

City of Napoleon, Ohio

PLANNING COMMISSION MEETING AGENDA

Tuesday, May 10, 2022 at 5:00 pm

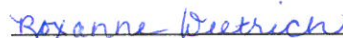
PC 22-02 – Subdivision Replat – 918 Park Street
PC 22-03 -Conditional Use Permit – 2525 Oakwood Avenue

Location: Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio

- 1) Call to Order
- 2) Roll Call
- 3) Approval of Minutes - February 8, 2022 (in the absence of any objections or corrections, the minutes shall stand approved)
- 4) **New Business**
 - PC 22-02. Subdivision Replat – 918 Park Street.

An application for a Public Hearing has been filed by Steven Duryea of 918 Park Street. The applicant is requesting the approval of a subdivision of a Replat of Lot Number 411402300000 within the city. The owner is requesting Lot 411402300000 be split into two equal parcels. The request is pursuant to Chapter 1141 of the Codified Ordinances of Napoleon, Ohio. The property is located in an R-2 Low-Density Residential Zoning District.
 - PC 22-03. Conditional Use Permit – 2525 Oakwood Avenue.

An application for a Public Hearing has been filed by Angela Gaucin of 824 East Riverview Avenue, Napoleon, Ohio. The applicant is requesting the approval of a Conditional Use Permit to operate a Restaurant Full Services (Top Dog) featuring a variety of hot dogs and various other food items located at 2525 Oakwood Avenue. 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.
- 6) Closing Remarks
- 7) Adjournment.


Roxanne Dietrich - Clerk

City of Napoleon, Ohio
PLANNING COMMISSION MEETING MINUTES
Tuesday, February 8, 2022 at 5:00 pm

PC 22-01 – Subdivision Approval, Lot 1 German Mutual Subdivision

PRESENT:

Commission Members	Tim Barry-Chair, Marvin Barlow, Jason Maassel
City Staff	Kevin Schultheis-Zoning Administrator/Code Enforcement Officer
Others	Brian Koeller-Northwest Signal Steve Lankenau
Clerk	Roxanne Dietrich

ABSENT

Commission Members	Suzette Gerken, Larry Vocke
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Barry, Chairman of the Planning Commission called the meeting to order at 5:00 pm with a roll call noting a quorum was present.

APPROVAL OF MINUTES

In the absence of any objections or corrections, the minutes of the December 14, 2021 Planning Commission meeting were approved.

NEW BUSINESS

PC 22-01 – Subdivision Approval, Lot 1 German Mutual Subdivision

Barry read the background for PC 22-01. An application for a public hearing has been filed by Steve Lankenau on behalf of German Mutual Insurance Company (Goodville Insurance Company). The applicant is requesting the approval of a subdivision as being part of the West ½ of the Northwest ¼ of Section 14, also known as Lot 1 of German Mutual Subdivision Town 5 North – Range 6 East, City of Napoleon, Henry County, Ohio. The request is pursuant to Chapter 1141 of the Codified Ordinances of Napoleon, Ohio. The property is located in a C-3 Local Commercial District.

RESEARCH AND FINDINGS

Schultheis presented his research and findings:

- 1) A subdivision in the city permits any planned development to be located in the C-3 Local Commercial District as per 1145.01(a) Table of Permissible Uses.
- 2) Scope of the Project: Proposed Lankenau Properties Subdivision, being part of Lot 1 of 6.047 acres, Lot 2 to be 3.437 Acres. Lot 1 would now be the subdivision of 1.364 acres, Lot 3 of the subdivision would be .656 acres and Lot 4 would be .590 acres as being part of the German Mutual Subdivision PT.PN 41-149185.0020, Napoleon Township.

RECOMMENDED CONDITIONS

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.

Barry confirmed a few lot lines are being moved around and we are establishing Lot 3 and Lot 4. Schultheis stated former Lot 1 will now be Lot 2. Barry noted the other one is now Lot 1 and that is now a little bigger and the other two lots are around one-half an acre. The engineer and everyone is good with this? Schultheis said the engineer has already looked at this, the easements are okay. Mapping has reviewed and approved it and the courthouse has as well. Maassel asked Mr. Lankenau if he is anticipating any buildings going up in 2022 or 2023? Lankenau replied nothing is happening in 2022 that I know of. It is just a case of getting interest. We put the lines down on paper to show people conceptually. Now it is waiting to make it possible for someone to actually purchase some of this land if they want to develop, there seems to be a fair amount of interest in this area of town.

