

RESOLUTION NO. 23-1036

A RESOLUTION GRANTING A SPECIAL USE PERMIT FOR MOTOR VEHICLES, ALL TYPES, SALES/LEASING/RENTAL SUBJECT, HOWEVER, TO THE STIPULATIONS HEREINAFTER MORE FULLY EXPRESSED.

WHEREAS, Application No. SU23-0002 was filed with the City of Olathe, Kansas, on the 17th 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 Motor Vehicles, All Types, Sales/Leasing/Rental on the following described property:

LOT 1, COMBS ADDITION, A SUBDIVISION IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS.

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 10th day of April 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. SU23-0002 requesting renewal of a special use permit for Motor Vehicles, All Types, Sales/Leasing/Rental 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:

1. The special use permit to allow motor vehicle sales is valid for a period of three (3) years following the date of City Council approval.
2. Wind signs, including pennants, streamers, balloons, whirligigs, or similar devices, are not permitted within the front yard. All other permitted temporary signs must have valid sign permits.

3. Vehicles for inventory, sales, or display must be located in designated, striped parking stalls and must not be located in driveways or on lawn areas.
4. Vehicles must not be parked or stored on gravel or grass surfaces; additionally, no outdoor storage is permitted unless completely screened per UDO 18.30.130.
5. Shrubs required to screen the parking lot adjacent to US-169 must be replaced by May 31, 2023, in accordance with the approved landscape plan, with an evergreen species a minimum of 3-feet in height at the time of planting, per UDO 18.30.130.
6. No temporary vehicle risers are permitted outdoors.

SECTION THREE: That this Resolution shall take effect immediately.

ADOPTED by the City Council this 16th day of May 2023.

SIGNED by the Mayor this 16th day of May 2023.

ATTEST:

Brenda A. Luleasingian
City Clerk

(Seal)

APPROVED AS TO FORM:

Ron Shaver
Ron Shaver (May 19, 2023 08:09 CDT)
City Attorney



John W Bacon
John W Bacon (May 18, 2023 16:25 CDT)
Mayor