

ORDINANCE NO. 2910
CONDITIONAL USE PERMIT 06-CUP-02

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:

Part of the Northwest Quarter of Section 15, Township 17, Range 23 in the City of Paola, Miami County, Kansas, more particularly described as follows:

“Commencing at the Northwest corner of Lot 10, Block 2, Academy Addition to the City of Paola, Miami County, Kansas, thence South 76°04’22” East 135.16’ along the North line of said Lot 10, thence South 0°09’24” West 205.24’ along a line parallel to the East line of said Lot 10, thence South 88°56’19” West 136.21’ along the South line of said Lot 10 to a point being the Southwest corner of said Lot 10, thence North 1°19’40” East 240.35 feet Measured (Platted 240.4’) along the West line of said Lot 10 to the point of beginning, all being a part of Lot 10, Block 2, Academy Addition to the City of Paola, Miami County, Kansas.”

property commonly known as 1121 E. Kaskaskia Street, in the manner set forth in Section 2 hereof.

Section 2. That the real property described above shall hereafter be deemed to allow Light Automobile Service, 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 for an ‘automotive oil change/lubrication business’, 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) Require a 6’ privacy fence around the south and west section of the building along with landscaping to buffer between the commercial and residential usages.
- 2) All work shall be completed within an enclosed structure.
- 3) Normal hours of operation shall be limited to 7am – 7pm Monday through Saturday and Noon – 5pm on Sunday. One ‘late’ evening will be permitted each week until 8:30pm. The late night shall be restricted to Tuesday or Thursday.
- 4) The maximum decibel level shall not exceed 70 decibels at the property line.
- 5) All oils/fluids shall be disposed of by approved methods and shall not enter the sanitary sewer system.
- 6) No overnight parking shall be allowed except for two (2) after-hours drop-off spaces at the rear of the building.

- 7) After one year, the conditional use permit shall be reviewed by the Planning Commission to ensure compliance. The property owner shall be responsible for notifying adjoining property owners (as identified by the abstractor's search for the original CUP request) by regular mail two weeks in advance of the Planning Commission's review. If the owner will be requesting an amendment to the CUP, the notification shall follow the same procedures as the original CUP notification. Adjoining property owners will have an opportunity to comment on compliance to the conditions of the CUP.
- 8) 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 March 2006.

APPROVED BY the Mayor this 28th day of March 2006.

Artie Stuteville, Mayor

ATTEST: (SEAL)

Daniel G. Droste, City Clerk