



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 12/3/2019

DEPARTMENT: Public Works, Planning Division

STAFF CONTACT: Zachary Moore, Planner II

SUBJECT: ANX19-0004, Annexation agreement for approximately 59.9± acres.
WxW, LLC

Petitioner:

ITEM DESCRIPTION:

Report regarding an annexation agreement with WxW, LLC and an ordinance pertaining to the annexation of approximately 59.9± acres into the corporate boundaries of the City of Olathe. (ANX-19-0004)

SUMMARY:

In accordance with K.S.A. 12-520(a)(7), WxW, LLC (the "Landowner") has submitted an agreement and a petition for annexation of approximately 59.9± acres of land (**Exhibits A & B**) (the "Property") which lies contiguous with the corporate boundaries of Olathe. The property was recently zoned RLD (Residential Low Density) and platted in unincorporated Johnson County as Cedar Ridge Ranch, and has been divided in to 17 single-family residential lots between 3 and 4 acres in size. The Property is located approximately 330 feet west of the intersection of 127th Street and S. Clare Road, and is currently under development.

The annexation agreement provides that the Landowner will not be required to re-zone the Property to a City zoning designation nor re-plat the property after annexation. The RLD District is intended to provide for the development of large-lot single-family residential development. If the Landowner chooses to change its land use or subdivision lot lines in the future, then they will be responsible for complying with the applicable zoning and subdivision regulations in the Olathe Unified Development Ordinance (UDO). Permitted by-right uses in RLD will be honored after annexation. However, any supplemental uses, accessory uses, or home occupation uses on the Property will be subject to the requirements of the Olathe Municipal Code, including the Olathe UDO. All property maintenance standards will be enforced in accordance with the Olathe Municipal Code upon annexation. The Landowner and/or its successors will be required to pay City building permit fees for each home constructed on the Property after annexation.

The Landowner has agreed to comply with all road improvement requirements required by Johnson County for development of the Property, including any requirements to improve and/or dedicate the future right-of-way for 127th Street and Shady Bend Road. Shady Bend Road will be a public street, and, upon completion of construction, will be maintained by the City. Any subsequent improvements to 127th Street and/or Shady Bend Road necessitated by development on the Property will be subject to City road improvement standards.

Due to their size, the lots developed on the Property will be served by septic systems and will be developed in accordance with Johnson County Health Department requirements. The Property will receive water service from Johnson County Water District No. 7.

The Landowner has agreed that it will not oppose the formation of future benefit districts in the event the City intends to make future improvements to 127th Street (or any other off-site infrastructure improvements) which benefit the Property, and will disclose such non-opposition in each contract to

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sell individual lots within the subdivision being constructed on the Property.

The property to be annexed upon adoption of the annexation ordinance (**Exhibit C**) is within the City of Olathe Growth Area and is designated on the Future Land Use Map as Conventional Neighborhood. The previously approved use of the Property is consistent with the Future Land Use Map.

FINANCIAL IMPACT:

None.

ACTION NEEDED:

Accept the report. Unless otherwise directed by the City Council, the agreement and ordinance will be placed on the December 17, 2019 City Council agenda for formal consideration.

ATTACHMENT(S):

- A. Agreement and Petition for Annexation
- B. Map of Subject Property
- C. Ordinance 19-XX