

AN ORDINANCE APPROVING THE FINAL DEVELOPMENT PLAN FOR RUTHERFORD ESTATES, FOR 59 SINGLE FAMILY HOMES ON 43.47 ACRES LOCATED ON THE SOUTH SIDE OF RUTHERFORD ROAD WEST OF THE CSX RAILROAD AND AMENDING THE ZONING CLASSIFICATION TO PR, PLANNED RESIDENCE DISTRICT.

WHEREAS, the Planning and Zoning Commission of the Municipality of Powell having recommended approval of the Final Development Plan for Rutherford Estates and a Zoning Map Amendment amending the Zoning Classification to PR, Planned Residence District, and

WHEREAS, the Final Development Plan and Zoning Map Amendment having been submitted to Council by the Planning and Zoning Commission pursuant to the provisions of Section 1143.11 of the Codified Ordinances of Powell, and

WHEREAS, Council having determined the implementation and approval of the Final Development Plan and Zoning Map Amendment which is attached hereto and incorporated herein by reference is in the best interest of the residents of the Municipality of Powell.

NOW THEREFORE BE IT ORDAINED BY THE MUNICIPALITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:

Section 1: That the Final Development Plan for the Rutherford Estates Subdivision which is attached hereto and incorporated herein by reference is accepted and approved by the Council of the Municipality of Powell, subject to the following conditions as recommended by the Planning and Zoning Commission and amended by Council:

1. That all floodplain management requirements be met and coordinated through Staff.
2. That a left turn lane be provided west bound on Rutherford Road and be coordinated with the approval of the County Engineer.
3. That a pathway be shown along the frontage of Rutherford Road and constructed with or without the roadway improvements.
4. That at the time of the plat, a lot along the west side of Rutherford Estates Drive be reserved for a possible street connection to Golf Village, as authorized by Section 1111.03 (e).
5. That if the roadway connection in #4 above is not accomplished, then the pathway connection to the west is to be constructed and connected to Trail Lake Drive.
6. That Staff coordinate the routing of the sanitary sewer with the Delaware County Sanitary Engineer in order to provide the best service to the proposed residents and reduce the amount of impact of the proposed sewer on the community.
7. That the no build zone/tree preservation areas be designated Scenic Easement utilizing language development by Staff.
8. That the home designs be consistent with the home designs in terms of quality and appearance as determined after review by Staff.
9. That the City of Powell Staff and Liberty Township fire department review and approve the emergency access plan for this development prior to final development plan. Priority is given to access the site directly from the sanitary sewer pump station drive to the south.
10. That the developer is allowed to build up to 3 models during road construction as permitted by City Staff.
11. That the 10% sideyard setback is limited to lots 44 and 45. All other lots are required to meet the Zoning Code minimum.
12. That vinyl soffit material is approved.
13. That cement fiber siding is not approved for use in this subdivision consistent with The

Rutherford Estates Cement Fiber material conditions 1-5 as prepared by Staff

- 14. That the applicant add this property to the Liberty Community Infrastructure Financing Authority prior to the engineering plans being signed.
- 15. That the builder is required to provide a minimum 50% brick, stone, or stucco stone to the front façade of all houses within the development. Mr. Counts seconded the motion.

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of this Council and any of its committees which resulted in such formal actions were in meetings so open to the public in compliance with all legal requirements of the Municipality of Powell, Delaware County, Ohio.

Section 3: That this Ordinance shall take effect on the earliest possible date permitted by law.

VOTE ON RULES SUSPENSION: Y _____ N _____

VOTE ON ORDINANCE 2003-23: Y 4 N 2 (Lackey, Seta)

Art Schultz 6/17/03
Art Schultz Date
Mayor

Dawn Nauman 6/17/03
Dawn Nauman Date
Clerk of Council

This ordinance or resolution has been posted in
three (3) public places as defined in ordinance
1424 dated 6-2-03
on this date 6/17/03
Dawn Nauman
Clerk of Council

