

MEMORANDUM

621 E. Riverview

TO: Members of the Planning Commission  
FROM: Brent N. Damman, Zoning Administrator  
SUBJECT: Amended Special Use Permit for Robert & Gertdude Hogrefe.

HEARING DATE: August 13th, 1991 5:00pm  
HEARING #: PC 91/13

BACKGROUND

An application for an Amended Special Use Permit by Robert & Gertrude Hogrefe 657 E. Riverview Napoleon Ohio to Re-establish a U-Haul rental business at 621 E. Riverview allowing outside storage of rental vehicles. The application is pursuant to Sections 151.39 (A)(5) & 151.44 (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. On July 15th, 1991 Napoleon City Council accepted the City of Napoleon Planning Commission recommendation to revoke the special use permit which was granted November 21st, 1989. Council then decided to issue a temporary zoning permit to allow the U-Haul business to continue for 60 days, allowing the Hogrefe,s time to apply for an amended special use permit. (Expiration date is 09/13/91)
2. The reasons for revoking this permit where the the actual site showed little resemblance to the approved site plan and the presence of unrelated vehicles on or near the site where in violation as well.

ADMINISTRATIVE OPINION:

If the planning commission decides to grant this request, I would suggest that the following conditions be applied.

1. The site must be inspected by the zoning administrator to determine compliance with the proposed site plan, before issuing an amended special use permit.
2. The amended special use permit should expire automatically every 6 months, at which time the site may be inspected, and shall be renewable only upon compliance with all conditions and site plan criteria, and a fee of \$10.00 should be charged to help offset expenses incurred.
3. If violations are determined to be present at any time, the zoning administrator shall notify in writing to the Hogrefes the specific violations and specify the time frame in which the corrections must be made, if the corrections are not made by the specified time frame, it shall be noted as a none compliance violation and the

planning commission may at their next hearing review the amended special use permit and recommend to the Napoleon City Council permanent 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.

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.

TRANSIT LINE M/E CANAL

REMOVE TREES  
OUTSIDE PROP.  
LINE

LIMITS OF  
EXTG. STONE

150.00'

N 45° 01' 30" W

20' GREEN BELT LINE

10' BLDG. LINE

12 or 13 Parking  
Spaces

LIMITS OF  
EXTG. STONE

20' GREEN BELT LINE

80' BLDG. LINE

FUTURE  
BUILDING

FUTURE  
EXPANSION

10' GREEN BELT LINE

N 45° 03' 30" W  
243.30'

30.00'

N 41° 33' 30" E  
135.00'

EXTG. FENCE

PROPOSED FENCE  
PROPOSED SHED