

ORDINANCE NO. 2985
RENEWAL OF CONDITIONAL USE PERMIT 04-CUP-03

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

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

Section 1. **CONDITIONAL USE PERMIT GRANTED.** Pursuant to regulations set forth in the Paola Land Development Ordinance, Sections 21.220 and 21.222, permission is hereby granted to use property commonly known as 102 S. Hospital Drive, in the manner set forth in Section 2 hereof.

Section 2. That the real property described above shall hereafter be deemed to allow heavy retail and service, limited to auto repair, as further provided in Section 3.

Section 3. **CONDITIONS AND STIPULATIONS.** The conditional use permit granted in Sections 1 and 2 above, in addition to full compliance with any general provisions of the Paola Land Development Ordinance and the site plan, is hereby made contingent upon the performance and observation of the following conditions, of which the violation will be a basis for revocation in addition to those specified in Section 21.225:

- 1) The hours of operation shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday.
- 2) All customer and employee parking shall be located in the off-street parking areas.
- 3) Any additional parking shall be screened from all residential and institutional uses with a 6' fence.
- 4) No overnight parking, except for two after-hours drop-off spaces and two spaces for display of for-sale automobiles, shall be allowed (in the parking spaces along Hospital Drive).
- 5) The setbacks of the existing structure at the time of this CUP are considered lawful.
- 6) There shall be no additional expansions of the building or parking areas.
- 7) Parking shall not be allowed in the area 15' south of Wea Street and 15' east of Hospital Drive.
- 8) All work shall be completed within an enclosed structure. No exterior storage is allowed.
- 9) The height of mature landscaping contained within the sight triangle (defined in Section 11.260 of the LDO) shall be limited to 12 inches.
- 10) The conditional use permit shall be limited to heavy auto service and related retail. In addition to auto service, a maximum of two (2) for-sale vehicles will be permitted on this property at any one time. After established business hours, for-sale vehicles shall be parked a minimum of 80' south of the centerline of Wea Street. The conditional use permit shall allow no other use.
- 11) At any time, the City may institute revocation of the conditional use permit for violations of the conditions of approval, expiration, or the reasons specified in Section 21.225 of the Land Development Ordinance. The City shall provide notice to the landowner and public in the same manner as was provided for the establishment of the conditional use permit.

Section 4. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED BY the Council this 28th day of April, 2009.

APPROVED BY the Mayor this 28th day of April, 2009.

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk