

RESOLUTION NO. 20-1031

A RESOLUTION GRANTING A SPECIAL USE PERMIT FOR AN INCREASE IN HEIGHT OF THE MONOPOLE TOWER AND EXPANSION OF THE COMPOUND AREA FOR THE AT&T TELECOMMUNICATIONS FACILITY SUBJECT, HOWEVER, TO THE STIPULATIONS HEREINAFTER MORE FULLY EXPRESSED.

WHEREAS, Application No. SU19-0007 was filed with the City of Olathe, Kansas, on the 11th day of November 2019; and

WHEREAS, said Application requested that the City Council of the City of Olathe, Kansas, issue a special use permit for an AT&T Telecommunications Facility on the following described property:

A portion of Grantor's Property more particularly described as follows:

A 50-foot by 70-foot Tower Easement, situated in the Northwest Quarter of Section 8, Township 14 South, Range 24 East, in Johnson County, Kansas, more particularly described as follows:

COMMENCING at the Northwest Corner of said Northwest Quarter (Found 2 1/2" Brass Cap with Hole); thence along the West line of said Northwest Quarter, South 02°13'48" East, a distance of 1088.02 feet; thence leaving said West line, North 85°42'23 " East, a distance of 388.72 feet to the POINT OF BEGINNING; thence North 04°01'48" West, a distance of 70.00 feet; thence North 85° 58'12" East, a distance of 50.00 feet; thence South 04°01'48" East, a distance of 70.00 feet; thence South 85° 58'12" West, a distance of 50.00 feet to the POINT OF BEGINNING. Containing 3,500 square feet (0.08± acres).

Together with a non-exclusive easement for access and utilities as follows:

A 20-foot wide Access/Utility Easement, situated in the Northwest Quarter of Section 8, Township 14 South, Range 24 East, in Johnson County, Kansas, lying 10.00 feet on each side of the following described centerline:

COMMENCING at the Northwest Corner of said Northwest Quarter (Found 2 1/2" Brass Cap with Hole); thence along the West line of said Northwest Quarter, South 02°13'48" East, a distance of 1088.02 feet; thence leaving said West line, North 85°42'23 " East, a distance of 388.72 feet; thence South 04°01'48" East, a distance of 10.00 feet to the POINT OF BEGINNING of said centerline; thence North 85°58'12" East, a distance of 60.00 feet; thence North 04°01'48" West, a distance of 90.00 feet; thence South 85°58'12" West, a distance of 11.73 feet; thence North 07°23'36" West, a distance of 111.82 feet; thence North 44°06'21 " West, a distance of 45.75 feet; thence North 66°18'17" West, a distance of 98.00 feet; thence North 24°19'20" West, a distance of 71.40 feet; thence South 82° 33'03" West, a distance of 119.66 feet; thence South 38°53'18" West, a distance of 63.70 feet; thence South 20° 41'21" West, a distance of 113.72 feet; thence South 87°46'12" West, a distance of 33.23 feet to the East Right of Way line of S MUR-LEN ROAD (Public Right of Way) and the POINT OF TERMINATION. Containing 15,130 square feet (0.35± acres).sure

Part of Tax Property ID: DF241408-1002

Common Address: 15201 South Mur-Len Road, Olathe, Kansas 66062

WHEREAS, such property is zoned CP-3 and

WHEREAS, Chapter 18.20, 18.40 and 18.50 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 13th day of April 2020, 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. The following conditions apply:

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

SECTION ONE: That Application No. SU19-0007 requesting the issuance of a special use permit for an increase in height of the monopole tower and expansion of the compound area for the AT&T telecommunications facility on the previously described property, which is presently zoned as CP-3 is hereby approved.

SECTION TWO: That this special use permit renewal is approved and granted upon the following stipulations and in conformance with Chapter 18.20, Chapter 18.40 and Chapter 18.50 of the Unified Development Ordinance:

1. The special use permit is valid for a period of ten (10) years following City Council approval, with an expiration date of May 5, 2030.
2. A double row of six (6) -foot tall evergreen trees must be planted north, east and south of the compound area prior to certificate of occupancy.
3. Any disturbed ground cover areas must be replanted with sod.

SECTION THREE: That this Resolution shall take effect immediately.

ADOPTED by the City Council this 5th day of May 2020.

SIGNED by the Mayor this 5th day of May 2020.

ATTEST:

Mayor

City Clerk

(Seal)

APPROVED AS TO FORM:

City Attorney