

ORDINANCE NO. Z-3171

SPECIAL USE PERMIT NO. 2005-35

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:

All of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 36, T13S, R24E, in the City of Overland Park, Johnson County, Kansas, except that part in streets.

SECTION 2. That the real property hereinabove described shall hereafter allow a sports or recreation facility, 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. That 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 follow and comply with all regulations and standards of the City of Overland Park, unless specifically exempted by the Governing Body.
- b. Prior to the issuance of a building permit, final development plans shall be reviewed and approved by the Planning Commission for each phase of development.
- c. Prior to the issuance of a building permit, the property shall be preliminary and final platted.

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- 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 final development plan approval, the applicant shall submit written verification from the Corps of Engineers that either a 404 Permit is not required or a Nationwide Permit will be issued for the proposed work. If an Individual 404 Permit is required, staff will recommend continuance of the final development plan approval until the permit requirements are known.
- f. Concurrent with the submittal of construction plans, the applicant shall provide a Final Stormwater Management Study that addresses the outstanding items from the Preliminary Stormwater Management Study and includes any design changes.
- g. Prior to, or concurrent with, the submittal of the final plat including the stream corridor, the applicant shall submit a Stream Corridor Maintenance Agreement. Staff must approve the maintenance plan prior to recording of the final plat. The maintenance agreement shall be recorded concurrently with the final plat.
- h. The applicant shall delineate the designated stream corridor area on the final plat and include the required language as indicated in Section 18.365.090 of the Municipal Code.
- i. Concurrent with construction of any improvements on this site and prior to the issuance of any form of Certificate of Occupancy, the following improvements shall be constructed and in service, subject to review and approval by the Planning and Development Services Department:
 - 1. A public storm sewer to replace the existing 48-inch private storm sewer between 135th and 137th Streets.
- j. The grades along the 135th Street frontage shall match the proposed future grade of 135th Street at the property line.
- k. Prior to approval of public improvement plans, all necessary easements for access, construction and maintenance of public storm sewer facilities shall be dedicated and the recording fee paid by the owner/developer.

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- l. Prior to issuance of a Site Development or Building Permit, the Public Storm Sewer Plans must be approved by the Engineering Services Division of the Planning and Development Services Department.
- m. Prior to issuance of any form of Certificate of Occupancy, city standard sidewalks shall be constructed along the 135th Street frontage.
- n. The owner and/or developer agree to participate in a 100 percent developer funded improvement district for the construction of Grant Street from 135th Street to 137th Street if and when that street is constructed in the future. The amount of participation will be determined by the City Council at the time of formation of the improvement district.
- o. Concurrent with construction of any improvements on this site and prior to the issuance of any form of Certificate of Occupancy, the developer shall widen 137th Street to collector street standards along this property's frontage; including storm sewers, street lights and sidewalks; subject to review and approval by the Planning and Development Services Department. Prior to, or concurrent with, the submittal of construction plans for this site, plans for the public improvements shall be submitted for staff review. Prior to issuance of a Site Development or higher-level permit, the public street, storm sewer, and streetlight plans must be approved by the Engineering Services Division of the Planning and Development Services Department.
- p. The perimeter fence shall be located outside of the stream corridor except at field 3 where the fence may be located adjacent to the maintenance road.

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 21st day of November, 2005.

APPROVED by the Mayor this 21st day of November, 2005.

Carl Gerlach, Mayor

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ATTEST:

Marian Cook, City Clerk

APPROVED AS TO FORM:

J. Bart Budetti, Senior Assistant City Attorney