

**ORDINANCE NO. 21-09**

**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. RZ20-0013 requesting rezoning from AG (Agricultural) District to R-3 (Residential Low-Density Multifamily) District and R-4 (Residential Medium-Density Multifamily) District was filed with the City of Olathe, Kansas, on the 4<sup>th</sup> day of December 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 22<sup>nd</sup> day of February 2021; 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:

R-4 Zoning

ALL THAT PART OF THE NORTH ONE-HALF OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 13 SOUTH, RANGE 24 EAST, IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 28, SAID POINT ALSO BEING THE SOUTHWEST PLAT CORNER OF BEAUTIFUL SAVIOR LUTHERAN CHURCH, SECOND PLAT, A PLATTED SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS; THENCE N 87°41'58" E, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28 AND THE SOUTH PLAT LINE OF SAID BEAUTIFUL SAVIOR LUTHERAN CHURCH, SECOND PLAT AND THE SOUTH PLAT LINE OF CRESTWOOD VILLAGE, SECOND PLAT, BOTH BEING PLATTED SUBDIVISIONS OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, A DISTANCE OF 1168.84 FEET; THENCE S 2°02'24" E, A DISTANCE OF 1325.49 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH ONE-HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 28; THENCE S 87°44'00" W, ALONG THE SOUTH LINE OF THE NORTH ONE-HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 28, A DISTANCE OF 1167.45 FEET TO THE SOUTHWEST CORNER OF THE NORTH ONE-HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 28; THENCE N 2°05'59" W, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28, A DISTANCE OF 1324.80 FEET TO THE POINT OF BEGINNING, CONTAINING 35.5360 ACRES, MORE OR LESS, OF UNPLATTED LAND.

**AND**

R-3 Zoning

ALL THAT PART OF THE NORTH ONE-HALF OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 13 SOUTH, RANGE 24 EAST, IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 28, SAID POINT ALSO BEING THE NORTHWEST PLAT CORNER OF REGENCY PLACE 3RD PLAT, A PLATTED SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS; THENCE S 1°57'49" E, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28 AND THE WEST PLAT LINE OF SAID REGENCY PLACE 3RD PLAT, A DISTANCE OF 95.14 FEET; THENCE S 44°56'31" W, A DISTANCE OF 70.50 FEET; THENCE SOUTHWESTERLY ON A CURVE TO THE LEFT, SAID CURVE BEING TANGENT TO THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 85.00 FEET, AN ARC DISTANCE OF 43.46 FEET; THENCE S 15°38'08" W, A DISTANCE OF 111.13 FEET; THENCE SOUTHWESTERLY ON A CURVE TO THE RIGHT, SAID CURVE BEING TANGENT TO THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 115.00 FEET, AN ARC DISTANCE OF 126.08 FEET; THENCE S 78°27'18" W, A DISTANCE OF 23.19 FEET; THENCE SOUTHWESTERLY ON A CURVE TO THE LEFT, SAID CURVE BEING TANGENT TO THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 85.00 FEET, AN ARC DISTANCE OF 29.77 FEET; THENCE S 58°23'10" W, A DISTANCE OF 79.73 FEET; THENCE SOUTHERLY ON A CURVE TO THE LEFT, SAID CURVE BEING TANGENT TO THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 85.00 FEET, AN ARC DISTANCE OF 116.46 FEET; THENCE S 20°07'07" E, A DISTANCE OF 36.86 FEET; THENCE SOUTHERLY ON A CURVE TO THE RIGHT, SAID CURVE BEING TANGENT TO THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 265.00 FEET, AN ARC DISTANCE OF 233.32 FEET; THENCE S 30°19'40" W, A DISTANCE OF 66.98 FEET TO THE NORTHWEST PLAT CORNER OF THE VILLAGE COOPERATIVE OF OLATHE, A PLATTED SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS; THENCE ALONG THE WESTERLY PLAT LINE OF SAID THE VILLAGE COOPERATIVE OF OLATHE, FOR THE FOLLOWING SEVEN (7) COURSES; THENCE CONTINUING S 30°19'40" W, A DISTANCE OF 9.58 FEET; THENCE SOUTHERLY ON A CURVE TO THE LEFT, SAID CURVE BEING TANGENT TO THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 85.00 FEET, AN ARC DISTANCE OF 65.19 FEET; THENCE S 13°37'04" E, A DISTANCE OF 45.21 FEET; THENCE SOUTHERLY ON A CURVE TO THE RIGHT, SAID CURVE BEING TANGENT TO THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 265.00 FEET, AN ARC DISTANCE OF 102.67 FEET; THENCE S 8°34'47" W, A DISTANCE OF 239.01 FEET; THENCE N 87°50'53" E, A DISTANCE OF 40.84 FEET; THENCE S 1°57'49" E, A DISTANCE OF 45.00 FEET TO THE SOUTHWEST PLAT CORNER OF SAID THE VILLAGE COOPERATIVE OF OLATHE; THENCE S 87°50'53" W, ALONG THE SOUTH LINE OF THE NORTH ONE-HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 28, A DISTANCE OF 908.41 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 28; THENCE S 87°44'00" W, ALONG THE SOUTH LINE OF THE NORTH ONE-HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 28, A DISTANCE OF 160.00 FEET; THENCE N 2°02'24" W, A DISTANCE OF 1325.49 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID

SECTION 28, SAID POINT ALSO BEING ON THE SOUTH PLAT LINE OF CRESTWOOD VILLAGE, SECOND PLAT, A PLATTED SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS; THENCE N 87°41'58" E, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28 AND THE SOUTH PLAT LINE OF SAID CRESTWOOD VILLAGE, SECOND PLAT AND ALONG THE SOUTH PLAT LINE OF EAST HEIGHTS, A PLATTED SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, A DISTANCE OF 1488.84 FEET TO THE POINT OF BEGINNING, CONTAINING 36.2206 ACRES, MORE OR LESS, OF UNPLATTED LAND.

Said legally described property is hereby rezoned from : AG (Agricultural) District to R-3 (Residential Low-Density Multifamily) and R-4 (Residential Medium-Density Multifamily) Districts.

**SECTION TWO:** That this rezoning is approved with no stipulations.

**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 16<sup>th</sup> day of March 2021.

**SIGNED** by the Mayor this 16<sup>th</sup> day of March 2021.

---

Mayor

ATTEST:

---

City Clerk

(Seal)

APPROVED AS TO FORM:

---

City Attorney