

**MEMORANDUM**

**TO:** Manager, Mayor & Members of City Council  
**FROM:** Brent N. Damman, Zoning Administrator *BN*  
**SUBJECT:** Conditional Use William Moden Jr. (Dba) MAXAUTO  
1431 Scott St. Napoleon, Ohio  
**MEETING DATE:** July 13, 1998 @ 8:00 pm  
**HEARING #:** PC 98/06

**BACKGROUND:**

An application for public hearing has been filed by Ronald Meyers 875 Cripple Creek Napoleon, Ohio on behalf of MAXAUTO Napoleon, Ohio. The applicant is requesting the issuance of a Conditional Use Permit for the purpose of establishing a used car sales operation at the location of 1431 Scott St. Napoleon, Ohio. The request is pursuant to City Code chapter 1141. The subject property is located within an I-1 Enclosed Industrial Zoning District.

**RESEARCH AND FINDINGS:**

1. The plan as submitted does not meet all applicable zoning requirements. However, I have revised it (plan marked as exhibit A) so that it would basically meet necessary code requirements.
2. Auto sales lots are permissible in the C-4 & C-5 Commercial Districts by issuance of a zoning permit by the Zoning Administrator. In those districts green belt areas are required along the front, sides & rear property lines. Through the issuance of a Conditional Use permit by City Council, Auto sales lots are permissible in the I-1 Industrial District in which this site is located. However, it is up to City staff and this commission to make reasonable provisions to reduce adverse effects to neighboring properties. Therefore, I have presented the attached drawing marked as exhibit A. The green belt provisions shown are 50% less than what is required in the C-4 & C-5 zoning districts for a auto sales lot. The green belts recommended will allow adequate clearances between adjacent parking lots to eliminate any encroachment.
3. The plan shows adequate parking area for customers. The City Engineer will need to approve the construction plans for the parking lots areas prior to commencement of construction.

4. There is an existing drive off Scott St. which will allow adequate ingress and egress to the site.
5. If the Commission wishes to make recommendation to the Council a resolution will need to be passed. (I will have said resolution for you at the meeting).

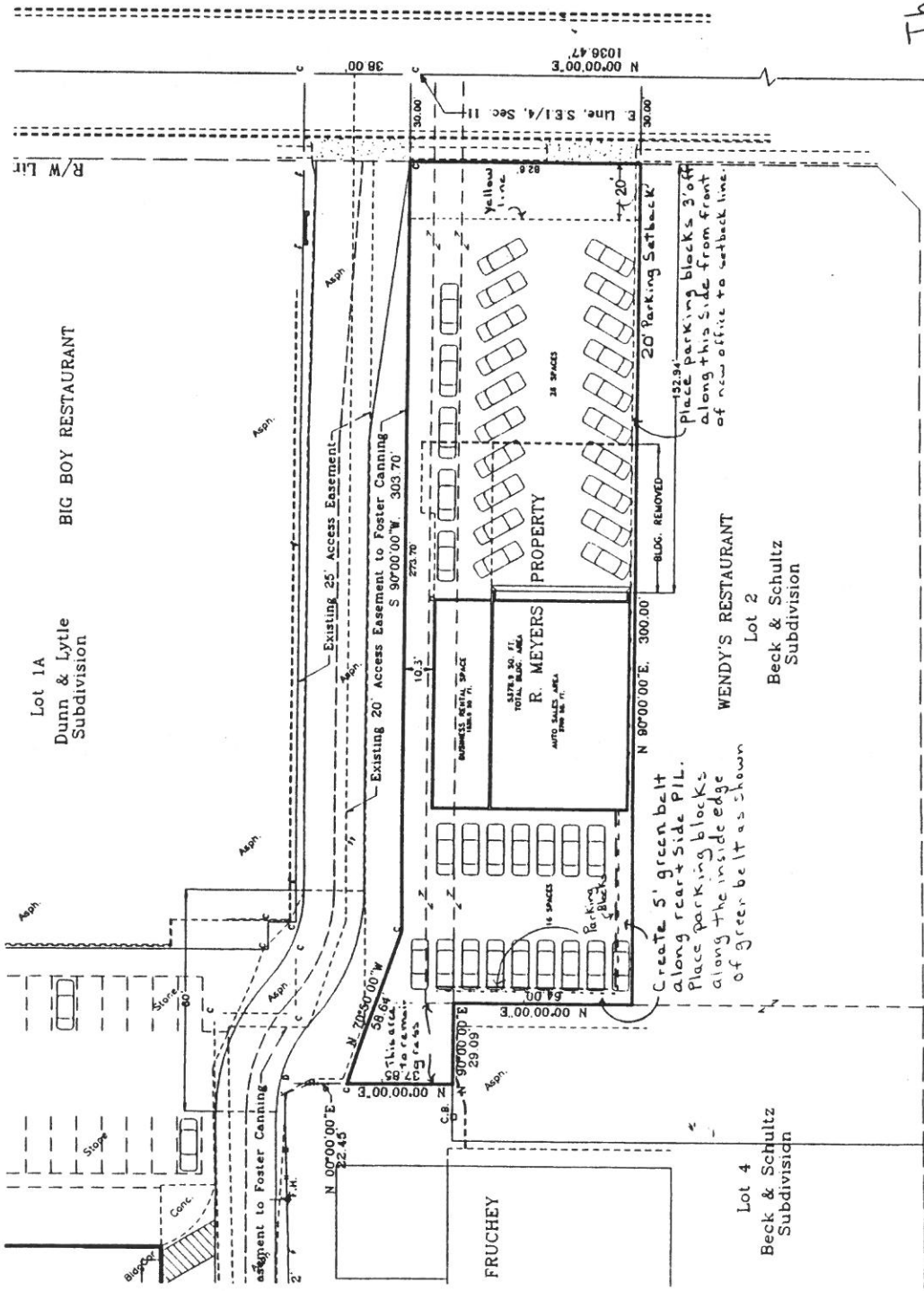
**ADMINISTRATIVE OPINION AND RECOMMENDATIONS:**

