

**ORDINANCE NO. 2021-48**

**AN ORDINANCE TO REZONE 224.720 +/- ACRES WITHIN THE VILLAGE OF COMMERCIAL POINT, OHIO FROM LOW DENSITY RESIDENTIAL (R-3) AND GENERAL COMMERCIAL (GC) TO PLANNED INDUSTRIAL DISTRICT (PID) AND ADOPTING THE PRELIMINARY PLAN AND DEVELOPMENT STANDARDS TEXT FOR THE PLANNED DISTRICT AND DECLARING AN EMERGENCY.**

**WHEREAS**, K-Nova LLC (the "Petitioner") filed a Rezoning Application with the Village of Commercial Point on September 27, 2021 to re-zone 224.720 +/- acres within the Village of Commercial Point from Low Density Residential (R-3) and General Commercial (GC) ("K-Nova Property") to Planned Industrial District (PID) pursuant to Chapter 1143 of the Zoning Code of the Village of Commercial Point; and

**Whereas**, the Petitioner submitted a Preliminary Plan and Development Standards Text in conjunction with their Planned District request as required by Chapter 1173.04 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 November 15, 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 November 15, 2021; and

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

**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; 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 that the zoning classification of the property that is the subject of the Petitioner's rezoning application be established as a Planned Industrial District (PID) pursuant to Chapter 1173 of the Zoning Code of the Village of Commercial Point, and that the Preliminary Plan and Development Standards Text for this Planned Industrial District be approved.

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

**SECTION 1. Approval of Re-Zoning Application.** The Village Council has considered the criteria described in Section 1143.03 of the Zoning Code of the Village of Commercial Point and has determined that those criteria weigh in favor of rezoning the property containing 224.720 +/- acres, which is more particularly described in Exhibit A, incorporated herein by reference, and is hereby designating the property as a Planned Industrial District (PID). Accordingly, the re-zoning application of Petitioner is approved.

**SECTION 2. Approval of Preliminary Plan and Development Standards Text.** The Village Council has considered the criteria described in Section 1173.05 of the Zoning Code of the Village of Commercial Point and has determined that those criteria weigh in favor of approving the Preliminary Plan and Development Standards Text, which is more particularly described in Exhibit B, incorporated herein by reference, for this Planned Industrial District. The submitted Preliminary Plan and Development Standards Text are hereby approved.

**SECTION 3. Open Meetings Certification.** 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.

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**SECTION 4. Emergency Declaration; Effective Date.** To promote commercial opportunities and its job creation within the Village of Commercial Point, this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the Village of Commercial Point and shall therefore go into immediate effect upon passage.

Vote on Suspension of Readings:

Motion by: Jason Thompson

2<sup>nd</sup>: Aaron Grassel

Roll Call:

Yes Jason Thompson

Yes Aaron Grassel

Yes Ryan Mitchem

Yes Nancy Geiger

Yes Tracy Joiner

Yes Laura Wolfe

Vote on Passage of the Ordinance:

Motion by: Jason Thompson

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 6<sup>th</sup> day of December, 2021.

