

**ORDINANCE NO. Z-4127**

**REZONING NO. 2020-00009**

**AN ORDINANCE RELATING TO ZONING: AMENDING CERTAIN ZONING REGULATIONS SHOWN ON SHEET NO. 32 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. 32, 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:

Tract B, as shown on the Lot Split Certificate of Survey recorded November 27, 2018 in Book 201811, Page 006154, of Lot 1, SPRINT WORLD HEADQUARTERS FIRST PLAT, REPLAT, a subdivision located in the City of Overland Park, Johnson County, Kansas, according to the recorded plat thereof, EXCEPT that part used or dedicated for any public street, public road, or public right-of-way; being more particularly described as follows:

All of Lot 1, SPRINT WORLD HEADQUARTERS FIRST PLAT, REPLAT; except the following described tract of land:

A tract of land being situate at the northwest corner of Lot 1, SPRINT WORLD HEADQUARTERS FIRST PLAT, REPLAT, a subdivision in Overland Park, Johnson County, Kansas according to the recorded plat thereof and being filed in the Office of the Register of Deeds for said County and State in Plat Book 100 at Page 28, said tract of land lying South of and coincident with the Southerly right-of-way line of 115th Street as now established 110 feet wide. Said tract of land now being more particularly described as follows:

Commencing at the Northwest corner of aforesaid Lot 1; thence Easterly along the Northerly line of said Lot 1, being along a curve to the left having an initial tangent bearing of North 79°19'51" East, a radius of 865.00 feet and a central angle of 02°41'14", an arc length of 40.57 feet to the East right-of-way line of Glenwood Avenue as now established by the Deed of Dedication filed in the aforesaid Office of the Register of Deeds in Book 5587 at Page 836 and the Point of Beginning of the tract of land to be herein described; thence continuing Easterly and Northeasterly along the last described curve, being along the Northerly line of said Lot 1 and along the Southerly right-of-way line of aforesaid 115th Street, along a curve to the left having an initial tangent bearing of North 76°38'37" East, a radius of 865.00 feet and a central angle of 17°48'07", an arc length of 268.76 feet; thence South 02°03'18" East, departing from the Northerly line of said Lot 1 and the Southerly right-of-way line of said 115<sup>th</sup> Street, not tangent to the last described curve, a distance of 258.36 feet; thence South 87°56'42" West, perpendicular to the last described course, a distance of 182.78

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feet; thence Southerly, Southwesterly and Westerly along a curve to the right, having an initial tangent bearing of South 03°36'57" West, a radius of 30.00 feet and a central angle of 84°10'00", an arc length of 44.07 feet; thence South 87°46'57" West, tangent to the last described curve, a distance of 30.00 feet; thence Westerly and Northwesterly along a curve to the right, tangent to the last described course, having a radius of 30.00 feet and a central angle of 28°30'30", an arc length of 14.93 feet to a point on the Easterly right-of-way line of said Glenwood Avenue as now established 73 feet wide by said Deed of Dedication; thence North 08°40'58" West along the Easterly right-of-way line of said Glenwood Avenue, a distance of 136.64 feet; thence North 19°42'18" East along the Easterly right-of-way line of said Glenwood Avenue, a distance of 57.84 feet to the Point of Beginning.

TOGETHER WITH

All of vacated 117th Street, as described in Ordinance No. VAC-2056, recorded April 29, 1998 in Book 5564, Pages 378, 378A, 379 and 379A, EXCEPT that part used or dedicated for any public street, public road, or public right-of-way.

Parcel 2:

All that part of the East One-Half of Section 17, Township 13, Range 25, in the City of Overland Park, Johnson County, Kansas, described as follows:

