

ORDINANCE NO. 03-113

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF OLATHE, KANSAS, AS ADOPTED BY REFERENCE IN SECTION 18.14.020 OF THE OLATHE MUNICIPAL CODE; FURTHER AMENDING SAID SECTION 18.14.020 BY REINCORPORATING SUCH MAP AS AMENDED.

WHEREAS, Rezoning Application No. RZ-25-03 requesting rezoning from C-2 and C-O to CP-2 was filed with the City of Olathe, Kansas, on the 13th day of June 2003; and

WHEREAS, proper notice of such rezoning application was given pursuant to K.S.A. 12-757 and Section 18.12 of the Olathe Municipal Code; and

WHEREAS, public hearings on such application were held before the Planning Commission of the City of Olathe, Kansas, on the 22nd day of September and the 24th day of November 2003; and

WHEREAS, said Planning Commission has recommended that such rezoning application be approved.

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

SECTION ONE: That the Zoning Map of the City of Olathe, Kansas, is hereby ordered to be amended insofar as the same relates to certain parcels of land legally described as:

All that part of the NW $\frac{1}{4}$ of Section 8, T14S, R24E, in the City of Olathe, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northwest corner of the NW $\frac{1}{4}$ of said Section 8; thence N87°43'41"E, along the North line of the NW $\frac{1}{4}$ of said Section 8, a distance of 914.10 feet to the Point of Beginning; thence continuing N87°43'41"E, along the North line of the NW $\frac{1}{4}$ of said Section 8, a distance of 400.86 feet to the Northwest plat corner of Brougham Village, a platted subdivision of land in the city of Olathe, Johnson County, Kansas, recorded in the Office of the Register of deeds, Johnson County, Kansas, in Plat Book 34 at Page 30; thence S02°15'10"E, along the West plat line of said Brougham Village, and it's Southerly extension, and along the West plat line of Brougham Village, a platted subdivision of land in the City of Olathe, Johnson County, Kansas, recorded in the Office of Register of Deeds, Johnson county, Kansas, in Plat Book 35 at Page 1, and it's Northerly extension, a distance of 714.56 feet to the Northeast plat corner of Stonehurst Second Plat, a platted subdivision of land in the City of Olathe, Johnson County, Kansas, recorded in the Office of Register of Deeds, Johnson county, Kansas, in Plat Book 92 at Page 22; thence S87°43'41"W, along the North plat line of said Stonehurst Second Plat, and it's Westerly extension, a distance of 650.62 feet to the Southeast plat corner of Heritage Square, a platted subdivision of land in the City of Olathe, Johnson County, Kansas, recorded in the Office of Register of Deeds, Johnson county, Kansas, in Plat Book 63 at Page 6; thence N02°16'19"W, along the East plat line of said Heritage Square, a distance

of 424.56 feet to the Southwest plat corner of Wooderson Addition, a platted subdivision of land in the City of Olathe, Johnson County, Kansas, recorded in the Office of Register of Deeds, Johnson county, Kansas, in Plat Book 107 at Page 46; thence N87°43'41"E, along the South plat line of said Wooderson Addition, a distance of 250.00 feet to the Southeast plat corner of said Wooderson Addition; thence N02°16'19"W, along the East plat line of said Wooderson Addition, and it's Northerly extension, a distance of 290.00 feet to the Point of Beginning, and containing 9.0104 acres, more or less.

by changing the classification of the zone district from C-2 and C-O to CP-2.

SECTION TWO: That this rezoning is approved subject to the following stipulations:

- a. Prior to publishing the zoning ordinance and within thirty (30) days following approval by the Governing Body, a statement that a preliminary development plan has been approved for the subject property shall be filed in accordance with the requirements of Section 18.12.120 of the *Unified Development Ordinance (UDO)*.
- b. If the preliminary site development plan changes based on staff's recommendations, the plan shall be revised prior to final approval and recording.
- c. The following site and building design requirements shall be required:
 - (1) Consistent architectural design, including building materials and colors, shall be carried throughout the development. Designs that provide visual interest and variety, yet are consistent with the theme, are required.
 - (2) Buildings shall be designed to create a human scale with elements such as canopies, colonnades, raised landscape planters, pedestrian level lighting and special building material treatments at the base of the building.
 - (3) Each building shall have similar qualities and architectural elements that contribute to the overall theme and shall include some of the following; arched windows, covered walkways, tile roofs to match existing development, vertical towers, etc.
 - (4) The primary material for all buildings and structures shall be masonry, including brick. The primary material for all roofs shall be tile to match the existing building. EIFS or stucco shall be used as decorative elements only.
 - (5) Additional brick shall be provided on the south building elevation of both retail buildings.
 - (6) The south building elevation shall indicate the details for the proposed loading dock and screen wall, including location, height

and type of materials. The building elevations should also show a typical truck profile to determine if there will be adequate screening.

