

**ORDINANCE NO. 19-05**

**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. RZ18-0021 requesting rezoning from CP-3 District to Planned District (PD) was filed with the City of Olathe, Kansas, on the 21<sup>st</sup> day of November 2018; 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 14<sup>th</sup> day of January 2019; 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:

Tract A, The Great Mall, a subdivision in the City of Olathe, Johnson County, Kansas, according to the plat thereof, filed October 31, 1996 in Plat Book 97 Page 31.

Together with;

Lots 9, 10, 11, and 12, The Great Mall, a subdivision in the City of Olathe, Johnson County, Kansas, according to the plat thereof, filed October 31, 1996 in Plat Book 97 Page 31.

Together with;

Lot 1, The Great Mall, 2nd Plat, a subdivision in the City of Olathe, Johnson County, Kansas, a replat of Lot 7 and 8 of The Great Mall subdivision, according to the recorded plat thereof, filed June 24, 2004 as Document No. 20040624-0011867, in Book 200406 Page 11867.

Said legally described property is hereby rezoned from CP-3 District to Planned District (PD).

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

- (1) The Planned District includes permitted, restricted and prohibited uses as established in Exhibit A. Any modifications to permitted uses must be requested and approved through the zoning amendment process.
- (2) All street improvements shall be provided in accordance with the traffic impact study and as required by the City Engineer.
- (3) All public improvements for each phase of development shall be completed prior to issuance of first Certificate of Occupancy for the respective phase.
- (4) A revised traffic study shall be submitted for any proposed changes in land use, as required by the City Engineer.
- (5) A ten (10) foot wide sidewalk shall be constructed along South Park Boulevard between Harrison Street/K-7 and 151<sup>st</sup> Street with respective phase of development.
- (6) Parking is established as shown on the preliminary development plan and reductions for shared parking are granted for certain uses as proposed on the parking distribution plan. Any changes to parking shall require separate review and approval per *Unified Development Ordinance (UDO)* requirements.
- (7) Public art shall be provided pursuant to City of Olathe Municipal Code, and the artwork shall be installed in visible locations throughout the development. The location for proposed artwork will be identified on appropriate final site development plans.
- (8) Open space, building setbacks, parking and paving setbacks, and phasing of development are established as shown on the preliminary development plan and as described in the Supplemental Design Package for Mentum Development.
- (9) The proposed golf facility and adjacent lot to the east, shall require approval of a separate preliminary site development plan.
- (10) A comprehensive sign package, including any exceptions to *UDO* requirements, shall be considered under separate review as part of a revised plan for signage to be approved by the Planning Commission and City Council.
- (11) The arena building design and materials shall follow the building elevations dated January 2, 2019.

- (12) The proposed commercial, office and multi-family residential buildings shall follow the *Mentum Design Standards and Guidelines* and include desired materials and design features to maintain a harmonious theme throughout the development.

**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 5<sup>th</sup> day of February 2019.

**SIGNED** by the Mayor this 5<sup>th</sup> day of February 2019.

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Mayor

ATTEST:

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City Clerk

(Seal)

APPROVED AS TO FORM:

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City Attorney