# City of Pataskala Planning and Zoning Commission 

City Hall, Council Chambers
621 West Broad Street
Pataskala, Ohio 43062

## STAFF REPORT

April 6, 2022
Rezoning Application ZON-21-005

| Applicants: | Joe Clase - Plan 4 Land, LLC |
| :---: | :---: |
| Owner: | KEG Highlands, LLC |
| Location: | 10391 Hollow Road SW (PID: 063-141936-00.000) |
| Acreage: | +/-160.00 |
| Zoning: | AG - Agricultural |
| Request: | requesting a recommendation to rezone $160+/-$ acres from the AG Agriculture to the PDD - Planned Development District pursuant to Section 1255.13 of the Pataskala Code for the property located at 10391 Hollow Road (Former High Lands Golf Course). |

## Description of the Request:

The Applicant is seeking a recommendation of approval to rezone the former Highlands Golf Course, approximately 160-acres, from AG - Agricultural to a PDD - Planned Development District titled "The Meadows at Highlands", pursuant to Section 1255.13 of the Pataskala Code.

## Staff Summary:

The approximately 160-acre property located at 10391 Hollow Road SW, the southeast corner of the intersection of Hollow Road SW and Alward Road SW, was formerly occupied by the High Lands Golf Club. Currently, the site is occupied by an 18 -hole golf course, with multiple cart trails, a large pond, and numerous tree stands. Also on the property is the approximately 6,500-square foot former clubhouse, with an in-ground pool and parking lot, and an approximately 5,800-square foot pole barn off the main access to the property from Hollow Road SW. Additionally, there is a smaller approximately 2,500-square foot maintenance building off a secondary access from Alward Road SW.

The Applicant and Staff met on September 1, 2021, to review a potential re-development proposal and give some initial feedback. Following that, the Applicant presented a concept plan to the Planning and Zoning Commission at an informal meeting on October 6, 2021. The first official hearing before the Planning and Zoning Commission was held on December 1, 2021 at which the Commission determined that insufficient information was provided to warrant a decision, and as such the Application was tabled to a later date. The Applicant has since revised their Application and has submitted it for the April 6, 2022 PZC hearing.

The Applicant's proposal is to re-develop the 160-acre High Lands Gold Club into "The Meadows at Highlands", a single-family planned residential development. A general summary of the proposed Preliminary Development Plan begins on the next page. Items which have changed from the previous iteration at in red.

## Site Statistics:

- Number of Lots: 32 (up from 24)
- Total Acreage: +/-160-acres
- Open Space: +/-88-acres
- Density:
$+/-0.20$ units per acre (up from 0.15 )
Minimum Lot Sizes
- Minimum Lot Width: 150-feet
- Minimum Lot Size: 2-acres


## Minimum Dwelling Size

- 1,800-square feet without a basement.
- 1,600-square feet with an 800-square feet basement.

Minimum Setbacks

- Front: 80-feet from Access Easement
- Side: 30-feet
- Rear: 30-feet


## Access

- Two (2) full access points on Hollow Road SW.
- One (1) to serve main section of 29 lots.
- One (1) to serve three (3) out-lots on "Yerevan Drive"
- One (1) Emergency Access to/from Alward Road SW.

Internal Roadways

- All roads are to be private and located within Common Driveway Easements.
- Highland Meadows Drive, Bdoyan Court, Avetisyan Court:
- 20-feet wide pavement, drainage ditch both sides, 60-foot easement.
- Yerevan Court:
- 12-foot wide pavement, drainage ditch both sides, 60-foot easement.
- All drives to be hard-surfaced with either asphalt or chip-seal and designed with a sufficient base to sustain an 80,000lb load.
Architectural Standards
- Incorporate design guidelines of the adjacent (East) Highland Estates Development.
- Covenants do not specify which design guidelines will be carried over.
- Compliance with Residential Appearance Standards of Chapter 1296.

Landscaping

- Reserve ' A ' - 30.38-acres
- Reserve ' $B$ ' - 46.30-acres
- Reserve 'C' - 1.80-acres
- Retain sections of existing cart paths through reserve areas and lots.
- Install 62 Trees within Reserves bordering proposed lots.
- Install 39 Trees throughout proposed lots.

Staff Review: The following summary does not constitute recommendations but merely conclusions and suggestions from staff.
Planning and Zoning Staff:
The Future Land Use Map recommends this property as "Conservation Suburban". The City's Comprehensive Plan, adopted July 2021, describes this as "characterized by a clustering of single-family homes at a higher density compared to Conservation Rural (One (1) unit per acre)". Rural character should be incorporated in elements such as landscape features, large setbacks, and open space. Development intensity is recommended at $50 \%$ of the site area or one (1) unit per two (2) acres ( 0.5 units per acre). Open space should make up at least $50 \%$ of the site, with recreational paths recommended and the recommend use is detached single-family homes.

As proposed, the development will feature 32 single-family lots at a density of approximately 0.20 units per acre. The proposal would be in line with the recommendations of the City's Comprehensive Plan (2021), which recommends single-family developments at a density of less than 0.50 units per acre.

Planning and Zoning Staff has drafted a full list of comments that is attached to this Staff Report. Staff would note that not all items are mentioned, merely what has been found during the review to either not meet Pataskala Code or would require more information to verify. Items from the previous hearing which have been addressed are struck through, items which are remaining are left as-is, and additional comments are in red.

The character of the existing conditions on the property as well as the nature of the proposed subdivision necessitate a number of Divergences that will be required. The Planning and Zoning Commission may approve Divergences from the Pataskala Code as part of a zoning amendment request for a Planned Development District. In response to Staff's Comments from the December 1, 2021 hearing, the Applicant has specified which Divergences they are asking for, however, there appear to some inaccurate Code Sections cited in the requested Divergences. After reviewing the proposed Development Plan, Staff has determined the following Divergences will be required to be approved by the Planning and Zoning Commission:
(1) Divergence from Section 1113.07(j) of the Pataskala Code to omit a Traffic Impact Study for the Preliminary Development Plan
a. Reasoning: Trip Generation Memo provided, Applicant believes traffic generated does not warrant a Traffic Impact Study.
(2) Divergence from Section 1117.10(a) to allow for two (2) permeant dead-end streets (Bdoyan Court and Yerevan Court) in excess of 200 -feet
(3) Divergence from Section 1117.15 of the Pataskala Code in order for a Major Subdivision to have no public sidewalks
(4) Divergence from Section 1117.17(c) of the Pataskala Code in order for all lots within the Major Subdivision to not have frontage on a public thoroughfare.
a. An additional Divergence from Section 1117.17 (f) may be needed to allow for lots that have an average depth which is more than three (3) times its average width for Lots 11, 12, and 13. However, these lots also do not appear to meet the proposed minimum lot widths. Will need clarification from Applicant.
(5) Divergence from Section 1121.12 of the Pataskala Code to allow for a street without curbs within a residential development.
(6) Divergence from Section 1121.15 of the Pataskala Code to allow for a Major Subdivision without streetlights or front yard pole-type lights.
(7) Divergence from Section 1121.16 of the Pataskala Code to allow for a Major Subdivision without street trees.
(8) Divergence from Section 1255.18(g)(16) of the Pataskala Code to allow for a Planned Development District to omit the tree preservation, tree survey, and tree replacement plan.
a. Reasoning: The future property owners of each fee-simple lot will be required to undertake their own tree replacement survey at the time of construction of a new dwelling.
(9) Divergence from 1283.07 (C) to allow for a residential subdivision to provide less than the required 60 -feet of landscaped distance perpendicular to the right-of-way along Hollow Road SW.
a. The use of existing vegetation in combination with proposed trees on pages L1 and L2 of the Plans as opposed to the four (4) to six (6) foot high berm with one (1) tree every 30feet is subject to City Council approval.

Following a recommendation from the Planning and Zoning Commission, this application will go before City Council for final approval. The approved plan, specific to the Planned Development District designation shall remain valid for 12 months from the date of City Council approval.

## Public Service Director (Full comments attached):

1. Previous Comments
a. Developer has requested not to install light at Hollow Road and Yerevan Ct.
i. Street lighting at intersections is a good practice but is not critical at this intersection.
b. It does not appear that the intersection of Highland Meadows Dr. and Hollow Road will meet geometric intersection design criteria. The intersections with public roads will be required to meet design criteria, regardless of the requirements for other, private street intersections within the development,
c. Due to the potential for roadways to be requested to be turned over to the City in the future, some other private streets have been required to meet City design criteria for roadways.
i. I recommend one of the following:
a. Require this development to meet City roadway design criteria; or,
b. Include in HOA document language, and on the plans, something to the effect of "the private roads constructed within The Meadows at Highlands are known at this time, and in perpetuity, to be private roads that are not built to City standards, and at no time shall they be considered by the City, to be taken over or maintained by the City, in any form or fashion, including: pot hole repair, paving, snow removal, drainage, etc.
ii. Regardless of the option chosen, the pavement section build up needs shown on the plans, and must be of satisfactory design.
a. I do not recommend chip seal.
iii. It appears that the remainder of my previous comments have been addressed, or are planned to be addressed, during engineering design.
iv. I have no further comments at this time. Engineering review comments are to be expected on the construction plans when submitted

## City Engineer (Full comments attached)

The City Engineer concurs with the Public Service Director's Comments
Licking County Health Department (Full comments attached)

- Project will need to apply for Health Department's own major subdivision review to the Board of Health
- Will need to see actual soil evaluations for each lot's proposed septic area
- If central water will not be available, then a 50 -foot radius around the proposed well location will need to be shown.


## Southwest Licking Community Water and Sewer District (Full comments attached)

- Development Agreement will need to be executed with the District prior to commencement of construction.
- Ohio EPA Permit to Install will be needed prior to commencement of construction.
- General comments on water system design and hydrant spacing.


## West Licking Joint Fire District (Full comments attached)

- All streets that are 28 ' or less in width shall have "no parking" signs posted on the hydrant side of the street.
- All cul-de-sacs shall have a minimum of 96 ' of unobstructed paved drivable surface, posted with "no parking" signs.
- Dead-end fire apparatus access roads in excess of 150 -feet in length shall be provided with an approved area for turning around fire apparatus.
- Per Fire District regulations, maximum distance between hydrants is 500' in residential subdivisions.
- Fire District permit application shall be completed prior to commencement of construction.

Licking Heights Local Schools (Full comments attached)
School District met with the Applicant, no comments.
Surrounding Area:

| Direction | Zoning | Land Use |
| :---: | :---: | :---: |
| North | AG - Agriculture | Agriculture/Single-Family <br> Homes |
| East | PDD - Planned Development District | Highland Estates <br> Single-Family Homes |
| South | AG - Agriculture | Single-Family Homes |
| West | AG - Agriculture | Agriculture/Single-Family <br> Homes |

## Preliminary Development Plan Approval:

According to Section 1255.19 of the Pataskala Code, the Planning and Zoning Commission shall consider approval of a Preliminary Development Plan if the proposal:
a) The proposed development advances the general health, and safety of the City of Pataskala and is consistent with the purpose and intent of the Zoning Code.
b) The proposed development is in conformity with the Comprehensive Plan, and other adopted plans or portions thereof as they may apply and will not unreasonably burden the existing street network.
c) The proposed development advances the general welfare of the City and immediate vicinity and will not impede the normal and orderly development and improvement of, and is otherwise compatible with, the surrounding areas.
d) The proposed uses are appropriately located in the City so that the use and value of property within and adjacent to the area will be safeguarded.
e) The proposed developments will have sufficient open space areas that meet the objectives of the Comprehensive Plan.
f) That the benefits, improved arrangements, and the design of the proposed development justify the deviation from the standard development requirements included in the City of Pataskala Zoning Code.
g) That there are adequate public services (e.g. utilities, fire protection, emergency service, etc.) available to serve the proposed development.
h) The applicant's contributions to the public infrastructure are consistent with all adopted plans and are sufficient to service the new development.
i) That the proposed development will not create overcrowding and/or traffic hazards on existing roads and/or intersections.
j) That the arrangement of land uses on the site properly considered topography, significant natural features, and natural drainage patterns, views, and roadway access.
k) That the clustering of development sites is shown to preserve any natural or historic features and provides usable common open space.
I) The proposed road circulation system is integrated and coordinated to include a hierarchical interconnection of interior roads as well as adequate outer-connection of interior collector streets with off-site road systems, and to maximize public safety and to accommodate adequate pedestrian and bike circulation systems so that the proposed development provides for a safe, convenient and non-conflicting circulation system for motorists, bicyclists and pedestrians.
m ) That there are adequate buffers between incompatible land uses and the density, building gross floor area, building heights, setbacks, distances between buildings and structures, yard space, design and layout of open space systems and parking areas, traffic accessibility and other elements having a bearing on the overall acceptability of the development plans contribute to the orderly development of land within the City.
n) That the relationship of buildings and structures to each other and to such other facilities provides for the coordination and integration of this development within the Planned District and the larger community and maintains the rural-village character of Pataskala.
o) The proposed architectural character is compatible with that of surrounding properties and promotes and enhances the community values expressed in the Comprehensive Plan.
p) Adequate provision is made for storm drainage within and through the site so as to maintain, as far as practicable, usual and normal swales, watercourses and drainage areas.
q) The proposed phasing of development is appropriate for the existing and proposed infrastructure and is sufficiently coordinated among the various phases to yield the intended overall development and to insure that public facilities and amenities are provided as planned.
r) That any other items shown in the preliminary development plan or in the accompanying text be addressed to the Planning and Zoning Commission's satisfaction.

## Department and Agency Review

- Zoning Inspector - No Comments.
- City Engineer - See Attached.
- Public Service Director - See Attached.
- SWLCSWD - See attached.
- Police Department - No Comments.
- West Licking Joint Fire District - See Attached.
- Licking Heights Local Schools - See Attached.
- Licking County Health Department - See Attached.


## Modifications:

Should the Planning and Zoning Commission choose to approve the applicant's request, the following modifications may be considered:

1. The Applicant shall address all comments from Planning and Zoning Staff, Public Service Director, SWLCWSD, West Licking Joint Fire District, and the Licking County Health Department.

## Resolution:

For your convenience, the following resolution may be considered by the Planning and Zoning Commission when making a motion:
"I move to recommend approval of Application Number ZON-21-005 pursuant to Section 1255.19 of the Pataskala Code. ("with the following modifications" if modifications are to be placed on the approval)."

# City of Pataskala Planning \& Zoning Department 

621 West Broad Street, Suite 2A
Pataskala, Ohio 43062

# The Meadows at Highlands <br> ZON-21-005 Review <br> April 6, 2022 

## General Comments

- Application lists "City of Pataskala" as the water provider, this is part of the trade to SWL, so SWL should be checked instead.
- Don't include the conceptual house locations on the plan (orange boxes). It tends to lead to confusion. Just include a building envelope from the proposed minimum setbacks.
- Include a Site Statistics Table on the Plan, showing total acreage, acreage within lots, acreage within common access easements/drives, acreage within stormwater facilities, acreage within open space,etc.


## Development Text:

- In general, a Development Text should read like a Zoning Code. The Development Text that is ultimately approved by City Council becomes the governing document for the entire subdivision, and it is what Staff uses to administer the development of the site.
- Additional Information that is needed:
- Proposed Uses: Pataskala Code allows for Home Occupations, either a Type A (someone in a home office working from home) or a Type B (customers coming to the home), how do you want to address these? If not mentioned, then Pataskala's rules supersede. Even if it is in the HoA documents, put it in the Development Text as well. The City can only administer the Development Text, not the HoA.
- Driveways? Will driveways from private access roads to homes be concrete, asphalt, gravel? Minimum widths? Minimum setbacks from side property lines? Needs to be spelled out in development text.
- Accessory Buildings: can they build a detached garage? A garden shed? Do accessory buildings need to match the architectural designs of the houses to which they are accessory too?
- Architectural Standards: Text says it will be in compliance with Chapter 1296 which is fine, but it also states it will incorporate standards from the adjacent subdivision. What standards are those? We need to know.
- Signs: set standards for signage. Min/max square footage of entry signs, what will the sign be mounted on, will it be lighted, will it have landscaping around it. You can leave it opened ended up to a point but we as Staff need standards to administer the development properly.
- Building height: max is 35', put it in the text.
- Existing Buildings:
- Clubhouse: during on-site meeting stated would likely turn into a house itself. Make sure this is stated on the plan and in the text. It is likely the clubhouse itself won't meet the architectural standards, keep that in mind. May need a divergence for just this one lot.
- Maintenance building off Alward: Make sure the dimensions of the existing building and its permitted use are included on the plans and in text. What happens if the building ever needs expanded? What standards must they follow? Must the building be maintained in a good condition, what constitutes "good condition" in this case.
- Trails: who is maintaining them? Can more be added in the future? If more may be added, what is the minimum width? Paved? Need details in text.
- Reserve Area: who maintains? What is allowed?
- Tree Survey: Initial discussion was for each future owner to conduct their own Tree Survey and Replacement Plan at the time of construction for a new dwelling. The way it is worded in the development text "...will be submitted prior to construction drawings being approved..." makes it seem like it will be done at the time of the Construction Plans for the entire subdivision. Change the language to say, "A Tree Survey and Tree Replacement Plan conducted pursuant to Chapter 1283 of the Pataskala Code will be submitted by each fee-simple owner of the lots within this subdivision at the time of application for a New Residential Construction Permit". We also need to figure out where these trees are going. Again, initial discussion was for the trees needing to be replaced within one of the reserve areas, but if this is changing, we need to know and it needs to be in the text regardless of where they are going.
- Divergences: See Staff Report for list of Divergences.
- Take the Comment response section out of the Development Text and just include it as a separate attachment to the Application. It won't need to be in the final Development Text. Also, for the Comment Responses (if another one is needed after the hearing) make sure to state where on the plans and/or text the additional information or revision is included. For Example "Added, see Exhibit B/Page 5". That will make back-checking quicker. If the requested information is provided on the Comment Response itself, then it must also be included on the Development Plan and in the Development Text.
- For the Development Text Staff has some reservations on the overall format and content. Again, it should be laid out like a Zoning Code. It should be titled "Development Text for the Meadows at Highlands" and then, for example:
- Section 1 - Permitted Uses
- 1(a): Single-Family Dwellings
- 1(b): Type A Home Occupations
- Section 2 - Minimum Lot Sizes
- 2(a): Minimum lot size of 2-acres
- 2(b): Minimum lot width of 150 -feet.
- So on and so forth...
- HoA Documents still mention an "Entry Feature Easement Area", but the plans do not show this anywhere that we can see.


## Development Plans

- Lots $11,12,13,15$ do not appear meet the proposed minimum lot widths.
- For minimum lot widths: For lots that are not at 90-degree angles (almost every lot in this subdivision) the lot width measurement is taken at the front building setback line. In this case, as proposed, it is 80 -feet. So, we need to see the measurement of the width of the lot at 80 -feet from the common access easement.
- Lot 16 does not meet the minimum lot width at the rear of the lot.
- Take the address under the title of page 1 off and just leave it on the side heading so we avoid any future confusion when the address inevitably changes.
- Signature Lines and required statements should be on the first page of the plans. I would recommend making Page 1 become Page 2, then making a new first page that has the title, a shrunk down version of the site plan, the location map, signature lines and required statements.
- Signature lines will be for:
- Chairman, Planning and Zoning Commission, City of Pataskala
- City Administrator, City of Pataskala
- Planning Director, City of Pataskala
- Public Service Director, City of Pataskala
- City Engineer, City of Pataskala
- General Manager, SWLCWSD
- Licking County Health Department
- Landscape Plans:
- The trees dispersed throughout the lots, are these planned replacement trees? If so, what trees are being removed that they are needing to be replaced. Are they just extra trees?
- The coded notes numbers are visible on these but the key to them is not present. I would recommend just removing all the coded notes numbers from the landscape plans to avoid any confusion. All we really need to see on the landscape plans is the general layout of the subdivision and where any landscape improvements are going.
- Need the acreage being dedicated to stormwater ponds. Only $10 \%$ of that acreage can be counted towards your open space acreage. For example, if within the 78.07-acre open space, 10 of those acres are dedicated to stormwater controls, only 1 -acre of those facilities can be counted towards the overall open space total. So in reality the total open space would be 69.07-acres. Change "Total Conservation Area" on page 1 to "Total Reserve Area" so it is consistent throughout the plans.


## Chapter 1113 - Major Subdivisions

1113.06 - Preliminary Development Plan Contents

- 1113.06(d): Names, addresses, and contact information of the property owner(s), the Subdivider, the Ohio Registered Engineer and/or the Ohio Registered Surveyor who prepared the plan and the appropriate-seals and registration numbers of each,
- $1113.06(\mathrm{e})$ : Date of survey, scale of plan and north arrow.
- 1113.06(f): Boundaries of the Major Subdivision, its acreage, and deed book and page number of lands within the proposed Major Subdivision.
- Don't see deed book and page number on the Plans. They are in the Text but need to be on the plans as well.
- $1113.06(\mathrm{~h})$ : Locations, widths, and names of existing streets, rail road rights of way, easements, parks, permanent buildings, corporation and township boundaries, wooded areas, natural features, drainage, 100 -year flood plain, existing permanent and temporary structures, and burial grounds and other areas of archeological significance within and adjacent to the Major Subdivision for a minimum distance of 200 feet.
- Alward and Hollow should be "Alward Road SW" and "Hollow Road SW". Add name for Greenloch Court SW.
- 1113.06(i): Locations of all wetlands, ponds, watercourses and other naturally occurring water features on the property, or lack thereof, and certified by a professional engineer, registered in the State of Ohio. A note shall be placed on the plan if no naturally occurring watercourses exist on the property. All naturally occurring water features shall include a minimum 25 -foot buffer as measured from the edge of the water feature.
- 25-foot buffer around water features is required to be shownon the plan, as well as a note included on the plan. Buffer was mentioned in text.
- Buffer shown, change identifier to state "Water Feature Buffer" Include language on plan and in text stating that areas within water feature buffer will remain clear of any obstruction, nuisance, or structure unless as approved by this plan". Also take into account future desires. Will they want another path around the pond? Will they want a small dock or anything like that? Need to think about these things.
- Add buffer around proposed stormwater ponds "Stormwater Buffer" or something like that with language on plan and in text stating "Stormwater Buffer to remain clear of obstructions to drainage and maintenance of pond area."
- $1113.06(j):$ Location, names and widths and typical cross section and right of way width of proposed streets. Street names shall not duplicate or closely resemble the name of any other street, highway or road in the-City-of Pataskala or Licking County.
- $1113.06(k)$ : Location, widths and description of proposed easements. All lots shall have a minimum five (5) foot easement along the property line of the side and rear yards if determined to be necessary by the City Administrator or their designee.
$\theta$ Development Text states 5-foot easements around property lines, needs to be shown on plan. Entry Feature Easement not shown on plan.
- $1113.06(1)$ : Building setback lines with dimensions.
$\theta$ - There are a few lots with missing setback dimensions.
- $1113.06(\mathrm{~m})$ : Location and dimensions ef all proposed public and private utilities, water, wastewater, storm drain lines, detention and/or retention facilities showing their locations and connections with the existing system. All new utilities shall be located underground.
- Need estimated acreage of proposed stormwater ponds.
- 1113.06(n): Layout, lot number, acreage and dimensions of eachlot. When a lot is located on a curved street, or when side lot lines are not at 90 degree angles, the width at the building line shall be shown.
- Need to show width of lot at building line when the lot is not at a 90-degree angle. Need to show front width of lots in general, not indicated. Comment Response says added but cannot seem to find.
- 1113.06(o): Parcels of land in acres to be reserved for public use, or to be reserved by covenant for residents of the subdivision.
- Rename-Central Park and Preserve to "Reserve $A$ " and "Reserve B", include note in Development Text and on Plan indicating proposed use, maintenance, etc.
- Added to plan but no language in Development Text.
- $1113.06(p)$ : The location and width of sidewalks and paths.
$\ominus$ Assuming there will be no-sidewalks, divergence needed.
- $1113.06(\mathrm{q})$ : The location of all street lights. Street lights shall have a maximum spacing of 200 feet and be staggered on opposite sides of the street. At least one street light shall be located at an intersection.
- Assuming there will be no-street lights, divergence needed.
- Public Service Director has indicated that a streetlight should be located at the intersection of the two access drives onto Hollow Road SW.
- Clarification on this: The street lights within the subdivision require a divergence (been requested). But, the street lights at the intersections of Hollow Road and accesses to the subdivision are within the ROW and are a public safety concern of the Public Service Director. Don't need a divergence for these, but ultimately needs to be worked out with PSD.
- $1113.06(r)$ : A vicinity map at a scale of not less than 2,000-square feet to the inch. This map shall depict all existing subdivisions, roads, road rights of way, tract lines and the nearest existing intersections and thoroughfares. It shall also show the most advantageous connections between roads in the proposed Major Subdivision and those of the neighboring area.
$\theta$ Scale appears to be less than the 2,000' to the inch required.
- 1113.06(s): A Tree Replacement Survey and Landscaping Plan pursuant to Chapter 1283.
$\theta$ Divergence requested.
- $1113.06(t)$ : Statement of proposed use of all lots, giving types, number of dwelling units and any type of commercial, industrial or institutional activity.
$\theta$ Included in Development Text, needs to be on Plan as well.
- Include on Site Statistics table "Total Number of Single-Family Lots = 32" to cover this.
- 1113.06(v): Required statements and signatures to be affixed on the Preliminary Development Plan.
- Need to be on first page.
1113.07 - Preliminary Development Plan Supplementary Information
- 1113.07(b): Location and approximate dimensions of all existing buildings.
$\theta$ Need dimensions, whether they are to remain or be removed.
- 1113.07 (c): Acopy of the proposed covenants and restrictions. Such covenants and restrictions must be acceptable to the Licking County Health Department, if applicable. Where central water and/or sewer is provided, a restriction requiring connection to such systems shall be included.
- Include language that owners must connect to SWL water.
- During on-site meeting Applicant indicated that soil tests and proposed septic field locations have been sent to the health department and stated that the Health Department will send the City a Staff Report covering their findings. Has not been received yet as of March 29, 2022.
- 1113.07(d): Acopy of the proposed Homeowner's Association bylaws, if applicable, to include-a description of the areas to be maintained by the Homeowner's Association, a timeline for transfer of control from the Subdivider to the property owner's, the requirement that alllots owners shall be a member of the Homeowner's Association, an account of the powers the association shall have in collecting dues and a storm water facility management plan.
- Need stormwater facility management plan language.
- $1113.07(\mathrm{e})$ The extension or improvements, including any oversize requirements to the City-of Pataskala Water and Wastewater Treatment Systems that may be required by the City, to be constructed by the Subdivider at the-Subdivider's expense, and according to all-City requirements
$\ominus$ In this case, replace "City" with "SWLCWSD"
- 1113.07(f): Calculations that develop the water and sanitary sewer demand rates for the subdivision.
- $\quad 1113.07(\mathrm{~g})$ : A statement indicating the proposed water and wastewater service including evidence of approval by the Licking County Health Department or appropriate authority.
- Need to see information from Health Department.
- $1113.07(\mathrm{~h})$ : A Storm Water Drainage Report indicating compliance with all current storm water regulations.
$\theta$ Tobedone with Construction Plans.
- 1113.07 ( j$)$ : Traffic Impact Study
$\theta$ Divergence requested.


