

**Preliminary Development Plan
for the
Planned Residential District (PRD)
with R-3 Overlay**

Peachblow Crossing
Berlin Township, Delaware County, Ohio

**Submitted by:
APN Group, LLC
P.O. 903
Powell, Ohio 43065**

September 22, 2022

Peachblow Crossing

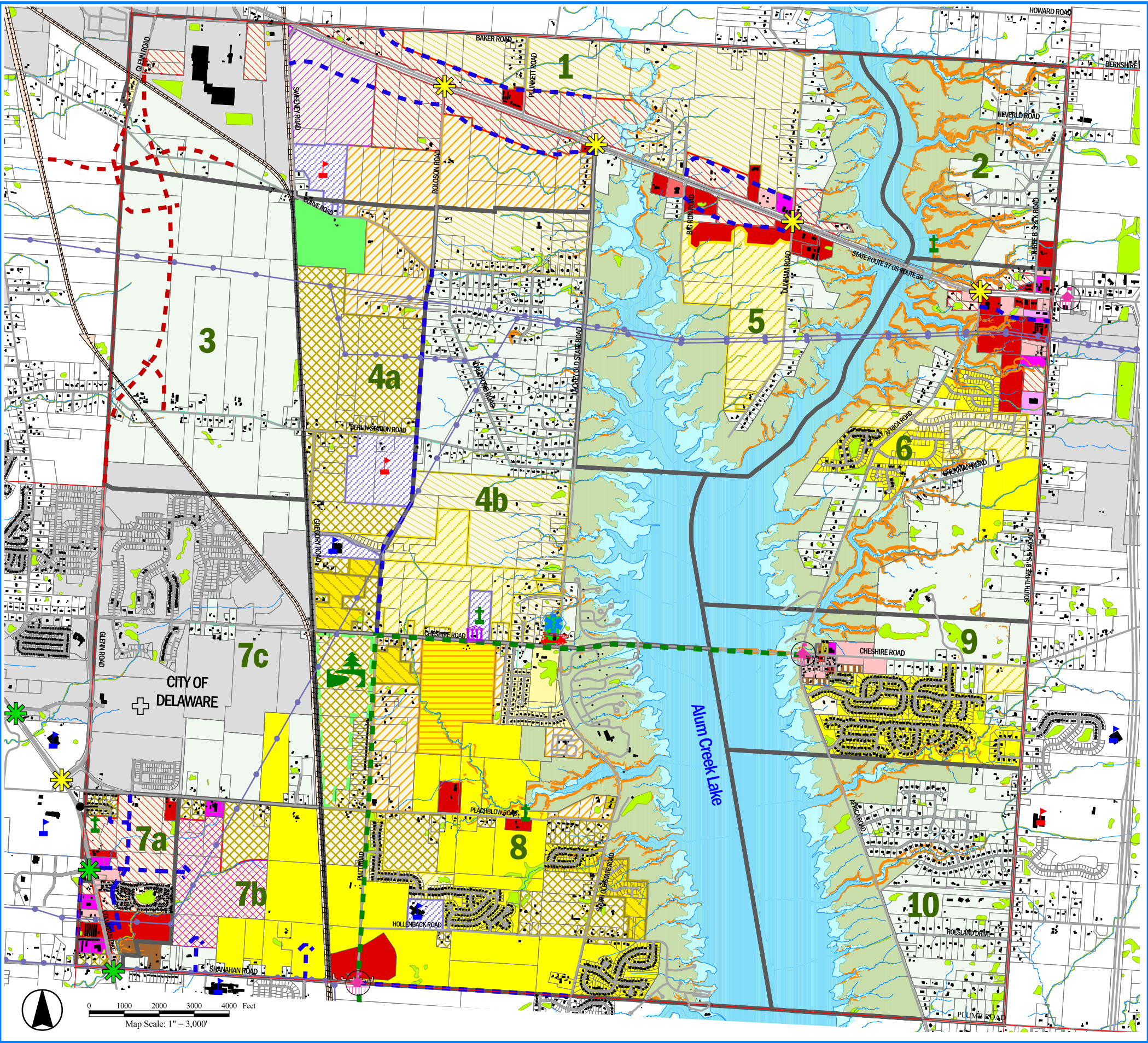
Preliminary Development Plan & Text PRD with R-3 Overlay

September 22, 2022

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Berlin Township Comprehensive
Land Use Plan
Adopted January 10, 2011



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 - Agricultural Conservation District (A-1)
 - Floodplain Regulatory District (FPRD)
 - US Land

Berlin Township Zoning Districts Map Delaware County, Ohio

Official Zoning Map as amended

Revised Town & City Boundaries

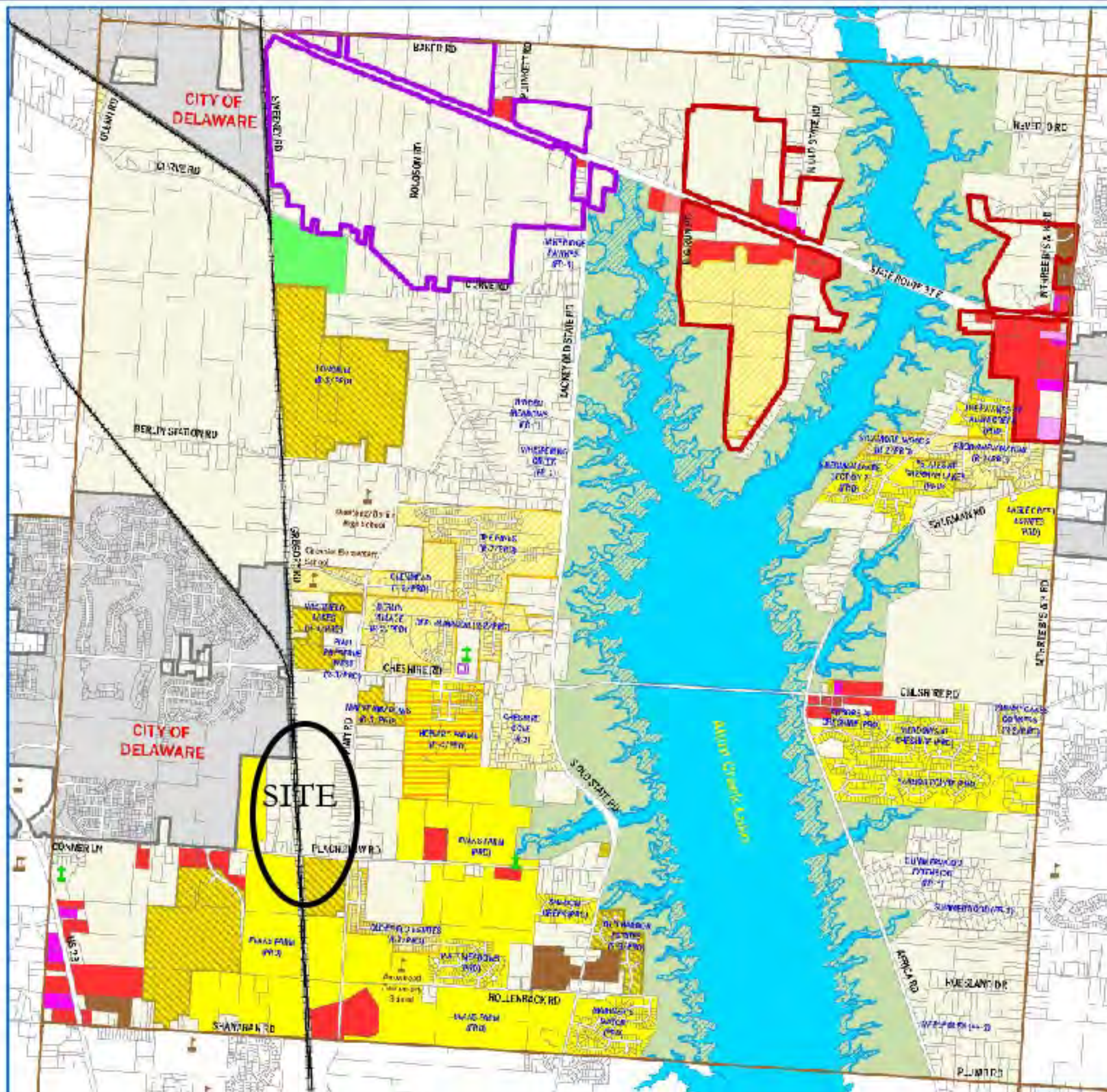
Zoning Inspector
Berlin Township, Delaware County, Ohio

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0 1000 2000 3000 4000 5000 Feet

Prepared By: Delaware County Regional Planning Commission (DRC) - 422-4400
www.drcdc.org
Parcel Information: Provided by The Delaware County Auditor's Office
Boundary Information: Provided by the Auditor's GIS Office (706-43-6400)
Zoning Information: Provided by Berlin Township (780-540-5225)
Printed: 5/10/2011



ARTICLE 11 PLANNED RESIDENTIAL DISTRICT (PRD) FOR PEACHBLOW CROSSING

SECTION 11.01: PURPOSE: SEE SECTION 5.055

SECTION 11.02: INITIAL DISCUSSIONS

The applicant is encouraged to engage in informal consultations with the Zoning Inspector, Zoning Commission and the Delaware County Regional Planning Commission prior to formal submission of a development plan and application to amend the zoning map.

No statement by officials of the Township or County made prior to formal submission of a development plan and application to the Zoning Commission under 11.10 shall be binding. Any and/or all such informal consultations may be subject to Ohio's open meeting laws (ORC §121.22) and may be required to be held in an open public meeting.

In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone lands to this PRD district shall follow the procedures set forth in Article 11 herein.

The Applicant has met with and engaged in informal discussions with Township officials, Zoning Commission, Township Fire Department, County Engineer's Office, representatives of the Delaware County Regional Planning Commission and neighbors prior to the formal submission of the Development Plan for this property.

SECTION 11.03: LOCATION OF PLANNED RESIDENTIAL (OPEN SPACE) DEVELOPMENTS

Planned Residential Development zoning will be overlaid on FR-1, R-2, R-3, R-4, and TPUD zones pursuant to a zoning map amendment approved by the township. The net density of the underlying zoning shall be used to determine the number of units allowed. All other standards shall be as defined in Article 11.

This Peachblow Crossing community is proposed as a PRD/R-3 overlay.

SECTION 11.04: PERMITTED USES

A.) Single Family detached residential dwelling units in FR-1 and R-2, R-3, and R-4 PRDs;

Single-family detached residential dwelling units are a permitted use in this PRD/R-3.

B.) Single family dwellings in R-2, R-3, and R-4 PRDs, or multi-family buildings (including condominiums separated by vertical firewalls) in TPUD PRDs.

Single-family detached residential dwelling units are a permitted use in this PRD/R-3. Multi-family buildings are not permitted.

C.) Common Area: upon approval of the final development plan by the township, the following uses and improvements may be permitted in the common area:

- 1.) Outdoor sports (active recreation) and recreational activities.
- 2.) Accessory service buildings and structures incidental and pertinent to the uses set forth in Section 11.04(C)(1) above, where said accessory service buildings and structures are necessary to the pursuit of a permitted recreational use on the premise.

Common Areas and Natural Areas, as shown on the Development Plan, are permitted uses in this PRD/R-3.

- D.) Natural Area: restricted to passive recreational uses such as fishing, swimming, hiking, canoeing, and such other recreation that does not alter any of the natural features of the area. Agriculture may also be used as natural open space, provided it does not permit hog operations, poultry barn, and fur bearing farms or feed lots. Accessory buildings should be discouraged in the natural area.

Common Areas and Natural Areas, as shown on the Development Plan, are permitted uses in this PRD/R-3.

SECTION 11.05: ACCESSORY USES

- A.) Non-residential uses of a religious, cultural, educational or recreational nature or character to the extent that they are designed and intended to serve the residents of the Planned Residential District. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located in such proximity to major thoroughfares as to permit access without burdening residential streets.

Non-residential uses, as defined in Section 11.05 A), are permitted uses in this PRD/R-3.

- B.) Schools, if they occupy a lot of not less than 1 acre, with adequate area for indoor and outdoor recreation, and additional setbacks as may be necessary to avoid disruption to adjacent residences.

School uses, as defined in Section 11.05 B), are permitted uses in this PRD/R-3.

- C.) Adult Family Homes as provided for and defined in ORC Chapter 3722.

Adult Family Homes uses, as defined in Section 11.05 C), are not a permitted use in this PRD/R-3.

- D.) Child Day Care provided in the provider's permanent residence for six or fewer children, who are not members of the immediate resident family, provided the day care is accessory to the use of the dwelling as a residence.

Child Day Care uses, as defined in Section 11.05 D), are permitted uses in this PRD/R-3.

- E.) Temporary structures such as manufactured or mobile homes, or mobile offices, and temporary buildings of a non-residential character may be used incidental to construction work on the premises or on adjacent public projects or during a period while the permanent dwelling is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice for a total combined period of time under all issued permits not exceeding eighteen (18) months. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal, and water supply, as he/she deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit.

Temporary structures, as defined in Section 11.05 E), are permitted uses in this PRD/R-3.

- F.) Conducting of casual sale of goods in what are commonly referred to as garage sales or yard sales provided that such sales shall not be conducted on more than six (6) days in any calendar year or more than three (3) consecutive days. The sale and parking area shall be outside of the right-of-way and shall not interfere with traffic on adjacent thoroughfares. Any signage must be consistent with Article 22.

Conducting of casual sale of goods, as defined in Section 11.05 F), are permitted uses in this PRD/R-3.

- G.) Limited home occupation, as prescribed in Section 24.15 of this resolution.

Limited home occupation, as defined in Section 11.05 G) and Section 24.15, are permitted uses in this PRD/R-3.

- H.) Licensed Family Homes as provided for in ORC §5123.19. All such facilities shall possess all approvals and/or licenses as required by state or local agencies.

Licensed Family Homes, as defined in Section 11.05 H), are not a permitted use in this PRD/R-3.

SECTION 11.06: CONDITIONAL USES

- A.) Model Homes in Subdivisions, the same being defined as residential type structures used as sales offices by builders/developers and to display the builder's/developer's product. The same may be furnished within, since its purpose is to display to prospective buyer the builder's/developer's features (such as exterior siding treatment, roofing materials, interior trim, moldings, floor coverings, etc.), in the environment of a completed home. Model homes may be staffed by the builder's/developer's sales force. Model homes shall be subject to the following restrictions:

- 1.) **Lighting:** All exterior lighting, except for security lighting, must be down-lighting, so that no light shall be cast onto adjoining residential properties. All off-street parking areas must be illuminated. All exterior lighting, except for security lighting, shall be extinguished at the closing time of the model home.
- 2.) **Parking:** All model homes shall provide off-street paved parking for the public. Such off-street paved parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be six (6) per model home. The driveway of the model home may be utilized for not more than two (2) parking spaces.
- 3.) **Screening and Trash Receptacles:** Landscape drawing shall be required and show adequate landscaping and screening from adjoining residential lots, together with the clear marking of the boundaries of the model home lot. Trash receptacles shall be provided around the model home for use by visitors to the home.
- 4.) **Termination of Use:** The use of model homes within a residential subdivision, or within any single phase of a multi-phase subdivision, shall terminate after five (5) years from its opening date, or when building permits have been issued for ninety percent (90%) of the lots, whichever comes first.

- 5.) **Model Home Signs:** Model home signs may be approved by the Board of Zoning Appeals provided the following conditions are met:
- a.) the sign shall not exceed 16 (sixteen) square feet per side with 32 (thirty two) square feet maximum total display area;
 - b.) the overall height of the sign shall be no more than four (4) feet above grade.
 - c.) model home sign shall be located on the same lot as the model home.
- 6.) If sign information is not presented at the time the development is submitted and approved, the applicant will apply for a conditional use permit to the Board of Zoning Appeals, which will rule on additional sign conditions.

Conditional Uses, as defined in Section 11.06, are permitted uses in this PRD/R-3.

SECTION 11.07: PROHIBITED USES

The Applicant and the Development Plan and Text in this PRD/R-3 shall comply with all Prohibited Uses, as defined in Section 11.07.

- A.) Uses not specifically authorized by the express terms of this Article of the Zoning Resolution shall not be permitted.
- B.) Outdoor storage of inoperable, unlicensed, or unused vehicles or trailers, for a period exceeding fourteen (14) days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- C.) No trailer of any type, no boats, no motor homes, nor equipment of any type shall be parked in front of the building line on any parcel within this district for more than twenty-four (24) hours in any ten (10) day period. If a dwelling is located on said lot, the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this code or the restrictions on the plat or subdivision.
- D.) No motor home, mobile home or camper of any type may be occupied by a guest of the resident/owner for more than fourteen (14) days per calendar year and only one (1) occupied motor home or camper is permitted at any time.
- E.) Except as specifically permitted in Section 11.01(G) or approved in the approved development plan, no manufactured/mobile home shall be placed or occupied in this district. This provision does not apply to permanently-sited manufactured homes.
- F.) No trash, debris, unused property, or discarded materials which create an eyesore, hazard, or nuisance to the neighborhood or general public shall be permitted to accumulate on any lot or portion thereof.
- G.) In subdivided areas that meet the requirements of section 711.131 of the Ohio Revised Code, the keeping of livestock and poultry is prohibited.
- H.) Boat or vehicle storage yards of facilities within common open space areas are prohibited.

SECTION 11.08: DESIGN FEATURES REQUIRED OF A PRD

The development plan shall incorporate the following standards:

- A.) Open space shall be distributed throughout the development as part of a unified open space system, which shall serve to unify the development visually and functionally, and buffer surrounding land uses;

Open space is planned to be distributed throughout the development. See the Development Plan for the unified open space system.

A children's play area and a mail kiosk are proposed in the centrally located open space area, as illustrated in the Preliminary Development Plan.

- B.) No building shall be constructed within 50 feet of the perimeter property line of the overall PRD tract;

The Applicant will comply with the 50-foot building-perimeter property line setback.

- C.) The zoning commission may require walkways to connect all dwelling areas with open space and to interconnect the open spaces;

A sidewalk system will be installed along all public roads in compliance with DCEO standards. The sidewalks will be constructed by the home builders as each home is constructed. Corner lots shall have walks on both sides fronting public roads.

Sidewalks along the east sides of the public roads, and their extensions to the intersecting sidewalk shall be 7' in width to promote connectivity throughout the community. Sidewalks on the opposite side of the streets shall be 5' in width, in compliance with the DCEO standards. All sidewalks located in the front of single-family lots, and side yards on corner lots, shall be installed by individual lot home builders. Sidewalks passing through open spaces shall be installed by the Developer as adjacent public streets are constructed.

- D.) Moderate to thick coverage by trees and natural undergrowth is desirable to most intended functions of the open space. Where such foliage exists naturally, it should be retained where practicable. Where adequate foliage does not exist, the Zoning Commission may require establishment of such tree cover or other foliage as may be necessary to achieve the purpose of the open space and the buffer of adjacent uses;

The site for this Development Plan is currently in agricultural use. As such, there is no tree and/or grass cover on the site.

- E.) Scenic areas and views shall be preserved to the maximum extent practicable, including views from the adjacent road;

This Development Plan will comply with this Section.

- F.) Open spaces may be used for the natural disposal of storm water drainage. No features should be designed which are likely to cause erosion or flooding of the proposed or existing houses;

Open space are amenities to the community. These open spaces will contain detention and retention basins for storm water management that will serve this community and will assist in managing storm drainage in the region. See Tab 2, Landscape Plan for the planting scheme for the Piatt Road entrance/ open space area.

All ponds and lakes shall each include an operating fountain and/or aerator. All headwalls (in-walls and end-walls) shall be faced with a stone treatment.

G.) Minimum overall tract size for a PRD is 20 acres, unless adjacent to a neighborhood of comparable density or design, in which case the Zoning Commission may permit the tract size to be reduced to 10 acres;

The tract size for this Development Plan is +/- 49.06 acres (gross acreage).

H.) Improvements within the PRD shall conform to the subdivision standards for Delaware County Ohio;

Improvements within this Development Plan shall conform to the subdivision standards for Delaware County, Ohio.

I.) Wetlands, steep (over 20%) slopes, forests, 100 year floodplains, ravines and noted wildlife habitat are to be preserved to the greatest extent possible;

The site for this Development Plan is fully used for agriculture. There are no floodplains, wetlands or noted natural wildlife habitat on this site, nor are there slopes of 20% or greater.

J.) The permitted density shall not be exceeded.

DEVELOPMENT DATA

Site Acreage:	49.06 ac.	Gross acreage (+/-)
	41.70 ac.	Net acreage (+/-)

Total Dwelling Units	86	Single-family lots
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Proposed Density:	1.75 du/ac	Gross density
	2.03 du/ac	Net density – See Sec. 11.09,A),6), Divergence Request.

K.) The required percent of open space shall be provided. The percent of open space required varies according to the zoning district overlaid;

1.) FR-1: 40% (of gross tract area) open space

2.) R-2, R-3 and R-4: 20% (of gross tract area) open space

In calculating open space, the areas of fee simple lots conveyed to homeowners shall not be included. Unbuildable areas, (defined as jurisdictional wetlands, floodplains, slopes greater than 20%, utility rights-of-way and existing bodies of water) may count for up to 50% of the required open space. That portion of land dedicated to public purpose that remains either open and unbuilt upon by any structure (including parking) or which houses a recreational

facility approved by the Zoning Commission on the Development Plan may count toward the open space requirement.

Open Space: **9.81 ac.** **(Required – 20% Gross acreage)**
 19.28 ac. **(Provided – 39.3% Gross acreage)**

Community children’s play area will be installed in the centrally located open space for the community. A mail kiosk will be installed in the central open space also.

L.) No residential dwelling structures shall be constructed within the 100-year floodplain of any stream or river.

This Development Plan will comply with this Section.

M.) In FR-1 zones, water supply and sanitary sewage disposal shall be as approved by the Delaware County Board of Health and/or the Ohio EPA. Feasibility shall be indicated by the appropriate agency at the time of the preliminary plan. In the R-2, R-3 and/or R-4 zones, centralized water supply and sanitary sewage disposal systems shall be provided, subject to Delaware County Sanitary Engineer, Board of Health, and/or Ohio Environmental Protection Agency approval. Feasibility of water supply and wastewater disposal systems shall be indicated by the appropriate agencies at the time of the preliminary plan.

See Tab 3, Engineering Feasibility. Service letters from the County Sanitary Engineer’s office and Del-Co Water are included in this Development Text.

N.) The project architect shall give due regard to the footprints, building orientation, massing, roof shape, pitch and exterior materials to blend with other traditional or historic architecture in the community or with the site. All residential roofs must be a minimum of 5:12 pitch, or as approved by plan. Permanently sited manufactured housing must have a minimum pitch of 3:12.

Architectural standards are included in this Development Text. Final architectural plans and landscape plans for each individual lot shall be submitted with the zoning permit application, to the Berlin Township Zoning Office for review and approval.

Please refer to the following Architectural Standards.

Residential Units: Homes shall be high-quality architectural character and style. Homes will be one-story, one and one half-story and two-story structures. No residential structure shall exceed 35’ in height. Chimneys, towers, and steeples shall comply with Section 11.08 Y).

Single-family Residential Sizes:

One-story residences:	1,800 s.f. (min.)
One and one half-story residences:	1,900 s.f. (min.)
Two-story residences:	2,000 s.f. (min.)

Exterior Finishes: Finish building materials shall be applied to all sides of the exteriors of buildings. Natural finish materials (cladding and trim) of the front of all homes shall include brick, natural or manufactured stone, stucco, natural or engineered wood, cementitious siding,

PVC, composite, and polymer materials. Side and rear facades may be natural materials or high-grade vinyl. Aluminum wrap only on the fascia and gables is permitted; the color of the fascia and gable wrap shall compliment the house colors.

Exterior Colors: Exterior colors of the residences shall compliment the adjacent residential communities, Oldefield Estates and Ross Estates, to the south and southeast of Peachblow Crossing. No more than 2 paint colors, with the use of a stone or brick, may be used on any individual residential unit. Garage doors shall be finished as a single color, within the 2-paint color restrictions, regardless of if the garage is attached or detached.

Permitted colors shall include only natural earth tones, grays and/or white. High chroma and neon colors are not permitted.

Garages/ Lot Parking Spaces: Each residence shall provide a 2-car garage, minimally, for off-street parking. In addition, driveways shall be constructed to provide two (2) off-street, uncovered parking spaces. Garage doors shall be paneled and shall be a single material. Complimentary exterior hardware is permitted. Windows in garage doors are permitted.

25% of the total number of single-family residences shall contain side load garages.

Residential Roof Pitches: All residential roofs on the main portion of the residence shall be a minimum of 6:12 pitch. Secondary roofs, such as porches may be a minimum of 4:12 pitch and may use raised-seam metal or permitted shingles.

Roofs shall be finished in standard 3-tab shingle, 25-year warranty. Dimensional shingles may also be used. Roof color shall be consistent from building to building and shall be in the black, brown or gray tones or blends of these colors. Stark white and bright colors shall be prohibited.

Chimneys: Chimneys and Fireplaces Cantilevered chimneys are permitted but must extend above the roofline, cantilevered shed style are not permitted. Direct vent fireplaces are permitted provided they are contained inside the building main walls or cantilevered chimney. Chimneys may be finished in the same material as adjacent wall. Direct vent fireplaces and 90% efficient furnaces may exhaust directly through adjacent wall. Manufactured wood burning fireplaces and furnace exhausts may protrude through the roof without an enclosure provided the pipe size is limited to 8" maximum and is painted a dark color to blend with the roof color.

House Design Diversity: Homes shall be diverse in their designs, materials and colors. There shall be no exact repeat of a home, with the same materials and colors, within 3 lots in each street direction, on each side of the street, of any other home.

Residential Setbacks: See Section 11.08 Q).

O.) Residential lots shall be fenced for safety if they abut agriculture.

This Development Plan shall comply with this Section.

P.) Sidewalks or paths shall be provided. Sidewalks shall be separated from the paved street surface by

PEACHBLOW CROSSING
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at least five feet (5') of landscaped or grassed green strip. Deciduous, broad leaf street trees (i.e., maple, oak, sycamore, chestnut, and sweet gum) shall be planted (or saved) at the rate of one per 60 feet of frontage on both sides of the street. Trees must be at least a 2.5 inch caliper at planting. Trees may not be placed in the 5' green strip between the street and sidewalk. Trees shall be placed in the front lawn of the residences.

This Development Plan shall comply with this Section. All deciduous trees that are compatible with the local climatic growing zone are permitted, with the following exceptions: silver maples, boxelders, willows, walnuts, and cottonwoods are not permitted for use in this subdivision.

Street trees within the right-of-way are prohibited.

Q.) Setbacks, front, side and rear: as defined in the underlying zoning district.

