

City of Napoleon, Ohio

PLANNING COMMISSION


MEETING AGENDA

Tuesday, October 13, 2020 at 5:00 pm

PC 20-13 – Conditional Use Permit - 620 Trail Drive

LOCATION: Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio
WebEx details will be posted at www.napoleonohio.com

- 1) Call to Order
- 2) Approval of Minutes – September 15, 2020 (in the absence of any objections or corrections, the minutes shall stand approved)
- 3) New Business – PC 20-13 Conditional Use Permit
An application for a Public Hearing has been filed by MSG, Ltd., 1045 N. Main St., 7B, Bowling Green, Ohio, Michelle S. Green, MBA, JD. The applicant is requesting the approval of a Conditional Use Permit to have a Planned Apartment Development located in the 600 block of Trail Drive Napoleon, Ohio. The request is pursuant to Chapter 1141 of the Codified Ordinances of Napoleon Ohio. The property is in a C-4 Planned Commercial District.
- 4) Adjournment.



Roxanne Dietrich - Clerk of Council

City of Napoleon, Ohio
PLANNING COMMISSION SPECIAL MEETING MINUTES
Tuesday, September 15, 2020 at 5:00 pm

PC 20-10 – SUBDIVISION OF PLAT

PRESENT

Commission Members Tim Barry-Chairman, Jason Maassel, Marvin Barlow, Larry Vocke
City Staff Kevin Schultheis-Code Enforcement/Zoning Administrator
Clerk of Council Roxanne Dietrich
Others

ABSENT

Commission Member Suzette Gerken

CALL TO ORDER

Chairman Barry called the Planning Commission meeting to order at 5:00 pm with a roll call noting a quorum was present.

APPROVAL OF MINUTES

Hearing no objections or corrections, the minutes from the July 27, 2020 Special Planning Commission meeting were approved as presented.

PC 20-10 BACKGROUND

Barry read the background on PC 20-10:

An application for a Public Hearing has been filed by Roger and Connie Sell, 570 Cambridge St. Napoleon, Ohio. The applicant is requesting approval of a subdivision of plat within the city. The request is pursuant to Chapter 1141 of the Codified Ordinances of Napoleon, Ohio. The property is located in a C-1 General Commercial Zoning District.

RESEARCH AND FINDINGS

Schultheis presented his research and findings.

The location is a proposed replat of Lot A, Appian Way Condominiums of the Replat of Lots 4, 5 and 6, L.G. Randall's 1st Addition, City of Napoleon, located at 444 Appian and 448 Appian. The Replat of Lot A is requested by Roger and Connie Sell. The reason for the replat is, there is a condominium association fee that is being charged to the owner and that had to be resolved and dissolved with a filing by their attorney before we could proceed with the subdivision plat. They are now asking to proceed so they can sell these lots off as single lots for homeowners or homebuilders. The planned development is located in a C1-General Commercial Zoning District. The scope of the project is there are two lots, Lots 3 and 4, to be subdivided off of the condominium property.

DISCUSSION

Barry asked Lots 1 and 2 are condo lots? Schultheis replied yes. Barry continued then there are lots 3 and 4 that used to be part of that and now they will not be. What is the second Lot 3 up at the top? Schultheis said Lot 3 is more of a Fruchey location, is that lot still available? Mr. Sell said that is Keith Fruchey's. Barry said that is a different property all together. All the setbacks are good with plenty of room to do what they want to do? Schultheis said there is enough property acreage for a residential house to be put in there. Maassel clarified you can put residential lots in a C1? Schultheis said yes, they just have different percentages of property usage.

Motion: Vocke
to approve PC 20-10, Replat of Lot A, Appian Way Condominiums Replat of Lots 4, 5 and 6, L.G. Randall's
1st Addition

Second: Maassel

Roll call vote on the above motion:

Yea-Maassel, Vocke, Barry, Barlow

Nay-

Yea-4, Nay-0. Motion Passed.