  
Allan D. Goldhardt, Mayor

  
Wendy Hastings, Fiscal Officer

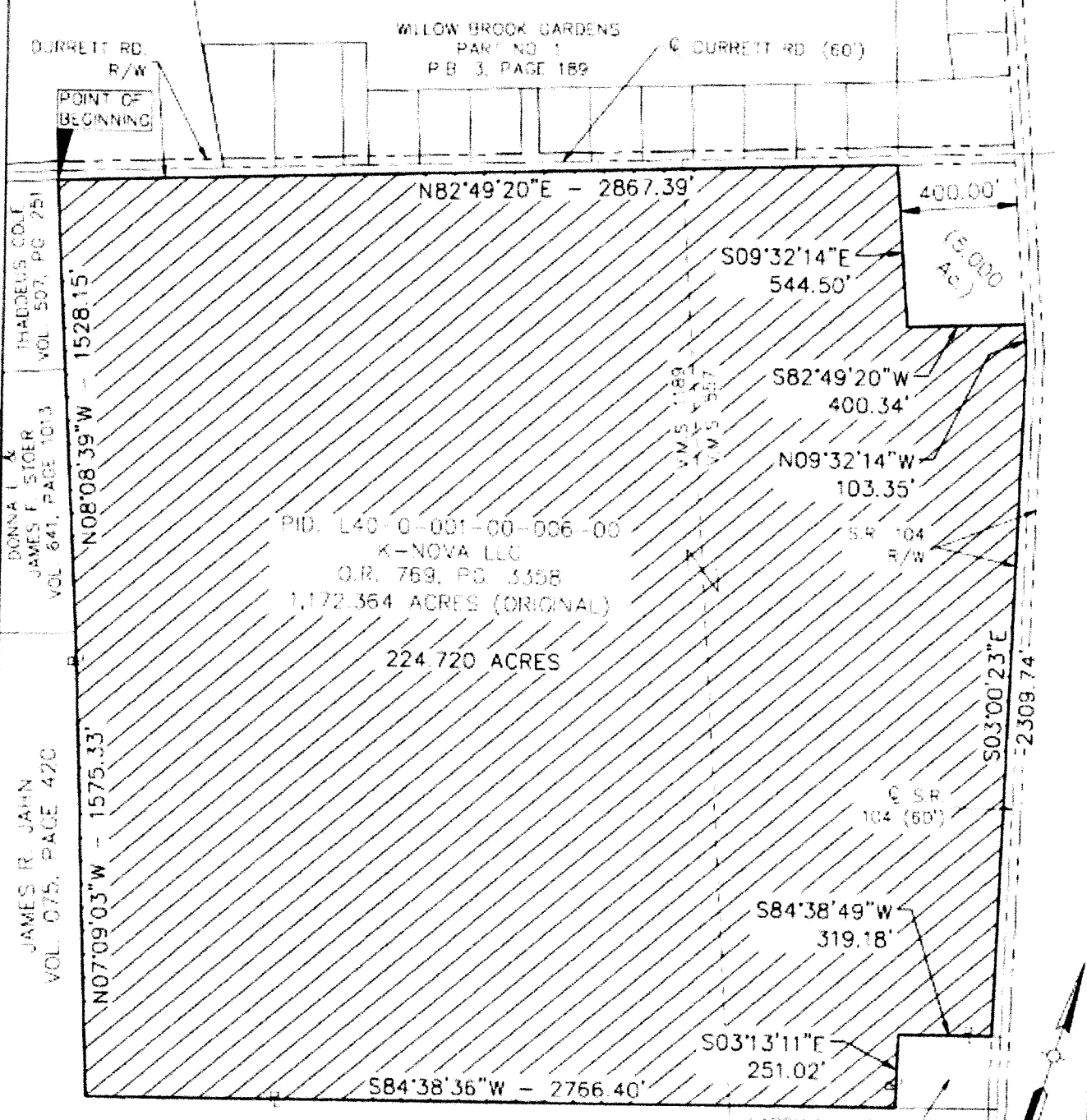
Approved as to Form:

  
Joshua Cartee, Village Solicitor

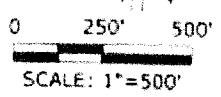
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**Exhibit A**

**STATE OF OHIO, COUNTY OF PICKAWAY, VILLAGE OF COMMERCIAL POINT  
VIRGINIA MILITARY SURVEY NO. 557 & 1189**



**BASIS FOR BEARINGS**  
Bearings shown here on are based on Grid North, referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983, as established utilizing an GPS survey and NGS OPUS solution.



This exhibit is intended for zoning purposes only.

