# PLANNING COMMISSION MEETING AGENDA

Tuesday, December 14, 2021 at 5:00 pm

PC 21-11 – Subdivision Replat, 2950 Enterprise Avenue
PC 21-12 – Change to Special Use Permit/Conditional Use Permit, 2950 Enterprise Avenue

Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio

- 1) Call to Order
- 2) Roll Call
- Approval of Minutes September 14, 2021 (in the absence of any objections or corrections, the minutes shall stand approved)
- 4) New Business
  - A. PC 21-11 Replat of Lot A and Lot B of Replat of Mahnke Orchards 2950 Enterprise An Application for a Public Hearing has been filed by Bradley and Laura Hibbard, Honey Blossom Orchard, 2950 Enterprise Avenue, Napoleon, Ohio. The applicant is requesting the approval of a subdivision as being part of the Replat of Lot A and Lot B of the Replat of Mahnke Orchards Plat No. 1, City of Napoleon, Henry County, State of Ohio. The request is pursuant to Chapter 1141 of the Codified Ordinances of Napoleon, Ohio. The property is located in a C-4 Planned Commercial District.
  - B. PC 21-12 Change to Special Use Permit/Conditional Use Permit 2950 Enterprise
    An application for a Public Hearing has been filed by Bradley and Laura Hibbard, Honey
    Blossom Orchard, 2950 Enterprise Avenue, Napoleon, Ohio. The applicant is requesting a
    change in use to the existing Special Use Permit/Conditional Use Permit and request an
    Agritourism Permit. The applicant would like to turn the large barn into a hall and hold
    special events such as weddings, bridal showers, parties, seminars and lectures primarily for
    agricultural uses for up to 250 people. The request is pursuant to Chapter 1141 of the
    Codified Ordinances of Napoleon, Ohio. The property is located in a C-4 Planned
    Commercial District.
- 5) Closing Remarks
- 6) Adjournment.

Paranne Westrich

### **PLANNING COMMISSION MEETING MINUTES**

Tuesday, September 14, 2021 at 5:00 pm

### PC 21-10 - Final Plat Approval - Lynnefield Estates Subdivision

PRESENT:

Commission Members Mayor Jason Maassel-Acting Chair, Suzette Gerken, Larry Vocke
City Staff Kevin Schultheis-Zoning Administrator/Code Enforcement Officer

Others Brian Koeller-Northwest Signal, Steve Lankenau,

Ken Stuart-Condo Association Board Member

Clerk of Council Roxanne Dietrich

**ABSENT** 

Commission Members Tim Barry, Marvin Barlow

### **CALL TO ORDER**

The Planning Commission meeting was called to order by Acting Chair Maassel at 5:00 pm. Roll call was taken with a quorum being present.

### **APPROVAL OF MINUTES**

Hearing no objections or corrections, the minutes from the July 13, 2021 meeting were approved.

#### **NEW BUSINESS**

### PC 21-10 - Final Plat Approval - Lynnefield Estates Subdivision

Maassel read the background for PC 21-10. An application for Public Hearing has been filed by Goodville Mutual Insurance Company. The applicant is requesting approval of Lynnefield Estates Subdivision being a part of Lot B of the Subdivision of Lot 3, German Mutual Subdivision, part of the Lynnewood Addition to Napoleon Township, part of the West half of Section 14, Napoleon Township Town 5 North, Range 6 East, Henry County, City of Napoleon, State of Ohio. 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.

### **RESEARCH AND FINDINGS**

Schultheis presented his research and findings. A subdivision in City. The 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. The scope of the project is for the proposed final plat of lot, being a part of Lot B of the subdivision of Lot 3, German Mutual Subdivision, part of the Lynnewood Addition to Napoleon Township. All revisions made to the plans by the surveyor of the project must be reviewed by the City Engineer, Chad Lulfs prior to approval by the Board of Planning Commission.

The legal descriptions are as follows: 1.180 acres situated in the City of Napoleon, Napoleon Township, Henry County, State of Ohio and being Lots 1 and 2 and part of Lots 3-7, Lynnewood Addition to Napoleon Township, in part of the SW1/4 of Section 14, T5N, R6E, a tract of land bounded and described.

1.624 acres situated in the City of Napoleon, Napoleon Township, Henry County, State of Ohio and being a part of Lot B of the Subdivision of Lot 3 German Mutual Subdivision in a part of the NW ¼ of Section 14, T5N, R6E, a tract of land bounded and described.

0.548 acres situated in the City of Napoleon, Napoleon Township, Henry County, State of Ohio, and being Lots 15 and 16 a part of Lots 13 and 14, Lynnewood Addition to Napoleon Township in part of the SW ¼ of Section 14, T5N, R6E, a tract of land bounded and described.

