

ORDINANCE 2021-16 (AS AMENDED)

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, VILLAGE ADMINISTRATOR, AND PLANNING AND ZONING ADMINISTRATOR TO ENTER INTO A REVISED AND RESTATED AGREEMENT WITH WJHOH LLC (WJH LLC) REGARDING EXTENSIONS OF CERTAIN CERTIFICATES OF ZONING COMPLIANCE FOR CONSTRUCTION IN THE GENOA CROSSING SUBDIVISION, AND DECLARING AN EMERGENCY.

WHEREAS, WJH is the owner of twenty-seven (27) parcels of property located in the Genoa Crossing subdivision, which is located within the corporate limits of the Village; and

WHEREAS, WJH intends to construct residential homes or complete the construction of residential homes on each of the twenty-seven parcels it owns in the Genoa Crossing subdivision; and

WHEREAS, in or around January 2019, WJH obtained Certificates of Zoning Compliance for each of the twenty-seven proposed residential homes and paid the five hundred dollar (\$500) Zoning Certificate Application fee for each of the said twenty-seven Certificate of Zoning Compliance Applications; and

WHEREAS, Section 1135.05(b) of the Planning and Zoning Code of the Village of Commercial Point provides that "All Certificates of Zoning Compliance shall be conditional upon the commencement of work within one (1) year of issuance. If the work has not been more than fifty percent (50%) completed within one and one-half (1 ½) years of issuance, the certificate shall expire and be revoked by the Planning and Zoning Administrator"; and

WHEREAS, the Planning and Zoning Administrator informed WJH of its non-compliance with Section 1135.05(b) of the Planning and Zoning Code as to twenty-one properties that were not more than fifty percent (50%) completed by letter dated July 23, 2020; and

WHEREAS, the Planning and Zoning Administrator is authorized by Section 1135.05(c) of the Planning and Zoning Code to require a new Zoning Certificate Application be submitted or to grant an extension to an approved Zoning Certificate Application; and

WHEREAS, the Village and WJH desire to reach a mutually beneficial understanding, confirmed in writing, in order to allow for the twenty-seven residential homes in the Genoa Crossing subdivision to be constructed; and

WHEREAS, the Village desires assurances that the residential construction will be completed in a timely and professional manner.

WHEREAS, on November 16, 2020, the Village Council passed Ordinance 2020-23, which authorized and directed the Mayor, Village Administrator, and Planning and Zoning Administrator to enter into an Agreement with WJH to extend certain Certificates of Zoning Compliance for Construction in the Genoa Crossing Subdivision; and

WHEREAS, WJH, the Mayor, Village Administrator, and Planning and Zoning Administrator entered into said Agreement on or about November 30, 2020 (the "Original Agreement"); and

WHEREAS, on April 28, 2021, WJH requested an extension of the Original Agreement as to seven (7) properties that may not be completed by the deadline of May 31, 2021 as required by the Original Agreement;

WHEREAS, in light of the progress made thus far under the terms of the Original Agreement, the Village Council is willing to extend the Original Agreement as to all twenty-seven (27) properties by ninety (90) days until and including August 29, 2021.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF COMMERCIAL POINT, OHIO THAT:

ORDINANCE 2021-16 (AS AMENDED)

Section 1. The Mayor, Village Administrator, and Planning and Zoning Administrator are hereby authorized and directed to enter into a Revised and Restated Agreement with WJHOH LLC (WJH LLC) for the extension of Certificates of Zoning Compliance for the properties listed in said Agreement under the terms and conditions described in said Agreement in substantially the same form as attached hereto as Exhibit A and incorporated herein by reference.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any other committees that result in such formal action were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. Because work on the properties described in the Agreement attached as Exhibit A to this Ordinance must begin immediately in order to be completed in a reasonable timeline and because the residents of the Genoa Crossing Subdivision deserve to have the twenty-seven properties completed as soon as possible in order to protect the values of their own properties, and because WJHOH LLC (WJH LLC) desires to have prompt assurances that the Certificates of Zoning Compliance for the twenty-seven (27) properties that are the subject of the Original Agreement, this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety, peace, and welfare, and shall, therefore, go into effect immediately upon passage.

Vote on Amendment:

Motion by: Laura Wolfe

2nd : Jason Thompson

Roll Call:

Yes Nancy Geiger

Yes Ryan Mitchem

Yes Laura Wolfe

N/A Aaron Grassel

Yes Tracy Joiner

Yes Jason Thompson

Vote on Passage of the Ordinance:

Motion by: Jason Thompson

2nd : Tracy Joiner

Roll Call:

Yes Nancy Geiger

Yes Ryan Mitchem

Yes Laura Wolfe

N/A Aaron Grassel

Yes Tracy Joiner

Yes Jason Thompson

Adopted this 7th day of June, 2021.


Allan D. Goldhardt, Mayor


Wendy Hastings, Fiscal Officer

Approved as to Form:


Joshua Cartee, Village Solicitor