

708 Fillmore

PLANNING COMMISSION RESOLUTION NO. PC-02-22

A RESOLUTION OF THE CITY OF NAPOLEON PLANNING COMMISSION APPROVING THE ISSUANCE OF A SPECIAL USE PERMIT TO ALLOW THE ESTABLISHMENT AND OPERATION OF A RECYCLING CENTER TO BE ISSUED TO JEREMY ZACHRICH AT THE LOCATION OF 708 FILLMORE STREET NAPOLEON, OHIO.

WHEREAS, Jeremy Zachrich 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 Special Use Permit at the location of 708 Fillmore Street Napoleon, Ohio to allow the establishment and operation of a Recycling Center, subject to certain conditions stated herein; and,

WHEREAS, this Commission has held a public hearing pursuant to Chapter 1141 of the Codified Ordinances of the City of Napoleon, Ohio and other applicable sections of law, to wit: Hearing No. PC02-22 (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 Special Use Permit based on the following findings:

- (A) The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
- (B) The special 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 special 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 special 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 special 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 special 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. **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 grants the issuance of a Special Use Permit to Jeremy Zachrich at the location of 708 Fillmore Street Napoleon, Ohio to allow the establishment and operation of a Recycling Center, subject to the following conditions;

1. The recycling processing shall be performed within a fenced in area at all times, and
2. The applicant shall install fencing according to the approved plans on file in the office of the Zoning Administrator, and
3. That all materials awaiting processing shall be located within approved containers at all times and be located on the site in such a manner as not to cause obstruction for the motoring public, and
4. That the applicant shall comply with all state and local laws related the operation of a recycling center, and
5. That maneuvering of vehicles and containers shall not occur upon the public right of way, and
6. The owners shall take necessary precautions to minimize transfer of contaminants from the site by way of runoff, wind and other means onto other adjacent lands, and
7. Signs must meet the City sign code and they shall not be closer than ten (10) feet from the leading edge of signs to any property line. Signs may be non lighted or internally lighted but no more than 20 watts per square foot of illuminated surface area. Externally illuminated signs, temporary signs, streamers, festoons, motion signs, flashing signs, distracting signs or signs of poor taste may not be used at any time on the site, and
8. That the Special Use Permit not be transferable to another owner or entity until such time it is approved by the Planning Commission after such required hearing, and
9. That the Planning Commission shall review this Special Use permit within one (1) year of issuance for compliance with all conditions stated herein and if complete compliance is determined the Commission may allow the operation to continue.

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

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.