



City of Napoleon, Ohio

Zoning Department

255 West Riverview Avenue, P.O. Box 151
Napoleon, OH 43545

Kevin Schultheis Code Enforcement / Zoning Administrator
Telephone: (419) 592-4010 Fax: (419) 599-8393
www.napoleonohio.com

CONDITIONAL USE PERMIT

Date: January 9, 2024

Hearing No.: PC-24-02

Address: Parcel #: 41.1100120000

Applicant: Nathan Waggner
402 E. 13th Street, Suite 101
Jasper, IN 47546
(on behalf of GraBen L.L.C.- Emily Collins and Sarah Luzny)

Permitted Use: The development of a planned residential multi-family development in a commercial district.

Conditions: None: _____

-or-

- 1.
- 2.
- 3.

Kevin Schultheis
Code Enforcement/Zoning Administrator



City of Napoleon, Ohio

Kevin Schultheis, Zoning Admin.

Code Enforcement

255 West Riverview

Napoleon, OH 43545

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November 21, 2023

PLANNING COMMISSION RESOLUTION NO: PC 24-01

A RESOLUTION RECOMMENDING THE APPROVAL OF A PLAT- KNOWN AS PART OF THE SE ¼, OF SECTION 11, ALSO KNOWN AS BEING ALL OF LOT 16 OF THE BECK & SCHULTZ REPLAT OF LOT 7 (SLIDE CABINET 2, SLIDE 202) T5N- R6E, CITY OF NAPOLEON, HENRY COUNTY OHIO.

Whereas, this Owner, Graben, LLC, the Reese family has legal ownership of certain real property being Trail Drive being part of the SE ¼ of section 11, also known as being all of lot 16 of the Beck & Schultz replat of lot 7 (slide2, slide 202) T5N-R6E, Parcel 411190450200, in the City of Napoleon, Henry County Ohio; and,

Whereas, a certain street exists known as the 0.339 acres known as the 700 Block of Trail Drive, Beck & Schultz replat of lot no. 7 Slide 202A that has been used and maintained By the owner, Graben, LLC, and has requested this section to be dedicated and accepted as a public street; and,

Whereas, the City's Engineering department is unable to locate a record evidencing the dedication and acceptance of the said street, at least in the entirety as now used as a public street; 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 Plat known as the Beck & Schultz Replat of lot No. 7 Slide 202A Dedication Plat" situated in the City of Napoleon, County of Henry, State of Ohio, be approved, and the Right of Way (Street) be hereby accepted by the City as a public street.

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



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COPY

December 8, 2023

Graben L.L.C.
15-554 County Road M1
Napoleon, Ohio 43545

Re: Notice of a Public Hearing
Parcel #: 41.1190450200

Dear Sir or Madam,

This letter is to inform you that a Public Hearing will be held by the Planning Commission of the City of Napoleon in the Council Chambers located at 255 West Riverview Avenue on **January 9, 2024, at 5:00 pm** to consider an application that has been filed by Graben, LLC (Reese family).

The applicant is requesting a portion of Trail Drive to be dedicated. This Owner, Graben, LLC, the Reese Family has legal ownership of certain real property being Trail Drive being part of the SE ¼ of Section 11, also known as being all of lot 16 of the Beck & Schultz replat of Lot 7 (slide 2, slide 202) T5N-R6E, of the above parcel, in the City of Napoleon. A certain street exists known as the 0.339 acres known as the 700 block of Trail Drive, Beck & Schultz replat of Lot No. 7, Slide 202A that has been used and maintained by the owner, Graben, LLC and has requested this section to be dedicated and accepted as a public street.

Anyone interested in this project may submit their views in writing or attend this hearing. Complete details are available for discussion from Mr. Kevin Schultheis from 7:30 am to 4:00 pm Monday through Friday.

Yours truly,

Kevin Schultheis
Code Enforcement / Zoning Administrator
City of Napoleon, Ohio

NOTICE OF PUBLIC HEARING

A Public Hearing will be held by the City of Napoleon Planning Commission on January 9, 2024 at 5:00 pm in City Council Chambers located at 255 West Riverview Avenue to consider:

An application that has been filed by Graben, LLC, in order to dedicate a section of Trail Drive, located in the 700 block of Trail Drive, in the City of Napoleon, Ohio. This request is pursuant to Chapter 1105.13 of the Codified Ordinances of Napoleon, Ohio. The property is located in an C-4 Planned Commercial Zoning District.

Anyone interested in this project may submit their views in writing or attend this hearing. Complete details are available for discussion from Mr. Kevin Schultheis from 7:30 am to 4:00 pm Monday through Friday.

Northwest Signal - Wednesday, 12/27/23.