<p><b>K-NOVA, LLC</b></p>	<p><b>AMERICAN STRUCTUREPOINT INC.</b></p> <p>1199 Corporate Exchange Drive   Suite 304 Columbus, Ohio 43231 TEL 614.961.2233   FAX 614.961.2230 www.americanstructurepoint.com</p>	<p><b>Zoning Exhibit</b></p>	<p>S.R. 104 Commercial Point, Ohio</p>	Scale	1" = 500'	<p><b>SHEET</b> <b>1 of 1</b></p>
				Drawn By	BPB	
Checked By	BPB					
Date	08/26/2021					
				Job No	2018 01915	

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**Exhibit A (continued)**

**224.720 ACRE ZONING DESCRIPTION**

Situated in the State of Ohio, County of Pickaway, Village of Commercial Point, being located in V.M.S. Survey Nos. 557 AND 1189, and being part that original 1,172.364 acre (original) tract described in a deed to **K-NOVA LLC**, of record in **Official Record 769, Page 3358** (hereafter referred to as "K-NOVA tract"), all records referenced herein are on file at the Office of the Recorder for Pickaway County, Ohio, and being further bounded and described as follows:

Beginning at the intersection of the west line of said K-Nova tract and the existing south right-of-way line for Durrett Road, being on the east line of a tract of land conveyed to Thadeus Cole, of record in Official Record 507, Page 251;

Thence **North 82 degrees 49 minutes 20 seconds East**, along the south right-of-way line for Durrett Road and across said K-Nova tract, a distance of **2,867.39 feet** to a point (passing the east line of V.M.S. Number 1189 and the west line of V.M.S. 557 at a distance of 2,135.50 feet);

Thence **South 09 degrees 32 minutes 14 seconds East**, continuing across said K-Nova tract, along a line parallel to and 400 feet westerly from the west right-of-way line for State Route 104 (50 feet wide), a distance of **544.50 feet** to a point;

Thence **North 82 degrees 49 minutes 20 seconds East**, continuing across said K-Nova tract, along a line parallel to and 544.50 feet southerly from the south right-of-way line for said Durrett Road, a distance of **400.34 feet** to a point on the west right-of-way line for said State Route 104;

Thence **South 09 degrees 32 minutes 14 seconds East**, continuing across said K-Nova tract, along the west right-of-way line for said State Route 104, a distance of **103.35 feet** to a point;

Thence **North 03 degrees 00 minutes 23 seconds West**, continuing across said K-Nova tract, along the west right-of-way line for said State Route 104, a distance of **2,309.74 feet** to a point on a south line of said K-Nova tract, being on the north line of a tract of land conveyed to Larry E. Cyrus, of record in Official Record 104, Page 217;

Thence **North 84 degrees 38 minutes 49 seconds East**, along a south line of said K-Nova tract and the north line of said Cyrus tract, a distance of **319.18 feet** to a point at a southeast corner of said K-Nova tract, being the northwest corner of said Cyrus tract.

Thence **South 03 degrees 13 minutes 11 seconds East**, along an east line of said K-Nova tract, along the west line of said Cyrus tract, a distance of **251.02 feet** to a southeast corner of said K-Nova tract, being the southwest corner of said Cyrus tract, and being on a north line of a tract of land conveyed to James R. Jahn, of record in Official Record 75, Page 420.

Thence **South 84 degrees 38 minutes 36 seconds West**, along a south line of said K-Nova tract, along a north line of said Jahn tract, a distance of **2,766.40 feet** to a southwest corner of said K-Nova tract, being a northeast corner of said Jahn tract, (passing the west line of V.M.S. Number 557 and the east line of V.M.S. 1189 at a distance of 483.12 feet);

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**Exhibit A (continued)**

Thence **North 07 degrees 09 minutes 03 seconds West**, along the west line of said K-Nova tract, along an east line of said Jahn tract, a distance of **1,575.33 feet** to a point, being a northeast corner of said Jahn tract, being the southeast corner of a tract of land conveyed to Donna L. Stoter and James F. Stoter, of record in Official Record 641, Page 1013;

Thence **North 08 degrees 08 minutes 39 seconds West**, continuing along the west line of said K-Nova tract, along the east line of said Stoter tract, and along the east line of said Cole tract, a distance of **1,528.15 feet** to the **TRUE POINT OF BEGINNING** for this description.

The above description contains a total of **224.720 acres**, of which lies within Pickaway County Auditor's Parcel Number L40-0-001-00-006-00.

