

**ORDINANCE NO. 19-24**

**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. RZ18-0003 requesting rezoning from C-2 and M-1 Districts to PD (Planned District) was filed with the City of Olathe, Kansas, on the 16<sup>th</sup> day of February 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 11<sup>th</sup> day of June 2018; 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 an unplatted tract of land, lying in the Northeast Quarter of Section 19, Township 13 South, Range 24 East, in the City of Olathe, Johnson County, Kansas, described as follows:

COMMENCING at the Northeast corner of the Northeast Quarter of Section 19, Township 13 South, Range 24 East; thence South 87 degrees 28 minutes 54 seconds West, along the North line of said Northeast Quarter, a distance of 70.00 feet to a point; thence South 02 degrees 07 minutes 57 seconds East, departing said North line, a distance of 70.00 feet to the point of intersection of the South line of 119th Street right of way with the West line of Renner Boulevard right of way, the POINT OF BEGINNING; thence South 02 degrees 07 minutes 57 seconds East, along said West line of Renner Boulevard right of way, a distance of 835.98 feet to a point on the North line of Lot 1, Fire Station No. 2, a subdivision in the City of Olathe, Johnson County, Kansas; thence South 87 degrees 28 minutes 07 seconds West, departing said West line, along said North line, a distance of 360.00 feet to the Northwest corner of said Lot 1; thence South 02 degrees 07 minutes 57 seconds East, along the West line of said Lot 1, a distance of 319.99 feet to the Southwest corner of said Lot 1, said corner also lying on the North line of Lot 1, Interstate Addition, a subdivision in the City of Olathe, Johnson County, Kansas; thence South 87 degrees 28 minutes 07 seconds West, departing said West line, along said North line, a distance of 1650.96 feet to a point on

the Southerly extension of the East line of Lot 1, Resourcenet International; thence North 02 degrees 00 minutes 17 seconds West, departing said North line, along said West line and said Southerly extension, a distance of 1166.44 feet to the Northeast corner of said Lot 1, said corner also lying on the South line of 119th Street right of way; thence North 87 degrees 28 minutes 54 seconds East, departing said East line, along said South line, a distance of 945.24 feet to a point on the South line of a Public Street Dedication, as established in Volume 200810, Page 001916; thence South 55 degrees 38 minutes 24 seconds East, along said South lines, a distance of 50.01 feet to a point; thence North 87 degrees 29 minutes 00 seconds East, continuing along said South lines, a distance of 111.00 feet to a point; thence North 49 degrees 54 minutes 43 seconds East, continuing along said South lines, a distance of 49.23 feet to the Easternmost point of said Public Street Dedication; thence North 87 degrees 28 minutes 54 seconds East, departing said Public Street Dedication, continuing along said South line, a distance of 131.07 feet to a point; thence North 88 degrees 43 minutes 37 seconds East, continuing along said South line, a distance of 460.05 feet to a point; thence North 87 degrees 28 minutes 54 seconds East, continuing along said South line, a distance of 282.01 feet to the POINT OF BEGINNING, containing 2,218,758 Square Feet or 50.9357 Acres, more or less.

Said legally described property is hereby rezoned from C-2 District and M-1 District to PD (Planned District).

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

- (1) Permitted and prohibited uses are established within Exhibit A. Any modifications to permitted uses must be requested through the zoning amendment process.
- (2) Overall density will not exceed the maximum density shown on the attached preliminary development plan.
- (3) The maximum square footage and general allocation of uses will be developed as shown on the attached preliminary development plan.
- (4) Lot size, open space, parking and paving setbacks, and structure setbacks will be as established on the attached preliminary development plan and as described in the Design & Planning Narrative received May 21, 2018 and attached as Exhibit B.
- (5) The maximum height for all structures will be reviewed and approved during final development plan review.
- (6) Parking is established per use category as shown on the attached preliminary development plan. For any development in the area noted within the phasing plan as Phase 3, additional opportunities for green

space and outdoor amenities will be explored during final development plan review.

- (7) Landscaping, screening and buffering will be required as shown on the attached preliminary development plan package. Screening details shall be included within final site development plans and maintained to provide 100% screening through the use of shrubs, berms, or walls for parking/paving areas facing public streets per UDO 18.30.130.
- (8) A tree preservation buffer in the amount of 20 feet will be provided extending from the property lines adjacent to the City of Olathe Fire Station at 1725 N Renner Boulevard.
- (9) A comprehensive sign package, showing the details of all signage for this Planned District, will be approved by the Planning Commission prior to approval of a final development plan. The comprehensive sign package will follow the requirements of the UDO and will provide details describing the comprehensive look such as, materials, size, and colors of all signs creating a high quality and harmonious design.

**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 4<sup>th</sup> day of June 2019.

**SIGNED** by the Mayor this 4<sup>th</sup> day of June 2019.

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Mayor

ATTEST:

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City Clerk

(Seal)

APPROVED AS TO FORM:

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City Attorney

## **OLATHE GATEWAY – RZ18-0003 PD District – Prohibited Uses**

All uses found only in the AG, R-1, R-2, R-3, BP, M-1, M-2, M-3 and all D (Downtown) Districts of the Unified Development Ordinance (UDO):

1. All uses specifically prohibited for the PD as referenced in UDO 18.20.500
2. Single-Family, Detached
3. Pawnshops
4. Payday Loan Business or Title Loan Business
5. Tattoo Parlor/Tattoo Studio and/or Body Piercing
6. Vehicle Painting and Body Shops
7. Cemetery
8. Hospitals
9. All uses in the C-4 District except for those categorized as Arts, Recreation and Entertainment Uses in the Use Matrix
10. Any use category which allows for the renting, leasing, sales, repair or work of any kind for motor vehicles including but not limited to automobiles, boats, RVs, trailers, motorcycles, etc.
11. Wood working shops
12. Laboratories- research and testing