The meeting continued with the consideration of PC 20-11

Approved

October 13, 2020

Tim Barry - Chair

DRAFT

City of Napoleon, Ohio
PLANNING COMMISSION SPECIAL MEETING MINUTES
Tuesday, September 15, 2020 at 5:00 pm

PC 20-11 – STREET DEDICATION – SECTION OF CLAIRMONT AVENUE

PRESENT

Commission Members Tim Barry-Chairman, Jason Maassel, Marvin Barlow, Larry Vocke
City Staff Kevin Schultheis-Code Enforcement/Zoning Administrator
Clerk of Council Roxanne Dietrich
Others

ABSENT

Commission Member Suzette Gerken

PC 20-11 BACKGROUND

Barry read the background for PC 20-11:

An application for a Public Hearing has been filed by Napoleon Area City School District. The school wishes to dedicate a section of Clairmont Avenue, located between the blocks of Briarheath Avenue and Westmoreland Avenue, in the City of Napoleon, Ohio. This is Pursuant to the City Code Section 1105.13.

PC 20-11 RESEARCH AND FINDINGS

Schultheis read the research and findings: An application for a public hearing has been filed by the Napoleon School District who wishes to dedicate the section of Clairmont Avenue located between the blocks of Briarheath Avenue and Westmoreland Avenue. The right-of-way is part of the southwest quarter of the Section 14, Town 5 North, Range 6 East, Henry County, City of Napoleon, Ohio in Lynnewood Addition. The Napoleon School Board finished the paving and drainage system last week. Approval will allow the development of Goodville Development Lots 1, 2, 3, 4 and 5 on the north side of the street.

DISCUSSION

Maassel asked if our engineer has looked at this and agrees with the dedication? Schultheis answered yes, it has been approved. Vocke clarified dedicate means turning the property over to the city. Schultheis said yes. Barlow asked if the school did all the improvements? Schultheis replied yes, they had the paving done and drains and curbs put in. Maassel explained that was one portion of an agreement between the city and the schools as part of the Safe Routes to Schools. The parking agreement for the baseball fields and this was part of that agreement.

Motion: Barlow Second: Vocke
to approve PC 20-11, dedication of a section of Clairmont Avenue between Briarheath Avenue and Westmoreland Avenue

Roll call vote on the above motion:

Yea-Maassel, Vocke, Barry, Barlow

Nay-

Yea-4, Nay-0. Motion Passed.

The Planning Commission meeting continued with consideration of PC 20-12

Approved

October 13, 2020

Tim Barry - Chair

DRAFT

PLANNING COMMISSION SPECIAL MEETING MINUTES

Tuesday, September 15, 2020 at 5:00 pm

PC 20-12 – SUBDIVISION REPLAT – LOT A-1 OF HOGREFE’S PLAT II

PRESENT

Commission Members Tim Barry-Chairman, Jason Maassel, Marvin Barlow, Larry Vocke
City Staff Kevin Schultheis-Code Enforcement/Zoning Administrator
Clerk of Council Roxanne Dietrich
Others

ABSENT

Commission Member Suzette Gerken

PC 20-12 BACKGROUND

Barry read the background for PC 20-12:

An application for a Public Hearing has been filed by Richard Luzny. The applicant is requesting approval of a subdivision of a Re-Plat of Lot A of Hogrefe’s Plat II within the city. The request is pursuant to Chapter 1141 of the Codified Ordinances of Napoleon, Ohio. The property is located in an R-3 Moderate-Density Residential Zoning District.

PC 20-12 RESEARCH AND FINDINGS

Schultheis made an amendment to the statement, it should be Lot A-1 of Hogrefe’s Plat II. The property is located in a R-3 Moderate Density Residential Zoning District. The scope of the proposed project is to replat Lot A-1 to .849 acres on Lot A-1-1 and Lot A-1-2 at .887 acres. He is subdividing two parcels of a lot off separately.

