

ORDINANCE NO. Z-4243

REZONING NO. 2022-00014

AN ORDINANCE RELATING TO ZONING: AMENDING CERTAIN ZONING REGULATIONS SHOWN ON SHEET NO. 021 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. 021, 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 All of 95th terrace as recorded in book 131 at page 695, and part of the North one half of the Northwest One-Quarter of Section 3, Township 13 South, Range 25 East, in the City of Overland Park, Johnson County, Kansas, altogether being described as follows: Commencing at the Northwest corner of the Northwest One-Quarter of said Section 3; thence along the West line of said Northwest One-Quarter, South 02 degrees 40 minutes 49 seconds East a distance of 512.15 feet; thence North 87 degrees 36 minutes 54 seconds East a distance of 40.00 feet to the Southwest corner of Lot 4, RANCHMART SOUTH SHOPPING CENTER SECOND PLAT, a subdivision in the City of Overland Park as recorded in book 200902 at page 004474, said corner being on the East right of way line of Mission Road as now established and said corner being the Point of Beginning; thence continuing North 87 degrees 36 minutes 54 seconds East along the South line of said Lot 4, a distance of 132.08 feet to the Southeast corner thereof, said corner being the Southwest corner of Lot 1, RANCHMART SOUTH SHOPPING CENTER, a subdivision In the City of Overland Park as recorded in book 200804 at page 005685; thence continuing North 87 degrees 36 minutes 54 seconds East along the South line of said Lot 1, a distance of 497.57 feet to the Southeast corner thereof, said corner being the Southwest corner of Lot 5, RANCHMART SOUTH SHOPPING CENTER THIRD PLAT, a subdivision in the City of Overland Park as recorded in book 200904 at page 005845; thence along the Southerly line of said Lot 5 for the following three courses, continuing North 87 degrees 36 minutes 54 seconds East a distance of 65.07 feet to a point of curvature; thence Southwesterly on a curve to the right having an initial tangent bearing of South 21 degrees 55 minutes 51 seconds West, a radius of 85.00 feet, a central angle of 20 degrees 35 minutes 05 seconds and an arc length of 30.54 feet; thence North 87 degrees 36 minutes 54 seconds East a distance of 96.35 feet to the Southeast corner of said Lot 5, said corner being on the West line of Lot 1, FORUM RETIREMENT CENTER OF OVERLAND PARK, a

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subdivision in the City of Overland Park as recorded in book 67 at page 31; thence along the said West line, South 02 degrees 40 minutes 49 seconds East (platted South 01 degrees 19 minutes 10 seconds East), a distance of 145.17 feet to the Southwest corner of said Lot 1, said corner being on the North line of Lot 9, RANCHVIEW, a subdivision in the City of Overland Park as recorded in plat book 19 at page 42; thence South 87 degrees 37 minutes 42 seconds West, (platted North 89 degrees 40 minutes 14 seconds West), along the North line of said RANCHVIEW subdivision, a distance of 773.69 feet to a point on the said East right of way line of Mission Road as now established; thence North 02 degrees 40 minutes 49 seconds West along said East right of way line, a distance of 169.99 feet to the Point of Beginning and containing 2.971 acres more or less.

The real property hereinabove described shall hereafter be deemed zoned and classified as RP-4, Planned Cluster Housing District.

The Zoning District Map, Sheet No. 021 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. Prior to the submittal of a building permit, the Planning Commission shall approve final development plans.
- c. Development of the site shall be limited to 19 units.
- d. Prior to the issuance of a building permit, the property shall be preliminary and final platted.
- 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. 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.

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- g. 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 for the benefit of the abutting property owner to the north. That easement shall extend from 95th Street to 95th Terrace. The exact location and extent of the easement and the form and content of the easement document shall be subject to review and approval by the Planning and Development Services Department.
- 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.
- i. 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.
- j. Prior to the issuance of a building permit, minimum low opening elevations shall be established for Units 7-9 that is a minimum of one-foot above the one percent flood energy grade line elevation for the existing public storm sewer. Additional information may be requested by the Engineering Services Division to determine the impact of the one percent chance flood.
- k. Prior to the issuance of a certificate of occupancy for any phase of the project requiring stormwater detention, the detention facility serving this development shall be certified by the design engineer, a professional engineer, licensed in the State of Kansas.
- l. Prior to the issuance of a certificate of occupancy, the detention facility serving the site shall be constructed and in service.
- m. Prior to the issuance of a site development 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.
- n. Prior to the issuance of a site development or building permit, whichever comes first, the right-of-way for 95th Terrace shall be vacated in order to convert the existing public street to a private drive.
- o. Prior to the issuance of a site development or building permit, whichever comes first, the applicant shall provide a permanent drainage easement for the existing public storm sewer line located in the 95th Terrace right-of-way that is proposed to be vacated.

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- p. 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.
- q. 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.
- r. 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.
- s. 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 O.P.M.C. In no case shall public sidewalks be closed to pedestrian traffic for a period exceeding 30 days without prior approval from the City.
- t. 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.
- u. 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.

Section 3. The Zoning District Map for the City of Overland Park, Kansas, is hereby amended by this ordinance, Ordinance No. Z-4243, 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

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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 07th day of November, 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.

PASSED by the City Council this 07th day of November, 2022.

APPROVED by the Mayor this 07th day of November, 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