

**RESOLUTION 7962**

**CONDITIONAL USE PERMIT**

**A RESOLUTION** introduced by City Manager Norton N. Bonaparte, Jr. in accordance with Section 48-23a.03(f) of the Code of the City of Topeka, approving a Conditional Use Permit to establish an Automobile Service Station, Type II on property currently zoned "X-1" Mixed Use District and located at 1800 NE Seward Avenue in the City of Topeka, Kansas. **(CU07/1) (Council District No. 2)**

**BE IT RESOLVED** by the Council of the City of Topeka, Kansas, that the application of City of Topeka under the provisions of Section 48-23a.03(f) of the Code of the City of Topeka, Kansas, for a Conditional Use Permit to establish an Automobile Service Station, Type II on property currently zoned "X-1" Mixed Use District and located at 1800 NE Seward Avenue in the City of Topeka, Kansas, and legally described as follows:

**Lot 126, except the south 10 feet thereof, and Lots 128, 130 and 132 on Freeman Avenue formerly Norton Street, in John Norton's Second Addition to the City of Topeka, Shawnee County, Kansas.**

be, and the same is hereby approved, **subject to:**

- 1. Use of the property for an Automobile Service Station, Type II.**
- 2. All outdoor storage of supplies, materials, products, equipment, and vehicles is prohibited. Any outdoor parking of vehicles stored overnight awaiting repairs or pick-up shall be screened from public view behind privacy fencing located in the northeast part of this property and limited to a period no longer than 48 hours, excluding weekends. Privacy fencing shall be maintained in good order.**
- 3. All customer and employee parking shall be located along NE Freeman.**
- 4. No parking shall be permitted along Seward Avenue. The Seward driveway shall be a one-way entrance only and signage shall be posted accordingly.**
- 5. The grassy area located on the southwest corner of the property shall be maintained with perennial bushes and flowers throughout the year. A Landscape Plan shall be submitted to the Planning Department for review and approval prior to occupancy and shall be established within one (1) planting season of occupancy. Shall any portion of this landscape material die or become damaged, it shall be replaced by the next planting season to maintain an attractive landscape amenity.**
- 6. Only wall and monument signs shall be permitted consistent with "X" District regulations. No banners, streamers, portable or temporary signs shall be permitted on the property.**
- 7. A 4-foot high privacy fence shall be maintained between the parking area and the residence to the north.**
- 8. Hours of operation shall be limited from 7:00 am to 6:00 pm during weekdays.**

**ADOPTED AND APPROVED** by the Council of the City of Topeka, June 12, 2007.

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William W. Bunten, Mayor

ATTEST:

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Brenda Younger, City Clerk