

PETITION FOR ORGANIZATION  
OF A NEW COMMUNITY AUTHORITY

TO THE BOARD OF COUNTY COMMISSIONERS  
OF DELAWARE COUNTY, OHIO:

Pursuant to Chapter 349 of the Ohio Revised Code, M/I Homes of Central Ohio, LLC (the "Developer") hereby petitions for creation of a new community authority (the "Authority"). The Developer is an Ohio limited liability company and is the "developer", within the meaning of Section 349.01(E) of the Ohio Revised Code, for the new community district described in paragraph 3 below.

The Developer further states as follows:

1. The Authority is named "The Millstone Community Authority".
2. The principal office of the Authority shall be located at 3 Easton Oval, Suite 500, Columbus, Ohio 43219, or such other location as may hereafter be determined by the Board of Trustees of the Authority.
3. Attached to this petition as Exhibits A-1 and A-2 are a map (Exhibit A-1) and legal descriptions (Exhibit A-2) of those parcels (the "Property") comprising the new community district (the "District"), including a full and accurate description of the boundaries of the District, which is located entirely within the City of Westerville (the "City") and Delaware County. All properties within such boundaries will be included in the District. The total acreage to be included in the District will be approximately 135.022 acres, all of which acreage is owned or controlled (within the meaning of Section 349.01(E) of the Ohio Revised Code) by the Developer. The property to be included in the District is developable as one functionally interrelated community.
4. Attached to this petition as Exhibit B-1 is a statement setting forth the zoning regulations adopted for 70.784± acre portion of the property (the "Traditional Neighborhood Development Portion") and Exhibit B-2 setting forth the zoning regulations adopted for the 64.238± acre portion of the Property (the "Traditional Single Family Portion") within the boundaries of the District for comprehensive development as a new community. The area within the boundaries of the District lies within the zoning jurisdiction of the City of Westerville. Certified copies of the applicable adopted zoning regulations are included as part of Exhibit B-1 and copies of the zoning regulations for the Traditional Single Family Portion is attached as Exhibit B-2.
5. Attached to this petition as Exhibit C is a current plan indicating the proposed development program (the "Program") for the District; the land acquisition and land development activities, community facilities, and services which it is proposed the Authority will undertake under the Program; the proposed method of financing these activities and services; and the projected total population of the new community.

6. Consistent with Section 349.04 of the Ohio Revised Code, the Board of Trustees governing the Authority should consist of seven members, with three of those members to be citizen members appointed by the Delaware County Board of County Commissioners (the "Commissioners"), three members to be appointed by the Developer, and one member to be appointed by the Commissioners to serve as a representative of local government.

7. Attached to this petition as Exhibit D is a preliminary economic feasibility analysis, including the area development pattern and demand, location and proposed District size, present and future socio-economic conditions, public services provision, financial plan, and a statement of the Developer's management capability.

8. The development will comply with all applicable environmental laws and regulations.


9. For purposes of the establishment of the Authority, the City of Delaware and the City of Columbus are the only "proximate cities" as that term is defined in Section 349.01(M) of the Ohio Revised Code.

Attached Exhibits A-1, A-2, B-1, B-2, C and D are part of this petition.

Words and terms not defined herein shall have the meanings given in Section 349.01 of the Revised Code unless the context requires a different meaning.

The Developer hereby requests that the Delaware County Board of Commissioners, as the organizational board of commissioners under Section 349.03 of the Ohio Revised Code, determine that this petition complies as to form and substance with the requirements of Section 349.03 of the Ohio Revised Code, and further requests that the Commissioners fix the time and place of a hearing on this petition for the establishment of the Authority. Pursuant to Section 349.03(A) of the Ohio Revised Code, that hearing must be held not less than thirty nor more than forty-five days after the filing of this petition pursuant to Section 349.03 of the Revised Code on this \_\_\_\_ day of \_\_\_\_\_, 2005.

M/I HOMES OF CENTRAL OHIO, LLC,  
an Ohio limited liability company

By: 

Printed: Timothy C. Hall, Jr.

Its: Vice President & Assistant General Counsel

Proximate City Approval

The City of Columbus by Ordinance No. \_\_\_\_\_, passed by the City Council on \_\_\_\_\_, 200\_\_, has authorized \_\_\_\_\_, the [City Clerk], to sign this petition, and the petition is herewith signed, as evidence of that approval.

City of Columbus

By: \_\_\_\_\_

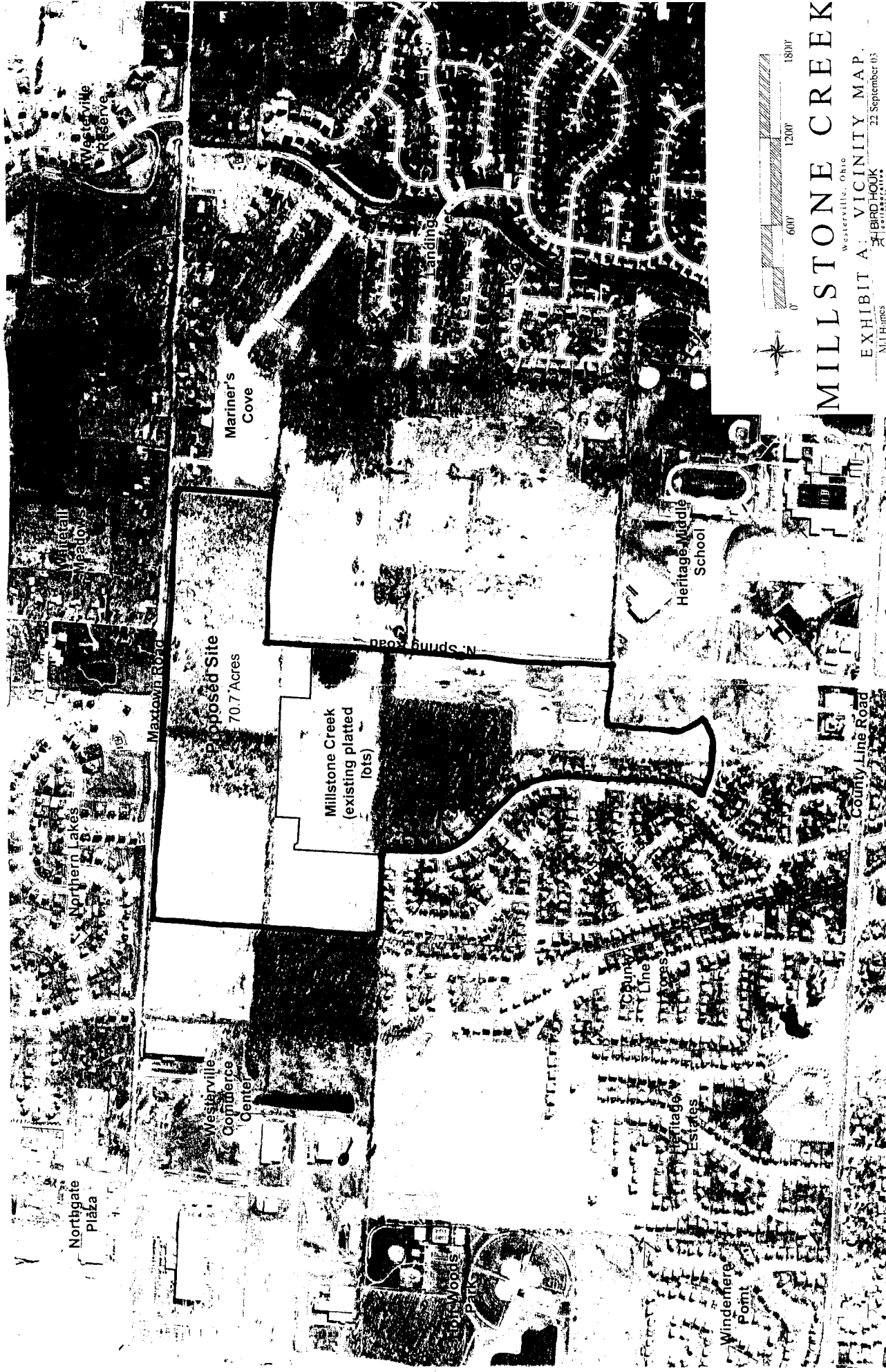
\_\_\_\_\_  
[City Clerk]

The City of Delaware by Ordinance No. \_\_\_\_\_, passed by the City Council on \_\_\_\_\_, 200\_\_, has authorized \_\_\_\_\_, the [City Clerk], to sign this petition, and the petition is herewith signed, as evidence of that approval.

