

**WORTHINGTON ROAD-DERSTINE PROPERTY,
AKA THE GROVE
FINAL DEVELOPMENT TEXT**

BACKGROUND AND INTRODUCTION: Romanelli and Hughes Building Company (“R&H” or “Developer”) is the current owner of the so-called Derstine Property having an address of 5481 Worthington Road, Westerville, Ohio 43082, consisting of approximately 22.043 acres located at the southeast corner of Worthington Road and Big Walnut Road, Genoa Township, Delaware County, Ohio, a 21.017 acre portion of which is the subject of this Development Text (the “Property”). Concurrently with the PRD Application, the Developer has filed a Rezoning Application for the remainder of the Derstine Property, being approx. 1.026 acres at the southwest corner of the Derstine Property (the “Remainder Derstine Property”), to rezone the Remainder Derstine Property to a Suburban Residential District (SR) pursuant to Article 8 of the Genoa Township Zoning Resolution as in effect September 3, 2020 (the “Zoning Code”). Since the Preliminary Development Plan Application was filed, the Project has been named “The Grove”. On September 3, 2020, the Developer filed an Application to Rezone the Property to a Planned Residential District (PRD) With Conservation Development Standards (the “PRD Application”) pursuant to Article 9 of the Zoning Code.

This Development Text relates to the PRD Application filed by the Developer and is an integral part of the PRD Application. All Articles and Sections referenced herein refer to the Zoning Code and all zoning and development requirements and standards applicable to the Property shall be based on and interpreted in accordance with the Zoning Code as in effect on September 3, 2020.

The Final Development Plan for the Development consists of the Preliminary Development Plan, this Development Text and the other Application materials and the Final Development Plan, Preliminary Development Plan and this Development Text shall comply with the Zoning Code as in effect on September 3, 2020. Future changes in the Zoning Code shall not supersede this project’s compliance with the Zoning Code in effect on September 3, 2020.

The Board of Trustees modifies the Zoning Commission’s recommendation by granting a divergence that permits the Final Development Plan for the Development to be interpreted by, and held to the standards of, the Zoning Code as in effect on September 3, 2020. Thus the Final Development Plan is consistent with the Preliminary Development Plan, this Development Text and the other Application materials, and the Final Development Plan, Preliminary Development Plan and this Development Text shall comply with the Zoning Code as in effect on September 3, 2020. Future changes in the Zoning Code shall not supercede the Development’s compliance with the Zoning Code in effect on September 3, 2020. This divergence is contained in the Development

Text below as Divergence #5 and is subject to certain conditions and agreements contained in Divergence #5.

All capitalized words and terms used herein that are not otherwise defined herein shall have the meanings assigned to such words and terms in the Zoning Code.

The purpose of this Development Text is to set forth in textual form all information required by the PRD Application under the Zoning Code and to set forth in textual form certain development standards that apply to the Development. This Development Text is a part of the PRD Application and Preliminary and Final Development Plans for the Development. To the extent a matter is not addressed textually in this Development Text but is otherwise addressed either graphically or textually elsewhere in the PRD Application materials submitted herewith, such matter shall be deemed addressed herein.

In presenting this Development Text, all applicable provisions of Article 9, and other code excerpts that have been copied verbatim, are restated below in **RED** for ease of review and application.

RELATIONSHIP TO TOWNSHIP COMPREHENSIVE PLAN: In preparing the Application, the Developer reviewed the Genoa Township Comprehensive Plan as revised January 7, 2019 to determine whether the proposed Development was in compliance with the Comprehensive Plan. The Development is in Planning Area 1 which is designated in large part an infill area of the Township. The Development is served by Delaware County Sewer District sanitary sewers and Del Co Water Company water. According to the Comprehensive Plan, areas served by such public utilities are to be rezoned in accordance with the Zoning Resolution and if such areas are already zoned commercial, they should be developed as neighborhood-scale commercial/office uses. The Property is not currently zoned commercial and the PRD Zoning is in accordance with the Zoning Resolution. Consequently, it is the Developer's belief that the rezoning of the Property to PRD is in keeping with the Comprehensive Plan.

ARTICLE 9 PRD REQUIREMENTS:

Section 903: General Requirements

903.01 *The provisions of this Article shall apply to all lands zoned in the Planned Residential District. Only parcels of at least twenty-five (25) acres in size or under application for rezoning to PRD that collectively sum twenty-five (25) acres or more shall be considered for Planned Residential District zoning (PRD)*

Development area is only 21.017 acres. A Divergence has been approved (See "Divergences and Justification" below).

903.02 *The density of land use within a Planned Residential District shall not exceed 2.2 Dwellings per Net Developable Acre when Conservation Development Standards are used or 1.8 Dwellings per Net Developable Acre otherwise.*

Conservation Development Standards are being used with a density of 2.2 Dwelling Units per Net Developable Acre, being in compliance.

903.03 Open Space areas shall be provided around the entire perimeter of a Tract. Such areas shall count towards the Planned Development's required Open Space acreage.

A) The required widths of said area shall be:

1) Fifty (50) feet from any Lot within a Planned Residential Zoning District.