Front Yard/ Building Setback:

Class A Roads: 80'

Class B & C Roads: 30' *

Side Yard: 12.5' per side

Rear Yard: 25' Main structure; 10' Accessory building

***- See Section 11.09 A), 6), Divergence Request.**

R.) Minimum lot size: as defined in the underlying zoning district.

The minimum lot size for this Development Plan is 10,800 s.f. (min), with an 80' width (min.) x 135' depth (min.). See Section 11.09 A), 6), Divergences.

S.) Minimum lot width: as defined in the underlying zoning district.

The minimum lot width for this Development Plan is 80', as measured at the building/ front setback line, in compliance with the underlying R-3 zoning district.

T.) Detached garages with one-hour fire rated construction may be constructed within ten (10) feet of the lot line provided the garage is located to the rear of the house, and that the garage does not abut an adjacent residence.

This Development Plan shall comply with this Section.

U.) Street layouts should relate to natural topography, and be designed to provide open space views to as many homes as possible.

This Development Plan shall comply with this Section. Over 65% of the single-family lots abut dedicated open space and each lot in the Development Plan has easy access to the open space.

V.) Attached garages shall be setback at least 12 feet from the front building line of the house, if on street parking is not provided.

This Development Plan shall comply with this Section. On-street parking shall be permitted in

this Development Plan. A minimum of 25% of all homes in this community shall include side-load garages.

- W.) Porches: A covered porch or portico across some portion of the front of the house is a recommended structural design element.

Architectural standards are included in this Development Plan and Text. See Section 11.08 N), Architectural Standards.

- X.) Street lighting, if provided, must be of white light, with light standards of traditional or Victorian design (no modern gooseneck lamps or yellow lighting). Maximum height of standards is 16 feet.

Street lighting will not be provided in this Development Plan. Front porch lighting and yard lamps will provide lighting along public streets. All lighting shall comply with Section 24.13 of the Berlin Township Zoning Resolution.

- Y.) Building Height Limits: No buildings in this district shall exceed thirty-five (35) feet in height measured from the elevation of the threshold plate at the front door to the highest point of the roof. Chimneys, barns, silos, grain handling conveyors, church spires, domes, flag poles, and elevator shafts are exempted from the height regulation and may be erected to any safe height, not to exceed one-hundred (100) feet in height. No windmills, antennas, or towers shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract and not to exceed one hundred (100) feet in height.

This Development Plan shall comply with this Section.

- Z.) Building Dimensions: (Floor space requirements): Each detached single family dwelling hereafter erected in this district shall have a living area not less than one-thousand (1000) square feet or eight-hundred (800) square feet of ground floor living area, if the residence is multi-story. All such living areas shall be exclusive of basements, porches, or garages.

All attached single-family structures constructed within this district shall contain the following minimum living area:

- 1.) One (1) bedroom unit: 800 square feet
- 2.) Two (2) bedroom unit: 900 square feet
- 3.) Three or more bedroom units: 1000 square feet

This Development Plan shall comply with this Section. Architectural areas and standards are included in this Development Plan and Text. See Section 11.08 N), Architectural Standards.

- AA.) Landscaping: All yards, front, side and rear, shall be landscaped, and all organized open spaces or non-residential use areas shall be landscaped and shall meet the requirements of Article 26, unless a variation from these standards is specifically approved as part of the final development plan. A landscape plan showing the caliper, height, numbers, name, and placement of all material, prepared by a licensed landscape architect shall be approved as a part of the final development plan.

This Development Plan shall comply with this Section. Landscape plans for each residence

shall be submitted to the Zoning Officer for approval at the time of the zoning permit submittal of each residence. See Tab 2, Landscape Plan, for the Landscape Plan for the Community open space and entrance design.

- BB.) Parking: Off-street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan, the provisions of Article 24 of this Resolution, when appropriate, shall be incorporated.

This Development Plan shall comply with this Section.

- CC.) Signs: Except as provided under the provisions of this Article for home occupations or as controlled by Article 25 (Signs) of this Resolution and except as permitted by the Board of Zoning Appeals incidental to Conditional Uses, no signs shall be permitted in this district except a "For Sale" or "For Rent or Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side.

This Development Plan shall comply with this Section and Article 25 of the Berlin Township Zoning Resolution. See Tab 2, Landscape Plan for the entrance signage for the Piatt Rd entrance.

- DD.) The owner or developer of a subdivision or similar area, upon the conditions and for the time period established by the Zoning Commission, may erect one (1) sign not exceeding thirty-two (32) square feet in area per side advertising said subdivision, development or tract for sale.

This Development Plan shall comply with this Section.

- EE.) Exterior Lighting: All exterior lighting shall meet the lighting requirements of Article 24 of this zoning resolution, unless a variation from these standards is specifically approved as part of the final development plan.

This Development Plan shall comply with this Section and Article 24.

- FF.) Other required provisions as stated in this ordinance. The Berlin Township Zoning Commission and/or Board of Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed, landscaping, development, improvement and maintenance of common open space, and any other pertinent development characteristics.

SECTION 11.09: DEVELOPMENT PLANS

- A.) **Preliminary Development Application:** Upon application for a PRD District, the owner(s) of lots or land within the Township shall simultaneously submit a preliminary development plan. The preliminary development plan shall show the intended layout of the site in accordance with PRD standards.

This Development Plan is for the Preliminary Development Plan application. The Final Development Plan application will be submitted for approval consideration at a future date as a separate application, according to the Berlin Township Zoning Resolution.

Twenty (20) copies of the preliminary development plan and electronic media as specified by the Zoning Inspector shall be submitted to the Zoning Commission with the PRD application along with a list of addresses for notification as defined in Section 31.01 herein. The plan shall include in text and map form, the following:

- 1.) The proposed size and location of the PRD district, at a scale of at least 1" = 200', showing topographic contours of at least 5' intervals, wooded areas, wetlands, adjacent (within 200') structures, 100-year floodplains.

The Development Plan includes all site conditions of this site. There are no wooded areas, wetlands, or 100-year floodplains on the site.

- 2.) Suggested architectural designs for all structures and signs.

See Section 11.08 N) for Architectural Guidelines in this Development Text. See Section 11.08 CC) for signage restrictions.

- 3.) The intended general provisions for water, fire hydrants, sanitary sewer, and surface drainage, to the extent known. Information regarding existing pipe sizes, capacities, committed flows, and potential needed upgrades must be documented.

See Tab 3, Engineering Feasibility for engineering and utility feasibility.

- 4.) The relationship of the proposed development to existing and probable uses of surrounding areas, including easements, rights-of-way, proposed drainage, and public utilities.

Existing surrounding uses:

- **West: existing Norfolk Southern and CSX railroad corridor. Three (3) existing rails with up to 40 trains per day using the rails.**
- **North: a Hindu Temple, Sri Venkateswara Temple Of Central Ohio, is located to the north.**
- **East: single-family lots are located along Piatt Road. Each of these single-family lots are approximately 100' in width and approximately 500' in depth. Single family residence areas are comparable to the permitted residence areas (square footages) of this Development Plan.**
- **South: The Ross Estates single-family residential community is located, south of Peachblow Road, to the south of this Development Plan. Lot and residence sizes are similar to this Development Plan.**

- 5.) A design of the open space and proposed description of its use and maintenance.

See Tab 2, Landscape Plan for the layout of the open space.

The open space through the community will be used for passive recreation. The centrally located open space will include a children's play area for community use, as well as serving as an entrance focal point/amenity. A mail kiosk will also be located in this central park area.

The open space will be owned and maintained by the Peachblow Crossing Homeowner's Association, see Tab 4.

- 6.) Specific statements of divergence from the development standards in this Article.

The following list identifies all divergences requested in this Development Plan:

- Section 11.08 J) - The Applicant requests for a net density divergence from 1.85 du/ ac to 2.03 du/ ac.

Justifications for the divergence request:

- With the proximity of Peachblow Crossing to the railroad corridor to the west and to the City of Delaware and the lot sizes and densities of the developments to the west, Peachblow Crossing's 86 dwelling units, and 2.03 du/ac (net) is appropriate.
- In compliance with the Berlin Township Land Use Plan, the rural character of Berlin Township along Peachblow Road is maintained with no residential development within 300 ft. of the public right-of-way.
- The open space requirements for Peachblow Crossing exceeds the required open space standards, with 39% open space in the community.
- The rural character of Peachblow and Piatt Roads are maintained and enhanced with open space corridors and plantings, as well as proposed for improvements to the pavement and rights-of-way.
- A children's play area and centrally located mail kiosk located in the central open space are proposed as walkable amenities central to the community.

- Section 11.08 Q) – The Applicant requests for a front building setback divergence from 70' or 80' from the centerline of the public road to 30' from the public right-of-way line.

Justifications for the divergence request:

- The requested reductions in the front setback and the lot area, coupled with the substantial overage of the provided open space acreage, reflects desired principles of cluster housing. While Olentangy Crossing is not considered a cluster home community, due in large part to the substantial widths and areas of the 80' lots, these planning principles are desirable and assist in developing a healthy and safe community.
- This front setback matches the pedestrian-scaled, front setback of a number of residential communities in the region as well as the neighboring, Oldefield Estates and Ross Estates.
- This front setback proposal allows for vehicles to be parked in front of the garage without extending into the right-of-way and over the sidewalks.

- Section 11.08 R) – The Applicant requests for a lot area divergence from 10,890 s.f. to 10,800 s.f. (80'w. by 135' d.)

Justifications for the divergence request:

- The requested reductions in the front setback and the lot area, coupled with the substantial overage of the provided open space acreage, reflects desired

principles of cluster housing. While Olentangy Crossing is not considered a cluster home community, due in large part to the substantial widths and areas of the 80' lots, these planning principles are desirable and assist in developing a healthy and safe community.

- The depth of single-family lots has been reduced to 135' to allow for greater area for common open space. In this reduction, the square footage of individual lots was reduced to a minimum of 10,800 s.f. per lot. This lot depth reduction does not affect the residence areas, nor does it have an adverse effect to the residential community.

- 7.) Proposed location of all structures.

Each single-family residence will be located on an individual single-family lot. See the Preliminary Development Plan and Section 11.08 Q, for the lot layout and all residential setbacks.

- 8.) Preliminary Traffic Impact Analysis, based upon new trip generation.

See Tab 3, Engineering Feasibility.

- 9.) The responsibility and maintenance of any proposed on-site sewage disposal systems, and letter from the appropriate county or state agency declaring the site feasible for such design.

The sanitary service will be provided by the Delaware County Regional Sewer District. See Tab 3, Engineering Feasibility.

- 10.) All required design features from Section 11.08.

See Section 11.08. All required design features have been appropriately addressed.

- 11.) Emergency service provisions (letter from Fire and Police departments).

See Tab 3, Communications for emergency service letters.

- 12.) Phasing plans.

This Development Plan includes a Phasing Plan. See Tab 1, Phasing Plan.

- B.) **Preliminary Plan Approval Period:** The approval of a preliminary development plan shall be effective for a period of one (1) year from the date 30 days after the zoning became final in order to allow for the preparation and submission of the final development plan. No zoning text amendment passed during this one (1) year period shall affect the terms under which approval of the preliminary development plan was granted. If the final development plan has not been filed within this one (1) year period, then the preliminary development plan approval shall expire unless the Trustees have approved an extension of this time limit. Absent such an extension, no use shall be established or changed and no building, structure, or improvement shall be constructed until a new preliminary and final development plan has been submitted for approval to and approved by the Township. Such applications for approval shall be subject to the same procedures, fees, and conditions as an original

application. In the event the one (1) year timeline expires, any preliminary development plan thereafter filed shall comply with the terms of the Zoning Resolution then in effect at the time of filing, including, without limitation, any zoning amendments enacted from and after the date of the initial request to include the property within the PRD district.

- C.) **Modifications of the Preliminary Development Plan:** In the event that an applicant or owner who has obtained approval of a Preliminary Development Plan wishes to change or modify said approved plan in any respect, he or she shall make a detailed written modification request, and file that request and fee with the Zoning Inspector. The application shall specifically detail the changes requested, and shall state the reasons for all changes requested.

Upon receipt of such an application, the Zoning Inspector shall refer the application to the Board of Trustees for a determination to be made at the sole discretion of the Trustees as to whether the Application shall be treated as a request for a minor modification.

If the Trustees determine by a unanimous vote that the application should be handled as a minor modification request, it shall set the matter at any public meeting before the Board of Trustees. The applicant shall have the right to amend his or her application at any time prior to the vote of the Board of Trustees.

If the application is not determined to be minor modification request, the Trustees shall forward the Application to the Township Zoning Commission and the Commission shall schedule and conduct a public meeting, and make a written recommendation for the approval, modification, or the denial of the application to the Board of Trustees following the same procedure outlined in ORC §519.12 for the amendment of a zoning resolution.

If an amendment is sought with respect to an application deemed major after a vote by the Commission, the amended application will be returned to the Commission for additional review and recommendation.

Consideration of requests for modifications of an approved Preliminary Development Plan shall be considered in all respects to be a legislative process and approval or denial of any such request shall be considered and treated as a legislative act.

- D.) **Final Development Plan:** The applicant shall submit twenty (20) copies of the final development plan and electronic media as specified by the Zoning Inspector to the Zoning Commission with the application. Except as otherwise provided in the initial rezoning of property to the PRD district, the Zoning Commission shall be the review authority for the final development plan.

The review and approval of the Final Development Plan is an administrative, not legislative act, unless the final development plan is simultaneously submitted with application for the zoning change.

If, in the opinion of the Zoning Commission, there is substantial deviation from the approved preliminary development plan, the final development plan shall state the areas of divergence. The final development plan shall include in text and map form the following:

- 1.) A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed Planned Residential District.
- 2.) The plan will be to scale of at least 1" =100' and will show the proposed uses of the site, location of buildings and structures, streets and roadways, and parking areas, all required design features, and the following:

- a.) The general development character of the tract including the limitations or controls to be placed on all uses, with proposed lot sizes, minimum setback requirements. Other development features, including landscaping, entrance features, signage, pathways, sidewalks, recreational facilities, and all commonly owned structures shall be shown in detail which identifies the quantity and type and typical section of each. For example, the landscape plan shall identify each plant, shrub, or tree, its name, its size at planting and rendering of how that section of the development would look in elevation.
- b.) Environmentally sensitive areas such as the 100-year floodplain, wetlands, and slopes greater than 20% shall be mapped. No structure (other than approved drainage structures) shall be constructed within the limits of the 100-year floodplain as mapped by FEMA on the Flood Insurance Rate Maps for Delaware County.
- c.) Architectural design criteria including materials, colors and exact renderings for all structures and criteria for proposed signs, with proposed control procedures. These are specific renderings of the elevations of structures. Any modification of these structures shall require re-approval of the development plan by the Township. Materials and colors shall be submitted for approval.
- d.) The proposed provisions for water, fire hydrants, sanitary sewer, and surface drainage with engineering feasibility studies or other evidence of reasonableness. Line sizes and locations, detention basins and drainage structures shall be drawn.
- e.) A traffic impact analysis by a professional engineer who is skilled at traffic surveys, showing the proposed traffic patterns, public and private streets, and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.
- f.) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
- g.) Location of schools, parks and other public facility sites, within or adjacent to the site.
- h.) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
- i.) If the proposed timetable for development includes developing the land (including open space) in phases, all phases 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.
- j.) The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.
- k.) Specific statements of divergence from the development standards in Articles 24 (General Standards) 25 (Signs) and/or 26 (Landscaping) or existing County Subdivision regulations or standards and the justification therefore, unless a variation from these development standards is specifically approved, the same shall be in compliance. Since the Final Development Plan is an exact rendition of what is intended to be built,

all standards for setback, landscaping parking and lot size are per plan.

l.) Evidence of the applicant's ability to post a bond or an irrevocable letter of credit if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.

m.) In the preparation of the development plan, or the individual drawings used to make up the development plan the respective architect, landscape architect, professional engineer, or surveyor licensed to practice in the state of Ohio shall place his or her seal on his or her own drawings.

E.) Effect of Final Development Plan Approval: The Final Development Plan as approved by the Township Zoning Commission shall be the subject of a subdivision plat to be approved by the Delaware County Regional Planning Commission if required by Ohio Revised Code. Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development.

F.) Final Development Plan Approval Period: The approval of a final development plan shall be effective for a period of three (3) years, or for such other period as approved per plan, in order to allow for the filing and recording of a final subdivision plat (if platting is required by applicable law) and the commencement of construction of improvements on the site. No zoning amendment passed during the established approval period shall affect the terms under which approval of the final development was granted. If the required final subdivision plat has not been approved and recorded, and construction of any building has not been commenced within the established approval period, then the final development plan shall expire unless the Zoning Commission has approved an extension of this time limit. Absent such an extension, no use shall be established or changed and no building, structure, or improvement shall be constructed until a new final development has been filed with and approved by the Township, and such application for approval, shall be subject to the same procedures and conditions as an original application for preliminary and final development plan approval. In the event the three (3) year time line expires, any new final development plan thereafter filed shall comply with the terms of the Zoning Resolution then in effect at the time of filing, including, without limitation, any zoning amendments enacted from and after the date of the initial request to include the property within the PRD District.

G.) Phasing: Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in general compliance with the timetable in the approved development.

H.) Ownership and Maintenance of Open Space:

- 1.) Ownership of Open Space: Different ownership and management options apply to the permanently protected common open space created through the development process. The common open space shall remain undivided and may be owned and managed by a homeowners' association, the township, or a recognized land trust or conservation district (conservancy). A public land dedication, not exceeding ten percent (10%) of the total parcel size, may be required by the Township to facilitate trail or pathway connections. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements, utilities, and open spaces.

The Open Space for the Peachblow Crossing shall be owned, administered, and maintained by the Homeowners' Association. See Tab 4, Master Declaration of Covenants (sample).

Ownership Standards. Common open space within the development shall be owned, administered, and maintained by any of the following methods, either individually or in combination, and subject to approval by the township:

- a.) Offer of Dedication: The Township shall have the first offer of undivided common open space in the event said land is to be conveyed. Dedication shall take the form of a fee simple ownership. The Township may, but is not required to accept undivided common open space provided: 1) such land is accessible to all the residents of the Township; 2) there is not cost of acquisition other than incidental costs related to the transfer of ownership; 3) the Township agrees to maintain such lands. Where the Township accepts dedication of common open space that contains improvements, the Township may require the posting of financial security to ensure structural integrity of improvements for a term not to exceed eighteen (18) months.
- b.) Homeowners' Association: The undivided common open space and associated facilities may be held in common ownership by a homeowners association. The association shall be formed and operated under the following provisions:

The Open Space for the Peachblow Crossing shall be owned, administered, and maintained by the Homeowners' Association. Membership in the homeowners association is mandatory for all purchasers of new homes and their successors. See Tab 4, Master Declaration of Covenants (sample).

- 1.) The developer shall provide a description of the association, including its bylaws and methods for maintaining the common open space.
- 2.) The association shall be organized by the developer and shall be operated by the developer, before the sale of any lots within the development.
- 3.) Membership in the association is mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.
- 4.) The association shall be responsible for maintenance of insurance and taxes on the undivided common open space, enforceable by liens placed by the Township on the association. The association may establish rules to ensure proper maintenance of property, including monetary liens on the homes and home sites of its members who fail to pay their association dues in a timely manner. Such liens may impose a penalty of interest charges.
- 5.) The members of the association shall share equitably the costs of maintaining and developing, where appropriate, such undivided common open space. Shares shall be defined within the association bylaws.
- 6.) In the event of transfer, within the methods here permitted, of undivided common open space land by the homeowners association, or the assumption of maintenance of undivided common open space land by the Township, notice of such pending action shall be given to all property owners within the development.
- 7.) The association shall provide for adequate staff to administer common facilities

and property and continually maintain the undivided common open space.

8.) The homeowners' association may lease common open lands to any other qualified person, or corporation, for operation and maintenance of common open space lands, but such lease agreement shall provide:

- a.) that the residents of the development shall at all times have access to the common open space lands contained therein (except croplands during the growing season);
- b.) that the undivided common open space shall be maintained for purposes set forth in the Section;
- c.) that the operation of common open space may be for the benefit of the residents only, or may be open to all residents of the township, at the election of the developer and/or homeowners association. In cases where public trails or paths are provided as linkage between developments or as a continuous link of common open space within the township, all residents of the township shall be access to such identified paths/walkways; and,
- d.) the lease shall be subject to the approval of the homeowners' association board and any transfer or assignment of the lease shall be further subject to the approval of the board. Lease agreements shall be recorded with the Delaware County Recorder's office and notification shall be provided to the Township Trustees within 30 days of action by the Board.
- e.) Condominiums. The undivided common open space and associated facilities may be controlled through the use of condominium agreements, approved by the Township. Such agreements shall be in conformance with all applicable laws and regulations. All undivided common open space land shall be held as a common element.
- f.) Dedication of Easements. The Township may, but shall not be required to accept easements for public use of any portion or portions of undivided common open space land, title of which is to remain in ownership by condominium or homeowners association, provided:
 - i.) Such land is accessible to township residents;
 - ii.) There is no cost of acquisition other than incidental transfer of ownership costs;
 - iii.) A satisfactory maintenance agreement is reached between the developer, association and the Township.
- g.) Transfer of Easements to a Private Conservation Organization. With the permission of the Township, and owner may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve open space and/or natural resources; provided that:

- 9.) The organization is acceptable to the Township, and is a bona fide conservation organization with perpetual existence;
- 10.) The conveyance contains appropriate provisions for the Township Trustees is entered into by the developer and the organization.

2.) Maintenance of Open Space:

The Open Space for the Peachblow Crossing shall be owned, administered, and maintained by the Homeowners' Association. See Tab 4, Master Declaration of Covenants (sample).

a.) The ultimate owner of the open space shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special assessments, etc. The owner shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues, assessments, etc.

b.) In the event that the organization established to own and maintain common open space shall at any time after establishment of the planned development fail to maintain the common open space in reasonable order and condition in accordance with the Final Development Plan, the Township Trustees may serve written notice upon such organization or upon the residents of the planned development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. The notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing the Township Trustees may modify the terms of the original notice and to the deficiencies and may give an extension of time within which they shall be cured.

If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said (30) days or any extension thereof, the Township Trustees may pursue the enforcement as a zoning violation.

- I.) **Plat Required:** If required by applicable law, no use shall be established or changed, and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision Regulations for Delaware County, Ohio, and this Resolution. The subdivision plat and plan shall be in accordance with the approved development plan and shall include:

Preliminary and Final Plats shall be submitted according to the Delaware County Subdivision Regulation. All items listed below will be appropriately addressed with plat submittals to the DCRPC for Preliminary and Final Plat approvals.

- 1.) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public right-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.

2.) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the activities of occupants, including those applicable to areas within the tract to be developed for non-residential uses.

3.) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to the recording of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount ensuring expeditious completion of said facilities within one (1) year after the recording of said plat. In no event, however, shall any zoning certificate be issued for any building or use until such time that the facilities for the phase in which the building or use is located are completed.

J.) **Administrative Review:** All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector, the Zoning Commission or their designated technical advisors for administrative review to ensure substantial compliance with the development plan as approved.

The Applicant shall comply with this Section.

L.) The Township Zoning Commission and/or the Board of Township Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.

SECTION 11.10: PROCESS FOR REZONING

Consistent with ORC §519.021(A), all Applications for Amendments to the Zoning Map to rezone lands to the PRD shall follow this process:

The Applicant will comply with this Section.

1.) **Step 1:** The applicant, being the owner of the subject real estate (or his/her representative or assignee) may apply for designation of the land as a PRD overlay. Simultaneous with the application for PRD, it is recommended that the applicant schedule a walkabout or informal review with the Zoning Inspector and other county agencies to familiarize all parties with the lay of the land and the general design intent of the applicant.

A Preliminary Development Plan which complies with the requirements of Section 11.09(A) must be submitted with the application. A rezoning to another district may be submitted simultaneously with a PRD overlay application. For example, if a PRD/R-2 were desired for land zoned FR-1, a rezoning from FR-1 to R-2 would be filed with the application for PRD. If the application is approved, then the zoning map is amended to the appropriate PRD overlay: either FR-1/PRD, R-2/PRD, R-3/PRD, or R-4/PRD.

No double fees would be charged. In order to receive the PRD at the higher density, both zonings would have to be approved. The change in the zoning map is considered a legislative amendment, and is subject to referendum by the citizens of the township.

The Applicant has met with Berlin Township officials. The Applicant has also met with the

Regional Planning Commission staff and County Engineer staff. This application is the request for approval for the Preliminary Development Plan for the subject property.

- 3.) **Step 2:** The applicant, being the owner of the subject real estate (or his/her assignee) may apply for the consideration and approval of a Final Development Plan which must comply with the requirements of Section 11.09(D) and, unless otherwise allowed, conform to the approved Preliminary Development Plan. The approval or disapproval of the Final Development Plan is an administrative act by the Zoning Commission.

The Final Development Plan application will be made in the future, in compliance with the Berlin Township Zoning Resolution.

SECTION 11.11: REQUIRED FINDINGS FOR APPROVAL OF A PLANNED RESIDENTIAL DEVELOPMENT

The Zoning Commission and Trustees may approve a Planned Residential Development zoning overlay provided they find that the proposed use complies with all of the following requirements:

- A.) That the proposed development is consistent in all aspects with the intent, and general standards of this zoning resolution.

The proposed development is consistent with the intent, and general standards of the Berlin Township Zoning Resolution and Berlin Township Comprehensive Land Use Plan, amended 2014.

This property is in the general proximity of residential developments with higher densities, smaller lot sizes and more intense land uses with the Evans Farm Berlin Town Center located to the south of this site and the City of Delaware residential communities to the west. The Peachblow Crossing development will serve as a transitional density area, holding close to the intent of the Township Comprehensive Plan recommendations on density and far exceeding the minimum area required for open space dedication.

- B.) That the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.

The proposed development is in general conformity with the land use, density, general lot size, open space dedication and other recommendations of the Berlin Township Comprehensive Land Use Plan, amended 2014, as defined in Planning Area 8.

This property is in the general proximity of residential developments with higher densities, smaller lot sizes and more intense land uses with the Evans Farm Berlin Town Center located to the south of this site and the City of Delaware residential communities to the west. The Peachblow Crossing development will serve as a transitional density area, holding close to the intent of the Township Comprehensive Plan recommendations on density and far exceeding the minimum area required for open space dedication.

- C.) That the proposed development advances the general welfare of the township and the immediate vicinity.

The proposed development advances the general welfare of the township and immediate vicinity. The proposed development generally complies with the recommendations of the Comprehensive Plan and promotes the open space dedication of residential communities along the Piatt Road corridor.

C.) That the proposed plan meets all of the design features required in this resolution.

The proposed development meets the design features of the Berlin Township Zoning Resolution.

D.) That the proposed development is in keeping with the existing land use character and physical development potential of the area.

The proposed development is in keeping with the single-family residential land uses, character, and physical development potential of this region as defined in the Comprehensive Plan, as well as the uses and character of the adjacent municipal area.

