

ORDINANCE NO. Z-4026

REZONING NO. 2019-00015

AN ORDINANCE RELATING TO ZONING: AMENDING CERTAIN ZONING REGULATIONS SHOWN ON SHEET NO. 81 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. 81, 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 West One-half of the Southwest Quarter of Section 27, Township 14 South, Range 24 East, in the City of Overland Park, Johnson County, Kansas, being more particularly described as follows:

Beginning at Northwest corner of the Southwest Quarter of said Section 27, thence N 88°01'00"E along the North line of the Southwest Quarter of said Section 27, a distance of 1330.15 feet to the Northeast corner of the West One-Half of the Southwest Quarter of said Section 27; thence S 2°31'51"E, along the East line of the West One-half of the Southwest Quarter of said Section 27. A distance of 1079.41 feet, thence S 87°13'14"W, a distance of 28.38 feet; thence Northwesterly on a curve to the right, said curve being tangent to the last described course and having a radius of 400.00 feet, an arc distance of 435.28 feet; thence N 30°25'47"W, a distance of 309.32 feet; thence S 5 7°38'18"W, a distance of 348.95 feet; thence Westerly on a curve to the right, said curve being tangent to the last described course and having a radius of 300.00 feet, an arc distance of 229.20 feet; thence N 78°35'13"W, a distance of 124.44 feet thence Westerly on a curve to the left, said curve being tangent to the last described course and having a radius of 250.00 feet, an arc distance of 61.01 feet; thence S 87°25'53"W, a distance of 95.80 feet to a point on the West line of the Southwest Quarter of said Section 27; thence N 2°34'07"W, along the West line of the Southwest Quarter of said Section 27, a distance of 773.25 feet to the point of beginning, containing 28,3159 acres, more or less, subject to the part in streets and roads.

The real property hereinabove described shall hereafter be deemed zoned and classified as RP-1A, Planned Small-Lot Single-Family Residential District.

The Zoning District Map, Sheet No. 81 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), which is 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. A deviation is approved from Section *18.190.030.E* to allow 40-foot lot widths.
- c. Concurrent with submittal of construction plans for a public improvement permit, 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.
- d. Concurrent with the submittal of construction plans for a public improvement permit, stormwater treatment facility plans shall be submitted for review and approval. Any deferred facilities shall be constructed only when 90 percent of the upstream tributary area is permanently stabilized and shall commence within six months following permanent stabilization or when directed by the Engineering Services Division.
- e. Concurrent with the issuance of a land disturbance or public improvement permit, whichever comes first, the contractor shall erect a visible temporary fence or other barrier that delineates the stream corridor. The barrier shall remain in place throughout construction and remain free of grading, retaining walls, or other alterations, unless otherwise approved. The barrier shall remain until the adjacent lots have been sodded.
- f. Concurrent with the construction of public improvements, preliminary engineering studies shall be developed to determine the future grades for Pflumm Road and 183rd Street at the property line. Additional grading in the right-of-way shall be accomplished to move the existing ditches away from the unimproved thoroughfare and provide shoulder room on the frontage abutting this subdivision. The shoulder and ditch improvements shall include extending the existing storm sewer structures as necessary to meet clear zone requirements.

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- g. Concurrent with the construction of public improvements, 183rd Street and Pflumm Road along the frontage abutting the plat(s) of this subdivision shall conform to the street overlay and widening requirements of Section 18.460.260 of the Municipal Code. If improvements are necessary, the improvement plans shall be approved concurrently with the other public improvements within the subdivision and shall be completed prior to the issuance of a building permit.
- h. At the time of final plat approval, a landscape architect registered in the State of Kansas shall provide a sealed landscape plan for the applicable stormwater treatment facilities.
- i. Prior to final plat approval, provide 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.
- j. Prior to approval of a final plat including the stream corridor, the owner/developer shall submit a stream corridor maintenance agreement for review and approval by the Engineering Services Division. The stream corridor maintenance agreement shall be submitted by the Engineering Services Division for recording, concurrent with the final plat, at the Johnson County Department of Records and Tax Administration with the recording fee paid by the owner/developer.
- k. Prior to the recording of a final plat containing frontage on 181st Street, the owner/developer shall either agree to construct 100-feet of street from the curb return west along the frontage being platted or submit an escrow payment equal to the cost of the future construction of the road. The amount of the escrow payment shall be approved by the Engineering Services Division based upon a cost estimate prepared by a professional engineer licensed in the State of Kansas.
- l. Prior to the issuance of a public improvement, a performance surety for the stormwater treatment facilities shall be provided by the owner/developer in accordance with Section 16.210.080.C of the O.P.M.C.
- m. Prior to the issuance of a building permit, the public improvements shall be built and accepted for maintenance by the Engineering Services Division.
- n. 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

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performed by a professional engineer licensed in the state of Kansas, unless the Director approves other qualified individuals to perform the certification.

- o. 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.
- p. Prior to the issuance of a building permit, minimum low opening elevations shall be established for all buildings based on the calculated one percent chance flood energy grade line elevation. Additional information may be requested by the Engineering Services Division to determine the impact of the one percent chance flood.
- q. Prior to the issuance of a public improvement permit, 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.
- r. Architectural elevations are not required to be reviewed by the Planning staff prior to issuance of a building permit.

Section 3. The Zoning District Map for the City of Overland Park, Kansas, is hereby amended by this ordinance, Ordinance No. Z-4026, 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.

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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 9th day of September, 2019.

APPROVED by the Mayor this 9th day of September, 2019.

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