

Resolutions

And

Ordinances

PLANNING COMMISSION RESOLUTION NO. 109

**A RESOLUTION ADOPTING THE AMENDMENTS
TO THE COMPREHENSIVE PLAN**

WHEREAS, the City of Overland Park, Kansas, has determined a need to update the Comprehensive Plan of the City.

WHEREAS, the provisions of K.S.A. 12-747 were followed and addressed, and

WHEREAS, Amendments to the proposed Comprehensive Plan were prepared for review by the Overland Park Planning Commission in accordance with K.S.A. 12-747, and

WHEREAS, a public hearing was held on April 14, 2014, to consider all of the Amendments to the proposed Comprehensive Plan, as required by the provisions of K.S.A. 12-747, and

WHEREAS, the Overland Park Planning Commission is recommending to the Governing Body the adoption of the Amendments to the proposed Comprehensive Plan in accordance with K.S.A. 12-747.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission of the City of Overland Park, Kansas, hereby adopts the Amendments to the proposed Comprehensive Plan incorporating within that Amended Comprehensive Plan all approved revisions to the text and maps that:

1. Include map changes reflected on the Future Development Plan, Greenway Linkages Plan for Northern Overland Park, Greenway Linkages Plan for Southern Overland Park, and the Official Street Map.
 - a. A number of compliance changes which reflect past zoning, special use permit or other development plan approvals are proposed this year. Several suggested changes to the plan maps including the Future Development Plan, Greenway Linkages Plan for Northern Overland Park, Greenway Linkages Plan for Southern Overland Park, and the Official Street Map, which is the base map for the Future Development

Plan, are also proposed. All changes are identified in the Future Development Plan section of the Plan Implementation text.

This resolution, together with a certified copy of the Amendments to the proposed Comprehensive Plan and a written summary of the Planning Commission Public Hearings, shall be submitted to the Governing Body pursuant to K.S.A. 12-747.

ADOPTED by the Planning Commission of the City of Overland Park, Kansas, this 14th day of April, 2014.

(s) Michael Flanagan

Michael Flanagan, Chairperson

ATTEST:

(s) Jack Messer

Jack Messer, Planning Commission Secretary

APPROVED AS TO FORM:

(s) Stephen B. Horner

Stephen B. Horner, Senior Assistant City Attorney

ORDINANCE NO. OPCP-3030

AN ORDINANCE ADOPTING THE OVERLAND PARK, KANSAS, COMPREHENSIVE PLAN AND REPEALING CITY OF OVERLAND PARK ORDINANCE NO. OPCP-3021

WHEREAS, the Planning Commission of the City of Overland Park has previously adopted and amended the Comprehensive Plan for the City pursuant to the authority granted by Kansas statutes, and

WHEREAS, pursuant to K.S.A. 12-747, the Comprehensive Plan adopted by the Planning Commission and any current amendments must be adopted by the Governing Body prior to its becoming effective, and

WHEREAS, a certified copy of the amendments to the Comprehensive Plan, adopted by the Planning Commission, together with written summaries of the Public Hearing thereon held by the Planning Commission on Monday, April 14, 2014, have been submitted to the Governing Body.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS:

SECTION 1. The Governing Body of the City of Overland Park, Kansas, hereby adopts the Comprehensive Plan. Incorporated within that Comprehensive Plan are all approved revisions to the texts and maps, including the Future Development Plan, Greenway Linkages Plan for Northern Overland Park, and the Greenway Linkages Plan for Southern Overland Park.

A copy of the amendments to the Comprehensive Plan is attached to this ordinance (Exhibit A). The amendments to the Comprehensive Plan were adopted by the Planning Commission in its Resolution No. 109 dated April 14, 2014, and incorporated into this Ordinance No. OPCP-3030 dated May 5, 2014, and are made a part hereof within the Comprehensive Plan.

