

ORDINANCE NO. 20-26

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. RZ20-0005 requesting rezoning from C-2 (Community Center) District to CC (Cedar Creek) District was filed with the City of Olathe, Kansas, on the 15th day of May 2020; 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 13th day of July 2020; 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:

Part of the Southwest One-Quarter of Section 6, Township 13 South, Range 23 East, in the City of Olathe, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northeast corner of said Southwest One-Quarter; thence South 01 degrees 40 minutes 57 seconds East, along the East line of said Southwest One-Quarter, a distance of 633.12 feet to a point on the South line of K-10 Highway as now established, said point being the Point of Beginning; thence continuing South 01 degrees 40 minutes 57 seconds East, along said East line, a distance of 214.47 feet to a point on the North right of way of Valley Parkway as platted in CEDAR CREEK VILLAGE I, THIRTIETH PLAT, a subdivision in said City of Olathe, also being a point of curvature; thence Northwesterly along said North right of way line for the next seven courses, along a curve to the left, having a radius of 910.00 feet, a central angle of 10 degrees 22 minutes 08 seconds, an initial tangent bearing of North 35 degrees 28 minutes 22 seconds West, and an arc length of 164.68 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 1560.00 feet, a central angle of 03 degrees 26 minutes 30 seconds, and an arc length of 93.71 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 810.00 feet, a central angle of 08 degrees 02 minutes 05 seconds, and an arc length of 113.59 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 903.00

feet, a central angle of 32 degrees 00 minutes 08 seconds, and an arc length of 504.37 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 575.00 feet, a central angle of 10 degrees 58 minutes 30 seconds, and an arc length of 110.14 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 725.00 feet, a central angle of 19 degrees 20 minutes 02 seconds, and an arc length of 244.64 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 575.00 feet, a central angle of 40 degrees 22 minutes 20 seconds, and an arc length of 405.16 feet to the Northwest corner of said CEDAR CREEK VILLAGE I, THIRTIETH PLAT; thence North 58 degrees 15 minutes 58 seconds East, a distance of 24.19 feet (deeded North 59 degrees 53 minutes 40 seconds East a distance of 23.36 feet); thence North 36 degrees 56 minutes 35 seconds East, a distance of 217.12 feet (deeded North 36 degrees 59 minutes 13 seconds East) to a point on the South right of way of said K-10 Highway; thence South 66 degrees 47 minutes 07 seconds East, along said South right of way, a distance of 897.05 feet; thence South 68 degrees 34 minutes 07 seconds East, along said South right of way, a distance of 524.64 feet to the Point of Beginning, and containing 3.7297 acres, more or less.

AND

Part of the Southeast One-Quarter of Section 6, Township 13 South, Range 23 East, in the City of Olathe, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northwest corner of the Southeast One-Quarter of said Section 6; thence South 01 degree 40 minutes 57 seconds East, along the West line of the said Southeast One-Quarter, a distance of 633.12 feet to the POINT OF BEGINNING; thence South 83 degrees 17 minutes 20 seconds East, along the Southerly right-of-way line of K-10 Highway as now established, a distance of 531.73 feet; thence North 89 degrees 44 minutes 24 seconds East, along the said right-of-way line, a distance of 747.34 feet; thence North 81 degrees 53 minutes 38 seconds East, along the said right-of-way line, a distance of 828.88 feet; thence South 34 degrees 00 minutes 38 seconds East a distance of 118.61 feet; thence South 17 degrees 14 minutes 05 seconds West a distance of 264.61 feet to a point on a curve on the Northerly right-of-way line of Valley Parkway right-of-way as platted in the plat of Valley Parkway; thence Westerly, along the said right-of-way line and along a curve to the left having a radius of 560.00 feet, an initial tangent bearing of North 72 degrees 45 minutes 55 seconds West, a central angle of 10 degrees 29 minutes 29 seconds and an arc length of 102.54 feet to a point; thence North 83 degrees 15 minutes 25 seconds West, along the said right-of-way line and along the Northerly right-of-way line of said Valley Parkway as platted in the plat of Cedar Creek Village I Twenty-Fifth Plat, a distance of 194.83 feet to a point of curvature; thence Westerly, along the said Northerly line and along a curve to the right having a radius of 440.00 feet, a central angle of 16 degrees 09 minutes 38 seconds and an arc length of 124.10 feet; thence North 67 degrees 30 minutes 20 seconds West, along the said Northerly line, a distance of 41.41 feet to a point of

curvature; thence Westerly, along the said Northerly line and along a curve to the left, having a radius of 817.00 feet, a central angle of 17 degrees 53 minutes 24 seconds and an arc length of 255.10 feet; thence North 85 degrees 23 minutes 46 seconds West, along the said Northerly line, a distance of 37.54 feet to a point of curvature; thence Westerly, along the said Northerly line and along a curve to the left having a radius of 745.00 feet, a central angle of 15 degrees 32 minutes 28 seconds and an arc length of 202.08 feet to a point of reverse curvature; thence Westerly along the said Northerly line and along a curve to the right having a radius of 4983.00 feet, a central angle of 00 degrees 30 minutes 36 seconds and an arc length of 44.36 feet to a point of reverse curvature; thence Southwesterly, along the said Northerly line, along the Northerly line of Valley Parkway as deeded, and along a curve to the left having a radius of 667.00 feet, a central angle of 18 degrees 37 minutes 42 seconds and an arc length of 216.86 feet; thence South 60 degrees 56 minutes 41 seconds West, along the said Northerly line, a distance of 11.33 feet to a point of curvature; thence Southwesterly, along the said Northerly line and along a curve to the left having a radius of 557.39 feet, a central angle of 09 degrees 53 minutes 34 seconds and an arc length of 96.24 feet to a point of compound curvature; thence Southwesterly, along the said Northerly line and along a curve to the left having a radius of 760.00 feet, a central angle of 07 degrees 09 minutes 02 seconds and an arc length of 94.85 feet to a point of reverse curvature; thence Westerly, along the said Northerly line and along a curve to the right having a radius of 440.00 feet, a central angle of 101 degrees 07 minutes 12 seconds and an arc length of 776.54 feet; thence South 55 degrees 01 minute 16 seconds West, along the Westerly line of said Valley Parkway right-of-way, a distance of 64.87 feet to a point on the West line of the said Southeast One-Quarter of Section 6; thence North 01 degree 40 minutes 57 seconds West, along the said West line, a distance of 338.82 feet to the POINT OF BEGINNING and containing 12.5770 acres, more or less.

Said legally described property is hereby rezoned from C-2 (Community Center) District to CC (Cedar Creek) District

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

1. The Rezoning Area (defined above) is limited to only the following permitted uses found in Cedar Creek Area Plan Green Book ("Green Book") Section 18.51.060 for the Mixed-Use Subdistrict (1) Zero Lot Lines; (2) Village Single-Family; and (3) Attached Residential (6 Units Per Acre or Less). If the property is to be developed as Attached Residential, all parties agree that there will be no more than two (2) units per building, which is commonly known as an "Attached Villa" and the allowable side yard setback for an Attached Villa shall be 10 feet per side yard (20 feet between buildings).

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 4th day of August 2020.

SIGNED by the Mayor this 4th day of August 2020.

Mayor

ATTEST:

City Clerk

(Seal)

APPROVED AS TO FORM:

City Attorney