The applicant excluded the portion bound by the Condo Association on Lynne Avenue and is asking to develop the subdivision along Clairmont Avenue. The question is, once it is approved and developed what is the timetable on further development and a finished product? Lots 27 and 28 were never

approved by the Condo Association. Maassel asked this is a redo because the Condo Association did not agree to sell the two lots we eliminated? Schultheis replied it is my understanding the Condo Association was never approached and advised of the section they would either sell or sign off on. Ken Stuart who is on the Condo Association Board of Directors was at the meeting and informed the Commission the Condo Association was never approached about selling it. According to Ohio Law 5311 we all have to sign off on it before it can be sold. Maassel asked the entire Condo Association? Stuart said every individual has to sign off according to Law 5311, it is part of the Ohio Code. Vocke asked what does that mean? Gerken replied they cannot develop that section. Vocke said this does not pertain to all these other lots? Schulthies said they do not adjoin to the Condo Association. Stuart said it really only affected Lot 28 originally. Gerken asked will these be done in phases or will they be done all at one time and will it take a couple of years to do that? Does that property abut up to St Paul's Church? Schultheis said they do own property back there. On the original plat there is a lot that cannot be sold until the very last. Once everything else is sold, that last lot can be sold. Maassel asked by redoing this are we avoiding that agreement? Schultheis – no that lot will still stay the same, it will be the last lot to be sold. St. Paul's will have the option to connect into the street or sell the lot. Maassel asked what information do we need so that once these houses are done they can start on the next piece behind it? Schultheis asked Lankenau what is the timetable for development on the rest of the lots? Lankenau's response was the market will determine. Whenever "x" number of lots are sold in Phase I and they decide they want to proceed with Phase II, exactly what that number is, I do not know. Gerken asked Phase 2 is? Lankenau said everything else. Gerken asked in the undeveloped field? Lankenau -yea. Gerken asked so Phase 1 is all along Clairmont? Lankenau – yep. It used to include Lots 27 and 28 but as noted that is either going to be resolved by an agreeable purchase of that part that the Condo Associations owns or where the road is extended will just have a lot that connects to Lynne to the east of that notch the Condo Association owns. It may be purchased or it may be something they continue to own indefinitely. Gerken noted there are eleven lots, will any be spec homes or are they going to be custom homes? Lankenau – a combination.

Motion: Vocke Second: Gerken

to approve PC 21-10 Final Plat Approval of Lynnefield Estates Subdivision

Roll call vote on the above motion:

Yea-Vocke, Maassel, Gerken

Nav-

Yea-3, Nay-0. Motion Passed.

#### ADJOURNMENT

Motion: Vocke Second: Gerken

to adjourn the Planning Commission meeting at 5:11 pm.

Roll call vote on the above motion:

Yea-Vocke, Maassel, Gerken

Nav-

Yea-3, Nay-0. Motion Passed.

Approve	d
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December 14, 2021		
	Tim Barry, Chair	



# Kevin Schultheis, Zoning Administrator Code Enforcement

255 West Riverview
Napoleon, OH 43545
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www.napoleonohio.com

PC-21-11

Subdivision in City

For a Recommended Re-Plat Approval

Location: Parcel Number: 270500140000, 270596620020 Mahnke Orchards

Memorandum

To: Members if the City Planning Commission

From: Kevin Schultheis, Zoning Administrator / Code Enforcement Officer

Subject: Subdivision of plat in the City requested by Bradley N. Hibbard and Laura J. Sills-Hibbard

Meeting Date: December 14, 2021

**Hearing #:** PC-21-11

# **Background:**

An application for a public hearing has been filed by Bradley and Laura Hibbard, The applicant is requesting the approval of a subdivision as being part of a Re-Plat of Lot A and Lot B of the Re-plat of Mahnke Orchards- Plat No. 1. City of Napoleon, Henry County, in the State of Ohio. The request is pursuant to Chapter 1141 of the Codified ordinance of Napoleon, Ohio. The property is located in a C-4 Planned Commercial District.

### **Research and Findings:**

- 1. A Subdivision within the City Permit is for any Planned Development to be located in the C-4 Planned Commercial District as per 1145.01(a) table of permissible uses.
- 2. Scope of the project: Proposed Re-Plat of Lot A and Lot B of the Re-Plat of Mahnke Orchards- Plat1. A portion of the SW ¼ of Section 5, Township 5 North Range 7 East, First Principal Meridian Re-Plat of Mahnke Orchards-Plat-1. (see attached)

### **Recommended Conditions:**

1. All revisions made to plans by the surveyor of the project must be reviewed by the City Engineer, Chad Lulfs prior to approval by the Board of Planning Commission.

# **Legal Descriptions:**

- 27.947Acres Situated in the City of Napoleon, Liberty Township, Henry County, State of Ohio and being lots B of the Re-Plat of Mahnke Orchards Plat No 1. Parcel No. 270500140000 in Liberty Township, Owned by Bradley N. Hibbard and Laura J. Sills-Hibbard
- 2. 11.070 Acres Situated in the City of Napoleon, Liberty Township, Henry County, State of Ohio and being a part of Lot A of the Re-Plat of Mahnke Orchards Plat No. 1. Parcel No. 270596620020 in Liberty Township, Owned by Bradley N. Hibbard and Laura J. Sills-Hibbard.