City of Delaware

By: \_\_\_\_\_

\_\_\_\_\_  
[City Clerk]



# MILLSTONE CREEK

Westerville, Ohio

EXHIBIT A: VICINITY MAP

DATE: 22 September 05

BY: [Signature]

M/I Homes

DESCRIPTION OF A 50.44 ACRE AREA TO BE REZONED

Situated in the State of Ohio, County of Delaware, City of Westerville, located in Farm Lot 6, Section 3, Township 3, Range 17; United States Military Lands, being 50.44 acres located in a 78.290 acre tract of land deeded to M/I Schottenstein Homes, Inc. in Deed Volume 0361, Page 1274, said 50.44 acres being more particularly bounded and described as follows:

Beginning for Reference at a  $\frac{3}{4}$ " iron pin found (illegible cap) at the northwest corner of "OLDE MILL SECTION 5" as recorded in Plat Book 21, Pages 23 and 24, and in a southerly line of a remainder tract deeded to The McCorkle Investment Company in Deed Book 311, Page 7;

Thence S  $86^{\circ} 54' 06''$  E along the northerly line of said "OLDE MILL SECTION 5" and a southerly line of said McCorkle tract a distance of 18.90 feet to a point at the southwest corner of said M/I tract, a southeast corner of said McCorkle tract, said point being the TRUE PLACE OF BEGINNING for the area herein to be described;

Thence N  $03^{\circ} 32' 26''$  E along the easterly line of said McCorkle tract, the westerly line of said M/I tract a distance of 332.46 feet to a point;

Thence the following eight (8) courses and distances across and through said M/I tract;

1. S  $86^{\circ} 36' 14''$  E a distance of 61.23 feet to a point;
2. N  $51^{\circ} 39' 56''$  E a distance of 180.00 feet to a point;
3. N  $38^{\circ} 20' 04''$  W a distance of 240.00 feet to a point;
4. N  $40^{\circ} 20' 56''$  E a distance of 130.00 feet to a point;
5. N  $49^{\circ} 39' 04''$  W a distance of 65.00 feet to a point;
6. N  $31^{\circ} 42' 05''$  E a distance of 206.61 feet to a point;
7. N  $18^{\circ} 25' 04''$  W a distance of 175.00 feet to a point;
8. N  $03^{\circ} 27' 56''$  E a distance of 505.30 feet to a point in the centerline of Maxtown Road;

Thence S  $86^{\circ} 35' 03''$  E along the centerline of said Maxtown Road a distance of 1986.59 feet to the northeast corner of said M/I tract, at the centerline intersection of said Maxtown Road and Spring Street;

Thence S  $04^{\circ} 35' 40''$  W along the centerline of said Spring Street a distance of 740.85 feet to an angle point in said centerline;

Thence S  $04^{\circ} 25' 02''$  W continuing along the centerline of said Spring Street a distance of 330.96 feet to a point in said centerline;

Thence the following eight (8) courses and distances across and through said M/I tract;

1. N  $86^{\circ} 54' 06''$  W a distance of 420.38 feet to a point;

2. N 03° 05' 54" E a distance of 204.00 feet to a point;
3. N 86° 54' 06" W a distance of 931.00 feet to a point;
4. S 03° 05' 54" W a distance of 154.00 feet to a point;
5. N 86° 54' 06" W a distance of 74.00 feet to a point;
6. Along a curve to the right having a radius of 20.00 feet, a delta of 90° 00' 00", and a chord which bears N 41° 54' 06" W a distance of 28.28 feet to a point;
7. N 86° 54' 06" W a distance of 60.00 feet to a point;
8. S 03° 05' 54" W a distance of 611.00 feet to a point in the southerly line of said M/I tract, the northerly line of said "OLDE MILL SECTION 5";

Thence N 86° 54' 06" W along the southerly line of said M/I tract, the northerly line of said "OLDE MILL SECTION 5" a distance of 559.07 feet to the TRUE PLACE OF BEGINNING containing 50.44 acres, more or less as calculated by the above courses. The above description was prepared by Douglas R. Hock, P.S. #7661 on August 12, 2003.

All references used in this description can be found at the Delaware County Recorder's Office, Delaware County, Ohio. The Basis of Bearings used in this description was transferred from published information on Delaware County Monuments "97-047", "97-149", "97-046" and Franklin County Monument "FCGS 3318", and is based upon the NAD83 Ohio State Plane Coordinate System, Ohio North Zone.

**ADVANCED CIVIL DESIGN, INC.**

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Douglas R. Hock, Ohio P.S. #7661

Date:

## DESCRIPTION OF A 3.08 ACRE AREA TO BE REZONED

Situated in the State of Ohio, County of Delaware, City of Westerville, located in Farm Lot 6, Section 3, Township 3, Range 17, United States Military Lands, being 3.08 acres located in a 78,290 acre tract of land deeded to M/I Schottenstein Homes, Inc. in Deed Volume 0361, Page 1274, said 3.08 acres being more particularly bounded and described as follows:

Beginning for Reference at a  $\frac{3}{4}$ " iron pin found (illegible cap) at the northwest corner of "OLDE MILL SECTION 5" as recorded in Plat Book 21, Pages 23 and 24, and in a southerly line of a remainder tract deeded to The McCorkle Investment Company in Deed Book 311, Page 7;

Thence S  $86^{\circ} 54' 06''$  E along the northerly line of said "OLDE MILL SECTION 5" and a southerly line of said McCorkle tract a distance of 18.90 feet to a point at the southwest corner of said M/I tract, a southeast corner of said McCorkle tract;

Thence N  $03^{\circ} 32' 26''$  E along the easterly line of said McCorkle tract, the westerly line of said M/I tract a distance of 332.46 feet to a point, said point being the TRUE PLACE OF BEGINNING for the area herein to be described;

Thence N  $03^{\circ} 32' 26''$  E continuing along the easterly line of said McCorkle tract, the westerly line of said M/I tract a distance of 1291.59 feet to a point at the northwest corner of said M/I tract, the northeast corner of said McCorkle tract;

Thence S  $86^{\circ} 35' 03''$  E along the centerline of said Maxtown Road and the northerly line of said Farm Lot 6 a distance of 92.32 feet to a point;

— Thence the following eight (8) courses and distances across and through said M/I tract;

1. S  $03^{\circ} 27' 56''$  W a distance of 505.30 feet to a point;
2. S  $18^{\circ} 25' 04''$  E a distance of 175.00 feet to a point;
3. S  $31^{\circ} 42' 05''$  W a distance of 206.61 feet to a point;
4. S  $49^{\circ} 39' 04''$  E a distance of 65.00 feet to a point;
5. S  $40^{\circ} 20' 56''$  W a distance of 130.00 feet to a point;
6. S  $38^{\circ} 20' 04''$  E a distance of 240.00 feet to a point;
7. S  $51^{\circ} 39' 56''$  W a distance of 180.00 feet to a point;
8. N  $86^{\circ} 36' 14''$  W a distance of 61.23 feet to the TRUE PLACE OF BEGINNING containing 3.08 acres, more or less as calculated by the above courses. The above description was prepared by Douglas R. Hock, P.S. #7661 on August 12, 2003.

All references used in this description can be found at the Delaware County Recorder's Office, Delaware County, Ohio. The Basis of Bearings used in this description was transferred from published information on Delaware County Monuments "97-047", "97-149", "97-046" and Franklin County

Monument "FCGS 3318", and is based upon the NAD83 Ohio State Plane Coordinate System, Ohio North Zone.

ADVANCED CIVIL DESIGN, INC.

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Douglas R. Hock, Ohio P.S. #7661

Date:

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## DESCRIPTION OF A 17.264 ACRE AREA TO BE REZONED

Situated in the State of Ohio, County of Delaware, City of Westerville, located in Farm Lot 8, Section 4, Township 3, Range 17, United States Military Lands, being all the that tract of land deeded to Mae L. McCorkle and William R. McCorkle, Jr. in Deed Book 603, Page 98, said 17.264 acres being more particularly bounded and described as follows:

Beginning at a  $\frac{3}{4}$ " iron pin found (no cap) at the southwesterly corner of "MARINER'S COVE SECTION 6" as recorded in Plat Cabinet 2, Slides 8 - 8b, and in the northerly line of a 110 acre tract of land deeded to Otterbein College in Deed Book 299, Pags 439, said iron pin being the TRUE PLACE OF BEGINNING for the tract herein to be described;

Thence N 85° 39' 59" W along the northerly line of said 110 acre tract a distance of 1004.16 feet to an angle point in the centerline of Spring Road and at an angle point in the common line between said Section 4 and Section 3;

Thence N 04° 35' 40" E along the centerline of said Spring Road and said common Section line a distance of 740.85 feet to a point in the centerline intersection of said Spring Road with the centerline of Maxtown Road at the northwest corner of said Farm Lot 8;

Thence S 86° 35' 03" E along the centerline of said Maxtown Road and the northerly line of said Farm Lot 8 a distance of 1004.40 feet to a point in the centerline of said Maxtown Road at the northwest corner of "LAKE FOREST ESTATES #2" as recorded in Plat Book 7, Page 533;

Thence S 04° 35' 48" W along the westerly line of said "LAKE FOREST ESTATES #2" and the westerly line of said "MARINER'S COVE SECTION 6" a distance of 756.94 feet to the TRUE PLACE OF BEGINNING containing 17.264 acres, more or less as calculated by the above courses. The above description was prepared by Douglas R. Hock, P.S. #7661 on August 12, 2003.

All references used in this description can be found at the Delaware County Recorder's Office, Delaware County, Ohio. The Basis of Bearings used in this description was transferred from published information on Delaware County Monuments "97-047", "97-149", "97-046" and Franklin County Monument "FCGS 3318", and is based upon the NAD83 Ohio State Plane Coordinate System, Ohio North Zone.

ADVANCED CIVIL DESIGN, INC.