DISCUSSION

Barry noted he has three lots the larger section he is dividing into two smaller lots. To clarify, these meet our requirements to put a house on and have enough setbacks from the side and there will be no issues with the utilities. Schultheis said all the square footage requirements for putting a house on are okay.

Motion: Maassel Second: Vocke
to approve PC 20-12, re-plat of Lot A-1 of Hogrefe’s Plat II

Roll call vote on the above motion:
Yea-Maassel, Vocke, Barry, Barlow
Nay-

Yea-4, Nay-0. Motion Passed.

ADJOURNMENT

Motion: Vocke Second: Barlow
to adjourn the Special Planning Commission meeting at 5:11 pm

Roll call vote on the above motion:
Yea-Maassel, Vocke, Barry, Barlow
Nay-

Yea-4, Nay-0. Motion Passed.

Approved

October 13, 2020

Tim Barry - Chair

DRAFT



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

Memorandum

To: Member of the City Planning Commission
From: Kevin Schultheis, Zoning Administrator / Code Enforcement
Subject: Conditional Use Permit for a Planned Apartment Development
Meeting Date: October 13, 2020 @ 5:00 pm
Hearing Number: PC-20-13

Background:

An application for a public hearing has been filed by MSG, Ltd., 1045 N. Main St., 7B, Bowling Green, Ohio 43402, Michelle S. Green, MBA, JD. The applicant is requesting the approval of a Conditional Use permit to have a Planned Apartment Development Located in the 600 block of trail drive Napoleon, Ohio. The request is pursuant to Chapter 1141 of the Codified Ordinances of Napoleon Ohio. The property is in a C-4 Planned Commercial District.

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.
2. **Definition:** 1143.01(a) Planned Apartment Development. The Planned Apartment Development regulations are established to provide a safe and desirable living environment characterized by a unified building and site development plan, to preserve natural features of the site, and to provide adequate open space for recreation and other outdoor living purposes.
3. This Conditional use is being requested to permit the construction of twenty four (24) one (1) bedroom units. This would be "phase 3" of the existing Trailwinds Village complex. The units would be like those recently built ("phase 2") to the westernmost side of the complex.
4. This Conditional use would allow for the addition of much needed housing for the City of Napoleon and would complete the complex.
5. **Address of Property:** Parcel No. 411190450060, 411190450040, 411190440060, and 620 Trail Drive, Fruchey's Real Estate, Ltd. (in the process of purchasing and in agreement with Mr. Fruchey).

Recommended Conditions:

1. All plans and changes are to be submitted to Chad Lulfs, The Napoleon City Engineer for review and approval prior to starting.

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:

See Exhibit A

Description of request:

See Exhibit B

See Exhibit C

OWNER(S) NAME (PRINT)

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.

MSG Investments Ltd.

APPLICANT NAME (PRINT)

MSG Investments Ltd.

APPLICANT SIGNATURE

1045 N. Main St., Suite 7B

ADDRESS

Bowling Green, OH 43402

CITY, STATE, ZIP

419-353-6952

PHONE

Hearing #:

Hearing Date:

Zoning District:

Office Use Only

Batch #

Check #

Date

EXHIBIT A

ADDRESS OF PROPERTY:

0 Trail Drive Parcel No. 411190450060

0 Trail Drive Parcel No. 411190450040

0 Trail Drive Parcel No. 411190440060

620 Trail Drive Parcel No. 411190440040

EXHIBIT C

OWNERS' NAME:

MSG Investments, Ltd., 1045 N. Main Street, 7B,
Bowling Green, Ohio 43402

MSG Investments, Ltd., 1045 N. Main Street, 7B,
Bowling Green, Ohio 43402

MSG Investments, Ltd., 1045 N. Main Street, 7B,
Bowling Green, Ohio 43402

Fruchey's Real Estate, Ltd., 620 Trail Drive, Napoleon,
Ohio 43545 (in process of being purchased by MSG
Investments, Ltd.*)

EXHIBIT B

The above referenced parcels are currently zoned C4. This conditional use is being requested to permit the construction of 24 one (1) bedroom units. This would be "phase 3" of the existing Trailwind Village complex. The units would be like those recently built ("phase 2") to the westernmost side of the complex. This conditional use would allow for the addition of much needed housing for the City of Napoleon and would complete the complex.

