

**SUNBURY COMMERCE PARK
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 Romanelli Sunbury Group LLC and NPA Commercial Property LLC, as Applicants (collectively, the “Applicant”), pertaining to approximately 13.22± acres located in the City of Sunbury, Delaware County, Ohio South of West Granville Street and on both sides of Sunbury Meadows Drive (the “Property”), to be developed as a mixed use development consisting of approximately 40,000 sq. ft. of commercial, restaurant and retail buildings fronting on or accessible from West Granville Street as “**Sub Area A**” in the Application and a 120 unit multifamily development together with certain amenities located south of Sub Area A and on both sides of Sunbury Meadows Drive as “**Sub Area B**” in the Application (collectively, the “Development”). 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 5, 2021 (the “Zoning Ordinance”). The rezoning is governed and controlled by the Zoning Ordinance as in effect on October 5, 2021. All references herein to ZC Sections or ZC Articles refer to applicable Sections or Articles of the Zoning Ordinance. All “Tab” references herein are to the applicable Tab No. of the Application.

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 office establishments and apartments are permitted uses in the PCD District (ZC District 81.15.11(3)).

The Applicant is the current owner of all the Property subject to this Application.

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”) for the following reasons:

{00482642-11}

1. 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 used development in close proximity to the Village Square with increased visitors and occupants of Sub Area A and increased population of Sub Area B will assist the City in achieving this goal.
2. Section 7 Implementation page 98, the Development will assist in alleviating an identified weakness by connecting new developments with each other and old Sunbury with bike/walking paths, and will assist in a strongly ranked need by providing affordable and age-oriented housing for current City residents looking to downsize and sell their homes and for new residents to the City.
3. Section 7 Implementation page 99, the Development will assist the City in achieving its Vision Statement which states:

“We would like Sunbury to retain its mixed-use, pedestrian-friendly downtown with the square as a central public open space that is connected to the rest of the Village through a network of green spaces, even as it grows from a Village into a small city. There should be a balance of commercial, industrial, residential and recreational uses, and a variety of housing styles that house a diverse population and allow for reasonable community safety.”
4. The Development is located in Sub Area 5 – Sunbury Crossroads, in the Comp Plan which on page 108 recognizes the need for residential development in a mixed use project such as the Development and extension of the Prairie Run Mixed-Use Trail which the Development will assist in accomplishing. See “**Other Applicant Commitments and Development Agreements**” below.
5. Rezoning the Property from its current Industrial zoning 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 change the permitted uses of the Property from their current Planned Industrial District (I) zoning which permits a variety of industrial type uses such as storage buildings and warehouses fronting on West Granville Street and Sunbury Meadows Drive.

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.

Sub Area A provides for commercial and office establishments complying with the foregoing.

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

N/A

- c) 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.

Sub Area A provides for restaurant use.

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

N/A

- 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 unit850 sq. ft.

Two (2) bedroom unit1020 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.

The Applicant complies with these standards in Sub Area B with respect to two (2) bedroom units but will require Divergences for carriage house and one (1) bedroom units (see “Divergences” below). Sub Area B will contain 12 carriage house units over garages with one bedroom each, 44 other one (1) bedroom units and 64 two (2) bedroom units, for a total of 184 bedrooms. There are no three (3) bedroom or more units.

- 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 Sunbury Planning and Zoning Commission several times over the past few years 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 at the request of City administration, Applicant Romanelli Sunbury Group LLC reached out to Applicant NPA Commercial Property LLC to have it join in the Application to change its property fronting Granville Street from its current Planned Industrial District (I) zoning to Planned Commercial District (PCD) zoning to enhance and upgrade development potential along the Granville Street corridor gateway into the Village Square. City administration also required Applicant Romanelli Sunbury Group LLC to assist in funding in the amount of \$250,000 the extension of Sunbury Meadows Drive north from the Sunbury Meadows Subdivision to West Granville Street which provides no benefit to Romanelli Sunbury Group LLC or the Property until such time as development occurs on the Property. Most recently, the

Applicant has been provided with a Memo from the City's consultant CT Consultants recommending certain changes in the Application. The Applicant has agreed to substantially all requested changes.