The Development has a 50' minimum setback from east property line and a 190' minimum setback from south property line.

2) One hundred (100) feet from any Lot located within a Residential or Non-Residential Zoning District.

The Development meets this requirement.

3) One hundred (100) feet from the Right-of-Way line of any Street that is not classified as an Arterial or Collector Street.

No Lots in the Development are adjacent to a right-of-way of any public street.

4) One hundred seventy (170) feet from the Right-of-Way line of any Arterial or Collector Street.

The Developer has been granted a divergence to allow 150' from Big Walnut Road future right-of-way and 145' from Worthington Road future right of way. (see "Divergences and Justification" below)

B) The perimeter of said area shall be planted with two (2) evergreen trees and three (3) deciduous trees for every fifty (50) feet of site perimeter.

The Developer shall install 2 evergreen trees and 3 deciduous trees every 50 feet along the Big Walnut Road frontage as shown on the Landscape Plan. Other segments of the Development's perimeter where existing woody vegetation is abundant enough to provide a visual screen will not be planted.

Buffer tree quantities per lot line include:

- North: 26 evergreens, 39 deciduous trees
- West: no plants installed due to credit for 133 existing trees
- South: no plants installed due to credit for 215 existing trees
- East: no plants installed due to credit for 108 existing trees

1) Required plantings shall be planted in staggered rows or groupings to create a natural looking landscape buffer but shall still generally cover the entire linear perimeter of the Tract.

See Landscape Plan

2) Required plantings shall adhere to the size requirements found in Section 2006.

See Landscape Plan

3) In sections where existing woody vegetation, which is healthy, mature, and abundant enough to serve as a visual screen, occurs along the perimeter of

the Tract, said vegetation may be credited towards the above planting requirements.

See Landscape Plan and Tree Survey.

- C) No Building or Structure shall be permitted within said area unless approved as part of the Planned Development's Common Open Space as further regulated in Section 911.*

No Buildings or Structures are proposed in the perimeter open space areas.

- D) No Limited Common Element Area shall be permitted within said area.*

No limited common element areas are proposed in designated Open Space Areas.

903.04 Critical Resource Protection

- A) All Buildings, Structures, Streets, and Lot Lines shall be set back at least twenty (20) feet from any Primary Conservation Area(s).*

No Buildings, Structures, Streets or Lot lines will be located closer than 20 feet to existing wetlands to remain and streams.

903.05 Access

- A) All Planned Developments within this District shall have at least one (1) direct vehicular access point to an Arterial or Collector Street.*

One vehicular access point is proposed for the development off of Big Walnut Road, which per the Township Comprehensive Plan is a Major Arterial, as depicted on the Final Development Plan.

- B) Planned Developments consisting of more than thirty (30) Lots or Building Envelopes shall have a second vehicular access point to a Street of any type.*

The Development consists of 30 Lots.

- 1) *Such access may be achieved by providing a vehicular connection to an existing Street within an adjacent Planned Development with its own direct vehicular access point. Drives restricted only to emergency and/or maintenance vehicles only shall not count towards this requirement.*

N/A

- 2) *A second access point shall not be required if all of the Dwellings within a Planned Development contain residential sprinkler systems.*

N/A

903.07 Storm Water Management

- A) Setbacks.*

- 1) *All stormwater basins shall be set back a minimum of twenty (20) feet from: Lot Lines, Structures, designated Building Envelopes, and designated Limited Common Element Areas.*

No Buildings, Structures, Streets or lot lines (including limited common elements on Lots) will be located closer than 20 feet from the proposed storm water management area. See Preliminary and Final Development Plans.

- 2) *The setback distance shall be measured landward from the maximum one hundred (100) year stormwater surface elevation of the basin during a one hundred (100) year storm.*

- B) *All site plans must have a storm water management plan, approved by the Delaware County Engineer's Office, with the improvements constructed before a Zoning Permit will be issued for construction of Buildings.*

The proposed storm water management area depicted on the Final Development Plan is based on EMH&Ts final engineering, as directed by Delaware County Engineer's requirements.

Off-site grading that redirects runoff from the Site has also been incorporated into the final engineering plans as directed by DCEO. See Sheets 10 of 28 and 13 of 28 from the Site Improvement Plans dated October, 2021, that show the offsite improvements, to be installed by the Developer, that will address downstream drainage concerns, that have been included with the Final Development Plan materials.

- C) *Should any of the above contradict or conflict with the regulations of any County, State, or Federal agency having jurisdiction over such matter, the regulations of said agency shall supersede.*

Understood

903.08 Parking and Loading Areas

- A) *Reserved.*

- B) *All automobile parking lots shall be screened from adjoining streets and adjoining residential properties in accordance with Article 20.*

The off-street parking spaces located on the west side of the Development adjacent to the mail kiosk will comply with Article 20. A temporary parking lot may be installed with the Model Home.

- C) *No parking lot shall be closer than seventy-five (75) feet from the edge of the contiguous street Right-of-Way in a Planned Residential District.*

The off-street parking spaces located on the west side of the Development adjacent to the mail kiosk are more than 75 feet from the Worthington Road right-of-way.

