

*City of Napoleon, Ohio*


**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
- 3) 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.

  
Roxanne Dietrich - Clerk of Council

**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 Lankeau,  
Ken Stuart-Condo Association Board Member  
Clerk of Council Roxanne Dietrich

**ABSENT**

Commission Members Tim Barry, Marvin Barlow

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**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





# 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](http://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 of 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- Plat 1. 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:**

1. 27.947 Acres 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





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### Code Enforcement

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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 Agritourism 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