

RESOLUTION NO. 27-2015

**A RESOLUTION APPROVING THE REZONING OF ±43.67 ACRES
TO PLANNED UNIT DEVELOPMENT (PUD) SUBJECT TO
ANNEXATION APPROVAL.**

WHEREAS, Dwight A. Imler, Trustee, James L. Jenkins and Sharon R. Jenkins and Westport Homes, Inc. (the "Petitioner") filed a petition for the annexation of 43.67+/- acres (the "Petition") to the Village of Commercial Point with Pickaway County Board of County Commissioners (the "County Commissioners") on September 14, 2015;

WHEREAS, the Village of Commercial Point on September 14, 2015 passed Resolution No. 18-2015 setting forth the services to be provided to the 43.67 ± acres;

WHEREAS, on October 13, 2015 a hearing was held by the County Commissioners at which time evidence was presented by the Petitioner in favor of the proposed annexation and the legal description of the territory to be annexed;

WHEREAS, the County Commissioners have approved the Petition for Annexation;

WHEREAS, pursuant to the requirements of Ohio Revised Code Section 709.033, the County Commissioners caused to be filed with the Clerk of the Village of Commercial Point a certified transcript of the orders of the County Commissioners showing approval of same and all other papers, including an accurate map of the territory to be annexed;

WHEREAS, The Village Planning Commission held a meeting on November 2, 2015 and has recommended that Council of the Village of Commercial Point accept the requested zoning change;

WHEREAS, The Council of the Village of Commercial Point held a public hearing December 14, 2015 to hear comments on this proposed zoning request;

WHEREAS, the Council of the Village of Commercial Point has determined it to be in the best interest of the Village of Commercial Point, contingent of the final approval of the Petition for Annexation, that the zoning classification of the proposed Annexed Territory in the Village of Commercial Point be established;

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

SECTION I: The proposed Annexed Territory containing 43.67+/- acres, which is more particularly described on the attached Exhibit A, incorporated herein by reference, is hereby designated as a Planned Unit Development ("PUD") consisting of a single-family subdivision pursuant to the following PUD text:

1. Permitted Uses: Permitted uses shall be limited to 146 single-family dwelling units, storm water facilities and ponds, water tower facilities and related equipment, landscaped entry features, open spaces and other community amenities and all other permitted and conditional uses consistent with single-family residences and allowed under the Village of Commercial Point zoning ordinance.

In addition, there is one residential out-lot that will be included in this planned development, which lot generally meets R-1 standards. The existing conditions and buildings on this lot shall be approved as part of this planned development. This lot will remain separate and apart from the Chestnut Commons community and will not be part of the homeowners' association. Further, the Developer plans to sell the lot on the market in an "as is" or improved condition to meet market demands.

2. Development Standards

- a) Height Limit: No building shall be erected or enlarged to exceed two and one-half (2-1/2) stories or thirty-five (35) feet, except that the proposed water tower planned for Reserve "D" shall be at a height and based on plans as approved by the Village Engineer.
- b) Lot Area, Width and Depth: Every lot for a single-family dwelling shall have a typical width of sixty-three (63) feet and a minimum lot area of seven thousand seven hundred fifty (7,750) square feet with the majority of the lots having a typical area of seven thousand nine hundred (7,900) square feet and typical depth of one hundred twenty six (126) feet. All lot measurements shall be exclusive of road right-of-way, and shall be in addition to any easement of record.
- c) Front yard, side yard and rear yard: There shall be a front yard of not less than thirty (30) feet. There shall be a side yard of not less than five (5) feet on each side. There shall be a rear yard of not less than twenty-five (25) feet.
- d) Dwelling Bulk: Two and one and one-half story single-family dwellings shall have a minimum area of sixteen hundred (1,600) square feet; one-story single-family dwellings shall have a minimum area of twelve hundred (1,200) square feet. All dwelling bulk requirements are to be determined from outside dimensions, exclusive of porches, garages, cellars, and basements.
- e) Parking Requirements: Parking requirements shall be as regulated under the Zoning Ordinance of the Village of Commercial Point, Pickaway County (the "Zoning

Code”), provided, however, that each single-family residence shall have a two-car garage and paved driveway for the parking of a minimum of two cars.

- f) Open Space: A total of approximately 1.3 acres shall be reserved for common open space pursuant to the requirements of this text. The location and sizes of the open space shall be as identified on the Preliminary Development Plan in Reserves “A”, “B”, “C” and “D”. The open space in Reserves “B” and “C” shall be green space that includes fencing, mounding and landscaping installed between lots and the Welch Road right of way as depicted on the Plan and further described in section i) below. These reserves are to be maintained by the developer/owner until such time as responsibility for maintenance is transferred to the homeowners’ association. The open space in Reserve “A” shall be used as a community park to be maintained by the homeowner’s association. Additional acreage of .4 acres is to be dedicated to the Village for its ownership and use after the construction and acceptance of a planned water tower and related equipment and facilities pursuant to a Development Agreement to be executed by the Village and the developer.
- g) Signs: Signs shall be as regulated in the Zoning Code.
- h) Utilities: All utilities shall be placed underground, with the exception of the planned water tower as noted on Reserve “D” to be owned, maintained and operated by the Village after construction. Appurtenances to these systems shall, to the extent permitted by the affected utility companies, be screened by plantings, hedges, fences, or walls each of which would enclose any such structure on all sides unless access is frequently required from a side.
- i) Buffer: A thirty (30) foot landscape buffer along Welch Road shall be required. The screening shall provide 70% opacity within three (3) years of planting. The screening may consist of a combination of evergreen trees or bushes, ornamental bushes, mounding, wooden fencing, or masonry walls with a minimum height of four (4) feet as depicted in the Preliminary Development Plans. On the northern and western perimeter of the property, where the area to be developed borders active agricultural land, the developer shall install a split rail fence as depicted in the Preliminary Development Plan exhibits that includes protective mesh between fence slats. The mesh fence shall be installed at the completion of each development phase. The fence shall be installed at the back of lots prior to lot transfer to homebuyers in order to discourage access from the community to active farming operations, it being understood that the developer cannot ultimately control such areas or access to them by any person, but the mesh fence will identify the property line and discourage access to active farming operations, and the inherent, obvious and known dangers of

same. The developer shall maintain the fence during the development period, with the HOA maintaining upon turn over under the HOA governing documents.

j) Density: The maximum gross density per acre shall be 3.36 dwelling units per acre (inclusive of open space).

k) Access: Access for ingress and egress shall be limited to a single curb cut on Welch Road.

SECTION II: The approval of this zoning request is contingent upon the final approval of the Petition for Annexation.

SECTION III: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution 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 VI: This Resolution shall take effect and be in force from and after the earliest date allowed by law.

Vote on Suspension of Readings:

Motion by: Mr. Laxton 2nd Mr. Wissinger

Roll Call:

Yes Randy Shelton
Yes David Sadler

Yes Clarence Wissinger
Yes Brad Laxton

Yes Mark Geiger
Yes Nicole Evans

Vote on Passage of the Ordinance and declaring it an emergency:

Motion by: Mr. Sadler 2nd Mr. Geiger

Roll Call:

Yes Randy Shelton
Yes David Sadler

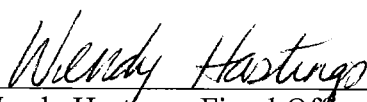
Yes Clarence Wissinger
Yes Brad Laxton

Yes Mark Geiger
Yes Nicole Evans

Adopted this 14th day of December 2015.




Joe Hammond, Mayor



Wendy Hastings, Fiscal Officer

Approved as to Form:



Michael D. Hess, Law Director