

## **ORDINANCE NO. 24-13**

**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. RZ24-0003 requesting rezoning from the C-2 (Community Center) District to the CC (Cedar Creek) District was filed with the City of Olathe, Kansas, on the 8<sup>th</sup> day of January 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 11<sup>th</sup> day of March 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:

PARTS OF THE SOUTHWEST  $\frac{1}{4}$  OF SECTION 5, AND THE NORTHWEST  $\frac{1}{4}$  OF SECTION 8, TOWNSHIP 13 SOUTH, RANGE 23 EAST, IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SAID SOUTHWEST  $\frac{1}{4}$  OF SECTION 5; THENCE SOUTH  $87^{\circ}57'29''$  WEST, ALONG THE SOUTH LINE OF THE SAID SOUTHWEST  $\frac{1}{4}$ , A DISTANCE OF 1073.08 FEET TO A POINT ON A CURVE ON THE WESTERLY RIGHT-OF-WAY LINE OF SHADOW RIDGE DRIVE, AS PLATTED IN CEDAR CREEK CORPORATE PARK E.C., A SUBDIVISION OF LAND IN THE SAID CITY OF OLATHE, SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTHEASTERLY ALONG THE SAID WESTERLY LINE, AND ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 320.00 FEET, AN INITIAL TANGENT BEARING OF SOUTH  $25^{\circ}59'42''$  EAST, A CENTRAL ANGLE OF  $07^{\circ}45'25''$  AND AN ARC LENGTH OF 43.32 FEET TO A POINT; THENCE SOUTH  $89^{\circ}13'50''$  WEST, A DISTANCE OF 331.59 FEET TO A POINT; THENCE NORTH  $55^{\circ}29'53''$  WEST, A DISTANCE OF 55.92 FEET TO A POINT; THENCE NORTH  $75^{\circ}26'45''$  WEST, A DISTANCE OF 281.13 FEET TO A POINT; THENCE NORTH  $88^{\circ}41'12''$  WEST, A DISTANCE OF 41.42 FEET TO A POINT OF CURVATURE ON THE EASTERLY RIGHT-OF-WAY LINE OF CEDAR CREEK PARKWAY AS PLATTED IN CEDAR CREEK VILLAGE I, FOURTEENTH PLAT, A SUBDIVISION IN THE SAID CITY OF OLATHE; THENCE NORTHERLY ALONG THE SAID EASTERLY LINE, AND ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 526.00 FEET, AN INITIAL TANGENT BEARING OF NORTH  $09^{\circ}08'17''$  EAST, A CENTRAL ANGLE OF  $09^{\circ}43'32''$  AND AN ARC LENGTH OF 89.28 FEET TO A POINT; THENCE NORTH  $00^{\circ}35'14''$  WEST, ALONG THE SAID EASTERLY LINE, A DISTANCE OF 120.86 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY, ALONG THE SAID EASTERLY LINE AND ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 474.00 FEET, A CENTRAL ANGLE OF  $26^{\circ}24'09''$  AND AN ARC LENGTH OF 218.42 FEET TO A POINT; THENCE NORTH  $25^{\circ}48'54''$  EAST, ALONG THE SAID EASTERLY

