

PC 16-07
Conditional Use Recycling Center
471 Freedom Dr.

MEMORANDUM

TO: Members of The City Planning Commission
FROM: Tom Zimmerman, Zoning Administrator
SUBJECT: Conditional Use Recycling Center
MEETING DATE: November 8, 2016 @ 5:00 PM
HEARING #: PC-16-07

BACKGROUND:

An application for public hearing has been filed by N&R&G Equipment, LLC. 471 Freedom Dr. The applicant is requesting the approval of a Conditional Use Permit with variances to expand their existing Recycling Center to a six-acre parcel north (across Freedom Dr.) of their current location. The request is pursuant to Chapter 1141 of the Codified Ordinances of Napoleon Ohio. The property is in an I-1 Enclosed Industrial Zoning District.

RESEARCH AND FINDING

1. A Conditional Use permit is required for a recycling center even though it is a permitted use in an I-1 Zone. The specific requirements for establishing a recycling center are:
 - A. A junk yard and/or salvage yard or recycling centers shall be a minimum of ten acres.
 - B. A junk yard and/or salvage yard or recycling centers premises shall be provided with a front yard setback of 70 feet, a side yard setback of 100 feet, and a rear yard setback of 100 feet. A solid wall of not less than ten (10') feet in height shall enclose the entire perimeter of the junk yard and/or salvage yard operation.
 - C. All driveways leading to the junk yard and/or salvage yard and/or recycling centers operation shall be provided with asphaltic or standard concrete from the public street to the fenced area.
 - D. All junk yard or salvage yard or recycling center developments shall have engineered plans and procedures and demonstrate proper plats.
 - E. Applications for a junk yard and/or salvage yard or recycling centers conditional use permit shall be filed with the Zoning Administrator containing the following information:

1. A survey by an Ohio registered land surveyor of the zoning lot proposed for use, including the entire area proposed to be used for junk yard and/or salvage yard and/or recycling centers purposes.

2. A site plan indicating the arrangement and location of each permanent building proposed to be constructed on the site. The site plan shall also include outside storage and the perimeter wall and planting areas proposed to be installed for screening purposes.

F. The junk yard and/or salvage yard and/or recycling centers development plan shall be examined and evaluated by the Planning Commission in the terms of conformance with the regulations stated herein, and may recommend approval only after a determination has been made that the proposed development complies with the regulation of this Planning and Zoning Code. The regulation of salvage yards shall be in accordance with State Code except where this Planning and Zoning Code may supersede.

2. The property owner is requesting the following variances to the above requirements:
The parcel be 6 acres instead of the required 10 acres.

The side and front yard setbacks be 50' instead of the required 100'

The required 10' solid wall be allowed to be a 5' grass mound with a 6' vinyl fence on top

The driveway be allowed to be stone outside of the right-of way instead concrete. (see Engineering rule below)

3. The In addition, whenever such a vehicle accommodation area abuts a paved street, the driveway leading from such street to such area (or, if there is no driveway, the portion of the vehicle accommodation area that opens onto such streets), shall be paved as provided in the City's Engineering Department Rules and Regulations, for a distance of fifteen (15) feet back from the edge of the paved street or up to the property line whichever is the greater distance from the edge of the abutting street.

Findings of Fact and Recommendations of the Planning Commission.

The Planning Commission Chairman shall cause to be made written findings of fact and shall submit the same together with the Planning Commission's recommendations to the Council after the close of the hearing regarding issuance of a conditional use. Any member of the Planning Commission dissenting from the majority opinion may make his or her own dissention known in writing, to be furnished to Council as part of the record. No conditional use shall be recommended by the Planning Commission unless the Planning Commission finds that the criteria found in subsection (e), paragraphs 1 through 8, as deemed applicable by the Planning Commission, are satisfied.

(1) The proposed use is in fact a use subject to the issuance of a conditional use permit as established under the provisions of this Planning and Zoning Code, and that the use is not otherwise expressly prohibited by this Planning and Zoning Code;

(2) The use will be harmonious with and in accordance with the general objectives, or with any specific objective of the City's Master Plan and this Planning and Zoning Code;

(3) The use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

(4) The use will not be hazardous or disturbing to existing or future neighboring uses;

(5) The use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use will be able to provide adequately any such services;

(6) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

(7) The use will not involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes or odors; and,

(8) The use will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.