

Plan Policies

Introduction

The purpose of the Plan Policies section is to identify the various Governing Body and Planning Commission land use related policy resolutions for use in evaluating development plans, both long range, such as a neighborhood plan, and short range, such as a specific rezoning proposal. This section complements the Future Development Plan by defining specific criteria, as expressed in the individual Governing Body and Planning Commission resolutions, rather than simply the type and general intensity of land uses as the plan map is intended to show.

By more clearly stating the criteria used in evaluating and guiding the short- and long-range planning in the City, the plan policies resolutions help to ensure consistency in how plans are evaluated. The policies also identify what the City is seeking and why these criteria are useful for all to review and reflect upon.

Several benefits will be derived from this reference source. Developers will be able to better determine the appropriateness of their proposal in light of stated City land use policy. Citizen groups will have added assurance of the direction of City land use policy beyond what is shown on the Future Development Plan map. The Governing Body, Planning Commission, and City staff will be able to reference the appropriate resolutions when reviewing and discussing plans.

Even though these Governing Body and Planning Commission resolutions do set forth City land use policy, they are, by their nature as resolutions, guideline statements that do not legally bind City officials from making alternative choices to those called for in the resolutions. The choice of not following stated policy must be made for valid and supportable reasons; however, otherwise there is the risk of being found to be arbitrary and capricious by the courts.

The Plan Policies section, as a reference source of City land use related policy resolutions, identifies the source of the individual resolutions. Six subject headings and several subheadings are used to categorize the various resolutions. The six subject headings are: Land Use Issues, Economic Development, Site Design, Traffic Control, Street Network, and Special Areas.

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Plan Policy Resolutions By Subject

A. Land Use Issues

1. Land Use Intensity System

- a. Rescinding the 1976 Land Use Intensity System and the 1988 Land Use Intensity System Update

Governing Body Resolution Number 3899, "A Resolution Rescinding Governing Body Resolution No. 1154 and Governing Body Resolution No. 2196 (A Joint Resolution with Planning Commission Resolution No. PC-47), Dealing with the Use of the Land Use Intensity System in the Review of Development Proposals." (Adopted 9-12-11)

Planning Commission Resolution Number PC-107, "A Resolution Rescinding Planning Commission Resolution No. PC-47 (A Joint Resolution with Governing Body Resolution No. 2196), Dealing with the Use of the Land Use Intensity System in the Review of Development Proposals." (Adopted 9-12-11)

2. Parks

Governing Body Resolution Number 2354, "A Resolution Establishing Guidelines for Private Property Owners to Landscape Public Park Areas, Greenway, and Natural Preservation Area." (Adopted 7-16-90)

Governing Body Resolution Number 2798, "A Resolution Establishing Criteria and Guidelines for Allowing the Placement of Amenities in Public Park Areas by Private Citizens or Organizations." (Adopted 9-11-95)

Governing Body Resolution Number 2931, "A Resolution Establishing Policy for Programs, Facilities, Land Acquisitions and Improvement for Park Development, Rescinding Resolution No. 1002." (Adopted 8-11-97)

Governing Body Resolution Number 3571, "A Resolution Establishing Criteria and Guidelines for Naming Parks and Recreational Facilities After Persons or Organizations; Rescinding Resolution No. 2799." (Adopted 3/19/07)

3. Sanitary Sewer Districts

Governing Body Resolution Number 1161, "A Resolution Setting Forth Policies and Procedures for the Review and Approval of Proposed Sewer Districts." (Adopted 5-3-76)

4. Land Use Disclosure Policy

Governing Body Resolution Number 3121, "A Resolution of the Governing Body of the City of Overland Park, Kansas Establishing a Disclosure Policy for Land Use Approval Applicants." (Adopted 1-8-2000)

B. Economic Development

1. Revenue Bonds

a. Policy and Procedures for Granting

Governing Body Resolution Number 2765, "A Resolution Establishing Policy and Procedures for Considering and Granting Tax Exemption Incentives for Economic Development Revenue Bond Projects in the City of Overland Park, Kansas, Rescinding Resolution No. 2596." (Adopted 5-1-95)

b. Criteria for Issuing

Governing Body Resolution Number 2766, "A Resolution Rescinding Resolution Number 2597 and Establishing a Policy on the Criteria for Considering and Issuing Economic Development Revenue Bonds." (Adopted 5-1-95)

2. Tax Abatement

Governing Body Resolution Number 2767, "A Resolution Establishing Policy and Procedures for Considering and Granting Tax Exemption Incentives for Economic Development in the City of Overland Park, Kansas, Rescinding Resolution No. 2598." (Adopted 5-1-95)

