

MEMORANDUM

TO: Members of the Planning Commission
FROM: Brent N. Damman, Zoning Administrator
SUBJECT: Barbara Hogrefe Special Use Permit.
DATE: July 14th, 1992 5:00pm
HEARING #: PC 92/12

BACKGROUND:

An application by Barbara Hogrefe 1600 Oakwood Ave. Napoleon Ohio for a Special Use Permit to allow the outside storage of used motor vehicles for sale at 2601 N. Scott St. (formerly the Gulf gas station north of the Holiday Inn.) 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 vacant for a number of years and a special use property exists south and east of the proposed which would be compatible.
3. The above mentioned owner has received her dealership license from the State of Ohio Bureau of Motor Vehicles and has maintained a very low profile attempting to sell vehicles at her residence to maintain her dealership license until a suitable site can be obtained.
4. The location in question has improved substantially in the last year and the Hogrefe's have been cooperative with most of what I have ask of them.
5. 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 as others have within the city of Napoleon.
4. In the event a violation is found to exist the Zoning Administrator shall notify the Hogrefe'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.

MEMORANDUM

TO: Members of the Planning Commission
FROM: Brent N. Damman, Zoning Administrator
SUBJECT: Bruce Tackett Special Use Permit.
DATE: July 14th, 1992 5:00pm
HEARING #: PC 92/11

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.

MEMORANDUM

TO: Members of the Planning Commission
FROM: Brent N. Damman, Zoning Administrator
SUBJECT: Special Use Permit request by Rita Creps
HEARING DATE: July 14th, 1992 5:00pm
HEARING #: PC 92/10a

BACKGROUND

An application by Rita Creps 2-560 Co. Rd. T-3 Liberty Center, Ohio, for a Special Use Permit. To develop an Adult Day Care \ Respite Facility in Napoleon at 329 Appian Ave. This facility would be designed to house as many persons as local fire codes may permit, and would be primarily used during daytime hours with occasional overnight stays. The proposed use is pursuant to Sections 151.35(A)(4) & 151.44 (A)(1)(g) of the City of Napoleon, Ohio, Code of Ordinances. The proposed site is located in a "GB" General Business District.

RESEARCH AND FINDINGS

1. The proposed facility location is in a "GB" General Business District where certain retail oriented businesses are permissible thus the special use permit request.
2. The City parking ordinance does not specifically identify this type of use, so it up to staff and the board to determine the amount needed. I am suggesting that if this facility would house 16 persons daily that there should be eight (8) spaces plus one (1) for each employee. This would help alleviate congestion during heavy ingress/egress periods.
3. This proposed use between two residentially used properties would constitute a perimeter fence of a decorative nature as not to detract from the useful enjoyment of the adjacent properties.
4. Also consideration should also be given to the hours the facility would be open to help prevent traffic during late as well as very early hours of the day.
5. The proposal document submitted clearly addresses a public need and should benefit the community, provided the concerns which may arise are adequately addressed.

ADMINISTRATIVE OPINION:

This proposal is a total new concept and I am uncertain as to the possible neighborhood impact, I would be comfortable with the proposal so long as the above provisions are made.

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.