



City of NAPOLEON, OHIO

255 RIVERVIEW AVENUE — (419) 592-4010

May 6, 1981

Mayor

Robert G. Heft

Clerk-Treasurer

Rupert W. Schweinhagen

Members of Council

Lawrence Haase, President

James Jackson

William Young

Darel Austermilller

Darrell Fox

James Zumfelde

City Manager

Alan E. Tandy

Law Director

Keith P. Muehfeld

D.S. Kelly, President
T.G. & Y. Co., Inc.
3815 N. Santa Fe
P.O. Box 25967
Oklahoma City, OK. 73125

1419 Scott

RE: Special Use Permit For
Outside Storage & Display

Dear Sir:

The City of Napoleon granted a Special Use Permit for outside storage on July 21, 1980, to allow your branch store in Napoleon, to display and sell merchandise within ten parking spaces in front of the store.

The store manager, Mr. Miller, stated at the Planning Commission meeting of July 14, 1980, that he only needed the extra space for the months of April, May, and June.

This storage was granted so that the sidewalk in front of the store would be left clear for pedestrian traffic.

At the July 14, 1980, meeting it was agreed that the Special Use Permit would start April 1, 1981, and that the merchandise that was on the walk would be removed in thirty (30) days. Merchandise remained on the walk area from that date to today.

Around March 1, 1981, Mr. Miller received a truck of bagged merchandise which was placed on the sidewalk. He said it was shipped a month early and that he had no other place to put the bags.

The fence is now installed around the parking areas and is filled with bagged material, plants, and shrubs, and flowing out on the drive area.

D. S. Kelly
May 6, 1981
Page 2.

The sidewalks are also loaded with merchandise.

I have enclosed pictures taken May 5, 1981, of the area in question. I have talked to Mr. Miller about the merchandise on the walks and he does not seem to care what the City wants. There is more merchandise on the walks this year than previous years. We have tried to work with Mr. Miller but there seems no way this can be accomplished.

The overall width of the walk is ten (10) feet. From the building to the support columns, the distance is seven (7) feet. Merchandise is out four (4) feet from the building leaving a three (3) foot walk area. If one person is standing looking at the merchandise, anyone passing has to walk in the drive area.

There is also, hanging baskets, two deep on the drive area.

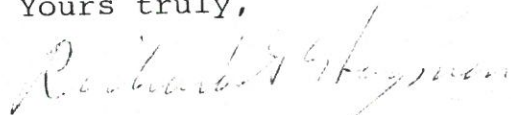
Special Use Permits are a special consideration approved by the Planning Commission and granted by Council.

Abuse of a Special Use Permit or City Codes is a serious matter.

I hope you correct this matter so that legal action will not have to be taken.

I would like to meet with you at your convenience.

Yours truly,



Richard G. Hayman
Building Commissioner

RGH:bk

Encl.:

RGH



City of NAPOLEON, OHIO

255 RIVERVIEW AVENUE — (419) 592-4010

March 4, 1981

Mr. Miller
TG&Y Family Center
1419 N. Scott St.
Napoleon, OH 43545

Re: Front walk storage
and display

Mayor
Robert G. Heft

Clerk-Treasurer
Rupert W. Schweinhagen

Members of Council
Lawrence Haase, President
James Jackson
William Young
Darel Austermler
Darrell Fox
James Zumfelde

City Manager
Alan E. Tandy

Law Director
Keith P. Muehlfeld

Dear Mr. Miller:

On March 3, 1981 the Planning Commission met in Public Hearing. A discussion followed the regular agenda on your abuse of your Special Use Permit. It was noted that merchandise has been on the sidewalk ever since the Public Hearing of July 14, 1980, and more recently, that quantity has been expanded due to a "shipping error".

You are hereby reminded of the conditions of your Special Use Permit. A copy of the Minutes to the Planning Commission Meeting is enclosed.

The Commission stated that they can see no harm in the merchandise being placed on the sidewalk for special sales, as long as it was removed at night and not displayed all week.

If you wish to change the conditions of your Special Use Permit, either for a change in the time limits or the nature of the permit, you should apply to the Planning Commission. In the absence of such an application, you will have to comply with the Special Use Permit as granted.

I feel that the Commission and the Board has been very lenient with TG&Y, but that more efforts are needed by your firm to cooperate.

If you have any questions, please feel free to call.

Yours truly,

Richard G. Hayman
Building Commissioner

RGH:dd

TO: Alan Tandy, City Manager
FROM: Richard G. Hayman
SUBJECT: TG&Y Family Center
DATE: April 23, 1980

The manager of TG&Y was in to see me today and explained their problem with the front yard storage. I explained the previous results from the Appeals Board. At this time the entire front of the store has bags of cow manure, wood chips, top soil, pebbles, bicycles and riding tractors.

At the time of the last appeal, the City was using the 1973 Zoning Code. The 1979 Zoning Code says they can have outside storage if it were enclosed by walks or fences.