## Chapter 1117 - Design Standards

### 1117.07 - Horizontal Alignment

- When there is an angle of deflection of more than ten (10) degrees between two (2) centerline tangent sections of a street, a curve of adequate radius shall connect them. (See Sections 1117.05 to 1117.07, inclusive). Between reverse curves, a minimum tangent of 100 feet shall be introduced.


## - Public Service Director to Verify.

### 1117.08 - Vertical Alignment

- $1117.08(\mathrm{a})$ : All changes of grade shall be connected by vertical curves of a minimum length in feet equal to 20 times the algebraic difference in the rate of grade for arterials and industrial streets; for collector and local streets, 15 times.
- 1117.08(b): Minimum vertical visibility shall conform to the Ohio Department of Highway's regulations in effect on the date of the approval of the preliminary plat.
- 1117.08(c): Minimum vertical visibility shall conform to the Ohio Department of Highway's regulations in effect on the date of the approval of the preliminary plat.
- Public Service Director to Verify.
1117.10 - Special Street Types
- 1117.10(a): Permanent dead-end streets shall not be permitted. Temporary dead-end streets shall be permitted only as part of a continuing street plan, and only if a temporary turn-around satisfactory to the Planning and Zoning Commission in design, is provided, and provisions for maintenance, and removal are stipulated and approved. Temporary dead-end streets longer than 200 feet shall not be permitted.
- Divergence will be needed for dead-end streets. See Staff Report for Divergence list. 1117.15 - Public Sidewalks
- No sidewalks proposed, Divergence needed
1117.17 - Lots
- 1117.17 (c): Each lot shall front on a public thoroughfare
$\theta$ Private streets, Divergence needed.


### 1117.18 - Easements

- Easements at least 20 feet in width centered along rear or side lot lines shall be provided where necessary for sanitary sewers, gas mains, water lines, and electric lines. Easements shall also be provided along every watercourse, storm sewer, drainage channel, or stream within-a subdivision, as provided for in Section 1117.19 of these regulations.


## Chapter 1255 - Planned Development Districts

### 1255.08 - Permitted Uses/Conditional Uses

- 1255.08(a) Planned Residential Development
$\theta$ Residential Planned Developments are-a permitted use.


### 1255.10 - Development Standards

- 1255.10(b) - Common Open Space
- 1255.10(b)(1) Area Required: Minimum of $35 \%$ depending upon type of feature being preserved for common-open space and recreational facilities. No-acreage associated with PDD property setbacks may be counted towards requirement. No more than $10 \%$ of the open space requirement may be comprised of stormwater detention, retentions, or quality structures.
- Likely exceeds requirement but will need site statistics table to confirm compliance. Note that you may exceed the $10 \%$ of acreage in stormwater threshold for
stormwater facilities, just that that acreage beyond the $10 \%$ cannot count towards your open space requirements.
- $1255.10(\mathrm{~g})$ - Minimum Lot Sizes
- 1255.10(g)(1): Provide minimum lot size requirements in Development Text and on Plan (Min. acreage, Min. width, Min. depth).
- 1255.10(h) - Height Requirements
- Provide maximum height of structures permitted in Development Text and on Plan. Note that if this height exceeds 35 -feet, then increased front and rear yard setbacks will be required pursuant to $1255.10(\mathrm{~h})(1)$ and $1255.10(\mathrm{~h})(2)$.
1255.17 - Contents of Zoning Amendment Application with Preliminary Development Plan
- $1255.17(\mathrm{a})(3)(C)$ : A regional context map; indicating the proposed site and all areas within 2,000feet in all directions; showing the basics of the proposed layout of the proposed project and property lines of the adjacent areas on a drawing of 11 inches $X 17$ inches in size.
- 1255.17 (a)(3)(D):
- 1255.17 (a)(3)(E): A map-of existing conditions and features drawn to-scale, with accurate boundaries of the entire project and north arrow, including:
$\ominus 1255.17(a)(3)(E)(1)$ : Boundaries of the area proposed for development, dimensions and total acreage
- Need dimensions, site statistics table.
$\theta \quad 1255.17(a)(3)(E)(3)$ : Identification of any existing buildings or structures to be removed or demolished.
$\theta \quad 1255.17(a)(3)(E)(4)$ : Existing zoning district boundaries and jurisdictional boundaries.
- 1255.17 (a)(3)(E)(5): Existing utility systems and providers.
- Locations/dimensions of existing utility systems on plan.
$\theta \quad 1255.17(a)(3)(E)(6)$ : The location of existing topography showing contour lines at vertical intervals of not more than 5 feet, highlighting ridges, rock outcroppings and other significant topographical features and identifying any areas with slopes over $5 \%$.
- Need interval dimensions for contour lines that are shown.
$\theta-1255.17(a)(3)(E)(7)$ : Locations of all wooded areas, tree lines, hedgerows, and a description of significant existing vegetation by type of species, health and quality.
- Divergence requested to have property owner conduct tree survey at time of construction.
- 1255.17(a)(3)(F): Preliminary Development plan shall include:
- 1255.17(a)(3)(F)(1): The proposed location, use and size of sub-areas of residential, retail, effice, industrialuses, community facilities, parks, playgrounds, schoolsites and other public areas and open spaces with the suggested ownership and maintenance provisions of such areas, and their related parking areas and access points.
- Needs to be mentioned on Plan, in Development Text and Covenants.
- A playground in Reserve C was mentioned at some point, need some details on that.
- $1255.17(a)(3)(F)(3)$ : Any proposed off-site improvements and/or utility lines/extensions needed to serve the site.
- Going to need to know where the utilities will be coming from into the site, general idea of where they will be within the site. Easements? Will the water lines run with the private roads?
$\theta \quad 1255.17(a)(3)(F)(6)$ : Natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc.
- Need landscaping plans
$\theta \quad 1255.17(\mathrm{a})(3)(\mathrm{F})(7)$ : A summary table showing total acres of the proposed development; the number of acres devoted to each type of land use, including streets and common areas; the number of dwelling units by type and density for each residential use area and the building height(s)
- Site-Statistics Table
$\theta-1255.17(a)(3)(F)(8)$ : The provision of water, sanitary sewer.
- Utility Correspondence only states that SWLCWSD will serve the site in the future. No plan for where utilities will enter the site, need to know generallocations where these will be located as mentioned above.
- 1255.17(a)(3)(F)(11): Included with the site plan shall be the proposed location and proposed character of all signs for the entire development (sign master plans are encouraged).
- No signage or standards identified
- 1255.17(a)(3)(F)(12): A letter of communication from the appropriate school district regarding any residential development included in the Planned Development District, added to Development Text.
$\ominus-1255.17(a)(3)(F)(13)$ : Space for signatures of the applicant and the Chair of the Planning and Zoning Commission, and for the dates of Planning and Zoning Commission and City Council approvals.
- 1255.17(a)(3)(G): Development Standards Text
- $1255.17(a)(3)(G)(1)$ : Architectural drawings demonstrating the prototypical design of the proposed buildings, to demonstrate the exterior design, character, and generalelements in sufficient detail to indicate the proposed visual character of the development.
- 1255.17(a)(3)(G)(2): Including signature and date lines for the applicant, certifying the text
$\theta-1225.17(\mathrm{a})(3)(\mathrm{G})(3)$ : Dimensions and or acreages illustrated on the development plan shall be described in the development standards text.
- 1255.17(a)(3)(G)(4): Any provisions that depart from applicable standards set forth in the City of Pataskala Zoning Code addressing signage, landscaping, appearance and parking will be described and justified.
- See Staff Report for list of divergences.

| From: | Alan Haines |
| :--- | :--- |
| To: | Jack Kuntzman |
| Subject: | RE: Pataskala PZC Review Memo for 04-06-2022 |
| Date: | Wednesday, March 30, 2022 10:52:40 AM |

Jack,
I have the following comments on the applications for the subject meeting:

1. ZON-22-001
a. No comment
2. ZON-21-005
a. Previous comments:
i. Developer has requested not to install light at Hollow Road and Yerevan Ct.
3. Street lighting at intersections is a good practice, but is not critical at this intersection.
ii. It does not appear that the intersection of Highland Meadows Dr. and Hollow Road will meet geometric intersection design criteria. The intersections with public roads will be required to meet design criteria, regardless of the requirements for other, private street intersections within the development,
iii. Due to the potential for roadways to be requested to be turned over to the City in the future, some other private streets have been required to meet City design criteria for roadways.
4. I recommend one of the following:
a. Require this development to meet City roadway design criteria; or,
b. Include in HOA document language, and on the plans, something to the effect of "the private roads constructed within The Meadows at Highlands are known at this time, and in perpetuity, to be private roads that are not built to City standards, and at no time shall they be considered by the City, to be taken over or maintained by the City, in any form or fashion, including: pot hole repair, paving, snow removal, drainage, etc.
5. Regardless of the option chosen, the pavement section build up needs shown on the plans, and must be of satisfactory design.
a. I do not recommend chip seal.
iv. It appears that the remainder of my previous comments have been addressed, or are planned to be addressed, during engineering design.
b. I have no further comments at this time. Engineering review comments are to be expected on the construction plans when submitted.

Let me know if questions.
Regards,
Alan W. Haines, P.E.
Public Service Director
City of Pataskala
621 W. Broad St.
Suite 2B

```
From: Scott Haines
To: Alan Haines; Jack Kuntzman
Cc: Jim Roberts
Subject: RE: Pataskala PZC Review Memo for 12-01-2021
Date: Monday, November 22, 2021 2:29:03 PM
```

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Jack

After reviewing the application and Alan's comments below, Hull does not have any additional comments.

Thank You

Scott R. Haines, P.E., CPESC
Senior Project Manager
HULL | Newark, Ohio
Environment / Energy / Infrastructure
d: 740-224-0839 | o: 740-344-5451 | f: 614-360-0023
Follow Hull on Facebook \& Linkedln
web | directions to offices

From: Alan Haines [ahaines@ci.pataskala.oh.us](mailto:ahaines@ci.pataskala.oh.us)
Sent: Thursday, November 18, 2021 3:39 PM
To: Jack Kuntzman [jkuntzman@ci.pataskala.oh.us](mailto:jkuntzman@ci.pataskala.oh.us)
Cc: Scott Haines [shaines@hullinc.com](mailto:shaines@hullinc.com); Jim Roberts [jroberts@hullinc.com](mailto:jroberts@hullinc.com)
Subject: RE: Pataskala PZC Review Memo for 12-01-2021
[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Jack,
My comments regarding the subject PZC meeting are as follows:

1. ZON-21-005
a. Intersections with Hollow Road
i. Install street lights at both intersections
ii. Intersection geometry to meet City of Pataskala design criteria
b. Roadways
i. Roadways as shown would not meet City design criteria in accordance with Pataskala code chapter 1117. These criteria may not need to be met if the streets are to be private.


# Southwest Licking Community Water \& Sewer District 

Mailing: P.O.Box 215
Etna, Ohio 43018
Administrative Office: 69 Zellers Lane
Pataskala, Ohio 43062
Phone: 740.927.0410
Fax: 740.927.4700
Website: www.swlcws.com

March 23, 2022

To: Nathan Harrington, Brack Engineering

From: CJ Gilcher
Re: The Meadows at Highland Project - Preliminary Plan Review

The District has reviewed The Meadows at Highland Project and has the following comments.

## General

A Development Agreement will need to be executed with the District prior to the commencement of construction.

An Ohio EPA Permit to Install will need to be approved prior to the commencement of construction.

## Water

Sheet 5 - Per SWLCWS District Rules \& Regulations Section 504.01, "All easements granted to or reserved by the District shall be at least twenty feet ( $20^{\prime}$ ) wide for one (1) utility facility, except that an easement may be ten feet ( $1 \mathbf{1 0}^{\prime}$ ) wide when it borders another easement or a public right-of-way, part of which can be used for the purpose of the easement." The District is willing to concede the 20' easement to a $15^{\prime}$ easement within the proposed subdivision; however, we request that the water main along Hollow Road be constructed outside of the R/W within its own 15' permanent exclusive easement. The 15' easement shall extend along Hollow Road to the western property boundary (Alward Road).

Sheet 5 - Per SWLCWS District Rules and Regulations Section 506.01, "Waterlines shall be designed using a " $C$ " = $\mathbf{1 4 0}$ or less. The minimum size water line with one (1) fire hydrant shall be six inches (6"). A waterline with two (2) or more fire hydrants, unless looped, shall be eight inches (8"). All other waterlines shall be no less than six inches ( $6^{\prime \prime}$ ). All water lines shall have a minimum cover of four feet (4')." The waterline extension west on Hollow Road shall be 8 " in diameter and extend to the west side of Highland Meadows Drive. The extension shall have a fire hydrant, main line valve, $20^{\prime}$ stub, and cap/thrust block for future extension. The waterline extension south on Highland Meadows Drive shall be 8 " in diameter to the 4 -way cross. Each $6^{\prime \prime}$ water main at the cross shall terminate into the $8^{\prime \prime}$ water main. The water main on Bdoyan

Court is ok at $6^{\prime \prime}$ diameter. The Highland Meadows Drive water main loop is ok at $6^{\prime \prime}$ diameter. See note below regarding Avetisyan Court.

Sheet 6 - Per SWLCWS District Rules and Regulations Section 506.04, "Fire hydrants shall be spaced so that any point of inhabited building can be reached by less than three hundred feet ( $300^{\prime}$ ) of fire hose from the first hydrant and three hundred feet ( $300^{\prime}$ ) of hose from the second hydrant in developed areas." On Avetisyan Court, Lots \#17 through 20 do not meet the specifications. Utilizing a 2" post flushing hydrant is not an option. Please revise.

If you have any questions, please feel free to contact me at any time.
Thank you,
Christopher Milcher
CJ Filcher
Utilities Superintendent
740-927-0410 Ext: 225
cgilcher@swlcws.com

| From: | Scott Morris |
| :--- | :--- |
| To: | Jack Kuntzman |
| Subject: | RE: Pataskala PZC Review Memo for 04-06-2022 |
| Date: | Wednesday, March 9, 2022 3:17:47 PM |
| Attachments: | image003.png <br>  |
|  | Subdivision Review 2019.pdf |
|  | Application for a Maior Subdivision Review 7-2021.pdf |

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Jack,

A few comments I have after my review:

- This following project will have to apply for our major subdivision review for the Board of Health (See attachments)
- I see the comment that SWLCWSD will serve the site in the future but I assume that is still being determined at this time?
- We will need to see/receive the actual soil evaluations for each lot's proposed septic area
- If city water is not going to be available then a 50 ft radius around the proposed well location will have to be shown.

Let me know if you have any other questions or concerns.

Thank you,
Scott Morris, REHS
Environmental Health Director
Licking County Health Department
675 Price Rd. | Newark, OH | 43055
Office: (740) 349-6475
www.lickingcohealth.org


Find LCHD on Social Media:


From: Jack Kuntzman [jkuntzman@ci.pataskala.oh.us](mailto:jkuntzman@ci.pataskala.oh.us)
Sent: Wednesday, March 9, 2022 2:22 PM
To: Felix Dellibovi [fdellibovi@ci.pataskala.oh.us](mailto:fdellibovi@ci.pataskala.oh.us); Jim Roberts [jroberts@hullinc.com](mailto:jroberts@hullinc.com); Scott Haines [shaines@hullinc.com](mailto:shaines@hullinc.com); Doug White [DWhite@westlickingfire.org](mailto:DWhite@westlickingfire.org); Bruce Brooks
[bbrooks@pataskalapolice.net](mailto:bbrooks@pataskalapolice.net); Philip Wagner [pwagner@lhschools.org](mailto:pwagner@lhschools.org); Scott Morris
[smorris@lickingcohealth.org](mailto:smorris@lickingcohealth.org); 'Chris Gilcher' [cgilcher@swlcws.com](mailto:cgilcher@swlcws.com); Alan Haines

## WEST LICKING JOINT FIRE DISTRICT

District Headquarters
851 East Broad Street Pataskala, Ohio 43062 740-927-8600 [Office] 740-964-6621 [Fax] www.westlicking fire.org

March 10, 2022
Subject: Meadows at Highlands

Jack,
The West Licking Fire District has reviewed the plans for Meadows at Highlands and we have the following comments.

1) All streets that are 28 ' or less in width shall have "NO PARKING" signs posted on the fire hydrant side of the street.
2) All cul-de-sacs shall have a minimum of $96^{\prime}$ of unobstructed paved drivable surface, posted with signs that states "NO PARKING".
3) Dead-end fire apparatus access roads in excess of 150 ' in length shall be provided with an approved area for turning around fire apparatus.
4) Per the Fire Districts regulations section J: maximum distance between fire hydrants is $500^{\prime}$ in residential subdivisions.
5) The Fire Districts permit application shall be completed and permit fee paid in full prior to the start of construction.

This concludes our comments at this time. If you have any questions please feel free to contact me.

Regards,

Doug White
dwhite@westlickingfire.org
Fire Marshal
West Licking Fire District
851 E. Broad St.
Pataskala Oh 43062
Office Phone \# 740-927-3046 Opt. 2
Westlickingfire.org

| From: | Philip Wagner |
| :---: | :---: |
| To: | Jack Kuntzman; Felix Dellibovi; Jim Roberts; Scott Haines; Douq White; Bruce Brooks; Scott Morris; Chris Gilcher; Alan Haines |
| Cc: | Scott Fulton; Lisa Paxton |
| Subject: | RE: Pataskala PZC Review Memo for 04-06-2022 |
| Date: | Friday, March 18, 2022 3:32:00 PM |

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Jack,

ZON-22-001 - Property owners requesting 3 parcels of land rezoned from Medium-Low Density Residential District to Planned Manufacturing District. - No Comment

ZON 21-005 - Revised plans for the Meadows at Highland development. Earlier today we had a Zoom Meeting with the Developer - No Comment

Have a good weekend,

```
OMilip OHP(DNagner, Ph.D.
Superintendent
Licking Heights Local Schools
Honoring our legacy. Inspiring the present. Ready for the future.
6 5 3 9 \text { Summit Road, S.W.}
Pataskala, Ohio 43062
www.lhschools.org
```

From: Jack Kuntzman [jkuntzman@ci.pataskala.oh.us](mailto:jkuntzman@ci.pataskala.oh.us)
Sent: Wednesday, March 9, 2022 2:22 PM
To: Felix Dellibovi [fdellibovi@ci.pataskala.oh.us](mailto:fdellibovi@ci.pataskala.oh.us); Jim Roberts [jroberts@hullinc.com](mailto:jroberts@hullinc.com); Scott Haines [shaines@hullinc.com](mailto:shaines@hullinc.com); Doug White [DWhite@westlickingfire.org](mailto:DWhite@westlickingfire.org); Bruce Brooks [bbrooks@pataskalapolice.net](mailto:bbrooks@pataskalapolice.net); Philip Wagner [pwagner@lhschools.org](mailto:pwagner@lhschools.org); Scott Morris [smorris@lickingcohealth.org](mailto:smorris@lickingcohealth.org); 'Chris Gilcher' [cgilcher@swlcws.com](mailto:cgilcher@swlcws.com); Alan Haines [ahaines@ci.pataskala.oh.us](mailto:ahaines@ci.pataskala.oh.us)
Cc: Scott Fulton [sfulton@ci.pataskala.oh.us](mailto:sfulton@ci.pataskala.oh.us); Lisa Paxton [lpaxton@ci.pataskala.oh.us](mailto:lpaxton@ci.pataskala.oh.us)
Subject: Pataskala PZC Review Memo for 04-06-2022

Good Morning Everyone,

You are receiving this email because one or more of the Applications submitted for the April 6, 2022 Planning and Zoning Commission is within your jurisdiction. Please see the list below for which Applications are being submitted for your review.

ZON-21-005 (REVISED PLANS): Felix Dellibovi, Jim Roberts, Bruce Brooks, Doug White, Philip Wagner, Scott Morris, CJ Gilcher, Alan Haines.

ZON-22-001: Felix Dellibovi, Jim Roberts, Bruce Brooks, Doug White, Philip Wagner, CJ Gilcher, Alan Haines.

Please review the applications, and if you have any comments or concerns regarding them they may be submitted to me in writing no later than Monday, March 28th.

And if you have any questions about the Applications themselves, feel free to contact me.

Here is a link to download the review memo:

# The Meadows at Highland Rezoning \& Preliminary Development Plan Application 



March 4, 2022

## Current Property Owners:

AV Investment LLC
656 Dark Star Ave.
Columbus, OH 43230
Jurisdiction:
City of Pataskala, Licking County

## Parcel Number:

631-141936-00.000

## Site Address:

10391 Hollow Road SW
Pataskala, Ohio 43062
Property Area:
159.45 acres

Applicant / Author:
Joe Clase, AICP
Plan 4 Land, LLC
1 South Harrison Street
P.O. Box 306

Ashley, Ohio 43003
(833) 752-6452 phone
joe@plan4land.net
www.plan4land.net
Existing Zoning District:
Agriculture (AG)
Proposed Zoning District:
Planned Development District (PDD)

## Proposed Development:

32 single-family residential lots

## City of Pataskala Planning and Zoning Commission

City Hall, Council Chambers 621 West Broad Street Pataskala, Ohio 43062

## PRELIMINARY PLAN APPLICATION

(Pataskala Codified Ordinances Chapter 1113)

| Property Information |  |  |
| :---: | :---: | :---: |
| Address: 10391 Hollow Road SW, Pataskala, Ohio 43062 |  |  |
| Parcel Number: 631-141936-00.000 |  |  |
| Zoning: Agriculture (AG) | Acres: 160 |  |
| Water Supply: <br> C City of Pataskala | $\square$ South West Licking | O On Site |
| Wastewater Treatment: <br> $\square$ City of Pataskala | - South West Licking | U On Site |


| Applicant Information |  |  |
| :---: | :---: | :---: |
| Name: Plan 4 Land, LLC - Joe Clase, AICP |  |  |
| Address: 1 South Harrison Street, P.O. Box 306 |  |  |
| City: Ashley | State: Ohio | Zip: 43003 |
| Phone: (833) 752-6452 | Email: joe@plan4land.net |  |


| Owner Information |  |  |
| :--- | :--- | :--- |
| Name: KEG Highlands Golf LLC |  |  |
| Address: $\mathbf{2 7 0 0}$ McKinley Ave., Suite 204 |  |  |
| City: Columbus | State: Ohio | Zip: $\mathbf{4 3 2 0 4}$ |
| Phone: | Email: |  |


| Documents |
| :--- |
| $\square$ Application |
| $\square$ Fee |
| $\square$ Preliminary Plan |
| $\square$ Supplementary Info |
| $\square$ Deed |
| $\square$ Address List |
| $\square$ Area Map |


| Preliminary Plan Information |
| :--- |
| Describe the Project: Proposed rezoning to PDD to allow for cluster designed residential neighborhood with |
| twenty-four up to (24) single-family lots on private roadway(s) with at least 50\% dedicated open space. |
| Additional details attached. |
|  |
|  |
|  |
|  |

## Documents to Submit

Preliminary Plan Application: Submit 14 copies of the preliminary plan application.
Preliminary Plan: Submit 14 copies of a preliminary plan $24 \times 36$ inches in size containing the following:
a) Proposed name of the subdivision
b) Location by section, range, township or other official surveys
c) Names, addresses and phone numbers of the owner, subdivider, an Ohio Registered Professional Engineer who prepared the plan, or Registered Surveyor who prepared the plan, and the appropriate registration numbers and seals of each.
d) Date of survey.
e) Scale of the plan, not less than 100 feet to the inch, and north arrow.
f) Boundaries of the subdivision, its acreage, and deed book and page number of lands within the proposed subdivision.
g) Names of adjacent subdivisions, owners of adjoin parcels of unsubdivided land, and the location of their boundary lines.
h) Locations, widths, and names of existing streets, railroad rights of way, easements, parks, permanent buildings, corporation and township lines, location of wooded areas and any other significant topographic and natural features within and adjacent to the plan for a minimum distance of 200 feet.
i) Zoning classification of the tract and adjoining properties and a description of the proposed zoning changes, if any.
j) Existing contours at an interval of not greater than two (2) feet if the slope of the ground is 15 percent or less, and not greater than five (5) feet where the slope is more than 15 percent.
k) Existing storm and sanitary sewers, water lines, culverts, and other public utilities underground structures, and power transmission poles and lines, within and adjacent to the tract.
l) Location, names and widths of typical cross section and right of way width of proposed streets and easements.
m) Building setback lines with dimensions.
n) Location and dimensions of all proposed public and private utilities, water, wastewater, storm drain lines, detention and/or retention facilities showing their locations and connections with existing system.
o) Layout, lot number of and approximate dimensions of each lot. When a lot is located on a curved street, or when side lot lines are not at 90 degree angles, the width of the building line shall be shown.
p) Parcels of land in acres and/or parts of acres to be preserved for public use, or to be reserved by covenant for residents of the subdivision.
q) The location and width of sidewalks and spacing of street lighting.
r) A vicinity map at a scale of not less than 2,000 feet to the inch shall show all existing subdivisions, roads, tract lines, nearest existing thoroughfares and the most advantageous connections between roads in the proposed subdivision and those of the neighboring area.
Supplementary Information: Submit 14 copies of a site plan to scale of the subject property indicating the following:
a) Statement of proposed use of all lots, giving types number of dwelling units and any type of business or industry.
b) Location and approximate dimensions of all existing buildings.
c) For commercial and industrial development, the location, dimensions, approximate grade of proposed parking and loading areas, alleys, pedestrian walks, streets and the points of vehicular ingress and egress to the development and storm drainage detention of retention facilities.
d) Description of the proposed covenants and restrictions.
e) The extension or improvements of, including any oversize requirements to the City Central Water and Wastewater Treatment Systems that may be required by the City, to be constructed by the Subdivider at the Subdivider's expense, and according to all City ordinances. (See Section 1113.14)
f) Calculations which develop the water and sanitary sewer demand rates for the subdivision.

