

PLANNING COMMISSION

MEETING MINUTES

Tuesday, March 31, 2020 at 5:00 PM

PC 20-05 – Preliminary Plat of Development

PRESENT	
Members	Jason Maassel-Acting Chair, Suzette Gerken, Tim Barry-via Webex, Larry Vocke via Webex
City Staff	Kevin Schultheis-Code Enforcement/Interim Zoning Administrator
City Manager	Joel Mazur
Exec. Asst. to Appt. Authority/Clerk of Council	Roxanne Dietrich
Others	Steve Lankenau, Ken Stewart, Ron Weichers
ABSENT	
Commission Member	Marvin Barlow
Call to Order	Acting Chair Maassel called the Special Planning Commission meeting to order at 5:01 pm.
Approval of Minutes	The meeting minutes from March 10, 2020 were approved as presented.
PC 20-05 Preliminary Plat of Development	Maassel asked the City Manager to present the findings. Mazur read the findings. A preliminary plat of development permit is for any planned development to be located in the R-3 Moderate-Density Residential Zoning district as per 1145.01(a) Table of Permissible Uses. We have an application for a public hearing filed by Goodville Insurance Company at 1000 Westmoreland Avenue, Napoleon represented by Steve Lankenau. Is anyone else here from Goodville? Lankenau said Dave Gautsche the CEO called in via Webex. The applicant is requesting approval of a Preliminary Plat of Development. The request is pursuant to Chapter 1141 of the Codified Ordinances of the Napoleon Municipal Code. The property is in an R-3 Moderate-Density Residential Zoning District. Before we get into the conditions, lets review the plat map. At the top left is where the Goodville Insurance building is with a parking lot. To the right of that is an area that is also owned by Goodville. To the south of that building are two separate smaller lots that are split off and also owned by Goodville. Those are maintained as the overall Goodville property. They are proposing to split those three lots off the main lot and sell off as commercial properties. The other lots, 1 through 26, are if you go around the new road where Lynne Avenue gets extended and a small cul-de-sac is constructed, where it bends down and connects to Clairmont Avenue and then it is split off into 26 residential lots in total. It also includes the two lots that were purchased by Goodville from the schools that were recently auctioned off. Those are now also being split off as residential lots and replatted. The developer would like to keep the design standards the same for the adjacent development off of Clairmont Avenue. There are design standards and Steve Lankenau can talk them about. The design standard will remain the same and there is one condition that has been recommended. The City Master Plan has Lynne Avenue extending and connecting to the other section of Lynne Avenue that dead ends into the parking lot of St. Paul Lutheran Church. The condition would be not to sell or develop Lot No. 5 until that is the very last lot developed in case the road does ever get built from the other section, if there is ever a plan to build

that road. Lot No. 5 will be the last lot to be sold or developed either as a road or a residential structure. That way it conforms to the City's Master Plan.

Gerken asked will Lots 27, 28 and 29 stay commercial? Lankenau said he wanted to speak on that.

Acting Chair Maassel stated he officially recognized Steve Lankenau.

Lankenau referred back to the drawing. I apologize and I don't know how it came about but I will take the blame for it. That is not the most recent drawing but it does go with your question, these were at an earlier point and time proposed to be commercial; but, when Peterman & Associates designed the subdivision, there was a need for retention. The retention will go in the north side and that made those lots a little too small to be commercial. So, the long and short of it, everything being proposed today is to be residential. In fact, where you have two wider lots here they are actually to be split and all be residential. Stewart asked they are all residential? Lankenau said yes. Stewart said 27 and 28? Lankenau replied yes. I have that version here. Maassel asked what version is that? Lankenau said G. That shows they are all to be residential size and zoned single family. Mazur said you were talking about the three lots. Gerken said right, he mentioned they were to be commercial. Lankenau said those the City Manager mentioned are not part of the discussion today, those are just drawings on paper. They are not part of this preliminary plat approval. When you said design standard did you mean deed restrictions? Mazur said the design standards of the Lankenau interjected of the Gerken-Hoeffel, I refer to them as deed restrictions so we are all talking about the same thing. Gerken-Hoeffel is the area where Clairmont, Westmont, Westchester and Kenilworth are the newest parts were developed. The answer is yes we hope to do substantially the same type of deed restrictions as are in that subdivision. So you can have an idea of what will be permitted and what will not. That is what we were always asked by the school and the city as it was being designed or developed and that is what we want to do. The other thing I want to do besides answer questions is just make a point that hopefully you received a letter from the superintendent and also from St. Paul who we have been in communication. Maassel noted the letter from St. Paul letter came yesterday. Basically the letter says St. Paul is okay with it as long as the drainage does not adversely affect the farm ground. They do not want all the water going on the farm ground causing issues. Lankenau said it is our understanding the design does not allow for that; but, that would be a technical question for Peterman. St. Paul, Napoleon Area Schools and the developer of the condominium development who is here, is that the attempt was to design this with all these people involved in the process and this is what we have come up with.