- 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 with the Application.

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

See Application Tab Nos. 8 and 9

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 Application Tab Nos 8-18 and this Development Text

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

See Application Tab No. 17, 18 and 19, "Divergences" below and "Other Commitments and Agreements" below.

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 Application Tab Nos 20 and 22

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

See Application Tab Nos. 6, 7, 8 and 9

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

See Application Tab Nos. 6 and 7

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

See Application Tab Nos. 5, 6, 7, 9 and 11

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

Sub Area B of the Development will proceed immediately upon rezoning, Sub Area A will be developed at such time as users are identified which

may be some time. Note that all infrastructure for the Development will be Sub Area specific, meaning in the case of Sub Area A of the Development, all infrastructure, including on-street parking along West Granville Street will be installed at the time of development of Sub Area A.

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 textural form in a manner calculated to give Sunbury Officials definitive guidelines for approval of future phases.

See response in paragraph 8 above. The Development will be developed in phases. Sub Area B exceeds 5 acres and will be developed in one phase immediately following rezoning. Sub Area A is less than 5 acres (4.64± acres) and will be developed in several phases as users are identified. See **“Other Commitments and Agreements”** below.

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

Each Applicant owns its portion of the Development, has the economic wherewithal to proceed and has provided in the Application engineering feasibility. See Application Tab Nos. 20 and 22

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.

Each Applicant, as the owner of its portion of the Development, 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(4)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.
 - 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 81.16.03, 81.16.11, 81.16.19, 81.16.20 and 81.16.21 of this Ordinance.

Each Sub Area of the Development, as developed and constructed, will comply with the foregoing Standard, except that an outdoor patio area that is not screened shall be permitted for restaurant uses in Sub Area A. See “Divergences” below.

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

Each Sub Area of the Development complies with required Lot Size. In the event Sub Area A is further subdivided into separate lots, Sub Area A will seek any required Divergences at the time of development and subdivision. Sub Area B complies with required Lot Size.

- b) 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.

- c) 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.

- d) 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.

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

Development will comply.

- f) 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 81.16.03, 81.16.19, 81.16.20 and 81.16.21 of this Ordinance.

Except as set forth below under “Divergences”, Development will comply and will provide all required landscaping plans at the time of submission of Final Development Plan and/or Subdivision Plat for each Sub Area.

- g) 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 81.16.02 and 81.16.03 of this Ordinance.

See “Divergences” below.

- h) 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 81.16.02(g) of this Ordinance.

Development will comply. See Tab No. 21

- 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 81.16.04 and 81.16.05 of this Ordinance.

Sub Area A will comply. No freight loading required for Sub Area B.

- 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.

Divergences: The following Divergences are requested from the requirements of ZC S81.08, S81.15.09, S81.11.01 and S81.15.11:

1. **Tree Survey and Replacement Divergence**– The requirements of ZC S81.16.01(22) requiring a Tree Survey and tree replacements shall be waived. Justification for this Divergence is the fact that the Property is not heavily treed, most existing trees are along the southern and eastern boundaries of the Property and every attempt will be made to preserve them, and as depicted on the Site Landscape Plan (Tab No. 12), Sub Area A Landscape Plan (Tab No. 13), Sub Area B Landscape Plan (Tab No. 14), and Sub Area B Clubhouse & Entry Landscape Plan (Tab No. 15), many new trees will be planted at the time of development of the Property.
2. **Sub Area A Screening Divergence** – ZC S81.15.11(6)(a) contains certain screening requirements. To the extent restaurant and food service uses occur in Sub Area A these screening requirements will not be met and a Divergence is required to permit outdoor patios to not be screened. The justification for this Divergence is the nature of outdoor patios in such venues are not typically screened thereby adding to the ambiance and outdoor feeling.