Bearings described herein are based on Grid North, referenced to the Ohio State Plane Coordinate system (South Zone) and the North American Datum of 1983, as established utilizing a GPS survey and NGS OPUS solution.

This description is intended for zoning purposes only.

**Exhibit B**

**DEVELOPMENT STANDARDS TEXT**

**Property:** The Property consists of 224.720 +/- acres of land generally located at the southwest corner of Durrett Road and S.R. 104. The legal description of the Property accompanies this application.

**Owner:** K-Nova, LLC

**Applicant:** Exel Inc., d/b/a DHL Supply Chain

**Current Zoning:** GC, General Commercial and R-3, Low Density Residential

**Proposed Zoning:** PID, Planned Industrial District

**Date of Text:** 12/1/2021

**I. BACKGROUND**

The rezoning includes all of Owner's property on the west side of S.R. 104, except the northeast corner of the Property, which will remain zoned GC, General Commercial, and property owned by owner south of the Foxfire Golf Course. Applicant proposes to develop the Property for a warehouse distribution center. The development and use of the Property shall be subject to the following provisions:

**II. PERMITTED USES**

The uses permitted on the Property shall be all uses permitted as set forth in the Commercial Point, Ohio Zoning Code (the "Zoning Code") Sections 1171.02 and 1171.03 (a) and (f).

**III. DEVELOPMENT STANDARDS**

Unless modified by this Text, the applicable development standards under Section 1171.04 and Chapter 1191 of the Zoning Code shall apply to the Property.

a. Setbacks

1. Building setbacks:
  - i. The minimum building setback from the Durrett Road right-of-way shall be 285 feet.
  - ii. The minimum building setback from the centerline of the S.R. 104 right-of-way shall be 200 feet.
2. Parking and drive isle setbacks:
  - i. The minimum pavement setback from the Durrett Road right-of-way shall be 150 feet.
  - ii. The minimum pavement setback from the centerline of the S.R. 104 right-of-way shall be 100 feet.

This Section III(a) creates more restrictive provisions than Section 1171.04(a) 4 and 5 of the Zoning Code.

**Exhibit B (Continued)**

b. Drives/Multi-Purpose Path

The location of access drives to and from the Property shall be as generally depicted on the site plan titled SR 104 & Durrett Road Site Plan and dated November 15, 2021 (the "Site Plan"). No drive(s) onto Durrett Road shall be permitted except emergency drive(s) required by the Scioto Township Fire Department. Any emergency drive along Durrett Road shall include features restricting access for all vehicles other than emergency equipment. A ten foot (10') wide asphalt multi-purpose path shall extend along the west property line and the Durrett Road frontage of the Property from the western property line to a point parallel with the entrance to the Scioto Crossing subdivision.

c. Screening/Landscaping

1. Except for landscaping required within the off-street parking areas per Zoning Code Section 1191.06(a) (Section III(c)(2) below), Property screening/landscaping shall include both mounding and plant material as generally depicted and described on the landscape plan titled SR 104 & Durrett Road Landscape Plan and dated November 15, 2021 (the "Landscape Plan"). The minimum required number of trees planted in the perimeter of the Property shall be Four Hundred (400), as generally depicted and described on the Landscape Plan, in satisfaction of Zoning Code Section 1191.03(a) (See Deviation #10 below).
2. One Hundred (100) trees of no less than two (2) inch caliper shall be planted in the off-street parking areas on the Property (See Deviation #8 below).

d. Building Height

1. No building or structure on the Property shall exceed sixty-five (65) feet in height (See Deviation #2).
2. Buildings constructed on the Property shall be screened from homes located on the north side of Durrett Road as follows:

The mound on the Property, and any other additional screening approved by the Village, shall screen to the top of the roof of any building constructed on the Property. Screening shall be determined by measuring the site line from locations 125' north of the current right of way of Durrett Road, at 5' above the grade of Durrett Road.

e. Coverage

1. Lot Coverage: The maximum lot coverage by buildings and other impervious surfaces shall not exceed 80% of the Property.
2. Building Coverage: The maximum building coverage of the Property shall not exceed 50%.

