

**ORDINANCE NO. Z-4242**

**REZONING NO. 2022-00013**

**AN ORDINANCE RELATING TO ZONING: AMENDING CERTAIN ZONING REGULATIONS SHOWN ON SHEET NO. 025 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. 025, 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 TRACT "F", INDIAN CREEK VILLAGE, SECOND PLAT A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT "F"; THENCE SOUTH 0 DEGREES 00 MINUTES 28 SECONDS WEST, ALONG THE EASTERLY LINE OF SAID TRACT "F", A DISTANCE OF 44.97 FEET, TO A POINT OF CURVATURE; THENCE SOUTHERLY AND SOUTHWESTERLY, ALONG THE EASTERLY LINE OF SAID TRACT "F", SAID LINE BEING ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 460 FEET AND A CENTRAL ANGLE OF 22 DEGREES 15 MINUTES 32 SECONDS, A DISTANCE OF 178.70 FEET, TO A POINT OF TANGENCY; THENCE SOUTH 22 DEGREES 16 MINUTES WEST, ALONG THE EASTERLY LINE OF SAID TRACT "F", A DISTANCE OF 31.44 FEET, TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY, SOUTHERLY AND SOUTHEASTERLY, ALONG THE EASTERLY LINE OF SAID TRACT "F". SAID LINE BEING ON A CURVE TO THE LEFT, HAVING A RADIUS OF 540 FEET AND A CENTRAL ANGLE OF 36 DEGREES 13 MINUTES, A DISTANCE OF 341.34 FEET, TO THE MOST NORTHERLY CORNER OF TRACT 4, INDIAN CREEK SHOPPING CENTER, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS; THENCE SOUTH 37 DEGREES 31 MINUTES 10 SECONDS WEST, ALONG THE NORTHWESTERLY LINE OF SAID TRACT 4, AND ALONG THE SOUTHEASTERLY LINE OF SAID TRACT "F", A DISTANCE OF 308.77 FEET, TO THE SOUTHWEST CORNER OF SAID TRACT 4; THENCE SOUTH 89 DEGREES 58 MINUTES 10 SECONDS WEST, A DISTANCE OF 145.95 FEET; THENCE NORTH 0 DEGREES 01 MINUTES 50 SECONDS WEST, A DISTANCE OF 402.86 FEET; THENCE NORTH 89 DEGREES 58 MINUTES 10 SECONDS EAST, A DISTANCE OF 60 FEET; THENCE NORTH 0 DEGREES 01 MINUTES 50 SECONDS WEST, A

ORDINANCE NO. Z-4242

DISTANCE OF 425 FEET, TO A POINT ON THE NORTH LINE OF SAID TRACT “F”, THENCE NORTH 89 DEGREES 58 MINUTES 10 SECONDS EAST, ALONG THE NORTH LINE OF SAID TRACT “F”, A DISTANCE OF 345 FEET TO THE POINT OF BEGINNING.

The real property hereinabove described shall hereafter be deemed zoned and classified as BP, Business Park District.

The Zoning District Map, Sheet No. 025 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 72,021 square-feet of storage space and 6,595 square-feet of office space.
- c. Prior to the submittal of a building permit, the Planning Commission shall approve final development plans.
- d. 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.
- e. 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.
- f. A deviation is approved from section 18.290.050.a to allow BP, Business Park District on 5.5 acres.
- g. A deviation is approved from section 18.290.030.b.3 to allow a 21-foot setback from Building B to the adjacent R-1, Single-Family Residential District.

ORDINANCE NO. Z-4242

- h. A deviation is approved from section 18.290.030.b.1 to allow a 20.5-foot setback from Building A to the right-of-way.
- i. A deviation is approved from section 18.290.030.b.5 to allow a 26-foot setback from the parking lot to the right-of-way.
- j. A deviation is approved from section 18.290.030.a.1 to allow a maximum building height of 51.5 feet.
- k. 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 west. That easement shall extend from the property to the west to the Marty Street right-of-way. 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.
- l. 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.
- m. The number, location, and geometrics of all driveways and parking areas are subject to review and approval by the Planning and Development Services Department.
- n. 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.
- o. Concurrent with the submittal of construction plans for a site development or building permit, the owner/developer shall submit a stream corridor maintenance agreement for review and approval by the Engineering Services Division. The stream corridor maintenance agreement shall be submitted by 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.
- p. Concurrent with the submittal of construction plans for a site development or building permit, the owner/developer shall submit a Notice on Title to record the presence of a stream corridor on the property for review and approval by the Engineering Services Division. The Notice on Title shall be submitted by 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.

ORDINANCE NO. Z-4242

- q. Concurrent with the issuance of a site development or building 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.
- r. Prior to the issuance of a site development or building permit, the applicant shall obtain a floodplain development permit for any grading, construction, or development in the Special Flood Hazard Area (SFHA).
- s. 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.
- t. 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.
- u. 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.
- v. 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-4242, 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

ORDINANCE NO. Z-4242

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 9th day of January, 2023," 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 9th day of January, 2023.

APPROVED by the Mayor this 9th day of January, 2023.

**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