

MEMORANDUM

TO: Members of the Planning Commission
FROM: Roger O. Freytag, Acting Zoning Administrator
SUBJECT: An Amended Special Use Permit to allow the construction of an open shelter picnic pavilion

Ref

HEARING DATE: September 13th, 1994 @ 5:00 pm
HEARING #: PC 94/12

BACKGROUND:

An application by Tony Cotter, Parks and Recreation Director on behalf of the City of Napoleon, Ohio requesting an Amended Special Use Permit to allow the construction of a 24' X 44' open shelter picnic pavilion to be built and donated to the City by the Napoleon Rotary Club. This shelter is to be located in an area Southwest of the South parking lot of Oakwood Park, located at 1400 Oakwood Ave. The request is pursuant to section 151.44 (A)(1)(d) of the City of Napoleon Ohio Code of General Ordinances, and is located in a "B" Residential Zoning District.

RESEARCH AND FINDINGS:

1. During the approval of the Oakwood Park Special Use permit (PC90/11, June 26th 1990) there was a condition of approval that each structure must be approved by the Planning Commission before its construction by way of an Amended Special Use permit.
2. This shelter was included on the original park plan but was located in a wooded area. This shelter will be located in a slightly different location to save on labor cost. It will also work out better to be near the playing fields and parking lot. Please note the drawing attached.

ADMINISTRATIVE OPINION AND RECOMMENDATIONS:

The addition of this shelter would greatly enhance the use of the park and have little impact on the surrounding neighborhood. I'm recommending in favor of approval of the Amended Special Use Permit.

The Planning Commission shall make written findings of fact and shall submit same together with its recommendation to the City Council after the close of the hearing on a special use. The Planning Commission's report to the City Council shall indicate the vote of each member present and shall contain a statement of reasons why a member or members did not vote in favor of a recommendation. No special use shall be recommended by the Planning Commission unless the Commission finds that:

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- (1) 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.
- (2) 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.
- (3) 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.
- (4) The exterior architectural appearance and functional plan of the special use premises will not be incompatible with the architectural appearance and functional plan of any 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 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 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.

The above paragraphs shall be addressed and it shall be determined whether or not this Special Use will meet this criteria and explanations as to why it will or will not meet each set of criteria.

- (1) Will the establishment maintenance or operation of the special use be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community ?

NO: _____

YES: _____

If you answered yes, please explain below.

Explain: _____

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(2) Will the special use 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 ?

NO: _____

YES: _____

If you answered yes, please explain below.

Explain: _____

(3) Will the establishment of the special use impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

NO: _____

YES: _____

If you answered yes, please explain below.

Explain: _____

(4) Will the exterior architectural appearance and functional plan of the special use premises be incompatible with the architectural appearance and functional plan of any structures already in the immediate area, or with the character of the zoning district.

NO: _____

YES: _____

If you answered yes, please explain below.

Explain: _____

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(5) Are adequate utilities, access roads, and drainage, water, sewer, and other environmental facilities being provided for the special use project.

NO: _____

YES: _____

If you answered yes, please explain below.

Explain: _____

(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.

NO: _____

YES: _____

If you answered yes, please explain below.

Explain: _____

(7) 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.

NO: _____

YES: _____

If you answered yes, please explain below.

Explain: _____

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