ORDINANCE NO. Z-4063

REZONING NO. 2019-00017

AN ORDINANCE RELATING TO ZONING: AMENDING CERTAIN ZONING REGULATIONS SHOWN ON SHEET NO. 81 OF THE ZONING DISTRICT MAP INCORPORATED BY REFERENCE BY OVERLAND PARK MUNICIPAL CODE SECTION 18.150.020; AMENDING OVERLAND PARK MUNICIPAL CODE SECTION 18.150.020, AND REPEALING THE SAME.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS:

Section 1. Amendment of Zoning District Map. The zoning district boundaries set forth on the Zoning District Map, Sheet No. 81, of the City of Overland Park, Kansas, incorporated by reference in the Overland Park Municipal Code, Section 18.150.020, are hereby amended with respect to the following described real property, to-wit:

Legal Description:
CP-1 Rezoning Description:

All that part of the Southeast Quarter of Section 27, Township 14 South, Range 24 East, in the City of Overland Park, Johnson County, Kansas, described as follows:

COMMENCING at the Northeast corner of the Southeast Quarter of Section 27, Township 14 South, Range 24 East; thence South 02 degrees 23 minutes 08 seconds East, on the East line of said Southeast Quarter, a distance of 20.00 feet to the POINT OF BEGINNING; thence South 02 degrees 23 minutes 08 seconds East, continuing on said East line, a distance of 704.60 feet to a point; thence South 87 degrees 36 minutes 46 seconds West, departing said East line, a distance of 529.05 feet to a point; thence North 02 degrees 23 minutes 14 seconds West a distance of 342.86 feet to a point; thence South 87 degrees 36 minutes 46 seconds West a distance of 241.57 feet to a point; thence North 01 degree 23 minutes 43 seconds West a distance of 368.11 feet to a point on a non-tangent curve, said point also lying on the centerline of 179th Street right of way, as established in Blue Valley Southwest High School, a subdivision in the City of Overland Park, Johnson County, Kansas; thence in an Easterly direction, on said centerline and on a curve to the left whose initial tangent bears North 89 degrees 57 minutes 42 seconds East, having a radius of 1640.42 feet, through a central angle of 1 degree 56 minutes 45 seconds, an arc distance of 55.71 feet to a point of tangency; thence North 88 degrees 00 minutes 56 seconds East, continuing on said centerline, a distance of 708.59 feet to the POINT OF BEGINNING, containing 461,100 Square Feet or 10.5854 Acres, more or less.

CP-2 Rezoning Description:
All that part of the East Half of Section 27, Township 14 South, Range 24 East, in the City of Overland Park, Johnson County, Kansas, described as follows:

COMMENCING at the Northeast corner of the Southeast Quarter of Section 27, Township 14 South, Range 24 East; thence South 02 degrees 23 minutes 08 seconds East, on the East line of said Southeast Quarter, a distance of 20.00 feet to a point on the centerline of 179th Street right of way, as established in Blue Valley Southwest High School, a subdivision in the City of Overland Park, Johnson County, Kansas; thence South 88 degrees 00 minutes 56 seconds West, departing said East line, on said centerline, a distance of 708.59 feet to a point of curvature; thence in a Westerly direction, continuing on said centerline and on a curve to the left, having a radius of 1640.42 feet, through a central angle of 1 degree 56 minutes 45 seconds, an arc distance of 55.71 feet to a point on a non-tangent line, the POINT OF BEGINNING; thence South 01 degrees 23 minutes 43 seconds East, departing said centerline, a distance of 368.11 feet to a point; thence North 87 degrees 36 minutes 46 seconds East a distance of 179.17 feet to a point on a non-tangent curve; thence in a Westerly direction, on a curve to the left whose initial tangent bears North 68 degrees 57 minutes 01 second West, having a radius of 1000.00 feet, through a central angle of 7 degrees 28 minutes 18 seconds, an arc distance of 130.40 feet to a point of tangency; thence North 62 degrees 12 minutes 36 seconds West a distance of 123.29 feet to a point on a non-tangent curve; thence in a Southwesterly direction, on a curve to the right whose initial tangent bears South 32 degrees 22 minutes 21 seconds West, having a radius of 900.00 feet, through a central angle of 7 degrees 50 minutes 57 seconds, an arc distance of 123.29 feet to a point on a non-tangent line; thence East a distance of 86.42 feet to a point on a non-tangent curve, said point also lying on said centerline of 179th Street right of way; thence in a Southeasterly and Easterly direction, on said centerline and on a curve to the left whose initial tangent bears South 62 degrees 56 minutes 13 seconds East, having a radius of 1640.42 feet, through a central angle of 27 degrees 06 minutes 05 seconds, an arc distance of 775.94 feet to the POINT OF BEGINNING, containing 590,486 Square Feet or 13.5557 Acres, more or less.

