

ORDINANCE NO. 2021-34

AN ORDINANCE TO REZONE 5.1329 +/- ACRES WITHIN THE VILLAGE OF COMMERCIAL POINT, OHIO FROM NEIGHBORHOOD COMMERCIAL (NC) TO GENERAL COMMERCIAL (GC).

WHEREAS, Kenneth W. & Patricia M. Pettit Trustees (the "Petitioner") filed a Zoning Certificate Application with the Village of Commercial Point on August 3, 2021 to re-zone approximately 5.1329 acres within the Village of Commercial Point from Neighborhood Commercial to General Commercial 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 September 20, 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 with modifications to the Zoning Map of the Village of Commercial Point within forty-five (45) calendar days of the public hearing held on September 20, 2021; and

WHEREAS, the Pettit property is presently zoned as a Neighborhood Commercial District pursuant to Chapter 1165 of the Zoning Code of the Village of Commercial Point; and

WHEREAS, the Petitioner desires to construct an automobile car wash on their property; and

WHEREAS, an automobile car wash may only be constructed in a General Commercial District pursuant to Chapter 1167 of the Zoning Code of the Village of Commercial Point; and

WHEREAS, due to a Minor Subdivision Application submitted on July 27, 2021 and approved by the Village Zoning Administrator on July 27, 2021 pursuant to Chapter 1107 of the Zoning Code of the Village of Commercial Point, the property no longer abuts any residential property; and

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 allow an existing business to expand their services offered to the residents by adding an automobile car wash on their site and, therefore, the Village Council has determined to approve the Petitioner's request to re-zone 5.1329 +/- Acres within the Village of Commercial Point.

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

SECTION 1. The property containing 5.1329 +/- acres, which is more particularly described on the attached Exhibit A, incorporated herein by reference, is hereby designated as General Commercial (GC).

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 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 3. 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

2nd: Aaron Grassel

Roll Call:

Yes Jason Thompson

Yes Aaron Grassel

Yes Ryan Mitchem


Yes Nancy Geiger

Yes Tracy Joiner

No Laura Wolfe

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Adopted this 25th day of October, 2021.


Allan D. Goldhardt, Mayor


Wendy Hastings, Fiscal Officer

Approved as to Form:

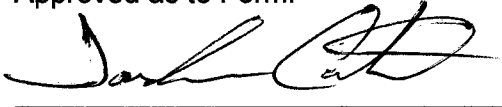
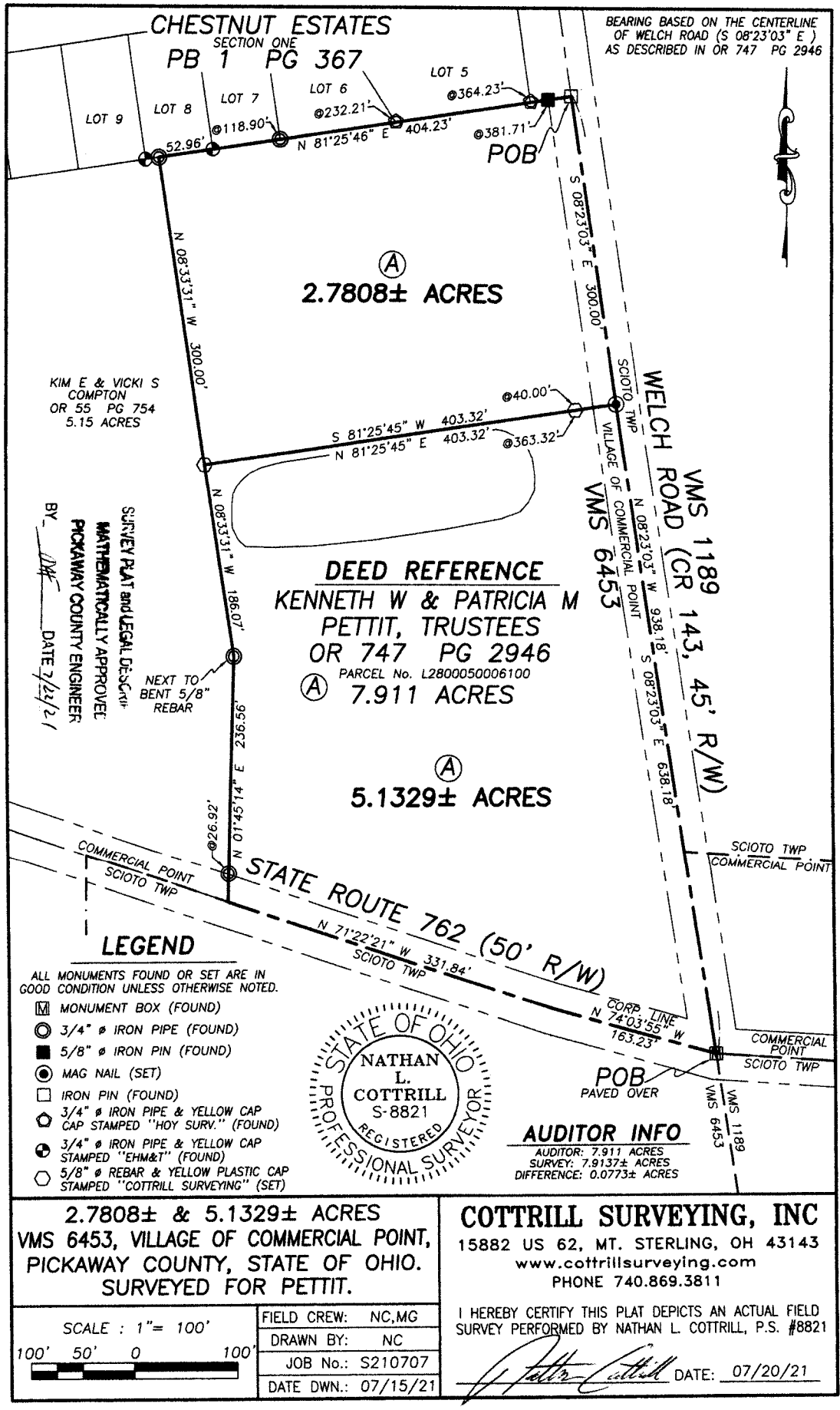