- D) *Parking spaces and loading areas shall be provided in accordance with Article 19.*

Parallel Parking shall be allowed on one side of the private streets within the Development. That is, no on-street parking will be allowed on the hydrant side of the street. Four off-street parking spaces shall be provided per home, two in a garage (minimum) and two in the driveway.

903.09 Streets

A) All Street drainage shall be enclosed.

Curb and gutter pavement edges and inlets shall be installed along the streets per County Standards.

B) Curbs and gutters shall be installed.

Curb and gutter pavement edges and inlets shall be installed along the streets per County Standards. See Sheet 4 of 28 from the Site Improvement Plans dated October, 2021, that shows the proposed typical section, that has been included with the Final Development Plan materials.

C) All streets shall have a minimum pavement width of twenty-two (22) feet.

Pavement shall be 28' wide, measured from back of curb.

D) The minimum width of any landscape strip between the back of a curb and a sidewalk or Multi- Use Path shall be at least six (6) feet. This width may be reduced when necessary without a Divergence to accommodate street crossings, accessibility, public services, utilities, and/or on- street parking.

A 6' wide landscape strip shall be installed between the back of curb and sidewalk.

E) All Streets, including private Streets, shall conform to all applicable Delaware County specifications.

To satisfy the requirements of the Delaware County Engineer and Delaware County Subdivision Regulations pertaining to single family lots located on private streets, each home constructed on a Lot within the Development will become a part of a condominium regime upon completion of construction. (see "Additional Requirements and Commitments" below)

903.10 Sidewalks, Multi-Use Paths, and Trails

A) Sidewalks along Streets.

1) New Streets. Sidewalks and/or Multi-Use Paths shall be provided along both sides of any new public or private Street.

The Developer shall install 4 feet wide sidewalks where indicated on the Final Development Plan. The north road, where there are no homes, shall have sidewalks on one side of the street. The Developer has been granted a Divergence (see "Divergences and Justification" below).

2) Existing Streets. Sidewalks and/or Multi-Use Paths shall be provided along any existing public or private Street within, abutting, or adjacent to a Planned Development.

The applicant shall provide a 15' wide easement adjacent to Big Walnut and Worthington Roads and not a sidewalk or multi-use path.

3) Whether a sidewalk or Multi-Use Path is installed shall be determined upon the context of the surrounding area. Consistency in the type (sidewalk or Multi-Use Path) with neighboring properties and/or with a pedestrian network already established along the subject Street corridor shall be maintained and continued whenever possible and logical to do so.

- 4) *Pedestrian Easement Option. When location of sidewalks and/or Multi-Use Paths is not possible or is not logical due to the lack of connections at both ends of the required improvement, easements, where necessary, allowing for future construction by the Township, or its assignee, and public pedestrian access shall be provided in lieu of the above.*
 - a) *The width of said easement shall be at least fifteen (15) feet.*
 - b) *Easements shall be recorded prior to the issuance of any Zoning Permit for Buildings within the Planned Development.*
- B) *Sidewalks shall be at least four (4) feet wide and constructed of concrete or another similar type of surface.*

Proposed sidewalks shall be 4 feet wide and constructed of concrete.
- C) *Multi-Use Paths shall be at least ten (10) feet wide and constructed of asphalt or another similar type of surface.*

There are no Multi-Use Paths proposed for the Development.
- D) *Trails, where provided, shall be at least four (4) feet wide and may be paved or unpaved but must be visually delineated in some fashion.*

There are no Trails proposed for the Development.

903.11 Trees

- A) *The clearing of land shall be kept to a minimum to help preserve the existing natural conditions.*

EMH&T has prepared a Tree Survey for the Property and it was used as the basis for the design of the Development. The Final Development Plan has been carefully designed specifically to minimize impacts to existing trees as a significant amount of existing trees shall be preserved. EMH&T has also prepare a Tree Impact Plan that documents trees to remain and trees to be impacted. Only a small amount of trees, 86 of 995 total, will be impacted by the Development.
- B) *No land shall be cleared of trees more than fifteen (15) feet from the foundation of a proposed Building. An exception to this requirement shall be granted in the case of those trees that should be removed due to malformation, disease, safety hazards, or to the general benefit of surrounding trees. The foregoing shall be considered as a guideline for preservation of the natural environment.*
- C) *No trees shall be cleared further than five (5) feet from curbs of a parking lot. The foregoing shall be considered as a guideline for preservation of the natural environment.*

903.12 Landscaping

- A) *All yards, front, side, and rear shall be landscaped and all nonresidential Use areas shall be landscaped. The developer shall submit a conceptual landscaping plan to be reviewed as part of the development plan. Each platted Lot shall be seeded or sodded*

in accordance with the approved development plan before a Certificate of Zoning Compliance is issued.

See Landscape Plan that has been submitted as part of the Application. Each lot shall be seeded or sodded and the front, side and rear of each home shall be landscaped.

B) Street Trees shall comply with Section 2005.

Any street trees installed with this development will comply with Sections 2005 and 2006.

C) All required landscaping in the Final Development Plan shall be maintained. Dead and dying plants shall be replaced with a plant of a similar type no later than the subsequent planting season.

The Developer acknowledges and agrees with this zoning standard.

