

ORDINANCE NO. Z-4259

REZONING NO. 2023-00001

AN ORDINANCE RELATING TO ZONING: AMENDING CERTAIN ZONING REGULATIONS SHOWN ON SHEET NO. 005 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. 005, 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:

Tract 1 (CP-2)

All of Lots BL-1, BL-2 and BL-3, and all that part of Lot BL-4, and all that part of Tract C, all of Georgetown Professional Plaza, a subdivision in the City of Overland Park, Johnson County, Kansas, being more particularly described as follows: (the basis of bearing for the following land description is Kansas State Plane, North Zone, NAD 83, NSRS 2011, and was prepared by Samuel J. DePriest, KS PLS 1351 on November 08, 2022, or under my direct supervision): commencing at the northeast corner of said Tract C, thence South 87 degrees 23 minutes 05 seconds West (North 90 degrees West plat), with the north line of said Tract C and the south right-of-way line of W. 75th Street, a distance of 68.73 feet to the point of beginning; thence South 02 degrees 36 minutes 55 seconds East, and no longer with the north line of said Tract C, a distance of 190.30 feet; thence South 87 degrees 44 minutes 08 seconds West, a distance of 9.27 feet; thence South 02 degrees 36 minutes 55 seconds West, a distance of 109.69 feet; thence South 87 degrees 23 minutes 05 East, a distance of 25.12 feet; thence North 02 degrees 36 minutes 55 seconds West, a distance of 30.52 feet; thence South 87 degrees 23 minutes 55 seconds West, a distance of 112.89 feet to a point on the west line of said Tract C and the east right-of-way line of Frontage Road; thence with the west line of said Tract C and the east right-of-way of Frontage Road on a curve to the left having a radius of 275.00 feet, a central angle of 11 degrees 59 minutes 44 seconds, with an initial tangent bearing of North 09 degrees 22 minutes 49 seconds East, an arc distance of 57.57 feet; thence North 02 degrees 36 minutes 55 seconds West (North 0 degrees East plat), with the west line of said Tract C and the east right-of-way line of Frontage Road a distance of 192.75 feet; thence North 39 degrees 17 minutes 26 seconds East (North 41 degrees 54 minutes 21 seconds East plat), continuing with the west line of said Tract C and the east right-of-way line of Frontage

ORDINANCE NO. Z-4259

Road, a distance of 26.20 feet to the northwest corner of said Tract C; thence North 87 degrees 23 minutes 05 seconds East (North 90 degrees East plat), with the north line of said Tract C and the south right-of-way line of W. 75th Street, a distance of 123.77 feet to the point of beginning. The above described tract contains 38,036 square feet, or 0.87 acres.

Tract 2 (CP-O)

All that part of Lot BL-4, all of Lots BL-5 and BL-6, and all that part of tract C, Georgetown Professional Plaza, a subdivision in the City of Overland Park, Johnson County, Kansas, being more particularly described as follows: (the basis of bearing for the following land description is Kansas State Plane, North Zone, NAD 83, NSRS 2011, and was prepared by Samuel J. DePriest, KS PLS 1351 on November 08, 2022, or under my direct supervision) beginning at the northeast corner of said Tract C thence South 02 degrees 36 minutes 55 seconds East (South 0 degrees East, plat), with the east line of said Tract C, a distance of 472.12 feet to the southeast corner of said Tract C; thence South 87 degrees 31 minutes 01 seconds West (North 89 degrees 52 minutes 04 seconds West, plat), with the south line of said Tract C, a distance of 392.47 feet to the southwest corner of said Tract C, said point also being on the east right-of-way line of Frontage Road; thence with the west line of said Tract C and the east right-of-way line of Frontage Road on a curve to the left having a radius of 275.00 feet, a central angle of 58 degrees 20 minutes 31 seconds, and an initial tangent bearing of North 67 degrees 43 minutes 20 seconds East (North 70 degrees 20 minutes 13 seconds East plat), an arc distance of 280.02 feet; thence North 87 degrees 23 minutes 05 seconds East, and no longer with the west line of said Tract C and the east right-of-way line of Frontage Road, a distance of 112.89 feet; South 02 degrees 36 minutes 55 seconds East, a distance of 30.52 feet; thence North 87 degrees 23 minutes 05 seconds East, a distance of 25.12 feet; thence North 02 degrees 26 minutes 55 seconds West, a distance of 109.69 feet; thence North 87 degrees 44 minutes 08 seconds East, a distance of 9.27 feet; thence North 02 degrees 36 minutes 55 seconds West, a distance of 190.30 feet to a point on the north line of said Tract C and the south right-of-way line of W. 75th Street; thence North 87 degrees 23 minutes 05 seconds East (North 90 degrees East plat) with the north line of said Tract C and the south right-of-way line of W. 75th Street, a distance of 68.73 feet to the point of beginning. The above described tract contains 73,741 square feet, or 1.69 acres.

The real property hereinabove described and designated as “Tract 1” shall hereafter be deemed zoned and classified as CP-2, Planned General Business District, and The real property hereinabove described and designated as “Tract 2” shall hereafter be deemed zoned and classified as CP-O, Planned Office Building District, to allow for Multi-Tenant Retail.

The Zoning District Map, Sheet No. 005 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 15,041 square feet of office and 5,500 square feet of retail uses.

Modifications to the plan and proposed square-footage may be allowed per Section [18.140.200](#) of the UDO.

- 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. A waiver is approved from section [18.270.050 C.a](#) to allow the order board to be 160 feet from single-family zoned property.
- 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 to the south. That easement shall extend from Frontage Road across the private drives back to Frontage Road. 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.

ORDINANCE NO. Z-4259

- i. 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.
- j. 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 the median construction and the left turn lane storage reconfiguration. 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.
- k. 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.
- l. 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.
- m. 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.
- 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.

ORDINANCE NO. Z-4259

Section 3. The Zoning District Map for the City of Overland Park, Kansas, is hereby amended by this ordinance, Ordinance No. Z-4259, 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 11th day of September, 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.

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ORDINANCE NO. Z-4259

PASSED by the City Council this 11th day of September, 2023.

APPROVED by the Mayor this 11th day of September, 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 Stiles
Trevor L. Stiles
Senior Assistant City Attorney