

**ORDINANCE NO. 19-15**

**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. RZ19-0001 requesting rezoning from RP-3 District to R-4 District was filed with the City of Olathe, Kansas, on the 1<sup>st</sup> day of February 2019; 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 8<sup>th</sup> day of April 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:

A tract of land in the Northeast One-Quarter and the Southeast One-Quarter of Section 12, Township 14 South, Range 23 East in the City of Olathe, Johnson County, Kansas, including All of Lot 2 of SADDLEWOOD APARTMENTS FIRST PLAT, a subdivision in the City of Olathe, Johnson County, Kansas as recorded in Book 200407 at Page 10591 and being more particularly described as follows:

COMMENCING at the Southwest corner of the said Northeast One-Quarter of Section 12; thence South 89 degrees 17 minutes 35 seconds East along the South line of said Northeast One-Quarter, a distance of 530.10 feet to the Point of Beginning of the herein described tract, said point being on the Easterly right-of-way of Mahaffie Street as now established; thence North 00 degrees 42 minutes 25 seconds East along the East right-of-way line of said Mahaffie Street, a distance of 261.62 feet to a point of curvature; thence Northeasterly along said right of way on a curve to the right tangent to the previous course, having a radius of 1000.00 feet, a central angle of 15 degrees 46 minutes 20 seconds, and an arc length of 275.28 feet to a point of reverse curvature; thence Northerly continuing along said right of way on a curve to the left having an initial tangent bearing of North 16 degrees 28 minutes 45 seconds East, a radius of 592.55 feet, a central angle of 22 degrees 39 minutes 21 seconds and an arc length of 234.31 feet to a point on the South right of way line of 153<sup>rd</sup> Court as now established by said SADDLEWOOD APARTMENTS FIRST PLAT; thence along the said South right of way line the following five courses, North 81 degrees 24 minutes 19 seconds East a distance of 137.66 feet to a point of curvature; thence Easterly on a curve to the right tangent to the previous course having a radius of 275.00 feet, a central angle of 21 degrees 23 minutes 23 seconds and an arc length of 102.66 feet; thence South 77

degrees 12 minutes 18 seconds East a distance of 37.93 feet to a point of curvature; thence Easterly and Northeasterly on a curve to the left tangent to the previous course, having a radius of 265.00 feet, a central angle of 43 degrees 34 minutes 44 seconds and an arc length of 201.56 feet; thence North 59 degrees 12 minutes 57 seconds East a distance of 44.89 feet to a point on the Westerly right-of-way line of Brentwood Street as now established, said point being a point of curvature; thence along the said West right of way of Brentwood Street the following five courses, Southeasterly on a curve to the left having an initial tangent bearing of South 33 degrees 11 minutes 19 seconds East, a radius of 595.89 feet, a central angle of 15 degrees 03 minutes 50 seconds and an arc length of 156.67 feet; thence South 48 degrees 15 minutes 09 seconds East a distance of 419.40 feet to a point of curvature; thence Southeasterly on a curve to the right tangent to the previous course having a radius of 320.00 feet, a central angle of 48 degrees 56 minutes 54 seconds and an arc length of 273.38 feet; thence South 00 degrees 41 minutes 45 seconds West a distance of 200.14 feet to a point on the South line of said Northeast One-Quarter and the North line of said Southeast One-Quarter of Section 12; thence continuing South 00 degrees 41 minutes 45 seconds West a distance of 329.41 feet to a point on the North line of THE VILLAS OF ASBURY, a subdivision in the City of Olathe, Johnson County, Kansas as recorded in Book 122 at Page 15, thence North 89 degrees 17 minutes 35 seconds West (platted North 87 degrees 52 minutes 23 seconds East) a distance of 300.00 feet (platted 299.99 feet) to a point on the East line of Lot 9 of MAHAFFIE BUSINESS PARK, a subdivision in the City of Olathe, as recorded in Book 107 at Page 41; thence North 00 degrees 41 minutes 45 seconds East (platted South 02 degrees 08 minutes 17 seconds East) along the East line of said Lot 9, a distance of 329.41 feet to a point on the South line of the Northeast One-Quarter of said Section 12 said point being the Northeast corner of said MAHAFFIE BUSINESS PARK; thence North 89 degrees 17 minutes 35 seconds West (platted North 87 degrees 52 minutes 23 seconds East) along the South line of the said Northeast One-Quarter of Section 12 and the North line of said MAHAFFIE BUSINESS PARK, a distance 792.49 feet to the Point of Beginning; and containing 18.9767 acres, more or less.

Said legally described property is hereby rezoned from RP-3 District to R-4 District.

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

1. A final plat shall be approved and recorded, and all excise fees paid prior to issuance of a building permit.
2. A final site development plan shall be approved prior to submitting for building permits.

**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 2019.

**SIGNED** by the Mayor this 7<sup>th</sup> day of May 2019.

ATTEST:

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Mayor

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City Clerk

(Seal)

APPROVED AS TO FORM:

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City Attorney