LINE, A DISTANCE OF 7.12 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY, ALONG THE SAID EASTERLY LINE AND ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 526.00 FEET, A CENTRAL ANGLE OF 18°19'45" AND AN ARC LENGTH OF 168.27 FEET TO A POINT; THENCE NORTH 07°29'09" EAST, ALONG THE SAID EASTERLY LINE, A DISTANCE OF 259.53 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY, ALONG THE SAID EASTERLY LINE AND ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 474.00 FEET, A CENTRAL ANGLE OF 03°54'45" AND AN ARC LENGTH OF 32.37 FEET TO A POINT OF COMPOUND CURVATURE; THENCE NORTHERLY, ALONG THE SAID EASTERLY LINE AND ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 188.00 FEET, A CENTRAL ANGLE OF 15°09'01" AND AN ARC LENGTH OF 49.71 FEET TO A POINT; THENCE NORTH 26°32'55" EAST, ALONG THE SAID EASTERLY LINE, A DISTANCE OF 90.34 FEET TO A POINT; THENCE NORTH 22°44'27" EAST, ALONG THE SAID EASTERLY LINE, A DISTANCE OF 55.28 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY, ALONG THE SAID EASTERLY LINE AND ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 113.00 FEET, A CENTRAL ANGLE OF 105°57'44" AND AN ARC LENGTH OF 208.98 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF VALLEY PARKWAY AS PLATTED IN CEDAR CREEK CORPORATE PARK, FIRST PLAT, A SUBDIVISION OF LAND IN THE SAID CITY OF OLATHE; THENCE SOUTH 38°42'11" WEST, ALONG THE SAID WESTERLY LINE, A DISTANCE OF 5.00 FEET TO A POINT; THENCE SOUTH 51°17'49" EAST, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID VALLEY PARKWAY, A DISTANCE OF 148.88 FEET TO A POINT OF CURVATURE; THENCE EASTERLY, ALONG THE SAID SOUTHERLY LINE AND ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 560.00 FEET, A CENTRAL ANGLE OF 25°18'23" AND AN ARC LENGTH OF 247.34 FEET TO A POINT; THENCE SOUTH 10°19'33" WEST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SHADOW RIDGE DRIVE, AS PLATTED IN CEDAR CREEK CORPORATE PARK E.C., FIRST PLAT, A SUBDIVISION OF LAND IN THE SAID CITY OF OLATHE, A DISTANCE OF 74.72 FEET TO A POINT OF CURVATURE; THENCE SOUTHERLY, ALONG THE SAID WESTERLY LINE AND ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 555.00 FEET, A CENTRAL ANGLE OF 08°08'49" AND AN ARC LENGTH OF 78.92 FEET TO A POINT; THENCE SOUTH 02°10'44" WEST, ALONG THE SAID WESTERLY LINE, A DISTANCE OF 124.68 FEET TO A POINT OF CURVATURE; THENCE SOUTHERLY, ALONG THE SAID WESTERLY LINE AND ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 275.00 FEET, A CENTRAL ANGLE OF 29°00'00" AND AN ARC LENGTH OF 139.19 FEET TO A POINT; THENCE SOUTH 31°10'44" WEST, ALONG THE SAID WESTERLY LINE, A DISTANCE OF 140.00 FEET TO A POINT OF CURVATURE; THENCE SOUTHERLY, ALONG THE SAID WESTERLY LINE AND ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 280.00 FEET, A CENTRAL ANGLE OF 63°45'00" AND AN ARC LENGTH OF 311.54 FEET TO A POINT; THENCE SOUTH 32°34'16" EAST, ALONG THE WESTERLY LINE, A DISTANCE OF 116.87 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY, ALONG THE SAID WESTERLY LINE AND ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 320.00 FEET, A CENTRAL ANGLE OF 06°34'34" AND AN ARC LENGTH OF 36.73 FEET TO THE POINT OF BEGINNING.

AND EXCEPT THE FOLLOWING TRACT OF LAND IN PART OF THE SOUTHWEST ONE-QUARTER OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 23 EAST, IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, DESIGNATED AS "COMMON AREA", BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE PLAT OF CEDAR CREEK CORPORATE PARK, E.C. THIRD PLAT AND THE SOUTHERLY LINE OF VALLEY

PARKWAY RIGHT-OF-WAY AS PLATTED IN CEDAR CREEK CORPORATE PARK FIRST PLAT; THENCE NORTHWESTERLY, ALONG THE SAID SOUTHERLY LINE AND ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 560.00 FEET, AN INITIAL TANGENT BEARING OF NORTH 76 DEGREES 36 MINUTES 12 SECONDS WEST, A CENTRAL ANGLE OF 13 DEGREES 58 MINUTES 08 SECONDS AND AN ARC LENGTH OF 136.53 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 27 DEGREES 21 MINUTES 56 SECONDS WEST A DISTANCE OF 60.00 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 620.00 FEET, AN INITIAL TANGENT BEARING OF NORTH 62 DEGREES 38 MINUTES 04 SECONDS WEST, A CENTRAL ANGLE OF 08 DEGREES 46 MINUTES 46 SECONDS AND AN ARC LENGTH OF 95.00 FEET TO A POINT; THENCE NORTH 36 DEGREES 08 MINUTES 42 SECONDS EAST A DISTANCE OF 60.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID VALLEY PARKWAY, THENCE SOUTHEASTERLY ALONG THE SAID RIGHT-OF-WAY LINE AND ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 560.00 FEET, AN INITIAL TANGENT BEARING OF SOUTH 53 DEGREES 51 MINUTES 18 SECONDS EAST, A CENTRAL ANGLE OF 08 DEGREES 46 MINUTES 46 SECONDS AND AN ARC LENGTH OF 85.81 FEET TO THE POINT OF BEGINNING.

Said legally described property is hereby rezoned from the C-2 (Community Center) District to the CC (Cedar Creek) District.

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

1. The *Drive-In / Drive-Through Facility* use as defined by the Cedar Creek Area Plan is prohibited.
2. Residential density is limited to a maximum of 22 dwelling units per acre.
3. Sign standards will be determined with final site development plans or through a comprehensive sign package.

**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 7<sup>th</sup> day of May 2024.

**SIGNED** by the Mayor this 7<sup>th</sup> day of May 2024.

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Mayor

ATTEST:

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City Clerk

(Seal)

APPROVED AS TO FORM:

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City Attorney