This property is in the general proximity of residential developments with higher densities, smaller lot sizes and more intense land uses with the Evans Farm Berlin Town Center located to the south of this site and the City of Delaware residential communities to the west. The Peachblow Crossing development will serve as a transitional density area, holding close to the intent of the Township Comprehensive Plan recommendations on density and far exceeding the minimum area required for open space dedication.

E.) That the proposed development will be compatible in appearance with the remainder of the district; and

The proposed development will be compatible in land use and architectural appearance with the remainder of the district.

F.) That the minimum open space as required herein has been provided.

The minimum open space area requirement has been met and almost doubled. The dedicated open space area exceeds 39%, where 20% open space is required.

SECTION 11.12: EFFECT OF PROPERTY OWNER INITIATED PRD ZONING OVERLAY ON THE PREVIOUS ZONE

Upon approval of the PRD district, the regulations for the PRD and its underlying district shall prevail.

SECTION 11.13: ADMINISTRATION OF THE DEVELOPMENT PLAN

After Development Plan approval, all subdivision plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector for administrative review to ensure compliance with the Development Plan as approved. Any change to an approved Final Development Plan shall require that a proposed Application for Development Plan Amendment be submitted to the Zoning Commission.

A.) **Deviations:** Upon submittal of a written Application requesting approval for changes to an approved
PEACHBLOW CROSSING
Berlin Township, Delaware County, Ohio

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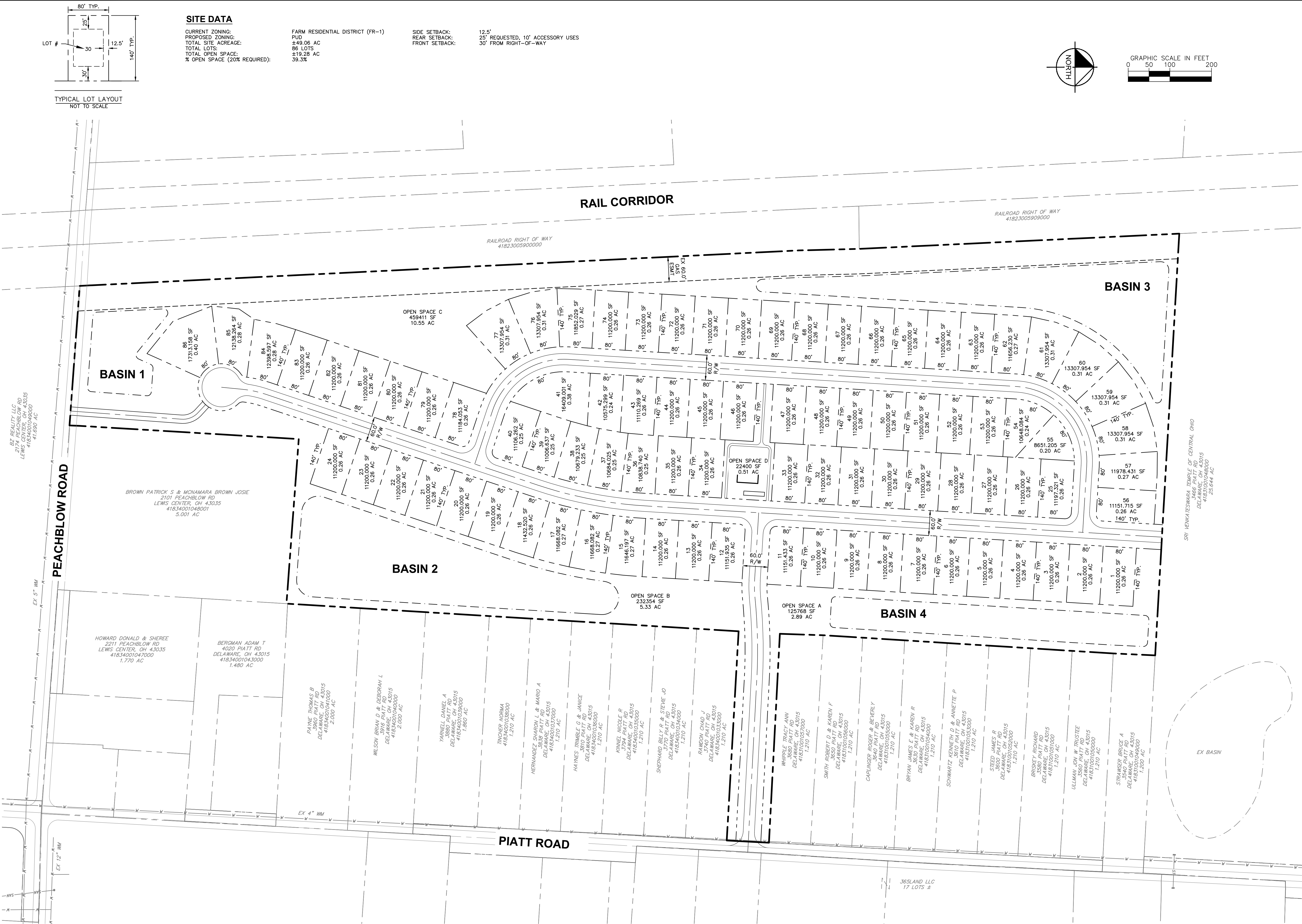
Development Plan, the Zoning Commission shall designate whether such changes represent Minor or Major Deviations to the plan. This may occur at any public meeting.

- 1.) Minor Deviations include, but are not limited to, changes in the location of buildings, structures, streets or parking areas. The Zoning Commission may choose to impose conditions, safeguards, or other restrictions to carry out the intent of this District. The decision of the Zoning Commission shall represent final approval or denial of such deviation.
- 2.) Major Deviations shall be considered at a public hearing by the Zoning Commission. Major deviations include but are not limited to:
 - a.) A change in the use or character of the development;
 - b.) An increase in overall lot coverage of structures and off-street parking.
 - c.) An increase in the density;
 - d.) A change in traffic circulation or usage of public utilities;
 - e.) A reduction in approved open space;
 - f.) A reduction of off street parking and loading space;
 - g.) A reduction in required pavement widths;
 - h.) A change of the acreage in the planned development;
 - i.) Any other departure from the approved Development Plan which is deemed substantial by the Zoning Commission.
 - j.) For Major Deviations, the recommendation of the Zoning Commission shall be forwarded to the Board of Trustees for a final public hearing.

B.) **Default:** If construction of any site improvement has not been commenced within three (3) years after approval of the initial Final Development Plan, approval of the Plan shall expire, unless an extension of the time limit has been approved by the Zoning Commission.

C.) **Extension of Time:** An extension of the time limit for either filing the required subdivision plat, recording the approved subdivision plat, or increasing the approval period for either a preliminary or final Development Plan may be granted by the Zoning Commission at any public meeting provided the Commission finds that such an extension is not in conflict with the public interest, that there is a legitimate purpose and necessity for such extension, and that the applicant shows evidence of a reasonable effort toward the accomplishment of the filing and/or recordation of the plat and the completion of the development of the project. A request for extension shall be filed prior to the expiration of the established approval period.

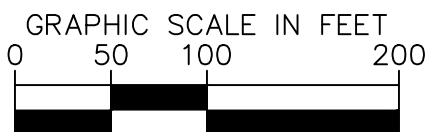
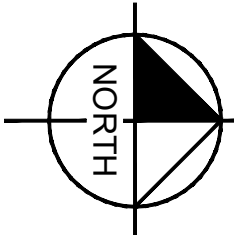
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PEACHBLOW ROAD		PRELIMINARY DEVELOPMENT PLAN		Kimley»Horn	
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ORIGINAL ISSUE: 04/08/2022		DESIGNED BY: SMV		No.	
KHA PROJECT NO.		DRAWN BY: ANF		REVISIONS	
SHEET NUMBER		CHECKED BY: KDK		DATE	
1 OF 1				BY	

PROJECT PHASING

PHASE 1:	23 LOTS
PHASE 2:	28 LOTS
PHASE 3:	35 LOTS
TOTAL:	86 LOTS



Kimley»Horn

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7965 N HIGH STREET, SUITE 200
COLUMBUS, OH 43235
(614) 491-9686
WWW.KIMLEY-HORN.COM

SCALE:

AS NOTED

DESIGNED BY: SMV

DRAWN BY: ANF

CHECKED BY: KDK

PRELIMINARY PHASING PLAN

PEACHBLOW ROAD

BERLIN TOWNSHIP, DELAWARE COUNTY, OHIO

ORIGINAL ISSUE:

09/21/2022

KHA PROJECT NO.

SHEET NUMBER

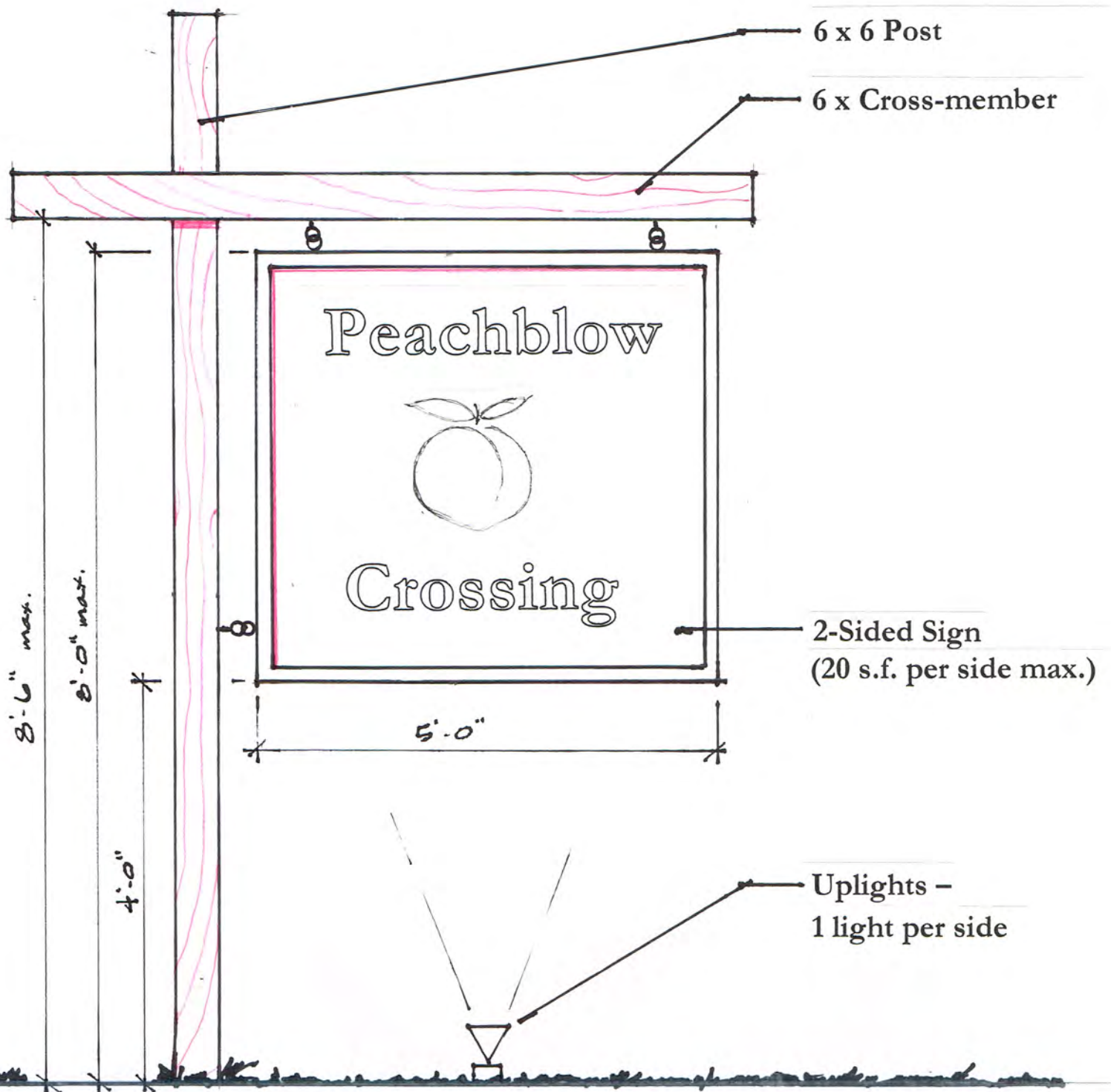
1 OF 1

No.

REVISIONS

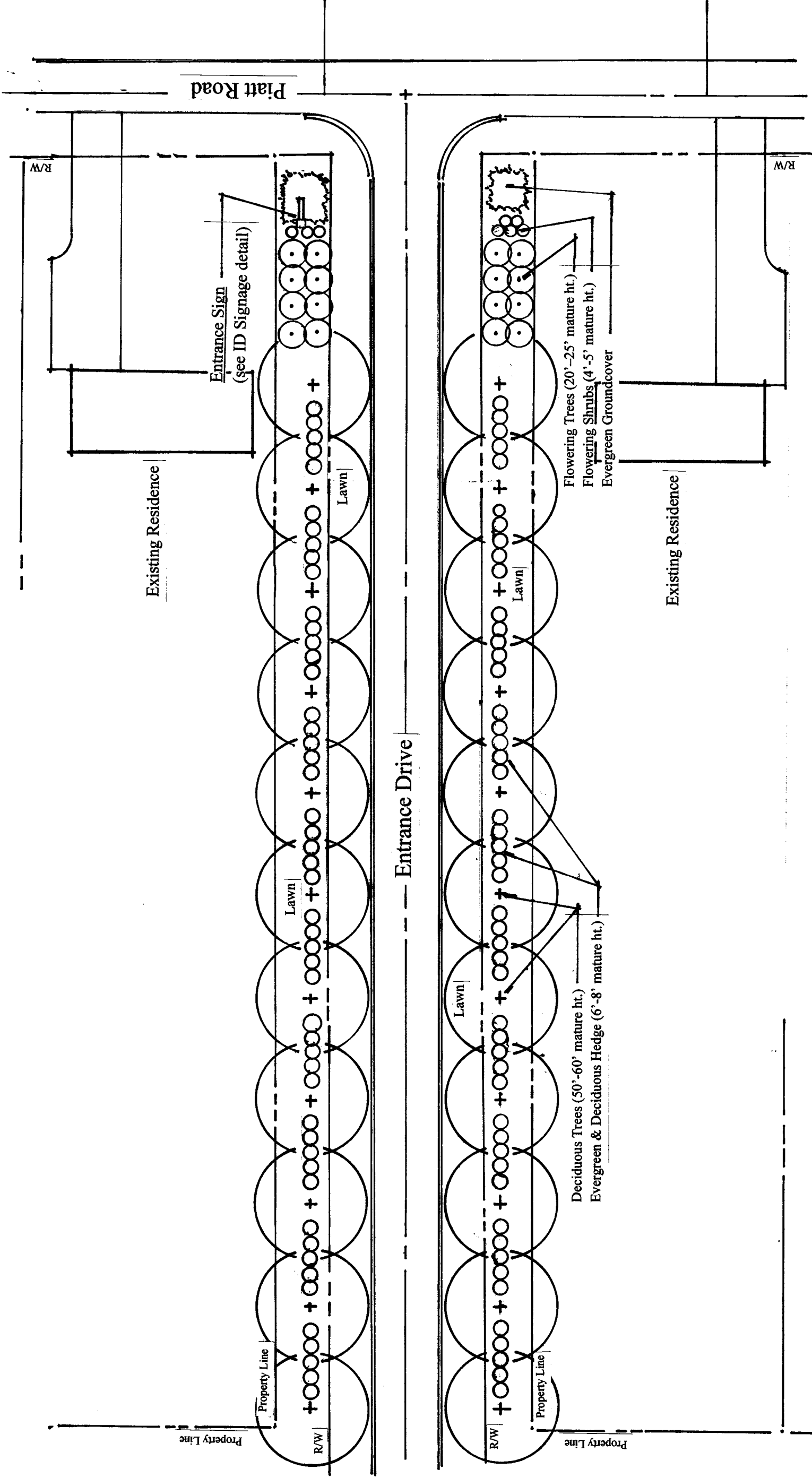
DATE

BY



IDENTIFICATION SIGNAGE (2-sided)

Not to scale



Landscape Plan for Piatt Road Entrance Drive
April 8, 2022
Scale 1" = 40'



An **AEP** Company

BOUNDLESS ENERGY™

AEP Ohio

700 Morrison Rd
Gahanna, OH 43230
AEPOhio.com

3/7/2022

Kevin Kershner
Kimley-Horn
7965 N High St, Suite 200
Columbus, Ohio 43235

RE: AVAILABILITY OF ELECTRICAL SERVICE

P.I.D. 41834001048002

To Whom It May Concern:

This letter will confirm that American Electric Power has electric service facilities adjacent to your new project. These facilities will be made available to serve your project with some Contribution-In-Aid-To-Construction charged to the project developer.

Our records indicate your project; a 138-lot residential development on 47.0± acres is located on the north side of Peachblow Rd. and east of Piatt Rd, in Lewis Center, Delaware County, Ohio.

American Electric Power anticipates providing your new project the best possible service. I look forward to working with you and remain available to coordinate your project needs. Please contact me to discuss any questions you may have or other assistance you may require.

Sincerely,

Taylor Hott
Customer Design Supervisor NE



Delaware County

Regional Sewer District

Director/Sanitary Engineer
Tiffany M. Maag, P.E.

March 4, 2022

Kevin Kershner
Kimley-Horn
7965 N High Street, Ste 200
Columbus, OH 43235

sent via email: kevin.kershner@kimley-horn.com

Re: **Serviceability Request**
APN Group Parcel, Berlin Township
Parcel: 41834001048002

Dear Mr. Kershner:

Pursuant to your request dated February 25, 2022, for a sanitary sewer service letter for the aforementioned parcel, we offer the following conditional sanitary sewer availability:

Availability

The Delaware County Sanitary Engineer's Office can confirm that public sanitary sewer is available to serve the above referenced parcel provided that the development obtain sanitary service via the existing 8" sanitary sewer across from Oldefield Estates. Extensions from the existing sanitary sewer will be necessary to provide service to the proposed development. DCRSD standards and requirements must be followed for any pump station associated with the project.

Capacity

Capacity is available to serve the proposed development. Capacity for the proposed development **is not reserved** until such time that all the requirements for the sewer extension or commercial tap permit have been fulfilled. Sewer capacity is dynamic and subject to decrease pending ongoing development.

If you should have any questions or concerns about this correspondence, please feel free to contact me.

Sincerely,

Kelly Thiel
Staff Engineer III

cc: Correspondence File

SUBURBAN NATURAL GAS COMPANY

ESTABLISHED 1882

211 FRONT STREET, P.O. BOX 130
CYGNET, OHIO 43413-0130

(419) 655-2345

FAX: (419) 655-2274

2626 LEWIS CENTER ROAD
LEWIS CENTER, OHIO 43035-9206

(740) 548-2450

FAX: (740) 549-4939

February 28, 2022

Kimley-Horn
Kevin Kershner
7965 N. High Street
Suite 200
Columbus, Ohio 43235
VIA email: kevin.kershner@kimley-horn.com

RE: Peachblow Road at Piatt Road

Dear Mr. Kershner:

In response to your request for natural gas service availability to the approximately 47 acres located at the northwest corner of Peachblow Road and Piatt Road, Delaware County, Ohio, Suburban Natural Gas Company does have natural gas service available to the above described location.

As always, natural gas service to the area as well as any other served or to be served by Suburban Natural Gas Company is subject to the terms and conditions of our PUCO tariff.

We look forward to working with you on the proposed project. If you have any questions, feel free to contact me directly.

Cordially,



Aaron Roll
Vice President
System Development

AR/hc

cc: D. Joseph Pemberton

Officers

DAVID A. BENDER

President

PERRY K. TUDOR

Vice President

ROBERT W. JENKINS

Secretary

G. MICHAEL DICKEY

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GLENN MARZLUF

General Manager/CEO

SHANE CLARK

Deputy General Manager



6658 OLENTANGY RIVER ROAD

DELAWARE, OHIO 43015

www.delcowater.org

Phone (740) 548-7746 • Fax (740) 548-6203

Directors

BRUCE A. BLACKSTON

BRIAN P. COGHLAN

WILLIAM E. COLE

DOUGLAS D. DAWSON

PAMALA L. HAWK

TIMOTHY D. MCNAMARA

February 25, 2022

Kevin Kershner
kimley-Horn
7965 N. High Street Suite 200
Columbus, Ohio 43235

Via Email: Kevin.Kershner@kimley-horn.com

RE: Water Availability – Peachblow Rd Single Family

Dear Mr. Kershner:

Please know that Del-Co Water can provide water service to the site described below upon plan approval and payment of the required fees:

Development: Peachblow Rd Single Family

Proposed Land Use: ±138 single and multi-family homes

Location: North side of Peachblow Road, ±1,100 feet west of Piatt Road

Land Size: ±47.6 acres

This site can be served from an existing 12-inch waterline located at the intersection of Peachblow Rd and Piatt Road and also a 12-inch waterline located at 3466 Piatt Road (Sri Venkateswara Temple).

This letter of water availability is valid for a period of one year from the date of this letter. Del-Co makes no guarantee of water availability beyond this period. Contact our Engineering Department if you have any questions on the plan review process, or our Customer Service Department for information on tap fees.

Sincerely,
DEL-CO WATER COMPANY, INC.

David A. Wolf
Engineering Manager

33' R/W

PLATT RD.

PLATT ROAD

ENTRY STREET

TERMINAL

LAKE

LAKE

LAKE

LAKE

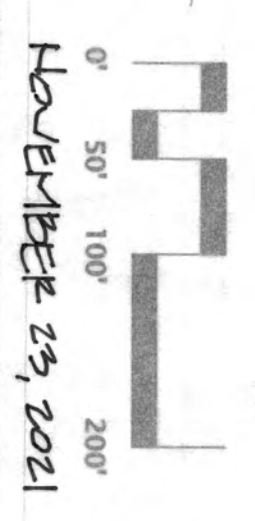
F1/P2

PEACHBLOW ROAD
PEACHBLOW RD.

60' R/W

FALL CREEK

CONCEPT PLAN #1



NOVEMBER 23, 2021

PEACHBLOW ROAD • Prepared for E

Job # 00000

GPA
GUYERDAN PLANNING ASSOCIATES, LLC.
1807 RIVER ROAD DELAWARE, OH 43015

0-5-23 2020

GIS BASE PLAN

PEACHBLOW ROAD

Traffic Access Study

Delaware County, Ohio

April, 2022

Prepared for:

APN Consulting Partners

Kimley»Horn

INTRODUCTION

Kimley-Horn and Associates, Inc. (Kimley-Horn) was retained by APN Consulting Partners to prepare a traffic access study for proposed single-family residential development located west of Piatt Road, and north of Peachblow Road, in Delaware County, Ohio. An aerial view of the study location and the surrounding roadway network is presented in **Exhibit 1**, and the conceptual site plan is provided in the **Appendix**.

As part of this study, the existing network was analyzed to determine the current and projected future traffic operations at the study intersections. This report identifies recommendations to address the potential of site-generated traffic on the adjacent roadway network.

Exhibit 1: Site Plan AM & PM Peak Hour Vehicle Volumes



NO BUILD CONDITIONS

This section details information on the existing roadway conditions.

Area Land Uses and Existing Roadway Characteristics

The subject site is located on the west side of Piatt Road and the north side of Peachblow Road, in Delaware County, Ohio. This development is to be comprised of 136 single-family residential homes. The immediate site vicinity generally consists of the agricultural and residential uses. The study area for this analysis includes the following intersections:

- Peachblow Road and Access A
- Piatt Road and Access B

Peachblow Road is a two-lane major collector generally running east-west in the site vicinity. This roadway has an unposted speed limit of 55 miles per hour. No designated sidewalks are present on either side of the existing Peachblow Road.

Piatt Road is a two-lane major collector generally running north-south in the site vicinity. This roadway has an unposted speed limit of 55 miles per hour. No designated sidewalks are present on either side of the existing Piatt Road.

A roundabout is to be constructed at the Peachblow Road and Piatt Road intersection.

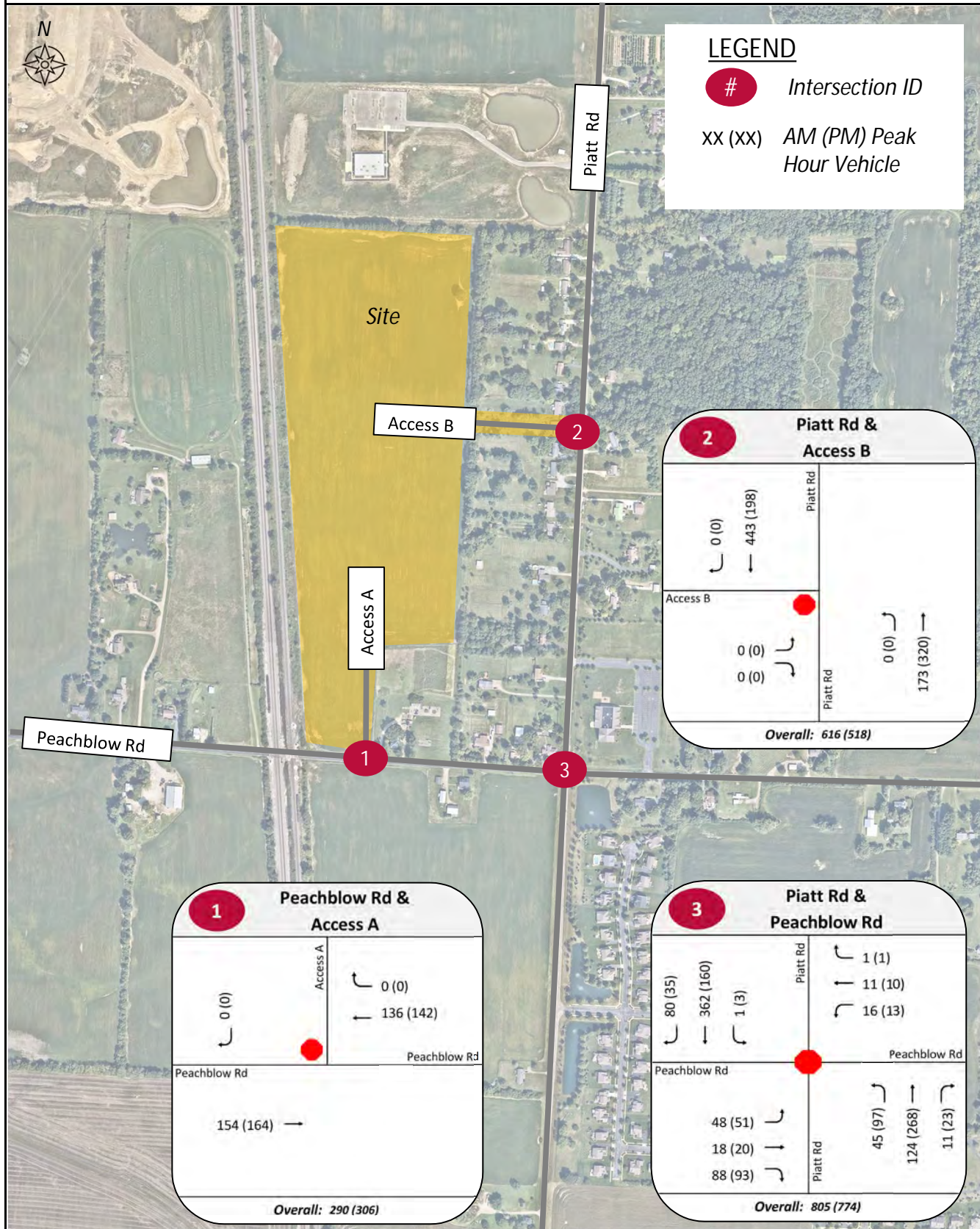
Traffic Counts/ Traffic Volumes

Traffic volumes were obtained via the *Structurepoint Evans Farm Traffic Impact Study, 2018* at the Peachblow Road and Piatt Road intersection. Copies of the referenced traffic counts data are provided in **Appendix**.

