

ORDINANCE NO. 26-29

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. RZ25-0009 requesting rezoning from the NC (Neighborhood Center) District to the R-3 (Residential Low-Density Multifamily) District was filed with the City of Olathe, Kansas, on the 30th day of July 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 8th day of December 2025; and

WHEREAS, said Planning Commission has recommended denial by a vote of 5 to 0; and

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

WHEREAS, on the 6th day of January 2026, the City Council heard the application and requested the applicant to meet with the surrounding neighborhood to revise the site development plan; and

WHEREAS, the applicant met with the neighborhood and submitted a revised site development plan; and

WHEREAS, on the 2nd day of June 2026, the application returned to the City Council with a revised site development plan for consideration and City Council directed staff to prepare a rezoning ordinance; and

WHEREAS, on the 16th day of June 2026, a rezoning ordinance was presented to City Council for consideration.

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 SW¹/₄ OF SECTION 14, T13S, R23E, IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE SW¹/₄ OF SAID SECTION 14; THENCE N02°16'04"W, ALONG THE WEST LINE OF THE SW¹/₄ OF SAID SECTION 14, A DISTANCE OF 656.63 FEET; THENCE N87°44'02"E, A DISTANCE OF 643.53 FEET TO A POINT ON THE WEST PLAT LINE OF THE TOWNHOMES AT FOXFIELD

VILLAGE, FIRST 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 120, PAGE 33; THENCE S01°36'45"E, ALONG THE WEST LINE OF SAID THE TOWNHOMES AT FOXFIELD VILLAGE, FIRST PLAT, A DISTANCE OF 663.93 FEET TO A POINT ON THE SOUTH LINE OF THE SW¼ OF SAID SECTION 14; THENCE S88°23'15"W ALONG THE SOUTH LINE OF THE SW¼ OF SAID SECTION 14, A DISTANCE OF 635.98 FEET TO THE POINT OF BEGINNING AND CONTAINING 9.70 ACRES, MORE OR LESS.

LESS AND EXCEPT:

ALL THAT PART OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 13 SOUTH, RANGE 23 EAST, IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 14; THENCE N 02°16'04" W, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 14, A DISTANCE OF 656.63 FEET TO THE SOUTHWEST CORNER OF THE TOWNHOMES AT FOXFIELD VILLAGE, SECOND PLAT, A PLATTED SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS; THENCE N 87°44'02" E, ALONG THE SOUTHERLY PLAT LINE OF SAID THE TOWNHOMES AT FOXFIELD VILLAGE, SECOND PLAT, A DISTANCE OF 50.00 FEET; THENCE S 02°16'04" E, ALONG A LINE 50.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 14, A DISTANCE OF 115.00 FEET; THENCE S 10°10'30" E, A DISTANCE OF 181.73 FEET; THENCE S 02°16'04" E, ALONG A LINE 75.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 14, A DISTANCE OF 287.48 FEET; THENCE N 88°23'15" E, ALONG A LINE 75.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 14, A DISTANCE OF 250.02 FEET; THENCE S 88°51'30" E, A DISTANCE OF 312.17 FEET TO A POINT ON THE WESTERLY PLAT LINE OF THE TOWNHOMES AT FOXFIELD VILLAGE, FIRST PLAT, A PLATTED SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS; THENCE S 01°36'45" E, ALONG THE WESTERLY PLAT LINE OF SAID THE TOWNHOMES AT FOXFIELD VILLAGE, FIRST PLAT, A DISTANCE OF 60.00 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 14; THENCE S 88°23'15" W, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 14, A DISTANCE OF 635.98 TO THE POINT OF BEGINNING AND CONTAINING 1.9265 ACRES, MORE OR LESS.

Said legally described property is hereby rezoned from the NC (Neighborhood Center) District to the R-3 (Residential Low-Density Multifamily) District.

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

1. Prior to issuance of any building permit, a preliminary and final development plan must be approved by the City for the subject property, which must incorporate the following development criteria:

- a. The preliminary development plan shall be in substantial accordance with the revised site development plan presented to City Council on June 16, 2026, as determined by the Planning Official.
- b. The subject property is limited to no more than 64 dwelling units.
- c. The exterior architectural design of new townhome buildings must be complimentary to the exterior architectural design of the existing adjacent townhome buildings in The Retreat at Foxfield Village, subject further to Section 18.15.020, Building Design Standard of the Unified Development Ordinance.
- d. Landscape buffers must be provided along the north and east sides of the subject property adjacent to The Retreat at Foxfield Village, including berms with mixture of evergreen and deciduous trees, subject to:
 - i. Following best practices for stormwater drainage engineering and design.
 - ii. Obtaining necessary easements for any encroachments onto to adjoining lands.
 - iii. Adhering to any additional requirements of Section 18.30.130, Landscaping, Buffers and Screening, of the Unified Development Ordinance.
- e. A right-in/right out private access drive must be provided along Lone Elm Road as shown on the revised site development plan presented to City Council on June 16, 2026, subject to evaluation of constructability and City approval.

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 Governing Body this 16th day of June 2026.

SIGNED by the Mayor this 16th day of June 2026.

Mayor

ATTEST:

City Clerk

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APPROVED AS TO FORM:

City Attorney