*Closing conditioned upon conditional use permit being granted and ability to construct phase 3.

September 10, 2020

City of Napoleon

Re: Request for Public Hearing for a Conditional Use Permit

To Whom It May Concern:

Please be advised that I am the owner of record for the real estate located at 620 Trail Drive, Napoleon, Ohio. I hereby give my consent to, and appoint, Michelle S. Green, Esq. and/or Steven Green and/or MSG Investments, Ltd. to be my authorized representative(s) for the aforementioned parcel for the purposes of obtaining a conditional use permit.

Sincerely,



Keith A. Fruchey
Fruchey's Real Estate, Ltd.

cc: Michelle S. Green, Esq.

Michelle Green

Subject: FW: rezone lots for Trailwinds Apartments

Michelle S. Green, MBA, JD
Law Office of Michelle S. Green
1045 North Main Street, Suite 7B
Bowling Green, Ohio 43402
419-353-6952 Office Telephone
419-353-0016 Office Facsimile
mgreen@meccabg.com

From: keith fruchey <keithafruchey@yahoo.com>
Sent: Thursday, September 10, 2020 4:33 PM
To: Michelle Green <mgreen@meccabg.com>
Subject: Fw: rezone lots for Trailwinds Apartments

----- Forwarded Message -----

From: keith fruchey <keithafruchey@yahoo.com>
To: Steve Green <sgreen@meccabg.com>
Sent: Thursday, September 10, 2020, 03:38:52 PM EDT
Subject: Re: rezone lots for Trailwinds Apartments

To whom it may concern;

I Keith A. Fruchey am in support of the new development proposed by Steve Green and associates for the following reasons;

- 1) 24 new rental units will go a long way in helping with the housing shortage in Napoleon
- 2) It will enhance the symmetry of Trail Dr. by eliminating a steal storage building with a building that matches the new construction from last years residential construction
- 3) It will increase the property tax revenue base
- 4) As the owner of Fruchey's Health & Wellness I welcome the increased pedestrian traffic to increase my customer base
- 5) Upon completion the North side of Trail Drive will look like a well planned development by eliminating an oddly placed private road and the elimination of an unsightly storage building
- 6) This new construction will enhance the entire area which studies prove will revitalize existing businesses in the area

7) As a major landlord in Napoleon I am seeing people having to live in another city because of the housing shortage even though they work here, also, I've come across individuals desiring to live in this area for the quality of life here even though they work out of town.

8) The past couple years we have had a nice variety of housing units built Napoleon and this development satisfies a need the other units have not met, such as the amenities of a new condo/home without the responsibility of ownership.

In summary I see all positives with this development and cannot see any downside, if any further questions contact Keith Fruchey 419-579-0248



The Henry County Bank

122 EAST WASHINGTON ST. • NAPOLEON, OHIO 43545

NAPOLEON OFFICE
NAPOLEON, OHIO 43545
419-599-1065

N. SCOTT STREET OFFICE
NAPOLEON, OHIO 43545
419-599-9015

S. PERRY STREET OFFICE
NAPOLEON, OHIO 43545
419-592-6700

HOLGATE OFFICE
HOLGATE, OHIO 43527
419-264-3721

LIBERTY CENTER OFFICE
LIBERTY CENTER, OHIO 43532
419-533-3271

MALINTA OFFICE
MALINTA, OHIO 43535
419-256-7202

BOWLING GREEN OFFICE
BOWLING GREEN, OHIO 43402
419-353-1213

TELECOPIER
419-599-4357

MEMBER
F.D.I.C.