City of Napoleon, Ohio

Zoning Department

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

Kevin Schultheis, Code Enforcement / Zoning Administrator

Telephone: (419) 592-4010 Fax: (419) 599-8393

www.napoleonohio.com

December 8, 2023

COPY

MSG Investments Ltd.
1045 North Main Street
Suite 7B
Bowling Green, OH 43402

Re: Notice of a Public Hearing
Parcel #: 41.1190450200

Dear Sir or Madam,

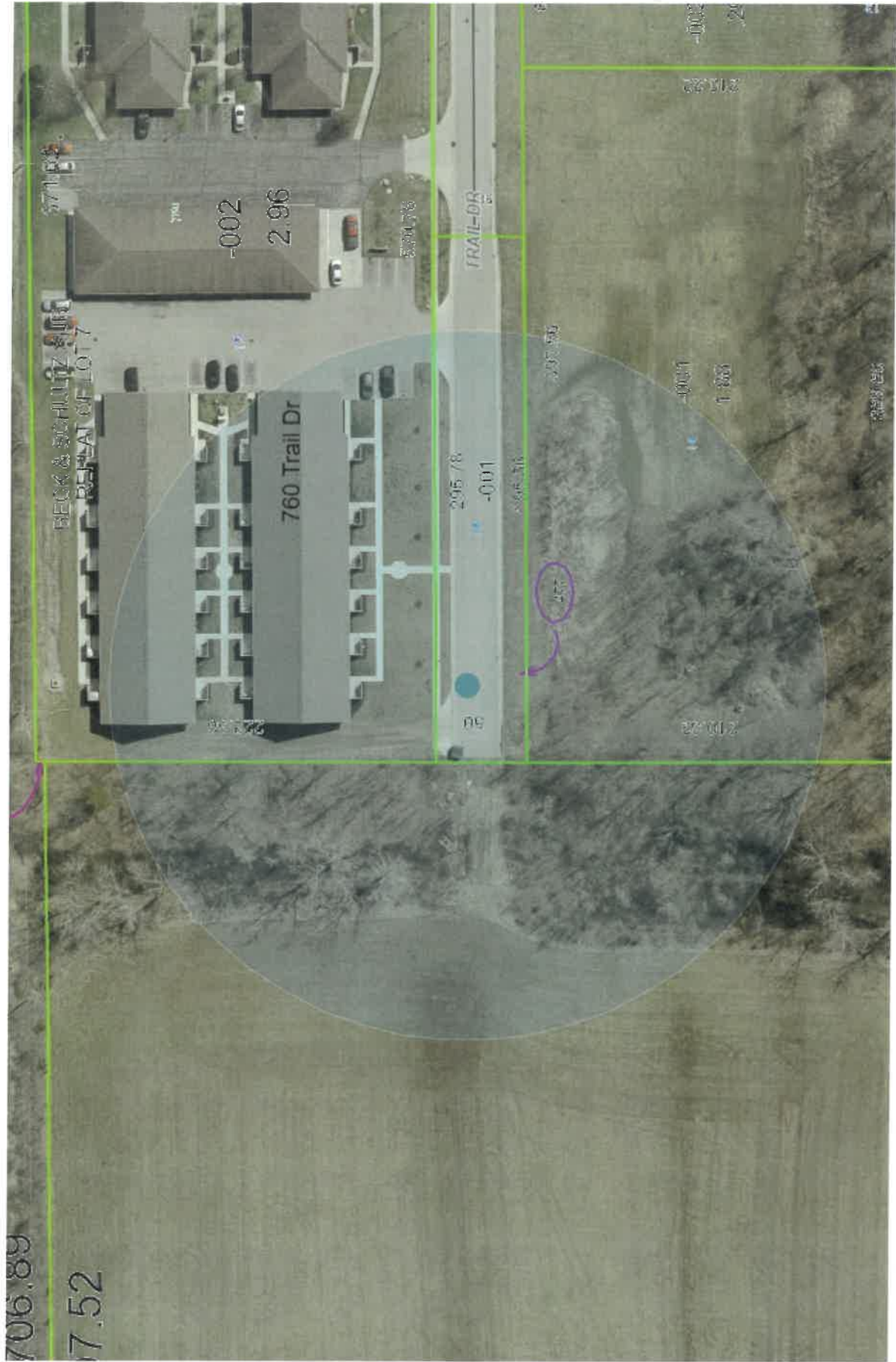
This letter is to inform you that a Public Hearing will be held by the Planning Commission of the City of Napoleon in the Council Chambers located at 255 West Riverview Avenue on **January 9, 2024, at 5:00 pm** to consider an application that has been filed by Graben, LLC (Reese family).

The applicant is requesting a portion of Trail Drive to be dedicated. This Owner, Graben, LLC, the Reese Family has legal ownership of certain real property being Trail Drive being part of the SE ¼ of Section 11, also known as being all of lot 16 of the Beck & Schultz replat of Lot 7 (slide 2, slide 202) T5N-R6E, of the above parcel, in the City of Napoleon. A certain street exists known as the 0.339 acres known as the 700 block of Trail Drive, Beck & Schultz replat of Lot No. 7, Slide 202A that has been used and maintained by the owner, Graben, LLC and has requested this section to be dedicated and accepted as a public street.

Anyone interested in this project may submit their views in writing or attend this hearing. Complete details are available for discussion from Mr. Kevin Schultheis from 7:30 am to 4:00 pm Monday through Friday.

Yours truly,

Kevin Schultheis
Code Enforcement / Zoning Administrator
City of Napoleon, Ohio



Application for Public Hearing

City of Napoleon, Ohio

I/We hereby request a public hearing to consider the following:

Planning Commission

(MZON 100.1700.46690)

- Conditional Use
\$125.00
- Amendment
\$125.00
- Subdivision in City
\$75.00 + \$5.00 each, after two
- Preliminary Plat of Development
\$125.00
- Alley Vacation
\$25.00 + publication cost

Preservation Commission

(MZON 100.1700.46690)

- Certificate of Appropriateness
\$25.00

Board of Zoning Appeals

(MZON 100.1700.46690)

- Certificate of Zoning
\$25.00
- Re-Zoning
\$125.00
- Variance
\$125.00
- Administrative Appeal
\$50.00

Address of property: _____

Description of request: Street Vacation Trail Drive

Emily Collins
OWNER(S) NAME (PRINT)

4810 P Rd Q Napoleon Ohio 43545
ADDRESS- CITY, STATE, ZIP

419-599-4706
PHONE NUMBER

Emily G. Collins
SIGNATURE

*****Public hearings are held on the second Tuesday of each month; this petition must be filed with the Zoning Administrator thirty (30) days before the public hearing date. All plans, plats, deeds and other requested information must accompany this application before the hearing will be scheduled.*****

APPLICANT MUST BE AN OWNER OR AN AUTHORIZED REPRESENTATIVE EVIDENCED BY LETTER OF APPOINTMENT.

