

638 W. Washington

PLANNING COMMISSION RESOLUTION NO. PC-02-18

A RESOLUTION OF THE CITY OF NAPOLEON PLANNING COMMISSION APPROVING THE ISSUANCE OF A SPECIAL USE PERMIT TO CHAD AND MANCEY HARTSON AT THE LOCATION OF 638 W. WASHINGTON STREET NAPOLEON, OHIO.

WHEREAS, Chad & Mancey Hartson Napoleon Ohio have made application to the commission pursuant to Chapter 1141 of the Codified Ordinances of Napoleon Ohio. The applicant is requesting the issuance of a Special Use Permit to allow the operation of an Ice Sculpturing business at 638 W. Washington St. Napoleon Ohio, subject to certain conditions stated herein; and,

WHEREAS, this Commission has held a public hearing pursuant to Chapter 159 and 1141 of the Codified Ordinances of the City of Napoleon, Ohio and other applicable sections of law, to wit: Hearing No. PC02-18 (held October 08, 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 of the Planning Commission of the City of Napoleon, Ohio that a Special Use Permit be issued to Chad & Mancey Hartson at the location of 638 W. Washington Street Napoleon, Ohio to allow the establishment and operation of an “Ice Sculpting” business to be known as Ice Creations subject to the following conditions;

1. That the Ice Creations business shall be subject to applicable requirements of City Code chapter 1141 related to Special Use Permit establishment and operation, and
2. . That the Ice Creations business shall operate only between the hours of 9 AM and 6 PM (Eastern Time), and
3. That in the event reasonable complaints are filed related to this operation, action shall be taken to resolve such complaint within a reasonable time as determined by the Zoning Administrator, and
4. That if it is determined that such related operations and or processes are causing disturbance to the electrical systems, telephone systems, radio & TV signals or cable TV systems, immediate action shall be taken to resolve such conditions, and
5. That in the event the operational processes exceed the maximum sound levels allowable in the district in which the operation is located, immediate action shall be taken to resolve such conditions, and
6. That the Special Use Permit shall not be transferable to another person, persons, intity, or party until such time a new application is filed with the Planning Commission for such use by that party, and
7. That the Planning Commission may review this Special Use Permit from time to time for compliance with all conditions stated herein and other conditions which may be later imposed related to unforeseen negative impact issues and if complete compliance is determined the Commission may allow the operation to continue. If the Commission determines that the operations and/or processes have imposed hardship to neighboring properties and/or owners, based on evidence submitted, they may revoke the permit immediately after hearing on the matter in accordance with procedures set forth in City Code.

Section 2. 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 3. 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 4. That, this Resolution shall take effect at the earliest time permitted by law.

Passed:

Chairman

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby 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.

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