PRN Rezoning Description:
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All of Coventry Valley, First Plat, Coventry Valley, Second Plat, and Coventry Valley, Third Plat, all subdivisions in the City of Overland Park, Johnson County, Kansas, together with an unplatted portion of Section 27, Township 14 South, Range 24 East, all described as follows:

BEGINNING at the Southeast corner of the Southeast Quarter of Section 27, Township 14 South, Range 24 East; thence South 88 degrees 02 minutes 22 seconds West, on the South line of said Southeast Quarter, a distance of 2655.94 feet to the Southwest corner of said Southeast Quarter, said corner also being the Southeast corner of the Southwest Quarter of said Section 27; thence South 87 degrees 57 minutes 13 seconds West, on the South line of said Southwest Quarter, a distance of 1328.41 feet to the West line of the East Half of said Southwest Quarter; thence North 02 degrees 31 minutes 54 seconds East, departing said South line, on the West line of said East Half, a distance of 2654.36 feet to a point on the North line of said Southwest Quarter; thence North 88 degrees 00 minutes 56 seconds East, departing said West line, on said North line, a distance of 1330.10 feet to the Northeast corner of said Southwest Quarter, said corner also being the Southwest corner of the Northeast Quarter of said Section 27; thence North 02 degrees 29 minutes 43 seconds West, on the West line of said Northeast Quarter, a distance of 1328.82 feet to a point; thence North 88 degrees 01 minute 35 seconds East, departing said West line, a distance of 254.25 feet to a point on the centerline of 179th Street, as established in Blue Valley Southwest High School, a subdivision in the City of Overland Park, Johnson County, Kansas; thence South 30 degrees 39 minutes 23 seconds East, on said centerline, a distance of 564.60 feet to a point of curvature; thence in a Southeasterly and Easterly direction, continuing on said centerline and on a curve to the left, having a radius of 1640.42 feet, through a central angle of 32 degrees 16 minutes 50 seconds, an arc distance of 924.22 feet to a point on a non-tangent line; thence South 27 degrees 59 minutes 25 seconds East, departing said centerline, a distance of 437.14 feet to a point; thence South 29 degrees 56 minutes 45 seconds East a distance of 263.11 feet to a point; thence South 49 degrees 46 minutes 42 seconds East a distance of 116.70 feet to a point on a non-tangent curve; thence in a Northeasterly direction, on a curve to the left whose initial tangent bears North 40 degrees 13 minutes 18 seconds East, having a radius of 900.00 feet, through a central angle of 7 degrees 50 minutes 57 seconds, an arc distance of 123.29 feet to a point on a non-tangent line; thence South 57 degrees 37 minutes 39 seconds East a distance of 66.90 feet to a point of curvature; thence in a Southeasterly and Easterly direction, on a curve to the left, having a radius of 200.00 feet, through a central angle of 18 degrees 47 minutes 40 seconds, an arc distance of 65.61 feet to a point of tangency; thence South 76 degrees 25 minutes 19 seconds East a distance of 318.21 seconds to a point of curvature; thence in a Southeasterly direction, on a curve to the right, having a radius of 1000.00 feet, through a central angle of 7 degrees 28 minutes 18 seconds, an arc distance of 130.40 feet to a point on a non-tangent line; thence South 62 degrees 12 minutes 36 seconds East a distance of 179.17 feet to a point of curvature; thence in a Southeasterly and Easterly direction, on a curve to the left, having a radius of 300.00 feet, through a central angle of 30 degrees 10 minutes 38 seconds, an arc distance of 158.01 feet to a point of tangency; thence North 87 degrees 36 minutes 46 seconds East a distance of 591.70 feet to a point on the East line of
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said Southeast Quarter; thence South 02 degrees 23 minutes 08 seconds East, on said East line, a distance of 1929.37 feet to the POINT OF BEGINNING, containing 10,463,780 Square Feet or 240.2153 Acres, more or less.