Motion: Maassel Second: Barlow
to approve PC 22-01 – Lot 1 German Mutual Subdivision

Roll call vote on the above motion:
Yea-Barlow, Maassel, Barry
Nay-
Yea-3-, Nay-0. **Motion Passed.**

Planning Commission Appointment to Housing Council

Barry stated Cheryl Hershberger has been serving on the Housing Council and with Planning Commission's approval, she is willing to serve another term.

Motion: Barlow Second: Maassel
for the Planning Commission to re-appoint Cheryl Hershberger to the Housing Council

Roll call vote on the above motion:
Yea-Barlow, Maassel, Barry
Nay-
Yea-3-, Nay-0. **Motion Passed.**

Adjournment

Motion: Maassel Second: Barlow
to adjourn the Planning Commission meeting at 5:06 pm

Roll call vote on the above motion:
Yea-Barlow, Maassel, Barry
Nay-
Yea-3-, Nay-0. **Motion Passed.**

Approved

May 10, 2022

Tim Barry - Planning Commission Chair



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

PC-22-02

Subdivision in City

For a Recommended Re-Plat Approval

Location: Parcel Number 41-1402300000 located at 918 Park St., City of Napoleon, and State of Ohio. Lot 1 0.194 Acres Situated as being part of the West Half of the Southeast Quarter of section 14, Napoleon Township, City of Napoleon, Henry County, Ohio. Lot 2 0.194 Acres Situated as being part of the West of the Southeast Quarter of Section 14, Napoleon Township, City of Napoleon, Henry County, Ohio.

Memorandum

To: Members of the City Planning Commission

From: Kevin Schultheis, Zoning Administrator / Code Enforcement Officer

Subject: Subdivision of plat in the City

Meeting Date: May 10, 2022

Hearing #: PC-22-02

Background:

An application for a public hearing has been filed by Steven Duryea of 918 Park St. The applicant is requesting the approval of a subdivision of a Re-Plat of lot Number 411402300000 within the city. The owner is requesting lot 411402300000 be split into two equal parcels. The request is pursuant to Chapter 1141 of the Codified ordinance of Napoleon, Ohio. The property is located in an R-2 Low-Density Residential Zoning District.

Research and Findings:

1. A Subdivision in City Permit is for any planned development to be located in the R-2 Low-Density Residential Zoning District as per 1145.01(a) table of permissible uses.
2. Scope of the project: Proposed Re-Plat of lots 411402300000 Re-plat of part of the West ½ of the Se ¼, Section 14 Napoleon Twp., City of Napoleon (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.

SURVEY PLAT FOR:

STEVE DURYEA

PART OF THE W 1/2 OF THE SE 1/4, SECTION 14, NAPOLEON TOWNSHIP, CITY OF NAPOLEON, HENRY COUNTY, OHIO

Bockrath & Associates Engineering and Surveying, LLC

1/1

PLANNING COMMISSION CERTIFICATE

UNDER AUTHORITY PROVIDED BY CHAPTER 711 OF THE O.R.C AND CHAPTER 1105 OF THE NAPOLEON CODE OF ORDINANCES, THIS PLAT IS HEREBY APPROVED BY THE PLANNING COMMISSION OF THE CITY OF NAPOLEON, OHIO.

CHAIRMAN DATE

CLERK OF COUNCIL DATE

CITY ENGINEER CERTIFICATE

IN ACCORDANCE WITH O.R.C. 711.08, THE UNDERSIGNED BEING THE ENGINEER FOR THE CITY OF NAPOLEON, OHIO HEREBY APPROVES THIS PLAT AS SHOWN.

CITY ENGINEER DATE

HENRY COUNTY AUDITOR

I, THE HENRY COUNTY AUDITOR, DO HEREBY CERTIFY THAT THERE ARE NO UNPAID TAXES ON THE PROPERTY HEREIN DESCRIBED AND CERTIFY THE SAME FOR TRANSFER.

