

ORDINANCE NO. Z-4324

REZONING NO. 2023-00015

AN ORDINANCE RELATING TO ZONING: AMENDING CERTAIN ZONING REGULATIONS SHOWN ON SHEET NO. 084 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. 084, 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:

A. Tract 1 (CP-O)

All that part of the Southeast 1/4, Section 30, Township 14, Range 25 in the City of Overland Park, Johnson County, KS more particularly described as follows:

Commencing at the Northeast corner of said Southeast 1/4; thence S 87° 51' 29" W, along the north line of said Southeast 1/4, a distance of 524.45 feet; thence S 2° 08' 31" E, a distance of 60.00 feet, to a point on the south right-of-way line of 179th Street, as now established, said point being the Point of Beginning; thence N 87° 51' 29" E, along said right-of-way line, a distance of 424.09 feet, to the point of intersection with the west right-of-way line of Metcalf Avenue; thence S 13° 00' 16" E, along said Metcalf Avenue right-of-way, a distance of 194.62 feet; thence S 1° 48' 13" E, along said right-of-way line, a distance of 115.00 feet; thence N 88° 11' 47" E, along said right-of-way line, a distance of 34.25 feet; thence S 2° 07' 26" E, along said right-of-way line, a distance of 222.69 feet; thence S 87° 51' 49" W, a distance of 146.98 feet, to a point of curvature; thence northwesterly along a curve to the right, having radius of 500.00 feet, a central angle of 34° 14' 59", an arc distance of 298.89 feet; thence N 10° 37' 00" W, a distance of 447.15 feet, to the point of beginning. The above-described tract contains 219,555 sq. ft. or 5.040 acres more or less.

The real property hereinabove described in Subsection 1.A. shall hereafter be deemed zoned and classified as CP-O, Planned Office Building District.

B. Tract 2 (CP-2)

All that part of the Southeast 1/4, Section 30, Township 14, Range 25 in the City of Overland Park, Johnson County, KS more particularly described as follows:

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Commencing at the Northeast corner of said Southeast 1/4; thence S 87° 51' 29" W, along the north line of said Southeast 1/4, a distance of 524.45 feet; thence S 2° 08' 31" E, a distance of 60.00 feet, to a point on the south right-of-way line of 179th Street, as now established, said point being the Point of Beginning; thence S 10° 37' 00" E, a distance of 447.15 feet; thence northwesterly along a curve to the right having an initial tangent bearing of N 57° 53' 12" W, a radius of 500.00 feet, a central angle of 8°24'59", an arc distance of 73.45 feet, to a point of reverse curvature; thence northwesterly along a curve to the left having a radius of 350.00 feet, a central angle of 42°42'21", an arc distance of 260.87 feet; thence S 87° 49' 27" W, a distance of 443.50 feet; thence S 2° 08' 11" E, a distance of 162.98 feet, to a point of curvature; thence southwesterly along a curve to the right having a radius of 500.00 feet, a central angle of 19°58'42", an arc distance of 174.34 feet; thence S 17° 50' 32" W, a distance of 203.51 feet; thence N 77° 37' 10" W, a distance of 296.62 feet; thence N 41° 49' 47" W, a distance of 135.04 feet; thence N 61° 16' 44" W, a distance of 342.93 feet, to a point on the east right-of-way line of 69 Highway, as now established; thence N 2° 29' 29" E, along said east right-of-way line, a distance 283.10 feet; thence N 25° 08' 29" E, along said right-of-way line, a distance of 217.04 feet, to the point of intersection with the south right-of-way line of said 179th Street; thence N 87° 51' 29" E, along said south right-of-way line, a distance of 1317.56 feet, to the point of beginning. The above-described tract contains 728,642 sq. ft. or 16.727 acres more or less.

The real property hereinabove described in Subsection 1.B. shall hereafter be deemed zoned and classified as CP-2, Planned General Business District.

C. Tract 3 (RP-2)

All that part of the Southeast 1/4, Section 30, Township 14, Range 25 in the City of Overland Park, Johnson County, KS more particularly described as follows:

Commencing at the Northeast corner of said Southeast 1/4; thence S 87° 51' 29" W, along the north line of said Southeast 1/4, a distance of 524.45 feet; thence S 2° 08' 31" E, a distance of 60.00 feet, to a point on the south right-of-way line of 179th Street, as now established; thence N 87° 51' 29" E, along said right-of-way line, a distance of 424.09 feet, to the point of intersection with the west right-of-way line of Metcalf Avenue; thence S 13° 00' 16" E, along said Metcalf Avenue right-of-way, a distance of 194.62 feet; thence S 1° 48' 13" E, along said right-of-way line, a distance of 115.00 feet; thence N 88° 11' 47" E, along said right-of-way line, a distance of 34.25 feet; thence S 2° 07' 26" E, along said right-of-way line, a distance of 222.69 feet, to the point of beginning; thence continuing S 2° 07' 26" E, along said right-of-way line, a distance of 734.67 feet, to a point on the south line of the north half of said Southeast 1/4; thence S 87° 49' 59" W, along said south line, a distance of 148.35 feet; thence N 40° 25' 36" W, a distance of 152.36 feet; thence N 54° 34' 05" W, a distance of 304.52 feet; thence N 85° 12' 21" W, a distance of 453.45 feet; thence N 62° 31' 05" W, a distance of 139.20 feet; thence S 84° 28' 45" W, a distance of 154.45 feet; thence N 77° 37' 10" W, a distance of 58.66 feet; thence N 17° 50'

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32" E, a distance of 203.51 feet, to a point of curvature; thence Northerly along a curve to the left having a radius of 500.00 feet, a central angle of 19°58'42", an arc distance of 174.34 feet; thence N 2° 08' 11" W, a distance of 162.98 feet; thence N 87° 49' 27" E, a distance of 443.50 feet, to a point of curvature; thence southeasterly along a curve to the right having a radius of 350.00 feet, a central angle of 42°41'21", an arc distance of 260.87 feet, to a point of reverse curvature; thence southeasterly along a curve to the left having a radius of 500.00 feet, a central angle of 42° 39' 58", an arc distance of 372.33 feet; thence N 87° 51' 49" E, a distance of 146.98 feet, to the point of beginning. The above-described tract contains 730,883 sq. ft. or 16.779 acres more or less.

The real property hereinabove described in Subsection 1.C. shall hereafter be deemed zoned and classified as RP-2, Planned Two-Family Residential District.

D. Tract 4 (R-1)

All that part of the Southeast 1/4, Section 30, Township 14, Range 25 in the City of Overland Park, Johnson County, KS more particularly described as follows:

Commencing at the Northeast corner of said Southeast 1/4; thence S 87° 51' 29" W, along the north line of said Southeast 1/4, a distance of 691.27 feet; thence S 2° 08' 31" E, a distance of 60.00 feet, to a point on the south right-of-way line of 179th Street, as now established; thence S 10° 37' 00" E, a distance of 964.79 feet, to the Point of Beginning; thence S 85° 12' 21" E, a distance of 34.83 feet; thence S 54° 34' 05" E, a distance of 304.52 feet; thence S 40° 25' 36" E, a distance of 152.36 feet, to a point on the south line of the north half of said Southeast 1/4; thence S 87° 49' 59" W, along said south line, a distance of 1949.86 feet, to a point on the east right-of-way line of 69 Highway, as now established; thence N 2° 29' 29" E, along said east right-of-way line, a distance of 508.30 feet; thence N 29° 02' 29" E, along said right-of-way line, a distance of 223.60 feet; thence N 2° 29' 29" E, along said right-of-way line, a distance of 91.90 feet; thence S 61° 16' 44" E, a distance of 342.93 feet; thence S 41° 49' 47" E, a distance of 135.04 feet; thence S 77° 37' 10" E, a distance of 355.28 feet; thence N 84° 28' 45" E, a distance of 154.45 feet; thence S 62° 31' 05" E, a distance of 139.20 feet; thence S 85° 12' 32" E, a distance of 418.62 feet, to the point of beginning. The above-described tract contains 820,469 sq. ft. or 18.835 acres more or less.

The real property hereinabove described in Subsection 1.D. shall hereafter be deemed zoned and classified as R-1, Single-Family Residential District.

The Zoning District Map, Sheet No. 084 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:

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- 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 RP-2 District shall be limited to 52 units.
- c. Development of the CP-O District shall be limited to 21,500 square feet.
- d. Development of the CP-2 District shall be limited to 23,500 square feet, excluding the hotel and event center.
- e. Prior to the issuance of a building permit, the property shall be preliminary and final platted.
- f. Prior to the submittal of a building permit, the Planning Commission shall approve final development plans.
- g. All final plats, which have been submitted for approval and which include the proposed greenway linkage tracts shall contain the following language: “The proposed parkland tracts shall be dedicated by subsequent document. Said tract is intended to be used for public open space, natural preservation areas, and for the extension of the Greenway Linkage System, and may include a bike/hike trail. The exact location of the bike/hike trail will be determined in the field at the time of construction. Any prior routing of trails is purely conceptual and do not represent the final location or said trails.”
- h. Concurrent with the construction plans for a public improvement permit, construction plans for the private trail shown on the final plat shall be included with the public improvement permit plans for review and approval by the Engineering Services Division. The trail shall be constructed prior to the acceptance of the subdivision public improvements by the Engineering Services Division.
- i. 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.
- j. The final plans shall meet the requirements of the Site Design Standards and Architectural Design Standards.
- k. At the time of the Final Development Plan, each commercial lot shall meet the City’s parking ordinance.