Emily Collins
APPLICANT NAME (PRINT)

4810 P Road Q
ADDRESS

Emily G. Collins
APPLICANT SIGNATURE

Napoleon Ohio 43545
CITY, STATE, ZIP

419-599-4700
PHONE

Hearing #: _____ Hearing Date: _____ Zoning District: _____

Office Use Only		
Batch # _____	Check # _____	Date _____

CITY PLANNING COMMISSION OF NAPOLEON, OHIO

In the matter of:

HEARING NO. PC-24-02

Nathan Waggoner (on behalf of GraBen LLC)
402 E. 13th Street, Suite 101
Jasper, IN 47546

FINDINGS OF FACT RECOMMENDATIONS

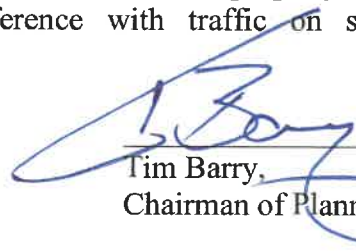
An application filed by Nathan Waggoner on behalf of GraBen LLC (Emily Collins and Sarah Luzny) to request approval of a Subdivision of a Re-Plat (Parcel Split) of a parcel of land being part of the Southeast ¼ of Section 11, Town 5 north, range 6 east in the City of Napoleon, Henry County, parcel number 41.1100120000. The request is pursuant to Chapter 1141 and 1105.01 of the Codified Ordinance of Napoleon, Ohio. The property is located in a C-4 Planned Commercial District. The split would occur at the bearings of S 88°51'8" E 1024.80 and N 88°51'38" W 1024.80.

Also, an application filed by Nathan Waggoner of behalf of GraBen LLC (Emily Collins and Saray Luzny) to request approval of a Conditional Use Permit to have a planned apartment development located in the 800 and 900 block of Trail Drive, Napoleon, Ohio. The request is pursuant to Chapter 1141 of the Codified Ordinance of Napoleon Ohio. The property is in a C-4 Planned Commercial District. At this time the Developer will remain on the North side of the plat split.

Based on evidence presented at the hearing, it is the Finding of this Commission as follows: That the factors listed in 1141.02 (e) (1-8) listed below have been met if the conditions A thru H in the Motion expressed by this Commission are followed.

- 1 () The proposed use is in fact a use subject to the issuance of a conditional use permit as established under the provisions of the City's planning and zoning Code, and that the use is not otherwise expressly prohibited by said 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 the City's 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.



Tim Barry,
Chairman of Planning Commission



Authorization to Act as Agent/Representative

I Emily Collins and Sarah Luzny (Print) do hereby authorize:
 (First Name) (Middle Initial) (Last Name)

Nathan R. Waggnner (Print) to act as agent on my behalf and to speak for me
 (First Name) (Middle Initial) (Last Name)

with regard to my application before the City of Napoleon Planning Commission.

I further understand that all information and statements given by my agent/representative, who is identified above, are binding to me in the future.

X Emily G. Collins (Signed) 12/18/23
 (First Name) (Middle Initial) (Last Name) (Month-Day-Year)

X Sarah J. Luzny (Signed) 12/18/23
 (First Name) (Middle Initial) (Last Name) (Month-Day-Year)

402 E 13TH STREET, STE 101 • JASPER, IN 47546 • P: 812.634.5015
 JASPER • EVANSVILLE WWW.CASHWAGGNER.COM

NORTH PARCEL

1. A parcel of land being part of the Southeast quarter ($\frac{1}{4}$) of Section eleven (11), Town five (5) North, Range six (6) East in the City of Napoleon, Henry County, Ohio, said parcel of land being bounded and described as follows:
2. Commencing at the intersection of the West line of the Southeast quarter ($\frac{1}{4}$) of Section eleven (11), with the South line of the Southeast quarter ($\frac{1}{4}$) of Section eleven (11), said West line of the Southeast quarter ($\frac{1}{4}$) of Section eleven (11), also being the centerline of Glenwood Avenue, said point of intersection being marked with a found railroad spike;
3. thence in a northerly direction, along the West line of the Southeast quarter ($\frac{1}{4}$) of Section eleven (11), having a bearing of North zero (00) degrees, fifty-nine (59) minutes, nine (09) seconds East, a distance of five hundred eighty-two and ninety-nine hundredths (582.99') feet to a point;
4. thence South eighty-nine (89) degrees, thirty-five (35) minutes, twenty-four (24) seconds East along a line, a distance of one hundred and thirty-four hundredths (100.34') feet to the intersection of the East Right-of Way line of Glenwood Avenue, per Right-of -Way Plans for US Route 6, said point of intersection being marked with a set capped iron rebar, said point of intersection also being the **Point of Beginning**;
5. thence North five (05) degrees, fifty-five (55) minutes, nine (09) seconds East along the East Right-of Way line of Glenwood Avenue, a distance of one hundred twelve and thirty-eight hundredths (112.38') feet to the Southeast Limited Access Right of Way of US Route 6, said point of intersection being marked with a set capped iron rebar;
6. thence North forty-six (46) degrees, twenty-two (22) minutes, thirty-nine (39) seconds East along the Southeast Limited Access Right of Way of US Route 6, a distance of six hundred seventy-two and ninety hundredths (672.90') feet to the intersection the West line of Lot A in the Re-Plat of Heritage Towne Center Lot 1, as recorded in Slide 328, Henry County Plat Records, said point of intersection being marked with a set capped iron rebar;
7. thence South one (01) degree, eight (08) minutes, thirty-nine (39) seconds West along the West line of Lot A in the Re-Plat of Heritage Towne Center Lot 1, as recorded in Slide 328, Henry County Plat Records, a distance of eighty-seven and sixty-nine hundredths (87.69') feet to the intersection North line of a parcel of land as described in Official Record 229, Page 1975 Henry County Deed Records in the name of Graben, LLC, said point of intersection being marked with set capped iron rebar;
8. thence South eighty-nine (89) degrees, fifty-one (51) minutes, twenty-one (21) seconds East along the North line of a parcel of land as described in Official Record 229, Page 1975 Henry County Deed Records in the name of Graben, LLC, a distance of seven

