

**RESOLUTION NO. 25-1001**

**A RESOLUTION GRANTING A SPECIAL USE PERMIT FOR MOTOR VEHICLES, ALL TYPES, SALES/LEASING/RENTAL FOR ICON MIDWEST SUBJECT, HOWEVER, TO THE STIPULATIONS HEREINAFTER MORE FULLY EXPRESSED.**

**WHEREAS**, Application No. SU24-0003 was filed with the City of Olathe, Kansas, on the 17<sup>th</sup> day of October 2024; and

**WHEREAS**, said Application requested that the City Council of the City of Olathe, Kansas, issue a special use permit for Motor Vehicles, All Types, Sales/Leasing/Rental use on the following described property:

TRACT 1 AND TRACT 2, QUIKTRIP SANTA FE ADDITION, IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS.

SUBJECT TO THAT PART DEEDED TO THE CITY OF OLATHE, KANSAS, A MUNICIPAL CORPORATION BY DEED OF DEDICATION FOR A PUBLIC STREET RECORDED 12/28/2017 AS DOCUMENT NO. 20171228-0008589 IN BOOK 201712 AT PAGE 008589.

AND SUBJECT TO THAT PART DEEDED TO THE CITY OF OLATHE, KANSAS, A MUNICIPAL CORPORATION BY DEED OF DEDICATION FOR A PUBLIC STREET RECORDED 12/28/2017 AS DOCUMENT NO. 20171228-0008590 IN BOOK 201712 AT PAGE 008590

and

**WHEREAS**, the Property is zoned C-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 9<sup>th</sup> day of December 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. SU24-0003 requesting approval of a special use permit for Motor Vehicles, All Types, Sales/Leasing/Rental use on the previously described Property, which is presently zoned as C-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 to allow motor vehicle sales for golf and utility carts only, equal or similar to those depicted in Attachment A, is valid for a period of two (2) years following the date of Governing Body approval. The sale of any other motor vehicle types is prohibited.
2. The maximum number of golf and utility carts permitted to be parked outdoors is ten (10).
3. Golf and utility carts are only permitted to be displayed outdoors between the hours of 9:00 AM and 5:30 PM; they must be stored inside the building at all other times.
4. Golf and utility carts for inventory, sales, or display must be located in designated, striped parking stalls and must not be located in driveways or on lawn areas.
5. No cart or vehicle display risers are permitted outdoors.
6. Site landscaping must be replaced and maintained in accordance with the landscape plan, dated November 12, 2024.
7. Roof top utility equipment must be fully screened, per UDO 18.30.130, including modification of the existing screen wall to meet or exceed the height of the existing equipment.
8. Wind signs, including pennants, streamers, balloons, whirligigs, feather flag banners or similar devices, are not permitted within the front yard or corner side yard.
9. No outdoor storage of equipment or materials is permitted unless completely screened per UDO 18.30.130.

**SECTION THREE:** That this Resolution shall take effect immediately.

**ADOPTED** by the City Council this 7<sup>th</sup> day of January 2025.

**SIGNED** by the Mayor this 7<sup>th</sup> day of January 2025.

**ATTEST:**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

(Seal)

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney

## **ATTACHMENT A**

### **Outlaw Golf Carts**



Golf Carts



People Mover Carts



Utility Carts