The proposed use should be compatible with surrounding property uses and should not have an negative impact on the use or value of property in the immediate vicinity. Therefore, I am recommending that this Conditional Use Resolution # PC98/06 be submitted to City Council with your recommendation.

**PLANNING COMMISSION RECOMMENDATION:**

That City Council approve the Conditional Use Permit as requested in accordance to Planning Commission Resolution PC98/06 and the attached site plan marked as exhibit A.

(Meeting minutes attached)



**REVISED**  
 7-14-98 by motion  
 of Planning Commission  
 meeting PC 98106.



**Exhibit A**

SITE PLAN FOR  
 R. MEYERS PROPERTY  
 1431 SCOTT STREET  
 NAPOLEON, OHIO

JUNE, 1998 R.D.S.

This Plan approved by  
 Zoning Administrator.

TRAIL DRIVE

**Planning Commission**  
**Minutes of PC 98/06 Conditional Use Permit**  
**July 14, 1998 @ 5:00 PM**

- Present:** Stange, Haase, Luzny, Elling, McBroom
- Others:** Damman- Zoning Inspector, Helmke-Recorder, Ron Meyers - MAXAUTO., Fritz Freytag
- McBroom:** Chairperson McBroom called for Roll Call and a quorum was declared.
- McBroom:** Read the background
- McBroom:** Asked if all parties had been duly notified and if there were any vocal or written responses.
- Damman:** Stated all parties had been duly notified and there were no responses.
- Damman:** Read the Research and Findings & gave the Administrative opinion and recommendation.
- McBroom:** Asked Mr. Meyers if he had any comments. Mr. Meyers stated he had no comment as everything was on the papers that were passed out, however, he would answer any questions.
- Stange:** Inquired about the location of the green belt. Damman referenced to the map.
- Haase:** Concern over parking vehicles too close to road which might affect the vision for citizens pulling out on the road.
- Damman:** Stated there were regulations in the Resolution which Mr. Moden would have to follow or the Conditional Use Permit would be revoked.
- Elling:** Asked about the parking blocks along Wendy's and in the back. Damman stated there would be a green belt along the back instead of blocks. It will be an improvement to the area.
- Luzny:** Asked the width of the green belt. Damman stated 5'.
- Motion:** Elling                      **Second:** Luzny  
to amend the language on Exhibit A of the attached Resolution PC 98-06 to state that parking blocks be located along the South West and West Side along the inside of the 5' Green belt.
- McBroom:** Asked for discussion. There was no discussion.
- Roll call vote to amend Exhibit A attached to Resolution for 989-06 and amend Resolution:**  
Yea-Stange, Haase, Luzny, Elling, McBroom  
Nay-  
**Passed**
- Motion:** Luzny                              **Second:** Stange  
to accept the Resolution for 98-06 as amendment.
- Haase:** Does the Conditional Use Permit continue on forever? Damman stated there was a review period built in the Resolution.
- Stange:** Is there going to be a body shop at this business. Meyer stated there would be only cleanup no body shop.
- Roll call vote accept Resolution for PC 98-06 as amended:**  
Yea-Stange, Haase, Luzny, Elling, McBroom  
Nay-  
**Passed**
- Damman:** This will go to Council on Monday, July 20, 1998.
- McBroom:** Meeting adjourned at 5:15 PM.