hundred seven and seventy-eight hundredths (707.58') feet to the intersection of the East line of the West half ($\frac{1}{2}$) of the Southeast quarter ($\frac{1}{4}$) of section eleven (11), also being the West line of Beck and Schultz Replat of Lot 7, as recorded in Slide 202A, Henry County Plat Records, said point of intersection being referenced with a found iron rod being zero and forty-eight hundredths (0.48') feet South and zero and ninety-three hundredths (0.93') feet from said point of intersection;

9. thence South one (01) degree, eight (08) minutes, twenty-two (22) seconds West along the East line of the West half ($\frac{1}{2}$) of the Southeast quarter ($\frac{1}{4}$) of section eleven (11), also being the West line of Beck and Schultz Replat of Lot 7, as recorded in Slide 202A, Henry County Plat Records, a distance of two hundred seventy-three and sixty-seven hundredths (273.67') feet to a point, said point being marked with a set capped iron rebar;
10. thence North eighty-eight (88) degrees, fifty-one (51) minutes, thirty-eight (38) seconds West along a line, a distance of sixty and zero hundredths (60.00') feet to a point, said point being marked with a set capped iron rebar;
11. thence South one (01) degree, eight (08) minutes, twenty-two (22) seconds West along a line, a distance of two hundred seventy and zero hundredths (270.00') feet to a point, said point being marked with a set capped iron rebar;
12. thence North eighty-eight (88) degrees, fifty-one (51) minutes, thirty-eight (38) seconds West along a line, a distance of one thousand twenty-four and eighty hundredths (1,024.80') feet to the intersection of the East line of a parcel of land as described in Official Record 67, Pages 346-347 Henry County Deed Records in the name of Rhonda S. Revis, said point of intersection being marked with a set capped iron rebar;
13. thence North zero (00) degrees, fifty-nine (59) minutes, thirty-six (36) seconds East along the East line of a parcel of land as described in Official Record 67, Pages 346-347 Henry County Deed Records in the name of Rhonda S. Revis, a distance of thirty-four and sixty-four hundredths (34.64') feet to the intersection of the North line of a parcel of land as described in Official Record 67, Pages 346-347 Henry County Deed Records in the name of Rhonda S. Revis, said point of intersection being marked with a set capped iron rebar
14. thence North eighty-nine (89) degrees, thirty-five (35) minutes, twenty-four (24) seconds West along the North line of a parcel of land as described in Official Record 67, Pages 346-347 Henry County Deed Records in the name of Rhonda S. Revis, a distance of one hundred nine and seventy-four hundredths (109.74') feet to the **Point of Beginning**.
15. Said parcel of land containing an area of 543,771 square feet, 12.483 acres of land, more or less. Subject to legal highways.

The above-described parcel of land is subject to any and all leases, easements, and restrictions of record.

The above-described parcel of land consists of:
543,771 square feet, 12.483 acres of land within Tax Parcel No. 411100120000

The bearings used hereon are based on the Ohio Real Time Network (North Zone) and are for the express purpose of calculating angular measurements.

Said set capped iron rebar being a 5/8" diameter and 30" long iron rebar with plastic cap stamped "Feller Finch".

The above description is based on a survey performed under my supervision during October 2022.

Prior Deed Reference is Official Record 229, Page 1975, Henry County Deed Records in the name of Graben, LLC.

Prepared by:

FELLER, FINCH & ASSOCIATES, INC.



