

ORDINANCE NO. 24-40

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. RZ24-0011 requesting rezoning from the C-2 (Community Center), RP-3 (Planned Low-Density Multifamily), and RP-4 (Planned Medium-Density Multifamily) Districts to the R-3 (Low-Density Multifamily) District was filed with the City of Olathe, Kansas, on the 15th day of May 2024; 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 26th day of August 2024; and

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

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:

ALL THAT PART OF OLATHE COMMONS FIRST PLAT, AND OLATHE COMMONS SECOND PLAT, BOTH BEING PLATTED SUBDIVISIONS OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED BY PHELPS ENGINEERING, INC., KS CLS-82, ON MAY 13, 2024, FOR PROJECT 240155, AS FOLLOWS:

COMMENCING AT THE NORTHWEST PLAT CORNER OF SAID OLATHE COMMONS FIRST PLAT; THENCE S 2°12'46" W, ALONG THE WEST PLAT LINE OF SAID OLATHE COMMONS FIRST PLAT, AND THE EAST PLAT LINE OF OLATHE POINTE, FIRST PLAT, A PLATTED SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, AND IT'S NORTHERLY EXTENSION, A DISTANCE OF 289.20 FEET, TO THE INTERSECTION OF THE CENTERLINE OF PLATTED 120TH STREET, AS NOW ESTABLISHED, AND SAID WEST PLAT LINE OF SAID OLATHE COMMONS, SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG SAID CENTERLINE OF SAID PLATTED 120TH STREET AND THE CENTERLINE OF PLATTED ALCAN STREET, AS NOW ESTABLISHED, FOR THE FOLLOWING THREE (3) COURSES; THENCE S 72°00'43" E, A DISTANCE OF 357.87 FEET; THENCE NORTHEASTERLY ON A CURVE TO THE LEFT, SAID CURVE BEING TANGENT TO THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 235.00 FEET, AN ARC DISTANCE OF 452.83 FEET; THENCE N 2°25'02" W, A DISTANCE OF 191.75 FEET, TO A POINT ON THE NORTH PLAT LINE OF SAID OLATHE COMMONS FIRST PLAT, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT-OF-WAYLINE OF 119TH STREET, AS NOW ESTABLISHED; THENCE N 87°40'36" E, ALONG SAID NORTHERLY PLAT LINE OF SAID OLATHE COMMONS FIRST PLAT, AND SAID SOUTHERLY RIGHT-OF-WAY LINE OF SAID 119TH STREET, A DISTANCE OF 4.99 FEET, TO AN ANGLE POINT ON THE NORTH PLAT LINE OF SAID OLATHE COMMONS FIRST PLAT, SAID POINT ALSO BEING THE NORTHWEST PLAT CORNER OF ETHIOPIAN CHRISTIAN FELLOWSHIP CHURCH, A PLATTED

SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS; THENCE S 2°14'20" E, ALONG THE NORTHERLY PLAT LINE OF SAID OLATHE COMMONS FIRST PLAT, AND ALONG THE WEST LINE OF SAID ETHIOPIAN CHRISTIAN FELLOWSHIP CHURCH, A DISTANCE OF 406.68 FEET, TO AN ANGLE POINT ON THE NORTHERLY PLAT LINE OF SAID OLATHE COMMONS FIRST PLAT, SAID POINT ALSO BEING THE SOUTHWEST PLAT CORNER OF SAID ETHIOPIAN CHRISTIAN FELLOWSHIP CHURCH; THENCE N 87°40'36" E, ALONG THE NORTHERLY PLAT LINE OF SAID OLATHE COMMONS FIRST PLAT, AND ALONG THE SOUTH LINE OF SAID ETHIOPIAN CHRISTIAN FELLOWSHIP CHURCH, A DISTANCE OF 466.69 FEET, TO

THE NORTHEAST CORNER OF SAID OLATHE COMMONS FIRST PLAT, SAID POINT ALSO BEING THE SOUTHEAST PLAT CORNER OF SAID ETHIOPIAN CHRISTIAN FELLOWSHIP CHURCH, SAID POINT ALSO BEING ON THE WEST PLAT LINE OF WYNCROFT LOTS 1-55, A PLATTED SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS; THENCE S 2°14'20" E, ALONG THE EAST PLAT LINE OF SAID OLATHE COMMONS FIRST PLAT, AND ALONG THE WEST PLAT LINE OF SAID WYNCROFT LOTS 1-55, AND THE WEST PLAT LINE OF WYNCROFT LOTS 56-118, A PLATTED SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, A DISTANCE OF 862.29 FEET,

TO THE SOUTHEAST PLAT CORNER OF SAID OLATHE COMMONS FIRST PLAT, SAID POINT ALSO BEING THE NORTHEAST PLAT CORNER OF WYNCROFT, 3RD PLAT, A PLATTED SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS; THENCE S 87°39'48" W, ALONG THE SOUTH PLAT LINE OF SAID OLATHE COMMONS FIRST PLAT, THE SOUTH PLAT LINE OF OLATHE COMMONS SECOND PLAT, AND THE NORTH LINE OF SAID WYNCROFT, 3RD PLAT, WYNCROFT, 4TH PLAT, AND WYNCROFT, 6TH PLAT, ALL BEING PLATTED SUBDIVISIONS OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, A DISTANCE OF 1199.51 FEET, TO THE SOUTHWEST PLAT CORNER OF SAID OLATHE COMMONS SECOND PLAT, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 11, OLATHE POINTE, SECOND PLAT, A PLATTED SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS; THENCE N 2°12'46" E, ALONG THE WEST PLAT LINE OF SAID OLATHE COMMONS SECOND PLAT, SAID OLATHE COMMONS FIRST PLAT, AND THE EAST LINE OF SAID OLATHE POINTE, SECOND PLAT, A DISTANCE OF 984.03 FEET, TO THE POINT OF BEGINNING, CONTAINING 1,032,543 SQUARE FEET OR 23.7039 ACRES, MORE OR LESS.

Said legally described property is hereby rezoned from the C-2 (Community Center), RP-3 (Planned Low-Density Multifamily), and RP-4 (Planned Medium-Density Multifamily) Districts to the R-3 (Low-Density Multifamily) District.

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

1. The density is limited to a maximum of 12 dwelling units per acre and building heights are limited to a maximum of 2 ½ stories and 35 feet.
2. The following traffic improvements are required as identified on the preliminary site plan and as required by the Traffic Engineer:
 - i. An eastbound right-turn lane with storage length of 150 feet plus appropriate taper on 119th Street and revised median at Alcan Street.

- ii. Modification of the median on 119th Street to restrict northbound left-turns from Alcan Street and convert the intersection to three-quarters access (i.e. left-in, right-in, right-out).
- iii. Extension of the existing westbound left-turn lane on 119th Street at Alcan Street as close as feasible to the 200-foot length.
- iv. An additional northbound left-turn lane with 200 feet of storage must be provided on Shannan Street. Additional details for the turn lane and landscape median shall be submitted and approved with the final site development plan.
- v. Extension of the existing westbound left-turn lane to provide 200' of storage plus appropriate taper on 119th Street at Shannan Lane.
- vi. Striping of two-way left-turn lanes on 120th Street.

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 1st day of October 2024.

SIGNED by the Mayor this 1st day of October 2024.

Mayor

ATTEST:

City Clerk

(Seal)

APPROVED AS TO FORM:

City Attorney