904.02 Permitted Uses with Conservation Development Standards

A) Single-Family detached Dwellings.

The Development will consist solely of 30 Lots upon which single family homes will be constructed as a part of a condominium regime (see “Additional Requirements and Commitments” below).

Section 905: Permitted Accessory Uses

905.01 Accessory Buildings and Structures as regulated by Section 1609.

The Developer will install a shelter building, a roof structure over the mail boxes and a trash receptacle in compliance with Section 1609.

905.02 Accessory Signs as regulated by Article 18.

Signs shall be installed throughout the Development in compliance with Article 18.

905.03 Fences and Retaining Walls as regulated by Article 20.

See Exhibit G-1 for proposed fence detail. No retaining walls are anticipated with this project.

Per Section 2002.05, Fences and Accessory Walls shall be kept in proper repair and maintained so as not to create conditions which endanger the health, comfort, and safety of the public.

905.04 Entry Features as regulated by Section 1605.

Entry features shall be installed at the Big Walnut Road access drive per Section 1605.

Two freestanding signs will be located at the access drive off Big Walnut Road.

- Sign height shall not exceed 6.9'. See bonus provisions below per Section 1805.05.
- Sign message area shall not exceed 23 square feet. See bonus provisions below per Section 1805.05.
- Sign shall be installed no closer than 10 feet to a right-of-way.
Sign Bonus per 1805.05.

- 5% added to base requirement for speed limit above 35 mph; Big Walnut Road is 45 mph.
- 10% added to base requirement for right-of-way width greater than 100 feet; Big Walnut Right-of-way is 110 feet.
- Proof of compliance with the sign bonus criteria has been included with the Final Development Plan.

Section 907: Residential Driveway Setback Requirements

907.01 All driveways or pavement shall have a Setback of no less than two (2) feet from the property line.

The Developer acknowledges and agrees with this zoning standard.

907.02 All side load garages shall have a turning pad of no less than twenty-four (24) feet.

The Developer acknowledges and agrees with this zoning standard.

907.03 No driveway shall be located so it enters a public road within forty (40) feet of the intersection of the edge of the contiguous Right-of-Way of any two (2) public roads.

All streets within the Development are private.

907.04 All driveways and parking areas shall be hard-surfaced with asphaltic concrete, Portland cement concrete, permeable pavers, or another similar type of hard, non-gravel surface.

The Developer acknowledges and agrees with this zoning standard.

Section 908: Minimum Floor Area Requirements

The minimum residential Floor Area per Dwelling within Genoa Township shall be in accordance with the following. The minimum square footage of Floor Area shall be exclusive of Porches, breezeways, utility areas, storage areas, unheated areas, unfinished areas, Basements and Attached Garages.

Dwelling Type Minimum Floor Area.

- *One story One thousand one hundred (1,100) square feet of Floor Area above grade.*
The Developer acknowledges and agrees with this zoning standard.
- *1 ½/Split level/Bi-level/Walkout One thousand two hundred (1200) square feet of Floor Area with nine hundred sixty (960) square feet on the first floor above grade.*
The Developer acknowledges and agrees with this zoning standard.
- *Two stories One thousand four hundred (1400) square feet of Floor Area with eight hundred (800) square feet on the first floor above grade.*
N/A
- *Single Family Attached Six hundred (600) square feet of Floor Area for a one (1) bedroom or Common Wall unit; seven hundred fifty (750) square feet for a two (2) bedroom unit.*
N/A

- *Garage Two (2) car Attached Garage.*
The Developer acknowledges and agrees with this zoning standard.

909.02 Dimensional Requirements with Conservation Development Standards

909.02A *The Zoning Commission may, as a part of the PRD, with Conservation Development Standards, review process, require specific dimensional requirements if in their opinion such requirements are in the best interests of the health and welfare of the general Township.*

909.02B *The Building Envelope of Detached Dwellings situated on land commonly owned by a condominium or other similar type of association shall be at least sixty (60) feet wide and one-hundred twenty (120) feet deep.*

A 60' x 120' Lot, consisting of a Dwelling Unit and Limited Common Element, shall be provided with each home as depicted on the Final Development Plan.

909.02C *Minimum yard requirements:*

- 1. Residential, excluding Multi-Family Dwellings, none.***
Developer commits to 7.5 feet minimum side yard, or 15 feet minimum distance between homes; provided that encroachments of up to 2 feet into the Limited Common Element shall be allowed for bay windows, basement, chimneys, and other minor architectural features. Encroachments beyond said area or lot, or into common open space, limited or otherwise, shall not be permitted.
- 2. Other permitted Principal Uses, including Multi-Family Dwellings, shall have front, side, and rear yards each of which is at least fifty (50) feet.***
There are no other uses, other than single-family homes, proposed for the Development.
- 3. Yard requirements for architectural projections, Accessory Buildings, and Accessory Structures shall be as established in Article 16.***

Understood

All architectural projections shall be in accordance with the following provisions:

- *1608.01 Sills, pilasters, cornices, eaves, gutters, and other similar architectural features, may project into any required yard Setback a maximum of twenty-four (24) inches. However, nothing may project into any No Build or No Disturb Zone.*
The Developer acknowledges and agrees with this zoning standard.
- *1608.02 Unroofed Porches, decks and steps may extend from the Dwelling into the required front and rear yard a maximum of ten (10) feet. Open Structures such as roofed Porches, patios, canopies, balconies, and carports, shall be considered parts of the Building to which Attached and shall not project into any required yard.*
The Developer acknowledges and agrees with this zoning standard.
- *1608.03 No Structure may project into a required side yard except in the case of a single Nonconforming Lot of record, which is of insufficient width to meet the side yard requirements of this Resolution. The Board of Zoning Appeals may grant a*

minimum specified Variance to permit the construction of a single-family residence in such a case.

