

**SUNBURY MEADOWS COMMERCIAL DEVELOPMENT  
PLANNED COMMERCIAL DISTRICT (PCD)  
DEVELOPMENT TEXT**

**Background and Introduction:**

This Development Text relates to and is an integral part of a Planned Commercial District (PCD) Application for a Zoning Amendment (the above referenced Application together with all supporting materials filed in connection therewith is referred to herein as the “Application”) filed by BSTP Sunbury, LLC (the “Applicant”), pertaining to approximately 6.729± acres located in the City of Sunbury, Delaware County, Ohio at the northeast corner of State Route 3 and Sunbury Meadows Drive (the “Property”), to be developed as a mixed use development consisting of a 17,500 sq. ft. medical facility as “**Sub Area A**” in the Application and approximately 10,000 sq. ft. of commercial, restaurant and retail buildings as “**Sub Area B**” in the Application (collectively, the “Development”).

The intent of this PCD submittal is to (i) approve an Overall Development Plan Set for the Property, and (ii) to include the general development standards for each Sub Area and the allowable uses.

Please note, that the Property was previously zoned PCD as part of the 2005 Development Plan/East of SR 3 as “Subarea C”, a copy of which is included in this application for reference. The Applicant believes that the PCD conditions outlined herein are consistent with the previously approved PCD conditions from 2005.

The Applicant is the current fee owner of the Property. The Application is being filed pursuant to Section S81.15.11 of the Sunbury Revised Zoning Ordinance of 2018, as amended to date – Planned Commercial District (PCD), as in effect on October 15, 2025 (the “Zoning Ordinance”). The rezoning is governed and controlled by the Zoning Ordinance as in effect on October 15, 2025. All references herein to ZC Sections or ZC Articles refer to applicable Sections or Articles of the Zoning Ordinance.

This Development Text relates to the Application filed by the Applicant and is an integral part of the Application required by ZC Section 81.15.11.5(b) and constitutes the text required thereby. To the extent a matter required by ZC Section 81.15.11.5(b) is required to be stated in textual form, is not otherwise stated herein, but is otherwise contained in other text or drawings contained in the Application, such text shall be deemed incorporated herein by this reference.

As contemplated by ZC Section 81.15.11.1, the Application proposes rezoning the Property into a well-organized commercial area to provide employment, goods and services to area residents as well as to provide a balanced economy within the municipality. Commercial and medical establishments are permitted uses in the PCD District (ZC District 81.15.11(3)).

**Relationship to and Compliance with Comprehensive Plan:**

The Application is in keeping with the spirit and intent of the Village of Sunbury Comprehensive Plan approved November 2, 2016 as Ordinance 2016-27 (the “Comp Plan”) and the recently adopted Sunbury Parkway Master Plan (the “Parkway Plan”) for the following reasons:

1. The Future Land Use Map included as part of Comp Plan labels the Property as a proposed Planned

Commercial District.

2. While the Parkway Plan is related to the City's new interchange with I-71, the Parkway Plan includes the most recent community engagement feedback and the most recent population growth and census information for the City. The Parkway Plan states that Sunbury's market can support 1 million square feet of additional commercial services, 1.4 million square feet of additional medical services and 640,000 square feet of additional retail services and lists the follow uses as Top Needs in Sunbury:
  - Hospital Services
  - Offices of Physicians
  - Outpatient Care Centers
  - Motor Vehicle Parts
  - Restaurants
3. Executive Summary Page iii states a Key Component of the Comp Plan is to "Develop a marketing effort to generate increased interest in and bring visitors to the Village Square". This mixed use development, in close proximity to the Village Square, will assist the City in achieving this goal.
4. Section 4 Infrastructure page 60-63, the Development is adjacent to State Route 3 with a functional class identified as Major Arterial. It is common for mixed use and commercial developments to be directly adjacent to major thoroughfares such as State Route 3.
5. Section 4 Infrastructure page 67, states "Consideration should be given to traditional neighborhood designs that [are] designed to be convenient for walking and biking with mixed commercial and service uses can reduce auto trips to as little as four trips per home per day". The Development is directly adjacent to the Sunbury Meadows residential community (among others) and will connect into the communities' sidewalks, promoting walk up visits. The Development will be an added amenity to the surrounding communities.
6. Section 5 Economic Conditions page 83, states that City should use its commercially-zoned land wisely to attract business that pay significant property tax and income tax.
7. Section 6 Community Character page 95, under Future Development Patterns, the Comp Plan states that commercial development should group buildings to share parking and access drives.
8. Section 7 Implementation page 101, states the City should encourage commercial and light industrial development in planned districts to broaden the jobs and tax base, and to prevent taxes from rising faster than the growth in the City.
9. Section 7 Implementation page 106-107 specifically identifies the Property as part of "Sub Area 4a" and notes that this is a "key development site for the City". Sub Area 4 includes provisions for commercial outlots along the State Route 3 frontage.
10. Rezoning the Property back to its Planned Commercial Development classification is in keeping with the letter and spirit of the Comp Plan and will provide for uses contemplated by the Comp Plan.

