

**ORDINANCE NO. Z-4160**

**REZONING NO. 2021-00012**

**AN ORDINANCE RELATING TO ZONING: AMENDING CERTAIN ZONING REGULATIONS SHOWN ON SHEET NO. 048 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. 048, 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:

Part of the East Half of the Southeast Quarter of Section 31, Township 13 South, Range 25 East, City of Overland Park, Johnson County, Kansas. Beginning at the Southeast Corner of said Section 31, thence along the South Line of said Southeast Quarter heading S87°49'18"W, a distance of 604.11'; thence departing said Section Line, heading N02°05'24"W, a distance of 60.00' to a point on the south right of way of 143rd St. as now established; thence along a curve to the left having a radius of 187.00', a chord bearing N10°19'59"W, and an arc distance of 48.33'; thence heading N17°44'19"W a distance of 22.37'; thence along a curve to the right having a radius of 187.00', a chord bearing N09°54'51"W, and an arc distance of 51.07'; thence heading N02°05'24"W, a distance of 124.44'; thence along a curve to the right having a radius of 212.00', a chord bearing of N39°36'38"E, an arc distance of 308.59'; thence along a curve to the left having a radius of 187.00', a chord bearing of N48°27'24"E, and an arc distance of 214.46'; thence along a curve to the right having a radius of 187.00', a chord bearing of N51°44'57"E, and an arc distance of 235.95'; thence N87°53'46"E, a distance of 101.59' to a point on the East Line of said Southeast Quarter; thence along said East Line heading S02°05'24"E, a distance of 772.91' to the Point of Beginning, subject to the 60.00' Rights-of-Way for 143rd Street and Metcalf Avenue, as provided in the document located in the Johnson County Register of Deeds, Book 6900, Page 655. The described tract encloses an area of 302,420 square feet, or 6.94 acres, more or less, subject to easements and restrictions of record.

The real property hereinabove described shall hereafter be deemed zoned and classified as RP-6, Planned High-Rise Apartment District.

The Zoning District Map, Sheet No. 048 is hereby ordered to be changed to reflect such amendment.

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**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 230 units. Modifications to the plan and proposed square-footage may be allowed per Section 18.140.200 of the Unified Development Ordinance.
- 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 rooftop, and ground-mounted mechanical equipment shall be screened from view with an architectural treatment that is compatible with the building architecture.
- f. At the time of building permit review, the applicant shall provide the locations of exterior fire department connections. These connections shall not be obstructed by landscaping, walls, or other barriers and shall meet Section 912.3.2 of the Overland Park Fire Code. These locations are subject to review by the Overland Park Fire Department.
- g. This project is required to comply with the Overland Park Municipal Code Section 16.100.1010.4 for physical security. Please contact the Building Safety Division at (913) 895-6225 for more information.
- 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.

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- i. Concurrent with the submittal of final development plans, the developer's engineer shall provide an updated Preliminary Stormwater Management Study that addresses outstanding items from any outstanding items and includes any design changes.
- j. Prior to the issuance of a site development or building 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.
- k. 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.
- l. Prior to the issuance of a final certificate of occupancy, 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.
- m. Prior to the issuance of a final certificate of occupancy, 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.
- n. 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.
- o. 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

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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.

- p. 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.
- q. 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 the median breaks along Metcalf and 143rd Street at the Floyd intersection. The plans shall be approved and the public improvement permit shall be issued by the Engineering Services Division prior to the issuance of a site development or building permit. Prior to the issuance of a certificate of occupancy, the public improvements shall be built and accepted for maintenance by the Engineering Services Division.
- r. A deviation is hereby granted for the buildings to exceed 200 feet in length.

**Section 3.** The Zoning District Map for the City of Overland Park, Kansas, is hereby amended by this ordinance, Ordinance No. Z-4160, 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 13th day of September, 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.

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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 13th day of September 2021.

APPROVED by the Mayor this 13th day of September, 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