The adopted Comprehensive Plan modifies the Plan in the following areas:

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1. Includes map changes reflected on the Future Development Plan, Greenway Linkages Plan for Northern Overland Park, Greenway Linkages Plan for Southern Overland Park.
 - a. A number of compliance changes which reflect past zoning, special use permit or other development plan approvals are proposed this year. All changes are identified in the Future Development Plan section of the Plan Implementation text.

SECTION 2. There is hereby incorporated by reference the City of Overland Park, Kansas, Comprehensive Plan, prepared, compiled, published and promulgated by the Planning and Development Services Department of the City of Overland Park, and adopted by the Planning Commission of the City of Overland Park on April 14, 2014, and adopted by the Governing Body on May 5, 2014, as set forth in Section 1 of this ordinance, in code form as that term is defined in K.S.A. 12-3301(c), such incorporation by reference being authorized by K.S.A. 12-3009 to and including 12-3012.

Not less than three (3) copies of this Ordinance No. OPCP-3030, to each of which shall be attached a copy of the Comprehensive Plan, City of Overland Park, Kansas, May 2014, marked as or stamped "official copy as incorporated by Ordinance No. OPCP-3030," shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours. All departments of the City charged with enforcement of the Comprehensive Plan shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.

SECTION 3. Ordinance No. OPCP-3021 is hereby repealed; provided, however, that this repeal shall not interfere with, abrogate or annul the applicability and enforceability of any previously adopted Comprehensive Plan, Comprehensive Plan Elements or Comprehensive Plan Amendments during the period of time they were in force and effect.

SECTION 4. This ordinance shall take effect and be in force from and after its publication in *The Legal Record*, an official City newspaper.

PASSED by the Governing Body of the City of Overland Park, Kansas, this 5th day of May, 2014.

ORDINANCE NO. OPCP-3030

APPROVED by the Mayor this 5th day of May, 2014.

(s) Carl Gerlach
Carl Gerlach, Mayor

ATTEST:

(s) Marian Cook
Marian Cook, City Clerk

APPROVED AS TO FORM:

(s) Stephen B. Horner
Stephen B. Horner
Senior Assistant City Attorney

ORDINANCE NO. CSM-3031

AN ORDINANCE ADOPTING THE STREET NETWORK MAP AS THE OFFICIAL STREET MAP OF THE CITY OF OVERLAND PARK, KANSAS; REPEALING CITY OF OVERLAND PARK ORDINANCE NO. CSM-3022.

WHEREAS, the Overland Park Governing Body has previously adopted the Unified Development Ordinance of the City of Overland Park, Kansas, which establishes and sets forth the method of enforcement of building and setback lines on existing and proposed major streets and highways within the City, and prohibits any new building being located within such building or setback lines within the City pursuant to the authority granted by Kansas statutes, and

WHEREAS, the Governing Body has authorized the Overland Park Board of Zoning Appeals to modify or vary the building restrictions authorized by the Unified Development Ordinance in specific cases pursuant to the authority granted by Kansas statutes, and

WHEREAS, the Governing Body and Planning Commission of the City of Overland Park have previously adopted and amended the Street Network Map and the Transportation Element as parts of the Comprehensive Plan for the City pursuant to the authority granted by Kansas statutes, and

WHEREAS, the City of Overland Park wishes to use the Street Network Map as the Official Street Map of the City, and the Transportation Element of the Comprehensive Plan of Overland Park as supplemental documentation of this map, for identifying the location of the existing and proposed major streets and highways within the City for which building and setback lines are established in the Unified Development Ordinance of the City of Overland Park, and

WHEREAS, the specific location of existing rights-of-way may be obtained from the Overland Park Department of Public Works, and

WHEREAS, when no right-of-way exists, the Official Street Map is intended to show only the approximate location of proposed major streets. The exact location is determined at the time of development approval, and

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WHEREAS, unless otherwise approved by the City Council, thoroughfares are centered on section lines, and

WHEREAS, unless otherwise approved by the City Council, collector streets are located approximately halfway between thoroughfares, and

WHEREAS, the highest adjoining zoning district will determine the specific classification (collector, commercial, industrial or apartment) of collector streets, and