Kevin Schultheis, Zoning Administrator / Code Enforcement Officer





# Kevin Schultheis, Zoning Admin. Code Enforcement

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

PC-21-12

Special Use Permit or Conditional Use Permit for Agritourism
For a Recommended Change in use of the Farmers Market

Location: 2950 Enterprise Ave. / Parcel Number-270500140000 / Liberty Twp.

# Memorandum

To: Member of the Planning Commission

From: Kevin Schultheis, Zoning Administrator / Code Enforcement Officer

Subject: Special Use Permit / Conditional Use Permit

Meeting Date: December 14, 2021 5:00 PM

Hearing #: PC-21-12

# **Background:**

An Application for a public hearing has been filed by Bradley and Laura Hibbard, Honey Blossom Orchard 2950 Enterprise Ave. Napoleon, Ohio 43545. The applicant is requesting a change in use to the existing Special Use Permit / Conditional Use Permit and request a Agritourism permit to turn the large barn into a Special events such as Wedding, Bridal Showers, Parties, Seminars and Lecture Hall Primarily for Agriculture uses for up to 250 People. The request is pursuant to Chapter 1141 of the Codified Ordinance of Napoleon Ohio. The property is located in a C-4 Planned Commercial District

## **Research and Findings:**

- 1. The Plat of Development permit is for any planned development to be located in the C-4 Planned Commercial District as per 1145.01(a) table of permissible uses.
- 2. Agritourism-Means an agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you pick operations or farm markets, conducted on a farm that allows or invites member of the general public to observe, participate in, or enjoy that activity.
- 3. Agritourism Provider-Means a person, who owns, operates, provides, or sponsors an Agritourism activity or an employee of such a person who engages in or provides Agritourism activities whether or not for a fee.

## **Recommended Conditions:**

- 1. Agritourism provider must provide financial documents where fifty percent or more of the gross income received from the market is derived from the produce raised on the farms owned or operated by the marker operator in a normal crop year
- 2. Must follow the fire safety at Agritourism Facilities to ensure those who are attending events at Agritourisn facilities. Ohio fire codes are not exempt from Agritourism facilities. A fire suppression system is required in any A-2 occupancy more than 5,000 sq. ft. or that has an occupant load of 100 or more. See Fire code. The existing maximum occupancy within this structure is 49. Exit signs must be visible and present and every entrance and exit of the building.
- 3. An Agritourism provider shall post and maintain signs that contain the warning notice specified in this division. The provider shall place a sign in a clearly visible location at or near each entrance to the Agritourism location or at the site of each Agritourism activity. The warning notice shall consist of a sign in black letters with each letter to be a minimum of one inch in height. The signs shall contain the following notice of warning: "WARNING: Under Ohio Law, there is no liability for an injury to or death of a participant in an Agritourism activity conducted at this Agritourism location if that injury or death results from the inherent risk of that Agritourism activity. Inherent risk of Agritourism activities include, but are not limited to, the risk of injury inherent to land, equipment, and animals as well as the potential for you as a participant to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this Agritourism activity."
- 4. Zoning requirements on Agritourism operations may be imposed for: Size of structures used primarily for Agritourism, Size of Parking areas, setback building lines for structures used for primarily for Agritourism, and Ingress or Egress. Permits must be obtained.
- 5. Follow all State, County, City Health Safety regulations. No onsite cooking, frying in barn. Outside grill or catering granted.
- 6. Noise levels: Property owners will provide and regulate sound equipment and no other outside sound equipment permitted. 11:00 Pm. cut off time for music.
- 7. The Agritourism provided must incorporated their Agricultural product within the use of the Assembly, Wedding, Receptions or similar activities.
- 8. Signs Permitted in C-4 Commercial Zones- Freestanding sign(s), or monument sign(s), portable signs, or a combination of each, per street frontage not to exceed one and one-half square feet in total sign area for each lineal foot of property frontage. Signs, individually or in combination, may not exceed a maximum height of twenty-five feet and must be set back at least ten feet back from the public right-of-way, except that signs forty-eight inches tall or less (being no greater than six square feet in dimension) that are constructed of a break-a-way material that will not endanger the public when struck, may be positioned no closer than five feet of the public right-of-way.
- 9. (3) One wall sign or electric awning sign and non-freestanding signs of all other types that are attached to a building, so long as the herein mentioned signs do not exceed in total, more than fifteen percent (15%) of aggregate area of building elevation on which the signs are installed. Must comply with all Napoleon City Codified ordinances.

Kevin Schultheis, Zoning Administrator / Code Enforcement Officer