3. **General Multifamily Divergences** – In connection with the multifamily portion of the Development in Sub Area B, the following Divergences are required:

- a. Apartment Units will not be required to be restricted to areas over or above commercial storerooms or offices as required by ZC S81.15.11(3)(e) and shall be permitted to be standalone apartment buildings. The justification for this Divergence is the fact that the marketplace does not support residential over commercial/retail as required.
- b. ZC S81.15.11(3)(e), ZC S 81.15.05(5)(d) and ZC S81.15.05(5)(d) require one (1) bedroom apartment units to be a minimum of 850 sq. ft. A Divergence is required to permit carriage house units over garages to be a minimum of 525 sq. ft. and all other one (1) bedroom units to be a minimum of 800 sq. ft. The justification for this Divergence is the marketplace and contemporary planning principles support smaller carriage house and one (1) bedroom units.
- c. Certain multifamily units located over garages within Sub Area B will encroach on a proposed stormwater easement as relocated in a very minor way and such encroachment is limited to second story decks and consequently, a Divergence is required (See Application #10). The justification for this Divergence is the minor encroachment and the fact that the encroachment is at least 9' above grade will have no adverse effect on storm water drainage or on site repairs required within the limits of the proposed stormwater easement.
- d. ZC S81.15.11(3) requires that multifamily projects in a Planned Commercial District (PCD) be developed in accordance with ZC S81.15.05 being a Multi-Family Residence District (R-4). ZC S18.15.05(3)(b) requires that no more than four (4) dwelling units be constructed in any single structure, cluster or modification on the same theme within an R-4 District. ZC S81.15.05(5)(a) requires that the Lot on which multi-family units are developed are required to have 4,000 sq. ft. per dwelling unit and no more than 14 two-story apartments per acre (not density). Sub Area B multi-family units will not satisfy these requirements due to the fact that buildings will have in excess of four (4) dwelling units, all with a common theme and architectural style, the 4,000 sq. ft per dwelling units may be exceeded and the 14 two-story apartments per acre limit will be exceeded. Consequently, a Divergence is required due to this non-compliance. The justification for this Divergence is the marketplace and contemporary design principles support larger buildings containing multiple units of a uniform theme and nature.

4. **Parking Divergences.**

- a. **Parking Ratio for Sub Area A** – Sub Area A with currently contemplated uses could require up to a total of 328 parking spaces pursuant to ZC S81.16.01(3)(3) and (4). The Application provides for a total of 242 parking spaces for Sub Area A, inclusive of the on street parking spaces on West Granville Street, a deficiency of up to 86 parking spaces. Consequently, a parking Divergence is required for Sub Area A. The justification for this Divergence is the lack of end users and uses identified for Sub Area A, the West Granville Street on street parking provided by Sub Area A Applicant, the close proximity of Sub Area A to the Village Square and nearby housing meaning more visitors to Sub Area A establishments will walk or bike to the location. This matter can be reviewed in more detail at the time the Sub Area A Applicant submits a final development plan for Sub Area A so long as this Divergence permitted is respected.
 - b. **Parking Stall Size** – ZC S81.16.01(2)(a) requires all parking spaces to have a width of not less than 10’ and a length of not less than 20’. All parking stalls for the Development will be 9’ in width and 18’ in depth thereby requiring a Divergence. The justification for this Divergence is that throughout Central Ohio, 9’x18’ parking stalls are the standard. Additionally, all drive aisles in Sub Area A meet the 24’ required width and all drive aisles in Sub Area B meet or exceed the 24’ required width and most drive aisles in Sub Area B are 26’ wide to accommodate fire apparatus roadway standards.
 - c. **Parking Ratio for Sub Area B** – ZC S81.16.01(3)(1)(c) requires a parking ratio of 2 spaces per multi-family dwelling unit. At the request of the City and in order to increase Open Space in Sub Area B, Applicant has agreed to reduce the parking ratio in Sub Area B from 2 spaces per dwelling unit to 1.85 spaces per dwelling unit. Consequently, a parking Divergence is required for Sub Area B. The justification for this Divergence is the request of the City, the fact that a reduced parking ratio is supported by the marketplace for multi-family developments, and by reducing parking, Open Space can be increased accordingly.
5. **Open Space Divergence.** Open Space as depicted on Tab No. 11 provides for total open space of 3.84 acres or 29%, exceeding the required open space of 20% per ZC S81.16.01(21)(a)(1), but approximately 50% of the open space violates the requirements of ZC S 81.16.01(21)(b)(1)(d) that open space be at least 100’ in width and not located in a required setback. Consequently, a Divergence is required. The justification for this Divergence is the subjective nature of these open space requirements that should be adjusted for this high quality development and the fact that pedestrian connections are being provided between open spaces as an amenity.
6. **Setback Divergences.** Due to the fact that various setback requirements are set forth in the currently platted setbacks for the Property (currently in the process of being replatted), the Planned Commercial District (PCD) (ZC S81.15.11(3)(e)) under which the Property is being zoned, the General Development Standards set forth in ZC S81.16.01

