

590 Bonaparte

MEMORANDUM

TO: City Manager, Mayor & Members of City Council
FROM: Brent N. Damman, Zoning Administrator *BND*
SUBJECT: Conditional Use Permit for Holiday Inn Express.
MEETING DATE: September 15, 1997 @ 8:00 pm
HEARING #: PC 97/09

BACKGROUND:

An application for public hearing has been filed by J. J. Patel on behalf of Rahee Hospitality Inc. 2205 N. Jefferson St. Huntington, IN. The applicant is requesting a conditional use permit to allow the construction and operation of a 56 unit hotel on a parcel of land located along Bonaparte Dr. Napoleon. The request is pursuant to City Code chapter 1141. The subject parcel is located in a C-4 Planned Commercial District in which hotels are permissible through the issuance of a Conditional Use permit.

RESEARCH AND FINDINGS:

1. The zoning for this site is proper, the proposed hotel use is permissible through the issuance of a conditional use permit. This allows the planning commission to place certain use restrictions which may be deemed necessary in accordance to the criteria prescribed by City Code section 1141.02 (e) (1-7) which I have attached for your review.
2. The attached site plan is compliant with all applicable zoning regulation within the C-4 Planned Commercial Zoning District.
3. Adequate access and utilities are available off Bonaparte Drive right of way.
4. All property abutting the proposed is zoned C-4 Planned Commercial so there are limited potential residential impact issues.
5. The proposed exterior architectural design is compatible with structures already in the immediate area.
6. The site plan shows compliance with applicable parking and loading regulations.
7. Adequate green belts and planting strips are proposed as required by City Code.

8. The proposed facility has no provisions for semi tractor trailer parking. According to the developer approximately 2% of the total business would be from truck drivers.

ADMINISTRATIVE OPINION AND RECOMMENDATIONS:

It would appear that the proposed facility meets most of the applicable zoning and conditional use criteria. The only issue which is cause for concern is semi tractor trailer parking. It would make sense that there should be provision for the parking of at least four (4) semi tractor trailer rigs. Therefore, I am recommending the following condition;

That a separate parking lot for semi tractor trailer rig parking be constructed east of the proposed facility and that it be built of a material which would minimize the movement of dust onto surrounding properties and of adequate size to accommodate the parking of four (4) semi tractor trailer rigs.

**MINUTES OF THE CITY OF NAPOLEON PLANNING COMMISSION HEARING #
PC 97/09 HELD ON SEPTEMBER 09, 1997 @ 5:00 PM
(Available for next Council Meeting)**

PLANNING COMMISSION RECOMMENDATION:

That City Council approve the Conditional Use Permit with the following condition;

1. That a separate parking lot for semi tractor trailer rig parking be constructed east of the proposed facility and that it be built of a material which would minimize the movement of dust onto surrounding properties and of adequate size to accommodate the parking of six (6) semi tractor trailer rigs.
2. At the end of the first full year of operation the Planning Commission review the operation to determine if the semi parking area is adequate.

- (3) Where a use existed prior to June 30, 1995, but was not permitted under former Chapter 151 of the City's Revised Code of Ordinances (zoning code) as such code existed on December 31, 1994 or was permitted by a conditional, special or contingent use permit, shall not be considered to be a lawful non conforming use and shall be subject to the applicable provisions of this Zoning Code. However, any use in existence prior to June 30, 1995 that is made non-conforming solely due to the adoption of this Zoning Code shall be considered a permitted non-conforming use so long as such use is not expanded or the use is not discontinued for a period of time as provided in Section 1129.07 (Abandonment and Discontinuance of Nonconforming Situations).

(c) Application for Special Use Permit or Conditional Use Permit. An application for a special use permit or conditional use permit shall be filed with the Zoning Administrator on a form utilized by the Planning Commission. Such application shall be filed by or on behalf of the legal or beneficial owner sought. The application shall be accompanied by plans and written data that will provide adequate evidence that the proposed special use will conform to the standards of the appropriate sections of this Zoning Code.

(d) Hearing on Application for Special Use Permit or Conditional Use Permit. On receipt of an application for a special use permit or conditional use permit, the Planning Commission shall hold a public hearing on such application at such time and place as shall be established by the Chairman of the Planning Commission.

(e) Findings of Fact and Recommendations of the Planning Commission. The Planning Commission shall make written findings of fact and shall submit same together with its recommendations to the City Council after the close of the hearing on a special use or conditional use. The Planning Commission's report to the City Council shall indicate the vote of each member present and shall contain a statement or reasons why a member or members did not vote in favor of a recommendation. No special use or conditional use shall be recommended by the Planning Commission unless the Commission finds all the following criteria are fulfilled; that:

- (1) The establishment, maintenance, or operation of the special use or conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
- (2) The special use or 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.
- (3) The establishment of the special use or conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
- (4) The exterior architectural appearance and functional plan of the special use or 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.
- (5) Adequate utilities, access roads, and drainage, water, sewer, and other environmental facilities have been or are being provided for the special use or conditional use project.
- (6) 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.

- (7) The special use or 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 special use permit or conditional use permit.

(f) Conditions. The Planning Commission may recommend such conditions or restrictions on the construction, location, use, and operation of a special use or conditional use as shall be deemed necessary to secure the general objectives of this Zoning Code and maintain the value of property in the neighborhood. Such conditions may include, but not be limited to, provisions for protection of adjacent property, the expiration of a special use permit or conditional use permit after a specified period of time, or off-street parking or loading and drive-way access to the premises.

(g) Action by the City Council. The City Council shall not act on a proposed special use permit or conditional use permit until it has received a written report and findings of fact and recommendation from the Planning Commission on the special use permit or conditional use permit.

(h) Effect of Denial of a Special Use Permit or Conditional Use Permit. No application for a special use permit or conditional use permit which has been denied by the City Council shall be resubmitted to the Planning Commission for a period of one year from the date of such denial, except on the grounds of new evidence or proof of changing conditions which the Planning Commission finds valid. No permit shall be issued without following the procedure established in this Zoning Code.

1141.03 SPECIAL USES.

(a) Within each zoning district, a special use permit consideration may include uses listed in this Section as permitted special uses. In general special uses may include but are not limited to:

- (1) Multiple uses or structures on a single lot.
- (2) Uses publicly operated.
- (3) Uses entirely private, but of such nature that their operation may give rise to unique problems with respect to their impact on neighboring property because of their bulk or intensity of use.

(b) Use or Structures Requiring Special Use Permit in Residentially Zoned Districts.

- (1) Cemeteries on minimum zoning lots of ten acres
- (2) Excavation for artificial lake, pond, or reservoir
- (3) Artificial mounds or landscape berms exceeding six (6) feet in height
- (4) Governmental structures and facilities
- (5) More than one principal building or use on a lot
- (6) Private recreational and social clubs and fraternal organizations on zoning lots of five acres or more
- (7) Public utilities, including, but not limited to, telephone exchanges and electric substations

(c) Use or Structures Requiring Special Use Permit in Commercial Districts.

- (1) More than one principal building on a lot
- (2) Dwelling units within a business use
- (3) Governmental structures and facilities
- (4) Outside storage of merchandise for sale or display