

## **ORDINANCE NO. 23-35**

**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. RZ23-0004 requesting rezoning from the MP-2 (Planned General Industrial) District to R-4 (Residential Medium-Density Multifamily) District was filed with the City of Olathe, Kansas, on the 6<sup>th</sup> day of June 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 11<sup>th</sup> day of September 2023; and

**WHEREAS**, said Planning Commission has recommended that such rezoning application be denied by a vote of 4-4; and

**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 OF LOT 3, DISTRIBUTION ASSOCIATES REPLAT, A SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, RECORDED IN PLAT BOOK 116 AT PAGE 8 IN THE OFFICE OF THE REGISTER OF DEEDS, JOHNSON COUNTY COURTHOUSE, AND ALL THAT PART OF THE SW1/4 OF SECTION 10, TOWNSHIP 13, RANGE 23, IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SW1/4 OF SAID SECTION 10; THENCE S 89° 52' 30" E, ALONG THE NORTH LINE OF THE SW1/4 OF SAID SECTION 10, A DISTANCE OF 312.80 FEET, TO THE NORTHWEST CORNER OF SAID LOT 3, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING OF SUBJECT TRACT; THENCE CONTINUING S 89° 52' 30" E, ALONG THE NORTH LINE OF THE SW1/4 OF SAID SECTION 10, AND ALONG THE NORTH LINE OF SAID LOT 3, A DISTANCE OF 769.45 FEET, TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE S 0° 40' 00" W, ALONG THE EAST LINE OF SAID LOT 3, A DISTANCE OF 1804.96 FEET, TO THE SOUTHEAST CORNER THEREOF; THENCE N 89° 52' 30" W, ALONG THE SOUTH LINE OF SAID LOT 3, AND ITS WESTERLY EXTENSION, A DISTANCE OF 551.32 FEET; THENCE N 24° 38' 40" W, A DISTANCE OF 291.56 FEET, TO A POINT OF CURVATURE; THENCE NORTHWESTERLY AND NORTHERLY, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1012.35 FEET, A CENTRAL ANGLE OF 22° 32' 11", A DISTANCE OF 398.19 FEET, TO A POINT ON THE WEST LINE OF SAID LOT 3, SAID POINT ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF KANSAS HIGHWAY NO. 7, AS NOW ESTABLISHED; THENCE N 0° 39' 21" E, ALONG THE WEST LINE OF SAID LOT 3, AND ALONG THE EAST RIGHT-OF-WAY LINE OF SAID KANSAS HIGHWAY NO. 7, A DISTANCE OF 1154.85 FEET, TO THE TRUE POINT OF BEGINNING OF SUBJECT TRACT, CONTAINING 30.636 ACRES, MORE OR LESS.

Said legally described property is hereby rezoned from the MP-2 (Planned General Industrial) District to R-4 (Residential Medium-Density Multifamily) District.

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

1. Off-site rights-of-way and easements for off-site infrastructure extensions must be dedicated prior to issuance of a temporary certificate of occupancy.
2. All improvements to the proposed intersection of Woodsonia and College Boulevard, as recommended in the traffic impact study, must be constructed and accepted prior to issuance of a temporary certificate of occupancy.
3. The off-site extension of Woodsonia shall be constructed and accepted prior to issuance of a temporary certificate of occupancy.
4. The off-site extension of the public sanitary sewer main shall be constructed and accepted prior to issuance of a temporary certificate of occupancy.
5. A letter from Evergy is required at the time of final development plan to approve any work within Evergy easements, including but not limited to, grading, signage, streetlights, driveways and landscaping.
6. Tree protection fencing must be installed around all tree preservation areas and maintained for the duration of construction for this development per UDO 18.30.240.E.
7. Exterior ground-mounted or building mounted equipment including but not limited to, mechanical equipment, utilities' meter banks and coolers must be screened from public view with three (3) sided landscaping or an architectural treatment compatible with the building architecture.

**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 21<sup>st</sup> day of November 2023.

**SIGNED** by the Mayor this 21<sup>st</sup> day of November 2023.

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Mayor

ATTEST:

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City Clerk

(Seal)

APPROVED AS TO FORM:

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City Attorney