

RESOLUTION NO. 21-1017

A RESOLUTION GRANTING A SPECIAL USE PERMIT FOR MOTOR VEHICLE SALES, SUBJECT, HOWEVER, TO THE STIPULATIONS HEREINAFTER MORE FULLY EXPRESSED.

WHEREAS, Application No. SU20-0006 was filed with the City of Olathe, Kansas, on the 18th day of December 2020; and

WHEREAS, said Application requested that the City Council of the City of Olathe, Kansas, issue a special use permit for Motor Vehicle Sales on the following described properties:

LOT 1, COMBS ADDITION, A SUBDIVISION LOCATED IN OLATHE, JOHNSON COUNTY, KS.

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 February 2021, 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. SU20-0006 requesting the issuance of a special use permit for Motor Vehicle Sales, on the previously described property, which is presently zoned as M-2 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 and 18.40 of the Unified Development Ordinance:

1. The special use permit to allow motor vehicle sales is valid for a period of two (2) years following the date of City Council approval.
2. The maximum number of vehicles for display or sales permitted to be located outdoors is fifty (50) vehicles. These vehicles will be restricted to the rear of the lot and to designated spaces on the southside of the structure as shown on the site plan.
3. The portion of fence running east/west at the rear of the building must be removed prior to issuance of a Change of Occupancy permit to allow fire access to the rear of the building.

4. An approved fire department "Knox" county keyed cylinder must be installed at an accessible location on the entry side of the gate to the stored cars lot.
5. Wind signs, including pennants, streamers, balloons, whirligigs or similar devises, are not permitted along the street frontage.
6. The existing non-conforming monument sign must be removed, per UDO 18.50.190.S.5. In the interim, a temporary sign face may be attached for the new business, not to exceed the existing sign face.
7. Metal siding located along areas of fencing must be removed.
8. Exterior ground-mounted or building mounted equipment including but not limited to, mechanical equipment, utilities' meter banks and coolers must be screened from public view with three (3) sided landscaping or an architectural treatment compatible with the building architecture, per UDO Section 18.30.130.
9. Vehicles for inventory, sales, or display located south of the building (as shown on the site plan) must be parked in designated, striped, parking spaces. Parking in front of the building is for customer and employee parking only.
10. Sidewalks and curbs adjacent to the building must be repaired.
11. Customer parking spaces in front of the building must be striped.
12. Stipulations numbered 6-11 must be completed within 6 (six) months of the date of City Council approval.

SECTION THREE: That this Resolution shall take effect immediately.

ADOPTED by the City Council this 2nd day of March 2021.

SIGNED by the Mayor this 2nd day of March 2021.

ATTEST:

Mayor

City Clerk

(Seal)

APPROVED AS TO FORM:

City Attorney