Deed: Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained at www.Icounty.com/rec.
Address List: Submit one copy of a list of all property owners and addresses of those owning property within 200 feet or two parcels from any point on the subject property line, whichever creates more property owners. This list must be in accordance with the Licking County Auditor's current tax list and must be submitted on mailing labels.
Area Map: Submit 14 copies of an area map from the Licking County Engineer's office showing the area encompassed by the address list. Area maps can be obtained at www.Icounty.com/taxparcelviewer/default.

## Signatures

I certify the facts, statements and information provided on and attached to this application are true and correct to the best of my knowledge. Also, I authorize City of Pataskala staff to conduct site visits and photograph the property as necessary as it pertains to this preliminary plan request.

| Applicant: | Date: |
| :--- | :--- |
| Owner: | Date: |

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## Project Team

## Property Owner / Developer

AV Investment LLC, Adam Bdoyan
656 Dark Star Ave., Columbus, OH 43230
(646) 346-9521

Site Planner
Plan 4 Land, LLC, Joe Clase, AICP
1 South Harrison Street, P.O. Box 306,
Ashley, Ohio 43003
(740) 413-4084, http://www.plan4land.net

## Civil Engineer

Brack Engineering, Nathan Harrington, PE
5659 Greystone Lane, Hilliard, Ohio 43026
(614) 506-3662

## Traffic Engineer

Carpenter Marty Transportation, Gina
Balsamo, PE
6612 Singletree Drive, Columbus, Ohio 43229
(614) 656-2424, http://www.cmtran.com/

## Surveyor

Blue Church Surveying, Steven Newell, PS
5654 Township Road 211, Marengo, Ohio
43334
(419) 508-0951

## Soil Scientist

Smart Services, Mitchel R. Strain, CPSS (740) 345-4700, http://smartservicesinc.com/

## P\&Z Commission Approval

Planning and Zoning Commission, Chair

## Date

Attest:

Signature

Printed Name

City Council Approval

City Council, President

Date

Attest:

Signature

Printed Name

## Surveyor Certification

We do hereby certify that we have surveyed the premises and prepared the attached plat and said plat is correct.

By $\qquad$

## STATE OF OHIO CITY OF PATASKALA, OHIO

Before me a Notary Public in and for said City personally came Adam Bdoyan who acknowledged the signing of the foregoing instrument to be their voluntary act and deed for the purposes therein expressed.

In witness whereof I have hereunto set my hand and affixed my official seal this $\qquad$ day of
$\qquad$ , 20

By $\qquad$

## Owner Certification

In accordance with the City of Pataskala Subdivision Regulations and Zoning Ordinance, the undersigned owner, Adam Bdoyan, managing member of AV Investment LLC, hereby certifies that the attached plans correctly represent the planned development, The Meadows at Highland, a subdivision of lots 1 to 32 , inclusive, and does hereby accept the plans of same and dedicate to public (private) use as such all or parts of the roads, boulevards, cul-de-sacs, parks, planting strips, etc., shown herein and not heretofore dedicated.

The undersigned further agrees that any use of improvements made on this land shall be in conformity with all existing valid zoning, platting, health, or other lawful rules and regulations including the applicable off-street parking and loading requirements of the City of Pataskala, Ohio, for the benefit of himself and all other and subsequent owners or assigns taking title from, under, or through the undersigned.

In Witness thereof $\qquad$ day of 20 $\qquad$ .

Witness $\qquad$ Signed $\qquad$

## STATE OF OHIO

CITY OF PATASKALA, OHIO
Before me a Notary Public in and for said City personally came Adam Bdoyan who acknowledged the signing of the foregoing instrument to be their voluntary act and deed for the purposes therein expressed.

In witness whereof I have hereunto set my hand and affixed my official seal this $\qquad$ day of
$\qquad$ , 20

By $\qquad$

## Property Information

Location Map


Zoning Map


Aerial Map


Legal Description
Situated in the County of Licking, State of Ohio, and in the City of Pataskala and bounded and described as follows:

Known and described as Lot Number Nine (9) in the First Quarter of the First Township in the Fifteenth (15) Range of the United States Military Lands; containing 160 acres, more or less, subject to all legal highways.

Property Address: 10391 Hollow Road, Pataskala, OH 43062
Parcel Number: 063-141936-00.000

## Utility Feasibility

The SW Licking Water District has a contract to provide public water to this area. The site is currently served by the City of Pataskala through a limited-service line. The developer is working with SW Licking District to identify a plan for extending water service and will commit to working out a solution with them to service this site. The plans depict a 6 " diameter water line extension along Hollow Road that is proposed at the developer's expense. Included in this application is confirmation of service availability from SW Licking Water.

Soil evaluation was completed on February 15, 2022, by Smart Services, to evaluation soil feasibility for onsite treatment. Each lot was evaluated to ensure adequate area for at least a four (4) bedroom single-family home. Plans are being simultaneously submitted to Licking County Health Department to seek their approval.

According to the Public Utilities Commission of Ohio Licking Rural Electrification supplies electric service and UTO dba CenturyLink provides telecom services, which are both available along the frontage of Hollow Road (source PUCO, 2021)

See included feasibility information. Additional utility feasibility can be demonstrated, if necessary.

## Development Overview

## Proposed Use:

32 Single Family Residential Lots with $+/-50 \%$ open space dedication, at a gross density of 0.20 units per gross acre.

## Floodplain Information

Floodplain: The site is located in Zone X (Area of Minimal Flood Hazard) on FIRM Panel No. 39089C02641 dated 5/2/2007.

## Survey \& Easement Reference

All existing permanent and temporary structures are shown on the Existing Conditions Plan on pages 3 and 4 of the preliminary development plan. There are no known burial grounds and other areas of archeological significance within and adjacent to the Major Subdivision for a minimum distance of 200 feet. The NWI wetlands, watercourses and waterbodies are included per Ohio GIS data. All naturally occurring water features include at least a minimum 25 -foot no-build buffer as measured from the edge of the water feature and are included within dedicated open space or will otherwise be platted as no-build zones. See pages 5 and 6 of the development plan. All existing easements are subject to revocation or relocation. All lots will have a minimum five (5) foot easement along the property line of the side and rear yards, if determined to be necessary by the City Administrator or their designee. Easements are depicted on the plans to demonstrate compliance.

## Minimum Lot Frontage

150 '

## Building Setbacks:

80' front setback from right-of-way and access easement (or at point of 150 ' lot width), 30 ' side setback, $30^{\prime}$ rear setback.

## Utilities

Location of proposed water service is shown on the plan along with probable septic treatment system locations. All new utilities shall be located underground.

## Tree Survey

Existing trees have been monumented within the areas proposed for improvement by the developer, including tree diameter. Additional trees were monumented from the current aerial photograph for reference purposes. Specific species will be identified prior to any removal, to ensure compliance with A Tree Replacement Survey and Landscaping Plan will be submitted prior to construction drawings being approved pursuant to Chapter 1283.

## Phasing

None

## List of Divergences from Zoning Resolution

The following divergences are being requested:

| Code Section | Reasoning |
| :--- | :--- |
| 1117.04 Street Design | Private Roads Proposed |
| 1117.05 Street Design <br> Standards for cul-de- <br> sacs and all local <br> roads | Private Roads Proposed |
| 1117.10 Special Street <br> Types | For Yerevan Court (Dead-End Street) |
| 1117.15 Public <br> Sidewalks | Private Streets Proposed |
| 1121.15 Street and <br> Walkway Lighting | For Hollow Road / Yerevan Court Intersection at request of neighbors <br> to provide for public safety at hill. |
| 1121.16 Street Trees | Per Plan |
| 1121.17 (c) Frontage | Private Streets Proposed |
| 1283 Landscaping <br> Requirements | Per Plan |
| Planning Commission <br> Traffic Study | Per Traffic Memo Findings |

While not a specific divergence, the applicant is seeking permission to transfer up to one (1) acre to adjoining owners prior to platting to resolve encroachment issues with some neighbors. The purchase of any such property will be subject to the same terms and conditions of the preserved open space and will include a deed restriction indicating it is not to contain buildings, fences or other enclosures.

## Private Drive Construction Specifications

All private drives will be required to be paved with a hard-surfaced material, such as asphalt or Chip-n-Seal at the specified width at the surface, being 20 feet wide for most drives with the exclusion of Yerevan Court, which is designed at 12 foot in width. The drives shall be designed with sufficient base to sustain an $80,000 \mathrm{lb}$. load and any additional requirements put in place through the approval process.

## Architectural Standards

The covenants of this development will incorporate the architectural design guidelines similar to Highland Estates development (located east of this project) and ensure compliance with the Residential Appearance Standards of Chapter 1296 of the Pataskala Code along with general compliance with the city ordinances. The minimum finished floor area of each home will be 1,800 square feet, or 1,600 square feet, with a finished basement of at least 800 square feet. All garages must be side or rear load. Façade appearance will be limited to brick, stone and stucco. Blank facades will be accented with differential roof pitches, materials and windows.

The following photographs are representative of the character proposed with this development:




## Proposed Drive Names

The main drive be called "Highland Meadows Drive" and the three smaller deadend drives will be named the following, unless otherwise agreed with the Planning Commission or City Council:

- Bdoyan Court
- Avetisyan Court
- Yerevan Court


## Response from December 1, 2021 Staff Review

AV Investment LLC has purchased the subject property and plans to proceed with plans for single-family development on the property. After updating plans to address public and staff review comments, reassessing cost of development, the plan has been modified to include 32 single-family lots.

The following is an itemized response to the December 1, 2021 staff review comments.

## General Comments:

| Comment | Response |
| :--- | :--- |
| • Application lists "City of Pataskala" as the <br> water provider, this is part of the trade to <br> SWL, so SWL should be checked instead. | A corrected application form is included with <br> this resubmittal. |
| - Don't include the conceptual house <br> locations on the plan (orange boxes). It tends <br> to lead to confusion. Just include a building <br> envelope from the proposed minimum <br> setbacks. | House locations were removed from the <br> Preliminary Development Plan. |
| Proposed Uses: Pataskala Code allows for <br> Home Occupations, either a Type A (someone <br> in a home office working from home) or a <br> Type B (customers coming to the home), how <br> do you want to address these? If not <br> mentioned, then Pataskala's rules supersede. | The decision to regulate home occupations <br> will be deferred to the regulations of the <br> Pataskala Zoning Ordinance. |
| Need to list, specifically, which divergences <br> you are requesting. A catch-all will not <br> suffice. | A detailed divergence list is included. |
| Include a Site Statistics Table on the Plan, <br> showing total acreage, acreage within lots, <br> acreage within common access <br> easements/drives, acreage within stormwater <br> facilities, acreage within open space, <br> etc. | A Site Statistics Table was added to the Plan. |

## Planning and Zoning Staff:

| Comment | Response |
| :--- | :--- |
| The Future Land Use Map recommends this | The proposed density is 1 dwelling unit per 5 |
| property as "Conservation Suburban". The | acres or 0.2 units per acre, within the |
| City's Comprehensive Plan, adopted July | recommendations of the Future Land Use |
| 2021, describes this as "characterized by a |  |
| clustering of single-family homes at a higher | Map. The open space is over 50\% of the <br> gross site area with 49\% of the gross site area <br> density compared to Conservation Rural (One <br> (1) unit per acre)". Rural character should be <br> in dedicated open space and additional open <br> space preserved in the cul-de-sac of <br> incorporated in elements such as landscape <br> features, large setbacks, and open space. |
| Avetisyan Court and within drainage <br> Development intensity is recommended at <br> $50 \%$ of the site area or one (1) unit per two | space. |
| (2) acres (0.5 units per acre). |  |
| Open space should make up at least $50 \%$ of <br> the site, with recreational paths recommended preserving open <br> and the recommend use is detached single- <br> family homes. | The proposed plans are compliant and <br> substantial cart paths from the old golf course <br> are being preserved as recreational trails <br> throughout the development. |

Public Service Director Comments:

| Comment | Response |
| :--- | :--- |
| 1. Intersections with Hollow Road <br> a. Install streetlights at both intersections. <br> b. Intersection geometry to meet City of <br> Pataskala design criteria. | A divergence is requested for the eastern <br> intersection on Hollow, as three lots does not <br> appear to justify a streetlight and neighbors <br> specifically indicated that this would be a <br> safety hazard for them. Streetlights will be <br> provided at the other intersections. |
| 2. Roadways <br> a. Roadways as shown would not meet City <br> design criteria in accordance with Chapter <br> 1117. These criteria may not need to be met if <br> streets are to be private (request Divergences) | Divergences are highlighted, as appropriate. |
| 3. Provide 15-feet of right-of-way along <br> frontage for both Hollow Road and Alward <br> Road. | 30-foot of right-of-way has been included in <br> the Plan and will be dedicated upon plat <br> approval. |
| 4. Stormwater requirements, including water <br> quality and quantity shall be met. <br> a. It is highly recommended to provide a new <br> retention basin to meet these requirements, as <br> using the existing pond will be heavily <br> scrutinized for additional loading due to the <br> existing dam. | Brack Engineering completed a stormwater <br> study and is recommending a series of <br> stormwater improvements that have been <br> included in the Plan. |
| 5. It is not anticipated that any traffic studies <br> will be necessary for the following reasons: | An updated traffic memo was included along <br> with a divergence from the traffic study <br> requirement. Impact fees will be paid <br> accordingly. |

a. The traffic volumes produced will not trigger the need for turn lanes at either entrance drive.
b. Impact fees to be collected supersede the need for consideration of traffic impacts.

## City Engineer Comments:

| Comment | Response |
| :--- | :--- |
| The City Engineer concurs with the Public <br> Service Director's Comments | See above. |

## Licking County Health Department Comments:

| Comment | Response |
| :--- | :--- |
| Any proposed major subdivision that will be | A complete Health Department submittal is <br> developed without access to a public water <br> and/or sanitary system must be reviewed by by Soil Scientist Mitch Strain <br> aith Smart Services with this application with <br> the LCHD to determine compliance with <br> regulations. The Health Department has <br> supplied the list of requirements that need to <br> be met. |
| anticipation it will be considered at the March |  |
| $15^{\text {th }}$ Board of Health Meeting prior to the |  |
| Planning Commission hearing. Soil |  |
| evaluations were completed on February 15 |  |
|  | th <br> and test hole locations were shown on the site <br> plan, pages 5 and 6 of the preliminary <br> development plan. Initial STS field sizes <br> were depicted to facilitate a minimum 4- <br> bedroom home. |

Southwest Licking Community Water and Sewer District Comments:

| Comment | Response |
| :--- | :--- |
| Public water mains shall be installed within <br> an exclusive 20-foot water line easement or <br> within a public right-of-way. | This has been provided on the Plans. |
| Sanitary is not immediately available to the <br> property and will be under the jurisdiction of <br> the Licking County Health Department. | See above. |

Licking Heights Local Schools Comments:

| Comment | Response |
| :--- | :--- |
| No comment on original plans. | An updated opinion from the school <br> superintendent was sought with this <br> application and will be provided to staff when <br> it is received. High-end residential housing <br> generally provides more tax revenue to the <br> school district than the cost burden generated <br> from the development. |

## Preliminary Development Plan Approval Criteria:

According to Section 1255.19 of the Pataskala Code, the Planning and Zoning Commission shall consider approval of a Preliminary Development Plan if the proposal:

| Criteria | Response |
| :---: | :---: |
| a) The proposed development advances the general health, and safety of the City of Pataskala and is consistent with the purpose and intent of the Zoning Code. | Yes, as evidenced herein, the proposed development will produce high quality housing opportunities for the community and retain valuable open space. |
| b) The proposed development is in conformity with the Comprehensive Plan, and other adopted plans or portions thereof as they may apply and will not unreasonably burden the existing street network. | Yes, the proposal is at a density of $0.2 \mathrm{du} /$ acre with $+/-50 \%$ or more open space with a conservation development designed community. |
| c) The proposed development advances the general welfare of the City and immediate vicinity and will not impede the normal and orderly development and improvement of, and is otherwise compatible with, the surrounding areas. | Yes, public water will be extended to benefit this development along with existing residences in the area. |
| d) The proposed uses are appropriately located in the City so that the use and value of property within and adjacent to the area will be safeguarded. | Yes, the cluster designed development will preserve a significant buffer around the perimeter of the site for adjoining homes to enjoy along with some internal areas around the pond. |
| e) The proposed developments will have sufficient open space areas that meet the objectives of the Comprehensive Plan. | Yes, the plan includes $+/-50 \%$ of the site being preserved in open space. |
| f) That the benefits, improved arrangements, and the design of the proposed development justify the deviation from the standard development requirements included in the City of Pataskala Zoning Code. | Yes, large lot development would not result in utility and drainage improvements that are being provided with this proposal. Additionally, large lot development would not address access management and tree preservation. |
| g) That there are adequate public services (e.g. utilities, fire protection, emergency service, etc.) available to serve the proposed development. | Yes, as evidenced herein, this proposed development will provide for public water, on-site septic and private roads that meet fire safety standards. |
| h) The applicant's contributions to the public infrastructure are consistent with all adopted plans and are sufficient to service the new development. | Yes, the extension of public water is consistent with plans for serving more than just this site. |
| i) That the proposed development will not create overcrowding and/or traffic hazards on existing roads and/or intersections. | Yes, the addition of 32 single-family homes will be comparable to the traffic generated through hundreds of golfers that patronized the golf course when it was in operation. |

$\left.\begin{array}{|l|l|}\hline \begin{array}{l}\text { j) That the arrangement of land uses on the } \\ \text { site properly considered topography, } \\ \text { significant natural features, and natural } \\ \text { drainage patterns, views, and roadway access. }\end{array} & \begin{array}{l}\text { Yes, the cluster design behind the layout of } \\ \text { this development provides for development } \\ \text { on the portion of the site that is most } \\ \text { appropriate to be developed and helps } \\ \text { preserve natural resources. }\end{array} \\ \hline \begin{array}{l}\text { k) That the clustering of development sites is } \\ \text { shown to preserve any natural or historic } \\ \text { features and provides usable common open } \\ \text { space. }\end{array} & \begin{array}{l}\text { Yes, as evidenced by the plan the proposed } \\ \text { clustering will assist in preserving the natural } \\ \text { features and views around the perimeter of the } \\ \text { site along with a large preservation area } \\ \text { around the pond. }\end{array} \\ \hline \begin{array}{l}\text { 1) The proposed road circulation system is } \\ \text { integrated and coordinated to include a } \\ \text { hierarchical interconnection of interior roads } \\ \text { as well as adequate outer-connection of } \\ \text { interior collector streets with off-site road } \\ \text { systems, and to maximize public safety and to } \\ \text { accommodate adequate pedestrian and bike } \\ \text { circulation systems so that the proposed } \\ \text { development provides for a safe, convenient }\end{array} & \begin{array}{l}\text { Yes, a loop road with a few dead-end shared } \\ \text { drives will help ensure traffic management on }\end{array} \\ \text { Hollow Road SW. The proposed emergency } \\ \text { and non-conflicting circulation system for Alward Road will help to ensure 2- } \\ \text { ways of ingress and egress for 29 of the 32 } \\ \text { proposed single-family houses. The } \\ \text { oversized turnaround on Yerevan Court and } \\ \text { widened entrance will help ensure good } \\ \text { circulation while giving the drive the } \\ \text { appearance of a traditional driveway. }\end{array}\right\}$

| p) Adequate provision is made for storm <br> drainage within and through the site so as to <br> maintain, as far as practicable, usual and <br> normal swales, watercourses and drainage <br> areas. | Yes, the proposed stormwater infrastructure <br> will preserve and potentially improve onsite <br> and offsite drainage. |
| :--- | :--- |
| q) The proposed phasing of development is <br> appropriate for the existing and proposed <br> infrastructure and is sufficiently coordinated <br> among the various phases to yield the <br> intended overall development and to insure <br> that public facilities and amenities are <br> provided as planned. | Yes, the project will be developed in a single- <br> phase. |
| r) That any other items shown in the <br> preliminary development plan or in the <br> accompanying text be addressed to the <br> Planning and Zoning Commission's <br> satisfaction. | Yes, Plans have been updated to include <br> additional details requested by staff and the <br> Planning and Zoning Commission. |

## Chapter 1113 - Major Subdivisions

1113.06 - Preliminary Development Plan Contents

| Comment | Response |
| :--- | :--- |
| $1113.06(\mathrm{~d}):$ Names, addresses, and contact | Added. |
| information of the property owner(s), the |  |
| Subdivider, the Ohio Registered Engineer |  |
| and/or the Ohio Registered Surveyor who |  |
| prepared the plan and the appropriate seals |  |
| and registration numbers of each, |  |
| $1113.06(\mathrm{e}):$ Date of survey, scale of plan and | Added. |
| north arrow. |  |
| $1113.06(f):$ Boundaries of the Major <br> Subdivision, its acreage, and deed book and <br> page number of lands within the proposed <br> Major Subdivision. | Added. |
| $1113.06(h):$ Locations, widths, and names of <br> existing streets, rail road rights of way, <br> easements, parks, permanent buildings, <br> corporation and township boundaries, wooded <br> areas, natural features, drainage, 100-year |  |
| flood plain, existing permanent and temporary |  |
| structures, and burial grounds and other areas |  |
| of archeological significance within and |  |
| adjacent to the Major Subdivision for a |  |
| minimum distance of 200 feet. |  |$\quad$.


| $1113.06(\mathrm{i}):$ Locations of all wetlands, ponds, | Added. |
| :--- | :--- |
| watercourses and other naturally occurring |  |
| water features on the property, or lack thereof, |  |
| and certified by a professional engineer, |  |
| registered in the State of Ohio. A note shall be |  |
| placed on the plan if no naturally occurring |  |
| watercourses exist on the property. All |  |
| naturally occurring water features shall |  |
| include a minimum 25-foot buffer as |  |
| measured from the edge of the water feature |  |
| o 25-foot buffer around water features is |  |
| required to be shown on the plan, as well as a |  |
| note included on the plan. Buffer was |  |
| mentioned in text. |  |
| $1113.06(\mathrm{j}):$ Location, names and widths and | Added. |
| typical cross section and right of way width of |  |
| proposed streets. Street names shall not |  |
| duplicate or closely resemble the name of any |  |
| other street, highway or road in the City of |  |
| Pataskala or Licking County. |  |
| o Even if they are private, still need to know |  |
| the location, name and widths. |  |
| $1113.06(\mathrm{k}):$ Location, widths and description | Added. |
| of proposed easements. All lots shall have a |  |
| minimum five (5) foot easement along the |  |
| property line of the side and rear yards if |  |
| determined to be necessary by the City |  |
| Administrator or their designee. |  |
| o Development Text states 5-foot easements |  |
| around property lines, needs to be shown on |  |
| plan. Entry Feature Easement not shown on |  |
| plan. |  |
| $1113.06(l):$ Building setback lines with | Added. |
| dimensions. |  |
| o There are a few lots with missing setback |  |
| dimensions. |  |
| $1113.06(m):$ Location and dimensions of all |  |
| proposed public and private utilities, water, | Added. |
| wastewater, storm drain lines, detention |  |
| and/or retention facilities showing their |  |
| locations and connections with the existing |  |
| system. All new utilities shall be located |  |
| underground. |  |
| $1113.06(n):$ Layout, lot number, acreage and |  |
| dimensions of each lot. When a lot is located |  |
| on a curved street, or when side lot lines are | Added. |


| not at 90 degree angles, the width at the building line shall be shown. o Need to show width of lot at building line when the lot is not at a 90 -degree angle. |  |
| :---: | :---: |
| 1113.06(o): Parcels of land in acres to be reserved for public use, or to be reserved by covenant for residents of the subdivision. <br> o Rename Central Park and Preserve to "Reserve A" and "Reserve B", include note in Development Text and on Plan indicating proposed use, maintenance, etc. | Added. |
| 1113.06(p): The location and width of sidewalks and paths. <br> o Assuming there will be no sidewalks, divergence needed. Indicate proposed width/material of trails. | Added. |
| $1113.06(\mathrm{q})$ : The location of all street lights. Street lights shall have a maximum spacing of 200 feet and be staggered on opposite sides of the street. At least one street light shall be located at an intersection. <br> o Assuming there will be no street lights, divergence needed. Public Service Director has indicated that a street light should be located at the intersection of the two access drives onto Hollow Road SW. | A street light will be provided at the intersection of Hollow Road SW and Highland Meadow Drive. A divergence is requested for the Yerevan Court and Hollow Road SW intersection. |
| 1113.06(r): A vicinity map at a scale of not less than 2,000 square feet to the inch. This map shall depict all existing subdivisions, roads, road rights of way, tract lines and the nearest existing intersections and thoroughfares. It shall also show the most advantageous connections between roads in the proposed Major Subdivision and those of the neighboring area. <br> o Scale appears to be less than the 2,000 ' to the inch required. | Added. |
| 1113.06(s): A Tree Replacement Survey and Landscaping Plan pursuant to Chapter 1283. | Added. |
| 1113.06(t): Statement of proposed use of all lots, giving types, number of dwelling units and any type of commercial, industrial, or institutional activity. <br> o Included in Development Text, needs to be on Plan as well. | The proposed use of all lots will be singlefamily residential housing with the exception of dedicated reserve lots that will be used for open space. |


| $1113.06(v): ~ R e q u i r e d ~ s t a t e m e n t s ~ a n d ~$ <br> signatures to be affixed on the Preliminary <br> Development Plan. | Added. |
| :--- | :--- |

1113.07 - Preliminary Development Plan Supplementary Information

| Comment | Response |
| :--- | :--- |
| $1113.07(b):$ Location and approximate <br> dimensions of all existing buildings. <br> o Need dimensions, whether they are to <br> remain or be removed. | Added. |
| $1113.07(c): ~ A ~ c o p y ~ o f ~ t h e ~ p r o p o s e d ~ c o v e n a n t s ~$ <br> and restrictions. Such covenants and <br> restrictions must be acceptable to the Licking <br> County Health Department, if applicable. | Added. |
| Where central water and/or sewer is provided, |  |
| a restriction requiring connection to such |  |
| systems shall be included. |  |
| o Include language that owners must connect |  |
| to SWL water. |  |


| including evidence of approval by the Licking <br> County Health Department or appropriate <br> authority. | Department approval. Approval to be <br> provided as a supplement. |
| :--- | :--- |
| $1113.07(h): ~ A ~ S t o r m ~ W a t e r ~ D r a i n a g e ~ R e p o r t ~$ <br> indicating compliance with all current storm <br> water regulations. | Results provided on the preliminary <br> development plan. |
| $1113.07(\mathrm{j}):$ Traffic Impact Study <br> o We know a left-turn lane will not be <br> required. But a Traffic Study (a full study, not <br> a memo) is a requirement for submission. A <br> divergence may be requested. | A divergence is being requested. |

## Chapter 1117 - Design Standards

In general, proposed roads will not meet design standards as set forth in Chapter 1117. However, as these are to be private roads the need to meet these standards is up for consideration.
Regardless, should any part of the design not meet the standards set forth in this chapter, a Divergence for each section not met shall be required to be identified on the Plan and in the Development Text.

