

City of *Napoleon*, Ohio

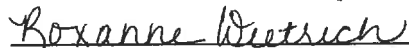
PLANNING COMMISSION SPECIAL MEETING AGENDA

Tuesday, August 15, 2023 at 5:00 pm

PC-23-04 - Rezone Parcels at 1431 Oakwood Avenue and 181 Oakwood Avenue

Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio

- 1) Call to Order
- 2) Approval of Minutes – May 9, 2023 (in the absence of any objections or corrections, the minutes shall stand approved)
- 3) **New Business**
PC 23-04 – An application for Public Hearing has been filed by the City of Napoleon requesting to change the Zoning of Parcel Number 41.1293940140 (1431 Oakwood Avenue) owned by Jeff Mires, and Parcel Numbers 41.1294230020 and 41.1293950020 (181 Oakwood Avenue) owned by Keith Fruchey. The applicant is requesting to change the zoning from the current zone of C-3 Local Commercial District to R-3 Moderate Density Residential District. The request is pursuant to Codified Ordinance 159.03.
- 4) Closing Remarks
- 5) Adjournment.



Roxanne Dietrich – Acting Clerk of Council

PLANNING COMMISSION MEETING MINUTES

Tuesday, May 09, 2023 at 5:00 pm

PC-23-03- Conditional Use Permit – 2525 Oakwood Ave

PRESENT:

Commission Members Tim Barry-Chair, Suzette Gerken, Larry Vocke
City Staff Kevin Schultheis-Zoning Administrator/Code Enforcement Officer
Others News-Media
Recorder MARRISA FLOGAUS

ABSENT

Commission Members Jason Maassel, Marvin Barlow

CALL TO ORDER

Barry, Chairman of the Planning Commission called the meeting to order at 5:01 pm with a roll call noting a quorum was present.

APPROVAL OF MINUTES

In the absence of any objections or corrections, the January 10, 2023 Planning Commission meeting minutes were approved as presented.

NEW BUSINESS

PC 23-03 –Conditional Use Permit- 2525 Oakwood Ave

Barry read the background on PC 23-01. An application for public hearing has been filed by Angela Gaucin of 824 East Riverview Avenue, Napoleon, Ohio 43545 requesting the approval of a Conditional Use Permit to operate a Restaurant Full Service (Mya’s Sweet Treats) located at 2525 Oakwood Ave. The request is pursuant to Chapter 1141 of the Codified Ordinances of Napoleon Ohio. The property is located in an I-1 Enclosed Industrial District.

RESEARCH AND FINDINGS

Schultheis presented his research and findings. The permit is issued to the owners of 2525 Oakwood Ave. Mya’s Sweet Treats and shall last for the duration of their agreement. The restaurant must meet all safety and health standards set by the State of Ohio prior to opening. 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 objections of the Master Plan and this Planning and Zoning Code after considering those things, as applicable, as listed in subsection (e).

DISCUSSION

Schultheis advised the owners are asking to move Mya’s Sweet Treats from E. Clinton St. to 2525 Oakwood Ave with Top Dog. Barry asked if there would be any building or utility changes? Schultheis replied everything else was approved prior to this. Gerken asked if that was the old BillJax building? Schultheis replied yes.

Motion: Vocke Second: Gerken
to approve PC-23-03- Conditional Use Permit to operate a Restaurant Full Service – 2525 Oakwood Ave (Mya’s Sweet Treats)

Roll call vote on the above motion:

Yea- Gerken, Vocke, Barry

Nay-

Yea-3-, Nay-0. Motion Passed.

ADJOURNMENT

Motion: Vocke

Second: Gerken

to adjourn the Planning Commission meeting at 5:04pm

Roll call vote on the above motion:

Yea- Gerken, Vocke, Barry

Nay-

Yea-3-, Nay-0. Motion Passed.

Approved

Tim Barry - Planning Commission Chair



City of Napoleon, Ohio

Kevin Schultheis, Zoning Admin.

Code Enforcement

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

June 20, 2023

Letter of Memorandum:

To: Planning Commission

Form: Kevin Schultheis, Zoning Administrator

Reference: Rezoning a District from a C-3 Local Commercial District to an R-3 Moderate-Density Residential District.

Date of Hearing: August 15, 2023 @ 5:00 Pm.

Hearing number: PC-23-04

An application for a Public Hearing has been filed by the City of Napoleon. The applicant is asking to change the Zoning of Parcels 411293940140 (1431 Oakwood Ave.), Owned by Jeff Mires, Parcel 411294230020 (181 Oakwood Dr.), and Parcel 411293950020, both owned by Keith Fruchey. The parcels are currently under a C-3 Local Commercial District and the City would like to change to an R-3 Moderate-Density residential District as per Ordinance 159.03

1121.02 Application for Amendment

Applications for an amendment to this Planning and Zoning Code, including the Zone Map, may be initiated by any property owner or agent of any property owner, by the City administration, by the Planning Commission, or by the Council, by filing an application for amendment with the Zoning Administrator. The Zoning Administrator shall prepare a form and instructions as to what information is necessary for an application for amendment.

The R-3 Moderate-Density Residential Districts within the existing uses, suitability and the trends are all R-3 Moderate-Density District within the Zoning area.

The C-3 Local Commercial District was used for the former Cattle Stockade that no longer exists at the site.

The Planning Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the petitioner or applicant, except that no finding is required that "the amendment is not solely for the interest of the petitioner or applicant" when an application is initiated by the City Administration, by the Planning Commission, or by the Council. When the petition for an amendment to the Zone Map is made by a property owner or agent of a property owner, the Planning Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the petitioner..



OLD-CREEK DR

OLD-CREEK

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PART OF ABR SUB.,
REPLY LOT 50
41 RE/LAT LOTS

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OAKWOOD AV

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-013

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250.24

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