Commencing at the Southeast corner of the Northeast Quarter of said Section 17; thence South 87 degrees 54 minutes 17 seconds West, along the South line of said Northeast Quarter, a distance of 60.00 feet, to the West line of Nall Avenue, as now established, and the Point of Beginning; thence South 1 degree 30 minutes 48 seconds East, along said West line, a distance of 1,295.36 feet, to the Northerly right-of-way line of 117th Street, as now established; thence South 88 degrees 29 minutes 12 seconds West, along said Northerly line, a distance of 145.52 feet, to a point of curvature; thence Westerly and Southwesterly continuing along said Northerly line and along a curve to the left, having a radius of 680.00 feet, a central angle of 27 degrees 03 minutes 26 seconds, a distance of 321.12 feet, to the Southeast corner of Lot 2 of the Certificate of Survey of Lot 2, Block 5, Overland Park Plaza II, a subdivision of land, according to said Certificate of Survey recorded June 16, 1997, as File No. 2713198; thence North 9 degrees 46 minutes 00 seconds West, along the Easterly line of said Lot 2B and the Easterly line of Lot 2 of said Certificate of Survey, a distance of 1,463.34 feet, to the Southerly right-of-way line of 115th Street, as now established; thence Easterly along said Southerly line and along a curve to the left, having a radius of 855.00 feet, an initial tangent bearing of South 73 degrees 23 minutes 30 seconds East, a central angle of 18 degrees 42 minutes 13 seconds, a distance of 279.10 feet, to a point of tangency; thence North 87 degrees 54 minutes 17 seconds East, continuing along said Southerly line, a distance of 390.18 feet, to the West right-of-way line of said Nall Avenue; thence South 1 degree 41 minutes 29 seconds East, along said West line, a distance of 40.00 feet, to the Point of Beginning, EXCEPT that part used or dedicated for any public street, public road, or public right-of-way AND EXCEPT any portion within vacated 117th Street adjacent to the south.

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

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The Zoning District Map, Sheet No. 32 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 600 residential units, 120 hotel rooms, 382,875 square feet of retail and 5,074,238 square feet of office uses (3,974,238 s.f. of existing office and 1,100,000 s.f. of new office).
- c. All future public hearings and revised preliminary plans will be based upon the individual districts as shown on the submitted PDP Sheet 6.0A on the submitted plans. For instance any change to District 1 will require notice only around that district. All modifications are subject to the substantial change criteria of the Unified Development Ordinance Section 18.140.200.A.3 to determine if a public hearing is required. If a public hearing is required notice will be from that district triggering the public hearing. Maximum building height in each district (PDP Sheet 6.0A) establishes the maximum height for that district.
- d. Prior to the publication of the ordinance approving REZ2020-00009, all plans and exhibits shall be updated to reflect the approval as stipulated.
- e. Prior to the issuance of a building permit, the property shall be preliminary and final platted and any required excise tax shall be paid.
- f. Prior to the submittal of a building permit, the Planning Commission shall approve final development plans.
- g. 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.
- h. The first final development plan for any building shall include a design manual identifying building materials, colors, architectural elements, signage and other design

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features for the development. These may include landscaping, bench details, sidewalk details and other features for the center.

- i. At the time of the first final development plan approval, a landscape architect registered in the State of Kansas shall provide a sealed landscape plan. The plan shall include streetscape plans, applicable stormwater treatment facilities and tree preservation. Tree preservation shall be coordinated with the city forester. Prior to the issuance of a land disturbance or higher permit, the applicant shall meet with the city forester to discuss specific tree preservation measures to be undertaken prior to and during construction to preserve identified trees. The construction documents for such permits shall include the recommendations of the city forester.
- j. 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 across the 243 acres as well as an easement granting the Jewish Community Center cross access.
- k. The applicant agrees to rescind SUP1990-00007 for a training and conference center.
- l. Modification and waivers are approved from the Mixed Use Design Standards as stated in the attached memo from Rouse Frets White Goss Gentile Rhodes dated January 22, 2021.
- m. The number, location and geometrics of all driveways and parking areas are subject to review and approval by the Planning and Development Services Department.
- n. 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.
- o. Prior to the issuance of a certificate of occupancy for any phase of the project requiring stormwater detention, the detention facility serving the 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. Phased construction shall be permitted so long as the design and construction of such facilities does not increase the flow rate of stormwater runoff leaving the site from any discharge point during the 2 year through 100 year design storm event.

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- p. Prior to the issuance of a site development or building permit, whichever comes first, the owner/developer shall submit a shared detention maintenance agreement for review and approval by the Engineering Services Division. The document shall address the following:
- 1) Provide individual lots with the right to use the detention facility located in Tract P.
  - 2) Identify the obligations of each party toward the maintenance of the detention facility.
  - 3) Identify the owner as the entity responsible for the annual certification of the detention facility.

The shared detention 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.