D. Edward Thornton, P. S.
Professional Surveyor No. 7827

12-15-2023
Date



SOUTH PARCEL

1. A parcel of land being part of the Southeast quarter ($\frac{1}{4}$) of Section eleven (11), Town five (5) North, Range six (6) East in the City of Napoleon, Henry County, Ohio, said parcel of land being bounded and described as follows:
2. Commencing at the intersection of the West line of the Southeast quarter ($\frac{1}{4}$) of Section eleven (11), with the South line of the Southeast quarter ($\frac{1}{4}$) of Section eleven (11), said West line of the Southeast quarter ($\frac{1}{4}$) of Section eleven (11), also being the centerline of Glenwood Avenue, said point of intersection being marked with a found railroad spike;
3. thence in a easterly direction, along the South line of the Southeast quarter ($\frac{1}{4}$) of Section eleven (11), having a bearing of South eighty-nine (89) degrees, thirty-five (35) minutes, twenty-five (25) seconds East along a line, a distance of fifty and zero hundredths (50.00') feet to the intersection of the East Right-of Way line of Glenwood Avenue, per Right-of -Way Plans for US Route 6, said point of intersection being marked with a set capped iron rebar, said point of intersection also being the **Point of Beginning**;
4. thence North five (05) degrees, fifty-four (54) minutes, forty-nine (49) seconds East along East Right-of Way line of Glenwood Avenue, a distance of two hundred ninety-eight and thirty-five hundredths (298.35') feet to the intersection of the South line of a parcel of land as described in Official Record 67, Pages 346-347 Henry County Deed Records in the name of Rhonda S. Revis, said point of intersection being marked with a found drill hole;
5. thence South eighty-nine (89) degrees, thirty-five (35) minutes, twenty-four (24) seconds East along the South line of a parcel of land as described in Official Record 67, Pages 346-347 Henry County Deed Records in the name of Rhonda S. Revis, a distance of one hundred thirty-one and forty-one hundredths (134.41') feet to the intersection of the East line of a parcel of land as described in Official Record 67, Pages 346-347 Henry County Deed Records in the name of Rhonda S. Revis, said point of intersection being referenced by a found iron rod zero and eighteen hundredths (0.18') feet north of said point of intersection;
6. thence North zero (00) degrees, fifty-nine (59) minutes, thirty-six (36) seconds East along of the East line of a parcel of land as described in Official Record 67, Pages 346-347 Henry County Deed Records in the name of Rhonda S. Revis, a distance of two hundred fifty-one and thirty-six hundredths (251.36') feet to a point, said point being marked with a set capped iron rebar;
7. thence South eighty-eight (88) degrees, fifty-one (51) minutes, thirty-eight (38) seconds East along a line, a distance of (1,024.80') feet to a point, said point being marked with a set capped iron rebar;

8. thence North one (01) degree, eight (08) minutes, twenty-two (22) seconds East along a line, a distance of (270.00') feet to a point, said point being marked with a set capped iron rebar;
9. thence South eighty-eight (88) degrees, fifty-one (51) minutes, thirty-eight (38) seconds East along a line, a distance of (60.00') feet to the intersection of the East line of the West half ($\frac{1}{2}$) of the Southeast quarter ($\frac{1}{4}$) of section eleven (11), also being the West line of Beck and Schultz Replat of Lot 7, as recorded in Slide 202A, Henry County Plat Records, said point of intersection being marked with a set capped iron rebar;
10. thence South one (01) degree, eight (08) minutes, twenty-three (23) seconds West along the East line of the West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of section 11, also being the West line of Schultz Replat of Lot 7, as recorded in Slide 202A, Henry County Plat Records , a distance of eight hundred four and fifty-five hundredths (804.55') feet to the intersection of the South line of the Southeast $\frac{1}{4}$ of Section eleven (11), said point of intersection being refenced by a found capped iron rod being zero and forty-six hundredths (0.46') feet North and zero and seven hundredths (0.07') feet West and also a found Bent iron pipe being zero and twenty-two hundredths zero and twenty-two hundredths (0.22') feet North and zero and sixty-four hundredths (0.64') feet East of said point of intersection;
11. thence North eighty-nine (89) degrees, twenty-five (35) minutes, twenty-four (24) seconds West along the South line of the Southeast quarter ($\frac{1}{4}$) of Section eleven (11), and the North line of Brickyard Subdivision Plat III, as recorded in Slide 288B Henry County Plat Records, and the North line of Brickyard Subdivision, as recorded in Slide 174, Henry County Plat Records, a distance of one thousand two hundred forty-three and forty-eight hundredths (1,243.48') feet to the **Point of Beginning**.
12. Said parcel of land containing an area of 646,903 square feet, 14.851 acres of land, more or less. Subject to legal highways.

The above-described parcel of land is subject to any and all leases, easements, and restrictions of record.

The above-described parcel of land consists of:

365,600 square feet or 8.393 acres of land within Tax Parcel No 411100020000.

281,303 square feet or 6.458 acres of land within Tax Parcel No. 411100120000

The bearings used hereon are based on the Ohio Real Time Network (North Zone) and are for the express purpose of calculating angular measurements.

Said set capped iron rebar being a 5/8" diameter and 30" long iron rebar with plastic cap stamped "Feller Finch".

The above description is based on a survey performed under my supervision during October 2022.

Prior Deed Reference is Official Record 229, Page 1975, Henry County Deed Records in the name of Graben, LLC.

Prepared by:

FELLER, FINCH & ASSOCIATES, INC.



D. Edward Thornton, P. S.
Professional Surveyor No. 7827





City of Napoleon, Ohio
Kevin Schultheis, Zoning Administrator
Code Enforcement

255 West Riverview
Napoleon, OH 43545
Telephone: (419) 592-4010 Fax: (419) 599-8393
www.napoleonohio.com

PC-24-03
Subdivision in City
For a Recommended Re-Plat Approval, Preliminary plat of Development and Conditional Use Permit
Location: Parcel Number: 41-1100120000

Memorandum

To: Members of the City Planning Commission
From: Kevin Schultheis, Zoning Administrator / Code Enforcement Officer
Subject: Subdivision of plat in the City of Napoleon, and a Conditional Use Permit
Meeting Date: January 9, 2024
Hearing #: PC-24-032

Background:

An application for a public hearing has been filed by Nathan Waggner of 402 E. 13th Street, Ste. 101 Jasper, In. 47546, Graben, LLC. (Emily Collins and Sarah Luzny). The applicant is requesting the approval of a subdivision of a Re-Plat (Parcel Split) of a Parcel of land being part of the Southeast ¼ of section 11, Town 5 north, range 6 east in the City of Napoleon, Henry County, Parcel number 41-1100120000. The request is pursuant to Chapter 1141, and 1105.01 of the Codified ordinance of Napoleon, Ohio. The property is located in a C-4 Planned Commercial District. The split would occur at the bearings of S 88°51'38" E 1024.80 and N 88°51'38" W 1024.80.

