

ORDINANCE NO. Z-3450

SPECIAL USE PERMIT NO. 2010-5

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:

Tenant space commonly known as 7948 W. 151st Street in the south 560 feet of the east $\frac{1}{2}$ of the southwest $\frac{1}{4}$ of section 6, township 14, range 25 East, Johnson County, Kansas, more particularly described as follows:

Commencing at the Southwest corner of the Southwest One-Quarter of said Section 6; thence South 89 degrees 59 minutes 19 seconds East, along the South Line of said Southwest One-Quarter, a distance of 1325.89 feet to the Southwest corner of the East One-Half of the Southwest One-Quarter of said Section 6; thence North 00 degrees 09 minutes 19 seconds West, along the West Line of the East One-Half of said Southwest One-Quarter, a distance of 90.00 feet; thence South 89 degrees 59 minutes 19 seconds East, parallel to the South line of said Southwest One-Quarter, a distance of 50.00 feet to the POINT OF BEGINNING; thence North 00 degrees 09 minutes 19 seconds West, along a line parallel to the West line of the East One-half of said Southwest One-Quarter, a distance of 470.00 feet to a point on the South line of Brittany Highlands, a recorded subdivision in the City of Overland Park, Johnson County, Kansas; thence South 89 degrees 59 minutes 19 seconds East, along the South line of said Brittany Highlands and along a line 560.00 feet north of and parallel to the South line of said Southwest One-Quarter, a distance of 996.23 feet to a point on the Westerly right-of-way of U.S. Highway No. 69, said point also being 560.00 feet North of the South Line of said Southwest One-Quarter; thence South 02 degrees 47 minutes 41 seconds West, along the Westerly right-of-way of U.S. Highway No. 69, a distance of 320.37 feet; thence North 89 degrees 59 minutes 19 seconds West, parallel to the South line of said Southwest One-Quarter, a distance of 173.99 feet to a Point of Curvature; thence Southwesterly along a curve to the Left having a radius of 15.00 feet and an arc length of 23.56 feet; thence South 01 degrees 30 minutes 58 seconds East, a distance of 75.03 feet; thence South 00 degrees 00 minutes 41 seconds West, a distance of 48.01 feet to a point of curvature; thence Southeasterly along a curve to the Left having a radius of 90.00 feet and an arc length of 43.70 feet to a point being 60.00 feet North of the South Line of said Southwest One-Quarter; thence North 89 Degrees 59 minutes 19 seconds West, parallel to the south line of said

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Southwest One-Quarter, a distance of 54.81 to a Point of Curvature; thence Northeasterly along a curve to the Left having an initial tangent bearing of North 27 degrees 49 minutes 12 seconds East, a Radius of 90.00 feet and an arc length of 43.68 feet; thence North 00 degrees 00 minutes 41 seconds East, a distance of 48.01 feet; thence North 01 degrees 32 minutes 20 seconds East, a distance of 75.03 feet to a Point of Curvature; thence Northwesterly along a curve to the Left having an initial tangent bearing of North 00 degrees 00 minutes 41 seconds East, a Radius of 15.00 feet and an arc length of 23.56 feet; thence North 89 degrees 59 minutes 19 seconds West, parallel to the South line of said Southwest One-Quarter, a distance of 229.15 feet to a Point of Curvature; thence Southwesterly along a Curve to the Left having a Radius of 15.00 feet and an arc length of 23.56 feet; thence South 00 degrees 00 minutes 41 seconds West, a distance of 135.00 feet to a point lying 90.00 feet North of the South Line of said Southwest One-Quarter; thence North 89 degrees 59 minutes 19 seconds West, parallel to and 90.00 feet North of the South line of said Southwest One-Quarter, a distance of 501.16 feet to the POINT OF BEGINNING

SECTION 2. That the real property hereinabove described shall hereafter allow a drinking establishment, for a three-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:

None.

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

PASSED by the City Council this 21st day of June, 2010.

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APPROVED by the Mayor this 21st day of June, 2010.

Carl Gerlach, Mayor

ATTEST:

Marian Cook, City Clerk

APPROVED AS TO FORM:

J. Bart Budetti, Senior Assistant City Attorney