

3. UNIFIED DEVELOPMENT ORDINANCE AMENDMENT - Amendments to Section 18.460.011 relating to subdivision regulations

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1. APPLICANT: The City of Overland Park is the applicant for this request.
2. REQUESTED ACTION: The applicant is requesting approval of amendments to Section 18.460.011 relating to subdivision regulations.
3. ANALYSIS: The city adopted Resolution No. 3619 on September 10, 2007. That resolution commits the city to passage of Ordinance Nos. ZRR-2691 and ZRR-2692 in substantially the form of the draft of them dated September 6, 2007, a copy of each of which is included in this agenda packet. The city's commitment to passage of them was an important part of the city's presentation to the Johnson County Board of County Commissioners ("BOCC") in seeking approval of our proposed annexation.

Our obligation to pass the ordinances was conditioned upon approval by the BOCC of the city's petition to annex approximately 15 square miles filed last August. On February 21, 2008, the BOCC authorized the city to annex a portion of the land proposed to be annexed (approximately 8.5 square miles), and the city did annex that portion of the land effective on March 13, 2008. It is the Law Department's opinion that the commitment to passage of the two ordinances is binding upon the city even though the ultimate annexation was of less land than what was originally sought.

Resolution No. 3619 also qualified the city's obligation to continue those two ordinances in effect in the same form as originally adopted by including two provisos:

1. That if the BOCC hereafter amends the Johnson County Zoning and Subdivision Regulations, the city may consider adopting its own amendments to the affected regulations; and
2. That such ordinances are subject to review and re-evaluation involving a public hearing before the city's Planning Commission and Governing Body 10 years following the date of passage of the ordinances, and to possible modification or elimination at that time.

Later, the 10-year time frame was changed to 15 years.

This ordinance amends Section 11.460.011 of the UDO regarding platting requirements by eliminating the reference therein to the March 28, 2002, edition of the county's zoning and subdivision regulations so that the current version of those county regulations will be operative in all areas of

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the city where land that continues to bear a county zoning designation is located.

4. STAFF RECOMMENDATION: The staff recommends approval of amendments to Section 18.460.011, as proposed.