

**ORDINANCE NO. Z-4191**

**REZONING NO. 2021-00021**

**AN ORDINANCE RELATING TO ZONING: AMENDING CERTAIN ZONING REGULATIONS SHOWN ON SHEET NO. 030 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. 030, 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:

A Tract Of Land Being Situated In Lot 1, Shannon Valley Shopping Center, A Subdivision Of Land In Overland Park, Johnson County, Kansas, Being Now Particularly Described As Follows:

Beginning At The Most Northerly And Easterly Corner Of Aforesaid Lot 1, Also Being On The South Right-Of-Way Line Of College Boulevard, As Now Established; Thence S 46° 59' 31" E (measured), S 46° 59' 27" E (platted), Along The Northeasterly Line Of Said Lot 1, Also Being The Southwesterly Line Of Said Right-Of-Way, A Distance Of 42.19 Feet, To A Point On The East Line Of Said Lot 1, Also Being The West Right-Of-Way Line Of Antioch Road, As Now Established; Thence S 1° 40' 50" E (measured), S 1° 40' 44" E (platted), Along Said East Lot Line And West Right-Of-Way Line, 506.47 Feet; Thence S 87° 41' 22" W, Departing Said East Lot Line And West Right-Of-Way Line, 145.62 Feet; Thence N 1° 40' 50" W, 218.41 Feet; Thence S 87° 41' 22" W, 25.38 Feet; Thence N 1° 40' 50" W, 318.06 Feet, To A Point On The North Line Of Said Lot 1 And Said South Right-Of-Way Line Of College Boulevard; Thence N 87° 41' 22" E (measured), N 87° 41' 49" E (platted) Along Said North Lot Line And South Right-Of-Way Line, 141.00 Feet To The Point Of Beginning.

The real property hereinabove described shall hereafter be deemed zoned and classified as CP-2, Planned General Business District.

The Zoning District Map, Sheet No. 030 is hereby ordered to be changed to reflect such amendment.

ORDINANCE NO. Z-4191

**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 4,993 square feet.  
  
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. No signage is approved with the final development plans. Separate sign permits are required prior to the installation of any signage. This property shall still be considered part of the Shannon Valley Shopping Center for all signage. This property will not be permitted a stand-alone monument sign unless allowed by ordinance.
- g. A corner feature is required at the corner of College Boulevard and Antioch Road and will be reviewed at the time of final development plan approval.
- h. The building architecture will be reviewed further at the time of final development plan approval.
- i. The number, location, and geometrics of all driveways and parking areas are subject to review and approval by the Planning and Development Services Department.

ORDINANCE NO. Z-4191

- j. Concurrent with the submittal of construction plans for a public improvement, 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.
- 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 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 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.
- n. 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.

**Section 3.** The Zoning District Map for the City of Overland Park, Kansas, is hereby amended by this ordinance, Ordinance No. Z-4191, 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

ORDINANCE NO. Z-4191

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 03rd day of January, 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 3rd day of January, 2022.

APPROVED by the Mayor this 3rd day of January, 2022.

**CITY OF OVERLAND PARK, KANSAS**

By: (s) Curt Skoog  
Curt Skoog  
Mayor

(SEAL)

ATTEST:

APPROVED AS TO FORM:

By: (s) Elizabeth Kelley  
Elizabeth Kelley  
City Clerk

By: (s) Trevor L. Stiles  
Trevor L. Stiles  
Senior Assistant City Attorney