Since this data was collected prior to the COVID-19 public health crisis, it was not necessary to adjust these volumes for that situation. The traffic volumes from the Evans Farm Study are representative of 2037 volumes. The addition of the proposed site volumes to these volumes is expected to represent growth to project these volumes for multiple years.

The future no build Vehicular Volumes are illustrated in **Exhibit 2**.

Exhibit 2: Future No Build AM & PM Peak Hour Vehicle Volumes



BUILD CONDITIONS

This section outlines the proposed site plan and summarizes site-specific traffic characteristics.

Development Characteristics

The proposed development would include a 47.8-acre site, containing 136 single-family home lots. Access to the site includes a RIRO drive along Peachblow Road (Access A), and a full-access drive along Piatt Road (Access B). This access configuration is illustrated on the conceptual site plan included in the **Appendix**.

Trip Generation

To calculate trips generated by the proposed residential development, data was referenced from the Institute of Transportation Engineers (ITE) manual titled Trip Generation, Tenth Edition. Trip generation rates for the ITE Land Use Code (LUC) corresponding to the proposed use are shown in **Table 1** and are calculated using the average rate. Copies of the ITE data are attached.

Table 1: ITE Trip Generation Data – Land-Use Code 210 (Single-Family Detached Housing)

ITE Land Use	Units	Vehicle Type	Weekday		
			Daily	AM Peak Hour	Pm Peak Hour
Single-Family Detached Housing (210)	136	All	$Ln(T) = 0.92Ln(T) + 2.71$ 50% in/50% out	$T = 0.71(X) + 4.80$ 25% in/75% out	$Ln(T) = 0.96Ln(T) + 0.20$ 63% in/37% out

T – Site-generated trips X – Units

For the purpose of this study, all site generated trips are expected to be “Primary Trips” when traveling to and from the subject site. Primary trips are trips to the proposed residential site that would not normally travel on the study roadways and are considered new trips within the study area.

Per these assumptions, site-generated traffic projections are presented in **Table 2**.

Table 2: Site Generated Traffic Projections

ITE Land Use	Units	Vehicle Type	Daily	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
Single-Family Detached Housing (210)	136	All	1,380	25	76	101	86	50	136

Directional Distribution

The estimated distribution of primary site-generated traffic on the surrounding roadway network as it approaches and departs the site is a function of several variables, such as the nature of surrounding land uses, prevailing traffic volumes/patterns, characteristics of the street system, and the ease with which motorists can travel over various sections of that system. The distribution of trips entering/exiting the proposed site was determined based on Figure 17, from the referenced *Structurepoint Evans Farm Traffic*

Impact Study, 2018. The anticipated directional distributions estimated for primary trips are outlined in **Table 3**. The site generated traffic volumes are illustrated in **Exhibit 3**.

Table 3: Estimated Trip Distribution

<i>Traveling to/from:</i>	<i>Estimated Trip Distribution</i>
<i>North on Piatt Road</i>	9%
<i>South on Piatt Road</i>	29%
<i>West on Peachblow Road</i>	7%
<i>East on Peachblow Road</i>	55%

Build Traffic Assignment

The build traffic assignment represents traffic volumes at the study intersections upon construction of the proposed development. The future build traffic assignment consists of the future no build trips plus the site-generated trips. The future build traffic volumes for the study area are illustrated in **Exhibit 4**.

Exhibit 3: Site Generated Trips AM & PM Peak Hour Vehicle Volumes

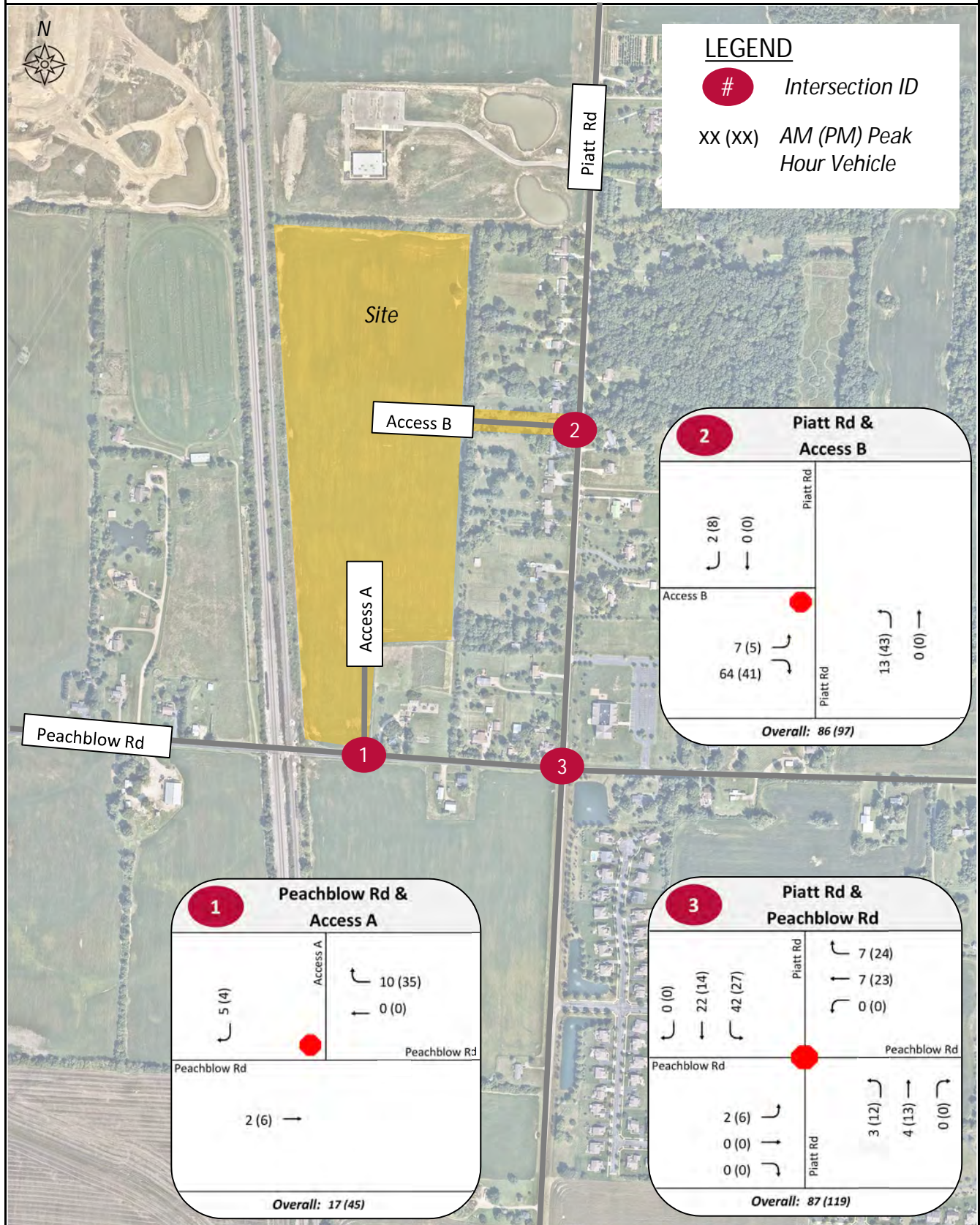
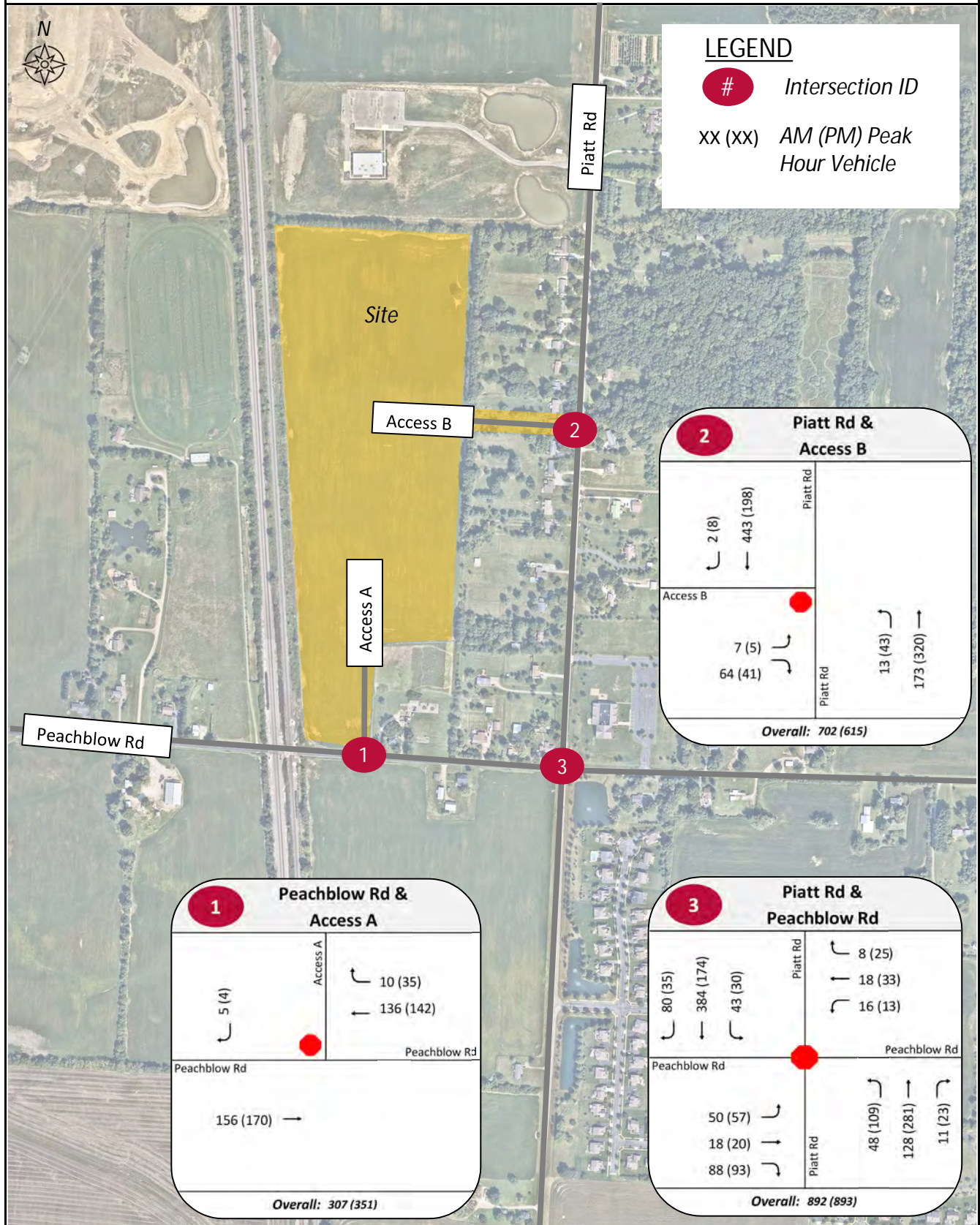


Exhibit 4: Future Build AM & PM Peak Hour Vehicle Volumes



ANALYSIS

This section of the report provides an overview of capacity and turn lane analysis for the future traffic volumes and identifies recommended transportation improvements to accommodate the proposed development.

Turn-Lane Warrant Analysis

The Delaware County Traffic Impact Standards, Appendix I were used to determine if turn-lanes are warranted at the study intersections. In addition to ODOT Location and Design Manual left-turn lane warrant charts, a left turn lane at driveways should be provided on major collector roadways with speed limits greater than 40 mph and have greater than 10 left turning vehicles during the peak hour. In addition to ODOT Location and Design Manual right-turn lane warrant charts, right-turn lanes are required at driveways with at least 10 right-turning vehicles and 200 vehicles in the approach lane.

The Delaware County Thoroughfare Plan designates Piatt Rd as a major collector, therefore the left turning vehicles at the Piatt Road and Access B intersection would meet a left-turn lane warrant, during the future build AM and PM peak hours. The westbound approach lane at the Peachblow Road and Access A intersection is less than 200 approach vehicles during the future build AM and PM peak hours, therefore a westbound right-turn lane is not recommended. The southbound right-turn volumes at the Piatt Road and Access B intersection are less than 10 vehicles during the future build AM and PM peak hours, therefore a southbound right-turn lane is not recommended.

Table 4 provides a summary of the turn-lane warrant analysis and calculated storage length per Delaware County and ODOT location and Design Manual Standards.

A copy of the turn-lane analysis and turn-lane length calculations are provided in the **Appendix**.

Table 4: Turn Lane Warrant Analysis Summary

Intersection	Movement	Warranted Turn Lane? Future Build		Recommended Turn Lane Length (ft)
		AM	PM	
Peachblow Road and Access A	WBRT	No	No	-
Piatt Road and Access B	NBLT	Yes	Yes	285'
	SBRT	No	No	-

Capacity Analysis

A capacity analysis was conducted to assess the projected future operating conditions of the existing site intersections during the weekday peak hours. The capacity of an intersection quantifies its ability to accommodate traffic volumes and is expressed in terms of level of service (LOS) according to the average delay per vehicle passing through the intersection. Levels of service range from A to F with LOS A as the highest (best traffic flow and least delay), LOS E as saturated or at-capacity conditions, and LOS F as the lowest (oversaturated conditions).

The LOS grades shown below, which are provided in the Transportation Research Board's Highway Capacity Manual (HCM), quantify and categorize the driver's discomfort, frustration, fuel consumption, and travel times experienced as a result of intersection control and the resulting traffic queuing. A detailed description of each LOS rating can be found in **Table 5**.

Table 5: Level of Service Grading Descriptions

<i>Level of Service</i>	<i>Description</i>
<i>A</i>	<i>Minimal control delay; traffic operates at primarily free-flow conditions; unimpeded movement within traffic stream.</i>
<i>B</i>	<i>Minor control delay at signalized intersections; traffic operates at a fairly unimpeded level with slightly restricted movement within traffic stream.</i>
<i>C</i>	<i>Moderate control delay; movement within traffic stream more restricted than at LOS B; formation of queues contributes to lower average travel speeds.</i>
<i>D</i>	<i>Considerable control delay that may be substantially increased by small increases in flow; average travel speeds continue to decrease.</i>
<i>E</i>	<i>High control delay; average travel speed no more than 33 percent of free flow speed.</i>
<i>F</i>	<i>Extremely high control delay; extensive queuing and high volumes create exceedingly restricted traffic flow.</i>

¹Highway Capacity Manual 2010

The range of control delay for each rating (as detailed in the HCM) is shown in **Table 6**. Since signalized intersections are expected to carry a larger volume of vehicles and stopping is required during red time, note that higher delays are tolerated for the corresponding LOS ratings.

Table 6: Level of Service Grading Criteria

Level of Service	Average Control Delay (s/veh) at:	
	Unsignalized Intersections	Signalized Intersections
A	0 – 10	0 – 10
B	> 10 – 15	> 10 – 20
C	> 15 – 25	> 20 – 35
D	> 25 – 35	> 35 – 55
E	> 35 – 50	> 55 – 80
F ²	> 50	> 80

¹Highway Capacity Manual 2010

²All movements with a Volume to Capacity (v/c) ratio greater than 1 receive a rating of LOS F.

Table 7 is from section 5.9 of the OATS Manual, which outlines the LOS criteria for intersections. The study area is inside of the MORPC MPO boundary; therefore, LOS D is the acceptable intersection LOS threshold, and all movements shall be a LOS E or better as defined in the Traffic Impact Study Scope of Services. Additionally, the volume-to-capacity ratio (v/c) for each movement should not exceed 1.0.

Table 7: Operational Goals of Intersections

Result	Inside MPO
Intersection LOS	D or better
Approach LOS	E or better
Movement LOS	E or better
v/c	All movements < 1.0 with < 0.93 preferred.
QSR	All movements < 1.0 from HCS analysis, otherwise TransModeler may be needed to determine if queuing impacts upstream intersections.

v/c = Volume-To-Capacity Ratio, QSR = Queue-Storage Ratio

Synchro-11 software (HCM-6 reports) was utilized to evaluate the capacity of the study intersections during the 2032 No Build and Build conditions. The capacity of each intersection is reported by approach, during the peak hour of site generated traffic.

BUILD CAPACITY ANALYSIS

Tables 8-9 summarize the capacity analysis results for the study intersections at the peak hours during the future build conditions. future build conditions include the addition of Access A and Access B. The Synchro 11 capacity analysis reports are included in the **Appendix**.

All approaches and intersection operated at an acceptable LOS, during future build peak hour conditions.

MITIGATED BUILD CAPACITY ANALYSIS

Tables 8-9 summarize the capacity analysis results for the study intersections at the peak hours during the future mitigated build conditions. Future mitigated build conditions include the addition of a 285-foot northbound right turn lane at the Piatt Road and Access B intersection. The Synchro 11 capacity analysis reports are included in the **Appendix**.

All approaches and intersection operated at an acceptable LOS, during future no build peak hour conditions.

Table 8: AM Peak Hour - Study Intersections Capacity Analysis

Intersection	Future Build			Future Mitigated Build		
	V/C	Delay (s/veh)	LOS	V/C	Delay (s/veh)	LOS
▲ Peachblow Road and Access A						
Westbound	0	0	A	-	-	-
Southbound	0.01	9.1	A	-	-	-
▲ Piatt Road and Access B						
Northbound(l)	0.01	8.5	A	0.01	8.5	A
Southbound	0	0	A	0	0	A
Eastbound	0.01	12.5	B	0.01	12.5	B

▲ – Minor-Leg Stop-Controlled Intersection

Table 9: PM Peak Hour - Study Intersections Capacity Analysis

Intersection	Future Build			Future Mitigated Build		
	V/C	Delay (s/veh)	LOS	V/C	Delay (s/veh)	LOS
▲ Peachblow Road and Access A						
Westbound	0	0	A	-	-	-
Southbound	0.01	9.2	A	-	-	-
▲ Piatt Road and Access B						
Northbound(l)	0.04	7.8	A	0.04	7.8	A
Southbound	0	0	A	0	0	A
Eastbound	0.04	10.2	B	0.04	10.2	B

▲ – Minor-Leg Stop-Controlled Intersection

TRAFFIC SHED ANALYSIS

Further analysis was completed to determine the number of site generated trips at the Peachblow Road and Piatt Road intersection. **Table 10** below illustrates the anticipated future traffic volumes at the Peachblow Road and Piatt Road intersection, as well as the percentage of trips which are generated by the proposed development.

Table 10: Peachblow Road and Piatt Road Volume Comparison

Peak Hour	Traffic Volumes			Site Generated Percent
	Future No Build	Site Generated	Future Build	
AM	805	87	892	9.8%
PM	774	119	893	13.3%
AADT	19,800	1,380	21,180	6.5%

CONCLUSIONS

Based on an evaluation of traffic conditions at the study intersections, the addition of site-generated traffic is not expected to significantly impact existing traffic operations at the study intersections. All study intersections approaches operate at a LOS of B or better during the peak hours of the future build condition.

With the addition of site generated traffic volumes, a 285-foot northbound left turn lane is recommended at the Piatt Road and Access B intersection. The recommended turn lane includes a 50-foot diverging taper.

The addition of the proposed residential development will increase the daily, AM peak hour, and PM peak hour anticipated future traffic volumes at the Peachblow Road and Piatt Road intersection by 6.5%, 9.8%, and 13.3%, respectively.

APPENDIX

A – Conceptual Site Plan

B – Referenced Traffic Data

C – Data from ITE Trip Generation, 10th Edition

D – Turn Lane Warrant Analysis

E – Turn Lane Length Calculations

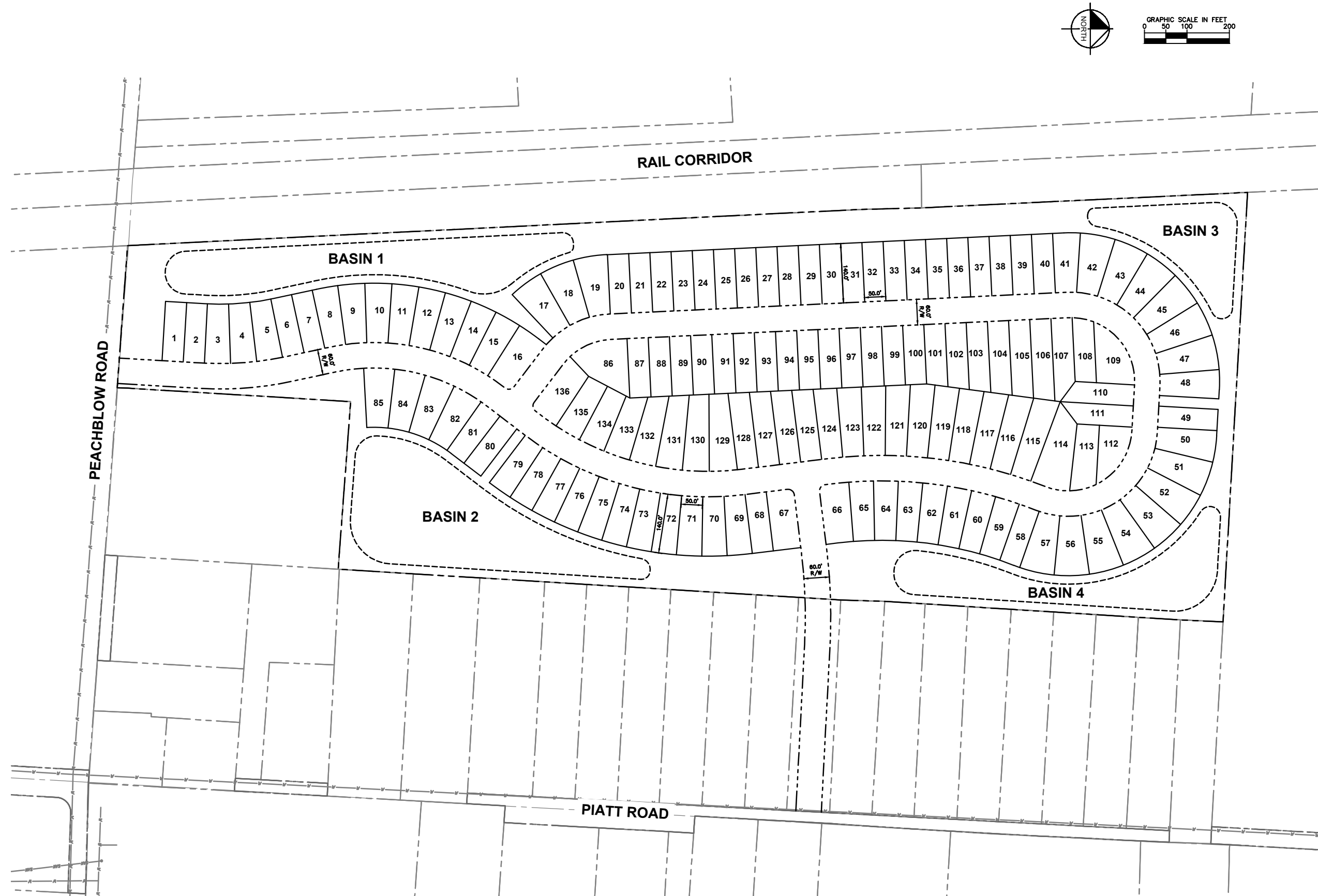
F – Synchro-11 Capacity Analysis

APPENDIX

A.

Conceptual Site Plan

Drawing name: C:\Users\horne\Documents\Projects\2022-0317 Lot Layout.dwg Layout1 Apr 05, 2022 8:50am by: John Campbell
This document, together with the concepts and designs presented herein, is an instrument of service, to be retained only for the specific purpose and client for which it was prepared. Release of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



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CONCEPT SITE LAYOUT		PEACHBLOW ROAD BERLIN TOWNSHIP, DELAWARE COUNTY, OHIO	
ORIGINAL ISSUE: 3/17/2022		SHEET NUMBER 1 OF 1	
KHA PROJECT NO.		REVISIONS	
SCALE: AS NOTED		No.	
DESIGNED BY: SNV		DATE	
DRAWN BY: ANF		BY	
CHECKED BY: ROK			

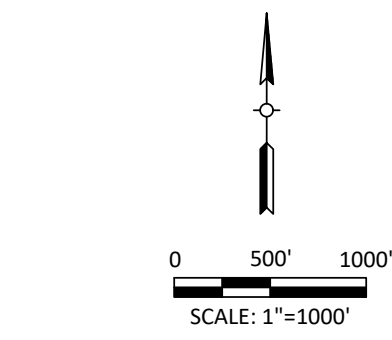
APPENDIX

B.