AUDITOR DATE

HENRY COUNTY RECORDER

I, THE HENRY COUNTY RECORDER, DO HEREBY CERTIFY THAT THIS PLAT HAS BEEN RECEIVED FOR RECORD AT _____ O'CLOCK _____ M AND RECORDED ON SLIDE _____ THIS DAY OF _____, 20____.

FEE: _____ HENRY COUNTY RECORDER

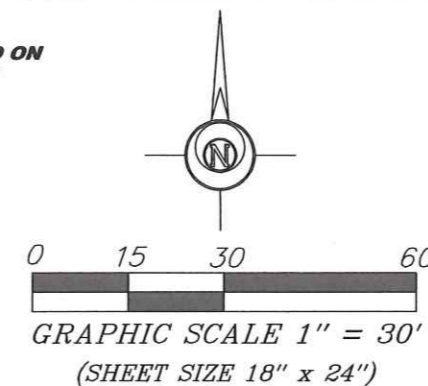
CITY COUNCIL CERTIFICATE

UNDER AUTHORITY PROVIDED BY CHAPTER 711 OF THE O.R.C AND CHAPTER 1105 OF THE NAPOLEON CODE OF ORDINANCES, THIS PLAT IS HEREBY APPROVED BY THE CITY COUNCIL OF THE CITY OF NAPOLEON, OHIO.

MAYOR DATE

CLERK OF COUNCIL DATE

NOTE: SURVEY BEARINGS BASED ON OHIO NORTH ZONE STATE PLANE COORDINATES OBTAINED FROM THE OHIO DOT VRS NETWORK



LEGEND

- 5/8 INCH REBAR W/ID CAP SET
1/2 INCH REBAR FOUND
5/8 INCH REBAR IN CONCRETE FOUND
5/8 INCH REBAR W/ID CAP FOUND
(M) MEASURED DIMENSION
(R) RECORDED DIMENSION
POB POINT OF BEGINNING
POC POINT OF COMMENCEMENT

LOT 1 0.194 ACRE Situated as being part of the West Half of the Southeast Quarter of Section 14, Napoleon Township, City of Napoleon, Henry County, Ohio, and part of a 1 acre tract of land as recorded in Official Record Volume 228, Page 215 of the Henry County Deed Records and more particularly described as follows:

Commencing at a 5/8 inch rebar in concrete found at the intersection of Park Street and Sheffield Avenue marking the Southeast corner of said West Half of the Southeast Quarter;

Thence North 89°56'55" West along the South line of the Southeast Quarter (Park Street) a distance of 611.75 feet to a point;

Thence North 00°16'05" East a distance of 30.00 feet to a 5/8 inch rebar with ID cap set on the North right-of-way line of said Park Street marking the Southeast corner of said 1 acre tract;

Thence North 89°56'55" West along said North right-of-way and the South line of said 1 acre tract a distance of 63.88 feet to a 5/8 inch rebar with ID cap set and the POINT OF BEGINNING;

Thence continuing North 89°56'55" West along said North right-of-way line a distance of 63.87 feet to a 1/2 inch rebar found marking the Southeast corner of a 0.08 acre tract of land as recorded in Survey Volume 29, Page 134;

Thence North 00°16'05" East along the East line of said 0.08 acre tract a distance of 132.00 feet to a 1/2 inch rebar found on the South line of a 0.16 acre tract of land as recorded in Survey Volume 33, Page 155, marking the Northeast corner of said 0.08 acre tract;

Thence South 89°56'55" East along said South line a distance of 63.87 feet to a 5/8 inch rebar with ID cap set;

Thence South 00°16'05" West along a new division a distance of 132.00 feet to the POINT OF BEGINNING, said tract containing 0.194 acres of land, more or less.

Subject to all legal highways, easements, and restrictions of use whether apparent and/or of record and is from an actual survey performed in March, 2022, under the supervision of Ohio Professional Surveyor Seth D. Schroeder, Ohio Surveyor No. 8784.

Note: The bearings used in this description are on an assumed meridian assuming the South line of the West Half of the Southeast Quarter of Section 14 (Park Street) to be North 89°56'55" West and are for the purpose of angle determination only.

