

ORDINANCE NO. Z- 3439

REZONING NO. 2009-5

AN ORDINANCE RELATING TO ZONING: AMENDING CERTAIN ZONING REGULATIONS SHOWN ON SHEET NO. 81 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. 81, 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:

Part of the North One-Half of the Southeast One-Quarter of Section 27, Township 14 South, Range 24 East in the City of Overland Park, Johnson County, Kansas being described as follows:

BEGINNING at a point on the East line of the said Southeast One-Quarter, said point being 292.50 feet South of the Northeast corner of the said Southeast One-Quarter; thence South 02 degrees 23 minutes 14 seconds East along the said East line, a distance of 407.06 feet; thence South 87 degrees 36 minutes 46 seconds West, a distance of 430.00 feet; thence North 02 degrees 23 minutes 14 seconds West, a distance of 407.06 feet; thence North 87 degrees 36 minutes 46 seconds East, a distance of 430.00 feet to the POINT OF BEGINNING, except that part in roads.

The real property hereinabove described shall hereafter be deemed zoned and classified as PRN, Planned Residential Neighborhood District.

The Zoning District Map, Sheet No. 81 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. 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.

ORDINANCE NO. Z-3439

- b. Development of the site shall be limited to 90 units.
- c. Prior to the issuance of a Building Permit, the property shall be preliminary and final platted.
- d. Prior to the issuance of a Building Permit, the Planning Commission shall approve final development plans.
- e. At the time of platting, if determined to be appropriate by the Director of Parks and Recreation, the land owner shall agree to dedicate the proposed trail in a parkland tract(s) in fee simple absolute, by Kansas Warranty Deed, to the City of Overland Park for public open space and natural preservation areas at a time acceptable to and/or requested by the Director of Parks and Recreation. In addition to the Warranty Deed, the applicant shall furnish a Title Report and a commitment for title insurance. The Title Report shall indicate that the property is free and clear of any street assessments, property taxes, and liens.

The final boundaries of the parkland property are subject to review and approval by the Parks and Recreation Department. Acceptance of the parkland is contingent upon an acceptable environmental assessment, which shall indicate that the proposed parkland is free of any hazardous waste, dumpsites, or any other harmful material. Where the initial environmental assessment is unsatisfactory, it shall be the landowner's responsibility to remediate the site to the satisfaction of the city prior to the city accepting the dedication.

Written approval of construction easements shall be obtained from the city prior to any grading, tree removal, or installation of sewers and utilities within the parkland tract.

- f. At the time of final development plan approval, Fire Department access to the site will be evaluated. Depending on the development status of Trousdale Estates, a second point of access to the rear of the building may be required.
- g. The location of the proposed street trees along Quivira Road will be reviewed in greater detail at the time of final development plan approval. To be counted as street trees, the trees are to be located in the required setback area adjacent to the street.
- h. Building elevations submitted for final development plan approval shall incorporate compatible building materials as that of the proposed adjacent

ORDINANCE NO. Z-3439

apartment buildings in Trousdale Estates. The building design must meet the requirements of the applicable design standards.

- i. The location and geometrics of all driveways and parking areas are subject to review and approval by the Planning and Development Services Department. The Quivira Road driveway shall be limited to right-turn-only movements in the future when the site driveway is connected to the public street along the south side of the property and a barrier median is constructed in Quivira Road.
- j. One or more weeks prior to submitting an application for final development plan approval, the applicant's engineer shall submit a Revised Preliminary Stormwater Management Study that includes all design changes associated with the updated preliminary plan. The study shall be approved by the Engineering Services Division staff prior to the Planning Commission consideration of the final development plan.
- k. Concurrent with the submittal of construction plans for a Site Development or Building Permit, whichever comes first, the developer shall provide a Final Stormwater Management Study that addresses any outstanding items from the Preliminary Stormwater Management Study, and includes any design changes.
- l. Prior to, or concurrent with, issuance of a Site Development or Building Permit, whichever comes first, obtain a separate Site Development Permit for construction of stormwater detention facilities that serve that portion of the site.
- m. Prior to the issuance of a Certificate of Occupancy, the detention facility serving the development must be certified by a professional engineer, licensed in the State of Kansas, in accordance with Section 15.10.500 of the O.P.M.C.
- n. Prior to the issuance of a Site Development or Building Permit, whichever comes first, a Stormwater Treatment Maintenance Agreement shall be submitted, reviewed and approved by the engineering staff with the associated recording fees paid by the owner/developer.
- o. Prior to the issuance of a Certificate of Occupancy, the owner shall have a Certification of Completion and Compliance submitted for all constructed stormwater treatment facilities. Subsequently, the owner shall have a maintenance certification submitted one year after construction is completed, and every two years thereafter. The certification shall be on a

ORDINANCE NO. Z-3439

form as approved by the city and shall be performed by a registered professional engineer in the State of Kansas, unless the Director approves other qualified individuals to perform the certification.

- p. At the time of final development plan submittal, a planting plan for the applicable stormwater treatment facilities shall be provided along with the landscape plan for the development.
- q. Grading must match the proposed future grading of Quivira Road at the property line. Additional grading in the right-of-way shall be accomplished to move the existing ditches away from the unimproved thoroughfare and provide shoulder room on the frontage abutting this subdivision. The shoulder and ditch improvements shall include extending existing culvert(s) under Quivira Road as necessary to meet clear zone requirements.
- r. Concurrent with the construction of public improvements, Quivira Road along the frontage abutting the plat of this development must conform to the street overlay and widening requirements of Section 18.460.260 of the Unified Development Ordinance. If improvements are necessary, the plans for the improvements shall be approved concurrently with the other public improvements within the subdivision and shall be completed prior to issuance of a Certificate of Occupancy for any buildings in the adjacent plat.
- s. All private sidewalks shall comply with the city's standard details for public sidewalks and sidewalk ramps, unless waived by the Director of Planning and Development Services. Accessible routes leading to accessible structures and amenities within the public way shall be clearly identified on the plans and comply with the building code.
- t. Concurrent with the issuance of a Land Disturbance or Site Development or Public Improvement Permit for work within 50 feet of the designated stream corridors, the owner/contractor shall erect a visible temporary fence to remain in place throughout construction that delineates the outer edge of the stream corridor boundary that is to remain free of grading, retaining walls or other alterations except those areas that have been approved on the plans.

SECTION 3. The Zoning District Map for the City of Overland Park, Kansas, is hereby amended by this ordinance, Ordinance No. Z-3439, said amendment being incorporated by reference pursuant to Section 18.150.020 which is amended to read as follows:

ORDINANCE NO. Z-3439

18.150.020 Zoning District Map

The boundaries of the zoning districts enumerated in Section 18.150.010 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 5th day of April, 2010," and shall be filed in the office of the Director of Planning and Research 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. This ordinance shall take effect and be in force from and after its publication in the Overland Park Sun, an official City newspaper.

PASSED by the City Council this 5th day of April, 2010.

APPROVED by the Mayor this 5th day of April, 2010.

Carl Gerlach, Mayor

ATTEST:

Marian Cook, City Clerk

APPROVED AS TO FORM:

J. Bart Budetti, Senior Assistant City Attorney