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Douglas R. Hock, Ohio P.S. #7661

Date:

## DESCRIPTION OF A 64.238 ACRE TRACT OF LAND

Situated in the State of Ohio, County of Delaware, City of Westerville, located in Farm Lots 6, 7, and 8, Section 3, Township 3, Range 17, United States Military Lands, being all of that 39.392 acre tract of land deeded to M/I Schottenstein Homes, Inc. in Official Record 361, Page 1268 and being 24.846 acres out of the 78.290 acre tract deeded to M/I Schottenstein Homes, Inc. in Official Record 361, Page 1274, said 64.238 acres being more particularly bounded and described as follows:

Beginning at a  $\frac{3}{4}$ " iron pin found (no cap) at the southeasterly corner of Lot 79 of "OLDE MILL SECTION 2" as recorded in Plat Book 12, Page 41, and in the northerly right-of-way of Grindstone Road as deeded to the City of Westerville in Deed Book 436, Page 656, said iron pin being the TRUE PLACE OF BEGINNING for the tract herein to be described;

Thence N 03° 18' 26" E along the easterly line of said "OLDE MILL SECTION 2", the easterly line of "OLDE MILL SECTION 4" as recorded in Plat Book 17, Page 199, and with a portion of the easterly line of "OLDE MILL SECTION 5" as recorded in Plat Book 21, Pages 23 and 24 a distance of 1122.50 feet to a  $\frac{3}{4}$ " iron pin found (no cap) at an angle point in the easterly line of said "OLDE MILL SECTION 5";

Thence the following eleven (11) courses and distances along the easterly line of said "OLDE MILL SECTION 5";

1. N 14° 27' 17" W a distance of 159.61 feet to a  $\frac{3}{4}$ " iron pin set ("Advanced 7661" cap);
2. S 75° 30' 43" W a distance of 17.71 feet to a  $\frac{3}{4}$ " iron pin found ("BDM #4" cap);
3. N 14° 27' 17" W a distance of 140.66 feet to a  $\frac{3}{4}$ " iron pin found (no cap);
4. N 42° 51' 56" W a distance of 190.66 feet to a  $\frac{3}{4}$ " iron pin found (no cap);
5. N 45° 50' 50" W a distance of 141.68 feet to a  $\frac{3}{4}$ " iron pin found (no cap);
6. N 40° 58' 59" E a distance of 164.00 feet to a  $\frac{3}{4}$ " iron pin found (no cap);
7. N 24° 08' 52" W a distance of 161.00 feet to a  $\frac{3}{4}$ " iron pin found (no cap);
8. N 79° 14' 59" W a distance of 230.59 feet to a  $\frac{3}{4}$ " iron pin set ("Advanced 7661" cap);
9. N 03° 05' 53" E a distance of 290.00 feet to a  $\frac{3}{4}$ " iron pin found (no cap);
10. N 86° 54' 06" W a distance of 125.00 feet to a  $\frac{3}{4}$ " iron pin found (no cap);
11. N 03° 05' 53" E a distance of 85.00 feet to a  $\frac{3}{4}$ " iron pin set ("Advanced 7661" cap) at the northeast corner of said "OLDE MILL SECTION 5";

Thence N 86° 54' 06" W along the northerly line of said "OLDE MILL SECTION 5" a distance of 60.00 feet to a  $\frac{3}{4}$ " iron pin set ("Advanced 7661" cap);

Thence the following eight (8) courses and distances across said 78.290 acre tract;

1. N 03° 05' 54" E a distance of 611.00 feet to a  $\frac{3}{4}$ " iron pin set ("Advanced 7661" cap);
2. S 86° 54' 07" E a distance of 60.00 feet to a  $\frac{3}{4}$ " iron pin set ("Advanced 7661" cap);
3. N 03° 05' 54" E a distance of 70.00 feet to a  $\frac{3}{4}$ " iron pin set ("Advanced 7661" cap);
4. S 86° 54' 06" E a distance of 170.00 feet to a  $\frac{3}{4}$ " iron pin set ("Advanced 7661" cap);
5. N 03° 05' 54" E a distance of 64.00 feet to a  $\frac{3}{4}$ " iron pin set ("Advanced 7661" cap);
6. S 86° 54' 06" E a distance of 855.00 feet to a  $\frac{3}{4}$ " iron pin set ("Advanced 7661" cap);
7. S 03° 05' 54" W a distance of 204.00 feet to a  $\frac{3}{4}$ " iron pin set ("Advanced 7661" cap);

8. S 86° 54' 06" E a distance of 420.38 feet to a point in the centerline of Spring Road, and in the common line between said Section 3 and Section 4;

Thence S 04° 25' 02" W along the centerline of said Spring Road and said common Section line a distance of 592.05 feet to a P.K. nail set at an angle point in the centerline of said Spring Road, in said common Section line, at a common point between said Farm Lot 6 and Farm Lot 7;

Thence S 04° 21' 09" W along the centerline of said Spring Road and said common Section line a distance of 1525.66 feet to a railroad spike found at an angle point in the centerline of said Spring Road and in said common Section line;

Thence S 04° 21' 50" W along the centerline of said Spring Road and said common Section line a distance of 24.29 feet to a P.K. nail found in the centerline of said Spring Road, in said common Section line, and at the northeast corner of a 5.271 acre tract deeded to Northland Christian Life Church in Official Record 159, Page 2146;

Thence N 85° 37' 38" W along the northerly line of said 5.271 acre tract a distance of 420.12 feet to a ¼" iron pin found ("Geo-Graphics" cap) at the northwest corner of said 5.271 acre tract;

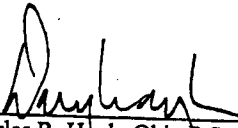
Thence S 03° 18' 25" W along the westerly line of said 5.271 acre tract a distance of 390.00 feet to a ¼" iron pin found ("Geo-Graphics" cap) at an angle point in the westerly line of said 5.271 acre tract;

Thence S 26° 41' 33" E along the westerly line of said 5.271 acre tract a distance of 252.16 feet to a ¼" iron pin (bent) found ("Geo-Graphics" cap) at the southwest corner of said 5.271 acre tract, in the northerly right-of-way of said Grindstone Road on the arc of a curve to the left;

Thence with the northerly right-of-way of said Grindstone Road the following four (4) courses and distances:

1. With a curve to the left having a Radius of 375.00 feet, a Delta of 10° 26' 16", and a chord which bears S 68° 23' 56" W a distance of 68.22 feet to a ¼" iron pin set ("Advanced 7661" cap) at a point of tangency;
2. Thence S 63° 10' 49" W a distance of 72.23 feet to a ¼" iron pin found (no cap) at a point of curvature;
3. With a curve to the right having a Radius of 325.00 feet, a Delta of 30° 07' 38", and a chord which bears S 78° 14' 37" W a distance of 168.93 feet to a ¼" iron pin set ("Advanced 7661" cap) at a point of tangency;
4. N 86° 41' 35" W a distance of 140.00 feet to the TRUE PLACE OF BEGINNING containing 64.238 acres, more or less as calculated by the above courses, of which 1.967 acres lie within the present right-of-way of Spring Road, 39.292 acres lie within Farm Lot 7, 24.846 acres lie within Farm Lot 6, and 0.100 acres lie within Farm Lot 8 all of said Section, Township and Range. Subject, however, to all legal highways, easements, and restrictions of record. The above description was prepared from an actual field survey of the premises and was written by Douglas R. Hock, P.S. #7661 on August 13, 2004.

All references used in this description can be found at the Delaware County Recorder's Office, Delaware County, Ohio. The Basis of Bearings used in this description was transferred from published information on Delaware County Monuments "97-047", "97-149", "97-046" and Franklin County Monument "FCGS 3318", and is based upon the NAD83 Ohio State Plane Coordinate System, Ohio North Zone.

  
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Douglas R. Hock, Ohio P.S. #7661

Date:

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ADVANCED CIVIL DESIGN, INC.





## CERTIFICATE

I, Mary J. Johnston, Clerk of Council for the City of Westerville, Ohio, and in whose custody of Files and Records of said Council are required by the Laws of State of Ohio do hereby certify that the foregoing is a true and correct copy of Ordinance No. 04-02, To Amend Part Eleven of the Codified Ordinances and the Zoning Map of the City of Westerville, Rezoning a 50.44 acre Tract of Land Zoned R-2, Single Family Residential and a 3.03 acre Tract and a 17.26 acre Tract Both Zoned RR, Rural Residential, All to PND, Planned Neighborhood Development, and to Approve the Development Standards Text and Development Plan for Such Tracts, Which are Generally Located on the East and West Sides of North Spring Road South of Maxtown Road, passed by the Westerville City Council on March 2, 2004.

Mary J. Johnston, CMC  
Clerk of Council

Date: August 30, 2004

form in description identified as Exhibit "B" attached to this Ordinance and made a part hereof, is rezoned from RR, Rural Residential to Planned Neighborhood District.

Section 2. That Council hereby approves the Development Standards Text and Development Plan which is attached hereto and made a part hereof as Exhibit "C" for the tracts of land set forth in Sections 1 and 2 of this Ordinance.

Section 3. That all other provisions of Part Eleven of the Codified Ordinances and the accompanying Zoning Map shall remain in full force and effect.

Section 4. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: March 2, 2004

Diane C. Fosselman  
Diane C. Fosselman  
Chair of Council

APPROVED: Bruce E. Bailey  
Bruce E. Bailey  
Director of Law

Mary J. Johnston  
Mary J. Johnston, CMC  
Clerk of Council

**ORDINANCE NO. 04-02**

**TO AMEND PART ELEVEN OF THE CODIFIED ORDINANCES AND THE ZONING MAP OF THE CITY OF WESTERVILLE, REZONING A 50.44-ACRE TRACT OF LAND ZONED R-2, SINGLE FAMILY RESIDENTIAL AND A 3.03-ACRE TRACT AND A 17.26-ACRE TRACT BOTH ZONED RR, RURAL RESIDENTIAL, ALL TO PND, PLANNED NEIGHBORHOOD DEVELOPMENT, AND TO APPROVE THE DEVELOPMENT STANDARDS TEXT AND DEVELOPMENT PLAN FOR SUCH TRACTS, WHICH ARE GENERALLY LOCATED ON THE EAST AND WEST SIDES OF NORTH SPRING ROAD SOUTH OF MAXTOWN ROAD.**

WHEREAS, the rezoning of the area hereinafter described has been proposed to the Council of the City of Westerville; and

WHEREAS, notice of a public hearing has been duly advertised and the public hearing has been held before the Council of the City of Westerville; and

WHEREAS, such rezoning is in the interest of the general welfare of the citizens of the City of Westerville.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WESTERVILLE, OHIO:

Section 1. That Part Eleven of the Codified Ordinances and the Zoning Map of the City of Westerville, Ohio, which is a part thereof, be and the same are amended as follows:

- (a) That a 50.44-acre tract a located on the east and west sides of North Spring Road, south of Maxtown Road, as fully set forth in description identified as Exhibit "A" attached to this Ordinance and made a part hereof, is rezoned from R-2, Single Family Residential to Planned Neighborhood District.
- (b) That a 3.03-acre tract and a 17.26-acre tract located on the east and west Sides of North Spring Road, south of Maxtown Road, as fully set

form in description identified as Exhibit "B" attached to this Ordinance and made a part hereof, is rezoned from RR, Rural Residential to Planned Neighborhood District.

