

MEMORANDUM

TO: Manager, Mayor & Members of City Council
FROM: Brent N. Damman, Zoning Administrator *BND*
SUBJECT: Zoning Change City parcel located at the Industrial Drive interchange.
MEETING DATE: November 16, 1998 @ 8:00 pm
HEARING #: PC 98/08

BACKGROUND:

An application for public hearing has been filed by Jon A. Bisher, City Manager on behalf of the owner being the City of Napoleon 255 W. Riverview Ave. Napoleon, Ohio. The applicants are requesting a zoning change of a certain parcel of land located in the northeast quarter of section 7 Liberty Township within the City of Napoleon corporation. More particularly described as located at the northeast corner of the intersection of Industrial Drive and Independence Drive Napoleon. The subject parcel is currently classified as I-1 Enclosed Industrial. The request is to change the zoning classification to C-5 Highway Commercial in light of the new interchange proximity. The parcel consists of 7.495 acres of land more or less. The request is pursuant to City Code Chapter 1121.

RESEARCH AND FINDINGS:

1. The subject land area is located in the north east corner of the intersection of Industrial Drive and Independence Drive at the new interchange.
2. Because of the new interchange and the re-routing of Independence Drive a larger parcel of land was divided and this parcel was created. The City purchased it from Norbert Bauman in a effort to expedite the construction of the interchange. Due to the size and shape of the subject parcel and the pond located at the north end, it does not lend itself for industrial development. Thus the proposed change to C-5 Highway Commercial.
3. Currently the parcel is for sale and there has been considerable interest generated for highway oriented business. Any public improvements to the parcel would be at the future owners expense.

4. The land to the east of this parcel up to county road 12 is zoned C-5 Highway Commercial as is proposed for this parcel.

ADMINISTRATIVE OPINION AND RECOMMENDATIONS:

The owner has complied with all applicable City regulations. Therefore, I am recommending that this Zoning Change Resolution # PC98/08 be submitted to City Council with your recommendation.

PLANNING COMMISSION RECOMMENDATION:

That City Council approve the zoning change as requested in accordance to Planning Commission Resolution PC98/08.

(Meeting minute summary attached)

