

710 Fillmore

PLANNING COMMISSION RESOLUTION NO. PC-02-28

A RESOLUTION OF THE CITY OF NAPOLEON PLANNING COMMISSION APPROVING THE ISSUANCE OF A SPECIAL USE PERMIT TO ALLOW OUTSIDE STORAGE AND DISPLAY OF USED AUTOMOBILES, TRUCKS AND EQUIPMENT FOR SALE TO BE ISSUED TO JEFFERY NADEAU DBA DEWS TOWING AND REPAIR SERVICE AT THE LOCATION OF 710 FILLMORE STREET NAPOLEON, OHIO.

WHEREAS, Jeffery Nadeau D.b.a. Dews Towing & Repair Service 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 710 Fillmore Street Napoleon, Ohio to allow outside storage and display of used automobiles for sale, subject to certain conditions 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. PC02-28 (held December 10, 2002); and,

WHEREAS, the Zoning Administrator has processed the application in compliance with the provisions of said Chapters 159 and 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 Jeffery Nadeau D.b.a. Dews Towing & Repair Service at the location of 710 Fillmore Street Napoleon, Ohio to allow outside storage and display of used automobiles for sale, subject to the following conditions;

1. The display area shall only be used for automobiles, trucks and equipment, no more than four pieces at any one time, and
2. 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
3. Automobiles, trucks, equipment and any other items on display on the premises must be whole and complete units, they may not be partially disassembled, in a state of disrepair or in need of major repairs. The premises may not be used to disassemble cars and/or trucks or any other items at any time regardless of reason. All vehicles on the lot which are required to be titled by the State of Ohio must have a valid title on file in the sales office at all times until sold, and
4. That the Special Use Permit not be transferable to another owner until such time it is approved by the Planning Commission after such required hearing, and
5. That the Planning Commission may 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:

December 10, 2002

Chairman

VOTE ON PASSAGE 5 Yea 0 Nay 0 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.

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