Section 2. That Council hereby approves the Development Standards Text and Development Plan which is attached hereto and made a part hereof as Exhibit "C" for the tracts of land set forth in Sections 1 and 2 of this Ordinance.

Section 3. That all other provisions of Part Eleven of the Codified Ordinances and the accompanying Zoning Map shall remain in full force and effect.

Section 4. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: March 2, 2004

Diane C. Foselman  
Diane C. Foselman  
Chair of Council

APPROVED: Bruce E. Bailey  
Bruce E. Bailey  
Director of Law

Mary J. Johnston  
Mary J. Johnston, CMC  
Clerk of Council

## DESCRIPTION OF A 50.44 ACRE AREA TO BE REZONED

Situated in the State of Ohio, County of Delaware, City of Westerville, located in Farm Lot 6, Section 3, Township 3, Range 17; United States Military Lands, being 50.44 acres located in a 78.290 acre tract of land deeded to M/I Schottenstein Homes, Inc. in Deed Volume 0361, Page 1274, said 50.44 acres being more particularly bounded and described as follows:

**Beginning for Reference** at a  $\frac{3}{4}$ " iron pin found (illegible cap) at the northwest corner of "OLDE MILL SECTION 5" as recorded in Plat Book 21, Pages 23 and 24, and in a southerly line of a remainder tract deeded to The McCorkle Investment Company in Deed Book 311, Page 7;

Thence **S 86° 54' 06" E** along the northerly line of said "OLDE MILL SECTION 5" and a southerly line of said McCorkle tract a distance of **18.90 feet** to a point at the southwest corner of said M/I tract, a southeast corner of said McCorkle tract, said point being the **TRUE PLACE OF BEGINNING** for the area herein to be described;

Thence **N 03° 32' 26" E** along the easterly line of said McCorkle tract, the westerly line of said M/I tract a distance of **332.46 feet** to a point;

Thence the following eight (8) courses and distances across and through said M/I tract;

1. **S 86° 36' 14" E** a distance of **61.23 feet** to a point;
2. **N 51° 39' 56" E** a distance of **180.00 feet** to a point;
3. **N 38° 20' 04" W** a distance of **240.00 feet** to a point;
4. **N 40° 20' 56" E** a distance of **130.00 feet** to a point;
5. **N 49° 39' 04" W** a distance of **65.00 feet** to a point;
6. **N 31° 42' 05" E** a distance of **206.61 feet** to a point;
7. **N 18° 25' 04" W** a distance of **175.00 feet** to a point;
8. **N 03° 27' 56" E** a distance of **505.30 feet** to a point in the centerline of Maxtown Road;

Thence **S 86° 35' 03" E** along the centerline of said Maxtown Road a distance of **1986.59 feet** to the northeast corner of said M/I tract, at the centerline intersection of said Maxtown Road and Spring Street;

Thence **S 04° 35' 40" W** along the centerline of said Spring Street a distance of **740.85 feet** to an angle point in said centerline;

Thence **S 04° 25' 02" W** continuing along the centerline of said Spring Street a distance of **330.96 feet** to a point in said centerline;

Thence the following eight (8) courses and distances across and through said M/I tract;

1. **N 86° 54' 06" W** a distance of **420.38 feet** to a point;



2. N 03° 05' 54" E a distance of 204.00 feet to a point;
3. N 86° 54' 06" W a distance of 931.00 feet to a point;
4. S 03° 05' 54" W a distance of 154.00 feet to a point;
5. N 86° 54' 06" W a distance of 74.00 feet to a point;
6. Along a curve to the right having a radius of 20.00 feet, a delta of 90° 00' 00", and a chord which bears N 41° 54' 06" W a distance of 28.28 feet to a point;
7. N 86° 54' 06" W a distance of 60.00 feet to a point;
8. S 03° 05' 54" W a distance of 611.00 feet to a point in the southerly line of said M/I tract, the northerly line of said "OLDE MILL SECTION 5";

Thence N 86° 54' 06" W along the southerly line of said M/I tract, the northerly line of said "OLDE MILL SECTION 5" a distance of 559.07 feet to the **TRUE PLACE OF BEGINNING** containing 50.44 acres, more or less as calculated by the above courses. The above description was prepared by Douglas R. Hock, P.S. #7661 on August 12, 2003.

All references used in this description can be found at the Delaware County Recorder's Office, Delaware County, Ohio. The Basis of Bearings used in this description was transferred from published information on Delaware County Monuments "97-047", "97-149", "97-046" and Franklin County Monument "FCGS 3318", and is based upon the NAD83 Ohio State Plane Coordinate System, Ohio North Zone.

**ADVANCED CIVIL DESIGN, INC.**

\_\_\_\_\_  
Douglas R. Hock, Ohio P.S. #7661

\_\_\_\_\_  
Date:

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**DESCRIPTION OF A 3.08 ACRE AREA TO BE REZONED**

Situated in the State of Ohio, County of Delaware, City of Westerville, located in Farm Lot 6, Section 3, Township 3, Range 17, United States Military Lands, being 3.08 acres located in a 78.290 acre tract of land deeded to M/I Schottenstein Homes, Inc. in Deed Volume 0361, Page 1274, said 3.08 acres being more particularly bounded and described as follows:

**Beginning for Reference** at a  $\frac{3}{4}$ " iron pin found (illegible cap) at the northwest corner of "OLDE MILL SECTION 5" as recorded in Plat Book 21, Pages 23 and 24, and in a southerly line of a remainder tract deeded to The McCorkle Investment Company in Deed Book 311, Page 7;

Thence **S 86° 54' 06" E** along the northerly line of said "OLDE MILL SECTION 5" and a southerly line of said McCorkle tract a distance of **18.90 feet** to a point at the southwest corner of said M/I tract, a southeast corner of said McCorkle tract;

Thence **N 03° 32' 26" E** along the easterly line of said McCorkle tract, the westerly line of said M/I tract a distance of **332.46 feet** to a point, said point being the **TRUE PLACE OF BEGINNING** for the area herein to be described;

Thence **N 03° 32' 26" E** continuing along the easterly line of said McCorkle tract, the westerly line of said M/I tract a distance of **1291.59 feet** to a point at the northwest corner of said M/I tract, the northeast corner of said McCorkle tract;

Thence **S 86° 35' 03" E** along the centerline of said Maxtown Road and the northerly line of said Farm Lot 6 a distance of **92.32 feet** to a point;

Thence the following eight (8) courses and distances across and through said M/I tract;

1. **S 03° 27' 56" W** a distance of **505.30 feet** to a point;
2. **S 18° 25' 04" E** a distance of **175.00 feet** to a point;
3. **S 31° 42' 05" W** a distance of **206.61 feet** to a point;
4. **S 49° 39' 04" E** a distance of **65.00 feet** to a point;
5. **S 40° 20' 56" W** a distance of **130.00 feet** to a point;
6. **S 38° 20' 04" E** a distance of **240.00 feet** to a point;
7. **S 51° 39' 56" W** a distance of **180.00 feet** to a point;
8. **N 86° 36' 14" W** a distance of **61.23 feet** to the **TRUE PLACE OF BEGINNING** containing **3.08 acres**, more or less as calculated by the above courses. The above description was prepared by Douglas R. Hock, P.S. #7661 on August 12, 2003.

All references used in this description can be found at the Delaware County Recorder's Office, Delaware County, Ohio. The Basis of Bearings used in this description was transferred from published information on Delaware County Monuments "97-047", "97-149", "97-046" and Franklin County

Monument "FCGS 3318", and is based upon the NAD83 Ohio State Plane Coordinate System, Ohio North Zone.

ADVANCED CIVIL DESIGN, INC.

Douglas R. Hock, Ohio P.S. #7661

Date:

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## DESCRIPTION OF A 17.264 ACRE AREA TO BE REZONED

Situated in the State of Ohio, County of Delaware, City of Westerville, located in Farm Lot 8, Section 4, Township 3, Range 17, United States Military Lands, being all the that tract of land deeded to Mae L. McCorkle and William R. McCorkle, Jr. in Deed Book 603, Page 98, said 17.264 acres being more particularly bounded and described as follows:

**Beginning** at a  $\frac{3}{4}$ " iron pin found (no cap) at the southwesterly corner of "MARINER'S COVE SECTION 6" as recorded in Plat Cabinet 2, Slides 8 - 8b, and in the northerly line of a 110 acre tract of land deeded to Otterbein College in Deed Book 299, Page 439, said iron pin being the **TRUE PLACE OF BEGINNING** for the tract herein to be described;

Thence N  $85^{\circ} 39' 59''$  W along the northerly line of said 110 acre tract a distance of **1004.16 feet** to an angle point in the centerline of Spring Road and at an angle point in the common line between said Section 4 and Section 3;

Thence N  $04^{\circ} 35' 40''$  E along the centerline of said Spring Road and said common Section line a distance of **740.85 feet** to a point in the centerline intersection of said Spring Road with the centerline of Maxtown Road at the northwest corner of said Farm Lot 8;

Thence S  $86^{\circ} 35' 03''$  E along the centerline of said Maxtown Road and the northerly line of said Farm Lot 8 a distance of **1004.40 feet** to a point in the centerline of said Maxtown Road at the northwest corner of "LAKE FOREST ESTATES #2" as recorded in Plat Book 7, Page 533 ;

Thence S  $04^{\circ} 35' 48''$  W along the westerly line of said "LAKE FOREST ESTATES #2" and the westerly line of said "MARINER'S COVE SECTION 6" a distance of **756.94 feet** to the **TRUE PLACE OF BEGINNING** containing **17.264 acres**, more or less as calculated by the above courses. The above description was prepared by Douglas R. Hock, P.S. #7661 on August 12, 2003.

