

**PLANNING COMMISSION RESOLUTION NO. PC-02-10**

**A RESOLUTION OF THE CITY OF NAPOLEON PLANNING COMMISSION  
RECOMMENDING THE APPROVAL OF A SPECIAL USE PERMIT TO  
ALLOW OUTDOOR DISPLAY & STORAGE OF LAWN AND GARDEN ITEMS  
FOR SALE TO BE ISSUED TO WALMART SUPER CENTER AT THE  
LOCATION OF 1815 SCOTT STREET NAPOLEON, OHIO.**

**WHEREAS**, an application for public hearing has been filed by Phyllis Overstreet on behalf of owner WalMart Stores East, Inc. 702 SW 8th St. Bentonville, AR 72715. The applicant is requesting the approval of a Special Use Permit to allow outdoor display and storage of lawn and garden items for sale at the location of 1815 Scott St. Napoleon, Ohio subject to certain conditions stated herein; and,

**WHEREAS**, this Commission has held a public hearing pursuant to Chapter 1141 of the Codified Ordinances of the City of Napoleon, Ohio and other applicable sections of law, to wit: Hearing No. PC02-10 (held July 09, 2002); 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 Special Use Permit based on the following findings:

- (A) 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.
- (B) 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.
- (C) 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.
- (D) The exterior architectural appearance and functional plan of the special 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 special 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 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. **Therefore,**

**BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF NAPOLEON, OHIO:**

**Section 1.** That, it is the recommendation to City Council by the Planning Commission of the City of Napoleon, Ohio that a Special Use Permit be issued to Walmart Super Center at the location of 1815 Scott Street Napoleon, Ohio to allow outdoor display & storage of lawn and garden items for sale, subject to the following conditions;

1. That the outside storage area as approved and shown on the attached drawing marked as Exhibit A PC02-10 shall be strictly adhered to, and
2. The outside display items shall be screened from the view of the property owners to the south of the site with two (staggered) rows of four (4) foot high arborvitae planted six (6) feet apart in all directions, and
3. The outside storage items shall be arranged in such a manner that they do not pose a hazard to the general public, and
4. That the Special Use Permit not be transferable to another owner until such time it is approved by the Planning Commission after such required hearing, and

**Section 2.** That, the Zoning Administrator shall forward a copy of this Resolution and a report of said Commission's recommendation and the vote of each member regarding the recommendation to City Council.

**Section 3.** That, it is found and determined that all formal actions of this Planning Commission concerning and relating to the adoption of this Resolution were adopted in open meetings of this Planning Commission, and that all deliberations of this Planning Commission that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

**Section 4.** That, if any other prior Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

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

Passed:

July 9, 2002

  
Chairman

VOTE ON PASSAGE 4 Yea 0 Nay 0 Abstain