



# City of Olathe

## Legislation Details (With Text)

**File #:** G19-942  
**Type:** Council Consent **Status:** Agenda Ready  
**File created:** 7/5/2019 **In control:** City Council  
**On agenda:** 9/17/2019 **Final action:**  
**Title:** Consideration of Resolution 19-1057, SU19-0002, for approval of Motor Vehicle Sales in C-3 District on 0.58± acres; located at 115 S. Fir Street. Planning Commission recommends approval 7 to 0.  
**Sponsors:** Aimee Nassif, Daniel Fernandez  
**Indexes:**  
**Code sections:**

**Attachments:** 1. A. Planning Commission Packet, 2. B. Planning Commission Minutes, 3. C. Resolution 19-1057

Date	Ver.	Action By	Action	Result
9/17/2019	1	City Council		

**DEPARTMENT:** Public Works, Planning Division

**STAFF CONTACT:** Dan Fernandez, Planner II

**SUBJECT:** SU19-0002: Renewal for a permit for motor vehicle sales. Applicant: CarStoreUSA

### ITEM DESCRIPTION:

Consideration of Resolution 19-1057, SU19-0002, for approval of Motor Vehicle Sales in C-3 District on 0.58± acres; located at 115 S. Fir Street. Planning Commission recommends approval 7 to 0

### SUMMARY:

This is a request for a renewal of a special use permit to allow motor vehicle sales at 115 S. Fir Street on 0.58± acres. The subject property is approximately ¼ of a mile south of Santa Fe Street and has a 1,400 square foot building located on the site. This address has a long and varied history with special use permits beginning in 2000 with a special use permit (SU-15-00) for vehicle rentals. Since that first special use permit, there have been several permits approved for this site including for motor vehicle sales and trailer sales. The last approved special use permit (SU14-0005) was for motor vehicle sales in August 2014.

The renewal on this agenda is also for motor vehicle sales but the applicant will be a new operator for the site. CarStoreUSA is a Wichita based company that began in 2014 and the property at 115 S. Fir Street will be the business' second location. The Olathe store will only have motor vehicles for sale with no maintenance or repair done on site and the dealership will have 3 to 5 employees to start.

Upon inspection of the site, staff noticed several zoning and code violations on the property. These violations included faded/chipped paint on the building, a fence in disrepair along the rear property line, Christmas lights around the wall sign, cracked pavement with potholes and no shrubs in the landscape area along the east foundation which is the main entrance.

Since notified of these violations, the applicant has painted the building, repaired the fence, removed the Christmas tree lights, planted 4 shrubs along the east foundation, had the parking lot resurfaced and the customer parking spaces restriped. The applicant has been very responsive, and we appreciate the communication with us to address these items.

The Planning Commission conducted a public hearing on June 24, 2019. No one spoke for or

against the proposal. The Planning Commission recommended approval, with a 7-0 vote, of SU19-0002 for a five-year time limit with stipulations as stated in the Planning Commission minutes.

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**FINANCIAL IMPACT:**

None

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**ACTION NEEDED:**

1. Adopt Resolution No. 19-1057 to approve a Special Use Permit motor vehicle sales as stipulated by the Planning Commission.
2. Deny Resolution No. 19-1057 (5 positive votes required) for a Special Use Permit to permit motor vehicle sales as stipulated by the Planning Commission.
3. Return the Special Use Permit application to the Planning Commission for further consideration with a statement specifying the basis for the Governing Body's failure to approve or deny.

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**ATTACHMENT(S):**

- A. Planning Commission Packet
- B. Planning Commission Minutes
- C. Resolution 19-1057