All references used in this description can be found at the Delaware County Recorder's Office, Delaware County, Ohio. The Basis of Bearings used in this description was transferred from published information on Delaware County Monuments "97-047", "97-149", "97-046" and Franklin County Monument "FCGS 3318", and is based upon the NAD83 Ohio State Plane Coordinate System, Ohio North Zone.

**ADVANCED CIVIL DESIGN, INC.**

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Douglas R. Hock, Ohio P.S. #7661

Date:

MILLSTONE  
DEVELOPMENT TEXT  
3/4/04

**I. Introduction**

Millstone Creek is located at both the southeast and southwest corners of the intersection of Maxtown Road and Spring Road. The site is approximately 70.7 acres.

**II. Purpose**

The purpose of this development is to encourage a neighborhood that fosters pedestrian activity and a sense of community. Upon completion, the development will be a strong and vibrant neighborhood with links to the broader community. The proposed streets are relatively narrow and shaded by rows of trees. They are a connected network designed to disburse traffic flow, as opposed to large thoroughfares or boulevards that foster heavy traffic. The homes in this neighborhood will be located closer to the street than those in the typical subdivision and many of them have full front porches.

**III. Product**

The applicant has proposed the use of two different types of homes to be built within this development. The home type and the location of each within the development is deliberate to aid in serving the above mentioned purpose.

- A. **Village Homes** - Village Homes are homes that line the perimeter of the neighborhood. These lots are shown on the Preliminary Plan for Millstone Creek. They feature nine (9) foot ceilings on the first floor, wood trim exterior finishes, shake shingle accents with front or rear loaded garages.
- B. **Carriage Homes** - Carriage Homes are located on the interior lots in the neighborhood. These lots are shown on the Preliminary Plan for Millstone Creek. They will feature large front porches, nine (9) foot ceilings, attached garages accessed by alleys that run behind the home, and private courtyards for comfortable outdoor living.

**IV. Permitted Uses**

- 1. Permitted and conditional uses for this PND are the same as those for the City of Westerville R-1, Single Family District.

**V. Unit Types**

Residential dwellings shall comply with the design guidelines of the development standards in this text.

**VI. Development Standards**

Unless otherwise specified in the submitted drawings or in this written text the development standards of the City of Westerville R-1, Single Family District.

Basic development standards are compiled regarding proposed density, site issues, traffic, circulation, landscape and architectural standards. These component standards ensure consistency and quality throughout the parcel's development.

**A. Density, Height, Lot and/or Setback Commitments**

1. The maximum number of units may not exceed 193.
2. The development shall be constructed generally in accordance with the submitted Preliminary Plan.
3. The minimum lot width for each residential unit type are set forth on Schedule A.
4. The minimum lot depth for each residential unit type are set forth on Schedule A.
5. The minimum front yard setbacks for each residential unit type are set forth on Schedule A. Stoops or porches may encroach 8 feet into the setback.
6. The minimum side yard for each residential unit type are set forth on Schedule A. Driveways in the Village Homes may encroach into the side yards and rear yard.
7. The minimum side yard setback for outbuildings or attached garages for each residential unit type are set forth on Schedule A.
8. The minimum rear yard for the principal dwelling for each residential unit type are set forth on Schedule A. The minimum rear yard for outbuilding or attached garages for each residential unit type are set forth on Schedule A.

- Driveways in the Village Homes lots may encroach into rear yard setback.
9. All lots shall front on a public right-of-way or on an open space.
  10. Maximum building height shall be measured from finished grade at the front door to the ridge on the roof. Maximum building heights are set forth on Schedule A.

**B. Access, Loading, Parking and/or other Traffic related commitments**

1. All residential unit types shall be required to have a minimum of four parking spaces on site, which includes two enclosed by garage and two paved. Two of these spaces may be in front of the garage located between the garage and the street or alley.
2. The following thoroughfare types are permitted (refer to Thoroughfare Types and Standards in Appendix A): PT-0-8, LA-16-12, ST- 50-26, and ST-60-36.
3. Driveway Aprons: All driveway aprons (curb-cuts) shall be constructed to accommodate a maximum 18 foot driveway at the right-of-way line.
4. Either the thoroughfare type LA-16-12 or the modified version of LA-16-12 shall be provided for all lots in the Carriage Homes area and parking shall be accessed from the alley with no parking in the alley. All alleys shall be public rights-of-way. The radii of all streets and alleys shall be studied at the time of Final Development Plan to assure trash truck, fire truck, and school bus access.
5. Alleys shall be interconnected with public streets.
6. All streets and alleys in the development shall be public, and built to public specifications.
7. The thoroughfare layout shall connect to all adjacent public stub thoroughfares and include public stub streets to facilitate connections to adjacent development sites. Substantial internal connections shall also exist within the site.

**C. Architectural Standards**

1. Facade Treatment  
The facade of a principal building shall comply with one of the following standards.

- a. Porch or fence - means a frontage type in which the facade is set back from the front lot line with an encroaching porch appended. The porch should be within a conversational distance of the sidewalk, while a fence (optional) at the frontage line maintains the demarcation of the yard.
- b. Dooryard - means a frontage type in which the facade is set back from the front lot line with a garden or terrace.

2. Design Standards

- a. The front of principal buildings shall face a civic space or a public street (except an alley).
- b. The developer shall not permit the placement of single-family houses substantially similar in design next to or directly across the street from each other.
- c. The principal building facade shall be parallel to straight frontage lines and parallel to the chord of curved or broken frontage lines.
- d. Principal building(s) shall have a front door opening directly to a frontage line on a principal thoroughfare.
- e. Trash containers shall be stored inside the garage or at the rear of the building outside the right-of-way.
- I Utility meters, air-handling equipment and similar exterior mechanical fixtures shall be setback at least ten feet behind the front facade of the buildings.
- g. Front porches of 50 square feet or more shall be provided.
- h. Houses constructed on lots 141 through 147 shall be a minimum 2,100 square feet and shall be constructed of all natural building materials, including hardy plank exterior siding.
- i. Houses constructed on lots 52 through 58 shall be constructed of all natural building materials, including hardy plank.
- j. Vinyl exterior siding shall not be a permitted building material on lots 142 through 147, nor on lots 52 through 58.
- k. Lot 147 may be used as a storm water detention facility.



3. Exterior Materials:

- a. Wall finish materials: Brick, wood siding, cement fiber siding and foam backed vinyl siding are approved exterior wall finish materials. Exterior wall finish materials must be used to complete massing elements.
- b. Roof: Pitched roofs shall be required to have a 6:12 or greater-rise over run. Minor gables, dormers and porch pediments are permitted to have minimum pitches of 5:12 rise over run. When the primary pitched roof of a house is a gabled roof with the pedimented end oriented toward the street, a lesser roof pitch shall be permitted. Flat roofs shall be permitted, but must integrate strong cornice lines. Roofs may be of natural or synthetic slate, wood shake or wood shingle, metal standing seam, or fiberglass asphalt shingle. Roof pitches shall be appropriate to the architecture of the house.
- c. Windows: Traditional single or double hung and casement windows are allowed. Common window fenestration shall be used on all elevations. All windows shall have divided light or simulated divided light architectural features.
- d. Shutters: Shutters shall be used judiciously and not on every window. Exterior shutters shall be painted and may be solid paneled (raised panel) or louvered. When used, shutters must be sized to fully cover the adjacent window, and architecturally appropriate.
- e. Gutters and downspouts: Extruded aluminum gutters with downspouts may be used.
- f. Exterior paint colors: Exterior paint colors for siding, doors, shutters, fascias, cornices, soffits and miscellaneous trim shall be selected from a pre-approved color guide of historic colors.
- g. Chimneys: Any exposed exterior chimneys shall be brick. Wood and vinyl siding as well as stucco chimneys are prohibited.
- h. Skylights: Skylights in the roof shall be permitted, provided they are appropriately screened from off-site views. Cupolas, dormers, lanterns, belvederes or window bays shall be permitted, provided they are consistent with the architectural theme.
- i. All houses shall have brick plinths.

4. Pedestrian Standards:

- a. A minimum 3 foot wide private brick or stamped concrete sidewalk shall be constructed from the public sidewalk to the front door/stoop.
- b. A 5' concrete sidewalk(s) along every street, with curb ramps at all intersections shall be constructed.

5. Swimming Pools/Spa:

- a. All swimming pools/spas shall be located in the rear yard, within the building line of the site, completely enclosed by fencing and screened from adjoining properties.
- b. All swimming pools shall be in-ground construction. Any swimming pool/spa equipment shall be located within an enclosure which is completely screened from adjoining properties.
- c. Spas may be constructed as part of the house. Spas may be permitted, provided they are completely screened from adjoining properties by fencing or landscaping.

6. Storage Standards:

- a. **Ancillary Structures:** All exterior storage structures shall be attached to the main structure of the home or its garage by walls, fences, or hedges. These ancillary structures shall be no more than one-story and shall be constructed of the same wall and roof materials as the home. The colors, walls, roof and trim shall match those used on the home.
- b. Pre-fabricated storage buildings are prohibited.
- c. **Equipment Storage:** Storage of all maintenance equipment shall be within garages or storage structures. Such items should not be visible from streets, common open spaces, adjacent lots, or adjacent developments.
- d. **Vehicle Storage:** All campers, off-road vehicles (i.e. jet skis, snowmobiles, four wheelers) commercial vehicles (i.e. box trucks) and/or boats must be parked within an enclosed garage. No undrivable vehicles or parts of vehicles may be stored outside.

