

## **ORDINANCE NO. 24-11**

**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF OLATHE, KANSAS, AS ADOPTED BY REFERENCE IN SECTION 18.20.030 OF THE OLATHE UNIFIED DEVELOPMENT ORDINANCE; FURTHER AMENDING SAID SECTION 18.20.030 BY REINCORPORATING SUCH MAP AS AMENDED.**

**WHEREAS**, Rezoning Application No. RZ23-0008 requesting rezoning from the CP-2 (Planned General Business) District to the C-3 (Regional Center) District was filed with the City of Olathe, Kansas, on the 22<sup>nd</sup> day of September 2023; and

**WHEREAS**, proper notice of such rezoning application was given pursuant to K.S.A. 12-757 and Chapter 18.40 of the Olathe Unified Development Ordinance; and

**WHEREAS**, a public hearing on such application was held before the Planning Commission of the City of Olathe, Kansas, on the 13<sup>th</sup> day of November 2023; and

**WHEREAS**, said Planning Commission recommended denial by a vote of 8 to 0; and

**WHEREAS**, said recommendation was based upon the rezoning application's failure to meet certain requirements of the City of Olathe Unified Development Ordinance; and

**WHEREAS**, on the 5<sup>th</sup> day of December 2023, the City Council heard and returned the application back to the Planning Commission for consideration of the preliminary site development plan, and the recommended stipulations for the rezoning and the preliminary site development plan; and

**WHEREAS**, on the 26<sup>th</sup> day of February 2024, the Planning Commission considered the recommended rezoning and preliminary site development plan stipulations, and the Planning Commission voted 3-3, thereby affirming its original recommendation of denial; and

**WHEREAS**, on the 19<sup>th</sup> day of March 2024, the application returned to the City Council for consideration of the rezoning ordinance and preliminary site development plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL 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:

PART OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 3, TOWNSHIP 14 SOUTH, RANGE 24 EAST, IN THE CITY OF OLATHE,

PART OF TRACT "A" AND PART OF TRACT "B", EXECUTIVE PLAZA FIRST PLAT, A SUBDIVISION IN THE CITY OF OLATHE ALL IN JOHNSON COUNTY, KANSAS, AND ALTOGETHER BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 3; THENCE ALONG THE WEST LINE OF THE SAID SOUTHWEST ONE-QUARTER, NORTH 01 DEGREES 57 MINUTES 45 SECONDS WEST, A DISTANCE OF 900.08 FEET; THENCE NORTH 88 DEGREES 00 MINUTES 34 SECONDS EAST A DISTANCE OF 304.31 FEET TO A CORNER POINT OF SAID TRACT "A", SAID CORNER BEING THE POINT OF BEGINNING; THENCE ALONG A LINE 20.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID TRACT "B" AND THE SOUTHERLY EXTENSION THEREOF,

NORTH 02 DEGREES 10 MINUTES 46 SECONDS WEST A DISTANCE OF 139.35 FEET; THENCE NORTH 88 DEGREES 26 MINUTES 59 SECONDS EAST A DISTANCE OF 300.73 FEET TO A POINT ON THE EAST LINE OF SAID TRACT "B"; THENCE ALONG SAID EAST LINE AND THE SOUTHERLY EXTENSION THEREOF, SOUTH 01 DEGREES 55 MINUTES 25 SECONDS EAST A DISTANCE OF 534.97 FEET TO THE NORTHEAST CORNER OF LOT 1, EXECUTIVE PLAZA SECOND PLAT, A SUBDIVISION IN THE CITY OF OLATHE; THENCE ALONG THE NORTH LINE OF SAID LOT 1 AND THE WESTERLY EXTENSION THEREOF, SOUTH 88 DEGREES 26 MINUTES 59 SECONDS WEST A DISTANCE OF 298.34 FEET TO A POINT ON THE WEST LINE OF SAID TRACT "A", EXECUTIVE PLAZA FIRST PLAT; THENCE ALONG THE WEST LINE OF SAID TRACT "A", NORTH 02 DEGREES 10 MINUTES 46 SECONDS WEST A DISTANCE OF 395.64 FEET TO THE POINT OF BEGINNING AND CONTAINING 3.679 ACRES MORE OR LESS.

Said legally described property is hereby rezoned from the CP-2 (Planned General Business) District to the C-3 (Regional Center) District.

**SECTION TWO:** That this rezoning is approved with the following stipulations:

1. The following uses are prohibited:
  - a. Recycling Centers and Drop-Off; and
  - b. Mini-Warehouse; and
  - c. Cemetery; and
  - d. Parking Lots, Surface, as Principal Use.
2. This property is subject to the site design, building material, and building design criteria of Ordinance 99-109 (Sections e, f, and g).
3. The rezoning to the C-3 District must be approved by the Johnson County Airport Commission and Board of County Commissioners prior to the publication of the zoning ordinance.

4. Installation of the offsite landscape buffer, along the northern limits of the Executive Plaza commercial center, shall be approved and installed prior to issuance of a Certificate of Occupancy for any buildings on the subject lot.
5. Hours of operation for the Vehicle Painting and Body Shop use are limited to Monday-Friday from 7:00 am to 5:00 pm.
6. No outdoor overnight storage of vehicles awaiting repair is permitted, except for vehicles delivered after business hours, which must be stored on the east side of the building and relocated the following day.
7. Salvage vehicles must be stored along the east property line, and may not be stored beyond the northern or southern limits of the building.
8. Unloading of vehicles from transport vehicles must occur on the east side of the building.

**SECTION THREE:** That Section 18.20.030 of the Unified Development Ordinance, 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 City Council this 19<sup>th</sup> day of March 2024.

**SIGNED** by the Mayor this 19<sup>th</sup> day of March 2024.

ATTEST:

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Mayor

\_\_\_\_\_  
City Clerk

(Seal)

APPROVED AS TO FORM:

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City Attorney