ORDINANCE NO. 19-82

AN ORDINANCE AMENDING SECTION TWO OF ORDINANCE NO. 17-55 OF THE CITY OF OLATHE, KANSAS PERTAINING TO A ZONING AMMENDMENT REQUEST RZ19-0011.

WHEREAS, Rezoning Application No. RZ19-0011 requesting an amendment to Ordinance 17-55 was filed with the City of Olathe, Kansas, on the 21st day of June, 2019; and

WHEREAS, proper notice of such rezoning application was given pursuant to K.S.A. 12-757 and Section 18.40 of the 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 12th day of August, 2019; and

WHEREAS, the Planning Commission recommended by a vote of 6-0 that such zoning amendment application be denied; and

WHEREAS, said recommendation was based on failure to meet certain requirements of the City of Olathe Unified Development Ordinance and failure to align with the vision for growth and development in the Comprehensive Land Use Plan known as PlanOlathe; and

WHEREAS, the City Council considered this application on the 3rd day of December 2019, and directed staff to provide an ordinance for consideration; and

WHEREAS, this case returned to the Governing Body on December 17, 2019, for consideration of a zoning amendment to amend the use allowed on Lot 2 of the preliminary development plan associated with Ordinance 17-55.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: Stipulation Two of Section Two of Ordinance No. 17-55 is hereby amended as follows:

(1) The minimum parking/paving setbacks for residential and commercial lots shall be 15 feet from street right-of-way.

(2) Commercial uses are restricted to uses permitted by right in the C-1 through C-4 Districts per Unified Development Ordinance (UDO) with exception to the following: hotels; nursery, lawn and garden stores; building materials sales and storage; car washes; convenience stores with gas; and gas stations. A car wash is permitted on Lot 2 only, subject to the following conditions:
a) The car wash will be a primary use only, not accessory or ancillary to other uses.

b) The vehicle wash area(s) must operate as an automated facility with a conveyer belt system, fully enclosed within a tunnel design building.

c) With the exception of vacuum stations, self service bays or areas for customers to wash their own vehicles are prohibited.

d) Hours of operation are between 7:00 a.m. and 10:00 p.m. daily.

(3) The commercial buildings shall comply with requirements for composite design standards for Building Design Category D (UDO 18.15.040).

(4) A permit from the US Army Corp of Engineers will be required for all work within the stream corridor prior to issuance of any building, public improvement or land disturbance permits.

(5) A waiver shall be granted for the minimum stream corridor buffer as required Title 17 requirements. The preliminary development plan mitigates the stream loss by creating naturalistic channels through the middle of the site and preserves the natural channel at the northerly portion of the site as indicated on the preliminary stormwater management plan dated August 30, 2017.

(6) A waiver shall be granted for the minimum requirement for 25% glass on primary facades for the apartment buildings as shown on building elevations dated August 29, 2017. The proposed design and request for exceptions meets the criteria for granting waivers per UDO Section 18.40.240.E.

(7) Efforts to acknowledge, display or preserve any of the areas historic structure, artifacts, items or photos will be undertaken by the applicant.
SECTION TWO: Existing Section Two of Ordinance No. 17-55 is hereby amended.

SECTION THREE: That this Ordinance shall take effect from and after its passage and publication as provided by law.

PASSED by the City Council this 17th day of December, 2019.

SIGNED by the Mayor this 17th day of December, 2019.

[Signature]
Mayor

ATTEST:

[Signature]
City Clerk

(Seal)

APPROVED AS TO FORM:

[Signature]
City Attorney

[Seal]