- (7) The building elevations for the proposed restaurant will be required as part of a final site development plan and the proposed design and building materials shall match the existing and proposed commercial development.
- (8) Window canopies/awnings shall be either tile or canvas. Metal or other materials with a synthetic or plastic appearance shall not be permitted on any structure. Backlighting of window canopies/awnings shall not be permitted.
- (9) All landscaped areas shall be irrigated.
- (10) The site shall meet the minimum parking/paving and building setbacks per the Guidelines for Buffers between conventional residential and non-residential uses.
- (11) A photometric plan, indicating the type of lighting for buildings and parking areas, shall be submitted prior to approval of the final site development plan.

d. The following traffic requirements shall be required:

- (1) An addendum to the Wooderson traffic impact study shall be provided describing any changes to the report dated August 2003.
- (2) Prior to filing of the final plat for any lot in the proposed subdivision, the developer and the City shall reach an agreement for land acquisition of the needed street right-of-way, utility easement and/or temporary construction easements from the adjacent property owners along the north and south sides of 151st Street for the recommended improvements on 151st Street allocating the portion of the expenses attributable to this development to the developer and the balance to the City at large. In the event that it is necessary to acquire property interests by eminent domain, the developer shall enter into an agreement with the City of Olathe to reimburse the City for the developer's portion of the cost of acquiring the right-of-way and easements.
- (3) All improvements to 151st Street shall be made from the existing centerline.
- (4) Construct eight (8) foot median on 151st Street between Bradley Street to Sturgeon Drive. The median shall provide 4-feet of paved or grassed area with 2-feet of curb on either side. The median shall provide for a westbound to southbound left-turn lane at the existing driveway to the Heritage Square Development as well as an eastbound to northbound left-turn lane at Bradley Drive.

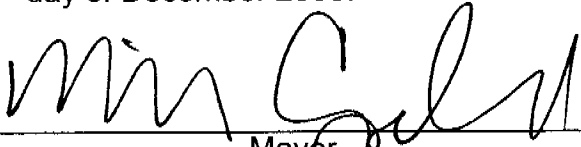
- (5) Provide description and dimensions for the transitional median between Sturgeon Drive and Locust Street. A curbed versus painted median may be required pending further review.
- (6) Provide statement from engineer that the transitional median between Sturgeon Drive and Locust Street meet all ASSHTO allowances.
- (7) Construct right-turn lane on 151st Street at the proposed driveway on cross access easement.
- (8) Construct right-turn lane on 151st Street at the proposed driveway opposite Sturgeon Drive.
- (9) Provide detailed improvements to 151st Street between Bradley Drive to Locust Street.
- (10) Provide cross access via the proposed drive aisles connections to Heritage Square and Wooderson Addition.
- (11) Provide truck templates for the proposed development.
- (12) Provide a minimum two hundred fifty (250) foot throat for the proposed driveway aligning with Sturgeon Drive per the access management plan.
- (13) Parking dimensions shall be nine (9) by twenty (20) feet unless otherwise noted in the *UDO*.
- (14) Remove Limits of No Access (LNA) from the cross access easement on the west property line adjacent to Wooderson Addition.
- (15) Remove crosswalk stamped paving from public sidewalk along 151st Street.
- (16) The property is subject to a signal excise tax of \$0.0576 per square foot, which shall be paid prior to recording the final plat.

SECTION THREE: That Section 18.14.020 of the Olathe Municipal Code, which incorporates by reference the Olathe Zoning Map, is hereby amended by reincorporating by reference the said Zoning Map as it has been amended in Section One of the Ordinance.

SECTION FOUR: That this Ordinance shall take effect from and after its passage and publication as provided by law.

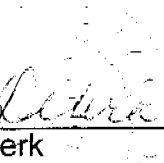
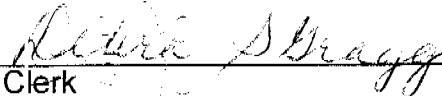
PASSED by the Council this 16th day of December 2003.

SIGNED by the Mayor this 16th day of December 2003.



Mayor

ATTEST:

City Clerk

(Seal)

APPROVED AS TO FORM:



Municipal Counsel