Ken Stewart representing the Condo Association.

One issue of the issues that we have is on Lot 26 part of that property belongs to the Condo Association and seems would be wise to sell that to you. Mazur asked that is the .1 acres that is not owned by Goodville. Stewart said seems like it would be smart for everybody if that be bought and would be a lot cleaner development. Lankenau commented *the developer is interested in doing that*. Gerken confirmed that was Lot 26. Maassel said yes. Barry asked that is the little bump out where Lynne goes left to right and takes that slight curve is that where you are talking about? Maassel said yes. Lankenau said that was by the city when the condominium development was developed because they had to build the road and they had to have ownership of both sides of that road, I believe. Mazur said it was a right-of-way. Lankenau continued but we are interested in that. I may have spoken to the wrong person by speaking to Mr. Weichers, are you a member of the association? Weichers responded I think we are still involved in that. Lankenau went on I thought so. Stewart said 5311 code says to sell every one of our owners have to sign off on that. Lankenau said I

understand that. I made the request to the only person I knew in the association. Not that he would make the decision but the association as a whole would. Maassel asked if anyone else had anything to add. Stewart said he has a couple more issues. On Lot 19, Maassel pointed out for those on webex, that is right next to the condos the newest one right by the extended Lynne Avenue south side. Stewart continued the issue is our people, their living room is facing Lot 19 and they are upset they will be looking at a wall. They do not want to look at that wall and we would like to have a restrictive foot between the buildings, which is what we have in the Condo Association at least 50' between buildings. Maassel asked do we know how much space there is between the person's living room and the *border*? Stewart said he paced it off, when I look at the two stakes out there, I tried to eyeball it, we have about 19' on our property to the property line, so we are asking for basically 31' more feet on Lot 19 of the undeveloped. Lankenau said I'm confused and I don't mean it disrespectfully, but whether it's 35' or 50' if the concern is looking at a wall you are still going to be looking at a wall. Stewart-I realize that but at least you have some angles to look out. Mazur commented the standards for setbacks are a certain distance automatically. So if you have 20' from the property line to the condo wall Stewart interjected 15' for utilities you have 35' we'd like to have another 15' Mazur continued given the width of that lot, I'm pointing it out, I think there would be Stewart asked if the lots could be switched down a little bit. Lankenau-I always think when I look at these corner lots you have two right-of-ways that cut into that so it is not nearly as much as you might think. Stewart-seems like an option to look at. Mazur said it is something to weigh-in on but, I don't know that the Planning Commission, because they meet the zoning requirements for this development and as long as they meet the setback requirements that are outlined in the code for an R3. Maassel commented it is a neighborly thing to ask. Lankenau said what I would like to do is take it to Goodville and see what they might do with the request. Stewart said that was one issue, another issue is all of these lots along here. Maassel clarified he just pointed to the south of the existing Lynne Street condos. Mazur said the corner of Westmoreland and Maassel interjected it would be the lots closest to the high school on existing Clairmont. Stewart said yes. The residents there are up in arms about this because of the fact, originally the reason they bought these was for the great view they had of the high school and now you are going to put all these buildings in there and they will lose their view of the high school. Plus we are also getting affected by the zoning of Beck's Construction by the tax abatement you are given them is reducing the value of their homes. Lankenau said I can't speak to that. Stewart-that is a city issue but, between the two of you the value of homes is being reduced because you are ruining a good view, I have to agree with them, it is a great view. These houses that have it are going to lose it. I think maybe 24 would not affect their view, but 21-23 I think is an issue. Maybe if you put one in there if you find the right place where it wouldn't you know Maassel said I think one of the reasons to do this is those are kinda the easiest ones because the street is already built. Stewart-I knew you were going to say that. Lankenau commented I have dealt with other projects where the issues of visibility come into the discussion and I don't know what you folks have seen in your experiences here or elsewhere but, what I have seen is that is a right to a property owner when it is within their deed that that would be maintained. Someone has a view of the ocean or a cannon or a high school sometime that is a part of the legal documents. I don't know if that is the case. Stewart-I know all the realtors they told me all the realtors basically said they would have that view forever when they were bought. I'm not sure who all the realtors were. Stewart had another issue, I'm wondering out of curiosity if the sanitary line is adequate for 35 more units. Maassel said it will be built to specs to make sure that enough infrastructure is in place. It has to be built to specs so all that, the waterline is

