

ORDINANCE NO. Z-4241

REZONING NO. 2022-00012

AN ORDINANCE RELATING TO ZONING: AMENDING CERTAIN ZONING REGULATIONS SHOWN ON SHEET NO. 074 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. 074, 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 Northwest Quarter of Section 23, Township 14 South, Range 24 East, in the City of Overland Park, Johnson County, Kansas, being more particularly described as follows: Beginning at the Northwest corner of the Northwest Quarter of said Section 23; thence N 88°06'16" E, along the North line of the Northwest Quarter of said Section 23, a distance of 20.67 feet to the Northwest plat corner of JCPRD – VERHAEGHE PARK, a platted subdivision of land in the City of Overland Park, Johnson County, Kansas; thence along the Westerly plat line of said JCPRD – VERHAEGHE PARK, for the following five (5) courses; thence S 67°02'05" E, a distance of 71.20 feet; thence S 47°24'06" E, a distance of 283.37 feet; thence S 3°35'36" E, a distance of 120.29 feet; thence S 31°15'28" E, a distance of 215.48 feet; thence S 13°20'59" W, a distance of 237.52 feet to a point on the Westerly plat line of said JCPRD – VERHAEGHE PARK, said point also being on the North right-of-way line of 167th Street, as now established; thence S 23°02'05" W, a distance of 132.33 feet to a point on the Westerly plat line of said JCPRD – VERHAEGHE PARK, said point also being on the South right-of-way line of said 167th Street; thence along the Westerly plat line of said JCPRD – VERHAEGHE PARK, for the following six (6) courses; thence S 45°03'13" E, a distance of 143.48 feet; thence S 17°49'38" E, a distance of 228.18 feet; thence S 36°48'55" W, a distance of 184.23 feet; thence S 32°20'17" W, a distance of 148.21 feet; thence S 61°18'30" W, a distance of 200.45 feet; thence S 88°06'16" W, a distance of 50.00 feet to a point on the West line of the Northwest Quarter of said Section 23; thence N 2°19'16" W, along the West line of the Northwest Quarter of said Section 23, a distance of 1566.50 feet to the point of beginning, containing 10.9308 acres, more or less.

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

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The Zoning District Map, Sheet No. 074 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. Development of the site shall be limited to 31 lots.
- c. Prior to the issuance of a building permit, the property shall be preliminary and final platted.
- d. No single-family buildings elevations are approved with this application. The homes are not required to be further reviewed with construction approval.
- e. 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.
- f. Prior to the issuance of a public improvement, site development or building permit, and if determined to be necessary by the Engineering Services Division, the developer’s engineer shall submit a flood study that determines the one percent chance flood energy grade line elevation for the lots that abut the Coffee Creek channel. The study shall be approved prior to the issuance of a permit.
- g. 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.
- h. Concurrent with the submittal for construction plans, the applicant shall provide an evaluation of the existing vegetation being utilized as a stormwater treatment facility. If it is determined that the area requires restoration, a landscape architect registered in the State of Kansas shall provide a sealed landscape plan for the native vegetation plantings being utilized as a stormwater treatment facility.

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- i. 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.
- j. 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.
- k. Prior to the issuance of a public improvement permit, minimum elevations shall be established for Lots 2-9 and 24-31 such that all proposed new buildings will comply with elevation and freeboard requirements provided in Section 18.360.450 of the O.P.M.C.
- l. Prior to the issuance of any permit authorizing fill in the Special Flood Hazard Area (SFHA) or on the Johnson County Parks and Recreation District (JCPRD) property, the applicant shall obtain written authorization from JCPRD for any increase in flood elevations.
- m. Prior to the issuance of a building permit, the public improvements shall be substantially constructed to the satisfaction of the City.

Section 3. The Zoning District Map for the City of Overland Park, Kansas, is hereby amended by this ordinance, Ordinance No. Z-4241, 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 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.

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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