The applicant is also requesting the approval of a Conditional use permit to have a planned Apartment Development located in the 800 and 900 block of Trail Drive Napoleon, Ohio. The request is pursuant to Chapter 1141 of the Codified Ordinance of Napoleon Ohio. The property is in a C-4 Planned Commercial District. At this time the Developer will remain on the North side of the plat split.

Research and Findings:

1. A Conditional Use Permit is required for any Planned Apartment Development to be located in a C-4 Planned Commercial District as per 1145.01 Table of Permissible Uses and in 1105.01 of the Codified Ordinance. The Applicant may also request a building height variance taller than forty six feet (46) or to be determined by the Planning Commission as per section 1147 of the Codified Ordinance.
2. A Subdivision (Parcel Split) in City Permit is for any planned development to be located in the C-4 Planned Commercial District as per 1105.01 of the Codified Ordinance.

3. Scope of the project: Proposed Re-Plat of a Parcel of land being part of the Southeast ¼ of section 11, Town 5 North, Range 6 East. Parcel 41-1100120000. The applicant is asking for a split of the parcel to a North parcel of 12.483 acres or 543,771 Sq. Ft. and the South Parcel of 14.851 Acres or 646,903 Sq. Ft., currently owned by the Graben, LLC (see attached)
4. This Conditional Use Permit requested to permit the construction of seven (7) buildings, six (6) building consisting of Thirty six (36) units and one (1) small building at the Entrance of the property
5. The Conditional use would allow for the addition of much needed housing for the City of Napoleon. 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. The use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance.
6. The use will not be hazardous or disturbing to existing or future neighboring uses. 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. 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. 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, 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.
7. Conditions: The Planning Commission may recommend such conditions or restrictions on the construction, location, use, and operation of a conditional use as shall be deemed necessary to adequately address the general objectives of the Master Plan and this Planning and Zoning Code after considering those things, as applicable, as listed in subsection (e).

Recommended Conditions:

1. All revisions made to plans by the surveyor of the project must be reviewed by the City Engineer, Chad Lulfs, Kevin Schultheis, Zoning Administrator / Code Enforcement officer prior to approval by the Board of Planning Commission.

NOTICE OF PUBLIC HEARING

A Public Hearing will be held by the City of Napoleon Planning Commission on January 9, 2024

at 5:00 pm in City Council Chambers located at 255 West Riverview Avenue to consider:

An application for public hearing has been filed by Nathan Waggoner on behalf of GraBen LLC to request the approval of a subdivision of a Re-Plat (Parcel Split) of parcel number 41.1100120000 and the approval of a Conditional Use Permit to have a planned apartment development located in the 800 and 900 block of Trail Drive. The parcel is currently listed as C-4 Planned Commercial District.

Anyone interested in this project may submit their views in writing prior to the hearing date. Complete details are available for inspection and discussion from Kevin Schultheis, Code Enforcement/Zoning Administrator, from 7:30 am to 4:00 pm Monday through Friday.

Northwest Signal - Wednesday, 12/27/23.

Application for Public Hearing

City of Napoleon, Ohio

I/We hereby request a public hearing to consider the following:

Planning Commission

(MZON 100.1700.46690)

Conditional Use

\$125.00

Amendment

\$125.00

Subdivision in City

\$75.00 + \$5.00 each, after two

Preliminary Plat of Development

\$125.00

Alley Vacation

\$25.00 + publication cost

Preservation Commission

(MZON 100.1700.46690)

Certificate of Appropriateness

\$25.00

Board of Zoning Appeals

(MZON 100.1700.46690)

Certificate of Zoning

\$25.00

Re-Zoning

\$125.00

Variance

\$125.00

Administrative Appeal

\$50.00

Address of property: Trail Drive, Napoleon, OH

Description of request:

To allow the development of a planned residential multi-family development in a commercial district.

Emily Collins and Sarah Luzny, GraBen L.L.C.

OWNER(S) NAME (PRINT)

15238 Co Rd M1 Napoleon, OH 43545

ADDRESS- CITY, STATE, ZIP

PHONE NUMBER

SIGNATURE

*****Public hearings are held on the second Tuesday of each month; this petition must be filed with the Zoning Administrator thirty (30) days before the public hearing date. All plans, plats, deeds and other requested information must accompany this application before the hearing will be scheduled.*****

APPLICANT MUST BE AN OWNER OR AN AUTHORIZED REPRESENTATIVE EVIDENCED BY LETTER OF APPOINTMENT.

Nathan Wagner

APPLICANT NAME (PRINT)



APPLICANT SIGNATURE

402 E 13th St. Suite 101

ADDRESS

Jasper, IN 47546

CITY, STATE, ZIP

(812) 631-3964

PHONE

Hearing #: @ PC-24-02

Hearing Date: 01/09/2024

Zoning District: C4

Office Use Only

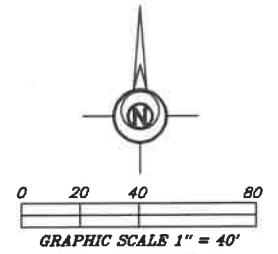
Batch # 51508

Check # 29808-29810

Date 12/20/23

RIGHT-OF-WAY DEDICATION PLAT

PART OF THE SE 1/4, SE 1/4,
OF SECTION 11, ALSO KNOWN AS
BEING ALL OF LOT 16 OF THE BECK & SCHULTZ
REPLAT OF LOT 7 (SLIDE CABINET 2, SLIDE 202)
T5N - R6E, CITY OF NAPOLEON,
HENRY COUNTY, OHIO