Referenced Traffic Data



FIGURE 12: 2037 AM PEAK HOUR TRAFFIC VOLUMES (NO BUILD SCENARIO)



LEGEND	
—	ROADWAYS
- - -	EXISTING LOCAL ROADS
#	TOTAL TRAFFIC

FIGURE 13: 2037 PM PEAK HOUR TRAFFIC VOLUMES (NO BUILD SCENARIO)

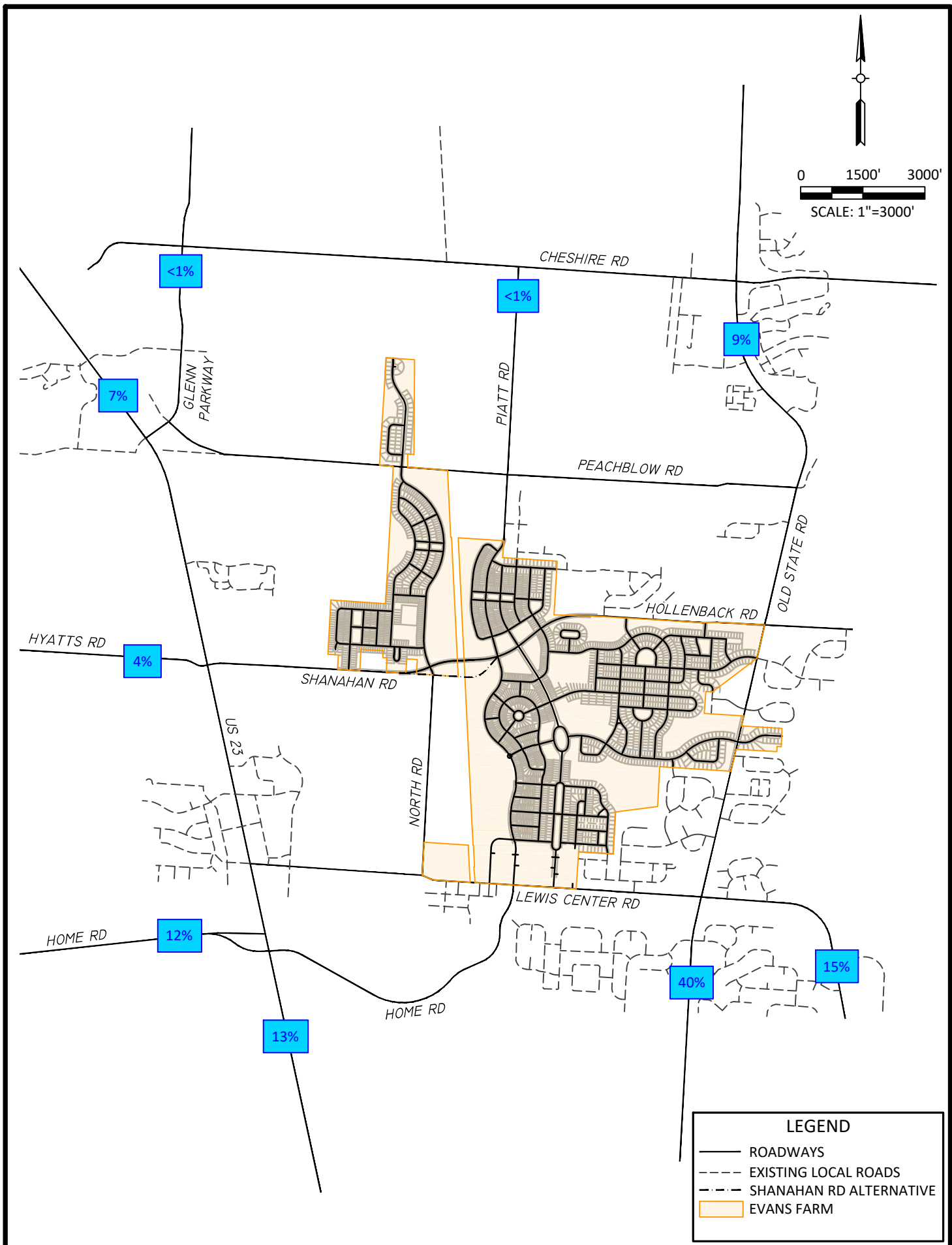


FIGURE 17: 2037 TRIP DISTRIBUTION PERCENTAGES

APPENDIX

C.

Data from ITE Trip Generation

Land Use: 210

Single-Family Detached Housing

Description

Single-family detached housing includes all single-family detached homes on individual lots. A typical site surveyed is a suburban subdivision.

Additional Data

The number of vehicles and residents had a high correlation with average weekday vehicle trip ends. The use of these variables was limited, however, because the number of vehicles and residents was often difficult to obtain or predict. The number of dwelling units was generally used as the independent variable of choice because it was usually readily available, easy to project, and had a high correlation with average weekday vehicle trip ends.

This land use included data from a wide variety of units with different sizes, price ranges, locations, and ages. Consequently, there was a wide variation in trips generated within this category. Other factors, such as geographic location and type of adjacent and nearby development, may also have had an effect on the site trip generation.

Single-family detached units had the highest trip generation rate per dwelling unit of all residential uses because they were the largest units in size and had more residents and more vehicles per unit than other residential land uses; they were generally located farther away from shopping centers, employment areas, and other trip attractors than other residential land uses; and they generally had fewer alternative modes of transportation available because they were typically not as concentrated as other residential land uses.

Time-of-day distribution data for this land use are presented in Appendix A. For the six general urban/suburban sites with data, the overall highest vehicle volumes during the AM and PM on a weekday were counted between 7:15 and 8:15 a.m. and 4:00 and 5:00 p.m., respectively. For the two sites with Saturday data, the overall highest vehicle volume was counted between 3:00 and 4:00 p.m. For the one site with Sunday data, the overall highest vehicle volume was counted between 10:15 and 11:15 a.m.

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in California, Connecticut, Delaware, Illinois, Indiana, Maryland, Minnesota, Montana, New Jersey, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Vermont, and Virginia.

Source Numbers

100, 105, 114, 126, 157, 167, 177, 197, 207, 211, 217, 267, 275, 293, 300, 319, 320, 356, 357, 367, 384, 387, 407, 435, 522, 550, 552, 579, 598, 601, 603, 614, 637, 711, 716, 720, 728, 735, 868, 903, 925, 936

Single-Family Detached Housing (210)

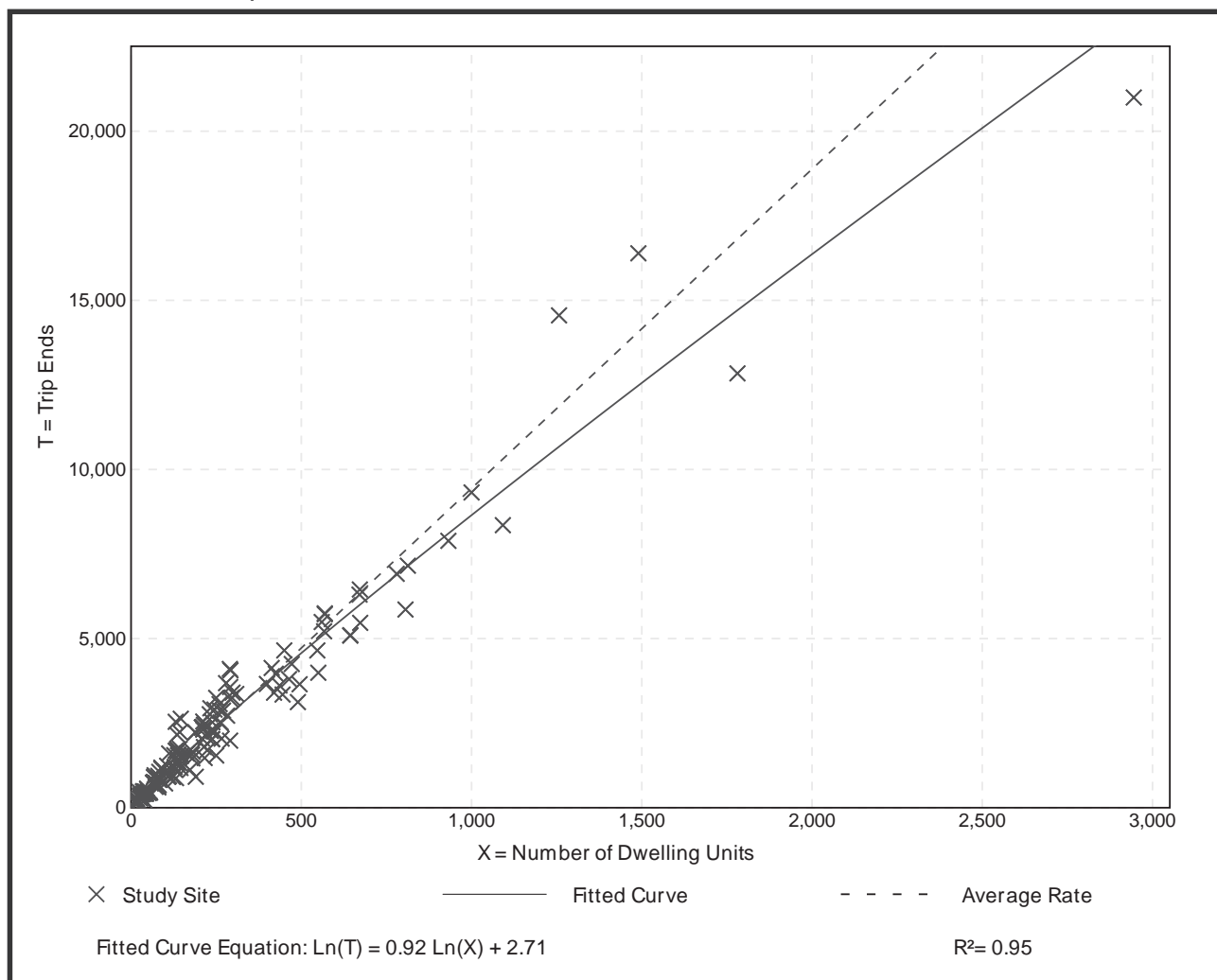
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 159
Avg. Num. of Dwelling Units: 264
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
9.44	4.81 - 19.39	2.10

Data Plot and Equation



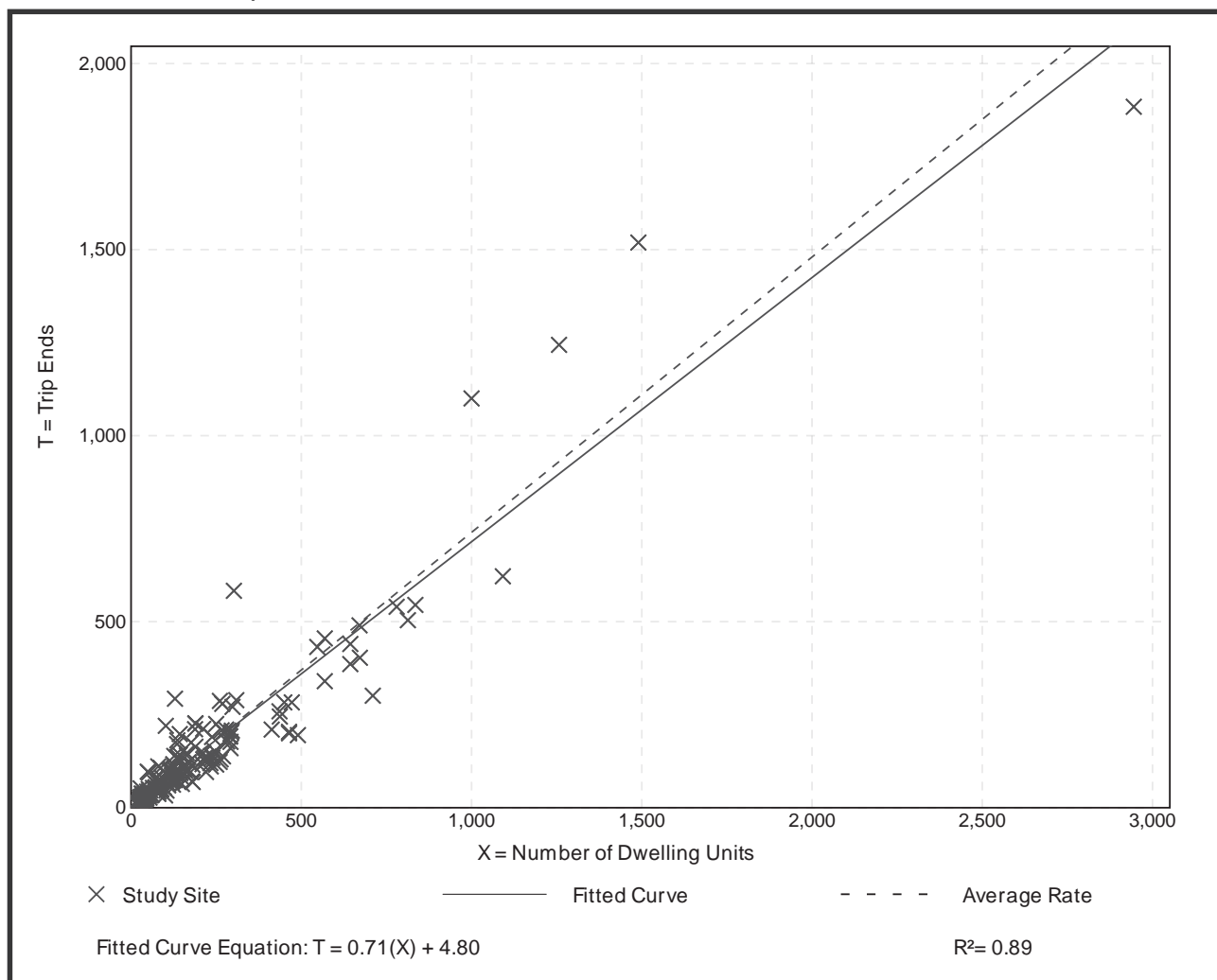
Single-Family Detached Housing (210)

Vehicle Trip Ends vs: Dwelling Units
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 7 and 9 a.m.
 Setting/Location: General Urban/Suburban
 Number of Studies: 173
 Avg. Num. of Dwelling Units: 219
 Directional Distribution: 25% entering, 75% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.74	0.33 - 2.27	0.27

Data Plot and Equation



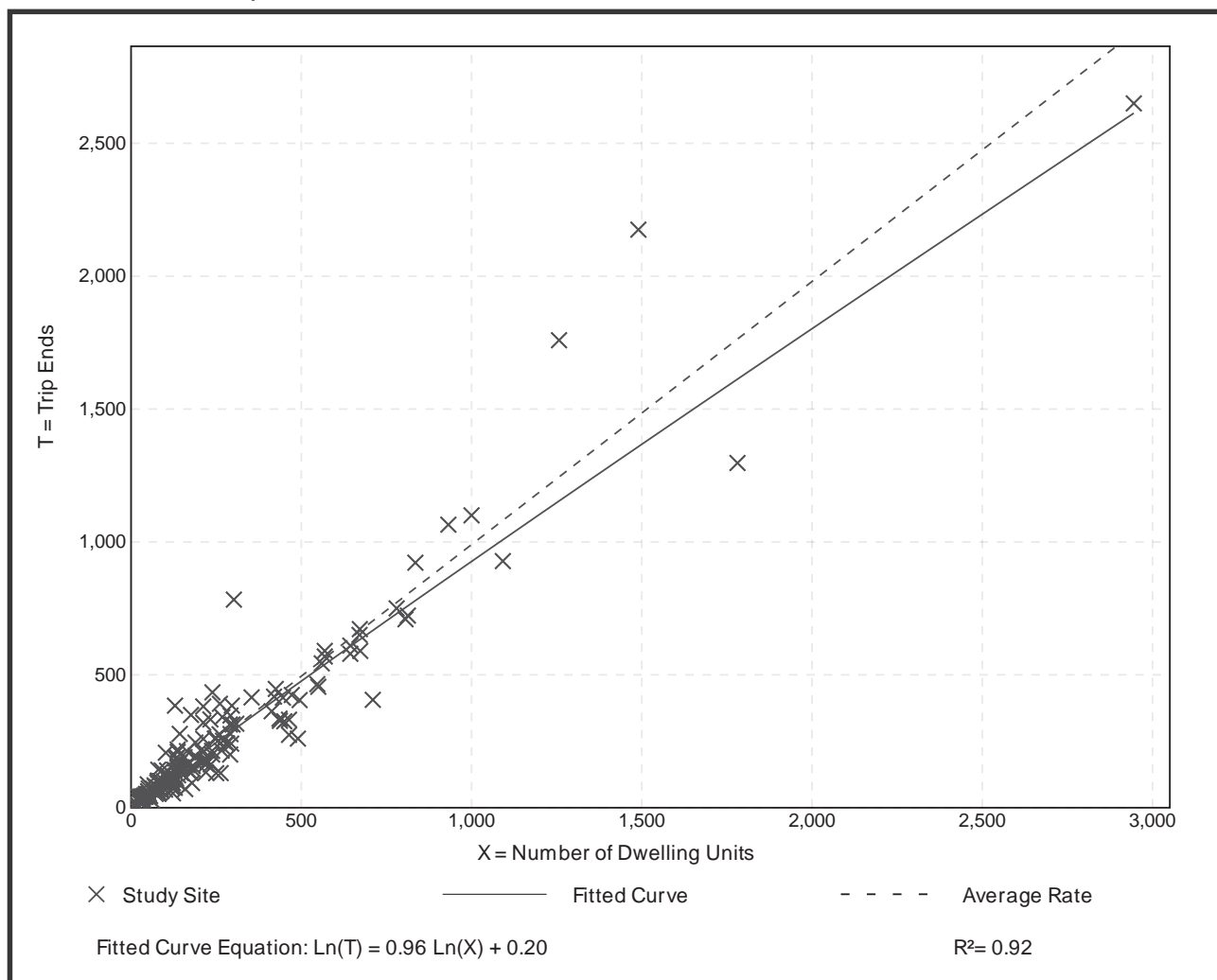
Single-Family Detached Housing (210)

Vehicle Trip Ends vs: Dwelling Units
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 4 and 6 p.m.
 Setting/Location: General Urban/Suburban
 Number of Studies: 190
 Avg. Num. of Dwelling Units: 242
 Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.99	0.44 - 2.98	0.31

Data Plot and Equation



APPENDIX

D.

Turn Lane Warrant Analysis

Traffic Impact Study Standards

of the year the warrant is met shall be done if the main site access appears to meet Traffic Signal Warrant 1 or Warrant 2 based on the guidelines in **Table 2**. Any proposed access or intersection which meets signal warrant thresholds but does not otherwise meet the spacing requirements and standards noted in the ODOT *State Highway Access Management Manual* for the access category assigned by the Delaware Thoroughfare Plan may be required to be redesigned, reconstructed, and/or relocated.

WARRANT 1 – Minimum Vehicular Volume*			
NUMBER OF APPROACH LANES		ADT	
MAJOR	MINOR	MAJOR	MINOR
1	1	8,300	5,000
2	1	10,000	5,000
2	2	10,000	6,700
1	2	8,300	6,700

WARRANT 1 – Interruption of Continuous Traffic*			
NUMBER OF APPROACH LANES		ADT	
MAJOR	MINOR	MAJOR	MINOR
1	1	12,500	2,500
2	1	15,000	2,500
2	2	15,000	3,300
1	2	12,500	3,300

* When the 85th percentile speed of major street traffic exceeds 40 mph in either an urban or rural area, or when the intersection lies within the built up area of an isolated community having a population of less than 10,000, the warrants are 70 percent of the guidelines above.

L. Turn Lane Criteria

A left turn lane at driveways or unsignalized movements at intersections should be provided under the following conditions:

- per Graph 1, 2, or 3, which are the left turn lane warrant charts contained in the ODOT *State Highway Access Management Manual*. Graphs 1, 2 and 3 are contained in the Appendix; or
- On major and minor arterial roadways with speed limits greater than 40 mph; or
- On major collector roadways with speed limits greater than 40 mph and more than 10 left turning vehicles during the peak hour for full build out of the development.

The size of left turn lanes shall be the minimum per Delaware County or City of Delaware Standards or be based the criteria contained in the ODOT *Location and Design Manual*, Section 401.7.



Traffic Impact Study Standards

Right turn lanes should be provided per Graphs 4, 5, 6 or 7, which are the right turn lane warrant charts contained in the ODOT *State Highway Access Management Manual* with the following exceptions:

- right turn lanes are not required for right turn volumes less than 10 vehicles during the peak hour for full build out of the development
- right turn lanes are not required for less than 200 vehicles in the peak hour in the approach lane or curb lane for roadways with greater than 1 approach lane for full build out of the development.

Graphs 4, 5, 6 and 7 are contained in the Appendix.

The size of right turn lanes shall be based the criteria contained in the ODOT *Location and Design Manual*, Section 401.7.

Left or right turn lanes shall also be provided when deemed necessary for safety purposes by Delaware County or the City of Delaware.

VI. Report Contents

Each TIS shall have, along with the body of the report, the following unless a letter report is agreed upon at the pre-meeting:

- *Cover* - noting the name and location of the development, the applicant's name, preparer's name, and report date.
- *Title Page* – containing all information on the cover in addition to the applicant's street and e mail address, telephone and fax numbers; the preparer's street and e mail address, telephone and fax numbers and the preparer's engineering registration seal.
- *Table of Contents*
- *List of Exhibits and Tables*
- *Executive Summary*
- *Summary of Revisions (for revised reports)*
- *Body of Report*
 - *Proposed Site Development*
 - *Area Conditions*
 - *Existing Traffic*
 - *Trip Generation and Distribution*
 - *Site Traffic*
 - *Total Traffic – Opening Year and Design Year*
 - *Traffic Analyses*
 - *Capacity Analyses*
 - *Signal Warrant Analyses*



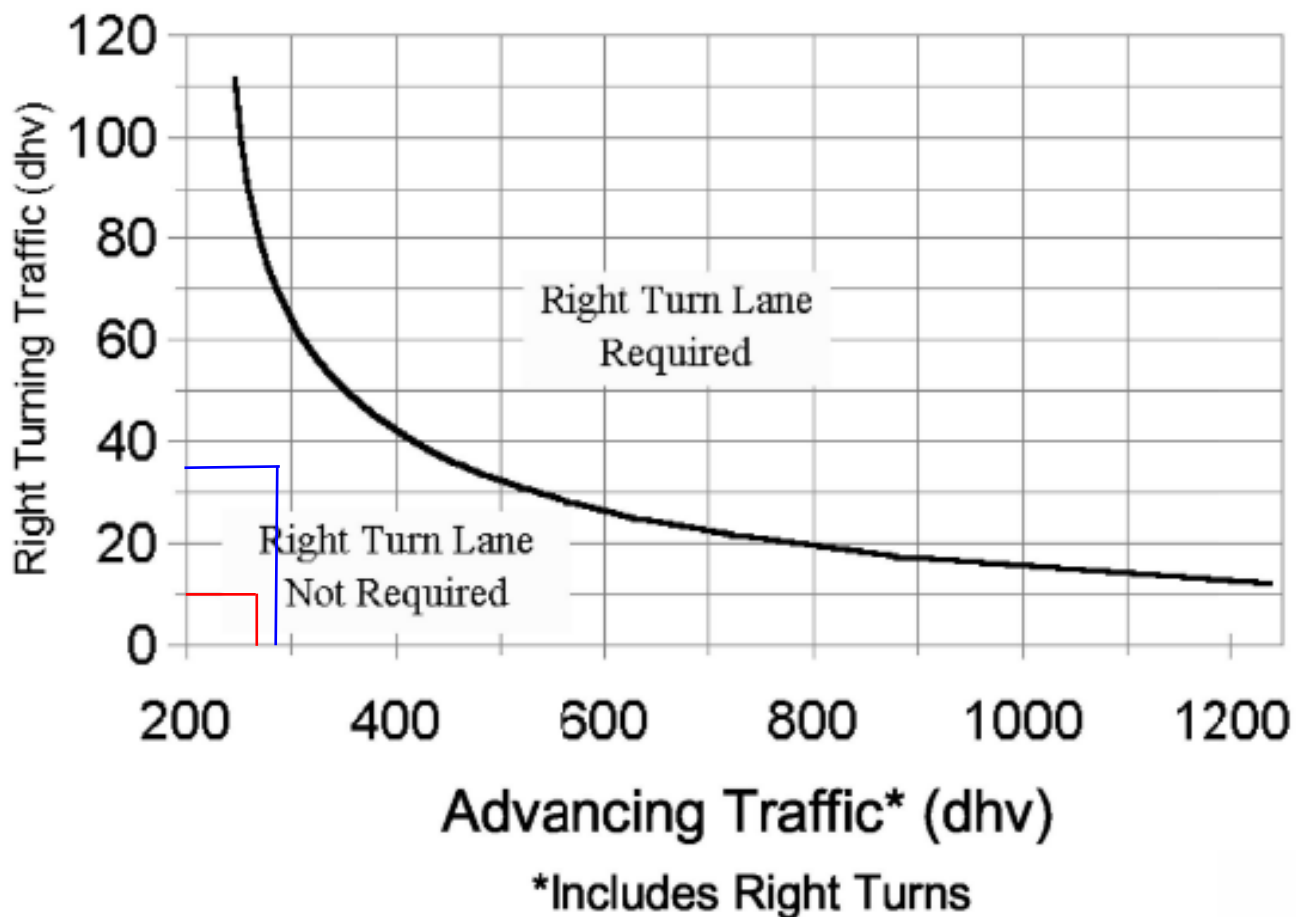
2-LANE RIGHT TURN LANE WARRANT (HIGH SPEED)

401-6b

REFERENCE SECTION
401.6.3

Peachblow Road and Access A

2-Lane Highway Right Turn Lane Warrant > 40 mph or 70 kph Posted Speed



EBRT	Advancing	Right Turning	Warranted?
Future Build AM	146	10	No
Future Build PM	177	35	No

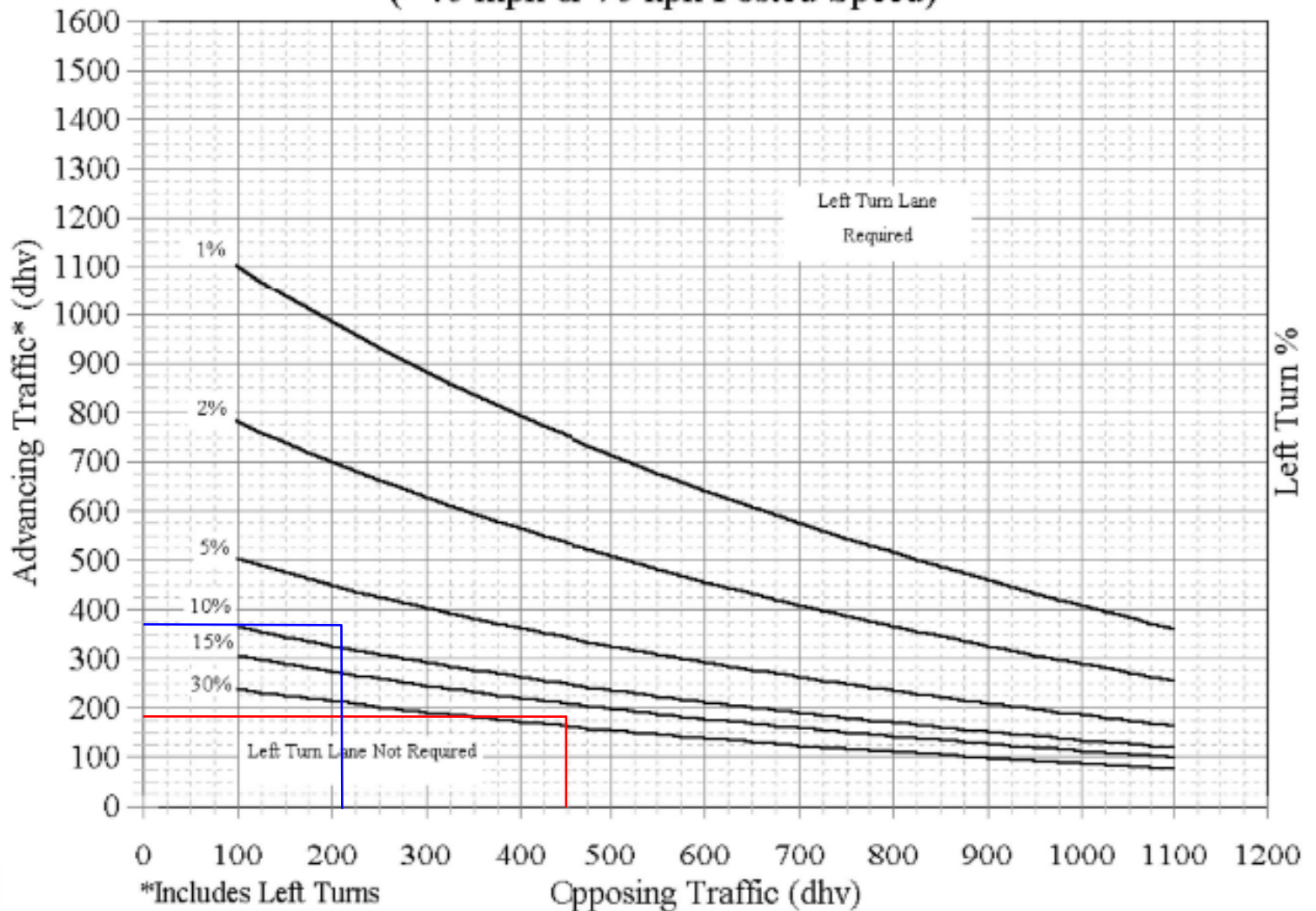
2-LANE LEFT TURN LANE WARRANT (HIGH SPEED)