I told the manager that for this year I would only allow five pallets, one of each product they sell to be left under the marquee on the sidewalk and that the rest of the pallets would have to be put in the rear of the building and enclosed by a fence (not snowfence) or walk.

The tractors and bicycles would be removed and only one tractor could be left out during sale days. They are going to run a sale on roto tillers and have five different models. I allowed one of each model to be placed out front. The plants in flats could be left out if they were put on shelves one tray deep for the spring season or until June 30, 1980. No items are to be put on the drive area.

I stated that I would allow this display for this year only and that next year they would have to find another way to display this merchandise. One option I gave him was to apply for a special use permit for the open lot to the south east of the chopping center. Enclose the area with a stockade fence and call it a garden center only during the season.

The manager agreed to all the above.

RGH:dd

TO: Alan Tandy, City Manager
FROM: Richard G. Hayman
SUBJECT: TG&Y Family Center
DATE: April 23, 1980

The manager of TG&Y was in to see me today and explained their problem with the front yard storage. I explained the previous results from the Appeals Board. At this time the entire front of the store has bags of cow manure, wood chips, top soil, pebbles, bicycles and riding tractors.

At the time of the last appeal, the City was using the 1973 Zoning Code. The 1979 Zoning Code says they can have outside storage if it were enclosed by walks or fences.

I told the manager that for this year I would only allow five pallets, one of each product they sell to be left under the marquee on the sidewalk and that the rest of the pallets would have to be put in the rear of the building and enclosed by a fence (not snowfence) or walk.

The tractors and bicycles would be removed and only one tractor could be left out during sale days. They are going to run a sale on roto tillers and have five different models. I allowed one of each model to be placed out front. The plants in flats could be left out if they were put on shelves one tray deep for the spring season or until June 30, 1980. No items are to be put on the drive area.

I stated that I would allow this display for this year only and that next year they would have to find another way to display this merchandise. One option I gave him was to apply for a special use permit for the open lot to the south east of the shopping center. Enclose the area with a stockade fence and call it a garden center only during the season.

The manager agreed to all the above.

RGH:dd



City of NAPOLEON, OHIO

255 RIVERVIEW AVENUE -- (419) 592-4010

June 10, 1980

TG&Y Family Center
1419 N. Scott St.
Napoleon, OH 43545

Mayor
Robert G. Heft

Attn: General Manager

Clerk-Treasurer
Rupert W. Schweinhagen

Re: Outside storage

Members of Council
Lawrence Haase, President
James Jackson
William Young
Darel Austermilller
Darrell Fox
James Zumfelde

Dear Sir:

On April 22, 1980 I sent you a letter on outside storage. After a meeting with you in my office and at your store, you had decided to go to the Planning Commission for a Special Use Permit to display merchandise on the exterior of your building for the summer months.

City Manager
Alan E. Tandy

As of this date, you have not filed and more merchandise than ever is being displayed outside the building.

Law Director
Keith Muehlfeld

All merchandise on the exterior of the building shall be removed until an appeal and decision by the Planning Commission is reached.

You will have 15 days to remove all merchandise.

I regret making this decision, but I feel you have not kept your word on applying for a Special Use Permit.

Yours truly,

Richard G. Hayman
Building Commissioner

RGH:dd



City of NAPOLEON, OHIO

255 RIVERVIEW AVENUE — (419) 592-4010

April 22, 1980

TG&Y Family Center
c/o Napoleon General Manager
1419 N. Scott St.
Napoleon, OH 43545

Mayor
Robert G. Heft

Re: Outside Storage

Clerk-Treasurer
Rupert W. Schweinhagen

Dear Sir:

Members of Council
Lawrence Haase, President
James Jackson
William Young
Darel Austermilller
Darrell Fox
James Zumfelde

The City of Napoleon's records show that your store has been warned in the past about the outside storage and display of merchandise within the front of your store, and on the parking area.

We have again viewed the above mentioned storage of bags of fertilizer and other such items.

City Manager
Alan E. Tandy

General Business District Provision Section 151.38A of the Zoning Code for the City of Napoleon states that "The conduct of permitted uses herein shall be within completely enclosed buildings, except for accessory uses which clearly demonstrate subordination to the permitted use. Accessory uses such as outside storage may be open to the sky except the area shall be obscured from public view by means of a fence or wall."

Law Director
Keith Muehlfeld

The storage of these items outside would be permitted in the rear of the building within an enclosing of a fence or wall.

The violation of this code shall be abated within thirty (30) days or by the 26th day of May, 1980.

Your cooperation in this matter is appreciated.

Yours truly,

Richard G. Hayman
Richard G. Hayman
Building Commissioner

RGH:dd

Manager came out to store with him. Allocated items to be left in front of store on sidewalk against manure, wood chips, pellets, + fertilizer. Also flats of plants to be against wall on shelves one flat deep. Also bags items may be put out on weekend only and only one item.