The real property hereinabove described shall hereafter be deemed zoned and classified as PRN, Planned Residential Neighborhood District, CP-1, Planned Restricted Business District, and CP-2, Planned General Business District.

The Zoning District Map, Sheet No. 81 is hereby ordered to be changed to reflect such amendment.

Section 2. Stipulations and Conditions. The rezoning granted in Section 1 of this ordinance is hereby made contingent upon the performance and observance of the following regulations, stipulations, conditions, and restrictions, 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 488 residential units (152 villas, 132 four-plexes, 174 single-family homes and 30 ranch homes), 332 apartment units, 50,200 square feet of CP-1 and 45,175 square feet of CP-2 uses.

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. Prior to the issuance of a certificate of occupancy, all roof-top and ground-mounted mechanical equipment shall be screened from view with an architectural treatment that is compatible with the building architecture.

f. The final plan shall meet the requirements of the (Site Design Standards and Architectural Design Standards). Additional review will occur with the final development plans.
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g. Prior to the issuance of a building permit, the owner shall dedicate additional right-of-way along the Quivira Road frontage to provide for a total of 60 feet of right-of-way from street centerline to new property line.

h. Per Section 18.100.075 of the Unified Development Ordinance, prior to the issuance of a Building Permit, the developer shall submit a payment for unspecified transportation improvements at the rate of $2.379 per square-foot of gross floor area. Based on the proposed 95,375 square-foot building, the amount will be $226,897.

The funds collected shall be placed in an escrow account set aside for future unspecified transportation planning, design, construction or implementation, and operations in the corridor defined as containing 179th Street and extending north to 175th Street, east to Switzer Road, south to 191st Street, and west to Pflumm Road. Said work shall be above and beyond that listed in other stipulations to this rezoning.

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. 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.

k. Concurrent with the submittal of a site development or building permit, whichever comes first, a landscape architect registered in the State of Kansas shall provide a sealed landscape plan for the native vegetation plantings being utilized as a stormwater treatment facility.

l. Prior to the issuance of a site development or building permit, whichever comes first, the owner/developer shall submit a stormwater treatment maintenance agreement for review and approval by the Engineering Services Division. 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.

m. 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.

n. 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.

o. Prior to approval of a final plat including the stream corridor, the owner/developer shall submit a stream corridor maintenance agreement for review and approval by the Engineering Services Division. The stream corridor maintenance agreement shall be submitted by the Engineering Services Division for recording, concurrent with the final plat, at the Johnson County Department of Records and Tax Administration with the recording fee paid by the owner/developer.

p. 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.

q. Prior to issuance of a building permit for any of CP-1 or CP-2 zoned property, the owner and/or developer shall be responsible for a percentage of the cost of a traffic signal that will be contributed to designing and constructing a future roundabout, traffic signal, or similar traffic control device, and 100 percent of the cost associated with any interim intersection improvements at the 175th Street and Pflumm Road intersection.

