

RESOLUTION NO. 049-18

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT FOR A PLANNED CLUSTER DEVELOPMENT LOCATED AT CLAIRMONT AVENUE WITHIN THE CITY OF NAPOLEON, OHIO, AND; AND DECLARING AN EMERGENCY

WHEREAS, the City desires to encourage residential, commercial, and industrial development and create and preserve employment and economic development opportunities within the City; and,

WHEREAS, JanMar Properties has recently purchased a three and four tenths (3.40) acre parcel, Parcel No. 411401420000, formerly West Elementary School, located in Napoleon, Ohio, in order to construct a planned cluster development; and,

WHEREAS, said real property is located in an R-2 Low Density Residential Zone as per Section 1145.01(a) of the City of Napoleon, Ohio Table of Permissible Uses; and,

WHEREAS, Napoleon Codified Ordinance 1143.01(c) establishes "Planned Cluster Development" regulations to permit the clustering of single family dwellings on reduced size lots to achieve more desirable developments by the creation of common open space equal in area to the reduction in lot size and thereby increase the total value of the development for the benefit of the property owner and the community. Cluster developments are intended to encourage a break from the monotonous rectilinear and curvilinear lot and street patterns that are common subdivision practices; and,

WHEREAS, JanMar Properties is requesting a conditional use permit stating that their proposed planned cluster development will follow all of the requirements set forth under Section 1143.05 of the City of Napoleon, Ohio Codified Ordinances while allowing the following exceptions:

1. A zero (0) side yard setback be established between the adjoining townhouses.
2. A reduction of the front yard setback from thirty (30) feet to twenty (20) feet on Old School Drive to allow the cul-de-sac to meet the City of Napoleon standards.

WHEREAS, this matter was discussed at the regular meeting of the City of Napoleon, Ohio Planning Commission on August 14, 2018, however no recommendation was made to Council regarding the requested conditional use permit at issue here.

Now Therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:

Section 1. The Council hereby authorizes the issuance of a conditional use permit to JanMar Properties to facilitate the construction of a planned cluster development located at Parcel No. 411401420000, Clairmont Avenue, formerly West Elementary School, within the City of Napoleon, Ohio.

Section 2. Council hereby mandates that the issuance of said conditional use permit to JanMar Properties for the subject property shall require that the proposed planned cluster development abide by all of the requirements set forth under Section 1143.05 of the City of Napoleon, Ohio Codified Ordinances while allowing the following exceptions:

1. A zero (0) side yard setback be established between the adjoining townhouses.
2. A reduction of the front yard setback from thirty (30) feet to twenty (20) feet on Old School Drive to allow the cul-de-sac to meet the City of Napoleon standards.

Section 3. Council hereby further mandates that the proposed planned cluster development shall abide by any further conditions placed in the conditional use permit by City administrative staff.

Section 4. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

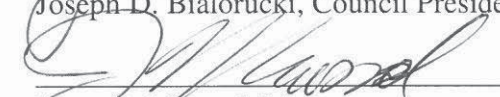
Section 5. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 6. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. The reason for the Emergency Clause is the fact that this Resolution is necessary to begin the construction contracting and subcontracting process, begin construction in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: August 20, 2018



Joseph D. Bialorucki, Council President

Approved: August 20, 2018


Jason P. Maassel, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

Attest:


Gregory S. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 049-18 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 25th day of August, 2018; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.


Gregory J. Heath, Clerk/Finance Director

STATE OF OHIO
COUNTY OF HENRY

Kimberly Imm, being first duly sworn, states that she is the Assistant Publisher of The Bryan Publishing Company, owner of The Northwest Signal, a daily newspaper, published and of general circulation in the county of Henry aforesaid, and that the annexed notice was published in one issue in said paper, on the 25th day of August, 2018.

Kimberly Imm
Kimberly Imm

Subscribed and sworn to before me this
5th day of September, 2018

Beverly Griteman
Beverly Griteman
Notary Public,
State of Ohio
My Commission Expires
February 13, 2021

Printer's Fee: \$206.10

Notary Fee: \$1.50

**Summary of Ordinance No. 047-18
and Resolution No.(s) 046-18, 048-18, 049-18**

(PURSUANT TO ARTICLE II, SECTION 2.15 OF THE CITY CHARTER, CHAPTER 121 OF THE CODE OF ORDINANCES AND COUNCIL RULE 6.2.4.1, AS WELL AS APPLICABLE PROVISIONS OF ORC CHAPTER 731)

NOTICE

A copy of the complete text of the above named Ordinance(s) and Resolution(s) are on file in the office of the City Finance Director and may be viewed or obtained during business hours of 7:30 AM to 4:00 PM, Monday through Friday, at the office of the Finance Director, the location being 255 West Riverview Avenue, Napoleon, Ohio. A copy of all or part of the above named Ordinances and Resolutions, or any item mentioned in this notice, may be obtained from the City Finance Director upon the payment of a reasonable fee therefore.

Ordinance No. 047-18

AN ORDINANCE AUTHORIZING THE CITY MANAGER FOR THE CITY OF NAPOLEON, OHIO TO COMPLETE ALL ACTS NECESSARY TO ENTER INTO ALL NECESSARY AGREEMENTS TO COMPLETE THE SALE OF CERTAIN REAL PROPERTY LOCATION WITHIN THE CITY OF NAPOLEON, OHIO TO VENTURES IN SPACE, LTD. OR ITS DESIGNATED AFFILIATED ENTITY; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized the City Manager to complete the sale of real property to Ventures In Space, Ltd.

Resolution No. 046-18

A RESOLUTION CREATING AND AUTHORIZING JOB CREATION TAX AGREEMENTS BETWEEN THE CITY OF NAPOLEON, OHIO, AND JAC PRODUCTS, INC., AND AUTHORIZING THE CITY MANAGER TO SIGN ANY AND ALL DOCUMENTS NECESSARY TO EXECUTE SAID AGREEMENTS; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon created and authorized job creation tax agreements with JAC Products, Inc. and authorized the City Manager to execute said agreements.

Resolution No. 048-18

A RESOLUTION AUTHORIZING AMENDMENTS TO THE EXISTING COMMUNITY REINVESTMENT AREA (CRA) AGREEMENT BETWEEN THE CITY OF NAPOLEON, OHIO, AND VENTURES IN SPACE, LTD. WITHIN NAPOLEON CRA #7; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized amending the existing CRA agreement between the City and Ventures In Space, Ltd.

Resolution No. 049-18

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT FOR A PLANNED CLUSTER DEVELOPMENT LOCATED AT CLAIRMONT AVENUE WITHIN THE CITY OF NAPOLEON, OHIO; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized a conditional use permit for a planned cluster development located at Clairmont Avenue