7. Mailboxes/Addresses:

Each residence shall be required to install a mailbox, which shall be standard throughout the development.

8. House Numbering:

Each residence shall be required to install house numbers in a common location adjacent of the front door.

**D. Buffering, Landscaping, Open Space and/or Screening Commitments**

1. Tree Preservation:

Reasonable and good faith efforts will be made during construction to preserve existing trees and tree rows currently existing on the property. Additionally, standard tree preservation practices will be in place to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line. A tree survey shall be prepared at the time of Final Development Plan. Selected trees will be removed from the 10+/- acre park to create a usable area in this park consistent with a plat approved by the Westerville Parks and Recreation Department. The developer shall not be required to replace trees removed as a part of this park improvement. Street trees, open space trees, and perimeter buffer trees shall count toward tree replacement.

2. Civic Space:

- a. Civic spaces shall be provided as shown on the Preliminary Plan as focal points and gathering places for the community and to supplement the recreational needs of the residents.
- b. A minimum of one civic space shall be furnished with standard play equipment for children. In addition, all civic spaces shall be landscaped and benches shall be provided.
- c. A landscape plan shall be submitted and approved at the time of the Final Development Plan for the civic spaces, and the rural corridor setback along Maxtown Road and Spring Road.
- d. The 10 +/- acre park, perimeter corridor setbacks, and civic spaces shall satisfy the City park requirement. No other park impact fee or park exaction shall be payable from the developer, including but not limited to the fees called for in Section 1201.09 of the Westerville City Code.

- e. The developer shall construct a gazebo in the 0.77± acre open space.

3. Perimeter Treatment:

- a. Perimeter treatment shall be uniform throughout the development. This treatment shall be as set forth in the Millstone landscape plan submitted for the adjacent development south of this site along Spring Road.
- b. Along the rear of lots 141 through 147 and lots 52 through 58 shall be No Build Zones as indicated on the Preliminary Development Plan.
- c. No garages shall be permitted to face the rear of lots 141 through 147, nor on lots 52 through 58.
- d. A landscape plan shall be prepared and submitted at the time of the Final Plat.

4. Street Trees:

- a. Street trees shall be required on both sides of internal streets. Trees are to be minimum distance of thirty-five (35) feet on center. Trees may be grouped, provided the quantity is equivalent to 1 tree per thirty-five (35) feet or fraction thereof. This requirement may be waived in areas where existing vegetation occurs. Trees shall not obstruct sight distance or signage, subject to staff approval. Street tree and signage locations shall be shown on the Final Development Plan for review and approval.
- b. All street trees shall be 2 1/2 in caliper measured five (5) feet above the grade at installation.

5. Fences:

- a. Fences shall be used as temporary barriers during construction around vegetation and must be sturdy, at least 3 feet tall, and easy to maintain. All temporary fences must be removed prior to the issuance of a certificate of occupancy.
- b. Permanent private fences are allowed as approved by the developer and the City of Westerville. Private fences are permitted on side lot lines adjacent to the perimeter road and must be designed and built by the developer and maintained by the HOA.

- c. With respect to lots 141 through 147, and lots 52 through 58, fencing shall be a maximum 42" in height and constructed of all natural materials.

**E. Dumpsters, Lighting, Outdoor Display Areas and/or other Environmental Commitments**

1. Lighting:

- a. Landscape lighting shall be used to provide for safety and ingress and egress only. Fixture lamps shall be incandescent and shall be shielded by planting or other methods.
- b. Street lighting will be installed as required by the Westerville City Code.

**F. Graphics and Signage Commitments**

The development shall utilize standard City of Westerville street and regulatory signage. Other signage may be used subject to approval by the City of Westerville Planning Commission.

**G. Miscellaneous Commitments**

1. Utilities: All proposed utilities shall be placed underground. Utility easement location and width shall be determined on the Final Development Plat.
2. All drainage from down spouts shall be underground and shall be taken to the street or other underground drainage facility, subject to the approval of the engineering staff of the City of Westerville.

**H. Traffic Commitments**

1. The Millstone Creek plan shows access to Maxtown Road at the north property line across from existing Lake Valley Drive.

**I. School Site**

1. The applicant has reserved a portion of the site for a future school. This site is south of Maxtown Road along the west side of Spring Road, as indicated on the Preliminary Development Plan.
2. The applicant has committed in Section J of this development text to form the Westerville Community Development Authority and to subject this

development to the terms and conditions of this Authority. The applicant shall sell the 6 acre School Site tract to the Westerville Community Development Authority at its cost. This transfer shall take place within sixty (60) days from the date of the formation of the Authority. The Authority shall purchase the property by delivering to the applicant a purchase money mortgage and note for the purchase price. The purchase money note and mortgage shall be paid from first proceeds paid into the Authority. If the Westerville City School District decides to build a school on this site within five years from the date of purchase by the Community Development Authority, the Authority shall transfer the property to the school district at no cost to the district.

If the school district has not exercised the option to build a school on the property at the expiration of the five year term, the Authority shall transfer the property to the City of Westerville for use as a park at no charge to the City.

Prior to the transfer of the property to the Authority, the owner shall cause the land to be seeded with grass.

**J. Westerville Community Development Authority**

As a condition of submission and approval of any portion of the property for a final plat. The applicant shall subject the property the subject of this rezoning to a community development authority. The applicant shall file the necessary documents and petition to precipitate the formation of the Community Development Authority within ninety (90) days of the final unappealable approval of this rezoning. The

Authority shall have the authority to impose additional millage of five mills for a term of thirty (30) years. The terms and conditions of the Authority shall be subject to the reasonable review and approval of the Westerville City Attorney. It shall be a positive obligation of the Authority to purchase the 6 acre school/park site shown on the Preliminary Development Plan. Such purchase shall be in accordance with the terms and conditions set forth in Section VI of this text.

Schedule A

	Village Home	Carriage Home	Lots 52- 58 (Olde Mill)	Lots 141-147 (Mariner's Cove)
Minimum Lot Width (at building time)	60'	55'	70'	80'
Minimum Lot Depth	120'	90'	130'	150'
Minimum Frontyard Building Setback *	20'	12'	20'	20'
Maximum Frontyard Building Setback	N/A	18'	N/A	N/A
Frontyard Stoop or Porch Encroachment	8'	8'	8'	8'
Minimum Side yard Setback	5'	5'	10'	10'
Minimum Rear yard Setback for Principal Dwelling	24'	14'	NBZ	NBZ
Minimum Rear yard Setback for Outbuilding or Attached Garage	24'	14'	NBZ	NBZ
Maximum Building Height	35'	35'	35'	35'

\* Front porches and stoops may encroach into the building setback.

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1540

ORDINANCE NO. 86-64 (a)

TO AMEND PART ELEVEN OF THE CODIFIED ORDINANCES AND THE ZONING MAP OF THE CITY OF WESTERVILLE, REZONING 174.162 ACRES OWNED BY MCCORKLE INVESTMENT COMPANY, WHICH ACREAGE CONSISTS OF THREE TRACTS, SUCH ACREAGE GENERALLY BEING DESCRIBED AS THE PROPERTY LOCATED NORTH OF SMOTHERS ROAD, WEST OF TUSSIC ROAD, SOUTH OF MAXTOWN ROAD, AND EAST OF THE COOK DEVELOPMENT TRACT, FROM GENOA TOWNSHIP RESIDENTIAL TO THE FOLLOWING: THE 141.981 AND 12.173 ACRE TRACTS TO R-2 SINGLE FAMILY ZONING DISTRICTS (R-2); AND THE 20.008 ACRE TRACT TO R-1 SINGLE FAMILY ZONING DISTRICT (R-1).

WHEREAS, the rezoning of the area hereinafter described has been proposed to the Council of the City of Westerville; and

WHEREAS, notice of a public hearing has been duly advertised and the public hearing has been held before the Council of the City of Westerville; and

WHEREAS, such rezoning is in the interest of the general welfare of the citizens of the City of Westerville; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WESTERVILLE, OHIO:

Section 1. That Part Eleven of the Codified Ordinances and the zoning map of the City of Westerville, Ohio, which is a part thereof, be and the same are amended as follows:

- (a) That the 141.981 acre tract of land, as is fully described in the description Exhibit "A", attached to this ordinance and made a part hereof, is rezoned from Genoa Township Residential to R-2 Single Family Residential Zoning District (R-2).
- (b) That the 12.173 acre tract of land, as is fully described in the description Exhibit "B", attached to this ordinance and made a part hereof, is rezoned from Genoa Township Residential to R-2 Single Family Residential Zoning District (R-2).
- (c) That the 20.008 acre tract of land, as is fully described in the description Exhibit "C", attached to this ordinance and made a part hereof, is rezoned from Genoa Township Residential to R-1 Single Family Residential Zoning District (R-1).

Section 2. That all other provisions of Part Eleven of the Codified Ordinances and the accompanying zoning map shall remain in full force and effect.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: January 20, 1987

John R. Barinich  
Chairman of Council

APPROVED: [Signature]

Director of Law

Sharon L. Hahn  
Clerk of Council

ORDINANCE NO. 86-64(b) CONTAINS SECTIONS 1(d) AND 1(e) WHICH WERE TABLED JANUARY 20, 1987.