September 10, 2020

Joel Mazur, City Manager
Zoning Department
PO Box 151
Napoleon, OH 43545

RE: MSG Investments, LTD
Trail Winds Phase III Development

Dear Joel and Zoning Department:

The Henry County Bank supports the above development. It brings a nice place for people to call home. The addition is much needed within the City of Napoleon. Greens do a wonderful job and keep their properties well maintained.

I hope you and the committee will approve a conditional use permit for this project.

Sincerely,

J. Kevin Yarnell
VP/Sr. Loan Officer

WORMANDY LANE, LLC
 OR VOL 330 - PG 4293
 PK 41-11024.0100
 1.5 AC. L.C.R. TAX RECORD
 PT. 5 1/2" BK 1, 4 REC. 11

MH #912
 TOP 681.51
 FL 10" NW CORR 674.11
 FL 18" S CORR 673.81

MH #1132
 TOP 681.29
 FL 24" N CONC 673.57
 FL 24" E CONC 673.39
 FL 4" S PVC 677.02
 FL 6" SW PVC 676.82
 FL 24" W CONC 673.30

CE #117
 TOP 681.52
 FL 8" S CORR 673.81

CE #118
 TOP 681.52
 FL 8" S CORR 673.81

CE #119
 TOP 681.52
 FL 8" S CORR 673.81

CE #120
 TOP 681.52
 FL 8" S CORR 673.81

CE #121
 TOP 681.52
 FL 8" S CORR 673.81

CE #122
 TOP 681.52
 FL 8" S CORR 673.81

CE #123
 TOP 681.52
 FL 8" S CORR 673.81

CE #124
 TOP 681.52
 FL 8" S CORR 673.81

CE #125
 TOP 681.52
 FL 8" S CORR 673.81

CE #126
 TOP 681.52
 FL 8" S CORR 673.81

CE #127
