

ORDINANCE NO. 25-23

AN ORDINANCE AMENDING ORDINANCE 05-25 AND ORDINANCE 01-62 OF THE CITY OF OLATHE, KANSAS, PERTAINING TO ZONING AMENDMENT REQUEST RZ25-0004.

WHEREAS, City Council approved Ordinance 05-25 on the 5th day of April 2005, which was a zoning amendment to Ordinance 98-30; and

WHEREAS, City Council approved Ordinance 01-62 on the 3rd day of July 2001, which references Ordinance 98-30; and

WHEREAS, Rezoning Application No. RZ25-0004 requesting a zoning amendment to Ordinance 05-25 was filed with the City of Olathe, Kansas, on the 24th day of April 2025; 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 14th day of July 2025; 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 Ordinance 05-25 and Ordinance 01-62 are hereby ordered to be amended insofar as the same relates to certain parcels of land legally described as:

TRACT 1

SHOPS OF SUNNYBROOK 3RD PLAT, Lot 1

TRACT 2

SUNNYBROOK BUSINESS PARK 2ND PLAT, Lot 27

TRACT 3

SUNNYBROOK BUSINESS PARK 1ST PLAT TRACT A

TRACT 4

Part of Lot 6 Sunnybrook, a subdivision in the City of Olathe and being part of the North ½ of the NE¼ of Section 15, T13S, R23E of the Sixth Principal Meridian, Johnson County, Kansas, more particularly described as follows:

Beginning at the North corner of Tract C, Covington Court, Second Plat, a subdivision in the City of Olathe, Johnson County Kansas, said corner also being on the Southwesterly right-of-way line of Noble Drive, as platted (Valley Road); thence N 36°36'00" W along the Southwesterly right-of-way line of said Noble Drive, a distance of 46.59 feet; thence Northwesterly and Westerly, continuing along the Southwesterly right-of-way line of said Noble Drive and along the Southerly right-of-way line of 113th Street, as platted, on a

curve to the left, having a radius of 270.00 feet, for a distance of 241.08 feet to the Southwest corner of Sunnybrook, 2nd Plat, a subdivision in the City of Olathe, Johnson County, Kansas, said corner also being the TRUE POINT OF BEGINNING; thence Westerly, continuing on a curve to the left, having an initial tangent bearing of N 87°45'34" W and a radius of 270.00 feet, for a distance of 69.91 feet; thence S 77°24'21" W a distance of 68.01 feet; thence Southwesterly on a curve to the left, having a radius of 1,170.00 feet, for a distance of 245.77 feet; thence S 65°22'12" W a distance of 43.19 feet; thence Southeasterly on a curve to the left, having an initial tangent bearing of S 25°47'58" E and a radius of 1,470.00 feet, for a distance of 43.77 feet; thence S 27°30'20" E a distance of 105.96 feet to a point on the South line of the North ½ of the NE¼ of section 15, T13S, R23E of the Sixth Principal Meridian, Johnson County, Kansas; thence S 87°44'55" W along the South line of the North ½ of said NE¼, a distance of 877.44 feet to a point on the Easterly line of Tract B, Gatewood, a subdivision in the City of Olathe, Johnson County, Kansas; thence N 06°21'11" W along the Easterly line of said Tract B, a distance of 126.16 feet to a corner on the Easterly line of said Tract B; thence N 00°57'39" W continuing along the Easterly line of said Tract B, a distance of 400.19 feet to a corner on the Easterly line of said Tract B; thence N 00°53'05" E continuing along the Easterly line of said Tract B, a distance of 400.67 feet to a corner on the Easterly line of said Tract B; thence N 24°28'21" E continuing along the Easterly line of said Tract B, a distance of 306.14 feet to a corner on the Easterly line of said Tract B; thence N 02°07'25" W continuing along the Easterly line of said Tract B, a distance of 64.04 feet to a point on the North line of Lot 6, Sunnybrook, a subdivision in the City of Olathe, Johnson County, Kansas, said point also being on the South right-of-way line of College Boulevard, as platted; thence N 87°52'35" E along the North line of said Lot 6, and along the South right-of-way line of said College Boulevard, a distance of 1,058.39 feet to the Northwest corner of Lot 33, Sunnybrook Business Park, 1st Plat, a subdivision in the City of Olathe, Johnson County, Kansas; thence S 02°07'25" E along the West line of said Lot 33, Lots 34 & 35, Sunnybrook Business Park, 1st Plat, a distance of 661.69 feet to the Northwest corner of Lot 36, Sunnybrook Business Park, 1st Plat; thence S 13°36'15" E along the West line of said Lot 36, a distance of 74.05 feet to a corner on the West line of said Lot 36; thence S 02°07'25" E continuing along the West line of said Lot 36, a distance of 230.00 feet to the Southwest corner of said Lot 36, said corner also being the Northwest corner of right-of-way of said 113th Street; thence S 02°14'26" W along the Westerly right-of-way line of said 113th Street a distance of 60.00 feet to the TRUE POINT OF BEGINNING, containing 32.781 acres, more or less.