sufficient and the sewage line is sufficient for all the potential buildings. Stewart had one more issue. According to the papers, the City has an easement on our properties. I went and checked with the recorder's office and that is not true at least according to the recorder's office. Maassel-city easement on the Stewart said for the electric line and the sanitary, according to the recorder's office there is no easement. Ohio Gas has an easement, the city does not. Maassel asked where is he pointing to? Mazur said the south side of the property line of the condos. Stewart-and the sanitary runs south of the sidewalks there I don't think that is legally right without an easement. Mazur said if they are working in the easement of the gas company that could be also. Stewart-it doesn't run there I don't think. Mazur-I thought you said the gas company. Stewart-they have an easement on our property. Maassel noted that is something to look at. Mazur said from a utility prospective we have other utilities that work in our right-of-ways.

Gerken asked if these will be spec homes or all custom? Lankenau replied it will be a mixture, it's a guess on my part whether they will be custom or spec. I would venture to guess it will be a combination. Usually the more expensive neighborhood is the less you see spec. Gerken said I think Gerken-Hoeffel is about all built out. Lankenau replied it is. Some of the calculus of this it would not compete with, I think there is about three left that maybe by the time this is online, if you will, would be largely if not completely sold out. It is a range that is to be similar. Gerken asked do you know what the lots prices are going to be? Lankenau answered I would say generally in the low 40's. Gerken then asked how soon are you going to start? Lankenau said as soon as you approve it. We have had bids and we would like to award almost immediately after City Council meets on April 6th. Mazur said thank-you for clarifying that hence the reason for the special meeting outside of the normal schedule. It's because of a timing issue with the bid. The contractor is on a tight schedule. Maassel asked Barry if he had anything to add. Barry asked will there be an issue to get fire trucks and service trucks, etc. back get in there especially with some tight corners back there. Mazur said that has been reviewed by the Fire Chief and it is better than what is there now. A dead-end street is tougher to maneuver in and out of. Barry said I didn't want them to get back in there and not be able to get around. I know the stuff we did over by the old West School we had some green space. There is a lot of density here with not a lot of green space are we following our guidelines of the Planning Commission to make sure we have some green space in here or is it not necessarily required. Gerken noted it is called common ground. Mazur said you are referring to the common ground. Since this is R3 moderate density, there is no requirement for green space and the lot sizes are congruent with what is in that zoning area. Barry commented there was talk at one point of lots 26, 27, 28 we don't need to do any retention, I see we have storm sewer out there. Lankenau said there is retention, it is not necessarily shown on there but it is shown on the architect's plan and it would be on the north side of the property where lots 26, 27 and 28 are. Barry asked to support this development or this development and the old German Mutual building? Lankenau said just for this development. Barry-I heard St. Paul said something about as long as the farmer is happy. I assume we are not chopping off all the field tile off on the east side of that. Maassel said that is correct. Barry said so as long as he is happy we don't have any other real issues. Maassel noted not with St. Paul's. Barry asked and the gentleman that was concerned about moving the line back to 50'. Mazur said there's not too much we can do for that as long as we are following the guidelines of our R3.

Maassel asked Larry Vocke if he had any comments. Vocke said I was wondering about school rush hour traffic. When this place is all developed down the road, I assume we may have before and after school traffic issues that we already have I believe. Stewart said he lives there and does not think that will be problem at all. All

