

ORDINANCE NO. Z-3438

SPECIAL USE PERMIT NO. 2009-47

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:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35; THENCE S02°09'30"E A DISTANCE OF 126.15 FEET ALONG THE WEST LINE OF THE SOUTHEAST QUARTER; THENCE N87°50'30"E A DISTANCE OF 45.00 FEET TO THE POINT OF BEGINNING; THENCE N87°50'30"E A DISTANCE OF 88.58 FEET; THENCE S09°16'30"W A DISTANCE OF 15.30 FEET; THENCE S87°50'30"W A DISTANCE OF 34.01 FEET; THENCE S04°34'08"E A DISTANCE OF 61.54 FEET; THENCE N75°11'10"W A DISTANCE OF 56.59 FEET; THENCE N02°09'30"W A DISTANCE OF 59.96 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 0.09 ACRES, MORE OR LESS.

SECTION 2. That the real property hereinabove described shall hereafter allow a utility structure, for a five-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. In addition, the development shall

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follow and comply with all regulations and standards of the City of Overland Park unless specifically exempted by the Governing Body.

- b. Maintenance of all fencing and landscaping installed by the utility company around the utility structure shall be the responsibility of the utility, unless written acceptance of such responsibility is provided from the homes association.
- c. The applicant shall keep the name and contact information of the individual(s) responsible for maintenance of the enclosure and landscaping on file with the City of Overland Park Planning & Development Services Department.
- d. The number, location and geometrics of all driveways and parking areas are subject to review and approval by the Planning and Development Services Department.
- e. Prior to publication of the special use permit ordinance, the applicant will have obtained, to the satisfaction of the City Attorney's Office, the legal right to place the facility on the subject property.

SECTION 4. TAKE EFFECT. This ordinance shall take effect and be in force from and after its publication in the Overland Park Sun, an official City newspaper.

PASSED by the City Council this 15th day of February, 2010.

APPROVED by the Mayor this 15th day of February, 2010.

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Carl Gerlach, Mayor

ATTEST:

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Marian Cook, City Clerk

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APPROVED AS TO FORM:

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J. Bart Budetti, Senior Assistant City Attorney