I hereby certify the foregoing to be a true and exact copy of Ord. No 86-64(a) as adopted by the Council of the City of Westerville, Ohio at its meeting held on January 20, 1987  
Mary E. Hahn  
Clerk of Council, City of Westerville



## 141.981 ACRE TRACT

R-2

Situate in the County of Delaware, State of Ohio, City of Westerville, and being located in Section 3, Township 3, Range 17, United States Military Lands and being 161.989 acres of the McCorkle Investment Co. tract, all references being to those of record in the Recorder's Office, Delaware County, Ohio, and being more particularly bounded and described as follows:

Beginning at a point where the centerline of Maxtown Road intersects the centerline of Tussic Road;

thence along the centerline of the said Tussic Road, South  $1^{\circ} 02' 20''$  West, 740.63 feet to a point;

thence South  $0^{\circ} 57' 17''$  West, 3690.68 feet to a point at the northeasterly corner of a 5.0 acre tract;

thence along the northerly line of the said 5.0 acre tract, North  $89^{\circ} 55' 58''$  West, 409.01 feet to a point;

thence along the westerly line of the said 5.0 acre tract, South  $0^{\circ} 05' 43''$  East, 539.02 feet to a point in the centerline of County Line Road (Snothers Road);

thence along the centerline of the said County Line Road, North  $89^{\circ} 55' 58''$  West, 290.0 feet to a point;

thence along the easterly lines of "OLD MILL SECTION 1", of record in Plat Book 13, Pages 41 and 42, "OLD MILL SECTION 2", of record in Plat Book 12, Page 41 and "OLD MILL SECTION 4", of record in Plat Book 17, Page 199, North  $0^{\circ} 05' 43''$  West, 2085.51 feet to a point at the northeasterly corner of the said "OLD MILL SECTION 4";

thence along the northerly lines of the said "OLD MILL SECTION 4", the following courses and distances:

South  $89^{\circ} 54' 17''$  West, 120.0 feet to a point;

North  $0^{\circ} 05' 43''$  West, 5.0 feet to a point;

South  $89^{\circ} 54' 17''$  West, 365.0 feet to a point;

North  $83^{\circ} 56' 39''$  West, 199.46 feet to a point; and,

South  $89^{\circ} 41' 45''$  West, 632.34 feet to a point in the easterly line of the Doris M. Taylor 25.0 acre tract, of record in Deed Book 263, Page 174;

thence along the easterly line of the said Taylor 25.0 acre tract, North  $0^{\circ} 18' 15''$  West, 1195.16 feet to a point at the northeasterly corner of the said Taylor 25.0 acre tract;

Continued....

141.981 ACRE TRACT  
R-2

- Page 2 -

thence North 0° 04' 30" West, 375.0 feet to a point;  
 thence North 89° 55' 30" East, 80.0 feet to a point;  
 thence North 48° 12' 00" East, 180.0 feet to a point;  
 thence North 41° 48' 00" West, 240.0 feet to a point;  
 thence North 36° 53' 00" East, 130.0 feet to a point;  
 thence North 53° 07' 00" West, 65.0 feet to a point;  
 thence North 28° 14' 09" East, 206.61 feet to a point;  
 thence North 21° 53' 00" West, 175.0 feet to a point;  
 thence NORTH, 505.0 feet to a point in the centerline of  
 the said Maxtown Road;

thence along the centerline of the said Maxtown Road,  
 EAST, 1986.25 feet to the place of beginning and containing  
 161.989 acres of land, more or less.

EXCEPTING THEREFROM, the following described 20.003 acre  
 tract:

Situate in the County of Delaware, State of Ohio, City of  
 Westerville, and being located in Section 3, Township 3, Range  
 17, United States Military Lands and being 20.003 acres of the  
 McCorkle Investment Co. tract, all references being to those of  
 record in the Recorder's Office, Delaware County, Ohio, and  
 being more particularly bounded and described as follows:

Beginning at a point at the northeasterly corner of "OLDE  
 MILL SECTION 4", of record in Plat Book 17, Page 199;

thence along the northerly line of the said "OLDE MILL  
 SECTION 4", the following courses and distances:

- South 89° 54' 17" West, 120.0 feet to a point;
- North 0° 05' 43" West, 5.0 feet to a point; and,
- South 89° 54' 17" West, 30.0 feet to a point;

thence along the arc of a curve to the left (Radius =  
 550.0 feet, Sub-Delta = 6° 46' 31"), a chord bearing and  
 distance of North 3° 28' 59" West, 65.0 feet to a point and  
 being the True Place of Beginning of the tract herein intended  
 to be described;

Continued...

141.981 ACRE TRACT

- Page 3 -

thence along the arc of a curve to the left (Radius = 550.0 feet, Delta = 45° 32' 55"), a chord bearing and distance of North 29° 38' 41" West, 425.81 feet to the point of tangency of said curve;

thence North 52° 25' 09" West, 226.73 feet to a point of curvature of a curve to the right;

thence along the arc of said curve to the right (Radius = 400.0 feet, Delta = 52° 06' 54"), a chord bearing and distance of North 26° 21' 42" West, 351.42 feet to the point of tangency of said curve;

thence North 0° 18' 15" West, 430.0 feet to a point;

thence North 89° 41' 45" East, 770.0 feet to a point of curvature of a curve to the right;

thence along the arc of said curve to the right (Radius = 600.0 feet, Delta = 24° 02' 53"), a chord bearing and distance of South 78° 16' 46" East, 250.0 feet to a point;

thence South 25° 44' 45" West, 194.18 feet to a point of curvature of a curve to the left;

thence along the arc of said curve to the left (Radius = 350.0 feet, Delta = 24° 02' 58"), a chord bearing and distance of South 11° 43' 14" West, 145.83 feet to the point of tangency of said curve;

thence South 0° 18' 15" East, 372.41 feet to a point of curvature of a curve to the right;

thence along the arc of said curve to the right (Radius = 400.0 feet, Delta = 64° 10' 48"), a chord bearing and distance of South 31° 47' 09" West, 425.0 feet to a point;

thence South 7° 23' 36" East, 134.92 feet to a point;

thence South 83° 07' 46" West, 154.92 feet to the place of beginning and containing 20.008 acres of land, more or less.

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1597

EXHIBIT "B"

1598

12.173 ACRE TRACT

[R-2]

Situate in the County of Delaware, State of Ohio, City of Westerville, and being located in Section 3, Township 3, Range 17, United States Military Lands and being 12.173 acres of the McCorkle Investment Co. tract, all references being to those of record in the Recorder's Office, Delaware County, Ohio, and being more particularly bounded and described as follows:

Beginning at a point in the centerline of County Line Road (Srothers Road) at the southwesterly corner of "OLD MILL SECTION 1", of record in Plat Book 13, Pages 41 and 42;

thence along the centerline of the said County Line Road, North 89° 55' 58" West, 597.65 feet to a point at the southeasterly corner of the Doris M. Taylor 25.0 acre tract, of record in Deed Book 263, Page 174;

thence along the easterly line of the said Taylor 25.0 acre tract, North 0° 18' 15" West, 1774.59 feet to a point;

thence along the westerly lines of "OLD MILL SECTION 3", of record in Plat Book 12, Page 89 and the westerly line of the said "OLD MILL SECTION 1", South 18° 52' 43" East, 1876.19 feet to the place of beginning and containing 12.173 acres of land, more or less.

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EXHIBIT "C"

1517

20.008 ACRES

(R-1)

Situate in the County of Delaware, State of Ohio, City of Westerville, and being located in Section 3, Township 3, Range 17, United States Military Lands and being 20.008 acres of the McCorkle Investment Co. tract, all references being to those of record in the Recorder's Office, Delaware County, Ohio, and being more particularly bounded and described as follows:

Beginning at a point at the northeasterly corner of "OLDE MILL SECTION 4", of record in Plat Book 17, Page 199;

thence along the northerly line of the said "OLDE MILL SECTION 4", the following courses and distances:

South 89° 54' 17" West, 120.0 feet to a point;

North 0° 05' 43" West, 5.0 feet to a point; and,

South 89° 54' 17" West, 30.0 feet to a point;

thence along the arc of a curve to the left (Radius = 550.0 feet, Sub-Delta = 6° 46' 31"), a chord bearing and distance of North 3° 28' 59" West, 65.0 feet to a point and being the True Place of Beginning of the tract herein intended to be described;

thence along the arc of a curve to the left (Radius = 550.0 feet, Delta = 45° 32' 55"), a chord bearing and distance of North 29° 38' 41" West, 425.81 feet to the point of tangency of said curve;

thence North 52° 25' 09" West, 226.73 feet to a point of curvature of a curve to the right;

thence along the arc of said curve to the right (Radius = 400.0 feet, Delta = 52° 06' 54"), a chord bearing and distance of North 26° 21' 42" West, 351.42 feet to the point of tangency of said curve;

thence North 0° 18' 15" West, 430.0 feet to a point;

thence North 89° 41' 45" East, 770.0 feet to a point of curvature of a curve to the right;

thence along the arc of said curve to the right (Radius = 600.0 feet, Delta = 24° 02' 58"), a chord bearing and distance of South 78° 16' 40" East, 250.0 feet to a point;

thence South 23° 44' 43" West, 194.18 feet to a point of curvature of a curve to the left;

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20.008 ACRES  
R-1

- Page 2 -

thence along the arc of said curve to the left (Radius = 350.0 feet, Delta = 24° 02' 58"), a chord bearing and distance of South 11° 43' 14" West, 145.83 feet to the point of tangency of said curve;

thence South 0° 18' 15" East, 372.41 feet to a point of curvature of a curve to the right;

thence along the arc of said curve to the right (Radius = 400.0 feet, Delta = 64° 10' 48"), a chord bearing and distance of South 31° 47' 09" West, 425.0 feet to a point;

thence South 7° 23' 36" East, 134.92 feet to a point;

thence South 83° 07' 46" West, 154.92 feet to the place of beginning and containing 20.008 acres of land, more or less.