#### **Section S81.15.11 - PLANNED COMMERCIAL DISTRICT (PCD)**

**(NOTE THAT ALL BLACK TEXT IN THIS SECTION IS TEXT FROM SECTION S81.15.11 AND ALL RED TEXT IS APPLICANT RESPONSES AND COMMITMENTS)**

1. PURPOSE. The municipality recognizing, that with increased urbanization and population growth comes increased demands for well-organized commercial areas to provide employment, goods and services to area residents as well as to provide a balanced economy within the municipality, thereby provides for the Planned Commercial District, intending hereby to promote the variety and flexibility of land development for commercial purposes that are necessary to meet these demands while still preserving and enhancing the health, safety and general welfare of the

inhabitants of the municipality.

The Application supports and conforms to these purposes. Note that this rezoning will return the permitted uses of the Property back to the previously established Planned Commercial District which has been contemplated in this location for approximately 20 years.

2. APPLICATION. This provision of the Zoning Ordinance shall apply to all lands within the municipality which are to be used for commercial purposes and which are not regulated by the Commercial District as hereinbefore set forth in S81.15.09 of this Ordinance.

The Application complies.

3. PERMITTED USES. Within the Planned Commercial District (PCD) the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted.

a) Commercial and Office Establishments of all types developed and maintained within an organized development of associated commercial activities in accordance with the approved development plan.

b) Community Facilities such as libraries, offices or educational facilities operated by a public agency or government.

e) Commercial Establishments normally associated with and intended to service the traveling public with motels, ~~gasoline/auto service stations, convenience stores which sell gasoline, restaurants, travel trailer parks for overnight parking or any other allied activity.~~ Please note that the Applicant has met with community leaders several times regarding the intensity of this Development and its proximity to residential. Based on feedback from the community, the references to gasoline/auto service stations and convenience stores shall be struck from the list of permitted uses within this Development.

d) Other Commercial ventures not prohibited by this or other sections of this Ordinance, of like or similar nature.

e) Apartments or residences in areas over or above the commercial storerooms or office facilities provided that each single story dwelling hereafter erected in this district shall have a ground floor area of not less than One Thousand square feet. All such living areas shall be exclusive of basements, porches or garages. All apartments or other multi-family structures constructed within this district shall contain the following minimum floor space, to-wit:

One (1) bedroom unit .....850 sq. ft.

Two (2) bedroom unit .....1020 sq. ft.

For each additional bedroom ...120 sq.ft. per bedroom and shall otherwise be developed in accordance with S81.15.05 or S81.15.06.

In addition to the above described uses, the PCD shall specifically include those uses shown on the included Overall Development Plan which depicts a four (4) lot subdivision with the following use categories and square footages:

- Lot 1: ~2,800 sf coffee shop with drive through;
- Lot 2: ~4,100 sf quick service restaurant with drive through;
- Lot 3: ~1,900 sf instant oil change facility with three bays<sup>1</sup>

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<sup>1</sup> Please note that at the time of application, the Applicant has signed a lease with Valvoline Instant Oil Change for proposed Lot 3. Valvoline plans to construct an ~1,500 sf facility with two (2) service bays but reserves the right to expand their building by one (1) service bay to ~1,900 sf. The expansion of the facility will be submitted to the City for approval.

- Lot 4: ~17,500 sf medical facility<sup>2</sup>.