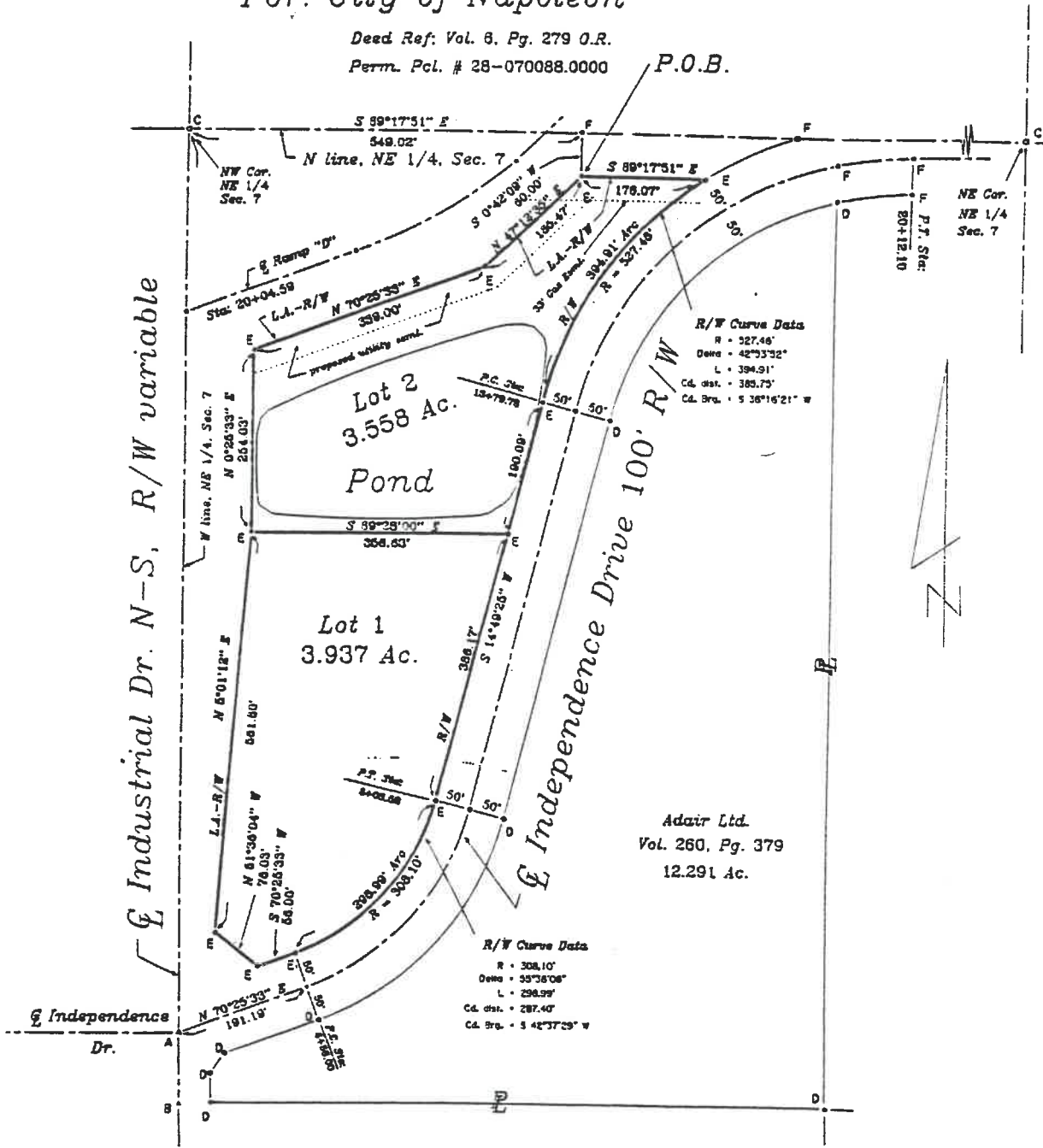
Interchange S.E. Subdivision

Being a part of the Northeast quarter (1/4) of Section 7,
Town 5 North, Range 7 East, Liberty Township, Henry County, Ohio.

For: City of Napoleon

Deed Ref: Vol. 6, Pg. 279 O.R.
Perm. Pcl. # 28-070088.0000

P.O.B.



Legend

- A = Railroad spike found
- B = P.K. Nail found
- C = Iron pipe found
- D = Iron pin found
- E = 5/8" x 30" Iron pin & ref. cap set
- F = Point found or established

Currently zoned - I-1
Proposed zoning - C-5

PLANNING COMMISSION RESOLUTION NO. PC 98-08

**A RESOLUTION OF THE CITY OF NAPOLEON PLANNING
COMMISSION RECOMMENDING TO COUNCIL REZONING
CLASSIFICATION FOR CERTAIN CITY PROPERTY LOCATED IN
PART OF THE NORTHEAST ¼ OF SECTION 7, LIBERTY TOWNSHIP**

WHEREAS, the City Planning Commission has been requested to process a duly filed application for a change in zoning classification of particular property owned by the City of Napoleon; and,

WHEREAS, pursuant to Chapter 1121.03 of the Codified Ordinances of Napoleon, Ohio (Zoning Code) the Planning Commission, within sixty (60) days of receipt of such application shall hold a hearing on the application with notice thereof; and,

WHEREAS, this Commission finds that proper application has been made and notice given in conformance with Chapter 1121 and Section 1119.03 of the Codified Ordinances of the City of Napoleon, and,

WHEREAS, the Planning Commission so desires to make a recommendation containing certain findings of fact regarding the change of a zoning classification of particular property based on evidence presented to it in a specific case in Hearing PC 98-08 held on 11-10-98:
THEREFORE,

**BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF
NAPOLEON, OHIO:**

Section 1. That Exhibits "A" and "B" attached hereto has been submitted to this Commission for reclassification of zoning.

Section 2. That,

a. The present zoning classification of the general property of the area in question is currently zoned C-5 (Highway Commercial); and, I-1 (Enclosed Industrial); and,

b. The existing use of the property within the general area in question is Commercially, Industrially and Agriculturally used; and,

c. The suitability of the property in question to the uses permitted under the existing zoning classification limits the use due to the proximity of the highway as well as the shape and size of the parcel; and,

d. The trend of development in the general area of the property in question is Commercial Enterprise due to highway oriented business, including the following changes which have taken place in its present zoning classification to wit: the property contiguous and east of the subject parcel was changed in 1995 from I-1 to C-5; and,

e. The changed or changing conditions in the applicable area of the amendment, or in the City, generally that makes the proposed amendment or rezoning reasonably necessary to the promotion of the public health, safety, or general welfare is: that due to the increased commercial development in the City there has become a lack of available prime commercial property for development; moreover, with the change of highway design for the purpose of more safe and convenient vehicle travel, such design will result in more access to the general property of the area in question thereby making such property prime commercial property for developers.