AND ALSO

Part of Lot 6 Sunnybrook, a subdivision in the City of Olathe and being part of the North ½ of the NE¼ of Section 15, T13S, R23E of the Sixth Principal Meridian, Johnson County, Kansas, more particularly described as follows:

Beginning at the North corner of Tract C, Covington Court, Second Plat, a subdivision in the City of Olathe, Johnson County Kansas, said corner also being on the Southwesterly right-of-way line of Noble Drive, as platted (Valley Road); thence S 42°14'41" W along the Northwesterly line of said Tract C, a distance of 114.55 feet to a point on the South line of the North ½ of the NE¼ of Section 15, T13S, R23E of the Sixth Principal Meridian, Johnson County, Kansas; thence S 87°44'55" W along the South line of the North ½ of said NE¼, a distance of 124.60 feet; thence N 61°20'25" E a distance of 24.65 feet; thence N 40°51'29" E a distance of 192.46 feet to a point on the Southwesterly right-of-way line

of said Noble Drive; thence Southeasterly along the Southwesterly right-of-way line of said Noble Drive, on a curve to the right, having an initial tangent bearing of S 45°06'21" E and a radius of 270.00 feet, for a distance of 40.08 feet; thence S 36°36'00" E continuing along the Southwesterly right-of-way line of said Noble Drive, a distance of 46.59 feet to the point of beginning, containing 0.312 acres, more or less.

TRACT 5

LOT 26, SUNNYBROOK BUSINESS PARK, 2ND PLAT, A REPLAT OF ALL OF LOTS 16 AND 25, SUNNYBROOK BUSINESS PARK, 1ST PLAT, A SUBDIVISION IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS.

TRACT 6

LOT 36, SUNNYBROOK BUSINESS PARK, 1ST PLAT, A SUBDIVISION IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS.

TRACT 7

LOT 41B, SHOPS OF SUNNYBROOK 4TH PLAT, A SUBDIVISION IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS.

TRACT 8

Part of Lot 6 Sunnybrook, a subdivision in the City of Olathe and being part of the East ½ of Section 15, T13S, R23E of the Sixth Principal Meridian, Johnson County, Kansas, more particularly described as follows:

Beginning at the North corner of Tract C, Covington Court, Second Plat, a subdivision in the City of Olathe, Johnson County, Kansas; thence S 42°14'41" W along the Northwestern line of said Tract C, a distance of 114.55 feet to a point on the North line of the South ½ of the NE¼ of Section 15, T13S, R23E of the Sixth Principal Meridian, Johnson County, Kansas, said point also being the TRUE POINT OF BEGINNING; thence continuing S 42°14'41" W along the Northwestern line of said Tract C, a distance of 499.07 feet to the Northeast corner of Covington Creek, Second Plat, a subdivision in the City of Olathe, Johnson County, Kansas; thence S 74°52'57" W along the Northerly right-of-way line of Sunnybrook Boulevard, as platted, and the Northerly line of Tract E, Covington Creek, Second Plat, a distance of 112.25 feet to a corner on the Northerly line of said Tract E; thence S 45°58'03" W continuing along the Northerly line of said Tract E, a distance of 489.14 feet to a corner on the Northerly line of said Tract E; thence S 71°58'54" W continuing along the Northerly line of said Tract E, a distance of 216.36 feet to a corner on the Northerly line of said Tract E; thence N 85°05'47" W continuing along the Northerly line of said Tract E, a distance of 244.54 feet to a corner on the Northerly line of said Tract E; thence N 37°19'46" W continuing along the Northerly line of said Tract E, a distance of 79.86 feet to a corner on the Northerly line of said Tract E; said corner also being the Southeast corner of Tract B, Gatewood, a subdivision in the City of Olathe, Johnson County, Kansas; thence N 07°04'31" W along the Easterly line of said Tract B, a distance of 397.97 feet to a corner on the Easterly line of said Tract B; thence N 06°21'11" W along the Easterly line of said Tract B, a distance of 274.00 feet to a point on the North line of the South ½ of said NE¼; thence N 87°44'55" E along the North line of the South ½ of said NE¼, a distance of 877.44 feet; thence S 27°30'20" E a distance of 165.37 feet; thence N 61°20'25" E a distance of 336.28 feet to a point on the North line of the South ½ of said NE¼; thence N 87°44'55" E along the North line of the South ½ of said NE¼, a distance of 124.60 feet to the TRUE POINT OF BEGINNING, containing 15.135 acres, more or less.

