

CITY OF OVERLAND PARK

INTRACITY COMMUNICATION

PLANNING & DEVELOPMENT SERVICES

May 13, 2010

TO: GOVERNING BODY

RE: Rescission of unpublished rezonings

The City of Overland Park is undergoing a process to reconcile all unpublished rezonings. The Planning and Development Services division has identified several properties within Overland Park that were previously given rezoning approval; however, the rezoning was never finalized for various reasons and the rezoning ordinance was never published and these approved zonings are still on record as approved. A prior effort was made by the staff to identify these unpublished rezoning approvals and a number of them were presented to the Governing Body and cleared off the record. However, that effort was never completed and a number of these unpublished rezoning approvals remain. It is necessary to close the files on the unpublished rezoning applications to avoid confusion about the actual and current zoning of these parcels.

In order to reconcile unpublished rezonings the City Council must rescind approval of individual cases. This should be done in accordance with established Governing Body precedent for rescission of prior action. First, consideration of rescission of prior action will be placed on the agenda. Then, if action is deemed appropriate, a member will make a motion to rescind the prior action, and if that motion is seconded and approved, the prior approval is rescinded. Following rescission, no further action will need to be taken by the City Council.

Staff will present the Governing Body with background information for each item together with a suggested motion to rescind. Each item should be acted on individually. Notice of this proposed rescission has been given to the current property owner, and any interested parties who wish to comment on this proposed action will be allowed to speak to the Governing Body before any action is taken.

Aaron DuBois
Assistant Planner

REZONING NO. 1989-21 – Vicinity of the southeast corner of 81st Street and Metcalf Avenue

1. CURRENT LANDOWNER(S): Metcalf L.L.C.
2. APPLICANT: Bozich Architects was the applicant for this request.
3. HISTORY AND ANALYSIS: A rezoning, from CP-2, Planned General Business District, and R-1, Single-Family Residential District, to CP-2, Planned General Business District, at the vicinity of 81st Street and Metcalf Avenue was pursued to allow the construction of a car dealership. The rezoning of the subject property to CP-2 was not published following a hearing of the City Council in 1990 since the applicant has not provided an access easement between the two properties being rezoned per stipulation “e.”

Following the attempt to rezone the property in 1989, the land has remained unchanged. An existing house on the R-1 portion of the zoning remains, while the CP-2 portion of the zoning remains vacant.

4. STAFF RECOMMENDATION: The land use for these parcels complies with the current zoning designation (CP-2 and R-1); therefore, staff recommends rescission of Rezoning No. 1989-21.