401-5b

REFERENCE SECTION
401.6.1

Piatt Road and Access B

2-Lane Highway Left Turn Lane Warrant (>40 mph or 70 kph Posted Speed)



NBLT	Advancing	Opposing	LT%	Warranted?
Future Build AM	186	445	7.0	No
Future Build PM	363	206	11.8	Yes

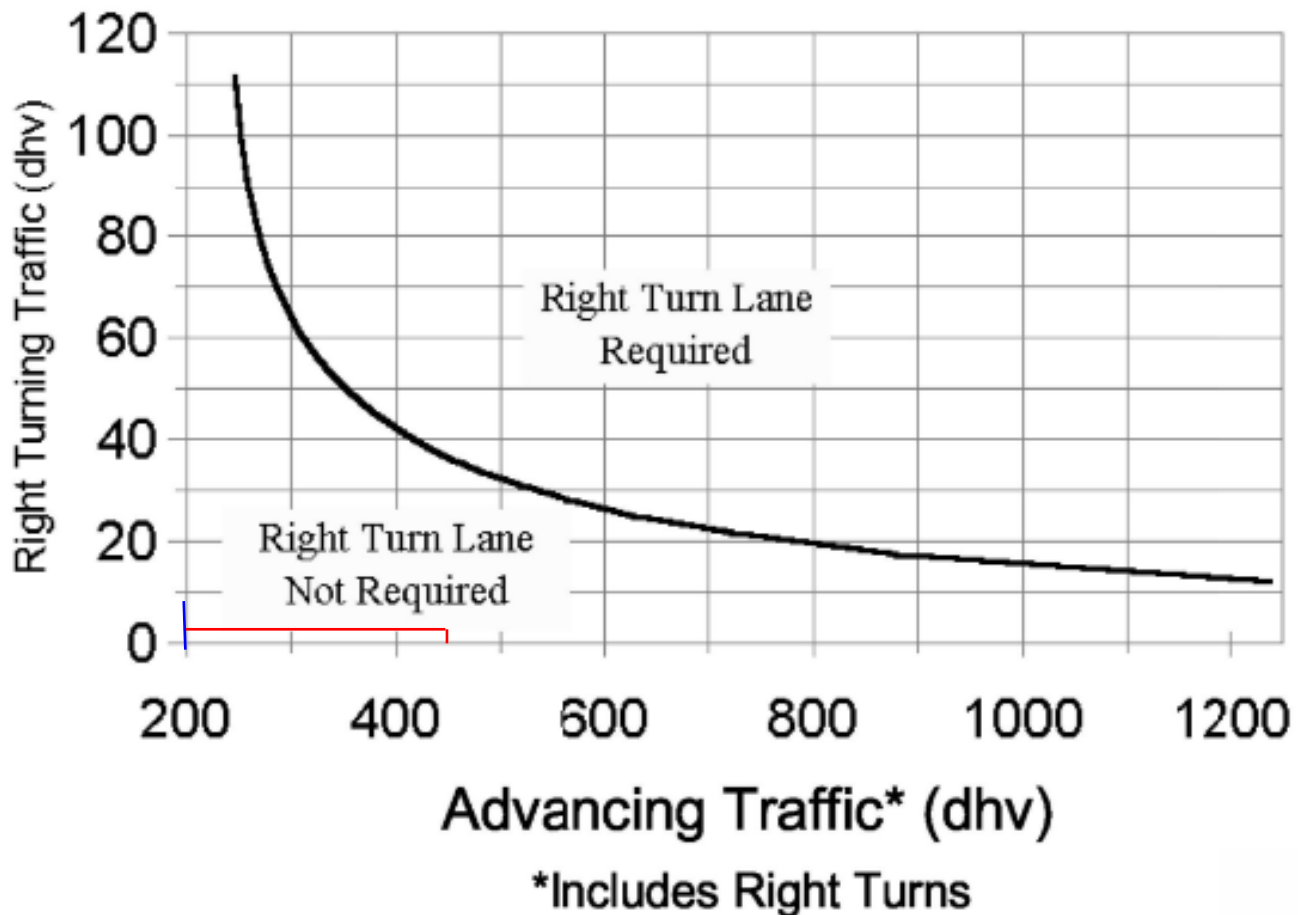
2-LANE RIGHT TURN LANE WARRANT (HIGH SPEED)

401-6b

REFERENCE SECTION
401.6.3

Piatt Road and Access B

2-Lane Highway Right Turn Lane Warrant > 40 mph or 70 kph Posted Speed



SBRT	Advancing	Right Turning	Warranted?
Future Build AM	445	2	No
Future Build PM	206	8	No

APPENDIX

E.

Turn Lane Length Analysis

INTERSECTION - Access B & Piatt Road

Future Build

Cycle Length (Secs.)	Movement	Design Speed (mph)	# of Lanes		Analysis Peak Period	Thru Lane DHV	Turn Lane DHV	Calculated Turn Lane (FT)	Thru Movement Backup (FT)	Blocked	Required Turn Lane (FT)
			Thru	Turn							
60	EBL	25	1	0	AM	64	7	N/A	N/A	N/A	N/A
					PM	41	5	N/A	N/A	N/A	
	EBR	25	1	0	AM	7	64	N/A	N/A	N/A	N/A
					PM	5	41	N/A	N/A	N/A	
	WBL	0	0	0	AM	0	0	N/A	N/A	N/A	N/A
					PM	0	0	N/A	N/A	N/A	
	WBR	0	0	0	AM	0	0	N/A	N/A	N/A	N/A
					PM	0	0	N/A	N/A	N/A	
	NBL	55	1	1	AM	173	13	285	200	N/A	285
					PM	320	43	285	300	N/A	
	NBR	55	1	0	AM	173	0	N/A	N/A	N/A	N/A
					PM	320	0	N/A	N/A	N/A	
	SBL	55	1	0	AM	445	0	N/A	N/A	N/A	N/A
					PM	206	0	N/A	N/A	N/A	
	SBR	55	1	0	AM	443	2	N/A	N/A	N/A	N/A
					PM	198	8	N/A	N/A	N/A	




APPENDIX

F.

Synchro-11 Capacity Analysis

1: Peachblow Rd & Access A
Future Build

AM Peak Hour

Intersection						
Int Delay, s/veh	0.1					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	0	156	136	10	0	5
Future Vol, veh/h	0	156	136	10	0	5
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	20	3	3	2	2
Mvmt Flow	0	170	148	11	0	5




Major/Minor	Major1	Major2	Minor2
Conflicting Flow All	159	0	0 324 154
Stage 1	-	-	- 154 -
Stage 2	-	-	- 170 -
Critical Hdwy	4.12	-	- 6.42 6.22
Critical Hdwy Stg 1	-	-	- 5.42 -
Critical Hdwy Stg 2	-	-	- 5.42 -
Follow-up Hdwy	2.218	-	- 3.518 3.318
Pot Cap-1 Maneuver	1420	-	- 670 892
Stage 1	-	-	- 874 -
Stage 2	-	-	- 860 -
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	1420	-	- 670 892
Mov Cap-2 Maneuver	-	-	- 670 -
Stage 1	-	-	- 874 -
Stage 2	-	-	- 860 -

Approach	EB	WB	SB
HCM Control Delay, s	0	0	9.1
HCM LOS			A

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1420	-	-	-	892
HCM Lane V/C Ratio	-	-	-	-	0.006
HCM Control Delay (s)	0	-	-	-	9.1
HCM Lane LOS	A	-	-	-	A
HCM 95th %tile Q(veh)	0	-	-	-	0

2: Piatt Rd & Access B
Future Build

AM Peak Hour

Intersection						
Int Delay, s/veh	1.4					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	7	64	13	173	443	2
Future Vol, veh/h	7	64	13	173	443	2
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	9	9	2	2
Mvmt Flow	8	70	14	188	482	2




Major/Minor	Minor2	Major1	Major2			
Conflicting Flow All	699	483	484	0	-	0
Stage 1	483	-	-	-	-	-
Stage 2	216	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.19	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.281	-	-	-
Pot Cap-1 Maneuver	406	584	1043	-	-	-
Stage 1	620	-	-	-	-	-
Stage 2	820	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	400	584	1043	-	-	-
Mov Cap-2 Maneuver	400	-	-	-	-	-
Stage 1	611	-	-	-	-	-
Stage 2	820	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	12.5	0.6	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1043	-	559	-	-
HCM Lane V/C Ratio	0.014	-	0.138	-	-
HCM Control Delay (s)	8.5	-	12.5	-	-
HCM Lane LOS	A	-	B	-	-
HCM 95th %tile Q(veh)	0	-	0.5	-	-




1: Peachblow Rd & Access A
Future Build

PM Peak Hour

Intersection						
Int Delay, s/veh	0.1					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	0	170	142	35	0	4
Future Vol, veh/h	0	170	142	35	0	4
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	5	5	14	14	2	2
Mvmt Flow	0	185	154	38	0	4
Major/Minor	Major1	Major2		Minor2		
Conflicting Flow All	192	0	-	0	358	173
Stage 1	-	-	-	-	173	-
Stage 2	-	-	-	-	185	-
Critical Hdwy	4.15	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	2.245	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	1364	-	-	-	640	871
Stage 1	-	-	-	-	857	-
Stage 2	-	-	-	-	847	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1364	-	-	-	640	871
Mov Cap-2 Maneuver	-	-	-	-	640	-
Stage 1	-	-	-	-	857	-
Stage 2	-	-	-	-	847	-
Approach	EB	WB		SB		
HCM Control Delay, s	0	0		9.2		
HCM LOS				A		
Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1	
Capacity (veh/h)	1364	-	-	-	871	
HCM Lane V/C Ratio	-	-	-	-	0.005	
HCM Control Delay (s)	0	-	-	-	9.2	
HCM Lane LOS	A	-	-	-	A	
HCM 95th %tile Q(veh)	0	-	-	-	0	

2: Piatt Rd & Access B
Future Build

PM Peak Hour

Intersection						
Int Delay, s/veh	1.3					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	5	41	43	320	198	8
Future Vol, veh/h	5	41	43	320	198	8
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	5	45	47	348	215	9





Major/Minor	Minor2	Major1	Major2			
Conflicting Flow All	662	220	224	0	-	0
Stage 1	220	-	-	-	-	-
Stage 2	442	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	427	820	1345	-	-	-
Stage 1	817	-	-	-	-	-
Stage 2	648	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	409	820	1345	-	-	-
Mov Cap-2 Maneuver	409	-	-	-	-	-
Stage 1	782	-	-	-	-	-
Stage 2	648	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	10.2	0.9	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1345	-	739	-	-
HCM Lane V/C Ratio	0.035	-	0.068	-	-
HCM Control Delay (s)	7.8	-	10.2	-	-
HCM Lane LOS	A	-	B	-	-
HCM 95th %tile Q(veh)	0.1	-	0.2	-	-





2: Piatt Rd & Access B
Future Mitigated Build

AM Peak Hour

Intersection						
Int Delay, s/veh	1.4					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	7	64	13	173	443	2
Future Vol, veh/h	7	64	13	173	443	2
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	285	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	9	9	2	2
Mvmt Flow	8	70	14	188	482	2
Major/Minor	Minor2	Major1		Major2		
Conflicting Flow All	699	483	484	0	-	0
Stage 1	483	-	-	-	-	-
Stage 2	216	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.19	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.281	-	-	-
Pot Cap-1 Maneuver	406	584	1043	-	-	-
Stage 1	620	-	-	-	-	-
Stage 2	820	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	401	584	1043	-	-	-
Mov Cap-2 Maneuver	401	-	-	-	-	-
Stage 1	612	-	-	-	-	-
Stage 2	820	-	-	-	-	-
Approach	EB	NB		SB		
HCM Control Delay, s	12.5	0.6		0		
HCM LOS	B					
Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR	
Capacity (veh/h)	1043	-	559	-	-	
HCM Lane V/C Ratio	0.014	-	0.138	-	-	
HCM Control Delay (s)	8.5	-	12.5	-	-	
HCM Lane LOS	A	-	B	-	-	
HCM 95th %tile Q(veh)	0	-	0.5	-	-	

2: Piatt Rd & Access B
Future Mitigated Build

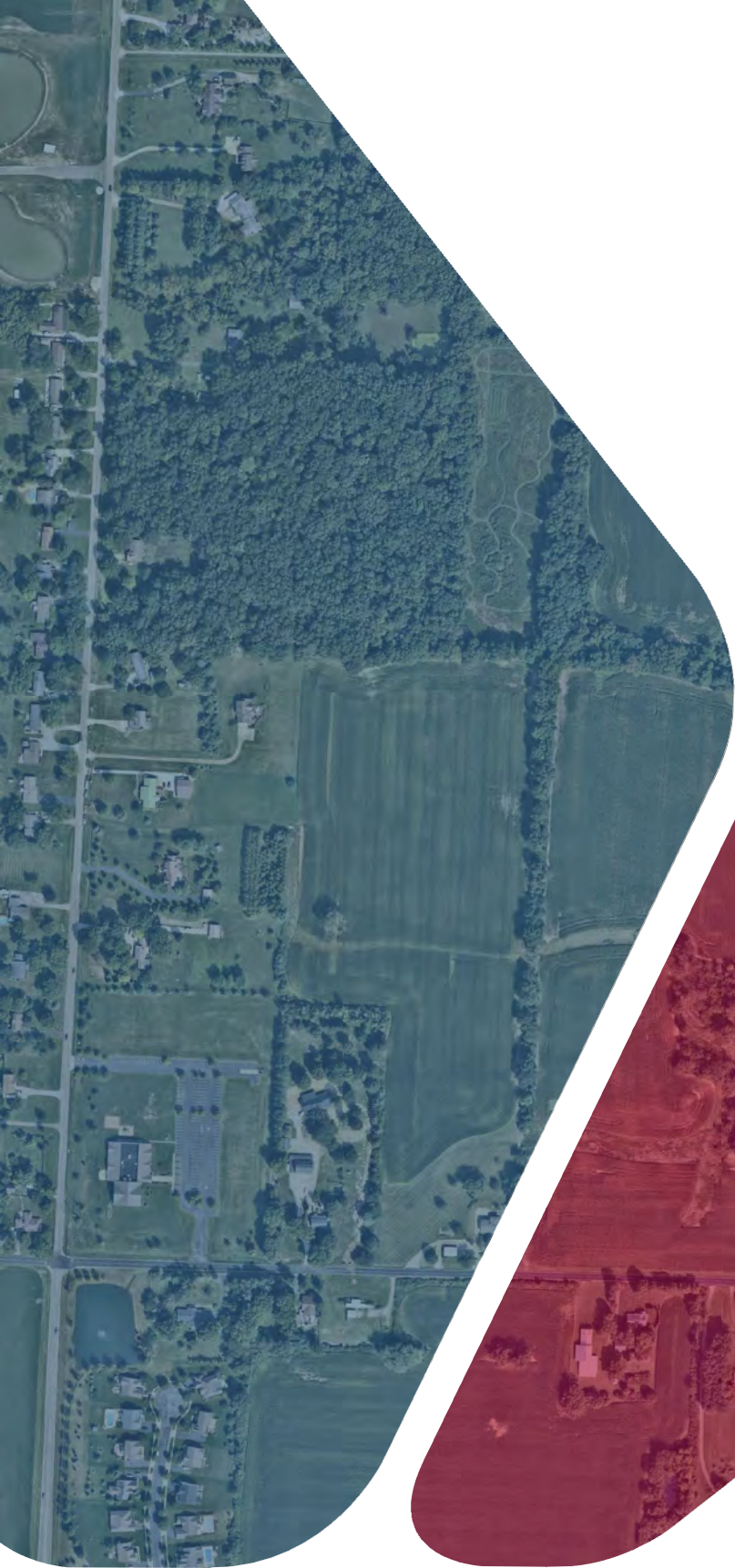
PM Peak Hour

Intersection						
Int Delay, s/veh	1.3					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	5	41	43	320	198	8
Future Vol, veh/h	5	41	43	320	198	8
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	285	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	5	45	47	348	215	9

Major/Minor	Minor2	Major1	Major2			
Conflicting Flow All	662	220	224	0	-	0
Stage 1	220	-	-	-	-	-
Stage 2	442	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	427	820	1345	-	-	-
Stage 1	817	-	-	-	-	-
Stage 2	648	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	412	820	1345	-	-	-
Mov Cap-2 Maneuver	412	-	-	-	-	-
Stage 1	788	-	-	-	-	-
Stage 2	648	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	10.2	0.9	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1345	-	740	-	-
HCM Lane V/C Ratio	0.035	-	0.068	-	-
HCM Control Delay (s)	7.8	-	10.2	-	-
HCM Lane LOS	A	-	B	-	-
HCM 95th %tile Q(veh)	0.1	-	0.2	-	-



Kimley»»Horn

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**DECLARATION OF COVENANTS, EASEMENTS, RESTRICTIONS, AND
ASSESSMENT LIENS FOR PEACHBLOW CROSSING SECTION 1 PART 2**

This is an amended declaration of covenants, easements, restrictions, and assessment liens made this 8th day of March, 2022 by APN Group LLC, the Delaware Corporation (hereinafter referred to as "Declarant").

Background

A. Declarant is the owner in fee simple of certain real estate, situated in the Township of Berlin, County of Delaware, and State of Ohio and

Being Lots 1000 through 1140 both inclusive of
Peachblow Crossing as the same are numbered and
delineated upon the recorded plat thereof, of record in
Cabinet [REDACTED] Recorder's Office, Delaware
County, Ohio.

B. Declarant intends during the course of development of the real estate described in paragraph A., which is hereafter referred to as **Peachblow Crossing**, to construct and develop certain common improvements, including fences, landscaped and preservation areas, street islands, entrance walls, bicycle and walking paths, common open spaces, streams, ponds, sidewalks and similar features for the benefit of Declarant as well as owners of all of the lots in Peachblow Crossing and all other real estate which may be added to the Subdivision (as defined in **Article I, Section 8 hereof**).

C. Declarant desires to create a plan of restrictions, easements and covenants concerning the lots in Peachblow Crossing and to retain in Declarant or Declarant's Developer, APN Group, plan approval of the dwelling units to be constructed on the lots in Peachblow Crossing, and the easements and covenants shall also relate to overall development for the benefit of and to protect the interest of the public, Declarant, each lot owner, and their respective heirs, successors and assigns.

**COVENANTS, EASEMENTS, RESTRICTIONS
AND ASSESSMENT LIENS**

NOW, THEREFORE, Declarant hereby declares that the Lots (as defined in Article I, Section 5 hereof) shall be held, sold, conveyed and occupied subject to the following covenants, easements, and restrictions which are for the purpose of protecting the values and desirability of, and which shall run with the title to, the land and each part thereof, and be binding on all parties having any right, title or interest in the land and each part thereof, and their respective heirs, successors and assigns, and shall inure to the benefit of and be enforceable by Declarant, its successors and assigns, the Trustees of Berlin Township, Lot Owner in the Subdivision (as defined in Article I, Section hereof), the respective heirs, successors and assigns of each Lot Owner, and the Association, an Ohio not-for-profit corporation, whose members are all Lot Owners of the Subdivision, respectively, both formed to maintain and administer certain common improvements which have been, and will be, transferred to them by Declarant, its successors and assigns, and administer and enforce the covenants created hereunder.

ARTICLE I - DEFINITIONS

As used herein, the following terms shall have the following definitions:



Section 1. "**Association**" shall mean the Peachblow Crossing Residents Association, an Ohio not-for-profit corporation, its successors and assigns, or some other association designated by Developer.

Section 2. "**Common Improvements**" shall mean those areas owned by the Association, or designated by the Developer, which the Association and its Lot Owners are required to construct, maintain and administer, including fences, landscaped and preservation areas, street islands, entrance walls, bicycle and walking paths, common open spaces, streams, ponds, sidewalks and other improvements owned, maintained or administered by the Association or which are designated by the Developer or government authorities as the responsibility of the Association or Lot Owners.

Section 3. "**Developer**" shall mean APN Group LLC., its successors and assigns.

Section 4. "**Improvement**" shall mean any change of any kind in any Lot or Common Area or anything located thereon.

Section 5. "**Lot**" shall mean any Lot described in Background paragraph A., and any Lots added in accordance with Article V, Section 6 hereof.

Section 6. "**Owner**" or "**Lot Owner**" shall mean the holder of record title to the fee simple interest in any Lot, whether or not such title holder actually resides on or in any part of the Subdivision, his or her heirs, successors and assigns.

Section 7. "**Restrictions**" shall mean these covenants, restrictions, conditions and assessments together with all of the provisions contained herein as they now appear or as they may hereafter be amended.

Section 8. "**Subdivision**" shall mean Peachblow Crossing in Berlin Township, Delaware County, Ohio, and each additional area that may be added in accordance with **Article V, Section 6** hereof.

ARTICLE II - ARCHITECTURAL CONTROL

Section 1. **Approval Required.** No Improvements or change of any kind, including without limitation any

- (a) Building, construction, placement of or addition to or alteration of any structure (whether temporary or permanent);
- (b) Changes in color, material finish, or appearance of any improvement;
- (c) Excavation, alteration of grade;
- (d) Landscaping, tree or shrubbery removal or plantings, or landscaping plan;
- (e) Construction, placement of or addition to or alteration of any:
 - (i) Fencing, walls, screening;
 - (ii) Walkways, driveways, parking area;
 - (iii) Patio, deck, porch;
 - (iv) Swimming pool, hot tub, spa;
 - (v) Children's recreational equipment or structures (including treehouses,



- playhouses, basketball hoops, and playground equipment);
- (vi) Tennis court or other athletic facility; or
- (vii) Flag pole, exterior lighting, ornamentation, or sign; or

- (f) Any other change which in any way alters the exterior appearance of the Lot from its theretofore natural or improved state, including a change, alteration, or other modification of any of the foregoing previously approved hereunder;

Shall be commenced or permitted to remain on any Lot unless such Improvement or change has the prior written approval of the Developer. No excavation shall be made, no construction begun and no materials shall be stored on the Lot until receipt of written approval from the Developer.

Section 2. **Method to Request Approval.** All approvals shall be requested by submission to the Developer of plans and specifications in duplicate, showing the following:

- (a) The arrangement of the interior and exterior of the residential structure including:
 - (i) Color and texture of building materials;
 - (ii) Type and character of all windows, doors, and exterior lighting fixtures;
 - (iii) Type and character of chimneys;
 - (iv) Location of the structure and orientation of the structure to the topography;
- (b) Existing and proposed land contours and grades;
- (c) All buildings and other Improvements including walkways, access drives and parking areas, and other improved areas, and the locations thereof on the site, existing or proposed;
- (d) All landscaping, including existing and proposed tree locations and planting areas (and specie thereof), mailbox locations, and exterior ornamentation (a detailed landscape plan must be submitted);
- (e) Plans for all floors, cross sections, and elevations, including projections and wing walls;
- (f) Exterior lighting plans;
- (g) Plans and specifications for all outdoor recreational and play areas, including swimming pool, spa, or other athletic facility;
- (h) Plans and specifications for walls, fencing, and screening;
- (i) Plans and specifications for patios, decks, and porches or any other exterior changes or Improvements;
- (j) The names and credentials of the architects, including landscape architects, and builders, of the Improvements;



(k) Such additional information, data, specifications, and drawings as may be reasonably requested by the Developer.

Specifications shall describe types of construction and exterior materials to be used, including, without limitation, the colors and manufacturers thereof, and shall otherwise be prepared according to standards established from time to time by the Developers.

Section 3. **Basis of Approval.** Approval shall be based, among other things, upon consistency and harmony of the proposed plans and specifications with the original rural residential form of the region, the design and quality of the Subdivision, other structures in the Subdivision and neighboring property as to external design, appearance and type of construction, materials, colors, setting, height, grade, finished grade elevation, and landscaping and tree removal, and conformity of the plans and specifications to the purpose and general intent of this Declaration and the Development Plan Criteria and Development Standards established by the zoning in effect for this area.

Section 4. **Building Actions.** If Developer disapproves the plans and specifications the Owner may revise and resubmit the plans and specifications until approval is received. The actions of the Developer through its approval or disapproval of plans and other information submitted pursuant hereto, shall be conclusive and binding.

Section 5. **No Liability.** Neither the Developer nor any agent or employee, nor any of their respective heirs, personal representatives, successors or assigns, shall be liable to anyone by reason of any mistake in judgment, negligence, nonfeasance or misfeasance arising out of or relating to the approval or disapproval or failure to approve any plans so submitted, nor shall they, or any of them, be responsible or liable for any structural defects in such plans or in any building or structure erected according to such plans or any drainage problems resulting therefrom or any other effect on other Lots and Owners in the Subdivision or elsewhere. Every person and entity who submits plans to the Developer agrees, by submission of such plans, that he or it will not bring any action or suit against the Developer to recover any damages or to require the Developer to take, or refrain from taking, any action whatever in regard to such plans or in regard to any building or structure erected in accordance with these restrictions.

Section 6. **No Reliance.** No Lot Owner may rely upon the submission and/or approval of any such plans or the buildings or structures described therein, or upon the Developer, to maintain the quality of, or a design plan for, the Subdivision.