and the R-4 District at ZC S81.15.05(5)(g), a Divergence is required permitting the Applicant to comply only with the building setback requirements of the Planned Commercial District (PCD). The justification for this Divergence is that as a PCD zoning, the setback provisions of ZC S81.15.11(3)(e) should control. Based on the Development only being required to comply with the Planned Commercial District (PCD) building setback requirements, the following additional Divergences are required:

- a. **Building Setbacks** – ZC S81.15.11(6)(c) requires building setbacks of at least 50' from right of way line or 100' from centerline of any public road, whichever is closer. Sub Area A has a maximum setback of 15' from the right of way of West Granville Street and 25' from the right of way of Sunbury Meadows Drive, requiring a Divergence. The justification for this Divergence is contemporary planning principles, especially in an area so close to the Village Square, where buildings are closer to the right of way with parking in the rear and walkability is desired. Sub Area B has a maximum setback of 40' from either side of Sunbury Meadows Drive, requiring a Divergence. The justification for this Divergence is the desired walkability, the traffic calming effect of buildings closer to the right of way, and the fact that Sub Area B setbacks comply with the setback requirements of an R-4 Multi Family District under the Zoning Ordinance.
- b. **Side Yards** – ZC S81.15.11(6)(d) requires side yards to be equal to 1/3rd of the sum of the height and depth of the structure, but in no case are side yards adjacent to residential districts to be less than 100'. Side yard setbacks in Sub Area A are 15' and side yard setbacks in Sub Area B are 20' thereby requiring a Divergence. The justifications for this Divergence are: (1) contemporary planning principles in use throughout Central Ohio, and (2) the fact that such side yards abut lands owned by the City of Sunbury that will not be developed.
- c. **Rear Yards** – ZC S81.16.11(6)(e) requires rear yards for main and accessory structures, including open storage, processing, servicing and loading areas, to be equal to 1/3rd of the sum of the height and width of the structure but in no case are rear yards adjacent to residential districts to be less than 100'. Rear yard setbacks in Sub Area A are 15' and in Sub Area B are 50' for building setback (except for one trash compactor at the southeast corner of Sub Area B as depicted on the Development Plan) and 25' for pavement setback, thereby requiring a Divergence. The justification for this Divergence is contemporary planning principles in use throughout Central Ohio.

It should also be noted that if the R-4 District setback standards only apply, aside from platted setbacks (as currently being replatted), no rear yard setback Divergence would be required for Sub Area B.

7. **Residential Design Standard Divergences** – ZC S81.15.11(3)(e) requires that all apartments or other multi-family structures constructed with the PCD District be developed in accordance with ZC S81.15.05 (R-4 Multi-Family Residence District) or ZC S81.15.06 (R-5 Two-Family Residence District). As a consequence of these requirements, the following Divergences are required:

- a. **Dwelling Units per Structure Divergence** - ZC S81.15.05(3)(b) states that no more than 4 dwelling units may be constructed in any single structure, cluster or other modification on the same theme within the R-4 District. The multifamily buildings in Sub Area B will exceed this limit, with up to 16 units in one structure, and will have a consistent theme and architecture, thereby requiring a Divergence. This Divergence is justified by the fact that other apartment communities in the City have multiple units per building, well in excess of 4, and contemporary design principles support Sub Area B of Applicant’s plan.

