

MEMORANDUM

TO: Members of the Planning Commission
FROM: Brent N. Damman, Zoning Administrator
SUBJECT: Request for Re-zoning by First National Bank.
HEARING: January 14th, 1992 at 5:00 PM
HEARING #: PC 91/24

BACKGROUND:

An application by First National Bank Northwest Ohio 310 S. Main Bryan, Ohio, on behalf of Peggy Jo Howe 833 Woodlawn Ave. Napoleon, Ohio, requesting a zoning change from "C" Residential to L.B. Local Business on a parcel of land (NKA) situated in the S.W. 1/4 of section 13 Napoleon Twp. Henry Co. Ohio. (AKA) 833 Woodlawn Ave. The request is pursuant to Sections 33.10 (C) of The City of Napoleon, Ohio, Code of Ordinances and is located in an "C" Residential District. All persons desiring to speak in favor or opposed to said Uses may appear at the Hearing and be heard thereon.

RESEARCH AND FINDINGS:

1. That the above mentioned parcel is located in a "C" Residential District in which Business use is not permitted except by special use.
2. The Napoleon public library abuts the lot in question and would serve as a buffer to the residential use districts to the west.
3. The value of this lot is unlikely to appreciate as a residential use due to uses on either side.
4. By re-zoning this parcel and creating the proposed parking arrangement, it would greatly enhance the traffic flow to this facility and may reduce the current traffic hazards that are currently associated.

ADMINISTRATIVE OPINION:

It is my opinion that a special use permit would not be applicable to this situation due to the fact that the parcel in question is situated between publicly used facilities. By re-zoning it would eliminate future problems between Business owners and residential property owners.

This would stop situations like the one on Appian and Beckham between Daums & Donnetts.

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 exterior architectural appearance and functional plan of the special use premises will not be incompatible with the architectural appearance and functional plan of any structures already in the immediate area, or with the character of the zoning district.
- (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.

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