Joshua Cartee, Village Solicitor

Exhibit A



ORDINANCE NO. 2021-34

Exhibit A (continued)

COTTRILL SURVEYING, INC

15882 US Route 62 SE, Mt. Sterling, Ohio 43143, Ph. 740.869.3811, www.cottrillsurveying.com

**5.1329 Acre Tract
Surveyed for Pettit**

The following described 5.1329 acre tract is situated in the State of Ohio, Pickaway County, Village of Commercial Point, VMS 6453, being part of a 7.911 acre tract (Parcel L 2800050006100) conveyed to Kenneth W and Patricia M Pettit, Trustees by Official Record 747 page 2946, and being more particularly described as follows:

Beginning at a monument box found (paved over) at the centerline intersection of State Route 762 (50 feet right-of-way) and Welch Road (County Road 143, 45 feet right-of-way), in the line between VMS 6453 and 1189, in the line between the Village of Commercial Point and Scioto Township, and being the Southeast corner of said 7.911 acre tract;

Thence, with the centerline of State Route 762 and with said Corporation line with the following two courses:

- 1) **North 74° 03' 55" West** a distance of **163.23 feet** to a point;
- 2) **North 71° 22' 21" West** a distance of **331.84 feet** to the Southeast corner of a 5.15 acre tract conveyed to Kim E and Vicki S Compton by Official Record 55 page 754;

Thence, with the East line of said 5.15 acre tract with the following two courses:

- 1) **North 01° 45' 14" East**, passing a 3/4 inch diameter iron pipe found at 26.92 feet, a total distance of **236.56 feet** to a 3/4 inch diameter iron pipe found;
- 2) **North 08° 33' 31" West** a distance of **186.07 feet** to an iron pin and cap set;

Thence, with the new line across said 7.911 acre tract, **North 81° 25' 45" East**, passing an iron pin and cap set at 363.32 feet, a total distance of **403.32 feet** to a mag nail set in the centerline of Welch Road, in the line between VMS 1189 and 6453 and in the line between the Village of Commercial Point and Scioto Township;

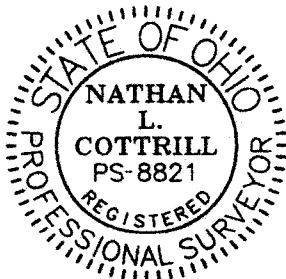
Thence, with the centerline of Welch Road, with said VMS line and partially with said Corporation line, **South 08° 23' 03" East** a distance of **638.18 feet** returning to the **Point of Beginning**, containing **5.1329 Acres** more or less.

Bearings are based on the centerline of Welch Road (South 08° 23' 03" East) as described in Official Record 747 page 2946.

This deed is subject to and with the benefit of all legal highways, restrictions, easements, limitations, and reservations, of record, if any and to zoning restrictions which have been imposed thereon, if any.

All iron pins set are 5/8-inch diameter rebar with yellow plastic cap stamped "Cottrill Surveying"

This description is based on a field survey performed July 15, 2021 by Nathan L. Cottrill, PS registration #8821. (Job #S210707-5.1329)




Nathan L. Cottrill, PS #8821

SURVEY PLAT and LEGAL DESCRIPTIC
MATHEMATICALLY APPROVED
PICKAWAY COUNTY ENGINEER

BY JAF DATE 7/22/21