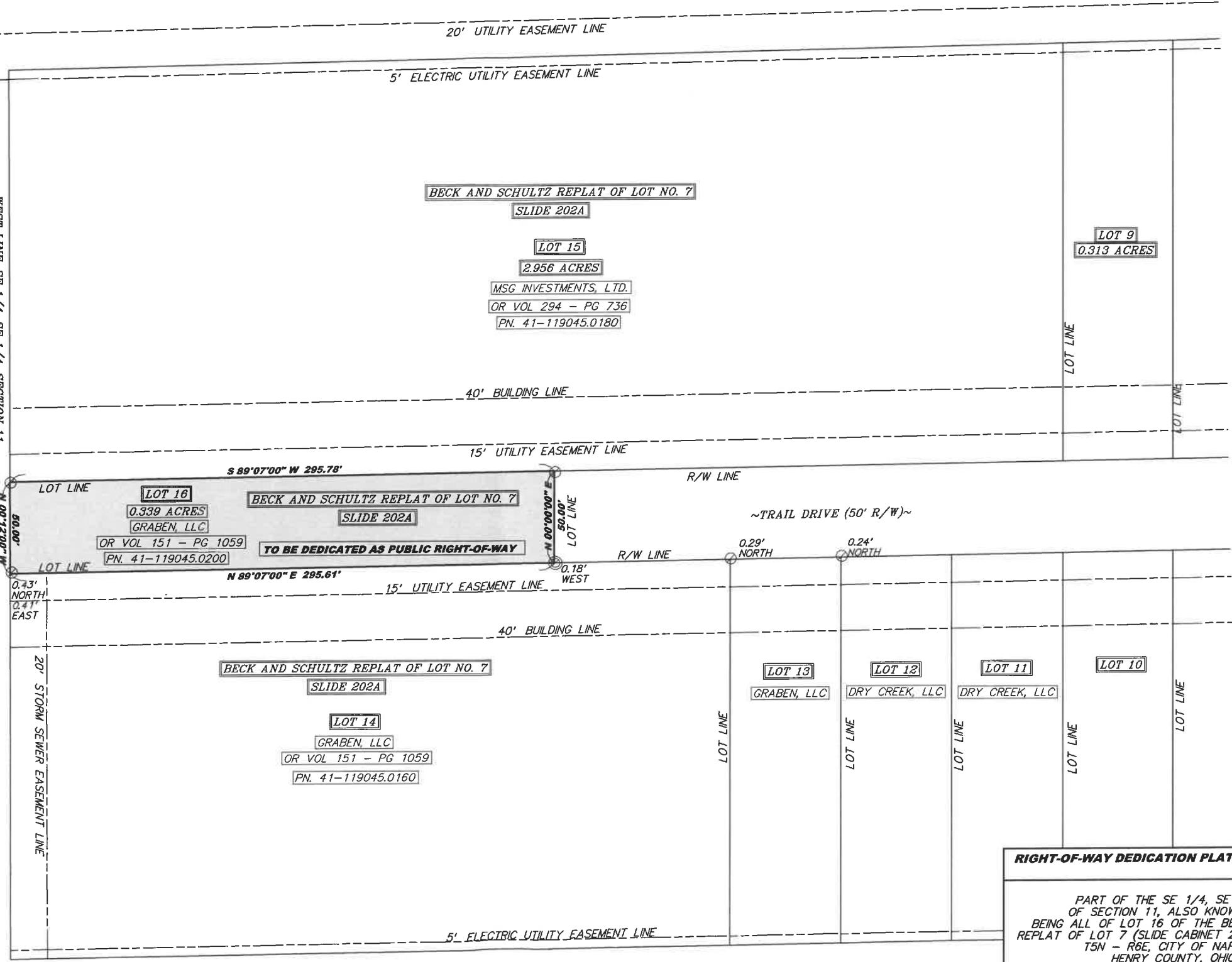


LEGEND

- ⊙ 5/8" REBAR WITH ID CAP FOUND
- ⊙ 1/2" REBAR FOUND
- R RECORDED
- M MEASURED

GRABEN, LLC
OR VOL 229 - PG 1981 (PARCEL 2)
18.76 AC. (PER TAX RECORD)
PN. 41-110012.0000

WEST LINE SE 1/4, SE 1/4, SECTION 11



THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE EXAMINATION. BEYOND THE DEED DOCUMENTS CITED ON THE SURVEY DRAWING THERE MAY BE RECORDED OR UN-RECORDED EASEMENTS AND/OR ENCUMBRANCES BENEFITING OR ENCUMBERING THE SURVEYED PROPERTY WHICH ARE NOT SHOWN ON THIS DRAWING.

RIGHT-OF-WAY DEDICATION PLAT FOR:
GRABEN, LLC

PART OF THE SE 1/4, SE 1/4,
OF SECTION 11, ALSO KNOWN AS
BEING ALL OF LOT 16 OF THE BECK & SCHULTZ
REPLAT OF LOT 7 (SLIDE CABINET 2, SLIDE 202)
T5N - R6E, CITY OF NAPOLEON,
HENRY COUNTY, OHIO

BOCKRATH & ASSOCIATES
ENGINEERING and SURVEYING, LLC
115 S. FAIR AVENUE, SUITE A - OTTAWA, OH 45675
PHONE: 419-523-5789 - FAX: 419-523-5799

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RIGHT-OF WAY DEDICATION PLAT

PART OF THE SE 1/4, SE 1/4,
OF SECTION 11, ALSO KNOWN AS
BEING ALL OF LOT 16 OF THE BECK & SCHULTZ
REPLAT OF LOT 7 (SLIDE CABINET 2, SLIDE 202)
T5N - R6E, CITY OF NAPOLEON,
HENRY COUNTY, OHIO

OWNERS ACKNOWLEDGMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT I/WE _____ THE UNDERSIGNED OWNER/S OF THE AFORESAID DESCRIBED
LANDS DO HEREBY APPROVE OF THE ACCOMPANYING MAP AS SHOWN HEREON, AND DO DESIRE THE SAME TO BE
PLACE ON PUBLIC RECORD ON THIS _____ DAY OF _____, 20_23_.