### 1117.07 - Horizontal Alignment

## Comment Response

When there is an angle of deflection of more
Private drives modified to comply. than ten (10) degrees between two (2) centerline tangent sections of a street, a curve of adequate radius shall connect them. (See Sections 1117.05 to 1117.07 , inclusive). Between reverse curves, a minimum tangent of 100 feet shall be introduced. o Unable to verify.

### 1117.08 - Vertical Alignment

| Comment | Response |
| :--- | :--- |
| $1117.08(a):$ All changes of grade shall be <br> connected by vertical curves of a minimum <br> length in feet equal to 20 times the algebraic <br> difference in the rate of grade for arterials and <br> industrial streets; for collector and local <br> streets, 15 times. | Private drives modified to comply. |
| 1117.08(b): Minimum vertical visibility shall <br> conform to the Ohio Department of <br> Highway's regulations in effect on the date of <br> the approval of the preliminary plat. | Private drives modified to comply. |
| 1117.08(c): Minimum vertical visibility shall <br> conform to the Ohio Department of | Private drives modified to comply. |


| Highway's regulations in effect on the date of <br> the approval of the preliminary plat. |  |
| :--- | :--- |

1117.10 - Special Street Types

| Comment | Response |
| :--- | :--- |
| 1117.10(a): Permanent dead-end streets shall | A divergence is being requested. |
| not be permitted. Temporary dead-end streets |  |
| shall be permitted only as part of a continuing |  |
| street plan, and only if a temporary turn- |  |
| around satisfactory to the Planning and |  |
| Zoning Commission in design, is provided, |  |
| and provisions for maintenance, and removal |  |
| are stipulated and approved. Temporary dead- |  |
| end streets longer than 200 feet shall not be |  |
| permitted. |  |
| o Divergence will be needed for dead-end |  |
| streets. |  |

### 1117.15 - Public Sidewalks

| Comment | Response |
| :--- | :--- |
| No sidewalks proposed, Divergence needed. | A divergence is being requested. |

### 1117.17 - Lots

| Comment | Response |
| :--- | :--- |
| 1117.17(c): Each lot shall front on a public <br> thoroughfare <br> o Private streets, Divergence needed. | A divergence is being requested. |

### 1117.18 - Easements

| Comment | Response |
| :--- | :--- |
| Easements at least 20 feet in width centered | Added. |
| along rear or side lot lines shall be provided |  |
| where necessary for sanitary sewers, gas |  |
| mains, water lines, and electric lines. |  |
| Easements shall also be provided along every |  |
| watercourse, storm sewer, drainage channel, |  |
| or stream within a subdivision, as provided |  |
| for in Section 1117.19 of these regulations. |  |

## Chapter 1255 - Planned Development Districts

1255.08 - Permitted Uses/Conditional Uses

| Comment | Response |
| :--- | :--- |
| 1255.08(a) Planned Residential Development <br> o Residential Planned Developments are a <br> permitted use. | Noted. |

### 1255.10 - Development Standards

| Comment | Response |
| :---: | :---: |
| 1255.10(b) - Common Open Space <br> o 1255.10(b)(1) Area Required: Minimum of $35 \%$ depending upon type of feature being preserved for common open space and recreational facilities. No acreage associated with PDD property setbacks may be counted towards requirement. No more than $10 \%$ of the open space requirement may be comprised of stormwater detention, retentions, or quality structures. <br> Likely exceeds requirement but will need site statistics table to confirm compliance. Note that you may exceed the $10 \%$ of acreage in stormwater threshold for stormwater facilities, just that that acreage beyond the $10 \%$ cannot count towards your open space requirements. | Added to Site Statistics Table. |
| 1255.10(g) - Minimum Lot Sizes o $1255.10(\mathrm{~g})(1)$ : Provide minimum lot size requirements in Development Text and on Plan (Min. acreage, Min. width, Min. depth). | Added, as 2-acre minimum size, minimum 150 foot width, no minimum depth. All lots will be approved "per plan". |
| 1255.10(h) - Height Requirements o Provide maximum height of structures permitted in Development Text and on Plan. Note that if this height exceeds 35 -feet, then increased front and rear yard setbacks will be required pursuant to $1255.10(\mathrm{~h})(1)$ and 1255.10(h)(2). | The maximum height of all structures will be 35-feet, otherwise increased front and rear setbacks will be required pursuant to 1255.10(h)(1) and 1255.10(h)(2). |

1255.17 - Contents of Zoning Amendment Application with Preliminary Development Plan

| Comment | Response |
| :--- | :--- |
| $1255.17(a)(3)(C): ~ A ~ r e g i o n a l ~ c o n t e x t ~ m a p ; ~$ <br> indicating the proposed site and all areas <br> within 2,000 feet in all directions; showing <br> the basics of the proposed layout of the <br> proposed project and property lines of the <br> adjacent areas on a drawing of 11 inches X 17 <br> inches in size. | Added. |
| 1255.17(a)(3)(E): A map of existing <br> conditions and features drawn to scale, with <br> accurate boundaries of the entire project and <br> north arrow, including: | Added. |


| o 1255.17(a)(3)(E)(1): Boundaries of the area <br> proposed for development, dimensions and <br> total acreage <br> $\square$ Need dimensions, site statistics table. |  |
| :--- | :--- |
| $1255.17(a)(3)(E)(3): ~ I d e n t i f i c a t i o n ~ o f ~ a n y ~$ <br> existing buildings or structures to be removed <br> or demolished. | Added. |
| $1255.17(a)(3)(\mathrm{E})(4):$ Existing zoning district <br> boundaries and jurisdictional boundaries. | Added, see regional context map and zoning <br> map. |
| 1255.17(a)(3)(E)(5): Existing utility systems <br> and providers. <br> $\square$ Locations/dimensions of existing utility <br> systems on plan. | Added. |
| 1255.17(a)(3)(E)(6): The location of existing <br> topography showing contour lines at vertical <br> intervals of not more than 5 feet, highlighting <br> ridges, rock outcroppings and other <br> significant topographical features and <br> identifying any areas with slopes over 5\%. <br> $\square$ Need interval dimensions for contour lines <br> that are shown. | Added. |
| $1255.17(a)(3)(E)(7):$ Locations of all wooded <br> areas, tree lines, hedgerows, and a description <br> of significant existing vegetation by type of <br> species, health and quality. <br> $\square$ Aerial photos do suffice for locations but <br> need additional information for italicized <br> portion. Typically, this would be covered by <br> the tree survey/landscape plans. |  |

1255.17(a)(3)(F): Preliminary Development plan shall include:

| Comment | Response |
| :--- | :--- |
| $1255.17(\mathrm{a})(3)(\mathrm{F})(1):$ The proposed location, | Added. |
| use and size of sub-areas of residential, retail, |  |
| office, industrial uses, community facilities, |  |
| parks, playgrounds, school sites and other |  |
| public areas and open spaces with the |  |
| suggested ownership and maintenance |  |
| provisions of such areas, and their related |  |
| parking areas and access points. |  |
| $\square$ Needs to be mentioned on Plan, in |  |$\quad$.


| Going to need to know where the utilities will be coming from into the site, general idea of where they will be within the site. Easements? Will the water lines run with the private roads? |  |
| :---: | :---: |
| 1255.17(a)(3)(F)(6): Natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc. <br> $\square$ Need landscaping plans | Added. |
| 1255.17(a)(3)(F)(7): A summary table showing total acres of the proposed development; the number of acres devoted to each type of land use, including streets and common areas; the number of dwelling units by type and density for each residential use area and the building height(s) <br> $\square$ Site Statistics Table | Added. |
| 1255.17(a)(3)(F)(8): The provision of water, sanitary sewer. <br> $\square$ Utility Correspondence only states that SWLCWSD will serve the site in the future. No plan for where utilities will enter the site, need to know general locations where these will be located as mentioned above. | Added. |
| 1255.17(a)(3)(F)(11): Included with the site plan shall be the proposed location and proposed character of all signs for the entire development (sign master plans are encouraged). <br> $\square$ HoA documents identify a Landscape Entry Feature Easement area, which is not identified on the plans. Need additional details on signage, which can be open ended (set some standards for yourself so you aren't locked into a certain sign design). | Added. |
| 1255.17(a)(3)(F)(12): A letter of communication from the appropriate school district regarding any residential development included in the Planned Development District. | Added. |
| 1255.17(a)(3)(F)(13): Space for signatures of the applicant and the Chair of the Planning and Zoning Commission, and for the dates of Planning and Zoning Commission and City Council approvals. | Added. |

## Comment

o 1255.17(a)(3)(G)(1): Architectural drawings demonstrating the prototypical design of the proposed buildings, to demonstrate the exterior design, character, and general elements in sufficient detail to indicate the proposed visual character of the development. 1255.17(a)(3)(G)(2): Including signature and date lines for the applicant, certifying the text 1225.17(a)(3)(G)(3): Dimensions and or acreages illustrated on the development plan shall be described in the development standards text.
1255.17(a)(3)(G)(4): Any provisions that depart from applicable standards set forth in the City of Pataskala Zoning Code addressing signage, landscaping, appearance and parking will be described and justified.

The specific sections of code will need to be cited, a catch-all as included in the
Development Text will not suffice. The list of Divergences will need to be included on the Plan as well.

## Response

Photos were provided to address prototypical design of houses.

Added.
Added.

Added.
Attachments
Preliminary Development Plan (10 pages)
Sheet for approvals of plans (1 page)
Tree Replacement Survey \& Landscaping Plan (2 pages)
Current Deed (2 pages)
Address List \& Perimeter Map (3 pages)
Regional Context Map (1 pages)
Water Service Feasibility E-mails (2 pages)
Traffic Memo (11 pages)
Draft Declaration of Covenants, Conditions, Restrictions and Easements (17 pages)
Draft Code of Regulations (11 pages)









## 








JARED N. KNERR LICKING COUNTY ENGINEER

0115PA00100000022000

TRANSFERRED
Dec 30, 2021
Michael L. Smith
LICKING COUNTY AUDITOR SEC 319.902 COMPLIED WITH MICHAEL L. SMITH
By: CR 7500.00

| InstrID:202112300039701 | 12/30/2021 |  |
| :--- | ---: | ---: |
| Pages:2 | F: $\mathbf{\$ 3 4 . 0 0}$ | 10:14 AM |
| Bryan A. Long |  | T20210039027 |
| Licking County Recorder |  |  |

## GENERAL WARRANTY DEED

Know All People by These Presents:
KEG HIGH LANDS GOLF, LLC, an Ohio limited liability company (the "Grantor"), for good and valuable consideration paid by AV INVESTMENT LLC, an Ohio limited liability company (the "Grantees"), whose tax mailing address is 656 Dark Star Ave., Columbus, OH 43230, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey, with General Warranty Covenants, to the said Grantee, its successors, and assigns forever, the following described Real Property:

## PLEASE SEE THE ATTACHED EXHIBIT "A"

Subject to taxes and assessments which are now or may hereafter become liens on said premises and except conditions, restrictions and easements, if any, contained in former deeds of record for said premises, subject to all of which this conveyance is made.

Prior Instrument Reference: Instrument Number 201405270009368 of the Licking County Records.
and all the estate, right, title and interest of the said Grantor, either in law or equity, in and to said premises; to have and to hold the same, with all the privileges and appurtenances thereunto belonging, to said Grantee, its successors, and assigns forever.

In Witness Whereof, Thomas $P$. Werner, as General Manager of KEG HIGH LANDS GOLF, LLC, has hereunto set his hand, this $\qquad$ day of $\qquad$ , 2021

## KEG HIGH LANDS GOLF, LLC



Witness my official signature and seal on the day last above mentioned.


## 202112300039701 Page 2 of 2

## Exhibit A

Situated in the County of Licking, State of Ohio, and in the City of Pataskala and bounded and described as follows:

Known and described as Lot Number Nine (9) in the First Quarter of the First Township in the Fifteenth (15) Range of the United States Military Lands; containing 160 acres, more or less, subject to all legal highways.

Subject to any valid and existing easements of record and particularly to grant of pole and wire easement from Lewis S. Rhodeback to Licking Rural Electrification, Inc., dated April 12, 1939 and recorded in Vol. 319, at page 575, of the Deed Records of Licking County, Ohio.

Being the same real estate conveyed by Charles S. Hubbard and Hazel Hubbard to Benton A. McCracken and Anna M. McCracken by deed dated September 6, 1950, and recorded in Vol. 423, at page 209, of the Deed Records of Licking County, Ohio.

Being the same premises conveyed by Benton A. McCracken and Anna M. McCracken, husband and wife, to Robert L. Cook and Anna Belle Cook by deed dated January 23, 1953 and recorded in Vol. 446, at page 371, Deed Records of Licking County, Ohio.

For informational purposes only.
Commonly Known as: 10391 Hollow Road, Pataskala, OH 43062
Parcel Number: 063-141936-00.000

FITCH, TIMOTHY LEE FITCH, KAREN SUE 3999 ALWARD RD
PATASKALA, OH 43062

## HEDLEY, JEFFREY S

 ARTZ, JODI A3698 ALWARD RD
PATASKALA, OH 43062

CAMERON, MARY KAY-TR CAMERON LIVING TRUST 4108 HAZELTON-ETNA RD

PATASKALA, OH 43062

BUSS, MATTHEW S 3700 ALWARD RD PATASKALA, OH 43062

REED, DANIEL B 3954 ALWARD RD PATASKALA, OH 43062

MARTIN, SAMUEL W-TR MARTIN, THERESA M-TR 3392 ALWARD RD PATASKALA, OH 43062

CAUDILL, JOY A CAUDILL, POLLY A 27 GREENLOCH CT PATASKALA, OH 43062

HIGHLAND ESTATES HOME OWNERS ASSN INC, 10039 HOLLOW RD PATASKALA, OH 43062

ROBINSON, SUZANNE M 45 HIGHLAND CT PATASKALA, OH 43062

CAMERON, MARY KAY-TR CAMERON LIVING TRUST, 4108 HAZELTON-ETNA RD PATASKALA, OH 43062

SCHULTZ CO-TR, HAROLD A
SCHULTZ CO-TR, DARLENE K 3524 ALWARD RD
PATASKALA, OH 43062

MICHALEK TR, JAN K 3762 ALWARD RD<br>PATASKALA, OH 43062

YEARLING, CAROL J-TR YEARLING HOLLOW ROAD TRUST
10336 HOLLOW RD
PATASKALA, OH 43062

YEARLING, SARAH E
547 CLARK STATE RD
GAHANNA, OH 43230

KING, DANNY LEE
KING, ANN F
4076 ALWARD RD
PATASKALA, OH 43062
YEARLING, CAROL J-TR YEARLING HOLLOW ROAD TRUST, 10336 HOLLOW RD PATASKALA, OH 43062

KOHMAN, DEBORAH A-TR DEBORAH A KOHMAN AMENDED \& RESTATED REVO, 10039 HOLLOW RD
PATASKALA, OH 43062
SALAMON, JENNIFER
SALAMON, THOMAS 33 HIGHLAND CT
PATASKALA, OH 43062

HUHN, MARK L
HUHN, CHRISTINA M 51 HIGHLAND CT PATASKALA, OH 43062

KOHMAN, DEBORAH A-TR DEBORAH A KOHMAN TRUST, 10039 HOLLOW RD
PATASKALA, OH 43062

HALL, JOHN W 7512 VERN PL ORIENT, OH 43146

HAIDET, JOHN J HAIDET, CATHERINE A DEAN 3750 ALWARD RD PATASKALA, OH 43062

MCDERMOTT TR, WILLIAM F MCDERMOTT TR, MAUREEN L 4037 ALWARD RD PATASKALA, OH 43062

ANDERSON, MICHAEL D ANDERSON, CAROL A 3850 ALWARD RD PATASKALA, OH 43062

KEG HIGHLANDS GOLF L L C, K E G HIGHLANDS GOLF L L C, 7686 FISHEL DR N STE B DUBLIN, OH 43016

MILLER, DEAN H MILLER, KRISTEN M 147 HIGHLAND HOLLOW DR PATASKALA, OH 43062

BOVENIZER, SHELBY SHAWN DRUE
SMITH, ANDREW DONALD
3476 ALWARD RD
PATASKALA, OH 43062
SALAMON, JENNIFER SALAMON, THOMAS
33 HIGHLAND CT
PATASKALA, OH 43062

MILOSOVICH, GARY D 21 GREENLOCH CT PATASKALA, OH 43062

GOLDMAN, HOLLY J GOLDMAN, LINDA 10024 HOLLOW RD
PATASKALA, OH 43062

FRANKLIN, THEODORE E FRANKLIN, AMY M 4517 HEADLEYS MILL RD
PATASKALA, OH 43062

PLAN 4 LAND, LLC
JOE CLASE, AICP
1 S. HARRISON STREET
P.O. BOX 306

ASHLEY, OH 43003

KEG HIGHLANDS GOLF LLC
2700 MCKINLEY AVE., SUITE 204
COLUMBUS, OH 43204

300 ft buffer


N/A KEG HIGHLANDS GOLF L L C -- 10391 HOLLOW RD SW

| Engineer's Pin | Owner | Auditor's PIN |
| :--- | :--- | :--- |
| 0115PA00100000022000 | N/A KEG HIGHLANDS GOLF L L C | 063-141936-00.000 |
| Tax Acreage | Deed Acreage | Official Record |
| 160 | 0 | 201405270009368 |



November 24, 2021

Joe Clase, AICP
Plan4 Land LLC
1 South Harrison St., P.O. Box 306
Ashley, Ohio 43003

Mr. Clase:

Please consider this a feasibility report for the property located at 10391 Hollow Road SW and 3699 Alward Road SW, Pataskala, Ohio 43062 (Property). Smart Services Inc. conducted a preliminary site investigation on November 19, 2021. It is our understanding the project consists of a 160 -acre parcel and proposed Planned Use Development (PUD) with 24 single family homes. The feasibility study consisted of a preliminary soil and Waters of the US (WOUS), including wetlands, evaluation to determine if the proposed lots have sufficient areas suitable for a primary and secondary Household Sanitary Treatment System (HSTS). Included with the report is a conceptual plan with the locations of the WOUS, if present.

Soils on the Property are in the Amanda catena, topographic sequence, and consist of very deep somewhat moderately well drained to well drained soils formed in loamy glacial till with expected perched seasonal high-water tables ranging from 10 to 35 inches or greater below the soil surface and no other restrictive features within 60 inches of the soil surface.

A perennial stream and pond were located along the eastern portion of the property with a couple of small intermittent streams associated with the pond too. No other WOUS were identified, however, small forested wetlands might be associated with the perennial stream and any adjacent floodplain.

In conclusion all the lots have sufficient area for HSTS. The specific HSTS have not been determined but could include spray irrigation, drip, or conventional leachfield. Any impacts to the above referenced WOUS may need Section 404 and 401 Clean Water Act Permits from the USACE and Ohio EPA.

If you have questions or need more information, please do not hesitate to contact me.
Sincerely,
SMART SERVICES, INC.


Mitchel R. Strain, CPSS
Director of Environmental Services

March 11, 2022

Joe Clase, AICP
Plan4 Land LLC
1 South Harrison St., P.O. Box 306
Ashley, Ohio 43003

Mr. Clase:

Please consider this a feasibility report for the property located at 10391 Hollow Road SW and 3699 Alward Road SW, Pataskala, Ohio 43062 (Property). Smart Services Inc. conducted a soil evaluation on February 15, 2022. It is our understanding the project consists of a 160 -acre parcel and proposed Planned Use Development (PUD) with 32 single family homes. The evaluation was to determine if the proposed lots have sufficient areas suitable for primary and secondary Household Sanitary Treatment Systems (HSTS). Included with the report is a conceptual plan with the test pit locations identified.

Soils on the Property are in the Amanda catena, topographic sequence, and consist of very deep somewhat moderately well drained to well drained soils formed in loamy glacial till with expected perched seasonal high-water tables ranging from 8 to 23 inches below the soil surface and no other restrictive features within 60 inches of the soil surface.

All the lots have sufficient area for HSTS. The specific HSTS have not been determined but could include spray irrigation, drip, or conventional leachfield. Copies of this letter, soil profile description, aerial mapping, and an on-site sewage treatment system drawing should be submitted to the Licking County Health Department (LCHD) via your installer/designer of your on-site wastewater system. The LCHD will make the determination as to whether the soil and site area are suitable for HSTS.