LOT 2 0.194 ACRES Situated as being part of the West Half of the Southeast Quarter of Section 14, Napoleon Township, City of Napoleon, Henry County, Ohio, and part of a 1 acre tract of land as recorded in Official Record Volume 228, Page 215 of the Henry County Deed Records and more particularly described as follows:

Commencing at a 5/8 inch rebar in concrete found at the intersection of Park Street and Sheffield Avenue marking the Southeast corner of said West Half of the Southeast Quarter;

Thence North 89°56'55" West along the South line of the Southeast Quarter (Park Street) a distance of 611.75 feet to a point;

Thence North 00°16'05" East a distance of 30.00 feet to a 5/8 inch rebar with ID cap set on the North right-of-way line of said Park Street marking the Southeast corner of said 1 acre tract and the POINT OF BEGINNING;

Thence North 89°56'55" West along said North right-of-way and the South line of said 1 acre tract a distance of 63.88 feet to a 5/8 inch rebar with ID cap set;

Thence North 00°16'05" East along a new division a distance of 132.00 feet to a 5/8 inch rebar with ID cap set on the South line of a 0.16 acre tract of land as recorded in Survey Volume 33, Page 155;

Thence South 89°56'55" East along said South line a distance of 63.87 feet to a 5/8 inch rebar with ID cap found marking the Southeast corner of said 0.16 acre tract and the Northeast corner of said 1 acre tract;

Thence South 00°16'05" West along the East line of said 1 acre tract a distance of 132.00 feet to the POINT OF BEGINNING, said tract containing 0.194 acres of land, more or less.

Subject to all legal highways, easements, and restrictions of use whether apparent and/or of record and is from an actual survey performed in March, 2022, under the supervision of Ohio Professional Surveyor Seth D. Schroeder, Ohio Surveyor No. 8784.

Note: The bearings used in this description are on an assumed meridian assuming the South line of the West Half of the Southeast Quarter of Section 14 (Park Street) to be North 89°56'55" West and are for the purpose of angle determination only.

OWNERS ACKNOWLEDGEMENT / DEDICATION CERTIFICATE

I, the undersigned owner of the lands indicated on the accompanying map do hereby manifest my/our approval of the subdivision as shown thereon and hereby dedicate any streets and alleys shown to public use and desire the same be placed upon public record.

Before me, a notary public in and for the State of OHIO personally appeared who known to me and who acknowledged that are the owners of the lands shown on the accompanying map and that the signing of the above certificate is their own free act and deed. As witness whereof and have hereunto set my hand and affixed my official seal this day of 20.

NOTARY PUBLIC

I HEREBY CERTIFY THIS TO BE A SURVEY MADE UNDER MY SUPERVISION AND THAT THE MONUMENTS ARE FOUND AND/OR SET AS INDICATED.

3-8-2022

Seth D. Schroeder, P.S. Registered Surveyor No. 8784. 115 S. Fair Avenue, Suite A Ottawa, Ohio 45875 419-523-5789



SW CORNER, W 1/2, SE 1/4, SEC. 14

INTERSECTION OF PARK STREET AND GLENWOOD AVE.

SOUTH LINE, SE 1/4, SEC. 14

N 89°56'55" W 682.31'

~C/L PARK STREET~ N 89°56'55" W 1309.68' (60' R/W) (ASSUMED BEARING)

N 89°56'55" W 627.37'