The Developer acknowledges and agrees with this zoning standard.

- *1608.04 Window wells may extend into a required side yard provided that the well is covered with a hard surface*

The Developer acknowledges and agrees with this zoning standard. See also: “Divergences and Justification” below, Divergence #4.

909.02E *Building Height limits: Unless otherwise permitted by this Resolution, no Building shall exceed thirty-five (35) feet in height.*

No Building shall exceed 35 feet in height.

909.02F *Setbacks from private Streets without defined easements or Right-of-Ways shall be measured from the backside of the Street curb. If curbs are not present, the measurement shall be taken from the Street’s edge of pavement.*

The garage of each home shall be no closer than 30 feet from the back of curb of the proposed private streets.

This allows for at least 20 feet from the garage to the sidewalk which is the minimum length required for a parking space per Section 1903.01. The non-garage portion of each home shall be located no closer than 25 feet from the back of curb of the proposed private streets.

Section 910: Open Spaces

At least forty percent (40%) of the gross acreage within a “PRD” Planned Development, shall be reserved as Open Space. In computing the amount of gross acreage Open Space, Limited Common Element Areas, road Rights-of-Way of all types, and paved vehicular areas including parking areas and driveways shall be excluded. It shall also not include the areas of individual fee simple Lots conveyed to homeowners. The gross acreage open space area may be, but is not required to be, open to all residents of the Planned Development or general public.

The following items are a part of the computation of the gross acreage Open Space: Scenic easements, utility easements, existing lakes or ponds, and/or private and public active or passive Open Space, and including up to twenty-five percent (25%) of land area included within bounded stanchions but located between guy-wiring and stanchions Attached to a communications tower if said guy-wires and stanchions are located so as to leave said percent open to the sky. All land area located between guy-wiring and stanchions and included in an Open Space computation shall be landscaped so as to screen the base of the tower and all related Structures and shall not be used for active or passive recreation facilities of any kind.

At least 40%, or 6.92 acres, as established with the Preliminary Development Plan, of the Development’s gross acreage shall be reserved as Open Space.

911.02 Common Open Space Requirements if Conservation Development Standards Are Used:

- A) Conservation Developments requires that no less than fifty percent (50%) of the total gross area of the area being developed be set aside as Common Open Space. Open Space land may, at the discretion of the Township Trustees, be dedicated as*

public parkland or public institutional use; or placed within other protected land classification systems which will assure that such land will remain in a natural state prohibiting further development, and the establishment of appropriate standards safeguarding the site's special assets as identified by the Zoning Commission.

At least 50%, or 8.65 acres as established with the Preliminary Development Plan, of the Development's gross acreage shall be reserved as Common Open Space. Common Open Space shall be owned and maintained by the Condo Association.

- B) The location, shape, size and character of Common Open Space shall be suitable for the Planned Development in relation to the location, number and types of Buildings it is intended to serve. In any case, it shall be highly accessible to all residents of the Planned Development. Entry features, detention and retention basins, and Limited Common Element Areas shall not be included in the area required for Common Open Space.*

No entry features, detention basins, wetlands to remain, or Limited Common Elements have been included in the Common Open Space calculation.

- C) The Common Open Space shall be used for amenity or recreational purposes. Any Uses and/or Buildings authorized for the Common Open Space must be appropriate to the scale and character of the Planned Development in relation to its size, Density, expected population, topography, and the type of Dwellings.*

No Buildings are proposed in the Common Open Space areas.

- D) The Common Open Space may be suitably improved for its intended Use, but Common Open Space containing natural features worthy of preservation such as slopes over twelve percent (12%) and wooded areas may be left unimproved. The Buildings, Structures, and improvements, which are permitted in the Common Open Space, must be appropriate to the Uses which are authorized for the Common Open Space and must conserve and enhance the amenities of the Common Open Space with regard to its topography and unimproved condition.*

Buildings are not proposed in the Common Open Space areas.

Section 913 and 914: All Open Space will be owned and maintained by the Condominium Association.

Section 915.02: On Site Walkabout

On September 21, 2020, a virtual On Site Walkabout meeting was conducted by the Township and the Applicant due to the COVID-19 pandemic.

Section 916: Application Procedure

In addition to any other procedures set out in this resolution, all applications for amendments to the Zoning Map to rezone lands to this District shall follow the procedures hereinafter set forth:

916.01 *Application - The owner or owners of Lots and lands within the township may request that the Zoning Map be amended to include such tracts in the Planned Development District in*

accordance with the provisions of this resolution. Ten (10) copies of the application for the proposed amendment shall be submitted to the Zoning Inspector and shall contain at a minimum the following information:

The following responses shall apply to the Preliminary Development Plan and Final Development Plan.

