

**ORDINANCE NO. 2021-17**

**An Ordinance to Rezone a Portion of 281.817 +/- Acres East of State Route 104 Within the Village of Commercial Point, Ohio from General Commercial (GC) to Limited Manufacturing (LM).**

**WHEREAS**, K-Nova LLC (the "Petitioner") filed a Zoning Certificate Application with the Village of Commercial Point on March 31, 2021 re-zone approximately 281.817 acres within the Village of Commercial Point from General Commercial and Low Density Residential (R-3) to Limited Manufacturing pursuant to Chapter 1111 of the Zoning Code of the Village of Commercial Point; and

**WHEREAS**, the Village provided the required public notice as described in Chapter 713 of the Ohio Revised Code; and

**WHEREAS**, the Village of Commercial Point held a public hearing on May 17, 2021 to hear comments on this proposed zoning request pursuant to Ohio Revised Code Section 713.12; and

**WHEREAS**, the Village Council must approve, disapprove, or adopt the proposed amendment to the Zoning Map of the Village of Commercial Point within forty-five (45) calendar days of the public hearing held on May 17, 2021; and

**WHEREAS**, portions of the K-Nova property are presently zoned as a General Commercial District pursuant to Chapter 1167 of the Zoning Code of the Village of Commercial Point;

**WHEREAS**, portions of the K-Nova property are presently zoned as a Low Density Residential District (R-3) pursuant to Chapter 1157 of the Zoning Code of the Village of Commercial Point;

**WHEREAS**, the Council of the Village of Commercial Point has determined it to be in the best interest of the Village of Commercial Point, in order to maintain the residential character of most of the property west of State Route 104, that the zoning classification of only a portion of the property in the Village of Commercial Point that is the subject of Petitioner's re-zoning application be established as a Limited Manufacturing District (LM) pursuant to Chapter 1171 of the Zoning Code of the Village of Commercial Point and, therefore, the Village Council has determined to approve the Petitioner's request to re-zone 281.817 +/- Acres within the Village of Commercial Point only as to the portion of said property that is located to the east of State Route 104.

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

**SECTION 1.** The property containing 281.817 +/- acres, which is more particularly described on the attached Exhibit A, incorporated herein by reference, is hereby designated as a Limited Manufacturing District (LM) only as to that portion of property located to the east side of State Route 104. The remainder of the property, which is located to the west side of State Route 104, shall retain its current zoning classification, namely Low Density Residential District (R-3) and General Commercial District (GC). Accordingly, the application of Petitioner is approved in part, and denied in part. The application is approved as to the property located to the east of State Route 104, and denied as to the property located to the west of State Route 104.

**SECTION 2.** The Village Council has considered the factors described in Section 1111.03 of the Zoning Code of the Village of Commercial Point and has determined that those factors weigh in favor of rezoning the property described in Exhibit A that is located to the east of State Route 104 from General Commercial District (GC) to Limited Manufacturing District (LM). The Village Council, after considering the factors described in Section 1111.03 of the Zoning Code of the Village of Commercial Point, has determined and gives significant weight to the fact that the proposed amendment is incompatible with adjacent land use and appropriate plans for the area and does not comport with a positive relationship to public health, safety, convenience, comfort, prosperity, and general welfare.

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**SECTION 3.** 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 resulted 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 4.** This Ordinance shall take effect and be in force from and after the earliest date allowed by law.

Vote on Passage of the Ordinance:

Motion by: Nancy Geiger

2<sup>nd</sup>: Tracy Joiner

Roll Call:

Yes Jason Thompson

Yes Aaron Grassel

Yes Ryan Mitchem

Yes Nancy Geiger

Yes Tracy Joiner


Yes Laura Wolfe

Adopted this 21<sup>st</sup> day of June, 2021.

  
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Allan D. Goldhardt, Mayor

  
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Wendy Hastings, Fiscal Officer

Approved as to Form:

  
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Joshua Cartee, Village Solicitor