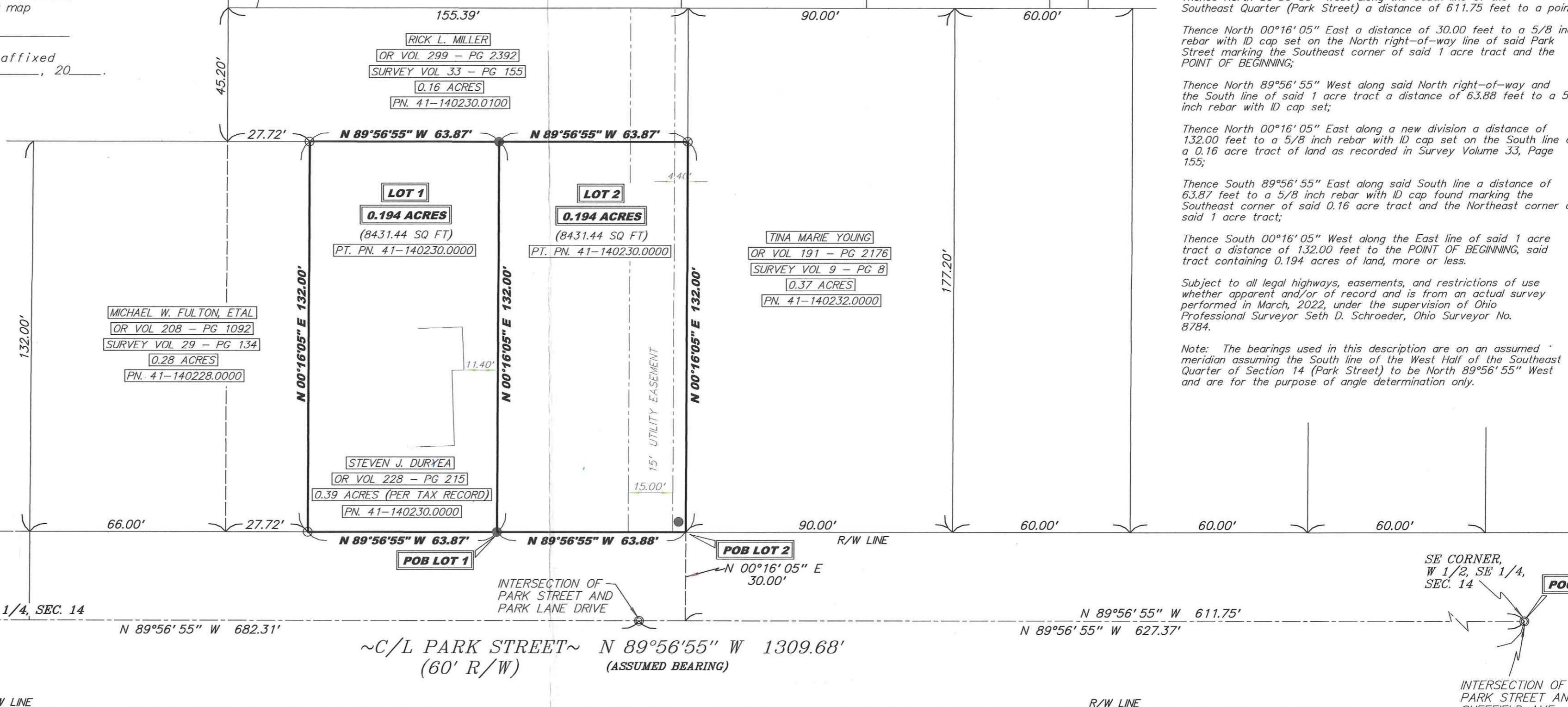
SE CORNER, W 1/2, SE 1/4, SEC. 14

INTERSECTION OF PARK STREET AND SHEFFIELD AVE.

RE-PLAT OF PART OF THE WEST 1/2 OF THE SE 1/4, SECTION 14, NAPOLEON TWP.

CITY OF NAPOLEON

STELTER'S ADDITION (SLIDE #102)



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:

918 Park St. Napoleon, Ohio 43545

Description of request:

Requesting to split property evenly

Steven Purys
OWNER(S) NAME (PRINT)

918 Park St., Napoleon, Oh, 43545
ADDRESS- CITY, STATE, ZIP

419 439-3829
PHONE NUMBER

[Signature]
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.

Steve Purys
APPLICANT NAME (PRINT)

[Signature]
APPLICANT SIGNATURE

918 Park St
ADDRESS

Napoleon, Oh 43545
CITY, STATE, ZIP

(419) 439-3829
PHONE

Hearing #: _____ Hearing Date: _____ Zoning District: _____

Office Use Only		
Batch # _____	Check # _____	Date _____



Mailing Address: 918 PARK STREET,
NAPOLEON OH 43545

Acres: 0.39
Legal Description: LOT 1 PT W PT S SD W 1/2
SE STP
Volume: 228 Page: 215
Map Number: 0514457031
Township: NAPOLEON TWP
Land Value: \$39,670.00
Building Value:
100% Total Value \$54,260.00

[Zoom to](#)





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:

PC-22-03

Conditional use Permit for a Restaurant Full Service located at 2525 Oakwood Ave.

