

ORDINANCE NO. Z-4104

SPECIAL USE PERMIT NO. 2020-00029

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:

LOT 2, Compass Center Second Plat, a subdivision in the City of Overland Park, Johnson County, Kansas.

Section 2. That the real property hereinabove described shall hereafter allow a rehabilitation hospital, for an indefinite period of time. This property is currently zoned CP-O, Planned Office Building District.

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 number, location, and geometrics of all driveways and parking areas are subject to review and approval by the Planning and Development Services Department.
- b. 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.
- c. 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,

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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.

- d. Prior to the issuance of a site development or building permit, whichever comes first, the owner/developer shall submit a covenant to maintain private parking facilities agreement for review and approval by the Engineering Services Division. The covenant to maintain private parking facilities agreement shall be submitted to the Engineering Services Division for recording at the Johnson County Department of Records and Tax Administration with the recording fee paid by the owner/developer.
- e. Prior to the issuance of a building permit, the owner/developer shall submit a revised stormwater treatment maintenance agreement for review and approval by the Engineering Services Division. The agreement shall outline ownership and maintenance responsibilities, and all property owners that are served by the stormwater treatment facility will be required to be a party to the agreement. The stormwater treatment maintenance agreement shall be submitted to the Engineering Services Division for recording at the Johnson County Department of Records and Tax Administration with the recording fee paid by the owner/developer.
- f. Prior to the issuance of a site development or building permit, whichever comes first, the owner/developer shall submit a shared detention maintenance agreement for review and approval by the Engineering Services Division. The document shall address the following:
 - 1. Provide Lots 3 and 4 with the right to use the detention facility on Lot 2.
 - 2. Identify the obligations of each party toward the maintenance of the detention facility.
 - 3. Identify the owner of Lot 2 as the entity responsible for the annual certification of the detention facility.
 - 4. Other design specifics as determined by the review engineer.

The shared detention maintenance agreement shall be submitted to the Engineering Services Division for recording at the Johnson County Department of Records and Tax Administration with the recording fee paid by the owner/developer.

- g. Prior to the issuance of a certificate of occupancy for any phase of the project requiring stormwater detention, the detention facility serving this development shall be certified by the design engineer, a professional engineer, licensed in the State of Kansas. The

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entire detention facility shall be permanently stabilized with established perennial vegetation with a density of at least 70 percent or fully sodded prior to certification.

- h. Prior to the issuance of a final certificate of occupancy, the owner/developer shall provide a certification of completion and compliance for all constructed stormwater treatment facilities. The owner/developer shall submit a maintenance certification one year after construction is completed, and every two years thereafter. The certification shall be on a form as approved by the Engineering Services Division and shall be performed by a professional engineer licensed in the State of Kansas, unless the Director approves other qualified individuals to perform the certification.
- i. Prior to the issuance of a final certificate of occupancy, a maintenance surety shall be provided by the owner/developer for the stormwater treatment facilities in accordance with Section 16.210.080.E of the O.P.M.C.
- j. 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 abutting property owner 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.
- k. 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.
- l. Development of the site shall be limited to 48,000 square feet/units.
- m. Prior to the submittal of a building permit, the Planning Commission shall approve final development plans.
- n. At the time of final development plan approval, a north/south connection to the amenity area on the property to the north must be provided.
- o. At the time of final development plan approval, a minimum of one north/south crosswalk from the northern parking blocks to the main entrance of the building must be provided.

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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 7th day of December, 2020.

APPROVED by the Mayor this 7th day of December, 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