Section 7. **Requirement of Completion; Notice of Completion. Non-completion or Non compliance.** An Owner shall cause any Improvement to be diligently pursued to completion within fifteen (15) months after the date construction is commenced. Any Improvement which has been partially or totally destroyed by fire or otherwise shall be repaired or removed within three (3) months after the time of such destruction. Upon the completion of any Improvement, the Owner may file with the Developer a notice of completion and compliance which shall give rise to a conclusive presumption in favor of the Owner that the Improvement is completed and in compliance with all provisions of this Article II, unless within thirty (30) days of the filing the Developer gives actual notice of non-compliance or non-completion. Notice of non-compliance or non-completion will be considered to be delivered when it is posted on or about the Improvements in question or delivered by certified mail or in person to the Owner.

ARTICLE III - GENERAL PROVISIONS

Section 1. **Residential Purposes.** No Lot shall be used except for single-family residential purposes, except that Lots 2527 and 2528 may only be used for Common Open Space uses.



Section 2. **Trade or Commercial Activity Barred.** No trade or commercial activity shall be conducted upon any Lot, nor shall anything be done thereon which may become an annoyance or nuisance to any Owner of any Lot in the Subdivision.

Section 3. **Maintenance of Lots and Improvements.** The Lots, including any land which has been altered from its natural state existing at the time of this Declaration, shall be landscaped according to plans approved in writing by the Developer. All shrubs, trees, grass and plantings of every kind shall be kept well maintained, properly cultivated and free of trash and other unsightly material. Landscaping approved by the Developer shall be installed no later than one hundred eighty (180) days following occupancy of, or completion of, any building, whichever occurs first. Each Lot shall be regularly mowed and no Lot shall be allowed to become overgrown or unsightly. No vegetable or other produce garden may be located so as to be visible from outside the Lot. All Improvements shall at all times be kept in good condition and repair and adequately painted or otherwise finished in accordance with specifications established by the Developer.

Section 4. **Site Placement.** All buildings and other Improvements shall be placed so that the existing topography and landscape shall be disturbed as little as possible, and so that the maximum number of desirable trees and other natural features will be preserved, unless the Developer approves in writing some other placement.

Section 5. **Exterior Appearance and Materials.** Finish building materials shall be applied to all sides of the exteriors of buildings. Colors and building materials shall be harmonious and compatible with colors of the natural surrounding and adjacent buildings and Improvements. All facades of each building shall be consistent so that looking at one facade reflects the view of the overall character of the building.

Street facing facades shall be either totally of brick or native or imitation limestone with stucco or wooden clapboard accents for siding. At least 50% of the street facing facade shall be brick or native or imitation limestone as long as, brick or native or imitation limestone are used as accents on all other sides. The remaining 50% of the street facing facade may be either stucco, beaded vinyl or wooden siding. If siding is used as the sole exterior material, it must be wood on all sides. Homes are acceptable with stucco facades if there are sufficient stucco details on all sides including windows and doors and the like. On corner lots, the secondary street facade shall be complementary to the front and be of a higher level of development than the other side and rear. All doors and windows shall be trimmed with appropriate wood molding at least six inches wide.

Developer shall have the sole right to approve or disapprove designs and materials so controlled.

Section 6. **Exterior Colors.** Exterior colors of excessively high chroma or intensity are not permitted. No more than two colors in addition to the colors of the native materials may be used on building materials. Developer shall have the sole right to approve or disapprove colors so controlled.

Section 7. **Roofs and Chimneys.** Roof materials shall be medium to dark in color with no brown color ranges allowed. All roof structures shall have a minimum pitch of 6:12. No flat roofs are permitted. All chimneys shall be entirely of masonry construction. Chimneys on homes that are entirely of stucco may be stucco exterior over masonry.

Section 8. **Garage.** No dwelling may be constructed on any Lot unless an attached enclosed garage for at least two automobiles is also constructed thereon. Garage doors shall be panelled and of one color and material.



Section 9. **Service Screening, Storage Areas.** All garbage, trash and other waste shall be placed in containers which shall be concealed and contained within buildings, or shall be concealed by means of a screening wall of material similar to and compatible with that of the building on the Lot, or shall be concealed by sufficient landscaping to provide a permanent screen at all times of the year. These elements shall be integrated with the building plan, designed so as not to attract attention, and shall be located in as reasonably inconspicuous a manner as possible. Unless specifically approved by the Developer, no materials, supplies or equipment shall be stored on the Lot except inside a closed building, or behind a visual barrier screening such areas so that they are not visible from neighboring streets or properties.

Section 10. **Drives, Curbs, and Walks.** Drives, curbs, parking areas and walks shall be constructed or altered only in accordance with plans and specifications submitted to and approved in writing by the Developer. Public sidewalks constructed on or in front of Lots 2462, 2480 through 2489 and 2491 and on both street sides of Lot 2490 and any other Lots shall be maintained by the respective lot owners.

Section 11. **Storage Tanks.** No storage tanks, including, but not limited to, those used for storage of water, gasoline, oil, other liquid or any gas, shall be permitted on a Lot outside a building except as approved in writing by the Developer.

Section 12. **Building Exterior.** All windows, porches, balconies and the exterior of buildings shall at all times be maintained in a neat and orderly manner. Draperies and other window treatment shall be harmonious with the outside of each building. No clothing or any other household fabrics shall be hung in the open on any Lot and no clotheslines or other outside drying or airing facilities shall be permitted.

Section 13. **Removal of Trees.** In order that the natural beauty of the Subdivision may be preserved, no living tree having a caliper measurement or diameter of six (6) inches or more shall be destroyed or removed from a Lot, unless specifically approved by the Developer. In the event of a violation of this paragraph, Developer may, at its option, cause any tree so removed or destroyed to be replaced with another tree and the Owner of the Lot on which the tree was located shall reimburse Developer for all expenses incurred by it; provided, however, that with respect to the replacement of a tree, there shall be no obligation of reimbursement in any amount in excess of the expenses which would be incurred if the destroyed or removed tree were replaced with a tree similar in type and size.

Section 14. **New Trees.** All street and shade trees shall have a minimum caliper of 2 1/2 inches. All evergreen trees shall be at least 5 feet tall. All ornamental trees shall have either a minimum caliper of 1 1/1 inches or be between 6 and 8 feet in height. Street trees shall be planted as required by the Developer.

Section 15. **Pools and Hot Tubs.** No above ground pool which requires a filtration system or is more than six (6) feet in diameter and 18 inches deep shall be placed or maintained on any Lot. No other swimming pool, hot tub or spa may be placed or maintained on any Lot without the prior written approval of the Developer.

Section 16. **Playground Equipment/Tennis Courts.** No playground equipment or tennis or similar court shall be placed or maintained on any Lot without the prior written approval of the Developer.

Section 17. **Fencing.** Fencing is permitted immediately around a patio, pool or similar Improvement provided it is approved in writing by the Developer and is no more than 6 feet in height. The location of any other fencing must be approved by the Developer in writing. Perimeter fencing is not



permitted, all fencing must be black aluminum fencing .

Section 18. **Mailboxes**. All mailboxes in the Subdivision shall be selected by the Developer, who shall also prescribe the location and installation of the boxes and reside in a common mail area as designated by developer.

Section 19. **Exterior Lighting**. Only exterior lighting which has the prior written approval of the Developer may be installed on a Lot. Such lighting shall utilize features compatible with the specific architectural style of the building and shall be designed to minimize glare and light trespass onto adjacent Lots.

Section 20. **Hobbies**. Hobbies or activities that tend to detract from the aesthetic character of the Lot, and Improvements used in connection with such hobbies or activities, shall not be permitted unless carried out or conducted within a building and not visible from either the street or adjacent property. This section includes, but is not limited to, such activities as automotive and boat repair, and sports activities.

Section 21. **Temporary Residences**. No structure of a temporary character, mobile home, trailer, boat trailer, truck, commercial vehicle, recreational vehicle (RV), camper shell, all terrain vehicle (ATV), camper or camping trailer, basement, tent, shack, garage, bam or other outbuilding shall be used as a residence on any Lot either temporarily or permanently.

Section 22. **Mineral Exploration**. The Lot shall not be used in any manner to explore for, use, or commercially exploit any water, oil or other hydrocarbons, minerals of any kind, gravel, earth, soil, or any other substance located in or under the ground. In particular, no wells may be located on the lot and no water may be removed from any pond, lake, or other body of water located on, adjacent to, or near the Lot.

Section 23. **Machinery and Equipment**. No commercial machinery or equipment of any kind shall be placed, operated or maintained upon the Lot except such machinery or equipment reasonably necessary for use in connection with maintenance or construction of Improvements as approved by the Developer.

Section 24. **Signs**. No signs of any kind shall be displayed on any Lot, except one temporary sign of not more than two feet by two feet (2' x 2') advertising the property for sale or rent, or used by the builder to advertise the property during the construction sales period, or signs the restriction of which is prohibited by law.

Section 25. **Antennas**. Television, radio and ham radio antennas shall be prohibited on the exterior of any Improvement or Lot. Satellite dishes not exceeding twenty-five (25) inches in diameter may be placed on the Lot, provided they are approved in writing by the Developer.

Section 26. **Solar Panels**. Solar panels, attached, shall be permitted based on design review by the HOA

Section 27. **Nuisances**. No noxious or offensive activity shall be carried on upon any Lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighboring property. Without limiting any of the foregoing, no exterior lights, the principal beam of which shines upon portions of a Lot other than the Lot upon which they are located, or which otherwise cause unreasonable interference with the use and enjoyment of another Lot by the occupants thereof and no speakers, horns, whistles, bells or other sound devices which can be heard off the Lot, shall be located, used or placed on a Lot, except security devices used exclusively for security purposes which are activated only in emergency situations or for testing thereof.

Section 28. **Temporary Improvements.** No temporary building or structures shall be permitted on any Lot; provided, however, trailers, temporary buildings, barricades and the like shall be permitted during construction of initial Improvements on a Lot, provided the design, appearance, and location have the prior written approval of the Developer. Such Improvements shall be removed not later than fourteen (14) days after the date of completion of the Improvements for which the temporary structure was used, and shall be permitted to remain for no longer than one (1) year unless a greater period is approved in writing by the Developer.

Section 29. **Animals.** No animals, birds, insects, livestock, or poultry of any kind shall be raised, bred or kept on any Lot, except dogs, cats, or other household pets which are kept for domestic purposes only, and are not kept, bred or maintained for any commercial purpose. No more than two dogs or two cats or two other pets which are permitted outdoors may be kept on any Lot except when animals in excess of such numbers are less than three months old.

Section 30. **Vehicle Parking and Storage.** No automobile, mobile home, trailer, boat, camper, recreational vehicle, commercial vehicle, or other motor driven vehicle shall be parked or stored on any Lot unless it is in a garage, except that

- (a) such vehicles, if operable, may be parked outside the garage for an occasional, nonrecurring, temporary period not to exceed 72 hours in any thirty (30) days; and
- (b) automobiles in good condition may be parked outside the garage on a regular basis if there is insufficient space in the garage and the automobiles are driven regularly by a person residing on the Lot.

Section 31. **Lot Split.** No Lot shall be split, divided, or subdivided for sale, resale, gift, transfer, or otherwise, so as to create a new building lot.

Section 32. **Contiguous Lots.** An Owner may use more than one lot as a site for a single dwelling unit only if the Owner obtains the prior written permission of the Developer.

Section 33. **Utility and Drainage Easements.** Location of easements for the installation of utilities and for surface drainage are reserved as shown on the recorded plat. No lines, wires or other devices for communication purposes, including telephone, television, data and radio signals, or for transmission of electric current or energy, shall be constructed, placed or maintained anywhere in or upon the Subdivision unless they are placed and maintained underground or concealed in, under or on buildings or other Improvements; provided that, if properly screened, above-ground electrical transformers and other equipment may be permitted with the prior written approval of the Developer. All gas, water, sewer, oil and other pipes for gas or liquid transmission shall be placed underground or within or under buildings or other Improvements. Nothing herein shall be deemed to forbid the erection and use of temporary power or telephone service incidental to the construction of Improvements.

Section 34. **Use of Other Easements.** In addition to the utility easements herein designated, easements in the private streets are hereby reserved and granted to the Developer, and any utility company or governmental unit engaged in supplying one or more utility services to the Subdivision to install, lay, erect, construct, renew, operate, repair, replace, maintain or remove all and every type of gas, water, sanitary or storm sewer or other utility facilities.

Section 35. **Drainage and Grading.** No drainage ditches, cuts, swales, streams, impoundments, ponds, or lakes; no mounds, knobs, dams or hills, and no other physical improvements or elements of the landscape or terrain which control or determine the location or flow of surface water and drainage



patterns may be destroyed, altered or modified without the prior written approval of the Developer. No Improvements to a Lot shall be made in any manner whatsoever that are inconsistent with the master grading plans established by the plat or the Developer for the Lots, as the plans now exist or may hereafter be modified from time to time, without the prior written approval of the Developer. Whenever, because of construction of Improvements on a Lot, or for some other reason, silt runs off of the Lot onto any adjacent property, the Owner of the Lot shall be obligated to provide a means of siltation control to prevent such run off. Roof drains, foundation drains, and other clean water connections to the sanitary sewer system are prohibited.

Section 36. **Entrance Walls, Fencing, Subdivision Identification Signs, Earthmounds and Landscaping.** The walls, fencing, subdivision identification signs, earth mounds, electrical facilities, irrigation systems and landscaping placed on any of the Lots in the Subdivision by Developer shall not be removed or changed except by the Developer who shall have the right to enter the Lots to do so. They shall be maintained in good condition by the Association, or, if not, by the Owners of Lots on which such features are located.

Section 37. **No Build Zone.** No structure of any kind, including fences, may be erected or permitted to extend into those areas shown on the Plat as "no build zones," except for utility lines and other improvements required for the overall development of the Subdivision.

Section 38. **Maintenance of Common Improvements.** The Association shall be responsible for maintaining the other Common Improvements, including Open Spaces now a part or subsequently added to the Subdivision, all common landscaped areas and other areas, any irrigation system on the common spaces and areas, fences, entrance walls and other Common Improvements designated by the Developer or government authorities or assumed by the Association. The Association shall have an easement over each Lot for the purpose of maintaining and repairing the Common Improvements. The Association shall use its best efforts to maintain comprehensive general liability insurance, in an amount of not less than \$1,000,000 per person and \$3,000,000 per occurrence for bodily injury and \$500,000 per occurrence for property damage and such other insurance as shall be reasonably required by Developer.

ARTICLE IV - ASSESSMENTS

Section 1. **Establishment of Assessment.** For the purpose of providing funds for maintenance and improvement of the Common Improvements and all of the other obligations of the Association set forth in Article III, and other expenses and costs incurred by the Association, the Association shall, on a date selected by the Developer and prior to January 1 of each calendar year thereafter, determine an estimated budget for the following calendar year, or in the case of the first year, if only a part of a calendar year, for the remainder of that calendar year, and establish an equal annual assessment as to each Lot. The total assessment collected for the Lots in the Subdivision must be an amount sufficient to meet the obligations of the Association under this Declaration. These assessments shall be payable in advance in such periodic installments and on such due dates, as the Association from time to time determines, provided, that if any installments of any assessment is not paid within thirty (30) days after it has become due, the Association may, at its option, without notice or demand (i) declare the entire balance of the assessment immediately due and payable; (ii) assess interest on the unpaid balance at the highest rate of interest then permitted by law, or at such lower rate as the Association may from time to time determine, and (iii) assess reasonable, uniform, late fees. There shall be an initial assessment from each Lot Owner at the date of purchase from Developer of \$200 or such greater amount as shall be determined by the Association.

Section 2. **Establishment of Lien.** If any Lot Owner shall fail to pay any installment of the assessment established in Section 1 within thirty (30) days after it is due, the Association shall be entitled to a valid lien for that installment or the unpaid portion of that year's assessment, if the Association so



elects, together with interest, late fees and costs, which lien shall be effective from the date the Association certifies the lien to the Delaware County Recorder. The right to file such lien is subordinate to any liens actually filed.

ARTICLE V - ENFORCEMENT AND MISCELLANEOUS

Section 1. **Enforcement.** Except as hereinafter provided, Developer, Berlin Township, each Lot Owner, and the Association severally, shall have the right to enforce, by proceedings at law or, in equity, all restrictions, conditions, covenants, reservations, and charges now or hereafter imposed by the provisions of this Declaration. Notwithstanding the foregoing, in the event of any dispute between Lot Owners or between the Association and any Lot Owner or Owners not including the Developer, as to any matter provided for herein other than with regard to the obligation for, levy, collection or enforcement, of assessments (including, without limiting the generality of the foregoing, the creation, filing and enforcement of liens), the matter shall be submitted to a single independent arbitrator selected by the Association who shall decide the dispute in accordance with and pursuant to the arbitration laws of Ohio and the arbitrator's decision shall be final and enforceable as provided above.

Section 2. **Special Assessment Lien.** Each Lot Owner shall comply, or cause compliance, with all covenants, requirements, and obligations contained herein, and with all uniform rules and regulations promulgated by the Association. Upon the failure of a Lot Owner to comply with such covenants, requirements, and obligations, the Association Berlin Township or Developer, in addition to any other enforcement rights they may have hereunder, may take whatever action either deems appropriate to cause compliance, including, but without limitation, entering upon the Lot for repair, maintenance, reconstruction and removal of any Improvements thereon or any other action required to cause compliance with the covenants, requirements and obligations contained herein. All costs incurred by the Association, Berlin Township or Developer in causing such compliance, together with the interest at such lawful rate as the Association, Berlin Township or Developer may from time to time establish, shall be immediately due and payable from the Lot Owner to the Association, Berlin Township or Developer, and the Association, Berlin Township or Developer shall be entitled to a valid lien as security for the payment of such costs incurred, and interest, which lien shall be effective from the date that the Association, Berlin Township or Developer certified the lien to the Delaware County Recorder.

Section 3. **Joint and Several Obligations.** Each and every obligation with respect to a Lot hereunder shall be the joint and several personal obligation of each Owner of a fee simple interest in the Lot at the time the obligation arose or thereafter until paid, and any demand or notice hereunder or pursuant hereto to one of such joint Owners shall be deemed given, taken or received by all such joint Owners.

Section 4. **Severability and Waiver.** Invalidation of any one of these covenants or restriction by judgment or court order shall in no way effect any other provision which shall remain in full force and effect. Failure by a benefited party to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section 5. **Amendment.** The covenants and restrictions of this Declaration shall run with and bind the land for a term of twenty-five years from the date this Declaration is recorded (except that the easements described in Sections 33, 34 and 35 of Article III shall be permanent and perpetual), after which time they shall be automatically extended for successive periods of ten (10) years, unless by agreement of the Owners of two-thirds (2/3) or more of the Lots, these covenants and restrictions are sooner terminated.

This Declaration, as it relates to the Subdivision, may be amended by a duly executed and recorded instrument signed by the Owners of no less than two-thirds (2/3) of the Lots in the Subdivision, provided that any such amendment during the first ten (10) years after the date hereof must also be approved by



the Developer. Notwithstanding the foregoing, and in addition thereto, the consent of all Lot Owners present, in person or by proxy, who are entitled to vote at a duly called and noticed meeting of the Association, and the written consent of Developer, shall be required for any amendment hereto which effects a change in (i) the method of dividing the assessments, (ii) the method of voting on Association matters, or (iii) the fundamental purposes for which the Association is organized. A holder or insurer of a first mortgage on any Lot, upon written request shall be entitled to timely written notice of any proposed amendment hereto.

Section 6. **Additions to the Subdivision**. Upon the execution and delivery by Developer of a Deed or Declaration of Covenants, Easements, Restrictions and Assessment Liens, and the filing of the same with the Recorder of Delaware County, submitting real property to the lien for assessments established by Article IV hereof, the real property described therein shall become a part of the Subdivision as defined in Article I hereof. Such additions may be made and perpetuated without the consent of the Owners.

Section 7. **Transfer to Association**. The foregoing to the contrary notwithstanding, at any time Developer no longer wishes to retain the rights granted to it in this Declaration, it may transfer those rights to the Association, and by such transfer this Declaration will be deemed to be amended, so that every reference to "Developer" herein shall be changed to "Association". The Association must accept such transfer if tendered by the Developer.

Section 8. **Constructive Notice and Acceptance**. Every person who now or hereafter owns or acquires any right, title or estate in any portion of the Subdivision is and shall be conclusively deemed to have consented and agreed to every covenant, condition and restriction contained herein whether or not a reference to this Declaration is contained in the instrument by which such person acquired an interest in a portion of the Subdivision.

ARTICLE VI - ACCEPTANCE

Section 1. **Acceptance**. By accepting a deed to any of the above described real estate or Lots, an Owner accepts the same subject to the foregoing covenants and agrees for him or herself, his or her heirs, successors and assigns to be bound by each of the covenants.

This instrument prepared by: Shay Reddy PO BOX 903 , Powell Ohio 43065

EXHIBIT "E"

Amendment to Declaration of Covenants, Easements, Restrictions and Assessment Liens for Peachblow Crossing Section 1, Part 2

The undersigned being the Developer and Owner of all of the Lots in Peachblow Crossing Section 1, Part 2, pursuant to Article V, Section 5 of the Declaration of Covenants, Easements, Restrictions and Assessment Liens for Peachblow Crossing Section 1, Part 2, filed in Deed Book 597, Page 371 of the Records of the Recorder's Office, Delaware County, Ohio, hereby amend the Declaration of Covenants, Easements, Restrictions and Assessment Liens for Peachblow Crossing, by deleting the Declaration in its entirety and substituting therefore the Amended Declaration of Covenants, Easements, Restrictions and Assessment Liens for Peachblow Crossing Section 1, Part 2.

Hamilton J. Teaford
Hamilton J. Teaford
Shawna C. Cook
SHAWNAC COOK

Signed and acknowledged
in the presence of:

Hamilton J. Teaford
Hamilton J. Teaford
Shawna C. Cook
SHAWNAC - Cook

Developer:
Planned Communities, Inc.
By *[Signature]*
JTS Pres

Owner of Lots 2462 through 2528

The Penn Traffic Company

By Planned Communities, Inc., its agent

By *[Signature]*
Its *JTS Pres*

STATE OF OHIO

County of Franklin ss:

Before me, the subscriber, a Notary Public in and for said County and State, personally appeared Jay S. Outlip, the President of Planned Communities, Inc., who acknowledged the signing of the foregoing instrument to be his free act and deed on behalf of those corporations and for the uses and purposes set forth therein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 8th day of December, 1995.



SHAWNA C. COOK
Notary Public, State of Ohio
My Commission Expires 5-26-99

Shawna C. Cook
Notary Public
My Commission Expires 5-26-99

STATE OF OHIO

County of Franklin ss:

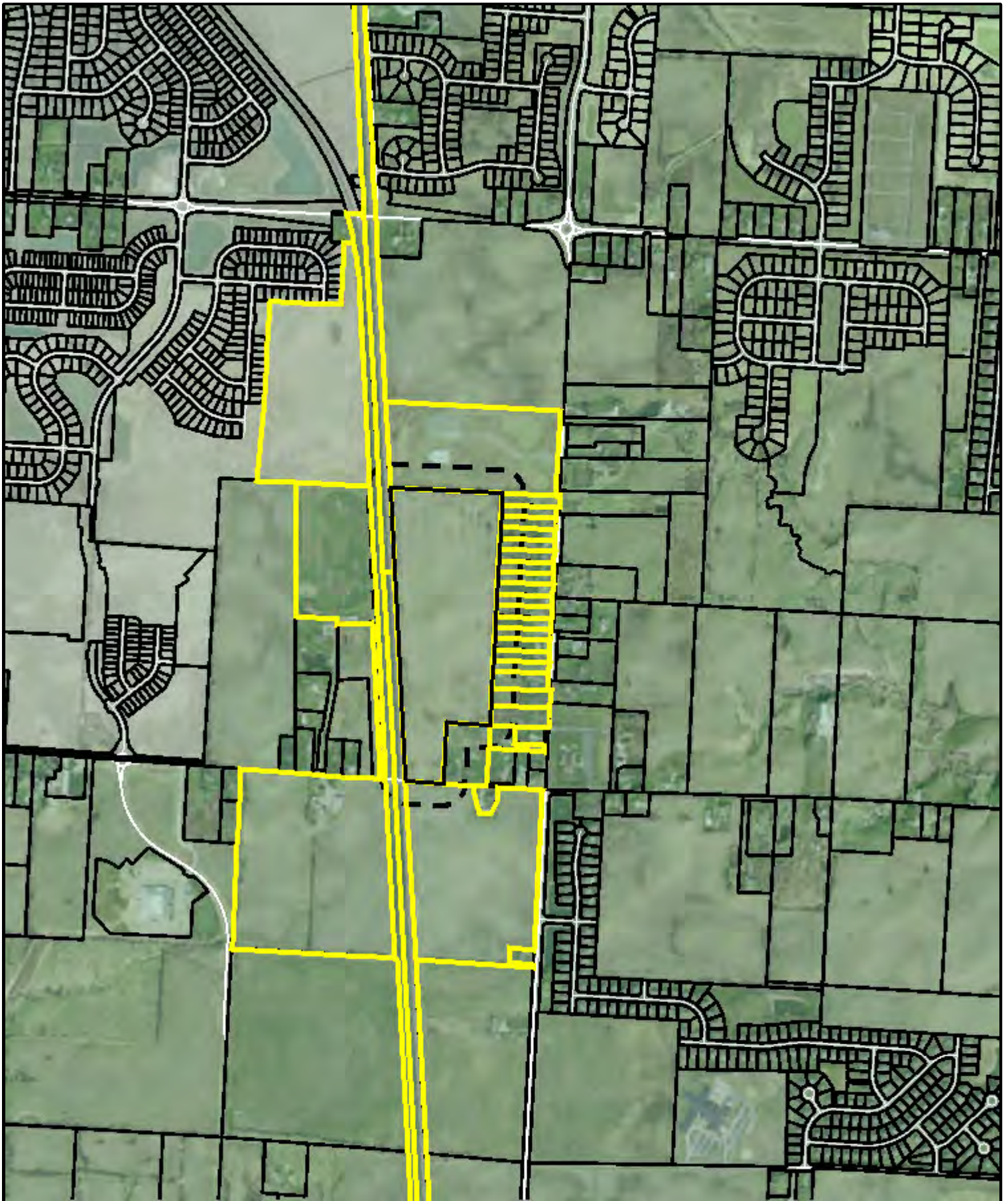
Before me, the subscriber, a Notary Public in and for said County and State, personally appeared Jay S. Outlip, the President of Planned Communities, Inc., agent of The Penn Traffic Company, who acknowledged the signing of the foregoing instrument to be his free act and deed on behalf of those corporations and for the uses and purposes set forth therein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 8th day of December, 1995.



