

ORDINANCE NO. 19-50

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. RZ19-0006 requesting rezoning from CTY PEC-3 District and M-2 District to C-3 District and M-2 Districts was filed with the City of Olathe, Kansas, on the 22nd day of April 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 22nd day of July 2019; and

WHEREAS, the Planning Commission has recommended by a vote of 7-0 that such rezoning application be denied; and

WHEREAS, said recommendation was based upon failure to meet certain requirements of the City of Olathe Unified Development Ordinance and failure to align with the vision for growth and development in the Comprehensive Land Use Plan known as PlanOlathe; and

WHEREAS, following the recommendation of the Planning Commission, the Governing Body considered a change of zoning to C-3 District for the entire subject site in lieu of the original application request for both M-2 and C-3 zoning.

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:

Part of the Southwest One-Quarter of Section 17, Township 13 South, Range 24 East, in the City of Olathe, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Southeast corner of the said Southwest One-Quarter; thence North 00 degrees 23 minutes 41seconds East, along the East line of the said Southwest One-Quarter a distance of 729.63 feet; thence North 89 degrees 36 minutes 19 seconds West, a distance of 799.05 feet to a point on the North Right-of-Way line of 119th Street; thence along said North Right-of-Way for the following two courses, North 53 degrees 18 minutes 59 seconds West, a distance of 79.39 feet; thence North 89 degrees 56 minutes 53 seconds West, a distance of 456.57 feet to a point on the East line of Lot 3, HALL'S ACRES, a restricted subdivision of land in the City of Olathe Johnson County, Kansas; thence North 00 degrees 23 minutes 28 seconds East, along the East line of said HALL'S ACRES a distance of 541.52 feet to the Northeast corner of said HALL'S ACRES; thence South 89 degrees 57 minutes 24 seconds East, a distance of 686.65 feet; thence South 00 degrees 02 minutes 36 seconds West, a distance of

200.08 feet; thence South 16 degrees 13 minutes 58 seconds East, a distance of 99.65 feet; thence South 03 degrees 50 minutes 51 seconds East, a distance of 118.12 feet; thence South 49 degrees 34 minutes 50 seconds West, a distance of 270.24 feet to the Point of Beginning, and containing 8.6242 acres, more or less.

And

Part of the Southwest One-Quarter of Section 17, Township 13 South, Range 24 East, in the City of Olathe, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Southeast corner of the said Southwest One-Quarter; thence North 00 degrees 23 minutes 41 seconds East, along the East line of the said Southwest One-Quarter a distance of 1027.32 feet to a point on the Northwestern Right-of-Way line of Santa Fe Trail Drive/ Kansas City Road, said point being the Point of Beginning; thence along the said Northwestern Right-of-Way for the following three courses, South 45 degrees 00 minutes 23 seconds West, a distance of 346.97 feet; thence North 89 degrees 56 minutes 53 seconds West, a distance of 42.03 feet; thence South 45 degrees 03 minutes 37 seconds West, a distance of 348.20 feet to a point on the North Right-of-Way line of 119th Street; thence along said North Right-of-Way, North 53 degrees 18 minutes 59 seconds West, a distance of 333.20 feet; thence North 49 degrees 34 minutes 50 seconds East, a distance of 270.24 feet; thence North 03 degrees 50 minutes 51 seconds West, a distance of 118.12 feet; thence North 16 degrees 13 minutes 58 seconds West, a distance of 99.65 feet; thence North 00 degrees 02 minutes 36 seconds East, a distance of 200.08 feet; thence South 89 degrees 57 minutes 24 seconds East, a distance of 633.02 feet to a point on the East line of the said Southwest One-Quarter; thence South 00 degrees 23 minutes 41 seconds West, along said East line a distance of 296.18 feet to the Point of Beginning, and containing 8.7285 acres, more or less.

Said legally described properties are hereby rezoned from CTY PEC-3 District and M-2 District to C-3 District.

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

- (1) The following uses will be prohibited in this development:
 - a. Any use that requires a special use permit as identified in the UDO Section 18.20.500
 - b. Any uses defined as a Distance-Restricted Business under Chapter 5.43 of the Olathe Municipal Code, as amended
 - c. Vehicle painting and body shop
 - d. Vehicle repair facility
 - e. Recycling center
 - f. Car wash
 - g. Gas station
 - h. Tattoo parlor/tattoo studio/body piercing

- (2) Outdoor uses, activities, display, storage, docking, loading, truck parking, or other similar activities ("Outdoor Uses") are restricted as follows:
 - a. All Outdoor Uses are limited to the westernmost portion of Lot 2 as located on the preliminary development plan (the "Outdoor Area").
 - b. the size of the Outdoor Area will be determined during final development plan review.
 - c. All Outdoor Uses are limited to only those items for sale as part of the primary use on Lot 2.
 - d. only one tenant or occupant of the development shall be permitted to use the Outdoor Area at one time.
 - e. full screening with a masonry fence, gate, and landscaping will be required on all sides of the Outdoor Area.
 - f. at no time will the storage or display of any items within the Outdoor Area exceed the height of the masonry fence.

SECTION THREE: That this preliminary development plan is approved subject to the following stipulations:

- (1) The development is subject to Building Design Category C and Site Design Category 3 of the Unified Development Ordinance.
- (2) The development will meet or exceed all City requirements with no waivers or exceptions to development standards or design requirements granted.
- (3) Chain link fencing is prohibited.
- (4) Details on the layout, size, design, and product to be displayed in the "product review display garden" will be provided during final development plan review for consideration.
- (5) Parking immediately adjacent to Santa Fe Road and S Kansas City Road is prohibited unless otherwise permitted during final development plan review.
- (6) All roof mounted and building mounted equipment must be screened from view with appropriate landscaping or architectural treatment as required and shown during final development plan review.
- (7) All ground mounted utilities and equipment will be screened from view as required in the Unified Development Ordinance.
- (8) The site will be subject to all necessary and applicable City requirements as determined by staff during final development plan review.
- (9) All elements of and details shown on the preliminary development plan are subject to change as required during final development plan review.

- (10) Final development plan review will require review by the Planning Commission and approval by the Governing Body following staff review.
- (11) Final development plan approval by the Governing Body is required prior to issuance of building permits.

SECTION FOUR: 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 said Zoning Map as it has been amended in Section One of the Ordinance.

SECTION FIVE: That this Ordinance shall take effect from and after its passage and publication as provided by law. This Ordinance will not be published until approval of a final development plan by the Governing Body.

PASSED by the City Council this 15^h day of October 2019.

SIGNED by the Mayor this 15th day of October 2019.

Mayor

ATTEST:

City Clerk

(Seal)

APPROVED AS TO FORM:

City Attorney