OWNER/S: _____

STATE OF OHIO,
COUNTY OF HENRY, SS:

ON THIS _____ DAY OF _____, 20_23_ BEFORE ME PERSONALLY APPEARED
_____ WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT
_____ EXECUTED THE SAME AS _____ FREE ACT AND DEED.

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____

PLANNING COMMISSION CERTIFICATE

UNDER AUTHORITY PROVIDED BY CHAPTER 711 OF THE OHIO REVISED CODE
AND CHAPTER 1105 OF THE NAPOLEON CODE OF ORDINANCES, THIS PLAT IS
HEREBY APPROVED BY THE PLANNING COMMISSION OF THE CITY OF NAPOLEON,
OHIO.

DATED _____ CHAIRMAN _____

CLERK OF COUNCIL _____

CITY COUNCIL CERTIFICATE

UNDER AUTHORITY PROVIDED BY CHAPTER 711 OF THE OHIO REVISED CODE
AND CHAPTER 1105 OF THE NAPOLEON CODE OF ORDINANCES, THIS PLAT IS
HEREBY APPROVED BY THE CITY COUNCIL OF THE CITY OF NAPOLEON,
OHIO.

DATED _____ MAYOR _____

CLERK OF COUNCIL _____

HENRY COUNTY AUDITOR'S CERTIFICATE

I, THE HENRY COUNTY AUDITOR DO HEREBY CERTIFY THAT THERE ARE NO
UNPAID TAXES ON THE PROPERTY HEREIN DESCRIBED AND CERTIFY THE
SAME FOR TRANSFER.

TRANSFERRED THIS _____ DAY OF _____, 2021.

_____ HENRY COUNTY AUDITOR

HENRY COUNTY RECORDER'S CERTIFICATE

I, THE HENRY COUNTY RECORDER DO HEREBY CERTIFY THAT THIS PLAT
HAS BEEN RECEIVED FOR RECORD AT _____ O' CLOCK _____ M AND RECORDED ON
SLIDE _____ THIS _____ DAY OF _____, 2021

FEE \$ _____ HENRY COUNTY RECORDER _____

CITY ENGINEER'S CERTIFICATE

IN ACCORDANCE WITH OHIO R.C. 711.08, THE UNDERSIGNED BEING THE
ENGINEER FOR THE CITY OF NAPOLEON, OHIO HEREBY APPROVES THIS
PLAT AS SHOWN.

DATED _____ CITY ENGINEER _____

DEDICATION CERTIFICATE

I, THE UNDERSIGNED, OWNER OF THE REAL ESTATE HEREIN DESCRIBED DO HEREBY
APPROVE THIS, AND DO HEREBY ASSENT TO THE ADOPTION OF THIS SUBDIVISION PLAT
AND DO HEREBY DEDICATE THE STREET RIGHT-OF-WAYS AND UTILITY EASEMENTS AND
APPURTENANCES THEREIN TO PUBLIC USE.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THIS TO BE A SURVEY MADE UNDER MY SUPERVISION
AND THAT THE MONUMENTS ARE FOUND AND/OR SET AS INDICATED.

Date _____

Gregory A. Bockrath, P.S.
Registered Surveyor No. 8306.
115 S. Fair Avenue, Suite A
Ottawa, Ohio 45875
419-523-5789

THIS PLAT REPRESENTS AN ACTUAL FIELD SURVEY
PERFORMED IN NOVEMBER OF 2023.

**RIGHT-OF-WAY DEDICATION PLAT FOR:
GRABEN, LLC**

PART OF THE SE 1/4, SE 1/4,
OF SECTION 11, ALSO KNOWN AS
BEING ALL OF LOT 16 OF THE BECK & SCHULTZ
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PHONE: 419-523-5789 - FAX: 419-523-5799

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Dedication Certificate

The undersigned, Nathan Waggoner owner(s) of the real estate described herein do hereby dedicate to the City of Napoleon all rights of way, streets, alleys, easements or other areas described or indicated as dedicated on the plat.

[Signature]
Owner

[Signature]
Witness

Owner

Witness

STATE OF Ohio :

COUNTY OF Henry :

Be it remembered, that on this 9th day of January, 2024, before me a notary Public in and for the State of Ohio, personally appeared the owner(s) Nathan Waggoner, the grantor(s) in the foregoing instrument, who acknowledge that He/she/they/it did sign the same, and that the same is grantor's free act and deed.


In testimony whereof, I have hereunto subscribed my name and affixed my official seal of Henry County, Ohio on the day and year aforesaid.

(SEAL)


[Signature]
NOTARY PUBLIC, STATE OF Ohio
MY COMMISSION EXPIRES: 12-13-27



Marrisa Flogaus
Notary Public, State of Ohio
My Commission Expires:
December 13, 2027

Passed: 1-9-24  _____
Chairperson

VOTE ON PASSAGE 5 Yea 0 Nay 0 Abstain

Attest:  _____ Marrison Flogaus, Clerk of Council