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## EXHIBIT C

### PROPOSED CURRENT DEVELOPMENT PROGRAM AND PLAN

#### A. Proposed New Community Development Program

Millstone is an approximately \$90 million residential development project located in Westerville, south of the Maxtown Road and Spring Road intersection. The project will be situated on 135.022± acres. The current Millstone plan envisions a residential community of approximately 362 homes.

The project will encourage a neighborhood that fosters pedestrian activity and a sense of community. Upon completion, the development will be a strong and vibrant neighborhood with links to the broader community. The proposed streets in the Traditional Neighborhood Development portion are relatively narrow and shaded by rows of trees. They are a connected network designed to disburse traffic flow, as opposed to large thoroughfares or boulevards that foster heavy traffic. The homes in this neighborhood will be located closer to the street than those in the typical subdivision and many of them have full front porches. The homes located in the Traditional Single Family Portion will be the typical single-family home with traditional building set-back lines and front load garages.

#### ***Site Description***

That portion of the District that is the Traditional Neighborhood Development is comprised of 70.784 acres at both the southeast and southwest corners of the intersection of Maxtown Road and Spring Road. That portion of the District that is Traditional Single Family Portion is comprised of 64.238 acres along the east side of Spring Road.

#### ***The Millstone Project***

The Millstone Project (the "Project") proposes the use of three different types of homes to be built within the residential development; Village Homes, Carriage Homes and single family homes. The home type and the location of each type within the development is deliberate to aid in fostering the type of neighborhood described above. The Project also includes plans for civic space for the neighborhood community to gather.

#### ***Zoning***

In March 2004, the City of Westerville rezoned a 50.44 acre area of the District from R-2, Single Family Residential to Planned Neighborhood District, and rezoned a 3.03 acre area and a 17.26 acre area of the district from RR, Rural Residential, to Planned Neighborhood District. The remaining 64.238 acres is zoned R-2, single Family Residential.

*Westerville City School District*

The Developer has committed to form this Millstone Community Development Authority and to transfer a six (6) acre site (the "School Site"), south of Maxtown Road along the west side of Spring Road, in accordance with the terms and conditions generally described herein. Within sixty (60) days from the date of the approval of this Petition, the Authority shall purchase the School Site from the Developer at its cost, delivering a purchase money mortgage and note. If the Westerville City School District chooses to build a school on the School Site within five (5) years of its purchase by the Authority, the Authority shall transfer the School Site to the Westerville City School District at no cost. If the Westerville City School District does not exercise its option, the Authority shall transfer the School Site to the City of Westerville at no charge for use as a park.

B. Proposed Land Acquisition and Land Development Activities

The Developer owns or controls (within the meaning of Section 349.01(E) of the Ohio Revised Code) all land within the proposed District.

The Developer plans to develop a vibrant community of residential units. Development of the neighborhood will include the setting aside of civic spaces, the preservation of existing trees, and the planting of street trees, encouraging pedestrian activity and a sense of community.

The Developer proposes to develop the following two different types of homes within the Traditional Neighborhood Development Portion:

- **Village Homes.** Village Homes are homes that line the perimeter of the neighborhood. They feature nine (9) foot ceilings on the first floor, wood trim exterior finishes, shake shingle accents with front or rear loaded garages.
- **Carriage Homes.** Carriage Homes are located on the interior lots in the neighborhood. They will feature large front porches, nine (9) foot ceilings, attached garages accessed by alleys that run behind the home, and private courtyards for comfortable outdoor living.

C. Proposed Community Facilities and Services

The "land development" to be financed or otherwise paid for by the Authority, is intended to include (a) the acquisition by the Authority of a six (6) acre portion of the Property to be transferred to the Westerville City School District for use as a school site or to be transferred to the City of Westerville; and (b) the acquisition, construction, improvement, equipping and operation of educational facilities provided, through the City or otherwise, for use by the School District on one or more sites located within the City, and includes but is not limited to, schools, classrooms, other educational structures and facilities and educational materials and equipment, parks, all related appurtenances and land and operation and maintenance expenses, all related to or necessary for any of the foregoing purposes and all of which shall be for and as determined by the School District Board of Education ("Educational Facilities"), which may be attended by City and non-City residents.



The proposed Authority is precluded, pursuant to Section 349.05 of the Ohio Revised Code, from providing the public services of fire and police protection, and, unless such services cannot be obtained from other existing political subdivisions, is also precluded from providing water supply and sewage treatment and disposal. The anticipated sources of these public services are set forth in Exhibit D to this Petition.

The Authority will provide any necessary maintenance of community facilities or land development financed by the Authority unless and until those facilities become the maintenance responsibility of others. Maintenance services will be provided by contracting for those services or employing a staff paid by the Authority.

A director of the Authority (the "Director") may be engaged pursuant to Section 349.06(G) of the Ohio Revised Code to coordinate the day-to-day activities of the Authority, and to report directly to the Board of Trustees. The Director could be assisted by contracted for or employed administrative and operations staff.

D. Proposed Method of Financing the Community Activities and Services

Community facilities and services will be financed using receipts from the community development charge imposed by the New Community Authority under R.C. Chapter 349. Further discussion of the financial plan for the District is included in Exhibit D to this petition.

E. The Projected Total Population of the New Community

The Project will include up to 362 new homes upon full development of the new community district.

## EXHIBIT D

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### PRELIMINARY ECONOMIC FEASIBILITY ANALYSIS

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#### A. Location and Area Development Pattern and Demand

The surrounding area of the proposed District has been extensively developed with primarily single-family residential developments. This area of Westerville, Ohio has historically been a very desirable residential community. The proposed District is literally surrounded by other existing single-family developments. The development pattern and growth corridor has passed over this particular site, primarily because of the previous land owner's unwillingness to develop or sell the property. Due to the site's desirable market location, it has been considered one of the most sought after single-family residential parcels in the Westerville area.

This new Millstone Community, with its extensive park & open space system, will bring 362 very desirable single-family homes to the Westerville market. Within walking distance of the neighborhood schools, this project will attract a more upscale buyer and will instantly become one of the more attractive communities in Westerville

The site of the proposed District is properly zoned for development by the Developer as reflected and discussed in Exhibits B-1, B-2 and C to the Petition.

#### B. Location and Proposed District Size

The location of the boundaries of the District is shown on the map attached to this petition as Exhibit A-1.

#### C. Present and Future Socio-Economic Conditions

There are no current residents in the District. When the 362 unit Millstone Community is built-out, this upscale community will become a premier residential neighborhood and will stimulate surrounding property values and will help support existing and new commercial development.

D. Public Services Provision

1. Freeways and Roads

The District is located near the Westerville metropolitan area and is served by the existing road infrastructure. The Project envisions narrow streets shaded by rows of trees, and the addition of sidewalks and other vehicular and pedestrian infrastructure.

2. Provision of Public Services and Utilities.

The District is located in the City of Westerville and Delaware County. The District lies entirely in the Westerville City School District. Central sewer treatment and water supply service will be provided by the City of Westerville. Electric, gas, telephone and cable services will be provided by various publicly held utilities and private companies and are generally already available. While the utility companies' practice is to incur the costs to bring the services to the site if they are not already available, the development may incur some additional incremental costs to take existing electrical and telephone lines underground to enhance the appearance of the area. Solid waste disposal will be provided by or through the City of Westerville.

E. Financial Plan

Disclosures to Homeowners

During the sales process, purchasers of property in the District will be informed pursuant to R.C. Section 349.07 of the existence of the Authority and the community development charge.

Public Charge Covenant Filing

The Developer has filed a Declaration of Covenants and Restrictions for the Community Authority (the Covenant) with the Delaware County Recorder for the purpose of creating covenants running with the land to establish the obligation of current and future landowners to pay the Authority community development charges. Once the District is formed, that charge will be implemented by the Board of Trustees.

### Anticipated Community Development Charge Revenues

Community development charge revenues have been projected based on anticipated development plans and expected home and property values that will be created as those plans are implemented. Total community development charge revenue available for programs will be dependent on sales and development of property in the District. The preliminary estimates of charge revenues that will be generated in 2011 based on anticipated property values of \$108,600,000 (\$300,000 average home value x 362 units) in the District at the end of 2010 are approximately \$190,050 ( $108,600,000 \times 35\% \times .005$ ). The expected development and level of the community development charge are reasonably expected by the Developer to generate revenues sufficient to pay debt service on bonds issued by the Authority pursuant to Sections 349.06 through 349.10 of the Revised Code and to meet the limited operation and maintenance expenses of the Authority.

### Apportioning Community Development Charge Revenues

Based on the annual budget approved by the Board of Trustees, anticipated community development charges will be apportioned to (1) purchase of the School Site as discussed in Exhibit C, and (2) construction, operation and maintenance of Educational Facilities as discussed in Exhibit C.

### Community Development Charge Collections

Community development charge collections will be administered under the direction of the Board of Trustees. Community development charges are payable annually or semiannually on due dates to be determined by the Board. As permitted by Section 349.07 of the Ohio Revised Code, the Board may certify past due charges to the Delaware County Auditor, who shall enter the unpaid charge on the tax list and duplicates of real property and certify the charge to the Delaware County Treasurer. Past due charges will be collected in the manner provided for the collection of real property taxes.

#### F. Developer's Management Capability

M/I Homes of Central Ohio, LLC, the developer of the Project, is an Ohio limited liability company located in Columbus, Ohio. M/I Homes was founded in 1976 and is the leading homebuilder in the Columbus, Ohio market based on revenue and has been the number one builder of single-family detached homes in this market for each of the last fifteen years. M/I Homes is a publicly owned company and is listed on the New York Stock Exchange traded under the ticker symbol MHO. The Developer has retained Squire, Sanders & Dempsey L.L.P. to provide legal guidance for the process of approving the creation of the Millstone New Community Authority.