

RESOLUTION NO. 23-1030

A RESOLUTION GRANTING A SPECIAL USE PERMIT FOR MIXED-USE, VERTICAL DEVELOPMENT SUBJECT, HOWEVER, TO THE STIPULATIONS HEREINAFTER MORE FULLY EXPRESSED.

WHEREAS, Application No. SU23-0001 was filed with the City of Olathe, Kansas, on the 3rd day of February 2023; and

WHEREAS, said Application requested that the City Council of the City of Olathe, Kansas, issue a special use permit for Mixed-Use, Vertical Development on the following described property:

ALL THAT PART OF THE SOUTHWEST QUARTER, SECTION 18, TOWNSHIP 13 SOUTH, RANGE 24 EAST, CITY OF OLATHE, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED BY ROGER B. DILL, KANSAS LS-1408, ON JANUARY 30, 2023, AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER, THENCE NORTH 87°24'56" EAST, ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 60.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF RIDGEVIEW ROAD, SAID POINT ALSO BEING THE NORTHWEST CORNER OF BRITTANY HILLS VILLAS, A SUBDIVISION IN SAID CITY; THENCE DEPARTING SAID NORTH LINE AND ALONG SAID EAST LINE, SOUTH 02°09'33" EAST, A DISTANCE OF 30.00 FEET, THE SOUTH RIGHT-OF-WAY LINE OF 115TH STREET SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE AND THE WEST RIGHT-OF-WAY LINE FOR THE FOLLOWING THREE COURSES; THENCE NORTH 87°24'56" EAST, A DISTANCE OF 113.35 FEET; THENCE SOUTHEASTERLY, ALONG A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 220.00 FEET, A CHORD BEARING OF SOUTH 47°22'19" EAST, AND A CHORD LENGTH OF 312.28 FEET FOR A DISTANCE OF 347.21 FEET; THENCE SOUTH 02°09'33" EAST A DISTANCE OF 224.25 FEET TO THE NORTHEAST CORNER OF LOT 1; BRITTANY HILLS OFFICE PARK FIRST PLAT, A SUBDIVISION IN SAID CITY; THENCE SOUTH 87°20'43" WEST, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 335.00 FEET TO THE NORTHWEST CORNER THEREOF SAID POINT BEING ON SAID EAST RIGHT-OF-WAY LINE OF RIDGEVIEW ROAD; THENCE NORTH 02°09'33" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 446.30 FEET TO THE POINT OF BEGINNING, CONTAINING 138,867 SQUARE FEET, OR 3.188 ACRES, MORE OR LESS.

WHEREAS, such property is zoned C-0; 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 27th day of March 2023, 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. SU23-0001 requesting renewal of a special use permit for Mixed-Use, Vertical Development on the previously described property, which is presently zoned as C-0 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:

1. The special use permit for Mixed-Use, Vertical is valid for a period of ten (10) years following the date of the approved Resolution.
2. A waiver is granted from UDO 18.15.115.C and D to eliminate the Site Design Category 3 maximum frontage and façade width requirements as shown on the preliminary site development plan dated March 14, 2023.
3. A waiver is granted from UDO 18.20.260.C to eliminate building and parking orientation requirements of the North Ridgeview Road Overlay District as shown on the preliminary site development plan dated March 14, 2023.
4. The designated ground-floor commercial storefront spaces fronting Ridgeview, located at the southwest portion of the building, are prohibited from being utilized for residential use or purposes as shown on the preliminary plan submitted March 14, 2023.
5. Genuine stucco must be used in the areas identified as stucco (Class 1) on the architectural elevations.
6. Tree protection fencing per UDO 18.30.240.E must be installed around the tree that is to be preserved and is required to be maintained throughout construction activities. Grading is not permitted within areas designated for tree protection.
7. Mitigation for removal of existing trees must be provided in accordance with UDO 18.30.240.G.3.
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.

SECTION THREE: That this Resolution shall take effect immediately.

ADOPTED by the City Council this 18th day of April 2023.

SIGNED by the Mayor this 18th day of April 2023.

ATTEST:

Brenda D. Subasingian

City Clerk

(Seal)

APPROVED AS TO FORM:

RS

Ron Shaver (Apr 19, 2023 14:02 CDT)

City Attorney

John W Bacon

John W Bacon (Apr 19, 2023 12:34 CDT)

Mayor

