

RESOLUTION NO. 24-1030

A RESOLUTION GRANTING A SPECIAL USE PERMIT FOR THE EXPANSION OF THE COMPOUND AREA FOR VERIZON SUBJECT, HOWEVER, TO THE STIPULATIONS HEREINAFTER MORE FULLY EXPRESSED.

WHEREAS, Application No. SU23-0007 was filed with the City of Olathe, Kansas, on the 31st day of March 2023; and

WHEREAS, said Application requested that the City Council of the City of Olathe, Kansas, issue a special use permit for the expansion of the compound area for Verizon on the following described property:

SITUATED IN THE COUNTY OF JOHNSON, STATE OF KANSAS: ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 14 SOUTH, RANGE 24 EAST, SIXTH PRINCIPAL MERIDIAN, CITY OF OLATHE, JOHNSON COUNTY, KANSAS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 8; THENCE SOUTH 02 DEGREES 13 MINUTES 48 SECONDS EAST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 8, A DISTANCE OF 714.56 FEET TO THE POINT OF BEGINNING; THENCE COUNTNUISNG SOUTH 02 DEGREES 13 MINUTES 48 SECONDS EAST (MEASURED) (SOUTH 02 DEGREEES 13 MINUTES 59 SECONDS EAST, PLAT) ALONG THE WEST LINE OF THE MORTHWEST QUARTER OF SAID SECTION 8, A DISTANCE OF 490.00 FEET TO THE NORTHWEST CORNER OF LOT 16, SOTNEHURST FIRST PLAT, A SUBDIVISION IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS AS NOW ESTABLISHED; THENCE NORTH 87 DEGREES 43 MINUTES 53 SECONDS EAST (MEASURED) (NORTH 87 DEGREES 43 MINUTES 41 SECONDS EAST, PLAT), ALONG THE NORTH LINE OF SAID LOT 16, A DISANCE OF 680 FEET TO THE NORTHEAST CORNER OF SAID LOT 16 SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 37, STONEHURST SECOND PLAT, A SUBDIVISION IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS AS NOW ESTABLISHED; THENCE NORTH 02 DEGREES 13 MINUTES 48 SECONDS WEST (MEASURED) (NORTH 02 DEGREES 13 MINUTES 59 SECONDS WEST, PLAT), ALONG THE WEST LINE OF SAID STONEHURST SECOND PLAT, A DISTANCE OF 490.00 FEET TO THE NORTHWEST CORNER OF LOT 42 SAID STONEHURST SECOND PLAT; THENCE SOUTH 87 DEGREES 48 MINUTES 14 SECONDS WEST, A DISTANCE OF 15.39 FEET TO THE SOUTHEAST CORNER OF LOT 4, HERITAGE SQUARE, A SUBDISION IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS AS NOW ESTABLISHED; THENCE SOUTH 87 DEGREES 43 MINUTES 46 SECONDS WEST (MEASURED) (SOUTH 87 DEGREES 43 MINUTES 41 SECONDS WEST, PLAT), ALONG THE SOUTH LINE OF SAID HERITAGE SQUARE, A DISTANCE OF 664.61 FEET TO THE POINT OF BEGINNING EXCEPT THAT PART IN ROADS AND EASEMENTS CONTAINING 323,407 SQUARE FEET OR 7.42 AGRES MORE OR LESS.

BEING FURTHER DESCRIBED AS TRACT A IN BOOK 201703, PAGE 3159 OF THE JOHNSON COUNTY RECORDS.

and

WHEREAS, the Property is zoned CP-3; and

WHEREAS, Chapter 18.20 and 18.40, of the Unified Development Ordinance authorizes the establishment of such a use in such zoned area upon the issuance of a special use permit; and

WHEREAS, the Planning Commission and the City Council of the City of Olathe, Kansas, having given the requisite notices by publication and otherwise, and after holding a public hearing on the 10th day of June 2024, and affording a full and fair hearing to all the property owners, generally, and to other interested persons situated in the affected area or in the vicinity thereof; and

WHEREAS, the Planning Commission of the City of Olathe, Kansas, has recommended that the special use permit be granted; and

WHEREAS, the City Council is of the opinion that such special use permit should be granted subject to the conditions set out herein.

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

SECTION ONE: That Application No. SU23-0007 requesting approval of a special use permit for the expansion of the compound area for Verizon on the previously described Property, which is presently zoned as CP-3 is hereby approved.

SECTION TWO: That this special use permit is approved and granted upon the following stipulations and in conformance with Chapter 18.20 and Chapter 18.40 of the Unified Development Ordinance:

1. The special use permit for the Telecommunication Facility and expanded compound area is approved for a ten (10) year period effective from the date of the Resolution.
2. All landscaping must be installed per plans dated May 28, 2024 prior to certificate of completion.
3. Barbed wire is prohibited in commercial districts and must be removed from all plans with building permit submittals.

SECTION THREE: That this Resolution shall take effect immediately.

ADOPTED by the City Council this 2nd day of July 2024.

SIGNED by the Mayor this 2nd day of July 2024.

ATTEST:

Mayor

City Clerk

(Seal)

APPROVED AS TO FORM:

City Attorney