

ORDINANCE NO. Z-4090

REZONING NO. 2020-00002

AN ORDINANCE RELATING TO ZONING: AMENDING CERTAIN ZONING REGULATIONS SHOWN ON SHEET NO. 13 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. 13, 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 of Lots 68 and 69 of LOTS 28 TO 119 BREYFOGLE and All that part of Lots 1, 2, 5 and 6, MAJESTIC GARDENS, both being subdivisions of land in the City of Overland Park, Johnson County, Kansas, situated in the Northwest Quarter of Section 36, Township 12 South, Range 24 East and being more particularly described as follows:

Commencing at the Northwest corner of the Northwest Quarter of said Section 36; thence North 87°25'01" East along the North line of said Northwest Quarter a distance of 1335.75 feet to the point of intersection with the centerline of Farley Street as now established; thence South 02°05'24" East along said centerline a distance of 499.69 feet to the point of intersection with the centerline of W. 88th Street as now established and the POINT OF BEGINNING; thence continuing along the centerline of said Farley Street South 02°05'24" East a distance of 250.30 feet; thence South 87°25'49" West along the North line of said Lot 1 and the Easterly extension thereof for a distance of 140.00 feet; thence South 02°07'43" East a distance of 119.71 feet to the South line of said Lot 2; thence North 71°26'00" West along said South line a distance of 11.11 feet to the angle point in said South line; thence South 87°54'36" West along said South line and the Westerly extension thereof for a distance of 180.00 feet to the West line of said Lot 6; thence North 02°01'38" West along said West line and the West line of said Lot 69 and the Northerly extension thereof for a distance of 364.43 feet to the centerline of said W. 88th Street; thence North 87°25'01" East along said centerline a distance of 329.93 feet to the POINT OF BEGINNING. Except that part in public road right-of-way.

Containing 104,503 square feet or 2.3991 acres more or less, in gross.

The real property hereinabove described shall hereafter be deemed zoned and classified as RP-4, Planned Cluster Housing District, to allow a multi-family development.

ORDINANCE NO. Z-4090

The Zoning District Map, Sheet No. 13 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 18 units.
- 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. Prior to the issuance of a building permit, the applicant shall submit to the staff of the Planning and Development Services Department evidence of a recorded covenant running with the land establishing a common access easement for the benefit of all individually owned units in the development. The exact location and extent of the easement and the form and content of the easement document shall be subject to review and approval by the Planning and Development Services Department.
- g. At the time of final development plan approval the landscaping and building architecture will be further reviewed.
- h. The number, location, and geometrics of all driveways and parking areas are subject to review and approval by the Planning and Development Services Department.
- i. At the time of final development plan approval, a landscape architect registered in the State of Kansas shall provide a sealed landscape plan for the applicable stormwater treatment facilities.

ORDINANCE NO. Z-4090

- j. Concurrent with the submittal of construction plans for a public improvement or site development permit, whichever comes first, the developer's engineer shall provide a Final Stormwater Management Study that addresses any outstanding items from the Stormwater Management Study and includes any design changes. The study shall be approved prior to the issuance of a permit.
- k. Prior to the issuance of a public improvement or site development 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.
- l. Prior to, or concurrent with, the submittal of construction plans for a site development permit, a separate set of public improvement plans shall be submitted. Prior to the issuance of a building permit, the plans shall be approved, the public improvement permit shall be issued, and the public improvements shall be built and accepted for maintenance by the Engineering Services Division.
- m. Prior to the issuance of a public improvement or site development permit, a private maintenance access easement shall be obtained from the adjacent property owner to the west for maintenance of the private storm sewer line.
- n. Prior to the issuance of building permits, the detention facility serving this development shall be certified by the design engineer, a professional engineer, licensed in the State of Kansas. The entire detention facility shall be permanently stabilized with established perennial vegetation with a density of at least 70 percent or fully sodded prior to certification.
- o. Prior to the issuance of a site development permit, 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 parking 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.
- p. Prior to the issuance of a building permit, the detention facility serving the site shall be constructed and in service.
- q. Prior to the issuance of a public improvement or site development permit, whichever comes first, a performance surety for the stormwater treatment facilities

ORDINANCE NO. Z-4090

shall be provided by the owner/developer in accordance with Section 16.210.080.C of the O.P.M.C.

- r. Prior to the issuance of a building permit for multi-family units, an “as-built” grading plan shall be submitted by the owner/developer and approved by the Engineering Services Division.
- s. Prior to the release of the performance surety for any deferred stormwater treatment facilities and prior to the issuance of any building permits for non-deferred stormwater treatment facilities, the owner/developer shall provide a certificate 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.
- t. Prior to the release of the performance surety for any deferred stormwater treatment facilities and prior to the issuance of any building permits for non-deferred stormwater treatment facilities, 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.
- u. Prior to the issuance of a certificate of occupancy, all sidewalk ramps in the public right-of-way adjacent to the property shall be constructed or reconstructed to conform with current public sidewalk ramp requirements, including the installation of truncated domes where applicable.
- v. Prior to the issuance of a certificate of occupancy, any existing public sidewalk adjacent to this property that does not substantially meet current City standards or is in poor condition shall be reconstructed to current City standards. The limits of the repair shall be approved by the Engineering Services Division prior to the issuance of a building or site development permit. An alternate route for pedestrian traffic shall be maintained in compliance with Section 13.10.070 of the Municipal Code. In no case shall public sidewalks be closed to pedestrian traffic for a period exceeding 30 days without prior approval from the City.
- w. 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.

ORDINANCE NO. Z-4090

- x. Prior to the issuance of a certificate of occupancy, a public sidewalk shall be constructed on both sides of Merit Drive within the right-of-way in the locations shown on the site plan.

Section 3. The Zoning District Map for the City of Overland Park, Kansas, is hereby amended by this ordinance, Ordinance No. Z-4090, 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 5th day of October, 2020," 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 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.

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ORDINANCE NO. Z-4090

PASSED by the City Council this 5th day of October, 2020.

APPROVED by the Mayor this 5th day of October, 2020.

CITY OF OVERLAND PARK, KANSAS

By: _____
Carl Gerlach
Mayor

(SEAL)

ATTEST:

APPROVED AS TO FORM:

By: _____
Elizabeth Kelley
City Clerk

By: (s) Stephen B. Horner
Stephen B. Horner
Senior Assistant City Attorney