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. Parkland Commitment – At such time as the Planned Commercial District (PCD) zoning for the Property is final and unappealable (including by referendum) Applicant Romanelli Sunbury Group LLC will make a cash contribution to the City in the approximate amount of \$25,000 (but not substantially more) to aid in construction of a section of multi-use trail in Old Orchard Park to connect the current Fallen Heroes Trail to West Granville Street as depicted on the attached Exhibit A.
2. At such time as Sub Area A of the Development is developed, Applicant NPA Commercial Property LLC, its successors and assigns, will install curb cuts and on street parking on West Granville Street as depicted on the Development Plan (See Application #9).
3. Notwithstanding the fact that the Application is being presented by two Applicants, each Applicant, its successors and assigns, shall only be liable for compliance with the Application as it relates to its Sub Area, being Sub Area A for NPA Commercial Property LLC, its successors and assigns, and Sub Area B for Romanelli Sunbury Group LLC, its successors and assigns.
4. With respect to building setbacks from Granville Street and Sunbury Meadows Drive as set forth in the Preliminary Development Plan, such setbacks shall be a maximum from the adjacent street.
5. Sub Area A Architecture - Because no users have yet been identified for Sub Area A, no architecture beyond building footprints as set forth on the Development Plan (See Tab No. 9) is being provided at this time. In lieu of providing architecture, NPA Commercial Property LLC, its successors and

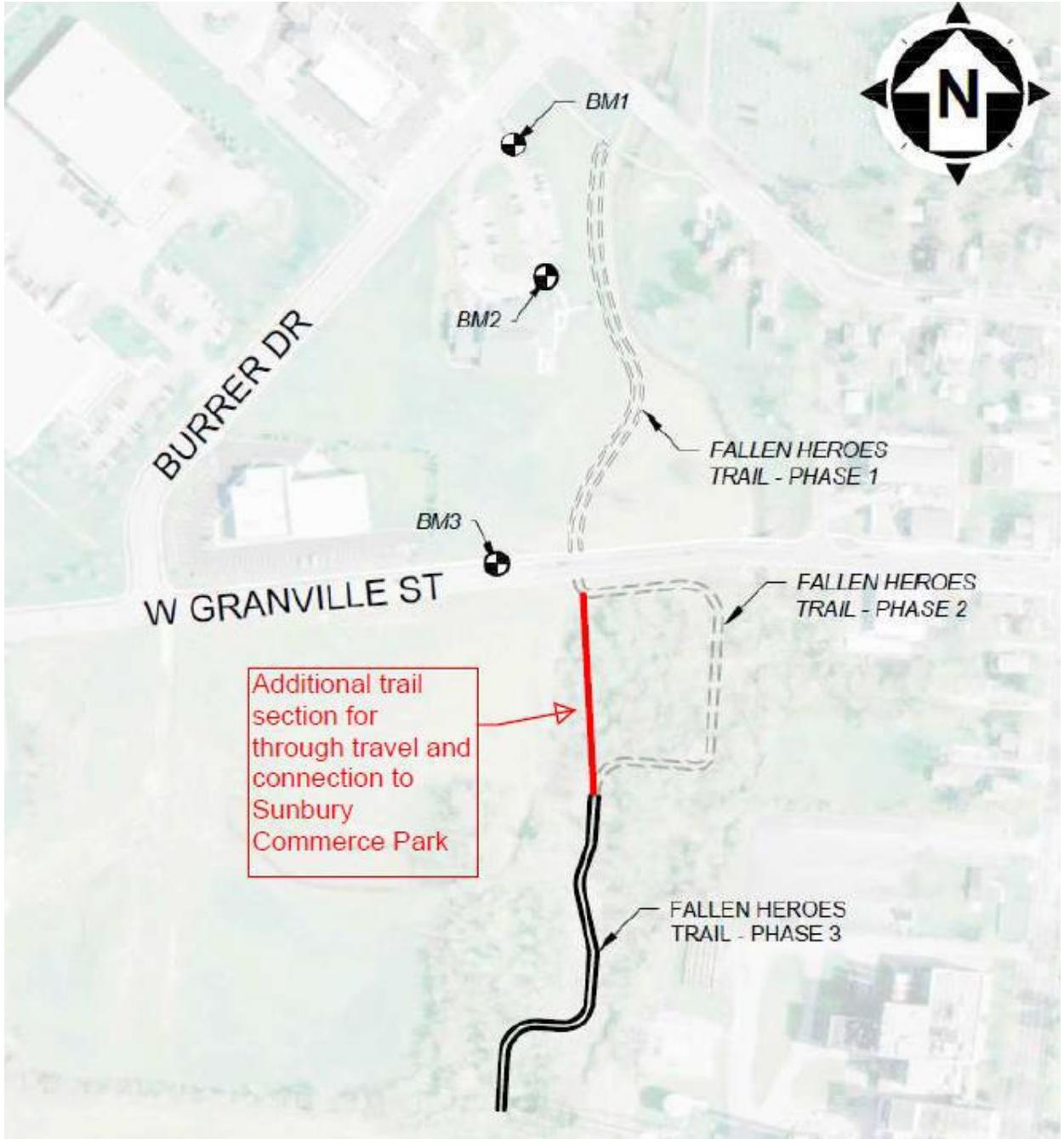
assigns, as owner and developer of Sub Area A commits to the following Design Standards that will apply to all development occurring on Sub Area A:

- Buildings and principal building entrances shall be oriented toward the public street so as to define the street edge and contribute to a dynamic pedestrian and street environment.
- All buildings shall provide at least one functional building or storefront entrance for every 60 feet of façade length located adjacent to West Granville Street. A corner entrance may be substituted if both street frontages for a tenant space measure eighty (80) lineal feet or less.
- The front facade of Building 1 and 2 shall have transparent areas, equal to 60% of the front facade area. These transparent areas shall be between two (2) and nine (9) feet above the sidewalk; provided that glass paneled garage doors may be used in lieu of other forms of fenestration with such garage doors lowering to sidewalk grade.
- Any part of the building that is visible from a private right-of-way, public circulation area, or public parking area shall have no more than six (6) feet of contiguous wall length devoid of windows, on any ground floor, unless the wall includes architectural features such as piers, columns, defined bays, or an undulation of the building so that a pedestrian scale, rhythm, and visual interest is created. In no case shall a continuous wall length be devoid of windows for more than 20 feet.
- The pattern of architectural features, such as windows and doors, shall be placed upon the facade of a building in a pattern that creates a building fenestration that has a constant rhythm, a harmonious appearance, and is proportional to one another.
- First floor windows shall permit pedestrians a view of the interior of the building. Windows shall remain transparent and shall not be blocked in any manner except for permitted window signage. Alternatively, display windows may be used provided these windows are a minimum of three (3) feet in depth, extend the full height of the glazing, and are internally lit.
- A combination of materials, textures, colors, and finishes shall be utilized to create visual interest.
- Facade openings, including windows and colonnades, shall be vertical in proportion.

- Facades may be supplemented by awnings, which shall be straight sheds without side flaps, but shall not be cubed or curved.
- Except for that glass paneled garage doors lowering to sidewalk grade, materials within ten (10) feet of the ground or the sidewalk shall be of a durable material to withstand pedestrian and vehicular traffic. If “dry vit” or E.I.F.S is used as an exterior building material, impact resistant E.I.F.S., as classified by EIMA (EIFS Industry Members Association), shall be used on all wall areas within ten (10) feet of the ground or sidewalk.
- The first 30 feet of ground floor building depth along West Granville Street shall be used for retail display, dining, or open office. The 30 feet standard shall be reduced to 15 feet for lobby and waiting areas.
- Building 1 should “hold the corner” of West Granville Street and Sunbury Meadows Drive. Architectural elements such as corner pediments, awnings or verandahs or other urban design treatments such as the following illustration will be utilized. Corners will generally consist of one contiguous space user wrapping the corner.

EXHIBIT A

See Attached



BURRER DR

W GRANVILLE ST

BM1

BM2

BM3

FALLEN HEROES TRAIL - PHASE 1

FALLEN HEROES TRAIL - PHASE 2

FALLEN HEROES TRAIL - PHASE 3

Additional trail section for through travel and connection to Sunbury Commerce Park