The percent contribution shall be determined with the revised traffic study submitted prior to the application for a final development plan for any CP-1 or CP-2 zoned areas. In the event that Quivira Road between 159th Street and 179th Street has not been opened to traffic prior to the application for a final development plan for any CP-1 or CP zoned areas, a revised traffic study based on the best information possible shall be submitted for review and approval. The owner and/or developer shall submit a cash deposit meeting the requirements of City policy in effect at the time of payment. Said deposit shall be deposited with the Chief Financial Officer for the City prior to the issuance of a building permit. The funds collected shall be placed in an escrow account set aside for a future roundabout, traffic signal, or similar traffic control device as determined by the City Engineer, including other appropriate geometric/traffic control measures, at the intersection of 175th Street and Pflumm Road. The cost of such improvements shall be based upon both interim improvements as stipulated in Stipulation “r” below as well as future improvements anticipated at this intersection based upon the City’s adopted Comprehensive Plan, and shall be determined by a detailed cost estimate prepared by a professional engineer licensed in the State of Kansas and approved by the City Engineer.
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r. Prior to or concurrent with the submittal of a site development or building permit for construction within any CP-1 or CP-2 zoned area, a separate set of public improvement plans shall be submitted for interim improvements to the intersection of 175th Street and Pflumm Road. The improvements shall include a southbound left-turn lane in conformance with the approved traffic study. Prior to the issuance of a certificate of occupancy for any buildings in the CP-1 or CP-2 zoned areas, the public improvements shall be built and accepted for maintenance by the Engineering Services Division.

If Quivira Road between 159th Street and 179th Street is open to traffic prior to the approval of a final development plan for any CP-1 and CP-2 zoned area, a revised traffic study shall be submitted and approved by the Engineering Service Division. Necessary interim improvements to this intersection shall be made as recommended by the revised study. The design and construction costs of any interim improvements constructed at the intersection of 175th and Pflumm shall be counted as partial satisfaction of the Developer’s contribution as stipulated in Stipulation “q” above.

s. Concurrently with the submittal of public improvement plans for construction of Rosehill Street at 179th Street, public improvement plans shall be submitted for necessary left and right-turn lanes on 179th Street at Rosehill as shown on the approved traffic study. The plans shall be approved and the public improvement shall be issued by the Engineering Services Division concurrently with public improvements for Rosehill. Prior to a certificate of occupancy for adjacent development sites served by Rosehill Street, the public improvements for the intersection of Rosehill Street/179th Street shall be built and accepted for maintenance by the Engineering Services Division.

t. Prior to any of the following conditions occurring, the owner and/or developer shall submit a cash deposit to the Chief Financial Officer for the City meeting the requirements of City policy in effect at the time of payment. The funds collected shall be placed in an escrow account and shall be an amount equal to 100 percent of the estimated costs for a future traffic signal, roundabout, or similar traffic control device, including any required interconnections or other appropriate geometric/traffic control measures, at the intersection of 179th Street and Rosehill. The costs for a traffic signal, roundabout, or similar traffic control improvements shall be based upon a detailed cost estimate prepared by a professional engineer licensed in the State of Kansas and approved by the City Engineer.

If a signal is proposed, the signalization will be considered by the City when and if a warrant is met in accordance with the “Manual on Uniform Traffic Control Devices.”

Conditions requiring a traffic signal, roundabout, or similar traffic control device payment for 179th and Rosehill Street:
A building permit is issued that cumulatively exceeds 75 percent of the maximum approved square footing in the CP-1 and CP-2 zoned area.

The last building permit for the CP-1 and CP-2 zoned area is issued.

When warrants for a traffic control device are met as determined by the City Traffic Engineer.

u. Prior to issuance of a building permit for any of CP-1 or CP-2 zoned property, the owner and/or developer shall be responsible for a percentage of the cost of a traffic signal that will be contributed to constructing a future roundabout and 100 percent of the cost for any associated interim intersection improvements at the 179th and Quivira Road intersection. The percent contribution shall be determined with the revised traffic study submitted prior to the application for a final development plan for any CP-1 or CP-2 zoned areas. In the event that Quivira Road between 159th Street and 179th Street has not been opened to traffic prior to the application for a final development plan for any CP-1 or CP zoned areas, a revised traffic study based on the best information possible shall be submitted for review and approval. The owner and/or developer shall submit a cash deposit meeting the requirements of City policy in effect at the time of payment. Said deposit shall be deposited with the Chief Financial Officer for the City prior to the issuance of a building permit. The funds collected shall be placed in an escrow account set aside for a future roundabout, as determined by the City Engineer.

