

ORDINANCE NO. 21-02

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. RZ20-0009 requesting rezoning from CP-2 (Planned General Business), R-4 (Residential Medium-Density Multifamily), AG (Agricultural), and CTY RUR (County Rural) Districts to C-2 (Community Center) District was filed with the City of Olathe, Kansas, on the 18th day of September 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 14th day of December 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 LOT 2, SUNNYBROOK, A SUBDIVISION IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 2, SUNNYBROOK, A SUBDIVISION IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS; THENCE S 87°41'10" W, ALONG THE SOUTH LINE OF SAID LOT 2, SUNNYBROOK AND ALSO ALONG THE NORTH LINE OF LOT 1, SUNNYBROOK, A DISTANCE OF 610.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, SUNNYBROOK; THENCE S 02°15'48" E, ALONG THE WEST LINE OF SAID LOT 1, SUNNYBROOK AND ITS EXTENSION THEREOF, A DISTANCE OF 270.00 FEET TO A CORNER ON THE SOUTH LINE OF SAID LOT 2, SUNNYBROOK, SAID CORNER ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF 119TH STREET, AS PLATTED; THENCE S 87°41'10" W, ALONG THE SOUTH LINE OF SAID LOT 2, SUNNYBROOK AND THE NORTH RIGHT-OF-WAY LINE OF SAID 119TH STREET, A DISTANCE OF 49.71 FEET; THENCE N 02°18'50" W A DISTANCE OF 438.82 FEET; THENCE N 38°14'51" W A DISTANCE OF 361.94 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF LOT 1, OLATHE ELEMENTARY SCHOOL NO. 35, A SUBDIVISION IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS; THENCE N 51°45'09" E, ALONG THE SOUTHEASTERLY LINE OF SAID LOT 1, OLATHE ELEMENTARY SCHOOL NO. 35 AND ITS EXTENSION THEREOF, A DISTANCE

OF 753.59 FEET; THENCE S 65°50'12" E A DISTANCE OF 115.88 FEET; THENCE SOUTHEASTERLY, ON A CURVE TO THE LEFT HAVING A RADIUS OF 174.00 FEET, FOR A DISTANCE OF 80.25 FEET; THENCE N 87°44'20" E A DISTANCE OF 81.77 FEET TO A POINT ON THE EAST LINE OF SAID LOT 2, SUNNYBROOK, SAID POINT ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF LONE ELM ROAD, AS PLATTED; THENCE S 02°15'48" E, ALONG THE EAST LINE OF SAID LOT 2, SUNNYBROOK AND THE WEST RIGHT-OF-WAY LINE OF SAID LONE ELM ROAD, A DISTANCE OF 834.13 FEET TO THE POINT OF BEGINNING, CONTAINING 13.48202 ACRES, MORE OR LESS.

AND

LOT 1, SUNNYBROOK, A SUBDIVISION IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, CONTAINING 1.86800 ACRES, MORE OR LESS.

AND

PART OF LOT 2, SUNNYBROOK, A SUBDIVISION IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 2, SUNNYBROOK, A SUBDIVISION IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS; THENCE N 02°15'48" W, ALONG THE EAST LINE OF SAID LOT 2 AND THE WEST RIGHT-OF-WAY LINE OF LONE ELM ROAD, AS PLATTED, A DISTANCE OF 834.13 FEET TO THE TRUE POINT OF BEGINNING; THENCE S 87°44'20" W A DISTANCE OF 81.77 FEET; THENCE NORTHWESTERLY, ON A CURVE TO THE RIGHT HAVING A RADIUS OF 174.00 FEET, FOR A DISTANCE OF 80.25 FEET; THENCE N 65°50'12" W A DISTANCE OF 115.88 FEET; THENCE N 51°45'09" E A DISTANCE OF 324.99 FEET TO A POINT ON THE EAST LINE OF SAID LOT 2, SAID POINT ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF SAID LONE ELM ROAD; THENCE S 02°15'48" E, ALONG THE EAST LINE OF SAID LOT 2 AND THE WEST RIGHT-OF-WAY LINE OF SAID LONE ELM ROAD, A DISTANCE OF 260.71 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 0.88225 ACRES, MORE OR LESS.

AND

PART OF THE SE¼ OF SECTION 15, T13S, R23E OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SE¼ OF SECTION 15, T13S, R23E OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS; THENCE S 87°41'10" W, ALONG THE SOUTH LINE OF SAID SE¼, A DISTANCE OF 202.60 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING S 87°41'10" W, ALONG THE SOUTH LINE OF SAID SE¼, A DISTANCE OF 457.40 FEET TO A CORNER ON THE SOUTHERLY LINE OF SUNNYBROOK, A SUBDIVISION IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS; THENCE N 02°15'48" W, ALONG THE EAST LINE OF LOT 2, SUNNYBROOK AND ITS EXTENSION THEREOF, A DISTANCE OF 190.47 FEET TO THE SOUTHWEST CORNER OF LOT 1, SUNNYBROOK; THENCE N 87°41'10" E, ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 457.40 FEET TO A CORNER OF THE SOUTHERLY LINE OF SAID LOT 1; THENCE S 02°15'48" E A DISTANCE OF 190.47 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 2.00002 ACRES, MORE OR LESS.

Said legally described property is hereby rezoned from CP-2 (Planned General Business), R-4 (Residential Medium-Density Multifamily), AG (Agricultural), and CTY RUR (County Rural) Districts to C-2 (Community Center) District.

SECTION TWO: That this rezoning is approved with the following uses prohibited:

1. Any Distance Restricted Business, as listed in Olathe Municipal Code Chapter 5.43;
2. Hotel, Boutique;
3. Hotel/Motel;
4. Convenience Stores with or without Gas Sales;
5. Gas Station;
6. Auto Supply Store; and
7. Vehicle Services.

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 5th day of January 2021.

SIGNED by the Mayor this 5th day of January 2021.

ATTEST:

Mayor

City Clerk

(Seal)

APPROVED AS TO FORM:

City Attorney