

ORDINANCE NO. Z-4128

REZONING NO. 2021-00001

AN ORDINANCE RELATING TO ZONING: AMENDING CERTAIN ZONING REGULATIONS SHOWN ON SHEET NO. 26 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. 26, 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 Tract "D", METCALF "107", a platted subdivision in the City of Overland Park, Johnson County, Kansas, more particularly described as follows:

Beginning at the Northeast corner of said Tract "D"; thence South 00°10'00" West, along the East line of said Tract "D", 135.89 feet to the Northeast corner of Lot 1, METCALF 108, a platted subdivision in said City of Overland Park; thence North 89°50'00" West, along the North line of said Lot 1, a distance of 162.02 feet to the Northwest corner thereof; thence along the West line of said Lot 1, the following three courses: thence South 00°10'00" West, 15.00 feet; thence southerly along a curve to the right having a radius of 300.00 feet, and a central angle of 33°30'15", an arc length of 175.43 feet; thence South 33°40'15" West, 122.56 feet to the West corner of said Lot 1, said point also being on the Southwest line of said Tract "D"; thence along said Southwest line, the following three courses: thence North 56°19'45" West, 195.44 feet; thence northwesterly along a curve to the right having a radius of 170.33 feet, and a central angle of 56°46'05", an arc length of 168.76 feet; thence North 00°26'20" East, 18.23 feet to the Southwest corner of Tract "C", said METCALF "107"; thence South 89°47'56" East, along the South line of said Tract "C", 150.71 feet to the Southeast corner thereof; thence North 00°10'00" East, along the East line of said Tract "C", 149.83 feet to the Northeast corner thereof and the Northwest corner of said Tract "D"; thence South 89°50'00" East, along the North line of said Tract "D", 368.00 feet to the Point of Beginning, containing 117,367 square feet, or 2.694 acres, more or less.

The real property hereinabove described shall hereafter be deemed zoned and classified as MXD, Planned Mixed Use District, to allow a mixed use building.

The Zoning District Map, Sheet No. 26 is hereby ordered to be changed to reflect such amendment.

ORDINANCE NO. Z-4128

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 the following:
 - Residential Units - 220
 - Retail - 1,773 square feet
 - Office - 9,934 square feet
- 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 Architectural Design Standards and Mixed-Use Standards.
- g. 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 the abutting property owner to the east. That easement shall extend from 107th Street south to 108th Street and include the access lanes for the 49 parking spaces located north. 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.
- h. Prior to the issuance of any certificate of occupancy for the mixed-use building, a separate parcel shall be created for the 49 parking spaces located north of the hotel and shall be deeded to the current ownership of the hotel property.

ORDINANCE NO. Z-4128

- i. The application is approved with 85 small-car parking spaces located in the parking garage for the mixed-use building.
- j. The number, location and geometrics of all driveways and parking areas are subject to review and approval by the Planning and Development Services Department.
- k. Concurrent with 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.
- l. 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.
- m. 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.
- n. 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 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.

Section 3. The Zoning District Map for the City of Overland Park, Kansas, is hereby amended by this ordinance, Ordinance No. Z-4128, 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

ORDINANCE NO. Z-4128

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 April, 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 5th day of April, 2021.

APPROVED by the Mayor this 5th day of April, 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