

MEMORANDUM

TO: Mayor and Members of City Council
FROM: Brent N. Damman, Zoning Administrator *BND*
SUBJECT: Conditional Use Permit for Terry Brubaker
MEETING DATE: May 1st, 1995 @ 8:00 pm
HEARING #: PC 95/05

BACKGROUND:

An application by Terry Brubaker 420 W. Riverview, Napoleon, Ohio, requesting a Conditional Use Permit to allow the operation of a moped sales and service business at his residence. The request is pursuant to section 151.46 and 151.47 of the City of Napoleon Ohio Code of General Ordinances, and is located in a "B" Residential Zoning District.

RESEARCH AND FINDINGS:

1. Mr. Brubaker has been operating a moped repair business for about a year as a home occupation.
2. The purpose of this request is so he may actively display and sell mopeds at his residence which requires a conditional use permit.
3. Mr. Brubaker performs all the repairs on Mopeds in his garage, which would dictate fire code compliance which he has agreed to do.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends City Council approve the Conditional Use Permit with the following conditions:

1. That business hours be no later than 9:00 P.M.
2. That mopeds for sale may not be displayed any closer than 15 feet from the front property line.
3. That no more than three mopeds may be displayed at any one time.
4. That the conditional use permit not be transferable.
5. That identification signs (sale and identification) be no more than 6 square feet of surface area in total.

MINUTES OF THE CITY OF NAPOLEON PLANNING COMMISSION HEARING #
PC 95/05 HELD ON APRIL 11th, 1995

MEMBERS PRESENT: Acting Chairman Mayor Robert Heft, Larry Haase, Ann Luzny, Secretary Brent Damman.

OTHERS PRESENT: Terry Brubaker (applicant).

Mayor Heft: Opened meeting.

Sec: Read public notice, research, findings and staff recommendation.

Mayor Heft: Ask if anyone would like to speak in opposition of the proposal. (non was heard)

Mayor Heft: Ask if anyone would like to speak in favor of the proposal.

Brubaker: I have been repairing mopeds for about the last year and selling a few, I just wanted to expand it into a business.

There was additional discussion regarding the placement of restrictions as follows:

1. That business hours be no later than 9:00 P.M.
2. That mopeds for sale may not be displayed any closer than 15 feet from the front property line.
3. That no more than three mopeds may be displayed at any one time.
4. That the conditional use permit not be transferable.
5. That identification signs (sale and identification) be no more than 6 square feet of surface area in total.

Mayor Heft: Mr. Brubaker would you agree to the suggested restrictions.

Brubaker: They would be fine with me.

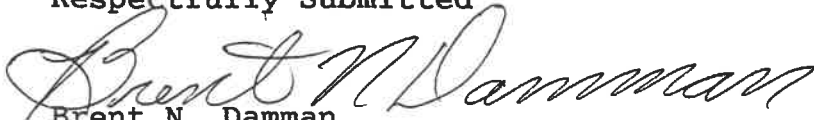
Motion: Luzny,

To recommend to City Council that they approve the Conditional Use Permit with suggested restrictions.

Seconded by: Haase

VOTE CAST Luzny - In Favor
 Haase - In Favor
 Heft - In Favor

Respectfully Submitted



Brent N. Damman
Building & Zoning
Administrator