

PLANNING COMMISSION RESOLUTION NO. PC-02-15

**A RESOLUTION OF THE CITY OF NAPOLEON PLANNING COMMISSION
RECOMMENDING THE APPROVAL OF A SPECIAL USE PERMIT FOR THE
CONSTRUCTION AND USE OF A ATHLETIC FIELD PRESS BOX
STRUCTURE TO BE ISSUED TO THE CITY OF NAPOLEON AT THE
LOCATION OF 1400 OAKWOOD AVENUE NAPOLEON, OHIO.**

WHEREAS, Jon A. Bisher has made application to this commission on behalf of the City of Napoleon 255 W. Riverview Ave. Napoleon, Ohio pursuant to Chapter 1141 of the Codified Ordinances of the City of Napoleon, Ohio requesting the issuance of a Special Use Permit for the construction and operation of a athletic field Press Box structure at the location of 1400 Oakwood Avenue (Oakwood Park) Napoleon, Ohio, subject to certain conditions stated herein; and,

WHEREAS, this Commission has held a public hearing pursuant to Chapter 1141 and of the Codified Ordinances of the City of Napoleon, Ohio and other applicable sections of law, to wit: Hearing No. PC02-15 (held September 10, 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, it is determined by the Planning Commission of the City of Napoleon, Ohio that a Special Use Permit be issued to The City of Napoleon for the construction and operation of a Press Box structure at the location of 1400 Oakwood Avenue (Oakwood Park) Napoleon, Ohio, subject to the following conditions;

1. That the Press Box shall be operated in the same manner and time frames as other park facilities within the City of Napoleon, and
2. That the exterior finish shall be of a type that will be compatible with other structures in the Oakwood Park, and
3. That the Public Address System volume shall be maintained at or below the permitted sound level in the residential district in which it is located (currently that level is 45 dB(A) 7 PM to 7 AM and 55 dB(A) from 7 AM to 7 PM) measured at the property lines in accordance with City Code section 1127.15. This will be setup once the system is installed and the maximum volume permitted will be set with a sound metering device. The speakers for said system shall be oriented in such a manner to minimize sound projection into the neighboring residential areas., and
4. That the basic site layout and building design as displayed on the plans on file marked as Exhibit A - BZA02-15 in the office of the Zoning Administrator remain the same and that any substantial changes to the plans (as determined by the Zoning Administrator) would need to be re-approved by the Planning Commission prior to changes being made.

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.

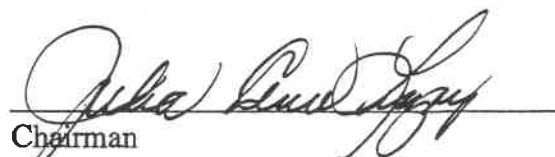
Section 3. That, it is found and determined that all formal actions of this Planning Commission concerning and relating to the adoption of this Resolution were adopted in open meetings of this Planning Commission, and that all deliberations of this Planning Commission that resulted in such formal actions 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:

9-10-02


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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