4. CONDITIONAL USES. Provisions for conditional uses are unnecessary under the article because, in effect, each application for plan approval is a conditional use granted by the Planning and Zoning Commission and/or the Sunbury Council.
5. PROCEDURE. In addition to any other procedure set out in this resolution, all applications for amendments to the zoning map to rezone lands to this district shall follow the procedures hereinafter set forth:

a) Application. The owner or owners of lots within the municipality may request that the zoning map be amended to include such tracts in the Planned Commercial Development District in accordance with the provisions of this Ordinance. **See Application.**

- 1) The applicant is encouraged to engage in informal consultations with the Sunbury Planning and Zoning Commission prior to formal submission of a Development Plan and request for an amendment to the zoning map, it being understood that no statement by officials of the municipality shall be binding upon either.

**Applicant has met with City of Sunbury staff on several occasions to discuss the Development and has made modifications and adjustments to its proposal based in part on recommendations from the Sunbury Planning and Zoning Commission. It should also be noted that the Applicant has engaged in several meetings with the adjacent community to discuss the proposed tenant mix of the Development.**

b) Development Plan. Fifteen (15) copies of the development plan shall be submitted with the application, which plan shall include in the text and map form:

**15 Copies of all required materials set forth below have been submitted.**

1. The proposed size and location of the Planned Commercial District.

**The proposed Planned Commercial District is located at the NEC of State Route 3 and Sunbury Meadows Drive and is approximately 6.729 acres. Please also see the Overall Development included with the Application.**

2. The general development character of the tract including the limitations of controls to be placed on commercial uses, operations, locations or types of tenants with probable lot sizes, minimum setback requirements, and other development features including landscaping.

**See Overall Development Plan Set, Divergences and this Development Text**

3. Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.

**See Architectural Elevations and Signage Elevations included.**

4. The proposed provisions for water, fire hydrants, sanitary sewer, industrial waste disposal and surface drainage with engineering feasibility studies or other evidence of reasonableness.

**See Utility Plan.**

5. The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.

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<sup>2</sup> Please note that at the time of application, the Applicant is in discussions to sell proposed Lot 4 to a health care provider. Based on discussions with the health care provider and the City, the PCD text has been written to include a total maximum allowable square footage for the medical use of 17,500 sf. However, the health care provider, as the future owner of Lot 4, reserves the right to construct the medical facility in phases and will present each phase to the City for approval.

See Traffic Study and Overall Development Plan Set.

6. The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.

See Overall Development Plan Set and ALTA Survey.

7. Location of parks and other public facility sites, if any.

Not Applicable

8. The proposed time schedule for development of the site, including streets, transportation facilities, buildings, utilities and other facilities.

- Proposed Lot 3 will begin final design and engineering immediately after approval of the PCD.
- Proposed Lot 4 is expected to begin final design and engineering in Q2 of 2026, with construction and development to follow.
- The Applicant will develop Lot 1 and Lot 2 at such time as users are identified.

9. If the proposed timetable for development includes developing the land in phases, in all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give Sunbury Officials definitive guidelines for approval of future phases.

The Application complies.

10. The ability of the applicant to carry forth its plan by control of the land and the engineering feasibility of the plan.

The Applicant owns the entire Development and has the economic wherewithal to proceed and has provided in the Application engineering feasibility.

11. Specific statements of divergence from the development standards in S81.15.08, S81.15.09, S81.16.01 and S81.15.11 and the justification therefore.

See "Divergences" below.

12. Evidence of the applicant's ability to post a bond, if the plan is approved, assuring completion of public service facilities to be constructed within the project by the applicant.

The Applicant has the capability to post all required bonds.

- c) Criteria for Approval. In approving an application for a Planned Commercial District the reviewing authorities shall determine:

- 1) If the proposed development is consistent in all respects with the purpose, intent and applicable standards of this Zoning Ordinance.
- 2) If the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.
- 3) If the proposed development advances the general welfare of the Village and the immediate vicinity.

- d) Effect and Approval. The Development Plan as approved by the Sunbury Council shall constitute an amendment to the Zoning Ordinance as it applies to the lands included in the approved amendment. The approval shall be for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Sunbury, Ohio. Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be

submitted in accordance with the timetable in the approved development plan. Unless the required plats are properly recorded and work on said development commenced within three (3) years the approval shall be voided and the land shall automatically revert to prior district designation unless the application for time extension is timely submitted and approved.