3. Transportation Development Districts

Governing Body Resolution Number 3417, "A Resolution Establishing a Policy on the Criteria for Approving Establishment of a Transportation Development District and Establishing a Process for Considering Creation of Such a District." (Adopted 9-13-04)

C. Site Design

1. Design Guidelines

a. Multifamily

Governing Body Resolution Number 3329, "A Resolution Rescinding City Council Resolutions Nos. 2040 and 2217 and Planning Commission Resolutions Nos. 40 and 50." (related to new Multi-family Design Guidelines and Standards) (Adopted 5-5-03)

Planning Commission Resolution Number 93 is the same as Governing Body Resolution Number 3329. (Adopted 4-14-03)

b. Commercial

Governing Body Resolution Number 3329, "A Resolution Rescinding City Council Resolutions Nos. 2040 and 2217 and Planning Commission Resolutions Nos. 40 and 50." (related to new Commercial Design Guidelines and Standards) (Adopted 5-5-03)

Planning Commission Resolution Number 93 is the same as Governing Body Resolution Number 3329. (Adopted 4-14-03)

c. Infill and Redevelopment

Governing Body Resolution Number 3329, "A Resolution Rescinding City Council Resolutions Nos. 2040 and 2217 and Planning Commission Resolutions Nos. 40 and 50." (related to new Infill and Redevelopment Design Guidelines and Standards) (Adopted 5-5-03)

Planning Commission Resolution Number 93 is the same as Governing Body Resolution Number 3329. (Adopted 4-14-03)

d. Downtown (80th Street and Santa Fe Drive)

Governing Body Resolution Number 3215, a resolution establishing the Destination Downtown Overland Park Design Guidelines as a technical and policy plan guide to be used in the evaluation of development or redevelopment proposals in Downtown Overland Park. (Adopted 5-21-01)

Planning Commission Resolution Number 87 is the same as Governing Body Resolution Number 3215. (Adopted 5-21-01)

e. Greenway Linkages Guidelines

Governing Body Resolution Number 2349, "A Resolution Adopting the Greenway Linkages Guidelines." (Adopted 9-16-91)

Planning Commission Resolution Number 55, "A Resolution Adopting the Greenway Linkages Guidelines." (Adopted 4-8-91)

- f. K-150 Corridor Design Guidelines

Governing Body Resolution Number 2504, "A Resolution Adopting the K-150 Corridor Design Guidelines."
(Adopted 3-16-92)

Planning Commission Resolution Number 64, "A Resolution Adopting the K-150 Corridor Design Guidelines." (Adopted 2-24-92)
- g. U.S. 69 Parkway Landscape Theme Statement and Design Guidelines

Governing Body Resolution Number 2611, "A Resolution Adopting the Landscape Theme Statement and Design Guidelines for the U.S. 69 Parkway." (Adopted 9-20-93)

Planning Commission Resolution Number 70, "A Resolution Adopting the Landscape Theme Statement and Design Guidelines for the U.S. 69 Parkway." (Adopted 8-9-93)
- h. RP-OE, Planned Open Space Estate Residential District Design Guidelines

Governing Body Resolution Number 3317, (A Resolution Adopting the RP-OE, Planned Open Space Estate Residential District Design Guidelines). (Adopted 3-17-03)

Planning Commission Resolution Number 91 is the same as Governing Body Resolution Number 3317. (Adopted 2/24/03)
- i. RP-OS, Planned Open Space Single-Family Residential District Design Guidelines

Governing Body Resolution Number 3318, Unnamed (A Resolution Adopting the RP-OS, Planned Open Space Single-Family Residential District Design Guidelines). (Adopted 3-17-03)

Planning Commission Resolution Number 92 is the same as Governing Body Resolution Number 3317. (Adopted 2/24/03)

2. Billboards

Planning Commission Resolution Number 5, "A Resolution Recommending Certain Amendments to the Overland Park Zoning Ordinance that would Prohibit the Use of Billboard Signs." (Adopted 11-14-77)

3. Driveways

Planning Commission Resolution Number 59, "A Resolution Establishing Policy on Access to Parking Lots; Rescinding Planning Commission Resolution No. 1." (Adopted 6-24-91)

4. Fencing (See Screening and Fencing)

5. Flags

Planning Commission Resolution Number 9, "A Resolution Reaffirming the City's Ordinance Regarding Flags and Banners." (Adopted 4-9-79)

6. Parking

a. Parking Lot Lighting Standards

Planning Commission Resolution Number 76, "A Resolution Establishing Parking Lot Lighting Standards." (Adopted 8-28-95)