TRACT 8A

Part of Lot 6 Sunnybrook, a subdivision in the City of Olathe and being part of the East ½ of Section 15, T13S, R23E of the Sixth Principal Meridian, Johnson County, Kansas, more particularly described as follows:

Beginning at the South most corner of Lot 27, Sunnybrook Business Park, 2nd Plat, a subdivision in the City of Olathe, Johnson County, Kansas; thence N 58°07'25" E along the South line of said Lot 27, a distance of 168.33 feet to a corner on the South line of said Lot 27; thence N 87°44'55" E continuing along the South line of said Lot 27 and along the South line of Lot 26, Sunnybrook Business Park, 2nd Plat, a distance of 415.00 feet to a point on the East line of Lot 6, Sunnybrook, a subdivision, in the City of Olathe, Johnson County, Kansas, said point also being on the West right-of-way line of Lone Elm Road, as platted; thence S 02°12'35" E along the East line of said Lot 6 and along the West right-of-way line of said Lone Elm Road, a distance of 399.89 feet to the Northeast corner of right-of-way of 114th Street, as platted; thence S 89°02'02" W along the North right-of-way of said 114th Street, a distance of 232.94 feet; thence Northwesterly continuing along the North and Northeasterly right-of-way line of said 114th Street and along the Northeasterly right-of-way line of Noble Drive, as platted (Valley Road), on a curve to the right, having a radius of 270.00 feet, for a distance of 278.45 feet; thence N 31°52'35" W continuing along the Northeasterly right-of-way line of said Noble Drive, a distance of 201.31 feet to the point of beginning, containing 4.234 acres, more or less.

TRACT 10

Lot 42, SHOPS OF SUNNYBROOK 2ND PLAT, a subdivision in the City of Olathe, Johnson County, Kansas

TRACT 11

Part of Lot 6 Sunnybrook, a subdivision in the City of Olathe, Johnson County, Kansas, more particularly described as follows:

Beginning at the North corner of Tract C, Covington Court, Second Plat, a subdivision in the City of Olathe, Johnson County, Kansas, said corner also being on the Southwesterly right-of-way line of Noble Drive, as platted (Valley Road); thence N 36°36'00" W along the Southwesterly right-of-way line of said Noble Drive, a distance of 46.59 feet; thence Northwesterly, continuing along the Southwesterly right-of-way line of said Noble Drive on a curve to the left, having a radius of 270.00 feet, for a distance of 40.08 feet to the TRUE POINT OF BEGINNING; thence S 40°51'29" W a distance of 192.46 feet; thence S 61°20'25" W a distance of 360.93; thence N 27°30'20" W a distance of 271.33 feet; thence Northwesterly on a curve to the right, having a radius of 1,470.00 feet, for a distance of 43.77 feet; thence N 65°22'12" E a distance of 43.19 feet; thence Northeasterly on a curve to the right, having a radius of 1,170.00 feet, for a distance of 245.77 feet; thence N 77°24'21" E a distance of 68.01 feet; thence Easterly on a curve to the right, having a radius of 270.00 feet, for a distance of 69.91 feet to the Southwest corner of Sunnybrook, 2nd Plat, a subdivision in the City of Olathe, Johnson County, Kansas; thence Easterly and Southeasterly along the Southerly right-of-way line of 113th Street, as platted and along the Southwesterly right-of-way line of said Noble Drive, continuing on a curve to the right, having an initial tangent bearing of S 87°45'34" E and a radius of 270.00 feet, for a distance of 201.00 feet to the TRUE POINT OF BEGINNING, containing 3.029 acres, more or less.

TRACT 12

LOT 39, SHOPS OF SUNNYBROOK, A SUBDIVISION IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS.

TRACT 13

LOT 44, SHOPS OF SUNNYBROOK, 2ND PLAT, A SUBDIVISION IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS.

TRACT 14

LOT 34, SUNNYBROOK BUSINESS PARK 1ST PLAT, A SUBDIVISION IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS

TRACT 15

LOT 41A, SHOPS OF SUNNYBROOK 4TH PLAT, A SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS

TRACT 16

Lot 33, Sunnybrook Business Park, 1st Plat, a subdivision in Olathe, Johnson County, Kansas

SECTION TWO: That the following language from Section One, subsection 8.D. (*Signs*) of Ordinance 05-25 is hereby stricken:

~~8.D. Signs:~~

~~8.D.1. All signage along street right-of-way shall be incorporated into major complex signs. No freestanding monument signs for individual businesses shall be permitted.~~

SECTION THREE: That the remainder of Section One of Ordinance 05-25 shall remain in effect.

SECTION FOUR: That the following language from Section Two, subsection B of Ordinance 01-62 is amended as follows:

- b. The properties shall comply with the CP-2 and BP design criteria stipulations established by Ordinance No. 98-30-, **except for Section 8.D.1.**

SECTION FIVE: That the remainder of Section Two of Ordinance 01-62 shall remain in effect.

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

PASSED by the City Council this 5th day of August 2025.

SIGNED by the Mayor this 5th day of August 2025.

Mayor

ATTEST:

City Clerk

(Seal)

APPROVED AS TO FORM:

City Attorney