

MEMORANDUM

TO: Mayor and Members of City Council
FROM: Roger O. Freytag, Zoning Administrator *ROF*
SUBJECT: An application for a Conditional Use Permit to allow the establishment of Calvary Baptist Church in a building formerly used by Service Master at 400 E. Riverview.
DATE: 1 February 1990
MEETING: 5 February 1990 at 8:00 PM
MEETING NO.: PC 90/02

RECOMMENDATION

The Planning Commission recommends to the City Council that they approve a Conditional Use Permit to allow the establishment of Calvary Baptist Church in a building formerly used by Service Master at 400 E. Riverview. With the following conditions:

1. when there becomes more than 60 people attending the building at one time, an application must be made for an amended Conditional Use Permit.
2. that the 10' side and rear yard setbacks and the 60' front yard set back be kept clear of vehicles parking in these areas.
3. that the stone parking lot be expanded West of the building into the grass area as needed.
4. this Conditional Use permit is not transferable to another owner or user. When this group moves out, the building will be subject to normal zoning requirements again.
5. this Conditional Use permit shall be reviewed by the Zoning Administrator once per year and any problems will be brought to the attention of the Planning Commission.
6. this Conditional Use permit is only valid for a period of 3 years from the date of issue. After a period of 3 years this Conditional Use Permit will be considered null and void.

BACKGROUND

An application by Larry E. Bell on behalf of Howard Gable, Napoleon, Ohio, for a Conditional Use Permit to allow the establishment of Calvary Baptist Church in a building formerly used by Service Master at 400 E. Riverview. This permit would allow 60 members maximum. The application is pursuant to Section 151.46 of the City of Napoleon, Ohio, Code of Ordinances. The proposed development is located in an "I-1" Enclosed Industrial District. 022170011

Larry Bell has asked permission to use this property as a Church and has agreed to limit the attendance of the members to 60 people. It is intended that this building will be used to get a Church started and it may take 2 or 3 years to establish 60 members.

Our Zoning Code requires 1 parking space for every 5 seats in the Church. To limit the expansion to 60 people would require 12 parking spaces.

The City Staff in favor of granting this Conditional Use Permit with the conditions listed above.

WRITTEN FINDINGS OF FACT

A Planning Commission Meeting was held on this matter on January 17, 1990 at 4:30 P.M. After a discussion and hearing of testimony, the Planning Commission made the above recommendation and all members voted in favor of the motion made by Mc Broom and seconded by Fligor. The Planning Commission made their decision and recommendation to the City Council based on the following criteria considered for the Conditional Use permit:

1. The establishment, maintenance of operation of these conditional uses will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The conditional use will not be injurious to the use and enjoyment or lawfully used property in the immediate vicinity or substantially diminish or impair property value within the neighborhood.
3. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
4. The exterior appearance and functional plan of the conditional use will not be detrimental to the 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, drainage, water, sewer and other environmental facilities have been or are being provided for the conditional use project.
6. Adequate measures have been or will be taken to provide ingress and egress to the premises so designed as to minimize traffic congestion in the in the public street.

