

ORDINANCE NO. Z-4075

SPECIAL USE PERMIT NO. 2020-00003

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:

TRACT I:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35; THENCE SOUTH 00 DEGREES 00 MINUTES 07 SECONDS EAST ALONG THE EAST LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35 THIS AND ALL FOLLOWING BEARINGS ARE BASED ON EAST LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35 AS BEING SOUTH 00 DEGREES 00 MINUTES 07 SECONDS EAST AND SHOULD BE ROTATED CLOCKWISE 02 DEGREES 11 MINUTES 14 SECONDS TO MATCH THE KANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE), A DISTANCE OF 210.553 METERS (690.79 FEET) TO THE NORTHEAST CORNER OF SAID TRACT; THENCE SOUTH 89 DEGREES 59 MINUTES 53 SECONDS WEST PERPENDICULAR TO THE LAST DESCRIBED COURSE, ALONG THE NORTH LINE OF SAID TRACT, A DISTANCE OF 9.144 METERS (30.00 FEET) TO A POINT ON THE SAID NORTH LINE, SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 00 MINUTES 07 SECONDS EAST, A DISTANCE OF 60.960 METERS (200.00 FEET) TO A POINT ON THE SOUTH LINE OF SAID TRACT; THENCE SOUTH 89 DEGREES 59 MINUTES 53 SECONDS WEST ALONG SAID SOUTH LINE, A DISTANCE OF 125.487 METERS (411.70 FEET); THENCE NORTH 42 DEGREES 50 MINUTES 36 SECONDS EAST, A DISTANCE OF 2.013 METERS (6.60 FEET); THENCE NORTH 46 DEGREES 07 MINUTES 56 SECONDS EAST, A DISTANCE OF 36.168 METERS (118.66 FEET); THENCE NORTH 44 DEGREES 13 MINUTES 46 SECONDS EAST, A DISTANCE OF 32.239 METERS (105.77 FEET); THENCE NORTHEASTERLY ON A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 117.671 METERS (386.06 FEET), A CENTRAL ANGLE OF 14 DEGREES 06 MINUTES 41 SECONDS, AND A CHORD BEARING OF NORTH 51 DEGREES 17

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MINUTES 06 SECONDS EAST, AN ARC LENGTH OF 28.981 METERS (95.08 FEET) TO A POINT ON THE NORTH LINE OF SAID TRACT; THENCE SOUTH 53 DEGREES 10 MINUTES 55 SECONDS EAST MEASURED (SOUTH 53 DEGREES 07 MINUTES 22 SECONDS EAST DEED), A DISTANCE OF 11.278 METERS (37.00 FEET); THENCE NORTH 89 DEGREES 59 MINUTES 53 SECONDS EAST, A DISTANCE OF 43.969 METERS (144.26 FEET), TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 5,824.869 SQUARE METERS (62,698.12 SQUARE FEET) OR 1.439 ACRES, MORE OR LESS.

Section 2. That the real property hereinabove described shall hereafter allow renewal of a tow lot, for a one-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), which is 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. The proposed improvements, including fencing and landscaping, must be completed no later than July 1, 2020.
- c. The western portion of the property may not be used for off-street parking or tow lot services until the parking lot has been brought up to City standards and approved by special use permit.
- d. The applicant agrees to rescind SUP2009-00014 for a hotel.

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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 1st day of June, 2020.

APPROVED by the Mayor this 1st day of June, 2020.

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