

**RESOLUTION NO. 23-1054**

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

**WHEREAS**, Application No. SU23-0010 was filed with the City of Olathe, Kansas, on the 27<sup>th</sup> day of April 2023; and

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

The East 193 feet of the South 52 feet of Lot 8 and that East 193 feet of Lot 9 and the East 193 feet of the North 40 feet of Lot 10, S & S INDUSTRIAL SITES, a subdivision in the City of Olathe, Johnson County, Kansas (Address: 905 S. Kansas Avenue, Olathe, KS) (the "Property");

and

**WHEREAS**, the 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 24<sup>th</sup> day of July 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.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OLATHE, KANSAS:**

**SECTION ONE:** That Application No. SU23-0010 requesting approval of a special use permit for Motor Vehicle Sales use 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 five (5) years following the date of Governing Body approval.
2. Wind signs, including pennants, streamers, balloons, whirligigs, or similar devices, are not permitted within the front yard. All 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, on lawn areas or in the right-of-way.
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. No temporary vehicle risers are permitted outdoors.
6. All required site and building improvements must be completed within 6 months of the date of Governing Body approval.
7. Shrubs required to screen the parking lot adjacent to Kansas Avenue must be installed 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.

**SECTION THREE:** That this Resolution shall take effect immediately.

**ADOPTED** by the City Council this 15<sup>th</sup> day of August 2023.

**SIGNED** by the Mayor this 15<sup>th</sup> day of August 2023.

**ATTEST:**

*Brenda D. Lulewicz*

City Clerk

(Seal)

**APPROVED AS TO FORM:**

*Ron Shaver*  
Ron Shaver (Aug 16, 2023 09:55 CDT)

City Attorney



*John W. Bacon*  
John W Bacon (Aug 16, 2023 08:24 CDT)

Mayor