

MEMORANDUM

TO: Members of the Planning Commission
FROM: Brent N. Damman, Zoning Administrator
SUBJECT: Eugene Hogrefe Special Use Permit.
HEARING: September 10th, 1991 at 5:00 PM

HEARING #: PC 91/14

BACKGROUND:

An application for a Special Use Permit by Eugene Hogrefe 1600 Oakwood Ave. Napoleon, Ohio, for outside storage of Used Cars & Light Trucks for sale at 1844 Oakwood Ave. The application is pursuant to Sections 154.43 & 154.44 (A)(2)(g) of the City of Napoleon, Ohio, Code of Ordinances, and is located in a "PB" Planned Business District.

RESEARCH AND FINDINGS:

1. That the above mentioned lot is located in an "PB" Planned Business District in which outside storage is permitted only by special use proceedings.
2. The lot in request has been a nuisance problem for the last several years and is in the process of clean up in preparation for the proposed used car lot.
3. The above mentioned owner has received his dealership license from the State of Ohio Bureau of Motor Vehicles and has attempted unsuccessfully to sell used vehicles at the requested site for approx. four (4) weeks.
4. The location in question has improved substantially in the last year and the Hogrefe's have been cooperative with most of what I have ask of them.
5. As past history has indicated to us, we need to be very cautious with matters such as these and impose as many restrictions as necessary to control this type use of land.

ADMINISTRATIVE OPINION:

These are my recommendations as to the restrictions I feel we should impose upon this Special Use Permit, if granted.

1. Only whole complete undamaged vehicles shall be displayed for sale on this lot, no other vehicles will be allowed on premise except those of customers viewing used vehicles for sale and owner transportation vehicles (no more than one at a time).

2. Vehicles displayed for sale on this lot shall be limited to automobiles and light trucks of four wheels with a maximum of one ton capacity. There shall be no semi tractors, large commercial trucks van type or flat bed, farm tractors or any other vehicles displayed except those mentioned above.
3. The site plan submitted shall be strictly adhered to and the site shall look like what is normal and customary for this type of operation.
4. In the event a violation is found to exist the Zoning Administrator shall notify the Hogrefe's in writing and it shall be presented to the planning commission at its next available hearing for review and possible revocation.

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:

- (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 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.

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MEMORANDUM

TO: Members of the Planning Commission
FROM: Roger O. Freytag, Zoning Administrator ROF
SUBJECT: Request for Special Use Permit to allow
outside storage.
DATE: July 1, 1988

RECOMMENDATION

It is recommended that the Planning Commission recommend to the City Council that a Special Use Permit to allow outside storage be approved for an existing business located at address 1844 Oakwood Avenue.

This approval is subject to the conditions that:

- 1) the approval be granted on a year to year review trial basis.
- 2) That the business must meet all the requirements of the existing Planned Business Zoning District. This would include the required tree planting and parking requirements, etc.
- 3) That the business meet any special requirements established by the Board for approving the Special Use Permit for outside storage.

BACKGROUND

An application has been received from Eugene Hogrefe of Napoleon, Ohio, owner of the business at 1844 Oakwood Avenue. The buildings at this location have been used for auto and truck body repair for the past few years. This use is permitted in the Planned Business District. This business has never been upgraded to meet the requirements of the Zoning District. Recently the City has received complaints about the outside storage of auto body parts and other miscellaneous parts setting outside the buildings. I have talked with Eugene about these complaints and asked him if he would be able to conduct his business completely within enclosed buildings. He did not believe this would be possible because of the area need to store parts not being worked on that moment.

Eugene attempted to put up a fence to block the view of his business from surrounding property owners. I have advised him to stop until the Planning Commission has had a chance to review the situation and recommended what could be done to keep this business going.

Eugene has an attitude of Cooperation but doesn't believe he has a chance at getting the Boards approval because of past experiences.

ROF:skw