- A. *Name, address, and telephone number of applicant;*
Romanelli and Hughes Building Company
- B. *Date;*
See Application
- C. *Legal description of the property;*
See Application
- D. *Present Use;*
There was one home on the Derstine Remainder Property with driveway access off Worthington Road and several accessory buildings, the remainder of the site is an agriculture use or vacant land.
- E. *Present Zoning District;*
The subject tract was zoned to Planned Residential District (PRD) on December 28, 2020, effective January 27, 2021.
- F. *Proposed Use;*
Single-Family residential.
- G. *Proposed zoning District;*
Planned Residential District (PRD) with Conservation Standards.
- H. *Existing Features Plan (Site Analysis). Plans analyzing each sites special features are required for all proposed developments, as they form the basis of the design process for greenway lands, Building location, street alignments, and Lot Lines. Plans shall contain, at a minimum, the basic information contained within the Delaware County Regional Planning Commission's Geographic Information System (GIS) including:*
An Existing Features Plan has been prepared by EMH&T and has been submitted with the Application that includes the following:
 - 1. *A contour map based upon the most recent U.S. Geological Survey;*
 - 2. *The location of severely constraining elements such as steep slopes (over 25%), wetlands, watercourses, intermittent streams and 100-year floodplain, and all Rights-of-Way and easements;*
 - 3. *Soil boundaries as shown on the USDA Natural Resource Conservation Service maps;*

4. *The location of significant features such as woodlands, tree lines, open fields or meadows, scenic views into or from the site, watershed divides and drainage ways, existing Fences or stone walls, rock outcrops, and existing Structures, roads, tracks and trails, and sites or Buildings of historic importance; and*

5. *An aerial photograph of the site and surrounding area.*

Similar data shall be made available regarding adjacent properties and existing developments in order to provide continuity of plans including streets, paths and walkways;

I. *A development plan for the site;*

A Final Development Plan has been prepared by EMH&T and has been submitted with the Application.

J. *A landscape plan, including an inventory of existing trees;*

A Landscape Plan has been prepared by EMH&T and has been submitted with the Application. It contains proposed landscape features such as buffering as well as existing trees that have been inventoried.

K. *A plan for any exterior lighting and/or signage*

Each home will have a freestanding pole-mounted coach light installed in the front yard, typically where the sidewalk meets the driveway. Two entry feature monument signs will be installed on both sides of the main entry off Big Walnut Road. Site lighting will be installed at the entry feature signs to illuminate the sign face. Street lights or any other lights throughout the open space areas are not proposed.

L. *A Vicinity Map at a scale approved by the Zoning Commission showing property lines, streets, Structures within five hundred (500) feet of the property's boundary, existing and proposed zoning, and such other items as the Zoning Commission may require;*

A Vicinity Map has been prepared by EMH&T and has been submitted with the Application.

M. *A site review conducted by Delaware County Regional Planning Commission and their comments;*

A Review and a Report provided to the Township by Delaware County Regional Planning Commission has been included with this application

N. *A traffic study, unless waived by the Zoning Commission; the this development and therefore one has not been prepared*

EMH&T has prepared a Traffic Memo that analyzes the need for turn lanes at the Big Walnut Road Access. A copy of the Memo has been submitted to Delaware County Engineer's for their comment and approval. A copy of the approved Memo has been included with this Application.

The Applicant requested and received a waiver from the Zoning Commission to prepare a traffic study since the project only consist of 30 homes and is not being required by the Delaware County Engineer.

- O. A list of all property owners, as appearing on the county auditor's current tax list within five hundred (500) feet of, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned, and others that may have a substantial interest in the case. For each of the property owners the applicant shall provide two sets of pre-addressed, stamped letter-size envelopes with postage sufficient to send a notice via first class mail; and*

A list of property owners has been submitted with the Applications.

- P. A fee as established by the Township Trustees.*

The appropriate fees have been paid by the Applicant to date.

916.02 Preliminary Development Plan – *Ten (10) copies of the development plan shall be submitted with the application, the plan shall include in text and map form:*

The following responses shall apply to the Preliminary Development Plan and Final Development Plan.

- A. *The proposed size and location of the Planned Residential District (PRD);*
See Application.
- B. *The general development character of the tract including the limitations or controls to be placed on residential and related Uses, with probable Lot sizes, minimum setback requirements and other development features including Landscaping;*
See Application and this Development Text.
- C. *Architectural design criteria for all Structures and criteria for proposed Signs with proposed control procedures;*
See house renderings included in Application and "Additional Requirements and Commitments" below.
- D. *The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness;*
See letters contained in the Application. Sanitary sewer shall be connected to an existing 8" pipe located to the south, water service shall be provided through a connection to an existing 16" Del-Co water line located along Big Walnut Road. The site naturally drains to an existing 18" storm pipe located along the south boundary.
- E. *The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise;*
See Preliminary and Final Development Plans.