7. Screening and Fencing

a. Fencing of Park Property

Governing Body Resolution Number 2928, "A Resolution Establishing Policy on Fencing Park Property Lines Shared with Adjacent Property Owners." (Adopted 8-11-97)

- b. Screening of Waste Storage and Mechanical Equipment

Planning Commission Resolution Number 2, "A Resolution Establishing Policy of Screening of Solid Waste Storage Areas and Mechanical Equipment." (Adopted 2-14-77)

8. Sidewalks

- a. Sidewalk Construction and Maintenance

Governing Body Resolution Number 3817, "A Resolution Establishing Policy on Sidewalk Construction and Maintenance and Rescinding Resolution No. 2896." (Adopted 5-3-10)

- b. New Sidewalks in Established Neighborhoods

Governing Body Resolution Number 3265, "A Resolution of the City of Overland Park, Kansas, Setting Forth the Policy Regarding and the Procedure for Requesting Construction of New Sidewalks in Established Neighborhoods." (Adopted 3-4-02)

9. Storm Drainage

- a. Easement Acquisition

Governing Body Resolution Number 2916, "A Resolution Establishing Policy on Acquisition of Easements for Improvement District Storm Drainage Projects and Rescinding Resolution No. 2176." (Adopted 6-9-97)

- b. Improvement Districts

Governing Body Resolution Number 3326, "A Resolution Establishing a Policy for the City of Overland Park, Kansas, for

the Improvement of Storm Drainage within the City, and Rescinding Resolution Number 2583." (Adopted 4-14-03)

c. Maintenance of Earthen Ditches

Governing Body Resolution Number 1935, "A Resolution Establishing Policy on Earthen Storm Water Ditches and Rescinding Resolution No. 1074." (Adopted 9-9-85)

d. Best Management Practices

Governing Body Resolution Number 3479, "A Resolution Establishing a Voluntary Program to Protect Water Quality and Natural Streams by Installing Best Management Practices on New Developments to Control Stormwater Runoff." (Adopted 7-11-2005)

e. Tomahawk Creek Drainage Basin (See F. Special Areas)

f. Negro Creek Drainage Basin (See F. Special Areas)

10. Stream Bank Erosion Protection

Governing Body Resolution Number 2395, "A Resolution Establishing the Policy of the Governing Body on Providing Stream Bank Erosion Protection and Bank Stabilization Adjacent to One and Two Family Residences." (Adopted 1-21-91)

D. Traffic Control

1. Access

a. Access Between Developments

Planning Commission Resolution Number 31, "A Resolution Establishing Policy for Ensuring Adequate Traffic Access To and Circulation Through Residential Developments." (Adopted 1-14-85)

b. **Mixing Residential and Commercial Traffic**

Planning Commission Resolution Number 6, "A Resolution Establishing Policy for Vehicular Access Between Residential and Commercial Areas." (Adopted 12-12-77)

2. **Signing and General Traffic Control**

Governing Body Resolution Number 1948, "A Resolution Establishing Policy on Signing and General Traffic Control and Rescinding Resolution No. 1729." (Adopted 11-4-85)

E. Street Network

1. **Accommodations for Bicycles on Public Streets**

Governing Body Resolution Number 3821, "A Resolution Establishing Policy on Designing, Modifying and Maintaining Public Streets to Facilitate Bicycle Usage and Rescinding Resolution No. 2930." (Adopted 5-3-10)

2. **Collector Streets**

Planning Commission Resolution Number 42, "A Resolution Establishing Policy for Determining the Location of Collector Streets in the Southern

Undeveloped Portion of the City; Rescinding Resolution No. PC-30." (Adopted 1-25-88)

3. **Neighborhood Street Reconstruction**

Governing Body Resolution Number 3814, "A Resolution Establishing a Policy for the Standards on the Neighborhood Street Reconstruction Program." (Adopted 5-3-2010)

4. Improvement Districts

- a. Creating Improvement Districts When No City Funds Involved
Governing Body Resolution Number 2381, "A Resolution Establishing Policy of Creating Improvements for Developers When No City Funds are Involved; Rescinding Resolution No. 2204." (Adopted 11-5-90)

5. Lighting of Streets

Governing Body Resolution Number 2827, "A Resolution Establishing Policy for New City-Owned Street Lighting and Rescinding Resolution No. 2556."
(Adopted 2-5-96)

6. Maintenance of Traffic Islands and Street R-O-W

Governing Body Resolution Number 2288, "A Resolution Establishing Policy on Maintenance of Traffic Islands and Street Right-of-Way; Rescinding Resolution Number 1679." (Adopted 9-11-89)