- e) Extension of Time. An extension of the time limit of the approved development plan may be approved by the Sunbury Council. Such approval shall be given only upon a finding of the purpose and necessity for such extension and evidence of reasonable effort toward the accomplishment of the original development plan, and that such extension is not in conflict with the general health, welfare and safety of the public or development standards of the district. No extension of time shall be granted except on application filed with the Zoning Inspector not later than ninety (90) days before the expiration of the three (3) year period prescribed in S81.15.11(5)d as hereinbefore set forth.
- f) Modification of Approved Development Plan. A modification of the approved development plan shall be filed with the Zoning Inspector, and reviewed by Planning and Zoning Commission. Planning and Zoning Commission's recommendation shall then be considered by Sunbury Council. Approval shall be given only upon a finding of the purpose and necessity for such modification, and a determination that it is not in conflict with the general health, welfare and safety of the public or development standards of the district.
- g) Plat Required. In the Planned Commercial District (PCD), no use shall be established or changed and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision Regulations for Sunbury, Ohio and these regulations. The subdivision plat shall be in accord with the approved development plan and shall include:
  - 1. Site arrangement, including building setback lines and space to be built upon or within the site; water, fire hydrants, sewer, and underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public rights-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.
  - 2. Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the activities of tenants, including those applicable to areas within the tract to be developed for residential uses.
  - 3. In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to recordation of the plat, the owner of the project shall post a performance bond in favor of the Village of Sunbury in a satisfactory amount assuring expeditious completion of said facilities within one year after the recording of said plat. In no event, however, shall any zoning certificate be issued for any building until such time as the facilities for the phase in which the building is located are completed.

Applicant is currently preparing a Covenants, Conditions and Restrictions (CC&R) document that outlines common drainage facilities, access easements, signage easements, maintenance obligations and initial construction obligations, among others, which will be recorded against the property at the same time the Plat is recorded.
- h) Administrative Review. All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector, the Planning and Zoning Commission and the Sunbury Council or their designated technical advisors for administrative review and approval to insure substantial compliance with the development plan as approved.

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

6. DEVELOPMENT STANDARDS. In addition to any other provisions of this Ordinance the following standards for arrangement and development of lands and buildings are required in the Planned Commercial District.

- a) Screening - A use allowed in this district shall entirely enclose its operation within a structure or behind screening. Open storage, service areas and loading docks shall be screened by walls, fences or shrubbery at least six (6) feet but not more than twelve (12) feet in height. These walls, fences or shrubbery shall be of a design so as to effectively screen such storage, production or service areas and loading facilities from adjoining streets or other zoning districts. All such shrubbery shall be properly trimmed and all screening shall be maintained in a neat and tidy manner. Landscape materials shall be in strict compliance with Sections 81.16.01(3), 81.16.01(11), 81.16.01(19), 81.16.01(20) and 81.16.01(21) of this Ordinance.

Each Sub Area of the Development, as developed and constructed, will comply with the foregoing Standard.

- b) Lot Size - The minimum lot size shall be 20,000 square feet.

Each Lot of the Development complies with required Lot Size.

- c) Building Set Back - No building, service or storage area shall be constructed closer than fifty (50) feet to the right-of-way line or one hundred (100) feet of the center line of any public road, whichever is closer.

See "Divergences" below.

- d) Side Yard - For main and accessory structures, including open storage, processing, servicing or loading areas, the side yard shall be equal to one-third (1/3) of the sum of the height and depth of the structure but in no case shall side yards adjacent to the residential districts, be less than one hundred (100) feet.

See "Divergences" below.

- e) Rear Yards - For main and accessory structures, including open storage, processing servicing or loading areas, the rear yard shall be equal to one-third (1/3) of the sum of the height and width of the structure but in no case shall rear yards adjacent to the residential districts be less than one hundred (100) feet.

See "Divergences" below.

- f) Building Height - No building within this district shall exceed two (2) stories or thirty-five (35) feet in height.

Each Sub Area of the Development, as developed and constructed, will comply with the foregoing Standard.

- g) Landscaping - All yards, front, rear and side, shall be landscaped. Such landscape plan shall be submitted with the Subdivision Plat and shall be subject to approval in the same manner required of the Subdivision Plat. All landscaping used for screening purposes shall be non- deciduous. Landscaping standards shall be in strict compliance with Section 81.16.01(3), 81.16.01(11), 81.16.01(19), 81.16.01(20) and 81.16.01(21) of this Ordinance.

Development will comply and will provide all required landscaping plans at the time of submission of Final Development Plan for each Sub Area. Minimum landscaping commitments are included at the end of this narrative.