- F. *A traffic study examining the impact of the development on the existing infrastructure, modifications required to handle the increased traffic and the mechanism proposed to complete the necessary improvements;*
See Exhibit J-1.
- G. *The relationship of the proposed development to existing and probable Uses of surrounding areas during the development timetable;*
See Vicinity Map.
- H. *Location of schools, parks, and other facility sites, if any;*
See Vicinity Map.
- I. *The proposed time schedule for development of the site including streets, Buildings, utilities, and other facilities;*
Spring 2022 construction to commence, all in one Phase.
- J. *If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give township officials definitive guidelines for approval of future phases; and*
The Development shall be constructed in one phase.
- K. *The ability of the applicant to carry forth its plan by control of the land and the engineering feasibility of the plan.*
Developer is the current owner of the Property and will perform and/or oversee all development activities.
- L. *Specific statements of Divergence shall be requested “per plan”; if any deviation from the development standards in this Resolution or existing county regulations or standards are desired, an applicant making such a request shall specifically and separately list each requested Divergence and submit written development text justifying each deviation from any requirements of this Resolution and demonstrating how each Divergence will advance public interests and the General Purposes of this Zoning Resolution, by promoting one or more of the following purposes:*
1. *The conservation and protection of the natural resources, scenic areas, wildlife habitat and the historical and unique natural features of the land;*
 2. *The health, safety, morals, and general welfare of the present and future inhabitants of Genoa Township;*
 3. *The quality of life within Genoa Township through the protection of the total environment, the prevention of nuisances and hazards, and the provision of adequate light, air, and convenient access to property;*
 4. *The assurance of the compatibility of land uses which are either adjacent or in proximity to each other;*

5. *The orderly development of all lands within the Township to its appropriate use; and*
6. *The most appropriate use of land to facilitate and provide adequate public and private improvements.*

See “Divergences and Justification” below.

DIVERGENCES AND JUSTIFICATION: Unless a deviation from development standards is specifically approved as a Divergence, the same shall be complied with.

Every mention of a divergence granted during the rezoning/preliminary development plan process is noted as being granted during said approval process on December 28, 2020.

This application incorporates all the previously granted divergences during the rezoning/preliminary development plan process and said divergences are valid.

- Divergence #1 Required Minimum Acreage for PRD Zoning – Section 903.01 requires that property applying to be rezoned to a Planned Residential District (PRD) be at least 25 acres in size. The proposed PRD rezoning pursuant to the Application pertains to property 21.017 acres in size, a deficiency of less than 4 acres. The Developer respectfully requested that a Divergence be granted from the requirements of Section 903.01 to permit the PRD rezoning and Development to proceed “per plan” as permitted by Section 916.02 (L). The justification for this Divergence #1 is as follows:
 - The Township Comprehensive Plan acknowledges that this property being with Planning Area 1 is an infill area with a recommendation that areas not yet developed such as this be developed a neighborhood-scale commercial/office uses on parcels already zoned commercial.
 - This property is not currently zoned commercial and its highest and best use is as a residential development under a PRD Zoning with Conservation Standards. In doing so and maintaining the Open Space proposed, the Development would advance public interests and the general purposes of the Zoning Code by promoting:
 - The conservation and protection of natural resources, scenic areas and wildlife habitat due to the preservation of many trees on the Property and the open space areas along the perimeters of the Property;
 - Promote and protect the health and general welfare and protecting the quality of life of Township residents by preserving large green corridors and open space along Worthington Road and Big Walnut Road;
 - Provide for a development compatible and consistent with adjacent and nearby developments;
 - Provide for orderly development of lands within the Township to appropriate use; and
 - Develop the Property to its most appropriate use and facilitate and provide adequate public and private improvements.

- Divergence #2 Public Right of Way Setback – Section 903.03(A)(4) requires that Open Space be provided around the entire perimeter of a PRD Development with a width of not less than One Hundred Seventy (170) feet from the right-of-way line of any Arterial or Collector Street. The Developer respectfully requested that a Divergence be granted from the requirements of Section 903.03(A)(4) to permit a reduction in Open Space width of 170’ to 150’ from Big Walnut Road future right-of-way and 145’ from Worthington Road future right-of-way to be “per plan” as permitted by Section 916.02(L). The justification for this Divergence #2 is as follows:
 - With these reductions, the Development would conserve and protect natural resources and scenic areas and promote and protect the health, general welfare and quality of life of Township residents by preserving large green corridors and open space along Worthington Road and Big Walnut Road; and
 - With these reductions the Development would be consistent and compatible with adjacent or nearby developments and would assure compatibility of land uses, the orderly development of lands and be the most appropriate use of the Property.
 - A portion of the open space setback along Big Walnut Road will be comply with the 170’ distance, the divergence is needed where the future right-of-way jogs 20 feet south thus reducing the open space setback to 150’.
 - A 25’ reduction in the open space setback along Worthington Road will not have any visual effect on motorist due to the existing evergreen tree buffer that will remain.
- Divergence #3 Sidewalks Required on Both Sides of Street – Section 903.10(A)(1) requires Sidewalks or Multi-Use Paths along both sides of any new public or private street. While there will be sidewalks on both sides of the private streets fronting homes and entry drive, The Developer is proposing sidewalks on only one side of the north side of the northernmost road, all as depicted on the Preliminary and Final Development Plans. The Developer respectfully requested that a Divergence be granted from the requirements of Section 903.10(A)(1) to permit sidewalks to be constructed as set forth above in lieu of sidewalks on both sides of all streets and to be “per plan” as permitted by Section 916.02(L). The justification for this Divergence #3 is as follows:
 - Limited the number of sidewalks beyond those fronting homes will conserve and protect scenic areas adjacent to Big Walnut Road by leaving them in their natural state where there is no need for sidewalks on both sides of the street.
 - Sidewalks as proposed will be the most appropriate use of the land and provide adequate public and private improvements.
- Divergence #4 Window Well Projection – Section 1608.04 requires window wells to be no closer than six (6) feet to any adjoining property line. As provided above under Section 909.02(C)(1), basement ingress/egress windows (i.e. window wells) are permitted to encroach into the 7.5 minimum side yard setback. The Developer respectfully requested a Divergence be granted to permit window wells to encroach up to 4 feet into the side yard setback so long as there is not an opposing window well on the adjacent property within