- q. Prior to the issuance of a site development or building permit, in Area C, 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. If the final extended detention facility relies upon an active system that lowers the pond elevation to provide adequate storage prior to a rainfall event, the maintenance agreement shall include applicable information to demonstrate that the owner has obtained a service/monitoring agreement ensuring that such a system remains operational over time.
- r. Prior to the issuance of a final certificate of occupancy for the first building permit in Area C, 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.
- s. Prior to the issuance of a final certificate of occupancy for the first building permit, 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.
- t. Prior to the issuance of a site development or building permit, the proposed lake shall conform to the requirements in Section 15.10.300 of the Municipal Code. The

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- agreement shall be submitted by 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.
- u. Prior to the issuance of a site development or building permit, the owner/developer shall provide a plan with details for the emergency spillway design, the downstream flow path, and any possible impacts in the event of an overflow from the redesigned detention lakes. This plan must be reviewed and approved by the Engineering Services Division prior to the issuance of the permit.
  - v. Unless determined to be non-jurisdictional, a copy of the Corps of Engineers Permit issued under Section 404 of the Clean Water Act for all proposed encroachments into Jurisdictional Waters of the U.S shall be provided to the Engineering Services Division prior to construction plan approval.
  - w. Prior to the issuance of a site development or building permit, the owner/developer shall design the lake in accordance with the latest edition of SCS Technical Release No. 60, "Earth Dams and Reservoirs" as a Class "C" Structure in accordance with city requirements. The design shall be reviewed and approved by the Engineering Services Division.
  - x. 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.
  - y. 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.
  - z. 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.
  - aa. 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

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- 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.
- bb. Prior to approval of any final development plan for Buildings A1 through A5, authorization shall be obtained from the City of Leawood for any improvements that occur within the corporate boundaries of the City of Leawood. If said improvements are not approved, a revised preliminary development plan shall be submitted for approval that modifies the plan as needed to eliminate the need for the improvement.
- cc. Prior to the issuance of a building permit for any improvements in parcels F1 through F3 inclusively, the owner and/or developer shall submit either a cash deposit (or an irrevocable Letter of Credit in the same amount meeting the requirements of City policy in effect at the time of payment, for a term of one year. Irrevocable Letters of Credit are not renewable and may be redeemed by the City at any time prior to the end of the one-year term.) Said cash (or Irrevocable Letter of Credit) shall be deposited with the Chief Financial Officer for the City of Overland Park. The funds collected shall be placed in an escrow account set aside for a future traffic signal, including any required interconnections or other appropriate geometric/traffic control measures, at the intersection of 115th Street & Lamar Avenue. The payment will be based upon 36 percent of the cost of a future traffic signal, supported by a cost estimate approved by the City at the time that the payment is due. 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.” In the event the actual total signalization costs are less than the funds available from the escrow account at the time of contract closing out, the difference shall be refunded to the owner or developer or the successors in interest.
- dd. As provided under case REZ1999-00019, the owner and/or developer shall be fully responsible for construction of a traffic signal at the intersection of Glenwood/Sprint Parkway should it become warranted in the future. The signalization shall be considered by the City when and if a warrant is met in accordance with the “Manual of Uniform Traffic Control Devices.” If the warrant is generated or partially generated by redevelopment of the property immediately west of the site bounded by 115th Street, Metcalf Avenue, 119th Street, and Glenwood Street, then the City shall allocate the cost of this signal proportionally between the contributing developments.
- ee. New access points to Nall Avenue shall be limited to one new access between 115th Street and 117th Street and two new access points between 117th Street and 119th Street. Southbound right turn lanes are approved for Nall Avenue at 115th Street, Drive C, 117th Street, and 119th Street.

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ff. Concurrently with each phase of construction, construct all private improvements as shown on the rezoning plan. The applicant shall work with staff to redesign Area A based upon revised allowable access points from the surrounding street network. This shall be provided prior to the publication of the ordinance.

gg. Prior to, or concurrent with, the submittal of construction plans for a site development or building permit, whichever comes first, a separate set of public improvement plans shall be submitted for perimeter/offsite public improvements. The plans shall be approved and the public improvement permit shall be issued by the Engineering Services Division prior to the issuance of the first site development or building permit within each phased area. Prior to the issuance of a certificate of occupancy for any building within each phase area, the public improvements shall be built and accepted for maintenance by the Engineering Services Division. Phasing of such improvements shall be in accordance with the phasing shown in the following table.

