

MEMORANDUM

TO: Members of the Planning Commission
FROM: Brent N. Damman, Zoning Administrator
SUBJECT: An application for a Special Use Permit
to allow outside storage of tow trucks and
temporary storage of damaged vehicles.

HEARING

DATE: October 2nd ,1990 at 4:30 PM

HEARING #: PC 90/20

BACKGROUND

An application by Willard Lester, DBA (Willards Towing Service) on behalf of Home Savings & Loan, Defiance, for a Temporary Special Use Permit to allow outside storage space for customer vehicles approximatly 200' behind building. The application is pursuant to Sections 151.39(A)(5) of the City of Napoleon, Ohio, Code of Ordinances. The proposed development is located at # 2296 North Scott Street in an "PB" Planned Business District.

RESEARCH AND FINDINGS

1. That 2296 N Scott St. is in a "PB" Planned Business District.
2. That the permitted uses in this district will not accommodate this type of facility, except by Special Use proceedings.
3. Section 151.44 Special Uses (A)(2)(b) reads as follows:
Service stations an repair garages may be used in this district by Special Use proceedings.
4. Section 151.44 Special Uses (A)(2)(g) reads as follows:
Outside storage of merchandise for sale or display may be used in this district by Special Use proceedings.
5. Although # 3 and 4 do not fit this use perfectly they are acceptable to the City Staff.

The Planning Commission shall make written findings of fact and shall submit same together with its recommendation to the City Council after the close of the hearing on a special use. The Planning Commission's report to the City Council shall indicate the vote of each member present and shall contain a statement of reasons why a member or members did not note in favor of a recommendation. No special use shall be recommended by the Planning Commission unless the Commission finds that:

- (1) 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.

- (2) 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.
- (3) 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.

The above paragraphs shall be addressed and it shall be determined whether or not this Special Use will meet this criteria and explanations as to why it will or will not meet each set of criteria.

1). Will this be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the Community ?

ADMINISTRATIVE OPINION: It is my feeling that this type of use should meet the above criteria.

2). Will this Special Use 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 ?

ADMINISTRATIVE OPINION: It is my feeling that this type of use in a "PB" Business District should not affect the surrounding properties and would meet this criteria.

3). Will the establishment of this Special Use impede the normal and orderly development and improvement of surrounding property for use permitted in this district ?

ADMINISTRATIVE OPINION: It is my feeling that this type of use in a "PB" Business District should not affect the surrounding properties and would meet this criteria.

(4) 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.

ADMINISTRATIVE OPINION: It is my feeling that this type of use in a "PB" Business District should have restrictions attached to the special use permit.

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