ORDINANCE NO. Z-4055

SPECIAL USE PERMIT NO. SUP2019-00058

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:

CITY PLACE CORPORATE CENTRE I:
Lot 4, CityPlace Sixth Plat, a subdivision in the City of Overland Park, Johnson County, Kansas.

CITY PLACE CORPORATE CENTRE II:
All that part of the NE 1/4 of Section 14, Township 13, Range 24, in the City of Overland Park, Johnson County, Kansas, more particularly described as follows:
Beginning at the Southwest corner of Lot 4, CITYPLACE, SIXTH PLAT, a subdivision of land in the City of Overland Park, Johnson County, Kansas; thence Easterly, along the South line of said Lot 4, the following courses: S 85° 12' 14" E, a distance of 35.71 feet; thence S 90° 00' 00" E, a distance of 201.82 feet; thence S 89° 19' 28" E, a distance of 152.64 feet; thence S 90° 00' 00" E, a distance of 401.29 feet to a point on the West right-of-way line of U.S. 69 Highway, as now established; thence Southerly, along the West right-of-way of said U.S. 69 Highway, the following courses: S 0° 58' 04" E, a distance of 124.28 feet; thence S 33° 27' 31" E, a distance of 233.81 feet; thence S 19° 47' 23" E, a distance of 52.58 feet, to a point on a curve; thence Northwesterly along a non-tangent curve to the left, having an initial tangent bearing of N 39° 51' 43" W, a radius of 904.93 feet, a central angle of 0° 31' 13" and an arc length of 8.22 feet to a point on a curve; thence Southeasterly along a non-tangent curve to the right, having an initial tangent bearing of S 22° 42' 58" E, a radius of 930.00 feet, a central angle of 8° 02' 00" and an arc length of 131.54 feet to a point of tangency; thence S 14° 36' 43" E, a distance of 312.42 feet to a point on a curve on the North right-of-way line of 113th Street, as established; thence Northwesterly and Westerly, along the North right-of-way line of said 113th Street, the following courses: Northwesterly, along a non-tangent curve to the left, having an initial tangent bearing of N 14° 36' 43" W, a radius of 510.00 feet, a central angle of 77° 33' 50" and an arc length of 690.41 feet to a point of tangency; thence S 87° 49' 27" W, a distance of 519.79 feet; thence N 75° 30' 28" W, a distance of 13.77 feet to a point on the East right-of-way line of Switzer Road, as now established; thence Northwesterly and Northerly, along the East right-of-way line of said Switzer Road, the following courses: N 58° 50' 23"

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W, a distance of 38.64 feet; thence N 38° 51’ 32” W, a distance of 16.40 to a point on a curve; thence Northerly, along a curve to the right, having an initial tangent bearing of N 18° 52’ 41” W, a radius of 228.00 feet, a central angle of 18° 51' 04” and an arc length of 75.02 feet to a point of compound curvature; thence Northerly, along a curve to the right, having a radius of 728.00 feet, a central angle of 11° 34' 53” and an arc length of 147.15 feet to a point of tangency; thence N 11° 33’ 16” E, a distance of 90.01 feet to a point of curvature; thence Northerly, along a curve to the left, having a radius of 760.00 feet, a central angle of 13° 19’ 43” and an arc length of 89.65 feet to the point of beginning, containing 396,925 square feet, more of less, equal to 9.112 acres, more or less.

CITY PLACE CORPORATE CENTRE III:
Lot 1, CityPlace Fourth Plat, a subdivision in the City of Overland Park, Johnson County, Kansas.

CITY PLACE CORPORATE CENTRE IV:
All that part of the NE ¼ of Section 14, Township 13, Range 24, in the City of Overland Park, Johnson County, Kansas, more particularly described as follows:
Beginning at the Northeast corner of Lot 1, CITYPLACE FOURTH PLAT, a subdivision of land in the City of Overland Park, Johnson County, Kansas, said point also being on the South right-of-way line of 113th Street, as now established; thence N 87°49’27” E, along the South right-of-way line of said 113th Street, a distance of 54.23 feet, to a point of curvature; thence Easterly and Southeasterly along the South right-of-way line of said 113th Street and along the Southwesterly line of Switzer Road, as now established, said line being on a curve to the right, having a radius of 390.00 feet, a central angle of 77°33’53” and an arc distance of 527.96 feet, to a point of tangency; thence S 14°36’43” E, along the Southwesterly right-of-way line of said Switzer Road, a distance of 324.10 feet to the Northeast corner of TRACT B, CITYPLACE, SECOND PLAT, a subdivision of land in the City of Overland Park, Johnson County, Kansas; thence S 89°20’56” W, along the North line of said Tract B, a distance of 776.69 feet; thence N 62°41’35” W, along the North line of said Tract B, a distance of 5.05 feet, to the Southeast corner of said Lot 1 of CITYPLACE FOURTH PLAT; thence Northeasterly, along the East line of said Lot 1, the following courses: N 0°00’00” E, a distance of 61.38 feet; thence N 43°07’39” E, a distance of 289.99 feet; thence N 89°59’56” E, a distance of 20.87 feet; thence North 0°00’04” W, a distance of 207.41 feet; thence N 89°59’56” E, a distance of 33.88 feet; thence North 0°00’04” W, a distance of 128.97 feet, to the point of beginning.

Section 2. That the real property hereinabove described shall hereafter allow architecturally integrated digital lighting with movement, 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:

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. As proposed by the applicant, the digital art display or integrated lighting feature shall consist solely of artwork, art scenery, multi-colored lighting or cultural images. No commercial signs, lettering, wording, logos or advertising shall be permitted without obtaining a special event permit from the City Council. The selection of the artwork and/or imagery shall be determined by a committee to be formed by the applicant, which may include members of the Overland Park Friends of Art and other members selected by the applicant.

c. As proposed by the applicant, hours of operation shall be limited to 1.50 hours before sunset and 1.50 hours before sunrise. The lighting feature shall be programmed to an astronomical clock to ensure hours of operation are maintained throughout the year.

d. Lighting brightness shall be limited to a maximum nighttime brightness of 600 candelas per square meter (nits). Lighting shall have a light spill of less than 0.3 foot-candle above ambient lighting levels as measured at the special use permit boundary.

e. The refresh rate of an art display or integrated lighting feature, shall consist of illuminated images, colors, and/or patterns that slowly move, shift, stream, scroll, or otherwise incorporate gentle motion as a smooth, rolling movement across or within the display area. Movement shall always be appropriate to the scale and imagery, and shall not include flashing, blinking, strobing, quick cuts or fast motion. The primary artwork within the display shall not move faster than five feet per second.

f. This type of display is defined as an “Architecturally Integrated Digital Lighting Display,” and shall have the following characteristics:
1. Is attached directly to and made integral with architectural elements on the façade of a building to highlight or accentuate elements of the architectural design; and

2. Contains individual pixels of a digital light source that are embedded into architectural components to enhance the character of those elements and which may form an image. The digital light source may be comprised of digital mesh or grids, linear accent elements or individual pixels that may cover portions of a building façade element or be embedded behind translucent materials.

g. All applicable, if any, State of Kansas permits and regulations shall be followed.

h. The brightness, movement or refresh rate of the display shall not create a public nuisance or hazard (pursuant to KSA 12-1617e or OPMC Chapter 7.04 as each may be amended from time to time) that impacts highway traffic or any nearby residential properties.

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 2nd day of December, 2019.

APPROVED by the Mayor this 2nd day of December, 2019.

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