

MEMORANDUM

TO: Mayor and Members of City Council  
FROM: Brent N. Damman, Zoning Administrator  
SUBJECT: Planning Commission Recommendation for approval of a Conditional Use Permit for Maumee Valley Guidance Center P.H.  
MEETING DATE: January 18th, 1993 8:00pm  
HEARING #: PC 93/02

BACKGROUND

An application by Mr. James Tonjes (owner) on behalf of Maumee Valley Guidance Center/(Partial Hospitalization Services) 211 Biede Ave. Defiance, Ohio, a private provider of treatment for mentally disabled persons within the four county area (Henry, Williams, Fulton and Defiance), requesting a "Conditional Use Permit" to allow the operation of said facility in a "GB" General Business District on the second floor of the Old Charles Store at 733 N. Perry Street Napoleon (also known as the Vocke Building). The request is pursuant to the City of Napoleon Ohio Code of General Ordinances section 151.46 entitled "Conditional Use Procedures".

WRITTEN FINDINGS OF FACT:

The City of Napoleon Planning Commission held a hearing on January 5th, 1993 @ 5:00pm, summary as follows.

MEMBERS PRESENT WERE:

Richard McBroom (Chairman), Larry Haase, Jon Bisher, Ann Luzny, Mayor Steven Lankenau, Secretary Brent N Damman

OTHERS PRESENT WERE: William Bierie (Executive Director M.V.G.C.P.H.), Willaim Harper (Executive Director ADAMhs Board), Susan Gorney (Coordinator of P.H)., Jena Snyder (A.B.L.E.), (P.C.) George Schmidt, (F.C.) Scott Highley, Jerry Tonjes, Richard Fisher, (C.E.) Marc Gerken, Council Members present: John Church, Robert Heft, Terri Williams, James Hershberger, Dave Grahan, Bill Lytle and others.

McBroom: Opened meeting read public notice.

Sec.: Read research and finds, and administrative opinion.

McBroom: Read into the record the following:

January 5, 1993

To: City of Napoleon Planning Commission

I am writing this letter on behalf of the officers and the members of the Napoleon Downtown Merchants Association listed below. This is in regard to Maumee Valley Guidance Center, a tenant at the Vocke Building.

Please accept this letter in support of the center as we see it as an asset to our downtown and not at all a liability; just as we feel, the center for abuse treatment is also a real asset to our community.

Thank you very much for this opportunity to express our feelings on this matter.

Sincerely

Chuck Burgoon  
Vice - President

Businesses listed as follows:

Kirchers, H & R Block, The Main Office, Hilvers Jewelers, Frans Closet, Chucks Sew-N-Vac, Rausch Photo, Omni, Cattails, Napoleon Hardware, Amish Oak, Leiningers, Recipes Plus.

**Fisher:** Made certain statements regarding the need for a conditional use permit.

**Bierie:** Explained the purpose of the facility, the numbers of persons served in Henry County and why it was necessary for them to find a new location, he went on to say that he has fully cooperated with the City and their requests for information.. etc..

**Haase:** Concerned about people congregating outside of the building.

**Bierie:** The majority of people will be transported to and from the facility.

**Bierie:** There are plans for evening use of the facility for recreational purposes (movies, Ping-pong etc..) to end about 9:00 or 9:30 pm.

Motion by: Bisher to recommend to City Council that they approve the Conditional Use Permit, with the following conditions:

1. That food preparation be non Commercial.
2. No beds for sleeping facilities, does not mean that you can't have a bed to lay down on during the day.
3. No overnight clients/tenants.
4. Review annually by the Planning Commission on the 1st meeting in January and that all fee's be waived for such reviews.

Seconded by: Lankenau

Vote Cast:

Bisher: In favor  
Haase: In favor  
Luzny: Abstain (No reason given)  
McBroom: In favor  
Lankenau: In favor

There are certain clarifications I feel are necessary for City Council to review.

I believe that condition # 1 should be restated to say; that any food preparation and food service be of a non commercial nature and solely for educational purposes.

Also condition # 2 & 3 should be combined and restated to say; that the facility shall not be used for 24 hr. care of clients or for overnight use by clients.

Finally I would like the motion for approval to include, that in the event the owner occupies the east half of the second floor that he provide twelve (12) additional parking spaces bringing the total number of parking spaces to twenty four (24) as that is the number required for the second floor use based on one (1) space for every one hundred twenty five (125) square feet of net floor area excluding storage areas, stairwells, rest rooms and mechanical areas.



# City of NAPOLEON, OHIO

255 RIVERVIEW AVENUE - (419) 592-4010  
NAPOLEON, OHIO 43545-0151

October 27th, 1992

Mr. James Tonjes  
910 Hobson St.  
Napoleon, Ohio 43545

Mayor  
Steven Lankenau

Dear James

Members of Council  
Terri A. Williams, President  
John E. Church  
Michael J. DeWit  
Dennis L. Filgor  
Robert G. Heft  
James Hershberger

The following are the proceedings of the meeting held on October 23rd, 8:15 a.m. in the conference room at the Municipal Building 255 W. Riverview Napoleon Ohio regarding the parking requirements of the 2nd floor of the Vocke Building (A.K.A. Charles Store), the following persons were in attendance:

City Manager  
Terry Dunn

Council President Terri Williams (via telecommunication), Mayor Steven Lankenau, Councilman Robert Heft, City Manager Terry Dunn, City Engineer Marc Gerken, Zoning Adm. Brent N Damman, Developers James and Jerry Tonjes.

Finance Director  
Rupert W. Schwelnhagen

## FINDINGS AND FACTS AS FOLLOWS:

Law Director  
Michael J. Wesche

Mr. James Tonjes (h.a.k.a. Mr. Tonjes) is the owner of said structure and is in process of renovating the 2nd story, which has a net usable floor space of area 3014 square feet, this is minus restrooms, common areas, hallways, other utility areas, walls, stairwells, elevator shafts, loading areas, etc. (The net floor area has been calculated in the same manner as the Hahn Center/Zeller building.) The parking spaces required are calculated as follows, for every 125 square feet of net floor area 1 parking space is required thus 3014 s.f. divided by 125 = 24 spaces.

Prosecuting Attorney

Mr. Tonjes has a tenant who is scheduled to occupy the west 1/2 of the second floor on November 15th, thus he has agreed to provide 1/2 of the required parking spaces along the West (rear) of the building and will submit a drawing showing this. Upon approval of this drawing Mr. Tonjes will be issued a zoning permit so that the West 1/2 may be occupied.

City Engineer  
Marc S. Gerken

Mr. Tonjes has plans to occupy the East 1/2 within the next two to three months, staff has suggested that he apply for a variance to the parking requirements (in time only) and that he submit a parking lot drawing showing 24 spaces and drainage provisions thereto with said application and that it be in service no later than July 15th, 1993. ( pending Board of Zoning Appeals approval).

Mr. Tonjes is in agreement with this proposal and will communicate with staff as the development progresses.

If there are any changes to the above proposal via Zoning Board or others I will be in communication with Council as well as other City staff.

I believe that the above agreement will adequately address the concerns of the Downtown Merchants and others regarding on street parking especially during the holiday season.

Also Mr. Tonjes has extended an open invitation to staff and City Council to drop in and see the progress to his building.

Sincerely



Brent N Damman  
Building & Zoning  
Administrator

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