If you have questions or need more information, please do not hesitate to contact me.
Sincerely,

## SMART SERVLGES,INC.



Director of Environmental Services
Land Use / Vegetation: Recreational/Grass \& Forbs Position on Landform: $\begin{aligned} & \text { Upland } \\ & \text { Flat }\end{aligned}$
1-4
Linear
$\begin{aligned} \text { Date: } & 2 / 15 / 22 \\ \text { Evaluator: } & \text { Mitchel R. }\end{aligned}$

88 W. Church St
Newark, Ohio
Land Use / Vegetation:
Landform:
Position on Landform: Percent Slope:
Shape of Slope:
Mitchel R. Strain


Site and Soil Evaluation for Sewage Treatment and Dispersal

Certification Stamp or 1 . 02619


Other Soil
Features


Remarks / Risk Factors:
Note: The evaluation should include a complete site plan or site drawing
Site and Soil Evaluation for Sewage Treatment and Dispersal

$$
\begin{aligned}
\text { Land Use / Vegetation: } & \text { Recreational/Grass \& forbs } \\
\text { Landform: } & \text { Upland } \\
\text { Position on Landform: } & \text { Flat }
\end{aligned}
$$



Site and Soil Evaluation for Sewage Treatment and Dispersal

| Land Use / Vegetation: <br> Landform: <br> Position on Landform: <br> Percent Slope: <br> Shape of Slope: | Recreational/Grass \& Forbs |
| :---: | :---: |
|  | Upland |
|  | Flat |
|  | 1-4 |
|  | Concave |
| Date: | 2/15/22 |
| Evaluator: | Mitchel R. Strain |
|  | Smart Services Inc. |
|  | 88 W. Church St |
|  | Newark, Ohio |



Site and Soil Evaluation for Sewage Treatment and Dispersal

$$
\begin{aligned}
& \text { Land Use / Vegetation: } \text { Recreational/Grass \& Forbs } \\
& \text { Landform: } \text { Upland } \\
& \text { Position on Landform: } \text { Flat } \\
& \text { Percent Slope: } \text { 1-4 } \\
& \text { Shape of Slope: } \text { Concave } \\
& \cline { 2 - 3 } \text { Date: } \begin{array}{l}
2 / 15 / 22 \\
\text { Evaluator: }
\end{array} \\
& \begin{array}{l}
\text { Mitchel R. Strain } \\
\\
\end{array} \begin{array}{l}
\text { Smart Services Inc. } \\
88 \text { W. Church St } \\
\text { Newark, Ohio } \\
\hline
\end{array} \\
& \hline
\end{aligned}
$$



$$
\text { Certification Stamp or } \forall>02619
$$

Site and Soil Evaluation for Sewage Treatment and Dispersal
County: Licking
Probe
UO!̣e.mites !!os onulpem!st

Site and Soil Evaluation for Sewage Treatment and Dispersal
Land Use / Vegetation: Recreational/Grass \& Forbs

Position on Landform: Footslope
Position on Landform: Footslope
Concave

614.202 .8621
Phone \#:

| County: <br> Township / Sec: ty Address/Location | Licking |
| :---: | :---: |
|  | Concord |
|  | 10391 Hiollow Rd SW \& 3699 Alward Road |
| Applicant Name: Address: | Pataskala, Ohio 43062 |
|  | Joe Clase, AICP, Plan 4 Land LLC |
|  | 1 S. Harrison St., P.O. Box 306 |
|  | Ashley, Ohio 43003 |
| Phone \#: | 833.752 .6452 |
| Parcel \#: | 631-141936-00000 |
| Test Hole \#: | 7 |
| Method | N/A |
|  | X Pit X Auger Probe |


Site and Soil Evaluation for Sewage Treatment and Dispersal
Land Use / Vegetation: Recreational/Grass \& Forbs
Landform: $\begin{aligned} & \text { Position on Landform: } \text { Upland } \\ & \text { Footslope } \\ &\end{aligned}$
$\begin{aligned} \text { Percent Slope: } & 1 \text { to } 4 \\ \text { Shape of Slope: } & \text { Concave }\end{aligned}$

| County: | Licking |
| :---: | :---: |
| Township / Sec: | Concord |
| ty Address/Location | 10391 Hollow Rd SW \& 3699 Alward Road |
|  | Pataskala, Ohio 43062 |
| Applicant Name: | Joe Clase, AICP, Plan 4 Land LLC |
| Address: | 1 S. Harrison St., P.O. Box 306 |
|  | Ashley, Ohio 43003 |
| Phone \#: | 833.752 .6452 |
| Parcel \#: | 631-141936-00000 |
| Test Hole \#: | 8 |
| Latitude/Longitude: | N/A |
| Method: | X Pit X Auger Probe |

Site and Soil Evaluation for Sewage Treatment and Dispersal

Site and Soil Evaluation for Sewage Treatment and Dispersal


Site and Soil Evaluation for Sewage Treatment and Dispersal

| Land Use / Vegetation: | Recreational/Grass \& Forbs |
| ---: | :--- |
| Landform: | Upland |
| Position on Landform: | Footslope |
| Percent Slope: | 1 to 4 |
| Shape of Slope: | Concave |
| Date: |  |
| Evaluator: | Mitchel R. Strain |
|  | Smart Services Inc. <br> 88 W. Church St <br> Newark, Ohio |

County: Licking

Site and Soil Evaluation for Sewage Treatment and Dispersal

Land Use / Vegetation: Position on Landform:
10391 Hollow Rd SW \& 3699 Alward Road Pataskala, Ohio 43062

1 S. Harrison St., P.O. Box 306 Ashley; Ohio 43003

| 833.752 .6452 |
| :--- |
| $631-141936-00000$ |

$\frac{833.752 .6452}{\frac{631-141936-00000}{12}}$
X Pit X Auger ___ Probe
: Kıuno〕
иоџеэот/ssanpp $\forall$ Kıədod
Applicant Name:
Address:
Phone \#:
Parcel \#:
Test Hole \#:
Latitude/Longitude;
Certification Stamp or \#: 22619




Few Fine Roots
 Remarks / Risk Factors:
Site and Soil Evaluation for Sewage Treatment and Dispersal

$$
\begin{aligned}
& \text { Land Use / Vegetation: } \text { Recreational/Grass \& Forbs } \\
& \text { Landform: } \text { Upland } \\
& \text { Position on Landform: } \text { Footslope } \\
& \text { Percent Slope: } \text { l to } 4 \\
& \text { Shape of Slope: } \text { Concave } \\
&{ } } \begin{array}{l}
2 / 15 / 22 \\
\text { Evaluator: }
\end{array} \\
& \text { Mitchel R. Strain } \\
& \begin{array}{l}
\text { Smart Services Inc. } \\
88 \text { W. Church St } \\
\text { Newark, Ohio } \\
\hline
\end{array} \\
& \hline
\end{aligned}
$$

Certification Stamp or \#: \$2619
Few Fine Roots

|  |  |
| :--- | :--- |

Few Fine Roots

-


## Site and Soil Evaluation for Sewage Treatment and Dispersal

Township / Sec: $\frac{\text { Couts: }}{\frac{\text { Licking }}{\text { Concord }}}$
Site and Soil Evaluation for Sewage Treatment and Dispersal


Site and Soil Evaluation for Sewage Treatment and Dispersal

| Land Use / Vegetation: |  |
| ---: | :--- |
| Landform: | Recreational/Grass \& Forbs |
| Position on Landform: | Upland |
| Percent Slope: | Footslope |
| Shape of Slope: | Concave |
| Date: |  |
| Evaluator: | Mitchel R. Strain |
|  | Smart Services Inc. <br> 88 W. Church St <br> Newark, Ohio |





Restrictive Layer
Note: The evaluation should include a complete site plan or site drawing.
Site and Soil Evaluation for Sewage Treatment and Dispersal

Site and Soil Evaluation for Sewage Treatment and Dispersal

| County: | Licking |
| :---: | :---: |
| Township / Sec: | Concord |
| Property Address/Location | 10391 Hollo |
|  | Pataskala, |
| Applicant Name: <br> Address: | Joe Clase |
|  | 1 S. Harr |
|  | Ashley, O |
| Phone \#: | 833.752 .6 |
| Parcel \#: | 631-1419 |
| Test Hole \#: | 18 |
| Latitude/Longitude: | N/A |
| Method: | X Pit |


Site and Soil Evaluation for Sewage Treatment and Dispersal


| Soil Profile |  | Estimating Soil Saturation |  |  | Estimating Soil Permeability |  |  |  |  |  |  | Other Soil Features |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  |  | Munsell Color (hue, value, chroma) |  |  |  |  |  |  |  |  |  |  |
| Horizon | Depth (inches) | Matrix Color | Redoximorphic Features |  | Texture |  |  | Structure |  |  | Consistence |  |
|  |  |  | Concentrations | Depletions | Class | Approx. \% Clay | Approx. \% Fragments | Grade | Size | Type (shape) |  |  |
| Ap | 0-8 | 10YR 4/3 | None | None | sil | 15 | 0 | 2 | f | gr | vfr | Few Fine Roots |
| Bt 1 | 8-13 | 10 YR 5/4 | None | None | sicl | 30 | 2 | 2 | m | sbk | fr | Few Fine Roots |
| Bt 2 | 13-23 | 10 YR 4/4 | 7.5YR 5/6 | 10YR 6/1 | sicl | 35 | 5 | 2 | m | sbk | fi |  |
| Bt3 | 23-50 | 10YR 4/4 | 7.5YR 5/6 | 10YR 6/1 | cl | 40 | 5 | 1 | co | sbk | fi |  |
| C | 50-60 | 10YR 5/4 | 10YR 5/4 | 10YR 5/2 | cl | 40 | 5 | 0 | NA | m | vfi |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
| Limiting Conditions |  | Depth to (in.) |  | Descriptive Notes |  |  | Remarks / Risk Factors: |  |  |  |  |  |
| Perched Seasonal Water Table |  | 13 |  | Common Distinct Redox |  |  |  |  |  |  |  |  |
| Apparent Water Table |  | None |  |  |  |  |  |  |  |  |  |  |
| Highly Permeable Material |  | None |  |  |  |  |  |  |  |  |  |  |
| Bedrock |  | $>60$ |  |  |  |  |  |  |  |  |  |  |
| Restrictive Layer |  | $>60$ |  |  |  |  |  |  |  |  |  |  |

Site and Soil Evaluation for Sewage Treatment and Dispersal


| Upland |
| :--- |
| Flat |
| 1 to 4 |
| Concave |

$$
\begin{aligned}
\text { Date: } & 2 / 15 / 22 \\
\text { Evaluator: } & \text { Mitchel R. Strain }
\end{aligned}
$$

Land Use / Vegetation: Recreational/Grass \& Forbs

> Estimating Soil Permeability
Remarks / Risk Factors:
$\qquad$ -

Site and Soil Evaluation for Sewage Treatment and Dispersal


Site and Soil Evaluation for Sewage Treatment and Dispersal

| County: | Licking | Land Use / Vegetation: | Recreational/Grass \& forbs |
| :---: | :---: | :---: | :---: |
| Township / Sec: | Concord | Landform: | Upland |
| Property Address/Location | 10391 Hollow Rd SW \& 3699 Alward Road | Position on Landform: | Hillslope |
|  | Pataskala, Ohio 43062 | Percent Slope: | 4-9 |
| Applicant Name: | Joe Clase, AICP, Plan 4 Land LLC | Shape of Slope: | Convex |
| Address: | 1 S. Harrison St., P.O. Box 306 |  |  |
|  | Ashley, Ohio 43003 | Date: | 2/15/22 |
| Phone \#: | 833.752 .6452 | Evaluator: | Mitchel R. Strain |
| Parcel \#: | 631-141936-00000 |  | Smart Services Inc. |
| Test Hole \#: | 22 |  | 88 W. Church St |
| Latitude/Longitude: | N/A |  | Newark, Ohio |
| Method: | X Pit X Auger Probe |  |  |


Site and Soil Evaluation for Sewage Treatment and Dispersal

| County:Township / Sec:Property Address/Location | Licking |
| :---: | :---: |
|  | Concord |
|  | 10391 Hollo |
|  | Pataskala, |
| Applicant Name: <br> Address: | Joe Clase, |
|  | 1 S. Harri |
|  | Ashley, O |
| Phone \#: | 833.752 .6 |
| Parcel \#: | 631-141936 |
| Test Hole \#: | 23 |
| Latitude/Longitude: | N/A |
| Method: | X Pit |


Site and Soil Evaluation for Sewage Treatment and Dispersal


Site and Soil Evaluation for Sewage Treatment and Dispersal

Land Use / Vegetation: Recreational/Grass \& Forbs Position on Landform: $\begin{array}{ll}\text { Land } & \text { Upland } \\ \text { Flat }\end{array}$

| County:Township / Sec:Property Address/Location | Licking |
| :---: | :---: |
|  | Concord |
|  | 10391 Hollo |
|  | Pataskala, |
| Applicant Name: <br> Address: | Joe Clase, |
|  | 1 S. Harr |
|  | Ashley, O |
| Phone \#: | 833.752 .6 |
| Parcel \#: | 631-141936 |
| Test Hole \#: | 25 |
| Latitude/Longitude: | N/A |
| Method: | X Pit |

Probe
ルə8nv $\bar{X} \mu_{d} \bar{X}$
Land Use / Vegetation: Recreational/Grass \& Forbs
Upland
Footslope

| Footslope |
| :--- |
| 1 to 4 |

Concave
Date: $\begin{aligned} & 2 / 15 / 22 \\ & \text { Evaluator: } \\ & \text { Mitchel R }\end{aligned}$ Landform: Position on Landform: Percent Slope:
Shape of Slope:


| Date: | $2 / 15 / 22$ <br> Evaluator: |
| ---: | :--- |
| Mitchel R. Strain  <br> $\frac{\text { Smart Services Inc. }}{88 \text { W. Church St }}$  <br>  Newark, Ohio |  |


| County:Township / Sec:Property Address/Location | Licking |
| :---: | :---: |
|  | Concord |
|  | 10391 Hollow Rd SW \& 3699 Alward Road |
|  | Pataskala, Ohio 43062 |
| Applicant Name: <br> Address: | Joe Clase, AICP, Plan 4 Land LLC |
|  | 1 S. Harrison St., P.O. Box 306 |
|  | Ashley, Ohio 43003 |
| Phone \#: | 833.752 .6452 |
| Parcel \#: | 631-141936-00000 |
| Test Hole \#: | 26 |
| Latitude/Longitude: | N/A |
| Method: | X Pit X Auger _ Probe |


Site and Soil Evaluation for Sewage Treatment and Dispersal

| County: | Licking |
| :---: | :---: |
| Township / Sec: | Concord |
| rty Address/Location | 10391 Hollow |
|  | Pataskala, |
| Applicant Name: | Joe Clase, |
| Address: | $1 \mathrm{~S} . \mathrm{Ha}$ |
|  | Ashley, O |
| Phone \#: | 833.752 |
| Parcel \#: | 631-141936 |
| Test Hole \#: | 27 |
| Latitude/Longitude: | N/A |
| Method: | X Pit |

Site and Soil Evaluation for Sewage Treatment and Dispersal
County: Licking


Site and Soil Evaluation for Sewage Treatment and Dispersal

| County: | Licking | Land Use / Vegetation: | Recreational/Grass \& Forbs |
| :---: | :---: | :---: | :---: |
| Township / Sec: | Concord | Landform: | Upland |
| Property Address/Location | 10391 Hollow Rd SW \& 3699 Alward Road | Position on Landform: | Hillslope |
|  | Pataskala, Ohio 43062 | Percent Slope: | 4-9 |
| Applicant Name: | Joe Clase, AICP, Plan 4 Land LLC | Shape of Slope: | Convex |
| Address: | 1 S. Harrison St., P.O. Box 306 |  |  |
|  | Ashley, Ohio 43003 | Date: | 2/15/22 |
| Phone \#: | 833.752 .6452 | Evaluator: | Mitchel R. Strain |
| Parcel \#: | 631-141936-00000 |  | Smart Services Inc. |
| Test Hole \#: | 29 |  | 88 W. Church St |
| Latitude/Longitude: | N/A |  | Newark, Ohio |
| Method: | X Pit X Auger __ Probe |  |  |


| Soil Profile |  | Estimating Soil Saturation |  |  | Estimating Soil Permeability |  |  |  |  |  |  | Other Soil Features |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  |  | Munsell Color (hue, value, chroma) |  |  |  |  |  |  |  |  |  |  |
| Horizon | Depth (inches) | Matrix Color | Redoximorphic Features |  | Texture |  |  | Structure |  |  | Consistence |  |
|  |  |  | Concentrations | Depletions | Class | Approx. <br> \% Clay | Approx. \% Fragments | Grade | Size | $\begin{gathered} \text { Type } \\ \text { (shape) } \end{gathered}$ |  |  |
| Ap | 0-7 | 10YR 4/3 | None | None | sil | 15 | 0 | 2 | f | gr | vfr | Few Fine Roots |
| Btl | 7-10 | 10 YR 5/4 | None | None | sicl | 30 | 2 | 2 | m | sbk | fr | Few Fine Roots |
| Bt2 | 10-23 | 10 YR 4/4 | 7.5YR 5/6 | 10YR 6/1 | sicl | 35 | 5 | 2 | m | sbk | fi |  |
| Bt3 | 23-50 | 10YR 4/4 | 7.5YR 5/6 | 10YR 6/1 | cl | 40 | 5 | 1 | co | sbk | fi |  |
| C | 50-60 | 10YR 5/4 | 10YR 5/4 | 10YR 5/2 | cl | 40 | 5 | 0 | NA | m | vfi |  |
| , |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
| Limiting Conditions |  | Depth to (in.) |  | Descriptive Notes |  | Remarks / Risk Factors: |  |  |  |  |  |  |
| Perched Seasonal Water Table |  | 10 |  | Common Distinct Redox |  |  |  |  |  |  |  |  |
| Apparent Water Table |  | None |  |  |  |  |  |  |  |  |  |  |
| Highly Permeable Material |  | None |  |  |  |  |  |  |  |  |  |  |
| Bedrock |  | $>60$ |  |  |  |  |  |  |  |  |  |  |
| Restrictive Layer |  | $>60$ |  |  |  |  |  |  |  |  |  |  |

Site and Soil Evaluation for Sewage Treatment and Dispersal

| County: | Licking |
| :---: | :---: |
| Township / Sec: | Concord |
| ty Address/Location | 10391 Hollow |
|  | Pataska |
| Applicant Name: | Joe Cl |
| Address: | 1 S . Har |
|  | Ashle |
| Phone \#: | 833.752 |
| Parcel \#: | 631-14 |
| Test Hole \#: | 30 |
| atitude/Longitude: | N/A |
| Method: | X Pit |


Site and Soil Evaluation for Sewage Treatment and Dispersal


Site and Soil Evaluation for Sewage Treatment and Dispersal

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\text { รu!्रग! }: \text { Kunoว }
$$


Site and Soil Evaluation for Sewage Treatment and Dispersal

Site and Soil Evaluation for Sewage Treatment and Dispersal

$$
\begin{aligned}
& \text { Licking } \\
& \hline \text { Concord } \\
& \hline \text { 10391 Hollow Rd SW \& } 3699 \text { Alward Road } \\
& \hline
\end{aligned}
$$

$$
\text { Pataskala, Ohio } 43062
$$

Recreational/Grass \& Forbs
Upland
Footslope
Footslope
1-4


$$
\begin{aligned}
& \text { Date: } \\
& \hline
\end{aligned}
$$

Joe Clase, AICP, Plan 4 Land LLC
1 S. Harrison St., P.O. Box 306 Ashley, Ohio 43003
833.752 .6452
631-141936-00000
X Pit X Auger County:
Township / Sec: Property Address/Location
:aurn lues! jddV
Address:
Phone \#:
Parcel \#:
Test Hole \#:
Latitude/Longitude
Probe
uo!peantes l!os ōu!f u!

## Estimating Soil Permeability

Phone \#: 614.202 .8621

Site and Soil Evaluation for Sewage Treatment and Dispersal
 Estimating Soil Permeability

I!os גәчוO
Other Soil
Features

Soil Profile

lor (hue, value, chroma)
Redoximorphic Features

| $\begin{array}{c}\text { Matrix } \\ \text { Color }\end{array}$ | Redoximorphic Features |  |
| :---: | :---: | :---: |
|  | Concentrations | Depletions |


| $\stackrel{0}{0}$ |
| :--- |
| Z |

None

|  |  |
| :--- | :--- |

None
7.5YR 5/6
10YR 4/4 7.5YR 5/6
10YR 5/4
10YR 4/3
10 YR 5/4
10 YR 4/4
LOYR
$\pm$
$\stackrel{y}{s}$
$\stackrel{2}{c}$
$\vdots$


- भ!

| $0-7$ |
| :---: |
| $7-10$ |
| $10-23$ |
| $23-50$ |
| $50-60$ |


| Limiting Conditions |
| :--- |
| Perched Seasonal Water Table |
| Apparent Water Table |
| Highly Permeable Material |
| Bedrock |
| Restrictive Layer |

Note: The evaluation should include a complete site plan or site drawing.


Land Use / Vegetation: Recreational/Grass \& forbs $\begin{aligned} \text { Landform: } & \text { Upland } \\ \text { Position on Landform: } & \text { Hillslope }\end{aligned}$

Hillslope
Concave
$\begin{aligned} \text { Date: } & 2 / 15 / 22 \\ \text { Evaluator: } & \text { Mitchel R. }\end{aligned}$
Evaluator: Mitchel R. Strain

88 W. Church St
Newark, Ohio Percent Slope
Shape of Slope
Soil Profile

Site and Soil Evaluation for Sewage Treatment and Dispersal

| Land Use / Vegetation: <br> Landform: <br> Position on Landform: <br> Percent Slope: <br> Shape of Slope: | Recreational/Grass \& forbs |
| :---: | :---: |
|  | Upland |
|  | Hillslope |
|  | 4-9 |
|  | Concave |
| Date: | 2/15/22 |
| Evaluator: | Mitchel R. Strain |
|  | Smart Services Inc. |
|  | 88 W. Church St |
|  | Newark, Ohio |


Site and Soil Evaluation for Sewage Treatment and Dispersal

| County: | Licking | Land Use / Vegetation: | Recreational/Grass \& Forbs |
| :---: | :---: | :---: | :---: |
| Township / Sec: | Concord | Landform: | Upland |
| Property Address/Location | 10391 Hollow Rd SW \& 3699 Alward Road | Position on Landform: | Hillslope |
|  | Pataskala, Ohio 43062 | Percent Slope: | 4-9 |
| Applicant Name: | Joe Clase, AICP, Plan 4 Land LLC | Shape of Slope: | Concave |
| Address: | 1 S. Harrison St., P.O. Box 306 |  |  |
|  | Ashley, Ohio 43003 | Date: | 2/15/22 |
| Phone \#: | 833.752 .6452 | Evaluator: | Mitchel R. Strain |
| Parcel \#: | 631-141936-00000 |  | Smart Services Inc. |
| Test Hole \#: | 38 |  | 88 W. Church St |
| Latitude/Longitude: | N/A |  | Newark, Ohio |
| Method: | X Pit X Auger __ Probe |  |  |


Site and Soil Evaluation for Sewage Treatment and Dispersal

| County: | Licking |
| :---: | :---: |
| Township / Sec: | Concord |
| ty Address/Location | 10391 Hollow |
|  | Pataskala, |
| Applicant Name: | Joe Clase, |
| Address: | 1 S . Harri |
|  | Ashley, O |
| Phone \#: | 833.752 .6 |
| Parcel \#: | 631-141936 |
| Test Hole \#: | 39 |
| Latitude/Longitude: | N/A |
| Method | X Pit |

Land Use / Vegetation:
Land Use / Vegetation: Recreational/Grass \& forbs Position on Landform: $\begin{aligned} & \text { Landformd } \\ & \text { Flat }\end{aligned}$

$$
\begin{aligned}
\text { Landform: } & \text { Upland } \\
& \text { Flat }
\end{aligned}
$$

$$
\begin{aligned}
& \text { Position on Landform: } \\
& \text { Percent Slope: } \begin{array}{l}
\text { Flat } \\
\text { Shape of Slope: }
\end{array}
\end{aligned}
$$

$$
\begin{aligned}
& \text { Date } 2 / 15 / 22 \\
& \text { Evaluator: } \begin{array}{l}
\text { Mitchel R. Strain }
\end{array} \\
& \hline
\end{aligned}
$$



Newark, Ohio
Site and Soil Evaluation for Sewage Treatment and Dispersal
Land Use / Vegetation: Recreational/Grass \& Forbs Landform: $\begin{aligned} \text { Lesition on } & \text { Upland } \\ & \text { Footslope }\end{aligned}$ Position on Landform: Footslope
Percent Slope: $\begin{aligned} & \text { Shape of Slope: } \text { Concave }\end{aligned}$


Site and Soil Evaluation for Sewage Treatment and Dispersal



Site and Soil Evaluation for Sewage Treatment and Dispersal

| Township / Sec:Property Address/Location | Licking |
| :---: | :---: |
|  | Concord |
|  | 10391 Hollo |
|  | Pataskala, |
| Applicant Name: <br> Address: | Joe Clase, |
|  | 1 S . Harris |
|  | Ashley, |
| Phone \#: | 833.752 .64 |
| Parcel \#: | 631-141936 |
| Test Hole \#: | 42 |
| Latitude/Longitude: | N/A |
| Method: | X Pit |


Site and Soil Evaluation for Sewage Treatment and Dispersal

${ }^{\text {2 }}$

| Horizon | Depth (inches) |
| :---: | :---: |
| Ap | $0-8$ |
| Btl | $8-12$ |
| Bt 2 | $12-23$ |
| Bt 3 | $23-50$ |
| C | $50-60$ |
|  |  |
| Limiting Conditions |  |
| Perched Seasonal Water Table |  |
| Apparent Water Table |  |
| Highly Permeable Material |  |
| Bedrock |  |
| Restrictive Layer |  |

Site and Soil Evaluation for Sewage Treatment and Dispersal

Land Use / Vegetation: Recreational/Grass \& Forbs Position on Landform:
Position on Landform: Footslope

| Landform: | Upland |
| ---: | :--- |
| Position on Landform: | Footslope |
| Percent Slope: | 1 to 4 |


| County: | Licking |
| :---: | :---: |
| Township / Sec: | Concord |
| rty Address/Location | 10391 Hollo |
|  | Pataskala, |
| Applicant Name: | Joe Clase, |
| Address: | 1 S . Harr |
|  | Ashley, O |
| Phone \#: | 833.752 .6 |
| Parcel \#: | 631-141936 |
| Test Hole \#: | 44 |
| Latitude/Longitude: | N/A |
| Method: | X Pit |

$X$ Pit $X$ Auger __ Probe
Concave

of Slope:
Date:
Evaluator:
Site and Soil Evaluation for Sewage Treatment and Dispersal

| County: | Licking | Land Use / Vegetation: | Recreational/Grass \& forbs |
| :---: | :---: | :---: | :---: |
| Township / Sec: | Concord | Landform: | Upland |
| Property Address/Location | 10391 Hollow Rd SW \& 3699 Alward Road | Position on Landform: | Hillslope |
|  | Pataskala, Ohio 43062 | Percent Slope: | 4-9 |
| Applicant Name: | Joe Clase, AICP, Plan 4 Land LLC | Shape of Slope: | Concave |
| Address: | 1 S. Harrison St., P.O. Box 306 |  |  |
|  | Ashley, Ohio 43003 | Date: | 2/15/22 |
| Phone \#: | 833.752.6452 | Evaluator: | Mitchel R. Strain |
| Parcel \#: | 631-141936-00000 |  | Smart Services Inc. |
| Test Hole \#: | 45 |  | 88 W. Church St |
| Latitude/Longitude: | N/A |  | Newark, Ohio |
| Method: | X Pit X Auger __ Probe |  |  |