- h) Parking – Off-street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress. Parking standards shall be in strict compliance with Section 81.16.01(2) and 81.16.01.(3) of this Ordinance.

Development will comply.

- i) Lighting - The light from the exterior lighting shall be so shaded, shielded or directed that the light intensity or brightness shall not be objectionable to surrounding areas. Lighting standards shall be in strict compliance with Section 81.16.01(2) of this Ordinance.

Development will comply.

- j) Freight Loading Areas - When any use within this district requires the pickup or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area, as provided shall be adequate in size to accommodate tractor-trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways. Freight loading standards shall be in strict compliance of Section 81.16.01(4) and 81.16.01(5) of this Ordinance.

All lots within the Development will comply.

- k) Additional Conditions - The Sunbury Council upon recommendation of the Sunbury Planning and Zoning Commission may impose special additional conditions relating the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement and maintenance of common open space; and any other pertinent development characteristics.

- l) Lot Width – The Minimum lot width shall be 80’.

All lots within the Development will comply.

- m) Multi-Use Trails – Multi-Use Trails shall be included within the design and layout of all developments in accordance with S81.16.25.

All lots within the Development will comply.

**Divergences:** The following Divergences are requested from the requirements of ZC S81.16 and Sections S81.15.08, S81.15.09 and S81.15.11:

### **ZC S81.16 Divergences**

- 02 – Design Standards for Off-Street Parking:
  - ZC S81.16.01(2)(d) requires parking lots to be no nearer than ten (10’) feet to the side or rear line. Applicant requests a divergence from this provision to allow for the configuration shown on the included Overall Development Plan Set. As shown, fifteen (15’) is anticipated between parking areas on adjacent lots (example between Lot 1 and Lot 2). This allows ample room for grade transition, landscaping and lighting and causes no detrimental affect to the development. In addition, while lots acreages are traditional for outparcel development the lots are significantly narrower than is typical, requiring the divergence.

### **ZC S81.15.11 Divergences**

- 6 – Development Standards:
  - The requirements of ZC S81.15.11.6(c), (d) and (e) require certain building, side and rear yard setbacks for commercial developments.
    - As it relates to Building Setbacks (ZC S81.15.11.6(c)), the Applicant requests divergence from the fifty (50') foot requirement for the proposed Lot 1 building adjacent to Sunbury Meadows Drive to thirty-five (35') feet. All buildings will meet the fifty (50') foot building setback as it relates to State Route 3 and the requested thirty-five (35') foot building setback adjacent to Sunbury Meadows Drive is consistent with the approved 2005 PUD.
    - As it relates to Side Yard Setbacks (ZC S81.15.11.6(d)), the Applicant requests divergence from the one hundred (100') foot requirement. The justification for this Divergence is contemporary planning principles and the previously approved 2005 PUD. Applicant requests the side yard setbacks be in accordance with the included Overall Development Plan Set.
    - As it relates to Rear Yard Setbacks (ZC S81.15.11.6(e)), the Applicant requests divergence from the one hundred (100') foot requirement. The justification for this Divergence is contemporary planning principles and the previously approved 2005 PUD. Applicant requests the rear yard setbacks be in accordance with the included Overall Development Plan Set.

**Other Commitments and Agreements:** The following Applicant commitments and agreements apply to the Development and are requirements imposed on Applicant in return for receipt of Planned Commercial District (PCD) zoning for the Property:

1. Because no users have yet been identified for Lot 1 and Lot 2, no architecture beyond building footprints as set forth on the Overall Development Plan is being provided at this time. In lieu of providing architecture, the Applicant states that Lots 1 and 2 shall be consistent with the architectural standards outlined in ZC S81.16.01(23).
2. Developer agrees to continue to work with the city and the neighbors on the development of a landscaping plan over and above the code requirement. Developer believes that a tiered approach to the landscaping will be most effective at screening and noise mitigation. At a minimum, the landscape plan shall include the following (see attached exhibit for reference):

**Buffer 1:** Existing screening on south side of Peacock. The Developer remains open to adding to the existing buffer on the “private” side of street through discussions with neighbors and/or the City.

**Buffer 2:** Developer will install a 6' tall fence with evergreen trees (spaced per City and arborist recommendation) facing the residents in the areas shown.

**Buffer 3:** Developer will install a continuous 3' tall landscape buffer planted with native shrubs.

**Buffer 4:** Developer to install interior island landscaping consistent with the City of Sunbury Code.