Commercial development results in growth and employment for the community; therefore, such rezoning is necessary to the promotion of the public health, safety or general welfare of the public.

Section 3. That, this Commission recommends the adoption of the proposed amendment and/or rezoning of the property to reflect a zoning classification of C-5 (Highway Commercial), such adoption being in the public interest and not solely for the interest of the petitioner.

Section 4. That, this Resolution shall serve as a report from this Commission.

Section 5. That it is found and determined that all formal actions of this Commission concerning and relating to the adoption of this Resolution were adopted in open meetings of this Commission, and that all deliberations of this Commission and any of its committees 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 6. That this Resolution shall take immediate effect.

Passed:
11-10-98


Richard McBroom, Commission Chairman

VOTE:

Member: Mayor Stange ___ Yea ___ Nay X Abstain

Member: Larry Haase ___ Yea ___ Nay X Abstain

Member: Marv Eling X Yea ___ Nay ___ Abstain

Member: Ann Luzny X Yea ___ Nay ___ Abstain

Member: Dick McBroom X Yea ___ Nay ___ Abstain

* See attached reason for any Nay vote, if checked ()

* See attached report amendment to this Commission Resolution, if checked ()

Attest:

Gregory J. Heath, Clerk/Finance Director

MEMORANDUM

TO: Manager, Mayor & Members of City Council
FROM: Brent N. Damman, Zoning Administrator *AND*
SUBJECT: Final Plat of Interchange S.E. Subdivision
MEETING DATE: November 16, 1998 @ 8:00 pm
HEARING #: PC 98/09

BACKGROUND:

An application for public hearing has been filed by Jon A. Bisher, City Manager on behalf of the owner being the City of Napoleon 255 W. Riverview Ave. Napoleon, Ohio. The applicant is requesting approval of a two (2) lot Minor Subdivision of a certain parcel of land located in the northeast quarter of section 7 Liberty Township within the City of Napoleon corporation. More particularly described as located at the northeast corner of the intersection of Industrial Drive and Independence Drive Napoleon. The parcel consists of 7.495 acres of land more or less. The request is pursuant to City Code Chapter 1105.

RESEARCH AND FINDINGS:

1. The subject land area is located in the north east corner of the intersection of Industrial Drive and Independence Drive at the new interchange.
2. This land area is currently for sale and there has been considerable interest for the purchase. Any public improvements to these parcels would be at the future owners expense.

ADMINISTRATIVE OPINION AND RECOMMENDATIONS:

The owner has complied with all applicable City regulations. Therefore, I am recommending that this Subdivision Plat Resolution # PC98/09 be submitted to City Council with your recommendation.

PLANNING COMMISSION RECOMMENDATION:

That City Council not approve the proposed subdivision in accordance to Planning Commission Resolution PC98/09.

(Meeting minute summary attached)

