

ORDINANCE NO. 3237

AN ORDINANCE APPROVING CONDITIONAL USE PERMIT 25-CUP-03

WHEREAS, at its August 19, 2025 meeting, the Planning Commission voted unanimously to recommend approval of Conditional Use Permit 25-CUP-03 for Heavy Retail and Service, more specifically Refrigerated Warehousing, at 610 N Silver St. and;

WHEREAS, the owner, El Potro Mexican Cafe, will store perishable ingredients for their restaurant, as their current storage space is not large enough, and;

WHEREAS, the storage will be in the form of self-contained walk-in freezer units, which are proposed to be placed underneath the existing canopies on the north and west sides of the building.

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 610 N Silver.

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. No overnight parking is permitted.
2. Deliveries shall be made off street and not block any part of Silver St.
3. A decorative fence or screening shall be installed to screen the units from view.
4. If the intensity of the use changes, the owner shall request an amendment to the CUP.
5. A review of compliance shall be made by the Zoning Officer to the Planning Commission one year after issuance. If deemed necessary, subsequent annual reviews may be requested by the Planning Commission. Such reviews are not subject to publication, notification and public hearing requirements. If the applicant is requesting an amendment to the CUP, the notification shall follow the same procedures as the original CUP request.
6. 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 (LDO). 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 9th day of September, 2025.

APPROVED BY the Mayor this 9th day of September, 2025.



ATTEST: (seal)

Leigh House
Leigh House, Mayor

Stephanie Marler
Stephanie Marler, City Clerk