

MEMORANDUM

TO: Mayor and Members of City Council
FROM: Brent N. Damman, Zoning Administrator
SUBJECT: Planning Commission Recommendation for
approval of a Special Use Permit for Bruce
Tackett and Tom Schmitz at 2296 N. Scott St.
MEETING DATE: July 20th, 1992 8:00pm
HEARING #: PC 92/13

BACKGROUND:

An application by Bruce Tackett 188 Thomas Ave. Napoleon, Ohio and Tom Schmitz 8987 Brookside Ln. Delta, Ohio for a Special Use Permit to allow the outside storage of used motor vehicles for sale at 2296 N. Scott St. (formerly the C. F. Gerken building). The application is pursuant to Sections 151.39 (A)(5) and 151.39 (B)(38) of the City of Napoleon, Ohio, Code of Ordinances, and is located in a "PB" Planned Business District.

RESEARCH AND FINDINGS:

1. That the above mentioned lot is located in an "PB" Planned Business District in which outside storage is permitted only by special use proceedings.
2. The lot in request has been primarily occupied by farm type equipment and towing service vehicles, the proposed would be better suited for this location.
3. As past history has indicated to us, we need to be very cautious with matters such as these and impose as many restrictions as necessary to control this type use of land.

ADMINISTRATIVE OPINION:

These are my recommendations as to the restrictions I feel we should impose upon this Special Use Permit, if granted.

1. Only whole complete undamaged vehicles shall be displayed for sale on this lot, no other vehicles will be allowed on premise except those of customers viewing used vehicles for sale and owner transportation vehicles (no more than one at a time).
2. Vehicles displayed for sale on this lot shall be limited to automobiles and light trucks of four wheels with a maximum of one ton capacity. There shall be no semi tractors, large commercial trucks van type or flat bed, farm tractors or any other vehicles displayed except those mentioned above.

3. The site shall look and function as is typical and customary for a used car sales lot and as others have within the city of Napoleon.
4. In the event a violation is found to exist the Zoning Administrator shall notify the operator's in writing and it shall be presented to the planning commission at its next available hearing for review and possible revocation.

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 vote 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.
- (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.
- (5) Adequate utilities, access roads, and drainage, water, sewer, and other environmental facilities have been or are being provided for the special use project.
- (6) 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.
- (7) 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.

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.

WRITTEN FINDINGS OF FACT:

The City of Napoleon Planning Commission held a hearing on July 14th, 1992 @ 5:00pm, summary as follows.

MEMBERS PRESENT WERE:

Richard McBroom (Chairman), Larry Haase, Jon Bisher, Ann Luzny Secretary: Brent N Damman

OTHERS PRESENT WERE: Bruce Tackett (Petitioner), Ronald Lankenau (representing Mrs. Hogrefe), Mr. & Mrs. Charles Shuping (property owners), Connie & Eugene Hogrefe (petitioners), Robert & Greg Beck. (property owners), Margret Busch (Rep. Holiday Inn).

McBroom: Opened meeting read public notice.

Sec.: Read research and finds, and administrative opinion, which addresses most of the items Mr. Lankenau stated.

Beck: Once this is a used car lot will it be grandfather and continue no matter who owns it ?

Sec.: No, when Mr. Tacketts business expires then so does the special use permit.

McBroom: What kind of vehicles do you intend to sell ?

Tackett: Late model vehicles within the description Mr. Damman stated in his conditions.

Motion by: Luzny to recommend to City Council that they approve the Special Use Permit, with the conditions as stated by the zoning administrator and that the permit not be transferable.

Seconded by: Haase

Vote Cast:

Bisher: In favor
Haase: In favor
Luzny: In favor
McBroom: In favor

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