

RESOLUTION NO. 21-1036

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

WHEREAS, Application No. SU21-0002 was filed with the City of Olathe, Kansas, on the 5th day of March 2021; and

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

TRACT 1:

THE SOUTH 250 FEET OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 13, RANGE 24, IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, LYING EAST OF THE EASTERLY RIGHT OF WAY LINE OF I-35 HIGHWAY AS NOW ESTABLISHED, EXCEPT THE EAST 602.51 FEET THEREOF, EXCEPT THAT PART IN ROAD AND HIGHWAYS.

TRACT 2:

THE SOUTH 250 FEET OF THE EAST 602.51 FEET OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 13, RANGE 24, IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, EXCEPT THAT PART IN ROAD, AND EXCEPT THE FOLLOWING DESCRIBED TRACT: THE SOUTH 250 FEET OF THE EAST 430 FEET OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 13, RANGE 24, IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, EXCEPT ANY PART IN STREETS AND ROADS.

WHEREAS, such 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 26th day of April 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. SU21-0002 requesting the issuance of a special use permit for Motor Vehicle Sales, Leasing and Rental, on the previously described property, which is presently zoned as C-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 and 18.40 of the Unified Development Ordinance:

1. The special use permit to allow motor vehicle sales/leasing/rental is valid for a period of five (5) years following the date of City Council approval.
2. Signage is approved administratively through a separate application and must meet the requirements of UDO 18.50.190.
3. Wind signs, including pennants, streamers, balloons, whirligigs or similar devices are prohibited.
4. Vehicles will be stored or displayed on paved and striped parking surfaces only.
5. 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.

SECTION THREE: That this Resolution shall take effect immediately.

ADOPTED by the City Council this 18th day of May 2021.

SIGNED by the Mayor this 18th day of May 2021.

ATTEST:

Mayor

City Clerk

(Seal)

APPROVED AS TO FORM:

City Attorney