

ORDINANCE NO. 3208

AN ORDINANCE APPROVING AMENDED CONDITIONAL USE PERMIT 04-CUP-03

WHEREAS, at its June 20, 2023 meeting, the Planning Commission voted unanimously to recommend approval of an amendment to existing Conditional Use Permit 04-CUP-03 for Paola Auto Care at 102 S Hospital Dr.

WHEREAS, the City has received complaints regarding the line-of-sight issues at the intersection of Wea St. and Hospital Dr, number of vehicles stored along the south side of the property and number of inoperable vehicles behind the fence.

WHEREAS, staff followed up with the applicant to work towards a solution that better serves the growing business along with citizens traveling and residing near the 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 (LDO) permission is hereby granted for “Heavy Retail and Service” at 102 S Hospital Dr.

Section 2. CONDITIONS AND STIPULATIONS. The conditional use permit granted in Section 1 above, in addition to full compliance with any general provisions of the LDO, is hereby made contingent upon the performance and observation of the following conditions, of which the violation will be a basis for revocation:

1. The hours of operations shall be 7:00 am to 7:00 pm, Monday through Saturday.
2. All customer and employee parking shall be located in off-street parking areas.
3. Vehicles being serviced longer than six (6) consecutive days shall be screened from all residential and institutional uses with a 6’ fence.
4. No more than six (6) vehicles may be parked overnight (outside of the fenced area) in the parking area along Hospital Dr only.
5. An adequate number of cars is allowed in the fenced area while awaiting parts for service. No more than ten (10) inoperable vehicles may be stored no longer than sixty (60) consecutive calendar days.
6. No parking is permitted along the alley right-of-way on the south side of the property.
7. The setbacks of the existing structure at the time of 04-CUP-03 approval are considered lawful.
8. Line of sight at the intersection of Wea St and Hospital Dr shall conform to Figure 11.260 Clear View of Intersecting Streets in the LDO.
9. All major work shall be completed within the enclosed structure. Non-vehicle storage outside of structure and fenced area is prohibited.
10. The height of mature landscaping contained within the sight triangle shall be limited to 12 inches.
11. The CUP shall be limited to heavy auto service and related retail. The CUP shall allow no other use unless otherwise approved by Planning and Zoning.

12. 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 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED BY the Council this 11th day of July, 2023.

APPROVED BY the Mayor this 11th day of July, 2023.



ATTEST: (S)


Stephanie Marler, City Clerk


Leigh House, Mayor