7. Private Streets

- a. Changing to Public Streets

Governing Body Resolution Number 3815, "A Resolution Establishing Policy on Changing Private Streets to Public Street Classification and Rescinding Policy Resolution No. 1971." (Adopted 5-3-10)

- b. Classification and Construction

Governing Body Resolution Number 3392, "A Resolution Establishing Policy on Private Street Classification and Construction Standards, including Related Storm Sewer. Rescinding Resolution 2555." (Adopted 8-16-04)

c. Traffic Signal Installation

Governing Body Resolution Number 2946, "A Resolution Establishing Policy on Installing Traffic Signals to Serve Private Streets Intersecting Public Streets. Rescinding Resolution No. 1071." (Adopted 10-6-97)

8. Right-of-Way (See 6. above)

9. Thoroughfare Streets

a. Designation and Improvement

Governing Body Resolution Number 3816, "A Resolution Establishing Policy on Designating and Improving Thoroughfares and Rescinding Resolution No. 3397." (Adopted 5-3-10)

b. Landscaping

Planning Commission Resolution Number 13, "A Planning Commission Resolution Endorsing and Supporting the Legacy of Greenery Recommendation that Landscaping of Thoroughfare Medians Be Included in Initial Project Funding." (Adopted 3-10-80)

F. Special Areas

1. Downtown (80th Street and Santa Fe)

a. Business Improvement District

Governing Body Resolution Number 2101, "A Resolution Expressing the Intention of the City of Overland Park, Kansas, to Establish a Business Improvement District Pursuant to the Provisions of the Business Improvement District Act, A K.S.A. 12-1781, ET.SEQ." (Adopted 3-14-88)

- b. Use of Public Right-of Way

Governing Body Resolution Number 3083, "A Resolution of the Governing Body of the City of Overland Park, Kansas, the Use of Public Right-of-Way in Certain Locations in the City to be Used for Outdoor Seating Areas for Private Food Service Establishments, and for the Placement of Benches and Planters."
(Adopted 9-13-99)

- c. Design Guidelines (See C. Site Design)

2. U.S. 69 Parkway

- a. Preservation of Open Space

Governing Body Resolution Number 2011, "A Resolution Establishing Policy for the Preservation of Additional Open Space as Part of the U.S. 69 Parkway Corridor."
(Adopted 8-18-86)

3. K-150 Highway Corridor (135th Street)

- a. Joint Future Land Use Planning

Governing Body Resolution Number 1996, "A Resolution Relating to a Joint Planning Effort for the Kansas Highway 150 (135th Street) Corridor in Johnson County, and the Development of Improvement Plans for the Roadway." (Adopted 4-21-86)

Planning Commission Resolution Number 36, "A Resolution Relating to a Joint Planning Effort for the Kansas Highway 150 (135th Street) Corridor in Johnson County, and the Development of Improvement Plans for the Roadway. Specific recommendations are proposed."
(Adopted 3-24-86)

- b. Design Guidelines (See C. Site Design)

4. Tomahawk Creek Drainage Basin Study

Governing Body Resolution Number 2731, "A Resolution in Support of the Tomahawk Creek Drainage Basin Study." (Adopted 2-20-95)

Planning Commission Resolution Number 73, " A Resolution in Support of the Tomahawk Creek Drainage Basin Study." (Adopted 10-24-94)

5. Negro Creek Drainage Basin Study

Governing Body Resolution Number 2834, "A Resolution in Support of the Negro Creek Drainage Basin Study." (Adopted 4-1-96)

Planning Commission Resolution Number 77, "A Resolution in Support of the Negro Creek Drainage Basin Study." (Adopted 3-25-96)

6. K-10 Corridor Study

Governing Body Resolution Number 2442, "A Resolution Endorsing the K-10 Corridor Study." (Adopted 8-21-91)

Planning Commission Resolution Number 61, "A Resolution Endorsing the K-10 Corridor Study." (Adopted 7-22-91)

7. Stanley and Morse Neighborhoods (1985 Annexation Area)

Governing Body Resolution Number 1896, "(Assurance of Conditions of Annexation)." (Adopted 6-19-85)

8. Turkey Creek Corridor Concept Plan

Governing Body Resolution Number 3776, " A Resolution of Support by the City of Overland Park, Kansas for the Planning and Implementation of the Joint Turkey Creek Corridor Concept Plan for the Development of the Turkey Creek Bicycle/Pedestrian Trail from Northeast

Johnson County to Southeast Wyandotte County/Kansas
City, Kansas, and the Authorizing of Mayor Carl Gerlach
to Sign a Joint Resolution in Support of Such Plan.”
(Adopted 10-12-2009)