Interchange S.E. Subdivision

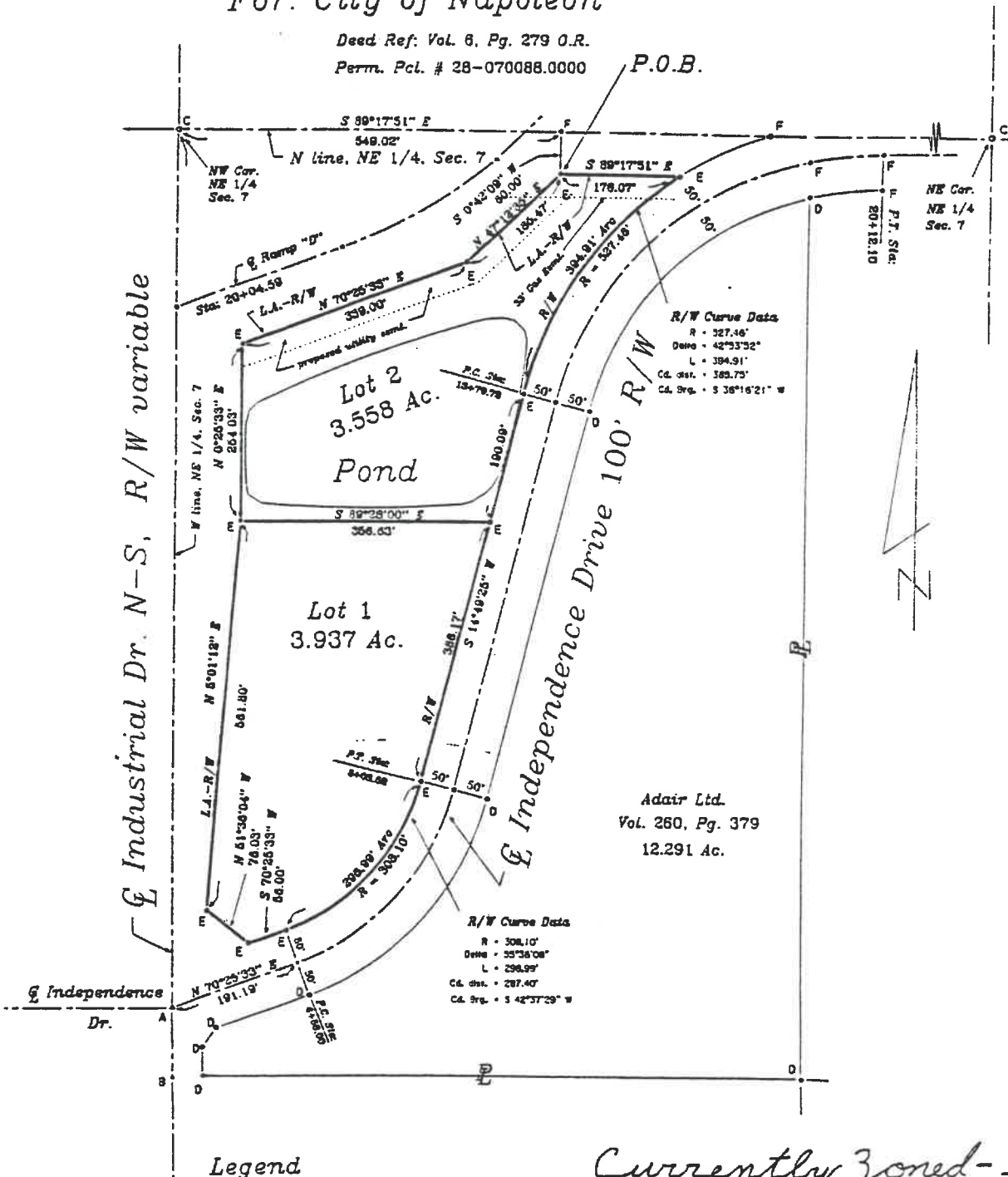
Being a part of the Northeast quarter (1/4) of Section 7,
Town 5 North, Range 7 East, Liberty Township, Henry County, Ohio.

For: City of Napoleon

Deed Ref: Vol. 6, Pg. 279 O.R.

Perm. Pcl. # 28-070088.0000

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Currently zoned - I-1
Proposed zoning - C-5

PLANNING COMMISSION RESOLUTION NO. PC-98-09

A RESOLUTION RECOMMENDING THE APPROVAL OF A FINAL PLAT - CITY OF NAPOLEON (INTERCHANGE S.E.)

WHEREAS, the City Manager has made application on behalf of the City of Napoleon, Ohio to this Commission, pursuant to Chapter 1105 of the Codified Ordinances of the City of Napoleon, Ohio, to approve the Final Plat known as "Interchange S.E." a minor subdivision in the City of Napoleon, Ohio; and,

WHEREAS, no public improvements will be required or made therein; and,

WHEREAS, this Commission has held a hearing pursuant to Sections 1105.09 and 1105.10 of the Codified Ordinances of the City of Napoleon, Ohio and other applicable sections of law, to wit: Hearing No. 98-09 (held November 10, 1998); and,

WHEREAS, the Zoning Administrator has complied with the provisions of said Section 1105.09 paragraphs one through six;

WHEREAS, based upon the submittals, testimony and/or other evidence received by the Commission it has been determined to recommend approval of said Final Plat; **Therefore**,

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF NAPOLEON, OHIO:

Section 1. That, it is the recommendation of this Planning Commission that the Final Plat of "Interchange S.E.", a minor subdivision, in the City of Napoleon, Henry County, Ohio, be approved by the City Council of Napoleon, Ohio,

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 and any of its committees 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 2 Yea 3 Nay 0 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.

Gregory J. Heath, Clerk/Finance Director

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