Location	Improvement	Construction Phase
1. Nall Avenue and 119th	<ul style="list-style-type: none"> <li>● Extended 3rd southbound lane through the south entrance of Menorah Medical Center.</li> <li>● Construct a southbound right turn lane</li> <li>● All required signal modifications to accommodate geometric improvements</li> </ul>	Concurrently with the construction of buildings A1 through A5 or buildings B1 through B12 - whichever building comes first.
2. 115th Street and Nall*	<ul style="list-style-type: none"> <li>● Construct southbound right turn lane</li> <li>● Extend eastbound dual left-turn lanes</li> <li>● Extend eastbound right-turn lane to a minimum length of 420 feet</li> <li>● All required signal modifications to accommodate geometric improvements*</li> </ul>	<p>Southbound right turn lane with concurrently with buildings F1-F4 or when 500,000 square feet is constructed between Areas A1-A5, B1 through B12, and C1 through C10, whichever comes first;</p> <p>Eastbound dual left-turn lanes with buildings F1-F4; whichever building comes first</p> <p>Eastbound right-turn lane and signal with buildings-F1-F4 whichever building comes first</p> <p>As required to accommodate turn lane changes listed above.</p>



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3. Nall Avenue and 117th Street*	<ul style="list-style-type: none"> <li>● Construct a second eastbound left turn lane and maintain a left through lane</li> <li>● Modify eastern side of Nall as needed for acceptable roadway geometry*</li> <li>● modify existing signals to accommodate geometric improvements*</li> </ul>	Concurrently with the construction of buildings A1 through A5 or buildings B1 through B12 - whichever building comes first.
4. Nall and Drive C*	<ul style="list-style-type: none"> <li>● Construct a traffic signal*</li> <li>● Construct a southbound right turn lane</li> <li>● Construct a northbound left turn lane*</li> <li>● Construct eastbound lanes in accordance with the traffic impact study</li> </ul>	Concurrently with construction of buildings A1 through A5 - whichever building comes first
5. 119th Street and Drive G/Menorah Drive	<ul style="list-style-type: none"> <li>● Construct a 250' eastbound left turn lane</li> <li>● Provide two southbound lanes (left turn lane and shared thru/right-turn lane) from the private site</li> <li>● Construct all necessary modifications to the existing traffic signal at this location to accommodate the new private access point and new turn lanes</li> </ul>	Concurrently with connection of Drive G to 119th Street
6. SE Sprint Drive and 119th Street	<ul style="list-style-type: none"> <li>● Modify 119th Street as needed to accommodate two-way traffic on the private drive (Sprint Parkway) to the north</li> </ul>	Concurrently with the reconstruction of the south loop of Sprint Parkway or construction on any of parcels D1 - D2, whichever comes first
7. SW Sprint Drive and 119th Street	<ul style="list-style-type: none"> <li>● Modify 119th Street as needed to accommodate two-way traffic on the private drive (Sprint Parkway) to the north</li> <li>● Modify the internal driveway immediately to the north to accommodate two way traffic</li> </ul>	Concurrently with the reconstruction of the south loop of Sprint Parkway or construction on parcels D3 and D4, whichever comes first
8. 115th Street and Lamar	<ul style="list-style-type: none"> <li>● Restripe southbound right turn lane to through/right turn lane</li> <li>● Construct a westbound left turn lane</li> <li>● Construction a northbound through/right and left turn lane</li> <li>● Traffic Signal</li> </ul>	Concurrently with construction on parcels F1 or F2
9. 115th Street and Outlook	<ul style="list-style-type: none"> <li>● Construct additional northbound lane south of 115th Street</li> </ul>	Concurrently with the construction of the roundabout south of 115th/Outlook
* Improvement requiring authorization from the City of Leawood.		

hh. The internal drive serving area B may be developed in phases. The phases shall include from 117th Street to the southern edge of tract drive T10 or from tract drive T12 to the north edge of tract drive T10, as shown on sheet PDP-4.0.

**Section 3.** The Zoning District Map for the City of Overland Park, Kansas, is hereby amended by this ordinance, Ordinance No. Z-4127, 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 April, 2021," and shall be

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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.

*[Remainder of Page Intentionally Left Blank]*

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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