

**ORDINANCE NO. Z-4009**

**REZONING NO. 2019-00008**

**AN ORDINANCE RELATING TO ZONING: AMENDING CERTAIN ZONING REGULATIONS SHOWN ON SHEET NO. 75 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. 75, 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:

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

Commencing at the Northeast corner of the Northeast Quarter of said Section 24; thence S 88°16'03" W, along the North line of the Northeast Quarter of said Section 24, a distance of 1342.31 feet to the Northeast corner of the West One-half of the Northeast Quarter of said Section 24, said point also being the point of beginning; thence S 2°12'44" E, along the East line of the West One-half of the Northeast Quarter of said Section 24, a distance of 2655.99 feet to the Southeast corner of the West One-half of the Northeast Quarter of said Section 24; thence S 88°12'16" W, along the South line of the Northeast Quarter of said Section 24, a distance of 759.99 feet; thence N 2°12'44" W, a distance of 2656.82 feet to a point on the North line of the Northeast Quarter of said Section 24; thence N 88°16'03" E, along the North line of the Northeast Quarter of said Section 24, a distance of 109.00 feet; thence S 2°12'44" E, a distance of 725.79 feet; thence N 88°16'03" E, a distance of 590.00 feet; thence N 2°12'44" W, a distance of 73.83 feet; thence N 88°16'03" E, a distance of 20.00 feet; thence N 2°12'44" W, along the East Plat line of NICK'S PLAYGROUND, a platted subdivision of land in the City of Overland Park, Johnson County, Kansas and its Southerly Extension, a distance of 651.96 feet to the Northeast plat corner of said NICK'S PLAYGROUND, said point also being on the North line of the Northeast Quarter of said Section 24; thence N 88°16'03" E, along the North line of the Northeast Quarter of said Section 24, a distance of 41.00 feet to the point of beginning, containing 36.2157 acres, more or less, subject to that part in streets and roads.

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The real property hereinabove described shall hereafter be deemed zoned and classified as R-1, Single-Family Residential District.

The Zoning District Map, Sheet No. 75 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. Prior to the issuance of a building permit, the property shall be preliminary and final platted.
- b. Access to 167th Street for both construction vehicles and public access shall be restricted until such time that 167th Street or the connection point is modified so that sight distance at the intersection conforms with the City's Design and Construction Standards.
- c. At the time of consideration of the final plat for the area being rezoned, the Governing Body shall consider whether the proposed final plat is consistent with the concept plan presented to the Governing Body at the time of the rezoning consideration.
- d. Platting of the property shall occur in phases so that 170th Street is not opened up until the 51st lot is developed. Access for the first 50 lots will be only from 167th Street.

**Section 3.** The Zoning District Map for the City of Overland Park, Kansas, is hereby amended by this ordinance, Ordinance No. Z-4009, 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 9th day of September, 2019," and shall 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

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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 1st day of June, 2020.

APPROVED by the Mayor this 1st day of June, 2020.

**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