ORDINANCE NO. 19-01

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. RZ18-0016 requesting rezoning from R-1 District to R-4 and C-3 Districts was filed with the City of Olathe, Kansas, on the 17st day of August 2018; 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 10th day of December 2018; 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:

All that part of the Southeast Quarter of Section 22, Township 13 South, Range 23 East, in the City of Olathe, Johnson County, Kansas, being more particularly described as follows:

To R-4 District:

All that part of the East half of the Southeast One-Quarter of Section 27, Township 13 South, Range 23 East, of the Sixth Principal Meridian, in the City of Olathe, Johnson County, Kansas, more particularly described as follows:

Commencing at the Northeast Corner of said Southeast One-Quarter; thence South 88 degrees 00 minutes 17 seconds West, along the North line of said Southeast One-Quarter a distance of 683.55 feet to the Point of Beginning; thence South 01 degrees 59 minutes 43 seconds East a distance of 192.18 feet; thence South 15 degrees 51 minutes 00 seconds East a distance of 195.57 feet; thence South 87 degrees 28 minutes 07 seconds West a distance of 330.08 feet; thence South 74 degrees 09 minutes 00 seconds West a distance of 144.43 feet; thence South 15 degrees 03 minutes 16 seconds East a distance of 290.89 feet; thence South 57 degrees 14 minutes 34 seconds East a distance of 218.41 feet; thence South 83 degrees 49 minutes 28 seconds East a distance of 234.64 feet; thence North 75 degrees 50

minutes 44 seconds East a distance of 74.17 feet; thence South 14 degrees 09 minutes 16 seconds East a distance of 52.80 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 365.00 feet, a central angle of 11 degrees 49 minutes 18 seconds and an arc length of 75.31 feet; thence South 02 degrees 06 minutes 58 seconds East a distance of 27.77 feet; thence South 68 degrees 05 minutes 00 seconds West a distance of 19.52 feet; thence South 87 degrees 53 minutes 35 seconds West a distance of 761.51 feet to a point on the East line of Lot 18 "PRAIRIE HOLLOW", a subdivision of land in the City of Olathe, Johnson County, Kansas; thence North 02 degrees 03 minutes 46 seconds West, along the East line of said "PRAIRIE HOLLOW" and the East line of "HERITAGE WOODS II", a subdivision of land in the City of Olathe, Johnson County, Kansas and it's Northerly extension a distance of 1007.56 feet to a point on the North line of said Southeast One-Quarter; thence North 88 degrees 00 minutes 17 seconds East, along the North line of said Southeast One-Quarter a distance of 635.21 feet to the Point of Beginning, and containing 11.612 acres, more or less.

AND

To C-3 District:

All that part of the East half of the Southeast One-Quarter of Section 27, Township 13 South, Range 23 East, of the Sixth Principal Meridian, in the City of Olathe, Johnson County, Kansas, more particularly described as follows:

Commencing at the Northeast Corner of said Southeast One-Quarter; thence South 88 degrees 00 minutes 17 seconds West, along the North line of said Southeast One-Quarter a distance of 252.40 feet to a point of curvature on the West right of way line of K-7 Highway, Tract No. 4, recorded in Volume 3873 at Page 732, said point being the Point of Beginning; thence along the said West right of way line of K-7 Highway for the following six courses, on a curve to the right, having an initial tangent bearing of South 04 degrees 56 minutes 06 seconds West, a radius of 3679.72 feet, a central angle of 03 degrees 34 minutes 23 seconds and an arc length of 229.47 feet; thence South 21 degrees 12 minutes 43 seconds East a distance of 69.20 feet; thence South 03 degrees 54 minutes 43 seconds East a distance of 231.40 feet; thence South 11 degrees 28 minutes 17 seconds West a distance of 207.40 feet; thence South 03 degrees 54 minutes 43 seconds East a distance of 100.00 feet; thence South 21 degrees 54 minutes 43 seconds East a distance of 83.50 feet to a point on the North line of "WEST VILLAGE", a subdivision of land in the City of Olathe, Johnson County, Kansas, said point being the Northeast corner of Lot 3 of said subdivision; thence South 68 degrees 05 minutes 00 seconds West, along the North line of said "WEST VILLAGE" a distance of 281.37 feet; thence North 02 degrees 06 minutes 58 seconds West a distance of 27.77 feet to a point of curvature; thence along a curve to the left, tangent to the previous course having a radius of 352.14 feet, a central angle of 12 degrees 15 minutes 18 seconds and an arc length of 75.32 feet; thence North 14 degrees 09 minutes 16 seconds West a distance of 52.80 feet; thence South 75