Site and Soil Evaluation for Sewage Treatment and Dispersal

| County: | Licking | Land Use / Vegetation: | Recreational/Grass \& Forbs |
| :---: | :---: | :---: | :---: |
| Township / Sec: | Concord | Landform: | Upland |
| Property Address/Location | 10391 Hollow Rd SW \& 3699 Alward Road | Position on Landform: | Footslope |
|  | Pataskala, Ohio 43062 | Percent Slope: | 1 to 4 |
| Applicant Name: | Joe Clase, AICP, Plan 4 Land LLC | Shape of Slope: | Concave |
| Address: | 1 S. Harrison St., P.O. Box 306 |  |  |
|  | Ashley, Ohio 43003 | Date: | 2/15/22 |
| Phone \#: | 833.752 .6452 | Evaluator: | Mitchel R. Strain |
| Parcel \#: | 631-141936-00000 |  | Smart Services Inc. |
| Test Hole \#: | 46 |  | 88 W. Church St |
| Latitude/Longitude: | N/A |  | Newark, Ohio |
| Method: | X Pit X Auger _ Probe |  |  |


Note: The evaluation should include a complete site plan or site drawing.
Site and Soil Evaluation for Sewage Treatment and Dispersal

| Land Use / Vegetation: | Recreational/Grass \& forbs |
| ---: | :--- |
| Landform: | Upland |
| Position on Landform: | Hillslope |
| Percent Slope: | $4-9$ |
| Shape of Slope: | Concave |
| $:$ | $2 / 15 / 22$ |
| Evaluator: | Mitchel R. Strain |
|  | Smart Services Inc. <br> 88 W. Church St |



Site and Soil Evaluation for Sewage Treatment and Dispersal
County: Licking


Site and Soil Evaluation for Sewage Treatment and Dispersal
County: Licking

| County: | Licking | Land Use / Vegetation: | Recreational/Grass \& Forbs |
| :---: | :---: | :---: | :---: |
| Township / Sec: | Concord | Landform: | Upland |
| Property Address/Location | 10391 Hollow Rd SW \& 3699 Alward Road | Position on Landform: | Footslope |
|  | Pataskala, Ohio 43062 | Percent Slope: | 1 to 4 |
| Applicant Name: | Joe Clase, AICP, Plan 4 Land LLC | Shape of Slope: | Concave |
| Address: | 1 S. Harrison St., P.O. Box 306 |  |  |
|  | Ashley, Ohio 43003 | Date: | 2/15/22 |
| Phone \#: | 833.752 .6452 | Evaluator: | Mitchel R. Strain |
| Parcel \#: | 631-141936-00000 |  | Smart Services Inc. |
| Test Hole \#: | 49 |  | 88 W. Church St |
| Latitude/Longitude: | N/A |  | Newark, Ohio |
| Method: | X Pit X Auger __ Probe |  |  |


Site and Soil Evaluation for Sewage Treatment and Dispersal


Site and Soil Evaluation for Sewage Treatment and Dispersal

Site and Soil Evaluation for Sewage Treatment and Dispersal

| County: | Licking |
| :---: | :---: |
| Township / Sec: | Concord |
| Property Address/Location | 10391 Hollow |
|  | Pataskala, |
| Applicant Name: | Joe Clase, |
| Address: | 1 S . Harr |
|  | Ashley, |
| Phone \#: | 833.752 .6 |
| Parcel \#: | 631-1419 |
| Test Hole \#: | 52 |
| Latitude/Longitude: | N/A |
| Method | X Pit |


Site and Soil Evaluation for Sewage Treatment and Dispersal


Site and Soil Evaluation for Sewage Treatment and Dispersal

Site and Soil Evaluation for Sewage Treatment and Dispersal Land Use / Vegetation: Recreational/Grass \& Forbs Position on Landform: $\begin{aligned} & \text { Landform } \\ & \text { Upland } \\ & \text { Footslope }\end{aligned}$ Position on Landform: 1 Percent Slope: 1 to 4
Shape of Slope: Concave


Site and Soil Evaluation for Sewage Treatment and Dispersal

| County: | Licking | Land Use / Vegetation: | Recreational/Grass \& forbs |
| :---: | :---: | :---: | :---: |
| Township / Sec: | Concord | Landform: | Upland |
| Property Address/Location | 10391 Hollow Rd SW \& 3699 Alward Road | Position on Landform: | Flat |
|  | Pataskala, Ohio 43062 | Percent Slope: | 1-4 |
| Applicant Name: | Joe Clase, AICP, Plan 4 Land LLC | Shape of Slope: | Linear |
| Address: | 1 S. Harrison St., P.O. Box 306 |  |  |
|  | Ashley, Ohio 43003 | Date: | 2/15/22 |
| Phone \#: | 833.752 .6452 | Evaluator: | Mitchel R. Strain |
| Parcel \#: | 631-141936-00000 |  | Smart Services Inc. |
| Test Hole \#: | 56 |  | 88 W. Church St |
| Latitude/Longitude: | N/A |  | Newark, Ohio |
| Method: | X Pit X Auger _ Probe |  |  |


Site and Soil Evaluation for Sewage Treatment and Dispersal

Licking

10391 Hollow Rd SW \& 3699 Alward Road | Pataskala, Ohio 43062 |
| :--- |
| Joe Clase, AICP Plan 4 Land LLC |

1 S. Harrison St., P.O. Box 306

$\begin{array}{r}\text { Phone \#: } \\ \text { Parcel \#: } \\ \text { Test Hole \#: } \\ \text { atitude/Longitude: } \\ \text { Method: } \\ \hline \text { Soil Profile }\end{array}$
: Kıunoう Property Address/Location

Applicant Name:
Address:

Site and Soil Evaluation for Sewage Treatment and Dispersal


Site and Soil Evaluation for Sewage Treatment and Dispersal

| Land Use / Vegetation: <br> Landform: <br> Position on Landform: <br> Percent Slope: <br> Shape of Slope: | Recreational/Grass \& Forbs |
| :---: | :---: |
|  | Upland |
|  | Hillslope |
|  | 4-9 |
|  | Convex |
| Date: | 2/15/22 |
| Evaluator: | Mitchel R. Strain |
|  | Smart Services Inc. |
|  | 88 W. Church St |
|  | Newark, Ohio |

County: Licking

| County: <br> Township / Sec: <br> Property Address/Location | Licking |
| :---: | :---: |
|  | Concord |
|  | 10391 Hollow Rd SW \& 3699 Alward Road |
|  | Pataskala, Ohio 43062 |
| Applicant Name <br> Address | Joe Clase, AICP, Plan 4 Land LLC |
|  | 1 S. Harrison St., P.O. Box 306 |
|  | Ashley, Ohio 43003 |
| Phone \#: | 833.752.6452 |
| Parcel \#: | 631-141936-00000 |
| Test Hole \#: | 59 |
| Latitude/Longitude | N/A |
| Method | X Pit X Auger Probe |


Site and Soil Evaluation for Sewage Treatment and Dispersal

| County: | Licking | Land Use / Vegetation: | Recreational/Grass \& Forbs |
| :---: | :---: | :---: | :---: |
| Township / Sec: | Concord | Landform: | Upland |
| Property Address/Location | 10391 Hollow Rd SW \& 3699 Alward Road | Position on Landform: | Hillslope |
|  | Pataskala, Ohio 43062 | Percent Slope: | 4-9 |
| Applicant Name: | Joe Clase, AICP, Plan 4 Land LLC | Shape of Slope: | Convex |
| Address: | 1 S. Harrison St., P.O. Box 306 |  |  |
|  | Ashley, Ohio 43003 | Date: | 2/15/22 |
| Phone \#: | 833.752 .6452 | Evaluator: | Mitchel R. Strain |
| Parcel \#: | 631-141936-00000 |  | Smart Services Inc. |
| Test Hole \#: | 60 |  | 88 W. Church St |
| Latitude/Longitude: | N/A |  | Newark, Ohio |
| Method: | X Pit X Auger __ Probe |  |  |

Probe

## Estimating Soil Saturation Munsell Color (hue, value, chroma

Estimating Soil Permeability


Features $\qquad$
Remarks / Risk Factors:
Site and Soil Evaluation for Sewage Treatment and Dispersal

| Land Use / Vegetation: <br> Landform: <br> Position on Landform: <br> Percent Slope: <br> Shape of Slope: | Recreational/Grass \& Forbs |
| :---: | :---: |
|  | Upland |
|  | Hillslope |
|  | 4-9 |
|  | Convex |
| Date: | 2/15/22 |
| Evaluator: | Mitchel R. Strain |
|  | Smart Services Inc. |
|  | 88 W. Church St |
|  | Newark, Ohio |


| Licking |
| :--- |
| Concord |


| 10391 Hollow Rd SW \& 3699 Alward Road |
| :--- |
| Pataskala Ohio 43062 |


| Pataskala, Ohio 43062 |
| :--- |
| Joe Clase, AICP, Plan 4 Land LLC |

1 S. Harrison St., P.O. Box 306
Ashley, Ohio 43003
833.752.6452
$\frac{833.752 .6452}{631-141936-00000}$
$X$ Pit $X$ Auger
County:
Township / Sec:
Property Address/Location
Applicant Name:

| $\mathrm{N} / \mathrm{A}$ |  |
| :--- | :--- |
| X | Pit X |

Probe
Estimating Soil Saturation
Munsell Color (hue, value, chroma)

Remarks / Risk Factors:
Site and Soil Evaluation for Sewage Treatment and Dispersal

| County: | Licking | Land Use / Vegetation: | Recreational/Grass \& forbs |
| :---: | :---: | :---: | :---: |
| Township / Sec: | Concord | Landform: | Upland |
| Property Address/Location | 10391 Hollow Rd SW \& 3699 Alward Road | Position on Landform: | Hillslope |
|  | Pataskala, Ohio 43062 | Percent Slope: | 4-9 |
| Applicant Name: | Joe Clase, AICP, Plan 4 Land LLC | Shape of Slope: | Convex |
| Address: | 1 S. Harrison St., P.O. Box 306 |  |  |
|  | Ashley, Ohio 43003 | Date: | 2/15/22 |
| Phone \#: | 833.752 .6452 | Evaluator: | Mitchel R. Strain |
| Parcel \#: | 631-141936-00000 |  | Smart Services Inc. |
| Test Hole \#: | 62 |  | 88 W. Church St |
| Latitude/Longitude: | N/A |  | Newark, Ohio |
| Method: | X Pit X Auger _ Probe |  |  |

Site and Soil Evaluation for Sewage Treatment and Dispersal

| Land Use / Vegetation: | Recreational/Grass \& Forbs |
| :---: | :---: |
| Landform: | Upland |
| Position on Landform: | Hillslope |
| Percent Slope: | 4-9 |
| Shape of Slope: | Convex |
| Date: | 2/15/22 |
| Evaluator: | Mitchel R. Strain |
|  | Smart Services Inc. |
|  | 88 W. Church St |
|  | Newark, Ohio |


| County: | Licking |
| :---: | :---: |
| Township / Sec: | Concord |
| rty Address/Location | 10391 Hollow Rd SW \& 3699 Alward Road |
|  | Pataskala, Ohio 43062 |
| Applicant Name: | Joe Clase, AICP, Plan 4 Land LLC |
| Address: | 1 S. Harrison St., P.O. Box 306 |
|  | Ashley, Ohio 43003 |
| Phone \#: | 833.752 .6452 |
| Parcel \#: | 631-141936-00000 |
| Test Hole \#: | 63 |
| Latitude/Longitude: | N/A |
| Method: | X Pit X Auger Probe |

Site and Soil Evaluation for Sewage Treatment and Dispersal

| County:Township / Sec:Property Address/Location | Licking |
| :---: | :---: |
|  | Concord |
|  | 10391 Hollow |
|  | Pataskala, |
| Applicant Name: <br> Address: | Joe Clase, |
|  | 1 S . Harri |
|  | Ashley, O |
| Phone \#: | 833.752.6 |
| Parcel \#: | 631-141936 |
| Test Hole \#: | 64 |
| Latitude/Longitude: | N/A |
| Method: | X Pit |



| Landformis: |
| :--- |
| Upland* |
| Terrace |
| Flood Plain |
| Lake Pain |
| Beach Ridge |
| *Includes glacial till |
| plain and end moraine |


| Position on Landform |
| :--- |
| Depression |
| Flat |
| Knoll |
| Crest |
| Hillslope |
| Footslope |


| Shape of Slope |
| :--- |
| Convex |
| Concave |
| Linear |
| Complex |



| Soil Textare |  |  |  |
| :---: | :---: | :---: | :---: |
| Texture Class Abbreviations |  | Textural Class Modifiers |  |
| Course Sand | cos | Gravelly | GR |
| Sand | s | Fine Gravelly | FGR |
| Fine Sand | fs | Medium Gravelly | MGR |
| Very Fine Sand | vfs | Coarse Gravelly | CGR |
| Loamy Coarse Sand | Icos | Very Gravelly | VGR |
| Loamy Sand | 1 s | Extremely Gravelly | XGR |
| Loamy Fine Sand | Lfs | Cobbly | CB |
| Loamy Very Fine Sand | lvfs | Very Cobbly | VCB |
| Coarse Sandy Loam | cosi | Extremcly Cobbly | XCB |
| Sandy Loam | sl | Stony | ST |
| Fine Sandy Loam | fs! | Very Stony | VST |
| Very Fine Sandy Loam | vfsl | Extremely Stony | XST |
| Loam | 1 | Bouldery | BY |
| Silt Loam | sil | Very Bouldery | VBY |
| Silt | si | Extremely Bouldery | XBY |
| Sandy Clay Loam | scl | Channery | CN |
| Clay Loam | cl | Very Channery | VCN |
| Silty Clay Loam | sicl | Extremely Channery | XCN |
| Sandy Clay | sc | Flaggy | FL |
| Silty Clay | Sic | Very Flaggy | VFL |
| Clay | c | Extremely Flaggy | XFL |
| *Estimate approximate clay percentage within 5 percent |  |  |  |


| Soil Structure |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: |
| Grade |  | Size |  | Type (Shape) |  |
| Structureless | 0 | Very Fine | vf | Granular | gr |
| Weak | 1 | Fine | $f$ | Angular Blocky | abk |
| Moderate | 2 | Medium | m | Subangular Blocky | sbk |
| Strong | 3 | Coarse | co | Platy | pl |
|  |  | Very Coarse | vc | Prismatic | pr |
|  |  | Extr. Coarse | ec | Columnar | cpr |
|  |  | Very Thin* | vn | Single Grain | sg |
|  |  | Thin* | tn | Massive | m |
|  |  | Thick* | tk | Cloddy | CDY |
|  |  | Very Thick* | vk |  |  |

* The sizes Very Thin, Thin, Thick, and Very Thick, are used when describing platy structure only. Substitute thin for fine, and thick for coarse when describing platy structure.

| Moist Consistence |  |
| :--- | :---: |
| Loose | 1 |
| Very Friable | vfi |
| Friable | fi |
| Firm | fi |
| Very Firm | vfi |
| Extremely Firm | efi |

For a more detailed explanation on describing and sampling soils, please refer to the "Field Book for Describing and Sampling Soils" Schoeneberger, P.J., Wysocki, D.A., Benham, E.C., and Broderson, W.D. (editors) 2002. Field book for describing and sampling soils, version 2.0. Natural Resources Conservation Service, USDA, National Soil Survey Center, Lincoln, NE.


SOIL EVALUATION MAP

| $=\frac{A D}{A D}$ |  |  |
| :---: | :---: | :---: |
| $\begin{aligned} & \text { Project Number: } \\ & 21-145 \end{aligned}$ | Prepared hy: JOE CLA |  |
|  | Date: 3/3/2022 | Sheet No. 1 |

# CARPENTER MARTY trassoprataon 

## Trip Generation Memo

RE: Hollow Road Single-Family Development

To: City of Pataskala
From: Carpenter Marty Transportation
Date: March 3, 2022
Carpenter Marty Transportation was retained to complete a trip generation analysis and turn lane warrant assessment for a proposed residential development located on the southeast corner of Hollow Road \& Alward Road. The development is proposed to include 32 single-family houses with a full access along Hollow Road. A concept plan showing the proposed development is provided in the Attachment.

Trips for the proposed site were generated based on Institute of Transportation Engineers (ITE) practices and the Trip Generation Manual, 11th edition. Land use code (LUC) 210 - Single-Family Detached Housing was utilized to generate trips for the proposed development. Table 1 shows the trip generation of the expected entering/exiting trips for the AM and PM Peaks.

Table 1- Site Trip Generation Summary

| Land Use | Size | AM Peak |  | PM Peak |  |
| :---: | :---: | :---: | :---: | :---: | :---: |
|  |  | Exit | Entry | Exit |  |
| $\mathbf{2 1 0}$ - Single-Family Detached Housing | 32 Units | 7 | 20 | 21 | 13 |

Site traffic was distributed to/from the site based on peak hour turning movement counts obtained from StreetLight. StreetLight produces various data sets, including turning movement counts (TMCs) which are determined through origin-destination (OD) analyses utilizing cell phone location services which can be manipulated to track travel patterns using user-defined zones (gates). The OD data shows the relative amount of traffic that passes through a user-defined zone (the origin) and exits or passes through a separate zone (the destination). An average of 2019 data for a typical weekday (Tuesday through Thursday) was obtained. StreetLight data and distribution calculations are provided in the Attachment. The distribution utilized is shown in Figure 1 below.

Figure 1 - Distribution of Non-Pass-By Trips


A turn lane warrant sensitivity analysis was conducted at the site access point for the eastbound right and westbound left turning movements using methodologies located in the ODOT Location \& Design Manual (L\&D). Using the generated trips and distribution, through volumes that would cause the left turn lane to warrant were calculated. Based on the distribution used, it was assumed that the advancing and opposing traffic along Hollow Road would be equal. These through volumes can be seen in Table 2 below. Through volumes that would cause the right turn lane to warrant were not provided as the turning volumes at the site access are so low that no amount of advancing traffic would trigger a right turn lane to warrant. For comparison, combined advancing and opposing through volumes obtained from StreetLight are approximately 23 vehicles in the AM Peak and 47 vehicles in the PM Peak.

Table 2- Approximate Through Volumes Required to Warrant

|  | AM Peak |  | PM Peak |  |
| :--- | :---: | :---: | :---: | :---: |
|  | Advancing <br> Traffic | Opposing <br> Traffic | Advancing <br> Traffic | Opposing <br> Traffic |
|  | 760 | 760 | 750 | 750 |

Based on this analysis, and the anticipated through volumes along Hollow Road, it is not recommended that any turn lane improvements be constructed as a part of the proposed development. If you have any questions or comments, please contact Drew Laurent at 614-656-2421 or dlaurent@cmtran.com.


Gina Balsamo, PE, PTOE
Project Manager
Carpenter Marty Transportation

## Attachment



2019 StreetLight Turning Movment Counts at Hollow Road \& Alward Road

|  | North |  |  | East |  |  | South |  |  | West |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  | Alward Road - N (Southbound) |  |  | Hollow Road - E (Westbound) |  |  | Alward Road - S (Northbound) |  |  | Hollow Road - W (Eastbound) |  |  |
|  | Left | Thru | Right | Left | Thru | Right | Left | Thru | Right | Left | Thru | Right |
| 7:00am | 0 | 4 | 0 | 0 | 5 | 0 | 0 | 3 | 1 | 0 | 0 | 0 |
| 7:15am | 0 | 4 | 0 | 0 | 2 | 1 | 0 | 3 | 2 | 0 | 0 | 0 |
| 7:30am | 0 | 3 | 0 | 0 | 2 | 1 | 0 | 2 | 2 | 0 | 0 | 0 |
| 7:45am | 0 | 1 | 0 | 0 | 3 | 2 | 0 | 1 | 2 | 0 | 0 | 0 |
| 5:00pm | 3 | 3 | 0 | 2 | 2 | 0 | 0 | 2 | 1 | 0 | 5 | 0 |
| 5:15pm | 1 | 4 | 0 | 1 | 3 | 0 | 0 | 3 | 1 | 0 | 4 | 0 |
| 5:30pm | 1 | 3 | 0 | 1 | 3 | 1 | 0 | 3 | 1 | 0 | 4 | 0 |
| 5:45pm | 1 | 2 | 0 | 2 | 4 | 1 | 0 | 3 | 1 | 0 | 4 | 0 |
| Grand Total | 6 | 24 | 0 | 6 | 24 | 6 | 0 | 20 | 11 | 0 | 17 | 0 |



NEW VEHICLE TRIPS

## 웅

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NEW VEHICLE TRIPS
210 - Single-Family Detached Housing


| VEHICLE TO PERSON TRIP CONVERSION |
| :--- |
| BASELINE SITE VEHICLE CHARACTERISTICS: |
| Land Use |
| 210 - Single-Family Detached Housing | External Vehicle Trips

Hollow Road Single Family
Traffic Volume Calculations

| CARPENTER | Year | Period | Scenario | Plate |
| :--- | :--- | :--- | :--- | :---: |
| MARTY |  |  |  |  |

$\wedge$

N


Site Access


Site Access


Site Access

Hollow Road Single Family
Traffic Volume Calculations

| CARPENTER | Year | Period | Scenario | Plate |
| :--- | :---: | :---: | :---: | :---: |
| MARTY transportation |  |  | Peak Hour Volumes and Non- <br> Pass-By Distribution |  |

$\wedge$
N


Site Access


Site Access


Site Access


Site Access

## 2-Lane Highway Left Turn Lane Warrant <br> ( $=<40 \mathrm{mph}$ or 70 kph Posted Speed)



Turn Lane Length Calculations

| $\begin{aligned} & \underset{O}{V} \\ & \underset{O}{Q} \end{aligned}$ | Design Speed | 40 | mph |
| :---: | :---: | :---: | :---: |
|  | Traffic Control | Unsignalized |  |
|  | Cycle Length | Unsignalized |  |
|  | Cycles Per Hour | 60 | Assume 60 |
|  | Turn Lane Volume | 4 | VPH |
|  | Advancing Traffic | 760 | VPH |
|  | Opposing Volume | 760 | VPH |
|  | Left Turn Percentage | 1\% | mph |
| $\geq$ | Location Type | Through Road |  |
| T | Condition | B |  |
|  | Vehicles/Cycle | 1 |  |
|  | Turn Lane Length | 125 |  |
|  | Offset Width | 12 |  |
|  | Approach Taper | 320 |  |
| $\begin{aligned} & \frac{V}{0} \\ & 0 \\ & 0 \\ & 2 \\ & 0 \end{aligned}$ | Design Speed | 40 |  |
|  | Traffic Control | Unsignalized |  |
|  | Cycle Length | Unsignalized |  |
|  | Cycles Per Hour | 60 | Assume 60 |
|  | Turn Lane Volume | 11 | VPH |
|  | Advancing Traffic | 750 | VPH |
|  | Opposing Volume | 750 | VPH |
|  | Left Turn Percentage | 1\% | No Left Turn Lane Required |
|  | Location Type | Through Road |  |
|  | Condition | B |  |
|  | Vehicles/Cycle | 1 |  |
|  | Turn Lane Length | 125 |  |
|  | Offset Width | 12 |  |
|  | Approach Taper | 320 |  |
| Is Left Turn Warrant Met |  | No |  |

## 2-Lane Highway Right Turn Lane Warrant

(= < 40 mph or 70 kph Posted Speed)


Turn Lane Length Calculations

| $\begin{aligned} & V \\ & \boxed{O} \\ & 0 \end{aligned}$ | Design Speed | 40 | mph | * Turn Lane Length includes 50 ft diverging taper |
| :---: | :---: | :---: | :---: | :---: |
|  | Traffic Control | Unsignalized |  |  |
|  | Cycle Length | Unsignalized |  |  |
|  | Cycles Per Hour | 60 | Assume 60 |  |
|  | Turn Lane Volume | 3 | VPH |  |
|  | Advancing Traffic | 1000 | VPH |  |
|  | Right Turn Percentage | 0\% |  |  |
|  | Location Type | Through Road |  |  |
|  | Condition | B |  |  |
|  | Vehicles/Cycle | 1 |  |  |
|  | Turn Lane Length | 125 |  |  |
| $V$ <br> 0 <br> 0 <br> 0 <br> 8 | Design Speed | 40 | mph |  |
|  | Traffic Control | Unsignalized |  |  |
|  | Cycle Length | Unsignalized |  |  |
|  | Cycles Per Hour | 60 | Assume 60 |  |
|  | Turn Lane Volume | 10 | VPH |  |
|  | Advancing Traffic | 500 | VPH |  |
|  | Right Turn Percentage | 2\% |  |  |
|  | Location Type | Through Road |  |  |
|  | Condition | B |  |  |
|  | Vehicles/Cycle | 1 |  |  |
|  | Turn Lane Length | 125 |  |  |
| Is Rig | Turn Warrant Met | No | No Right Turn Lane Required | * Turn Lane Length includes 50 ft diverging taper |

# DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS 

 AND EASEMENTS FOR THE THE MEADOW AT HIGHLANDS OWNERS ASSOCIATION
# DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR THE MEADOW AT HIGHLANDS OWNERS ASSOCIATION 

THIS DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR THE THE MEADOW AT HIGHLANDS OWNERS ASSOCIATION is being made effective on the date of signature below (the "Effective Date"), by AV INVESTMENT LLC, an Ohio limited liability company ("Declarant").

## BACKGROUND

A. AV is the owner of Lots 1 through 24 of the The Meadow at Highlands Subdivision (the "Subdivision"), as the same are numbered and delineated in that certain plat which is of record with the Office of the Recorder of Licking County, Ohio as Instrument Number $\qquad$ .
B. In order to establish and create a general plan for the development of the Subdivision, Declarant has executed these CCRs and shall record them with the Recorder in accordance with the State of Ohio's Planned Community Law, as set forth in Ohio Revised Code Chapter 5312.

Declarant hereby makes this Declaration of Covenants, Conditions, Restrictions and Easements for the The Meadow at Highlands Owners Association (this "Declaration") applicable to all of the lots within the Subdivision. All capitalized terms used in this Declaration shall have the meanings set forth in Article II below or as elsewhere defined in this Declaration for convenience.