WHEREAS, unless otherwise approved by the City Council,

- a. The starting location of a future collector street will be set by the location of the existing portion of the collector street on the opposite side of an intersecting street (collector or thoroughfare).
- b. Where no existing portion of a collector street exists on either side of a thoroughfare, the approved median break location will determine the starting location of the future collector street.
- c. Where no existing portion of a collector street exists on either side of a thoroughfare and the thoroughfare does not contain a median, the starting location of the future collector street shall be determined by the City Traffic Engineer, and

WHEREAS, each residential development should be linked to surrounding residential developments to ensure adequate traffic access to and circulation through residential developments. Stubbed streets are intended to provide future access for emergency vehicles, the residents of the development and the general public into adjacent residential developments, and

WHEREAS, the construction, maintenance (which includes snow removal) and repair of private streets are the responsibility of the property owner(s) as described by City Council resolution and the Overland Park Municipal Code. Private streets are defined as those owned, controlled and maintained by persons other than the public. In addition:

- a. All private streets must meet the construction standards for such streets as described in the Overland Park Municipal Code.

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- b. All private streets must be named in accordance with the street name designation system on the Official Road Map and signed in accordance with the requirements found in the Overland Park Municipal Code. (Note: The Official Road Map differs from the Official Street Map in that it shows only existing roads).
- c. Once a private street is constructed, property owner(s) shall assume all liability and responsibility for the maintenance, including snow removal, and repair of:
 - 1) Street pavement and curbs and gutters of the private street, and
 - 2) Storm sewers, sidewalks and street lighting located adjacent to the private streets.
- d. Private streets may be converted to public streets only if the criteria described by City Council resolution are met. Meeting all of the criteria for conversion to public ownership is often difficult, if not impractical, and

WHEREAS, pursuant to K.S.A. 12-765, the Kansas Secretary of Transportation, Johnson County Engineer, and the Johnson County Planning Commission were consulted concerning the Street Network Map, the draft Official Street Map of the City, and

WHEREAS, the Overland Park Governing Body held a public hearing on the Official Street Map of the City on Monday, May 5th, 2014. Notice of this public hearing was published in The Legal Record, the official newspaper of the City of Overland Park, at least 20 days prior to the hearing date.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK:

SECTION 1. There is hereby incorporated by reference, pursuant to K.S.A. 12-765, the Street Network Map as the Official Street Map of the City, titled, "Official Street Map of the City of Overland Park, Kansas," dated May 2014, prepared by the City of Overland Park, Kansas. Not less than three (3) copies of this Ordinance No. CSM-3031, to each of which shall be attached a copy of the "Official Street Map," marked "official copy as incorporated by Ordinance No. CSM-3031," shall be filed with the City Clerk to be open to

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inspection and available to the public at all reasonable business hours. All City departments charged with enforcement of the "Official Street Map" shall be supplied such number of official copies of such ordinance and map as may be deemed expedient.

SECTION 2. There is further adopted, as supplementary documentation of the "Official Street Map," the Transportation Element of the Comprehensive Plan of the City of Overland Park, Kansas.

SECTION 3. The "Official Street Map" of the City of Overland Park, Kansas, as adopted and incorporated by reference herein, pursuant to the requirements of K.S.A. 12-765, shall not be enforced until after a certified copy of this adopting Ordinance No. CSM-3031, together with such official map, has been filed with the Johnson County Department of Records and Tax Administration.

SECTION 4. Ordinance No. CSM-3022 is hereby repealed; provided, however, that this repeal shall not interfere with, abrogate or annul the applicability and enforceability of any previously adopted Official Street Maps during the period of time they were in force and effect.

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

PASSED by the Governing Body of the City of Overland Park, Kansas, this 5th day of May, 2014.

APPROVED by the Mayor this 5th day of May, 2014.

(s) Carl Gerlach
Carl Gerlach, Mayor

ATTEST:

(s) Marian Cook
Marian Cook, City Clerk

APPROVED AS TO FORM:

(s) Stephen B. Horner
Stephen B. Horner
Sr. Assistant City Attorney