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- l. At the time of Final Development Plan, the vehicular entrance from 179th Street into Lot B will be reviewed by the staff.
- m. The greenway linkage tract shall be dedicated to the City with the final platting of the properties.
- n. The proposed parkland tracts (Tract A) shall be dedicated by subsequent document. Said tract is intended to be used for public open space, natural preservation areas, and for the extension of the Greenway Linkage System, and may include a bike/hike trail. The exact location of the bike/hike trail will be determined in the field at the time of construction. Any prior routing of trails is purely conceptual and do not represent the final location or said trails.
- o. The construction plans for Lot A, Lot F, Lot B, Lot C, and Lot E shall also include the construction of the greenway linkage trail and approved by the Engineering Services Division. The greenway linkage trail shall be constructed and an easement dedicated to the City prior to the issuance of the certificate of compliance of the Site Development Permit. The exact location of the bike/hike trail will be determined prior to approval of the final development plans. Any prior routing of trails is purely conceptual and does not represent the final location or said trails.
- p. Concurrent with the submittal of an application for final development plan approval, the developer's engineer shall provide a Revised Traffic Impact Study that addresses any outstanding items from the Traffic Impact Study and includes any design changes. The study shall be approved prior to a Final Development Plan approval.
- q. Concurrent with the submittal of an application for 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 treatment facilities. The study, plan, and calculations shall be approved by the Engineering Services Division prior to the Planning Commission consideration of the final development plan.
- r. 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.
- s. 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.
- t. Prior to the issuance of a final certificate of occupancy, the owner/developer shall provide

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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.

- u. Prior to the issuance of a public improvement permit, a permanent maintenance access easement shall be dedicated for maintenance of the public storm sewer system culvert crossings of the public streets.
- v. 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.
- w. The number, location and geometrics of all driveways and parking areas are subject to review and approval by the Planning and Development Services Department.
- x. Prior to the issuance of a site development or building permit for the nonresidential portions of the site, 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.
- y. Prior to the issuance of a building permit for **any nonresidential use as defined in Resolution 4797**, the owner and/or developer shall, pursuant to Resolution No. 4797, submit a cash deposit for **22 percent** of the estimated cost of an Intersection Control Device at the intersection of U.S. 69 Highway Southbound Ramps and 179th Street. The amount of the escrow payment shall be approved by the Engineering Services Division based upon a cost estimate prepared by a professional engineer license in the State of Kansas. The escrow payment shall be deposited with the City's Chief Financial Officer, and shall be placed in an escrow account set aside for a future traffic signal, roundabout, or other traffic control device, including design costs, any required interconnections or other appropriate geometric/traffic control measures at the above-referenced intersection.
- z. Prior to the issuance of a building permit for **any nonresidential use as defined in Resolution No. 4797** the owner and/or developer shall, pursuant to Resolution No. 4797, submit a cash deposit for **34 percent** of the estimated cost of an Intersection Control Device at the intersection of U.S. 69 Highway Northbound Ramps and 179th Street. The amount of the escrow payment shall be approved by the Engineering Services Division based upon a cost estimate prepared by a professional engineer license in the State of Kansas. The escrow payment shall be deposited with the City's Chief Financial Officer, and shall be placed in an escrow account set aside for a future traffic signal, roundabout, or other traffic

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control device, including design costs, any required interconnections or other appropriate geometric/traffic control measures at the above-referenced intersection.

