

ORDINANCE NO. Z-4305

REZONING NO. 2023-00012

AN ORDINANCE RELATING TO ZONING: AMENDING CERTAIN ZONING REGULATIONS SHOWN ON SHEET NO. 018 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. 018, 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:

East 290.00 feet of Lot 1, Holy Cross Catholic School, First Plat, a subdivision in the City of Overland Park, Johnson County, Kansas.

The real property hereinabove described shall hereafter be deemed zoned and classified as CP-O, Planned Office Building District, to allow office buildings.

The Zoning District Map, Sheet No. 018 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 15,700 square feet.
- c. Prior to the submittal of a building permit, the Planning Commission shall approve final development plans.

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- d. The number, location, and geometrics of all driveways and parking areas are subject to review and approval by the Planning and Development Services Department.
- 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. At the time of construction plan approval, a photometric plan shall be submitted which meets Planning Commission Resolution 76.
- g. 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.
- h. Concurrent with the submittal of an application for the final development plan approval, the developer's engineer shall submit a Revised Preliminary Stormwater Management Study that includes a preliminary plan and calculations for the stormwater detention facility. The study, plan, and calculations shall be approved by the Engineering Services Division prior to the Planning Commission's consideration of the final development plan.
- 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 the 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. The entire detention facility shall be permanently stabilized with established perennial vegetation with a density of at least 70 percent or fully sodded prior to certification.
- k. Prior to the issuance of a 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.
- l. 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

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professional engineer licensed in the State of Kansas unless the Director approves other qualified individuals to perform the certification.

- m. 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.
- n. Prior to the issuance of a building permit, minimum elevations shall be established for all new buildings and shall be elevated such that the lowest floor is at least one-foot above the fully developed energy grade line or two feet above the Federal Emergency Management Agency (FEMA) one-percent chance flood energy grade line elevation, whichever is greater.
- o. 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.
- p. 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.
- q. 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 [18.120.015](#)). Noncompliant pedestrian routes shall be clearly identified on the plans and comply with the building code.
- r. 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.
- s. The applicant shall provide any required parking amenities at the time of final development plan approval.

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Section 3. The Zoning District Map for the City of Overland Park, Kansas, is hereby amended by this ordinance, Ordinance No. Z-4305, 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 06th day of November, 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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PASSED by the City Council this 06th day of November, 2023.

APPROVED by the Mayor this 06th day of November, 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