## ARTICLE I

## PURPOSE AND INTENT

In order to establish and create a general plan for the improvement and maintenance of the Lots, and in order to protect property values and to contribute to the health, safety, and welfare of the property owners that are subject to this Declaration now and in the future, Declarants hereby declare that the Lots shall be held, sold, conveyed, encumbered, leased, occupied and improved subject to the covenants, conditions, restrictions, easements, encumbrances, rights and other matters set forth in this Declaration, which shall run with the Lots and shall be binding upon, and inure to the benefit of, all parties now or hereafter having any right, title or interest in the Lots or any part thereof, and their respective heirs, personal and legal representatives, successors and assigns.

This Declaration is imposed for the benefit of all Owners (as such term is defined below) and creates specific rights and privileges which may be shared and enjoyed by all Owners and certain obligations which must be performed by all Owners. This Declaration is not intended exclusively or primarily for the benefit of any particular Owner, or for the detriment of
any particular Owner; however, notwithstanding the foregoing, this Declaration may not benefit or affect all Owners equally.

## ARTICLE II

## DEFINITIONS

Certain words and terms as used in this Declaration shall have the meanings given to them by the definitions and descriptions in this Article. Other words and terms may be defined elsewhere in this Declaration.
"Articles" or "Articles of Incorporation" shall mean the Articles of Incorporation of the Association which were filed with the Secretary of State of Ohio on $\qquad$ .
"Assessments" shall mean Base Assessments and/or Special Assessments levied by the Association pursuant to the terms of this Declaration.
"Association" shall mean the The Meadow at Highlands Owners Association, Inc., an Ohio not-for-profit corporation, or any successor thereof by whatever name, charged with the duties and obligations set forth in this Declaration, the Articles of Incorporation, and the Code of Regulations.
"Association Documents" shall mean any and all documents, instruments, and agreements creating and governing the Association including, but not limited to, this Declaration, the Articles of Incorporation, and Code of Regulations and any procedures, rules, regulations or policies adopted by the Association or any other committee of the Board as permitted to be created pursuant to this Declaration.
"Association Rules" shall mean the rules adopted by the Association as provided in Section 5.8.
"Base Assessment" shall mean the Assessments calculated and levied in accordance with Section 6.4 of this Declaration.
"Board of Trustees" ori'"Board" shall mean the board of trustees of the Association.
"Code of Regulations" shall mean the code of regulations of the Association or any similar written instrument that is duly adopted and executed by the Association.
"Improvement" or "Improvements" shall mean any and all of the following improvements to real property: Homes, structures, parking areas, sidewalks, fences, walls, hedges, plantings, landscaping, driveways, ponds, signs, and landscaping, or any portion thereof.
"Lot" means any one of Lots 1 through 11 of the Subdivision, and "Lots" shall mean all of Lots 1 through 11 of the Subdivision.
"Member" shall mean any person or entity holding membership in the Association.
"Mortgage" shall mean any mortgage, deed of trust, or other document pledging a Lot or interest therein as security for the payment of a debt or obligation.
"Mortgagee" shall mean the holder or beneficiary of a Mortgage as well as a named mortgagee.
"Owner" shall mean the record owner, whether one or more persons or entities, of fee simple title to any Lot, but shall not mean or refer to any person or entity who holds such interest merely as a Mortgagee, unless and until such person or entity has acquired fee simple title pursuant to foreclosure or otherwise.
"Related User" shall mean a person who obtains all or certain rights of an Owner by reason of such person claiming or being entitled to such rights by, through, or under such Owner.
"Special Assessment" shall mean a special assessment levied in accordance with Section 6.11 of this Declaration.
"Turnover Date" means the date that is thirty (30) days after the first date when at least nine (9) Lots have been transferred and conveyed by Declarant to third parties.
"Voting Member" shall mean the Members of the Association entitled to vote on Association matters.

## ARTICLE III

## DECLARATIONS OF CERTAIN EASEMENTS

Section 3.1. Declarations of Easements. In order to provide for the identification of the "'Subdivision to Owners, their visitors, and others, "and to provide for efficient vehicular wayfinding to and from the Subdivision, Declarant hereby declares, for the benefit of itself and the Association, the following easements:
(a) A non-exclusive perpetual easement over the following portion of Lot $\qquad$ (the "Entry Feature Easement Area") for the purpose of allowing Declarant and/or the Association for permanent open space area that will be open to use by the Association's members.
(b) A non-exclusive perpetual easement over the following portion of $\operatorname{Lot}(\mathrm{s})$ _ \& $\qquad$ (the "Permanent Open Space Area", and together with the Lot(s) __, the "Entry Feature Easement Areas") for the purpose of allowing Declarant and/or the Association to install, operate, maintain, repair, and replace a ground-mounted sign that identifies the Subdivision and related landscaping and lighting, including but not limited to electrical infrastructure needed to provide any such lighting: That portion of Lot located between the western right-of-way line of Hollow Road on the east to a line running parallel to and located 25 feet from the western right-of-way line of Hollow Road on the west, and between the northern right-of-way line of The Meadow at Highlands Court on the south to a line running parallel to and located 25 feet from said southern right-of-way line on the north.

Section 3.2 Maintenance. Except as otherwise expressly provided herein, until the Turnover Date Declarant shall be responsible for maintaining all portions of the Entry Feature Easement Areas and all Improvements located therein at its sole cost and expense. Also except as otherwise expressly provided herein, after the Turnover Date the Association shall be responsible for the maintenance of the Entry Feature Easement Areas and Improvements located therein at its sole cost and expense. Mowing of grass within the Entry Feature Easement Areas shall be the responsibility of Declarant (at its sole cost and expense), except that once a Lot containing an Entry Feature Easement Area is transferred to an owner other than Declarant, such mowing shall be the responsibility of the Owner of the Lot on which said Entry Feature Easement Area is located (at such Owner's sole cost and expense). Grassed areas within the Entry Feature Easement Areas shall be mowed and fertilized regularly. Entry feature signage and landscaping shall be maintained in accordance with all applicable laws and in a good state of repair. Landscaping shall be fertilized as needed and mulched areas, when provided, shall be mulched on an annual basis. The Entry Feature Easement Areas shall be kept free of weeds and noxious or invasive plants. Light bulbs shall be replaced as needed within any light fixtures that illuminate permitted ground signage or landscaping within the Entry Feature Easement Areas.

Section 3.3 Owners' Use. Each Owner of a Lot on which an Entry Feature Easement Area is located shall be permitted to use the Maintenance Area in any manner that does not interfere with the exercise rights granted to Declarant and/or the Association hereunder. No such Owner shall take any action that blocks or impairs the visibility of ground signage within the Entry Feature Easement Areas from Hollow Road or The Meadow at Highlands Court.

## ARTICLE IV

## ASSOCIATION OPERATIONS

Section 4.1. Association. The Association has been or will be formed as an Ohio not-forprofit corporation. The Association shall have the duties, powers, and rights set forth in this Declaration and in the Articles of Incorporation and Code of Regulations.

Section 4.2. Membership in the Association. Each Owner of a Lot shall be a Member of the Association. There shall be one membership in the Association for each such Lot. Each

Owner of a Lot shall be deemed to be a Voting Member of the Association. The person, persons, entity, or entities which constitute the Owner of a Lot shall automatically be the holder or holders of the membership in the Association appurtenant to that Lot, and such membership shall automatically pass with fee simple title to the Lot. No Owner, whether one or more persons or entities, shall have more than one membership per Lot owned, and in the event the Owner of a Lot is more than one person or entity, votes and rights of use and enjoyment shall be as provided hereinafter and in the Code of Regulations. An Owner that owns more than one Lot shall have a membership for each Lot that it owns. The membership rights of a Lot owned by a corporation, partnership or other legal entity shall be exercised by the individual designated from time to time by the Owner in a written instrument provided to the Association, subject to the provisions of this Declaration and the Code of Regulations. Declarant shall hold a separate membership in the Association for each Lot owned by Declarant. Membership in the Association shall not be assignable separate and apart from fee simple title to a Lot, except that an Owner may assign some or all of such Owner's rights to a Related User or Mortgagee and may arrange for a Related User or Mortgagee to perform some or all of such Owner's obligations as provided in this Declaration, but no assignment shall be permitted to relieve such Owner of the responsibility for fulfillment of all of the obligations of an Owner under this Declaration.

Section 4.3. Voting. Voting on Association matters requiring a vote will be conducted by Voting Members. Each Voting Member will be entitled to one vote. In the event that a Lot is owned by more than one person or entity, the vote for such Lot shall be exercised as such owners shall determine as evidenced in a writing provided to the Association. The Association shall not be held liable for counting a vote for a Lot that has been wrongfully or fraudulently cast by a person or entity in accordance with a writing provided to the Association, and the Association shall have no duty to investigate or inquire about the authenticity or the legal effect of such writing.

Section 4.4. Board of Trustees. The affairs of the Association shall be managed by a Board of Trustees. Declarant shall serve as the sole member of the Board of Trustees until the Turnover Date, at which time the Board of Trustees shall consist of three (3) members, each elected by a majority of the Voting Members that cast a vote on the appointments. One such member of the Board of Trustees shall be appointed for an initial term of one year, another member shall be appointed for an initial term of two years, and the third member shall be appointed for an initial term of three years. After these initial terms, each remaining or replacement member of the Board of Trustees shall serve for terms of three years each.

## ARTICLE V

## DUTIES, RIGHTS AND POWERS OF THE ASSOCIATION

Section 5.1. General Duties and Powers of the Association. The Association has been formed to further the common interests of the Owners. The Association, acting through the Board or through persons to whom the Board has delegated such powers, shall have the duties
and powers hereinafter set forth and, in general, the power to do anything that may be necessary or desirable to further the common interests of the Owners, to maintain, improve and enhance the Entry Feature Easement Areas.

Section 5.2. Duty to Manage, Control and Maintain Entry Feature Easement Areas. The Association, subject to the rights of the Owners set forth in this Declaration, shall be responsible for the management and control of the Entry Feature Easement Areas and shall maintain and keep the Entry Feature Easement Areas in good condition and repair. Management of the Association may be (but shall not be required to be) delegated by the Board of Trustees to a "Manager". By the acceptance of title to any Lot, each Owner agrees to release and indemnify the Association from all claims arising from its actions pursuant to this Section 5.2, except to the extent caused by the intentional, reckless, or grossly negligent acts of the Association.

Section 5.3. Right to Maintain Hazard Insurance. The Association may obtain insurance for all insurable personal property or real estate improvements (if any) owned by the Association in amounts and upon terms that are deemed to be acceptable to the Board in its sole discretion.

Section 5.4. Right to Maintain Liability Insurance. The Association may obtain a comprehensive policy of public liability insurance insuring the Association and its trustees, officers, employees and agents for their actions or omissions for all liability for property damage, bodily injury, or death in connection with the performance of their duties, rights, and powers with regard to the operation, maintenance, or use of the Entry Feature Easement Areas. Such comprehensive policy of liability insurance shall be upon terms that are deemed to be acceptable to the Board in its sole discretion. Nothing in this paragraph or elsewhere in this Declaration shall be read to place a duty upon the Association to insure any Lot or any Owner or persons or entities acting by, through, or with the permission of an Owner, it being the express intent of the Declarants that each individual Owner or persons or entities acting by, through, or with the permission of an Owner shall be responsible for obtaining and maintaining types and amounts of insurance that they deem to be necessary or appropriate in their sole discretion.

Section 5.5. Right to Maintain Fidelity Insurance. The Association may obtain fidelity bonds to protect against dishonest acts on the part of its officers, trustees, agents, and employees and on the part of all others who handle or are responsible for handling the funds of or funds administered by the Association.

Section 5.6. Other Insurance. The Association may obtain insurance against such other risks, of a similar or dissimilar nature, as it shall deem appropriate with respect to the Association's responsibilities and duties. The Association shall cause any contractors hired by the Association to maintain commercially reasonable insurance coverage, including, without limitation, if appropriate, workers compensation insurance, builder's risk and liability insurance.

Section 5.8. Power to Adopt Rules and Regulations. The Board of Trustees may adopt, amend, and repeal rules and regulations for the Association, to be known as the "Association Rules." The Association Rules shall be in furtherance of and consistent with the terms of this

Declaration, and may not grant any rights or impose any obligations on Lots or Owners that are more restrictive than that which are contained in this Declaration. Copies of the currently effective Association Rules shall be made available to each Owner upon request.. In the event of any conflict between the Association Rules and the provisions of this Declaration, the provisions of this Declaration shall prevail.

Section 5.9. Ownership of Other Property. The Association, through action of its Board of Trustees, may acquire, hold, and dispose of tangible and intangible personal property as long as such property is required for the Association to perform its obligations hereunder.

Section 5.10. Implied Rights and Obligations. The Association may exercise any other right or privilege given to it expressly by the Association Documents, and every other right or privilege reasonably to be implied from the existence of any right or privilege given to it herein or reasonably necessary to effectuate any such right or privilege. The Association shall perform all of the duties and obligations imposed on it expressly by the Association Documents and every other duty or obligation reasonably to be implied from the express provisions of the Association Documents or reasonably necessary to perform the duties and obligations contained in the Association Documents.

## ARTICLE VI

## COVENANTS FOR ASSESSMENTS

Section 6.1. Creation of Lien and Personal Obligation for Assessments. Each Owner of a Lot, by acceptance of a deed of such Lot, whether or not it shall be so expressed in any such deed, covenants and agrees and shall be deemed to have covenanted and agreed to pay the Assessments to the Association. No Owner may waive or otherwise exempt itself from liability for payment for any reason including, by way of illustration and not limitation, non-use of the Entry Feature Easement Areas, and failure to pay any Assessments, together with any applicable interest, costs, and reasonable attorneys' fees, when due, shall give rise to a lien in favor of the Association upon the Lot to which said failure to pay pertains. Said lien shall arise upon the recording a notice of said lien in the chain of title to the delinquent Owner's Lot in the records of the Recorder's office in accordance with Section 6.6 below. Upon payment or other satisfaction of said lien, the Association shall cause a notice of satisfaction and release of said lien to be recorded in the chain of title to the delinquent Owner's Lot in the records of the Recorder's office.

Section 6.2. Purpose of Assessments. The Assessments levied by the Association shall be used exclusively to pay for services provided to the Owners pursuant to the terms of this Declaration and for the maintenance (as permitted or required by this Declaration) of the Entry Feature Easement Areas, including, but not limited to, the payment of insurance thereon, and repair, replacement and additions thereto, reserve accounts, and the cost of labor, equipment, materials, and administration of the Association's business.

Section 6.3. Annual Budget. The Board shall prepare a budget prior to the beginning of each fiscal year estimating its net cash flow requirements for the next year and an estimate of the total Assessments to be charged and distribute it to the Owners at least forty-five (45) days prior to the beginning of each calendar year. On or before of the date that is fifteen (15) days before the beginning of each calendar year, the Board shall approve the budget in final form, and shall determine, levy, and begin taking necessary actions to assess the Association's total Base Assessments against all of the Lots for the following year (the "Total Budgeted Base Assessments"). Each budget may include funds for establishing and maintaining reserves. The Association may maintain or hold funds in reserve at a level that is determined by the Board in its reasonable discretion from time-to-time.

Section 6.4. Calculation and Apportionment of Base Assessments. The Board shall, for each calendar year, fix and assess a Base Assessment against each Lot. For each fiscal year, the Board shall calculate Base Assessment for each Lot in the following manner: The Total Budgeted Base Assessments shall be divided by the 11 total Lots within the Subdivision. That quotient then shall be multiplied by 1.1. In addition, no later than thirty (30) days after the issuance of the first building permit for a structure on each Lot, the Owner of the Lot for which the building permit is issued shall make a one-time contribution of $\$ 400.00$ to the Association in order to fund its initial operations.

Section 6.5. Date of Commencement of Base Assessments; Due Dates. The Base Assessments provided herein shall commence as to each Lot on the date that is thirty (30) days after the first building permit is issued for a structure on that Lot. Each Owner shall have the duty to promptly notify the Association once the first building permit is issued for a Lot that it owns. Base Assessments shall be collected on a periodic basis as the Board may determine from time to time, but until the Board directs otherwise, Base Assessments shall be payable annually, in advance, on or before January $15^{\text {th }}$ of each year. Association funds shall be deposited in federally insured accounts or as otherwise determined by policies established by the Board of Trustees.

Section 6.6. Effect of Non-Payment of Assessment Lien; Remedies of the Association. Any Base Assessment installment or Special Assessment which is not paid within thirty (30) days of its due date shall be delinquent. In the event that any such payment becomes delinquent, the Association, in its sole discretion, may take any or all of the following actions:
6.6.1. Assess a late charge of $10 \%$ of the delinquent amount;
6.6.2. Assess an interest charge from the date of delinquency at the rate of $10 \%$ per annum; and
6.6.6. File a statement of lien with respect to the Lot, and foreclose on the Lot as set forth in more detail below.

The Association may file a statement of lien by recording with the Recorder a written statement with respect to such Lot, setting forth the name of the Owner, the legal description of the Lot, the name of the Association, and the amount of delinquent payment(s) then owing, which statement shall be duly signed and acknowledged by a member of the Board of Trustees of the Association, and which shall be served upon the Owner of the Lot by mail or hand delivery to the address of the Lot or at such other address as the Association may have in its records for the Owner of the Lot. Subject to Section 6.8 below, the Association may proceed to foreclose the lien in the same manner as provided for the foreclosure of mortgages under the laws of the State of Ohio. Such lien shall be in favor of the Association and shall be for the benefit of all other Owners. In a foreclosure action, the Association shall be entitled to recover as a part of the action, the interest, costs, and reasonable attorneys' fees with respect to the action. The Association shall have the power to bid for the Lot at the foreclosure sale and to purchase, hold, lease, mortgage and sell the same. The remedies herein provided shall not be exclusive and the Association may enforce any other remedies to collect delinquent Assessments as may be provided by law.

Section 6.7. Successor's Liability for Assessments. Except as provided in this Section, each current Owner shall be jointly and severally liable with the prior Owner or Owners of a Lot for any and all unpaid past Assessments, interest, late charges, costs, expenses, and attorneys' fees against such Lot, without prejudice to any such successors' right to recover from any prior Owner any amounts paid thereon by such successor. Such successor shall be entitled to conclusively rely on the statement of liens shown on any certificate issued by or on behalf of the Association under Section 6.9 hereof and shall not be liable for any amount not shown on any such certificate that is issued. Nothing herein shall be read to make any prior Owner of a Lot liable for any Assessments against said Lot that first accrue or are assessed following the date of conveyance of the Lot to an unaffiliated transferee.

Section 6.8. Subordination of the Lien. The lien provided for in this Article VI shall be subordinate only to the lien of real estate taxes and any assessments by governmental authorities and of any loan evidenced by a recorded Mortgage and to any refinancing of such loan, provided that any such refinancing is evidenced by a Mortgage of record. The sale or transfer of any Lot pursuant to a decree of foreclosure or by a public trustee's foreclosure, or any other proceeding or deed in lieu of foreclosure, for the purpose of enforcing a Mortgage, shall extinguish the lien as to installments which became due prior to such sale or transfer.

Section 6.9. Statement of Status of Assessments. Upon ten (10) business days' prior written notice to the Association and payment of a processing fee set by the Association from time to time, any Owner or Mortgagee, prospective Owner or Mortgagee, or any partner or other equity interest holder (actual or prospective) in an Owner or prospective Owner of a Lot shall be furnished a statement of the account for such Lot setting forth:
6.9.1. The amount of any unpaid Base Assessments, Special Assessments, interest, late charges, costs, expenses, and attorneys' fees then existing against a particular Lot;
6.9.2. The amount of the current periodic installments of the Base Assessment and the date through which they are paid; and
6.9.3. Any other information deemed proper by the Association. The information contained in such statement, when signed by a member of the Bord of Trustees, shall be conclusive upon the Association as to the person or persons to whom such statement is issued and who rely on it in good faith.

Section 6.10. Failure to Assess. The omission or failure of the Board to fix Assessment amounts or rates or to timely deliver or mail to each Owner an Assessment notice shall not be deemed a waiver, modification, or a release of any Owner from the obligation to pay Assessments. In such event, each Owner shall continue to pay Base Assessments on the same basis as for the last year for which an Assessment was made until a new Base Assessment is made at which time any shortfalls in collections may be assessed retroactively by the Association.

Section 6.11. Special Assessments. The Voting Members, by $65 \%$ or more affirmative vote of the Voting members casting a vote as tabulated in accordance with Section 4.3, may levy a Special Assessment to pay for any unusual or unplanned expenses that have not been included in an annual budget of the Association but are incurred or are anticipated to be incurred by the Association when fulfilling its duties and obligations under this Declaration. Any Special Assessment levied hereunder shall be payable on or before the thirtieth ( $30^{\text {th }}$ ) day from the date of the Special Assessment is assessed, or such later date as may be specified therein.

## ARTICLE VII

## USE OF MAINTENANCE FUNDS

Section 7.1. Application of Assessments. The Association shall apply all Assessments received, and all other funds and property received by it from any source, including, without limitation, the proceeds of loans referred to in Section 7.2 and the surplus of funds referred to in Section 7.3 (but excluding the Individual Owner Maintenance Cost Share) for the following purposes and any other lawful purpose that furthers the provisions and intent of this Declaration:
7.1.1. The payment of the costs incurred by the Association in connection with the provision of services which may or must be provided pursuant to the provisions of this Declaration;
7.1.2. The payment of all principal and interest, when due, on all sums borrowed by or loaned to the Association, to the extent required under any agreement with holders or owners of debt obligations referred to in Section 7.2 hereof;
7.1.3. Administrative costs and expenses incurred by the Association in the exercise of its powers, authority, and duties described in the Association Documents; and
7.1.4. The maintenance of the Entry Feature Easement Areas, including, but not limited to, the payment of taxes (if they are the responsibility of the Association) and insurance thereon, and repair, replacement and additions thereto, reserve accounts, the cost of labor, equipment, materials, management and supervision.

Section 7.2. Authority to Borrow Funds. For the purpose of providing funds to fulfill its obligations or exercise its rights under this declaration, the Association is hereby granted the right to borrow funds from time to time upon such terms and conditions deemed appropriate by the Board. Payments on any loan obtained by the Association shall be paid from Base Assessments which are collected by the Association. In order to secure the repayment of any and all sums borrowed by or loaned to it from time to time, the Association is hereby granted the right and power:
7.2.1. To assign and pledge all revenues received and to be received by it under any provision of the Association Documents, including, but not limited to, the proceeds of the Base Assessments payable hereunder;
7.2.2. To enter into agreements with holders and owners of any debt obligations with respect to the collection and disbursement of funds, including, but not limited to, agreements wherein the Association covenants:
(a) to assess the Base Assessments on a given day in each year and to assess the same subject to the rate limitations set forth herein;
(b) to provide for the custody and safeguarding of all funds received by the Association; and

The amounts, terms and rates of borrowing and the provisions of all agreements with holders or owners of any such debt obligation shall be subject to the approval of at least $65 \%$ of the Voting Members.

Section 7.3. Authority to Maintain Surplus. The Association shall not be obligated to spend in any particular time period all the sums collected or received by it in such time period or in any other time period and may carry forward, as surplus, any balances remaining; nor shall the Association be obligated to apply any such surplus to the reduction of the amount of the Base Assessment in any year, but may carry forward from year to year and time to time such surplus as the Board in its absolute discretion may determine to be desirable for the greater financial security of the Association and the effectiveness of its purposes as set forth in the Association Documents.

## ARTICLE XIII

## GENERAL PROVISIONS

Section 8.1. Term. The covenants and restrictions of this Declaration shall run with and bind the Lots for a term of forty (40) years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of time of ten (10) years each, unless otherwise terminated or modified as hereinafter provided.

Section 8.2. Amendment. Declarants may amend this Declaration, but only if such amendment is: (a) necessary to bring any provision hereof into compliance with any applicable governmental statute, rule, regulation or judicial order, (b) necessary to enable any reputable title insurance company to issue title insurance coverage on the Lots, (c) necessary to correct errors; provided, however, any such amendment shall not materially adversely affect the title to any Lot or increase the Base Assessments on any Lot unless the Owner thereof has consented to such amendment in writing. Any other amendments may be made only with the consent of all of the Voting Members.

Section 8.3. Effective on Recording. Any amendment, to be effective, must be recorded in the office of the Recorder. Any amendment shall be effective immediately upon such recordation.

Section 8.4. Revocation. This Declaration shall not be revoked without the consent of all of the Owners in a written instrument duly recorded, in the office of the Recorder.

Section 8.5. Compliance with Documents. Each Owner shall abide by and benefit from the provisions, covenants, conditions, and restrictions contained in the Association Documents.

Section 8.6. Compliance. Each Owner or other occupant of any part of the Lots shall comply with the provisions of the Association Documents as the same may be amended from time to time.

Section 8.7. Enforcement. The Association and/or any Owner shall have the right to enforce against any Owner, and any Owner shall have the right to enforce against the Association, by a proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens, and charges now or hereafter imposed by the provisions of this Declaration. Failure by the Association or by any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section 8.8. Non-Exclusive Remedies. All of the remedies set forth herein are cumulative and not exclusive.

Section 8.10. No Liability. No member of the Board, nor the Declarants, a Manager or any Owner shall be liable to any other Owner for the failure to enforce any of the Association Documents at any time.

Section 8.9. Recovery of Costs. If legal assistance is obtained to enforce any of the provisions hereof, or in any legal proceeding (whether or not suit is brought) for damages or for the enforcement of or to restrain the violation of the Association Documents, the prevailing party shall be entitled to recover all costs incurred by it in pursuing such legal assistance, including reasonable attorneys fees as may be incurred, or if suit is brought, as may be determined by the court. Any costs incurred by the Association in pursuit of the remedies available to it under this Declaration shall give rise to a lien against the relevant Lot and the relevant Owner thereof, which lien shall be subject to all the terms and conditions applicable to an Association lien arising hereunder.