To: Members of the City Planning Commission

From: Kevin Schultheis, Zoning Administrator / Code Enforcement Officer

Subject: Conditional Use Permit for a Restaurant Full Service (Top Dog)

Meeting Date: May 10, 2022 @ 5:00pm

Hearing: PC-22-03

Background:

An application for public hearing has been filed by Angela Gaucin of 824 E. Riverview Ave. Napoleon, Ohio 43545. The applicant is requesting the approval of a Conditional Use Permit to operate a Restaurant Full Services (Top Dog), featuring a variety of hot dogs and various other food items 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:

1. A Conditional Use permit is required for a Restaurant Full Service to be located in an I-1 Enclosed Industrial District, as per Napoleon City Codified Ordinance 1145 Table of Permissible uses.
2. Definition: An establishment maintained, operated, and / or advertised or held out to the public as a place where food and beverage are served to the public on demand from a menu during stated business hours, served in and on reusable containers and dinnerware, to be consumed on the premises primarily inside the building at tables, booths, or counters, with chairs, benches or stools.
3. The use will be harmonious with and in accordance with the general objectives, or with any specific objective of the City's Master Plan and this Planning and Zoning Code

Recommended Conditions:

In Accordance with Section 1141.02(f)

1. This permit is issued to the owners of 2525 Oakwood Ave. Napoleon, Ohio, (known as Top Dog) and shall last for the duration of their agreement.
2. The Restaurant must meet all Safety and Health standards set by the State of Ohio prior to opening.
3. 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 general objectives of the Master Plan and this Planning and Zoning Code after considering those things, as applicable, as listed in subsection (e)

Kevin Schultheis, Zoning Administrator / Code Enforcement Officer

Application for Public Hearing

City of Napoleon, Ohio

I/We hereby request a public hearing to consider the following:

<p><u>Planning Commission</u> <small>(MZON 100.1700.46690)</small></p> <p><input checked="" type="checkbox"/> Conditional Use \$125.00</p> <p><input type="checkbox"/> Amendment \$125.00</p> <p><input type="checkbox"/> Subdivision in City \$75.00 + \$5.00 each, after two</p> <p><input type="checkbox"/> Preliminary Plat of Development \$125.00</p> <p><input type="checkbox"/> Alley Vacation \$25.00 + publication cost</p>	<p><u>Preservation Commission</u> <small>MZON 100.1700.46690)</small></p> <p><input type="checkbox"/> Certificate of Appropriateness \$25.00</p>	<p><u>Board of Zoning Appeals</u> <small>(MZON 100.1700.46690)</small></p> <p><input type="checkbox"/> Certificate of Zoning \$25.00</p> <p><input type="checkbox"/> Re-Zoning \$125.00</p> <p><input type="checkbox"/> Variance \$125.00</p> <p><input type="checkbox"/> Administrative Appeal \$50.00</p>
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Address of property: 2525 Oakwood Ave. Napoleon OH 43545

Description of request:

Change of zoning to open up a restaurant.

Top Dog is the name.

Angela Gaucin
OWNER(S) NAME (PRINT)

824 E. Riverview Napoleon OH 43545
ADDRESS- CITY, STATE, ZIP

419-966-2713
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.

APPLICANT NAME (PRINT) _____ ADDRESS _____

APPLICANT SIGNATURE _____ CITY, STATE, ZIP _____

Hearing #: _____ Hearing Date: _____ PHONE _____ Zoning District: _____

Office Use Only		
Batch # _____	Check # _____	Date _____



441.31

-006

2.53

449.96

OAKWOOD-AV

068

R-025

44.38.83

198.3

228.38

228.26

75

45

45

50

138

49

228.98

4

0

58.79

FREEDOM-DR

315

-003

208.79

58.3

26+46.28

C.R.13A

65.35

41.48

62.19

50

38.85

-007

204

2