

**ORDINANCE NO. Z-4120**

**REZONING NO. 2020-00012**

**AN ORDINANCE RELATING TO ZONING: AMENDING CERTAIN ZONING REGULATIONS SHOWN ON SHEET NO. 05 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. 05, 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 Lot 2, and Lot 3, BLOCK2, ANTIOCH VILLAGE, a subdivision in the city of Overland Park, Johnson County, Kansas more particularly described as follows:

Commencing at the Southwest corner of said Lot 3; thence South 52°40'32" East, coincident with the Southwesterly line of said Lot 3, a distance of 268.68 feet to the Point of Beginning; thence departing said Southwesterly line, South 89°40'32" East, 364.12 feet; thence South 00°19'28" West, 17.77 feet; thence South 89°40'32" East, 364.24 feet to a point on the East line of said Lot 2; thence South 00°20'00" West, 373.80 feet to the Southeast corner of said Lot 2; thence North 89°47'47" West, coincident with the South line of said Lot 2, a distance of 208.08 feet; thence North 52°40'32" West, coincident with the Southwest line of said Lot 2, a distance of 651.39 feet to the Point of Beginning,

Containing 177,032 square feet, or 4.064 acres, more or less.

The real property hereinabove described shall hereafter be deemed zoned and classified as BP, Business Park District, to allow a corporate office and warehouse.

The Zoning District Map, Sheet No. 05 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 site development or building permit, 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

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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.

- b. 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.
- c. 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.
- d. Development of the site shall be limited to 45,000 square feet.
- e. A deviation is approved from section 18.290.050.A of the Unified Development Ordinance to allow BP, Business Park District zoning on a parcel less than 15 acres.
- f. A deviation is approved from section 18.290.040.A of the Unified Development Ordinance to allow shared parking with the property to the north, in lieu of 69 required parking spaces.
- g. Prior to the publication of the ordinance, 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 and parking access agreement from the property owner to the west. A minimum of sixty-nine (69) parking spaces are required in the parking access agreement. 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.

**Section 3.** The Zoning District Map for the City of Overland Park, Kansas, is hereby amended by this ordinance, Ordinance No. Z-4120, 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

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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 1st day of March, 2021," 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.

PASSED by the City Council this 1st day of March, 2021.

APPROVED by the Mayor this 1st day of March, 2021.

**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