 TOP 681.52
 FL 8" S CORR 673.81

CE #128
 TOP 681.52
 FL 8" S CORR 673.81

CE #129
 TOP 681.52
 FL 8" S CORR 673.81

CE #130
 TOP 681.52
 FL 8" S CORR 673.81

CE #131
 TOP 681.52
 FL 8" S CORR 673.81

CE #132
 TOP 681.52
 FL 8" S CORR 673.81

CE #133
 TOP 681.52
 FL 8" S CORR 673.81

CE #134
 TOP 681.52
 FL 8" S CORR 673.81

CE #135
 TOP 681.52
 FL 8" S CORR 673.81

CE #136
 TOP 681.52
 FL 8" S CORR 673.81

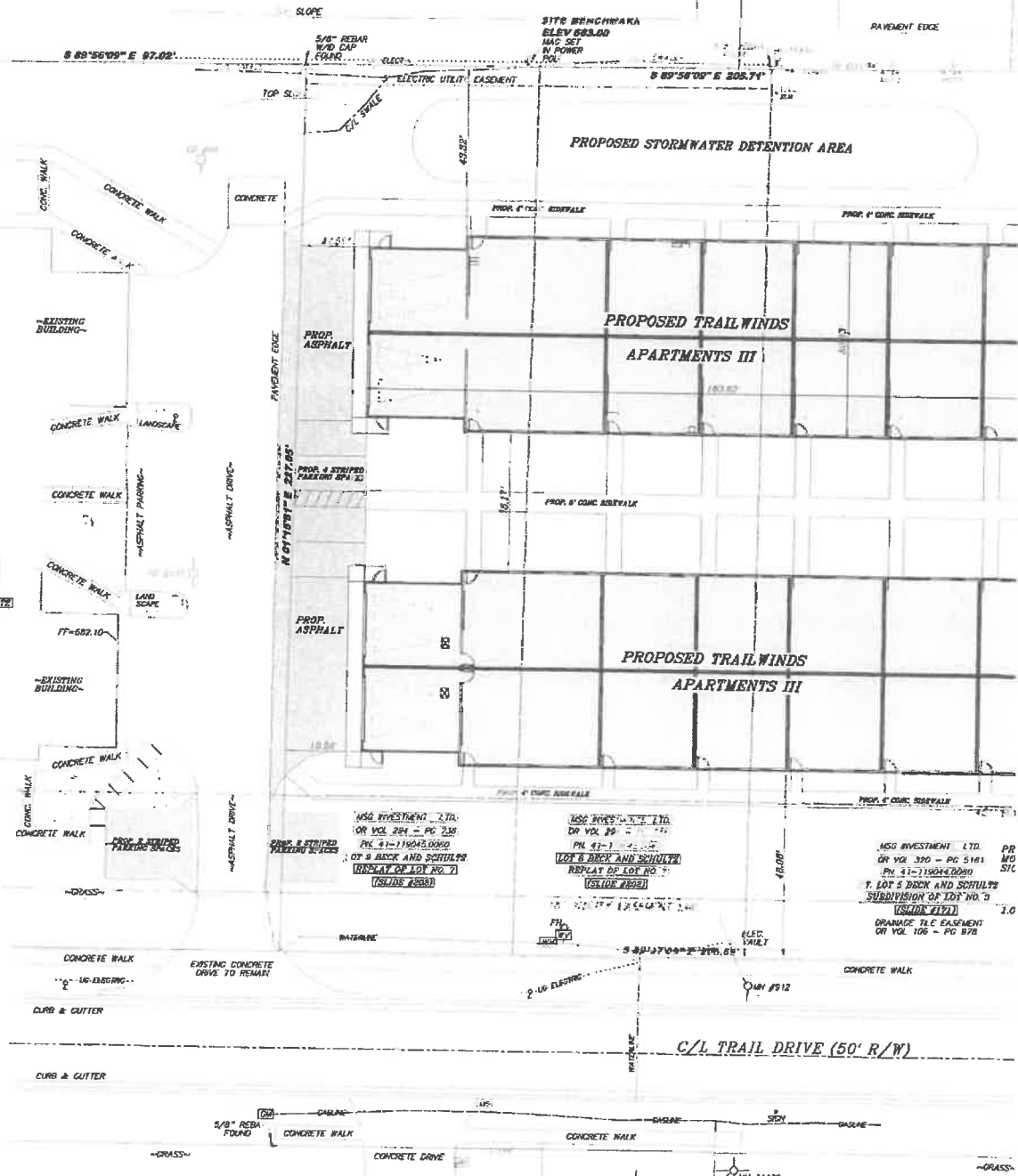
CE #137
 TOP 681.52
 FL 8" S CORR 673.81

CE #138
 TOP 681.52
 FL 8" S CORR 673.81

CE #139
 TOP 681.52
 FL 8" S CORR 673.81

CE #140
 TOP 681.52
 FL 8" S CORR 673.81

WAL - HART REAL ESTATE BUSINESS
 2642 AC. TAX RECORD
 PK 41-11882.0000
 LOT A RE-PLAT HERITAGE TOWER CENTER LOT 1, SLIDE 7.828 X 8.8'



MSO INVESTMENT LTD.
 OR VOL 330 - PG 236
 PK 41-11945.0780
 LOT 12 BECK AND SCHULTZ
 (REPLAT OF LOT NO 7
 (SLIDE #800)

MSO INVESTMENT LTD.
 OR VOL 330 - PG 236
 PK 41-11945.0880
 LOT 8 BECK AND SCHULTZ
 (REPLAT OF LOT NO 7
 (SLIDE #800)

MSO INVESTMENT LTD.
 OR VOL 330 - PG 236
 PK 41-11945.0980
 LOT 5 BECK AND SCHULTZ
 (REPLAT OF LOT NO 7
 (SLIDE #800)

MSO INVESTMENT LTD.
 OR VOL 330 - PG 5161
 PK 41-11945.0980
 T. LOT 5 BECK AND SCHULTZ
 SUBDIVISION OF LOT NO 7
 (SLIDE #777)
 1.0
 GRANDE TLE EASEMENT
 OR VOL 106 - PG 878