Section 8.10. Resolution of Disputes. If any dispute or question arises between Owners or between Owners and the Association relating to the interpretation, performance or nonperformance, violation, or enforcement of the Association Documents, such matter may be subject to a hearing and determination by the Board in accordance with the procedures which may be set forth in the Code of Regulations.

Section 8.11. Severability. This Declaration, to the extent possible, shall be construed or reformed so as to give validity to all of the provisions hereof. Any provision of this Declaration found to be prohibited by law or unenforceable shall be ineffective to the extent of such prohibition or unenforceability without invalidating any other part hereof.

Section 8.12. Construction. In interpreting words herein, unless the context shall otherwise provide or require, the singular shall include the plural, the plural shall include the singular, and the use of any gender shall include all genders.

Section 8.13. Headings. The headings are included only for purposes of convenient reference, and they shall not affect the meaning or interpretation of this Declaration.

Section 8.14. Registration of Address. Each Owner and Member shall register its mailing address and a valid e-mail address with the Secretary of the Association from time to time. If an Owner fails to register its mailing address, such address shall be deemed to be the mailing address of the Owner's Lot if a temporary or permanent certificate of occupancy has been issued for a Building located thereon, or if no such certificate has been issued, such address shall be deemed to be the tax mailing address of the Owner as set forth in the records of the Office of the Auditor of Franklin County, Ohio.

Section 8.15. Notice. All notices or requests required hereunder shall be in writing. Notice to any Owner or member of the Board of Trustees shall be considered delivered and effective upon personal delivery, delivery to an e-mail address provided by the Owner or member of the Board to the Association, or three days after posting, when sent by first class
mail, to the address of such Owner on file in the records of the Association at the time of such mailing. Notice to the Board or the Association shall be considered delivered and effective upon personal delivery, or three days after posting, when sent by first class mail, to the Association, the Board, or the Manager, at such address as shall be established by the Association from time to time by notice to the Owners and members of the Board.

Section 8.16. Waiver. No failure on the part of the Association or the Board to give notice of default or to exercise or to delay in exercising any right or remedy hereunder shall operate as a waiver, except as herein specifically provided, should the Board fail to respond to certain requests. No waiver shall be effective unless it is in writing, signed by the president or vice president of the Board on behalf of the Association.

Section 8.17. Conflicts Between Documents. In case of conflict between the Declaration and the Articles of Incorporation or the Code of Regulations, the Declaration shall control. In case of conflict between the Articles of Incorporation and the Code of Regulations, the Articles of Incorporation shall control.

Section 8.18. Litigation. No judicial or administrative proceeding shall be commenced or prosecuted by the Association unless approved by the written consent of at least $65 \%$ of the Owners. This Section shall not apply, however, to (a) actions brought by the Association to enforce the provisions of this Declaration (including, without limitation, the foreclosure of liens), (b) the imposition and collection of Assessments as provided herein, (c) proceedings involving challenges to ad valorem taxation, or (d) counterclaims brought by the Association in proceedings instituted against it.

Section 8.19. Limitations of Liability and Indemnification. The Association shall indemnify every officer, trustee, and committee member against any and all expenses, including counsel fees, reasonably incurred by or imposed upon such officer, trustee, or committee member in connection with any action, suit, or other proceeding (including settlement of any suit or proceeding, if approved by the then Board of Trustees) to which he or she may be a party by reason of being or having been an officer, trustee, or committee member. The officers, trustees, and committee members shall not be liable for any mistake of judgment, negligent or otherwise, except for their own individual willful misfeasance, malfeasance, misconduct, or bad faith. The officers and trustees shall have no personal liability with respect to any contract or other commitment made by them, in good faith, on behalf of the Association, and the Association shall indemnify and forever hold each such officer and trustee free and harmless against any and all liability to others on account of any such contract or commitment. Any right to indemnification provided for herein shall not be exclusive of any other rights to which any officer, trustee, or committee member, or former officer, trustee, or committee member may be entitled. The Association may, at its expense, maintain adequate general liability and officers and trustees' liability insurance as required in elsewhere in this Declaration to fund this obligation, if such insurance is reasonably available.
[Signature pages and exhibits follow]

IN WITNESS WHEREOF, the Declarant has executed this Declaration so as to be effective on the Effective Date.

# AV INVESTMENT LLC, an Ohio limited liability company 

$B y:$ $\qquad$
Print Name: $\qquad$
Title: $\qquad$
Date: $\qquad$

## STATE OF OHIO

COUNTY OF $\qquad$ , ss:

The foregoing instrument was acknowledged before me this ___ day of , 2021, by the $\qquad$ of AV INVESTMENT LLC, an Ohio limited liability company, who acknowledged that he/she did execute the foregoing instrument on behalf of said company and that the same is his/her free act and deed and that no oath or affirmation was administered to the signor.

Notary Public

## CODE OF REGULATIONS

OF
THE MEADOW AT HIGHLANDS OWNERS ASSOCIATION, INC.

CODE OF REGULATIONSOF
THE MEADOW AT HIGHLANDS OWNERS ASSOCIATION

## ARTICLE I

## Identity

Section 1. Name. The name of the corporation is The The Meadow at Highlands Owners Association (the "Association").

Section 2. Principal Office. The initial principal office of the Association is -.

Section 3. Adoption. This Code of Regulations have been adopted as the Code of Regulations of the Association in accordance with the Declaration of Covenants, conditions, Restrictions and Easements for The Meadow at Highlands Owners Association (the "Declaration").

Section 4. Definitions. All capitalized terms which are used but not defined herein shall have the meanings prescribed to them in the Declaration.

## ARTICLE II

## Powers and Duties of the Association and the Exercise Thereof

The Association shall have all powers granted to it by common law, Ohio statutes, the Declaration, the Articles of Incorporation, and this Code of Regulations, all of which shall be exercised by its Board of Trustees unless the exercise thereof is otherwise restricted in the Declaration or by law.

## ARTICLE III

## Meeting of Owners

Section 1. Date and Place of Meeting. Meetings of the Owners shall be held on the date and at the place designated by the Board of Trustees.

Section 2. Annual Meetings of Owners. There shall be no annual meetings of the Owners until the Declarant has sold six (6) Lots to third parties. Thereafter, an annual meeting of the Owners shall be held each year to elect the members of the Board of Trustees which the Owners are entitled to elect and to conduct such other business as may be properly brought before the meeting.

Section 3. Special Meetings. The Board shall, by majority vote of its members, annually elect a Chair, vice Chair, Secretary and Treasurer. The Chair of the Board of Trustees may call special meetings of the Owners. In addition, it shall be the duty of the Chair to call a special meeting of the Owners if so directed by resolution of a majority of the Board of Trustees or, if after the Turnover Date, upon a petition signed by Owners representing at least $40 \%$ of the total votes eligible to be cast by the Owners as set forth in the Declaration (the "Total Votes"). The notice of any special meeting shall state the date, time, and place of such meeting and the purpose thereof No business shall be transacted at a special meeting except as
stated in the notice. Special meetings of the Owners shall be governed with Chapter 1702 of the Ohio Revised Code.

Section 4. Notice of Meetings. Written or printed notice stating the place, day, and hour of any meeting of the Owners shall be delivered, either personally or by mail,to each Owner, not less than 10 nor more than 30 days before the date of such meeting, by or at the direction of the Secretary.

If mailed, the notice of a meeting shall be deemed to be delivered three days after posting when deposited in the United States mail addressed to an Owner at his, her or its address as it appears in the records of the Association.

Section 5. Quorum. Except as otherwise provided in this Code of Regulations or in the Declaration, the presence in person or by proxy of Owners representing a majority of the Total Votes shall constitute a quorum at all meetings of the Association.

Section 6. Adjournment of Meetings. If any meeting of the Association cannot be held because a quorum is not present, a majority of the Owners who are present at such meeting may adjourn the meeting to a time not less than five nor more than 20 days from the time the original meeting was called. At the reconvened meeting, if a quorum is present, any business which might have been transacted at the meeting originally called may be transacted. If a time and place for reconvening the meeting is not fixed by those in attendance at the original meeting or if for any reason a new date is fixed for reconvening the meeting after adjournment, notice of the time and place for reconvening the meeting shall be given to Owners in the manner prescribed for regular meetings.

Section 7. Vote Required. When a quorum is present at any meeting, a majority of the votes present whether in person or by proxy shall decide any question brought before the meeting, unless the Declaration, the Articles of Incorporation, this Code of Regulations, or any applicable statute provides otherwise.

Section 8. Proxies. Owners may vote by proxy. The Board of Trustees will determine the form and procedure for the use of proxies.

Section 9. Conduct of Meetings. The Chair shall preside over all meetings of the Association, and the Secretary shall keep the minutes of the meeting and record in a minute book all resolutions adopted at the meeting, as well as a record of all transactions occurring at the meeting.

Section 10. Action Without a Meeting. Any action which may be taken at a meeting of the Owners, may be taken without a meeting if written consent setting forth the action so taken is signed by Owners representing a majority of the Total Votes.

## ARTICLE IV

## Election of Board of Trustees

The governance and administration of the affairs of the Association shall be vested in a Board of Trustees. The number of members are set in the Declaration. Except with respect to trustees appointed by the Declarant, all trustees shall be Members.

Any trustee appointed by Declarant may only be removed by Declarant. Any trustee elected by the Owners may be removed, with or without cause, by the vote of the Owners holding a majority of the Total Votes. Upon removal of a trustee, a successor shall be elected by the party entitled to elect or appoint the
trustee so removed to fill the vacancy for the remainder of the termof such trustee.
Any trustee who has three consecutive unexcused absences, as determined by the Board, from Board meetings or who is delinquent in the payment of any Assessment or other charge due the Association for more than 30 days may be removed by a majority of the trustees present at a regular or special meeting at which a quorum is present, and a successor may be appointed by the remaining trustees. In the event of the death, disability, or resignation of a trustee, the members of the Board may elect a successor to fill the vacancy for the remainder of the term of such trustee.

No trustee shall receive a salary or any other compensation whatsoever from the Association for acting as such, but shall be entitled to be reimbursed for expenses reasonably incurred on behalf of the Association.

The trustees appointed by Declarant shall have a fiduciary duty solely to the Declarant and will act solely on behalf of the Declarant. The trustees elected by the Owners shall have a fiduciary duty to all Members and will act solely on their behalf

## ARTICLE V

## Meetings of Board of Trustees

Section 1. Annual Meetings. The annual meeting of the Board of Trustees following each annual Owners' meeting shall be held within 15 days thereafter at such time and place as shall be fixed by the Board of Trustees.

Section 2. Regular Meetings. Regular meetings of the Board of Trustees may be held at such time and place as shall be determined from time to time by a majority of the trustees, but commencing with the Turnover Date, at least two regular meetings shall be held during each fiscal year with at least every six months, provided, however, that the annual meeting shall constitute a regular meeting. Notice of the time and place of the meeting shall be communicated to the trustees not less than 14 days prior to the meeting.

Section 3. Special Meeting. Special meetings of the Board of Trustees shall be held when called by written notice signed by the Chair of the Association or by any two trustees. The notice shall specify the time and place of the meeting and the nature of any special business to be considered. The notice shall be given to each trustee by personal delivery, first class mail or telephone at least 14 days prior to the date of the meeting, unless the special business is of a nature which requires immediate action, in the reasonable judgment of the party calling the meeting, and then 24 hours' notice shall be deemed sufficient.

Section 4. Waiver of Notice. Any meeting of the Board of Trustees, however called and noticed or wherever held, shall be as valid as when taken at a meeting duly held after regular call and notice if (a) a quorum is present, and (b) either before or after the meeting each of the trustees not present signs a written waiver of notice, a consent to holding the meeting, or an approval of the minutes. Notice of a meeting shall also be deemed given to any trustee who attends the meeting without protesting before or at its commencement about the lack of adequate notice.

Section 5. Quorum of Board of Trustees. At all meetings of the Board of Trustees, a majority of the trustees shall constitute a quorum for the transaction of business, and the votes of a majority of the trustees present at a meeting at which a quorum is present shall constitute the decision of the Board of Trustees. If any meeting of the Board of Trustees cannot be held
because a quorum is not present, the remaining trustee who is present at such meeting may adjourn the meeting to a time not less than five nor more than 20 days from the date the original meeting was called. At the reconvened meeting, if a quorum is present, any business which might have been transacted at the meeting originally called may be transacted without further notice.

Section 6. Conduct of Meetings. The Chair shall preside over all meetings of the Board of Trustees, and the Secretary shall keep a minute book of meetings of the Board of Trustees, recording therein all resolutions adopted by the Board of Trustees and all transactions and proceedings occurring at such meetings.

Section 7. Open Meetings. All meetings of the Board shall be open to all Owners, but Owners other than trustees may not participate in any discussion or deliberation unless permission to speak is requested on his or her behalf by a trustee and granted by the Chair. In such case, the Chair may limit the time any Community Representative may speak. Notwithstanding the above, the Chair may adjourn any meeting of the Board of Trustees and reconvene in executive session, excluding Owners, when such action is necessary in the reasonable judgment of the Chair.

Section 8. Telephone or Virtual Meeting. Any regular or special meeting of the Board of Trustees may be held by telephone conference or by other electronic means, at which each participating trustee can hear and be heard by all other participating trustees.

Section 9. Action Without a Meeting. Any action to be taken at a meeting of the trustees may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the trustees, and such consent shall have the same force and effect as a unanimous vote.

## ARTICLE VI

## Officers

Section 1. Election, Term of Office, and Vacancies. The initial officers of the Association shall be designated by the Board of Trustees by an action in writing without meeting. Thereafter, the officers of the Association shall be elected annually by the Board of Trustees at the first meeting of the Board of Trustees during a fiscal year. A vacancy in any office arising because of death, resignation, removal, or otherwise may be filled by the Board of Trustees for the unexpired portion of the term.

Section 2. Removal. Any officer may be removed by the Board of Trustees in the sole discretion of the Board.

Section 3. Resignation. Any officer may resign at any time by giving written notice to theBoard of Trustees. Such resignation shall take effect on the date of the receipt of such notice or at a later time specified in the notice, and unless otherwise specified in the notice, the acceptance of the resignation shall not be necessary to make it effective.

## ARTICLE VII

## Duties of Officers

The officers of the Association shall each have such powers and duties as generally pertain to their respective offices, as well as such power and duties which, from time to time, mayspecifically be conferred or imposed by the Board of Trustees.

Section 1. Chair. The Chair shall be the chief executive officer of the Association and shall:
(a) Act as presiding officer at all meetings of the Owners and of the Board of Trustees.
(b) Call special meetings of the Owners and of the Board of Trustees.
(c) Sign, with the Secretary or Treasurer if the Board of Trustees requires, all checks, contracts, promissory notes, leases, subleases, and other instruments on behalf of the Association, except those which the Board of Trustees specifies may be signed by other persons.
(d) Perform all acts and duties usually required of a chief executive to ensure that all orders and resolutions of the Board of Trustees are carried out.

Section 2. Vice Chair. The Vice Chair, in the absence or disability of the Chair, shall execute the powers and perform the duties of the Chair. The Vice Chairalso shall assist the Chair generally, and exercise other powers and perform other duties asshall be prescribed by the trustees.

Section 3. Secretary. The Secretary shall have the following duties and responsibilities:
(a) Attend all regular and special meetings of the Owners and the Board of Trustees and keep all records and minutes of proceedings thereof or cause the same to be done.
(b) Have custody of the corporate seal, if any, and affix the same when necessary or required.
(c) Attend to all correspondence on behalf of the Board of Trustees, prepare and serve notice of meetings and keep membership books.
(d) Have custody of the minute book of the meetings of the Board of Trustees and Owners, and act as agent for the transfer of the corporate books.

Section 4. Treasurer. The Treasurer shall:
(a) Receive monies as shall be paid into his or her hands for the account of the Association and disburse funds as may be ordered by the Board of Trustees, taking proper vouchers for disbursements, and be custodian of all contracts, leases; and other important documents of the Association which he shall keep safely deposited.
(b) Supervise the keeping of accounts of all financial transactions of the Association in books belonging to the Association, and deliver the books to his or her successor. He or she shall prepare and distribute to all members of the Board of Trustees prior to each annual meeting, and whenever else required, a summary of the financial transactions and condition of the Association from the preceding year.
(c) He or she shall make a full and accurate report on matters and business pertaining to his office to the Owners at the annual meeting, and make all reports required by law. He shall be the chairman of the Finance Committee.
(d) The Treasurer may have the assistance of an accountant or auditor, who shall be employed by the Association. In the event the Association enters into a management agreement, it shall be proper to delegate any or all of the Treasurer's functions to the Manager as is deemed appropriate by the Board of Trustees.

## ARTICLE VIII

## Discipline

Section 1. Enforcement. The Board of Trustees shall have the power to impose reasonable fines, which shall constitute an automatic and continuing lien upon the Lot of the violating Member, as provided in the Declaration. The failure of the Board of Trustees to enforce any provision of the Association Documents, or any Association Documents shall not be deemed a waiver of the right of the Board of Trustees to do so thereafter.

Section 2. Notice. Prior to imposition of any sanction hereunder, the Board of Trustees or its delegate shall serve the accused with written notice describing (i) the nature of the alleged violation, (ii) the proposed sanction to be imposed, (iii) a period of not less than 10 days within which the alleged violator may present a written request to the Board of Trustees for a hearing; and (iv) a statement that the proposed sanction shall be imposed as contained in the notice unlessa challenge has been requested within 10 days of the notice.

Section 3. Hearings. If a hearing is requested within the allotted 10 day period, the hearing shall be held in executive session of the Board of Trustees at the next regularly scheduled or at a special meeting or at a meeting of its delegate affording the accused a reasonable opportunity to be heard. Prior to the effectiveness of any sanction hereunder, proof of proper notice shall be placed in the minutes of the meeting. Such proof shall be deemed adequate if a copy of the notice, together with a statement of the date and manner of delivery, is entered by theofficer, trustee, or agent who delivered such notice. The notice requirement shall be deemed satisfied if the accuse appears at the meeting. The minutes of the meeting shall contain a written statement of the results of the hearing and the sanction, if any, imposed. The Board of Trustees or its delegate may, but shall not be obligated to, suspend any proposed sanction if the violation iscured within the 10 day period. Any suspension shall not constitute a waiver of the right to sanction future violations of the same or other provisions by any person.

Section 4. Additional Enforcement Rights. Notwithstanding anything to the contrary herein contained, the Association may elect to enforce any provisions of the Association Documents by selfhelp (specifically including, but not limited to, the towing of vehicles that are in violation of parking rules and regulations) or by suit at law or in equity to enjoin any violation or to recover monetary damages or both without the necessity of compliance with the procedure set forth above. In any such action, to the maximum extent permissible, the Owner or occupant responsible for the violation of which abatement is sought shall pay all costs, including reasonable attorneys' fees actually incurred.

## ARTICLE IX

## Fiscal Management

Section 1. Fiscal Year. The fiscal year of the Association shall commence uponthe first day of January and conclude on the thirty-first day of December.

Section 2. Depositories. The funds of the Association shall be deposited in such accounts as may be selected by the Board of Trustees, including checking and savings accounts inone or more banks and/or savings and loan associations, certificates of deposit, U.S. Treasury Bills and money market accounts with an investment firm or firms, all in accordance with resolutions approved by the Board of Trustees. The funds shall be used only for lawful purposes of the Association.

Section 3. Expenses. The receipts and expenditures of the Association may be credited and charged to accounts as the Board of Trustees may determine, in accordance with resolutions approved by the Board of Trustees. The funds shall be used only for lawful purposes of the Association.

Section 4. Accounts and Reports. The following management standards of performancewill be followed unless the Board by resolution specifically determines otherwise:
(a) accrual accounting (exclusive of depreciation and amortization), as definedby generally accepted accounting principles, shall be employed;
(b) accounting and controls should conform to generally accepted accounting principles;
(c) cash accounts of the Association shall not be commingled with any other accounts;
(d) any financial or other interest which the Manager may have in any firm providing goods or services to the Association shall be disclosed promptly to the Board of Trustees;
(e) commencing at the end of the month in which the first Lot is sold, financialreports shall be prepared for the Association at least annually containing;
(i) an income statement reflecting all income and expense activity forthe preceding period on an accrual basis;
(ii) a variance report reflecting the status of all accounts in an "actual"versus "approved" budget format;
(iii) a balance sheet as of the last day of the preceding period; and
(iv) a delinquency report listing all Members who are delinquent in paying any Assessments at the time of the report and describing thestatus of any action to collect such Assessments which remain delinquent ( a Base Assessment shall be considered to be delinquent 30 days after the date due unless otherwise determined by the Board of Trustees); and
(v) an annual report consisting of at least the following shall be distributed to all Owners within (120) days after the close of the fiscal year: (1) a balance sheet; (2) an operating (income) statement; and (3) a statement of changes in financial position for the fiscal year. The annual report referred to above may be prepared on an audited basis by a Certified Public Accountant selected by the Board of Trustees.

Section 5. Agreements, Contracts, Deeds, Leases, Checks, Etc. All agreements, contracts, deeds,
leases, checks, and other instruments of the Association shall beexecuted by the Chair and Secretary or by such other person or persons as may be designated by resolution of the Board of Trustees.

## Section 6. Books and Records.

(a) Inspection by Members and Mortgagees. The Declaration, Articles of Incorporation, code of Regulations, membership register, books of account, and minutes of meetings of the Owners, the Board, and committees shall be make available for inspection and copying by any Member or Mortgagee or by his or her duly appointed representative at any reasonable time and for a purpose reasonably related to his or her interest as a Member or Mortgagee at the office of the Association or at such other place within as the Board shall prescribe. Such records shall include a record of receipts and expenditures and accounts for each Member, which accounts shall designate the names and addresses of the Members, the due dates and amount of each Assessment, the amounts paid upon the account and the balance due. Notwithstanding the foregoing, records concerning the status of accounts payable with respect to a Lot shall only be made available to the Owner or Mortgagee of that Lot. Minutes of grievance hearings will not be released to any person other than the person subject to the disciplinary action.
(b) Rules for Inspection. The Board shall establish reasonable rules with respect to:
(i) notice to be given to the custodian of the records;
(ii) hours and days of the week when an inspection may be made; and
(iii) payment of the cost of reproducing copies of documents requested.
(b) Inspection by Trustees. Every trustee shall have the absolute right at any reasonable time to inspect all books, records, and documents of the Association. The right of inspection by a trustee includes the right to make extracts and a copy of relevant documents at the expense of the Association.

Section 7. Insurance. The Association shall procure, maintain, and keep in full force and effect, insurance as required by the Declaration to protect the interests of the Association and the Members.

## ARTICLE XI

## Miscellaneous

Section 1. Parliamentary Rules. Robert's Rules of Order (then current edition) shall govern the conduct of Association proceedings when not in conflict with Chapter 1702 of the Ohio Revised Code, the Articles of Incorporation, the Declaration, or this Code of Regulations.

Section 2. Construction. If there are conflicts between the provisions of Chapter 1702 of the Ohio Revised Code, the Articles of Incorporation, the Declaration, and/or this Code of Regulations, the provisions of Chapter 1702 of the Ohio Revised Code, the Declaration, the Articles of Incorporation, and the Code of Regulations (in that order) shall prevail.

Section 3. Validity. If any rule or regulation is adjudicated to be invalid, such fact shall not affect the validity of any other rule or regulation.

Section 4. Notices. Unless otherwise provided in this Code of Regulations, all notices, demands, bills, statements, or other communications under this Code of Regulations shall be in writing and shall be deemed to have been duly given if delivered personally or three days after posting if sent by United States Mail, first class postage prepaid:
(a) if to a Member, at the address which the Member has designated in writing and filed with the Secretary or, if no such address has been designated, at the address of the Site of such Member; or
(b) if to the Association, the Board of Trustees, or the Manager, if any, or at such other address as shall be designated by notice in writing to the Members pursuant to this Section.

Section 5. Amendments. Until the Turnover Date the Declarant may amend this Code of Regulations in its sole and absolute discretion. After the Turnover Date, the Declarant may amend this Code of Regulations in its sole and absolute discretion at any time and from time to time if such amendment is (a) necessary to bring any provisions hereof into compliance with any applicable governmental statute, rule or regulation, or judicial determination; (b) necessary to enable any reputable title insurance company to issue title insurance coverage on the Lots; (c) required by an institutional or governmental lender or purchaser of mortgage loans, including, for example, the Federal National Mortgage Association or Federal Home Loan Mortgage Corporation, to enable such lender or purchaser to make or purchase mortgage loans on the Lots; or (d) necessary to enable any governmental agency or reputable private insurance company to insure mortgage loans on the Lots; provided, however, any such amendment shall not have a materially adverse effect on the title to any Lot unless the Owner thereof shall consent thereto in writing. Any amendment not initiated by the Company may be made only with the written consent of the Company and with the affirmative vote (in person or by alternate) or written consent, or any combination thereof, of Owners representing $67 \%$ of the Total Votes. However, the percentage of votes or consents necessary to amend a specific clause shall be not less than the prescribed percentage of affirmative votes or consents required for action to be taken under that clause.

No amendment may remove, revoke, or modify any right or privilege of the Company or the assignee of such right or privilege.

## CERTIFICATION

I, undersigned, do hereby certify:
That I am duly elected and acting Secretary of The Meadow at Highlands Owners Association, Inc., an Ohio non-profit corporation;

That the foregoing Code of Regulations constitute the original Code of Regulations of said Association, as duly adopted at a meeting of the Board of Trustees thereof held on the ___of $\qquad$ 2021.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed seal of said Association this $\qquad$ day of $\qquad$ , 2021.

By: $\qquad$
Print Name: $\qquad$
Title: $\qquad$

