

ORDINANCE NO. Z- 3443

REZONING NO. 2010-3

AN ORDINANCE RELATING TO ZONING: AMENDING CERTAIN ZONING REGULATIONS SHOWN ON SHEET NO. 3 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. 3, 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:

The East 50 feet of Lot 7 and the West 60 feet of Lot 8, Santa Fe Trail Lands, a subdivision of land in the City of Overland Park, Johnson County, Kansas.

The real property hereinabove described shall hereafter be deemed zoned and classified as CP-3, Planned Commercial District.

The Zoning District Map, Sheet No. 3 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 comply with all regulations and standards of the City of Overland Park, unless specifically exempted by the Governing Body.
- b. Development of the tract shall be limited to 1,738 square feet.
- c. Prior to the issuance of a Building Permit for any parking areas on the site, the Planning Commission shall review and approve final development plans.
- d. Prior to the issuance of a Building Permit, a Maintenance Agreement for landscaping in the public right-of-way along the north property line shall be

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submitted, reviewed and approved by city staff with the associated recording fees paid by the owner.

- e. The location and geometrics of all driveways and parking areas are subject to review and approval by the Planning and Development Services Department.
- f. 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 Shawnee Mission Parkway driveway to the adjoining property to the west. The exact location and extent of the easement and the content of the easement document shall be subject to review and approval by the Planning and Development Services Department.
- g. 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 (sidewalk is damaged, broken, or is a tripping hazard) shall be reconstructed to current city standards. The limits of the repair shall be approved by Engineering Services staff prior to the issuance of a Building or Site Development Permit.
- h. 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.
- i. The drive approach from Shawnee Mission Parkway shall be reconstructed and meet city standards.

SECTION 3. The Zoning District Map for the City of Overland Park, Kansas, is hereby amended by this ordinance, Ordinance No. Z-3443, 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 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 19th day of April, 2010," and shall

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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 19th day of April, 2010.

APPROVED by the Mayor this 19th day of April, 2010.

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Carl Gerlach, Mayor

ATTEST:

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Marian Cook, City Clerk

APPROVED AS TO FORM:

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J. Bart Budetti, Senior Assistant City Attorney