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**Exhibit B (Continued)**

f. Lighting

All parking lot lighting shall be cut-off style fixtures. Parking lot lights shall not exceed thirty-four (34) feet in height measured from parking lot surface. Parking lot lights shall be set back a minimum of one hundred and fifty (150) feet from Durrett Road.

g. Signage

1. The Property shall have one (1) multi-tenant ground sign along S.R. 104.
2. The ground sign shall not exceed twelve (12) feet in height (See Deviation #5).
3. The total display area of all surfaces shall not exceed thirty (30) square feet when the sign is located no more than fifteen (15) feet from the primary frontage street right-of-way line. For each additional one (1) foot setback from the street right-of-way line, an additional three (3) square feet of display area will be permitted for the sign up to a maximum of two hundred and eighty-five (285) square feet in total display area (See Deviation #6).

h. Parking

Parking spaces shall be installed on the Property at a rate of one (1) parking space for every two thousand (2,000) square feet of gross building area (See Deviation #4).

**IV. DEVIATIONS FROM THE ZONING CODE**

a. The development of the Property will cause the following deviations from the Zoning Code:

1. Section 1173.03(b) of the Zoning Code provides for a maximum coverage of fifty percent (50%). "Coverage" is not defined in the Zoning Code; therefore, Section III(e) of this Text may deviate from the maximum coverage standard.
2. Section 1173.03(b) of the Zoning Code provides for a maximum building height of forty feet (40'). This requirement contradicts the development standards for properties in the LM – Limited Manufacturing District, which requires a maximum building height of sixty feet (60'). Section III(d) of this Text deviates from Section 1173.03(b) of the Zoning Code.
3. Section 1173.03(c)(1) of the Zoning Code requires properties in the Planned Districts to comply with the off-street parking, sign, and landscaping requirements under the Zoning Code. Certain off-street parking, sign, and landscaping deviations are detailed below.
4. Section 1185.02(b) of the Zoning Code provides that manufacturing, warehousing, wholesaling, or similar establishments shall provide one (1) parking space per one thousand (1,000) square feet of gross building area. Applicant proposes to construct approximately 3,000,000 square feet of gross building area, which would require 3,000 parking spaces. Section (III)h of this Text deviates from Section 1185.02(b) of the Zoning Code.



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**Exhibit B (Continued)**

5. Section 1189.04(e)(1) of the Zoning Code provides that the height of a free standing sign must be no more than eight (8) feet above the average grade on the site when the sign is located fifteen (15) feet from the primary frontage street right-of-way line. Applicant is proposing to install a sign with a maximum height of twelve (12) feet. Thus, a deviation from this section of the Zoning Code may be required.
6. Section 1189.04(e)(2) of the Zoning Code provides for a maximum of sixty-four (64) square feet for a sign. Section III(g) of this Text deviates from this section of the Zoning Code.
7. Section 1189.04(e)(3) of the Zoning Code provides for a maximum display area of thirty-two (32) square feet for any one (1) surface of a sign. Section III(g) of this Text deviates from this section of the Zoning Code.
8. Section 1191.06(a)(1) of the Zoning Code requires one (1) tree of no less than two (2) inches caliper for every six (6) parking spaces. Applicant proposes to construct approximately three million (3,000,000) square feet of gross building area, which would require three thousand (3,000) parking spaces and five hundred (500) off-street parking area trees. Applicant proposes to install a minimum of one hundred (100) off-street parking area trees on the Property.
9. Section 1191.03(b) of the Zoning Code requires the developer or owner of a woodland to retain a minimum of forty percent (40%) of the woodland. In lieu of retaining woodland, Applicant is proposing to provide landscaping on the Property as generally depicted on the Landscape Plan.
10. Section 1191.05(a)(2)(A) of the Zoning Code requires a minimum of five hundred (500) perimeter trees on the Property. Applicant is proposing to plant four hundred (400) perimeter trees as generally depicted and described on the Landscape Plan.

**Exhibit B (continued)**