v. Prior to the issuance of a site development or building permit for the multi-family, apartment, or commercial portions of the site, 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 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.

w. Prior to the issuance of a public improvement, site development or building permit, the applicant shall submit a flood study that updates the Blue River Watershed Study in the vicinity of the site. If determined necessary by the engineering staff, the flood study shall be extended upstream from the current upper limits of the Blue River Watershed Study to include smaller tributaries.

x. Prior to or concurrent with the submittal of construction plans for a site development or building permit, whichever comes first, the applicant’s engineer shall submit a separate set of public improvement plans for public improvements associated with that phase of the development. For any residential portions of the site, the public improvements shall be constructed and accepted by the Engineering Services Division prior to the issuance of any building permits for that phase of the site.
y. Prior to the issuance of a building permit for any residential portions of the site, the public improvements shall be built and accepted for maintenance by the Engineering Services Division.

z. Prior to or concurrent with the submittal of construction plans for a site development or building permit for the multi-family, apartment, or commercial portions of the site, whichever comes first, a separate set of public improvement plans shall be submitted. The plans shall be approved and the public improvement permit shall be issued by the Engineering Services Division prior to the issuance of a site development or building permit. Prior to the issuance of a certificate of occupancy, the public improvements shall be built and accepted for maintenance by the Engineering Services Division.

aa. Concurrent with the construction of public improvements, grading shall match the proposed future grading of 183rd Street and Quivira Road at the property line. Additional grading in the right-of-way shall be accomplished to move the existing ditches away from the unimproved thoroughfare and provide shoulder room on the frontage abutting this subdivision. The shoulder and ditch improvements shall include extending the existing culvert(s) under 183rd Street and Quivira Road as necessary to meet clear zone requirements.

bb. Concurrent with the construction of public improvements, 183rd Street and Quivira Road along the frontage abutting the plat(s) of this subdivision shall conform to the street overlay and widening requirements of Section 18.460.260 of the Municipal Code. If improvements are necessary, the improvement plans shall be approved concurrently with the other public improvements within the subdivision and shall be completed prior to the issuance of a certification of occupancy for any buildings in the adjacent plat.

cc. Prior to the issuance of a building permit for the multi-family units, an “as-built” grading plan shall be submitted by the owner/developer and approved by the Engineering Services Division.

Section 3. The Zoning District Map for the City of Overland Park, Kansas, is hereby amended by this ordinance, Ordinance No. Z-4063, said amendment being incorporated by reference pursuant to Section 18.150.020 which is amended to read as follows:

18.150.020 Zoning District Map
The boundaries of the zoning districts enumerated in Section 18.150.010 and in Article 7 of the Johnson County, Kansas, Zoning & Subdivision Regulations adopted herein shall be shown on a map officially designated as the Zoning District Map, which map is hereby incorporated by reference. Such "Zoning District Map" shall be marked "official copy of zoning district map incorporated into the zoning regulations by adoption of a zoning ordinance by the Governing Body of the City on the 2nd day of March, 2020," and shall
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be filed in the office of the Director of Planning and Development Services of the City of Overland Park, Kansas, to be open to inspection and available to the public at all reasonable business hours. Ordinances amending the boundaries of zoning districts shall order the "Zoning District Map" to be changed to reflect such amendment, shall amend this Section 18.150.020, and shall reincorporate such “Zoning District Map” as amended.

Section 4. All zoning ordinances or provisions of the City of Overland Park, Kansas, otherwise limiting the use of the above described real property and inconsistent with this ordinance are hereby repealed. Further, Overland Park Municipal Code, Section 18.150.020, is hereby repealed to allow for amendment to the Zoning District Map as set forth hereinabove.

Section 5. 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 2nd day of March, 2020.

APPROVED by the Mayor this 2nd day of March, 2020.

CITY OF OVERLAND PARK, KANSAS

By: ____________________________
    Carl Gerlach
    Mayor

(SEAL)

ATTEST: APPROVED AS TO FORM:

By: ____________________________ By: (s) Stephen B. Horner
    Elizabeth Kelley
    City Clerk
    Stephen B. Horner
    Senior Assistant City Attorney