

ORDINANCE NO. Z-4192

REZONING NO. 2021-00028

AN ORDINANCE RELATING TO ZONING: AMENDING CERTAIN ZONING REGULATIONS SHOWN ON SHEET NO. 032 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. 032, 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:

CP2 Zoning Description:

All of the REPLAT OF GALLERIA 115, SECOND PLAT and all that part of Lot 1, SPRINT WORLD HEADQUARTERS SECOND PLAT, both subdivision of land, part of vacated 112th Street, and part of the Northeast Quarter of Section 17, Township 13, Range 25, all in the City of Overland Park, Johnson County, Kansas, more particularly described as follows:

Commencing at the Southeast corner of said Northeast Quarter; thence North $01^{\circ}41'29''$ West, along the East line of said Northeast Quarter, a distance of 172.25 feet; thence South $88^{\circ}18'31''$ West, a distance of 70.00 feet, to the intersection of the West right-of-way line of Nall Avenue with the Northerly right-of-way line of 115th Street, as said avenue and street are now established, said point also being the Point of Beginning; thence South $42^{\circ}57'18''$ West, along the Northerly right-of-way line of said 115th Street, a distance of 32.18 feet; thence South $87^{\circ}54'17''$ West, continuing along said Northerly right-of-way line, a distance of 358.34 feet, to a point of curvature; thence Westerly and Northwesterly, continuing along said Northerly right-of-way line, and along a curve to the right, having a radius of 745.00 feet, and a central angle of $9^{\circ}09'22''$, a distance of 119.05 feet; thence North $1^{\circ}42'58''$ West, a distance of 724.01 feet; thence South $88^{\circ}17'30''$ West, a distance of 178.68 feet; thence North $0^{\circ}54'50''$ West, a distance of 250.59 feet; thence South $88^{\circ}20'23''$ West, a distance of 69.86 feet; thence North $1^{\circ}53'49''$ West, a distance of 106.88 feet; thence North $29^{\circ}46'07''$ East, a distance of 254.14 feet; thence North $26^{\circ}48'55''$ East, a distance of 30.84 feet; thence North $1^{\circ}04'51''$ West, a distance of 104.84 feet to the Southerly right-of-way line of 112th Street, as now established; thence Easterly and Northeasterly, along the Southerly right-of-way line of said

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112th Street, and along a curve to the left, having a radius of 445.00 feet, and a central angle of 29°26'43", and whose initial tangent bearing is North 86°46'43" East, a distance of 228.69 feet, to a point of tangency; thence North 57°20'00" East, continuing along said Southerly right-of-way line, a distance of 97.48 feet, to a point of curvature; thence Northeasterly and Easterly, continuing along said Southerly right-of-way line, and along a curve to the right, having a radius of 405.00 feet, and a central angle of 29°32'00", a distance of 208.76 feet, to a point of tangency; thence North 86°52'00" East, continuing along said Southerly right-of-way line, a distance of 71.77 feet; thence South 59°05'16" East, continuing along said Southerly right-of-way line, a distance of 31.09 feet, to the West right-of-way line of said Nall Avenue; thence South 01°41'29" East, along the West right-of-way line of said Nall Avenue, a distance of 1,569.55 feet, to the Point of Beginning, containing 20.644 acres, more or less.

AND

MXD Zoning Description:

All of GALLERIA 115 and all that part of Lot 1, SPRINT WORLD HEADQUARTERS SECOND PLAT, a subdivision of land, part of vacated 112th Street, and part of the Northeast Quarter of Section 17, Township 13, Range 25, all in the City of Overland Park, Johnson County, Kansas, more particularly described as follows:

Commencing at the Southeast corner of said Northeast Quarter; thence North 01°41'29" West, along the East line of said Northeast Quarter, a distance of 172.25 feet; thence South 88°18'31" West, a distance of 70.00 feet, to the intersection of the West right-of-way line of Nall Avenue with the Northerly right-of-way line of 115th Street, as said avenue and street are now established; thence South 42°57'18" West, along the Northerly right-of-way line of said 115th Street, a distance of 32.18 feet; thence South 87°54'17" West, continuing along said Northerly right-of-way line, a distance of 358.34 feet, to a point of curvature; thence Westerly and Northwesterly, continuing along said Northerly right-of-way line, and along a curve to the right, having a radius of 745.00 feet, and a central angle of 9°09'22", a distance of 119.05 feet to the Point of Beginning; thence continuing Westerly and Northwesterly, along said Northerly right-of-way line, and along a curve to the right, having a radius of 745.00 feet, and a central angle of 32°38'38", and whose initial tangent bearing is North 82°56'21" West a distance of 424.46 feet, to a point of tangency; thence North 50°17'43" West, continuing along said Northerly right-of-way line, a distance of 171.70 feet, to a point of curvature; thence Northwesterly, continuing along said Northerly right-of-way line, and along a curve to the left, having a radius of 1,440.00 feet, and a central angle of 17°44'22", a distance of 445.84 feet, to the Easterly right-of-way line of Outlook, as now established; thence

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North 20°46'17" East, along the Easterly right-of-way line of said Outlook, a distance of 125.68 feet, to a point of curvature; thence Northerly and Northeasterly, continuing along said Easterly right-of-way line, and along a curve to the right, having a radius of 1,470.00 feet, and a central angle of 08°46'14", a distance of 225.02 feet, to a point of tangency; thence North 29°32'31" East, continuing along said Easterly right-of-way line, a distance of 757.86 feet, to the Southerly right-of-way line of 112th Street, as now established; thence Southeasterly, Easterly and Northeasterly, along the Southerly right-of-way line of said 112th Street, and along a curve to the left, having a radius of 445.00 feet, and a central angle of 32°45'48", and whose initial tangent bearing is South 60°27'29" East, a distance of 254.46 feet; thence South 1°04'51" East, a distance of 104.84 feet; thence South 26°48'55" West, a distance of 30.84 feet; thence South 29°46'07" West, a distance of 254.14 feet; thence South 1°53'49" East, a distance of 106.88 feet; thence North 88°20'23" East, a distance of 69.86 feet; thence South 0°54'50" East, a distance of 250.59 feet; thence North 88°17'30" East, a distance of 178.68 feet; thence South 1°42'58" East, a distance of 724.01 feet, to the Point of Beginning, containing 16.496 acres, more or less.

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. 032 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 473,234 square feet of retail/office and 678 residential units.
- c. Prior to the issuance of a building permit, the property shall be preliminary and final platted.

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- 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. No signage is approved with the final development plans. Separate sign permits are required prior to the installation of any signage.
- g. A deviation is granted for the multi-family buildings to be longer than 200 feet in length.
- h. At the time of final development plan approval all buildings will be reviewed to ensure they meet the Architectural Design Standards.
- 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.
- j. At the time of final development plan approval, a landscape architect registered in the State of Kansas shall provide a sealed landscape plan for the applicable stormwater treatment facilities.
- k. 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.
- l. Prior to the issuance of a public improvement, 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.
- m. 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 all proposed geometric

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improvements and public storm sewer lines. 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.

- 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.
- o. 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.
- p. 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.
- q. 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.
- r. 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.

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- s. 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-4192, 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 03rd day of January, 2022," 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.

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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