

**RESOLUTION NO. 105-98**

**A RESOLUTION ACCEPTING THE WRITTEN REPORT, FINDINGS OF FACT, AND RECOMMENDATIONS OF THE PLANNING COMMISSION OF THE CITY OF NAPOLEON, OHIO AND APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT TO SUPERIOR AUTO, INC. AT THE LOCATION OF 1475 SCOTT STREET**

**WHEREAS**, Richard Ford of Superior Auto, Inc., an Indiana Corporation has made application on behalf of owners Lange and Lytle, an Ohio General Partner, to the Planning Commission, pursuant to Chapter 1141 of the Codified Ordinances of the City of Napoleon, Ohio, to approve the Conditional Use Permit at the location of 1475 Scott Street, Napoleon, Ohio in accordance with Exhibit "A" as attached to Planning Commission Resolution No. 98-10; and,

**WHEREAS**, the Commission has held a hearing pursuant to Chapter 1141 of the Codified Ordinance of the City of Napoleon, Ohio and other applicable sections of law, to wit: Hearing No. PC 98-10 (held November 10, 1998); and,

**WHEREAS**, the Zoning Administrator has processed the application in compliance with the provisions of said Chapter 1141 of the Codified Ordinances of the City of Napoleon, Ohio; and,

**WHEREAS**, based upon the submittals, testimony and/or other evidence received by the Commission it has been determined to recommend approval of said Conditional Use Permit based on the following findings:

- (A) The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
- (B) The conditional 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.
- (C) 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.
- (D) The exterior architectural appearance and functional plan of the conditional use premises will not unreasonably be incompatible with the architectural appearance and functional plan of and structures already in the immediate area, or with the character of the zoning district.
- (E) Adequate utilities, access roads, and drainage, water, sewer, and other environmental facilities have been or are being provided for the conditional use project.
- (F) Adequate measures have been or will be taken to provide ingress and egress to the premises so designated to minimize traffic congestion in the public street.

- (G) The conditional 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 or Conditional Use Permit.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:**

**Section 1.** That, the written report, findings of fact, and recommendation of the Planning Commission of the City of Napoleon, Ohio, as evidenced by Planning Commission Resolution PC 98-10, as to the issuance of a Conditional Use Permit to Superior Auto, Inc. at the location of 1475 Scott Street, Napoleon, Ohio, is accepted; moreover, based on said recommendation, said Conditional Use Permit, for the purpose of allowing the establishment of a used vehicle dealership, subject to any conditions contained in Section 2 of this legislation, is approved by this Council pursuant to Chapter 1141 of the Codified Ordinances of the City of Napoleon, Ohio.

**Section 2.** That, the Conditional Use Permit as approved in this legislation is authorized and shall issue subject to the following conditions:

- (A) That, there remains compliance with the setback requirements and other requirements and there remains compliance with the set-back requirements and other requirements as shown on Exhibit "A" attached to Planning Commission Resolution No. PC 98-10; and,
- (B) That, said Conditional Use Permit may be revoked or suspended by the Zoning Administrator upon discovery of any non compliance with those requirements.

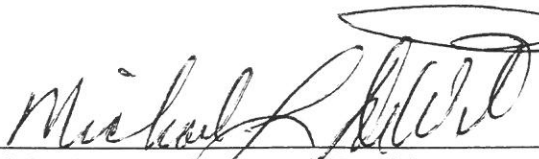
**Section 3.** That, any irregularity in procedure for issuance of this Conditional Use Permit shall not affect the validity thereof.

**Section 4.** That, it is found and determined that all formal actions of the City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Codified Ordinances of the City of Napoleon, Ohio.

**Section 5.** That, this Resolution shall take effect at the earliest time permitted by law.

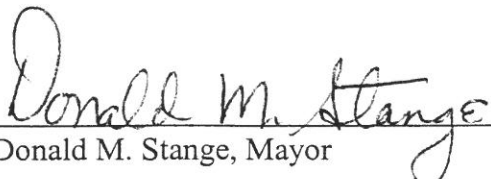
Passed:

12/21/98

  
Michael J. DeWit, Council President

Approved:

12/21/98

  
Donald M. Stange, Mayor

VOTE ON PASSAGE 5 Yea 0 Nay 0 Abstain

Attest:

  
Gregory J. Heath, Clerk/Finance Director

*I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 105-98 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.*

\_\_\_\_\_  
Gregory J. Heath, Clerk/Finance Director

# GERKEN PAVING, INC.

P.O. Box 607  
Napoleon, Ohio 43545

Phone (419) 533-7701  
FAX (419) 533-6393

<b>Post-it</b>	Date	# of pages
Fax Note R7673	5/28	1
To	Matt Schaefer	
Fax#		
From	Adam Hoff	
Phone#		

May 19, 1999

City of Napoleon  
255 Riverview Ave.  
Napoleon, Ohio 43545

Re: Improvements on N. Scott St. at Lange-Lytle Property

Installation of Concrete Drive Approach:

203	Excavation for Concrete Approach & Walk	11 CY	\$ 9.50	\$ 104.50
451	Concrete Approach	32 SY	\$55.00	\$ 1760.00
609	Concrete Walk, 4"	40 SF	\$ 5.00	\$ 200.00
Spec	Sawcut Existing Curb	34 LF	\$ 7.00	\$ 238.00
		Total		\$ 2302.50

**RECEIVED**

**MAY 20 1999**

CITY OF NAPOLEON

*Bill to Lange & Lytle  
and City will reimburse  
NCH*

CITY OF NAPOLEON UTILITY DEPARTMENT

Batch	4150	Sequence	6	Date	25 Mar 1999	Pay type	CK
Time	04:17PM				Refer	4345	
Account	MFIL				Amt Paid	421.67	
Name	LANGE & LYTLE INSPECTION FEE				Amt Tend	421.67	
Document					Change	0.00	

City of Napoleon

Pages 1, including this one

In response to your memo of March 18th, the fee of \$25.00 for plan review and \$396.67 for inspection is correct. This inspection fee would also cover the inspection of the sanitary service connection.

If you have any questions or require additional information, please call me at (419) 592-4010. Thank you.

c: Rex Moll, Brent Damman

255 W. Riverview Ave.  
Napoleon, Ohio 43545

(419) 592-4010 Phone

(419) 599-8393 Fax

NEW

DIMENSIONS

P. O. Box 174  
Napoleon, Ohio 43545  
Phone & Fax:  
419/599-8339

Ron Sonnenberg  
Drafting, Design,  
Construction &  
Planning Assistance

~LETTER OF TRANSMITTAL~

TO: CITY OF NAPOLEON DATE: 3-18-99

ATTN: ADAM HOFF, ENGINEER REFERENCE: SUPERIOR AUTO

ENCLOSED PLEASE FIND THE FOLLOWING:

Shop Drawings     Prints     Plans     Samples     Specifications  
 Copy of letter     Change order     Other

DESCRIPTION:

4 REVISED PRINT FOR CONSTRUCTION  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THESE ARE TRANSMITTED AS FOLLOWS:

For Approval     Approved as submitted     Revise and resubmit  copies for approval  
 For your use     Approved as noted     Submit  copies for distribution  
 As requested     Returned for corrections     Return  corrected prints  
 For review and comment     Prints returned after loan to us  
 For bids due \_\_\_\_\_, 19\_\_\_\_.     Other \_\_\_\_\_

REMARKS:

ADAM: TOTAL CONSTRUCTION COST FOR PAVEMENT, APPROACH,  
WATER & SEWER SERVICE IS \$ 26,444.70. THESE ARE FROM  
ACTUAL BIDS. IS A TOTAL FEE OF \$ 421.67 FOR REVIEW & INSPECTION  
CORRECT? PLEASE ADVISE & I'LL GET YOU THE PAYMENT.

THANKS!  
Ron

# City of Napoleon

**Fax Cover** This is a confidential message, intended solely for the person to whom it is addressed. If you receive this message in error, please forward it to the correct person, or mail it back to us. Thank you.

**To** Ron Sonnenberg - New Dimensions  
**Fax No.** (419) 599-8339  
**From** Adam C. Hoff, P.E. - City Engineer *ACH*  
**Date** 3/17/99  
**Subject** Superior Auto Sales Plan Review  
**Pages** 1, including this one

We have reviewed the plans submitted for the referenced project and hereby approve the plans with the following comments:

1. Per the City of Napoleon Engineering Rules and Regulations, a plan review fee of \$25.00 and an inspection of 1.50% of the estimated cost of the improvements are required.
2. The stone base beneath the proposed 9" concrete drive approach shall be no less than 6" of ODOT 304.
3. The curb on Scott Street shall be cut from the back side with a 1/2" slope from back to front.
4. The proposed underground service from the new electrical service to the proposed sign needs to be shown on the site plan.

If you have any questions, please call me at 592-4010.

c: Jeff Marihugh, Rex Moll, Brent Damman

255 W. Riverview Ave.  
Napoleon, Ohio 43545

(419) 592-4010 Phone

(419) 599-8393 Fax



**CITY OF NAPOLEON**  
**Building & Zoning Division**  
255 W. Riverview Avenue, PO Box 151, Napoleon, OH 43545  
Phone: 419-592-4010 - Fax: 419-599-8393

**Zoning Administrator**  
**Building Commissioner**  
Tom Zimmerman

# Fax Transmission

**To:** Dick Ford

**Company Name:** Superior Auto

**Fax Number:** 260-471-5826

**Number of pages:** 8

**From:** Tom Zimmerman

**Date:** 2/14/2012 **Time:** 9:53 AM

**Comments:** Following is a copy of Resolution 105-98 and a copy of the memorandum for PC Hearing #98-10. If you need anything additional, please let me know. You may call 419-592-4010 or email me at [khonemann@napoleonohio.com](mailto:khonemann@napoleonohio.com)

Kris