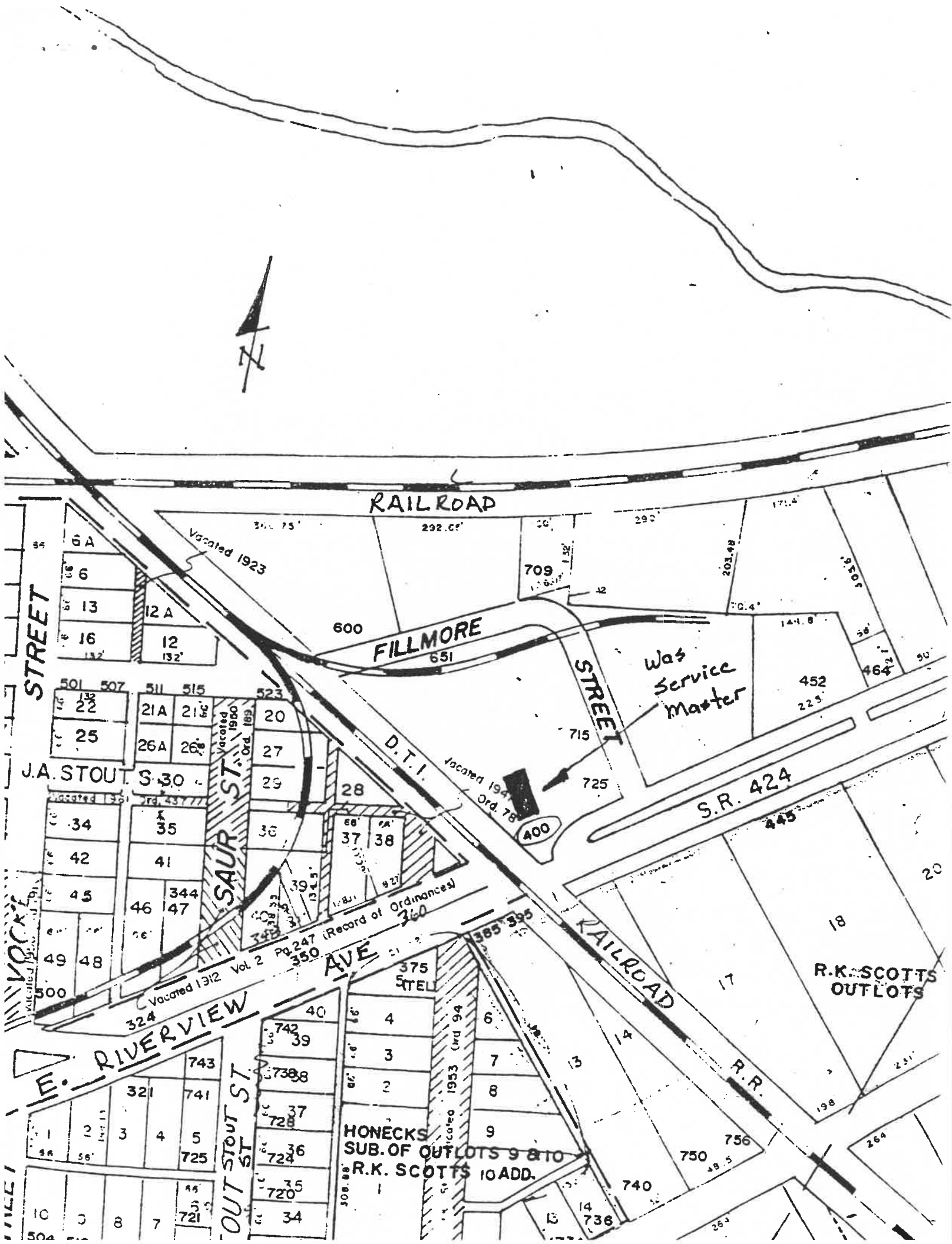
7. The conditional use shall conform to the applicable regulations of this section.

During this meeting the following points were brought out:

The Church presently has 25 attending members and is located in the Landmark Building on N. Scott St.

The Church will probably have Church on Sunday morning and Sunday and Wednesday evenings. At certain times of the year they may have special services.

Both the Alpha Mill and the 24 Hr. Truck Service building next door to the proposed Church warned of excessive noise and smoke because of their businesses. The Church was not concerned about this and said that this would cause them any problems.



ZONING CLASSIFICATION

"I-1" - Enclosed Industrial District

Note "D" On Feb. 27, 1988 a special use Deed Ref., Vol. 193, Pg. 537

permit will be ~~renewed~~ renewed for the use of Lot #2
 S 45°20' W P.S. & m.
 364.64' P.S. & m.

Farmer's Friend Mineral Co., Inc.

1.011 Ac.

0.343 Ac.

2

1

103.22'
 50'
 50'
 50'
 T. & E. R.R.

238.16' P.S.
 226.3' P.S.
 S 44°03' W
 160.99'
 S 76°25'50" E m.
 134.94'
 S 76°18' E, P.S.

S 44°03' W
 160.99'

N 49°14' W
 112.59'

Metal Bldg.
 80' x 42'

Metal Bldg.
 56' x 30'

23' Conc. Bldg.
 20' x 16'

26' Conc. Bldg.
 26' x 16'

100.88'
 N 41°48'10" E m.
 N 44°03' E P.S.

Canal Road

Canal Road

185.88'
 49.5' R/W
 Filmore St.

N 43°28' W m.

187.04' P.S.
 187.09' m.

60' Building Setback line

Parking Area

Highway Easement
 Vol. 125, Pg. 379 (1935)

Show stone area on R/W
 Legend

S.R. 424

- A- Large iron pipe found. Previous Survey Ref., Vol. 5, Pg. 143 Henry County Engineer's Record of Survey
- B- Iron pin found.
- C- Iron pin set. P.S. = previous survey. m. = measured
- D- Point found.

Approvals

Certifications

I, the Henry County Auditor, do hereby certify that there are no unpaid taxes on the property described

Under authority provided by Chapter 711 of the Ohio Revised Code and Chapter 154 of the