degrees 50 minutes 44 seconds West a distance of 74.17 feet; thence North 83 degrees 49 minutes 28 seconds West a distance of 234.64 feet; thence North 57 degrees 14 minutes 34 seconds West a distance of 218.41 feet; thence North 15 degrees 03 minutes 16 seconds West a distance of 290.89 feet; thence North 74 degrees 09 minutes 00 seconds East a distance of 144.43 feet; thence North 87 degrees 28 minutes 07 seconds East a distance of 330.08 feet; thence North 15 degrees 51 minutes 00 seconds West a distance of 195.57 feet; thence North 01 degrees 59 minutes 43 seconds West a distance of 192.18 feet to a point on the North line of said Southeast One-Quarter; thence North 88 degrees 00 minutes 17 seconds East, along the North line of said Southeast One-Quarter, a distance of 431.15 feet to the Point of Beginning, and containing 12.160 acres, more or less.

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

(1) Final plats shall be approved and recorded, and all excise fees paid prior to issuance of building permits.

(2) Prior to submitting for final site development plans, revised preliminary site development plans including architectural elevations are required for the 2 commercial buildings labeled Lots 2 and 3 on the site plan and for the climate-controlled indoor storage and senior housing facility.

(3) Final site development plans shall be approved prior to submitting for building permits.

(4) A pavement, curb and street light assessment of the existing roadway between the proposed road and Spruce Street will be performed by City Staff prior to placement of asphalt on the proposed roadway. All deficiencies, including mill and overlay, curb replacement and street light installation, will be required to be repaired at the cost of the developer prior to accepting all other public improvements.

(5) Stag's Ridge development property owners will provide snow removal and winter weather treatment to the public street pavement and sidewalks on Spruce Street, west of K-7; and the public street, north of Spruce. This will be in coordination and to a similar level to that provided within the commercial parking area and drives of the adjoining properties. This responsibility will begin immediately following the City payment of funds into the Court to complete the condemnation acquisition and shall terminate immediately after the first TCO is issued for a building within the proposed development.

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 8th day of January 2019.

SIGNED by the Mayor this 8th day of January 2019.

Mayor

ATTEST:

City Clerk

(Seal)

CITY OF OLATHE OFFICIAL SEAL STATE OF KANSAS

APPROVED AS TO FORM:

City Attorney

STATE OF KANSAS
JOHNSON COUNTY, SS

Brandon Humble, being first duly sworn, deposes and says: That he is the editor of **THE GARDNER NEWS** A weekly newspaper printed in the State of Kansas, and published in and of general circulation in Johnson County, Kansas and that said newspaper is a bi-weekly published at least weekly, 52 times a year; has been published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office in Gardner, Kansas in said county as second class matter.
That the attached notice is a true copy there of and was published in the regular and entire issue of said newspaper for 1 consecutive weeks(s),
The first publication there of being made as aforesaid January 16, 2019
Publications being made on the following:

EDITOR Brandon Humble

SUBSCRIBED AND SWORN TO ME THIS 1-16-2019

NOTARY PUBLIC_____

RHONDA K. FAIRCHILD NOTARY PUBLIC STATE OF KANSAS

---------- MY COMMISSION EXPIRES 5-11-2022

COST----------

ADDITIONAL COPIES----------

IN THE DISTRICT COURT OF JOHNSON, COUNTY KANSAS----------

The within Proof Of Publication approved

----------JUDGE

Public Notice

First published in *The Gardner News* Wednesday, Jan. 16, 2019

PUBLICATION SUMMARY OF ORDINANCE NO. 19-01, PASSED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS ON THE 8th DAY OF JANUARY 2019.

SUMMARY

On January 8, 2019, the Governing Body of the City of Olathe, Kansas passed Ordinance No. 19-01, which amended the zoning map of the City of Olathe by approving Rezoning Application RZ18-0016. Such rezoning application requested a rezoning from R-1 to C-3 and R-4 Districts for a Property on 23.77± acres; located northwest corner of the K-7 and Spruce Street intersection. The complete text of this ordinance may be obtained or viewed free of charge at the office of the Olathe City Clerk, Olathe City Hall, 100 East Santa Fe Street, Olathe, Kansas, or on the City's official website address http://www.olatheks.org/government/city-clerk/public-notices, where a reproduction of the original ordinance will be available for a minimum of one week following this summary publication.

This summary is certified this 9th day of January 2019.

/s/ Rrachelle R. Breckenridge
Rrachelle R. Breckenridge
Assistant City Attorney

Publish one time and return one Proof of Publication to the City Clerk, one to Planning, and one to the City Attorney.