

ORDINANCE NO. 24-12

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. RZ23-0009 requesting rezoning from the CTY RUR (County Rural) District to the M-2 (General Industrial) District for Intermodal Industrial Park was filed with the City of Olathe, Kansas, on the 22nd 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 25th 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:

ALL THAT PART OF SECTION 21, TOWNSHIP 14 SOUTH, RANGE 23 EAST, IN JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 14 SOUTH, RANGE 23 EAST; THENCE NORTH 1° 50' 33" WEST ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 21 A DISTANCE OF 60.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF 175TH STREET, THE POINT OF BEGINNING; THENCE SOUTH 88° 06' 22" WEST ALONG THE NORTH RIGHT OF WAY LINE OF 175TH STREET A DISTANCE OF 1891.91 FEET TO A POINT; THENCE NORTH 89° 59' 05" WEST ALONG THE NORTH RIGHT OF WAY LINE OF 175TH STREET A DISTANCE OF 600.33 FEET TO A POINT; THENCE NORTH 58° 27' 25" WEST ALONG THE NORTH RIGHT OF WAY LINE OF 175TH STREET A DISTANCE OF 35.91 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF CLARE ROAD; THENCE NORTH 4° 33' 14" WEST ALONG THE EAST RIGHT OF WAY LINE OF CLARE ROAD A DISTANCE OF 200.25 FEET TO A POINT; THENCE NORTH 16° 26' 06" WEST ALONG THE EAST RIGHT OF WAY LINE OF CLARE ROAD A DISTANCE OF 98.23 FEET TO A POINT; THENCE NORTH 1° 41' 29" WEST ALONG THE EAST RIGHT OF WAY LINE OF CLARE ROAD A DISTANCE OF 363.68 FEET TO A POINT; THENCE NORTH 8° 50' 52" EAST ALONG THE EAST RIGHT OF WAY LINE OF CLARE ROAD A DISTANCE OF 191.30 FEET TO A POINT; THENCE NORTH 1° 09' 30" EAST ALONG THE EAST RIGHT OF WAY LINE CLARE ROAD A DISTANCE OF 1105.95 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY I-35; THENCE IN A NORTHEASTERLY DIRECTION ALONG THE SOUTHEASTERLY RIGHT OF WAY

LINE OF INTERSTATE HIGHWAY I-35 AND ALONG A CURVE TO THE LEFT WHOSE INITIAL TANGENT BEARS NORTH $56^{\circ} 11' 53''$ EAST, HAVING A RADIUS OF 11,609.16 FEET, THROUGH A CENTRAL ANGLE OF $4^{\circ} 43' 03''$, AN ARC DISTANCE OF 955.86 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 21; THENCE NORTH $87^{\circ} 17' 46''$ EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 21 A DISTANCE OF 351.60 FEET TO A POINT THAT LIES 33.00 FEET WEST OF THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 21; THENCE NORTH $1^{\circ} 51' 33''$ WEST FOLLOWING A LINE FORMED BY STRIKING A LINE BETWEEN A POINT LYING 33.00 FEET WEST OF THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 21 AND A POINT LYING 37.00 FEET WEST OF THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF

SAID SECTION 21, A DISTANCE OF 267.10 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY I-35; THENCE IN A NORTHEASTERLY DIRECTION ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY I-35 AND ALONG A CURVE TO THE LEFT WHOSE INITIAL TANGENT BEARS NORTH $49^{\circ} 17' 09''$ EAST, HAVING A RADIUS OF 11609.16 FEET, THROUGH A CENTRAL ANGLE OF $5^{\circ} 15' 23''$, AN ARC DISTANCE OF 1065.03 FEET TO A POINT; THENCE NORTH $44^{\circ} 01' 46''$ EAST ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY I-35 A DISTANCE OF 1111.52 FEET TO A POINT; THENCE NORTH $50^{\circ} 52' 20''$ EAST ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY I-35 A DISTANCE OF 503.59 FEET TO A POINT; THENCE NORTH $44^{\circ} 01' 46''$ EAST ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY I-35 A DISTANCE OF 100.00 FEET TO A POINT; THENCE NORTH $39^{\circ} 34' 26''$ EAST ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY I-35 A DISTANCE OF 386.17 FEET TO A POINT; THENCE SOUTH $45^{\circ} 58' 14''$ EAST ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY I-35 A DISTANCE OF 205.00 FEET TO A POINT; THENCE NORTH $44^{\circ} 01' 46''$ EAST ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY I-35 A DISTANCE OF 171.20 FEET TO A POINT; THENCE SOUTH $53^{\circ} 17' 01''$ EAST ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY I-35 A DISTANCE OF 67.05 FEET TO A POINT THAT IS 363.45 FEET NORTHWESTERLY OF INTERSTATE I-35 HIGHWAY RIGHT OF WAY, 812 FEET RIGHT OF CENTERLINE STATION 717 + 11, AS ESTABLISHED IN PROJECT 50-46-I-02-3(10) PART 2 (AS MEASURED ALONG SAID RIGHT OF WAY LINE); THENCE SOUTH $1^{\circ} 54' 42''$ EAST A DISTANCE OF 969.14 FEET TO THE A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 21; THENCE SOUTH $87^{\circ} 35' 10''$ WEST ALONG THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 21 A DISTANCE OF 1321.33 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE SOUTH $1^{\circ} 50' 30''$ EAST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 21 A DISTANCE OF 1338.85 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 21; THENCE SOUTH $1^{\circ} 50' 33''$ EAST ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 21 A DISTANCE OF 2552.59 FEET TO THE POINT OF BEGINNING, EXCEPT ANY PART USED OR DEDICATED FOR STREETS ROADS AND PUBLIC RIGHTS OF WAY.

Said legally described property is hereby rezoned from the CTY RUR (County Rural) District to the M-2 (General Industrial) District.

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

1. The following uses are prohibited:

- a) Automobile Storage or Towing
- b) Paper Manufacturing
- c) Rendering and Meat Byproduct Processing
- d) Storage Area or Lot, except when as an accessory use to a building, and not visible from 175th Street, Clare Road, and I-35.
- e) Bus/Truck Maintenance, Including Repair and Storage

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 7th day of May 2024.

SIGNED by the Mayor this 7th day of May 2024.

Mayor

ATTEST:

City Clerk

(Seal)

APPROVED AS TO FORM:

City Attorney