

**ORDINANCE NO. Z-4031**

**SPECIAL USE PERMIT NO. 2019-00035**

**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:

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 12 SOUTH, RANGE 25 EAST OF THE 6TH PRINCIPAL MERIDIAN IN OVERLAND PARK, JOHNSON COUNTY, KANSAS BEING BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 87°52'19" WEST, ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, 372.79 FEET; THENCE LEAVING SAID SOUTH LINE, NORTH 02°07'41" WEST, 421.24 FEET TO A POINT ON THE EXISTING WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 69, AS NOW ESTABLISHED, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE HEREIN DESCRIBED; THENCE SOUTH 42°38'18" WEST ON SAID EXISTING WESTERLY RIGHT-OF-WAY LINE, 417.87 FEET TO A POINT ON THE EXISTING NORTHERLY RIGHT-OF-WAY LINE OF 63RD STREET, AS NOW ESTABLISHED; THENCE LEAVING SAID EXISTING WESTERLY RIGHT-OF-WAY LINE, SOUTH 68°19'56" WEST ON SAID EXISTING NORTHERLY RIGHT-OF-WAY LINE, 147.00 FEET; THENCE SOUTH 88°02'17" WEST ON SAID EXISTING NORTHERLY RIGHT-OF-WAY LINE, 116.78 FEET TO THE INTERSECTION OF SAID EXISTING NORTHERLY RIGHT-OF-WAY LINE AND THE EXISTING EASTERLY RIGHT-OF-WAY LINE OF MARTY LANE, AS NOW ESTABLISHED, THENCE LEAVING SAID EXISTING NORTHERLY RIGHT-OF-WAY LINE, NORTH 01°55'52" WEST ON SAID EXISTING EASTERLY RIGHT-OF-WAY LINE, 64.99 FEET; THENCE NORTHERLY ON SAID EXISTING EASTERLY RIGHT-OF-WAY LINE, ALONG A CURVE TO THE RIGHT BEING TANGENT TO THE LAST DESCRIBED COURSE WITH A RADIUS OF 1,960.00 FEET, A CENTRAL ANGLE OF 05°19'14" AND AN ARC DISTANCE OF 182.01 FEET; THENCE NORTH 03°23'22" EAST ON SAID EXISTING EASTERLY RIGHT-OF-WAY LINE, 3.05 FEET; THENCE LEAVING SAID EXISTING EASTERLY RIGHT-OF-WAY LINE, NORTH 88°04'00" EAST, 69.97 FEET; THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT BEING TANGENT TO THE LAST DESCRIBED COURSE WITH A RADIUS OF 112.00 FEET,

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A CENTRAL ANGLE OF 43°26'03" AND AN ARC DISTANCE OF 84.90 FEET; THENCE NORTH 44°37'57" EAST, 97.35 FEET; THENCE NORTH 88°04'00" EAST, 322.00 FEET TO THE POINT OF BEGINNING. CONTAINING 111,470 SQUARE FEET OR 2.56 ACRES, MORE OR LESS.

**Section 2.** That the real property hereinabove described shall hereafter allow a carwash, 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 13,294 square feet.  
  
Modifications to the plan and proposed square-footage may be allowed per Section 18.140.200 of the Unified Development Ordinance.
- c. Prior to the issuance of a building permit, the property shall be preliminary and final platted.
- d. Prior to the submittal of a building permit, the Planning Commission shall approve final development plans.
- e. No signage is approved with this application.

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- f. 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.
- g. 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.
- h. 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.
- i. The number, location and geometrics of all driveways and parking areas are subject to review and approval by the Planning and Development Services Department.
- j. 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.

**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.

*[Remainder of Page Intentionally Left Blank]*

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PASSED by the City Council this 7<sup>th</sup> day of October, 2019.

APPROVED by the Mayor this 7<sup>th</sup> day of October, 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