three (3) feet of such window well, and the such Divergence be “per plan” as permitted by Section 916.02(L). The justification for this Divergence #4 is as follows:

- Permitting such Divergence would permit orderly development of lands within the Township as similar window well projections have been permitted in the past
 - This Divergence would be the most appropriate use of the land to facilitate and provide adequate public and private improvements in that smaller lots and setbacks permit more Open Space area within the Development.
- Divergence #5 Final Development Plan – As stated in the fourth paragraph on page 1 of this Development Text, the Trustees have agreed to grant a divergence to the extent legally required to provide that the Zoning Code in effect on September 3, 2020 will apply for purposes of the Final Development Plan for the Development and that future changes in the Township Zoning Code shall not supercede the Development’s compliance with the Zoning Code in effect on September 3, 2020. The justification for this Divergence #5 is as follows:
 - Developer should be allowed to rely on the zoning approvals granted at the time of legislative act of approval of the rezoning and preliminary development plan for the Development in its final engineering and final development plan and should not be subject to modifications or amendments to the Township Zoning Code that could subject the Developer to changes that could take away rights granted at the time of zoning.

This Divergence #5 shall be subject to the following conditions and agreements:

1. In submitting a Final Development Plan, the Developer will follow and abide by the administrative and procedural standards set forth in Sections 2705, 2706, 2707, 2708, 2709 and 2713 of the October 31, 2020 iteration of the Zoning Resolution (and by extension as applicable, the definitions within Article 4), as may be amended, solely to provide guidance and clarity which may benefit both the Developer and the Township, but not to take away any rights granted to the Developer at the time of zoning and preliminary development plan approval. Specifically: (a) the requirements of Section 2705.03(B) requiring compliance with certain standards shall not apply to the extent those standards have changes from the September 3, 2020 Zoning Code; (b) the requirements of Section 2705.03(G) pertaining to Comprehensive Plan compliance shall be based on the Township Comprehensive Plan in effect at the time of rezoning and preliminary development plan approval; (c) in the event of the expiration of a Final Development Plan approval for the Development pursuant to Section 2706.19(A), any newly submitted Final Development Plan Application shall receive all the benefits of this Divergence #5 as it relates to compliance with the September 3, 2020 Zoning Code; and (c) Section 2707 shall only apply to new divergences requested at the time of Final Development Plan Application, all divergences granted by this Development Text being final, approved and not subject to further review or modification by the Township.

2. The Developer agrees that any amendments to an approved Final Development Plan requested by the Developer will comply with the Zoning Resolution in effect at the time of application; provided that only the proposed revisions or modifications in such amendments shall be required to comply with the current Zoning Resolution; and provided further that no unaltered facets or entitlements of the currently approved Final Development Plan (e.g. approved density, setbacks, layouts, divergences, conditions, etc.) shall be required to comply with future iterations of the Zoning Resolution, and no such unaltered facets or entitlements or the currently approved Final Development Plan as a whole shall be rescinded.

ADDITIONAL REQUIREMENTS AND COMMITMENTS: The following additional requirements and commitments with respect to the PRD Development shall apply:

- As required by the Delaware County Engineer and the Delaware County Subdivision Regulations, as a consequence of the Development consisting solely of private streets, while each home constructed within the Development will be located on a subdivided Lot, the entire Development will become a condominium regime under Ohio law and upon completion of each home on a Lot, it will become a part of the condominium regime with the entire Lot, minus the home, being a Limited Common Element.
- Exterior architectural materials on each home constructed within the Development, with the exception of roofs, eaves, gutters, downspouts, doors, windows, garage doors and minor architectural elements, will consist of one or more of the following materials:
 - Brick veneer;
 - Stone veneer including culture stone;
 - Stucco;
 - Cementitious siding;
 - Wood siding.
- Enforcement of architectural design criteria and standards will be the responsibility of the development's Neighborhood Condominium Association.
- The 15-foot pedestrian easement along Worthington and Big Walnut Roads will be recorded prior to issuance of a Zoning Permit for any building within the Development.