

ORDINANCE NO. Z- 1968

REZONING NO. 1989-21

AN ORDINANCE RELATING TO ZONING: AMENDING CERTAIN ZONING REGULATIONS SHOWN ON SHEET NO. 11 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. 11, 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:

Tract A:

All that part of the southwest quarter of the northwest quarter of Section 29, Township 12 South, Range 25 East, in Overland Park, Johnson County, Kansas, described as follows:

All of the north 90 feet of the south 390 feet of the west 226.90 feet of Lot 1, EXCEPT that part in the street, CONSER'S ADDITION, a subdivision in the City of Overland Park, Johnson County, Kansas.

and

All of Lot 1, EXCEPT the south 300 feet thereof and EXCEPT the north 220 feet thereof, and EXCEPT the north 90 feet of the south 390 feet of the west 226.90 feet and EXCEPT that part in the street, CONSER'S ADDITION, a subdivision in the City of Overland Park, Johnson County, Kansas.

Tract B:

All that part of the southwest quarter of the northwest quarter of Section 29, Township 12 South, Range 25 East, in Overland Park, Johnson County, Kansas, described as follows:

A tract of land Commencing at a point 84 feet west of the northeast corner of Lot 1, CONSER'S ADDITION, thence in a westerly direction 84 feet to a point, thence in a southerly direction 220 feet to a point, thence in an easterly direction 84 feet to a point, thence in a northerly direction 220 feet to a Point of Beginning, in the City of Overland Park, Johnson County, Kansas.

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

The Zoning District Map, Sheet No. 11 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. That development shall be in accordance with Exhibit A (Site Plan) and Exhibit B (Building Elevations), which are on file 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.
- b. The building floor area shall be limited to 14,518 square feet.
- c. A 30-foot parking setback shall occur on 81<sup>st</sup> Street.
- d. The location and design of all driveways shall be subject to review and approval by the Public Works Department and where appropriate the Kansas Department of Transportation.
- e. Prior to publication of the rezoning ordinance, an access easement in a form acceptable to City staff shall be filed establishing cross access between this property and 81<sup>st</sup> Street.
- f. No standing, stopping, parking or loading/unloading associated with this use shall be permitted on the surrounding street system.
- g. No second driveway shall be permitted onto 81<sup>st</sup> Street from the subject property.
- h. The unloading of new vehicles shall occur only between the hours of 8:30 a.m. and 5:00 p.m.
- i. No test driving of any vehicle shall occur on 81<sup>st</sup> Street or the adjacent residential streets. Sales personnel shall accompany all test driven vehicles from subject car dealership.

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- j. The parking lot lighting on the east edge of the property shall be limited to eight feet in height and shall be directed away from the residential properties.
- k. No exterior loud speaker system shall be permitted on the site.
- l. The fence and landscaping shall be maintained as per the approved final development plans at all times.
- m. Vehicle maintenance shall occur only between 7:00 a.m. to 6:00 p.m. Monday through Friday. Sales of automobiles shall not take place from subject property on Sundays.
- n. Applicant shall modify existing driveway onto 81<sup>st</sup> Street for property located at the southeast corner of 81<sup>st</sup> Street and Metcalf Avenue such that right-turns out of property will be restricted. Geometrics of modification is subject to review and approval of the Public Works Department.

SECTION 3. The Zoning District Map for the City of Overland Park, Kansas, is hereby amended by this ordinance, Ordinance No. Z-1968, 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 16th day of October, 1989," 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.

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SECTION 5. This ordinance shall take effect and be in force from and after its publication in an official City newspaper.

PASSED by the City Council this 16th day of October, 1989.

APPROVED by the Mayor this 16th day of October, 1989.

(s) Carl Gerlach  
Carl Gerlach, Mayor

ATTEST:

(s) Marian Cook  
Marian Cook, City Clerk

APPROVED AS TO FORM:

(s) J. Bart Budetti  
J. Bart Budetti, Senior Assistant City Attorney