18, a distance of 1217.89 feet, to a point on the South line of the North 258.00 feet of said Tract A; thence S 87° 55' 17" W, along the South line of the North 258.00 feet of said Tract A, a distance of 50.00 feet, to the Southwest corner of the North 258.00 feet of the East 50.00 feet of said Tract A; thence N 2° 08' 39" W, along the West line of the East 50.00 feet of said Tract A, a distance of 258.00 feet, to a point on the North line thereof, said point also being on the North line of the SW1/4 of said Section 18; thence N 87° 55' 17" E, along the North line of the SW1/4 of said Section 18, a distance of 1383.45 feet, to the point of beginning,

EXCEPT the following described tract as described in the Quit Claim Deed recorded in Deed Book 457 at Page 406 in the Office of the Register of Deeds, Johnson County, Kansas:

“Beginning at a point 25 feet South of the North line of the Southeast 1/4 of Section 18, Township 12, Range 25, and 60 feet East of the West line of the Southeast 1/4 of Section 18, Township 12, Range 25; thence Southwardly and parallel to the West line of the East 1/2 of the Southeast 1/4 of Section 18, Township 12, Range 25, a distance of 90 feet; thence Eastwardly and parallel to the North line of the Southeast 1/4 of Section 18, Township 12, Range 25, a distance of 20 feet; thence Northwardly and parallel to the West line of the East 1/2 of the Southeast 1/4 of Section 18, Township 12, Range 25, a distance of 90 feet; thence Westwardly and parallel to the North line of the Southeast 1/4 of Section 18, Township 12, Range 25, a distance of 20 feet, all land lying and situate in Mission Township, Johnson County, Kansas and containing 0.041 Acres more or less.” containing 152.857 acres, more or less.

**Section 2.** That the real property hereinabove described shall hereafter allow a drinking establishment for an indefinite period of time.

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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:

No stipulations.

**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 06th day of November, 2023.

APPROVED by the Mayor this 06th day of November, 2023.

**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 Stiles  
Trevor L. Stiles  
Senior Assistant City Attorney