

RESOLUTION NO. 20-1047

A RESOLUTION GRANTING A SPECIAL USE PERMIT FOR ANIMAL CARE, INDOOR OR OUTDOOR KENNEL SUBJECT, HOWEVER, TO THE STIPULATIONS HEREINAFTER MORE FULLY EXPRESSED.

WHEREAS, Application No. SU20-0001 was filed with the City of Olathe, Kansas, on the 7th day of April 2020; and

WHEREAS, said Application requested that the City Council of the City of Olathe, Kansas, issue a special use permit for Animal Care – Indoor or Outdoor Kennel on the following described property:

LOT 2, M.G.A. ESTATES, A SUBDIVISION IN JOHNSON COUNTY, KANSAS, EXCEPT THE WEST 10 FEET IN ROAD, AND EXCEPT

PART OF LOT 2, M.G.A. ESTATES, AND PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 14 SOUTH, RANGE 23 EAST IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 01° 56' 33" EAST, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 506.597 METERS (1,662.06 FEET); THENCE NORTH 87° 50' 18" EAST, A DISTANCE OF 18.288 METERS (60.00 FEET) TO THE POINT OF INTERSECTION OF THE SOUTH LINE OF SAID LOT 2 WITH THE EAST RIGHT-OF-WAY LINE OF LONE ELM ROAD, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 01° 56' 47" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 102.391 METERS (335.93 FEET) TO A POINT ON THE NORTH LINE OF SAID LOT 2; THENCE NORTH 87° 57' 52" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 3.038 METERS (9.97 FEET); THENCE SOUTH 00° 14' 49" EAST, A DISTANCE OF 102.441 METERS (336.09 FEET) TO THE TRUE POINT OF BEGINNING.

WHEREAS, such property is zoned M-2; 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 8th day of June 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. SU20-0001 requesting the issuance of a special use permit for Animal Care - Indoor or Outdoor Kennel on the previously described property, which is presently zoned as M-2 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:

- a. The special use permit for *Animal Care – Indoor or Outdoor Kennel* is approved for a ten (10) year period effective from the date of the Resolution.
- b. A final site development plan must be approved prior to issuance of a building permit.
- c. As required by the UDO, all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, shall be screened from public view with landscaping or an architectural treatment compatible with the building.
- d. All new on-site wiring and cables shall be placed underground.
- e. Details of the fencing of the outdoor enclosed dog areas, including landscaping details, shall be determined at the time of Final Site Development Plan.
- f. Additional architectural interest on the north and south facades will be provided by the applicant during Final Site Development Plan review.
- g. At the time of Final Site Development Plan, the proposed building must either provide an automatic fire sprinkler system or alterations to the access roads in order to resolve the fire access deficiency.

SECTION THREE: That this Resolution shall take effect immediately.

ADOPTED by the City Council this 7th day of July 2020.

SIGNED by the Mayor this 7th day of July 2020.

ATTEST:

Mayor

City Clerk

(Seal)

APPROVED AS TO FORM:

City Attorney