SHAWNA C. COOK
Notary Public, State of Ohio
My Commission Expires 5-26-99

Shawna C. Cook
Notary Public
My Commission Expires 5-26-99



200 ft Residents' Info 22.09.20



Delaware County Auditor
George Kaltsa

Information contained within this map may be used to generally locate, identify and inventory land parcels within Delaware County.
Delaware County cannot warrant or guarantee the information contained herein, including, but not limited to its accuracy or completeness. The map parcel lines shown are approximate and this information cannot be constructed or used as a "legal description" of a parcel.
Flood Plain information is obtained from FEMA and is administered by the Delaware County Building Department (740-833-2201).
Please report any errors or omissions to the Delaware County Auditor's office at delcogis@co.delaware.oh.us.
Prepared by: Delaware County Auditor's GIS Office

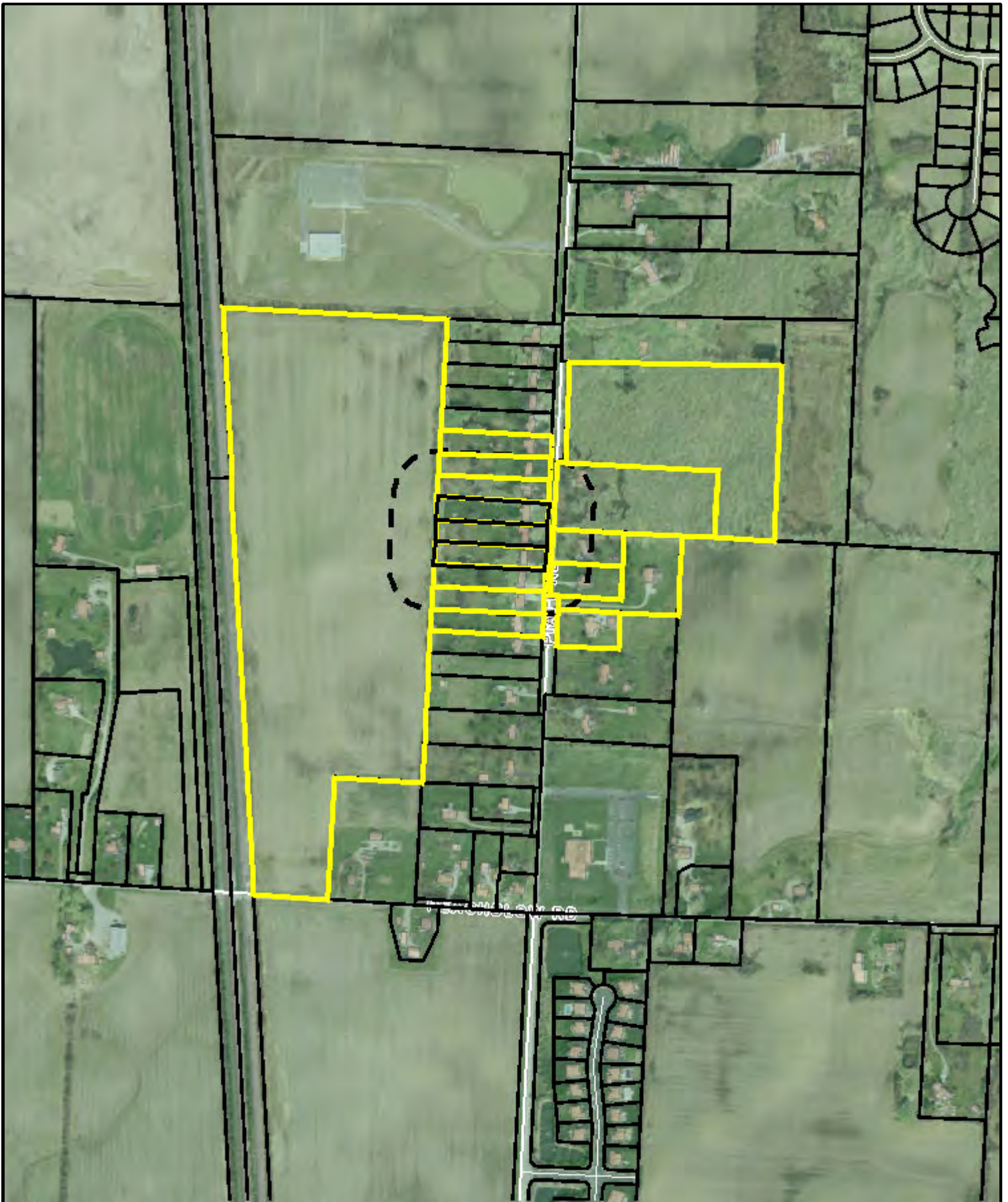
Printed on 9/20/2022



0 500 1,000 2,000
ft

Parcel Number	Owner Name	Address	Market Value	Conveyance Date	Year Built	Bedrooms	Baths	Finished Sq Ft	Acreage
41833001001000	2001 PEACHBLOW LLC	2001 PEACHBLOW RD LEWIS CENTER	455200	1/27/2017	1994	4	2	1994	21.6
41834001048002	APN GROUP LLC	2085 PEACHBLOW RD LEWIS CENTER	1063100	12/8/2020	0	0	0	0	47.605
41834001043000	BERGMAN ADAM T	4020 PIATT RD DELAWARE	280400	5/7/2012	1998	3	2	1792	1.48
41831001051000	BRISKEY RICHARD	3580 PIATT RD DELAWARE	178000	4/2/2018	1965	4	2	1728	1.21
41831001051000	BRISKEY RICHARD	3592 PIATT RD DELAWARE	178000	4/2/2018	1965	4	2	1728	1.21
41834001048001	BROWN PATRICK S & MCNAMARA BROWN JOSIE	2101 PEACHBLOW RD LEWIS CENTER	295700	2/22/2017	1901	4	1	2084	5.001
41831001054000	BRYAN JAMES E & KAREN R	3630 PIATT RD DELAWARE	258800	11/3/1993	1977	3	2	1625	1.21
41834001049000	BZ REALITY LLC	PEACHBLOW RD LEWIS CENTER	1360000	7/11/2022	1901	3	2	2777	40.651
41831001055000	CAPLINGER ROGER & BEVERLY	3640 PIATT RD DELAWARE	186000	3/1/1980	1977	3	2	1104	1.21
41833001006000	EVANS FARM DELAWARE LLC	1790 PEACHBLOW RD LEWIS CENTER	1572500	2/27/2015	1901	4	1	1778	51.752
41834001036000	HAYNES TRIMBLE G & JANICE	3810 PIATT RD DELAWARE	215200	1/1/1990	1974	3	2	1512	1.21
41834001037000	HERNANDEZ SHARON L & MARIO A	3838 PIATT RD DELAWARE	209700	7/30/2019	1978	3	1	1604	1.21
41834001035000	KINNEL NICOLE R	3794 PIATT RD DELAWARE	199800	7/26/2016	1972	3	2	1104	1.21
41834001041000	PAYNE THOMAS B	3960 PIATT RD DELAWARE	320600	4/18/2007	1982	4	2	2171	2
41834001032000	POKALA MANOJ KUMAR	3710 PIATT RD DELAWARE	248400	12/13/2021	1973	4	2	1770	1.21
41832001042000	PULTE HOMES OF OHIO LLC	CARDINAL POINT DR DELAWARE	1099800	2/27/2019	0	0	0	0	36.661
41832005901000	RAILROAD RIGHT OF WAY		0		0	0	0	0	0
41823005900000	RAILROAD RIGHT OF WAY		0		0	0	0	0	0
41823005909000	RAILROAD RIGHT OF WAY		0		0	0	0	0	0
41834001033000	RAWDON CHAD J	3740 PIATT RD DELAWARE	178300	12/10/2012	1972	3	1	1125	1.21
41834001039000	SANSOM RUSTY L & VICKI L	3880 PIATT RD DELAWARE	234100	7/1/2022	1972	5	2	2288	1.86
41831001053000	SCHWARTZ KENNETH D & ANNETTE P	3610 PIATT RD DELAWARE	252700	5/30/1996	1975	3	1	2015	1.21
41834001034000	SHEPHARD BILLY R & STEVIE JO	3770 PIATT RD DELAWARE	193600	5/27/1992	1973	3	2	1180	1.21
41831001056000	SMITH ROBERT D & KAREN F	3650 PIATT RD DELAWARE	229600	1/1/1990	1977	3	2	1744	1.21

41831001048000	SRI VENKATESWARA TEMPLE OF CENTRAL OHIO	3466 PIATT RD DELAWARE	2341000	4/21/2016	0	0	0	0	25.644
41831001052000	STEED JAMES R	3600 PIATT RD DELAWARE	188800	3/4/1997	1977	3	2	1118	1.21
41831001049000	STRAWSER BRUCE A	3540 PIATT RD DELAWARE	199600	1/1/1990	1965	5	2	1928	1.2
41831001049000	STRAWSER BRUCE A	3552 PIATT RD DELAWARE	199600	1/1/1990	1965	5	2	1928	1.2
41834001038000	TINCHER NORMA	PIATT RD DELAWARE	24100	1/1/1990	0	0	0	0	1.21
41831001050000	ULLMAN JON W TRUSTEE	3572 PIATT RD DELAWARE	201400	12/6/2016	1965	4	2	1728	1.21
41831001050000	ULLMAN JON W TRUSTEE	3560 PIATT RD DELAWARE	201400	12/6/2016	1965	4	2	1728	1.21
41831001057000	WHIPPLE TRACY ANN	3680 PIATT RD DELAWARE	194000	6/26/2008	1973	3	2	1384	1.21
41834001040000	WILSON BRIAN D & DEBORAH L	3916 PIATT RD DELAWARE	241100	10/1/1979	1979	4	2	2190	2



200 Ft Residents Info Sec 2 22.09.22



Delaware County Auditor
George Kaltsa

Information contained within this map may be used to generally locate, identify and inventory land parcels within Delaware County.
Delaware County cannot warrant or guarantee the information contained herein, including, but not limited to its accuracy or completeness. The map parcel lines shown are approximate and this information cannot be construed or used as a "legal description" of a parcel.
Flood Plain information is obtained from FEMA and is administered by the Delaware County Building Department (740-833-2201).
Please report any errors or omissions to the Delaware County Auditor's office at delcogis@co.delaware.oh.us.
Prepared by: Delaware County Auditor's GIS Office

Printed on 9/20/2022



0 260 520 1,040
ft

Parcel Number	Owner Name	Address	Market Value	Conveyance Date	Year Built	Bedrooms	Baths	Finished Sq Ft	Acreage
41831001059000	365LAND LLC	3671 PIATT RD DELAWARE	277200	3/9/2022	1994	3	2	1491	5
41831001060000	365LAND LLC	PIATT RD DELAWARE	256400	3/9/2022	0	0	0	0	12.248
41834001048002	APN GROUP LLC	2085 PEACHBLOW RD LEWIS CENTER	1063100	12/8/2020	0	0	0	0	47.605
41831001054000	BRYAN JAMES E & KAREN R	3630 PIATT RD DELAWARE	258800	11/3/1993	1977	3	2	1625	1.21
41831001055000	CAPLINGER ROGER & BEVERLY	3640 PIATT RD DELAWARE	186000	3/1/1980	1977	3	2	1104	1.21
41834001030000	DOBBERSTEIN GERALD L & LEESEL A	3765 PIATT RD DELAWARE	289200	12/16/1988	1988	4	2	2280	1.103
41834001036000	HAYNES TRIMBLE G & JANICE	3810 PIATT RD DELAWARE	215200	1/1/1990	1974	3	2	1512	1.21
41834001035000	KINNEL NICOLE R	3794 PIATT RD DELAWARE	199800	7/26/2016	1972	3	2	1104	1.21
41834001029000	MARTELLI BART & CAROL	3781 PIATT RD DELAWARE	482300	9/12/1996	1997	4	3	3148	2.53
41834001032000	POKALA MANOJ KUMAR	3710 PIATT RD DELAWARE	248400	12/13/2021	1973	4	2	1770	1.21
41834001033000	RAWDON CHAD J	3740 PIATT RD DELAWARE	178300	12/10/2012	1972	3	1	1125	1.21
41834001034000	SHEPHARD BILLY R & STEVIE JO	3770 PIATT RD DELAWARE	193600	5/27/1992	1973	3	2	1180	1.21
41834001031000	SMITH BEVERLY FAE	3735 PIATT RD DELAWARE	161700	8/31/2018	1987	3	2	1300	1.103
41831001056000	SMITH ROBERT D & KAREN F	3650 PIATT RD DELAWARE	229600	1/1/1990	1977	3	2	1744	1.21
41834001028000	VUPPALA KRISHNA PRASAD & PAMULAPATI SATYA SREE VASU	3807 PIATT RD DELAWARE	318500	10/29/2020	1992	3	2	1760	1.067
41831001057000	WHIPPLE TRACY ANN	3680 PIATT RD DELAWARE	194000	6/26/2008	1973	3	2	1384	1.21

EXHIBIT A

May 04, 2020

DESCRIPTION OF A 47.605 ACRE TRACT
ALONG THE NORTH SIDE OF PEACHBLOW ROAD, EAST OF PIATT ROAD,
BERLINE TOWNSHIP, DELAWARE CO., OHIO

Situated in the State of Ohio, County of Delaware, Berlin Township, in Farm Lots 20 & 21, Quarter Township 3,, Township 4 North, Range 18 West, United States Military Lands, and being all or portions of an approximate 54 acre tract conveyed, as First Tract, Second Tract and Third Tract, to Pater LLC, by deed of record in Official Record 615, Page 661, all references being to the Recorder's Office, Delaware County, Ohio, and bounded and described as follows:

Beginning at a MAG nail set in the centerline of Peachblow Road ~ Twp. Rd. 98 (60 feet in width) and at the southwest corner of a 5.001 acre tract of land conveyed to Patrick S. Brown & Josie McNamara-Brown, by deed of record in Official Record 1487, Page 1024, said spike being N 85° 42' 47" W a distance of 930.10 feet from a railroad spike found at the intersection of the centerline of Peachblow Road ~ Twp. Rd 98 with the centerline of Piatt Road - Twp. Rd. 99 (variable width);

thence N 85° 42' 47" W along the centerline of Peachblow Road ~ Twp. Rd. 98 a distance of 337.25 feet to a railroad spike set in the easterly line of Segment A as conveyed to New York Central Lines LLC, by deed of record in Official Record 671, Page 206;

thence N 02° 43' 31" W along a portion of the easterly line of said Segment A a distance of 2,633.19 feet to an iron pipe w/cap found at the southwest corner of a 26.469 acre tract of land conveyed to Sri Venkateswara Temple of Central Ohio, by deed of record in Official Record 14165, Page 379 (passing a leaning concrete monument found in the north right-of-way line of Peachblow Road - Twp. Rd. 98 at 29.13');;

thence S 86° 48' 44" E along a south line of said 26.469 acre tract a distance of 1,013.56 feet to a 3/4" I.D. iron pipe found at a corner of said 26.469 acre tract and at the northwest corner of a 1.202 acre tract of land conveyed to Bruce A. Strawser, by deed of record in Deed Book 424, Page 370;

thence S 03° 24' 14" W along the west line of said 1.202 acre tract, along the west lines of Lots Nos. 165 through 150, inclusive, along the west line of a 2.00 acre tract of land conveyed to Brian D. & Deborah L. Wilson, by deed of record in Deed Book 432, Page 523, along the west line of a 2.00 acre tract of land conveyed to Thomas B. Payne, by deed of record in Official Record 779, Page 162 and along a portion of the west line of Lot No. 350, as shown upon the plat entitled Carla & Darla Subdivision, of record in Plat Book 18, Pages 150-151 a distance of 2,082.08 feet to a 3/4" I.D. iron pipe set at the northeast corner of said 5.001 acre tract;

thence N 85° 42' 47" W along the north line of said 5.001 acre tract a distance of 395.79 feet to a 3/4" I.D. iron pipe set at the northwest corner of said 5.001 acre tract;

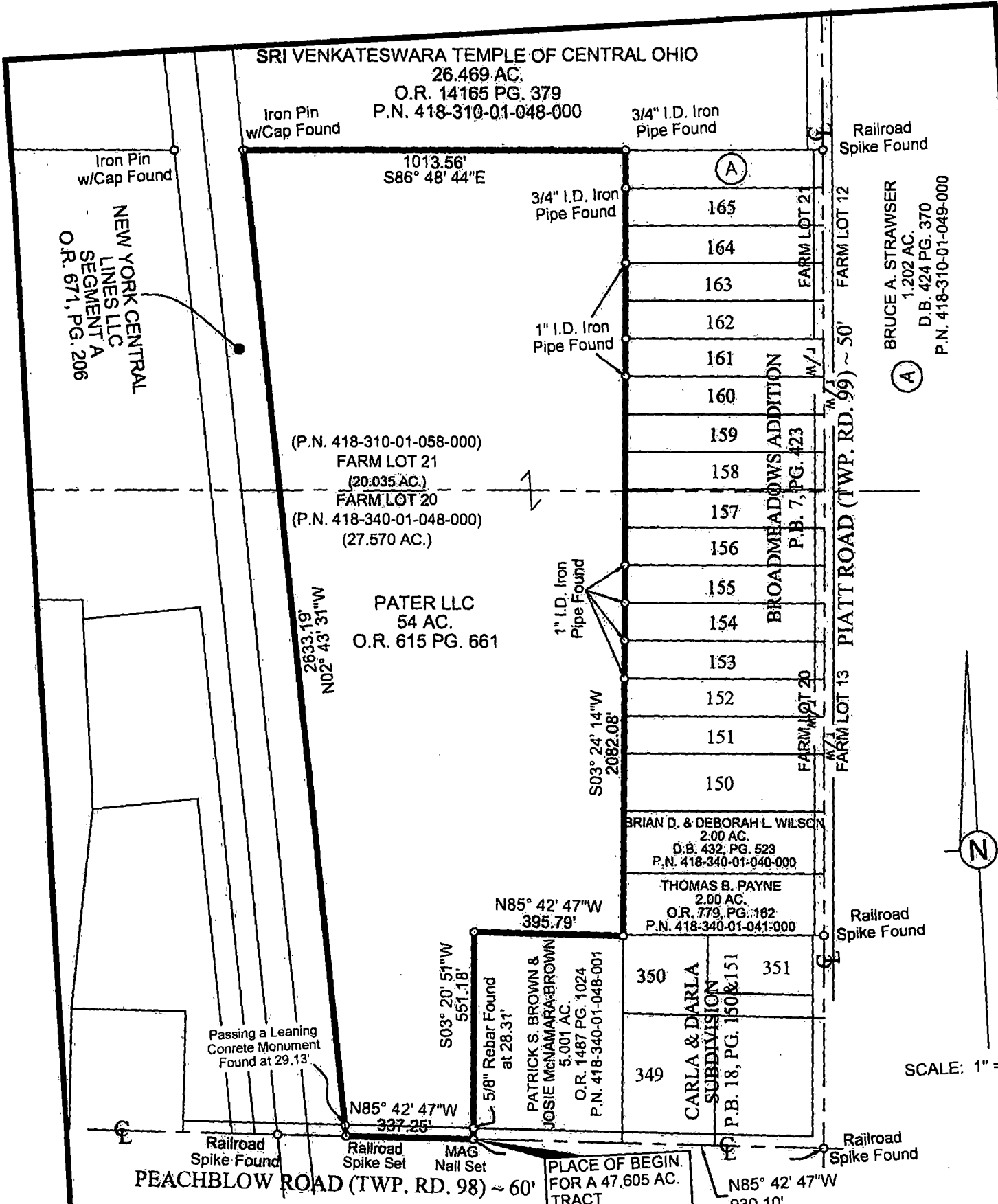
thence S 03° 20' 51" W along the west line of said 5.001 acre tract a distance of 551.18 feet to the place of beginning (passing a 5/8" rebar found at 522.87 feet);

containing 47.605 acres of land, more or less, and being subject to all highways, easements and restrictions of record. Of said 47.605 acres, 27.570 acres are within P.N. 418-340-01-048-000 (Farm Lot 20) and 20.035 acres are within P.N. 418-310-01-058-000 (Farm Lot 21).

The above description was prepared by Kevin L. Baxter, Ohio Surveyor No. 7697, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio from an actual field survey, performed under his supervision, in April, 2020. 3/4" I.D. iron pipe set are 30" in length with a plastic cap stamped "BIRD & BULL, INC.". Basis of bearings is the centerline of Peachblow Road (Twp. Rd. 98), being assumed at N 85° 42' 47" W, and all other bearings are based upon this meridian.

Kevin L. Baxter
Kevin L. Baxter ~ Ohio Surveyor #7697





BASIS OF BEARINGS: Basis of bearings is the centerline of Peachblow Road (Twp. Rd. 98), being assumed at N 85° 42' 47" W, and all other bearings are based upon this meridian.

3/4" I.D. Iron Pipe Set, 30" in length, w/Cap Stamped "BIRD & BULL, INC." Unless Otherwise Shown.

**EXHIBIT OF A 47.605 ACRE TRACT,
ALONG THE NORTH SIDE OF PEACHBLOW ROAD,
WEST OF PIATT ROAD
BERLIN TOWNSHIP, DELAWARE CO., OHIO
(FARM LOTS 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100)**

SCALE: 1" = 350'

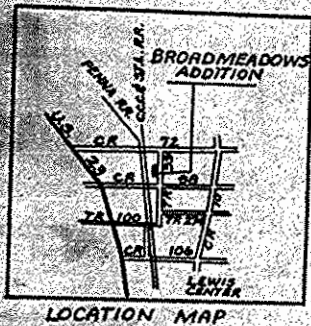


3500 Snouffer Road, Ste. 225
Columbus, Ohio 43235
Ph: (614) 761-1661



Kevin L. Baxter
Kevin L. Baxter ~ Ohio Surveyor No. 7697

MAY 01, 2020



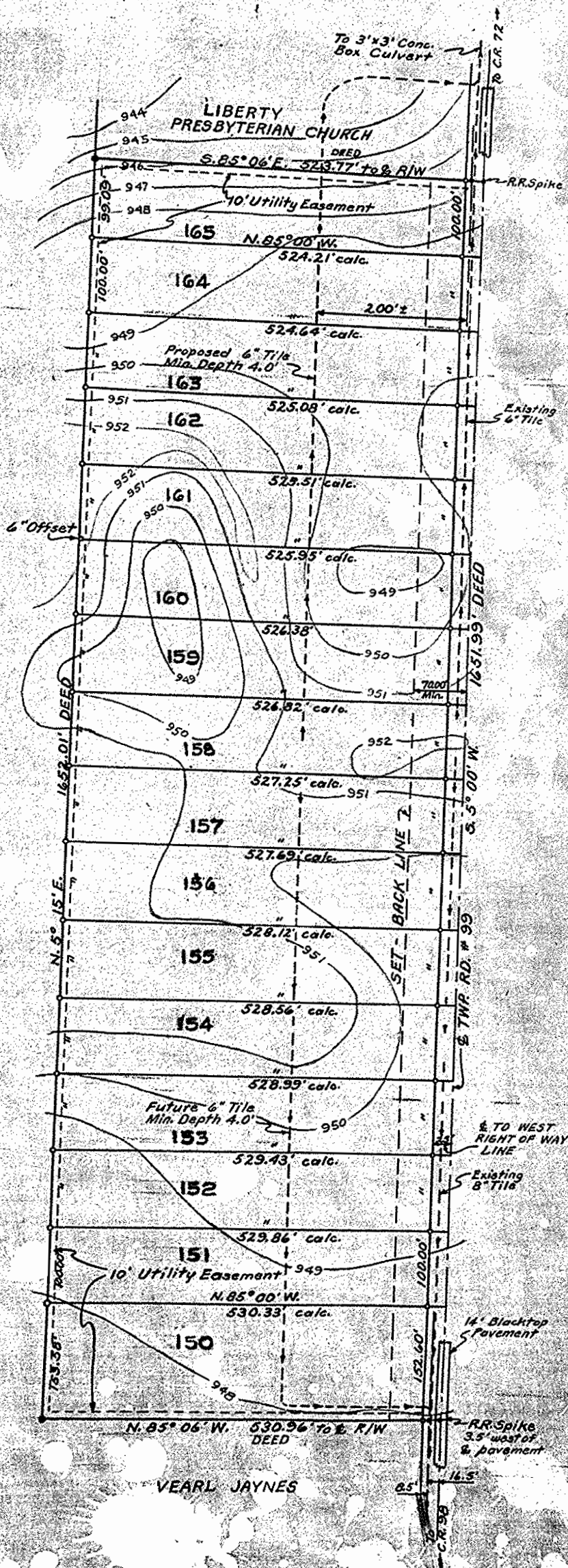
TIM McNAMARA

SCALE: 1" = 100'

CONTOUR INTERVAL: 1 FT.

Note: Relative contour elevations determined in field, but datum is approximate only, having been estimated from a U.S.G.S. map.

Iron Pin Found •
Iron Pin Set ○



VEARL JAYNES

BROADMEADOWS ADDITION SUBDIVISION PLAT

DELAWARE COUNTY, OHIO

LOTS 20 & 21 - 3rd QUARTER - TOWNSHIP 4 N - RANGE 18 W - U.S. MILITARY

CERTIFICATIONS

We hereby certify that the above plat is a correct representation of lands owned by Darl L. Woltz in Berlin Township, Delaware County, Ohio, being a subdivision of 20 acres, more or less, conveyed to said Darl L. Woltz by deed of record in Deed Book 294, page 269 in the Delaware County Recorder's Office in Delaware, Ohio.

All property 25' from the center line of Right of Way of Township Road 99, as indicated hereon, is hereby dedicated to public use.

Witnesses: Don E. Fisher Darl L. Woltz
Emmett L. Dickennett Jr. Helen M. Woltz

State of Ohio
County of Delaware

Before me, a Notary Public in Delaware County, State of Ohio, personally appeared Darl L. Woltz and Helen M. Woltz, his wife, who acknowledged the signing of the foregoing instrument to be their own free act and deed.

In witness whereof I have hereunto set my hand and official seal this 1st day of May 1965.

My Comm.
Expires Feb 1967

Don E. Fisher
Notary Public
Delaware County, Ohio

The boundaries of the above subdivision were surveyed by others, however I have checked it sufficiently to certify that there are no major errors. Minor differences have been indicated on the plat. All property markers indicated hereon have been found or set by me.

Wm. C. Strasser

Registered Land Surveyor #4468

Approved this 3rd day of May 1965.

Lloyd P. May, MD
Board of Health
Delaware County

Approved and accepted this 3rd day of May 1965.

Charles E. Clark
County Engineer

Approved and accepted this 3rd day of May 1965.

C. R. Barton R. R. Reed

Dean Miller
Delaware County Commissioners

Approved and accepted this 3rd day of May 1965.

Edna Miller
Delaware Co. Regional Planning Director

Transferred this 4th day of May 1965.

David R. Thomas
Auditor, Delaware Co., Ohio

No. 8240
Filed for record this 4th day of May 1965 at 9:50 A.M.
Recorded this 6th day of May 1965 in Plat Book
#75 Recorder, Delaware County