

ORDINANCE NO. Z-4045

SPECIAL USE PERMIT NO. 2019-00046

AN ORDINANCE RELATING TO ZONING: AUTHORIZING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to regulations set forth in the Overland Park Municipal Code, Section 18.370, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property, to-wit:

Legal Description:

Lot 3, Blue Valley Center, Third Plat, a replat of Lot 3, Blue Valley Center, Second Plat, a platted subdivision of land in the City of Overland Park, Johnson County, Kansas.

Section 2. That the real property hereinabove described shall hereafter allow continued topsoil operations, for a ten-year period of time.

All Zoning Ordinances or Zoning Regulations of the City of Overland Park, Kansas, affecting the use of the real property hereinbefore described which are inconsistent with this ordinance are hereby made inapplicable to the said property for said period of time.

Section 3. Conditions and Stipulations. The special use permit granted in Sections 1 and 2 hereinabove in addition to full compliance with any general provisions contained in Chapter 18.370 of the Overland Park Municipal Code, Unified Development Ordinance, is hereby made contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions, and restrictions, of which the violation of any hereafter enumerated will be a supplementary basis for revocation in addition to those specified in Section 18.370.050, to-wit:

- a. The development shall be in accordance with Exhibit "A" (Site Plan), and Exhibit "B" (Building Elevations), which are filed in the office of the Planning Commission Secretary at City Hall and which are incorporated by reference as if set out in full herein. Provided, subsequent revisions may be made thereto in accordance with the application, notice and other requirements of O.P.M.C. Title 18. In addition, the development shall follow and comply with all regulations and standards of the City of Overland Park, unless specifically exempted by the Governing Body.
- b. The uses permitted on this site shall include the delivery, storage, processing/mixing, distribution and sales of topsoil. Secondary uses authorized by this permit include the storage and sales of landscaping mulch, gravel, stone, and aggregates. No retail sales

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of nursery stock shall occur from this site. Wholesale sales to installers, retail nursery operations or other similar operations are allowed.

- c. Not more than five tandem-axle or single-axle dump trucks and trailers shall be stored at any one time within the designated storage area on this property during the term of this permit. Other than this specified number of trucks, the maximum number of vehicles shall not exceed the following: two front-loaders (caterpillars), a soil grinder/conveyor, an office trailer, and an above-ground, wheeled 300-gallon fuel storage tank.
- d. Security lighting shall not shine into adjoining property or streets and shall be directed down onto the property.
- e. Fuel storage shall occur in accordance with adopted building codes, and containment measures shall be taken to fully control any spills that may occur.
- f. As necessary, the fabric canopy shall be replaced or repaired for tears, fraying, etc.
- g. If the property to the north would redevelop in the future, and the existing tree row removed, landscape screening will be required to be planted on the subject property to the north of the new fabric canopy structure.
- h. The location and geometrics of all driveways and parking areas are subject to review and approval by the Planning and Development Services Department.
- i. The applicant shall maintain and repair the permanent erosion and sediment control measures on-site in accordance with the plan approved with SUP2009-00033 for the duration of the special use permit.

Section 4. Take Effect. This ordinance shall take effect and be in force as of the date of its passage, approval and publication as provided by law.

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PASSED by the City Council this 4th day of November, 2019.

APPROVED by the Mayor this 4th day of November, 2019.

CITY OF OVERLAND PARK, KANSAS

By: (s) Carl Gerlach
Carl Gerlach
Mayor

(SEAL)

ATTEST:

APPROVED AS TO FORM:

By: (s) Elizabeth Kelley
Elizabeth Kelley
City Clerk

By: (s) Stephen B. Horner
Stephen B. Horner
Senior Assistant City Attorney