

**PLANNING COMMISSION RESOLUTION NO. PC-02-25**

**A RESOLUTION OF THE CITY OF NAPOLEON PLANNING COMMISSION  
RECOMMENDING THE APPROVAL OF A CONDITIONAL USE PERMIT FOR  
THE ESTABLISHMENT OF A TYPE A DAY CARE HOME TO BE ISSUED TO  
KIRSTEN FOLEY AT THE LOCATION OF 535 APPIAN AVENUE  
NAPOLEON, OHIO.**

**WHEREAS**, Kirsten Foley has made application to this commission pursuant to Chapter 1141 of the Codified Ordinances of the City of Napoleon, Ohio requesting the issuance of a Conditional Use Permit at the location of 535 Appian Avenue Napoleon, Ohio to allow the establishment and operation of a type A Day Care Home as defined and governed by the Ohio Department of Jobs & Family Services subject to certain conditions as stated herein; and,

**WHEREAS**, this Commission has held a public hearing pursuant to Chapter 159 and 1141 of the Codified Ordinances of the City of Napoleon, Ohio and other applicable sections of law, to wit: Hearing No. PC02-25 (held November 12, 2002); and,

**WHEREAS**, the Zoning Administrator has processed the application in compliance with the provisions of said Chapter 1141 of the Codified Ordinances of the City of Napoleon, Ohio; and,

**WHEREAS**, based upon the submittals, testimony and/or other evidence received by the Commission it has been determined to recommend approval of said Conditional Use Permit based on the following findings:

- (A) The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
- (B) The conditional use will not be injurious to the use and enjoyment of lawfully used property in the immediate vicinity or substantially diminish or impair property values within the neighborhood.
- (C) The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
- (D) The exterior architectural appearance and functional plan of the conditional use premises will not unreasonably be incompatible with the architectural appearance and functional plan of and structures already in the immediate area, or with the character of the zoning district.
- (E) Adequate utilities, access roads, and drainage, water, sewer, and other environmental facilities have been or are being provided for the conditional use project.

- (F) Adequate measures have been or will be taken to provide ingress and egress to the premises so designated to minimize traffic congestion in the public street.
  - (G) The conditional use shall conform to the applicable regulations of the district in which it is located except as such regulations may, in each instance, be modified by the conditions of the Conditional Use Permit.
- Therefore,**

**BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF NAPOLEON, OHIO:**

**Section 1.** That, the Planning Commission of the City of Napoleon, Ohio hereby approve the issuance of a Conditional Use Permit be issued to Kirsten Foley at the location of 535 Appian Avenue Napoleon Ohio to allow the establishment and operation of a type A Day Care Home as defined and governed by the Ohio Department of Jobs & Family Services subject to the following conditions;

- 1. That the operation of the facility be within the parameters as defined by Ohio Department of Jobs & Family Services for a Type A Day Care Home, and
- 2. That the Conditional Use Permit not be transferable to another person or entity until such time it is approved by the Planning Commission after such required hearing, and

**Section 2.** That, the Zoning Administrator shall forward a copy of this Resolution and a report of said Commission's recommendation and the vote of each member regarding the recommendation to City Council.

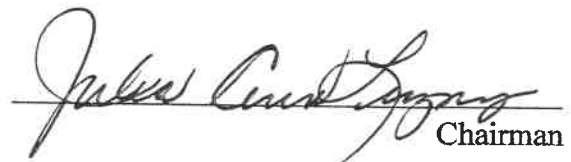
**Section 3.** That, it is found and determined that all formal actions of this Planning Commission concerning and relating to the adoption of this Resolution were adopted in open meetings of this Planning Commission, and that all deliberations of this Planning Commission that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

**Section 4.** That, if any other prior Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

**Section 5.** That, this Resolution shall take effect at the earliest time permitted by law.

Passed:

11-12-02

  
Chairman

VOTE ON PASSAGE 5 Yea \_\_\_\_\_ Nay \_\_\_\_\_ Abstain

Attest:

\_\_\_\_\_  
Gregory J. Heath, Clerk/Finance Director