- aa. Prior to the issuance of a building permit for **any nonresidential use**, the owner and/or developer shall, pursuant to Resolution No. 4797, submit a cash deposit for **50 percent** of the estimated cost of an Intersection Control Device at the intersection of Access A and 179th Street. The amount of the escrow payment shall be approved by the Engineering Services Division based upon a cost estimate prepared by a professional engineer license in the State of Kansas. The escrow payment shall be deposited with the City's Chief Financial Officer, and shall be placed in an escrow account set aside for a future traffic signal, roundabout, or other traffic control device, including design costs, any required interconnections or other appropriate geometric/traffic control measures at the above-referenced intersection.
- bb. Prior to the issuance of a building permit for **any nonresidential use**, the owner and/or developer shall, pursuant to Resolution No. 4797, submit a cash deposit for **6.5 percent** of the estimated cost of an Intersection Control Device at the intersection of Metcalf Avenue and 179th Street. The amount of the escrow payment shall be approved by the Engineering Services Division based upon a cost estimate prepared by a professional engineer license in the State of Kansas. The escrow payment shall be deposited with the City's Chief Financial Officer, and shall be placed in an escrow account set aside for a future traffic signal, roundabout, or other traffic control device, including design costs, any required interconnections or other appropriate geometric/traffic control measures at the above-referenced intersection.
- cc. For the non-residential portion of the site, 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 for all on-site and off-site public improvements including the public storm sewer system along Street A, 180th Street, and Street C shall be submitted. 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.
- dd. Prior to the issuance of a building permit for any residential portion of the site, the associated public improvements shall be substantially constructed to the satisfaction of the City.
- ee. The developer shall provide off-site transportation improvements as part of the development with access to 179th Street. No certificate of occupancy shall be issued until such off-site improvements are completed. The access improvements include constructing a storage bay, deceleration lane, and appropriate taper for each movement in accordance with City standards and in conformance with the KDOT Access Management Policy for the following:
 - At the 179th/Access A Intersection - Construct an eastbound right-turn.

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- At the 179th/Access A Intersection - Construct a westbound left-turn.
 - At 179th/Access B Intersection - Construct an eastbound right turn
- ff. The developer shall provide off-site transportation improvements as part of the development with access to Metcalf Avenue. No certificate of occupancy shall be issued until such off-site improvements are completed. The access improvements include constructing a storage bay, deceleration lane, and appropriate taper for each movement in accordance with City standards and in conformance with the KDOT Access Management Policy for the following:
- At the 180th/Metcalf Intersection - Construct a northbound left-turn lane and obtain appropriate approvals and permits from the governmental authority having jurisdiction over the improvements.
- gg. Prior to the issuance of any building permit, the property shall be preliminary and final platted and the required Excise Tax paid. Further, all necessary right-of-way along U.S. 69 Highway, 179th Street and Metcalf Avenue shall be platted or otherwise dedicated prior to a building or site development permit with the corresponding improvement for that phase of development.
- hh. Additional grading in the right-of-way shall be accomplished to move the existing ditches away from the unimproved thoroughfare along 179th Street and Metcalf and provide appropriate shoulder room. The shoulder and ditch improvements shall include extending the existing culvert(s) under 179th Street and Metcalf Avenue as necessary to meet clear zone requirements.
- ii. Prior to the issuance of a building permit for the RP-2 Single Family Attached, an “as-built” grading plan shall be submitted by the owner/developer and approved by the Engineering Services Division.
- jj. Concurrent with the submittal of construction plans for a site development or building permit, whichever comes first, grading shall match the proposed future grading of 179th Street and Metcalf Avenue at the property line.
- kk. Prior to the issuance of a public improvement permit for 180th Street at Metcalf Avenue or the issuance of a site development or building permit for Lot C or E, the owner/developer shall submit a preliminary engineering study that establishes the future right-of-way grades for the section of Metcalf Avenue near the proposed development in accordance with Section [18.460.260](#).E of the O.P.M.C. The study shall be approved by both the City Engineer and County Engineer prior to the issuance of a public improvement permit, site development permit, or building permit for these areas.
- ll. Concurrent with the construction of public improvements for Street A or 180th Street, Metcalf Avenue, and 179th Street along the frontage abutting the plat(s) of this subdivision shall conform to the street overlay and widening requirements, of the City, or alternately, if deemed applicable by the City, the voluntary street maintenance escrow equivalent, as

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provided in Section [18.460.260](#) of the O.P.M.C. If improvements are necessary, the improvement plans shall be approved concurrently with the other public improvements within the subdivision and shall be completed prior to acceptance of the public improvements.

- mm. Prior to approval of a final plat including the stream corridor, 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, concurrent with the final plat, at the Johnson County Department of Records and Tax Administration with the recording fee paid by the owner/developer.
- nn. Concurrent with the issuance of a land disturbance, public improvement, site development, or building permit for any property that abuts the stream corridor, the contractor shall erect a visible temporary fence or other barrier that delineates the stream corridor. The barrier shall remain until the adjacent lots have been sodded.
- oo. Prior to construction plan approval, provide a copy of the Corps of Engineers Permit issued under Section 404 of the Clean Water Act for all proposed encroachments into Jurisdictional Waters of the U.S.

Section 3. The Zoning District Map for the City of Overland Park, Kansas, is hereby amended by this ordinance, Ordinance No. Z-4324, 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 1st day of April, 2024," 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 1st day of April, 2024.

APPROVED by the Mayor this 1st day of April, 2024.

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